UNITED STATES OF AMERICA

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS
SECOND SESSION

## VOLUME 146—PART 6

MAY 10, 2000 TO MAY 23, 2000
(PAGES 7407 TO 8989)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 2000

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PROCEEDINGS AND DEBATES OF THE *106th* CONGRESS, SECOND SESSION

## SENATE—*Wednesday, May 10, 2000*

The Senate met at 9:30 a.m. and was called to order by the Honorable WAYNE ALLARD, a Senator from the State of Colorado.

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, nothing is impossible for You. You have all power. Nothing happens without Your knowledge and without Your permission. You will what is best for us as individuals and as a nation. You desire to bless us with the wisdom and discernment we need to solve problems. And yet we have learned that You wait for us to ask for Your help. By Your providence You have placed the Senators in positions of great authority, not just because of their human adequacy but because they are willing to be available to You, attentive to You, and accountable to You. They know that if they trust You, You will be on time and in time to help them in crucial discussions and decisions. Give them the courage to put the needs of the Nation first, above political advantage.

You have promised that those who pray with complete trust in You will receive the answers to their prayers.

In the name of Him who is the Way, Truth, and Life, Amen.

### PLEDGE OF ALLEGIANCE

The Honorable CONRAD BURNS, a Senator from the State of Montana, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 10, 2000.*

*To The Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
*President pro tempore.*

Mr. ALLARD thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senate majority leader is recognized.

### SCHEDULE

Mr. LOTT. Mr. President, this morning the Senate will immediately proceed to a vote on the motion to proceed to the African trade and CBI enhancement conference report. If the motion to proceed is adopted, cloture will be filed, and debate will begin on the conference report immediately. Many Senators have expressed interest in making statements on this important legislation, and therefore the debate is expected to consume most of today's session.

By previous consent, the vote on cloture on the conference report will occur at 10:30 a.m. on Thursday morning. Following disposition of the African-Carribean Basin legislation, the Senate will begin consideration of appropriations bills as they become available for action.

I thank my colleagues for their attention.

#### H.R. 434—CONFERENCE REPORT

I extend my congratulations to the Finance Committee for their efforts in the conference on this bill. Chairman ROTH was very much involved in the development of a very good conference report. I recognize the Senator from New York and his very effective staff for their involvement.

We have not had a major piece of trade legislation pass the Congress in 5 years. I think this is a tremendous accomplishment. I think it is going to be good for the American people, for American jobs, for consumers, for sub-Saharan Africa, for the Caribbean and Central American countries, and good for the industries that are connected in this trade area.

So I congratulate all those who were involved in this conference. I am very pleased to see we will take it up and I certainly plan to vote for it.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. MOYNIHAN. Mr. President, on behalf of Senator ROTH, who will be returning next week, I would like to express the gratitude of the Finance Committee and of our staff. We would not be here without you, who convened the meetings over 5 long months ago that brought us to this point. And with a measure of temerity, may I say this is the first trade measure on our floor in 6 years.

I thank you again.

### TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT

#### MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. The clerk will report the motion to proceed to the conference report to accompany H.R. 434.

The assistant legislative clerk read as follows:

> A motion to proceed to the consideration of the conference report to accompany H.R. 434 to authorize a new trade and investment policy for sub-Saharan Africa.

The Senate proceeded to consider the motion.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

Under the previous order, the question is on agreeing to the motion to proceed to the conference report to accompany H.R. 434.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Delaware (Mr. ROTH), the Senator from Nebraska (Mr. HAGEL), the Senator from South Carolina (Mr. THURMOND), and the Senator from North Carolina (Mr. HELMS) are necessarily absent.

The PRESIDING OFFICER (Mr. L. CHAFEE). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 90, nays 6, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—90

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Burns
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—6

Bunning
Byrd
Dorgan
Hollings
Reed
Smith (NH)

NOT VOTING—4

Hagel
Helms
Roth
Thurmond

The motion was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. GRASSLEY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

### CLOTURE MOTION

Mr. GRASSLEY. Mr. President, pursuant to the consent agreement, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

### CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 434, The African Growth and Opportunity Act:

Trent Lott, Jon Kyl, Pat Roberts, Craig Thomas, Bill Frist, Paul Coverdell, James Inhofe, Orrin Hatch, Don Nickles, Larry Craig, Slade Gorton, Mitch McConnell, Peter Fitzgerald, Chuck Grassley, Phil Gramm, and Mike Crapo.

Mr. GRASSLEY. Mr. President, for the information of all Senators, the cloture vote will occur on Thursday at 10:30 a.m. Debate on this important trade legislation is expected to consume the remainder of the day.

### ORDER OF BUSINESS

Mr. MOYNIHAN. Mr. President, I believe there are several Members who wish to speak as in morning business, and Senator GRASSLEY and I will be more than happy to accommodate them at this point.

Mr. GRASSLEY. Mr. President, we have agreed to give Senator COLLINS 5 minutes and Senator FEINGOLD 5 minutes at this point. I ask unanimous consent that they be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I thank my colleague from Iowa and my colleague from New York for their graciousness.

I ask unanimous consent that we be permitted to proceed for not to exceed 15 minutes, and that would be divided such that I would have 7 minutes and the Senator from Wisconsin would be permitted to proceed for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine is recognized.

(The remarks of Ms. COLLINS and Mr. FEINGOLD pertaining to the introduction of S. 2528 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I was going to speak for about 15 minutes, but if my colleague had expected to speak as one of the managers, I don't want to precede him.

Mr. GRASSLEY. Mr. President, I want to speak for a few minutes opening up debate on the African trade bill. Senator MOYNIHAN will want to make opening comments. After we have completed our remarks, I will not object.

Mr. WELLSTONE. Mr. President, I ask unanimous consent I be allowed to follow Senator GRASSLEY and Senator MOYNIHAN for a period of up to 15 minutes on the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. GRASSLEY. Mr. President, as a person who supports the African trade bill, I rise in support of this conference committee report on the Trade and Development Act of 2000. This legislation contains the conference agreement on the African Growth and Opportunity Act, the Caribbean Basin Trade Partnership Act, and even some miscellaneous trade measures that were passed as part of the Senate's consideration of this legislation in November last year.

Passage of the African Growth and Opportunity Act conference agreement by the Senate will send to the President the first significant trade legislation to pass both Houses of Congress since 1988, other than legislation implementing trade agreements under very special fast-track procedures.

If I could characterize this conference agreement with one word, it would be the word "opportunity." That word is in the title of the African portion of this bill.

First, this conference agreement provides people in sub-Saharan Africa with the opportunity and promise for a better life. In many cases, these countries are not able to sustain their own people. They lack even the simplest, most basic infrastructure. This prevents the people of Africa from meeting necessary agriculture, education, transportation, and health care needs.

By giving these countries new tools to develop a textile and apparel industry, they will have new opportunities to participate in the global trade flows and the increased prosperity that have largely bypassed the majority of Africa's people.

I stress this bill provides opportunity. Once again, this bill is about opportunity. It is not about a guarantee, and it is not about a panacea, but an opportunity that has, up until now, been missing for the people of sub-Saharan Africa.

This legislation will give these countries the opportunity to build the essential capital that struggling economies need to increase their investment in their own people to help themselves. What we will create with this bill is opportunity for these struggling economies, and do it in a way that will not in any way jeopardize U.S. employment.

Some 30 sub-Saharan countries of Africa have begun dynamic economic reform programs that help make it much easier to pass this bill because we know they are taking the first steps to help themselves. They are liberalizing exchange rates; they are privatizing state-owned enterprises; they are reducing harmful barriers to trade and investment; they are also ending costly trade-distorting subsidies.

All of these things, for those who believe enhanced freedom of international trade is the right direction in which to go, always need a little bit of help from the indigenous economies of the respective countries. We believe the 30 countries of sub-Saharan Africa are doing all the right things. This legislation will create greater opportunities for new partnerships with these African nations based on economic directions they have already begun to take.

The Africa Growth and Opportunity Act is designed to compliment the economic reform policies that African nations have already decided to pursue by offering increased access to U.S. markets for non-import-sensitive goods and textiles while creating enhanced opportunities to deepen our bilateral trade relations.

Speaking of opportunity, we will open up for American goods and services a market for 700 million potential new consumers, more than in Japan and all the ASEAN nations combined, if we approve this conference agreement.

Both the United States and African nations recognize this legislation for the win-win opportunity it is. The United States benefits and Africa benefits from this legislation. The African Growth and Opportunity Act has been endorsed by every African ambassador in Washington. We don't see unanimous agreement on many things in these cities these days. However, we do here. All of the 48 nations of sub-Saharan Africa are united in support of this legislation.

The conference agreement is also a win-win opportunity for the countries of the Caribbean Basin region and for the United States. This conference report grants duty-free, quota-free benefits to apparel made in the Caribbean Basin Initiative countries from U.S. yarn and U.S. fabric. The Caribbean Basin nations will now have an opportunity to compete with Mexico and other developing countries in Asia in a way that will permit them to more fully participate in the global economy.

Additionally, the conference report provides benefits for apparel made with regional fabric under clearly specified conditions to be fair to the United States. This will encourage additional U.S. export of cotton and yarn and U.S. investment in the region while also helping to create desperately needed jobs for the Caribbean workers. In fact, I cannot think of a time when this legislation was needed more. We have to act now to help rebuild the shattered Caribbean economies and the ruined lives of those whose nations were devastated by Hurricanes Georges and Mitch. This all happened in 1998, but the recovery is not what it should be.

It is hard for us to imagine the destruction these storms inflicted. We were not there. We saw them on television, but, as so many things seen on television, they soon get out of mind. The devastation is still there, although there has been some cleaning up, some enhancement of the economy. But this will help, not by giving them our money, as we have done under the humanitarian programs we have, but helping them to help themselves through enhanced trade opportunities.

In the worst-hit Caribbean countries, virtually all sectors of the economy were affected. Houses by the hundreds were washed away. Roads and bridges disappeared under tons of water. Hotels were wrecked. Beach erosion demolished tourism. Both the administration and the Congress deserve credit for joint efforts to enact an assistance package of close to $1 billion to aid in the reconstruction of the most basic elements of infrastructure—roads, bridges, and sewer systems—for what they did 2 years ago. But even this investment falls far short of what is needed to rehabilitate the economies of these countries.

The Caribbean nations hit by these disasters have seen the basic pillars of their economies—agriculture and tourism—almost completely ruined. I have spoken to many of the ambassadors from the Caribbean nations about this. I just had a meeting this morning with the President of Costa Rica, thanking us for our work on this particular bill, telling us about how their economies are starting to turn around. In my view, based on these discussions, comprehensive reconstruction will not be possible without an effective trade and investment component. The ambassadors tell me—and the regional leaders and the U.S. officials all agree—it will take years for the hardest hit countries to recover. These countries are more than just our friends; they are our neighbors. They are right there in our backyard. We must put in place a program to help them rebuild and to sustain growth during the long road back to economic prosperity. We can do this without threatening jobs in our own country.

The Caribbean Basin is one of the few regions of the world where the United States consistently—I want to emphasize consistently—maintains a trade surplus. In fact, close to 70 cents of every dollar spent in the region is returned in the form of increased exports from the United States. In 1999, the U.S. exports to Caribbean Basin countries exceeded $19 billion, making this group the sixth largest export market of U.S. goods in that year, 1999.

We will see other long-term benefits to the United States if we approve this conference agreement and help our Caribbean neighbors to help themselves. We will contribute to the U.S. national security, in addition to our economy, by helping democratic countries in our own backyard maintain political and economic stability.

In closing, I want to say a word, then, in addition to all the big components of this bill, a word about the significance of our work. This is very general, but this work is an example of U.S. leadership in trade policy. But that U.S. leadership in trade policy has suffered serious setbacks in the last few years. One obvious setback has been the repeated failure of the Congress to renew the President's fast-track trade negotiating authority. Another setback has been the failure of the negotiations on the multilateral agreement on investment in the Organization for Economic Cooperation and Development. And the most serious blow to U.S. leadership in global trade policy was the failure last December of the Seattle ministerial conference meeting of the World Trade Organization.

The entire world is watching, wondering whether the lack of leadership on the part of the United States for the last 7 or 8 years, or maybe the last 5 or 6 years, is a pattern we are going to continue to follow because it is such a different pattern from what the United States has done as a world leader in breaking down barriers to international trade since 1947.

I suppose you could go back to the 1930s, when we learned the lesson of the Smoot-Hawley legislation that brought about the world depression, and the world depression brought about World War II. We very quickly learned that high tariffs are not good for the world economy. It was not good for the American economy because we suffered as much or more than they did elsewhere in the world in that Great Depression as a result of Smoot-Hawley. Under Cordell Hull's leadership as Secretary of State, working for President Franklin Delano Roosevelt, we started reciprocal trade agreements at that particular time. They were the forerunner of gradually reducing some of these very high barriers to trade we had at that time around the world, mostly high tariffs—bringing them down on a reciprocal basis. But all of that eventually resulted in the General Agreement on Tariffs and Trade process that we led the world in establishing in 1949.

There have been eight rounds of GATT. Those eight rounds have been very successful in breaking down barriers to trade, so successful that President Clinton can tell the American people with all honesty, on a factual basis, that one-third of the jobs created during his Presidency are a result of international trade.

So if anybody thinks we are here promoting an African trade bill and Caribbean Basin Initiative bill to somehow benefit the economies of Africa and the Caribbean nations without any concern about the workers of America, the working men and women of America, the taxpaying people of our country, and are they going to have enough jobs, we have history, since 1947, to demonstrate the value of international trade to the economy of the United States and the economic benefit of the United States.

Too often, in international trade, we look to the economic issues only. But I believe commerce does more to promote international peace and humanitarian progress than anything we as political leaders or diplomats can do—as important as political leadership is in the world, and as important as diplomats are. But there are just not enough political leaders or diplomats in the world—if you take all the countries combined—to guarantee any peace. But as you break down barriers among the diverse people of our world—that is, one on one, whether it is business or nonbusiness relationships—that has more to do with the promotion of international peace, prosperity, democratic principles, and free market principles than anything.

So I see this legislation as part of a small process of promoting those issues as well as our concern about Africa, among others.

So the entire world I think is watching what we do today because it is some show of America wanting to retain that leadership in the reduction of trade barriers and enhancing peace and prosperity of which we have been a part since 1947.

It is vitally important to not only approve this conference agreement but to do it in a resounding way. If we do that, we can send a message to the rest of the world that American leadership in trade policy is alive and well. For many in the international community, that leadership, as I said before, is in serious doubt.

It is especially important to approve this conference agreement after the profoundly disappointing failure of the Seattle WTO negotiations. We are only now beginning to pick up the pieces with the start of new agriculture and service trade negotiations in Geneva.

I have been watching these negotiations very closely. They are both difficult and delicate. We are trying to rebuild confidence, both in the World Trade Organization and in U.S. leadership. After Seattle, this is necessary and vitally important. It is not an exaggeration to say that failure to approve this conference agreement, or even a tepid approval, would send a shockwave through these negotiations. It would undermine our negotiators, jeopardize any progress we might make in Geneva, and do great harm to our long-term international trade interests.

By the same token, a strong Senate endorsement of this conference report would say to the entire world that the Senate is engaged, committed, and we want to reestablish the historic leadership role that has characterized U.S. trade policy for the last 50 years.

Finally, I salute the hard work of the majority leader, Senator LOTT, as well as that of my distinguished colleagues, Senator ROTH and Senator MOYNIHAN. Without their vision, their efforts, and their perseverance, we would not be here today.

I urge my colleagues to join me in a resounding show of support for American leadership in world trade negotiations by supporting the Trade and Development Act of 2000.

I yield the floor.

The PRESIDING OFFICER (Mr. HUTCHINSON). The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise in complete accord with the resounding statement of the Senator from Iowa. I know he would agree with me when I say we are both here speaking in the intellectual grasp of our chairman, Senator ROTH, who will return to the Senate next week after necessary surgery and who is so much responsible for our being here today.

The Senator from Iowa said the world is watching. The world is watching and has been watching with dismay for 6 years as we seem to have backed away from that tradition which Cordell Hull took up at the depths of the recession, which I will get to, and we have carried on, on a bipartisan basis, right into the nineties and then we seem to have stopped.

This is the first trade bill to come to the Senate floor in 6 years. More, we have defeated measures. We have denied the President the trade negotiating authority for trade agreements. It took the administration too long to ask for it. It responded to the same domestic pressures we saw in Seattle and we saw in front of the World Bank, baffling in some instances, but powerful.

Now we return to our tradition. The Senator from Iowa spoke of sending a resounding message. Can there be a more resounding message than our vote this morning of 90–6 to proceed to the consideration of this measure, following, perhaps, an equally, more astounding and equally resounding measure, a vote in the House of 309–110 to send us this conference report?

Senators will recall that the House had sent over to us the African Growth and Opportunity Act. This was a measure to give some measure of trade stimulation to sub-Saharan African countries in the area of apparel exports. The distinguished chairman, our revered Senator ROTH, saw to it, in a near to unanimous Finance Committee, that the Caribbean Basin Initiative, an initiative begun by President Reagan, that this, too, was included in the bill—it is a combined measure—with a number of other provisions of interest to the Senators.

The importance of the CBI, as we say for purposes of simplification, in this regard is very simple. Having created the North American free trade area, we created an incentive to develop trade ties with Mexico—in essence, Mexican production would enter the United States on a completely free basis, whereas its neighbors in Central America and nearby Caribbean islands were suddenly disadvantaged. We will call it an unanticipated consequence. It had to be dealt with. We do not completely deal with it here, but we acknowledge that it is an urgent matter, and we begin it.

Nearly all the Senate provisions—the bill passed the Senate 76–19—were retained, thanks to extraordinary exertions by our respective staffs who we will thank fulsomely in time.

We must particularly acknowledge that this 5 months of negotiation, and often going into 5 in the morning, would never have come to any conclusion absent the active participation of our majority leader who convened the meetings in his own office and listened to a lot of incomprehensible discord over tariffs.

I speak as a veteran, if I may, and ask the indulgence of the younger and more vital persons. I was one of the three persons who negotiated the Long-Term Cotton Textile Agreement of 1962 for President Kennedy, that having become a condition of passing the Trade Expansion Act of 1962 by the textile industry and the garment industry, which we successfully did, but it was not an easy effort with the French at the height of Gaullist recidivism. That 5-year Cotton Textile Agreement, which we negotiated nearly 40 years ago, is now in its eighth reincarnation and will continue well into the now new century. Still, we got it. And we got as well the series of trade rounds in the GATT about which Senator GRASSLEY has spoken. Finally, the Uruguay Round Agreements Act, which authorized our participation in the World Trade Organization, was enacted in 1994.

I make the point that in establishing the WTO, we were only getting back to where we were in the immediate aftermath of World War II when, at Bretton Woods in New Hampshire, the British-American-Chinese-French negotiators thought of how to establish a world which would not have the profound instability of the 1930s, and they envisioned three institutions: One, the International Bank for Reconstruction and Development, which we call the World Bank, headquartered here; the International Monetary Fund, to deal with monetary fluctuations, which we established here; and an international trade organization, which was to be headquartered in Havana—I acknowledge that that died in the Senate Finance Committee.

So we established, on an ad hoc basis, the General Agreement on Tariffs and Trade. Eric Wyndham White, a British Treasury official, with three or four assistants, managed these negotiations in Geneva which would take place periodically. In time, we got back to the World Trade Organization.

This moved so well. But suddenly we find ourselves anxious about proceeding in a policy direction that has been so profoundly successful for two-thirds of a century—66 years, since Congress enacted the Reciprocal Trade Agreements program.

We recognize the extraordinary results of the Smoot-Hawley tariff. It is a point not often noted that there has not been a tariff bill on the Senate floor since 1930. We tried that and it did not work. I think it is fair to say that the dynamics of horse-trading—I will do this for your product; you do this for mine—are not suited to a world in which trade is so important today.

Indeed, also the 19th century tariff legislation was hugely acrimonious and at times divisive. I think the division between North and South had something to do with the tariffs imposed in the early part of the 19th century.

As the Senator from Iowa has said, if you would make a short list of five events that led to the Second World War, and the horror associated with that war, the Smoot-Hawley tariff of 1930 would be one of them.

Tariffs were increased to unprecedented levels in the United States—by 60 percent. Incidentally, they are still the legal, official tariffs. It is only through trade agreements that we have negotiated reciprocal reductions.

As predicted, imports dropped by two-thirds, in value terms. And all the simple-minded persons who said, if we do not let any foreign products come in, then our producers will prosper, what they did not know is that exports would drop by two-thirds, and the depression settled in.

The stock market crash of 1929 would have worked itself out. It was a matter of a crisis on paper. Factories did not close. Factories began to close when there was no market for their products, much of which had been going overseas.

The result was ruinous overseas. The British abandoned free trade, which had made them the principal economic power of the 19th century. They had to fight it a very long time, and much later than we think, when they abolished the so-called corn laws, which kept the price of wheat high enough to maintain the economic viability of the large land area of the state and not let that Iowa wheat get into Liverpool. The minute they did, they became an industrial power, and their farms did not disappear either.

As a matter of fact, Britain is self-sufficient in agriculture today. But it was free trade that gave them the advantage in the world. And they kept it right up until the Smoot-Hawley tariff, after which they adopted commonwealth preferences.

The Japanese began the Greater East Asian Co-Prosperity Sphere. And, sir, in 1933, with unemployment at 33 percent, Adolph Hitler was elected Chancellor of Germany. That is what you get when you do things like this.

The Reciprocal Trade Agreements Act of 1934—Cordell Hull's innovation of President Roosevelt's initiative—got us back on track. For more than half a century, from one administration to another, without exception, there we have stayed. It had looked like we were going to stray. But here we are, moving again in the context—I daresay, the shadow—of the decision on China coming within the next 2 or 3 weeks.

With the African trade bill—the African Growth and Opportunity Act—for the first time, the United States is, with this legislation, putting in place a trade policy with respect to sub-Saharan Africa, a policy that is long overdue.

The economic challenges facing that region may be even greater than they were at the height of the cold war. There has been a decline of institutions on a massive scale.

Consider the differing paths of South Korea and Ghana. In 1958, the year after Ghana achieved independence, its per capita gross national product was $203; South Korea's was lower. South Korean per capita GNP at that time was $171.

Forty years later, in 1998, South Korea's per capita income has soared to $10,550—even after the financial crisis of Asia a few years back—while Ghana's has stood at a modest, an impoverished, $390.

According to the most recent World Bank data, the average per capita GNP for sub-Saharan Africa was $513 in 1998, or $316 if South Africa is excluded. These countries simply do not pose competitive threats to us. They are, if anything, a source of concern for economic aid, peacekeeping forces, and the like.

The legislation we have before us, which we will pass overwhelmingly after we hear some arguments that are all too familiar, is intended to assist sub-Saharan Africa to develop one of the basic building block industries of economic development, which is textile and apparel production.

It offers duty-free, quota-free treatment to certain categories of apparel—principally those that are made with American fabric that is itself made, indeed, with American yarn.

There is some allowance for so-called regional fabric; that is, fabric made in sub-Saharan Africa. But the benefits are subject to a very tight cap, beginning at 1.5 percent of total U.S. imports and growing over the life of the bill to only 3.5 percent of total imports.

For a transition period of 4 years, the less developed of the sub-Saharan African countries may use third country fabric as they ramp up their own production capacity.

But we should put this in some perspective. In 1999, domestic production of apparel and certain fabricated textile products such as home furnishings—but not fabrics and yarns—in the United States topped $81 billion.

That same year, U.S. imports of apparel from sub-Saharan Africa were valued at $584 million—that is to say, 0.7 percent of domestic production and just 1.1 percent of total apparel imports.

Should imports from sub-Saharan Africa grow to 3.5 percent of the total U.S. imports—the maximum quantity allowed for regional fabric under the bill—they will barely register in a market this size.

The African trade legislation in this package will not reverse years of neglect and decline, but it may provide a decent start.

Just a final word on the enhanced Caribbean Basin Initiative, the Caribbean Basin Trade Partnership Act. As I mentioned, it was begun in 1983 under President Reagan, and which the Senate Finance Committee added to this bill, and the House accepted it. The House was very open in this matter. I remarked earlier how the North American free trade area has eroded the market positions of Central America and the Caribbean islands.

Senator ROTH and I met last fall, in September of 1999, with the Presidents and Vice Presidents and Foreign Ministers of a number of the Caribbean and Central American states—the Dominican Republic, Honduras, Trinidad and Tobago, and Costa Rica. They made a simple request. They said: Look, we are here before you as democratically elected or appointed members of stable democratic governments. We are not here asking for aid. But the unanticipated effects of NAFTA have put us at a great disadvantage. All we want to do is trade with you. And that is what our provisions would allow. This is trade both ways, and again, in American textiles.

The provisions in the bill will help our producers structure their production in this hemisphere so that they will be in a position to compete with Asian producers when—as I mentioned earlier, after more than 40 years—textile and apparel quotas will be eliminated by January of 2005, as agreed in the Uruguay Round Agreement on Textiles and Clothing.

If we don't have a trade infrastructure going with Central America and the Caribbean, we will all be overwhelmed by Asian production; and we can do it simply by passing this legislation—or we think we can do it, and we have not been wrong in our understanding of these matters.

I have a brief note about the problem of fine wool fabrics. After months of negotiation, and with great good faith on the part of all interested Senators and industry representatives, we have finally reached agreement on a measure that will begin to address this problem—again, the unanticipated consequence of free trade with Canada and the fact that we have exorbitant tariffs still in place.

Senators DURBIN, SCHUMER, GRAMM, HAGEL, MIKULSKI, SPECTER, NICKLES, FITZGERALD, SANTORUM, and THOMPSON joined me in sponsoring a very modest measure, and we are very happy with the outcome of the effort to provide some relief for our suitmakers.

The conference agreement begins to address this problem. It will also begin a data collection process that will give us a better database on this industry in the near future. It is not a perfect solution, and it does not permanently fix the problem, but it is a start. So I strongly support the conference agreement. I signed the papers. We had a long 5-month negotiation. These are exhausting efforts. They tend to exhaust our staffs more than we because we go home at midnight and they stay until daybreak. But we have done it.

Just to repeat what my friend from Iowa has said, this is important—if modest—legislation. A good debate, a strong vote on this conference report will surely set a positive tone for permanent normal trade relations with China. That debate will engage us in the very near future. We have a wonderful beginning. This morning, we voted 90-6 to take up this conference agreement, and I hope that reverberates into the other Chamber. I can speak for the Finance Committee. The China permanent normal trade relations—just normal trade relations—will pass the Senate Finance Committee and will pass the Senate floor, but we need to send a signal to the other Chamber that we are ready. We hope they are willing. Sixty-six years of American trade policy is in the balance. So let's begin this debate and conclude it on the same resounding support that we commenced this morning.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the Senator from California follow me. She has a very lengthy statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I may take 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## CAPITOL HILL POLICE FACE A FORCE REDUCTION

Mr. WELLSTONE. Mr. President, the Hill just came out today, and the headline is "Capitol Police face loss of 400 in 2001 budget cut."

> The U.S. Capitol Police force would be reduced by more than 400 officers under a bill approved Tuesday by the House Appropriations Committee.

And then later on there is a quote from John Lucas, chairman of the U.S. Capitol Police Labor Committee. He says:

> This budget cut comes on the heels of promises to improve Capitol security for members, staff, visitors and the officers who protect this wonderful institution.
>
> "Where is the passion of yesterday's promises? What happened to the commitments to the officers who protect you and to their survivors?" he continued, in an attempt to invoke the concern expressed by Congress shortly after the 1998 shootings.

That was, of course, Officer Chestnut and Agent Gibson. Today, at 3:30, there will be an appointment of a new police chief. What a way for the new police chief to be sworn in.

I spoke to our Sergeant at Arms, Mr. Ziglar, about this. Senator BENNETT, Senator FEINSTEIN, with key positions, care deeply about this issue. I find this to be, in the years I have been in the Senate, one of the most unconscionable decisions that has ever been made.

I just for the life of me don't get it, albeit I have my own emotion on this question, and I have spoken on the floor many times.

In July, almost 2 years ago, we lost two police officers. We said we were going to do everything we could to make sure it would never happen again, albeit it could never be 100-percent certain. One of the things we certainly were going to make sure of was that there were two officers at every one of these posts, because if one deranged person shows up—especially if 20 or 30 people are coming through the door. Senator GRASSLEY is my neighbor over at the Hart Building. This happens at the Hart Building sometimes in the middle of the day. This is just simply unacceptable.

I am telling you that there is an unbelievable amount of bitterness right now in the police force over what is happening with this vote. They have been making the requests. They have been begging. They have been pleading. I think very soon we will start to at least get to the point where we have two police officers at these posts because people are coming in and then one deranged person might show up sometime. That is all you need. Then, God knows what will happen.

In order to get there, there are one or two things that have to happen: More money has to go into overtime; the slack could be taken up that way; or more officers have to be hired.

Now we have a headline that they are going to cut 400.

This could be one of these sorts of inside games where the House says to the Senate: Look, we need to do this to show—whatever. I don't know what they are trying to show, frankly. Then you will put it back in. You save us on the Senate side.

I will tell you something. Maybe it is my background in community organizing, but my hope is that they get to decide for themselves. This is a union. My hope is that the Capitol Hill Police Union will hold a press conference. I hope they are there in numbers. I hope they make it crystal clear to people who voted for these cuts that they are not going to let you play around with their lives: We are not going to let you profess such concern for us and our families and then put us in a position where we not only cannot protect the public but we cannot really protect ourselves, which is absolutely outrageous.

I do no damage to the truth when I say this on the floor of the Senate. As a matter of fact, I initially made the mistake, I say to the Senator from California, of listing some of the door posts. I was then told by the police to not do that because they worry that you then create a security risk. So I don't do that anymore. But I can tell you that I observe it all the time. This House vote is just so damaging to people's morale. It is not right. It is going to create a dangerous situation. It is already not a good situation. But we are going to see a lot of people leave this police force. We are. They are going to join D.C. police, or go wherever; they are going to leave.

Hopefully, in the Senate we can be there and inject some sanity into this appropriations process.

But I will tell you one thing. I think this union and these police officers should take on this vote. They have been patient. They have been patient.

I think this is just absolutely unconscionable.

Two years ago, we went through hell. There was such emotion. We made this commitment. What a short memory. What a short memory.

## TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT—Continued

Mr. WELLSTONE. Mr. President, I now turn my attention to this bill. I thank both the Senator from Iowa and the Senator from New York, two exceptional Senators.

I am going to divide my remarks into two parts. We have some other Senators, Senators FEINGOLD and FEINSTEIN, who are going to talk at great length about what happened in the conference committee. I am going to speak to that briefly. I shall not take a lot of time. But I say to both Senators that I will be pleased to come back later on this afternoon, if you need me, because I think we need to put a focus on what happened.

I am in some disagreement with both my colleagues for, I hope, substantive reasons, which I will go into in a moment on the overall bill. It is not because of either one of the Senators on the floor managing this bill. But we had an amendment—Feinstein-Feingold, Feingold-Feinstein; I don't know the order. It doesn't matter; they are together—regarding the HIV/AIDS drugs in Africa. We will go into the specifics of the purpose of this amendment in a moment. But the purpose was to figure out a way that these countries could afford the combination of drugs that could help treat this illness so people wouldn't die.

I strongly support the amendment my colleagues introduced. The amendment was accepted by the bill's managers, Senators ROTH and MOYNIHAN. It was simple. It basically prohibited the U.S. Government—history is not very inspiring, frankly—or any agent of the U.S. Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs so long as the laws in question passed by these countries adhered to existing international law and international standards.

In other words, this amendment said to the executive branch—colleagues, I am being bipartisan in my condemnation, if you will—stop twisting arms, White House and others, of African countries that are basically using legal means to improve access of their citizens to HIV/AIDS pharmaceuticals. I thank Senator FEINSTEIN and Senator FEINGOLD for this amendment.

One would think this effort to make anti-AIDS drugs more cheaply available to citizens in African countries—so long as these countries didn't violate any WTO rules—would be acceptable to every Senator and every Representative and every human being.

I think for a while the administration and others leaned on some of these governments to not use "parallel" importing in addition to local manufacturers, which is sort of interesting because some have legislation dealing with this subject. In other words, they would basically go to other countries and try to import FDA-approved drugs back from other countries at much less cost.

The "why" of this is because 13 million African lives have been lost since the onset of this crisis. Today, there are some 23 million African people infected with the AIDS virus—men, women, and children.

This was a modest amendment. This was the right thing to do. I don't blame my colleagues. It is their institutional position.

The Senator from Iowa and the Senator from New York speak with pride about this legislation. I am going to dissent from some of the legislation dealing with some other issues. But I don't think there is much to be proud of in terms of what happened in this conference. They fought. But let's look at the result after this amendment is taken out. Honest to goodness, I say to Senator FEINSTEIN and Senator FEINGOLD, I have absolutely no idea—well, I do actually have some ideas as to why there is opposition. But I want to speak for the people of Minnesota.

I guarantee both Senators FEINGOLD and FEINSTEIN that 99.99 percent of the people in my State of Minnesota are behind their amendment. I guarantee them that if anybody attempts to do this in the light of day, 99.99 percent of the people in this country support this amendment. It is the right thing to do. Our values tell us we should do this. If these governments aren't violating any trade policy and they can make these drugs more available to their populace—the people there don't have a lot of money; they can't afford this cocktail of drugs—then people can have some accessibility and we can save lives given the magnitude of this crisis. What is happening is devastating. People in Minnesota say: God bless you for doing this.

How do these conferees—whoever they are—justify pressuring these countries with, in some cases, a life expectancy that has dropped by 15 years? What arrogance to tell these governments they cannot use all the legal means at their disposal to make sure the people in their countries, men and women and children, have access to these drugs. Otherwise, more people suffer and more people die. This is another example of why people in this country become so furious about some of what happens here.

I love being a Senator. I love public service. But sometimes it is just too much. It really is. This amendment was accepted. If we had a vote on this amendment, I think it would be 100 to 0. However, it is taken out in conference. I guarantee people in the country are for this.

Why don't we turn our attention to the pharmaceutical industry, the pharmaceutical companies? I can guarantee they were not worried about losing customers in Africa because the people cannot afford their prices. They were worried about any kind of effort—regarding these drugs that could save people's lives—at making them more affordable might cut into their profits. That is what they are worried about.

This is a Fortune 500 report, of April 17, 2000. The annual Fortune 500 report on American business is out. Guess what. The pharmaceutical industry ranks first in profits. In the words of Fortune magazine—and I absolutely love this quote; I wish I made it up myself, but I can't plagiarize:

> Whether you gauge profitability by median return or revenues, assets or equity, pharmaceuticals had a Viagra kind of year.

When the average Fortune 500 industry in the United States returned 5-percent profits as a percentage of revenue, the pharmaceutical industry returned 18.6 percent—the automobile industry, a pretty big industry, 3.5 percent; chemicals, 5.1 percent; airlines, 5.7 percent; telecommunications, 11.7 percent; pharmaceuticals, 18.6-percent profits.

I can anticipate the reaction of some: There goes that Senator from Minnesota, out there railing about profits.

The idea that this industry can make such excessive profit off the sickness, misery, illness, and, in the case of Africa with this amendment, death of people, is obscene. I say to this industry: You may have had Viagra profits, but you are making your profits off the sickness, misery, illness, and death of people. And it is obscene. You got your greedy paws into this conference committee. You were able to use all of the money you contribute to the Congress and all of the political power you have and you were able to get this amendment out, take it out. The result of that is many people—millions of people—will die.

For a while, the administration was involved in this. I am not proud of that. They were pushing hard, putting pressure on these governments. This amendment says you can't use any government money for any of this kind of lobbying, to try to prevent a government, which legally is trying to do what it can do to make sure these drugs are more affordable.

That is what this amendment said. It got taken out of conference committee. Can anyone imagine that happening? The Fortune 500 report stated: "Viagra kind of year."

I am honored to support my two colleagues. Statistics show 23 million people in Africa are infected with the AIDS virus. By the way, I do not believe that it is pandering or appealing to some special interest for me to be speaking about a disease that infects more than 15,000 young people every day. I am not appealing to any special interest. I am representing values of Minnesotans. I am representing the values of the American people—which, obviously, were not the values of some people in this conference committee which took this amendment out.

I oppose this bill for that reason alone. I have some other reasons for speaking in opposition to this bill. I think what has happened is absolutely egregious. I would like to say to the pharmaceutical companies: Your days of being able to do this are over. I am not sure that is the case, but people in the country are getting sick of you. They are really getting tired of these companies. They are similar to a cartel. They charge excessive prices, they gouge Americans, they do everything they can to make sure other countries with large numbers of poor people, that the governments cannot do what they are legally entitled to do to get the drugs to people and to make them affordable. It is absolutely unbelievable.

The economic question and the political question is, Does this Congress belong to people in the country or does it belong to people in the pharmaceutical industry? The answer on the basis of what happened to this amendment is it belongs to the pharmaceutical industry. In other words, the pharmaceutical industry has great representation here in Washington. It is the rest of the people who do not. This is a real reform issue. This is about people who are dying in Africa. It is also, when we get into this debate about pharmaceutical coverage for people in our country, people who all too often in our country can die—not anywhere near the same magnitude. I think of senior citizens in my State who spend $300, $400, $500, $600 a month for drugs they cannot afford. And this industry makes not a profit—great, make profits, but do not make obscene profits off of the sickness, misery, and death of people.

We are going to be out here today speaking about this over and over and over again. I do not think the pharmaceutical companies will like it. I would not. I doubt whether any Senator is going to come out here to defend them. I do not even know whether anybody in the conference committee would speak out. Let's have dueling press conferences today. Let's have different press conferences. The people who took out this amendment ought to speak publicly about why they did it.

Part B: This legislation, I know, is called the African Growth and Opportunity Act—I heard both my colleagues speak—and enhanced Caribbean Basin Initiative. But I will say this one more time. Every attempt that we made with this legislation to make sure these benefits would trickle down to the people was defeated. I think the message of this trade bill to African and Caribbean countries is a double message. Here is what it boils down to. For people in the United States, this is the message: If you should dare to try to organize, join a union, and bargain collectively to get a better wage, to get more civilized working conditions, to try to get health care coverage for your children, we are gone. We are on our way to these other countries because we can pay, as Wal-Mart is paying, 14 cents an hour in China. We can pay 14 cents an hour; we are gone.

In this trade bill to African and Caribbean countries, the message is, if you should dare to have even child labor standards, much less basic human rights standards, much less the right of people to organize and join a union to fight for themselves, then you do not get our investment. That is what this trade bill says.

So this is not a question of the first trade bill since NAFTA or are we internationalists or are we not? We had a bill—Congressman JESSE JACKSON, JR. on the House side, Senator FEINGOLD on the Senate side—that expanded Africa's access to U.S. markets, but it also included labor rights and genuine debt relief. That is really important. We had jubilee. We had people here in Washington. When you look at sub-Saharan Africa, about a quarter of its export earnings are lost to its never-ending foreign debt service. If you really want to talk about what we need to help these countries, there you have it.

We had an alternative bill. I do not think it was ever voted on in the House.

This is not about whether or not you are an internationalist or isolationist. My father was born in Ukraine. He lived in Russia. He fled persecution in 1914. He never was able to see his family again. His family was, in all likelihood, murdered by Stalin. I grew up as an internationalist. I have said on the floor of the Senate—I get to say it once; I will not go on and on about this—it is a story that means something to me. He was almost 50 when I was born, and he was old country and he was an embarrassment because he did not fit in with my friends' parents. He just wasn't cool. But when I got to be high school age, I realized what a treasure he was. He spoke ten languages fluently and I miss him dearly. He was a very wise person—profound.

So Sunday through Thursday night at 10 o'clock, we would meet in the kitchen and we would have hot tea and sponge cake and he would talk about the world. I am "not an internationalist." I am not going to let anybody put that label on me.

The question is what kind of trade, under what kind of terms? Who decides who benefits and who is asked to sacrifice? Those are the questions that are before us.

Every time I go to some of these trade meetings and I hear the ministers from some of the developing countries say: Those of you, Senator WELLSTONE, who are opposed to these trade bills, you are in opposition to the poor—I always look for the poor there. I never see the poor there. I see trade ministers; I see the elites; but I don't see the poor.

But then, luckily, since I get a chance to work with the human rights community, I get to either meet with or hear about the poor and the citizens in these countries, ordinary people who are trying to get better wages, who are trying not to work with chemicals that are going to kill them, who are trying to do something about child labor conditions, who are trying to do something about the poisoning of their environment, who want to have jobs with dignity and who get thrown in jail for trying to change their lives for the better. They tell me that all this discussion about the poor and how great this is for the poor in these countries is a bit disingenuous, as they see it.

My colleagues can have a different point of view, and do—many, most, the vast majority.

My last point is this: I don't think I am going to do justice to this. But I saw an interesting piece in American Prospect that Bob Reich wrote, our former Secretary of Labor, that many of us might actually consider as a middle ground. Basically his argument went as such.

He said, assume for a moment, PAUL, even if you don't want to—he didn't use my name, but I felt like he was speaking to me—even if you don't want to agree, just assume for the moment the position of those who make the argument, "Like it or not, this really will lead to economic growth for these countries, and this is a better chance for people than they have right now." Then consider your own position, which I have tried to lay out today.

He was saying, why not have some kind of framework that says when you have such bills, they pass, and the proponents say they will lead to economic growth and more opportunities, then what you would do would be to have a commitment, a priori, beforehand, commensurate with that growth and more opportunities and the country is doing better, minimum wage is going up and labor standards then put into effect.

I think it is an interesting idea. Maybe that will be a middle ground eventually where some of us can come together. But right now there is no middle ground to this. I will say it one more time. I know this bill is called an opportunity act and all the rest, but I think that is the message to this legislation—not the bill that Representative JACKSON and Senator FEINGOLD introduced—to people in this country. You can't blame ordinary citizens. The polls show pretty conclusively that people with incomes under $60,000 or thereabouts are more than a little bit suspicious of these agreements. They do not think they are going to be in their best interests. They think they are going to be great for the big multinational companies but not them. You cannot lay blame on them for thinking that way because the message of this bill is, again, if you try to organize, try to join a union, try to fight for higher wages, these countries will go to Africa, Mexico, wherever, where they do not have to go by any of this. Goodbye.

Then the message to the people in these countries in this legislation is: Governments, people in these countries, don't you dare join a union. Don't you dare fight for your family. Don't you dare try to get better wages. Don't you dare try to abolish these abominable, exploitative child-labor conditions. Don't you do any of that because if you do, you will not get our investment. That is the message of this legislation.

I have spoken about the amendment that was deleted. I believe what happened in the conference committee is atrocious, and I have laid out the basis of my opposition to this legislation.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Senator from Minnesota for his spirited comments and also for his support of having two Capitol Police officers at each entry. I want him to know, as the ranking member on the Legislative Branch Appropriations Subcommittee, I am fully supportive of that request. I believe the chairman, Senator BENNETT, is as well.

Because he approached me with a big smile and I very much like it when the Senator from Texas smiles rather than frowns, I ask unanimous consent to amend my unanimous consent agreement to permit him to speak for 4 minutes and that I retain my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Texas.

Mr. GRAMM. Mr. President, first, I thank our wonderful colleague from

California for doing such a sweet thing. She is going to speak for some time. I know it would help educate me to stay and hear it, but like so many other people, I am too busy and I want to say a few things.

First of all, I congratulate the President for proposing the Africa Growth and Opportunity Act. The President recognized wisely that even if we took all the aid provided by every country in the world and gave it to sub-Saharan Africa, obviously we could have a short-term impact on them, but the long-term impact would be small when compared to the impact we can have through trade.

This bill is an opportunity for us to open up our markets for goods from some of the poorest countries in the world. I know there are some who say that even though this will mean clothing will be cheaper for American consumers, for working and low-income Americans, somehow there is a sacrifice involved. I fail to see it. I see everybody benefiting from trade. Desperately poor people in Africa will have an opportunity to produce products that can be sold in America, and we can raise their living standards and our own through the miracle of world trade.

This is not a perfect bill. I wish it were less protectionist. One provision in the bill requires that in order for textiles from sub-Saharan Africa to come into the country, they have to be made out of American yarn and American thread. That provision is going to reduce their competitiveness, but I appreciate the fact that the conference put in an exception for the 41 countries that have per capita incomes of below $1,500 a year.

So the bill is not perfect, but it is a movement in the right direction, and I strongly support it.

It is important for us to promote world trade. I know our colleague who spoke before me believes that trade only helps rich people and big companies, but I believe trade helps working people. It creates jobs. It creates opportunity. It expands freedom. That is why I am so strongly in support of this bill.

I thank the Finance Committee for working out a compromise that will mean more trade, that will mean more products. I have to say I do not understand how, with a straight face, the textile industry was so adamantly opposed to this bill. If we unleashed all of the energies of sub-Saharan Africa and all of their productive capacity and had them produce textiles to sell in America, they would still have no substantial impact on our market.

I do not understand why we continue to let special interests in America direct our Government to limit our ability to buy goods that would raise the living standards of working Americans. It is outrageous and unfair, and it is important that we stand up against these protectionist forces. Who gives the American textile industry the right to say that, as a free person, I cannot buy a better shirt or a cheaper shirt produced somewhere else in the world? How is America diminished by it? I say it is not. My freedom is diminished by such forces.

We have a mixture of protectionism and trade in this bill. But, overall, it is a movement in the right direction, and I am in favor of it. When the Multifiber Agreement is implemented, we will open up trade in textiles. As late as 5 years ago, the average American family paid $700 more a year for clothing because of textile protection in America than they would with free trade. This is a small step in the right direction. I rejoice in it, and I support it.

I thank the Senator from California for yielding.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I notice that the distinguished Senator from Alabama is on the floor. So I ask unanimous consent to yield to him, and then to have the floor returned to me when he concludes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## VISIT TO THE SENATE BY A MEMBER OF THE HOUSE OF DEPUTIES OF THE FEDERAL REPUBLIC OF MEXICO

Mr. SESSIONS. Mr. President, it is my pleasure to present to the Senate today Alfredo Phillips, who is a member of the Congress of the Nation of Mexico. I have gotten to know him in 3 years now at the interparliamentary conference between the United States and Mexico. We have had 39 years of interparliamentary conferences between our two nations. He has an extraordinary history in banking.

He was Director of the North American Development Bank, which is part of the NAFTA agreement. He has been Executive Director of the International Money Fund for 4 years. He is General Coordinator of International Affairs of the PRI. That is his title now. He was Mexico's Ambassador to Canada, Ambassador to Japan, and chairs the Foreign Relations Commission for the Congress of Mexico.

He got his degree in humanities from the University of Mexico and his degree in economics from the University of London. He studied at George Washington University. His wife Maureen is a wonderful lady who my wife Mary and I have had the pleasure to meet. His son Alfredo is in an economics section of the Mexican Embassy here in the United States.

Mr. President, it is my pleasure to introduce Mr. Alfredo Phillips to this body. He is known to many of our Senators and Congressmen.

## RECESS

Mr. SESSIONS. Mr. President, I ask unanimous consent that the Senate stand in recess for 3 minutes, before Senator FEINSTEIN takes the floor again, in order for the Senate to greet our guest.

There being no objection, at 11:57 a.m., the Senate recessed until 12:03 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BURNS).

## TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT—Continued

Mr. GRASSLEY. Mr. President, I ask unanimous consent that when Senator FEINSTEIN has finished speaking, Senator FEINGOLD be able to consume his time for debate on this bill.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today to address the conference report on the African Growth and Opportunity Act and to express my deep disappointment that the conference decided to strip out of the report the amendment which has been spoken about on this floor which addresses HIV/AIDS in sub-Saharan Africa. This is an amendment I offered with the Senator from Wisconsin, Mr. FEINGOLD.

This amendment was accepted by the Senate, and it was intended to provide African countries experiencing an HIV/AIDS crisis with the ability to institute measures consistent with the World Trade Organization intellectual property rules that are designed to ensure the distribution of pharmaceuticals and medical technology to afflicted populations.

We offered this amendment because we believed the act inadvertently threatened to undermine the fight against HIV/AIDS in Africa. Our amendment was a simple, commonsense approach consistent with international law to fix this oversight. I believe the action of the conference in stripping this amendment was unconscionable. I found it especially disappointing because my office and staff had been working with the chairman of the Finance Committee, Mr. ROTH, to develop compromise language that met our concerns and would be acceptable to the conference.

Chairman ROTH negotiated in good faith, and he and the other Senate conferees—Mr. MOYNIHAN, Mr. BIDEN, and Mr. BAUCUS—wanted to do the right thing. Unfortunately, as I understand it, because of the way in which the House and Senate Republican leadership dealt with this conference, the majority leader and the Speaker, as I have been told, decided my amendment was to be eliminated and presented a take-it-or-leave-it offer to the conferees. The conference was never really even given a chance to address this issue.

Perhaps they did not understand the full impact of what is happening in Africa, and in these remarks I hope to make both the extent and the nature of the AIDS crisis better known. I say this as someone who supports the legislation. I voted in favor of it. I believe the underlying principles of this legislation—opening up new possibilities for economic engagement and trade between the United States and the countries of sub-Saharan Africa—are good ones. I know the countries of this region want to receive the benefits of the bill which will assist their economic development and promote democracy in the region.

I said in earlier remarks the problem is that the way things are going, there will not be an Africa left for this bill to help. I think people underestimate the impact of that statement. What I hope to do in these remarks is talk about the scope of the problem, give specific country reports, talk about the economic, social, and political impact of HIV/AIDS in sub-Saharan Africa, the need for affordable access to pharmaceuticals, what compulsory licensing and parallel importing is, and why the Feinstein-Feingold amendment is necessary.

I want to talk about drug companies' revenues from these drugs and what else is to be done.

But before I do so, I acknowledge the fact that this morning the White House has signed an Executive order to carry out the provisions of the Feinstein-Feingold amendment.

At this point, I will read into the RECORD the following letter, dated May 10:

> I am pleased to inform you that today I will sign an Executive Order that is intended to help make HIV/AIDS-related drugs and medical technologies more accessible and affordable in beneficiary sub-Saharan African countries. The Executive Order, which is based in large part on your work in connection with the proposed Trade and Development Act of 2000, formalizes U.S. government policy in this area. It also directs other steps to be taken to address the spread of HIV and AIDS in Africa, one of the worse health crises the world faces.
>
> As you know, the worldwide HIV/AIDS epidemic has taken a terrible toll in terms of human suffering. Nowhere has the suffering been as great as in Africa, where over 5,500 people per day are dying from AIDS. Approximately 34 million people in sub-Saharan Africa have been infected, and, of those infected, approximately 11.5 million have died. These deaths represent more than 80 percent of the total HIV/AIDS-related deaths worldwide.
>
> To help those countries most affected by HIV/AIDS fight this terrible disease, the Executive Order directs the U.S. Government to refrain from seeking, through negotiation or otherwise, the revocation or revision of any law or policy imposed by a beneficiary sub-Saharan government that promotes access to HIV/AIDS pharmaceuticals and medical technologies. This order will give sub-Saharan governments the flexibility to bring life saving drugs and medical technologies to affected populations. At the same time, the order ensures that fundamental intellectual property rights of U.S. businesses and inventors are protected by requiring sub-Saharan governments to provide adequate and effective intellectual property protection consistent with World Trade Organization rules. In this way, the order strikes a proper balance between the need to enable sub-Saharan governments to increase access to HIV/AIDS pharmaceuticals and medical technologies and the need to ensure that intellectual property is protected.
>
> I know that you preferred that this policy be included in the Conference Report on the Trade and Development Act of 2000, as did I. However, through this Executive Order, the policy this Administration has pursued with your support will be implemented by the U.S. Government. The Executive Order will encourage beneficiary sub-Saharan African countries to build a better infrastructure to fight diseases like HIV/AIDS as they build better lives for their people. At the same time, the Trade and Development Act of 2000 will strengthen African economies, enhance African democracy, and expand U.S.-African trade. Together, these steps will enable the United States to forge closer ties with our African allies, broaden export opportunities for our workers and businesses, and promote our values around the world.
>
> Thank you for your leadership on this critically important issue.
>
> Sincerely,
>
> BILL CLINTON.

Mr. President, I ask unanimous consent that following my remarks, the Executive order itself be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. Mr. President, I thank the President for this Executive order. It is the right thing to do and it is a major help. I very much hope that the African countries will make use of this Executive order and acquire the necessary pharmaceuticals that we here in this country know can extend the lives and well-being of people.

Almost 1 year ago, on May 11, the World Health Organization declared that HIV/AIDS is now the world's most deadly infectious disease. As of December of last year, the AIDS Epidemic Update, published by the Joint United Nations Program on HIV/AIDS, U.N. AIDS, and the World Health Organization, notes the following:

> As the 20th century draws to a close, some 33.6 million men and women worldwide face a future dominated by a fatal disease, unknown just a few decades ago. According to new estimates from the Joint U.N. Program on HIV/AIDS and the World Health Organization, 32.4 million adults and 1.2 million children will be living with HIV by the end of 1999.
>
> Sub-Saharan Africa bears the brunt of the HIV/AIDS with close to 70 percent of the global total of HIV positive people. Most will die in the next 10 years, joining the 13.7 million Africans who have already died, and leaving behind shattered families and crippled prospects for development.

Indeed, the hardest hit African companies face infection rates in excess of 22 percent—that is 22 million people—an overall rate of infection among adults in sub-Saharan Africa eight times the rate of infection worldwide. In some countries of southern Africa, 20 to 30 percent of the population of the country itself are infected.

You can see from this chart the spread of AIDS in sub-Saharan Africa. You see the major countries affected that I am speaking about—Namibia, Botswana, Zimbabwe, Zambia—leading with 16 to 32 percent of adults infected with HIV. The next tranche of 8 percent to 16 percent is in the orange and it drops down from there. In South Africa, you have almost 13 percent of the population infected; that is, 2.8 million people. In Zimbabwe, it is 25.8 percent; that is, 1.4 million people. In Uganda, it is 9.5 percent; that is, 870,000. In the Central African Republic, it is almost 11 percent; that is 170,000. In Zambia, it is 19 percent; that is 730,000. In Kenya, it is 11.6 percent or 1.6 million people.

The destruction caused by HIV/AIDS in sub-Saharan Africa, by far, surpasses the devastation caused by famine, war, and even genocide in Rwanda. According to the United Nations, over 10 times as many people were killed by AIDS in sub-Saharan Africa last year as by war. This chart shows the estimated adult and child deaths from HIV/AIDS during 1998—2 million people in sub-Saharan Africa, out of a global total of 2.5 million. You see why this is pandemic today, actually exceeding the bubonic plague in Europe centuries ago.

The devastation caused by AIDS has dramatically reduced life expectancy in sub-Saharan Africa from the highs witnessed in the early to mideighties, before the devastating effect of AIDS began to be felt. This chart shows that in Botswana, which is this line, life expectancy has fallen from the age of 61 to age 50. In Zimbabwe, it fell from 59 to 47. In Zambia, it fell from age 50 to 38 years. In Malawi, it fell from age 45 to 40 years. In Uganda, it fell from 48 to 38 years.

If the present trends continue, life expectancy—already shortened by a decade or more in many sub-Saharan African countries—is projected to fall more dramatically still. In Zimbabwe, for example, life expectancy is expected to decline by 26 years by 2010, from the age of 59 to the age of 33. That is more than half the life expectancy in little more than two decades. I never thought I would ever see that kind of devastation in one country.

AIDS is also affecting infant and child mortality rates, reversing the declines that have been occurring in many countries during the 1970s and 1980s. According to the U.N., AIDS, by 2010, the child mortality rates of children under 5 will increase by 200 percent in Botswana, by 100 percent in Kenya, Malawi and Tanzania, and Zambia by 100 percent, and by 300 percent in Zimbabwe.

This becomes critical, if you understand that four pills can prevent the transmission of HIV/AIDS from a mother to a child—four pills.

Look at these expected child mortality rates.

Over 30 percent of all children born to HIV-infected mothers in sub-Saharan Africa will themselves be HIV infected. More than 500,000—half a million—babies were infected this past year by their mothers, most of them in sub-Saharan Africa.

As these statistics in the U.N. AIDS Report that I cited attest, sub-Saharan Africa has been far more severely affected by AIDS than any other part of the world.

Mr. President, it is not just adults who are being killed by AIDS in sub-Saharan Africa. Out of 510,000 children killed by AIDS throughout the entire world, 470,000 were African children. That is 92 percent of the world's total.

What does that say for the future? Almost a half million children are killed in one continent alone. For anyone who has ever been a mother or a father, a grandmother or a grandfather, this number is mind numbing.

Beyond the carnage of the deaths, this disease has the potential to destabilize already fragile political and economic systems in sub-Saharan Africa.

The United Nations reports that 23.3 million adults and children are infected with the virus, up from 22 million a couple of years ago. Africa has only 10 percent of the world's population, but it has 70 percent of the worldwide total of infected people.

That is what this chart shows. And it is shocking.

Worldwide, there were 5.6 million new AIDS infections in 1999—3.8 million of them in Africa. That is two-thirds of the new infections of AIDS taking place in Africa. Every day, 11,000 more people are infected with HIV—1 in every 8 seconds—and 10,000 of the 11,000 new HIV infections that take place around the world occur in this area.

Teachers, doctors, and nurses are today dying faster than they can be replaced. What does that say about the human development and the economic upward mobility of that country if the teachers, the doctors, and the nurses die faster than they can be replaced? In addition to the death toll striking down adults and children alike, as the "Report on the Presidential Mission on Children Orphaned by AIDS in Sub-Saharan Africa" notes:

> Tragically, the worst is yet to come. During the next decade more than 40 million children will be orphaned by AIDS—40 million children orphaned by AIDS, and this "slow-burn disaster" is not expected to peak until 2030. According to UNICEF, the HIV-AIDS pandemic in sub-Saharan Africa is having and will continue to have more impact on child survival and maternal mortality than all other emergencies combined. Without a doubt, AIDS has placed an entire generation of Africa's children in jeopardy.

Of the 13 million children orphaned by AIDS so far, 10 million of them are in sub-Saharan Africa.

In Zimbabwe, there are currently 600,000 AIDS orphans, and the projection is that there will be more than 1 million by 2005. That is a 40-percent increase in orphans in one country alone in the next 5 years. Think about it for a minute. It is staggering.

There are rumors that some of the leaders of these countries don't want to deal with the drugs that can prevent passage from the mother to the child because they don't want to deal with the number of orphans that are going to be present in that country. I find this also shocking. You have more than 1 million orphans in 5 years growing up in poverty, without parents and with little or no social structure.

What does this say about the success of an African Trade Act, if you think about it? No teachers, no doctors, no nurses, and millions of orphans without parents, what does that say about economic and human development of a country?

In South Africa, there are already close to 250,000 AIDS orphans. The number is expected to skyrocket to 2½ million by 2010. This is South Africa. This is from 1990 to 2010. Here we are at 2000, and this is what is anticipated to be the number of orphans by 2010. The number is 2.5 million in one country alone. How can this bill provide them with the resources to lead better lives in the future? What good will this bill do if this happens?

All told, over 34 million people in Africa have been infected by HIV since the pandemic began. That is the population of the State of California. And an estimated 13.7 million Africans have lost their lives to AIDS—more than the entire population of Los Angeles and New York City combined. By 2005, if policies do not change, the daily death toll will reach 13,000—double what it is today—with nearly 4 million AIDS deaths in sub-Saharan Africa alone.

A recent CNN Interactive story, "AIDS in Africa: Dying by the Numbers," put the extent of the crisis in this way:

> . . . The bubonic plague is reckoned to have killed about 30 million people in medieval Europe. The U.S. Census Bureau projects that AIDS deaths and the loss of future populations from the deaths of women of child-bearing age means that by 2010, sub-Saharan Africa will have 71 million fewer people than it would otherwise.

In all of these countries in sub-Saharan Africa, there will be 71 million fewer people because of AIDS in the next 10 years. Just think about that for a minute.

I would also like to spend some time addressing the situation in several different countries in the region—some hard hit, some less so—so that my colleagues have a better sense of the chaos and disruption this disease is causing in individual countries and society.

The statistics that I cite below are drawn from UNA's World Health Organization epidemiological fact sheets on AIDS and includes data up to 1997. By all accounts, in almost every country in the region, the situation has grown much worse in the past 3 years. There could be little doubt about the pandemic.

Let's begin with Botswana. In Botswana, over 25 percent of the population between 15 and 49 is infected with HIV. That is 25 percent of the population. In Botswana's major urban areas, 40 percent of pregnant women are infected with HIV. From 1994 to 1997, the rate at which children have been orphaned in Botswana quadrupled. Almost 50 percent of Botswana's children under 15 are AIDS orphans. AIDS is responsible for over half of the deaths of all children under the age of five.

Let's look at Ethiopia. Ethiopia has a relatively low infection rate for sub-Saharan Africa, just 9.3 percent, with 5.6 million out of a population of 60 million infected. Over 35 percent of women in Ethiopia age 20 to 24 have HIV. That is a rate 3 times higher than men. In 1985, less than 1 percent of prostitutes in Addis Ababa were HIV positive. By 1990, that proportion had reached 54 percent. This is the point of spreading of the disease. Very little is being done about it.

Kenya currently has a relatively low rate of HIV infection. It is 11 percent. HIV prevalence is much higher in the major urban areas and is over 25 percent in Nairobi, where almost 90 percent of prostitutes are HIV positive. This is the wonderful city of Nairobi, where 90 percent of the prostitutes are spreading this disease heterosexually through the countryside. There are currently at least 350,000 AIDS orphans in Kenya, with the number expected to reach 1 million by 2005. By 2005, Kenya will have one million orphans, thanks to AIDS. That is a 200 percent increase. The cumulative number of deaths due to AIDS has risen from 16,000 in 1989 to 200,000 in 1995 and is expected to pass the one million mark this year. One million dead and one million orphans.

Kenya is a beautiful country. It is shocking what is happening. I hope some of the pharmaceutical companies that lobbied against this amendment are listening. Mr. President, 75 percent of AIDS cases in Kenya occur among adults age 20 to 45, the economically most productive time of the population. The prevalence of HIV in pregnant women in urban areas has risen from 2 percent in 1985 to 16 percent in 1997.

Let's go to Malawi. It is estimated around 1 in 7 of the population, age 15 to 49, is HIV positive. That is 15 percent of the population, or 670,000 people. More than 80,000 people died of AIDS in 1 year alone, 1997, and Malawi has an accumulative death toll of over

450,000 people. I hope the pharmaceutical companies are listening.

Over 25 percent of women attending prenatal clinics in the urban centers test positive for HIV. Girls 15 to 24 years in age are six times more likely to be positive than boys the same age. Other infectious diseases are also on the upswing. Tuberculosis has tripled since the late 1980s, largely due to AIDS. By the end of 1997, over 6 percent of Malawi's children under 15 were orphans.

Let's look at Nigeria, Africa's most populace country, with 118 million people. More than 2.2 million people, around 5 percent, are HIV positive. Although Nigeria appears to have a relatively low incidence at present, trend lines are not comforting. The prevalence in pregnant women in urban areas went from below 1 percent in 1991 to almost 7 percent in 1994. Likewise, the prevalence of HIV in prostitutes has more than doubled during this same period in urban areas, and increases from 3.9 percent to 23 percent in rural areas. Nearly 50 percent of the prostitutes in Lagos, the largest city, are HIV positive, spreading the disease. There were 350,000 AIDS orphans in Nigeria as of 1997.

Let's look at South Africa. About 3 million people in South Africa are infected with HIV, 13 percent of a population of 43 million. Estimates are by 2010, 25 percent of South Africa's population will be HIV positive. By 1997, 180,000 children were orphaned. That figure will skyrocket to 2 million by 2010. There will be two million orphans in South Africa because of AIDS by 2010. Mr. President, 20 percent of pregnant women are infected. There are close to 400,000 deaths due to AIDS in South Africa since the beginning of the epidemic.

Let's go to Zambia, with an infection rate close to 20 percent. It is one of the hardest hit countries in sub-Saharan Africa. As of 1997, over 770,000 adults and children in Zambia were AIDS affected. There are more than 630,000 estimated AIDS cases. There have been 600,000 cumulative deaths since the beginning of the epidemic. After Uganda, Zambia has the highest proportion of children orphaned by AIDS in the world. By the end of 1997, 360,000 children, almost 10 percent of the children under 15, were orphaned because of AIDS. Four simple pills could prevent the transmission of AIDS from a pregnant woman to a child. Mr. President, 28 percent of adults in the urban area and 15 percent in rural areas are infected with HIV.

To give a sense of how the crisis is eroding social stability in Zambia, last year alone, 1,300 teachers in Zambia died from AIDS. Only 700 new teachers were available to take their place. How do you teach children to be able to get a job in the new marketplace that this bill hopes to bring about if the teachers are dying of AIDS, if the children are orphaned? Zimbabwe has one of the worst AIDS epidemics in the world. Currently, 26 percent of all adults age 15 to 49 are infected with HIV, more than 1.5 million out of a total population of 5.5 million.

The United Nations Population Division has projected that over the next five years half of all child deaths in the country will be due to AIDS.

As in Zambia, by the end of 1997 there were over 360,000 AIDS orphans in Zimbabwe and, as I mentioned earlier, projections are for Zimbabwe to be faced with over 1 million AIDS orphans in the next five years.

The HIV/AIDS crisis is driving families in sub-Saharan Africa worn-down by widespread poverty to the brink of disaster, and eroding the ability of the regions governments to provide services while at the same time increasing the demand for them. This is especially true in health care, where AIDS-related illnesses sometimes account for almost half the hospital beds and in-patient days.

The transition to democracy in the region may also be imperiled, and economic growth may grind to a halt as a result of the AIDS crisis destabilizing social structures.

These numbers, and the impact this disease is having on individual counties in sub-Saharan Africa, is staggering, but it is difficult to capture the depth of the devastation and suffering in the region with statistics and charts. To try to give a better sense of the impact of HIV/AIDS, let me read the first few paragraphs from a story published in the Village Voice last year, part of a Pulitzer Prize winning series of articles by journalist Mark Schoofs.

Let me warn you: the following is not for the faint of heart or faint of stomach.

> They didn't call Arthur Chinaka out of the classroom. The principal and Arthur's uncle Simon waited until the day's exams were done before breaking the news: Arthur's father, his body wracked with pneumonia, had finally died of AIDS. They were worried that Arthur would panic, but at 17 years old, he didn't. He still had two days of tests, so while his father lay in the morgue, Arthur finished his exams. That happened in 1990. Then in 1992, Arthur's uncle Edward died of AIDS. In 1994, his uncle Richard died of AIDS. In 1996, his uncle Alex died of AIDS. All of them are buried on the homestead where they grew up and where their parents and Arthur still live, a collection of thatch-roofed huts in the mountains near Mutare, by Zimbabwe's border with Mozambique. But HIV hasn't finished with this family. In April, a fourth uncle lay coughing in his hut, and the virus had blinded Arthur's aunt Eunice, leaving her so thin and weak she couldn't walk without help. By September both were dead.
>
> The most horrifying part of this story is that it is not unique. In Uganda, a business executive named Tonny, who asked that his last name not be used, lost two brothers and a sister to AIDS, while his wife lost her brother to the virus. In the rural hills of South Africa's KwaZulu Natal province, Bonisile Ngema lost her son and daughter-in-law, so she tries to support her granddaughter and her own aged mother by selling potatoes. Her dead son was the breadwinner for the whole extended family, and now she feels like an orphan.
>
> In the morgue of Zimbabwe's Parirenyatwa Hospital, head mortician Paul Tabvemhiri opens the door to the large cold room that holds cadavers. But it's impossible to walk in because so many bodies lie on the floor, wrapped in blankets from their deathbeds or dressed in the clothes they died in. Along the walls, corpses are packed two to a shelf. In a second cold-storage area, the shelves are narrower, so Tabvemhiri faces a grisly choice: He can stack the bodies on top of one another, which squishes the face and makes it hard for relatives to identify the body, or he can leave the cadavers out in the hall, unrefrigerated. He refuses to deform bodies, and so a pair of corpses lie outside on gurneys behind a curtain. The odor of decomposition is faint but clear.
>
> Have they always had to leave bodies in the hall? "No, no, no," says Tabvemhiri, who has worked in the morgue since 1976. "Only in the last five or six years," which is when AIDS deaths here took off. Morgue records show that the number of cadavers has almost tripled since the start of Zimbabwe's epidemic, and there's been a change in who is dying: "The young ones," says Tabvemhiri, "are coming in bulk."
>
> The wide crescent of East and Southern Africa that sweeps down from Mount Kenya and around the Cape of Good Hope is the hardest-hit AIDS region in the world. Here, the virus is cutting down more and more of Africa's most energetic and productive people, adults aged 15 to 49. The slave trade also targeted people in their prime, killing or sending into bondage perhaps 25 million people. But that happened over four centuries. Only 17 years have passed since AIDS was first found in Africa, on the shores of Lake Victoria, yet according to the Joint United Nations Programme on HIV/AIDS (UNAIDS), the virus has already killed more than 11 million sub-Saharan Africans. More than 22 million others are infected [and nobody cares].
>
> Only 10 percent of the world's population lives south of the Sahara, but the region is home to two-thirds of the world's HIV-positive people, and it has suffered more than 80 percent of all AIDS deaths.
>
> Last year, the combined wars in Africa killed 200,000 people. AIDS killed 10 times that number. Indeed, more people succumbed to HIV last year than to any other cause of death on this continent, including malaria. And the carnage has only begun.

In addition to the devastating health impact, HIV/AIDS in Sub-Saharan Africa is also threatening to undermine economic, social, and political stability in the region—the very issues which the African Growth and Opportunity Act is intended to address.

In Zimbabwe and Botswana, for example, where roughly one of every four people have AIDS, the disease has cut sharply into population growth with profound consequences. According to Karen Stanecki, chief of health studies for the U.S. Census Bureau:

> The zero growth is coming because people are dying in their young adult years, not after leading full lives and then dying.

People are dying in the years when they're supposed to be most productive.

As World Bank President James Wolfensohn said at the United Nations this past January:

> Many of us used to think of AIDS as a health issue. We were wrong. AIDS can no longer be confined to the health or social sector portfolios. AIDS is turning back the clock on development.

As the HIV epidemic deepens in Africa, it is leaving an economically devastated continent in its wake.

At the most simple level, already impoverished families that must care for a member who is ill with HIV/AIDS find that what little they had to pay for a child's education or invest for the future is now gone.

The United Nations Joint Program on HIV/AIDS found that urban families in the Cote d'Ivoire, known as the Ivory Coast in this country, with a member sick from AIDS cut spending on their children's education in half and reduced food consumption by about 40 percent as they struggled to cover health care costs.

Moreover, as the epidemic has worsened, so have estimates of its effect on African economies, even without taking into account broader human welfare issues.

Indeed, because of the impact of HIV/AIDS, David Bloom, a professor of economics and demography at the Harvard School of Public Health, warns that "The whole economy [in Africa] could unravel."

In "Confronting AIDS," the World Bank factored in labor supply issues and the amount to which health care would be financed out of savings to come up with a "rough estimate" of a 0.5 percent annual reduction in per capita GDP growth. I believe this estimate to be on the low side.

One-half of 1 percent may not seem like much. Indeed, for countries with relatively high growth rates such as Uganda, that kind of reduction will not seem to be immediately crippling, but a lower growth rate has a cumulative effect.

A country whose growth rate is 2 percent a year will increase its GNP per capita by 81 percent in one generation, or about 30 years. Each generation will live much better than the last.

However, if AIDS reduces growth to just 1.5 percent per year, the same country will increase its GNP per capita by only about 50 percent in the same period.

This chart shows the change in per capita GDP caused by AIDS in Kenya. The yellow is a no AIDS scenario, and one can see the enormous rise in GDP. The red is the AIDS scenario, even with the African Growth and Opportunity Act, and one can see how it is consequentially lower.

Thus, in Kenya, for example, UNAIDS estimates that while per capita GDP was estimated to increase from 5.600 Kenyan shillings in 1990 to over 6.000 Kenyan shillings by 2005 without AIDS, with the impact of AIDS per capita GDP will remain stagnant over the same period of time.

Likewise, in South Africa UNAIDS estimates that because of the impact of HIV/AIDS the Human Development Index—which measures the level of human development through a formula based on life expectancy at birth, adult literacy, school enrollment, and real per capita GDP has dropped by over 15 percent from 1995 to the present. That is a 15-percent drop due to AIDS in 5 years. Without HIV/AIDS South Africa's HDI was projected to remain more or less the same.

Finally, the combined effects of HIV/AIDS on health, economic life, the social fabric, and political institutions, has created a genuine threat to future stability and security in sub-Saharan Africa.

That is why, at the initiative of Ambassador Holbrooke and Vice President GORE, the 15-member United Nations Security Council decided to address AIDS earlier this year.

As Secretary General Kofi Annan told the Security Council:

> In already unstable societies, this cocktail of disasters is a sure recipe for more conflict. And conflict, in turn, provides fertile ground for further infections.

And, as Dr. Peter Piot, Executive Director of the Joint United Nations Programme on HIV/AIDS, said:

> Visibly, the epidemic is eroding the social fabric of many communities. In its demographic, social and economic impact, the epidemic has become more devastating than war, in a continent where war and conflict appear to be endemic.

As U.S. Ambassador to the United Nations Richard Holbrooke said, if we do not work with Africa now to address the problems associated with the HIV/AIDS crisis, "we will have to deal with them later when they will get more dangerous and more expensive."

It is in recognition of the destabilizing effects of HIV/AIDS in Africa that the Clinton-Gore administration has taken the step of designating AIDS a threat to U.S. national security interests, as reported the other week in the Washington Post. I believe the administration is to be congratulated for its recognition of the profound effects that this disease is having, and for this effort.

There are many explanations for why this pandemic is sweeping across sub-Saharan Africa: Certainly the region's poverty, which has deprived Africans of access to health information, health education, and health care. Conflict, which has led to increases in refugee flows, and increases in prostitution have also played a role. Cultural and behavior patterns, which has led to sub-Saharan Africa being the only region in which women are infected with HIV at a higher rate than men, may also play a role.

Clearly, in addressing the challenges presented by this disease there needs to be considerable emphasis addressing the health care infrastructure of sub-Saharan Africa and on additional resources for education. I intend to address both these points later.

I also believe that if the international community is to be successful in meeting this challenge, we must make every effort to get appropriate medicine into the hands of those in need.

In the United States and much of the industrialized world, even as sub-Saharan Africa has been ravaged by the impact of HIV/AIDS, we have succeeded, in large part, in turning HIV/AIDS into a chronic disease: not curing it—that must still remain a top priority—but managing it. We have done so, in large parts, by developing effective pharmaceuticals and getting them to those in need.

Indeed., for too many years there were no effective drugs.

I remember, as Mayor of San Francisco, I was the first mayor to implement a program to deal with AIDS in the United States, and remember trying to manage this disease in its early days, when cause, let alone treatment, was unclear; when drugs were simply not available; when HIV/AIDS was devastating our community, and many, many promising young people—many of them my friends—were struck down in the prime of their lives; and when we simply did not know how big the crisis would get, or if our health care system could handle it.

So in some small way, I think I understand what policymakers in many sub-Saharan African countries are now going through.

Now, thanks to recent medical research, we do have effective medicine. For example, some recent pilot projects have had success in reducing mother-to-child transmission by administering the anti-HIV drug AZT, or a less expensive medicine, Nevirapine, NVP, during birth and early childhood.

In fact, new studies indicate NVP can reduce the risk of mother-to-child transmission by as much as 80 percent. Just think of the statistics on orphans and HIV-infected children that could be stopped with four of these pills. NVP is given just once to the mother during labor and once to the child within three days of birth. Three or four pills can mean that a child is prevented from being born with AIDS.

For just $4 a tablet—a little more than the cost of a large latte at Starbuck's, not a lot here but a great deal in Africa—this inexpensive drug regime has created an unprecedented opportunity for international cooperation in the fight against AIDS. Currently, however, less than 1 percent of

HIV infected pregnant women have access to interventions to reduce mother-to-child transmission.

In addition to such drugs as NVP, drug "cocktails" administered in a treatment regimen known as HAART—highly active antiretroviral therapy—antiretroviral drugs can allow people living with AIDS to lead a normal life. And use of the drugs can lead to long-term survival rather than early death. Such treatment has proven highly effective in developed countries, including our own.

Although some pharmaceutical companies may try to tell you otherwise, most antiretrovirals drugs are relatively inexpensive to produce. AIDS Treatment News recently reported that:

> AZT in bulk can be purchased for 42 cents for 300 mg from the worldwide suppliers; this price reflects profits not only to the manufacturer but also to the middleman bulk buyer. The same drug retails at my local pharmacy for $5.82 per pill. This ridiculous price bears no real relation to the cost of production.

Unfortunately—and inexplicably in my view—access for Africans to AIDS medications or "antiretrovirals" is perhaps the most contentious issue surrounding the response to the African epidemic.

According to an article, "Poor Nations Ravaged by AIDS Need the Right Resources" that appeared in the December 1, 1999 issue of the Journal of the American Medical Association:

> For as many years as antiretroviral therapies have been available, AIDS activists have accused pharmaceutical companies of price gouging and challenged them to reduce prices and cut their profit margins on drugs for people with HIV infection and AIDS. In a pilot drug access initiative launched in 1997 in Uganda, Côte d'Ivoire, Chile, and Vietnam, UNAIDS succeeded in negotiating discounts on drugs manufactured by Abbott Laboratories, Bristol-Myers Squibb Co, Glaxo Wellcome Inc, Merck & Co Inc, and Roche Laboratories.
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> In Uganda, the cost of dual antiretroviral drug therapy has been cut from $600 to $250 per month; triple combination therapy that used to cost $1000 per month is now between $500 and $600 (J Int Assoc Physicians AIDS Care. 1999;5:48–60). Dorothy Ochola, MD, coordinator of the drug access initiative in Uganda, said the US Centers for Disease Control and Prevention has offered free laboratory monitoring of patients for 2 years.
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> While the program has helped hundreds of HIV-infected people in Uganda gain access to therapy, it is far from a cure-all. Along with government subsidies for drugs, the initiative offers less expensive drugs for palliative care and opportunistic infections, but patients must pay out of pocket for antiretroviral drugs. With a population of 21 million and the number of HIV-positive persons estimated at 930,000, Uganda's approximately 825 patients receiving antiretroviral drugs through the program are a drop in the bucket.

Unfortunately, it is true that even at reduced rates in all too many cases the cost of combination therapy is beyond the means of most people living with AIDS and governments in sub-Saharan Africa.

Combination therapy in South Africa was estimated at $334 per month or $4,000 per year, and UNAIDS reports that Brazil treated 75,000 people with antiretrovirals in 1999 at a cost of $300 million—or, again, $4,000 per person.

I strongly believe that we have a strong moral obligation to try to save lives when the medications for doing so exist, and it is critical that the United States play a leadership role in the international community to increase access to life-saving drugs.

For example, the United States should not oppose African governments and donor agencies from achieving reductions in the cost of antiretrovirals through negotiated agreements with drug manufacturers.

The British pharmaceutical firm Glaxo Wellcome, a major producer of antiretrovirals, has already stated that it is committed to "differential pricing," which would lower the cost of AIDS drugs in Africa. And I say, hooray; one company. These efforts are to be commended, and it is my sincere hope that companies willing to adopt "differential pricing" will help African countries get the drugs they need at prices they can afford.

Now I will speak about compulsory licensing and parallel importing for a moment.

This is the issue raised by my amendment and now the President's Executive order. The United States must not oppose "parallel importing" and "compulsory licensing" by African governments to lower the price of patented medications so that HIV/AIDS drugs are more affordable, and more people in Africa will have access to them.

Through parallel importing, patented pharmaceuticals can be purchased from the cheapest source, rather than from the manufacturer. Under compulsory licensing an African government could order a local firm to produce a drug and pay a negotiated royalty to the patent holder.

Both parallel imports and compulsory licensing are permitted under the World Trade Organization agreement for countries facing health emergencies—and there can be little doubt that Africa is facing a health emergency of monumental proportions.

My amendment, cosponsored by my colleague from Wisconsin, would have simply codified current administration policy—as the administration has now opted to do itself via Executive order—which states that the U.S. Government will not oppose efforts by governments of the countries of sub-Saharan Africa to supply HIV/AIDS drugs to their citizens through compulsory licensing or parallel importing.

This amendment did not create new policy or a new approach on intellectual property rights under the World Trade Organization agreement on Trade Related Aspects of Intellectual Property Rights, know as TRIPS, nor does it require IP rights to be rolled back or weakened.

There are few in this body as committed to the notion of strict protection of U.S. intellectual property rights as I am.

Just a few years ago, for example, when the United States and China were involved in a dispute over IPR protection for movies, music, and computer software, I worked with the administration to convince China that it was important to respect the rights of the patent holder and live up to its commitments to respect intellectual property rights. And, I am pleased to note, China's record since that time on IP issues has improved.

The compulsory licensing process under my amendment was fully consistent with the WTO's approach to balancing the protection of intellectual property with a moral obligation to meet public health emergencies such as the HIV/AIDS pandemic in Africa.

According to an opinion I solicited from the Congressional Research Service on this question, the amendment I offered:

> . . . would appear to be consistent with the TRIPS agreement since on its face it only prohibits U.S. government authorities, such as the U.S. Trade Representative (U.S.T.R.) From seeking a revocation of law or policy which offers adequate intellectual property rights protection consistent with the TRIPS agreement. . . . The TRIPS agreement permits compulsory licensing under certain conditions. . . .

In other words, despite what some pharmaceutical companies have been saying behind closed doors about this amendment over the past few weeks, this amendment did not weaken intellectual property rights protection one iota. It left the bar exactly where it is right now.

Let me be clear about this: My amendment—and now the President's Executive Order—does not create new policy or a new approach on IP rights under TRIPS, nor does it require IP rights to be rolled back or weakened. All it asked is that in approaching HIV/AIDS in Africa, U.S. policy on "compulsory licensing" and "parallel importing" remain consistent with what is accepted under international trade law.

By doing so, this approach will allow the countries of sub-Saharan Africa to determine the availability of HIV/AIDS pharmaceuticals in their countries, and provide their people with affordable HIV/AIDS drugs.

It was, or so I thought, a simple, common-sense approach to dealing with one facet of one of the most pressing and important national security and international health issues that we face in the coming decades: The HIV/AIDS pandemic currently sweeping across sub-Saharan Africa.

Let me provide one example of why the approach adopted by my amendment, and now the President's Executive Order, is necessary.

On March 14 of this year, Doctor's Without Borders—the medical relief group that won the Nobel Prize last year—sent a letter to Pfizer calling on Pfizer to lower the price of fluconazole, a drug needed to treat cryptococcal meningitus, the most common systemic fungal infection in HIV-positive people, in developing countries.

As the Doctors Without Borders letter notes, in Thailand fluconazole is available for just $1.20 for a daily dose. Yet in Kenya and South Africa, the daily dose costs $17.84, almost 15 times higher. That is unconscionable and is greed in the ultimate.

What accounts for the difference in price?

In Thailand a generic version is available. In Kenya and South Africa the only supplier is Pfizer.

As Bernard Pecoul, director of the Doctors Without Borders Access to Essential Medicines Campaign has noted, "People are dying because the price of the drug that can save them is too high."

As the March 14 Doctors Without Borders letter notes, "While we appreciate that patents can be an important motor of research and development funding, there must be a balance to ensure that people in developing countries have access to life-saving medicines." I could not agree more.

Under pressure from Doctors Without Borders, Pfizer has since agreed to provide free fluconazole to South Africa. This situation never should have existed to begin with.

Without "compulsory licencing" and "parallel importing," which would allow access to cheaper generic drugs, more people in sub-Saharan Africa will suffer and die.

So why, given that it represented a common sense approach to a devastating problem fully consistent with international trade law did my amendment meet such stiff opposition in conference?

After long and hard consideration, I have concluded that there can be only one possible answer to that question: Profits and corporate greed.

Simply put, the pharmaceutical companies which manufacture HIV/AIDS drugs would prefer to be able to sell drugs for $18 a dose rather than $1 per dose, with the additional $17 going straight to fattening the bottom line.

If there was a legitimate policy debate to be had, why did the opponents of including this provision in the bill not wage their fight out in the open?

The answer is because they had no arguments which would stand up to the light of day—so they restricted their activities to attacking this amendment behind closed doors, out of the public view. And they succeeded, in conference, with literally no one in the room except for a few members, in getting this amendment killed.

The pharmaceutical companies who were opposed to this amendment—opposed because they want to squeeze every last drop of profit from the suffering of the millions of HIV/AIDS victims in sub-Saharan Africa—were successful, behind closed doors, in killing my amendment.

The revenue created from the sale of HIV/AIDS-related drugs is staggering.

Crixivan, used to treat HIV infections, produced $675 million in revenue for Merck, in 1998; Zithromax, used to prevent Mycobacterium avium complex in people with advanced HIV infections, produced over $1.04 billion in revenue for Pfizer, in 1998; Fluconazole, used to treat cryptococcal meningitis, produced $916 million in revenue for Pfizer, in 1998; Epivir, used in combination with AZT as a treatment option for HIV infection in adults and pediatric patients that are at least three months old, produced $595 million in revenue for Glaxo Wellcome, in 1998; Combivir, used as a treatment option for HIV infection in adults and adolescent patients that are at least twelve years old, produced $442 million in revenue for Glaxo Wellcome, in 1998; AZT, used for the treatment of adults with AIDS, produced $248 million in revenue for Glaxo Wellcome, in 1998; Taxol, used to treat AIDS-related Kaposi's sarcoma, produced over $1.2 billion in revenue for Bristol-Meyers Squibb, in 1998; Zerit, used for the treatment of adults with advanced HIV infections, produced $551 million in revenue for Bristol-Meyers Squibb, in 1998; Videx, used for the treatment of adult and pediatric patients with advanced HIV that are intolerant to or deteriorating on AZT, produced $162 million in revenue for Bristol-Meyers Squibb, in 1998; Invirase, used for advanced HIV infections, produced $397 million in revenue for Hoffman-La Roche, in 1998; Hivid, used in combination with AZT for patients with advanced HIV, produced $65 million in revenue for Hoffman-La Roche, in 1998; Famvir, used for the treatment of recurrent mucocutaneous herpes simplex infections in HIV-infected patients, produced $172 million in revenue for SmithKline Beecham, in 1998; Gamimune N, used to prevent bacterial infections in HIV-infected pediatric patients, produced $235 million for Bayer, in 1998; Biaxin, used to treat disseminated mycobacterial infections due to Mycobacterium avium-intracellular complex (MAC), produced $1.25 billion in revenue for Abbott Laboratories, in 1998; Novir, used in combination with nucleoside analogues for the treatment of HIV-infections, produced $250 million for Abbott Laboratories, in 1998; Epogen, used to treat anemia related to AZT therapy, produced $1.38 billion in revenue for Amgen, in 1998; Sustiva, used to treat HIV-1 infections in combination with other antiretrovirals, produced $75 million in revenue for DuPont Pharmaceuticals in 1998.

Viramune, used to treat HIV-infected adults experiencing clinical or immunologic deterioration, produced $154 million in revenue for Boehringer Ingelheim, in 1998; Serostim, used for the treatment of AIDS-wasting and cachexia, produced $88 million in revenue for the Ares-Serono Group in 1998; Viracept, used to treat HIV infection when antiretroviral therapy is needed in adults and pediatric patients that are at least two years old, produced $530 million for Agouron Pharmaceuticals, in 1998; and Abelcet, used to treat aspergillosis, a fungal infection, produced $73 million for The Liposome Company, in 1998.

All of the above-mentioned drugs were among the 500 best selling drugs in the world, in 1998.

Driven in no small part by the profits on HIV/AIDS drugs, the pharmaceutical sector has proven to be one of the most profitable corporate sectors in the world. In 1999 pharmaceutical companies had a 18.6 percent return on revenues, which is 17 percent higher than the number two sector on the list, and a 16.5 percent return on assets, which is 7 percent higher than the number two sector on the list.

For shame, for opposing this amendment.

Merck, the producer of Crixivan, had an 18 percent return on revenues and a 17 percent return on assets.

Bristol-Meyers Squibb, the producer of Taxol, Zerit, and Videx, had a 21 percent return on revenues and a 24 percent return on assets.

Pfizer, the producer of Zithromax and Fluconazole, had a 20 percent return on revenues and a 15 percent return on assets.

Abbott Laboratories, the producer of Biaxin and Norvir, had a 19 percent return on revenues and a 17 percent return on assets.

Amgen, the producer of Epogen, had a 33 percent return on revenues and a 27 percent return on assets.

Ironically, the pharmaceutical companies would profit more from the approach embodied in my amendment than they do right now. Presently, most sub-Saharan African countries are not buying these drugs since they can not afford the price tag, so the pharmaceutical companies are not earning any money at all on these HIV/AIDS drugs in these countries. But if sub-Saharan African countries produced HIV/AIDS drugs through "compulsory licensing," or purchased them by "parallel importing," the pharmaceutical companies holding the patents on these drugs would receive royalties.

I have a very hard time understanding how lobbyists behind closed doors prevail on this body, in the middle of a world health crisis, to prevent the use of cheaper drugs when the figures I have documented are decimating these countries in a major public health emergency. I don't know how they sleep at night. I really do not. I don't know how they can look at a country with 1 million or 2 million AIDS-produced orphans and sleep at night. I really do not understand it.

Let me touch for a moment on what else is to be done.

By itself, the approach of the Feinstein-Feingold Amendment, and the President's Executive order, will not solve the problem of HIV/AIDS in Africa. It only addresses one area—an important area, but only one—of a large and complex problem.

As Dr. David Satcher, the Surgeon General of the United States, wrote in "The Global HIV/AIDS Epidemic" in JAMA, the Journal of the American Medical Association, in April 1998:

> More than a decade of experience has taught us how to control HIV/AIDS—we know what works. Many developed countries have successfully checked the spread of the epidemic. While development of therapy and a vaccine continue, prevention must be emphasized. The basic elements of prevention include education, behavior change, voluntary testing and counseling prevention of perinatal transmission, and political commitment. Each country must find the mix of methods appropriate to its particular conditions.
>
> Education about HIV/AIDS is necessary but alone does not change the behavior of populations. Promotion of voluntary testing and counseling must complement education. Testing and counseling break the deadly silence around HIV/AIDS and empower individuals to make informed decisions and change behaviors. Breaking the silence also will begin to diffuse the stigma surrounding the disease. We have seen success with behavioral change in Uganda and Thailand, the only two less-developed countries with extensive capacity for voluntary testing and counseling.
>
> It is known that perinatal transmission of HIV can be reduced by more than 50% by using antiretroviral therapy; however problems with access to these drugs limit their use in some countries. Transmission of HIV through breast-feeding and poor survival of orphans make the avoidance of disease via treatment for perinatal transmission more complex. We continue to work with international organizations, other governments, and pharmaceutical companies to lower costs and expand access to antiretroviral drugs. Current treatment for perinatal transmission, as well as use of antiretrovirals in general, in less-developed countries is also limited by the fact that very few people have been tested for HIV infection.
>
> Treatment of other sexually transmitted diseases (STDs) is important to control the spread of HIV. One of the reasons HIV has spread so rapidly in Africa is that so many STDs go untreated. Untreated STDs break down natural barriers that prevent transmission. Access to even basic treatment for STDs remains a problem for many less-developed countries.
>
> Perhaps most important in the global battle against HIV/AIDS is political commitment. Leaders at the national, provincial, and local levels of government must speak out about HIV/AIDS and encourage businesses and nongovernmental organizations to commit to work against the disease. I was encouraged by U.S. Vice President Al Gore and Deputy President Thabo Mbeki of South Africa, who put the HIV/AIDS threat at the top of the international agenda at the recent meeting of the United States-South Africa Joint Commission. They set an important example for leaders in developed and less-developed countries.
>
> American medicine and public health have an important role to play in the global battle against HIV/AIDS by supporting international organizations such as the Joint United Nations Program on HIV/AIDS, the World Health Organization; and the World Bank.
>
> HIV/AIDS can be likened to the plague that decimated the population of Europe in the 14th century. While the modern epidemic affects people of all age groups, those of working age are at highest risk, posing potentially dire economic, social, and political consequences for the global community. Unfortunately, the world continues to devote greater attention and resources to traditional national security issues such as wars, postponing notice of an epidemic that, if left to spread unchecked, will kill more people than any of the terrible conflagrations that have so marked this century.

Because of the complexity of dealing with this issue, the Clinton-Gore Administration has asked Congress to commit $150 million toward vaccine research and AIDS treatment and prevention programs in Africa.

The Administration's initiative dedicates $100 million for the prevention and treatment of HIV and AIDS in Africa, Asia and other regions, doubling current U.S. funding of AIDS prevention efforts. An additional $50 million will go to the Vaccine Fund of the Global Alliance for Vaccines and Immunizations for research, and the purchase and distribution of vaccines for other infectious diseases in developing nations.

The Administration's initiative, announced by the Vice President this past January, also includes plans for a public-private partnership with U.S. business leaders active in Africa, with a goal of developing workplace education programs designed to end the stigma and "break down the barriers against discussing AIDS."

The Vice President has also proposed specific funding for the U.S. military to work with armed forces in Africa to combat AIDS, an especially important initiative given the high rates of infection among soldiers.

I believe that it is crucial that we provide support for these efforts at least at the level the Administration has called for.

In fact, I am a cosponsor of a bill introduced by my colleague from California, Senator BOXER, which calls for USAID to make HIV/AIDS a priority in foreign assistance funding and authorizes $2 billion over five years, with at least 50 percent targeted at sub-Saharan Africa, for a comprehensive coordinated effort to combat HIV/AIDS, including testing, education, treatment, and the provision of medicines to prevent mother-to-child transmissions.

I should note here that I was also disappointed that the Conference choose not to include an Administration initiative to provide a tax credit for the President's Millennium Vaccine Initiative tax credit proposal. This proposal would create a tax credit to encourage the development of vaccines for malaria, tuberculosis, HIV/AIDS, or any infectious disease that causes over 1 million deaths annually worldwide.

Such a tax credit would encourage the development of a vaccine for HIV/AIDS. As Dr. Seth Berkley, president of the International AIDS Vaccine Initiative has put it: "We need new prevention technologies, and the most critical one is a vaccine. . . . Ultimately, only a vaccine can stop the epidemic."

These actions and policies must be part of a larger development effort if we are to help these sub-Saharan African countries control the HIV/AIDS pandemic.

Debt relief must also be part of a this larger development effort. It is unconscionable that many of these countries are spending more than a quarter of their precious export earnings on debt service payments to bilateral and multilateral creditors. The World Bank is correct when it declares that debt burdens at these levels are unsustainable.

The citizens of most of these countries are extremely poor, and they are burdened with unsustainable debts built up during the Cold War. These debts were accrued during the 1970s and 1980s by unaccountable governments.

Debt service diverts scarce resources away from spending on health care, health education, and poverty reduction initiatives in these countries. Debt servicing absorbs up to 40 percent of national revenue among a majority of countries in sub-Saharan Africa.

We must lead the international community in efforts to write-off unsustainable debts so these countries can spend more money health education, infrastructure and services, as well as other development needs.

Let me conclude and thank the Senate for its forbearance. I am sorry for my display of emotion. I have watched people die of AIDS. I know what it is like. I can't imagine what it must be like in Africa where citizens maybe don't have a home, where they have an enormous cultural taboo attached to it, where there is no food, there is no medicine, and to know that a few pills can prevent the transmission of AIDS to a child for a nominal sum of money, and to know, literally, that in the coming years this could save 5 to 10 million people.

Just to think of what went on behind closed doors by lobbyists for pharmaceutical companies is unconscionable. The TRIPS agreement, the World

Trade Organization, at a time of national health emergency, permits compulsory licensing and parallel importing. For these pharmaceutical companies that have made the kind of money they have made—and I know they will say they spent millions and millions on research and development; I have a member of my family who was director of research for one of the companies that worked on an antiretroviral—the bottom line is every one of these annual reports shows a substantial increase in profit.

Yet in little-known countries in sub-Saharan Africa, people are literally dying by the millions. Today we are considering a trade initiative bill which aims at giving them a better way of life. What is the better way of life if you can't live? What is the better way of life if you are dying of AIDS? What is a better way of life if you were 1 of 5 million orphans born in sub-Saharan Africa? What is a better life if you were born one of these HIV-infected orphans?

I find the act of pharmaceutical companies in opposing this amendment unconscionable.

I thank the Chair for its forbearance, and I thank the Senate. I also thank the administration for doing a major act of conscience in the production of an Executive order which will allow the purchase of these drugs at the lowest possible rates.

### Exhibit 1

### Executive Order

### ACCESS TO HIV/AIDS PHARMACEUTICALS AND MEDICAL TECHNOLOGIES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 141 and chapter 1 of title III of the Trade Act of 1974, as amended (19 U.S.C. 2171, 2411–2420), section 307 of the Public Health Service Act (42 U.S.C. 2421), and section 104 of the Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151b), and in accordance with executive branch policy on health-related intellectual property matters to promote access to essential medicines, it is hereby ordered as follows:

*Section 1. Policy.* (a) In administering sections 301–310 of the Trade Act of 1974, the United States shall not seek, through negotiation or otherwise, the revocation or revision of any intellectual property law or policy of a beneficiary sub-Saharan African country, as determined by the President, that regulates HIV/AIDS pharmaceuticals or medical technologies if the law or policy of the country:

(1) promotes access to HIV/AIDS pharmaceuticals or medical technologies for affected populations in that country; and

(2) provides adequate and effective intellectual property protection consistent with the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) referred to in section 101(d)(15) of the Uruguay Round Agreements Act (19 U.S.C. 3511(d)(15)).

(b) The United States shall encourage all beneficiary sub-Saharan African countries to implement policies designed to address the underlying causes of the HIV/AIDS crisis by, among other things, making efforts to encourage practices that will prevent further transmission and infection and to stimulate development of the infrastructure necessary to deliver adequate health services, and by encouraging policies that provide an incentive for public and private research on, and development of, vaccines and other medical innovations that will combat the HIV/AIDS epidemic in Africa.

*Sec. 2. Rationale:* (a) This order finds that:

(1) since the onset of the worldwide HIV/AIDS epidemic, approximately 34 million people living in sub-Saharan Africa have been infected with the disease;

(2) of those infected, approximately 11.5 million have died;

(3) the deaths represent 83 percent of the total HIV/AIDS related deaths worldwide; and

(4) access to effective therapeutics for HIV/AIDS is determined by issues of price, health system infrastructure for delivery, and sustainable financing.

(b) In light of these findings, this order recognizes that:

(1) it is in the interest of the United States to take all reasonable steps to prevent further spread of infectious disease, particularly HIV/AIDS;

(2) there is critical need for effective incentives to develop new pharmaceuticals, vaccines, and therapies to combat the HIV/AIDS crisis, including effective global intellectual property standards designed to foster pharmaceutical and medical innovation;

(3) the overriding priority for responding to the crisis of HIV/AIDS in sub-Saharan Africa should be to improve public education and to encourage practices that will prevent further transmission and infection, and to stimulate development of the infrastructure necessary to deliver adequate health care services;

(4) the United States should work with individual countries in sub-Saharan Africa to assist them in development of effective public education campaigns aimed at the prevention of HIV/AIDS transmission and infection, and to improve their health care infrastructure to promote improved access to quality health care for their citizens in general, and particularly with respect to the HIV/AIDS epidemic;

(5) an effective United States response to the crisis in sub-Saharan Africa must focus in the short term on preventive programs designed to reduce the frequency of new infections and remove the stigma of the disease, and should place a priority on basic health services that can be used to treat opportunistic infections, sexually transmitted infections, and complications associated with HIV/AIDS so as to prolong the duration and improve the quality of life of those with the disease;

(6) an effective United States response to the crisis must also focus on the development of HIV/AIDS vaccines to prevent the spread of the disease;

(7) the innovative capacity of the United States in the commercial and public pharmaceutical research sectors is unmatched in the world, and the participation of both these sectors will be a critical element in any successful program to respond to the HIV/AIDS crisis in sub-Saharan Africa;

(8) the TRIPS Agreement recognizes the importance of promoting effective and adequate protection of the intellectual property rights and the right of countries to adopt measures necessary to protect public health;

(9) individual countries should have the ability to take measures to address the HIV/AIDS epidemic, provided that such measures are consistent with their international obligations; and

(10) successful initiatives will require effective partnerships and cooperation among governments, international organizations, nongovernmental organizations, and the private sector, and greater consideration should be given to financial, legal, and other incentives that will promote improved prevention and treatment actions.

*Sec. 3. Scope.* (a) This order prohibits the United States Government from taking action pursuant to section 301(b) of the Trade Act of 1974 with respect to any law or policy in beneficiary sub-Saharan African countries that promotes access to HIV/AIDS pharmaceuticals or medical technologies and that provides adequate and effective intellectual property protection consistent with the TRIPS Agreement. However, this order does not prohibit United States Government officials from evaluating, determining, or expressing concern about whether such a law or policy promotes access to HIV/AIDS pharmaceuticals or medical technologies or provides adequate and effective intellectual property protection consistent with the TRIPS Agreement. In addition, this order does not prohibit United States Government officials from consulting with or otherwise discussing with sub-Saharan African governments whether such law or policy meets the conditions set forth in section 1(a) of this order. Moreover, this order does not prohibit the United States Government from invoking the dispute settlement procedures of the World Trade Organization to examine whether any such law or policy is consistent with the Uruguay Round Agreements, referred to in section 101(d) of the Uruguay Round Agreements Act.

(b) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not create, any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

William J. Clinton.

The PRESIDING OFFICER (Mr. Thomas). Under the previous order, the Senator from Wisconsin is recognized.

Mr. FEINGOLD. I ask unanimous consent, at the conclusion of my remarks, a Republican Senator be recognized to speak, if one seeks recognition, and that Senator Hollings be the next speaker recognized to speak thereafter.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, let me first say the senior Senator from California certainly should not apologize for her emotion. If there ever was an issue that deserves such a powerful display of passion and emotion, it is this issue of the AIDS crisis in Africa and the outrageous nerve of these pharmaceutical companies of removing this modest provision that the Senate unanimously placed in the bill in the conference report. It is an abysmal moment.

I thank the Senator for her leadership, her passion, and for her willingness to continue this fight that we all will continue as long as it takes.

Before we go any further with this conference report, I come to the floor to follow on the comments of the Senator from California to make something clear to my colleagues. I think we can do better than this. We have lost our way with this new Africa policy. We have to chart a new course if we are to seek a better world for Africa and for America.

I say this as a Senator, an American, and as a human being who has been to Africa, seen its promise, and been appalled by its suffering. I come here to express my disappointment about the African Growth and Opportunity Act and my deep dismay about how and why the Feinstein-Feingold amendment on the HIV/AIDS crisis was kept out of the conference report.

Very simply, I am talking today about the future of U.S.-Africa policy. We have a role to play in Africa's future and we have to decide what that role is going to be. Some in this body think AGOA is the right example of what our role in Africa's future should be. The African Growth and Opportunities Act supporters believe this legislation is somehow a landmark, that it represents a real opportunity for growth on the continent, a new way of thinking about Africa. They want us to believe, as they believe, that to reject it would be to reject all engagement with the continent and, indeed, to reject all of the enterprise and energy of the people of Africa.

But they are wrong. This bill is deeply flawed. For 7 years I have served on the Foreign Relations Subcommittee on Africa and I have committed myself to supporting democratization, peace, and development in the many countries of that continent. I support engagement with Africa as strongly as any Member of this body. I am deeply concerned about the dearth of economic ties between the people of the United States and those of the African Continent. The current level of trade between us is depressingly small. Africa represents only 1 percent of our imports, 1 percent of our exports, and only 1 percent of our foreign direct investment.

So if the question is, Should something be done to stimulate our trade with Africa, the answer is "absolutely." But I urge this body, let's not pretend we are now somehow debating a comprehensive trade package for Africa, for this bill is not in any sense comprehensive. Let's not fail to address the need to build an environment, an actual environment that will foster and sustain mutually beneficial economic relationships. If we fail to assemble the components of that environment in this trade package, it cannot be called comprehensive, and I would certainly say it should not even be passed.

There really are only two defensible views of this bill. It either does virtually nothing at all, or it does actual harm. This legislation does very little for Africa. The trade benefits we are talking about are not terribly significant, primarily making African states eligible for temporary preferential access to the U.S. markets for textiles and apparel. Many of Africa's primary exports are not addressed at all by this legislation. This legislation does little to address the African context for economic growth and that context is a challenging one. It is a context of boundless potential amid a web of obstacles.

Economic growth in sub-Sarahan Africa faces the obstacle of a staggering $230 billion in bilateral and multilateral debt. Africa's debt service requirements now take over 20 percent of the region's export earnings. How can Africa, to which the Presiding Officer has certainly devoted a lot of his attention, become a strong economic partner when its states must divert funds away from schools, away from health care, and away from infrastructure in order to service this crushing debt burden? How can we talk about economic engagement and simply pay lip service to these painfully obvious realities?

I am sorry to say in several ways I think this legislation actually would do harm. By addressing seriously only one industry, the textile industry, it fails to support the kind of diversification that any economy, including African economies, need to regain strength and stability. I fear AGOA also fails to adequately tackle the serious problem of transshipment.

Transshiment is a practice whereby, for example, producers in China and other third party countries establish sham production facilities in countries which may export to the United States under more favorable conditions. Then these producers ship goods, made in their factories at home and meant for the U.S. market, to the third country. In this case it would be an African country. They pack it or assemble it in some minor way and send it off to the United States of America with a new label "Made In Africa," thereby enjoying all the trade benefits that label would bring.

As I told my colleagues on a number of occasions, and as I think they know, transshipment is really a very serious problem. Approximately $2 billion worth of illegally transshipped textiles enter the United States every year. The U.S. Customs Service has determined that for every $1 billion of illegally transshipped products that enter the United States, 40,000 jobs in the textile and apparel sector are lost.

In this regard, just to give you a sense of the thinking that goes on behind this kind of scam, I would like to share some of the words from the People's Republic of China. This is a quote taken directly from the official web site of the Chinese Ministry of Trade and Economic Cooperation. This is the quote:

> There are many opportunities for Chinese business people in Africa. . . . Setting up assembly plants with Chinese equipment, technology and personnel could not only greatly increase sales in African countries, but also circumvent the quotas imposed on commodities of Chinese origin imposed by European and American countries.

There it is, right on their web page. It is not hard to see that those who would engage in transshipment are not too worried about the protections we currently have in place to guard against it. This same visa system that has failed us in the past is the basis, again, for the allegedly effective AGOA protections. In fact, the African Growth and Opportunity Act does not require that Africans themselves be employed at firms that are receiving the trade benefits. This is progress? If nothing else, I think it raises a red flag for my colleagues, when they consider the African Growth and Opportunity Act. This should be a crystal clear signal: Nothing in this Act ensures that whatever opportunities this legislation may create—there is no guarantee these will be opportunities for Africans, for citizens of African countries.

AGOA does not mention environmental standards at all, but any plan for sustainable economic development must include some notion of environmental protection. I think this is especially true of a continent like Africa where, in some countries, 85 percent of the people live directly off the land. We are all affected when logging and mining deplete African rain forests and increase global warming.

We all lose when species unique to Africa are lost to hasty profit-making schemes, hatched without regard to sustainability or long-term environmental effects. Environmental quality also has serious implications for peace and stability in the region. As we have seen in the Niger Delta, environmental degradation can lead to civil unrest. Responsible trade policies must adequately address human rights and environmental issues, not just because it is the right thing to do but because also in the long run it will create a better business climate for Africans and Americans alike.

In addition, the African Growth and Opportunity Act fails to address the critical role that development assistance ought to play in promoting African growth and opportunity. That failure has raised an alarm here at home and internationally. The perception is that the United States has deluded itself into believing that a small package of trade benefits, benefits which may not actually benefit Africans themselves, can replace a responsible and well-monitored program of development assistance. I am afraid that this inevitably will cast doubt on the U.S. commitment to development in Africa.

I care about each of the objections I just raised to this bill. But let me tell you, just as the senior Senator from California indicated, more than anything else what makes me doubt the U.S. commitment to development in Africa is that this conference report turns a blind eye to the AIDS crisis by excluding the modest Feinstein-Feingold amendment. As the ranking member of the subcommittee on Africa, I have always felt very strongly about the issue of AIDS in Africa. I tried to raise it last year and this year in the context of the Africa trade debate. I raised it on many occasions in meetings with African heads of state.

I applaud the U.N. Security Council's decision to address the crisis earlier this year, and I do support the administration's call to increase the resources directed at this AIDS crisis. But what I cannot support, what I cannot applaud, and what I cannot even understand is how this body can pass up an opportunity to take just one small step toward addressing the AIDS crisis in Africa. I am referring to the Feinstein-Feingold amendment. It was very modest. It simply prohibited Federal money from being used to lobby a government to change TRIPS-compliant laws, allowing access to HIV drugs. Our amendment was taken out in the conference committee. So now this bill, which makes a weak attempt to address Africa trade as it is, does nothing—an African Growth and Opportunity Act does nothing to actually address the HIV/AIDS crisis that affects every aspect of the African economy, not to mention every African life.

We have before us a conference report which does nothing to fight the AIDS crisis that is ravaging Africa, threatening to destroy its economies and decimate its communities. Why? How can it be that we will debate a bill of this nature and ignore the single most important issue facing sub-Sarahan Africa today? Why is it that one modest provision included by this Senate, the Feinstein-Feingold amendment regarding HIV/AIDS drug in Africa, was removed from this bill?

When the Senate was debating that legislation last year, Senator FEINSTEIN and I offered our amendment, which was readily accepted by the bill's managers, Senators ROTH and MOYNIHAN, to address a critically important issue—an issue relating to Africa's devastating AIDS crisis; an issue that has cast a dark shadow on United States-African relations in the past.

Our amendment was simple. It prohibited the U.S. Government or any agent of the U.S. Government from pressuring African countries to revoke or change laws aimed at increasing access to HIV/AIDS drugs, so long as the laws in question adhere to existing international regulations governing trade. Quite simply, our amendment told the executive branch to stop twisting the arms of African countries that are using legal means to improve access to HIV/AIDS pharmaceuticals for their people.

The Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, allows for compulsory licensing in cases of national emergency. Approximately 13 million African lives have been lost since the onset of the crisis. According to the Rockefeller Foundation's recent report, "on statistics alone, young people from the most affected countries in Africa are more likely than not to perish of AIDS." Consider that I say to my colleagues: more likely to perish than not. If these do not constitute emergency conditions, then I do not know what does.

This was a very modest amendment, but the final version of the amendment discussed by the conferees was even more modest. It was a true compromise. It was not as strong as I would have liked it to be, and I worked hard to keep it strong, but even the compromise pushed our policy closer to the right thing. I again thank the Senator from California, Mrs. FEINSTEIN, the Senator from New York, Mr. MOYNIHAN, and the Senator from Delaware, Mr. ROTH, and their staffs for working so hard to keep this amendment in at the conference level.

But despite these efforts, despite the concessions that Senator FEINSTEIN and I made, despite the fact that this is the right thing to do, the Feinstein-Feingold amendment was stripped in conference. The opposition to our amendment is baffling. How do the conferees who killed this provision justify pressuring these countries, where in some cases AIDS has reduced life expectancies by more than 15 years, not to use all legal means at their disposal to provide effective medicines for their citizens? Without broader access to these drugs in Africa, more people will suffer, more people will die—that is a simple fact.

I cannot imagine that ordinary Americans are urging their representatives to oppose the Feinstein-Feingold amendment. I cannot imagine that anyone would try to prevail upon my colleagues to oppose this measure—except perhaps for pharmaceutical companies. The pharmaceutical industry does not fear losing customers in Africa, because they know that Africans simply cannot afford their prices. But they do fear that taking this modest step in this time of crisis could somehow, in some ill-defined scenario in the future, cut into their most important consideration: their bottom line.

That brings me to the calling of the bankroll.

From time to time on this floor when we debate the issues, I review some facts and figures that most of my colleagues are unwilling to discuss.

I have dubbed it the "calling of the bankroll"—a chance for my colleagues and the public to consider not just the issues, but the money that drives the issues in our democracy today.

I can tell you, the pharmaceutical industry is certainly no exception when it comes to playing the political money game—in fact, huge donations to the parties are the rule in the pharmaceutical industry.

I would like to discuss a few of the companies that fought against the Feinstein-Feingold amendment, not in terms of policy, although I have certainly done that and will continue to, but in terms of political donations.

All the figures I am about to cite are for the first 15 months of the current election cycle—all of 1999 and the first 3 months of this year.

I will start with Pfizer, which is one of several pharmaceutical giants that rank among the top soft money donors in 1999, and with good reason. Pfizer and its executives gave more than $511,000 in soft money during the period, including a $100,000 contribution earlier this year. Pfizer was also a top PAC money donor in its industry during the period, with more than $242,000 to Federal candidates during the period.

Then there's Bristol Myers Squibb, another top soft money donor, which, with its executives, gave nearly $529,000 in soft money to the parties, including two $100,000 contributions during the period. Bristol Myers Squibb also gave more than $146,000 in PAC money during the period.

Merck and Company gave more than $51,000 in soft money and nearly $168,000 in PAC money during the period.

And finally, Glaxo Wellcome and its executives gave more than $272,000 in soft money to the parties and gave more PAC money than any other pharmaceutical company during the period—more than $291,000.

Those are the donations of some of the pharmaceutical companies that fought so hard against the Feinstein-Feingold amendment. They are donations that signal influence, power, and political clout—political clout that most Americans could never hope for, and no African living with HIV could ever dream of. In the fight over the Feinstein-Feingold amendment, the pharmaceutical companies clearly got their way, while millions of Africans suffering from HIV and AIDS were left without even one glimmer of hope from this body or this bill.

The people of Africa desperately need hope in the midst of the AIDS crisis. I am going to share some numbers, along the lines of other speakers, that put the staggering AIDS crisis in Africa in stark relief.

The disease is already the fourth biggest cause of death in the world. In at least five African countries, more than one adult in five has HIV.

Economic growth in Africa faces the obstacle of a devastating HIV/AIDS epidemic. In the course of 1998, AIDS was responsible for an estimated 2 million African deaths. That is 5,500 deaths a day. At least 12 million Africans have been killed by AIDS since the onset of the crisis. Africa accounts for over half of the world's cases of HIV. The realities of a continent gripped by this disease are truly horrifying—lines outside cemeteries as families wait to bury the dead, and morgues that operate around the clock, 7 days a week. I am told in Harare, Zimbabwe there are 24-hour morgues.

For Africa's children, it may be most horrifying of all. Eighty-seven percent of the world's HIV-positive children live in Africa. According to World Bank President James Wolfensohn, the disease has left 10 million African orphans in its wake. Their lives are that continent's future. Their chronic illness and their deaths each day erode a little more of Africa's promise. It is difficult to see how the United States can enjoy mutually beneficial trade relations with Africa unless we commit ourselves to addressing the HIV/AIDS crisis on a scale beyond anything we have done before.

In Botswana, Namibia, Zambia and Zimbabwe, 25 percent of the people between the ages of 15 and 19 are HIV positive.

One report by ING Barings, an investment bank, said that almost 19 percent of all skilled workers in South Africa will have HIV by 2015. To make matters worse, food production in southern Africa has been impacted by the crisis. For example, maize production in Zimbabwe declined 61 percent last year due to illness and death from AIDS.

By 2010, sub-Saharan Africa will have 71 million fewer people than it would have had if there had been no AIDS epidemic.

My recent trip to ten African countries only renewed my resolve to address this matter with the urgency and seriousness it deserves.

When we were in Namibia, I saw a group of HIV-positive citizens pull up to a meeting in a van with curtained windows, and they hurried to the safety of the meeting room as soon as they arrived. They were fearful. They were afraid that their identity would be revealed, and that the stigma still attached to the disease would cause them to lose their jobs and maybe even to be disowned by their own families. It was shocking—in a country gripped by the epidemic, people are still afraid to acknowledge the crisis.

In Zambia I visited an orphanage of sorts, where 500 children, many of them orphaned when AIDS killed their parents, gathered by day.

This isn't even an orphanage where you get to stay at night. It is just a place where a bunch of kids who don't have any parents hang out during the day before they go out to the streets at night to sleep. At night, there is only room for 50 of them—the rest must make their own arrangements, and many end up sleeping on the streets, sometimes prostituting themselves—thereby risking exposure to HIV in their own struggle to survive. By the end of this year, an astonishing 10.4 million African children under 15 will have lost their mothers or both parents to AIDS—90 percent of the global total of AIDS orphans.

In Zimbabwe, some estimates indicate that life expectancy has precipitously dropped from 65 to 39 years. Let me repeat that: life expectancy in Zimbabwe dropped from 65 to 39. Walking past the Parliament building one day, I asked how old one had to be to become a legislator there in Zimbabwe. What was the answer? The answer was 40. Life expectancy is 39, but you have to be 40 to be elected to the legislature. That exchange helped me to grasp how far-reaching the consequences of this disease really are—no society is structured in a way that prepares it to deal with an unchecked epidemic like AIDS. In southern Africa, life expectancy at birth is dropping at a frightening rate. According to one recent U.N. report, expected life spans in the region will drop from 59 years in the early 1990s to just 45 by the year 2010.

In July 1999, the National Institutes of Health released a report on the effectiveness of a drug called nevirapine—NVP—in preventing mother-to-child transmission of HIV. Studies indicate that this drug can reduce the risk of mother-to-child transmission by more than 50 percent.

NVP is given just once to the mother during labor and once to the baby within 3 days after birth. It cost $4 per tablet. This relatively simple and inexpensive drug regimen has created an unprecedented opportunity for international cooperation in the fight against the vertical transmission of HIV.

And Uganda is making real headway with regard to prevention. There was a time in Uganda when, of the women coming to the reproductive health clinics, 35 to 40 percent of them tested positive for HIV. But since 1992, the Ugandan Government's very frank and high-profile public education efforts have helped to reduce the incidence of HIV infection by more than 15 percent. Uganda has shown that something can be done. Uganda has demonstrated that prevention can work.

But despite these positive signs, there are many fronts on which there has been very little progress. Virtually no one has access to drugs to treat the disease. Prevention is unquestionably the most important element of the equation, but treatment cannot be ignored. Poverty should not be a death sentence—not when the infectious disease that is destroying African society can be treated.

The AIDS crisis in Africa is exactly what the TRIPS agreement was meant to address. This is a crisis, an emergency on an incomprehensibly vast scale. This is the rare and urgent situation that calls for something beyond a dogmatic approach to intellectual property rights.

If allowing for a TRIPS-compliant response seems expensive, just think how expensive it will be, in the long run, not to do so. Even beyond the human tragedy, there are vast economic costs to this epidemic. AIDS affects the most productive segment of society. It is turning the future leaders of the region into a generation of orphans.

It is simply unconscionable for the U.S. Government to fight the legal efforts of African states to save their people from this plague. I cannot imagine why any of my colleagues would support such action. Those dissatisfied with the TRIPS agreement should focus their efforts on changing it—not on twisting the arms of countries in crisis who seek only to protect their people from sickness and death in a manner that complies fully with international law.

Again, how could the irresponsible and callous decision to strip the Feinstein-Feingold amendment from the conference have been made? I have some idea, as I said before. Some may have bowed to the pressure of the pharmaceutical industry. And some members just don't get it.

But this body has to "get it." We don't have time to posture while HIV infects more than 15,000 young people each day, and the most productive segment of a society is wiped out by disease. We cannot waste precious legislative opportunities as millions of orphans grow up on Africa's streets, without any guidance or education. After witnessing the shocking violence that resulted, in large part, from the masterful manipulation of disenfranchised youth in West Africa over the last decade, I think we all have to take this threat seriously, and acknowledge that the threat is fueled each day by the withering scourge of AIDS that today is galloping through so much of Africa and other parts of the developing world.

Mr. President, until recently this Senate has been moving in the right direction on these issues. I have been pleased to work with many of my colleagues in a bipartisan effort—I do want to mention in particular the Presiding Officer, the Senator from Tennessee for his efforts in this regard—we have worked together to raise the profile of the epidemic and to work toward a comprehensive package aimed at addressing this crisis. It disturbs me a great deal to think that Members of this body have somehow failed to hear us, or perhaps refused to listen.

As long as we fail to grasp the magnitude of the epidemic and its consequences, AIDS will continue to take its terrible toll on families and communities, on economies, and on stability around the world. And as long as we pass legislation like AGOA, we fail to seriously address virtually every crucial aspect of our trade relationship with sub-Saharan Africa.

Everytime we make this kind of weak attempt to improve our trade relationship with Africa, we admit that we are willing to dismiss African countries' problems, and that we are comfortable ignoring the continent's boundless promise.

I care deeply about Africa and about U.S. policy towards Africa, and my colleagues know that. But I am here today not just because of my own concerns, but because of others—because I know how deeply they care about Africa, and I have heard them voice their very serious concerns about AGOA.

African-American leaders ranging from Cornel West to Randall Robinson have opposed the African Growth and Opportunity Act.

Last year, a group of African-American Ministers representing communities from Massachusetts and Mississippi, California and New Jersey, Virginia and Illinois came to Capitol Hill to express their opposition to the African Growth and Opportunity Act. I would like to submit the statement of Reverend Alexander Hurt of the Hurt Inner-City Ministries for the RECORD.

Here is what he said.

> I have never fully felt like an American until the day that I watched my President land in the land of my fathers. It was like introducing two old friends to each other. That the AGOA is in any way associated with that trip is saddest part of this debate. There are millions of African-Americans who, like me, connect the President's trip of Africa with a start of a new kind of relationship between not only Africa and America, but Africa and the West. AGOA closes that possibility. For it represents not a new future, but a return to the past.
>
> America in a period of abundance that is unknown in human history, can not be moved to reach out to Africa to help starving nations. In the end we must decide if we will have a foreign policy that reaches out with a hand toward nations as equals, or with a hammer and pound them into subjection. Few things have changed with America's position toward Africa. What was once done with the canon and the gun is now being done with medicine and debt.

I have heard African voices raise the alarm about AGOA as well as American ones. The Congress of South African Trade Unions, COSATU, has issued a statement opposing the African Growth and Opportunity Act.

A statement issued by 35 African NGOs—including Angola's Journalists for the Environment and Development, Kenya's African Academy of Sciences, South Africa's International People's Health Council and Zambia's Foundation for Economic Progress—strongly opposed AGOA.

Women's groups have spoken out as well. WiLDAF—Women in Law Development in Africa, a coalition of African women and women's advocacy groups, opposes the African Growth and Opportunity Act, as does Women's EDGE, a coalition of international development organizations and domestic women's groups.

The Africa-America Institute organized focus group discussions in eight African countries and the U.S. to foster discussion of proposed U.S.-Africa trade legislation. They found that AGOA will not contribute to African development unless the U.S. and other donor countries also increase investments in African human resource development and take measures to relieve Africa's debt burden.

I know that others have voiced support for AGOA, and I don't question their motives. Some of those supporters believe that this is the only game in town, and that a deeply flawed Africa trade bill is better than no bill at all. They are wrong. This bill should not become law.

Originally, I tried to make this bill better. I proposed alternative legislation, the HOPE for Africa Act. It was based largely on the efforts of my colleague from the House, Congressman JESSE JACKSON, Jr., who has been an important leader on this issue.

The provisions of the HOPE bill pointed the way toward a more comprehensive and a more responsible U.S.-Africa trade policy.

Mr. President, I wanted to amend AGOA to make goods listed under the Lomé Convention eligible for duty-free access to the U.S., provided those goods are not determined to be import-sensitive by the President. These provisions would mean more trade opportunities for more African people.

My proposals clearly spelled out the labor rights that our trade partners must enforce in order to receive benefits. They also contained a monitoring procedure that involves the International Federation of Trade Unions, so that violations would not be glossed over at the expense of African workers.

I proposed stronger human rights language, and incentives for foreign companies operating in Africa to bring their environmental practices there up to the standards that they adhere to at home.

I proposed tough transshipment protections that give American entities a stake in the legality of the products they import. I wanted to be sure that Africans and Americans really would benefit from our U.S.-Africa trade policy.

In that same vein, I proposed that trade benefits be contingent upon the level of African content in products and the employment of African workers.

I proposed that the U.S. re-assert its commitment to responsible, well-monitored development assistance for Africa.

Mr. President, I would have been irresponsible not to propose changes to AGOA to address the factors crippling Africa's economic potential today—debt, HIV/AIDS, and corruption.

I urged this Senate to include anti-corruption provisions, to address debt relief, to prioritize HIV/AIDS prevention and treatment, and to address the issue of Africa's intellectual property laws, to ensure that U.S. taxpayer dollars are not spent to undermine the legal efforts of some African countries to gain and retain access to low-cost pharmaceuticals.

Mr. President, if all of this sounds ambitious, it was. Any plan to seriously engage economically with Africa must be ambitious. We must be willing to do what is necessary to knock down the obstacles to a healthy, thriving and just commercial relationship between the countries of Africa and the U.S. The bill before us falls far short of the minimum meaningful effort. The rhetoric that surrounds the African Growth and Opportunity Act is certainly ambitious. It is the content that is insufficient.

We must demand more of a U.S.-Africa trade bill than AGOA has to offer. Ambitious plans can lead to rich rewards for both America and Africa. Every time we turn our backs on a strong economic partnership with African nations, we pass up an opportunity to bring stability, democracy, and prosperity to the continent.

We can do better than this, Mr. President. We must do better. We have veered dangerously off course with this legislation and with this conference report. It is time to reconsider this bill and the direction of U.S.-Africa policy because, very simply, our current course promises failure of U.S. policy toward Africa and decades more of despair and lost opportunity for Africa's people.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Kentucky is recognized.

Mr. BUNNING. Mr. President, I rise in opposition to the conference report to H.R. 434, the Africa/CBI bill.

This is a bad proposal, and it should not become law. In fact, the only good thing that I can say about it is that it's not as bad as it could have been. Still, it should not pass.

In recent years, we have lost over 5,000 textile jobs in southern Kentucky. Nationwide, we have lost over 100,000 textile jobs since NAFTA. They're gone. They're not coming back.

Now there aren't many left, and I am not going to support any legislation that I believe is going to ship the rest of these jobs overseas.

But, that's just what this bill would do. It would suspend quotas and duties on clothing made from many African-made fabrics. It calls for duty-free imports of T-shirts and fabric from the Caribbean.

In short, it's going to make it cheaper and more enticing for the textile companies to locate overseas, where labor costs are lower, and to take jobs with them.

The bill also extends duty-free treatment to other "import sensitive" items like certain types of watches, electronic articles, steel products, footwear, handbags, luggage, and glass products.

I respect the good intentions of those who support this bill in wanting to help poor countries in Africa and the Caribbean. But I don't think we should do that at the expense of American workers and their jobs.

Furthermore, this bill simply looks like a one-way street to me. It makes it easier for African and Caribbean nations to import products to the United States, but as far as I can tell it doesn't do much for the United States.

Of course, our economy is a lot bigger and stronger than all of their's put together, but that doesn't mean we just give away part of the store for free.

Mr. President, I believe strongly in free trade. I have long supported fast-track legislation to give the President broad authority to negotiate trade agreements. And I voted for the GATT legislation the last time it came before Congress.

But I also believe in fair trade, and this bill isn't fair.

As I said earlier, this bill is bad but it is not as bad as it could have been. When Congress first started working on this bill over 5 years ago, it was intended to provide NAFTA-like treatment to imports from Caribbean nations. Fortunately, this bill doesn't go that far.

But, it still follows the same flawed concepts that are behind NAFTA and have driven at least 7,000 Kentucky jobs south to Mexico.

Supporters of this bill say that economic growth and investment in African and Caribbean nations will benefit us in terms of increased exports and increased domestic employment because of those exports.

Of course we want healthy economies in this area to help strengthen the growth and stability of democracy. But it doesn't make sense to sacrifice a United States industry to do it.

As I pointed out on the Senate floor last year, the Caribbean Basin apparel and textile business is already booming. Last year, apparel and textile exports from the Caribbean and Central America to the United States grew 9 percent, double that of the United States economy.

Passing this bill simply rewards the U.S. companies that have already moved offshore, and entices others to do the same. In the process, we stand to lose another 1.2 million jobs in the apparel and textile industry.

We keep talking about creating a level playing field when it comes to fair trade. But this bill pulls the field right out from under U.S. industries which have already had an uphill fight just to stay alive.

This is a flawed bill and I'm going to vote against it. I just don't see where it's in our interest to make it easier for other countries to compete with American industries, and to entice U.S. companies to relocate abroad.

This bill is not fair to the American worker.

I urge my colleagues to oppose it and any amendments that even try to make it better.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized.

Mr. HOLLINGS. Mr. President, as one would say on the bill affecting textiles, in the famous words of President Reagan, "Here we go again."

This is about more than textiles and textile jobs. It involves the economic strength of the Nation. It involves its political strength. The middle class is disappearing fast. We talk about the digital divide. I want to comment on the disappearance of the middle class itself.

Let me go right to textiles.

I was a witness some 40 years ago relative to the textile industry. In that particular time period, 10 percent of America's consumption in textiles was going to be represented in imports. That was a threat not only to industry itself but to the Nation.

Specifically, I testified before the International Trade Commission. At the time, President Eisenhower was in office. We went by to see General Persons, his Chief of Staff. He said: Don't worry, you will win the case. But in June we got an adverse decision.

At that time, with that adverse decision, I went to our friend, Senator John F. Kennedy, a candidate for the Presidency of the United States, and discussed at length the particular problem. We agreed on an exchange of letters, so to speak, with me outlining the problem, and in turn Senator Kennedy outlining what he thought would be a solution.

We all know then, that Kennedy was elected President. Early in 1961, we had a conference at the White House. He said: In line with what I outlined to you in the campaign, I want it to come under the national security provisions of our trade laws.

So, hark, ye, all who talk and lament that we haven't passed a trade bill in 6 years. It is a good thing we did not pass one, because what we really need to do is get competitive and stop treating foreign trade as foreign aid. This is not a Finance Committee. This is a Foreign Relations Committee. It is a giving away the manufacturing backbone of the United States of America.

Under that national security provision to protect the textile and apparel industry, you had to have a hearing and a determination that the particular commodity, or article, or product was important to our national security.

I will never forget it. We set up the hearing with Secretary Ball—he was the undersecretary for Dean Rusk at State—Secretary Goldberg of Labor, Secretary Freeman of Agriculture, Secretary Hodges of Commerce. A few people remember that Senator Kennedy had a bipartisan Cabinet with a Republican Secretary of the Treasury, Mr. Dillon, and a Republican Secretary of Defense, Mr. McNamara.

We had those five. We brought the witnesses. They made the finding that, next to steel, textiles were second most important to our national security. I remember the particular "wag" at that time, that, look, you couldn't send them to war in a Japanese uniform. So we had to be able to make the clothing and the uniforms.

As a result, President Kennedy on May 13, 1961, promulgated his Seven-Point Program relative to the importation of textiles.

Mind you me: We feared at the time that 10 percent of America's consumption in textile products was being imported or just about to be imported.

As I look at the Chamber now, two-thirds of the clothing I am looking at is imported—not 10 percent. With this particular conference report, there isn't any question that certain parts of the textile industry will immediately disappear, and the rest of it in a 4- or 5-year period will be on the ropes.

You say: Why, oh, why, Senator from South Carolina, are you objecting? Because the American Textile Manufacturers Institute is in favor of the conference report

That selfish crowd. I call them selfish in a studied way. I authored five textile bills that have gotten through this Senate. I had four of those textile bills go through the House and the Senate, and four of them were vetoed. I know from whence this particular Senator got the votes for these bills. Yes. It was the apparel group in America, the ones who make the clothing.

The little ditty is: We produce for America. We have the fine middle-class jobs, and we are working around the clock. And, yes, we are the most productive textile workers in the world.

The industry itself has invested some $2 million a year over the past 15 years, keeping up with modernization, with the best of machinery, the best of approaches in employment.

I have made many a sneak through and they don't want to let a Democrat in the plant. But I would sneak in on one floor and duck down into the plant on the bottom floor. It is totally automated in the weave room with the looms, spinning away. They used to have 115 employees, and now have only 15. They have cut back on the employees and put in the most modern machinery. The worker, the machinery, and the industry is the most productive. It is not a question of productivity. We don't have to get globalization and competition so we can make them productive. The politicians run around on the floor of the Senate and some of them have never worked for a living. They don't know what productivity is.

We have quite an opposition. Let me say a word about that. When we first started out, we only had, say, the Japanese Government, with their representatives coming in to talk. But soon after, Chase Manhattan and Citicorp made a majority of their money outside of the United States.

So, in addition to Koreans and Japanese, now we have the international banks. Along with the international banks came the international groups funding campus studies with contributions and they began to get the expert studies off the campuses with the consultants. So we had the banks, the universities, the consultants, and the foreign operation. Then, of course, we had the retailers. They wanted to sell a cheap product. So we had the National Retail Federation. They are the biggest supporters of the print media in America, the newspapers. They make their money off of retail advertising. So we have these editorialists, who never bit into customs or the trade practices, writing about free trade, free trade, free trade.

So we have the retailers. Then go to the book "Agents of Affluence," published about 10 years ago. At that time, Japan was paying $113 million for over 100 representatives in Washington, DC, to look out for their industry, their game of market share.

This bill is all backed up. The white tent is out. We saw it in NAFTA. Only they are afraid to bring the tent down. They are meeting in the White House itself. They are all getting together and running around with the former Presidents, the former Secretaries of State. The former chairman of the Finance Committee, the distinguished ranking member, Senator MOYNIHAN of New York said: When a freshman at City College of New York, I heard that corporations ran America. He was telling corporate America to get out and get the vote.

We had that crowd and we have my ATMI, which is my point. They don't know from "sic 'em" about competition. They know extremely well how we got the votes from Evelyn Dubrow and the apparel workers of America. That's how we passed those bills. The cloth manufacturers have divorced themselves from the apparel manufacturers and said: Fend for yourself. We've got a better offer and we are going to start free trade. It doesn't make any difference so long as we can get fabric forward. If we can get the cloth, we can sell it to them in Africa, in the Caribbean or in Mexico. We will let any trade bill go so long as we can sell. But fend for yourself. You are out of business.

Let me tell you how many jobs we have now that are bound to be gone because the States will be inundated. Alabama has presently 26,500 apparel jobs. Goodbye, Alabama. I want to see those Senators come here now.

California, 146,900 textile, middle-class American jobs, earning $8 and sometimes $10 or more an hour. Middle class—I want to emphasize that. Henry Ford said he wanted to make sure the person manufacturing his product was capable of buying it. So he put in the wage scale which allowed that and he started developing a strong middle class.

Florida, let's see the Florida Senators come here and say: Free trade, free trade. Forget about the 19,700 apparel jobs. They are gone. Why?

Because of us, because of us as Senators and Members of Congress, setting the standard of living for industrial America. We say before you can open up that ABC Manufacturing Company, that what you need do, first, is have a minimum wage, then Social Security, then Medicare, then Medicaid, then plant closing notice, then parental leave, then clean air, then clean water, then safe working machinery, then a safe working place—or we sent OSHA after you. Republicans and Democrats all agree, before you open the front door, you better have all of that in the plant or you are in violation of Federal law. You are out of step with the standard of American living.

But if you can take off and get your T-shirts made in Bangladesh, you have none of those requirements, and pay one cent an hour. In Burma, it is 4 cents an hour. In China, it is 23 cents an hour. In the country of Colombia, it is 70 to 80 cents an hour. In the Dominican Republic, it is 60 cents an hour. In El Salvador, it is 59 cents an hour. In Guatemala, it is 37 to 50 cents an hour. In Haiti, it is 30 cents an hour. In Honduras, 43 cents an hour. In India, 20 to 30 cents an hour. In Indonesia, 10 cents an hour. Malaysia, $1 an hour. Mexico, 50 to 54 cents an hour. Nicaragua, 23 cents an hour. Pakistan, 20 to 26 cents an hour. Peru, 90 cents an hour. The Philippines, 58 to 76 cents an hour. Romania, 24 cents an hour. Sri Lanka, 40 cents an hour. Thailand, 78 cents an hour.

As you well know, 30 percent in manufacturing is your labor cost, and you can save as much as 20 percent by transferring your production offshore to a low-wage country. That is, maintain your executive office, maintain your sales force, but with a company of $500 million in sales, transfer the production to Mexico or a low-wage country offshore and you can make $100 million before taxes. Or you can continue to work your own people and go broke. That is the trade policy of this wonderful Finance Committee that runs all over the floor, bleating and wailing and wondering: Oh, what are we doing for Africa? Isn't this a grand thing we have for the Caribbean and everything else, with no regard to the reality.

They taught us early on, at the beginning of the war in artillery, no matter how well the gun is aimed, if the recoil is going to kill the guncrew, you do not fire. The aim is good.

I would like to put in a Marshall Plan for Mexico. It is a fine business. Let's help the Caribbean, let's help Africa, let's help anybody. There is hunger in the world so let's find it and help with it. But this crowd, wow, they are not going to pay for anything—nothing. They are not going to have any regard from whence they came and the strength of America itself.

Two-thirds of the garments already coming in are imported. In Georgia, there are 26,100 apparel workers; Kentucky, 18,900; Maine, 2,600; Massachusetts, 10,400; Mississippi—the distinguished majority leader said it is a wonderful thing. I want him to go back and tell these 16,600 apparel workers it is the last call for breakfast.

In my beginning days, they used to have that early morning program, the "Breakfast Club," in Chicago, the Stevens Hotel, with Don McNeil. They would get to the very end and they would say: "It is the last call for breakfast." I can hear the music now. This is the last call for Texas, certainly the last call for the apparel workers, because they are gone. Goodbye Mississippi, 16,600 will be applying for unemployment compensation or going—where? I will tell you where they are going. I think we had a list from the Department of Commerce of these great jobs. I will tell you where they are.

You say: Wait a minute, Senator. How about that employment rate? We have such low unemployment.

Here is where they are going: cashiers, janitors, cleaners, retail salespeople, waiters and waitresses, registered nurses, systems analysts, home health aides, security guards, nursing aides, anything they can get that they can possibly do—for less pay, obviously. In fact, the retail workers, they found out you can hire them as independent contractors and you don't even have to pay for their health care. They have every gimmick in the book to squeeze that middle class here in the United States and bring them down to nothing.

So it goes, for New York, the Senators from New York, I want to inform them, advisedly, there are 74,700. There is no one I respect more, of course, than the senior Senator from New York and the senior House Member, my friend, CHARLIE RANGEL. But if I had CHARLIE here I would say: CHARLIE, 74,700: Going, going—gone. This vote is fixed. That is why we have this exercise here.

They talk about the most deliberative body. They do not call a thing until it is greased; the jury is fixed. Then, after you have gotten the vote of the jury, then you let them talk because it is all over.

North Carolina, 38,300; Pennsylvania, 34,900; South Carolina, 18,500; Tennessee, 23,500; Virginia, 12,900—those are the apparel jobs that are going, going, gone once we get this conference report voted on by tomorrow, I take it. It will go to the President. They will all stand around with big smiles in the Oval Office: Look what we have done. We understand humankind. We want to help sub-Sahara. We want to help the Caribbean.

Let me get right to the point with respect to the apparel versus the cloth manufacturers. As you well know, the manufacture of the fabric itself is capital intensive, so that is why they have not caught up with them yet. But now they are beginning to build those facilities down in Mexico. So, as I said a minute ago, it will be about 5 years and then they will have their own fabric manufacturers down there shipping into the American market. Otherwise, all that fine Japanese machinery that we have in American plants, all of a sudden the price is going to go up. They know how to compete. Our trade policy is anything but reciprocal.

Cordell Hull said "reciprocal free trade." My friend, the distinguished Senator from New York, gets with Smoot-Hawley and Cordell Hull and how we started the reciprocal trade agreements in the 1930s, and we have been for freedom.

Not so at all. No. The very Congress that passed the reciprocal free trade, historically they put in subsidies for agriculture in Montana—yes. Subsidies for agriculture in Montana, and protective quotas. Do not give me free trade for agriculture, you will not get my vote. No, sir, I am not for free trade for agriculture because our protections, our subsidies have made America's agriculture the showcase of the world. We feed ourselves and 15 other countries.

But wait until the China bill. I can't wait for that one to come. They are trying to sell the farmers a bill of goods. There are 3,338,000—go look at the record at the Department of Agriculture. There are 3,338,000 farmers in America. In China, they have 700 to 800 million farmers. They talk about the percentage of arable land. Do not be getting along with that percentage of arable land and everything else. We already have a deficit in the balance of trade in cotton with China. In wheat and cereals and corn and other feedgrains, we had a plus balance 4 years ago, with the country of China, of 440 million. It is down last year to 39 million. You watch them, in 2 years they will have a plus balance. They will be shipping us wheat. But you are going to hear these farmers out on the floor bleating—whoa, we have China free trade for America's agriculture.

So with the wrong facts they have to go to the Department of Agriculture and go to the People's Republic of China and see exactly what they are doing. Actually, they have a glut in the People's Republic of China in agriculture. They do not have the transportation. They do not have the distribution. They do have hunger. But mind you me, when they solve that transportation and distribution problem, then they will be feeding the world like we have been bragging. And the farmers will be coming up here again.

Like that Freedom to Farm, we gave them that sort of freedom to farm. They came up and got, I think it was, $7 or $8 billion last year. They are looking for another $6 billion here. You know that is the crowd that looks to me, the textile Senator, saying: Free trade, free trade, free trade, the whole time they are drooling at those subsidies, those protective quotas, you know; looking at me like something is wrong, that I do not understand how to be nice in this world globalization.

So here we go. Since NAFTA alone, we have lost, in the United States, 440,000 textile and apparel jobs—440,000.

I know in South Carolina we have lost 37,000 textile and apparel jobs since NAFTA. This is from the Bureau of Labor Statistics. Remember, we were going to create 200,000 jobs with NAFTA. Oh, we were going to do everything. We were going to solve the drug problem. We were going to solve the immigration problem. We were going to create jobs. And we have gone from a $5 billion-plus balance of trade with Mexico to $23 billion minus, a deficit in the balance of trade. The average Mexican worker has less take-home pay today than prior to NAFTA. It has not helped anybody, but they are talking now about NAFTA for Africa and NAFTA for the Caribbean.

I could get into that at length with respect to the disparity in tariffs, with respect to our own quotas. They are being phased out by 2004.

Let me go to the main thrust of my point this afternoon, and that is the importance of these middle-class jobs to the economy. I will never forget a seminar in Chicago in the early eighties with Akio Morita, the chairman of the board of Sony. He was lecturing about Third World countries, emerging countries. He said the Third World countries had to develop a strong manufacturing sector in order to become a nation state. Then, pointing to me, he said: And, by the way, Senator, the world power that loses its manufacturing capacity will cease to be a world power.

Was Morita making some original observation? Not at all. Alexander Hamilton made the same observation to the British in the early days of 1789. The British corresponded with the fledgling Colonies and said: Now that you won your freedom, you trade with us what you produce best, and we will trade back what we produce best—David Ricardo, the Doctrine of Comparative Advantage.

Mr. Alexander Hamilton wrote a booklet. It is at the Library of Congress, if someone on the Finance Committee wants to read it. In a word, Hamilton told the British: Bug off; we are not going to remain your colony; we are not going to export to you our agriculture, our foodstuffs, our cotton, grain, indigo, our timber and iron ore and import from the mother country the finished product; we are going to develop our own manufacture.

The second bill that ever passed with respect to the National Congress, in which I am privileged to serve, the second bill—the first bill was the Seal of the United States—the second bill, on July 4, 1789, was a tariff bill of 50 percent on 60 different articles. We started this economic giant, the United States of America, with protectionism.

Abraham Lincoln followed it in the building of the transcontinental railroad. They said: Mr. President, we can get the steel from England. He said: Not at all. We will build our own steel plants, and when we are through, we will not only have the railroad, we will have the steel capacity.

Roosevelt, in the darkest days of the Depression, passed import quotas on the subsidies for America's agriculture.

Dwight Eisenhower in 1955 put quotas on oil.

We have practiced, more or less, a protected trade policy—we have many tariffs on many things still—while we have bleated: Free trade, free trade, free trade, and joined the chorus: I like fair trade; I like a level playing field.

Do not give me a level playing field. I want to trade to my advantage and my interests. Business is business, and the game is market share. The Japanese have set the tone, the practice, and the policy in the Pacific rim, and the Europeans are following.

Let's talk China. There is not a deficit in the balance of European countries. The European countries have a plus balance of trade with China. What do we have with this "free trade, free trade"? We have $68 billion deficit and growing. That is not the most recent figure, but $68 billion is the most authoritative figure I can give right now, and it is getting worse every day. They know how to trade and how to administer. We actually export about the same to Belgium and Singapore than we do to the 1,300,000,000 Chinese in the People's Republic of China.

Talk about exports, exports, exports, and the wonderful agreements—we will have plenty of time to get into those agreements. They want to continue that so we will not have even a touch of sobriety. Give us one chance at bat to sober America up because America is becoming very anxious and very concerned.

The Nation's strength of security is like a three-legged stool: We have the one leg, the values of the Nation, and that is unquestioned. The people the world around admire the United States of America. We have stood for years on end for individual rights, human rights, and democracy. I can talk on that because I am so proud of this country.

The second leg is the military, which is also unquestioned.

The third leg is the economic leg that has been fractured in the last 50 years and needs refurbishing, strengthening, and rebuilding. I say fractured, I emphasize intentionally fractured.

I heard the distinguished Senator from Iowa say, since 1945, look at the commerce, the commerce, the commerce. We were just like England in 1789. We had the only industry, the only production. In 1945, Europe was devastated and the Pacific rim was devastated. We were looking for customers. We were looking for buyers. We had production. Yes, we said free trade, free trade. Concurrent with that, we instituted the Marshall Plan and sent the money. We instituted along with that plan the machinery and the expertise. We sent it overseas in the contest between capitalism and communism, and it has worked. After 50 years, we can stand proudly and say it has worked. Capitalism has defeated communism. We are all proud of that and the sacrifice that went along with it, because in those days of 1945 we were willing to sacrifice. Today, we are not willing to sacrifice to save America itself—the middle class and the economic strength of our society.

What happens is we have been engaged in this for some time and, as a result, we have treated foreign trade as foreign aid. I think of Akio Morita and losing manufacturing capacity. In 1945, we had 41 percent of the workers in the United States engaged in manufacturing. In the year 2000, we are down to 14 percent.

In the nineties, in the United States, we have lost some 779,000 manufacturing jobs and in South Carolina, my State alone, some 40,500. The industrial strength is fast diminishing.

I look at the different things about textiles, but I look also at the ratios of imports to consumption and what we are going to manufacture for ourselves. Let's see.

As a young Governor, they looked at me at that hearing I told you about, at the very beginning, and said: Governor, what do you expect them to make? Let them make the shoes. Let them make the clothing. And we will make the airplanes and the computers.

My problem today is, they are making the shoes, they are making the clothing, and they are making the airplanes and the computers. And so it is.

Certain industrial thermal-processing equipment, 48.9 percent—almost half of what we consume is imported—67 percent of textile machinery and parts used in the United States we have to get from abroad; 55.3 percent of the machine tools for metal forming and parts; 51.9 percent of semiconductor manufacturing equipment and robotics—we import it.

I remember one good thing President Reagan did was to put in SEMATECH. He saved Intel microprocessing. Everybody is running around here falling over each other after that Silicon Valley money: high tech, high tech. We have somebody here from high tech. Bill Gates walks around convicted of violating the Sherman antitrust law but you would think he is a visiting potentate. All the little staffers and Senators streaming behind him as he goes through the Halls. And then I go to another policy meeting, and they announce we have another microprocessing, high tech, Silicon Valley.

Let's get right to the point. Microsoft has 20,000 employees in Seattle and Boeing of Seattle has approximately 75,000. They are in the manufacturing. General Motors has 250,000. Mind you me, they are not satisfied in high tech. They want to do away with the income tax, the capital gains tax, the estate tax. They want to do away with 200 years of State tort law—Y2K. They want to do away with the immigration laws because—why?—they can import the Indians and the Filipinos in here next to nothing.

Generally speaking, America Online has a service center now in the Philippines. Call them and ask them. My light bill in South Carolina is run through India. But high tech, high tech—they are all in a heat to see. Who is fooling whom. They are after the money. High tech is after the exemptions. They do not want to pay their wage. So there you go.

Right to the point, why do you think that the march in Seattle—I am not talking about the crazies who came up there from Eugene, OR, and broke up the town; I am talking about the march in Seattle in December; the AFL-CIO, the responsible individuals—that march was led by Boeing machinists. Why? Read Bill Greider's book "One World, Ready or Not" and you will see that much of that Boeing 777, before it can be sold in downtown Shanghai, has to be made in downtown Shanghai. So they are taking the airplane jobs there.

Or pick up the morning paper and you will see the automobile jobs in China that are being taken from us. All the time I have to hear that nauseating chant: free trade, free trade. Yes, I am for free trade. All the interviewers. GE owns NBC. The president of GE, Jack Welch, told everybody to go down to Mexico: All you suppliers, you aren't going to be a GE supplier because I can get it cheaper. I will show you that article in "Business Week."

Let's go right down to boilers and turbines; 44.4 percent of what we consume has to be imported; electrical transformers, 43.2 percent; aircraft engines and gas turbines, 70.3 percent; motorcycles, 48.5 percent; aircraft, 45.7 percent—we used to have 100 percent of that business—office machines, 47.2 percent; microphones, loud speakers, audio amplifiers, and combinations thereof, 77.9 percent; tape recorders, tape players, video cassette recorders, turntables, compact disc players, 100 percent; radio transmission and reception, 57.9 percent of what we consume—used to be made by middle-class America; no longer—television apparatus, including cameras, camcorders, and cable apparatus, 68.5 percent.

I remember when Zenith had their case, and their competitors had been found in violation for dumping. And the International Trade Commission in a unique decision held for Zenith—because they usually cancel out the trade administration—but the trade commission exacted the penalty. And the last stop, of course, was in the White House, in the Oval Office, where the President had the authority to cancel it out.

The Cabinet all around the table, they all voted to enforce the decision of the International Trade Commission. And in walked President Reagan. He said: I just talked to Nakosone and we are not going to do that.

You see, yes, it has been wonderful. It has been fine. It has worked. We have peace in the world—whatever—and we have a booming economy. But in a booming economy, you have to look at the consummate, the concurrent effect here.

Electrical capacitors and resistors, 69.5 percent; automatic data processing machines, 51.6 percent.

I read this because colleagues in the Senate say: There he goes again on textiles. I have given up on textiles. I resign. I quit. When the ATMI tackles me from behind, and they leave out the people who have been getting the votes—the polls all taken—poor old Jay Mazur, poor Evy Dubrow, and the rest of them—and unit, and the others who have been working together—Seth Bodner, the knitwear folks, the apparel folks—I just have to say it is gone. This bill is passed.

But while it passes, we have to have a stop, look, and listen at the crossing and realize that 62.2 percent of clocks and timing devices that we use in America are now imported; watches, 100 percent—apparently we do not manufacture them anymore—drawing and mathematical calculating and measuring instruments, 71.4 percent; luggage, handbags, and flat goods, 79.7 percent; musical instruments and accessories, 57.2 percent; umbrellas, whips, riding crops, and canes, 81.1 percent; silverware, 59.9 percent. We can go to precious jewelry, which is 55.8 percent imported.

They have different clothing and all—sweaters, 76.4 percent; robes, nightwear, and underwear, 68.8 percent—right on down the list.

I ask unanimous consent to have printed in the RECORD this compilation of the import penetration of these articles.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*Ratios of imports to consumption*

[In percent]

| | |
|---|---|
| Certain industrial thermal-processing equipment and certain furnaces | 48.9 |
| Textile machinery and parts | 67.0 |
| Metal rolling mills and parts thereof | 46.6 |
| Machine tools for cutting metal and parts | 48.1 |
| Machine tools for metal forming and parts thereof | 55.3 |
| Semiconductor manufacturing equipment, robotics | 51.9 |
| Boilers, turbines, and related machinery | 44.4 |
| Electrical transformers, static converters, inductors | 43.2 |
| Molds and molding machinery | 44.8 |
| Aircraft engines and gas turbines | 70.3 |
| Automobiles, trucks, buses, and bodies and chassis of the foregoing | 40.6 |
| Motorcycles, mopeds, and parts | 48.5 |
| Aircraft, spacecraft, and related equipment | 45.7 |
| Office machines | 47.2 |
| Microphones, loudspeakers, audio amplifiers, and combinations thereof | 77.9 |
| Tape recorders, tape players, video cassette recorders, turntables, and compact disc players | 100 |
| Radio transmission and reception apparatus, and combinations thereof | 57.9 |
| Television apparatus, including cameras, camcorders, and cable apparatus | 68.5 |
| Electric sound and visual signaling apparatus | 49.9 |
| Electrical capacitors and resistors | 69.5 |
| Diodes, transistors, integrated circuits, and similar semiconductor solid-state devices | 45.2 |
| Electrical and electronic articles, apparatus, and parts not elsewhere provided for | 49.1 |
| Automatic data processing machines | 51.6 |
| Optical goods, including ophthalmic goods | 51.5 |
| Photographic cameras and equipment | 63.8 |
| Watches | 100 |
| Clocks and timing devices | 62.2 |
| Drawing and mathematical calculating and measuring instruments | 71.4 |
| Luggage, handbags, and flat goods | 79.7 |
| Musical instruments and accessories | 57.2 |
| Umbrellas, whips, riding crops, and canes | 81.1 |
| Silverware and certain other articles of precious metal | 59.9 |
| Precious jewelry and related articles | 55.8 |
| Men's and boys' suits and sportcoats | 47.5 |
| Men's and boys' coats and jackets | 62.5 |
| Men's and boys' trousers | 50.4 |
| Women's and girls' trousers | 56.4 |
| Shirts and blouses | 62.9 |
| Sweaters | 76.4 |
| Women's and girls' suits, skirts, and coats | 59.0 |
| Robes, nightwear, and underwear | 68.8 |
| Body-supporting garments | 42.8 |
| Neckwear, handkerchiefs, and scarves | 46.7 |
| Gloves, including gloves for sports | 76.1 |
| Headwear | 54.1 |
| Leather apparel and accessories | 67.2 |
| Fur apparel and other fur articles | 81.7 |
| Footwear and footwear parts | 84.2 |

Mr. HOLLINGS. It has 84.2 percent on footwear. So 85 percent of the shoes on the floor here in the Senate Chamber are imported.

I ask unanimous consent to have printed in this particular list from the International Trades Commission.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

*1998 Ratios of Imports to Consumption*

[In percent]

| | |
|---|---|
| Certain industrial thermal-processing equipment and certain furnaces | 48.9 |
| Textile machinery and parts | 67.0 |
| Metal rolling mills and parts thereof | 46.6 |
| Machine tools for cutting metal and parts | 48.1 |
| Machine tools for metal forming and parts thereof | 55.3 |
| Semiconductor manufacturing equipment and robotics | 51.9 |
| Boilers, turbines, and related machinery | 44.4 |
| Electrical transformers, static converters, and inductors | 43.2 |
| Molds and molding machinery | 44.8 |
| Aircraft engines and gas turbines | 70.3 |
| Automobiles, trucks, buses, and bodies and chassis of the foregoing | 40.6 |
| Motorcycles, mopeds, and parts | 48.5 |
| Aircraft, spacecraft, and related equipment | 45.7 |
| Office machines | 47.2 |
| Microphones, loudspeakers, audio amplifiers, and combinations thereof | 77.9 |
| Tape recorders, tape players, video cassette recorders, turntables, and compact disc players | 100 |
| Radio transmission and reception apparatus, and combinations thereof | 57.9 |
| Television apparatus, including cameras, camcorders, and cable apparatus | 68.5 |
| Electric sound and visual signaling apparatus | 49.9 |
| Electrical capacitors and resistors | 69.5 |
| Diodes, transistors, integrated circuits, and similar semiconductor solid-state devices | 45.2 |
| Electrical and electronic articles, apparatus, and parts not elsewhere provided for | 49.1 |
| Automatic data processing machines | 51.6 |
| Optical goods, including ophthalmic goods | 51.5 |
| Photographic cameras and equipment | 63.8 |
| Watches | 100 |
| Clocks and timing devices | 62.2 |
| Drawing and mathematical calculating and measuring instruments | 71.4 |
| Luggage, handbags, and flat goods | 79.7 |
| Musical instruments and accessories | 57.2 |
| Umbrellas, whips, riding crops, and canes | 81.1 |
| Silverware and certain other articles of precious metal | 59.9 |
| Precious jewelry and related articles | 55.8 |
| Men's and boys' suits and sportcoats | 47.5 |
| Men's and boys' coats and jackets | 62.5 |
| Men's and boys' trousers | 50.4 |
| Women's and girls' trousers | 56.4 |
| Shirts and blouses | 62.9 |
| Sweaters | 76.4 |
| Women's and girls' suits, skirts, and coats | 59.0 |
| Robes, nightwear, and underwear | 68.8 |
| Body-supporting garments | 42.8 |
| Neckwear, handkerchiefs, and scarves | 46.7 |
| Gloves, including gloves for sports | 76.1 |
| Headwear | 54.1 |
| Leather apparel and accessories | 67.2 |
| Fur apparel and other fur articles | 81.7 |
| Footwear and footwear parts | 84.2 |

Mr. HOLLINGS. Mr. President, this is one little reading of the U.S. deficits in advanced technology because you know we have gone, they say, from manufacturing to high tech.

They told England at the end of World War II: Don't worry. Instead, of a nation of brawn, you are going to be a nation of brains. Instead of producing products, you will provide services. Service economy, service economy is the chant. And then, instead of creating wealth, you are going to handle it and be a financial center.

England has gone into an economic hand basket. They have a bunch of just scandal sheets—the newspapers and Parliamentarians—debating and shouting at each other. Downtown London is an amusement park.

Are we going that way, too? They have gone out of business there.

Here are some deficits in advanced technology products. Parts of the advanced machinery incorporated, $18.23 billion; hard disc drive units, $9.72 billion; parts of turbojet or turbo propeller engines, $4.28 billion, Turbojet aircraft engines, $3.74 billion deficit, balance of trade; parts for printers, $3.52 billion; new turbo fan planes, nonmilitary, $3.23 billion; cellular radio telephones, $3 billion; video cassette and cartridge recorders, $3.32 billion, deficit; display units, $1.64 billion; optical disc players, $1.64 billion; camcorders, $1.09 billion; digital still-image video cameras, $1.07 billion.

Mr. President, rather than taking further time, I ask unanimous consent to have printed in the RECORD at this point the U.S. Trade in Advanced Technology Products showing the exports and imports and the balance thereof.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. TRADE IN ADVANCED TECHNOLOGY PRODUCTS: 1999

| Commodity code and description: Advanced technology product | Exports | Imports | Balance |
|---|---|---|---|
| 8473301000 PRTS OF ADP MCH, NOT INCRPRTNG CRT, PRT CRCT ASSEM | 0 | 18,227,808,970 | (18,227,808,970) |

U.S. TRADE IN ADVANCED TECHNOLOGY PRODUCTS: 1999—Continued

| Commodity code and description. Advanced technology product | | Exports | Imports | Balance |
|---|---|---|---|---|
| 8471704065 | HARD DISK DRIVE UNT, NESOI, W/OUT EXTNL POWR SUPLY | 2,048,470,249 | 11,769,756,784 | (9,721,286,535) |
| 8473305000 | PTS & ACCESSORIES OF MACH OF HEADING OF 8471, NESOI | 0 | 7,743,829,608 | (7,743,829,608) |
| 8542138034 | MONO IC, DIGITAL, MOS TRANS, DRAM, >15000000 BITS | 0 | 4,980,391,722 | (4,980,391,722) |
| 8542138072 | MONOLITHIC IC, DIGITAL, SILICON, (MOS), (ASIC), (PLA) | 4,047,156,775 | 8,377,018,602 | (4,329,861,827) |
| 8411919080 | PARTS OF TURBOJET OR TURBOPROPELLER A/C ENGINES | 0 | 4,277,502,862 | (4,277,502,862) |
| 8471300000 | PORT DGTL ADP MACH, <10KG, AT LEAST CPU, KYBRD, DSPLY | 1,143,297,273 | 5,321,724,547 | (4,178,427,274) |
| 8803300030 | OTH PRTS OF ARPLNS/HLCPTRS, NESOI, NT FR DOT OR USCG | 0 | 4,013,300,583 | (4,013,300,583) |
| 8411124000 | TURBOJET AIRCRAFT ENGINES, THRUST EXCEEDING 25 KN | 0 | 3,736,640,634 | (3,736,640,634) |
| 8473303000 | OTHER PARTS FOR PRINTERS, NO CATHODE RAY TUBE | 0 | 3,523,211,984 | (3,523,211,984) |
| 8802300040 | NEW TURBOFAN PLANES, NON-MILITARY, >4536 & ≤15000 KG | 646,938,093 | 3,879,125,608 | (3,232,187,515) |
| 2934903000 | OTHER HETEROCYCLIC COMPOUNDS USED AS DRUGS | 0 | 3,029,957,678 | (3,029,957,678) |
| 8525209070 | CELLULAR RADIOTELEPHONES FOR PCRS, 1 KG AND UNDER | 0 | 3,020,465,433 | (3,020,465,433) |
| 3004909090 | MEDICAMENTS NOT ELSEWHERE SPECIFIED OR INCLUDED | 0 | 2,726,075,442 | (2,726,075,442) |
| 8471706000 | STORAGE UNITS, NESOI, NOT ASSEMBLED IN CABINETS | 511,587,342 | 3,211,010,776 | (2,699,423,434) |
| 8521106000 | VIDEO CASSETTE & CARTRIDGE RECORDER/PLAYERS, COLOR | 0 | 2,321,010,825 | (2,321,010,825) |
| 8517903800 | PC ASSEMBLIES FOR TELEPHONIC APPARATUS, NESOI | 0 | 1,728,565,731 | (1,728,565,731) |
| 8471604580 | DISPLAY UNITS, NESOI, WITHOUT CRT | 0 | 1,637,784,048 | (1,637,784,048) |
| 8519990045 | OPTICAL DISC (INCLUDING COMPACT DISC) PLAYERS | 0 | 1,637,445,266 | (1,637,445,266) |
| 8542138057 | MONO IC, DIG, SIL, MOS, EXC VOL, (EEPROM) >900,000 BITS | 0 | 1,591,589,716 | (1,591,589,716) |
| 8542138066 | MONO IC, DIG, SIL, MOS (ASIC) & (PLA) MICROPROCES 8 BITS & < | 266,700,462 | 1,505,423,883 | (1,238,723,421) |
| 9018908000 | INST & APPLIANCES FOR MEDICAL, SURGICAL, ETC, NESOI | 0 | 1,215,184,803 | (1,215,184,803) |
| 8525408050 | CAMCORDERS (OTHER THAN 8 MM), NESOI | 11,389,219 | 1,098,783,272 | (1,087,394,053) |
| 8525404000 | DIGITAL STILL IMAGE VIDEO CAMERAS | 21,952,736 | 1,089,597,336 | (1,067,644,600) |
| 8521900000 | VIDEO RECORDING OR REPRODUCING APPARATUS EXC TAPE | 135,001,223 | 1,087,156,818 | (952,155,595) |
| 8542138049 | MONO, DIG, SIL, MOS, VOL, (SRAM) >3,000,000 BITS | 0 | 933,400,512 | (933,400,512) |
| 8542300065 | MONOLITHIC IC, OPERATING FREQUENCY <100 MHZ, ANALOG | 1,284,391,376 | 2,181,812,559 | (897,421,183) |
| 8471603000 | DISPLAY UNITS, W/O CRT, & DISPLAY DIAGNL ≤30.5 CM | 191,417,160 | 1,012,102,430 | (820,685,270) |
| 8525408020 | CAMCORDERS, 8MM | 1,892,960 | 819,236,164 | (817,343,204) |
| 8803300060 | OTHER PARTS, NESOI, OF MILITARY AIRPLANES/HELICOPTRS | 0 | 774,171,267 | (774,171,267) |
| 8517903600 | PC ASSEMB FOR TELEHONE SWIT, TERM APPA O/T TEL SETS | 0 | 751,187,201 | (751,187,201) |
| 8541290095 | TRANSISTORS EXC PHOTOSENSITIVE 1W & >, FREQ. <30MHG | 0 | 744,022,549 | (744,022,549) |
| 2844200020 | URANIUM FLUORIDE ENRICHED IN U235 | 355,923,713 | 1,098,482,108 | (742,558,395) |
| 8471704035 | FLOPPY DISK DRIVE UNT, NESOI, W/OUT EXTRNL POW SPY | 58,034,583 | 772,594,136 | (714,559,553) |
| 2933394100 | DRUGS CONT AN UNFUSED PYRIDINE RING ETC, NESOI | 0 | 680,296,294 | (680,296,294) |
| 8517210000 | FACSIMILE MACHINES | 0 | 667,588,870 | (667,588,870) |
| 3818000090 | OTHER CHEM ELEM DOPED, ELECTRON, DISCS WAFERS ETC | 0 | 619,290,862 | (619,290,862) |
| 3002100090 | OTHER BLOOD FRACTIONS NESOI | 0 | 616,949,658 | (616,949,658) |
| 8542138067 | MONO IC, DIG, SIL, MOS (ASIC) & (PLA) MICROPROCES 16 BITS | 181,422,015 | 798,242,504 | (616,820,489) |
| 8517903200 | PTS OF ART OF 8517.20, 8517.30, 8517.40.50, 8517.81 | 0 | 602,626,375 | (602,626,375) |
| 8471608000 | OPTICAL SCANNERS & MAGNETIC INK RECOGNITION DEVICE | 375,128,897 | 965,817,115 | (590,688,218) |
| 8528124000 | TV REC, COLOR, NON-HI DEF, PROJ TYP W/CATH-RAY TUBE | 0 | 567,427,021 | (567,427,021) |
| 8542300090 | MONOLITHIC IC, FREQ., <100 MHG (ANALOG/DIGITAL) NESOI | 1,584,815,325 | 2,141,256,559 | (556,441,234) |
| 9010420000 | STEP & REPEAT ALIGNER, PROJECTION OF CIRCUIT PATRN | 49,534,168 | 594,935,912 | (545,401,744) |
| 8517505000 | CARRIER-CURRENT LINE SYSTEM APPARATUS, TELEPHONIC | 950,547,882 | 1,492,682,623 | (542,134,741) |
| 8517902400 | PTS FR TELPHONE SWITCH, TERMINAL APP INC PC ASSEMB | 0 | 499,197,786 | (499,197,786) |
| 8471605100 | LSR PRNTR UNITS W/CNTRL & PRT MCHNIMS, >20PGS/MIN | 0 | 482,262,408 | (482,262,408) |
| 8525203025 | RADIO TRANSCIEVERS, HAND-HELD, FREQ >400 MHZ | 0 | 466,870,671 | (466,870,671) |
| 8534000020 | PRINTED CIRCUITS OF PLASTIC/GLASS = ≥3 LAYERS, CNDT | 586,324,029 | 980,378,544 | (394,054,515) |
| 8542138041 | MONO IC, DIG, SIL, MOS, VOL (SRAM) 300,000 <3,000,000 BITS | 0 | 369,673,484 | (369,673,484) |
| 8537109050 | PANEL BOARDS & DISTRIBUTION BOARDS: ≤1,000 VOLTS | 0 | 367,840,258 | (367,840,258) |
| 2933595300 | OTHER AROM OR MOD-AROM DRUGS CONT A PYRIMID ETC | 0 | 365,464,433 | (365,464,433) |
| 9001100085 | OPT FIBER BUNDLE & CABLE EXC OF 8544 NOT PLASTIC | 0 | 349,337,906 | (349,337,906) |
| 8471605200 | OTH LASER PRINTER UNITS W/CNTRL & PRT MECHANISMS | 0 | 337,358,804 | (337,358,804) |
| 8525203080 | RADIO TRANSCIEVERS, EXC HANDHELD, 400 MHZ | 0 | 334,664,064 | (334,664,064) |
| 8542138051 | MONO, IC, DIG, SIL, MOS, EXC VOL (EEPROM) <80,000 BITS | 0 | 331,577,991 | (331,577,991) |
| 8473309000 | OTH PRTS OF ADP MACH AND UNITS INCORPORATING A CRT | 0 | 331,471,302 | (331,471,302) |
| 8411114000 | TURBOJET AIRCRAFT ENGINES, THRUST NOT EXCEED 25 KN | 0 | 310,678,629 | (310,678,629) |
| 2922191800 | OTHER AROMATIC AMINO-ALCOHOLS, ETC USED AS DRUGS, NE | 0 | 309,072,789 | (309,072,789) |
| 8525309005 | TELEVISION CAMERAS, NESOI, COLOR | 0 | 302,374,597 | (302,374,597) |
| 2922502500 | OTHER AROMATIC AMINO-ALCOHOL-PHENOL DRUGS | 0 | 295,753,627 | (295,753,627) |
| 8517906400 | PARTS OF TELEPHONIC APPARATUS, NESOI | 0 | 294,249,762 | (294,249,762) |
| 8528121201 | TV REC, NON-HI DEF, COL, SNGL PICT TUB N/O 34.29 CM | 0 | 286,928,704 | (286,928,704) |
| 8542138060 | MONO, IC, DIG, SIL, MOS, EX VOL, (EPROM) >900,000 BITS | 0 | 274,086,910 | (274,086,910) |

Mr. HOLLINGS. Mr. President, we are worried. We have anxiety. There is fear in the land, Mr. President. The foreign holdings as a percent of the total publicly held debt—as we pay down the public debt, the foreign holdings are still at 40.3 percent, according to the Treasury Department. When you get these deficits, billions and billions—$347 billion in the balance of trade—so many dollars out in foreign holdings, the dollar falls, the interest rates go up, the stock market goes down, and recession sets in. Who is talking about it? Everybody but us in public service. We are running around, "I've got class size," "I've got a better class size." "No, I've got charter schools." "No, I got a better plan here on health care." "No, your plan is no good.".

They are not talking about paying the bill so that we can keep the country and the economy booming. They are talking about little peripheral things over here—campaign finance and otherwise—not paying the bill and reestablishing confidence in America.

The number of workers, as I have said at the very beginning, quoting Morita, is down to 14 percent in manufacturing. I will read an excerpt from Mr. Eamon Fingleton, Mr. President, entitled "The Unmaking of Americans." I want everyone to listen because we have books by professors at Harvard and out at Berkeley in California and Stephen Cohen and John Zysman who have written "Manufacturing Matters." They are trying to wake up a dormant Finance Committee that seems not to understand anything about trade, who really think this is a good bill. I am embarrassed for them because this is not going to just put out some 74,700 apparel workers up in New York, but at least 18,500 that I have in South Carolina and, ultimately the textile industry—as soon as they can afford the machinery and get it in down in Mexico and these other places. I will never forget 10 years ago when we debated textiles. Macao had millions and millions of dozens of shirts and didn't have a shirt factory. China was transhipping them through Macao. So now China takes this sub-Sahara bill that will make a few people rich, but not the African countries or the African people, just as those shirts didn't make Macao any richer. China will transship right on through sub-Sahara Africa and, in the process, get rid of the American apparel workers and, before long, the textile workers.

Let's quote Mr. Fingleton here as to the importance of manufacturing and you will get a better grasp of this:

> In recent decades, it has become increasingly fashionable for American opinion leaders to belittle the economic importance of manufacturing. If we are to believe such prophets of the New Economy as commentator Michael Rothschild and Megatrends author, John Naisbitt, manufacturing is now a distinctly second-rate activity that should take a backseat to post-industrial businesses like software writing and moviemaking. Their opinions are increasingly endorsed by pundits in everything from the Wall Street Journal to Wired.
>
> It is time this view was challenged. The truth is, it is a highly dangerous myth that is rapidly weakening the United States' ability to lead the world economy. Not only do those who advocate post-industrialism—let's

call them post-industrialists—overestimate the prospects for information-based products and services, they greatly underestimate the prospects for manufacturing.

When the post-industrialists talk about manufacturing, it is clear they are referring mainly to such unsophisticated activities as the snap-together assembly work carried out in the television-set factories of the developing world. By implicitly defining manufacturing in such disparaging terms, they set up a straw man—for there is no question that, in an increasingly integrated world economy, most types of assembly work are so labor intensive that they can no longer be conducted profitably in high-wage nations like the United States. Overlooked by the post-industrialists, however, is the fact that assembly is only the final stage in the production of modern consumer goods. Earlier stages are typically much more sophisticated—the making of advanced components such as laser diodes, liquid crystal displays, lithium-ion batteries and flash memories, for example. Then there is the production of the high-tech materials that go into such components. Semiconductor-grade silicon manufacturing, for instance, is concentrated mainly in such high-wage nations as Japan and Germany.

We have a $74 billion deficit in the balance of trade with Japan, Mr. President. I think it is $28 billion deficit with Germany.

And still more sophisticated than the fabrication of such components and materials is the manufacture of the production machinery used in the process. Perhaps the iconic example of such machinery is the stepper—the highly precise lithographic device that prints circuit lines on silicon chips.

Manufacturing components, materials and production machinery is generally both know-how-intensive and capital intensive. As such it can be conducted effectively only in the world's richest and most advanced economies—and workers engaged in such work are thereby shielded from low-wage competition from developing nations. The United States once dominated this type of production, but these days, as is abundantly clear from the nation's mounting trade deficits with Japan and Germany, it is at best an also-ran. In steppers, for instance, GCA, the once world-beating American player, closed its doors in 1993, leaving the field almost entirely to Japan's Nikon and Canon and Europe's ASM. In high-tech materials, the United States is now similarly dependent on imports. And in crucial new components such as laser diodes and liquid crystal displays, the country was never a contender in the first place.

I remember the gulf war and the flat-panel displays we got from Japan for our defense work.

It is really discouraging to this particular Senator when we mark up the defense appropriations bill. We have in there a Buy-America provision trying to maintain steel ball bearings for Ohio and South Carolina because Timken and others produce them. They do an outstanding job. But we have those who put in an amendment to strike that out—that it is un-American and all.

I don't know where they got this idea about what America is—that we are supposed to meet a referee in bankruptcy, dissolve the assets, and send it around to the Caribbean, to sub-Sahara, and everything else on the premise that it is good policy for us to sometime come to the help of these particular countries. It would be good if it were not destroying us in the making.

Manufacturing's most obvious advantage is that it creates an excellent range of jobs. Whereas post-industrial businesses like software and financial services tend to recruit mainly from the cream of the intellectual crop, manufacturing harnesses the skills of everyone from ordinary factory hands to the most brilliant scientists and the most capable managers. In fact, as the late Bennett Harrison of New York's New School (a longtime TR columnist) pointed out in his book Lean and Mean in 1997, unskilled workers "barely off the farm" can readily be trained to operate computer-controlled presses and similarly sophisticated production machinery. In Harrison's terms, today's high-tech production machinery is not "skill-demanding" but "skill-enabling."

Let's emphasize that. It is "skill-enabling," because the Senator from South Carolina is a witness. We brought in BMW, the automobile manufacturer, from Munich, Germany. It is in Spartanburg. It has 2,000 employees, and it will have this time next year hopefully 1,000 more. They were supposed to get another facility down in Mexico. They learned. They said: Wait a minute. The productivity of these people just off the farm, and otherwise skilled workers, can produce, and they have been producing.

Mr. President, I ask unanimous consent that the article in its entirety be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

### The Unmaking of Americans

(By Eamon Fingleton)

In recent decades it has become increasingly fashionable for American opinion leaders to belittle the economic importance of manufacturing. If we are to believe such prophets of the New Economy as commentator Michael Rothschild and Megatrends author John Naisbitt, manufacturing is now a distinctly second-rate activity that should take a backseat to post-industrial businesses like software writing and moviemaking. Their opinions are increasingly endorsed by pundits in everything from the Wall Street journal to Wired.

It is time this view was challenged. The truth is, it is a highly dangerous myth that is rapidly weakening the United States' ability to lead the world economy. Not only do those who advocate postindustrialism—let's call them postindustrialists—overestimate the prospects for information-based products and services, they greatly underestimated the prospect for manufacturing.

When the post-industrialists talk about manufacturing, it is clear they are referring mainly to such unsophisticated activities as the snap-together assembly work carried out in the television-set factories of the developing world. By implicitly defining manufacturing in such disparaging terms, they set up a straw man-for there is no question that, in an increasingly integrated world economy, most types of assembly work are so laborintensive that they can no longer be conducted profitably in high-wage nations like the United States. Overlook by the post-industrialists, however, is the fact that assembly is only the final stage in the production of modern consumer goods. Earlier stages are typically much more sophisticated—the making of advanced components such as laser diodes, liquid crystal displays, lithium-ion batteries and flash memories, for example. Then there is the production of the high-tech materials that go into such components. Semiconductor-grade silicon manufacturing, for instance, is concentrated mainly in such high-wage nations as Japan and Germany. And still more sophisticated than the fabrication of such components and materials is the manufacture of the production machinery used in the process. Perhaps the iconic example of such machinery is the stepper—the highly precise lithographic device that prints circuit lines on silicon chips.

Manufacturing components, materials and production machinery is generally both know-how-intensive and capital-intensive. As such it can be conducted effectively only in the world's richest and most advanced economies—and workers engaged in such work are thereby shielded from low-wage competition from developing nations. The United States once dominated this type of production, but these days, as is abundantly clear from the nation's mounting trade deficits with Japan and Germany, it is at best an also ran. In steppers, for instance, GCA, the once world-beating American player, closed its doors in 1993, leaving the field almost entirely to Japan's Nikon and Canon and Europe's ASM. In high-tech materials, the United States is now similarly dependent on imports. And in crucial new components such as laser diodes and liquid crystal displays, the country was never a contender in the first place.

Why does all this matter? Because, conventional wisdom to the contrary, advanced manufacturing offers fundamental advantages over post-industrial services in building a rich and powerful economy.

Manufacturing's most obvious advantage is that it creates an excellent range of jobs. Whereas post-industrial businesses like software and financial services tend to recruit mainly from the cream of the intellectual crop, manufacturing harnesses the skills of everyone from ordinary factory hands to the most brilliant scientists and the most capable managers. In fact, as the late Bennett Harrison of New York's New School (a longtime TR columnist) pointed out in his book Lean and Mean in 1997, unskilled workers "barely off the farm" can readily be trained to operate computercontrolled presses and similarly sophisticated production machinery. In Harrison's terms, today's high-tech production machinery is not "skill-demanding" but "skill-enabling."

Manufacturers also score over information businesses in their export prowess. That's because, for one thing, manufacturers usually avoid the piracy problems that so drastically reduce American information businesses' receipts from abroad. Moreover, manufactured goods are generally universal in application and, as such, contrast sharply with information-based products, which are in most cases quite culture-specific. Whereas a typical information product may have to be adapted for different languages and customs in different markets around the world, a typical manufactured product requires little if any adaptation. In many cases, information businesses don't find it worthwhile to adapt their products for foreign markets, and even where they do, they tend to have the adaption done abroad, thus generating costs that cut deeply into the net revenues remitted to the United States.

A third key advantage of advanced manufacturing—the most important of all—is that it delivers higher incomes. Not only does the large amount of capital required for the enterprise offer workers protection against competition from cheap labor, it can also powerfully boost worker productivity. A good example is the contribution that expensive robots make in enabling Japanese auto workers to achieve the world's highest productivity levels. Higher productivity in turn is, of course, the royal road to higher wages.

Indeed, nearly two decades after the United States began its fateful drift into full-scale post-industrialism, international economic comparisons consistently show that Americans have lagged in income growth in the interim. The result is that, as measured at recent market exchange rates, the United States has now been overtaken in absolute wage levels by at least four manufacturing-oriented nations—Denmark, Sweden, Germany and, perhaps most surprisingly of all, Japan, the supposed "basket case" economy of the 1990s.

And if capital intensity is not enough to boost and protect wages, advanced manufacturing's requirement for proprietary production know-how given many industry incumbents a critical advantage. Take a product like a notebook computer's flat-screen liquid crystal display. LCDs are basically an adaptation of semiconductor technology, and are manufactured using similar equipment. Thus in theory many computer companies around the world could enter this fast-growing business. But in practice few have done so, with the result that the world market is utterly dominated by a handful of Japanese manufacturers—Tokyo-based Sharp alone enjoys a world market share of close to 50 percent. Why such market concentration? The key is yield, the percentage of flaw-free products in each production batch. Given that even a microscopic speck of dust can render the tiny transistors that control each dot on a screen dysfunctional, the quality-control challenge is enormous. A new entrant to the industry would probably be lucky to get a 10 percent yield of good Screens, whereas established Japanese firms are believed to achieve yields of 90 percent or more.

All in all, America's failure in the past two decades to take full advantage of manufacturing's numerous rewards is alarmingly apparent in the nation's deteriorating trade figures. The U.S. trade deficit in 1999 is likely to exceed $250 billion—an all-time record and an increase of about 50 percent on the startling $168.6 billion incurred in 1998. It would be an exaggeration to say that the nation's manufacturing decline is the sole cause of the worsening trade trend, but it is clearly one of the most important contributing factors.

And what is really worrying about these deficits is that they are to a large extent incurred with nations like Japan and Germany, where wages run 20 percent to 40 percent higher than American levels. Other things being equal, when a lower-wage country imports a product from a higher-wage one, we can reasonably assume that the manufacturing technology concerned is one in which the importing country is lacking. Much of what American corporations import from higher-wage nations consists of components "outsourced" from foreign rivals. The U.S. firms got used to the practice in the 1970s and early 1980s when Japanese and German wages were still low by U.S. standards, and outsourcing components could be justified on the theory that it freed American workers to specialize in higher-level work. These days, however, American corporations that outsource to Japan or Germany are effectively admitting they lag in the technology race.

So what should the United States do to regain dominance in manufacturing? First, consider one of the key reasons for the country's loss of its leadership position: other nations' industrial policies, which almost always contain a strong element of explicit or implicit protection for home industries. The classic example is United States-Japan competition in electronics. While U.S. electronics manufacturers such as RCA and Zenith were largely barred from selling in the Japanese market, their Japanese competitors were welcomed with open arms in the American market—the inevitable result was that the Americans found it increasingly unprofitable to invest for the long term.

Though the party line these days is that such protectionism has largely been eliminated in key foreign markets, the reality is that other nations maintain industrial policies that put U.S. manufacturers at a disadvantage. For American decisionmakers this creates an acute dilemma and a particularly distressing one for today's 50-something power holders, who in their youth espoused the soaring hope that the world could be taught to sing in perfect harmony. If they cling to the idealistic One-Worldism of the Flower Power era, they will continue to advocate free trade—and in the process will condemn the American manufacturing sector to, at best, permanent underdog status. The alternative is to slam the brakes on globalism and go back to the sort of modest but sufficient tariff levels that prevailed in the Eisenhower years. Such a move would certainly raise screams from devotees of that ultimate pseudo-science laissez-faire economics. But in the absence of convincing alternatives (and in particular of a real commitment to free trade on the part of America's competitors), it must have a place on the agenda.

Mr. HOLLINGS. Mr. President, we need to remember we are not only going to lose 74,700 apparel jobs in New York but in apparel manufacturing throughout the United States.

I want to go to the morning paper because they had a big conclave over at the White House. It says, "Political Heavyweights Pull for Agreement with China." They have Vice President GORE and former President Carter. But they also have the former Secretary of State, Henry Kissinger.

Quoting from this morning's Los Angeles Times:

> Clinton, asked rhetorically, "Why are we having this debate?" His answer: Because people are anxiety ridden about the forces of globalization, or they are frustrated over the human rights record of China, or they don't like all the procedures of the WTO. President Clinton's answer to "Why are we having this debate?"—"Because people are anxiety ridden about the forces of globalization."

The legacy of President Franklin Delano Roosevelt—I will have to talk about a proud Democrat. I hope the distinguished Ranking Member doesn't mind me doing that. I think in time I might get him to join. I watched his votes, and he is very sensitive to the needs of little people. The great legacy of Franklin Delano Roosevelt is: "All we have to fear is fear itself."

I can hear him now. We had a little headset in 1933. That is before daddy went broke. He had a flourishing business. Amongst other things, he printed and delivered paper bags. But he printed the names of the German grocery stores all around Charleston: Hoffmeyer, Meyers, Hochwanger, Heiselmeier, Fahler, Reumeyers—I can see them all now. They called my father and said: Bubba, no use sending those bags to people who are not paying the grocery bill, and we can't pay you for the bags. He said: Well, got your name on them. I can't use them otherwise. Just do what you can. I am sending them around.

But we had at that time in 1933 a headset. I can hear President Roosevelt.

I had the pleasure of seeing him as a youngster in 1936 when he came through Charleston and boarded the ship. He came by train from Washington to Charleston, boarded the cruiser, and went on down to Buenos Aires, Argentina. I was looking up at President Roosevelt.

Later, of course, when I was a senior cadet at the Citadel, ready to go off into the invasion of North Africa, I could hear him in 1941 about the "four freedoms." He said the four freedoms are the freedom of religion, the freedom of speech, the freedom from want, and the freedom, Mr. President, from fear. That was the legacy. That was the legacy of the greatest President of our time.

Now what is our legacy? I can tell you. You do not have to get politician HOLLINGS or get the business leadership.

What is the business leadership?

"Backlash: Behind the Anxiety Over Globalization."

The legacy of President Clinton is a legacy of fear. This crowd had better wake up and understand it because we are going out of business.

The President just last week was down in Charlotte talking about the digital divide, the digital divide, middle America.

How in the world can they buy a computer? Not the poor; middle America can't afford that. They are trying to hold onto a job. They are trying to pay for the house upkeep. They are trying to buy the clothes. And they are doing pretty good. But they look at those 37,000 from South Carolina who are gone, gone.

Washington is telling all of middle America that they never had it so good. We got a boom. Let's get the boom going. They see these jobs going, and they see all of our good friends, the immigrants, with fine business earnings coming in and taking a lot of the jobs. They see plant closings in Columbia. That is the way it is factored in.

I always loved to go to Ireland. But in Ireland, they have a booming business taking care of all the banking and insurance accounts and everything else.

What do we do? We got rid of what Henry Ford created, and that is the middle class. Ford said, in the early days, I want to make sure that the individual producing this automobile is making enough money to buy it. That, along with the labor movement in America, got health care, retirement benefits, and everything elsewhere which they could pay for—not only pay for their home but send their kid to college, maybe get a little home at the beach or in the mountains, buy a boat to put out in the lake and go fishing, something for retirement.

They talk about Social Security. I see that fellow, Morris, is telling Bush: Don't try to talk about. Don't touch Social Security. Why? Because it is supersensitive because of fear—the legacy of the Clinton administration. He has no idea about the digital divide and no idea about trade. That boy from Arkansas has gone up there and seen the bright lights in New York. He has left us. I can tell you right now, he is not looking out for middle America.

"The best political community is formed by citizens of the middle class," said Aristotle in 315 B.C.

It is to the middle class we must look for the safety of England, says Thackeray.

In England, what we call the middle class is in America virtually the Nation.

In the 1880s, Matthew Arnold: "The upper class is our nation's past, the middle class is its future."

I don't know about a future. That is what is worrying the Senator from South Carolina—not the textile jobs. They are gone. They are leaving them fast, including one closed just last week. The best of operators are closing.

I can see it, and I know what is going to happen to the textile manufacturer. It will be totally gone. As soon as they can afford the machinery in Mexico and the Caribbean, they will print the cloth and these fellows will take their money and run. That is what you have in ATMI. That is why I warn everyone, we are not just getting rid of the textile jobs.

I said at the beginning we learned in the artillery, no matter how well the aim, if the recoil is going to kill the gun crew, don't fire.

You got a good aim, no question. Let's do something for the Caribbean. Let's do something for Africa. But on this score, where two-thirds of the clothing is already imported, let's not kill off the apparel industry. There are 74,700 jobs in New York, 18,500 in South Carolina, 146,900 in California. We will have a candidate saying: Boom, boom, boom, wonderful economy.

This is what he ought to be talking about. We have to rebuild the economic strength of this Nation. That is not going to happen at the present rate. This conference report ought to be sent back to the conferees and we ought to put in a competitive trade policy.

I had a bill with the Finance Committee 15 years ago. I have talked to the distinguished chairman not only about a value-added tax to pay the bill but I have talked about a correlation and coordination. There are 28 Departments and Agencies in trade. When we think that Commerce has it, they say no; in Agriculture, that is a farm product, and they say, no, the final say is over at Treasury Department. Why? Because 40.3 percent is foreign owned, foreign holdings, a percent of total of the privately-held public debt. Talk about paying down the public debt; foreign holdings as a percent is already up to 40.3 percent. When we are ready to enforce a dumping provision against Japan, they say: We are not going to buy your T-bills. And Treasury calls up and says that hearing was good. The tail is wagging the dog and corporations.

Senator MOYNIHAN, as a freshman at City College of New York, said that they taught him corporations run America. They have preempted trade policy. We representatives, Senators and Congressmen, don't have any say. It is fixed with the White House. The corporations come around and fix the vote. By the time they call, nobody is on the floor and they couldn't care less. Let them puff and blow, the middle class be gone, the textile industry be gone, they are all Republican anyway. Now the apparel workers, the owners—the apparel workers are Democrat, anyway, so they would just as soon get rid of them. We will lose 26,000 apparel workers in Alabama, 19,700 in Florida, 26,100 in Georgia, 18,900 in Kentucky, 2,600 in Maine, 10,400 in Massachusetts, Mississippi loses 16,600, New York loses 74,700, North Carolina loses 38,300.

Imagine the President in Charlotte, NC, last week talking about the digital divide, and middle America is about to lose another 38,000 jobs in and about Charlotte—can't even buy a computer, and he doesn't understand it. He doesn't understand his legacy of fear. Roosevelt has freedom from fear as his legacy. What we have is a legacy of fear. It not that we are not sophisticated and understand globalization. We understand making a living and paying our bills and working hard to do it. Even though you work hard, they tell you: Globalization. Be gone. You, the most productive textile worker in the world, be gone, because you don't understand globalization, competition, competition, productivity.

The most productive industrial worker in the world is in the United States. Right now, the record shows Japan to be No. 8; Netherlands is No. 2; Germany is No. 3.

The Japanese pay way more in wages. It isn't low wages. They have a specific policy. That Lexus automobile you buy for $30,000 in Washington, DC, is sold for $40,000 in downtown Tokyo. They make up the $10,000 on their own domestic economy and got it through the financing, and the people accept that. They are taking over more and more and more. The distinguished Senator is a foreign policy and an expert, and he knows better than any that money talks. Forget about the Sixth Fleet, forget about the hydrogen bomb. Money talks now.

We have been on a binge in the 1990s, but financially we are going out of business. The market is showing it right this afternoon while I am talking. You can talk to anybody in the trucking business. It is closing in, and people are beginning to hunker down.

When I started my remarks, I related when the distinguished Senator was in the Kennedy administration, we put in a 7-point textile program because 10 percent of America's consumption of textiles and clothing was going to be represented in imports. Now we have two-thirds. We are ready to get rid of the other third overnight, and we think we are proud of it; we are doing a good job.

It is a well considered thing with respect to Africa, the Caribbean, to help them find business. We believe in it. However, we have given at the store. Now is the time to save the home. Now is the time to save middle America. Now is the time to eliminate the fear by instituting a competitive trade policy.

I yield the floor.

Mr. MOYNIHAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DODD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Mr. President, at the outset of these remarks let me commend the distinguished Senator from New York, my good friend and colleague, along with the chairman of the trade subcommittee and others who make up the membership of the Finance Committee, for their leadership on this issue. It has been a long time since this body has dealt with a trade issue as significant, in my view, as the matter before us. That is not because of the volume of trade or the size or magnitude of the financial transactions which will ensue as a result of our adoption of this agreement, but because, in my view, it sends a far more important signal to some of the very poor, if not the poorest, areas of this globe, that the wealthiest nation of the world at the beginning of the 21st century recognizes that we bear some responsibility for trying to alleviate some of the devastating hardship that afflicts too many millions of people around this Earth.

This agreement that deals with the sub-Saharan African nations and the Caribbean Basin is an important first step in this century to take meaningful steps to alleviate some of the devastating human hardships that affect too many innocent people.

I am proud to associate myself with this proposal. I urge the adoption of it by what I hope will be an overwhelming vote of this body so, as we begin this new century, we say to future generations who will sit in the chairs we now hold in this body that the 21st century is a century where the free flow of goods and services across the Earth is something that ought to be a central ingredient for economic success in improving the human condition.

Passage of this legislation, in my view, comes at a very critical time for the future economic success of the regions that are covered by this legislation, the sub-Saharan African region and the Caribbean nations.

One has only to pick up the paper to read of the crippling effects of poverty, famine, and illness that have taken hold in Africa and the devastating impact natural disasters, such as Hurricanes Georges and Mitch, have had on the economies of Caribbean nations. This legislation will give these nations the opportunity—just the opportunity—to begin recovering and to help them establish a foothold in our increasingly interconnected global marketplace.

At the same time, this bill equally recognizes the importance of protecting American interests and American jobs by including a number of very specific safeguards aimed at ensuring the viability and success of our domestic producers. Overall, I believe the committee has presented the Senate with a very balanced trade package.

The central focus of this legislation is the provisions relating to the 48 desperately poor countries of the sub-Sarahan African region. This region of the world has continuously been disregarded as a serious trading partner. While we have granted trade benefits to other areas of the world, including Mexico and Canada, Africa has never been afforded a similar opportunity—never. I believe the African Growth and Opportunity Act will significantly alter our trade relationship with Africa, while also providing these countries with the beginnings of the means for positive and substantial economic reform.

I will take this opportunity to address some of the highlights of this legislation.

First, the legislation provides duty and quota-free access to U.S. markets for certain textiles and apparel. This provision should not adversely affect the domestic apparel industry since African exports of these products—and listen to this carefully —account for less than 1 percent of our total imports.

We are opening our door to 48 nations in the poorest region of the world for something that amounts to less than 1 percent coming into our Nation. That is why I said at the outset of these remarks that it is not the magnitude of the trading relationship that will happen or the dollar amount that will exchange hands, but for the first time we will recognize this part of the world as an important part of the world, and one that needs our help.

There is not enough money in the appropriations bucket to draw upon to provide the kind of relief these people need in these 48 nations. We cannot do that, but we can begin to give them the opportunity of access to a tiny percentage of our market, and offer some hope and relief to millions of people.

We should not do it without regard to the interests of our own people. I listened carefully to the remarks of my good friend and colleague from South Carolina. He speaks with great passion about the people he represents in his State. There are thousands of others across this country who earn a living every day in the apparel and textile industry. None of us ought to disregard their interests. Our responsibility, first and foremost, must be to our own people.

In this piece of legislation, we protect American workers. In a few short years, if we fail to adopt the measure before us, the quotas that are presently allowed in trade bills with the Pacific Rim countries will come to an end. Once that has come to an end, the markets will open up and a domestic content requirement will not be necessary. Literally thousands of jobs that today find a home in the textile and apparel industry in this country could be lost forever.

One of the things I admire about the authors of this bill is—and they truly deserve our commendation—the fact that not only have they found a way to provide some meaningful economic opportunity for millions of people in some of the poorest parts of the world, if not the poorest, but they have also done so in a way that takes into consideration the needs of our own people. It is a well-balanced piece of legislation. I strongly support their efforts.

To address the serious problem of transshipment of apparel products, this legislation also establishes strict provisions to curb the practice of transshipment of products from one place to another. Beneficiary countries must adopt a visa system to guard against illegal transshipment and the use of counterfeit documents.

In addition, countries are also required to enact regulations that would allow the U.S. Customs Service to investigate alleged cases of transshipment. To that end, almost $6 million has been authorized to assist the Customs Service in these efforts and to provide technical assistance to African nations which will help them combat transshipment. Furthermore, if a country is found to be engaging in illegal transshipping activities, it may be denied benefits for up to 5 years, a significant penalty. I again commend the authors for the inclusion of that provision.

In the event the U.S. apparel industry suffers economic injury or a threat of economic injury due to a surge in imports, a so-called "snap-back" provision has been included in this bill that would set duties back to their non-preferential levels. The President of the United States has been granted authority to monitor African imports, and he has the right to initiate investigations to determine whether imports are harmful to domestic producers.

Second, the bill enhances the 1984 Caribbean Basin Initiative by promoting economic growth in this region. Like the benefits accorded the sub-Saharan African nations, the enhanced Caribbean Basin Initiative will grant duty and quota-free treatment to apparel and textiles made from U.S. yarn and fabric. Benefits have also been extended to products not currently included under the Caribbean Basin Initiative, including footwear, tuna, and watches.

Strict transshipment provisions also apply to these CBI nations. The legislation similarly calls on these nations to institute effective Customs programs to prevent illegal transshipment. Moreover, it establishes a "one strike and you're out" provision. Should an exporter be found to have illegally transshipped apparel or textiles from a Caribbean Basin Initiative nation into the United States, the President has the authority to deny benefits to that exporter for up to 2 years and who may be required to remit payment totaling three times the existing textile and apparel quotas.

I cite the details of this because it is important our colleagues understand that the authors have been very careful to write into this legislation provisions that will guard against the very things of which the bill is being accused.

Is it perfect? Will there be those who may try to take advantage of this? I am certain there will be, but the overall benefits of this legislation with the provisions to guard against illegal activities certainly warrant support of this bill, given the good and beneficial provisions included in it that should provide the relief I mentioned earlier.

I am pleased the conference report includes language that links trade benefits to countries' commitment to eliminating one of the worst forms of child labor. We can thank our colleague from Iowa, Senator HARKIN, who cares deeply about this issue and helped write, I gather, some of the provisions dealing with it. The bill also bans imports of products made with forced or indentured child labor.

This morning, President Clinton issued an Executive order that adds a provision that was dropped in conference making AIDS and HIV drugs more readily available to African nations whose people have been so ravaged by this deadly disease.

I note the presence of our colleague from the State of Wisconsin who has spoken eloquently about the issue of AIDS and the importance of trying to do more to alleviate the overwhelming problems that have crippled literally millions of people in many of these nations.

This is not to say this is a perfect conference report, as I said earlier, and I am disappointed the conferees did not include funding for similar trade preferences to the nation of Colombia. My good friend and colleague from New York heard me talk about this. I believe I overextended my friendship with him by calling on numerous occasions to see whether or not we could include Colombia as part of this package.

I note my colleague from Florida, as well, who spent countless hours to find ways to provide some meaningful alternative economic opportunities for the people of Colombia who today are presently engaged, in far too many cases, in the growth and production of narcotics products. Unfortunately, they end up, too often, in the cities of our Nation, where drugs and narcotic trafficking is a huge problem. My hope was, by including Colombia, in addition to the other provisions that will soon be debated in the Senate, we would have been able to provide a meaningful economic alternative for these people who today engage in the drug production and trafficking in that country. My hope is, in the near future, we will move to the Andean agreements which are up for reauthorization and that Colombia can be included, along with her neighboring countries.

This legislation is about helping countries help themselves by strengthening their economies. It is increasingly difficult to find funds even for the most worthy of aid initiatives. Trade, not aid, has been the answer to a country's well-being.

While industrialized nations of the world have benefited from U.S. trading policies, it is time we offer less fortunate nations of the Caribbean and sub-Saharan Africa comparable opportunities.

In the year 2005, pursuant to the GATT rule, all WTO member countries will gain quota-free access to our markets—quota-free access in 5 years. CBI enhancement and the African Growth and Opportunity Act, if enacted, will allow countries in those regions to better prepare for that day and to equip them to become full trading partners in the global economy during the next decade.

If we do not do it and we have the quota-free access to our markets, then I do not think anything we can do 5 years from now will provide any relief economically whatsoever for the 48 nations of the sub-Saharan region and the more than two dozen nations in the Caribbean Basin that will benefit as a result of this legislation.

So, again, I commend Senator ROTH, who is not here with us today—but we certainly think of him and recognize his leadership on this issue—and, as I said, Senator MOYNIHAN, who will more than likely be dealing with one or two of the last trade bills of his tenure in the Senate. But it is worthy of him, in the waning days of his career here, that he would fight as hard as he has to see to it this legislation would have a full hearing, debate, and an opportunity for passage in the Senate.

Lastly, may I say, again, we are a great and wonderful nation. We like to think of ourselves as a generous and good people. While I said a moment ago that it is far more important that we consider the impact of anything we do on our own people, it is, I think, in the hearts and spirits of all Americans that we try to reach out and help others.

I had the wonderful privilege of serving as a Peace Corps volunteer back in the 1960s when I graduated from college. It was a seminal event in my life—a life-changing experience, to learn from a distance, in a way, how our country was thought of. Despite the difficulties of the day that raged in Southeast Asia, and our own difficulties here at home, we were thought of, in the nation that I served in, as a good people, a giving people.

As we begin this century, as I mentioned earlier—the 21st century—we have an opportunity, with this bill, to say to millions of people, the most desperately poor people in the world, that this, the greatest nation of all, is willing to extend a hand, a helping hand. We must help them to get on their feet, to provide the kinds of tools that will make it possible for them to achieve economic opportunity, to enhance the cause of democracy in these nations, which can never survive in the absence of some economic growth and opportunity. With this legislation we are doing ourselves and future generations, in this Nation and around the world, a great favor, indeed.

I commend the authors of the bill. I strongly support its adoption and hope this small but meaningful effort will begin to make a difference in the lives of millions of people in Africa and in the Caribbean Basin.

I yield the floor.

● Mr. ROTH. Mr. President, I want to express my strong support for the conference agreement on H.R. 434, the Trade and Development Act of 2000. Senate passage of the conference agreement would mark the first significant trade legislation to pass both Houses of Congress in close to a decade, other than the implementation of trade agreements under special fast track procedures. As such, the bill represents a powerful statement regarding America's leadership on trade.

The conference agreement—and the House's 309–110 vote—vindicates the approach that we took in the Finance Committee and here in the Senate this past November. Our goal was to create a "win-win" approach to the Africa and Caribbean trade preference programs that would ensure benefits to American firms and workers as well as to our trading partners in those two regions. The conference report does just that.

The conference report retains those provisions of the bill that the textile industry's own analysis suggested would produce an additional $8 billion in sales of American fiber and fabric and create an additional 120,000 jobs. Those provisions—commonly known as "807A" and "809"—were adopted without revision by the conferees. Those provisions require that all textile components assembled into apparel articles benefiting from those provisions must be made from U.S. fabric, unless subject to certain de minimis exceptions specified in the conference agreement.

Where the conference agreement broadens the benefits available to our trading partners beyond those included in the Senate-passed legislation, the provisions create discrete categories of apparel that may benefit from the use of regionally-produced fabric, and in certain limited instances, fabric from third countries used by the least developed countries in Africa. That said, where the conference agreement does expand those benefits for Africa and the Caribbean, it also creates new opportunities for U.S. interests as well. For example, the conference agreement's rules of origin expressly provide for the use of American yarn, which relies on American cotton, for regionally-made knit fabric that can be used in apparel articles destined for the U.S. markets under the benefits provided by the conference agreement.

The conference agreement deserves the Senate's support. The conference agreement represents an attempt to reach out and provide not just a helping hand, but an opportunity—an opportunity for millions around the world to seize their own economic destiny.

Africa has for too long suffered from our neglect. The continent faces daunting political, economic and social challenges. Yet, African leaders are seizing the opportunity to press for political and economic change. The same holds true in the Caribbean and Central America. The changes in the region since the original CBI legislation passed in 1983 have been dramatic. Our goal must be to support those changes.

The goal of the Trade and Development Act of 2000 is to meet Africa's leaders and those in the Caribbean and Central America half way. It is not a panacea for problems they face; rather, it is a small downpayment—an investment—in a partnership that I hope we can foster through our actions here.

This is a measure that is supported by every African and Caribbean government. It represents a commitment by leaders in both regions to a stronger economic relationship with the United States, and that street runs both ways. Our exports to the Sub-Saharan region of Africa, for example, already exceed by 20 percent our exports to all the states of the former Soviet Union combined. We furthermore run a regular surplus in our trade with the Caribbean and Central America. In other words, in helping Africa and the Caribbean, we are also helping ourselves.

The conference agreement will also serve as an agent of positive change.. The eligibility criteria in both the Africa and CBI provisions are expressly designed to foster economic opportunity and political freedom. That includes the criterion added here in the Senate by a vote of 96–0 obliging beneficiaries of these two programs, as well as the Generalized System of Preferences, to implement their international obligations with respect to the elimination of the worst forms of child labor, such as slavery, indentured servitude, and prostitution.

For those who would argue that the bill creates incentives to transship third country fabric through either Africa or the Caribbean, the conference agreement has a response that was worked out in close consultation with the Customs Service and all other interested parties. To protect against customs fraud designed to gain access to the program illegally (commonly referred to as "transshipment"), the conference agreement contains unprecedented protections. They include requirements that the beneficiary countries, with U.S. technical assistance, develop their own effective enforcement infrastructure to combat transshipment and cooperate fully with the U.S. Customs Service in its investigation of alleged customs fraud. In addition, with respect to any individual exporter found fraudulently to have claimed the trade benefits extended under the conference agreement, the conference agreement would expel the exporter from eligibility for the program's benefits. The conference agreement would also authorize the appropriation of funds necessary to improve the U.S. Customs Service's investigation of transshipment generally, in order to contribute to the success of the program's benefits.

For those who have expressed their concern that the new programs will lead to a flood of new imports at a time when the U.S. industry is already under economic pressure to adjust due to agreements reached in the Uruguay Round, the conference agreement has a response as well. First, the rules of origin under the conference agreement largely reflect the approach we adopted in the Senate, one that favors the use of American fabric. That means that any increase in imports will necessarily imply an increase in sales of American textiles. Second, the conference agreement also provides a mechanism by which domestic producers of apparel articles competing with those imported under these program can obtain temporary relief from unexpected surges in particular categories that threaten serious injury to the competing domestic industry.

The conference agreement would add certain other provisions that I believe will strengthen the prospects for success. For example, with respect to Africa, the conference agreement encourages the negotiation of new trade-liberalizing agreements with interested Sub-Saharan Africa trading partners that would build on the foundation that the conference agreement establishes, and toward that end the conference agreement makes permanent the position of Assistant United States Trade Representative for African Affairs.

The conference agreement also includes a variety of other measures that address other aspects of the challenges facing Africa and other aspects of our economic relationship with the continent. Those include a sense of the Congress resolution regarding the need for comprehensive debt relief for the world's poorest countries (most of which are in Sub-Saharan Africa); the targeting of U.S. technical assistance to foster the goals of the conference agreement with respect to Sub-Saharan Africa; encouraging the development of a special equity fund for fostering investment in Africa at the U.S. Overseas Private Investment Corporation; directing the expansion of U.S. Commerce Department initiatives designed to foster the development of African markets for U.S. exports; the donation of air traffic control equipment no longer in use in the United States to eligible Sub-Saharan Africa countries; a sense of the Congress relating to efforts to combat desertification; and authorization of a study regarding potential improvements in Sub-Saharan agricultural practices.

With respect to the Caribbean and Central America, the conference agreement adds provisions designed to foster the success of the initiative as well. Those include encouragement to enter into negotiations with interested trading partners on trade agreements that would liberalize two-way trade further and directions to the President to organize regular meetings of the U.S. Trade Representative with trade ministers from the region to eliminate obstacles to a stronger economic relationship between the United States and our trading partners in the region.

The conference agreement contains a number of other trade-related provisions that are worth noting. Those includes the permanent establishment of a special representative on agricultural trade at USTR and a statement of agricultural trade negotiating objectives that we hope will shape the agenda for the ongoing trade talks in the World Trade Organization on agriculture.

The conference agreement also provides a boost to our review of trade adjustment assistance programs to ensure that they are operating effectively. While the conference agreement does not include the Senate amendment expanding our farmers' access to TAA programs, it does highlight the need to review our current TAA programs with a view toward to ensuring that those programs do provide benefits to farmers as those programs were originally intended to do when established in 1962. That review is already under way within the Finance Committee.

The conference agreement would also extend permanent normal trade relations to Kyrgyzstan and Albania. Kyrgyzstan deserves special mention because it is the first of the former Soviet republics, apart from two Baltic countries, to join the World Trade Organization. It has also made considerable progress toward a market economy and political pluralism. Establishing stronger trade links with the Kyrgyz republic is designed to foster a stronger relationship on a broader front, both economically and politically.

I would also like to express my support for those provisions of the conference report designed to address the tariff inversion affecting the suit-making and fabric industries in this country. I have worked with a number of Senators for the past six months to forge this compromise that would address the concerns of both the domestic suit-makers, fabric-makers, and wool growers. I am particularly proud that the compromise was reached on the basis of tariff cuts that benefit all of the parties. The conference agreement resolves a difficult problem that has undermined the competitiveness of all sides of the U.S. industry and I am pleased that we have been able to reach an agreement that should foster both stronger suit-makers and stronger fabric-makers, as well as assist our sheep industry in developing new markets for its wool fiber.

I would also like to note my disappointment that we were unable to agree on a way to make further progress in addressing the scourge of AIDS affecting so many African countries. I worked for several months to reach a compromise with both sides of the debate regarding the supply of patented drugs to combat AIDS-related disease, but that effort went unrewarded. I would have hoped that the conference report would have gone further, particularly where we had worked on what I thought were constructive potential compromises, but I am certain that there will be other opportunities in this Congress to rejoin those discussions.

Any conference agreement is, by its nature a compromise. In this instance, I am convinced that the conference agreement is the stronger for it. While we did not accomplish all that I hoped, this conference agreement represents an incredible accomplishment.

For that, I particularly want to thank the majority leader for his commitment to this process. I want to convey my special thanks to my esteemed colleague, the ranking member of the Finance Committee, Senator MOYNIHAN, for his leadership throughout this process, to Senator GRASSLEY, chairman of the Subcommittee on International Trade, for his sustained contribution, and to the other Senate conferees.

I also want to applaud the efforts of our counterparts on the House side, from the chairman and ranking member of the Ways and Means Committee, Congressmen ARCHER and RANGEL, to the chair and ranking member of the Ways and Means Trade Subcommittee, Congressmen CRANE and LEVIN, and to the Speaker of the House, Congressman HASTERT. They made this conference agreement a reality.●

Mr. MOYNIHAN. Mr. President, I see my friend from Florida is here, so I am happy to yield to him.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I need only a few minutes to respond to a couple previous remarks. I will not take very long, I say to the Senator from Florida.

Mr. President, I want to, first of all, follow up on a comment that Senator DODD and Senator MOYNIHAN made about Colombia and including it in the Caribbean Basin Initiative. I was hopeful we could do that. I sent several communiques to the leaders about doing that. I am sorry it could not be done in this conference agreement. I hope we get an opportunity this year to include Colombia as a beneficiary country in the Caribbean Basin Initiative program because I think it will help the economy of Colombia, help them overcome the civil distress they have there, even more than the aid that we currently give to Colombia, although that aid is very necessary.

I also want to make a short comment on the effort put forth by the Senator from California, Senator FEINSTEIN, to explain the situation with AIDS in Africa, and her attempt to help relieve that terrible situation through the AIDS provision she included in the Africa trade bill. I applaud my distinguished colleague, the senior Senator from California, for her great concern for the victims of the AIDS disaster in Africa. We all could not help but be deeply moved by her presentation and the compassion that she expressed this morning.

I supported Senator ROTH's efforts to seek a compromise on her provisions that would have been acceptable to the House. The Senator from California, as well as Senator ROTH, have performed a great service in bringing this issue to our attention and in trying to do something about it.

Then lastly, I will say a few words on the comments made by Senator HOLLINGS, in his long and very thorough presentation of his point of view—which I disagree with, or at least his conclusions.

He is a distinguished Senator with great knowledge on this particular issue. I think he is wrong in opposing the bill because he says that this conference report will devastate the U.S. apparel industry.

Sub-Saharan Africa currently supplies less than 1 percent of the total value of apparel imports to the United States. Under the most optimistic circumstances, the recent analysis by the nonpartisan International Trade Commission shows that passage of this legislation would increase apparel imports to this country from sub-Saharan Africa by about 3 percent. Most, if not all, of this increase would come at the expense of Far Eastern suppliers, not the U.S. manufacturers.

Again, let me emphasize, that is from the nonpartisan—at least bipartisan—International Trade Commission. The legislation in the conference report establishes a mechanism under which domestic producers can petition for relief from import surges that threaten serious injury.

Under these provisions, tariffs could be reimposed in limited instances in which a domestic producer could establish a meritorious case. So we have that option just in case the analysis made by the International Trade Commission might be wrong. I do not think it is going to be wrong. In fact, I have great confidence their predictions will not be wrong. But just in case there are some unexpected import surges, our legislation provides for a petition for relief in those instances.

Furthermore, we have the industry's own analysis. It suggests that this legislation will create an additional 120,000 jobs, largely due to provisions requiring that all apparel items benefiting from provisions contained in the Caribbean Basin Initiative portion of this legislation must be assembled by textile components using U.S. fabrics.

More generally, I want to say a word about the idea that free trade has not provided economic benefits to the average American. I want to quote from the economic report of the President, who is, of course, a member of the same party as the Senator from South Carolina.

The President's own economic report for fiscal year 2000 shows that, because of trade agreements that have liberalized trade and opened new markets, the average American has realized an annual economic benefit of $1,000 every year since 1963. Since we traditionally measure economic benefits by how they affect families, with a family of four, that is an annual benefit of $4,000 per family.

Think in terms of what we have tried to do for families through proposals for tax cuts. That amount of $4,000 is far more than any tax cut that we have debated in the Congress. The idea that the average American does not benefit from free trade is simply not true. My source of that information—I tell the Senator from South Carolina—is the leader of his party, President Clinton, making those statements in his own budget document.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, since the early 1980s, the United States has implemented a logical series of policy initiatives with respect to the nations of the Caribbean Basin.

First, in 1983, we enacted the Caribbean Basin Initiative, CBI, to stabilize the region by building stronger, more diverse economies. This initiative had the added goals of enhancing national security, and reducing the flow of illegal drugs and illegal immigrants into the United States.

Second, after the enactment of NAFTA in 1993, we moved to "level the playing field," for the CBI region by further enhancing our trade relationship with the CBI nations. Today, after 7 years of debate, we will vote on the final passage of this measure.

Third, we have responded quickly and compassionately to a number of humanitarian crises in the CBI region; most recently to Hurricanes Mitch and Georges, which caused unprecedented damage and misery in many Latin American nations.

And finally, we now look towards 2005, a year that will bring the expiration of the Agreement on Textiles and Clothing and the implementation of the Free Trade Area of the Americas, both of which will significantly affect trade relations throughout the Western Hemisphere. Today, I will discuss the importance of the legislation before us, as well as the future of our relationship with some of our most important neighbors.

I am very pleased that the full Senate is now considering the conference report on H.R. 434, which includes a number of trade enhancement measures, including the Africa Growth and Opportunity Act and Caribbean Basin

Trade Enhancement. Although I fully support all the measures in this package, I have a particular interest in the United States-Caribbean Basin Trade Enhancement Act. Since the passage of NAFTA put our Caribbean neighbors at a competitive disadvantage, I have worked to enhance the Caribbean Basin Initiative that was originally passed in 1983. I thank Senators ROTH, MOYNIHAN, and LOTT for their support in bringing this important piece of legislation to the floor, in addition to their tireless work with the Senate and House conferees to reach agreement on a number of provisions included in this bill.

Over the past 7 years, I have worked to enhance and build upon our existing trade relationship with our neighbors in the Caribbean Basin region. Three times, in 1993, 1995, and 1997, I introduced CBI enhancement legislation to achieve this important goal. On February 3, 1999, in response to the overwhelming devastation and destruction caused by Hurricane Georges and Hurricane Mitch, I introduced the Central American and Caribbean Relief Act. This bill represented a broad and comprehensive strategy to provide immediate disaster relief, economic and infrastructure recovery and development, and long-term trade enhancements that would benefit both the United States and the countries in the region well into the new millennium.

Although we passed legislation in March 1999 that provided immediate disaster relief to the countries in the region that were impacted by Hurricanes Georges and Mitch, I am pleased that we are now considering final passage of a bill that includes many of the long term trade enhancement provisions I introduced in the Central American and Caribbean Relief Act. Trade is the best form of aid. Enacting this legislation is critical to the continued economic health of our nation and the economic health of our closest neighbors in the Caribbean and Latin America. It is also in our national security interests.

There are many compelling reasons to pass this legislation. The first is humanitarian. I have made three trips to the region in the year following the devastation of Hurricane Georges and Hurricane Mitch. I know that many of my colleagues have also seen the destruction caused by these hurricanes. These two destructive storms caused a level of death and devastation not seen in this hemisphere in over 200 years.

We have all heard of the tremendous loss of life, economic disruption, and human suffering caused by these hurricanes. As a neighbor, a friend, and a great nation, we have an obligation to respond with assistance that will help the region recover as rapidly as possible.

A second reason to pass this legislation is economic: CBI enhancements are in the best economic interest of the United States. Experience shows us that providing trade benefits to the Caribbean basin in good for the United States. Following enactment of the Caribbean Basin Initiative in 1983, our trade position with the region improved from a deficit of $3 billion in 1983 to a surplus of nearly $3.5 billion in 1998. Between 1983 and 1998, U.S. exports to the region increased fourfold, while total imports into the U.S. from the region grew by less than 20 per cent. On a per capita basis, our trade surplus with the CBI region has consistently out-paced our trade surplus with any other region of the world. In fact, since 1995, U.S. exports to the CBI countries have increased by approximately 32 percent. Over 58 million consumers in the 24 countries in the CBI region purchase 70 percent of their non-oil imports from the United States.

Yet another reason to strengthen the Caribbean economy is the stability of our closest neighbors. In 1983 the Caribbean Basin, which includes Central America, was a region inflamed with violent conflicts and rampant drug trafficking. The primary goal of the initial CBI legislation was to stabilize the region by building stronger, more diverse economies, and to enhance our national security by reducing the flow of illegal drugs and illegal immigrants into the United States.

While everyone can agree that the region's worst days are behind it, we have a continued national security interest in the Caribbean Basin—such as stemming the flow of illegal drugs into the United States. Without assistance to restart the regional economy and make it possible for people to provide for their families, the nations in the region will be even more susceptible to the scourge of drug trafficking. The people of the region must have opportunities in the legal economy so that they may feed their families and resist the financial temptations associated with drug trafficking.

In addition, failing to enact CBI enhancements will increase the pressure for migration to the United States. The people of the region must have real opportunity at home so that they are not forced to flee in order to find employment and feed their families.

Passage of this legislation is not only critical to ensure that the Caribbean Basin is no longer negatively affected by NAFTA, but it will also boost the region's long-term competitiveness with Asian nations, particularly in the textile industry.

Although current CBI textile production costs are somewhat higher than costs in Asia, the textile products of most Asian nations are currently subject to quotas imposed by the Multi-Fiber Agreement, now known as the Agreement on Textiles and Clothing. This restriction on Asian textiles has enabled the CBI region to remain competitive, and further, the CBI region has become a significant market for fabric woven in U.S. mills from yarn spun in the U.S. originating from U.S. cotton growers.

However, in 2005, the Asian import quotas will be phased out. At that time, textile production in the Caribbean basin will be placed at a distinct and growing disadvantage. Disinvestment in the region will occur, reducing the incentive to use any material from U.S. textile mills or cotton grown in the United States.

That is why passing CBI enhancement legislation now is critical to the U.S. textile and yarn industries, as well as to the U.S. cotton growers. Sixty-four thousand U.S. textile workers depend on our partnership with the Caribbean. Overall, four hundred thousand U.S. jobs are dependent upon textile exports to the CBI region. Only by providing incentives for the development of strong relationships with apparel manufacturers in our hemisphere will we have any chance to maintain a market for U.S. cotton and textiles after the Asian quotas are eliminated in 2005.

Inherent in our CBI enhancement efforts are public and private investment incentives that will increase productivity and the quality of life within the region. We anticipate the textile industry will provide investment capital targeted for the construction and maintenance of schools, health and child care facilities, and technology enhancements to increase the productivity of both workers and existing manufacturing facilities. A well trained and healthy workforce will be more productive and efficient as Caribbean basin producers compete for shares of the international textile market.

Mr. President, we are about to make a fundamental decision that will impact twenty-seven of our closest neighbors. The choice is clear, stark and beyond reasonable debate. Will we engage or will we retreat? I urge my colleagues to extend this assistance to our neighbors in order to expand commerce and promote economic and political stability in the region.

With the final passage of this legislation, we have an unprecedented opportunity to strengthen our economic and national security through the enhancement of our trade relationship with our neighbors in the region. We must act prior to 2005 to build a dynamic, formidable Western Hempishere trade alliance that encourages U.S. industry to invest in the region and to make commitments to rebuilding the industrial infrastructure in the region.

There are a number of additional initiatives, both at home and abroad, that we should aggressively pursue in order to build a true "partnership for success" with both the Caribbean and the other nations of the Western Hemisphere. Mr. President, as we take the first step in this process today in passing CBI enhancement legislation, let me outline and advocate a comprehensive strategy for economic growth and development throughout our hemisphere.

First, here in the U.S., we should move quickly to modernize and improve both the facilities and organizations that manage our international trade.

For example, in recent years, the variety of trade and commerce that are carried out at seaports has greatly expanded. This continuing growth of activity at seaports has increased the opportunities for a variety of illegal activities, including drug trafficking, cargo theft, auto theft, illegal immigration, and the diversion of cargo, such as food products, to avoid safety inspections.

In 1998, I asked the President to establish a federal commission to evaluate the nature and extent of crime and the overall state of security in seaports, and to develop recommendations for improving the response of federal, state and local agencies to all types of seaport crime. In response to my request, President Clinton established the Interagency Commission on Crime and Security in U.S. Seaports on April 27, 1999.

Although the Commission will soon release its final report, it has already identified at least four preliminary recommendations for improving seaport security:

First, we should establish minimum security guidelines for all U.S. seaports. These would include uniform practices for physical security, certification for private security officers at seaports, guidelines for restricting vehicle access to seaports, and other, similar measures.

Second, local ports should establish and maintain local port security committees, made up of federal, state, and local agencies with trade and law enforcement responsibilities at seaports. These committees would discuss and develop solutions for issues related to port security. For example, a joint initiative among state and local police departments in South Florida, the FBI, and the Customs Service, known as the Miami-Dade County Auto Theft Task Force, has been very successful. In the last 3 years, this task force has recovered 851 stolen vehicles valued at $19 million.

Third, federal, state, and local law enforcement agencies should conduct cooperative, interagency threat assessments for seaports within their jurisdictions, with an eye towards coordinating their efforts to combat criminal activity.

And finally, we should encourage the development and deployment of new technologies that would further assist law enforcement and trade officials in carrying out their missions at the ports. Currently, few ports employ measures such as security cameras, carbon dioxide detectors, vessel tracking devices, or enhanced x-ray equipment, all of which could assist law enforcement personnel in accomplishing their mission. Enhanced technology will not only facilitate the movement of legitimate trade, but will also assist in the rapid detection of criminal and terrorist activities.

The second critical domestic initiative is the modernization of the U.S. Customs Service. On a typical day, dedicated Customs officers in over 900 U.S. field locations and 34 foreign offices perform multiple tasks associated with the successful performance of the agency's mission. This includes the examination of 550 vessels, 45,000 trucks, 344,000 vehicles, and 1.3 million passengers.

Perhaps even more important, Customs officers seize over 4000 pounds of narcotics and $1.2 million in drug money in a day, and they make 67 criminal arrests of those involved in a various illegal activities, including drug running and money laundering. And finally, in their role as facilitator of U.S. trade, Customs processes over 58,600 import shipments worth $2.6 billion, monitors 27,000 export shipments, and collects over $60 million of revenue per day.

It is vital that the automation systems upon which Customs relies to perform its mission-critical functions be up-to-date and capable of handling the ever-increasing pressure on the Service. And this is the problem.

Currently, the Customs Service relies on severely aging automation systems. In particular, Customs Automated Commercial System (known as ACS), which is at the core of their trade enforcement and compliance functions, and is over sixteen (16) years old, is increasingly susceptible to short-term "brown-outs" and long-term failure. With an ACS system failure, even for a few hours, the Customs Service's responsibility for protecting American borders becomes significantly more difficult.

Commissioner Kelly and the Customs Service are ready to move forward with the modernization of their information technology systems. They have determined the funding requirements to accomplish their modernization goals in the most cost-effective fashion. Customs will require $12 million for the remainder of fiscal year 2000, and they have requested $338.4 million for fiscal year 2001 in order to complete this project.

The importance of Customs modernization cannot be overstated; it is a fundamental component of moving U.S. trade policy into the 21st century. I urge my colleagues to support Commissioner Kelly in his effort to streamline and modernize the Customs Service, and to fully fund this critically important initiative.

Third, we must pass legislation that recognizes the comprehensive role of the Customs service in both trade facilitation and law enforcement. Both the Senate and the House have passed bills to reauthorize the U.S. Customs Service. Both bills would provide Customs with the necessary funding it requires to perform its multi-faceted functions of drug interdiction, passenger and cargo inspection, and trade facilitation.

Both bills enhance drug interdiction and investigative efforts, the facilitation of international trade, the targeted use of sophisticated technology, the efficient allocation of assets and resources, and the enhancement of Customs internal affairs functions. In addition, the Senate bill directs the Customs Service to establish performance goals and indicators, as well as priorities and objectives by which we may evaluate the effectiveness of Customs operations.

I urge both chambers of Congress to resolve quickly the differences between the two bills, and to pass a comprehensive Customs Reauthorization Act as a demonstration of our commitment to support the first line of defense against the flow of drugs and drug money across our borders, and boost the first line of offense in promoting trade.

In the interest of expanding trade and economic development throughout the Western Hemisphere, there are a number of legislative initiatives already under consideration by the Senate that should be finalized and passed before we complete our business this year.

As I have already stated, the primary goal of the Caribbean Basin Initiative (CBI) was to stabilize the region by building stronger and more diverse economies, encouraging growth in international trade, developing a strong economic relationship between the U.S. and the region, and creating employment opportunities in the legitimate economy as an alternative to drug trafficking.

In 1991, after 8 years of resounding success in the CBI region, Congress passed the Andean Trade Preferences Act (ATPA), providing CBI-like trade benefits to the countries of Bolivia, Colombia, Ecuador, and Peru. In the nine years following enactment of ATPA, U.S. exports to the Andean region have more than doubled, from $3.9 billion in 1991 to nearly $9 billion in 1998. U.S. exports to Colombia account for over half of this increase, growing from $2 billion in 1991 to $4.8 billion in 1998. During the same time period, Andean exports to the U.S. increased by almost 80 percent.

In the wake of the Asian financial crisis, Colombia and its Andean neighbors are struggling with issues similar to the challenges of the CBI region—only much worse. After more than 60 years of sustained growth, Colombia is experiencing its worst economic recession since the 1930s. Unemployment in Colombia is at an historic high of 21 percent; the Colombian economy is suffering from three consecutive quarters of negative growth. The economic downturn in Colombia has harmed both foreign and domestic investor confidence in the Andean region.

Drug trafficking is undermining the democratic foundations of the Andean region. The Office of National Drug Control Policy (ONDCP) recently released information indicating Colombian coca cultivation has increased 140 percent over the past five years. More than 300,000 acres of coca are currently under cultivation in the jungles and mountains of Colombia. Actual cocaine production in Colombia has risen from 230 metric tons to 520 metric tons, a 126 percent increase in the same five year period. ONDCP estimates that 80 percent of the cocaine available on our nation's streets was cultivated on Colombian farm land, processed in Colombian drug labs, or smuggled into the U.S. through Colombia's roads, rivers, and air space.

The people of the Andean region are also suffering from the rampant guerilla violence that plagues Colombia and threatens the stability of the entire Andean region. In 1998, there were over 21,000 murders and 1,100 kidnapings in Colombia. Ninety percent of these murders and kidnapings were related to the armed conflict between the Government of Colombia and the anti-government insurgent groups who control almost 40 percent of the country, are heavily involved in cocaine and heroin trafficking, and who regularly violate the national sovereignty of their Andean neighbors.

Colombia's best and brightest citizens are leaving their homes in record numbers. Since 1995, over 1 million Colombians have fled their country to escape the drug and guerilla related violence that threatens the entire region. In the last year alone, more than 100,000 Colombians have moved to South Florida. Seventy percent of the Colombians displaced by the violence and terror in their country will never return to Colombia.

In response to this crisis, the government of Colombia has formulated Plan Colombia. The administration, in turn, has responded generously to Colombia's needs by considering a supplemental appropriations package of more than $1.6 billion to help the country in this time of crisis. This will supplement over $4.0 billion being spent by Colombia itself.

Fundamental to Plan Colombia, and to the government's ability to succeed in its efforts to safeguard the country, will be efforts to encourage economic growth and provide jobs to the Colombian people. Without new economic opportunities, more and more Colombians will turn to illicit activities to support their families or seek to join the growing numbers of people who are leaving the country to find a better, safer future for their families.

As part of its Colombian assistance package, the administration has proposed $145 million over the next 2 years for alternative economic development targeted toward Colombian coca and poppy growers. Although agricultural reform is an important component of the administration's plan, agricultural programs alone are insufficient in addressing the alternative development needs in the Andean region. Again Mr. President, trade is the best form of aid.

The United States is at a critical juncture with its neighbors in the CBI and Andean regions. As we enhance our trading relationship with our partners in the Caribbean by passing the legislation under consideration today, we must also work to expand and enhance our trading relationships with the countries of the Andean region. Currently, under ATPA, Bolivia, Colombia, Ecuador, and Peru enjoy the same trade benefits that we currently extend to the CBI region. However, upon final passage and enactment of CBI enhancements, our Andean trading partners will be at a competitive disadvantage.

To promote economic growth and regional stability, the Congress must consider additional trade measures that benefit the Andean region. First, the Congress should grant early renewal of ATPA. Early renewal of this important trade agreement will signal the United States' support of Colombia's economic reform efforts, and will boost the confidence of both domestic and international investors in pursuing business opportunities that create jobs and enhance international trade in Colombia and the Andean region.

Second, the Congress should consider granting CBI parity to the ATPA beneficiaries. During 1999, Colombia and its Andean neighbors exported approximately $562 million in textiles and apparel to the United States. While insignificant in comparison to the $8.4 billion in textile and apparel exports originating in the CBI region, Andean textile and apparel production sustains more than 200,000 jobs in Colombia alone—valuable jobs in the legitimate economy. Absent CBI parity, the Andean region will find itself at a significant competitive disadvantage with the 27 countries of the CBI region.

Third, the Senate should approve passage of the administration's supplemental assistance package for Colombia. The proposal responds to an emergency situation, expresses a strong U.S. commitment to Colombia, and complements other key elements of Plan Colombia. I believe that it will help mobilize higher levels of commitment from the Colombian government and the private sector, and will catalyze and sustain multilateral efforts of support for Colombia.

As we consider the final passage of CBI enhancements, as well as the President's Colombian aid package, the United States has an unprecedented opportunity to make significant accomplishments in regions ravaged by natural disasters, economic contraction, and the scourge of drug trafficking. However, as we make the fateful decisions, we must recognize that the dollars we spend on eradication and interdiction will be wasted unless the expansion and enhancement of international trade is included as a critical component of an effective economic assistance and counter drug strategy.

We must also aggressively pursue the Fee Trade Area of the Americas, which will put in place the future framework for trade in our hemisphere. We cannot afford to fail in this task, and I am encouraged by the progress that has been made up to this point.

Last year, Congress passed my resolution stating that Miami should host the permanent Secretariat of the Free Trade Area of the Americas. Coupled with the passage of the trade legislation under consideration today, these actions indicate that the United States Congress still believes that opening markets and expanding economic links abroad are in our national interests. We must continue to demonstrate our leadership in this movement.

There is also much that can and should be accomplished by our Caribbean partners to ensure that their end of the international trading system is as efficient as it can be. They must work to ensure the efficiency of their seaports, airports, and transportation systems. We can help with technical assistance. International institutions such as the World Bank and the Inter-American Development Bank can use their assistance programs to promote efficiency and increase investment in the textile and apparel sector of the Caribbean economy. We can also work with these institutions and industries to ensure that internationally recognized labor rights are respected. Such initiatives will continue to build a consensus in the U.S. and aboard on the benefits of expanded trade.

Upon final passage of CBI enhancement legislation, we will begin the important process of establishing a true "partnership for success" with some of our important neighbors. Mr. President, the action of the Senate today is a good start, but is only the beginning. I urge my colleagues to look towards the future, and to take advantage of the real economic benefits that can be achieved by further enhancing our relationship with the nations of the Western Hemisphere.

## TRIBUTE TO NAVY CAPTAIN GEORGE STREET

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to an outstanding officer of the U.S. Navy.

Captain George Street, a World War II submarine war hero and Medal of Honor winner, proudly served our country in the United States Navy for over 39 years. Sadly, he passed away on February 28, in Andover, Massachusetts, his home for many years after his retirement from the Navy in 1966.

Captain Street was a native of Richmond, Virginia, and a 1937 graduate of the United States Naval Academy. He served on two naval surface combat ships, the USS *Concord* and the USS *Arkansas*, before reporting to submarine school. His first submarine assignment was in the USS *Gar* where he made nine wartime patrols in the Pacific. On his very first patrol, as the submarine's Torpedo Data Computer Operator, his leadership and courage earned him the Silver Star for actions in which the *Gar* sank over 10,000 tons of enemy shipping.

On a subsequent patrol, he earned a second Silver Star as the *Gar*'s Assistant Approach Officer. Operating in Japanese-controlled waters, he played a vital role in sinking three enemy ships, and was also instrumental in enabling the *Gar* to evade a barrage of enemy countermeasures and return safely to port. Captain Street continued to build upon his brilliant service as the war went on.

In November 1944, he took command of the USS *Tirante* and on March 3, 1945, he led the submarine out of Pearl Harbor on her first war patrol. Within a month, Captain Street and the crew of the *Tirante* sank three enemy ships off the shores of Japan and survived a seven-hour counterattack by Japanese ships. Captain Street continued his patrol in the East China Sea, near Japan's southern coast, wreaking havoc on Japanese shipping.

On April 14, 1945, the *Tirante* began a major battle that would earn the crew a Presidential Unit Citation and result in President Harry S. Truman awarding Captain Street the Congressional Medal of Honor. Receiving intelligence that a major Japanese transport ship and escort vessels had anchored in a harbor on Quelpart Island off the coast of Korea, Captain Street took the fight to the enemy. He surfaced the *Tirante* and manned his gun crews since the *Tirante* would have to fight her way out on the surface if attacked. He maneuvered to penetrate the mined, shoal-obstructed, and radar-protected harbor. He evaded enemy patrols and, once in the inner harbor, fired two torpedoes into a large Japanese ammunition ship, completely destroying it. The resultant explosion revealed the *Tirante*'s position to the enemy. In the light of the burning ammunition ship, two Japanese Mikura class frigates spotted the *Tirante* and attacked. Quickly bringing his submarine to bear on the leading frigate, Captain Street counterattacked with a torpedo, and then swung his boat around and fired his last torpedo at the other frigate. Clearing the harbor at emergency full-speed-ahead, he slipped undetected along the shoreline and safely evaded a depth charge attack by a pursuing patrol. The ammunition ship and both frigates had been sunk.

Captain Street was awarded the Navy Cross for another bold action two months later. On June 11, 1945, the *Tirante* sank several hostile freighters and other vessels, then moved through treacherous shallow waters into the heart of Nagasaki Harbor, where he sank another Japanese ship and destroyed docking facilities vital to the enemy. The *Tirante* surfaced and escaped from the harbor under hostile gunfire from ship and shore batteries.

After World War II, Captain Street continued to serve with distinction as the commanding officer of three naval surface ships, as a submarine division commander, and as the commander of a submarine group. On his retirement in 1966, he became an active member of numerous local, state, and national veterans organizations and was a popular speaker at patriotic and community functions in Massachusetts and New England. Captain Street often helped veterans and veterans organizations, and had a strong interest in talking with and inspiring school children.

Captain Street's dedication and service to his country and community were extraordinary. I am grateful, as I know the entire nation is, for his lifetime of outstanding service. He was a great American hero, role model, and citizen. He will be missed, but his memory and example will live forever.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. I thank the Chair.

(The remarks of Mr. DASCHLE and Mr. KENNEDY pertaining to the introduction of S. 2541 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## ELIMINATION OF COST-OF-LIVING ADJUSTMENTS

Mr. KENNEDY. Mr. President, we have just witnessed this week another example of indifference by Congress to the needs of lower-wage and hard-working American workers. While our minimum wage bill still languishes in the Congress in spite of all our efforts, the House Appropriations Committee just passed a bill that will eliminate the cost-of-living adjustments for the low-wage workers in the legislative branch. They cut the COLAs of the Library of Congress, the Government Printing Office, and other vital congressional agencies. This is after the Members of Congress got a cost-of-living increase of $4,600 last year.

The Republican leadership has cut out a COLA increase for these workers who happen to be the lowest-paid Congressional workers. If you are a truck driver for the Government Printing Office, you are out of luck. Again, when it comes to the staffs of the Members, they made sure their interests were protected. Drawing that kind of a line with workers who work for this institution is absolutely scandalous.

What is it about our Republican friends that they believe they have to be so harsh with the lowest-income working families in this country, refusing to permit us to vote on a pay increase, an increase in the minimum wage, of 50 cents this year and 50 cents next year? They have taken convoluted parliamentary tricks to block us from considering that, and then we find their own priorities are that this institution takes $4,600 for its COLA increase and cuts out the COLA increase for the lowest-paid workers who are serving the Congress. That is wrong. I hope the House of Representatives will change it. I hope it will not be tolerated.

There will be an effort on the Senate floor to make amends because that is wrong and unjust. We are not going to permit it to stand.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VOINOVICH). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Wisconsin is recognized.

## TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT—Continued

Mr. FEINGOLD. Mr. President, I want to take time to share some excerpts taken from the National Intelligence Estimate 99-17D of January 2000, which frames infectious diseases, such as HIV/AIDS, as a national security threat to the United States.

This is, obviously, pursuant to the discussion we have been having most of the day with regard to the inadequacy of the African Growth and Opportunity Act with regard to the provisions concerning HIV/AIDS in Africa and, in particular, the very serious error of the conference committee in eliminating the Feinstein-Feingold amendment concerning HIV/AIDS.

> This report represents an important initiative on the part of the Intelligence Community to consider the national security dimension of a nontraditional threat. It responds to a growing concern by senior US leaders about the implications—in terms of health, economics, and national security—of the growing global infectious disease threat. The dramatic increase in drug-resistant microbes, combined with the lag in development of new antibiotics, the rise of megacities with severe health care deficiencies, environmental degradation, and the

growing ease and frequency of cross-border movements of people and produce have greatly facilitated the spread of infectious diseases.

As part of this new US Government effort, the National Intelligence Council produced this national intelligence estimate. It examines the most lethal diseases globally and by region; develops alternative scenarios about their future course; examines national and international capacities to deal with them; and assesses their national global social, economic, political, and security impact.

Of the seven biggest killers worldwide, TB, malaria, hepatitis, and, in particular, HIV/AIDS continue to surge, with HIV/AIDS and TB likely to account for the overwhelming majority of deaths from infectious diseases in developing countries by 2020.

Sub-Saharan Africa-accounting for nearly half of infectious disease deaths globally—will remain the most vulnerable region. The death rates for many diseases, including HIV/AIDS and malaria, exceed those in all other regions. Sub-Saharan Africa's health care capacity—the poorest in the world—will continue to lag.

The most likely scenario, in our view, is one in which the infectious disease threat—particularly from HIV/AIDS—worsens during the first half of our time frame, but decreases fitfully after that, owing to better prevention and control efforts, new drugs and vaccines, and socioeconomics improvements. In the next decade, under this scenario, negative demographic and social conditions in developing countries, such as continued urbanization and poor health care capacity, remain conducive to the spread of infectious diseases; persistent poverty sustains the least developed countries as reservoirs of infection; and microbial resistance continues to increase faster than the pace of new drug and vaccine development. During the subsequent decade, more positive demographic changes such as reduced fertility and aging populations; gradual socioeconomic improvement in most countries; medical advances against childhood and vaccine-preventable killers such as diarrheal diseases, neonatal tetanus, and measles; expanded international surveillance and response systems; and improvements in national health care capacities take hold in all but the least developed countries.

Barring the appearance of a deadly and highly infectious new disease, a catastrophic upward lurch by HIV/AIDS, or the release of a highly contagious biological agent capable of rapid and widescale secondary spread, these developments produce at least limited gains against the overall infectious disease threat. However, the remaining group of virulent diseases, led by HIV/AIDS and TB, continue to take a significant toll. The persistent infectious disease burden is likely to aggravate and, in some cases, may even provoke economic decay, social fragmentation, and political destabilization in the hardest hit countries in the developing and former communist worlds.

The economic costs of infectious disease—especially HIV/AIDS and malria—are already significant, and their increasingly heavy toll on productivity, profitability, and foreign investment will be reflected in growing GDP losses, as well, that could reduce GDP by as much as 20 percent or more by 2010 in some Sub-Saharan African countries, according to recent studies.

Some of the hardest hit countries in Sub-Saharan Africa—and possibly later in South and Southeast Asia—will face a demographic upheaval as HIV/AIDS and associated diseases reduce human life expectancy by as much as 30 years and kill as many as a quarter of their populations over a decade or less, producing a huge orphan cohort. Nearly 42 million children in 27 countries will lose one or both parents to AIDS by 2010; 19 of the hardest hit countries will be in Sub—Sahran Africa.

The relationship between disease and political instability is indirect but real. A wide-ranging study on the causes of state instability suggests that infant mortality—a good indicator of the overall quality of life—correlates strongly with political instability, particularly in countries that already have achieved a measure of democracy. The severe social and economic impact of infectious diseases is likely to intensify the struggle for political power to control scarce state resources.

### THE DEADLY SEVEN

The seven infectious diseases that caused the highest number of deaths in 1998, according to WHO and DIA's Armed Forces Medical Intelligence Center, AFMIC, will remain threats well into the next century. HIV/AIDS, TB malaria, and hepatitis B and C—are either spreading or becoming more drug-resistant, while lower respiratory infections, diarrheal diseases, and measles, appear to have at least temporarily peaked.

### HIV/AIDS

Following its identification in 1983, the spread of HIV intensified quickly. Despite progress in some regions, HIV/AIDS shows no signs of abating globally. Approximately 2.3 million people died from AIDS worldwide in 1998, up dramatically from 0.7 million in 1993, and there were 5.8 million new infections. According to WHO, some 33.4 million people were living with HIV by 1998, up from 10 million in 1990, and the number could approach 40 million by the end of 2000. Although infection and death rates have slowed considerably in developed countries owing to the growing use of preventive measures and costly new multidrug treatment therapies, the pandemic continues to spread in much of the developing world, where 95 percent of global infections and deaths have occurred. Sub-Saharan Africa currently has the biggest regional burden, but the disease is spreading quickly in India, Russia, China, and much of the rest of Asia.

### TB

WHO declared TB a global emergency in 1993 and the threat continues to grow, especially from multidrug resistant TB. The disease is especially prevalent in Russia, India, Southeast Asia, Sub-Saharan Africa, and parts of Latin America. More than 1.5 million people died of TB in 1998, excluding those infected with HIV/AIDS, and there were up to 7.4 million new cases. Although the vast majority of TB infections and deaths occur in developing regions, the disease also is encroaching into developed regions due to increased immigration and travel and less emphasis on prevention. Drug resistance is a growing problem; the WHO has reported that up to 50 percent of people with multidrug resistant TB may die of their infection despite treatment, which can be 10 to 50 times more expensive than that used for drug-sensitive TB. HIV/AIDS also has contributed to the resurgence of TB. One-quarter of the increase in TB incidence involves co-infection with HIV. TB probably will rank second only to HIV/AIDS as a cause of infectious disease deaths by 2020.

Malaria, a mainly tropical disease that seemed to be coming under control in the 1960s and 1970s, is making a deadly come-back-especially in Sub-Saharan Africa where infection rates increased by 40 percent from 1970 to 1997. Drug resistance, historically a problem only with the most severe form of the disease, is now increasingly reported in the milder variety, while the prospects for an effective vaccine are poor. In 1998, an estimated 300 million people were infected with malaria, and more than 1.1 million died from the disease that year. Most of the deaths occurred in Sub-Saharan Africa. According to the U.S. Agency for International Development, USAID, Sub-Saharan Africa alone is likely to experience a 7- to 20-percent annual increase in malaria-related deaths and severe illnesses over the next several years.

Sub-Saharan Africa will remain the region most affected by the global infectious disease phenomenon—accounting for nearly half of infectious disease-caused deaths worldwide. Deaths from HIV/AIDS, malaria, cholera, and several lesser known diseases exceed those in all other regions. Sixty-five percent of all deaths in Sub-Saharan Africa are caused by infectious diseases. Rudimentary health care delivery and response systems, the unavailability or misuse of drugs, the lack of funds, and the multiplicity of conflicts are exacerbating the crisis. According to the AFMIC typology, with the exception of southern Africa, most of Sub-Saharan Africa falls in the lowest category. Investment in health care in the region is minimal, less than 40 percent of the people in countries such as Nigeria and the Democratic Republic of the Congo DROC have access to basic medical care, and even in relatively well off South Africa, only 50 to 70 percent have such access, with black populations at the low end of the spectrum.

Four-fifths of all HIV-related deaths and 70 percent of new infections worldwide in 1998 occurred in the region, totaling 1.8 to 2 million and 4 million, respectively. Although only a tenth of the world's population lives in the region, 11.5 million to 13.9 million cumulative AIDS deaths have occurred there. Eastern and southern African countries, including South Africa, are the worst affected, with 10 to 26 percent of adults infected with the disease. Sub-Saharan Africa has high TB prevalence, as well as the highest HIV/TB co-infection rate, with TB deaths totaling 0.55 million in 1998. The hardest hit countries are in equatorial and especially southern Africa. South Africa, in particular, is facing the biggest increase in the region.

Sub-Saharan Africa accounts for an estimated 90 percent of the global malaria burden. Ten percent of the regional disease burden is attributed to malaria, with roughly 1 million deaths in 1998. Cholera, dysentery, and other diarrhea diseases also are major killers in the region, particularly among children, refugees, and internationally displaced populations. Forty percent of all childhood deaths from diarrhea diseases occur in Sub-Saharan Africa. The region also has a high rate of hepatitis B and C infections and is the only region with a perennial meningococcal meningitis problem in a "meningitis belts" stretching from west to east.

### MIDDLE EAST AND NORTH AFRICA

The region's conservative social mores, climatic factors, and high levels of health spending in oil-producing states tend to limit some globally prevalent diseases, such as HIV/AIDS and malaria, but others, such as TB and hepatitis B and C, are more prevalent. The region's advantages are partially offset by the impact of war-related uprooting of populations, overcrowded cities with poor refrigeration and sanitation systems, and a dearth of water, especially clean drinking water.

The HIV/AIDS impact is far lower than in other regions, with 210,000 cases, or 0.13 percent of the population, including 19,000 new cases, in 1998. This owes in part to above-average underreporting because of the stigma associated with the disease in Muslim societies and the authoritarian nature of most governments in the region.

### INTERNATIONAL RESPONSE CAPACITY

International organizations such as WHO and the World Bank, institutions is several developed countries such as the US CDC, and Nongovernmental Organizations (NGOs), will continue to play an important role in strengthening both international and national surveillance and response systems for infectious diseases. Nonetheless, progress is likely to be slow, and development of an integrated global surveillance and response system probably is at least a decade or more away. This owes to the magnitude of the challenge; inadequate coordination at the international level; and lack of funds, capacity, and, in some cases, cooperation and commitment at the national level. Some counties hide or understate their infectious disease problems for reasons of international prestige and fear of economic losses. Total international health-related aid to low- and middle-income countries—some $2–3 billion annually—remains a fraction of the $250 billion health bill of these countries.

### MACROECONOMIC IMPACT

The macroeconomic costs of the infectious disease burden are increasingly significant for the most seriously affected countries despite the partially offsetting impact of declines in population growth, and they will take an even greater toll on productivity, profitability, and foreign investment in the future. A senior World Bank official considers AIDS to be the single biggest threat to economic development in sub-Saharan Africa. A growing number of studies suggest that AIDS and malaria alone will reduce GDP in several sub-Saharan African countries by 20 percent or more by 2010.

The impact of infectious diseases on annual GDP growth in heavily affected countries already amounts to as much as a 1-percentage point reduction in the case of HIV/AIDS on average and 1 to 2 percentage points for malaria, according to World Bank studies. A recent Namibian study concluded that AIDS cost the country nearly 8 percent of GDP in 1996, while a study of Kenya projected that GDP will be 14.5 percent smaller in 2005 than it otherwise would have been without the cumulative impact of AIDS. The annual cost of malaria to Kenya's GDP was estimated at 2 to 6 percent and at 1 to 5 percent for Nigeria.

Public health spending on AIDS and related diseases threatens to crowd out other types of health care and social spending. In Kenya, HIV/AIDS treatment costs are projected to account for 50 percent of health spending by 2005. In South Africa, such costs could account for 35 to 84 percent of public health expenditures by 2005, according to one projection.

### DISRUPTIVE SOCIAL IMPACT

At least some of the hardest-hit countries, initially in Sub-Saharan Africa and later in other regions, will face a demographic catastrophe as HIV/AIDS and associated diseases reduce human life expectancy dramatically and kill up to a quarter of their populations over the period of this Estimate.

### LIFE EXPECTANCY AND POPULATION GROWTH

Until the early 1990's, economic development and improved health care had raised the life expectancy in developing countries to 64 years, with prospects that it would go higher still. The growing number of deaths from new and reemergent diseases such as AIDS, however, will slow or reverse this trend toward longer life spans in heavily affected countries by as much as 30 years or more by 2010, according to the US Census Bureau. For example, life expectancy will be reduced by 30 years in Botswana and Zimbabwe, by 20 years in Nigeria and South Africa, by 13 years in Honduras, by eight years in Brazil, by four years in Haiti, and by three years in Thailand.

### FAMILY STRUCTURE

The degradation of nuolear and extended families across all classes will produce severe social and economic dislocations with political consequences, as well. Nearly 35 million children in 27 countries will have lost one or both parents to AIDS by 2000; by 2010, this number will increase to 41.6 million. Nineteen of the hardest hit countries are in Sub-Saharan Africa, where HIV/AIDS has been prevalent across all social sectors. With as much as a third of the children under 15 in hardest-hit countries expected to comprise a "lost orphaned generation" by 2010 with little hope of educational or employment opportunities, these countries will be at risk of further economic decay, increased crime, and political instability as such young people become radicalized or are exploited by various political groups for their own ends; the pervasive child soldier phenomenon may be one example.

### DESTABILIZING POLITICAL AND SECURITY IMPACT

In our view, the infectious disease burden will add to political instability and slow democratic development in Sub-Saharan Africa, parts of Asia, and the former Soviet Union, while also increasing political tensions in and among some developed countries.

The severe social and economic impact of infectious diseases, particularly HIV/AIDS, and the infiltration of these diseases into the ruling political and military elites and middle class of developing countries are likely to intensify the struggle for political power to control scarce state resources. This will hamper the development of a civil society and other underpinnings of democracy and will increase pressure on democratic transitions in regions such as the FSU and Sub-Saharan Africa where the infectious disease burden will add to economic misery and political polarization.

I see another colleague who wishes to speak. I will summarize why I have chosen to read at length from this intelligence report. It is very clear. The threat of these HIV/AIDS problems and other infectious diseases is not something that is separate from or different from the piece of legislation that we are looking at today. This is titled the "African Growth and Opportunity Act." It is supposed to hold out the promise not only of profit for Americans who want to trade with Africa but also genuine hope in the future for the nations of Africa and the people of the African countries.

Without a genuine attempt in this bill to begin to deal, in particular, with the HIV/AIDS problem, as well as other issues, this is a false promise, it is a hollow statement, and, I am afraid, one that could lead to a cynical response from those in Africa who will see this for what it really is: a one-sided piece of legislation that ignores one of the greatest human tragedies in human history and certainly a tragedy that completely undercuts the notion that we can have a good trading relationship with a continent that is being destroyed by such a vicious disease.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BENNETT pertaining to the introduction of S. 2539 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Conference Report on the Trade and Development Act of 2000. It is important to remind everyone this is the first substantive trade bill we have passed since the Uruguay Round implementation bill in 1994. It is about time. We Americans have, by far, the largest and most dynamic economy in the world. We are the world's only superpower. We better act like one. And that means taking leadership on global trade issues and trade policy, not burying our heads in the sand. Completion of this bill is a first step. Passage of PNTR for China is another.

I would like to make several general comments about this legislation. Then I will highlight some of its major sections and explain why they are in the best interest of the United States.

In two weeks, the House is scheduled to vote on whether to extend permanent Normal Trade Relations status to China. The Senate vote will follow. I am confident that it will pass in both houses. These two pieces of legislation have a common underlying set of principles.

First, a market-based economy, the rule of law, and the reduction and elimination of barriers to foreign trade. These all lead to greater growth, both for our trade partners domestically, as well as and for the global economy.

Second, greater interchange of goods, services, investment, and people between the United States and developing countries. This leads, over the long-run, to domestic stability in those nations, and greater global stability.

Third, if the United States were to turn inward today, we would be turning our back on a global trade and economic system that has brought us to the greatest height of prosperity in the history of the world.

Although the disparities in income around the world are greater than in the past, hundreds of millions of people have been raised out of poverty over the last two decades. We need to do a lot more to ensure that people in America and people overseas are not passed over by this growth. But raising trade barriers, reversing trade liberalization, and halting our efforts to open markets around the world is not the answer. That would only worsen income disparities and increase the number of people living in poverty.

The outcome of our conference is not perfect. It never is. But the result is absolutely in our national interest.

The two major sections of the bill are the Africa Growth and Opportunity Act, and the United States-Caribbean Basin Trade Partnership Act. The Africa portion is but one step in bringing Africa into the global economic system. And in promoting development on this terribly poor continent.

Many of the problems of Africa are home grown. Many of the problems are the vestige of totally inept and irresponsible colonial rule. We can provide ways, in this case through economic development, industrial growth, and debt relief, for Africa, to begin to emerge from its cycle of poverty.

The Caribbean Basin was put at a competitive disadvantage once NAFTA came into effect. This bill brings the CBI nations up to parity with Mexico. At the same time, it requires important commitments from those nations on intellectual property rights, on WTO obligations, on participation in negotiations in the free trade area of America, on fighting the war against corruption, on respecting internationally recognized worker rights, and on protecting against the worst forms of child labor.

Under this bill, a country in Africa or the Caribbean must commit to protect internationally recognized worker rights in order to receive benefits. Congress has debated the issue of the relationship between trade and labor for years. I am very pleased we have acted in support of one of the most basic sets of human rights. I hope this is an indication that we will start making real progress in reconciling trade and labor in future trade legislation.

Let me mention several other provisions of the bill that are of particular import. I deeply regret the provision passed by this Senate to provide trade adjustment assistance for farmers was not included in the conference report. Our farmers have suffered as much as any sector of our economy. Yet they fall between the cracks in our TAA policy, and that was not the intention when trade adjustment assistance was originally conceived.

As a compromise, the Secretary of Labor must submit a report examining the applicability to farmers of trade adjustment assistance programs. Further, the Secretary must make recommendations, either to approve the operation of those programs as they apply to farmers, or to establish a new program for farmers. These provisions are utterly inadequate. I guarantee we will revisit this issue. Farmers suffering adversely from the impact of trade should be provided with the means to adjust, just as factory workers do today.

I strongly support the provision establishing a chief agricultural negotiator at USTR, with the rank of ambassador. Agriculture is at the core of our economy and our society, and our agricultural trade negotiators need this high visibility to represent American interests properly.

I might add that agriculture disparities around the world are the only major remaining trade distortion not yet addressed either in GATT or WTO. It is agriculture trade distortions which are the major remaining significant barrier to trade with which we have not yet dealt.

I am very pleased this effort includes provisions dealing with the ways we deal with products made with forced or indentured child labor. Every time I hear that phrase "forced or indentured child labor," I get chills down my spine. It bothers all of us when we hear that. This conference report also includes provisions to deal with that and it includes new eligibility criteria in the GSP, Generalized System of Preferences, regarding the elimination of the worst forms of child labor.

I wish to recognize my colleague, Senator TOM HARKIN, for his tireless efforts on behalf of the rights of children globally. Everyone who is concerned—and we are all—with this problem should remember the name TOM HARKIN.

As has Senator HARKIN, I have traveled to some of the most inhospitable places in the world, and I have seen children working and living in conditions that would not be shown in a R-rated movie. I am proud to join him in supporting these measures.

Finally, wool tariffs. For years, there have been efforts to reduce the tariffs on the finest worsted wool. This is a complex issue affecting the manufacturers of wool suits, the manufacturers of wool fabric, the yarn spinning industry, wool growers, and retailers. The conference report provides for the temporary reduction of tariffs on a limited quantity of certain wool fabrics. It temporarily suspends the duty on certain wool yarns, fibers, and tops. And it establishes a $9 million wool research development promotion trust fund. This fund will assist wool producers in improving the quality of wool produced in the United States and help develop and promote the wool market. I welcome this thoughtful compromise that serves all concerned groups.

In sum, I am pleased the House has passed this comprehensive and historic trade package. I strongly support it. I urge my colleagues to vote in favor of it. America is the world leader in promoting a market economy and knocking down trade barriers in order to improve the quality of life, both in our country and abroad. We need to continue this, first, by approving this conference report, and then, shortly, by approving PNTR for China.

I yield the floor.

Mr. HELMS. Mr. President, as the distinguished Majority Leader knows, I have made no secret of my opposition to the conference report to accompany H.R. 434, the so-called African Growth and Opportunity Act. And though there's no doubt that the conference report will be adopted by the Senate, I am obliged to point out that Congress is on the brink of passing legislation that accelerates the loss of a significant part of America's manufacturing base and costs numerous jobs in the beleaguered textile and apparel industry.

Let me say at the outset that I certainly am not against "African growth" or "African opportunity" or economic growth in the Caribbean Basin. But I do not believe—and will not be convinced—that U.S. trade policy should aid emerging economies at the expense of an entire domestic industry and thousands of American workers.

But make no mistake, Mr. President, that is precisely what is occurring this week in the United States Senate. Consider the evidence: The textile industry is already operating under an enormous trade deficit. For every $6 million in apparel and fabric the industry exports, $21 million is imported, the vast majority of which streams in from third-world countries with cheap production costs. I don't suspect any Senator will seriously argue that H.R. 434 will do anything but dramatically increase this trade deficit.

Why is this so? Because American textile companies simply cannot compete on a playing field that isn't a level playing field. As cheap imports continue to flood the domestic market, job loss will not only continue, but increase. The media report news of our booming economy, but this so-called "boom" has left the textile and apparel industry out in the cold. As the Clinton administration crows about low unemployment, the Bureau of Labor Statistics also announced that just last month, 3,000 textile jobs were lost. Since 1994, when Congress passed the North American Free Trade Agreement, this industry alone has lost 453,000 jobs.

That's not just a statistic, Mr. President. That's 453,000 families forced to contend with the stress and displacement that accompany job loss. That's 453,000 workers forced to find new means to make their livelihood, often at lower-paying, entry level jobs for which they have little or no training.

453,000 Americans lost their job Mr. President, 70,000 of whom are North

Carolinians. Let's try to put that job loss statistic into perspective. The distinguished chairman of the Finance Committee, Senator ROTH, knows that there are only 412,000 jobs in the entire state of Delaware. A senior member of his committee, Senator BAUCUS, who was a conferee on this legislation, surely is aware that there are only 389,000 total jobs in Montana. Alaska has 289,000 jobs, Wyoming has 235,000 jobs, Vermont 296,000, South Dakota 381,000 and North Dakota 325,000 jobs.

Perhaps Senators would feel differently about U.S. trade policy if all of the workers instead of their entire states lost their jobs in the last decade. Yet that's the precarious state of textile and apparel in America, Mr. President, and Congress continues to promote policies that will further erode the industry.

In the textile communities of North Carolina, where 18 plants shut down in 1999 alone, you can bet they don't talk much about the booming economy. They're talking about something else.

Last April, I held a hearing in the Foreign Relations Committee on the effects of NAFTA five years after it took effect. Among those who provided testimony was a wonderfully unassuming women named Vontella Dabbs. Ms. Dabbs works at Delta Mills in Maiden, North Carolina, and although she was seated at the same table with Ambassador Richard Fischer and Pat Buchanan, she stole the show.

I am going to quote extensively from her testimony because it's important and it bears repeating again and again. She said the following:

> I come to you not as an expert in any field, not as a politically motivated person, but simply as an American that is deeply concerned for both my future and the future of my family and friends. I cannot quote you statistics or give you fancy computer-generated data to support some theory about foreign trade. What I can give you are honest and heartfelt feelings about what's going on in our community, as related to the foreign trade agreements and the people who work in textile plants . . .
>
> Today . . . modern textile companies and plants are threatened by one thing that I feel can put an end to our entire industry. This threat is that we are not being given a fair opportunity to compete with foreign business on a level playing field. Many of the well-intentioned laws, treaties, and trade agreements enacted during the past few years have made the competition between domestic and foreign textile business unfair, in favor of the foreign producers. These treaties and laws and trade agreements have not really opened up the world to American textiles, as was intended, but instead have opened our borders for foreign manufacturers to flood our country with goods produced with near slave labor in deplorable conditions for workers. These agreements have also created an incentive for American manufacturers to close the door on American manufacturing and go south to Mexico and the Caribbean to invest millions in foreign countries. And by doing this, they are putting thousands of hard-working Americans out of a job.

It's hard to argue with that, Mr. President, though I have no doubt that many of my colleagues will try to do so. I can hear them now, saying that may comparable new jobs have been created through the growth of the retail industry. To which the textile communities of North Carolina say, "Thanks for nothing." Textile jobs pay 63 percent more than retail jobs. While the average mill worker earns wages of $440.59 a week, retail workers make only $270.90.

Worse, the loss of textile jobs means money is drained from the economies of the hardest-hit communities, making it impossible for these towns to support this highly touted new retail employment. When the mills close, workers can't simply consult the local newspapers to get another job. Instead, they are forced to relocate, looking for those elusive retail jobs that pay barely more than half than the job they just lost, and are growing most rapidly in larger cities with a higher cost of living.

With this in mind, the last thing Congress needs to do is increase the amount of cheap imports coming into our markets. Yet this is exactly what H.R. 434 will do. Even worse, however, the bill provides the perfect loophole for Asian countries to circumvent U.S. import restrictions. No wonder many people around town are starting to refer to this legislation as the "Chinese Transshipment Bill."

Here's how Asian companies can easily conduct illegal transshipments from both African and Caribbean nations, Mr. President. Asian companies, which currently must comply with U.S. quota and duty requirements, will simply set up shop in the nations that benefit from this legislation. Once they are in operation, it's impossible to know whether garments are actually assembled in Africa or the Caribbean or being shipped to these countries from elsewhere. Then, under the bill, they can add another $3 billion to their current agreements with the United States.

Mr. President, these illegalities certainly won't benefit American textile companies—and it's hard to see how it does much for the African and Caribbean nations that this bill is ostensibly designed to help. Instead, it merely allows already-established Asian companies to use these nations as simple fronts for their own business. I certainly hope that's not what the Senate has in mind.

Mr. President, in my view, the decimation of one of America's most important industries is absolutely unacceptable. I do not quarrel with the contention that economic development in Africa and the Caribbean is an important objective and ultimately in America's best interest. Yet I fail to see why we must sacrifice an entire domestic industry to this international goal.

Sadly enough, the Senate is now poised to do just that. I am realistic enough to know the ultimate outcome of this debate. But I would be remiss in my duty as a Senator from North Carolina—and as an American—if I did not take a stand on behalf of the many thousands of workers who have paid—and will continue to pay—the price for a U.S. trade policy willing to countenance the destruction of the textile industry and the communities it supports.

THE PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2540 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

## MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## FIGHTING NEUROFIBROMATOSIS

Mr. KENNEDY. Mr. President, I welcome the opportunity to call the attention of the Senate to neurofibromatosis, or NF, a cruel neurological disorder that affects so many of our citizens. In the past, groups who come together to fight NF have asked Congress to designate May as "World Neurofibromatosis Awareness Month." This year, they are directing their energies to more substantive issues. I commend NF Inc. and other advocates across the nation for their leadership and their strong commitment to this cause.

NF is a genetic disorder of the nervous system that can cause tumors on nerves anywhere in the body at any time. It is a progressive disorder that affects all ethnic groups and both sexes equally. It is one of the most common genetic disorders in the United States—affecting one in every 4,000 births.

There are two genetically distinct forms of this disorder—NF–1 and NF–2. The effects are unpredictable and have varying manifestations and degrees of severity.

NF–1 is the more common type, occurring in about 1 in 4,000 people in the United States. Symptoms include five or more light brown skin spots known as café-au-lait macules, as well as tumors that can grow on the eyes or spine. In most cases, the symptoms are mild and people can live normal and productive lives. In some cases, however, NF–1 can be severely debilitating.

NF–2 is less common, affecting about 1 in 40,000 people, and much more severe. Tumors grow near the auditory nerve and often cause pressure on other nerves in the head and the body. Tumors also grow on the spine, and attack the central nervous system. People with NF–2 often experience deafness, frequent headaches and facial pain, facial paralysis, cataracts, and difficulty with balance.

There is no known cure for either form of the disorder, even though the genes for both NF–1 and NF–2 have been identified. Currently, NF has no treatment, other than the surgical removal of tumors, which sometimes grow back.

The disorder is not infectious. Only half of those affected with it have a prior family history of NF. If someone does not have NF, they cannot pass it on to their children.

Talented researchers across the country are making impressive strides in finding a cure for this serious disorder. Thanks in great part to the research sponsored by the National Institute of Neurological Disorders and Stroke at NIH, scientists have already identified the two genes that cause NF, and significant progress in developing new treatments is being made.

Much of the cutting-edge research on NF is being performed at the NF Clinic at Massachusetts General Hospital in Boston, which was founded in 1982 by Dr. Robert Martuza. It was one of the first clinics to recognize the unique multi-disciplinary problems that NF patients and their families face—and the vital role that a dedicated clinic plays in the research community. The McLain Hospital in Belmont, Massachusetts also has a vital role in supporting important research, particularly for NF–2.

One of the most difficult aspects of having NF, or caring for a patient with NF, is not knowing what the future will bring. Our lack of knowledge about the cause of the tumors associated with the disorder also makes the evaluation of potential therapies difficult. In association with Children's Hospital of Boston and the House Ear Institute in Los Angles, the NF Clinic at MGH is participating in an international study to define the types of tumors most commonly associated with NF.

Congress has a responsibility to provide these dedicated medical professionals and researchers with the resources and support necessary to continue their lifesaving work. President Clinton has asked for increased funding to fight this disorder and many other neurological illnesses.

We must also ensure that a person's genetic information cannot be used as a basis for discrimination. To receive appropriate care for NF, patients must have access to genetic tests, free from the concern that the results of those tests will be used to discriminate against them in any way.

I commend the dedicated researchers and physicians across the country for their commitment to this important issue, and I commend advocates like NF Inc. for their leadership. I look forward to rapid progress in the years ahead, and I am confident that Congress and the Administration will do as much as possible to support their all-important efforts. Together, we can cure NF.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 9, 2000, the Federal debt stood at $5,662,962,880,861.72 (Five trillion, six hundred sixty-two billion, nine hundred sixty-two million, eight hundred eighty thousand, eight hundred sixty-one dollars and seventy-two cents).

Five years ago, May 9, 1995, the Federal debt stood at $4,853,700,000,000 (Four trillion, eight hundred fifty-three billion, seven hundred million).

Ten years ago, May 9, 1990, the Federal debt stood at $3,075,888,000,000 (Three trillion, seventy-five billion, eight hundred eighty-eight million).

Fifteen years ago, May 9, 1985, the Federal debt stood at $1,741,509,000,000 (One trillion, seven hundred forty-one billion, five hundred nine million).

Twenty-five years ago, May 9, 1975, the Federal debt stood at $515,471,000,000 (Five hundred fifteen billion, four hundred seventy-one million) which reflects a debt increase of more than $5 trillion—$5,147,491,880,861.72 (Five trillion, one hundred forty-seven billion, four hundred ninety-one million, eight hundred eighty thousand, eight hundred sixty-one dollars and seventy-two cents) during the past 25 years.

## ADDITIONAL STATEMENTS

### A TRIBUTE TO WASHINGTON STATE UNIVERSITY PRESIDENT SAMUEL H. SMITH

• Mrs. MURRAY. Mr. President, I rise today to honor the long and exemplary service of Washington State University (WSU) President Samuel H. Smith and his wife Pat Smith.

Samuel Smith has served as President of WSU since July of 1985, and he will be retiring at the end of the month.

Under Dr. Smith's leadership, the University has prospered. During his tenure, he strengthened the undergraduate and graduate curricula and worked to increase opportunities for women and minorities.

As a result of President Smith's work, many programs at WSU have received national and worldwide recognition.

President Smith deserves special honor for expanding the number of people who benefit from the University's educational system and for bringing education at WSU into the Information Age.

Dr. Smith established branch campuses of WSU in Vancouver, the Tri-Cities, and in Spokane, opening the doors of higher education to an even greater number of Washingtonians.

These branch campuses serve transition communities, helping people build the skills and training they need to succeed in today's workplace. Their lives are improving thanks to Dr. Smith's vision.

Dr. Smith was also instrumental in expanding educational opportunities to remote areas through WSU's innovative distance-learning programs.

One of the clearest examples of the way WSU has grown during Dr. Smith's tenure is the fact that more than one-third of all WSU graduates in the University's history were granted degrees by President Smith.

Dr. Smith has also been a member of and a leader in many national educational organizations. He is the Chair of the National Association of State Universities and Land-Grant Colleges Board of Directors for 2000. He is also a member of the Kellogg Commission on the Future of State and Land-Grant Universities.

He is a member of the Board of Trustees of the Western Governors University. He has also served as Chair of the Executive Committee of the National Collegiate Athletic Association. For his exemplary service, Dr. Smith has received many honors and awards for his work in these organizations.

President Smith is a native of Salinas, California, and holds bachelor's and doctoral degrees in plant pathology from the University of California at Berkeley and honorary doctoral degrees from Nihon University in Tokyo, Japan, and Far Eastern State University in Vladivostok, Russia.

Mr. President, I also want my colleagues to know that Pat Smith has been an instrumental figure in the growth of Washington State University.

From her position on the Washington State Arts Commission, she worked to expand the art collection and increase awareness of the WSU Museum of Art. She also serves on the boards of the Girl Scouts of the Inland Northwest and the United Way of Pullman, Washington.

Mrs. Smith is also from Salinas, California, and is a graduate of Salinas Union High School. She studied at Hartnell College in Salinas, California.

Mr. President, as a citizen of Washington state and as an alumna of Washington State University, I could not be more proud of the great job that President Smith and Pat Smith have done in expanding educational opportunities for the people of my state and nation and making my alma mater an even brighter beacon of learning and opportunity.

Mr. President, in closing I would like to say—on behalf of the people of my state and the many graduates, faculty members and current students of Washington State University—thank you President and Mrs. Smith.

Thank you for putting your compassion, energy and leadership to such good use at the helm of Washington State University.

Your presence will be missed, but the many gifts you gave us serve as a constant reminder of your many years of generous service.●

## THE HONORABLE NANCI J. GRANT RECEIVES ELEANOR ROOSEVELT HUMANITIES AWARD

● Mr. ABRAHAM. Mr. President, each year, the Attorney Division of State of Israel Bonds honors two individuals with the Eleanor Roosevelt Humanities Award. Recipients of this award are recognized for their contributions to the legal profession as well as their outstanding service to humanity in the spirit and ideals of Mrs. Roosevelt. I rise today to recognize the Honorable Barry M. Grant and the Honorable Nanci J. Grant, who will both receive the Eleanor Roosevelt Humanities Award on May 16, 2000, in Southfield, Michigan.

The Honorable Nanci J. Grant is the Presiding Judge of General Jurisdiction for the Oakland County Circuit Court. She was elected to this position in November of 1996 and took office on January 1, 1997. Judge Grant is a graduate of the University of Michigan and Wayne State University Law School. Prior to joining the bench, she was a trial attorney with the law firm of Dickinson, Wright, Moon, VanDusen & Freeman, and served as a researcher, Friend of the Court intern, arbitrator and mediator for the Oakland County Circuit Court.

Judge Grant is a member of the Executive Committee of the Michigan Judges Association, and co-chairs the Rules Committee. By gubernatorial appointment, Judge Grant represents all Michigan circuit court judges on the State Community Corrections Board. She is an advisory board member of the Michigan Judicial Institute, the teaching arm of the Michigan Supreme Court. Judge Grant is also a member of the National Association of Women Judges, the American Bar Association, the Oakland County Bar Association, the Women's Bar Association, American Judges Association, and the University of Michigan Alumni Association.

In addition, Judge Grant has dedicated much of her time to the improvement of the Oakland County Community. She is a member of the Michigan Cancer Foundation, and has served as a member of Common Ground Advisory Board, the Rotary Club of Birmingham, and Bloomfield Youth Assistance. She is a board member of the Women's Survival Center, and a Director of the Women's Officials Network. She also has served on the Partners Executive Committee, and was a member of the Citizens Alliance of the Probate Court, where she served as chairperson of the Information and Advocacy Committee.

Judge Grant has often been awarded for her many endeavors, both charitable and professional. The monthly magazine, Hour Detroit, named her as one of the new leaders in the Detroit metropolitan area. She was selected by Crain's Detroit Business magazine as one the "40 under 40," a select group of forty of Metro Detroit's best and brightest residents under the age of forty. In addition, Judge Grant has been elected as an "Outstanding Young Woman of America."

Mr. President, I applaud the Honorable Nanci M. Grant on her many achievements, both within the realm of the law and outside of that realm. I am sure that the Eleanor Roosevelt Humanities Award will hold a special place among her many recognitions. On behalf of the entire United States Senate, I congratulate Judge Grant on receiving this award, and wish her continued success in the future.●

## 50TH ANNIVERSARY OF THE NATIONAL SCIENCE FOUNDATION

● Mr. SARBANES. Mr. President, I rise today to commemorate the 50th anniversary of the National Science Foundation, an institution that has served as a driving force behind the Nation's scientific and technological development.

The National Science Foundation's roots can be found at the close of World War II, when President Franklin D. Roosevelt requested a report from the government's wartime Office of Scientific Research and Development outlining how the United States should support scientific research in the post-war era. The resulting report, Science—The Endless Frontier, authored by Vannevar Bush, made the case for the establishment of a National Research Foundation and legislation based upon his findings was introduced by Senator Warren Magnuson of Washington. After five years of deliberation in the Congress, President Harry S. Truman signed legislation creating the National Science Foundation on May 10, 1950. Since that day, NSF has played a vital role in maintaining America's leadership position in scientific discovery and the development of new technologies, securing the nation's defense and promoting the nation's health and prosperity.

Over the past 50 years, NSF-funded research has led to numerous scientific breakthroughs that have impacted the lives of every one of us. This research has resulted in projects and initiatives that include the development of the Internet, Doppler Radar, the American Sign Language Dictionary, DNA fingerprinting, MRI technology, barcodes, the identification of the Hanta Virus, and the discovery of the weather pattern known as El Niño/La Niña. This research has been responsible for creating new industries relating to communications, biotechnology, agriculture, and other important sectors of our economy. In turn, these industries have resulted in greater employment opportunities, economic prosperity and an improved quality of life for Americans and citizens around the world.

NSF funds support the work and research of almost 200,000 people, including teachers, students, researchers, post-doctorates, and trainees. In fact, researchers and educators from each of the 50 states and all U.S. territories have been allotted NSF funding in the form of competitively awarded, grants, contracts and cooperative agreements. Almost 40% of the funding for research grants is awarded to our nation's students and researchers, providing support for more than 61,000 post-doctorates, trainees and graduates and undergraduate students. These are the individuals who will carry on the critical mission of NSF into the 21st century.

The work undertaken by NSF researchers has not gone unnoticed. NSF-supported researchers have been the recipients of numerous awards and honors. More than 100 of these researchers have been awarded Nobel Prizes in fields that include physics, chemistry, physiology and economics. NSF researchers have also been awarded the National Medal of Science, National Medal of Technology, the Waterman, the Draper, the Presidential Early Career Awards in Science and Engineering and the Career awards, to name a few.

I want to commend the men and women who have worked for NSF and received support from NSF who have contributed incalculably to the efforts that have established the United States as the leader in scientific and technological innovation and I want to recognize the outstanding leadership of the current Director of the National Science Foundation, Dr. Rita Colwell, in this regard. I urge my colleagues to join with me in commending NSF on this important occasion and wishing them continued success in the years ahead.●

## RECOGNITION OF THE INDEX SCHOOL DISTRICT FOR THEIR INNOVATION IN EDUCATION

● Mr. GORTON. Mr. President, I would like to acknowledge a very unique school district in a forested area of Washington State. The Index School District may be small in size but if measured by the creativity and dedication of its teachers, staff, and parents, it would be one of the largest districts in Washington state.

Index School District is one of the smallest in the state, with only 35 students from preschool to 7th grade. Because of the district's size and location in a rural area, the district has constantly struggled to find funding that could boost student achievement. Index's Superintendent and Principal, Martin Boyle, took the funding challenges head on and has worked tirelessly to find money for Index's students through federal grants and a $298,208 bond levy that was passed in 1998. After four years of hard work, the Index School District has become a model for other schools.

Improving student reading levels was one of the first goals Boyle and his colleagues accomplished. The district hired a reading specialist and with the help of parents and local volunteers, reading levels have soared. Recently, Boyle started a new mentor reading program called, "Help One Student to Succeed." He hopes it will get parents involved in teaching their children to read, as well as a new way to promote and innovate reading skills, advancing student reading levels by an even greater margin.

Index School District's includes 20 staff members and 5 board members who work tirelessly for their students and are constantly brainstorming new activities and new programs that will help their students learn. They have even started an after-school program for children who in the past, were sitting outside waiting for their parents' workday to end. Students now use this extra time to participate in fun activities that reinforce classroom curriculum.

In addition, last summer, the district implemented the Index Elementary Summer School Program where students take part in hands on art and cultural activities. Students also visit art museums and theaters, as well as travel to other parts of the state for hiking and camping activities, giving children opportunities to learn and challenge their knowledge outside the classroom.

Many students at Index also depend on their school as a home away from home, relying on the school for three meals a day. While a majority of students qualify for free and reduced lunches, the staff of Index understands the importance of meals for their students and have made it a priority to create and fund a food program which was recognized with a "Children's Alliance Award."

The innovation and commitment of the Index School District's staff is truly inspiring. Clearly, the children are succeeding in the classroom and will be ready to take on any challenge. I think it is uplifting to hear that the power of a few can empower many, as the educator's of Index have done. Every local school district is unique. I hope that highlighting Index with my "Innovation in Education" Award will show others that wonderful things happen when you put children first.•

## 75TH ANNIVERSARY OF THE SALVATION ARMY IN BENTON HARBOR, MICHIGAN

• Mr. ABRAHAM. Mr. President, I rise today in honor of the Salvation Army in Benton Harbor, Michigan, which on May 20–21, 2000, will celebrate its 75th Anniversary. This event will conclude a very special week for the organization, as May 15–21, 2000, is also National Salvation Army Week, during which Americans have the opportunity to salute an organization that does so many things for so many people around the world.

Mr. President, the mission of the movement remains the same as it was in 1865, when William and Catherine Booth formed an evangical group, and preached to people living in poverty on the east side of London: to preach the gospel of Jesus Christ and to meet human needs in His name without discrimination. The organization, officially titled the Salvation Army in 1878, and its many adherents, soldiers, officers, and volunteers, remain dedicated to caring for the poor, feeding the hungry, clothing the naked, loving the unlovable, and befriending those who have no friends.

In its 135 years, the Salvation Army has expanded from this small coalition of individuals in London into a multifaceted, global organization. Its outreach currently extends to over 100 countries, and the Gospel is preached by its officers and soldiers in 160 languages. Each year, the organization assists over 27 million individuals. In the United States alone, there are 1.7 million volunteers, 470,000 Salvationists, 5,339 officers, and 43,000 employees serving the Salvation Army.

Amid such statistics I fear it is easy to overlook the essential fact that the foundation of the Salvation Army lies at the community level. It is an organization based in communities, whose volunteers, officers and employees are primarily concerned with helping members of their own community in the name of Jesus Christ. Whether it be through summer camps, day care centers, services for senior citizens, shelters for battered wives and children, drug rehabilitation, or family and career counseling, where there is a Salvation Army, there are people working hard to improve their community.

With this in mind, Mr. President, I applaud the officers, Salvationists, volunteers and employees of the Salvation Army in Benton Harbor, whose efforts over the years have had made this anniversary possible. On behalf of the entire United States Senate, I wish the Salvation Army in Benton Harbor a happy 75th birthday, and continued success in the future.•

## TRIBUTE TO MARY MIDDLETON

• Mr. McCONNELL. Mr. President, I rise today to congratulate Mary Middleton of Covington, Kentucky, for receiving the Friends of Covington Award for Outstanding Community Service.

Mary is a devoted civic leader and volunteer in Covington and throughout Kenton County. She gives her time and energy to numerous activities at church, and has provided leadership for several Northern Kentucky organizations. Mary helped found the Northern Kentucky Interfaith Commission and was the first president of the area's Salvation Army Auxiliary. In her many years of service to the community, she also was president of the Covington Art Club, Booth Hospital Auxiliary, Church Women United, and the Mary Circle of the Gloria Dei Lutheran Church.

Mary's kindness and generosity does not end there—she also has been involved with the Heritage League, Northern Kentucky Symphony, Women's Health Initiative, American Cancer Society, Florence Women's Club, and the Friends of Covington.

Aside from being involved in civic and philanthropic activities, Mary has long been an active member of the Northern Kentucky Republican Party and a driving force for Kentucky's Republican women. Back in the 1960s, Mary helped found the Kenton County Republican Women's Club and continues her work there today.

Mary also deserves credit for the many successes in her personal life. She and Clyde have been happily married for many, many years and have showed enormous strength of character and have a marriage that is an example to us all.

My colleagues and I join in congratulating you, Mary, on yet another fine achievement and we thank you for the time and effort you have put into others lives. I know the people of Northern Kentucky will continue to benefit from your generosity for many years to come.•

## CONGRATULATING WESTMINISTER CHRISTIAN ACADEMY IN THE WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION NATIONAL FINALS

• Mr. ASHCROFT. Mr. President, it is my pleasure to congratulate the class from Westminister Christian Academy in St. Louis that represented the state of Missouri in the We the People . . . The Citizen and the Constitution national finals in Washington, D.C., during May 6–8, 2000. These young scholars worked diligently to reach the national finals, where they received honorable mention. Through this experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

I would like to recognize Rebekah Baxter, Anna-Grace Claassen, Samantha Denny, Jonathan Friz, Joseph Goldkamp, Nick Gustafson, Tim Ivancic, Aaron Johnson, Melissa Millar, Sarah Munson, John Murphy, Steve Ottolini, Nick Pavlenko, Dawn Piehl, Rodney Schnellbacher, Michelle Stanford, Lindsey Vehlewald and Kristen Walle and their teacher Ken Boesch.

The We the People . . . The Citizen and the Constitution program is an extensive educational program developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the U.S. Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge.

I would like to congratulate the class from Westminister Christian Academy on their exemplary performance at the We the People . . . national finals. I wish these young "constitutional experts" from Missouri the best of luck in their future endeavors.●

### THE HONORABLE BARRY M. GRANT RECEIVES ELEANOR ROOSEVELT HUMANITIES AWARD

● Mr. ABRAHAM. Mr. President, each year, the Attorney Division of State of Israel Bonds honors two individuals with the Eleanor Roosevelt Humanities Award. Recipients of this award are recognized for their contributions to the legal profession as well as their outstanding service to humanity in the spirit and ideals of Mrs. Roosevelt. I rise today to recognize the Honorable Barry M. Grant and the Honorable Nanci J. Grant, who will both receive the Eleanor Roosevelt Humanities Award on May 16, 2000, in Southfield, Michigan.

The Honorable Barry M. Grant has been an Oakland County Probate Judge since 1977, currently serving as the Chief Judge Pro Tem for the county's probate court. He received his graduate degree from Michigan State University and his law degree from Wayne State University, with postgraduate work at Northwestern University and Harvard Law School. Prior to becoming a Judge, he was a practicing attorney, having started his career as a clerk in the Probate Court and later serving as Assistant Prosecuting Attorney.

Judge Grant is President of the National College of Probate Judges and Editor of their national publication. He serves as the Secretary of the Judicial Tenure Commission and was the Chairman of that organization in 1992 and 1993. He has served as Secretary, Treasurer and President of the Michigan Judges Association and was President of the Oakland County Judges Association. Judge Grant has been on several gubernatorial commissions including the Governor's Traffic Safety Commission and the Strategic Planning Commission for programs for the mentally ill. In addition, Judge Grant authors a weekly column in The Detroit News, helping to keep many Michigan residents abreast of current issues involving the law.

In addition, Judge Grant dedicates much of his time to the Oakland County Community. He has served as Treasurer of the Southfield Board of Education, was a member of the Parent Youth Guidance Commission, is on the Board of Trustees of William Beaumont Hospital, and is a Director of the Boys Scouts of America, Clinton Valley Council. He has served as a Director of the Oakland County Chapters of the American Cancer Association, the Michigan Cancer Foundation and the March of Dimes. He is also on the board of the YMCA of Oakland County and is a Director of the Oakland County Youth Assistance Advisory Council.

Mr. President, I applaud the Honorable Barry M. Grant on his many personal achievements within the realm of the law and his many charitable endeavors outside of that realm. Not only Oakland County, but the entire State of Michigan, has benefitted from his great works. On behalf of the entire United States Senate, I congratulate Judge Grant on receiving the Eleanor Roosevelt Humanities Award. He is certainly deserving of the honor.●

### MESSAGE FROM THE HOUSE

At 1:57 p.m. a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 2647. An act to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes.

H.R. 3244. An act to combat trafficking of persons, especially into the sex trade, slavery, and slavery-like conditions in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

H.R. 3313. An act to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes.

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health.

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

### MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 2647. An act to amend the Act entitled "An Act relating to the water rights of the Ak-Chin Indian Community" to clarify certain provisions concerning the leasing of such water rights, and for other purposes; to the Committee on Indian Affairs.

H.R. 3293. An act to amend the law that authorized the Vietnam Veterans Memorial to authorize the placement within the site of the memorial of a plaque to honor those Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service; to the Committee on Energy and Natural Resources.

H.R. 4040. An act to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes; to the Committee on Governmental Affairs.

H.R. 4365. An act to amend the Public Health Service Act with respect to children's health; to the Committee on Health, Education, Labor, and Pensions.

### MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second time, and placed on the calendar:

H.R. 3313. An act to amend section 119 of the Federal Water Pollution Control Act to reauthorize the program for Long Island Sound, and for other purposes.

### MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8920. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report of the assessment of the current program for destruction of the United States' stockpile of chemical agents and munitions; to the Committee on Armed Services.

EC–8921. A communication from the Under Secretary of Defense, Acquisition and Technology, transmitting, pursuant to law, a report of the status of the acquisition and support workforce; to the Committee on Armed Services.

EC–8922. A communication from the Assistant Secretary of Defense, Force Management Policy transmitting, pursuant to law, the annual report of the Armed Forces Retirement Home for fiscal year 1999; to the Committee on Armed Services.

EC–8923. A communication from the Assistant Secretary of Defense, Health Affairs transmitting, pursuant to law, a report relative to collections from third-party payers for each military treatment facility; to the Committee on Armed Services.

EC–8924. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Family and Medical Leave Act" (RIN3206–AI35), received May 9, 2000; to the Committee on Governmental Affairs.

EC–8925. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received May 9, 2000; to the Committee on Governmental Affairs.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 442: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *LOOKING GLASS* (Rept. No. 106–281).

S. 1261: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *YANKEE* (Rept. No. 106–282).

S. 1613: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *VICTORY OF BURHNAM* (Rept. No. 106–283).

S. 1614: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *LUCKY DOG* (Rept. No. 106–284).

S. 1615: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *ENTERPRIZE* (Rept. No. 106–285).

S. 1779: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *M/V SANDPIPER* (Rept. No. 106–286).

S. 1853: A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *FRITHA* (Rept. No. 106–287).

By Mr. COCHRAN, from the Committee on Appropriations, without amendment:

S. 2536: An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–288).

By Mr. BOND, from the Committee on Small Business, with an amendment in the nature of a substitute:

H.R. 2392: A bill to amend the Small Business Act to extend the authorization for the Small Business Innovation Research Program, and for other purposes (Rept. No. 106–289).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mrs. MURRAY, Mr. ABRAHAM, Mr. WELLSTONE, Mr. HUTCHINSON, Mr. DORGAN, Mr. GRAMS, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. ENZI, and Ms. SNOWE):

S. 2528. A bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. LINCOLN:

S. 2529. A bill to suspend temporarily the duty on Pigment Orange 73; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2530. A bill to suspend temporarily the duty on Pigment Yellow 184; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2531. A bill to suspend temporarily the duty on Pigment Red 255; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2532. A bill to suspend temporarily the duty on Solvent Yellow 145; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2533. A bill to suspend temporarily the duty on Pigment Red 264; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2534. A bill to suspend temporarily the duty on Pigment Yellow 168; to the Committee on Finance.

By Mrs. LINCOLN:

S. 2535. A bill to suspend temporarily the duty on Pendimethalin; to the Committee on Finance.

By Mr. COCHRAN:

S. 2536. An original bill making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY):

S. 2537. A bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance; to the Committee on Armed Services.

By Mr. ROCKEFELLER (for himself, Mr. ROBB, and Mr. DURBIN):

S. 2538. A bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Heath Benefit Act of 1992; to the Committee on Finance.

By Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, Mrs. BOXER, Mr. ABRAHAM, and Mr. GRAMS):

S. 2539. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BROWNBACK (for himself, Mr. KERREY, and Mr. MURKOWSKI):

S. 2540. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. WELLSTONE):

S. 2541. A bill to amend title XVIII of the Social Security Act to provide a prescription drug benefit for the aged and disabled under the medicare program, to enhance the preventative benefits covered under such program, and for other purposes; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. FEINGOLD, Mrs. MURRAY, Mr. ABRAHAM, Mr. WELLSTONE, Mr. HUTCHINSON, Mr. DORGAN, Mr. GRAMS, Mr. BINGAMAN, Mr. L. CHAFEE, Mr. ENZI, and Ms. SNOWE):

S. 2528. A bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support; to the Committee on Health, Education, Labor, and Pensions.

### RURAL ACCESS TO EMERGENCY DEVICES ACT

Ms. COLLINS. Mr. President, today I am pleased to join my friend from Wisconsin, Senator FEINGOLD, in introducing the Rural Access to Emergency

Devices Act of 2000, which is intended to improve access to automated external defibrillators in small communities to boost the survival rates of individuals who suffer cardiac arrest.

We are very pleased to be joined in introducing this legislation by the following cosponsors: Senators MURRAY, ABRAHAM, WELLSTONE, HUTCHINSON, DORGAN, GRAMS, BINGAMAN, CHAFEE and ENZI.

Heart disease is the leading cause of death both in the State of Maine and nationwide. According to the American Heart Association, an estimated 250,000 Americans die each year from cardiac arrest. Many of these deaths could be prevented if AEDs were more accessible. AEDs are computerized devices that can shock a heart back into the normal rhythm and restore life to a cardiac arrest victim. They must, however, be used promptly. For every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

We have a number of new and improved technologies in our arsenal of weapons to fight heart disease, including a new generation of small, easy-to-use AEDs that can strengthen the chances of survival. These new devices make it possible not only for emergency medical personnel, but also trained lay rescuers, to deliver defibrillation safely and effectively. The new AEDs are safe, effective, lightweight, low maintenance, and relatively inexpensive. Moreover, they are specifically designed so they can be used by nonmedical personnel, such as police, firefighters, security guards, and other lay rescuers, providing they have been trained properly.

According to the American Heart Association, making AEDs standard equipment in police cars, firetrucks—as I know the Presiding Officer has done in his hometown—ambulances, and other emergency vehicles, and getting these devices into more public places could save more than 50,000 lives a year.

Last December, the Bangor Mall installed an AED that is one of the first of these devices in Maine to be placed in a public setting outside the direct control of emergency medical personnel and hospital staff. Both the AED and an oxygen tank are kept inside a customer service booth, which is in an area of the mall where there is a high concentration of traffic and where heart emergencies might occur. Mall personnel have also received special training and, during mall hours, there is always at least one person who has been certified in both CPR and defibrillator use.

For at least one Bangor woman, this has been a lifesaver. On January 12th, just weeks after the AED was installed, two shoppers at the Mall collapsed in a single day. One was given oxygen and quickly revived. But the other shopper was unconscious and had stopped breathing. The trained mall staff—Maintenance Supervisor Larry Lee, Security Chief Dusty Rhodes, and General Manager Roy Daigle—were only able to detect a faint pulse. They quickly commenced CPR and attached the AED.

It is important to note that defibrillation is intended to supplement, not replace standard CPR. These devices, which are almost completely automated, run frequent self-diagnostics and will not allow the administration of shock unless the victim's recorded heart pattern requires it. When the AED is attached, it automatically analyzes the victim's vital signs. One of two commands will then be voiced and displayed by the unit: "Shock advised—charging"; or "Shock not advised—continue CPR."

In the Bangor Mall case, the shock was not advised, so CPR was continued until the emergency medical personnel arrived. The EMT's told Mr. Daigle, the General Manager of the mall, that the woman—who had had a heart attack and subsequently required triple bypass surgery—simply would not have survived if they had not been so prepared. As Mr. Daigle observed, "Twelve to fifteen minutes is just too long to wait for the emergency services to arrive."

Cities across America have begun to recognize the value of fast access to AEDs and are making them available to emergency responders. In many small and rural communities, however, limited budgets and the fact that so many rely on volunteer organizations for emergency services can make acquisition and appropriate training in the use of these life-saving devices problematic.

The legislation that Senator FEINGOLD and I are introducing today is intended to increase access to AEDs and trained local responders for smaller towns and rural areas in Maine and elsewhere where those first on the scene may not be paramedics or others who would normally have AEDs. Our bill provides $25 million over three years, to be given as grants to community partnerships consisting of local emergency responders, police and fire departments, hospitals, and other community organizations. This money could then be used to help purchase AEDs and train potential responders in their use, as well as in basic CPR and first aid.

I commend the leadership of the Senator from Wisconsin for coming forth with this idea. I am very pleased to join him in introducing this important legislation.

The Rural Access to Emergency Devices Act has been endorsed by both the American Heart Association and the American Red Cross as a means of expanding access to these lifesaving devices across rural America. I urge all of our colleagues to join us as cosponsors of the bill.

I ask unanimous consent that letters of support from both the American Heart Association and their Maine affiliate be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN HEART ASSOCIATION,
*Augusta, ME, May 3, 2000.*

Hon. SUSAN M. COLLINS,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

DEAR SENATOR COLLINS: The State Advocacy Committee of the American Heart Association in Maine commends you for your leadership in sponsoring the "Rural Access to Emergency Devices (AED) Act." As volunteer advocates for the American Heart Association, we are pleased that you have recognized that the placement of AEDs with trained, local, first responders, such as fire and rescue departments, paramedics, police departments and community hospitals in rural areas will make a difference in a person's chances of surviving a sudden cardiac arrest. We are also proud that this bill is being sponsored by a Maine Senator.

Heart disease is the leading cause of death in the state of Maine, as well as the nation. Early defibrillation is the only known therapy for most cardiac arrests. Each minute of delay in returning the heart to its normal pattern of beating decreases the chance of survival by 7% to 10%. As you well know, Maine's population is dispersed over a large geographical, mostly rural, area. The Emergency Medical Services in our state are excellent, but travel times within rural communities can occasionally be too long to benefit the patient in cardiac arrest. The availability of AEDs and trained local responders should improve the chain of survival for these victims of sudden cardiac arrest. The American Heart Association estimates that the sudden cardiac arrest survival rate can improve from only 5% to 20% when AEDs and trained rescuers are readily available within communities.

Thank you, Senator Collins, on behalf of the residents of Maine and our fellow citizens in other rural states.

Sincerely yours,
GAYLE RUSSELL, RN, BSN,
*Chair, Maine State Advocacy Committee.*

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AMERICAN HEART ASSOCIATION,
*Washington, DC, April 27, 2000.*

Hon. SUSAN COLLINS,
Hon. RUSSELL FEINGOLD,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATORS COLLINS AND FEINGOLD: The American Heart Association applauds your commitment to saving lives and thanks you for your introduction of the "Rural Access to Emergency Devices (AED) Act." The legislation will help improve cardiac arrest survival rates across rural America.

As you know, heart disease is the leading cause of death in this country. Cardiac arrest, whereby the electrical rhythms of the heart malfunction, causes the sudden death of more than 250,000 people every year. We are fighting this killer with improved technology, including automated external defibrillators (AEDs). These small, easy-to-use devices can shock a heart back into normal rhythm and restore life to a cardiac arrest victim. But, they must be used promptly. We have to act quickly because for every minute that passes before a victim's normal heart rhythm is restored, his or her chance of survival falls by as much as 10 percent.

Cities across America have begun to recognize the value of fast access to these devices and are making them available to emergency responders. The Rural AED Act recognizes that we cannot and should not leave rural communities behind in this fight to improve survival. Because the first emergency responders on the scene of a cardiac arrest may not always be the medical responders, the Rural AED Act makes resources available to rural communities to purchase AEDs for police and fire as well as emergency responder vehicles. In addition, it provides resources to train these responders in the use of the devices. The bill provides $25 million for this effort to expand access to devices that can save lives across rural America.

The American Heart Association thanks you for your leadership in the fight against heart disease and looks forward to working with you to ensure the passage of this important legislation.

Sincerely,
LYNN A. SMAHA, M.D., PH.D.,
*President.*

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President.

Let me first thank the managers for allowing us the opportunity to introduce our bill at this time. I especially thank my friend, the Senator from Maine, for taking the lead on this issue with me. She is a very effective Senator on many issues, and is specially effective, I think, when it comes to the concerns of rural people in Maine and throughout the country about an issue which is incredibly important—first aid.

I also thank the Presiding Officer, the junior Senator from Rhode Island, for joining us and cosponsoring the bill.

I rise today with Senator COLLINS to introduce the Rural Access to Emergency Devices Act. This legislation provides a first step to helping save the lives of the more than 250,000 people who die each year from sudden cardiac arrest.

Every two minutes, someone in America falls into sudden cardiac arrest—a medical emergency in which the heart's rhythm becomes so erratic it can not pump blood to the brain and other vital organs.

According to the American Heart Association, over 250,000 Americans die each year from sudden cardiac arrest. That is 700 deaths each day—a startlingly large number. Overall heart disease kills more Americans than AIDS, cancer, and diabetes combined.

In my home state of Wisconsin, as in many other states, heart disease is the number one killer. Ninety-five sudden deaths from cardiac arrest occur each day in Wisconsin.

These numbers are disturbing by any measure, but they are especially troubling because they don't need to be this high. By taking some relatively simple steps, we can give victims of cardiac arrest a better chance of survival, particularly in rural areas. Cardiac arrest victims are in a race against time, and today I'm introducing a bill to increase access to defibrillators, that are essential to reviving cardiac arrest victims.

Cardiac arrest strikes its unwilling victims with no warnings or indications. In most cases it's all but impossible to predict who will have a sudden cardiac arrest, or where and when it will happen.

Cardiac arrest can strike anyone. When cardiac arrest occurs, the victim loses consciousness, has no pulse and stops breathing normally. Death often occurs within minutes.

Cardiac arrest does not discriminate against age, gender, or race. A recent issue of Women's Day magazine detailed a number of cases in which a variety of people suffered from cardiac arrest.

The article tells about a 24-year-old woman, a writer for a Seattle comedy show, who suffered from cardiac arrest after watching her favorite television show. Another victim was a 48-year-old women who was out for a birthday dinner with her husband and friend. Yet another individual, only 31 years of age, suffered cardiac arrest at his computer programing job in Minnesota.

What these victims have in common is that all three survived. Each was saved because a properly trained person was there with an automated external defibrillator (AED). These life saving machines are compact, portable, battery-operated versions of the machines that were traditionally only in the hands of emergency medical personnel.

Wisconsin's Emergency Medical Services are some of the finest in the country. They are effectively trained to identify victims and determine when a shock is needed. There are countless stories of quick EMS responses that have saved so many lives.

Unfortunately, for those in many rural areas, Emergency Medical Services have simply too far to go to reach people in need and time runs out for victims of cardiac arrest. It's simply not possible to have EMS units next to every farm and small town across the nation.

Fortunately, recent technological advances have made the newest generation of AEDs inexpensive—approximately $3,000—and simple to operate. Because of these advancements in AED technology, it is now practical to train and equip fire department personnel, police officers, and other community organizations—and that's exactly what this legislation would do.

But let me be clear, I think they are only one part of the so-called chain of survival.

This chart indicates the four crucial aspects of the chain of survival, which is a proven method to save lives.

The first link in the chain is simple: it is vitally important that cardiac arrest victims have early access to care. When someone suffers from cardiac arrest, it's crucial that bystanders dial 911 to dispatch the appropriate emergency personnel to the scene.

The next link is early CPR—if performed properly, it will at least buy a few minutes to perform defibrillation. Let me be clear though, effective CPR does not replace defibrillation in saving lives.

The critical link in the chain of survival for victims of cardiac arrest is early defibrillation. Mr. President, each minute of the delay in returning the heart to its normal pattern of beating decreases the chance of survival by 10 percent.

The final link in the chain is early access to advanced care—it is literally of vital significance. Even after successful defibrillation, many patients require more advanced treatment on the way to the hospital.

By passing this legislation, and increasing access to defibrillators, we have the chance to strengthen the more important link in the chain of survival.

Communities across America are in dire need of better access to defibrillators. Making AEDs widely available so that trained laypeople can use them to administer shocks to cardiac arrest victims will go a long way toward saving lives.

In fact, the American Heart Association estimates that over 50,000 lives could be saved each year if AEDs were more readily accessible.

This next chart illustrates a startling statistic I mentioned a moment ago—for every minute that passes a cardiac arrest victim is defibrillated, the chance of survival falls by as much as 10 percent. After only eight minutes, the victims survival rate drops 60 percent.

Our legislation, the Access to Emergency Devices Act of 2000 takes a common sense approach to strengthen this chain of survival. This legislation provides $25 million to expand access to devices that can save lives across rural America.

It also provides for training grants to give people the training they need to learn how to operate defibrillators.

And I have learned that training is very important, but also that nearly anyone can be taught to make proper use of a defibrillator.

Cities across America have begun to recognize the value of fast access to defibrillators and are making them available to emergency responders. This legislation recognizes that rural communities should have the same chance to improve cardiac arrest survival rates.

Because the first emergency responders on the scene of a cardiac arrest may not always be the medical responders, our legislation makes resources available to rural communities to purchase AEDs for police and fire as well as emergency response vehicles—and our bill also provides funds for the training that will sustain the lifesaving effect of these grants.

Cardiac arrest can be a killer. But if we give people in rural communities a chance, they may be able to stop a cardiac arrest before it takes another life. Our bill is a simple and effective way to increase the availability of defibrillators, and give rural victims of cardiac arrest a better chance of survival, and I look forward to working with my colleagues to pass this legislation.

I yield the floor.

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By Mr. JEFFORDS (for himself, Mr. ALLARD, Mr. BINGAMAN, Mr. KENNEDY, and Mr. LEAHY):

S. 2537. A bill to amend title 10, United States Code, to modify the time for use by members of the Selected Reserve of entitlement to certain educational assistance; to the Committee on Armed Services.

### NATIONAL GUARD AND RESERVE EDUCATION ACT

● Mr. JEFFORDS. Mr. President, I strongly believe we owe it to Americans to provide them the best educational opportunities. And as a Navy veteran, I feel we owe our military greater access to education by providing maximum flexibility to use the educational benefits they've been promised. Today, on behalf of Senators ALLARD, BINGAMAN, KENNEDY, LEAHY, and myself, I am introducing legislation that will provide more time for our National Guard and Reserves to utilize their current education benefits.

Education benefits have proven to be one of the more important benefits offered by the U.S. military, both in terms of recruiting and retention, and as a means of upgrading the educational levels of our existing force. Currently, members of our uniformed services receive education assistance primarily through the successful Montgomery GI bill.

While the Montgomery GI bill goes a long way toward helping to further the education of our hardworking men and women serving in the uniformed services, there is an important gap in the number of years they have to utilize these benefits. While active duty personnel are provided education benefits for up to ten years after they separate from active duty, National Guard and Reserve personnel are only entitled to these benefits for the first ten years of their service and not after they leave the service. Since our active duty servicemembers currently have up to ten years after they separate from active duty, they are eligible to utilize their education assistance for up to thirty years (twenty years service plus ten). Our National Guard and Reserve servicemembers' benefits currently end ten years from the date they complete basic training.

The legislation I am introducing today would allow our National Guard and Reserves to use their Montgomery GI bill education benefits for the entire time they serve in the Selected Reserve. We are not asking for more benefits, just greater flexibility in the servicemembers' choice of when to use the education benefits that are already approved for them.

In addition, the Selected Reserve members who become disabled are currently allowed to use the GI bill education benefits only during the first ten years of service, regardless of what year they become disabled. For example, if a servicemember becomes disabled during the first two years of service, he has eight more years of education assistance eligibility. But if he becomes disabled after nine years of service, he would have one year of eligibility left. After ten years of service, the National Guard and Reserve have no education benefits if they become disabled.

This legislation would allow any unused portion of their 36 months of GI bill educational assistance to be utilized through the later of the original ten-year period of eligibility or a four-year period beginning on the date the person is involuntarily separated from the Selected Reserve. This adjustment also pertains to servicemembers whose unit is inactivated during a force drawdown if they have any unused months of educational assistance remaining.

As we have seen, our National Guard and Reserve continue to be tasked more and more as our nation calls on them to support missions around the world. The Selected Reserve makes up almost half of our Uniformed Services today. They, too, leave their families behind to meet the call of serving our nation. In addition, they leave their full-time employers for months on end to perform their 'part-time' jobs. This makes it even more difficult for them to take advantage of employer-provided opportunities to further their education. How can we continue to expect them to utilize their current Montgomery GI bill benefits within the current time limitations while being tasked to work two jobs, maintain a family and deploy overseas on short notice? They've earned the right to have an equitable amoun6t of time to utilize their Montgomery GI bill educational assistance. This is the right thing to do. I hope my colleague will join me in cosponsoring this legislation.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2537

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. MODIFICATION OF TIME FOR USE BY CERTAIN MEMBERS OF THE SELECTED RESERVE OF ENTITLEMENT TO EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Subsection (a) of section 16133 of title 10, United States Code, is amended by striking "(1) at the end" and all that follows through the end and inserting "on the date the person is separated from the Selected Reserve.".

(b) CERTAIN MEMBERS.—Paragraph (1) of subsection (b) of that section is amended in the flush matter following subparagraph (B) by striking "shall be determined" and all that follows through the end and inserting "shall expire on the later of (i) the 10-year period beginning on the date on which such person becomes entitled to educational assistance under this chapter, or (ii) the end of the 4-year period beginning on the date such person is separated from, or ceases to be, a member of the Selected Reserve.".

(c) CONFORMING AMENDMENTS.—Subsection (b) of that section is further amended—

(1) in paragraph (2), by striking "subsection (a)" and inserting "subsections (a) and (b)(1)";

(2) in paragraph (3), by striking "subsection (a)" and inserting "subsection (b)(1)"; and

(3) in paragraph (4)—

(A) in subparagraph (A), by striking "subsection (a)" and inserting "subsections (a) and (b)(1)"; and

(B) in subparagraph (B), by striking "clause (2) of such subsection" and inserting "subsection (a)".●

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By Mr. ROCKEFELLER (for himself, Mr. ROBB, and Mr. DURBIN):

S. 2538. A bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Health Benefit Act of 1992; to the Committee on Finance.

### COAL MINER AND WIDOWS HEALTH PROTECTION ACT OF 2000

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation that will maintain the promised health benefits of a small group of retired coalminers and their widows—the Coalminers and Widows Health Protection Act of 2000. Retired coalminers and their widows were promised lifetime health benefits by the companies they worked for and by the federal government more than a half century ago. This commitment goes back to 1946 when President Truman guaranteed miners they would have lifetime health benefits in exchange for their return to the mines. The promise was well understood in the coalfields, and reiterated in successive coal wage agreements throughout the last half century. Congress affirmed that promise when it enacted the Coal Industry Retiree Health Benefits Act in 1992 (as part of the Energy Policy Act) to protect the health benefits of about 120,000 retirees and avoid a nationwide coal strike. The Coal Act has ensured that a small group of retirees would continue to get the health benefits that they earned and were promised for eight years now. There are now only about 65,000 miners and retirees remaining in the Fund—70% of whom are elderly widows of retired miners. Their average age is 78 years old, and more than 45% of the population is over 80 years old.

Once again, in this new century, the health care of this small group of retired miners and widows is threatened due to both significantly increased health care costs and a series of adverse court decisions. Congress must act this year to prevent a reduction in their health care benefits. Last year, we faced the first shortfall in the trust fund that pays for retired miners health benefits, and Congress responded. Senator BYRD and Congressman RAHALL's leadership forestalled a health care benefit cut. They included a stop-gap $68 million in last year's final omnibus Appropriations bill to avert a cut. If Congress fails to act this year, retired miners and their widows will be in imminent danger of losing health benefits as early as next Spring.

I am glad to report to my colleagues that the Clinton/Gore Administration recognized the need to shore up the retired miners' health fund and included in its budget a number of provisions that together secure miners' benefits well into the next decade. The Coal Act related provisions in the President's budget are based on one premise—these retired miners were promised lifetime health benefits and a promise made must be a promise kept. The Administration strongly reaffirmed the federal government's commitment to retired miners and their widows by proposing to transfer $346 million in new monies over the next ten years to the Combined Benefit Fund to ensure there will be no benefit cuts. The Administration's budget also clarified a few provisions of the Coal Act to avoid unnecessary litigation about the clear meaning of the statute. The Coalminers and Widows Health Protection Act does not include all of the Administration's proposed solutions for jurisdictional and practical reasons, but I am very grateful for their comprehensive solution to maintaining promised benefits, and believe each of their proposed remedies deserve serious consideration by Congress.

The Coalminers and Widows Health Protection Act does three things. It provides for an annual mandatory transfer of general funds to the Combined Benefit Fund to maintain its long term solvency and prevent a reduction in miners' health benefits. The annual transfers are set at a level to avoid any reduction in benefits and amount to $346 million over ten years. This bill also clarifies two aspects of the Coal Act to resolve disputed or misunderstood provisions of the law. The first clarification involves the timing of Social Security Administration's assignment of retired miners to the companies that had employed them and promised to finance their lifetime health benefits. The second clarification involves assignments to successors-in-interest of coal companies that had agreed to finance lifetime health benefits, as well as to the successors-in-interest of persons related to those companies, which is explicitly provided for in the Act. These clarifications will avoid further unneeded litigation expenses. These two clarifications do not score for the purposes of determining the cost of enacting them to the federal government.

I want to report to my colleagues that there is a bipartisan, bicameral process underway to determine how we can best shore up the miners' trust fund. Staff are meeting regularly. Chairman ROTH has informed me that he is committed to finding a way to preserve these promised benefits, and I welcome his strong support, as well as that of Senator MOYNIHAN and several other Members of the Finance Committee who are actively involved in this process.

One hundred thousand coalminers were killed while working in the mines last century. Nearly another hundred thousand suffered debilitating job related illnesses. This bill will give retired miners and their widows the health security they were promised and deserve. We owe them that security. They earned it. And you can rest assured that as Congress deals with the priority issues of funding government functions and operations through the annual budget process, and as proposed tax cuts and other legislative items are contemplated, I intend to see to it that we meet our responsibilities to retired coalminers.

There are about 20,000 thousand retired miners and their widows living in West Virginia—and tens of thousands of more living in virtually every state of the Union. The Coalminers and Widows Health Protection Act will tell them that they can count on their health care benefits being there for them when they need them, just as they were promised.

I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2538

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Coal Miner and Widows Health Protection Act of 2000".

**SEC. 2. MANDATORY TRANSFER OF FUNDS TO COMBINED BENEFIT FUND.**

(a) Section 9705 of the Internal Revenue Code of 1986 (relating to transfers to the Combined Benefit Fund) is amended by adding at the end the following:

"(c) MANDATORY TRANSFERS FROM GENERAL FUND.—

"(1) IN GENERAL.—There are hereby authorized and appropriated, out of any amounts in the Treasury not otherwise appropriated, to the Combined Fund the following amounts for the following fiscal years:

"(A) $38,000,000 for fiscal year 2001,

"(B) $37,000,000 for fiscal year 2002,

"(C) $36,000,000 for each of fiscal years 2003 and 2004,

"(D) $34,000,000 for each of fiscal years 2005 and 2006,

"(E) $33,000,000 for each of fiscal years 2007, 2008, and 2009, and

"(F) $32,000,000 for fiscal year 2010.

"(2) USE OF FUNDS.—Any amounts transferred to the Combined Fund under paragraph (1) shall be available, without fiscal year limitation, to pay benefits under this subchapter.

"(3) TRANSFER.—The Secretary shall transfer amounts appropriated under paragraph (1) on October 1 of each fiscal year."

**SEC. 3. CLARIFICATION OF AUTHORITY TO ASSIGN ELIGIBLE BENEFICIARIES.**

(a) IN GENERAL.—Section 9706(a) of the Internal Revenue Code of 1986 (relating to assignment of eligible beneficiaries) is amended by striking ", before October 1, 1993,".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 19143 of the Coal Industry Retiree Health Benefit Act of 1992 (Public Law 102-486; 106 Stat. 3037), and no assignment made under section 9706(a) of the Internal Revenue Code of 1986 shall be invalidated because it was not made before October 1, 1993.

**SEC. 4. CLARIFICATION OF AUTHORITY TO ASSIGN ELIGIBLE BENEFICIARIES TO SUCCESSORS OF SIGNATORY OPERATORS.**

(a) IN GENERAL.—The last sentence of section 9701(c)(2)(A) of the Internal Revenue Code of 1986 (defining related persons) is amended to read as follows: "A related person shall also include a successor in interest of any person described in clause (i), (ii), (iii), or a successor in interest of the signatory operator itself."

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the amendments made by section 19143 of the Coal Industry Retiree Health Benefit Act of 1992 (Public Law 102-486; 106 Stat. 3037), except that such amendment shall not apply to any proceeding initiated before the date of enactment of this Act if the proceeding (and any appeal therefrom) is not pending on such date.

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By Mr. REID (for himself, Mr. BENNETT, Mr. DASCHLE, Mr. KERRY, Mrs. MURRAY, Mr. BINGAMAN, Mr. KENNEDY, Mrs. BOXER, Mr. ABRAHAM, and Mr. GRAMS):

S. 2539. A bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers; to the Committee on Banking, Housing, and Urban Affairs.

### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1998 AMENDMENTS

Mr. REID. Mr. President, I rise today to introduce a bipartisan bill that is critical to maintaining our nation's lead in the high-tech sector. In specific, this bill is crucial to the computer industry. This is an issue that I have been very interested in for quite some time, and in particular, have done a lot of work on this session.

I first want to talk a little bit about the U.S. computer industry. According to an article in Computers Today, dated July 19, 1998, American computer technology has led the world since the first commercial electronic computer was deployed at the University of Pennsylvania in 1946.

This industry is constantly changing with new companies and new products emerging every day. A statistic that I find fascinating is that more than 75 percent of the revenues of computer companies come from products that did not exist two years before. That statistic is from the CSPP Freedom to Grow.

Through research and development, another issue I strongly favor, the computer industry has been able to remain competitive for all of these years.

The challenge that we not face, and frankly a challenge that we haven't lived up to in the past as a Congress, is to allow our export control policies to change with the times, and not to overly restrict our nation's computer companies.

We need to stop trying to control technology that is readily available, as we are doing today. The technology that we are regulating is readily available from many foreign companies. Companies from countries like China and other Tier 3 countries.

I remember, not too long ago, I was able to secure funding for a Super-Computer for the University of Nevada, Las Vegas. That computer, which required its own room, is now about as powerful as a laptop computer. That is exactly the kind of computer that we are still regulating.

Computers that are now considered Super-Computers operate at more than one million MTOPS, or about 500 times the current level of regulation.

The bottom line is that by placing artificially low limits on the level of technology that can be exported, we may be denying market realities and could very quickly cripple America's global competitiveness for this vital industry. If Congress doesn't act quickly, we will substantially disadvantage American companies in an extremely competitive global market.

Mr. President. On February 1, 2000, at my urging, and the urging of others in this body, President Clinton proposed changes to the United States export controls on high-performance computers. Since that accouncement, the President's proposal has been floating around Congress for a mandated 180 days, or six month, review period. When the President made his proposal, the new levels would have been sufficient, however, we are still regulating under the old levels, and therfore hindering American companies from competing in Tier 3 countries with other foreign companies.

The bill that I am offering today simply reduces the congressional review period from 180 days to 30 days to complement the administration's easing of export restrictions, by amending the National Defense Authorization Act of 1998.

I appreciate the recent bipartisan support of this bill and I look forward to debating this bill on the Senate floor in the near future.

Mr. BENNETT. Mr. President, today Senator HARRY REID of Nevada and I are introducing bipartisan legislation with respect to the review period for the sale of high-performance computers. Both Senator REID and I were hoping this legislation would not be necessary. We had planned it as an amendment to the Export Administration Act, but that act, for a variety of reasons, has been stalled here on the floor, and the issue is so important that we don't want to let it die. We are introducing this legislation in order to keep the issue alive and, if necessary, to provide a vehicle for producing the review that we think is necessary.

Let me display a chart that demonstrates what is happening in the high-tech world of business computers. These are not the computers that we carry back and forth on the planes. You and I, as we fly back to our homes, have laptops and those laptops have amazing capabilities in them and represent the changes that are occurring in the computer world.

If I can be personal for just a moment, at one point in my career, I was the head of a company that was grandly called the American Computer Corporation. We produced, among other products, a computer that was about the size of a washing machine. We were very proud of it. It had 10 megabytes of hard disc memory in it, and it sold for about $35,000. It was literally built in a garage, and we sold every single one we could make.

Today, I have in my hand a computer that costs less than $500, which has far more power and capacity than that old machine we were so proud of, with its 10 megabytes of hard disc. The laptop I carry with me back and forth between here and Utah has more computing power in it today than the computers that controlled the space shuttle.

I have been down to Cape Canaveral to the Kennedy Space Center. I have seen the space shuttle. The space shuttle computers that control the flight of that at this time are very highly technical instruments and are built throughout the entire airplane. They take up so much room that they are part of the superstructure of the airplane itself. Today, there is more computing power in the laptop that I carry than there is in that whole airplane.

This is a manifestation of what the people in the computer world call Moore's law. Mr. Moore was one of the first CEOs of Intel. He propounded over 20 years ago Moore's law which says that every 18 months, the power of computers doubles for the same price; so that every 18 months, the computer that you had 18 months ago is now obsolete and the new one is twice as fast. Then, 18 months later the new one will be twice as fast as that one was. And 18 months later, the next new one will be twice as fast, and so on. Moore's law has held for over 20 years. Every 18 months the power of the computer doubles.

Moore's law doesn't hold anymore—not because the power of the computer is not doubling but because the power of the computer is doubling in less than 18 months. It is doubling faster than Moore projected in Moore's law.

This chart demonstrates what is happening in the world with what we call "business computers." These are computers that are roughly the size of that old computer we produced that was the size of a washing machine, or a college refrigerator. Only now, these computers have the power and capacity that we used to think of in terms of the giant supercomputers that would fill this room.

Thereby hangs the issue that has caused me and Senator REID to join together and introduce this piece of legislation.

When supercomputers, the huge machines that could do an enormous amount of computation work, were first invented, it was a matter of national security that they be kept out of the hands of America's enemies. So it was established by legislation that there would be a limit on the size of computers that could be exported because we wanted to make sure the supercomputers stayed in American hands.

The limit that was placed on supercomputers was at the level of 8,000 MTOPS. I don't mean to be overly technical here, but we need to understand what we are talking about. MTOPS is an acronym for millions of theoretical operations per second.

How many theoretical operations or calculations can the computer perform in a second? How many millions can it perform in a second?

At the time this legislation was put in place, it said anything over 8 trillion theoretical operations per second constituted a supercomputer, and therefore it had to be protected from export. It had to be held in the United States, for national security purposes. We were the only country in the world that had a computer that could approach 8 trillion MTOPS, or millions of theoretical operations per second.

That was then. This is now.

I hold in my hand a device that is produced here in America by Intel that contains eight chips. And therein lies the tale that I want to talk about today.

Just think of this. This, by the way, retails for about $900. It is part of the mother board of a traditional business computer today. The mother board is about 2 feet square. This fits on the mother board with all of the other chips that are in it. But this is the controller of all of that. And it has in it eight tiny chips.

Here is the marketplace for this kind of computer worldwide. We have the figures.

In 1997, worldwide, it is a little over 2 million.

You see in the blue down below is the market in the United States, and the green is overseas. You can see that the market overseas is bigger than the market in the United States.

The chart marches on with projections made by the Gartner Group out of Connecticut to the year 2002. We see, roughly speaking, that in that 5-year period—from 1997 to 2002—this market will quadruple. We are talking hundreds of billions of dollars per year of market.

I want that understood as the matrix of what we are talking about here.

This is the size of the market for a product of which this is the heart.

Now let's talk about it in terms of export control on MTOPS.

I hope we can tie all of these together. I realize this is a little technical. But understand when the legislation was passed, anything that had more than 8,000 MTOPS in it could not be exported, and therefore could not be sold in the green part of that bar.

Let's look at what is happening as Moore's law becomes obsolete as the power of computers increases more rapidly.

Here is a blowup of this device as it existed in 1999, less than 6 months ago.

A Pentium III chip carries with it 1,283 MTOPS. So if you had one of these with one Pentium III chip in it, you could export it. If you put two Pentium chips in it, you could export it because it doubles to 2,383. If you put four Pentium chips in it, doubling it again, you went to 4,584. But when you doubled that by putting eight chips in it, it cannot be exported now because it is over 8,000 MTOPS.

In 1999, this was a product that could be purchased in the United States by anybody, carried out the door, or installed, if you are buying it for your business, by the people who are providing for you. But it cannot be sold overseas without a review of the export license. Because we were so anxious to make sure that these computers didn't get into the wrong hands, the export license time for review of this was 180 days, or 6 months. That meant that an American manufacturer who took one of these processors from Intel, put eight chips in it, and put it in his computer, could sell it anywhere he wanted to in America but could not export it for 180 days.

What happened in that 180 days while he was waiting for export approval?

Let's look at where we are now in the year 2000.

In that 180-day period where you are waiting for export approval, the Itamium chip has been developed and come on the market. It has 6,131 MTOPS in one chip. If you are going to export this product, you can only have one chip in it. If you put two in it, you are immediately close to 12,000 MTOPS. If you put in four, you are at 23,000 MTOPS. And, if you put in the standard eight that this carries, you are at 47,000 MTOPS.

The administration has proposed raising the 8,000 MTOPS level to 25,000, which clearly doesn't do you any good. The technology is moving so rapidly that you can buy 25,000 just as quickly as you can buy 8,000.

This is where we are today.

If you had applied for an export license with Pentium chips last year and waited 67 months, by the time you got your 6-month approval, you would be facing this kind of competition, and no one would want your Pentium chip. They would want one with the Itamium chip. You say, all right. I will put up with the 6 months, and I will apply for this computer with eight Itamium 2000 chips.

What is ahead of you if you do that? Looking ahead to 2001 with the Itamium 2001 chip, this is what you are facing. That chip will do 9,198 MTOPS all by itself. Even one chip in this one makes it illegal to export without waiting 180 days for approval. Go to the normal eight chips, and you are at 70,000 MTOPS.

To those who say: Good heavens, we are exporting or allowing people to buy supercomputers that can do all of the command and control decisions for an entire defense system, we are in terrible trouble, we are giving away our secrets; I say in the Defense Department we still have supercomputers that are currently running at the rate of 2 million MTOPS. For those supercomputers, these things are child's play. By the time we get to 70,000 MTOPS in a computer of the kind in my hand, the supercomputers will have gone up from 2 million to as high as 30 million. That is the speed with which all of this is happening.

What are we proposing in this legislation? Simply this: We are saying approval can be granted within 30 days. We are taking it from 6 months down to 1.

Why do I pick 30 days, along with Senator REID? We look at the export controls—which, again, are there to protect America's secrets—and we find that 30 days is currently the timeframe for an F-16. If a foreign government wants to buy our most sophisticated aircraft, we take 30 days to determine whether or not that particular aircraft in the hands of that particular government produces some kind of threat to national security. Yet we will take 6 months to decide whether that government can buy a computer that is available in virtually every technology center anywhere in the United States. They can buy it in the United States, throw it on the airplane, and take it abroad themselves.

Somebody could say: Gee, that is illegal to take abroad. What kind of secrecy and control is it when one can buy it on the street in the United States, any citizen can buy it as easily as they could buy one of these, but for some reason we can't allow them to export it?

There is another factor to recognize. We are not operating in a vacuum. There are Japanese companies that can do this. There are French companies that can do this. There are German companies that can can do this. If we say American companies can't do this, we just guarantee the rest of the world will get this market. Remember those lines on that bar chart showing the foreign market is bigger than the American market? We are guaranteeing the rest of the world will take this market away from the United States as we sit here with our 180-day review period, saying in effect no American company can get into this business at all, because in that 180-day period everyone overseas will have bought foreign and not bought American.

It is vitally important that we recognize the reality of what is happening in the computer world, we bring the date necessary for review down to a reasonable period of time, and we say, if you want to buy one of these from Intel with eight Itanium 2001 chips in it, it will not take any more time for you to do that than it will take you to buy an F-16. That is the reasonable, intelligent thing to do. That is what the legislation of Senator REID and myself seeks to establish.

I hope it is not necessary for our bill ever to be considered or passed. I hope the export administration bill comes back on the floor and Senator REID and I can offer our bill as an amendment to that bill and see it adopted by the Senate and sent to the President as rapidly as possible. Just in case that does not happen, by introducing this bill on behalf of Senator REID and myself today, I am making clear we have a backup somewhere in the legislative channel to which we can turn to try to make it logical and possible for American computer manufacturers and American chip manufacturers to continue America's leadership in this market.

Make no mistake, we are talking hundreds of billions of dollars where America currently has the technological leadership in the world. That leadership is now threatened by Government regulations. It is imperative we change those regulations on the floor of the Senate, if possible, working with the administration.

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By Mr. BROWNBACK (for himself, Mr. KERREY, and Mr. MURKOWSKI):

S. 2540. A bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

### DOMESTIC CARBON STORAGE INCENTIVE ACT OF 2000

Mr. BROWNBACK. Mr. President, I rise today to introduce a bill that I think is going to be a significant issue for U.S. agriculture and the environment both. It's the Domestic Carbon Storage Incentive Act of 2000. I am putting forward a concept that is being talked about more and more, a concept called carbon farming, where we encourage the agriculture industry to farm in such a way that the plant life pulls $CO_2$ out of the air, fixes carbon in the ground, releases oxygen in an ever-increasing amount. There are farming techniques that can fix or sequester more carbon in the ground. What we are doing with this bill is encouraging more of that carbon sequestration, pulling more of the $CO_2$ out of the air thus reducing some of the greenhouse gases that are in the air, whether they are there by natural or man-made sources. It is a win for the environment and it is a win for agriculture, I think it is a very positive thing we can do in encouraging good agricultural stewardship and good environmentalism.

With this bill we are providing financial incentives to landowners who increase conservation practices which, as I describe, help pull carbon dioxide out of the atmosphere and store it as carbon in the soil. This bill seeks to encourage the positive contributions to the environment made by the agriculture industry. I am joined in this bill by my friend, Senator KERREY of Nebraska and Senator MURKOWSKI of Alaska along with a number of others.

For some time now I have been looking at a way for a way to approach environmental issues from an incentive-based proactive stance. I think it is important we break away from the regulatory model we have been in on the environment. We have basically said all sticks on this: If you do this we are going to do this to you on environmental rules and issues. It has all been a regulatory approach. I think it is important we engage the markets and create an incentive approach, and that is what this bill does. I believe we are on the verge of seeing agriculture come into a whole new market with this type of approach, an environmental market where producers will benefit rather than be burdened by environmental concerns.

U.S. agriculture has long been appreciated for its ability to feed the world. As any good farmer knows, in order to grow good crops you must take care of the land, be a steward of the land. Farmers take this role very seriously. My family farms. My dad and my brother are both full-time farmers. But sometimes markets and economic stress make conservation very difficult to pursue. This bill would help offset some of the costs to expand conservation practices.

It is this sort of eco-agriculture that we should encourage and enhance to deal with environmental concerns, rather than resorting to governmental regulations and mandates to solve our problems. Farmers want to do the right thing. They have more reason than anybody else to preserve and protect the land, the land and the water and the air—but Government and markets do not always make that job very easy.

I applaud my colleague, Senator ROBERTS, for all the work he has done in this area. His bill that he has to enhance carbon sequestration research has called needed attention to a very important area, the research work that we need to do about what practices fix the most carbon into the ground and what ones are the most helpful to the atmosphere. These two approaches, working together, the research on how we can do it better and more of it, along with more incentives to put that research into practice, I think are a good tandem.

Why do we do this? Carbon dioxide is a greenhouse gas believed to contribute to global warming. While there is debate over the role which human activity plays in speeding up the warming process, there is broad consensus that there are increased carbon levels in the atmosphere today. Until now, the only real approach seriously considered to address climate change was an international treaty which calls for emission limits on carbon dioxide, which would mean limiting the amount that comes from your car, your business and your farm.

The Kyoto treaty also favored exempting developing nations from emissions limits, putting the U.S. economy at a distinct disadvantage. Approaching the issue of climate change in this fashion would be very costly and would not respond to the global nature of this problem because they are exempting several countries already.

Instead, the approach I am putting forward encourages offsetting greenhouse gases through improved land management and conservation. As a result, these practices will also lead to better water quality, less runoff pollution, better wildlife habitat, and an additional revenue source for farmers. It truly is one of those win-win propositions for the environment and for agriculture.

Specifically, my bill will allow landowners to submit plans detailing practices they would be willing to undertake to store additional carbon in the soil. These plans would then compete for entrance into the program, with the best plans achieving funding. Verification of this program would be similar to current conservation programs, such as the Environmental Quality Incentives Program where farmers need only comply with the practices they set forth in the contract. The program is limited to 5 million acres and is not a setaside. Rather, this bill encourages conservation practices such as no-till farming, buffer strips, and biomass production, to name a few, which are known to enhance the soil's ability to store carbon.

Under this program, contracts will be for a minimum of 10 years and USDA will be required, in conjunction with other agencies and land grant universities, to finalize criteria for measuring the carbon-storing ability of various conservation practices. This objective will be greatly enhanced by the organizations such as Kansas State University in my home State, which have conducted significant research already on ways that various carbon-storing practices occur in agriculture.

Agriculture can play a substantial role in protecting the environment if we put these incentives forward. One might ask, is there benefit to carbon storage? Are we talking about significant numbers? Listen to some of these numbers. The total carbon sequestration and fossil fuel offset potential of U.S. croplands is currently estimated at 154 million metric tons of carbon per year, or 133 percent of the total greenhouse gas emissions by all these activities. In other words, even current agricultural croplands have the ability to store carbon in the soil. Imagine how much more this process can be enhanced if a focused effort is made.

Early estimates indicate that the potential for a carbon market for U.S. agriculture could reach $5 billion per year for the next 30 to 40 years. Carbon markets are already emerging in the private sector with farmers selling their carbon-storing practices to utilities. There is a Consortium for Agriculture Soils Mitigation of Greenhouse Gases that is marketing this already.

Farmers are already beginning to look toward carbon sequestration or carbon farming practices as a potential new market. Between 1998 and 1999, Iowa farmers grew and harvested 4,000 tons of switchgrass for use by a utility. These farmers not only benefit from the sale of the biomass commodity itself but are able to sell the additional benefit they are providing in growing the switchgrass, which is carbon sequestration. This bill will allow all farmers to progress toward verification and potential sale of carbon benefits to third parties.

The estimated amount of carbon stored in world soils is more than twice the carbon living in vegetation or in the atmosphere. Approximately 50 percent of the soil organic carbon has been lost from the soil over a period of 50 to 100 years of cultivation. This loss represents the potential for storage of carbon in the soil.

In the tall grass prairie located in Kansas, Kansas State University researchers have demonstrated an increase of approximately 2 tons of carbon per acre through increased conservation practices—2 tons additional carbon pulled out of the air and put into the ground per acre. That demonstrates the potential in rangeland soils, and there are already a number of agricultural practices which enhance carbon sequestration.

Obviously, carbon sequestration has a lot to offer as an environmental and agricultural policy. It is something that can provide a win-win situation for the environment and agriculture as we look forward to an era of another income source and a good way the environment and agriculture can work together.

Mr. President, I introduce the bill on behalf of myself, Mr. KERREY, Mr. MURKOWSKI, and a number of other cosponsors.

• Mr. KERREY. Mr. President, today I am introducing the Domestic Carbon Storage Incentive Act of 2000 with Senators BROWNBACK and MURKOWSKI. Agriculture must play a major role in any climate change plan, since it is an important part of both the cause and the solution. While the facts about global warming are not all clear, what is clear is that global warming is occurring. What is also clear is that human activities are emitting increasingly large volumes of greenhouse gases, and that these gases are influencing global warming.

Carbon sequestration, that is pulling carbon from the air into the soil, is an important part of fighting global warming, and agriculture is one of the largest and most economical carbon "sinks." Farmers and ranchers can store additional carbon in the soil fairly easily, using best management practices such as no-till farming, increased production of high carbon-storing crops, and increased use of winter cover crops. Storing carbon in the soil is not only good for the environment, it is also advantageous for soil quality and agriculture production. I am pleased that farmers and ranchers are beginning to realize that carbon sequestration is a win-win situation. Agriculture is sometimes hesitant to adopt change, however, and it is important to provide producers with the opportunity to fully utilize carbon-storing techniques.

This bill will give agriculture producers added financial incentive to adopt these best management practices. Unlike CRP, the land will not be a set-aside, but rather these practices will be used on land in production. This program will be completely voluntary, with farmers competing for entrance into the program by proposing specific plans to store more carbon in their land. The best plans will be awarded ten-year contracts with payments no greater than twenty dollars per acre each year.

Some farmers have expressed concern about using these carbon-storing techniques on their land, however, because current studies only involve small experimental plots. This legislation will implement carbon sequestration practices on whole farms, both to gather more data on beneficial techniques and to set examples for other farmers to follow.

While measuring carbon storage is a difficult task, the most direct means of determining soil carbon sequestration is to measure, over time, sequential changes in the soil. At a recent Senate Agriculture Subcommittee hearing, several scientists and policy-makers advocated a greater need for more research and more data. This program will provide actual data from different soil types across the nation, furthering our collective knowledge of causes and solutions to global warming.

The Domestic Carbon Storage Incentive Act is an important step in moving agriculture's role in fighting climate change forward. Carbon sequestration will benefit everyone: farmers, ranchers, the environment, and society. This bill will serve a public good, valued far above the cost of the program. Congress has the opportunity to take action to combat global warming, and I hope that the Senate can begin to achieve this goal by acting on this sound legislation.•

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By Mr. DASCHLE (for himself, Mr. MOYNIHAN, Mr. KENNEDY, Mr. AKAKA, Mr. BAUCUS, Mr. BIDEN, Mr. BINGAMAN, Mrs. BOXER, Mr. BRYAN, Mr. BYRD, Mr. CLELAND, Mr. DODD, Mr. DORGAN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. JOHNSON, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mrs. LINCOLN, Ms. MIKULSKI, Mrs. MURRAY, Mr. REED, Mr. REID, Mr. ROBB, Mr. ROCKEFELLER, Mr. SARBANES, Mr. SCHUMER, and Mr. WELLSTONE):

S. 2541. A bill to amend title XVIII of the Social Security Act to provide a prescription drug benefit for the aged and disabled under the Medicare Program, to enhance the preventative benefits covered under such program, and for other purposes; to the Committee on Finance.

### MEDICARE EXPANSION FOR NEEDED DRUGS (MEND) ACT OF 2000

Mr. DASCHLE. Mr. President, today I am pleased to join with 34 of our Senate Democratic colleagues in introducing the Medicare Expansion for Needed Drugs Act, a bill to mend Medicare by adding a long overdue prescription drug benefit.

I want to begin by thanking all the people who have brought us to this point.

Senator DORGAN and many of our other colleagues have held numerous hearings in Washington, and around the country on the issue of Medicare prescription drug coverage. I thank my colleagues and all who came to the hearings.

I know that they heard from people at those hearings they would not have otherwise heard from. The testimony they heard was virtually unanimous at each of these hearings, that Medicare must now, this year, be expanded to include necessary coverage.

I also thank all of the seniors, pharmacists, doctors, and others who took the time to educate us on this important matter. Their wisdom has made this a better bill.

In addition, I thank the President—for keeping the issue of Medicare prescription drugs on the national agenda, and for providing the framework for our proposal.

I thank the many organizations representing seniors and consumers who told us about the terrible strain paying for prescription drugs places on seniors and their families.

Most of all, I thank the many seniors from all across America who told us about their struggles to pay for prescription drugs.

I want to share with you one example from my State.

Fran Novotny is a 70-year-old retired nurse from Hill City, SD. She takes prescription medications every day to control diabetes, hypertension, and asthma. She has also had bypass surgery.

Every month, she gets a Social Security check for $616.

Every month, she spends about $550 on prescriptions.

She has a small pension, but it doesn't add up to much. So she is quickly depleting her entire life savings. After it is gone, she has no idea how she will pay for her medications.

Her story, and many others like it, are the reason we must move forward and enact a Medicare prescription drug benefit this year. We must make sure that Fran Novotny—and the millions of seniors like her—can afford their prescriptions—and their grocery bills and their rent and their clothing and their utility bills.

The average Medicare beneficiary fills 18 prescriptions a year.

Yet three-in-five Medicare beneficiaries lack decent, dependable coverage for prescription drugs. And more than one-third of all Medicare beneficiaries—more than 15 million seniors—have no prescription drug coverage at all.

This is not a problem faced only by the poorest beneficiaries. More than half of all Medicare beneficiaries without coverage have incomes above 150 percent of poverty,

That is why two-thirds of the Democratic caucus has joined in introducing this bill to make prescription drug coverage available and affordable to all Medicare beneficiaries.

Our plan is universal.

Every single Medicare beneficiary who wants the coverage has it under this bill.

Second, our plan is voluntary.

It is not a requirement that you sign up for this legislation. If you have a good plan, use it. If you have a good company, stay with it. If you have a plan that works for you, for whatever reason, this plan encourages you to stay right where you are. But if you do not have coverage, if you need coverage and cannot get it anywhere else, this bill will make it available to you for the first time.

Every Medicare beneficiary can choose to participate, whether he or she is in traditional, fee-for-service Medicare or a Medicare Plus Choice plan. Retirees who already have private prescription drug coverage can keep it. It is up to them.

We also provide incentives to employers to provide and maintain drug coverage. We do not want to see the people who are now providing it to their employees or retirees dropping these people once this plan becomes available, so we have encouraged, we have incentivized businesses to do that.

Our plan provides meaningful coverage.

Medicare would cover half of beneficiaries' discounted prescription drug bills, up to $5,000 a year. That means that Fran Novotny—who spends $550 a month on prescription drugs—would be able to save at least $275 a month. That $275 a month will make a real difference in her life.

Our plan also provides catastrophic coverage for people who need to take very expensive drugs that can cost $5,000, or $10,000 a year, or more. It is our hope that after a Medicare beneficiary has paid the first $3,000 or $4,000 in catastrophic care costs, Medicare would pick up the balance.

Our program is also affordable.

Beneficiaries would pay premiums to cover about half the cost of the program. Medicare would contribute the other half.

Seniors with incomes between 135 percent and 150 percent of poverty would receive assistance with their premiums. Those with incomes below 135 percent of poverty would receive assistance with premiums and copays.

Our plan would give seniors bargaining power that they just don't have today.

The problem today isn't just that seniors end up paying out-of-pocket expenses for their prescriptions, they also pay a lot more for those out-of-pocket costs. On average, seniors pay twice as much for their medications as big insurance companies and HMOs do today.

The fact that seniors face the highest prices at the drugstore is, frankly, wrong. Our plan gives seniors the bargaining power that comes with numbers.

Another thing our plan does—which is very important to many of us in rural areas—is to include special protections to make sure that Medicare beneficiaries who live in rural communities have the same affordable, timely access to prescription drugs as everyone else.

It gives the Secretary of Health and Human Services the authority to offer pharmacists incentives to cover rural communities and other hard-to-serve areas. Every American should be able to get affordable prescription drugs—when they need them—whether they live in a big city or a small town.

Our plan mirrors the best practices used in the private sector.

For beneficiaries in traditional Medicare, prescription drug coverage would be delivered by private entities that negotiate prices with drug manufacturers. This is the same mechanism used by private insurers.

Beneficiaries in Medicare Plus Choice plans would get their prescription drug coverage through their Plus Choice plan.

Finally, the bill recognizes that we need to shift the focus of Medicare from simply treating illness, to keeping beneficiaries well.

While prescription drug coverage is an important first step in this effort, there are likely other changes we should make. So this bill sets up a process for Congress to consider further benefit changes—to enhance prevention—on an expedited basis. I want to thank Senator GRAHAM for his leadership on this important issue.

On the issue of broader Medicare reform, I would like to see prescription drugs pass as part of a larger package of reforms and modernizations, and I believe this bill and its benefit is consistent with such efforts.

I'm also pleased to report that our bill is supported by an array of important groups: The National Council of Senior Citizens; the Committee to Preserve Social Security and Medicare; National Council on the Aging; the Older Women's League; the AFL–CIO; The National Community Pharmacists Association; Families USA; Consumers Union; the Leadership Council of Aging Organizations; the Association for Homes and Services for the Aging; the National Association of Area Agencies on Aging; and AARP.

We hope we will have support ffom our Republican colleagues, too.

Prescription drug coverage for all seniors is an issue on which we cannot afford to procrastinate. The cost of delay is too great—in lost opportunities, lost health, and lost lives.

In 1965, when Medicare was created, it didn't include prescription drug coverage. Neither did most private insurance plans. Today, virtually all private health plans offer some sort of prescription drug coverage—but not Medicare.

It is time—it is past time—to close this gap. Prescription drugs are an integral part of medicine today. They ought to be an integral part of Medicare. Period.

Now—before the Baby Boomers retire, and the problems are still manageable—is the time to strengthen Medicare. Now, while our economy is strong, and we have a surplus, is the time to add a universal, voluntary, and affordable prescription drug benefit to Medicare.

Mr. President, I ask unanimous consent that at this point the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2541

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Medicare Expansion for Needed Drugs (MEND) Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—PRESCRIPTION DRUG BENEFIT PROGRAM

Sec. 101. Prescription drug benefit program.

"PART D—PRESCRIPTION DRUG BENEFIT FOR THE AGED AND DISABLED

"Sec. 1860. Establishment of prescription drug benefit program for the aged and disabled.
"Sec. 1860A. Scope of benefits.
"Sec. 1860B. Payment of benefits; benefit limits.
"Sec. 1860C. Eligibility and enrollment.
"Sec. 1860D. Premiums.
"Sec. 1860F. Prescription Drug Insurance Account.
"Sec. 1860G. Administration of benefits.
"Sec. 1860H. Employer incentive program for employment-based retiree drug coverage.
"Sec. 1860I. Appropriations to cover Government contributions.
"Sec. 1860J. Prescription drug defined.".
Sec. 102. Medicaid buy-in of medicare prescription drug coverage for certain low-income individuals.
"Sec. 1860E. Special eligibility, enrollment, and copayment rules for low-income individuals.".
Sec. 103. Catastrophic prescription drug coverage benefit.
Sec. 104. Comprehensive immunosuppressive drug coverage for transplant patients.
Sec. 105. GAO study and biennial reports on competition and savings.
Sec. 106. MedPAC study and annual reports on the pharmaceutical market, pharmacies, and beneficiary access.

TITLE II—ENHANCED MEDICARE PREVENTION PROGRAM

Sec. 201. MedPAC biennial report.
Sec. 202. National Institute on Aging study and report.
Sec. 203. Institute of Medicine 5-year medicare prevention benefit study and report.

Sec. 204. Fast-track consideration of prevention benefit legislation.

**SEC. 2. FINDINGS.**

Congress makes the following findings:

(1) Prescription drug coverage was not a standard part of health insurance when the medicare program under title XVIII of the Social Security Act was enacted in 1965. Since 1965, however, drug coverage has become a key component of most private and public health insurance coverage, except for the medicare program.

(2) At least ⅔ of medicare beneficiaries have unreliable, inadequate, or no drug coverage at all.

(3) Seniors who do not have drug coverage typically pay, at a minimum, 15 percent more than people with coverage.

(4) Medicare beneficiaries at all income levels lack prescription drug coverage, with more than ½ of such beneficiaries having incomes greater than 150 percent of the poverty line.

(5) The number of private firms offering retiree health coverage is declining.

(6) Medigap premiums for drugs are too expensive for most beneficiaries and are highest for older senior citizens, who need prescription drug coverage the most and typically have the lowest incomes.

(7) The management of a medicare prescription drug benefit should mirror the practices employed by private entities in delivering prescription drugs. Discounts should be achieved through competition.

(8) All medicare beneficiaries should have access to a voluntary, reliable, affordable outpatient drug benefit as part of the medicare program that assists with the high cost of prescription drugs and protects them against excessive out-of-pocket costs.

(9) The addition of a medicare drug benefit should be consistent with an overall plan to strengthen and modernize the medicare program.

## TITLE I—PRESCRIPTION DRUG BENEFIT PROGRAM

**SEC. 101. PRESCRIPTION DRUG BENEFIT PROGRAM.**

(a) In General.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended—

(1) by redesignating part D as part E; and

(2) by inserting after part C the following new part:

"Part D—Prescription Drug Benefit for the Aged and Disabled

"ESTABLISHMENT OF PRESCRIPTION DRUG BENEFIT PROGRAM FOR THE AGED AND DISABLED

"Sec. 1860. (a) In General.—There is established a voluntary insurance program to provide prescription drug benefits in accordance with the provisions of this part for individuals who are aged or disabled or have end-stage renal disease and who elect to enroll under such program, to be financed from premium payments by enrollees together with contributions from funds appropriated by the Federal Government.

"(b) Noninterference.—In administering the prescription drug benefit program established under this part, the Secretary may not—

"(1) require a particular formulary or institute a price structure for benefits;

"(2) interfere in any way with negotiations between private entities and drug manufacturers, or wholesalers; or

"(3) otherwise interfere with the competitive nature of providing a prescription drug benefit through private entities.

"SCOPE OF BENEFITS

"Sec. 1860A. (a) In General.—The benefits provided to an individual enrolled in the insurance program under this part shall consist of—

"(1) payments made, in accordance with the provisions of this part, for covered prescription drugs (as specified in subsection (b)) dispensed by any pharmacy participating in the program under this part (and, in circumstances designated by the private entity, by a nonparticipating pharmacy), including any specifically named drug prescribed for the individual by a qualified health care professional regardless of whether the drug is included in a formulary established by the private entity if such drug is certified as medically necessary by such health care professional, up to the benefit limits specified in section 1860B; and

"(2) charging by pharmacies of the negotiated price—

"(A) for all covered prescription drugs, without regard to such benefit limit; and

"(B) established with respect to any drugs or classes of drugs described in subparagraphs (A) through (D) or (F) of section 1927(d)(2) that are available to individuals receiving benefits under this title.

"(b) Covered Prescription Drugs.—

"(1) In general.—Covered prescription drugs, for purposes of this part, include all prescription drugs (as defined in section 1860J(1)), including smoking cessation agents, except as otherwise provided in this subsection.

"(2) Exclusions from coverage.—Covered prescription drugs shall not include drugs or classes of drugs described in subparagraphs (A) through (D) and (F) through (H) of section 1927(d)(2) unless—

"(A) specifically provided otherwise by the Secretary with respect to a drug in any of such classes; or

"(B) a drug in any of such classes is certified to be medically necessary by a health care professional.

"(3) Exclusion of prescription drugs to the extent covered under part A or B.—A drug prescribed for an individual that would otherwise be a covered prescription drug under this part shall not be so considered to the extent that payment for such drug is available under part A or B, including all injectable drugs and biologicals for which payment was made or should have been made by a carrier under section 1861(s)(2) (A) or (B) as of the date of enactment of the Medicare Expansion for Needed Drugs (MEND) Act of 2000. Drugs otherwise covered under part A or B shall be covered under this part to the extent that benefits under part A or B are exhausted.

"PAYMENT OF BENEFITS; BENEFIT LIMITS

"Sec. 1860B. (a) Payment of Benefits.—There shall be paid from the Prescription Drug Insurance Account within the Supplementary Medical Insurance Trust Fund, in the case of each individual who is enrolled in the insurance program under this part and who purchases covered prescription drugs in a calendar year, an amount, not to exceed 50 percent of the applicable limit under subsection (b), equal to 50 percent of the negotiated price for each such covered prescription drug or such higher percentage as is proposed by a private entity pursuant to section 1860G(d)(7), if the Secretary finds that such percentage will not increase aggregate costs to the Prescription Drug Insurance Account.

"(b) Benefit Limits.—

"(1) Calendar years 2002 through 2009.—For purposes of subsection (a), the limit under this subsection is—

"(A) for each of calendar years 2002, 2003, and 2004, $2,000;

"(B) for each of calendar years 2005, 2006, and 2007, $3,000;

"(C) for calendar year 2008, $4,000; and

"(D) for calendar year 2009, $5,000.

"(2) Calendar year 2010 and subsequent years.—For purposes of subsection (a), the limit under this subsection for calendar year 2010 and each subsequent calendar year is equal to the greater of—

"(A) the limit for the preceding year adjusted by the percentage change in the Consumer Price Index for all urban consumers (U.S. urban average) for the 12-month period ending with June of the preceding year; or

"(B) the limit for the preceding year.

"ELIGIBILITY AND ENROLLMENT

"Sec. 1860C. (a) Eligibility.—Every individual who, in or after 2002, is entitled to hospital insurance benefits under part A or enrolled in the medical insurance program under part B is eligible to enroll, in accordance with the provisions of this section, in the insurance program under this part, during an enrollment period prescribed in or under this section, in such manner and form as may be prescribed by regulations.

"(b) Enrollment.—

"(1) In general.—Each individual who satisfies subsection (a) shall be enrolled (or eligible to enroll) in the program under this part in accordance with the provisions of section 1837, as if that section applied to this part, except as otherwise explicitly provided in this part.

"(2) Single enrollment period.—Except as provided in section 1837(i) (as such section applies to this part), 1860E, or 1860H, or as otherwise explicitly provided, no individual shall be entitled to enroll in the program under this part at any time after the initial enrollment period.

"(3) Special enrollment period for 2002.—

"(A) In general.—An individual who first satisfies subsection (a) in 2002 may, at any time on or before December 31, 2002—

"(i) enroll in the program under this part; and

"(ii) enroll or reenroll in such program after having previously declined or terminated enrollment in such program.

"(B) Effective date of coverage.—An individual who enrolls under the program under this part pursuant to subparagraph (A) shall be entitled to benefits under this part beginning on the first day of the month following the month in which such enrollment occurs.

"(c) Period of Coverage.—

"(1) In general.—Except as otherwise provided in this part, an individual's coverage under the program under this part shall be effective for the period provided in section 1838, as if that section applied to the program under this part.

"(2) Part D coverage terminated by termination of coverage under parts A and B.—In addition to the causes of termination specified in section 1838, an individual's coverage under this part shall be terminated when the individual retains coverage under neither the program under part A nor the program under part B, effective on the effective date of termination of coverage under part A or (if later) under part B.

"PREMIUMS

"Sec. 1860D. (a) Annual Establishment of Monthly Premium Rates.—

"(1) In general.—The Secretary shall, during September of 2001 and of each succeeding year, determine and promulgate a monthly premium rate for the succeeding year in accordance with the provisions of this subsection.

"(2) ACTUARIAL DETERMINATIONS.—

"(A) DETERMINATION OF ANNUAL BENEFIT COSTS.—The Secretary shall estimate annually for the succeeding year the amount equal to the total of the benefits that will be payable from the Prescription Drug Insurance Account for prescription drugs dispensed in such calendar year with respect to enrollees in the program under this part. In calculating such amount, the Secretary shall include an appropriate amount for a contingency margin.

"(B) DETERMINATION OF MONTHLY PREMIUM RATES.—

"(i) IN GENERAL.—The Secretary shall determine the monthly premium rate with respect to such enrollees for such succeeding year, which shall be 1/12 of the share specified in clause (ii) of the amount determined under subparagraph (A), divided by the total number of such enrollees, and rounded (if such rate is not a multiple of 10 cents) to the nearest multiple of 10 cents.

"(ii) ENROLLEE AND EMPLOYER PERCENTAGE SHARES.—The share specified in this clause, for purposes of clause (i), shall be—

"(I) one-half, in the case of premiums paid by an individual enrolled in the program under this part; and

"(II) two-thirds, in the case of premiums paid for such an individual by a former employer (as defined in section 1860H(f)(2)).

"(3) PUBLICATION OF ASSUMPTIONS.—The Secretary shall publish, together with the promulgation of the monthly premium rates for the succeeding year, a statement setting forth the actuarial assumptions and bases employed in arriving at the amounts and rates determined under paragraphs (1) and (2).

"(b) PAYMENT OF PREMIUMS.—

"(1) PAYMENTS BY DEDUCTION FROM SOCIAL SECURITY, RAILROAD RETIREMENT BENEFITS, OR BENEFITS ADMINISTERED BY OPM.—

"(A) DEDUCTION FROM BENEFITS.—In the case of an individual who is entitled to or receiving benefits as described in subsection (a), (b), or (d) of section 1840, premiums payable under this part shall be collected by deduction from such benefits at the same time and in the same manner as premiums payable under part B are collected pursuant to section 1840.

"(B) TRANSFERS TO PRESCRIPTION DRUG INSURANCE ACCOUNT.—The Secretary of the Treasury shall, from time to time, but not less often than quarterly, transfer premiums collected pursuant to subparagraph (A) to the Prescription Drug Insurance Account from the appropriate funds and accounts described in subsections (a)(2), (b)(2), and (d)(2) of section 1840, on the basis of the certifications described in such subsections. The amounts of such transfers shall be appropriately adjusted to the extent that prior transfers were too great or too small.

"(2) DIRECT PAYMENTS TO SECRETARY.—

"(A) ADDITIONAL PAYMENT BY ENROLLEE.—An individual to whom paragraph (1) applies (other than an individual receiving benefits as described in section 1840(d)) and who estimates that the amount that will be available for deduction under such paragraph for any premium payment period will be less than the amount of the monthly premiums for such period may (under regulations) pay to the Secretary the estimated balance, or such greater portion of the monthly premium as the individual chooses.

"(B) PAYMENTS BY OTHER ENROLLEES.—An individual enrolled in the insurance program under this part with respect to whom none of the preceding provisions of this subsection applies (or to whom section 1840(c) applies) shall pay premiums to the Secretary at such times and in such manner as the Secretary shall by regulations prescribe.

"(C) DEPOSIT OF PREMIUMS.—Amounts paid to the Secretary under this paragraph shall be deposited in the Treasury to the credit of the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund.

"(c) CERTAIN LOW-INCOME INDIVIDUALS.—For rules concerning premiums for certain low-income individuals, see section 1860E.

### "PRESCRIPTION DRUG INSURANCE ACCOUNT

"SEC. 1860F. (a) ESTABLISHMENT.—There is created within the Federal Supplemental Medical Insurance Trust Fund established by section 1841 an account to be known as the 'Prescription Drug Insurance Account' (in this section referred to as the 'Account').

"(b) AMOUNTS IN ACCOUNT.—

"(1) IN GENERAL.—The Account shall consist of—

"(A) such amounts as may be deposited in, or appropriated to, such fund as provided in this part; and

"(B) such gifts and bequests as may be made as provided in section 201(i)(1).

"(2) SEPARATION OF FUNDS.—Funds provided under this part to the Account shall be kept separate from all other funds within the Federal Supplemental Medical Insurance Trust Fund.

"(c) PAYMENTS FROM ACCOUNT.—The Managing Trustee shall pay from time to time from the Account such amounts as the Secretary certifies are necessary to make the payments provided for by this part, and the payments with respect to administrative expenses in accordance with section 201(g).

### "ADMINISTRATION OF BENEFITS

"SEC. 1860G. (a) IN GENERAL.—The Secretary shall provide for administration of the benefits under this part through a contract with a private entity designated in accordance with subsection (c), for enrolled individuals residing in each service area designated pursuant to subsection (b) (other than such individuals enrolled in a Medicare+Choice program under part C), in accordance with the provisions of this section.

"(b) DESIGNATION OF SERVICE AREAS.—

"(1) IN GENERAL.—The Secretary shall divide the total geographic area served by the programs under this title into at least 15 service areas for purposes of administration of benefits under this part.

"(2) CONSIDERATIONS.—In determining or adjusting the number and boundaries of service areas under this subsection, the Secretary shall seek to ensure that—

"(A) there is a reasonable level of competition among entities eligible to contract to administer the benefit program under this section for each area;

"(B) the designation of areas is consistent with the goal of securing contracts under this section with respect to the maximum feasible number of areas so designated; and

"(C) the designation of areas will foster the existence of a sufficient number of entities that are eligible and willing to administer the benefits under this part.

"(c) DESIGNATION OF PRIVATE ENTITY.—

"(1) AWARD AND DURATION OF CONTRACT.—

"(A) COMPETITIVE AWARD.—Each contract for a service area shall be awarded competitively in accordance with section 5 of title 41, United States Code, for a period (subject to subparagraph (B)) of not less than 2 nor more than 5 years.

"(B) REVIEW.—A contract for a service area shall be subject to an evaluation after 2 years.

"(2) ELIGIBLE PRIVATE ENTITIES.—A private entity eligible for consideration as a private entity responsible for administering the prescription drug benefit program under this part in a service area shall meet at least the following criteria:

"(A) TYPE.—The private entity shall be capable of administering a prescription drug benefit program, and may be a prescription drug vendor, wholesale and retail pharmacist delivery system, health care provider or insurer, any other type of entity as the Secretary may specify, or a consortium of such entities.

"(B) PERFORMANCE CAPABILITY.—The entity shall have sufficient expertise, personnel, and resources to perform effectively the benefit administration functions for such area.

"(C) FINANCIAL INTEGRITY.—The entity and its officers, directors, agents, and managing employees shall have a satisfactory record of professional competence and professional and financial integrity, and the entity shall have adequate financial resources to perform services under the contract without risk of insolvency.

"(3) PROPOSAL REQUIREMENTS.—

"(A) IN GENERAL.—An entity's proposal for award or renewal of a contract under this section shall include such material and information as the Secretary may require.

"(B) SPECIFIC INFORMATION.—A proposal described in subparagraph (A) shall include a detailed description of—

"(i) the schedule of negotiated prices that will be charged to enrollees;

"(ii) how the entity will deter medical errors that are related to prescription drugs; and

"(iii) proposed contracts with local pharmacy providers designed to ensure access, including compensation for local pharmacists' services.

"(4) EXCEPTIONS TO CONFLICT OF INTEREST RULES.—In awarding contracts under this subsection, the Secretary may waive conflict of interest rules generally applicable to Federal acquisitions (subject to such safeguards as the Secretary may find necessary to impose) in circumstances where the Secretary finds that such waiver—

"(A) is not inconsistent with the purposes of the programs under this title and the best interests of enrolled individuals; and

"(B) will permit a sufficient level of competition for such contracts, promote efficiency of benefits administration, or otherwise serve the objectives of the program under this part.

"(5) MAXIMIZING COMPETITION.—In awarding contracts under this section, the Secretary shall give consideration to the need to maintain sufficient numbers of entities eligible and willing to administer benefits under this part to ensure vigorous competition for such contracts.

"(d) FUNCTIONS OF PRIVATE ENTITY.—The private entity for a service area shall (or in the case of the function described in paragraph (7), may) perform the following functions:

"(1) PARTICIPATION AGREEMENTS, PRICES, AND FEES.—

"(A) PRIVATELY NEGOTIATED PRICES.—Each private entity shall establish, through negotiations with drug manufacturers and wholesalers and pharmacies, a schedule of prices for covered prescription drugs.

"(B) AGREEMENTS WITH PHARMACIES.—Each private entity shall enter into participation agreements under subsection (e) with pharmacies, that include terms that—

"(i) secure the participation of sufficient numbers of pharmacies to ensure convenient access (including adequate emergency access); and

“(ii) permit the participation of any pharmacy in the service area that meets the participation requirements described in subsection (e).

“(C) LISTS OF PRICES AND PARTICIPATING PHARMACIES.—Each private entity shall ensure that the negotiated prices established under subparagraph (A) and the list of pharmacies with agreements under subsection (e) are regularly updated and readily available in the service area to health care professionals authorized to prescribe drugs, participating pharmacies, and enrolled individuals.

“(2) PAYMENT AND COORDINATION OF BENEFITS.—

“(A) PAYMENT.—Each private entity shall—

“(i) administer claims for payment of benefits under this part;

“(ii) determine amounts of benefit payments to be made; and

“(iii) receive, disburse, and account for funds used in making such payments, including through the activities specified in the provisions of this paragraph.

“(B) COORDINATION.—Each private entity shall coordinate with the Secretary, other private entities, pharmacies, and other relevant entities as necessary to ensure appropriate coordination of benefits with respect to enrolled individuals, including coordination of access to and payment for covered prescription drugs according to an individual's in-service area plan provisions, when such individual is traveling outside the home service area, and under such other circumstances as the Secretary may specify.

“(C) EXPLANATION OF BENEFITS.—Each private entity shall furnish to enrolled individuals an explanation of benefits in accordance with section 1806(a), and a notice of the balance of benefits remaining for the current year, whenever prescription drug benefits are provided under this part (except that such notice need not be provided more often than monthly).

“(3) COST AND UTILIZATION MANAGEMENT; QUALITY ASSURANCE.—Each private entity shall have in place effective cost and utilization management, quality assurance measures, and systems to reduce medical errors, including at least the following, together with such additional measures as the Secretary may specify:

“(A) DRUG UTILIZATION REVIEW.—A drug utilization review program conforming to the standards provided in section 1927(g)(2) (with such modifications as the Secretary finds appropriate).

“(B) FRAUD AND ABUSE CONTROL.—Activities to control fraud, abuse, and waste.

“(4) EDUCATION AND INFORMATION ACTIVITIES.—Each private entity shall have in place mechanisms for disseminating educational and informational materials to enrolled individuals and health care providers designed to encourage effective and cost-effective use of prescription drug benefits and to ensure that enrolled individuals understand their rights and obligations under the program.

“(5) BENEFICIARY PROTECTIONS.—

“(A) CONFIDENTIALITY OF HEALTH INFORMATION.—Each private entity shall have in effect systems to safeguard the confidentiality of health care information on enrolled individuals, which comply with section 1106 and with section 552a of title 5, United States Code, and meet such additional standards as the Secretary may prescribe.

“(B) GRIEVANCE AND APPEAL PROCEDURES.—Each private entity have in place such procedures as the Secretary may specify for hearing and resolving grievances and appeals brought by enrolled individuals against the private entity or a pharmacy concerning benefits under this part, which shall, to the extent the Secretary finds necessary and appropriate, include procedures equivalent to those specified in subsections (f) and (g) of section 1852.

“(6) RECORDS, REPORTS, AND AUDITS OF PRIVATE ENTITIES.—

“(A) RECORDS AND AUDITS.—Each private entity shall maintain adequate records, and afford the Secretary access to such records (including for audit purposes).

“(B) REPORTS.—Each private entity shall make such reports and submissions of financial and utilization data as the Secretary may require taking into account standard commercial practices.

“(7) PROPOSAL FOR ALTERNATIVE COINSURANCE AMOUNT.—

“(A) SUBMISSION.—Each private entity may submit a proposal for increased Government cost-sharing for generic prescription drugs, prescription drugs on the private entity's formulary, or prescription drugs obtained through mail order pharmacies.

“(B) CONTENTS.—The proposal submitted under subparagraph (A) shall contain evidence that such increased cost-sharing would not result in an increase in aggregate costs to the Account, including an analysis of differences in projected drug utilization patterns by beneficiaries whose cost-sharing would be reduced under the proposal and those making the cost-sharing payments that would otherwise apply.

“(8) OTHER REQUIREMENTS.—Each private entity shall meet such other requirements as the Secretary may specify.

“(e) PHARMACY PARTICIPATION AGREEMENTS.—

“(1) IN GENERAL.—A pharmacy that meets the requirements of this subsection shall be eligible to enter an agreement with a private entity to furnish covered prescription drugs and pharmacists' services to enrolled individuals residing in the service area.

“(2) TERMS OF AGREEMENT.—An agreement under this subsection shall include the following terms and requirements:

“(A) LICENSING.—The pharmacy and pharmacists shall meet (and throughout the contract period will continue to meet) all applicable State and local licensing requirements.

“(B) LIMITATION ON CHARGES.—Pharmacies participating under this part shall not charge an enrolled individual more than the negotiated price for an individual drug as established under subsection (d)(1), regardless of whether such individual has attained the benefit limit under section 1860B(b), and shall not charge an enrolled individual more than the individual's share of the negotiated price as determined under the provisions of this part.

“(C) PERFORMANCE STANDARDS.—The pharmacy shall comply with performance standards relating to—

“(i) measures for quality assurance, reduction of medical errors, and participation in the drug utilization review program described in subsection (d)(3)(A);

“(ii) systems to ensure compliance with the confidentiality standards applicable under subsection (d)(5)(A); and

“(iii) other requirements as the Secretary may impose to ensure integrity, efficiency, and the quality of the program.

“(f) FLEXIBILITY IN ASSIGNING WORKLOAD AMONG PRIVATE ENTITIES.—During the period after the Secretary has given notice of intent to terminate a contract with a private entity, the Secretary may transfer responsibilities of the private entity under such contract to another private entity.

“(g) SPECIAL ATTENTION TO RURAL AND HARD-TO-SERVE AREAS.—

“(1) IN GENERAL.—The Secretary shall ensure that all beneficiaries have access to the full range of pharmaceuticals under this part, and shall give special attention to access, pharmacist counseling, and delivery in rural and hard-to-serve areas (as the Secretary may define by regulation).

“(2) SPECIAL ATTENTION DEFINED.—For purposes of paragraph (1), the term ‘special attention’ may include bonus payments to retail pharmacists in rural areas, extra payments to the private entity for the cost of rapid delivery of pharmaceuticals, and any other actions the Secretary determines are necessary to ensure full access to rural and hard-to-serve beneficiaries.

“(3) GAO REPORT.—Not later than 2 years after the implementation of this part the Comptroller General of the United States shall submit to Congress a report on the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in rural and hard-to-serve areas under this part together with any recommendations of the Comptroller General regarding any additional steps the Secretary may need to take to ensure the access of medicare beneficiaries to pharmaceuticals and pharmacists' services in such areas under this part.

“(h) INCENTIVES FOR COST AND UTILIZATION MANAGEMENT AND QUALITY IMPROVEMENT.—The Secretary is authorized to include in a contract awarded under subsection (c) such incentives for cost and utilization management and quality improvement as the Secretary may deem appropriate, including—

“(1) bonus and penalty incentives to encourage administrative efficiency;

“(2) incentives under which private entities share in any benefit savings achieved;

“(3) risk-sharing arrangements related to benefit payments; and

“(4) any other incentive that the Secretary deems appropriate and likely to be effective in managing costs or utilization.

“EMPLOYER INCENTIVE PROGRAM FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE

“SEC. 1860H. (a) PROGRAM AUTHORITY.—The Secretary is authorized to develop and implement a program under this section called the ‘Employer Incentive Program’ that encourages employers and other sponsors of employment-based health care coverage to provide adequate prescription drug benefits to retired individuals and to maintain such existing benefit programs, by subsidizing, in part, the sponsor's cost of providing coverage under qualifying plans.

“(b) SPONSOR REQUIREMENTS.—In order to be eligible to receive an incentive payment under this section with respect to coverage of an individual under a qualified retiree prescription drug plan (as defined in subsection (f)(3)), a sponsor shall meet the following requirements:

“(1) ASSURANCES.—The sponsor shall—

“(A) annually attest, and provide such assurances as the Secretary may require, that the coverage offered by the sponsor is a qualified retiree prescription drug plan, and will remain such a plan for the duration of the sponsor's participation in the program under this section; and

“(B) guarantee that it will give notice to the Secretary and covered retirees—

“(i) at least 120 days before terminating its plan; and

“(ii) immediately upon determining that the actuarial value of the prescription drug benefit under the plan falls below the actuarial value of the insurance benefit under this part.

"(2) OTHER REQUIREMENTS.—The sponsor shall provide such information, and comply with such requirements, including information requirements to ensure the integrity of the program, as the Secretary may find necessary to administer the program under this section.

"(c) INCENTIVE PAYMENT.—

"(1) IN GENERAL.—A sponsor that meets the requirements of subsection (b) with respect to a quarter in a calendar year shall have payment made by the Secretary on a quarterly basis (to the sponsor or, at the sponsor's direction, to the appropriate employment-based health plan) of an incentive payment, in the amount determined as described in paragraph (2), for each retired individual (or spouse) who—

"(A) was covered under the sponsor's qualified retiree prescription drug plan during such quarter; and

"(B) was eligible for but was not enrolled in the insurance program under this part.

"(2) AMOUNT OF INCENTIVE.—The payment under this section with respect to each individual described in paragraph (1) for a month shall be equal to ⅔ of the monthly premium amount payable by an enrolled individual, as set for the calendar year pursuant to section 1860D(a)(2).

"(3) PAYMENT DATE.—The incentive under this section with respect to a calendar quarter shall be payable as of the end of the next succeeding calendar quarter.

"(d) CIVIL MONEY PENALTIES.—A sponsor, health plan, or other entity that the Secretary determines has, directly or through its agent, provided information in connection with a request for an incentive payment under this section that the entity knew or should have known to be false shall be subject to a civil monetary penalty in an amount up to 3 times the total incentive amounts under subsection (c) that were paid (or would have been payable) on the basis of such information.

"(e) PART D ENROLLMENT FOR CERTAIN INDIVIDUALS COVERED BY EMPLOYMENT-BASED RETIREE HEALTH COVERAGE PLANS.—

"(1) ELIGIBLE INDIVIDUALS.—An individual shall be given the opportunity to enroll in the program under this part during the period specified in paragraph (2) if—

"(A) the individual declined enrollment in the program under this part at the time the individual first satisfied section 1860C(a);

"(B) at that time, the individual was covered under a qualified retiree prescription drug plan for which an incentive payment was paid under this section; and

"(C)(i) the sponsor subsequently ceased to offer such plan; or

"(ii) the value of prescription drug coverage under such plan became less than the value of the coverage under the program under this part.

"(2) SPECIAL ENROLLMENT PERIOD.—An individual described in paragraph (1) shall be eligible to enroll in the program under this part during the 6-month period beginning on the first day of the month in which—

"(A) the individual receives a notice that coverage under such plan has terminated (in the circumstance described in paragraph (1)(C)(i)) or notice that a claim has been denied because of such a termination; or

"(B) the individual received notice of the change in benefits (in the circumstance described in paragraph (1)(C)(ii)).

"(f) DEFINITIONS.—In this section:

"(1) EMPLOYMENT-BASED RETIREE HEALTH COVERAGE.—The term 'employment-based retiree health coverage' means health insurance or other coverage of health care costs for retired individuals (or for such individuals and their spouses and dependents) based on their status as former employees or labor union members.

"(2) EMPLOYER.—The term 'employer' has the meaning given to such term by section 3(5) of the Employee Retirement Income Security Act of 1974 (except that such term shall include only employers of 2 or more employees).

"(3) QUALIFIED RETIREE PRESCRIPTION DRUG PLAN.—The term 'qualified retiree prescription drug plan' means health insurance coverage included in employment-based retiree health coverage that—

"(A) provides coverage of the cost of prescription drugs whose actuarial value to each retired beneficiary equals or exceeds the actuarial value of the benefits provided to an individual enrolled in the program under this part; and

"(B) does not deny, limit, or condition the coverage or provision of prescription drug benefits for retired individuals based on age or any health status-related factor described in section 2702(a)(1) of the Public Health Service Act.

"(4) SPONSOR.—The term 'sponsor' has the meaning given the term 'plan sponsor' by section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

"APPROPRIATIONS TO COVER GOVERNMENT CONTRIBUTIONS

"SEC. 1860I. (a) IN GENERAL.—There are authorized to be appropriated from time to time, out of any moneys in the Treasury not otherwise appropriated, to the Prescription Drug Insurance Account, a Government contribution equal to—

"(1) the aggregate premiums payable for a month pursuant to section 1860D(a)(2) by individuals enrolled in the program under this part; plus

"(2) one-half the aggregate premiums payable for a month pursuant to such section for such individuals by former employers.

"(b) APPROPRIATIONS TO COVER INCENTIVES FOR EMPLOYMENT-BASED RETIREE DRUG COVERAGE.—There are authorized to be appropriated to the Prescription Drug Insurance Account from time to time, out of any moneys in the Treasury not otherwise appropriated such sums as may be necessary for payment of incentive payments under section 1860H(c).

"PRESCRIPTION DRUG DEFINED

"SEC. 1860J. As used in this part, the term 'prescription drug' means—

"(1) a drug that may be dispensed only upon a prescription, and that is described in subparagraph (A)(i), (A)(ii), or (B) of section 1927(k)(2); and

"(2) insulin certified under section 506 of the Federal Food, Drug, and Cosmetic Act, and needles, syringes, and disposable pumps for the administration of such insulin.".

(b) STUDY OF ANNUAL OPEN ENROLLMENT.—

(1) STUDY.—During 2002 and 2003, the Secretary shall conduct a study on the feasibility and advisability of establishing an annual open enrollment period for the program under part D (as added by subsection (a)). Such study shall reflect data reported by private entities administering benefits under such part and shall include—

(A) a review of the costs, effectiveness, and administrative feasibility of an annual open enrollment period for beneficiaries who—

(i) previously declined enrollment; or

(ii) who previously disenrolled and desire to reenroll;

(B) an evaluation of a premium penalty for late enrollment based on actuarially determined costs to the program of late enrollment; and

(C) a projection of the costs if open enrollment was allowed without a penalty.

(2) REPORT.—The Secretary shall prepare a report setting forth the outcome of the study and may include in the report a recommendation as to whether an annual open enrollment period should be implemented under such part.

(c) CONFORMING AMENDMENTS.—

(1) AMENDMENTS TO FEDERAL SUPPLEMENTARY HEALTH INSURANCE TRUST FUND.—Section 1841 of the Social Security Act (42 U.S.C. 1395t) is amended—

(A) in the last sentence of subsection (a)—

(i) by striking "and" after "section 201(i)(1)"; and

(ii) by inserting before the period the following: ", and such amounts as may be deposited in, or appropriated to, the Prescription Drug Insurance Account established by section 1860F";

(B) in subsection (g), by inserting after "by this part," the following: "the payments provided for under part D (in which case the payments shall come from the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund),";

(C) in the first sentence of subsection (h), by inserting before the period the following: "and section 1860D(b)(4) (in which case the payments shall come from the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund)"; and

(D) in the first sentence of subsection (i)—

(i) by striking "and" after "section 1840(b)(1)"; and

(ii) by inserting before the period the following: ", section 1860D(b)(2) (in which case the payments shall come from the Prescription Drug Insurance Account in the Supplementary Medical Insurance Trust Fund)".

(2) PRESCRIPTION DRUG OPTION UNDER MEDICARE+CHOICE PLANS.—

(A) ELIGIBILITY, ELECTION, AND ENROLLMENT.—Section 1851 of the Social Security Act (42 U.S.C. 1395w–21) is amended—

(i) in subsection (a)(1)(A), by striking "parts A and B" inserting "parts A, B, and D"; and

(ii) in subsection (i)(1), by striking "parts A and B" and inserting "parts A, B, and D".

(B) VOLUNTARY BENEFICIARY ENROLLMENT FOR DRUG COVERAGE.—Section 1852(a)(1)(A) of such Act (42 U.S.C. 1395w–22(a)(1)(A)) is amended by inserting "(and under part D to individuals also enrolled under that part)" after "parts A and B".

(C) ACCESS TO SERVICES.—Section 1852(d)(1) of such Act (42 U.S.C. 1395w–22(d)(1)) is amended—

(i) in subparagraph (D), by striking "and" at the end;

(ii) in subparagraph (E), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new subparagraph:

"(F) the plan for prescription drug benefits under part D guarantees coverage of any specifically named covered prescription drug for an enrollee, when prescribed by a physician in accordance with the provisions of such part, regardless of whether such drug would otherwise be covered under an applicable formulary or discount arrangement.".

(D) PAYMENTS TO ORGANIZATIONS.—Section 1853(a)(1)(A) of such Act (42 U.S.C. 1395w–23(a)(1)(A)) is amended—

(i) by inserting "determined separately for benefits under parts A and B and under part

D (for individuals enrolled under that part)" after "as calculated under subsection (c)";

(ii) by striking "that area, adjusted for such risk factors" and inserting "that area. In the case of payment for benefits under parts A and B, such payment shall be adjusted for such risk factors as"; and

(iii) by inserting before the last sentence the following: "In the case of the payments for benefits under part D, such payment shall initially be adjusted for the risk factors of each enrollee as the Secretary determines to be feasible and appropriate. By 2006, the adjustments would be for the same risk factors applicable for benefits under parts A and B.".

(E) CALCULATION OF ANNUAL MEDICARE+CHOICE CAPITATION RATES.—Section 1853(c) of such Act (42 U.S.C. 1395w–23(c)) is amended—

(i) in paragraph (1), in the matter preceding subparagraph (A), by inserting "for benefits under parts A and B" after "capitation rate";

(ii) in paragraph (6)(A), by striking "rate of growth in expenditures under this title" and inserting "rate of growth in expenditures for benefits available under parts A and B"; and

(iii) by adding at the end the following new paragraph:

"(8) PAYMENT FOR PRESCRIPTION DRUGS.—The Secretary shall determine a capitation rate for prescription drugs—

"(A) dispensed in 2002, which is based on the projected national per capita costs for prescription drug benefits under part D and associated claims processing costs for beneficiaries under the original medicare fee-for-service program; and

"(B) dispensed in each subsequent year, which shall be equal to the rate for the previous year updated by the Secretary's estimate of the projected per capita rate of growth in expenditures under this title for an individual enrolled under part D.".

(F) LIMITATION ON ENROLLEE LIABILITY.—Section 1854(e) of such Act (42 U.S.C. 1395w–24(e)) is amended by adding at the end the following new paragraph:

"(5) SPECIAL RULE FOR PROVISION OF PART D BENEFITS.—In no event may a Medicare+Choice organization include as part of a plan for prescription drug benefits under part D a requirement that an enrollee pay a deductible, or a coinsurance percentage that exceeds 50 percent.".

(G) REQUIREMENT FOR ADDITIONAL BENEFITS.—Section 1854(f)(1) of such Act (42 U.S.C. 1395w–24(f)(1)) is amended by adding at the end the following new sentence: "Such determination shall be made separately for benefits under parts A and B and for prescription drug benefits under part D.".

(H) PROTECTIONS AGAINST FRAUD AND BENEFICIARY PROTECTIONS.—Section 1857(d) is amended by adding at the end the following new paragraph:

"(6) AVAILABILITY OF NEGOTIATED PRICES.—Each contract under this section shall provide that enrollees who exhaust prescription drug benefits under the plan will continue to have access to prescription drugs at negotiated prices equivalent to the total combined cost of such drugs to the plan and the enrollee prior to such exhaustion of benefits.".

(3) EXCLUSIONS FROM COVERAGE.—

(A) APPLICATION TO PART D.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended in the matter preceding paragraph (1) by striking "part A or part B" and inserting "part A, B, or D".

(B) PRESCRIPTION DRUGS NOT EXCLUDED FROM COVERAGE IF APPROPRIATELY PRESCRIBED.—Section 1862(a)(1) of such Act (42 U.S.C. 1395y(a)(1)) is amended—

(i) in subparagraph (H), by striking "and" at the end;

(ii) in subparagraph (I), by striking the semicolon at the end and inserting ", and"; and

(iii) by adding at the end the following new subparagraph:

"(J) in the case of prescription drugs covered under part D, which are not prescribed in accordance with such part;".

### SEC. 102. MEDICAID BUY-IN OF MEDICARE PRESCRIPTION DRUG COVERAGE FOR CERTAIN LOW-INCOME INDIVIDUALS.

(a) STATE OPTION TO BUY-IN DUALLY ELIGIBLE INDIVIDUALS.—

(1) COVERAGE OF PREMIUMS AS MEDICAL ASSISTANCE.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d) is amended in the second sentence of the flush matter at the end by striking "premiums under part B" the first place it appears and inserting "premiums under parts B and D".

(2) STATE COMMITMENT TO CONTINUE PARTICIPATION IN PART D AFTER BENEFIT LIMIT REACHED.—Section 1902(a) of such Act (42 U.S.C. 1396a) is amended—

(A) by striking "and" at the end of paragraph (64);

(B) by striking the period at the end of paragraph (65)(B) and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(66) provide that in the case of any individual whose eligibility for medical assistance is not limited to medicare or medicare drug cost-sharing and for whom the State elects to pay premiums under part D of title XVIII pursuant to section 1860E, the State will purchase all prescription drugs for such individual in accordance with the provisions of such part D, without regard to whether the benefit limit for such individual under section 1860B(b) has been reached.".

(b) MEDICARE COST-SHARING REQUIRED FOR QUALIFIED MEDICARE BENEFICIARIES.—Section 1905(p)(3) of the Social Security Act (42 U.S.C. 1396d(p)(3)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking "and" at the end;

(B) in clause (ii), by inserting "and" at the end; and

(C) by adding at the end the following new clause:

"(iii) premiums under section 1860D."; and

(2) in subparagraph (D)—

(A) by inserting "(i)" after "(D)"; and

(B) by adding at the end the following:

"(ii) The difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).".

(c) MEDICARE DRUG COST-SHARING REQUIRED FOR MEDICARE-ELIGIBLE INDIVIDUALS WITH INCOMES BETWEEN 100 AND 150 PERCENT OF POVERTY LINE.—

(1) DEFINITIONS OF ELIGIBLE BENEFICIARIES AND COVERAGE.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(x)(1) The term 'qualified medicare drug beneficiary' means an individual—

"(A) who is entitled to hospital insurance benefits under part A of title XVIII (including an individual entitled to such benefits pursuant to an enrollment under section 1818, but not including an individual entitled to such benefits only pursuant to an enrollment under section 1818A);

"(B) whose income (as determined under section 1612 for purposes of the supplemental security income program, except as provided in subsection (p)(2)(D)) is above 100 percent but below 150 percent of the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; and

"(C) whose resources (as determined under section 1613 for purposes of the supplemental security income program) do not exceed twice the maximum amount of resources that an individual may have and obtain benefits under that program.

"(2) The term 'medicare drug cost-sharing' means the following costs incurred with respect to a qualified medicare drug beneficiary, without regard to whether the costs incurred were for items and services for which medical assistance is otherwise available under the plan:

"(A) In the case of a qualified medicare drug beneficiary whose income (as determined under paragraph (1)) is less than 135 percent of the official poverty line—

"(i) premiums under section 1860D; and

"(ii) the difference between the amount that is paid under section 1860B and the amount that would be paid under such section if any reference to '50 percent' therein were deemed a reference to '100 percent' (or, if the Secretary approves a higher percentage under such section, if such percentage were deemed to be 100 percent).

"(B) In the case of a qualified medicare drug beneficiary whose income (as determined under paragraph (1)) is at least 135 percent but less than 150 percent of the official poverty line, a percentage of premiums under section 1860D, determined on a linear sliding scale ranging from 100 percent for individuals with incomes at 135 percent of such line to 0 percent for individuals with incomes at 150 percent of such line.

"(3) In the case of any State which is providing medical assistance to its residents under a waiver granted under section 1115, the Secretary shall require the State to meet the requirement of section 1902(a)(10)(E) in the same manner as the State would be required to meet such requirement if the State had in effect a plan approved under this title.".

(2) STATE PLAN REQUIREMENT.—Section 1902(a)(10)(E) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)) is amended—

(A) in clause (iii), by striking "and" at the end; and

(B) by adding at the end the following new clause:

"(v) for making medical assistance available for medicare drug cost-sharing (as defined in section 1905(x)(2)) for qualified medicare drug beneficiaries described in section 1905(x)(1); and".

(3) 100 PERCENT FEDERAL MATCHING OF STATE MEDICAL ASSISTANCE COSTS FOR MEDICARE DRUG COST-SHARING.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)) is amended—

(A) by redesignating paragraph (7) as paragraph (8); and

(B) by inserting after paragraph (6) the following new paragraph:

"(7) except in the case of amounts expended for an individual whose eligibility for medical assistance is not limited to medicare or medicare drug cost-sharing, an amount equal to 100 percent of amounts as expended as medicare drug cost-sharing for qualified medicare drug beneficiaries (as defined in section 1905(x)); plus".

(d) Medicaid Drug Price Rebates Unavailable With Respect to Drugs Purchased Through Medicare Buy-In.—Section 1927 of the Social Security Act (42 U.S.C. 1396r–8) is amended by adding at the end the following new subsection:

"(l) Drugs Purchased Through Medicare Buy-In.—The provisions of this section shall not apply to prescription drugs purchased under part D of title XVIII pursuant to an agreement with the Secretary under section 1860E (including any drugs so purchased after the limit under section 1860B(b) has been exceeded).".

(e) Amendments to Medicare Part D.—Part D of title XVIII of the Social Security Act (as added by section 2) is amended by inserting after section 1860D the following new section:

"SPECIAL ELIGIBILITY, ENROLLMENT, AND CO-PAYMENT RULES FOR LOW-INCOME INDIVIDUALS

"Sec. 1860E. (a) State Agreements for Coverage.—

"(1) In general.—The Secretary shall, at the request of a State, enter into an agreement with the State under which all individuals described in paragraph (2) are enrolled in the program under this part, without regard to whether any such individual has previously declined the opportunity to enroll in such program.

"(2) Eligibility groups.—The individuals described in this paragraph, for purposes of paragraph (1), are individuals who satisfy section 1860C(a) and who are—

"(A)(i) eligible individuals within the meaning of section 1843; and

"(ii) in a coverage group or groups permitted under section 1843 (as selected by the State and specified in the agreement); or

"(B) qualified medicare drug beneficiaries (as defined in section 1905(v)(1)).

"(3) Coverage period.—The period of coverage under this part of an individual enrolled under an agreement under this subsection shall be as follows:

"(A) Individuals eligible (at state option) for part B buy-in.—In the case of an individual described in subsection (a)(2)(A), the coverage period shall be the same period that applies (or would apply) pursuant to section 1843(d).

"(B) Qualified medicare drug beneficiaries.—In the case of an individual described in subsection (a)(2)(B)—

"(i) the coverage period shall begin on the latest of—

"(I) January 1, 2002;

"(II) the first day of the third month following the month in which the State agreement is entered into; or

"(III) the first day of the first month following the month in which the individual satisfies section 1860C(a); and

"(ii) the coverage period shall end on the last day of the month in which the individual is determined by the State to have become ineligible for medicare drug cost-sharing.

"(b) Special Part D Enrollment Opportunity for Individuals Losing Medicaid Eligibility.—In the case of an individual who—

"(1) satisfies section 1860C(a); and

"(2) loses eligibility for benefits under the State plan under title XIX after having been enrolled under such plan or having been determined eligible for such benefits;

the Secretary shall provide an opportunity for enrollment under the program under this part during the period that begins on the date that such individual loses such eligibility and ends on the date specified by the Secretary.

"(c) Definition.—For purposes of this section, the term 'State' has the meaning given such term under section 1101(a) for purposes of title XIX.".

(f) Removal of Sunset Date for Cost-Sharing in Medicare Part B Premiums for Certain Qualifying Individuals.—

(1) In general.—Section 1902(a)(10)(E)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(E)(iv))is amended to read as follows—

"(iv) subject to section 1905(p)(4), for making medical assistance available for medicare cost-sharing described in section 1905(p)(3)(A)(ii) for individuals who would be qualified medicare beneficiaries described in section 1905(p)(1) but for the fact that their income exceeds the income level established by the State under section 1905(p)(2) and is at least 120 percent, but less than 135 percent, of the official poverty line (referred to in such section) for a family of the size involved and who are not otherwise eligible for medical assistance under the State plan;".

(2) Relocation of provision requiring 100 percent federal matching of state medical assistance costs for certain qualifying individuals.—Section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)), as amended by subsection (c)(3), is amended—

(A) by redesignating paragraph (8) as paragraph (9); and

(B) by inserting after paragraph (7) the following new paragraph:

"(8) an amount equal to 100 percent of amounts as expended as medicare drug cost-sharing for individuals described in section 1903(a)(10)(E)(iv); plus".

(3) Repeal of section 1933.—Section 1933 is repealed.

(4) Effective date.—The amendments made by this subsection shall take effect on January 1, 2002.

### SEC. 103. CATASTROPHIC PRESCRIPTION DRUG COVERAGE BENEFIT.

(a) Recommendations With Respect to a Medicare Catastrophic Drug Benefit.—

(1) In general.—Not later than 6 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall submit to the Committee on Finance of the Senate and the Committee on Ways and Means and the Committee on Commerce of the House of Representatives detailed recommendations on structuring a catastrophic drug benefit for medicare beneficiaries.

(2) Recommendations described.—The recommendations under paragraph (1) shall—

(A) ensure coverage of the costs of prescription drugs above a specified level of out-of-pocket expenditures;

(B) conform to the administrative structure established in this Act;

(C) have a projected cost that does not exceed the amounts described in subsection (b)(3)(A); and

(D) take effect no later than January 1, 2003.

(3) Final regulations.—

(A) In general.—If legislation of a medicare catastrophic drug benefit is not enacted that meets the requirements of paragraph (2) by June 1, 2001, the Secretary of Health and Human Services shall promulgate final regulations containing such standards no later than January 1, 2002.

(B) Certification by OMB and HCFA.—A final regulation promulgated by the Secretary under subparagraph (A) shall not take effect unless the Director of the Office of Management and Budget and the Chief Actuary of the Health Care Financing Administration certify that aggregate Federal expenses incurred in providing the catastrophic drug benefit under this section will not exceed $50,000,000,000 between fiscal years 2003 and 2010. If either certification is not provided, the Secretary shall submit a revised recommendation on structuring a catastrophic drug benefit to the appropriate committees of Congress under paragraph (1) no later than 30 days after the Secretary receives a notification that such certification will not be provided.

(b) Catastrophic Prescription Drug Coverage Reserve Fund.—

(1) Establishment of reserve fund.—There is established a reserve fund which shall be known as the "Catastrophic Prescription Drug Coverage Reserve Fund" (in this subsection referred to as the "Reserve Fund").

(2) Amounts in reserve fund.—Subject to subparagraph (B), the Reserve Fund shall consist of such amounts as are appropriated to the Reserve Fund under paragraph (3).

(3) Appropriation to reserve fund.—

(A) In general.—

(i) Fiscal years 2003 through 2010.—There are appropriated to the Reserve Fund for the period beginning with fiscal year 2003 and ending with fiscal year 2010, $50,000,000,000.

(ii) Subsequent fiscal years.—There are authorized to be appropriated to the Reserve Fund for each subsequent fiscal year, such sums as may be necessary to carry out the provisions of this section.

(B) Availability.—Sums appropriated under subparagraph (A)(i) shall remain available, without fiscal year limitation, until expended.

### SEC. 104. COMPREHENSIVE IMMUNOSUPPRESSIVE DRUG COVERAGE FOR TRANSPLANT PATIENTS.

(a) Revision of Medicare Coverage for Immunosuppressive Drugs.—

(1) In general.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) (as amended by section 227(a) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended by striking ", to an individual who receives" and all that follows before the semicolon at the end and inserting "to an individual who has received an organ transplant".

(2) Conforming amendments.—

(A) Section 1832 of the Social Security Act (42 U.S.C. 1395k) (as amended by section 227(b) of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–354), as enacted into law by section 1000(a)(6) of Public Law 106–113) is amended—

(i) by striking subsection (b); and

(ii) by redesignating subsection (c) as subsection (b).

(B) Subsections (c) and (d) of section 227 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–355), as enacted into law by section 1000(a)(6) of Public Law 106–113, are repealed.

(3) Effective date.—The amendments made by this subsection shall apply to drugs furnished on or after the date of enactment of this Act.

(b) Extension of Certain Secondary Payer Requirements.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Medicare Expansion for Needed Drugs (MEND) Act of 2000, this subparagraph shall be applied without regard to any time limitation.".

### SEC. 105. GAO STUDY AND BIENNIAL REPORTS ON COMPETITION AND SAVINGS.

(a) ONGOING STUDY.—The Comptroller General of the United States shall conduct an ongoing study and analysis of the prescription drug benefit program under part D of the medicare program under title XVIII of the Social Security Act (as added by this title), including an analysis of—

(1) the extent to which the competitive bidding process under such program fosters maximum competition and efficiency; and

(2) the savings to the medicare program resulting from such prescription drug benefit program, including the reduction in the number or length of hospital visits.

(b) INITIAL REPORT.—Not later than September 1, 2001, the Comptroller General shall submit to Congress a report on the extent to which the competitive bidding process under the prescription drug benefit program under part D of the medicare program under title XVIII of the Social Security Act (as added by this title) is expected to foster maximum competition and efficiency.

(c) BIENNIAL REPORTS.—Not later than January 1, 2004, and biennially thereafter, the Comptroller General of the United States shall submit to Congress a report on the results of the study conducted under this section, together with any recommendations for legislation that the Comptroller General determines to be appropriate as a result of such study.

### SEC. 106. MEDPAC STUDY AND ANNUAL REPORTS ON THE PHARMACEUTICAL MARKET, PHARMACIES, AND BENEFICIARY ACCESS.

(a) ONGOING STUDY.—The Medicare Payment Advisory Commission established under section 1805 of the Social Security Act (42 U.S.C. 1395b–6) shall conduct an ongoing study and analysis of the prescription drug benefit program under part D of the Social Security Act (as added by this title), including an analysis of the impact of the prescription drug benefit program on—

(1) the pharmaceutical market, including costs and pricing of pharmaceuticals, beneficiary access to such pharmaceuticals, and trends in research and development;

(2) franchise, independent, and rural pharmacies; and

(3) beneficiary access to prescription drugs, including an assessment of—

(A) out-of-pocket spending;

(B) generic and brand-name utilization; and

(C) pharmacists' services.

(b) REPORT.—Not later than January 1, 2004, and annually thereafter, the Medicare Payment Advisory Commission shall submit to Congress a report on the results of the study conducted under this section, together with any recommendations for legislation that such Commission determines to be appropriate as a result of such study.

## TITLE II—ENHANCED MEDICARE PREVENTION PROGRAM

### SEC. 201. MEDPAC BIENNIAL REPORT.

(a) IN GENERAL.—Section 1805(b) of the Social Security Act (42 U.S.C. 1395b–6(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (C), by striking "and" at the end;

(B) in subparagraph (D), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) by not later than January 1, 2002, and biennially thereafter, submit the report to Congress described in paragraph (7)."; and

(2) by adding at the end the following new paragraph:

"(7) EVALUATION OF ACTUARIAL EQUIVALENCE OF MEDICARE AND PRIVATE SECTOR BENEFIT PACKAGES.—

"(A) EVALUATION.—The Commission shall—

"(i) evaluate the benefit package offered under the medicare program under this title; and

"(ii) determine the degree to which such benefit package is actuarially equivalent to that offered by health benefit programs available in the private sector to individuals over age 65.

"(B) REPORT.—The Commission shall submit a report to Congress that shall contain—

"(i) a detailed statement of the findings and conclusions of the Commission regarding the evaluation conducted under subparagraph (A);

"(ii) the recommendations of the Commission regarding changes in the benefit package offered under the medicare program under this title that would keep the program modern and competitive in relation to health benefit programs available in the private sector; and

"(iii) the recommendations of the Commission for such legislation and administrative actions as it considers appropriate.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

### SEC. 202. NATIONAL INSTITUTE ON AGING STUDY AND REPORT.

(a) STUDIES.—The Director of the National Institute on Aging shall conduct 1 or more studies focusing on ways to—

(1) improve quality of life for the elderly;

(2) develop better ways to prevent or delay the onset of age-related functional decline and disease and disability among the elderly; and

(3) develop means of assessing the long-term development of cost-effective benefits and cost-savings benefits for health promotion and disease prevention among the elderly.

(b) REPORT.—Not later than January 1, 2006, the Director of the National Institute on Aging shall submit a report to the Secretary regarding each study conducted under subsection (a) and containing a detailed statement of research findings and conclusions that are scientifically valid and are demonstrated to prevent or delay the onset of chronic illness or disability among the elderly.

(c) TRANSMISSION TO INSTITUTE OF MEDICINE.—Upon receipt of each report described in subsection (b), the Secretary shall transmit such report to the Institute of Medicine of the National Academy of Sciences for consideration in its effort to conduct the comprehensive study of current literature and best practices in the field of health promotion and disease prevention among the medicare beneficiaries described in section 204.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated $100,000,000 for fiscal years 2001 through 2006 to carry out the purposes of this section.

(2) AVAILABILITY.—Any sums appropriated under the authorization contained in this subsection shall remain available, without fiscal year limitation, until September 30, 2005.

### SEC. 203. INSTITUTE OF MEDICINE 5-YEAR MEDICARE PREVENTION BENEFIT STUDY AND REPORT.

(a) STUDY.—

(1) IN GENERAL.—The Secretary shall contract with the Institute of Medicine of the National Academy of Sciences to conduct a comprehensive study of current literature and best practices in the field of health promotion and disease prevention among medicare beneficiaries including the issues described in paragraph (2) and to submit the report described in subsection (b).

(2) ISSUES STUDIED.—The study required under paragraph (1) shall include an assessment of—

(A) whether each covered benefit is—

(i) medically effective; and

(ii) a cost-effective benefit or a cost-saving benefit;

(B) utilization of covered benefits (including any barriers to or incentives to increase utilization); and

(C) quality of life issues associated with both health promotion and disease prevention benefits covered under the medicare program and those that are not covered under such program that would affect all medicare beneficiaries.

(b) REPORT.—

(1) IN GENERAL.—Not later than 5 years after the date of enactment of this section, and every fifth year thereafter, the Institute of Medicine of the National Academy of Sciences shall submit to the President a report that contains a detailed statement of the findings and conclusions of the study conducted under subsection (a) and the recommendations for legislation described in paragraph (2).

(2) RECOMMENDATIONS FOR LEGISLATION.—The Institute of Medicine of the National Academy of Sciences, in consultation with the Partnership for Prevention, shall develop recommendations in legislative form that—

(A) prioritize the preventive benefits under the medicare program; and

(B) modify preventive benefits offered under the medicare program based on the study conducted under subsection (a).

(c) TRANSMISSION TO CONGRESS.—

(1) IN GENERAL.—On the day on which the report described in subsection (b) is submitted to the President, the President shall transmit the report and recommendations in legislative form described in subsection (b)(2) to Congress.

(2) DELIVERY.—Copies of the report and recommendations in legislative form required to be transmitted to Congress under paragraph (1) shall be delivered—

(A) to both Houses of Congress on the same day;

(B) to the Clerk of the House of Representatives if the House of Representatives is not in session; and

(C) to the Secretary of the Senate if the Senate is not in session.

### SEC. 204. FAST-TRACK CONSIDERATION OF PREVENTION BENEFIT LEGISLATION.

(a) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and is deemed a part of the rules of each House of Congress, but—

(A) is applicable only with respect to the procedure to be followed in that House of Congress in the case of an implementing bill (as defined in subsection (d)); and

(B) supersedes other rules only to the extent that such rules are inconsistent with this section; and

(2) with full recognition of the constitutional right of either House of Congress to change the rules (so far as relating to the procedure of that House of Congress) at any time, in the same manner and to the same extent as in the case of any other rule of that House of Congress.

(b) INTRODUCTION AND REFERRAL.—

(1) INTRODUCTION.—

(A) IN GENERAL.—Subject to paragraph (2), on the day on which the President transmits the report pursuant to section 203(c) to the House of Representatives and the Senate, the recommendations in legislative form transmitted by the President with respect to such report shall be introduced as a bill (by request) in the following manner:

(i) HOUSE OF REPRESENTATIVES.—In the House of Representatives, by the Majority Leader, for himself and the Minority Leader, or by Members of the House of Representatives designated by the Majority Leader and Minority Leader.

(ii) SENATE.—In the Senate, by the Majority Leader, for himself and the Minority Leader, or by Members of the Senate designated by the Majority Leader and Minority Leader.

(B) SPECIAL RULE.—If either House of Congress is not in session on the day on which such recommendations in legislative form are transmitted, the recommendations in legislative form shall be introduced as a bill in that House of Congress, as provided in subparagraph (A), on the first day thereafter on which that House of Congress is in session.

(2) REFERRAL.—Such bills shall be referred by the presiding officers of the respective Houses to the appropriate committee, or, in the case of a bill containing provisions within the jurisdiction of 2 or more committees, jointly to such committees for consideration of those provisions within their respective jurisdictions.

(c) CONSIDERATION.—After the recommendations in legislative form have been introduced as a bill and referred under subsection (b), such implementing bill shall be considered in the same manner as an implementing bill is considered under subsections (d), (e), (f), and (g) of section 151 of the Trade Act of 1974 (19 U.S.C. 2191).

(d) IMPLEMENTING BILL DEFINED.—In this section, the term "implementing bill" means only the recommendations in legislative form of the Institute of Medicine of the National Academy of Sciences described in section 203(b)(2), transmitted by the President to the House of Representatives and the Senate under section 203(c), and introduced and referred as provided in subsection (b) as a bill of either House of Congress.

(e) COUNTING OF DAYS.—For purposes of this section, any period of days referred to in section 151 of the Trade Act of 1974 shall be computed by excluding—

(1) the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of Congress sine die; and

(2) any Saturday and Sunday, not excluded under paragraph (1), when either House is not in session.

Mr. KENNEDY. Mr. President, Senator DASCHLE, Senator MOYNIHAN, and I, and the majority of the members of our caucus are introducing legislation to provide prescription drug coverage under Medicare. It is a program supported not only by the Senate Democrats but by House Democrats and the President as well. Senior citizens deserve prescription drug coverage under Medicare. Democrats are committed to providing it and providing it this year.

It is long past time for Congress to mend the broken promise of Medicare. Medicare is a guarantee of affordable health care for every senior citizen, but that promise is being broken every day because Medicare does not cover prescription drugs. The need is urgent. Too many elderly citizens face an impossible choice between food on the table and medicine they need to stay healthy or to treat their illnesses. They take half the pills their doctors prescribe, or do not even fill a needed prescription at all because they cannot afford the high cost of the prescription.

They pay twice as much for the drugs they need because they pay full price, while almost everyone with private insurance pays less because of negotiated discounts. Too many seniors end up in the hospital at immense cost to Medicare because they cannot afford the drugs they need, or can't afford to take them correctly.

Opponents say we cannot afford this coverage, in spite of the budget surplus. The issue is priorities. Health care for the elderly is more important than new tax breaks for the wealthy.

Others say this coverage should be available only to the elderly who are poor. But senior citizens want Medicare, not welfare. They should not be forced into poverty in order to obtain the medications they need.

The ongoing revolution in health care makes this coverage more essential now than ever. Coverage of prescription drugs under Medicare is as critical today as coverage of hospital and doctor care. Senior citizens need help now. The President knows it, Democrats and the House and Senate know it, senior citizens know it, and so do their children and grandchildren.

Congress should listen to their choices. The time for excuses is over. The time for action is now.

I will take a few moments of the Senate's time to review where we are on the issue of Medicare and Medicare coverage. This chart shows the number of senior citizens who have prescription drug coverage.

Senior citizens lack affordable, reliable, quality coverage.

The only group of senior citizens who have coverage today that is reliable, affordable, and dependable are the 4 million seniors covered under Medicaid. Today, we have 12 million senior citizens who effectively have no coverage at all; that is a third of all of our senior citizens. Eleven million seniors have employer sponsored coverage, and I will come back to that because employer sponsored coverage is disappearing.

Three million seniors have coverage under Medicare HMOs, 4 million are covered under Medigap—and we will examine that particular phenomenon—4 million under Medicaid, and 3 million now switched plans during the year or have other coverage.

We have a about a third who have no coverage whatsoever. Another third have employer-sponsored coverage, but we are finding that this coverage is declining rapidly. Medicare HMO coverage is also declining, and Medigap coverage is often unaffordable. That is the current situation. Let's look a little further. If we look at the income of senior citizens, what we see is that 57 percent of senior citizens have incomes under $15,000; 21 percent have incomes above $15,000 but under $25,000. If you add those together, obviously 78 percent are below $25,000. Elderly people in our country have very modest means—very, very modest means.

The average income for a person over 65 is just above $13,000. The cost of coverage is going up. I just showed a chart of the different types of coverage we had, pointing out one-third of our senior citizens have no coverage, and another third have health coverage that is related to their former job. The next chart shows firms offering retiree health coverage.

The chart indicates coverage "drops 25 percent."

There was a 25-percent drop in employers covering prescription drugs for their retirees in the 3 years from 1994 to 1997. This is a dramatic reduction in coverage.

Remember I showed the other chart that said a third had coverage through employer sponsored retiree benefits? This shows that the number of firms offering retiree health benefits is dropping absolutely dramatically.

We saw there were a number of our senior citizens, about 4 million, who had coverage through Medicare HMOs. Look at what is happening to Medicare HMO coverage. It is inadequate and unreliable.

First of all, the drug benefit is offered only at the option of HMOs, so some HMOs offer coverage and others do not. More than 325,000 Medicare beneficiaries lost their HMO coverage this year. That is because the HMOs moved out of the areas where those seniors live. Seniors lost their coverage. Look at this: 75 percent of Medicare HMOs will limit prescription drug coverage to less than $1,000 this year. That is an increase of 100 percent in the number of HMOs capping coverage since 1998. And 32 percent of Medicare HMOs have imposed caps of less than $500 this year. So even though you have 4 million Americans who have prescription drug coverage through Medicare HMOs, what you find out is there is a cap on the amount of prescription drugs they are able to receive. After that, they pay for all prescription drugs themselves.

What the trend is, the dramatic trend, is that the dollar cap is going down and down, with a third of HMOs having a cap of $500. Many seniors in Medicare HMOs will exceed the cap. What we find is that Medicare HMO prescription drug coverage is increasingly inadequate and increasingly unreliable.

There is a dramatic reduction in the number of employers providing coverage for retirees, and a dramatic increase in the amount of money that individual seniors are paying out-of-pocket, even if they have some coverage under their HMO.

The third group I pointed out were those who had Medigap coverage, drug coverage which basically is unaffordable. These are sample Medigap premiums for a 75-year-old. In Delaware, just over $2,600; just under $2,000 in New York and Iowa; and just under $2,400 in Maine and Mississippi.

Against that background, what has been happening to the cost of drugs? The average seniors income is just above $13,500. A third of all of our seniors have no coverage; another third are losing it dramatically. We find that 4 million of the remaining have increasingly limited coverage due to caps, so they are paying more and more out of pocket. Medigap, which is another way they are able to get some coverage, is going right up through the roof. So they are being hard-pressed, and all at a time that 78 percent of all the elderly people have incomes below $25,000.

Let's see what is happening to the cost of prescription drugs. Since 1995, drug costs have been growing at double-digit rates. On this chart: Percent increases in drug costs. Let's look at the increase in the cost of the drugs: almost 10 percent in 1995, 10 percent in 1996, 14 percent in 1997, almost 16 percent in 1998, 16 percent in 1999.

Let's compare that to the Consumer Price Index for all goods. It is 2.5 percent in 1995, it is 3.3 percent in 1996, 1.7 percent in 1997—1.7 percent cost-of-living increase and look at the cost of the prescription drugs—14 percent. In 1998 it is 1.6, and 2.7 in 1999, and look at the cost of these drugs.

This is not just a peripheral issue for our seniors. When we passed the Medicare program in 1964, as we heard so eloquently today from both our leader on this side, Senator DASCHLE, and Congressman GEPHARDT, we had a lot of the same kinds of criticisms that are being made now against this program: This is the beginning of a takeover by the Federal Government; this is the beginning of socialism.

Of course, they were wrong then and we were right because the Medicare program has worked. But one area we did not take care of was prescription drugs because private coverage at that time did not provide for drug coverage. I daresay prescription drugs are as necessary for our senior citizens today as hospital care or doctor care.

Prescription drugs coverage is necessary for elderly people. Yet it is left out. In a very important way, our Medicare system is not living up to its guarantee—for the men and women who fought in the wars and brought this country out of the depths of the Depression and have educated their children—to live their golden years with a degree of security and peace with respect to their health care needs under Medicare. We are now finding now with that major gap—today, more than 95 percent of the private sector provides prescription drug coverage although they are dropping it for retirees—that Medicare does not provide prescription drug coverage. It is a major gap.

We are saying: Let's fill that gap; let's meet our commitment to our seniors; let's include under Medicare a program that is going to be worthy of our names and which is absolutely essential if we are going to have our seniors—our parents and grandparents—live in the peace, dignity, and security they deserve.

That is why we believe the program ought to be voluntary, there ought to be coverage for all, it ought to provide basic coverage and have catastrophic coverage, and it ought to be affordable.

The President has embraced and endorsed the program, and it is endorsed by the overwhelming majority of our caucus in the Senate and in the House of Representatives, and it is strongly supported by our leader and Mr. GEPHARDT.

The President in the Rose Garden today asked our Republican friends to join in this effort to pass this legislation this year. We have to pass something that is going to be meaningful and worthy of our efforts. He invited our Republican friends to join us in this effort and outlined the program and spelled out the details as well as the cost of this program.

When we pass this program and send it to the President's desk, we in the Congress will say: Why did it take us so long? Every day we delay passing this program, millions of our fellow citizens are being asked to make decisions about their very lives which they should not have to make. That is wrong. We ought to respond. We know how to do it. The question is whether we have the will.

We are going to insist this Senate and House of Representatives address this issue in this Congress. We give those assurances to the American people, and we invite our friends on the other side of the aisle to join us in meeting our responsibilities to our senior citizens.

Mr. BIDEN. Mr. President, I am pleased today to join Senator DASCHLE and 31 of my colleagues in introducing the Medicare Expansion for Needed Drugs Act. This important legislation would expand the Medicare program to provide outpatient prescription drug coverage for seniors and other Medicare beneficiaries.

This bill is long overdue, one might say 35 years overdue. When Medicare was first crafted in the mid 1960's, lifesaving medicine tended to be focused on surgical procedures: appendectomy, mastectomy, and so forth. Medications were being increasingly used to treat serious medical conditions, such as antibiotics to treat infections. However, for most illnesses, the medicine cabinet contained few options.

The advances that have been made in the past 4 decades in the use of pharmaceuticals are nothing short of phenomenal. Diseases that were incurable by any means are now cured by drugs alone. For example, in 1965, childhood leukemia was inevitably fatal. Now, thanks to new medicines, it is almost always curable.

In addition, in many instances new medications have enabled us to avoid the need for surgical treatment altogether. In 1965, intractable pain from stomach ulcers was a common indication for surgery. In 2000, we have highly effective medications to cut down on stomach acid, which have virtually eliminated the need for that kind of surgery. Not only that, but since we have discovered that most stomach ulcers are really due to a bacterium, we can cure the condition entirely with antibiotics.

However, all too often, the elderly and disabled cannot take advantage of these major advances in drug treatment because the Medicare program does not pay for outpatient prescription drugs. How ridiculous is that?: that the group in our society that is the sickest, that could benefit most from these medications, is the one group that is denied access to them.

You would be hard pressed to name another health program in this country that doesn't pay for outpatient prescription drugs. Virtually all private health plans do. Even looking at the Federal government: Medicaid, Tricare, the VA, the Federal Employees Health Benefits Program, they all pay for prescription drugs. Only Medicare, the medical program for the elderly and disabled, is singled out for special limitations.

What is the consequence of this Medicare limitation? Just two weeks ago, the New York Times had a cover story on the plight of Albert Russell, a retiree who lives on an $832 Social Security check. Mr. Russell is nearly blind from glaucoma, a condition in which the pressure inside the eye is too high. When the new drug Xalatan was released in 1996, Mr. Russell's eye doctor tried it and found that it was just what Mr. Russell needed; it reduced the pressure in his eyes better than the alternatives. The problem was the cost of the drug: $1 per day. After several years on the medicine, Mr. Russell could no longer afford the cost, so he had to stop taking the medicine. Of course, Medicare would not pay for such an outpatient prescription drug. In an attempt to save Mr. Russell's vision, his eye doctor recommended an alternative: an expensive eye surgery. For Mr. Russell, the surgery would not be as effective as the medication, but there was one big factor in its favor:. Medicare would have no reluctance about paying for the surgery. So, as compared to surgery, the medication would be better and easier for Mr. Russell, and probably cheaper in the long run for the taxpayer, but under the current Medicare situation, this common sense solution is out-of-bounds. This situation must be changed.

So what's in this bill for consumers? The bill makes prescription drug coverage voluntary and available to all Medicare beneficiaries. There is no deductible required, and there is an out-of-pocket cap that puts an absolute maximum limit on how much one person will have to pay for drugs in any given year. Participants pay a monthly premium, and the government splits the cost of drugs 50/50 with the beneficiary (up to a gradually increasing limit). There is absolutely no question that this bill is an important improvement for the health of our seniors.

I think it is important to keep in mind what this bill is not. First, it is not perfect. The coverage for prescription drugs is not in parity with coverage for alternative medical treatments, such as surgery. This difference reflects cost constraints, but I am optimistic that this aspect can be addressed in future legislation.

Second, this bill is not for everyone. Individuals who have better coverage of prescription drugs than is afforded in this bill, perhaps through an employer-sponsored retiree health plan, can keep that coverage. In fact, employers will be offered subsidies to encourage them to maintain prescription drug coverage for their retirees.

Third, this bill is not a prelude to price controls on drugs. The legislation makes no mention of or need for price controls, and it is not our intention to propose or implement price controls. This bill deals primarily with access to pharmaceuticals, not their cost. The high cost of medications is a concern to many of us in this country, but that is a very complex problem that is not, and should not be, addressed in this bill.

Finally, this bill is not the comprehensive overhaul of the Medicare program that we all agree is needed. The 1965 program needs to be brought up to new millennium standards to make it easier for the program to keep up with rapid future advances in medical technology. The benefit package (including enhanced preventive measures), the financing of graduate medical education, the provider payment mechanisms; these are all items that must be addressed. But not in this bill. Seniors need help now with prescription drugs, and they cannot wait the months or years that it will take to complete the needed comprehensive revision of Medicare.

Mr. President, I encourage all of my colleagues on both sides of the aisle to work together to enact this legislation and to make sure that our Medicare beneficiaries aren't relegated to a second class health care system.

Mr. ROBB. Mr. President, I wanted to say a few words about the Medicare Expansion for Needed Drugs, or MEND Act, which our leader, Senator DASCHLE introduced today. The MEND Act an important first step toward modernizing Medicare through the creation of a voluntary, affordable, universal prescription drug benefit.

While the bill has many elements that I support, I am also interested in looking at ways that we might create a prescription drug bill that distributes its benefits for senior citizens in a more targeted way. I am working with several of my colleagues on the Finance Committee to create such a bill, and hope to introduce it in the next two weeks. With it, we will have two strong options for giving our seniors the help they so desperately need with the skyrocketing costs of prescription drugs.

Mr. President, I applaud the minority leader for his determination in working to help our nation's seniors with the high cost of prescription drugs, and for his efforts in bringing this bill to the floor.

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### ADDITIONAL COSPONSORS

#### S. 345

At the request of Mr. GREGG, his name was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

#### S. 515

At the request of Mr. AKAKA, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 515, a bill to amend the Packers and Stockyards Act of 1921, to make it unlawful for any stockyard owner, market agency, or dealer to transfer or market nonambulatory livestock, and for other purposes.

#### S. 662

At the request of Mr. L. CHAFEE, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

#### S. 664

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1976 to provide a credit against income tax individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

#### S. 818

At the request of Mr. DEWINE, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 818, a bill to require the Secretary of Health and Human Services to conduct a study of the mortality and adverse outcome rates of medicare patients related to the provision of anesthesia services.

#### S. 890

At the request of Mr. WELLSTONE, the names of the Senator from Nebraska (Mr. KERREY) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units of irregular forces in Laos.

#### S. 1053

At the request of Mr. BOND, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 1053, a bill to amend the Clean Air Act to incorporate certain provisions of the transportation conformity regulations, as in effect on March 1, 1999.

#### S. 1155

At the request of Mr. ROBERTS, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

#### S. 1163

At the request of Mr. BENNETT, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Alabama (Mr. SHELBY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. ABRAHAM), and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 1163, a bill to amend the Public Health Service Act to provide for research and services with respect to lupus.

#### S. 1368

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1368, a bill to amend the Forest and Rangeland Renewable Resources Planning Act of 1974 and related laws to strengthen the protection of native biodiversity and ban clearcutting on Federal land, and to designate certain Federal land as ancient forests, roadless areas, watershed protection areas, special areas, and Federal boundary areas where logging and other intrusive activities are prohibited.

S. 1747

At the request of Mr. BENNETT, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1747, a bill to amend the Federal Election Campaign Act of 1971 to exclude certain Internet communications from the definition of expenditure.

S. 1805

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits to aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

S. 1886

At the request of Mr. INHOFE, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 1886, a bill to amend the Clean Air Act to permit the Governor of a State to waive the oxygen content requirement for reformulated gasoline, to encourage development of voluntary standards to prevent and control releases of methyl tertiary butyl ether from underground storage tanks, and for other purposes.

At the request of Mr. INHOFE, the name of the Senator from Ohio (Mr. VOINOVICH) was withdrawn as a cosponsor of S. 1886, supra.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Vermont (Mr. JEFFORDS) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans memorial of a plague to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 1933

At the request of Mr. THOMPSON, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1933, a bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies.

S. 2031

At the request of Mr. DODD, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2031, a bill to amend the Fair Labor Standards Act of 1938 to prohibit the issuance of a certificate for subminimum wages for individuals with impaired vision or blindness.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act provide families and disabled children with the opportunity to purchase coverage under the medical program for such children.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. SCHUMER, his name was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2320

At the request of Mr. JEFFORDS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2320, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit for health insurance costs, and for other purposes.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Kentucky (Mr. BUNNING), the Senator from South Carolina (Mr. THURMOND), and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2386

At the request of Mrs. FEINSTEIN, the names of the Senator from Pennsylvania (Mr. SPECTER), the Senator from Iowa (Mr. HARKIN), the Senator from New Mexico (Mr. DOMENICI), and the Senator from Arizona (Mr. MCCAIN) were added as cosponsors of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2434

At the request of Mr. L. CHAFEE, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 2434, a bill to provide that amounts allotted to a State under section 2401 of the Social Security Act for each of fiscal years 1998 and 1999 shall remain available through fiscal year 2002.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2514

At the request of Mr. GRAMS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2514, a bill to improve benefits for members of the reserve components of the Armed Forces and their dependents.

S. 2526

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 2526, a bill to amend the Indian Health Care Improvement Act to revise and extend such Act.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from Rhode Island (Mr. L. CHAFEE), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Missouri (Mr. ASHCROFT), the Senator from Kansas (Mr. ROBERTS), and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from Maine (Ms. COLLINS), the Senator from Arizona (Mr. MCCAIN), the Senator from Iowa (Mr. GRASSLEY), the Senator from Vermont (Mr. JEFFORDS), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Maryland (Ms. MIKULSKI), the Senator from Minnesota

(Mr. WELLSTONE), the Senator from Indiana (Mr. BAYH), the Senator from Georgia (Mr. CLELAND), and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

### S. RES. 247

At the request of Mr. CAMPBELL, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Res. 247, a resolution commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

## AMENDMENTS SUBMITTED

## EDUCATIONAL OPPORTUNITIES ACT

### BOND AMENDMENT NO. 3145

(Ordered to lie on the table.)

Mr. BOND submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Act of 1965; as follows:

At the end of Title X—General Provisions, insert the following section:

**SEC.  . DIRECT CHECK PILOT PROGRAM.**

(a) Short Title.—This part may be cited as the "Direct Check for Education Pilot Program".

(b) Findings.—Congress finds that—

(1) education should be a national priority but must remain a local responsibility;

(2) the Federal Government's competitive grant regulations and involvement often create barriers and obstacles to local creativity and reform;

(3) parents, teachers, and local school districts must be allowed and empowered to set local education priorities; and

(4) schools and education professionals must be accountable to the people and children served.

(c) Definition.—

(1) Competitive grants.—The term "competitive grants" means programs in which local school districts apply directly to the Department of Education and which funding is determined and distributed by the Department to local school districts. This does not include formula funds.

(d) Direct Awards to Local Educational Agencies.—

(1) Direct awards.—From amounts appropriated for competitive grant programs included in this Act and provided for under paragraph (3), the Secretary shall make direct awards to not more than 50 local educational agencies in amounts determined under paragraph (3) to enable the local educational agencies to support programs or activities, for kindergarten through grade 12 students, that the local educational agencies deem appropriate.

(A) Priority consideration shall be given by the Secretary to the first applicant from each State that is eligible. Sixty days after the application deadline for this section as set by the Secretary, the Secretary may make funding available to multiple local educational agencies within a State as long as the total number of participating local educational agencies does not exceed fifty.

(2) Funding.—From amounts appropriated on an annual fiscal year basis for competitive grant programs included in this act, with the exclusion of Title II, the Secretary shall provide an amount from these funds available as determined under paragraph (3).

(3) Determination of amount.—

(A) Per child amount.—The Secretary, using the information provided under subsection (e), shall determine a per child amount for a year by dividing the total amount appropriated under subsection (d)(2) for the year, by the average daily attendance of kindergarten through grade 12 students in all States for the preceding year.

(B) Local educational agency award.—The Secretary, using the information provided under subsection (e), shall determine the amount provided to each local educational agency under this section for a year by multiplying.—

(i) the per child amount determined under subparagraph (A) for the year; by

(ii) the average daily attendance of kindergarten through grade 12 students that are served by the local educational agency for the preceding year.

(e) Census Determination.—

(1) In general.—Each local educational agency shall conduct a census to determine the average daily attendance of kindergarten through garde 12 students served by the local educational agency not later than December 1 of each year.

(2) Submission.—Each local educational agency shall submit the number described in paragraph (1) to the Secretary not later than March 1 of each year.

(f) Penalty.—If the Secretary determines that a local educational agency has knowingly submitted false information under subsection (e) for the purpose of gaining additional funds under this section, then the local educational agency shall be fined an amount equal to twice the difference between the amount the local educational agency received under this section, and the correct amount the local educational agency would have received under this section if the agency had submitted accurate information under subsection (e).

(g) Disbursal.—The Secretary shall disburse the amount awarded to a local educational agency under this section for a fiscal year not later than July 1 of each year.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

### ROBB AMENDMENT NO. 3146

(Ordered to lie on the table.)

Mr. ROBB submitted an amendment intended to be proposed by him the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place, insert the following:

Operation and Maintenance, Navy

Out of any money in the Treasury not otherwise appropriated, there is appropriated for the fiscal year ending September 30, 2000, for expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $220,000,000: *Provided*, That the amount made available by this heading shall be available for ship depot maintenance; *Provided further*, That the entire amount made available by this heading is designated as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

● Mr. ROBB. Mr. President, tomorrow I intend to offer an amendment (No. 3146) to address our critical ship maintenance shortfalls in fiscal year 2000 as part of the military construction appropriations bill for fiscal year 2001. I am filing this amendment tonight.●

## NOTICE OF HEARING

### PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Ms. COLLINS. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Governmental Affairs, will hold a hearing entitled "Phony IDs And Credentials On The Internet." This Subcommittee hearing will focus on the widespread availability of false identification documents and credentials on the Internet and the criminal uses to which such identification is put.

The hearing will take place on Friday, May 19, 2000, at 9:00 a.m., in Room 342 of the Dirksen Senate Office Building. For further information, please contact Lee Blalack of the Subcommittee staff at 224-3721.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the full Committee on Armed Services be authorized to meet at 9:30 a.m. on Wednesday, May 10, 2000, in executive session, to mark up the FY 2001 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 10, 2000, at 2 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Governmental Affairs Committee be authorized to meet on Wednesday, May 10, 2000, at 9:30 a.m., for a hearing to consider the nominations of Anna Blackburne-Rigsby, Thomas Motley, and John Mott to be Associate Judges of the Superior Court of the District of Columbia.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 10, 2000, at 9:30 a.m., to conduct a hearing on draft legislation to reauthorize the Indian Health Care Improvement Act. A business meeting on pending business will precede the hearing—agenda to be announced. The hearing will be held in the committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 10, 2000, at 2 p.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SELECT COMMITTEE ON INTELLIGENCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, May 10, 2000 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 10, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed regulations governing National Forest Planning.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL OPERATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on International Operations be authorized to meet during the session of the Senate on Wednesday, May 10, 2000 at 10:30 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that two members of my staff, John Sparrow, a Presidential management intern, and Jerome Pannullo, a legislative fellow, be granted access to the Senate floor for the duration of the debate on H.R. 434.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Kurt Kovarik, a member of my staff, be given privileges of the floor this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## APPOINTMENT

THE PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to Public Law 106–173, appoints the following individuals to serve as members of the Abraham Lincoln Bicentennial Commission: the Senator from Illinois (Mr. DURBIN), and Dr. Jean T.D. Bandler of Connecticut.

## MEASURE READ THE FIRST TIME—H.R. 4386

Mr. BROWNBACK. Mr. President, I understand that H.R. 4386, which has just been received from the House, is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

Mr. BROWNBACK. Mr. President, I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard. Under the rule, the bill will be read the second time the following day.

## ORDERS FOR THURSDAY, MAY 11, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9:30 a.m. on Thursday, May 11. I further ask unanimous consent that on Thursday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and the Senate then resume debate on the conference report to accompany H.R. 434, the African Growth and Opportunity Act. I further ask unanimous consent that the scheduled cloture vote occur at 10 a.m. on Thursday, with the time until 10 a.m. equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, tomorrow from 9:30 a.m. until 10 a.m., the Senate will debate the conference report to accompany the African trade/Caribbean trade initiative. At 10 a.m., the Senate will proceed to a cloture vote on that legislation. If cloture is invoked, it is hoped a short time agreement can be made so a final passage vote can take place at a reasonable time. On Thursday, the Senate is also expected to begin consideration of the military construction appropriations bill. Therefore, additional votes will occur during tomorrow's session of the Senate.

## ORDER FOR ADJOURNMENT

Mr. BROWNBACK. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator DASCHLE and Senator EDWARDS.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. DASCHLE pertaining to the introduction of S. 2541 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

## AFRICAN-CARIBBEAN TRADE

Mr. EDWARDS. Mr. President, I rise today to oppose the conference report on the Trade and Development Act of 2000, the so-called African-Caribbean trade bill.

When we debated this bill last October, I expressed my concerns about it, and what has happened is the fruition of what I was concerned about at that time. A bill that was bad when it left the Senate last October has become worse. This bill creates enormous risks for American textile businesses and American textile workers, with very little in the way of offsetting benefits.

Let me speak for a couple of minutes about what I think is wrong with this bill and what kind of risk I think it creates for American workers. When we negotiate trade agreements, in my judgment, there are certain fundamental principles that should always be adhered to: First, they must be negotiated and multilateral; that is, both sides give up something; second, that they create a fair and enforceable system so the trade agreements don't become an empty shell but in fact there is a real and meaningful mechanism for enforcing the trade agreements; third, they must have adequate labor and environmental protections; and, fourth, they must have real, tangible, and provable benefits for U.S. businesses and U.S. workers.

These bills do not meet those basic principles that ought to be complied with on every single trade agreement.

Senator FEINGOLD spoke very eloquently about the lack of adequate labor and environmental protections in these bills.

There are two other principles that have been violated in these bills. First is the requirement that they be multilateral and negotiated, the simple proposition being that if the American people and we as a country are going to lower our barriers, we ought to get something in return. That "something" is that the other countries that are subject to these trade agreements lower their barriers. That simply has not happened here.

What is happening is we are lowering our trade barriers while these other Caribbean and African nations are keeping their trade barriers completely in place. Their tariffs remain just as they were. There is no set of circumstances under which that kind of arrangement is equitable for American business or equitable for American workers.

Second, there has to be a real and meaningful mechanism for enforcing these provisions. One of the things that happened to this bill when it left the Senate is there was a complex set of enforcement mechanisms and provisions put in place. When the bill left the Senate, we had what was called yarn and fabric forward provisions, which basically said, as a matter of equity, we would allow the trade barriers to be lowered for those African and Caribbean nations that used yarn and fabric from the United States so that our workers and our businesses benefited.

Well, when the bill got to conference with the House bill, those provisions were changed. Now there are many African nations that are not required to use American yarn or American fabric. Secondly, they are allowed to use regional yarn and fabric; that is, yarn and fabric from that area.

So those are two significant changes in the bill since it left the floor of the Senate which have real and meaningful impact on American business and American workers.

Probably the more dangerous situation, though, is that created by the potential for transshipment. We talked about this on the floor of the Senate when this bill was debated the first time, and my colleagues are aware of this problem.

Transshipment, basically, is a situation where a country, such as China, which I think has the greatest potential for taking advantage of transshipment, ships their fabric and their goods through Africa only for the purpose of having a button sewn on or some other minor change in the product, and then the product is shipped to the United States.

The antitransshipment provisions of this bill are simply not adequate for a variety of reasons. One of the two most important is that the enforcement mechanism relies upon African countries for enforcement. The reality is—and all of us know it—that these African nations are not going to be able to enforce the provisions about transshipment. And we are going to have—at least there is real potential for—a massive transshipment by China and Chinese textile businesses through Africa to the United States. Transshipment has a real and devastating effect on American workers and American businesses, and we have seen some of those effects over the last 8 to 10 years.

I have some specific examples of this. In North Carolina, my home State, during 1999, these were the jobs that were lost as a result of cheap textile goods coming into the United States:

At Pluma, Inc., a plant located in Eden, NC, a small community, 500 jobs were lost when the plant was closed. Jasper closed a plant in Whiteville, NC, in September and 191 jobs were lost. Whiteville Apparel in Whiteville, NC, closed a plant in August and 396 jobs were lost. Stonecutter Mills in Rutherford and Polk in western North Carolina closed a plant in June—800 jobs lost. Dyersburg in Hamilton, NC, closed a plant in May—422 jobs lost. Levi Straus closed a plant in Murphy—382 jobs lost.

Remember that we are only talking about 1999 at this point.

Burlington Industries, in January, closed plants in Cramerton, Forest City, Mooresville, Raeford, Oxford, and Statesville—2,600 jobs lost as a result; all of those occurring in 1999.

In 1999 alone, the South lost 55,000 textile and apparel jobs.

This is not an abstract position for the families and employees whose lives are devastated as a result of these cheap goods coming into the United States.

A perfect example is Margie Brown. You heard me talk about Whiteville, NC, which was one of the areas in eastern North Carolina hardest hit by this flow of cheap goods into the United States. Margie Brown is 47 years old. She had a good job working at Jasper Textiles in Whiteville, NC. She made just under $200 a week. She depended on it. Her family depended on the income from that job. It is what she was trained to do; It is what she knew how to do; and she felt good about what she did.

As a result of that plant being closed down, the reality exists all over North Carolina. In many cases there is no work for these folks; they have no comparable employment. There is nothing they can do with the education and the job training they have.

So she had nowhere to go. Today, instead of having a job she is proud of, being able to support her family, feeling good about going to work every day and doing the things that made her productive as an American citizen, she is on unemployment and she gets $51 a week.

My point is that these are real people. These are real families, and the impact on them is devastating. We can't turn our heads on this. This is not hypothetical. This is not some theoretical thing we are talking about. It is all well and good for us to talk abstractly on the floor of the Senate about trade being good, about, in this case, this having some diffuse benefit to our country as a whole, but there are real people whose lives are being devastated by these trade agreements, real people who have nowhere to go to work tomorrow, who have no way of taking care of their families and who have lost all semblance of self-esteem.

These people, who oftentimes worked in textile mills for 20, 30, or 40 years—I do have to say at this point my dad worked in a cotton mill basically his whole life. During the summers, in high school and college, and then in law school, I saw firsthand the people who spent their whole lives in these textile mills and these cotton mills. They do not know anything else.

We can talk about the technological world we now live in and how these people have to make a transition because the world is changing. The reality is, many of them are 50 or 60 years old and have spent their whole life working in the mill. They have nowhere to go. They have no idea what to do about their families. They are put on the street after working every day for the last 30 or 40 years. What do they say to their kids? What do they say to their spouses about what they are going to do?

My point is that these trade agreements have a real impact on real people's lives, and we all have to recognize it. In fact, this particular agreement is going to do nothing but accelerate the problem. The Margie Browns I just described will be all over North Carolina and the southern United States.

The reason is very simple: The average apparel wage in the United States is $8 an hour.

Of some of the countries that are covered by this agreement: In Mexico the average wage is 85 cents an hour; the Dominican Republic, 69 cents an hour; El Salvador, 59 cents an hour; Guatemala, 65 cents an hour; and, Honduras, 43 cents an hour.

You don't have to be a mathematical wizard to figure out that there is no way for American workers under these circumstances to compete, and there is no way they are going to keep their jobs.

What will happen is China is going to ship goods through Africa. In all likelihood, there will be massive transshipping with no way to stop it, no way to detect it, and no way to enforce the antitransshipment provisions of this bill. As a result, people all over North

Carolina and the United States are going to lose their jobs.

We are playing with fire. I said this when we debated the bill last fall. I say it again. The only thing that has changed is the fire has gotten hotter. It has gotten more dangerous.

There are more American workers whose jobs are going to be lost, and this conference report it does not meet the fundamental principles of equity, the principles that ought to apply to every trade agreement, the principles that are needed to protect our businesses and our textile workers in the United States.

They are perfectly willing to compete. They just want the chance to compete on a level playing field. The other countries aren't lowering their barriers. We are. We know there are going to be goods transshipped through Africa from China and other places. And there is no way to prepare for that. The net result is this is not an abstract thing. Real people, real families, lives and jobs are about to be changed.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, thank you very much. I ask unanimous consent that I be allowed to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much, Mr. President.

## PARK SERVICE SNOWMOBILE BAN

Mr. GRAMS. Mr. President, I want to take a few minutes today to talk about the Department of Interior's recent decision to ban snowmobiling in most units of the National Park System.

While the Interior Department's recent decision will not ban snowmobiling in Minnesota's Voyageurs National Park, it will impact snowmobiling in at least two units of the Park System in my home state—Grand Portage National Monument and the St. Croix National Scenic Riverway. In addition, this decision will greatly impact Minnesotans who enjoy snowmobiling, not only in Minnesota, but in many of our National Parks, particularly in the western part of our country.

When I think of snowmobiling in Minnesota, I think of families and friends. I think of people who come together on their free time to enjoy the wonders of Minnesota in a way no other form of transportation allows them. I also think of the fact that in many instances snowmobiles in Minnesota are used for much more than just recreation. For some, they're a mode of transportation when snow blankets our state. For others, snowmobiles provide a mode of search and rescue activity. Whatever the reason, snowmobiles are an extremely important aspect of commerce, travel, recreation, and safety in my home state.

Minnesota, right now, is home to over 280,000 registered snowmobiles and 20,000 miles of snowmobile trails. According to the Minnesota United Snowmobilers Association, an association with over 51,000 individual members, Minnesota's 311 snowmobile riding clubs raised $264,000 for charity in 1998 alone. Snowmobiling creates over 6,600 jobs and $645 million of economic activity in Minnesota. Minnesota is home to two major snowmobile manufacturers—Arctic Cat and Polaris. And yes, I enjoy my own snowmobiles.

People who enjoy snowmobiling come from all walks of life. They're farmers, lawyers, nurses, construction workers, loggers, and miners. They're men, women, and young adults. They're people who enjoy the outdoors, time with their families, and the recreational opportunities our diverse climate offers. These are people who not only enjoy the natural resources through which they ride, but understand the important balance between enjoying and conserving our natural resources.

Just three years ago, I took part in a snowmobile ride through a number of cities and trails in northern Minnesota. While our ride didn't take us through a unit of the National Park Service, it did take us through parks, forests, and trails that sustain a diverse amount of plant and animal species. I talked with my fellow riders and I learned a great deal about the work their snowmobile clubs undertake to conserve natural resources, respect the integrity of the land upon which they ride, and educate their members about the need to ride responsibly.

The time I spent with these individuals and the time I've spent on my own snowmobiles have given me a great respect for both the quality and enjoyment of the recreational experience and the need to ride responsibly and safely. They've also given me reason to strongly disagree with the approach the Park Service has chosen in banning snowmobiles from our National Parks.

I was stunned to read of the severity of the Park Service's ban and the rhetoric used by Assistant Secretary Donald J. Barry in announcing the ban. In the announcement, Assistant Secretary Barry said, "The time has come for the National Park Service to pull in its welcome mat for recreational snowmobiling." He went on to say that snowmobiles were, "machines that are no longer welcome in our national parks." These are not the words of someone who is approaching a sensitive issue in a thoughtful way. These are the words of a bureaucrat whose agenda has been handwritten for him by those opposed to snowmobiling.

The last time I checked, Congress is supposed to be setting the agenda of the federal agencies. The last time I checked, Congress should be determining who is and is not welcome on our federal lands. And the last time I checked, the American people own our public-lands—not the Clinton Administration and certainly not Donald J. Barry.

In light of such brazenness, it's amazing to me that this Administration, and some of my colleagues in Congress, question our objections to efforts that would allow the federal government to purchase even larger tracts of private land. If we were dealing with federal land managers who considered the intent of Congress, who worked with local officials, or who listened to the concerns of those most impacted by federal land-use decisions, we might be more inclined to consider their efforts. But when this Administration, time and again, thumbs its nose at Congress and acts repeatedly against the will of local officials and American citizens, it is little wonder that some in Congress might not want to turn over more private land to this Administration.

I can't begin to count the rules, regulations; and executive orders this Administration has undertaken without even the most minimal consideration for Congress or local officials. It has happened in state after state, to Democrats and Republicans, and with little or no regard for the rule or the intent of law. I want to quote Interior Secretary Bruce Babbitt from an article in the National Journal, dated May 22, 1999. In the article, Secretary Babbitt was quoted as saying:

> When I got to town, what I didn't know was that we didn't need more legislation. But we looked around and saw we had authority to regulate grazing policies. It took 18 months to draft new grazing regulations. On mining, we have also found that we already had authority over, well, probably two-thirds of the issues in contention. We've switched the rules of the game. We're not trying to do anything legislatively.

In other words, an end run of Congress, which is an end run of the American people.

That is a remarkable statement by an extremely candid man, and his intent to work around Congress is clearly reflected in this most recent decision. Clearly, Secretary Babbitt and his staff felt the rules that they've created allow them to "pull the welcome mat for recreational users" to our national parks.

As further evidence of this Administration's abuse of Congress—and therefore of the American people—Environmental Protection Agency Administrator Carol Browner was quoted in the same article as saying:

> We completely understand all of the executive tools that are available to us—And boy do we use them.

So it is handy for them to avoid the legislative route, to avoid coming through Congress; they do it through executive orders and mandates.

While Ms. Browner's words strongly imply an intent to work around Congress, at least she did not join Secretary Babbitt in coming right out and admitting it.

I for one am getting a little sick and tired of watching this Administration force park users out of their parks, steal land from our states and counties, impose costly new regulations on farmers and businesses without scientific justification, and force Congress to become a spectator on many of the most controversial and important issues before the American people.

It's getting to the point where I'm not sure what to tell my constituents. I've been on the phone with snowmobilers in Minnesota and they ask what can be done. I start to explain that because of the filibuster in the Senate and the President's ability to veto, it will be difficult for Congress to take any action. I've found myself saying that a lot lately. Whether it's regulations on Total Maximum Daily Loads, efforts to put 50 million acres of forests in wilderness, or new rules to regulate a worker's house should they choose to work at home, this Administration just doesn't respect the legislative process or the role of Congress. Nor does this Administration respect the jobs, traditions, cultures, of lifestyles of millions of Americans. If you're an American who has yet to be negatively impacted by the actions of this Administration, just wait your turn because you were evidently at the end of the list. Sooner or later, if they get their way in the next few months, they're going to kill your job, render your private property unusable, and ban you from accessing public lands that have been accessible for generations.

Regrettably, many of us in Congress are now left with the proposition of telling our constituents that we must wait for a new Administration. I have to tell them that this Administration is on its way out the door and they're employing a scorched earth exit strategy. And I have to warn them that the situation could get worse if a certain Vice President finds himself residing at 1600 Pennsylvania Avenue next year.

I have to admit, there's nothing pleasurable about telling your constituents to wait until next year. I think it's important to remember that, as Senators, we are the representatives of every one of our constituents. When I have to tell a constituent that Congress has lost its power to act on this matter, I'm actually telling that constituent that he or she has lost their power on this matter. When I have to tell a snowmobiler that the Administration doesn't care what Congress has to say about snowmobiling in national parks, I am really telling him or her that the Administration doesn't care what the American people have to say about snowmobiling in national parks. Congress did not get a chance to debate it or to represent the people back home. I doubt any of us could've said that any better than Donald J. Barry said it himself.

When forging public policy, those of us in Congress often have to consider the opinions of the state and local officials who are most impacted. If I'm going to support an action on public land, I usually contact the state and local officials who represent the area to see what they have to say. I know that if I don't get their perspective, I might miss a detail that could improve my efforts. I also know that the local officials can tell me if my efforts are necessary or if they're misplaced. They can alert me to areas where I need to forge a broader consensus and of ways in which my efforts might actually hurt the people I represent. I think that is a prudent way to forge public policy and a fair way to deal with state and local officials.

I know, however, that no one from the Park Service ever contacted me to see how I felt about banning snowmobiling in Park Service units in Minnesota. I was never consulted on snowmobile usage in Minnesota or on any complaints that I might have received from my constituents. While I've not checked with every local official in Minnesota, not one local official has called me to say that the Park Service contacted them. In fact, while I knew the Park Service was considering taking action to curb snowmobile usage in some Parks, I had no idea the Park Service was considering an action so broad, and so extreme, nor did I think they would issue it this quickly. I do not think any local officials thought this would happen. I know those involved in the snowmobile industry had no idea, while talking with this administration, this was going to come down. It was a shot out of the blue.

I believe this quick overreaching by the Park Service was unwarranted. It did not allow time for Federal, State, or local officials to work together on this issue. It did not bring snowmobile users to the table to discuss the impact of this decision on them. It did not allow time for Congress and the administration to look at all of the available options or to differentiate between parks with heavy snowmobile usage and those with occasional usage. This decision stands as a dramatic example of how not to conduct policy formation and formulation. It is an affront to the consideration American citizens deserve from their elected officials.

I would like to repeat that. This decision stands as a very dramatic example of how not to conduct policy formulation and is an affront to the consideration that I believe American citizens deserve from their elected officials.

I hope we take a hard look at this decision and call the administration before Senate committees for hearings. I believe there has been one scheduled. Senator CRAIG THOMAS, I believe, will be holding such a hearing on May 25 to try to bring some administration officials before Congress and to ask some very simple questions: Why was this action taken? I have long believed we can have an impact on these matters by holding strong oversight hearings and by forcing the administration to be accountable for their actions. We cannot, however, simply stand by and watch as this administration continues its quest, in its final, waning days, for even greater power, power that will come at the expense of the deliberative, legislative process envisioned by the founders of this country.

Secretary Babbitt, Administrator Browner, and Donald J. Barry may believe they are above working with this Congress. But only we can make sure that they are reminded, and we can do it in the strongest possible terms, that when they neglect Congress they are neglecting the American people.

I yield the floor.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. The Senate, under the previous order, stands adjourned until 9:30 a.m., Thursday, May 11, 2000.

Thereupon, the Senate, at 6:32 p.m, adjourned until Thursday, May 11, 2000, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Wednesday, May 10, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. TAYLOR of North Carolina).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 10, 2000.*

I hereby appoint the Honorable CHARLES H. TAYLOR to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Reverend Joe F. Hayes, Jr., Brevard First Baptist Church, Brevard, North Carolina offered the following prayer:

Father God, who spoke the heavens and earth into existence, thank You for first loving us and sending Your Son, Jesus Christ, that we might have a full and meaningful life. Forgive our many sins against You and against other people. Help us live at peace with our neighbors and in obedience to Your will as set forth in the Bible.

Gathered here today are leaders who have given their lives to serve others. Help them to love You first, their families second, and other people third, because without You first in our lives, without loving families, and without love for all peoples, we cannot expect this Nation to be great.

In the name of the Lord Jesus Christ we pray, amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Florida (Mr. STEARNS) come forward and lead the House in the Pledge of Allegiance.

Mr. STEARNS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, concurrent resolutions of the House of the following titles:

H. Con. Res. 277. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

H. Con. Res. 314. Concurrent resolution authorizing the use of the Capitol Grounds for a bike rodeo to be conducted by the Earth Force Youth Bike Summit.

The message also announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 15 1-minutes on each side.

## WE SHOULD NOT TRUST CHINA

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, once again I rise to discuss the serious national security concerns associated with granting Permanent Normal Trade Relations status to China.

Just yesterday, it was reported that only 2 years after President Clinton allowed the sale of civilian nuclear technology to China, the Chinese government now refuses to keep its promise that it will not resell the nuclear technology to rogue nations. Instead, China has and continues to actively assist Pakistan and other nations with their nuclear programs using U.S. technology.

Mr. Speaker, these are actions that are unacceptable. We cannot and should not allow U.S. nuclear technology to be simply given away to rogue nations. And yet the Clinton administration wants to reward China for this conduct by expanding their trade status. Mr. Speaker, let us not make this same mistake twice. It is obvious that we cannot trust China.

I yield back the administration's PNTR request, which jeopardizes our national security and the security of all peace-loving nations.

## TRIBUTE TO THE CORRECTIONAL HEALTH CARE PROGRAM CREATED BY BAYSTATE HEALTH SYSTEM, SPRINGFIELD, MASSACHUSETTS

(Mr. NEAL of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEAL of Massachusetts. Mr. Speaker, this is National Hospital Week, when communities across the country celebrate the people that make hospitals the special places they are. This year's theme sums it up nicely, Touching the Future With Care. It recognizes the health care workers, volunteers, and other health professionals who are there 24 hours a day, 365 days a year curing and caring for their neighbors who need them.

An example of this dedication is the Correctional Health Care Program created by Baystate Health Systems of Springfield, Massachusetts. The program won the National Hospital Association's prestigious NOVA award, which recognizes hospitals' innovative and collaborative efforts to improve the health care of their communities.

The Correctional Health Care Program is a joint effort by Baystate Health Systems and the Hampden County Correction Center to improve the state of inmate health care. Inmates serve an average of 14 months and then return to the community with whatever disease or problems they had when they entered. Failing to improve this health care, puts the inmates, their families, and the public at risk once they are released.

Baystate and Hampden County. saw this public health care opportunity and developed a model which has had amazing results. Recurrence of incarceration at the Hampden County Correctional Center is only 4 percent, dramatically below the national average of 40 percent. Program supporters say this extremely low rate is a direct result of correctional health care programs like this.

The program gives inmates the chance to control their own health, helps them gain an element of self-respect and, in most cases, keeps them from returning to a life of crime in jail. In addition, it helps save public health dollars while fighting the spread of communicable diseases.

Mr. Speaker, I congratulate the Baystate Health Care System and the

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Hampden County Correctional Facility for this award-winning program.

## CONGRATULATIONS ON OPENING OF JUVENILE RESIDENCE

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I would like to congratulate Here's Help on the grand opening of the Debbie Wasserman-Schultz, Alex Villalobos, and Ron Silver Juvenile Residence.

This facility, named after the Florida State legislators who pushed for its establishment, will help teenagers overcome their difficult struggle with substance abuse.

The ravages of dependence too often destroy the lives of young people. And future leaders are often cast aside or lost under a pile of social service paperwork.

Special thanks go to Miami's Y-100's "Footy," also known as John Kross, for his efforts as CEO of Here's Help. And to Dave Ross, manager of Clear Channel.

Others helped: Florida Governor Jeb Bush, who provided funding to furnish this home and renovate older facilities. Thanks also to Dan Marino and Emilio and Gloria Estefan.

I am heartened to see organizations like Here's Help trying to stem this tide of human suffering with community efforts, especially with the Friday opening of its new juvenile residency facility. I ask my congressional colleagues to join me in paying tribute to Miami Y-100's "Footy" and to Here's Help for the wonderful work they have accomplished and for the lives they have saved in this new juvenile residency hall.

## EDUCATION

(Ms. BERKLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BERKLEY. Mr. Speaker, yesterday we celebrated National Teachers Day and paid tribute to some of our Nation's most important citizens, our teachers. Today, I rise to discuss school construction, an issue which is very important to the teachers in my district.

In my hometown of Las Vegas, Nevada, we have the fastest growing school age population in the United States. We have to build a school a month in order to keep up with the unprecedented growth. We have 1,200 students for every school in southern Nevada. That is twice the national average.

We have 210,000 people in our school district. Too many of these students, as many as 22,000, are being educated in trailers, being educated in portables. This is not an appropriate place for our students to be educated in. It is not an appropriate environment for our teachers to teach in.

The teachers in my district need school construction so that they can teach smaller classes and help their students learn better. I urge my colleagues to pass fair, common sense legislation that will help our teachers and benefit all of America's students. Let us pass school construction.

## WHISTLEBLOWERS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, why does the media seem to like some whistleblowers and dislike others? I will mention three names, three of the most famous whistleblowers from recent history.

In 1974, Karen Silkwood blew the whistle on the Cimarron Nuclear Facility in Oklahoma, claiming unsafe practices. Karen Silkwood died in a car accident that November while on her way to meet with a New York Times reporter. They say her death was not an accident and that documents she had in the car with her disappeared from the scene of the crash.

In 1995, Dr. Jeffrey Wigand broke with a big tobacco company to criticize that industry's practices. In a famous episode, his interview with 60 Minutes was taken off the air because of pressure from tobacco company lawyers.

Karen Silkwood and Jeffrey Wigand have both been lionized by Hollywood in movies starring Meryl Streep and Russell Crowe. Both names are synonymous in the media with persons who have been punished for telling the truth.

How about the third whistleblower? Linda Tripp blew the whistle on the most powerful person in America. She told the truth, a truth we might never have known had she not spoken up. And, yet, instead of a movie contract, Ms. Tripp faces the possibility of being the only player in the scandal to be convicted of a crime.

How is that for American justice?

## CHINA

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, something does not add up. China is taking $80 billion a year out of our economy now in trade surpluses, and reports say that China is buying tanks, planes, submarines and missiles with our cash. There are also reports that further say, my colleagues, that with our cash they are pointing their missiles, that we bought, at America.

And after all this, if that is not enough to bust your balsam, Presidents Ford and Carter endorsed President Clinton's plan to grant China Most Favored Nation trade status, now called normal. Normal, my two pairs.

Beam me up, my colleagues. Ford, Carter and Clinton will not get it until there is a Chinese missile shoved right up their assets.

I yield back whatever they are smoking at their press conferences.

## OPENING DOORS TO THE PEOPLE OF CHINA

(Mr. LINDER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LINDER. Mr. Speaker, we have an opportunity to encourage change in China. PNTR for China will provide the Chinese people with access to western influence and ideas by forcing China to open their society to bring about positive economic and social changes.

George W. Bush recently commented on Ronald Reagan's "forward strategy for freedom." The Reagan adage, as espoused by the Texas governor, is that "the case for trade is not just monetary, but moral. Economic freedom creates habits of liberty. And habits of liberty guarantee expectations of democracy. There are no guarantees, but there are good examples from Chile to Taiwan. Trade freely with China and time is on our side."

I also agree with Prime Minister Margaret Thatcher, who predicts that democracy will move steadily up the scale from the village to the province and, ultimately, to the highest national level.

We cannot achieve these goals through economic isolationism. Wang Dan, a student leader at Tiananmen Square, said "the west should not try to isolate the Communist regime. Economic change does influence political change." Let us support PNTR and allow free trade to open doors to the people of China.

## TEACHER APPRECIATION WEEK

(Ms. HOOLEY of Oregon asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HOOLEY of Oregon. Mr. Speaker, in honor of National Teachers Appreciation Week, I rise to pay tribute to our teachers. I would like to recognize Mike Weddle, a teacher from Waldo Middle School in Salem, Oregon, who was recently awarded one of the three Milken awards for his exceptional work as a teacher in Oregon.

Mr. Weddle was chosen to receive this award because of his constant efforts to go above and beyond the required duties providing the best possible education for the children of Oregon. Mike Weddle is just one example of the thousands upon thousands of teachers out there determined to make a difference in a student's life.

In cities and towns across my district, teachers arrive to greet their overcrowded classes of 25, 30 and sometimes 35 students. Many teach in less than ideal environments, in schools that many of us would not work in. But they come back, day after day, dedicated to teaching our children.

There are few things that are more important to the people in my district than the education of our children. However, we often take our teachers for granted and forget to say thank you for all the tireless work that they do. I am here today to say thank you. Thank you for working to ensure that every child has the opportunity to learn and to achieve his or her fullest potential.

Let us really say thank you to our teachers by passing the school construction bill.

□ 1045

## AMERICAN TAXPAYERS DESERVE BUDGET THAT ELIMINATES WASTE, FRAUD AND ABUSE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, since 1995, Republicans have been working hard here in Congress to restore common sense to our Government. One of the ways we have done that is by declaring war on waste, fraud and abuse. American taxpayers work hard for their money; and when they send a portion of it here to Washington, the least we can do is spend it responsibly.

Our House Committee on the Budget has a website where the American people can report on examples that they have seen of taxpayer money being spent wastefully.

One such example is a company here in Washington, D.C., that was awarded a $6.6 million grant to find jobs for 1,500 welfare recipients. Nine months, $1 million later, this company had found only 30 jobs. This contract has since been terminated. But this is just one example. And, unfortunately, there are hundreds more.

Last year's budget contained a .38 across the board budget cut aimed at eliminating waste, fraud and abuse. I hope this is something we can build on this year in Congress. American taxpayers deserve to have their money spent responsibly. They deserve a budget that eliminates waste, fraud and abuse.

## CONGRESS MUST PASS BIPARTISAN SCHOOL CONSTRUCTION LEGISLATION

(Mr. ETHERIDGE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ETHERIDGE. Mr. Speaker, I rise today to call on this Congress to pass bipartisan school construction legislation to help improve our education for our children.

This week is the 15th annual Teachers Appreciation Week, and yesterday we celebrated National Teacher Day. As the father of a fourth grade teacher, I commend the House on passing this bipartisan resolution supporting our teachers.

But Congress must do more than pass nonbinding resolutions. To make real progress in education, Congress must pass substantive legislation to improve our schools so every child has an opportunity and none are left behind. We must take action to help make sure every neighborhood school in this country works to provide our children with a decent education. We must work in a bipartisan manner to help pass common sense solutions to the challenges facing our schools.

The first bill we should pass is the bipartisan Johnson-Rangel school construction bill. This compromise bill contains elements of my own construction bill to help local communities build new schools, relieve overcrowding, reduce class sizes, and help teachers give students the individual attention they need and deserve.

I am proud to be an original cosponsor of this common sense bill that will make a difference in our community schools. I urge the House leadership to bring this important bill to the floor immediately so Congress can have an opportunity to do more to improve our schools.

## PROVIDING FOR CONSIDERATION OF H.R. 3709, INTERNET NONDISCRIMINATION ACT OF 2000

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 496 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 496

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule for a period not to exceed two hours. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the gentleman from Ohio (Mr. HALL) pending which I yield myself such time as I may consume. Mr. Speaker, during consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 496 is an open rule providing for consideration of H.R. 3709, the Internet Nondiscrimination Act. H. Res. 496 provides one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives points of order against consideration of the bill for failure to comply with clause 4(a) of rule 13, which requires a 3-day layover of the committee report.

H. Res. 496 makes in order the Committee on the Judiciary amendment in the nature of a substitute now printed in the bill as an original bill for the purpose of amendment, which shall be open for amendment at any point and provides that the amendment process shall not exceed 2 hours.

The rule allows the chairman of the Committee of the Whole to accord priority in recognition to those Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule also allows the chairman of the Committee of the Whole to postpone recorded votes and reduce to 5 minutes the voting time on any postponed question providing that voting time on the first in any series of questions is not less than 15 minutes.

Finally, the rule provides one motion to recommit, with or without instructions, as is the right of the minority.

Mr. Speaker, as one who supports reducing the overall tax burden on American families, I wholeheartedly support this bill and the rule that brings it before us.

The high-tech revolution has changed the way that every American works and lives and has provided Americans with more freedom and prosperity. The high-tech sector accounted for 35 percent of the Nation's real economic growth from 1994 to 1998.

In Atlanta alone, according to the Metro-Atlanta Chamber of Commerce, we have more than 9,000 technology-related companies employing more than 165,000 technology workers. The high-tech sector is the engine of our current economic prosperity and has created thousands of new jobs and opportunities for our constituents, and we must ensure that excessive government intervention through discriminatory taxes and regulation does not threaten the future of the high-tech industry.

H.R. 3709 honors our pledge to ensure that barriers to future innovation, competition and growth in the high-tech sector do not discriminate against electronic commerce. The bill before us fulfills the promises made in 1998, when the 105th Congress unanimously passed the Internet Tax Freedom Act.

As my colleagues may recall, this important law prohibited for 3 years any taxes on the Internet access charges levied by service providers or any multiple or discriminatory taxes on Internet commerce.

The Internet Tax Freedom Act also created a commission to study if and how e-commerce should be taxed. The commission reported back to Congress after months of considering the complexities of tax law as it relates to the emerging e-commerce sector.

While the commission was not able to agree on a new format for dealing with this difficult challenge, a majority of the members did agree on one thing, the need to extend the moratorium. Under current law, the 3-year moratorium on Internet taxation is set to expire on October 21, 2001, and can only be extended by Congress. I supported the moratorium when it was proposed, and I continue to support it now.

There has been some confusion about the effect of the language of the moratorium, and I want to take a brief moment to mention that this moratorium does not affect the larger issue of States and localities collecting taxes on sales that occur on the Internet. The bill deals only with the discriminatory taxes against the Internet, taxes that would not generally be imposed or legally collectible by a State or local government on transactions involving similar services.

Despite the fact that this bill does not affect the issues of sales taxes, I do believe that the Advisory Commission was on target in stating that the current sales and use tax system is complex and burdensome. Clearly, some nationwide consistency and fairness between Internet and Main Street retailers is necessary.

While the ultimate impact of e-commerce on traditional retailers and State revenues is far from clear, an equitable and fair tax system should not disproportionately burden any type of seller.

What H.R. 3709 does do is extend the moratorium on taxes on Internet access and multiple and discriminatory taxes on electronic commerce for 5 additional years.

The Internet Tax Freedom Act was aimed simply at preventing tax discrimination on-line, not at giving a tax preference, and the Internet Nondiscrimination Act continues this sound policy. This extension would give businesses, policymakers, and the public more time to ensure that the ultimate solution to this dilemma will be comprehensive, equitable, and conducive to the growth of all sectors of the American economy.

Too often, we have rushed into making tax policy with only our good intentions, and the final product is a tax code that has dozens of loopholes, hundreds of giveaways, and thousands of pages that even our best policy analysts do not understand. We cannot afford to do the same with the Internet. We can do better with America's money.

I congratulate the Committee on the Judiciary for their hard work on this legislation. This is a fair rule that allows all germane alternatives to be considered. I urge my colleagues to support it so that we may proceed with general debate and consideration of this bipartisan bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from Georgia (Mr. LINDER) for yielding me the time.

Mr. Speaker, this is a modified open rule which will allow for the consideration of H.R. 3709, a bill to extend, what we have heard, for 5 years the current moratorium on State and local taxes on Internet access.

As my colleague has explained, this rule provides for 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule will permit all Members on both sides of the aisle to offer germane amendments. However, the rule places a time cap of only 2 hours for the amendment process.

Like the railroads in the 19th century, the Internet has revolutionized our way of doing business and has spurred our national economy to great heights. And like the railroads, the Federal Government has a significant role in encouraging and assisting and providing a legal framework for the growth of the Internet. With that role is the responsibility to make sure that we do not take any action to stifle this productive force.

The bill before us today and the process that brought us here does not give me confidence that we are taking that responsibility seriously. The bill is simple enough, but it has generated great controversy. It imposes an unfunded mandate on State and local governments.

The administration opposes the bill. It is opposed by 39 governors, Democrats and Republicans, including the governor of my own State of Ohio. It is opposed by the National Conference of State Legislators, the National League of Cities, the National Retail Federation, and others.

Some Members have accused the bill of trampling on the 10th amendment.

Despite the controversy surrounding the bill, the House is rushing headlong toward its passage. The Committee on the Judiciary held a markup with only one day's notice. The report to accompany the bill was only filed on Monday, requiring the Committee on Rules to waive the House rule requiring a 3-day layover for committee reports.

There were no hearings on the bill. I understand the Committee on the Judiciary is planning hearings later this month. This draws to mind the Lewis Carroll line from Alice's Adventures in Wonderland: "Sentence first, verdict afterwards."

In the case of this bill, we have passage first, hearings afterwards. And now we have this rule with time caps that could restrict the ability of House Members to go offer amendments.

Mr. Speaker, I point out these facts not to oppose the bill. There are certainly merits behind this measure. Rather, I wish to make the case that a bill this important and this controversial deserves more careful deliberation than the House is providing.

The current moratorium does not expire until October 2001, a year and a half from now. There is no rush. We have the time to do this properly and responsibly.

Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. DOGGETT).

□ 1030

Mr. DOGGETT. I thank the gentleman for yielding me this time.

Mr. Speaker, from the travel industry to the food industry, Internet commerce has spurred growth in all sectors of our economy. I believe we should encourage this new economy by minimizing regulation and maximizing the freedom to innovate on the Internet. The bill that we will have before us through this rule, the Internet Nondiscrimination Act, furthers that purpose. The bill extends the Internet tax moratorium which was too short as originally approved in this Congress, and it eliminates the grandfather clause of the Internet Tax Freedom Act that has enabled a dozen States, including my own State of Texas, to impose access charges on the Internet.

I believe that access to the Internet must be free, that we must prevent discriminatory taxes from being imposed now or in the future that would impede the ability of individuals and of businesses to gain access to the Internet and access to electronic commerce. Electronic commerce is still very much in its infancy, and if we burden it with regulations, if we overburden it with taxes, it will not be able to expand and achieve its full potential.

As a strong supporter of the Internet Tax Freedom Act when it was approved in 1998, I realized then that, while 3 years was all we could get approved in this Congress, it was insufficient to do the job of exploring the complexities of how any taxation in the future of this type of commerce would be achieved. That became particularly apparent in the overpoliticized atmosphere of the Advisory Commission on Electronic Commerce, which we asked to look objectively at this issue, but which was not able to resolve this and make a recommendation to the Congress.

Now, if this Congress were, as my colleague has just indicated, to do what this particular House this year and last year has demonstrated that it is most experienced in, and that is, doing nothing or next to nothing, we would not incur any additional burden on electronic commerce this year, because the current moratorium does not expire until October of 2001. So if there is inaction, nothing will occur that would be disadvantageous.

It is, however, an election year, and so this measure has been rushed through the Congress in the manner that was described, and that is unfortunate, because it would be good if we could have a dispassionate, objective, bipartisan review of these issues.

Our Republican colleagues have found it necessary continually to bring up measures to try to drive a wedge between the new economy, the high technology portion of our economy, and the Democratic Party. That is unfortunate, because I believe that only if we move in a bipartisan fashion are we going to be able to resolve these issues.

The State of Texas is one of those that has had the highest access charges, and I am pleased that we can provide a tax cut through this measure to the people of the State of Texas. The Texas Legislature would have been the better avenue for accomplishing that. They could have done it last year. It is unfortunate they did not.

The minority leader, the gentleman from Missouri, has spoken out in favor of an extension of the moratorium. He suggested 2 years. Naturally being an election year, the Republicans have come in and said, no, make it 5. If the gentleman from Missouri had suggested 5 years, they would have come in and said, no, make it 10. This is not the kind of process that is going to lead to a bipartisan addressing of these issues and eventually resolving how any commerce that transpires on the Internet, the goods and services that are sold over it, might be taxed so that we are not faced with virtual public schools and virtual fire departments instead of the real thing in the future if we see the total erosion of the State and local tax base.

So I would prefer a more deliberate process than this, but I think it is important to have some extension of the moratorium. The Senate will have an opportunity to look and craft this measure more carefully and see what the appropriate time limits are.

The much greater danger to the Internet that this bill does not address the problem that is raised by the gentleman from Georgia's bill to impose a 59.5 percent sales tax not as a State and local source of revenue, but as a Federal source of revenue, something about which I and other Members of our high tech advisory group as Democrats have strongly approved.

We feel that using electronic commerce as a source of Federal sales tax revenue poses a much greater potential burden, which this moratorium does not really reach. There is a lingering danger that Republicans, in their dogmatic zeal to junk the income tax code, will impose a new sales tax on all electronic commerce that adds 60 percent to the price of every purchase made online. We must both reject that bad idea and extend this moratorium.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

I will just comment on the gentleman's comments who previously spoke about a 60 percent or 59.5 percent sales tax just to point out his own Democrat staff on the Committee on Ways and Means estimates that the next year tax, revenue neutral, to be about 24 percent. He will pick the worst scenario.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## UNFUNDED MANDATE POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I have a point of order that I would like to make about the bill that is pending.

The SPEAKER pro tempore (Mr. SUNUNU). Since the Chair is about to declare the House resolved into Committee of the Whole, the gentleman is recognized to state his point of order.

Mr. CONYERS. Mr. Speaker, pursuant to section 425 of the Congressional Budget and Impoundment Control Act of 1974, I make a point of order against the consideration of the bill, H.R. 3709, the Internet Nondiscrimination Act of 2000. Section 425 states that a point of order lies against legislation which imposes an unfunded mandate in excess of $50 million annually against State or local governments. Page 2, lines 24 and 25 of H.R. 3709 contains a violation of section 425. Therefore, I make a point of order that this measure may not be considered pursuant to section 425.

The SPEAKER pro tempore. The gentleman from Michigan makes a point of order that the bill violates section 425(a) of the Congressional Budget Act of 1974.

In accordance with section 426(b)(2) of the Act, the gentleman has met his threshold burden to identify the specific language of the bill on which he predicates the point of order.

Under section 426(b)(4) of the Act, the gentleman from Michigan (Mr. CONYERS) and a Member opposed each will control 10 minutes of debate on the question of consideration.

Pursuant to section 426(b)(3) of the Act, after that debate, the Chair will put the question of consideration, to wit: Will the House now consider the bill in Committee of the Whole?

The gentleman from Michigan (Mr. CONYERS) is recognized for 10 minutes and the gentleman from Pennsylvania (Mr. GEKAS) will also be recognized for 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have made this point of order because it is necessary that we obtain additional information regarding the impact that the bill's unfunded mandate will have on State and local governments before we approve the bill. This is absolutely necessary. I would submit that not a Member of this body has any clear idea regarding how much this legislation will cost the States. The reason is, is because we have not had a single day or even a single minute of hearings on the legislation. We are flying totally blind. The Congressional Budget Office has taken a brief look at the issue and they have merely told us that it will cost the States upward of $50 million a year. But they have not told us how much more it will really cost.

I can tell my colleagues that the National Governors Association, led by

Republican Governor Leavitt of Utah, has estimated that a single provision in the bill eliminating the current grandfather clause concerning Internet access taxes will cost the States $85 million in the first year alone. In Texas alone, the provision will cost $50 million this year, and $200 million by the year 2004. This could translate into 4,000 lost teachers and police officers in Texas alone.

Mr. Speaker, I reserve the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield myself such time as I may consume.

The issue at hand, the point of order, is one that involves, as has been stated, the so-called unfunded mandates. The purpose of the rule that we have adopted for ourselves on unfunded mandates, the procedure, is one to inform the Members, to let them know that what they are about to consider and eventually cast votes concerning contains unfunded mandates. So that the procedure will follow its natural course, then when it comes time to consider the bill, the Members can vote up or down on the bill, keeping in mind and considering and placing weight as they deem fit, placing weight on the fact that there are unfunded mandates contained in the bill.

For that reason, we have already adopted the rule, we ought to proceed with the debate on the bill, and the Members will decide by voting on the bill finally whether or not unfunded mandates has anything to do with their final decision on the vote.

Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Could I ask the gentleman from Pennsylvania if he can tell us how much this bill will cost the States?

I yield to the gentleman from Pennsylvania for this purpose.

Mr. GEKAS. Yes, the gentleman can ask that.

Mr. CONYERS. Yes. Can the gentleman answer it?

Mr. GEKAS. The gentleman has no answer. The question is one that could be answered by saying, more than a few dollars.

Mr. CONYERS. I thank the gentleman for as precise an answer as he can muster at the moment. Could I also further inquire of the gentleman, have we had any hearings to help us with this particular problem?

Mr. GEKAS. If the gentleman will yield further, the gentleman has in his possession, I assume, because it is in the report, the CBO estimates concerning the subject. I cannot improve on the work of the CBO, much as I would like to.

Mr. CONYERS. The problem is really, have we heard from the governors of any of these States that will be affected in the course of the committee process?

I think that this point of order should lie ahead of time, Mr. Speaker, not after the vote. That is the whole point of a point of order under section 425, because it lies against legislation which imposes an unfunded mandate in excess of $50 million annually against State or local governments.

The cost of deferring consideration of the larger issue of the State tax simplification, which this bill effectively does, has been estimated as creating a State revenue loss of $20 billion per year, to say nothing of the private sector cost of complying with the complex State tax system. All of this lost revenue is going to have to come from somewhere, either in the form of reduced services such as police, fire and education, or increased income and property taxes. Neither is a very desirable policy outcome.

□ 1045

Now, I do not know if any of these estimates are correct or not, but I do know that we owe it to ourselves as legislators to learn the facts and determine the costs of the measure before we vote on it. Clearly, there is no rush concerning this matter. The current moratorium does not expire until October 21, 2001, 17 months from today.

I need not remind the Members that it was the majority party which passed the unfunded mandates legislation in the first place as the very first measure in the Contract With America during the 104th Congress. We were told with much fanfare that the Republican Party was going to stop passing mandates on the State, or, at the very least, we would be aware of the cost of a mandate before they enacted them.

Today, we will have an opportunity to see whether the majority will remain true to its promise to the States and the American people and uphold my point of order. We ought to look before we leap, and we certainly ought to know how much a bill will cost the States before we pass it.

Mr. Speaker, I urge Members to vote "no" on any effort to disregard this point of order and proceed with the consideration of the bill before us. I urge that the point of order be supported.

Mr. Speaker, I yield back the balance of my time.

Mr. GEKAS. Mr. Speaker, I yield back the balance of my time

The SPEAKER pro tempore (Mr. SUNUNU). The question is, Will the House now consider the bill in the Committee of the Whole?

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CONYERS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 271, nays 129, not voting 34, as follows:

[Roll No. 154]

YEAS—271

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Mollohan
Morella
Nadler
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Wamp

Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Young (AK)
Young (FL)

NAYS—129

Abercrombie
Ackerman
Andrews
Baird
Baldwin
Bentsen
Berkley
Berry
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Delahunt
DeLauro
Dicks
Doggett
Dooley
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Holden
Istook
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kennedy
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lipinski
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Moore
Moran (KS)
Murtha
Napolitano
Neal
Obey
Olver
Ortiz
Owens
Pascrell
Pastor
Payne
Peterson (MN)
Phelps
Pomeroy
Rahall
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Slaughter
Stark
Stenholm
Stupak
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand

NOT VOTING—34

Allen
Baca
Baldacci
Barcia
Campbell
Capps
Collins
Cubin
Deutsch
Dingell
Engel
Fattah
Fossella
Gephardt
Green (TX)
Hinchey
Houghton
Kanjorski
Kilpatrick
Lewis (GA)
Lucas (OK)
Mascara
Meek (FL)
Moakley
Moran (VA)
Myrick
Oberstar
Pallone
Rush
Turner
Waxman
Wise
Woolsey
Wynn

□ 1114

Ms. MCCARTHY of Missouri, Ms. SANCHEZ, Ms. BERKLEY, Ms. CARSON, Ms. MILLENDER-MCDONALD, and Messrs. CRAMER, MORAN of Kansas, and CROWLEY changed their vote from "yea" to "nay."

Mr. HINOJOSA and Mr. HOEKSTRA changed their vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. SUNUNU). The House will consider the bill in the Committee of the Whole.

Stated for:

Mr. PALLONE. Mr. Speaker, on rollcall No. 154, I was not present, due to a meeting called by the President at the White House. Had I been present, I would have voted "yea."

Mrs. CAPPS. Mr. Speaker, I was unavoidable detained earlier today and missed rollcall vote No. 154. Had I been here I would have voted "yea."

Stated against.

Mr. BACA. Mr. Speaker, I was unavoidably detained for rollcall vote No. 154. Had I been here, I would have voted no.

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□ 1115

## GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3709.

The SPEAKER pro tempore (Mr. SUNUNU). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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## INTERNET NONDISCRIMINATION ACT OF 2000

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to House Resolution 496 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3709.

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet, with Mr. SUNUNU in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from Michigan (Mr. CONYERS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that I may claim the time designated to the gentleman from Illinois (Mr. HYDE) as the proponent of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the 105th Congress, we passed a piece of legislation that led to this day. The purport of that Internet Tax Freedom legislation of that Congress denoted that a study would have to be performed in order to determine the future of our new world of Internet.

One of the strongest recommendations made by the commission, the report to Congress being embodied in this beautiful blue book which I now place before the Chair, one of the strongest commendations there and recommendations was for the extension of the moratorium that the first bill, the one to which I just alluded, included and which does not expire now until October 1, 2001.

The extension of the moratorium then is the core of the bill that is before us. It calls for a 5-year extension of the current moratorium. Why? Because that is what the commission recommended. Why did they recommend it? Because they were split on what different facets of the Internet world are going to carry with respect to access charges and all the other complexities having to do with Internet interstate commerce.

So the best of all worlds is to give the Congress and industry and business and telecommunications, to give them all time to sort this out.

Mr. Chairman, one thing that should be said to clear up things in anticipation of the debate that is to follow, this does not impact sales taxes as they now exist across the Nation. What we are talking about is a moratorium on Internet access charges, more than any other single facet of what is happening in the Internet world.

What might happen to sales taxes and other problems that are fomented at the outer edges of the Internet world will be topics of hearings that we will be conducting in the Committee on the Judiciary in the weeks to follow, even in this session.

So we are going to cover all the complexities that exist in this whole new world of exchange. But in the meantime, we are pressing for the main stem of this bill, which is a moratorium to extend 5 years beyond the current one.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure, the Internet Nondiscrimination Act, is not really what it seems, because it merely addresses the most trivial of the Internet tax issues, the extension of the tax moratorium, and kicks the can down the road, so to speak, on the real issues, State simplification and the defining of what activity creates the necessary nexus for sales tax under the Supreme Court decision in Quill rendered in 1992.

By extending the current moratorium for 6 years, more than two presidential elections from today, there is far less of an incentive for the States and Congress to deal with these far more important simplification issues. Indeed, there is a real risk that by 2006, many interests will become so dependent on the current system that it will become impossible to ever revisit the issue of State tax simplification.

There can be no doubt that the present State system, which this legislation totally ignores, is a serious problem. First, the complexity of the system is daunting. There are over 6,500 taxing jurisdictions in this country. The jurisdictions generally require separate collection, have developed overlapping definitions of goods and services subject to tax, specifying different sets of exemptions and audit systems.

Any retailer with a physical nexus to a State is subject to a myriad of confusing and complex State and local taxes.

The second point that needs to be made is that the legal uncertainty of the present system can be quite harmful, even for remote sellers because of the many questions left unresolved in the Quill decision. For example, would the mere presence of a computer server in a particular State constitute a substantial physical presence for State tax purposes? I do not know. How are purely electronic sales of books, movies, and sound recordings to be treated? We are not sure. Would the existence of a kiosk to place sales ordered through the Internet or a physical return facility constitute the type of physical nexus needed to establish sales tax collection authority? Who knows?

All of these issues can and should be addressed as a part of a comprehensive tax simplification effort, yet this will be far less likely to occur if we extend the present system to 2006.

I would also note that the process by which the bill has been considered is neither serious nor credible. There have been no Committee on the Judiciary hearings to obtain input from the interested or affected parties. Instead, our markup was scheduled on one day's notice, the bear minimum required under the House and committee rules.

This bill has been rushed to the floor waiving House rules specifying a 3-day layover requirement and against unfunded intergovernmental mandates.

So in my view, the entire process appears to have been more the result of partisan political considerations than sound policy, because why else would the Majority Leader announce the legislation is slated for floor consideration before the committee had heard from a single witness, or even scheduled a subcommittee full markup?

The majority appears to be using this legislation in a desperate effort to create the appearance of a serious high-tech agenda, even while they postpone and defer considerations of the larger issues.

It is ironic that the majority could claim to be a champion of the tax-free Internet at the same time that the chairman of the Committee on Ways and Means is proposing a new 30 percent Federal tax on sales transactions, including all electronic sales consummated over the Internet.

Later today, I will plan to support the Delahunt-Thune amendment, which extends the moratorium until the year 2003. Now, this approach will keep pressure on the Congress to deal with the more pressing problems of E-commerce and ensure that taxing authorities are not creating too many unwise toll booths on the Internet highway.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, sometimes I am not certain around here whether we are making progress or not, but we certainly are working on a very, very important issue. The other side, the minority, at times criticizes us for not working enough. Yet, today we are being accused of rushing legislation to the floor. I disagree with that viewpoint.

I think we are all aware of the Internet and its importance to the country. I think if we look at the record, Republicans have, in fact, been stalwart leaders in trying to bring the Nation as a whole into the Internet economy.

Mr. Chairman, I rise in support of H.R. 3709, the Internet Nondiscrimination Act. The Internet is the engine that has fueled this massive expansion in our Nation's economy. This is the "Internet Age" and America is leading the way in innovation and development of this vital sector of our economy.

This bill is important because it tells the government: "Keep your hands off the Internet." All too often we have seen the Federal Government stifle innovation and new technologies through heavy taxation and overburdensome regulation. We could cite the Justice Department's heavy hand in the Microsoft case, which is obviously causing serious tremors on Wall Street and is causing millions of Americans to lose a substantial part of their retirement savings because the equity values have been driven down because of the fear that innovation and technology improvements to society will be challenged by this Justice Department.

This bill will prevent States and localities from imposing access charges to the Internet. Many in this Chamber have received calls and letters from our constituents urging us not to tax the access to the Internet. This is in response to those thousands of e-mails and letters we have received from our constituents.

Allowing every taxing authority across the country to tax access to the Internet is the quickest way to destroy it, and certainly that is something that no one here wants.

I am concerned, however, about the effects this bill will have on the ability of States to collect sales tax revenue. My State of Florida is heavily dependent on sales tax receipts, as it does not have a State income tax. And I congratulate our State for not having an income tax.

Mr. Chairman, please understand, I do not favor taxes, sales or otherwise, that discriminate against the Internet. I supported the 1998 Internet Tax Freedom Act because I felt it was important at the time to give the Internet some room to grow absent the heavy hand of government. However, today we are facing a situation where businesses in my district and all across America are being discriminated against. If a person can evade sales taxes by making a purchase on-line, the small business on the street corner that sells that same product will, in fact, suffer.

The Internet is now thriving, and it is unfair to continue an unlevel playing field which gives Internet companies an advantage over the "brick-and-mortar" corner stores all across America. It is my hope that we can reach a compromise on this particular issue; however, I support the main intent of this bill, which is preventing the taxation of Internet access.

Mr. Chairman, I congratulate the gentleman from Pennsylvania (Chairman GEKAS) for his leadership.

□ 1130

Mr. CONYERS. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. NADLER), who is the ranking member on the Committee on the Judiciary.

Mr. NADLER. Mr. Chairman, today we consider a matter of vital importance to our Nation's future: how to nurture the development of the Internet commerce; how to provide a clear and predictable environment for e-commerce, free from multiple and discriminatory taxes, while at the same time protecting our local communities which need revenues to fund schools, to fund emergency services, such as fire and police, and hospitals, and so forth.

I take that balance very seriously. In New York Silicon Alley, which I am proud to represent, emerging high-tech firms are on the cutting edge of the new economy. They provide a vital new engine for economic growth and innovation. We need to foster that innovation and ensure its future.

For that reason, as the ranking member on the subcommittee, I took a leading role in seeking enactment 2 years ago of the Internet Tax Freedom Act, which provided for a moratorium on various taxes on the Internet and established a commission to recommend a rational, fair and predictable system of taxation that placed e-commerce on an equal footing with similar businesses.

The purpose was to ensure that the new economy not be stifled by multiple or unfair or discriminatory taxes, and that economic decisions in the private sector, insofar as possible, be made on economic, not tax avoidance grounds so as to maximize economic efficiency productivity, growth and fairness.

Mr. Chairman, unfortunately, the commission dropped the ball and could not agree on any approach. Rather than taking the time to deal with this important responsibility ourselves, we are faced today with a rushed piece of legislation that extends the moratorium, but fails to address the important questions of fair, nondiscriminatory taxation that will protect the new economy for multiple taxes, discriminatory taxes and other unfair burdens that could undermine the ability of the Internet to grow, prosper and continue as an engine for economic growth.

In fact, as was mentioned, the bill was rushed through the Committee on the Judiciary so quickly, on orders from the House Republican leadership, that we will not have time to hold any hearings until next week, after this vote is taken. First you vote on the bill, then you have hearings to find out what you are talking about. Is that any way to deal with something this important? Shoot first and ask questions later?

Are we doing e-commerce or our communities any favors by acting so rash and irresponsible a manner? There are 16 months left in the current tax moratorium. I think we could have taken a day or two to hear from the industry and other interested parties and experts to craft more comprehensive legislation before voting.

It did not have to be this way. Instead of pushing through a bill that will not provide predictability and long-term protection for e-commerce that ducks the major issue, Congress today punts by simply extending the moratorium and dodging the important questions.

These issues will not go away. State and local governments will need clear rules on what they can and cannot tax. E-commerce companies will need to know what their future situation will be. Main Street businesses need to know that they will not be placed at a competitive disadvantage. If we fail to address these issues, as this bill does, we may very well face years of complex and costly litigation before the courts straighten it out.

But we are not doing that today, we are voting on a press release today instead of legislation that would take some responsibility for the future of the Internet.

We need to deal with the sales tax issue, the nexus issue and the access issue once and for all. We do no one any favors by avoiding the hard questions as this bill does. That future is too important to play politics with. While I am disappointed with the incomplete legislation we have before us today, I am also determined to move the process forward in the hope when the time comes to vote on a conference report, the bill will address these important issues.

Mr. Chairman, I will vote for this bill today, knowing it is a terribly flawed product, hoping that before we have a conference report it will deal with the issues we are dodging today. If the conference report does not, a lot of us will have a lot of difficulty supporting such a flawed product.

Mr. GEKAS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I rise in support of this important legislation. Let me share some interesting statistics with my friends and colleagues. One-third of all economic growth today results in the new economy based on technology. High-tech wages are 77 percent higher on average than the other private sector jobs; 37 million Americans access the Internet every day. Clearly, the new economy offers great opportunity for all Americans.

Mr. Chairman, I am proud to say that Illinois is a high-tech State. Illinois ranks fourth today in technology employment. We rank third in technology exports. This issue is important to the people of Illinois, and it is a simple bill. We are just saying, no new taxes on e-commerce. No new taxes; pretty simple message.

The U.S. Department of Commerce estimates that the number of new websites and Internet users doubles every 100 days. This issue is whether or not we impose any new taxes on Internet and e-commerce sales.

Let us remember traditionally that government has always been very creative in finding new ways to tax. We are just saying no new taxes.

At a time when the new economy is growing so strongly, creating one-third of all the new jobs, we want to keep it growing. I am proud that Illinois has been leading the way. I am proud that Illinois made the statement 2 years ago that it will not tax Internet access charges subjecting them to the State's sales tax, the telecommunications tax.

Illinois has already led the way, and we are following the lead of States like Illinois, because Illinois wants a growing new economy. The new economy is growing today because we have a simple agenda here in this Congress. The majority wants a tax-free, regulation-free, trade barrier-free new economy and because of that, it is growing, creating new opportunity for millions of Americans.

There is no excuse for delay. We are hearing lots of excuses because some people want to tax the Internet. No more excuses; no new taxes. No new taxes on the economy. Let us vote aye.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from North Carolina (Mr. WATT), a member of the subcommittee.

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member of the Committee on the Judiciary for yielding me the time.

Mr. Chairman, let me be clear that I originally supported the appointment of a commission and the original moratorium, because I thought the whole issue of how we tax Internet sales was a very, very complicated issue which had substantial implications for commerce, as well as substantial implications for local governments and their ability to support initiatives at the local level.

I thought that we could not in the Committee on the Judiciary make a quick judgment about how to create a level playing field between brick and mortar stores and e-commerce sales.

The Commission has failed in my estimation, and I think we do need some kind of extension of the moratorium. I do not think that 5 years is an appropriate extension. I think it is way too long to extend this moratorium, because what we have in addition, related to the moratorium itself, is a companion issue which deals with how we create a level playing field between retailers and other businesses that are operating in brick and mortar stores and people who are selling over the Internet.

Right now, brick and mortar stores are at a competitive disadvantage because they have to collect local sales taxes. In many cases, e-commerce is able to evade those local sales taxes, and that puts brick and mortar stores at a competitive disadvantage.

So if we are going to create a level playing field for both e-commerce and brick and mortar local retailers, we need to deal with how we do that at the same time we deal with the extension of the moratorium. To delay how we create that level playing field for 5 or 6 more years, actually 6 more years, not just the 5-year extension, because this 5-year extension does not pick up until a year from now, we are talking about a 6-year extension of a moratorium that really puts in place an unlevel playing field for that 6-year period.

I think that is terribly unfair to our existing brick and mortar stores in our communities. It is terribly unfair to local governments who rely on the ability to tax to support their activities.

So I hope my colleagues will oppose this bill and support the Delahunt amendment.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, the beauty of the Internet economy is that there is almost no limit to what one can accomplish if one has access to it. E-commerce offers every citizen the chance to be an entrepreneur and to pursue the American dream. It puts

David on a level playing field with Goliath, giving the smallest mom and pop business the opportunity to reach the same customers as the industry giants.

Our responsibility as elected leaders is to knock down any barrier that unfairly denies Americans the chance to participate in this new economy, whether it is access charges or double taxation of on-line purchases or the ancient sales and use tax laws that some want to resurrect for Internet sales.

The measure before us would provide a 5-year extension of the moratorium on new taxation of the Internet. This moratorium is America's first line of defense against unnecessary government intrusion in the new economy. It is essential to preserving the evolution of the Internet and making it accessible to every citizen.

Mr. Chairman, no one can say with certainty where the Internet will lead us or which opportunities it will yield. But we do know the Internet is working for America, and we know it is that freedom that is what is making the Internet work.

I urge my colleagues to support this bipartisan bill.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Subcommittee on Commercial and Administrative Law. No one has worked harder on this than him.

Mr. DELAHUNT. Mr. Chairman, last year, in 1999, State and local governments lost $525 million in anticipated sales tax revenues on e-commerce or so-called Internet sales. Researchers from the University of Tennessee estimate that on-line sales will grow to $200 billion by 2003. Unless there is a system that is in place that enables the States and local governments to require out of State merchants to collect taxes on their sales to in-State residents, they will lose more than $20 billion annually by 2003.

This chart on my right lists all 50 States in their projected sales tax revenue losses for the single year of 2003. Some examples are instructive. Florida will lose $1.4 billion in sales tax revenue. Texas will lose more than $1.7 billion in revenue.

It is important to note, by the way, that Florida relies upon the sales tax for 57 percent of its total revenue, and Texas relies upon the sales tax for 51 percent of its total revenue.

It is easy to imagine how these kinds of losses affect a State or local government's ability to provide for basic services such as police and fire protection or a viable educational system. They will either be compelled to cut back these services or more likely raise income taxes and/or property taxes. No way will this underlying bill cut taxes. It is important to be clear about that. At best, it will only shift them.

Now, how do we get to this point, where the States are forced to deal with ever-increasing shortfalls in anticipated sales tax income? Well, in 1992, the Supreme Court ruled that a State could not compel an out-of-State business to collect the sales tax for a product or service sent into that State. This inability to collect from out-of-State merchants coupled with the dramatic but very recent explosive growth of e-commerce has created a serious fiscal problem for State and local governments.

Furthermore, this issue is not just about declining sales tax revenues to State and local governments, it disadvantages small business as well. Those merchants in our neighborhoods and communities that make up our local Chamber of Commerces, how can they compete when there is no sales tax parity.

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One can imagine deserted shopping malls and empty storefronts downtown. The digital divide should not be extended to American business or to those who patronize them. We will have two classes of American consumers and two classes of American business and no level playing field for either.

The States understand these issues, and by their own initiative, have formed the so-called streamlined sales tax project. Let us leave it to the States.

Mr. Chairman, later on, I will submit an amendment that will reduce the 5-year underlying proposal to 2 years.

Mr. GEKAS. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this sales tax debate is very interesting. In fact, we are going to continue that debate with hearings in the Committee on the Judiciary soon. But as far as this legislation today is concerned, it is nothing more than a red herring attempt to divert the attention of this Congress and the American people from the task we have at hand today, which is to protect folks like the young students that were at our E-contract 2000 press conference with the majority leader a little while ago, who themselves, 15-year-old kids, said do not put taxes on access to the Internet.

That is what this bill is about, keeping some of the most unfair, most regressive taxes, taxes that hurt the lowest income Americans from being imposed on the Internet and denying those people the opportunity to participate in the information age, the educational opportunity, the opportunity to shop on-line. When we allow States or other entities to impose those taxes, they hurt the lowest income people the most, but they hurt the Internet, which is benefitting the United States as well.

It is vitally important that we take a very, very cautious approach towards allowing taxes of any kind on the Internet, because the Internet is the engine causing our economy to grow. Nearly half of the growth in our economy is attributable to the high-tech industry, and the Internet is the engine that is driving that growth.

We have, so far, been very successful in encouraging 135 nations around the world, members of the World Trade Organization, from restraining this impulse to put more and more taxes onto the Internet. And that is what we are trying to do today, is to set an example for the States, but, even more importantly, for the rest of the world; that as this economy grows, we not tax it to death.

There is a saying here in Washington that when government sees something moving, they try to regulate it to death. If it keeps moving, they try to tax it to death. And then, of course, if it stops moving, well, then they subsidize it. That is not the model for the Internet. We have been able to keep it free of taxes, we need to continue in that direction.

This is a great first step in that direction, and I urge my colleagues to reject amendments that would shorten this extension of the moratorium of 5 years and to reject amendments that would eliminate the provisions in this bill that take out the grandfathered States.

Let us be fair to everybody and let us reject the idea that this has anything to do with the States collecting their sales taxes. It does not. It is simply a way for us to protect American citizens from unfair and discriminatory taxes on the Internet.

I urge my colleagues to support this legislation and reject these amendments that are going to be offered.

Mr. Chairman, I submit the following letter to the Speaker from the Governor of Virginia in the RECORD:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
*Richmond, VA, May 9, 2000.*

Re: H.R. 3709

Hon. J. DENNIS HASTERT, Speaker of the House of Representatives, Office of the Speaker, House of Representatives, Washington, DC.

DEAR SPEAKER HASTERT: Thank you for your efforts in moving H.R. 3709 to a floor vote tomorrow. You and Majority Leader Armey are to be commended for the leadership you have demonstrated in moving the Advisory Commission on Electronic Commerce's recommendations from concept to swift legislative action. The people of the United States can be proud of your efforts on their behalf.

Please extend to your colleagues in the House my encouragement to vote for H.R. 3709 in its current form. Congressman Cox and Congressman Goodlatte have crafted a bill that will protect millions of women and men who use the information from unfair and discriminatory tax burdens and from taxes on their monthly Internet access charges.

The extension of the moratorium against "multiple and discriminatory" taxes targeted at the Internet is necessary to protect the Internet from tax and regulatory burdens that will inhibit full growth of the Internet. In the words of President Reagan, "The government's view of the economy could be summed up in a few short phrases: If it moves, tax it. If it keeps moving, regulate it. And if it stops moving, subsidize it." What's moving in the Internet Economy are bits and bytes and electrons of Internet through cables and wireless satellite connections—and the moratorium presented in H.R. 3709 is necessary to protect government's inherent appetite for more revenues even during times, such as we enjoy today, of economic plenty.

The prohibition against taxes on monthly Internet access fees is necessary to reduce the financial burden on working men and women and families who want to log on the Internet. This is crucial for several reasons. First, America's policy should be to encourage all Americans to log on the Internet and empower their lives with access to all of the social, educational and economic opportunities located on the world wide web. Second, a prohibition against taxes on Internet access would reduce the price of Internet access and thereby help close the "digital divide." Third, Americans already pay a tremendous tax load to log on the Internet because of the taxes they pay on telephone and cable lines they use to connect to the Internet.

Moreover, these basic tax protections are necessary if the people of the United States are to realize all of the social and economic benefits promised by the Internet and if the United States is to maintain its economic dominance in the Information Economy.

For all of these reasons, I encourage the House to pass H.R. 3709 tomorrow.

Very truly yours,

JAMES S. GILMORE III,
*Governor of Virginia.*

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma (Mr. ISTOOK), a real States' Righter.

Mr. ISTOOK. Mr. Chairman, I thank the gentleman for yielding me this time.

I have had a personal computer on my desktop for over 15 years, using it daily, watching it become an important part of work, of entertainment, of information gathering, of finding out the news, of doing research. I use it constantly. And I hear people say, well, do not tax the Internet. Okay, that is fine. I do not want to tax the Internet. But I do not hear those same people saying do not tax telecommunications, do not tax department stores, do not tax clothing stores. Where is the principle of fairness and consistency?

If we tell businesses that by hooking up with the Internet they gain exemption from taxes, competitive pressure means all businesses will work through the Internet to exempt themselves from taxes. But we are not talking about Federal taxes that we are deciding. We are taking away the ability of our States and our communities to have the tax base that pays for schools, that pays for roads, that pays for police, that pays for fire protection.

Do not tell me to not tax the Internet unless we want to also say we will not tax telecommunications. Get rid of all of them. My cable modem at home comes through our cable TV provider. There is a tax on it. Do we say we will grandfather that one in, but if California or somebody else wants to do the same thing, they cannot do it? There is no principle of fairness, no principle of equality.

We have traditional businesses. They have been in our communities. They have sponsored little league teams, they have picked up trash by the side of the road. They have helped with the PTA and school plays. But we say we do not care about them because there is a new kid in town that looks mighty attractive to us and we only care about them.

Now, I realize this bill purposefully evades the big issue, which is equal treatment of collecting sales taxes. And people say, oh, well, we will worry about that later. Yeah, after 5 more years, on top of another year and a half to go. Justice delayed is just denied. Decisions delayed are decisions denied.

Mr. Chairman, we need the principle of fairness, and we should not take the easy decision. We are going to eat our dessert, but we are never going to deal with eating our vegetables. Let us put the decisions all in one, as we did in telecommunications reform, as we did in financial services reform. We should not put off the tough decisions.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I just want to say that I have gotten more mail on this issue than any other, other than satellite television, in the last 16 months, and this is a classic letter:

"Dear Mr. Walden, I am a registered Oregon voter who uses this service of long-distance e-mail often, and I do not think it is right for the U.S. Postal Service, telephone companies, or any other entity to tamper with a person's right to free Internet e-mail. I am posting my no vote with you, my State representative. Thank you, sincerely, Mrs. Marilyn D. Icenbice of Klamath Falls, Oregon."

She is right. We are going to stop that and prevent that from occurring.

And let me talk a minute about temporary taxes. There is a temporary tax on our phone right now that was put in place to fund the Spanish-American War. Like my colleague from Oklahoma just talked about some of these taxes, we are going to get rid of that one, later this month, hopefully.

So a temporary tax never goes away. And if we allow the Internet to get caught up in that, we are in real trouble. Because the Internet and high-tech has been the economy that is fueling what is going on in terms of growth in America. Not in all sectors, but certainly an important sector. And we can do the best to expand the Internet into rural areas, like my district, by keeping it tax free.

I urge my colleagues to support this moratorium.

Mr. CONYERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a member of the subcommittee.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank those who have come to the floor to debate this issue because it requires debate.

In fact, I would have wanted us to have deliberative hearings in the Committee on the Judiciary, as the Committee on Commerce has proceeded in hearings, to really answer the questions and concerns that are expressed about the Internet by the proponents of this legislation and to address the crucial issues as evidenced by those who oppose.

I listened to a previous speaker who indicated that there are 37 million individuals who access the Internet every day. Well, there are 17 million citizens, approximately, in the State of Texas who are not able to speak for themselves when this legislation will cause them to lose $50 million a year in Internet access taxes, or almost 51 percent of their revenue with the loss of $1.7 billion.

Mr. Chairman, I do not understand why we would move so precipitously to pass this legislation when there is still 18 months left on the present moratorium and to eliminate States, such as Montana and Ohio and Texas, those people who depend upon that revenue for education and health care services, that we would eliminate their opportunity to continue their structure of taxation.

In fact, Texas has stopped, or at least Texas has exempted the first $25 per month in access fees from taxation. They have structured their own taxation structure. But yet we come, without any hearings, to eliminate the opportunity for those States to continue to assess those fees and to receive revenue.

I would argue that we are way beyond where we should be. We realize that the Internet can be expected to generate $350 billion a year within the next 2 years for electronic sales. That is the reason why we must do a measured and decided study on what we do.

I support the Delahunt amendment. I have an amendment to include the grandfathered States. This is a bad bill the way it is. We are moving too quickly and we are hurting a lot of people.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Chairman, this is indeed a defining moment. We are really separating ourselves into two different camps here.

On one hand, we see those who see a digital divide. On the other hand, we see those who see a world of digital opportunities. On one hand, we see people who think the world is all about a zero-sum game of stagnation and redistribution. On the other hand, we see people who understand the world is about growth, development, innovation, jobs, new products and new discoveries in our life.

Mr. Chairman, the fact of the matter is every State, every municipality in America knows that high-tech America is a world of digital opportunity, where there is economic growth, there is a new firm every day, there is a new idea every day, there is a new product every day, and every one of these communities, all flush with cash, are offering digital America whatever tax concessions they can to come locate in their State, come locate in their city.

They promise a tax break because they know what economic growth, increased jobs will do to improve their schools, to improve their community. Clean economic growth. High-tech members of the community. Good citizens all. Every one of our States wants them. But, as soon as the States then turn their attention to milking that cash cow that they worked so hard to bring, then they say, well, we really have a zero-sum game here. Now we need to have discriminatory taxation against this very same institution called high-tech America.

This Congress says we are for growth. We are for development. We are for the increased job opportunities and the better community that every one of these communities seeks when they go to a high-tech firm and they say come locate here. And my colleagues all know we do it.

Now, one final point. Mr. Chairman, I am from Texas, and Texas was grandfathered in for sales taxes. And I am in support of this bill, even with the removal of the grandfathering States. Why? Because Texas is better served by growth, economic development, expansion, invention, creativity, innovation, discovery and the wonder that comes with high-tech America than they are served with the paltry little bit of sales tax increase they can get by applying discriminatory taxation to the driving engine of the American economy.

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Mr. CONYERS. Mr. Chairman, I am pleased to yield 2½ minutes to the gentleman from Texas (Mr. DOGGETT.)

Mr. DOGGETT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, the economic dream of America is still alive and well in Central Texas. A business can begin in a dormitory room, as Dell Computer did, or in a garage, as hundreds of start-ups in our community have done, and can grow into a multi-million dollar publicly traded corporation.

This is an old principle of America that has now been applied in what we call the "new economy". And if these start-ups, some of which are very small, struggling companies before they become big prosperous companies, are overburdened with having to file tax returns as thick as a telephone directory in some 30,000 jurisdictions across the country, we will stifle the growth of this new economy.

That is why I was an early supporter of the Internet Tax Freedom Act and why I will vote for this Internet Nondiscrimination Act.

I also believe that there is great merit in permanently banning all forms of taxation that could be imposed on use of the Internet itself, on getting on the Web. We have seen that the Europeans have slowed the growth of electronic commerce in their countries because it costs too much and they get taxed too much even to get access to the World Wide Web. Let's "free the web" of taxes throughout America.

I believe that a tax-free zone on the Internet will encourage the growth and stimulation of this new economy and all the innovation, the associated creativity that holds so much promise for the future of America.

But I also know that our new economy has boomed in Central Texas, largely because of entrepreneurial skill, an educated workforce, and a quality of life with some secure neighborhoods, and environmental awareness. If we do not have the local tax base to provide a police department, if we have to rely on a virtual fire department, if we cannot get the resources to upgrade our workforce and our public education system, then our new economy will suffer just as much as if we are overburdened with taxation.

Texas has some of the highest access charges in the country. I do not know why some of our State Republican leaders, who have offered so much pro-technology rhetoric, have not worked to repeal those taxes, but they have not. And, so, we are doing that in this bill.

The Internet Tax Freedom Commission failed in its responsibility to balance these conflicting concerns.

In short, what I would say today is that a good concept is being applied in this bill in a bad way, it is being rushed through not to help the Internet but to help in the next election. The desire is to mislabel Democrats as being pro-tax and anti-tech. That is wrong.

We should be coming together to resolve this issue, not having the kind of electoral grandstanding that is occurring here.

Further, there is a danger that an extended moratorium will open the door to the 59.5 percent Federal sales tax that the gentleman from Georgia (Mr. LINDER), who was just out here, and too many Republicans have been advocating.

Republicans are advocating replacing the Income Tax Code with a 60 percent tax on every Internet transaction. That would be a real setback.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for giving me this opportunity and for his leadership on this issue.

Mr. Chairman, we have just heard a lot of rhetoric. And that is what it is. It is rhetoric. It is not fact.

E-commerce is a vital building block in America's future. We are being told that the changes in the next decade will quickly overshadow the changes of the 1990s. Think about that. We are going to overshadow this progress that we have made in the last decade in a couple years. And it has been hard for me to fathom the changes that we have seen in just the last few years.

What should we do? My father was an 8th-grade-educated steelworker but wise beyond his formal education. When I got in government, he said to me, Son, when you get in government, first do no harm. Do not get in the way. Do not stop progress. Do not let government overregulate, control, or tax success that is the major force in growing our quickly changing economy in this society.

If we want something to slow up, tax it. If we want something to stop growing, tax it some more. If we want something to go away, tax it again and regulate it.

What should we do? Well, I was a bricks-and-mortar retailer for 26 years. We heard their defense today. If I were a retailer today, I would be using e-commerce to expand my business, not for defense.

By using the Internet, every American entrepreneur has the chance to go to a global marketplace without building further infrastructure. We must try to get everyone to understand the potential of the Internet, that is where we need to put our time, and teach them how it use it, promote access, and make sure they all have the fast pipeline, that they can use the Internet in the most efficient way.

Let me tell my colleagues what we have not heard enough talk about is adjusting our educational system to the high-tech society of today. We are not preparing the workforce of today for the technology jobs of today. Hundreds of thousands, if not millions, of jobs are going begging in this country, good paying jobs, because we are not up to speed with the technology changes.

So let us keep government out of the way, what we are doing with this legislation; let us not promote and allow further taxation to stop this growth; let us have incentives to educate the public so they understand how to use it and benefit from it, incentives to expand the pipeline so everybody has the high-speed pipeline; and last, but not least, drastically look at our educational system and expand technology education in this country by big numbers, because the academic system we have is not training people for the high-tech jobs of today, and the companies that are growing and paying the taxes that will fund our governments need high-tech workers that we need to make sure are available for their future.

Mr. CONYERS. Mr. Chairman, I am pleased to yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, in October of 1998, we overwhelmingly passed the Internet Tax Freedom Act, a law to keep the heavy-handed government taxes off the Internet. We passed this law because we all know that if we overburden e-commerce by taxing it, it will never achieve its full economic potential.

This 3-year moratorium has worked. Over the past years, the growth of Internet use has been tremendous. The number of Internet users doubles every 100 days according to the U.S. Department of Commerce and accounts for 15 percent of our total economic growth.

Many of us are talking about closing the digital divide. What better way to make the Internet more affordable for everyone than by extending this tax moratorium.

With the rapid growth of the Internet and the economic benefits that it brings, use of the Internet should not be restricted by multiple and discriminatory taxes. That is why this legislation to extend the Internet tax moratorium for 5 years is so important.

I urge my colleagues to support this important legislation.

Mr. GEKAS. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. DAVIS).

Mr. DAVIS of Virginia. Mr. Chairman, the Internet is the most empowering invention since the printing press. It allows individuals now when they go to buy things to have the buying power that was once reserved for retailers.

Mere students at the elementary school level can now have access to information that was once reserved for educational elites and kings and princesses. This will empower people to make better decisions and help their own lives.

Yet, we still have a digital divide in this country where too many people do not have access to the Internet, their kids do not have access. The challenge to us is that this gap between the rich and poor, which has been widening, will not widen further with the growth of technology.

This moratorium is an effort to bridge this digital divide by saying we are not going to put taxes on this and people who cannot afford this today are not going to be priced out of the market by excessive governmental taxation. That is all this does. And for 5 years it gives us the opportunity for businesses to make their plans over that time.

It does not address the sales tax issue. That is a constitutional issue. It was raised in Quill v. North Dakota. This Congress can address that any time it wants to come back, or it can be addressed through the courts. But it does say that we are not going to have over 7,000 different local taxes and fees relating to the Internet all over this country, that we are not going to do the usual philosophy that if it moves, we tax it, if it keeps moving we regulate it, and when it stops moving we subsidize it.

We are going to allow the entrepreneurs and the businesses that have built this Internet and that have programmed the software that has made this available to the average citizen's fingertips, we are going to allow them to keep on doing what they have been doing and grow the economy.

There is no question we are due for a tax overhaul in this country. The information revolution changes the whole paradigm in terms of how people make wealth. At the local level, it is still measured in property taxes. I spent 15 years in local government. The property tax no longer gives us the financial ability in many jurisdictions to raise the money for education and public safety and the like.

Wealth has moved into knowledge, and this is something for over the long term as we address our IRS Tax Code. That is why I move that we try to scrap the Tax Code and rethink how we tax people. But this is a signal to all of the entrepreneurs and businesses out there in making their plans that the Internet is off limits for State and local governments over the next 5 years.

They are already getting increased receipts as a result of the development of the Internet. Every new phone line that comes in, there are access charges related to that. Phone bills that go in, those are Internet fees. They are paying that to State and local government. Sales of equipment. My colleagues do not think they have sales taxes on the sales of equipment and the like? Electric bills. The new employees that are created pay all different kinds of taxes.

Revenues are up at the State and local level, and a lot of this is because of the Internet. If we put a tax on top of this, it not only hurts us domestically but it hurts us across the globe.

America is 5 percent of the world's consumers. Ninety-five percent of the world's population lives outside the United States. If we start taxing it here, we start talking about destroying the goose that laid the golden egg. That is the end of American dominance of the world economy on the Internet.

Mr. Chairman, I rise today as an original sponsor and enthusiastic supporter of H.R. 3709, the Internet Nondiscrimination Act. With Internet use and global electronic commerce growing at an astronomical pace, it is inarguable that the Internet is emerging as the most unique and the fastest-growing tool of communication known to mankind. The Internet facilitates not only economic growth but the easy dissemination of ideas and information from almost any spot in the world. We are at the tip of the iceberg in terms of the potential that the Internet can offer both cheaply and quickly.

Yet an ever-present concern plagues many of us who understand the need to foster the Internet's continued growth: the government interference in the electronic marketplace—whether it be through regulation or tax policy—will create barriers that interfere with the transformation of the Internet into the repository of global communications and commerce for the 21st century.

Two years ago, we recognized that state and local taxation in electronic commerce would require a thorough analysis before we could formulate a balanced and restrained federal policy on the taxation of goods and services sold over the Internet. While most of us agree that regulation of the Internet would hinder technological innovation and economic growth, we also understand the legitimate needs of state and local governments who use sales tax revenue to fund services for their citizens. We enacted a 3-year moratorium on Internet access taxes and multiple and discriminatory taxes on goods and services sold over the Internet. We also created the Advisory Commission on Electronic Commerce to begin that process and identify all of the integrated issues that arise in the context of taxation and the Internet Economy.

As we all know, the Commission reported its findings and proposals last month. While the Commissioners could not agree on a way to resolve the thornier issues of sales and use taxes and Internet access charges, among others, they did provide a critical basis for us to continue discussing how we prevent Internet taxation from discouraging every American's access to the Internet and inhibiting electronic commerce. And among their recommendations was a proposal—supported by a majority, 11 out of the 19 Commissioners—to extend the current moratorium on those types of taxes for another 5 years.

I understand that some of my colleagues believe the moratorium should not last as long as 5 years and others believe that we have to address this important issue in a comprehensive manner. To the latter concern, I wholeheartedly agree—this issue needs to be resolved in a methodical and holistic manner. But we need to implement a realistic time frame that will allow us to resolve each and every layer of the problems presented by taxation in a digital world.

This problem cannot be about politics. It cannot be about one side fighting at all costs for victory over another. 56 percent of U.S. companies will sell their products online by 2000. The Internet Economy now accounts for 2.3 million jobs. Global Internet commerce has generated nearly $145 billion in revenue since

1998. The U.S. not only has the fastest-growing number of Internet users, but the largest proportion of e-commerce consumers.

How we address Internet taxation without hindering Internet access and expansion is one of the most important long-term economic policy decisions that our nation will make. That is why a 5-year moratorium is critical. I want to congratulate my colleague, Congressman Cox for his steadfast and outstanding leadership on this issue. I urge all of my colleagues to support H.R. 3709 and oppose any amendments that weaken the extension of the Internet tax moratorium.

Mr. Chairman, I urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, how much time remains on each side, please?

The CHAIRMAN pro tempore (Mr. NETHERCUTT). The gentleman from Michigan (Mr. CONYERS) has 7 minutes remaining. The gentleman from Pennsylvania (Mr. GEKAS) has 10½ minutes remaining.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I include for the RECORD the following editorial from the Washington Post dated today, May 10, 2000:

### A DEMAGOGIC BILL

The House is scheduled to vote today on a five-year extension of the current "moratorium" on Internet taxation. The extension is deceptive legislation that in the short run doesn't do what most people think and that in the long run could do real harm. The measure does not ban state sales taxes on e-commerce—transactions over the Internet. But it sounds as if it does, which suits the sponsors just fine.

They pose as champions not just of a tax haven but of a technology in which America leads the world (and of an industry that has become a major source of campaign donations). Not to worry that the electronic commerce they embrace poses a serious threat to the sales tax base of the states whose interests they also profess to champion. That is another day's problem.

Not all members were prepared to join in the grandstanding. "When it's convenient, we all give lip service to the 10th Amendment, pledging allegiance to local and state government rather than federal control," Rep. Ernest Istook said in a letter addressed mainly to his fellow Republicans. "Yet this week there is a rush to trample that 10th Amendment, hoping to buy favor with a select few groups." "Who will educate the Internet entrepreneurs of tomorrow, if the state and local tax base is destroyed," he asked. "The Internet should not be singled out to be taxed, nor to be freed from tax."

What the bill actually imposes is a moratorium not on electronic sales taxes but on taxation of access to the Internet, the monthly changes from AOL and similar providers. States remain free to levy taxes on Internet sales. Their problem is that they often can't collect them. The Supreme Court has ruled that they can't require out-of-state sellers to do the collecting for them in the same way they do in-state merchants. The threat, as more and more commerce shifts to the Internet, is not just that the states will lose revenue but that traditional merchants will be placed at a competitive disadvantage. The disadvantage could have the effect of accelerating the shift to the Internet, in which case the process will feed on itself.

The answer is for the states to make their tax codes more uniform—not the rates, but the definitions: what constitutes food, for example, which is often exempt. Then Congress should authorize an interstate compact, under which sales taxes on e-commerce could easily be collected and remitted by computer. The National Governors Association is working toward such a result, which the Supreme Court would likely countenance. Instead of a show vote such as this, implying that it opposes such an outcome, the House should cast a vote in favor of it. The harm in this legislation is not what it actually does but in the commitment it implies—that the Internet will be tax free. Mr. Istook asked the relevant question. If his colleagues persist in undercutting the sales tax, are they "ready to replace it with some form of federal revenue sharing for states and communities?" No is the answer. No should be the answer to this demagogic bill as well.

Mr. Chairman, I also include the following letters for the RECORD:

*April 12, 2000.*

Hon. TRENT LOTT,
*Majority Leader, U.S. Senate, The Capitol, Washington, DC.*
Hon. THOMAS A. DASCHLE,
*Minority Leader, U.S. Senate, The Capitol, Washington, DC.*
Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives, The Capitol, Washington, DC.*
Hon. RICHARD A. GEPHARDT,
*Minority Leader, House of Representatives, The Capitol, Washington, DC.*

DEAR SENATOR LOTT, SENATOR DASCHLE, SPEAKER HASTERT, AND REPRESENTATIVE GEPHARDT: We are writing to urge support for a fair and equitable system to ensure that all Main Street retail stores and Internet commerce can compete on a level playing field and to ensure that all Americans can join us in supporting the Internet as part of our new economy. Unfortunately, the Advisory Commission on Electronic Commerce (ACEC) proposal that was included in the Internet Tax-Freedom Act (ITFA) commission report, but failed to attain the two-thirds majority required by the Act, does the opposite. Instead of addressing the requirements laid out in the law to recommend a new state and local sales tax system to provide for fairness and balance, the proposal chose to use this opportunity to seek a host of new and expensive special tax breaks. We urge you to reject the report.

As stated in the duties section of the legislation the commission was to "conduct a thorough study of federal, state, local, and international taxation and tariff treatment of transactions using the Internet and Internet access and other comparable intrastate, interstate, or international sales activities." The commission proposal did not focus on Internet transactions, but instead made a recommendation that would reduce other existing state and local tax revenues by over $25 billion per year.

Not only would the proposal eliminate existing sales tax on such items as books, movies, music, and magazines that are sold in local "bricks and mortar stores" but also would substantially reduce existing state corporate income and property taxes. The proposal, with a revenue loss of that magnitude, would disrupt the financing of state and local services and likely devastate education funding, which represents over 35 percent of the average state budget. Furthermore, instead of creating a level playing field for all sellers, it would put the federal government in the position of both picking winners and losers and also making the current digital divide more severe.

The most important reason for us to oppose this proposal is that it would substantially interfere with state sovereignty. The U.S. Constitution was very clear in both ensuring state sovereignty and creating a critical balance between federal and state authority. For well over 200 years the federal government has respected state sovereignty and has been extremely careful not to interfere with the states' ability to independently raise revenues. This proposal would dramatically undercut this precedent.

It is hard to think of any more fundamental responsibility of governments and elected officials in our nation than that of determining which taxes and fees are utilized to pay for the services that our citizens want and need. State and local governments rely on sales, property, and income taxes—no two the same, reflecting the enormous diversity of our nation. This proposal would intrude very deeply into the rights and responsibilities of state and local governments.

Sincerely,

Michael O. Leavitt, Chairman, Utah; Parris N. Glendening, Vice Chairman, Maryland; Thomas R. Carper, Delaware; Christine Todd Whitman, New Jersey, Paul E. Patton, Kentucky; James B. Hunt, Jr., North Carolina; Jim Geringer, Wyoming; Bill Graves, Kansas; Don Sundquist, Tennessee; Jane Dee Hull, Arizona; Mike Huckabee, Arkansas; John Engler, Michigan; Tommy G. Thompson, Wisconsin; Frank O'Bannon, Indiana; Kenny Guinn, Nevada; Dirk Kempthorne, Idaho; John A. Kitzhaber, M.D., Oregon; Carl T.C. Gutierrez, Guam; Cecil H. Underwood, West Virginia; Mike Foster, Louisiana; Benjamin J. Cayetano, Hawaii; Jesse Ventura, Minnesota; George H. Ryan, Illinois; William J. Janklow, South Dakota; Tom Vilsack, Iowa; Angus S. King, Jr., Maine; Pedro Rosselló, Puerto Rico; Gary Locke, Washington; Lincoln Almond, Rhode Island; Bob Taft, Ohio; Ronnie Musgrove, Mississippi; Mike Johanns, Nebraska; Marc Racicot, Montana; Howard Dean, M.D., Vermont; Tom Ridge, Pennsylvania; Tony Knowles, Alaska.

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COMMONWEALTH OF PENNSYLVANIA,
OFFICE OF THE GOVERNOR,
*Harrisburg, PA, April 12, 2000.*

Hon. TRENT LOTT,
*Majority Leader, U.S. Senate, The Capitol, Washington, DC.*
Hon. J. DENNIS HASTERT,
*Speaker of the House, House of Representatives, The Capitol, Washington, DC.*

DEAR SENATOR LOTT AND SPEAKER HASTERT: I understand that Congress may soon consider proposals addressing the Internet Tax Moratorium set to expire next year. Technology has been a central focus of my administration since I took office 5 years ago. From education to public safety, our commitment to information technology is helping Pennsylvania to remain competitive in the global economy and preserve the high quality of life in the Commonwealth. Internet based commerce is changing the face of how we do business in Pennsylvania and providing rapid access to a whole new world of information.

To foster the electronic boom I support an extension of the current Moratorium on access, multiple, or discriminatory taxes. The

Internet has been growing at a record pace and I believe the moratorium has facilitated that process by assuring that commerce over the Internet is not singled out and taxed in new and creative ways. That is why I proposed and the Legislature approved a repeal of Pennsylvania sales taxes on computer services as well as a tax prohibition on Internet access charges. More recently, in my 2001 budget, I have proposed a Sales Tax Holiday for Commonwealth residents who buy personal computers.

Pennsylvania is rather unique because we continue to manufacture goods. Thus, technological advances are often applied to many of those goods produced in Pennsylvania. Decisions on the taxation on Internet commerce therefore, are very complex and must balance the needs of both Internet and Main Street based businesses.

The report submitted by the ACEC Business Caucus to the Advisory Commission on Electronic Commerce acknowledged that "In addressing whether and how the Internet should be subject to taxation, a major priority should be reducing or removing access barriers to perhaps the most advanced and useful medium of communication and commerce yet devised". I concur.

I also agree with the Caucus position that the system taxation of remote sales should be simplicity, efficiency and fairness—and that "(o)ur system of federalism mandates that the burden to produce such a system falls on the states".

My concerns with the report include their preemption of the state role, albeit for allegedly a period of five years, during which time the Caucus recommends that Congress pass laws preempting state sovereignty. We, state and local elected officials, are best suited to reach a consensus on what changes need to be made to our sales and property taxes without creating a competitive disadvantage for *any* of our businesses. The magnitude of the undertaking is only equaled by its importance. States must work with local governments and its stakeholders—consumers, telecommunication and other remote businesses as well as our Main Street business to address these challenges.

As Congress considers legislation on Internet taxation, I hope that a guiding principle will be fair competition between Main Street businesses and Internet businesses. An extension of the Moratorium will provide us more time to assess the situation and ensure that we do no harm to either side. I strongly urge that when considering the impact of electronic commerce on our economy, any changes to the state tax structure should be done gradually and with consultation of all stakeholders.

Sincerely,

TOM RIDGE,
*Governor.*

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STATE OF NORTH DAKOTA,
OFFICE OF THE GOVERNOR,
*Bismarck, ND, April 7, 2000.*

Hon. J. DENNIS HASTERT,
*Speaker of the House, Rayburn House Office Building, Washington, DC.*

DEAR SPEAKER HASTERT: I am concerned about the current dialogue on taxation of e-commerce and the recent report of the Advisory Commission on Electronic Commerce.

I do not know of a single Republican governor who wants to raise taxes. At the same time, I agree with Governor Leavitt and others who oppose any of the commission's findings that would allow Congress to infringe on a state's sovereignty or mandate tax exemptions for certain goods.

Yet, I am equally concerned about the need for a simplified and equitable tax structure. It is complex, I know: We should avoid doing anything to stifle the growth of the Internet and the new economy, and yet I refuse to put my Main Street businesses at a competitive disadvantage.

States and Congress will doubtlessly need to work together to address these issues, which is why the Commission was established. It is clear to me that these issues have not been resolved, and Congress should not consider a piecemeal approach at the expense of states' autonomy.

I look forward to working with you as we make our way through this complicated and important issue.

Sincerely,

EDWARD T. SCHAFER,
*Governor.*

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OFFICE OF THE GOVERNOR,
*Santa Fe, NM, April 12, 2000.*

Hon. TRENT LOTT,
*Majority Leader, U.S. Senate, The Capitol, Washington, DC.*

Hon. THOMAS A. DASCHLE,
*Minority Leader, U.S. Senate, The Capitol, Washington, DC.*

Hon. J. DENNIS HASTERT,
*Speaker, House of Representatives, The Capitol, Washington, DC.*

Hon. RICHARD A. GEPHARDT,
*Minority Leader, House of Representatives, The Capitol, Washington, DC.*

DEAR SENATOR LOTT, SENATOR DASCHLE, SPEAKER HASTERT AND REPRESENTATIVE GEPHARDT: I are writing to urge support for a fair and equitable system to ensure that all Main Street retail stores and Internet commerce can compete on a level playing field and to ensure that all Americans can join us in supporting the Internet as part of our new economy, and to urge you to reject the Advisory Commission on Electronic Commerce (ACEC) report. Instead of proposing a means addressing the requirements laid out in the law to recommend a new state and local sales tax system to ensure a level playing field and to protect the sovereignty of states, the report proposes unprecedented interference into the rights and responsibilities of the citizens of New Mexico and their ability to determine how they want to finance vital public services and infrastructure.

The new economy offers incredible opportunities. It imposes a great responsibility on all of us to enhance electronic commerce, but not at the expense of our small, Main Street businesses. In a world like this, if remote sales over the Internet are taxed differently than intra state sales, we will have a system based upon a tangle of legal maneuvering that will create separations between local merchant and their Internet counterparts, and a playing field that will be viewed as inherently unfair. Such unfairness, if left to fester, will bring contempt and non-compliance. It is hard to argue with the need for an enormous simplification of state and local sales taxes that can pave the way toward a level playing field that does not discriminate between methods of access. Congress needs to ensure we in New Mexico can move toward a level playing field. It needs to make sure the federal government does not act in a way that permanently discriminates against our small businesses and retailers.

The most important reason I oppose this proposal is that it would substantially interfere with state sovereignty. The U.S. Constitution was very clear in both ensuring state sovereignty and creating a critical balance between federal and state authority. For well over 200 years the federal government has respected state sovereignty and has been extremely careful not to interfere with the states' ability to independently raise revenues. This proposal would dramatically undercut this precedent.

It is hard to think of any more fundamental responsibility of governments and elected officials in our nation than that of determining which taxes and fees are utilized to pay for the services that our citizens want and need. It is my responsibility, working with our state legislature, to determine what taxes to cut in New Mexico—not anyone else's. Our state relies primarily on sales, property, and income taxes—all areas proposed for mandated federal cuts by the report. Such a proposal would intrude very deeply into the rights and responsibilities of our state and local governments.

Sincerely,

GARY E. JOHNSON,
*Governor.*

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STATE OF ALABAMA,
OFFICE OF THE GOVERNMENT,
*Montgomery, AL, April 11, 2000.*

Hon. TRENT LOTT,
*Majority Leader, U.S. Senate, The Capitol, Washington, DC.*

Hon. J. DENNIS HASTERT,
*Speaker of the House, House of Representatives, The Capitol, Washington, DC.*

DEAR SENATOR LOTT AND SPEAKER HASTERT, I am writing to express my grave concerns regarding the Advisory Commission on Electronic Commerce (ACEC) proposal that was included in the Internet Tax Freedom Act (ITFA). I believe the proposal represents an attempt by the federal government to take control of fiscal policy away from the states, and I strongly urge you to reject the report.

As Governor, I have pursued responsible, conservative fiscal policies. In some instances, targeted tax cuts are an important part of this State's over financial plan. However, these are decisions that must rest with the State, and not with Congress. As you may know, any such measure would potentially infringe on this State's ability to support public schools. Therefore, I am unequivocally opposed to any attempt by the Federal government to interfere with the states' rights to collect sales taxes.

In addition, while I appreciate the policy challenges posed by the new global economy, I have concerns with Congress establishing a series of tax breaks for a few special interests. This is particularly true when doing so would undermine a more-than 200-year tradition old of respecting states' sovereignty. Again, I ask you not to advance any effort to take control from the states and send it to Washington.

Sincerely,

DON SIEGELMAN,
*Governor.*

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STATE CAPITOL BUILDING,
*Oklahoma City, OK, April 10, 2000.*

Hon. DENNIS HASTERT,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR SPEAKER HASTERT: As you prepare to consider legislation concerning taxation of sales made on the Internet, I ask that you consider these important factors:

First, I believe it is important to extend the existing moratorium on taxation of Internet transactions to allow more debate and discussion of this vital issue. We are dealing with new technologies and new forms of commerce which are still being developed and refined. The taxation moratorium has helped stimulate that early growth, and premature action by the federal government could represent a stifling influence.

Second, Congress should not pre-empt the states on this issue. Each state has its own unique tax structure. It would be a mistake to impose a "one size fits all" standard on 50 separate states and the District of Columbia. We currently do not have a national sales tax; sales taxes have traditionally been the province of state and local governments, and each has chosen its own path in this regard. To suddenly impose a new national standard would contradict our party's traditional adherence to the principle of federalism.

Third, no matter what form legislation ultimately takes, it must have as a central goal the creation and preservation of a level playing field. It would simply be unfair to establish a system where one state or one region or one industry has a special advantage.

Fourth, as you will recall from our visits during my chairmanship of the Republican Governors' Association last year, GOP governors (and some Democrats) have been most active in reducing state tax burdens and in reforming and restructuring state tax systems. In Oklahoma, for example, we have won the first reduction in personal income tax rates in 50 years and capped property taxes. State-level tax reform is a work in progress; we are planning further income tax reductions and cuts in the cost of vehicle license tags, and I know other governors are doing the same. In many cases, state and local sales taxes remain a central component of the respective budgets of those jurisdictions. It is essential that the states retain the freedom to set tax rates and policies concerning those revenue sources that fund state and local government.

I appreciate the leadership you have shown on this issue and ask that your future actions and deliberations be fully informed by the needs of the states and the requirement of fairness to all.

Sincerely,

FRANK KEATING,
*Governor.*

Mr. Chairman, we have here a very important consideration: Are we doing too little too soon? And I think the answer is that we are.

It is important to focus, as we have not done in the Committee on the Judiciary, on how this bill affects the States that have Internet access taxes, such as Texas.

I find it interesting in Texas that, under Governor George W. Bush, there exists the largest Internet access tax in the country, estimated to raise $200 million per year. This tax is supported by Governor Bush, who has not raised a finger yet to repeal it. And yet, today the majority would substitute their judgment in place of their own nominee by repealing the Texas tax on the Internet access.

So I am very deeply concerned that we have brought a bill to the floor that violates the unfunded mandate rule that was put in place by the very majority that brings this bill to the floor.

We do not know what the cost is going to be. We have a pledge that we will hold hearings to find out the answer to this very perplexing question sometime in the future. But today we have a bill before us that is premature, a bill that does not consider fully the questions that it needs to consider, and a bill that is, therefore, ahead of its time.

Now, if we extend this moratorium through the year 2000, there is a risk that we may never get to the more important issues of State tax simplification. This undermines the principal purpose of the 1998 Internet tax legislation, which gave an advisory commission on electronic commerce the ability to consider how best to develop a more simple and rational system than exists at the present.

□ 1215

The commission threw up its hands, unable to reach consensus on this or any other related important issue. Although we do not support multiple discriminatory State taxes on the Internet, we are concerned that extending the present moratorium for 6, and if you count it completely, 7 years, would only serve to indefinitely delay the work on the real problem, an overly complex system of more than 6,500 local and State tax jurisdictions, and the potential of current law under the Quill decision to subject similarly-situated sellers to different tax collection regimes.

Mr. Chairman, I reserve the balance of my time.

Mr. GEKAS. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) not just for yielding me this time, but also for the splendid work that he has done in bringing the legislation in timely fashion to the floor. As the author with Senator WYDEN of the original Internet Tax Freedom Act and also of this Internet Nondiscrimination Act, I am very pleased at the bipartisanship in this effort.

Senator WYDEN of course, our former colleague here in the House of Representatives, is a Democrat from Oregon. I am a Republican from California. President Clinton signed this legislation. We have been, Republicans and Democrats, working on this for a very long time with very good results. What we now find, having enacted a moratorium a few years ago, a timeout, as it were, on new taxes on the Internet, discriminatory taxes on the Internet or multiple taxation on Internet commerce, that we have nothing to fear from good policy.

Originally when Senator WYDEN and I introduced our bill, it was a permanent ban on taxes that would discriminate against the Internet, treat the Internet less favorably than Main Street, treat the Internet less favorably than brick-and-mortar enterprises. But in order to make sure that we were not shortchanging State and local governments, we worked with them and fashioned a moratorium for a short while so that we could see with empirical, real-world results whether this good policy, what we knew in the abstract was good policy, worked in the real world. Now the results are in.

In my home State of California, for the most recent month, sales taxes are up some 20 percent. As a matter of fact, brick-and-mortar sales at the shopping malls of America were up 8 percent. That is a much bigger base, by the way. There is a lot more retail through brick and mortar than there is over the Internet. In fact, there is a lot more catalog sales over the telephone than there are Internet sales these days.

But brick-and-mortar sales are way up in this new economy. Sales taxes are up in this new economy at all levels of government, not just in California, but across the Nation. The Federal Government, which does not impose any sales taxes on these transactions, is benefitting hugely from the growth in this new economy through an increase in income taxes and other kinds of revenue flows that are the natural result. When more people are working, people are more productive. That is what is going on in America right now.

So by adopting a policy of not killing the goose that is laying the golden eggs, adopting a policy of moderation in taxation, we have had some great successes. Remember why we did this in the first place. Not because we wanted in any way to crimp the ability of a State or a local government or even the Federal Government to collect taxes, but rather because there was a risk that the number of taxing jurisdictions in America, the sheer number of them, some 30,000, could, if they all laid claim to their modest piece of the Internet, drown the whole thing in a sea of red tape, paper compliance and, not least of all, revenue exactions.

And so we said no, this is not something that we want to see fall victim to the tyranny of the parochial. The new economy is something that we cherish, something that gives America a competitive advantage in the world, that is creating jobs as we have never seen them created before. So let us ensure that from a policy standpoint, we look at the Internet as what it is, not just State commerce, not just local commerce, but interstate commerce subject to the jurisdiction of the Congress under Article I, section 8 of our Constitution and, indeed, global commerce.

What we are doing now today is falling short of perfection, which would be to make permanent the ban on multiple taxes on the Internet or make permanent the ban on discriminatory taxes on the Internet, but we are doing the next best thing. Because this is a legislature and we have to compromise, we are extending this moratorium for 5 years. That is at least a minimum amount of time to give people some certainty of how to plan. People can wake up tomorrow morning and know that there is not a government effort to shake down the Net.

It is important, I think, for us to recognize specifically how brick-and-mortar people are benefiting from this new Internet economy. First of all, many of them are starting out with their own e-commerce windows on the world, so a little company locked away in some rural area that could only serve a tiny community in a tiny market of customers a few years back now through the Internet has the world's cheapest ever means of reaching customers throughout their State, throughout the country and around the world, and we are seeing a great deal of that. As a result, as I said, taxes collected by government which depends on growth of this economy are up.

Mr. Chairman, I want to emphasize for my colleagues what has been pointed out in this debate before. The sales tax debate is a very important one, but it is not this bill. This bill keeps discriminatory and multiple taxes off the Internet. There is no justification for doing otherwise. Please vote yes on the legislation.

Mr. CONYERS. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Chairman, let me be very clear. I, too, support the moratorium. In fact, I was one of the early cosponsors of the Cox-Wyden legislation, because it seemed to me essential that Congress provide sufficient breathing room to develop a more uniform, fair, efficient neutral system of taxation of transactions, whether it be on the Internet or whether it be out of a brick-and-mortar enterprise. And over the past 2 years, the States have made considerable headway in this effort. I see no reason why it should take them 5 more years to complete it. In fact, a 5-year extension will eliminate a major incentive for them to get the job done.

That is why the 5-year extension is opposed by the National Governors Association, the National Conference of State Legislatures, the Council on State Governments, the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the E-fairness Coalition, and scores of other business organizations.

The gentleman from California referred to the bipartisan nature of the original moratorium bill. What I would suggest, too, is that there is a bipartisan concern about what we are about to do here today with a 5-year extension. It is clear that a 5-year extension is opposed by 36 governors, Republicans and Democrats alike, including Governor Leavitt of Utah, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Ridge of Pennsylvania and Governor Taft of Ohio, all staunch Republicans, not a tax-and-spend liberal among them.

But they are opposed to the underlying bill, because they realize that a 5-year extension will accelerate the erosion of the sales tax and diminish the ability of the States to fund vital services, States that depend on the sales tax for as much of a third of their total revenue. They also understand that small businesses will suffer the longer the underlying issues are not addressed.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I rise in support of H.R. 3709, which will extend the moratorium on taxing the Internet. However, I must point out the irony of passing this measure while continuing the Federal excise tax on telephone service.

H.R. 3709 tells the States that they cannot tax access to the Internet, a measure which I thoroughly support. But in order to access the Internet, one must have a phone line. For the past 101 years since the Spanish American War, the Federal Government has levied an excise tax on this item. As we debate limiting States' ability to tax the Internet, we should also limit the Federal Government's ability. I feel that this Congress must take responsibility for the tax it has imposed on the phone services which impact the Internet. My colleague just talked about the problem called the digital divide, the disparity between those who can afford high technology innovation such as home Internet service and those who cannot.

By eliminating this unjust Federal excise tax on the telephone, Congress takes a step forward in decreasing this gap. Mr. Chairman, the Spanish American War is truly over. Should we not repeal the tax instituted to pay for it and make Internet access cheaper for everyone? I urge my colleagues to support the Internet Nondiscrimination Act and to take the next step by repealing the phone tax.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I want to thank the gentleman from Pennsylvania for yielding me this time.

Mr. Chairman, I rise in support of H.R. 3709. Mr. Chairman, this is an age of unparalleled discovery, an age in which the boundaries of human knowledge are expanding at breakneck speed. Mr. Chairman, the high tech revolution that both propels and dominates this global economy is advancing so quickly that no one, no one, really knows where this wave of innovation is taking us. No one really knows how tomorrow's technology will improve our quality of life.

Mr. Chairman, no one imposed a ship tax on Ferdinand Magellan when he left Spain to sail around the world. No one put a mule tax on Lewis and Clark when they left St. Louis to explore the American west. Why on earth would we want to impose a tax on an evolving communications medium that is reshaping our world and transforming our daily lives? Why would we want to impose a tax burden that might stifle the next wave of high tech innovation? Why would we want to inhibit the very revolution that has allowed students to learn from professors half a world away? Why would we want to smother a technology that has enabled doctors to save countless lives by engaging in consultations in other continents?

Mr. Chairman, we do not know what life-enhancing fruits this high tech revolution will reap for humanity. We do not know where the high-tech roller coaster will be taking us next. All we can do is hang on and enjoy this fabulous ride. All we can do is to not place unnecessary obstacles in its path. Mr. Chairman, no taxation without knowing the destination. Let us not smother the World Wide Web. Let us extend the moratorium on Internet taxation.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

I want to capsulize some of the arguments that have been made to the effect that this piece of legislation does not affect the rights of the States to impose or to deal with sales taxes. That is a truth that must be said, stated over and over again, or else we will be led astray in the points that are going to be made during the amendment process and in the final vote on this legislation. This creates a 5-year moratorium as recommended by the very commission which our first act in the last Congress promoted, and which was the core of that piece of legislation.

So, no adverse impact on sales taxes, and the 5 years are what has been carved out by the people who delved into it through the work of the commission. These truths are self-evident, and I hope will constitute the basis for a final vote in favor of this legislation.

Mr. BACA. Mr. Chairman, I regret that a White House meeting on providing a prescription drug benefit for America's seniors prevented me from voting on the point of order to H.R. 3709, the Internet Nondiscrimination Act (rollcall number 154).

If I had not been meeting with the President, I would have voted against the point of order.

While I share the concern of the gentleman from Michigan about the impact of mandates on state and local governments, this is too important a bill to cut off debate.

The American people have demanded that we roll up our shirt sleeves and solve this issue. I have heard from hundreds of my constituents, who are concerned about the possibility that we will tax this new technology to the point where it is no longer viable.

I see science and the Internet as the key to the future of America and the Inland Empire.

We must allow Internet companies to flourish. In fact, I invite Internet-based industries to come to the Inland Empire, where we will create 15,000 new jobs through the LAMBRA enterprise zone legislation I authored. We have entered a new era of prosperity and unlimited possibilities for our children. We have a great future if we encourage Internet-based companies through bills such as H.R. 3709.

Mr. MOORE. Mr. Chairman, I rise today in opposition to H.R. 3709, the Internet Nondiscrimination Act, which would impose a new five year moratorium on the ability of our state and local governments to collect sales taxes on commercial Internet transactions. Instead, I will be supporting the Istook amendment, which will limit this new moratorium to two years.

The growth of e-commerce has presented policy makers with a host of complex new issues over the last few years. One of the largest challenges, however, is not a new issue, but an age-old problem—taxation.

Some argue that online retail transactions should remain exempt from tax collections due to problems with defining points-of-sale in the cyber marketplace. Additionally, opponents of taxing Internet sales argue that requiring taxation will stifle growth, creativity, and innovation in this new industry. On the other hand, state and local officials view the Internet as a tide that will erode local and regional tax bases with devastating consequences to traditional brick-and-mortar retailers as well as critical state and local government functions.

To come to grips with this problem and these competing points-of-view, in 1998, Congress passed the Internet Tax Freedom Act that prohibited any new state, local, or federal taxes on electronic commerce until October 2001. In addition, it created a 19-member Advisory Commission on Electronic Commerce to study the Internet taxation issue and report its recommendations to Congress.

The Advisory Commission issued no recommendations, because of a lack of consensus on this issue. But, despite this fact, Congress is set today to vote on a bill that would extend the current moratorium for an additional five years, even though the current moratorium does not expire until October 1, 2001—a full 17 months from now. Congress should take this 17 month opportunity to hold public hearings on this issue, rather than rushing to the floor a contentious and politically motivated bill that pits traditional business against e-business.

While almost everyone agrees that there should be no new taxes or fees on Internet services or access, there is little consensus on allowing state and local governments to collect sales taxes on remote electronic commerce transactions.

The distinction between these two forms of taxation is subtle, but critical. Taxing Internet services and access would surely stifle the growth and innovation of this emerging industry. Taxing remote sales transactions, however, will not restrict this growth; rather it will ensure that all business entities—whether located on Main Street or Cyber Street—will be able to equitably and fairly compete.

Moreover, allowing state and local governments to collect sales taxes on remote transactions will ensure that critical state and local services such as education and public safety will continue to be adequately funded and controlled at the state and local level where they belong.

Mr. Chairman, this is why 34 of our nation's governors, Republican and Democrat, including Governor Bill Graves of Kansas, oppose extending this moratorium. As well, almost every municipal and county government in my district has passed resolutions opposing legislation like H.R. 3709 that erode their taxing authority. I have included one such resolution for the RECORD.

I am supporting the Istook amendment that provides a two year extension of the moratorium because I believe that Congress, our states and our municipalities need time to develop a fair, simple and equitable system that is guided by the following principles:

Fairness: Any solution should apply not only to Internet transactions, but to all remote transactions so as not to unfairly discriminate against e-commerce transactions. But we must also recognize that not taxing remote transactions, including e-commerce, unfairly discriminates against traditional face-to-face transactions.

Simplicity: The solution should not be difficult for the digital economy to apply or for local and state governments to administer.

Limited Scope: Sales should be taxed in order to provide a level of fairness to traditional brick-and-mortar businesses, but the use of the Internet itself should not. In other words, Congress should not tax data transmission, network services, or anything else that would amount to a tax on the medium itself.

Mr. Chairman, the advent of e-commerce should not be viewed as either a threat or potential windfall for state and local governments. Assessing taxes on Internet sales should, all else being equal, have no effect on state and local tax revenue. What is lost as a result of decreasing face-to-face sales should be offset by gains from increasing online sales.

Indeed, as a matter of fairness and fiscal responsibility, remote sales should not be beyond the scope of state and local tax jurisdictions. Further, those state and local jurisdictions should not have to cede their independent authority to a federally mandated flat sales tax system. The ultimate solution should use the same tools that enable e-commerce to construct an easy-to-use mechanism for businesses, consumers, and governments alike to operate in the digital economy—a software based solution that is able to identify and levy the appropriate level of sales tax based on the location of the buyer. This is a solution that is fair, simple, and limited in scope.

*February 28, 2000.*

Hon. DENNIS MOORE,
*U.S. Representative, 3rd Congressional District, Washington, DC.*

Re: Issue of Sales Tax on Internet Commerce: "Making Commerce Fair," Resolution No. 2000–17.

DEAR CONGRESSMAN MOORE: We are writing to voice our concern about the issue of sales tax on Internet commerce. Please find enclosed the City of Lenexa's Resolution regarding this issue. This matter is of vital concern to Kansas cities. The existing moratorium greatly impacts the State of Kansas, our cities, and our counties, causing a loss in sales tax revenues.

The inequity in price experienced by our Lenexa brick and mortar established merchants caused by requiring them to collect taxes on the sales of goods while not requiring the collection of taxes on the sale of goods sold via internet, mail order or phone is of grave concern to our city. This practice creates a competitive disadvantage and unequal treatment between our local merchants and those who sell from electronic stores. We must protect our merchants from this unfair and unacceptable practice.

We must preserve the right of state and local governments to establish and collect legally due sales and use taxes on goods and services sold, and act to protect state and local taxing authority over all remote sales. We encourage your understanding of the importance of this issue to the City of Lenexa, Johnson County, and the State of Kansas.

Sincerely,

JOAN BOWMAN,
Mayor, City of Lenexa.

### RESOLUTION NO. 2000–17

### MAKING COMMERCE FAIR

Whereas, the use of new electronic technologies, including the Internet, as a way to conduct sales of goods and services is accelerating; and

Whereas, out-of-state sales of goods conducted via the Internet, mail order and phone, under many circumstances, are not subject to existing sales and use taxes imposed by the states and local governments in which the purchaser of such goods resides; and

Whereas, the inequity in price experienced by not requiring the collection of taxes on the sale of such goods, creates a competitive disadvantage and unequal treatment between merchants who sell from brick and mortar establishments and those who sell from electronic stores; and

Whereas, this migration of sales and the resulting erosion of tax revenues will restrict the ability of local governments, schools, and states to collect taxes which finance essential public services including but not limited to police, fire, emergency medical service, and education; and

Whereas, out-of-state sales have an adverse impact on local infrastructure and on the continued survival of retail businesses in our cities; and

Whereas, municipal governments have long expressed concern about the loss of municipal revenue due to out-of-state sales (originally via mail order); and

Whereas, these out-of-state sales are freely made as a voluntary business decision to expand or establish business electronically or from remote locations; and

Whereas, 99% of the goods and services purchased over the Internet are bought using electronic money transfers, as exemplified by the use of credit cards, which pre-establishes the ability to identify and collect taxes in non-discriminatory and efficient ways; and

Whereas, the primary barrier to creating a non-discriminatory collection requirement is the Supreme Court's judgment that only Congress should determine a collection requirement that would not unduly burden interstate commerce; and

Whereas, the National League of Cities, in partnership with the six national organizations representing state and local governments, has adopted a joint statement of principles for making electronic commerce fair which calls for:

1. Equal treatment of all sales transactions whether that transaction is done in person,

on the telephone, by mail, or on the Internet;

2. A federal law authorizing state and local governments to require out-of-state sales to be subject to the collection and remittance of sales and use taxes;

3. Protection from federal preemption of state and local authority to determine their own tax policies;

4. Cooperative efforts to simplify state and local sales and use tax systems and the compliance burdens those systems place on out-of-state sales; and

Whereas, the federal government has created the Advisory Commission on Electronic Commerce to examine these issues: Now therefore be it

*Resolved by the governing body of the city of Lenexa, Kansas:*

Section One: The City of Lenexa, Kansas, a municipal corporation, does hereby urge the Advisory Commission on Electronic Commerce to recommend that Congress enact and the President sign legislation authorizing state and local governments to establish and collect legally due sales and use taxes on goods and services sold, through any transaction medium, regardless of the actual purchaser's state, and requires states to distribute tax revenues to cities or other units of local government pursuant to precedent and applicable state law.

Section Two: The City of Lenexa, Kansas encourages the Kansas Congressional Delegation to act to protect state and local taxing authority over all remote sales including goods sold via the Internet, mail order, and phone.

Section Three: This resolution shall become effective upon passage by the Governing Body.

Passed by the Governing Body this fifteenth day of February, 2000.

Mr. POMEROY. Mr. Chairman, I am voting for this bill because I believe the American public deserves unfettered and untaxed access to the Internet—perhaps the most significant technological innovation impacting our way of life in decades. I firmly believe that Internet access must remain open to everyone. We cannot place roadblocks in the path of those eager to join this new and exciting world.

The Internet is not simply a source of entertainment or a virtual shopping mall. Today, people use this valuable tool to access a variety of information, ranging from which car to buy to reading weather and news reports to researching job opportunities or accessing college applications. The possibilities are limitless. The Internet has provided states such as North Dakota an unprecedented opportunity to overcome the traditional geographic disadvantages. We cannot stifle the growth of this fast moving virtual world.

Unfortunately, the Commission formed to address the important issue of Internet taxation failed to develop a comprehensive plan to address this matter. The bill before us does not interfere with the ability of states to collect taxes on purchases made over the Internet. Instead it is aimed at ensuring that Internet Service providers, such as AOL, do not pass additional tax burdens onto Internet users. However, we must address the taxation of items purchased on the Internet. We cannot allow our main street shops to operate at a competitive disadvantage to Internet sales. As the Internet continues to flourish, Congress must look at these issues and take careful, appropriate action to level the playing field.

Again Mr. Chairman, I believe that all Americans should have open access to the Internet, and for that reason, I rise in support of this legislation.

Ms. DEGETTE. Mr. Chairman, today I voted for H.R. 3709, the Internet Nondiscrimination Act because I believe that it is important to move this legislation forward so that Congress stays focused on the vital issue of taxation of the Internet. I supported an amendment that would have extended the moratorium for an additional two years. I believe this would have provided the needed amount of time for use to find a balance between protecting the Internet from any new discriminatory taxes and preserving the ability of states and localities to collect sales and use taxes.

Unfortunately, the two-year extension amendment failed and I therefore voted for final passage as a means of moving this legislation forward with the expectation that a compromise will be worked out between the House and the Senate to adequately address this issue.

It is important to protect the integrity of the Internet from multiple and potential discriminatory taxes. It is equally important that this be done without inhibiting the ability of states to collect the taxes they have always collected. The Internet Nondiscrimination Act does nothing to inhibit the collection of these taxes, but it also does nothing to resolve the issue of how states can continue to collect state use and use taxes as more and more people shop via the Internet.

I believe we can foster the booming technology and telecommunications industries across the country without harming our states. Congress needs to work closely with state government and the technology industry to develop a good policy that promotes growth in the technology industry without hurting local businesses across this country. We need to pursue a policy that creates a level playing field and ensures fair taxation across the board. I believe this can be done and I will work towards this end until we can come to a satisfactory resolution of this issue.

I believe the passage of this legislation is an important step in an ongoing process that will eventually produce a bill that reflects the concerns of all interested parties.

Mr. LIPINSKI. Mr. Chairman, I rise today to express my dismay that H.R. 3709 has been brought to the floor without ample time to discuss the important issue of the Internet taxation moratorium and its effects. There were no hearings held, nor time allotted for retailers, states, cities and counties to speak out on the issue. Clearly, we could have utilized the eighteen months before the October 21st, 2001 moratorium expiration for meaningful discussions on the issue.

The spirit behind the Internet Tax Freedom Act was to allow the Internet to flourish, while examining an approach to Internet sales. Adding five years to the current moratorium is not a step towards finding a permanent solution. We must work towards a solution that everyone can work with now, not three years from now, nor five years from now. If we wait, many of our country's "brick and mortar" businesses may likely be wiped out by the E-commerce that can sell for less and avoid collecting taxes. This is not fair competition.

We cannot ignore the effects that H.R. 3709 would have on our states' and localities' tax base. According to a University of Tennessee study, the revenue lost by 2003 is projected to be $20 billion per year. This is the revenue that we rely on for state and local services, as well as for education. How can the Internet and high-tech industry continue to flourish without educating our children, the future of America?

We need to find a long-term resolution to this important issue, not avoid dealing with it for nearly six years. For this reason, I will be voting against H.R. 3709 and its amendments.

Mr. STARK. Mr. Chairman, today we have before us a bill that extends the current "Internet Tax Freedom Act" moratorium on certain Internet-related state sales and use taxes. While I do respect the need to foster growth and innovation on the Internet and for technology in general, I do not believe that this bill does so in a responsible way.

The current moratorium expires in October 2001. This gives Congress over 17 months to come up with a plan to address Internet taxation. We do not need until 2006 to come up with a viable solution to Internet taxation. This gives Congress too much time to sit on its hands and place blame when a solution should be reached much sooner.

Currently, Internet merchants are not required to collect state sales and use taxes unless they have a presence in the state. This does not statutorily relieve the purchaser from remitting the state sales and use taxes due from Internet purchases. However, in reality this is not the case when there is no enforcement mechanism.

Clearly, Internet commerce has an advantage over traditional commerce if consumers are able to circumvent paying taxes on Internet purchases. Not only does this set up an unfair system for traditional commerce for having to collect the state and local taxes, thus ultimately costing the consumer more, but it also prevents state and local communities from capturing the taxes they would otherwise receive. Today's bill will hamper a state's ability to effectively tax Internet purchases, thus eroding a state's source of funding for education, health and other vital services. .

Congress should not implement a tax advantage for one method of commerce over another for five years. Instead, we should figure out how to level the playing field while encouraging innovation today. For these reasons, I oppose H.R. 3709 and urge my colleagues to do the same.

Mr. BENTSEN. Mr. Chairman, I am in opposition to H.R. 3709, the "Internet Nondiscrimination Act," which extends the existing moratorium on state and local taxation of Internet access and commerce by five years and repeals the grandfather clause for existing state laws related to Internet taxation. Let me be clear, I am not advocating federal taxation of the Internet. I support a reasonable extension of the moratorium. But, I also support upholding state's rights under the 10th Amendment and ensuring equity for businesses, small as well as large.

H.R. 3709 would establish a five-year moratorium on all state and local taxes on Internet access and commerce. While this bill assumes that states would still be free to tax transactions under the U.S. Supreme Court's 1992 decision in *Quill Corp.* v. *Heitkamp*, 504 U.S. 298 (1992), the *Quill* decision only provides for the collection of sales taxes by states when companies meet the "nexus" test for transactions within the geographic borders of the consumer's state. Though not explicitly acknowledged, proponents of H.R. 3709 appear to be seeking an eventual ban of Internet sales taxes. Now, of course, all of us would like to see less taxes, including with respect to Internet sales. At the same time, however, as internet sales rise as a share of the national economy, state and local governments will find their tax based substantially eroded and their ability to fund such essential functions as schools and public safety jeopardized. Furthermore, businesses which conduct sales from physical locations in a state or local jurisdiction will find themselves at a competitive disadvantage. That creates a commercial inequity, a really ignored by H.R. 3709.

This bill should not be construed as simply an extension of the initial year moratorium and the Advisory Commission on Electronic Commerce that was adopted in 1998 with my support. Rather, H.R. 3709, by extending the moratorium by five years with no resolution by the Commission, simply postpones confronting and resolving the issue at hard. How can Congress and state and local governments best address both commercial equity between Internet sellers and "bricks and mortar" retailers as well as state and local government financial structures. This bill is an abdication on the part of Congress at the expense of others. The better approach would be to adopt the amendment offered by Mr. DELAHUNT to extend the moratorium by only two years and proceeding toward resolution of the broad issues. I strongly support this approach and I cannot support H.R. 3709, a blanket five-year moratorium.

The fiscally prudent course would be to analyze the effect the moratorium has on states' ability to collect revenue and the degree to which traditional merchants are placed at a competitive disadvantage, as more commerce shifts to the Internet. H.R. 3709 does not address the complicated issues of how and when states might be able to collect sales taxes on Internet commerce. An outright ban on taxation of Internet sales could very well force states such as Texas, which rely heavily on sales and property taxes, to impose a personal income tax in order to make up new shortfalls, as Internet sales increase. I oppose an income tax for Texas and I particularly oppose the Congress imposing such a tax on Texans, a foreseeable unintended consequence of this bill.

I am dismayed that my Republican colleagues have rushed H.R. 3709 through the legislative process without proper public hearings to determine the impact such legislation would have on "brick and mortar" retailers and the future revenues of state and local governments. With the current moratorium in effect until October 2001, the timing of this vote is suspect. Clearly this is a transparent attempt by Republicans to score political points with the high-tech industry at the expense of state and local governments, taxpayers, our public schools and small businesses on Main Street, America.

H.R. 3709 also impose financial restrictions on the State of Texas by eliminating the grandfather clause in the Internet Tax Freedom Act (ITFA) bestowed on those states which have already promulgated taxes on Internet access. Passage of H.R. 3709 would result in a shortfall to the State of Texas well in excess of $50 million. Here again, the Delahunt amendment is the better course of action in that it preserves the grandfather clause. Therefore, Mr. Chairman, without the Delahunt amendment, I must oppose H.R. 3709.

Mr. GOSS. Mr. Chairman, I strongly support this modified open rule, which will ensure Members an opportunity to openly and fairly debate H.R. 3907. This bill extends the current moratorium on Internet taxes for five years—as recommended by the Independent Advisory Commission on Electronic Commerce. The creation of the Internet has revolutionized communication around the globe and has had a tremendous impact on our daily lives. One of the reasons the Internet has flourished is that the majority in Congress has worked hard to restrain eager regulators, bureaucrats and tax collectors from unnecessary interference in the Internet. There are areas for appropriate government action—child pornography and the like—but, by and large, the appropriate course of action is to let the Internet continue to grow without undue government regulation or intrusion.

I am pleased that this bill continues to strike a commonsense balance. Given the lack of consensus on how to deal with imposing sales taxes on commercial transactions over the Internet, H.R. 3709 wisely continues the moratorium on this activity. In addition, the bill continues and strengthens the prohibition on Internet access taxes. Opposition to Internet access charges has been one of the top issues in my mail bag for some time now. Congress must continue to stand firm on this issue, protecting consumers and ensuring the continued growth of the Internet. I want to extend my appreciation to the Judiciary Committee and the leadership for moving expeditiously on this bill. I encourage my colleagues to support both this fair and open rule and H.R. 3709.

Ms. DUNN. Mr. Chairman, the proliferation of the Internet has been the most liberating force in American life in recent history. It has spawned a whole new vocabulary, created a forum for social interaction and education, and brought unprecedented productivity to the workplace. Most importantly, it levels the American playing field. It makes it possible for the poor and underprivileged to gain access to educational materials once found only in the new schools of affluent suburbs. It also makes it possible for today's woman to make her mark in the business world while balancing the rigorous demands of work and family. The Internet is the essence of freedom and must maintain this feeling of uninhibited access.

With the development of such a powerful social and business tool, however, come many challenges and temptations. The most pressing challenge before us now is how to conform a decades-old tax system based on geographic boundaries to a new world for which there is an unlimited capacity for exploration. The biggest temptation will be to find a quick solution to the potential loss of local government revenue due to E-commerce. These are serious issues with which we must deal with great deliberation. We cannot afford either to create barriers to Internet access through new taxation or to pretend that the increasing rate of E-commerce will not negatively impact money to support local schools, police, and parks. For this reason, I supported the Internet Non-Discrimination Act to extend the current Internet tax moratorium for another five years, and I call on all parties to begin a vigorous debate that will bridge the divide between the need to keep the Internet free of new barriers and the legitimate concern of local governments that rely on sales for basic services.

This is a complex provision, and there has been some public misperception about the current moratorium and what an extension means. The moratorium has three main components: one that deals with Internet access and two that deal with E-commerce. First, it prohibits the implementation of a tax on Internet access. As I have previously stated, access to the Internet has revolutionized the lives of millions of Americans. We cannot allow barriers to be erected that will make it harder for families living on the edge of poverty to have access to this powerful tool. Second, it prohibits the collection of "discriminatory" taxes on the Internet. If there is a product that is sold at the corner grocery store without a sales tax, it should not be taxed if purchased over the Internet. Third, it prohibits "multiple" taxes. If an individual purchases a good from another state, that good should not be taxed by both states. All of these measures have allowed people to enjoy the unfettered freedom of the Internet while helping to create millions of new jobs.

It is equally important to understand what the moratorium does not do. Neither the original Internet moratorium nor the extension passed today in the House affects the ability of states to levy sales taxes on Internet purchases. As stated above, the moratorium bars only multiple and discriminatory taxes, and taxes on Internet access. The current rules governing the ability of states and local governments to collect sales tax or taxes on remote sales were set by the U.S. Supreme Court in 1992. The moratorium and its extension leaves these rules untouched. Nevertheless, the explosion of Internet traffic since this ruling has already made many of its guidelines problematic for state and local governments.

This new world without borders must be redefined in order to provide local governments the ability to protect funding for key government services. Local governments must also participate in a discussion about streamlining the tax systems in the over 6,000 different tax jurisdictions throughout the country. They cannot simply expect that companies—whereever they are or whatever their size—will dedicate the untold amount of resources necessary to duplicate all of these tax systems, figure out how much tax to charge a given item, and then remit that tax to the particular government. Through streamlining these tax systems and providing some degree of uniformity, companies will be much more willing to partner with state and local governments.

The Internet is changing the fundamental structure of our society and we are well served to change with it. Resisting its benefits or trying to mold it to reflect our byzantine government systems will only limit its full potential. As we work to ensure that the Internet will be unencumbered by new barriers, let us join together to create an environment in which E-commerce and local communities can flourish together.

Mr. UDALL of Colorado. Mr. Chairman, I am in support of H.R. 3709, the Internet Nondiscrimination Act.

The bill we're voting on today addresses two main questions. One has to do with taxing Internet services. A consensus seems to be forming—among a majority of the members of the Advisory Commission on Electronic Commerce and many others—that there should be no new tariffs or taxes on Internet services. I agree. H.R. 3709 would prohibit such taxes for 5 years, an important step to reduce the price of and thus eliminate barriers to Internet access.

The other question—whether or not State government should be allowed to collect sales taxes on e-commerce transactions made between residents and companies residing in other states—is more problematic.

We hear it argued both ways. Supporters of a permanent moratorium say, for instance, that the imposition of any new taxes would likely result in the lowering of tax revenues from other sources because of the deadening effect such taxes would have on overall economic growth. Opponents of an indefinite extension point out that the more we deprive states and localities of revenues from sales taxes—which are often the primary source of revenue to fund education—the more we risk neglecting the very students who we hope will fill jobs in the high-tech economy in the future.

I do share some of the concerns voiced by many Governors and State legislatures. I am concerned that an extended moratorium might indirectly weaken state and local funding that provides our communities with essential public services such as education, law enforcement and transportation. So I am concerned that an extension of 5 years may be too long because the definition of "Internet access" may change so much in the next half decades that the provisions in this bill may no longer fit an evolving economic context.

It is clear that traditional businesses are disadvantaged by sales over the Internet. But it is also clear that many young, small e-commerce businesses could suffer if they are forced to negotiate the maze of more than 7,000 State and local taxes.

An industry still in its infancy must be handled with care. But at some point, the gloves must come off. What we're doing today is deciding to put off this decision for another 5 years. I believe that we're not prepared to agree on how and when the gloves should come off, and that's why I support this bill, although I think it would be better if the extension were shorter. But I do believe we must use the years ahead productively to seek ways to streamline and simplify sales tax systems, a task that many states—including Colorado—are already undertaking.

Mr. Chairman, we are living in a new era. A unique constellation of circumstances—a burgeoning technology sector, low unemployment, and low interest rates—has given way to the longest peacetime period of economic expansion this country has ever known. We need to ensure that we don't do anything hastily that will derail this revolution. At the same time, we mustn't ignore the people and businesses that for years have sustained our communities.

Mr. COOK. Mr. Chairman, I am in support of H.R. 3709, the Internet Nondiscrimination Act. A few short years ago, no one other than academics had ever heard of the Internet. Today, it has become an integral part of everyday life. The information that is now available through the click of a mouse is mind-boggling. With this new information has come a new form of economic growth, e-commerce. You can buy almost anything on the Internet, from cars, to groceries, airline tickets to antiques. The explosion of new business starts, online banking, and e-trade has been fueling the economic prosperity we have been enjoying the last few years.

The Internet has removed barriers to entry for thousands of small businesses, particularly women and minorities. It has created millions of high paying e-jobs and has allowed consumers to find the highest quality product at the lowest cost. In 1999, the Internet was the second largest industry in the U.S., producing $507 billion in revenue and created 2.3 million new jobs. Imposing discriminatory taxes on the Internet, would stifle this industry and destroy the very engine that is driving our economy.

I understand the concerns of state and local governments. They are only looking at the money they are supposedly losing in revenue. But, they are not looking at the revenue they have gained through a strong economy. States are in their best financial position in decades because of the strong economy and the decrease in demand for social services. In a time of record budget surpluses and strong economic growth, state governments do not need more power to tax online transactions and Internet access. Local governments do need funds to provide services like fire, police and ambulance coverage. But they need to be given a greater share of the state's sales tax revenues and not have to rely on new Internet taxation.

In a booming economy there is no reason to impose deterrents for new e-business that will ultimately hit consumers. There is no need to charge consumers for accessing the Internet. Today's bill would place a 5-year moratorium on taxing this new industry. I think the moratorium should be permanent. I urge my colleagues to support this legislation and keep the Internet free of discriminatory taxation.

Ms. BALDWIN. Mr. Chairman, I am in opposition to H.R. 3709, the Internet Nondiscrimination Act. This legislation extends the moratorium on State and local internet access taxes as well as on so-called "multiple and discriminatory taxes" imposed on internet transactions, subject to a grandfather on taxes of this nature imposed prior to 1998.

I believe the current moratorium is good public policy. Internet commerce is an infant industry with huge potential growth and benefits. With numerous taxing jurisdictions, the practicalities of taxation of internet sales require extensive study and careful consideration. We need to ensure that internet commerce is not unduly burdened by the complexities of local taxing jurisdictions. Thus, the current moratorium, which does not expire until October 21, 2001, provides an appropriate period in which to examine this issue carefully.

I am concerned, however, about a 5-year extension of the moratorium until 2006. The current disparate tax treatment between traditional "bricks and mortar" retailers and remote sellers has the potential to significantly harm existing retailers. Internet business ultimately should be competing with traditional businesses on an equal footing. An extended moratorium provides an advantage to internet commerce by, in effect, exempting those companies from sales and other state and local taxes. This advantage should not continue indefinitely.

I am also concerned about the impact on state and local government revenues. Sales taxes are a significant source of revenue for many state and local governments. As internet sales expand at the expense of traditional retail sales, there could be significant revenue reductions to States. Congress should not simply create this problem for the States and then leave them to solve it. States collect more than 49 percent of their revenue from sales taxes, according to the Census Bureau. I fear this legislation could have a damaging impact on critical service such as police and safety, health, and education. Congress needs to work with the states to address this important issue.

Let me be clear. I do not support discriminatory taxes on internet access. E-commerce should be treated in the same manner as traditional sales and services.

Continuation of the internet tax moratorium beyond October 2001 is appropriate. I supported the Delahunt/Thune Amendment which would have extended the moratorium for an additional two years until October 2003. I believe that a two year extension is far wiser public policy than a five year extension or a permanent ban. I wish the House had seen fit to amend the bill with a two year limit. By 2003, the States could build on the very serious steps they have already taken to reform and simplify their tax laws. Congress could then consider whether we should approve any interstate compact that addresses the simplification issue. If the States were not making any progress by 2003, it would be a simple matter to extend the moratorium for an additional period of time.

Mr. Chairman, I do not believe a five year moratorium is sound public policy. I urge my colleagues to defeat this legislation. The next Congress will have ample time to extend the current moratorium for 2 additional years.

Mr. CALVERT. Mr. Chairman, I strongly support H.R. 3709, the Internet Non-Discrimination Act. Why? Quite simply, an unhindered Internet has brought the benefits of knowledge, trade and communications to more people in more ways than ever before.

H.R. 3709 is not about sales taxes on Internet purchases. The bill in no way stops or restricts states or cities from taxing sales over the Internet. In fact, current rules governing state or local governments' ability to collect regular sales or use taxes on remote sales were set by the U.S. Supreme Court. H.R. 3709 leaves these rules untouched.

Instead H.R. 3709 stops new taxes that specifically target Internet access and sales. The bill extends for five years the current Internet tax moratorium, enacted in 1998. The existing moratorium outlaws taxes on Internet access, the double-taxation of a product or service bought over the Internet and discriminatory taxes that treat Internet purchases differently from other types of sales. The bill also ensures that the moratorium on Internet access taxes is equally enforced in all 50 states, for those who rushed to tax Internet access thinking that they could avoid the federal law.

Mr. Chairman, I encourage my colleagues on both sides of the aisle to support the Internet Non-Discrimination Act. The Internet should not become subject to special, multiple or discriminatory taxes.

Mr. WOLF. Mr. Chairman, I support H.R. 3709, a bill which extends the current moratorium on taxes on Internet access and taxes which apply only to e-commerce.

It is no secret that the success of high technology and the rapid growth of electronic commerce are key elements of our nation's unprecedented recent prosperity. Additionally, the Internet has enabled people around the country to have access to information and services which were difficult—if not impossible—for them to obtain prior to the high tech revolution.

I'm proud to represent Northern Virginia and the high-technology community that dots the landscape along the Dulles corridor and I–66. And I'm proud that we can boast that the place we call home is also the home of the Internet. Our high-tech corridor just isn't an important part of our regional prosperity. It's a critical part of the nation's prosperity. The high tech industry's growth and job creation have been key to our region's and America's booming economy. We must keep the economy growing, keep the good paying jobs, and maintain our economic prosperity. I believe H.R. 3709 is a key element in meeting these goals.

Mr. GEKAS. Mr. Chairman, I yield back the balance of my time.

□ 1230

The CHAIRMAN pro tempore (Mr. NETHERCUTT). All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule for 2 hours. The committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3709

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Internet Nondiscrimination Act of 2000".*

***SEC. 2. 5-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.***

*(a) EXTENSION OF MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—*

*(1) in subsection (a)—*

*(A) by striking "3 years after the date of the enactment of this Act" and inserting "October 21, 2006", and*

*(B) in paragraph (1) by striking ", unless" and all that follows through "1998",*

*(2) by striking subsection (d), and*

*(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.*

*(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "unless" and all that follows through "1998".*

***SEC. 3. APPLICATION OF AMENDMENTS.***

*The amendments made by this Act shall not apply with respect to conduct occurring before the date of the enactment of this Act.*

The CHAIRMAN pro tempore. During consideration of the bill for amendment, the Chair may accord priority and recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

Are there any amendments to the bill?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. BACHUS

Mr. BACHUS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. BACHUS:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Interstate Sales and Use Tax Compact Act of 2000".

**SEC. 2. FINDINGS.**

The Congress finds that—

(1) the moratorium of the Internet Tax Freedom Act on new taxes on Internet access and on multiple and discriminatory taxes on electronic commerce should be extended;

(2) States should be encouraged to simplify their sales and use tax systems;

(3) as a matter of economic policy and basic fairness, similar sales transactions should be treated equitably, without regard to the manner in which the sales are transacted, whether in person, through the mails, over the telephone, on the Internet, or by other means;

(4) Congress may facilitate such equitable taxation consistent with the Supreme Court's decision in *Quill Corp. v. North Dakota*, 502 U.S. 808 (1992), which based its decision not to extend States' collection powers in significant part on its view that Congress has, by virtue of its constitutional power to regulate interstate commerce, the ability to authorize States to require out-of-State sellers to collect taxes on sales to in-State residents;

(5) States that adequately simplify their tax systems should be authorized to correct the present inequities in taxation by requiring sellers to collect taxes on sales of goods or services delivered in-State, without regard to the location of the seller or to the means by which the good or service is sold;

(6) the States have experience, expertise, and a vital interest in the collection of sales and use taxes, and thus should take the lead in developing and implementing sales and use tax collection systems that are fair, efficient, and nondiscriminatory in their application;

(7) States, by their own initiative, have formed the Streamlined Sales Tax System Project, a cooperative effort with local governments to radically simplify the sales and use tax system by bringing uniformity to tax bases, definitions, and administration, by simplifying the tax rate structure and administration, and by incorporating stringent privacy controls and technology into the collection process to preserve the basic tenets of consumer privacy, and that such project should be allowed to proceed without intervention by Congress; and

(8) online consumer privacy is of paramount importance to the growth of electronic commerce and must be protected.

**SEC. 3. EXTENSION OF INTERNET TAX FREEDOM ACT MORATORIUM THROUGH 2006.**

Section 1101(a) of the Internet Tax Freedom Act (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "3 years after the date of the enactment of this Act—" and inserting "on December 31, 2006:"

**SEC. 4. STREAMLINED SALES AND USE TAX SYSTEM.**

(a) DEVELOPMENT OF STREAMLINED SYSTEM.—It is the sense of the Congress that States and localities should work together to develop a streamlined sales and use tax system that addresses the following:

(1) A centralized, one-stop, multi-state registration system for sellers.

(2) Uniform definitions for goods or services that may be included in the tax base.

(3) Uniform and simple rules for attributing transactions to particular taxing jurisdictions.

(4) Uniform rules for the designation and identification of purchasers exempt from sales and use taxes, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability.

(5) Uniform procedures for the certification of software that sellers rely on to determine State and local use tax rates and taxability.

(6) Uniform bad debt rules.

(7) Uniform tax returns and remittance forms.

(8) Consistent electronic filing and remittance methods.

(9) State administration of all State and local sales taxes.

(10) Uniform audit procedures.

(11) Reasonable compensation for tax collection that reflects the complexity of an individual State's tax structure, including the structure of its local taxes.

(12) Exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold.

(13) Appropriate protections for consumer privacy.

(14) such other features that the member States deem warranted to promote simplicity, uniformity, neutrality, efficiency, and fairness.

(b) NO UNDUE BURDEN.—Congress finds that if States adopt the streamlined system described in subsection (a), such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way.

**SEC. 5. INTERSTATE SALES AND USE TAX COMPACT.**

(a) AUTHORIZATION AND CONSENT.—States are authorized to enter into an Interstate Sales and Use Tax Compact, and Congress hereby consents to such a compact. The Compact shall provide that member States agree to adopt a uniform, streamlined sales and use tax system consistent with section 4(a).

(b) Expiration.—The authorization and consent in subsection (a) shall automatically expire if the Compact has not been formed before January 1, 2004.

(c) Compliance.—The streamlined sales and use tax system prescribed by the Compact as provided in subsection (a) shall be evaluated against the requirements of section 4(a) in a report submitted to Congress in a timely fashion by the Secretary of the Treasury who shall certify whether such a system has met the requirements in section 4(a).

### SEC. 6. AUTHORIZATION TO SIMPLIFY STATE USE TAX RATES THROUGH AVERAGING.

Notwithstanding any other provision of law, any State levying a sales tax is authorized to administer a single uniform statewide use tax rate relating to all remote sales on which it assesses a use tax, provided that for each calendar year in which such statewide rate is applicable, if such rate had been assessed during the second calendar year prior to such year on all such sales on which a sales tax was assessed by such State or its local jurisdictions, the total taxes assessed on such sales would not have exceeded the total taxes actually assessed on such sales during such year.

### SEC. 7. AUTHORIZATION TO REQUIRE COLLECTION OF USE TAXES.

(a) Grant of Authority.—Any member State that has adopted and participates in the streamlined system prescribed by the Compact is authorized, notwithstanding any other provision of law, to require all sellers not qualifying for the de minimis exception specified in such system to collect and remit use taxes on remote sales in such State.

(b) Conditions.—The authority in subsection (a) shall be of no effect unless both of the following conditions are met:

(1) The streamlined system prescribed by the Compact has been submitted to Congress prior to January 31, 2004, with the approval of at least 26 member States.

(2) 90 days have passed from the date such system was first submitted to Congress under paragraph (1), and no joint resolution disapproving the system has been enacted pursuant to the procedures in subsection (c).

(c) Procedure for Joint Resolution of Disapproval.—If the Congress determines that the system prescribed by the Compact does not meet the requirements of section 4(a), a joint resolution disapproving such system may be enacted within 90 days of the submission of such system to Congress under subsection (b), pursuant to expedited procedures similar to and consistent with the procedures prescribed in section 2908 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note).

### SEC. 8. LIMITATIONS.

(a) No Effect on Nexus.—No obligation imposed by virtue of authority granted in section 7(a) shall be considered in determining whether a seller has a nexus with any State for any tax purpose.

(b) No Effect on Licensing, Regulation, Etc..—Nothing in this Act shall be construed to permit a State to license or regulate any person, to require any person to qualify to transact intrastate business, or to subject any person to State taxes not related to the sales of tangible personal property.

### SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "State" means 1 of the 50 States of the United States of America and the District of Columbia;

(2) the term "the Compact" means the Interstate Sales and Use Tax Compact authorized by section 5;

(3) the term "goods or services" includes any tangible or intangible personal property and services;

(4) the term "member State" means a State that has joined the Compact;

(5) the term "remote sale" means a sale in interstate commerce of goods or services attributed, under the rules of section 4(a)(3) of this Act, to a particular taxing jurisdiction which jurisdiction could not, except for the authority granted by this Act, require the seller of such goods or services to collect and remit sales or use taxes on such sale;

(6) a remote sale "in" a particular taxing jurisdiction means a remote sale of goods or services attributed, under the rules of section 4(a)(3) of this Act, to a particular taxing jurisdiction;

(7) the term "seller" means a seller of goods or services; and

(8) the term "Uniform" refers to interstate uniformity.

Mr. GEKAS. Mr. Chairman, on that I reserve a point of order.

The CHAIRMAN. The gentleman from Pennsylvania (Mr. GEKAS) reserves a point of order.

Mr. BACHUS. Mr. Chairman, we have heard a lot of discussion this morning to the effect that this legislation affects sales tax. Others have said that this legislation does not affect sales tax. We've heard that this legislation threatens funding for local governments and State governments. We have also heard that this legislation has nothing to do with reducing funding for State and local funding.

The truth, Mr. Chairman, lies somewhere in between. The truth is that this legislation alone does not address sales tax. This legislation alone does not affect the States' ability to collect sales tax, to fund law enforcement, to fund education. However, there is a fear, a legitimate fear, that this legislation may slow the process of addressing the states and their ability to collect sales and use taxes. This is an important issue.

Now, let me say first of all, we say that this legislation extends "the moratorium." What is the meaning of "extends the moratorium?" Well, the Internet Tax Freedom Act of 1998 banned taxes on Internet access and it banned multiple or discriminatory taxes on electronic commerce. The Act did not ban the collection of sales and use taxes on sales made over the Internet. I repeat, the Act did not ban the collection of sales and use taxes on sales made over the Internet. So extending this moratorium will not ban the collection of sales and use taxes.

Now, what is the current law? Under current law, sales or actually use taxes are already imposed on all remote sales. If the remote retailer has a physical presence in the State, a store, a warehouse where the buyer is, then the retailer is required to collect and remit a sales tax. However, under the Supreme Court decision, 1992 decision, Quill decision, they said, if the remote retailer does not have a nexus or sufficient physical presence in the State, then the State cannot compel collection of sales tax. The buyer, however, is required to pay the use tax to their home taxing jurisdiction. Now, there is the rub. The use tax is not highly enforced, the compliance is very low. So when these sales are made over the Internet, then the State, in fact, does lose a sizable chunk of revenue. They will continue to do so until this issue is addressed with some reliable mechanism for collection from remote sellers.

The Supreme Court decision, the Quill decision has resulted in the situation where large Internet retailers, without stores in a State, are not required to collect sales tax, while other brick and mortar stores, or even an e-commerce firm with a warehouse or an office in a State, they are required to collect taxes on all sales. So we have an inequitable situation, and I think we all realize that. It's unfair. It's preferential. It should not be allowed to continue unaddressed.

In the 1992 Supreme Court case, the Supreme Court actually said, this is a situation that Congress can address. I agree. This is something that Congress, under the interstate commerce clause, should address. They made it clear that we had the authority to take action to cure this inequity. We have not done that since 1992.

Now, because I support a level playing field, and that is where in-store, catalog and on-line sales have the same tax collection treatment, I am introducing my amendment. I am introducing it also because, without this amendment, without us addressing this inequity in sales tax treatment, we are putting at jeopardy our local communities, the welfare of our children, the safety on our streets, because it is the sales and use tax proceeds that fund education in most States. It is the sales tax which funds local government. It is the sales tax which pays for police and fire protection.

In my own State, almost 50 percent of all State and local revenues are sales tax. In some States, over 50 percent are sales tax.

Now, Mr. Chairman, as I said earlier, there is a fear, there is a concern that merely extending the current moratorium does not address the main issue, and that is allowing States to require remote retailers to collect and remit sales tax. There is a fear among retailers and among 42 of the governors who have expressed this fear to us that merely extending the moratorium will only delay a decision on the issue of the States being able to collect sales tax.

The CHAIRMAN. The time of the gentleman from Alabama (Mr. BACHUS) has expired.

(By unanimous consent, Mr. BACHUS was allowed to proceed for 3 additional minutes.)

Mr. BACHUS. Mr. Chairman, as I said, the 42 governors have expressed a concern, and that concern is, will extending the moratorium delay a decision on the issue of allowing States to require remote retailers to collect and remit sales taxes. They have said that, if that is the case, that we should not move for a moratorium.

Now, Mr. Chairman, I have assurances that is not the case. I have assurances that the issue will be addressed. I have offered this amendment to address the situation. My amendment would authorize States to develop and enter into an interstate sales and use tax compact. The legislation would provide that States joining the compact would be required to adopt a simplified sales tax system. In turn, States adopting the simplified system would automatically be authorized to require remote sellers above the sales volume threshold to collect use tax on all taxable sales into a State. Retailers would also be provided a collection allowance to offset the cost of compliance.

What that would do, Mr. Chairman, is give a level playing field to all sales. The legislation would provide a framework for simplification, allowing States to require collection when the States achieve simplification, and I think it is a reasonable and necessary step for this Congress to take to pass this legislation. Merely extending the moratorium while failing to deal with this underlying problem I think would be irresponsible. We can deal with it. This Congress can and should deal with it this session.

I have assurances that the Committee on the Judiciary is going to take up this issue next week. For that reason, I am going to support the legislation on the floor. I am doing it despite my concern and that of both governors and the retailers, in that I have assurances that we will address this issue and that we will address it this year. I hope that my trust in this institution is well founded.

Let me say, in closing, this: "The governors have made this request of the Congress. They have requested Congress to create incentives for States to streamline and simplify their sales tax systems so that remote sellers, whether Internet, catalog, or whatever, can collect sales and use tax as simply and easily as other retailers do, applying them only when companies surpass a minimal level to justify the burden."

I think there is almost unanimous agreement in this body that we need to move in this direction For that reason, I am offering this amendment.

However, Mr. Chairman, I am told that it is not germane to this legislation, so I will withdraw the amendment, but I do so strongly urging this Congress to address this issue. If we pass this moratorium and we do not address this issue, we do it at the peril of local government, of educating our children, of all of the fears and concerns that have been raised by the opponents of this legislation. If we pass this moratorium and then we take up legislation to address this issue, then we will have the best of both worlds.

Mr. Chairman, at this time, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

### AMENDMENT OFFERED BY MR. DELAHUNT

Mr. DELAHUNT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DELAHUNT:

Strike sections 2 and 3, and insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 2. 2-YEAR EXTENSION OF MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.**

Section 1101(a) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "3 years after the date of the enactment of this Act" and inserting "October 21, 2003".

Mr. DELAHUNT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. DELAHUNT. Mr. Chairman, I am pleased to join with the gentleman from South Dakota (Mr. THUNE) in offering this amendment. It would extend the Internet tax moratorium for 2 years rather than 5 years beyond its current expiration date to October 21, 2003, and it would leave in place the existing provisions grandfathering the 10 States that had some form of Internet tax-related tax when the moratorium was first enacted in 1998.

The amendment would allow the States a reasonable extension of time to simplify their system for taxing transactions so as to foster the growth of electronic commerce, while continuing to meet their responsibilities to provide essential services to their citizens.

Let me be clear, Mr. Chairman. I support the moratorium. In fact, I was among its early cosponsors, because it did seem essential to me that Congress provide sufficient breathing room and time to develop a more uniform, efficient and fair and neutral system of taxation. Over the past 2 years, the States have made considerable headway in this effort. I see no reason why it should take them 5 more years to complete it. In fact, a full 5-year extension, all it will do is eliminate a major incentive to address the real issues here.

That is why a 5-year extension is opposed by the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the U.S. Conference of Mayors, and numerous other groups, both business and labor. That is why a 5-year extension is opposed by 36 governors, Republican and Democrats alike, including Governor Leavitt of Utah, Governor Sundquist of Tennessee, Governor Thompson of Wisconsin, Governor Ryan of Illinois, Governor Engler of Michigan, Governor Ridge of Pennsylvania, and Governor Taft of Ohio.

These governors realize that a 5-year extension will accelerate the erosion of the sales tax and diminish the ability of the States to fund vital services. States that depend on the sales tax for as much as a third to a half of their total revenues will be forced to either cut spending or raise other taxes to make up the shortfall, the income tax or the property tax.

□ 1245

That is why the administration opposes the 5-year extension.

Let me read the statement of administration policy issued yesterday, May 9: "The administration would support a 2-year extension of the current moratorium. The proposed 5-year extension would significantly reduce the incentive for States to simplify their tax systems right now, to the detriment of all interested parties, particularly small business."

We talk about encouraging e-commerce. A 5-year extension discourages Internet sales. A 2-year extension fosters and embraces e-commerce.

The only information, the only hard data that we have so far, it is not simply rhetoric, it is evidence and it is clear and convincing, State governments lost $525 million in taxes on online sales last year alone. That is only the beginning. Unless there is a system in place that enables the States to collect taxes on the sales, they will lose more than $20 billion per year by 2003.

In conclusion, Mr. Chairman, the Delahunt-Thune amendment would provide a reasonable extension of the moratorium without changing the rules in midstream and without eliminating the incentive for all interested parties to devise an efficient, equitable, and technology-neutral system for the taxation of sales of goods and services, whether it be online or in the stores, in our communities and neighborhoods.

I urge support for the amendment.

Mr. GOODLATTE. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, this amendment will have the effect of shortening of length of time that taxpayers of this country are protected from some of the most regressive taxes that we can imagine, taxes on access to the Internet.

It is important to remind everybody again, this legislation had absolutely nothing to do with the collection of sales taxes on the Internet. That issue is going to be addressed starting with hearings in the Committee on the Judiciary this month. If we are going to try to mix these two things together, we are going to do so to the great detriment of the American people.

Five years is actually a compromise. There were members of the Committee on the Judiciary who wanted to make this extension permanent. And why not make it permanent? After all, permanent extension of very unfair taxes on people's charges, the things that show up on their bills from their Internet service provider companies, where they have to pay $2, $3, $5, whatever the charge might be to be able to just get online and to experience all the benefits of the Internet, we have to pay that same amount no matter what our level of income is, that is a real effort to dig the hole deeper that many people have called the digital divide. The way to close that divide and get every American on the Internet is to eliminate these access charges.

I oppose it for that reason. I also oppose it because it takes away something we have done in this legislation, and that is to stop some States who were grandfathered under the old law from being able to continue these very unfair access charges.

This bill ends those grandfathered provisions in the bill. This amendment takes that away. So to me, when I hear the other side talking about fairness, yes, if they want to talk about sales tax fairness, I would love to participate in that debate at another time. If we want to really talk about fairness, let us have a law that applies fairly to everybody with regard to these very unfair taxes on access to the Internet.

Five years is the amount recommended by the Commission report. At the appropriate time, I will introduce a letter that I have just received addressed to the Speaker of the House and asked to be made in order in the full House, a letter from my Governor, who was the chairman of this Commission, strongly endorsing the provisions of this legislation as they stand.

It is my hope that we will follow it, because it was not just the majority who wanted the 5-year extension of this moratorium. Governor Leavitt, the opponent of the recommendations of Governor Gilmore, his alternative proposal included a 5-year extension of the moratorium on these very unfair taxes on access to the Internet.

So if we are going to be fair and we are going to recognize a truly consensus opinion, we ought to go forward with the 5-year extension and reject a 2-year extension, which quite simply puts the taxpayer in this country at jeopardy in a short period of time of again facing these very unfair, regressive charges that have nothing to do with the imposition of sales taxes on the Internet.

There is nothing to prevent the Congress or the States from addressing the sales tax issue individually, collectively, in cooperation with the Congress, at any time during this extension of the moratorium.

So this 2-year extension is simply a way of taking away from taxpayers a protection against an unfair tax that creates this digital divide. Instead, I would hope that everyone would reject this amendment and promote closing the digital divide by removing some of the most unfair taxes on the Internet. Some that exist now in some States, they should be removed, and in the States that are under the current moratorium, that moratorium should be extended for 5 years.

Mr. CONYERS. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, at last, a bipartisan amendment has arrived on the floor. We put our arms around it and thank the gentleman from Massachusetts (Mr. DELAHUNT) and the gentleman from North Carolina, who have recognized that if we limit this extension of the present moratorium on Internet access taxes and discriminatory taxes for 2 years, we will have arrived at a place that most of us will be much happier about.

It is unfortunate that the speaker before me has not seen the letter in which the Governors are asking us to please, please take into consideration the fact that they want their taxes extended. Twenty-two of them are Republican Governors.

I believe that this 2-year extension is a far more appropriate period for the moratorium. It is my hope that by such time the States could build on the very serious steps they have already begun to reform and simplify their laws. Then we could consider whether we want to approve any interstate process affecting these simplification efforts. If the States were not making progress by 2003, it would be a simple matter to extend the moratorium for an additional period of time if that were needed.

By contrast, there is a real risk that extending the moratorium through 2006 would, in effect, delay this issue and create a situation where the States have no incentive for reform. This would have the effect of codifying into the law the present Byzantine, unmanageable, complex State tax system which harms both consumers and business.

So this is why so many concerns have been raised about a 5-year extension. It is too long. It is opposed by the administration, which has written that "The proposed 5-year extension would significantly reduce the incentive for States to simplify their tax systems, to the detriment of all interested parties," but especially hurt would be small businesses.

A 5-year extension is also opposed by the National Governors Association. Read the letter. It is now on the RECORD. It is opposed by labor, the AFL–CIO, the NEA, the AFT, AFCSME, and by business through the National Retail Federation, the Wal-Marts, the Sears, the Home Depot and K-Mart, and many, many others.

So we have arrived at a place where we can all come together, Republicans and Democrats, high-tech supporters and brick and mortar people. Let us come around to the Delahunt-Thune proposal now before the floor, now on the floor, which would give a 2-year extension, no more 5-year extension, a 2-year extension that would give our own committee the opportunity to hold the hearings and to deal with the realities and complexities of these problems on a sober and bipartisan basis to solve these very large problems that are facing us.

Such a process has been sorely missing to date in our headlong rush to the floor to secure political points. For that reason, my commendations to the gentleman from North Carolina and to my dear friend, the gentleman from Massachusetts (Mr. DELAHUNT). I urge that their amendment be given further consideration.

Mr. THUNE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me, just for the point of the record, say that the State is South Dakota, not North Carolina. But I am sure North Carolina cares very deeply about this.

I say to the gentleman from Michigan, let me just speak to this issue, if I might, in favor of this amendment, for a couple of reasons. I think it is critical in the time that I have been here in Congress, and actually prior to the time that I arrived here.

I have heard a lot of debates about how important it was that we move power out of Washington, D.C. and decision-making out of Washington, D.C. and give more power to the States, because we trust the ability of the individual States to make decisions about what is in their best interest.

That is I believe what is at stake here in this debate today. That is the issue of States' rights, and whether or not those States who have chosen already to employ certain taxes should be allowed to continue along those lines.

The amendment we have before us right now would restore States' rights on Internet services. The Tax Freedom Act which we adopted a couple years ago grandfathered those States which imposed, actually imposed such a tax prior to enactment. This amendment would allow those grandfathered States to assess taxes on Internet services in the same manner as other services.

I want to make one thing very clear here. In my State of South Dakota, and I think it is fair to say that the vast majority of States who are impacted by this who already had provisions in law, we are not talking about a new tax on Internet services that is in any way discriminatory. This simply allows them to assess the sales tax which is currently being assessed on this service.

In our State of South Dakota this is a very important issue. We do not have an income tax. Fifty-three percent of our State's revenue is raised by the sales tax. This bill fundamentally represents an attack on the revenue base of our State. Our municipalities also, that is their primary way of running their operation. They are very dependent upon the sales tax. Main Street businesses agree that there should be tax equity and tax fairness.

I would say to my colleagues who are looking at this issue and trying to determine how they might want to vote that what we are attempting to accomplish here is nothing more than was done in 1998 when we acted on this last time. That is to grandfather those States, about eight States around the country, who already have provisions in law that allow them to tax equally these services in the same manner that all other services are taxed. We are not talking about a new tax.

I think my record in this body as a tax cutter is clear. This amendment does not address the issue of tax on Internet sales or the question of permanent charges. What it does do is allow those States that currently have a sales tax in place to continue to apply that tax in equal manner on Internet services, just like they would on any other service in their States.

Mr. Chairman, what I would simply say today is that as Members look at this issue, there are a couple of things to keep in mind. One is that what we are talking about here really I think in a very fundamental way is the rights of States.

As I said earlier, I believe in the debates we have held in this House since I have been here, we have talked a philosophical vein about how better to shift power and decision-making back to the States. What we are telling the States today is we are sorry, they cannot do it this way, and we are going to deprive them of a revenue source that they have chosen to adopt in terms of raising revenue to run their operation.

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And the other issue very simply I would say, too, is a matter of tax equity, and that is, this is not a discriminatory tax Internet services, this is the same tax that is applied to all other services across this country or across our State, at least, and I think to the other States that are affected by this.

One other point I would make with respect to the moratorium, and the gentleman from Massachusetts has spoken to that, but the current moratorium does not expire until October 21, 2001. This amendment would extend the moratorium an additional 2 years, that gives us 3½ years in which to address this issue.

I believe that to be ample amount of time. Furthermore, I think the longer that we extend that deadline into the future, the less pressure there is on this institution to grapple with and deal what is going to be a very important issue to our States, our municipalities and our small businesses.

I would also add that this is one of the very rare issues in my experience here in Congress where I have the business community in my State, municipal leadership, State leadership, our governor, all on the same side of the issue. This is an issue which impacts small businesses across our State, many of our businesses, small retailers and Main Streets across South Dakota are already at a competitive disadvantage in a lot of ways to catalog sales, but the Internet services that are underway today, the sales that occur there are yet another way in which they are put at a competitive disadvantage.

Mr. Chairman, I believe that this is an issue which cries out for a fix. I think it is going to be incumbent upon this Congress to act in a way that would enable our States to address this issue to resolve it, and to have a stable and predictable revenue source as they head into the future.

I would simply say to my colleagues that I believe this amendment to be a sound amendment. I do think it provides ample time in which to resolve these issues, and furthermore, it eliminates the provision that would penalize those States that already, in law, have chosen in a nondiscriminatory way, in an equal way, in a neutral way to tax all their services at the same level. I urge the adoption of the amendment.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me start by making two comments on some things that have been said before by some opponents of the amendment, the gentleman from Pennsylvania, the gentleman from Virginia. It was said that this bill seeks to give effect to the recommendations of the commission, the commission that was appointed under the first Internet moratorium bill, which I supported 2 years ago. It simply is not true. The commission made no recommendations whatsoever.

The law establishing the commission was very careful to specify that the commission could only make a recommendation of anything by a two-thirds vote. The commission was divided, nothing got a two-thirds vote. The chairman of the commission, the governor of Virginia, took it upon himself to disobey the law, and in the name of the commission, to make a recommendation, even though it did not have the two-thirds vote.

We should give no weight to those recommendations as recommendations of the commission. They are recommendations of some members of the commission. The commission made no recommendation whatsoever, because they could not agree.

Second, we are told that by supporting a 2-year moratorium, we are going to be very unfair to business. We are going to be very unfair. Is the governor of Ohio, Mr. Taft, suggesting very unfair provisions? Is Governor Ridge suggesting unfair provisions, Governor Leavitt, Governor Thompson, Governor Engler, most of the Democratic governors in this country, are they all being very unfair here or are they all simply being prudent and asking us not to interfere with the welfare of their States, which is what I think is happening.

Let us go back to basics here as we look at this amendment and as we look at this bill. The Internet is a great thing. We want to promote its growth. We do not want burdensome or unfair taxation to inhibit its growth. There are certain problems that arise when we talk about how to tax the Internet.

Mr. Chairman, there are 6,000 jurisdictions in this country, and it might very well be burdensome to say okay, if you ordered something in New York from a seller in Wisconsin and the signals go through 22 other States, however the Internet is routed, I do not understand it, there may have 22 different States levying sales tax or trying to, and who knows how many jurisdictions, obviously we cannot have that.

We have to figure out a different way of doing that. We have to simplify it so that it is not a burdensome thing for an Internet company or a seller over the Internet to adhere to the law and to levy or collect a tax.

Fine, to figure out how to do that, we enacted a 3-year moratorium, and we appointed a commission, the States are working it out. The governors tell us it will take another year or two to work a very simplified sales tax, uniform sales tax system throughout the country that will permit a simplified collection that would not be burdensome; okay, that makes sense.

We also want to make sure that everybody is on the level playing field. We know that the economy grows fastest. We know that economic growth is greatest, productivity is greatest, wealth creation is greatest when economic decisions are made on the basis of economics.

When people in the private sector make their decisions what to buy, what not to buy, how to ship their goods, how to order something, where to buy it from, on the basis of efficiency and economic utility not on the basis of taxes. So we want taxes insofar as possible not to affect economic decisions.

If you want to order something, whether you order it by walking into the store on Main Street or into the mall a couple miles away or from a catalog seller or over the Internet, should be decided on the basis of any number of factors, but not on the basis that one has an advantage of tax over the other.

Mr. Chairman, that is an improper consideration. If the Internet is going to grow, and it is, it ought to be on its own merits. If brick-and-mortar companies are going to be advantaged or disadvantaged, it should be on the basis of their economic advantage, not on the basis of tax advantage or disadvantage, that, too, is something we have to make sure we do right, that taxes raise revenue, but do not unfairly advantage one sector over another because it is unfair. It inhibits the growth of the economy; that we have to make sure we do.

A 2-year moratorium extension, especially a year in advance of the moratorium end that we have, we have another year and 16 months to go into the existing moratorium, gives ample time to figure all of this out. A 5-year moratorium would be another 6 years, as was said by the gentleman from South Dakota (Mr. THUNE), would freeze into practice too many practices, it might be impossible to change them 6 years from now, especially at the rate that things are growing.

Now, we are told that this bill does not deal with the sales tax question. It is true, it does not. But to allow half a solution and not the other half would freeze things, and that we should not do.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Delahunt amendment, and to make the arguments that, as I indicated in general debate, it amazes me that we would rush to the floor of the House to deprive 10 States, comprising a large population of the United States, their inherent rights. The right to make independent assessments and determinations as to how they collect revenue.

Now, I am prepared to spend a lot of time in hearings. I think it is extremely important that this body acts as a fact-finder. It is interesting that, having participated in the revising of the Telecommunications Act or the revising of telecommunications in the United States by way of the Telecommunications Act in 1996, I understand those who preceded me in tenure indicated that that process lasted many, many long years. But yet today in the year 2000, we are confronting issues in the Telecommunications Act that are sticking points and have not been resolved, because all legislative initiatives cannot foresee down the road what the problems may be.

Mr. Chairman, we have problems with the Telecommunications Act right now as we speak. But yet we want to precipitously deny the rights of 10 states, some 17 million citizens in the State of Texas and many others around the Nation, with the limited amount of hearings and understanding of how we can best encourage E-commerce and, as well, address the needs of those such as the State of Texas that would lose over $1 billion in revenue.

I cannot understand why, in fact, there is such an urgency with 8 months out, I believe, a time frame in which we can study the issues appropriately. I will subsequently add an amendment or debate an amendment that I will offer that adheres to the 5 years, but grandfathers the State in. I believe it is crucial that we are fact-finders and that we get the information. This will deny the cities of this Nation, the States of this Nation, the opportunity to provide reasonable revenue for health care and for education.

Then, secondarily, though there are 37 million people who may access the Internet. And I might say in Texas, we allow $25 worth of access fees that are nontaxable, so we are sensitive to the idea of opening up the Internet. But this will be denying these individuals the opportunity for resources that they greatly need.

I do not know how this Congress can do it. Particularly a Congress that represents itself to be respectful of States rights. This is harming 10 States and harming the State of Texas. I believe we should seek a moratorium that allows us to stay this issue. I believe, however, that we should not take away the rights of those 10 States and, more importantly, I do not think we should move precipitously when we really do not know the best way to approach this.

Mr. Chairman, my last point is to simply say as much as we may not want to view this as an equity question, it seems to me that we should consider all of those individuals who go into stores and buy their goods. And I disagree with any comparison that this is like a fee going into a shopping mall. It is not. Consumers are on the Internet and buying the goods right there. They go into a store we pay sales tax. Let us be fair and make sure that we have a situation where we respect those States who have already opted to make their choices on taxation.

Mr. COX. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to respond to the comments that were just made. It is suggested that a continuation of the status quo, which protects users of the Internet from discriminatory taxation, would somehow harm the State of Texas. But the State of Texas is increasing its tax take under the status quo. As a matter of fact, sales tax collections in the State of Texas for the year we have just completed are up 5 percent.

The same is true across the country. There is not a State in America that is not better off now than it was before the passage of the Internet Tax Freedom Act and the two are not disconnected, because the growth of the new economy is fueling a growth in American productivity and a record increase in jobs and a flood of revenues to government at all levels.

There is no revenue impairment. There is no revenue loss. There is more taxation and more collection of taxes for State and local governments, and for the Federal Government, than ever before in our Nation's history.

Mr. Chairman, let us look at the figures. At the end of 1999, all 50 States were in surplus. The States finished 1999 with $35 billion in total surpluses. And that is at the same time that they were growing their spending by nearly 8 percent on average. Total tax collections among the 50 States are up not by 1 percent, not by 2 percent, not by 3 or 4 percent, the range of our economic growth, but by 11 percent. Total tax collections among the States, up 11 percent from $420 billion in 1998 to $466 billion in 1999.

We do not need more taxes. We do not need discriminatory taxes. We do not need double taxation. And all that this bill does, all that it does, is ban discriminatory taxes and multiple taxes. So I need to know which one, which kind of taxes, the discriminatory ones or the multiple ones, the opponents of this legislation are in favor of.

But in my view, there should not be a moratorium. There should be a permanent ban on such taxes. We should not have discriminatory taxes against the Internet and we should not have multiple taxation. Two States should not tax the same commerce twice. One State ought to do that, and that is what this legislation wisely does.

Now, in truth the debate is not about what it seems to be about. We are not really arguing about that. Instead, people are taking a very good piece of legislation, the Internet Tax Freedom Act, and they are holding it hostage. They are saying, "All right. We agree with you, there should not be multiple taxation. There should not be discriminatory taxation. But we have another issue with sales taxes and we would like you to address that some time, and we think that only if we take this perfectly good piece of legislation and hold it hostage will you listen to us."

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I remember once when I was in college, I think, maybe I was a little older than that, the National Lampoon put out one of their magazines. Some of my colleagues have seen the National Lampoon, and it had a very clever cover. On the cover was this adorable little puppy with a gun to its head. It said, "Buy this magazine or we will shoot this dog." Of course the message was meant to be humorous, but it is an illustration of the legislative tactic at work here.

People do not like the fact that they have a Supreme Court decision that impairs State sales tax collection on remote sales. They would like Congress to address that legislatively under our Article I, Section 8 power. Because that is not what we are debating here on the floor today, they want to take this piece of legislation hostage and say, well, at least it is about the Internet. Let us slow down this legislation and make them add on to this other issue.

That would be a bad idea because what it would mean is that people would not have the certainty that they now have that we are not going to at the Federal level, we are not going to at the State level, and we are not going to at the local level impose discriminatory taxes on the Internet that tax the Internet when the off-line commerce would not be taxed in the same way or multiple taxes on the Internet. We are not going to tax Internet access because we really do care about the digital divide.

If my colleagues care about the digital divide, do not pile new taxes on Internet access. That is what the existing legislation, which this would extend, prevents. There are many good reasons, but none more significant than the flood of revenues to our States to support the Internet Tax Freedom Act and its extension in the form of the Internet Nondiscrimination Act.

For those reasons, I urge strongly that we oppose the amendment.

Mr. ROGAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, first I want to associate myself with the gentleman from California (Mr. COX). I think that he has hit the nail directly on the head.

Mr. Chairman, I am pleased to yield to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, Congress created the Advisory Commission on Electronic Commerce in 1998. The purpose of the Commission was to study the Internet taxation issue and submit a report of its findings to the Congress. The Commission consists of representatives from State and local governments, the administration, the business community, and others.

In its recent report to Congress, the Commission suggested that the Internet tax moratorium that was in existence, created at the same time the Commission was created, be extended for 5 years. While there was disagreement on several Internet tax issues, which we are not addressing today, including the sales tax issue, which some want to keep bringing up, there was complete agreement on a 5-year moratorium extension.

While Congress is not bound by the Commission's report, we should follow its suggestions unless there is good reason to do otherwise. After all, that is why Congress created a Commission. No good reason exists to deviate from the Commission's suggestion that the moratorium be extended for 5 years.

Choosing to extend the moratorium for 2 years is completely arbitrary. There is no evidence that a 2-year extension is better than the Commission's suggestion of 5 years. Again, Congress should follow the Commission's lead, especially on an issue where there was complete agreement unless there is good reason not to, which does not exist here.

While it is true that the recent Commission report was not supported by two-thirds of the commissioners, which was a requirement for submitting formal recommendations to Congress, it is also true that some of the issues examined by the Commission were supported by two-thirds of the commissioners. Extending the moratorium for 5 years was one of those issues.

If we take this amendment and extend it only 2 years, we are depriving the American taxpayers a protection against one of the most unfair, most regressive taxes one can imagine.

Sales taxes, which the gentleman wants to take up and find a way to impose on people who buy goods and services on the Internet, they are regressive taxes because, generally speaking, they hit lower income people harder than other taxes.

But taxes on access to the Internet, which is what we are addressing in this bill, not the sales taxes, are far more regressive because, regardless of one's income, regardless of one's wealth, one pays the same amount of tax for that access to the Internet.

So, again, for everyone here who wants to close the so-called digital divide and make sure that every American has the opportunity to have access to the Internet for the educational benefits that arise from it and the ability to do business on it to have jobs related to it, to be able to shop on the Internet, to be able to advocate political points of view on the Internet, we should not be allowing a tax on that access.

So we should extend this moratorium as long as we could. But we certainly should extend it no less than what the two-thirds majority of the commissioners recommended, what the Committee on the Judiciary has recommended, because we are, in effect, simply keeping people free from some of the worst taxes that one can possibly impose.

I urge my colleagues again to reject this amendment.

AMENDMENT OFFERED BY MR. CHABOT TO THE AMENDMENT OFFERED BY MR. DELAHUNT

Mr. CHABOT. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. CHABOT to the amendment offered by Mr. DELAHUNT:

Strike line 1 and all that follows through the end of the amendment, and insert the following (and make such technical and conforming changes as may be appropriate):

**SEC. 2. COMPREHENSIVE AND PERMANENT MORATORIUM ON STATE AND LOCAL TAXES ON THE INTERNET.**

(a) COMPREHENSIVE AND PERMANENT MORATORIUM.—Section 1101 of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended—

(1) in subsection (a)—

(A) by striking "3 years" and inserting "99 years", and

(B) in paragraph (1) by striking ", unless" and all that follows through "1998",

(2) by striking subsection (d), and

(3) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

(b) TECHNICAL AMENDMENT.—Section 1104(10) of title XI of division C of Public Law 105–277 (112 Stat. 2681–719; 47 U.S.C. 151 note) is amended by striking "unless" and all that follows through "1998".

Mr. CHABOT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Chairman, this is a perfecting amendment to the Delahunt amendment. The intent of the amendment is to make the moratorium permanent. For parliamentary reasons, it was necessary to pick a date specific, a certain amount of time. In this case, we chose 99 years, which, in essence, effectively makes the moratorium permanent.

Mr. Chairman, back in 1998, I worked with the gentleman from California (Mr. COX) to introduce and push legislation that would place a moratorium on Internet taxation. The effort resulted in the passage of the Internet Tax Freedom Act, which placed a 3-year moratorium on three particular types of Internet taxation: taxes on access charges, multiple taxes, and discriminatory taxes.

At that time, we were warned of the dire consequences for State and local governments if such a moratorium were enacted. However, contrary to these concerns, the moratorium has proved to be quite successful.

Since enactment of the Internet Freedom Act, millions of Americans have gained access to the Internet, and electronic commerce has grown exponentially. The Internet economy has created millions of new jobs, and new economic opportunities for Internet businesses as well as more traditional companies.

As a result of this rapid expansion, most State and local governments are experiencing massive increases in tax revenues and record budget surpluses. There has been a lot of talk in this Chamber about bridging the so-called digital divide and providing all Americans with access to the Internet.

According to a Department of Commerce report released last July, only 12 percent of those households with combined incomes from $20,000 to $25,000 have Internet access, compared to 60 percent of those households earning $75,000 or more. Raising taxes and increasing prices on consumers will only make that situation worse.

The most reliable way to ensure that Internet access is available to all is to help keep prices and costs low. By extending the moratorium and permanently banning Internet access taxes, we can lower future costs and ensure that Internet access remains affordable for all Americans.

Mr. Chairman, thriving new industries have always been prime targets for new and discriminatory taxation in this country. For example, our constituents are still paying for the Spanish-American War courtesy of an excise tax on telephone use enacted all the way back in 1898 and still on the books. If we do not act affirmatively to protect the Internet, it will soon be subject to these same types of bogus charges which can hinder its growth, raise prices, and hurt consumers.

By merely extending the current moratorium rather than making it permanent, Congress is leaving the flood gates open for a tidal wave of future taxation, which could cripple this vital technology. It is time to slam those gates shut, lock them tightly, and throw away the key.

If we do not enact a permanent moratorium and, instead, continue to pass temporary extensions, no one, not State and local government entities, not the Internet business community, and not the consumers, will know what the future may bring. By enacting a permanent ban ,we can end this uncertainty and allow the Internet to flourish, free from the threat of future taxation.

Mr. Chairman, we have an obligation to pass this proposal today. The Internet is a global network, and subjecting it to a myriad of State and local access taxes will cripple its development and prevent some families from gaining access to this wonderful tool.

I urge my colleagues to protect our constituents' access to this thriving technology and vote to make this moratorium permanent.

Mr. NADLER. Mr. Chairman, I rise in opposition to the perfecting amendment.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio (Mr. CHABOT) which would provide for a permanent extension of the moratorium on Internet taxation.

I obviously do not support multiple or discriminatory taxes, but I oppose a permanent moratorium because I fear, if we pass a permanent moratorium, we will never return to the more important issue of State tax simplification. Failure to revisit this issue will harm all interested parties: retailers, both electronic and otherwise, State and local governments, and consumers.

The fact is that we have a moratorium in order to allow the States and the Governors and the Federal Government to address the issue of how one fairly taxes transactions conducted over this new medium, without giving an advantage, without stifling it, without burdening it, but also without giving it an unfair advantage over other types of business and over other media for the conduct of business.

If we do not solve that problem, one of two things results. One could have stifling taxation on the Internet which would inhibit its growth, and that is why we want a moratorium to avoid that. I have no problem with the moratorium. I was one of its sponsors 2 years ago.

Secondly, if we do not allow sales taxes on goods purchased over the Internet, then we, to a very large extent, destroy the tax bases of State and local government, and we give an unfair advantage to purchases over the Internet compared with purchases not over the Internet.

As I said before, the economy, the growth of the economy, the efficiency of the economy demands that economic decisions be made on economic bases, not in order to avoid tax by going in one direction and not the other. That is a formula for less economic growth, less economic efficiency, lower economic productivity.

If we make this moratorium permanent now, without dealing with the problem of how to fairly and without undue burden taxing transactions over the Internet, we may never get back to that.

The Internet entrepreneurs quite properly want relief and assurance against future multiple or discriminatory tax. The moratorium gives them that for the time being. But to give them that permanently without dealing with the other half of the problem is probably to mean we will never get to the other half of the problem. That is wrong.

Why rush? We are first having hearings on that question next week in the Committee on the Judiciary. We should, from those hearings, come to some agreement on how to deal with it legislatively. We do not have to act now at all until those hearings and until we know what we are doing, but we are acting anyway for purely political reasons.

The moratorium has another year to run. If we want to extend it 2 years, okay, so we have 3 years to solve this problem. A permanent extension now, when the moratorium has not finished and we have another year, is simply saying we do not care about solving the problem of sales taxes; and that would lead, as the Washington Post notes in its editorial today, to damage to our State and local governments which we claim to care about.

I notice the cavalier attitude on the part of the majority of this House today toward unfunded mandates in this bill. We give lip service to opposing unfunded mandates. I do not mind them. I voted against the unfunded mandates bill. But most of the Members in this House give lip service to not imposing unfunded mandates in this bill, but we are doing it even though one of the sponsors of this bill says he has no idea the amount of the unfunded mandates. He does not want to take the time to find out.

So I suggest that we should not have a permanent moratorium. A 2-year moratorium is adequate to enable us to do what we have to do; namely, figure out a rational and fair way of giving everyone fair and equal taxation while burdening the Internet with multiple and discriminatory taxation.

So I urge the defeat of the amendment.

Mr. Chairman, I yield to the gentleman from Massachusetts (Mr. DELAHUNT).

□ 1330

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Mr. NADLER. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. Madam Chairman, I thank the gentleman for yielding to me, and he did so for the purpose of my making a unanimous consent request.

Madam Chairman, I ask unanimous consent that the time of the debate on the perfecting amendment and the underlying amendment, the Delahunt-Thune amendment, be limited to 10 minutes, to be divided equally between the sides.

The CHAIRMAN pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Massachusetts?

Mr. GOODLATTE. Madam Chairman, reserving the right to object, the gentleman has asked for a total of 20 minutes additional time?

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. I would advise the gentleman that I am asking for 10 minutes; that we should limit the time for the debate on the Chabot perfecting amendment and my underlying amendment to 10 minutes, to be divided equally between the sides.

Mr. GOODLATTE. Well, I am concerned that I have a lot of speakers over here. How would that time be managed?

Mr. DELAHUNT. Well, if the gentleman will continue to yield, the ranking member of the subcommittee would manage it for the opponents, and I presume the gentleman from Ohio (Mr. CHABOT) or the gentleman from Virginia (Mr. GOODLATTE) would manage it for the proponents.

Mr. GOODLATTE. And that is 10 minutes on each side?

Mr. DELAHUNT. That is 5 minutes on each side.

Mr. CHABOT. Madam Chairman, I object. There are a number of speakers, I believe, who are interested in speaking on this amendment.

The CHAIRMAN pro tempore. Objection is heard.

PARLIAMENTARY INQUIRY

Mr. ISTOOK. Madam Chairman, an inquiry of the Chair.

The CHAIRMAN pro tempore. The gentleman may state his parliamentary inquiry.

Mr. ISTOOK. Madam Chairman, under the rule, is it correct that remaining debate time, which must include the additional amendments which have been prefiled and are to be offered the remaining time for debate, is limited to 1 hour? So that if everyone keeps speaking on this, they are effectively trying to stifle the consideration of other amendments?

The CHAIRMAN pro tempore. The time for consideration will expire at 2:30.

Mr. ISTOOK. Will expire at 2:30. So that any time consumed by this amendment, should it consume all the remaining time between now and 2:30, would have the effect of preventing the House from considering the other pending amendments?

The CHAIRMAN pro tempore. That is correct. The Committee of the Whole will have to conclude consideration of amendments at 2:30.

Mr. ISTOOK. Madam Chairman, is there any way that someone who, in good faith, has sought to offer an amendment to this bill can avoid this filibuster tactic?

The CHAIRMAN pro tempore. That is not a parliamentary inquiry.

Mr. ISTOOK. But it is a good point. I thank the Chair.

Mr. NADLER. Madam Chairman, may I inquire of someone over there how much time, perhaps the gentleman from Virginia (Mr. GOODLATTE), if 5 minutes on each side is not acceptable for a UC request, ask how much might be?

Mr. GOODLATTE. I would have to defer to the gentleman whose amendment is on the floor.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. CHABOT) may respond.

Mr. NADLER. Would 10 and 10 be acceptable?

Mr. CHABOT. There are a number of speakers over here that have indicated they want to have sufficient time to address this particular amendment. I do not think it will take a tremendous amount of time, and I would hope that we will have an opportunity to get to the amendment of the gentleman from Oklahoma (Mr. ISTOOK) or any other amendments that might be offered.

Mr. NADLER. Would 10 minutes on each side be acceptable to the gentleman?

Mr. CHABOT. Not at this point in time. The Committee on Rules set this rule. I am not on the Committee on Rules, I do not know how many folks sitting here are. But this is the rule we are dealing with. If we could move on and have the Members who would like to speak on this amendment, hopefully we will be able to have time to get to other amendments. That is, I think, the goal of all of us.

The CHAIRMAN pro tempore. Is the gentleman from New York stating a parliamentary inquiry?

Mr. NADLER. I am simply trying to ascertain if there is any amount of time. I do not know what other amendments people have.

The CHAIRMAN pro tempore. Is the gentleman from New York stating a unanimous consent request?

Mr. NADLER. Madam Chairman, I ask unanimous consent for a 20-minute time limit for this debate, to be divided equally between the two sides. That would allow 40 minutes for all other amendment combined.

Mr. COX. Reserving the right to object, Madam Chairman, I think this discussion is consuming time off the clock, and that if we simply proceeded with debate on the amendment that is already under consideration, we could then proceed in order to the next amendment and the next amendment.

I am aware, for example, that the amendment of the gentleman from Oklahoma (Mr. ISTOOK) is largely duplicative. It also is for 2 years, which we are already debating. A lot of this debate is supportive of debate on the other amendments as well. But I would urge we stop the parliamentary infighting and just get back to our regular business.

I, therefore, object.

The CHAIRMAN pro tempore. Objection is heard.

Mr. ROGAN. Madam Chairman, I move to strike the last word.

Madam Chairman, I am pleased to support the amendment offered by my friend and colleague, the gentleman from Ohio (Mr. CHABOT) that would make the moratorium on taxation on Internet access permanent. This amendment will send a message that Congress is opposed to excessive regulation and taxation of e-commerce.

There is little debate here today on the impact of the Internet on our economy. Yet, despite its rapid growth, the Internet is still in its technological infancy. The potential for growth and the creation of new wealth is tremendous. This growth will continue to affect Americans at all economic levels. This rising tide of economic expansion has and will continue to lift all boats.

In fact, the largest growth potential remains in home-based businesses. Goods, services and technology are available to consumers around the globe as never before. Taxation on the Internet raises many unanswered questions. Nationwide, there are some 6,000 competing separate tax levying jurisdictions. Congress must act to ensure that the electronic engine of our national economic growth is not unfairly punished by any of these competing jurisdictions or by an unwieldy combination of them.

Today, we have the opportunity to continue the explosion of productivity and growth that we have seen from the Internet. From the booming tech companies of the Atlantic to the heart of the Silicon Valley, to those companies in my district in Los Angeles County, e-commerce is touching the lives of all Americans. Internet companies are fueling hometown economic revivals.

With this broad impact, Congress must act responsibly and decisively. By passing the amendment of the gentleman from Ohio and the underlying legislation, we will be sending a message that e-commerce is a technology to be embraced and not choked under the heel of government taxation.

I urge my colleagues to support this amendment offered by our colleague from Ohio to enact a long-term ban on access to Internet taxation.

Mr. DELAHUNT. Madam Chairman, I move to strike the requisite number of words.

Mr. GANSKE. Madam Chairman, will the gentleman yield?

Mr. DELAHUNT. I yield to the gentleman from Iowa.

Mr. GANSKE. Madam Chairman, I rise in opposition reluctantly to the amendment by my good friend from Ohio in favor of the amendment of the gentleman from Massachusetts (Mr. DELAHUNT) and also, when it comes up, the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

Madam Chairman, the Internet taxation issue is the number one issue for small town business men and women in my district. They see this lengthy moratorium on e-commerce taxes as unfair. They are paying taxes and losing business to competitors who do not pay those taxes.

This tax policy gives on-line retailers a competitive advantage over brick-and-mortar retailers. It is a myth that e-commerce needs preferential tax treatment because it is a new industry. The Internet has reached 50 million people in 4 years. Look at some of the earlier breakthroughs. Radio needed 38 years to reach the same number of users; television 13 years. So the Internet's development has been nothing short of phenomenal. With that robust growth, requiring on-line retailers to collect sales taxes will not harm their growth.

This is really a question of somebody else getting hurt. I agree with Governor Leavitt of Utah when he said, "You know, we all hate taxes. But if we have to pay them, then at least they ought to be fair." At the White House and in Congress we hear a lot about fair trading practices. Let us talk about fair trade at home. Let us deal with the issue promptly and not pass on it. Taxing some companies but not others is not fair. What prevents a huge retailer like Wal-Mart, with unlimited resources; from setting up computers instead of registers so that customers could purchase goods on-line and avoid a sales tax?

We should not put off a decision on Internet taxation for 6 years. The current moratorium ends in October of next year. Next year we will have a new President and a new Congress. That will be a reasonable period of time for us to deal with this issue. Putting it off for 6 years is unreasonable and unfair.

As an article in today's Washington Post explains, "The extension is deceptive legislation that in the short run doesn't do what most people think, and that in the long run could do real harm. The measure does not ban sales taxes on e-commerce, transactions over the Internet, but it sounds as if it does, which suits the sponsors just fine."

Let us not pass the buck on this decision to a Congress 6 years away. Let us not pass the bucks, the bucks that businessmen in my district are now losing to an unfair tax. I am going to support the Delahunt amendment, and I am going to support the Istook amendment on extending the moratorium from 5 years to a realistic 2 more years, right into the next Congress. If that drawback fails, I am voting no on the bill.

Let us deal with this issue soon and not pass the buck. At a time when the majority is pushing to devolve political power and authority back to State and local levels, I believe this issue is all the more important. If we are to expect many of the important governmental programs to be implemented in this way, States and localities must be allowed the means to raise that revenue.

In February, the University of Tennessee published a report that projects how much money States will lose per year by 2003 if businesses are not required to collect use taxes that are owed by purchasers on electronic commerce. The report found that the State of Iowa alone would lose $162 million, and nationwide, States would lose $20 billion.

According to the U.S. Census Bureau, 47.9 percent of State revenues come from sales taxes. If sales tax is not collected on e-commerce transactions, State and local governments will have to find other ways to offset their losses. This could mean raising taxes on income or cutting back on essential community services, such as education, law enforcement, public libraries, and transportation.

Once again, my colleagues, Congress needs to stop passing the buck on this issue. My small businessmen and businesswomen consider this their number one issue. Vote for Delahunt, vote for Istook. If they fail, vote "no" on the underlying bill.

Mr. HUTCHINSON. Madam Chairman, I move to strike the requisite number of words.

I am pleased to rise in support of the Internet Nondiscrimination Act, and I want to thank my colleague from Virginia for his work on this important issue.

The bill before us provides a moratorium on access taxes on the Internet for 5 years. I think this is important to allow the development of this new technology that is truly in its infancy stage. There is an amendment that has been offered that would limit this moratorium to 2 years. I believe that is too temporary. It is not long enough and, therefore, I will oppose that amendment.

The present amendment that is offered makes that permanent, or for 99 years, and I appreciate my colleague from Ohio for raising this point in the debate and allowing us to have this discussion, but I think everyone here in Congress knows that a permanent ban is probably not in the dictionary when it comes to the actions of Congress, because we can change that down the road. So I think it is somewhat of a meaningless gesture, however, I believe it is important, because of the other issues surrounding this moratorium, that we do reengage in this debate down the road.

One of the issues that are on the periphery of this moratorium is the States' concern that this somehow impedes their collection of sales taxes on distance sales. I know that my governor of Arkansas has written a letter expressing the concern about this moratorium impacting the collection of sales taxes by the States. When, in fact, as it has been pointed out, this clearly would not prohibit the States from trying to develop a means to collect sales taxes on distance sales via the Internet or catalogue sales.

I am sympathetic to that concern, and I believe it is important that the Committee on the Judiciary engage in hearings to address this issue, to continue the debate on that. We need to continue to watch to see the impact on sales tax collections by our States that impact our schools and other services provided. But I am also concerned about the brick-and-mortar businesses, the Main Street businesses, those that rely upon in-store shopping. They are obviously concerned about the Internet having a competitive advantage, those engaged in e-commerce.

I think we need to wait and see, but the debate is very important, and I hope that will continue in hearings in the Committee on the Judiciary, and I know legislation will be introduced to clarify and reduce the obstacles that States face in collecting the sales taxes. It is not an obstacle created by this moratorium, but it is an obstacle created by the fact that there are no collection methods at present that the Supreme Court has not found creates an undue burden on interstate commerce.

□ 1345

So, therefore, I think we need to look at what we can do to help the States, make sure that there is not a burden, as well as the problem with the brick-and-mortar businesses, as I mentioned.

The Internet development clearly should be encouraged. I believe that if there is a possibility that taxes would be imposed on access to the Internet that that would be a hinderment. I believe that we should support this moratorium for that reason.

In my district in Arkansas, where middle America is rural America, I believe the Internet explosion, the opportunities for e-commerce, the development of dot-coms represents the future of rural America even. We see it in the Silicon Valley. We see it on the East Coast. But in rural America, we have in my district a dot-com which has developed that is employed. I think we are going to see more of that. And so, I do not think we want to hamper it right now with the potential for new taxes on access to that great future that is really in its infancy now.

For that reason, I oppose the amendment to make the moratorium permanent, I support the underlying bill, and I ask my colleagues to join in that effort.

Mr. CONYERS. Madam Chairman, I rise to strike the requisite number of words.

Madam Chairman, members of the committee, I am, first of all, saddened that the Chabot amendment was attached to the Delahunt provision. If only it could have been a more fair parliamentary universe, we would all be better off in trying to make these decisions.

But having said that, I have no other alternative but to oppose a permanent extension of a moratorium on Internet access and discriminatory taxes. Because if we pass a moratorium now, I guarantee my colleagues that we will never return to the important issue of tax simplification. We just will not come back, this is it. To try to nail this on to the Delahunt amendment that narrows to 2 years this extension I think is very, very unwise.

The problems with the present system are fairly well-known by now. The complexity is daunting. Six-and-a-half thousand taxing jurisdictions in the United States, and we want to provide for a permanent extension of the moratorium without so much as a hearing, without anyone ever having examined what it is that we would be doing were we to accept such a provision?

Needless to say, any retailer with a physical nexus to his State is subject to a myriad of confusing and complex State and local taxes.

Next, the current disparate tax treatment as between brick-and-mortar and remote sellers has the potential to cause continuing economic distortion.

In the New York Times, it has been written, an elementary principle of taxation says that taxes should distort purchasing decisions as little as possible and it is not the role of the Tax Code to determine whether a customer shops in stores, on-line, or by mail order.

The gentleman from New York (Mr. NADLER), the ranking member of the subcommittee, has made that point repeatedly. This is not the job of Tax Codes to determine where customers shop.

Now, with regard to the impact on State and local governments, maintenance of the current system carries with it the potential for significant financial loss. Sales taxes in State after State is the most important revenue source, far greater than income or property taxes.

And so, what are we doing here with projections of on-line sales estimated to exceed $300 billion in only a couple years from now, State and local governments could lose as much as $20 billion in uncollected sales tax.

So, my colleagues, please let us vote no on the Chabot amendment, as well-intended as it may be, and continue our support for the Delahunt provision.

Mr. CUNNINGHAM. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I strongly support a permanent ban on the tax of the Net. We need to free the Net. If we look at the Internet, e-commerce and technology today, it has stimulated the economy. There is an explosion of the stimulated economy.

In the year 2000, we need not to go back to an analogue system of government or an analogue system of business. Some of my colleagues have said that jobs will be threatened in small business. Small business can join the Net just like anybody else. Many already have. And the smart ones will in the future join the Net. It will benefit them and free them from unnecessary taxes.

Because I want to tell my colleagues, Madam Chairman, if we increase taxes, government at State, at local and at Federal will spend it. I absolutely guarantee they will. An increase in jobs due to the Internet actually stimulates growth and has increased tax revenue of existing taxes. The increase in production of goods produces an increase of existing taxes.

But my friends on the other side of this issue want a brand new tax. Think of the bureaucracy alone that it would take to regulate this new tax. Some of my friends like big bureaucracy. Small business will actually benefit from taking off and freeing the Net.

I would take a look at the other side of this issue and the spin. There is a group here in Congress that has never found a tax that they do not like, never; and any tax relief that we want to give, it is only for the rich. Whether it is for a marriage penalty, whether it is for the death tax, whether it is for capital gains, whether it is for education relief and scholarships, it is only for the rich.

Well, let me tell my colleagues, the same group, my colleagues on the other side, let me put it in perspective.

In 1993, when the Democrats controlled the White House and the House and the Senate, they increased the tax on the middle class, they increased the tax on Social Security and said it was good for the country. They increased the gas tax. They even had a retroactive tax. And that was supposedly good for the country because, if we did not have those taxes, we were going to have to cut education, we were going to have to do this. But, at the same time, they increased spending.

The Vice President was the deciding vote on all of those tax increases. And yet, they will spin this that a new tax is always good for the country. I reject that, Madam Chairman.

In essence, we need to go forward in this country in the year 2000.

There is another group here, Madam Chairman, that further supports my contention that there are groups that will spin anything to increase or support a new tax. That is a group called dsausa.org, Democrat Socialists of America. It is on the Net. This is their Web page.

Under that Democrat Socialists of America, there are 58 Democrats that belong to the Progressive Caucus that are listed under this. Now, the Democrat Socialists of America support government control of health care, government control of education, government control of private property and, number four, the highest tax possible so that they can have the highest socialized spending.

My contention is that there are those in this body that would increase taxes at any cost, prevent tax relief at any cost, and increase spending in the Government, which has driven us into a debt of nearly national oblivion.

I rise in strong support of the underlying bill.

Mr. FRANK of Massachusetts. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, first let me announce that a prize will be given to anyone who can connect the dots between the previous speech and the subject under discussion.

As to the subject under discussion, it is whether or not we should extend a moratorium for 2 years or 5 years, and it is a moratorium which already has more than a year to go. That is, there are no advocates right now of taxing the Internet, per se.

There are many of us, nefarious organizations, one that the previous speaker did forget to mention, most of the governors of the United States, whom some people here do not trust because they believe that if the governors are allowed to continue to administer their sales taxes, they will spend us into oblivion.

But what we are talking about is not allowing taxes on the Internet as the Internet. We are talking about the dilemma we face in not being able to enforce the collection of sales tax which are concededly legally due and owing through Internet purchases.

Now, there is currently a moratorium. It expires next year. The gentleman from Massachusetts (Mr. DELAHUNT), my colleague, has offered an amendment to extend that for 2 years. The underlying bill would extend it for 5 years.

There is an amendment, the never-never land amendment, that would extend it out indefinitely. But I believe the real issue of a serious note is whether we extend it for 5 years or 2 years. That is the key, do we extend the moratorium until 2006 or until 2003.

So it is not a case of wanting to tax the Internet. It is not a case of letting the moratorium fail, even though it has no expiration date until next year. The question is whether it is a 3-year extension or a 5-year extension of a moratorium; in other words, a moratorium or a less-atorium. But it is still going to be a veto on any taxes.

The question, then, is why are some of us against a 5-year extension. The answer is this: States today depend in many cases heavily on the sales tax. There is a reason for allowing the States to collect the sales taxes that are already owing, both to finance important State activity, and also so that retailers who operate in cities and elsewhere are not at a competitive disadvantage because the purchaser has to pay a tax when, de facto, a purchaser over the Internet may not have to.

Collecting sales taxes on Internet purchases is conceptually easy but has some specifics of that to be worked out.

What we need is the participation of the people who do the retailing over the Internet and the local and State governments and others so that we can work out a sensible regime whereby sales taxes that are legally owing can be collected once, not in a duplicative fashion, so that we do not put the Internet at any disadvantage but neither do we give them a competitive advantage over those physical retailers located in communities and so we do not detract from the revenues that States need to carry out their responsibilities.

The problem many of us feel is this: If we further extend this moratorium for 5 years and, a fortiori, if we do it forever, as the pending amendment proposes, we reduce substantially any incentive for those who have the expertise about e-retailing to participate in the negotiations we need to work out a fair system.

The retailers over the Internet will say, well, wait a minute. We are worried we may have multiple sales tax claims. People may claim we owe in this State and owe in that State. How do we find out the best way to enforce it?

By some conversations and negotiations.

The effect of passing indefinite moratoria, first until 2001 and then to 2006 and then maybe ultimately forever, will be to undermine the possibility of discussions so that we can come up with a regime not where we tax the Internet but where we fairly allow State sales taxes to be collected irrespective of where the purchase is made.

That is the goal. We do not want economic decisions to be made based on tax avoidance or tax advantage. We want them to be made based on the real economic activity. And, therefore, the legal system ought to be neutral as between physical stores in particular locations and retailers over the Internet.

□ 1400

In fact, today they are not. In fact, there is an advantage in buying over the Internet because of the difficulty of collecting the sales taxes and the uncertainties. What we are trying to achieve is a regime where there will be no such disadvantage, where the States will not be losing revenues. People have said, "Well, not that much is sold over the Internet now." But the goal, of course, is greatly to increase that. That is a perfectly legitimate goal. That ought to be a matter of consumer choice. Whether to do it through the Internet or do it through a physical location, or go back and forth. But if we allow a tax disadvantage, then we will not reach that ideal.

Mr. COX. Madam Chairman, I move to strike the requisite number of words.

I rise in support of the amendment that is pending, the Chabot amendment.

Madam Chairman, the preceding speaker began by asking whether anyone could connect the dots between the preceding speakers and the subject under discussion, then told us that the subject under discussion was whether we should have a 2-year extension or a 5-year extension of the existing moratorium. Whereas, in fact, the subject under discussion is the Chabot amendment, and the Chabot amendment, as the author made very plain when he explained it, would make the existing moratorium on discriminatory and multiple Internet taxes permanent. It is not a question of 2 years or 5 years. The subject under debate, the current amendment, and every Member should focus on this, is whether or not to make the existing moratorium permanent. So that is mistake number one that I wanted to correct. It is, we are not debating 2003 or 2006, we are debating permanent or not.

The second thing that the gentleman said is that we should oppose either a 5-year extension or impliedly a permanent extension because States depend on sales taxes. But it is very, very important to repeat, again, as we have so many times in this debate, that neither the Chabot amendment, which is now under consideration, nor the underlying bill which it amends, nor the existing Cox-Wyden moratorium on Internet taxes, multiple and discriminatory taxes, even mentions sales taxes. Sales taxes are not covered by this amendment or by the legislation.

The third thing that the speaker mentioned is that we need to give e-tailers, that is, small businesses and businesses of all kinds that do business on the Internet, an incentive to negotiate on the sales tax question, which I think everyone in the Chamber appreciates is an important question. But doing something unfair, injurious to them and to the economy as a means of getting their attention and supposedly giving them an incentive to negotiate is hardly a legitimate means for this government to proceed. It is like offering to help you by driving a nail through your hand and then saying, I will pull it out.

The ban on multiple taxes and on discriminatory taxes is one that ought to be made permanent because it is the right thing to do. The governors agreed with me when I originally wrote the legislation that we should not have taxes on Internet access and indeed they support a permanent ban on taxes on Internet access. Governor Leavitt, as the head of the National Governors Association, has long supported a permanent ban, not just one for 2 years or 5 years, or what have you, on Internet access taxes, because he, like so many of us is, worried about the digital divide or does not wish one further to develop.

If you are interested in getting broader access to the new economy through the Internet to more Americans, we would like to keep the freight charge on getting on the Internet in the first place as low as possible. And certainly we should not have people piling on with new taxes.

Lastly, let me add to what has already been said. That not a single State in the country has enacted legislation to tax the Internet. Not one. All of these attempts to tax the Internet are illegitimate acts of bureaucrats, tax-collecting bureaucrats in the States who are reinterpreting the tax laws of those jurisdictions to apply to the Internet which AL GORE had not even invented yet when these laws were passed, but not a single State out of all 50 has passed an Internet tax in this country. That is to say, the legislature never said, "Here's the Internet, let's tax it." Instead, they have utility taxes or they have telecommunications taxes or line charges or various things that have been laying around that were designed for something else, and the bureaucrats, the tax administrators, have decided that they were going to reinterpret them cleverly to apply to the Internet, even though the legislature of the State never made any such determination.

That is why Democratic Senator RON WYDEN and Republican Congressman CHRIS COX first got together with the Internet Tax Freedom Act to say, no, there are plenty enough taxes on the books already. We do not want new taxes, either ones cooked up in the imaginations of tax bureaucrats or by legislatures that will single out the Internet for discrimination, for discriminatory treatment.

There are only three kinds of taxes that are covered in this moratorium, and I will conclude by saying this, Madam Chairman. The first is a tax on Internet access. The second is a discriminatory tax, that singles out the Internet and taxes it when a main street business would not be taxed in the same way, or a street corner would not be taxed in the same way. The last is a multiple tax where two States would tax the same commerce. Since none of us is in favor of those things, we should be in favor of the Chabot amendment. I urge all my colleagues to vote for it.

Ms. JACKSON-LEE of Texas. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, might I say to my colleagues, it is interesting. We are actually having the debate that I believe would be more appropriate in each of our respective committees. I know that the Committee on Commerce is addressing this question. I know the National Governors Association has proposals that they would like us to consider. The Committee on the Judiciary is going to have hearings next week, or the week after next. Let me say to my colleagues, if we are concerned about the 10th amendment, here is what we can do today.

Frankly, we could do nothing, which is not to have this bill on the floor of the House. But we can respect the fact that we do not have all the answers and we could, as I had intended to do, to offer an amendment that ensures that the grandfathered States remain grandfathered, the 10 States that are the ones that have already addressed this question in the best way that they feel appropriate for garnering revenue in their respective States.

Might I, for the record, indicate that those States include Texas, Connecticut, Montana, New Mexico, Ohio, South Carolina, Tennessee, Washington and Wisconsin. I do not know what other States may have pending legislation. We have an expiration date of 2001. We could continue that expiration date with the grandfathered-in states, we could continue to have hearings and we could determine the most appropriate manner to address this question. It is not often that Members of Congress want to cite editorials, but I think it is important to note that even The Washington Post, which I think is known for its progressiveness and certainly would be supportive of Internet companies and access to the Internet, recognizes that the States have the ability and the rights to make some of these decisions.

For example, they cite one form that could be utilized, the answer is for the States to make their tax codes more uniform, not the rates but the definitions, what constitutes food, for example, which is often exempt, and that Congress should authorize an interstate compact. That is just one suggestion. But we are here with no suggestions and we have the Chabot amendment that wants to make it a permanent moratorium. They want to bankrupt cities and counties and States permanently. Texas is poised to lose $1 billion. Our State comptroller says that we are getting a $50 million revenue. Does everybody want to put all their eggs in the lottery basket? Is that what we are going to send States to, is that everybody has to depend on the big day in the lottery and see if they can get any small dollars out of that? I think that what we are doing is a great disservice. The amendment that I had intended to offer clearly spoke to the idea that States have found their way into structuring a tax system that responds to their needs.

In the instance of Texas, we even gave relief to the first $25 access fee. I think that clearly shows that States have an intellect about this access fee and are not intending to gouge e-commerce. They want it to thrive. They want it to grow. I do not know how we could imagine that we could have a permanent moratorium without reasonable hearings and listening to the National Governors Association and answering the question.

As I indicated, Madam Chairman, I had intended to offer this amendment because, as I gathered with my constituents, the concern was to ensure that we do not bankrupt States, period. I am encouraged by the debate on the Delahunt amendment, and I certainly do not want the Chabot perfecting amendment, permanent moratorium to pass, for I think we would be characterized as clearly doing business in the dark. We have no information that would warrant a permanent moratorium, a permanent bankruptcy of local jurisdictions or State jurisdictions.

I would therefore like to ask the gentleman from Massachusetts (Mr. DELAHUNT), in light of my concern, whether his underlying amendment speaks to the issue, one, of the question of the grandfathered States, are they still included as the present legislation has them in the main bill?

Mr. DELAHUNT. Madam Chairman, will the gentleman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Massachusetts.

Mr. DELAHUNT. The Delahunt-Thune amendment just simply extends the current existing status quo for an additional 2 years upon the date of expiration of the current moratorium. That date is October 21, 2001.

Ms. JACKSON-LEE of Texas. Which then, as it extends, it would include already present law which is the existing grandfathered states?

Mr. DELAHUNT. It would include everything that is currently embraced by the existing moratorium.

Ms. JACKSON-LEE of Texas. I thank the gentleman.

Let me just say that in concluding, the expiration date is 2001. This gives us an extra 2 years beyond that, an opportunity for detailed work on this issue. I oppose the Chabot amendment. Vote for the Delahunt amendment and get us back to where we need to be.

Madam Chairman, I rise to raise my amendment seeking to maintain the grandfather clause permitting states that already impose Internet access taxes, to continue to do so; which I intend not to offer in order to oppose the Chabot amendment which calls for a permanent moratorium and instead support the Delahunt amendment which extends current law with the grandfathered states remaining for two years.

This bill seeks to change the current five-year moratorium prohibiting states or political subdivisions from imposing taxes on transactions conducted over the Internet. I do not support extending the moratorium through 2006 because it bars states from collecting much needed tax revenue.

Under current law, there is a limited moratorium on state and local Internet access taxes as well as multiple and discriminatory taxes imposed on Internet transactions, subject to a grandfather clause permitting states that already tax Internet access to continue such practice.

My amendment would restore the grandfathering clause of present state practices that permit the taxation of Internet access charges. The current moratorium is scheduled to expire on October 21, 2001, and was merely designed as an interim device to allow a commission to study the problem of Internet taxation.

There is simply no reason to change the law at this time. For this reason, I was concerned that this particular bill was rushed for consideration at a full judiciary mark-up.

My amendment will allow states to maintain the ability to generate vital tax revenues that fund essential state programs for the public. Many states across our nation already rely on these crucial revenue streams.

The ability of states to decide and implement their own tax policies is their right. The Congress should not enact this legislation without voting for my amendment which would allow the states of Connecticut, Montana, New Mexico, North Dakota, Ohio, South Dakota, Tennessee, Texas, Washington, and Wisconsin to continue the funding of vital services for their states.

Madam Chairman, we should not support a bill that champions the growth of an industry on the backs of hard working Americans who often do not directly benefit from the technological revolution. We must first address the digital divide in our country before we enact another measure of corporate welfare.

Mr. STEARNS. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I rise in support of the Chabot amendment. I would say to those who are against this, that there are other ways to tax these products once they get into the State of jurisdiction, either through a tax on UPS or a tax on Federal Express, there are lots of other ways to tax it. I submit also the way the tax structure is from State to State is so complicated that you cannot even understand how to even tax it.

So I think the moratorium, until we figure it out, is the way to go.

I had an amendment, Madam Chairman, to extend the 19-member advisory commission on electronic commerce. That is the proper way to do it. This commission, as we know, had the formidable task of studying the impact of sales and use tax collection on Internet sales. They made some recommendations. I am disappointed, of course, that the commission failed to gain the two-thirds majority necessary for a formal recommendation to Congress. As a result of the commission's impasse and procedural wrangling, several of the most important questions the commission was given to solve, they could not answer. For example, whether Congress should mandate simplification of sales and use tax administration and whether the existing nexus standards for interstate commerce should be overturned still have not been solved. That is why I thought the amendment was appropriate for this debate this afternoon which was not in order, the parliamentarian said it was not in order, an amendment to offer to revise and reconvene the 19-member advisory commission on electronic commerce in order to finish the task that they were assigned originally.

The underlying bill, the Chabot bill, which is to extend the moratorium forever and the Cox bill, which is to go for 5 years, I support in both cases. Without this 19-member commission reconvened, I do not think they can really start to understand some of the major questions of the Internet, mainly, the simplification of sales and use tax, and how we are going to even tax the Internet. So until we do that, we should have a moratorium on this. That is why I am very supportive of this Chabot amendment.

This goes to a larger question. If, in fact, we cannot determine to simplify taxes through the Internet and understand it, maybe that goes to the overall question of reforming the tax code in America, which would be either a flat tax or a sales tax. I submit a sales tax is based upon taxing Americans on their consumption rather than how hard they work. That would be done on a State-by-State basis, and they would make that decision. I submit, also, that a moratorium on the tax on the Internet does not preclude the States from taxing within their State on products that are brought in through either location or through Federal Express or UPS and things of that sort. I think the actual way to handle this on a larger measure is to reestablish the 19-member advisory commission on electronic commerce, let them finish the task of determining how to simplify taxes and whether there should be taxes on the Internet, finish their job and present their recommendations to Congress, and hopefully the whole landscape of electronic commerce and the Internet will become more obvious, more mainstream and technology will catch up, and the answers that we are trying to grapple with this afternoon, we will be able to solve better.

In the meantime, I think we should support the Chabot amendment. I urge adoption of it. Madam Chairman, I will draw up as a separate bill the idea of extending the 19-member commission to study the simplification of taxes on the Internet. I urge all my colleagues to support my bill.

□ 1415

Mr. KASICH. Madam Chairman, I move to strike the requisite number of words.

Madam Chairman, I find myself very frustrated with this discussion, because it is my sense that in a lot of regard, we have missed the point of the debate about the Internet. When I listen to some of my colleagues talk about the need to be able to collect all these revenues, I almost think of the Pharisees in the Bible who were so hung up on the micro that they, in fact, missed the macro issues at hand.

The Internet is the engine that is helping us to generate, frankly, unprecedented economic growth, certainly unprecedented economic growth over the period of the last several decades. The Internet has driven the growth of jobs, a million people are now employed in a sector that did not even exist 5 years ago. It is not just driving jobs in the sector affecting the Internet, but if we just look at that one, there are 1 million people who did not have jobs in this area just a few years ago. It is driving the growth of wealth. What we see happening in America for the first time in a long time is that this growth in productivity and this growth in wealth is not just affecting people at the top, but it is affecting all Americans. Everybody is better off today as a result of the growth of this economy and the growth of productivity.

What this growth in productivity has done is to lower inflation. If one is an American and one is trying to figure out how to think about the economy, look at productivity. Productivity is the ability of a worker to produce more in the same amount of time, squeezing out inflation, which gives us real economic growth and a growth in wages.

That is what has been happening in America. The single largest contributor to the growth in productivity, the growth in wealth, and the growth in wages for Americans at all levels has been information technology, the Internet. Why would we try to tax something, why would we try to abuse something, why would we try to limit something that is generating for us unprecedented growth, unprecedented wealth, unprecedented opportunity, and unprecedented individual power?

When we look at the Internet and what it offers in the area of health care and education, the benefits can be unlimited. Just yesterday, as a result of the computer and its ability to, in an exponential factor, be able to calculate, just yesterday it was announced that we have been able to isolate the gene that affects Down's syndrome. How many mothers and fathers in this country have wished that we had isolated the gene for Down's syndrome decades ago?

There are a lot of young staffers that watch this debate on the House floor, and this Internet is about you, it is about the future, it is about your power and your children's power.

People say we do not collect enough revenue. We are going to lose revenue growth. Madam Chairman, 46 States are running surpluses, they totaled $7.5 billion from 1992 to 1998, State revenues grew by 45 percent, that is more than the growth of inflation and population combined. The States are awash in revenue. Government at all levels is growing too big, not just in Washington, but at the State level and the local level, and it should be the mission of government in the 21st century to break the hold of government, retrench government and get government to not do what we can do for ourselves, and only to perform those functions that we cannot do for ourselves. If we tax something, we get less of it. That is precisely what we would do if we began to tax an infant industry that offers us limited potential.

Frankly, where we need to go is to let this industry grow unabated, to not have access fees and to tax the sales on the Internet. Let it grow. Let it realize its complete potential, because its potential affects each and every one of us in a very positive way. At some point, it will be necessary to look at a tax system in the 21st century that will be consistent with the growth of the new economy. To apply a 20th or a 19th century tax system to this new economy is like putting the wheels from a Volkswagen on an Indy racing car. We want that car to go as fast as it can, and our tax system in America ought to be one that is consistent with economic growth, which frankly leads us in the direction of consumption taxes, taxes that reward savings and investment, that is consistent with the new growth and new economy and the growth and the potential that we have.

Madam Chairman, I say to my colleagues, we should not have access fees, all sorts of taxes on this Internet. Let us extend the gentleman from Ohio's amendment. Let us hold up on taxing the Internet and let us give technology and individuals a chance.

Mr. ISTOOK. Madam Chairman, I have an amendment at the desk on behalf of myself and the gentleman from Maryland (Mr. CARDIN).

Mr. GOODLATTE. Madam Chairman, I reserve a point of order.

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Virginia (Mr. GOODLATTE) reserves a point of order.

There is already an amendment pending. The Chairman of the Committee of the Whole has to first dispose of the amendments pending.

Does the gentleman wish to speak on this amendment?

Mr. ISTOOK. Madam Chairman, I wish to speak on my amendment and to offer the amendment for consideration.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma to offer an amendment notwithstanding the pendency of another amendment?

Mr. GOODLATTE. Madam Chairman, I object to the consideration of another amendment when there are two amendments pending on the floor.

The CHAIRMAN pro tempore. Objection is heard.

Does the gentleman from Oklahoma (Mr. ISTOOK) wish to speak on this amendment?

Mr. ISTOOK. Madam Speaker, I wish to offer my amendment which is at the desk. If there are no further speakers, I believe it is proper to proceed.

Mr. GOODLATTE. Madam Chairman, I would insist upon my point of order.

The CHAIRMAN pro tempore. The Chair would first put the question on the pending amendment. Another amendment is not in order at this point.

Are there any other speakers on the pending amendment?

Mr. LEVIN. Madam Chairman, there is a poignant scene in Homer's epic, The Odyssey, that bears mention as we consider the legislation before the House today. On his journey home, Odysseus' ship must pass by the island of the Sirens, whose beguiling song has the power to hold men spellbound to such an extent that the sea around their island is heaped with wrecks of ships that have fallen under their spell. Forewarned of the danger ahead, Odysseus stops up the ears of his crew with wax so they cannot hear the Sirens' song, and has himself bound to the ship's mast, and thus safely makes the passage.

I was reminded of this ancient narrative when I read the bill before us today. The legislation we are considering extends the Internet tax moratorium until October 21, 2006. It seeks to bind our course when the only certainty is that we haven't the faintest idea of what lies ahead. E-commerce did not exist six years ago. Who know what it will look like six years from now? Some projections show that on-line sales could exceed $300 billion a year by 2002. We have not adequately explored the ramifications of this legislation or considered the concerns of the vast majority of the nation's governors who seek a mechanism to level the playing field between the bricks-and-mortar shops of Main Street and the clicks-and-mortar shops of cyberspace. But the authors of this legislation have stopped their ears with wax. There were not even any hearings on this bill.

We need to chart a reasonable course. There is not yet a consensus on what course we should set on the issues of Internet taxation and state tax simplification. Clearly there is a need for an extension of the moratorium, and I actively support an extension of two years. But to stifle action for six years regardless of what might be the winds of change is not a prudent navigation of public policy. A two-year extension of the moratorium would provide us additional and hopefully sufficient time to resolve outstanding issues of considerable complexity. We can always revisit this issue and grant another extension if conditions warrant it. I therefore urge my colleagues to support the Delahunt amendment, which extends the current moratorium until October 21, 2003. We shouldn't legislate without a compass on an issue of this importance.

The CHAIRMAN pro tempore. Are there any speakers on this amendment? The Chair will put the question on the pending amendment.

The question is on the amendment offered by the gentleman from Ohio (Mr. CHABOT) to the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote, and pending that, I make a point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 496, further proceedings on the amendment offered by the gentleman from Ohio (Mr. CHABOT) and on the pending first degree amendment will be postponed.

The point of no quorum is considered withdrawn.

### AMENDMENT OFFERED BY MR. ISTOOK

Mr. ISTOOK. Madam Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ISTOOK:

After section 3 insert the following:

**SEC. 4. STREAMLINED NON-MULTIPLE AND NON-DISCRIMINATORY TAX SYSTEMS.**

It is the Sense of Congress that a State tax relating to electronic commerce, to avoid being multiple or discriminatory, should include the following:

(1) a centralized, one-step, multi-state registration system for sellers;

(2) uniform definitions for goods or services that might be included in the tax base;

(3) uniform and simple rules for attributing transactions to particular taxing jurisdictions;

(4) uniform rules for the designation and identification of purchasers exempt from the Non-multiple and Non-discriminatory tax system, including a database of all exempt entities and a rule ensuring that reliance on such database shall immunize sellers from liability;

(5) uniform procedures for the certification of software that sellers rely on to determine Non-multiple and Non-discriminatory taxes and taxability;

(6) uniform bad debt rules;

(7) uniform tax returns .and remittance forms;

(8) consistent electronic filing and remittance methods;

(9) state administration of all Non-multiple and Non-discriminatory taxes;

(10) uniform audit procedures;

(11) reasonable compensation for tax collection that reflects the complexity of an individual state's tax structure, including the structure of its local taxes;

(12) exemption from use tax collection requirements for remote sellers falling below a specified de minimis threshold;

(13) appropriate protections for consumer privacy; and

(14) such other features that the member states deem warranted to remote simplicity, uniformity, neutrality, efficiency, and fairness.

Mr. ISTOOK (during the reading). Madam Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN pro tempore. Considering the remaining time, the gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3 minutes in support of his amendment, and the Chair will recognize a Member opposed for 3 minutes.

Mr. GOODLATTE. Madam Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Virginia (Mr. GOODLATTE) reserves a point of order.

### PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Madam Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Is there a copy of this available? We do not have a copy over here.

Mr. ISTOOK. Madam Chair, I will make sure an additional copy is sent to the gentleman immediately.

Mr. FRANK of Massachusetts. The gentleman could e-mail it to me.

Mr. ISTOOK. Madam Chair, I would if I had a terminal right here.

The CHAIRMAN pro tempore. The gentleman from Oklahoma (Mr. ISTOOK) is recognized for 3 minutes.

Mr. ISTOOK. Madam Chairman, this is the amendment that has the support of the governors who have serious concerns about this legislation, and also of the retail merchants who seek nothing but fairness in this. We should not discriminate against those who do business via the Internet, nor should we discriminate against those who do business outside of the Internet.

Now, as has been brought forward, the big problem with the underlying legislation is that it tries to take an easy thing, saying we do not discriminate against the Internet and ignore the difficult task of resolving the difficulties of equal treatment, a level playing field.

As has been proposed by the governors, and proposed by retail merchants, and we have letters of endorsement from them, we need something that they know is a road map. This is how we do it uniformly and fairly. As the legislation sense of Congress specifies, it would be through a centralized, multi-State registration system for sellers, uniform definitions for goods and services that are subjected to a potential tax; uniform and simple rules for attributing transactions to one jurisdiction and one jurisdiction only, so there would be no multiple taxation and no discriminatory taxation; similarly, uniformity which the States frequently do through the Commission on uniform laws.

Madam Chairman, this is simply Congress trying to give a road map. That is what people have been crying out for. We want to do things in a fair, nondiscriminatory fashion. Just give us some assistance in doing so instead of saying no. That is what this is. It is a sense of Congress. It is not binding, but it certainly gives the States and retailers guidance. I am pleased that it has support of the E-Fairness Coalition, the National Retail Merchants Federation, the International Mass Retail Association, governors and others with an issue at stake in this. After all, Madam Chairman, the underlying registration, who does it restrict? It restricts the governors, the State legislators, the mayors, the city council members, the county commissioners. It basically says, we are not going to let you make decisions on your own taxes in your own State. That violates the 10th amendment to the Constitution, reserving the rights of the States which do not properly belong to the Federal Government.

This amendment would go a great deal forward in fixing the underlying problems that this legislation attempts to ignore. Madam Chairman, I think that it is hard to imagine how anybody would oppose this. We have certainly worked diligently with the Parliamentarian to make sure that it is in order and within the House rules of germaneness and all of the other rules, and I certainly believe that it is time that we move ahead with its adoption.

Mr. NADLER. Madam Chairman, I rise to strike the last word.

The CHAIRMAN pro tempore. Is the gentleman in opposition?

Mr. NADLER. No, Madam Chairman, I am in support.

The CHAIRMAN pro tempore. Is there a Member in opposition?

Mr. GOODLATTE. Madam Chairman, I rise in opposition.

PARLIAMENTARY INQUIRY

Mr. NADLER. Madam Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. NADLER. When we are under the 5-minute rule, what rule says a Member has to be in support or opposition to be recognized first?

The CHAIRMAN pro tempore. The Chair stated prior to debate on the amendment that the gentleman would speak in support of his amendment for 3 minutes and then the opposition would have 3 minutes.

Mr. NADLER. Madam Chair, I do not recall any such unanimous consent request.

The CHAIRMAN pro tempore. The Chair exercised her discretion to divide the time because of the shortness of time remaining under the rule. That is the ruling of the Chair and there is precedent for it.

Mr. NADLER. Madam Chairman, in light of the fact that the other side of the aisle refused a unanimous consent request to have a reasonable limit on debate on the last amendment so that we can have proper time here, and there is no unanimous consent request, I believe that the Chair is not in order in using discretion to impose a time limit like that.

The CHAIRMAN pro tempore. It has been the long-standing practice of the Chair in its discretion to divide the time equally when there is a time limit placed on the bill.

Mr. NADLER. Could the Chair specify the rule that permits that, please, in the absence of unanimous consent.

The CHAIRMAN pro tempore. It is the practice of the Chair under modern recorded precedent.

PARLIAMENTARY INQUIRY

Mr. FRANK of Massachusetts. Parliamentary inquiry, Madam Chair.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. FRANK of Massachusetts. Officially, what time is it now?

The CHAIRMAN pro tempore. There is 1 minute remaining.

Mr. FRANK of Massachusetts. So 1 minute remains to debate, and then the vote. I thank the Chairperson.

□ 1430

The CHAIRMAN pro tempore (Mrs. BIGGERT). The gentleman from Virginia (Mr. GOODLATTE) is recognized in opposition for the remainder of the time.

Mr. GOODLATTE. Madam Chairman, I rise in strong opposition to this amendment.

Madam Chairman, this is extraneous to the purpose of this bill. This bill is not about sales taxes on the Internet. The gentleman has attempted to craft this in such a way that it does not cover sales taxes, but this is an issue that we have not gotten into.

We have announced that we are going to hold hearings on this. We would love to have the gentleman's participation in the process, but this amendment is not germane to the legislation at hand.

I strongly urge my colleagues not to adopt an amendment which has not been examined or properly debated.

Madam Chairman, I yield back the balance of my time.

Mr. NADLER. Madam Chairman.

The CHAIRMAN pro tempore. The gentleman from New York.

Mr. NADLER. Madam Chairman, the whole point of this debate is that when the Internet Moratorium Act was passed 2½ years ago, the commission was charged with recommending a fair and equitable and nonburdensome way of giving equal taxation for the Internet and non-Internet, insofar as State sales taxes are concerned. This amendment is essential so when we are extending the Internet, whether for 2 years or 5 years, or whether we are extending the moratorium, whether for 2 years or 5 years or permanently, we at least have some basis for saying we are going to look also at the entire question which is intimately associated with this question.

Mr. CARDIN. Madam Chairman, yesterday I received a fax in my office from an organization supporting this bill. I expect each member of the House received the same fax.

Across the top of the page, in big, bold letters, the fax read, "NO MORE TAXES! VOTE "YES" ON H.R. 3709."

The text of the message says that the bill is needed because it will "allow Americans to continue to make purchases without overreaching taxes." The problem with the message is that it adds to the confusion and misinformation that surrounds this issue.

Anyone who reads the message would reasonably conclude that the purchases of goods over the Internet are currently exempt from State sales and use taxes, and that the moratorium will prevent the imposition of any taxes on these transactions.

The problem is that all but five states already have taxes on the books that legally apply to purchases made over the Internet. For reasons arising under the 1992 Supreme Court decision in the case Quill v. North Dakota, those taxes are not usually paid or collected. The most important issue considered—but not resolved—by the Advisory Commission on Electronic Commerce, was the question of how to continue the tremendous growth of the Internet as an economic force while assuring a level playing field between different forms of retailers.

With more than 6,500 state and local sales and use tax regimes across the country, there is no question that simplification and uniformity are desperately needed. The massive complexity and inefficiency of the current system imposes an unreasonable burden on the retailers who are required, because they have "physical nexus" in jurisdictions across the country. At the same time, it presents an absurd challenge to on-line or mail order retailers who compete with "brick and mortar" retailers.

There is a growing consensus that the states must develop a simplified tax system, along the lines of the Uniform Commercial Code, that will make compliance feasible. I had the benefit of hearing a full discussion of these issues at a meeting two weeks ago with business leaders, state tax officials, and the chairs of the tax-writing committees in Maryland's State Legislature. Coming out of that meeting, I am convinced that it is in the interest of fairness to all retailers, as well as of the state and local governments which depend on the revenues generated by sales taxes for education and law enforcement, for us to resolve this problem.

The amendment that I have offered with the gentleman from Oklahoma, Mr. ISTOOK, expresses the sense of Congress that the States should develop a streamlined, non-multiple and non-discriminatory tax system. . This amendment is a needed expression of our understanding of the need both to protect the crucial revenue sources of the states, as well as to move toward a level playing field between all retailers, regardless of whether they are on-line or in the neighborhood.

We had hoped to include in the amendment language expressing the sense of the Congress that once the states develop such a non-multiple, non-discriminatory tax system, the bar against fair application of the sales taxes presented by the Quill decision would be removed. The language we had hoped to propose would have expressed Congress's finding "that if states adopt the streamlined system . . ., such a system does not place an undue burden on interstate commerce or burden the growth of electronic commerce and related technologies in any material way." Unfortunately, to comply with the germaneness requirements of the House rules, we were forced to drop that language.

I urge support for the amendment as a necessary step in the continuing effort to adjust the existing tax system to reflect the new reality of the Internet economy.

The CHAIRMAN pro tempore. The time for consideration of this bill under the 5-minute rule as established by House Resolution 496 has expired.

The CHAIRMAN pro tempore. The Chair will now put the question on the pending amendment.

The question is on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK).

The question was taken; and the Chairman pro tempore announced that the ayes appear to have it.

Mr. CHABOT. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 496, further proceedings on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) will be postponed.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 496, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The second degree amendment offered by Mr. CHABOT of Ohio;

First degree amendment offered by Mr. DELAHUNT of Massachusetts;

Amendment offered by Mr. ISTOOK of Oklahoma.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. CHABOT TO THE AMENDMENT OFFERED BY MR. DELAHUNT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. CHABOT) to the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment to the amendment.

The Clerk designated the amendment to the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 90, noes 336, not voting 8, as follows:

[Roll No. 155]

AYES—90

Aderholt
Barr
Barrett (NE)
Bartlett
Bilbray
Boehner
Bono
Burton
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cunningham
Davis (VA)
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Fletcher
Forbes
Fossella
Franks (NJ)
Goode
Goodlatte
Goodling
Graham
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Horn
Kasich
Kingston
Kuykendall
Linder
Martinez
McCollum
McInnis
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Nethercutt
Packard
Pease
Peterson (PA)
Pitts
Pombo
Radanovich
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Salmon
Scarborough
Schaffer
Sensenbrenner
Shadegg
Shays
Sherwood
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stabenow
Stearns
Sununu
Tancredo
Tauzin
Taylor (NC)
Terry
Toomey
Upton
Walden
Weldon (FL)
Weller
Wolf

NOES—336

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spence
Spratt
Stark
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Campbell
Fattah
Kennedy
Lewis (GA)
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1455

Messrs. SPENCE, OLVER, MCKEON, BERMAN and PICKERING changed their vote from "aye" to "no."

Messrs. HEFLEY, GOODLATTE, DAVIS of Virginia, PACKARD, BURTON of Indiana, and Ms. MCKINNEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DELAHUNT

The CHAIRMAN pro tempore (Mrs. BIGGERT). The question is on the amendment offered by the gentleman from Massachusetts (Mr. DELAHUNT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. DELAHUNT. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 208, noes 219, not voting 8, as follows:

[Roll No. 156]

AYES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Coble
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dickey

Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
Etheridge
Evans
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Ganske
Gephardt
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Latham
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
McNulty
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Myrick
Nadler
Napolitano
Neal
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pickett
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Shuster
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wynn

### NOES—219

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boucher
Bryant
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dingell
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
English
Eshoo
Everett
Ewing
Fletcher
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gibbons
Gilchrest
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Jefferson
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
LaTourette
Lazio
Lewis (CA)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Morella
Murtha
Nethercutt
Northup
Norwood
Ose
Oxley
Packard
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rivers
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Towns
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wicker
Wolf
Wu
Young (AK)
Young (FL)

### NOT VOTING—8

Bachus
Campbell
Fattah
Gekas
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1504

Mr. SIMPSON, Mr. HILLIARD, and Mrs. McCARTHY of New York changed their vote from "aye" to "no".

Mr. ABERCROMBIE and Mr. EDWARDS changed their vote from "no" to "aye".

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT OFFERED BY MR. ISTOOK

The CHAIRMAN pro tempore (Mrs. BIGGERT). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oklahoma (Mr. ISTOOK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 289, noes 138, not voting 7, as follows:

[Roll No. 157]

### AYES—289

Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Barton
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burton
Buyer
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Emerson
Engel
Eshoo
Etheridge
Evans
Ewing
Farr
Filner
Foley
Ford
Fowler
Frank (MA)
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gonzalez
Gordon
Green (TX)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wicker
Wilson
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NOES—138

Abercrombie
Archer
Armey
Barr
Bartlett
Bass
Biggert
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Chabot

Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doggett
Doolittle
Dreier
Ehrlich
English
Everett
Fletcher
Forbes
Fossella
Franks (NJ)
Frelinghuysen
Gekas
Gibbons
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutierrez
Gutknecht
Hansen
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hobson
Horn
Houghton
Hunter
Inslee
Johnson, Sam
Kaptur
Kasich
Kelly
Kingston
Knollenberg
Kolbe
Kuykendall
Lazio
Levin
Linder
Lipinski
LoBiondo
Lofgren
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Miller, Gary
Northup
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Quinn
Radanovich
Reynolds
Rogan
Rohrabacher
Roukema
Royce
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shays
Sherwood
Simpson
Skeen
Smith (NJ)
Smith (TX)
Stearns
Strickland
Stump
Sununu
Tancredo
Tauzin
Terry
Thornberry
Tiahrt
Toomey
Upton
Walden
Weldon (FL)
Weller
Whitfield
Wolf

NOT VOTING—7

Campbell
Fattah
Lucas (OK)
Meek (FL)
Moran (VA)
Stark
Wise

□ 1512

Mr. DICKEY changed his vote from "aye" to "no".

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

**Mr. LEVIN. Madam chairman, on rollcall No. 157, the Istook Amendment, I unintentionally cast my vote as "no" when I intended to vote "aye."**

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. GILLMOR) having assumed the chair, Mrs. BIGGERT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet, pursuant to House Resolution 496, she reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1515

### MOTION TO RECOMMIT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. GILLMOR). Is the gentleman opposed to the bill?

Mr. CONYERS. Yes, sir.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. CONYERS moves to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith with the following amendment:
>
> Page 2, line 15, strike "**5-YEAR**" and insert "**2-YEAR**".
>
> Page 2, line 23, strike "2006" and insert "2003".

The SPEAKER pro tempore. The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes on his motion to recommit.

Mr. CONYERS. Mr. Speaker, this is a motion to recommit, which is a very simple solution to the Delahunt amendment, which was nearly accepted by eight votes a few minutes ago.

My motion would extend the present moratorium on Internet access taxes and multiple discriminatory taxes for 2 years, from 2001 to 2003, but would eliminate the grandfathering of State access taxes, unlike that which was in the Delahunt amendment, which just recently failed.

By taking the grandfathering out, my colleagues, I suggest that we have an excellent conclusion to a very difficult problem; namely, to continue to work on this not for 6 or 7 years, but for only 2 years, and to eliminate the grandfathering of the State access taxes that were included in the Delahunt amendment, which many of us supported.

I urge that we support this motion to recommit, because I think it will marry the best of both of these provisions.

Mr. NADLER. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from New York, the ranking subcommittee member on the Committee on the Judiciary.

Mr. NADLER. Mr. Speaker, the central question of this bill is twofold: One, will we protect the Internet from multiple and discriminatory taxes? And I think we all agree the answer is we must do that. And, two, will we set it up in such a way that the States will not be prevented from levying appropriate but nondiscriminatory and nonburdensome sales taxes on transactions over the Internet so that the tax bases are not destroyed, and so that all the local malls and stores are not discriminated against?

A 2-year moratorium gives us the time to work that out without allowing practices to become so set that it is impossible to deal with that question later. So that is why we ought to adopt this motion to recommit for 2 years. And unlike the previous 2-year amendment, it does not grandfather in those multiple taxes in certain States.

So for a 2-year moratorium to deal with these questions and help small businesses all over the country, my colleagues should vote for this recommittal motion.

Mr. CONYERS. Reclaiming my time, Mr. Speaker, I tell my colleagues that we cannot stop the information highway progress by hobbling it with taxes. Our proposal would reach the support of the governors of the labor movement, of the retailers, of the small business people who cannot wait for 6 or 7 years.

Support this motion to recommit, which would limit the moratorium to 2 years and eliminate the grandfathering provision.

Mr. ISTOOK. Mr. Speaker, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Oklahoma.

Mr. ISTOOK. Mr. Speaker, I thank the gentleman for yielding to me, and I think everyone should be clear, Mr. Speaker. Previously we voted on the Delahunt amendment. It was two things in one. It was changing the 5-year moratorium to 2 years, and it was eliminating the, and I guess it is a double negative, it was eliminating the elimination of the grandfather clause. But what we have now in the motion to recommit is one thing and only one thing. It changes the proposed 5-year additional moratorium to 2 years.

So, instead of a moratorium that expires in October of 2006, it will be a moratorium that expires in October of 2003. That is the issue.

Certainly with the speed at which knowledge advances and the Internet progresses, to think we could hide our heads in the sand for 5 years, on top of the next year and a half, I do not think is realistic and I do not think it is responsible. So I certainly urge people to do the commonsense thing.

We wanted to offer this amendment on the floor, but time limits did not let us do so. This simply says not a 5-year moratorium, only 2. We need to bring consensus together, bring the governors together, the retailers, and all the key people involved with a consensus, with renewing a moratorium in a responsible way.

Mr. CONYERS. Mr. Speaker, reclaiming my time, I want to assure my colleagues that as soon as I talk to the chairman of this committee, as ranking member, the Committee on the Judiciary will be ready to move forward with expedited speed, as I look at the gentleman from Illinois (Mr. HYDE), who is nodding his head in agreement.

Mr. Speaker, I urge the Members to support the recommit motion.

Mr. GOODLATTE. Mr. Speaker, I rise in opposition to the motion to recommit.

Mr. Speaker, I urge my colleagues to oppose this motion to recommit. It was just mentioned on the other side that we are all going to have the opportunity, and it is a great opportunity to vote against new and discriminatory taxes on the Internet, to vote against taxes on access to the Internet, one of the most regressive taxes there is because everybody pays the same amount no matter what their income is.

If that is the case, why would we vote to only make that provision for 2 more years instead of for 5 more years? It is important to understand this has absolutely nothing to do with the sales tax. The sales tax is a separate debate. We will have the opportunity to have hearings on it and debate it. This is an issue about discriminatory taxes on the Internet, taxes that appear on people's phone bills and other bills that get them on the Internet, and we should avail ourselves of the opportunity to keep it at 5 years.

Those who voted for the Delahunt amendment earlier because they were concerned about their grandfathering, can now join us in voting against this motion to recommit because the grandfathering is left eliminated, as it was in the original bill, which is the way it should be. This should be equally and fairly applied to everyone.

So we have the opportunity today to send a message to the American people that we do not want to tax children's opportunity to be educated on the Internet, people's opportunity to shop on the Internet. This is what this is about, not the sales tax issue.

Mr. COX. Mr. Speaker, will the gentleman yield?

Mr. GOODLATTE. I yield to the gentleman from California.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding to me.

As the author of the legislation, along with Democratic Senator RON WYDEN, in the other body, I just want to underscore what the gentleman from Virginia (Mr. GOODLATTE) has said. There are only two points that need to be made so that we can vote on this motion to recommit.

The first is, as the gentleman from Virginia pointed out, that nothing in the motion to recommit, nothing in the amendments that we have adopted, nothing in the underlying legislation, and nothing in the Cox-Wyden moratorium that we are extending here has anything to do with sales taxes. The ban on multiple taxes, the ban on discriminatory taxes in the current moratorium is what we are talking about extending here.

In my view, we ought not to have any taxes on Internet access because we are trying to deal with the digital divide, and that ban should be permanent. In addition, multiple taxes, taxes by two States on the same commerce, ought to be banned indefinitely. And, likewise, also discriminatory taxes that would target the Internet but not off-line commerce. That is all this legislation is about.

The reason that we are having this debate at all is that people want to take this perfectly good bill hostage so that they can get a debate on a different subject, Internet sales taxes. I remember the cover of National Lampoon some years back where they had this cute little puppy with a pistol to its head, and it said, "Buy this magazine or we'll shoot this dog." It was a macabre example of the dark humor of the editors of National Lampoon, but a good illustration of what is going on here. We should not take this perfectly good Internet moratorium hostage for our separate debate on sales taxes.

The 5 years is already a compromise. Let us go with that compromise, as we have earlier, so that we can move forward and provide certainty to the participants in the new economy that there will not be discriminatory and multiple taxes on the Internet.

Mr. GOODLATTE. Mr. Speaker, reclaiming my time, in a few minutes, we will have the opportunity to all join together and vote for final passage of this legislation, which will do a great thing for the American taxpayers. In the meantime, I would urge my colleagues to vote against this motion to recommit.

□ 1530

Let us not miss the opportunity to keep these access charges, these regressive charges. We talk about the digital divide. This is the kind of thing that keeps a lower-income person off of the Internet, these kind of taxes on access to the Internet.

That is what this is about. It is not about the sales tax. That is to be saved for another day, and we are going to take that up and hold hearings on it in the Committee on the Judiciary soon. This is about another issue that we ought to join together and pass and send to the American people a message that we want them all on the Internet, we want them all availing themselves of these new opportunities in the Information Age and no one should be left out because of discriminatory taxes, because of multiplicitous taxes or because of taxes on access to the Internet.

I urge my colleagues to reject the motion to recommit and join with me in supporting final passage of this legislation.

The SPEAKER pro tempore (Mr. GILLMOR). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the bill.

The vote was taken by electronic device, and there were—ayes 177, noes 250, not voting 7, as follows:

[Roll No. 158]

AYES—177

Abercrombie
Ackerman
Allen
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Etheridge
Evans
Farr
Filner
Ford
Frank (MA)
Frost
Ganske
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hoyer
Inslee
Istook
Jackson (IL)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (GA)
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Moore
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Stupak
Tanner
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watkins
Watt (NC)

Waxman
Weiner
Weygand
Woolsey
Wu
Wynn

NOES—250

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Udall (NM)
Upton
Vitter
Walden
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Campbell
Fattah
Linder
Lucas (OK)
Meek (FL)
Moran (VA)
Wise

□ 1548

Mr. LEWIS of Kentucky changed his vote from "aye" to "no."

Mr. HALL of Ohio changed his vote from "no" to "aye."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GILLMOR). The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 352, noes 75, not voting 7, as follows:

[Roll No. 159]

AYES—352

Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Morella
Murtha
Myrick
Nadler
Napolitano
Northup
Norwood
Nussle
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—75

Abercrombie
Allen
Baird
Baldwin
Bentsen
Blagojevich
Bonior
Borski
Boyd
Brady (PA)
Brown (OH)
Capuano
Clay
Clayton
Clyburn
Condit
Conyers
Coyne
Danner
Davis (IL)
Delahunt
Frank (MA)
Ganske
Gordon
Hall (TX)
Hastings (FL)
Hilliard
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kanjorski
Kennedy
Kilpatrick
Kucinich
LaFalce
LaHood
Lee
Levin
Lipinski
Markey
Matsui
McCarthy (MO)
McDermott
Miller, George
Minge
Moore
Moran (KS)
Neal
Ney
Oberstar
Obey
Olver
Paul
Payne
Peterson (MN)
Porter
Rothman
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Schakowsky
Scott
Shuster
Slaughter
Snyder
Spratt
Stark
Stenholm
Thune
Tierney
Vento
Watt (NC)

NOT VOTING—7

Campbell
Fattah
Lucas (OK)
Meek (FL)
Moran (VA)
Nethercutt
Wise

□ 1602

Messrs. HASTINGS of Florida, GEORGE MILLER of California, BENTSEN and MINGE changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act; and for other purposes.".

A motion to reconsider is laid upon the table.

## PROVIDING FOR CONSIDERATION OF H.R. 701, CONSERVATION AND REINVESTMENT ACT OF 1999

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 497 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 497

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4377. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. GILLMOR). The gentleman from Washington (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Washington. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 497 is a structured rule waiving all points of order against the consideration of H.R. 701, the Conservation and Reinvestment Act of 1999.

The rule provides 90 minutes of general debate, equally divided between the chairman and ranking minority member of the Committee on Resources. The rule makes in order the text of H.R. 4377 as an original bill for the purpose of amendment in lieu of the amendment in the nature of a substitute now printed in the bill, which shall be considered as read. All points of order against the amendment in the nature of a substitute are waived.

The rule makes in order only those amendments printed in the Committee on Rules report accompanying this resolution.

The rule further provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, and shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by a proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived.

In addition, the rule permits the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, the Conservation and Reinvestment Act of 2000 creates a mechanism by which the funds from Outer Continental Shelf oil and gas leases are made available for offshore drilling mitigation, land purchases, historic preservation, wildlife conservation and endangered species recovery at the State, Federal and local levels.

The Conservation and Reinvestment Act provides annual funding of $1 billion to coastal States to mitigate the impacts of offshore drilling, $900 million for the Land and Water Conservation Fund, which is its fully authorized level, $350 million through existing Pittman-Robertson and Dingell-Johnson programs for wildlife conservation, $125 million for urban parks; $100 million for historic preservation; $200 million for the restoration and improvement of Federal and tribal lands, $150 million to protect farmland and promote the recovery of endangered species through the purchase of conservation easements; and it makes available up to $200 million in interest generated by these revenues to match appropriated funds for payments in lieu of taxes and refugee revenue sharing.

While providing substantial funds for additional Federal land acquisition, the bill also requires for the first time that Congress specifically approve each new Federal land acquisition. The bill also includes a number of important new private property protections, including a requirement that all purchases, pursuant to the provisions of this act, be made from willing sellers.

The Congressional Budget Office estimates that this bill will result in a $7.8 billion increase in direct spending through 2005. An additional $3.7 billion in discretionary spending is authorized over the same period, subject to appropriations.

Mr. Speaker, this is a fair rule that makes in order 26 separate amendments in order that Members who have concerns about H.R. 701 might have an opportunity to improve it. Accordingly, I encourage my colleagues to support this rule.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I thank the gentleman from Washington for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, we have an extraordinary measure before us today. The Conservation and Reinvestment Act, CARA, H.R. 701, is the most sweeping commitment to the protection of America's public land, marine and wildlife resources in over a generation. Utilizing the proceeds from offshore oil and gas development, this measure will provide steady funding for the preservation of our natural resources for decades to come. These offshore revenues were promised for this objective 36 years ago, and this bill fulfills and builds on that commitment.

Mr. Speaker, this has been a critical program for many areas of the country. In just a few years' time, from the late 1970s, early 1980, my district in Monroe County received over $2 million for recreational areas, neighborhood parks and historic preservation. Today, more than ever, our Nation's natural resources are under enormous pressure from development, congestion, pollution and competition. Communities like Rochester, New York, are fighting to preserve the open spaces that exist. I am delighted that my district will once again have the tools to preserve our community for future generations.

Mr. Speaker, H.R. 701 provides Federal, State and local communities the ability to work cooperatively with private organizations and citizens to preserve these resources for the future. This legislation contains no incentives for additional offshore oil development. Supporters have built a nationwide coalition ranging from State and local officials, sporting organizations, environmental groups, wildlife and recreation organizations, historic preservationists, professional sports teams, police, and many, many more. Mr. Speaker, 316 Members of Congress, of the House, are sponsoring this measure, and I am proud to be one of them.

Mr. Speaker, H.R. 701 includes many environmental goals my colleagues and I have worked towards for years, including full and permanent funding of the Land and Water Conservation Fund, increasing funding for State fish and wildlife programs, increased incentives to conserve endangered species by private landowners, and increased support for coastal conservation programs.

The San Francisco Chronicle said it best when it urged Congress to "reclaim this opportunity to enhance the Nation's quality of life. It is past time for Washington to live up to the bargain with the American people and their natural resources that Congress made in 1964. The Miller-Young bill would do just that. The House would accept no substitutes or weakening amendments, and a deal is a deal, and the Land and Water Conservation Fund is a particularly good one." That is a quote from the San Francisco Chronicle, May 8, 2000.

Mr. Speaker, the rule before us today is a structured rule, and while the rule makes in order numerous amendments, it still restricts full and open debate. An open rule would have allowed Members the opportunity to consider all germane amendments, but nevertheless, I will not oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the distinguished Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me the time. I am in opposition to the rule because I do not think this is the kind of legislation we should be considering for a number of reasons. First of all because it creates a new entitlement program.

□ 1615

We are elected by the people to make judgments. We are elected to take the revenues that are available to the Federal government and make priority judgments as to how best to use those revenues. An entitlement takes away the responsibility that is ours as elected representatives of the people.

I recognize that the proponents have amended—changed—the bill because originally it waived the Budget Act. Now it does not. Nevertheless, it takes $2.825 billion and deposits into a new CARA fund. It does that regardless of any other needs we might have. It does this for a period of 15 years. This body would no longer be able to make priority decisions in terms of that particular amount of money for coastal protection, State and Federal land acquisition, urban park funding, historic preservation, and monitoring and protection of species under the Endangered Species Act.

We have to decide whether we want to go down the path of continuing to create entitlements. We fund a number of these programs, but when we look at the Federal budget, we are only dealing now with about one-third of it as discretionary funds. About half of that goes to defense. So we are left with one-sixth of the Federal budget to meet all these needs: to properly maintain and expand, when appropriate, our 379 National Parks, our National Forests; our national wildlife refuges; our other lands, about one-third of the United States.

That is just part of it. The Bureau of Indian Affairs is a responsibility of this body. The facilities, schools, hospitals are deteriorating. But we are going to take this money out of the budget of the Committee on the Interior and commit it to the States.

Every State has a surplus. The State of California has a $3 billion surplus. The State of Alaska has a $3 billion surplus. In Ohio, there was a news story the other day that they are contemplating reducing taxes. The State of New York is enjoying a very substantial surplus. I could go on and on.

Yet, by the testimony of Secretary Babbitt, by the testimony of the director, Bob Stanton, by the testimony of the Secretary of the Smithsonian and other agencies, we are faced with a bill for backlog maintenance of anywhere from $13 billion to $18 billion. That means we have neglected taking care of these properties. Yet, here we propose to create a new entitlement to reduce the amount of discretionary funds that we have.

We have not neglected these programs in the Interior bill. We have put in $300 million to $400 million in Federal land acquisition, $40 million in State land acquisition, and other programs, such as urban parks and endangered species. But with the amount of backlog that we are facing, I think it is not a good government matter to take $2.8 billion and take it off-budget, in effect, by making an entitlement of it.

Of this amount, about $2.4 billion of the CARA fund would go directly to the States. Let me point out something that is not well known. Under the present law, States receive about $1.7 billion of money that is generated by Federal leases, by Federal activities such as harvesting of forests, such as the various mining interests that take place on Federal lands and other activities. We already distribute to the States $1.7 billion, yet the CARA bill would give them an additional $2.4 billion, while we sit with all this backlogged maintenance.

The end result is to take the Congress out of the decision-making process for funding natural resources programs, and it would certainly create a lot of problems in the future.

Most of all, I think the principle that is involved here is wrong. It is wrong to continue to expand entitlement programs. Next year it will be some other group that says, we should have a guaranteed revenue stream, and it goes on and on. Already we have a very limited amount of the Federal budget that we have available to meet the responsibilities that we are elected to meet in terms of the natural resources of this Nation.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I, like the previous speaker, rise in strong opposition to the rule on the Conservation and Reinvestment Act of 1999 because it allows the continuation of the pattern of fiscally irresponsible legislation that will squander our opportunity to retire the national debt and deal with social security and Medicare.

The legislation that this rule will allow is the latest in the series of bills that will drain the projected budget surplus drip by drip without regard for the consequences.

In setting national priorities, Congress has the responsibility to carefully assess each program. Creating a new Conservation and Reinvestment Act fund with a mandatory spending stream will exempt these funds from the scrutiny that all other programs must endure. This would further erode the integrity of the budget as a tool for fiscal accountability and constrain the options of future policymakers by locking in an ever-increasing share of Federal spending.

According to the Congressional Budget Office, H.R. 701 would increase mandatory spending by $7.8 billion over the next 5 years without offsets, as required by budget rules. As a result, the spending in this bill places yet another claim on the projected budget surplus before we have established a plan to pay off our debt and deal with the challenges facing social security and Medicare.

Despite all this, the rule for this legislation casually waives the Budget Act to allow us to rush forward with fiscally irresponsible tax and spending legislation. Regardless of one's views of the merits of the provisions in the bill, all Members who care about fiscal responsibility should oppose this rule, oppose this legislation, vote no on the rule, and let us stay on track for protecting social security, paying down our national debt, and maintaining a fiscally sound direction for our country.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Alaska (Mr. YOUNG), chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Speaker, I have a well written statement here that will be submitted for the RECORD. But in light of the time, I would like to suggest that this is a fair and good rule. It allows 27 amendments which will be adequately discussed and I am sure will be voted on.

This is a great piece of legislation, bipartisanly supported by 316 cosponsors. It is on budget, it is not off-budget, contrary to someone who just reported it is off budget. We have over 4,000 groups in this Nation of ours who support this legislation.

The rule is fair. We are going to have a long night tonight and a long day tomorrow, but I would like to see us out of here in time for everybody to catch their planes back home. I am going to try my best as manager of the bill on this side of the aisle to make sure that does happen.

I urge the adoption of the rule and adoption of this historic legislation.

Mr. Speaker, I would like to begin by thanking the House leadership for bringing this bipartisan bill to the floor. H.R. 701, the Conservation and Reinvestment Act of 1999 (CARA) is a seven-title comprehensive conservation and recreation bill that has endured a long legislative life.

CARA was first introduced in the House in the 105th Congress. Since CARA's reintroduction this Congress, the Resources Committee has had five days of legislative hearings on H.R. 701 and our consideration ended with a bipartisan vote of 37–12 to favorably report the bill out of Committee. Since then, two referrals have lapsed.

The Agricultural Committee's referral resulted in substantial changes regarding what agency would administer the conservation easement program created in Title Seven. In addition, due to several Budget Committee Member's concerns, we have removed the provisions that made CARA off-budget.

In our opinion, an on-budget CARA allows the critical funding to occur on an annual basis, but allows for this important priority to be included as part of future budgets.

The coalition of Members that support this initiative have always worked to find consensus and continue the bipartisan spirit upon which this bill was created. The changes we have made accommodate many Member's concerns and has resulted in the broadening of our support. The manager's amendment represents a fair compromise with Congressmen BOEHLERT, MARKEY, and PALLONE that addresses some remaining concerns and put to rest the notion CARA would create incentives for new oil and gas drilling.

.However, with the consensus building and after more than two years of CARA's legislative development, we can only go so far. Today, we will discuss over twenty amendments. Most of these amendments are offered by well-intentioned Members, but many amendments are offered by those who choose not to understand this bill.

I continue to feel a great deal of frustration at the fact that many of the arguments we are likely to hear today have little to no basis in fact and, quite frankly, many of these amendments are solutions in search of a problem. Members involved with the legislation and the Resources Committee have repeatedly negotiated on many of these topics and arrived at the consensus agreement under consideration today.

I am confident that many of the authors of these amendments have no intention on voting for this historic bill, regardless of whether or not their amendments pass or fail. With that fact in mind, I ask all Members to vote with the coalition that support the House's approval of CARA and vote against these damaging amendments. If we allow damaging amendments today, it will be a great disservice to the communities who stand to benefit from the bill and those Members who have labored to produce this balance.

The fact is the Conservation and Reinvestment Act is a great bipartisan bill that provides critical funding for local conservation and recreation projects. Whether you live in rural Oklahoma or urban New York, this bill provides substantial benefits. That is why you find support spread across the Nation with all our governors, a majority of county leaders and mayors joined by the U.S. Chamber, Realtors, and countless conservation organizations. With 316 cosponsors, a super-majority of this House, a majority of both Republicans and Democrats support enactment of this legislation.

These Members and the constituents they represent have read the bill carefully and have considered the provision within. With this broad coalition assembled, I ask that we not allow meritless amendments written only to divide this diverse National coalition. As the House considers these amendments Members need to be aware of the impressive local grassroots support this bill realizes. CARA is a historic opportunity to provide annual funding for important conservation and recreation programs.

I again want to thank the House leadership, who have given us the opportunity to rally around this widely supported bill.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, as a member of the Committee on Resources, I rise today in support of the rule. I thank the Committee on Rules and the chairman of the committee for accepting my amendment in the spirit and understanding in which it is offered.

I rise in strong support of H.R. 701, the Conservation and Reinvestment Act. The Conservation and Reinvestment Act will dramatically increase funding for Federal, State, and local conservation efforts in all 50 States.

In my home State of Wisconsin, a very proud and progressive history has been established regarding land stewardship. Land conservation programs and the protection of the environment are not a part-time casual interest in Wisconsin. Instead, bipartisan governmental leaders, from former Democratic Senator Gaylord Nelson, the father of Earth Day, to former Republican Governor Warren Knowles, have been national leaders in the environmental and conservation movement.

Two of the great founders of the conservation movement, Aldo Leopold and John Muir, called Wisconsin their home. It was in Vernon County, in my congressional district, in an effort to preserve and protect precious topsoil on farms, that farmers initiated contour plowing, which provided a wonderful model across the Nation.

Throughout our history, the citizens of Wisconsin have been responsible stewards who have sought to conserve and expand on our extensive investments and recreational and environmental resources. While I still hope that this legislation will ultimately provide Wisconsin and some of the other upper Midwest States with a more equitable share of the Title I funding, this bill nevertheless is a good start to help restore imperiled species, conserve wild places, maintain recreational access, and educate our children about the wonders of our natural world.

I urge today support of the rule. Depending upon the amendment process as this legislation moves forward over the next couple of days, I also urge passage of H.R. 701.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of this rule. As cochairman of the congressional Sportsman's Caucus, I am very supportive of the base text of this measure. I have testified before the Committee on Resources.

I want to commend my friend, the gentleman from Alaska (Mr. YOUNG), who I think has done a very admirable job of getting a consensus of people, both inside and outside the House, together on this very important piece of legislation that covers so many areas of the outdoors and is going to be so beneficial to so many people. The gentleman has just done a great job of this, and I commend him on that.

As vice chairman of the House Committee on the Budget, honestly, though, I have some observations about the level of the mandatory spending that has been set on this bill. I have an amendment that is going to be coming up later tonight or tomorrow that will address that issue and I hope will receive broad-based support.

As cochairman of the Congressional Sportsman's Caucus, I am very supportive of this bill. This bill is going to give our State fish and wildlife agencies the resources to adequately address their wildlife conservation funding problems.

I am specifically talking about title III of the bill of the gentleman from Alaska (Chairman YOUNG) which is the section that deals with wildlife conservation and restoration. Folks all around the country are going to benefit from this because it does provide a steady, dependable stream of revenue that is going to help fund both game and nongame wildlife conservation programs and, more importantly, or just as importantly, it is going to provide the States with the flexibility to tailor their programs to their particular needs.

It is not going to make any difference whether one likes to hunt and fish, whether they hike or bike on trails, whether they bird watch, or whether they are concerned about the coastal regions of this country. This bill is going to provide our States with revenue and flexibility to make decisions, to tailor the needs of their States and the individuals in their States in those areas, as well as many other areas.

One of the most exciting parts of this bill that I have been working on with the gentleman from Alaska (Chairman YOUNG) is the wildlife associated education portion of the bill. We need to ensure that our future generations are educated about wildlife, and recognize that hunting and fishing are valuable management tools.

One of the great pleasures I get in life is hunting. I hunt with my son, and I hunt with my son-in-law. My grandson is 4 years old, and I hope one of these days that he is going to be able to enjoy the outdoors with me. We have to continue to educate people all across the country about the value of wildlife-associated education.

I appreciate the gentleman from Alaska (Mr. YOUNG) incorporating some language that we asked to be incorporated that will protect wildlife education funds from being used by programs that oppose hunting and fishing. Helping replenish renewable resources with funds derived from nonrenewable resources is simply good policy. CARA accomplishes this without raising taxes by one single penny.

Mr. Speaker, I urge support of this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentlewoman yielding time to me.

Mr. Speaker, as a person who came to Congress interested in support for the Federal government being a better partner to work to make communities more livable, I am exceedingly pleased that this bill is before us today. It is an important restatement, a recommitment, after 35 years of partnership that is frayed lately, of the trust fund concept; for example, the lands and water conservation fund and UPAR, which have not been funded on the State side since 1995.

It will have key impacts in Oregon, the State that I represent, and in communities around the Nation. It means creating long-term investments that will create value for generations to come.

□ 1630

I plan on speaking on the merits of this bill and a number of amendments as we proceed in the course of this debate. But I would like to make one brief comment because, as a Member here for the last 4 years, it seems to me we have occasionally lost our ability to legislate, to work together, to cross party, regional, and ideological lines.

Mr. Speaker, I think this is important legislation not just as a tool for livable communities, but it is one of the clearest signals I have seen that we can send to one another in Congress that we can play the historic important role of debating, of listening to one another, of compromising and making decisions. I hope it sets the tone for bipartisan cooperation and progress for the remainder of this Congress.

Mr. Speaker, I look forward to supporting the rule and the legislation.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 6 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE), who has worked diligently in her time in Congress on these issues.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I thank the gentleman from Washington (Mr. HASTINGS) for yielding me this time.

Mr. Speaker, I rise today in strong opposition to H.R. 701. I will support the rule, but I want to make it very clear that I admire the ability of the gentleman from Alaska (Mr. YOUNG) to work across party lines, and I think it is important to be able to agree with one another and work together, but not at the expense of our constituents out there, our private property owners. I am deeply concerned about our private property owners.

Mr. Speaker, I have carefully read and studied this legislation, looking at not only its actual language but how it will be interpreted and implemented in the future by the Federal agencies. See, sad experience has proven that well-intentioned laws have had their purposes twisted and even tortured by a Federal Government that seems to be hungry for more power and control over the resources and lives of our citizens.

Mr. Speaker, I would strongly urge my colleagues, even those who have joined as cosponsors of this bill, to read and study very carefully this bill. Consider its real impacts not on this body, but on the people of this Nation. Consider what this legislation will do to our ability to control the pursestrings, our ability as a Congress, our sacred responsibility under the Constitution.

It does leave only $1.6 billion on budget, but it does take $2 billion off budget to become mandatory spending. $2 billion is a huge amount of money. So consider where this legislation will truly take us and what kinds of precedents it will set in terms of additional mandatory trust funds taken from general revenue streams. Consider what it will do to our fiscal priorities such as paying down our debt and shoring up Social Security, building up our national defense, and providing tax relief.

Mr. Speaker, we are fully aware of the thousands of organizations and entities, including Federal, State and local bureaucracies and nongovernment groups and Indian tribes, who will monetarily benefit from this bill. Indeed, this legislation will establish a permanent revenue source for these entities, much of which will bypass the congressional budgeting process for years and years to come.

So for that reason, legions of representatives and lobbyists have canvassed this Hill to promote this mandatory fund and, quite frankly, I do not blame them. CARA represents a pot of gold at the end of the rainbow for them.

But, Mr. Speaker, along with the litany of well-represented special interest groups who support this legislation, somebody needs to represent the interests of the main target of this bill, and that is, the private property owner. I am reminded that next year, along with all of our constituents, I, too, will be a regular working person and property owner living under the laws of this Congress. I think that sometimes with all the lobbying, pressuring and inside games that go on here, we forget that the laws we pass truly affect the people we serve. One small provision passed in return for a political favor can destroy the life's work of many people.

Our vote should reflect this possibility more than anything else. So the fact of the matter is, Mr. Speaker, the very foundation of our Nation was built from individual liberty derived in part from the ability to own and produce from one's own property.

In contrast, the legacy and prosperity of this Nation was never created by the Federal, State or even local government, and this is why John Adams proclaimed very clearly that property must be sacred or that liberty cannot exist. He also said that there must be a form of law to protect private property.

We are not only doing violation to that form of law that John Adams referred to, but violation to the rights of private property with this bill. That is what this debate is all about, Mr. Speaker.

So when considering how to vote on CARA, Mr. Speaker, I ask my colleagues, please, consider the views of the average taxpayer who will end up paying for this bill.

I would like to just share with my colleagues some of the results of a survey conducted in a poll just recently. When asked about land acquisition and park creation, it came out to be a very low priority, more land acquisition. Only 1 percent of the people really wanted to see this kind of bill. But by a margin of six to one, 80 percent to 12 percent, voters wanted us to address our maintenance backlog of $5 billion before acquiring additional lands.

Once the American people learn that the Federal Government already owns in excess of one-third of the land in this Nation, or all of the government owns about 43 percent, they oppose additional land acquisition by a wide margin of 53 percent to 34 percent.

Voters oppose any proposal that works to take money away from Social Security and debt reduction by a 72 percent margin to only 13 percent.

Mr. Speaker, not only does the clear language in this bill threaten private property rights, but the American people really are not thinking in the same manner as this bill would represent.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to commend the Committee on Rules for the rule that they have reported on this legislation. I thank the gentlewoman from New York (Ms. SLAUGHTER) for yielding me this time.

Mr. Speaker, I think it will provide a fair and open debate on the Conservation and Reinvestment Act, H.R. 701, that is before us today.

This legislation is really about redeeming a promise that the Congress of the United States made to the American people 36 years ago. We said as a trade-off for drilling offshore, for some of the environmental damage that occurred from time to time, we would take a portion of those royalties that this Nation receives from the offshore oil that belongs to all of the people of this Nation and we would reinvest them in America's irreplaceable resources. That would be the trade-off.

We did that and we started to do that, and then little by little, little by little Congress started dipping into the fund. They started dipping into the fund for other reasons for whatever it was, just as they were dipping into the Social Security Fund, just as they were dipping into the Highway Trust Fund. This is now about redeeming that fund and saying let us go back, not by raising taxes, but by recapturing that money that comes in year after year from offshore oil and use a portion of it to protect and conserve America's resources.

That is why we have this kind of list of sponsors and cosponsors. Thousands of organizations from all across the country who support this legislation. Some will call them special interests, but if we read the list we will see our governors, our mayors. We will see our next door neighbors. We will see the soccer moms of the Soccer Federation. We will see the Pop Warner coaches and the people who play Pop Warner Football. We will see the Campfire Girls and the Boy Scouts; people who go out and recreate, who understand the pressure of the resources are under in this Nation.

This is about our communities. This legislation is about building an environmental infrastructure so people can enjoy a quality of life as our country continues to grow, the pressures of suburbia, the pressures of new housing developments, the pressure of new growth and formation of families so that they can have bike trails and hiking trails, so they can explore the water fronts in our bays and rivers and on the oceans of this country.

We know the backlog. We know the lost opportunities. This is about making sure that we do not lose those opportunities in the future.

But we also make very sure that local communities are involved in these decisions, because they will have to match the money that is put up. And we also make very sure that we as elected representatives are involved in this decision, because this is designed so we do not have land acquisitions put in bills in the middle of the night that we do not know anything about and then just are sprung on the public. Because of the insistence of the gentleman from California (Mr. POMBO) and others, there is notifications in here. There is a recommitment recognizing what a taking meanings and the implications of that and that they have to have the approval of the Congress. They cannot do those things that are not authorized by the Congress of the United States.

Mr. Speaker, this is a balanced bill. It is an important bill. I think we have to understand that this is about making the Federal Government a better partner, and a reliable partner. We were supposed to be funding land and water conservation all of these years for our local communities. They have lost out on hundreds of millions and billions of dollars because one day we just stopped funding it, and took the money and did something else with it. That is not the promise we made to the people of this country.

So I would hope as we listen to the debate, we will have many amendments that my colleagues will understand the kind of legislation that CARA represents, its bipartisan nature. It has the support of 50 governors, the support of local government that we say we want involved in these organizations, and then thousands of citizen organizations that every year put up their own money and put up their own effort to clean up the beaches, to clean up the rivers, to build trails, to build ball fields, to provide recreational opportunity. This is to help them continue to do that.

That is why the Police Athletic League supports it. That is why the Boys Clubs and Girls Clubs, the sporting goods manufacturers, many other business organizations support this effort. They recognize this is about our communities. This is about the quality of life for our families, so we will have a place to take our son or daughter fishing, so we have a place to take our son or daughter hunting, so those places will be preserved and also the habitat will be preserved so that we can continue to do that in perpetuity.

Mr. Speaker, that is why organizations like BASS, the biggest organization of bass fishermen throughout this country, supports this effort, or Ducks Unlimited, because they know what it means if we can restore habitat, if we can provide good waterways, if we can provide refuges, that is the kind of organizations that are here surrounding this bill.

I would hope that all of our Members, all 316 people and more who are cosponsoring this bill, would recognize the kind of commitment. Because we know from data taken from polling of the American people, some 80 percent, over 80 percent of the people believe that America should be making these long-term investments in our physical heritage in the great environmental assets of this Nation.

Mr. GOSS. Mr. Speaker, I rise in strong support of this fair and balanced rule, which will ensure full debate on this bill. There was quite a bit of Member interest in this particular piece of legislation and the Rules Committee worked hard to ensure that Members had ample opportunity to debate a wide range of issues and offer amendments. The rule strikes a fair balance and I encourage its adoption.

Mr. Speaker, H.R. 701, the "CARA" bill, provides dedicated funding for coastal impact assistance, land acquisition needs, wildlife conservation, urban parks, historic preservation and endangered species, all without providing incentives for future offshore oil drilling. H.R. 701 is one of the most significant conservation bills to come out of Congress in decades—and it represents the continued commitment of the current majority in Congress to responsible stewardship of our natural resources.

Mr. Speaker, while I look forward to the amendment process, I do want to speak very quickly about an amendment offered by my friend, Chairman REGULA. This amendment would prohibit funds in the bill from going to States that have moratoria on outer continental shelf (OCS) oil and gas leasing.

For the last decade and a half, the Florida delegation has worked diligently and successfully to include annually in the Interior appropriations bill a moratorium on further oil and gas leases off the Florida coast. Just about everybody in Florida remains concerned about the effects of oil drilling on our sensitive marine environment. While the annual moratorium provides a stop-gap solution to this issue, it is far from ideal and actually shortchanges all parties involved. In fact, every Member of the Florida delegation has cosponsored bipartisan legislation introduced to impose a permanent policy for Florida offshore oil drilling. H.R. 33 would call for a "time-out" period, during which a joint State-Federal commission of scientists and other interested parties would work to craft a non-political, science-based decision as to which areas are appropriate for oil drilling under what conditions off the Florida coast.

Even with the support of the entire Florida delegation, civic and business groups across Florida, and current Governor Jeb Bush and his predecessor, Governor Lawton, Chiles, we have been unable to get more than a few hearings on H.R. 33 in the Resources Committee. So, we are forced to continue advocating the stop-gap annual moratorium. Florida seeks merely to be a wise steward of its natural resoruces, ensuring that any activity off our coast does not adversely affect our unique environment.

Chairman REGULA's amendment would deny Florida funding under this bill because of that moratorium. I do agree with the basic premise of his argument—the moratorium which he carries for us each year on the Interior bill is not the best solution to this issue. But I do not believe that the solution is to lift the ban and move forward on oil activity off the Florida coast absent the kind of science based approach outlined in H.R. 33. Nor do I believe Florida should be punished for trying to be a good steward of its resources. That is counter initiative and counter productive. So I would encourage Mr. REGULA to join us in support of H.R. 33. Indeed, I might even go so far as to suggest that my good friend could solve this issue once and for all by attaching H.R. 33 as a rider to the Interior appropriations bill—as a replacement for a moratorium he and I both find unsatisfactory. I look forward to the debate on the Regula amendment later today. Once again, Mr. Speaker, I strongly encourage my colleagues to support both the rule and H.R. 701, but not the Regula amendment.

Ms. SLAUGHTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1645

## ALLOCATION OF GENERAL DEBATE TIME DURING CONSIDERATION OF H.R. 701, CONSERVATION AND REINVESTMENT ACT OF 1999, IN THE COMMITTEE OF THE WHOLE TODAY

Mr. YOUNG of Alaska. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alaska may state his parliamentary inquiry.

Mr. YOUNG of Alaska. Mr. Speaker, may I ask if the Chair designates the time that is split up, or do I have to ask for that?

The SPEAKER pro tempore. The Chair will entertain that request at this point.

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that, during the consideration of bill, H.R. 701, pursuant to House Resolution 497, the gentleman from California (Mr. POMBO) be allowed to control 20 minutes of my time for the general debate in the Committee of the Whole, with the understanding that I get the remaining part of my time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

## CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 701.

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. GILLMOR in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

The gentleman from Alaska (Mr. YOUNG) will control 25 minutes, the gentleman from California (Mr. POMBO) will control 20 minutes, and the gentleman from California (Mr. GEORGE MILLER) will control 45 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Conservation and Reinvestment Act of 2000 is an historic bill which comes to this floor today, as the result of the efforts of a number of my colleagues on the Committee on Resources. I want to thank the gentleman from California (Mr. GEORGE MILLER), MY RANKING MEMBER, FOR HIS SUPPORT AND COOPERATION IN ACHIEVING A WORKABLE COMPROMISE BILL TO ACHIEVE THE GOALS THAT WE BOTH SHARE: CONSERVATION OF OUR WILDLIFE AND OUR RESOURCES FOR OUR CHILDREN AND THEIR CHILDREN. THE GENTLEMAN FROM CALIFORNIA (MR. GEORGE MILLER) and I have not often shared the same view on issues before our committee, but on this issue we stand together to make this investment in our Nation's future.

I especially want to thank the gentleman from Louisiana (Mr. TAUZIN) for his untiring work to keep the Members talking to each other and pushing forward to bring this bill to the floor today. The gentleman from Louisiana (Mr. TAUZIN) has passionately spoken on behalf of his State and district to share his concern that our Nation recognize the contribution made by coastal Louisiana to our national energy security and to the extraordinary economic growth and prosperity that we enjoy today.

I also want to thank the gentleman from Louisiana (Mr. JOHN), our newer Member, for his work to achieve a bipartisan effort on behalf of his constituency in Louisiana. Every meeting we had with the gentleman from California (Mr. GEORGE MILLER) and all the other Members, the gentleman from Louisiana (Mr. JOHN) was there. He was there constantly with cooperation and sound advice.

I, again, want to thank the gentleman from Michigan (Mr. DINGELL), my old friend and dear colleague. There have been many battles over many, many years. Without his wise guidance and strong leadership, this bill would not have happened. There is no other Member of the House who, over the many years, demonstrated as much dedication and commitment to conservation as the gentleman from Michigan (JOHN DINGELL). He will leave a lasting legacy to our Nation of support for wildlife opportunities and recreation.

I would like to thank the gentleman from California (Mr. POMBO). Although the gentleman from California (Mr. POMBO) may not support our bill today, he nevertheless has been helpful to maintain a thoughtful and courteous dialogue among those of us who wish to achieve our goals in a different manner. He also attended all the conferences we had together and contributed to each one.

He has been a valiant and constant supporter of the rights of private property owners, and I appreciate the zeal and determination he brings to that role. He and I share the same goals when it comes to protecting the rights of our property owners. They are America's foundation. I happen to agree with the gentleman from California (Mr. POMBO) that our Federal Government needs to do more to show them the respect they deserve, and I believe that CARA moves in that direction. I believe CARA actually addresses the property rights problems and also addresses the purchase of lands.

I believe that CARA achieves both conservation of our resources and, remember, I keep insisting on conservation, the word "conservation," not "preservation," and insures the protection of the rights of our private property owners. I would not support a bill that did not protect the rights of private property owners.

Now, what does CARA achieve? First, it provides the stable and lasting source of funding to achieve the conservation of our natural resources. Our coastal States are our first line of defense in protecting our environment.

They are impacted by many important economic activities in our coastal waters that benefit all of us, including the production of oil and gas for our energy and security. There are many other impacts as well, including shipping, fisheries, and recreation. They are on the receiving end of much of our polluted waters flowing from inland States. They have to deal with these problems and deserve our support.

As our American population grows and our economy improves, we have greater needs for recreational opportunities and for opportunities to enjoy the beauty of our country. This bill provides funds for Federal land acquisition, yes, but, quite frankly, ensures a greater role for Congress in that process and provides greater protections for property rights.

In the future, Congress can ensure that our Federal policies are fairer and provide more opportunities for those areas of the country which need and want additional Federal land acquisition.

As a Republican, I believe the States should have a greater say in providing recreational and conservation opportunities for our citizens. This bill sends back to our States funds for ensuring that the States can provide these opportunities. We should get our government back as close as possible to the people so that they have a direct voice in how these types of decisions are made. Let local folks decide what to do with these conservation dollars, not inside-the-Beltway bureaucrats in Washington, D.C.

This bill provides direct funding for wildlife conservation. It ensures that the funds are spent on projects that directly benefit wildlife. I, for one, am concerned that too much of our wildlife conservation dollars get spent on administration, bureaucracy, and not directly on wildlife, and this bill will ensure that the money be spent on wildlife.

CARA will greatly increase funds for urban parks and recreation. At a time when crime and education are the top concerns for urban areas, this bill can help fight crime and keep our kids in school by providing more supervised recreation for urban kids.

Increasingly as our economy grows, we are losing our history. It is important to remember and honor our past. If we do not know our past, we will never know our future. We must provide funds to preserve and protect our historic places, while protecting the rights of property owners. We ought to have the funds to reward those who help use their property to help us keep our links to our history. CARA will accomplish that goal.

Protecting open space and protecting endangered species are goals that many Americans feel are extremely important. I have been a leader in bringing about common sense and balanced solutions to these problems.

Again, we cannot accomplish these goals unless we work cooperatively with private landowners who are affected by these laws. Without these funds which CARA provides, these landowners are being asked to bear those costs alone. This is unfair, and I believe it will ultimately cause the laws to fail. CARA allows us to reward landowners who want to hang on to their family farms and protect endangered species.

Again, CARA is not a regulatory approach to any of these problems. It does not force anyone to to anything. In fact, we have increased protections for private property owners and provide voluntary incentives to help landowners facing some very difficult issues.

CARA will not harm our economy or our Federal budgetary process. It is a good and well-thought-out bill that will bring about some very reasonable process reforms while providing a steady and reliable source of funding so that we can insure that our responsibility to provide for our future generations.

May I suggest CARA will be the future legacy for the future generations of this great Nation. We will have the opportunity of our young people and those that are here today to enjoy the open spaces, and private property owners will have their land, and our fish and wildlife will be available for those that we leave behind.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman from California for yielding me this time.

Before I start, I must say that I give much credit that is due to many Members that were involved in this negotiation. It has been 2 years since we first met and came up with the idea of trying to move a piece of legislation of this magnitude through the Congress.

I give the gentleman from California (Mr. GEORGE MILLER), my friend and ranking member of the Committee on Resources, mountains of credit by keeping us together; of course the gentleman from Alaska (Mr. YOUNG), my friend, the chairman of our Committee on Resources, for never letting the fire out in times that were very, very difficult through negotiations on a bill of this magnitude; also the gentleman from Louisiana (Mr. TAUZIN) that represents the other half of the State of Louisiana's coastline; and also the gentleman from Michigan (Mr. DINGELL). These were the primary people that sat in a room over 2 years ago that decided that it was important for us to preserve what we have enjoyed in our days.

I rise today, and I am very proud and excited about where we are going to go in the next 6 or 7 hours. I want to commend the gentleman from California (Mr. DREIER) and the Committee on Rules for making a fair rule, a rule that has made in order 27 amendments. Most of these amendments were hammered out in the Member-only meetings. We deal in Congress a lot with staff members, and we do not get involved on a hands-on basis as we should sometimes.

This bill, I counted every meeting, we spent 40 hours, over 40 hours of Member-only meetings trying to hammer out a compromise because this bill was so important, not only to just the people up here in Washington, but to all of the people of the United States.

I can speak from personal experience. My district is bordered by Texas on the west, the Atchafalaya Basin on the east, the red clay hills and piney woods of Louisiana on the north, and to the south, the ever-changing 250 miles of coastline in southwest Louisiana.

There is not a week that goes by that I do not wake up and I do not have a publication, as Louisiana Life, where the headlines says "The Coast Is Near." My colleagues can imagine what that article is about. Or seeing maps that are, frankly, full of red of where our coastline is going.

We lose 25 square miles of Louisiana's coastline a year, 25 square miles, a football field a day. Looking at some of the amendments, there are some that say, let us wait 5 years before we implement this. I may not have a district in 5 years at the rate of the eroding coastline of Louisiana. So I suggest to my colleagues that now is the time that we do something.

What does CARA do? It does what we do in Congress every day of the week. It puts money in priority programs that we want to see happen. Not only does it fund fully for the first time and keep our promise, as the gentleman from California (Mr. GEORGE MILLER) said with the authorized $900 million of the Land Water Conservation Fund, we are going to fund that, $1 billion for coastal restoration.

I talked a little bit about Louisiana's coastline. But this bill is so much larger and bigger than just Louisiana. We have 35 States around the United States with coastlines with the same type of problem that we have. I think it is important that we prioritize some of these dollars.

It has been a very, very bumpy road. There have been lots of differing opinions, ideologies, policies, but we have persevered because of the importance of this piece of legislation.

So I look forward to the next several hours as we debate the merits of not only this bill, but of some ideology debates, some real serious issues that we will debate in here. But when it is all said and done, we have 316 people that have signed off on this bill.

I would urge everyone to support this piece of legislation because I can think of no better legacy to leave, not only my twin sons, but also the future generations of this whole country, the outdoors that I have enjoyed living in south Louisiana, fishing in the estuaries that are so rich and plentiful with fish and ducks and shrimp and crawfish, but also the open spaces, the urban sprawl, making sure that we have those kinds of green spaces, because I have seen polls every day that say people want to be able to have that soccer field or that opportunity.

□ 1700

Mr. Chairman, we had Terrell Davis, the MVP of the Super Bowl from the Denver Broncos, come here and testify on this bill and say that he would not have been the MVP if it would not have been for the football program in San Diego, California. Those are the kind of stories I want my kids and grandkids to be talking about.

I look forward to the next few hours. And, again, I thank the chairman of the committee, the gentleman from Alaska (Mr. YOUNG) and also the gentleman from California (Mr. GEORGE MILLER) for keeping the fire going in times that were very, very difficult.

Mr. POMBO. Mr. Chairman, I yield myself such time as I may consume.

First off, I would like to thank the chairman and the ranking member. This has been a very long process to get to this point, and a very contentious process in trying to work out differences that existed with my point of view and the point of view of the gentleman from California (Mr. GEORGE MILLER), but we were able to work out a lot of differences.

I can tell my colleagues there are a lot of good parts to this bill. There are a lot of things that I got included in the bill that they accepted, that we worked out, and there are, quite frankly, some things in this bill that I think fix things that are wrong with current law. But before the rhetoric I think gets too hot on the legislation, I will have to also say that I do not believe that there is anything in this legislation that directly takes away people's property rights. I do not believe that the chairman of the committee would do that. I do not believe that it is in this legislation.

But I can say this. I oppose this legislation because the system that we are force-feeding this money into is broken. It is severely broken. We have a system of land management in this country that is, at best, wasteful; at worst, fraudulent, and that does systematically take away people's private property rights. We have passed legislation within this Congress, whether it be the Clean Water Act, the Endangered Species Act, things that were done with good intention and that had the full support of this Congress, but through court decisions and bureaucratic decisions that were made, they have systematically taken away people's private property rights. Because of that, I believe that the current system is broken.

We need to fix the current system. We need to step in and doing the tough work and fix the Clean Water Act, fix the Clean Air Act, fix the Endangered Species Act. But we have been unable to do that. For that reason I believe, at best, this legislation is premature because the system needs to be fixed before we begin to buy more land, before we begin to put more money into it.

Now, we hear a lot of people that will come to the floor and talk about all the great things that are going to be done with this money. One of those is to increase the amount of land that people are going to have access to. And we will hear all the great flowery things about our national park system, the BLM, the Forest Service, and that is fine, but the truth of the matter is, under the current system, we are limiting people's access to that. We are continually limiting access into our public lands so that people do not have access to them. That has to be fixed before we go buy more land. This bill does not allow for that.

I will have to tell my colleagues that I will oppose this bill because the system is broken, because I do not believe that the Federal Government should have more land. I do not believe that we should be putting more money into a system to give the Federal Government more land when they already own a third of this country.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, on November 10 the House Committee on Resources, under the leadership of our good chairman, the gentleman from Alaska (Mr. YOUNG), approved the most important conservation legislation, I believe, in over a decade. I was proud to be a part of the 37 votes in support of this bipartisan, common sense, mainstream, well-negotiated legislation. And it was primarily because of the efforts of the chairman, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. GEORGE MILLER), that we were able to get to this bipartisan position, which makes all the sense in the world to any mainstream Member of either party.

CARA represents an historic opportunity for Congress to provide consistent and dedicated funding to States to conserve fish and wildlife, protect and restore coastal habitats and marine resources, and to meet the ever-increasing public need for outdoor recreational opportunities.

CARA will provide $2.8 billion in permanent budget authority from the outer continental shelf oil and gas reserves for the protection and restoration of impacted coastal habitats, which is very important to constituents and residents in coastal areas. Coastal areas, I might add, like the most densely populated State in the country, where I happen to live, New Jersey.

Second, fish and wildlife habitat conservation is an important objective. Third, the improvement of outdoor recreational opportunities, which is quickly becoming the most popular way Americans spend their leisure time will be fostered. And, four, urban park renewal and historic preservation will be enhanced.

New Jersey continues to lose more open space to development and is now the most densely populated State in the Nation, as I said a minute ago. Funding under CARA would enable State and local governments to continue their efforts to preserve open space and conservation of natural resources while creating and restoring habitat for the diversity of species in New Jersey's wildlife management areas and wildlife management areas all across the country.

Open spaces, conservation, wildlife enhancement are key words in describing this mainstream legislation. I urge my colleagues to support the chairman and vote for this landmark legislation that will be an investment and endorsement to protect our natural resources for future generations to inherit.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act offered by the chairman of the committee, the gentleman from Alaska (Mr. YOUNG), and the ranking member, the gentleman from California (Mr. GEORGE MILLER). I salute these two gentlemen as well as all the Members who have worked so hard to see this bill progress this far.

As the only Member of the New York State delegation to be a member of the Committee on Resources, I was pleased to support this legislation, both in committee and here today on the floor of the House. There are so many great projects in this legislation, but I would like to specifically point out one in particular, that of urban parks.

If this legislation is signed into law in the form we have it today, my home State will receive $11 million a year for the urban parks and recreation recovery program, which will allow New York to purchase and restore recreation areas and facilities throughout the State. This money will go a long way towards improving the quality of life for the residents of my Congressional District, the 7th Congressional District in Queens and the Bronx, and millions of other urban residents as well. These funds are badly needed.

A report by a nonprofit organization in New York City released last year showed that the City of New York has a growing reliance on private philanthropy to fund urban parks. While I will always welcome community involvement in private philanthropy, the report went on to state that these private dollars overwhelmingly flow into those parks which are situated in wealthy neighborhoods, like Central Park and Madison Square Park in Manhattan. Urban green spaces in middle class neighborhoods like mine, like in the areas of Queens and the Bronx, that I represent, are simply ignored.

There is very little public assistance to remediate or create new open spaces in these neighborhoods, and there is little private sector dollars flowing into those communities. CARA will address this troubling situation. There is no reason that hard-working Americans should be deprived of open green fields, deprived of places for their children to engage in after-school sports, or be deprived of safe shaded places to stroll. In my opinion, every American community should have its own version of Central Park.

That is why I am a strong supporter of this legislation, and, again, I want to thank the chairman, the gentleman from Alaska, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all their hard work, and every Member who worked hard in seeing that this bill came before the House today.

Mr. POMBO. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. MANZULLO).

Mr. MANZULLO. Mr. Chairman, I rise in strong opposition to CARA. Its goals are worthy, conservation, farmland protection, the recovery and preservation of endangered species, et cetera, but I simply ask my colleagues to consider this question: At what cost are we willing to achieve the goals of this legislation?

This measure makes CARA spending mandatory on budget, which means it is the first money spent and competes and has preference over veterans benefits, education, defense, and medical research at NIH, including research for cancer and other illnesses.

When we increase government holdings of land, it comes at the dual expense of private property owners. For the owner of the land taken, there is the ugly condemnation issue. And for all other landowners, they will pay higher taxes on their lands to compensate for lands taken off their tax rolls. The Federal Government already owns one-third of all the land in the U.S. When the government controls the land, government makes the decision for the use or nonuse of that land. CARA expands the power of the Federal Government to acquire even more land.

This bill increases Federal control. I hope that all of the localities and States that have interest in this big pot of money that CARA promises will take time to consider the ramifications of this bill. The same goes for anyone who believes that zoning and planning matters should be strictly a local concern. CARA leaves important decisions about land use to be determined by the Secretary of the Interior. Under present law, if Federal money is used to purchase or improve lands under LWCF or UPARR, the Secretary of Interior has great authority to approve or disapprove of any proposed modified or alternative use of the property.

However, under CARA, the State and local governments cede even more power to the Federal Government, because CARA increases the role of the Secretary in this decision and raises even higher the standard to change any use required by the State or local government to demonstrate that no "prudent or feasible alternative" to the proposed use change exists.

This enhanced power under CARA, coupled with the powerful club of over $1 billion per year, will lead to the centralization of State and local planning and zoning decisions in the hands of the Secretary of the Interior, who will be a de facto national planning and zoning czar to the deprivation of State and local governmental units.

To my colleagues who are concerned about such things as abuse, fraud, favoritism, and campaign finance reform, they should be very concerned about putting that much power into the office of the executive branch. Once power is given away, it is very hard to get back. That applies to all government institutions at every level, Congress, States and local governments.

To my Republican colleagues who ran for Congress with a value to rein in the power of the Federal Government, who vowed to return decision-making to the local governments, who say they want less bureaucracy, then they should vote against CARA. It brings increased government power at the Federal level because it increases the power of Federal holdings.

Mr. Chairman, almost six years ago, "the Era of Big Government" ended—or so it was claimed. With the Republican landslide elections in 1994, we came into the Nation's Capital with the desire to limit government spending wherever possible and to scale back the intrusiveness of the federal bureaucracy. These are laudable goals. These are honorable goals, These are worthy goals. They were worthy then, and they are still worthy today.

These are the reasons, therefore, Mr. Chairman, that I must rise in opposition to the Conservation and Reinvestment Act—H.R. 701. The goals of this Act are worthy—conservation, farmland protection, the recovery and preservation of endangered species, and maintenance, among other things. I do not question that the authors of this measure have noble intentions to protect our environment. But, I simply ask my colleagues to consider the question, "At what cost are we willing to achieve the goals of this measure?"

### THE EXPENSE OF CARA

This measure makes CARA spending "mandatory" on budget, which means it is the "first money" spent and completes and has preference over veterans benefits, education, defense and medical research at NIH, including research for cancer and other illnesses.

### CONGRESS GIVES MORE POWER TO BUREAUCRATS UNDER CARA

To those concerned about increasing the size of the government, this bill increases the size and power of all governments—federal, state and local. This bill without a doubt provide the tools to increase land holdings at every level of government. When we increase government holdings of land, it comes at the dual expense of private property owners: for the owner of the land taken, there is the ugly condemnation issue, and for all other landowners, they will pay higher taxes on their lands to compensate for lands taken off the tax rolls.

Intrusive government is a big concern, especially absent a mechanism to check its action. Sure, we in Congress can hold oversight hearings. But why under this bill do we provide for state and local government to lose control over their planning and zoning?

The federal government already owns one-third of all the land in the United States, the equivalent of all U.S. land east of the Mississippi River. In Congress, we are constantly battling those interests who do not want mining or logging of public lands, motorized recreation in national parks or even hunting or fishing on public lands. These are all taxpayers who want access to our public lands. These are the elderly who cannot get around as they once could, but who still want to enjoy the outdoors. The point here is that when government controls the land, government makes the decisions for the use—or non-use—of that land, CARA expands the power of the federal government to acquire even more land.

### CARA USURPS STATE AND LOCAL CONTROL OVER ZONING

This bill increases federal control—plain and simple. I hope that all of the localities and states that have interests in this big pot of money that CARA promises take time to consider the ramifications of this bill. The same goes for anyone who believes that zoning matters should be strictly a local concern. CARA leaves important decisions about land use to be determined by the Secretary of the Interior.

Under present law, if federal money is used to purchase or improve land under the Land and Water Conservation Fund, LWCF (Title II of CARA) or the Urban Park and Recreation Recovery Act (Title IV of CARA), the Secretary of Interior has great authority to approve or disapprove of any proposed modified or alternative use of the property. However, under CARA, the state and local governments cede even more power to the federal government because CARA increases the role of the Secretary of the Interior in this decision and raises even higher the standard to change use by requiring the state or local government to demonstrate that no "prudent or feasible alternative" to the proposed use change exists.

Thus, this enhanced power (or even the existing power of the Secretary of Interior) under CARA, coupled with the dolling out of over one billion dollars per year under LCWF or UPRRA, will lead to the centralization of state and local planning and zoning decisions in the hands of the Secretary of Interior, who will be the Land and Zoning Czar, to the deprivation of state and local zoning and planning boards.

To my colleagues who are concerned about such things as abuse, fraud, favoritism, and Campaign Finance Reform—you should be very concerned about putting that much power into one office in the executive branch. I am not suggesting that all Interior secretaries will take such control and abuse it. What I am saying is that we should be very cautious about putting into one office this kind of unchecked power. Once it is given away, it is very hard to get back. That applies to all government institutions at every level—the Congress, the state governors, the local mayors and town managers—anyone who could be affected by lands bought with any portion of the state LWCF and UPARR. We should all be concerned.

To my Republican colleagues who ran for Congress with a vow to rein-in the federal government, who vowed to return decision-making to the states and localities, who say they want less bureaucracy, consider what CARA brings. It brings increased government power at the federal level, it will increase the size of government land holdings and it will centralize decision making power with the federal government.

To those interesting in curbing the powers of the federal government, to those who want to prioritize spending choices and be fiscally responsible, I implore you: vote against CARA.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 8 minutes to the gentleman from Louisiana (Mr. TAUZIN), one of the instigators of this great piece of legislation, and I am proud to say one that will support and actively chair this meeting tomorrow for a short period of time.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me first acknowledge, as so many of my colleagues have already, the extraordinary process that brought the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) together on this historic piece of legislation.

□ 1715

There are many things that happen in this House to prevent things from happening. There are many ways to stop good legislation from happening. There are many ways in which we, unfortunately, block each other in our attempts to do what we think is right for this country.

Rarely do we see people with so diverse views come together so mightily as this group has come behind this CARA bill to present this Nation with this historic opportunity.

In short, it is as though the stars have aligned to make this happen this year. And the stars are numerous. They include, of course, my good friend the gentleman from Michigan (Mr. DINGELL), who has been such a vibrant part of these negotiations, and my good friend the gentleman from Louisiana (Mr. JOHN). He has acknowledged me. Let me acknowledge him for the incredible work that he has done in these negotiations.

But let me also acknowledge my friend the gentleman from California (Mr. POMBO), because he and I sat side by side trying to make a case throughout this bill of balance, to make sure that as the bill was creating new environmental initiatives to protect and enhance wildlife and land management areas in the country, that we simultaneously included in the bill new protections for property owners.

I think it is important to answer a few questions about this bill that I have been asked on this floor and throughout the last few days with reference to how this bill came to be.

It is, first of all, important to know that this bill is divided into several titles. The first title has to do with coastal impact revenue sharing. I was asked by a number of Members why is it in there, what is that all about?

Well, for many, many years the interior States of our country have enjoyed the protection of a Federal law that says for all Federal production of minerals on Federal lands within that State, the State gets 50 percent of the revenues. That is a pretty good chunk of change for many States.

In fact, just to give my colleagues some numbers on it, in the past years of production since this law has been in effect, the State of Wyoming has collected $7.4 billion of income from Federal lands' production of minerals located in that State. The State of New Mexico has collected $5.3 billion from income produced from royalties from oil and gas and mineral production on Federal lands in the State.

The one problem has always been that Federal offshore lands, the lands located right offshore of the coastal States, were not covered by that law.

Now, we might have had a chance to get it covered back in the Truman administration. There was an offer by the Truman administration to do just that but, unfortunately, it was not accepted.

But the bottom line is that, over all the years of offshore mineral production, the coastal States, which bear a rather significant burden in the production of those resources, have never shared in the revenues that are derived.

Just to give my colleagues an idea what happened since then, this Government, our taxpaying public, has benefitted from the benefits of oil and gas production offshore to the tune of $122 billion, 80 percent of which was derived off my own State of Louisiana, right off of the coastal district of the gentleman from Louisiana (Mr. JOHN) and myself, 80 percent of which was derived off that coastal area, which simultaneously produces nearly a third of America's seafood.

The bounty of this Nation's catch in fish and crab and shrimp come, basically, from our coastal areas; and our two districts produce nearly a third of this country's bounty.

At the same time that that occurs, we have opened up the gate of our coastal areas to offshore production; and the Government and the people of our country have benefitted to the tune of $122 billion. We receive no share, no compensation, for what occurs on our coastline.

The gentleman from Louisiana (Mr. JOHN) told us the story, but let me repeat it. If a colleague was losing 25 square miles, some States are losing 35 square miles, of their district along their coastline every day, I suspect the National Guard would have been alerted, we would have had a national emergency declared. Yet, it happens every day in coastal Louisiana.

Immeasurably to the human eye, the land is washing away, it is eroding to all the pipeline canals and all the salt water intrusion that is occurring along our coast. We are literally losing this incredible national resource, with no money to deal with it.

Title I gives coastal States a chance to deal with it. There is only going to be one amendment to Title I. It is going to be an amendment to give Louisiana a bigger share, and I am going to vote against it. It is going to be an amendment to say only the States with coastal production ought to share in that.

I am going to vote against it, because the formula in title I did not come from Louisiana. It did not come from the Congress. It came from a study done by Mineral Management. It is designed to make sure that every coastal State with similar problems gets help in dealing with their problems. And we are prepared to join in that formula.

Secondly, I have been asked, well, what about the fact that this bill creates an entitlement, that it puts the money ahead of the programs we heard mentioned before?

Let me tell my colleagues, if they have not noticed it, we created two mandated funding programs just recently, one for highways and one for airports. This bill provides a mandated program for land and water conservation.

When a poll was done in America to put those three programs side by side, do my colleagues know which one won out handily? As popular as airports are, as popular as highways are, land and water conservation came out way on top, 45 to 35 to 7. Forty-five percent of Americans said that is where we ought to be working hard, to recover and restore America's land and water resources.

Finally, I have been asked by many people, "BILLY TAUZIN, you were the author of the first private property bill of rights in this Congress. Why on earth are you supporting this bill when these private property rights organizations are against it in America?"

I will tell my colleagues why they are against it. It is not because this bill diminishes property rights. It enhances property rights. They are against it for the reason my friend the gentleman from California (Mr. POMBO) talked about, the fact that in many States of our country the Federal Government owns 70, 80, 90 percent of the land mass and they do not want the Government buying any more land.

I understand that. I am very much in sympathy with States that are put in that position. But we are going to acquire land with or without these protections.

This Government in Washington has been appropriating money to purchase more lands every year, many years in excess of what is provided in this bill. But this bill balances it off and says we are going to put in some private property protections, we are going to make sure nobody's land is taken anymore who does not want to sell unless Congress specifically authorizes the acquisition of a single piece of land.

We are going to provide additional improvements in the cause of property rights protection to make sure that notices go out to people when land is going to be acquired on the local level, local officials, local politicians, Congressmen, all of us know; and we are going to provide protections to make sure that no regulations apply to property that is not yet titled to the Government.

There are some beautiful new programs in here to consolidate the patchwork of Government holdings out West and to incentivize land swaps and for the Government to sell off land it does not work before it buys more land. There is an awful lot of good stuff in here.

The improvements in private property rights in this bill are one in balance to the dedication of money to land and water conservation. This is the kind of balance that works.

If I were to offer the bill with all the property rights improvements that are in this bill as a stand-alone bill, I doubt if we could get it anywhere in this House.

In balance with the environmental protections, the historic preservation, parks and recreation, land and water conservation, we have won a delicately achieved balance.

I urge my colleagues, in the context of the amendments that are going to come forward in the next several days, to remember that historic balance. This is a great bill. It is great for America. And it is time it happens.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of CARA. I so appreciate the hard work of the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, that they put into this bill.

Mr. Chairman, I was proud to be an early cosponsor of their effort, because I knew if they could get together, it had to be a good bill. And it is.

For my constituents in Marin and Sonoma Counties, CARA will be one of the most significant environmental bills this Congress will consider. It provides for full and dedicated funding of the Land and Water Conservation Fund. It gives States and local conservation and environmental entities a reliable partner to preserve and restore coastal and marine habitat and to save our wildlife.

Particularly important to my district, however, and to my constituents is CARA's priority to preserve and acquire open space and to protect farmland.

For example, in my district, which is just north of the Golden Gate Bridge, very close to a very, very concentrated urban area, CARA has a funding mechanism for the purchase of conservation easements on farmlands, farmlands that are currently under threat from development because of their location so close to the Bay Area.

While CARA will not supply all the money needed to preserve the threatened lands across our country, I am truly encouraged by this good start and look forward to building on this principle.

I urge all of my colleagues to support H.R. 701 and know that it is a carefully crafted piece of legislation by the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) that, and I will say it again, if they agree, it has to be good.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, unfortunately and regrettably, with great respect to the chairman of the committee and all due respect for my friend the gentleman from Alaska (Mr. YOUNG), I have to rise in opposition to H.R. 701.

Since this bill was introduced, I have been approached by a large number, literally hundreds, of my constituents expressing their opposition to this legislation, and their concerns are important to me.

While I understand the important goals of this bill and I applaud the chairman for his protection of wildlife and his great conservation efforts, I would like to offer him that unique perspective that my friend the gentleman from Louisiana (Mr. TAUZIN) talked about, the perspective of the State of Nevada, many of my colleagues who on the East Coast do not understand.

Nevada is a State which is already nearly 90 percent owned by the Federal Government. That is 90 percent. Many of our counties are in very dire financial situations because the principal revenue they generate to pay for the services that they are required to provide by law, such as police and fire protection, schools, education, health care, roads, water and sewer infrastructure, are generated by private property taxes.

One county, just one county, Lincoln County in Nevada, a county of 10,000 square miles, larger than many of the northeastern States combined, is 98.5 percent owned by the Federal Government, leaving only a small part for the tax base of 1½ percent to provide that critical and important infrastructure.

Lincoln County generates only $1 million per year to pay for its mandatory infrastructure and services, and I still wonder how they continue to survive today even though they are on the verge of going bankrupt.

Therefore, any monies that are added to the Land and Water Conservation

Fund that do not adequately protect private property rights is literally a death sentence for these poor counties in the State of Nevada. When they purchase environmentally sensitive land, they purchase private property that is used for this tax base.

I cannot in good conscience, without necessary private property protection, even entertain the idea of spending almost a billion dollars a year.

I urge my colleagues to oppose this piece of legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST), my good friend.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I also thank the chairman and the ranking member of the Committee on Resources for pulling together all the people that were necessary to craft this legislation so carefully and in such a way that it balances the conservation of our resources and, I might add, the strong constitutional provisions of property rights.

Mr. Chairman, I would just like to make a couple of points. I hope my colleagues here in Washington are listening to this debate. This is the kind of debate that brings out good information, is bipartisan, is something that the American public can feel good about; and, in the end, everybody will benefit.

This is a great Nation. We have been a great Nation for over 200 years. The Nation was built as a result of democracy, character, and endless frontier that provided expanse to move in, and an abundance of natural resources. But over 200 years after the founding of this country, our resources are diminishing as the population increases. Our frontier is virtually gone, if not entirely gone.

All we have left is democracy and character to pull together our intellectual capacity to understand the nature of how we now manage those limited resources for unseen future generations to come.

This is a big step in understanding how to manage those limited resources, how to manage our forests, how to manage our prairies, how to manage our agriculture, how to manage our fisheries, how to manage the water hydrologic cycle which provides us with sustenance.

□ 1730

This bill will bring together the Nation's intellectual capacity to fund the money that is necessary to sustain the resources. And I urge my colleagues to vote for the bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act. I am proud to have been one of the 30 original cosponsors of this bill which now has over 300 cosponsors. Throughout my time in Congress, I have always tried to be a strong supporter of conservation efforts. This has included authoring several conservation laws to protect Michigan wilderness, wild and scenic rivers and creation of the Grand Island Recreation Area. Passage of CARA will ensure that these types of important conservation actions will continue to be funded appropriately.

I am pleased that CARA includes funding for urban parklands as well. It is easy to forget that many urban dwellers do not have the means to travel to green spaces, city parks are their only opportunity for recreation and enjoyment of the outdoors.

For too long, we have neglected the opportunity to ensure grant funding for worthy open spaces in cities. CARA responds to this need. I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their efforts in making Native American tribes and Alaska Native corporations eligible to receive funding under certain titles of this bills. For example, Title II dealing with Land and Water Conservation Fund revitalization would make all Federally recognized tribes and Alaska Native corporations eligible to receive funds under competitive grand basis.

Title VI on Federal and Indian lands restoration would make 10 percent of the Conservation and Reinvestment Act Fund transferred to the Secretary of Interior available to Indian tribes on a competitive basis.

Mr. Chairman, I am pleased that Title III, which deals with wildlife conservation and restoration, encourages the State fish and wildlife agencies to work with Alaska Native corporations and Indian tribes. However, I hope that as we go to conference, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) will continue to work with me in that conference to strengthen this language to allow Indian tribes and Alaska Native corporations to share in the new subaccount created in Title III. They have been very cooperative, and I really appreciate their close cooperation.

Once again, I want to thank my colleagues for all of their hard work; and I think we have a wonderful bill before us.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think the decision we have today is whether we want to put the government on automatic pilot. Are we going to have more entitlement programs? When do we stop? That is what really is at issue here.

We give this money to the States, about $2.4 billion. There are no restrictions. My colleagues keep talking about how we are going to save resources; the resource may be a swimming pool or a tennis court. There is no guarantee as to how it will be used. We, in our positions of responsibility, make those decisions. We are going to abdicate that responsibility to the others for $2.4 billion worth of funding, in the face of $15 billion, plus or minus, of backlog maintenance, in the face of the fact that we already give the States $1.7 billion out of the Federal resources that are generated from leases on public lands, some that comes already from drilling, in the face of the fact that every state in the Nation has a balanced budget.

Mr. Chairman, ladies and gentlemen of the House, I think that we have a responsibility to set the priorities for this government, for the people of this Nation, to take care of the 379 parks that are in the portfolio, to take care of the millions of acres of national forests, of the many U.S. Fish and Wildlife Service facilities, and the lands that are under our jurisdiction, as well as the responsibility to the Indian tribes, the responsibility for the cultural institutions in this city, the Smithsonian, the Kennedy Center, the National Gallery of Art, and the Holocaust Museum. They all, too, have great needs.

The States should take their responsibility. We should take ours. I think to create a new entitlement could just be the beginning of many more of these. This bill is certainly a case of abdicating responsibility that we are elected to make, in terms of priority decisions and the allocation of this Nation's resources.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining on each side?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Alaska (Mr. YOUNG) has 5½ minutes remaining; the gentleman from California (Mr. GEORGE MILLER) has 32½ minutes remaining; the gentleman from California (Mr. POMBO) has 9½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, CARA is landmark legislation, moderate legislation, sensible legislation that responds to a clear and growing public demand; namely, that we do more to conserve open space and protect our ecological resources. That public demand is evidenced by the hundreds of successful State and local referenda that have set aside funds for these purposes. And that public demand is evidenced in every poll, and the demand shows up in every region, every age group, every flavor of partisanship and ideology.

The Federal Government has an essential role to play in this area, because it can set national priorities and distribute funds that are beyond the States' capacity to raise. And this bill takes on that legitimate Federal role in the right way by plowing back some, not all, but some of those revenues that the Federal Government gains from exploiting our national resources into preserving our national resources.

That is not a new idea. It has been part of the idea behind the Land and Water Conservation Fund for decades, but CARA expands on that idea at this critical time when social and economic changes have caused more of our land to be under threat than ever before.

CARA is the right bill at the right time.

Now many people today will complain that the bill is not perfect; that it needs further changes. I happen to be one of those people, and I will elaborate on my concerns in a moment. But the main point to keep in mind today is that now, right now, today is the time to move this bill forward.

This bill is ready for passage by the House; further changes must occur later in the process, and we all know there is plenty of process left. The comforting fact about CARA is that it has continually improved as it has moved through the process. This is a bill that is getting better all the time.

With that in mind, I urge my colleagues to support the amendment the gentleman from Alaska will offer, which incorporates changes we have worked out that will help ensure that the bill does true environmental good and no environmental harm. I urge passage of the Young amendment and opposition to all other amendments today because all the others will prevent the bill from moving forward.

I do hope this bill will continue to be improved as it moves forward. Significant issues remain to be addressed, issues that were addressed in an amendment I crafted along with the gentleman from Massachusetts (Mr. Markey) and the gentleman from New Jersey (Mr. Pallone). We will not be offering this amendment, but I will be submitting it for the Record at this point, along with the letters of support it garnered, because I think the amendment indicates where this bill has to end up in the not so distant future in order to be signed into law.

But my remaining concerns are for tomorrow, not for today. Today we should rally behind this bill which reflects so many months of thoughtful work and compromise by such a broad group of people inside and outside the Congress.

Let us answer the public demand for effective legislating, for protecting open space, for improving quality of life by passing CARA by an overwhelming vote this week.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. McGovern).

Mr. McGOVERN. Mr. Chairman, I rise in strong support of this legislation.

Mr. Chairman, I rise in support of H.R. 701, The Conservation and Reinvestment Act of 1999 (CARA), and I commend Mr. Young and Mr. Miller for their leadership. CARA will create an unprecedented federal commitment to our nation's wildlife, coastal areas, open spaces and urban parks.

Thirty-five years ago, President John F. Kennedy wrote to Congress that "Actions deferred are all too often opportunities lost, especially when it comes to safeguarding our natural resources." Now more than ever we need to invest in our open spaces. There have already been too many missed opportunities. In my home state of Massachusetts, we lose two acres every hour to sprawling, ravenous development. In the few hours we spend debating this bill, another family farm will be turned into a housing development; another vacant urban space will be paved over; another playground will remain unbuilt.

The time for action has come and CARA's mandate is clear. Voters and legislatures in our states and localities have continued to approve open space funding initiatives at record levels. They have approved over $10 billion since 1998. Congress needs to follow suit.

I am particularly pleased with Title II of this bill. As my colleagues know, in 1965 Congress set aside money from offshore drilling receipts in a trust designed to preserve our open spaces. Nevertheless, funding for this Land & Water Conservation Fund has been sporadic. Last year I offered an amendment, which passed the House, to the Interior Appropriations bill to put $30 million back into the state-side LWCF account. Before that, the state-side account had gotten no funding since 1995. CARA's Title II puts the "trust" back in the trust fund by fully funding the state-side LWCF to its authorized level of $450 million per year for the next 15 years.

I also urge my colleagues to reject any amendments that would weaken or upset the compromise embodied in this bill. As all of you know, getting 315 Members of Congress to agree on anything is an amazing accomplishment. CARA has 315 co-sponsors as a result of thoughtful and meticulous negotiation. Compromise and bi-partisanship are the key to making CARA work, and this bill is too important to be sacrificed.

Finally, for the record, although I think CARA is an impressive bill and support it in its current form, I believe there are ways that the bill could be improved. I support a fully-funded $100 million a year state-side "flexible funding" grant program to assist states in undertaking large conservation projects. I believe that we must guarantee that Congress actually expends the full level of federal-side LWCF funding set aside each year. I also believe that "Coastal Impact Assistance" funding must not be used to harm the environment. As we continue to work with the Senate and the Administration, I hope that we can find room to make some of these improvements.

Today we have an opportunity to make a real difference. Today we have a chance to save thousands of acres, preserve a healthy habitat for our wildlife and leave our children a natural legacy we can be proud of. I urge my colleagues to support this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. Markey).

Mr. MARKEY. Mr. Chairman, in section 101(b) the bill provides for the allocation of Title I funds on the basis of a formula that includes consideration of the proximity of OCS leases. In order to eliminate any argument that the application of the formula could provide an incentive to increase OCS activities which we are trying to mitigate through this bill, we are amending the formula to, one, consider only leased tracts which meet the criteria in the bill as of the date of enactment; and, two, prevent a recalculation of the formula at a later date, thereby excluding from the formula tracts leased after the date of enactment; is that correct?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. The gentleman is correct.

Mr. MARKEY. Now, in section 101(c), the bill provides that an analogous formula shall be used where funds are distributed directly to political subdivisions smaller than a State. Consistent with our shared purpose to eliminate any unintended incentive to increase OCS activities, would the gentleman agree that the use of the term analogous in section 101(c) means that the payments under this subsection will include only those leased tracts which meet the criteria in subsection (b) on the date of enactment, and that there will be no recalculation of this formula at a later date?

Mr. GEORGE MILLER of California. If the gentleman will yield further, the gentleman is correct. Tracts leased after the date of enactment are not relevant to the operation of the allocation formula in either section 101(b) or 101(c).

Mr. MARKEY. I thank the gentleman from California. Would that also be the understanding of the gentleman from Alaska (Mr. Young)?

Mr. YOUNG of Alaska. If the gentleman will yield, yes, the gentleman has correctly stated my interpretation of these provisions.

Mr. MARKEY. Would the gentleman be able to assure me that this interpretation will be restated in the appropriate place in any subsequent report language accompanying the bill?

Mr. YOUNG of Alaska. The gentleman can rest assured that that will be done.

Mr. MARKEY. I thank the gentleman.

Mr. Chairman, I would like to address some of the environmental provisions that I think should be included in this bill to make it a completely positive environmental bill. They are changes that I believe will only improve the bill by ensuring that CARA allocates oil and gas lease revenues for programs that are environmentally beneficial.

Mr. BOEHLERT, Mr. PALLONE and I crafted an amendment to address these environmental concerns. As part of a compromise negotiated with Mr. YOUNG and Mr. MILLER, some of these issues will be included in the Manager's amendment.

In particular, I am pleased that Mr. YOUNG and Mr. MILLER agreed to remove the potential incentives to increase the number of oil and gas in the compromise. We accomplish this change by simply calculating a State's allocation of coastal funds once. We take a snapshot of the relevant leases on the date of enactment of the bill. Then we frame it and hang it on the wall for the life of the bill. That way it is clear which leases are relevant to the distribution of CARA coastal assistance funds.

The remaining improvements focus on three specific aspects of the bill:

The consequences of the coastal assistance fund,

Unused funds in the Land and Water Conservation program, and

Improvements to wildlife conservation programs.

According to the allocation formula for coastal assistance funds in the CARA, a single state receives close to ⅓ of the coastal assistance fund. It's like this coastal fund is a giant birthday cake. You all know that when you cut the first piece of cake, you get two pieces—the small one you cut and the rest of the cake. What has happened here is that the larger piece has been given away first, leaving the small piece to be distributed among the other coastal states.

I believe the offshore oil and gas revenues should be distributed more equitably to all coastal states.

In the amendment we developed a new formula that would have benefited almost every state. The new formula also would have freed up $100 million for new the competitive grant program for lands of regional or national interest.

In addition, we would like to see changes to the allowed uses for the coastal funds to ensure that this money would be used to improve the environment and limit the amount that could be used for harmful infrastructure projects.

The Land and Water Conservation Fund faces a different situation. In recent years, the federal portion of the fund has not received the fully authorized amount in the appropriations process. to improve this situation our amendment would have allowed the President to allocate any unused money to previously specified land acquisitions. But no funds could have been expended until 4 months after the President made clear the intent to do this.

Finally, our amendment would have ensured that states develop a strategy for the wildlife conservation funds they receive under CARA. This change would have ensured States use sound science and coordinate their activities with other agencies to make the best use of the wildlife funds. This amendment has widespread support among wildlife conservation groups and I am confident it can be adopted as the process moves forward.

I want to reiterate that I fully support CARA with the Manager's amendment. In addition, I oppose all other amendments, particularly those amendments that weaken the bill. I believe that the changes I have suggested will improve the bill and I encourage my colleagues to consider these issues as the process moves forward.

Mr. POMBO. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I rise today with reservations regarding the Conservation and Reinvestment Act, CARA, in its current form. Unfortunately, Mr. Chairman, I cannot support this bill as it presently exists. I have concerns about the lack of property rights protection in this legislation. I will offer a condemnation amendment to address the fundamental flaw in this bill.

My amendment will ensure that landowners are not forced to sell their property and are treated fairly in the process. CARA provides for $900 million to be appropriated annually for the Land and Water Conservation Fund for the purposes of purchasing land, including private property, farms and ranches. Private landowners are understandably nervous that with such huge sums of money available, their land may be easily condemned for public use.

CARA contains no private property rights protection for LWCF funds provided to State and local governments and very minimal protection with Federal funds. It comes down to the basic right that government should not be able to force taxpaying citizens off their land, land that has sometimes been owned for generations by families. I do not think anyone believes this should take place. My amendment goes a long way in preventing this from happening. I agree that money for parks and recreation, historic preservation and wildlife restoration are worthy endeavors. However, I cannot support a bill which forgoes the rights of American citizens. Mr. Chairman, I hope that my colleagues will support my amendment which will significantly improve this bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, let me begin by saluting the chairman of the Committee on Resources as well as the ranking member for their leadership in demonstrating that Republicans and Democrats can work together on important environmental legislation. This legislation is clearly in the spirit of that great conservation President, Teddy Roosevelt, legislation that will further our investment in open space, our investment in conservation and wildlife habitat, farmland preservation and the protection of wetlands.

I have had the privilege over the last 6 years of representing the south side of Chicago and the south suburbs. One thing I have seen every day that I drive through the district I represent, that is, the south suburbs keep growing south. Clearly the need to protect land for open space and conservation must be a priority. This legislation nicknamed CARA is a step in the right direction. I believe it is probably the most important environmental vote that I will have an opportunity to make in the 6 years that I have been here. I think of Illinois and the home State that I represent, and Illinois historically has not done very well in acquiring Federal dollars for conservation and for open space and wildlife habitat, but this legislation will turn that around.

In fact, my home State of Illinois will benefit to the tune of almost $56 million in funds that will come back to Illinois to match the initiatives for open space that Governor Ryan has initiated on his "40 over 4" program to set aside land for open space in Illinois, and from a local level, the Will County forest reserve which through the initiative of the taxpayers last year, initiated an $80 billion bond authorization. They will receive matching funds for open space and conservation. It will also help support our efforts to save and preserve the Kankakee River, one of Illinois' historically cleanest rivers through conservation easements as well as wetlands preservation.

And last, I would note as a representative of the city of Chicago that the city of Chicago ranks 18th out of 20 in parks and lands set aside for recreation and conservation, that these funds will help the city of Chicago, not only establish new parks and green space but reestablish the Lake Michigan shoreline in the city of Chicago.

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This legislation, CARA, is good for the environment, it is good for conservation, it is good for Illinois' future, it is good for America's future. I salute the gentleman from Alaska (Mr.

YOUNG) for his leadership, and I urge an aye vote.

Mr. Chairman, I rise today to offer my strong support of H.R. 701, the Conservation and Reinvestment Act. The Conservation and Reinvestment Act will greatly benefit our nation and the residents of the State of Illinois, providing $56 million annually to Illinois for conservation.

The Conservation and Reinvestment Act is a landmark in our nation's conservation heritage. H.R. 701 is the most significant piece of environmental legislation in a generation, and I am pleased to be a supporter of it. The accomplishments of this bill are many, including providing open space preservation, fish and wildlife conservation, urban park restoration, and historic renovation.

Mr. Chairman, my home State of Illinois will see tremendous benefits from this legislation. Illinois currently receives far less federal dollars than most other states for open space preservation. This is wrong when we know that our open space is disappearing rapidly, especially in the South Suburbs which I represent. Governor George Ryan has crafted a successful program in Illinois known as the Open Land Trust, providing $40 million annually over four years to protect and preserve open space. The Conservation and Reinvestment Act will provide matching funds for this program, making this an ideal time to pass the Act for Illinois.

In the 11th District which I represent there are several open space needs which will be met with the passage of the Conservation and Reinvestment Act. Will County recently passed a $70 million bond authorization for the protection of open space. The Land and Water Conservation Fund portion of the Conservation and Reinvestment Act could leverage these local dollars by 50 percent. Further, the Illinois Department of Natural Resources has identified $30 million in land acquisition needs in the Kankakee, Grundy, LaSalle areas. Land and Water conservation funds could provide an additional $15 million to meet these needs. Finally, the City of Chicago currently ranks 18th of the 20 largest cities in open space preservation to population; the Conservation and Reinvestment Act will help to solve this problem.

In addition to open space benefits, Illinois will receive support for the conservation of fish and wildlife. Under the auspices of the Wildlife Conservation and Restoration Fund, Illinois will receive approximately $14 million annually for the preservation and support of fish and wildlife. The Illinois Department of Natural Resources has identified a $41 million annual need for the conservation of fish and wildlife preservation, education, and recreation. The Land and Water Conservation Fund would leverage state dollars by 75 percent. This portion of the legislation is vitally important not only for the health of our environment, plants and animals, but also for sportsmen and sportswomen. The legislation also provides shoreline protection funds through Title I provisions. These funds will help to protect Lake Michigan shoreline, Illinois Beach State Park, and endangered and threatened species. In addition, funds for historic preservation are also provided.

Mr. Chairman, this is good bipartisan legislation and it should be passed today. I commend the leadership of Representative DON YOUNG and Speaker HASTERT in bringing the Conservation and Reinvestment Act to the floor and I urge my colleagues to support this bill and defeat any weakening amendments.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act and to congratulate the gentleman from Alaska (Mr. YOUNG) of the Committee on Resources and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for putting together this landmark piece of legislation and, particularly, for putting aside all of the parochial interests and putting aside all of the partisan interests and putting together this extraordinary bill.

Mr. Chairman, today we will have the opportunity to stand up for our environment and to vote in favor of the most important resource protection and management bill that has come before this body in a generation. As ranking member of the Subcommittee on National Parks and Public Lands, I cannot stress enough the importance and impact that the Conservation and Reinvestment Act will have over the preservation of our natural resources for future generations.

As a sole, nonvoting representative of 4 million American citizens in Puerto Rico, I will not be allowed to cast my vote in favor of this legislation supported by my constituents. It is for that reason that I come before my colleagues today and urge them to support H.R. 701 and oppose any amendments that will upset the balance achieved through very long bipartisan negotiations.

Mr. Chairman, H.R. 701 is a carefully drafted consensus bill with over 300 cosponsors and the support of 50 governors, many State and local legislators, dozens of newspaper endorsements, and many business, environmental and wildlife groups. H.R. 701 fulfills the promise made by this body 36 years ago to dedicate a portion of the revenue stream from offshore oil production into preservation of our Nation's natural resources. We cannot delay the realization of this promise any longer. Our parks are under pressure from development, our recreational programs are insufficient, our wildlife is stressed, our coasts are in peril.

Mr. Chairman, we will fail the American people and future generations if we do not pass this legislation and support our Nation's natural resources. Vote "yes" on H.R. 701.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GARY MILLER).

Mr. GARY MILLER of California. Mr. Chairman, I find myself on the opposite side of the gentleman from Alaska (Mr. YOUNG), and I have tremendous respect for the chairman of the Committee on Resources.

This bill sets up a mandatory funding mechanism of 2.8 billion annually. Currently, California and the Federal Government owns over 50 percent of the land. By removing $2.8 billion annually from the budget for 15 years, it is a total of $42 billion.

Since the budget resolution adopted by Congress last month allocates all of the surplus to either public debt reduction or tax relief for working families, passage of this bill would require Congress to either dip into the Social Security Trust Fund, cut the amount set aside for reducing the debt, or reducing the amount set aside for tax cuts for working people.

The fiscal year 2001 budget resolution provides $50 billion over 5 years for tax reduction or paying down the debt. Instead, CARA will use up $14 billion over that 5-year period.

No one is talking about the fact that this will likely trigger significant increases in discretionary spending in the form of new bureaucracies and personnel needed to implement the programs created by CARA. This new demand would likely, or inevitably, squeeze out programs such as discretionary spending on defense and education. How many bureaucracies will come up in the next 15 years to ask for more staff to help them spend $2.8 billion per year.

The discretionary spending will also increase for the maintenance of newly acquired lands. According to the Clinton-Gore administration's own estimates, our national parks and Federal lands have up to $15 billion in necessary maintenance backlogs. We are purchasing land at such a high rate that we cannot even keep up with the maintenance of these lands. How can that be considered good land stewardship?

Discretionary spending will also increase if CARA is passed for the purpose of having to compensate local jurisdictions for the loss of economic development. This is money that can be used for saving Social Security, paying down debt, and providing tax cuts for Americans.

Furthermore, Federal and State land acquisition negatively impacts local communities by reducing tax revenues for education and crime prevention and other services. Some of my colleagues argue that this bill addresses the issue by securing funds to deal with these impacts, but this money is not guaranteed unless Congress appropriates money for this purpose. More discretionary spending that is directed away from more important issues like health care, research and public safety.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 15 seconds to the gentleman from New York (Mr. GILMAN), a good friend. I wish I had more time, but I understand I cannot get it.

Mr. GILMAN. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their cooperation and dedication in bringing this measure to the floor. It is a unique opportunity for our Congress to address the conservation and preservation needs of our Nation's communities. It has been carefully crafted to meet a wide diversity of public land needs, and it is a measure that will provide funding for vital conservation programs and the needs in our own area in New York State.

Mr. Chairman, permit me to take this opportunity to commend the distinguished gentleman from Alaska, Chairman YOUNG and the ranking minority member the gentleman from California, Mr. MILLER, for their cooperation and dedication in bringing H.R. 701, the Conservation and Reinvestment Act (CARA) to the floor at this time. This measure is a unique opportunity for the 106th Congress to address the conservation and preservation needs or our Nation's communities.

H.R. 701 has been carefully crafted to meet a wide diversity of public needs. This measure would provide funding for vital conservation programs, urban park needs, agricultural and forestry easement programs, historic preservation, wildlife enhancement, and other important environmental initiatives.

Designed to protect our Nation's natural heritage, the Conservation and Reinvestment Act reinvigorates the Land and Water Conservation Fund (LWCF). This vital program has saved thousands of acres of forest, miles of river, and many of America's mountain ranges. Fully funding this program will provide outdoor recreation opportunities that will improve the quality of life for all Americans.

Futhermore, this proposal sets up a competitive grants program, run by the Interior Department, to enable States to purchase lands of easement. This is a critical component to regions of the country that have compelling national interests but cannot access adequate Federal or State LWCF funding.

In the New York-New Jersey Highlands, the largest, wild, forested area in the metropolitan New York City area, vast areas of open space are threatened with sprawl development. These lands represent critical economic, ecological and recreational resources, and protect the water supply for millions of people in our region.

Our struggle to acquire Sterling Forest is just one example of why this competitive grant program is so important. With $17 million from the LWCF and matching funds from the States of New York, New Jersey and the private sector, we were able to purchase thousands of acres of pristine open space.

The proposed competitive grants program would continue to provide funds for areas like Sterling Forest, the Adirondacks and the Everglades, that will need a Federal and State partnership to be preserved. I commend my colleagues for including this program and hope we will be able to work with the Senate to fully fund this provision.

Over the past year, in cooperation with local environmental groups and the State of New York, we have fought with inadequate Federal support to preserve vital open spaces, such as Clausland Mountain, in our Hudson Valley. The passage of H.R. 701 would bring new hope for our regions, allowing communities to fight urban sprawl, reserve natural and historic sites, protect wildlife and support wetlands conservation.

This important legislation draws its support from a bipartisan delegation of over 300 cosponsors, Governors, mayors, and a wide range of organizations in all 50 States and the District of Columbia, including park and recreation associations, conservation and smart growth groups, land trusts, the recreation industry, and chambers of commerce.

In closing, on August 31, 1910, Theodore Roosevelt stated: "I recognize the right and duty of this generation to develop and use the natural resources of our land; but I do not recognize the right to waste them, or to rob, by wasteful use, the generations that come after us."

H.R. 701 offers our future generations the opportunity to enjoy our Nation's most precious resources. Accordingly, I urge my colleagues to join me and thousands of Americans in support of this measure.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE), a member of the committee.

Mr. INSLEE. Mr. Chairman, this truly is a great day for the House where common sense and bipartisan thirst for progress is really going to trump ideology.

I want to tell my colleagues why I think it is such a great day. I spent 4 days last summer eyeballing the need for this bill by kayak in my district. I spent 4 days in a kayak going all across the waterways in my district. I want to tell my colleagues, I came away impressed with one thing: it is about time that the U.S. Congress makes this commitment.

Let me tell my colleagues about a couple of things I saw. I went up the Sammamish River, stopped at the soccer fields where I saw hundred of kids playing soccer with hundreds of kids literally on the sidelines who did not have fields to play on. We need to build new soccer fields. Not one of those kids playing soccer was stealing hubcaps. This is a juvenile crime issue as well.

I kept going up the Sammamish River, got to where Little Bear Creek and Big Bear Creek flow in. I talked to some residents there who told me, we have to buy these conservation easements to protect the headlands so that we can prevent the extension of salmon runs in Bear Creek.

I kept paddling down Lake Washington with a guy named Bill Nye. My colleagues may have heard of Bill Nye, the science guy, who told all of the people on our kayak tour about the importance of water quality and wetlands and preserving wetlands for salmon.

I kept going to Karakeek Park and Puget Sound where I grew up, where I grew up with salmon, and these salmon are now, they were gone from Piper's Creek for 2 decades and they are coming back, partly because of the efforts we have made to preserve those habitat.

I am just here to say, Mr. Chairman, this may be the best day in this Congress when we are going to put aside partisanship, we are going to do what the American people are demanding us to do and make a real investment in the future of our kids.

Mr. POMBO. May I inquire of the Chairman as to the time remaining?

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) has 15 seconds remaining; the gentleman from California (Mr. GEORGE MILLER) has 26½ minutes remaining; the gentleman from California (Mr. POMBO) has 6 minutes remaining.

Mr. POMBO. Mr. Chairman, I would like to ask my colleague from California to use some of his time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. VENTO), a member of the committee.

Mr. VENTO. Mr. Chairman, I rise in support of the bill. I want to commend our chairman, the gentleman from Alaska (Mr. YOUNG) and our ranking member, the gentleman from California (Mr. GEORGE MILLER).

I was pleased to work on the task force that came up with most of the provisions that are in this bill. It is a good product. Frankly, this is going to take us from standing still over the past decade really in terms of trying to deal with land use questions and landscapes and the preservation of them in this country, and to fulfill the responsibility to the States and to the Federal land management agencies.

The fact of the matter is a lot of bogus arguments have been thrown around here today. One of them is we have this vast, extended, expanding Federal Government in terms of the purchase of land. Well, the facts are quite different. In fact, we have been losing and giving away some of that land, rightfully so, I am not objecting to it, but even when we add in the Department of Defense and others, we have not been expanding that land base.

Secondly, we have 45 to 50 million acres of land that is public land that we have no access to. In other words, the only way we can get access to that land is to buy the easement to cross private land. We have major problems in terms of dealing with funding of the promises that we are making. Most of us get up and vote for a park, we vote for a monument, we vote for some other activity, but the fact of the matter is, within the boundaries of those parks and those monuments and forests that we have, they are private inholdings, and they cause us a great difficulty in terms of trying to administer these lands.

That means we need to put some dollars into the tank here to, in fact, fund the purchase of those easements so that we can use our public lands. We need to put dollars into the program so that we can buy the inholdings that are within parks that people want us to buy on a voluntary basis. We need to deal with buying some of the areas that are the riparian areas that are essential to the management of a unit. We have streams on many of the lands that have been selected by private individuals that perhaps will be purchased are lands that are essential to managing an entire unit. It might be a stream, it might be other factors.

So the issue here is that we have to keep the promises. It is nice to have the good intentions of our appropriators and others present on the floor and represented here today. I appreciate their good intentions. But what we really need is we need the dollars to fund the program and the promises that we made from the National Park System to the Forest Service, to the Fish and Wildlife Service, and to many others. After all, these are dollars that we have committed over 30-some years ago.

We said, when we use up a finite resource in terms of gas or oil revenues on the Outer Continental Shelf, we are going to bring some of those dollars back in and fund some programs that will help and be the legacy of future generation of our children. In the process, we are going to preserve these areas, we are going to conserve them, and we are going to provide the restoration. What could be more elemental in terms of fairness than providing the States that are enduring the problems of gas and oil development and the damage from that to correct that?

Mr. Chairman, that is what this bill does. It is a well-balanced bill. It is a bill that we should enthusiastically vote for and vote against the amendments that will unbraid the agreement that has been made here today, the mischievous amendments. Vote against the bogus arguments. Stand up for what our constituents want. I would bet that this is one of the more popular bills in terms of our constituents, in terms of dealing with parks, one of the best ideas America ever had.

Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act (CARA), which would protect America's natural legacy today for tomorrow.

First, I would like to thank Chairman YOUNG and Representative MILLER for working together on this landmark legislation, which is one of the most sweeping environmental protection initiatives in twenty years. I would also like to acknowledge the broad base support of this bill including over 300 bipartisan cosponsors, all 50 Governors, states and local communities, leading parks, sporting, environmental, recreation and conservation organizations. This unusual consensus clearly demonstrates and punctuates the importance of this measure, which seeks to provide substantial, reliable, and necessary funding for our nation's resources.

H.R. 701 is the culmination of over several months of intensive negotiations involving myself and other members of the Resources Committee to develop a bill that will aid every state in its quest for resource and wildlife protection. I would like to point out to Members that in an effort to keep the bill together, we agreed to sound compromise language just this week before floor consideration. Specifically, moving the bill back to being on-budget and addressing statute language that could have potentially encouraged states to boost offshore oil production. The result today is legislation that empowers local communities to help fulfill the growing demand for park and recreation resources close to home. Whether it is the need for new soccer fields, wildlife refuges or picnic areas, this important funding will be there to help protect our outstanding national forests and lands. I am particularly pleased that this legislation could provide more than $38 million for Minnesota communities for new parks and recreation programs.

The concept that guides this measure is clear and workable, as the federal government leases off shore areas for oil and gas development using a finite natural resource that we invest a good portion of the revenues earned from such leases in the conservation preservation and restoration of our lands as a legacy for future generations. Today, by contrast, notwithstanding good intentions, we are losing our natural lands legacy. The best protection for existing landscape preservation is the fund to purchase such lands outright or the easement that will insure such conservation.

Specifically, this bill would provide a permanent annual fund to expand parks and recreation, preserve open space and farmland, protect wildlife and preserve historic buildings—our children's natural legacy. This dedicated funding would come from existing offshore oil and gas royalties and provide necessary dollars to environmental programs such as the Land Water Conservation Fund (LWCF).

Working for full funding of the LWCF and the other elements in CARA is critical in the government's role to aid in the preservation, conservation and restoration of landscapes surrounding our national parks and other conservation areas throughout the nation, and in protecting ecologically significant lands that are being lost to development each and every day. Unfortunately, funding for these programs have continually eroded to a point where the state portion of the LWCF has not received funds since 1995. So much for good intentions. H.R. 701 will fund the LWCF at its authorized level of $900 million, in addition to providing $125 million annually for urban parks and $150 million annually for conservation easements.

Moreover, this legislation will also disperse money to coastal states to offset the effects of offshore oil drilling and to restoration of landscapes and degraded coastal ecosystems activity.

Mr. Speaker, the constituents that we represent would place a very high priority upon the national, state and local landscapes embraced by this legislation. I dare say for many, the highest priority. The conservation of our landscapes and the development of parks for people is a uniquely American idea. This Congress and this generation of Americans must do our part to fulfill this vision and pass this bill and save our children's legacy.

I would strongly urge all Members to support H.R. 701 and oppose any reckless amendments that could potentially alter the face of this carefully constructed bill and threaten our efforts in protecting the crown jewels—our pristine natural resources. H.R. 701 is a real commitment to future generations, funding and preserving their natural and historical inheritance.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Chairman, I thank the gentleman for yielding.

I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act. This is truly a historic moment, for this Congress, all of us, have a unique and singular opportunity to restore and safeguard our country's natural legacy. I also must first applaud the chief architects of the bill, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. MILLER). Not always of like minds, they came together on this measure because they both recognize the significant need for providing substantial and reliable funding for our Nation's resources.

I can also safely say that it is not often that the committee presents strong bipartisan support for a conservation bill, as we have in this case. H.R. 701 enjoys wide support also from all 54 governors, and it has been cosponsored by a majority of Republicans and Democrats.

Of course, any good bill must also have its opponents, and there are also disparate groups, such as the Sierra Club and anti-conservation groups, that have become strange bedfellows in their opposition. But most importantly, the people of this country, including those in my district, want this bill.

Two years ago, both our committee, as well as its Senate counterpart, held oversight hearings on the lack of funding since fiscal year 1995 for State grants. In my district, despite our local government's best efforts with limited resources, our local parks continue to be in very serious disrepair and our young people lack adequate recreational space.

As a strong believer in recreational programs as a way to channel the youth of our country into positive activities and in safe and well-kept parks as a way to bring communities together, I am especially pleased, therefore, that this bill would dramatically increase Federal spending on outdoor recreation facilities through the Urban Parks and Recreation Recovery Program.

Today, we can change the years of neglect, preserve important natural resources, and utilize them to improve the fitness and uplift the spirit of our people and revive the village that is America.

Mr. Chairman, I am very hopeful about the prospects of this bill before us today, and I urge all of my colleagues to support its passage.

We have been disappointed that over the past several years no funds have been appropriated for the UPARR program.

Two years ago, both this committee as well as its Senate counterpart, held oversight hearings on the lack of funding, since fiscal year 1995, for state grants. In my district, despite our local government's best efforts with limited resources, our local parks continue to be in very serious disrepair and our young people lack adequate recreational space.

As a strong believer in recreation programs as a way to channel the youth of our country into positive, healthy, constructive and nurturing activities, and in safe and well kept parks as a way to bring communities together, I am especially pleased, therefore, that H.R. 701 would dramatically increase federal spending on outdoor-recreation facilities through the Urban Parks and Recreation Recovery Program (UPARR).

Today we can change the years of neglect, preserve important natural resources and utilize them to improve the fitness and uplifts the spirit of our constituents and revive the village that is America.

I am very hopeful about the prospects of the bill before us today and I urge all my colleagues to support its passage.

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise in strong and enthusiastic support of this historic measure. I believe it deserves the favorable vote of every Member of the House.

I want to also extend my gratitude to the chairman of the committee, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their leadership, creativity and persistence in shaping this bill.

This bill is a reflection of the promise of one of the wisest and most far-sighted conservation measures ever, the Land and Water Conservation Act. The promise of that Act was that the Federal government, as it sold Federal nonrenewable resources such as oil and gas from the Outer Continental Shelf, that a major portion of those proceeds would be invested in conserving our lands and waters, and helping our local communities make similar investments.

Unfortunately, because of the problems over the last years with our budget deficits, we have been unable to meet those obligations. But now the budget situation is different, and we have a chance to make up for the shortfalls of the past and invest in our future.

There is much that this bill will help us accomplish. It will help communities respond to the challenges of growth and sprawl. It will help Colorado's ranchers and farmers, and those of other States, to keep their lands and agriculture through conservation easements and similar measures. It will help provide more resources to historic preservation all throughout our great country.

By bolstering the PILT program, we can help counties and local governments in areas where the Federal government is a major landowner, and we can do it the right way, by providing those funds are not tied to extractive or other uses of Federal lands.

Mr. Chairman, when we consider all that this bill will do for this country, I am convinced, as many of the previous speakers are, that this is one of the most important measures that we can undertake, not only this year but in any year. I strongly urge its passage. It reflects the spirit of the old saying, that we do not inherit the Earth from our parents; in fact, we borrow the Earth from our children.

Mr. Chairman, I rise in strong and enthusiastic support of this historic measure. It deserves the favorable vote of every Member of the House.

All of us are indebted to our Chairman, the gentleman from Alaska, and our ranking Member, Mr. GEORGE MILLER of California. Thanks to their leadership, creativity, and persistence in shaping this bill, we today have an opportunity to take a giant step toward fulfilling the promise of one of the wisest and most far-sighted conservation measures ever—the Land and Water Conservation Fund Act.

The promise of that Act was that as the federal government sold non-renewable resources, particularly the oil and gas from the outer continental shelf, it would invest a major part of the proceeds in conserving our lands and waters and in helping our local communities to make similar investments.

Unfortunately, because of the budget problems of the past, for too long the Congress feel short of fulfilling that promise. But now our budget situation is different and we have a chance to make up for some of the shortfalls of the past and in fact to expand the benefits for our country.

By passing this bill, we can help our communities respond to the problems of growth and sprawl and to provide much-needed places for sports and outdoor recreation. We can help preserve our open spaces by acquiring inholdings in our parks and forest from people who want to sell. We can help protect threatened by endangered species, and can assist our state wildlife agencies to manage the fish and wildlife resources that are so important to Colorado and the rest of the nation.

We can help Colorado's ranchers and farmers—and those of other states as well—to keep their lands in agriculture through conservation easements and similar measures that enable them to reap some of the benefits of increased land values without having to sell them to developers.

By greatly increasing the resources of the Historic Preservation Fund we can help preserve the irreplaceable historic legacy of Colorado and our nation—saving historic landmarks, attracting private investment, and helping bring economic vitality to historic sites Gilpin, Clear Creek, Adams, and Jefferson Countries and to neighborhoods in Boulder, Arvada, and countless other communities in Colorado and across the continent.

And by bolstering the PILT program, we can help the counties and other local governments in areas where the federal government is a major landowner and we can do it the right way, by providing funds that aren't tied to timber sales or other uses of the federal lands and without making the local communities hostages to the debates over timber harvests or other extractive uses.

Mr. Chairman, I recognize that some Members have concerns about the bill. I am sure that we will hear more about that during the course of the debate on the bill and amendments that may be offered. And, after all, there is no perfect legislation.

When you consider all that this bill would do for our country I am convinced that it is one of the most important measures not just of this year but of many years to come. I strongly urge its passage. It reflects through action the spirit of the saying we don't inherit the earth from our parents. we borrow it from our children and I attach letters of support from the Executive Director of the Colorado Department of Natural Resources and the Chairman of the Colorado Wildlife Commission.

Mr. Chairman, I include for the RECORD the following documents:

STATE OF COLORADO,
*Denver, CO, May 5, 2000.*

Hon. MARK UDALL,
*House of Representatives, Cannon HOBT, Washington, DC.*

DEAR CONGRESSMAN UDALL: I want to thank you for prior support of HR 701, the Conservation and Reinvestment Act (CARA), and I urge you to support its final passage. Enactment of CARA is the single most effective step Congress can take to minimize the need to list declining species under the Endangered Species Act. HR 701 offers the diverse interests of our states and communities the non-regulatory tools they need to collaboratively conserve fish and wildlife, and the habitat the species depend upon, before the restorations of the Act force desperate and far more costly attempts to reverse their decline.

HR 701 invests in wildlife conservation; PILT payments; open space; farmland and historic preservation; recreation; federal, state and local parks; endangered species recovery; and landowner incentives. At the same time, HR 710 provides private property owners protection that do not now exit when Congress and federal agencies set priorities for the federal side of the Land was Water Conservation Fund, and brings balance to the federal and state side of the program.

For the reasons, Governor Bill Owens has endorsed the passage of CARA. He and I would appreciate your continued support of this historic legislation.

Sincerely,

GREG WALCHER,
*Executive Director.*

STATE OF COLORADO,
DEPARTMENT OF NATURAL RESOURCES,
DIVISION OF WILDLIFE

COLORADO WILDLIFE COMMISSION RESOLUTION

CONSERVATION AND REINVESTMENT ACT

Wheras, Colorado's population growth and land use changes are having a tremendous impact on Colorado's game and non-game wildlife populations, and

Wheras, Colorado faces increasing challenges in maintaining high-quality wildlife recreational opportunities throughout the state, including habitat loss, mule deer decline, whirling disease and other factors, and

Wheras, Colorado currently lists twenty species as endangered, twelve as threatened, and 41 under special concern, and

Wheras, the Colorado Division of Wildlife has been at the forefront of efforts to prevent the decline of wildlife species, thereby avoiding expensive, crisis-oriented management of Threatened and Endangered Species, and

Wheras, license buying hunters and anglers have provided the vast majority of financial support for the DOW's wildlife programs, including game and non-game programs, and

Wheras, the DOW and the Wildlife Commission have recognized the importance of developing additional alternative sources of funding for the broad array of programs demanded by the public, and

Wheras, the House Resources Committee has reported H.R. 701 to the United States House of Representatives for action, and

Wheras, the proposed legislation, if enacted, would provide a significant and much-needed boost in funding for Colorado's wildlife programs, and

Wheras, H.R. 701 is the product of extensive negotiations and includes critical new funding for wildlife programs, the operation and maintenance of federal lands, conservation easements and endangered species recovery efforts, and

Wheras, H.R. 701 also includes important provisions to provide private landowners with a higher level of protection than they receive under current federal law, and

Whereas, Governor Bill Owens, Department of Natural Resources Director Greg Walcher, along with sportsmen and conservation groups such as the Colorado Bowhunters Association, Colorado Wildlife Federation, and local chapters of Trout Unlimited, the Audubon Society and the Wildlife Society are among the 3000 organizations nationwide that support federal legislation—H.R. 701—known as the Conservation and Reinvestment Act (CARA);

Now, Therefore, Be It Resolved that the Colorado Wildlife Commission endorses the proposed federal legislation and urges the 106th Congress to pass H.R. 701 at the earliest opportunity, and

Be It Further Resolved that the Colorado Wildlife Commission commends Governor Owens, DNR Executive Director Greg Walcher, the outdoor recreation and conservation groups who have endorsed CARA, and the members of Colorado's congressional delegation who have actively supported H.R. 701, and

Be It Further Resolved that the Colorado Wildlife Commission urges all members of Colorado's congressional delegation to support, cosponsor and help pass legislation to establish the critical wildlife, habitat protection and outdoor recreation funding programs called for in CARA, and

Be It Further Resolved that copies of this resolution shall be sent to members of Colorado's congressional delegation and wildlife conservation groups throughout the state.

Adopted by the Colorado Wildlife Commission on May 5, 2000, Sterling, Colorado.

BERNARD BLACK,
*Chairman, Colorado Wildlife Commission.*

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding time to me.

I hate to say is this, but listen to this quote. This is from the co-founder of Earth First. This is what he says: "It is not enough to preserve the roadless, undeveloped country remaining. We must recreate wilderness in large regions, move out the cars and the civilized people, dismantle roads and dams, reclaim the plowed lands, clearcuts, and reintroduce the extirpated species."

They want to get rid of the people, get rid of cars, bring back the species, get rid of everything. In short, as humans, we do not even have a right to this land. Now the CARA bill is simply making their work easier.

We can come on the floor and say this is a great bill, but frankly, we are not at the point where we can authorize more money because we are not even taking care of the land we now have. That is embarrassing. Almost one-third of the land in America is owned by the Federal government. If we add local and State government lands together, that percentage reaches 42 percent. Should half of us move?

The CARA bill will not only fund the LWCF trust fund, the key vehicle for land acquisition, at $900 million, but most of the trust funds created by the other titles can also be used for land acquisition. That totals almost $2 billion. That means that State and local governments will have unprecedented amounts of Federal money to buy more private land. We can couple this with the Clinton-Gore acquisition plan, right?

The second reason I am against this is because this bill allows the government to circumvent our existing programs, conservation needs. Both the National Park Service and Forest Service have reported billions of dollars in backlogged maintenance requests. So why are we adding more money when we have this huge backlog of maintenance requests?

Mr. Chairman, as summer approaches, our parks will again swell with families and individuals enjoying our parks. But look closer and we will see crumbling facilities, deteriorating paths, families being turned away because the parks are unable to handle them.

I encourage my colleagues, let us use some common sense here. Vote against this bill.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a member of the committee.

Mr. FALEOMAVAEGA. Mr. Chairman, I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act. I want to commend our chairman, the gentleman from Alaska (Mr. YOUNG) and our ranking member, the gentleman from California (Mr. GEORGE MILLER), for the time they spent personally working on the really difficult issues which needed to be resolved in bringing this bill to the floor.

I certainly also want to commend and credit our colleagues, the gentleman from Michigan (Mr. DINGELL), the gentleman from Louisiana (Mr. TAUZIN), the gentleman from Minnesota (Mr. VENTO), the gentleman from Louisiana (Mr. JOHN), the gentleman from New Mexico (Mr. UDALL), and the gentleman from Colorado (Mr. UDALL), for all the time they have devoted in working out the details of this bipartisan legislation.

Mr. Chairman, this bill encourages the continuation of State and local funding for conservation programs. Generally, the State governments will have to continue local funding at existing levels to be eligible for Federal funding. This ensures that there is substantial local support for these programs.

Mr. Chairman, the bill also provides funding for Federal and Indian land restoration and for the Payment in Lieu of Taxes program. Again, the additional funding for the PILT program is done to assist local governments who have lost some of their tax base through the increase of Federal lands.

While I would have liked to see more than $20 million per year go to the restoration of American Indian lands, I am very appreciative that we are recognizing this need. Grants will be awarded by the Department of the Interior on a competitive basis, and no single tribe can receive more than 10 percent of the allocation in each fiscal year.

Mr. Chairman, I can understand and appreciate the concerns of the members of the Committee on the Budget and the Committee on Appropriations subcommittees, and their desire to allocate our funds each year. But given the 315 cosponsors of this legislation and the support garnered by the transportation bills, I can only suggest that, as a body, we are really ready to address certain needs more proactively.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. Chairman, I rise today in strong support of H.R. 701, the Conservation and Reinvestment Act, and I want to commend Chairman DON YOUNG and Congressman GEORGE MILLER for their leadership and the enormous time they spent personally working on the really difficult issues which needed to be resolved to bring this bill to the floor. I also want to credit our colleagues Mr. DINGELL, Mr. TAUZIN, Mr. VENTO, Mr. JOHN and Mr. TOM and MARK UDALL for all the time they devoted to working out their details on this bill.

For decades Congress has been struggling to balance our nation's desire to preserve the natural beauty of our country, against our desire to develop and expand our economy, and provide for our growing population. Many of us would like to see additional land set aside for the public as we are concerned that if we don't take steps now to preserve the land available, there won't be much left to preserve, and the land that will be available will be prohibitively expensive to acquire. This legislation puts us in a position to set lands aside for parks, forests, agriculture and other public uses.

It is my understanding that the Department of Commerce is concerned with certain provisions of Title I of this bill because of certain existing authority of the Department would be effectively transferred to another federal agency. I do not believe it is the intent of this legislation to alter any existing authority regarding the management of our commercial fishery resources and I hope this intent is clarified either in the Senate or in Conference Committee.

Mr. Chairman, H.R. 701 is opposed on both the left and the right. One environmental group, for example, opposes the bill because it threatens our coastal environment with incentives for new offshore oil and gas leasing in some sensitive coastal areas. Even with the proposed managers' amendment to address this issue, they have concerns.

On the other side, the bill is opposed by the so called "budget hawks" because it will earmark money every year for the acquisition and maintenance of public areas. This will not be all for federal land, mind you, as a sizable portion of the funding will be available for state and local governments to preserve important lands.

In response to these arguments, I can only say that I often hear the statement that we need to send funding and control of that funding to the state and local governments. This bill does that, yet the same people who generally support state's rights are now saying that we can't trust state and local governments to use wisely the money that Congress provides. I also know that there are others who say we can't trust the state and local governments, but it's for just the opposite reason. This bill strikes a delicate balance—federal agencies will get some of the money, as will state and local governments. No one is going to force any government to spend the money. If any local government believes it is better off leaving private lands private so it can continue to collect property taxes on those parcels, no new land will be acquired.

Additionally, no one is going to be forced to sell private land to any level of government. The bill balances this also so there will only be willing sellers. But I don't want to dwell on land acquisition, as the bill does so much more.

Mr. Chairman, this bill encourages the continuation of state and local funding for conservation programs. Generally, a state or local government will have to continue local funding at existing levels to be eligible for the federal funding. This ensures that there is substantial local support for these programs.

The bill limits the amount of funding which can be used for administrative purposes to no more than two percent, thereby ensuring that the money is used for the purposes intended.

The bill establishes a Coastal Impact Assistance and Conservation Fund to help coastal states mitigate the various impacts of offshore drilling and other OCS activities, and provides for the conservation of coastal ecosystems. Given the number of Americans that live close to our coasts, the number of people who continue to move to these areas, and the number who travel there for vacations, we need to do a better job of preserving our coastal areas, or they will lose those qualities which we now find so attractive.

Most of us, I think, support the Land and Water Conservation Fund, and even though it is authorized at $900 million per year, appropriations have averaged only one-third of that. This lack of funding is not the fault of the Appropriations Committee, for it is we as a body who set the funding levels with which they must operate. This bill is our chance to fully fund this popular program.

H.R. 701 also provides additional funding for wildlife conservation and restoration. There will be $350 million dedicated to the "Pittman-Robertson" wildlife conservation and restoration program, which provides for the conservation of all animals.

The bill also balances benefits to urban and rural areas. To ensure our urban areas benefit, funding is dedicated through the Urban Parks and Recreation program to be administered by the Department of the Interior.

The Historic Preservation Fund is another popular program which benefits all our districts. We are not now adequately funding this program, and even with the $100 million per year dedicated from the CARA fund under this bill, it is still not enough, but it is a good start.

For those concerned about our loss of farm land, this bill provides $100 million per year from the CARA fund for the protection of prime farm, ranch and forest lands by limiting the non-agricultural uses to which these lands could be put. There is money in this fund to provide incentives for private landowners to aid in the recovery of endangered and threatened species. This should be welcomed by those who believe the Endangered Species Act is too protective of every species but the human species.

The bill also provides funding for federal and Indian land restoration and for the Payments in Lieu of Taxes program. Again, the additional funding for the PILT program is done to assist local governments who have lost some of their tax base through the increase of federal lands.

While I would like to see more than $20 million per year go to the restoration of American Indian lands, I am very appreciative that we are recognizing this need. Grants will be awarded by the Department of the Interior on a competitive basis, and no single tribe can receive more than 10% of the allocation in any fiscal year.

Mr. Chairman, I can understand and appreciate the concerns of the Members of the Budget and Appropriations Committees and their desire to allocate funds each year. Perhaps in theory we should not have to enact legislation like this bill and recent major transportation authorization bills. But, given the 315 cosponsors this bill has, and the support garnered by the transportation bills, I can only suggest that as a body we are ready to address certain needs more proactively.

Perhaps several years down the road, we will want to adjust the priorities we are setting today. Perhaps as our economy changes we will want to use our OCS money differently. But for today, I believe this compromise bill will set the standard not only for our country, but for other countries too. For if we expect other countries, most of which are not in as good an economic position as we are, to preserve their forests and other natural areas, we should be taking the lead.

Mr. Chairman, I urge my colleagues to support this legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield the balance of my time to the gentleman from New York (Mr. LAZIO).

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from New York (Mr. LAZIO) is recognized for 15 seconds.

Mr. LAZIO. Mr. Chairman, I rise in strong support of this terrific legislation.

Let me ask my colleagues for three things: First, let us not destroy the good in the name of perfection; second, let us look at the strong protections within this bill; finally and most importantly, let us consider our children. Let us leave them something of which we can be proud. Let us make sure we can demonstrate that the spirit of Teddy Roosevelt lives on in this body today.

Mr. Chairman, I rise today in support of CARA. I applaud Chairman YOUNG and ranking member MILLER for crafting this historic piece of legislation.

Mr. Chairman, I stand here today with my two young daughters in mind. As a result of our vote today, they and thousands like them will be able to enjoy the great American outdoors long into the future.

They can expect to enroll their children in little league and find a field available. They can expect to take their kids for a walk in the woods and see the joy on their kids' faces as they spot one of nature's creatures.

I find it fitting that 100 years after my fellow Long Islander, Teddy Roosevelt, put in place the basic elements of our nation's conservation program, today we are continuing the tradition. In TR's time, we declared the frontier closed. Today, we declare it open and available for the enjoyment of our future generations.

My district provides compelling examples of the dire environmental problems that this funding is intended to address. I represent a coastal district. With the funding afforded by Title I, we look forward to working with New York State to clean up the South Shore Estuary.

This enjoys widespread support on Long Island. Cleaning this body of water would be a fitting tribute to the conservation goals of this bill. But for us to realize our goals, we need to respect the delicate balance of the issues this bill addresses.

As we consider this legislation, I ask three things. First, let us not destroy the good in the name of perfection. Second, let us look at the protections within this bill.

Finally and most importantly, let us consider our children. Let us leave something to our future generations which we can be proud. Let us demonstrate that the spirit of Teddy Roosevelt lives on in this body today.

Let us support CARA and let us not support amendments designed to undercut this important legislation. Again, I thank the chairman for bringing this monumental bill forward for consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. DINGELL), without whose cooperation and reputation the meetings by which this bill emerged probably would never have happened. I thank him for that.

Mr. DINGELL. Mr. Chairman, I thank the distinguished gentleman from California for his kind words.

I want to pay tribute to him for his fine leadership in this matter. This has been a team effort.

I also want to pay a particularly friendly tribute to my old friend, the gentleman from Alaska (Mr. YOUNG), chairman of the committee. He and I have worked together on conservation matters for about 40 years. He has never been found wanting where there was an important, a wise, and a necessary action in the field of conservation.

This body and the Nation owe him a great debt for his wisdom, his balance, his judgment, his courage, and his integrity. I am an admirer of his, and I salute him for what he has done on this matter.

I also want to pay tribute to my good friends, the gentlemen from Louisiana, Mr. TAUZIN and Mr. JOHN, who have done a great deal of work to bring us to where we are.

The gentleman from California (Mr. POMBO) is not always in agreement with us on this bill, but I want to say that he has done a great deal to improve it from the standpoint of the property owners. It is a better piece of legislation from their standpoint by reason of the enactment of this legislation and by reason of the fact that we have worked together.

I want to say a word of tribute to the gentleman from New Mexico (Mr. UDALL), who is the other among us who worked so hard to bring us to where we are.

We have here a good bill. It is a bipartisan bill. It is perhaps the most bipartisan piece of legislation that we will see in this Congress. It is one on which a lot of people have worked together to iron out differences to come forward with a piece of legislation upon which they could agree.

Is it perfect? No. No piece of legislation is. Is it good? Yes. It is better than that, it is very, very good.

I would call the attention of my colleagues to a fact. In 100 years this Nation, at the end of this century, will have 370 million people. We are going to be crowded out at the seams. It is going to be a terrible place if we do not do something to begin to save open spaces, to preserve places where people can recreate and enjoy, and where we can actually say that this generation, who are the conservators of the land for the future and who are the people who are borrowing this land from those who will follow us, have done the job that we needed to do and we should have done to provide for the quality of life which all of us have known as we have grown up and as we have lived here. This is an enormous challenge, but this legislation provides the money in all areas.

I have heard some talk and some complaints about what this is going to do to the West. I do want my colleagues to know that the Western Governors have come out and said something. I want Members to hear it, because they are not people who are not sensitive to the needs and concerns of the people they serve.

Here is what they said at the Western Governors Association, Benjamin Cayetano and Dirk Kempthorne from Idaho, a former colleague of ours in the Senate:

"CARA makes good economic, ecological and political sense. On behalf of the WGA, we urge you to vote in favor of H.R. 701," and a similar statement on behalf of all of the Governors.

I urge my colleagues to endorse this legislation. It is important, it is good, it is in the public interest, and future generations will thank us.

Mr. Chairman, today is landmark day in the history of American natural resource protection.

Today, we have before us H.R. 701, the Conservation and Reinvestment Act, or "CARA". It is the product of bipartisan cooperation, compromise, and just plain hard work. Writing major legislation is never easy, and I am not aware of any significant environmental bill that passed without rigorous debate. However, I consider it a privilege to stand before you today in the company of my colleagues who have contributed to much of this effort.

Chairman YOUNG deserves our credit and thanks for the courage, strength and leadership he has demonstrated time and again during the past two years. His Ranking Member, GEORGE MILLER, came to the table and found a way to seal and hold the deal. It wasn't so long ago that people said such a deal could never be done. But now that folks on both sides of the environmental movement are finished scratching their heads, they've rallied around CARA because it's needed, it's sound, it's bipartisan, and it's affordable. DON and GEORGE have done a masterful job of holding together the CARA coalition. Their work deserves the support of every member of this body.

I also want to thank the other Members who devoted scores of hours to creating CARA, including Rep. BILLY TAUZIN, Rep. CHRIS JOHN, Rep. BRUCE VENTO, Rep. TOM UDALL and more than 300 colleagues who have ratified our work with their cosponsorship. I also want to thank the many organizations who have endorsed CARA, sent us letters and cards, made phone calls, and made sure that citizens' voices were heard throughout this process. In particular, I would like to recognize for their activist leadership Americans for Our Heritage and Recreation, the Trust for Public Lands, The Nature Conservancy, the International Association of Fish and Wildlife Agencies, the National Recreation and Park Association, the Izaak Walton League, the Sporting Goods Manufacturers Association, The National Wildlife Federation, the Outdoor Recreation Coalition of America, the Wilderness Society, Ducks Unlimited, and the Coastal States Organization for their hard work and dedication throughout this process.

Mr. Chairman, some people will assert that this bill is some sort of "huge federal land grab", that it "breaks the Federal Treasury"; that it "removes local control." Such contentions are nonsense. We do not pretend to have crafted the perfect bill. And I'm certain that there will be good changes made before it is signed into law. My hope is that we resist the temptation to hastily make a good bill perfect, and instead allow the legislative process to do its job.

What does CARA mean for the Nation? It means a renewal and extension of a commitment made by Congress more than a generation ago to reinvest federal revenues from outer continental shelf oil and gas production in our public lands, their maintenance and care. It also means meeting our standing commitment to historic preservation, while making new investments in coastal protection, wildlife, urban and suburban parks, and other modest programs which make will make a real difference when combined with state and local efforts to make our towns and cities more livable places. Every state benefits greatly by the passage of this legislation. I expect that by the time this legislation is enacted, some states may benefit even more.

CARA is widely backed by thousands of organizations—large and small—and by individuals who care about access to green space and recreation in places near and far from home. Today's Detroit Free Press, representing the views of many positive newspaper editorials around the country, said it best: "For folks who may rarely or never see a monumental piece of national land, it will be like bringing a monument home." To my colleagues who haven't read their hometown papers yet today, I urge you to look carefully. You'll probably find similar sentiments from your own editorial boards which know how much our hikers, bikers, little league players, and their mothers and fathers value the resources CARA will provide.

In my own state of Michigan, we can expect an investment of $59.9 million each year during the life of CARA (2001–2015). This includes $19 million for our coasts, $16 million for the Land and Water Conservation Fund, $11 million for wildlife, $5 million for urban and suburban parks, $2 million for maintaining our public lands, and more than $5 million to make sure local governments with federal land are helped with any revenue loss through the PILT and Refuge Revenue Sharing programs.

Michigan received 208 acquisition applications totaling $123 million for the years 1995–1999. Only half of those projects could be funded. For development projects, the record is even worse, with only $41 million dollars available for $306 million worth of requests. The Mayor of my largest city, Mayor Michael Guido of Dearborn, made a strong and succinct case in a recent letter to me: "With your leadership, America can begin the 21st Century—as it began the last—in the spirit of President Theodore Roosevelt, with a permanent investment in our nation's parks and natural heritage."

These same sentiments have been expressed by thousands of other mayors, almost all our Governors, our counties, the U.S. Chamber of Commerce. We should pass this bipartisan bill with a resounding vote, send it immediately to the Senate, and let's finish the 20th Century with as strong an action for conservation as that taken by Teddy Roosevelt 100 years ago.

Mr. Chairman, I include for the RECORD the news release and letter from the Western Governors Association:

NATIONAL GOVERNORS' ASSOCIATION,
*May 9, 2000.*

GOVERNORS URGE STRONG CONGRESSIONAL SUPPORT FOR CONSERVATION LEGISLATION

Washington, D.C.—The nation's Governors today called on the U.S. House of Representatives to overwhelming support landmark conservation legislation, H.R. 701, the Conservation and Reinvestment Act (CARA) of 1999. This bill would invest approximately $3 billion annually in state, federal, and local conservation programs such as coastal impact assistance and conservation, the Land and Water Conservation Fund, wildlife conservation and restoration, and the Urban Park and Recreation Recovery Program.

"This legislation is one of the Governors' top priorities," said NGA Chairman Utah Governor Michael O. Leavitt. "Its passage will provide us with a stable, long-term source of funding for vital conservation efforts. More important, it will strengthen Governors' efforts to protect our natural treasurers, for our children and for future generators. We urge the House to strongly support CARA and send it to the Senate for quick action."

On May 8, the nation's Governors sent a letter to all House Members urging them to vote for this bipartisan bill, saying: "The Governors are united in our belief that when nonrenewable resources belonging to all Americans are liquidated, some of the proceeds should be reinvested in assets of lasting value."

More than $4 billion in royalties from oil and gas leases on the outer continental shelf (OCS) are paid into the federal treasury every year. CARA would use a portion of those funds for their intended purpose: to invest in state conservation activities. Congress has not appropriated funds from OCS revenues to the states for many years. In particular, CARA includes $450 million per year for the statewide Land and Water Conservation Fund.

H.R. 701 would provide funding for the following programs, on an annual basis:

Coastal Impact Assistance—$1 billion;

Land and Water Conservation Fund—$900 million;

State Wildlife—$350 million;

Urban Parks—$125 million;

Historic Preservation—$100 million;

Federal and Indian Lands Restoration—$200 million;

Conservation Easements and Endangered and Threatened Species Recovery—$150 million.

WESTERN GOVERNORS' ASSOCIATION,
*May 9, 2000.*

DEAR WESTERN HOUSE MEMBER: We urge you to support passage of HR 701, The Conservation and Reinvestment Act (CARA), when the full House of Representatives considers the bill this week. The bill takes a long step toward fulfilling many of the Western Governors' Association's longest held policies, and, therefore, is one of the most important bills to come before the second session of the 106th Congress.

Enactment of CARA is the single most effective step Congress can take to stem the growing need to list declining species under the Endangered Species Act. HR 701 offers the diverse interests of our states and communities the non-regulatory tools they need to collaboratively conserve fish and wildlife and the habitat the species depend upon before the restrictions of the ESA force desperate and far more costly attempts to reverse their decline. The governors have noted since 1992 that insufficient funding has prevented effective implementation of the ESA. Title VII enables landowners to be effective stewards even when the agricultural economy is in a downturn. And, Title III will finally enable the federal government to help states implement the pro-active conservation strategies that they have been carrying out, for the most part, on their own.

CARA invests in conservation by permanently appropriating a portion of the wealth the nation derives from its depletion of nonrenewable resources. HR 701 invests in coastal conservation and impact assistance, which the WGA has advocated since the last 1980s. The bill also directs these revenues to county payments-in-lieu-of-taxes; open space; farm, forest and ranch land; historic preservation; recreation; and federal, state, and local parks. These permanent appropriations should be offset in a manner that follows sound public policy and not with reductions in other vital state interests, public service and environmental protection.

Of particular note, the bill brings the state and federal side of the Land and Water Conservation Fund (LWCF) into balance, following years of neglect of the 50 percent matching grants program. Western governors have sought this change since 1991. As the same time, Title II would provide private property owners with protections that do not now exist when Congress and federal agencies set priorities each year for the federal side of the LWCF. The title also requires federal agencies to consider eastments and land exchanges as an alternative to acquisition. It protects state water rights and places priority on addressing he needs of inholders.

CARA makes good economic, ecological and political sense. On behalf of the WGA, we urge you to vote in favor of HR 701.

Sincerely,

BENJAMIN J. CAYETANO,
*Governor of Hawaii,*
*Chairman.*
DIRK KEMPTHORNE,
*Governor of Idaho,*
*Vice Chairman.*

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman, let me just summarize what I have in my prepared statement today. I think the Congress has an historic opportunity today to pass this superb piece of legislation. I think that when we do, that it will be placed right next to the import of the Clean Air Act and the Clean Water Act in terms of its effect for our great Nation.

The Land and Water Conservation Fund has done many great things for our country, but Congress really gave up on its promise. This is a renewal today of what we promised a long time ago. We will have the funds to protect, to preserve, and even the naysayers will be able to take their children and their grandchildren to the open spaces, to the parks, and to the lands that are going to be set aside for the betterment of humankind in our country.

I think this is an enormous step that the Congress is taking today. I urge my colleagues to support it. Every part of this bill really speaks to the values that the people that I represent hold.

I want to pay special tribute both to the chairman of the full committee and to the individual that we like to call our golden bear with a heart, the gentleman from California (Mr. GEORGE MILLER). We thank them for their superb work. I urge Members to support the legislation.

Mr. POMBO. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have profound regard for our chairman and for all the members of our Committee on Resources, but give me a break. We already have one-third of the entire land base in the country owned by the Federal government. Now they are asking us to appropriate $900 million or more annually to buy more of it.

We are not good managers in the Federal government of the land we already have. There is a $12 billion backlog in maintenance already. I ask Members to visit their National Parks and check out the condition of some of the facilities. Whenever we raise this with the Park Service bureaucrats, the answer we get back is, oh, gee, we do not have enough money. Now we are going to give even more money to buy more land.

This bill does put some money in for maintenance, that is true, but it puts nearly three times as much money into new land acquisition. Once that land is acquired, it has to be maintained. We are doing a terrible job of that as a Federal government.

One illustration, the General Accounting Office said that there are 39 million acres of Forest Service land that are at extreme risk of catastrophic forest fire. That is because that land is not being managed properly. Now we are going to add to the general burden all of this new land that we are bringing into it.

We used to talk about the idea that we ought to have no net gain in acquisition of land. If we are going to acquire some sensitive land, then we ought to divest ourselves of other lands of equal value. Instead, we are setting up a system that is biased in favor of more land acquisition, and instead of being one-third of the land mass, we are going to see this amount steadily creep up.

I think we are going in the wrong direction. For that reason, I am going to have to oppose this bill, and urge my colleagues to do likewise.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy in yielding time to me.

Unlike my friend, the gentleman from California (Mr. DOOLITTLE), the public sets a very high priority on the protection and public maintenance of our green infrastructure.

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The gentleman from Michigan (Mr. DINGELL) had it right. We are losing the battle and we do not have to wait until the turn the century and the doubling of our population. Between 1992 and 1997, we lost 16 million acres, an area approximately the size of West Virginia, to development. The public is starting to move at the State and local level. They passed 379 initiatives for over $8 billion in the last 2 years. It is time for the Federal Government to do its part being a better partner in that process.

The funding of CARA is a good start with historic preservation of urban parks, Native American land and allocating $150 million to conservation easement and species recovery. These long-term investments will add valuable to our communities. They are, in fact, financed on just the interest on the $13 billion in the trust fund right now.

Mr. Chairman, it is time for the Federal Government to be a better partner for liveability. The passage of this bill is a good start.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maine (Mr. BALDACCI) who has been waiting so patiently.

Mr. BALDACCI. Mr. Chairman, I thank the ranking member for yielding me the 1 minute.

Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG), chairman of the committee, for crafting such a fine piece of legislation and for working with the ranking member and the other people here in the Congress, because this certainly is landmark legislation.

I am very pleased to support this. I am very pleased to cosponsor this. This is going to make a tremendous impact in Maine. We have been looking at this legislation and, given Maine's heritage of outdoor recreation, its efforts of resource conservation and its belief in property rights, I have carefully reviewed this legislation to ensure that it meets the needs of the State and its people.

Mr. Chairman, as a good friend of mine, George Smith, who heads up the Sportsman's Alliance of Maine said and observed that, "This could fund conservation easements that keep our lands intact, undeveloped and available for hunting, fishing and other recreational uses while still productive, in private hands, and on the tax rolls. That's a win-win situation for everyone."

Mr. Chairman, I would like to thank the gentleman from Alaska (Mr. YOUNG) for his hard work and working with the gentleman from California (Mr. GEORGE MILLER), our ranking member, and others to craft this landmark legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise as a proud cosponsor of H.R. 701. This bill will improve funding for conservation programs by purchasing and protecting environmentally sensitive lands as well as other conservation and recreational programs.

This bill will provide $141 million annually to the State of Florida and many of the funding initiatives in this bill, such as the park acquisition and maintenance and urban recreation, will have a great impact on Florida and my district. This is extremely important to Florida's environment and is critical for preserving places like the Timucuan Preserve in Jacksonville, which is a legend of the work by my predecessor, Charlie Bennett.

Mr. Chairman, I know there are critics out there, but this bill is necessary for places like Florida that have precious ecosystems that need to be preserved in a period of extreme urban growth. Our local and State governments in Florida have made a great effort toward preserving our sensitive land, and this bill will be an enormous benefit for all of us. These monies will also allow us to promote assets such as urban fishing to serve ethnic and minority populations that would not have the resources to reach out in the past.

Mr. Chairman, this is an important bill and I urge my colleagues to vote for it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. PETERSON).

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in support of H.R. 701. I have the privilege in the House of serving as the cochair of the Congressional Sportsman Caucus, and one of the things that we do is we watch out for conservation and hunting and fishing legislation in this Congress.

This is a bill that is a good bill, and I commend the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) and all of the others for the hard work in putting this together.

In Minnesota, before I was in the Congress, I had the opportunity of serving on a similar committee in Minnesota. We have a permanent source of funding in Minnesota similar to what we are doing here today. It works, and we are known in the country as one of the places where we have great conservation and hunting and fishing. This is going to do the same thing all over the country.

This is the right thing to do. It is not perfect. All of us would like to see other things in it, but it is a great piece of legislation and our kids are going to thank us for it. I ask everyone to support H.R. 701, and I commend everyone for working on the legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. HOEFFEL).

Mr. HOEFFEL. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act. I compliment the gentleman from Alaska (Mr. YOUNG) and the gentleman from California, the ranking member, for their leadership.

Mr. Chairman, it has been said that if we restore a river, we restore the community. I believe it is also true if we save open space, we save the soul of a community. We save the quality of life of that community.

It is happening around this country. It is happening in a bipartisan fashion. My predecessor in this job, John Fox, and I served together, before either one of us were Congressmen, as county commissioners in Montgomery County, Pennsylvania. We started an Open Space Program that is still going strong in Montgomery County. The capital budget in my county this year, 25 percent of it is dedicated to buy open space. In Montgomery County, there is a Schuylkill River Greenway Association trying to restore the Schuylkill River to create recreational paths, greenways, to create parkland along the river, and to encourage retail and residential use of the river.

These are appropriate and important things for us to do, and this bill continues our dedication to environmental protection.

Mr. GEORGE MILLER of California. Mr. Chairman, if I might inquire as to the time remaining.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 8½ minutes remaining. The gentleman from California (Mr. POMBO) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. HOLT), a member of the committee.

Mr. HOLT. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time, and I too want to add my applause to the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for putting together such an important piece of legislation.

Across this great Nation, sprawl is crowding our streets, destroying our open spaces, polluting the air we breathe and the water we drink. Almost all of America is experiencing remarkably similar patterns of growth, a rapid conversion of farmland and open space to a dizzying array of housing subdivisions, shopping centers and office parks.

In New Jersey, the State and most of the towns in my district have made a commitment of tax dollars to acquiring open spaces. In New Jersey we have 8 million people living in just 8,000 square miles. Conversion of farmland and open space to development has doubled in recent years.

Mr. Chairman, it is clear that now is the time to make open space preservation a national priority to protect the American ideal of wide-open spaces. The need to preserve goes beyond the supply of State and local funds, and that is why we need to pass the Conservation and Reinvestment Act, the most sweeping commitment to the protection of America's public land, marine and wildlife sources in over a generation. This is important legislation. We need it.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time, and I rise in opposition to H.R. 701.

Mr. Chairman, all members who care about fiscal responsibility should oppose this legislation on budget grounds alone. It continues the dangerous trend of putting more and more spending on automatic pilot outside the regular appropriations process.

According to the Congressional Budget Office, H.R. 701 would increase mandatory spending by $7.8 billion over the next five years without offsets as required by our budget rules. The spending in this bill places yet another claim on the projected budget surplus before we have established a plan to pay off our debt and deal with the challenges facing Social Security and Medicare.

While I commend the gentleman from Alaska and California for doing something about the lack of resources for things like coastal restoration and preservation of our historic treasures, I am also disappointed by the way they're gone about providing funding for these areas. By providing a mandatory spending stream outside of the appropriations process, we're shortchanging important conservation work, not to mention other priorities such as prescription drug coverage, veterans' healthcare or rural development funding.

For those of you who want more acreage in the Conservation Reserve Program and the Wetlands Reserve Program, you're made that even harder by taking this money out of the normal appropriations process and ensuring that the programs funded by H.R. 701 receive a higher priority than CRP or WRP.

You've also ensured that the 1500 small watershed projects needing nearly $1.5 billion in funding will continue to wait. Not to mention diminishing the chance of providing discretionary funding for the needed $500 million in rehabilitation work on existing PL–566 structures.

For those of you who've sent letters to your constituents telling them that you'll be working for more funds for the Environmental Quality Incentives Program (EQIP), you'll have to change that response if you support H.R. 701. The agriculture subcommittee once again limited the amount of funding available in EQIP to provide spending for other agriculture programs as they struggle with unrealistic spending allocations.

I appreciate that the Chairman and Ranking Member of the Resources Committee were able to accommodate the Agriculture Committee's concerns about establishing a new conservation easement program at the Department of the Interior instead of utilizing the existing Farmland Protection Program. The Farmland Protection Program operated by the Department of Agriculture's Natural Resources Conservation Service and provides funding to state programs designed to protect cropland, pastureland, rangeland and forestland from conversion.

I remain concerned however that we could not convince the Resources Committee to provide assistance to the Wildlife Habitat Incentives Program (WHIP), another existing program within the Department of Agriculture that has exhausted its funding. I remain skeptical about the potential landowner interest in the new "Endangered and Threatened Species Recovery" program created in title seven of H.R. 701.

As I said earlier, I applaud the gentlemen from the effort they've made to address some serious unmet needs—needs that have not been discussed and prioritized because of a lack of leadership in putting our fiscal house in order. However, I cannot condone the means they have used to address the funding challenges facing us.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. DEFAZIO), a member of the committee.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time.

Mr. Chairman, until tonight, Congress, for more than a decade, has diverted much of the money that should have been spent on land and water conservation purposes from offshore oil royalties into virtually every other function of the Federal Government. Tonight that all changes.

This is a new commitment by this Congress in a grand bipartisan way to concerns that many of us share about our precious environment, the protection of open spaces, and the extraordinary resources that we have in this country.

The administrative costs are unbelievably low. We will hear a lot of distorted things about that later. Less than 2 percent. That is great. And there will be no taking of property without just compensation. We will hear more about that later from those who will allege otherwise.

Mr. Chairman, this is a great bill for the States, for the country, for my State, which will get more than $50 million a year to help us take care of our endangered species problems with salmon, salmon restoration, and other preservation of open spaces in a rapidly growing State.

This is a great night for the United States Congress and one of those rare nights where I am especially proud to serve here.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts (Mr. TIERNEY).

Mr. TIERNEY. Mr. Chairman, throughout the history of our Nation, our elected officials have recognized when it is time to set aside specific philosophical differences and act in the best interests of the public with regard to our precious natural resources. Whether we have been inspired by conservationists such as John Muir or led by visionaries such as Theodore Roosevelt, we have always managed to meet the next step in the challenge to protect our land and to ensure that our children can enjoy a clean and healthy environment.

And now, another one of those landmark moments is upon us, and I am glad to see that the House is responding with the Conservation and Reinvestment Act of 2000. Many of my colleagues have already, and will continue to talk about the provisions in the bill that will benefit generation after generation of Americans. My home State of Massachusetts will receive millions of needed dollars for vital Land and Water Conservation Fund projects as well as urban parks and recreation programs.

Upon final action by the Congress on this legislation, we will finally support with a meaningful commitment a significant increase in efforts to restore and protect precious coastal habitats and wetlands. Certain refinements may be necessary as this bill continues through the legislative process, but I am sure we will do that by making sure that the Department of Commerce is included as a participant in the management of the funds.

Mr. Chairman, I commend both the gentleman from Alaska (Chairman

YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the fine work they have done, and I urge passage.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I gratefully rise today on behalf of my constituents in the 9th Congressional District of Illinois in strong support of H.R. 701.

Anyone who has spent even one day in Chicago when the weather is decent, and it is often, cannot help but notice how much we enjoy every square inch of parkland, beaches, and green space. CARA will enable the Chicago Park District to do even more to improve the quality of life in Chicago.

For example, the Chicago Park District possesses over 200 field houses. Many of these buildings are large structures of great historic significance. CARA funds would help preserve many of these structures and make them more accessible.

Chicago's park system also provides employment opportunities, youth recreation-as-prevention initiatives and after-school programs for the city's children. Under CARA, Illinois will receive over $55 million in total funding annually, which, when matched and leveraged, equates to increased funding many times over.

Mr. Chairman, the time is now to advance this bill and reinvest in our quality of life for generations to come. I commend the sponsors of this legislation and urge my colleagues to support it.

Mr. GEORGE MILLER of California. Mr. Chairman, could the chair inform me how much time we have remaining?

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) has 4½ minutes remaining. The gentleman from California (Mr. POMBO) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, a further inquiry, if I might. Could the chair tell us, my plan is to yield myself 2½ minutes, yield 2 minutes to the gentleman from Alaska (Mr. YOUNG), and then the gentleman from California (Mr. POMBO) has 2 minutes, I believe. Is that right? So how do we go in order here?

The CHAIRMAN. Is the question directed to closing statements?

Mr. GEORGE MILLER of California. Yes, thank you.

The CHAIRMAN. The order will be the gentleman from California (Mr. POMBO), the gentleman from California (Mr. GEORGE MILLER), and the remaining time to the gentleman from Alaska (Mr. YOUNG). Is the gentleman yielding some of his time?

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) to use as he chooses, and he can close.

The CHAIRMAN. Then, without objection, the time has been transferred to the gentleman from Alaska (Mr. YOUNG), and the gentleman from California (Mr. POMBO) can begin his closing statements.

There was no objection.

Mr. POMBO. Mr. Chairman, I yield the balance of our time to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE)

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from California (Mr. POMBO) for yielding this time to me.

Mr. Chairman, we have heard much said on this House floor about all the protections of private property rights. Let me just read from the bill exactly what is going on with our private property rights.

Yes, there is a savings clause that says that if property is going to be taken, it must be condemned. But it also goes on to say that no regulation may be applied on any lands until the lands or water or interests therein is acquired, comma, unless authorized to do so by another Act of Congress.

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So we are funding these other acts of Congress for acquisition. Acquisition. The word "acquisition" appears 20 times in this bill. In addition, there is $100 million to start with set aside every single year to buy up farmland. Indeed, that money does not go directly to pay farmers for their farm. Actually, the Secretary provides this money in matching grants to eligible entities to facilitate their purchase of some other guy's farm or permanent easements on those farms. It is just the plain wording in the bill.

Do not tell me it protects private property. It does not. In addition to that, eligible entities can be the following, State or local governments, Indian tribes, or any organization that is organized for conservation purposes under 501(c)(3) or any entity that is controlled by one of these 501(c)(3)s. These are the guys that can get the money to buy one's farm.

Now, the last thing we need to do in America is take more farmland out of production.

The CHAIRMAN pro tempore (Mr. SHIMKUS). The time of the gentlewoman from Idaho has expired.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I ask unanimous consent for one more minute.

Mr. GEORGE MILLER of California. Mr. Chairman, I object.

The CHAIRMAN pro tempore. The time of the gentleman from California (Mr. POMBO) has expired. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has no time remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank all of the Members who have participated in this general debate. I think what is evolving is a picture of maybe legislation that speaks to the best of this Congress. The gentleman from Alaska (Mr. YOUNG) has said it, a number of other people have talked about it in terms of conservation, this is about the conservation of our fish and wildlife, of our wild areas in this country, of open space in our suburban communities, of farmland.

Interestingly, this also takes care of some of the values that we have heard about on this floor now for a number of years. Remember the discussion about devolution. The fact of the matter is, in title 3 of this legislation, the State and local agencies has spent that money. The Pittman-Robertson money is spent by State and local agencies. The State side Pittman-Robertson is spent by State and local agencies. The UPARR is spent by cities and counties. Coastal impact is by States, cities, and counties. The farmland Pittman-Robertson is by States and local.

The fact of the matter is what this bill is about is giving local communities the resources and the ability to deal with the problems they confront because of the tremendous growth in this country. In my area and the area of the gentleman from California (Mr. POMBO), we have cities that are springing up in dramatic rates, and they are crowding up against farmland.

Farmers who want to continue to farm want to keep their orchards, want to keep grazing cattle. Maybe now we can allow them to stay in business if the local cities and counties and organizations want to provide them Pittman-Robertson for the easements to do that, the development rights so they can continue to farm, they can continue their orchards, they can continue their cattle.

That is what this legislation is about. It is about the great heritage of this country. People from all over the world, people from all over the world come to see the great assets, the environmental assets, the Grand Canyons, the Tetons, the Everglades, Glacier National Park, the shorelines in California and in New York and Long Island.

These are great attractions, but they are under pressure, and legislation is designed to deal with that. The vast amount of this Pittman-Robertson is to empower communities and local organizations to improve the quality of life for their citizens.

We should support this legislation. It is a bipartisan effort in the biggest sense of the word. When one looks at the various viewpoints of the Members who are supporting this legislation, when one looks at our history, when one looks at our ideology, the fact that we can come together and understand how to do this right, how to enhance the protections for private property, how to enhance the roles for local government, how to enhance the roles for private organization to participate where the Federal Government just irritates people, but local organizations and community groups are able to talk to those individuals about the futures of those communities.

So I would hope that Members would support this legislation. Again, I want to thank all of the Members who participated in this debate on both sides.

Mr. Chairman, I rise in strong support of a carefully crafted, bipartisan, consensus bill that will redeem America's promise to protect its public lands, coastlines, marine and wildlife resources and recreation opportunities for generations to come.

CARA is, without question, the most important resource protection and management bill to come before the Congress in a generation. I salute the chairman of the Resources Committee, DON YOUNG, for his leadership and his fortitude in developing this legislation, often in the face of fierce—and unjustified—criticism within his own party and from traditional supporters.

This is not just an "environmental" bill; it is a bill that has earned the cosponsorship of 316 Members of the House, 50 Governors, and scores of State and local legislatures, and the enthusiastic backing of a national grassroots coalition that encompasses the Conference of Mayors, the National Governors' Association, the Western Governors' Association, the National Association of Counties, National League of Cities, and the Environmental Council of the States. In short, everyone from the Sporting Goods Manufacturers Association to the American Canoe Association, American Farmland Trust, Americans for Our Heritage and Recreation, the National Association for African American Heritage Preservation, the National Soccer Coaches Association, the Rails-to-Trails Conservancy, police organizations, and wildlife and hunting groups.

The list of endorsements, in fact, fills volumes.

Those diverse interests do not often agree on a piece of legislation. For that matter, DON YOUNG and I do not often agree on legislation. But we agree on the urgency of the CARA bill. And here is why.

Time is running out for many of America's resources. Whether farmland or national parks, our coasts or our recreational sites, our wildlife or marine creatures—we simply have not accorded them the priority they deserve or that the American people support. In polls conducted by the respected Frank Luntz firm, majorities of 80 to 90 percent support full funding of the Land and Water Conservation Fund and other resource priorities—East, West, North, and South; conservative and liberal alike.

That support is reflected in the broad endorsement of this bill in the national press. Here are just a few recent examples:

> Congress has habitually reneged on fully appropriating the money, though it has long been intended for environmental concerns.—Atlanta Constitution, May 9, 2000.
>
> Reclaim this opportunity to enhance the nation's quality of life. It is past time for Washington to live up to the bargain with the American people—and their natural resources—that Congress made in 1964. The Miller-Young bill would do just that. The House should accept no substitutes or weakening amendments. A deal is a deal—and the Land and Water Conservation Fund is a particularly good one.—San Francisco Chronicle, May 8, 2000.
>
> The Conservation and Reinvestment Act . . . would benefit Americans ranging from soccer players to farmers threatened by development.—USA Today, May 8, 2000.
>
> A bill that could dramatically strengthen the protection of America's natural resources.—New York Times, January 10, 2000.
>
> CARA will "dramatically increase federal spending on outdoor-recreation facilities and safeguarding the environment—Christian Science Monitor, May 9, 2000.

Additional editorials have appeared just this week across the country—the Atlanta Constitution, the Oregonian, the San Jose Mercury, the Providence Journal, and the Mobile Register—endorsing this historic legislation.

We know our parks are under development pressure, our after-school recreational programs insufficient, our wildlife stressed, our coasts in peril: the American people want Congress to act, and act decisively.

But Congress has failed to act, and the cost of that failure is the degraded heritage we might pass on to future generations of Americans if we do not pass CARA. That is a price too high to pay.

Thirty six years ago, the Congress promised the American people that we would share the revenues generated from offshore oil development with the resources onshore. We created the Land and Water Conservation Fund, and we promised it $900 million a year from OCS revenues. But we reneged on that promise and instead of investment, we have a $13 billion deficit in the LWCF account. The OCS revenues continue to roll in; but they bypass our resources, and they betray the promise.

CARA gives this Congress the opportunity, on a rare bipartisan basis, to honor the pledge made over three decades ago. Is it expensive? Yes. But not as expensive as losing the land, water, recreation, wildlife and coastal resources of our nation which will be permanently and irreparably lost if CARA is not enacted.

If you merely took the $13 billion LWCF was promised by the Congress but never received, adjust for inflation and interest, the debt due our resources is far more than what CARA proposes to expend. Our goal is to provide that money, with certainty, so that federal, state and local planners, together with private citizens, foundations and grassroots organizations, can make those investments without fear for the second-class treatment we have devoted to our resources in recent years.

And I would add: we do not allocate this money by raising or by charging fees to those who use these parks and other public resources. The money comes from where it has always been intended to come from: offshore development.

Now, as Chairman YOUNG has noted, this bill was very carefully constructed by a bipartisan team to reflect a balanced program. No one got everything they wanted; and we remained united in the Resources Committee against those who sought to upset that careful balance. As a result, the bill before you today reflects a measured, but decisive, initiative that deserves the support of the House.

The manager's substitute that Chairman YOUNG will offer on behalf of the bill authors makes a number of changes to the bill as passed by the Resources Committee, many of them technical in nature, that were discussed with the Interior Department and other portions of the Executive Branch. We also agreed to delete a section that placed this bill "off budget."

In addition, we have successfully developed an amendment with Congressmen BOEHLERT, MARKEY, and PALLONE that remedies some remaining concerns about incentive for offshore oil development, uses of title I impact funds, and authorizes a competitive grant program to address multistate conservation concerns. I appreciate the hard work of those Members in resolving these issues satisfactorily, and am grateful for their support for the bill.

It is my hope that the bill will be approved by the House as supported by the bipartisan coalition that crafted this compromise and by hundreds of organizations located in every congressional district in the nation. This surely is, as the League of Conservation Voters recently stated, "arguably the most important piece of environmental legislation this session of Congress." It enjoys massive support in virtually every Congressional district in the Nation. Your constituents want this bill passed, but they want more than just your vote on final passage.

There are going to be many efforts to amend this bill. Some are sincere efforts to improve the legislation; some are "poison pills" designed to destroy it. While I could support some of these amendments, I am not going to do so if it fractures the massive coalition inside the Congress and across this country that has labored and sweated and battled for years to get this bill passed. This bill is more important than any amendment; and some of these amendments, make no mistake, are designed to destroy the bill or make it completely ineffectual.

So I ask my colleagues today to honor the years of work, the hundreds of thousands of hours of effort that have gone into the careful crafting of this legislation, and oppose amendments. Trust your constituents on this one. Resist the rhetoric. Redeem the promise. And pass CARA—clean, effective, and by a huge margin.

Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG) for purposes of control.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I rise in strong support of the Conservation and Reinvestment Act.

CARA will provide important environmental and conservation benefits to my state of New Hampshire and to the country as a whole. By making good on the promise to fully and permanently fund the Land and Water Conservation Fund, our National Parks, Forests and Wildlife lands will be protected. New Hampshire boasts THE most heavily visited National Forest in this country—the White Mountain National Forest—in addition to critical resource areas like Lake Umbagog National Wildlife Refuge. In addition, CARA provides funding for other important programs such as the Forest Legacy Program, Farmland Protection Program, the Urban Parks Resource and Recovery Program, and matching grants for state and local outdoor recreation projects.

New Hampshire needs this help, to meet the conservation challenges we face.

Several Members will be offering amendments to put this bill on hold for the next five years, so that it doesn't put any strain on the budget resolution we passed earlier this year. I will oppose that amendment, because the programs in CARA should be a priority, and because we should work to put it in our budget. We will have the opportunity to do that, in our negotiations with the President on reconciliation legislation, and in reviewing the new economic information that will come before us, and we should take advantage of that to find the resources to accomplish what Chairman Young has set out to do.

Amendments to put this bill on hold for 5 years mean one thing—no additional investment for 5 years. And I know that many precious places we have the opportunity to save today will no longer be there in 5 years. And I know that those that are still there will cost us twice as much as they do today.

I don't want a bigger government. I don't want more government employees. I want to invest Federal dollars in land and wildlife resources that will yield benefits to New Hampshire and the country in perpetuity. Right now, Congress has an historic opportunity to pass landmark conservation reinvestment legislation to preserve America's natural heritage and protect America's quality of life for future generations. The Conservation and Reinvestment Act (CARA) is supported by the nation's governors, mayors, county officials, conservation and wildlife organizations, sportsmen's groups, park and recreation advocates, business and industry groups, historic preservationists, soccer and youth sports organizations and more than two-thirds of my Republican and Democratic colleagues.

Unfortunately, the unique opportunity we have today in Congress to enact this landmark legislation is being threatened by a series of amendments that would undo this historic bipartisan agreement. Let's not do that. Let's pass H.R. 701.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remainder of my time. Mr. Chairman, I want to thank those that participated in the debate, those for and against this legislation. There is a lot of concentration on the first part, the Land and Water Conservation Fund. But there are six other parts of the bill that mean a great deal. Wildlife conservation, which is really my sweetheart; urban park and recreation, very important to urban areas; historic preservation, if one does not know one's past, one will never know one's future; Federal and Indian lands have been destroyed by this government that need restoration; conservation easements. The gentleman from California mentioned this.

I have my brother in California. I have people in California who want to farm that are actually threatened by the growth of the communities that, under the easement program, can still farm and keep that land for open spaces so people could enjoy it, yet he could have his livelihood.

We have payment in lieu of taxes, fully funded, the payment in lieu of taxes. Those are the things that are in this bill besides that second title. But keep in mind it is my true belief that, under my bill, there is a much better protection for private property owners under our legislation than in existing law.

Last year alone, this Congress spent $480 million to purchase land with no input from authorizes in the Congress, with no identification to the seller of the land, unwillingly, using condemnation. Under my bill, none of those things can occur.

So keep in mind, if my colleagues wants to protect private property, they should be voting for this legislation. But beyond that, as the gentleman from California had mentioned and other people have spoken to, this is a changing society. If we do not keep those open spaces, if we do not have the farmers available who can keep their lands, we will lose that. We will not have the species which we are trying to protect under the Endangered Species Act.

There is so much in this bill for the future that we ought to consider the long haul, the long gain for the betterment of our society.

I am the Private Property Owners Award recipient all my years in Congress, and I still am rated 91 percent because I believe in it. But this bill does not hurt private property owners. It helps them, and it helps this Nation's future.

Mr. POMEROY. Mr. Chairman, today I support H.R. 701, the Conservation and Reinvestment Act (CARA) introduced by House Resources Chairman Don Young and Ranking Member George Miller. This legislation has been referred as "the most comprehensive conservation and recreation legislation the Congress has considered in decades and provides permanent funding for valuable conservation and recreational opportunities that will benefit the lives of all Americans."

The legislation establishes a permanent, automatic funding mechanism that channels the revenues from off-shore oil drilling royalties to numerous federal and state land and resources conservation programs. Also, the bill establishes a new fund—the Conservation and Reinvestment Act Fund or "CARA Fund"—within the Department of Treasury to be used for various conservation, resource protection, and recreation programs.

The cornerstone of funding for the legislation is derived from the royalties received from outer-continental shelf (OCS) drilling in conjunction with establishing a new fund to help coastal states mitigate the various impacts of offshore drilling and other OCS activities, which will generate revenues of $1 billion annually. Moreover, the legislation directs $900 million annually in guaranteed funding from the CARA fund to the Land and Water Conservation Fund (LWCF), dedicates $350 million annually for the CARA fund to the existing Pittman-Robertson wildlife conservation and restoration program, provides $125 million annually from the CARA Fund to the Urban Park and Recreation Recovery Program, distributes $100 million from the CARA fund annually to the Historic Preservation Fund, provides $200 million in annual mandatory funding for a coordinated program on federal and Indian Lands Restoration, and allocates $150 million in Conservation Easements and Endangered and Threatened Species Recovery.

In my home state of North Dakota, CARA has huge, positive impacts for our rural communities to the amount of nearly $15 million annually. According to the North Dakota State Park and Recreation Department, H.R. 701, provides North Dakota with the opportunities to provide for local communities to maintain and improve their conservation and recreation bases that need much needed assistance.

I realize that some of my colleagues have raised concerns regarding private property provision in CARA. Throughout my time in Congress, I have worked to protect the private property rights of all citizens. I am pleased that CARA has provisions in it that specifically stipulate that the federal government is not authorized to take private property without just compensation and that federal agencies may not regulate any lands until they are acquired. In fact, in North Dakota, the State Park and Recreation Department requires all state agencies to comply with regulations assuring local and state support before land is acquired.

Mr. Chairman, I am pleased to join the National Governors' Association, the U.S. Conference of Mayors, the National Association of Counties, and more than 300 of my bipartisan colleagues in support of this comprehensive, historic legislation.

Mr. BENTSEN. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act of 1999. I, like more than 300 of my Democratic and Republican colleagues, cosponsored H.R. 701 because it enhances existing environmental policy and promotes the open space conservation and recreation needs of the American people.

First, I must commend Representatives George Miller and Don Young on crafting this remarkably bipartisan legislation. This measure establishes $3 billion in mandatory spending, a reliable infusion of funding for new and existing conservation programs. H.R. 701 wisely creates a permanent stream of matching funds for states to both support and expand their land conservation and preservation efforts.

Specifically, under this bill, approximately 60 percent of the nearly $4 billion in annual revenue collected from federal offshore oil and gas production leases would be returned to state and local governments for land conservation. This legislation would make the relationship between offshore energy extraction and coastal states similar to existing programs that provide funds to communities in which resources are extracted from federal lands. Under this measure, the largest proportion of funding would be equitably applied toward energy impact assistance in coastal states and those states directly affected by offshore development.

As a representative from the Texas Gulfcoast, I am dedicated to coastal conservation. CARA provides an unprecedented opportunity to improve state and local governments' efforts to safeguard their coastlines. CARA would invigorate the now dormant funding stream for the federal Land and Water Conservation Fund (LWCF), proactively protecting wildlife. Moreover, its encouragement of private land stewardship, which protects the vast majority of wildlife habitat, is especially meaningful in a state like Texas, whose lands are predominately privately owned.

Moreover, CARA is important to the State of Texas where only three percent of all land is public. A 1999 survey performed by the U.S. Department of Agriculture documented that Texas led the nation in loss of undeveloped land from 1992 to 1997. H.R. 701 recognizes this fact and provides funding not only for specific conservation and recreation programs but also for federal and state land acquisitions. The bill employs an extraordinarily balanced approach to land acquisition for preservation and conservation under which private property owners are given strong protections. H.R. 701 provides a strong preference for willing seller transactions.

Mr. Chairman, I would also note that in addition to focusing on preservation of our nation's open spaces, CARA provides $100 million for states to administer numerous historic preservation programs under the Historic Preservation Act.

Mr. Chairman, I urge my fellow colleagues to join me in supporting H.R. 701. This historic legislation creates a significant commitment to preserve open spaces, parks, wilderness and coastal areas, directly enhancing America's environmental quality of life and ensures the long-term preservation and enjoyment of our natural world for future generations.

Ms. JACKSON-LEE of Texas. I rise in support of this bipartisan legislation. I commend my colleagues for establishing a permanent, automatic funding mechanism for land acquisition for conservation purposes. It utilizes revenues from offshore royalties to numerous federal and state land and resources conservation programs.

The philosophy of using this money for building parks and preserving natural areas and wildlife remains as sound today as it was when the fund was created. Giving protected budget status to the Land and Conservation Fund would mean that this money—generated from the government's oil and gas leases—could be allocated without requiring annual congressional approval.

We must take this action because the fund is authorized to receive $900 million each year, but since its inception Congress has diverted much of that money for purposes other than conservation and recreation.

The interest in preserving open space could not have come at a better time. According to a new comprehensive survey of American biological diversity conducted by the Nature Conservancy, the United States provides habitat for more than 200,000 native species of plants and animals. At the same time, commercial and residential development are placing those species under continuing pressure. Americans understand how precious the habitat remains across our nation.

To most Americans, this legislation will extend our nation's and Texas' open spaces and other outdoor resources. Resources for open space should never be underestimated. Through the Land and Conservation Fund, the legislation would dedicate to conservation a portion of the monies paid to the federal government by companies for offshore oil and gas drilling rights.

This is important for the State of Texas. It is important for my community. We must create greater open space for all American communities, and preserve the historic areas of our communities. My district is in great need of more green space, more park maintenance dollars and dollars to support historic preservation work in the 4th ward, 6th ward, and 5th ward, along with the Heights and 3rd ward. Money that is furnished for our state through the Land and Water Conservation Fund is used to meet the cost of state land protection and park and recreational needs. The fund has simply never had enough funds to do the job that it has been tasked with. We can change that, Mr. Chairman.

This bill would also dedicate Land and Water Conservation funds to conservation purposes, providing additional funding to create or expand parks, forest, wildlife, and open spaces. We have a moral responsibility to conserve our precious natural resources.

Future generations will judge the suitability of our land, water, air and wildlife. We owe them some appreciation in how we treat our natural resources. Finally, I would like to thank the students from the Contemporary Learning Center school in my district who visited me on Wednesday, May 10, 2000, as part of the Close-up program to present the case for this bill, I cosponsored the bill and thanked them for their advocacy.

Mr. SKEEN. Mr. Chairman, I rise today in opposition to H.R. 701, the Conservation and Reinvestment Act. I could go on and on with reasons why this legislation is bad for New Mexico and bad for the United States. There are many others today who will explain the details of this bill.

I will use my time to concentrate on the main objection New Mexicans have with this legislation. Local, county and state governments, along with the federal government have enough land. In New Mexico, only 43 percent of the land is owned by citizens. The rest, 57 percent, is owned by government and Native American tribal governments. The people of New Mexico want to know how much land government wants? Do they want another 10 percent, another 20 percent, another 30 percent?

If one looks at the amount of money this bill mandates to spend over the next ten to twenty years there is a lot of private land that is going to disappear. I would love to have government or someone explain to me how acquiring all of this new land and adding to the millions of acres that are already being mismanaged is a good thing? Over 10 years this bill could add another 2.25 million acres at $2,000 an acre to the hundreds of million of acres the federal government already owns. Who knows how much land the state and local governments will buy under this bill. Again and again we ask the question. Give us the lists, give us the parcels, give us the costs, and just tell us how much land local, county, state and federal governments want to own. Or at least tell us why these government entities won't provide this information to the public.

Please vote against H.R. 701.

Mr. SHUSTER. Mr. Chairman, I am in strong support of this bill and as a cosponsor of H.R. 701, the Conservation and Reinvestment Act, I commend my good friend from Alaska, the Chairman of the Resources Committee, Representative DON YOUNG, for his hard work and leadership in bringing this landmark legislation to the floor for action

H.R. 701 is an important bill for our environment. It provides billions of dollars in funding through revenues of outer continental shelf activities for a variety of conservation and recreation activities. It embodies the principle, embraced by the transportation and infrastructure committee, creating a trust fund with a dedicated revenue stream for conserving and reinvesting in our Nation's resources.

The Transportation and Infrastructure Committee has jurisdiction over pollution of navigable waters, including coastal waters and wetlands. It also has jurisdiction over marine affairs, including coastal zone management, as it relatives to the pollution of a navigable waters.

As such, I believe that several sections of H.R. 701, relating to state grants for activities that address water pollution-related issues and consideration of how well correlated a proposed plan is with existing federal, state and local programs, impact the Transportation Committee's jurisdiction. It is very important that in implementing these sections, they be done consistent with existing programs.

I hope to work together with Chairman YOUNG during conference negotiations and as CARA is implemented to address these general concerns. He has assured me that we will continue to work together to identify the agreed area of our jurisdiction and for solutions to concerns we may have.

I look forward to working with the Chairman of the Resources Committee in our continued efforts to protect and enhance our coastal waters. H.R. 701 is an important step forward in this direction.

Mr. NETHERCUTT. Mr. Chairman, today I express my concerns about H.R. 701, the Conservation and Reinvestment Act of 1999.

Mr. Chairman, as a member of the House Interior Subcommittee on Appropriations I have been very supportive of funding acquisition projects that are based on willing sellers, and consensus among all parties involved. I believe that overall the Land & Water Conservation Fund has provided a good means for protecting our lands, and I have been proud to support land acquisitions such as the Escure Ranch and Bowe Ranch in Eastern Washington. These projects were acquired with the full support of the communities which surround them and were funded through the Interior Appropriations process and the Land and Water Conservation Fund.

While I am supportive of the Land and Water Conservation Fund, today I am rising to share my concerns with the bill before the House, H.R. 701. Mr. Chairman, I understand that H.R. 701 is intended to supplant the current state and local funding for conservation and recreation programs and to encourage increased levels of state and local funding for these conservation projects. But, as a member of the Appropriations Committee, I am disturbed by the fact that this bill creates a new entitlement for our public lands.

First, as currently drafted, the bill declares the entire program off-budget and takes more than $2.8 billion from the Outer Continental Shelf funds. This money is currently considered on-budget and will be a charge against the budget process annually over its 15 year life. This means that there will be more mandatory spending in the government that is essentially outside the discretion of Congress. I understand that amendments may be offered today to put this program back on budget, and I look forward to listening to the debate on this issue, but I cannot support a program that creates a new, more than $2 billion entitlement program when we are struggling to maintain our fiscal responsibility.

Under this new trust fund H.R. 701 accumulates annual deposits of $2.8 billion from oil and gas royalties that are to be deposited annually by the Secretary of Treasury. Almost $2.4 billion of these funds are transferred into accounts for land conservation, acquisition and management and would be available for spending by federal agencies without the current approval process by the Congress. The remaining monies, about $450 million, must have Congressional approval before they can be spent.

Second, over the past few months I have listened to our land managing agencies come before the House Interior Subcommittee on Appropriations and not be able to tell the Subcommittee what their current backlog maintenance is to maintain the lands that they currently own and manage. Why are we providing these agencies with more money when they cannot tell the Congress what they need to currently maintain their lands? This isn't the only problem, Mr. Speaker. The amount of money to maintain these lands is enormous, yet we are creating a $2.8 billion entitlement to buy new lands. The General Accounting Office noted when they came before the Subcommittee on Interior Appropriations that if the US Fish and Wildlife Service continues to acquire lands at the pace it has over the past few years, the costs to maintain their lands could exceed $4 billion.

Finally Mr. Chairman, while I appreciate the efforts made by the authors of the bill to address some of the concerns regarding the protection of private property, I am still concerned about the level of protection afforded. I appreciate the authors attempt under the definitions section, Section 11 to outline the protections under the Constitution, but Mr. Chairman, this section does not protect against condemnation by the federal government or for that matter by state or local governments. The restrictions that are outlined in the bill only apply to the land and Water Conservation Funds—which is only $450 out of the more than $2.8 billion program.

Mr. Chairman, I look forward to the debate today on this bill—and I am hopeful that some of the amendments offered will improve this legislation.

Mr. SHAYS. Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act.

I am one of the minority of members who is not a cosponsor of this bill. I chose not to become a cosponsor because the original legislation would have taken Outer Continental Shelf revenues off-budget. As a senior member of the Budget Committee, I have consistently opposed efforts to take various funds off-budget in order to maintain fiscal discipline and preserve a balanced budget.

While I am pleased the sponsors of this bill have taken these budgetary concerns into account and put the CARA Fund on-budget, this is still not an easy vote for me.

I have rarely supported increases in mandatory spending in the amounts considered today. However, an opportunity like this is extremely rare.

This bill's guarantee of full-funding for the Land and Water Conservation Fund (LWCF)—including the critical State-side funding—will rank as one of the most significant environmental accomplishments of our time. LWCF provides the ability to acquire pristine natural habitats and open space that can be preserved for generations to come. I know that once these lands are gone, they are gone forever.

I would like to thank my colleague from New York, Mr. BOEHLERT, for his efforts to improve environmental safeguards in the bill. He is to be commended for eliminating the original bill's potential incentives for increased offshore drilling activity.

It is critically important as this bill moves forward that we work to ensure the tens of millions of federal dollars that will flow to coastal states and local governments each year are spent in a way that helps, not harms, the environment.

I hope it will be made clear that authorized use under Section 102(c)(10)—"Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure"—only refers to uses that directly mitigate the environmental impacts of offshore drilling and is not intended to fund environmentally-destructive road or port expansions or construction of bulkheads or jetties. At minimum, activities permitted under this use should be capped at 10 percent or less of a state's Title I spending.

Mr. Chairman, H.R. 701 is good for coastal areas, open space, urban parks, recreational activities and wildlife. The sponsors have worked to answer the concerns of widely-varying interests, and I am pleased to support the bill.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 4377 shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute consisting of the text of H.R. 4377 is as follow:

H.R. 4377

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Conservation and Reinvestment Act of 2000".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Annual reports.
Sec. 5. Conservation and Reinvestment Act Fund.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Recordkeeping requirements.
Sec. 8. Maintenance of effort and matching funding.
Sec. 9. Sunset.
Sec. 10. Protection of private property rights.
Sec. 11. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

Sec. 101. Impact assistance formula and payments.
Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 203. Availability of amounts.
Sec. 204. Allocation of Fund.
Sec. 205. Use of Federal portion.
Sec. 206. Allocation of amounts available for State purposes.
Sec. 207. State planning.
Sec. 208. Assistance to States for other projects.
Sec. 209. Conversion of property to other use.
Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 305. Education.
Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 402. Purpose.
Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 404. Authority to develop new areas and facilities.
Sec. 405. Definitions.
Sec. 406. Eligibility.
Sec. 407. Grants.
Sec. 408. Recovery action programs.
Sec. 409. State action incentives.
Sec. 410. Conversion of recreation property.
Sec. 411. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

Sec. 601. Purpose.

Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
Sec. 603. Authorized uses of transferred amounts.
Sec. 604. Indian tribe defined.

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

SUBTITLE A—FARMLAND PROTECTION PROGRAM

Sec. 701. Additional funding and additional authorities under farmland protection program.
Sec. 702. Funding.

Subtitle B—Endangered and Threatened Species Recovery

Sec. 711. Purposes.
Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 713. Endangered and threatened species recovery assistance.
Sec. 714. Endangered and Threatened Species Recovery Agreements.
Sec. 715. Definitions.

### SEC. 3. DEFINITIONS.

For purposes of this Act:

(1) The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act (16 U.S.C. 1451 and following).

(2) The term "coastal political subdivision" means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(3) The term "coastal State" has the same meaning as provided by section 304 of the Coastal Zone Management Act (16 U.S.C. 1453)).

(4) The term "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term "distance" means minimum great circle distance, measured in statute miles.

(6) The term "fiscal year" means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term "Governor" means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term "leased tract" means a tract, leased under section 6 or 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1335, 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term "producing State" means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term "qualified Outer Continental Shelf revenues" means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term "Secretary" means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term "Fund" means the Conservation and Reinvestment Act Fund established under section 5.

### SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

### SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the "Conservation and Reinvestment Act Fund". In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) $50,000,000 to the Secretary of the Interior to develop and implement Endangered and Threatened Species Recovery Agreements under subtitle B of title VII of this Act.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (8) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund (including interest), and in any fund or account to which moneys are transferred pursuant to subsection (b) of this section, in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding

marketable obligations of the United States of comparable maturity. Such invested moneys shall remain invested until needed to meet requirements for disbursement for the programs financed under this Act.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, without further appropriation, for obligation or expenditure under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraphs (A) and (B) in proportion to the amounts appropriated for that fiscal year under other provisions of law for purposes of such programs. To the extent that the total amount available for a fiscal year under this paragraph and such other provisions of law for one of such programs exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be allocated to the other such program, but not in excess of its authorized limit. To the extent that for both such programs such total amount for each program exceeds the authorized limit of that program, the amount available under this paragraph that contributes to such excess shall be deposited into the Fund and shall be considered interest for purposes of subsection (a)(3). Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (A) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $100,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (B), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of subparagraph (B) if the annual appropriation for that fiscal year under other provisions of law for the program referred to in subparagraph (A) is less than $15,000,000, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be available for purposes of the program referred to in subparagraph (A), up to the authorized limit of such program. Interest shall cease to be available for obligation or expenditure for a fiscal year for purposes of this paragraph if the annual appropriation for that fiscal year under other provisions of law for each of the program referred to in subparagraph (A) and the program referred to in subparagraph (B) is less than $100,000,000 and $15,000,000, respectively, and in any such case, the allocation provisions of this paragraph shall not apply and all such interest shall be deposited into the Fund and be considered interest for purposes of subsection (a)(3).

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed the lesser of the following:

(A) $200,000,000.

(B) The total amount authorized and appropriated for that fiscal year under other provisions of law for purposes of the programs referred to in subparagraphs (A) and (B) of paragraph (2).

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, without further appropriation, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund to the extent that such refunds are attributable to qualified Outer Continental Shelf revenues deposited in the Fund under this Act.

### SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

### SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

### SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—It is the intent of the Congress in this Act that States not use this Act as an opportunity to reduce State or local resources for the programs funded by this Act. Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures —

(1) is attributable to a nonselective reduction in expenditures for the programs of all executive branch agencies of the State or local government; or

(2) is a result of reductions in State or local revenue as a result of a downturn in the economy.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

### SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2015.

### SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation as provided by the Fifth and Fourteenth amendments to the United States Constitution.

(b) REGULATION.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless authorized to do so by another Act of Congress.

### SEC. 11. SIGNS.

(a) IN GENERAL.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) STANDARDS.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

## TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

### SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) IMPACT ASSISTANCE PAYMENTS TO STATES.—

(1) GRANT PROGRAM.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, without further appropriation, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) FAILURE TO HAVE PLAN APPROVED.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State

that has appealed the disapproval of a plan submitted under this title.

(b) ALLOCATION AMONG COASTAL STATES.—

(1) ALLOCABLE SHARE FOR EACH STATE.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract with qualified Outer Continental Shelf revenues, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be based on qualified Outer Continental Shelf revenues from each leased tract or portion of a leased tract the geographic center of which is within a distance (to the nearest whole mile) of 200 miles from the coastline of the State and shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each such leased tract or portion, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) MINIMUM STATE SHARE.—

(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) PAYMENTS TO POLITICAL SUBDIVISIONS.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of the closest leased tract with qualified Outer Continental Shelf revenues.

(d) TIME OF PAYMENT.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

**SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.**

(a) DEVELOPMENT AND SUBMISSION OF STATE PLANS.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) APPROVAL OR DISAPPROVAL.—

(1) IN GENERAL.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs. The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with university and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 7, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

## TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

**SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following).

### SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 2000.".

### SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601–6) is amended to read as follows:

"APPROPRIATIONS

"SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000,000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001 without further appropriation to carry out this Act.

"(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.".

### SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601–7) is amended to read as follows:

"ALLOCATION OF FUNDS

"SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

"(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.".

### SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is amended by adding at the end the following:

"(d) USE OF FEDERAL PORTION.—

"(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

"(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

"(A) the owner of the property concurs in the acquisition; or

"(B) acquisition of that property is specifically approved by an Act of Congress.

"(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

"(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress.

"(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

"(B) In preparing each list under subparagraph (A), the Secretary shall—

"(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

"(ii) consider the use of equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

"(iii) consider the use of permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

"(iv) identify those properties that are proposed to be acquired from willing sellers and specify any for which adverse condemnation is requested; and

"(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

"(C) The Secretary of the Interior and the Secretary of Agriculture shall each—

"(i) transmit, with the list transmitted under subparagraph (A), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided for by law; and

"(ii) update each list to be Indian transmitted under clause (i) as land management plans are amended or revised.

"(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list under paragraph (2)(A) shall include, for each proposed acquisition included in the list—

"(A) citation of the statutory authority for the acquisition, if such authority exists; and

"(B) an explanation of why the particular interest proposed to be acquired was selected.

"(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e)(2)(A) for the fiscal year, provides notice of the proposed acquisition—

"(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

"(A) the land; or

"(B) any part of any federally designated unit that includes the land;

"(2) in writing to the Governor of the State in which the land is located;

"(3) in writing to each State political subdivision having jurisdiction over the land; and

"(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

"(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

"(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

"(A) All actions required under Federal law with respect to the acquisition have been complied with.

"(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

"(C) A notice of the availability of such statement or assessment and of such summary is provided to—

"(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

"(ii) the Governor of the State in which the land is located; and

"(iii) each State political subdivision having jurisdiction over the land.

"(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.".

### SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended to read as follows:

"(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

"(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

"(A) 30 percent shall be apportioned equally among the several States; and

"(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

"(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

"(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

"(5)(A) For the purposes of paragraph (2)(A)—

"(i) the District of Columbia shall be treated as a State; and

"(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

"(I) shall be treated collectively as one State; and

"(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

"(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.".

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 4601–8(b)(5)) is further amended by adding at the end the following new subparagraph:

"(C) For the purposes of paragraph (1), all federally recognized Indian tribes, or in the case of Alaska, Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes, or in the case of Alaska, Native Corporations shall be equivalent to the amount available to a single State. No single tribe, nor in the case of Alaska, Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Alaska Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe, or in the case of Alaska, Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).".

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 4601–8(b)) is amended by adding at the end the following:

"(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.".

### SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 4601–8(d)) is amended to read as follows:

"(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act, so long as the priorities and criteria defined by the State are consistent with the purposes of this Act, the State provides for public involvement in this process, and the State publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the 'State Action Agenda') indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and Federal agencies, and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, a State Action Agenda that meets the following requirements:

"(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 5 years.

"(B) The agenda must be updated at least once every 5 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

"(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 shall be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.".

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l–8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking "State comprehensive plan" and inserting "State Action Agenda".

(2) In paragraph (1) by striking "comprehensive plan" and inserting "State Action Agenda".

### SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e) (16 U.S.C. 4601–8(e)) is amended—

(1) in subsection (e)(1) by striking ", but not including incidental costs relating to acquisition"; and

(2) in subsection (e)(2) by inserting before the period at the end the following: "or to enhance public safety within a designated park or recreation area".

### SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 4601–8(f)(3)) is amended—

(1) by inserting "(A)" before "No property"; and

(2) by striking the second sentence and inserting the following:

"(B) The Secretary shall approve such conversion only if the State demonstrates no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety. Any conversion must satisfy such conditions as the Secretary deems necessary to assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and which are consistent with the existing State Plan or Agenda; except that wetland areas and interests therein as identified in the wetlands provisions of the action agenda and proposed to be acquired as suitable replacement property within that same State that is otherwise acceptable to the Secretary shall be considered to be of reasonably equivalent usefulness with the property proposed for conversion.".

### SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

"WATER RIGHTS

"SEC. 14. Nothing in this title—

"(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

"(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

"(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

"(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.".

## TITLE III—WILDLIFE CONSERVATION AND RESTORATION

### SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, Indian tribes, and in the case of Alaska, Alaska Native Corporations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

### SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

### SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)", and by adding at the end the following:

"(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 2000 shall be deposited in the subaccount and shall be available without further appropriation, in each fiscal year, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs."; and

(2) by adding at the end the following:

"(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

"(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

"(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

"(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.".

### SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) In General.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

"(c) Amounts Transferred From Conservation and Reinvestment Act Fund.—(1) The Secretary of the Interior shall make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

"(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

"(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

"(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

"(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

"(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) Wildlife Conservation and Restoration Programs.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

"(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

"(B) provisions for the development and implementation of—

"(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

"(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

"(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

"(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

"(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

"(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

### SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: "Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.".

### SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

## TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

### SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

### SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

### SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

"Sec. 1013. (a) In General.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available to the Secretary without further appropriation to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

"(b) Limitations on Annual Grants.—Of the amounts available in a fiscal year under subsection (a)—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) Limitation on Use for Grant Administration.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

### SEC. 404. AUTHORITY TO DEVELOP NEW AREAS AND FACILITIES.

Section 1003 (16 U.S.C. 2502) is amended by inserting "development of new recreation areas and facilities, including the acquisition of lands for such development," after "rehabilitation of critically needed recreation areas, facilities,".

### SEC. 405. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking "and" after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

"(l) 'development grants'—

"(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development, land acquisition, and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

"(2) does not include routine maintenance, and upkeep activities; and

"(m) 'Secretary' means the Secretary of the Interior.".

### SEC. 406. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

### SEC. 407. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

"GRANTS

"Sec. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, acquisition, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

### SEC. 408. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

### SEC. 409. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) In General.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) Coordination With Land and Water Conservation Fund Activities.—(1) The Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

"(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

### SEC. 410. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"Sec. 1010. (a)(1) No property developed, acquired, or rehabilitated under this title shall, without the approval of the Secretary, be converted to any purpose other than public recreation purposes.

"(2) Paragraph (1) shall apply to—

"(A) property developed with amounts provided under this title; and

"(B) the park, recreation, or conservation area of which the property is a part.

"(b)(1) The Secretary shall approve such conversion only if the grantee demonstrates no prudent or feasible alternative exists.

"(2) Paragraph (1) shall apply to property that is no longer a viable recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health or safety.

"(c) Any conversion must satisfy any conditions the Secretary considers necessary to assure substitution of other recreation property that is—

"(1) of at least equal fair market value, and reasonably equivalent usefulness and location; and

"(2) in accord with the current recreation recovery action program of the grantee.".

### SEC. 411. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

## TITLE V—HISTORIC PRESERVATION FUND

### SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

"(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be deposited into the Fund and shall be available without further appropriation to carry out this Act.

"(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.".

### SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

### "SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

"In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.".

## TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

### SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

### SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(6) of this Act in a fiscal year shall be available without further appropriation to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—60 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—30 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

### SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for restoration of degraded lands, resource protection, maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

### SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

## TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

### Subtitle A—Farmland Protection Program

### SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

### "SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

"(1) permanent conservation easements in such lands; or

"(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

"(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

"(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

"(1) An agency of a State or local government.

"(2) A federally recognized Indian tribe.

"(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

"(A) is described in section 501(c)(3) of the Code;

"(B) is exempt from taxation under section 501(a) of the Code; and

"(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(e) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

"(f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

"(g) TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.".

### SEC. 702. FUNDING.

(a) AVAILABILITY.—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, without further appropriation, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) MINIMUM ALLOCATION.—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

### Subtitle B—Endangered and Threatened Species Recovery

### SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

### SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary of the Interior without further appropriation to carry out this subtitle.

### SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance on land owned by a small landowner.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

### SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

### SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(4) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

The CHAIRMAN pro tempore. No amendment to that amendment is in order except those printed in House Report 106–612. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106–612.

AMENDMENT NO. 1 OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. YOUNG of Alaska:

Page 21, line 9, strike "for the" and all that follows down through "period" in line 13.

Page 21, line 24, strike "for the 5-year period concerned".

Page 25, strike lines 11 through 15 and insert:

"(B) A program for the implementation of the plan which shall include (i) a description of how the plan will address environmental concerns, (ii) for producing States, a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf, and (iii) a description of how the State will evaluate the effectiveness of the plan.

Page 26, line 18, after "used" insert "in compliance with Federal and State law".

Page 33, line 22, strike "Indian".

Page 39, line 11, strike "paragraphs" and insert "clauses".

Page 39, after line 21, insert:

(d) STATE PROJECTS OF REGIONAL OR NATIONAL SIGNIFICANCE.—Section 6(b) (16 U.S.C. 4601-8(b)) is amended by adding the following at the end:

"(7)(A) Any amounts available in addition to those amounts made available under section 5 of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available without further appropriation to the Secretary of the Interior to be distributed among the several States under a competitive grant program for State projects as authorized under section 6(e)(1) of national or regional significance involving one or more States.

"(B) The Secretary shall award grants only to projects that would conserve open space and either conserve wildlife habitat, protect water quality, or otherwise enhance the environment, or that would protect areas that have historic or cultural value. The Secretary shall give preference to projects that would be most likely to have the greatest benefit to the environment regionally or nationally and would maintain or enhance recreational opportunities.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Alaska (Mr. YOUNG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. It eliminates the incentives claim. It more clearly defines the State plan within title I, and ensures the coastal impact assistance uses adhere to the State and Federal laws. It creates a multi-State competitive grant program. It removes a typo error within title II. It clarifies a provision within title II.

It is supported by the gentleman from New York (Mr. BOEHLERT), the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New Jersey (Mr. PALLONE). The gentleman from California (Mr. GEORGE MILLER) and I have agreed to this amendment, and it is in the manager's substitute. I urge the passage of the legislation.

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Young amendment. This amendment is being offered by Mr. YOUNG on behalf of Congressmen MILLER, TAUZIN, DINGELL, JOHN, MARKEY, PALLONE, and me. It reflects an agreement worked out in painstaking negotiations among the staffs on the amendment sponsors. I greatly appreciate the time and effort the sponsors of the bill were willing to put into this compromise, which I think is to everyone's advantage, and, more importantly, to the public's advantage.

The amendment makes three sets of reasonable improvements in the bill, which are in keeping with statements the bill's sponsors have been saying about the bill all along.

First, the sponsors have said again and again that this bill is designed to be neutral on the issue of off-shore oil drilling, creating neither incentives nor disincentives. This amendment will ensure that that is the case. By freezing the formula in Title I as of the date of enactment, we remove any chance that states or counties will push for more drilling in order to increase their share of Title I monies.

Second, the sponsors have said again and again that the expenditure of Title I money should help, not harm the environment. This amendment will help ensure that states explicitly address environmental concerns in their plans and that those plans comply with state and federal law. Moreover, we ask states to think about how they will evaluate the success of their plans—something that should appeal to all of us who believe in promoting a "second generation" of environmental protection that will look at actual environmental impacts not just inputs like spending.

Third, the bill's sponsors have said again and again that they want to help states provide recreational opportunities for their citizens. This amendment will help states do that, as well as protect open space and natural resources by setting up a competitive grant program for those purposes. We still need to find funding for this important program, but we have at least made clear that this program should be part of any final CARA bill.

Again, this is a good amendment on which all of us have worked hard. It is supported by all the sponsors of CARA as well as by all the elements of the environmental community. I urge its overwhelming purpose.

Mr. BOEHLERT. Mr. Chairman, at this point I submit the extraneous materials to which I referred in my previous remarks.

AMENDMENTS TO H.R. 701, AS REPORTED, OFFERED BY MR. BOEHLERT OF NEW YORK

(Page and line nos. refer to H.R. 4377)

Page 9, line 20, strike "$1,000,000,000" and insert "$900,000,000".

Page 11, after line 2, add the following new paragraph:

"(9) $100,000,000 to the Secretary of the Interior to carry out title VIII of this Act.".

Page 11, line 6, strike "(8)" and insert "(9)".

Page 20, line 15, strike "50 percent" and insert "41 percent".

Page 20, line 18, strike "25 percent" and insert "28 percent".

Page 20, line 22, strike "25 percent" and insert "31 percent".

Page 21, strike line 1 and all that follows down through line 5 on page 22, insert the following:

"(2) OFFSHORE OUTER CONTINENTAL SHELF SHARE.—(A) If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph.

"(B) Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline.

"(C) If a State's allocable share under paragraph (1)(A) exceeds 35 percent of the revenues to be disbursed under paragraph (1)(A), the amount from such State which exceeds this limit shall be reallocated among the other States eligible under this paragraph in proportion to the amounts they received under the initial allocation under this paragraph.

"(D) Each State's allocable share under paragraph (1)(A) shall be calculated as of the date of the enactment of this Act and shall apply for each fiscal year in which States receive funds under this title.

"(E) In applying this paragraph, a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

"(3) MAXIMUM STATE SHARE.—

"(A) IN GENERAL.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with a total population less than 6,000,000 shall not be more in any fiscal year than 12 ⅔ percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for the purposes of this title for that fiscal year under subsection (a).

"(B) RECOMPUTATION.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are decreased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and increased by such amounts so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The increase shall be divided equally among such other coastal States.

Page 22 line 6, strike "(3)" and insert "(4)".

Page 22, line 7, strike "The" and insert "After applying the maximum share provisions of paragraph (3) to all coastal States, the".

Page 22, line 14, strike "0.50" and insert "5/9".

Page 22, line 20, strike "0.25" and insert "5/18".

Page 23, line 1, after "States"' insert "(except for those that have had their allocable share reduced under paragraph (3)(B))"

Page 23, strike line 10 and all that follows down through line 3 on page 24 and redesignate subsection (d) on line 4 of page 24 as subsection (c).

Page 24, line 5, strike "and coastal political subdivisions".

Page 24, beginning in line 15, strike "In the case of" and all that follows down through the period on line 18 and insert "The Governor shall work with coastal political subdivisions in developing the plan and may disburse funds to those subdivisions as part of the plan.".

Page 25, strike line 11 and all that follows down through line 15 and insert:

"(B) A program for the implementation of the plan, which shall include a description of how the plan will improve the environment and a program for determining whether the plan is having its intended effects.".

Page 26, strike line 15 and all that follows down through line 9 on page 28 and insert:

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—Except as provided in subsection (d), the funds provided under this title are authorized to be used only to improve the coastal and ocean environment by preserving, protecting, managing, and, where possible, restoring and enhancing coastal, marine, estuarine, and Great Lakes resources, including habitats, living marine resources, shorelines, and water quality through the following activities:

(1) Preparation, coordination, or implementation of federally or State-approved coastal, estuarine, or marine comprehensive conservation, or resource management plans or programs.

(2) The conservation, restoration, enhancement, or creation of marine, coastal, or estuarine habitats.

(3) The protection, conservation, or enhancement of coastal or estuarine shorelines, including natural protective features such as beaches, dunes, coral reefs, wetlands, or barrier islands.

(4) Preparation, coordination, or implementation of comprehensive fishery, marine mammal, avian, or other living marine resource management plans, including ratified interstate or international agreements and fishery observer programs.

(5) Identification, prevention, management, and control of invasive exotic and nonindigenous species.

(6) Data collection, research, monitoring, or other assessments, including population surveys, relating to fisheries, avian species, marine mammals, or other living marine resources, or to coastal, estuarine, marine, and Great Lakes resources or habitats.

(7) Observations necessary to develop and implement real time tide and current measurement systems.

(8) Projects that promote research, education, training, and advisory services in fields related to activities authorized by this subsection.

(9) Enforcement of Federal, State, or local marine, coastal, and estuarine resource management statutes.

(d) AUTHORIZED USE OF STATE GRANT FUNDING IN PRODUCING STATES.—In addition to the uses authorized in subsection (c), a producing State may use up to 10 percent of the funds provided under this title each year to mitigate the impacts of Outer Continental Shelf activities, including impacts on onshore infrastructure.

Page 28, line 10, strike "(d)" and insert "(e)".

Page 31, line 10, strike "The" and insert "(A) Except as provided in subparagraph (B), the".

Page 31, after line 17, insert the following new subparagraph:

"(B) Remaining Funds.—If, for any fiscal year, the Acts making appropriations for the Department of the Interior and the Department of Agriculture for that fiscal year have not approved in accordance with subparagraph (A), by the date 90 days after the commencement of such fiscal year, the full amount of the Federal portion, the President may obligate and expend the remaining funds for projects on the list submitted under subsection (e). No later than 180 days after the commencement of the fiscal year, the President shall submit to the Congress a list of the specific projects he intends to fund, and no funds shall be expended until 120 days after that list has been submitted.".

Page 31, line 24, strike the period and insert "or is undertaken pursuant to paragraph (1)(B).".

Page 53, line 19, strike the closing quotation marks and after line 19, insert the following new subsection:

"(e) Wildlife Conservation Strategy.—Any State that receives an apportionment pursuant to section 4(c) shall within 5 years of the date of the initial apportionment develop and begin implementation of a wildlife conservation strategy based upon the best available and appropriate scientific information and data that—

"(1) uses such information on the distribution and abundance of species of wildlife, including low population and declining species as the State fish and wildlife department deems appropriate, that are indicative of the diversity and health of wildlife of the State;

"(2) identifies the extent and condition of wildlife habitats and community types essential to the conservation of species identified under paragraph (1);

"(3) identifies the problems which may adversely affect the species identified under paragraph (1) or their habitats, and provides for priority research and surveys to identify factors which may assist in restoration and more effective conservation of such species and their habitats;

"(4) determines those actions which should be taken to conserve the species identified under paragraph (1) and their habitats, and establishes priorities for implementing such conservation actions;

"(5) provides for periodic monitoring of species identified under paragraph (1) and their habitats and the effectiveness of the conservation actions determined under paragraph (4), and for adapting conservation actions as appropriate to respond to new information or changing conditions;

"(6) provides for the review of the State wildlife conservation strategy and, if appropriate, revision at intervals of not more than 10 years; and

"(7) provides for coordination to the extent feasible by the State fish and wildlife department, during the development, implementation, review, and revision of the wildlife conservation strategy, with Federal, State, and local agencies and Indian tribes that manage significant areas of land or water within the State, or administer programs that significantly affect the conservation of species identified under paragraph (1) or their habitats.

Page 77, after line 22, add the following new title and make the necessary conforming changes in the table of contents:

## TITLE VIII—NON-FEDERAL LANDS OF REGIONAL OR NATIONAL INTEREST

### SEC. 801. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to make grants to help States conserve open space through the purchase of lands and interests in lands that are of regional or national interest.

### SEC. 802. TRANSFER OF FUNDS.

Amounts transferred to the Secretary of the Interior under section 5(b)(9) of this Act in a fiscal year shall be available without further appropriation, to carry out this title.

### SEC. 803. COMPETITIVE GRANTS TO STATES.

(a) Grant Authority.—The Secretary of the Interior shall administer a competitive grant program to assist States in purchasing lands of national or regional significance or in purchasing easements to protect those lands.

(b) Matching Requirement.—A grant provided under this section shall not cover more than 50 percent of the cost of the purchase of the land or easement.

(c) Applications.—Not later than 90 days after the enactment of this Act, the Secretary shall issue and publish in the Federal Register the schedule for the submission of grants and the criteria under which applications for grants under this section shall be evaluated. At a minimum, such criteria shall require that an application—

(1) be submitted by the Governor of a State, or in the case of a multistate application, by the Governors of all the participating States;

(2) demonstrate that the matching funds required by subsection (b) will be available;

(3) demonstrate that the use of the grant will conserve the land being purchased in a manner that will protect the environment; and

(4) detail what uses of the land will be allowed after the purchase.

The Secretary may revise the criteria at the beginning of a fiscal year and shall publish any revisions in the Federal Register. Any revised criteria must meet the requirements of this subsection.

(d) Criteria for Competitive Selection Among Grant Applications.—In carrying out this title, the Secretary shall award grants only to projects that would conserve open space, and would preserve wildlife habitat, protect water quality, or otherwise enhance the environment, or that would protect areas that have historic or cultural value. The Secretary shall give preference to projects that would be most likely to have the greatest impact on the environment regionally or nationally and would protect recreational opportunities.

(e) Notice to Congress.—In any fiscal year, no funds for grants under this title may be expended until 60 days after the Secretary has submitted to the appropriate authorizing and appropriating Committees of the Congress a list of States receiving awards under this title and a brief description of the project the State will undertake.

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April 13, 2000.

Dear Representatives Boehlert, Markey, and Pallone: We are writing to thank you for your leadership in offering amendments to H.R. 701, the Conservation and Reinvestment Act (CARA) of 1999 and to offer our enthusiastic support for your amendments package. H.R. 701 provides landmark levels of critically needed funding for land, wildlife, marine, coastal, historic, and cultural conservation needs. Your amendments would move CARA farther down the road to becoming the first substantial conservation bill of the new century.

Your amendments would make significant improvements to H.R. 701 including:

In Title I, removing many problematic incentives for new offshore oil development, capping the amount of funding that could be used for damaging infrastructure, and better ensuring that the bulk of the funds will be spent on environmentally beneficial projects;

In Title II, taking needed steps toward ensuring the federal portion of the Land and Water Conservation Fund will be spent so that protection of lands in our national parks, wildlife, refuges, forests and other public lands will not be unnecessarily delayed;

Adding to Title III important strategic planning provisions that have been recommended almost unanimously by wildlife conservation groups; and

Adding a new competitive grant program that would provide funding for acquisition and easements for non-federal lands of regional or national interest.

Our organizations will work tirelessly to ensure adoption of your amendments when H.R. 701 is considered on the House floor. Passage of these amendments will ensure that our organizations will be united in support of CARA moving through the House.

Again, we applaud your leadership in working to obtain these needed fixes to the bill and tremendously appreciate your efforts. We look forward to working with you as H.R. 701 moves to the House floor.

Sincerely,

Barbara Jeanne Polo, Executive Director, American Oceans Campaign; Roger T. Rufe, Jr., President, Center for Marine Conservation; Rodger Schlickeisen, President, Defenders of Wildlife; Fred Krupp, Executive Director, Environmental Defense; Thomas C. Kiernan, President, National Parks Conservation Association; Richard Moe, President, National Trust for Historic Preservation; Mark Van Putten, President & CEO, National Wildlife Federation; John Adams, President, Natural Resources Defense Council; Meg Maguire, President, Scenic America; Carl Pope, Executive Director, Sierra Club; William H. Meadows, President, The Wilderness Society; Gene Karpinski, Executive Director, U.S. Public Interest Research Group; William M. Eichbaum, Vice President, U.S. Conservation and Global Threats, World Wildlife Fund.

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Americans for Our Heritage and Recreation,
*May 9, 2000.*

Hon. Sherwood Boehlert,
*Rayburn House Office Building, Washington, DC.*

Dear Representative Boehlert: Americans for Our Heritage and Recreation, a national grassroots organization of conservation and civic organizations, park and recreation leaders, urban and open space advocates, and the sporting goods and outdoor recreation industry wants to thank you for your leadership in joining with Representatives Edward Markey and Frank Pallone to seek important environmental improvements to the Conservation and Reinvestment Act (CARA, H.R. 701).

Through the hard work of House Resources Committee Chairman Don Young, Representative George Miller, and key cosponsors of the legislation, CARA affords a unique and major opportunity to provide a permanent federal commitment to parks and open space protection through dedicated funding for natural heritage programs, including the Land and Water Conservation Fund (LWCF).

As you know, for more than three decades, the Land and Water Conservation Fund has been the cornerstone of American conservation and recreation, responsible for more than seven million acres of parkland and 37,000 state and local park and recreation projects. A visionary program, LWCF invests moneys from depleting resources—offshore oil and gas—to fund parks, protect wildlife, and preserve open spaces.

Given the $12 billion backlog in parks and special places that need immediate protection, we are especially appreciative that your amendments would provide an important assurance for LWCF's federal component that Congress keep its 35-year old promise and annually fund the program at its authorized level, and not divert or withhold funding as has been done in years past.

We also are particularly pleased that your amendments would provide funding to preserve regional lands of national significance, such as the Northern Forest and Mississippi Delta regions, without diminishing the important state and local recreation and open space components of LWCF's state matching grants program.

Finally, we commend your efforts to ensure that the legislation contains no incentives for offshore oil and gas drilling and that coastal funding is used in a manner that will not harm the environment.

We look forward to working with you and other Members of Congress to advance your amendment and the improvements to CARA, which it incorporates, and pass a final piece of legislation that truly will preserve our natural heritage and enhance America's quality of life for generations to come.

Again, many thanks for your leadership.

Sincerely,

JANE DANOWITZ,
*Executive Director.*

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LEAGUE OF CONSERVATION VOTERS,
*Washington, DC, May 5, 2000.*

Re: Support the Boehlert (R–NY)/Markey (D–MA)/Pallone (D–NJ) amendments to H.R. 701.

*House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE: The League of Conservation Voters is the bipartisan, political voice of the national environmental movement. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide and the press.

LCV urges you to support amendments offered by Representatives Boehlert (R–NY), Markey (D–MA), and Pallone (D–NJ) to H.R. 701, the Conservation and Reinvestment Act of 2000. H.R. 701 provides landmark levels of critically needed funding for land, wildlife, marine, coastal, historic, and cultural conservation needs. The Pallone/Boehlert/Markey amendments would help CARA become the first substantial conservation bill of the new century.

The Markey/Pallone/Boehlert amendments would make significant improvements to H.R. 701 including:

In Title I, removing many problematic incentives for new offshore oil development, capping the amount of funding that could be used for damaging infrastructure, and better ensuring that the bulk of the funds will be spent on environmentally beneficial projects;

In Title II, taking needed steps to ensure that the federal portion of the Land and Water Conservation Fund will be spent each year to avoid unnecessary delays in the protection of our national parks, wildlife refuges, forests and other public lands;

Adding to Title III important strategic planning provisions that have been recommended almost unanimously by wildlife conservation groups; and

Adding a new competitive grant program that would provide funding for acquisition and easements for non-federal lands of regional or national interest.

The passage of these amendments is key to LCV's support of H.R. 701. We urge you to vote "yes" on the Boehlert/Markey/Pallone amendments to H.R. 701.

LCV's Political Advisory Committee will consider including votes on these issues when compiling LCV's 2000 Scorecard. If you need more information, please call Betsy Loyless in my office at 202/785–8683.

Sincerely,

DEB CALLAHAN,
*President.*

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THE TRUST FOR PUBLIC LAND,
*Washington, DC, April 13, 2000.*

Hon. SHERWOOD BOEHLERT,
*Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN BOEHLERT: I am writing to express the Trust for Public Land's appreciation and my own for your important efforts to advance H.R. 701, the Conservation and Reinvestment Act (CARA), to consideration by the House of Representatives and your constructive approach to addressing the particulars of this landmark conservation bill.

As you well know, the longstanding constraints on annual funding of such vital programs as the Land and Water Conservation Fund (LWCF) and the Forest Legacy Program have placed enormous stresses on federal and nonfederal resource areas, on communities, and on private landowners. The Conservation and Reinvestment Act clearly affords one of the best opportunities in conservation history to rededicate federal resources to these critical national needs, providing enhanced, reliable funding levels through several well-targeted programs to secure key natural, recreational, cultural, and other resource lands before they are lost forever. Accordingly, TPL has welcomed the initiative of Chairman Young, Congressman Miller, and their many cosponsors in offering CARA, and has enthusiastically advocated swift House action on this legislation.

We also are gratified by your unflagging commitment to the crucial land-saving programs promoted by CARA, your efforts to ensure expeditious floor action, and your positive engagement on the bill's specific provisions. As we have previously indicated, we are supportive of improvements to the bill that do not impair its chance of ultimate success. As a transaction-oriented conservation organization, with experience in the real estate marketplace and a working knowledge of the need to protect willing-seller lands as they become available—we particularly commend your efforts in Title II to provide appropriate additional assurances for annual funding of federal-side LWCF, as well as the concept of additional funding for lands of regional and national significance you propose in Title VIII. We look forward to working with you toward inclusion of these and other refinements in a final, enacted Conservation and Reinvestment Act.

TPL firmly believes that the time has come for House passage of CARA. With your assistance in bringing the bill to the floor, and with appropriate deliberation of the issues your amendment raises, we also believe that Congress is within reach of a lasting victory for America's irreplaceable parklands and public spaces.

Sincerely,

ALAN FRONT,
*Senior Vice President.*

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THE IZAAK WALTON LEAGUE
OF AMERICA,
*April 14, 2000.*

Hon. SHERWOOD BOEHLERT,
*U.S. House of Representatives, Washington, DC.*

DEAR REPRESENTATIVE BOEHLERT: I'm writing to express appreciation on behalf of our members for your efforts to encourage the House leadership to schedule the Conservation and Reinvestment Act (H.R. 701) for consideration at the earliest possible date. We believe it is absolutely critical that this landmark conservation bill is signed into law in this session of Congress.

I also wish to thank you for your proposed amendment to Title III that would add a valuable planning tool to the state wildlife funding program. As you know, the League along with a diverse group of other conservation and environmental organizations worked diligently to craft this broadly accepted planning provision. It would ensure that these funds will be used for the most critical wildlife conservation needs. This amendment deserves thoughtful consideration by the full House.

Like you, we want to ensure that the coastal impact assistance provision results in the greatest benefit to our valuable marine and tidal resources; however, the equitable distribution of those funds among the states is clearly a matter for congress to determine.

Your proposal to add assurances that Land and Water Conservation Fund monies be expended for the intended purposes of that program is welcomed by our members who have been among the most ardent supporters of that program. Conservation of our country's land resources for fish and wildlife and other valuable benefits that derive from these open natural spaces is becoming increasingly important.

While we will always support improvements to legislation that benefits the environment, it is of first and foremost importance that nothing impedes the final passage of CARA. We would be pleased by the addition of any improving amendments that do not jeopardize that outcome.

Respectfully,

PAUL W. HANSEN,
*Executive Director.*

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NORTHERN FOREST ALLIANCE,
*April 19, 2000.*

Representative SHERWOOD BOEHLERT,
*Rayburn House Office Building, Washington, DC.*

DEAR REPRESENTATIVE BOEHLERT: We are writing to express our appreciation and enthusiastic support for your leadership in developing strengthening amendments to H.R. 701, the Conservation and Reinvestment Act (CARA). H.R. 701 provides the opportunity to put words into action, and enact the most far-reaching conservation measure in recent memory.

The most important accomplishment of H.R. 701 would be the restoration of full and permanent funding for the Land and Water Conservation Fund. Revitalizing this fund will have a direct impact on conservation efforts in every region of the country, including the Northern Forest. This legislation would be significantly improved, however, by modifications embodied in your proposed amendments. In particular we strongly support the provision that would create an additional, more flexible fund which is capable of addressing important state-led projects of local, regional or national significance which exceed the capacity of traditionally administered state-side grants.

Your amendments would also remove much of the incentive for states and localities to accept new offshore oil development, cap the amount of funding that could be used for damaging infrastructure, ensure the federal portion of the Land and Water Conservation Fund will be expended, and add strategic planning provisions recommended by wildlife conservation groups.

We are prepared to communicate with your colleagues in Congress and lend our support to ensure adoption of your amendments when H.R. 701 is considered on the House floor. Thank you again for your efforts to improve and pass conservation legislation this year.

Sincerely,

ANDREA L. COLNES,
*Executive Director.*

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

If not, the question is on the amendment offered by the gentleman from Alaska (Mr. YOUNG).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 2 printed in House Report 106-612.

AMENDMENT NO. 2 OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. REGULA:

Page 4, line 13, before the period insert ", except that no State may be treated as a coastal State in any fiscal year in which there is a Federal moratorium on offshore leasing and related activities off the coast of that State".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Ohio (Mr. REGULA) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I have no illusions that this amendment will pass, but my purpose in offering it is to show my colleagues the unfairness of this proposed legislation.

As my colleagues know, the purpose of Title I is to create a revenue sharing and a coastal conservation fund for coastal States and eligible local governments to mitigate the various impacts of OCS activities and provide funds for the conservation of our coastal ecosystems.

Indeed, one can make a valid argument for using Outer Continental Shelf oil and gas leasing revenues for the restoration of coastlines that have been negatively impacted by offshore drilling. The fact that the revenues for the CARA fund would be derived directly, and I emphasize directly, from royalties from offshore leases and would go for the protection of these coasts makes some sense. However, it is quite disingenuous to distribute these funds to coastal States across the country which have a moratorium on offshore drilling.

Presently, 98 percent of our offshore production comes from the Gulf of Mexico and the western Gulf of Mexico. These States include Texas, Mississippi, and Louisiana. They shoulder the risk of offshore drilling, so it would be prudent that they should receive 98 percent of the funding in this title if we are going to do what the title says: provide coastal assistance to the States that are being impacted by offshore drilling.

Currently, Title I is so broad that it provides funding to many coastline States, even those where there is some, none, or only partial OCS leasing is taking place. For example, 30 States and five territories would receive funding under this title. If 30 States and five territories were producing oil and natural gas off their coast, this Nation would not be dependent on oil imports for more than 50 percent of our oil needs, as we are now.

As my colleagues can see from this chart, this is not the case. In fact, since we began collecting OCS royalties in 1953, the U.S. has collected $127 billion, $115 billion of which has come from production in the Gulf of Mexico. That is clear on this chart.

The amendment I am offering today would merely allow these States which currently allow offshore drilling to receive the majority of funding under Title I of the bill. These States are the logical recipients of any coastal program designed to mitigate the impacts of OCS activities. I urge my colleagues to consider this common sense amendment.

This chart does not really give us the full story, because, and I again emphasize, 98 percent of our offshore production comes from the Gulf of Mexico and the western Gulf of Mexico and essentially is limited to three States and a portion of Alabama. Yet, the bulk of this distribution of this fund goes to States, coastal States that ban offshore drilling because of a moratorium.

I have to say that the moratoria are included in the Interior bill, which I chair. Why? Because I recognize it is the will of the majority of this Congress that there should be no drilling offshore in Alaska, offshore in California, offshore in Florida, and a number of the Eastern States. I recognize that this is the will of the body.

But by the same token, those States want to get a big chunk of the offshore revenues, even though the coastal impacts are limited essentially to three or four States. If we were to do anything that would be fair, we should give the bulk of the revenues to the States that are suffering the bulk of the impact of offshore drilling.

I would suggest to the sponsors that they ought to amend this bill and make it fairer and recognize the facts of life. That is that the Gulf of Mexico States are bearing the burden of offshore drilling, and obviously to the benefits of all of us. Because without that production, we would have a far more serious crisis.

□ 1845

We are indebted to those States for allowing drilling and we should reward them accordingly.

I find it eminently unfair to have a bill that says that the Gulf of Mexico States should produce the oil, should take the impact of all the on-shore environmental problems, and yet ship the money to California, that has a ban, a moratorium, and today produces very little off-shore oil; ship the oil to Alaska, that has a moratorium, and yet would get a big chunk of money. I cannot understand how that could be considered fair, and I am quite sure the sponsors would not want to do something that is unfair in their treatment of the States.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition, and I yield 3 minutes to the gentleman from New Jersey (Mr. PALLONE).

Mr. YOUNG of Alaska. Mr. Chairman, is the gentleman from California (Mr. GEORGE MILLER) going to claim the full 10 minutes or is he going to yield time to me?

Mr. GEORGE MILLER of California. If the gentleman would like to split the time in opposition, that would be fine.

Mr. YOUNG of Alaska. If the gentleman would not mind doing so, because the gentleman from Louisiana (Mr. TAUZIN) would like to speak.

Mr. GEORGE MILLER of California. Mr. Chairman, I will then yield the gentleman from New Jersey (Mr. PALLONE) 2 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) will control 5 minutes in opposition, and the gentleman from California (Mr. GEORGE MILLER) will control 5 minutes in opposition, and the gentleman from New Jersey (Mr. PALLONE) is recognized for 2 minutes.

There was no objection.

Mr. PALLONE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment and all destructive amendments to the bill. I supported the previously passed manager's amendment, and I would like to see the bill move forward.

At all levels of government, New Jersians and people across the Nation are showing great interest in conserving open space to enhance not only their own lives, but those of the plants and animals that depend on healthy ecosystems for survival. In my years as a Member of Congress, I cannot think of a more important environmental initiative on which I have had the pleasure of working.

Mr. Chairman, I want to thank the sponsors of the bill, the gentleman from Alaska (Mr. YOUNG), the Chairman of the committee, and the ranking member, the gentleman from California (Mr. GEORGE MILLER) for welcoming the improvements that have been made to the bill, especially those recently suggested by myself and the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from New York (Mr. BOEHLERT) that were reflected in the manager's amendment that we just passed.

Our bipartisan agreement will ensure that the bill does not include major incentives to encourage future oil drilling off our fragile coastline, and, in addition, it will create a new land acquisition and easement program to protect non-Federal lands of regional or national significance.

Ultimately, CARA will provide $2.8 billion annually to State and local communities. Under the bill, my home State of New Jersey would receive approximately $60 million each year, and this funding could be used for coastal conservation, impact assistance, preservation of farmland and open space, or even helping protect the delicate ecosystems of the Pinelands and Highlands regions of the Garden State.

There is no question that CARA is an important bill that deserves to move forward. Any further changes to the bill beyond the manager's amendment would slow the momentum the bill needs to gain serious consideration in the Senate. The House should provide the solid vote this bill deserves, the one reflected by its broad cosponsorship, to keep CARA moving in the right direction.

While I am incredibly supportive of this bill, I believe it is a work in progress. We must not lose achievable opportunities to ensure full protection for our coasts, wildlife and public lands. I look forward to working with other members and the Administration to ensure that this bill lives up to its promise.

I remain concerned about the integrity of the federal Land and Water Conservation Fund. I want to ensure that the final legislation provides for full, permanent and secure funding for the LWCF and that the money is actually spent each year. We must also make certain that our land management agencies are comfortable with the changes made to the program. Furthermore, I believe that additional provisions are needed to ensure that wildlife protection funding is spent where it is most needed.

It is for these reasons I urge my colleagues to join me in supporting CARA and the manager's amendment, and in opposing all destructive amendments. We have an opportunity today to preserve other national heritage for tomorrow. The time to act is now.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding me this time and wish to state that there are a number of reasons why we should all oppose this amendment.

Let me first thank my friend, the gentleman from Ohio (Mr. REGULA), for making the case that, in fact, our States along the Gulf Coast produce indeed the great bulk of this money. The Gulf of Mexico produces, and has produced, nearly $127 billion, he tells us, I thought it was 122 billion, not million, dollars to the Federal Treasury over the years of production. But keep in mind that these are the reasons why this amendment, I think, should fail.

Number one, the formula for sharing revenues from the offshore is not my formula, it is not the formula of the gentleman from Alaska (Mr. YOUNG) or the formula of the gentleman from California (Mr. GEORGE MILLER). It is a formula derived by minerals management after deep and intensive study of what would be a fair allocation of offshore revenues. To do what? To solve coastal impact problems of not just my State, where the problems are severe, but States all over America.

So all coastal States with similar problems share in the formula devised by minerals management.

Secondly, this bill was designed to be drilling neutral. Now, I would love to pass legislation to encourage people that have moratoriums to lift their moratoriums and make the same contribution we are doing in Louisiana, but this is not the bill. We decided from the beginning this bill would not be an incentive program for production, it would simply be a fair sharing of revenues for the problems of coastal impact assistance.

And, third, I think we need to look at the effect of this amendment. I know my friend did not intend it, but by the language he chose, the new coastal States, as he would define them, would include the Great Lakes States of Ohio, Illinois, Indiana, Michigan, Pennsylvania, and Minnesota, but it would leave out California. It would leave out Alabama, one of the Gulf Coast States where the production occurs.

So it is a defective formula even if it was the right thing to do, and I do not believe it is the right thing to do.

Now, here I am, a Louisianan, standing here and asking my colleagues to vote against an amendment that my State would incredibly benefit from. It is still the wrong thing to do. We ought to defeat this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1½ minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding me this time. I would like to also thank the gentleman from Ohio for his generosity to the State of Louisiana. If this amendment is enacted, Louisiana would gain about $200 million.

But this bill was borne about balance. Now, my colleague, the gentleman from Louisiana (Mr. TAUZIN), talked about the formula. The intent of the amendment, I understand, and I applaud the gentleman from Ohio for doing it, but the balance was struck in the formula. Fifty percent of the title I dollars, fifty percent are weighted on producing States, 25 percent on the amount of shoreline and 25 percent on the population along those coastlines.

So this was the balance that was struck because this is a bill not only about producing States, not only about States that bear a lot, in Louisiana's case, 90 percent, over 90 percent of the money that comes into this fund comes off the shore of my great State, but this bill was borne about balance. This upsets that balance and it ought to be defeated.

I also would like to say that the balance here was struck also in other areas, and we will hear a lot more about that in the next few amendments. I might add, in conclusion, that the gentleman from Louisiana (Mr. TAUZIN) left out the State of Florida that would not be a producing State and would not participate in this. The State of Florida has a beautiful coastline. Miles and miles of white sandy beaches that my children and I go to in the summers.

So I urge my colleagues, please, do not support this amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong support of this amendment because I think it is utterly fair that those States that are producing States are the ones that should reap the benefits. The interstates in this Nation do not reap the benefits because they are not coastal States that are producing States. So I really am very supportive of this very fair amendment.

Talk about being fair, this debate has addressed the willing buyer, willing seller, as if it was protection for private property acquisition. But, actually, the former California Director of the State Fish and Game and former President of the National Wildlife Federation, Mr. Ray Arnette, states in a letter that, "Despite the best intentions of its authors, CARA fails on all accounts. It spells disaster for property owners. Overzealous regulators, joined by environmental pressure groups and other extremists, will make folly of the willing seller clause by harassing owners of properties targeted for acquisition and distracting potential buyers. Very few families and small businesses in particular have the financial and emotional ability to stay over an extended period, governmental agencies and foundation-funded, richly financed pressure groups."

I think he sums up my views about the true effect of these paper-thin protections best in stating, "It is not possible to negotiate as a willing seller when the government is the only buyer."

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I rise reluctantly in strong opposition to the amendment of my friend, the gentleman from Ohio (Mr. REGULA).

Mr. Chairman, I want to speak very briefly about an amendment offered by my friend, Chairman REGULA. The Regula amendment would prohibit funds in the bill from going to States that have moratoria on outer continental shelf (OCS) oil and gas leasing. For the last decade and a half, the Florida delegation has worked diligently to include in the Interior appropriations bill a moratorium on further oil and gas leases off the Florida coast. Most in Florida remain concerned about the effects of oil drilling on our sensitive marine environment. While the annual moratorium provides a stop-gap solution to this issue, it is far from ideal and actually shortchanges all parties involved.

In fact, every member of the Florida delegation has cosponsored legislation I introduced to impose a permanent policy for Florida offshore oil drilling. H.R. 33 would call for a "time-out" period, during which a joint State-Federal commission of scientists and other interested parties would work to craft a non-political, science based decision as to which areas—under what conditions—are appropriate for oil drilling off the Florida coast. Even with the support of the entire Florida delegation, civic and business groups across Florida, and current Governor Jeb Bush and his predecessor, Governor Lawton Chiles, we have been unable to get more than a few hearings on H.R. 33 in the resources committee. So, we are forced to continue advocating the stop-gap annual moratorium. Florida seeks merely to be a wise steward of its natural resources, ensuring that any activity off our coast does not adversely affect our unique environment. Chairman REGULA wants to deny Florida funding under this bill because of that moratorium. I agree with the basic premise of his argument.

The moratorium which he carries each year on the Interior bill is not the best solution to this issue. But I do not believe that the solution is to lift the ban and move forward on oil activity off the Florida coast absent the kind of science based approach outlined in H.R. 33. Nor do I believe Florida should be punished for trying to be a good steward of its resources. So I would encourage Mr. REGULA to join us in support of H.R. 33. Indeed, I might even go so far as to suggest that my good friend could solve this issue once and for all by attaching H.R. 33 as a rider to the Interior appropriations bill—as a replacement for a moratorium he and I both find unsatisfactory.

Mr. Chairman, I strongly encourage my colleagues to support H.R. 701 and oppose the Regula amendment.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) has 3 minutes remaining, the gentleman from Ohio (Mr. REGULA) has 2 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 1½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the chairman for yielding me this time.

Let me make two quick points. The first is that this process started with this bill being funded with a new tax. The new tax was on recreational equipment; everything from binoculars to backpacks to off-the-road vehicles to anything else one could think of that had to do with outdoor recreation. I did not think that was acceptable, and I did not support it. And I told the chairman so, and I told the gentleman from California (Mr. GEORGE MILLER) so, and they worked out what I think is a very fair system.

Point number two that I want to make is that Members from California who support the destructive amendment of the gentleman from Ohio (Mr. REGULA) are voting to cut $67 million from California's share of this pie. Members from Florida voting for the Regula amendment would cut $68 million from Florida's share of this program. Members from my home State of New Jersey should realize that we would lose $20 million. And colleagues from New York, as the gentleman from New York (Mr. BOEHLERT) is, that State would lose $40 million.

Now, I want everybody to think about that when they go back home this fall. Colleagues from Virginia will lose $17 million; those from the State of Washington will lose $15 million; and those from Puerto Rico will lose $8 million.

Now, I have this sheet, which I will put in front of the podium, and when my colleagues all come down to vote on this amendment, I hope they will take a look at this sheet before they cast their votes.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, I rise today in strong support of CARA, the Conservation and Reinvestment Act, and in opposition to this amendment and all other amendments.

I would like to thank the chairman, the gentleman from Alaska (Mr. YOUNG) and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for all of their hard work on this piece of historic legislation. This bill will restore our national commitment to America's natural resources.

CARA redeems the solemn pledge made over 30 years ago to reinvest the profits from off-shore energy production back into our natural resources. CARA will fulfill the promise of steady and certain funding for public lands. CARA will support State and local efforts to protect our wildlife and to preserve and protect our local green spaces.

Our coastal resources are under increasing pressure from population growth, expansion of coastal tourism and recreation, increased maritime traffic, threats to our water quality, and loss of essential fish and other coastal habitats. CARA is essential in helping to combat this growing problem.

Mr. Chairman, I urge Members to oppose this amendment and all other amendments to the bill. It is important that the integrity of this bill remain intact for this carefully crafted bipartisan bill.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman for yielding the 30 seconds, and I think he started off his comments by saying that he was not too optimistic about the passage of his amendment.

Just in the event, however, it does pass, I would like to inform the gentleman and the chairman of the full committee that I intend to offer a perfecting amendment, inasmuch as the boundaries now in Alabama would be divided. In a portion of our State, we have a moratorium, and another portion we do not. Under the gentleman's amendment, even though we are allowing the production and exploration, we would receive nothing.

I am sure that the gentleman, and the chairman as well, would accept that, in the event that the gentleman's amendment is adopted.

□ 1900

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, there is no Member of this body that I respect and admire more than the gentleman from Ohio (Mr. REGULA), but on this issue we simply disagree.

This amendment would not only kill CARA, it would be a step in the wrong direction at any time on any bill. This amendment is designed to weaken support for the moratorium on offshore oil drilling. This amendment in effect would punish States that do not allow drilling off their shores.

The drilling moratorium has been a good and sensible policy and should not be interfered with, least of all in this bill.

Some others also offer the argument that it is only fair to give title I money to States that are willing to accept the costs of oil drilling, but that is based on a misunderstanding of title I. Title I is not exclusively, or even primarily, an oil impact mitigation program. It is a program to help coastal States with a full range of problems they face, problems all coastal States face regardless of whether oil is drilled off their shores.

I must urge everyone who supports CARA and everyone who supports the moratorium on offshore oil drilling and everyone who supports addressing the full range of coastal issues to oppose this amendment. Let us keep CARA moving forward.

Mr. Chairman, I rise in strong opposition to this amendment. There is no member of this body that I respect and admire more than I do Chairman REGULA. But on this issue, we simply disagree.

This amendment would not only kill CARA; it would be a step in the wrong direction at any time on any bill. This amendment is designed to weaken support for the moratorium on off-shore oil drilling. The amendment, in effect, would punish states that do not allow drilling off their shores.

That's particularly ironic to do as part of CARA. CARA gives more money to oil producing states precisely because it recognizes the environmental and other costs that such drilling imposes. And now we're going to try to use federal funds to force other states to suffer these problems as well?

The drilling moratorium has been a good and sensible policy and should not be interfered with—least of all this bill.

Now, some also offer the argument that it's only fair to just give Title I money to states that are willing to accept the cost of oil drilling. But that is based on a misunderstanding of Title I. Title I is not exclusively, or even primarily, an oil impact mitigation program. It is a program to help coastal states with the full range of problems they face—problems all coastal states face regardless of whether oil is drilled off their shores.

So I must urge everyone who supports CARA and everyone who supports the moratorium on off-shore drilling and everyone who supports addressing the full range of coastal issues to oppose this amendment. Let's keep CARA moving forward.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to this amendment. I know that the gentleman from Ohio (Mr. REGULA) has struggled long and hard over many years with the problems of moratorium in his committee, but each and every time this Congress has decided that it would not punish those States that had a moratorium. Also, as the gentleman from Alabama (Mr. CALLAHAN) points out, it causes problems for States like Alaska, California and Alabama, where we are still producing, but we have moratoriums. Those moratoriums were put there by Republican governors, Republican presidents and State legislatures, and that is what the elected officials decided.

As the gentleman from New York (Mr. BOEHLERT) has pointed out, this is about the people's resources being used to protect the coast lines of this great Nation.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first of all, let me point out and clarify something, and that is this bill defines coastal States according to the Coastal Zone Management Act, and that includes the Great Lake States, not according to OCS Lands Act. This provision is something that was established in the bill.

Mr. Chairman, let me say again this is simply a matter of fairness. Three and a half States produce 98 percent of the revenues, and yet we are proposing to share these with States, particularly the States like California and Alaska, on a much different basis.

In fact, the coastal States that are producing the revenues would get less, and I do not think that is fair. I believe a vote for this amendment is a vote for fairness in the way we manage our OCS revenues.

Now, having said that, I do not think the bill itself is a good bill, because we are giving away our responsibility that we are elected to do. We are creating a new entitlement, and this will just be the precursor of many more. I would urge a vote against the bill. I urge a vote for this amendment, simply to bring fairness to this legislation.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. FOSSELLA). The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. REGULA. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Ohio (Mr. REGULA) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106–612.

AMENDMENT NO. 3 OFFERED BY MR. RADANOVICH

Mr. RADANOVICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. RADANOVICH:

Page 9, line 18, after "deposited in the fund" insert the following: "that remain after the application of subsection (f) for the fiscal year,".

Page 15, after line 8, insert the following:

(f) FULL FUNDING OF PILT AND REFUGE REVENUE SHARING.—To the extent that amounts available under subsection (d) for a fiscal year are not sufficient to pay all amounts authorized to be paid for the fiscal year under chapter 69 of title 31, United States Code (relating to payment in lieu of taxes), and section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s; relating to refuge revenue sharing), amounts in the Fund shall be used to make such payments.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. RADANOVICH) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. RADANOVICH.)

Mr. RADANOVICH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment that would fully fund the PILT program, which is called payments in lieu of taxes, and the Fish and Wildlife Services Refuge Revenue Sharing Program.

Each year we debate PILT on the floor during this appropriations time. The administration never requests full funding and the Committee on Appropriations is unable to fully fund PILT within the budget. We then see an amendment on the floor to increase funding, usually at the expense of energy research, and it always passes. Last year's amendment to increase PILT by $20 million passed on a vote of 248 to 169.

Mr. Chairman, it is time we end the appropriations game and make the Federal Government live up to its promises through PILT. In 1976, we passed the PILT Act. We did it because Congress recognized local governments must provide essential services on our Federal lands, but they get no tax revenues from them. Local governments provide emergency medical care, search and rescue, police, fire protection, road maintenance, garbage removal and a host of other essential services. Local taxpayers pay the full cost of these services, but the benefits go to all the visitors on our Federal lands.

Congress recognized this when the PILT was created, and Congress recognized it again in 1994 when we passed amendments to PILT. That year, it was necessary to update the formula to account for inflation and population changes. The House passed that bill on a voice vote, and President Clinton signed it on October 22, 1994.

Today that formula promises $320 million in PILT payments to local governments, but we continue to fund it at only $135 million.

Mr. Chairman, before coming to Congress, I served as a county supervisor for Mariposa County, California, and almost 50 percent of this county is owned by the Federal Government. Mariposa is the home of Yosemite National Park and parts of the Sierra and

Stanislaus National Forest. None of that Federal land is in our tax base, none of the economic activity on that land is taxable in our county. Still our small communities, my hometown, by the way, has fewer than 2,000 people, provide all the basic services for more than 4 million visitors that visit Yosemite every year.

PILT recognizes that the Federal Government has an obligation to contribute to these services. This amendment would fund that obligation.

It is relevant that today we are debating a bill that would create $2.85 billion in mandatory spending. That money will go to Federal land-related purposes. It mandates spending on new public land purchases, but what is not mandatory in this bill, and should be, is PILT.

Mr. Chairman, what is more mandatory than our tax obligation to local governments? Especially when the money goes to help support services like search and rescue, emergency medical, fire and sheriffs, all to the benefit of visitors on our Federal lands, ensuring full funding of PILT would be a big improvement to this bill.

It will uphold our obligations to counties and local communities before we provide mandatory spending for new programs, particularly for programs that remove land from our local tax base.

This amendment would fund PILT. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, how much time am I entitled to in opposition to the amendment?

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from Alaska (Mr. YOUNG) controls 10 minutes in opposition.

Mr. YOUNG of Alaska. Mr. Chairman, for the purpose of controlling time, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER) in opposition to the amendment.

The CHAIRMAN pro tempore. Without objection, the gentleman from California (Mr. GEORGE MILLER) will control 5 minutes in oppostion to the amendment.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman. I rise in opposition to the amendment.

Mr. Chairman, I tell my good friend the gentleman from California (Mr. RADANOVICH) that this amendment is not necessary, nor needed. If we do as the Committee on Appropriations should do, we would, under CARA, fully fund PILT.

Last year, the Committee on Appropriations funded $135 million last year and $10.7 million. Under this program that is not appropriated, we would, in fact, fully fund it with $185 million and $15 million in refuge so it would be fully funded. It would be perfectly funded for the first time.

What has to happen now, the requirement now is through the Committee on Appropriations, who has not fully funded it. I agree with the gentleman, it should be. But under CARA, for the first time, we will have the money to fully fund the program as long as the Committee on Appropriations continues to do their job.

Mr. RADANOVICH. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, as I understand it, the historical commitment or the all-time high was $135 million. That times two is not quite $300 million.

The obligation to PILT is $320 million. There is no chance that it is subject to full funding under this type of scenario because, under CARA, what was appropriated would be matched.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, CARA creates a ratio and it will be fully funded under that ratio. As long as the Committee on Appropriations continues to do as they have done in the past, we will match that under the CARA bill. It does not do it historically, but we will match it.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, but CARA, if I may add, that their obligation is only to match what is appropriated; and what is appropriated is never even half of the $320 million obligation.

Mr. YOUNG of Alaska. Mr. Chairman, then that is the fault of the Committee on Appropriations. But they will have more money than they have now for PILT.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, we will have more money than we will now, but under this program, they are creating seven new mandatory programs and fully funding them when we have an unfunded PILT program that, even under this bill will not be funded.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, under this bill, under the provision of the title, we are fully funding PILT under CARA as long as the Committee on Appropriations does the job that they are supposed to do.

Mr. RADANOVICH. Mr. Chairman, but they never fully fund PILT.

Mr. YOUNG of Alaska. Mr. Chairman, I have not yielded to the gentleman. I just answered the question.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I think taking the same tact as my chairman the gentleman from Alaska (Mr. YOUNG), the purpose for this and in discussing this with supporters of PILT was to make sure that the Committee on Appropriations would continue to fund PILT to the level. But recognizing, as the gentleman from California (Mr. RADANOVICH) pointed out, that they have not funded it at full funding, we would then match up to $200 million.

So they are at $135 million. Full funding is $247 million. We would add $112 million to bring them to full funding. But they have got to continue their effort. So, as it is indexed, that would change.

So this was an effort by many of the people in the committee, as my colleague knows, who support PILT. And in the communities that support it, this was an effort to see whether or not we could take two pools of money and get us there to full funding.

Because the likelihood is, if we do not do that, we all know what happens in the Committee on Appropriations; their demands are much greater than the revenues that are available to them and we will never get to full funding.

Mr. RADONAVICH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from California.

Mr. RADANOVICH. Mr. Chairman, as a point of inquiry, does CARA obligate full funding for PILT? Can the gentleman say that it obligates full funding for PILT?

Mr. GEORGE MILLER of California. Mr. Chairman, reclaiming my time, CARA obligates us to match the appropriation to take them to full funding.

Mr. RADANOVICH. Mr. Chairman, if the gentleman will continue to yield, so the most of this $320 million obligation that has been funded has been $135 million.

Mr. GEORGE MILLER of California. Mr. Chairman, it is $247 million I think.

Mr. RADANOVICH. Mr. Chairman, the most in the recent years has been $135 million. If they double that, it is $270 million. They are still short.

I say to the gentleman, please tell me that CARA would them come in and fund all of this up to the $320 million obligation.

Mr. GEORGE MILLER of California. Mr. Chairman, it would match the appropriations funding up to $200 million. In this instance we are full funding this $247 million. They do $135 million. We would do $112 million, to take them to $247 million.

Mr. RADANOVICH. Mr. Chairman, but what the gentleman said previously is that CARA will match what is appropriated, correct, and then do something else, or just match what is appropriated?

Mr. GEORGE MILLER of California. Mr. Chairman, that is right. Because, otherwise, the appropriators walk away from their obligation on PILT and CARA inherits it. We are trying to augment that.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, but CARA only matches what is appropriated?

Mr. GEORGE MILLER of California. Mr. Chairman, no. Up to, whatever it takes to get to full funding.

Mr. RADANOVICH. Mr. Chairman, so the gentleman is assuring me that, under CARA, PILT will be fully funded?

Mr. GEORGE MILLER of California. Mr. Chairman, that is how the law is written. Unless appropriations just put nothing in. That is why the match is in, to keep appropriations in the game.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, still subject to appropriations, though?

Mr. GEORGE MILLER of California. Mr. Chairman, yes.

Mr. RADANOVICH. Mr. Chairman, but there are seven new programs that are created that are not subject to appropriations anymore?

Mr. GEORGE MILLER of California. Mr. Chairman, the CARA money is not. But the appropriators have to put up their share of the funds.

Mr. RADANOVICH. Mr. Chairman, CARA creates seven new programs that are mandatory programs that will be fully funded, while PILT is not included in that.

Mr. GEORGE MILLER of California. Mr. Chairman, this is part of that money. That is what we are trying to tell the gentleman.

Mr. RADANOVICH. Mr. Chairman, but it is still subject to appropriations when seven new programs are put under mandatory spending.

Mr. GEORGE MILLER of California. Mr. Chairman, no, there are not seven new programs.

Mr. YOUNG of Alaska. Mr. Chairman, who controls the time?

The CHAIRMAN pro tempore. The gentleman from California (Mr. George Miller) controls the time.

Mr. YOUNG of Alaska. Mr. Chairman, I just want to remind the other gentleman from California, if CARA is not passed, how much money did they get in PILT? How much money do they get?

Mr. RADANOVICH. Mr. Chairman, if the gentleman from California will continue to yield, what concerns me is, then let us make PILT mandatory.

Mr. YOUNG of Alaska. Mr. Chairman, that is what we do under CARA.

Mr. GEORGE MILLER of California. Mr. Chairman, our share is mandatory.

Mr. RADANOVICH. Mr. Chairman, let us make PILT mandatory. The $320 million obligation, why do not my colleagues join me in this amendment and make it fully mandatory like they have made seven other new programs that are created by this bill mandatory spending? This is an unfunded obligation.

Mr. GEORGE MILLER of California. Mr. Chairman, under CARA, that share is mandatory and it will be matched by the appropriators.

Mr. RADANOVICH. Mr. Chairman, I ask the gentleman, why does he not join me in adding PILT to the other seven mandatory programs?

Mr. GEORGE MILLER of California. Mr. Chairman, it is. To the extent to which we fund it, it is mandatory.

Mr. RADANOVICH. Mr. Chairman, it is still subject under the appropriations.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman, no. The appropriators have to do their share, as they are doing today, which is $135 million, or whatever.

Mr. Chairman, I yield to the gentleman from Louisiana (Mr. John).

Mr. JOHN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if I could maybe try to explain the situation as it deals with PILT versus the appropriations.

First of all, this was about enhancement, not supplanting. So we took an historic number of what the Committee on Appropriations over the last few years has actually allocated to PILT.

Last year, in fiscal year 2000, they appropriated $135 million.

□ 1915

The bill that is in front of us says that if the Committee on Appropriations appropriates $100 million, at least $100 million, then the difference would be made up through the interest payments on the bill. So what it basically would do, it is not a match, it is more of $100 million for PILT and $15 million for refuge revenue sharing. So if the appropriation comes up with that commitment, and these numbers were not pulled out of the air, they were historical in nature, if they make that, then CARA will enhance the rest.

Mr. RADANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. Peterson).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I urge the founders of this legislation to join in this amendment. Let us look at the history of PILT. Everybody says they are for PILT. PILT has never been fully funded. Why do we have PILT? We take hundreds of millions of acres out of rural counties, rural communities and we take them out of the tax base, and PILT is allowed, it says we are going to pay you so much back to help with local services.

Last year, $320,000 million authorized, we only funded $135 million, and that is historic. It has never been funded. If you are serious about mandating $480 million worth of purchases by the Federal Government, $480 million worth of purchases by the States hereafter, live up to the law of PILT. Make it mandatory funding. Do not make local governments go without services, fire services, emergency services, road services without a tax base.

Our rural lands that people go to, we need services. PILT was set up to pay for that. We pay pennies per acre. In Pennsylvania where I came from, we paid $1.20 an acre for every acre. That was not enough, in my view. You are taking money out of the land base. PILT is a formula to help local government provide the services that are necessary for the people who are going to use that land. In fairness, join us tonight and make PILT mandatory funding so we do not have to have this battle that we have launched year after year after year. Rural America has taken it in the neck long enough.

Mr. RADANOVICH. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Idaho (Mrs. Chenoweth-Hage).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from California for yielding me this time. I rise in strong support of this amendment. In fact, this amendment is the only way that logically PILT can be funded under CARA, because where the rubber really meets the road in the plain language of this bill is that PILT will be funded only if there is interest left over in the accounts, not spent by the Secretary of Interior on various other programs.

Now, you tell me when any Federal agency has money left over that can generate interest. So the bare bones fact is that there will be no money generated for PILT under the present language. All of these lands in yellow and green are lands that are dependent upon PILT for their very existence. In some counties in my own State of Idaho, only 4 percent of the counties' lands are in private holdings that provide for the necessary services that counties must fund. They are even cutting back on the number of days that they can hold school. Now, that is a shame. And fire and police and maintenance are going wanting because we have not funded PILT. But CARA will not fund PILT unless we get this amendment. Because, as I say, no agency leaves money in their funds to generate interest. That is the only way that PILT money would be funded.

Mr. RADANOVICH. Mr. Chairman, I yield myself such time as I may consume.

My concern, and I represent mainly a rural area of California. About 330,000 acres were just taken up in the Sequoia National Monument, displaced about 100 workers and cost my communities that have about 16 percent unemployment about $8 million in revenues a year. I am concerned about this bill because I do not agree with any further Federal funding being spent on States or counties that have more than 50 percent Federal land ownership, because you are taking tax base revenues away from counties. The problem that I have with CARA is that there are seven new programs being created that require mandatory spending: Coastal impact assistance, Land and Water Conservation Fund, Federal Aid in Wildlife Restoration, Urban Parks and Recreational Recovery, National Historic Preservation Act, Indian lands restoration, farmland protection easements and endangered species recovery. I understand a lot of people think that those programs are good and I see some merit in quite a few of them. But when you are taking away the tax base from small counties that have to provide emergency services at their local levels in rural areas, you are treating rural areas unfairly. That is why I think PILT in this bill and my amendment would make it mandatory. There would not be any question that the obligation, created by PILT was passed by this Congress, would not be met. If you vote to pass my amendment, it means that PILT, those counties that provide all of the services for the local people in the rural areas would be included in this preferential category of mandatory spending. It would fully fund that $320 million obligation annually, would not subject it to the whims of the Congress through the Committee on Appropriations.

If it is good enough for environmental measures, it is good enough for those that guard and protect and enhance human life in small rural counties. For that, I hope that people will support this amendment and vote it in.

### PARLIAMENTARY INQUIRY

Mr. YOUNG of Alaska. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN pro tempore (Mr. FOSSELLA). Does the gentleman from California yield for a parliamentary inquiry?

Mr. RADANOVICH. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. I had 2 minutes left for closing. I did not know the gentleman was closing, that he was speaking on the remaining 5 minutes he had. Do I still have the right to close or do I have to use up the time?

The CHAIRMAN pro tempore. The gentleman from California is just exhausting his own time. The gentleman from Alaska still has 2½ minutes remaining.

Mr. RADANOVICH. May I inquire of the remaining time that I have?

The CHAIRMAN pro tempore. The gentleman from California has 1 minute remaining.

Mr. RADANOVICH. Mr. Chairman, the only point that I want to make is that those who provide services in rural America that are getting blighted by this kind of Federal land purchase dollars deserve the right to have PILT funded on a mandatory basis and not subject to appropriations, just the way these other seven programs that you have created for Federal land purchases in blighting rural communities and putting them all on welfare deserve to have that right, too. So I hope that people will vote for my amendment and make PILT mandatory.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

I would tell the gentleman I am very sympathetic and would support his amendment if we had not reached this agreement in the delicate balance which we did arrive at. I want to, again, stress that last year the Committee on Appropriations, by the way, because there are certain individuals in the Committee on Appropriations that do not like this bill, if they had been doing their jobs, they would have fully funded it.

In fact, the Committee on Appropriations owed this America $13 billion which was collected in offshore development that we said we were going to spend, we spent it for other reasons. This is what I am very concerned with. I want to remind the gentleman that last year the Committee on Appropriations only funded $135 million for PILT, $10 million for the refuge sharing program. What we tried to do and, by the way, this was insistence from one of the Western Caucus members that we consider the PILT.

We tried to take and say, all right, we will fully fund it with the help of the Committee on Appropriations, which we do. After we did that, the National Association of Counties supports the bill. It is their interpretation that it is the full funding. I can assure the gentleman, I may not be on this committee next year, I will be the vice chairman of this committee, it is my intent to make sure that this does occur. I hope he has a little faith in what we are trying to do here because I think he is absolutely correct. To have a small community have to shoulder the burden for the national good is wrong. They ought to be reimbursed for those lands that are taken out of production. But we thought we were doing it. We really thought we had a formula here. Really this idea came from the National Association of Counties. That is who we were working with.

Mr. RADANOVICH. If the gentleman will yield, it does not give this Congress the right to further fund programs that are causing further harm to rural America without giving them any further assurance that their problems are going to be solved.

Mr. YOUNG of Alaska. We are attempting to make sure that any lands that are acquired, it takes it off the tax roll, that there is full reimbursement for those small communities. I understand the problem. We have gone from 7.5 in 25 years to 1.5 of rural community. I understand the problem, because I have this affecting me in Alaska. But we were trying to do something correct. Very frankly I think we did do something correct. We fully funded it.

Mr. RADANOVICH. The problem is that you provide no assurance that these PILT obligations are going to be met. Then you are wildly increasing funding for more of the same programs.

Mr. YOUNG of Alaska. We claim there has been no land purchased, number one, under my program. There has been land purchased under the other program, about $480 million a year, which you voted for, by the way, $480 million a year for the last 6 years which we have been in control. I just want people to remember that.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. RADANOVICH).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. RADANOVICH. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. RADANOVICH) will be postponed.

It is now in order to consider amendment No. 4 printed in House Report 106–612.

### AMENDMENT NO. 4 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TANCREDO:

Page 10, line 2, strike "$900,000,000" and insert "$450,000,000".

Page 10, line 8, strike "$125,000,000" and insert "$350,000,000".

Page 10, line 17, strike "$100,000,000" and insert "$225,000,000".

Page 10, line 24, strike "$50,000,000" and insert "$150,000,000".

Page 11, line 5, strike "$2,825,000,000" and insert "$2,700,000,000".

Page 30, beginning at line 24, strike "Act—" and all that follows through page 31, line 5, and insert "Act, 100 percent shall be available only for grants to States.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Colorado (Mr. TANCREDO) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume. As we are all aware, there is more to CARA than just land acquisition. It is a bill that was designed in part to combat the fast paced growth of urban areas. I am pleased to offer this amendment with the gentleman from California (Mr. POMBO) to direct our efforts toward mitigating the impacts of urban and suburban growth. I represent two of the fastest growing counties in the United States, Jefferson and Arapahoe County in Colorado.

Having witnessed this growth firsthand, it perplexes me that the focus of the debate surrounding this bill should remain squarely on Federal land acquisition. CARA provides other mechanisms to meet our environmental obligations, especially in those suburban areas which are most impacted by rapid growth.

Under our amendment, funding to the Urban Parks and Recreation Recovery program, or UPARR, will increase by $225 million over the current bill, improving the quality of life and environmental integrity of the urban areas. If we are going to spend this money, let us spend it where people can experience these improvements on a day-to-day basis.

We will increase funding to the farmland protection program by $125 million. In Colorado, I would argue that the farmers of Jefferson, Arapahoe Douglas and Boulder Counties should be listed and protected as an endangered species themselves. Instead, they are under attack by the current endangered species policies of the Federal Government and they are afforded little, if any, help by the same Federal Government to protect their property. Our amendment can fix that.

Our amendment offers a substantial increase in the funding made available to the endangered species recovery programs in title VII of this bill. If we want to recover a species of wildlife that are declining in population, let us do it by addressing the issue and not by acquiring more land. Make no mistake, this amendment does not prohibit the Federal acquisition of land. We can still pay for that through the normal appropriations process. However, it does remove a fund designated for that purpose.

I challenge the notion that land is actually preserved by Federal land acquisition. It is true that development on that land may be prevented, but the Federal Government must become the steward of this land for the years to come once it obtains that land. In Colorado, even the United States Forest Service does not pretend that our national forests are healthy. They are diseased, infested and their roads and trails are deteriorating as well. We should provide local landowners, farmers and local governments the financial resources to better care for these lands themselves.

If my colleagues want to address the issue of urban sprawl or urban growth, then let us allocate the money in this bill in a way that actually reflects that purpose. A dedicated fund for Federal land acquisition will not prove to be the answer. By and large, it will be a burden. Instead, let us empower our localities and property owners to better manage their own land. This amendment is a long-term solution to a long-term challenge that our country faces.

Mr. Chairman, I reserve the balance of my time.

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Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. This is an amendment that essentially guts this legislation, because the authors of this amendment are very much aware of how valuable the people of this Nation hold the Federal expenditures that we make under the Federal Land and Water Conservation Act. This is the program that we use to preserve the headwater forests, the great redwood forests in northern California. This is the program that we use to preserve the Baca Ranch in New Mexico, the great holdings that are supported by the people of that State, the people of the region and across this Nation to protect those lands. This is money that we use to try to protect the great Everglades, as we have tried to restore the Everglades. There is overwhelming support across this Nation for the protection of the Everglades and the augmentation of the Everglades so that we can try to clean up the water pollution problems and the other problems that we have there.

That is what the Federal Land and Water Conservation Act does. It is not a matter of trading in this money for money that would go to State or suburban programs. This bill is about a balance, about a balance of the amendment that we just heard before, trying to help out counties with PILT payments, about a balance of trying to help the Federal Government meet its obligations to protect the great assets, what many people consider the wonders of the world, the Zions, the Arches, the national parks, the Grand Canyon, the Grand Tetons, Yosemite, King's Canyon, all of these areas that are so dramatic that are under threat. We have people who have areas inside of those parks who want to sell those lands who have inholdings who want to get out. This is the means by which we do that.

This is very, very important. Let us not act like this is some new land rush that was $450 million. This was set back in the 1970s, this amount for Federal land acquisition. The Committee on Appropriations appropriated somewhere around $300 million or so for Federal acquisition, and they do it at the request of the Members of Congress. Elected officials walk into the Committee on Appropriations and ask, and they ask that these lands be acquired in their State, in their congressional district, as do Senators. Under this process, if those are authorized by the Congress of the United States, only if they are authorized by the Congress of the United States, and if they are submitted by the President of the United States and the Committee on Appropriations approves them and the authorizing committees approve them, then and only then will they be acquired for the people of the United States of America.

Very shortly, school will be out, the summer season will start, and millions of Americans will travel across this country to see these great assets, to see what we call the crown jewels of the Federal land system. Millions of Americans will power into Yosemite, into the Grand Tetons, into the Grand Canyon, into the Everglades, into the Great Smokies. All of those parks are under threat. This is the source of revenues that we try every year to protect those and to augment others that are worthy of being in this system.

Mr. Chairman, to kill this is to kill the Federal Government's ability, the Federal Government's ability to protect those resources and to enhance those resources on behalf of all Americans. It is not just that the Yosemite is in California, because people come from all over the country and all over the world. These are dynamic engines of economic activity around Yellowstone, around Yosemite, around the Everglades, and it is important that we take care of them. That is what Federal land and water conservation funding does. This amendment guts that proposal. It guts that effort. This money is erased from the bill.

Mr. Chairman, it is not about trading it off, as the gentleman has said, to sprinkle it through the other programs. Those programs were funded in this legislation, in the balance, in the balance that was achieved by long, tough, difficult, bipartisan negotiations with many, many, many of the interest groups, outside interest groups, those who are concerned about national parks and fish and wildlife and habitat and hunting and fishing and all of the rest. So we ought not to gut this bill with this amendment, and I would hope that the House would overwhelmingly reject this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, did the gentleman yield 5 minutes to us?

Mr. GEORGE MILLER of California. Mr. Chairman, I am happy to yield.

Mr. YOUNG of Alaska. Mr. Chairman, how much time did the gentleman from California yield to me?

The CHAIRMAN pro tempore (Mr. FOSSELLA). The gentleman from California (Mr. GEORGE MILLER) has 5½ minutes. He controls the time.

Mr. GEORGE MILLER of California. Mr. Chairman, I meant to yield the remaining time to the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore. Without objection, the gentleman from Alaska (Mr. YOUNG) now controls the 5½ minutes remaining.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, the net effect of this amendment is to take $500 million out of the Land and Conservation Fund, which monies are used as one of a number of tools that we have to preserve open space: acquisition. Now, I understand to some in this room that the word "acquisition" has a negative meaning, but to those of us who represent States and communities, or let us just say on the East Coast between Boston and Florida, this tool is extremely important.

In my district, for example, every year I go to see the gentleman from Ohio (Mr. REGULA) and I ask for funds to expand the Forsythe Refuge; Ed Forsythe was my predecessor and they named the wildlife refuge after him. We have so much development pressure in New Jersey that we have programs to retire development easements. We have so much development pressure in New Jersey that we have used State Green Acres money to buy land. We have so much development pressure that we use Land and Water Conservation monies to preserve open spaces through acquisition. It is usually sensitive land. It is usually land where we as human beings have no business building housing developments or shopping centers or parking lots or whatever other uses these lands may have.

Without these funds, Members will lose a good deal of the abilities they have to help the folks back home live in an environment that has conservation policy that is good for the folks back home.

So as well-intended as this may be, it is destructive to the process that we are all involved in in trying to maintain a quality environment with open space in the coastal States that are highly developed and under development pressure.

Mr. TANCREDO. Mr. Chairman, I would inquire as to how much time remains.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) has 7 minutes remaining.

Mr. TANCREDO. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I rise in support of the amendment, but against the bill. This is very, very interesting, what we have going on here. Everybody is talking about how the Federal Government has to own it. The Federal Government has to own it, or else it does not seem to count for the proponents of this bill. The Federal Government seems to have the franchise on environmental consciousness. Of course we do not want the private property people in on it because of private ownership, and the State governments which, under the Tancredo amendment, are not only supported, but encouraged to buy the land. The State governments are not given any credit.

We do not hear from the proponents of CARA which, as we all know, stands for Congress abdicating the rights of Americans, because what it is is we are running from our responsibilities of voting for land acquisitions or voting against land acquisitions. We are going to turn it over to other people.

Mr. Chairman, the curious thing is that the proponents of CARA do not say how much land we should own. I will ask them, can any of my colleagues who are supporting CARA tell me how much Federal land we should own in this country?

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California, and I just want a quick answer. Twenty-five percent, thirty-five percent, forty percent, fifty percent? How much?

Mr. GEORGE MILLER of California. Mr. Chairman, they will make that decision under the democratic process, just like the gentleman from Georgia (Mr. KINGSTON) asked us to buy Cumberland Island.

Mr. KINGSTON. Mr. Chairman, reclaiming my time, regular order, please, Mr. Chairman.

The question is, how much land should the Federal Government own? Twenty-five percent, 35 percent, 40 percent, 50 percent? The lead cosponsor of this bill cannot answer the question and instead gives us this fishy answer.

Mr. GEORGE MILLER of California. Mr.. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from California. I will give the gentleman one more shot. How much, 50 percent?

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman will let me answer, right?

Mr. KINGSTON. Absolutely. I am looking for a percentage, 25 percent, 50 percent? How much land should the Federal Government own?

Mr. GEORGE MILLER of California. Mr. Chairman, the fact is, in recent years Federal ownership of land has been going down, so that is the trend, that is the trend. Mr. Chairman, if I can finish my answer.

Mr. KINGSTON. Mr. Chairman, reclaiming my time.

The CHAIRMAN pro tempore. The gentleman from Georgia's time has expired.

Mr. KINGSTON. Mr. Chairman, I reclaimed the time before it expired.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) controls the time.

Mr. TANCREDO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I want to say to the gentleman, I will be glad to continue the dialogue under the gentleman's time. But here is the question. They do not know how much Federal land we should own. Right now it is 32 percent. Basically, that is everything east of the Mississippi River. Now, how much should it be? Maybe the current 32 percent is not enough. Maybe we should have 50 percent in Federal Government hands. I do not know. I wish the people who are pushing CARA, $2.8 billion a year in Federal acquisition money for 15 years, could tell us.

The point is, we are concerned on behalf of our State governments, on behalf of private landowners that this is a Federal Government land grab, and we are very concerned about that.

Mr. Chairman, I am a member of the Subcommittee on Interior of the Committee on Appropriations, and as the gentleman from New Jersey (Mr. SAXTON) says, colleagues come to our committee every year for this land in New Jersey and we have been supporting it. We will continue to support it under the Tancredo-Pombo amendment. What is wrong with that? That is the constitutional process laid out by our Founding Fathers in 1789. But suddenly, that is not good enough. We have to have this new law.

I urge my colleagues to look at this very carefully.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to this amendment.

This amendment would eliminate the bill's provisions for land acquisitions, eliminate the provisions for land acquisitions by Federal agencies, and instead, increase the emphasis on assisting the States and local governments. Do not get me wrong; I want to assist the States and local governments, but sometimes Federal acquisitions are appropriate and necessary.

Three examples in Colorado that exist right now. We are trying to get a bill through this body that would authorize acquisition of lands next to the Great Sand Dunes National Monument, partly for addition to that unit of the national park and also to create a wildlife refuge. Secondly, there is a need to acquire inholdings in the Black Canyon of the Gunnison National Park we just created in this body. Thirdly, right in my district, right in my district there are lands in the Beaver Brook watershed that the City of Golden wants to sell for addition to the Arapaho National Forest. This proposed acquisition has broad support and needs to go forward on a priority basis.

These are just a few examples in Colorado. It is clear that this amendment is a poison pill. In Colorado, 35 percent of our lands are owned by the Federal Government. As a Coloradan, as a Rocky Mountain Westerner, as an

American, we ought to pass this bill but defeat this amendment. This is nothing but a poison pill.

Mr. TANCREDO. Mr. Chairman, may I inquire again as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. TANCREDO) has 4 minutes remaining; the gentleman from Alaska (Mr. YOUNG) has 2½ minutes remaining.

Mr. TANCREDO. Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

The CHAIRMAN pro tempore. The gentleman from California (Mr. POMBO) is recognized for 4 minutes.

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding and I thank the gentleman for cosponsoring this amendment.

We have heard a lot of things about this amendment, most of which have absolutely nothing to do with this amendment. What this is all about is the Federal acquisition of new land. It has nothing to do with Yosemite or Yellowstone or the Grand Tetons or any of the other stuff. They are already federally owned. The Federal Government already has those.

This map will probably be shown quite often tonight. This is Federal ownership of land. Everything we see colored on here is Federal ownership of land.

What this amendment says, quite frankly, is the Federal Government already owns enough land. They do not need to buy more. Now, everybody that is coming down here tonight is talking about all the great things this bill is going to do. We heard people one right after another coming down. They are talking about their urban parks, they are talking about protecting their wetlands, they are talking about doing things so that their States can buy land. They are talking about all of these things. Well, I say to my colleagues, that is what this amendment puts more money into. It puts more money into urban parks, it puts more money into our endangered species recovery. It puts more money into protecting farmland. All of the things my colleagues have been talking about.

All I am saying is the Federal Government owns enough land. Now, if there is something that is that important, if there is something that we really need to buy, then sell something and buy it. The Federal Government owns 700 million acres of this country already.

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All of that is not environmentally sensitive. All of that is not important to be held in public trust. They can sell some of it and buy something, if they want to. But if Members really do care about urban parks, about protecting farmland, about protecting endangered species and doing endangered species recovery programs, this gives more money, $450 million a year in more money for the things they say they want. That is why they are supporting this bill.

Nobody has the courage to come down here and say they think the Federal government ought to own more land. They own one-third of this country already. They own too much already. Members know that. Members know they own too much already.

Talk about State ownership, in the 13 Western States alone, the States own 142 million acres, besides the literally hundreds of millions of acres that the Federal government owns. In my State of California, the government owns over half of the State. Everybody thinks California is this developed, packed State. Over half of the State is owned by the government, over half of it.

When we talk about government ownership, do Members realize that the 700 million acres that the government owns, that the Federal government owns, that half of that is held with some kind of conservation easement? It is held as National Park Service land, as wildlife refuge, as wilderness area. Three hundred fifty million acres is already held with a conservation easement on it. How much do they want?

They say they are in favor of this bill because of all the great things it does. We do not take a dime away from any of that. What we are saying is, the Federal government owns enough land. If Members really want to protect urban parks, really want to put money into protecting farmlands, really want to put money into protecting endangered species, this is the amendment that does it. This is the one Members have to support.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I see the gentleman from Ohio (Mr. REGULA) standing there. This discussion about we own too much land, the gentleman from Ohio (Mr. REGULA) tells us this year that the demands from Members of Congress far exceed what this committee could do; that over the vast majority of this Congress go before that committee and they ask, would the Federal government please purchase this inholding, will they expand this boundary, will they provide this new section of park, will they provide this unit?

That is the fact of the matter. That is the democratic process. Members of Congress represent their constituents and make these requests. In recent years, the total land mass has gone down. I think we should trade out and swap out more lands. I agree with all of that. The fact of the matter is, it is Members of Congress and Members of the Senate that believe that these acquisitions should be made, these inholdings should be bought.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, that is true, but what the gentleman wants to do is to give authority to the States to buy the land, so they will go to the State legislators to get the requests.

Mr. GEORGE MILLER of California. No, we are going to come right back to the gentleman to get that long list. The gentleman will be so happy as an appropriator.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to remind my colleagues that this bill has been a very long process with many, many meetings. We reached a very balanced bill supported by 4,000, and every governing organization in this Nation.

I can agree about what has been said about this amendment, but the reality is this amendment should not be adopted.

I got interested about the gentleman from Georgia talking about how much we own. Last year he asked us to buy Cumberland Island. If that is the case, that he does not believe in Federal ownership of land, and I have not mentioned anybody's name so I will not yield at this time, if anybody would like to have purchased the land, then maybe we ought to take and have that land sold back to the private sector. The private sector would be the best way, because the Federal government should not have any more land.

Mr. POMBO. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. POMBO. Mr. Chairman, the 4,000 or 5,000 or 100,000 that the gentleman has on that sheet, none of those people are badgering for more Federal land acquisition. That is all the State side money, the $2.8 money in State side.

Mr. YOUNG of Alaska. Reclaiming my time, I happen to agree with the gentleman, but remember the balance that I was talking about. Without this provision, if this amendment was adopted, if this amendment was adopted, then, very frankly, the package falls. I have to tell the gentlemen that. They understand that.

So I would suggest respectfully that we defeat the amendment.

The CHAIRMAN pro tempore (Mr. FOSSELLA). All time on the amendment has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TANCREDO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) will be postponed.

It is now in order to consider amendment No. 5 printed in House Report 106–612.

AMENDMENT NO. 5 OFFERED BY MR. SOUDER

Mr. SOUDER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 printed in House Report 106–612 offered by Mr. SOUDER:

Page 15, after line 8, insert the following:

(f) INTENT OF CONGRESS TO SUPPLEMENT ANNUAL APPROPRIATIONS FOR NATIONAL PARK SERVICE.—Amounts made available by this Act are intended by the Congress to supplement, and not detract from, annual appropriations for the National Park Service.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Indiana (Mr. SOUDER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I begin to explain my amendment, I want to commend the gentleman from Alaska (Mr. YOUNG), our committee chairman on the Committee on Resources, and the ranking member, the gentleman from California (Mr. GEORGE MILLER), for their work in crafting this bill.

As a cosponsor of this fine piece of legislation, I strongly support this epic bill. My amendment is very simple. It merely clarifies that funds provided under CARA are intended to supplement and in no way detract from annual appropriations for the National Park Service.

We are going to hear a lot of debate through tonight and possibly into tomorrow that is very contentious, and I as a strong conservative would like to make a brief statement in clarifying both my position regarding this bill and this amendment.

A fundamental question is, what is in fact a conservative? I believe a key, fundamental part of being a conservative is conservation. That is what we do as conservatives: We appreciate our heritage, our natural beauty in America, whether it is the wonder of parks like Yellowstone and Yosemite and Glacier and the Grand Canyon; the rivers, the wildlife, which illustrate the wonder of intelligent design of our world.

The cultural heritage of America, the Independence Halls, the Gettysburgs, help us understand who we are as a people. The national lake shores like the Indiana dunes, or the amazing combination areas like the Golden Gate recreational area, where we have cultural and natural beauty, that is the legacy that we want to pass to our children and to our children's children.

We need to have a passion for that heritage. That is part of being a conservative. We can argue how much the government should own, how much regulation there should be. But the fundamental thing that we want to pass on in generations is a sense of who we are, both in our natural and cultural beauty.

The reason that is important is there are charges made that those of us who back CARA are somehow trying to gut some of our national mission, that this is a zero sum game; if funds move to the State and local level, that in fact we would reduce the Federal funding for our National Parks.

I really respect the difficult job that our chairman of the Subcommittee on Interior of the Committee on Appropriations has every year in his difficulty meeting the $13 billion backlog in facilities and $26 billion in operations in the National Parks. I think it is important to make a statement in this bill that CARA is meant to be a supplement to what we are doing in the National Parks, and that it is part and parcel, part of and not just similar to the principle of the social security trust fund, the gas tax.

When we say we are going to take revenue for a particular function, in this case environmental, or whether it is hunting and fishing fees, they should be used for what they are intended to be collected for.

In the pattern over the last number of years, when we have had a deficit we have diverted these funds. This bill is not intended to take the funds from Interior, but rather to add a supplement to environmental legislation.

Let me make one other point. I come from Indiana. I understand the frustrations of a lot of the Western States with high public lands. We have 3 percent public ownership of land in Indiana, 2 percent Federal. I have none in my district.

I sought out the Committee on Resources, not because of anything directly related to my district, but because I am a strong believer in preserving our natural and historic heritage. We need a program like CARA, because our only wildlife programs are State parks, county parks. That is where our recreation funds are. We see our dollars constantly come to Washington and be diverted into the West. We need to have these things in the Midwest, as well.

At the same time, the people of northeast Indiana, while we strongly want additional dollars, our tax dollars, for things to be matched in our local areas, we also support our National Park system. Almost every family, or a high percentage of the families, in my district will visit at least one or probably multiple of our kind of classic National Parks, as well as many regional National Forests, fish and wildlife settings, and national lake shores and other things that fall under our public land system.

But this amendment is essential to say two things: One, we want to preserve our National Parks, and this is not meant to reduce any dollars in that area; secondly, that we need additional dollars to build up our State and local resources, because many of us, that is our primary way of appreciating the nature and our cultural heritage.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does any Member seek time in opposition?

Mr. GEORGE MILLER of California. Mr. Chairman, I do, and I yield to the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) controls the 5 minutes in opposition.

Mr. YOUNG of Alaska. Before we go any further, Mr. Chairman, we are in a one, two, one, two. The Chair does not have to take care of us, but once in a while, I believe last time the gentleman controlled the time and yielded to me. I am just suggesting we do that. That is off the record, but I hope everybody sees it.

The CHAIRMAN pro tempore. Is the gentleman from Alaska (Mr. YOUNG) claiming the time in opposition to the amendment?

Mr. YOUNG of Alaska. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

With the concurrence of the gentleman from California, we are willing to accept the amendment, because it makes great sense.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. SOUDER) wish to seek further time? The gentleman has 20 seconds remaining.

Mr. SOUDER. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 20 seconds.

Mr. REGULA. Mr. Chairman, I have no problem with what the gentleman is trying to do. I only wish it could be expanded for the forests, like the gentleman has Hoosier National Forest. We have a lot of responsibilities: The Bureau of Indiana Affairs, all the cultural agencies in town are afraid they are going to get shorted, even though we may give extra for the parks. I am for that, but there are other areas that also need to be funded.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Indiana (Mr. SOUDER).

The amendment was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106–612.

AMENDMENT NO. 6 OFFERED BY MR. SHADEGG

Mr. SHADEGG. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. SHADEGG: Page 15, after line 8, insert the following:

(f) ENSURING SOCIAL SECURITY AND MEDICARE SOLVENCY.—The Secretary of the Treasury shall not transfer funds to the Conservation and Reinvestment Act Fund under this Act during any fiscal year unless—

(1) the Director of the Congressional Budget Office has certified that the House and Senate have approved legislation that—

(A) ensures that a sufficient portion of the on-budget surplus is reserved for debt retirement to put the Government on a path to eliminate the publicly held debt by fiscal year 2013 under current economic and technical projections; and

(B) ensures that there is not an on-budget deficit for that fiscal year;

(2) the Board of Trustees of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund has certified that outlays from such trust funds are not anticipated to exceed the revenues to such trust funds during any of the next 5 fiscal years; and

(3) the Board of Trustees of the Federal Hospital Insurance Trust Fund has certified that the outlays from such trust fund are not anticipated to exceed the revenues to such trust fund during any of the next 5 fiscal years.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Arizona (Mr. SHADEGG) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, the American people have spoken. They agree that conservation funding is important. I commend the sponsors of this bill on that point.

But there is a very important condition. They do not agree that we should raid the social security surplus. They have made that position extremely clear last year and the year before. They want 100 percent of the surplus set aside.

They also want to know that Medicare is funded and solvent. They have made that very clear. They want to know that it is there for their health care as seniors. And they want to know that the public debt will be paid off by the deadline of 2013 that this Congress and the President have agreed upon.

Mr. Chairman, we are being urged tonight to vote against every single amendment to this bill. I would urge my colleagues, do not put their brains on hold. Listen to the debate.

I urge Members to vote for this amendment. If they vote against it, they will hear from America's seniors. Let me explain why.

CARA creates a $3 billion mandatory spending program to provide funds for land acquisition and conservation activities. If this bill is signed into law as the authors have written, this $3 billion will be spent every single year, no matter what. Under this bill, if Congress and the President do nothing, the money will nonetheless be spent.

If the government is running a deficit and raiding the social security trust fund and stealing money from social security, then this $3 billion will still be spent on land acquisition and conservation. If social security or Medicare are going bankrupt, this $3 billion, which is what we are putting on auto pilot, will still be spent. It will not be set aside for Medicare. If there is not enough money to pay down the publicly-held debt by 2013, a commitment that this Congress and this president have made, nonetheless, the $3 billion in this bill gets spent, no matter what.

Congress should support conservation, I agree with that, but not at the expense of our commitment to protect social security, not at the expense of our commitment to protect Medicare, not at the expense of America's seniors, and not at the expense of our grandchildren by burdening them with additional debt.

The American people have spoken, Mr. Chairman. In a poll conducted, 20 percent of voters said preserving social security was their top priority. Ten percent said paying down the debt was important. Only 1 percent said creating more parks and additional conservation was important to them.

Yet, under this bill, if social security is bankrupt and the debt is increasing and we are raiding the social security surplus, the law would require that we still must spend $3 billion a year on acquiring more Federal land and more conservation funding. It would not allow that money to be spent on saving social security or paying down the debt.

The Shadegg amendment is simple and straightforward. It deals with this very problem. It protects social security. It protects Medicare. It says that the Secretary of the Treasury would have to certify that four conditions are met: First, that we are on track to eliminate the $3 trillion debt by 2013; second, that we are saving the social security surplus; third, that Medicare is not expected to run a deficit within the next 5 years; fourth, that social security is expected not to run a deficit within the next 5 years.

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If the answer to each of these four questions, and they are laid out right here, is yes, then the money gets spent under the bill. If the answer is no, that is, if we are raiding Social Security or if we are raiding Medicare or if we are not paying down the debt, then the money would not be spent before the Congress acts.

Mr. Chairman, I urge my colleagues to support this amendment, and I point out that it has the support of the United Seniors Association, the Sixty Plus Association, and it addresses the concerns of the Concord Coalition.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I urge my colleagues to strongly support this amendment. I think it is an excellent amendment. It points out the economic impact this could have. And I think it clearly also points out that what we are creating is an entitlement, as the gentleman from Arizona points out.

This money is going to be spent if we are running a deficit and the ultimate result would be to dip into the Social Security trust fund, because we have to spend it every year. We are creating an entitlement. And I commend the gentleman for what he is proposing and I urge our colleagues to vote for it.

Mr. SHADEGG. Mr. Chairman, reclaiming my time, I would point out that this still allows these monies to be spent. It requires a straightforward certification that these conditions are met before those monies can be spent. And it is a straightforward attempt to make sure that we protect Social Security, we do not raid it; we protect Medicare, we do not raid it; and, we stay on the commitment of this Congress to pay down the debt, the publicly held debt, by 2013.

It is a straightforward and honest amendment that says conservation funding is still important and it ought to occur, but not at the expense of Social Security, not at the expense of Medicare, not at the expense of paying down our debt.

Mr. GEORGE MILLER of California. Mr. Chairman, I rise to claim the time in opposition, and I ask unanimous consent that the time be split with the gentleman from Alaska (Mr. YOUNG).

The CHAIRMAN pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. The gentleman from California (Mr. GEORGE MILLER) and the gentleman from Alaska (Mr. YOUNG) will each be recognized for 5 minutes.

The Chair recognizes the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

We are going to have a whole series of amendments this evening that are offered by opponents of the legislation to essentially try to gut the legislation. This amendment, in fact, is flawed and it is trying to obviously use, as so many have from time to time on this floor, the emotionalism of Social Security.

Mr. Chairman, as we know already, there is the pledge by the President, there is a pledge by the Democrats, the Republicans, the leadership on both sides of the aisle, the leadership in both Houses that there is a lock-box proposal that Social Security will not be invaded. This would suggest that CBO is supposed to certify that to eliminate the debt by 2013.

CBO tells us they cannot certify any such thing. They can tell us, as they do now, their best estimates of where we are going and where we are at a particular time in terms of deficit reduction, as we have experienced over the last several years in the size of the surplus.

This is simply an effort by opponents to kill this legislation. We have a number of programs where we spend money automatically, whether it is Robinson-Pittman, whether it is the crime legislation and all the rest of that, and nobody for a moment believes that the Congress is going to do that at the expense of Social Security.

The reason, one of the reasons this Congress has done so little legislatively is that we have a clear commitment to using the deficit to protect Social Security, to protect Medicare, and to pay down the debt.

Due to our good fortunes, we also have the ability to fund a program such as this and I would urge the Members to vote against this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like my colleagues to look at this little diagram. This is what CARA would take out of the total budget. It is 0.002 percent. That is all it takes out of it. And this amendment would be the first time that a new criteria is set on every bill. Only CARA does it apply to.

Now, the thing that bothers me is that CARA is not about new spending. There is approximately, with the help of the gentleman from Ohio (Mr. REGULA) $1 billion a year that has already been spent. But under this amendment, none of that money would be spent. So we would cut out. No new parks, no wildlife refuge additions, no grants to States, no assistance to landowners or endangered species. None of that would occur.

So what the amendment does is eliminate, in fact, until all that criteria is met, no more spending period for the Department of Interior. And I am sure the gentleman from Ohio (Mr. REGULA) would love that.

Mr. SHADEGG. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Arizona.

Mr. SHADEGG. Mr. Chairman, I simply want to point out that it does not stop that spending. It only stops that spending from automatically happening. The spending could still occur with the approval of Congress.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, yes, but the spending could not occur until we reach that goal. Although I think some of those are meritorious.

Mr. SHADEGG. No, no, no.

Mr. YOUNG of Alaska. Mr. Chairman, that is my interpretation. I believe that is the way it was presented. And, again, I would like to suggest that this is the only bill that this amendment would apply to. And, of course, this is the only bill before us today.

But if we were going to do as the gentleman wishes to do, then we should apply that to everything. I happen to think, by the way, and I happen to think very frankly one thing we have to keep in mind, if we were to take a poll of all of our senior citizens, I think that we will find that they support this overwhelmingly. They are the ones that use the parks. They are the ones that go to the refuges. They are the ones that are worried about the redwoods, and they are the ones, frankly, worried about the endangered species.

So keep in mind, although the gentleman says that we are going to spend the money away from Social Security or divert it away, remember the intention of the original act, the Land and Water Conservation Act. The Congress owes the American people $13 billion which we have not used correctly, that the law said we should use. That is my concern.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) for yielding to me. I only want to point out that there are other revenue sharing mandatory programs in this government. For example, interior States get 50 percent of the sharing of Federal mineral resources on Federal lands within the State. That is paid out every year regardless of our budget problems. Paid out every year.

We just passed mandatory spending for airports. We passed mandatory spending for highways in this country. Those are paid out regardless of our budgetary problems under those mandatory programs. This is nothing new.

None of those programs are conditioned upon anybody certifying the future. Who could predict that future? The bottom line is that this is a red herring to kill the bill and we knew it.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 30 seconds to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I simply want to clarify the intent of the amendment and the language of the amendment, which says the funds simply would not be automatically spent under those conditions. If the Congress wanted to go ahead and make the appropriations to spend them, then that could occur. It does not prevent them from ever being spent; it simply says they are not spent as an entitlement.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. SHADEGG. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding. I would say the whole point is to stop the funding. That is the situation we have today. That is the situation by which Congress took $13 billion out of what was supposed to be spent and went off and spent it on something else.

And the gentleman from Alaska is correct. No money would be spent unless we could certify that we going to eliminate the national debt by 2013. The very people the gentleman tells us to certify it say they cannot certify any such thing. Remember, 6 years ago, we thought we were going to have $300 billion deficits as far as the eye could see, is what they said. And now people want to tell us that we are going to have surpluses as far as the eye can see now of $300 billion.

So the CBO is trying to say that we cannot certify that. And if they cannot certify that, none of this money can be spent for any of these purposes. And that is the gentleman's intent because the gentleman opposes the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I appreciate the gentleman's comment. I just suggest respectfully that amendment should be rejected. It is a small, small part of this total budget, and I do go back to my senior citizens and I do think they frankly support this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I thank the gentleman from Arizona (Mr. SHADEGG) for yielding me this time, and I must say this debate is absolutely phenomenal. All of the arguments that are being made about the automatic spending are precisely why I oppose the bill. Not because I do not support the conservation, all of the wildlife, all of the good things that are in it.

But remember, 2 years ago we came before this body and we took highway spending off budget. Last year we took aviation off budget. Now we are taking conservation off budget. We are creating new entitlement programs, and I do not know how many times I have stood on this floor and listened to people say we have just got to stop and restrain entitlement spending.

But, Mr. Chairman, because it is a good purpose, and who can argue against all of the good things that are in this bill? But no matter how we color it, spending is spending. And no matter how many times we talk about the good parts of legislation, ultimately we are going to have to make some decisions. And this amendment today does not say we cannot spend it. It just says that we have got to look at what actually is happening in the year in which we are going to be appropriating for various conservation programs and say whether the money is there or not. If it is not there without touching Social Security, we cannot do it.

How many times have we unanimously agreed on both sides of the aisle we are not going to touch Social Security? But now tonight we are going to put automatically in place, on auto pilot, something that will spend $3 billion a year no matter what. We are going to wake up here maybe next year, maybe the year after, maybe the year after that, maybe in 4 or 5 years, but sooner or later the chickens are going to come home to roost.

And we can say all we want to say about the merits of it. I agree with all of my friends on both sides of the aisle that are absolutely, totally in favor of this legislation. But it really bothers me when we continue, year after year, to put new programs on auto pilot and then we are going to come back to the American people and say we are for balancing the budget, we are for not doing anything to Social Security. In the meantime, we have not done anything to protect Social Security.

Mr. Chairman, I urge my colleagues to support the gentleman's amendment. He is right on target.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I would like to make one clarification. The highway funds were tax dollars collected for gas used on the highways. The airport funds were dollars collected for those who use the airports and the airplanes and the fuel that was used. It was not supposed to go to the general fund anyway.

This is exactly the same, because we have $13 billion that is owed to the public because we collected it. It was supposed to be spent in the Land and Water Conservation Fund, and we spent it. We spent it on God knows what. All we are doing in this bill is paying back the public and land and water conservation, endangered species, historical preservation, land easements, and all the rest of things in this good bill, just doing what is correct.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman from California (Mr. GEORGE MILLER) for yielding me this time. There is a lot of discussion here today about this is going to be another entitlement, and we need to correctly budget the tax dollars that come in to this great city.

But that is exactly what we are doing. The gentleman from Alaska just said that the tax dollars that are designated for highways go to highways. They do not go to all the other programs that are out there. The tax dollars designated for airports go to airports. The revenue that we are collecting for conservation, for land easements, for fisheries, for agriculture, for all those things, the dollars collected for that specific purpose from those programs now are not going to be scattered throughout the Federal budget. They are going to be designated with a succinct budget for these conservation programs.

In our home, we designate a certain amount of money from our budget for the mortgage or rent, for water or electricity, for clothing, for recreation. That is exactly what we are doing here.

Mr. Chairman, I ask my colleagues to oppose the amendment.

The CHAIRMAN pro tempore. The gentleman from Arizona (Mr. SHADEGG) has 3 minutes remaining, and the gentleman from California (Mr. GEORGE MILLER) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. SHADEGG. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

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Mr. OBEY. Madam Chairman, I rise in support of the Shadegg amendment.

Mr. SHADEGG. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Chairman, I thank the gentleman for yielding me this time.

Madam Chairman, I want to go back to the chart that was used earlier. This, Madam Chairman, is the $2.8 billion that each year goes to CARA. Do my colleagues know what, in relation to the large $1.8 trillion budget, one can argue that is a very, very thin slice of the pizza.

However, let me speak to you as an appropriator. We have lots of competing needs: education need, children with disabilities, defense needs, Social Security, grandmothers raising grandchildren, foster kid care, Medicare, day care, Kosovo. Everything that is in the Federal Government has to come out of this pie.

Now, this $2.8 billion in relation to $1.8 trillion is not that much. But let me tell my colleagues, $2.8 billion a year is not a small amount of money. That is a huge amount of money. I can tell my colleagues one thing. If they got home to their seniors and say, "Would you want to spend that money on Social Security or on new lands when we already have one-third of the land in America owned by the Federal Government", they are probably going to say, "Do you know what? I am more concerned about long-term health care." Because seniors cannot afford $50,000 a year for long-term health care. They could come up with other ways to spend that $2.8 billion.

So the question is, under the Shadegg amendment, do we put this land acquisition money in front of Social Security? Do we put land acquisition in front of paying down the debt for our children? Do we put it in front of Medicare. I do not think we do. I do not think our seniors want us to do that.

If my colleagues think they can vote on this one because it is going to gut this bill, they are going to vote against it, let me tell them, I would be very careful because they will be explaining this vote for a long, long time.

We have all worked very hard to support debt reduction, protecting Social Security and Medicare. This gives us a chance to make sure that we all come together and say, does one know what? These are very important things, and I am going to support the Shadegg amendment for that.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I simply rise again in opposition to this amendment, recognizing that the purpose of this amendment is to make sure that no funds can ever be spent under this program. Because what this amendment says, it needs to be certified. The gentleman from Arizona (Mr. SHADEGG) knows very well the CBO has told us they simply cannot certify that.

So in absence of that certification, it has nothing to do with Social Security, it has nothing to do with Medicare, it has to do with the fact that they have to certify something that is 13 years in advance. They cannot certify that. That is the reason why this amendment is designed to kill this bill. This would kill the funding.

I guess maybe this is a fight among the appropriators and everybody else where they apparently can spend money and take everything else into consideration, but we cannot do that with this legislation because it does not run every nickel through their committee.

I think the point is this, this is simply an amendment to strike this legislation, and it is to try to do it using the emotionalism of Social Security and all of the rest of that. The fact of the matter is we know that people value these programs. They think that we have been derelict in our duty in responding to the needs for these conservation measures.

We ought to oppose this amendment for what it is. It is an effort to kill this legislation.

Madam Chairman, I yield back the balance of my time.

Mr. SHADEGG. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me simply point out, just to use their words, this is an attempt to strike the legislation, to gut it, it is a red herring, it is to make sure that no funding can ever be spent. The whole point, so my opponents say, is to stop the funding. They used the word "kill". They say it is designed to kill. They say it would kill the funding. Indeed they are prescient because they can read my mind and understand my intent.

Well, let me make clear. This year the Secretary of Treasury could certify that, in fact, we are paying down the debt. We are on the track to eliminate the publicly held debt. This year, the Secretary of Treasury could certify and would certify we are saving 100 percent of Social Security. This year, the Secretary of Treasury could certify and would certify that we are not expected to run a deficit in Medicare within the next 5 years, and that Social Security is not expected to run a deficit within the next 5 years.

All of the conditions set in this legislation are met this year. Indeed, it is very clear that this year, 2001, even if the Shadegg amendment is adopted, the bill's money will be spent exactly as urged. It is no attempt to gut the bill. It is about protecting Social Security. It is about protecting Medicare. It is about paying down the debt. This year, the money could be spent. It is not an attempt to gut the bill. I urge my colleagues to support it.

The CHAIRMAN pro tempore (Mrs. EMERSON). All time for debate has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. SHADEGG).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SHADEGG. Madam chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 106–612.

### AMENDMENT NO. 7 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Madam Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mrs. CHENOWETH-HAGE:

Page 15, after line 17, insert the following new section and make the necessary conforming changes in the table of contents:

**SEC. 6A. NATIONAL MONUMENTS.**

No funds made available by this Act (including the amendments made by this Act) may be used for the establishment or management of a national monument designated after 1995 under the Act of June 8, 1906, commonly known as the "Antiquities Act" (16 U.S.C. 431 and following).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, this amendment very simply prevents funds from CARA being utilized for the management or creation of national monuments designated after 1995 under the Antiquities Act.

Madam Chairman, for the past 5 years, the current administration has grossly misused the 1906 Antiquities Act to lock up literally millions of acres throughout the United States from production. This first occurred in 1996 when President Clinton, on a campaign stop in Arizona, much to the surprise of every State official in Utah, declared millions of acres in Utah as the Grand Escalante Monument. He pulled this maneuver with virtually no environmental or Congressional process, but simply as a political favor to the Sierra Club.

Now, as the Clinton-Gore administration winds down, Secretary Babbitt has traversed the western United States, declaring "monuments" of massive proportion in Arizona and California and scoping others in my own State of Idaho and also in New Mexico, keeping in mind, Madam Chairman, these designations, which have the impact of shutting down activity and economies in the affected areas, are done without any Congressional authorization or even oversight, without any real local input, and without any environmental assessment as required by the National Environmental Policy Act.

In short, Madam Chairman, the President has tortured and twisted a well-intended law to exercise his executive will over the people and livelihoods of the rural West.

While I have worked vigorously with my colleagues to, at the very least, inject due process for these designations, the administration has fought us all the way, not even agreeing to require a basic NEPA analysis.

The one saving hope that we have, Madam Chairman, is that because these actions have occurred through executive order and are thus temporary, we can work with the next administration to once again restore the intended purpose of the Antiquities Act, which is to designate actual monuments which are of truly historic and natural significance.

I believe this is a responsible amendment that even cosponsors of this bill should support. I do urge its passage.

Madam Speaker, I reserve the balance of my time.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Alaska (Mr. YOUNG) rise?

Mr. YOUNG of Alaska. Madam Chairman, I rise in opposition to the amendment, and I ask unanimous consent to yield 5 minutes of my 10 minutes to the gentleman from California (Mr. GEORGE MILLER) for the purpose of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Madam Chairman, I yield myself such time as I may consume. Madam Chairman, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) makes a lot of arguments about the designation of monuments, but this bill has nothing to do with monuments. In fact, very frankly, I do not think if this amendment was adopted, it would stop the President from designating monuments. Only on Federal lands can monuments be created, and it has to be by an edict of the President.

As my colleagues know, the gentleman from Utah (Mr. HANSEN) introduced the bill, and we voted for that bill, and it moved out of the House and sent it over to the Senate to, in fact, keep this type of action from occurring. I supported that and voted for it. Because I think what has been done in Escalante, what was done in Alaska by Stewart Udall, those things were done incorrectly. But that was the prerogative of the President. Until we change that law, that is the only way we can address that problem.

But under this bill, it does not pertain to the monument problem at all. There is no money spent out of this bill for monuments. There is no action out of this bill for monuments. In fact, this bill has nothing to do with monuments.

Now, although I sympathize with the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the problem of monuments, in fact, I would support it, have supported the legislation, this is not the place to try to have an amendment adopted to solve that problem. In fact, I oppose the amendment. I strongly object to the amendment.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairman, I thank the gentleman from California for yielding me this time.

Madam Chairman, I would like to thank the gentleman from California (Mr. GEORGE MILLER), ranking member, and the gentleman from Alaska

(Mr. YOUNG), chairman of the Committee on Resources, for what will prove to be a unique opportunity in conservation and reinvestment when it comes to our green spaces, when it comes to the idea of conservation of our land.

Let me thank constituents of mine from the Contemporary Learning Center, young people who came up and advocated for this legislation because it has great impact on inner city parks, more green space, although it has far-reaching impact.

Let me acknowledge with respect to the amendment of the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) to indicate that I would hope that we would be cautious in the amendments that have no bearing on the particular underlying legislation.

For example, there are no funds in this bill for the establishment of national monuments. Obviously, monuments can be established by the Antiquities Act by the Presidential proclamation.

I happen to believe, however, that we should consider on a case-by-case situation the idea of monuments. The gentleman from Ohio (Mr. REGULA) knows I have discussed with him over a number of years a tribute to Sojourner Truth.

But I think we should stay focused on H.R. 701 and what it does do, which is provide $2.8 billion for annual funding for important conservation and recreation programs. For my community, this is a great influx or insertion of dollars and energy around this idea.

As well, we who are collectively in urban areas and rural areas, can find opportunities in this legislation that will respond to the desires of our communities to be involved in more green space.

I would hope that we would spend time on recognizing that this bill does need to move forward and that we not shackle it with a number of amendments that may inhibit its movement and also opportunity to create greater spaces for our constituents.

Madam Chairman, I ask the support of this entire legislation, and I would ask for the opposition or the opposing of the present amendment.

Mrs. CHENOWETH-HAGE. Madam Chairman, may I inquire as to the time remaining.

The CHAIRMAN pro tempore. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 7 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 4 minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield 3 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Madam Chairman, I appreciate the gentlewoman from Idaho for yielding me this time.

I would like to point out that Theodore Roosevelt was the man who sponsored this 1906 Antiquities law. And he was the man that got it through. Why did he do it? He did it because there was nothing to preserve things. There was nothing to preserve Indian ruins, historic things, scientific things, or nothing. So out of that, fortunately, we have got the Grand Canyon, we have got Zion and Bryce, we have got other great parks.

Since that time in 1915, we got the organic act or the park law. We have got all kinds of bills that now protect the public ground. In fact, even a judge has said this law should probably be repealed because there is no need for it; and besides that, the Constitution is abundantly clear that Congress is the organization that handles the public lands of America, not the Executive Branch.

The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) alluded to the fact that, on September 16, 1996, safely on the South River of the Grand Canyon, the President came there and put 1.7 million acres in the Grand Staircase Escalante.

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The bill that I have been referring to says what? That the President in his proclamation shall state the historic or archeological reason for doing something, and in this particular instance, the President failed to do that. I urge my colleagues to read that proclamation; it did not say anything.

Now, what they do not understand is the next sentence in the law says this: And he shall use the smallest acreage available to protect that site. First, he does not tell us what it is. Then he uses 1.7 million acres, and then he goes around the next year in Arizona, right on the Arizona Strip, we get another million acres. Then he goes down to Phoenix, then we get more acres. Then he goes to the coast, and we get more. Then he goes to Sequoia and we get more. Then there are people stand on the floor, Democrats and Republicans, saying Sequoia is well taken care of. Now, do you blame us for being paranoid?

We find ourselves in a situation where my AA called up the day before they did the Grand Staircase Escalante, talked to the top person in the White House, and said we are hearing this rumor, is the President really going to do this? We are hearing the same rumor. Of course not, we do not know anything about it. And the next day he is standing on the south rim of the Grand Canyon and doing this. Do you think anyone else would be paranoid if you get that kind of information?

Right now, my good friends, I am hearing about the Missouri up in Montana. I am hearing about the Four Corners. I am hearing about the Salton Sea. Sure, we are paranoid. I think the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has come up with a great idea. There should be no funding for these things, because Congress is the one to do it.

Madam Chairman, I would appreciate the Members of the House giving some real thought to this. This is true, it is an antiquated law. There is no reason to have it, and I can see no reason in the world to fund this.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield 4 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Madam Chairman, I thank the gentlewoman for yielding me the time.

Madam Chairman, this amendment is very simple. It says that none of the money within this act can be used for the establishment of monuments under the Antiquities Act. Now, I agree with the chairman of the committee that this legislation does not deal directly with that, but the reason that this is so important, I think, has been proven time and time again over the past 8 years, when the administration has found it inconvenient or not enough money has gone into the areas that they wanted, they turned around and they took money from other places, as the gentleman from Alaska (Mr. YOUNG) is very aware, when it came to Pittman-Robertson money, if they did not have money for the projects they wanted, they just took it out of Pittman-Robertson.

What I am afraid of is that under this act, when $3 billion a year is thrown out and we let them spend it on whatever they want, it may become convenient for them to establish a new monument and then not have the money for it and just take it from here, because there is really not enough sideboards, oversight on this particular spending.

What the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) is trying to do is she is trying to rein in the administration. She is trying to rein in the executive branch. She is trying to pull them back and say, no, it cannot be done unless Congress specifically authorizes it.

I believe this is a very important amendment, and there may be those that sluff it off and say that this does not deal with the Antiquities Act, that this underlying legislation does not deal with monuments, but there is not enough oversight within the legislation to stop them from spending the money on things that they want.

I support the gentlewoman's amendment wholeheartedly. I think it is an important amendment, and I think that it should be added on to the bill.

Mr. GEORGE MILLER of California. Madam Chairman, I believe I have the right to close. Are there any remaining speakers?

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from Alaska (Mr. YOUNG) has the right to close.

Mr. YOUNG of Alaska. Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I want the right to close.

Mr. YOUNG of Alaska. Madam Chairman, I will close if I have to.

Mr. GEORGE MILLER of California. Is the gentleman yielding me the balance of the time?

Mr. YOUNG of Alaska. I yield the gentleman from California (Mr. GEORGE MILLER) the balance of my time for purposes of control.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 7 minutes remaining. The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 2 minutes remaining.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time to close.

Mrs. CHENOWETH-HAGE. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I thank the House for allowing this amendment to come up. It is a very, very important amendment, because even as I speak, Secretary Babbitt is in my State, looking at setting aside three different sites as a national monument under the 1906 Antiquities Act. This is a clear distortion of the Antiquities Act. The Antiquities Act very clearly says that the area immediately around the antiquity shall be protected, not one 1.8 million acres like was set aside in Utah and the hundreds of thousands that we expect in Idaho and various other States.

I think this is an amendment that will rein in the kind of ambition that we have seen in this administration. I urge its support.

Madam Chairman, I yield back the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I rise in opposition to this legislation. I think this amendment is a bit off the mark here; the concern here is with the President using the authority that he has under the Antiquities Act to establish monuments. There is nothing in this legislation that gives us the opportunity to do that. We do not have the authority to do that, only the President has the authority to do that.

I think the problem occurs, and this may even be a problem for people who have these monuments in their districts, that is, conceivably under this act, under title VI, some monies might be used for restoration and maintenance; now you have created two classes of antiquities. We can use it for all of the existing antiquities, but for those since 1995, we cannot.

In Utah, where they have this massive track of Federal lands out there, the monies cannot be used to take care of it, to restore it or to maintain it, and that would also be true I guess in California, where I know local citizens are concerned about exactly that effort, now that it is in antiquities how will it be managed, and conceivably some of these funds could be used for that purpose.

I think the gentlewoman is sort of throwing out the baby with the bathwater here and using the idea that somehow Congress can use the Antiquities Act, when Congress has no ability, no authority to use the Antiquities Act.

I do not know if the gentlewoman wants to withdraw the amendment or wants to go ahead with it, but it clearly misses the mark. I think it creates a worse problem for people who already have these, because clearly we cannot establish them. In Utah and in Colorado and Arizona, where they have them, I think they would like to know that they could have some ability to take them.

The gentleman from Utah (Mr. HANSEN) has indicated already the substantial increase in tourists and others who are going to this area, which is a burden on the State in terms of maintenance; that is why I do not know if this is what the gentlewoman really wants to do. The gentlewoman ought to take the first part out, because there is no authority in law for us to do that.

Mrs. CHENOWETH-HAGE. Madam Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentlewoman from Idaho.

Mrs. CHENOWETH-HAGE. Madam Chairman, I must say to the gentleman that, clearly, the Committee on Rules felt that the amendment was in order.

Mr. GEORGE MILLER of California. Reclaiming my time, Madam chairman, the amendment is in order. It is fine. But the President has the authority under the Antiquities Act to do this. There is nothing in this bill that establishes any authority for us under the Antiquities Act because it does not pertain to us.

The gentlewoman is welcome to the amendment.

Mrs. CHENOWETH-HAGE. Well, if the gentleman will continue to yield, this administration usually uses money that has not been either authorized or appropriated, and this just puts a fence around money being used for this purpose. So it is in order.

Mr. GEORGE MILLER of California. Once again reclaiming my limited time, I appreciate that. All I am saying is for Representatives who have had these established in their areas, I am not sure this is what they want to do, to cut off the money for those areas, because that is the law now.

Nobody here is offering to repeal the Utah one or the California one or the Arizona one. So now they have to be maintained because there is increased traffic and tourism and all the rest going to these areas. So the gentlewoman now wants to cut off the ability, by chance, to use this money for the purposes of maintenance or restoration.

Madam Chairman, I urge opposition to the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) will be postponed.

It is now in order to consider amendment No. 8 printed in House Report 106-612.

### AMENDMENT NO. 8 OFFERED BY MR. POMBO

Mr. POMBO. Madam Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. POMBO:

Page 18, line 1, after "unless", insert "specifically".

Page 18, after line 2, insert the following:

(c) PROTECTION OF RIGHTS IN NON-FEDERAL PROPERTY FROM FEDERAL ACQUISITION OF NEARBY LANDS.—The right of an owner of non-Federal real property to use and enjoy that property shall not be diminished based on the property being—

(1) within the boundaries of a Federal unit as a consequence of the acquisition of lands for that unit with amounts made available by this Act; or

(2) adjacent to Federal lands acquired with amounts made available by this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. POMBO) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. POMBO).

Mr. POMBO. Madam Chairman, I yield myself such time as I may consume.

This is an extremely important amendment. I think it cuts to the heart of a lot of what is wrong and what is broken with our current land management system at the Federal level in this country.

This amendment speaks to when the Federal Government goes into an area by action of this bill, by taking money that is appropriated under this bill and authorized under this bill, and buys one piece of land. And I held this up a little earlier. It is a map of Federal land ownership in this country. And we can see throughout the West most of it is owned by the Federal Government right now. But let us say that they went just outside of this, take Texas as an example, or Louisiana, or any of the States that have very little Federal land, and let us say that they drew on the map a little circle and said we want this to someday be a wildlife refuge, and they buy one little piece of land. Well, what this amendment says is that if they do not own it, they do not control it.

Under current law, under current practice, under current interpretation of the morass of laws that are currently on the books, the Federal Government, just because it draws something on a map, they have not paid for it, they have not exchanged money, they have not paid the rightful property owner anything, all they have done is they have gone in and drawn something on a map, what this amendment says is that they do not control it, then. It is very simple.

Now, I know most Members of the House, most people in this country believe that, well, the Federal Government cannot control it. The Federal Government cannot put special restrictions on one property owner that it cannot put on another just because some bureaucrat sitting in an office in Washington, D.C. drew a line on a map. But the truth of the matter is they can, and they literally have hundreds of rules and regulations on the books that come down on the head of the poor unfortunate property owner who happens to be inside the line instead of outside the line.

What this amendment quite simply says, if they do not pay for it, they cannot control it. The Constitution states, "nor shall private property be taken for public use without just compensation." It says that if it is for the public good, a wildlife refuge, a national park, a wilderness area, or for something else that people support, they have to pay for it before they can take it. And what I am trying to do is to protect those property owners, the unfortunate property owners, who happen to fall inside the line instead of outside the line.

Madam Chairman, I reserve the balance of my time.

Mr. TAUZIN. Madam Chairman, I rise to claim the time in opposition, and I ask unanimous consent that my friend, the gentleman from California (Mr. GEORGE MILLER), be allowed to control 5 minutes.

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes in opposition to the amendment.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the gentleman from California (Mr. POMBO) seeks to change a line that is in the CARA bill that reads, as follows: Let me read this sentence to the Members: The CARA bill provides currently that Federal agencies using funds appropriated by this act may not apply any regulation on lands until the lands or water or an interest therein is acquired.

□ 2045

CARA already does that. It says, in effect, that before the Government actually acquires a land, it cannot impose any regulations or limitations on use on that land even though it proposes to buy that land.

CARA also says, "unless authorized to do so by another act of Congress." That gives the gentleman from California (Mr. POMBO) some trouble and other Members some trouble. But let me tell my colleagues what that means.

What that means is that Congress has, in effect, passed laws that regulate property, not all of which I agree with, not all of which many of us agree with. Congress has passed laws to protect, for example, mining in public parks and recreational areas and wilderness areas to protect against certain activities in those parks.

It certainly has passed a lot of laws and regulations aimed at protecting species that are endangered and threatened and the wetlands and a whole host of Federal environmental protective legislation. That does affect potentially the use of their property.

CARA also includes the language, I should point out to my friend the gentleman from California (Mr. POMBO), of the fifth amendment. It restates it. It says that whenever any property under CARA, or otherwise, is affected by a taking under the fifth amendment, due compensation is going to get paid.

But CARA does precisely what the gentleman from California (Mr. POMBO) wants. It says that until the Government actually acquires the property that is proposed to be acquired, no new regulatory authority is granted under this act that does not already exist in some other act.

Now, I would like to change some of those other acts. I know the gentleman from California (Mr. POMBO) would, too. But that is not what we are doing today. We are discussing CARA. And we are talking about a problem that the gentleman from California (Mr. POMBO) has. And I agree with him, it does happen. But agencies do, on occasion, try to impose regulations on proposed acquisitions. And those things do happen. It is unfortunate. The gentleman from California (Mr. GEORGE MILLER) and I went over some examples of that.

CARA tries to cure that and says so very clearly, no regulations under CARA can be imposed upon proposed acquisitions until the Government takes title. It is as clear as a bell.

CARA does correctly recognize, however, that there are other acts of Congress that may impose certain restrictions on the private use of private property. If they impose a taking, CARA provides compensation rights under the fifth amendment. And that is precisely what CARA ought to do.

The amendment of the gentleman from California (Mr. POMBO) would seek to interfere with those other statutes through this bill. I do not think this is the place to do it. And the amendment of the gentleman from California (Mr. POMBO) therefore would cause some real problems not only with this bill but many other statutes, such as those that protect against mining in Yellowstone Park, for example.

I would suggest that this amendment needs to be defeated.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, the gentleman from Louisiana (Mr. TAUZIN) has just accurately explained the situation within CARA. We went around and around on this in the negotiations for many, many days and many, many hours; and we provided exactly the protection that the gentleman from California (Mr. POMBO) says that he wants.

What we could not assure, as the gentleman from Louisiana (Mr. TAUZIN) has pointed out, we could not assure him that other laws of the United States would not come into play, such as clean air and clean water.

If they have a national park and somebody on the boundary of that national park wants to put in a gas station and they want to sell gas with MTBE, and we now know that leaks into the groundwater, under the Clean Water Act, under the Clean Air Act, they might be able, like any other landowner, to say, I do not want them to do this, they are infringing on my property rights.

And one thing we said was that we could not diminish the right of the Federal Government that other property owners have. If they have a piece of property and a person comes along and they want to put in a smelting plant, they might want to know what the air quality coming out the smokestack is. So would the National Park Service.

If they want to put in a mine, if there is going to be toxic waste in that mine that goes through and into a river that runs through one of our national parks, the National Park Service may want to ask some questions about that. That is under the other laws. But in and of this act, they do not get to impose the burdens on property owners. That is what was hammered out, and the gentleman from Louisiana (Mr. TAUZIN) has explained it perfectly right. That is the agreement that was handed out.

But we are not going to use CARA to waive the Clean Air Act, to waive the Clean Water Act, to waive the Superfund legislation. That is not what CARA is going to be used for.

CARA, with this amendment, would be used as a battering ram by landowners against other basic environmental laws in this Nation. And that is not what is to be done. If somebody wants to do that some day when the Clean Air Act is on the floor or the Clean Water Act, they can hammer that out. But they cannot use the Pombo language to strike down the basic environmental laws of this Nation.

We have protected the landowner from CARA. We have protected those people. The one incident that the gentleman from California (Mr. POMBO) brought to our attention, in fact inside that refuge line vineyards have been planted, wineries have been started, subdivisions have been started, homes have been remodeled. All of these activities have been carried on. Because you do not have the right to do that without just compensation, as the gentleman from California (Mr. POMBO) and the gentleman from Louisiana (Mr. TAUZIN) pointed out.

Madam Chairman, I reserve the balance of my time.

Mr. POMBO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I would like to point out that my colleague from California is absolutely wrong, did not read the amendment; and what he is talking about I would not propose and has absolutely nothing to do with this particular amendment.

What this amendment says is that just because as an action taken under this act that they get put inside one of these Federal boundaries, they would not be treated differently than someone outside of the boundary.

The Clean Air Act still applies, the Clean Water Act still applies, the Endangered Species Act still applies just like it does today. This amendment does not change any of that.

Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. HERGER).

Mr. HERGER. Madam Chairman, I rise in strong support of this amendment, which will provide common sense protections and peace of mind to property owners affected by this bill.

H.R. 701 enhances the Government's appetite for an ability to own and control even more of our country's land even while reducing the amount of private property individual Americans can own.

Madam Chairman, where does it stop? The Federal Government already owns nearly one-third of the total land base in the United States. In the West, Government ownership is staggering. They control 54 percent of the land in 12 western States. In some counties in California, it is 90 percent.

If they want more land, great, buy it in the East. The Government only owns 6 percent of the land east of the Mississippi.

We are being reassured that this bill will not coerce the sale of private land because it has a willing seller requirement. The idea of a willing seller is a myth. The reality is that, with enough government pressure, a private landowner will become willing to sell as the rights to use his land are squeezed by burdensome Federal, State, and local government ordinances, policies, and laws.

The Federal Government can and does regulate property owners into submission, making them willing sellers only after the value of their land has dramatically fallen and only after they have lost their ability to earn a living.

Madam Chairman, H.R. 701 has grave consequences for private property ownership. I urge my colleagues to support the protections proposed in the Pombo amendment.

Mr. TAUZIN. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, let me point out that in the negotiations on this bill, when the gentleman from California (Mr. POMBO) raises the question of whether or not there were in fact regulatory authorities that affected lands that were not yet in the park ownership yet but, nevertheless, around it; and we were told at first that there were no such things. And then, sure enough, there are all kinds of laws in effect right now that do in fact provide some regulatory authority under existing law for those lands.

They include, for example, under the NMPS Organic Act, NMPS can regulate inholdings where there is a session of jurisdiction from the State to protect park resources, provide wildlife protection, preclude discharge of firearms, forbid the starting of fires, to prohibit gambling, to name just a few.

In short, there are other laws that protect parks and resources from all kinds of activities, the likes of which I do not think my colleagues would probably want around a place like Yellowstone. Those laws are in effect today.

The problem with the Pombo amendment is that it would threaten the implementation of those laws even though the bill as written clearly says that no new regulations stem from CARA. In other words, nothing in the act crafted through these delicate compromises increases nor diminishes any authority under existing law to regulate private property that is not already enjoyed by the Government in fee ownership. Nothing in CARA increases or diminishes regulations on private property.

But just to make it abundantly clear again, we have included in CARA the protection of the fifth amendment, that if any other regulation that exists in current law operates to so limit the use and enjoyment of private property outside of a park, that that landowner is entitled to the fifth amendment protections of just compensation.

Madam Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Chairman, I reserve the balance of my time.

Mr. POMBO. Madam Chairman, may I inquire how much time remains.

The CHAIRMAN pro tempore (Mrs. EMERSON). The gentleman from California (Mr. POMBO) has 4½ minutes remaining. The gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining. The gentleman from California (Mr. GEORGE MILLER) has 3 minutes remaining.

Mr. POMBO. Madam Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Madam Chairman, I thank the gentleman for yielding me the time.

Madam Chairman, I want my colleagues to pay real close attention to what the Pombo amendment is saying. It simply says, if they are a landowner and they are next door to Federal land, then their property rights should not be diminished.

For crying out loud, this is a no-brainer. Is this not the United States of America? I know Cuba has been in the news a lot lately. Are we starting to emulate what goes on in other countries or imitate it?

We are saying, if they own private land next to private land, their rights should not be diminished and this is being rejected by people who have sworn an oath of loyalty to the Constitution of America? This amendment is being rejected by fellow Americans?

For crying out loud, all we are saying is that if they own land next to the Federal Government, they get their constitutional rights. But I cannot believe it. My friend and colleagues are saying, no, no, no. We are the Government and there are things the common people do not understand, because we are Washington and we have the franchise on this intellectual elitism that is going to run the country in the new world order and we do not want fellow Americans to enjoy the right of pursuit of happiness and property.

This is a sad day, my colleagues. I may say this speech with a little flippancy. But all the Pombo amendment says is that, if their land is next to the Federal Government land, they can enjoy their private property rights constitutionally given to them, written at the Constitutional Convention in 1789.

We are saying, no, the Congress of the United States in the year 2000 is too advanced to accept those long-standing principles.

This amendment should be accepted without a vote.

Mr. POMBO. Madam Chairman, I yield myself the balance of the time.

Madam chairman, I would like to bring us back to what we are doing here today. We are approving legislation which will shove almost a billion dollars a year into land acquisition every single year.

What I am saying is that, if under this act, because we are shoving so much new money at new land purchases, if the Federal Government goes in and goes after land that is around their property or adjacent to the land that they own, that the Federal Government is not going to control the land that they own, as a private property owner and as an American citizen, that they are not going to take away their property rights just because we are shoving another billion dollars a year into land acquisition.

□ 2100

This is one of my major complaints with this legislation. The Federal Government goes in and through adverse condemnation takes away property rights through regulation, away from private citizens. They do not pay for it. They do not sit down and negotiate a fair price. They just take it.

Now, let us just say that you happen to know a little inn on the side of a river somewhere. It is a beautiful place. The government comes in and buys the land around you and they tell you, "We don't want you there anymore." Under current law, they can shut you down. They can say, you cannot improve your place anymore, you cannot discharge anymore, you cannot put a fire in your fireplace anymore, all because they came in and bought land around you. This bill has a provision for a willing seller in it and I will be damned if you are not going to become a willing seller under that provision. That is exactly what is going to happen.

All I am trying to do is to protect those property owners that end up because of this bill getting stuck inside some green area, not because of any action of their own but because of an action of this Congress. I just want to protect those property owners. That is all this amendment is trying to do. Darn if Members should not accept it.

Mr. GEORGE MILLER of California. Madam Chairman, I yield myself such time as I may consume. It is very interesting rhetoric. He says if you own some land inside of a green space. Yes, if you have an inholding inside of Yellowstone Park or Yosemite Park or Grand Tetons or the Everglades, there are other laws on the books that keep you from strip mining inside of that park, from oil and gas development inside of that park, because of the impact on the parks, the national park system of this country. Waste disposal. You do not get to just create waste disposal. You do not get to create a toxic site and have it run off your land.

The fact of the matter is under this legislation, CARA gives no authority to regulate as the gentleman from Louisiana (Mr. TAUZIN) pointed out in his opening remarks. No authority to do that. There are other laws. There are other laws on the books such as Clean Air and Clean Water, the mining act, mining in the park lands. Those laws still continue to apply. That is just a matter of a good neighbor. All we are saying is that there is nothing in CARA that expands that authority. They cannot shut down your inn. If they do, they owe you just compensation. That is the way the Constitution of the United States exists.

This amendment ought to be rejected because it is designed to undercut the other basic laws of the land that might apply to those lands that have nothing to do with CARA.

Mr. TAUZIN. Madam Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Madam Chairman, I thank the gentleman for yielding. Let me read to my colleagues what is in CARA again. CARA says right now, Federal agencies using funds appropriated by this act may not apply any regulation on any lands until the lands or water or an interest area is acquired in effect by the government. Until it is acquired, no new regulations. As far as other acts that apply regulations to those lands, they still apply. We do not change that. But we do protect against CARA increasing any regulatory authority on any land located next to any park. This amendment ought to be rejected.

The CHAIRMAN pro tempore (Mrs. EMERSON). The question is on the amendment offered by the gentleman from California (Mr. POMBO).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. POMBO. Madam Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. POMBO) will be postponed.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by the gentleman from Ohio (Mr. REGULA); amendment No. 3 offered by the gentleman from California (Mr. RADANOVICH); amendment No. 4 offered by the gentleman from Colorado (Mr. TANCREDO); amendment No. 6 offered by the gentleman from Arizona (Mr. SHADEGG); amendment No. 7 offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE); and amendment No. 8 offered by the gentleman from California (Mr. POMBO).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 2 OFFERED BY MR. REGULA

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio (Mr. REGULA) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 109, noes 317, not voting 8, as follows:

[Roll No. 160]

AYES—109

Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Chabot
Chenoweth-Hage
Coburn
Combest
Cook
Cubin
DeLay
DeMint
Dickey
Doolittle
Doyle
Duncan
Ehlers
Emerson
Ewing
Fletcher
Ganske
Gekas
Gibbons
Gillmor
Goodlatte
Granger
Green (TX)
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Hostettler
Hulshof
Hutchinson
Istook
Jenkins
Johnson, Sam
Kasich
Knollenberg
Kolbe
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Manzullo
McInnis
Miller, Gary
Mollohan
Murtha
Ney
Nussle
Obey
Ortiz
Oxley
Paul
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Ryan (WI)
Ryun (KS)
Salmon
Schaffer
Sessions
Shadegg
Sherwood
Simpson
Skeen
Smith (MI)
Smith (TX)
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Visclosky
Wamp
Watkins
Whitfield
Wicker

NOES—317

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement

Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hunter
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Northup
Norwood
Oberstar
Olver
Ose
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Vitter
Walden
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Bateman
Berman
Campbell
Coble
Franks (NJ)
Lucas (OK)
Martinez
Wise

□ 2126

Messrs. BLILEY, KINGSTON, EVERETT, ROYCE, McNULTY, GOODE, SCARBOROUGH, DREIER, and YOUNG of Alaska, and Ms. EDDIE BERNICE JOHNSON of Texas and Ms. DUNN changed their vote from "aye" to "no."

Messrs. LEWIS of Kentucky, GANSKE, MURTHA, WHITFIELD, ORTIZ and HINOJOSA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mrs. EMERSON). Pursuant to House Resolution 497, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

### AMENDMENT NO. 3 OFFERED BY MR. RADANOVICH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. RADANOVICH) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 153, noes 273, not voting 8, as follows:

[Roll No. 161]

AYES—153

Aderholt
Archer
Armey
Ballenger
Barr
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Condit
Cook
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller, Gary
Myrick
Nethereutt
Ney
Norwood
Nussle
Obey
Ose
Oxley
Packard
Pastor
Paul
Pease
Peterson (PA)
Petri
Pitts
Pombo
Pomeroy
Pryce (OH)
Radanovich
Regula
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (FL)

NOES—273

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Payne
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Shows
Shuster
Sisisky
Skelton

Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—8

Bateman
Berman
Campbell
Coble
Franks (NJ)
Lucas (OK)
Martinez
Wise

☐ 2134

Mr. HOLT changed his vote from "aye" to "no."

Mr. SWEENEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 4 OFFERED BY TANCREDO

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. TANCREDO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 109, noes 315, not voting 10, as follows:

[Roll No. 162]

AYES—109

Aderholt
Archer
Armey
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Burton
Buyer
Calvert
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cubin
Cunningham
DeLay
DeMint
Dickey
Doolittle
Emerson
Everett
Fletcher
Fossella
Gibbons
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Johnson, Sam
Kingston
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McHugh
McKeon
Metcalf
Miller, Gary
Moran (KS)
Nethercutt
Ney
Northup
Norwood
Ose
Oxley
Paul
Petri
Pitts
Pombo
Radanovich
Regula
Reynolds
Rogan
Rohrabacher
Royce
Ryun (KS)
Salmon
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Simpson
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker

NOES—315

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Bateman
Berman
Camp
Campbell
Coble
Franks (NJ)
Istook
Lucas (OK)
Martinez
Wise

☐ 2143

Mr. POMEROY changed his vote from "aye" to "no."

Mr. HOBSON changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 6 OFFERED BY SHADEGG

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. SHADEGG) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 216, noes 208, not voting 10, as follows:

[Roll No. 163]

AYES—216

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Boswell
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Evans
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler

Hulshof
Hunter
Hutchinson
Isakson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Luther
Manzullo
McCollum
McHugh
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (FL)

NOES—208

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Ehlers
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Shays
Sherman
Shuster
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Strickland
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Bateman
Berman
Campbell
Coble
Franks (NJ)
Istook
Jefferson
Lucas (OK)
Martinez
Wise

□ 2152

Messrs. HILL of Indiana, EHRLICH, GEKAS and COOKSEY changed their vote from "no" to "aye."

Ms. RIVERS changed her vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 7 OFFERED BY MRS. CHENOWETH-HAGE

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Idaho. (Mrs. CHENOWETH-HAGE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 160, noes 265, not voting 9, as follows:

[Roll No. 164]

AYES—160

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
King (NY)
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Wolf
Young (FL)

NOES—265

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor

Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—9

Bateman
Berman
Campbell
Coble
Franks (NJ)
Istook
Lucas (OK)
Martinez
Wise

☐ 2201

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 8 OFFERED BY MR. POMBO

The CHAIRMAN pro tempore (Mrs. EMERSON). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. POMBO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 253, not voting 10, as follows:

[Roll No. 165]

AYES—171

Aderholt
Archer
Armey
Baca
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Danner
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Edwards
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (KY)
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wilson
Young (FL)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baker
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Greenwood
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shuster
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Tauzin
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Bateman
Berman
Campbell
Coble
Franks (NJ)
Hall (OH)
Istook
Lucas (OK)
Martinez
Wise

☐ 2208

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. PEASE). It is now in order to consider amendment No. 9 printed in House Report 106–612.

### AMENDMENT NO. 9 OFFERED BY MR. PETERSON OF PENNSYLVANIA

Mr. PETERSON of Pennsylvania. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PETERSON of Pennsylvania:

Page 18, after line 15, insert the following:

**SEC.   . FEDERAL ACQUISITION OF LANDS ONLY WITHIN DESIGNATED BOUNDARIES.**

Notwithstanding any other provision of this Act, the amendments made by this Act, or any other provision of law, amounts made available by this Act (including the amendments made by this Act) may not be used for any acquisition by the Federal Government of an interest in lands except lands located within exterior boundaries designated before the date of the enactment of this Act of an area designated by or under Federal law for a particular conservation or recreation use, including lands within such boundaries of a unit of—

(1) the National Park System;

(2) the National Wilderness Preservation System;

(3) the National Wildlife Refuge System;

(4) the National Forest System;

(5) the national system of trails established by the National Trails System Act (16 U.S.C. 1241 et seq.);

(6) federally administered components of the National Wild and Scenic Rivers System; or

(7) national recreation areas administered by the Secretary of Agriculture.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Pennsylvania (Mr. PETERSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. PETERSON).

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment before us this evening will help us to focus on our land purchases. It is my view, in America, we have not focused on what we are purchasing. It is like we purchase everything that we possibly can purchase; and sometimes it is appropriate, and sometimes it is not. We own one-third, over 700 million acres of America at the Federal level. When we add the States, we are approaching 45 percent land ownership by government. When we add local government, we are approaching 50 percent of America owned by government.

So I think it is important now that we are going on a track where we are going to be purchasing a mandated amount each and every year hereafter that will be mandated through this legislation. This legislation will focus to purchase within the boundaries and including the National Park System, the National Wilderness Preservation System, the National Wildlife Refuge System, the National Forest System, the National System of Trails established by the National Trail System Act, federally administered components of the National Wild and Scenic River System, and the national recreation areas administered by the Secretary of Agriculture. It will keep us busy for many years finishing the projects we have started.

I think it is important that we focus. Just a few weeks ago, at a hearing in the Subcommittee on Interior, it was obvious that the Fish and Wildlife Service is focused. They are starting five new refuges each year without legislative authority, without any approval by anybody. One was with two-thirds of an acre.

In the last 6 years, they have started 30 new refuges without legislative approval. Those refuges must be maintained by the taxpayers of this country. We do not get even adequate reporting on how much it costs to maintain them and to complete them.

So I think it is important in this legislation that we focus on our priorities and that we finish the projects we have started.

Should we pay our current taxes before we buy more land? We had that argument earlier, and we lost it. I do not think any of us would advise our children if they could not pay their taxes to buy more land. But this Congress has never paid its taxes, which is PILT, as legislated by law to the county and townships and the boroughs across this land that lost their tax base. It is not urban America. It is not suburban America. It is rural America that continues to lose its tax base.

We buy more land, and we do not pay our taxes or PILT. It is our tax payment. We should pay PILT first. We should focus on our inholdings. We should have some sense as to why we are buying what we are buying. We should put our resources to complete the projects we started.

□ 2215

That is the reason I have offered this amendment, and I ask for your support.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I ask unanimous consent to divide my time with the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the business of the amendment limits Federal acquisitions to in-holdings, unless the property is within the boundaries of an existing Federal property an in-holding, there can be no new acquisitions. In doing so, of course, it says, in effect, that if a willing seller wishes to sell property that is partially in, partially outside the boundaries of an existing Federal facility or if he wants to sell property that is adjacent to, if the government is interested in launching a particular reserve or wilderness area and there is willing sellers willing to sell that property, this amendment would prohibit that sort of a purchase.

In a sense, it inhibits the property rights of the landowners who want to sell, who want to sell their property for the expansion of a park.

The gentleman from Pennsylvania (Mr. PETERSON) makes much of the fact that under current law, agencies are creating new parks in wilderness areas by acquiring an acre, or some acreage, without ever coming to Congress, without every notifying Congress.

The beautiful thing about CARA is that that can no longer happen. Under CARA, every land acquisition has to be reported to Congress, whether it is from a willing seller or not, and Congress makes a determination by specific grant of authority through the appropriations process to acquire a piece of land.

The argument that the gentleman makes that current law is failing counties and States of America is correct, CARA fixes that by requiring, in effect, that any new acquisitions be approved by Congress, not just approved by Congress in some report language, approved by Congress in specific line item appropriation by the committees of Congress. Not only does CARA provide for that, but it provides that the government must notify all the local officials, including the Congressman, that a land acquisition is proposed, so that there is full notice, the government has to go through the full process of saying it really would like to have this property.

Congress has to come in and say that it wants to acquire it and it has to appropriate a specific line item to do it. To limit the acquisition to in-holdings severely restricts the ability of this program to, in fact, work to build a refuge, a wilderness area or reserve where there are willing landowners prepared, and, in fact, anxious to sell their property to do so.

I hope Members look at it that way. It is a limitation on the property rights of the landowner who wants to sell, who happens not to be completely an in-holding property within the Federal Reserve. This amendment ought to be defeated, and I hope it will be.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I rise in strong opposition to this legislation, let me tell the Members why. I hope the Members will follow this along, this is really strong anti-property rights legislation.

If we look at the bill, it prohibits the government from buying land that people may want to sell to the government, so you are a landowner next to a national forest, there is a lot of rural America that is in that, and I happen to represent one of those districts. And I actually have many people, more people want to sell their land because it is rural. They do not want to see it developed, they protected it as families, and their number 1 interest is selling that land to the National Forest Service; they are not an in-holding, but they are next to the line.

Under this legislation, they cannot be a seller. They are prohibited from selling, and why that affects property values is there may not be another buyer around. So we are curtailing the free market, a lot of people have been arguing in legislation like this that it ought to always be one where there is only willing sellers. Well, here is the case where the willing sellers are there, the line is longer than the money we have appropriated, and we are denying them under this legislation, even when the money is there.

Secondly, look what it is, it is not against cities that want to do this or Washington, D.C. that would like to expand in the urban area, this strictly limits recreational areas, the places where people in America like to go, the place that makes this country grand, this country magnificent, this country bold. It is our national resources that make people want to take pictures of and postcards of. This limits national parks, national wilderness preservation system, national wildlife refuge system, the national forest system, the national trail system, the national wild and scenic river system and the national recreation areas. That means if you are a private landowner around any of these areas, under existing law, you would be allowed to sell your land if you wanted to at a price agreed to by you, you could not do it.

This is anti-property rights. I urge a strong no.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I find it interesting, to listen to the last speaker, you would think that every person that owns a land next to Federal land who wants to sell it, the Federal Government should buy it. When the Federal Government owns a third of America, I believe we ought to focus on completing the parks, completing the areas that we have already started, completing our State parks, national parks instead of having in-holdings that are valueless to people in them. We ought to be focusing there.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I support the amendment, but I am really curious as to how the authors of the bill do not quite seem to understand their own bill yet, because they keep saying if this bill passes, we will not be able to purchase more land. Well, the distinguished chairman of the Interior Committee on Appropriations is here, and he will tell us the committee can continue buying land as it is. It is just that $2.8 billion becomes a land entitlement, which I know is the goal of the Democratic party to create a new entitlement. The Republicans seem to be going in agreement with that. Some of them are. The reality is you can still, on top of this, buy land.

If Members do not believe me, go back to 2 hours ago, where you accepted the amendment of the gentleman from Indiana (Mr. SOUDER) and the gentleman's amendment says that the CARA funding will simply supplement annual appropriations for activities of the National Park Service.

Now, that is making it clear. It is just a supplement, a $2.8 billion supplement. It is one that unfortunately a lot of our Members seem to want to put in front of Medicare and Social Security, I am very upset about that, as I know seniors are, that some people are still concerned about putting land acquisition in front of Medicare and Social Security, which seems to be one of the purposes of CARA.

One of the other points that was mentioned earlier tonight is that this fixes something that is broken. Let us. The Federal Government owns 32 percent of the land in the United States of America, not counting military posts, but it is broken. The purchasing mechanism is broken? I do not follow that. It does not make sense to me. I would say it is working real well.

Then this concept of any willing buyer, as the gentleman from Pennsylvania (Mr. PETERSON) said, what is this, a garage sale? Somebody has got some land and the Federal Government is obligated to buy it?

What about the vision and the question that still remains unanswered by the proponents of CARA; how much land in the United States of America should the Federal Government own? 25 percent, 30 percent, 50 percent. I would love to hear that answer from the CARA people so we can put a cap on this.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me read the amendment, it says, in effect, that notwithstanding any other provision of the act, amounts made available by this act may not be used for any acquisition of the Federal Government of an interest in lands, except lands located within exterior boundaries already designated.

It says you cannot spend the money to buy anything but an in-holding. Now, I did not argue that the government ought to have to buy every land from every willing seller who lives adjacent to a wilderness area. I simply argued if the government wants to buy it and if the Congress actually considers an appropriation and passes an appropriation under CARA to buy that property and it is not an in-holding, but it is adjacent and a willing land owner willing to sell it, that we ought not prohibit that transaction.

This amendment prohibits that transaction by simply saying that none of the funds are in CARA. Of course, Congress, if it wishes to, can change CARA, it can also amend CARA next year. It can pass a special bill changing this provision that says you can now buy in-holdings, or this particular in-holding if it wants to, but this language going into CARA says as a principle of the expenditure of these funds, that only in-holders need apply when it comes time to selling land to the government anywhere near a Federal Government reserve wildlife system or national forest service.

Mr. KINGSTON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, the point of the Peterson amendment is that it limits CARA funds, but it does not limit the ability of the Committee on Appropriations or the authorizing committee.

Mr. TAUZIN. Mr. Chairman, reclaiming my time, it is exactly what I just said, that it certainly does not limit future Congresses to change CARA. It does not limit future Congresses to make a special appropriation for an in-holding if it wants.

It sets down as a principle of law in CARA, that CARA funds cannot be used where there is a willing seller and the government is interested in purchasing the property and the Congress follows all of the steps outlined in CARA for its acquisition.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Chairman, I strongly support the gentleman's amendment. If we are going to have this $2.8 billion annually, it seems to me that the focus ought to be on the in-holdings. Obviously, there are other funds available as was brought out in the earlier statements by the Members, but the Federal Government can still purchase land if it feels it needs to, but in-holdings are a big problem throughout our Nation with the national parks, and the wilderness areas and so forth. This bill, if it is going to provide this kind of funding, it would be well used to start there.

I represent a mountainous and rural district in parts, and I can tell the Members that it would be helpful to focus on the in-holdings.

I think the gentleman from Pennsylvania (Mr. PETERSON) has made a very valid point. I think his point about getting full funding for PILT is key. We debated that issue and lost on it. We hope somehow we can get that addressed in the future, but the Peterson amendment is a good place to start. And I urge an aye vote.

Mr. PETERSON of Pennsylvania. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. PETERSON) has 3½ minutes remaining, the gentleman from California (Mr. GEORGE MILLER) has 2½ minutes remaining; the gentleman from Louisiana (Mr. TAUZIN) has no time remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I reserve the balance of my time to close.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. PETERSON) for yielding me the time.

Mr. Chairman, we just had a vote on an amendment that I offered which would have protected the property rights of those in-holders that we are talking about in this particular amendment, unfortunately that amendment was defeated. My friends voted against it. They said that the Federal Government could come in and control the land that they did not own; that they could tell private property owners what they could do or could not do with their private property, and the will of the House was that that would proceed; that we would do that to those private property owners.

Now, having voted that way, having made that decision and told those property owners that we were going to control their property, even though we did not know own it, the least we can do at that point is to approve this amendment, because this amendment now says that that is our priority, we have to go in and buy out those in-holders. We have to go in and pay those people for their land, because see we do not want to protect their property rights, we voted against that, we said we want to control them.

Now, the least we can do is pay them for the land that we are taking from them. That is the only consistent vote that we can cast now in terms of protecting those private property owners, unless, of course, we just want to say we do not care. We want to take your property; we do not want to pay you for it. We want to expand all over the country and create more in-holders and never pay for the land that we are taking through adverse condemnation.

It is a very simple amendment. It is very straightforward. The decision was made on the previous amendment. Now, I believe we have no choice but to support this amendment.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has the right to close with his time.

Mr. PETERSON of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as we conclude this discussion on this legislation, it is one thing that is obvious to me; there is no plan, there is no focus, and that enough land is not enough land for the government to own. But the Federal Government owning a third, when we combine State and local, we are close to half.

□ 2230

The strength of America has been private property ownership. We certainly have enough Government ownership.

The example I gave of the Fish and Wildlife Service will continue. They have their own pot of money. Congress somewhere along the way erred and gave them the ability to buy land without Congressional approval. And they are going to continue to do that, five refuges a year, growing them into thousands-of-acre refuges. This we to maintain.

We are building a backlog. We already have a backlog on Federal land owned from 30 to 50 billion dollars. And we just wink at that and we take every nickel and dime we have to buy more land, as if we do not have enough public land.

Now, we may not always have the right land, because we do not want to trade. We do not want to have no net gain. This body has resisted anything that would bring common sense to this legislation.

I urge my colleagues to think seriously that, as we obligate the taxpayers of the future, we ought to focus on what land is appropriate, and inholdings seem they ought to be first, and when we complete our inholdings we can change it and do something else, but we ought to complete what we start, we ought to inventory what we own, how much it is going to cost to maintain it, and we ought to pay for it and we ought to pay our taxes before we buy another acre of land that is PILT.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment.

Mr. Chairman, this kind of simple prohibition simply is unworkable and takes the thought processes out of setting priorities and making determinations about different values, about different emergencies, about different situations.

The fact of the matter is very often we buy some private property to relieve pressure on other private property owners. We know that a number of endangered species problems have been solved because the Federal Government was able to aggregate some areas for protection that then freed up other landowners so that they could put their lands to the productive use or the changes or whatever that they wanted to participate in. So now we would say, no, they cannot do that.

We know very often that we buy property sometimes because it threatens the values and the purposes of the national preserve, whether it is a park or whether it is the forest. We buy some lands so that we can then swap those lands for some other lands that private property or a city or a county wants to put to use. They want us to buy certain lands and swap different lands with them.

Those are all determinations made by elected officials at local levels and in the Congress and in the Senate and city council members. They use their judgment.

Yes, there is a backlog. But let us not pretend like this Congress has been working it off recently, because the Congress has not funded that. But we should not take away those kinds of determinations.

Under this thinking, what they would say is that they could not build three fighter planes at the same time or they could not build a new class of submarine until they finished the old one.

No, we have different situations that emerge in the running of this Government; and the fact of the matter is that we make determinations and we use our best judgments. And so, now they want to say that they can only use this money for inholdings. But, in fact, if an emergency comes up or they have to protect a Federal asset, then they have to go through a lot of rigmarole.

The fact is that this system has worked very, very well. Because we have purchased inholdings. We have purchased lands contiguous to these lands where we think they have a particular value or in some cases where landowners want out because they want to do something to the land, they want to go into some other business and the Federal Reserve is inconsistent with that.

These people use it. They do not run around willy-nilly. Most of these purchases from the Land and Water Conservation Fund are made because Members of Congress go to the Committee on Appropriations and ask that they be made.

Every year we trudge down there, we send letters, we get all the people in our delegation to sign them. And they come from both sides of the aisle, and they come from most of the Members who have spoken here tonight asking for the Federal Government to buy these lands. And they want to posture and put a straitjacket on these Federal agencies so they cannot provide the kind of stewardship that the Nation's lands deserve.

I ask for a no vote.

The CHAIRMAN pro tempore (Mr. PEASE). The question is on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. GEORGE MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Pennsylvania will be postponed.

It is now in order to consider amendment No. 10 printed in House Report 106–612.

### AMENDMENT NO. 10 OFFERED BY MR. CHAMBLISS

Mr. CHAMBLISS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHAMBLISS:

Page 19, line 3, strike "without further appropriation" and insert "subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 30, line 12, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year

2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 48, line 8, strike "without further appropriation, in each fiscal year" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 56, line 6, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,".

Page 63, line 5, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 64, line 17, strike "without further appropriation" and insert "subject to appropriations for fiscal years before fiscal year 2005 and without further appropriation for fiscal year 2005 and each fiscal year thereafter".

Page 70, line 10, strike "without further appropriation" and insert "subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 71, line 20, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Georgia (Mr. CHAMBLISS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a bill that addresses the concerns of a number of my colleagues, along with myself, have with respect to a budget issue with this bill.

CARA sets up mandatory funding mechanisms whereby $3 billion in mandatory spending is annually taken from the Outer Continental Shelf revenues to the various programs and it goes to the various programs under the bill.

This means that if the requirements are met under each title of the bill that that money automatically goes to the State, the grantees, or whoever the recipients may be in the form of mandatory spending. The appropriators would play no role in controlling how a vast amount of the money is spent unless this amendment is adopted.

Now, the problem with the bill is that it requires this $3 billion in mandatory spending and 4 weeks ago we adopted a budget that simply makes no provision for this $3 billion.

Now, if this bill becomes law as currently structured, the amount of debt paid down or available for tax relief as assumed by the budget resolution will be reduced by this $3 billion every year, or roughly $15 billion over 5 years. Such a bill is at odds with the budget resolution that was adopted 4 weeks ago.

Now, my friends, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Louisiana (Mr. TAUZIN), who are my dear friends and my hunting buddies, they have done a great job of putting this bill together and bringing in an awful lot of folks in support of this bill. I think the bill is a good bill and I think, with some addressing of concerns, we are going to make it a better bill.

As they know, my amendment does not gut the bill. My amendment simply ensures that we are consistent with our budget resolution. This amendment makes sure that the integrity of the budget process is protected, because the ink is not even dry on the budget resolution and already we are trying to unravel some of the key commitments and assumptions that are laid out in the budget resolution.

It is not like we are not going to be able to fund the provisions of this bill if my amendment is adopted, because all we are saying is that the appropriators will have to deal with the funding in this bill because there is no provision for it in the budget. It would go through the normal appropriation process.

In our budget that we did adopt, over the next 5 years, we have approximately $1 billion in Function 300, which is the resources provision, that is available for funding programs that are included within CARA.

Then starting in the year 2006, the bill moves forward just as laid out in the base text today; and that will, thus, give us time to make plans for the spending of this money.

Now, I appreciate the fact that my friend the gentleman from Alaska (Chairman YOUNG) took the off-budget language out of the bill in his managers amendment. Now, that somewhat helped improve the situation, but it did not resolve the budget issue. Because when we take it off budget, then that means that it is subject to the budget law, which means that we are subject to pay-go rules, we are subject to sequestration rules, and that we have got to have either offsets or we are going to run into those sequestration rules.

Now, as I have said, the bill addresses that problem by simply shifting the year in which the mandatory spending begins from fiscal year 2002 to year 2006. After that, then we can fit it within the budget resolution, hopefully. At least we will be able to plan for that.

If my colleagues are conservation minded and want to support the bill without gutting it, this is a good amendment. If they are a fiscal conservative and care about maintaining the integrity of the budget process, this is a good amendment.

I urge the adoption of the amendment.

Mr. TAUZIN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GEORGE MILLER) for the purpose of controlling the time.

The CHAIRMAN pro tempore. Without objection, each of the gentlemen will control 5 minutes.

There was no objection.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, CARA is financed from the receipts of the Outer Continental Shelf oil and gas production. It is not coming out of general revenues. Since the inception of that OSC program, Congress always intended that a portion of these receipts would be reinvested in conservation purposes through programs like the Land and Water Conservation Fund.

Now, I do not know if my colleagues are aware of it, but there are nearly $13 billion now in the Land and Water Conservation Fund and over $2 billion in the Historic Preservation Fund in unappropriated balances that already have been authorized by Congress.

Congress has fully intended to do this. We just have not been doing it. And the source of the funding has always been intended for this purpose. It has just never been spent. Well, not all of that after all.

We are talking about a total program that costs about 2 cents out of every $100 of the Federal budget. And Congress has been, in fact, spending a good portion of it in. In fiscal year 2001, for example, there is a $1.4 billion request in the administration's budget. That is half of this program right there.

In other words, we are talking about one penny out of every $100 of Federal spending, a minimal effect on the budget, but a maximum effect on the purposes of this act if this amendment is adopted.

Now, the gentleman from Louisiana (Mr. JOHN) and I come from a State that is losing 25 square miles a year. That is 125 square miles in the next 5 years that we are going to have to endure that is in our district gone every year while we wait for somebody to recognize that the OSC obligation is real and ought to be funded and ought to be provided for.

Now, in the next 5 years, interior States are going to receive the 50 percent allocation from interior production on lands located in their States. I do not see them suspending that because of the Budget Act. I do not see them telling us do not make those mandatory spending allocations to interior States, States that have been collecting billions and billions of dollars for Federal Reserve production on Federal land in interior States.

But they would tell the coastal States they have to wait another 5 years before they get any help, they have got to wait another 5 years before the lands located right adjacent to their State that produce all this revenue for the Federal Treasury, not in general funds but in OCS funds, are not used for the purpose Congress said they intended them to be used when the program was started.

No, this amendment is just basically unfair. It says, let us not fund this extra penny out of the $100 that we spend on the Federal accounts to do what Congress said we ought to do a long time ago and to begin remedying the wrong on these coastal States that have endured and sacrificed in order to produce those billions and billions, $127 billion, to their budget efforts.

This amendment ought to be defeated.

The CHAIRMAN pro tempore. Without objection, the gentleman from New Mexico (Mr. UDALL) will control the time allocated to the gentleman from California (Mr. GEORGE MILLER).

There was no objection.

Mr. UDALL of New Mexico. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, there is a pretty incredible story here tonight. I think of how the Congress has acted in the best interest of the American people. I want to congratulate the gentleman from Alaska (Chairman YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking member, on how they pulled together what were two very different, divergent bills. It took the leadership of both of these gentlemen, working long and hard over 30 hours with Members and testing I think all of our patience. These were very tough-minded sessions, no doubt. We listened to each other, and I think we really acted in the best interests of the American people.

But what this amendment does here this evening is delay funding until fiscal year 2009. And so, what we are talking about, as the gentleman from Louisiana (Mr. TAUZIN) has said, is $13 billion, $13 billion that was spent from the fund and other places and who knows where. But this one amendment would make us wait once again.

The programs that need to be funded now are important programs. They are programs that need adequate funding in this fiscal year. Park plans, farmland, open space are under tremendous development pressure now. Coastlines and marine resources are highly stressed now. Wildlife need habitat now. Inner city kids need recreation areas now.

□ 2245

Why would we want to wait until the 109th Congress to fund these programs?

I think it is about time that we move on with the legacy that Teddy Roosevelt talked about when he talked about conservation and when he set such a great example. He said at the time, and I quote, of all of the great questions which can come before this Nation short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us. That is what I think those of us that are supporting CARA are trying to do under the leadership of the gentleman from Alaska and the gentleman from California. This amendment would gut that effort, it would delay the funding, it would set us back in terms of urgent needs.

Mr. Chairman, I reserve the balance of my time.

Mr. CHAMBLISS. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the distinguished ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, I flatly disagree with those who say we do not need substantially more land acquisition. We are going to have 35 million more people knocking on the doors of national parks in 10 years and we need to buy a lot more land in order to preserve it for posterity. But I also support this amendment.

I am uncomfortable being here. I do not like to oppose my friends, and I do not like to be standing in the way of this legislation. But I think there are some substantial problems with it. The Federal Government has the responsibility to take care of our national parks and our national forests and our national wildlife refuges in dealing with national environmental priorities. This bill takes almost $3 billion of national resources and locks them into a handful of projects, many of them focused on dealing with State parks, State forests and State priorities.

Every year for the next 15 years that money is steered to acquisition of land, to specific wildlife programs, to coastal environmental projects. Those programs are good, and I strongly support them, but they are not the only priorities we have as a Nation and they are not even the only priorities we have on the environmental front. They are important to me, but they are not any more important than is education or health care or some others.

I do not understand why we are taking Federal money and using it to fund State priorities when many of our States have been running budget surpluses. I did not come here to be my governor's tax collector. I came here to deal with responsibilities that could not be dealt with at any other level of government. I simply do not believe in insulating even my favorite programs from congressional oversight for 5 years. I believe in a much larger land acquisition program. But I do not put land acquisition ahead of other priorities like education and health care.

I want to make it very clear, I will work to the fullest extent of my ability to make land acquisition a much higher priority of this Congress. But I will not support the idea of making it an exclusive priority. That is not fair to other environmental problems, it is not fair to our other national obligations. We sit here and see, for instance, that half of our national wildlife refuges have no staff. I do not think that we should make it more difficult to correct that problem by something we do tonight on this bill.

I congratulate the gentleman for his amendment. I think it is a responsible middle ground. I intend to support it when we vote on it tomorrow.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment. I also rise as an appropriator. I hate to dispute my own chairman on this and my ranking member, but I think we forget where this money comes from. It also comes from sale of public resources. The oil and the mineral rights under the land owned by the public is sold and the revenues therefrom have been promised to the people of the United States for the history of this legislation. Only we in Congress have never fulfilled that promise. We have collected the money, we have promised it would be spent for these purposes and we have withheld it to use for other things. The same kind of argument we hear with the Social Security and other things.

Now, this is not the only program where we have devised a formula to give moneys to States and local governments. We also do that with community development block grants. That is Federal money. We give it out there without a lot of strings attached. Look at what we do in transportation. The national Federal sales tax on gas sales at the pump, we collect that money, and we block-grant it back to States and cities and counties.

It seems to me, if we adopt this legislation, what we are denying is a promise made to the people of the United States that the funds that we collected would be used for preservation of farmlands, would be used for improvement of camping facilities, would be used to help inner cities buy parks, would be used for habitat protection, would be used to enhance that growing America that is demanding recreational resources. This amendment continues to deny the promise made. That promise is that these moneys would be returned to the people in a way that they could enjoy the natural resources. It is a bad amendment. As an appropriator, I would argue against it.

Mr. CHAMBLISS. Mr. Chairman, I yield myself such time as I may consume.

What my friend apparently does not understand about this amendment is that we are not saying we do not carry out every single provision in this bill, all we are saying is that we need to be consistent with the budget resolution and be fiscally responsible and take the time to allow the administration and Congress to work on a plan to find the funding for it.

Now, this funding, the source of this funding that was intended in 1953 when these revenues were first found and generated were to go into the general treasury. They have been in the general treasury from 1953 into the 1970s, I think is when they were taken out and dedicated for other purposes. But in any event, it gets back to the point of we have got $3 billion in mandatory spending.

I spoke in favor of the bill earlier today, because I think the bill is a good bill. But the funding aspect of it needs to be better planned for than what we have done within the framework that we are operating under tonight. All I am saying is that we need to take the time and be judicious and find the $3 billion to fund it rather than being inconsistent with the balanced budget resolution that we passed 4 weeks ago.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. PEASE). Without objection, the gentleman from Alaska (Mr. YOUNG) will control the time remaining of the gentleman from Louisiana (Mr. TAUZIN).

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

In respect to my good friend, the gentleman from Georgia (Mr. Chambliss), I have to keep reminding everybody that this is on-budget. We did do that. This is money that we have collected for this program that has not been spent. I frankly, as one of my biggest loves, is for fish and wildlife do not want to have them wait for 6 years. I think that is a terrible, terrible blow to this bill.

If you believe in conservation, if you believe in the establishment and protecting endangered species that are endangered or will be endangered if we do not act these next 6 years, there will be a lot of areas shut down. I honestly will tell you, I think this 6 years would be a terrible detriment. I did request from the leadership prior to this bill before the budget was acted on to have this included. That was denied. They said, "Don't worry about it. We'll make sure if the bill passes that the money will be there some way."

If we pass this bill, which I hope we will, we will find that money. This bill will go to the Senate. The President has a plan of his own. We have a plan of ours. Eventually we will reach a solution. But to have us wait 6 years, in fact, will defeat the purpose of the whole bill. Animals will not be around. The parks that these kids need will not be there. The crime rate will rise. Lands that were destroyed by the government on Indian reservations will not be reclaimed. Farmers that want to remain farming will not be able to farm because they will not have the easement provisions. Coastal States that are losing acres of land every minute will not have any recourse. Six years from now, probably most of us will not be here, in all due respect. I will be because I am going to be chairman of another committee. But I am just suggesting that to wait 6 years is a bad precedent to be set. I urge the gentleman to consider that. Keep in mind this process is begun. Let us finish it.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of this amendment. The base text of this legislation would create new mandatory spending for: impact assistance to coastal states; Conservation and Reinvestment Fund activities; wildlife conservation and restoration activities; Urban Park and Recreation Recovery Program activities; Historic Preservation Fund activities, Federal and Indian lands restoration activities, Farmland Protection Program activities; and endangered and threatened species recovery activities. The currently authorized version of these programs are funded through annual discretionary appropriations.

Without getting into the merits of the authorizations, the funding mechanisms included in this proposed legislation would represent a huge increase in backdoor spending if it were adopted by this House. The amendment before us would return the funding for these authorizations to discretionary appropriations for fiscal years 2002 through 2005. This is the right way to approach funding these activities, and this amendment should be adopted.

Establishing mandatory spending for these activities is exactly contrary to what this House has been attempting to do in getting control of the runaway spending of the past and establishing controls and priority setting mechanisms for all spending. Mandatory spending should only be used for programs whose needs are paramount and nearly absolute. Even though many activities are funded by trust funds or other direct revenue sources, this is not justification to pass through these funds to program beneficiaries year after year without annual review.

For those of you that think that the programs in this proposed legislation deserve funding compared to other discretionary programs, there is a way to make that happen. It's called the appropriations process. It's the best priority setting mechanism in the government. It reflects better than anything else the annual spending priorities of Congress. For those of you that say the overall discretionary levels are too low to accommodate funding these programs, there is a way to address that. It is called the congressional budget resolution. If you think the overall level discretionary level is too low, you can make your feelings known in the budget resolution process.

For those of you that think the discretionary levels are about right but you want these activities funded anyway, you can put pressure on the appropriations process to do so. But, it would be extremely inconsistent with the established budget process to create this type of new mandatory spending while supporting tight discretionary spending.

This mantra of "unlock the trust funds" has got to be recognized for the bad budget process that it is creating. One of the reasons that we have trust funds is so that we can review the spending needs placed on them, not so that there is just an automatic pass through mechanism. They are trust funds, not revolving funds. The people that pay the money into them need to be reassured that the Congress is continuously reviewing spending priorities. It is the rightful purview of Congress to decide to reduce or increase trust fund spending as it sees fit based on priorities, not based on the fact that the revenue source is a trust fund.

Without the fixes proposed by this amendment, this is bad legislation. Members shouldn't think that this is a free vote to support your particular program interest and ignore the financing mechanism. Don't think that the budget problems will get sorted out later. There is a very bad track record being developed in that regard. Don't think that the Senate or the President will do the right thing later even though we won't now.

Mr. Chairman, the fiscal year 2001 appropriations process is getting into full swing. We have a lean overall allocation. We will be bringing lean bills to the floor. We will have high priority needs that those bills won't be able to fund. It just seems to me that if we defeat this amendment and allow new mandatory spending at the same time we are trying to establish priorities on a discretionary allocation, things are out of whack. That would be an insult to the process. We need to adopt this amendment and get back to a rational priority setting system.

Vote "yes."

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CHAMBLISS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS) will be postponed.

It is now in order to consider amendment No. 11 printed in House Report 106-612.

### AMENDMENT NO. 11 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. CHENOWETH-HAGE:

Page 23, in line 18, strike "except that a coastal political" and all that follows down through line 3 on page 24.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs.

CHENOWETH-HAGE) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself such time as I may consume.

This amendment strikes a provision in title I of the bill which treats one county in California not eligible to receive impact assistance as if it were eligible to receive funds. The actual effect of this amendment is somewhat complex and obscure, but its premise is basic. No county or other governmental entity should receive a special carved-out privilege when it is not eligible to receive funds in the first place. So to do so would establish an unprecedented mandatory line item for one county in one Congressman's district and quite frankly, this is irresponsible legislating.

Mr. Chairman, the county in question is Contra Costa, California, and is more than 200 miles from a leased tract for oil drilling, making it ineligible otherwise for funds under title I. However, H.R. 701, as strange as it is, provides a special exemption to one California political subdivision which has one or more oil refineries, treating it as if it were only 50 miles from a leased tract. The provision violates the very intent of title I which is to provide impact assistance for mitigation of offshore oil drilling. In short, there is no real reason for this provision other than to establish a very special porky cash flow specifically for one county in California.

But, Mr. Chairman, this provision also exemplifies the underlying problem with this bill. It establishes a massive fund, taking from revenue which would normally be allocated by Congress and specially designates money to a select few while at the same time empowering government to impose its agenda on others. This is not how we should legislate in this body. This is not how our Founding Fathers intended for us to handle the power the people have given us, the power of the pursestring. I urge the House to adopt this amendment which restores some fiscal sanity to this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

First of all, let me state that Contra Costa County, which I represent is, in fact, qualified as a coastal county. The issue was whether or not they got that portion of funding under the legislation that dealt with the burdens, and the question there was the proximity. As the gentlewoman points out, this is not proximate to the production of the oil, but the fact of the matter is it is the home to six oil refineries which produce all of the various products from offshore oil that is drilled in California, Alaska and elsewhere. This is an area of the country that has been impacted by explosions, by leaks, by toxic leaks, by toxic pollution and so it is a part of the cycle, if you will, of developing energy in this country that goes from exploration to refining to marketing.

□ 2300

Because it happens to be located in one central area that is not on the coast, and the reason it is not on the coast is because it is on the bay in the deep water harbor. Otherwise it would be on the coast like in Los Angeles, Long Beach or elsewhere. It ought to be treated the same, because the citizens are there, and this is what the offshore oil revenues were about, was to deal with mitigation of burdens that communities suffer as a result of that kind of activity. Here are all of the press clippings of all of the explosions, all of the toxics spills, all of the spills in the bay, the ships that have run aground, the barges that are broken open, the pipelines that have broken open, and this is just simply to provide the same kind of resources that a county would get if we had production and it was that proximate.

Mr. Chairman, that is the purpose of it. I think it is clearly justified because so much of the West Coast and the Alaskan oil is, in fact, refined in this one county of California. So I would urge a defeat of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, now we peek behind the curtains of the back room of the great CARA brain trust and we find, behind the platitudes of all of this fairness and this need for consistency which seems to be driving CARA, we find a special interest exemption for one particular county in California. How curious. How curious that we keep hearing the need for CARA is for consistency, to get away from politics, and yet we find one county outside the 200-mile limitation, cut out a special little special interest, a cherry stem. Let us bring it in.

Well, this is one of the problems with CARA. It is a bill, and it is probably full of other sweetheart deals for counties. Yet, under their own CARA rules, if CARA was such a big deal, such a great bill, such a consistent bill, such a fair bill, why would we need to have a special little cherry stem for a county. It does not make sense. If this county deserves special emergency or Federal funds or assistance, then let it come out in the daylight, not in some little amendment. Let them go through the appropriations process, the authorization process.

Mr. Chairman, I think that that is just typical of what the whole bill is full of, particular little special interest things. We have had the opportunity to peer behind the curtain and see what is really going on.

We keep hearing this bill is so good for the States. Well, California is one of those States with a $3 billion surplus. Yet, under CARA, we are going to send them Federal tax money, and as the gentleman from Wisconsin (Mr. OBEY) says, we are the national Congress, we are not the State of California Congress. It is our job to look after the national picture, not special interest in California. Let the California legislature, with its $3 billion surplus, spend money on the needs of this county.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I thank the gentleman for yielding.

I want to suggest two things. One is, I know this county: I was raised just about 75 miles above it. It was one of the larger refinery areas that refined oil. They have lost a lot of those refineries. They have 2 major refineries left, and I will be right up front with everybody, they happen to refine Alaskan oil. That gasoline that is produced is really burned in the State of the gentlewoman that is offering this amendment. If we think gas prices are high now, we should just try driving those refineries out of that area.

It does not increase the amount of money for California. It does allow monies for this area; it is heavily impacted. Like the gentleman mentioned, now that California has different areas along the coast, some of the refineries are right on the coast, this happens to be about 75 miles inland or a little further.

So I want to suggest that the amendment is aimed towards the gentleman from California (Mr. GEORGE MILLER), there is no doubt about that, but the justification I do not think merits the offering of the amendment.

I believe that the area which is identified in this amendment is an area that is highly intensified by refineries and should get some of this impact money.

Now, as far as California having a surplus of $3 billion, I have heard this over and over and over again, States having surpluses. Are we going to condemn the States that have surpluses because they have managed their money well? The money that comes from this bill comes from the Gulf States or for specific reasons that should be spent. I believe, very frankly, we ought to commend the States that have the surplus. I thought this was a Republican policy, to make sure those that reward themselves and work well should be rewarded, not those that do not. So I am a little bit confused by the offering of this amendment, when it would not, in fact, address the issue of an impacted area.

The CHAIRMAN pro tempore (Mr. PEASE). The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 30 seconds remaining, and the gentleman from California (Mr. GEORGE MILLER) has the right to close.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself the remaining time.

I did not mention that this bill had to do with a county in the gentleman from California's district, but the fact is that there are many counties throughout this Nation that are on their knees for one reason or another, but they do not ask for, nor do they receive special treatment, special pork treatment like this county is receiving. It is pure pork, it is the kind of legislating that Americans dislike, and it leaves a great distaste in the hearts and minds of the American people to see this kind of special interest legislation.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

I would say this is not about pure pork, this is not to be hidden. The gentlewoman should have stood up when she opened her remarks and said that it was aimed at me and then everything would have been on the table, but we have discussed that.

Many people in this county would be happy to be rid of these refineries. We have had hundreds and hundreds and hundreds of people go to hospitals; we have had millions and millions of dollars in lawsuits. But the fact of the matter is, that is where the refineries are. We could never locate them in any other part of the United States and that is why they are treated as an impacted area. If they were on the coast, they would be treated as an impacted area. They are 30 miles from the coast on San Francisco Bay, so they are not treated as an impacted area, and this is to treat them the same as we would treat refineries in Long Beach or southern California or Louisiana or Alabama or wherever. If my colleagues do not think this is a coastal area, this is where the Naval base is. This is a coastal operation.

If my colleagues want to take a potshot at me, they can take their potshot. But the fact of the matter is this is about an impacted area from offshore drilling; this is about an impacted area where many, many, many accidents have taken place. That is part of the price we pay for energy development in this country, and I ask for a no vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) will be postponed.

It is now in order to consider Amendment No. 12 printed in House report 106–612.

### AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF WASHINGTON

Mr. HASTINGS of Washington. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. HASTINGS of Washington:

Page 31, after line 24, insert:

"(3) APPORTIONMENT FOR MAINTENANCE.—Not less than 50 percent of the Federal portion shall be used by the Secretary of the Interior and the Secretary of Agriculture only for purposes of carrying out maintenance operations on Federal lands managed by such Secretaries.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Washington (Mr. HASTINGS) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Mr. Chairman, I ask unanimous consent that the gentleman from Ohio (Mr. REGULA) control half of my time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself such time as I may consume.

I rise in support of this amendment that is offered jointly by the gentleman from Ohio (Mr. REGULA) and myself.

As the last several hours in this debate have made clear, fewer issues inspire a more contentious debate in this Chamber than Federal lands policy. There is, however, one aspect of the Federal lands policy on which I believe every Member of this House can agree. We simply must do a better job of maintaining our national parks, our wildlife refugees, recreation areas, and our national forests.

Our constituents know, and so do we. Every one of us have heard about families from our district that have visited these natural resources and found shabby facilities and deteriorating conditions when they arrive at these places that are, in many cases, the crown jewels of our park and recreation system, this legacy that was entrusted to us by past generations.

Yet, tragically, Mr. Chairman, the unfunded backlog of deferred maintenance work in this country at these facilities has reached the tens of billions of dollars.

□ 2310

As a matter of fact, it is growing every year. Just 2 months ago, on March 21, this House voted 392 to 2 to underscore our concern about this backlog. Unfortunately, that vote was largely symbolic because it was a House Resolution and it committed no actual funds to address this problem.

Tonight by voting for the Hastings-Regula amendment we can back up our rhetoric with real resources. Our amendment would provide a dedicated funding stream to meet the maintenance needs that have been deferred for too long, and it would do so without adding one penny to the bottom line on this bill.

Simply stated, our amendment requires that for every dollar spent from the Federal share of the Land and Water Conservation Fund to purchase land, $1 must also be spent to maintain the lands that we already own. After all, to me it is just common sense to stop buying more of something unless one is ready to maintain what they already have. The Hastings-Regula amendment makes it possible to do both.

Our dollar-for-dollar approach is a simple, straightforward, and balanced approach to at least one problem that the American people really do think that the Federal government should address. Whether one is from the East, West, rural, or urban areas, the public has consistently ranked maintaining parks and recreation facilities among the top priorities for public funding.

Tonight let us show our constituents that their priorities are our priorities. Mr. Chairman, no Member of Congress has worked harder on this than the gentleman from Ohio (Mr. REGULA). I am honored that he joins me in this endeavor. I am sure his remarks will explain much better than I can the need for this.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Alaska (Mr. YOUNG) is recognized for 10 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as much as I respect my good friend, the gentleman from Washington (Mr. HASTINGS), this bill does what he asks to do.

Last year, the ratio was 3 to 1, $3 for every $1, $3 for every $1 spent for purchase. If we are not doing this job as we should be, it is the appropriators' fault. If they appropriated the money as they should have from the monies that were derived from offshore, we would not have this problem. But it has not been done. It has not been done.

Under this bill, we put $200 million additional maintenance into the program for the maintenance. So really, this amendment is not necessary. It is really not necessary, unless one wants the appropriators to do all of the work. If they want the appropriators to make the decision, then support the amendment. If one wants appropriators writing legislation, then support the amendment. If we want the appropriators running this House, then support the amendment.

The appropriators have been making legislative action every end of the session without any through-put through this Congress, without anybody having anything to say about it, without going to the authorizing committee. Those who voted for last year's final bill voted for $600 million, and the year before that, $420 million, and the year before that, without any through-put from the authorizing committees.

In this bill, though, we say okay, if they want maintenance, we will give them an additional $200 million for maintenance. That is not appropriated. It should have been appropriated, but it was not appropriated. Three to one, though, for maintenance. If we have a backlog, it is because the appropriators did not use the money for the maintenance part.

I am going to suggest that although the amendment sounds good, we recognize the maintenance problem in this bill. We recognize the need to take care of our parks and refuges. We added $200 million. If Members adopt this amendment, they are back where they started from, $450 million, just about where we were last year. We are letting the appropriators run the program. I do not think that is what this Congress wants.

I do not have any particular fight with the appropriators, other than the fact that they missed the idea that the authorizers also have a role in this body. Does anybody know what the money was spent on last year? No. Did they come to us and ask us? No. It was given to the President.

I say, maintain them, yes. We are going to do that. But let us use this bill, with the additional $200 million. If we do not defeat this amendment, we are going to end up right back where we were last year with no maintenance, other than about $450 million. If that is what Members want, then fine. If they want their parks to fall apart, fine, or refuges not to be maintained, fine. I do not think Members want that.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I regret that I do not have a copy of the letter that I received from the chairman of the authorizing committee last year requesting me to put in a number of authorizing provisions in our bill, since he seems to feel that we abused that privilege. But I am pleased that he feels we should address the backlogged maintenance. It seems to me if the gentleman is saying he wants three to one, he certainly should be supporting this amendment, which is only one for one.

All we are saying in this amendment is that as we buy land, for each dollar we spend on land, we should spend $1 on maintenance. Certainly that makes a lot of sense.

Here is the list: The National Park Service, $3 billion: toilets that do not work, roads that are not safe, bridges that are not safe, campgrounds that are not safe; Bureau of Land Management, $100 million; Fish and Wildlife, $790 million; the Forest Service, $8.9 billion.

Yet, all of these agencies, and particularly the Forest Service, they have tripled the visitor days of the Park Service, and look how this maintenance has been neglected. We have been working at it, but if we take the money away from the Committee on Appropriations, they are not going to be able to address this. The amount the gentleman provides does not help to solve the problem, because we will have many other demands that will be made on the money available to us.

What I want to read is a poll that was done by Vox Populi Communications. They did a poll on CARA. I want to read just one paragraph: "Even more adamant," and this is speaking of the people who responded, "Even more adamant was the opposition to new land acquisition and park creation in the face of a massive maintenance backlog. Simply put, by more than six to one, voters want the maintenance backlog addressed before more money is spent on acquiring additional lands or creating new parks. This desire to address present needs was consistent across gender and party lines, and even Gore supporters saying that we needed to work on current problems before buying more land."

Yet, this bill would propose us to buy more land. It proposes to give the States money, free money, that they can spend as they choose. We keep hearing a lot about how this will enhance the resources. Maybe it will, maybe it will not. We do not know what the States will do with it once they get it. They are not that restricted under the terms of this bill.

As the gentleman from Wisconsin pointed out so very eloquently, our responsibility is to take care of the 379 parks, the 200 million acres under the Bureau of Land Management, the probably almost 150 million acres in the Forest Service, and all the refuges. We created something like five last year, 30 in the past several years.

We have an enormous backlog of maintenance, but we cannot do it without having money available. The bottom line of this bill is that it is going to take that money away, it is going to send it out to the States, and leave us with the lack of ability to meet these very significant needs.

It seems to me as responsible government at the very minimum, if we are going to buy more land, as the amendment proposed by the gentleman from Washington (Mr. HASTINGS) would provide, for every $1 we spend on land, let us spend $1 on maintenance. It makes a lot of sense in view of this $13 billion deficit. Those are safety issues. Those are the enjoyment.

Go to a park, and as it was in Yellowstone, one of the campgrounds is closed because of lack of maintenance of the sewer system.

□ 2320

That could be repeated many times over. So at least with this amendment, we get a beginning and we make sure that we are balancing off land acquisition with maintenance.

I urge support for this amendment. And in view of the gentleman from Alaska (Mr. YOUNG) endorsing the idea of maintenance so emphatically, I would hope that he would be very supportive of this amendment because he believes in maintenance.

Mr. UDALL of New Mexico. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from New Mexico.

Mr. UDALL of New Mexico. Mr. Chairman, my understanding is that in the last 5 years, while the gentleman from Ohio (Mr. REGULA) has chaired the subcommittee, that the appropriations for maintenance have been $54 million below the President's request; is that correct?

Mr. REGULA. Mr. Chairman, reclaiming my time, we have been below the President's request for, overall, a billion dollars because he requested but did not provide any money. But I would also point out that if the gentleman will look at the last time the minority party was in control, we have increased maintenance very greatly.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 3 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I must rise in vigorous opposition to the attempt of the gentleman from Washington (Mr. HASTINGS) to cut one leg off a two-legged bill, because a 50 percent reduction in this acquisition, I think, cuts against three very important principles.

One, I would allude to some basic American values that are inscribed in the bar of the House. And if my colleagues have never come down to take a look at them, they ought to sometime. Starting on the left, those basic American values are peace, liberty, tolerance, and justice. And the one we are talking about tonight is union. Because in a very rare display of bipartisanship, we have crafted a union of people across party lines and ideological lines that is embodied in this bill.

Mr. Chairman, this amendment will dismember that union that has been so carefully built and vigorously built under the leadership of the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), the ranking minority member. We ought to stay with this bill as it is. It is a union and it ought to pass.

The second rule that is being violated by this amendment is one of physics, the rule pavement does not wait. Concrete does not wait. It does not wait for Congress. It will not wait if we cut 50 percent out of the acquisition funds of this land. That land will be gone. Ask what would have happened in the days when Yellowstone was considered by this Chamber if this Chamber missed the opportunity to save Yellowstone National Park from the Coney Islands that would have been built up along the geysers if we decided not to make that acquisition because, in some way, the Committee on Appropriations had not previously appropriated enough for maintenance somewhere. Imagine if we missed that opportunity. Pavement and concrete do not wait.

Third, I just want to say that we talk a lot about the Grand Canyon and Yellowstone Park, but I want to suggest those are the grand jewels of this country. But there are little jewels in every district in this country that need acquisition today. I went to the Grand Canyon last week. I took Friday off. Do not tell anybody. I went down to the Grand Canyon. The first time I have been there.

Mr. Chairman, Teddy Roosevelt was right. He said every American should go to the Grand Canyon before they die. But there is a little place in my district on Bear Creek where the water pools underneath the cedar trees and the salmon used to spawn that if this amendment passes, the salmon will never spawn again because we will not preserve that little tiny piece of the Creator's handiwork, and that little jewel of this country, which will never be a Grand Canyon and may be known only to my neighbors will be gone.

Let us act tonight for union, let us beat the pavement and let us protect all the little jewels that deserve protection in this country.

Mr. HASTINGS of Washington. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Washington (Mr. HASTINGS) has 2 minutes remaining. The time of the gentleman from Ohio (Mr. REGULA) has expired. The gentleman from Alaska (Mr. YOUNG) has 1½ minutes remaining, and the gentleman from New Mexico (Mr. UDALL) has 2 minutes remaining.

Mr. HASTINGS of Washington. The gentleman from Alaska has the right to close?

The CHAIRMAN pro tempore. Yes.

Mr. HASTINGS of Washington. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, on March 8, 1964 The New York Times ran the following editorial:

> Behind the effort to enact the Wilderness bill and the Land and Water Conservation Fund bill—the two most vital pieces of conservation and recreation legislation before Congress this year—is recognition of a dread alternative: once the primeval lands fall under the bulldozer's blade, they are forever lost. . . . Secretary of the Interior Udall has rightly called these bills "pieces of landmark legislation which will be remembered for years to come."

My father is still right. The Land and Water Conservation Fund Act as well as the Wilderness Act is still remembered. And, I believe it is as important today as it was when he was Secretary of the Interior.

I will let you in on what I think the secret is to the continuing importance of the Land and Water Conservation Fund. My father and others working on this bill were successful because these initiatives were the result of bipartisan input that looked ahead to the generations yet to come. Even the idea for creating a Land and Water Conservation Fund came from a bi-partisan commission. On Lawrence Rockefeller's Outdoor Recreation Resources Review Commission were: four Senators, 2 Democrats and 2 Republicans, four Representatives also split 2 and 2, and 7 presidential appointees including groups as diverse as the Wilderness Society and the American Cattlemen's Association.

This bi-partisan foundation translated its work into sound proposals and Congress then passed the Land and Water Conservation Fund Act with virtually unanimous support.

In the year 2000 we need to pass that secret along. As you well know, H.R. 701 is sponsored by both Chairman YOUNG and Ranking Member MILLER and has broad bipartisan support in the House. This gives us the opportunity to take the secret of the 88th Congress' success and demonstrate that the 106th Congress can also work together to pass landmark legislation.

Because they had joined with each other in a meaningful, bi-partisan dialogue, individuals like my father and his colleagues were able to leave all of us the invaluable gift of protected wildlands and wildlife. It's now our turn as the heirs of their generation to do the same thing for our children.

The Land and Water Conservation Fund has helped all of us in our respective states by protecting invaluable lands and resources. For example, in my district in New Mexico over $25 million in federal and $10 million in state funds have been awarded for some of the following projects:

FEDERAL FUNDING

Chaco Culture National Historic Park.
Bandelier National Monument.

STATE/LOCAL FUNDING

Chama—Chama Playground.
Las Vegas—Rodriguez Baseball Park.
Raton—High School Recreation Park.
Zuni—Recreation Park Development.
Gallup—Red Rock Campground.

As you can see from these examples, not only are the provisions of the Land and Water Conservation Fund aimed at helping support federal projects, they also help much needed state and local programs.

That is why I support CARA and invite all of my colleagues—regardless of which side of the aisle they sit—to participate in this legislative effort.

As I conclude, I'm reminded of John Chafee who loved to quote Teddy Roosevelt's observation that "of all the great questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the central task of leaving this land even a better land for our descendants than it is for us."

Thank you for supporting this bill.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we just heard some eloquent remarks about small little jewels being preserved and not being able to wait a few more years for lack of funding because of the advancing concrete. If we could picture in our mind the East Coast of the United States and then picture from Boston to Richmond. It is almost a constant corridor of buildings and highways, a megalopolis. And in the midst of that constant corridor is a tiny little space viewed from space that is still dark.

It is called the Delmarva Peninsula, made up of Maryland, Delaware and Virginia. What we have done is worked with the three States on that tiny little peninsula to retain its rural character by creating a Habitat Conservation Corridor for those three States on the peninsula for wildlife. We are working to produce and preserve and make profitable agriculture. And we are going to restore 10 percent of the original historic number of oysters in the Chesapeake Bay, which will do tremendous things for water quality.

Mr. Chairman, I urge a "no" vote on this amendment for those jewels in this country that still can be preserved.

Mr. UDALL of New Mexico. Mr. Chairman, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to reiterate what I am talking about with this amendment is for maintenance. It is not for acquisition at all. It is for maintenance. We already have the Grand Canyon. We already have Yosemite. We already have Rainier National Park. They are already in place. We are talking about maintaining these facilities.

Now, I commend the gentleman from Alaska for at least putting some maintenance dollars in this bill. But here is the problem. We know we have about $18 billion of a backlog. We have about $180 million in this bill. If we were to appropriate that all of the way through this year, it would take us 100 years just to make up the current backlog. We cannot wait that long. We propose in this CARA bill to spend another, roughly, billion dollars for acquisition. We would add to that, obviously, the maintenance needs in the future.

Mr. Chairman, we cannot wait that long. We have 100 years, for goodness sakes, just to take care of what we have. That does not make any sense at all. We have an opportunity because CARA develops a funding stream for these crown jewels that we are talking about. Some of that ought to go for maintenance. And that is all this amendment says.

Obviously, if this money is put into the process, maybe we can reduce this and then those that support buying more land would have that land in the future. But is the first principle not to maintain what we have? That is what this amendment does, is simply says let us maintain what we have. We cannot wait 100 years just to take care of the backlog that we already have right now.

I urge my colleagues to support this common sense amendment because to me, it addresses the issue that the American people understand obviously better than we do, or it would be in the bill without having to go through this amendment process.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am one who supports the maintenance. I will say this, that if the appropriators had done their job, the maintenance would have occurred and should have occurred.

I am a little bit concerned and I would like to ask those that oppose this bill, where would the maintenance money be for this program if we did not have CARA? Where would it be? It would not happen. There would be no maintenance. It would be the same minimal type maintenance that has existed the last 6 years, and before that in the other administration.

And if we go back and check the units that were created, we will find out a large percent of those units were created without authorization by this Congress, but through the appropriating committee.

□ 2330

Just check the record.

So I ask a lot of my colleagues, where would they be when they offer these amendments. If we did not have CARA, would they have any more maintenance? I say, no, they would have the same old thing. Just keep that in mind.

So I think this amendment is unnecessary. We do recognize the need in this bill. I respectfully reject the amendment. Keep this package together. Let us go forward and accomplish what we set out to do: maintain, take care of our species, take care of our urban parks, take care of our easements, take care of destroyed land, and, yes, maybe buy some land. But nowhere in this bill says there shall be land bought. Nowhere.

The CHAIRMAN pro tempore (Mr. PEASE). All time has expired.

The question is on the amendment offered by the gentleman from Washington (Mr. HASTINGS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Washington. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Washington (Mr. HASTINGS) will be postponed.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, had come to no resolution thereon.

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## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 853, COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

Mr. DREIER, from the Committee on Rules, submitted a privileged report (Rept. No. 106–613) on the resolution (H. Res. 499) providing for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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## CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 701.

□ 2333

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on amendment No. 12 printed in House Report 106–612 by the gentleman from Washington (Mr. HASTINGS) had been postponed.

It is now in order to consider amendment No. 13 printed in House Report 106–612.

### AMENDMENT NO. 13 OFFERED BY MR. SWEENEY

Mr. SWEENEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SWEENEY:

Page 36, after line 13, insert:

"(D) No State political subdivision has transmitted to the Secretary administering the acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subparagraph (C)(iii).

Page 41, line 8, after the period insert: "The State shall notify each affected political subdivision of each land acquisition proposal included in the State action agenda. Such notice shall include a citation of the statutory authority for the acquisition, if such authority exists, and an explanation of why the particular interest proposed to be acquired was selected.".

Page 42, after line 9, insert:

(c) LOCAL GOVERNMENT VETO.—Section 6(f) (16 U.S.C. 4601-8) is amended by adding the following at the end thereof:

"(9) No funds made available under this Act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest in land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subsection (d)(2).".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from New York (Mr. SWEENEY) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment in partnership with the gentleman from New York (Mr. MCHUGH), my neighbor to the north, to address the concerns of local government.

The gentleman and I, Mr. Chairman, represent some of the best the Nation has to offer in terms of open space, recreational opportunities, and natural beauty in the form of the Adirondack Mountain region.

There are concepts within the underlying bill here at work that I strongly believe in and I accept and I support; namely, strongly supporting conservation programs. I understand the value of protecting open space.

However, I can only support open space initiatives that are accomplished in conjunction with meeting local concerns. I understand that the gentleman from Alaska (Mr. YOUNG), our distinguished chairman, and the gentleman from Louisiana (Mr. TAUZIN), and Members on the other side of the aisle have worked diligently to try to manage many of the complexities of this issue. I think this amendment is being offered in the hopes that we will strengthen the underlying bill.

They knew, as they constructed this bill, that local governments hold the responsibility in this country for many land use decisions and do so effectively through local zoning laws. I believe that land acquisition decisions are essentially land use decisions.

The fact is, Mr. Chairman, that once private land is purchased by the Government, it is no longer subject to local zoning laws or to local property taxes. That is why I believe our towns and counties ought to have a real say in such a decision.

It is on this basis that I offer this amendment today with the gentleman from New York (Mr. MCHUGH). Our amendment provides local governments with the opportunity to object to projects listed under both State and Federal land acquisition plans under the Land and Water Conservation Fund, LWCF.

Our amendment first adds an additional requirement for States to notify the appropriate State political subdivision of government affected by each acquisition under the State Action Plan.

I will note that, in the underlying legislation, the information to be provided by States is identical to that required of the Federal Government for its acquisitions. However, CARA does not currently require States to notify local governments as a condition of funding.

Affected local governments, under our amendment, are given 90 days to submit a resolution of disapproval to the Secretary of Interior or to the governor, depending upon whether the listing is in the Federal or State plan.

Mr. Chairman, let me note that most of the focus of tonight's debate over CARA is over direct Federal acquisitions in the West. State acquisitions are a major issue in States like New York and other places, and I believe we should be addressing both in this legislation.

I do not object to giving our local government resources for preservation projects that they develop and support. I do object to this, what is seemingly a top-down approach. Without this amendment being approved, I think that that would be a great mistake.

The CARA bill in its current form calls for public participation in the setting of land acquisition priorities. However, I feel that process needs to be strengthened. This amendment does so by ensuring that the people most affected at the local levels of government have a seat, a real seat at the table in the LWCF land acquisition decisions at both the State and Federal levels.

Mr. Chairman, I would like to note that the concept being applied in this amendment tonight is not without Federal precedent, as the affected political subdivisions in the State of New York must agree before they may be included in the Federal Forest Legacy Acquisition Program. This provision was advanced in October of 1991 in this body. I believe this language has protected private forest land in New York that otherwise would have been threatened by Federal acquisition.

Mr. Chairman, in my opinion, this amendment does not undermine the CARA bill. It simply strengthens the process for local governments to ensure that they have a seat at the table and the approval of ultimate land use decisions transferring land into public ownership.

I urge my colleagues to support the Sweeney-McHugh amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. For what purpose does the gentleman from New Mexico (Mr. UDALL) seek recognition?

Mr. UDALL of New Mexico. Mr. Chairman, I wish to claim the 10 minutes in opposition, and I ask unanimous consent to yield 5 minutes to the gentleman from Alaska (Mr. YOUNG) for purpose of control.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will give my friends, and I do mean they are my friends, great credit for being imaginative and making it very difficult for this chairman. This amendment does have merits. But I will say that I do believe CARA provides, very frankly, the local governments the notice. I understand his concern.

The Federal Government, I think, is pretty much hamstrung on how any land will be purchased. If I am not mistaken, I think his amendment is really directed towards the purchase of land by the States.

□ 2340

I am not sure we have the authority to tell the States how to run their business and how and what lands they should buy, that is what concerns me a great deal.

And the second thing is the way I read this amendment that under this amendment, a landowner who wants to sell their land or even a conservation easement on their land to the State government or to a Federal agent is prohibited from doing so without the permission of the local government, and that is the taking; that is the taking.

I always thought that my good friends were always for the private property right owner in letting him make the decision on how he should dispose of his land if he wishes to do so. I am a little bit concerned. To me, the way that the amendment is drafted, it appears that it asks us to do two things; one is to interfere with a State. I want to believe in State's rights, and I hope everybody else does, too. I do not think we ought to be telling the state what to do and how they should or should not purchase the land and how they should be notified.

The second one is, as I mentioned, I am a little bit concerned about if I own a piece of land and someone came to me, let us say it was a nonprofit, which was brought up before, and told me that we would buy my land as an easement, and I would have to go and get the occurrence from the local government, and I thought the people opposing the bill were against the concept under my bill, that is, saying we were taking land.

Mr. Chairman, I am a little bit confused. I do say that I understand what the gentleman is trying to do, but the way that this bill is written, I think, it does raise some very serious questions.

Mr. Chairman, I reserve the balance of my time

Mr. SWEENEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to my distinguished colleague, let me say two things to his explanations: The first is that we in Congress have the absolute right of responsibility to direct and restrict the spending of Federal dollars. These are Federal dollars that are going to be appropriated to States for the use in this process and, therefore, it is very well within our powers and our authorities and our responsibilities to restrict and set limits on the expenditures thereof.

This is indeed not a taking of private property, because it is my assumption that no willing seller essentially has a constitutionally insured right to have their property purchased with Federal money.

Furthermore, I think the Constitution does not require that the Federal Government spend money to acquire a land necessarily. We are affording that opportunity here.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. McHugh).

Mr. McHUGH. Mr. Chairman, I thank the gentleman for yielding me the time and begin by thanking him for his very diligent work in this initiative, and to express my appreciation for the opportunity to have worked with him.

Mr. Chairman, in sum, this very simple amendment is intended to do what virtually everyone through the development of this bill, the authors, the sponsors, the backers have set is their intent, and that is to involve local governments, to ensure their participation.

We have even heard in the last 10 minutes here, Mr. Chairman, of the interest in the title of the bill, a bill to assist State and local governments. We heard a few moments earlier from the gentleman from Washington about the importance of union in the discussion and the development of this bill.

We cannot have a union in the United States without meaningful participation of local governments. So contrary to the concern of the gentleman from Alaska (Mr. YOUNG), our intent was not to make it difficult for the gentleman, because, indeed, his leadership and his record on these kinds of issues is clear and something to which I, and I know many others look with great admiration, but rather to facilitate him and others in reaching the goal that they have proclaimed is such an important one in this particular bill.

We have heard a great deal about how this is a western concern. And as my friend and neighbor and colleague, the gentleman from New York (Mr. SWEENEY) so correctly noted, this is an issue that permeates through many regions of the States, certainly, in the northeast as well.

The Adirondack Park, a great region, a wondrous region that the gentleman from New York (Mr. SWEENEY) and I share the honor of representing, currently has some 5.8 million acres in totality; of those 2.4 million acres within the park boundaries are held by the State government. The fact of the matter is, in eight out of the 10 counties that I represent that have a piece of that great land, we have double digit unemployment, and I think it is absolutely essential that this Federal Government ensure through specific language, not just expressed intent, but specific language that local governments whom we come to this floor everyday and pretend, and I would like to think that we will actually take the steps to, in reality, defend their rights and participation.

Let me add on to what my colleague, the gentleman from New York (Mr. SWEENEY) said contrary to the distinguished chairman's concerns, this does not require that local property owners get the permission of local governments. What it does do in those, I would argue very rare occasions, when there is a local government concern, provide the local government with the opportunity to express its opposition, otherwise, no action, no consideration is involved.

As the gentleman from New York (Mr. SWEENEY) said, there is no right, no explicit constitutional guarantee that Federal monies will be available to every property owner to have their land purchased and, indeed, in another effort to assuage the concerns of our friend, the chairman, we went to the Congressional Research Service, we went to the legislative council of the House, and queried about the possible constitutional problems, they pointed out to us what seemed at the time to be very obvious, that, indeed, time after time, this House has passed legislation after legislation that conditions the use of Federal money pursuant to some action or restriction or prohibition followed by local governments.

Mr. Chairman, I am delighted to take that burden from the shoulders of the chairman; that is, indeed, not a concern, not just our opinion, but that of the Congressional Research Service and the legislative council for the House of Representatives.

We are not precluding that the land be purchased, even if the local government denies the opportunity under the Federal acquisition monies, any State is still free to use other monies, as most do, including my State of New York, in purchasing this land.

We are simply doing what, time and time again, the sponsors, the authors, the supporters have said is their intent, the local government's will have a meaningful voice; if that is not their intent, then this amendment will give them the opportunity to step to the podium to vote no and to declare a fraud upon what most have said is a primary pillar of this bill.

Again, we are happy to be a constructive participant, and this amendment would make the bill pretty close to perfect. With that that I, again, thank my colleague from New York (Mr. SWEENEY) for his initiative.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, if I might ask a question to the gentleman from New York (Mr. SWEENEY) I do not quite understand. I am sure things are different in New York than they are in California. Generally on the Stateside of land and water conservation, communities have a project. They usually go out and they raise some local money or they raise private money or foundation, or individuals make contributions and then they try to get together and go to the State and ask whether they will use this or not, so if a park district does this or a city does this or a county, who gets the veto here? I do not understand.

If the county wants to do this within their jurisdiction, can a city in the area say, we will not sign on to this?

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, the answer is no. It is the same language; that is, the State political subdivision is the same definition that is defined in the underlying bill as the local political jurisdiction immediately below the level of State government, including counties, parishes and boroughs.

Mr. GEORGE MILLER of California. Mr. Chairman, it is unclear, because that is the process by which local Stateside land and water conservation has done. Local people make applications to the State and say will you help us out, a partnership to purchase this or rehab this or restore it or whatever the local project would be.

Mr. McHUGH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from New York.

Mr. McHUGH. Mr. Chairman, it is indeed an important point and why we work very closely with the legislative counsel to conform this to existing law and other provisions where there are, indeed, local review potential and options. The language provides for that local political jurisdiction that is immediately below the State level. It does vary from State to State. I cannot say what the local political jurisdiction is in the State of California. In most jurisdictions in the State of New York, it would be the county.

Mr. GEORGE MILLER of California. Mr. Chairman, I say to the gentleman if the local subdivision is a city, then it would be up to the city to veto this, not the county. If the local subdivision was a park system, it would be up to the park system.

Is that what the gentleman is saying?

Mr. McHUGH. Mr. Chairman, if the gentleman will continue to yield, the park system is not a political subdivision under any law.

Mr. GEORGE MILLER of California. In California it is. We have a park system that goes across 5 or 6 counties.

Mr. McHUGH. If the gentleman's State law provides that, then, yes, the gentleman is correct in his understanding.

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Mr. GEORGE MILLER of California. So it would be up to the park?

Mr. McHUGH. If that is the local political jurisdiction under the State law of the gentleman, the answer would be yes.

Mr. GEORGE MILLER of California. Mr. Chairman, and then the same would be true if somebody wanted to sell the land to the Federal Government, the locals could veto that if some landowner wanted to sell their land for whatever reason?

Mr. McHUGH. Using funds under this particular legislation, yes. However, that would not preclude the purchase, as I hope the gentleman understands. It would just preclude the purchase with these particular funds.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. Farr).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me tell my colleagues as a State legislator and as a former county supervisor why this language is really bad language. Whether we look at it from the top down from a Federal level, this is bad precedent.

What they say with this language is, oh, local governments, if we want to build a post office in their community, we have the right to veto it, which they do not have now. We extend this thinking. Or how about if we want to build a military base or expand that. No, local governments can come in and veto it. Or how about if when we want to build a water system or a highway system or a jail system, prison system. Local governments can veto it.

These are the kind of things people do not want in their backyard. I think we find a lot of cities kind of vetoing these things. This logic of allowing local governments to veto Federal decisions is bad, bad precedent.

Let us take it from the other side. Let us be a State legislator and say we are going to expand the State park system. But now, for the first time in history, the city or county can come in and say, State parks, we veto it.

This is a whole change in structure. The gentleman from California (Mr. George Miller) is absolutely right in asking those questions because they have no idea about how the process works.

Now, we have a way of allowing public information on all these actions, if that is what they want to get to, this sort of veto process. It is called an Environmental Impact Statement. In California it is called an Environmental Impact Report.

They cannot make any decision relating to land in California, private or public, without doing an Environmental Impact Report, which is full disclosure of what is going to be done and allowing a public process and a public comment period.

I will yield to the gentleman from New York (Mr. McHugh) to answer this question. I am reading the language from his legislation. It says, "No funds made available under this act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest of the land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition with 90 days."

My colleague gives local governments the total ability to veto any acquisition by a State for a State park purpose.

The CHAIRMAN pro tempore (Mr. Pease). The only remaining time belongs to the gentleman from Alaska (Mr. Young), 2½ minutes.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the gentleman from California (Mr. George Miller) has raised some very interesting questions. I have been in the district of the gentleman from New York (Mr. Sweeney) and part of the district of the gentleman from New York (Mr. McHugh) and it is a gorgeous area. Not nearly as gorgeous as Alaska, but it is gorgeous.

But I cannot quite yet figure out, if I am a city under the amendment of my colleague and I want to build a skating rink or a park, under the amendment, the borough could disallow that. Is that correct?

Mr. McHUGH. Mr. Chairman, if the gentleman would yield, it is in the State of Alaska. First of all, I do not believe the funds under this could be used for construction of skating rinks, but I will defer to the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, yes, it can. That is the urban parks recreation areas.

Mr. McHUGH. Mr. Chairman, if the gentleman will continue to yield, we are talking about land acquisition in our amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I ask the gentleman, just land acquisition?

Mr. McHUGH. Mr. Chairman, if the gentleman will continue to yield, I believe that is the text of the language. But it does not obviate the gentleman's point of the gentleman.

If in the State of Alaska, wherever this project is occurring, the local political subdivision most immediately under the State is other than who is trying to construct it, then the answer would be yes.

I would venture a guess, if their construct is anything like most other States, then the City of, say, Anchorage, they would be the political jurisdiction and would have the authority.

Mr. YOUNG of Alaska. Mr. Chairman, in Fairbanks we have a city and a mayor and a council, but we have the Northstar borough which the city resides in, which is part of the borough.

Mr. McHUGH. Mr. Chairman, but the political jurisdiction in terms of the State hierarchy would be the city I believe. I cannot answer the question of the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, now my staff say it would be the borough. And if the borough can stop the city, and my colleague knows how local governments are, I do not object to local government, but I do not want local governments to have the leg up on any one of them when the city has—and by the way, we want to build hockey rinks. The borough, I am not sure they would do that. But if they said, no, they are not going to build any hockey rinks.

Mr. SWEENEY. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from New York.

Mr. SWEENEY. Mr. Chairman, let me note that the provision in the amendment is applicable only to the land water conservation portion of this bill. Therefore, it only applies to the large land purchases that would not be applicable to those areas.

Mr. YOUNG of Alaska. Mr. Chairman, I have not read the amendment of the gentleman. I apologize.

Does it, in fact, specifically say only land acquisition?

Mr. McHUGH. Mr. Chairman, if the gentleman will yield, it only applies to those funds under the land and water conservation portion, which I believe the bill of the gentleman only provides for land acquisition.

The CHAIRMAN pro tempore. All time having expired, the question is on the amendment offered by the gentleman from New York (Mr. Sweeney).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SWEENEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from New York will be postponed.

It is now in order to consider amendment No. 14 printed in House Report 106-612.

AMENDMENT NO. 14 OFFERED BY MR. SIMPSON

Mr. SIMPSON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SIMPSON:

Page 36, strike the close quotation marks and the second period at line 16, and after line 16 insert the following:

"(h) STATE APPROVAL OF CERTAIN LAND ACQUISITION REQUIRED.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire any interest in land located in a State in which 50 percent or more of the land in the State is owned by the Federal Government if the acquisition would result in a net increase in the total acreage in the State owned by the Federal Government, unless the acquisition is specifically approved by the law of the State.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Idaho (Mr. SIMPSON) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Simpson-Walden amendment to H.R. 701 is a common sense amendment that addresses one of the major concerns that the constituents in my State have, that of giving the Federal Government $450 million annually to purchase land in States such as Idaho which already have a high percentage of Federal landownership, potentially little turning Idaho into a welfare state dependent upon the Federal Government.

There are 52,960,000 acres in the State of Idaho. The Federal Government owns 34,519,000 of those acres. In other words, 65 percent of Idaho is owned and controlled by the Federal Government.

There is more Federally owned land in Idaho than in the entire land mass of the States of Connecticut, Delaware, Massachusetts, Maryland, New Jersey, Rhode Island, Vermont and New Hampshire combined.

Removing private land from local property tax roles and not fully funding the PILT payments severely impacts Idaho's counties and local governments. Moreover, when the Federal Government absorbs private land and that land ceases to be productive, local communities are severely affected by the loss of economic activity and become more, not less, dependent upon the Federal Government.

For example, when a farm or a ranch land is purchased by the Federal Government and taken out of production, those operations cease to contribute to the local economy. Hired hands go unemployed. Local stores lose businesses. Trucks and tractors remain unsold on the local dealership lots.

However, in spite of this concern, this amendment does not preclude, I repeat, does not preclude Federal land acquisition. It does not undermine CARA. It only requires that the Federal Government, when acquiring land in a State which is over 50 percent or more of the land in that State is owned by the Federal Government, to do one of two things, to either dispose of an equal amount of land or to obtain the approval of the State by State law before acquiring that land.

This amendment provides the Federal Government with the flexibility to actually bypass the State if they so choose. The Federal Government does not have to seek State approval if they do not enter into a purchase that results in a net gain in Federal landownership within that State.

My colleague the gentleman from Oregon (Mr. WALDEN) and I are not asking for much, only the ability of our States to exercise some control over future Federal Government land acquisitions.

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At present the majority of Idaho and other western States that this amendment would affect, Alaska, Oregon, Utah and Nevada, are owned and controlled by the Federal Government. In these States where the Federal Government already owns a majority of the total land, we should not fear allowing the State elected officials to participate in the decision as to how much more Federal land will be acquired by the Federal Government. It is these State officials that can best determine the impacts that these proposed Federal acquisitions will have on their local communities. If Members truly support States rights and local control as the gentleman from California (Mr. GEORGE MILLER) waxed so eloquently about earlier in the debate on the general debate on this legislation, then they will truly support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I claim the 10 minutes in opposition, and I ask unanimous consent that the time be equally divided between myself and the gentleman from New Mexico (Mr. UDALL).

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Again may I congratulate those that are offering these amendments. If we did not have this fragile house of cards put together, this would be very attractive because my State is owned right now 94 percent by the Federal Government. By the way, I do not think any land is being bought by the Federal Government, although there are some that do want to sell to the Federal Government. The money is not available. They are inholdings. Of course some of the inholdings very frankly do not want to sell and I am supporting them because I do not think the government ought to purchase those lands from an unwilling seller. But I do know I have those Members within some of our parks that were created by this Congress which I opposed and refuges that want to sell, and the appropriators do not appropriate the money to purchase the lands. I do not think that is fair because those people that own those inholdings do not have an opportunity to develop the lands, and they do not have the opportunity to really sell their lands, because nobody wants to buy them. I think we ought to appropriate the money and CARA would allow that.

I am telling the gentleman that the amendment for my State might make sense. But as a whole I do not think we ought to be involved in setting up separate States that say that 50 percent, then there is no land that can be purchased under this bill because there are willing sellers within my State. I know other States that would like to at that time get rid of their land and the only money available is from the Federal Government.

Mr. Chairman, I reserve the balance of my time.

Mr. SIMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, our amendment is as simple as it is fair and logical. It simply says that if the Federal Government already owns more than one-half of our State, then before it can buy any more private land in that State, the State will have an opportunity to simply have a say in the matter. In fact, the elected legislators and the governor will have a say as to whether or not the Federal Government will take even more land out of private property ownership and put it into Federal ownership.

Why is this important? Because as we have heard over and over tonight, many of us represent districts that have enormous amounts of lands off the tax rolls already and under Federal control. The Federal Government controls more than 55 percent of Oregon, nearly 56 percent of my district.

My district, pictured here, overlaid the East Coast to give Members a dramatic view of just how large it is, it is larger than 31 States. Larger than 31 States. And so to put that in perspective, I have created this map here. As we can see from New Jersey to Ohio it would stretch. Half of this is already under Federal control. Half of it is already under Federal control. In fact, the Federal Government controls 34 million acres in the State of Oregon. To put that in perspective, in Maryland the Federal Government controls 131,000 acres. 34 million versus 131,000. I would wager we lose more in mapping errors in Oregon than Maryland has under Federal land. Think about it. Oregon already has 113 times as much Federal land as Maryland.

I understand why people living in other States, especially those east of the Mississippi and in urban cities, favor more open spaces and additional Federal lands. I probably would if I lived there as well. But my concern comes from those of us who live in the West and about those who seek to lock up more land in the West. This legislation guarantees them a billion dollars a year for 15 years to move that marker up anytime they want to acquire more Federal lands.

And so this is a simple amendment that just says, if that is going to happen, the State legislatures in those States that are already more than 50 percent controlled by the Federal Government have an opportunity to speak on that matter.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I appreciate very much the concerns of the authors of this amendment. I come from the West. Most people do not realize how much land in California is owned by the Federal Government but it obviously is a problem for the other States that do not have the size that we have. But to put a mathematical equation on this business if you cannot increase Federal ownership, we just went through a situation in Las Vegas where they wanted a very valuable small piece of Federal land, but to swap it out and get a deal for the Federal Government, they went out and bought some lands to add to their Federal holdings which would have helped the Federal Government but was not worth very much but rounded out the holdings and the net process is you ended up with increased Federal lands but the city of Las Vegas and the county and everybody else is ecstatic about what they have got. We go through this all the time. We have people in Colorado, in the ski areas that come to us, they want to buy a couple of acres of land that may be worth millions of dollars and they know that maybe down on the stream there is an area where we could get public access, they give it to us, and it is worth a few thousand dollars. We would not mind if all this land was valuable, but a lot of it is not necessarily valuable.

So trying to put a mathematical equation, over the last few years, Federal ownership has been going down because I think one of the things the members of the minority have drilled into us on the committee is that people are concerned about the increase of this where it is not necessary, where it can be swapped out, where we can unify it, where we can rationalize the ownership and this committee has been doing that under the leadership of the chairman. But to put us in this position I think is to, if it does not average out, do we have to do it on a calendar year or a fiscal year? We do not have necessarily like assets. But we know, and we have tried to encourage the various land management agencies to be more attune to rationalizing patterns and ownerships. We went through a big swap in Utah.

I would oppose this amendment. I like the spirit of it, but I just do not think you can say mathematically that is the situation.

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that this proposal does not preclude the purchase of more Federal land. I do not deny that there are purchases out there that may be appropriate for the Federal government to acquire, for habitat and other things. I do not have a problem with that. But what I am saying is that in a State like Idaho and those States that have currently over 50 percent Federal land, and in Idaho it is 65 percent, two out of every three acres is owned and controlled by the Federal Government. That leaves little private land as a tax base to support the services in the rest of that State. But in those States, if there is an appropriate purchase of Federal land or an appropriate acquisition by the Federal Government, they have two options under which they can acquire that land. One, they can decide that there is other land that they would rather sell off so that there is a no net gain, in which they can do it without the approval of the State; otherwise they can go to their State legislature and get it approved by State law. This brings the State government into the decision-making process. I do not know why we should fear having our State legislators, those people closest to the decision-making process and how this is going to affect them, be involved in that decision-making process. I do not have a problem with that. I trust my State legislature. I come from the State legislature. They have the concerns of the State of Idaho and I am sure of the other States that they represent at heart. They will do the right thing.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. INSLEE).

Mr. INSLEE. Mr. Chairman, I think those who are following this debate may find that it is curiouser and curiouser in the sense that those who historically have stood up for the rights of citizens to make decisions about their property have now brought an amendment that strikes right at the heart of what people in Idaho and Washington or anywhere else can do with their property.

Let me give an example, and I am going to ask the gentleman from Idaho if that is correct when I am done. Mr. Jones is a rancher in the great State of Idaho. And it is a great State. I fly over it every week. It looks great from 30,000 feet. He has got 40 acres, he has not really ever ranched it, and there is really nothing too much to do with it. But it might make some good habitat for some species, some critter that might be in a difficult situation. So he goes to the Federal Government and says, Can you take this off my hands? Can you maybe give me a few dollars for it? I would like to sell it. He goes through the permutations with the Federal Government and he gets the Federal Government to offer to buy his land. He agrees. He makes a consensual decision as an American citizen to sell it to the Federal Government and the folks across the aisle tonight are telling him, You cannot do it. We realize it is your property, but we are not going to let you sell it to the Federal Government unless the State legislature has the veto power on your personal private decision what to do with your private land in a consensual arrangement with the Federal Government.

□ 0010

Now, frankly, I want to ask my colleague, is that not the correct situation, and if it is, how can we do anything but accept this as a gross violation of the people's right to sell their land. I mean, what next? Let me ask one more question. What next? Will the gentleman tell us that a person cannot sell it to the church? Is the next thing we will say is we cannot sell it to a church because that is going to reduce the local tax rolls and we are going to require the State legislature to do it?

Mr. SIMPSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Idaho (Mr. SIMPSON) has 3 minutes remaining.

Mr. WALDEN of Oregon. Mr. Chairman, first of all, let me say this does not apply to Washington, so the gentleman's implication that it applies to Washington is inaccurate. It applies to 5 States: Alaska, Oregon, Idaho, Utah and Nevada.

We are not talking about something extraordinary like churches or selling to somebody. In fact, they could donate it, they could have the State of Idaho buy it, they could have a private organization buy it, they could have somebody with private property buy it and use it in that respect.

The issue here, though, is as these lands come off the tax rolls, they affect our schools, they affect our roads, they affect things going on in the community, and that ought to be recognized.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding.

I rise as a former county supervisor remembering the debates about not wanting the Federal Government to leave to close bases, not wanting the Federal Government to abandon land. As a former State legislator, I have never seen a resolution by Idaho or any other State saying we really want you to join in petitioning us to get rid of Federal land.

Do my colleagues know why? Because that Federal land employs people. That Federal land not only has Federal employees who pay taxes and their kids go to school, they pay those fees, the in lieu fees, but there are the recreational activities that come off of that land that supported private businesses.

When I go down the Salmon River in Idaho, I see a lot of people making money off the boaters, staying in hotels, eating in the restaurants there before they go on the river and after they come out. Do we want to abandon that as an Idaho asset and say we cannot add to that without the permission of the State legislature? There is local control in the United States Congress. This is called the House of Representatives, because we represent small bodies of people and most of us are former State legislators.

The CHAIRMAN pro tempore. The gentleman from Idaho (Mr. SIMPSON) has 2½ minutes remaining; the gentleman from Alaska (Mr. YOUNG) has the right to close.

Mr. SIMPSON. Mr. Chairman, I yield myself such time as I may consume.

I would just like to point out that this does not affect the State of California and it does not affect the State of Washington, but I appreciate the gentleman's input. What it does affect is those States that already have 50 percent Federal land.

Really what we are saying is, how much is enough Federal land? I think 65 percent of the State of Idaho being controlled by the Federal Government is enough. The people of Idaho think it is enough. In fact, we have legislation now that we are trying to work on and we will try to get through Congress that will allow the State of Idaho to manage some of those Federal lands because we are fed up with the Federal Government's management of those Federal lands.

Mr. Chairman, to tell the truth, all this does is, it does not say that one cannot buy the land, it just says that one has to have the approval of the State legislature or a no-net gain, and if somebody out there has 20 acres or 40 acres, as the gentleman from Washington suggested, is he trying to tell me that in the 34 million acres, 34 million acres that the Federal Government currently owns in Idaho, they cannot say, well, here is 40 acres we can surrender to make this deal?

Mr. INSLEE. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Chairman, I think the crux of the problem is, who really in America ought to make that decision of whether that next 40 acres goes into a reserve or goes to something else. Let me suggest to my colleague that what I am saying tonight is that is not a decision for the gentleman from Idaho to make, it is not a decision for me to make. It is a decision for the property owner who should be given the right, on a willing and consensual basis, to sell it to whomever he wants, the YMCA, a church, Federal Government, the State. But that is a decision by the property owner.

What I am trying to say is that the gentleman's amendment unfortunately strikes at that basic American principle for him to decide what happens to that 40 acres.

Mr. SIMPSON. Mr. Chairman, reclaiming my time, I do not believe that is what it does. That individual can sell that land to who he wants to. There are private conservation groups and other groups that can acquire that land. It is only if the Federal Government, the Federal Government, with our tax dollars, tax dollars that have been taken out of our pockets, tax dollars, and I do not know where it says that the Federal Government has the right to take tax dollars from the citizens of this country and go out and purchase private land with it.

Mr. WALDEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. SIMPSON. I yield to the gentleman from Oregon.

Mr. WALDEN of Oregon. Mr. Chairman, I just have to make a comment as well about the concept of these Federal lands being so productive to employment.

The gentleman who went to the university, as I recall, as apparently been a long time going back through eastern Oregon and seeing mill after mill close, unemployment rates in some counties like Grant County in Oregon hit upwards of 20 percent because of the way the forests are being mismanaged today.

Mr. YOUNG of Alaska. Mr. Chairman, how much time remains?

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the remaining time.

In closing, I reluctantly oppose the amendment, but I understand why it should be defeated, and I urge the defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Idaho (Mr. SIMPSON).

The question was taken, and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SIMPSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Idaho (Mr. SIMPSON) will be postponed.

The Chair understands that Amendment No. 15 will not be offered.

It is now in order to consider Amendment No. 16 printed in House report 106-612.

### AMENDMENT NO. 16 OFFERED BY MR. REGULA

Mr. REGULA. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 16 offered by Mr. REGULA: Page 37, after line 11, insert the following: No amount may be apportioned under this paragraph to any State (herein referred to as an 'unfunded State') that has not established a dedicated State land acquisition fund that is funded through the State's budget process. The amount that would have been apportioned to any such unfunded State under this paragraph shall be reapportioned to other States in accordance with subparagraphs (A) and (B).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Ohio (Mr. REGULA) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

I rise today to offer an amendment to title II requiring States to have their own State-funded land acquisition budgets in order to receive funding under the Stateside Land and Water Conservation Fund.

While the current State conservation grants program provides matching grants to States and through States to local units of government for the acquisition and development of public outdoor recreation areas in and other projects, the States often do not match these funds with direct funding. In fact, few States actually use State revenues for land acquisition.

According to a study by the Lincoln Institute of Land Policy, only 14 States fund these programs in their State budgets by direct appropriation. Many have special bond funds, lottery revenues, or even in-kind contributions in providing their required match.

This fact is especially disconcerting when we learn that every State in the Nation has a balanced budget and many actually have large budget surpluses, including California and Alaska, with $3 billion each as a surplus.

The States stand to receive billions of dollars in Federal funding under the provisions of this bill for 15 years.

Mr. Chairman, my amendment simply requires that they match these State land acquisition funds with their own revenues. I urge my colleagues to support this amendment.

Basically, it makes the State responsible. If they are going to receive the Federal funds, they should have a program to match it with State revenues. Of course, if the purpose of this bill is to protect the resources, as we have heard over and over tonight, to enhance the States' ability to acquire and protect the land resources in each of the respective States, they would want to have their own money. It seems to me they would want to have a plan. I think this is a very reasonable amendment and ensures that there will be good management of the Federal dollars that would be available.

Mr. Chairman, I urge a "yes" vote for this amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, am I correct in understanding that the purpose of the gentleman's amendment is to provide a means by which the State establishes where it is going to get the revenues from?

Mr. REGULA. Mr. Chairman, that is essentially right, that they have a system, and only 14 do, whereby they know where they are going to have their matching fund. Because we find many States want to use in-kind and all kinds of other various devices.

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If really our mission is to protect resources for the public, we would want to have an assurance that the States would have a plan before they received the Federal monies.

Mr. GEORGE MILLER of California. Could the States if they wanted to in their normal budget process budget $50 million for matching land and water conservation funds? Would that be sufficient?

Mr. REGULA. I would not see any reason why they could not. They would have to have some kind of a plan, because they are going to get a check. We want to be sure that they will match that money with their own State funds. That of course doubles the amount that will be available.

Mr. GEORGE MILLER of California. If they said they wanted to set aside 10 percent of their lottery, that would not bother you, or set aside 5 percent of the general fund revenues, as long as they have a real dollar match, is what the gentleman is saying?

Mr. REGULA. What we are really saying is that they have to have created some type of fund. They can get the money for that from whatever source they choose, but they have to have a fund with the cash to match it.

Mr. GEORGE MILLER of California. So it is real money?

Mr. REGULA. Yes, real money they will get from the Federal Government. In effect, it doubles the impact of the money that comes from the Federal government.

Mr. GEORGE MILLER of California. Let me ask, that is an important point, that would not prohibit them from also using foundation money, if that was real money? In our case, we have some big foundations that are dedicated to land acquisition. If the State put up $10 million out of its acquisition fund that the gentleman talks about and that was going to matched with $10 million of local money, it would be all right?

Mr. REGULA. How does the gentleman define that?

Mr. GEORGE MILLER of California. A match from the State runs to the Federal government, but later if that money is used with foundation money, that is not a concern because the State put up real dollars to match the Federal share, is what you are after?

Mr. REGULA. I guess it is a matter of how we define "foundation". Is the foundation money State revenues?

Mr. GEORGE MILLER of California. No, no.

Mr. REGULA. What is the source of that?

Mr. GEORGE MILLER of California. Fortunately, some people are wealthy enough that they have created foundations. In our case, it is the Packard family.

The CHAIRMAN pro tempore (Mr. PEASE). The gentleman from Ohio's time has expired.

Who claims the time in opposition?

Mr. UDALL of New Mexico. Mr. Chairman, I claim the time in opposition, and yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore. The gentleman from California is recognized.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman is not specifying a specific mechanism by which the State does this. But what the gentleman is saying is, when it comes time to match the money, he expects the State to be there with real dollars, not funny dollars, someone else's dollars, so they place the same priority on this that we say we place on it?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Ohio.

Mr. REGULA. That is exactly right, Mr. Chairman.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2½ minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I have just been following this conversation. I have an inquiry of the gentleman from California (Mr. GEORGE MILLER). I would like him to take the mike again.

If the gentleman's intent is, he objects to using land as to the matching of the Federal dollars?

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, that is correct. We object to in-kind.

Mr. YOUNG of Alaska. Or some other form of dollar amount that is not dollars. What the gentleman is asking, I do not think he wants them to put up a fund, but he has to have the money to match the matching grants in real dollars.

Mr. REGULA. If the gentleman will continue to yield, Mr. Chairman, we want to make sure that the State is putting in the same amount of cash that the Federal government is, so that we are doubling, in effect, the impact and preserving resources for the public.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman from California help me out on this? It goes back to the question.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Yes.

Mr. YOUNG of Alaska. If there was a Ford Foundation that gave the State money for a recreational project or acquisition of land, that money could be counted against the Federal dollars?

Mr. REGULA. If the gentleman will continue to yield, it depends how it is earmarked. If that money was given and became part of the State's assets or Treasury, then money is money.

Mr. GEORGE MILLER of California. In theory, the State could conceivably say, we are now going to create a pool of $10 million, and we are asking local governments or somebody else to put in $10 million. That is $20 million. They may be entitled under the State side for $10 and they would have that match.

The gentleman from Ohio is concerned, sometimes we get into these things and we go from real dollars to in-kind contributions to work efforts to sweat equity, and pretty soon what we really have is Federal dollars matching Federal dollars.

I think he wants a clarification that the State match is really a product of the State. We could talk about this later, about if they get it from private sources or not, but that it is real money. I do not think I have a problem with that. He is right.

Mr. YOUNG of Alaska. This is what I am leading up to. If the gentleman will just relax a moment, and he is not being mischievous, I hope, because on the surface, I do not see anything wrong with the amendment.

The CHAIRMAN pro tempore. The gentleman's time has expired.

The gentleman from New Mexico (Mr. UDALL) has 2 minutes remaining.

Mr. UDALL of New Mexico. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I would ask the gentleman from California (Mr. GEORGE MILLER) what we should do here.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I do not think I have a problem. I think there are some questions about the amendment, but what the gentleman has said, he is willing to work that out.

Different States have different mechanisms. I think what the gentleman from Ohio is saying is that he wants to see real money.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Ohio.

Mr. REGULA. If the gentleman will yield, Mr. Chairman, that is correct.

Mr. YOUNG of Alaska. Are we going to say we accept the amendment, or are we against the amendment?

Mr. GEORGE MILLER of California. . I think we should accept the amendment, but if the chairman would continue to work with us on this, obviously there are 50 different States with 50 different mechanisms.

Some States will raise the bond issue and make all that available for this purpose. That is an honest mechanism which is real money.

Mr. YOUNG of Alaska. Would that be agreeable with the chairman?

Mr. REGULA. I think we can work it out. Of course, even with the money in the Interior subcommittee, we require a match. Sometimes it gets into, we will put up a tennis court to match what the Federal government does. We want real money.

Mr. GEORGE MILLER of California. They go to another Federal program and get Federal dollars.

Mr. REGULA. Exactly. We will get it worked out.

Mr. YOUNG of Alaska. We have a problem, because Alaska cannot do a dedicated fund. That is under our Constitution. That is why I want to have the gentleman's agreement. Otherwise I will strip it out. I want the gentleman to work with us to try to solve this problem.

I am not in disagreement to what the gentleman is trying to do, but we do have that problem. Does the gentleman understand what I am saying?

Mr. REGULA. The gentleman can appropriate money.

Mr. YOUNG of Alaska. We cannot have a dedicated fund, in our Constitution. But if the gentleman will help me fix that problem, is what I am saying.

Mr. REGULA. I assume under the gentleman's bill he plans to have this money matched.

Mr. YOUNG of Alaska. Not through a dedicated process, but through an appropriation process in the legislature.

Mr. REGULA. How does the gentleman plan to do it?

Mr. YOUNG of Alaska. Through the legislature. If they do not match it, we do not get it.

Mr. REGULA. In other words, they would appropriate the money?

Mr. YOUNG of Alaska. Yes.

Mr. REGULA. I think we can agree on that.

Mr. YOUNG of Alaska. With that agreement, we will sit down and work this out. We will accept the amendment at this time with no vote, with that agreement.

The CHAIRMAN pro tempore. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. REGULA).

The amendment was agreed to.

The CHAIRMAN pro tempore. The Chair understands that amendment No. 17 will not be offered.

It is now in order to consider amendment No. 18 printed in House Report 106–612.

### AMENDMENT NO. 18 OFFERED BY MR. KIND

Mr. KIND. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 18 offered by Mr. KIND:

Page 42, line 14, strike "and".

Page 42, line 18, strike the period and insert "; and".

Page 42, after line 18, insert:

(3) by adding the following new paragraph after paragraph (2):

"(3) MONITORING AND DATA COLLECTION.—For establishing a sediment and nutrient monitoring network for the Upper Mississippi River Basin for the purpose of reducing sediment and nutrient loss, to be headquartered at the Upper Midwest Environmental Sciences Center in La Crosse, Wisconsin. The Secretary of the Interior shall establish guidelines for the effective design of data collection activities regarding sediment and nutrient monitoring, for the use of suitable and consistent methods for data collection, and for consistent reporting, data storage, and archiving practices. Data resulting from sediment and nutrient monitoring in the Upper Mississippi River Basin shall be released to the public using generic station identifiers and location coordinates. In the case of a monitoring station located on private lands, information regarding the location of the station shall not be disseminated without the landowner's permission. The Secretary of the Interior shall establish the guidelines under subsection (a) in consultation with the Secretary of Agriculture and all entities known to be conducting sediment and nutrient monitoring in the Upper Mississippi River Basin. The non-Federal sponsors of the sediment and nutrient monitoring network shall be responsible for not less than 25 percent of the costs of maintaining the network. Up to 80 percent of the non-Federal share may be provided through in-kind contributions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Wisconsin (Mr. KIND) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I yield myself such time as I may consume.

I know the hour is late. I believe this is going to be the last amendment we will take up this evening. I will try to be quick. I hope a few people are up and listening concerning what I do for my labor of love for the Mississippi River.

Mr. Chairman, I anticipate entering into a colloquy at the end of my statement with the chairman of the Committee on Resources, and based on an understanding and agreement that we have reached, I will be asking for unanimous consent to withdraw this amendment.

Let me first say that the CARA bill that is before us today and tomorrow is extremely important for the conservation future of our Nation. For this reason, I am a strong supporter of the bill and voted for its passage as a member of the Committee on Resources.

CARA is a remarkable bill that will dramatically increase environmental and conservation efforts in all 50 States. The amendment that I am offering tonight addresses a very pressing conservation need regarding the upper Mississippi River Basin. The upper Mississippi River Basin is one of our Nation's great ecological and recreational treasures. Its rich wetlands and back woods serve as North America's largest migratory route. The region boasts tremendous diversity in animal and plant species.

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Income from fishing hunting, boating and other recreational activities total roughly $1.2 billion annually and the area's tourist industries, much of which are centered on the river, contribute $6.6 billion to the region's economy. It is also the primary drinking source for 22 million Americans and the upper Mississippi River Refuge has more visitors every year than Yellowstone National Park.

Unfortunately, increasing soil erosion threatens this region and the wildlife habitat. For instance, soil erosion reduces the long-term sustainability and income of family farms and sediment is entering the river basin and costing the American taxpayers roughly $100 million each year in dredging costs alone.

One of the best ways to reduce sediment and nutrient losses from the landscape is to protect sensitive riparian areas through voluntary program for land purchases, conservation easements, and the implementation of best management practices, all fundamental components of the CARA bill.

Mr. Chairman, my amendment seeks to assist conservation planning in the region through the development of a scientific sediment and nutrient monitoring network. The goal of the network is to enable States and other governmental and nongovernmental entities to make better decisions about where to direct resources and to determine which conservation measures are most appropriate in the Mississippi River Basin.

The amendment I am proposing tonight is but a single component of a far larger basin initiative that I introduced earlier this year, H.R. 4013, "The Upper Mississippi River Basin Conservation Act". We have over 18 cosponsors from eight States.

H.R. 4013 establishes the monitoring network contained in my amendment here tonight, as well as a state-of-the-art computer modeling program to identify significant sources of sediments and nutrients. It provides grants and incentives to States and counties to implement best management practices and other innovative voluntary programs. It calls for increases in the USDA highly effective but underfunded land conservation programs. Finally, it contains data protection provisions designed to protect the privacy of individual landowners in the basin, which I know is very important to a lot of property rights advocates in this body.

The legislation relies entirely on voluntary programs and creates no new regulations. I believe this approach to watershed management is the wave of the future. It is proactive rather than reactive, seeking to stop harmful nutrients and sediments before they make it into the river basin, rather than relying on expensive cleanup and mitigation efforts after the fact.

The approach is basin wide rather than piecemeal, seeking to look at the entire ecosystem and develop management plans appropriate to a large-scale physical system. Finally, this approach relies on interagency and intergovernmental cooperation attempting to coordinate the diverse but sometimes fragmented conservation efforts of Federal, State, and local agencies, as well as non-governmental organizations.

Mr. Chairman, I urge support of H.R. 4013 and invite my colleagues to join me as a cosponsor of this important piece of legislation which will better protect "America's river," the Mississippi River, and North America's largest migratory route.

Mr. Chairman, at this moment I would like to engage in a colloquy with the gentleman from Alaska (Mr. YOUNG), the chairman of my Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. KIND. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I will be happy to engage in a colloquy with the gentleman.

Mr. KIND. Mr. Chairman, earlier this year, I know as the gentleman understands, I introduced H.R. 4013. It was referred to our Committee on Resources. The legislation authorizes the U.S. Geological Survey, an agency under the jurisdiction of our committee, to oversee a monitoring network and the modeling program in the upper Mississippi River Basin. And I know the gentleman is familiar with the legislation already.

The CHAIRMAN. The time of the gentleman from Wisconsin (Mr. KIND) has expired.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. KIND)

Mr. KIND. Mr. Chairman, I again yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, I am familiar with the gentleman's legislation and look forward to working with him and his staff on this measure.

Mr. KIND. Mr. Chairman, reclaiming my time, as the gentleman knows, H.R. 4013 has bipartisan support. It has also received the endorsement of a number of national and regional conservation outdoor recreation groups, farm, and environmental groups. And I am willing, based on that understanding and discussion that I have had with the gentleman and his staff, to, with unanimous consent, withdraw my amendment here tonight and work with the gentleman to establish a hearing on this important legislation some time prior to the August recess.

Mr. YOUNG of Alaska. I understand and appreciate the work that the gentleman has done on this measure and it is my intention that the appropriate subcommittee of the Committee on Resources will hold a public hearing on this prior to the August recess, especially this upcoming 2000 recess.

I compliment the gentleman on his good work. He has talked to me before tonight and I appreciate the gentleman withdrawing the amendment.

Mr. KIND. Mr. Chairman, with that assurance, I will ask unanimous consent to withdraw the amendment, and would also like to commend the gentleman from Alaska, the chairman of the Committee on Resources, and the gentleman from California (Mr. GEORGE MILLER), the ranking member, for the hard work and effort that they have put in bringing together this wide political coalition that exists, I believe, for the CARA bill. I am a proud supporter of the bill, and I conclude by urging my colleagues to support H.R. 701 in final passage tomorrow.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. REGULA) having assumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, had come to no resolution thereon.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. MEEK of Florida (at the request of Mr. GEPHARDT) for today, on account of official business in the district.

Mr. FATTAH (at the request of Mr. GEPHARDT) for before 5 p.m. today, on account of personal reasons.

Mr. WISE (at the request of Mr. GEPHARDT) for May 8 and the balance of the week, on account of personal reasons.

Mr. COBLE (at the request of Mr. ARMEY) for after 6:30 p.m. today and on May 11, on account of official business concerning his Intellectual Property Subcommittee.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UDALL of New Mexico) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. CUMMINGS, for 5 minutes, today.

(The following Members (at the request of Mr. PEASE) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day, on May 15 and 17.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.1198. An act to establish a 3-year pilot project for the General Accounting Office to report to Congress on economically significant rules of Federal agencies, and for other purposes; to the Committee on Government Reform.

## ADJOURNMENT

Mr. PEASE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 38 minutes a.m.), the House adjourned until today, Thursday, May 11, 2000, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7524. A letter from the Acting Administrator, Rural Utilities Services, Department of Agriculture, transmitting the Department's final rule—Load Forecasts (RIN: 0572–AB05) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7525. A letter from the Acting Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Post-Loan Policies and Procedures for Insured Electric Loans—received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7526. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Spinosad; Pesticide Tolerance Technical Correction [OPP–300960A; FRL–6551–9] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7527. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ethoxylated Propoxylated (C12–C15) Alcohols; Tolerance Exemption, Technical Correction [OPP–300973A; FRL–6498–4] (RIN: 2070–AB78) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7528. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Food Distribution Programs; FDPIHO-Oklahoma Waiver Authority (RIN: 0584–AB56) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7529. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Requirements for Insurance (RIN: 3133–AC22) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7530. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7531. A letter from the General Counsel, National Credit Union Association, transmitting the Administration's final rule—Organization and Operations of Federal Credit Unions—received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7532. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0126] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7533. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Standards of Performance for New Stationary Sources and Guidelines for Control of Existing Sources: Municipal Solid Waste Landfills [AD-FRL–6570–4] (RIN: 2060–AC42) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7534. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the California State Implementation Plan, Santa Barbara County Air Pollution Contol District [CA 236–0225a; FRL–6569–5] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7535. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion [SW-FRL–6570–2] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7536. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision Sacramento Metropolitan Air Quality Management District, San Diego County, San Joaquin Valley Unified, and Ventura County Air Pollution Control Districts [CA–157–0222, FRL–6569–9] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7537. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 11–99 which constitutes a Request for Final Approval for the Memorandum of Understanding with the United Kingdom concerning Cooperation, Operation and Support of the Apache Attack Helicopter, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

7538. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Spiny Dogfish Fisherey Management Plan [Docket No. 990713189–9335–02; I.D. 060899B] (RIN: 0648–AK79) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7539. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Learjet Model 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes [Docket No. 99–NM–311–AD; Amendment 39–11649; AD 95–19–04 R1] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7540. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Norwalk River, CT [CGD01–00–014] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7541. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Fort Lauderdale, Florida [COTP Miami 00–030] (RIN: 2115–AA97) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7542. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Hellicopter Textron Canada Model 407 Helicopters [Docket No. 99–SW–75–AD; Amendment 39–11651; AD 2000–06–10] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7543. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 99–NM–185–AD; Amendment 39–11648; AD 2000–06–08] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7544. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; CFM International CFM56–2, -2A, -2B, -3, -3B, and -3C Series Turbofan Engines [Docket No. 99–NE–57–AD; Amendment 39–11632; AD 2000–05–22] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7545. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Israel Aircraft Industries, Ltd., Model Astra SPX Series Airplanes [Docket No. 99–NM–256–AD; Amendment 39–11587; AD 2000–04–05] (RIN: 2120–AA64) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7546. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revision to the Water Quality Planning and Management Regulation Listing Requirements [FRL–6569–7] received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7547. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Kerosene Tax; Aviation Fuel Tax; Taxable Fuel Measurement and Reporting; Tax on Heavy Trucks and Trailers; Highway Vehicle Use Tax [TD 8879] (RIN: 1545–AV71; RIN: 1545–AT18) received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7548. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Minimum Funding Standards [Rev. Ruling 2000–20] received March 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7549. A letter from the Regulations Officer, Social Security Administration, Social Security Administration, transmitting the Administration's final rule—CFR Corrections (RIN: 0960–AF04) received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7550. A letter from the Under Secretary, Acquistion and Technology, Department of Defense, transmitting the annual reports that set out the current amount of outstanding contingent liabilities of the United States for vessels insured under the authority of Title XII of the Merchant Marine Act of 1936, and for aircraft insured under the authority of chapter 433 of title 49, United States Code, pursuant to Public Law 104—201, section 1079(a) (110 Stat. 2670); jointly to the Committees on Armed Services and Transportation and Infrastructure.

7551. A letter from the Secretary of Health of Human Services, transmitting the IHS National Diabetes Program Special Program for Indians; jointly to the Committees on Commerce and Resources.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 499. Resolution providing for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes (Rept. 106–613). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. EHLERS (for himself and Mr. Sensenbrenner):

H.R. 4414. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science.

By Mr. ACKERMAN (for himself and Mr. Shays):

H.R. 4415. A bill to amend the Animal Welfare Act to require humane living conditions for calves raised for the production of veal; to the Committee on Agriculture.

By Mr. DAVIS of Illinois:

H.R. 4416. A bill to amend title XIX of the Social Security Act to provide for coverage of community-based attendant services and supports under the Medicare Program; to the Committee on Commerce.

By Mr. GEJDENSON (for himself, Mr. Goodlatte, Mr. Menendez, Mr. Manzullo, Mr. Berman, Mr. Ackerman, and Mr. Wexler):

H.R. 4417. A bill to provide that the Secretary of Commerce have control over exports of satellites and related items, to provide certain procedures for exports of satellites and related items to the People's Republic of China, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina (for himself, Mr. Stenholm, and Mr. Thune):

H.R. 4418. A bill to make various improvements in the military health care system with respect to the TRICARE program; to the Committee on Armed Services.

By Mr. LEACH (for himself, Mr. LaFalce, Mrs. Roukema, and Mr. Baker):

H.R. 4419. A bill to prevent the use of certain bank instruments for Internet gambling, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MURTHA:

H.R. 4420. A bill to reauthorize the Southwestern Pennsylvania Heritage Preservation Commission, and for other purposes; to the Committee on Resources.

By Mr. WATKINS:

H.R. 4421. A bill to amend the Internal Revenue Code of 1986 to provide that the exclusion of gain on sale of a principal residence shall apply to certain farmland sold with the principal residence; to the Committee on Ways and Means.

By Mr. GREEN of Texas (for himself, Mr. Archer, and Mr. Bentsen):

H. Con. Res. 321. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Commerce.

By Mr. GILMAN (for himself and Mr. Hastings of Florida):

H. Res. 500. A resolution expressing the sence of the House of Representatives concerning the violence, breakdown of rule of law, and troubled pre-election period in the Republic of Zimbabwe; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. COX introduced A bill (H.R. 4422) for the relief of Vijai Rajan; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 61: Mr. LaFalce.

H.R. 106: Mr. Vitter.

H.R. 218: Mr. Gallegly.

H.R. 284: Mr. Sherman.

H.R. 460: Ms. Kaptur, Mr. Wynn, Ms. Millender-McDonald, Mr. Engel, and Mr. Stark.

H.R. 469: Mr. Deutsch.

H.R. 488: Ms. DeGette.

H.R. 531: Mr. Ballenger.

H.R. 632: Mr. Davis of Illinois.

H.R. 721: Mr. Boehlert.

H.R. 829: Mr. Kucinich and Mr. Shays.

H.R. 896: Mr. Hastings of Washington.

H.R. 979: Ms. Sanchez and Mr. Reyes.

H.R. 1063: Mr. Price of North Carolina and Mr. Deal of Georgia.

H.R. 1070: Mr. McInnis and Mr. Pease.

H.R. 1093: Mr. Ortiz.

H.R. 1112: Ms. DeLauro.

H.R. 1322: Mr. Foley, Mr. Duncan, Mr. Franks of New Jersey, Mr. Ryun of Kansas, Mr. Skeen, and Mr. Spence.

H.R. 1382: Mr. Forbes.

H.R. 1621: Mr. Hoeffel.

H.R. 1634: Mr. Dickey, Mr. Pickering, Mr. Sweeney, Mr. Barrett of Nebraska, Mr. Terry, and Mr. Wicker.

H.R. 1775: Mr. Kind.

H.R. 1795: Mr. Stark, Mr. Combest, Mr. Pallone, and Mr. Holt.

H.R. 1824: Mr. Price of North Carolina.

H.R. 2318: Mr. Calvert.

H.R. 2355: Ms. Velázquez.

H.R. 2362: Mr. Walden of Oregon.

H.R. 2397: Mr. Pomeroy.

H.R. 2562: Mr. Wamp and Mr. Forbes.

H.R. 2571: Mr. Borski.

H.R. 2613: Mr. Cook, Mr. Barrett of Nebraska, Mr. Moore, Mr. Talent, Mr. Calvert, Mr. Lewis of Kentucky, and Mr. Souder.

H.R. 2631: Mr. King.

H.R. 2706: Mr. Davis of Illinois.

H.R. 2722: Mr. Baca, Mr. Markey, and Mr. Towns.

H.R. 2768: Mr. Barr of Georgia.

H.R. 2817: Mr. Engel.

H.R. 2856: Mr. Hall of Ohio.

H.R. 2892: Mr. Shows.

H.R. 2987: Mr. Kuykendall, Mrs. Bono, Mr. Walden of Oregon, and Mr. Buyer.

H.R. 3125: Mr. Fletcher, Mr. Goodling, Mr. Hastings of Florida, and Mr. Whitfield.

H.R. 3193: Mr. Watkins.

H.R. 3235: Mr. Ackerman and Mr. Thompson of California.

H.R. 3240: Mr. Weldon of Florida.

H.R. 3288: Mr. Skeen.

H.R. 3306: Mr. Barr of Georgia.

H.R. 3405: Mr. Norwood, Mrs. Kelly, and Mr. Blagojevich.

H.R. 3433: Mr. Bonior, Mr. Filner, Mr. Rodriguez, Mr. Meehan, Mrs. McCarthy of New York, Ms. Eddie Bernice Johnson of Texas, Ms. Pelosi, Mr. Peterson of Minnesota, Mr. Hilleary, Mr. Horn, Mr. Sherman, Mr. Doyle, Mr. Brady of Pennsylvania, Mr. Engel, Mr. Phelps, and Ms. Rivers.

H.R. 3463: Mr. Stupak and Mr. Brown of Ohio.

H.R. 3500: Mr. Baca, Ms. Carson, and Mr. Abercrombie.

H.R. 3504: Mr. Gutierrez.

H.R. 3535: Mr. Udall of Colorado, Mr. Metcalf, and Ms. Woolsey.

H.R. 3540: Mr. Hefley.

H.R. 3580: Mrs. Biggert, Mr. Fletcher, Mr. Hutchinson, Mr. Matsui, Mr. Ballenger, Mr. Clyburn, Mr. Moran of Virginia, Mr. Shaw, Ms. McCarthy of Missouri, Mr. Larson, and Mr. Baker.

H.R. 3625: Mr. Hansen, Mr. Sherwood, Mr. Bliley, Mr. Diaz-Balart, Mr. Bachus, Mr.

Green of Wisconsin, Mr. Nussle, Mr. Goodlatte, Mr. Cannon, Mr. Mica, Mr. Simpson, Mr. Terry, Mrs. Fowler, Mr. Stearns, Mr. Turner, Mr. Ewing, Mr. Petri, Mr. Peterson of Pennsylvania, Mr. Linder, Mr. Salmon, Mr. Gibbons, Mr. Hobson, Mr. Boyd, Mr. Shimkus, Mr. Gillmor, Mr. Radanovich, Mr. Gekas, Mr. Ballenger, Mr. Jones of North Carolina, Mr. Crane, Mr. Barton of Texas, Mr. Souder, Mr. Calvert, Mr. Hastings of Washington, Mr. Hall of Texas, Mr. Ryun of Kansas, and Mr. Moran of Kansas.

H.R. 3634: Mr. Brown of Ohio and Mr. Davis of Illinois.

H.R. 3677: Mr. Campbell.

H.R. 3679: Mr. Armey, Mr. Barcia, Mr. Barr of Georgia, Mr. Boyd, Mr. Camp, Ms. Kilpatrick, Mr. Collins, Mr. Ford, Mr. Frost, Mr. Gallegly, Mr. Gejdenson, Mr. Gillmor, Mr. Hastings of Washington, Mr. Hayes, Mr. Hobson, Ms. Hooley of Oregon, Mr. Hunter, Mr. Isakson, Mrs. Jones of Ohio, Mr. Largent, Mr. Lewis of Georgia, Mr. Linder, Mr. Lucas of Kentucky, Mr. McIntyre, Ms. McKinney, Mr. Moore, Mr. Phelps, Mr. Ramstad, Mr. Regula, Mr. Riley, Ms. Rivers, Ms. Roybal-Allard, Mr. Smith of Michigan, Mr. Snyder, Mr. Tancredo, Mr. Tanner, Mr. Traficant, Mr. Upton, Mr. Whitfield, Ms. Kaptur, Mrs. Northup, Mr. Ose, Mr. Scarborough, Mr. Shays, Mr. Hefley, Mr. Conyers, Mr. DeFazio, Mr. Gutknecht, Mr. Frank of Massachusetts, Mr. Goode, Mrs. Clayton, Mr. Neal of Massachusetts, Mr. Mollohan, Ms. Jackson-Lee of Texas, Mr. Weldon of Pennsylvania, and Mr. Ackerman.

H.R. 3680: Mr. Gonzalez, Mr. McIntosh, Mrs. Bono, Mr. Price of North Carolina, Mr. Hoeffel, Mr. Leach, Mr. Kuykendall, Mr. Tancredo, Mr. Wu, and Ms. Millender-McDonald.

H.R. 3688: Ms. Sanchez, Mr. Baca, Mr. Brown of Ohio, Ms. Berkley, Mr. Weygand, Mr. Pomeroy, Mr. Edwards, Mr. Vento, Ms. Waters, Mr. Baird, Mr. Sawyer, Ms. Kilpatrick, Mr. Cramer, Mr. Lucas of Kentucky, and Mr. Condit.

H.R. 3765: Mr. Mollohan.

H.R. 3842: Mr. Petri, Mr. Cramer, Mr. Udall of Colorado, Mr. Pascrell, and Mr. Boswell.

H.R. 3880: Mr. McKeon.

H.R. 3887: Mr. Romero-Barcelo, Mr. Filner, and Mr. Waxman.

H.R. 3892: Mr. Holt.

H.R. 3894: Mr. Holt.

H.R. 3916: Mr. Franks of New Jersey and Mr. Pallone.

H.R. 3983: Mr. McIntosh, Mr. Meeks of New York, and Mr. Nadler.

H.R. 4001: Mrs. Mink of Hawaii and Ms. Carson.

H.R. 4013: Mr. Jefferson and Mr. Boswell.

H.R. 4034: Mr. Frank of Massachusetts.

H.R. 4064: Mr. Green of Wisconsin.

H.R. 4076: Mr. Saxton.

H.R. 4106. Mr. Etheridge.

H.R. 4113: Mr. Cannon, Mr. Walden of Oregon, and Mr. Hoeffel.

H.R. 4211: Mr. Udall of Colorado, Ms. Baldwin, Mr. Brady of Pennsylvania, Ms. Lee, Ms. Slaughter, Mr. Blagojevich, Mrs. Thurman, Mr. Ackerman, and Mr. Rothman.

H.R. 4213: Mr. Metcalf, Mr. Chabot, and Mr. Green of Wisconsin.

H.R. 4215: Mr. Gallegly.

H.R. 4271: Ms. Lee, Mrs. Johnson of Connecticut, Mr. Calvert, Mrs. Morella, and Mr. Baca.

H.R. 4272: Mrs. Johnson of Connecticut, Mr. Calvert, Mrs. Morella, and Mr. Baca.

H.R. 4273: Mr. Calvert, Mrs. Morella, and Mr. Baca.

H.R. 4274: Mr. McCrery, Mr. Diaz-Balart, Mr. Foley, Mr. Terry, Mr. Simpson, Mr. Rogan, Mr. Peterson of Pennsylvania, Mr. Chabot, and Mr. Boehlert.

H.R. 4346. Mr. Berry, Ms. Brown of Florida, Mr. Engel, and Mr. Kennedy of Rhode Island.

H.R. 4357: Mr. DeFazio, Mr. Lewis of Georgia, Ms. Hooley of Oregon, Mr. Deal of Georgia, Mr. McNulty, Mr. Brady of Pennsylvania, Mr. Frank of Massachusetts, and Mrs. Kelly.

H.R. 4385: Mr. Kucinich.

H.J. Res. 98: Mr. Jefferson, Mr. Cummings, Mr. Petri, Mr. Underwood, and Mr. Baldacci.

H. Con. Res. 253: Mr. Moran of Kansas.

H. Con. Res. 285: Mr. Underwood, Ms. Millender-McDonald, and Mr. Baird.

H. Con. Res. 286: Mr. Doyle.

H. Con. Res. 297: Mr. Doyle.

H. Con. Res. 319: Mr. Royce.

H. Res. 495: Mr. Gillmor.

H. Res. 498: Mr. Price of North Carolina, Ms. Roybal-Allard, Mr. Porter, Mr. Franks of New Jersey, and Mr. Crowley.

# EXTENSIONS OF REMARKS

## INTRODUCTION OF LEGISLATION TO INCREASE FUNDING FOR DIABETES RESEARCH

### HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. GREEN of Texas. Mr. Speaker, I support the resolution I have introduced today with Congressman BILL ARCHER and Congressman KEN BENTSEN, both fellow Texans, to express the sense of the House that funding for juvenile diabetes should be increased.

On April 27 we held a juvenile diabetes forum at Texas Children's Hospital in Houston, TX. At this forum, graciously sponsored by Texas Children's Hospital President and CEO Mark A. Wallace, we heard from Richard Furlanetto, scientific director of the Juvenile Diabetes Foundation and Dr. Ralph Feign, president, of the Baylor College of Medicine and physician-in-chief, Texas Children's Hospital, who shared with us some of the recent advances in treating juvenile diabetes. At Texas Children's Hospital and at Baylor, researchers are involved in promising studies into the complications of diabetes, glucose metabolism and insulin secretion.

Dr. Morey Haymond, a pediatrician who is much beloved by his small patients and their parents, spoke on the day-to-day concerns associated with juvenile diabetes and the need to increase funding for research. Juvenile Diabetes Foundation Ross Cooley updated the group on Juvenile Diabetes Foundation's fundraising activities, and also shared his own experiences with a daughter who suffers from the disease. Jane Adams, associated director for government relations of the Juvenile Diabetes Foundation provided an update on the group's legislative agenda and the need for grassroots advocacy.

Perhaps most compelling was the testimony of the families who attended the event. Molly Naylor, State leader for the Juvenile Diabetes Foundation in Houston and a tireless advocate for children and their families, shared the stories of her family and others and the difficulties they face in dealing with this disease. Mary Kay Cottingham, accompanied by her guide dog, spoke on losing her sight as well as the organ transplants she has undergone—all due to juvenile diabetes.

When Larry and Leslie Balthazar shared their personal story of discovering that Larry Junior, at 2 years old, had been diagnosed with juvenile diabetes there was not a dry eye in the house. These parents' love and worry for their child was so compelling and powerful that every person in the room was motivated to do whatever they could to eradicate this terrible disease.

The resolution I am introducing today stems from that event. We need to do more to cure juvenile diabetes. We have the resources, we have the technical expertise, and we are so very close to finding a cure.

Our resolution concisely outlines the problem and the solution:

> Whereas, over one million Americans suffer from juvenile (Type I) diabetes, a chronic, genetically determined, debilitating disease affecting every organ system:
>
> Whereas 13,000 children a year—35 each day—are diagnosed with juvenile diabetes;
>
> Whereas 17,000 children a year—46 each day—are diagnosed with juvenile diabetes;
>
> Whereas juvenile diabetes is one of the most costly chronic diseases of childhood;
>
> Whereas insulin treats but does not cure this potentially deadly disease and does not prevent the complications of diabetes, which include blindness, heart attack, kidney failure, stroke, nerve damage, and amputations;
>
> Whereas the Diabetes Research Working Group, a non-partisan advisory board established to advise Congress, has called for an accelerated and expanded diabetes research program at the National Institutes of Health and has recommended a $4.1 billion increase in Federal funding for diabetes research at the National Institutes of Health over the next five years; and
>
> Whereas a strong public-private partnership to fund juvenile diabetes exists between the Federal Government and the Juvenile Diabetes Foundation, a foundation which has awarded more than $326 million for diabetes research since 1970 and will give $100 million in fiscal year 2001:
>
> Now, therefore, be it *Resolved by the House of Representatives (the Senate concurring)* That Federal funding for diabetes research should be increased in accordance with the recommendations of the Diabetes Working Group so that a cure for juvenile diabetes can be found.

Mr. Speaker, I urge my colleagues to support this resolution. As the world's most prosperous and powerful nation we should be directing our resources to research and development. We should be investing in finding a cure for diabetes—Larry Balthazar Junior, and thousands of children like him, deserve no less.

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## HONORING THE LATE JEANIE GALE-ANDERSON

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HALL of Texas. Mr. Speaker, today I celebrate the life of Jeanie Gale-Anderson, who passed away on February 6, 2000, after her fight with lung cancer. She leaves behind a powerful legacy of devotion to her family and a passion for life that lives on in the hearts of those who knew her and loved her. I learned of her great love and the effect she had on the lives of her family—her tenderness and warmth—through one of her 10 grandchildren, Adam, who was a valuable and key legislative advisor in my Washington congressional office for a long period of time.

She was Georgeana Louise Gallucci for 22 years, proud daughter of George and Dorothy Gallucci of Jefferson, OH. One of six children, she is remembered and loved by her sisters, Garman, Natalie, Connie and brother, Freddy. For 53 years she was Jeanie Gale-Anderson, lifetime partner and devoted wife of James Sidney Anderson. For 52 years she was Mom to Jim, Tina, Jann Sydney, Pat and Tim. For 31 years, she was Nanny to 10 adoring grandchildren: Michael, Matthew, Bobby, Lisa, Adam, Aaron, Kacie, Duke, Ryan and Reid. Finally, for 4 years she was a great-grandmother to Ahna, Sara and Owen.

The rich fabric of her life was woven by her commitment to husband and family, the loving care and nurturing of her five children, and the delight and pleasure in her ten grandchildren and three great-grandchildren. She shared her love, boundless energy, tireless humor and wit with so many. Her life shown brightly for 75 years, with a full spectrum of qualities that her family will hold tightly in their hearts—her commitment, her courage and her faith in all things possible.

Her passion for life and for those she loved lives on in the memories of her family. Hers is a life to be celebrated, emulated and kept vibrantly alive by the deep-abiding relationships that do not end in death but rather deepen and grow richer with time until her family can be united again in eternity with Christ. Her family loved her so much, as she loved them.

She had loving hands a loving heart that touched, healed and nurtured her family. The values and guidance she taught have influenced all that they do. Laughter accompanied their triumphs and their failures. She was tireless in her efforts to provide physical, emotional and spiritual needs to her children. She treated them equally, but respected their differences, taught them to be determined, honest and responsible, and taught them to be patriotic—loving their heritage and our country.

Most of all, through her, her family learned what love truly is. "We have been blessed to pass this down to each of our children," her family writes. "What a legacy mom has left us all. Only the heart knows how to find what is precious and we have found it, all of us, through her. Our mother added a dimension to life impossible to measure or explain. Always our mother and teacher, she asked to be remembered by these special words she chose for us: Light after Darkness, Gain after Loss/Strength after Mystery, Peace after Cross/Sweet after Bitter, Hope after Fears/Home after Wandering, Praise after Tears/Sheaves after Sowing, Sun after Rain/Sight after Mystery, Peace after Pain/Joy after Sorrow, Calm after Blast/Rest after Weariness, Sweet rest at Last/Near after Distant, Gleam after Gloom/Love after Loneliness, Life after Tomb/After Long Agony, Rapture of Bliss . . . RIGHT was the PATHWAY Leading to THIS."

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

As we adjourn today, Mr. Speaker, let us do so in memory of this extraordinary woman, Jeanie Gale-Anderson.

## HONORING THE BERGER HEALTH SYSTEM IN CIRCLEVILLE, OHIO

### HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HOBSON. Mr. Speaker, I recognize the achievements of the Berger Health System in Circleville, Ohio, which is being honored this week by the American Hospital Association.

As Representative to Ohio's Seventh Congressional District, I am pleased to honor the volunteers of the Circle of Caring community service program for their devotion and generosity to the elderly and disabled community in Circleville.

The Circle of Caring program at Berger Health System is dedicated to providing basic daily care including housekeeping and transportation for the elderly and the disabled. Volunteers assist the elderly with domestic chores and contribute their time and services to improving the quality of life for those in need of medical attention or individual care. The volunteers of the Circle of Caring program are committed to providing the elderly with the sense of independence and dignity they have earned.

The Circle of Caring program was awarded the Hospital Award for Volunteer Excellence (HAVE) by the American Hospital Association which commends the volunteers' contributions to the local elderly community. A local volunteer effort such as Circle of Caring demonstrates to the rest of the nation the kind of care and empathy deserving of all elderly, and serves as a model for other community endeavors.

Mr. Speaker, I join the American Hospital Association in recognizing the efforts of the Circle of Caring at Berger Health Systems.

## HONORING MAX A. BACON, A COMMUNITY LEADER IN THE SEVENTH DISTRICT OF GEORGIA

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. BARR of Georgia. Mr. Speaker, today I honor a community leader from the Seventh District of Georgia. Max Bacon is a true leader in our community.

After devoting 6 years to the city council of Smyrna, GA, Max was elected mayor of Smyrna in 1985, following in his father's footsteps. Arthur Bacon served as mayor of Smyrna from 1976 to 1977, and again from 1982 until his death on October 26, 1985. Max was appointed by the city council to complete his father's unexpired term, and was elected mayor in his own right in 1985.

Aside from his duties at city hall, Mayor Bacon serves as the postmaster of the Mableton Post Office. In fact, he has been an employee of the U.S. Postal Service for more than 30 years. Mableton, a community near Smyrna, has experienced tremendous growth and change in recent years, as have most communities within the Greater Atlanta Area, and Max has witnessed this growth throughout his service at the post office and at city hall.

Recently, Max Bacon was asked by the U.S. Postal Service to step into a vacancy in the post of postmaster in Rome, GA, located in the northern part of the Seventh Congressional District. Management of the U.S. Postal Service called on Max to assist in working through a very difficult situation in the Rome Post Office. Max commuted to Rome from Smyrna for several months. During this time, he was able to resolve many issues, and once again bring much needed harmony to the postal employees, management, and indeed, the postal patrons as well. His willingness to assume this responsibility was very much appreciated by the citizens of Rome and Floyd County, GA.

Max is a member and past president of the Cobb Chamber of Commerce and chairman of the Smyrna Downtown Development Authority. He is a member of the Brawner Hospital Board of Directors, the Smyrna Business Association, and the Georgia Municipal Association. He was the recipient of the 1993 Georgia Municipal Association Community Leadership Award, and was selected as the Cobb County 1997 Citizen of the Year by the Marietta Daily Journal in January 1998.

I know I speak for many thousands of citizens of Georgia's Seventh District, in honoring Max Bacon today for his many contributions to his community, to the U.S. Postal Service, and the people of the Seventh District.

## IN RECOGNITION OF BILL AND HELEN WILLIAMS

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. PORTMAN. Mr. Speaker, I pay tribute to Bill and Helen Williams, friends and community leaders, who will be honored by St. Joseph Orphanage at the 2000 Scholar of Life Banquet, on May 19. They were selected for the Scholar of Life Award for their life-long charitable work assisting needy children and their families, their support to St. Joseph Orphanage, the significant and meaningful impact they have had on young people, and for their support to cultural institutions in Greater Cincinnati.

The contributions made by Bill and Helen go back a long way. Bill, who is currently chairman of the board of Western-Southern Life Insurance, says that when he first began selling insurance, he saw that some children did not always have the basic necessities. Bill said, "I remember my father taking orphans to Coney Island, [and my family] helping to organize donations through the downtown churches." In the 1950's and '60's, Helen says that "a group of women and I would take some of the children at Washington Park Elementary School to Old St. Mary's Church . . . adding a spiritual side to their lives they would not otherwise have had."

The Williamses have improved the quality of life and education for the Cincinnati area's most needy in many ways. Over 10 years ago, Bill set out to improve the housing for the less fortunate in downtown Cincinnati. He has had tremendous success since then, improving the living standards for hundreds in Over-the-Rhine.

Believing a solid education to be one of the keys to living a meaningful life, the Williams family sponsors scholarships for children who need financial assistance at Xavier University, the University of Notre Dame, and Georgetown University. In addition, Bill supports the Catholic Inner City Schools Education [CISE] organization where he has served as chairman of its annual campaign. CISE is a nonprofit group that provides financial aid to inner city schools, and Bill helped to forge a working program between Hoffman Elementary in the Cincinnati Public School System and CISE. In addition, Bill has administered the O'Brien Fund through the Williams Foundation, which helps children in need. Last year, he was inducted into the Greater Cincinnati Business Hall of Fame. In 1995, he received the Great Living Cincinnatian Award.

Helen also has had a profound impact on our area, and she has been very active in many charitable causes, serving as a trustee of St. Margaret Hall, the National Conference of Christians and Jews, Mercy Hospital Foundation, Wilberforce University, and Summit Country Day School. Helen formerly served on advisory boards at Mt. St. Joseph College and Christ Child Day Nursery. She also was a trustee and past president of the Beechwood Home for Incurables.

All of us in Cincinnati are most grateful to Bill and Helen Williams for their leadership, service, and commitment to our community.

## HONORING DOROTHY HARBER

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HALL of Texas. Mr. Speaker, today I recognize an outstanding citizen of the Fourth District of Texas, Dorothy Harber, Dorothy and her husband, Lacy, are among the most admired and appreciated—and, yes, loved—couple in Texas. Dorothy was recently awarded the Outstanding Hunting Achievement Award from the Dallas Safari Club—the club's most prestigious honor—for her outstanding success as a big game hunter. Begun in 1980, the Safari Club's award is not necessarily given every year, and it is given only for outstanding feats in the hunting world.

Dorothy and Lacy have been avid hunters for many years and also are strong advocates of hunter education, conservation, and humanitarian assistance. Dorothy has established exhibits at several local banks to educate children and adults about various wildlife throughout the world. During their many travels on safaris, they also have brought clothes and books to those in need in those countries. They have enriched all of the areas of the world they traveled and hunted in. No one can imagine the value of a gift of a jeep, equipment, tents, or one of the other numerous articles (coats, gloves, boots, hats, etc.) they take into the most remote—and the most poverty-stricken parts of the world. They leave them where they have hunted. Imagine leaving a jeep for a family in the poverty-stricken part of Russia—a family whose greatest income had been pennies per day—and the jeep worth thirty or forty thousand dollars. Dorothy and Lacy do not flaunt their generosity—but they certainly practice it wherever they are.

The Dallas Safari Club endorses ethical hunting practices. A fair chase and hunting ethics affidavit must be submitted to the club along with an official score sheet compiled by an official measurer. Dorothy qualified for the award for having collected all of the nine spiral horned antelope of Africa, all record book animals, all the African major species and many subspecies, the African big five, and for taking a ladies' world record for Marco Polo sheep in Kirghizia. She has not been squeamish about her accommodations—nor has she shied away from bad weather, tough terrain, and/or dangerous spots in danger areas.

Mr. Speaker, as we adjourn today, let us recognize the achievements of Dorothy Harber—and her husband, Lacy—for their contributions to the world of big game hunting and for their commitment to fairness and hunting ethics. They bring meaning to the word "international neighbor"—and bring lasting admiration and respect wherever they go.

## HONORING STUDENTS FROM LINCOLN HIGH SCHOOL IN PORTLAND, OR

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. WU. Mr. Speaker, I am pleased that last week I was able to spend time with some very talented students from Lincoln High School in Portland, Oregon. These students were in Washington, D.C. along with more than 1200 students from across the United States to compete in national finals of the We the People * * * The Citizen and the Constitution program. I am proud to announce that the class from Lincoln High School won an honorable mention a this national event. These young scholars have worked diligently to reach the national finals and through their experience have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The names of the students are: Erika Acheson, Louis Baer, Victoria Demchak, Ann Denison, Timothy Fitzgerald, Sarah Hopkins, Lisa Humes-Schulz, Krista Ingebretson, Joey Katz, Ian Krajbich, Emily Lande, Sarah Larson, Teresa Lau, Devon McCurdy, Benjamin O'Glasser, Caleb Oken-Berg, Julie Ota, Tawny Paul, Mariruth Petzing, Shauna Puhl, Maximilian Pyko, Wayne Saxe, John Schaub, Elizabeth Sheets, Lindsay Simmons, Carrie Steeves, Brigitte Streckert, Thomas Wilson, Karen Wolfgang, and Jenny Zou.

I would also like to recognize their teacher, Hal Hart, the district coordinator, Susie Marcus, and the state coordinator, Marilyn Cover, for their hard work and dedication to the students.

The We the People * * * The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The three-day national competition is modeled after hearings in the United States Congress. These hearings consist of oral presentations by high school students before a panel of adult judges. The students testify as constitutional experts before a panel of judges representing various regions of the country and a variety of appropriate professional fields. The students' testimony is followed by a period of questioning by the simulated congressional committee. The judges probe students for their depth of understanding and ability to apply their constitutional knowledge. Columnist David Broder described the national finals as "the place to have your faith in the younger generation restored".

Administered by the Center for Civic Education, the We the People * * * program has provided curricular materials at upper elementary, middle, and high school levels for more than 26.5 million students nationwide. The program provides students with a working knowledge of our Constitution, Bill of Rights, and the principles of democratic government. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers and by participating in other educational activities.

## HONORING DR. MARILYN WHIRRY, NATIONAL TEACHER OF THE YEAR

### HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. KUYKENDALL. Mr. Speaker, today I recognize an outstanding individual from my district, Dr. Marilyn Whirry. Dr. Whirry, an English teacher in Manhattan Beach, has been named National Teacher of the Year.

For over 33 years, Dr. Whirry has taught English literature to students in grades 9–12 at Mira Costa High School. She has touched the lives of thousands, spanning generations, instilling in her students the importance of education.

She currently teaches advanced placement English to Mira Costa seniors. When Dr. Whirry took over the program 9 years ago, only 26 students were in the class. The program has since developed under her direction and now enrollment is roughly 150 students. She expects a lot from her students, and implements a challenging curriculum focused upon rigorous learning and discovery.

Dr. Whirry's commitment to educational excellence extends beyond the Manhattan Beach Unified School District. She is also a professor at Loyola Marymount University and regularly conducts reading workshops throughout southern California. Dr. Whirry has been a consultant for several States including California, and she has also advised President Clinton. Last year she was selected as the chairperson of the National Assessments Governing Board's committee to develop a voluntary national reading test to assess fourth graders. Over her career, Dr. Whirry has become a national leader in education.

I congratulate Dr. Marilyn Whirry on being selected as National Teacher of the Year. The rigorous selection process revealed what the students of Mira Costa High School have known all along, that Dr. Whirry is a remarkable teacher. This tremendous honor is a testament of her commitment to her students as well as a reflection of the quality of education in the South Bay. The students and parents of Manhattan Beach are grateful to have her as an educator. I wish her continued success.

## HONORING STANLEY M. SILVERMAN

### HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. ROGERS. Mr. Speaker, some of the most lasting contributions to freedom throughout the world, and to the triumph of American values, have been made over the last four decades by the patriotic staff of the U.S. Information Agency [USIA] and its successor organizations within the U.S. Department of State.

The USIA legacy can be found around the globe, and most significantly in the former cold war states whose failed social structures gave way to principles and institutions promoted by American foreign policy, exposure to American commentary, and opportunities for cultural exchange.

The USIA has relied on many gifted servants over the last several decades, but perhaps no one has provided such sustained and influential service as Stanley M. Silverman, who retired in April of this year, after 45 years of government service. Stan has been a guiding presence within the agency, an institutional marvel, a key adviser to directors and colleagues alike, and most importantly, a man of integrity.

For many years, the USIA occupied an evolving and unique role within American government. Its job was to promote the understanding of the politics, culture, and enduring values of the United States to an outside world that often was hostile to our norms. Through its many programs, it told the American story and satisfied those in closed societies who hungered for our ideals and for the freedom of expression.

As the last comptroller of the USIA, Stan Silverman built a career around ensuring this agency had the resources necessary to carry out this enormously important and successful mission. He led the formulation and execution of the agency's budget, and faithfully advocated its importance year after year within the executive branch and before the Congress. All who worked with Stan benefited from his clear articulation of the agency's purpose and needs, his unfailing recall of facts and figures, and his wonderful sense of humor.

His work was instrumental in creating a constructive relationship between his agency and the legislative branch, in particular the members and staff of the House Appropriations Committee. To the agency he served and the Congress he respected, he provided consistent support and leadership at all times, including those critical times for the agency, when its well-accepted missions became the subject of critical evaluation once the cold war was won.

Stan Silverman will never put aside the trappings of modesty for which he is known. So we must acknowledge and celebrate his rare combination of intellect, wisdom, humor, and loyalty to a Nation that must ever hold those of such character in the highest possible regard.

Recalling words attributed to Plato, "The penalty good men pay for indifference to public affairs is to be ruled by evil men." Today we honor the career and accomplishments of Stan Silverman, a good man who honored the practice of public affairs with his service, to the benefit of the free people of this Nation and so many others.

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## RECOGNIZING CLINTON HIGH SCHOOL

### HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. McGOVERN. Mr. Speaker, today I pay special tribute to the members of the Clinton High School/NYPRO Partnership in Clinton, MA.

It gives me great pleasure to salute and congratulate the Clinton High School students, teachers, and the engineers from NYPRO for their impressive accomplishments during the recent "FIRST Robotics Competition" at both the regional and national levels.

FIRST, which stands for "For Inspiration and Recognition of Science and Technology", is a nonprofit organization whose mission is to generate an interest in science and engineering among today's youth. The primary means of achieving this goal is through an annual robot competition, the FIRST Robotics Competition, which is a national engineering contest that immerses high school students in the exciting world of engineering.

Just as other students teamed up with engineers from businesses and universities, the Clinton High students continued their partnership with NYPRO, Inc., which dates back to 1992.

Through this project, the students are able to get a hands-on, inside look at the engineering profession. During an intense 6-week period which began in January, the Clinton High students, teachers, and NHPRO engineers worked together to brainstorm, design, construct, and test their "champion robot."

The teams then moved forward to regional tournaments—complete with referees, cheerleaders and time clocks. At this year's FIRST 2000 New England Regional Competition held in Hartford, Connecticut, the Clinton High/NYPRO "Gael Force" Team was declared Semi-Finalists out of 41 participating teams, and they were awarded the "Best Defensive Award."

The results at the national level were even more impressive, as the Clinton High/NYPRO team was named 2nd Place Finalists out of 268 teams at the FIRST 2000 National Competition held recently at EPCOT in Florida.

In addition, they were awarded $7,000 in software animation from Autodesk, Inc., for outstanding animation created by the student team members, and won the prestigious Worcester Polytechnic Institute Design Innovation Scholarship, which is a full 4-year scholarship worth approximately $12,000 for one of the team members.

Since the beginning of their partnership in 1992, the Clinton High School/NYPRO team has received national recognition and significant awards over the years. The students, teachers, and engineers can be justly proud of their trophies and awards which honor their dedication and prize-winning effort. However, their is something even more important to celebrate—their special relationship has allowed for an incredible exchange of resources and talent and has exposed students to new educational opportunities and career choices.

Superintendent of School Edward J. Philbin recently observed that Clinton is "a better school system and a better community because of FIRST. Effective education cannot be accomplished only in the classroom within the time limits of the school day . . . it takes the united effort of every constituency in the community to put common goals into practice by working side by side in a learning and sharing environment."

As the citizens of Clinton celebrate their community's 150th birthday, the Clinton High School/NYPRO success story represents the town's continuing winning attitude and tradition.

I sincerely commend everyone at NYPRO for the strong support given to this venture, especially the dedicated engineers who contribute so much of their time and themselves on behalf of the young people. I particularly applaud and salute the phenomenal students of Clinton High School's "Gael Force" team and their teachers—I share the great pride felt by Clintonians in their tremendous spirit and commitment to this year's FIRST success.

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## A TRIBUTE TO MYRA LENARD AND HER LIFETIME OF SERVICE

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. LIPINSKI. Mr. Speaker, I pay tribute to Casimira (Myra) Lenard, a monumental philanthropist and Polish-American activist, who sadly passed away on May 1st at Walter Reed Army Hospital. For nearly 40 years, Myra fought to find jobs for the meager, provide rations for the suffering, and promote democracy for the oppressed.

Myra Lenard was born in Poland and immigrated to Chicago with her parents in 1927. Seven years later, she became a United States citizen. In 1962, she moved to Washington, DC after her surviving husband Casimir (Colonel, U.S. Army, Ret.) was assigned to the Pentagon. Soon later, she began a very successful 20-year career in the private sector employment placement industry, overseeing 11 placement offices on the east coast. Myra was highly respected in her profession, serving in several leadership positions within the personnel services industry. As president of the Capital Area Personnel Services Association, she successfully lobbied for title 7, the Civil Rights Act of 1964 and for equal employment opportunities. In 1975, Myra was widely acknowledged for her efforts to find "fee-free" work for several hundred Vietnamese refugees. In addition, she used her many offices to support the growing Solidarity labor movement in Poland.

In 1981, Myra left the private sector to become executive director of the Polish American Congress [PAC] in Washington, DC. She continued to support Solidarity by organizing record fundraising, including 22 railroad cars of relief goods, valued at $7 million in 1981. To mark the first anniversary of Solidarity, she organized a "Solidarity convoy" of 32 large container trucks, valued at over $10 million.

Myra Lenard's outstanding leadership of the Polish American Congress and its accompanying charitable fund [PACCF] allowed the organization to qualify for Federal funds, administered through the U.S. Agency for International Development [USAID] and the Combined Federal Campaign [CFC]. In addition, the PAC's Washington, DC office administered a series of National Endowment for Democracy [NED] grants, helping to sustain a measure of hope for democracy in the Communist-controlled Poland.

Furthermore, Myra expanded the relationships of the PAC with the U.S. Congress, Executive Office of the President, Department of State, and several other governmental agencies. Through her many contacts, the Polish American Congress engaged in strong lobbying campaigns for the Immigration Reform Act of 1986, as well as the Support of Eastern European Democracy Act of 1989 [SEED ACT], containing needed appropriations for Poland. Some of Myra's later efforts included lobbying to secure to the present Oder-Neisse border with Germany and Poland's recent entry into the North Atlantic Treaty Organization [NATO].

For these many efforts, Myra Lenard was appropriately given numerous accolades, including Poland's highest award for foreign civilians. Today, I am pleased to offer my own words of praise to my colleagues about this great leader. While Poland was still suffering from the plague of Communism, Lech Walesa stated: "The supply of words in the world market is plentiful but the demand is falling—let deeds follow words now." Mr. Speaker, Casimira (Myra) Lenard followed these words with, unending devotion and activism. Again, I thank her for over 40 years of tremendous service for two great nations.

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## HONORING THE LATE LEONARD JAMES KELLER

### HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HALL of Texas. Mr. Speaker, today I pay tribute to an outstanding American who served his country with distinction both as a military officer and as an engineer who was dedicated to protecting and improving the quality of life of all our citizens. Leonard James Keller, a citizen of Bonham, TX, in the

Fourth District, died on November 27, 1999, leaving behind a legacy of service to his country.

Born on February 25, 1925 in Duenweg, MO, Leonard Keller fought in both World War II and the Korean war. He was commissioned an officer and cited for heroism while serving with the 43d Infantry Division in Luzon, Philippine Islands. After the wars, Mr. Keller graduated with honors in mining engineering and geology at Missouri School of Mines and Metallurgy in 1955 and received the W.A. Tarr Award as the outstanding graduate in the earth sciences field. He also was honored in Who's Who of North America.

As a registered professional engineer, Mr. Keller was an inventor of record, with a remarkable 17 U.S. patents in his name. An expert in his field, he authored numerous technical papers, some of which have previously been entered into the CONGRESSIONAL RECORD. Mr. Keller spent 15 years working for five major U.S. corporations in engineering, research, and technical services and management before cofounding the Keller Corp. in 1969. In 1975, he also cofounded the Methacoal Corp. of which he served as president. His coinventor partner, the late Austin N. Stanton, also of Bonham, TX, who died 5 years earlier to the day, was a renowned inventor who received numerous awards and is known as the inventor of microcircuitry—the precursor to the computer age—and the founder of Varo Corp.

Mr. Keller was a visionary in his field. His inventions likely will come to fruition in the coming years. These include a BiRotor device that will enable the direct methanol fuel cell to power automobiles, a water purification system that turns sea water into distilled water, an environmental oxygen system, the use of methacoal instead of coal to reduce smog and hurricane-proof, tornado-resistant homes. These are just a few of the technologies that Mr. Keller developed with his partner, Mr. Stanton—technologies designed to improve the quality of life for everyone.

Mr. Keller was a dedicated member of the First Christian Church, Disciples of Christ, in Bonham, where he served as an elder, and he was active in the Veterans of Foreign Wars Post 4852 in Bonham. He also was dedicated to his family and is survived by his wife of 57 years, Marjorie Maxine Keller; sons Jerry, Steve, and David; one grandson; two granddaughters; five great-grandsons; one nephew; and two nieces.

Mr. Keller will long be remembered for his many contributions to his country and community, and he will be sorely missed by his loving family and his many friends in Bonham. As we adjourn today, Mr. Speaker, let us pay our last respects to this outstanding American, Leonard James Keller, who envisioned a better future for all of us.

## PERSONAL EXPLANATION

### HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mrs. MYRICK. Mr. Speaker, due to necessary medical treatment, I was not present for the following votes. If I had been present, I would have voted as follows:

MAY 8, 2000

Rollcall vote No. 146, on the motion to Suspend the Rules and agree to H. Con. Res. 296, Expressing the sense of Congress regarding the necessity to expedite the settlement process concerning claims of racism against the Department of Agriculture brought by African-American farmers, I would have vote "yea."

Rollcall vote No. 147, on the motion to Suspend the Rules and pass H.R. 3577, increased authorization for the North Side Pumping Division of the Minidoka Reclamation Project, I would have voted "yea."

Rollcall vote No. 18, on the motion to Suspend the Rules and agree to H. Con. Res. 89, recognizing the Hermann Monument as a national symbol of the contributions of Americans of German heritage, I would have voted "yea."

## KENTUCKY NURSES WEEK

### HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mrs. NORTHUP. Mr. Speaker, today I honor a group of Kentuckians who are truly dedicated to serving others. The qualities of our nurses are not limited to their medical skill and quick thinking, but also include their reassuring and comforting manner. Day after day, in endless settings, nurses are expected to be energetic, efficient, and attentive. This week is Kentucky Nurses Week, and we should all remember the nurses across the Commonwealth who have committed their careers to helping others feel better.

Each medical area has a network of nurses who devote long hours to offering quality care to people from each walk of life. It probably isn't difficult to remember a time when a nurse's skill eased our pain, or when a nurse's kind words or smile eased our apprehension. From simple to very technical procedures, nurses are prepared to help and offer service in one of the most healing fields.

The nursing profession is vital to our well-being and survival. I am proud to call your attention to Kentucky Nurses Week, May 6–12, and hope you will join me in thanking nurses sincerely for their hard work.

## HONORING THE LOUISIANA STATE PENITENTIARY HOSPICE

### HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. BAKER. Mr. Speaker, this is National Hospital Week, when communities across the country celebrate the people that put a human face and human touch on health care. This year's theme sums it up nicely: "Touching the Future with Care." It recognizes the health care workers, volunteers and other health professionals who are there 24 hours a day, 365 days a year, curing and caring, for their neighbors who need them.

An example of this dedication is the hospice at the Louisiana State Penitentiary in Angola, Louisiana. The program won the American Hospital Association's prestigious Circle of Life Award, which recognizes innovation and improvement in end of life care.

The hospice at the Louisiana State Penitentiary, the largest maximum security prison in the United States, provides a humane and caring environment to the terminally ill. Inmates dying in the prison hospital can now spend more time with their families, be comforted by specially trained fellow inmate volunteers, and have their pain managed in a setting that is especially wary of the use of drugs. This innovative program not only gives the dying their dignity, it gives the inmate volunteers an unusual opportunity to connect with another person and give their own life some purpose. The program has also become a model for other prisons in Louisiana and across the nation.

Mr. President, I congratulate the hospice at the Louisiana State Penitentiary for its award-winning program.

## HONORING POLICE CHIEF RICHARD POLZIN OF RACINE, WI

### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. RYAN of Wisconsin. Mr. Speaker, today I honor a dedicated public servant and an accomplished law enforcement official. After 36 years of unwavering service to the city of Racine, WI, Police Chief Richard Polzin will retire on May 13, 2000.

Chief Polzin joined the Racine Police Department in 1964 and served in numerous capacities and was continually promoted to elevated positions until he was chosen in 1992 to head the entire department.

Chief Polzin has presided over much change in the department during his tenure. His focus on community policing and outreach is largely credited with the dramatic decreases in crime rates in Racine. He is a man that has earned great respect from those who have served with him and from the residents of Racine for whom he has dedicated his life.

On a personal note, Chief Polzin has served as a valuable resource for me in representing the people of the first district. Throughout his career he has had an open door policy and has participated in public events to further his involvement with those he has served. He has done so not for glory or praise, but rather to better serve as an effective and appreciated officer of the law.

Chief Polzin has maintained a unique personal sense of decency and common sense that has carried over to his professional career. It is with great sadness that the community bids him farewell.

I wish Chief Polzin and his family the best of success in the future and thank him for his 36 years of dedicated service.

## A TRIBUTE TO BOB DYER AND HIS BRAVE ACT OF HEROISM

### HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. LIPINSKI. Mr. Speaker, on April 21, 2000, a powerful natural gas explosion rocked a home in the Village of Justice, a southwest suburb of Chicago at 4:00 a.m. In a matter of seconds, the home of two distinguished senior citizens became engulfed in a blazing fire.

Luckily, their new next-door neighbor, "Bobby" Dyer, was quickly awakened by the loud concussion. Barefoot, Dyer rushed to the scene to see his neighbors trapped in their rapidly disintegrating house. Blocking their exit was a pile of debris from the former eave over the front door. Heroically, Dyer pushed aside the heavy aluminum/wood roofing material and helped the couple through their heavily damaged front door frame. After dialing 911, he supplied his neighbors with initial first aid and clothing.

By virtually all accounts, Bob Dyer's actions thankfully saved the lives of his two neighbors. Valentine and Eileen Michalowski received second and third degree burns, as well as heavy smoke inhalation. However, I understand that they will fully recover from their serious injuries.

I was pleased to hear that the Village of Justice will hold its first ever Saturday board meeting, where May 21–27, 2000 will be appropriately named "Bobby Dyer" week. Mr. Speaker, I strongly echo the congratulations of the Village of Justice and I thank Mr. Dyer for his immediate contributions to the 3d Congressional District of Illinois.

## IN HONOR OF TAIWANESE AMERICAN HERITAGE WEEK

### HON. DAVID WU

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. WU. Mr. Speaker, I would like to pay tribute to Taiwanese Americans across the United States. As you may know, May 7–14 is designated as Taiwanese American Heritage Week. Today, there are more than one half-million Taiwanese Americans across the United States. From science and education, to politics, Taiwanese Americans have made profound contributions to the strength and diversity of this great nation.

Like many immigrant communities, Taiwanese Americans have maintained a close relationship with their original homeland. Exchanges between Taiwan and the United States have resulted in an ever-closer relationship in trade, culture, and values. As we witnessed in the March 18th, 2000 Taiwanese Presidential election, the people of Taiwan and the United States share a bond in their adherence to the principles of freedom, democracy, and human rights. That bond is made stronger each day by the Taiwanese American community here in the United States.

Today, as the first member of the U.S. House of Representatives born in Taiwan, I am proud to pay tribute to Taiwanese Americans. During the occasion of Taiwanese American Heritage Week, I urge all my colleagues in the U.S. House of Representatives, and indeed all Americans, to celebrate the diversity Taiwanese Americans have contributed to the United States.

## HONORING RICHARD N. AFT AS HE ANNOUNCES HIS RETIREMENT AS PRESIDENT OF UNITED WAY & COMMUNITY CHEST OF GREATER CINCINNATI

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. PORTMAN. Mr. Speaker, I honor Richard N. Aft, a valued friend and constituent, who has served as president of the Greater Cincinnati United Way & Community Chest for 13 years. He announced that he will step down as president in December.

In his capacity as president, Dick leads the United Way staff, represents United Way in the Greater Cincinnati area, manages the annual fund drive, and involves community leaders in carrying out the mission of United Way, which is: "To increase the capacity of our diverse community to prevent and alleviate human suffering." Under Dick's leadership, our United Way & Community Chest has been making progress each year in accomplishing this critical mission. The organization has grown to serve approximately 1,500,000 people in a seven country, two-state metropolitan area. And the United Way campaign now raises over $58 million per year.

Dick has not only expanded the responsibilities of our United Way and increased its annual revenues, he also has taken creative measures to address tough issues facing our community. For example, under his leadership, United Way formed an innovative and successful partnership called "Every Child Succeeds" with Children's Hospital Medical Center and the Cincinnati-Hamilton County Community Action Agency/Head Start.

Dick is a graduate of Knox College, and received an M.A. in social service administration from the University of Chicago, He is currently a Ph.D. candidate in Organizational Leadership and Development at the Union Institute in Cincinnati.

Actively involved with other organizations, Dick currently serves as a board member for the Coalition for a Drug-Free Greater Cincinnati; the Health Improvement Collaborative of Greater Cincinnati; Xavier University Advisors; Leadership Ohio; and Ohio United Way. He is an executive committee member for the Cincinnati Youth Collaborative; Hamilton County Family and Children First Council; and the Greater Cincinnati Chamber of Commerce Public Affairs Council.

Dick and his wife, Mary Lu, live in Cincinnati. They have three sons, David, Rob, and Eric.

All of us in the Greater Cincinnati area congratulate Dick on his extraordinary service to our community. We appreciate his leadership and friendship, and wish him well in his final months as United Way president and with the new challenges to come.

## HONORING APPLE VALLEY HIGH SCHOOL FOR EXCELLENCE

### HON. BILL LUTHER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. LUTHER. Mr. Speaker, today I congratulate Apple Valley High School for its excellence in arts education. This school has received many awards, but most recently the National Academy of Recording Arts and Sciences selected this school, out of 18,000 applicants, to be a Grammy Signature School for the second consecutive year.

In 1991 the U.S. Department of Education recognized Apple Valley High School as a Blue Ribbon School of Excellence, and just seven years later, in 1998, the Minnesota Music Educators named AVHS the Minnesota Model Music School. The National Endowment for the Arts has also granted a AVHS a special national commendation for content-rich arts.

The outstanding success of Apple Valley High School graduates has rewarded the school's commitment to art and music education. Students' achievements are an apt reminder that arts education should not be minimized but rather embraced wholeheartedly, as Apple Valley High School's example shows.

## CELEBRATE NATIONAL NURSES WEEK

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. GUTIERREZ. Mr. Speaker, today I congratulate the Edward Hines Jr. Medical Center Nurses for their invaluable work caring for our nation's veterans on the occasion of the National Nurses Week, which is celebrated the week of May 7–13, 2000.

The nursing staff at Hines Medical Center provide nursing care for veterans of all ages and all walks of life. They provide specialty care to patients from Illinois as well as throughout the Midwest. The nursing staff is committed to ensuring that all veterans received the high quality care they so richly deserve.

Approximately thirty-four thousand veterans are enrolled at Hines Medical Center. The nursing staff treat veteran patients during more than four-hundred thousand inpatient and outpatient visits each year.

The Nurses Week theme this year is "Helping, Sharing, Always Caring for Our Veterans." They have a week of special events planned for Nurses Week. These include a nursing rededication to service program, nursing Olympics, and fellowship programs for all three shifts. Medical media is providing a video that highlights the many contributions of the nursing staff.

I congratulate and recognize Hines Medical Center Nurses and all nurses for their service to patient care, research, education, quality improvement, infection control, administration and the many other areas where nurses make a difference at Hines and at all medical facilities. I thank them for their commitment, dedication and tireless service.

## TRIBUTE TO THE HALL OF FAME FOR GREAT AMERICANS

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. SERRANO. Mr. Speaker, it is with joy and pride that I congratulate and pay tribute to the Hall of Fame for Great Americans, which will celebrate its centennial this year.

Located on the campus of Bronx Community College, the hall of Fame for Great Americans is a national landmark honoring American achievements. Along with celebrating the centennial, some prominent American leaders will be honored. This year's honorees are Bernard Beal, Valerie Lancaster Beal, Wall Street investment bankers, and Elinor Guggenheimer, a major civic leader and philanthropist in the city.

Mr. Speaker, the Hall of Fame for Great Americans is the original "Hall of Fame" in this country. It was founded by Dr. Henry Mitchell MacCraken, chancellor of New York University, in 1900. Last year two significant architectural awards were bestowed on the Hall of Fame, one from the New York Landmarks Conservancy and the other from the Municipal Arts Society.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Hall of Fame for Great Americans centennial celebration possible.

## SUPPORT OF THE MILLION MOM MARCH

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Ms. LEE. Mr. Speaker, I strongly support the Million Mom March. This weekend, mothers from across the nation will convene on the National Mall to put the U.S. Congress on notice that common sense gun policy—specifically licensing and registration—is the will of the people.

I stand beside and applaud these women. They and many of their families have been devastated by the unnecessary and preventable deaths of their children. Many of them have seen first hand the harrowing effects of too many massacres, too much heart break and too many tragedies, sometimes, even at the hands, of our children.

We promised these moms and the American people common sense gun control legislation. We have not delivered on that promise. In fact, we have gone in the other direction—engaging in a war of words only. For more than two months now, the Congress has had an opportunity to act responsibly and at a minimum insist that the conferees to the Juvenile Justice bill meet immediately. Yet our Republican leadership refuses to assert their leadership and do the right thing.

In my district, in Northern California, the Oakland City Council has taken a strong stance on gun control. They are putting human lives first by prohibiting the sale of compact hand guns, penalizing firearms "straw sales," and prohibiting people under the age of 18 from entering establishments that display firearms. Yet here in Congress we won't take even the minimum steps, such as requiring child safety trigger locks, to ensure the safety of our children.

As a mother, I too feel that we can no longer afford to play partisan politics while so many children's lives remain at stake. All of the moms who will be in Washington, D.C. this weekend want results. They want us to do the right thing. They too want the Juvenile Justice Conferees to meet immediately and they want the Congress to deliver on its promise. Congress must pass common sense gun control legislation.

## IN RECOGNITION OF THE GALLATIN COUNTY MARCHING HAWKS

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. PHELPS. Mr. Speaker, today I recognize and congratulate one of my district's marching bands. The Gallatin County Marching Hawks from Gallatin County High School in Junction, IL recently won second place in the Cherry Blossom Festival in Washington, D.C. They competed against fifteen other bands from the state of Illinois.

Led by Kathy Hanrahan, members of the band include Rhesa Armstrong, Whitney Belford, Brandy Bratcher, Sarah Burtis, Michelle Crayne, Megan Cremeens, Carrie Dillard, Haley Downen, Alex Drane, Wes Duffy, Jaclyn Edwards, Lane Golden, Brandi Hargrave, Sarah Head, Jennifer Holt, Laura Holt, Jennifer Howard, Kareicia Hufsey, Brittney Lane, Natalie Lane, Sarah Lawler, Amanda Lindsay, Racheal Luckett, Allison Maloney, Florence McCue, Abraham Naas, Katy Newton, Katie Noel, Rikki Pritchett, Braxton Raben, Christina Raben, Jessica Rister, Jennifer Roberts, Julia Roe, Chris Sanders, Daniel Sehou, Tabitha Vaughn, Victoria Vickery, Abby Wargel, Andrew Wargel, Benita Wentzel, Becky West, Ella York, Emily York, Kory Newton, Ben Austin, Lindsay Adams, Stuart Aud, Emily Bickett, Justin Brown, Anthony Drone, Brett Drone, Josh Drone, Andrew Fritschle, Phillip Givens, Bryan Hargrave, Brittany Jones, Lacie Jones, Hannah Naas, Natalie Ozee, Jordan Raben, Deborah Roberts, Nick Scates, Lacie Wood, Megan Zirkelbach, Kara Crayne, Kendra Fromm, and Josh Austin.

The members of the Gallatin High School Marching Hawks should be proud of their achievement. I congratulate them and wish them good luck in their future competitions.

## CELEBRATING MOTHER'S DAY

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HASTINGS of Florida. Mr. Speaker, as we celebrate Mother's Day, today I celebrate the enormous contributions of mothers all over the country. I want to pay a special tribute to those mothers who have lost their children in the prime of their lives, much too early. One such mother is Ruth Tinsman, who has served as my Congressional Aide for seven years. Ruth served my two predecessors in Congress as well, and did so with the highest level of commitment and honor. Her commitment as a mother, however, has been her truest and most noble calling, as she will remind those who admire her long and devoted public service.

Mr. Speaker, Ruth Tinsman lost her son Robert Tinsman in Miami, Florida last week, his candle burned out all too soon, as the poet E.E. Cummings once said. "Bobby," as he was known to his friends and family, was a veteran of the Vietnam War, an American hero to those of us who recognize the value of his tremendous sacrifices, and whose service will never be forgotten. Bobby will be remembered fondly by all who knew him, but most lovingly by his mother, whose life has always revolved around her children and grandchildren. My heart is saddened because her heart is heavy, but my sorrow is tempered by the wonderful memories that this devoted mother will always cherish. As a Member of Congress, I am honored to take this opportunity to praise the remarkable women who each day in their own way work to build a society where all of us can be free. Ruth Tinsman is such a woman, such a mother. As I salute all the mothers in this country, it is my special honor to salute her this Mother's Day.

## STATEMENT IN HONOR OF TAIWANESE-AMERICAN HERITAGE WEEK

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mrs. LOWEY. Mr. Speaker, it is a great privilege for me to pay tribute to Taiwanese-American across the country as we celebrate Taiwanese-American Heritage Week.

The Taiwanese-American community is the keystone of a strong and mutually beneficial United States-Taiwanese relationship. For decades, Taiwanese-Americans have advocated on behalf of United States-Taiwan friendship, and have contributed immeasurably to American society while maintaining their Taiwanese heritage.

My Congressional District in New York is particularly fortunate to have a vibrant and strong Taiwanese-American community. And New York as a whole has benefitted from the tremendous contributions of this community to the economic and cultural character of the state. The more than half-million Taiwanese-

Americans across the United States have made priceless contributions to our country, and organizations like the Formosan Association for Public Affairs have helped further these outstanding accomplishments.

Taiwan and the United States share a common commitment to the ideals of democracy, freedom, and human rights. The 1979 Taiwan Relations Act, which formed the official basis for friendship and cooperation between the United States and Taiwan, continues to provide a strong foundation for the bond between the people of both countries. And that bond is made stronger each day by the Taiwanese-American Community.

I am privileged to represent a strong Taiwanese-American community, nad I am proud to pay tribute to their strength and activism during Taiwanese-American Heritage Week.

## IN HONOR OF DUNCANVILLE HIGH SCHOOL

### HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. FROST. Mr. Speaker, I pay honor to the outstanding achievement of students and others associated with Duncanville High School in Duncanville, Texas.

This school has been chosen by judges of the 17th Annual American Set a Good Example Competition to receive one of three national second place awards. These awards go to a school for a project done by students to influence their own peers in a positive way—away from drug abuse, crime and violence while forwarding commonly accepted moral values such as honesty, trustworthiness and competence. Additionally, Duncanville High School won the $2,500 Learning Improvement Award for the work students did on researching career information and determining a direction they want to pursue, including making resumes and completing Pell Grant applications, and writing for a minimum of five scholarships. Such projects enhance student opportunities, strengthen character and better prepare our young people for a positive future.

I commend the students, principal, administrators, teachers and parents of Duncanville High School for a job well done in these successful projects.

## HONORING DR. CHARLES H. McCOLLUM, MD

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. BENTSEN. Mr. Speaker, I am honoring Dr. Charles H. McCollum for being named the Houston Surgical Society's "Distinguished Surgeon" of 2000.

An extraordinary surgeon and teacher, Dr. McCollum has served since 1967 as Assistant Professor and then Professor of Surgery at Baylor College of Medicine. He is renowned as a lowkey yet demanding teacher who instills in his residents the excellence that he himself brings to his profession. While sharing his knowledge with residents and enhancing their performances, he is still dedicated to his patients and to his daily work in the operating room at the Texas Medical Center's Methodist Hospital.

A native of Fort Worth, Texas, Dr. McCollum graduated from the University of Texas in Austin with a B.A. in 1955. He received his Medical Degree from UT's Medical Branch in Galveston in 1959. Dr. McCollum did his internship and his residency training at the Hospital of the University of Pennsylvania in Philadelphia.

Dr. McCollum is known throughout the Texas Medical Center community as a fine physician and civic leader. From 1961–1969, Dr. McCollum was a Captain in the United States Army Reserve. He has had many academic and professional society appointments and offices. He served as President of the Texas chapter American College of Chest Physicians for 1975–1976. He lent his expertise to the Michael E. DeBakey International Surgical Society, serving as an officer from 1977 to 1992. He has served as President of the Houston Surgical Society, Southwestern Surgical Society, and the Texas Surgical Society.

Throughout his career, Dr. McCollum has distinguished himself as a caring doctor who puts his patients first and a gifted teacher who demands the best. I congratulate Dr. McCollum for being named the Houston Surgical Society's, "Distinguished Surgeon" of 2000.

## TRIBUTE TO AMY SCHLUETER

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mrs. EMERSON. Mr. Speaker, I rise today to recognize Amy Schlueter as an exceptional teenager from Rolla, Missouri. Amy was recognized yesterday at the Fifth Annual Prudential Spirit of Community Awards as one of Missouri's top two student volunteers for the year 2000. Amy received a $1,000 award, a silver medallion and her trip to D.C. for her exemplary volunteer service in her community.

Amy Schlueter started reaching out to others at a young age. Amy, a senior at Rolla High School, implemented and organized a "Random Acts of Kindness" club at her school to challenge her peers to act with kindness, not violence. Since her club began, 89 students and faculty members have been rewarded for random acts of kindness, and in January, a two-week celebration in Rolla recognized hundreds of community members who made a difference by being kind to others.

In Amy's words, "Our nightly news provides us with images of savage car crashes, rapes, assaults, mutilated children, gang wars, telling us this is reality. It is exceptionally rare to hear about people doing good things for one another, and the reality is, random acts of kindness happen every day."

This kind of maturity and dedication to a community is not often recognized in today's youth. As Amy said, we often hear about the bad behavior in our youth. I hope Amy will serve as an inspiration to today's youth as she demonstrates that it is cool to be kind to others, and youth can play an important role in their community.

Next week is National Random Acts of Kindness Week. As we work on our annual spending bills, and go about our day-to-day business, I hope that my colleagues can follow Amy's example. I also hope we as a society can spend more time focusing on the Amy Schlueter's of the world when we watch the evening news so we will have good examples to follow.

## REGARDING PERMANENT NORMAL TRADE RELATIONS WITH CHINA

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. PHELPS. Mr. Speaker, today after months of information-gathering, discussion, and deliberation, I am announcing my position on the issue of granting Permanent Normal Trade Relations (PNTR) status to China. I would like to express my sincere appreciation to the hundreds of constituents, colleagues, community leaders, and representatives of groups with a stake in this debate, for sharing their views and answering my questions as they patiently engaged in this process with me. Seldom in my legislative career have I taken an issue more seriously than this one. While I realize that my decision will not please everybody, I hope there is no doubt that every voice and every argument presented to me was given the utmost consideration.

I believe it to be in the best interests of the 19th District of Illinois, and the nation as a whole, that I oppose extension of Permanent Normal Trade Relations to China. I do support China's accession to the World Trade Organization. However, I am convinced that the United States must maintain annual grants of NTR until we have ascertained that China is living up to WTO rules and our own expectations regarding human rights, labor rights, religious tolerance and environmental protection.

China has a long history of failing to live up to its agreements, and Chinese officials have recently indicated they do not intend to abide by certain components of the WTO agreement either. While I hope this will not be the case, I am not comfortable relinquishing bilateral enforcement tools like Section 301 and anti-dumping provisions in favor of a WTO dispute resolution process which is notoriously slow. We must not place ourselves in a situation where American jobs are sacrificed while we wait two or three years for a WTO ruling, only to have no recourse if the ruling is adverse.

Many argue that only through engagement and open trade will we see programs in China on matters of labor rights, human rights, religious persecution, and environmental degradation. If this is indeed the case, then we need not worry, for China will be engaged with the global marketplace through its WTO membership regardless of the outcome of our PNTR vote. Unfortunately, there is reason to doubt this contention. The United States has been trading with China since 1980, and since 1994 we have followed a policy of "delinking" human rights from trade policy, based upon the theory that free trade equals greater freedom in society. Yet every year since delinkage conditions in China have worsened, and according to a 1999 State Department report, human rights there have deteriorated markedly.

I represent an agricultural district, and I have seen first-hand the devastation that recent price drops have wrought. I am sympathetic to the need for expanded export markets and other opportunities to improve the farm economy, and if I believed that the China agreement was the answer to agriculture's problems, I may have taken a different position. Unfortunately, several factors lead me to the opposite conclusion. First, as I have mentioned, China has not been a model trading partner in the past, and I remain skeptical that they will follow through with promises regarding agriculture and other products. Second, China is a nation committed to preserving its national independence and improving rural stability, and its agricultural production consistently outpaces demand. China maintains nearly a three-to-one ratio of agricultural exports to imports, and I worry that China's objective is to improve its domestic distribution system, rather than bring in more agriculture products when they already have surpluses. If this is the case, our agreement with China will bring minimal benefits to struggling farmers in Illinois.

The argument has been made that increased trade with China will obviate the need for federal assistance like the $8.7 billion in emergency farm aid that Congress provided last year. However, even under the rosiest scenario, the total value of U.S. exports of wheat, rice, corn, cotton, soybeans and soybean products to China would increase by $1.6 billion dollars in 2005 when the agreement is fully implemented, and the average annual value of U.S. exports from 2000 through 2009 would increase by $1.5 billion dollars. The administration estimates that net farm income would be higher by $1.7 billion in 2005, and higher by an annual average of $1.1 billion per year through 2009, although higher feed costs and reduced government payments would offset part of the increase.

These potential increases, even if fully realized, fall billions short of the assistance that has been required in recent years to help farmers weather hard times, suggesting to me that China's export market is not the panacea it has been portrayed to be. I recall that during the NAFTA debate, proponents of the agreement made similar arguments about the importance of new export markets for American agriculture. Yet since NAFTA's passage, our farmers have experienced the worst farm crisis in decades.

Furthermore, any decreases in federal aid to farmers would likely be negated by the increased funding needed for dislocated worker programs like Trade Adjustment Assistance. Since 1994, in my district alone, over 2200 workers have qualified for TAA. If PNTR is granted, many American companies will undoubtedly find it more cost-effective to shift production to China. This will mean even more displaced workers (and more federal aid) in a district like mine, where manufacturing jobs often provide the highest wages and best benefits in the area. Even ardent backers of PNTR admit that while on the whole they believe the agreement will benefit the American economy, some sectors will suffer and some areas will lose jobs.

Finally, although the United States and China have reached agreement on many issues, the Government Accounting Office warns that some remain incomplete. Several negotiating objectives have yet to be reached, and of those that have, some remain to be finalized. In addition, China has not yet reached agreement with the European Union. I am reluctant to vote to forever relinquish congressional powers of review when we have not been presented with a complete agreement, and when even the nature of the remaining issues has been classified as a national security matter.

Many of my concerns can be answered by taking a cautious approach to this issue, welcoming China into the WTO without granting PNTR and sacrificing our bilateral enforcement mechanisms. With all due respect to those who have sought to convince me otherwise, I firmly believe that this approach is viable. I am convinced that our 1979 Agreement with China ensures for American farmers and manufacturers the identical tariff and other benefits that China must give all other WTO nations once it enters that body. Therefore, we need not fear that our goods will be at a competitive disadvantage to similar products from other member nations. Meanwhile, we will maintain our ability to respond to non-compliance or bad behavior on China's part with our own enforcement tools which have proven effective in the past. Our already large trade deficit with China is expected to widen under this agreement, and we must be able to act quickly and effectively to protect the interests of American producers, businesses, workers and consumers.

I remain committed to working towards a free and open trading relationship with China, one that promotes growth and change in that nation without shortchanging American interests. However, I do not believe that we have reached an agreement that will accomplish these goals. The very definition of PNTR is that it is permanent. Given the many doubts and concerns I have not been able to reconcile, I am simply not prepared to support the irrevocable sacrifice of America's leverage and oversight on such a critical issue.

## CELEBRATING THE 225TH ANNIVERSARY OF THE FIRST AMERICAN VICTORY OF THE REVOLUTIONARY WAR

### HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. SWEENEY. Mr. Speaker, two hundred and twenty-five years ago on May 10, 1775, Ethan Allen and his Green Mountain Boys made history when they seized the British garrison at Fort Ticonderoga, giving the newly formed American revolutionary forces their first victory.

Ethan Allen and his band of Green Mountain Men met up with Benedict Arnold, who had orders to capture Fort Ticonderoga. Benedict Arnold had the orders, Ethan Allen had the men. Together they set off to capture the fort.

Early on the morning of May 10, after surprising the guards, Ethan Allen charged up the steps of the Fort Commander's quarters and was challenged by Lieutenant Jocelyn Feltham who asked what orders he acted upon. Ethan Allen replied that he acted, "in the name of the Great Jehovah and the Continental Congress." Others suggest less noble words were used.

Meanwhile, the rest of Allen's forces stormed into the South Barracks and confined the garrison before they could offer resistance. Realizing fight was futile, Captain Delaplace came to the door, and gave his sword to Allen, surrendering His Majesty's Fort at Ticonderoga, giving America its first victory in the Revolutionary War.

Fortunately, you can still visit Fort Ticonderoga. It is located between beautiful Lake George and Lake Champlain, NY and is reachable via Amtrak. Perfect for a weekend get-a-way where you can relax and learn more about this great nation's history.

## THE THIRD ANNUAL JIMMY KENNEDY MEMORIAL RUN FOR AMYOTROPHIC LATERAL SCLEROSIS (ALS)

### HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. DELAHUNT. Mr. Speaker, today I recognize the organizers and runners of the Squirrel Run III, also known as the Third Annual Jimmy Kennedy Memorial Run for Amyotrophic Lateral Sclerosis [ALS], on June 10 in Quincy, in the Tenth District of Massachusetts.

The race honors two members of a highly respected Quincy family who succumbed to the ravages of ALS, which is better known as Lou Gehrig's Disease. Christopher Kennedy, former president of the Quincy School Committee, dean at Northeastern University, and honored civic leader, died at the age of 66. His youngest son, Jimmy ("Squirrel") lost his agonizing 2-year battle in 1997, succumbing just before his 31st birthday.

ALS is a disease with no known cause or cure. It is relentlessly progressive and always fatal, attacking and destroying nerve cells called motor neurons, which control the movement of voluntary muscles. Gradually and inexorably, day-to-day existence becomes increasingly difficult. Fine motor control is first to suffer, followed by functional capabilities such as standing and walking. Ultimately speech becomes impossible and the ability to swallow is lost. Finally the victim is unable to breathe. In perhaps the cruelest twist of all, while the body wastes away, the mind and senses are competely unaffected. Throughout the terrible process, the victim's intellect remains intact, providing a clear and cruel awareness of their situation. Victims have related that suffering from ALS is akin to taking part in their own funeral. Family, friends, and physicians can only stand helplessly by and watch the terrible and inevitable deterioration.

ALS cuts across all racial, gender and social lines, claiming more than 5,000 victims every year, with approximately 13 new cases diagnosed each day. An estimated 300,000 Americans, who are alive and apparently well today, will be diagnosed and ultimately die from ALS.

In the brief time since its inception, the Squirrel Run has been an amazing success, especially considering this grassroots effort was conceived and intiated by two proud amateurs, starting with nothing but pain and frustration. The Quincy natives, Richard Kennedy and Martin Levenson, have teamed to make the Squirrel Run a visible and successful example of how hard work, dedication and commitment to a cause can make a difference in peoples' lives.

All proceeds from the Squirrel Run go directly to the Day Neuromuscular Research Lab at Massachusetts General Hospital in Boston. The Day Lab is at the forefront of the battle against ALS, and world-renowned for research into its cause and cure. The success of the Squirrel Run will benefit citizens of the Commonwealth of Masssachusetts as well as ALS victims worldwide who are desperately seeking a cure.

I urge my colleagues to join me in saluting the commitment of all those associated with Squirrel Run III and to draw on this dedication to redouble our own efforts to accelerate reserach to overcome the challenge of ALS.

## CONCERN FOR ZIMBABWE

### HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. GILMAN. Mr. Speaker, it gives me little pleasure to have to introduce this resolution concerning the intimidation and violence that the ruling party of Zimbabwe continues to inflict upon its own citizens.

It saddens me because President Robert Mugabe once spoke passionately and persuasively of justice, liberty, and majority rule. Destiny led this Jesuit-trained school teacher to become the leader of a liberation movement. His passionate intensity aroused sympathy for his cause from people around the world.

But at some point during the past twenty years, that vision of a peaceful, democratic Zimbabwe has become twisted and bent. The president seems to believe that it is his birthright to rule and that he will live forever. The ruling party seems to equate legitimate political competition with treasonable offenses. And officials throughout the government seem to regard their positions of public trust as licenses to steal from their own citizens.

Earlier this year, the people of Zimbabwe soundly rejected a constitutional referendum that would have given the president even greater powers. Commercial farmers, both black and white, as well as the commercial farm workers who comprise 26 percent of Zimbabwe's labor force, fought the referendum and won.

Surprised that anyone should dare question its authority, the ruling party, at the direction of the president, launched a brutal and cynical campaign to cow its political opponents into submission. Peaceful opposition demonstrators have been beaten, harassed, and detained by state security forces. Roving bands of political thugs for hire have beaten farm workers, killed farmers and livestock, burned crops, and stolen equipment. Corruption, greed, and dirty tactics have become the defining characteristics of a once-proud ZANU party leadership.

These activities have not gone unnoticed among Zimbabwe's neighbors and democratic nations around the world. Zimbabwe's law requires that parliamentary elections be held within the next few months. The intimidation and state-sponsored violence we have observed these past few months are designed to keep all power in the hands of the ruling party, which currently holds 147 or the 150 seats of parliament.

These tactics are not just misguided; they are also destined to fail. The people of Zimbabwe are patient. They are loyal. They are respectful of those who fought for liberation. But they are not cowards. They are not ignorant. And their patience is limited.

Every time a farm worker is beaten for asserting his right of free speech, ZANU loses support. Every time a Zimbabwean soldier dies in Congo for a war that means nothing to his family, ZANU loses support. Every time a field lies fallow because the farmers have been driven off, ZANU loses support. And every time land promised to the people winds up in the hands of a corrupt party official, ZANU loses support.

President Mugabe has made the gravest mistake any politician can make: he has underestimated the people he governs.

H. Res. 500 expresses the House of Representatives profound dismay at the practices of Zimbabwe's current leadership and our sincere wish that the people of Zimbabwe, who deserve the political freedoms many of them fought for, will remain steadfast in their peaceful pursuit of democratic reform.

Mr. Speaker, I submit the text of H. Res. 500 at this point in the CONGRESSIONAL RECORD.

H. RES. 500

Whereas people around the world supported the Republic of Zimbabwe's quest for independence, majority rule, and the protection of human rights and the rule of law;

Whereas Zimbabwe, at the time of independence in 1980, showed bright prospects for democracy, economic development, and racial reconciliation;

Whereas the people of Zimbabwe are now suffering the destabilizing effects of a serious, government-sanctioned breakdown in the rule of law, which is critical to economic development as well as domestic tranquility;

Whereas a free and fair national referendum was held in Zimbabwe in February 2000 in which voters rejected proposed constitutional amendments to increase the president's authorities to expropriate land without payment;

Whereas the President of Zimbabwe has defied two high court decisions declaring land seizures to be illegal;

Whereas previous land reform efforts have been ineffective largely due to corrupt practices and inefficiencies within the Government of Zimbabwe;

Whereas recent violence in Zimbabwe has resulted in several murders and brutal attacks on innocent individuals, including the murder of farm workers and owners;

Whereas violence has been directed toward individuals of all races;

Whereas the ruling party and its supporters have specifically directed violence at democratic reform activists seeking to prepare for upcoming parliamentary elections;

Whereas the offices of a leading independent newspaper in Zimbabwe have been bombed;

Whereas the Government of Zimbabwe has not yet publicly condemned the recent violence;

Whereas President Mugabe's statement that thousands of law-abiding citizens are enemies of the state has further incited violence;

Whereas 147 out of 150 members of the Parliament in Zimbabwe (98 percent) belong to the same political party;

Whereas no date has been set for parliamentary elections in Zimbabwe;

Whereas the unemployment rate in Zimbabwe now exceeds 60 percent and political turmoil is on the brink of destroying Zimbabwe's economy;

Whereas the economy is being further damaged by the Government of Zimbabwe's ongoing involvement in the war in the Democratic Republic of the Congo;

Whereas the United Nations Food and Agricultural Organization has issued a warning that Zimbabwe faces a food emergency due to shortages caused by violence against farmers and farm workers; and

Whereas events in Zimbabwe could threaten stability and economic development in the entire region: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) extends its support to the vast majority of citizens of the Republic of Zimbabwe who are committed to peace, economic prosperity, and an open, transparent parliamentary election process;

(2) strongly urges the Government of Zimbabwe to enforce the rule of law and fulfill its responsibility to protect the political and civil rights of all citizens;

(3) supports those international efforts to assist with land reform which are consistent with accepted

(4) condemns government-directed violence against farm workers, farmers, and opposition party members;

(5) encourages the local media, civil society and all political parties to work together toward a campaign environment conducive to free, transparent and fair elections within the legally prescribed period;

(6) recommends international support for voter education, domestic election monitoring, and violence monitoring activities;

(7) urges the United States to continue to monitor violence and condemn brutality against law abiding citizens;

(8) congratulate all the democratic reform activists in Zimbabwe for their resolve to bring about political change peacefully, even in the face of violence and intimidation;

(9) recommends that the United States send a bipartisan delegation under the auspices of the International Republican Institute and the National Democratice Institute for International Affairs to observe the parliamentary education process in Zimbabwe; and

(10) desires a lasting, warm, and mutually beneficial relationship between the United States and democratic, peaceful Zimbabwe.

## CENTRAL NEW JERSEY HONORS ENVIRONMENTAL ADVOCATE JOHN WEINGART

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HOLT. Mr. Speaker, today I recognize a truly outstanding citizen of Central New Jersey. Each year the New Jersey Environmental Lobby presents the Frank J. Oliver Environmental Award to individuals who have contributed in a special way to the protection and preservation of New Jersey's environment. This year, the NJEL has chosen to honor an individual who has devoted many years, both professionally and personally, to the protection of New Jersey's resources and its citizens. Today, I rise in honor of John Weingart for his tireless efforts to preserve New Jersey for future generations.

John Weingart is a man of many talents. He has worked for the Department of Environmental Protection, serving there as Assistant Commissioner before leaving to become the Executive Director of the Low-Level Radioactive Waste Siting Commission. In the later capacity, he instituted several innovative concepts, including the idea of a voluntary self-selection process for municipalities interested in the siting facility. Although his efforts did not succeed in obtaining such a site, his approach is worthy of mention.

Even more surprising was John's reaction after all possible avenues had been explored. At this point, this government agency head did the unthinkable: he suggested that they disband his agency and that he and the other professionals seek employment elsewhere. Mr. Speaker, John is a true public servant who had the courage to eliminate his own job.

Mr. Speaker, the efforts of John Weingart serve as an excellent example to all citizens of New Jersey. I ask all my colleagues to join with me in congratulating John Weingart for his recognition by the Environmental Lobby.

## IN RECOGNITION OF THE AMERICAN ASSOCIATION OF PHYSICIANS OF INDIAN ORIGIN

### HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. STARK. Mr. Speaker, today I recognize the American Association of Physicians of Indian Origin (AAPIO). AAPIO is an outstanding professional organization with over 36,000 physicians of Indian origin practicing across the nation. The Northern California Chapter of AAPIO will hold its annual meeting on May 13, 2000 in Fremont, California, a major city within my 13th Congressional District. The Northern California Chapter represents approximately 700 physicians and allied health professionals in Northern California and constitutes the local chapter of AAPIO.

Northern California AAPIO Chapter President Dr. Subroto Kundu and President Elect, Dr. Srinivas Ramachandran are among the officers, the Board of Trustees and AAPIO members providing exemplary leadership within the 13th congressional district and all of Northern California. These individuals work to insure the integrity of health care delivery and are committed to the well-being of the communities in which they serve.

I applaud the Northern California Chapter's continuing efforts to organize and promote community service events, such as Health Fairs and Community Medical Education Seminars, upholding the physician's role in society to treat, teach, and guide individuals to good health.

AAPIO physicians provide their time and energy in community service and leadership. They are actively involved in healthcare related issues on the local, state and national level and represent the majority of physicians who serve our uninsured and under-insured populations.

As the AAPIO Northern California Chapter gathers on May 13, I wish them success at their Annual Meeting. I am confident AAPIO will continue to meet our healthcare challenges and will renew their commitment to community service and involvement.

## PRESCRIPTION DRUG COVERAGE

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Ms. STABENOW. Mr. Speaker, on April 12, I led an hour of debate on the topic of prescription drug coverage for senior citizens. I read three letters from seniors around the state of Michigan who shared their personal stories with me. On that day, I made a commitment to continue to read a different constituent letter every week until the House enacts reform. This week, I will read a letter from Mr. and Mrs. Arnold Crook.

Modern medicine has changed dramatically over the last three decades. When Medicare was created in 1965, most medical treatment was provided in hospitals. Surgery and other inpatient treatments were the norm and Medicare coverage for long hospital stays was a priority. Today, with the benefit of breakthrough pharmaceutical discoveries, many diseases can be controlled and treated with medication rather than lengthy hospital stays. Routine surgeries and procedures are performed on an outpatient basis. Medicare needs to be modernized to reflect these changes in our nation's healthcare delivery system. The number one advance in medical science of the 20th century is the development of life-saving drugs. It is critical that Medicare covers prescription drugs, so that seniors can have access to the best and most medically advanced treatments.

Furthermore, the price of prescription drugs is rising at a dramatic rate and we need to do something to make prescription drugs more affordable. According to Bureau of Labor Statistics, drug prices rose by 306 percent between 1981 and 1999, while the Consumer Price Index rose just 99 percent during the same period. In other words, prescription drug prices have increased at a rate three times higher than inflation.

The letter I will read tonight comes from a couple who reside in Hillsdale, MI. I am saddened to say, their story is not unique. I have asked seniors from all over Michigan to send me their personal stories about the prices they pay for prescription drugs and many of them send me copies of their bills. Mr. and Mrs. Arnold Crook sent me a bill that shows they paid over $1,125 for their prescription drugs last year. Here is their story.

"Madam, we have a income of $800 a month between the two of us. Beside, we have our household costs. We can't go [out] or do anything because [it] takes all of our income for the cost to live. Some weeks [we] wonder just how long we can go on. It [our prescription drug bill] keeps going up in cost and [we] cannot live. Mr. and Mrs. Arnold Crook."

Mr. and Mrs. Crook and thousands of older Americans like them need our help. Creating a Medicare prescription drug benefit to help cover the costs of their medications would make a big difference in their finances and in the quality of their lives. These seniors are a part of the "greatest generation ever" who helped build the strong economy we are enjoying today. Our nation is in economic good times and I believe it is time to fix the Medicare program so that it includes a prescription drug benefit.

## TRAFFICKING VICTIMS PROTECTION ACT Of 2000

SPEECH OF

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Mrs. MALONEY of New York. Mr. Speaker, I support this bill

The exploitation of our world's girls and young women in sex trafficking is a tragic human rights offense.

Many of these women are kidnaped, sold, or tricked into brothel captivity.

And this does not happen just in countries miles away form our own. Each year women from all over the world are brought into the United States, for the sole purpose that they be bought and sold by American citizens for commercial sex.

I am happy to see that Congress is addressing this issue.

It is important that we protect the victims of the sex trade industry, and punish the predators that exploit the women.

This bill takes a significant step towards making a difference in the lives of women around the world.

It authorizes a new visa for trafficking victims to provide protection to the women and children that are brought into the United States and forced into prostitution.

The bill establishes initiatives to prevent trafficking through education, and authorizes assistance to the native countries of sex trafficked victims to help stop the industry.

And by establishing new criminal provisions and increasing penalties for traffickers this bill punishes traffickers for profiting from the victimization of women.

Of course there is more that needs to be done to stop the many human rights abuses inflicted on women around the world.

Preventing the trafficking of women is an important step in stopping the booming sex trade industry.

I commend the Representative from New Jersey for this legislation and I join with him and urge a "yes" vote on this bill.

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## RECOGNIZING PLAINSBORO TOWNSHIP AS AN "EDUCATION TOWNSHIP"

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. HOLT. Mr. Speaker, today I recognize the Township of Plainsboro, New Jersey, as an "Education Township." It is, in fact, the town that schools built.

Plainsboro was founded on the principle of local education. For many years there were only four one-room schoolhouses that served the children of this particular area of Central New Jersey. In 1908, a large wood-frame two room schoolhouse was built. These schools and the teachers who taught in them, were paid and maintained under the Boards of Education of Cranbury and South Brunswick townships.

As the local population increased, the people of the Plainsboro area wanted a larger four-room school for their children. The school Boards refused. Plainsboro's representative on the Board of Education, John Van Buren Wicoff (an attorney at law and a lifelong resident who had attended the public schools in Plainsboro) tried to persuade the Cranbury Board of Education to build a larger school. When efforts failed to provide money for the school, the people of Plainsboro petitioned the New Jersey State Legislature to create the Township of Plainsboro.

The legislation to establish the Township of Plainsboro was approved April 1, 1919. Among the first act taken was the construction of a new four-room school built of stone.

For many years the 6th grade graduates of Plainsboro elementary school attended a 7th and 8th grade Junior High School in Princeton and then went on to attend Princeton High School.

As time passed, it became apparent that Princeton High School could no longer accommodate the growing school-age population of the area. As a result, Plainsboro and its neighbor, West Windsor, required both junior and senior high schools.

In 1969 a proposal was drafted to create a regional based school system that would provide public education from kindergarten through the 12th grade for the children of both Plainsboro and West Windsor. Voters in both townships overwhelmingly approved the proposal.

Today, Mr. Speaker, the West Windsor-Plainsboro School System is one of the best in the county.

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## NEW REPORT SHOWS INDIAN GOVERNMENT IS TO BLAME FOR MASSACRE OF 35 SIKHS IN CHATTI SINGHPORA

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

Mr. TOWNS. Mr. Speaker, recently two human-rights groups in Punjab, the Punjab Human Rights Organization and the Movement Against State Repression, published a report on the massacre of 35 Sikhs in the village of Chatti Singhpora, Kashmir, this past March. Despite the Indian government's efforts to blame Pakistan and alleged Kashmiri "militants" for the massacre, an effort the Indian government reinforced by killing five innocent Kashmiris, the report clearly and unambiguously places the blame where it belongs—on the Indian government.

"It is our considered opinion," the report says, "that Pakistan has nothing to gain by ordering militants/mercenaries to massacre Sikhs in the Kashmir valley. Pakistan had steered clear of this kind of act during 10–15 years of militancy in J&K," the group wrote. "J&K militants too had nothing to gain from such an incident. Indian leaders however gained substantial mileage from this incident as a spate of international sympathy was forthcoming," the investigative team wrote. They noted that India's Home Minister, L.K. Advani, "was quoted as saying that three events brought a turn around in international opinion in India's favor. He mentioned Kargil, the hijacking of the Indian airliner, and the Chatti Singhpora incident."

According to the report, the people in the village of Chatti Singhpora "did not believe that militants had any hand in this incident." The report notes that "as a rule foreign mercenaries visit a village once and do not come back again. So these men cannot be militants. Also real militants do not part with their weapons even for a minute." The killers wore military uniforms and chanted "Jai Mata Di; Jai Hind," a Hindu nationalist slogan. The report notes that the Sikhs and Kashmiri Muslims have very good relations. Both the Chief Minister of Kashmir, Farooq Abdullah, and Mr. Advani had warned villagers against supporting "militants."

The authors of the report conclude that the Indian government's counterinsurgency forces, which are run by the Indian intelligence service, RAW, are responsible for the massacre of Chatti Singhpora.

Unfortunately, the Indian government is suppressing this information, and their friends in the democratic countries of the world are protecting them. There must be a full, fair, independent, and complete investigation and the people responsible for this terrible atrocity must be prosecuted. However, Parliamentary Affairs Minister Pramod Mahajan admitted that "security forces would not be punished for the killings of civilians. It would demoralize the troops who are fighting insurgency in different states." This is a very revealing statement by an official of the Indian government. Perhaps this is why an allegedly democratic country needs a "Movement Against State Repression."

America is the beacon of freedom. America must not allow an allegedly democratic country to continue these activities. We must do what we can to help bring freedom to the people of South Asia. It is time to stop our aid to India until it lets the people within its borders enjoy the human rights to which all people are entitled. We should stop supporting India's anti-Americanism. And we should declare our support for an internationally-supervised, free and fair plebiscite in Punjab, Khalistan on the question of independence. We should also support similar plebiscites in Kashmir, in Christian Nagaland, and throughout India. This is the way to bring real freedom, peace, prosperity, and stability to South Asia. It will also gain us new allies in that troubled region.

Mr. Speaker, I wish I could put this excellent report into the RECORD, but it is too long. I would like to place the summary sections of observations and recommendations into the RECORD, for the information of my colleagues. I urge my colleagues, especially those who are supporters of India, to read these sections carefully.

#### VISIT TO CHITHI SINGHPORA

#### OBSERVATIONS

*3.1. Team Observations*

The facts narrated above clearly indicate that the visitors of Chithi Singhpora were not members of the security forces. Dress, language, careless handling of weapons and behaviour in general discounts the security forces. That they were militants, can also be safely ruled out because it is general knowledge that militants guard their weapons most carefully and would not visit a location repeatedly knowing that an RR post is located 3–4 kms away. The finger therefore points towards the so-called Counter Insurgents/Renegades (Surrendered militants). The description of the villagers, in fact, corroborates this assessment.

The fact that the RR Unit was located close to Chithi Singhpora and the statement of Principal Ranji Singh and teacher Niranjan Singh clearly indicated that the security forces know fully well about the identity of the visitors to Chithi Singhpora and did nothing about it.

The statements of various individuals in Anantnag/Srinagar tallies with what the villagers narrated to the team. One man Karamjit Singh spoke a different language. He stressed in his statement that the killers were militants. Secondly his various actions indicate that he has an inkling that some force had come to kill on March 20, 2000 evening. His escape was miraculous in spite of his being addressed directly by the so called CO not to go home. He still escaped. In our opinion Karamjit appears to have been in some contact with the security forces. His migration to Jammu and his nervousness during the teams meeting with him clearly point to this.

The State Chief Minister, Farooq Abdulla had asked for a Judicial enquiry into the Chithi Singhpora killings by a Supreme Court Judge. (Press Statement is attached as Annexture II). Instead, the Centre has ordered a judicial enquiry by Justice Pandhian into the Pathribal killings of five civilians and police firing at Brakpora. The Chithi Singhpora killings are to be probed by the Additional Judicial Magistrate only. This clearly indicates that the truth behind this Chithi Singhpora incident is not being allowed to surface.

All efforts should be made to normalise the situation and bring the Sikhs back into the mainstream in the State.

The team feels that Law and Order being a state subject, the handling and allotment of tasks to the Counter-Insurgency Force was done by the state authorities under the aegis of the Director General of Police. Events as they unfolded clearly indicate that this force was misutilised for criminal acts outside the parameters of law. Here we have support from the publication Amnesty International (Embargoed for February 22, 1999). An extract from the same (Page 26, Column 2) is reproduced here.

". . . Only three months earlier, Chief Minister Dr. Farooq Abdullah was quoted as saying that the Jammu and Kashmir state police and the Punjab police had achieved excellence in fighting terrorism and they could be trusted in the proxy war-like situation facing the state. The referrnce to Punjab police was no chance remark as the Director General of Police appointed in February 1997 has served for many years in counter-insurgency operations in Punjab where high levels of human rights violations had been reported. The Jammu and Kashmir state police have shown a disturbing disregard for the rule of law in their expanding counter-insurgency operations, leading to increasing allegations of arbitrary arrests, torture, killings and 'disappearance' perpetrated by police officers themselves and reports of their connivance in abuses committed by other agencies such as the renegades. It is also shown in the way police have obstructed victims' and victims' families' access to redress."

. We feel that a Central Agency directed this operation without the knowledge of the State Chief Minister and his Cabinet. This, therefore, is an act that needs to be condemned and a high level probe ordered to punish the guilty.

The Sikh soldiers have been used disproportionately in Nagaland, Assam, Sri Lanka and all along in Kashmir. This tends to endanger the amity existing between the minority and local majority community. This has special reference to the good relations existing between the majority Kashmiri Muslims and the minority Kashmiri Sikhs in J&K.

It is our considered opinion that Pakistan had nothing a gain by ordering militants/mercenaries to massacre Sikhs in the Kashmir valley. Pakistan had stressed clear of this kind of act during the past 10–15 years of military in J&K.

J&K militants too had nothing a gain from such an incident.

Indian leaders however gained substantial mileage from the incident as a spate of international sympathy was forthcoming. In fact President Clinton was joined by a number of others in decrying terrorism and killing of civilians in Kashmir. Union Home Minister Advani

RECOMMENDATIONS

*4.1. Team Recommendations*

The Chithi Singhpora killings resulted in a major tragedy for the Sikh community in J&K. It was a traumatic event which had national and international ramifications. The killers have yet to be identified by the state and national authorities. It is therefore, very vital to discount various rumours and conjectures making the rounds. The team recommends that:

i. The Chithi Singhpora killings be investigated by the United Nations Human Rights Commission as these killings are symptomatic of killings that have taken place in various parts of India during counter-insurgency operations. Once the culprits are identified they should be dealt with speedily in accordance with the law.

ii. Compensation to be given to the victims of the killings at Chithi Singhpora. Pathribal, Brakpora and other related incidents should be Rupees 10 Lakhs as recommended to be given to victims of custodial killings by the Indian NHRC along with allied benefits.

iii. In spite of assistance by the majority Kashmiri Muslims and security measures taken by the centre and state government, some Sikh families still feel insecure and desire to migrate. In case they do so they should be provided with adequate facilities at least equal to that provided to the migrating Kashmiri Pandits and their families.

iv. The Chithi Singhpora killings put a question mark on the employment of surrendered militants as a viable counter-insurgency force. This force consists of individuals who have changed loyalties for material benefits. Their misuse of arms and exploitation of the situation for personal gain has been highlighted by the media repeatedly. We strongly recommend that this force be disbanded forthwith. Surrendered militants should be absorbed into mainstream of civil life rather than be employed in the counter-insurgency role.

Dated: April 29, 2000.

Signed,

AJIT SINGH BAINS,
*Justice (Retd).*
INDERJIT SINGH JAIJEE,
KARTAR SINGH GILL,
*Lt. Gen. (Retd).*

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 11, 2000 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MAY 12

10 a.m.
Governmental Affairs
To hold hearings on the nomination of Amy L. Comstock, of Maryland, to be Director of the Office of Government Ethics.
SD–342

### MAY 16

10 a.m.
Foreign Relations
To hold hearings to examine the U.S. Commission for International Freedom's findings on Russia, China, and Sudan.
SD–419

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the Army Corps of Engineer's backlog of authorized projects and the future of the Army Corps of Engineers' mission.
SD–406

Armed Services
To hold hearings on the nomination of the following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033: Adm. Vernon E. Clark, to be Admiral.
SR–222

2 p.m.
Judiciary
Criminal Justice Oversight Subcommittee
To hold hearings to examien threats to Federal Law Enforcment Officers.
SD–226

3 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings on the United States Forest Service's proposed transportation policy.
SD–366

### MAY 17

9:30 a.m.
Indian Affairs
To hold oversight hearings on Indian arts and crafts programs.
SR–485

Energy and Natural Resources
Business meeting to consider pending calendar business.
SH–216

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act, focusing on an incentive-based utility emissions reduction approach.
SD–406

10 a.m.
Finance
Business meeting to markup proposed legislation extending Permanent Normal Trading Relations to China.
SD–215

2 p.m.
Indian Affairs
To hold hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota.
SR–485

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.
SD–366

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold oversight hearings to examine satellite export controls.

SD–419

### MAY 18

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine mental health parity.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1584, to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685, to authorize the Golden Spike/Crossroads of the West National Heritage Area; H.R. 2932, to authorize the Golden Spike Crossroads of the West National Heritage Area; S. 1998, to establish the Yuma Crossing National Heritage Area; S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia; S. 2421, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; and S. 2511, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska.

SD–366

### MAY 19

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the extent to which fraud and criminal activities are affecting commerce on the internet, focusing on the widespread availability of false identification documents and credentials on the internet and the criminal uses to which such identification is put.

SD–342

### MAY 23

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine drug safety and pricing.

SD–430

10 a.m.

Small Business

To hold hearings on Internal Revenue Service restructuring, focusing on small businesses.

SR–428A

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.

SD–366

3 p.m.

Foreign Relations

To hold hearings on the Meltzer Commission, focusing on the future of the International Monetary Fund and world.

SD–419

### MAY 24

9:30 a.m.

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR–485

Energy and Natural Resources

Business meeting to consider pending calendar business.

SH–216

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

SD–366

### MAY 25

10 a.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine gene therapy issues.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.

SD–366

### JUNE 7

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR–485

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

SD–366

### JUNE 21

9:30 a.m.

Indian Affairs

To hold hearings on certain Indian Trust Corporation activities.

SR–485

### JUNE 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR–485

### JULY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR–485

### JULY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR–485

### JULY 26

9:30 a.m.

Indian Affairs

To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.

SR–485

### SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

## POSTPONEMENTS

### MAY 16

9:30 a.m.

Small Business

Business meeting to markup S. 1594, to amend the Small Business Act and Small Business Investment Act of 1958.

SR–428A

# HOUSE OF REPRESENTATIVES—*Thursday, May 11, 2000*

The House met at 10 a.m.

The Reverend Robert Rosenberg, Calvary Lutheran Church, Oshkosh, Wisconsin, offered the following prayer:

Almighty God, ruler of all things and all men, You have set all things to move in harmony; You desire that men dwell in unity and love.

Cause people everywhere to respect law and justice. Where people are unjust, inhuman, and cruel, send correction. Where they are at war, send peace.

Give to those whom You have placed in the seats of honor and power the blessing of sound judgment, the skill of making wise decisions, the patience to act in due time, and the tact for being mutually helpful.

May wisdom and knowledge be the stability of our time, and our deepest trust be in You, the Lord of nations and the King of kings. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from California (Mr. GEORGE MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. GEORGE MILLER of California led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The 1-minutes will be at the end of the legislative business today.

## WELCOMING THE REVEREND ROBERT ROSENBERG AS GUEST CHAPLAIN

(Mr. PETRI asked and was given permission to address the House for 1 minute.)

Mr. PETRI. Mr. Speaker, I rise today to recognize the Reverend Robert Rosenberg, who has just delivered the opening prayer.

Pastor Rosenberg is a resident of Oshkosh, Wisconsin, which is in my district, and has been the pastor of the Calvary Lutheran Church in Oshkosh since 1973.

He graduated from Iowa's Wartburg College and its Theological Seminary in 1965. Pastor Rosenberg is active in the community. He serves on the Board of Directors of the Big Brothers and Big Sisters of Oshkosh, and is also the volunteer chaplain for the Oshkosh Police Department. He and his wife have three children.

We appreciate Pastor Rosenberg's giving the prayer today.

## AMENDMENT PROCESS FOR H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

(Mr. GOSS asked and was given permission to address the House for 1 minute.)

Mr. GOSS. Mr. Speaker, today a "Dear Colleague" letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of May 15 to grant a rule which may limit the amendment process on H.R. 4205, the National Defense Authorization Act for fiscal year 2001.

Any Member who wishes to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment by 5 p.m. on Monday, May 15, to the Committee on Rules in room H–312 of the Capitol.

Amendments should be drafted to the text of the amendment in the nature of a substitute reported by the Committee on Armed Services on May 10. That amendment in the nature of a substitute is available at the Committee on Armed Services and will be posted on their web site by 12 noon tomorrow.

Members should use the Office of Legislative Counsel to ensure their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## CONSERVATION AND REINVESTMENT ACT OF 1999

The SPEAKER. Pursuant to House Resolution 497 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 701.

☐ 1006

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, with Mr. LATOURETTE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on the legislative day of Wednesday, May 10, 2000, amendment No. 18, printed in House Report 106–612, by the gentleman from Wisconsin (Mr. KIND) had been withdrawn.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 9 offered by the gentleman from Pennsylvania (Mr. PETERSON); amendment No. 10 offered by the gentleman from Georgia (Mr. CHAMBLISS); amendment No. 11 offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE); amendment No. 12 offered by the gentleman from Washington (Mr. HASTINGS); amendment No. 13 offered by the gentleman from New York (Mr. SWEENEY); and amendment No. 14 offered by the gentleman from Idaho (Mr. SIMPSON).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 9 OFFERED BY MR. PETERSON OF PENNSYLVANIA

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. PETERSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. PETERSON of Pennsylvania:

Page 18, after line 15, insert the following:

**SEC. . FEDERAL ACQUISITION OF LANDS ONLY WITHIN DESIGNATED BOUNDARIES.**

Notwithstanding any other provision of this Act, the amendments made by this Act, or any other provision of law, amounts made available by this Act (including the amendments made by this Act) may not be used for any acquisition by the Federal Government of an interest in lands except lands located within exterior boundaries designated before the date of the enactment of this Act of an area designated by or under Federal law for a particular conservation or recreation use, including lands within such boundaries of a unit of—

(1) the National Park System;

(2) the National Wilderness Preservation System;

(3) the National Wildlife Refuge System;

(4) the National Forest System;

(5) the national system of trails established by the National Trails System Act (16 U.S.C. 1241 et seq.);

(6) federally administered components of the National Wild and Scenic Rivers System; or

(7) national recreation areas administered by the Secretary of Agriculture.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 310, not voting 16, as follows:

[Roll No. 166]

### AYES—108

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Buyer
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cubin
DeLay
DeMint
Dickey
Doolittle
Duncan
Emerson
Everett
Fossella
Gekas
Gibbons
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Hastings (WA)
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hostettler
Hulshof
Hutchinson
Istook
Johnson, Sam
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Linder
Manzullo
McKeon
Miller, Gary
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Paul
Peterson (PA)
Petri
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Stearns
Stenholm
Stump
Sununu
Sweeney
Terry
Thomas
Thornberry
Tiahrt
Toomey
Walden
Watkins
Watts (OK)
Weldon (FL)
Wicker
Young (FL)

### NOES—310

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickering
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thompson (CA)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

### NOT VOTING—16

Burton
Campbell
Coble
Cummings
DeGette
Hunter
Jefferson
Kasich
Lofgren
Lucas (OK)
Sherwood
Skelton
Spence
Thompson (MS)
Weldon (PA)
Wise

□ 1029

Mrs. MALONEY of New York, Mrs. NORTHUP, and Messrs. TRAFICANT, HOEFFEL, CHAMBLISS, BATEMAN, TANCREDO, McHUGH, SKEEN, and ROTHMAN changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. BURTON of Indiana. Mr. Chairman, I was unavoidably detained for rollcall No. 166. Had I been present, I would have voted "aye."

### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATOURETTE). Pursuant to House Resolution 497, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

### AMENDMENT NO. 10 OFFERED BY MR. CHAMBLISS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Georgia (Mr. CHAMBLISS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. CHAMBLISS:

Page 19, line 3, strike "without further appropriation" and insert "subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 30, line 12, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 48, line 8, strike "without further appropriation, in each fiscal year" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 56, line 6, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter,".

Page 63, line 5, strike "without further appropriation" and insert ", subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter".

Page 64, line 17, strike "without further appropriation" and insert "subject to appropriations for fiscal years before fiscal year 2005 and without further appropriation for fiscal year 2005 and each fiscal year thereafter''.

Page 70, line 10, strike ''without further appropriation'' and insert ''subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

Page 71, line 20, strike ''without further appropriation'' and insert '', subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter''.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 142, noes 281, not voting 11, as follows:

[Roll No. 167]

AYES—142

Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Burton
Calvert
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Dicks
Dixon
Doggett
Doolittle
Duncan
Emerson
Ewing
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hutchinson
Isakson
Istook
Jackson (IL)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Linder
Luther
Manzullo
McKeon
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Rogers
Rohrabacher
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shows
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Thornberry
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wolf
Young (FL)

NOES—281

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dingell
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hyde
Inslee
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Morella
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Rush
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Buyer
Campbell
Coble
Cummings
DeGette
Hunter
Jefferson
Lofgren
Lucas (OK)
Sherwood
Wise

□ 1038

Messrs. SKEEN, LUTHER, MINGE, MORAN of Virginia, and PORTMAN changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 11 OFFERED BY MRS. CHENOWETH-HAGE

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mrs. CHENOWETH-HAGE:

Page 23, in line 18, strike 'except that a coastal political' and all that follows down through line 3 on page 24.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 166, noes 259, not voting 9, as follows:

[Roll No. 168]

AYES—166

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)

Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Young (FL)

### NOES—259

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Shows
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (AK)

### NOT VOTING—9

Campbell
Coble
DeGette
Greenwood
Jefferson
Lofgren
Lucas (OK)
Sherwood
Wise

□ 1048

Mr. REYNOLDS and Mr. WELLER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 12 OFFERED BY MR. HASTINGS OF WASHINGTON

The CHAIRMAN pro tempore (Mr. LaTourette). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington (Mr. Hastings), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. Hastings of Washington:

Page 31, after line 24, insert:

"(3) Apportionment for maintenance.—Not less than 50 percent of the Federal portion shall be used by the Secretary of the Interior and the Secretary of Agriculture only for purposes of carrying out maintenance operations on Federal lands managed by such Secretaries.".

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 256, not voting 9, as follows:

[Roll No. 169]

### AYES—169

Aderholt
Archer
Armey
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Ganske
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jefferson
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Manzullo
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Reynolds
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wolf
Young (FL)

### NOES—256

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Slaughter

Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Wilson
Woolsey
Wu
Wynn
Young (AK)

### NOT VOTING—9

Campbell
Coble
DeGette
Dickey
Lofgren
Lucas (OK)
Sherwood
Weller
Wise

□ 1056

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 13 OFFERED BY MR. SWEENEY

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. SWEENEY), on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. SWEENEY:

Page 36, after line 13, insert:

"(D) No State political subdivision has transmitted to the Secretary administering the acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subparagraph (C)(iii).

Page 41, line 8, after the period insert: "The State shall notify each affected political subdivision of each land acquisition proposal included in the State action agenda. Such notice shall include a citation of the statutory authority for the acquisition, if such authority exists, and an explanation of why the particular interest proposed to be acquired was selected.".

Page 42, after line 9, insert:

(c) LOCAL GOVERNMENT VETO.—Section 6(f) (16 U.S.C. 4601-8) is amended by adding the following at the end thereof:

"(9) No funds made available under this Act may be used by a State to acquire any land or interest in land if the political subdivision of the State in which the land or interest in land is located has transmitted to the State agency administering the proposed acquisition a copy of a resolution adopted by the governing body of such subdivision disapproving of such acquisition within 90 days after receiving notice of the proposed acquisition under subsection (d)(2).".

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 187, noes 238, not voting 9, as follows:

### [Roll No. 170]

### AYES—187

Aderholt
Archer
Armey
Baca
Bachus
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Engel
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Gallegly
Ganske
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Martinez
McCollum
McHugh
McInnis
McIntosh
McKeon
Meeks (NY)
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (FL)

### NOES—238

Abercrombie
Ackerman
Allen
Andrews
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Porter
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn
Young (AK)

### NOT VOTING—9

Campbell
Coble
DeGette
Gekas
Lofgren
Lucas (OK)
Rangel
Sherwood
Wise

□ 1104

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. WATTS for Oklahoma. Mr. Chairman, I was unavoidably detained today, and missed recorded vote No. 172 on the Calvert amendment to H.R. 701. Had I been present, I would have voted "aye" on this amendment.

### AMENDMENT NO. 14 OFFERED BY MR. SIMPSON

The CHAIRMAN pro tempore (Mr. LATOURETTE). The unfinished business is the demand for a recorded vote on amendment No. 14 offered by the gentleman from Idaho (Mr. SIMPSON) on which further proceeding were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 14 offered by Mr. SIMPSON:

Page 36, strike the close quotation marks and the second period at line 16, and after line 16 insert the following:

"(h) STATE APPROVAL OF CERTAIN LAND ACQUISITION REQUIRED.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire any interest in land located in a State in which 50 percent or more of the land in the State is owned by the Federal Government if the acquisition would result in a net increase in the total acreage in the State owned by the Federal Government, unless the acquisition is specifically approved by the law of the State.".

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 266, not voting 11, as follows:

[Roll No. 171]

AYES—157

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fletcher
Gallegly
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Martinez
McHugh
McKeon
Metcalf
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (FL)

NOES—266

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
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Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
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Gephardt
Gilchrest
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Gonzalez
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Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
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Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
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Larson
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Lewis (GA)
Lipinski
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Lowey
Lucas (KY)
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Maloney (CT)
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Markey
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McCarthy (MO)
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McGovern
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McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
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Miller, George
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Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
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Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
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Pease
Pelosi
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Pickett
Pomeroy
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Price (NC)
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Ramstad
Rangel
Reyes
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Roemer
Ros-Lehtinen
Rothman
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Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
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Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
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Spratt
Stabenow
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Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
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Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—11

Campbell
Coble
DeGette
Ford
Frank (MA)
Hinchey
Lofgren
Lucas (OK)
Millender-McDonald
Sherwood
Wise

□ 1114

Mr. KOLBE changed his vote from "aye" to "no".

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 1115

Mr. CALLAHAN. Mr. Chairman, I ask unanimous consent to strike the last word so I can engage in a colloquy with the chairman of this committee, and also ask for his forgiveness on that last vote.

The CHAIRMAN pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. CALLAHAN. Mr. Chairman, I rise today to engage the distinguished chairman of the committee in a colloquy, and thank the gentleman.

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I am pleased to engage the gentleman from Alabama. Although he voted against me on that last amendment, I do want to thank him for his cosponsorship in support of this bill.

Mr. CALLAHAN. Mr. Chairman, reclaiming my time, I thank the gentleman for his remarks. And the gentleman and I have spoken previously regarding my specific concerns about 701, but I would like this opportunity to engage once again and highlight those concerns to our colleagues; although CARA will be extremely beneficial to the wildlife and conservation in the State of Alabama as written, there is a provision that is included in this Senate companion legislation, which I strongly support.

This provision allows for funding parity between oil- and gas-producing states and those that do not engage in these activities. As currently written, States in the Gulf of Mexico which do not support oil and gas exploration and production stand to disproportionately benefit from formulas for State-side allocations.

In some cases, these are States that not only do not support those OCS activities, but actively oppose exploration of these resources in their region.

I believe this is inherently unfair to the citizens of the States like Alabama, that do support OCS activities and provide the necessary infrastructure and oversight for these activities.

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will continue to yield, I want to thank my friend for his remarks, and I appreciate his concerns about this issue.

The gentleman and I have spoken on this subject previously, and I know it is an important issue for him as the citizens for Alabama. As I mentioned to him previously, I will continue to work to find an acceptable resolution with him and other interested Members, but I believe the right time to address this issue is during the conference with our colleagues in the other body.

The gentleman from Alabama has my assurance that we will keep his concerns in mind as we move this important legislation through the process.

Mr. CALLAHAN. Mr. Chairman, I greatly appreciate the gentleman's willingness to address this issue in the future and his willingness to discuss it here. Again, I would like to reiterate my support for CARA. I thank the distinguished Committee on Resources chairman for his continuing efforts with respect to my concerns.

The CHAIRMAN pro tempore. It is now in order to consider Amendment No. 19 printed in House Report 106–612.

### AMENDMENT NO. 19 OFFERED BY MR. CALVERT

Mr. CALVERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 19 offered by Mr. CALVERT:

Page 44, after line 11, insert the following:

**SEC. . LIMITATION ON USE OF FUNDS FOR CONDEMNATION.**

Title I is further amended by adding at the end the following:

"LIMITATION ON USE OF FUNDS FOR CONDEMNATION

"SEC. 15. None of the amounts made available by this title may be used for adverse condemnation of property.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. CALVERT) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me start out by saying that I fully support the Land and Water Conservation Fund. This fund is one of the most successful conservation programs in history. The Land and Water Conservation Fund has helped support everything from parks to playgrounds, wilderness to wetlands, open trails to open spaces.

Nevertheless, I want to ensure that landowners are not forced to sell their property and that all land owners are treated fairly in the process.

My amendment ensures that landowners are not forced to sell their property, and that all landowners are treated fairly in the process. CARA provides for $900 million to be appropriated annually for Land and Water Conservation Fund for the purposes of purchasing land. Private landowners are understandably nervous that such a huge sum of money available, their land may be easily condemned for public use.

My amendment helps alleviate these concerns by providing an effective check against overzealous agency acquisitions. With regard to the bill that we are looking at today, there is a loophole, not Federal "willing seller" portion. In its present form, the willing seller provision in the Federal portion of this bill allows acquisition of property if the owner is willing, or by an Act of Congress. By allowing for an Act of Congress, this bill creates a loophole through which Federal agencies could trample on the private property rights.

In addition, CARA contains no private property rights protection for funds funded to State and local governments.

Let me be clear, this amendment only applies to adverse condemnation or an unwillingly seller. Friendly condemnations, willing sellers, will be allowed.

Some argue that my amendment would infringe on States' rights by not allowing the State to condemn. Let me address this point for a moment. As we all know, the 10th amendment to the Constitution states "powers not delegated to the Federal Government are reserved to the States"; however, the fifth amendment states that no private property shall be taken without just compensation. Clearly, our founding fathers directed the Federal Government to protect private property rights.

Mr. Chairman, I support allowing States the maximum amount of flexibility, whether we are talking about welfare or education or labor laws. I voted for the 1996 Welfare Reform law. I have cosponsored Dollars to the Classrooms, but, Mr. Chairman, the protection of private property rights is a distinct and clear Constitutional responsibility of the Federal Government.

No matter how noble the objective, we should not abdicate our constitutional responsibility to protect private property rights.

Further, this amendment applies only to funds provided to the State via the Land and Water Conservation Fund, a Federal fund. In addition, States will use this money to respond to Federal requirements, such as the Endangered Species Act.

Without my amendment, Federal agencies could coerce States and local governments to condemn property in order to satisfy Federal land acquisition laws.

Members should listen to the concerns of their constituents, especially their farmers, who are justifiably concerned that this bill will create an even bigger government. I cannot support a bill which does not take their concerns into account.

This amendment is straightforward. It goes to the core of the willing seller issue. It comes down to the fact that the government should not be able to force taxpaying citizens off their land, land that has sometimes been owned by generations of families.

I do not think anyone believes this should take place. My amendment goes a long way in preventing this from happening. I encourage all of my colleagues to support this amendment, which goes a long way in protecting rights of Americans.

Mr. Chairman, I urge my colleagues to vote yes on my amendment. It is a vote to protect average Americans and maintain the sanctity of property private rights.

Mr. Chairman, I reserve the balance of his time.

The CHAIRMAN pro tempore. Does the gentleman from Louisiana (Mr. TAUZIN) seek the time in opposition?

Mr. TAUZIN. Mr. Chairman, I seek the time in opposition.

Mr. Chairman, for purposes of controlling time, I yield 5 minutes to my friend, the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 5 minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me first assure my friend, the gentleman from California (Mr. CALVERT) that his language was considered in the negotiations on this bill. Language protecting willing sellers was eventually adopted in this bill. It is contained in the bill today.

It is done in a better way than the language the gentleman proposes, however, and that is why I suggest you reject the gentleman's amendment.

Under current law, agencies can condemn property through adverse condemnation proceedings. They can also take your property through regulation, that is called inverse proceedings. So there are two ways that property can be taken.

CARA changes that. CARA says, and let me quote the language to my colleagues, on page 31, line 18, Willing Seller Requirement: The Federal portion may not be used to acquire any property unless (A) the owner of the property concurs in the acquisition or (B) the acquisition of the property is specifically approved by an act of Congress.

In other words, the bill provides that unless a seller is willing to sell the property, the only way the government can take that property is to come to Congress and get a specific line item authorization authorizing the taking of that property through adverse proceedings.

Now, the reason we chose this language instead of the language my friend, the gentleman from California (Mr. CALVERT), is offering, is for two reasons: Number one, this language does not interfere with State law, and the gentleman from California (Mr. CALVERT) wants to. I do not think we should. I do not think we can.

When a State takes Federal money under our program, it has to match it with State money. And if a State law allows condemnation, that is a State's business. When a State uses its money in that mix, or the Federal money, it is all fungible. Any attempt to interfere with that is meaningless and would be inconsequential. It would not have any effect anyhow. But the attempt to interfere with the State law in this Federal statute is, I think, something we ought to avoid.

If my colleague does not like his State's laws on condemnation, he should appeal to his legislature in Sacramento and get those laws change, as we appeal to ours in Baton Rouge and arrange for our laws on condemnation.

Again, this CARA statute protects willing sellers, but it does it in a way that is even better for willing sellers than the Calvert amendment, and here is how. There is no such thing a nonadverse condemnation. All condemnations are done in an adverse fashion, unless it is through regulation.

In an adverse condemnation, sometimes willing sellers get together and ask the court to help them. They want to sell the property, but they want to do it through a condemnation proceeding in order that they can get best value, or perhaps there is some dispute over the property ownership or some limitations on the property that have to be settled by the court. So condemnation proceedings are used very often by willing sellers to get the job done in the best way for the willing seller. The Calvert language would eliminate that capability, that process for willing sellers.

Let me say it again. Under the bill, the willing seller can object and the condemnation is over. There is no taking of his property under any circumstances under the bill's language, unless the willing seller agrees or unless my colleagues and I, and all of us in Congress, after all kinds of notice to everyone locally and federally, eventually agree in a line item to do otherwise.

So, in essence, the current bill is stronger for the landowner, gives the willing seller more options than the Calvert language, and so the Calvert language ought to be defeated.

Mr. CALVERT. Mr. Chairman, I yield myself 15 seconds.

The language in my amendment does not eliminate a willing seller entering into a voluntary condemnation. In my previous life, I negotiated those agreements frequently. This does not do that.

Mr. Chairman, I yield 3 minutes to the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I thank the gentleman for yielding me the time.

If someone loaded a gun and handed it to somebody and then pointed that person at a target, the person providing the gun could not plead innocent when the other individual pulled the trigger. But that is what the authors of this bill are suggesting, that they are innocent of any condemnation because they are not the ones that are going to pull the trigger.

Now, it is true that language in this bill that directed the Secretary to establish a process for condemnation has been removed, and I offered an amendment to do that in the committee. And I applaud the chairman for having done that. However, if we go to page 33, subparagraph (iv), it directs the Secretary to identify properties that are proposed to be acquired from willing sellers and to specify a need for which adverse condemnation is being requested.

That is what this bill does, it tells the Secretary of the Interior, the Secretary of Agriculture to go out and find property that they want to condemn and then provide a list to the Congress so the Congress can act on it.

Now, this bill leaves open two loopholes; one, that loophole, but the second loophole is the local government loophole. Federal rules and regulations virtually compel State and local governments to condemn private land in order to meet those requirements. And so the authors of this bill cannot stand back and say, after they have given the loaded gun, this bill, to local governments, they cannot stand back and say, well, we are innocent bystanders in the process.

So we need to close this local government loophole. We need to close this back-door loophole that directs the Secretary to do that.

The great irony of this is that the lands we are talking about are the lands that so many have come down here to talk in favor of, and that is farmland. Many people have talked about the need to maintain open space and green space, and I support that, and I support the use of the Land and Water Conservation Fund, through easements, to do that. But this bill virtually says that we are going to require the purchase of those lands. And I can tell my colleagues this. Those lands are in better shape, that they provide more habitat for wildlife than they ever will once they are acquired by the Federal Government.

So the authors cannot stand aside and say this bill does not provide condemnation. It does. It directs the Secretary to identify lands for condemnation. It creates a huge loophole for local governments to be able to accomplish that task. And the only way to close it is to close it with the amendment offered by the gentleman from California, and I urge its support.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Let me refer to the section of law that the gentleman referred to, on page 32 and 33. The only reason it is there is to make sure we all get notice so that Congress knows if any agency wants to take any property and there is an unwilling seller. That way the Congress ends up making that decision under the bill. We end up deciding in a line item whether we are going to authorize any agency to move or not.

The bill, in essence, says, and let me say it again, willing sellers have total control of any proceeding, unless Congress, by direct action in a direct separate line item, appropriates and authorizes a taking. The notice is simply to make sure we know what is going on. It is a good provision of the law, not a bad one.

Mr. Chairman, I reserve the balance of my time.

□ 1130

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I think the gentleman from Louisiana (Mr. TAUZIN) has clearly made the case. The rights of landowners are dramatically, dramatically improved under this legislation in the event that an agency would seek condemnation. The rights of the Members of Congress are dramatically improved under this legislation. The rights of the mayors and the city councils, the boards of supervisors, county government are dramatically improved. The governor, for the first time, has full notification. Every political subdivision in and around the considered land has full notification.

None of that is required under today's law. And why is that there? Because people concerned about these issues in the negotiating sessions and in the committee expect a very deep and serious concern about what is a very serious power of the Government to condemn.

But the fact of the matter is, in some instances, very, very rarely, the Federal Government may resort to condemnation. My colleagues would not think for a minute of putting this requirement on the U.S. Army as they want to deal with Ft. Irwin and they want to start acquiring property lands for bombing ranges. My colleagues would not think for a minute of putting this in the Department of Highways as they acquire land for the development of highways. They would not think for a minute of putting this in the Department of Energy if they were seeking to locate a lab or expand one of our national labs that we have in California.

But they sure as heck want to make sure that the property owners, them as Members of Congress, their local officials are not identified and aware of that. And then the Secretary has to say why, and this is the superior route, that there is not an alternative, that there is not comparable lands.

All of those things today at the insistence of people advocating the rights of private individuals.

The other thing the gentleman does here in his amendment is he now steps over and tells the States what to do. I mean, this is a real mixed bag here. I can understand the concerns of the gentleman on the Fed, but he also now moves on to the States.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I ask the gentleman from California (Mr. CALVERT), does he know what the problem with his language is? First of all, he is going to really muck up California law, because our State Constitution has had a longstanding and a well-litigated understanding of what adverse condemnation is.

What the gentleman does, this is how he mucks up the legislation, and I do not think that was his intent, but he does it, he does not delete language in this legislation, he just adds to it.

So with the provision that the gentleman from Louisiana (Mr. TAUZIN) pointed out on page 31, starting with line 18, where the gentleman describes how land can be acquired, the gentleman then comes at the end of the bill and says "none of the amounts made available by this title may be used for adverse condemnation."

Now, the word the gentleman is adding in here which has never been put into law is what is "adverse." They are going to have to have a finding of fact every time a person wants to sell property. Because most property, as the gentleman knows, is done by paper condemnation. That is, it is an advantage to the seller to go through a paper condemnation.

Is that paper condemnation adverse or not? If it is adverse, they cannot use these funds. And what the gentleman is doing, I think he is trampling not only on well-established law of this country both at the Federal level and at the local level, but he is also trampling on the rights of property owners who may want to sell under adverse conditions.

The gentleman defines that as "may not be used."

In the bill, it says "any property unless the owner of the property concurs with the acquisition or the acquisition of that property is specified by an act of Congress."

The gentleman has the adverse condemnation as an issue of fact of what is adverse or not adverse.

### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. LATOURETTE). The Chair would remind all Members that comments made during the debate should be directed to the Chair and not to other Members in the second person.

Mr. CALVERT. Mr. Chairman, I yield myself 15 seconds to only say that the coercive power of the Government to recommend condemnation in itself has a destructive effect on the value of property.

Mr. Chairman, I yield 1¼ minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think to understand the Calvert amendment, what we really need to do is go back to the basic philosophy of the bill, which is to say that the $5.4 trillion debt ridden national government is going to take $3 billion a year and give that to the State governments and other Federal government for land buying. Even though the State governments have a 70-billion surplus, we are going to take our money and give it to these cash-risk States.

Now, what the Calvert amendment does say is, okay, even under that crazy logic, let us try to put some common sense in it and say that, under this any-willing-buyer clause, they need to make sure that it really means any willing buyer. Because the bill clearly says, or, if by act of Congress, Congress decides to buy something, it does not matter if they are willing or not, they are going to come after them. The Calvert amendment addresses that, number one.

Number two, what it says is that the State governments are not governed by the any-willing-buyer provision.

All the Calvert amendment says is that, since we are giving the money to the State governments and it is Federal money that they will be using to purchase this land, we are simply saying that they should have to go by the any-willing-buyer provision.

This is a private property issue. This is a fundamental Constitutional right of Americans. This is a no-brainer. I do not think we should even have a vote on it. I encourage people just to accept this amendment and let us move on.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say simply to my friend the gentleman from California (Mr. CALVERT) that the line he refers to on page 33 is a notice requirement of the lands that are requested of Congress to act upon, the lands in which in fact Congress is being asked to appropriate money and to take.

In those cases, it helps us to know what they want to do. They cannot do it without Congress knowing. They have got to notify us. That is all this section does. Even if the language of the gentleman was adopted, Congress would have the right, as the gentleman knows, next year to approve an expropriation of some property with Federal money. It is not going to stop that.

The bill protects willing sellers completely, gives them the right to use this process to get the best deal. It is a much better version of what the gentleman is trying to do than the language he has submitted.

I urge Members to reject this amendment.

Mr. CALVERT. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from California (Mr. CALVERT) has 2¼ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 1 minute remaining. The gentleman from Louisiana (Mr. TAUZIN) still has 15 seconds remaining.

Mr. CALVERT. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I would have to say to my friend the gentleman from Louisiana (Mr. TAUZIN) that I wish the property rights language in the bill did what he says it does. Because he knows that we both worked extremely hard to try to get to that point and, unfortunately, that is not where we are.

The language that is actually in the bill when it comes to condemnation leaves one very big loophole, and that is that unless it is authorized by an act of Congress, which is a huge loophole. What it says is that under the generic authorization of the National Park Service, the Bureau of Land Management, the Forest Service, it allows condemnation. Therefore, condemnation is allowed in the bill.

That is identified in the bill on page 33 when it talks about taking land by adverse condemnation. It is identified in the bill. It is quite clear why this was put in. I was part of the negotiations, and we all know why it was put in, because it was insisted that the Government be allowed that their right of condemnation be protected. And that is why it is in the bill.

Now, what the gentleman from California (Mr. CALVERT) is doing is he is saying that if the States are going to take land that they should not be allowed to take the land by condemnation.

The fifth amendment of the Constitution was put in place to protect the property rights of individuals. It is a Federal issue. And there is no way around that. It is our responsibility to stand up for the property owners.

The CHAIRMAN pro tempore. The gentleman from California (Mr. GEORGE MILLER) has 1 minute remaining. The gentleman from Louisiana (Mr. TAUZIN) has 15 seconds remaining and the right to close. The gentleman from California (Mr. CALVERT) has three-quarters of a minute remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield my remaining time to the gentleman from Louisiana (Mr. TAUZIN).

Mr. CALVERT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this is a simple amendment which requires that a seller be a willing seller. This is as simple as that. Everyone here agrees that that is what they want. They want willing sellers. Well, then, I would suggest that they accept this amendment.

The fact that a list can be made up of sellers' property somewhere, trust me, will have an adverse effect on the values of that property. And then to have the Government come back and negotiate to acquire that property from a so-called willing seller in itself is quite remarkable in this country.

I think that this is a workable way to resolve this issue. I would hope that my colleagues would support this, and this would make it I think a much better bill.

Mr. TAUZIN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, let me first answer my friend the gentleman from California (Mr. POMBO). Look at page 31. It provides that the money may be not expended except for those acquisitions that are specifically referred to and approved in an act of Congress. The bill requires that every act of purchase be specifically identified in an appropriation by an act of Congress, in fact, in a line item specifically referred to, not in any kind of a report language but in the bill, in the act of Congress.

Secondly, the bill contains a statement of our basic property rights in the fifth amendment that no property can be taken without compensation. But do not be kidded about that. It is in the bill.

Third, let me read the clear language of the bill. The clear language of the bill "willing seller requirement: The Federal portion may not be used to acquire any property unless (a) the owner of the property concurs in the acquisition," and that means the owner can object to any condemnation, "or, Congress itself decides to take the property."

Congress always has that right whether the amendment of the gentleman passes or not. What we have done is given the willing seller total control of the situation unless Congress supersedes it with a direct appropriation and taking. The willing seller has total control, can object to the condemnation or use it if it helps him get a better selling price.

The amendment should be rejected.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from California (Mr. CALVERT).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. CALVERT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California will be postponed.

Mr. DICKS. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Washington is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I have a point of clarification related to title II of the bill.

Mr. Chairman, as the gentleman and I both know, this bill makes available $450 million each year for Federal land acquisitions under the Land and Water Conservation Fund. While I am reticent about doing this through a permanent appropriation, I am pleased that the legislation specifies that these funds may only be expended for purchases which are included in a list of acquisitions which is approved by Congress in an annual appropriations bill.

There is some confusion, however, about how the final list of land acquisitions will be determined. Under this bill, the process begins with a list submitted by the Secretaries of Interior and Agriculture. It is my understanding, however, that the list transmitted to the Congress is just the executive branch's proposal. The Committee on Appropriations would be obliged to review this list but then would recommend to the House those acquisitions which it considered to be the highest priority in the amounts that it considered prudent. It could add projects, delete projects, or change amounts allocated to any project based on its best judgment.

In short, my reading is that the Secretary's list is just a proposal and that the committee has broad authority in making recommendations to the House on how the $450 million for land acquisition will be allocated among competing needs.

Is this also the understanding of the gentleman?

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the gentleman is correct. The list the administration is required to submit each year through CARA is only a request.

□ 1145

The Committee on Appropriations will have the final say for Federal Land and Water Conservation projects and acquisitions when it decides whether or not to approve each new tract requested by Federal LWCF acquisition.

The CHAIRMAN pro tempore (Mr. LATOURETTE). It is now in order to consider amendment No. 20 printed in House Report 106–612.

AMENDMENT NO. 20 OFFERED BY MR. HILL OF MONTANA

Mr. HILL of Montana. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. HILL of Montana:

At the end of title II (page 44, after line 11) add the following (and make appropriate conforming amendments):

**SEC. . REQUIREMENTS FOR ACQUISITION OF LANDS IN MONTANA WITH FEDERAL PORTION.**

Section 7 (16 U.S.C. 4601–9) is further amended by adding at the end the following:

"(h) REQUIREMENTS FOR ACQUISITION OF LANDS IN MONTANA.—

"(1) IN GENERAL.—The Federal portion may not be used by the Secretary of the Interior or the Secretary of Agriculture to acquire lands in the State of Montana until the Secretary of the Interior and the Secretary of Agriculture issue a plan in accordance with this subsection.

"(2) PLAN REQUIREMENTS.—The Secretary of the Interior and the Secretary of Agriculture shall jointly develop and issue a plan for acquisition and disposal of lands in the State of Montana that will result in consolidation of private lands and Federal public lands. The plan shall be designed to ensure that—

"(A) acquisitions of lands with the Federal portion consolidate Federal ownership of lands in Montana under the administrative jurisdiction of the Department of the Interior and the Department of Agriculture; and

"(B) any increase in the total acreage of lands in Montana under the administrative jurisdictions of those Departments that results from acquisitions of lands with the Federal portion is de minimis.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Montana (Mr. HILL) and a Member opposed, each will control 5 minutes.

The Chair recognizes the gentleman from Montana (Mr. HILL).

Mr. HILL of Montana. Mr. Chairman, I yield myself 3 minutes. This is an amendment, Mr. Chairman, that addresses a problem that is specific to Montana. Like most of the western States, much of the State of Montana is owned by the Federal Government. But what is unique to the problem in the State of Montana is that this land is owned in a checkerboard ownership pattern. The consequence of that is it makes it virtually impossible for us to manage the private and the public lands in the State of Montana.

It makes it very difficult to deal with the environmental impacts of activity on those lands; it makes it very difficult to manage the resources on those lands, it creates a lot of conflicts in the land as private landowners seek access through public lands to get to their land, or the public seeks access across private lands to get to public lands. Montana today ranks last in the Nation in per capita income. That is a decline from, at one time we were 12th in the Nation not long ago. This is substantially a consequence of the change in the management of the public lands. What this amendment does is it requires the secretaries of agriculture and interior to develop a long-range plan, to identify what lands they want to purchase or exchange, what lands should be available for sale. It allows them to bring mineral interests into that equation. And it directs them to do that in a way that would have a de minimis impact on how much of the Federal lands there are in Montana.

There are about 93 million acres in Montana. 19 million of those are owned by the U.S. Forest Service. That is an area that is approximately equal to the State of Maine. 8 million of those acres are owned by the BLM. That is equivalent to the combined areas of Connecticut and Massachusetts. 1.2 million acres is owned by the National Park Service, another 600,000 by the Fish and Wildlife Service. That is about a third of Montana that is directly owned.

In addition to that, the Federal Government manages through the BIA another 11.8 million acres of trust lands, Indian trust lands. But on top of all that, the BLM owns subsurface interests in the State of Montana of another 37.8 million acres. To put that into perspective, the Federal Government controls lands in the State of Montana that is about equal to all of the New England States added together. It is owned in a checkerboard pattern.

I have helped support efforts before this Congress to use the LWCF to purchase lands. I have worked with the ranking member and the chairman on exchange bills, and I have worked hard to accomplish the goals of trying to find a way to consolidate lands to improve the management. But Montanans believe that the Federal Government controls and owns more land in the State of Montana than they ought to. They also believe that we need to consolidate those lands to improve its management and to create opportunities to lift us from the bottom of the economic barrel. Montana is a very special place. I am privileged to have the opportunity to represent it. But as we just acquire lands which, is what the bill before us now would do, it erodes our tax base, it undermines our economy. I would urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. TAUZIN. Mr. Chairman, I seek the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) is recognized for 5 minutes.

Mr. TAUZIN. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER) and I ask unanimous consent that he be permitted to control that time.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume. Let me first thank my friend for the great work he did at the committee level and with all of us in trying to negotiate as many pro-property rights provisions in this bill as I think we have been able to negotiate.

Let me secondly concede to him that the checkerboard land ownership pattern in the west is something that, frankly, I hope this bill helps in a big way to end and to ease.

Third, to indicate to him that he knows that I have favored, in fact we have included language in the bill that will encourage land swaps and surplus land sales as opposed to new acquisitions in States that are already heavily owned. But what is good for Montana may not be exactly as good for Nevada, or Nevada as good for Montana, but the problems are common in all those States in terms of the high percentage of State and federally-owned property.

That is why when the bill was written, we set as a top priority that the government must seek, number one, to consolidate Federal land holdings in the States with checkerboard Federal land patterns. That it must, two, consider the use of equal value land exchanges where feasible and suitable as an alternative to land acquisition. That it must consider easements over acquisitions wherever possible. And even on page 33, we require the secretary to submit to us annually a list of those lands that the secretary has identified as surplus and eligible for disposal.

There is a lot of language in the bill that moves in the direction the gentleman wants without setting up a special case of no net gain for one State. I would encourage, therefore, that this amendment be rejected, because, in fact, the bill provides relief for all States commonly situated rather than setting up a special plan for Montana with, in effect, a no net gain provision.

Again, I sympathize with the gentleman's problems in those States as we all have and we have written language, I think, that addresses in a large way a resolution of many of those problems. I urge a rejection of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume. The gentleman from Montana and I have talked about this problem for some time. Again, this is a problem that I think Members from other parts of the country have to be sensitive to. But the idea of prohibiting any Federal land acquisition until this study is done and that the outcome of the study has to be a de minimis change.

As the gentleman knows when he did the Gallatin, we worked very hard on the Gallatin exchange because we were exchanging some really good timberlands for some cutover lands that needed a lot of rehabilitation and restoration, stream restoration and all those other things. The Federal Government ended up with a lot more land than it gave because of the value of those lands. I do not know if that is de minimis or not. I do not think we should get into that argument.

Mr. Chairman, I would be glad to give him the study. If he wants a study of land patterns and land ownerships and disposals and all the rest of it, that would be fine. Right now I do not know of any plans for Federal acquisition, unless there is something right on the edge of Yellowstone that has to do with some church-owned property that may be for sale, some of the farmers think we should buy because the bison would go there.

I do not know that much about it. He does not have any bills in and I do not think we have any other bills in front of our committee. If he wants to have the department make a full-blown study here and tell the people of Montana what their plans are, I do not have any problem with that. But prohibiting this, in all likelihood, he does not need the prohibition and he could still get the study done.

Mr. HILL of Montana. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Montana.

Mr. HILL of Montana. Mr. Chairman, I think I identified that the Federal Government controls or owns about 79 million acres. Actually the BLM has done a study. They identified 75,000 acres that potentially would be available. 75,000 out of 79 million. The reason that they do not have any incentive to offer any more lands is because they can just continue to purchase them. I am as guilty as others. I have supported land acquisitions and exchanges that have added to the total amount of land. But at some point, we cannot just consolidate the public land. We also need to work to consolidate the private land holdings because those resources are important to the economy and the opportunities of the people of the State of Montana. The bill does not do that.

Mr. GEORGE MILLER of California. Let me reclaim my time. The man sitting next to the gentleman has the authority to do this. If the study has been done and you want to review it and you want some action on the study, the committee is available for that. I do not pretend to speak for the chairman. But putting in this prohibition just is not going to work.

Mr. HILL of Montana. Mr. Chairman, I yield myself the balance of my time.

First, at the end I will ask the chairman, of course, to do the study. But beyond the study is the emphasis that the secretaries need to have, that any plan has to put the emphasis on consolidation of private lands and eliminating public lands. I want to make one other point here. That is, that while the bill provides for exchanges of land, the bill, CARA, does not provide for the exchanges of mineral interests in the land. This amendment would provide that. I pointed out to Members that there are 37 million acres in the State of Montana where the BLM has subsurface rights but not surface rights. Those subsurface interests also ought to be incorporated into any effort to consolidate lands.

There are many things that I like about this bill. I have expressed concerns about the lack of sufficient protection for property rights. But I also believe the bill does not go far enough to set forward a plan on when do we buy land, why should we buy land, how is that going to impact the communities that are associated with that. That is what this amendment would do.

Yes, this amendment is specific to Montana. But there was an amendment earlier where the gentleman from California had a provision in this bill that was specific to his district for a specific need. I am simply suggesting that Montana deserves an equal standing. This bill addressed a specific concern in Louisiana, coastal areas and provides $1.5 billion for that purpose, $1.6 billion for California, $800 million for Alaska.

I do not think that it is unfair for the people of Montana to ask that they be treated equitably in this bill addressing a unique problem with a specific solution and a mechanism to do that that protects the important wildlife values, the important environmental values, but also recognizing the importance of the economic benefits and opportunities to the people of Montana.

Mr. GEORGE MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. HILL of Montana. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, the gentleman may be able to have his cake and eat it too. As the gentleman from Louisiana (Mr. TAUZIN) has read the language, it is highly unlikely that there is going to be condemnation or Federal purchases in Montana.

The CHAIRMAN pro tempore. The time of the gentleman from Montana (Mr. HILL) has expired.

Mr. GEORGE MILLER of California. Mr. Chairman, is there a way to get the gentleman 30 seconds so he could respond?

The CHAIRMAN pro tempore. The gentleman from Louisiana (Mr. TAUZIN) has 30 seconds remaining.

Mr. TAUZIN. Mr. Chairman, I yield the balance of my time to the gentleman from Montana (Mr. HILL).

Mr. GEORGE MILLER of California. Mr. Chairman, if the gentleman will yield, in all likelihood you are not going to have Federal land acquisitions. So if you struck section 1, then you would get your cake and eat it, too, because you get your study under the terms and conditions that you have set forth.

### MODIFICATION TO AMENDMENT NO. 20 OFFERED BY MR. HILL OF MONTANA

Mr. HILL of Montana. Mr. Chairman, I ask unanimous consent to strike section 1 and offer the amendment with that section struck.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Montana?

Mr. YOUNG of Alaska. Mr. Chairman, reserving the right to object, I do not believe I will object. We are looking at the language right now. I think my staff agrees with it. The gentleman means paragraph 1, is that not correct?

Mr. HILL of Montana. If the gentleman will yield, that is correct.

Mr. YOUNG of Alaska. It would be paragraph 1.

Mr. GEORGE MILLER of California. If the gentleman will yield, where it says "in general." Lines 7 through 12.

Mr. HILL of Montana. Yes, that is my unanimous consent request.

Mr. TAUZIN. Mr. Chairman, reserving the right to object just to make sure. If what remains of the bill is section 2, the language says that not only do you get a study, it has to result in a certain outcome. I just want to point that out in terms of the negotiations here. I realize that the gentleman is saying our friend from Montana ought to have his study, but I would caution the chairman to look at the language in section 2 that says the study has to produce a specific outcome.

Mr. YOUNG of Alaska. If the gentleman will yield, I am going to suggest because there is some type of cooperation occurring here, if the gentleman will assure me that he is going to enthusiastically support the bill, I am willing to accept that part of the provision with the understanding that you and I are going to work together.

Mr. HILL of Montana. You would have to strike the provision enthusiastically.

Mr. YOUNG of Alaska. I will ask you directly, quietly.

Mr. HILL of Montana. As I have told the chairman in the past, if I can have this provision in the bill, that I would be willing to support the bill.

Mr. YOUNG of Alaska. And be willing to work with me to try to make sure that this is balanced out correctly?

Mr. HILL of Montana. I would commit to that.

Mr. YOUNG of Alaska. Is that agreeable to the gentleman from California?

Mr. GEORGE MILLER of California. Yes.

Mr. YOUNG of Alaska. In that case we will accept his original proposal striking and accept the rest of the amendment.

The CHAIRMAN pro tempore. If the horse trading is done and we could back up for a second.

Mr. YOUNG of Alaska. I know we are on television, but I will trade horses anyplace in the street, believe me.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 20 offered by Mr. HILL of Montana:

In the matter proposed, strike out line 7 through line 12.

The CHAIRMAN pro tempore. Is there objection to the modification?

There was no objection.

The CHAIRMAN pro tempore. The amendment is modified.

The question is on the amendment offered by the gentleman from Montana (Mr. HILL), as modified.

The amendment, as modified, was agreed to.

□ 1200

The CHAIRMAN pro tempore (Mr. LATOURETTE). It is now in order to consider amendment No. 21 printed in House report 106-612.

### AMENDMENT NO. 21 OFFERED BY MR. BUYER

Mr. BUYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 21 offered by Mr. BUYER:

Page 45, line 5, strike "wildlife conservation organizations,".

Page 47, line 1, strike "wildlife conservation organizations, and outdoor recreation and conservation education entities".

Page 68, strike line 23 and all that follows down through line 11 on page 69.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Indiana (Mr. BUYER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to offer an amendment to the Conservation and Reinvestment Act. My amendment would keep the private transactions of nonprofit, nongovernmental conservation groups a private matter by stopping government money from going to these groups for the purpose of purchasing conservation easements.

We all share the goal of promoting conservation of our natural resources, and we all understand the importance of passing these resources from one generation to the next. But private environmental groups do not need the Federal Government's support. Nonprofit groups are already acquiring land for preservation purposes without government support. Private organizations are raising hundreds of millions of dollars each year which donors can take as a deduction on Federal taxes. In fact, according to the IRS and Philanthropic Research, Incorporated, the 10 largest environmental nongovernmental organizations have a combined annual revenue of over $1 billion.

Now, what these groups do with the money they raise is their own business.

If they want to purchase conservation easements, that is great. But they should not expect the Government to fund their activities. As currently written, CARA allows nonprofit environmental groups to acquire land, hold title and enforce easements, while Washington picks up half the tab.

The funding of private groups for conservation easements is an unnecessary expansion of government. At a time when we should be holding the line on the amount of money that Washington spends and the influence it has over our people, it makes no sense to create a $100 million program to fund work that is already being done in the private sector. Moreover, Federal support of conservation easements is a back-door way of the Government to control even more land and exercise land use policies in a quasi-governmental function.

The Federal Government already owns 670 million acres of land, about one-third of the land in the United States, land that it cannot properly maintain. Federal funding of private groups' land acquisition is another way for government to promote restrictions on land use without actually having to purchase the land.

Now, there is a bit of confusion based on what has been shared among Members between the minority and the majority about what is actually in the bill and how it mirrored exactly what was taken out of the 1996 farm bill, Freedom to Farm. I would like to clarify. The 1996 farm bill included a program, the Farmland Protection Program, or FPP, intended to keep farmland in agricultural production. The program featured Federal funds to assist with the purchase of easements that would permanently restrict the use of land agriculture. Under the program, private nonprofit groups could receive Federal funds if they were partnered with a government entity and only for the purpose of keeping farmland in agricultural production. The money flows from the Federal Government to the State or local government entity, which in turns channels it to the private partnering groups. Under the FPP, there is no direct pipeline to these groups from the Federal Treasury.

Now, what is in CARA that is different from the Freedom to Farm? Under title VII of CARA, there are two significant and troubling differences. First, under the CARA provision, private, nonprofit groups do not have to be partnered with a government entity. This means that for the first time, these groups have a direct pipeline to the Federal Treasury for the purposes of acquiring easements. The second difference and significant difference is that under CARA, the easements have been expanded to include general conservation purposes, such as wildlife preservation as opposed to simply keeping farmland in agricultural production.

A second area of confusion is about the impact that our amendment would have on private, nonprofit groups under FPP. Some of the groups are concerned that our amendment would take away funding that they currently receive or jeopardize future funding under the FPP. This notion is mistaken. Our amendment only impacts CARA. If adopted, our amendment would not take away any of the nonprofit groups' funding under the FPP or impose further restrictions on their activities. We simply are preventing them from building a direct pipeline to government money under CARA and from using money for nonagricultural purposes. Under our amendment, these groups could still receive Federal funds if they partnered with a government entity.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I rise in opposition to the amendment, and I yield myself such time as I may consume.

Mr. Chairman, this amendment is intended to prohibit nonprofit organizations from using funds under the bill to acquire conservation easements. This would be exactly the wrong thing to do. Let me talk a little bit about what is going on in Colorado.

In Colorado, we have the Colorado Cattlemen's Agricultural Land Trust, which helps ranchers and other property owners to avoid the need to sell their lands to developers. In fact, if we look at their brochure that they put out, that gives a lot of great examples of easement purchases, and they specifically talk about the fact that cattlemen formed the trust so that easements could be held by private parties. They want private sector control. This amendment would eliminate that possibility.

We also have organizations like the Continental Trails Alliance, which can acquire easements instead of having to purchase full fee interests in lands and that makes them able to make effective use of their limited funds.

When we look throughout the country, we have soccer clubs and other nonprofit groups that are acquiring easements that makes it much more feasible for those communities to provide recreation areas for soccer and for open-space recreation and to help deal with the sprawl that is consuming so much of our precious open space.

So this bill helps these groups carry out these vital activities. This amendment would make it much more difficult, if not impossible, for them to do that. For that reason, we should reject the amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining.

Mr. BUYER. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I would inquire as to the time remaining.

The CHAIRMAN pro tempore. The gentleman from Colorado (Mr. UDALL) has 3½ minutes remaining.

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time.

I represent probably one of the most productive agricultural communities in the United States. Our county alone produces 55 crops. We do about $2.4 billion in sales. This is the County of Monterey and the Salinas Valley, also known as Steinbeck country because that is the area that John Steinbeck wrote about.

What is happening with the land use pressures in California where we have 33 million people in the State; we are growing very fast, and for these productive agricultural lands, the farmers are getting together. As the gentleman from Colorado (Mr. UDALL) indicated, we also have the California Cattlemen's Association, which has created a private nonprofit to allow the transfer of a lot of easements, because that way the land still stays in private ownership, only what one is selling is the development rights.

Now, what the gentleman's amendment would do is just prohibit these wonderfully new inventive tools that have been used by the private sector, by willing sellers. Nobody comes in and takes these things. Why they are so creative is that it allows the family that owns the land to have some income that relieves some of the pressures for ownership and some of the liabilities for ownership so that they are not taxed on best use and all of that. The gentleman's amendment would just not allow these people to be recompensated for those efforts.

Now, what happens in land use, it is sort of like when one is trying to build housing. We do not just do this with one single source of revenue. What happens in California is that a lot of these, particularly in the farmland areas, is it is private money coming out of farmland trust. People give private contributions. It comes out of foundation money, conservative organizations like Hewlett and Packard Foundations. These are private sources money which are matched, oftentimes with local, like county money or State money that comes; we just passed a bond act in California that authorizes this.

The gentleman is saying that we cannot pool any of that money with Federal money under this program and allow this to continue. I know what the gentleman is getting at, is that these organizations should not be compensated as real estate agents, but frankly, they are doing the real estate business under willing sellers. I think it is a bad amendment.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

I would say to the gentleman, I come from a district that represents 20 counties of Indiana, one of the largest districts that is to the east of the Mississippi, with a strong agricultural base. I would disagree with the gentleman's assertion that somehow this prevents private organizations from purchasing lands, purchasing those easements and doing what they want with it.

What I am saying is, if the sponsors of this bill sell the bill to the Members of this body by saying oh, what we have done is just took exactly what was in Freedom to Farm and placed in the bill, and I am going to clarify this with the chairman, then we have a problem.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. BUYER) has expired.

The gentleman from Colorado (Mr. UDALL) has 1½ minutes remaining.

Mr. UDALL of Colorado. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, whoever is running this mike, they better start learning how to run it.

Mr. Chairman, I want to clarify one thing. We believe, from the letters of the Committee on Agriculture, it was exactly the same, because we sent this bill to the committee and they worked on the committee through the exchange of letters.

Now, if there is a misinterpretation, I do apologize, and I do believe the staff screwed up. But we are going to work on that part to make it work, that last provision.

Now, the rest of the amendment disturbs me. This is my part of this bill, the wildlife restoration part. And what the gentleman does is eliminate the ability of Ducks, Unlimited, eliminate the ability of Safari International, the ability of those organizations that believe in wildlife restoration in participating in that program, with the gentleman's amendment.

So I respectfully ask the gentleman to consider that, and let us work on that provision which, if the gentleman thinks I misled, I apologize, but I did not do it intentionally, because it came out of another committee. We will work on that provision as we go through this process. I will do that. But those other two provisions I adamantly oppose, and anybody who understands Ducks, Unlimited and Safari, they are the biggest contributors to wildlife restoration and sustainable yield of those species. I have to oppose the amendment as proposed, but I will work with the gentleman on that last provision.

Mr. BUYER. Mr. Chairman, if the gentleman will yield, I thank the gentleman from Alaska.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself the remainder of my time.

I would echo what the chairman has suggested, but again I emphasize that this amendment would eliminate the opportunity for the private sector to be involved. In fact, CARA is constructed in a way that the private sector is fully involved in the holding of conservation easements.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER).

The amendment was rejected.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 22 printed in House Report 106–612.

### AMENDMENT NO. 22 OFFERED BY MRS. CHENOWETH-HAGE

Mrs. CHENOWETH-HAGE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 22 offered by Mrs. CHENOWETH-HAGE:
>
> Page 46, strike line 5, and all that follows down through line 19 on page 47 (all of 302(d)).

The CHAIRMAN. Pursuant to House Resolution 497, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment strikes a provision in title III of the bill which opens the door for funding to go to organizations which engage in "public outreach" and species reintroduction and numerous other uses not currently in law. The amendment would keep in place current law.

So, Mr. Chairman, I am really especially concerned that this definition will allow for the great expansion of the management of non-game species that is contained in the present bill before the House. It will also allow funding for very highly controversial measures such as wolf and grizzly bear introduction as is occurring in my State of Idaho. But most egregious is the term "public outreach," which makes organizations who engage in advocacy and lobbying eligible to receive funds under the Pittman-Pobertson act. This means that extreme organizations will be eligible for funds to actively lobby and advocate against activities such as hunting and recreational access.

Now, again, Mr. Chairman, I would like to quote from Mr. Ray Arnett, who is the former President of the National Wildlife Federation and former Director of the California Fish and Wildlife Service. He said in his letter that CARA is a very dangerous bill. He said,

> Every owner of a ranch or a farm or wood lot or a game preserve will be at risk of being targeted by not only agencies, but organizations working in tandem with environmental anti-hunting, animal rights pressure groups.

□ 1215

Ironically, since they hold the most desirable properties, the private landowners, who have been the most diligent caretakers of their holdings, will be on the top of the list for land grabs and government takeovers under this bill.

CARA is destined to be a disaster for one of its intended beneficiaries, and that is, the sporting community of hunters and fishermen who are the true and most able conservationists in America. The unprecedented flood of money provided by CARA will enable buying and turning over to the government the private lands historically and currently used for hunting and fishing. This will subject the properties' sporting use to the whim of public opinion and a bureaucracy increasingly hostile to sport hunting, fishing, trapping, and gun ownership.

CARA, he said, fits perfectly into the plans of the anti-hunting Animal Protection Institute, since it will provide the very revenue source outside of the sportsman-paid excise taxes to fund Pittman-Robertson.

There is no question that animal rights advocates will target for acquisition fish and game clubs, leases, and other private land where the taking of renewable wildlife resources is permitted. Once the land is purchased and under government control, these well-funded anti-sportsmen groups will lobby Congress and government agencies for the elimination of any consumptive use of wildlife resources. This is a correction that needs to be made to this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes in opposition.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentlewoman's amendment, if it had been narrow, would have been somewhat easier to look at and maybe understand, but it is so broad that it concerns me, because she strikes all the definitions, including the definition of "wildlife-associated recreation."

In our negotiations, I worked very hard to include in that hunting and fishing to be considered as one of the recreation activities to occur on these lands. Under her amendment, by striking the definitions, it would give the Department of the Interior, the Secretary of the Interior, the ability to define what could occur on these lands. That is why I am worried about the amendment. It is so broad, it strikes everything. This, very frankly, is not the intent.

I am a hunter. I am a fisherman. I am a person who participates in the outdoors for a great many hours. Every hunting group that has any recognition at all supports this bill. The one group that does not support it is the animal rights group. There is a little contradictory work there. In fact, I am going over here in a little while to talk to the Safari Club that is actively involved in promoting this legislation. Members may not like that, but that is the fact of life, because they are the best conservation organization in existence in this world today, and I will say that without any reservation, and they are supporting this overwhelmingly.

I also recognize the importance and definition of activities that can include archery ranges and things like that. If we strike all these definitions, we really go to the problem of letting, again, the Secretary of the Interior make those decisions. I think that is incorrect.

Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, I oppose the amendment. I want to express the same sorts of concerns that my colleague, the chairman, the gentleman from Alaska (Mr. YOUNG) expressed.

It seems that while this proposed amendment may be intended to prevent title III funds from being used for public outreach, species reintroduction, and other uses not currently authorized in the law, it actually could have the opposite effect, is what the gentleman is suggesting.

By deleting all the definitions in the title, that being title III, but maintaining the rest of the title, it establishes a new wildlife conservation program for the States with a variety of terms of reference that are not defined, including wildlife conservation project, wildlife recreation project, wildlife education project.

The way I see it, if the amendment was passed the administration could write new regulations interpreting these provisions in any way they want. Potentially, they could determine that these projects could include public outreach or species reintroduction, which I think are the very things that the sponsor is attempting to prevent.

Mr. Chairman, again, I think this would be ill-advised. I am opposed to the amendment.

Mr. FARR of California. Mr. Chairman, will the gentleman yield?

Mr. UDALL of Colorado. I yield to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I think the legislative process and particularly the committee process is designed to draft legislation so that ambiguities are spelled out and worked out so that the bill as we enact it, as it becomes the law of this country, we can understand what it means.

I think what the problem with this amendment is, and some of those that we have been speaking on today, I believe they are kind of reckless.

This amendment deletes definitions. There is a whole section on definitions. If Congress has not defined what it means by the use of those funds, it leaves it up to others to define. As the gentleman from Colorado (Mr. UDALL) and the gentleman from Alaska (Mr. YOUNG) said, it leaves it up to the States to define it, it leaves it up to the Secretary of the Interior to define it, it leaves it up to an uncertain process.

Frankly, when it comes to dealing with land, management of land, acquisition of land certainty is key. By this amendment, we eliminate the line that says, "The term 'wildlife conservation and restoration program' means a program developed by a State Fish and Wildlife Department and approved by the Secretary." They delete that, so they can do it any way they want. They do not need it approved by the Secretary.

It goes on to say, "The term 'wildlife-associated recreation' shall be construed to mean a project intended to meet the demand for outdoor activities associated with wildlife, including but not limited to hunting, fishing, wildlife observation, photography, such projects as construction or deconstruction of wildlife viewing areas, et cetera," they delete all that. They leave it up to vagaries and uncertainty. That is not good law. Bad amendment.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, this bill is sound, this amendment is sound. Let me just read what I believe is reckless in terms of what is included in the term "conservation."

Normally, we would think of conservation as Teddy Roosevelt would, caring for the resources. But actually, here there are so many ambiguities in here that the term "conservation" means "a standard that is desirable to sustain healthy populations, including all activities associated with scientific resource management." Whose science? That includes "research, census, monitoring of populations," but another key word, Mr. Chairman, "acquisition," acquisition. This falls under the definition of "conservation."

So, Mr. Chairman, my amendment is simply put together to clear up the ambiguities. The term "conservation" has been widely used and widely understood, but it is being exceedingly broadened in this new bill. I would urge the support of this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was written with the cooperation of not only the staff but cooperation of the outdoors coalition. It was written and reviewed. They are supporting this, those people who directly use this.

I have things in here that a lot of people would not vote for. I have trapping, hunting, fishing. Those are the things I would like to see left in this bill because it is part of wildlife rehabilitation and wildlife restoration.

Again, I suggest, respectfully, the amendment as offered is so broad it defeats all the purposes that we have worked for to try to have the wildlife included in this bill.

The CHAIRMAN pro tempore (Mr. QUINN). All time has expired on the discussion of the amendment.

The question is on the amendment offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mrs. CHENOWETH-HAGE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentlewoman from Idaho will be postponed.

It is now in order to consider amendment No. 23 printed in House Report 106–612.

### AMENDMENT NO. 23 OFFERED BY MR. UDALL OF COLORADO

Mr. UDALL of Colorado. Mr. Chairman, I offer an amendment.

The Chairman pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 23 offered by Mr. UDALL of Colorado:

Page 70, line 14, strike "and".

Page 70, strike the period on line 17 and all that follows through line 22 and insert the following:

", and

"(3) the Urban and Community Forestry Assistance Program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).".

Page 10, line 21, after "note)" insert ", the Urban and Community Forestry Assistance Program established under section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105),".

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Colorado (Mr. UDALL) and a Member opposed each will control 10 minutes.

The Chair recognizes the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am offering this amendment not just on my own behalf, but on behalf of a number of other Members, including the gentlewoman from North Carolina (Mrs. CLAYTON), the gentleman from New York (Mr. CROWLEY), and the gentlewoman from California (Mrs. NAPOLITANO).

Mr. Chairman, the amendment is simple. It would add authority for the Secretary of Agriculture to use funds under the bill for urban and community forestry, in addition to the authority the bill provides for funding the farmland protection and forest legacy programs.

The amendment would not require a specific level of funding, it would merely require and allow the Secretary to have the discretion to provide the program with some of the funds available under Title VII of the bill.

The urban and community forestry program helps communities protect their air and water, save energy, increase property values, and create healthy environments by enabling the Forest Service to provide technical and financial assistance to local governments and to nonprofit organizations in partnership with the State forestry agencies.

The program helps urban communities with tree planting and urban planning. It helps suburban communities like mine respond to the problems of growth and sprawl, and it helps rural communities, as well. For example, in the last fiscal year, the program assisted more than 50 projects in Colorado. It helped dozens of communities of all sizes, from Lyons, Larkspur, and Leadville, to Dacono, Denver, and Dinosaur, and many others across our State.

Besides local governments, such as Jefferson, Gunnison, and Eagle Counties, and many cities and towns, its partners included dozens of groups like Volunteers for Outdoor Colorado; Trees, Water, and People; the Denver Urban Resources Partnership; garden clubs, schools, and many others too numerous to list.

The story is the same all across the country. In fact, nationally, more than 10,000 communities and some 7,000 volunteer organizations participate annually.

The program operates on a partnership basis and Federal funds are heavily leveraged. In fact, $4 of private donations and in-kind contributions are involved for each dollar provided by the Federal government.

We are still not meeting all of the needs out there. In fact, the Forest Service tells me that they have eight times more requests for assistance than they have resources to provide. So I think it just makes good sense to give the Department of Agriculture the ability to use some of these funds that would be made available by this bill to continue this important work.

In short, I think adding this program would add a useful element to this good bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. For what purpose does the gentleman from Alaska (Mr. YOUNG) rise?

Mr. YOUNG of Alaska. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Alaska (Mr. YOUNG) is recognized in opposition for 10 minutes.

Mr. YOUNG of Alaska. Mr. Chairman, for the purpose of discussion, I yield such time as he may consume to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I rise in opposition to the amendment, not because I do not feel that this is a good program, because it is, and I have supported it in the past. At the same time, we have heard over the last 2 days repeatedly about the delicate balance that exists in this bill, and how important it is to hold the bill together and not accept any of the amendments.

I had amendments that added money to urban parks, and all my friends voted against it. I had amendments that added money to endangered species recovery, and all my friends voted against it, including the chairman and those that are in favor of this particular amendment. They were all opposed to all the good things that we were trying to do to this bill.

I would ask for a no vote on this particular amendment, because if there is such a delicate balance and if it is so important not to accept any amendments, then we should not accept this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would tell the gentleman, I am going to support the amendment, and the good gentlewoman from North Carolina (Mrs. CLAYTON).

I think what we have to do is plant more trees. We also have to harvest them at the appropriate time, but there have to be more trees planted, because our forestry in the urban areas and in the rural areas is in decline because management has been very poor.

I have to lecture a little bit here. There is a concept that trees last forever. They do not. We ought to recognize that, because they do the best to clean the air up. They are the one, true purifier of our air, and dead trees or old trees that have reached their maturity and have begun to die do not clear the air.

I do not know how many read in the paper, we have a fire now in the Los Alamos area where there is a fire threatening our nuclear capability. We have to recognize that nature is well and good, but it is not necessarily as good as we can be in managing our forests.

I have traveled to Sweden, I have traveled overseas, where they today have managed their forests over the years because they recognize the value of live trees and what they do and how they clean the air and how they help mankind live.

□ 1230

So I am in strong support of this amendment, and I want to tell the gentleman, we will be willing to accept the amendment. And because the gentleman is running the time, I guess he will not object to his own amendment. But I do want to suggest to my colleagues that we have to look at the big picture. This is part of the big picture.

As far as the delicate balance, I have to tell the gentleman from California Mr. POMBO), my good friend, we have adopted five of the amendments that have been proposed to us. We have listened to the gentleman from Ohio Mr. REGULA). We accepted one of his amendments. We have taken one from the gentleman from Montana Mr. HILL), the gentleman from New York Mr. BOEHLERT), and the gentleman from Indiana (Mr. SOUDER). So we have adopted amendments.

So this debate has been very good, because we have listened to both sides. And where the amendments really can make sense, we have accepted them. But, again, I congratulate the gentleman from Colorado Mr. UDALL) and the gentlewoman from North Carolina (Mrs. CLAYTON) on this amendment because I think it adds to the bill, and I hope the people of America recognize the importance of sound management, planting of new trees for the betterment of those people who live in the urban areas as well as the rural areas.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I yield myself such time as I may consume only to, I think, summarize what the gentleman said: We have to plant before we can harvest, and I continue looking forward to working with the gentleman from Alaska (Mr. YOUNG.)

Mr. Chairman, I yield 3 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman from Colorado for yielding me this time, and I thank the gentleman from Alaska (Chairman YOUNG) for his recognition and support of making a good bill even better. And to the gentleman from California (Mr. POMBO), my colleague and my friend from the Committee on Agriculture, we will have another day to work together. We are friends, and I hope he continue to support this program.

Mr. Chairman, I rise to urge the support of the amendment offered by the gentleman from Colorado Mr. UDALL) and myself and others, and also rise in support of the base bill.

This amendment, I think, enhances the base bill. The Urban and Community Forest Program has been in existence since 1978. This program has been widely used throughout the United States, assisting 80 percent of all Americans. Assistance is provided by the program for both urban and rural areas, as well as suburban communities and small towns that fall in between.

As our rural areas and small towns, communities, cities have developed, the Urban and Community Forest Program has become an integral part of building and sustaining them. Important connections existing between the liveability of communities and the service functions provided by trees, forests and related green space. These connections includes improved air and water quality, control of storm runoffs, sufficient soil aeration and energy conservation.

These connections are important due to increasing demands on natural resources by developers, as evidenced by tremendous urban sprawl, along with pressure to develop rural areas. Without property conservation, our quality of life will be greatly diminished throughout all of our communities.

USDA's Forest Service works with State forestry agencies, local tribal governments, and the private sector in urban and rural settings to conserve and manage natural resources. Let me cite a few examples of how this program has assisted some communities.

In 1999, Elizabethtown, North Carolina, which has a population of 3,839 citizens, forestry funds were used to implement a highly visible tree-planting project to develop a community forestry program.

"Hand Made in America," a nonprofit organization in western North Carolina, formed a partnership with six small mountain towns and two private colleges creating a collaborative effort to plant trees in an endeavor to achieve sustainable communities.

The South Carolina School for the Blind established a quarter-mile natural trail. The natural trail has Braille signs, wildlife footprints, bird sounds, and three natural wildlife habitat areas to teach plant science, animal characteristics and natural resource management.

The City of Herndon, Virginia is using a $2,500 public-private partnership grant for tree planting to encourage homeowners to properly plant and maintain trees.

Mr. Chairman, these are excellent examples of how the Urban and Community Forest Program is working to improve the quality of life in both rural areas as well as urban areas.

I urge my colleagues to support this program. It is good both for urban and rural America.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I have come today to the floor to urge my colleagues to support the amendment offered by the gentleman from Colorado (Mr. UDALL), which simply restores the Urban and Community Forestry Program. This is, indeed, a bipartisan bill and I am very thankful to the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for their hard work on it.

In fact, this program restores the green infrastructure that is disappearing so dramatically in our cities and in our towns throughout America. And we are really substituting cement and asphalt for trees and greenery.

The Urban and Community Forestry Program would also make it possible for youth at risk to learn how to clean up their communities and educate their parents and neighbors about conservation practices like waste removal, recycling, planting, et cetera. We must continue to teach our youth and involve them so that we can continue growing these green trees for effectively preserving the natural environment.

Studies have shown that preventing the spread of deforestation in our cities decreases energy and storm water runoff costs, increases air quality and improves the liveability of our communities and our neighborhoods. It does attract businesses who love to have their employees in a greener community, the better employees.

Mr. Chairman, this also is the only current Federal program that can so comprehensively help improve the environmental quality of urban Americans. Note that this is not an increase in funding authorization of the CARA bill. Instead, it simply allows the program to receive some of the funds already earmarked for the USDA bill. This is almost a four-to-one match, the one Federal program dollar with in-kind and donated services.

More than ever, we need to not only sustain but also encourage the livelihood of projects like the Urban and Community Forestry Program. I would like to thank my colleague, the gentleman from Colorado (Mr. UDALL) for introducing this amendment, and I encourage all my colleagues in this House to support the inclusion of the Urban and Community Forestry Assistance Program in this final version of H.R. 701.

Mr. UDALL of Colorado. Mr. Chairman, may I inquire how much time we have remaining.

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Colorado (Mr. UDALL) has 2½ minutes remaining, and the gentleman from Alaska (Mr. YOUNG) has 6½ minutes remaining.

Mr. UDALL of Colorado. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I thank the gentleman from Colorado (Mr. UDALL), my good friend, for yielding me this time.

Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Colorado, my good friend and colleague. This amendment would provide a dedicated stream of funds for the Urban and Community Forestry Program, a valuable yet underfunded program.

As the only Member from the New York State delegation on the Committee on Resources, and representative of the most urban district on the committee, I have realized that the Urban and Community Forestry Program is vital to the regreening of our Nation's cities.

In my home State of New York, over the last 4 years, the Urban and Community Forestry Program has provided more than $1 million to contain and prevent further tree loss associated with the Asian longhorned beetle, an invasive species that has destroyed thousands of trees throughout both New York City and Chicago metropolitan areas.

The Urban and Community Forestry Program has provided technical assistance to help local officials plant and care for trees that are resistant to the beetle to prevent future outbreaks in the City of New York and throughout the United States.

The Urban and Community Forestry Program currently assists over 13 major U.S. metropolitan areas, including Denver, Atlanta, Boston, Buffalo, Chicago, East St. Louis, New York, Philadelphia, San Francisco, Seattle, and South Florida. With additional assistance, this worthwhile program could provide even more assistance.

Additionally, the Urban and Community Forestry Program has provided technical assistance to help community groups plant trees, restore riverbanks, improve watersheds and provide conservation education that makes our urban communities a better place to live and to work.

Therefore, I am pleased to stand with the gentleman from Colorado (Mr. UDALL) and the gentlewoman from California (Mrs. NAPOLITANO) in strong support of this amendment. Again, I thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) for this landmark legislation.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to say one thing to the gentleman from New York (Mr. CROWLEY) and compliment him on his statement. But this is the difference between some of our agencies' attitudes than what the City of New York has done. Because we have the same problem with beetles. We have 47,000 acres of beetles in the Kenai Peninsula that kills every tree down there and we are trying to eliminate the beetle on Federal land, eliminate the beetles and harvest that timber before it burns up our community, and the Federal Government says we cannot do that. To me, that does not make a whole lot of sense.

But I compliment the people in New York for recognizing that if we do not get rid of those beetles, they will keep going and going and going and create a deforested area, which occurred in my district. So I compliment the gentleman from New York.

Mr. Chairman, I do, as I mentioned before, support this amendment, and I urge my colleagues for a loud "yes" voice vote in accepting the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. UDALL of Colorado. Mr. Chairman, I thank the gentleman from Alaska (Mr. YOUNG) for working with me on this amendment. I urge support of it, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. UDALL).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. POMBO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceeding on the amendment offered by the gentleman from Colorado (Mr. UDALL) will be postponed.

It is now in order to consider the amendment that is numbered 24 in House Report 106–612.

AMENDMENT NO. 24 OFFERED BY MR. GIBBONS

Mr. GIBBONS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. GIBBONS:

At the end of the bill, add the following:

**TITLE —PUBLIC LAND MANAGEMENT**

**SEC. 01. SHORT TITLE.**

This title may be cited as the "Public Land Management Act of 2000".

**SEC. 02. FINDINGS AND PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) the large amount of federally controlled land in the United States and the lack of an adequate private land ownership base has had a negative impact on the overall economic development of rural counties and communities and severely degraded the ability of local governments to provide necessary services;

(2) in resource management plans, the Bureau of Land Management has identified for disposal land that is difficult and costly to manage and that would more appropriately be in non-Federal ownership;

(3) implementation of Federal land management plans has been impaired by the lack of necessary funding to provide the needed improvements and the lack of land management programs to accomplish the goals and standards set out in the plans; and

(4) the lack of a private land tax base prevents most local governments from providing the appropriate infrastructure to allow timely development of land that is disposed of by the Federal Government for community expansion and economic growth.

(b) PURPOSES.—The purposes of this title are to provide for—

(1) the orderly disposal and use of public land; and

(2) the maintenance and repair of Federal facilities on public land.

**SEC. 03. DEFINITIONS.**

In this title:

(1) CURRENT LAND USE PLAN.—The term "current land use plan", with respect to an administrative unit of the Bureau of Land Management, means the management framework plan or resource management plan applicable to the unit that was approved most recently before the date of enactment of this Act.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(3) SPECIAL ACCOUNT.—The term "Special Account" means the account established by section 06.

(4) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means the elected governing body of any city or county in a State.

**SEC. 04. DISPOSAL AND EXCHANGE.**

(a) DISPOSAL.—In accordance with this title, the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), and other applicable law and subject to valid existing rights, the Secretary may dispose of public land under current land use plans maintained under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713)

(b) RECREATION AND PUBLIC PURPOSE CONVEYANCES.—

(1) IN GENERAL.—Not less than 30 days before offering land for sale or exchange under subsection (a), the State or the unit of local government in the jurisdiction of which the land is located may elect to obtain the land for local public purposes under the Act entitled "An Act to authorize acquisition or use of public lands by States, counties, or municipalities for recreational purposes", approved June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.).

(2) RETENTION BY SECRETARY.—If the State or unit of local government elects to obtain the land, the Secretary shall retain the land for conveyance to the State or unit of local government in accordance with that Act.

(c) WITHDRAWAL.—Subject to valid existing rights, all Federal land selected for disposal under subsection (d)(1) is withdrawn from location and entry under the mining laws and from operation under the mineral leasing and geothermal leasing laws until the Secretary terminates the withdrawal or the land is patented.

(d) SELECTION.—

(1) IN GENERAL.—The Secretary and the State and unit of local government that has jurisdiction over land identified for disposal under subsection (a) shall jointly select land to be offered for sale or exchange under this section.

(2) COORDINATION.—The Secretary shall coordinate land disposal activities with the unit of local government under the jurisdiction of which the land is located.

(3) LOCAL LAND USE PLANNING AND ZONING REQUIREMENTS.—The Secretary shall dispose of land under this section in a manner that is consistent with local land use planning and zoning requirements and recommendations.

(e) SALES OFFERING, PRICE, PROCEDURES, AND PROHIBITIONS.—

(1) OFFERING.—The Secretary shall make the first offering of land as soon as practicable after land has been selected under subsection (d).

(2) SALE PRICE.—

(A) IN GENERAL.—The Secretary shall make all sales of land under this section at a price that is not less than the fair market value of the land, as determined by the Secretary.

(B) AFFORDABLE HOUSING.—Subparagraph (A) does not affect any authority of the Secretary to make land available at less than fair market value for affordable housing purposes under any other provision of law.

(3) COMPETITIVE BIDDING.—

(A) IN GENERAL.—The sale of public land selected under subsection (d) shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(B) EXCEPTIONS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to sales under this title in cases in which the Secretary determines that application of an exception is necessary and proper.

(C) NOTICE OF COMPETITIVE BIDDING PROCEDURES.—The Secretary shall also ensure adequate notice of competitive bidding procedures to—

(i) owners of land adjoining the land proposed for sale;

(ii) local governments in the vicinity of the land proposed for sale; and

(iii) the State in which the land is located.

(4) PROHIBITIONS.—A sale of a tract of land selected under subsection (d) shall not be undertaken if the Federal costs of sale preparation and processing are estimated to exceed the proceeds of the sale.

(f) DISPOSITION OF PROCEEDS.—

(1) LAND SALES.—Of the gross proceeds of sales of land under this section during a fiscal year—

(A) 5 percent shall be paid to the State in which the land is located for use in the general education program of the State;

(B) 45 percent shall be paid directly to the local unit of government in the jurisdiction of which the land is located for use as determined by the unit of local government, with consideration given to use for support of health care delivery, law enforcement, and schools; and

(C) 50 percent shall be deposited in the Special Account.

(2) LAND EXCHANGES.—

(A) IN GENERAL.—In a land exchange under this section, the non-Federal party shall provide direct payment to the unit of local government in the jurisdiction of which the land is located in an amount equal to 15 percent of the fair market value of the Federal land conveyed in the exchange.

(B) TREATMENT OF PAYMENTS AS COST INCURRED.—If any agreement to initiate the exchange so provides, a payment under subparagraph (A) shall be considered to be a cost incurred by the non-Federal party that shall be compensated by the Secretary.

(C) PENDING EXCHANGES.—This title, other than subsections (a) and (b) and this section, shall not apply to any land exchange for which an initial agreement to initiate an exchange was signed by an authorized representative of the exchange proponent and an authorized officer of the Bureau of Land Management before the date of enactment of this Act.

(g) ADDITIONAL DISPOSAL LAND.—Public land identified for disposal under a replacement of or amendment to a current land use plan shall be subject to this title.

**SEC. 05. MAINTENANCE AND REPAIR ON FEDERAL LANDS.**

The Secretary shall use amounts available under section 06(c)(1)(B) for repair and maintenance on Federal lands managed by the Secretary of Agriculture or the Secretary of the Interior.

**SEC. 06. SPECIAL ACCOUNT.**

(a) ESTABLISHMENT.—There is established in the Treasury of the United States a separate account to be used in carrying out this title.

(b) CONTENTS.—The Special Account shall consist of—

(1) amounts deposited in the Special Account under section 04(f)(1)(B);

(2) donations to the Special Account; and

(3) appropriations to the Special Account.

(c) USE.—

(1) IN GENERAL.—Amounts in the Special Account shall be available to the Secretary until expended, without further Act of appropriation, to pay—

(A) subject to paragraph (2), costs incurred by the Bureau of Land Management in arranging sales or exchanges under this title, including the costs of land boundary surveys, compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.), appraisals, environmental and cultural clearances, and public notice;

(B) costs incurred in carrying out section 05;

(C) the cost of carrying out any necessary revision or amendment of a current land use plan of the Bureau of Land Management that relates to land sold, exchanged, or acquired under this title; and

(D) related costs determined by the Secretary.

(2) LIMITATIONS.—

(A) COSTS IN ARRANGING SALES OR EXCHANGES.—Costs charged against the Special Account for the purposes described in paragraph (1)(A) shall not exceed the minimum amount practicable in view of the fair market value of the Federal land to be sold or exchanged.

(B) ACQUISITION.—Not more than 50 percent of the amounts deposited in the Special Account in any fiscal year may be used in that fiscal year or any subsequent fiscal year for the purpose described in paragraph (1)(B).

(3) PLAN REVISIONS AND AMENDMENTS.—The process of revising or amending a land use plan shall not cause delay or postponement in the implementation of this title.

(d) INTEREST.—All funds deposited in the Special Account shall earn interest in the amount determined by the Secretary of the Treasury on the basis of the current average market yield on outstanding marketable obligations of the United States of comparable maturities. Such interest shall be added to the principal of the account and expended in accordance with subsection (c).

(e) COORDINATION.—The Secretary shall coordinate the use of the Special Account with the Secretary of Agriculture, the States, and units of local government in which land or an interest in land may be acquired, to ensure accountability and demonstrated results.

**SEC. 07. REPORT.**

The Secretary, in cooperation with the Secretary of Agriculture, shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a biennial report that describes each transaction that is carried out under this title.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Nevada (Mr. GIBBONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment is part of the big picture of sound land management. This is a common sense, bipartisan amendment which addresses the large amount of federally controlled land in the United States.

In no way, Mr. Chairman, would this amendment change CARA. All it would say is if the Federal Government is going to spend approximately $1 billion per year on land acquisition, then there should be a simple, fair and thoughtful way for the Federal Government to sell its unwanted land.

In my State, where almost 90 percent of the land is government-owned, our rural counties have been placed under tremendous financial strain due to the lack of private property taxes as a tax base. This has severely degraded the ability of these local governments to provide necessary services such as school repairs, police and fire protection, medical service and infrastructure improvements.

This amendment provides a mechanism to sell back lands that the Bureau of Land Management, that in their own land management plans, has identified to be unwanted, difficult, costly or unnecessary to manage. Currently, there is no effective means by which the BLM can, in a timely and efficient manner, sell government land that they do not want.

First, the Secretary and the State and the counties that have jurisdiction over government land identified for disposal can choose, jointly, the mechanism of disposal, be it offered for competitive sale or exchange. Additionally, this amendment allows States and counties to file for an R&PP to obtain the land for local public use or recreational purposes before it is offered for sale.

The Secretary will also have to coordinate land disposal activities which affect counties so they take into account local land use planning and zoning recommendations. It is important to note that the public and the government will be justly compensated for land disposed under this amendment. This amendment instructs the Secretary to sell the land at a price that is not less than the fair market value as determined by the Secretary.

Additionally, the sale of this public land must be conducted through a competitive bidding process that allows fair and equal footing to all interested parties.

Also of note is that a proposed sale of land will be terminated, should it be determined that the Federal cost of sale preparation and processing are going to be more than the proceeds of the sale.

This amendment also sets up a distribution of the monies generated by the sale of land. The money will be divided into three categories: A small percentage will go to the State in which the land is located for use in their general education fund. A percentage will go to the county for use in health care, law enforcement and schools, and the remaining funds shall be used by the Federal Government to repair and maintain existing government lands.

□ 1245

This amendment creates a fair and equitable mechanism to dispose of unwanted Federal property, and without it, the Federal Government will continue to own more land without being able to give up any, even the stuff they say they do not want. Mr. Chairman, I respectfully encourage favorable consideration of this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. QUINN). Does the gentleman from Louisiana (Mr. TAUZIN) seek the time in opposition?

Mr. TAUZIN. Mr. Chairman, I seek the time in opposition.

Mr. Chairman, for purposes of controlling time, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 2½ minutes.

There was no objection.

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me urge the Members to reject this amendment. While many parts of this actual bill are worthwhile, the bill is before our committee. The committee has filed a bill similar to this, I think, before the committee and, therefore, it is under consideration of the committee. And I am sure the chairman of the Committee on Resources would be more than willing to work with the gentleman in regards to working on that bill.

The problem is adopting this bill in this package means that we would be making a lot of decisions that the committee would probably want to look at. For example, in this bill there are exceptions in the land sales from fair market value for perhaps socially good purposes, low-income housing, but nevertheless there are exceptions from receiving fair market value in this act.

There is even an exception on page 6 that allows the Secretary to determine that he can waive the competitive bidding requirements for the sale of public lands. I am not sure that is a good idea.

We ought to have a good discussion and a debate as to why that would be necessary and why the Secretary should ever waive competitive bidding when we are selling public lands.

Mr. Chairman, in addition, on page 7, for example, there is a distribution of the proceeds, which splits it half and half, 50 percent to the Federal Government, 50 percent to the local government and to the State in which the land is located. These are Federal lands and perhaps the money ought to be split up between the State and local governments and the Federal Government, but that is the kind of discussion that ought to be raised in the committee as this bill was addressed and as we debate for pros and cons of it.

I would urge the rejection of the amendment. At the request of the gentleman from California (Mr. DOOLITTLE) in the committee, we included language on page 33 of the bill that requires the Secretary of the Interior to actually transmit with the list transmitted under subsection (a), a separate list of those lands under the administrative jurisdiction of the Secretary that have been identified in applicable land management plans as surplus and eligible for disposal as provided by law.

There are laws now covering the disposal of public lands and we dispose of public lands pursuant to those laws. We actually even update each list to be transmitted as land management plans are amended and revised. So we have added language at the request of the gentleman from California (Mr. DOOLITTLE) to literally make sure that we have a list of disposal lands available.

I would simply urge that this bill be considered in the full committee where it belongs and all of these intricate provisions debated in full committee. This amendment should be rejected.

Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I really would simply just concur with what the gentleman from Louisiana (Mr. TAUZIN) has said. To set up the regime to do as the amendment suggested is something we may want to do, but I do not think that that is what the amendment does. In fact, it is much broader than those lands which are identified. I think that this legislation as it is currently written, the CARA bill, will, in fact, increase the inventory of those lands as we go through the process with the Secretary of the Interior, and then maybe at that point the gentleman could decide if the gentleman wants to auction those off according to how the gentleman from Nevada (Mr. GIBBONS) has written his amendment.

Mr. Chairman, I concur with the notion that I think the committee ought to direct some time, as I said to the gentleman from Montana (Mr. HILL) in his amendment, direct some time to see how to do this and get on with it, maybe even more so in a State like the gentleman from Nevada (Mr. GIBBONS), which is growing so rapidly. We are seeing more and more proposals come for land transfers, exchanges and the rest of it, because the cities' needs, airports and all the rest of it, are growing so rapidly that this may be absolutely worthy of our consideration in the committee to develop it, because some of our western States are starting to fill up and the land base that was there at one time may not serve the best needs of this State or even of this country.

I know sometimes it is harassing to say that we would reconsider the land bases that exist today, because it should always be that way. The fact is no, we should, we should reconsider it in light of what is taking place in the western United States, but I would hope that we would reject this amendment. I would hope that the committee might use this as a way to initiate some of the questions that have been avoided for many, many years about lands that may have little value to the Federal Government, that may have great value to localities in terms of their needs.

Mr. Chairman, I yield back the balance of my time.

Mr. GIBBONS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would only suggest to those Members in the audience here today, colleagues, to look at this picture, because it clearly shows the State of Nevada has almost no room for the people who live there today. With almost nearly 90 percent of the State owned by the Federal Government, acquisitions of more land, if you are going to spend a billion dollars a year in land acquisition, this amendment is clearly the correct amendment to add to a bill that is acquiring land to put the other side of the coin in it for disposal.

Indeed, the amendment does specify very clearly which land can be used for disposal, and that is at the Secretary's discretion. It is under public law, under public land in their plans, maintained under section 202 of FLPMA.

Mr. Chairman, this bill is a good amendment to the bill of CARA. It certainly brings, I think, a common sense, fair and balanced approach to this. It sets up a process of procedure whereby we can have an orderly disposal of land that the Federal Government has already identified that it wants to dispose of but does not have a clear means of disposal, and whenever there is an exchange process, that is the discretion given to the Secretary to make those determinations of whether or not a competitive bidding process should be set aside in order for an exchange process to take place. That is why we have to have that discretion for the Secretary under this amendment.

Mr. Chairman, I think this amendment is one which clearly identifies a needed revision to this bill. I would urge all of my colleagues at this time to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. QUINN). All time has expired.

The question is on the amendment offered by the gentleman from Nevada (Mr. GIBBONS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. GIBBONS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from Nevada (Mr. GIBBONS) will be postponed.

It is now in order to consider amendment No. 25, printed in House Report 106–612.

### AMENDMENT NO. 25 OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 25 offered by Mr. OSE:

At the end of the bill, add the following:

## TITLE —RESTRICTIONS ON FEDERAL USES OF FUNDS

**SEC. 01. ELIMINATION OF FEDERAL EXPENDITURE OF FUNDS FROM LAND AND WATER CONSERVATION FUND.**

Notwithstanding section 5 of the Land and Water Conservation Fund Act of 1965, as amended by this Act, or any other provision of that Act—

(1) all of the amounts made available for each fiscal year to carry out that Act shall be available only for grants to States in accordance with that Act; and

(2) amounts provided to a State under that Act may be used only to provide assistance in accordance with that Act to—

(A) entities that are incorporated cities under the laws of the State; and

(B) counties having a population of 1,000,000 or more.

**SEC. 02. LIMITATION ON EXPENDITURES.**

(a) IN GENERAL.—Amounts otherwise available under this Act for a fiscal year may not be obligated or expended and shall be returned to the general fund of the Treasury unless by the beginning of such fiscal year—

(1) sufficient amounts are available to make all payments authorized for the fiscal year under—

(A) chapter 69 of title 31, United States Code (relating to payments in lieu of taxes); and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing);

(2) all payments authorized for prior fiscal years under the laws referred to in paragraph (1) have been made; and

(3) each of the Committees on Appropriations, Resources, and Agriculture of the

House of Representatives and each of the Committees on Appropriations, Energy and Natural Resources, and Agriculture, Nutrition, and Forestry of the Senate certifies that all backlogged maintenance and repair has been completed at each National Park, National Monument, and National Forest, and on all lands managed by the Bureau of Land Management.

(b) LIMITATION ON APPLICATION.—Subsection (a) does not prohibit payments under the laws referred to in subsection (a)(1) (relating to payments in lieu of taxes and refuge revenue sharing).

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from California (Mr. OSE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. OSE).

MODIFICATION TO AMENDMENT NO. 25 OFFERED BY MR. OSE

Mr. OSE. Mr. Chairman, I ask unanimous consent that my amendment be modified on page 1, line 19 by deleting the number 1 million and inserting in its place the number 100,000.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 25 offered by Mr. OSE:

Line 19, strike out "1,000,000" and insert "100,000".

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from California (Mr. OSE)?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from California (Mr. OSE) for 5 minutes.

Mr. OSE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of my amendment. The eight counties in my district are quite diverse. Some are highly urbanized, such as Sacramento County. Some are decidedly rural, such as Sutter County and Colusa County. There are obvious challenges in the urban counties to provide an appropriate amount of parks and open space. Fortunately, the economy is booming in urban counties. Retail sales are rising, home prices are rising, jobs are plentiful, business is good.

Conversely, many of my rural counties are suffering from and must confront the challenge that comes from the loss of revenue resulting from Federal ownership of land. In addition, these same counties are suffering from low commodity prices, static or falling retail sales. Frankly, Main Street in some instances is dying, and unemployment remains high.

My challenge is to find a way to help the urban counties and their cities with the difficult task of urban park development and maintenance. My challenge with the rural counties is to prevent a further erosion in the revenue stream that is used to support local schools, law enforcement, and road maintenance, to name a few of the services provided by local government that contribute so much to the quality of life in rural America.

This amendment accomplishes that task by setting up standards that provide urban areas the opportunity to participate in this program that CARA represents while keeping rural counties from being subjected to the adverse consequences of further expansion of government-owned land. This is a real issue affecting real people.

I know that the distinguished gentleman from Alaska (Chairman YOUNG) is familiar with this problem because he actually grew up in my district as a youngster, and his two brothers and their families actually live in my district today.

Absent full payment of PILT on current Federal landholdings, absent a requirement of first taking care of that which the Federal Government already owns before adding more to it, we consign rural America to a repeat of the slow strangulation we witnessed throughout many of America's rural areas during certain periods of the 1970s, 1980s and 1990s.

This is a good amendment that improves the bill. I ask my colleagues for their support.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Is there a Member who claims the time in opposition to the amendment?

Mr. GEORGE MILLER of California. Mr. Chairman, I claim the time in opposition to the amendment, and I yield 2½ minutes to the gentleman from Louisiana (Mr. TAUZIN).

The CHAIRMAN pro tempore. Without objection, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from California (Mr. GEORGE MILLER) each will control 2½ minutes.

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

Mr. TAUZIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment, first of all, strips away all funding for the National Parks and the National Wildlife Refuges and the National Forests from the bill. Keep that in mind. It is all gone.

The amendment also allows only incorporated cities and counties with more than I think 100,000 people to qualify, especially when one has to be incorporated to qualify. I do not know about my colleagues, but I have got a lot of unincorporated communities that are quite urban.

I have got a community near New Orleans called Metairie, which is as urban as any community in the country, certainly not rural America. It is located between New Orleans and the airport. If one ever comes to New Orleans and drives through Metairie, one knows one is not driving through the country. One is driving through a very urban area, but it is unincorporated. I think it is one of the big unincorporated areas of America. It would not qualify under this bill.

So I think my colleagues have got to look at what this amendment does if it were adopted and realize that it has two main purposes; and that is to limit the support in this bill to incorporated communities only. That is going to leave out some very important places in America that are just as qualified for assistance as any other place, such as Metairie, Louisiana.

Secondly, it does strip away all the national funding for the National Parks, the Wildlife Refuges and the National Forests.

So I urge that this amendment be rejected.

Mr. Chairman, I reserve the balance of my time.

Mr. OSE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the distinguished gentleman from Louisiana (Mr. TAUZIN) has clearly read the amendment. I would appreciate the opportunity to correct one misinterpretation. In terms of the incorporated cities, there is an effort to put the impetus of urban park development on those; and the modification that we just added, reducing the population threshold in the unincorporated areas to 100,000, is designed to provide counties such as the one the gentleman described and from which I come from, that being Sacramento, to have the opportunity to participate.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. OSE. Certainly, I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, the problem is that the amendment specifies entities that are incorporated and counties having a population of 100,000 or more. So I think the problem is we have got a situation where one has got to be incorporated and be a county of 100,000 or more.

Mr. OSE. Mr. Chairman, reclaiming my time, I read that differently. It is designed to be either.

Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. HERGER).

□ 1300

Mr. HERGER. Mr. Chairman, I rise in strong support of the Ose amendment, which ensures that the Federal Government makes good on its obligation to our rural communities.

Lands owned by the Federal Government cannot be taxed by local governments. In some counties in Northern California, the congressional district I represent, the Federal Government owns up to 75 percent of the available land. In other areas of California, the State and Federal Government ownership reaches 90 percent.

These counties already struggle to fund critically important public services, public education, law enforcement, search and rescue operations, waste disposal, and a variety of other public health and safety programs. Yet this bill proposes almost $1 billion per year for 15 years for even more Federal land acquisition, imposing even greater hardships on the citizens of these counties.

Mr. Chairman, where does it stop? PILT is intended to compensate counties for this lost revenue, but each year it is desperately underfunded. Nationally, it receives only 41 cents on the dollar. H.R. 701 would provide only a portion of the total that is needed to fully fund the Federal commitment, and it would take even more land from the American citizens and the county tax rolls, further limiting their ability to meet their needs.

This amendment seeks to correct that inequity by ensuring that the Federal Government fulfills its obligation before it takes even more away from the families of rural America. I urge the Members to support this Ose amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume, and I rise in strong opposition to this amendment for its elimination of the Federal Land and Water Conservation Act and for the straitjacket that it puts local communities in when exercising their own judgment.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. FARR).

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to this amendment because I think it is an amendment of unintended consequences.

I represent San Benito County, California. It is a county of about 40,000 people. Probably the greatest recreational asset in that county is a national monument governed by the National Park Service. The monument is trying to expand, and has, with willing sellers, if we appropriate the money.

The County Board of Supervisors, and there are only two towns in the entire county, they look at this asset as being one of the economic engines. Because what happens is that people come there and stay at hotels and pay the local hotel tax and pay the local sales tax. Because it is Federal land, as the gentleman knows, and I appreciate his efforts to try to make them even increase more, it pays payment-in-lieu taxes.

So what the gentleman's amendment does is, it says a county like this cannot use any of these funds to further that economic engine, which frankly is an employment and tourism destination area. And where does it draw from? It draws from the Silicon Valley, which is not far from there. This is one of the main assets that the valley has to attract people to be there. So there are all kinds of unintended consequences by this amendment.

Also there is the problem of the maintenance backlog. This national park monument was hit by the El Nino floods. Got wiped out. Maintenance is all bringing that back together. Under the gentleman's amendment they could not use the money for that. So the unintended consequences here is that the gentleman hurts very rural counties where the Federal asset is an economic engine driver.

A lot of these amendments offered today would never be offered by colleagues if it was military land, which is also Federal land, which is also off the tax rolls. But somehow what we do in these amendments is we always attack the Land and Water Conservation Fund and say we are going to separate that fund out and do things and require things to be done to that land that we would never require for any other kind of Federal land.

So this amendment of unintended consequences hurts the very rural county that I represent. I do not think the gentleman intends to do that, but the only way to stop it is to reject the amendment.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment, as modified, offered by the gentleman from California (Mr. OSE).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OSE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, further proceedings on the amendment offered by the gentleman from California (Mr. OSE) will be postponed.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 19 offered by the gentleman from California (Mr. CALVERT); amendment No. 22 offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE); amendment No. 23 offered by the gentleman from Colorado (Mr. UDALL); amendment No. 24 offered by the gentleman from Nevada (Mr. GIBBONS); and amendment No. 25 offered by the gentleman from California (Mr. OSE).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 19 OFFERED BY MR. CALVERT

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. CALVERT) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 261, not voting 15, as follows:

[Roll No. 172]

### AYES—158

Aderholt
Archer
Armey
Baca
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Berry
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burton
Buyer
Calvert
Camp
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Condit
Cook
Cox
Crowley
Cubin
Cunningham
Danner
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Ewing
Fossella
Gallegly
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kasich
Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Martinez
McHugh
McInnis
McKeon
Metcalf
Mica
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Walden
Wamp
Watkins
Weldon (FL)
Wilson
Young (FL)

### NOES—261

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baird
Baker
Baldacci
Baldwin
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Canady
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt

DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Ganske
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wolf
Woolsey
Wu
Wynn
Young (AK)

### NOT VOTING—15

Campbell
Coble
Combest
DeGette
Doyle
Evans
Lofgren
Lucas (OK)
McCarthy (MO)
McIntosh
Sherwood
Watts (OK)
Weller
Wicker
Wise

☐ 1327

Mr. HOLDEN and Mrs. MCCARTHY of New York changed their vote from "aye" to "no."

Mr. MORAN of Kansas and Mr. MICA changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mr. FLETCHER. Mr. Chairman, on rollcall No. 172, I inadvertently pressed the "nay" button. I meant to vote "aye."

### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each remaining amendment on which the Chair has postponed further proceedings.

### AMENDMENT NO. 22 OFFERED BY MRS. CHENOWETH-HAGE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 22 offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded has been ordered.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 107, noes 317, not voting 10, as follows:

[Roll No. 173]

### AYES—107

Aderholt
Archer
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bliley
Blunt
Boehner
Bonilla
Bono
Brady (TX)
Burton
Buyer
Calvert
Cannon
Chabot
Coburn
Combest
Cook
Cubin
Danner
DeLay
DeMint
Doolittle
Duncan
Emerson
Everett
Fowler
Gibbons
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hill (MT)
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Istook
Johnson, Sam
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Manzullo
McHugh
McKeon
Metcalf
Miller, Gary
Nethercutt
Norwood
Nussle
Paul
Peterson (PA)
Pickering
Pombo
Radanovich
Reynolds
Riley
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Traficant
Walden
Watkins
Watts (OK)
Weldon (FL)
Wicker
Young (FL)

### NOES—317

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hutchinson
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Shuster
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—10

Campbell
Chenoweth-Hage
Coble
DeGette
Lofgren
Lucas (OK)
McCarthy (MO)
McIntosh
Sherwood
Wise

□ 1335

Mr. JONES of North Carolina changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Mrs. CHENOWETH-HAGE. Mr. Chairman, on rollcall No. 173 I was inadvertently detained. Had I been present, I would have voted "yes."

AMENDMENT NO. 23 OFFERED BY UDALL OF COLORADO

The CHAIRMAN pro tempore (Mr. QUINN). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado (Mr. UDALL) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 306, noes 116, not voting 12, as follows:

[Roll No. 174]

AYES—306

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Berkley
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Bryant
Callahan
Camp
Cannon
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Danner
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gonzalez
Gordon
Goss
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Rivers
Rodriguez
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Shaw
Shays
Sherman
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOES—116

Aderholt
Archer
Armey
Bachus
Ballenger
Barrett (NE)
Bereuter
Berry
Bilbray
Blunt
Boehner
Bonilla
Brady (TX)
Burr
Burton
Buyer
Calvert
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Coburn
Combest
Cubin
Cunningham
Davis (FL)
Deal
DeLay
DeMint
Doolittle
Dreier
Dunn
Emerson
Everett
Ewing
Fowler
Franks (NJ)
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Green (WI)
Hansen
Hastings (WA)
Hayworth
Herger
Hill (MT)
Hoekstra
Hostettler
Houghton
Hunter
Istook
Jenkins
Johnson, Sam
King (NY)
Kingston
Knollenberg
Largent
Latham
Lee
Manzullo
McHugh
McKeon
Miller, Gary
Nethercutt
Northup
Norwood
Nussle
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Quinn
Radanovich
Riley
Roemer
Rogan
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sessions
Shadegg
Shimkus
Shuster
Simpson
Smith (TX)
Souder
Spence
Stump
Sununu
Sweeney
Talent
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Toomey
Walden
Watkins
Watts (OK)
Wicker

NOT VOTING—12

Berman
Campbell
Coble
DeGette
Foley
Hobson
Lofgren
Lucas (OK)
McCarthy (MO)
McIntosh
Sherwood
Wise

□ 1344

Mr. PITTS changed his vote from "aye" to "no."

Mr. FOSSELLA changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. FOLEY. Mr. Chairman, on rollcall No. 174, I was inadvertently detained. Had I been present, I would have voted "yes."

Ms. LEE. Mr. Chairman, on rollcall vote No. 174, the amendment offered by my colleagues Mr. UDALL and Ms. CLAYTON, I inadvertently voted "no."

I intended to vote "yes."

AMENDMENT NO. 24 OFFERED BY MR. GIBBONS

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Nevada (Mr. GIBBONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 170, noes 250, not voting 14, as follows:

[Roll No. 175]

AYES—170

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Berkley
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Calvert
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Everett
Fletcher
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
Johnson, Sam
Jones (NC)

Kingston
Knollenberg
Kolbe
LaHood
Largent
Latham
Lazio
Lewis (CA)
Lewis (KY)
Linder
Manzullo
Martinez
McCollum
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (FL)

### NOES—250

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Camp
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Foley
Forbes
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Wolf
Woolsey
Wu
Wynn
Young (AK)

### NOT VOTING—14

Boucher
Campbell
Coble
DeGette
Goodling
Hinchey
Lofgren
Lucas (OK)
Matsui
McCarthy (MO)
McIntosh
Sanchez
Sherwood
Wise

☐ 1350

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 25, AS MODIFIED, OFFERED BY MR. OSE

The CHAIRMAN pro tempore (Mr. QUINN). The pending business is the demand for a recorded vote on amendment No. 25 offered by the gentleman from California (Mr. OSE), as modified, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 56, noes 365, not voting 13, as follows:

[Roll No. 176]

### AYES—56

Armey
Barton
Boehner
Burton
Buyer
Calvert
Cannon
Chenoweth-Hage
Cook
Cubin
DeLay
Dickey
Doolittle
Dreier
Gibbons
Goodling
Granger
Hastings (WA)
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hunter
Johnson, Sam
Largent
Lewis (CA)
Linder
Manzullo
McKeon
Nethercutt
Norwood
Ose
Pombo
Pryce (OH)
Radanovich
Regula
Rohrabacher
Royce
Ryun (KS)
Salmon
Sensenbrenner
Sessions
Shadegg
Shimkus
Simpson
Skeen
Smith (TX)
Stump
Thomas
Thornberry
Tiahrt
Traficant
Weldon (FL)
Wilson

### NOES—365

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Callahan
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Cox
Coyne
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shows
Shuster
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns

Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Toomey
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NOT VOTING—13

Archer
Campbell
Coble
Cramer
DeGette
LaTourette
Lofgren
Lucas (OK)
McCarthy (MO)
McIntosh
Saxton
Sherwood
Wise

☐ 1359

Mr. OXLEY changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

☐ 1400

The CHAIRMAN pro tempore (Mr. QUINN). It is now in order to consider amendment No. 26 printed in House Report 106–612.

### AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 26 OFFERED BY MR. THORNBERRY

Mr. THORNBERRY. Mr. Chairman, I offer an amendment in the nature of a substitute made in order under the rule.

The CHAIRMAN pro tempore. The Clerk will designate the amendment in the nature of a substitute.

The text of the amendment in the nature of a substitute is as follows:

Amendment in the nature of a substitute No. 26 offered by Mr. THORNBERRY:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Conservation and Reinvestment Act of 2000".

**SEC. 2. TABLE OF CONTENTS.**

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Definitions.
Sec. 4. Annual reports.
Sec. 5. Conservation and Reinvestment Act Fund.
Sec. 6. Limitation on use of available amounts for administration.
Sec. 7. Recordkeeping requirements.
Sec. 8. Maintenance of effort and matching funding.
Sec. 9. Sunset.
Sec. 10. Protection of private property rights.
Sec. 11. Signs.

TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

Sec. 101. Impact assistance formula and payments.
Sec. 102. Coastal State conservation and impact assistance plans.

TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

Sec. 201. Amendment of Land and Water Conservation Fund Act of 1965.
Sec. 202. Extension of fund; treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 203. Availability of amounts.
Sec. 204. Allocation of Fund.
Sec. 205. Use of Federal portion.
Sec. 206. Allocation of amounts available for State purposes.
Sec. 207. State planning.
Sec. 208. Assistance to States for other projects.
Sec. 209. Conversion of property to other use.
Sec. 210. Water rights.

TITLE III—WILDLIFE CONSERVATION AND RESTORATION

Sec. 301. Purposes.
Sec. 302. Definitions.
Sec. 303. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 304. Apportionment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 305. Education.
Sec. 306. Prohibition against diversion.

TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

Sec. 401. Amendment of Urban Park and Recreation Recovery Act of 1978.
Sec. 402. Purpose.
Sec. 403. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 404. Definitions.
Sec. 405. Eligibility.
Sec. 406. Grants.
Sec. 407. Recovery action programs.
Sec. 408. State action incentives.
Sec. 409. Conversion of recreation property.
Sec. 410. Repeal.

TITLE V—HISTORIC PRESERVATION FUND

Sec. 501. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 502. State use of historic preservation assistance for national heritage areas and corridors.

TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

Sec. 601. Purpose.
Sec. 602. Treatment of amounts transferred from Conservation and Reinvestment Act Fund; allocation.
Sec. 603. Authorized uses of transferred amounts.
Sec. 604. Indian tribe defined.

TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

SUBTITLE A—FARMLAND PROTECTION PROGRAM

Sec. 701. Additional funding and additional authorities under farmland protection program.
Sec. 702. Funding.

Subtitle B—Endangered and Threatened Species Recovery

Sec. 711. Purposes.
Sec. 712. Treatment of amounts transferred from Conservation and Reinvestment Act Fund.
Sec. 713. Endangered and threatened species recovery assistance.
Sec. 714. Endangered and Threatened Species Recovery Agreements.
Sec. 715. Definitions.

**SEC. 3. DEFINITIONS.**

For purposes of this Act:

(1) The term "coastal population" means the population of all political subdivisions, as determined by the most recent official data of the Census Bureau, contained in whole or in part within the designated coastal boundary of a State as defined in a State's coastal zone management program under the Coastal Zone Management Act of 1972 (16 U.S.C. 1451 and following).

(2) The term "coastal political subdivision" means a political subdivision of a coastal State all or part of which political subdivision is within the coastal zone (as defined in section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453)).

(3) The term "coastal State" has the same meaning as provided by section 304 of the Coastal Zone Management Act of 1972 (16 U.S.C. 1453).

(4) The term "coastline" has the same meaning that it has in the Submerged Lands Act (43 U.S.C. 1301 and following).

(5) The term "distance" means minimum great circle distance, measured in statute miles.

(6) The term "fiscal year" means the Federal Government's accounting period which begins on October 1st and ends on September 30th, and is designated by the calendar year in which it ends.

(7) The term "Governor" means the highest elected official of a State or of any other political entity that is defined as, or treated as, a State under the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l–4 and following), the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act, the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following), the National Historic Preservation Act (16 U.S.C. 470h and following), or the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note).

(8) The term "leased tract" means a tract, leased under section 8 of the Outer Continental Shelf Lands Act (43 U.S.C. 1337) for the purpose of drilling for, developing, and producing oil and natural gas resources, which is a unit consisting of either a block, a portion of a block, a combination of blocks or portions of blocks, or a combination of portions of blocks, as specified in the lease, and as depicted on an Outer Continental Shelf Official Protraction Diagram.

(9) The term "Outer Continental Shelf" means all submerged lands lying seaward and outside of the area of "lands beneath navigable waters" as defined in section 2(a) of the Submerged Lands Act (43 U.S.C. 1301(a)), and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control.

(10) The term "political subdivision" means the local political jurisdiction immediately below the level of State government, including counties, parishes, and boroughs. If State law recognizes an entity of general government that functions in lieu of, and is not within, a county, parish, or borough, the Secretary may recognize an area under the jurisdiction of such other entities of general government as a political subdivision for purposes of this title.

(11) The term "producing State" means a State with a coastal seaward boundary within 200 miles from the geographic center of a leased tract other than a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999 (unless the lease was

issued prior to the establishment of the moratorium and was in production on January 1, 1999).

(12) The term "qualified Outer Continental Shelf revenues" means (except as otherwise provided in this paragraph) all moneys received by the United States from each leased tract or portion of a leased tract lying seaward of the zone defined and governed by section 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(g)), or lying within such zone but to which section 8(g) does not apply, the geographic center of which lies within a distance of 200 miles from any part of the coastline of any coastal State, including bonus bids, rents, royalties (including payments for royalty taken in kind and sold), net profit share payments, and related late-payment interest from natural gas and oil leases issued pursuant to the Outer Continental Shelf Lands Act. Such term does not include any revenues from a leased tract or portion of a leased tract that is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(13) The term "Secretary" means the Secretary of the Interior or the Secretary's designee, except as otherwise specifically provided.

(14) The term "Fund" means the Conservation and Reinvestment Act Fund established under section 5.

### SEC. 4. ANNUAL REPORTS.

(a) STATE REPORTS.—On June 15 of each year, each Governor receiving moneys from the Fund shall account for all moneys so received for the previous fiscal year in a written report to the Secretary of the Interior or the Secretary of Agriculture, as appropriate. The report shall include, in accordance with regulations prescribed by the Secretaries, a description of all projects and activities receiving funds under this Act. In order to avoid duplication, such report may incorporate by reference any other reports required to be submitted under other provisions of law to the Secretary concerned by the Governor regarding any portion of such moneys.

(b) REPORT TO CONGRESS.—On January 1 of each year the Secretary of the Interior, in consultation with the Secretary of Agriculture, shall submit an annual report to the Congress documenting all moneys expended by the Secretary of the Interior and the Secretary of Agriculture from the Fund during the previous fiscal year and summarizing the contents of the Governors' reports submitted to the Secretaries under subsection (a).

### SEC. 5. CONSERVATION AND REINVESTMENT ACT FUND.

(a) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a fund which shall be known as the "Conservation and Reinvestment Act Fund". In each fiscal year after the fiscal year 2000, the Secretary of the Treasury shall deposit into the Fund the following amounts:

(1) OCS REVENUES.—An amount in each such fiscal year from qualified Outer Continental Shelf revenues equal to the difference between $2,825,000,000 and the amounts deposited in the Fund under paragraph (2), notwithstanding section 9 of the Outer Continental Shelf Lands Act (43 U.S.C. 1338).

(2) AMOUNTS NOT DISBURSED.—All allocated but undisbursed amounts returned to the Fund under section 101(a)(2).

(3) INTEREST.—All interest earned under subsection (d) that is not made available under paragraph (2) or (4) of that subsection.

(b) TRANSFER FOR EXPENDITURE.—In each fiscal year after the fiscal year 2001, the Secretary of the Treasury shall transfer amounts deposited into the Fund as follows:

(1) $1,000,000,000 to the Secretary of the Interior for purposes of making payments to coastal States under title I of this Act.

(2) To the Land and Water Conservation Fund for expenditure as provided in section 3(a) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–6(a)) such amounts as are necessary to make the income of the fund $900,000,000 in each such fiscal year.

(3) $350,000,000 to the Federal aid to wildlife restoration fund established under section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b).

(4) $125,000,000 to the Secretary of the Interior to carry out the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

(5) $100,000,000 to the Secretary of the Interior to carry out the National Historic Preservation Act (16 U.S.C. 470 and following).

(6) $200,000,000 to the Secretary of the Interior and the Secretary of Agriculture to carry out title VI of this Act.

(7) $100,000,000 to the Secretary of Agriculture to carry out the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) and the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(8) $50,000,000 to the Secretary of the Interior to carry out subtitle B of title VII of this Act.

(c) SHORTFALL.—If amounts deposited into the Fund in any fiscal year after the fiscal year 2000 are less than $2,825,000,000, the amounts transferred under paragraphs (1) through (7) of subsection (b) for that fiscal year shall each be reduced proportionately.

(d) INTEREST.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest moneys in the Fund in public debt securities with maturities suitable to the needs of the Fund, as determined by the Secretary of the Treasury, and bearing interest at rates determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(2) USE OF INTEREST.—Except as provided in paragraphs (3) and (4), interest earned on such moneys shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, for obligation or expenditure under—

(A) chapter 69 of title 31 of the United States Code (relating to payment in lieu of taxes), and

(B) section 401 of the Act of June 15, 1935 (49 Stat. 383; 16 U.S.C. 715s) (relating to refuge revenue sharing).

In each fiscal year such interest shall be allocated between the programs referred to in subparagraph (A) and (B) in proportion to the amounts authorized and appropriated for that fiscal year under other provisions of law for purposes of such programs.

(3) CEILING ON EXPENDITURES OF INTEREST.—Amounts made available under paragraph (2) in each fiscal year shall not exceed $200,000,000.

(4) TITLE III INTEREST.—All interest attributable to amounts transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of title III of this Act (and the amendments made by such title III) shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, for obligation or expenditure for purposes of the North American Wetlands Conservation Act of 1989 (16 U.S.C. 4401 and following)

(e) REFUNDS.—In those instances where through judicial decision, administrative review, arbitration, or other means there are royalty refunds owed to entities generating revenues under this title, such refunds shall be paid by the Secretary of the Treasury from amounts available in the Fund.

### SEC. 6. LIMITATION ON USE OF AVAILABLE AMOUNTS FOR ADMINISTRATION.

Notwithstanding any other provision of law, of amounts made available by this Act (including the amendments made by this Act) for a particular activity, not more than 2 percent may be used for administrative expenses of that activity. Nothing in this section shall affect the prohibition contained in section 4(c)(3) of the Federal Aid in Wildlife Restoration Act (as amended by this Act).

### SEC. 7. RECORDKEEPING REQUIREMENTS.

The Secretary of the Interior in consultation with the Secretary of Agriculture shall establish such rules regarding recordkeeping by State and local governments and the auditing of expenditures made by State and local governments from funds made available under this Act as may be necessary. Such rules shall be in addition to other requirements established regarding recordkeeping and the auditing of such expenditures under other authority of law.

### SEC. 8. MAINTENANCE OF EFFORT AND MATCHING FUNDING.

(a) IN GENERAL.—Except as provided in subsection (b), no State or local government shall receive any funds under this Act during any fiscal year when its expenditures of non-Federal funds for recurrent expenditures for programs for which funding is provided under this Act will be less than its expenditures were for such programs during the preceding fiscal year. No State or local government shall receive any funding under this Act with respect to a program unless the Secretary is satisfied that such a grant will be so used to supplement and, to the extent practicable, increase the level of State, local, or other non-Federal funds available for such program. In order for the Secretary to provide funding under this Act in a timely manner each fiscal year, the Secretary shall compare a State or local government's prospective expenditure level to that of its second preceding fiscal year.

(b) EXCEPTION.—The Secretary may provide funding under this Act to a State or local government not meeting the requirements of subsection (a) if the Secretary determines that a reduction in expenditures is attributable to a non-selective reduction in the expenditures in the programs of all Executive branch agencies of the State or local government.

(c) USE OF FUND TO MEET MATCHING REQUIREMENTS.—All funds received by a State or local government under this Act shall be treated as Federal funds for purposes of compliance with any provision in effect under any other law requiring that non-Federal funds be used to provide a portion of the funding for any program or project.

### SEC. 9. SUNSET.

This Act, including the amendments made by this Act, shall have no force or effect after September 30, 2020.

### SEC. 10. PROTECTION OF PRIVATE PROPERTY RIGHTS.

(a) SAVINGS CLAUSE.—Nothing in the Act shall authorize that private property be taken for public use, without just compensation—

(1) as provided by the Fifth and Fourteenth amendments to the United States Constitution; and

(2) determined based on an independent appraisal of the property, that is—

(A) paid for by the Federal Government; and

(B) performed by an appraiser approved by the property owner and the head of the Federal agency taking the action that constitutes a taking of the property.

(b) Regulation.—Federal agencies, using funds appropriated by this Act, may not apply any regulation on any lands until the lands or water, or an interest therein, is acquired, unless specifically authorized to do so by another Act of Congress.

(c) Protection of Rights in Non-Federal Property From Federal Acquisition of Nearby Lands.—The right of an owner of non-Federal real property to use and enjoy that property shall not be diminished based on the property being—

(1) within the boundaries of a Federal unit as a consequence of the acquisition of lands for that unit with amounts made available by this Act; or

(2) adjacent to Federal lands acquired with amounts made available by this Act.

### SEC. 11. SIGNS.

(a) In General.—The Secretary shall require, as a condition of any financial assistance provided with amounts made available by this Act, that the person that owns or administers any site that benefits from such assistance shall include on any sign otherwise installed at that site at or near an entrance or public use focal point, a statement that the existence or development of the site (or both), as appropriate, is a product of such assistance.

(b) Standards.—The Secretary shall provide for the design of standardized signs for purposes of subsection (a), and shall prescribe standards and guidelines for such signs.

## TITLE I—IMPACT ASSISTANCE AND COASTAL CONSERVATION

### SEC. 101. IMPACT ASSISTANCE FORMULA AND PAYMENTS.

(a) Impact Assistance Payments to States.—

(1) Grant Program.—Amounts transferred to the Secretary of the Interior from the Conservation and Reinvestment Act Fund under section 5(b)(1) of this Act for purposes of making payments to coastal States under this title in any fiscal year shall be allocated by the Secretary of the Interior among coastal States as provided in this section in each such fiscal year. In each such fiscal year, the Secretary of the Interior shall, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, disburse such allocated funds to those coastal States for which the Secretary has approved a Coastal State Conservation and Impact Assistance Plan as required by this title. Payments for all projects shall be made by the Secretary to the Governor of the State or to the State official or agency designated by the Governor or by State law as having authority and responsibility to accept and to administer funds paid hereunder. No payment shall be made to any State until the State has agreed to provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this title, and provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal revenues paid to the State under this title.

(2) Failure to Have Plan Approved.—At the end of each fiscal year, the Secretary shall return to the Conservation and Reinvestment Act Fund any amount that the Secretary allocated, but did not disburse, in that fiscal year to a coastal State that does not have an approved plan under this title before the end of the fiscal year in which such grant is allocated, except that the Secretary shall hold in escrow until the final resolution of the appeal any amount allocated, but not disbursed, to a coastal State that has appealed the disapproval of a plan submitted under this title.

(b) Allocation Among Coastal States.—

(1) Allocable Share for Each State.—For each coastal State, the Secretary shall determine the State's allocable share of the total amount of the revenues transferred from the Fund under section 5(b)(1) for each fiscal year using the following weighted formula:

(A) 50 percent of such revenues shall be allocated among the coastal States as provided in paragraph (2).

(B) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's shoreline miles to the shoreline miles of all coastal States.

(C) 25 percent of such revenues shall be allocated to each coastal State based on the ratio of each State's coastal population to the coastal population of all coastal States.

(2) Offshore Outer Continental Shelf Share.—If any portion of a producing State lies within a distance of 200 miles from the geographic center of any leased tract, the Secretary of the Interior shall determine such State's allocable share under paragraph (1)(A) based on the formula set forth in this paragraph. Such State share shall be calculated as of the date of the enactment of this Act for the first 5-fiscal year period during which funds are disbursed under this title and recalculated on the anniversary of such date each fifth year thereafter for each succeeding 5-fiscal year period. Each such State's allocable share of the revenues disbursed under paragraph (1)(A) shall be inversely proportional to the distance between the nearest point on the coastline of such State and the geographic center of each leased tract or portion of the leased tract (to the nearest whole mile) that is within 200 miles of that coastline, as determined by the Secretary for the 5-year period concerned. In applying this paragraph a leased tract or portion of a leased tract shall be excluded if the tract or portion is located in a geographic area subject to a leasing moratorium on January 1, 1999, unless the lease was issued prior to the establishment of the moratorium and was in production on January 1, 1999.

(3) Minimum State Share.—

(A) In General.—The allocable share of revenues determined by the Secretary under this subsection for each coastal State with an approved coastal management program (as defined by the Coastal Zone Management Act of 1972 (16 U.S.C. 1451)), or which is making satisfactory progress toward one, shall not be less in any fiscal year than 0.50 percent of the total amount of the revenues transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under subsection (a). For any other coastal State the allocable share of such revenues shall not be less than 0.25 percent of such revenues.

(B) Recomputation.—Where one or more coastal States' allocable shares, as computed under paragraphs (1) and (2), are increased by any amount under this paragraph, the allocable share for all other coastal States shall be recomputed and reduced by the same amount so that not more than 100 percent of the amount transferred by the Secretary of the Treasury to the Secretary of the Interior for purposes of this title for that fiscal year under section 5(b)(1) is allocated to all coastal States. The reduction shall be divided pro rata among such other coastal States.

(c) Payments to Political Subdivisions.—In the case of a producing State, the Governor of the State shall pay 50 percent of the State's allocable share, as determined and disbursed under subsection (b), to the coastal political subdivisions in such State. Such payments shall be allocated among such coastal political subdivisions of the State according to an allocation formula analogous to the allocation formula used in subsection (b) to allocate revenues among the coastal States, except that a coastal political subdivision in the State of California that has a coastal shoreline, that is not within 200 miles of the geographic center of a leased tract or portion of a leased tract, and in which there is located one or more oil refineries shall be eligible for that portion of the allocation described in subsection (b)(1)(A) and (b)(2) in the same manner as if that political subdivision were located within a distance of 50 miles from the geographic center of any leased tract.

(d) Time of Payment.—Payments to coastal States and coastal political subdivisions under this section shall be made not later than December 31 of each year from revenues received during the immediately preceding fiscal year.

### SEC. 102. COASTAL STATE CONSERVATION AND IMPACT ASSISTANCE PLANS.

(a) Development and Submission of State Plans.—Each coastal State seeking to receive grants under this title shall prepare, and submit to the Secretary, a Statewide Coastal State Conservation and Impact Assistance Plan. In the case of a producing State, the Governor shall incorporate the plans of the coastal political subdivisions into the Statewide plan for transmittal to the Secretary. The Governor shall solicit local input and shall provide for public participation in the development of the Statewide plan. The plan shall be submitted to the Secretary by April 1 of the calendar year after the calendar year in which this Act is enacted.

(b) Approval or Disapproval.—

(1) In General.—Approval of a Statewide plan under subsection (a) is required prior to disbursement of funds under this title by the Secretary. The Secretary shall approve the Statewide plan if the Secretary determines, in consultation with the Secretary of Commerce, that the plan is consistent with the uses set forth in subsection (c) and if the plan contains each of the following:

(A) The name of the State agency that will have the authority to represent and act for the State in dealing with the Secretary for purposes of this title.

(B) A program for the implementation of the plan which, for producing States, includes a description of how funds will be used to address the impacts of oil and gas production from the Outer Continental Shelf.

(C) Certification by the Governor that ample opportunity has been accorded for public participation in the development and revision of the plan.

(D) Measures for taking into account other relevant Federal resources and programs.

The plan shall be correlated so far as practicable with other State, regional, and local plans.

(2) PROCEDURE AND TIMING; REVISIONS.—The Secretary shall approve or disapprove each plan submitted in accordance with this section. If a State first submits a plan by not later than 90 days before the beginning of the first fiscal year to which the plan applies, the Secretary shall approve or disapprove the plan by not later than 30 days before the beginning of that fiscal year.

(3) AMENDMENT OR REVISION.—Any amendment to or revision of the plan shall be prepared in accordance with the requirements of this subsection and shall be submitted to the Secretary for approval or disapproval. Any such amendment or revision shall take effect only for fiscal years after the fiscal year in which the amendment or revision is approved by the Secretary.

(c) AUTHORIZED USES OF STATE GRANT FUNDING.—The funds provided under this title to a coastal State and for coastal political subdivisions are authorized to be used only for one or more of the following purposes:

(1) Data collection, including but not limited to fishery or marine mammal stock surveys in State waters or both, cooperative State, interstate, and Federal fishery or marine mammal stock surveys or both, cooperative initiatives with universities and private entities for fishery and marine mammal surveys, activities related to marine mammal and fishery interactions, and other coastal living marine resources surveys.

(2) The conservation, restoration, enhancement, or creation of coastal habitats.

(3) Cooperative Federal or State enforcement of marine resources management statutes.

(4) Fishery observer coverage programs in State or Federal waters.

(5) Invasive, exotic, and nonindigenous species identification and control.

(6) Coordination and preparation of cooperative fishery conservation and management plans between States including the development and implementation of population surveys, assessments and monitoring plans, and the preparation and implementation of State fishery management plans developed by interstate marine fishery commissions.

(7) Preparation and implementation of State fishery or marine mammal management plans that comply with bilateral or multilateral international fishery or marine mammal conservation and management agreements or both.

(8) Coastal and ocean observations necessary to develop and implement real time tide and current measurement systems.

(9) Implementation of federally approved marine, coastal, or comprehensive conservation and management plans.

(10) Mitigating marine and coastal impacts of Outer Continental Shelf activities including impacts on onshore infrastructure.

(11) Projects that promote research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources.

(d) COMPLIANCE WITH AUTHORIZED USES.—Based on the annual reports submitted under section 4 of this Act and on audits conducted by the Secretary under section 7, the Secretary shall review the expenditures made by each State and coastal political subdivision from funds made available under this title. If the Secretary determines that any expenditure made by a State or coastal political subdivision of a State from such funds is not consistent with the authorized uses set forth in subsection (c), the Secretary shall not make any further grants under this title to that State until the funds used for such expenditure have been repaid to the Conservation and Reinvestment Act Fund.

## TITLE II—LAND AND WATER CONSERVATION FUND REVITALIZATION

### SEC. 201. AMENDMENT OF LAND AND WATER CONSERVATION FUND ACT OF 1965.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–4 and following).

### SEC. 202. EXTENSION OF FUND; TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 2(c) is amended to read as follows:

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to subsections (a) and (b) of this section, there shall be covered into the fund all amounts transferred to the fund under section 5(b)(2) of the Conservation and Reinvestment Act of 2000.".

### SEC. 203. AVAILABILITY OF AMOUNTS.

Section 3 (16 U.S.C. 4601–6) is amended to read as follows:

"APPROPRIATIONS

"SEC. 3. (a) IN GENERAL.—There are authorized to be appropriated to the Secretary from the fund to carry out this Act not more than $900,000;000 in any fiscal year after the fiscal year 2001. Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and amounts covered into the fund under subsections (a) and (b) of section 2 shall be available to the Secretary in fiscal years after the fiscal year 2001, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this Act.

"(b) OBLIGATION AND EXPENDITURE OF AVAILABLE AMOUNTS.—Amounts available for obligation or expenditure from the fund or from the special account established under section 4(i)(1) may be obligated or expended only as provided in this Act.".

### SEC. 204. ALLOCATION OF FUND.

Section 5 (16 U.S.C. 4601–7) is amended to read as follows:

"ALLOCATION OF FUNDS

"SEC. 5. Of the amounts made available for each fiscal year to carry out this Act—

"(1) 50 percent shall be available for Federal purposes (in this Act referred to as the 'Federal portion'); and

"(2) 50 percent shall be available for grants to States.".

### SEC. 205. USE OF FEDERAL PORTION.

Section 7 (16 U.S.C. 4601–9) is amended by adding at the end the following:

"(d) USE OF FEDERAL PORTION.—

"(1) APPROVAL BY CONGRESS REQUIRED.—The Federal portion (as that term is defined in section 5(1)) may not be obligated or expended by the Secretary of the Interior or the Secretary of Agriculture for any acquisition except those specifically referred to, and approved by the Congress, in an Act making appropriations for the Department of the Interior or the Department of Agriculture, respectively.

"(2) WILLING SELLER REQUIREMENT.—The Federal portion may not be used to acquire any property unless—

"(A) the owner of the property concurs in the acquisition; and

"(B) acquisition of that property is specifically approved by an Act of Congress.

"(3) CERTIFICATION BY GAO REQUIRED.—Of the amounts in the Federal portion that are transferred from the Conservation and Reinvestment Act Fund and available for a fiscal year to the Secretary of the Interior or to the Secretary of Agriculture, respectively, 25 percent may not be obligated or expended and shall be returned to the general fund of the Treasury unless, before the commencement of the fiscal year, the Comptroller General of the United States submits to the President and the Congress a finding that the operational maintenance backlog of the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management of the Department of the Interior or the United States Forest Service of the Department of Agriculture (as applicable) as of the beginning of the preceding fiscal year has been reduced by at least 5 percent.

"(e) LIST OF PROPOSED FEDERAL ACQUISITIONS.—

"(1) RESTRICTION ON USE.—The Federal portion for a fiscal year may not be obligated or expended to acquire any interest in lands or water unless the lands or water were included in a list of acquisitions that is approved by the Congress. This list shall include an inventory of surplus lands under the administrative jurisdiction of the Secretary of the Interior and the Secretary of Agriculture for which there is no demonstrated compelling program need.

"(2) TRANSMISSION OF LIST.—(A) The Secretary of the Interior and the Secretary of Agriculture shall jointly transmit to the appropriate authorizing and appropriations committees of the House of Representatives and the Senate for each fiscal year, by no later than the submission of the budget for the fiscal year under section 1105 of title 31, United States Code, a list of the acquisitions of interests in lands and water proposed to be made with the Federal portion for the fiscal year.

"(B) In preparing each list, the Secretary shall—

"(i) seek to consolidate Federal landholdings in States with checkerboard Federal land ownership patterns;

"(ii) use equal value land exchanges, where feasible and suitable, as an alternative means of land acquisition;

"(iii) use permanent conservation easements, where feasible and suitable, as an alternative means of acquisition;

"(iv) identify those properties that are proposed to be acquired from willing sellers, and not use adverse condemnation; and

"(v) establish priorities based on such factors as important or special resource attributes, threats to resource integrity, timely availability, owner hardship, cost escalation, public recreation use values, and similar considerations.

"(3) INFORMATION REGARDING PROPOSED ACQUISITIONS.—Each list shall include, for each proposed acquisition included in the list—

"(A) citation of the statutory authority for the acquisition, if such authority exists; and

"(B) an explanation of why the particular interest proposed to be acquired was selected, including an explanation of the priorities under paragraph (2)(B)(iv) that were applied in making the selection.

"(f) NOTIFICATION TO AFFECTED AREAS REQUIRED.—The Federal portion for a fiscal year may not be used to acquire any interest in land unless the Secretary administering the acquisition, by not later than 30 days after the date the Secretaries submit the list under subsection (e) for the fiscal year, provides notice of the proposed acquisition—

“(1) in writing to each Member of and each Delegate and Resident Commissioner to the Congress elected to represent any area in which is located—

“(A) the land; or

“(B) any part of any federally designated unit that includes the land;

“(2) in writing to the Governor of the State in which the land is located;

“(3) in writing to each State political subdivision having jurisdiction over the land; and

“(4) by publication of a notice in a newspaper that is widely distributed in the area under the jurisdiction of each such State political subdivision, that includes a clear statement that the Federal Government intends to acquire an interest in land.

“(g) COMPLIANCE WITH REQUIREMENTS UNDER FEDERAL LAWS.—

“(1) IN GENERAL.—The Federal portion for a fiscal year may not be used to acquire any interest in land or water unless the following have occurred:

“(A) All actions required under Federal law with respect to the acquisition have been complied with.

“(B) A copy of each final environmental impact statement or environmental assessment required by law, and a summary of all public comments regarding the acquisition that have been received by the agency making the acquisition, are submitted to the Committee on Resources of the House of Representatives, the Committee on Energy and Natural Resources of the Senate, and the Committees on Appropriations of the House of Representatives and of the Senate.

“(C) A notice of the availability of such statement or assessment and of such summary is provided to—

“(i) each Member of and each Delegate and Resident Commissioner to the Congress elected to represent the area in which the land is located;

“(ii) the Governor of the State in which the land is located; and

“(iii) each State political subdivision having jurisdiction over the land.

“(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply to any acquisition that is specifically authorized by a Federal law.”.

### SEC. 206. ALLOCATION OF AMOUNTS AVAILABLE FOR STATE PURPOSES.

(a) IN GENERAL.—Section 6(b) (16 U.S.C. 460l-8(b)) is amended to read as follows:

“(b) DISTRIBUTION AMONG THE STATES.—(1) Sums in the fund available each fiscal year for State purposes shall be apportioned among the several States by the Secretary, in accordance with this subsection. The determination of the apportionment by the Secretary shall be final.

“(2) Subject to paragraph (3), of sums in the fund available each fiscal year for State purposes—

“(A) 30 percent shall be apportioned equally among the several States; and

“(B) 70 percent shall be apportioned so that the ratio that the amount apportioned to each State under this subparagraph bears to the total amount apportioned under this subparagraph for the fiscal year is equal to the ratio that the population of the State bears to the total population of all States.

“(3) The total allocation to an individual State for a fiscal year under paragraph (2) shall not exceed 10 percent of the total amount allocated to the several States under paragraph (2) for that fiscal year.

“(4) The Secretary shall notify each State of its apportionment, and the amounts thereof shall be available thereafter to the State for planning, acquisition, or development projects as hereafter described. Any amount of any apportionment under this subsection that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and the two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2), but without regard to the 10 percent limitation to an individual State specified in paragraph (3).

“(5)(A) For the purposes of paragraph (2)(A)—

“(i) the District of Columbia shall be treated as a State; and

“(ii) Puerto Rico, the Virgin Islands, Guam, and American Samoa—

“(I) shall be treated collectively as one State; and

“(II) shall each be allocated an equal share of any amount distributed to them pursuant to clause (i).

“(B) Each of the areas referred to in subparagraph (A) shall be treated as a State for all other purposes of this Act.”.

(b) TRIBES AND ALASKA NATIVE CORPORATIONS.—Section 6(b)(5) (16 U.S.C. 460l-8(b)(5)) is further amended by adding at the end the following new subparagraph:

“(C) For the purposes of paragraph (1), all federally recognized Indian tribes and Native Corporations (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602)), shall be eligible to receive shares of the apportionment under paragraph (1) in accordance with a competitive grant program established by the Secretary by rule. The total apportionment available to such tribes and Native Corporations shall be equivalent to the amount available to a single State. No single tribe or Native Corporation shall receive a grant that constitutes more than 10 percent of the total amount made available to all tribes and Native Corporations pursuant to the apportionment under paragraph (1). Funds received by a tribe or Native Corporation under this subparagraph may be expended only for the purposes specified in paragraphs (1) and (3) of subsection (a).”.

(c) LOCAL ALLOCATION.—Section 6(b) (16 U.S.C. 460l-8(b)) is amended by adding at the end the following:

“(6) Absent some compelling and annually documented reason to the contrary acceptable to the Secretary of the Interior, each State (other than an area treated as a State under paragraph (5)) shall make available as grants to local governments, at least 50 percent of the annual State apportionment, or an equivalent amount made available from other sources.”.

### SEC. 207. STATE PLANNING.

(a) STATE ACTION AGENDA REQUIRED.—

(1) IN GENERAL.—Section 6(d) (16 U.S.C. 460l-8(d)) is amended to read as follows:

“(d) STATE ACTION AGENDA REQUIRED.—(1) Each State may define its own priorities and criteria for selection of outdoor conservation and recreation acquisition and development projects eligible for grants under this Act so long as it provides for public involvement in this process and publishes an accurate and current State Action Agenda for Community Conservation and Recreation (in this Act referred to as the ‘State Action Agenda’) indicating the needs it has identified and the priorities and criteria it has established. In order to assess its needs and establish its overall priorities, each State, in partnership with its local governments and in consultation with its citizens, shall develop, within 5 years after the enactment of the Conservation and Reinvestment Act of 2000, a State Action Agenda that meets the following requirements:

“(A) The agenda must be strategic, originating in broad-based and long-term needs, but focused on actions that can be funded over the next 4 years.

“(B) The agenda must be updated at least once every 4 years and certified by the Governor that the State Action Agenda conclusions and proposed actions have been considered in an active public involvement process.

“(2) State Action Agendas shall take into account all providers of conservation and recreation lands within each State, including Federal, regional, and local government resources, and shall be correlated whenever possible with other State, regional, and local plans for parks, recreation, open space, and wetlands conservation. Recovery action programs developed by urban localities under section 1007 of the Urban Park and Recreation Recovery Act of 1978 may be used by a State as a guide to the conclusions, priorities, and action schedules contained in State Action Agenda. Each State shall assure that any requirements for local outdoor conservation and recreation planning, promulgated as conditions for grants, minimize redundancy of local efforts by allowing, wherever possible, use of the findings, priorities, and implementation schedules of recovery action programs to meet such requirements.”.

(2) EXISTING STATE PLANS.—Comprehensive State Plans developed by any State under section 6(d) of the Land and Water Conservation Fund Act of 1965 before the date that is 5 years after the enactment of this Act shall remain in effect in that State until a State Action Agenda has been adopted pursuant to the amendment made by this subsection, but no later than 5 years after the enactment of this Act.

(b) MISCELLANEOUS.—Section 6(e) (16 U.S.C. 460l-8(e)) is amended as follows:

(1) In the matter preceding paragraph (1) by striking “State comprehensive plan” and inserting “State Action Agenda”.

(2) In paragraph (1) by striking “comprehensive plan” and inserting “State Action Agenda”.

### SEC. 208. ASSISTANCE TO STATES FOR OTHER PROJECTS.

Section 6(e)(2) (16 U.S.C. 460l-8(e)(2)) is amended by inserting before the period at the end the following: “or to enhance public safety within a designated park or recreation area”.

### SEC. 209. CONVERSION OF PROPERTY TO OTHER USE.

Section 6(f)(3) (16 U.S.C. 460l-8(f)(3)) is amended—

(1) by inserting “(A)” before “No property”; and

(2) by striking the second sentence and inserting the following:

“(B) Prior to each such conversion, the Governor of the State shall demonstrate that—

“(i) no prudent or feasible alternative exists with the exception of those properties that no longer meet the criteria within the State Plan or Agenda as an outdoor conservation and recreation facility due to changes in demographics or that must be abandoned because of environmental contamination which endangers public health and safety; and

“(ii) the conversion will assure the substitution of other conservation and recreation properties of at least equal fair market value and reasonably equivalent usefulness and location and that are consistent with the existing State Plan or Agenda.".

### SEC. 210. WATER RIGHTS.

Title I is amended by adding at the end the following:

"WATER RIGHTS

"SEC. 14. Nothing in this title—

"(1) invalidates or preempts State or Federal water law or an interstate compact governing water;

"(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

"(3) preempts or modifies any Federal or State law, or interstate compact, dealing with water quality or disposal; or

"(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.".

## TITLE III—WILDLIFE CONSERVATION AND RESTORATION

### SEC. 301. PURPOSES.

The purposes of this title are—

(1) to extend financial and technical assistance to the States under the Federal Aid to Wildlife Restoration Act for the benefit of a diverse array of wildlife and associated habitats, including species that are not hunted or fished, to fulfill unmet needs of wildlife within the States in recognition of the primary role of the States to conserve all wildlife;

(2) to assure sound conservation policies through the development, revision, and implementation of a comprehensive wildlife conservation and restoration plan;

(3) to encourage State fish and wildlife agencies to participate with the Federal Government, other State agencies, wildlife conservation organizations, and outdoor recreation and conservation interests through cooperative planning and implementation of this title; and

(4) to encourage State fish and wildlife agencies to provide for public involvement in the process of development and implementation of a wildlife conservation and restoration program.

### SEC. 302. DEFINITIONS.

(a) REFERENCE TO LAW.—In this title, the term "Federal Aid in Wildlife Restoration Act" means the Act of September 2, 1937 (16 U.S.C. 669 and following), commonly referred to as the Federal Aid in Wildlife Restoration Act or the Pittman-Robertson Act.

(b) WILDLIFE CONSERVATION AND RESTORATION PROGRAM.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting after "shall be construed" the first place it appears the following: "to include the wildlife conservation and restoration program and".

(c) STATE AGENCIES.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by inserting "or State fish and wildlife department" after "State fish and game department".

(d) DEFINITIONS.—Section 2 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669a) is amended by striking the period at the end thereof, substituting a semicolon, and adding the following: "the term 'conservation' shall be construed to mean the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law; the term 'wildlife conservation and restoration program' means a program developed by a State fish and wildlife department and approved by the Secretary under section 4(d), the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats) wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects; the term 'wildlife' shall be construed to mean any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range; the term 'wildlife-associated recreation' shall be construed to mean projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, trail heads, and access for such projects; and the term 'wildlife conservation education' shall be construed to mean projects, including public outreach, intended to foster responsible natural resource stewardship.".

### SEC. 303. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 3 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669b) is amended—

(1) in subsection (a) by inserting "(1)" after "(a)", and by adding at the end the following:

"(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the 'wildlife conservation and restoration account'. Amounts transferred to the fund for a fiscal year under section 5(b)(3) of the Conservation and Reinvestment Act of 2000 shall be deposited in the subaccount and shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, for apportionment in accordance with this Act to carry out State wildlife conservation and restoration programs."; and

(2) by adding at the end the following:

"(c) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund and apportioned under subsection (a)(2) shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

"(d)(1) Notwithstanding subsections (a) and (b) of this section, with respect to amounts transferred to the fund from the Conservation and Reinvestment Act Fund so much of such amounts as is apportioned to any State for any fiscal year and as remains unexpended at the close thereof shall remain available for expenditure in that State until the close of—

"(A) the fourth succeeding fiscal year, in the case of amounts transferred in any of the first 10 fiscal years beginning after the date of enactment of the Conservation and Reinvestment Act of 2000; or

"(B) the second succeeding fiscal year, in the case of amounts transferred in a fiscal year beginning after the 10-fiscal-year period referred to in subparagraph (A).

"(2) Any amount apportioned to a State under this subsection that is unexpended or unobligated at the end of the period during which it is available under paragraph (1) shall be reapportioned to all States during the succeeding fiscal year.".

### SEC. 304. APPORTIONMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

(a) IN GENERAL.—Section 4 of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669c) is amended by adding at the end the following new subsection:

"(c) AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.—(1) The Secretary of the Interior shall, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, make the following apportionment from the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year:

"(A) To the District of Columbia and to the Commonwealth of Puerto Rico, each a sum equal to not more than ½ of 1 percent thereof.

"(B) To Guam, American Samoa, the Virgin Islands, and the Commonwealth of the Northern Mariana Islands, each a sum equal to not more than ⅙ of 1 percent thereof.

"(2)(A) The Secretary of the Interior, after making the apportionment under paragraph (1), shall apportion the remainder of the amount transferred to the fund from the Conservation and Reinvestment Act Fund for each fiscal year among the States in the following manner:

"(i) ⅓ of which is based on the ratio to which the land area of such State bears to the total land area of all such States.

"(ii) ⅔ of which is based on the ratio to which the population of such State bears to the total population of all such States.

"(B) The amounts apportioned under this paragraph shall be adjusted equitably so that no such State shall be apportioned a sum which is less than ½ of 1 percent of the amount available for apportionment under this paragraph for any fiscal year or more than 5 percent of such amount.

"(3) Amounts transferred to the fund from the Conservation and Reinvestment Act Fund shall not be available for any expenses incurred in the administration and execution of programs carried out with such amounts.

"(d) WILDLIFE CONSERVATION AND RESTORATION PROGRAMS.—(1) Any State, through its fish and wildlife department, may apply to the Secretary of the Interior for approval of a wildlife conservation and restoration program, or for funds to develop a program. To apply, a State shall submit a comprehensive plan that includes—

"(A) provisions vesting in the fish and wildlife department of the State overall responsibility and accountability for the program;

"(B) provisions for the development and implementation of—

"(i) wildlife conservation projects that expand and support existing wildlife programs, giving appropriate consideration to all wildlife;

"(ii) wildlife-associated recreation projects; and

"(iii) wildlife conservation education projects pursuant to programs under section 8(a); and

"(C) provisions to ensure public participation in the development, revision, and implementation of projects and programs required under this paragraph.

"(2) A State shall provide an opportunity for public participation in the development of the comprehensive plan required under paragraph (1).

"(3) If the Secretary finds that the comprehensive plan submitted by a State complies with paragraph (1), the Secretary shall approve the wildlife conservation and restoration program of the State and set aside from the apportionment to the State made pursuant to subsection (c) an amount that shall not exceed 75 percent of the estimated cost of developing and implementing the program.

"(4)(A) Except as provided in subparagraph (B), after the Secretary approves a State's wildlife conservation and restoration program, the Secretary may make payments on a project that is a segment of the State's wildlife conservation and restoration program as the project progresses. Such payments, including previous payments on the project, if any, shall not be more than the United States pro rata share of such project. The Secretary, under such regulations as he may prescribe, may advance funds representing the United States pro rata share of a project that is a segment of a wildlife conservation and restoration program, including funds to develop such program.

"(B) Not more than 10 percent of the amounts apportioned to each State under this section for a State's wildlife conservation and restoration program may be used for wildlife-associated recreation.

"(5) For purposes of this subsection, the term 'State' shall include the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.".

(b) FACA.—Coordination with State fish and wildlife agency personnel or with personnel of other State agencies pursuant to the Federal Aid in Wildlife Restoration Act or the Federal Aid in Sport Fish Restoration Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.). Except for the preceding sentence, the provisions of this title relate solely to wildlife conservation and restoration programs and shall not be construed to affect the provisions of the Federal Aid in Wildlife Restoration Act relating to wildlife restoration projects or the provisions of the Federal Aid in Sport Fish Restoration Act relating to fish restoration and management projects.

### SEC. 305. EDUCATION.

Section 8(a) of the Federal Aid in Wildlife Restoration Act (16 U.S.C. 669g(a)) is amended by adding the following at the end thereof: "Funds available from the amount transferred to the fund from the Conservation and Reinvestment Act Fund may be used for a wildlife conservation education program, except that no such funds may be used for education efforts, projects, or programs that promote or encourage opposition to the regulated taking of wildlife.".

### SEC. 306. PROHIBITION AGAINST DIVERSION.

No designated State agency shall be eligible to receive matching funds under this title if sources of revenue available to it after January 1, 1999, for conservation of wildlife are diverted for any purpose other than the administration of the designated State agency, it being the intention of Congress that funds available to States under this title be added to revenues from existing State sources and not serve as a substitute for revenues from such sources. Such revenues shall include interest, dividends, or other income earned on the forgoing.

## TITLE IV—URBAN PARK AND RECREATION RECOVERY PROGRAM AMENDMENTS

### SEC. 401. AMENDMENT OF URBAN PARK AND RECREATION RECOVERY ACT OF 1978.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Urban Park and Recreation Recovery Act of 1978 (16 U.S.C. 2501 and following).

### SEC. 402. PURPOSE.

The purpose of this title is to provide a dedicated source of funding to assist local governments in improving their park and recreation systems.

### SEC. 403. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 1013 (16 U.S.C. 2512) is amended to read as follows:

"TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND

"SEC. 1013. (a) IN GENERAL.—Amounts transferred to the Secretary of the Interior under section 5(b)(4) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be available to the Secretary, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this title. Any amount that has not been paid or obligated by the Secretary before the end of the second fiscal year beginning after the first fiscal year in which the amount is available shall be reapportioned by the Secretary among grantees under this title.

"(b) LIMITATIONS ON ANNUAL GRANTS.—Of the amounts available in a fiscal year under subsection (a)—

"(1) not more that 3 percent may be used for grants for the development of local park and recreation recovery action programs pursuant to sections 1007(a) and 1007(c);

"(2) not more than 10 percent may be used for innovation grants pursuant to section 1006; and

"(3) not more than 15 percent may be provided as grants (in the aggregate) for projects in any one State.

"(c) LIMITATION ON USE FOR GRANT ADMINISTRATION.—The Secretary shall establish a limit on the portion of any grant under this title that may be used for grant and program administration.".

### SEC. 404. DEFINITIONS.

Section 1004 (16 U.S.C. 2503) is amended as follows:

(1) In paragraph (j) by striking "and" after the semicolon.

(2) In paragraph (k) by striking the period at the end and inserting a semicolon.

(3) By adding at the end the following:

"(l) 'development grants'—

"(1) subject to subparagraph (2) means matching capital grants to units of local government to cover costs of development and construction on existing or new neighborhood recreation sites, including indoor and outdoor recreational areas and facilities, support facilities, and landscaping; and

"(2) does not include routine maintenance, and upkeep activities; and

"(m) 'Secretary' means the Secretary of the Interior.".

### SEC. 405. ELIGIBILITY.

Section 1005(a) (16 U.S.C. 2504(a)) is amended to read as follows:

"(a) Eligibility of general purpose local governments to compete for assistance under this title shall be based upon need as determined by the Secretary. Generally, eligible general purpose local governments shall include the following:

"(1) All political subdivisions of Metropolitan, Primary, or Consolidated Statistical Areas, as determined by the most recent Census.

"(2) Any other city, town, or group of cities or towns (or both) within such a Metropolitan Statistical Area, that has a total population of 50,000 or more as determined by the most recent Census.

"(3) Any other county, parish, or township with a total population of 250,000 or more as determined by the most recent Census.".

### SEC. 406. GRANTS.

Section 1006 (16 U.S.C. 2505) is amended—

(1) in subsection (a) by redesignating paragraph (3) as paragraph (4); and

(2) by striking so much as precedes subsection (a)(4) (as so redesignated) and inserting the following:

"GRANTS

"SEC. 1006. (a)(1) The Secretary may provide 70 percent matching grants for rehabilitation, development, and innovation purposes to any eligible general purpose local government upon approval by the Secretary of an application submitted by the chief executive of such government.

"(2) At the discretion of such an applicant, a grant under this section may be transferred in whole or part to independent special purpose local governments, private nonprofit agencies, or county or regional park authorities, if—

"(A) such transfer is consistent with the approved application for the grant; and

"(B) the applicant provides assurance to the Secretary that the applicant will maintain public recreation opportunities at assisted areas and facilities owned or managed by the applicant in accordance with section 1010.

"(3) Payments may be made only for those rehabilitation, development, or innovation projects that have been approved by the Secretary. Such payments may be made from time to time in keeping with the rate of progress toward completion of a project, on a reimbursable basis.".

### SEC. 407. RECOVERY ACTION PROGRAMS.

Section 1007(a) (16 U.S.C. 2506(a)) is amended—

(1) in subsection (a) in the first sentence by inserting "development," after "commitments to ongoing planning,"; and

(2) in subsection (a)(2) by inserting "development and" after "adequate planning for".

### SEC. 408. STATE ACTION INCENTIVES.

Section 1008 (16 U.S.C. 2507) is amended—

(1) by inserting "(a) IN GENERAL.—" before the first sentence; and

(2) by striking the last sentence of subsection (a) (as designated by paragraph (1) of this section) and inserting the following:

"(b) COORDINATION WITH LAND AND WATER CONSERVATION FUND ACTIVITIES.—(1) The

Secretary and general purpose local governments are encouraged to coordinate preparation of recovery action programs required by this title with State Plans or Agendas required under section 6 of the Land and Water Conservation Fund Act of 1965, including by allowing flexibility in preparation of recovery action programs so they may be used to meet State and local qualifications for local receipt of Land and Water Conservation Fund grants or State grants for similar purposes or for other conservation or recreation purposes.

"(2) The Secretary shall encourage States to consider the findings, priorities, strategies, and schedules included in the recovery action programs of their urban localities in preparation and updating of State plans in accordance with the public coordination and citizen consultation requirements of subsection 6(d) of the Land and Water Conservation Fund Act of 1965.".

### SEC. 409. CONVERSION OF RECREATION PROPERTY.

Section 1010 (16 U.S.C. 2509) is amended to read as follows:

"CONVERSION OF RECREATION PROPERTY

"SEC. 1010. (a) Before converting any property developed, acquired, or rehabilitated with amounts provided under this title to any purpose other than public recreation purposes, a grantee, through the designated State official, shall notify the Secretary that no prudent or feasible alternative exists.

"(b) Subsection (a) shall apply also to the park, recreation, or conservation area of which the property is a part.".

### SEC. 410. REPEAL.

Section 1015 (16 U.S.C. 2514) is repealed.

## TITLE V—HISTORIC PRESERVATION FUND

### SEC. 501. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended—

(1) by inserting "(a)" before the first sentence;

(2) in subsection (a) (as designated by paragraph (1) of this section) by striking all after the first sentence; and

(3) by adding at the end the following:

"(b) Amounts transferred to the Secretary under section 5(b)(5) of the Conservation and Reinvestment Act of 2000 in a fiscal year shall be deposited into the Fund and shall be available, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this Act.

"(c) At least ½ of the funds obligated or expended each fiscal year under this Act shall be used in accordance with this Act for preservation projects on historic properties. In making such funds available, the Secretary shall give priority to the preservation of endangered historic properties.".

### SEC. 502. STATE USE OF HISTORIC PRESERVATION ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

Title I of the National Historic Preservation Act (16 U.S.C. 470a and following) is amended by adding at the end the following:

### "SEC. 114. STATE USE OF ASSISTANCE FOR NATIONAL HERITAGE AREAS AND CORRIDORS.

"In addition to other uses authorized by this Act, amounts provided to a State under this title may be used by the State to provide financial assistance to the management entity for any national heritage area or national heritage corridor established under the laws of the United States, to support cooperative historic preservation planning and development.".

## TITLE VI—FEDERAL AND INDIAN LANDS RESTORATION

### SEC. 601. PURPOSE.

The purpose of this title is to provide a dedicated source of funding for a coordinated program on Federal and Indian lands to restore degraded lands, protect resources that are threatened with degradation, and protect public health and safety.

### SEC. 602. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND; ALLOCATION.

(a) IN GENERAL.—Amounts transferred to the Secretary of the Interior and the Secretary of Agriculture under section 5(b)(5) of this Act in a fiscal year shall be available in that fiscal year, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this title.

(b) ALLOCATION.—Amounts referred to in subsection (a) year shall be allocated and available as follows:

(1) DEPARTMENT OF THE INTERIOR.—80 percent shall be allocated and available to the Secretary of the Interior to carry out the purpose of this title on lands within the National Park System, lands within the National Wildlife Refuge System, and public lands administered by the Bureau of Land Management.

(2) DEPARTMENT OF AGRICULTURE.—10 percent shall be allocated and available to the Secretary of Agriculture to carry out the purpose of this title on lands within the National Forest System.

(3) INDIAN TRIBES.—10 percent shall be allocated and available to the Secretary of the Interior for competitive grants to qualified Indian tribes under section 603(b).

### SEC. 603. AUTHORIZED USES OF TRANSFERRED AMOUNTS.

(a) IN GENERAL.—Funds made available to carry out this title shall be used solely for maintenance activities related to resource protection, or protection of public health or safety.

(b) COMPETITIVE GRANTS TO INDIAN TRIBES.—

(1) GRANT AUTHORITY.—The Secretary of the Interior shall administer a competitive grant program for Indian tribes, giving priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(2) LIMITATION.—The amount received for a fiscal year by a single Indian tribe in the form of grants under this subsection may not exceed 10 percent of the total amount available for that fiscal year for grants under this subsection.

(c) PRIORITY LIST.—The Secretary of the Interior and the Secretary of Agriculture shall each establish priority lists for the use of funds available under this title. Each list shall give priority to projects based upon the protection of significant resources, the severity of damages or threats to resources, and the protection of public health or safety.

(d) COMPLIANCE WITH APPLICABLE PLANS.—Any project carried out on Federal lands with amounts provided under this title shall be carried out in accordance with all management plans that apply under Federal law to the lands.

(e) TRACKING RESULTS.—Not later than the end of the first full fiscal year for which funds are available under this title, the Secretary of the Interior and the Secretary of Agriculture shall jointly establish a coordinated program for—

(1) tracking the progress of activities carried out with amounts made available by this title; and

(2) determining the extent to which demonstrable results are being achieved by those activities.

### SEC. 604. INDIAN TRIBE DEFINED.

In this title, the term "Indian tribe" means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior recognizes as an Indian tribe under section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

## TITLE VII—FARMLAND PROTECTION PROGRAM AND ENDANGERED AND THREATENED SPECIES RECOVERY

### Subtitle A—Farmland Protection Program

### SEC. 701. ADDITIONAL FUNDING AND ADDITIONAL AUTHORITIES UNDER FARMLAND PROTECTION PROGRAM.

Section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note) is amended to read as follows:

### "SEC. 388. FARMLAND PROTECTION PROGRAM.

"(a) ESTABLISHMENT AND PURPOSE.—The Secretary of Agriculture shall carry out a farmland protection program for the purpose of protecting farm, ranch, and forest lands with prime, unique, or other productive uses by limiting the nonagricultural uses of the lands. Under the program, the Secretary may provide matching grants to eligible entities described in subsection (d) to facilitate their purchase of—

"(1) permanent conservation easements in such lands; or

"(2) conservation easements or other interests in such lands when the lands are subject to a pending offer from a State or local government.

"(b) CONSERVATION PLAN.—Any highly erodible land for which a conservation easement or other interest is purchased using funds made available under this section shall be subject to the requirements of a conservation plan that requires, at the option of the Secretary of Agriculture, the conversion of the cropland to less intensive uses.

"(c) MAXIMUM FEDERAL SHARE.—The Federal share of the cost of purchasing a conservation easement described in subsection (a)(1) may not exceed 50 percent of the total cost of purchasing the easement.

"(d) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means any of the following:

"(1) An agency of a State or local government.

"(2) A federally recognized Indian tribe.

"(3) Any organization that is organized for, and at all times since its formation has been operated principally for, one or more of the conservation purposes specified in clause (i), (ii), or (iii) of section 170(h)(4)(A) of the Internal Revenue Code of 1986 and—

"(A) is described in section 501(c)(3) of the Code;

"(B) is exempt from taxation under section 501(a) of the Code; and

"(C) is described in paragraph (2) of section 509(a) of the Code, or paragraph (3) of such section, but is controlled by an organization described in paragraph (2) of such section.

"(e) TITLE; ENFORCEMENT.—Any eligible entity may hold title to a conservation easement purchased using grant funds provided under subsection (a)(1) and enforce the conservation requirements of the easement.

"(f) STATE CERTIFICATION.—As a condition of the receipt by an eligible entity of a grant under subsection (a)(1), the attorney general of the State in which the conservation easement is to be purchased using the grant funds shall certify that the conservation easement to be purchased is in a form that is sufficient, under the laws of the State, to achieve the purposes of the farmland protection program and the terms and conditions of the grant.

"(g) TECHNICAL ASSISTANCE.—To provide technical assistance to carry out this section, the Secretary of Agriculture may not use more than 10 percent of the amount made available for any fiscal year under section 702 of the Conservation and Reinvestment Act of 2000.".

### SEC. 702. FUNDING.

(a) AVAILABILITY.—Amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be available to the Secretary of Agriculture, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out—

(1) the farmland protection program under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 (Public Law 104–127; 16 U.S.C. 3830 note), and

(2) the Forest Legacy Program under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c).

(b) MINIMUM ALLOCATION.—Not less than 10 percent of the amounts transferred to the Secretary of Agriculture under section 5(b)(7) of this Act in a fiscal year shall be used for each of the programs referred to in paragraphs (1) and (2) of subsection (a).

## Subtitle B—Endangered and Threatened Species Recovery

### SEC. 711. PURPOSES.

The purposes of this subtitle are the following:

(1) To provide a dedicated source of funding to the United States Fish and Wildlife Service and the National Marine Fisheries Service for the purpose of implementing an incentives program to promote the recovery of endangered species and threatened species and the habitat upon which they depend.

(2) To promote greater involvement by non-Federal entities in the recovery of the Nation's endangered species and threatened species and the habitat upon which they depend.

### SEC. 712. TREATMENT OF AMOUNTS TRANSFERRED FROM CONSERVATION AND REINVESTMENT ACT FUND.

Amounts transferred to the Secretary of the Interior under section 5(b)(8) of this Act in a fiscal year shall be available to the Secretary of the Interior, subject to appropriations for fiscal years before fiscal year 2006 and without further appropriation for fiscal year 2006 and each fiscal year thereafter, to carry out this subtitle.

### SEC. 713. ENDANGERED AND THREATENED SPECIES RECOVERY ASSISTANCE.

(a) FINANCIAL ASSISTANCE.—The Secretary may use amounts made available under section 712 to provide financial assistance to any person for development and implementation of Endangered and Threatened Species Recovery Agreements entered into by the Secretary under section 714.

(b) PRIORITY.—In providing assistance under this section, the Secretary shall give priority to the development and implementation of species recovery agreements that—

(1) implement actions identified under recovery plans approved by the Secretary under section 4(f) of the Endangered Species Act of 1973 (16 U.S.C. 1533(f));

(2) have the greatest potential for contributing to the recovery of an endangered or threatened species; and

(3) to the extent practicable, require use of the assistance on land owned by a small landowner.

(c) PROHIBITION ON ASSISTANCE FOR REQUIRED ACTIVITIES.—The Secretary may not provide financial assistance under this section for any action that is required by a permit issued under section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. 1539(a)(1)(B)) or an incidental take statement issued under section 7 of that Act (16 U.S.C. 1536), or that is otherwise required under that Act or any other Federal law.

(d) PAYMENTS UNDER OTHER PROGRAMS.—

(1) OTHER PAYMENTS NOT AFFECTED.—Financial assistance provided to a person under this section shall be in addition to, and shall not affect, the total amount of payments that the person is otherwise eligible to receive under the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 and following), the wetlands reserve program established under subchapter C of that chapter (16 U.S.C. 3837 and following), or the Wildlife Habitat Incentives Program established under section 387 of the Federal Agriculture Improvement and Reform Act of 1996 (16 U.S.C. 3836a).

(2) LIMITATION.—A person may not receive financial assistance under this section to carry out activities under a species recovery agreement in addition to payments under the programs referred to in paragraph (1) made for the same activities, if the terms of the species recovery agreement do not require financial or management obligations by the person in addition to any such obligations of the person under such programs.

### SEC. 714. ENDANGERED AND THREATENED SPECIES RECOVERY AGREEMENTS.

(a) IN GENERAL.—The Secretary may enter into Endangered and Threatened Species Recovery Agreements for purposes of this subtitle in accordance with this section.

(b) REQUIRED TERMS.—The Secretary shall include in each species recovery agreement provisions that—

(1) require the person—

(A) to carry out on real property owned or leased by the person activities not otherwise required by law that contribute to the recovery of an endangered or threatened species;

(B) to refrain from carrying out on real property owned or leased by the person otherwise lawful activities that would inhibit the recovery of an endangered or threatened species; or

(C) to do any combination of subparagraphs (A) and (B);

(2) describe the real property referred to in paragraph (1)(A) and (B) (as applicable);

(3) specify species recovery goals for the agreement, and measures for attaining such goals;

(4) require the person to make measurable progress each year in achieving those goals, including a schedule for implementation of the agreement;

(5) specify actions to be taken by the Secretary or the person (or both) to monitor the effectiveness of the agreement in attaining those recovery goals;

(6) require the person to notify the Secretary if—

(A) any right or obligation of the person under the agreement is assigned to any other person; or

(B) any term of the agreement is breached by the person or any other person to whom is assigned a right or obligation of the person under the agreement;

(7) specify the date on which the agreement takes effect and the period of time during which the agreement shall remain in effect;

(8) provide that the agreement shall not be in effect on and after any date on which the Secretary publishes a certification by the Secretary that the person has not complied with the agreement; and

(9) allocate financial assistance provided under this subtitle for implementation of the agreement, on an annual or other basis during the period the agreement is in effect based on the schedule for implementation required under paragraph (4).

(c) REVIEW AND APPROVAL OF PROPOSED AGREEMENTS.—Upon submission by any person of a proposed species recovery agreement under this section, the Secretary—

(1) shall review the proposed agreement and determine whether it complies with the requirements of this section and will contribute to the recovery of endangered or threatened species that are the subject of the proposed agreement;

(2) propose to the person any additional provisions necessary for the agreement to comply with this section; and

(3) if the Secretary determines that the agreement complies with the requirements of this section, shall approve and enter with the person into the agreement.

(d) MONITORING IMPLEMENTATION OF AGREEMENTS.—The Secretary shall—

(1) periodically monitor the implementation of each species recovery agreement entered into by the Secretary under this section; and

(2) based on the information obtained from that monitoring, annually or otherwise disburse financial assistance under this subtitle to implement the agreement as the Secretary determines is appropriate under the terms of the agreement.

### SEC. 715. DEFINITIONS.

In this subtitle:

(1) ENDANGERED OR THREATENED SPECIES.—The term "endangered or threatened species" means any species that is listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior or the Secretary of Commerce, in accordance with section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) SMALL LANDOWNER.—The term "small landowner" means an individual who owns 50 acres or fewer of land.

(4) SPECIES RECOVERY AGREEMENT.—The term "species recovery agreement" means an Endangered and Threatened Species Recovery Agreement entered into by the Secretary under section 714.

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H. RES. 497

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed 90 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4377. That amendment in the nature of a substitute shall be considered as read. All points of order against that amendment in the nature of a substitute are waived. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 497, the gentleman from Texas (Mr. THORNBERRY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend my chairman, the gentleman from Alaska (Mr. YOUNG), and the others who have worked with him on this bill for trying to meet a very real need in this country. There is obviously a great deal of interest in this House to have a dedicated funding stream to help us take better care of coastal areas and to fund the Land and Water Conservation Fund, and for the other purposes identified in this bill.

This bill is certainly a major departure from the way we have handled those issues in the past, and it gives us an opportunity to take better care of these resources.

But I also believe that the Chairman's bill can be made better. It can be made more fiscally responsible. It can be made better so we take better care of the property we already have under our control, because, Mr. Chairman, there are consequences to our actions. There are severe consequences if this bill is allowed to pass in the form it is now.

My substitute which I have offered is very similar in most respects to CARA. It differs from the Chairman's bill in four primary areas: It is more fiscally responsible, it ensures that we take better care of the property the Federal government already has, it ensures that communities affected by Federal action will be compensated, and it strengthens private property rights.

Mr. Chairman, my substitute is much more fiscally responsible. Yesterday, the committee passed the Shadegg amendment, which requires a certification on social security, Medicare, and debt. That is a good start, but they are not the only priorities we have to worry about in this budget. There are a number of other priorities.

I would refer my colleagues to today's Washington Post, a publication I am not used to citing. The Washington Post today, in one of their editorials, says, "Our objection to this bill is not the purposes but the automatic spending with regard to the competing claims on the Federal dollars."

The spending would be automatic. This program would go to the head of the line, ahead of national defense, ahead of education, ahead of tax collection, ahead of biomedical research, you name it. So we cannot automatically put this ahead of everything else without looking at the consequences.

What I do, Mr. Chairman, is say we need time to prepare the budget. We just passed a 5-year budget. We need to take time before we move it to mandatory spending to take these new priorities into account.

Secondly, we have to address the maintenance backlog that we have heard discussed in this debate. The Department of the Interior can tell us it is somewhere around $8 billion to $14 billion of backlog that we already have. It is big, it is getting worse, and if the Federal government takes in a lot more land under this bill, it is going to get far worse than it is now. My substitute has a dedicated fund for maintenance, and it can only be used for maintenance.

Also, it requires that the maintenance backlog go down by 5 percent a year. If it does not go down to meet those targets, then the acquisition funds are reduced, so we have a guarantee that we deal with this maintenance problem which has plagued us.

Third, my substitute makes the PILT payments mandatory. My substitute makes the PILT payments mandatory. We cannot ignore the consequences of our actions when the Federal government takes land off the private property rolls. That is going to grow under this bill.

To say that PILT should be a matching program so if in Congress's discretion we happen to fund it that year I think is wrong. It needs to be mandatory like the rest of it, to ensure that these communities are compensated for the lack of the tax roll.

Finally, my bill strengthens property rights. We have heard some of these property issues previously in the debate. I also add an appraiser. The Federal government has to pay for an appraiser to get an independent appraisal when the Federal government is taking over property. I require that there be a willing seller and that land acquisitions be approved by Congress. There are other provisions here as well.

I take, in this substitute, the structure of CARA, I leave it essentially as it is, but I address those concerns that Members have addressed throughout this debate.

I think this substitute is much more responsible. It helps us to deal with the consequences of this action. I hope my colleagues will agree and vote for it.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I claim the time to refute the substitute.

The CHAIRMAN pro tempore. The gentleman from Alaska (Mr. YOUNG) is recognized for 20 minutes in opposition to the amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. GEORGE MILLER) to control, and I will claim 10 minutes in opposition.

The CHAIRMAN. Without objection, the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER) each will control 10 minutes.

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to this substitute, which in effect would kill CARA. We are getting to the end of this marathon debate now, and thanks to the hard work of the sponsors and the chairman and the ranking member, CARA has emerged relatively unscathed. We cannot lose strength now that we are nearing the finish line.

Here is some information that should make it easy to reject this substitute. Over the past day and a half, the House has already decisively defeated every significant change to CARA that is included in the Thornberry substitute. All the Thornberry amendment does is package all the proposals that the House has already discarded.

The substitute amendment would put off CARA spending for 5 years, make it difficult to undertake any Federal land purchases, and hamstring government efforts to protect existing parks and forests. We do not want to do any of the above.

Again, the House has already wisely rejected all of these ideas. I do not know why pulling all of these defeated proposals into one substitute would make them more appealing. They certainly do not do those of us who are following the details of this very important legislation.

This is legacy legislation. This is legislation for future generations. This is legislation that deals responsibly with our stewardship. This is legislation that has brought together in this Chamber, the people's House, diverse elements of this body geographically, New York, Alaska, California. Republican, Democrat, conservative, liberal, moderate, we are all together on this for all the right reasons.

What we are doing today is investing in the future and leaving a legacy to generations that will make us all proud.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment for all of the reasons set forth by my friend, the gentleman from New York (Mr. BOEHLERT). I rise in strong support of the underlying bill.

Mr. Chairman, this bipartisan compromise plan is a historic opportunity to preserve America's natural resources for future generations. It will protect endangered wildlife and improve coastal habitats. It will help towns build new ballfields and help States preserve scenic hiking trails. It encourages urban parks and protects rural farmland.

CARA does all this without creating new taxes or fees. Instead, it simply rededicates offshore oil and gas revenues to the conservation programs they were intended to fund.

In this time of budget surpluses, there is no reason that these fees should be diverted from their original purpose. This commonsense idea enjoys unprecedented support, with the backing of all 50 Governors and communities across the Nation.

In my home State of Maine, a coalition of more than 230 business, conservation groups, municipalities, and sportsmen's groups has rallied behind this bill. These unusual allies recognize that when we invest in our natural resources, we improve our communities, our health, and our quality of life.

In Maine, CARA funding will be used to supplement the $50 million Land Conservation Fund that Maine voters approved with overwhelming support. It will allow us to realize once in a lifetime opportunities to protect tracts of the northern forest that have been targeted for development. CARA will help us preserve those pristine areas for traditional outdoor recreation that we in Maine have enjoyed for generations.

Mr. Chairman, this landmark bill is perhaps the most important piece of environmental legislation we shall see in the 106th Congress. By passing this measure, we can ensure that Congress meets its commitment to help States and communities preserve their natural resources for generations to come.

I urge my colleagues to reject the amendment and support the underlying bill.

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would remind my colleagues that the substitute retains all of the basic purposes in the underlying CARA bill. I do not change the allocations at all.

I would also remind the gentleman that whatever one could argue the original purposes of the OCS revenue was, the fact is, it has been going into the general Treasury. We cannot just jerk it out and assume we have no impact on defense, education, on trying to have prescription drug benefits, on Medicare, biomedical, research, or whatever else we care about. We have to prepare for the consequences of this action.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding time to me, and commend him for this excellent substitute.

Mr. Chairman, many Members of this Chamber feel like I do. They support many of the conservation and resource management programs and objectives of this bill, yet they are concerned about the way the bill treats such thing as property rights, land acquisition, and important budget priorities like social security, Medicare, and debt reduction.

I agree with the gentleman from New York, that this legislation has the potential for being a great legacy piece of legislation, but we have to make sure that that legacy is not a mountain of debt.

The Thornberry substitute is designed to give these Members a place to go. Simply put, this amendment provides some essential fixes to CARA. First, it defers spending on CARA to 2006, thus reducing the competition between the spending in this bill and other more important priorities, like preserving social security, strengthening Medicare, reducing the debt, and improving education.

Second, it improves and strengthens funding for PILT, payments in lieu of taxes, something vitally important for the Members of this House who represent districts, as I do, where there is already a very substantial ownership of land by the Federal government. In my district, one-third of all the land in my district, more than 1 million acres, is owned by the Federal government.

The localities in my district do not receive adequate compensation for the loss of the use of that land which could be used for a whole host of purposes that generate revenue for schools, for roads, for other local needs. Funding PILT is a very high priority, and that is a good improvement in this substitute.

Third, the substitute improves the protection of private property by protecting inholders and maintaining current property protection laws.

Finally, it ties a portion of the Federal land acquisition money to a demonstrable reduction in the $13 billion operations and maintenance backlog in our national forests, parks, and rangelands.

To wrap up quickly, this backlog in much needed work on our currently owned Federal land is vitally important. As chairman of the Subcommittee on Forestry of the Committee on Agriculture, I can tell the Members the pressing need we have to take care of the land we own now, and this substitute will do just that. The Thornberry amendment will move this bill in the right direction and bring us much closer to supporting conservation and resource management without jeopardizing our budget priorities, the protection of private property, and the appropriate balance between land acquisition and land maintenance.

I urge my colleagues to support this substitute.

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Mr. YOUNG of Alaska. Mr. Chairman, I yield 2½ minutes to gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to the Thornberry amendment for a number of reasons, but one of the primary reasons is that my friend, the gentleman from Texas (Mr. THORNBERRY) would delay the funding provided through CARA for 5 years. Mr. Chairman, we cannot afford to delay this program any longer.

Mr. Chairman, this program is not for us; this program is for our children and our grandchildren and their children. This program is to provide a quality of life, like the quality of life we have or the quality of life that we would like to restore for future generations.

Mr. Chairman, delaying this 5 years in States like the one I represent means that hundreds of thousands of more acres of land disappear under parking lots, under housing developments, thousands and thousands and thousands of acres going to development that this bill, that this process will permit us to save.

It is for our children. It is for their environment. It is for their quality of life. To arrive at the point that we have today, the amendment of the gentleman from Texas (Mr. THORNBERRY) in one fell swoop would short-circuit this process. This process has been ongoing for years; the gentleman from Alaska (Mr. YOUNG) and the gentleman from California (Mr. GEORGE MILLER), and the gentleman from California (Mr. POMBO), all of us have had input over a long period of time.

We have taken care to provide for resources for every State. Yes, coastal States with lots of coastal areas in high populations get a little more, and that is because the problems that I described are enhanced in those kinds of States.

If Members could all come home with me and ride from the northern part of the State I represent, New Jersey, to the southern part of the State, and if Members could have done that 30 years ago, and then do it again today, they would see the results of development pressure.

This bill will provide for enhancement of wildlife, enhancement of quality of life and be a good, a very good thing for our children, our grandchildren and their children.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. GILCHREST).

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think the last couple of days has been an extraordinary debate about a profound issue about the future of conservation for this country. This legislation, in my judgment, is as profound and may be more so than the concept of national parks and national forests to preserve the heritage of a Nation and, certainly, the world.

There has been some discussion about maintenance backlog in our national parks and our national forest, and those are legitimate questions, but I would like to pose this thought, how were they managed before Columbus came? There is a certain amount of natural processes that go into place the mechanics of creation have created.

This legislation creates the potential, if we take advantage of the opportunity, for disparate interests to collectively collaborate on land use issues. There is a lot of money coming directed towards certain States. In my district, we are, and have been for about a year, in anticipation of this legislation, bringing farmers together, real estate agents together, developers together, nonprofit people together, local government folks together. You name it, and we are beginning to understand the nature of what our region should look like to preserve those natural resources, to preserve the agricultural heritage of our districts in future years.

We did a study and looked at three things: We looked at the contribution of taxes from housing developments, the contribution of taxes from industry, and the contribution of taxes from agriculture.

For every dollar that a housing project gave to local government, local government had to give them nearly a $1.50 back for services. In agriculture for every dollar, the farm gave to the local community, the local government only had to give 35 cents back. The argument that we need more development and more construction is just not there.

Mr. Chairman, I urge my colleagues to vote for this legislation.

Mr. THORNBERRY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to remind my friend and colleague from New Jersey who argues that we cannot afford to delay 5 minutes, I would like to get all of my needs met right now, right away. I would like to fully fund the Federal obligation to special education right now. I would like to keep our promise to military retirees on their healthcare right now. The fact is, we have a budget framework we have to deal with. We have to prepare for these things.

The gentleman said that the chairman has been working on this for several years; he has. But the budget has not been prepared for several years. If we take this money out of the general fund, then something has to suffer. The budget law says that mandatory spending has to be offset in some way. What are those offsets?

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. THORNBERRY. No, I do not yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I say to the gentleman I am from Maryland.

Mr. THORNBERRY. Mr. Chairman, I was referring to the gentleman from New Jersey (Mr. SAXTON) who spoke earlier.

Mr. Chairman, reclaiming my time, the gentleman from Maryland (Mr. GILCHREST) talked about the maintenance backlog, which, of course, is there and is a serious problem, but my substitute addresses it far better, because under the underlying bill, there are three purposes under title VI how that money could be spent. I eliminate two of them. It can only be spent for maintenance, and I require a demonstrable reduction in maintenance backlog. It takes care of the backlog better.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from Texas (Mr. THORNBERRY) has 11½ minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 5½ minutes remaining. The gentleman from California (Mr. GEORGE MILLER) has 6 minutes remaining.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. LAZIO).

Mr. LAZIO. Mr. Chairman, I rise today in strong support of CARA, and I want to applaud the gentleman from Alaska (Chairman YOUNG) and members of the committee for crafting this historic piece of legislation which is on budget and fiscally responsible.

Mr. Chairman, today I stand with my two young daughters in mind. As a result of our vote today, they and thousands like them will be able to enjoy the great American outdoors long into the future. Thanks to this bill, people will be able to go clamming on Long Island in restored shellfish beds, and many other parts of the country.

They can expect to enroll their children in Little League and find a field available. They can expect to take their kids for a walk in the woods, and see the joy on their faces as they spot one of nature's creatures.

Mr. Chairman, I find it fitting that 100 years after my fellow Long Islander, Teddy Roosevelt, put in place the basic elements of our Nation's conservation program, today we are continuing that fine tradition. In TR's time, we declared the frontier closed. Today, we declare it open and available for the enjoyment of future generations.

My district provides compelling examples of the dire environmental problems that this funding is intended to address. I represent a coastal district. With the funding afforded in title I, we look forward to working with New York State to clean up the South Shore Estuary, which enjoys widespread support on Long Island. Cleaning this body of water would be a fitting tribute to the conservation goals of this bill.

But, Mr. Chairman, for us to realize our goals, we need to respect the delicate balance of the issues that this bill addresses. As we consider this legislation, I urge my colleagues to do three things.

First, let us overcome the temptation to destroy the good in the name of perfection.

Second, let us look objectively at the protections and the opportunities that are included in this historic bill.

And, finally and most importantly, let us keep in mind this is about our children. Let us leave them something for which we can be proud. Let us demonstrate that the spirit of Teddy Roosevelt lives on in this body today. Let us support CARA and let us not support this substitute, which will undercut this important legislation.

Again, I want to thank the gentleman from Alaska, the chairman of the Committee on Resources, for bringing this monumental bill forward for consideration.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I thank the gentleman from California for yielding me this time. I also applaud the gentleman from the panhandle of Texas (Mr. THORNBERRY) for coming up with a pretty good substitute. I think it falls a little short in several areas.

First and foremost, it delays this program. We addressed that issue in this House decided overwhelmingly to defeat that proposal. But more than that, it delays and asks people in the communities that are most needy as far as coastlines to wait 5 years. I beg the gentleman from Texas, Louisiana cannot wait 5 years.

If my colleagues see the map beside me, the red is what we will lose over the next few short years. Five years is too much. We are losing 25 square miles a year. Times five, that is 125 square miles of Louisiana will be gone before this bill is enacted, before we can get to that point. My district may be gone by that time, because I represent 250 miles of coastline.

Second of all, a difference that the gentleman has is that he says he has $200 million for maintenance. Well, I fall back on my first argument. If he does say that we want $200 million, he says but let us wait 5 years before we get $200 million. That puts us a billion dollars in backlog and also payment in lieu of taxes.

Mr. Chairman, I have a parish in the southwestern corner of my district, Cameron Parish, that is mostly owned by the Federal Government. I have worked very hard in trying to get a dedicated stream of funding to pay this poor parish so they could have the services they need.

I beg my colleagues not to adopt the substitute, it has all of the provisions that have been defeated over the last 2 nights and days in this body, but pass this very important piece of legislation.

Mr. Chairman, this will be the last amendment, so I want to commend the gentleman from California (Mr. GEORGE MILLER), ranking member of my committee, and also the gentleman from Alaska (Mr. YOUNG), chairman of the committee, for their diligent effort in putting together, I think, what is the most historic piece of legislation that deals with our conservation needs in the history of this country.

Mr. THORNBERRY. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would respond to the gentleman from Louisiana that the gentleman has a remedy now. He can come to this House and get more money through the regular budget process to deal with the coastal problems that he is suffering. Nothing prevents him from doing that. But I know that he also wants to be fiscally responsible, because his constituents have other needs such as education and defense and high taxes. We need to bring all of that together to sort out those priorities.

I would also remind the gentleman that my substitute requires a 5 percent a year decrease in the backlog. That begins now. And so we have to move towards where CARA will ultimately take us by putting more money towards those efforts.

Mr. Chairman, I yield 2½ minutes to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Chairman, I thank the gentleman from Texas (Mr. THORNBERRY) for yielding me this time. I just want to say, Mr. Chairman, that at this time there is a raging fire on the public land in New Mexico. One hundred homes have been destroyed. The fire is now around the Los Alamos National Laboratories and Los Alamos, New Mexico, is preparing evacuation.

This is because we do not have good management on our federally controlled lands. And here, this original bill without the substitute, the original bill would allow for us to acquire a lot more private land, and put it into the hands of the government. The substitute amendment is a great amendment because it gives more private property rights protections.

It is very interesting, in the beginning, in the founding of this country, our forefathers tried having property in commons and it did not work, and that is why they moved to the private property rights.

□ 1430

In fact, John Adams said the moment that the idea is admitted into society that if property is not as sacred as the laws of God and there is not a force of law and public justice to protect it, anarchy and tyranny commence. Property must be sacred or liberty cannot exist.

That is why it is so important that we vote and support this amendment because our fight is for more than property. Property must be sacred, or liberty cannot exist.

Daniel Webster understood that, and he said it very well. This body, in fact, historically has upheld private property rights until recently. In 1995, in fact, this body voted with the majority of 277 votes to extend a moratorium against any more acquisition of Federal land. Now look at us today.

We have moved in a counter position from that position, that very proud and good position, a traditional position that is emblazoned on the wall above my head, above the Speaker's head. It quotes Daniel Webster. It talks about what this Nation has been and what can be done. It challenges by saying, "Let us develop the resources of our land, call forth its power, build up its institutions, promote all its great interests, and see whether we also in our day and generation may not perform something worthy to be remembered."

Mr. GEORGE MILLER of California. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN pro tempore (Mr. QUINN). The gentleman from California (Mr. GEORGE MILLER) has 4 minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 3½ minutes remaining. The gentleman from Texas (Mr. THORNBERRY) has 8½ minutes remaining.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TAUZIN).

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana (Mr. TAUZIN).

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN) for 2 minutes.

Mr. TAUZIN. Mr. Chairman, let me rise in opposition to this substitute and recognize that the amendment of the gentleman from Texas (Mr. THORNBERRY) basically restates the Chambliss amendment, which would delay this bill for 5 years.

The gentleman from Louisiana (Mr. JOHN) has showed us what 5 years in Louisiana means, 125 more square miles of Louisiana loss we cannot ever recover. The answer, the gentleman from Texas (Mr. THORNBERRY) said one can come to the legislature and get some money, because the other budget priorities are too important for this bill. But he has not offered, as many other States have not offered, to sacrifice their revenue sharing from Federal lands inside the State while we do other budget priorities. Those go forward.

States like Wyoming, which have collected $7.4 billion in revenue sharing from Federal lands inside their State, or New Mexico which has collected $5.3 billion, those programs have not been asked to wait until other budget priorities are matched.

This substitute needs to be defeated, as was the Chambliss amendment defeated by 281 votes. But let me tell my colleagues why this bill needs to be passed when we defeat this substitute. Now, there is a reason why the National Lands Rights Alliance is against this bill. They are the ultimate property rights organization out west. They are against it because the Federal Government owns much too much of the land out west, and they know it, and one has a right to be offended by that.

There is a reason why Green Peace and Sierra and the Defenders of Wildlife and the Environmental Defense Group oppose this bill, too. They oppose this bill because we have got property rights built into this bill.

See, this has been very much of a very difficult but well-negotiated, balanced project. It is a great environmental bill that finally includes some property rights for landowners, great environmental protection for this country, but finally some property rights for landowners. Willing sellers only. A commandment to the agencies that the first priority ought to be land swaps and easements rather than acquisitions, provisions to make sure no land is regulated until it is bought. It is about time. This is a great compromise.

Let us defeat this substitute.

Mr. THORNBERRY. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I certainly understand the position that our colleagues from Louisiana are in. They have a problem, and they are looking for a solution. Obviously, the coast of Texas is right there next to the coast of Louisiana. We do not have exactly the same problems, but I sympathize with their position.

But there are a number of other problems around the country. I am not saying the other problems are more important than this, but I am saying that we should not automatically put this problem at the head of the line. As the Washington Post said this morning, we should not put this on automatic pilot, put it ahead of education, ahead of defense, ahead of medical research and all of the other priorities that are there.

We need to come together as a Congress and sort through those budgetary priorities. I would also add that the very valid interest that this bill tries to promote are promoted better in this substitute, because I take much better care because I have dedicated funds to go to deal with the maintenance problem. I have greatly improved private property rights so that the League of Private Property Voters supports my substitute. I think this does a better job of accomplishing their aim.

Mr. GEORGE MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the House of Representatives can be very proud of itself over these last 2 days of debate. I think our constituents are going to be very proud of us because, as the beginning of our summer vacation season starts, as millions of Americans will travel to its National Parks to its wilderness areas, to its forests, to its wildlife refuges and to its beaches, they will know that the House of Representatives once again restored a promise that the Congress made to them 36 years ago and then broke; that this House of Representatives had the courage to put the money back that it had borrowed from the Land and Water Conservation Fund, almost $13 billion, just as we have had the courage to put money back into the Social Security Trust Fund and into the Highway Trust Fund, because that is what we told the people we were going to do with their money. I hope all Members feel very proud about their work product as we defeat this substitute and pass the bill.

I would like to thank the gentleman from Alaska (Chairman YOUNG) for all of his effort and for his courage in working with this legislation; the gentleman from Michigan (Mr. DINGELL) for all of the work, all of the talent, all of the history that he brought to our considerations; the gentleman from Louisiana (Mr. TAUZIN); the gentleman from Louisiana (Mr. JOHN), who made it possible for us to understand the needs, the needs of what was happening in the Gulf Coast, as was witnessed here in their closing arguments, and with the threat to wildlife, the threat to their cities, the threat to their economy; to the gentleman from New Mexico (Mr. UDALL), who sat there during negotiations and was terribly, terribly helpful; and even the gentleman from California (Mr. POMBO), who I disagree with on many, many issues, but kept after us, kept after us and kept after us and wanted a set of language here on behalf of property rights that is not in existing law that strengthens the hands of individual property owners. I want to thank him for his participation.

I want to give special thanks to a person in this body that probably knows more about public land than anyone else and anyone else I have ever served with, and that is the gentleman from Minnesota (Mr. VENTO). The gentleman from Minnesota is going through very difficult times now. But he has been here for every vote. He was there for all of the negotiations. His retirement from Congress is going to be a great loss on public lands.

I am very, very proud to be associated with this bill. This will be a historic bill. This will be a landmark bill. We will be addressing one of the very highest priorities of the American people. We are going to do it on a bipartisan basis. We are going to send it over to the Senate. The Senate leadership has met. They are waiting for this legislation. The Senate Majority Leader is a cosponsor of similar legislation, along with many Democratic Senators. The White House has pledged its effort to get this bill passed and get it enacted into law.

At the end of the year, Charles Kuralt, before he died, used to have at the end of his Saturday morning shows during the holiday season, he had what he called "the gifts we gave to ourselves." The camera would go out in silence for 2 or 3 minutes and visit a wildlife refuge in Louisiana or the North Slope, and we just panned the vistas. It would pan the vistas of the Grand Canyon and of the Everglades.

This is about a continuation of the gift that this Congress gives the people of the United States in perpetuity and to the people of the rest of the world who come here to see these grand, grand environmental assets.

Mr. THORNBERRY. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I stand in strong support of the substitute. Although I do not think it is the perfect document, I think it is certainly better than what we have here.

What we have here is a bill, CARA, that does three fundamentally wrong things. Number one, it abdicates the right, the constitutional obligations and responsibility of Congress, gives it to the State legislatures, gives it to the governors, gives it to unelected officials.

We hear from the proponents of CARA that 50 governors support it. Well, I would be disturbed if the governors did not support a largess of several million dollars of tax dollars given to them. Hello. What is remarkable about that? The fact is it is Federal money, and it should be spent by the Federal Government.

The other part is here we are in the Federal Government $5.4 trillion in debt, and we are going to give this money to States that have a surplus of $70 billion. Indeed, the State of California alone has a $3 billion surplus. But the big underlying question is how much land should the Federal Government own?

Now, this is a map of the United States of America. We can see, okay, this is land that is up for grabs for business, for families, for development. But do my colleagues know what? One-third of this land has already been purchased by the Federal Government, and that does not include military bases. That is the equivalent of just lopping off one-third.

Now, I have asked the proponents of CARA, how much land should the Federal Government own? Should it be 25 percent? Should it be 32 percent? Should it be 50 percent? Not one person can answer that question. They will not even support a study saying how much land should be owned by the Federal Government.

The substitute measure puts some common sense into the CARA law. It tries to bridge their passion for buying land with some fiscal responsibility, saying put maintenance first, and think about the other formulas. Do not abdicate one's responsibility as a Federal Government. Do not let the United

States get continued to be gobbled up by political bureaucrats.

Mr. THORNBERRY. Mr. Chairman, how much time is remaining?

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. THORNBERRY) has 5½ minutes remaining. The gentleman from Alaska (Mr. YOUNG) has 2½ minutes.

Mr. THORNBERRY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have heard several times during the debate that we need to put these revenues towards the purpose that they were originally intended. The fact of the matter is 96 percent of the money that comes from revenues from the Outer Continental Shelf come into the general treasury. This is a different situation than the Highway Trust Fund. It is not a user fee where these funds are dedicated to help the people who pay the taxes. This is the sale of assets owned by the whole people, all of the people of the United States. They come into the general treasury.

Now, this bill is going to take them out of the general treasury and leave a big hole. My point is we need to plan on how we are going to fill that hole. Where is it going to come from? Is it going to come from education, biomedical research, defense, tax relief? We need to plan.

So my amendment delays moving this to mandatory spending. We can continue to fund the purposes of the bill, but it prevents it from being an entitlement until we can have a chance to take it into account.

Now, what my substitute also does is make CARA better. It helps improve it so it can do a better job of accomplishing the purposes that it was written to accomplish. No one has questioned that I do a better job of making sure we deal with this maintenance backlog, that we make PILT payments mandatory so they do not have to be questioned, and that we have commonsense private property rights, including an appraiser that the government pays for to make sure that people are getting treated fairly.

Mr. Chairman, there are consequences to our action. My substitute basically takes CARA and says we have to think about those consequences. We have to prepare for them. We have to prepare the budget. We have to prepare for the taking care of these new lands that we are going to buy. We have to prepare for compensating communities that are going to lose this tax base. We have to prepare in the way of keeping private property rights sacred.

I think that is a common sense approach, and it improves the purposes of this bill.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. POMBO).

Mr. POMBO. Mr. Chairman, I thank the gentleman from Texas for yielding me this time.

Mr. Chairman, I rise in support of the substitute. I think that it was a well-written, well-thought-out, and I think well-intentioned amendment substitute to this legislation.

What the gentleman from Texas (Mr. THORNBERRY) is attempting to do is to try to bring us back into a little bit of reality, reality of budget, reality of what our constitutional responsibilities are, a little bit of reality as to what we really should be doing with this legislation.

I can tell my colleagues I grew up in a small town, a small farming town in the Central Valley of California that is not so small anymore. It has grown. It has become somewhat of a suburb of the Bay Area. We are going through a lot of the problems that this bill is intended to address: the problem of loss of farmland, the problem with interaction with wildlife of endangered species, the problem with funding urban parks.

□ 1445

A lot of the problems that this bill is intended to go after will impact my district. It is as if it was written to directly go after the problems that I have in my district. But I have to, at the same time, tell my colleagues that I strongly oppose this legislation. The reason is that the underlying laws that this bill intends to force money toward, the underlying laws that this bill force-feeds money into, are broken.

Our Federal land management system is a shambles. We are doing a horrible job of managing the Federal lands that we currently have. There is no one in this body that can say that we are doing a good job because we are not. We are doing a terrible job. Yet we are going to put $1 billion a year more into buying land. A billion dollars a year more into buying public lands.

The Federal Government owns a third of this country already. They own half of the State of California that I come from. And yet that is not enough. We are going to force-feed more money into it because they are doing such a terrible job of managing the lands they currently have.

The Endangered Species Act is a shambles. It is a complete and utter failure. We have been trying for the last 8 years to reauthorize the Endangered Species Act. And what is our answer to that? We force-feed another $100 million a year into it. The Urban Parks Program has been controversial, and many would argue it has been a failure. Our response to that is not to fix it but to force-feed more money into it. Everything that we are doing with this bill may be of a higher cause, it may be something we think is great, it may be mom and apple pie, but the truth of the matter is those programs are all broken. And we cannot just force more money into broken programs and expect that to solve the problem.

We had an amendment earlier in the debate that put more money into those programs and it was defeated. I cannot for the life of me understand how people can say they are in favor of all of these programs and then vote against giving more money to them, but that is what is happening.

Mr. Chairman, I urge support for the substitute and I urge defeat of the final bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank the Congress of the United States. This has been 2 days of very interesting debate. Everybody had their time to speak and to offer amendments. I want to congratulate those that stood with me and the gentleman from California (Mr. GEORGE MILLER). Those that oppose me, I admire their enthusiasm and hope they will see the wisdom of supporting this legislation.

Before I go into my last closing statement, though, I want to thank Mike Henry, who has worked very hard on this bill for 2 years; as well as Liz Megginson, Lisa Pittman, Lloyd Jones, and all my staff on this side of the aisle; and, of course, the staff on the other side of the aisle, John Lawrence and Jeff Petrich.

I would suggest respectfully that the amendment that is offered as a substitute destroys everything we have done in the last 2 days. I know the gentleman does not intend to do that, but he does that. He waits for 5 years, puts everything back with the appropriators, which I think have not done an adequate job.

We have allowed this bill to go on budget. We will have the process of the budget, we will fund this program, and we will do what we should do for the future of this Nation.

For those that oppose the bill on private property rights, again I will tell them that this bill improves private property rights. It helps those people; it does not hurt them.

But more than that, may I suggest the bill, not the substitute, takes care of a problem that should have been taken care of beginning in 1964. The money put in the general budget are nonrenewable monies. They come from oil offshore, primarily Louisiana, Texas, and Alabama. They have carried this burden to fund programs very frankly that may have merit but not what the intent was. The intent was to protect our land, our water, and to conserve, not preserve, our wildlife. Our land is for people to enjoy. This bill will do that.

This bill will heal some scars that this government created in reclamation. I believe this bill recognizes that wildlife is necessary. And for money being spent in Endangered Species, I will tell my colleagues that I have tried to amend the Endangered Species

Act, and I hope to do that with the next administration, but this bill will help species from becoming endangered.

This bill will establish an area of land where the American people, the future, the young ones, can go and hunt and fish, and be alone and think, to meditate, to be away from the television and the computer. This bill will, in fact, give us an opportunity to be free. Because we have gone from a rural area to an urbanized area. We have to face this. As much as I reject it, we have to face that. If we do not take and allow room for our people, we will have a society that is not stable.

Mr. Chairman, I urge the defeat of the substitute and the passage of this bill for the future generations.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment in the nature of a substitute offered by the gentleman from Texas (Mr. THORNBERRY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. THORNBERRY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 126, noes 291, not voting 17, as follows:

[Roll No. 177]

AYES—126

Aderholt
Archer
Armey
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Berry
Blunt
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Calvert
Cannon
Chabot
Chenoweth-Hage
Coburn
Collins
Combest
Cook
Cox
Cubin
DeLay
DeMint
Dickey
Doolittle
Duncan
Emerson
Everett
Fowler
Gibbons
Gilman
Goode
Goodlatte
Goodling
Graham
Granger
Hall (TX)
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Linder
Manzullo
Martinez
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pryce (OH)
Radanovich
Regula
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tancredo
Taylor (NC)
Terry
Thornberry
Tiahrt
Toomey
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wolf
Young (FL)

NOES—291

Abercrombie
Ackerman
Allen
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Porter
Portman
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tanner
Tauscher
Tauzin
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wu
Wynn
Young (AK)

NOT VOTING—17

Andrews
Bliley
Boehner
Campbell
Coble
DeGette
Dingell
Lofgren
Lucas (OK)
McCarthy (MO)
McInnis
McIntosh
Sherwood
Thomas
Vento
Walsh
Wise

□ 1515

Mr. MORAN of Virginia and Mr. GREEN of Wisconsin changed their vote from "aye" to "no."

Mr. LEWIS of California and Mr. BONILLA changed their vote from "no" to "aye."

So the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. QUINN). The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. SMITH of Michigan. Mr. Chairman, I will vote against H.R. 701, the Conservation and Reinvestment Act (CARA).

CARA violates the Budget Act. The legislation creates a new entitlement and is inconsistent with the budget resolution passed by the House and Senate. It would and should be subject to a Point of Order. The Rules Committee, however, passed a rule that waives the Point of Order objection.

By creating a new entitlement program, the legislation reduces the power of Congress to prioritize spending. When push comes to shove, environment interests should still compete for funds with other spending priorities such as education, Social Security and Medicare. Entitlement status for this program impedes sensible prioritization of this program. As a result, it is poor public policy to expand our entitlement spending as provided in CARA.

Mr. Chairman, as a further explanation of why this bill is not good public policy, I submit the following article from today's Washington Post entitled, "A Green Bill in the House."

The House is to vote today on a bill that will pass for precisely the reason it should fail. The measure is doubly green: The purpose is environmental, and the votes have been bought. A new entitlement would be created, in part by people who in other contexts are wont to declaim against entitlements as poor fiscal and social policy alike.

About $3 billion a year would be distributed to buy and thereby protect environmentally valuable land and for other conservation purposes. Enough members think, with cause, that their districts would benefit that the bill has 315 cosponsors. What better tribute could there be to the wiliness of those who cooked the measure up?

The money would come fro the proceeds of offshore oil and gas leases. The spending would be automatic. The program would go to the head of the line—ahead of national defense, education, tax collection, biomedical research, you name it. The annual appropriations process in which less-favored programs compete for funds would be waived. About a third of the money would be split between the federal and state governments for land acquisition. Another third would be reserved for coastal states, as supposed compensation for the environmental costs of offshore drilling. The rest would be artfully scattered across other purposes and districts—for wildlife conservation, urban parks, historic preservation.

Our objection is not to the purposes but to the automatic spending without regard to competing claims on the federal dollar. It's as wrong to create this carve-out as it was to yield to the highway and aviation lobbies and create similar, larger carve-outs for them in the past few years. The sponsors say that they had no choice—that the only way to ensure a steady funding stream for conservation was to bypass appropriations and spread the wealth. So which worthy programs do they do it for next? Why this and not those? That's the question this bill begs.

Mr. BUYER. Mr. Chairman, I rise in opposition to the Conservation and Reinvestment Act, and in support of the substitute amendment offered by my friend from Texas, Mr. THORNBERRY.

I grew up along the Tippecanoe River in Indiana. I explored the great outdoors and learned to appreciate the value of our natural resources. This appreciation led me to realize the necessary balance required between wildlife, nature, and humans.

Growing up in a rural community, I also know that private landowners take pride in their land. They are wise stewards of their lands, seeking to pass them on to their children and their children's children.

It disturbs me, therefore, that we are considering legislation of which the major purpose is the purchase of private property by government. It provides dedicated mandatory funding for land acquisition. Proponents of CARA seem to believe that the goal of conservation can be reached if only the federal government controlled more land. But the federal government already owns 670 million acres of land—that's one-third of the land in the U.S.—and it can't take care of it. Currently our national parks, recreation areas, wildlife areas and other federally owned properties have a multibillion dollar backlog of maintenance needs. Maintenance of trails, park benches, roads, camping sites, bathrooms, water and sewage infrastructure and housing for administrative and management employees are among the unmet needs. GAO estimates the maintenance backlog at over $12 billion. Yet this bill provides little money to address this backlog, compared to the funds for land acquisition. It is irresponsible that while the government can not take care of what it already owns, we are adding mandatory funds to purchase even more land.

I am also concerned that payments made to local governments by the federal government to offset the loss to the local tax base of federal property is given a lower priority than land acquisition. Local governments with large federal holdings are struggling to provide adequately for their school systems because the federal government does not adequately address its obligations to local communities. While the bill provides PILT funding from interest payments to the fund, land acquisition gets guaranteed funding. Funding for PILT should be given at least the same or even higher priority than land acquisition. Urban communities—which will receive guaranteed funding under the bill—have other tax base supporters on which to draw to make up shortfalls for publicly-held lands, while rural areas—where the bulk of the land acquisition is likely to take place—have far fewer revenue streams to rely upon.

Finally, while I hear the argument of the bill's supporters, who say that private property rights are increased and that Congress must approve acquisition from unwilling sellers; the fact remains that half the funds for land acquisitions flow to the States, whose property rights protections we are limited in our ability to influence.

Mr. Chairman, farming is one of the major occupations in my district. Farmers truly love the land, it's their life's blood. Farmers are a crucial ingredient in preserving our open spaces and wildlife habitat. Yet the farm community, including the American Farm Bureau, opposes this bill because it does not truly address the needs and concerns of farmers.

The CARA bill, as currently written, falls short of what is needed to address our conservation and preservation needs in a comprehensive fashion. That's why I urge my House colleagues to support the Thornberry substitute which establishes a dedicated fund for maintenance, makes PILT funding mandatory, and strengthens private property rights.

Mr. Chairman, there is a better way for us to get to our shared goal of environmental preservation and conservation than the CARA bill. For the best interests of farmers, ranchers, landowners, and for those who love nature, we should take this alternate route.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act (CARA), legislation which I cosponsored. This is landmark legislation indeed and an exceptional example of bipartisan cooperation creating comprehensive legislation to conserve our nation's natural treasures and preserve the environment as a legacy for generations to come.

I believe that we do not inherit the earth from our parents, but instead we are stewards of the earth who must preserve it for our children and our children's children. CARA enables the federal government, in partnership with states and local governments, to fund a wide variety of conservation activities. This legislation fully funds the Land and Water Conservation Fund, increases funding for state fish and wildlife programs, increases incentives for voluntary actions to conserve endangered species by private landowners, and increases support for coastal conservation programs and conservation easements.

As we experience record growth in my homes state of Colorado, the ability to enjoy open space has become more important, and the need to preserve the unique natural beauty that brought many to the state has become more apparent. The public looks to the government for help conserving land, water and open space. This legislation strikes an important balance to fully fund these worthwhile efforts. As a result, it has garnered the support of all 50 governors and over 4500 organizations, businesses, elected officials and government entities. It is high time for the Congress to make a strong commitment to the environment by investing in wildlife conservation, open space, farmland and historic preservation, recreation, parks, and endangered species recovery.

I am proud to lend my strong support to this legislation.

Mr. BONIOR. Mr. Chairman, as I walk through the neighborhoods and communities throughout Macomb and St. Clair Counties, among the top issues raised with me is the need to have more parks and open spaces, and the need to protect farmland

While our local communities need to make smart decisions about growth and open space preservation, there is a federal role to play.

That's what this bill is all about.

Our bill will provide a reliable funding source so that communities like Roseville can improve their Veterans Memorial Park.

Or so that Port Huron can link up to a statewide network of bike and hike trails.

Or so that apple, dairy and sugarbeet farmers in Macomb and St. Clair Counties can afford to keep their land for agricultural purposes.

Or so that Shelby Township can preserve a historic stop on the underground railroad.

These are quality of life improvements with which our communities could use some assistance, and that's why I support this bill.

There are, however, a few things we can still do to make a good bill better.

We can make sure that states develop concrete plans to prioritize and target how money from the Wildlife Conservation and Restoration Fund will be spent in order to effectively conserve our wildlife heritage.

We need to be sure that, in our efforts to provide full and secure funding for the Land and Water Conservation Fund, we do, in fact, use the money to conserve, protect and purchase our precious and special places.

And we should make it clear that this bill does not encourage oil drilling off the Coast of Alaska or any other state—including preventing the use of these funds for environmentally damaging infrastructure.

As we move forward, I am willing to work with my colleagues in the House and Senate, and with the Administration, to try to further improve this important bill.

Ms. PELOSI. Mr. Chairman, we have before us today a landmark bill—one that defines bipartisanship in the most extreme form. If you can imagine GEORGE MILLER and DON YOUNG reaching agreement on a measure to spend billions in federal funding to protect the environment. Now, that is a landmark.

I commend my colleagues, Mr. MILLER and Mr. YOUNG, for their ingenuity, tenacity and civility in bringing this legislation to the floor.

H.R. 701 represents a major first step in bringing funding in line with our federal priorities to protect natural resources and open spaces across the country. This bill is supported by 75 percent of the House membership.

The investment H.R. 701 makes in our natural resources will have a lasting effect. From acquiring lands for areas of national significance to developing programs for inner-city youth, its impact will resonate throughout future generations who will enjoy new sources of recreation.

H.R. 701 brings certainty to the protection of our natural resources by putting in place permanent funding for land acquisition for conservation purposes by setting aside OCS oil royalties in the Conservation and Reinvestment Act (CARA) Fund. Adequate funding for the Land and Water Conservation Fund is long overdue. After years of patiently waiting for OCS revenues to be used for their intended purpose—land acquisition—Mr. MILLER and Mr. YOUNG have resorted to this unique alliance to deliver what has long been promised.

Under the CARA Fund, $2.8 billion each year would be allotted for programs receiving mandatory funding to include the following: $1 billion for coastal conservation; $900 million for the Land and Water Conservation Fund; $350 million for wildlife conservation; $125 million for urban parks and recreation; $100 million for historic preservation; $200 million for federal and Indian land restoration; $100 million for farmland protection and $50 million for endangered species recovery.

Again, I commend Mr. MILLER and Mr. YOUNG for their work on this bill and for their efforts to protect our nation's natural resources. I urge my colleagues to vote yes on H.R. 701.

Mr. CAPUANO. Mr. Chairman, I rise in strong support of H.R. 701, the Conservation and Reinvestment Act (CARA) brought forth by Chairman YOUNG and Ranking Member MILLER of the House Resources Committee. H.R. 701 is the product of a historic, truly bipartisan effort to bring to the House floor landmark environmental legislation that would go far to protect our nation's resources for future generations.

The Conservation and Reinvestment Act is based on a vision that began in 1964 with the creation of the Land and Water Conservation Fund (LWCF). The LWCF provided for a dedicated source of revenue to be devoted from offshore oil production towards preserving our natural resources. However, during the past 15 years, over $11 billion of that supposedly guaranteed source of revenue has been diverted to other programs.

H.R. 701 is a balanced measure that addresses urgent public resource needs while at the same time respecting legitimate concerns related to private property. Over three-quarters of the House support the bill, which would set aside nearly $3 billion annually for various conservation, resource protection, and recreation initiatives. These include: the allocation of $900 million for LWCF, $1 billion for coastal conservation, $350 million for wildlife conservation, $200 million for Federal and Indian land restoration, $125 million for urban parks and recreation, $100 million for historic preservation, and $50 million for endangered species. These funds would be made available automatically, without having to be appropriated.

In my State of Massachusetts, the passage of CARA will result in an additional $50 million that will go far toward preserving land that will benefit the State for years to come. This includes nearly $8 million to the Urban Parks and Recreation Recovery Program, which provides 70 percent matching grants to local governments toward the revitalization and maintenance of open space that could be used for the development of recreation programs.

Now is the time for Congress to provide significant new resources to support State and community efforts to protect wildlife and local green spaces, reinforce Federal efforts to save national and historic treasures and expand efforts at all levels to protect ocean and coastal resources. Passage of CARA will represent one of the most important environmental issues that Congress passes this year as the measure would restore the government's promise of protecting lands and resources nationwide and would eliminate the inclusion of incentives for additional offshore drilling.

With this in mind, I urge each of my colleagues to give H.R. 701, the Conservation and Reinvestment Act, and the manager's amendment their strongest support.

Mr. FRANKS of New Jersey. Mr. Chairman, I strongly support H.R. 701, the Conservation and Reinvestment Act (CARA). This legislation offers a historic opportunity to invest in our natural legacy by ensuring adequate funding for open space, recreation, and land and water conservation.

The Land and Water Conservation Fund (LWCF) was established by Congress in 1965 as the primary vehicle for funding land conservation efforts in the United States. The Federal Government uses LWCF funds for acquisition of our national parks, forests, beaches, and wildlife refuges.

Since coming to Congress in 1993, I have consistently supported the principle behind LWCF—reinvest the revenues earned from the depletion of offshore oil and gas resources in the conservation of other lasting natural resources. Unfortunately, the promise of LWCF has never been fully realized. As a result, many opportunities to conserve precious lands and work with our State and local partners in conservation efforts have been lost.

As a member of the House Budget Committee, I have strongly opposed the raid on the LWCF to pay for other programs unrelated to land and water conservation.

Representing the most densely populated State in the Nation, New Jersey is in urgent need of all available Federal funds in order to protect our State's limited amount of open space.

If enacted, CARA would ensure that the LWCF is fully and permanently funded. In addition, CARA will provide New Jersey with additional funds to invest in open space, coastal restoration, historic preservation, urban parks, wildlife conservation, and outdoor recreations.

New Jersey citizens have already resoundingly endorsed conservation efforts by passing various local ballot initiatives and by supporting the Garden State Preservation Trust Act of 1999. CARA would ensure that New Jersey reaches our million-acre preservation goal by creating a stable source of funding.

CARA will provide unprecedented and permanent support for America's natural resources. I look forward to seeing the many benefits that New Jersey will reap if this important piece of conservation legislation is signed into law.

Mr. BILBRAY. Mr. Chairman, I strongly support this important environmental legislation, which creates a permanent stream of federal matching funds, so that states can expand efforts to preserve open space, investing in conservation and recreation projects, and restoring and preserving our natural resources. This bill will achieve, among other things, the following goals: Full and permanent funding of the Land and Water Conservation Fund (LWCF); increased incentives for state fish and wildlife programs; increased incentives for voluntary actions by private landowners to conserve threatened and endangered species; increased support for coastal conservation programs; and increased support for conservation easements which enable private landowners to achieve conservation objectives.

This landmark bill is strongly backed by a remarkably diverse coalition of support in my San Diego district. These include landowners, homebuilders, and realtors, police and fire departments, environmental and recreation groups, hunting and fishing clubs, public service clubs, local government officials, and even little leagues and soccer leagues. These constituents have expressed to me their overwhelming support for the conservation and recreation programs that will be provided under H.R. 701.

CARA will play a particular critical role in the future of southern California, and particularly in San Diego County. Our region, with its booming economy and exceptional biological diversity, has endured more than its share of land use conflicts. In San Diego, we have taken visionary steps to move beyond these conflicts by coming together in a partnership with local and Federal Government, the building industry, landowners, and developers, and the environmental community, in order to address the problems and balance continued economic growth with sound environmental protections. The habitat conservation plans which have been established in San Diego County have proven to be "blueprints" for similar efforts both in California and nationwide. Our experience has shown that cooperation is more efficient and effective than continued pointless confrontation.

However, these complex partnerships can only succeed if sufficiently funded to provide for lasting and comprehensive conservation of our important natural resources. It is not simply enough to "care" about the environment; we need to put our money where our mouth is. San Diego's future-oriented habitat conservation plans need adequate Federal funding in order to remain viable, and this bill will help to provide that. H.R. 701 also will, at long last, provide for complete funding of the Land and Water Conservation Fund (LWCF), which is integral to maintaining our existing and future conservation efforts, along with urban park needs, forestry and agricultural easement programs, historic preservation, and other important initiatives.

I also want to emphasize to my colleagues and to my constituents a provision of this bill which is very important to me and to my coastal district—H.R. 701 does not provide any incentives for additional offshore oil exploration or production, or affect current moratoriums on offshore oil or gas leasing.

Mr. Chairman, this bill will provide critical assistance to conservation programs currently underway in critical backcountry habitat areas, and outdoor recreation programs in urban regions. It provides the funding necessary to benefit both the retired birdwatcher and the 10-year-old inner-city child who needs a safe open field on which to play soccer or football with his friends. I strongly support H.R. 701, and ask my colleagues to do the same.

Mr. SANDERS. Mr. Chairman, I strongly support H.R. 701, the Conservation and Reinvestment Act, and I would like to commend

Chairman YOUNG and Ranking Member MILLER for working together to craft this truly historic piece of environmental legislation.

Let me be clear, this bill is by no means perfect. For example, the funding formula for all seven titles of this bill could have been crafted in a more equitable manner to allow smaller States with important environmental needs like the State of Vermont to either receive more money or at least have the ability to apply for more money.

Legislation pending in the Senate, includes provisions to help smaller states like Vermont gain access to more environmental funding, and I am hopeful as this process moves along we can find a way to include these provisions in the final piece of legislation.

Having said that, we must not allow the perfect to be the enemy of the good. For the first time in 25 years, we have the opportunity to provide a permanent and reliable source of funding to protect our environment. This legislation is indeed one of the few bright spots of the 106th Congress, and we must do everything possible to ensure that a final version of this bill is passed and signed into law this year.

H.R. 701 would enable communities all across the country to expand parks and recreation, preserve open space farmland, protect wildlife and endangered species, and preserve historic buildings—more than three times the amount currently spent on those purposes. Funding for the measure would come from the more than $4 billion generated annually from royalties paid to the Federal Government from offshore oil and gas drilling on Federal lands.

One of the most important pieces of this legislation is full funding of the Land and Water Conservation Fund (LWCF). From parks to playgrounds, wilderness to wetlands, open trails to open spaces, the LWCF has been an American success story at the national, state and local levels. In its 35-year history, LWCF has been responsible for nearly 7 million acres of parkland, refuges, and open spaces and the development of more than 37,000 State parks and recreation projects.

Since 1968, my State of Vermont has received more than $27 million in LWCF funds. Practically every town in the State has benefited from LWCF money. Examples of LWCF projects include State treasures such as Camel's Hump State Park and the Mount Hunger hiking trail. Many other LWCF projects are far less high-profile, but make a significant contribution to local communities. From the repair of a sewage system in a town park, to the creation of a school sports field, hundreds of these projects have enriched Vermonters' lives at the local level. In addition, these projects have assisted local authorities in funding the ever-increasing demand for recreation facilities.

It is truly amazing that LWCF has been as successful as it has been, given the fact that with the exception of one year LWCF has never been fully funded. By passing this legislation we would redeem a promise Congress made 36 years ago to dedicate a portion of the revenue stream from offshore oil production into preserving our nation's natural resources. Rarely has Congress had such an opportunity to redeem a promise that it made to the American people. We can do that today by passing this legislation.

H.R. 701 will dramatically increase federal spending on outdoor-recreation facilities and, most importantly, it will safeguard the environment. All 50 Governors have endorsed this bill, and the majority of both House Republicans and House Democrats have signed on as cosponsors.

I urge all of my colleagues to vote in favor of this important piece of legislation.

Mr. KOLBE. Mr. Chairman, I rise in opposition to H.R. 701, the Conservation and Reinvestment Act of 1999.

I support Federal funding for protecting lands that are critically important for wildlife habitat and recreation needs. But, this vote is not a vote in support of this laudable goal. It is a vote for inequity and fiscal irresponsibility.

To start with, I cannot support a bill that literally takes money away from Arizona and funnels it into the coastal and Great Lakes states coffers. This bill is a cash cow for a few states, while the rest of us—like Arizona—fight for a few leftover scraps in an attempt to keep us happy. Under this bill, Arizona loses access to $1 billion in Federal money. The states that have access to this $1 billion are "coastal states," which you may mistakenly think are states along the coast. No, coastal states are defined in this bill to include states bordering the Great Lakes, as well as Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa. Under this bill, the coastal states do quite well—Louisiana would get $285 million, Texas takes home $132 million, Alaska $87 million, and California $67 million. This is money that is guaranteed to go to these states each year. Even Puerto Rico would get $8.5 million from this new $1 billion entitlement program, while Arizona would receive nothing—and be barred from ever competing for any of these dollars.

It's not as if these "coastal states" aren't receiving money now from the Federal Government. The Federal Government currently shares revenue with the coastal states for some offshore drilling. In addition, these states receive offshore royalties from drilling that occurs in waters that are within three miles of their shores, which is within the state's jurisdiction.

But, this bill isn't just about inequities to my part of the country. It is also about bad fiscal policy. We have a multi-billion dollar backlog in maintenance needs on our national lands. We are struggling to maintain what we already own. This bill makes this problem worse by providing more than twice the amount of money for land acquisitions as for restoration. Under this premise, we continue to buy lands, which compound future operating and maintenance costs. This policy decision inevitably drives up maintenance costs by increasing the backlog even more.

I also oppose the budgeting aspects of this bill. We simply cannot govern a nation by compartmentalizing our budget through a myriad of dedicated funding streams. Revenues must be spent on the nation's priorities as a whole. You can't run a business by restricting cash flows to expenses directly attributable to their related sales. Could GM effectively compete in the marketplace if revenues from the sale of shock absorbers couldn't be used for maintenance of brake manufacturing equipment? No. GM can't, and neither can the Federal Government.

We need to take a step back and understand where this road leads us. I understand the supporters of this measure are gleeful at the prospect of guaranteed money every year. Wouldn't it be nice if everyone with a claim on Federal spending had a guaranteed stream of cash flowing into their pockets? But, that is not the way to run a fiscally responsible government.

Finally, I am leery of adding Federal mandatory programs like this one. By making this a mandatory spending program, by guaranteeing that all of this money must be spent each year on this one program, we are saying land acquisition is more important than dollars for our school children, that funds for species recovery is more pressing than prescription drug coverage for senior citizens. I doubt anyone here today intends to make that statement, but that is exactly what we are doing.

For all these reasons—that it inequitably distributes funds among the states, that it worsens the maintenance backlog in our system of federal lands, that is furthers the fragmentation of our budget process, and that it mandates spending for one worthy purpose to the detriment of other equally important priorities—this legislation should be defeated.

Ms. BALDWIN. Mr. Chairman, I wish to lend my voice in support of the Conservation and Reinvestment Act (CARA), H.R. 701.

My district is one of the most beautiful places in the Nation. In fact, protecting the beauty of Wisconsin and the nation is what prompted former Wisconsin Senator Gaylord Nelson to come up with the concept of Earth Day 30 years ago.

My district also has some of the most productive farmland in the Nation. But this fertile soil, and the family farms that are the backbone of Wisconsin's rural economy, are being overrun by development and sprawl. CARA will provide needed funding to protect these valuable and beautiful areas. Protection of these lands is paramount, for once the land is lost to development, it is very difficult to restore to its natural state.

But this bipartisan bill does more than just protect open spaces and farmland. It is a wide ranging measure that will help states improve and maintain parks and recreational areas. It will provide much needed funding for historic preservation and it will help keep plant and animal species from becoming endangered. This bill will provide Wisconsin with over $25 million every year until the year 2015 for these and other vital conservation efforts. The time is now to protect our natural resources for future generations.

I understand there are concerns from some that this bill may inadvertently increase exploration and drilling offshore for more oil and gas. I share these concerns, and I agree that this is not a perfect bill. However, this bill does go a long way in protecting, preserving and securing a wide range of public lands and addresses many vital conservation needs. Today, we can seize the opportunity to save America's amazing beauty for generations to come by passing this bill. I hope we will do so.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MILLER of Florida) having assumed the chair, Mr. QUINN, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes, pursuant to House Resolution 497, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. DE FAZIO

Mr. DEFAZIO. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. DEFAZIO. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. DEFAZIO moves to recommit the bill to the Committee on Resources with instructions to report the bill back to the House forthwith with the following amendment:
>
> At the end of the bill, add the following:
>
> TITLE VIII—PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS
>
> No funds shall be expended under this Act if such expenditure diminishes benefit obligations of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Hospital Insurance Trust Fund, or the Supplementary Medical Insurance Trust Fund.

The SPEAKER pro tempore. The gentleman from Oregon (Mr. DEFAZIO) will be recognized for 5 minutes.

Is there a Member opposed to the motion to recommit?

Mr. YOUNG of Alaska. I am opposed to the motion to recommit, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) will be recognized in opposition to the motion to recommit.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, this is an important improvement to the bill and I believe it is something that every Member of the body, no matter which side of the aisle they come from, will want to vote for. This is a motion to recommit, which would immediately report the bill back as amended with this language added. This amendment is quite simple. It assures with no estimates, no nothing else, it assures absolutely 100 percent that the benefits under Social Security, and all of the Medicare trust funds and programs will not be diminished under this legislation. That is certainly the objective of all the supporters of this legislation, and I urge support for this amendment so that there will be no question about the commitment of every single Member of this House of Representatives to our senior citizens and other beneficiaries of these vital programs.

Last night, the Committee of the Whole accepted an amendment which purported to give assurances that CARA would not be funded unless the Congressional Budget Office could certify that we would eliminate the national debt by 2013, among others. Of course the Congressional Budget Office has already testified that they cannot project what is going to happen in 2013 and that raised some questions on the floor. A number of Members on those grounds voted against that amendment as mischievous. But they also want to be certain the bill protects Social Security. So I am removing them from that dilemma.

I suspect that the vote last night was a vote against ordering a government agency to make a finding it has already declared it cannot make. But again, we want to be absolutely clear here today. The House should speak strongly in passing legislation like CARA, which does mandate spending on high priority programs, but we will not allow this initiative to diminish the benefits to millions of Americans provided by Social Security and all the Medicare programs by one penny.

The amendment I am offering, therefore, adds a new title to the bill that makes it crystal clear that expenditures under H.R. 701 will not occur if they would diminish benefit obligations under the Social Security or Medicare programs. I would note, and Members should listen, this is a stronger pro-Social Security and stronger pro-Medicare statement than that adopted last night. It is more accurate. The amendment last night did not include the supplementary medical insurance trust fund, part B of Medicare, which therefore would remain outside the protections of H.R. 701 unless my amendment is adopted.

This amendment offers Members the opportunity to be for Social Security and Medicare and CARA. Members do not have to choose. They can be for Social Security 100 percent protected out of the trust funds and Medicare, all of its trust funds 100 percent protected, and they can be for CARA. This is absolutely dispositive language. I do not believe that anyone should have any concern with adopting this stronger language.

Mr. GEORGE MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding. I think it is a strange turn of events that we end up with CARA discussing these trust funds, but it is very clear that to all Members of this House on both sides of the aisle, as we have evolved in the Social Security-Medicare debate in this Congress over the last decade, we have made it very clear to ourselves, I hope, and to our constituents that we would not once again go back to an old habit of invading Social Security trust funds and the Medicare program as we had in the past.

What the DeFazio motion to recommit does is make an absolute prohibition against that, so that we cannot gimmick up estimates, we cannot gimmick up certifications. We have all been there before. We have all had these estimates. If Members remember, 8 years ago we were going to have $300 billion deficits for as far as the eye could see. Now we are telling people we have $300 billion surpluses as far as the eye can see. The bottom line is whether or not you have invaded the trust funds. This assures that CARA goes forward, it goes forward with permanent funding, but it will not, under the prohibitions in the DeFazio amendment, invade those trust funds.

I think this serves the best interests of all Members of the House on both sides of the aisle. I thank the gentleman for offering his amendment and I would hope that it would have strong bipartisan support because it does, in fact, speak to the issues that all of us have addressed throughout our careers in the Congress of the United States while affording us the opportunity to meet one of the very, very important concerns that the American public has, and, that is, about the conservation of America's great natural resources and assets.

Mr. DEFAZIO. Mr. Speaker, this does not rely on estimates. It does not rely on estimates that can be phonied up on certifications like the annual certification we see sometimes on trade issues and others. This is hard and fast dollars and cents protection.

The SPEAKER pro tempore. The gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes in opposition to the motion to recommit.

Mr. YOUNG of Alaska. Mr. Speaker, I yield to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Speaker, I thank the gentleman for yielding, and I appreciate all the work he has done on this legislation. What we have before us is a purely political move by our colleagues on the other side to cover exactly what has happened here yesterday.

Let us make a point, first on substance. The language of the motion to recommit, which we have in front of us, does not protect the trust fund. It does not protect the Medicare trust fund or the Social Security trust fund. What it says is that we will not diminish the benefit obligations. You tell me what "benefit obligations" means.

The reality is the language we offered last night and that this House voted on last night protected the trust fund for Social Security, it protected paying down the debt, it protected Medicare, and it made sure that we did not raid Medicare over time. There were four certifications. This motion today is simply an effort by the other side to join us. I am glad that they are willing to join us. I am glad that they are not stripping this language, because the language they have offered does not go nearly far enough to protect the trust fund. Indeed, on its face it does not even claim to protect the Social Security trust fund.

Last night in a vote on this floor, the vast majority of my colleagues on the other side voted not to protect the Social Security trust fund. They voted not to protect the Medicare program. They voted not to ensure that we were paying down the debt, and therefore they were willing to put at risk America's seniors and America's grandchildren.

Today The Washington Post pointed out exactly what was wrong with their position, and that is, that it puts their bill, it puts conservation and buying more Federal land ahead of every other program. If they were genuine about this, why is there not additional language in here to protect, for example, education ahead of buying more Federal land? The answer is, this is a protect-your-backside vote on Social Security and Social Security only. And if it stripped the language of the Shadegg amendment last night, then it should, indeed, be defeated. But it does not do that.

To their credit, they do not strip the critically important language that we put into the measure. They do not strip the language that Republicans adopted last night to protect Social Security, to protect Medicare and to pay down the debt by 2013 as this Congress has agreed.

□ 1530

If it were not so, if this were not just simply to protect themselves, then, in fact, they would agree to allow this to pass on a voice vote, but I assure my colleagues they will not allow it to pass on a voice vote.

Last night, we took the right steps, and I am glad that having read The Washington Post editorial which pointed out that the automatic spending in this bill was irresponsible, particularly irresponsible since we were going to have a downturn in the economy at some point in time, I am glad they have woken up and decided to protect themselves.

Mr. Speaker, I urge my colleagues that because this is a Pyrrhic and empty amendment simply for political purposes, I urge that we adopt the motion to recommit.

Mr. YOUNG of Alaska. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Alaska (Mr. YOUNG) has 1 minute remaining.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the remainder of the time.

I want to end this 2 days on a good note. You will find out whether it is impossible or not, a good note in the sense that let us not get fighting amongst one another on this bill. If my colleagues do not believe in the merits, vote "no." If my colleagues believe in the merits, vote "yes."

I told the gentleman yesterday when this amendment was adopted and I voted against the amendment, I would not attempt to strip it, and I did not do so. I cannot control what is offered in recommittal. It may be protecting their back side or my back side, but that is the process.

Mr. Speaker, I believe in this House and in this process which we follow. I ask my colleagues respectfully to understand each person's belief in what he stands for and vote our consciences. That is all I ask of my colleagues. That is fair, that is the way of this House of the people. That is what is right. That is what we must do.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DEFAZIO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage.

The vote was taken by electronic device, and there were—ayes 413, noes 3, not voting 18, as follows:

[Roll No. 178]

AYES—413

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy

Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Visclosky
Vitter
Walden
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NOES—3

Goodling
Metcalf
Smith (MI)

### NOT VOTING—18

Barton
Campbell
Coble
Combest
DeGette
DeMint
Kaptur
Lewis (GA)
Lofgren
Lucas (OK)
McCarthy (MO)
McInnis
McIntosh
Meek (FL)
Sherwood
Vento
Walsh
Wise

☐ 1549

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 701, back to the House with an amendment.

The SPEAKER pro tempore (Mr. MILLER of Florida). The Clerk will report the amendment.

The Clerk read as follows:

Amendment: At the end of the bill, add the following:

TITLE VIII—PROTECTION OF SOCIAL SECURITY AND MEDICARE BENEFITS

No funds shall be expended under this Act if such expenditure diminishes benefit obligations of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, the Hospital Insurance Trust Fund, or the Supplementary Medical Insurance Trust Fund.

Mr. SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. YOUNG of Alaska. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 315, noes 102, not voting 17, as follows:

[Roll No. 179]

### AYES—315

Abercrombie
Ackerman
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Burr
Callahan
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Collins
Combest
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Hastings (FL)
Hayes
Hefley
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McIntyre
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Rangel
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Souder
Spratt
Stabenow
Stark
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vitter
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wu
Wynn
Young (AK)

### NOES—102

Aderholt
Archer
Armey
Barrett (NE)
Bartlett
Berry
Bliley
Blunt
Boehner
Bonilla
Bryant
Burton
Buyer
Calvert
Cannon
Chabot
Chenoweth-Hage
Coburn
Cook
Cox
Cubin
DeLay
Dickey
Doolittle
Duncan
Emerson
Everett
Ewing
Gibbons
Goode
Goodlatte
Goodling
Granger
Hall (TX)
Hastings (WA)
Hayworth
Herger
Hilleary
Hobson
Hoekstra
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Istook
Johnson, Sam
Kasich
Kingston
Knollenberg
Kolbe
Largent
Latham
Lewis (CA)
Linder
Manzullo
McKeon
Miller, Gary
Moran (KS)
Murtha
Nethercutt
Obey
Ose
Oxley
Packard
Paul
Peterson (PA)
Pombo
Radanovich
Regula
Rohrabacher
Royce
Ryun (KS)
Sabo
Salmon
Sanford
Schaffer
Sensenbrenner
Shadegg
Simpson
Smith (MI)
Smith (TX)
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Visclosky
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Wicker
Wolf
Young (FL)

### NOT VOTING—17

Barton
Campbell
Coble
DeGette
DeMint
Ford
Graham
Lofgren
Lucas (OK)
McCarthy (MO)
McInnis
McIntosh
Meek (FL)
Sherwood
Vento
Walsh
Wise

☐ 1601

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

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## PERSONAL EXPLANATION

Mr. DEMINT. Mr. Speaker, today I missed rollcall Vote No. 178 and rollcall Vote No. 179 due to my son's graduation. Had I been present, I would have voted "yes" on the motion to recommit with instructions and voted "no" on final passage of H.R. 701.

### PERSONAL EXPLANATION

Ms. McCARTHY of Missouri. Mr. Speaker, during rollcall vote Nos. 172, 173, 175, 176, and 177, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. Speaker, during rollcall vote Nos. 174, 178, and 179 I was unavoidably detained. Had I been present, I would have voted "yes."

### PERSONAL EXPLANATION—VOTE CLARIFICATION ON H.R. 701—THE CONSERVATION AND REINVESTMENT ACT (CARA)

Mr. COMBEST. Mr. Speaker, I submit for the RECORD a clarification of my vote during final passage of H.R. 701, the Conservation and Reinvestment Act. Mr. Speaker, during final passage, I was gathering together Members of the House Agriculture Committee to catch a flight to Idaho for a committee field hearing. I mistakenly voted "yea" when I intended to vote "no" on final passage.

Let me clearly state for the record my opposition to H.R. 701 is due to the concerns I have over its impact on private property rights, federal budgeting, and the troubling shift in policy to acquire more federal land instead of properly maintaining what the United States government already owns. During consideration of H.R. 701, I supported numerous amendments that sought to remedy these concerns and improve the bill. Unfortunately, the measure in its final form was still not a bill that I could support and is why I intended to vote "no" on passage.

Again, I regret this error and appreciate the opportunity for clarification.

### REMOVAL OF NAME AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. BONILLA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of House Resolution 396.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Texas?

There was no objection.

### PERMISSION FOR PERMANENT SELECT COMMITTEE ON INTELLIGENCE TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 12, 2000, TO FILE REPORT ON H.R. 4392, INTELLIGENCE AUTHORIZATION BILL

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that the Permanent Select Committee on Intelligence have until midnight on Friday, May 12, 2000, to file the report on H.R. 4392, the Intelligence Authorization Bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

### PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, MAY 12, 2000, TO FILE PRIVILEGED REPORT ON LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight, Friday, May 12, 2000, to file a privileged report on a bill making appropriations for the legislative branch for the fiscal year ending September 30, 2001, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

### REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. HOBSON, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–614) on the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. All points of order are reserved.

### PERSONAL EXPLANATION

Ms. KILPATRICK. Mr. Speaker, due to unofficial business at the White House, I was unable to record my vote on rollcall 154 raising a point of order against consideration of H.R. 3709, an unfunded mandate. Had I been present, I would have voted nay against the consideration of H.R. 3709.

### LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I have asked for this time for the purposes of asking the distinguished Majority Leader the schedule for the week and the remainder of the week and next week. I yield to the gentleman from Texas (Mr. ARMEY).

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding to me.

Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week. There will be no votes in the House tomorrow.

On Monday, May 15, the House will meet at 12:30 p.m. for morning hour, and at 2 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices tomorrow.

On Monday, no recorded votes are expected before 6 p.m.

On Tuesday, May 16 and the balance of the week, the House will consider the following measures:

H.R. 1291, the Internet Access Charge Prohibition Act of 1999;

Military Construction Appropriations for Fiscal Year 2001;

H.R. 863, the Comprehensive Budget Process Reform Act;

H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001;

H.R. 4392, Intelligence Reauthorization; and,

Agriculture Appropriations for Fiscal Year 2001.

As we can see by the schedule, Mr. Speaker, next week will be a very busy week in the House, and Members should expect to work late nights on Tuesday through Thursday. We do, however, expect to wrap up our work for the week no later than 2 p.m. on Friday, so that Members will be able to catch flights that afternoon back to their district.

Mr. Speaker, I thank the gentleman for yielding.

Mr. BONIOR. Mr. Speaker, I thank the gentleman. Just a couple of quick questions. On Tuesday next, might we begin the week after the suspension bills with the Budget Process Act? Is that what the gentleman from Texas and the leadership have in mind?

Mr. ARMEY. If the gentleman would continue to yield, again, I thank the gentleman for the inquiry. As we are contemplating the schedule, we are planning to take up the Internet Access Charge first, then Military Construction and then move on and, hopefully, complete the Comprehensive Budget Reform Act.

Mr. BONIOR. Mr. Speaker, I thank the gentleman. And the other question I have to the gentleman from Texas is regarding the Older Americans Act. As the gentleman knows, we had a discharge petition filed today to bring that bill to the floor. It is an important bill. It deals with very key programs for our seniors, including the Meals on Wheels. And I would ask the gentleman from Texas when he would expect to bring the Older Americans Act to the floor?

Mr. ARMEY. I thank the gentleman for the inquiry. If the gentleman would continue to yield, the committee of jurisdiction is working on it. The gentleman from Pennsylvania (Mr. GOODLING) has advised me they continue to work on it. We recognize the importance of the bill and we would like to get it to us as soon as possible. I will advise the gentleman as progress proceeds.

Mr. BONIOR. Mr. Speaker, I thank my colleague and wish him a good weekend.

## ADJOURNMENT TO MONDAY, MAY 15, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. PETRI). Is there objection to the request of the gentleman from Texas?

There was no objection.

## HOUR OF MEETING ON TUESDAY, MAY 16, 2000

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Tuesday, May 16, 2000, it adjourn to meet at 9 a.m. on Wednesday, May 17, 2000, for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## AUTHORIZING THE SPEAKER TO DECLARE A RECESS ON WEDNESDAY, MAY 17, 2000, FOR THE PURPOSE OF RECEIVING FORMER MEMBERS OF CONGRESS

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that it may be in order on Wednesday, May 17, 2000, for the Speaker to declare a recess subject to the call of the Chair for the purpose of receiving in this Chamber former Members of Congress.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute requests.

## INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Rayma and Rasheed El-Saleh, two children who were abducted from Cincinnati, Ohio, to Saudi Arabia in 1992 by their noncustodial father.

After an investigation led by the mother, Mary El-Saleh, the father's brother, was contacted in Lebanon and eventually the abductor called Mary and the children were able to speak to her. Rayma and Rasheed expressed how much they missed their mother and sounded depressed.

The children's father, Saleh Chenade El-Saleh, who was formerly trained as a Palestinian terrorist, is very controlling and may be abusive toward the children. He has tried to force Rasheed to testify against his mother and Rayma is apparently showing a great deal of mental stress and is threatening suicide.

Mr. Speaker, Rayma and Rasheed have been wrongfully taken from their mother and placed in a possibly dangerous situation. This House must do something to bring them and the other 10,000 American children who have been abducted to foreign countries back home.

## EQUAL PAY DAY

(Mrs. MORELLA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MORELLA. Mr. Speaker, I rise to recognize today, May 11, as Equal Pay Day. Gender equity is an ongoing struggle that seeps into many facets of all of our lives. We have made a lot of progress and I hope that we will eventually see the end of Equal Pay Day, because the goal will have been achieved. Until then, we know that women do not receive a 27 percent discount on milk when they buy groceries, and they do not pay 27 percent less than men for rent or day care.

The gap between women's and men's wages has narrowed since 1963, but women still bring home only about 73 cents for every man's dollar. And equally disheartening is that the gender-based pay gap with African-American women earning 63 cents and Latino women earning 53 cents on each dollar a man earns.

Achieving equality takes not only awareness of a problem, but a coalition of those dedicated to solving the problem of eliminating the wage gap. The National Committee on Pay Equity, Business and Professional Women, the labor unions and the EEOC, have all helped lead the fight for pay equity. I thank them for representing so many women in the struggles, challenges and victories that they have faced, and I urge this body to do all on our behalf to make sure that we have the legislation in order so that every day is Equal Pay Day.

## CONGRATULATIONS TO MARV SATHER, "TEACHER OF THE YEAR" FOR THE STATE OF WASHINGTON

(Mr. NETHERCUTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NETHERCUTT. Mr. Speaker, I am delighted today to make a comment in support of a gentleman by the name of Marv Sather who is from my district, the Fifth District of Washington, who has been given the great award of Teacher of the Year for the State of Washington.

He is a high school teacher at Riverside High School and he teaches English. I had a chance to talk with him today about the future of education and about his commitment to children. The thing that impressed me most about Marv is that he has a passion for education, but he also acknowledges freely that the way he has impressed his students and become, obviously, the Teacher of the Year for our State, is to address them respectfully and deal with them on a person-to-person basis and give them the confidence that he cares deeply about their education.

Mr. Speaker, Marv Sather is a great tribute to education. He is an innovator. He is one example of the many millions of teachers who serve this country and serve our youth so well. So I say wholeheartedly, a sincere congratulations to Marv Sather for his great work in representing education nationally and representing education so well out of eastern Washington. We are proud of you.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

□ 1615

## END THE EXPLOITATION OF WORKERS BEFORE CONSIDERING PERMANENT MFN

The SPEAKER pro tempore (Mr. PETRI). Under a previous order of the House, the gentleman from Michigan (Mr. BONIOR) is recognized for 5 minutes.

Mr. BONIOR. Mr. Speaker, let me just start by commending the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from the District of Columbia (Ms. NORTON) and the gentlewoman from Connecticut (Ms. DELAURO) for all their leadership and work on the pay equity issue. It is a very important issue, not only for women, but for families in this country, and I applaud their leadership.

Having said that, I want to tell my colleagues about another person who works. She is a 16-year-old girl. I want my colleagues to meet her. She is not a criminal. She spends her days locked up behind a 15-foot wall topped with barbed wire.

At the end of the day, she must leave in a single file from her work site like a prisoner. During the day, she assembled sneakers, applying toxic glue with her bare hands. She is not in school to make her life better. Despite all the evidence, my colleagues can see her, she is not in prison.

She works in a shoe factory in China that ships its sneakers to our department stores and our malls. She toils for $70 a month. She could work for a month and barely afford to buy one pair of the shoes that she makes. She works with 1,800 other young women. Ninety percent of them are between the ages of 16 and 25. By the age of 25, most of them are exhausted. In some factories, they are forced to retire.

This scene is played out over and over again throughout China's thousands of American-owned factories. Handbags made for the American market are stitched together by thousands of workers under conditions of indentured servitude, with only 1 day off a month. They work 30 days out of 31 days.

The workers earn an average, listen to this, 3 cents an hour. They are fed two dismal meals a day and are housed in a dormitory, 16 people to one very small room, crammed into this room.

When the workers protested for being forced to work from 7:30 in the morning to 11 p.m. in the evening, 7 days a week for literally pennies, pennies an hour, when they protested, 800 workers were fired.

Now, this is what American companies are doing in China. Instead of trying to create a consumer market for American goods in China, these companies are looking for cheap labor by exploiting Chinese workers.

Make no mistake about it, Mr. Speaker, we want to expand market for American goods in China, but that is not what this trade deal is all about, and that is not what these companies are doing. These companies are moving jobs to China, exploiting Chinese workers, and shipping these products back here into the United States of America.

China is an export platform. American companies operating in China have an obligation to abide by internationally-recognized standards on wages and working conditions and the right to organize, so they can have a say that they do not have to work 14 hours a day, 16 hours a day for 3 cents an hour, 30 out of 31 days a month.

Regrettably, a new report was issued by Charlie Canahan on sweat shops in China. This new report shows that these companies, who are also lobbying, they are here all over Capitol Hill, lobbying for permanent MFN for China, they consistently deny human and worker rights.

But the WTO excludes labor rights from consideration and so does the bilateral deal reached with China last year. It does nothing to ensure that Chinese workers will be free from this exploitation by American companies, much less than the oppressive regime in Beijing.

If this Congress, Mr. Speaker, passes permanent MFN for China without giving workers the same protection that the WTO calls for software, compact discs, tapes, we will lose our leverage to do anything at all.

We should insist that China and American companies in China abide by internationally recognized worker rights before we even consider permanent MFN for China.

In conclusion, let me say, Mr. Speaker, that if one raises one's voice for worker rights, for human rights, for religious liberties in China, one will end up in prison, where are thousands and thousands and tens of thousands of people are languishing in gulags today because they dare to try to create an atmosphere where they can worship their God, where they can have a decent working condition with decent wages for themselves and their families, and where they can politically participate in a government to change the way of life that is so oppressive for them and their families.

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## OPPOSE PNTR FOR CHINA

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, another veterans or military organization comes out against PNTR today for China. The Fleet Reserve Association, representing 10,000 members of the Navy, Marine Corps and Coast Guard opposes PNTR.

The Naval Reserve Association, representing 37,000 officers and enlisted members, is opposed to PNTR. The Warrant Officers Association, representing 20,000 warrant officers, is opposed to PNTR. The Reserve Officers Association, representing 80,000 officers said, "Now is not the time to grant PNTR to China."

Today, the American Legion, God bless them, representing 2.8 million veterans, came out opposed to PNTR for China.

This vote is scheduled just a few days before Memorial Day, a day in which we honor our armed forces personnel for giving their lives for our freedom. We should heed the voices of these men and women who served for us to give us this freedom, this dignity.

When we are given the opportunity, we should vote no on PNTR for China until they improve their human rights, respect religious freedom, and stop being a threat to our men and women in uniform.

## PASSING PNTR WILL ONLY CONFIRM THAT CHINA'S BEHAVIOR WILL CONTINUE AND WORSEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, this Congress is built upon a common desire to promote democratic ideals throughout the world. But as we strive to encourage democracy in developing nations, something is sorely amiss in our China policy.

When the CEOs of multinational corporations lobby for increased trade with China, they talk about access to 1.2 billion Chinese consumers. What they do not say is that their real interest is 1.2 billion Chinese workers, workers whom they pay 10 cents, 20 cents, 30 cents, 40 cents an hour.

These CEOs will tell us that increasing trade with China will force China to improve, that engagement with China will bring democracy to that Communist dictatorship. But as we engage with developing countries in trade and investment, democratic countries in the developing world are losing ground to more authoritarian countries. Democratic nations such as India are losing out to more totalitarian governments such as China where the people are not free and the workers do as they are told.

In the post-Cold War decade, the share of developing country exports to the U.S. for democratic nations fell from 53 percent in 1989 to 34 percent in 1998. Corporate America wants to do business with countries with docile work forces that earn below poverty wages and are not allowed to organize to bargain collectively.

In manufacturing goods, developing democracies' share of developing country exports fell 21 percent, from 56 percent to 35 percent. Corporations are relocating their manufacturing to more authoritarian regimes where the workers do not talk back for fear of being punished.

Western corporations want to invest in countries that have below poverty wages, that have nonexistent environmental standards, that have no worker safety standards, that have no opportunities to bargain collectively. As developing nations make progress toward democracy, as they increase worker rights, as they create regulation to protect the environment, American business punishes them by pulling its trade and pulling its investment in favor of other totalitarian governments.

Decisions about the Chinese economy are made by three groups: the Chinese Communist Party, the People's Liberation Army, which controls a significant number of the business that export to the United States, and, third, Western investors. Do any of these three want to empower workers? Does the Chinese

Communist Party want the Chinese people to enjoy human rights? No. Does the People's Liberation Army want to close the labor camps? I do not think so. Do Western investors want Chinese workers to bargain collectively? Obviously no. None of these groups, I repeat, none of these groups, the Chinese Communist Party, the People's Liberation Army, and Western investors, none of these groups have any interest in changing the current situation in China. All three profit too much from the status quo to want to see human rights and labor rights improve in China.

The People's Republic of China ignores the United Nations High Commission on Human Rights. The People's Republic of China ignores the U.S. Commission on International Religious Freedom. They ignore the State Department's country reports, and the People's Republic of China has broken almost every agreement they have made with the United States. Why would the Chinese government pay any attention to the congressional task force? Passing PNTR, passing permanent Most Favored Nation status trading privileges for China, will only confirm that China's behavior will continue and worsen.

## WOMEN'S ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland (Mrs. MORELLA) is recognized for 5 minutes.

Mrs. MORELLA. Mr. Speaker, I spoke earlier on equal pay day, May 11, which is today, which indicates that women have had to work 4½ months longer than men to achieve equal pay. I wanted to comment a little further on that with some statistics, and then I want to go into an invitation to women as well as men to join all of us on Sunday, Mother's Day at the Million Mom March for common-sense gun legislation.

But, first of all, let me mention, women have made great strides in education and in the work force. When one looks at the statistics, the majority of undergraduate and master's degrees are awarded to women. Forty percent of all doctorates are earned by women. More than 7.7 million businesses in the United States are owned and operated by women. These businesses employ 15.5 million people, which is about 35 percent more than the Fortune 500 companies worldwide.

Women are running for elected office in record numbers. When I was first elected to the House in 1987, there were 26 women in the House and two in the Senate. In 2000, we now have 58 women serving in the House and nine in the Senate. It sounds like quite an addition. Not enough. Not enough, but certainly we can see there has been an increase.

While many doors to employment and educational opportunity have opened for women, they still get paid less than men for the same work. Women who work full time earn less than men employed for the full time. The average college graduate woman earns a little more than the average male high school graduate. Full-time working women earn only about 73 cents for every dollar that a man earns.

That number, as I mentioned before, African American women earn only 63 cents for every dollar. Hispanic women earn only 53 cents for every dollar. We need to remember the struggle for equality is not over. Although women are and continue to be the majority of new entrants into the workplace, they continue to be clustered in low-skilled, low-paying jobs. Part-time and temporary workers, the majority of whom are women, are among the most vulnerable of all workers. They receive lower pay, fewer or no benefits, and little, if any, job security.

Women account for more than 45 percent of the work force and, yet, they are underrepresented and face barriers in the fields of science, engineering, and technology, especially.

Recently, the Massachusetts Institute of Technology, the most prestigious science and engineering university in the country issued a report revealing that female professors at the school suffer from pervasive discrimination.

For all of those reasons, that is why I introduced the Commission on the Advancement of Women in Science, Engineering and Technology Development Act. That was passed in the previous 105th Congress and signed into law. This Commission has met many times during this past year, and we will release their report in June of this year.

The Commission's report will help us find out what is keeping women and minorities and persons with disabilities out of technological fields at this critical time. In addition, we will have ascertained what are effective and productive policies that can address the underrepresentation of women in the sciences and could help alleviate the increasing shortage of information technology workers and engineers.

I see this as the first step in encountering the roadblocks to women in our rapidly evolving high-tech society, and it is going to help women finally help to breakthrough that glass ceiling and the silicone ceiling in the fields of science, engineering and technology.

Let me also point out that, as women retire, we are understanding the economic problems of the elderly. Women are affected in disproportionate numbers because we tend to have lower pension benefits than men. Pension policies have not accommodated women in their traditional role as family care givers.

□ 1630

Women move in and out of the workforce more frequently when family needs arise, making it more difficult for them to accrue retirement credits.

Consequently, Social Security is especially important for women. Women are heavily reliant on Social Security, and since its inception, Social Security has often been the only income source keeping women from living out their days in poverty.

As elderly women continue to outlive their male counterparts and as medical care costs for the elderly continue to rise, fundamental reform to the Social Security System will have important implications for today's female Baby Boomers and Generation Xers and for women of future generations. It is generally daughters who bear much of the responsibility for their aging parents. In this way, women of all generations will be deeply impacted if the current system is not fundamentally reformed.

Mr. Speaker, I rise to acknowledge May 11 as Equal Pay Day to mark the wage disparity between genders.

Women have made great strides in education and in the work force. The majority of undergraduate and master's degrees are awarded to women, and 40 percent of all doctorates are earned by women. More than 7.7 million businesses in the United States are owned and operated by women. These businesses employ 15.5 million people, about 35 percent more than the Fortune 500 companies worldwide. And women are running for elected offices in record numbers. When I first came to the House in 1987, three were 26 women in the House and two in the Senate. In 2000, there are 58 women serving in the House, and 9 in the Senate.

While many doors to employment and educational opportunity have opened for women, they still get paid less than men for the same work. Women who work full-time earn less than men who are employed full-time. The average woman college graduate earns little more than the average male high school graduate. Full-time working women earn only about 73 cents for each dollar a man earns. That number for African-American women is 63 cents to every dollar and 53 cents for Hispanic women. We need to remember that the struggle for equity is not over.

Although women are and continue to be the majority of new entrants into the workplace, they continue to be clustered in low-skilled, low-paying jobs. Part-time and temporary workers, the majority of whom are women, are among the most vulnerable of all workers. They receive lower pay, fewer or no benefits, and little if any job security.

Women account for more than 45 percent of the work force, yet they are under-represented and face barriers in the fields of science, engineering, and technology. Recently, the Massachusetts Institute of Technology (MIT), the most prestigious science and engineering university in the country, issued a report revealing that female professors at the school suffer from pervasive discrimination. That is why I introduced the Commission on the Advancement of Women in Science, Engineering and

Technology Development Act. My legislation passed in the 105th Congress and was signed into law.

This commission has met several times in the past year and will release their report in June. The commission's report will help us find out what is keeping women out of technological fields at this critical time. In addition, we will have ascertained what are effective and productive policies that can address the under-representation of women in the sciences and could help alleviate the increasing shortage of information technology workers and engineers. This legislation is a first step in countering the roadblocks for women in our rapidly evolving high-tech society, and will help women break through the "Glass Ceiling" and the "Silicon Ceiling" in the fields of science, engineering, and technology.

As women retire, we are understanding the economic problems of the elderly. Women are affected in disproportionate numbers because we tend to have lower pensions benefits than men. Pension policies have not accommodated women in their traditional role as family care givers. Women move in and out of the work force more frequently when family needs arise making it more difficult for them to accrue pension credit.

Consequently, Social Security is especially important for women. Women are heavily reliant on Social Security, and since its inception, Social Security has often been the only income source keeping women from living out their days in poverty.

As elderly women continue to outlive their male counterparts and as medical care costs for the elderly continue to rise, fundamental reform to the Social Security system will have important implications for today's female Baby Boomers and Generation Xers, and for women of future generations. It is generally daughters who bear much of the responsibility for their aging parents. In this way, women of all generations will be deeply impacted if the current system is not fundamentally reformed.

For this reason we have passed the Long Term Care Security Act. Women are the most likely care-givers when older relatives or spouses become frail or ill and need care. As more women are employed full time, it becomes more difficult for them to fill the requirements of caring for aging parents and relatives. A recent survey found that 41 percent of women who have been in care-giver roles were forced to quit their jobs or take a leave of absence, and 50 percent had to cut back their working hours to assist loved ones needing care.

Gender Equity is an ongoing struggle that seeps into many facets of all of our lives. We've made a lot of progress, and I hope that we'll work together with our partners to see the end of Equal Pay Day, because the goal will have been achieved.

Mr. Speaker, I also, for Mother's Day, invite all of the mothers, and those who care for common sense gun legislation, to meet on Sunday at the Mall to march together.

## MATTERS OF NATIONAL IMPORTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise this afternoon to briefly discuss two unrelated but very important matters of national importance.

Last year, we spent billions of U.S. taxpayer dollars bombing Kosovo. As the Scripps-Howard Newspapers said a few weeks ago, "the outcome certainly has not been a happy one." As the Scripps-Howard chain noted, "many innocent civilians killed."

How cavalierly we brush over that, "many innocent civilians killed." Hundreds of innocent civilians killed and we are not ashamed of that for some reason. Hundreds of thousands made homeless by our actions. We wasted billions of hard-earned tax dollars to make a situation many times worse than it would have been if we had simply stayed out. We bombed people who would like to have been our friends, and we bombed in a situation, and bombed repeatedly, where there was no threat whatsoever to our national security and no vital U.S. interest at stake.

To make things even worse, Newsweek Magazine this week has a major story entitled The Kosovo Coverup. Listen to what part of this article says. "An antiseptic war, fought by pilots flying safely three miles high. It seems almost too good to be true, and it was. In fact, as some critics suspected at the time, the air campaign against the Serb military in Kosovo was largely ineffective. NATO bombs plowed up some fields, blew up hundreds of cars, trucks, and decoys, and barely dented Serb artillery and armor. According to a suppressed Air Force report obtained by Newsweek, the number of targets verifiably destroyed was a tiny fraction of those claimed: 14 tanks, not 120, as claimed; 18 armored personnel carriers, not 220; 20 artillery pieces, not 450. Out of the 744 'confirmed strikes' by NATO pilots during the war, the Air Force investigators who spent weeks combing Kosovo by helicopter and by foot found evidence of just 58."

About 5 years ago, I remember reading on the front page of The Washington Post one day that we had our troops in Haiti picking up garbage and settling domestic disputes. A couple of years ago, I remember another Member on this floor saying we had our troops in Bosnia giving rabies shots to dogs. Well, I have nothing whatsoever against the Haitians, but they should pick up their own garbage. And I have nothing whatsoever against the Bosnians, but they should give their own rabies shots.

We should stop sending our troops into situations where there is no vital U.S. interest at stake and no threats to national security and turning our military into international social workers and spending billions and billions of hard-earned tax dollars in the process.

This administration has committed troops to other countries 36 times more than the six previous administrations put together. Mr. Speaker, it is time for this type of thing to stop.

Mr. Speaker, the other unrelated topic I wanted to discuss was this predawn raid of the home where Elian Gonzalez lived in Miami.

All of the polls showed that most of the people thought that this young man should have been with his father. And as a father myself, I certainly can understand that. But regardless of what people thought about the custody, everyone should have been shocked and saddened by that picture of that INS border agent in full riot gear pointing that submachinegun at that little boy. Anyone who was not shocked or saddened by that, I think, does not really appreciate freedom.

I want my colleagues to listen to what three very liberal left-wing people have said about this just recently. A.M. Rosenthal, the very liberal former Executive Editor of The New York Times said "The armed invasion of the home of Elian's relatives in Miami by federal officers combat-ready with the deadliest of military rifles, the shocking abduction of the boy seen around the world, are so unconstitutional and cruel that they keep the hope alive that this time the courts and Congress will not allow the White House to get away with it."

Laurence H. Tribe, the very liberal law professor from Harvard, writing in The New York Times said, "Ms. Reno's decision to take the law as well as the child into her own hands seems worse than a political blunder. Even if well intended, her decision strikes at the heart of constitutional government and shakes the safeguards of liberty."

And the very left wing, Alan Dershowitz, another Harvard law professor writing in the Los Angeles Times said this, "By enforcing its own order, without the judicial imprimatur of a court mandate, the Justice Department has reinforced a precedent that endangers the rights of all American citizens."

Mr. Speaker, I was a Circuit Court judge in Tennessee for 7½ years before coming to Congress, and I believe that the Justice Department has grown so arrogant, abusive, and out of control that, unless we greatly downsize this department and decrease its funding, the freedom of all Americans is in jeopardy.

## NAMING OF ORLANDO POST OFFICE AFTER ARTHUR "PAPPY" KENNEDY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. BROWN) is recognized for 5 minutes.

Ms. BROWN of Florida. Mr. Speaker, I am delighted to have the opportunity to offer legislation designating the post office located at 440 South Orange Blossom Trail in Orlando as the Arthur "Pappy" Kennedy Post Office Building.

This bill, H.R. 4399, was introduced last Tuesday night. Mr. Kennedy was Orlando's first African American city commissioner. He was a tireless advocate for the dispossessed and the poor. He died on March 28 and is survived by his children, Arthur Kennedy and Shirley Waters, six granddaughters and three grandsons, 21 great grandchildren, and numerous cousins, close relatives and friends.

Mr. Kennedy was a public servant who worked with many organizations, including the Meals on Wheels, the United Negro College Fund and the NAACP. He was never one to talk about his accomplishments, so I would like to take the opportunity to do so.

As an elected official, his negotiating skills were integral in the building of Hankins Park, and the landscaping of Parramore Street. He organized the Orlando Negro Chamber of Commerce and served on the Jones High School Parent-Teacher Association.

In 1992, the Southwest Orlando Jaycees honored Mr. Kennedy with the Lifetime Achievement Award and named the Prayer Breakfast in his honor. He dedicated his life to serving others, as evidenced by the Preserve African American Society honoring him as their Trailblazer Award.

Mr. Speaker, Orlando has lost a fine public servant as a result of the passing of Mr. Kennedy. Born in River Junction, Florida, in 1913, Pappy Kennedy moved to Orlando at age 10. He was a graduate of Bethune Cookman College and an impressive public servant whose decency will long be remembered by his friends and family.

It is with great pride that I urge my colleagues to help me designate the aforementioned post office in Orlando as the Arthur "Pappy" Kennedy Post Office Building.

Mr. Speaker, I want to make a special note that the gentleman from Florida (Mr. HASTINGS) will be making comments and submitting a statement for the RECORD. I also want to encourage others to join me on Sunday, Mother's Day, to participate in the Mother's Day March. There is no better way to honor mothers than a salute to mothers in support of pending legislation before this body for gun safety and to protect our children.

Mr. Speaker, I am delighted to have the opportunity to offer legislation designating the Post Office located at 440 South Orange Blossom Trail in Orlando as the "Arthur 'Pappy' Kennedy Post Office Building."

This bill, H.R. 4399, was introduced last Tuesday night. Mr. Arthur 'Pappy' Kennedy was Orlando's first African American City Commissioner and he was a tireless advocate for the dispossessed and the poor. He died on March 28 and is survived by his children Arthur Kennedy and Shirley Waters; six granddaughters and three grandsons; twenty-one great grandchildren and numerous cousins, close relatives, friends and acquaintances.

Mr. Kennedy was a public servant who worked with many organizations including Meals on Wheels, the United Negro College Fund, and the NAACP. He was never one to talk about his accomplishments, so I would like to take the opportunity to do so. As an elected official, his negotiating skills were integral in the building of Hankins Park, and the landscaping of Parramore Street. He organized the Orlando Negro Chamber of Commerce and served on the Jones High School Parents-Teachers Association.

In 1992, the Southwest Orlando Jaycees honored "Pappy" with the Lifetime Achievement Award and named the Prayer Breakfast in his honor. He dedicated his life to serving others as evidenced by the Preserve African American Society (PAST) honoring him with their Trailblazer Award.

Mr. Speaker, Orlando has lost a fine public servant as a result of the passing of Arthur 'Pappy' Kennedy. Born in River Junction, Florida in 1913, Pappy Kennedy moved to Orlando at age ten. He was a graduate of Bethune Cookman College and an impressive public servant whose decency will long be remembered by his friends and family.

It is with a great deal of pride that I urge my colleagues to help me designate the aforementioned Post Office in Orlando as the "Arthur 'Pappy' Kennedy Post Office Building." Thank you and with that I would like to yield the remainder of the time to the distinguished gentleman from Florida, Congressman HASTINGS.

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## SAVE OUR SURPLUS FOR DEBT REDUCTION AND TAX REBATE RESOLUTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, last week I introduced House Resolution 490, the Save Our Surplus for Debt Reduction and Tax Rebate Resolution of 2000. I am proud of this bill in that it does something that no other bill has ever done, it provides a midyear tax rebate to the hard-working American people.

This resolution says that Congress will direct any additional on-budget non-Social Security surplus that may be announced as early as this week or next by the Office of Management and Budget be used only for rebates to taxpayers and paying down the national debt.

Specifically, when the President introduced his budget in January, he projected a non-Social Security surplus of $19 billion for the current year. My bill does not address what should be done with that surplus. In fact, at this time, it is unclear whether that $19 billion will be used in a supplemental appropriations bill or for debt reduction. What my resolution deals with is any surplus in excess of that $19 billion.

Specifically, if the OMB announces that the additional non-Social Security surplus is between $19 billion and $35 billion, my resolution would dedicate the entire amount over $19 billion to debt reduction. However, if OMB projects a budget surplus of more than $35 billion, my resolution would direct $16 billion be equally divided and returned to the American taxpayers, with the remaining amount being used for debt reduction.

The latest speculation is that the on-budget, non-Social Security surplus will far exceed $35 billion, meaning that this tax rebate can happen this year. And I urge my colleagues to join me in this pursuit. My plan would result in a rebate of between $150 and $200 to each American household. Now, some of my colleagues may not think $150 is too much money or worth the effort. When dealing with the Federal budget and billions of dollars it might not seem like much money, but I can tell my colleagues that when it comes to the family budget, $150 is a lot of money.

This is a prudent time to introduce and pass this common sense tax resolution. As the economy continues to grow and expand, and revenues into the U.S. Treasury have increased, we are in a time of legitimate on-budget surplus. There is a constant temptation by legislators to spend the money that comes to Washington. All of our current programs now are paid for. The big question is what to do with the left-over money.

As Ronald Reagan said, "Government does not tax to get the money it needs. Government always finds a need for the money it gets." Mr. Speaker, the money that comes to the U.S. Treasury from the American people is not the government's money. It is still the taxpayers' money, and their change should be returned.

Democrat President Grover Cleveland talked about this in his second inaugural address to the Congress in 1886. President Cleveland said, "When more of the people's substance is exacted through the form of taxation than is necessary to meet the just obligations of the government and the expense of its economical administration, such exaction becomes ruthless extortion and a violation of the fundamental principles of a free government."

In short, Mr. Speaker, the taxpayers have paid the bills in full this year. We have balanced the budget, we have locked up the Social Security surplus, we have strengthened Medicare and, yes, we are paying down the national debt. Now, let us provide the American taxpayer with their needed rebate. Let us give them their change back.

I urge my colleagues to join me along with the majority leader, the gentleman from Texas (Mr. ARMEY), and the majority whip, the gentleman from Texas (Mr. DELAY), and several other colleagues as cosponsors of this bill and move it forward this legislative session.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, I rise to talk about the decision this Congress must make regarding extending Permanent Normal Trade Relations (PNTR) to China. Over the last several months I worked the 29th district and talked to people who have varying opinions both for and against granting PNTR to china. These many conversations have reinforced my existing belief that there is no easy way to decide whether a vote in favor or in opposition of expanding trade with China is correct.

Having been to China, I have great respect for the Chinese people, their culture, and their impressive history. The vitality is there, we should encourage it to expand. While I understand that you cannot move 1.2 billion people from communism to a free democracy overnight it appears that China has been moving backwards. Recent actions by China to prohibit the free expression of religion and their unwillingness to open their domestic markets to foreign products is very troubling.

During my tenure in Congress, I have tried to closely examine the various trade measures that the House of Representatives considered. I voted against the North American Free Trade Agreement (NAFTA), but supported the annual extension of Most Favored Nation (MFN) trading status, now called Normal Trade Relations (NTR), to China. The differences in my voting record reflects my concerns about blanket trade agreements that, once signed, will disadvantage the American producer.

As the vote on granting China PNTR looms in two weeks, I want to discuss the criteria used to develop my position on this trade agreement. There were three main components that I felt had to be met before I could support the measure: First, we must safeguard American security against a potential adversary. Second, the legislation should encourage policies allowing greater individual liberty, the rule of law, and religious freedom. And finally, American economic interests should not be harmed.

When I considered China's recent actions toward Taiwan and the possibility of a direct Chinese attack if Taiwan had decided to declare independence, I wondered how granting annual NTR to China in recent years had tempered their belligerent attitudes. This latest bluster by Beijing is comparable to the 1996 Chinese "missile test" over the Taiwan Straits during Taiwan's first democratic elections. Beijing's attempt to intimidate Taiwanese voters failed to deter them from electing President Lee Teng-hui. (Chen)

Taiwan is a vibrant democracy and its people should have every right to elect their leaders. Has granting NTR to China stopped them from taking such an aggressive posture towards Taiwan? I do not believe it has. So, when taken in the context of preserving the security of the United States, the past decisions to grant China greater trading access has not increased our national security. The United States must remain on constant alert and ready to defend Taiwan if China decides to attack. In addition, the willingness of the Chinese government to allow the stoning of our embassy last year after we mistakenly bombed their embassy in Belgrade was of great concern to me. I find it very unsettling when a nation with nuclear weapons uses such tactics to try and intimidate our government. Because of these incidents, I feel China has failed to meet the first criteria of safeguarding American security.

China's continuing problem with religious freedom has frequently caused concern in my district. China's record on religious and workers' rights continues to be disappointing. Take for instance the recent imprisonment of several thousand members of the Falun-Gong spiritual movement. This peaceful organization uses meditation and exercise to promote inner strength and healing. The Chinese government has responded to this movement by systematically imprisoning the leaders of this peaceful group on charges they are attempting to undermine the Communist Party.

I find this continuing lack of tolerance by the Chinese government very disturbing because it simply reinforces the bloody images of the Tiananmen Square massacre in 1989. Cracking down on the Falun-Gong indicates to me that granting NTR, and now possibly PNTR, will have absolutely no effect on improving religious freedom. China wants Permanent Normal Trade Relations with no strings attached. Granting NTR on an annual basis allows us to retain some ability to impact the Chinese government and monitor their international conduct. Unfortunately, in light of recent incidents I now have concerns that granting PNTR will allow China to completely ignore their responsibilities to promote religious and individual freedom. Because of this belief, I feel China has failed to meet the second portion of my criteria dealing with improving religious freedoms and human rights.

Finally, I am concerned that China has yet established a judicial system where the impartial "rule of law" principle is applied. Access to an impartial court system is critical for economic development and individual freedom. Unfortunately, this principle has yet to develop in China. Companies doing business in China have little recourse if their permits to enter the domestic Chinese markets are withheld because of resistance from within the governmental bureaucracy. The Chinese judicial system is still a political tool of the Communist Party. It is not unusual for verdicts to be decided before cases even go to trial. In addition, the Chinese judicial system is responsible for maintaining social order by imprisoning political dissidents.

When I visited China two years ago, I saw a Kodak factory that was built to serve the domestic and foreign markets. During the visit I asked a Kodak representative if they had received permission to market their products in China. They had received permission by contract, but still could not serve the domestic market. Had this situation occurred in this country Kodak could have gone to court to enforce their access rights. Unfortunately, they were in China where access to a fair court hearing is questionable at best.

Mr. Speaker, China wants the foreign investment to build new production facilities that can employ the millions of Chinese workers throughout their country. However, it is becoming quite clear that any new facilities will be strictly for export purposes. The U.S. trade deficit with China has grown from $6 billion in 1989 to $70 billion in 1999. This staggering figure does not even include the estimated losses due to piracy of U.S. intellectual property, which in 1998 was $2.6 billion and totaled $10 billion from 1995 to 1998, according to the International Intellectual Property Alliance.

By granting China PNTR, we surrender the only effective economic and political voice to effect positive change in China, the annual vote to renew NTR. Growth in this new economy is very important to me, but it is because of freedom and individual initiative, not control.

There are too many protesters in prison. There are too many religious persecutions. There are too many military threats. Granting China PNTR now might be economically rewarding, but it would be morally wrong. Last year, I supported and spoke in favor of granting a one-year extension of normal trade relations (NTR) with China. I support a comprehensive engagement with China that includes free and fair trade, but only after China has demonstrated a willingness to become a responsible member of the world community. China should move toward more individual freedom not less. More negotiation with Taiwan and not military threats. China historically is a great nation and can and should be part of this global economic success, but it's not accomplished by persecution and threats. I cannot support granting PNTR to China until the government gives up its reliance on threats and intimidation to achieve their international policy goals.

## MILLION MOM MARCH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 60 minutes as the designee of the minority leader.

Ms. NORTON. Mr. Speaker, it should not take a million moms to do anything, but that is what we are going to get this coming Sunday, Mother's Day. Actually, it should not have taken the moms whose children died at the Columbine High School youth massacre.

□ 1645

It should not take the moms who are still feeling the reverberations of the Jonesboro, Arkansas, shooting. And it should not have taken what the moms at the Granada Hills Jewish Community Center in Los Angeles went through just last August.

But what has happened with the killing of youth over the past year, and it has been more than a year since Columbine, has caused the mothers of America to take the matter into their own hands, and well they might because this Congress has not taken it into its hands, to do something about it.

These mothers are coming. I do not know if there will be a million, but I know there will be a lot. And this is what they say to us, "We are putting our elected officials on notice that we, the mothers, will not tolerate them putting the gun lobby before the safety of our children any longer. We expect results, and we will hold our elected officials accountable if they do not deliver."

Mr. Speaker, these are some serious women and their families. These are some moms who wanted to test us to see whether if they come they can get the attention that the killings of children throughout the United States have failed to attract.

The moms do not doubt that every Member of this body and of the other body are seriously concerned about the deaths of these and the 80,000 children who have died from gunfire, accidental, suicidal, and homicidal since 1979. They know we care. They do not know that we have the political will to do what is necessary to stop these killings.

I am grateful that two Members of this body, the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. MCCARTHY), have introduced a Congressional resolution praising the Million Mom March. They know that this body is full of Members who support gun safety legislation and certainly the gun legislation that is pending before the House at the moment in conference committee. Because that is, by any standards, very modest legislation.

The million moms, of course, are way out in front of us on legislation. Their crusade, and it has taken on the appearance of a mother's crusade, began with a single mother, not with any special interest organization, not with any group of lobbyists sitting around trying to get our attention, but with a single mother who, following the North Valley Jewish Community Center shooting last August, simply could not take it anymore.

One mom started. And if ever there is a meaning to grassroots movement, that is what has happened ever since. It has been 9 months. There must be some symbolic importance of that time since she started this crusade. And it has grown like wildfire in every State of the Union.

It started with suburban, middle class moms. And that is very interesting as far as this Member, who represents a large city, is concerned. Because until the Columbine youth massacre, the real focus had been on the one-on-one shootings, and that is what they mostly were and mostly are, that occur in large cities because kids so easily get ahold of guns.

What has made this a national priority is that mothers and families now see that these guns know no borders and that suburban children are at least as fascinated with guns as anywhere.

So we are going to see hundreds of buses come into this town from Texas and California, to Maine and Michigan. In April they said Pennsylvania was leading in buses. By now I do not know if some other State has overtaken Maine.

Rosie O'Donnell, the television celebrity, who everybody knows is a big opponent of the proliferation of guns, is going to be the MC.

But the fact is, Mr. Speaker, that we will not find many Members of this body speaking because the moms want to speak for themselves. There will be an occasional public official speaking. But, apparently, to qualify to speak, if they happen to be a public official, they have to have been a public official who has suffered gun violence in her own family.

I love it that the march will be open not, as is the usual case, by our mayor, after all, he is not a mom, but by the woman we call Nana Williams, the mother of the mayor. And then the moms will step forward to tell their stories and to let us know what they want.

Look, everybody else has tried. We begin in quite civil debates on the subject. The media delight in airing the subject. None of that talk has gotten us anywhere on the most modest legislation, the bill pending before us, where we literally are almost at the point of absolute agreement literally with about an inch to go and cannot get that inch accomplished.

That inch, of course, has largely to do with closing the gun show loophole, with most of us agreeing that instant checks would do it but not wanting to let the most dangerous potential owners get through because they will require at least 24 hours.

We hear about the dozen children every day who die from gunshot wounds. These do not always occur in the way, of course, that the terrible tragedy occurred at Columbine. These happen with accidents. They happen with kids playing with guns. These happen with suicides. What they all have in common is the easy availability of guns to kid.

Well, the moms, in all of their literature, insist upon speaking for themselves. Here again is what they say. "Now we moms are mad, and we mean business. We want Congress to create a meaningful gun policy in this country that treats guns like cars."

I have to tell my colleagues that I would save some time if I did not have to get my car checked or the registration renewed. But most of us understand that a car is seen as a dangerous weapon. If that is true about a car that is used normally in a quite benign fashion, I guess the moms have a point when they say they do not understand why guns cannot be treated like cars.

As I contemplated Columbine, which has weighed on my mind for the full year since it took place, I was jolted when a big-city version of the suburban tragedy in Colorado came right here to the Nation's capital at the National Zoo that the House and the Senate established long ago essentially for children.

Seven children were wounded when gunfire broke out on Easter Monday. Thank God none of them were killed. But, Mr. Speaker, one of them lies still gravely wounded in Children's Hospital here.

I, of course, have visited that family. It is a very brave family. They have stayed away from the press. They are very dignified. The family has devoted its energy to prayer and to this 11-year-old child who is fighting for his life.

They call him Pappy because when he was born he looked like a papoose. They delight in talking about him. Because this 11-year-old is no man-child. He is still a child and is still acting like a child, jumping up in his mama's bed, playing with his video games, loving his mom and his dad, and is part of a big, extended family. So they feel a real hole in their hearts with this youngster lying in the bed.

It is interesting. His mother, in talking to me, brought up the Million Mom March. She said, you know Congresswoman, I go to all these marches. So I intended to go to the Million Mom March, but I am certainly going to go this time.

And so, she will be with me. Mrs. Bates, the mother of Harris Pappy Bates, will be marching with me and with mothers from Maryland, Virginia, and the District on Sunday.

On Sunday, we are going to start out from Freedom Plaza at 11 o'clock and we are going to march together as a region to drive home the point that we know that these borders are porous. The moms in Virginia and Maryland say they know that the guns come from their States and from other States.

We in the District have done our job in banning guns altogether. We are not asking for other jurisdictions to do exactly as we are doing, but we do think that our Government has an obligation to protect us all in the national union of which we are a part by enacting legislation to protect our kids.

So there is going to be a Metro Moms March from Freedom Plaza to the march simply to show solidarity in the region for our kids, to put aside all the rhetoric, to put aside all of the jingoism about where we are from and to stand together with our kids on Sunday and to make our own regional statement.

And just as we will be making our own regional statement, we know that mothers from every State in the Union will be carrying the flag of their State to talk about their experience and to speak directly to us, mom to Congress, about our job, our part of the job in eliminating these guns.

I see, Mr. Speaker, that one of our distinguished Members, the gentlewoman from California (Ms. MILLENDER-MCDONALD), has come to the floor. I yield to the gentlewoman.

□ 1700

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON) for her leadership and her passion on this issue.

Mr. Speaker, I rise today to support today's special order and to thank again the gentlewoman from the District of Columbia for bringing attention to this serious problem in our Nation. It is a serious issue that is really plaguing the families and the children of our mothers. As a mother and a grandmother, I am moved by the efforts and commitment of mothers across this Nation to draw attention to the thousands of children who have been killed by gunfire. As a legislator, however, I am disturbed that we here in Congress have not heard the pleas for common sense gun legislation. Throughout this session, we have struggled to keep the focus of Congress on gun safety, one of the most vital issues facing our country today. This Congress has sat idle for some 9 months, refusing to pass common sense legislation or to hold a simple meeting while an alarming number of America's children are gunned down every day.

Mr. Speaker, the question we must ask ourselves is why so many of our American children must die, for God sake, before this Congress takes action to end the epidemic of violence that plagues our communities and especially our families, but, most importantly, our children. In the United States today, a child dies from gunfire every 100 minutes, 12 times the rate of the next 25 industrialized nations combined. That means, Mr. Speaker, that 12 children die from gunfire each day, a classroom full every 2 days. Not one of our congressional districts is immune from gunfire which has taken the lives of children. In my district, Joe and Gerald Hawkins are but two of the victims in this cycle. The names of America's children continue to toll. George Camacho, Armondo Garcia, Yuridia Balbuena, Olivia Munguia, Jessica Yvette Zavala have all been killed by gunfire in California. What do we tell mothers when we in Congress cannot even meet to discuss common sense gun legislation that would have saved the lives of these children and save the lives of many more?

Mr. Speaker, I represent the 37th Congressional District of California, which includes the areas of Watts, Compton and Wilmington, some of the most impoverished areas in the Nation. These areas, like many in the inner city, have been riddled with gun violence. We cannot allow another child from our communities to die while this Congress refuses to move forward with common sense gun legislation.

It is quite simple. While Congress sits on the sideline, more of our Nation's children are dying each day from gun violence. Our Nation's mothers have spoken and will speak again on Sunday. The message is clear. Gun safety is about saving lives. Regrettably, the mothers of this Nation are marching on Washington and in cities across this country not to celebrate sensible gun legislation but to protest an ineptitude which has infiltrated the halls of Congress. A delegation of mothers from my district will participate in one of the two marches in the Los Angeles community. I hope and pray that our message will finally move Congress to address this issue before another day passes and more of our children are lost to gunfire.

It is unfortunate that we have let special interests and political differences interfere with a common sense approach to protecting the lives of America's greatest asset, our children. I have introduced a bill both in the 105th Congress and the 106th Congress that would prohibit any person from transferring or selling a firearm in the United States unless it is sold with a child safety lock. Common sense gun safety measures that prevent felons, fugitives and stalkers from obtaining firearms and children from having access to guns are the types of items that we want enacted into law in this Congress.

My dear colleagues, wherever you are, we have been entrusted by the people of this Nation to be leaders and visionaries. We have a moral obligation to the people of our Nation to enact legislation before more of our children are sacrificed. Again, I thank the gentlewoman from the District of Columbia, and I urge my colleagues to stand up for children and support the Million Mom March this Sunday. Happy Mother's Day to all mothers and to those mothers who will be marching on behalf of our children.

Ms. NORTON. I thank the gentlewoman from California for her very good intervention and for her work in this Congress on behalf of children and her work in promoting the use of Mother's Day in a particularly meaningful way this year.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. RUSH. Mr. Speaker, I want to commend the gentlewoman from the District of Columbia for all of her work on behalf of meaningful gun control legislation, and I want to thank her for allowing me the opportunity to come before this body to discuss gun control legislation and to discuss the Million Moms March. Today, Mr. Speaker, I want to thank the Million Moms March organizers for inviting me to share my thoughts on the need for gun control in this country at the Million Moms March on Mother's Day 2000 this upcoming Sunday. This is an issue which has been dear to me for quite some time.

It is with great sorrow that I come to the floor to remember the more than 80,000 children who have fallen victim to gun violence since 1979, great sorrow that is followed with great conviction, great conviction that I rise to advocate for the 13 children who statistics say die today, died yesterday, and therein will die tomorrow from gun violence.

Also on yesterday, the National Education Association held a press conference to draw attention in part to the fact that gun violence robs children of the opportunity to learn and to grow. And on the eve of the Million Mom March, we must remember that at its core the gun control issue is about opportunity. It is about the opportunity for our children to go to school and to learn without fearing for their lives. The gun control issue is about opportunity, the opportunity for our children to enjoy the wonderful innocence of youth. This is an opportunity that they all deserve.

As adults, we make life choices which may be risky or may be dangerous. For example, millions of police officers and other public safety officers go to work each and every day and willingly put their lives on the line to protect and serve the public. But it is one thing for an adult to die in the course of performing a chosen duty. It is one thing for the parents, the family of that adult to have an element of uncertainty in their lives as their father, spouse, mother go off to perform a chosen duty. But it is another thing for a parent, for any parent, to fear for the life of a young child who goes off to school, a birthday party or even to the local grocery store.

Too often, it is a common occurrence in our Nation for these parents, these siblings, these loved ones, to engage in moments of uncertainty as our young people go off to perform in routine matters, go off to do those normal things that children do, including going to school, going to a birthday party or just going to the local grocery store. These are the routine events of a young life which should never ever be threatening.

So today, on the eve of the Million Moms March, I want every mother in my district in Chicago, every mother in Chicago, every mother across this Nation, to know that I for one stand firmly with them arm in arm, hand in hand, shoulder to shoulder. I am ready to do all that I can to bring this senseless violence to an end. The time has come. This time is now. The time has come for the Congress to listen finally to the impassioned voices of mothers and fathers from all across this Nation. It is high time that we do all that we can to give our children the most important opportunity of all, and that is the opportunity to lead a meaningful life, the opportunity to just live.

Again, I want to thank the organizers of the Million Moms March, and I want to thank the gentlewoman from the District of Columbia for organizing this special order.

Ms. NORTON. I thank the gentleman from Illinois for coming to the floor this evening. The gentleman from Illinois will be speaking at the march because of his own tragic loss, and I honor the moms for understanding that what public officials should speak are those public officials who indeed have a tragedy that bespeaks why the moms are here. I honor the gentleman for his participation and our prayers continue to be with him in his loss.

It is my great pleasure to yield to the gentleman from Maryland.

Mr. CUMMINGS. Mr. Speaker, I thank the gentlewoman for yielding and for her leadership in so many very, very important issues. Again, the issue that we address today is probably one of the most important. As I reflected on my statement this evening about the upcoming Million Moms March to be held on such an important day, Mother's Day, and focus on such a pressing issue, common sense gun safety legislation, I knew that this momentous occasion deserved profound but heartfelt words.

As I searched my soul for those words, I realized that they had already been written over two centuries ago and could be found within one of the documents that is sitting right on my desk, the Constitution of the United States of America, for the Constitution's preamble states, "We the people of the United States in order to form a more perfect union, establish justice, ensure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and posterity, do ordain and establish this Constitution for the United States of America."

Let me repeat the key phrase that is critical to this issue: "We the people of the United States in order to ensure domestic tranquility . . . do ordain and establish this Constitution."

Many of the opponents of common sense gun safety legislation would interpret this phrase along with the second amendment to mean that our Constitution provides for unregulated access and use of guns by individual citizens in order to protect themselves, their families and their communities. And may I add for recreational use.

On Sunday, Mother's Day, our Nation's mothers will respectfully disagree. In 1999 in one single year, 4,025 children and teens were killed by gunfire, one every 2 hours, nearly 12 every day. 1,262 children committed suicide using a firearm, more than three every day. 306 died from an accidental shooting. I ask the opponents of gun safety legislation, is this domestic tranquility? Nearly three times as many children under 10 died last year from gunfire as the number of law enforcement officers killed in the line of duty. Is this domestic tranquility? And American children under 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined.

□ 1715

I ask the question is this domestic tranquility? Sadly, many of our neighborhoods and schoolgrounds have become war zones where our children will soon be forced to wear protective gear to protect them from the piercing sting of a bullet, and, ultimately, death.

Again, I ask the opponents of gun safety, is this domestic tranquility? Is this what our Constitution allows? I submit that the framers of the Constitution created a document that serves as the foundation of our democratic society, yes, lending certain freedoms. However, it is also meant to guarantee certain protections, including domestic tranquility.

As lawmakers, it is our duty to pass legislation that breathes life into this constitutional ideal. This means that our Nation's mothers should be guaranteed the right to raise their children in a tranquil environment free from the fear that their child could be killed by gunfire in their own home, in a friend's home, or on the school playground or simply walking to a neighborhood store.

This means common sense gun safety legislation that would make guns childproof and theftproof and would require increased background checks in order to close loopholes through which criminals gain access to guns.

And so, this evening, the profound heartfelt words that I leave with you, Mr. Speaker, are as such, on Sunday, our Nation's mothers will send us a signal that we have an obligation to uphold the ideals of the Constitution of the United States of America by ensuring that their children are afforded a world of domestic tranquility.

Mr. Speaker, it is our duty to breathe life into these words and protect the lives of our children, for our children are the living messages we send to a future we will never see. Let us rid their lives of gun war zones and replace them with tranquil homes, schools and communities by passing common-sense gun safety legislation.

Our time is running out, one child dead in the past 2 hours, 12 dead today.

Ms. NORTON. I thank the distinguished gentleman from Maryland (Mr. CUMMINGS), my good friend, for those very moving remarks.

Mr. Chairman, I am pleased to yield to another distinguished friend, the gentleman from Manhattan, New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I thank the gentlewoman from the District of Columbia (Ms. NORTON).

Mr. Speaker, I rise to voice my support for the Million Mom March. I am looking forward to participating in the march this weekend which welcomes concerned mothers, fathers and their children to join in the call for reasonable gun safety measures.

This House should certainly pass reasonable gun safety measures, and we should call upon the leadership to convene the conference committee that has sat for over a year without meeting because they do not want to deal with these issues.

One of the main goals of the march is to urge Congress not to pass merely some of the very mild gun safety legislation that has been considered here, which is apparently too much for the Republican leadership, but to pass, in addition handgun licensing and registration legislation. In the spirit of this effort, I strongly urge my colleagues to cosponsor the handgun licensing and registration bills, H.R. 2916 and H.R. 2917, that I introduced in September of last year.

Senator FEINSTEIN has just introduced very similar legislation in the Senate. Handgun Control, Inc. has endorsed these bills which would require States to establish handgun licensing and registration systems.

H.R. 2916 would require individuals to pass a Brady background check, take a gun safety course and obtain a photo license from their States in order to receive a license to purchase a handgun.

H.R. 2917 would require States to implement handgun registration programs.

These common sense measures are supported by about 70 percent of Americans according to the recent CNN-USA Today-Gallup polls, if you want to own and operate an automobile, which, used improperly, can be a deadly weapon. Every State in the union requires that the automobile be registered and that you obtain a license to drive.

With respect to guns, which are by definition deadly weapons, we should take similar precautions, and as the polls I mentioned shows, 70 percent of Americans agree with this commonsense assertion.

These bills have been awaiting action by the House Committee on the Judiciary since last September. In response to the huge outpouring of support for these ideas, I, again, urge the House Republican leadership to schedule hearings and markups on these two critically important bills.

The House Republican leadership is fond of embracing motherhood and apple pie; now they should listen to the moms and pass handgun licensing and registration legislation as soon as possible.

Mr. Speaker, I also wish to thank the organizers of the march for their efforts, and I look forward to joining many New Yorkers and tens of thousands of people from all across the country in the Million Mom March this Sunday on Mother's Day.

Let me add, I also want to thank the delegate, the gentlewoman from the District of Columbia (Ms. NORTON) for arranging this special order.

Ms. NORTON. Mr. Speaker, I very much thank the gentleman from New York City for coming down to offer those important remarks and remind us of our own obligations there is much we can do right now in this House to respond to the mothers. I thank the gentleman.

Mr. Speaker, the need for national gun legislation is brought home by the virtual futility that many of us who have succeeded in getting strong gun legislation in our own jurisdictions now see to that effort.

Many large cities in the United States, including the District of Columbia, have gun bans. There are those with the audacity, some of them on this floor occasionally to say words to the effect the District of Columbia has a gun ban, so what good are gun control laws?

Well, that is a virtual concession to the proposition that we need national gun safety legislation in order to have truly effective local gun safety legislation, and that is all we are asking. That is all we are asking. We are not asking for uniformity, but we do think there should be a minimum standard that any decent civil society should have with respect to the most dangerous weapons in that society, guns. That is what these moms, I take it, are coming to say.

Mr. Speaker, I do not want to identify myself, though, with those who have become so obsessed with the national obsession with guns that when it comes to gun violence, they focus solely on guns. I do not believe that guns are the central source for the violence in American society. I think that their role is overwhelmingly clear, the role of guns in that violence is overwhelmingly clear.

Mr. Speaker, I am a student of history, I have a Master's in history, I read history, I love my country and I love its history, and I am profoundly impressed with the degree to which violence is simply a part of our national character. It was there before guns became the pervasive weapons of choice in the streets of the cities and in the homes of the suburbs.

Violence in the American character has expressed itself throughout American history. We continue to carry forward that sense of violence as simply a part of who we are. It may have to do with the fact that we came, at least those of us who were not African Americans, or American Indians, simply came as immigrants and fought our way, one way or the other, some violently, some nonviolently, into the fabric of this country, from the time that the first settlers fought the native Americans for territory until the time that the Wild West was settled. Whatever it is, we have to face who we are and who we are are folks who have had violence as a part of who we are from the time the country came into being. It is deep within us and guns is but one expression of it.

Indeed, most of the expressions are at least overtly non-lethal, but in my judgment, they probably are as primary in causing the violence as guns are. I am talking about our movies and our videos and our cable, and I am talking about Hollywood and the networks, and I am talking about computer games. I see this as one huge stew. Guns are a part of that stew, but it is a very dangerous mixture of things that we kind of take for granted because everybody has them, as we see the increasing violence in all of the portrayals from our literature to our video portrayals. It is there, it is all around us. It cannot be avoided. We have a love affair with violence and always have had one. We have had a long, deep romance with violence.

Mr. Speaker, what I am saying is not that guns are the source of the problems in our city, even the problems of guns; I am saying that guns are a part of a phalanx of sources and this if we are going at the sources, if we are going at Hollywood, if we are going where the guns begin, with the parents and the communities, if we are going at the networks, then who would leave out the guns? This is a big picture. All of the actors in this picture need to sit around the same table and come to some agreement about how to deal with all the causes of violence.

All I ask my colleagues to remember, or indeed, to ask themselves, is should guns be left out of this picture. Should we take them off the table, while saying to Hollywood and the networks and computer games and cable and literature, you come and see what should be done. As a virtual first amendment absolutist, I certainly am not calling for censorship, but I do believe if we all sat around the table and frankly admitted that when a child of 5 gets acculturated to who he is in American society through gun and violent-impacted portrayals everywhere he looks, that one should not be surprised if he picks up a gun and tries it out one day himself. Therefore, if we understand how almost as if by osmosis the violence is picked up, then it seems to me putting all of the causes on the table, we can stop the finger pointing and begin where we must begin. All I am asking is that with a million mothers coming in on mothers day, we at least begin with modest gun control legislation.

Mr. Speaker, I want to sit with those who over and over again tell me that there is not enough enforcement. Right, let us have more enforcement; that we have to do something about the parents, I would begin there; that the communities are racked with violence, we have to draw the churches in, absolutely. Let us sit down and figure out a strategy for that, but let us not take guns off the table. Let us not have more than a year pass since Columbine and sit on our thumbs doing nothing about it. Let us start with guns. Let us start with that youngster with a bullet in his brain in Children's Hospital. Then, let us come to work next week and put everything on the table and sit down and figure out what to do.

□ 1730

Mr. Speaker, I am very pleased to yield to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I am pleased to join the gentlewoman from the District of Columbia (Ms. NORTON) today to renew our call for gun safety legislation and to highlight the Million Mom March, which will take place this coming Sunday.

As my colleagues have indicated, the Million Mom March promises to be an amazing event. This weekend I, too, will be coming back to Washington from New Jersey. I will join families from across the Nation who will take time out of their lives to come to the Nation's capital to call for passage of commonsense gun safety legislation.

It takes a special kind of parent to spend Mother's Day on Interstate 95 on a bus heading for Washington. It will be moms, and in my case and in the case of others, granddads and dads and grandmothers, but these Americans feel so strongly about this issue that they are making this commitment.

I believe this will be a Mother's Day that few will forget. Mothers are trying to demonstrate to Congress the overwhelming desire of our Nation's families for commonsense gun safety legislation.

Just a few weeks ago our Nation was shaken by events at a Michigan elementary school classroom where a 6-year-old child, a child who had barely learned to read, knew how to kill another child with a handgun. It is the latest in a long, line of gun-related tragedies.

In Columbine we thought it was the last straw, but in West Paducah, in Jonesboro, and in dozens of other communities across America, in each case we thought, this is the straw. This is the last straw. It will break the camel's back. We will get gun safety legislation moving.

Since the murder of little Kayla Rolland, citizens across New Jersey have called even louder for passage of strict gun safety laws. But despite the outcry, a few politicians in Congress have been standing in the doorway and blocking the halls and refusing to act.

The National Rifle Association may control a few of the hearing rooms around this Capitol, but we are here today to say that the NRA is going to recoil from the effect of the mom squad. The hundreds of busloads from across the Nation I think will show that they have more clout than Charlton Heston and the gun lobby.

Every school I visit, every PTA meeting I attend, every classroom I teach in, moms, kids, dads, nearly everyone I talk to in New Jersey tells me it is high time that Congress take action to keep guns out of the hands of kids and criminals. They are fed up reading the headlines, and so am I.

As a new Member of Congress, I find it particularly disturbing that Congress has refused to consider this legislation this year, particularly in light of the fact that nearly one child is killed every 2 hours by gunfire.

I am sure my colleague here knows, but it is worth repeating, that more people were killed by guns in New Jersey than in Australia and New Zealand and Korea and Singapore, Japan, Canada, Germany, and Great Britain combined last year. A child in America is more likely to die from gun violence than from all communicable diseases.

Congress has passed laws that allow water pistols to be regulated by the Consumer Product Safety Commission, but real pistols, the ones that kill people, are not regulated. That needs to change.

All of us were shocked last year when a deranged gunman opened fire at the Jewish Community Center in Los Angeles, wounding several people, children, later killing a randomly selected bystander. It was a hate crime that left us numb.

But many people do not realize an additional shocking fact in that story. The gun that was used was originally a police service firearm that had been resold legally by the law enforcement agency and put back on the street. It is an all too common problem that is only recently being recognized. It makes no sense for police to work to get guns off the street, and then to put them right back there where they can be used to harm officers or civilians.

I have introduced legislation to encourage States to mandate the destruction of surplus police guns when they are at the end of their lives. Furthermore, something I have called for, some say it is politically risky, but I think we should have registration of all handguns in the United States, and licensing of all handgun owners. I have legislation to do that.

As my colleague has said, you need a license to drive a car. You need a license to catch a fish. You need a license to give a haircut or even a pedicure. You ought to need a license to own a deadly firearm. It should not take tragedies like Columbine and the recent shootings in Seattle and Hawaii to get us to admit that.

It is time for Republicans and Democrats, Independents, to look the NRA in the eye and say, enough. It is time to pass gun safety legislation now.

I think the million moms, the moms squad, will help make that change. I am old enough to remember the effect of the Mothers March for Peace. I am sure my colleague remembers this. She was too young, perhaps. But in 1961, it was the outrage of millions of mothers across America that brought us the Atmospheric Nuclear Test Ban Treaty.

The power unleashed from these million moms is something to behold, I guess is the way to put it. I think this will be a Mothers Day to remember. Let us just hope that there are enough Members of Congress who hear and heed the message that these mothers bring to Washington this coming Mothers Day.

I thank my colleague for arranging this special order and drawing attention to this important subject.

Ms. NORTON. Mr. Speaker, I very much thank the gentleman from New Jersey, Mr. HOLT, for his salient remarks. I must say to the gentleman, when he spoke about the moms and the nuclear ban treaty and said he was old enough to remember it, he might have said, "When I was a child, the mothers insisted on such a ban."

I would say to the gentleman from New Jersey (Mr. HOLT), if I may say so, I found what the gentleman had to say about shootings in the gentleman's own State, New Jersey, comparing them to shootings in nations, huge nations across the world, that there were more shootings in this single State than in what looked like more than a half dozen nations, I found that to be itself profoundly informative.

Mr. HOLT. If the gentlewoman will yield, the point I wanted to make, it is not a particularly large number in New Jersey relative to the other States. New Jersey also has a crime rate that is falling.

It is just that in the United States, there are 30,000 gun deaths a year in the 50 States. Among the 9 million people in New Jersey, yes, we have some, too. And it is, by any international standard, astoundingly large.

Ms. NORTON. The gentleman does point out that crime is falling, and still we are way beyond other countries. Of course, the statistics the gentleman gave us from New Jersey very frankly could probably have been given from every State in the Union. No State I think would be excluded.

As the gentleman says, it is because we now have pervasive gun violence. None of us is safe. Some thought they were safe if they did not live in big cities. The million moms, most of whom are going to be suburban moms, are leading the country to understand that these guns are everywhere.

I very much thank the gentleman from New Jersey, unless he has some more remarks to make.

Mr. HOLT. Just following on what the gentlewoman just said, no one in America is immune. We have a society where guns are prevalent, are available, are unlocked, and dangerous.

What I hear from so many people is not that Columbine High School is a school where our children might go. In fact, Columbine High School is a school where our children would like to go. It seems to have all of the advantages: An excellent curriculum, excellent facilities. Yet, that kind of tragedy could happen there. Yes, it could happen anywhere.

Ms. NORTON. Indeed so, because when children are acculturated to violence, they get it off the television, off the same CDs, off the same networks, they get it out of the same Hollywood, we really are one Nation. Nothing, ironically, proves that more than the way in which these guns have touched every part of our Nation.

I very much thank the gentleman from New Jersey (Mr. HOLT) for his very cogent intervention.

Mr. Speaker, I would like to put into the RECORD what the million moms want. They are way beyond our modest gun legislation where we are trying to close a gun loophole, and where we are trying to get gun safety locks. They think that any rational human being should be doing that and should do it quickly.

They are asking for licensing and registration. They say each would work very simply and without a new bureaucracy. They say that the licensing would mean that before one got a gun, one would complete a basic safety course. Would anybody want a gun without in fact making sure that she understood everything that was associated with that gun?

There would be a check to ensure that the person was not a criminal who committed a violent crime, or a mentally ill person. There would be a photo and a thumbprint, and of course, that like any license, it would have to be renewed periodically.

Then they say they also want gun registration. The nerve of them. We have to register for almost everything. I have to make sure my car is registered because the time for that is due this year. They said what would be involved there, if you fill out a form with the gun serial number, the government would make sure, the local government would make sure that the gun buyer is in fact licensed. A copy of the registration would go to law enforcement authorities.

Of course, there would be renewal of the registration periodically. That way, of course, the tracing of guns would be a snap, and we would make sure that the only people who got guns in the first place were like the 90 percent of the people who pass the instant gun check, those who of course are like you and me and are buying guns not to kill other people.

I want to thank the President of the United States for going with me to our academy, our police academy, where he announced that there would be some funds available for the District to do another gun buyback on June 14.

I have national legislation that would allow localities to receive small amounts from the Federal government in order to do gun buy-backs. They have been enormously successful in the District, where we set something of a precedent, and we would hope that would be repeated and that our national government would take up this notion.

I do want to stress that the million moms stress that they do not advocate the banning of guns. They want particularly their Second Amendment sisters to know that, because they cannot see any part of what they want to do that any mothers would be truly in disagreement with.

As a lawyer, I do want to answer those who are concerned about the Second Amendment. My friends, if the Second Amendment kept the modest legislation we are advocating here from going through, then how could the gun bans, total gun bans, handgun bans that we have here in the District and in every large city, have passed constitutional muster?

We can in fact regulate guns the way we regulate cars. The Second Amendment does not say that there should be no regulation. We can even regulate the time and manner of speech, and that is a more salient constitutional right than the Second Amendment. Let us not keep throwing the Second Amendment up and confusing the matter.

In the recent gun violence, in 1997, of the children killed, 191 were under the age of 10 and 84 were under the age of 5. Most of these children are not shot in shoot-em-ups, in gang wars. Most of these are suicides. Imagine if a gun had not been available. The presence of the gun in the home triples the risk of homicide in the home. If a gun is not handy, then a suicide is less likely to occur, whether by a child or an adult.

Mr. Speaker, the gun safety legislation that we have here is the least that the mothers who are coming on Sunday are entitled to a year after the Columbine youth massacre. They want much more. I think it would be an insult and a show of disrespect if, at the very least, the modest gun legislation pending before us were not forthcoming after their visit here to Washington, where the national government sits.

I know that every Member of this body has the deepest respect for the mothers. The mothers do not represent themselves as a lobby or representative of every mother. They do say they are moms, and they ask as moms for their Congress, their House, and their Senate to hear them and to respond accordingly.

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□ 1745

## PERMANENT NORMAL TRADE RELATIONS FOR CHINA

The SPEAKER pro tempore (Mr. PEASE). Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have taken this time out to talk about a very important issue that we are going to be addressing later this month here in the Congress, but I of course would join in extending happy Mother's Day to all of the mothers all over this country and all around the world, for that matter.

Mr. Speaker, the issue that I am talking about is an issue that, according to several of my colleagues, will be the single most important vote that we will cast in our entire careers here in the Congress. The question has to do with whether or not we are going to pry open a market with 1.3 billion consumers in the People's Republic of China and force this very repressive society to live with a rules-based trading system, or are we going to say that the United States of America will have nothing whatsoever to do with that sort of effort.

It seems to me that it is the most important vote that we will cast possibly in this session of Congress at least, because it really says are we going to maintain our role as the paramount global leader, and are we going to maintain our economic prosperity, or are we going to turn our backs on it and cede that to other countries in the world.

Well, I think that we have a responsibility not only to the United States of America, but to the rest of the world. Why? Because the United States of America is the greatest symbol of political pluralism. This building in which I am standing right now is the symbol throughout the world of freedom and democracy. It says to me that we have a responsibility to continue to provide the inspiration and the promotion of those things. And that is a message which I am happy to say is moving widely throughout repressive societies like the People's Republic of China. It is a message which can be sent with even greater enthusiasm if we bring the People's Republic of China into the World Trade Organization and, as I said, force them to live with a rules-based trading system.

There are many people here who regularly talk about the fact that over the last 20 years we have provided one-way access for China to the U.S. consumer market and they have said why do we not get into their market so that our first class workers and businesses can export goods and services to those 1.3 billion consumers? Well, in the week of May 22, we will have an opportunity right here to cast a vote in favor of opening up that market so that it can benefit our workers and businesses.

But there is an issue which in many way transcends this, and is one that is of great concern to me and I know to many of my colleagues here. That has to do with the question of our western values; the things that we hold here near and dear; the recognition of human rights; as I mentioned earlier, political pluralism, making sure that we have religious freedom. Those things need to expand throughout China.

But guess what, Mr. Speaker. Since we have seen the opening of China, since what was known as the Shanghai Communique in 1972 when Richard Nixon opened China, we have seen improvements take place. There is a great deal of room for improvement. I do not stand here as an apologist for the policies that exist in Beijing, but we do have to recognize that there have been very positive steps taken that move us closer to the kind of China that the world needs.

As was pointed out by President Ford in the event that was held at the White House earlier this week, maintaining stability in Asia is in our U.S. national interest, and this is a very important issue which will play a role in helping to maintain stability there.

I think it is important for us, Mr. Speaker, to take a few moments to look at some of the statements that have been made by outspoken dissidents in China. In this morning's Washington Post, there was an article which talked about three dissidents who actually believe that granting Permanent Normal Trade Relations with China will do more than almost anything to address the very important concerns of human rights and religious freedom and those other concerns that are out there.

Tong Bao, who is one of the most prominent dissidents, actually lays out a really key distinction that needs to be made here. He talks about the division. He said that there are some in China who believe that things must "get as bad as possible."

Mr. Speaker, I believe that that is wrong. I do not think that we should have things get as bad as possible, and neither does Tong Bao. He happens to believe that it is important for us to do everything that we can to improve that situation there, and in so doing, I believe that we will create an opportunity to get our western values through Permanent Normal Trade Relations.

So I will simply close, Mr. Speaker, by saying that I believe that we have a wonderful chance for success. I hope that every single one of my colleagues, Democrat and Republican alike, will join with the Republican leadership here and President Clinton in bringing about a positive vote on this.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SHERWOOD (at the request of Mr. ARMEY) for today, on account of attending his daughter's college graduation.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. NORTON) to revise and extend their remarks and include extraneous material:)

Mr. BONIOR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. LIPINSKI, for 5 minutes, today.

Mr. DAVIS of Florida, for 5 minutes, today.

Ms. BROWN of Florida, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. WELDON of Florida, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mrs. MORELLA, for 5 minutes, today.

Ms. ROS-LEHTINEN, for 5 minutes each day, May 15 and May 16.

Mr. DUNCAN, for 5 minutes, today.

## ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2412. An act to designate the Federal building and United States courthouse at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

## ADJOURNMENT

Mr. DREIER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, May 15, 2000, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7552. A letter from the Under Secretary, Policy, Department of Defense, transmitting a report that includes a descriptive summary of appropriations requested for each project category under the Cooperative Threat Reduction (CTR) program element and the amounts obligated or expended or planned to be obligated or expended for each project; to the Committee on Armed Services.

7553. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting the Report on the Status of Pending Requests for Contract Adjustments and the Department's Plan for Eliminating the Backlog; to the Committee on Armed Services.

7554. A letter from the Assistant Secretary, Health Affairs, Department of Defense, transmitting a report on Congressionally Directed Medical Research Programs: Breast Cancer Research Program; Prostate Cancer Research Program; and Defense Health Research Program; to the Committee on Armed Services.

7555. A letter from the President and Chairman, Export-Import Bank, transmitting a statement involving export transactions to Mexico; to the Committee on Banking and Financial Services.

7556. A letter from the Director, Office of Management and Budget, transmitting the OMB Cost Estimate as required by the Balanced Budget and Emergency Deficit Control Act of 1985, as amended; to the Committee on the Budget.

7557. A letter from the Chairman, Nuclear Regulatory Commission, transmitting Abnormal occurrences at or associated with any facility licensed or regulated under the Energy Reorganization Act of 1974 for Fiscal Year 1999, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

7558. A letter from the Secretary of Health and Human Services, transmitting a draft bill entitled, "Community Access to Health Care Act of 2000"; to the Committee on Commerce.

7559. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representatives for defense articles and services (Transmittal No. 00-28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7560. A letter from the Lieutenant General, Director, Department of Defense, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to Taipei Economic and Cultural Representative Office (Transmittal No. 00-22), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7561. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that effective March 12, 2000, the Department is extending the 15% danger pay allowance to the entire country of Uganda, pursuant to 5 U.S.C. 5928; to the Committee on International Relations.

7562. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the report required by the United States-Hong Kong Policy Act of 1992 describing the current conditions in Hong Kong of interest to the United States; to the Committee on International Relations.

7563. A letter from the Chief Counsel, Department of Justice, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1999, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

7564. A letter from the Comptroller General, Gerneral Accounting Office, transmitting the Month in Review: February 2000 Reports, Testimony, Correspondence, and Other Publications; to the Committee on Government Reform.

7565. A letter from the Chairman, National Endowment for the Humanities, transmitting the Performance Report of the National Endowment for the Humanities for Fiscal Year 1999; to the Committee on Government Reform.

7566. A letter from the Director, Office of Personnel Management, transmitting the legislative proposal entitled the "Omnibus Federal Human Resources Administrative Improvements Act of 2000"; to the Committee on Government Reform.

7567. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft bill, "To allow for waiver and indemnification in mutual law enforcement agreements between the National Park Service and a state or political subdivision, when required by state law, and for other purposes."; to the Committee on Resources.

7568. A letter from the Deputy Assistant Administrator, OAR, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—National Marine Aquaculture Initiative: Request for Proposals for FY-2000 [Docket No. 00309067-0067-01] (RIN: 0648-ZA82) received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7569. A letter from the Regulatory Policy Officer, ATF, Department of the Treasury, transmitting the Department's final rule—Increase in Tax on Tobacco Products and Cigarette Papers and Tubes [99R-88P] [T.D. ATF-420] (RIN: 1512-AB88) received March 29, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7570. A letter from the Secretary of Transportation, transmitting a proposed bill, "To amend 49, United States Code, to require manufactures of motor vehicles and items of motor vehicle equipment to test or perform other engineering analyses that demonstrate compliance of their products with all applicable federal motor vehicle safety standards, and for other purposes"; jointly to the Committees on Commerce and Transportation and Infrastructure.

7571. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's annual report on the implementation of the Foreign Service Act of 1980, pursuant to 22 U.S.C. 4173; jointly to the Committees on International Relations and Government Reform.

7572. A letter from the Chairman, Federal Prison Industries, Inc, Department of Justice, transmitting the 1999 Annual Report of the Federal Prison Industries, Inc. (FPI), pursuant to 18 U.S.C. 4127; jointly to the Committees on the Judiciary and Government Reform.

7573. A letter from the Director, Office of Management and Budget, transmitting a draft bill entitled the "Medicare Modernization Act of 2000"; jointly to the Committees on Ways and Means, Commerce, Rules, the Budget, and Government Reform.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HOBSON: Committee on Appropriations. H.R. 4425. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–614). Referred to the Committee of the Whole House on the state of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BARR of Georgia (for himself, Mr. DOOLITTLE, and Mr. COBLE):

H.R. 4423. A bill to amend title 18, United States Code, with respect to the authority of probation officers and pretrial services officers to carry firearms; to the Committee on the Judiciary.

By Mr. SESSIONS (for himself, Ms. PRYCE of Ohio, Mr. SMITH of Texas, and Ms. GRANGER):

H.R. 4424. A bill to provide a temporary alternative to fingerprint-based background checks, allowing the Federal Bureau of Investigation the time necessary to put in place a national fingerprint-based system accessible by youth serving organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. HOBSON:

H.R. 4425. A bill making appropriations for military construction family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. ACKERMAN (for himself and Mr. COBURN):

H.R. 4426. A bill to amend the Public Health Service Act with respect to testing pregnant women and newborn infants for infection with the human immunodeficiency virus; to the Committee on Commerce.

By Mr. LAFALCE (for himself, Ms. WATERS, Mrs. MALONEY of New York, Mr. GUTIERREZ, Mr. MEEKS of New York, and Ms. SCHAKOWSKY):

H.R. 4427. A bill to amend the Federal Reserve Act to require the payment of interest on reserves maintained at Federal reserve banks by insured depository institutions that make affordable transaction accounts available to their customers, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BACA:

H.R. 4428. A bill to ensure that schools develop and implement comprehensive school safety plans; to the Committee on Education and the Workforce.

By Mr. BARCIA (for himself, Mr. DOYLE, Mr. UDALL of Colorado, and Mr. CALVERT):

H.R. 4429. A bill to require the Director of the National Institute of Standards and Technology to assist small and medium-sized manufacturers and other such businesses to successfully integrate and utilize electronic commerce technologies and business practices; to the Committee on Science.

By Mr. BARTLETT of Maryland (for himself, Mr. EHRLICH, Mr. GILCHREST, Mrs. MORELLA, Mr. HOYER, Mr. CUMMINGS, Mr. WYNN, Mr. CARDIN, Mr. EVANS, Mr. REYES, Mr. ORTIZ, Mr. PASTOR, Mr. HINOJOSA, Mr. BECERRA, Ms. ROYBAL-ALLARD, Mr. RODRIGUEZ, Mr. GONZALEZ, and Mrs. NAPOLITANO):

H.R. 4430. A bill to redesignate the facility of the United States Postal Service located at 11831 Scaggsville Road in Fulton, Maryland, as the "Alfred Rascon Post Office Building"; to the Committee on Government Reform.

By Mr. BILIRAKIS (for himself, Mr. BROWN of Ohio, Mrs. LOWEY, Mr. GREEN of Texas, Ms. DEGETTE, Mr. WAXMAN, Ms. RIVERS, Mr. OWENS, and Mr. BORSKI):

H.R. 4431. A bill to amend the Public Health Service Act to provide support for the modernization and construction of biomedical and behavioral research facilities and laboratory instrumentation; to the Committee on Commerce.

By Ms. DEGETTE:

H.R. 4432. A bill to increase the legal age of smoking from 18 to 21; to the Committee on Commerce.

By Mr. FRANKS of New Jersey:

H.R. 4433. A bill to amend the Internal Revenue Code of 1986 to waive the income inclusion on a distribution from an individual retirement account or a section 401(k) plan to the extent that the distribution is contributed to a charity; to the Committee on Ways and Means.

By Mr. HOUGHTON (for himself, Mr. RANGEL, and Mr. SWEENEY):

H.R. 4434. A bill to amend the Internal Revenue Code of 1986 to provide that ancestors and lineal descendants of past or present members of the Armed Forces shall be taken into account in determining whether a veterans' organization is exempt from tax; to the Committee on Ways and Means.

By Mr. JONES of North Carolina:

H.R. 4435. A bill to clarify certain boundaries on the map relating to Unit NC01 of the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. MASCARA:

H.R. 4436. A bill to authorize a study concerning the George C. Marshall Plaza in Uniontown, Pennsylvania; to the Committee on Resources.

By Mr. MCHUGH (for himself and Mr. FATTAH):

H.R. 4437. A bill to grant to the United States Postal Service the authority to issue semipostals, and for other purposes; to the Committee on Government Reform, and in addition to the Committees on Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA:

H.R. 4438. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mrs. NAPOLITANO (for herself, Mr. GREEN of Texas, Mr. SERRANO, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. HILL of Indiana, Mr. LARSON, Ms. DELAURO, Mr. BLAGOJEVICH, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Mr. CROWLEY, Mr. MOORE, Mrs. JONES of Ohio, Mr. BAIRD, Mr. BACA, Mr. GUTIERREZ, Mr. ORTIZ, Mr. REYES, Mr. ABERCROMBIE, Mr. MARTINEZ, Ms. CARSON, Ms. VELÁZQUEZ, Mr. MENENDEZ, Mr. BECERRA, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Ms. SANCHEZ, Ms. WATERS, Mr. HORN, Mr. CALVERT, Mrs. BONO, Mr. BILBRAY, Mr. FILNER, Mr. BERMAN, and Mr. DREIER):

H.R. 4439. A bill to amend the Public Health Service Act to establish a program for the prevention of suicide among Latina adolescents; to the Committee on Commerce.

By Mr. PORTER:

H.R. 4440. A bill to authorize appropriations to expand and enhance United States international broadcasting operations around the world, specifically enhancing the depth and scope of programming throughout the People's Republic of China; to the Committee on International Relations.

By Mr. RAHALL:

H.R. 4441. A bill to amend title 49, United States Code, to provide a mandatory fuel surcharge for transportation provided by certain motor carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. SAXTON (for himself, Mr. YOUNG of Alaska, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mr. DINGELL, and Mr. CUNNINGHAM):

H.R. 4442. A bill to establish a commission to promote awareness of the National Wildlife Refuge System among the American public as the System celebrates its centennial anniversary in 2003, and for other purposes; to the Committee on Resources.

By Mr. STRICKLAND:

H.R. 4443. A bill to amend the Public Health Service Act to establish an Office of Correctional Health; to the Committee on Commerce.

By Mr. DAVIS of Virginia (for himself, Mr. ROGAN, Mr. ROHRABACHER, Mr. MORAN of Virginia, Mr. SMITH of New Jersey, Mr. CUNNINGHAM, Mr. BILBRAY, Mr. DELAY, Mrs. MORELLA, Mr. ROYCE, Mr. CAMPBELL, Ms. LOFGREN, Mr. WOLF, and Ms. SANCHEZ):

H. Con. Res. 322. Concurrent resolution expressing the sense of the Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam; to the Committee on International Relations.

By Mr. HALL of Ohio (for himself, Mr. WOLF, Mr. GEJDENSON, Mr. ROYCE, Mr. HASTINGS of Florida, Mr. HOUGHTON, and Ms. MCKINNEY):

H. Con. Res. 323. Concurrent resolution supporting peace and democracy in the Republic of Sierra Leone; to the Committee on International Relations.

By Mr. HOEFFEL (for himself, Mr. GEJDENSON, and Mr. BERMAN):

H. Con. Res. 324. Concurrent resolution expressing support for United States participation in the Sixth Nonproliferation Treaty Review Conference; to the Committee on International Relations.

By Mrs. NAPOLITANO (for herself, Mr. GREEN of Texas, Mr. SERRANO, Mr. RODRIGUEZ, Mr. HINOJOSA, Mr. GONZALEZ, Ms. ROYBAL-ALLARD, Mr. PASTOR, Mr. HILL of Indiana, Mr. LARSON, Ms. DELAURO, Mr. BLAGOJEVICH, Ms. BERKLEY, Ms. MILLENDER-MCDONALD, Ms. JACKSON-LEE of Texas, Mr. CROWLEY, Mr. MOORE, Mrs. JONES of Ohio, Mr. BAIRD, Mr. BACA, Mr. GUTIERREZ, Mr. ORTIZ, Mr. REYES, Mr. ABERCROMBIE, Mr. MARTINEZ, Ms. CARSON, Ms. VELÁZQUEZ, Mr. MENENDEZ, Mr. BECERRA, Mr. UNDERWOOD, Mr. ROMERO-BARCELO, Ms. SANCHEZ, Ms. WATERS, Mr. HORN, Mr. CALVERT, Mrs. BONO, Mr. BILBRAY, Mr. FILNER, Mr. BERMAN, and Mr. DREIER):

H. Con. Res. 325. Concurrent resolution expressing the sense of Congress regarding the need to more appropriately address the health and well being of Hispanic adolescent girls and endorsing the findings and recommendations of the National Coalition of Hispanic Health and Human Services Organizations (COSSMHO) now known as The National Alliance for Hispanic Health; to the Committee on Commerce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 175: Mr. NUSSLE.

H.R. 353: Mr. LEVIN Mr. GUTKNECHT, and Mr. GEPHARDT.

H.R. 531: Mr. HEFLEY.

H.R. 652: Mr. SHERMAN.

H.R. 773: Mr. BACA.

H.R. 1178: Mr. COOK.

H.R. 1187: Mr. BRADY of Pennsylvania, Mr. SCOTT, and Mr. DAVIS of Illinois.

H.R. 1304: Mr. PETRI.

H.R. 1322: Mr. SUNUNU, Mr. HOLT, Mr. WAMP, Mr. BARTON of Texas; Mrs. MYRICK, and Mrs. CUBIN.

H.R. 1388: Mrs. CAPPS, Mr. FARR of California, Mrs. BONO, Mr. LATHAM, Mr. PHELPS, Mr. LAFALCE, Ms. BALDWIN, Mr. BRADY of Pennsylvania, Mr. VENTO, Mr. HEFLEY, Mr. LOBIONDO, and Mr. LATOURETTE.

H.R. 1452: Mr. POMBO.

H.R. 1621: Mr. DELAHUNT and Mr. GRAHAM.

H.R. 1708: Mr. CALLAHAN.

H.R. 1769: Mr. KUCINICH.

H.R. 1824: Mr. KING.

H.R. 1841: Mr. GEORGE MILLER of California.

H.R. 1870: Mr. BACA.

H.R. 1872: Mr. GIBBONS.

H.R. 1882: Ms. PRYCE of Ohio and Mr. ANDREWS.

H.R. 2308: Mr. WAMP.

H.R. 2339: Mr. HILL of Indiana.

H.R. 2420: Mr. OLVER, Mr. SOUDER, Mr. WALSH, Mr. YOUNG of Alaska, Mr. HOSTETTLER, Mr. MATSUI, Mr. HAYWORTH, Mr. GALLEGLY, Mr. SMITH of New Jersey, and Mr. SHUSTER.

H.R. 2451: Mr. MINGE.

H.R. 2457: Mr. FARR of California, Mr. PETERSON of Minnesota, Mr. SHERMAN, and Mr. CAPUANO.

H.R. 2595: Ms. CARSON.

H.R. 2635: Mr. SMITH of Michigan.

H.R. 2641: Mr. RUSH.

H.R. 2655: Mr. COOK.

H.R. 2733: Mr. CALVERT.

H.R. 2816: Mr. GREEN of Texas.

H.R. 2892: Mr. WICKER.

H.R. 2907: Mr. PRICE of North Carolina.

H.R. 2916: Mr. ENGEL.

H.R. 2934: Mr. KIND, Ms. SCHAKOWSKY, Ms. DEGETTE, and Ms. BALDIN.

H.R. 2984: Mr. TERRY.

H.R. 3082: Mr. BLUNT, Mr. JONES of North Carolina, Mrs. EMERSON, Mr. GUTKNECHT, Mr. DUNCAN, Mr. MINGE, and Mr. RYAN of Wisconsin.

H.R. 3125: Mr. WEXLER and Mr. MARTINEZ.

H.R. 3192: Mr. MCGOVERN, Mr. MARKEY, Mr. CARDIN, Mrs. CAPPS, Mr. SANDERS, and Mr. CLAY.

H.R. 3250: Mr. RANGEL, Mr. CLAY, and Mr. STRICKLAND.

H.R. 3377: Mr. WU and Ms. PELOSI.

H.R. 3593: Mr. CALVERT, Mr. CUNNINGHAM, and Mr. HASTINGS of Florida.

H.R. 3625: Mr. TOWNS, Mr. MEEKS of New York, Mr. WELDON of Florida, Mr. MANZULLO, Mr. GREEN of Texas, Mr. BILIRAKIS, Mr. VITTER, Mr. HOSTETTLER, Mr. DIXON, Mr. CRAMER, Mr. HILL of Montana Mr. SISISKY, Mr. PACKARD, Mr. ISAKSON, Mr. WELDON of Pennsylvania, Mr. YOUNG of Alaska, Mr. KASICH, and Mr. RYAN of Wisconsin.

H.R. 3669: Mrs. MYRICK, Mr. BISHOP, Mr. SOUDER, Mr. VITTER, Mr. ROYCE, Mr. LATOURETTE, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, and Mr. MICA.

H.R. 3677: Mr. OBERSTAR and Mr. HINCHEY.

H.R. 3688: Mr. MALONEY of Connecticut, Mr. FILNER, Ms. DANNER, and Ms. DELAURO.

H.R. 3700: Mr. DICKS, Mr. DEFAZIO, Mr. KIND, Mr. MCDERMOTT, Ms. NORTON, Mr. THOMPSON of Mississippi, and Mr. ISAKSON.

H.R. 3710: Mr. HORN, Ms. RIVERS, and Mr. DOOLEY of California.

H.R. 3823: Mr. BARRETT of Wisconsin.

H.R. 3872: Mr. STUPAK, Ms. BERKLEY, Mr. PRICE of North Carolina, and Mr. MOLLOHAN.

H.R. 3883: Ms. CARSON.

H.R. 3896: Mr. BLAGOJEVICH.

H.R. 3916: Ms. RIVERS, Mr. LOBIONDO, Mr. FORBES, and Mr. MILLER of Florida.

H.R. 3928: Mr. SANDLIN, Mr. WAXMAN; Ms. EDDIE BERNICE JOHNSON of Texas, Mr. FRANKS of New Jersey, and Mr. BONIOR.

H.R. 4003: Mrs. THURMAN.

H.R. 4013: Mr. PETRI.

H.R. 4033: Mr. LUTHER and Mr. CUMMINGS.

H.R. 4064: Mr. CRAMER.

H.R. 4069: Mr. GIBBONS, Mr. RAHALL, Mr. WEINER, Mr. BURR of North Carolina, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. QUINN, Mr. DAVIS of Illinois, Mr. KUCINICH, and Mr. DOOLITTLE.

H.R. 4081: Ms. HOOLEY of Oregon.

H.R. 4094: Mr. UDALL of New Mexico, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. ORTIZ, Ms. MCKINNEY, and Mr. DELAHUNT.

H.R. 4132: Mr. CALVERT, Mr. POMBO, Mr. RADANOVICH, Mr. WALDEN of Oregon, Mr. DOOLEY of California, and Mr. SIMPSON.

H.R. 4168: Mr. CLAY, Mr. LAFALCE, Mr. KLINK, and Mr. ROEMER.

H.R. 4214: Mr. MASCARA, Mrs. THURMAN, Mr. TERRY, Mr. SCOTT, Mrs. EMERSON, and Mr. BLUNT.

H.R. 4232: Mr. HOYER.

H.R. 4239: Mr. MARKEY, Mr. SANDERS, Ms. RIVERS, and Mr. MCNULTY.

H.R. 4245: Mrs. KELLY, Mrs. THURMAN, Mr. TERRY, Mrs. EMERSON, Mr. METCALF, and Ms. PRYCE of Ohio.

H.R. 4268: Mr. PETERSON of Minnesota, Mr. THOMPSON of California, Mr. UDALL of New Mexico, Mr. HILL of Indiana, Mr. SHOWS, and Ms. BERKLEY.

H.R. 4274: Mrs. THURMAN, Mr. BACA, Mr. COBURN, Ms. GRANGER, Mr. BOUCHER, Mr. RAMSTAD, Mr. COOK, Mr. GREEN of Wisconsin, Mr. CALVERT, Mr. OXLEY, Mr. TAUZIN, Mr. LARGENT, Mr. COLLINS, Mr. PICKERING, Mr. LAHOOD, Mr. LATOURETTE, Mr. SWEENEY, Mr. EHLERS, Mr. WELDON of Pennsylvania, Mr. SCHAFFER, Mr. GRAHAM, Mr. SHAYS, Mr. SMITH of New Jersey, Mr. MANZULLO, Mr. LEWIS of California, and Mr. GILMAN.

H.R. 4279: Mr. ENGLISH.

H.R. 4290: Ms. LEE.

H.R. 4292: Mrs. MYRICK, Mr. PAUL, Mr. SHOWS, Mr. SMITH of New Jersey, Mr. BLILEY, Mr. WAMP and Mr. TIAHRT.

H.R. 4308: Mrs. THURMAN.

H.R. 4328: Mrs. THURMAN and Mr. MASCARA.

H.R. 4334: Mr. CAPUANO.

H.R. 4346: Mr. TOWNS, Mr. ETHERIDGE, Mr. MCGOVERN, Mr. BROWN of Oho, and Mr. CONYERS.

H.R. 4380: Mr. CAPUANO, Ms. CARSON, and Ms. RIVERS.

H.R. 4390: Ms. CARSON, Mr. BROWN of Ohio, Mrs. CHRISTENSEN, and Mr. MCGOVERN.

H.R. 4393: Mr. OSE, Ms. MILLENDER-MCDONALD, Mr. MATSUI, and Mr. BACA.

H.R. 4395: Mr. DEUTSCH, and Mr. RAHALL.

H. Con. Res. 252: Mr. SUNUNU, Mr. GARY MILLER of California, Mr. OXLEY, Mr. DOOLEY of California, and Mr. BILIRAKIS.

H. Con. Res. 266: Mrs. THURMAN.

H. Con. Res. 318: Mr. BROWN of Ohio, Mr. RANGEL, and Mr. BRADY of Pennsylvania.

H. Res. 388: Mr. FARR of California.

H. Res. 458: Mr. TIERNEY and Mr. PETRI.

H. Res. 459: Mr. WATKINS and Mr. KINGSTON.

H. Res. 494: Mr. SHOWS, Mr. PICKERING, Mr. LIPINSKI, Mr. WATTS of Oklahoma, Mr. HOEKSTRA, Mr. PITTS, Mr. HERGER, Mrs. MYRICK, Mr. TIAHRT, Mr. SCHAFFER, Mr. TOOMEY, Mr. LARGENT, Mr. COBURN, Mr. PAUL, Mr. MANZULLO, Mr. SHADEGG, Mr. GREEN of Wisconsin, Mr. SANFORD, Mr. WELDON of Florida, and Mr. WAMP.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 396: Mr. BONILLA.

## DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 9, May 11, 2000, by Mr. MINGE on House Resolution 478, was signed by the following Members: David Minge, George Miller, Tom Udall, Gene Green, Michael R. McNulty, David E. Bonior, John W. Olver, Tammy Baldwin, Alcee L. Hastings, Jose E. Serrano, Michael E. Capuano, John D. Dingell, Fortney Pete Stark, Albert Russell Wynn, Eddie Bernice Johnson, Jesse L. Jackson, Jr., Janice D. Schakowsky, Rush D. Holt, Marcy Kaptur, Bruce F. Vento, Ed Pastor, Solomon P. Ortiz, Rosa L. DeLauro, Steven R. Rothman, Dennis Moore, Robert A. Borski, Tim Holden, Martin T. Meehan, Ron Klink, Sherrod Brown, Carolyn McCarthy, Frank Mascara, Paul E. Kanjorski, Robert A. Brady, Joseph M. Hoeffel, Max Sandlin, Lynn C. Woolsey, Danny K. Davis, Thomas M. Barrett, Peter A. DeFazio, John F. Tierney, John Lewis, Nick Lampson, Bart Stupak, Ted Strickland, Darlene Hooley, Baron P. Hill, Robert A. Weygand, Patsy T. Mink, Earl F. Hilliard, Michael P. Forbes, Dale E. Kildee, Shelley Berkley, Ruben Hinojosa, Grace F. Napolitano, Nydia M. Velázquez, Mike Thompson, Henry A. Waxman, Eva M. Clayton, Juanita Millender-McDonald, Martin Frost, Rod R. Blagojevich, Charles A. Gonzalez, Anna G. Eshoo, Bill Luther, Robert E. Andrews, Bobby L. Rush, John B. Larson, Karen McCarthy, Lynn N. Rivers, Carrie P. Meek, Julia Carson, Robert Wexler, Leonard L. Boswell, Steny H. Hoyer, Martin Olav Sabo, Robert T. Matsui, Ron Kind, Bob Etheridge, John Elias Baldacci, Luis V. Gutierrez, Ciro D. Rodriquez, Frank Pallone, Jr., Mark Udall, Major R. Owens, Anthony D. Weiner, Bill Pascrell, Jr., Earl Pomeroy, Lois Capps, James L. Oberstar, Gerald D. Kleczka, Adam Smith, Sam Farr, Ralph M. Hall, Chaka Fattah, Michael F. Doyle, Jim Turner, Collin C. Peterson, Stephanie Tubbs Jones, James P. McGovern, Ronnie Shows, Karen L. Thurman, Sam Gejdenson, Vic Snyder, Marion Berry, Allen Boyd, Bennie G. Thompson, Harold E. Ford, Jr., Nancy Pelosi, Julian C. Dixon, Howard L. Berman, Tom Lantos, Barney Frank, Elijah E. Cummings, Pat Danner, Bernard Sanders, Loretta Sanchez, David R. Obey, Maurice D.

Hinchey, Edward J. Markey, William D. Delahunt, Ike Skelton, James H. Maloney, Donald M. Payne, Gene Taylor, Lloyd Doggett, John M. Spratt, Jr., Xavier Becerra, James A. Barcia, Sanford D. Bishop, Jr., Chet Edwards, Barbara Lee, Tom Sawyer, Corrine Brown, Jerry F. Costello, William O. Lipinski, Carolyn B. Maloney, Lucille Roybal-Allard, Jim Davis, Ken Bentsen, Joe Baca, Debbie Stabenow, David E. Price, Bob Filner, Ellen O. Tauscher, Charles B. Rangel, Ken Lucas, Patrick J. Kennedy, Calvin M. Dooley, Jerrold Nadler, Owen B. Pickett, Norman D. Dicks, Robert E. (Bud) Cramer, Jr., John Conyers, Jr., Jim McDermott, Cynthia A. McKinney, Eliot L. Engel, Sheila Jackson-Lee, David Wu, Nita M. Lowey, Mike McIntyre, Peter Deutsch, Louise McIntosh Slaughter, Robert Menendez, William J. Coyne, Gary L. Ackerman, Joseph Crowley, Tony P. Hall, James E. Clyburn, Lane Evans, Dennis J. Kucinich, Jay Inslee, Brad Sherman, Silvestre Reyes, Robert C. Scott, John J. LaFalce, Charles W. Stenholm, Edolphus Towns, William J. Jefferson, David D. Phelps, Gregory W. Meeks, Carolyn C. Kilpatrick, Norman Sisisky, Thomas H. Allen, Maxine Waters, William (Bill) Clay, and Richard A. Gephardt.

# SENATE—*Thursday, May 11, 2000*

The Senate met at 9:32 a.m. and was called to order by the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Reverend Dr. Edward Robinson, from the Central Union Church, Honolulu, HI.

## PRAYER

The guest Chaplain, Dr. Edward Robinson, offered the following prayer:

Let us speak together in prayer.

Almighty God, our Creator and our Redeemer, there are those across the aisle or awaiting us in our office or in some other corner of the world whose might and power trouble us and may even make us afraid, but Your strength grants us courage. There are those whose intelligence and oratory make us feel humbled and vulnerable, but Your wisdom gives us grace to meet the challenge.

There are those whose laughter and jibes or the things they write about us sometimes hurt, ridicule, and demean us, but Your smile makes us welcome and tells us we are worthwhile. There are those whose schemes and dreams for humanity confuse, bewilder, and terrify us, but Your vision for our lives gives us joy and hope.

Lord, in this incredible arena of power and decisionmaking, in these incredible times as citizens of this land, surrounded by all these incredible people, teach us to use our God-given talents to serve as You have served us. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable MICHAEL D. CRAPO led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 11, 2000.*
>
> *To the Senate:*
>
> Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MICHAEL D. CRAPO, a Senator from the State of Idaho, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. CRAPO thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, before I give the opening script for the leader, I would like to defer to the Senator from Hawaii for a few minutes.

Mr. AKAKA. I thank the Senator.

The ACTING PRESIDENT pro tempore. The Senator from Hawaii is recognized.

## GUEST CHAPLAIN, DR. EDWARD "TED" ROBINSON

Mr. AKAKA. Mr. President, I am very pleased and extremely honored to welcome to the Senate our guest Chaplain today, Rev. Dr. Edward Merritt "Ted" Robinson of Central Union Church in Honolulu.

Dr. Robinson is senior minister at Central Union Church in Honolulu, the largest United Church of Christ in the West and 1 of the 10 largest in the United States. Central Union was founded over 150 years ago, and the "Church in the Garden" is renowned for its commitment to community outreach as much as for its beautiful sanctuary. For over a century, the congregation has worked to put its faith into action in Hawaii, nationally, and throughout Asia and the Pacific.

Dr. Robinson has served as senior minister at Central Union for 15 years and has ministered in the United Church of Christ for over 30 years. He was born in Westwood, MA, and received his bachelor's degree from Yankton College and bachelor of theology degree from Yankton School of Theology. He holds a master's of divinity from United Seminary in St. Paul and master's of sacred theology from the Iliff School of Theology at the University of Denver. He earned his doctor of ministry degree at San Francisco Theological Seminary.

In addition to his work in the United Church of Christ, Dr. Robinson has served on a number of boards and commissions in Honolulu including the Salvation Army, Girl Scouts, Shriner's Hospital for Crippled Children, Hawaii Habitat for Humanity, and Honolulu Boy Choir.

Ted and Barbara Robinson are the proud parents of two children, Sarah and Jonathan, and one granddaughter.

When we are home in Hawaii, we frequently worship at Central Union. Ted Robinson is one of the finest preachers to grace Hawaii. He is a friend and source of comfort for me and my family and inspires his active and growing congregation to live their lives as courageous people of faith. By word and deed, he embraces the mission of Central Union inscribed in the sanctuary above the altar: "Love Never Faileth."

It is my pleasure and privilege to welcome my good friend and minister to the Senate.

Aloha.

The ACTING PRESIDENT pro tempore. We thank the Senator and join with him in his gracious welcome to Reverend Robinson.

Mr. GRASSLEY. Mr. President, we all thank Reverend Robinson for his prayer this morning and for his leadership in the spiritual world.

## SCHEDULE

Mr. GRASSLEY. Mr. President, for the leader, I will announce today's business.

The Senate will resume debate on the conference report to accompany the African Growth and Opportunity Act. By previous consent, at 10 a.m. the Senate will proceed to a cloture vote on the conference report. If cloture is invoked, debate will resume with the anticipation of an early afternoon vote on final passage of the trade bill. Senators will be notified as further votes are scheduled.

Following the disposition of this important legislation, it is hoped the Senate can begin consideration of the military construction appropriations bill.

The leader thanks colleagues for their attention and cooperation.

## MEASURE PLACED ON CALENDAR—H.R. 4386

Mr. GRASSLEY. Mr. President, I understand there is a bill at the desk due its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill by title for the second time.

The senior assistant bill clerk read as follows:

> A bill (H.R. 4386) to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

Mr. GRASSLEY. Mr. President, I object to further proceedings on this matter at this time.

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The ACTING PRESIDENT pro tempore. The bill will be placed on the calendar.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## TRADE AND DEVELOPMENT ACT OF 2000—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the conference report accompanying H.R. 434, which the clerk will report.

The legislative clerk read as follows:

Conference report to accompany H.R. 434, an act to authorize a new trade and investment policy for sub-Saharan Africa.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 10 a.m. is equally divided in the usual form.

Mr. GRASSLEY. I defer to the Senator from New York.

The ACTING PRESIDENT pro tempore. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do thank my colleague, who will be speaking momentarily. I want to simply recapitulate some of the statements made yesterday, of which the first and the most important is to say this is the first trade bill to come to the floor of the Senate in 6 years. It is not simply that there have not been matters to attend to, it is rather that we have not been able to attend to them.

Most important, we have been unable to provide the President with negotiating authority for future trade agreements in the manner that developed over the last half century, following the epochal decision and action in the first term of President Roosevelt under Cordell Hull to begin the reciprocal trade agreements program. Under that program, the United States negotiated with individual countries, and then after World War II with a group of countries gathered together under the umbrella of the General Agreement on Tariffs and Trade. The Reciprocal Trade Agreements Act of 1934 gave the President the authority to negotiate and proclaim tariff reductions and that procedure evolved, in 1974, into the trade agreements negotiating authority, whereby the Congress gave the President the opportunity to reach a common agreement with other countries and then send it to the Congress to be approved up or down, not to be negotiated item by item as we had done in the disastrous Smoot-Hawley tariff of 1930. We have never had a tariff bill as such on the Senate floor in 70 years.

The administration was hesitant about asking the Congress to renew this authority. When finally it did, we were hesitant about giving it, and it looked for a while as if an enormous, a momentous event in the world economy and the American economy and in the political stability of the world was being lost. The role of trade has become so important. Many of the principal actors in the Second World War were at war with each other in very much trade-related matters. It would now be thought inconceivable for any such conflict to take place.

I say this because not only was this the first bill in six years, but yesterday we began our debate on an auspicious note with a resounding vote of 90–6 in support of the motion to proceed to the conference report, and now we will vote to invoke cloture. I trust we will do so with the same resounding vote.

This is a good bill. It is not perfect, nor will it solve all the economic problems of sub-Saharan Africa and the Caribbean, but it will help, as Senator GRASSLEY and others said yesterday. My esteemed colleague, the Senator from Iowa, is here representing Senator ROTH, the chairman of our committee, who is recovering from surgery and who will be back with us next week when on next Wednesday we will take up in the Finance Committee the proposition of permanent normal trade relations with China, an epic decision we will have to make and which I think we will be able to make in the context of this legislation having succeeded.

I remind all who might be listening that 6 months ago, this legislation was dead. It was not going anywhere. The House had passed a measure limited to Africa and not very well received over here. They had not included anything for the Caribbean Basin and Central America, as we call it, a program begun under President Reagan, and the Finance Committee took it up. The Finance Committee worked for 6 months on this matter.

I know there are persons who feel it is unacceptable because it does not contain provisions that provide for assistance to sub-Saharan Africa with respect to HIV/AIDS.

I say to my friends, the Senate did have such a provision. We fought for it in conference. We were not able to succeed because on the House side it was thought the legislation was a trade measure and public health issues were not relevant.

But also, absent economic development, there will be no controlling this epidemic in Africa, anymore than in the subcontinent of Asia, and we will not have anything in which to begin an engagement on these matters—nothing. Anyone who comes to this body thinking that legislation which is not perfect is unacceptable will often be disappointed. I was disappointed with the extent to which persons spoke yesterday about rejecting this legislation because it was not perfect.

I note that the Foreign Relations Committee has reported out a measure, S. 2382, the Technical Assistance, Trade Promotion and Anti-Corruption Act of 2000, which includes some important provisions addressing this public health crisis. Other suggestions are under review. These include proposed tax incentives to promote vaccine development. These tax incentives will come to the Finance Committee.

I am sure my friend from Iowa will agree that Senators who accept what we have done today, even if not perfect, will find a much more receptive Finance Committee. We have worked very hard on this. We know perfectly well the facts, and we propose to address them in a context where we will have a tax bill. We will try to get a tax bill on the House side, and we will enact something of much greater consequence than anything now contemplated.

I offer a further thought, which is that on May 3, the Wall Street Journal reported, and I was advised of this in advance, that the Pfizer pharmaceutical company—one of the oldest, the one which developed penicillin during World War II, the British having discovered it and not having the capacity to produce it; a great firm with great successes—had offered to provide one of its drug therapies for HIV infection, called Diflucan, at no cost to South Africans. There is a press announcement from Geneva this morning that five pharmaceutical companies—Merck, Bristol Myers Squibb, Glaxo Wellcome, Boehringer Ingelheim, and Roche—are participating in a collaborative initiative with the United Nations Programme on HIV/AIDS, which is termed UNAIDS to "explore ways to accelerate and improve the provision of HIV/AIDS-related care and treatment in developing countries."

Does the Presiding Officer wish me to cease and desist?

The PRESIDING OFFICER (Mr. BUNNING). The time allocated to the minority side has expired.

Mr. MOYNIHAN. Fine.

I would simply close by saying, sir, as to the matter of worker rights, the amendment to the CBI legislation offered on this matter was offered by Senator LEVIN, which I cosponsored. It provided that the President must take into account the extent to which a prospective CBI beneficiary country protects internationally recognized worker rights. That is to say, the core labor standards established by the ILO. I report to the Senate that this was retained in the conference agreement, as were many other Senate amendments.

I thank the Chair and I regret having imposed upon my colleague's time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, it is my intention to use 5 minutes and then give the remainder of the time to one of the opponents of the legislation, the Senator from Wisconsin. So I ask the

Chair to please inform me when 5 minutes are up.

The PRESIDING OFFICER. The Chair will so note.

Mr. GRASSLEY. Mr. President, I rise in support of the cloture motion. I urge my colleagues on both sides of the aisle to support this motion. I spoke yesterday, at length, about why this bill is such an important piece of legislation.

I guess the best proof of it is that it enjoys such bipartisan support, which does not happen too often on Capitol Hill. But I summed up, in yesterday's remarks, that this conference agreement is about opportunity—opportunity for 48 struggling nations of sub-Saharan Africa; and opportunity for the people of the Caribbean, many of whom are struggling to rebuild their lives following the devastation of their countries by natural disaster.

Most importantly, we in the Congress must be concerned about American jobs—our working men and women. This bill does much for the American economy and for America's consumers, as well. The enhanced Caribbean Basin Initiative textile provisions in this conference agreement may create up to $8 billion in new sales and 120,000 new jobs over the next 5 years. Those are not my estimates. Those are not Senator MOYNIHAN's estimates. Those are the textile industry's own estimates.

In addition to the textile industry, this bill enjoys the support of many other industries as well. This is because American exports follow American investment when that investment moves abroad, especially exports of capital equipment.

This conference agreement enjoys broad support among distinguished Members of both the majority and minority, who have worked together long and hard to fashion this agreement.

It also enjoys the support of a vast majority of political, civic, and religious leaders around the United States, and the support of each of the nations that would benefit from its passage.

I urge my colleagues to take a look at an advertisement in the Hill newspaper that was put out yesterday. It has a long list of prominent business leaders and organizations. It has a long list of American civic leaders who support this, including even organizations such as Empower America, which is headed by Republican Jack Kemp, and is supported by conservative leaders such as Bill Bennett.

Since it enjoys this broad, bipartisan support—both within and outside the political environment—I hope that it gets the support of our colleagues as well.

A vote for cloture is also a reaffirmation of America's historic leadership role in international trade. We have much to do in the international trade arena in the next year or two:

Restore confidence in American trade policy, and leadership in trade; rebuild confidence in the World Trade Organization; win the fight for permanent normal trade relations status for China; and show our trading partners in Geneva, where negotiations are underway right now, that we in the Senate are engaged with the world, and the world can look to us for that leadership.

I ask my colleagues to vote in support of the opportunity to continue America's leadership in the effort to reduce trade barriers. I ask my colleagues to vote in favor of this motion.

Mr. President, I ask unanimous consent to have that advertisement I mentioned in the Hill newspaper printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Hill, May 10, 2000]

TO THE UNITED STATES SENATE

CONFERENCE REPORT ON THE AFRICAN GROWTH AND OPPORTUNITY ACT

*We Endorse Legislation That Provides Social and Economic Opportunity in Africa And We, the Undersigned, are Working Together to Achieve this Goal*

All 48 African Nations

Angola
Benin
Botswana
Burkina Faso
Burundi
Cameroon
Cape Verde
Central Africa Republic
Chad
Comoros
Congo (Brazzaville)
Congo, Democratic Republic
Côte d'Ivoire
Djibouti
Equitorial Guinea
Eritrea
Ethiopia
Gabon
The Gambia
Ghana
Guinea
Guinea-Bissau
Kenya
Lesotho
Liberia
Madagascar
Malawi
Mali
Mauritania
Mauritius
Mozambique
Namibia
Niger
Nigeria
Reunion
Rwanda
Sao Tome and Principe
Senegal
Seychelles
Sierra Leone
South Africa
Swaziland
Tanzania
Togo
Uganda
Zambia
Zimbabwe

Business Leaders

The Limited, Inc.
Gap Inc.
Ford Motor Company
Moving Water Industries
Chevron Corporation
Kmart Corporation
Cargill
BP Amoco Corporation
Bechtel
Exxon Corporation
Citigroup
Enron Corporation
Bank of America
Mobil Corporation
Boeing Company
Bristol-Myers Squibb Company
National Retail Federation
Caterpillar, Inc.
Leon Tempelsman & Son
DaimlerChrysler
American International Group
Archer Daniels Midland Company
Foley, Hoag and Eliot
Eastman Kodak
Equator Bank HSBC
Edlow International
Eli Lilly and Company
Emerson Electric Co.
Texaco Inc.
Equitable Capital Mgmt.
Barden International
BET, Inc.
F.C. Schaffer
Fluor Corporation
WorldSpace, Inc.
General Electric
General Motors Corporation
Halliburton/Brown & Root
Harris Corporation
Holland & Knight
Iridium LLC
Kaiser Aluminum & Chemical
Lehman Brothers
Corporate Council on Africa
Louis Berger International
Manchester Trade,
McDermott Incorporated
McDonald's Corporation
Modern Africa Fund Managers
Motorola Inc.
Moving Water Industries
National Soft Drink Association
New Africa Advisers
Occidental International
Ocean Energy
Oracle
Philip Morris
PriceWaterhouseCoopers
Pryor, McClendon, Counts & Co.
Raytheon
SBC Communications Inc.
Seaboard
Teledesic Corporation
Tyco
Westar Group Inc.
International Mass Retail Association
U.S. Chamber of Commerce
Coalition for Employment Through Exports, Inc.

American Civic Leaders

Bishop Donald G.K. Ming, AME Church
Bishop Garnett C. Henning, AME Church
Bishop Vinton Anderson, AME Church
The Honorable Leon Sullivan
Mel Foote, CFA
Ambassador Andrew Young
Former Mayor David Dinkins
Mayor Wellington Webb
The Honorable Kweisi Mfume
Mrs. Coretta Scott King
Mr. Martin Luther King III
Mr. Robert Johnson, BET, Inc.
Mr. C. Payne Lucas
Constituency for Africa
National Council of Churches
Africare

International Foundation for Education and Self-Help
Education Africa
Africa-America Institute
African Development Foundation
World Vision
Service and Development Agency (SADA)
African Methodist Episcopal (AME) Church
Corporate Council on Africa
Organization Industrialization Council International
NAACP
Washington Law Society
Foundation for Democracy in Africa
National Association of Negro and Professional Women's Club
National Bar Association
United States Conference of Mayors
National Conference of Black Mayors
National Council of Churches
Africa Travel Association
Black Professionals in International Affairs
Southern Christian Leadership Conference
National Association of State Legislatures
National Association of Minority Contractors
National Black Chamber of Commerce
National Black Media Coalition
National Black Republican Council
Council of 100 Black Republicans
Nigerian American Alliance
U.S. Business Council
Ron Brown Foundation
Goodworks International
Empower America

President Clinton: "Our Administration strongly supports the African Growth and Opportunity Act, which I said in my State of the Union Address, we will work to pass in this session of Congress."

Majority leader Trent Lott: "I support legislation that is good for Americans and Africans."

The African Diplomatic Corps: "The House of Representatives should seize this opportunity to open a new, historic chapter in the relations between Africa and the United States. It will mark a true beginning for an independent Africa and this great nation."

Reverened Leon Sullivan, IFESH: "The African Growth and Opportunity Act will open new markets for American products and will create additional jobs for Americans and Africans. For every $1 billion in exports to Africa, 14,000 jobs are created or sustained in the United States."

We Urge Senate Conferees to Report the: African Growth and Opportunity Act!!—AGOA Coalition, Inc.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me first thank the Senator from Iowa for his courtesy in giving me this time to speak in opposition.

Mr. President, I rise to take another opportunity to express my disappointment with the conference report on the African Growth and Opportunity Act. I have outlined my concerns about this bill time and again. I have explained how little opportunity it really offers to the countries of Africa. I have expressed my fears about transshipment. I have noted the bill's failure to address the environmental issues that are inextricably linked with trade and investment. And, most importantly, I have pointed out the rather obvious fact that unless we get serious about reducing Africa's debt burden and fighting the region's devastating HIV/AIDS crisis, any effort to stimulate trade and investment is simply an act of political theater.

By refusing to address the core obstacles prohibiting so much of that vast continent from achieving its potential as a region of prosperity and a valued trading partner, this Senate is once again ignoring the tough issues in favor of the ultimately futile quick fix. We are capable of better, and the people of Africa are certainly deserving of more.

I felt this way before learning the outcome of the conference—I felt this way last year, when I joined Congressman JESSE JACKSON, Jr., to introduce alternative legislation to the African Growth and Opportunity Act. But my disappointment was deepened, and my sense of outrage was provoked, and my resolve to fight for something better was strengthened when the outcome of the conference became apparent.

The fate of the Feinstein-Feingold amendment—a provision that was accepted into the manager's package when this bill was debated on the floor last fall but was stripped by the leadership in the final days of the conference—is appalling. Our modest amendment would have prevented the U.S. Government from pressuring African countries that use internationally legal means to make HIV/AIDS medications more accessible to their citizens. I stood on this floor yesterday and cited statistic after shocking statistic, trying to communicate the urgency of the situation and the scale of the crisis. The falling life expectancies, the overcrowded morgues, the millions of orphans, the declines in GDP—I have tried to convey the extent of the disease's reach. In light of these facts, passing legislation that prevents our Government from stopping legal efforts to bring help and hope to the millions affected by the epidemic seemed like the least that this body could do. And yet we could not even accomplish that modest step. We could not even agree to do no harm.

And I want to remind my colleagues that this issue will not go away. Even those least inclined to give this issue the attention it deserves will not be able to ignore 5,500 deaths per day, and the social, economic, and political ramifications of those deaths. This issue will not go away as long as the HIV/AIDS crisis continues on its terrible course; this issue will not go away as long as the American public asks tough questions about why this Congress refuses to pass even modest measures like the Feinstein-Feingold amendment; and this issue will not go away as long as I am in this Senate.

Most Members didn't have to face up, publicly, to the pressure of the pharmaceutical industry and the far reaching implications of their choice to support or not support the Feinstein-Feingold amendment. But eventually we will all have to face the music, we will have to answer to our constituents and to our consciences.

The commitment of the major pharmaceutical companies to differential pricing is perhaps promising, but it raises as many questions as it answers. There is differential pricing today between the United States and Canada.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FEINGOLD. I ask unanimous consent for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. I thank the Senator from Iowa.

There is differential pricing today between Canada and the United States when it comes to pharmaceuticals, and that is a bad deal. Differential pricing does not necessarily mean the affordable pricing of drugs.

But I appreciate the courtesy in being able to speak on this matter because I believe so strongly that the voices in opposition to this bill need to be heard. We did not do the job we needed to do to create a real Africa trade bill. I regret that and will vote in opposition to cloture. I ask my colleagues to vote against cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Conference Report to accompany H.R. 434, The African Growth and Opportunity Act:

Trent Lott, Jon Kyl, Pat Roberts, Craig Thomas, Bill Frist, Paul Coverdell, James Inhofe, Orrin Hatch, Don Nickles, Larry Craig, Slade Gorton, Mitch McConnell, Peter Fitzgerald, Chuck Grassley, Phil Gramm, and Mike Crapo.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the conference report to accompanying H.R. 434, the African Growth and Opportunity Act, shall be brought to a close? The yeas and nays are required under the rule. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI), and the Senator from Delaware (Mr. ROTH) are necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN), the Senator from Nevada (Mr. BRYAN), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Arkansas (Mrs. LINCOLN) are necessarily absent.

The yeas and nays resulted—yeas 76, nays 18, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—76

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Burns
Campbell
Chafee. L.
Cochran
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reid
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wyden

NAYS—18

Boxer
Bunning
Byrd
Cleland
Collins
Conrad
Dorgan
Edwards
Feingold
Helms
Hollings
Kennedy
Leahy
Reed
Smith (NH)
Snowe
Thurmond
Wellstone

NOT VOTING—6

Bingaman
Bryan
Domenici
Landrieu
Lincoln
Roth

The PRESIDING OFFICER. On this vote, the yeas are 76, the nays are 18. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, now that we are considering the conference report on the free trade bill, which I support, I point out while this legislation is designed to improve economic conditions in sub-Saharan Africa, many of these sub-Saharan countries have struggled economically for years. As a result, that economic stagnation has also led to political unrest, civil wars, and bloody violence. Reducing violence should be a high priority all across the globe, not only on the African Continent but also a high priority in our country.

In this country, we are going to see this weekend hundreds of thousands of mothers and families in Washington marching against violence as part of the Million Mom March.

My resolution simply commends the participants of the Million Mom March this weekend for rallying their communities to ask for sensible gun safety legislation. It calls on the Congress to complete action on the juvenile justice bill, which will help promote safety and sensible legislation, and I hope to offer that resolution before the Memorial Day recess.

I will be on The Mall for the march this Sunday with, I am sure, many of my colleagues on Mother's Day, May 14, 2000, with Americans from all walks of life. In Washington and communities across the country, people will join together to call for meaningful, commonsense gun safety policies.

My resolution commends these families, citizens, members of religious congregations, schools, community-based organizations, businesses, political, and cultural groups for coming together as a local and national community to recognize the violence committed against our children from guns must cease.

I am going to continue to try my best to see if we can get action on the stalled gun safety provision that American families want us to pass.

It has now been more than a year since that terrible tragedy at Columbine High School on April 20, 1999. Students at that high school were attacked in the halls of their school, in their classrooms. The result everyone knows: 12 students dead, a teacher shot dead, another 23 students and teachers injured.

I have to ask, just as they are asking—I hear it; and I know colleagues of mine hear it—what has Congress done since that time, since that awful day 1 year ago? What have we done to help reduce this violence? As I see it, not much—virtually nothing. I think it is shameful.

It is shameful because shootings have not stopped. Columbine was the most deadly school shooting. But there have been many others. It is peculiar, you often think—at least I do; I speak for myself—that we have seen the ultimate outrage, one after another: Columbine; the children being led, hand in hand, by policemen out of the school in Los Angeles; young people at a prayer meeting in Texas—and still nothing happens.

In February of this year, a little first grader was shot and killed by a classmate—a 6-year-old killing a 6-year-old. The child, Kayla Rolland, a beautiful little girl, is taken from her family. There was no explanation except that this little boy got a gun and pulled the trigger. In December of last year, a seventh grader in Fort Gibson, OK, took a handgun to school and wounded four students. These are just the school shootings since the terrible tragedy at Columbine.

Since 1997, there have been school shootings in Pearl, MS, West Paducah, KY, Jonesboro, AR, Edinboro, PA, and Springfield, OR.

There have been many other outrages outside our schools. Recently, a racist in Pittsburgh killed six people, and not too far from where we are standing, seven children were shot at the National Zoo.

Some of us have tried to address this violence. During the debate on the juvenile justice bill, the Senate passed several gun safety measures, including my amendment to require criminal background checks at gun shows. It was a very close vote. The Vice President, in his role as President of the Senate, voted to break the 50-50 tie.

I remind my colleagues that the gun show amendment had bipartisan support. I did not get 50 votes without getting some of our colleagues on the Republican side. I was pleased to have that support from Senators DEWINE, FITZGERALD, LUGAR, VOINOVICH, WARNER, and Senator John Chafee, who is no longer with us. They all voted for the amendment.

The final juvenile justice bill passed by a vote of 73-25. There was strong bipartisan support for moving forward on juvenile crime and for trying to reduce gun violence.

But what has happened since then? The gun lobby, and its congressional allies, have stalled the bill. It has been held hostage in the conference committee for more than 9 months. We need to move forward on gun safety because stopping gun violence and keeping our kids safe is too important.

When you talk about a million women marching, while they would like it, they are not marching for equal pay; they are not marching for job opportunity; they are not talking about "glass ceilings;" they are not talking about an invasion of the rights as we conventionally see them. There is one issue that is more important than any other.

They say: Dear God, help us protect our children. When we send them to school in the morning, they are healthy and smiling. We want them to come back from school the same way at the end of the day—even though they now know that there are going to be metal detectors, there are going to be guards, and there are going to be additional measures to try to maintain security.

Violence has won over much of our attention, certainly much of our budget. But we have to work to help families, some of whom have already paid a terrible price for gun violence, and others who worry about it each and every day. Because the wounds that were received were not simply the wounds that came from the gun attack, as horrible as that was, but everybody in the vicinity, everybody in those schools, were wounded by those attacks, so was our Nation. It changed the tenure of things. It made us all apprehensive.

So the gun safety provisions in the juvenile justice bill are simply commonsense measures that Congress should have enacted a long time ago.

First, we have to close the gun show loophole. There is no question that closing the gun show loophole will help prevent guns from getting into the wrong hands, including the hands of schoolchildren.

The proof is in the testimony of Robyn Anderson before the Colorado Legislature. She is the young woman who went with Eric Harris and Dylan Klebold to the Tanner gun show in Adams County, CO. She bought two shotguns and a rifle for Klebold and Harris, three of the four guns that they later used in their massacre, their shooting rampage at Columbine High School.

She testified, saying very clearly:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday. . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

She said:

> It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

More recently Patty Nielson, a teacher at Columbine High School, spoke about the need to close the gun show loophole. She said:

> All we know for sure is that if they [Klebold and Harris] hadn't gotten these guns, they never would have killed those innocent people. And the shocking thing is that they got those guns so easily from the gun show.

Mr. REID. Will the Senator from New Jersey withhold? The leader is on the floor to make a unanimous consent request.

Mr. LAUTENBERG. I certainly would agree to that provided that I regain the floor.

Mr. LOTT. Mr. President, I did not hear the request, but I understand that Senator LAUTENBERG will yield so that I can proceed to a unanimous consent request at this time.

Parliamentary inquiry, Mr. President. I believe that we are postcloture now, and the subject for debate should be the African and CBI trade bill; is that correct?

The PRESIDING OFFICER. Yes, that is correct. In a postcloture situation, debate is supposed to be germane to the bill.

### UNANIMOUS CONSENT AGREEMENT—S. 2521

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate proceed to the military construction appropriations bill, S. 2521, immediately following the adoption of the African trade conference report; further, there be debate only relative to the bill, other than any amendments offered and cleared by the two managers, which would continue until 2:15 p.m. on Tuesday, May 16, 2000.

This has been cleared with the Democratic leadership. We are extending it until this time on Tuesday at the request of our colleagues on the other side of the aisle.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I just want to make sure that those of us who want to speak about the Million Mom March that is coming this weekend, where we may see a quarter of a million or more moms here, and thousands more across the country, are not precluded under this UC from speaking on it in morning business. If it requires an amendment to the UC, I would hope we could work that out. Otherwise, I will object because we could talk about a lot of things, but there is no question the Million Mom March deserves to be discussed. Senator LAUTENBERG has a resolution praising the moms, and I think we should be able to discuss that.

Mr. LOTT. Mr. President, I might say, this does not preclude that. But the rules of the Senate are that once you vote on cloture, and the fact that cloture was adopted, postcloture, the debate has to be on the cloture item.

If the Senators want to talk on this subject, we will be glad to talk with them about the appropriate time to do it. But under the rules, the regular order will be that we have debate on this measure.

Mr. MOYNIHAN. After a vote on final passage, this would be entirely in order, and if a resolution is to be offered, then you could deal with the resolution; but you could not deal with it now, is that right? I ask that question of the majority leader.

Mr. LOTT. Mr. President, if I may, I inquire of the Senator, what was the question?

Mr. MOYNIHAN. After we have a vote on final passage, then these matters would be entirely in order, correct?

Mr. LOTT. As a matter of fact, after the vote on the conference report, it would be debate relative to the pending bill only. But, again, we always work together to find time for Senators to have morning business and talk on subjects that they wish to talk about. But we are trying to set up a process to complete the African trade bill and then move to the military construction appropriations bill. We have it worked out. Again, we will be glad to talk to Senators who may be interested in a time when that could be done. But the rules do not allow that now.

Mrs. BOXER. I understand. I am going to have to object at this time.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. I want to see it. My understanding is we are going to MILCON and we will not necessarily have an opportunity to speak—maybe we can put in a quorum call until I see that.

The PRESIDING OFFICER. The Senator from New Jersey has the floor.

Mr. REID. Mr. President, I ask the Senator from California to withhold her objection.

The PRESIDING OFFICER. She has already objected. The Senator from New Jersey has the floor.

Mr. LOTT. Mr. President, I hope we can work this out in some amicable way. The regular order is that debate now is on the African trade and CBI conference report.

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, if the Senator will yield, I know the Senator from New Jersey has the floor. In an effort to resolve this, I wonder if the leader would consider, prior to going to the military construction bill, that there be a period of time for Senators to discuss this march.

Mr. LOTT. Mr. President, again, I think we can work out a time to do this. We have a problem in that the manager of the bill has a time problem—or one of the managers—and she has to leave later on this afternoon.

Mr. REID. Also, there is nothing to prevent Senators from talking while the bill is pending.

Mr. LOTT. The point is, it would take consent in order for that to happen. Generally speaking, as long as everybody is being considerate of each other—we haven't objected to Senator LAUTENBERG speaking. But he would not be able to speak on the subject if Senators objected. He actually has spoken on both. I think we are making a mountain out of a molehill here, and we ought to be able to work through this.

Mr. REID. We will continue to work on this.

Mr. LOTT. Should I renew the request at this time?

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say again, we worked very hard on both sides of the aisle to accommodate Senators on both sides of the aisle, including their desires to speak, but also the managers' desire to do some of their work and still be able to make other commitments. In this case, we are actually trying to protect the ranking member, Senator MURRAY, from Washington State. We ought to be able to work through that. I hope Senators will be understanding of the managers' desire to make some progress on the MILCON bill today. But at their request, which I think is reasonable, we will strike the "relative to the bill" part of the request and I will renew it.

I ask unanimous consent that the Senate proceed to the military construction appropriations bill, S. 2521, immediately following the adoption of the African trade conference report, and further, there be debate only, other than any amendments offered and cleared by the two managers, which would continue until 2:15 p.m. on Tuesday, May 16, 2000.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I thank Senator REID and all Members. Further, I assure the minority leader that I don't intend to file a cloture motion on this bill this week. I think we can make progress on military construction. It has broad support because of what is in the base bill and also because it has the emergency funding for Kosovo and fuel for the military. I believe we can complete this bill this week.

Mr. LAUTENBERG. If the majority leader will yield, when would he expect that the MILCON bill will come up and be available for debate?

Mr. LOTT. I believe we will be able to finish the debate remaining on the Africa trade bill, and sometime between 12 and 1 o'clock get a vote on that, and then we would go to MILCON. The managers would like to spend, obviously, some time on the substance of that, and then we will go forward from there.

Mr. LAUTENBERG. Would there be any likelihood of a vote tomorrow on that?

Mr. LOTT. No. We will vote on the Africa trade bill today, but then we will go to debate only on MILCON, and that would go until 2:15 until Tuesday. There would be no votes on that until Tuesday.

I yield the floor.

Mr. REID. Will the Senator yield? We have a couple more speakers on this side. Senator HARKIN is one of them and he said he would be willing to speak after the vote.

Mr. HARKIN. I will speak after the vote.

Mr. REID. One of our members is tied up in judiciary, or we could be finished by noon. We will try to get him back here and speed this thing up.

Mr. LOTT. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, the teacher, Patty Nielson, from Columbine is right in her statement. It is shocking that anyone can get a gun so easily at a gun show. The American people understand this issue. In every poll, more than 80 percent of the American people support background checks at gun shows. In fact, two-thirds of the gun owners—66 percent—support background checks on all gun sales at gun shows. Some of the other loopholes in our gun laws are also shocking. There is no reason why we should allow large-capacity ammunition clips to be imported. We banned them from being manufactured in this country, but they can still be brought in, imported.

Mr. DURBIN. Will the Senator yield for a question?

Mr. LAUTENBERG. Yes.

Mr. DURBIN. I would like the Senator to respond to these questions. I want to put the importance of this resolution in context.

The Senator mentioned that it was April 10 of last year that we had the Columbine tragedy.

Mr. LAUTENBERG. April 20.

Mr. DURBIN. April 20, 1999. And if I am not mistaken, 12 or 13 high school students were killed, and more were injured during the course of that time. America was fixed on this event as no other event, despite all the gun violence, when we consider it could happen at a high school such as Columbine.

Is the Senator from New Jersey able to tell me what the response was of the Senate to that tragedy?

Mr. LOTT. Mr. President, I call the Senate to order.

The PRESIDING OFFICER. The debate must be germane to the African trade conference report.

Mr. LAUTENBERG. It is regular order.

Mr. President, I have the right to establish the connection between the trade industry, and that is how I started my remarks. The fact is that one of the purposes of getting this trade matter into law is to make sure the countries we deal with that are having severe economic problems, where we see starving populations, where we see human rights ignored, corruption rampant—that is the mission of what we are doing this day. Frankly, I am not doing it exclusively so we can do more business. We would like to do more business.

The fact is that trade has another significant implication. It is a foreign policy implication. How do we deal with it? When we look through the television cameras today, we see people with malnutrition, disease, starving. We are hoping we can do something to try to alleviate those conditions.

Why is it out of order? I ask the Parliamentarian, why is it out of order to talk about the subjects that relate at home to the same things we are trying to do to help overseas? I don't understand it. I must say that I have to pose that to the Parliamentarian.

We are never so strict that you can't talk about matters that relate indirectly. Or are we going to measure it word by word what is being said here? I think it is an invasion, I must say, of the Senator's right to speak on an issue.

I am not finished with remarks on the trade commentary. I intend to close with the trade commentary.

The PRESIDING OFFICER. All debate must be germane to the conference report.

Mr. LAUTENBERG. Mr. President, the distinguished Senator from New York, everybody's good friend here, wishes to ask a question of the majority leader. I would like Senator MOYNIHAN to ask him to respond with the assurance that I get the floor, if we abandon the debate now.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, might I ask the distinguished and forbearing majority leader, if we have a vote on the African trade bill, if the Senator from New Jersey could speak to the matter he is discussing?

Mr. LOTT. Mr. President, I believe under the unanimous consent request we agreed to that he would be able to do that.

Mr. LAUTENBERG. That I be able to recapture—we are asking the majority leader. He speaks very clearly. I have the assurance that I will be recognized immediately after to finish the comments that I was making.

Mr. LOTT. Mr. President, could I inquire?

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask Senator LAUTENBERG if he can give us some idea about how long he thinks that might take. The reason I am inquiring again is that we do have managers of the bill who have a time problem. I would like to encourage the Senator to talk with them and get some time agreements so they can move forward with the military construction bill. I feel as if they will be able to work something out with you.

Mr. REID. Mr. President, we have two of our Senators who want to speak on the African free trade bill. One of the Senators wishes to speak after the vote. I placed a call and spoke to the other Senator. He is going to call me back in a few minutes as to whether he could do the same. If that is the case, the vote will take place as soon as the leader wants it on the Africa trade bill, and then they can speak after that.

Mr. LOTT. Mr. President, I am not managing the bill. I know there is at least one more Senator on the floor who wants to speak on the trade bill. I understand there may be one or two on this side. We have about four or five speakers.

Mr. REID. We have three on our side.

Mr. LOTT. And a couple on our side.

Mr. REID. One of the Senators wants to speak for 45 minutes on our side. That is why I was trying to see if we could work it out so she could speak after the vote.

Mr. LAUTENBERG. What is our status, Mr. President? I am going to ask for a vote on germaneness, if the interpretation stands.

I thought we had an accommodation with the majority leader —I was trying to be helpful—to give us a chance to finish the debate on the subjects as I described, and to make way for the vote to take place in an expeditious fashion but guaranteeing me by unanimous consent now to be able to get the floor after the vote on the trade bill has taken place. If that is the case, I will yield the floor so we can get on to the business.

I would like that representation to be made now and clearly understood.

Mr. LOTT. Mr. President, as I understand it, the debate now postcloture has to be on the African-CBI trade bill. After that vote occurs, which shouldn't be too long from now, we would go to the military construction appropriations bill. I assume that Senators who wish to speak on this subject will want to talk with the managers of that MILCON bill, including the Senator from Washington on the other side of the aisle, who has a time problem, and work something out. I assume you can get that worked out.

I didn't know there was a consent that had been asked for that would guarantee that or how long that would be. And I am not sure the Senator wants to do that until he talks to Senator MURRAY to see what her situation is.

Mr. LAUTENBERG. Mr. President, as the majority leader knows very well, there is some dispute on this issue. And I have the floor. I have tried to conduct myself as the rules provide.

What I am asking the majority leader now is, if I propound a unanimous consent request, I be recognized after the vote on the trade bill and that I be permitted to speak at that time, to regain the floor. I think it is a reasonable request based on the debate that is going on now. Otherwise, we are going to have more delays than we would like to see. I want to get the African trade bill out of the way.

Mr. LOTT. Mr. President, I don't believe there has been a unanimous consent request propounded. If there is one propounded, will the Senator be willing to include in that a time period for how long it would take? If he takes a couple of hours, he has a major problem because of his own Member's schedule. If he needs 10 minutes, then I think we could do that.

Mr. LAUTENBERG. I have a couple of requests. I would try to do it in 40 minutes, and work on even compressing that, I say to the leader—but 40 minutes maximum.

Mr. HARKIN. Reserving the right to object, if there is such a thing going on right now, some of us want to speak. If I may say, I happen to be in favor of the African trade bill. I am willing to speak after the vote. I just want to make sure we are allowed to speak on the African trade bill.

Mr. LOTT. The African trade bill? Why don't you speak now?

Mr. HARKIN. I would like to speak now. But I don't have the floor right now, and I can't get the floor.

Mr. LAUTENBERG. We can release the floor, if the leader will give me consent, and we can move on to the business.

Mr. REID. As I understand what the Senator from New Jersey said, he and the other two speakers would be willing to agree to a 40-minute time agreement today. Is that the correct way I understood the Senator from New Jersey?

Mr. LAUTENBERG. Yes.

Mr. LOTT. Mr. President, I wish the Senators would at least talk to the Senator on their side of the aisle as to the time problem and see what Senator MURRAY has to say because I feel a little funny here. I am protecting Senator MURRAY's desire to do her part early. I think we could, if the Senator would agree to do this after Senator MURRAY speaks, and opening statements are made—I wish the Senator would talk to her we could agree to that. I presume it would be about 3:30 this afternoon, or so.

Mr. REID. I can't speak to this. Senator BOXER would be happy to talk to our friend. I think 40 minutes would probably do it.

Mr. LOTT. I would like to urge the Senator to talk to Senator MURRAY and see if that is agreeable with her, and to the managers of the bill.

Mr. LAUTENBERG. We want to accommodate. I tell the leader that. Perhaps we can move it along by saying that after the opening statements by the managers—they introduce their managers' amendment—I then be able to regain the floor for the 40 minutes about which we are talking. I think that will allow us to move things along at a good pace.

The PRESIDING OFFICER (Mr. ALLARD). Is there objection?

Without objection, it is so ordered.

Mr. CRAIG. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Is that propounded as a unanimous-consent request or simply the Senator——

The PRESIDING OFFICER. It was. It was a unanimous-consent request.

Mr. CRAIG. I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. BOXER. Mr. President, it was already agreed to. You already said it was agreed to.

The PRESIDING OFFICER. No, the Senator has the right to reserve the right to object.

The Senator from New Jersey has the floor.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent Senator LAUTENBERG be given 30 minutes after the opening statements and the managers' amendments are offered on the military construction bill, so we can speak on the subject about which he has been speaking this morning.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I rise to, first of all, support enthusiastically the Trade and Development Act of 2000 known as the African Growth and Opportunity Act.

I thank Chairman ROTH, Senator MOYNIHAN, and the staffs for their hard work to retain the amendment I offered on child labor. This is an important piece of legislation not only for the trade benefits it promises to African and Caribbean countries, but for the benefits it promises to another important and often neglected group, the world's children.

This bill includes a provision I introduced last year in the form of an amendment when we first considered this trade measure. As many of you will recall, my amendment, cosponsored by Senators HELMS and WELLSTONE, sought to ensure that beneficiaries of U.S. trade preferences fulfill their commitments to eliminate the use of abusive and exploitative child labor.

My amendment passed the Senate by a resounding vote of 96–0. The provision contained in this conference report is very simple and straightforward.

It builds on the international consensus that came out of the ILO conference in Geneva last June in which the delegates unanimously adopted the Convention to Eliminate the Worst Forms of Child Labor.

This provision simply states that in order to be eligible for the trade benefits in this bill, the Generalized System of Preferences, the Caribbean Basin Initiatives, the African Trade Preferences, a country must implement its commitments to eliminate the worst forms of child labor as established by ILO Convention 182 for the Elimination of the Worst Forms of Child Labor—it is that simple.

ILO Convention 182 defines the worst forms of child labor as all forms of slavery, debt bondage, forced or compulsory labor, the sale or trafficking of children, including forced or compulsory recruitment of children for use in armed conflict, child prostitution, children producing or trafficking in narcotic drugs, or any other work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of the children.

This chart illustrates the ILO Convention on the Worst Forms of Child Labor, including child slavery, bondage, prostitution, use of children in pornography, trafficking in children, forced recruitment in armed conflict, recruiting children in the production or sale of narcotics, and hazardous work. These are all the items that are covered in the bill before us.

For the first time in history, the world will speak with one voice in opposition to abusive and exploitative child labor. Countries from across the political, economic, and religious spectrum—from Jews to Muslims, from Buddhists to Christians—came together to proclaim unequivocally that abusive and exploitative child labor is a practice that will not be tolerated and must be abolished. Those are the exact words from the convention.

So after ILO Convention 182 was adopted unanimously, gone is the argument that abusive and exploitative child labor is an acceptable practice because of a country's economic circumstances; gone is the argument that abusive and exploitative child labor is acceptable because of cultural traditions; and gone is the argument that this form of child labor is a necessary evil on the road to economic development.

When this convention was adopted and approved, the United States and the international community as a whole laid those arguments to rest and laid the groundwork to begin the process of ending the scourge of abusive and exploitative child labor.

Additionally, for the first time in history, the U.S. tripartite group of the ILO, which consists of representatives from government, business, and labor, unanimously agreed on the final version of the convention. This is the first time in history this has happened.

For the first time ever in our history, the legislation we have before us—the African trade bill—will codify in U.S. trade law a simple notion: If you want the trade benefits outlined in this bill, you must implement commitments on abusive and exploitative child labor into which your country has freely entered.

Let me be clear. What I mean by abusive and exploitative child labor is not a kid helping on the family farm. It is not a kid doing work after school. There is nothing wrong with that. I worked in my youth. I bet you probably did too, Mr. President, as all of us did. That is not what we are speaking about.

The Convention the ILO adopted last year deals with children chained to looms, who handle dangerous chemicals, ingest metal dust, are forced to sell illegal drugs, are forced into child prostitution, are forced into armed conflict, are forced to work in factories where furnace temperatures exceed 1,500 degrees. It deals with children who are forced to work to pay off their parents' debts in a form of bondage that deserves to be called what it is, outright slavery.

According to the ILO, Latin America and the Caribbean has about 17 million children doing this type of work, Africa has about 80 million children, Asia has about 153 million, and there are about a half million in Oceania. That totals about 250 million children worldwide who are working—most full time. Millions of these kids are under 10 years of age. Some are as young as 6 or 7.

Can you imagine your first-grade son or daughter, or your first-grade grandson or granddaughter, working 12 to 14 hours a day in horrific conditions making just pennies a day, if anything? Can anyone say this is acceptable for any child anywhere in the world?

These children are forced to work many times with no protective equipment. They endure long hours, as I said, for little or no pay. They simply work only for the economic gain of others. They are denied an education and the opportunity to grow and to develop.

Again, this is in sharp contrast to any kind of a part-time job after school for spending money or to buy the latest CD. That is not what we are talking about. We are talking about kids working in the worst conditions you can imagine. I am not talking about teenagers, I am talking about kids under the age of 10.

A lot of times, people will say: Well, that is just what you heard. But I have had firsthand experience and exposure to this.

About 2 years ago, Rosemary Gutierrez, of my staff, and I traveled to Pakistan, India, Nepal, and Bangladesh to investigate and look at the issue of abusive and exploitative child labor. We were in Katmandu, Nepal. We had previously been told of a young man who had worked as a child laborer for a number of years. He escaped, and through various and sundry means he became involved actively in working against child labor in his home country of Nepal.

Through various contacts, we contacted this young man and asked him if there was any way possible we could get in to see a carpet weaving facility where kids are working.

As others told us, the problem is, if you let a factory owner know you are coming to inspect, or to visit, they take all of the kids out the back door. They hide them. They disperse them around. When you get there, there are no kids. They do this all the time.

So the only way we could ever get a feel for what was going on was to surreptitiously and under cover try to enter one of these places. That is what my staff person, Rosemary Gutierrez, and I did with this young man from Nepal.

We got in an unmarked car. It was on a Sunday evening. He knew about this one plant on the outskirts of town where he knew one of the guards at the gate. He thought he had found out the owner of this factory was going to be gone. He knew the guard at the gate through I don't know what circumstances. He assured us, if he went out there, he would be able to sneak us in so we could see firsthand.

Imagine, we are in this unmarked car. My staff person, Rosemary Gutierrez, and another person, about five of us, I think, were cramped in this small, unmarked car. We drive out to this place on the edge of town, darkness has fallen. We walk up to this gate with an armed guard.

What is the first thing we see? A sign in both Nepalese and English. I took a picture of it. This is my picture. It says: Child labor under the age of 14 is strictly prohibited. Right there in front of the gate. It is in English and Nepalese.

Had we notified this plant owner we were coming, there would not have been one kid in this place. However, we came, the guard spoke with this young Nepalese man and let us through the gate. We walked down a back alley for about 15 yards, took a turn, and there was a building. We went in the door of the building that was all closed up. It is Sunday night about 7 o'clock in the evening. It is dark and wintertime.

We walk in the door and here is what we saw. This is only one picture, I have many others. This picture was taken by my staff person. That is me in the picture, I wanted to show proof positive of what was happening. Here are these kids. You cannot see them because the camera flash doesn't go back far. There are dozens of kids working at these looms. It is nighttime and kids are working the looms. Since I had this young Nepalese man with me who spoke Nepalese, they were talking. The kids were very nervous but I talked to this young child and the best we could determine he is 7 years old. We talked to this young girl shown in another picture and determined she was eight or nine years old. Remember, this is in the evening, they have been working all day in this closed building. I didn't know it at the time, but when you make these carpets, all the dust gets in the air; the place is dusty, anyone can see all the fine particles and the children have no protective gear whatever. We saw this firsthand.

To finish my story, it turned out the owner was not gone. After we had been there for about 10 minutes, the owner shows up and, of course, he is beside himself. I told him who we were and he asked us—not politely—to get out. Of course, we left—but not until we had the documented proof with photos. As I said, this is only one of many that I have. My staff person and a couple of other people were there to witness the kids, kids taken away from their countryside families. There was a barracks nearby where they live. They eat their meals there, they sleep there, they work here. This is maybe 50 or 100 feet away from the barracks in a compound which they cannot leave.

Tell me they are not slaves. They have no right to leave, they have no right to go home, they have no one protecting them. They are kept locked in a compound day and night, forced to work on these looms. Please, someone tell me that this ought to be tolerated in free trade.

This legislation before the Senate, the African trade bill, contains this provision that says from now on, no trade preferences to any country that doesn't implement what is already agreed to, implement the provisions of ILO 182.

Our goal is not to enact punitive sanctions on our trading partners. We are trying to use trade to help them emerge from poverty. Rather, it is to encourage and persuade them to build on the prosperity that comes with trade and to lift their standards up. Exploitative child labor in other countries does a couple of things. First, it puts competing firms and workers at a disadvantage in the United States and other countries that do not allow child labor. This legislation before the Senate codifies for the first time ever in U.S. trade legislation the requirement that countries who wish to benefit from trade preferences must actually do what they have already committed to do, and that is to eliminate the worst forms of child labor.

Additionally, the Department of Labor will produce an annual report on what countries are doing in order to live up to their commitments to eliminate child labor. Furthermore, there will be a public hearing annually so that nongovernmental organizations, trade unions, and businesses will have an opportunity to comment. No longer will it be sufficient for a country to be merely "taking steps" to address one or more of the internationally recognized core labor standards to be deemed eligible for preferences under GSP or under the African Caribbean Trade Act.

Once the President signs this bill into law, a country's efforts to eliminate the worse forms of child labor will be a mandatory consideration for determining eligibility for trade benefits. This is, indeed, an important development. In the past, the U.S. Trade Representative, in its implementation and enforcement of the generalized system of preferences, I believe, has abused the language in the statute calling for taking steps to afford worker rights, including child labor. The USTR has interpreted that as any one gesture made by a country would be enough to satisfy the requirements of the generalized system of preferences.

In other words, there is a list of five internationally recognized workers' rights provisions: the right of association; the right to organize and bargain collectively; a prohibition on the use of any form of forced or compulsory labor; a minimum age for the employment of children; and acceptable conditions of work with respect to minimum wages, hours of work, and occupational safety and health.

If a country previously had taken a step in any one of those areas, they would get GSP. If they had the right of association but still had children working they could get GSP. This is wrong.

Now, after 15 years, we have a universal standard. ILO Convention 182 is a well-defined and internationally accepted standard that will be the criterion used in granting any country U.S. trade benefits. ILO Convention 182 will hold everyone to one real and enforceable standard already agreed to by 174 countries.

I believe in free trade. But I also believe in a level playing field. U.S. workers, workers in other countries, cannot compete with slaves. Call it what you want, dress it up with all kinds of fancy words, but these kids are working under slave-like conditions, and they do not have a choice. That is the definition of slavery.

When a child is exploited for the economic gain of others, that child loses, their family loses, their country loses, and the world loses. It is bad economics and bad development strategy. Nations that engage in abusive child labor make bad trading partners.

A nation cannot achieve prosperity on the backs of its children. There is simply no place in the new global economy for the slave labor of children.

Again, I point out, this is the kind of work we are talking about. This is 8-year-old Mohammad Ashraf Irfan, making surgical instruments in Sialkot, Pakistan. He is working with dangerous tools and he is making surgical equipment. If you are going to go into a hospital and have an operation, you are probably going to have one of these used on you, made by an 8-year-old kid with no hope for his future.

Here is a young Indian girl carrying construction material. This is the kind of abusive and exploitative child labor we are talking about.

Recently, I came across a startling statistic. According to the UNICEF report entitled "The State of the World's Children, 1999," nearly 1 billion people will begin this 21st century unable to read a book or sign their name because they are illiterate. This is a formula for instability, violence, and conflict.

Nearly one-sixth of all humanity, 3½ times the population of the United States, will be functionally illiterate on the eve of the new millennium. That is shocking. And the main reason for this appalling situation is that many of these people who are adults now were forced to work as children instead of attending school.

The children making pennies a day and denied an education will never buy a computer or the software for it. They will never purchase a CD or a VCR to play American movies. By allowing abusive and exploitative labor to continue, we not only doom the child to a future of poverty and destitution, we doom future markets for American goods and services.

The markets of tomorrow are taking shape today. If we want American goods to be purchased the world over, people not only have to be able to afford them, they have to be educated enough to be able to use them.

Some have said labor issues should not be dealt with in trade measures. I think this is wrongheaded thinking. We should be addressing these issues on trade measures. After all, we are ultimately talking about our trade policy.

Not long ago, agreements on intellectual property rights were not considered measures to be addressed by trade agreements. In the beginning, just a few years ago, only tariffs and quotas were addressed by GATT because they were the most visible trade-distorting practices. But over the years, GATT evolved to include intellectual property rights and services which have become integral parts of our trade agreements.

Now I understand the WTO, the World Trade Organization, will consider rules dealing with foreign direct investment and competition policy to be part of trade agreements. If we can protect a song, if we can protect a CD, certainly we can protect children.

We cannot, as a nation, ignore this. In 1993, the Senate put itself on record in opposition to the exploitation of children by passing a sense-of-the-Senate resolution that I submitted. In 1994, as chairman of the Appropriations Subcommittee on Labor, Health and Human Services, I requested the Department of Labor to begin a series of reports on child labor. These reports now consist of five volumes with a sixth to be released in a few days. They represent the most comprehensive documentation ever assembled by the U.S. Government on this issue.

Last year, President Clinton issued an Executive Order prohibiting the U.S. Government from procuring items made by forced or indentured child labor. I congratulate President Clinton for taking that step.

I am also pleased to say that the United States was one of the very first countries to ratify ILO Convention 182. We did it in near record time, and President Clinton signed this. I was there in Seattle at the WTO conference last December. Again, I compliment and commend President Clinton for his bold action in signing this, the U.S. being one of the first countries to sign on to ILO Convention 182.

I also compliment and commend the chairman of the Foreign Relations Committee, Chairman HELMS, for not only cosponsoring my amendment but also for his work in getting the ILO convention through his committee and through the Senate in record time last year. Chairman HELMS did a great service to this effort to eliminate these worst forms of child labor around the world. I commend Chairman HELMS for his leadership in this area.

I am not just talking about the ratification. I am talking about the standards that were established by this convention that were unanimously accepted in Geneva. There was not one vote against it. As I said, the Tripartite Advisory Panel on International Labor Standards says the United States already meets the standards set by this convention.

Last, some say this is a restraint of trade. Nonsense. We already have laws on our books that prohibit the importation of ivory. We have laws on our books that prohibit the importation of goods made with prison labor. We have laws on our books that prohibit the importation of counterfeit goods that don't respect intellectual property rights such as pirated CDs. Again, if we can protect ivory and pirated CDs, we can protect. I am pleased the United States has taken a major step forward with this trade bill. We are sending a strong message to our trading partners. There is no place in the global economy for countries engaging in abusive and exploitative child labor.

I am hopeful my colleagues will support this conference report with an overwhelming vote. I believe this measure will give hundreds of thousands of children hope for a brighter future. As someone who has been working on this issue of abusive and exploitative child labor for over a decade, I cannot help but feel proud the United States has spoken in such a clear and unequivocal voice that engaging children in this type of slave labor will not be tolerated in our trade policy.

I yield the floor.

### TEXTILES AND APPAREL PROVISIONS

Mr. COVERDELL. Mr. President, sections 112 and 211 of the act will create new import programs for apparel produced in the Sub-Saharan and CBI countries which have been carefully crafted to bring significant benefits both to those regions and to the U.S. textile and apparel industry if the new programs are administered as intended. These programs could, however, fail to provide the intended benefits if they are not administered as intended.

Obviously, the intent of the Senate managers in crafting the textile and apparel provisions in sections 112 and 211 is very important, and is worth discussing in some detail as we consider the conference agreement today.

I would now ask my distinguished colleague from Iowa, Senator GRASSLEY, if it is his understanding that the conference agreement adopted the operative provisions of the Senate bill commonly referred to as "807A" and "809" with respect to both Africa and the Caribbean Basin, provisions which afford duty-free and quota-free treatment to apparel articles made from American fabric.

Mr. GRASSLEY. The Senator is correct.

Mr. COVERDELL. If the distinguished Senator from Iowa would indulge me further, with regard to the provisions popularly referred as "807A" and "809" in both the Caribbean Basin and Africa trade measures, do I understand correctly that the conference agreement adopted the operative language of these provisions as reported out of the Committee on Finance.

Mr. GRASSLEY. The Senator is correct.

Mr. COVERDELL. Is my understanding correct that those provisions, as reported out by the Finance Committee and passed by the Senate, required that all textile components of such apparel articles be made from American fabric?

Mr. GRASSLEY. The Senator is correct. The Finance Committee reported out the Africa and Caribbean Basin measures separately. The committee reports on each of those measure addresses this issue explicitly. The reports make clear that those provisions commonly referred to as "807A" and "809" are to be administered in a manner consistent with the then-current regulations regarding the "Special Access Program" for textile and apparel articles from the Caribbean and Andean Trade Preference Act countries. The report, in fact, expressly cites the Federal Register notice dated April 3, 1998, that sets out the rules that the Committee intended would apply. The language of the reports then restates the language of the Federal Register notice, concluding that the requirements that products must be assembled from fabric formed in the United States applies to all textile components of the assembled products, including linings and pocketing.

Mr. COVERDELL. When the Act requires yarn to be "wholly formed" in the United States, am I correct that the intention of the managers is to require that all processes necessary to convert fibers into yarns—i.e., spinning, extruding—be performed in the United States?

Mr. GRASSLEY. That is correct. While the fibers need not be manufactured in the United States, let me be clear that it is the managers' intent that the man-made core of a wrapped yarn must originate in the United States and that all mechanical processes necessary to convey fibers into yarns must be performed in the United States.

Mr. COVERDELL. I understand that it is the managers' intent that under the Caribbean Basin portion of the Act, an apparel article containing elastomeric yarns, including elestomeric filament yarns, shall be eligible for the de minimis rule set forth in section 211 only if such yarns, whether covered or uncovered, are wholly formed in the United States.

Mr. GRASSLEY. The Senator is correct.

Mr. COVERDELL. Now, with respect to the provisions of the Africa and Caribbean Basin programs that deal with fabric or yarn not widely available in commercial quantities, am I correct that it is the intent of the managers that these provisions should be administered in the same manner, as practicable, as the short supply procedures in the NAFTA?

Mr. GRASSLEY. That is the case.

Mr. COVERDELL. With respect to the so-called "809" benefits the Africa and CBI programs, is it the intent of managers that apparel articles remain eligible for duty-free and quota-free treatment when the fabric is cut both in the United States and the beneficiary countries?

Mr. GRASSLEY. That is correct, provided that all the other requirements of both the 807A and 809 provisions are satisfied. This includes the requirement that U.S. thread be used in the assembly of the apparel article.

Mr. COVERDELL. I have one final question regarding the so-called 809 provisions of both the Africa and Caribbean Basin measures. Am I correct that it is the managers' intent that these provisions do not permit dying or finishing of the fabrics to be performed in countries other than the United States or the beneficiary countries?

Mr. GRASSLEY. That is correct.

Mr. COVERDELL. I would like to thank my colleague for his time and attention to these important questions.

### NON-ACCRUAL EXPERIENCE METHOD OF ACCOUNTING

Mr. ROBB. Mr. President, I would like to join my distinguished colleague from Tennessee in a colloquy with the distinguished Managers of this legislation, the Trade and Development Act of 2000.

Mr. THOMPSON. Mr. President, my distinguished colleague from Virginia and I direct the distinguished Managers to a matter that relates to a revenue raising provision that was considered in the conference on the Trade and Development Act of 2000, but ultimately was not included in the final agreement. The revenue raising provision limited the non-accrual experience method of accounting.

The related matter is the application of the formula in the Treasury Regulations on the non-accrual experience method of accounting to qualified personal service providers.

The formula contained in Temp. Reg. Section 1.448–2T does not clearly reflect the amount of income that, based on experience, will not be collected by many qualified personal service providers, especially for those where significant time elapses between the rendering of the service and a final determination that the account will not be collected. Providers of qualified personal services should not be subject to a formula that requires the payment of taxes on receivables that will not be collected.

To this end, we believe the Treasury Secretary should amend the temporary regulations to provide a more accurate determination for such qualified personal service providers of the amount to be excluded from income that, based on the taxpayer's experience, will not be collected. In amending such regulations, the Secretary should consider providing flexibility with respect to the formula used to compute the amount of the exclusion to address the different factual situations of taxpayers.

Do the distinguished Managers agree with our view of the temporary regulations and the action the Treasury Secretary should take?

Mr. GRASSLEY. I agree with distinguished colleagues from Tennessee and Virginia that Temp. Reg. Section 1.448–2T presents problems for qualified service providers. Furthermore, the Treasury Secretary should consider amending these temporary regulations to provide a more accurate method.

Mr. MOYNIHAN. I concur with my distinguished colleagues from Iowa.

Mr. LEVIN. Mr. President, S. 434, the Trade and Development Act of 2000 Conference Report breaks important new ground in trade legislation. For the first time, in exchange for granting unilateral trade benefits to a country, the President must give equal consideration to whether a country has met both trade criteria and labor standards.

For example, before the favorable trade benefits available in this legislation can be granted, the President must determine not only that a country has demonstrated a commitment to undertaking its WTO obligations on or ahead of schedule, and the extent to which a country provides protection of intellectual property rights, but also the extent to which the country provides internationally recognized worker rights.

Mr. President, I am pleased the Conference Report retained the Levin-Moynihan amendment requiring the President to take into consideration the extent to which a country provides internationally recognized worker rights, including child labor, collective bargaining, the use of forced or coerced labor, occupational health and safety and labor standards before the trade benefit can be granted to a Caribbean Basin beneficiary country.

The Levin-Moynihan provision sets an important precedent of promoting standards on such things as child labor, collective bargaining, use of forced or coerced labor, occupational health and safety and other worker rights as part of our trade relationships by considering progress toward those goals when unilaterally granting a trade benefit.

Most CBI countries are signatories of the International Labor Organization conventions. Considering the extent to which these countries abide by their own international obligations is the least we can do when considering whether they deserve to receive unilateral trade preferences from us.

The bill is further strengthened by another important precedent setting provision. The Conference Report also retained the Harkin amendment on Child Labor. As a result, this legislation, for first time, codifies in U.S. trade law ILO convention language on Child Labor by amending the Tariff Act of 1930 to clarify that the ban on articles made with forced and/or indentured labor includes those articles made with forced and/or indentured child labor. It also, for the first time, conditions U.S. trade benefits on meeting child labor standards by adding a new eligibility criterion to the Generalized System of Preferences, which also apply to the eligibility criteria under the African Growth and Opportunity Act, to provide that the President shall not designate a country for benefits if it has not implemented its obligations to eliminate the worst forms of child labor.

I hope this legislation will help to bring about greater economic development and democracy to the important regions of Sub-Saharan Africa and the Caribbean. Because of this hope, and because of the provisions I have mentioned above, I will vote for this bill.

Mr. MURKOWSKI. Mr. President, I rise today in support of the conference report to H.R. 434, the Africa Growth and Opportunity Act. I believe passage of this legislation is important to cement what has become the broad, bipartisan consensus of this body: trade is a key factor in raising living standards in developing countries, and is of primary importance in exporting to those countries key American values of human rights, democratization, peace and stability.

Mr. President, in supporting this legislation I do not suggest that trade alone is a panacea for the many difficulties in developing countries. Simply opening the door to trade with African countries will not enable many of these countries to enter the international community of developed nations. Many countries in Africa simply lack the basic health, education and economic infrastructures to take advantage of the benefits this legislation provides.

Trade and investment initiatives for Africa will not succeed without substantial investments in developing Africa's human resources.

For those sub-Saharan African countries who labor under a crippling debt burden, some measure must be taken to assist them to break free from reliance on debt provided by donor countries. Debt relief should be the highest priority of donor countries, including the United States, seeking to promote African economic development.

This legislation should therefore be hailed not as an end in itself, but as a good beginning to a longer-term policy which, under U.S. leadership, begins to draw Africa more closely into the global community. We need to begin now to ensure that U.S. policy will do more to promote regional economic cooperation and integration in Africa; U.S. Policymakers, including those in this body, should undertake broader and more regular consultation with Africa's governmental, non-governmental and private sector leadership, and we should ensure that the eligibility standards contained in this legislation carefully account for differing levels of development. To that end, we should be careful not to rely too closely on conditions such as those employed by the International Monetary Fund in applying eligibility standards under this legislation.

Mr. President, the importance of this legislation is both its historic significance as the first major piece of trade legislation in twelve years and its precedential significance in marking the importance of trade benefits as a "carrot" and not a "stick" to bring international social and living standards in developing standards more close to international norms.

Rather than holding this legislation hostage to concerns which can and must be addressed in the longer-term. I would urge my colleagues to take this first step on the road of a broader, more sensible policy toward the developing world, and pass this legislation.

Mr. BIDEN. Mr. President, it is with mixed feelings that I will vote for passage of the Trade and Development Act of 2000.

No one can look upon the scenes of human suffering in Africa today without recognizing the need for action. Whether it is the AIDS epidemic or the violence in Sierra Leone, the floods in Mozambique or the unacceptably slow progress toward democratization, Africa challenges the conscience—and threatens the health and security—of the rest of the world.

We must respond.

The bill before us today offers an initial response to the many interconnected problems on the African continent. I agree with the basic premise of the bill, that promoting sustainable economic growth, led by more open access to American markets, must be a key element in any strategy for Africa.

And I must add here, Mr. President, that it is time for us to provide similar market openings to the nations of the Caribbean, who have faced a real disadvantage since the passage of NAFTA.

But I will focus my brief remarks today on Africa, because when the legislation before us today was initially proposed, it offered us the opportunity to formulate a comprehensive policy for Africa. At the end of the day, I am afraid that what remains is only a first step.

Mr. President, compared to the crushing problems facing the peoples of Africa, this bill is really very modest in terms of what it offers African countries in terms of duty free exports to the United States.

While opening our markets must be part of any program of economic assistance for Africa, we should not mistake this bill for a complete policy.

It may be that this bill has more symbolic value, as evidence of renewed interest in Africa, than any material impact on the many difficult and interconnected problems facing economic development there. Certainly, we should not let this bill become an excuse for self-congratulation or complacency.

Some provisions, however, I hope will enable the United States government to enhance its trade and investment relationship with countries in Sub-Saharan Africa. The conference report directs the Administration to convene an annual trade and economic forum with the trade ministers of African countries. The key here is that in order to expand trade and investment, there must be a climate within African countries which create investor confidence.

I believe that open, face to face dialogue with African Trade Ministers is vital if the United States is going to get its message across about issues such as the importance of transparency, and the guarantee of timely remedy to disputes through a judicial process that is open and fair.

In addition, the report increases the number of foreign commercial service officers. Currently, we have fewer than 10 such officers for the more than forty countries in sub-Saharan Africa. Clearly this is inadequate. These officers are responsible for identifying opportunities for small to medium U.S. businesses to export their goods and services to African countries, as well as providing information on economic conditions and investment climate factors which enable them to make better decisions on where and when to invest.

One of the most glaring weaknesses of this legislation, Mr. President, is that it does not adequately address the HIV/AIDS crisis in Sub-Saharan Africa, so eloquently described by Senator FEINSTEIN and Senator FEINGOLD yesterday in their moving statements.

Some of my colleagues do not believe that a trade bill should attempt to speak to the issue of HIV/AIDS. I believe that we are talking about a disease that is so virulent, so deadly and so pernicious that any plan for economic development in Africa will inevitably fail if this epidemic is not contained.

If only because of the very real threat that this epidemic carries for our own health and security, Congress must take any and all opportunity we have to provide help to this region in fighting this dreaded disease.

That is why, Mr. President, I was extremely disappointed that the Feinstein-Feingold amendment to the Senate bill was dropped without any provision put in its place which would offer effective assistance to Africans as they fight this deadly disease.

In March, the Foreign Relations Committee unanimously passed an authorization bill which provided $300 million dollars for a program—based on work by Senators FRIST and KERRY—of vaccines to fight the spread of HIV/AIDS.

Although the conference on the bill before us today was conducted under the jurisdiction of the Finance and Ways and Means Committees, it declined to take action on the tax credits for vaccine research, production, and distribution that would have complemented those steps we took in the Foreign Relations Committee.

That was another opportunity lost, Mr. President, and another reason why the celebration over passage of this bill should be muted, at best.

I see some hope in today's Wall Street Journal, which reports that several major drug companies have announced plans to cut the cost of AIDS drugs in the developing world. I hope we will see some real results following from this announcement. Voluntary action of this sort can and should be part of any comprehensive plan to address this crisis of historic proportions.

This conference report also states that it is the sense of the Congress that the nations of Sub-Saharan Africa should receive substantial debt relief.

I must point out that the Foreign Relations Committee has passed authorizations for the use of the proceeds of gold revaluations at the IMF as well as the U.S. share of the trust fund that will be set up for the new, enhanced debt relief program for the poorest nations of the world. The nations of Sub-Saharan Africa will be among the chief beneficiaries of that program.

I am glad to see that, with passage of this legislation, that Congress stands behind this debt relief program. I hope that the Appropriations Committee will soon provide the funds for us to put some money behind those sentiments, and that the Banking Committee will quickly conclude its work on the remaining authorization needed to put the debt relief program into motion.

In the end, while I understand and sympathize with some of the complaints raised by those who will vote against the bill, I prefer to see this glass as half full. But this is still a pretty small glass, Mr. President.

• Mr. BINGAMAN. Mr. President, in my absence I would like to submit this statement for the RECORD. As you know, I make every effort not to miss votes in the Senate, and would not do so but for the fact that there is currently a massive wildfire that is raging out of control in my state. At this time a substantial number of homes have been destroyed or damaged, with more surely to follow. And there is no end in sight. Thousands of New Mexicans have had to leave their homes in Los Alamos and White Rock, and if the conditions stay the same there, many more will be leaving in other communities. This is a uniquely catastrophic situation, and I apologize for not being able to cast my vote.

But since I cannot be here today, I want to submit for the record that if I was here I would have voted in the affirmative for the Africa/Caribbean Basin Initiative Trade Bill. There has been considerable debate over this bill, and I have carefully considered the issues involved. I agree with my colleagues that this is not a perfect bill—questions concerning labor rights, human rights, corporate investment, the environment, transshipments, and so on linger, and they will do so until the provisions of the bill are implemented over time. But I am convinced that over the long run it begins a process that offers real hope for Africa, the Caribbean Basin, and the people who live in those regions. So while I am not present today, I state for the RECORD that I feel this is the right step to take. An initial step to be sure, but definitely the right one.•

Mr. GORTON. Mr. President, more than 6 months ago I signified my support for the African Growth and Opportunity Act and the Caribbean Basin Initiative when it came to the Senate floor for a vote. Today, I stand again with a bipartisan collection of my colleagues, a broad base of industry, faith-based and religious groups, a variety of free trade advocates, and supporters from the sub-Saharan African nations and the Caribbean to advocate for swift passage of this legislation.

To begin, Senators ROTH and MOYNIHAN should be applauded for producing and delivering this legislation after more than three years of deliberation and negotiation. The long and arduous task of attaining agreements between U.S. industry and their counterparts in Africa and the Caribbean, as well as assuring that the various trade interests from all sides were accommodated, is a task that should be commended.

As we continue to prosper and advance in this expanding and ever changing world economy, it is essential that the United States reach out to all regions of the globe. By unilaterally expanding access to U.S. markets, sub-Saharan nations and the Caribbean will be afforded new trade and investment policies that will propel these regions into 21st Century trade practices.

Trade with the United States does imply that certain practices be instituted and embraced by participating nations. This bill promotes the establishment and development of free-market economies, insists on human rights standards, and champions democratic and economic principles, the U.S. expects from our trading partners.

From textiles and apparel, to agriculture and specialty goods, not only does the United States stand to prosper from this trade agreement, but, so too do the sub-Saharan and Caribbean nations. While some have argued that U.S. companies could be harmed by expanded trade with these regions, stringent requirements regarding the transshipment of goods have been incorporated into the legislation. In addition, the bill includes a provision that enables the U.S. Customs Service to assist these countries with illegal transshipments.

While I am somewhat disappointed that the bill no longer includes the reauthorization of Trade Adjustment Assistance and the Generalized System of Preferences, the crux of the bill, its intent, and its long-term impact on trade with sub-Saharan Africa and the Caribbean make it well worthy of passage. In addition, my home State of Washington, the most trade dependent state in the nation, naturally stands to gain from increased trade.

Again, I reiterate my support for the legislation and its far-reaching intent. With such a broad base of advocates vying for its passage, not to mention the partnerships in trade this legislation creates for the United States, this measure deserves our support and swift approval.

Mr. REED. Mr. President, I rise today to express my concerns with the legislation before us.

While I support the intent of this legislation, increasing trade between Africa and the U.S., I will not be able to lend it my support.

This is in no way a comment on either Chairman ROTH or Senator MOYNIHAN. They have done yeoman's work on this legislation, which has been a longtime priority for them both.

Mr. President, my objection to this legislation is what it includes, and what it excludes.

The legislation includes provisions which are a less than comprehensive approach to establishing mutually beneficial trade relations with Africa. In addition, I have heard from Rhode Island textile manufacturers who remain concerned with the textile provisions in this legislation, specifically the less than perfect transhipment elements. Lastly, the legislation only includes a study of the effectiveness of Trade Adjustment Assistance, even though the Senate bill reauthorized and strengthened TAA for workers and businesses adversely affected by international trade.

On the other hand, the conference report excludes an amendment which is important to our country's jewelry manufacturers as well as Senator FEINGOLD's and Senator FEINSTEIN's amendment on HIV/AIDS treatment in African nations.

Last year, with the support of Chairman ROTH and Senator MOYNIHAN, the Senate adopted a common sense amendment to the Africa Growth and Opportunity Act to improve country of origin marking requirements for certain types of imported jewelry.

Now, improving the country of origin marking requirements for jewelry may seem like a modest proposal, but it took many years to develop a compromise on this issue that would pass the Senate.

To give a sense of how long it took, I first introduced this legislation in 1996 as a member of the other chamber, when members of our struggling domestic jewelry manufacturing industry came to me with a desire to see permanent country of origin markings on imports.

These small businesses told me that all too often the stickers or tags meant to inform consumers where a product was made, fell off, were obscured by price tags, or in some cases were simply removed. Customs officials in Rhode Island also acknowledged that there was a problem with the marking regime on imported jewelry.

Most importantly, I found that the same concern on the part of domestic makers of Native American style jewelry had been addressed as part of the 1988 trade bill. It is upon this common sense law that I based my legislation.

Mr. President, as a general rule, the United States requires all imported products to display in the most permanent manner possible the nation where they were made. One only has to look at a watch, clothing, computers, televisions, scissors, books, toys, and almost every other product to see that its country of origin is conspicuously and permanently marked so consumers know where a product was manufactured.

The existence of these marking requirements is not due to some nefarious protectionist urge, rather it is simply a tool to provide consumers with information and help Customs officials easily recognize imports for the purposes of tariff classification. I would add that most of our trading partners have similar standards.

It was with the above in mind that I was pleased to work with the Chairman and Senator MOYNIHAN to develop a sensible amendment to increase the amount of imported jewelry that had to be permanently marked. However, I would point out that this language was also consistent with all trade laws and created no bar to the flow of imported jewelry. Moreover, the amendment did no more than establish marking requirement parity between non-precious jewelry and Native American style jewelry. And, lastly I am hard pressed to see how changing the method by which a product is marked leads to any increased costs for foreign manufacturers, since under the current country of origin system all products are legally required to be marked in some fashion.

Unfortunately, the House cavalierly dismissed the concerns of Rhode Island, Massachusetts, New York, and California jewelry makers for reasons of either ignorance or animosity to change.

I want to stress that I appreciate and recognize the time that the Chairman, Senator MOYNIHAN and their staffs put into this seemingly non-controversial provision.

While the legislation before us does not contain this common-sense amendment, I want to assure my colleagues here and in the other body, as well as the thousands of hard-working men and women of the domestic jewelry industry, that I will continue to pursue this issue and utilize all of the Senate's prerogatives to enact this legislation. Thank you.

Mr. DEWINE. Mr. President, I rise today in support of the conference report to the Africa Growth and Opportunity Act. This legislation contains important measures that not only will help spur the economies of developing nations in Sub-Saharan Africa and the Caribbean Basin, but also will strengthen our ability to retaliate against countries who refuse to comply with WTO trade decisions won by the United States.

Sub-Saharan Africa is enmeshed in great economic, human, and political turmoil. The countries of this region are among the poorest in the world. The per capita income averages less than $500 annually, and the average life expectancy is the world's shortest. We have all seen pictures of the desperate conditions—images of starving babies, homeless families, and needless bloodshed seem to be everywhere. And, just today, news stories about the situation in Sierra Leone and Zimbabwe remind us of how truly bleak life in Africa can be.

But, Mr. President, despite the killings, despite the political unrest, despite the poverty—the future offers the people of Africa great opportunities for increased trade and investment—opportunities that can restore hope and bring about positive change on the Continent.

With a population of more than 700 million, Sub-Saharan Africa represents one of the largest economic markets in the world. According to the U.S. Department of Commerce, my own home state of Ohio was the tenth largest exporting state to the region, with $148 million in exports in 1998. Although U.S. exports to Africa are more than 45 percent greater than U.S. exports to all the countries of the former Soviet Union, this export market still represents only about one percent of our nation's total trade.

It is time that we establish a new economic framework on which we can build increased trade with Africa. The

Africa Growth and Opportunity Act establishes just such a framework by encouraging increased trade and investment by reducing trade barriers.

Mr. President, as I said earlier, the legislation before us today, not only affects African nations, but also those within our own hemisphere through the Caribbean Basin Initiative.

Over the last decade, the United States has played a vital role in the spread of democracy and the growth of free enterprise throughout the Western Hemisphere. Today, every nation in our hemisphere—except Cuba—has moved toward establishing a democratic government and is opening their economies to free trade. Democratic elections have become the norm—not the exception—and hemispheric trade integration is a common goal.

To further consolidate democracies and economic gains in the region, we must move forward to integrate economically with our neighboring countries. The Caribbean Basin Trade Enhancement Act is part of our effort to consolidate democracy and economic stability in our hemisphere. This Act would bring tremendous benefits to the United States and to the Caribbean Basin. It would enhance our economic security, both by opening new markets for American products and by strengthening the economies of our closest neighbors. And, it would create new hope for those left jobless by Hurricanes Mitch and George.

The CBI enhancement legislation would extend duty-free treatment to apparel assembled in the Carribean Basin (or assembled and cut in the region) using U.S. fabric made from U.S. yarn. This would help strengthen existing U.S.-CBI partnerships in the apparel industry, because the duty-free treatment will help U.S. apparel manufacturers maintain their competitiveness with the Asian market.

The CBI enhancement also would take steps toward creating a Free Trade Area of the Americas (FTAA), by promoting the anti-corruption and protection of intellectual property, as well as other forms of cooperation with matters such as counter-narcotics programs. Specifically, the legislation would link CBI benefits more explicitly to the fulfillment of specific obligations in beneficiary countries in such areas as WTO compliance, intellectual property rights, investment protection, market access, worker rights, narcotics enforcement, corruption, government procurement, customs valuation and comparable tariff treatment.

Mr. President, trade integration will occur in this hemisphere, whether or not we are a part of it. So, it is in our national interest to shape that integration process by bringing more countries into bilateral and multilateral trade agreements with the United States. If we fail to seize trade opportunities in Africa and within our own hemisphere, others will take our place of leadership. No country is waiting for us to act first. In the end, the longer we wait, the more we stand to lose.

And speaking of losing, currently, our nation continues to be injured by the refusal of the European Union (EU) to comply with WTO rulings in the beef and banana trade disputes. In addition to denying American farmers access to the European market, the EU's actions are undermining the entire WTO Dispute Settlement process. If they are successful in ignoring such decisions, how can we expect other countries to follow trade dispute settlement rulings? How can we expect anyone in the United States to have faith in the WTO?

Repeatedly, I have come to the floor to raise my concerns about the EU's flagrant disregard for dispute settlement rulings in the beef and banana cases, which have clearly shown the "Fortress Europe" mentality against free and fair trade. Last Fall, during the Senate floor debate on the Africa trade bill, I successfully amended the legislation to create a powerful mechanism—tariff retaliation—to fight "fortress" mentalities and to protect our nation from illegal foreign trade practices. Today, I am pleased to say that the conference report before us now still contains my provision to strengthen the one and only weapon in our arsenal to fight WTO noncompliance.

The purpose of the provision is simple—to make our retaliation more effective and to compel compliance with the WTO rulings. The measure would specifically require the U.S. Trade Representative to periodically "carousel"—or rotate—the list of goods subject to retaliation when a foreign country or countries have failed to comply with a WTO ruling. The retaliation list would be carouseled to affect other goods 120 days from the date the list is made and every 180 days, thereafter. The U.S. Trade Representative would retain ample discretion and authority to ensure that retaliation implemented by the United States remains within the levels authorized by the WTO. Also, the provision makes it clear that our Trade Representative is to structure the retaliation lists to maximize the likelihood of compliance by the losing side in trade disputes.

Mr. President, the WTO is one of the most important means for American businesses and producers to open foreign markets, liberalize commerce, resolve disputes, and ensure more open and fair trade. American farmers and agribusiness, for example, are major net exporters, posting exports of more than $57 billion in 1997. Of the nearly 50 complaints filed by the United States in the WTO, almost 30 percent involved agriculture. If a country or countries fail to comply with WTO rulings, American agriculture and other U.S. sectors in need of trade relief will suffer greatly.

It's time to fight back. While carousel retaliation is tough, it is the right response to chronic non-compliance with WTO rulings. It is the kind of response that will do more to encourage compliance with WTO rules, giving Ohio's farmers and businesses the level-playing field they deserve.

Overall, Mr. President, the trade bill before us is a good bill—it is good for Sub-Saharan Africa; it is good for the Caribbean Basin; and it is good for agriculture and business right here at home in the United States. In the end, this bill just makes good sense.

Mr. McCAIN. Mr. President, I support passage of H.R. 434, the Trade and Development Act of 2000. This legislation includes the African Growth and Opportunity Act, legislation to grant Caribbean countries tariff parity with the North American Free Trade Agreement, and other legislation that will use trade incentives to promote U.S. global economic interests.

I have been a longtime supporter of many components of this legislation, especially the African Growth and Opportunity Act and legislation giving NAFTA parity to our Caribbean allies. This legislation sets an important precedent for future U.S. foreign policy by emphasizing trade incentives over foreign aid. It makes clear that a developing African or Caribbean country must pursue democratic and market-oriented reforms in order to receive benefits. This incentive-based approach will promote democratic government and economic reforms among nations home to more than one billion people. Recent developments in both Zimbabwe and Sierra Leone show that there is much work that still has to be done in Africa to establish stable and effective political and economic institutions. My hope is that this legislation will encourage these developing countries to continue to make progress toward this important goal.

This legislation has been improved since it passed the Senate last year. The conference report gives greater incentive to the development of local African and Caribbean industry by allowing conditional duty-free treatment of apparel made from regional fabrics. While I hope that a future Congress will remove the restrictive conditions on this tariff treatment in order to more fully assist the development of regional industry, I believe that this liberalized tariff-rate quota will promote economic growth and stability in the affected regions. This legislation urges the Overseas Private Investment Corporation (OPIC) and Export-Import Bank to promote investment in Africa. Greater American investment in Africa creates greater exposure to American political, economic, labor and environmental principles. Provisions of this legislation also welcome the people of Albania and Kyrgyzstan into the international economy, which I believe is beneficial to American interests. Finally, I am glad that this legislation includes a provision to prohibit the importation of products made from child labor into the United States. This barbaric practice is a relic of earlier, less enlightened times that should be extinguished.

It is unconscionable that the conference dropped a provision that would have made HIV/AIDS medicine more available to the African people. The AIDS epidemic throughout Africa is a crisis, which impedes political reform and economic development in that region. We have a moral obligation to help relieve this health epidemic. I am a strong advocate of free trade and private enterprise. However, as a practical matter, there is little profit to be made or lost in assisting with a health crisis in poor undeveloped countries. Therefore, I believe that we should have included the Senate provision in order to ensure greater distribution of HIV/AIDS drugs to Africa. Since it is no longer included in this legislation, I urge the Congress to enact legislation that will establish a comprehensive solution to the HIV/AIDS problem in Africa that includes the greater distribution of American drugs and medical practices to combat HIV/AIDS. The AIDS crisis in Africa must be solved if we are to achieve any lasting development in the region.

I also have concerns that this legislation will establish some poor precedents. It is my understanding that there is not yet a formal estimate by the Congressional Budget Office for this legislation, so we do not know its cost. I am very disturbed that whatever the costs of the legislation, it will be paid for out of the federal budget surplus. This is not wise policy. The Constitution clearly gives the Congress the "power of the purse" and we must use this power judiciously. I remain dedicated to the principle that the Senate should only consider legislation that has both a known cost and specific provisions paying for it. The version of this legislation that we considered in the Senate in November included provisions to pay for it. The Congress should close tax shelters and loopholes and cut wasteful government spending in order to pay for new programs. As fiscal conservatives, we know that this surplus exists only because we have made careful choices. We must now use this surplus to shore up Social Security and Medicare, pay down the national debt, and cut taxes—not spend it on more government programs.

I am also concerned by some of the provisions in this legislation. While I understand that the current tariff structure puts American suit manufacturers at an unfair advantage, remedying this inequity deserves more study by the Senate. I do not favor the tariff rebate provisions. No compelling argument has been made to support a Wool Research, Development and Promotion Trust Fund that costs $2.25 million each year. I am also concerned by provisions included in the conference report that allow Oregon nuclear power plant workers to apply for Trade Adjustment Assistance benefits after their eligibility has expired, and allow a company with operations in Connecticut and Missouri to obtain a refund on duties it paid on imports of nuclear fuel assemblies. In addition, I have reservations about using "budgetary gimmicks" to change the schedule of payments of rum excise taxes to Puerto Rico. These revisions are unrelated to trade opportunities for Africa and the Caribbean. All of these measures should be examined in the usual authorization process to ensure that they are considered on merit, and not foisted on the taxpayers by special interests.

In conclusion, although I disagree with some of the inadvisable provisions in this bill, I support this legislation. I believe that, on balance, it is an important milestone in American policy with the developing world, which I hope will encourage the spread of American political and economic values. I will not allow the perfect to be the enemy of the good. However, Congress should ensure that we are more fiscally responsible in funding legislation. It is important that we write responsible legislation that will help promote the American principles of democracy, the rule of law, and a market-oriented economic system.

Ms. MIKULSKI. Mr. President, this is an exceptionally difficult decision.

But after weighing the pros and cons of this legislation, I rise to support the Trade and Development Act.

It is high time that we address economic growth in Africa and the Caribbean. Africa, in particular, has been ignored for far too long. I would like to support this effort to encourage economic growth, investment and trade in the region while recognizing that this effort alone is not enough. It should only be a small piece of our policy in Africa. Much more must be done.

I have considered the impact this measure will have on American workers. I am a blue-collar Senator. My heart and soul lies with blue-collar America. I spent most of my life in a blue-collar neighborhood. My career in public service is one of deep commitment to working-class people. I have fought and continue to fight for economic growth, jobs and opportunities in America—in particular—in my own State of Maryland. And in the last decade, working people have faced the loss of jobs, lower wages and a reduced standard of living, and a shrinking manufacturing base—everything that the critics say. But voting against the Trade and Development Act will not save those jobs or bring those jobs back.

I also care about working-class people all over the world. I applaud my colleagues for uniting to pass Senator HARKIN's amendment to meet and enforce internationally recognized standards that eliminate the worst forms of child labor. Countries can only enjoy the benefits granted under this Act if they take action to eliminate work that harms the health, safety or morals of children. Benefits will not be given to sub-Saharan or Caribbean countries that carry out hazardous child labor practices, such as slavery, debt bondage, forced or compulsory labor, child prostitution or drug trafficking. This effort is especially relevant to this trade legislation because out of the 250 million children between the ages of 5 and 14 who are working in the developing world—one-third are in Africa.

This Act could have been further strengthened. I supported other amendments toward that aim, which were not incorporated into this legislation. I see several yellow flashing lights that we cannot ignore and we must address with our trading partners in sub-Saharan Africa and the Caribbean.

Even though the worst forms of child labor were addressed in this legislation, additional efforts still need to be undertaken to protect the rights, welfare, health and safety of all workers. I supported amendments offered by my colleagues to ensure the enforcement of internationally recognized core labor standards and to establish a labor side agreement before this legislation could go into effect. Neither amendment was adopted.

Furthermore, much more needs to be done to protect our environment. Dangerous or haphazard practices that damage the environment in sub-Saharan African or the Caribbean not only harm territory within these regions—it affects all of us. We cannot continue to ignore the environment in trade agreements. We must find a way to ensure that economic growth does not come at the expense of the environment.

In addition, much more must be done to provide debt relief to Africa and to prevent and address the HIV/AIDS crisis plaguing the region.

Taking into account these considerations, I still believe that we have a unique opportunity to support legislation that works toward free trade and fair trade. This Act strives to create economic growth, jobs and opportunities in sub-Saharan Africa and the Caribbean. It encourages African nations to compete and to institute market-oriented economic reforms. It also works to strengthen America's economy and to create American jobs by increasing US exports and investment to these regions.

I agree that the Trade and Development Act as it stands does not encompass numerous other measures that America needs to undertake with respect to Africa and the Caribbean. But it is a courageous first-step and it merits our support.

Mr. THURMOND. Mr. President, I rise in opposition to the Conference Report on H.R. 434, the Trade and Development Act of 2000. I oppose this bill because, as a result of this legislation, many Americans will lose their jobs, a significant number of whom will be South Carolinians. Our domestic textile industry will be particularly damaged. I remind my colleagues that in the past five years over 454,000 American textile industry workers already have lost their jobs.

At best, this bill further erodes the system of protective quotas that the Administration promised the U.S. textile industry as a condition of U.S. entry into the World Trade Organization. This quota system was to remain in effect for ten years from 1995 until 2005, to provide the U.S. textile industry with time to adjust to competition from foreign government-subsidized and sweat-shop made textile imports.

The textile industry has been strong in the United States because it encompasses fiber, fabric, and apparel production. The textile industry, in the aggregate, forms the second largest industrial sector of the U.S. economy. Certain segments of the industry, such as yarn and fabric production, have benefitted from technology and increased capital investment while apparel production has tended to opt for cheaper labor rather than invest in modern production facilities.

I fear this bill will further encourage U.S. textile firms to move their production off-shore. It signals capital markets that the U.S. textile industry is at risk, thus reducing its ability to borrow the capital to make those improvements necessary for domestic production. With the denial of capital to automate and modernize, the rush toward cheaper and cheaper labor will lead to a continuing exodus of U.S.-based manufacturing. This will result in a further loss of employment in the domestic textile industry and its supporting industries.

A decline in the domestic textile industry will also impact American farmers. Cotton producers in the United States have profited from a strong and vibrant domestic textile industry. However, as the textile industry becomes locked in a downward spiral of chasing ever lower costs, it will look for other ways to reduce expenditures. A likely result will be to encourage cotton production closer to its foreign manufacturing facilities. While U.S. cotton exports may initially increase under this legislation, the long-term impact will not be so favorable to domestic cotton producers.

The countries of Sub-Saharan Africa and the Caribbean do need to develop economically. There can be no doubt that these countries require help. However, providing assistance by decimating the U.S. textile industry is not the answer. Furthermore, there is no assurance that this bill will improve the textile industry of these Nations or provide jobs to their citizens. It is clear that government-subsidized Asian textile interests are positioning themselves to dominate the world textile trade. One only has to look at the situation in the Northern Mariana Islands to see the model for the future. Moreover, transshipment to evade the quota arrangements of this bill and other existing quotas will likely continue until the quotas finally end in 2005.

Mr. President, H.R. 434 is a bad bill that critically injures the U.S. textile industry, puts Americans out of work, and, in the end, benefits only Asian textile interests. Therefore, I oppose this legislation and urge my colleagues to do likewise.

Mrs. LINCOLN. Mr. President, due to a scheduling conflict I was unable to cast my vote today on the cloture motion for the conference report accompanying H.R. 434, the Trade and Development Act of 2000. For the record, I would have voted "aye" in favor of cloture on the bill.

I am very supportive of expanding our trading opportunities with the Caribbean countries and Africa and I am delighted that all parties involved have come to agreement and we have passed this vital legislation. Our distinguished ranking member of the Finance Committee, Senator MOYNIHAN, focused our attention on the significance of the passage of this bill earlier today when he highlighted the fact that this is the first trade bill to pass Congress in six years. In my view, that is simply too long.

I'm not here to focus on missed opportunities today, however. I'm here to praise the members of both the House and Senate who were on the conference committee for their tireless efforts on this bill's behalf. To all involved in the passage of this legislation I say "thank you."

This legislation means a great deal to the Caribbean and Africa, but it means a lot to Arkansas, too. This bill will generate an increase in demand for cotton, which is sorely needed. Our cotton farmers at home have experienced several years of bad weather and prices, and I know they are pleased to have access to new markets. It's planting season in Arkansas but that hasn't stopped my constituents from staying in touch. I've heard from many of them this week who took time from their busy schedules to voice their support for this bill. They realize, as I do, that the world is increasingly becoming a "global marketplace" and we must do all we can to expand our trading opportunities. I applaud the Senate's vote on the "Trade and Opportunity Act" today and hope that it will not be another six years before the next trade bill comes to the Senate floor.

Mr. HATCH. Mr. President, the trade bill before us represents a milestone in U.S. trade policy. This bill, and especially the African Growth and Opportunity Act found at Title I, acknowledges the social, health, and political problems as well as the economic challenges facing a group of states, most of which are developing nations.

It is not that our trade policies have not concerned themselves with developing countries before—that commitment is evident in the Generalized System of Preferences (GSP), the Caribbean Basin Initiative, and many other trade initiatives. However, this bill is unique in many ways.

First, we are acknowledging that the mere existence of a trade agreement does not produce immediate results. The strength of a society and its polity profoundly affect the development of the capabilities that allow for globalization. Developing countries, for example, need investment, but prudent companies do not commit their resources unless some very fundamental conditions exist, conditions that exceed those addressed in the Trade-Related Investment Measures (TRIMS) Agreement of the World Trade Organization.

The bill before us does that. We underscore the importance of political stability; we provide opportunities for technical assistance that can create a banking and legal structure to repatriate profits and to protect the sanctity of the contract.

Second, we acknowledge that there are regionally specific social and health issues that are preconditions to real economic development—what I refer to as "trade enablement." Most Sub-Sahara African (SSA) states have been left behind. Their colonial and post-colonial societies have not, for the most part, melded into a modern, unified state. Nor have these societies produced the type of workforce that trade demands—educated, technically skilled, and healthy workers.

The bill before us deals this reality, too, and in several ways.

Like many of my colleagues, I believe we should do what we can to help restore our African partners to the world baseline standard of good health. With 20–30 percent HIV/AIDS infection among the adult populations in some states, few firms will risk hiring a workforce in which one-in-three to one-in-five workers may not be alive, let alone working in five years. I agree with President Clinton's comments that Africa, too, needs to do more to control this problem. But this bill provides incentives.

Not only are these efforts to improve health in this region good economics and good politics, but they are also simply the right thing to do. We are the richest nation in the world. It has always been a part of the American character to help those who are suffering and to improve conditions where we can.

Worker education also faces immense challenges. Literacy rates have risen to 59 percent, but that level lags comparable literacy rates in East Asia (84 percent), Latin America (83 percent) and the Caribbean (83 percent). Once more, the incentives provided by this bill to create an investment climate, will awaken African governments to the need for programed improvements in literacy and technical training. And, through the newly created economic forum under this bill, conditions can be put in place for technical assistance.

Mr. President, it is undeniable that this bill is a hybrid. It is not a conventional trade bill, because Africa, with the exception of a few states like South Africa, Gabon, and Mauritius, is not positioned to gain immediate or even mid-term benefits unless, and I repeat, unless, trade is coupled with the forms of assistance and incentives that this bill provides.

But it is no less deniable that great benefits will be potentially available to both the U.S. and Sub-Saharan Africa if the underlying concept in this bill materializes.

For the United States, Africa is a warehouse of badly needed strategic materials which will open new sources of supply for U.S. producers. Moreover, if properly developed, this market will benefit the entire population of an African state, rather than a few, often corrupt elites.

It is a fundamental axiom of every trade theory that the economic evolution of trading partners produces rolling prosperity—which is another way of saying that prosperity raises all boats. Not only does this phenomenon promise future markets for U.S. goods, services, and agricultural products, but also a more prosperous, politically stable African continent, which, in turn, produces other foreign policy and national security benefits for the U.S. It creates international partners in this region that have a stake in world peace, disease controls, as well as other initiatives to combat terrorism, international crime, labor force abuses, and environmental degradation.

I believe that this Africa Trade bill will have a broad range of benefits for America, and I will support this legislation. I want to compliment Senator ROTH, Senator GRASSLEY, and other Senators who worked so diligently on this legislation.

Mr. LEAHY. Mr. President, last year I reluctantly cast my vote against the Trade and Development Act of 1999, a modest package of trade bills which included the African Growth and Opportunity Act and the Carribean Basin Trade Enhancement Act.

I have long supported expanding trade opportunities for Vermonters and all Americans, as well as for people in developing countries. And I have felt for some time that our relationship with Africa cannot continue to be based almost exclusively on aid, when the real engine of development, as we have seen both at home and abroad, is investment and trade.

However, I voted against that bill because I felt that in developing a trade policy toward Africa—where poverty is deeply rooted and protections for the environment and the rights of workers are non-existent—precautions must be taken to ensure that it is a sound policy that responds to Africa's unique and urgent needs. I was disappointed that given the rare opportunity to examine and redefine our relationship with Africa, the approach was so limited and flawed.

There are many aspects of this conference report which I strongly support. Provisions which open new markets for American exports, while providing trade benefits that will help a number of countries compete more effectively in the global economy. Provisions which encourage countries to eliminate the worst forms of child labor, and raise the profile of U.S. agricultural interests in trade negotiations.

I remain disappointed, however, by the act's approach toward Africa.

It is astonishing that aside from Sense of Congress language about the need to strengthen efforts to combat desertification, the act in no way addresses environmental concerns. This is an unfortunate step backward from NAFTA, which—while they did not go far enough—contained side agreements on both environmental and labor issues.

Multinational corporations, especially mining and timber companies, have a long history of exploiting Africa's weak environmental laws and causing pollution, deforestation and the uprooting of people. There is a direct link between environmental degradation and civil unrest. If barriers to foreign investment are lowered or eliminated—as the act calls for—and meaningful, enforceable environmental protections are not put in place, these problems will only get worse.

The act's provision on workers' rights, most of which have been included in other trade legislation, have routinely allowed countries notorious for abuses to escape without penalty. Unions have rightly criticized them for being vague and unenforceable.

As the wealthiest nation, we have a responsibility to do what we can to ensure that the benefits of the global economy are enjoyed by people from all walks of life, here and abroad. However, the workers' rights provision in this act are an invitation for the continued exploitation of cheap African labor.

Mr. President, some have claimed that this legislation is an historic first step toward integrating Africa into the global economy. Others have called it a devastating blow that will force African countries to cut spending on education and health care, and to submit to strict International Monetary Fund conditions. It is neither.

The Trade and Development Act of 2000 is not going to cause the great economic boon some have predicted, and it may cause harm. But it is the wrong approach if we truly want to redefine our relationship with the region from one of dependency to one of actively promoting economic growth and self-reliance.

Like last year, I reluctantly cast my vote against the bill.

Mr. GRASSLEY. Mr. President, we have now reached the final stage of the legislative process with regard to the Trade and Development Act of 2000. The moment has come to vote on final passage. Once again, I urge my distinguished colleagues on both sides of the aisle to vote for opportunity, to vote to reaffirm America's historic leadership in international trade. What we do here, what we say here, reverberates all around the world. So I say to my distinguished colleagues, let's send a resounding message, a clear message, a strong message, that America is engaged with the world. I urge my colleagues to vote for the Trade and Development Act of 2000.

I hope we will have speakers now on the African trade bill so we can move ahead to get a vote on that. I think I have not had any requests for speakers in support of the legislation because those of us who support the legislation would like to move it to immediate passage. I hope those who would still like to speak in opposition to it and express those points of view will please do that at this particular time.

In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, it is my understanding we are going to go to a vote immediately. All speakers on this side have evaporated. They will present statements.

We do have one speaker, Senator FEINGOLD of Wisconsin, who wants to speak for 45 minutes. I ask unanimous consent he be allowed to speak on this bill on which we are going to be voting following the vote, and prior to military construction, for up to 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

Mr. GRASSLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the conference report. The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. NICKLES. I announce that the Senator from New Mexico (Mr. DOMENICI) and the Senator from Delaware (Mr. ROTH) are necessarily absent.

Mr. REID. I announce that the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Nevada (Mr. BRYAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 77, nays 19, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—77

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bond
Breaux
Brownback
Burns
Campbell
Chafee, L.
Cochran
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Durbin
Enzi
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Robb
Roberts
Rockefeller
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (OR)
Specter
Stevens
Thomas
Thompson
Torricelli
Voinovich
Warner
Wyden

NAYS—19

Boxer
Bunning
Byrd
Cleland
Collins
Conrad
Dorgan
Edwards
Feingold
Helms
Hollings
Kennedy
Leahy
Reed
Reid
Smith (NH)
Snowe
Thurmond
Wellstone

NOT VOTING—4

Bingaman
Bryan
Domenici
Roth

The conference report was agreed to.

Mr. MOYNIHAN. Mr. President, I move to reconsider the vote.

Mr. LOTT. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. MOYNIHAN. Mr. President, this was a momentous moment for the Senate, for the Nation, and for the world. We have passed the first trade bill in 6 years, having rejected others and having come about in the aftermath of very dim expectations. From no chance whatever, we have come to the point where this bill passed by 77 votes. It could not have happened without the majority leader, who personally convened meetings in his office day after day. There were mind-numbing details about thread, yarn, square meter equivalents, hundreds, millions—but it came about.

Senator ROTH, our chairman, who could not be here today, will be back next week. He put this matter through the Finance Committee nearly unanimously. I would like to take the opportunity to thank the staff who not only did this, but did it until dawn, day after day—or should I say night after night. They are, on the majority staff: Frank Polk, Grant Aldonas, Faryar Shirzad, Tim Keeler, and Carrie Clark. On the majority leader's staff: Dave Hoppe and Jim Hecht. On our minority staff: David Podoff, Debbie Lamb, Linda Menghetti, and Timothy Hogan. Plus majority and minority tax staffs because tariffs are taxes, we had: Mark Prater, Ed McClellan, Russ Sullivan, Cary Pugh, Anita Horn, and Mitchell Kent. And a very special word of thanks to Polly CRAIGhill, Senate Legislative Counsel, who labored with the committee staff long into the night.

Once again, I say to my dear colleague, Senator GRASSLEY, who carried the matter so brilliantly on the other side, not every day do we pass a trade bill 4-1. Thank you. And I again thank the majority leader. The Nation is in his debt.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, following up on what Senator MOYNIHAN just said, and associating myself with those remarks, as important as the bill we passed is for the continent of Africa and the Caribbean Basin Initiative, and as important as it is for the consumers of America and the 120,000 new jobs it is going to create for American working men and women, this bill is far more significant, from my point of view, because it is the first major piece of trade legislation passing the Congress in years, as Senator MOYNIHAN said.

In the meantime, I think the United States has been seen by other nations as giving up some of our traditional leadership around the world in negotiations and tearing down trade barriers, which has been our role as a world leader since 1947. I hope that this legislation is the start of America, once again, leading the world in reducing barriers to trade, the promotion of international trade, and seeing trade as more important than aid as an instrument to helping depressed economies around the world.

I look forward to the continuation of our leadership in setting the agenda for the World Trade Organization agenda and regional trade agreements, as well.

Besides all the staff members Senator MOYNIHAN mentioned, I also compliment my international trade counsel, Richard Chriss, on his outstanding contribution to the passage of the Africa Trade and CBI bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. I also thank the majority leader. I am not a member of the committee, but I wanted to commend the Senator from New York once again for his tremendous leadership on this issue, and Senator GRASSLEY who is filling in for Senator ROTH, who will be back next week. I commend the majority leader and minority leader. This is an example of what this body can do on issues that usually provoke the most bitter debates. Trade policy and some other issues can be tremendously acrimonious. The fact that the leadership on both sides of the aisle worked as diligently and as hard as they did to try to come up with some understandings as to how to recognize legitimate interests speaks volumes about what this body can do on something as significant and as important as this bill.

I didn't want the moment to pass without commending, obviously, the floor managers and the Finance Committee for their work, but also the leadership for their support of this measure. The administration, as well, should be mentioned in this context. While it has been 6 years, we are going to be dealing with a couple of these issues now in sequence that will be very important and, obviously, their backing and support is worthwhile.

Regarding the last point our colleague from Iowa made, my hope is that passage will also serve as a springboard for us to deal with other foreign policy matters that serve the interests of our country. We have entered a global economy. We all know the lingo about the kind of world of which we are now a part. It is going to be critically important that the Senate of the United States is fulfilling its historic role—the unique aspect of the legislative part of Government—to be engaged in the foreign policy interests of our Nation.

This agreement certainly serves the interests of Africa and the Caribbean Basin very well. But more importantly, it serves the interests of our Nation very well. So I commend the staff and others who were involved. This is a great start. The leadership deserves commendation for their support and their willingness to put a shoulder behind this effort. I also thank the minority leader, TOM DASCHLE, for his leadership on this issue.

Mr. LOTT. Mr. President, I thank Senator MOYNIHAN, Senator DODD, and Senator GRASSLEY, for their comments. They are absolutely right. This is the way we can do things when we make up our minds that we are going to. Keep in mind that just a year ago, most people thought this had no chance. The House passed a bill that was only applicable to Africa. But then Senator ROTH and Senator MOYNIHAN said we should go forward on this. They made the point that we had not had a major trade bill in—I thought 5 years, but in fact it was 6 years. I yielded to the distinguished Senator from New York because he pays such close attention to this. The chairman and ranking member said we should go forward with this and we should add the CBI region and Central America to the package. We did that.

We worked together across the aisle between the two parties. The administration did express its interest in this legislation. The President personally called at least twice—maybe three times—and talked about his hope that we could get this done. But I remember a critical moment a month or so ago, late at night, and we were trying to make the last decision that would close the package up. Dave Hoppe, my chief of staff, was there, and Jim Hecht on my staff, who worked so hard on this legislation, who knew the substance better than I would ever know it. It is mind-boggling in its detail and all the pieces that were in this package. But when I had to basically help make the final decision, as a matter of fact, I was looking at Senator MOYNIHAN's staff and said, "What do you think? Can we make this work?" They said, "Yes."

That is the way it was. It wasn't partisan at all. To reach this point now and have a vote in the House last week of 309-110, and then 77-19 in the Senate, in an area where we have acrimony, regional division, and one sector of the economy pulling against the other, I think this is something we should take a moment and relish and take credit for and be proud of. It represents a significant step forward in our trade policy and a victory for the cause of free trade. Like Senator DODD, I have been to Central America and met with the Presidents and Ambassadors from Central America and the Caribbean. They pleaded for this and said, "Give us an opportunity." This is the way to help. This is the way to help their people and give them an opportunity to get jobs. It will help you, and it will help us.

I suspect there will be a celebration today and tonight in Central America, in the Caribbean, and in Africa.

I want to make this point. While that is important, we want free trade and this is good for America. I worked a great deal with CHARLIE RANGEL, the Congressman from New York, who really wanted this. I remember a fateful meeting we had outside an elevator in the Cannon Office Building at which I said, basically, if you do Africa, we will do CBI, and we will get together. And we did. He said in some of our meetings: I don't want a bill that is going to cost America jobs. I believe we can have a bill that helps America, creates more American jobs and more opportunity for Americans, and that will be good for the sub-Sahara region and for Central America. I believe we achieved that.

This bill retains the basic structure and approach of the original Senate bill. I want to emphasize that because we made a commitment to Senators who had reservations about this bill that we would do everything possible to retain the basic structure of the Senate bill. We fought for it, and I think we were successful in that area.

The approach makes economic sense, allowing workers and businesses in this country and in our trading partners' to specialize in the activities to which they are most suited. The vast majority of the trade benefits under this bill will involve the use of U.S.-made components. They need it in those other regions. They need our yarn. They need our cotton. So we will benefit, and they will benefit.

I am acutely aware of the concerns and challenges facing our domestic textile industry. Faced with vast amounts of unfair trade and blatant cheating in past textile agreements, our industry has seen a flood of foreign imports that have caused job losses.

The U.S. textile industry will within a few years face the removal of quotas under WTO. At a time of such uncertainty, it is imperative that our trade measures be carefully geared to sustain and enhance the economic opportunities available to our textile industry and workers. I believe this measure before us today does that. It has some of the most stringent transshipment measures ever enacted, increasing resources for the Customs Service and ensuring that countries receiving benefits under the bill provide full cooperation with our authorities.

That was one of the concerns—that other countries would use Africa, or the CBI, the back door, to transship, to violate the agreements and get in our country in an unfair way.

Will this be perfect? Nothing in this area is perfect. But it will do the best job I believe we have ever done. We are going to watch it to make sure it is effective in that regard.

I was pleased to see comments from members of the domestic textile industry as a result of this conference agreement. The president of the American Textile Manufacturers Institute has noted projections that the demand for U.S. fabric will double over the next 8 years under this bill. It is estimated that this will translate into more than 60,000 new U.S. textile jobs in America. This legislation will have real benefits, immediate benefits—for American consumers, for the retail industry, for the yarn industry, for cotton, and for textiles. All the other components in this area of job creation in America will benefit. So will Africa. So will the CBI.

I am pleased we have come to this agreement. Actually, it is a little anticlimactic. In the end, the vote was so overwhelming that you wonder why all the huffing and puffing. But I believe it is because of the good work done by our staffs and by the leadership in the House and in the Senate. It would have not been achievable if Chairman ARCHER and subcommittee chairman CRANE had not been willing to be flexible and agree to some of the things that were important to the Senate.

I want to say a special word about our staffs that worked so hard, and through so many nights, to secure the successful conclusion we have seen today. I want to recognize in particular Senator ROTH's staff, including Frank Polk, J.T. Young, Grant Aldonas, Faryar Shirzad, Tim Keeler, and Carrie Clark; and from Senator MOYNIHAN's staff, David Podoff, Debbie Lamb, Linda Menghetti, and Tim Hogan; from Senator GRASSLEY's staff, Richard Chriss; and from the Congressional Budget Office, Hester Grippando. And finally, with a bill of this detail and technicality, the diligent work of legislative counsel is especially critical. I would like to thank Polly Craighill, Sandy Strokoff and Mark Synnes for their extraordinary efforts.

So, Mr. President, I do not want us to complete this effort without saying I am proud of it. I believe it will be positive for all concerned. I began the debate that way, and I end it that way.

I extend my congratulations to all involved.

I yield the floor.

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from South Dakota.

Mr. DASCHLE. Mr. President, I compliment the majority leader for his statement and for the effort he has put forward in bringing us to this point.

I agree with virtually every word he has just spoken about the importance of this matter and about the extraordinary influence it will have on trade policy to important parts of the world today. This is not only good trade policy, it is good economic policy, and it is good diplomatic policy. It is extremely important that people realize the diplomatic, economic, and trade ramifications of this legislation.

I have watched with great admiration as this legislation has been produced. I must say it is one of the many reasons I have come to admire our ranking member on the Finance Committee and his extraordinary effort in getting us to this point. I don't know that I have talked to him about any matter as often as I have talked to him about this in recent months. This is one he has lived and breathed. We are very grateful to him for his leadership and for all of the work he did to get us to this point.

I have already expressed myself in regard to the importance of the legislation and the extraordinary amount of effort that has gone into the work today. This would not have happened were it not for the involvement of a number of our colleagues. Its importance cannot be overemphasized. This is good for this country, and as I noted, it is important we recognize the new opportunities that it presents, not only for the Caribbean countries and Africa but for this country especially.

I would be remiss if I were not to mention the tremendous leadership demonstrated by the distinguished senior Senator from Connecticut, Mr. DODD. On every issue involving Central and Latin America, our caucus depends upon him to a remarkable degree. He is, without a doubt, our expert on South America, on Central America, and on international issues. I personally find myself required, in many cases, to turn to him as the person in whom I have the greatest trust and for whom I have the greatest admiration when it comes to his knowledge of these issues. I thank Senator DODD for all of his efforts in getting us to this point.

I also thank Senator GRAHAM from Florida who has put a great deal of effort into the vote we were able to get this morning, and I am grateful to him.

Finally, Senator BAUCUS also has worked diligently with all of our colleagues on both sides of the aisle and is also extraordinarily knowledgeable on trade matters.

We have a number of our colleagues who, because they worked as hard as they did, because they showed the leadership they did, because they were as committed as they were to resolving outstanding differences and working through these many issues in a way that allowed us this success, we ought to pause and thank today. It is not often we see legislation, and trade legislation in particular, of this import with the kind of vote we just cast. It is a great day for this country. I again publicly express my appreciation for their diligence and for their work in getting us to this point.

The PRESIDING OFFICER. Senator FEINGOLD is recognized for up to 45 minutes.

Mr. FEINGOLD. Thank you, Mr. President.

We just completed our work on the African Growth and Opportunity Act. I had the opportunity on a number of occasions during the debate to express my concerns about the bill and, in particular, the way in which it did not address one of the greatest crises in Africa—the HIV/AIDS problem. But I have asked for this opportunity to speak about another enormous problem in Africa that I think needs to be closely associated with the debate we just had and our thinking with regard to Africa; that is, the problems with armed conflicts in Africa.

Anyone who has been reading the newspapers or watching television in the last few days—whatever the medium—could not help but have a natural reaction to the news from Africa that would suggest an impression of chaos, and even feelings of hopelessness. I am sure this is especially true in the last few days when it comes to the events that are transpiring in Sierra Leone with some United Nations troops being killed, others apparently captured, some missing, protesters being killed, and the absurdity of the United Nations troops protecting Foday Sankoh, the leader of the Revolutionary United Front, the group that has been responsible for some of the most heinous crimes against people we have seen in many years—a group that has been responsible for repeated acts of murder, maiming, and rape. People see this on the television, read about it in the newspaper, and they wonder if there is anything that can be done to help make things different in Africa.

Then they read about Congo, the Democratic Republic of the Congo, and they have this sense, understandably, that is a place of endless conflict. They read about Ethiopia and the starvation and famine in a border dispute between Ethiopia and Eritrea that seems to be, at least to many of us, unnecessary and terribly harmful to the people of both countries. They turn on the television, and they see Zimbabwe and what must appear to be a form of chaos with people occupying the land of other people and farmers and farm workers being murdered in a place that a lot of people thought was a success and that now begins to look awfully tense, violent, and undemocratic.

Add to that what we have been talking about in the last few days with this enormous AIDS crisis. Then, if you mention the AIDS crisis to somebody from Africa, they say: By the way, do you know there is a terrible new strain of malaria that has become extremely problematic and dangerous for people in many parts of Africa? So it is easy for anyone to react with resignation.

I think this is a compassionate country. I think our elected representatives wish to help. When all of this is viewed, I fear that people believe it is hopeless. I think that is understandable. But it is too easy to give up or to use well-worn phrases to dismiss the situation in the African countries as hopeless.

We hear that a lot of records are thrown away. We hear people say, for example, that is just "tribalism" and that is what happens when these tribes strike out at one another.

Another word used is, well, it is just "barbarism." That is what goes on in Africa, people seem to say, and there is nothing you can do about it.

Others point out quite clearly that there are problems with corruption in many of these countries. One very thoughtful Senator actually said to me the other day as we talked about what might be done to try to resolve the problem in the Democratic Republic of the Congo: Well, I am afraid we are just going to throw away money to make ourselves feel better.

That is what some people fear we do when we try to solve or help solve the problem in Africa.

I don't think anyone can entirely dismiss any of this. As one who has on occasion shared at least the emotional reaction to these phrases and terms, I am afraid these terms and attitudes reflect a generalization about all of Africa, about the entire continent, that does not hold true. In fact, they are generalizations that even with regard to some of the specific examples do not have a connection to reality. I think these generalizations sometimes suggest, and these phrases sometimes suggest, an unwillingness to explore and understand the differences that actually exist as between these African countries and situations, and in fact the differences between easy assumptions and the facts on the ground in any one of these individual places.

I understand how easy it is for someone to slip into a feeling of hopelessness about Africa. I fight it myself in my own experience. Having been in Africa in December for 2 weeks and having traveled to 10 different countries, I have had some moments such as this. Since I have been there, in the countries I actually had a chance to visit, the situation certainly has not vastly improved, as in the Congo—although I will be talking about that shortly.

In Rwanda, there has been some political instability, a change of power in the Presidency, and other disturbing events. Namibia, just below Angola, has been drawn, to a greater extent than they had been in the past, into the Angolan conflict that has been going on for about 25 years. This has been only since last December, with refugees crossing border lines in significant numbers. In Angola itself, this brutal civil war continues. You may have seen tragedy in some of these other countries on the television. One of the most horrifying things you could ever see is the incredible tragedy of war and the refugee children in Angola.

Then, of course, Zimbabwe. Zimbabwe certainly seemed tense in December. I was concerned. President Mugabe seemed quite tense to me at the time, but I had no idea there would be this collapse of a commitment to democracy on the part of the President of Zimbabwe, and all the violence and fear that has resulted.

Add to that places I did not go this time. There was a coup d'etat in Cote d'Ivoire. Some say it was for the better in the long run, but a coup d'etat it was. And we have also seen the terrifying and tragic consequences of flooding in Mozambique.

Even in Nigeria, which I would cite as a place where we have some greater hope than we used to have, even there where a fledgling democracy is trying to take root, there are repeated examples of religious and geographically based violence that make it difficult to believe the future is going to automatically be a bright one.

So I feel all these concerns about these problems, having just been there and traveled to some of these countries. Oddly enough, though, I believe we have to struggle to simultaneously do two things. First, we have to see each of these situations as different instead of just generalizing. Second, at the same time, we have to see the interrelationships between the different situations in Africa and the different countries in Africa. Because if we do not see how these situations relate to each other, we will not be able to help to make stability and peace possible, and we will not be able to help with fighting disease and establishing democracy and fighting corruption.

I do not pretend to come close to understanding all of these interrelationships, but I am trying to assist our own analysis of what American foreign policy toward African nations should be.

Let me suggest, at the risk of oversimplification, a few distinctions between three different important situations in Africa that we have been reading about right now: Sierra Leone, the Democratic Republic of the Congo, and Zimbabwe. They are very different. First, Sierra Leone is obviously a very small country compared to the others, apparently about twice the size of the State of Maryland. The situation in Sierra Leone is certainly more confined than the situation in the Congo, but it does involve other elements. A lot of the refugees from Sierra Leone have gone to Cote d'Ivoire, which has led to some destabilization there.

The leader of Liberia, Charles Taylor, has been heavily involved in backing Mr. Sankoh in Sierra Leone, and has caused problems backing the RUF organization that committed so many of these crimes. Unlike so many other African countries, Sierra Leone recently, in the last few years, had their first real democratic election. The President was thrown out in a coup, then the ECOMOG, the Nigerian-led force, came in and put him back in power. But the country descended into this, one of the most brutal civil wars we have witnessed in many years. So the Sierra Leone situation is a very tenuous governmental situation. There is no long, continuous period of rule, either democratic or otherwise, by one particular power or entity or person.

Contrast that with the situation in the Democratic Republic of Congo. Congo is, obviously, a huge country. To give you an idea of the size, it is basically the size of all of the United States, from the Mississippi River all the way over including the entire east coast. It is that big in area. But it has not suffered so much from instability, except for in the last few years, as from a brutal rule of Mr. Mobutu who, for maybe 35 years, was the autocratic ruler of what was then called Zaire and who, in fact, some regarded as one of the greatest thieves of all time, in terms of all the resources and riches he spirited out of his nation of Zaire which is now called Congo.

Finally, Mr. Mobutu had to flee and a group of powers from around Africa, some of whom are fighting each other now, together helped establish President Laurent Kabila in power a few years ago.

So it is a terribly difficult situation, but it is not the same as Sierra Leone. Sierra Leone is a frightening situation. There are great crimes being committed. But what is happening in the Congo quite a few people have referred to as a world war, or Africa's first world war. It is that significant and that problematic.

In fact, many people do not realize it but there are so many countries that now have their troops fighting in Congo that it really does look like a world war. There are alliances. For example, one side of combatants that are supposedly allies—although they have been fighting amongst themselves some—are Uganda, Rwanda, and Burundi. They are backing the rebels trying to fight the Kabila government. On the other side, you find groups from Angola, Namibia, and Zimbabwe trying to support and keep in power Mr. Kabila.

In addition to that, we fear there are economic incentives for some of these countries to want to stay in Congo. It is a country rich with incredible resources, including diamonds. Some suggest some of these countries may not want to leave the conflict because of the economic opportunities that exist. So, I would have to say Congo is already like the ultimate Rubik's Cube in foreign policy; it is so complicated and difficult, in terms of understanding what is going on and what could be done. It is like a world war.

Now, contrast that with the third example, Zimbabwe. Zimbabwe is in a very different position. Zimbabwe actually had what, fortunately, became about 20 years ago, majority rule. Although I obviously believe that the previous Rhodesian Government was a terrible government, some of the institutions from that era have continued into the current era and suggest at least a significant commitment in the past to reasonable governance and the rule of law.

Unfortunately, that promise and that hope that Mr. Mugabe originally brought have fallen apart. Many people think what is happening in Zimbabwe is a race war; that is not the case. It is not a war of black against white. Some think it is about land reform. Although certainly there should be some land reform, that is not what is happening in what used to be a country that some thought was moving in the right direction.

What is happening in this country—that basically was on a better path than Congo, and certainly a better path than Sierra Leone—is President Mugabe is not moving his country forward in a democratic way, in the way that the great Nelson Mandela did. Nelson Mandela, one of the greatest persons of the 20th century, after all those years of imprisonment, became the President of South Africa. What did he do after his first term was up? He believed it was important that democracy work, and he stepped aside and let someone else be elected President. This is just the opposite of what Mr. Mugabe is doing in Zimbabwe, which is threatening to destroy, in my view, a country that has great promise.

I am trying to illustrate how different these situations are. Why do I do this? We must consider our responses to each of these crises individually, as well as in the context of Africa as a whole. When we look at each one, as well as any other situation in Africa, I can understand the hesitation on the part of the American people and our elected Representatives. Hesitation is not only understandable, but it makes some sense.

I understand the need to be hesitant. Hesitation should not be born of oversimplification or incorrect generalization. I know why we are hesitant to get involved in too many places. I have personally said many times we are overcommitted around the world. We have over 250,000 American troops stationed abroad in this post-cold-war era. We have gotten ourselves in situations in Bosnia and Kosovo and in East Timor and even in Colombia, potentially, that some people would regard as open-ended. I am more optimistic about the East Timor situation. However, I am fearful that in Bosnia and Kosovo we got into a situation very heavily. It is open ended. We may find it difficult to extricate ourselves. That is a reason for hesitation.

There are reasons for being hesitant specifically with regard to the record of the efforts made in Africa in the past. Certainly, the failure of the U.N. mission in Congo in the early 1960s is an example often cited as an attempt that failed that makes people hesitant. Without any doubt, the miserable failure of our Somalia mission in northeast Africa in 1993 and 1994 is another example of where the American people would have some reason to pause before wanting to get involved in helping to resolve some of the conflicts in Africa.

I think this hesitation begs the question with regard to Africa. I think the question is, Why do we act decisively in other parts of the world, and seem to be disproportionately hesitant to act when it comes to problems in Africa? There are a lot of reasons that might be given for treating Africa differently. Let me suggest I don't think these reasons hold up. I want to mention a few of the reasons that have been given or might be given.

First, our not acting in Africa cannot be because of a lack of tragedy, brutality, and even genocide in Africa. Despite the cries of "never again" that were legitimately raised with respect to Bosnia and Kosovo and even East Timor, how can anyone now use that kind of phrase with regard to what happens in Africa? I don't need to cite chapter and verse from my colleagues, although maybe I should, about the tragedies and brutality and human suffering in Africa as a result of conflict, be it Angola, Burundi, or, of course, Rwanda.

I don't think the reason we don't act in Africa is because the African countries should try to help themselves. The fact is, the African countries are doing a pretty good job with very limited resources to try to shoulder their share of the burden. In fact, they compare favorably to our European allies when it comes to stepping up to the plate in their own region.

One of my criticisms of the Bosnia and Kosovo situation is I don't think the European allies did as much as they could and asked us to do more than we should in those situations. There are examples, in Africa, of a better record. Nigeria, a country I have often criticized on this floor, under their previous military regime actually has a good record of trying to resolve conflicts in their region. The ECOMOG forces, led by Nigeria, were involved in trying to change the situation for the better in Liberia, and the Nigerians in the past have taken aggressive steps to try to solve the problem in Sierra Leone, and some hope they will be asked to do this again.

When I was in Mali in December, one of the poorest countries in the world, they told me how some of their people were part of the ECOMOG force that went into Sierra Leone, and how they lost eight lives in that mission. They are taking the loss of lives of their own citizens in the name of trying to have peace and stability in their region. I am impressed by that.

I am impressed by the comments of President Chiluba of Zambia this weekend who, after a couple hundred of his troops were missing in Sierra Leone, said he regretted it. He was concerned for their safety, but peace was worth this kind of effort.

For anyone who thinks the African nations and the African Presidents are asking us to do everything, that is not what the record shows. I don't think it can be a fair objection to our acting and a reason for hesitance to say they are asking for American troops to do this. That is not true. I am not hearing demands for American troops. In fact, I talked to ten different African Presidents about the Congo situation in December, and I don't remember any of them asking for American troops to be involved in this situation. In fact, some did specifically seem to indicate they prefer that there not be American troops involved for whatever reason. This is not a question of whether American ground troops will be asked to resolve these situations.

I don't think our hesitance can be explained by suggesting that African situations are somehow too complex—though, as I indicated they often are complex—to try and unravel. Some of the situations are horrible but are relatively straightforward, such as Angola. And as I said, although Congo is complex, so, certainly, are the situations in Bosnia with the ethnic divisions and borders that show no particular relationship to the ethnic identity of the people. There are little enclaves throughout the area. We are talking in this Congress about getting more involved in the situation in Colombia with real money and real resources. That is an enormously complex situation which is related to the situation in other Latin American countries. So it can't simply be that these are tough nuts to crack; they are, but they are not the only ones. We have acted in some incredibly difficult and complex situations in parts of the world that are not in Africa.

Can it be because somehow Africa doesn't involve our national security? I don't think it can be that these situations are not dangerous, not only for Africa but for us and the rest of the world. The situation in the Congo is often called Africa's first world war, as I have said. That means not just tragedy for Congo and the nations directly adjacent, but it means it has the potential for enormous disruption throughout the entire continent, and I suggest a destabilizing influence throughout the world when it comes to political borders, when it comes to the spread of AIDS, when it comes to millions of children who are orphans, when it comes to child soldiers marauding around the countries, and, yes, national security because this kind of situation, if left unchecked, opens the door to other countries and other entities that are not our friends, trying to exploit the tragedy in Africa, whether it might be attempted by Libya, North Korea, or perhaps China. It cannot be that we hesitate because this continent is not in our national interest and is not a question of our national security.

Finally, perhaps most important, our hesitance cannot be because the United States and the West have no responsibility to act. Consider the colonial legacy. After my trip, I had a chance to read one of the best and most powerful books I have read in a long time called "King Leopold's Ghost" by Adam Hochschild. This is basically the story of the brutal exploitation of the Belgian Congo by Belgium's King Leopold and others in the previous century. Colonialism essentially marauded the social structure of a peaceful people.

When that period finally came to an end in 1960, I believe, they had a democratic election. I am sure it was not perfect, but a man named Patrice Lumumba, a hero to the Congolese people, was elected President. A few months later, he was brutally murdered, without a doubt at the instruction of our CIA and our country. That is what we did to the people of Congo, and we installed Mr. Mobutu who proceeded to have one of the most brutal rules in history for the next 30 to 35 years.

To suggest we do not have a responsibility, that we did not have anything to do with this is just plain wrong. The same thing goes for Angola. This is not about the colonial era only. Angola was used for many years as a playground for the cold war. The Soviet Union and the United States decided to have it out here, and they planted more landmines in the fields, the rich farm fields of Angola, than any other place in the entire world. As a result, there are more amputees in Angola than anywhere else in the world and in any other time in human history. Walk down a street in Angola and look at the number of people who have lost a limb to landmines—not that lives, of course, were not taken. It is appalling. That was our war. I understand the stakes that were involved, but to suggest we do not have a responsibility when we were that involved in the situation and to fail to help the people from Angola to have a decent life is simply wrong.

I have just given six reasons that I do not think can really be the reasons for our not acting in some of these situations. I will now suggest three reasons I think might genuinely explain our extreme hesitance and reluctance to help stop these conflicts in Africa, as compared to our willingness to do it in other parts of the world.

First, I believe there is a genuine fear that we will get stuck in one of these situations. Some might call it the Vietnam syndrome, and I understand that, having been a young opponent of the Vietnam war myself in my college years. I remember the song entitled "Knee Deep in the Big Muddy." That was a symbol for our generation of how we were stuck in Vietnam. I am sure many people worry about that.

I submit we are already stuck in Bosnia and Kosovo, and I believe we became stuck in those places because we went headlong into those conflicts with no good plan about how to finish it or what resources we would commit to it or what steps would allow us to finish the job or decide that we cannot finish the job. I do think that our hesitance is part of our very recent memory of the enormous tragedy in Africa in Somalia when we lost 18 of our brave soldiers in the helicopter disaster that led to our withdrawal. There is no question in my mind that Americans and American foreign policymakers worry that if we try to help in one of these situations, we will get stuck and cannot get out. When I say "we," I mean the international community, not necessarily just the United States.

Second, I think we do not act perhaps when we should because we have a tendency in this country to think in terms of having to do all or nothing in one of these situations; that we have to do the whole thing, and if we do not do the whole thing, somehow we have not lived up to an American obligation to do absolutely everything to solve the problem.

Some say do not do it at all unless you are going to go in and get the job done. I have heard that many times with regard to military intervention; why don't we just go in there and finish the job? It is an attitude which, on occasion, is appropriate but I think sometimes leads to mistakes.

When it comes to the African situation, this notion that we should do everything or nothing leads to real problems. In Somalia, we tried to do too much when we did not know what we were doing, and then we did nothing when it came to Rwanda. It does not have to be everything or nothing. In fact, there is a recent example I am relatively pleased about, and that is what we are doing in East Timor. We are not leading the charge there. Australia is leading the charge and Asian countries are leading the charge. We are helping in a measured, reasonable way because the countries in that region, as I suggest some of the countries in Africa, are trying to do the same thing.

I believe that is a reason people are afraid of doing some things because they want to do everything or nothing.

A third reason we do not act, and a genuine reason—and I fear it is the most important reason and I wish I did not have to come to this conclusion—but I do think there is somehow, unbelievably, a double standard when it comes to Africa. This is very bad for Africa, and I submit it is just as bad for the United States.

When I see President Mbeki of South Africa and the President of the People's Republic of China, Jiang Zemin, get together at a news conference and comment about how they are tired of having one country calling all the shots in the world, I see fertile ground for resentment against the United States that can hurt us today and can especially hurt America and our children and grandchildren in the future.

This is a sad thing to let happen because we do not have a lot of the colonial baggage and some of the resentment that Africans feel toward countries such as Belgium because we were not deeply involved in many of those situations. We have a positive opportunity, when it comes to much of Africa, to get it right.

It is this idea of getting it right that brings me to the specific purpose of these comments, and that is that we should not summarily retreat from the pursuit of peace and self-determination in the Democratic Republic of the Congo. I fear there will be some kind of a knee-jerk reaction because of the very disturbing news and film coming from Sierra Leone. The United Nations there obviously has not yet got it right. I may well be interested in seeing and helping that United Nations effort become stronger and tougher to deal with the brutality that is going on, and we cannot abandon that situation, but I believe there is a way to get it right in Congo. One of the main reasons is the leadership of a man from whom I stole the phrase "Get It Right," and that is our Ambassador to the United Nations, Richard Holbrooke, whom I had the chance to accompany on a trip to Africa in December. It was an honor to be on that trip, and we had a chance together to meet with virtually every one of the African Presidents who are directly interested in this conflict.

I want my colleagues to know that, although we were extremely moved and troubled by the AIDS crisis in Africa, and that overtook us emotionally on the trip, the core reason for the trip was to see if the Ambassador and I and others could get an understanding of the complexity of what is going on in the Congo and what we could do about it.

I want my colleagues to know—and I heard him do it—that at each stop, Ambassador Holbrooke said: We want to help, but there are no blank checks and we must get it right or we cannot help.

He was very measured and showed due caution. Of course, the situation in the Congo is incredibly difficult, but I see some reason to see it as progressing in the right direction, slowly but surely. I understand that our support may not necessarily work, that there could be a failure, but I think that serious logical steps can be taken.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Twelve minutes.

Mr. FEINGOLD. Mr. President, I would like to, just very briefly, indicate some of the steps that have been taken in the Congo pursuant to what is called the Lusaka agreement that suggests to me this is a situation worth supporting if at all possible.

The countries involved, including the Congo itself, and some of the rebel groups, have signed this Lusaka agreement that set up something called a joint military commission. This joint military commission is committed to doing the job of actually enforcing the peace and making sure the parties withdraw from the other countries.

In order to get to phase 2 of this operation that is now contemplated, a number of things had to happen. The joint military commission had to be created, and an initial 90 observers from the U.N. had to be deployed. That was done. But before the next phase goes forward—the one that involves some 5,500 U.N. troops and personnel—a number of other things had to happen as well.

There had to be a functioning ceasefire. Although it has not worked at all times—and at the moment is in a little bit of trouble because of the conflict between Uganda and Rwanda—on the whole, it has succeeded in the last month. Second, it was essential that all these parties come together and pick one person as a facilitator of the process of national dialogue. After a number of efforts, they did so, by appointing President Masire, the former President of Botswana.

They had to create an operational arrangement of the U.N. MONUC group and the JMC to coordinate, and they did it. They had to have a signed commitment by the parties of the conflict guaranteeing security and freedom of movement and access for the U.N. team. And they did it.

So now we come to the point of where additional steps, hopefully, can be taken. We are now looking at getting into the second phase of this peace operation, including developing plans to disengage and withdraw the troops from the various countries and parties that have signed this agreement, and the conducting of an inter-Congolese dialog that could lead to a genuine democratic country, and to develop these plans with the JMC.

If that is accomplished, and only if these steps are accomplished, would we go forward to the final steps, phase 3, which involves verifying the withdrawal of foreign forces, normalizing border security, and, yes, finally, again, after all these years, the conducting of a democratic election.

So what I am seeing here, although it is certainly not perfect, is a measured step-by-step approach—not an all-or-nothing approach—but a step-by-step approach, led by the African countries. That is something I think we should encourage and even admire because it is so very difficult to do in this situation.

For me, there is a sufficient record to say, we must try to do something—not send U.S. troops, not send a huge United Nations force of 30,000 or 40,000 people, as some have wondered about.

It may not work, and we may ultimately have to say no to doing more, as tragic as failure would be—but based on the facts that I have witnessed and learned about, I think we must try.

We must not wash our hands of this or just say that it would be an example of throwing money in the Congo to make ourselves feel better. I believe we should support financially—and in other ways—the efforts for peace in the Congo. We must try.

Again, why must we try? I think because this is a test—it is a very tough test—but it is a test of whether the United States really does have a double standard vis-a-vis Africa. To abandon the Congo without an effort would be a strong signal that we intend to abandon all of Africa.

We must try, even though we have tried in other situations with great difficulty—such as Kosovo and Bosnia and Haiti. Let me again suggest I think we went too headlong into those situations. I do not think we were careful to take the measured steps that are being done in this case. And that led to our complete, abject failure to act with regard to Rwanda. As I have said, even with regard to Somalia, mistakes were made. But I think that is because it was, again, an example of an all-or-nothing approach, with no clear mission, and no exit strategy.

I think this is different. I think this has the potential to work, although it is difficult, because it is measured and it is an African-dominated approach.

I think we have to try because at this time in human history the crimes against Africa have to be halted. I do not have time to talk about the slave trade, the gap between the rich and the poor, the use of these countries as a playing field for colonial powers during the cold war. But we cannot extol this new global economy and trade around the world and have these African nations treated forever as hopeless and fundamentally different.

We must try, in fact, because the lofty rhetoric of U.S.-Africa trade becomes something of a cruel hoax on the people of Africa if we are not going to confront the brutality, the chaos, and even the genocide in the very nations with whom we claim we want to have improved trade.

We must try because I think it truly hurts America in the world's eyes, at a critical time in our role as a world leader, if we are perceived as being unwilling to help African nations when they desperately need that help.

Finally, to return to my initial theme—because each situation in Africa is different, and yet interrelated—if we help move this process forward, this Lusaka agreement, involving cooperation between the U.N. and the joint military commission, it cannot only give Congo what it has always deserved and never had—real peace, self-determination and hope—but it can help its neighbors.

Rwanda is greatly destabilized and threatened because of this conflict in the Congo. Uganda has a very problematic border with the Congo, and other countries, and is now in conflict with Rwanda because they are in the Congo together. That would help alleviate that situation. Burundi has enormous problems of its own, which President Mandela is trying to help with. None of these countries should be involved in the Congo conflict. They have problems of their own.

Angola, which I have described as one of the most horrifying situations in Africa, should not be having troops up in this area for whatever reason, perhaps because of their conflict within their own country. We can cause this to be a more localized problem that perhaps we could deal with.

Namibia certainly should not have troops up in the Democratic Republic of the Congo, nor should the other countries, when all it does is drain their resources and causes problems over their borders.

And, of course, Zimbabwe. Talk about any country in the world that should not be using its resources right now to fight a war in the Congo, when it has such desperate economic and political problems at this time. Even South Africa suffers in its tremendous struggle to become one of the great nations of the world as long as this Congo conflict continues.

Let us be realistic, but let us also be open to the possibility of trying in the Congo. Let us not have a double standard where we act with great rhetoric and words of "never again" in so many places in the world, but when it comes to Africa, we seem to be unable to act.

Mr. President, I appreciate the opportunity to speak.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of S. 2521, which the clerk will report by title.

The legislative clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 2001. This bill reflects the bipartisan approach that the ranking member, Senator MURRAY of Washington, and I have tried to maintain regarding military construction on this subcommittee. It has been a pleasure to work with Senator MURRAY and her staff. They have been very cooperative throughout this whole process. That is very important because we take our jobs here very seriously and this appropriations bill very seriously.

This bill was reported out of the full Appropriations Committee on May 9. The bill recommended by the Committee on Appropriations is for $8,634,000,000. The bill is $600 million over the budget request and approximately $292 million over last year's enacted level. However, there are some considerations we must make. More importantly, the legislation reflects a reduction of $1.2 billion from just 4 years ago—a decrease of almost 12 percent.

We sought to recommend to the Senate a balanced bill, and we believe it addresses the key military construction requirements for readiness, for family housing, barracks, quality of life, and the Guard and Reserve components.

As my colleagues well know, we take into strong consideration the Guard and Reserve components because we have seen a shift in our force structure. Our force structure has shifted from Regular Army, Air Force, Navy, and Marines to Reserve and Guard components. When we started to do that, we found that around this country our infrastructure was lacking for training of these personnel.

This bill honors a commitment we have to our armed forces. It helps ensure that housing and infrastructure needs of the military are given proper recognition.

Also, I am pleased to report to the Senate that the bill is within the committee's 302(b) budget allocation for both budget authority and outlays.

This bill has some points I want to mention. It includes $3.5 billion to provide better and more modern family housing for our service personnel and their families.

On another quality-of-life measure, we have added substantially to the budget request for barracks construction projects. The bill provides $712 million for 43 projects throughout the United States and overseas. This funding will provide single service members a more favorable living environment wherever they are stationed.

The committee also provides $101 million for 14 environmental compliance projects.

We also address the shortfalls that continue to plague our Reserve components.

As our active force grows smaller, we are more dependent than ever on our Guard and Reserve for the maintenance of our national security. I continue to be greatly alarmed that the Department of Defense takes no responsibility for ensuring that our Reserve components have adequate facilities.

For the members of the Guard and Reserve, quality of life, too, is very important. It is all about buildings and it is all about facilities from which they work and perform their mission.

Their lack of regard for the total force concept very much concerns me and many of my colleagues. In Montana, we have the greatest example of a unified Red Horse Division at Malmstrom Air Force Base. It is made up of Regular Air Force and Reserves and is working very well.

This comes at a time when our country is so heavily dependent on the Guard and Reserve to maintain our presence around the world. For example, the President's budget request was for only $222 million for all of the Reserve components and the National Guard. That was just not enough.

Recognizing this chronic shortfall, we have again lent support by adding $359 million to these accounts.

In each case, the funds will help satisfy the essential mission; quality of life, and, of course, our readiness requirements.

We fully fund the budget request for the base realignment and closure account by funding $1.17 billion to continue the ongoing BRAC process and consumate the remaining closures and realignments.

As you know, in this line particularly, it has been very troubling to this committee that environmental cleanup has really soaked up a lot of our funding that should have been used for quality of life.

We will work very closely with the Senate Armed Services Committee as we put together a conference package for military construction.

This bill also includes year 2000 supplemental funding for the Department of Defense in peacekeeping operations in Kosovo and other requirements.

The chairman of the full Appropriations Committee, Senator STEVENS, will speak to these issues as we move along.

I urge the Members of the Senate to support this bill and to move it forward as quickly and as expeditiously as we possibly can.

Now I yield to my good friend, the distinguished Senator from Washington, Mrs. MURRAY.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I am pleased to be on the floor today to offer the fiscal year 2001 military construction appropriations bill. I thank Senator BURNS, the chairman of our committee, and his staff, for being so good in a great bipartisan manner, in being able to work this bill through again this year. I publicly thank him for his work with me in a really solid manner. I appreciate the way he has done that.

Before I address this bill, I want to address some comments that were made about me on this floor by the majority leader just a short time ago.

While I was taking part in a hearing of the Senate Commerce Committee as part of my work to improve pipeline safety in this country, I understand the majority leader suggested that my schedule was a reason why a debate on commonsense gun control was not going to take place today.

Given the work that I have done over the years to protect young people from gun violence, and my strong support of this weekend's Million Mom March, I was rather surprised by that suggestion. I assure my colleagues that this debate is too important to be delayed any longer.

While I support the majority leader's concern about a family obligation I have; namely, my son is going to be married, there is no excuse for not debating this legislation—especially the absence of any one Member.

If this had been a concern of the majority leader, perhaps he could have spoken to me personally before incorrectly citing me as the reason why the Senate would not be debating gun violence today.

I would like to remind the majority leader that, on November 4, I came to the floor, in the wake of a fatal shooting in my home State, and urged the Members of the Senate to work with me on commonsense solutions to gun violence. Since that time, it has been the congressional majority that has prevented this much needed debate from taking place, and it is the congressional majority today that, again, refuses to address this vital issue.

I would like to remind my colleagues that, on average, 12 children die every day from gunfire. We cannot wait any longer.

Mr. President, I will now turn to the issue before us.

I again am pleased to be here with my chairman, Senator BURNS, in recommending the fiscal year 2001 military construction appropriations bill to the Senate for its approval.

This is an unusual bill this year because it contains emergency supplemental funding for a number of defense items not related to military construction, including U.S. participation in the Kosovo peacekeeping operation and in the Colombia counternarcotics initiative.

I will defer to my ranking member on the full committee, Senator BYRD, and others, to address the items in the supplemental portion of this bill, and I will confine my remarks to the military construction portion of the bill.

This bill provides a total of $8.634 billion in new spending authority for military construction for fiscal year 2001.

This level of funding exceeds the President's budget request for military construction by $600 million, and provides nearly $300 million above the amount appropriated for fiscal year 2000.

Nevertheless, as usual, this bill comes up short of what the services need to meet their infrastructure requirements.

At the risk of sounding like a broken record, I once again urge the administration to increase the budget for military construction.

This is a bricks-and-mortar bill.

There is nothing glamorous or "geewhiz" about aircraft hangars or barracks or armories.

But this is an essential bill, and the projects that it funds are vital to our men and women in uniform.

As many of my colleagues have pointed out to me in the course of developing this bill, the President's budget barely scratches the surface or infrastructure needs.

The requests that Senator BURNS and I have received this year address compelling needs throughout the services, and I wish that we had the resources to fund more of them.

Senator BURNS and his staff deserve a great deal of credit for their dedicated and thoughtful approach in drafting this bill.

As always, they have worked very hard to produce a balanced, bipartisan product that takes into account both the concerns of the Senate and the needs of the military.

In particular, they have done a superb job of continuing to shine the spotlight on the quality of life projects that are so important to our men and women in uniform, and to their families.

At a time when military enlistment and retention are declining—and the services are unable to match the financial incentives of the private sector—quality of life issues are amplified in importance.

Quality of life issues do not diminish the importance of readiness projects, but we must not dismiss their role in recruiting and retaining our military personnel.

Within the budget constraints that we are all forced to operate this year, this bill attempts to meet the most urgent and timely military construction needs with very limited resources.

All of the major construction projects that we have funded have been authorized.

In addition, we have ensured adequate funding for family housing and barracks construction.

However, I remain concerned that the nation's overall investment in military infrastructure continues to lag, and I hope we will see a more robust effort in future budgets.

This is an extremely important bill for our nation and our military forces.

I again commend Senator BURNS, and I thank the staff of the Appropriations Committee, including Sid Ashworth, Christina Evans, and Sonia King, as well as Mark Borreson, a fellow on my staff, for their excellent work in producing the bill.

Mr. President, I look forward to completing action on this important piece of legislation.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate go into a period of morning business for the Senator from New Jersey to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous order, the Senator from New Jersey is recognized for 30 minutes.

## GUN VIOLENCE

Mr. LAUTENBERG. Mr. President, I am going to continue discussing the issue we were talking about earlier. In my earlier remarks, while talking about trade, we talked about the value of trade with the sub-Saharan nations, whose economic subjugation created all kinds of problems. We talked about the economic strangulation that presents so many problems and creates violence and corruption and lawlessness in some of these countries. We are hoping that this trade can suppress those differences and that violence.

I was making the point that we in this country have a problem of our own regarding gun violence, which is very detrimental to the harmonious functioning within our society. We have these huge differences between those who think that "guns unlimited" ought to be the rule. I had the opportunity to hear a brilliant author, Gary Wills, talk about why it is that people distrust Government. One of the issues he brings up—and I am paraphrasing some here—is that when people see that violence pervades our society, we have to have some sense of a regulation. He pointed out that if we didn't have regulations on our highways, highway safety programs, our system would be rendered useless because people would be afraid to go out on the highways because of the mayhem it would create.

I think it is a fairly simple thing to understand that if you were able to drive as fast as you wanted on either side of the road, we would be killing and maiming one another. I don't understand why it is that we can't have some sensible gun violence control in this country, some regulation. Why is this one part of our society so exempt from any kind of sensible regulation that says a person who wants to buy a gun ought to be qualified physically and emotionally to do so, and that if they want to buy a gun they ought not have any history of violent behavior?

I wrote legislation regarding spousal abuse. I said anybody convicted of a misdemeanor for spousal abuse ought not to be able to own a gun. I had terrific resistance in this place. I could not get it through, really. Finally, we got it through as a piece of legislation on a budget.

What has happened in 3½ years? Well, 33,000 people who are not qualified by virtue of violence against a spouse or their children—domestic abusers—have been prevented from getting guns, where maybe they pointed a gun at somebody and said, "If you don't listen to me, I will blow your brains out." I think it was a positive measure.

The Brady bill was fought tooth and nail before it was passed. The Brady bill gave Government time to check out these individuals who are applying for guns or gun ownership at such a prolific rate that we ought to have some measure of control. Well, after a long debate and a lot of suffering, had Jim Brady, who was shot while an attempt was made on the life of President Reagan, not wheeled himself around the Capitol, it never would have passed.

What was the effect of the Brady bill—the thing the gun lobby was so afraid of that would "impair freedom"? Baloney, as we say. Well, 500,000 people were prevented from getting guns, thank the Lord. What would have happened? Those 500,000 people who were not qualified either by virtue of personal characteristics, background, a tendency toward violence, or trouble, could have gotten guns. Thank goodness they were not able to get guns.

We wonder whether or not, with a Million Moms March imminent on Mother's Day, anybody thinks mothers are clamoring to leave their homes and march in protest because they have nothing better to do on Mother's Day. That is the most revered holiday, next to Christmas, that we have in our society. It is when people flock to see moms. I know my children want to see their mother. My grandchildren want to see their mother. A lot of them in my family will be out there marching because they are sick and tired of worrying about whether or not their children, when they go to school to learn, to sing, to play, to make friends, are going to get shot, are going to get assaulted, are going to get killed or wounded in such a way that they never recover. That doesn't only mean those who were hit with a bullet. It means friends who saw their classmates at Columbine lying down and trying to crawl out windows to get away from the madness, in fear for their lives.

What was the impact of that throughout the school? Did the wounding stop with those hit with a bullet? Or do those wounds go on forever? Some lost friends who were 16 and 17 years old—kids in the prime of life. Those wounds will last forever. So it is not only those who are involved in the fracas; it is everybody—all of us across the country.

Look at the physical cost: metal detectors, guards, cameras, rigid processes for transportation. It costs a fortune. Frankly, I think we should just put a lid on this proliferation of guns and stop the unlicensed gun dealers from selling guns and not asking any questions of the buyer—"buyers anonymous"—at gun shows across the country. If you want to buy guns, just put your money down, brother, and you can have all the guns you want and walk away. You could be one of the 10 most wanted criminals in the United States on the FBI's Ten Most Wanted list. Even if they recognize you, they have no obligation in the States that don't have control because the Federal Government doesn't have it all; they are under no obligation to say, hey, we know you are sought after. We know you are a criminal.

There are no rules. We ought to stop that and we ought to make a pledge to the mothers who are going to be out there on Sunday that we are going to do something about it, instead of sitting on our hands over a year since Columbine. It is almost a year now since we passed the gun show loophole closure in this body and sent it over to the House as part of a conference. That is what we do here. The House and the Senate confer and they try to agree on a bill. They don't want to act on it. The action is no action. That inaction is the rule because they don't want to bring up the gun issue. It is too sensitive. It might be too offensive to the NRA. It might be too offensive to the gun lobby. We are saying, no, we have to do something about it. The least thing we are going to do today is offer a resolution and, we hope, get it passed.

We ask those on the other side who won't join us to stand up in front of the American public and say: I don't think you are entitled to send your child to a safe school; you have to run the risk. After all, guns are more important than my kids or my grandchildren. I can tell you that the so-called "freedom to own a gun and maim people," and the Constitution says you are allowed to shoot at anybody you want to, is not a matter—in the wildest imagination—of the second amendment.

Mr. President we have a limit of time. How much time do I have remaining?

The PRESIDING OFFICER (Mr. ALLARD). The Senator has 20 minutes.

Mr. LAUTENBERG. I want to give as much time as my colleague from New York needs, not more than 7 minutes.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my colleague from New Jersey for yielding. I thank him for not only his generosity in yielding time but for his leadership this year and last year on this issue, and in the 18 years he has been in the Senate. We will really miss him in many ways as he goes on to other things, but one of the most important reasons we will miss him is as the leader in this fight to bring sensibility and rationality to gun laws.

I hope we will pass the resolution the Senator from New Jersey is offering and that it will not be blocked. I hope people will let us vote because we are voting in the shadow of a momentous movement that is taking place in America.

I have been fighting in the Congress for gun control for 20 years. I have seen the various ebbs and flows in public opinion on guns. I have seen modest gun control measures, such as this one, bottled up in committee and picked to death by those who do the NRA's bidding. I was on the front lines when we scratched and clawed our way through a few victories such as Brady and the assault weapons ban.

We are on this floor now because the world changes on Mother's Day. On Mother's Day, the political landscape will undergo a seismic shock. There is a classic sign in the movie "Network" where a TV commentator shouts, "I am mad as hell, and I'm not going to take it anymore." And that leads to a spontaneous reaction where families heave their TV set out the window.

That is what the Million Mom March is. It is a spontaneous assemblage of ordinary citizens who are not going to take it anymore. It is bigger, more passionate, and more widespread than any movement we have seen in years. It is a movement more powerful and more numerous than any of us could ever have hoped.

When the mothers of this Nation gather on Constitution Avenue, their collective footsteps will sound like a shot heard around the world. They are not going to put up with lame excuses from Congress about why the Lautenberg amendment is bottled up. They are not going to put up with any more reasons about why we can't pass the most basic, commonsense gun measures.

Let me say to George Bush, and anyone else who is standing in the way of closing the gun show loophole, that our mothers are watching. On Mother's Day, the mothers of this Nation will give us the gift of common sense. There is a new force in the country today and its name is Mom. Today we are simply giving this body a chance to not make Mom too angry.

I thank the Senator and yield any time I have not used to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Senator from New York.

Mr. President, we are in morning business, I believe. Is that correct?

The PRESIDING OFFICER. The Senator has 17 minutes remaining in morning business.

Mr. LAUTENBERG. Mr. President, I would like to make a unanimous consent request. In fairness, I want to see a Republican on the floor before we make that request about time. So if the staff would arrange to have someone come to the floor, I would appreciate it because I want to continue talking about this resolution we have already sent up to the desk.

We are looking for very simple, commonsense changes. I can't imagine anybody saying we should not prohibit juveniles from possessing assault weapons. It is hard to oppose that. Does anyone seriously believe juveniles need assault weapons? Additionally, we should require child safety locks to be sold with handguns. It is a simple step we can take to try to protect kids who get a hold of guns. We know that the 6-year-old who used a gun to murder another 6-year-old would not have been able to do so, A, if the gun had been properly protected from reach by a child; or, B, if the gun had had a safety lock, the child wouldn't have been able to operate it.

We also ought to study—I know the Senator from California wants to talk about this—the marketing of guns to juveniles. She spoke about it a few moments ago. I heard her talk about it. It was so clear and so precise that it is hard to argue against it.

Why shouldn't we examine what it is we are doing to convince little kids that their mark of maturity is going to be to own a gun? I don't understand why.

When it comes to guns, we are talking about deadly weapons. We are not talking about play toys that might turn over or something such as that. This is automatically associated with killing, with death, with injury—a gun in the wrong hands.

No, we are not saying that every gun owner is out for murder. We are not saying every gun owner is out to hurt people, but there are enough people that it makes an enormous difference whether or not guns are out there in the hands of the wrong people. We ought to make sure they are not being sold as toys.

These are all commonsense measures. They passed this Senate as part of a juvenile justice bill just about a year ago next week. It was sent over to the House. We got our conference committee together.

How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 14 minutes remaining.

Mr. LAUTENBERG. Mr. President, I would like to yield 10 minutes to my colleague from California.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I thank my friend from New Jersey. Let me echo what he has said on the floor in this matter—that we want to protect our children and our families from gun violence. He will be sorely missed.

I want to pick up on something that was said about the million moms. I think Senator LAUTENBERG, as a grandfather, has spoken most eloquently as to what the women of this country really want.

It is hard to generalize about it to people, but I can truly say, if there is anyone in our society who is more selfless than any other, it happens to be moms. When you love someone more than you love yourself, that is what happens. The fact that they are coming here in such amazing numbers is truly remarkable. I think when everyone across the Nation who is coming here on this issue is added up, it will be a million moms.

There is a web page for the Million Mom March. It is called the Tapestry, and moms are calling that site; they are writing their stories.

One woman from El Cerrito writes:

> Ten years ago, my beautiful son, Andrew, killed himself with a bullet to his brain. He was mentally ill, and never should have been able to buy a gun. I will be at the March with one of my daughters, who is also a mother, because something has got to bring Congress to its senses.

Then there are several others. One wrote the following:

> Once I wrote a letter to my Congressman asking him to support sensible gun laws. He sent me back a three-page letter upholding the second amendment, but this had no effect on me as in my life I have lost my father and uncle and a nephew by marriage to guns. One was murder, one was a suicide, and one was accidental. Had guns not been around and easy to get, none of these untimely and sad deaths would have occurred.

We are at a time in our history when we can look back at what is happening to our people. When I was a young mom—now I am a grandmom—the reason I got involved in politics was that I thought the Vietnam war was wrong. I marched with my children in California at that time to say enough is enough; let's end the killing.

We lost 58,168 of our valued sons and daughters in that war. For that period of 11 years, let's look at the statistics we have in our Nation from a different kind of war, a war in our streets, in our suburbs, in our schools, in our counties, our cities, in churches and child care centers: 395,441 dead. If the moms of America marched to end the war in Vietnam where 58,168 died—and they did help end it—we can turn around this tragic number and win this war in our streets.

I say straight from my heart, we will not win this war unless people in this body have the guts and the courage to stand up to the gun lobby. We will not win this war if people in this body and in the House of Representatives do not have the heart and the guts and the courage to stand up to the gun lobby and its power. I pray that we will have that courage and we will have the strength to do it and turn around what is happening.

Senator LAUTENBERG has talked about the juvenile justice bill. It is stuck in limbo, twisting in the wind in the conference committee after we had five sensible gun laws attached to it. They are very sensible and include: closing the gun show loophole so that people who shouldn't have a gun cannot get a gun at a gun show; banning the importation of high-capacity ammunition clips for automatic weapons, Senator FEINSTEIN's amendment; requiring child safety devices be sold with every hand gun, Senator KOHL; an amendment by Senator ASHCROFT that says it is illegal to sell or give a semiautomatic to anyone under the age of 18; and the fifth, requiring the Federal Trade Commission and the Attorney General to study the extent to which the gun industry markets to juveniles.

If we thought Joe Camel was bad—and we know Joe Camel was bad—let's look at what the National Rifle Association is doing to market to our children. This is the beautiful, quite lovely NRA logo with the eagle. This is their logo. Here we see the cartoon version of that eagle, "Eddie the Eagle." This is the gun lobby kids' cartoon. This is the eagle of the NRA. These kids are not 18. They are nowhere near 18. They are babies.

What makes us think the gun lobby wants to market to kids? Let's take a look at what they say in an ad from a firearm manufacturer: "Building the next generation of customers takes work and commitment. But it must be done." "Our greatest threat is the lack of a future customer base." "We continue to look for every opportunity to reach young people. . . ."

There shouldn't be any question about it. Just as Joe Camel was aimed at kids, so is Eddie the Eagle aimed at kids.

Here is Joe Camel, the cartoon version of the camel advertisement. Here is the gun lobby kids' cartoon. It is hard to do this all in 10 minutes, but that is all my colleagues on the other side would let me have. Here are Eddie Eagle products for kids: Eddie Eagle lunch box, Eddie Eagle Jitter Critter, 3D glasses, tattoo pac, Eddie E. B-Nee baby.

That is not marketing to grownups, my friends; it is marketing to kids. The gun lobby doesn't want us to look at it, but we will.

When they had the tobacco lawsuits, we were able to find out what the tobacco company said in secret memos: "If our company is to survive and prosper . . . we must get our share of the youth market." "Today's teenager is tomorrow's potential regular customer."

Sound familiar to the gun lobby?

Look at what they say: "The greatest threat we face is the lack of a future customer base. . . ." "We continue to look for every opportunity to reach young people. . . ."

Cigarette companies, Joe Camel, firearms company, Eddie the Eagle.

I don't have any objection in terms of a family learning to hunt, but tell me what is right about teaching a 4-year-old child how to load a handgun. Yet this ad is proudly displayed in gun magazines. This child is 4 years old.

This sums it all up. How is this for an ad in Gun World: "Start 'em Young! There is no time like the present."

This is a very young boy, maybe 15, holding a toy gun, that looks like a real gun, shooting at a can of soda. It is a little bit of a love letter from him about shooting. "Start 'em Young!"

In the juvenile justice bill, I was fortunate enough to get through this Senate, by a unanimous vote, a study of the gun dealers marketing to children. Guess what. ED MARKEY took that on the House side and got the same thing passed. So we have identical amendments in the House and Senate. Out of all of the gun amendments we passed, this is the only one that had identical language in the House and Senate. What does that mean? It means we could make this the law of the land tomorrow if there were good faith in this Republican Congress. We can in good faith take my amendment that passed here by unanimous vote, and passed over in the House unanimously, and start this study right now.

But no. To all who say politics doesn't matter, let me state what this wasted time means. It means that every day they are starting them young. It means that every day, a child might pick up a gun because it so much fun—they see it in the ads. And they can pick up a gun and accidentally injure themselves or someone else.

It is an unbelievable situation that a year after we passed five sensible gun measures, we have done nothing.

Let me close with something from the Million Mom March from Janet Lazar of Menlo Park, CA. Listen to this.

> As a social worker for children and families, I have heard the voices of many children who have become victims of violence. Listen to the still voice of a child describing her mother held at gunpoint by her father. Listen to the cold, dead voice of a beautiful 15-year-old girl describe the six friends and relatives she lost to gang warfare. Listen to her bewilderment as she wonders if she will live to raise children of her own. Listen to the suicidal voice of the young man who accidentally killed his best friend as they fooled around with an unlocked handgun.

She writes:

> My heart cries for someone to listen to the children. The time to act is now.

To the creator of the Million Mom March, who is a constituent of Senator LAUTENBERG—and how appropriate that is—I say thank you. I say thank you for caring about the children. I say thank you for giving up your Mother's Day and coming here. I say thank you for taking a risk that maybe your idea would not catch on. I say thank you for doing what we Americans do best, acting—acting on facts, acting on information, and, yes, acting on anger.

It is an honor to be on the floor today with my friend, Senator LAUTENBERG. It is an honor to stand by his side as we, together, fight to make sure the laws of this land reflect the priorities of the people and the mothers and the children and the families.

Mr. LAUTENBERG. I thank the Senator from California for her ever persistent fight to protect children and protect the families in this country. We are going to continue, no matter what turn of events we see. We want the public to be heard.

Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 2 minutes.

Mr. LAUTENBERG. Mr. President, I have a resolution that simply commends the participants of the Million Mom March this weekend for rallying for their communities to demand sensible gun safety legislation. It calls on Congress to complete action on the juvenile justice bill before the Memorial Day recess.

I ask unanimous consent the Senate proceed to the immediate consideration of S. Res. 305, which was introduced by me, that the resolution and the preamble be agreed to en bloc, and the motion to reconsider be laid upon the table with no intervening action.

The PRESIDING OFFICER. I object, as a Member of the Senate from the State of Colorado.

Objection is heard.

Mr. LAUTENBERG. Mr. President, and ladies and gentlemen who can hear me, what an irony it is. What an irony it is. The Senator from Colorado objects to simple gun safety legislation. What an irony it is that this place is empty, but the voice of negativism creeps through.

I want all the million moms across the country to hear this. They are saying: No, no to sensible gun safety legislation. They are saying: No, Mom, your kids are going to go to school and it is too bad, it is too bad if some little maniac, or some confused child has a gun in his or her hand. Too bad, too bad, unless it is their kid, God forbid.

What are we witnessing here? Foolishness. The public ought to know it. They ought to stand up and shout: We are not going to take it anymore. A million mothers marching across this country—I hope they are made furious by this objection.

Object to a resolution? A resolution, for my friends who do not know, is not a law. It is simply a thought. It is the way we think we ought to do things.

We are far from legislation. We just think we ought to protect children. We think we ought to make it tougher for people to have guns randomly. We think we ought to make it tougher for young children to learn that guns are a step toward manhood. They ought to learn. They ought to learn.

Remember the image—the kids at Columbine, the bleeding boy reaching out the window for help: Somebody, help me before I get killed. Or the little children at the school in California—little kids, like my grandchildren, like your grandchild, being led by policemen so they could get away from a gunman. Or the youngsters saying a prayer in Waco, TX, heads bent in prayer, and some idiot comes by and starts shooting. Or that 6-year-old child killing another 6-year-old child.

So we cannot enact a law that says you have to put your gun away if you have one, so a child can't get ahold of it? Or make it childproof?

The Republicans say: No. We have 51-50 vote when the Vice President cast a tie vote and it went to the House. The House didn't want to cooperate, the Republican majority there said: No, no, let's bury this thing.

Bury it. What a terrible term. What a terrible term. Because we are talking about funerals and burials, instead of laughter, instead of love, instead of friendship. It is a black day, a bad day for America. I hope the million moms, when they get together, will talk about this.

Mrs. BOXER. Will the Senator yield for one last question?

Mr. LAUTENBERG. Yes.

Mrs. BOXER. Was it part of my friend's resolution, welcoming the million moms to Washington?

Mr. LAUTENBERG. It was a resolution to welcome them.

Mrs. BOXER. Let's be clear here about what is being objected to. This is a resolution that says to the million moms: Thank you for caring about our children; thank you for being good mothers; Thank you for giving up Mother's Day to be here, to stand for a cause that is bigger than each of us separately.

It is hard for me to believe the Republicans would object to welcoming the million moms to this town, moms who are Democrats, Republicans, those declining to state—maybe they don't have a party. This is not a partisan issue.

I say to my friend, thank you for bringing this to the floor. I think the American people are finally going to see who stands up for what is right.

Mr. LAUTENBERG. Mr. President, I yield the floor, not in exhaustion, not in fatigue, but ours to fight another day.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I commend our colleague, Senator LAUTENBERG, for his efforts. He has done the Senate a service and has called the Senate and the Nation's attention to the importance of the Million Mom March. I appreciate as well the participation and the leadership Senator BOXER is always able to provide for our caucus on so many issues before the Senate. They have articulated very ably and admirably for our caucus today in expressing to all of those coming from all parts of the country how important it is they express themselves, how important it is they exercise their constitutional opportunities in this great country, how important it is they send a message to the rest of the country, as well as to Members of the Congress, the critical nature of the need to address the gun issue in an effective way.

That is all they are coming to express themselves on, and it is appropriate at this time, and given the tremendous message that numbers of women will send by their presence, that we acknowledge their presence and welcome them to this city; that we tell them we are listening; that we resolve to respond in as effective a way as we can.

Again, I thank the senior Senator from New Jersey for his efforts, and the Senator from California for participating, for sending that message loudly and clearly and for doing all they can to recognize the importance of what will happen in Washington on Sunday.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, did the Senator wish to respond?

Mr. LAUTENBERG. Can I have 1 minute?

Mr. WARNER. Without losing my right to the floor, I yield to my colleague.

Mr. LAUTENBERG. Mr. President, I thank the Senator from Virginia for his always courteous response to a request.

It was disheartening to see we could not get a resolution adopted—not law, a thought, an idea, what we would like to do, that says we welcome the committed women who are involved in the march who are going to gather in places across this country to protest the threat of violence to their children.

I thank our leader, and my colleague from California, for being such active supporters of this protest against violence. I am sorry we did not have a chance to get a vote on it. I thank the Senator from South Dakota for his friendly remarks as well.

I yield the floor.

Mr. LEVIN. Mr. President, this weekend, hundreds of thousands of mothers and "honorary mothers" will convene in Washington, DC and communities around the country to call for sensible gun legislation for safe kids.

On Sunday, Americans will unite for the Million Mom March, the first-ever national march for gun-safety. The mothers from Michigan and around the country come from all walks of life. They live in cities, in suburbs and in rural America. They are of all races, all religions and all political persuasions. They are our friends and neighbors, our community leaders.

On Mothers' Day, 2000, these "mothers and others" will join together to grieve over the loss of their loved ones, and the loss of more than 4,000 young people who are killed by gunfire each year.

Among these mothers will be Veronica McQueen, the Michigan mother who lost her six year old daughter, Kayla Rolland, to gun violence earlier this year. Ms. McQueen said, "I just don't want to see another parent have to bury another baby over this, over something that is preventable, something that is very, very preventable."

Gun violence is preventable. But mothers can not act alone. Mothers in the Million Mom March know: In order to reduce the level of gun violence in their homes and communities, Congress must pass legislation to keep guns out of the hands of children and criminals.

Some of us in this Congress have heard the cry of families around this country and worked to pass sensible legislation to protect our nation's children. That legislation would limit access to guns by prohibited persons by, among other things, closing the gun show loophole— applying background checks to guns sold at gun shows.

The Lautenberg-Kerrey gun show amendment that passed in the Senate, but not in the House of Representatives, is one of the most important provisions we can pass this Congress. It will close the loophole that allows criminals and other prohibited persons to buy guns at gun shows that they would not otherwise be permitted to purchase.

It a loophole that is often exploited by those who do not want to undergo background checks—including Eric Harris and Dylan Klebold, the Columbine killers. Harris and Klebold used four semiautomatic assault weapons in their now infamous attack on their classmates. Of the four guns, three were purchased by Robyn Anderson at a gun show in Adams County, Colorado.

Robyn, who was 18 at the time, bought three semiautomatic assault weapons for her younger friends. She later testified before the Colorado Legislature about her purchase and the need to close the gun show loophole. She said: "Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday. . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check."

Robyn continues: "I was not asked any questions at all. There was no background check. All I had to do was show my driver's license to prove that I was 18. Dylan got a shotgun. Eric got a shotgun and a black rifle that he bought clips for. He was able to buy clips and ammunition without me having to show any I.D. The sellers didn't write down any information."

"I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all. I think it was clear to the sellers that the guns were for Eric and Dylan. They were the ones asking all the questions and handling all the guns.'"

Robyn concluded: "I wish a law requiring background checks had been in effect at the time. I don't know if Eric and Dylan would have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check."

The Columbine killers took advantage of the gun show loophole and the result was deadly. Congress has the chance to close this loophole with the Lautenberg amendment. That amendment requires prospective purchasers to undergo background checks at gun shows and gives law enforcement up to three business days to those checks if there is any potentially disqualifying information—as set forth in the current Brady law.

Honest, law-abiding Americans are not affected by these background checks. 72 percent of the checks are completed within three minutes, and 95 percent are cleared within two hours. FBI records reveal that the five percent of people whose background checks take more than 24 hours to complete, are 20 times more likely to have a criminal record or otherwise be prohibited from accessing weapons.

Congress must pass legislation that gives law enforcement up to three business days, when needed, to complete background checks at gun shows, and truly close the gun show loophole. As of this day, Congress has failed to do so, and has subsequently failed the families of the Columbine victims and others who have lost loved ones to gunfire.

On this Sunday, I will march with the families of those victims from Michigan and around the country, who are calling on Congress to end their agony. In the words of one mother, it's time to turn tears into action. Congress must pass "sensible gun laws for safe kids." Let's start by closing the gun show loophole today. It's time to end the plague of gun violence on America's children.

Mr. KENNEDY. Mr. President, I join my colleagues in welcoming the Million Mom March to Washington this weekend. Their campaign for sensible gun control has captured the attention of the nation, and it deserves to capture the attention of Congress too. Their message is irresistible. Gun crimes and gun violence are a serious challenge to the nation, and it is wrong for the United States Senate to bury its head in the sand on this fundamental issue. More than a year has passed since the Columbine tragedy, and we have failed to finish the job we began last year on the Juvenile Justice Bill. Democrats have repeatedly asked for the House and Senate conferees to meet and approve a final bill that includes the Senate-passed gun control provisions. We wait and wait and wait, while schools and children across the country continue to suffer from the epidemic of gun violence that plagues so many of our communities.

Too many children are in continuing danger of gun violence in their homes and schools and neighborhoods. These are not new problems, but they have become increasingly serious, and it is irresponsible for Congress to look the other way and ignore them.

Our goal is to support parents, youths, educators, law enforcement authorities, and communities. We have a shared responsibility to find solutions to these problems. Fifty million school children are waiting for our answer.

The greatest tragedy of the school shootings across the nation is they have not shocked us into doing everything we can to prevent them in the future. By refusing to learn from these tragedies, Congress is condemning the country to repeat them. How many wake-up calls will it take before Congress finally responds?

Current statistics on children and guns are unacceptable.

For every child killed with a gun, four others are wounded. According to the Centers for Disease Control, the rate of firearm deaths of children 0–14 years old is twelve times higher in the United States than in 25 other industrial nations combined.

Over 6,000 students were expelled in 1996–97 for bringing guns to school. The Journal of the American Medical Association reports that between 36% and 50% of male eleventh graders believe they could easily get a gun if they wanted one.

In a 1997 survey, 9% of high school students had carried a weapon to school during the 30 days preceding the survey; 6% had a gun.

Between July 1, 1994 and June 30, 1998, there were 173 violent deaths in schools.

In a recent survey of over 100,000 teenagers conducted last month, 30% said they could get a gun in a few hours and 11% more said they could get a gun in one day.

1 in 5 of these teenagers have felt afraid at school since the Columbine High School shootings a year ago.

4 in 10 of these same teenagers said there are guns in their homes, and more than half of them say they have access to those weapons.

In 1996, more than 1300 children aged 10–19 committed suicide with firearms. Unlike suicide attempts using other methods, suicide attempts with gun are nearly always fatal, which means that a temporarily depressed teenager will never get a second chance at life. Two-thirds of all completed teenage suicides involve a firearm.

The firearm injury epidemic, due largely to handgun injuries, is ten times larger than the polio epidemic of the first half of this century.

The nation's gun laws are a disgrace. We need to close the gun show loophole, support child safety locks on guns, and provide greater resources for strict enforcement of the gun laws now on the books.

The guns used to kill nine of the 13 people murdered at Columbine High School were purchased at a gun show. The woman who bought the guns for Eric Harris and Dylan Klebold said that she would never have purchased those guns if she had to submit her name for a background check.

More than 800 Americans, young and old, die each year from guns fired by children under the age of 19. It shouldn't take a Columbine, a Jonesboro, or an urban drive-by shooting to persuade us to act.

Perhaps six-year-old Kayla Rolland would be alive today if the gun that her classmate used had a child safety lock on it.

Perhaps a 13-year-old school girl in Deming, New Mexico and a school vice-principal in Philadelphia, Pennsylvania would still be alive if the young shooters did not have access to the guns.

American children are more at risk from firearms than the children of any other industrial nation. In a recent year, firearms killed no children in Japan, 19 children in Great Britain, 57 children in Germany, 109 children in France, 153 children in Canada—and 5,285 children in the United States.

Shame on the National Rifle Association, shame on the Republican Party, and shame on the United States Congress for tolerating figures like that. My fervent hope is that the Million Mom March will succeed where so many other efforts in recent years have failed, and that Congress at long last will be persuaded to act. The irresistible force of the Million Mom March is about to meet the immoveable object of Congress—and I intend to do all I can to see that the immoveable object of Congress finally moves.

Mr. ROCKEFELLER. Mr. President, I am proud today to recognize and welcome the visit to Washington, DC by a group of my fellow West Virginians for this Sunday's "Million Mom March."

The Million Mom March, coinciding with Mothers' Day, is a grassroots effort led by people across the country—Dads and Kids included—dedicated to educating our children and our nation about guns; both the dangers posed by their misuse and the tragic toll this misuse has taken on our country's youth, their friends, and their families. The people who attend this event here in Washington will have gathered in the parking lots of schools, churches, and synagogues across the country, and will have come here to let those of us in Congress know, in no uncertain terms, that we need to be doing more to protect our children.

I am pleased to say that among those relaying that message this weekend will be a delegation of Moms from West Virginia, many with their entire families in tow. As they point out, one difference many of these West Virginian Moms may have from others participating in this weekend's events is that they also have hunters in their own families. In fact, it would not surprise me at all to find out that more than a few of the folks marching were hunters themselves.

In West Virginia, we respect the rights of law-abiding citizens to keep and bear arms, and we consider parents and children hunting together to be a time-honored tradition. Yet our state legislature has already taken the responsible step of limiting possession and legal ownership of handguns to those 18 and older. Now the West Virginian Moms join with their counterparts from around the nation to demand that Members of Congress respond appropriately to the epidemic of American children killed and injured by accidents and crime involving guns.

Unfortunately, all too often when we in Congress discuss the misuse of guns, the debate turns into a pointless back-and-forth about whether we have too many gun laws, or too few. Rather than engage in that debate, I would just invite my colleagues to consider these staggering statistics:

One in 910 American children die because of the misuse of guns before the age of 20.

American children under the age of 15 are twelve times more likely to die from gunfire than children in 25 other industrialized countries combined.

Seventy-seven percent of murder victims aged 13–17 are killed by a firearm.

Last year:

4,205 children and teens were killed by gunfire;

2,562 were murdered by gunfire;

1,262 committed suicide using a firearm; and

306 died from an accidental shooting.

Each day:

Two children under the age of 5 are murdered;

Six children and youths under 20 commit suicide;

Ten children and youths under 20 are homicide victims; and

Twelve children and youth under 20 die from firearm misuse.

Between 1979 and 1997, gunfire killed nearly 80,000 children and teens in America—25,000 more than the total number of American soldiers killed in battle in Vietnam.

Firearms wounded an additional 320,000 children during this same period.

In that period, more than 25,000 children took their own lives with firearms, and nearly 10,000 died as a result of an accidental shooting.

In 1997, my home state of West Virginia lost 23 children younger than 20 to firearm misuse, up seven from the previous year. Nine were murdered, ten committed suicide, and three were the victims of accidents.

Mr. President, last year the United States Senate passed the Juvenile Justice bill. Among its provisions, this bill contained some courageous efforts to address the culture of crime and violence in which our children are being raised. The bill also featured some common-sense measures designed to make guns safer, and provisions to keep firearms out of the hands of criminals. The Senate also sought to close the so-called gun show loophole. Sadly, our seeming inability to have any discussion about guns has kept the conferees on this bill from reporting back to the respective houses with a version for final passage.

My purpose here today is to join the Million Moms in calling attention to the bottom line. We live in a society in which the lives of children are tragically at risk because of the virtually unfettered availability of guns. Our respect for the constitutional rights of gun owners should never overwhelm the love and caring we have for our children. I commend the Moms, from West Virginia and around the country, who come to remind us what our priorities should be.

The PRESIDING OFFICER. The Senator from Virginia has the floor.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. WARNER. Mr. President, I make a parliamentary inquiry. Are we now out of morning business and on the bill?

The PRESIDING OFFICER. We are on the military construction bill.

Mr. WARNER. Fine.

Mr. President, in the course of the deliberations before the Senate Appropriations Committee on this measure, the distinguished senior Senator from West Virginia, Mr. BYRD—former majority leader of the Senate; one who has served in the Senate 41 years—brought before that committee an amendment entitled the Byrd-Warner amendment dealing with the issue of the balance of power in the Constitution between the executive branch, the President, and the legislative branch, the Congress of the United States, as it relates to matters of foreign policy but, most particularly, as it relates to the matter—and perhaps the most important entrusted to both the President of the United States and the Congress—the most important matter of when the President, as Commander in Chief, sends beyond the shores of our great Nation men and women in uniform into harm's way in the cause of peace.

This week, those of us on the Republican side of the aisle had our weekly luncheon, as did our good friends and colleagues on the other side of the aisle. At our luncheon, Senator STROM THURMOND stood and asked if we could observe a moment of silence as he recounted the closing day of World War II, when hostilities ceased in Europe—the bloodiest of all wars, in which 292,000 men and women, wearing the uniform of the Armed Services of the United States, lost their lives.

You could have heard a pin drop in that caucus as that great soldier, as that great statesman, asked for remembrance of the veterans of those generations.

In a very humble way, I have a brief memory. At age 17, I joined the Navy. It was January of 1945. I was simply trained, as were thousands of other youngsters my age, because at that point in January, in the winter of 1945, both the war in Europe and the war in the Pacific were inconclusive. I simply was at training command, waiting for the invasion of Japan. I thank God that last battle in the Pacific never occurred, not only for myself but for millions of others who would have been involved.

I look back very humbly on the modest contribution I made in uniform, both in that war and again during the Korean war, where I served in the Marines for a brief period.

The military did far more for me than I did for the military. Today, that 17-year-old sailor as of 1945 is privileged to be the chairman of the Armed Services Committee of the Senate, a dream I thought would never be fulfilled.

I again reiterate, my service was modest. On both sides of the aisle, there are men who have served and show the scars of war, who understand the burden on the President of the United States as he sends forth troops into harm's way. I respect these individuals greatly for their knowledge, for having borne the pain in the field of battle, unlike myself. But I was there when others did.

The point of this is the gravity of the decision to send forth our people—the sons and the daughters of people from every village and town across this Nation.

I recount World War II. I then go to Korea, again, where I served as a young Marine officer. Over 50,000 men and women lost their lives in that conflict.

During the course of the Vietnam conflict, I was privileged to serve in the Navy as Undersecretary of the Navy and then as Secretary of the Navy. I was there 5 years, 4 months, and 3 days. Over 50,000 men and women lost their lives, not to mention the number of those wounded.

The point I make is, the last time this Nation declared war was World War II. Yet since that time we have sent men and women into harm's way, beyond our shores, over 100 times.

We never declared war in the Korean conflict. As a matter of fact, it was called the forgotten war. We never declared war in Vietnam, a war that not only brought tremendous casualties on the field of battle and a wrenching experience to the families—as each war does—but it divided this Nation. Indeed, it was the people of this Nation who rose up and, finally, through their elected representatives in Congress, provided the basis for the withdrawal of our troops from that conflict.

That is what this amendment is all about. It is a decision of power between the executive and the legislative branches. It is assuming the responsibility—the responsibility to join with the President or not join with the President—in sending those people beyond our shores. No greater responsibility rests upon a Member of Congress than that.

I have had the privilege to know Presidents. I have had the privilege to learn from my elder statesmen in this Chamber—foremost among them John Stennis, John Tower, Barry Goldwater, and "Scoop" Jackson, all of whom worked on the Armed Services Committee—of how Presidents of our great Nation face up to that decision to go or not to go.

Stennis used to tell the story that Lyndon Johnson told him. The President used to say to Stennis: When that phone rings at night, and there is a troubled spot in the world, and I have to make the decision, Do I or do I not send those troops? I always thought, Where is an aircraft carrier, an island of America? What is the nearest force structure of the U.S. to this conflict?

It is a big decision. Read the biographies of our Presidents. It is a tough decision. Congress has an obligation to share with the President in the making of that decision. That is my point. That is what this amendment is about.

We have not really fully shared in that decisionmaking since World War II. Yes, we have the power to declare war under the Constitution. We also have the sole power over the purse—the power to decide whether that President can utilize the taxpayers' contribution each year in the operations of the United States.

Just this week, the Armed Services Committee concluded its bill—roughly $309 billion—to provide for the Armed Forces of the United States. It is the biggest money bill that goes through here. It will be brought to the floor next week, hopefully.

That is what I am talking about—the power of the purse. Our committee authorizes, and the committee under the Senator from Alaska, Mr. STEVENS, and the distinguished cosponsor of this amendment, Mr. BYRD, then make the decisions on the appropriations against the authorization. That is what this amendment is about. It is about how we conduct the expenditure in this bill—$2 billion-plus for Kosovo alone—how we go about spending the taxpayers' money for that. How does it directly relate to the safety and welfare of those brave men and women of the U.S. Armed Forces who are marching through, or patrolling through, or standing watch night and day in Kosovo?

Mr. President, I first went to Kosovo in 1990 with then-leader Bob Dole. There was a group of four or five of us. I remember that trip very well. I remember that we exited rather speedily from Kosovo because there was a riot developing. So many people wanted to see the American Senators, wanted to tell the American Senators about the cruelty and the deprivation of human rights that was then, in 1990, being inflicted on the people of Kosovo—Kosovo being a part of Yugoslavia—being inflicted by Milosevic. Little did we know that war would soon spread through this region—first in Bosnia, and then it would erupt in Kosovo.

Well, we saw those people. We went by the famous field where, hundreds of years ago, the people of that region fought off the barbarian insiders and lost the battle. They still consider that the most hallowed ground in Kosovo. That region has been subjected to fighting and internal strife ever since. Even Hitler put some 21 divisions in there to try to control the Yugoslav region, and finally he told his generals to just contain them as best they could. He never could subvert that province because of the internal fighting. Throughout the occupation of the German armies, a continuous civil war raged among the various religious and ethnic factions in that region. The Germans just sort of turned their back on them. One German general said in a dispatch to Berlin about those who died in this civil war: "Less mouths to feed, less backs to clothe."

What a desperate, desperate cauldron of humanity. I expect that at one time or another in our deliberations in this body on Bosnia and Kosovo, every Member has availed themselves of the history of this region. As many times as I have been there—I believe I was the first U.S. Senator to go into Sarajevo in September of 1992, at the height of the fighting of the civil war in that town. I remember the French, who were controlling such security as was available, just in an airport where we were trying to bring in Red Cross supplies and food, put me in an armored vehicle and drove me around the town. We looked out through a little slit and firing was going on.

A French colonel and a former Foreign Legionnaire said, "I have fought in battles all over the world, and I cannot understand this one." The Croatians, Bosnians, Serbians were fighting each other. He said, "If you saw them in a room, you could not tell the difference. Most are well-educated people." He said, "In all my years of combat in far-flung places of the world, I have never seen the violence that these people can inflict on one another. I have never seen anything like it."

That violence raged for years, until the U.N. and then NATO forces finally came in and stabilized peace in that region. The war in Kosovo, we know well. We did everything we could at the diplomatic table. There were negotiations and valiant efforts by many. Not only the U.S, but, indeed, many nations tried to deal with Milosevic and to avoid the fighting. The rest is history. For 78 days, an air war was conducted in which the United States of America flew roughly 70 percent of the missions. Five or six other nations had their fighters, and they did the best they could. It was a consortium of nations.

Why did the U.S. have the largest burden? Very simply, we had the most modern equipment. It was a high-tech war. We employed every bit of high-tech equipment that we knew how to employ to protect the lives of the aviators. That was the correct decision. We gave as much as we could to our allies, but their planes simply weren't equipped with the high-tech guidance systems, radar systems, and other detection systems to defend themselves. So we flew the bulk of the missions. NATO is still without adequate airlift. We supplied the cargo planes, the troop carriers, in large measure. In that remote location in the airfields that ring Kosovo—Italy had a dozen airfields, and how valiant that country was in that battle. They turned over much of their civil aviation, air space, and airfields to allow the U.S. and allies to operate their aircraft around the clock.

Back to this amendment. The amendment is in two parts. I will refer to it as part 1 or 2. First, it is a contribution that I made some 2½ months ago, following my most recent trip to Kosovo. I went into that region, I think for the fifth or sixth time, and I went to the headquarters of the KFOR commander, a fine German officer, well-trained. He had a modest office. We were joined by Ambassador Kouchner, who was given by the U.N. the primary responsibility for trying to rebuild Kosovo following the termination of the conflict. This was January. I remember it well. There were 1 or 2 light bulbs sort of hanging from the ceiling, and they were constantly flickering. Down the hall was a toilet that was inoperative because there wasn't enough power. You had to flush it by taking a big bucket of water and pouring it in.

I bring this up because Ambassador Kouchner said to me repeatedly in the hour or so I was there, as the lights were flickering, "We don't have enough money from our allies that fought this war and others who made the commitment to get adequate power." He said, "Half of the city of Pristina"—that is where we were, Pristina—"is freezing tonight because of the inadequacy of the power, inadequacy of the housing, inadequacy of everything, food and the like." That was in January. That is not an American; that is a Frenchman.

The general who commented on the lights said, "This is the best building in town. We are doing our best; we are going to make it through." This was the headquarters of all the KFOR, all the troops. Up to 30 nations had contributed troops to try to bring about a measure of stability.

The consequence of that trip and going out to visit our troops in a far region—the whole area was divided into various regions: The American sector, the French sector, the British sector. I visited our troops in the American sector. I watched these young men from places all across the United States, heavily dressed in their flack suits and protective vests, cold as the dickens, carrying weapons, but going around to try to maintain order in these war-ravaged communities. There was the Serb section in the town and the Albanian section.

There was an indivisible line between them. You couldn't see it. But everybody knew you didn't step across it. There was very little, if any, contact between two factions.

I visited other American soldiers—two and three stationed out to guard a church. Our soldiers then and today are doing all kinds of tasks at personal risk, for which in large measure they weren't trained. They do not teach us in boot camp how to solve marital disputes or how to solve disputes between shop owners who are arguing.

These wonderful persons in uniform are drawing on a lifetime of American experience with their families and their homes and their towns to perform tasks that are far beyond any training the military gives. But they are doing it. They have done it, and they continue to do it, and do it very well.

At the end of the war, there were commitments in which the various allies came in and said we will send so many million dollars; we will send so many police; we will send so many building supplies; we will do this and we will do that. Bernard Kouchner, the man in charge, simply said it is not being done.

So I came back home and concocted an amendment in consultation with quite a few of my colleagues. I went about it very deliberately. I consulted on two occasions at the White House in constructive meetings. The administration wasn't at all supportive of this venture; that is, on the face of the draft that I had. But I had other people within the administration and elsewhere telling me privately: JOHN, if you do this, I think you will get the attention of the allies and they will begin to fulfill the commitments they made. Whether they are dollar commitments, commitments for police, or other commitments; they will do it.

I came to the floor of the Senate on Monday. I had quite a few cosponsors: The distinguished Senator STEVENS, the distinguished Senator INOUYE, members of the Appropriations Committee, and a great number of the Armed Services Committee. There was nothing to file the amendment against. But my intentions were that at such time as the Kosovo supplemental came through, I would put it on and have it printed in the RECORD.

This thing reverberated around the world, known as the Warner amendment. I take no great pride of authorship. But they had to name it something. But, suddenly, the allies began to get the message that we mean business in the Congress of the United States. We mean business. They began to account for what they had done. They began to expedite their dollars. They began to expedite the building materials. They began to expedite in some ways sending police, although they are still far behind the goals. Now, some 2½ months later, I have just been advised as late as yesterday by a constant stream of U.N. and E.U. officials through my office. I thank them. They quietly thanked me and those who supported me for bringing this matter out in the public and making known the need of the allies to step up.

The House of Representatives, Mr. KASICH, called me one day with great respect and said: JOHN, I think your amendment is a good one. Would you agree if I brought it up on the House floor just as it is? I said: Fine. Give it a try.

There was quite a debate in the House of Representatives on that amendment. I will put it in the RECORD later today. But it was only defeated by a very few votes with basically 200 on each side. By a very few votes did it go down, largely because a number of Members had not really had a chance to think it through.

But this amendment, which is couched as the Byrd-Warner amendment today, simply says the following: That the allies made certain commitments that, in the judgment of this Senator and such others who support those commitments, have not been kept in a timely way.

We have about 15 percent of the troops there. I want to make this clear. Other nations have 85 percent of them.

As a consequence, our troops and the troops of other nations could be there indefinitely. There is no one—I defy anyone—who can come to this floor and give with any precision the dates on which the infrastructure of that nation, and particularly its judicial system, a police system, and other necessary infrastructure, can enable the troops of this Nation and others to go home.

It seems to me they needed a wake-up call. That is precisely what this amendment does that I partly drew up. It simply says to our President: Respectfully, Mr. President, of this $2 billion coming through, you can utilize a certain percentage right away to reimburse the Department of Defense for expenditures it has already made for the Kosovo operation for this fiscal year to replenish the funds taken out of the Department of the Army, largely, but some out of the Navy, some out of the Air Force, but 25 percent we hold back—that is all, 25 percent of $2 billion we hold back—until you can certify that you have examined, first, the commitments of our allies, and then, second, the extent to which they have completed their commitments. I have been told on good authority that in all probability the President can make that certification largely with what has occurred in the 2½ months since this Warner section of this thing has been made public.

So my amendment in large measure has met its goal.

I thank the many people who have helped me and stood by the purpose of this amendment. But had the President not been able to certify, I said the other 25 percent of the money would then be used to bring our troops home because this Nation has fulfilled its commitment and did its best certainly in the combat phase of this. Certainly in the year almost after the combat phase, we have done it. Now let the Europeans and other nations pick up.

If there is one thing in this bill I will bring to the floor next week for the colleagues of the Armed Services Committee, the most serious thing facing us today in the military is the retention of the middle-grade personnel, enlisted and officer, because of the constant deployment of these individuals all over the world away from their families. We are not today able to retain sufficient numbers to keep this military of ours, this magnificent military of ours, strong in the future. It is not the shortage of dollars. It is not the shortage of equipment in large measure, although spare parts is a problem.

It is the fact that these men and women in the uniform of our Nation are constantly being sent away on ships, flown away in airplanes, and many times with very short notice so that the remaining spouse has to pick up the responsibilities as that serviceperson goes overseas.

I just think to keep an indefinite commitment in this region without any participation by the Congress of the United States is wrong. We should speak to that, and that is what my portion does. It simply says 25 percent is to be used to bring home the troops if you can't make the certification. But if the Congress wishes, it could meet and say: Even though you could not make the certification, Mr. President, we think you should continue the policy as you have laid it out despite the inability of making the certification, despite the fact that our allies have not made their commitments. That amendment simply says we should be involved. That is what the Constitution requires. We should be involved. We cannot come in here year after year, month after month, and just stamp these appropriations with an "aye" vote and then run out of the Chamber. We have to face up to this amendment. This amendment makes us face up to it.

That is my principal contribution. I join my distinguished colleague and friend, Senator BYRD, in his portion. I see my distinguished colleague from South Carolina who worked on this and voted for it in the Appropriations Committee. I shorten my remarks so the Senator may address the Senate.

The thrust of the Byrd amendment is not "cut and run," not that we are trying to undermine NATO, that we are turning our back. It is simply saying to the Congress of the United States and to the next President, give Congress a plan and show we can pull out just the combat elements of our troops, leaving the intelligence, leaving the logistics, leaving other segments of the military to help the remaining troops of the many nations—not cut and run. Bring out the combat troops. Show Congress a plan.

Those troops, in our judgment, should be out by July 2001. Is that too much to ask, 14 months hence? That is not cut and run. That is not undermining anybody. That is not sending a signal to Milosevic that the United States is turning its back. It is saying to the men and women of our Armed Forces, to this Nation, that we have done our share. It is time for us to pick up the combat share to the extent it is still necessary. And then, if it is in the infinite wisdom of this body that we should not make any changes, we should not come home with the combat elements. All we have to do is stand up and send a message, a sense of the Congress, we think we should stay. That would add far greater strength to the conviction of the American participation than this year after year after year of idly voting on an appropriations bill and not discussing it.

I respect my dear colleague from West Virginia. How many times he has been on this floor reminding Members of our responsibilities? Many, many times. This is an amendment that simply says: Congress, the hour has arrived where you have to stand up and be counted if we will continue for an indefinite time the missions in Kosovo.

I ask unanimous consent to have printed in the RECORD a Dear Colleague letter.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
*Washington, DC, May 11, 2000.*

DEAR COLLEAGUE: On May 9, the Senate Committee on Appropriations, by a bipartisan vote of 23 to 3, adopted a major policy provision relating to the ongoing role of the United States military in the Kosovo peacekeeping operation.

The Senate is expected to quickly take up the FY 2001 Military Construction Appropriations Bill, which contains the Kosovo language. As the authors of this provision, we take this opportunity to provide you with our analysis of the language and a fact sheet on the provision.

We are particularly concerned about the possibility of misconceptions or misinterpretations of the provision. The Byrd-Warner language goes directly to the institutional and constitutional responsibilities of Congress. It does not require the withdrawal of U.S. military troops from Kosovo. To the contrary, the language makes specific provisions for Congress to vote, under expedited procedures, if the next President seeks to continue U.S. military involvement in the Kosovo peacekeeping operation beyond July 1, 2001.

The provision has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives Congressional authorization to keep troops in Kosovo.

Second, the provision requires the President to develop a plan, in consultation with our European allies, to turn the ground combat troop element of the Kosovo peacekeeping operation entirely over to the Europeans by July 1, 2001. Assuming the President is successful in developing such a plan, there should be no need for funding the continued deployment of U.S. ground combat troops in Kosovo beyond July 1, 2001.

Third, related to current operations in Kosovo and to signal to the Europeans the need for them to fulfill their commitments for implementing peace and stability in Kosovo, the provision withholds 25 percent of the emergency supplemental funding for military operations Kosovo attached to the Military Construction bill pending certification by the President that our allies are making adequate progress in meeting the commitments they made to the Kosovo peacekeeping process. If the President cannot make the certifications by July 15 of this year, the funding held in reserve can only be used to withdraw U.S. forces from Kosovo unless Congress votes otherwise.

This last provision has been compared to an earlier proposal by Senator Warner, a version of which was narrowly defeated in the House. That language, however, has been modified to address a major concern expressed during the House debate; namely, that failure by the President to certify the requisite level of allied contributions would automatically trigger the withdrawal of U.S. forces from Kosovo with no opportunity for Congress or the President to intervene.

The Byrd-Warner language included in the Senate Military Construction Bill addresses that issue by including a provision for Congress to vote, under expedited procedures, to lift the troop withdrawal requirement on use of the funds held in reserve, thus disarming the automatic trigger. Moreover, the allies appear to have gotten the message. They have in the past two months increased their contributions, and the President is expected to be able to make the required certification by July 15.

The larger issue addressed by the Byrd-Warner provision is that of the responsibility of Congress to exercise its constitutional duty. It was no accident that the founding fathers vested in Congress alone the power of the purse. Yet, we are seeking in Kosovo, as we have seen in so many other peacekeeping operations, a bastardization of that process. Instead of Congress' appropriating funds for expenditure by the Executive Branch, the Executive Branch is spending funds first and asking Congress after the fact to pay the bills.

Setting aside for a moment the foreign policy implications of the Kosovo peacekeeping operation, the Senate has a duty to vigilantly guard the rights bestowed on Congress by the Constitution. No such right is more central to the separation of powers on which our system of government is built than the vesting in Congress alone the power of the purse.

Provisions to put Congressional check reins on funding appropriated to implement U.S. foreign policy initiative are often criticized as micromanaging the Administration. Language dealing with troop drawdowns is subject to the additional criticism of endangering U.S. troops and emboldening foreign despots. The Byrd-Warner provision is carefully and deliberately designed to avoid those pitfalls.

First, the language offers guidance to the President; it does not dictate an outcome. Because the United States bore the lion's share of the air offensive against Yugoslavia, we believe that the Europeans should be responsible for the ground element of the Kosovo peacekeeping mission. The Byrd-Warner provision offers a road map to achieve that outcome by July 1, 2001. If the next President disagrees with our position, the language provides a mechanism, in the form of a joint resolution to be voted on under expedited procedures, for him to seek and receive congressional authorization to continue the deployment of U.S. ground troops in Kosovo beyond July 1, 2001.

The provision specifically exempts from the restriction on U.S. ground combat troops in Kosovo such U.S. military missions as support for NATO headquarters in Kosovo, intelligence support, air surveillance, and related activities. The United States can continue to assist NATO in Kosovo, with the exception of providing U.S. ground combat troops for the mission.

According to Administration estimates, the other NATO and non-NATO countries participating in the Kosovo peacekeeping operation are currently contributing about 85 percent of the total force structure. The Byrd-Warner provision provides ample time for those nations and others to augment their deployments of ground combat troops to Kosovo. In no way does this language undercut the NATO peacekeeping operation in Kosovo or provide encouragement to Slobodan Milosevic. If anything, it will give the Europeans the opportunity to demonstrate to the world the strength and unity of their opposition to Milosevic's brand of tyranny.

The time frames outlined in this provision are deliberate. Our intention is to shift long range decisionmaking on the role of the United States in Kosovo away from the politically charged atmosphere of an election year and into the next Administration. This language allows the next President, whoever is elected, to deal decisively with Kosovo and prevents the U.S. from drifting, through inaction, into an indefinite and likely prolonged commitment of U.S. personnel and resources in yet another foreign peacekeeping operation.

To promote continuity between Administrations, and to ensure that the next Administration does not put off dealing with Kosovo until it is too late to plan effectively, our provision requires the current President to submit, by September 30, 2000, an interim plan for the U.S. to transition its ground combat troops out of Kosovo, and the next President to submit a final plan by May 1, 2001.

Should the Byrd-Warner language result in a drawdown of U.S. ground troops from Kosovo, the language provides for a "safe, orderly, and phased" withdrawal of troops, and leaves the planning of that withdrawal up to the President. Any troop drawdown would be managed by the generals, not the Congress.

We urge you to carefully consider the language of the Byrd-Warner provision, and we welcome your support. Should you have any questions or require additional information, please contact Christina Evans of Senator Byrd's staff at 224-3088 or Judy Ansley of Senator Warner's staff at 224-4928.

Sincerely,

ROBERT C. BYRD.
JOHN WARNER.

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### FACT SHEET: BYRD-WARNER KOSOVO AMENDMENT

More than 5,500 U.S. troops are participating in the NATO peacekeeping operation in Kosovo despite the fact that Congress has never authorized, nor even formally debated, U.S. involvement in Kosovo since the Senate, on March 23, 1999, authorized air strikes against Yugoslavia.

Congress has a constitutional responsibility to address policy issues involving the deployment of U.S. troops overseas in instances, such as Kosovo, in which American men and women are being sent into potentially dangerous situations.

By tacitly endorsing, through emergency supplemental funding measures, Executive Branch decisions to deploy U.S. troops overseas without congressional authorization, Congress is effectively abrogating its responsibility under the Constitution.

This amendment terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to continue such deployment.

In recognition of the fact that the United States military bore the brunt of the NATO air campaign against Yugoslavia, the amendment also requires the president to develop a plan to turn the ground combat troop element of the Kosovo peacekeeping operation entirely over to the Europeans by July 1, 2001.

The timing is a key element of the amendment. First, it shifts the responsibility of determining future U.S. involvement in Kosovo from the current Administration, which will be out of office within months, to the next Administration, which will inherit the Kosovo peacekeeping mission. Second, the amendment provides ample time for the next Administration to either develop a plan to hand off the Kosovo ground combat troop mission to the Europeans or make its case to Congress to keep U.S. ground combat troops in Kosovo.

If the next President sees a compelling need to keep U.S. ground troops in Kosovo beyond July 1, 2001, the amendment requires him to seek congressional authorization. If Congress, acting under expedited procedures, does not authorize the continued deployment of U.S. troops in Kosovo, funding would be terminated after July 1, 2001.

As an intermediate goal, the amendment withholds 25 percent of the FY 2000 supplemental appropriations for military operations in Kosovo pending certification by the President that the Europeans are living up to their commitments, including provision of at least 33% of the commitment for monetary reconstruction assistance, 75% of the commitment for humanitarian assistance, 75% of the commitment for Kosovo government administration monetary assistance, and 75% of the commitment for civilian police.

If the President cannot make such a certification by July 15, 2000, the money being held in reserve could only be used to withdraw troops from Kosovo unless Congress, acting under expedited procedures, votes otherwise.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, let me first commend the chairman of our Armed Services Committee. He has been to war twice. He served as our Secretary of the Navy. He has a conscience with respect to the GIs now deployed in Kosovo. That is the reason I rise this afternoon.

My chairman, ranking member, and former majority leader, the distinguished Senator from West Virginia, Mr. BYRD, has a little bit of laryngitis. He is feeling well. He is at the committee markup right now with respect to the Labor, Health and Human Resources bill in appropriations over in the Hart Building. He wanted someone to be able to respond. I understood the opposition to this particular amendment were on their way to the floor. That is why I came. Maybe the better part of wisdom would be to say thank you and there is no debate, and when we get in one, then Senator BYRD can speak for himself.

However, I share that concern for our troops, their morale and the deployment of a so-called peacekeeping mission. There isn't any peace. There isn't any policy. All we have to do is look at the record. The record shows best that we debated airstrikes and we were split down the middle, 58–41, March 23, under the Biden amendment. We had the McCain amendment deploying armed forces in Kosovo, saying let's go to war. That was May 4, 1999. It was tabled by a motion of 78–22.

The record shows, at best, we have a lukewarm endorsement, maybe favoring some airstrikes, but against taking the life of a GI. That is the military policy right now. With respect to diplomacy, the policy is one of a so-called multiethnic society, as I remember Secretary Albright saying.

I visited Kosovo shortly after the distinguished chairman of the Armed Services Committee did this year. I was never briefed on the importance of a multiethnic society . . . maybe the region should be partitioned. But that isn't the policy of the United States. I tried to verify the multiethnic policy with all of our experts deployed there—the Army generals, the Navy admirals, and everyone else. I could find no support for any kind of multiethnic society in light of what was going on on the ground.

Here we have another Vietnam, not in the sense of deploying more and more troops, but actually having a military deployment in an impossible situation. Don't go forward, don't go backward, just stay there; we will send movies. It is sort of embarrassing to see our military hunkered down like chickens in a hailstorm at Camp Bonsteel and everybody bragging that we have wooden buildings and catwalks through the snow and we can get hamburgers at McDonald's. That is not for the GI, the one who volunteers to serve in the military. He is looking to be trained and go to battle for our national security.

To address these conditions that continue and languish is a reason I am confident Senator BYRD introduced his amendment, which is part of our bill. And certainly it is my feeling, likewise, that we have a responsibility here.

The other day we had the 25th anniversary of Vietnam. The Secretary of Defense said, almost 25 years later, it was a mistake. Are we going to have to wait 25 years to resolve Kosovo? Bosnia was to last 1 year. That policy has been going on for 5, 6 years now.

We just cannot willy-nilly go along with mixed policies. Of course, the clarion call for the Kosovo initiative was ethnic cleansing. At the time they were briefing us, they had 100,000 Albanians living peacefully in Belgrade. Milosevic lived down the street. Heavens above, this was not the Holocaust. Everybody confuses ethnic cleansing with enemy cleansing. When you start bombing somebody and you make that the enemy, an outright open warfare, then the other side has got the right, title, and interest to clear the area of any on the side of the enemy. More ethnic cleansing occurred after the bombing than before the bombing. Actually, it was enemy cleansing because

Milosevic is a cagey fellow and a scoundrel and we all know it. He says to himself, whoopee, now I can go in there and get rid of the real Albanians that have been giving me problems down there in Kosovo. And he did it.

That is exactly what was happening. The talk now is trying to deal with, ex post facto, a million refugees spilling over into Macedonia, down into Albania and back up into Montenegro and elsewhere. But the real spilling over and the cleansing was enemy cleansing. We are trying to talk about war and victory, trying to give dignity to a mistake.

No. 1, it was a flawed policy from the word go. We came in where there weren't any guys with the white hats. It wasn't the good guys versus the bad guys. Anybody who knows anything about Kosovo and this part of the world knows that both sides are really something else. I would not want an American to go to battle for either side. I say that advisedly because it has been proven. When we went there earlier this year, what did we learn? Yes, there was violence upon violence upon violence. It was continuing. And 95 percent of the violence was being inflicted by Albanian on Albanian.

It is interesting to me to see here, recently, in The Economist, that:

> The war has done nothing to bring the two sides together. On the contrary, it has intensified ancient animosities.

Then going down it says:

> At present, the Albanians can look to NATO for their security and to the U.N. for their administration, while many of them traffic in drugs and other contraband and generally profit from the legal limbo in which they live.

Peacekeeping? Where is the peace? Where is the peace? We are now saying we have a deployment for peacekeeping. It is an enforced cease-fire.

I was briefed by the brass in Kosovo. They said both sides ran out of targets. We hit all the targets we wanted to hit. We were even going up there knocking out the Chinese Embassy.

Of course, Milosevic had gotten rid of everything and cleansed everything he possibly could. What a wonderful war. We won. Now we want to snatch defeat from the jaws of victory. Come on, don't give us that.

We were there in the little town of Urosevac. The President visited that town at Christmas time. They had a big show. They had 400-some troops, and they all were hunkered down in the city hall. You could tell the 65,000 or 70,000 residents of the town were not friendly. We drove around and they glowered at us. They were in charge. We were not in charge of the town the President was in. We were not in charge of anything, really, in Kosovo. We have deployments here with walls around them, fences and everything else. We do not wander down the street or outside the compound.

Similarly, in Mitrovica, we have a GI at one end of the block, a GI at the other end of the block, and a GI in the middle of the block on a 24-hour, three times eight, 24-hour routine, guarding people going to the grocery store.

It's public knowledge what the reporter says in The Economist about this thing not working:

> The war has done nothing to bring the two sides together. On the contrary, it has intensified ancient animosities.

There are the soldiers in the peacekeeping force, having to spend 6 months away from their families. People hate to waste time. We, in the Senate, we love wasting time. There is nothing to do tomorrow and nothing on Monday. We cannot wait for November and the Presidential election to be over with so we can all go back to work. But the normal attitude is not to waste time and, you see, that is exactly what is happening in Kosovo.

I finally understood about the Albanians when I was in London and I met with one of the leaders of Parliament. He said the Albanians are bringing 14- and 15-year-old girls to Portsmouth and forcing them into prostitution. They have drugs all over England now. He said: It's the worst threat and problem that we have here in England. He said: I never thought I would ever say anything good about Milosevic, but I can sort of understand his problem.

That is not to say Milosevic is a good guy, or the Albanians are all bad. But you generally get a feel for what is out there and what is going on when responsible people tell you: Look, all the Afghanistan drugs are coming up through Kosovo, and into Europe. Instead of keeping the peace, we are keeping the flow of drugs.

The GI with any common sense is saying to himself: Where is this peace we have here? We have one fellow who murdered another one but we had to let him go in 48 hours because we only had 93 slots in the prison and the United Nations had not supplied a police force. The United Nations had not supplied a court system. The United Nations had not put up their money for a prison system.

So we go right to the ultimatum. If this is diplomacy, let me quote none other than our friend, the former Secretary of State, Henry Kissinger:

> Rambouillet was not a negotiation—as is often claimed—but an ultimatum. This marked an astounding departure for an administration that had entered office proclaiming its devotion to the UN Charter and multilateral procedures.

And on and on.

> The transformation of Alliance from a defensive military grouping into an institution prepared to impose its values by force occurred in the same month that three former Soviet satellites joined NATO.

That is none other than Kissinger himself. In that light, I am glad we did not send Secretary Albright to Northern Ireland. We sent Senator George Mitchell instead. But under the Albright policy, you either agree by 12 o'clock midnight or we go bombing. Come on. This thing is afoul, amiss, and a mistake, and we don't have to wait for 25 years to know it. Those are my words, the words of the Senator from South Carolina, and not the words of the Senator from West Virginia. He will be glad at the first of the week—I am confident he will be in good shape again. He will explain it, no doubt, to everyone's satisfaction.

We all agree on one thing. With GIs deployed on account of our mistakes, we are going to give them every dollar necessary, every benefit, every support we possibly can.

We cannot possibly continue day in and day out in limbo with a flawed policy and act like it is a policy. It is a nonpolicy and a flawed policy and a mistaken policy. We have to somehow bring it to a head.

How do we do that in a deliberate, tactful manner? What we say is: Look, get these countries of the U.N. to support it.

Of course, we learned at the briefings that the Greeks were not for it in their sector. They did not like it. The French, are comme ci comme ca. The Soviets never were for it, and they do not adhere to us. NATO responds to Moscow. The Brits are pulling out. In one place they pulled out, 3 hours later a church was burned.

I asked our British friends what their reason for pulling out was and they said they were too stretched. We are stretched, too. We have nine peacekeeping missions. We have Kosovo, Sierra Leone, the Congo, and East Timor. There are four more we are going to be asking for. The GIs are given a policeman's duty in a totally hostile place where one cannot take sides and one has to defend oneself and not act like an authority on keeping the peace but, by gosh, keep out of trouble.

We are not in charge in Kosovo, nor is the U.N., nor is NATO. We have invaded a sovereign country without a full debate. We made that mistake in Vietnam. We have the feeling of responsibility. I understand the distinguished Senator from Arizona is very much in favor of Kosovo. I could have saved him 4 or 5 years in prison if I knew at the time I got to the Senate in 1966 that McNamara felt Vietnam was a mistake.

Come on. Are we going to continue just because we do not want to send a message to Milosevic? Do my colleagues really think that Milosevic does not know what is going on? He has already removed the opposition authorities in Montenegro. If he went in there tonight, what would we do? Nothing. He is corralling his support. Read this week's Time magazine about what the Air Force did not hit. I wish my colleagues would get a copy and read it because it reports we were misled in that particular briefing about how we destroyed so many tanks, so many planes, so many targets; we just ruined the country.

Our distinguished friend, the Secretary of State, said: Give peace a chance; it takes time to get the roads and the bridges and industry and the hospitals and the air fields all repaired.

I remember a visit I had when I first came to the Senate. I was at the Connaught in London having dinner with Martin Agronsky who had been behind the lines in Northern Ireland for a 3-week period. He came out in despair. He said: That crowd is never going to get together.

Fortunately, under the leadership of President Clinton and Senator Mitchell, there was a break last Friday, and, finally, the IRA says they are going to disarm, and it looks like it might work.

For 30 years, they have had the infrastructure—the roads, the bridges, the hospitals, the universities. I have been to Northern Ireland. Some sections of Belfast have better housing than my hometown. With all that infrastructure, the British troops are still deployed years and years later.

Is that the policy of the United States of America with our GIs? That is why we rise this afternoon and are ready, willing, and able to draw some lines that are understandable that will develop into a firm policy.

If the U.N. wants to get in there, fine, but if they are not going to support it, then we have a problem. I will never forget the story about Vaclav Havel saying he hoped Secretary Albright could come back to the Czech Republic, her native land, and succeed him as President. He said the one difficulty was that 75 percent of the people of the Czech Republic opposed "Madeleine's war."

Take a rollcall. Go up to the U.N. See how enthused they are about the nonpolicy.

Quit giving this patina of deliberation and positivity by doing nothing and keeping the troops out there and praying like we all do that no one gets assaulted or loses a life at Bonsteel. We have an impossible situation. It is not going to get better in the foreseeable future. We ought to bring it to a head and certainly let the next President, whomever that is, have a 6-month period to review the mistake we made and say: Wait a minute, it was not a mistake.

I do not mind if they are right and I am wrong. I can tell my colleagues right now though, unfortunately, I think I gave the right vote when I opposed the Biden amendment.

I appreciate the leadership and the conscientious approach the distinguished Senator from Virginia, the chairman of the Armed Services Committee, has given this responsibility. We are not trying to embarrass the President. We are not trying to take a political position. On the contrary, I have my GIs out there. I saw what happened in Vietnam, and I saw what happened in Somalia. If it had not been for the Byrd amendment, we could possibly still be there.

This is a similar call to arms politically for us to set the policy and do so in a judicious way. We all know they want to try to subvert it; they do not want to talk about it. With this crowd in Washington, you have to be on message: Let's not talk about it because it might get on to the weekend shows, and if it gets on to the weekend shows, it might send the wrong message to Milosevic. Bah humbug to Milosevic. I am trying to send a message to those fellows at Bonsteel. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague from South Carolina. I remember when I first came to the Senate 22 years ago, two-thirds of the Senate or more had the opportunity to serve in uniform. Today, there are fewer. I cast no aspersion against those who do not. It is just a generational thing.

Listening to my dear friend from South Carolina, I know he draws on his experiences in the army in World War II as a young officer in the battle to free Europe when he had the responsibility of life. No one else but him, as an officer, had the responsibility for those young men under his command.

This type of amendment we discussed—certainly I have and others—with many veterans who have worn the uniform of this country and many who are on active duty today.

The distinguished Senator said he has seen war. I saw it in the continental limits in World War II, and then I had a brief tour in Korea as a ground officer with an air wing. I saw the others who had to fight it, but I never put myself in the category of a combat soldier. I have always said my orders did not take me there, but they took the Senator there and he saw it.

I know in the course of this debate, the issue will be raised: We may be putting the young men and women in the Armed Forces in jeopardy as a consequence of this amendment, even the act of filing it and debating it.

I want to get into that. I am sure the Senator will rejoin in this debate if and when that happens.

I see our distinguished colleague here, who is a naval veteran, who is about to speak. I do not know if it is on this matter or on another matter. It is not on this matter.

But I am willing to join in that debate. When 23 members of the Appropriations Committee voted "yea" to put this in—and the distinguished Senator from South Carolina can correct me—but of that group who voted "yea," the following have been privileged to wear the uniform of our country: Senator COCHRAN, Senator SPECTER, Senator GORTON, Senator BURNS, Senator BEN NIGHTHORSE CAMPBELL, Senator DANIEL INOUYE, Senator ERNEST F. HOLLINGS, Senator HERBERT KOHL, and Senator STEVENS, the chairman. They are veterans.

Let us debate it, but let us debate it with great care.

The letter which I put in the RECORD from Senator BYRD and myself states our point of view. This letter is just going out to Members, but already the following cosponsors, who likewise were veterans, have signed on: Senator ROBERTS, Senator STROM THURMOND, Senator INHOFE, Senator ROBERT SMITH, and Senator SESSIONS. So a goodly number of those who have been privileged to wear the uniform of our country have joined behind this.

We would not have done it, I say to the Senator, if we had had a moment's concern we were increasing the risk to our people. They are at risk today. They will be at risk tomorrow and the next day. And as we are drifting into this endless—endless—commitment, they are at risk every single day.

This amendment simply says: Congress, either join with the President or state your case and bring them home. That is the purpose of this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

## MORNING BUSINESS

Mr. ROBERTS. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator HARKIN for up to 20 minutes, Senator HELMS for up to 10 minutes, and Senators ROBERTS and CLELAND in control of 60 minutes total.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my presentation seated.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. HELMS pertaining to the submission of S. Res. 306 are located in today's RECORD under "Submission of Concurrent and Senate Resolutions.)

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mr. GORTON. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes.

## DAMS IN WASHINGTON AND OREGON

Mr. GORTON. Mr. President, the Vice President of the United States is flying to Oregon this evening, or tomorrow morning, for a visit to that State. On the last five or six occasions on which he has visited the State of Washington, I have inquired of him, as politely as possible, as to his intentions with respect to the future of four dams on the Snake River. This inquiry is of significant importance to the people of the State of Washington, as well as the people of the State of Oregon. The answer from the Vice President is peculiarly important because of the disarray of the present administration. The U.S. Fish and Wildlife Service has recommended that the dams come down, be removed, for salmon recovery. The Corps of Engineers, almost a year ago, was ready to recommend that the dams stay in place and that we deal with salmon recovery in another productive fashion. That recommendation was vetoed by the White House and removed physically from the Corps of Engineers' report.

More recently, the National Marine Fishery Service has said that we don't know enough to decide whether or not we should remove the dams and that the decision may be at least 5 or 10 years away. The Governor of Oregon has recommended that the dams come down. The Governor of Washington, also a Democrat, has opposed that recommendation. As you know, Mr. President, so have I, in the most vehement possible terms. Of all of the proposals for salmon recovery, dam removal is, first, the most ineffective and, second, of the most marginal utility with respect to the recovery of the salmon resource in the Pacific Northwest.

At a capital expenditure of $1 billion to $2 billion, and annual losses of at least a third of a billion dollars in perpetuity, the promise of salmon recovery from dam removal is extremely marginal, with no impact on some of the endangered runs, and only a modest improvement in the order of 10 to 20 percent in the prospects for certain other runs. Weighed against that are the potential real successes from the Salmon Recovery Board of the State of Washington, which has for the current year an appropriation from the Congress of $18 million for the work of citizen-based salmon recovery teams, which will be the beneficiary of an appropriation from this body of about $4 million.

There is a very real concern with predation at the mouth of the Columbia River—a concern now frustrated by a lawsuit against any removal of Caspian terns from an artificial island at the mouth of the river by at least a temporary injunction. These and dozens of other projects in the Pacific Northwest have a far greater promise for the salmon recovery than does dam removal, with all of its devastating impacts on the loss of benign, renewable energy power, to be substituted by the use of fossil fuels, for all of the loss of agricultural land that requires irrigation to be anything other than a desert, for all the loss of a transportation system which is the most efficient and environmentally benign for the transportation of grain to ports on the lower Columbia River.

All of these factors argue against dam removal. But the Vice President of the United States, in his candidacy for President of the United States, refuses to make any commitment whatsoever on this matter. Now, it may be that he didn't want to respond to this Senator on these visits to the State of Washington. But he is now going to be asked to respond by the Governor of Oregon, who supports his candidacy. His response has been demanded by the Portland Oregonian, the largest newspaper in the State of Oregon, which, incidentally, holds my position and that of my colleague, Senator SMITH of Oregon, on the subject. One hopes that the Vice President will finally be able to come up with an opinion. Now, he has taken positions on other local issues. He is certainly quite willing to tell the people of South Carolina what flag they can fly. But he seems unwilling to tell the people of Washington and Oregon what his views are on an issue of vital importance to them and to their regional economy.

So I am here to express the hope that the Vice President will finally come clean with his views on this subject. But I must express the expectation that he will, once again, dodge the issue, pretend that he has not made up his mind when, in fact, he has, and claim that he can't make a substantive comment on this until after the election in November is over. I will regret that, Mr. President. His opponent, the Governor of Texas, has taken the forthright stand that it is improper and uneconomical and unwise to remove those dams. He will protect the physical infrastructure of the Pacific Northwest. I am here to invite the Vice President of the United States to do likewise, without, I regret to say, any expectation that he is willing to do so.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Georgia.

## DIALOG ON AMERICA'S GLOBAL ROLE III, MULTILATERAL ORGANIZATIONS

Mr. CLELAND. Mr. President, I rise today, along with my distinguished colleague from Kansas, Senator ROBERTS, to continue our dialog on the global role of the United States. This is the third such dialog in what we have intended to be a year-long series. In February, we began by taking a broad look at the priorities and approaches of U.S. foreign policy in the post-cold-war period. A few weeks ago we narrowed the focus somewhat by trying to define and defend our national interest, which must be the first step in arriving at a coherent national security strategy.

Today, as we start to go from general principles to concrete applications, Senator ROBERTS and I, along with several of our colleagues, will attempt to zero in on the U.S. role in multilateral organizations which strongly impact our national security, especially NATO and the U.N.

I have just returned from a trip to Brussels and Italy where we were briefed on the air campaign from Aviano Air Base. In Brussels, I met with the Deputy Secretary General of NATO. As I said, Italy and then on to Macedonia, where we saw the regions where the refugees were kept during the war in Kosovo. Then, into Kosovo itself.

I met with key military leaders and key political leaders from the United States, European nations, and NATO. These meetings only served to reinforce my strong belief that there is a pressing need to address the global role of the United States, both in our own national strategic planning and in NATO's planning. This conclusion is not a result of the recent actions taken in Serbia and Kosovo. Rather, these actions were merely symptomatic of, I think, the problem.

A large portion of the military operation in Kosovo was supplied by the United States. I believe it is now time for the United States to lead in finding a political solution. Similarly, I believe the time has come to "Europeanize" the peace in Bosnia and Kosovo. While the soldiers I spoke with at Camp Bond steel certainly displayed high morale, reflected in the excellent job they actually have done, if we stay in the Balkans indefinitely with no clear way out, I believe we run an increasing risk of further overextending our military, thus exacerbating our recruitment and retention problems and lessening our capability to respond to more serious challenges to our vital national interests.

From my perspective, the basic problem in the Balkans today is political, not military, and requires a political rather than military solution. Essentially, at this point in time, the various communities wish to live apart and exercise self-determination along ethnic lines. I would agree that such a development is unfortunate and not in keeping with our American view of the way the world should be. However, for any solution to the current situation to be acceptable to the parties directly involved—and, thus, durable—this inescapable fact must be taken into account.

On June 30 of last year, the Senate accepted by voice vote my amendment to the Foreign Operations Appropriations bill which expressed "the sense of the Senate that the United States should call immediately for the convening of an international conference on the Balkans" to develop a final political settlement of both the Kosovo and Bosnia conflicts.

I ask unanimous consent that the text of my amendment be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 1163 TO S. 1234, FISCAL YEAR 2000 FOREIGN OPERATIONS APPROPRIATIONS SUPPORTING AN INTERNATIONAL CONFERENCE TO ACHIEVE A DURABLE POLITICAL SETTLEMENT IN THE BALKANS

(Adopted by Senate by unanimous consent on 6/30/99)

**SEC. X. SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G–8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G–8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for $1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole;

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G–8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G–8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after three years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the armed forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over $10,000,000,000 with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically-based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples;

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability and human rights in the Balkans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) The international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) In order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of UN peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

Mr. CLELAND. I truly believe that such an approach is the best, if not the only, way to resolve the difficulties in Bosnia and Kosovo—allowing our troops eventually to come home but avoiding an unacceptable security vacuum in southeast Europe—and is definitely in the best interest of the United States and Europe.

Two years ago this week, the Senate was debating the expansion of NATO, and I should add that I found that discussion to be perhaps the finest deliberation on national security issues that I have witnessed in the time I have served in the U.S. Senate. The debate raised serious questions regarding both the makeup and purpose of NATO, but, in the end, I, and a large majority of the Senate, concluded that extension of NATO membership to Poland, the Czech Republic and Hungary was in our, and NATO's, best interest because NATO was the only entity ready and able to fill the security void in northeastern Europe.

Much has changed in the time since that vote, including the launching of the first offensive military operations in the history of the alliance last year in Kosovo and Serbia, an action which also represented the first time NATO asserted the right to intervene in the internal affairs of a sovereign nation. Both of these were significant departures from the Senate's understanding of NATO as expressed during that debate as well as the representations we made to other nations, most notably Russia, about the goals and the intentions of NATO in the aftermath its eastward expansion. Specifically, section 3 of the Senate Resolution of Ratification affirmed that the "core mission" of NATO remains "collective self-defense," and we sought to calm Russian anxieties by pointing to the 50-year record of NATO in never launching offensive operations, and never violating the sovereignty of states except in pursuit of collective self-defense.

Since we voted for NATO expansion we have also witnessed the issuance of a new Strategic Concept for NATO, in April of 1999, and here again, the results were not exactly as anticipated at the time of the Senate's ratification vote on NATO expansion 2 years ago. For a particularly insightful and detailed treatment of this subject, I would commend to all Senators a May 24, 1999 floor statement by my distinguished colleague from Kansas, Mr. ROBERTS, which dissected in some detail the numerous departures from the Senate's 1998 Resolution of Ratification in the April 1999 NATO Strategic Concept.

For purposes of today's discussion on how multilateral organizations impact on the U.S. global role, I would like to highlight just two of the issues identified by Senator ROBERTS: the central issue of NATO's purpose, or "core mission," and the matter of how European nations should provide for their own defense, the so-called European Security and Defense Identity.

For its first 50 years, which culminated in its victory in the Cold War without ever having to fight a battle, the core purpose of NATO, recognized by friend and foe alike, was set forth in article 5 of the North Atlantic treaty of April 4, 1949:

> The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defense recognized by Article 51 of the Charter of the United Nations, will assist the party or parties so attacked by taking forthwith, individually and in concert with other Parties, such action as it deems necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.

In contrast, the new NATO Strategic Concept goes well beyond the traditional collective security role in its aspirations for NATO. Item 24 in the April 24, 1999 text states that:

> Any armed attack on the territory of the Allies, from whatever direction, would be covered by Article 5 and 6 of the Washington Treaty. However, Alliance security must also take account of the global context. Alliance security interests can be affected by other risks of a wider nature, including acts of terrorism, sabotage, and organized crime, and by the disruption of the flow of vital resources.

I wonder if NATO is designed to track terrorism around the world, sabotage around the world, and organized crime around the world.

I continue to quote:

> The uncontrolled movement of large numbers of people, particularly as a consequence of armed conflicts, can also pose problems for security and stability affecting the Alliance.

Item 10 in that document includes as "fundamental security tasks" for NATO the traditional objectives of security, consultation, and deterrence and defense, as well as "crisis management," within which allies are "to stand ready, case-by-case and by consensus, in conformity of Article 7 of the Washington Treaty, to contribute to effective conflict prevention and to engage actively in crisis management, including crisis response operations."

I wonder if NATO has become not a self-defense organization but a crisis management and crisis intervention organization. I wonder.

I point out that Article 7 of the NATO Treaty says that:

> This Treaty does not affect, and shall not be interpreted as affecting in any way the rights and obligations under the Charter of the Parties which are members of the United Nations, or the primary responsibility of the Security Council for the maintenance of international peace and security.

While some Western observers, especially in the United States, maintain that the 1999 Strategic Concept does not represent a significant change in NATO's policy, I believe that the Norwegian newspaper, Oslo Aftenposten, was much closer to the mark when it wrote last April that:

> In its new "strategic concept" NATO has approved a radical expansion of the alliance's tasks, both geographically and with regard to content. From now on it will be the alliance's task to promote "security and stability in the Euro-Atlantic area" by "becoming actively involved in dealing with crises, including operations in response to crises." We see the first example in Kosovo.

It is my view that the members of the NATO alliance, and especially the United States, need to think much more carefully about the expanded aspirations of their new strategic concept, and the costs—economic, political, and human resource—they are willing and able to pay in pursuit of these aspirations. Specifically, at the very least I believe both Houses of Congress, especially this House, the Senate, need to undertake a thorough series of hearings on the strategic concept and the future of NATO.

As a member of the Armed Services Committee, I could not urge this set of hearings more strongly.

The Norwegian paper goes on to say that:

> It is also new and important that the alliance said "yes" at the summit meeting to the desire of the EU countries to play a more independent role and thus acquire greater political weight in the NATO cooperation. Behind this also lies a desire for a cautious counterweight to a United States that is perhaps more strongly dominant now, militarily and politically, than ever before in NATO's history.

Distinguished colleagues, this leads to my other major concern about the United States and NATO: the question of a "more independent role" for the European Union countries. John Keegan, one of the world's leading military historians, summed up the current debate in an article last December. He said:

> Though it has long been American policy to encourage European political and economic integration on the model of its own federal structure, the United States is far less ready to welcome moves by the Europeans to go their own strategic way. There are two reasons for that. The first is that the United States sees its own security as inextricably bound up within the alliance system in which it is a partner. The second is that it doubts the ability of the Europeans to construct parallel systems which will deliver military value. . . . The Americans are right to regard all current European attempts, either through the European Union, or the belatedly revived Western European Union or through ad hoc arrangements such as the newly announced Anglo-French force, to bypass NATO as damaging to the security structure that already exists.

Despite its advances in economic integration, the European community still lags far behind in developing a common national security structure. As we witnessed in Bosnia, and most recently Kosovo, Europe lacks either the will or the means, or both, to conduct independent military operations even in its own backyard. And whatever the end result of the recent European Security and Defense Initiative, or Identity it will be many years before the Europeans can develop a military capable of significant action independent of the United States. When one adds the additional questions of national sovereignty, domestic pressures to cut defense spending, and, of course, the need for consensus on how and when to take military action, the challenges facing the Europeans are daunting indeed.

Until Europe can surmount these challenges, which, most likely, will be many years from now, American involvement and leadership via NATO will still be seen, by Europeans at least, as essential. On my recent trip, I was discussing the role of the United States in Europe with the Deputy Secretary of NATO, Sergio Balanzio, when he told me that the United States is, "a European power whether you like it or not —obviously, indicating we are a European power, whether we like it or not, in Europe and in the Balkans. I responded that it is one thing to be on the point of the spear and to bear the heavy load in certain cases, as the U.S.

did in Bosnia and Kosovo, but quite another to always be called upon to ride to the rescue, even in Europe itself.

Going back to 1949, when NATO was formed, one of the quotes that rings in my ears is a quote from Lord Ismay, the first Secretary General of NATO. When he was asked the purpose of NATO, Lord Ismay said: The purpose of NATO is to keep the Americans in, the Russians out, and the Germans down.

I have serious reservations about that particular mission statement now. There is no need to keep the Russians out. As a matter of fact, we are wrapping our arms around the big bear in every way in every trade agreement, every cooperative agreement we can possibly put together. Secondly, there is no need to keep the Germans down. They are an emerging strong force on the European continent.

I wonder, though, having just come back from dealing with my NATO friends and our NATO allies, and having gone to Kosovo, whether the real ultimate purpose of NATO for the Europeans now is to keep the Americans in.

Personally, I do not mind sharing power. I do mind always being the lead dog that is called upon to bear the burden. I think more and more Americans are feeling that way themselves.

For me, however, the bottom line is that, despite all of the difficulties, despite the possibility that there may well be some short-term disadvantages for the United States, I believe the United States must, I repeat must, be unequivocally supportive of the development of a strong, independent European military capability to accompany Europe's growing economic and political integration. There is at present, and for the foreseeable future, no overwhelming threat to European security such as that posed by the Soviet Union and Warsaw Pact. Europe should be able to attend to its own defenses in the post-Cold War world. The fact that it has not done so is certainly attributable to many factors, especially its divided and conflict-ridden history, but if it does not act now—when the threat is so low—then when will it?

Developing the necessary support structures, both political and military, to produce an effective European security identity will be neither quick, nor easy, nor cheap. But they have to start sometime, and while the United States must avoid precipitous actions—such as threatening a unilateral troop pullout—I believe we must clearly signal that we fully understand and support moves toward greater European self-defense capabilities. Such moves may well produce some short-term redundancies and inefficiencies in NATO, but I believe that unless we encourage the Europeans to develop their own capabilities for their own defense, we will not see the kind of increased defense efforts that Europe ought to undertake. Certainly American taxpayers have done their share, throughout most of the 20th Century, to contribute to European security.

I think British Prime Minister Tony Blair said it best in a November 22, 1999 speech in London. He said:

> We must shape European Defence policy in a way designed to strengthen (the) transatlantic bond by making NATO a more balanced partnership, and by giving Europeans the capacity to act whenever the United States, for its own reasons, decides not to be involved. Only then will Europe pull its weight in world security and share more of the burden with the United States.

I could not have said it better.

Mr. President, I now yield the floor to the distinguished Senator from Kansas, my friend and colleague in these dialogs on the U.S. global role in the world, Mr. ROBERTS.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. Mr. President, let me again thank my good friend and a distinguished American hero and statesman, the Senator from Georgia, for setting in motion our bipartisan foreign policy dialog. His common sense approach and his insightfulness to our country's national security obligations, I think, have been most helpful and most educational.

I say to the Senator, I believe and I hope that our endeavor is accomplishing the original goals we outlined in our first dialog. Our dialog has attracted attention from the media, and some academics. We have been invited to participate in various academic panel discussions and foreign policy dialogs.

I hope both our colleagues and the American public have been paying attention in our effort to come to grips with America's role in an environment so different that we cannot even name it, other than calling it the post-Cold War period.

When I have the opportunity to go back to Kansas and address the issue of what our vital national security interests are; I realize foreign policy is not a very bright return on the public radar screen which is unfortunate.

Robert Kagan recently stated that the campaign for the Presidency should focus more on foreign policy. I certainly think that is the case. He asked a simple question, "Is the world a safer place than it was 8 years ago?" His article took us on a world tour of uncertainties, specifically identifying Iraq, the Balkans, China, Taiwan, and weapons of mass destruction proliferation, Haiti, Colombia and Russia.

A realistic evaluation of emerging patterns in the world lead us to the fact that the world is dangerously close to coming apart at the seams. It is time for a serious debate about foreign policy, and this dialog we have started is a small step in that direction.

In our last dialog Senator CLELAND and I discussed the importance of identifying and establishing levels of priority to our U.S. vital national interests. Many other think tanks and foreign policy organizations have recommended a similar priority ranking. I noticed the other day in an article that Vice President GORE has recently articulated, a new kind of foreign policy suggestion—a new agenda—adding the destruction of the natural environment and the AIDS pandemic overseas as "a threat to U.S. national security interests." These unique and unprecedented issues are important issues, however, they have never made the cut in any other U.S. national interest lists. They definitely did not make the cut in the last bipartisan dialog that I had with my friend and colleague from Georgia. Nonetheless, it is a healthy debate, and I think it is a very proper debate for our country and the Presidential candidates.

What did make the cut is the fact that the United States does not want a hostile regional hegemon to develop in Europe or Asia. And then, in the meantime, what happened in the Balkans post-Bosnia and post-Kosovo is the fact that we have a paradox of enormous irony. The irony is the United States continues in the role of being a world hegemon, or superpower—the only one. Some critics say we have developed into a humanitarian world global cop and our actions and means are viewed by them as contrary to their own national interests.

Mr. President, the consequence of the U.S. role is the rest of the world is responding as any sovereign nation would respond to a hegemon.

Former Ambassador Bob Ellsworth, a former Member of the House of Representatives, and Dr. Michael May, wrote in the Los Angeles Times that U.S. military forces are so large, so advanced technologically, and so active all over the world, that a climate of "hegemony envy" has developed in key strategic areas in Asia, Europe, and the Middle East.

Ambassador Ellsworth explains, the U.S. post-Cold War, change in posture from defense and deterrence to enlargement and offense, and the Clinton doctrine proclaiming and executing intervention around the world in regard to a rather questionable definition of U.S. vital national interests is creating antihegemonic coalitions against the United States.

This current trend of both allies and nonallies asserting themselves against the U.S. is a very troubling digression.

The Nobel Prize novelist and diplomat, Gabriel Garcia Marquez, observed that "President Clinton has found the political legacy he wants to leave behind: The Imperial American Model." Obviously, that depiction of American foreign policy is counter to the goal of multilateral cooperation in the world today.

As Senator CLELAND stated, our third dialog today will focus on the role of multilateral organizations in foreign policy.

What are we talking about? Well, currently the United States is a member of a staggering 90 multilateral organizations and numerous other bilateral agreements. It took a great deal of effort by staff and by research specialists to determine the number of multilateral organizations where the U.S. is obligated. I venture to guess, I say to my colleague, that the State Department, the Department of Defense, the Congress, and most foreign policy experts really don't have any idea individually or collectively of the responsibilities, commitments, or obligations or the money that these organizations require of the U.S. all throughout the world.

Richard Haass of the Brookings Institution tried to tackle the issue of how much the U.S. should try to do, largely or entirely on its own—unilaterally—depending on the policy priorities or the level of U.S. national interests versus how much the U.S. should do in cooperation with others. He articulated that the choice is very complicated, as the multilateral options subsume multiple approaches of multiple organizations, including using the U.N. and other international institutions, alliances, and other regional organizations, and coalitions of those able and willing to act.

The fact is, the U.S. almost never acts unilaterally, and it probably should not. The U.S. has fought five major wars during the 20th century, and in each of these conflicts the U.S. operated as part of an alliance or a coalition. The recent U.S. actions all were conducted in conjunction with forces from other nations, even as our military superiority has reached a level unmatched in history.

Therefore, if the U.S. is going to operate within the constraints of multilateral organizations—and that appears to be the case—the U.S. must structure alliances in such a way that promotes our national interests and ensures that U.S. power is not undermined.

The following list of multilateral organizations associated with countries that the U.S. has current, ongoing operations is staggering: Iraq, 23; East Timor, 5; Korea, 42; Kosovo, 6; Yugoslavia, 30; Colombia, 15.

We don't have enough time in the rest of the session of Congress to examine all of the multilateral organizations where the U.S. has obligations. Obviously, that is going to be an effort that should take place as we change administrations, whether it be the Vice President or whether it be the Governor from Texas. Today, like my colleague, I want to focus on NATO a bit and offer some possible suggestions for the future of America's alliances.

During the Cold War, containment of Soviet power provided a simple and easily definable job of deterrence from Warsaw Pact aggression. The new Strategic Concept that was adopted over a year ago during the 50th anniversary of NATO is a far different concept from the collective defense organization originally developed from the ashes of World War II.

If you read the Strategic Concept, you will find that the new commitments outlined have evolved, as I have indicated, NATO from a collective security organization concerned with self-defense to an international crisis management and humanitarian relief operation and organization.

Alexander Vershbow, U.S. Permanent Representative on the North Atlantic Council, recently said:

> Unbeknownst to many is the fact that the Strategic Concept's most important function is to instruct Alliance military authorities how to configure NATO defense forces so that they are equipped for the full range of Alliance missions, from collective defense to peacekeeping.

He also said:

> The U.S. believes that the most important new elements of the revised Strategic Concept is the recognition that the fundamental tasks of the Alliance is to carry out so-called "non-article 5" missions—operations in response to crises that go beyond the defense of a Allied territory.

I am concerned that the most important and successful alliance in the history of our country has been so dramatically restructured that the future of the alliance is uncertain. Our force structure cannot stand another swampy intervention with unclear and unsound objectives with no exit strategy in sight.

The new Strategic Concept, as tested in Kosovo, in my personal opinion, is drying out the Cold War glue which holds the alliance together. Targeting by committee and escalation warfare has stressed the system and turned a 3-day war into a 78-day war of limited escalation. As indicated by the debate on this floor just about an hour or two ago, an amendment introduced by both Senator BYRD and Senator WARNER will cause considerable and useful debate on Monday and Tuesday ending in a critical vote about the future of the Kosovo operation.

Gen. Brent Scowcroft expressed his concern last November stating:

> The revised Strategic Concept of NATO and the U.N. Secretary General separately have taken on the task of advocating the support of persecuted minorities inside state boundaries; that is, humanitarian operations such as those in Kosovo. In Yugoslavia, we heavily bombed a country in an attempt to protect a minority within that country. Now we are in Kosovo presiding over reverse ethnic cleansing—surely a case of unintended consequences.

Joseph S. Nye, Jr., Dean of the Kennedy School of Government, recently posed several thought-provoking questions:

> After the collapse of the Soviet Union, what should be the limits of NATO's mission? With the Kosovo crisis, NATO fired its first shot in anger in a region outside the alliance's treaty area, on declared humanitarian grounds. What criteria might NATO draw on to guide a policy on the threat, or use, of its force in a new strategic environment of the 21st century?

Some experts predict, and I hope they are not right, that due to the ugliness of Kosovo, NATO may never again mount another military offensive. I fear that Kosovo or future Kosovo-type interventions will also undermine U.N. Security Council credibility. By the way, that credibility is being questioned with the U.N. mission in Africa.

Mr. President, if knowing what we know now about the new Strategic Concept and NATO with respect to a Kosovo or a Chechnya or Rwanda, would Senators still support the changes?

Again, I maintain that most Senators are not aware of all the obligations listed in the Strategic Concept. I said it at the time, I said it 6 months ago, I said it during the first dialog, and I say it again today. How many people need to be placed in jeopardy before we act? What criteria do we set for humanitarian or C-list interventions? Does the United States intervene with or without NATO allies or U.N. Security Council approval on humanitarian grounds? Can we possibly justify intervention in some areas of the world and not others when none reach the threshold of vital or important national interests?

Our country cannot support militarily a future which pursues U.S. and allied interests more widely around the world. The new Strategic Concept that our country is currently operating under effectively enrolls the United States and NATO as a world policeman.

Some say that is not all bad. Some say that is what we must do as the world's only superpower.

In this regard, as the distinguished Senator from Georgia pointed out, Europe is not standing still. They are proceeding with a Defense Capability Initiative and the development of the European Security and Defense Identity (ESDI) within the alliance.

I believe it is in U.S. interests for the European alliance to develop their defense capabilities, to strengthen their collective will, and to make a greater contribution to security and defense in Europe. However, my Dodge City gut feeling says, sure, go ahead and provide for your own defense, and bring our American men and women home. The Balkans are in your ball park. You decide the players.

However, history and military experience, and the experience and expertise of others, rightly point out that challenges with force structure, allocation, balance, interoperability, and the growing gap in tactics and capability between our countries underlying the auspices of NATO are counterproductive to peace.

In Kosovo, the U.S. aircraft flew two-thirds of the strike missions. Nearly every precision-guided munition was launched from an American aircraft, and U.S. intelligence identified almost all the targets. With the current European shrinking defense budgets and a reluctance to support the current mission, the road to ESDI may be a rocky one filled with potholes indeed.

Even members of NATO who do not belong to the European Union are worried that plans for yet another new E.U. military force could weaken the collective defense.

Another concern of hierarchy and command structure with respect to ESDI, E.U. corps, and NATO still retaining the rights of first refusal and how the U.N. Security Council structure fits among the organizations is also a very troubling problem to overcome.

The number one concern should be to preserve NATO as the overarching framework and avoid duplication of effort or any political divisiveness from establishing separate capabilities. The Kosovo crisis raises questions that must be answered about the alliance's capability to reshape itself for new conflicts of the 21st century and at the same time accommodate the E.U.'s ambition to play a greater role in the continent's security.

Mr. President, I also want to address the issue of NATO expansion.

I realize the NATO membership is an affair of the heart for many nations who aspire to become members. However, as Senator LUGAR has alluded to we need to step back a little bit and keep the door open but put the future enlargement on hold.

We had a lunch hosted yesterday by the distinguished Senator from Indiana and Gen. Wesley Clark. Gen. Clark emphasized the fact that nations in Europe who aspire to become either members of the European Union, Partnership for Peace, or NATO without recognizing the tremendous fervor and the tremendous emotion involved in regard to their self-determination and what they think will be the bulwark for them and their individual liberty.

First and foremost, NATO, I think, must rebuild Russian relations, which were strained over the Kosovo conflict. I know that belief is shared by Senator LEVIN. We have been working together on a cooperative threat reduction program within the jurisdiction of the Armed Services Committee which we believe will make some meaningful threat reduction progress and at the same time help rebuild stressed relations.

The London Times diplomatic editor, Christopher Lockwood, reflects that NATO's possible new members at the current time cannot contribute militarily with force structure, compatible doctrine, or political and economic stability.

I have been a strong supporter of NATO. I will remain a strong supporter of NATO. But I think we have to rethink the current NATO flightpath and answer the hard questions that require our attention.

Mr. President, I now want to offer what I think are extremely insightful approaches to the future of multilateral organizations.

Richard Haass expressed:

> Alliances, such as NATO, are one manifestation, although such groupings are rare and likely to become even less common in a world of few fixed adversaries. Much more common are informal coalitions of parties able and willing to work together on behalf of a common purpose—be it to rescue the Mexican economy, contain Sadam Hussein, or enter East Timor. Such groupings are not ideal—they are invariably ad hoc and reactive and lack the legitimacy of more formal regional or UN undertakings—but they are consistent with a world where the willingness of governments to cooperate varies from crisis to crisis and situation to situation, where great power consensus in unreliable, and where U.S. resources, however great, are still limited.

Samuel Huntington, in this book "The Clash of Civilizations" explain: "In the emerging era, clashes of civilizations are the greatest threat to world peace, and an international order based on civilizations is the surest safeguard against war." And, since the Cold War the question of "Which side are you on?" has been replaced by the much more fundamental one, "Who are you?" Every state has to have an answer. That answer, its cultural identify, defines the state's place in world politics, its friends, and its enemies.

Mr. Huntington further explains that we must nurture other Western cultures that identify with the U.S. and accept our civilization as unique not universal and uniting to renew and preserve it against challenges from non-Western societies. Avoidance of a global war of civilizations depends on world leaders accepting and cooperating to maintain the multi civilizational character of global politics.

Roberts translation: Why not concentrate in areas of the world where Western values, Western democracy, have been cherished, nurtured, and appreciated? At the same time the U.S. needs to stop trying to impose Western values in areas where they are not and will not take root?

Andrew Krepinevich from the Center for Strategic and Budgetary Assessments recently finished a thought-provoking future vision titled "Transforming America's Alliances." He believes that America's alliances are in need of transformation due to the following reasons: Relative decline in U.S. global power, the rise and recovery of great regional power, with an increased focus on Asia, the eroding of current ally durability and reliability, the current military revolution will make power projection more difficult, and finally the growing need to provide for homeland defense.

Mr. President, I feel Mr. Krepinevich's assessment undertakes bold steps toward the future in his following statement:

> If the U.S. is to preserve the current favorable military balance in regions around the globe in the future, it will find itself increasingly dependent upon allies for support. This may require a somewhat different set of alliances than exist today. Restructuring alliance relationships to meet requirements will take years, perhaps decades. Yet the geopolitical and military revolutions that will likely stress the U.S. alliance relationships should be undertaken now.

Mr. President, that is what we are trying to do. That is what Senator CLELAND and I are trying to accomplish with our foreign policy dialog. America cannot afford to miss this opportunity to shape the future.

I thank my colleague for initiating the third dialog. I especially thank my colleagues who have been very patient listening to my remarks. Senator LUGAR, Senator LEVIN, and I welcome their input.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Indiana.

Mr. LEVIN. Will the Senator from Indiana yield for 2 minutes?

Mr. LUGAR. I am happy to yield to the Senator.

Mr. LEVIN. I ask unanimous consent, after the Senator from Indiana is finished with his remarks, I be recognized to participate in the dialog which is going on between Senator ROBERTS and Senator CLELAND.

The PRESIDING OFFICER. The Senator from Georgia controls the time.

Mr. CLELAND. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 9½ minutes.

Mr. CLELAND. I yield the time necessary to the distinguished Senator from Michigan.

Mr. ROBERTS. I ask the Presiding Officer how much time I have remaining.

The PRESIDING OFFICER. The Senators from Kansas and Georgia are sharing the time.

Mr. ROBERTS. So the time remaining in regard to both Senators is now 9 minutes?

The PRESIDING OFFICER. That is correct.

Mr. ROBERTS. That does not give enough time for the distinguished Senator from Michigan or the distinguished Senator from Indiana. I ask unanimous consent we be granted an additional 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. I ask unanimous consent, after the Senator from Indiana has completed his statement, I be recognized with whatever time is available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, at this time I ask unanimous consent to have printed in the RECORD a letter from me along with one I received today from Gen. Wesley Clark, who, until last week, was NATO's Supreme Allied Commander in Europe and the senior military commander of the NATO-led operation at Kosovo. It relates to his views on the Byrd-Warner amendment, as it is called, which is part of the military construction appropriations bill.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. SENATE
COMMITTEE ON ARMED SERVICES
*Washington, DC, May 10, 2000.*
General WESLEY K. CLARK, USA,
*Department of Defense, Washington, DC.*

DEAR GENERAL CLARK: Following up on our conversation today, I am enclosing a copy of an amendment adopted by the Appropriations Committee yesterday that, among other things, would terminate funding for deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President requests and Congress enacts a joint resolution specifically authorizing their continued deployment.

I would very much like to have your personal views on this amendment, particularly your views on the impact this amendment could have on U.S. troops currently on the ground in Kosovo and whether or not this amendment would increase the risk to those troops; the impact of this amendment on U.S. interests in the region; and the impact of this amendment on our relationship with our NATO allies.

Thank you for your consideration of this important matter.

Sincerely,

CARL LEVIN,
*Ranking Minority Member.*

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MAY 11, 2000.

DEAR SENATOR LEVIN: Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throw-weight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainly will be undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,

WESLEY K. CLARK,
*General, U.S. Army.*

Mr. LEVIN. I will take 30 seconds to read two paragraphs about the language in the letter from Wesley Clark:

> These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.
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Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military police reoccupation of the province.

I know this subject will be a matter of some debate on Monday and Tuesday. I intend to participate in that debate on the appropriations bill containing the Byrd-Warner provision. But at this time, because of the interest in the letter of General Clark, I thought I would ask that be printed in the RECORD.

Again, I thank my friend from Indiana for yielding.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I thank the distinguished Senators from Georgia and Kansas. It is a privilege to follow on some of the thoughts of the distinguished Senator from Kansas, as he has discussed multilateral organizations and focused especially on NATO which, in the judgment of many of us, is the most important and successful of these organizations in which the United States is a member.

It is axiomatic, at least for many in foreign policy, that Europe counts for the United States. By that I mean simply this: that although throughout our history many have argued that we could get along by ourselves on this continent and that entanglement in the affairs of Europe was often described as nefarious skullduggery statesmanship without scruple, that eventually we come back to the fact that in the small world in which we live now, what happens on that continent matters a great deal to our security and to our prosperity.

It is for this reason that the United States stayed in Europe after World War II. To state it very simply, as German Foreign Minister Fischer stated when he visited with our Foreign Relations Committee this week: The United States presence, the decision to stay, made all the difference in the last half century. It made a difference in terms of peace on the Europe continent, which had not had such an era of peace in a whole millennium.

It made a very great difference for us, the United States, leaving aside NATO and the security it provided, because of the collective defense of NATO members against the perceived menace of the former Soviet Union and its allies. The fact is that through the Marshall Plan, and through many other economic associations, the European countries grew substantially and so did our markets and so did our prosperity. We tend to take this all for granted, but only in the last 50 years has this been a fact.

We came to a point after the breakup of the former Soviet Union in which many argued, and I was not the one who originated the term, but I adopted it in a tour I took of Europe in 1993, that either NATO would go "out of area or out of business." By that I meant simply that the idea of collective defense against the former Soviet Union, which had broken up, made much less sense than it had made before. Some would have said the Soviet Union might revive suddenly and attack hapless European nations, but this became less and less likely. In fact, we found in the Desert Storm war, that our problem was that NATO was not equipped to deal with conflicts out of area. It was a pickup game in which we enlisted various nations.

This out of area action had been contemplated at the time of the United Nations Charter in Article 4, which Senator ROBERTS has cited. John Foster Dulles spoke openly and eloquently on that point. It was anticipated that NATO members from time to time would act out of area in their collective efforts and for collective security. So we did that in Desert Storm and the idea was always, from the time of the United Nations Charter and the NATO Charter onward, that nations could freely decide to join in such actions. In the case of Desert Storm they did so.

Now that a whole new set of facts began to come forward, in which there were countries—Poland, Hungary, the Czech Republic, and others—but mainly the first three—in which the point was made: We are a democracy. We are searching for freedom. We are searching for relevance and association with others who want freedom as we do.

Some argued the evolution of Europe might have come entirely through the European Union, through the economic union of the members. But most of us noted that was going very slowly. It still goes slowly. Poland is not a member of the European Union as we speak, and it is not contemplated that it will be for several years. This is now a very large country with a functioning economy and a democracy.

The point was that collective security meant making certain that the gains, the victories of the cold war, were ensured and were solidified. That was the debate that we had a short time ago with regard to expansion of NATO. Some argued: Why expand if there is no particular threat? Why not wait and see how the threat shapes up? You can always take on new members in the event things are troubled.

But many argued, and I was one, that the integration of forces, the building of institutions, takes time. Even in the successful war we fought in the desert, the weapons systems that were employed took 25 years to evolve. It is very probable that the strengths we are now building with new members in Europe, in NATO, will make a difference in terms of their collective security, and I believe in ours. With the crisis over, many persons in the United States and maybe in this body, tend to ask: Why are we involved in Europe? In fact, why can't Europeans run their own affairs? They say it is a troublesome situation to have our forces involved there, meddling and in harm's way.

We went through this in a very practical way with regard to the war in Bosnia. As you may recall, in the latter stages of the Bush administration, there was anxiety on the part of President Bush as to what was happening in the former Yugoslavia. He was strongly advised by European leaders that they knew better what was happening there, that our involvement was really not particularly welcomed. President Bush may have welcomed that advice, for all I know. But in any event, his determination was to leave that problem alone, so the conflict continued to progress badly in terms of the loss of life and displacement of persons and refugees and so forth.

President Clinton attacked former President Bush in the 1992 campaign for failing to have a plan for Bosnia. But when President Clinton came into office in 1993 he found out how difficult that situation was.

I know from my own experience, traveling with Senator Nunn in 1993, talking on the phone with President Clinton over long distance as he asked what we were finding out and how things were going? He was attempting to evolve a policy.

He sent Secretary Christopher to Europe about that time, a trip which was very unsuccessful. The Secretary talked with the British and then the French and gave our views and asked their views. They had all sorts of views, all of them contradictory, and none of them helpful with regard to anything we had in mind.

As a result, things drifted. Some may say that was simply too bad. Here are people with intractable views, demagogs. Whatever was happening in Yugoslavia was miserable and unfortunate for those people, and especially for their neighbors, our European allies. But that was their problem—and perhaps it was. But late in the game, Europeans came to us and said: We cannot solve it. It is insoluble without the United States.

We might have said, "Tough luck. You are on your own. This is what you wanted. You made your bed, now sleep in it."

We could have said that. We could have watched the unraveling of various parts of Europe as refugees and economic difficulties and aggression proceeded. But we took a different view—I think the correct view—namely, we are the leaders in NATO. NATO was relevant to that situation.

That was a big step but not all Senators agreed. The point being made in the amendment offered by the distinguished Senator from West Virginia and the distinguished Senator from Virginia is that we have not gone to war very often. We have declared war even less. It is time to stop these informal arrangements in which we get involved in operations without having an up-or-down vote or authorization to spend money or send the troops.

That is a good point. I can remember arguing before the Desert Storm war that we ought to do that, and there was great anxiety in the White House about any such vote for fear it might come out badly that Saddam Hussein, therefore, would have a free ride. Ultimately, the vote was very close.

I understand the constitutional point very well. It could very well be that historians will argue we misplayed our hand at Rambouillet, that our diplomacy was not as swift as it should have been, that we made threats when we did not understand the military power that would be necessary to make those threats good, and that even having made the threats, we did not have a very good plan once we were tested. I make no apologies for any of what proceeded, but the point is, we finally come back to the fact we are in Europe because it is our security—our security—that is at stake. It could be argued, too, that for the moment the Europeans are not sharing the burden, although they would argue, by this time, that they are shouldering their burden—but that is another debate all by itself. Or they might argue we should not be involved without having up-or-down votes in the Congress on these things in any event, or that many Americans believe we are in Kosovo or in Bosnia purely for humanitarian purposes, not for gut strategic purposes of the United States, but because of ethnic cleansing or refugees or displaced persons.

The case will be made that this is not a real war, this is a policing action; it is a structural problem, like that faced by a mayor of a city or police or other situations analogous that can be handled by police, and European policemen rather than American policemen.

We keep coming back to this haunting question that President George

Bush had to face and then President Bill Clinton when the Europeans said: We cannot make it by ourselves. Ultimately, Europeans might say: We can; we are different now; we have new institutions—whether they be security or economic—and you Americans can go home; we can get along without you; it's been nice to have you around.

That is not what they are saying. As a matter of fact, every European statesman who comes to Washington—and the Chair presides over these coffees in our Foreign Relations Committee—we hear every single foreign minister and defense minister vowing how important it is the United States is there, stays there, stays there big, how we must take the lead and help organize the situation. We may say in our impatience: Will they never be able to pull it together? Perhaps not in our lifetime.

What are the consequences if we leave? The consequence is the same one the German foreign minister told us this week. We left after the First World War. As a matter of fact, throughout the 1930s, we were not only isolationists, we were glad we were not close to the action, and we suffered for that. We lost a lot of lives. We had a war around the world that was touch and go for some time because we were not prepared to do the difficult work, the tedious work, the actual intervention day by day, the grimy, grubby work of diplomacy country by country, case by case. That is the problem.

Duty in Kosovo, duty in Bosnia is not a popular assignment for anybody and never will be. I can think of various other places in Europe in which it is not going to be very pleasant. Yet to keep the peace for over 50 years, to have prosperity for them and for us, to make a difference in terms of stability of the world, that counts for something.

On the cheap, we can say, by and large, we did not vote for it, we are tired of paying too much for it. Europeans understand that a little bit, and I give credit to the distinguished Senator from Virginia for trying to urge them to step up to the plate, and they have now demonstrated they are paying more than 85 percent—the lion's share—whether it is the policing side or the economic side, and that we are paying 15 percent, and that is about what we agreed to do.

They said, in essence: You fought most of the war, we will pick up five-sixths of the cost. That may or may not be a good agreement, but that is roughly where we have come to in Kosovo. We could say we are tired of paying the 15 percent and, as a matter of fact, our 5,000 or 6,000 troops are tired of being there and, as a Senate, we are tired of debating the issue. We would just like to get a vote on this and get rid of it cleanly. Tell the President, whoever he is, where to go in this situation. It makes no difference whether we have a Secretary of State negotiating over there or not, we know better because we represent the people and we have the power of the purse and we can jerk this thing out immediately.

Some will argue whether or not to do that as a matter of fact. The vote would not come for a year. General Clark has testified to this in the letter the distinguished Senator from Michigan just read, that other countries will make their own calculations. We, frankly, do not know what the foreign policy of President Putin of Russia will be. We suspect, as a matter of fact, as we have heard from the Russian Ambassador and from others that the Russians want a zone in Kosovo, maybe ours. Let's say we withdraw and the Russians say: It would be fine, as a matter of fact, if we were there because we could help integrate the Serbs as they want to come back to their homes, or help with a little bridge there; that would be a good thing in terms of integration of Europe as we see it; and we are here as Russians; the Americans have gone home; they were tired of this, tired of the policing action and all the burdens, all the difficulties. That is one possibility.

President Milosevic might say: Let's be at ease for a year, wait it out. Kosovo was sort of a contretemps, a bad nightmare. A good many bombs were dropped around the country, there was some difficulties with the power stations and difficulties in terms of deprivation, but, by and large, that is in the past, and in a year's time, we can be home free. We can begin to operate business as usual.

The Albanians noting the situation likewise say: We have a year to prepare for the war to take on the Serbs who are back with perhaps the help of Russian friends and others who come in to fill this vacuum.

European allies will be accused frequently of withdrawing people from the country. They will say, by and large, the Americans are a strange leader; they are gone. This is the only war NATO ever fought and some may feel the only one it ever will fight because there was not very much leadership here, not much standing to talk to us about whether we have an independent force, whether it is with NATO or anybody else.

We have a very fateful vote coming up, and it comes right to the point we are discussing today: multinational organizations and particularly NATO, the most important security alliance, because Europe counts.

I suggest we do reaffirm NATO.

As a matter of fact, as the distinguished Senator from Kansas pointed out, I suggested last year at the NATO celebration that we consider carefully new members. There were nine applicants. I say it is imperative that we keep hope alive for all nine. That is the incentive for their reform and for the courage to continue on.

As a matter of fact, I hope we will move to adopt new members. I hope we will offer leadership to fill out much more substantially those who have fought for freedom, those who have a lot at stake in the kind of Europe we think would be more secure for them and for us.

I think we ought to be devoting more resources to NATO rather than less. It seems to me we have a golden opportunity. Historically, we have been established there for a long time. To abandon or weaken NATO at this point, or to give hints we are going to abandon it, or to give hints that it can be taken for granted, would be an unfortunate policy.

By the same token, this debate gives us an opportunity to finally establish, once and for all the question: Does Europe count? Do we care? Can Europe make it without us? I believe it counts. I do not think they can make it without us. I think we have to be there. And if we are going to be there, we ought to lead, and we ought to have the resources that make it count. We ought to expand the operation, as a matter of fact. We ought to be assertive and bold as opposed to timidly pulling back into our tent.

I believe that is what the debate ought to be about. It ought to be about the strength of the very best multinational organization we have, about the reasons our allies are important to us, and what we intend to do about it.

I thank the Chair for the opportunity to give this address.

I thank the distinguished Senators from Georgia and Kansas, again, for inviting me to be a part of the colloquy.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CLELAND. How much time is left on our time?

The PRESIDING OFFICER. The Senator has 15 minutes remaining.

Mr. CLELAND. Mr. President, I would like to conclude my remarks with some additional thoughts and comments.

I thank Senator LUGAR, a distinguished student and practitioner of foreign policy in this body for many years, and the distinguished Senator from Michigan, Mr. LEVIN, and thank him for his wonderful letter from General Clark, who is a man with whom I have shared a meal recently and discussed Kosovo and many other matters. He is a distinguished American. I respect him highly.

I thank my distinguished colleague from Kansas. One of the things that impressed me was the point the Senator from Kansas mentioned, that this country is committed and obligated in some form or fashion to 90 different treaties or organizations, and that is indeed quite an astounding number.

I have two basic fears about America's global role. One is that, like Gulliver, we will get wrapped up in many lilliputian events and treaties and entanglements and not be free to move to crises in the world where we need to have a maximum impact; secondly, that we get drawn into power vacuums around the world, particularly in the wake of the fall of the Soviet Union, and institute a pax Americana.

I was recently in Macedonia. As the helicopter took off, headed toward Kosovo, an Army colonel pointed out that if you looked out of the helicopter to your left, you could see a Roman aqueduct. I had never really been in that part of the world. It was amazing to actually see a Roman aqueduct put together by the Roman armies there in Macedonia over 2,000 years ago and it still be intact.

I began to think the very ground over which I was flying had been occupied by not only Alexander the Great but his father Philip, and that Greek and Roman armies had gone over this very terrain. Later, after the Dark Ages, for some 600 years the Turks and the Ottoman Empire occupied this particular land. Now we, the Americans, were there.

It was a sobering moment for me. I wondered exactly how effective we could really be in that part of the world with those conflicts which seem to be eternal. I wondered exactly what we could do there, what we could contribute, especially with our military force.

Those are some thoughts I have.

I would like to address one other issue in terms of our multilateral and multinational relations, and that is our relationship with the United Nations.

In large part because of American support, the UN was founded in 1945 with the purpose, according to its Charter:

> To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace.

Furthermore, under Article 34 of the U.N. Charter, U.N. "members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council acts on their behalf." And Article 52 provides that:

> Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

In recent years, the United States has worked with, and sometimes without, the cooperation of the U.N. Security Council when seeking to accomplish its objectives. Despite all the difficulties associated with it, the Security Council remains the only widely accepted, multinational, legitimizing force for conducting military operations against a sovereign nation. In the 1995 book, "Beyond Westphalia," editors Gene Lyons, Michael Mustanduno and their colleagues tackled the difficult question of "state sovereignty and international intervention." The authors write that:

> A historical transition was marked by the settlement of Westphalia in 1648, which ended the Thirty Years' War and opened the quest— which goes on to this day— to find a way for independent states, each enjoying sovereignty over a given territory, to pursue their interests without destroying each other or the international system of which each is a part.

One of the recurring themes which has been highlighted in these floor dialogues organized by Senator ROBERTS and myself about the global role of the United States in the post-Cold War world is on this very question of sovereignty. More specifically, under what conditions is it permissible and appropriate for a nation or coalition of nations to intervene in the internal affairs of another sovereign state?

In an April 1999 speech in Chicago, British Prime Minister Blair posed the question in a way which is representative of the concerns of many of those—especially in the Western democracies—who believe that, under certain egregious circumstances, there must be limits on national sovereignty in today's world. Prime Minister Blair said:

> The most pressing foreign policy problem we face is to identify the circumstances in which we should get actively involved in other people's conflicts. Non-interference has long been considered an important principle of international order. And it is not one we would want to jettison too readily. One state should not feel it has the right to change the political system of another or foment subversion or seize pieces of territory to which it feels it should have some claim. But the principle of non-interference must be qualified in important respects. Acts of genocide can never be a purely internal matter. When oppression produces massive flows of refugees which unsettle neighboring countries then they can properly be described as "threats to international peace and security."

It is interesting that on that same day in 1999, Brazilian President Fernando Henrique Cardoso offered some related observations, with his views on the Kosovo War, which he and his country supported. President Cardoso's views reflect the concerns of many of those in the developing world who worry about the consequences of a loss of sovereignty in reducing their ability to control their own destiny.

We heard Senator ROBERTS talk about the fear of the United States and its growing hegemony or being a great hegemony in various portions of the world, or being the "big dog."

President Cardoso said this:

> Who has the authority and approval of the international community to drop bombs? Such attacks are not endorsed by an international organization that legalized such actions. The United Nations was left aside . . . The United States currently constitutes the only large center of political, economic, technologic, and even cultural power. This country has everything to exert its domain on the rest of the world, but it must share it. There must be rules, even for the stronger ones. When the strongest one makes decisions without listening, everything becomes a bit more difficult. In this European war, NATO made the decision, but who legalized it? That is the main problem. I am convinced more than ever that we need a new political order in the world.

How do we reconcile these different and sometimes conflicting, yet both legitimate, concerns: the need on the one hand to protect powerless individuals from the depredations of their own governments, and on the other to protect less powerful nations from unilateral or even multilateral decisions by the stronger powers?

Mr. President, in the last dialog, I tried to quote President Kennedy. I think I got the quote wrong. I think he said that "we must dream of a world in which the strong are just, the weak secure, and the peace preserved." I think that is what President Cardoso was after.

The editors of Beyond Westphalia draw four principal conclusions which bear on this matter. The first two offer encouragement to those who see a clear need for constraints on unfettered sovereignty, especially in cases of massive human rights violations:

> First, constraints on state sovereignty not only have a long history but have been increasing significantly in recent years as a consequence of both growing interdependence and the end of the cold war . . . (Second), while constraints on state sovereignty traditionally were largely constraints on states' behavior with regard to other states, in recent decades constraints on sovereignty have increasingly involved the internal affairs of states, or how governments relate to their own citizens, economies, and territories.

However, the current limits on international interventions are captured in the final two observations:

> (Third), the international community has developed a formidable institutional presence, yet clearly lacks the resources and organizational capacity to serve as a viable alternative to the society of sovereign states . . . (Fourth), the legitimacy of the international community will continue to be questionable as long as there are fundamental differences between North and South with regard to whose values and interests the international community represents . . . If the major powers claim to be acting, through the exercise of their international decisionmaking authority, as the guardians of the common good, less powerful states

> seem to want to know, who is guarding the guardians?

Lyons and Mastanduno conclude that we are likely to experience an ongoing "chipping away" at the sovereign autonomy of nations. However, they end with the following cautionary note:

> The idea of state sovereignty is alive and well among both the more powerful and less powerful members of contemporary international society. Even if states increasingly share authority with intergovernmental and nongovernmental organizations, the state system endures.

So where does that leave us? For the isolationists and the unilateralists, the question of international intervention is, of course, not important for they believe that the United States should not, or need not, rely on other nations or the international community in advancing our security interests. However, as I have said in the first two of these dialogues, I do not believe the people of our country are prepared now, or in the foreseeable future, to pay the substantial—albeit quite different—costs arising out of either the isolationists' or the unilateralists' agendas.

For everyone else, including balance of power realists, Wilsonian idealists and everyone in between, they have to face the dilemma of balancing the reality of the continuing dominance of the nation state as the key player in international security affairs with the increasing transnational communications, economic forces, and values which are circumscribing national sovereignty.

In my opinion, we have no choice but to try to improve the international machinery for legitimating and, in some circumstances conducting, interventions in extreme cases where a nation's actions within its own borders necessitate such a response. To do otherwise would be to ignore the trends noted by Lyons and Mastanduno in 1995 and which have certainly considered apace since then. And whatever its shortcomings, and they are many, it is clear that the international machinery of choice, for the United States as well as for most of the world, and recognized in solemn commitments—for example including NATO's own charter—is the United Nations and more particularly its Security Council.

But it is equally clear that the UN's machinery is not now capable of fulfilling this role assigned to it by the international community. The sad current events in Sierra Leone, and previously in Bosnia, in Rwanda, in Angola, and in Somalia demonstrate convincingly that the UN cannot enforce the will of the international community unless all local parties accept its intervention. In other words, it can enforce an existing peace but cannot make peace.

And in the absence of an effective United Nations, I say to the advocates of humanitarian intervention, we have to proceed with great caution. Furthermore, while various Western leaders and theorists have proposed standards to determine when and how national sovereignty should be overridden, such standards are neither comprehensive, nor clear, nor widely accepted.

Though I do not oppose the notion of international intervention in principle—because as I said before various global trends are moving us in that direction—in my opinion much will have to be done before we can or should stake important national interests on it. Among the steps which must be undertaken are:

Reforming the peacekeeping operations and decision-making processes within the UN and the Security Council.

Strengthening the capabilities of regional organizations, like the Organization for African Unity, the Organization of American States, the Association of Southeast Asian Nations—and as I suggested earlier the European Union— to deal with regional threats to international order.

Thoroughly debating—including in this body—the proposed frameworks for intervention put forward by the Clinton Administration, the British government, and others.

None of these steps will be easy. For example, reforming the decision-making processes of the Security Council in a way that improves its ability to act would presumably involve curtailing the veto power of the permanent members. However, while such a change would eliminate or reduce the ability of China or Russia to block what we view as appropriate interventions, it would also similarly constrain our own capacity to prevent what we view as undesirable actions by the UN. Strengthening the capabilities of regional entities raises resource questions, and, as already discussed, developing a serious European defense capability raises a number of additional concerns. And developing any sort of meaningful consensus about the principles for international interventions even among NATO members—let alone among both developed and developing countries—will be an extremely long and difficult process. But for anyone who can conceive of circumstances where an international response will be in our national interest, it is the type of effort we will have to undertake.

Mr. President, that concludes my remarks in this, our third session on the US Global Role. Our next discussion will hopefully take place during the week of May 22, and in many ways is at the heart of the concerns which motivated both me and Senator ROBERTS to initiate these dialogs: the central question of when and how to employ American military forces abroad. I look forward to that debate—which will appropriately occur just before the Memorial Day break— and I hope other Senators will participate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Is there any time left?

The PRESIDING OFFICER. The time has expired.

Mr. LEVIN. I ask unanimous consent to speak for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MULTILATERAL ORGANIZATIONS

Mr. LEVIN. Mr. President, I want to commend Senator CLELAND and Senator ROBERTS for instituting this bipartisan dialogue relating to the global role of the United States. We normally only discuss these issues when a real-world contingency is looming and we do so under significant time constraints and within the dynamic of rapidly unfolding crises. This dialogue, which allows us to discuss these issues in a better setting, will hopefully contribute in a better understanding of the various perspectives on these issues and may bring us closer to a consensus on the fundamental issue of the global role of the United States.

This week's subject—"Multilateral Organizations"—is a very broad area. I will confine my remarks to those multilateral organizations that have responsibilities relating to the maintenance of international peace and security. I have in mind organizations like the United Nations, the North Atlantic Treaty Organization, the European Union, the Organization for Security and Cooperation in Europe and the mutual defense treaties to which the United States is a party.

I would like to briefly discuss several recent international crises and the role that the various multilateral organizations played in addressing those crises. I want to note, at the outset, that sometimes they were successful and sometimes they failed.

Mr. President, I don't know how many of my colleagues have ever been to Dubrovnik. It is an ancient and breathtakingly beautiful seaside city on Croatia's Dalmatian coast. When the Yugoslav Army subjected Dubrovnik to indiscriminate shelling in October 1991, resulting in the systematic destruction in the old city and the loss of many civilian lives, the European Union or the Western European Union should have used force to end this barbarity in their own backyard. If they had, the ensuing damage and loss of life throughout the Balkans might have been avoided. Instead of acting with force, however, the European Union declined to take any forceful action. For its part, the UN Security Council imposed an international embargo on the supply of arms to the combatants, thus succeeding in locking in the advantage that the Yugoslav

Army enjoyed. It doesn't appear that NATO even considered taking action at that stage of the Balkan conflict. This was an example of the inability or unwillingness of the United Nations, the European Union, NATO and other multilateral organizations to effectively deal with a real-world crisis that had the potential of spreading.

It should be noted that NATO has substantial forces under its command but the United Nations does not have a standing UN army, nor, in my view, should it. The United Nations is dependent upon the political will of its members to supply the forces and the financial resources to take action. It is ironic that politicians of all nations feel free to criticize the United Nations for failing to successfully carry out its missions but the reality is that any failure of the United Nations is a failure of the UN member nations to provide the UN with the necessary means for its missions. We can't have it both ways—we can't refuse to provide the UN with the necessary means to do its job and then hammer the UN for its failings.

UN Secretary General Kofi Annan, in commenting upon a December 1999 Report of an Independent Inquiry that he commissioned and that documented the UN failure to prevent genocide in Rwanda and on his own earlier report on the UN's failure to safeguard Srebrenica, stated that "Of all my aims as Secretary General, there is none to which I feel more deeply committed than that of enabling the United Nations never again to fail in protecting a civilian population from genocide or mass slaughter."

Mr. President, I welcome Secretary General Kofi Annan's statement, but I recognize the reality that the UN's ability to take effective action in the future—even to prevent genocide—remains dependent upon the political will of UN member nations to provide the UN with the forces and the financial resources it needs.

Mr. President, just as the United Nations has learned some hard lessons in places like Rwanda and Srebrenica, so the United States learned a hard lesson in Somalia, where we lost 18 of our finest soldiers in a single engagement.

In response to the need for an effective peacekeeping capability in Africa, the United States, Britain and France are embarked on parallel and coordinated programs to enhance the capabilities of African countries to carry out humanitarian and peacekeeping operations in Africa. The United States program, called the African Crisis Response Initiative or ACRI, has trained over 6,000 peacekeepers from the African nations of Benin, Ghana, Malawi, Mali, Uganda, and Senegal. The ACRI program, whose program of instruction has been approved by the UN Department of Peacekeeping, also promotes professional apolitical militaries and reinforces respect for human rights and the proper role of a military in a democracy.

Mr. President, while most people only associate the UN with peacekeeping or peace enforcement missions, there are other actions that it has undertaken. In December 1992, the UN Security Council, at the request of the Government of the Former Yugoslav Republic of Macedonia, established a preventive deployment mission in Macedonia in an effort to prevent the Balkan conflict from spreading into that nation. Originally composed of a Nordic battalion, it was augmented by a U.S. Army contingent in July 1993. The conflict did not spread to Macedonia, perhaps because of this mission. It was the first deployment of an international force prior to an initiation of hostilities.

The crisis in Kosovo also produced unprecedented actions by several multilateral organizations. In 1998, amidst mounting repression of the ethnic Albanian population by the Yugoslav Army and special police, Yugoslav President Slobodan Milosevic reached an agreement with U.S. envoy Dick Holbrooke to comply with UN demands for a cease-fire and to accept an intrusive verification regime of the Organization for Security and Cooperation in Europe (OSCE). Involving approximately 2,000 unarmed personnel, this was the largest, most complex and potentially most dangerous mission ever undertaken by the OSCE. Additionally, NATO deployed an Extraction Force to neighboring Macedonia that was poised to come to the assistance of the OSCE personnel if they came under attack. While the OSCE mission was not able to prevent all armed attacks, particularly the mass killing of ethnic Albanians in Racak in January 1999, it did enable international humanitarian relief organizations to provide direly needed assistance to the Kosovar population until forced to withdraw on March 20, 1999 in the face of an untenable situation, including additional large-scale deployments of Milosevic's military, special police and paramilitary forces into Kosovo.

By the time of the OSCE's withdrawal from Kosovo, repression of the ethnic-Albanian population of Kosovo escalated to a full-scale attempt to ethnically cleanse Kosovo. Unfortunately, the UN Security Council was unable to act as both Russia and China signaled that they would veto any resolution authorizing the use of force against the security forces of Slobodan Milosevic. Despite the lack of international legitimation that a UN Security Council authorization would have provided, NATO was resolute and launched a 78-day air campaign that forced Slobodan Milosevic to accede to NATO's demands. This was the first time in its fifty-year history that NATO had embarked on a large-scale combat operation. Following the air campaign, the UN Security Council established a UN mission to administer Kosovo and authorized an international armed force under NATO leadership to provide a secure environment. And for the first time in the 20th Century, ethnic cleansing in Europe was reversed. The United States bore the major burden in NATO's air campaign but the European Union pledged to bear the major share of the reconstruction effort and has provided most of the peacekeeping forces for Kosovo. I welcome the fact that the United States is playing a junior role in the peacekeeping effort with only about 15 percent of the troops, and I also welcome our European NATO allies' expressed determination to play a more substantial role in future conflicts in Europe, either as part of a NATO or a European Union-led effort.

Additionally, in a departure from the normal UN practice, the UN Mission in Kosovo or UNMIK has been organized into four pillars, under the overall supervision of the UNMIK head, Dr. Kouchner. Those four pillars are: civil administration under the United Nations itself; humanitarian assistance, led by the Office of the UN High Commissioner for Refugees; democratization and institution-building, led by the OSCE; and economic reconstruction, managed by the EU.

Despite the fact that our NATO allies would have borne the effects of a massive flow of ethnic-Albanian Kosovars, regional instability, and the potential involvement of two of its member nations—Greece and Turkey—on opposite sides of the conflict, no individual European nation had the military or political wherewithal to use force against Serbia to end its barbarous acts. I doubt that a coalition of European nations could have done so. Although the United States had the military capability to carry out such an operation, as Secretary Cohen and General Shelton noted in their joint statement to the Armed Services Committee, "Operation Allied Force could not have been conducted without the NATO Alliance and without the infrastructure, transit and basing access, host-nation force contributions, and most importantly, political and diplomatic support provided by the allies and other members of the coalition."

Mr. President, much has been said and written about NATO's use of less than overwhelming, decisive force in the air campaign against the Federal Republic of Yugoslavia. NATO's capability was limited to what I call "maximum achievable force," i.e., the maximum force that is politically achievable and sustainable. As General Wes Clark, NATO's Supreme Allied Commander during the air campaign, testified in response to my use of the concept "maximum achievable force".

"We knew we had to avoid collateral damage, keep the allies together, do the most we could against the targets on the ground, and avoid the loss of air crews. We had to keep it in balance. It was, as you put it, a maximum achievable force strategy."

An Alliance goes to war differently than an individual nation does. The United States clearly would have carried out the air campaign more robustly from the outset if we had been acting unilaterally.

Overwhelming, decisive force undoubtedly is the first and most preferred option for the United States in any military operation. That is the lesson of Vietnam. But if it is not possible, as it will rarely be when a coalition is considering action, then the next option is to use the maximum achievable force in an alliance setting. The question then becomes whether the greater risks entailed in using less than overwhelming, decisive force are worth taking.

If the participation of the whole NATO Alliance was both critical to the success of the military operation against Milosevic and the only politically achievable option, were we wise to proceed? If so, does this mean that we should automatically resign ourselves to using less than overwhelming, decisive force in any future conflict?

The answer is we should not resign ourselves to the use of less than overwhelming divisive force. But there will be times when because we can achieve an alliance action with maximum achievable force that it will be worth the risk, and there will be times when it will not.

An overwhelming, decisive force strategy is best when U.S. forces are involved in hostilities. In the case of Kosovo, our NATO allies were unwilling to adopt such a strategy. Our remaining options were to do nothing, to go it alone, or to use a maximum achievable force strategy, which meant a phased air campaign and no ground forces.

In my view, while there were drawbacks to going to war in Kosovo as part of a coalition, the benefits of fighting as part of the NATO coalition, under all the circumstances, outweighed those drawbacks. Napoleon said it well: "The only thing worse than fighting in a coalition is fighting against one."

If the use of overwhelming, decisive force is also not an option in some future conflict, we will once again have to make the judgment whether the risk involved in utilizing maximum achievable force, i.e. less than overwhelming, decisive force, outweighs the risk to U.S. interests of not proceeding.

Meanwhile across the globe in East Timor, the international community reacted in horror at the death and destruction wrought by pro-Indonesian militias in the aftermath of a referendum that overwhelmingly favored independence from Indonesia. The UN Security Council authorized a multinational force to restore peace and security in East Timor. Australia took the lead in this peace enforcement mission and the United States provided support but did not provide any ground combat forces. As Admiral Blair, Commander in Chief of the Pacific Command, put it in testimony before the Armed Services Committee, "East Timor demonstrated the value of having the U.S. in a supporting role to a competent ally, providing unique and significant capabilities needed to ensure success without stretching the capability of U.S. forces and resources to conduct other operations worldwide."

Mr. President, the United States cannot be the world's policeman. But we also cannot withdraw to fortress America and seek to ignore what goes on in the rest of the world. The United States possesses unparalleled economic and military strength. But no nation—no matter how strong—can go it alone. Understanding this, our forebears formed alliances many years ago throughout the globe. Our collective defense treaties with the other 18 nations of the NATO Alliance and with countries like Australia, Japan, the Philippines, and the Republic of Korea are major contributors to the protection of our national security interests. Our status as one of the five permanent members of the UN Security Council, with veto power, also enables us to ensure that the actions of the Security Council are consistent with our national security interests. Our Alliances and our participation in the United Nations and other multilateral organizations also help to ensure that there is a shared responsibility for maintaining international peace and security. The UN's authorization and approval of a mission adds great universal political support to the undertaking.

None of these organizations I have described are perfect and none of them will succeed in maintaining the peace if their Member nations lack the political will to provide the military forces, the financial resources, and, increasingly, the police forces to carry out the missions that are undertaken.

Mr. President, I realize that Senators CLELAND, ROBERTS and others talked about the security interests of the United States in a prior week. I don't plan to comment at length on that subject today, but I do believe that it is necessary to touch on it with respect to multilateral organizations.

The obvious point is that the extent to which the United States participates with its armed forces in a particular mission will be determined by the extent to which our national interests are involved and the degree of risk it entails, including, as noted above, the greater risks that may result from acting within a coalition.

Accordingly, the United States has made clear that it will not provide troops for the United Nations peacekeeping mission in the Democratic Republic of Congo. In the same vein, the United States will not provide troops for the UN Transitional Administration in East Timor, the follow-on mission to the Australian-led intervention force, but will provide a few U.S. officers to serve as observers and will, as part of their normal exercises, periodically deploy U.S. personnel to perform activities such as the rebuilding of schools and the restoration of medical services.

Mr. President, I believe that it is in the United States national interest to support the United Nations as it seeks to fulfill its primary responsibility to maintain international peace and stability. We also need to work to strengthen our alliances and to encourage our allies to strengthen their military capabilities so that they can share the common burden. We also need to utilize the various other multilateral organizations that can contribute to international peace and stability. Finally, we need to explore every opportunity to bring about actions that will serve to end conflict at the earliest possible time, as wasn't done in 1991 at the time of the initial shelling of Dubrovnik, and to prevent the spread of conflict, as was done by the UN preventive deployment mission to Macedonia in 1992.

Finally, Mr. President, I want to end in the same way that I started; namely, by commending Senator CLELAND and Senator ROBERTS for instituting this dialogue. I look forward to the continuation of this dialogue in the coming weeks and I hope to be able to participate again in the future.

I again thank our good friends from Georgia and Kansas. I add my thanks also to the Senator from Indiana for his extraordinarily thoughtful remarks this afternoon. I was not able to hear all of it. I would like to have heard all of it. But I heard enough to know that, as usual, the Senator from Indiana adds an extremely thoughtful and thorough contribution to this debate.

I commend our good friends from Georgia and Kansas for carrying on what I consider to be a very significant dialog. It takes a lot of effort and a lot of energy to do what they are doing. It is critical to this nation's security. Both of them have already made huge contributions to our Nation's security. Now, on the floor of the Senate, they are making an additional major contribution, and this country is again in their debt.

I thank my friends.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

The Democratic leader is recognized.

## ELEMENTARY AND SECONDARY EDUCATION ACT

Mr. DASCHLE. Mr. President, I know we are about to go out. Before we do, I wanted to call attention to the fact that I wish we could have taken up the ESEA bill again this afternoon. The fact is that we have amendments that could have been offered on either side. We have indicated a willingness to even offer time agreements on virtually all amendments. There are a number of amendments that are pending. We are told that we just do not have time on the schedule to revisit ESEA this week. I really question that. The fact is that we have been in morning business all afternoon. We are not going to be in session tomorrow. We will be in debate only scheduled on Monday for the military construction bill. We are not overworked here.

It seems to me that on an issue as important as ESEA needs to be addressed. The fact is, it should have been reauthorized last year. It wasn't. It needs to be reauthorized this year.

We have fewer than 40 legislative days left between now and the time that we are scheduled to adjourn. With appropriations bills, the China debate, and a number of other issues unfinished—bankruptcy we hope, and other issues—there is very little time.

So it seems to me that we ought to be using what time we have available to us to our best advantage. Being in morning business for most of the day is not my concept of utilization of time in an appropriate way.

Again, I express the regret that we haven't had more of a chance this week to deal with this very, very critical bill. The education bill ought to be finished. We worked on it in a very constructive way, I have felt. There has been progress—limited, but, nonetheless, progress. We could have had a lot more progress. There is no reason why we can't finish this bill. There is no reason why we couldn't have done another bloc of amendments today and some amendments tomorrow. In fact, I think maybe we could have finished the bill this week. That is now impossible. And there is no prospect of bringing the bill up at least for the foreseeable future, given what the majority leader has indicated is his intention with regard to appropriations bills. I am troubled and disappointed by that.

I make note of that as we end the day today. Hopefully, we will have more productive weeks and more opportunities to debate this issue. But time is going by quickly. We don't have that much more time. I hope we can better use the time we have.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

## MILITARY CONSTRUCTION

Mr. SMITH of Oregon. I have had the privilege for the last hour of sitting in that chair and hearing our colleagues debate the issue of NATO and our place in Europe and the broader national security issues and the specific issue of whether or not we should remain in Kosovo. It is entirely appropriate that this body debate this issue. No one should criticize any Senator for bringing that up or for crafting a piece of legislation designed to focus this Government on an exit strategy. Everyone knows we need one.

I add my voice to that of Senator LUGAR, Senator LEVIN, and others, who have expressed concern that while it is appropriate to debate, it is not appropriate to leave at this moment. I wish I could say it is time to leave, but I believe America still has a place in Europe. I believe if we set in motion the wheels to leave Kosovo, we will set in motion the mechanism to decouple the United States and NATO with Europe. I think we need to be very thoughtful about that.

I wish Mr. Putin and the new Russian Federation well, and I hope they join the democratic nations of Europe. I hope we can include them in more ways than ever imaginable throughout all of my lifetime. But I think the jury is still out. I hear from their neighbors, still, they are afraid of what happened in Chechnya. The Nation of Georgia trembles. I know Moldovians do, I know Ukranians do, I know Romanians do. They have all been in my office this week, worried that the United States would pull out its stabilizing influence, an influence that, frankly, these emerging democracies look to, count on, and still need. I know we are tired of it. I know we are tired of funding it. I know our fighting men and women don't like being in a police operation.

But I also know the cost of leaving Europe is a cost that is much larger than the one we are paying now to stay in Europe. I hope President Clinton and Madeleine Albright and others in our executive branch can figure out how we can get out of there, but get out in a way that does not destroy this institution called NATO, which the world still needs. As Senator LUGAR said, that day may come, that we can go home and the Europeans say goodbye, but that day is not now.

I think we should have a vigorous debate, but I think we should be exceedingly careful before we say to our European allies and to everyone watching the United States and counting on the United States, that we are pulling out of Dodge. I don't think we can say that yet. I hope we can say it soon. But I know we can't say it now.

## PRESIDENTIAL NOMINEES IN OREGON

Mr. SMITH of Oregon. Mr. President, I have come to talk to citizens of my State who have a rare privilege in the next few days: The two leading candidates for the highest office in our land will be in the State of Oregon. Vice President GORE will be there tomorrow, and Governor Bush will be there on Tuesday. I will have occasion to be with Governor Bush, and my friend and colleague, RON WYDEN, will have occasion to be with Vice President GORE tomorrow.

Oregonians need to ask a lot of questions to find out where these men are on issues that affect their lives. I came to speak in terms similar to those of Senator GORTON, who wants Washingtonians to ask what I want Oregonians to ask; that is, Mr. Vice President, where are you on the issue of hydroelectric power on the four Snake River dams in the State of Washington? I am not sure I know of an issue of greater importance to our State's environment and our State's economy. As a background to this question, Mr. GORE, where are you on the question of breaching these dams?

I would like to talk a little bit about our energy policy in this country. So I say to any Oregonians that may be watching, I want to share a memo which I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### ENERGY SECRETARY RICHARDSON ANNOUNCES SIX SHORT-TERM ACTIONS TO HELP PREVENT POWER OUTAGES

### STRESSES NEED FOR INSTITUTIONAL CHANGE TO PROTECT RELIABILITY IN THE LONG TERM

Energy Secretary Bill Richardson today announced a series of short-term actions that the Department of Energy will take to help ensure the reliability of the nation's power supply in the coming months. Several regions across the country have experienced reliability problems in recent summers and there are concerns about the reliability of the nation's grid this summer.

These short-term actions by the Department of Energy, while not a cure-all, are designed to help keep the lights on this summer," said Secretary Richardson. "To protect reliability in the long term, we need new policies and passage of federal electricity legislation to keep pace with rapidly changing market developments.

The Department of Energy will: work with other agencies to identify opportunities to reduce electric consumption at federal water projects during times of peak demand; urge the Federal Energy Regulatory Commission and state utility commissions to solicit and approve tariffs that will help reduce electricity demands during peak time periods. For instance, large industrial consumers could find it to their advantage to sell their power entitlement back to their utility if it would be profitable; explore opportunities for the use of existing backup generators during power supply emergencies to reduce the strain on electric systems and help avoid blackouts; conduct an emergency exercise with state and local governments to help prepare for potential summer power supply emergencies; work closely with the utility industry to gain up-to-date relevant information about potential grid-related problems as quickly as possible; and prepare public service announcements to provide tips to help consumers reduce electricity use and lower their bills.

Secretary Richardson began a series of regional summits this week between federal, state and local government officials, regulators, utilities and consumers to discuss ways to enhance the reliability of our electric system. The first meetings are taking place on April 24 in Hartford, Newark and New Orleans. On April 28, he will co-host a summit in Sacramento.

After last summer's outages Secretary Richardson formed a Power Outage Study Team to review the events of last year and provide recommendations for making the nation's grid more reliable. The team's final report, issued last month, is available online at http://www.policy.energy.gov.

Mr. SMITH of Oregon. This is a news release from Department of Energy Secretary Richardson announcing six short-term actions to help prevent power outages.

This will blow your mind.

We are expecting power outages all over the United States this summer. The long-term forecast for the Pacific Northwest is for energy shortages, as well. If you look at the six proposals for what this Government is going to do, there isn't one proposal about producing energy. The first one is: Look for opportunities to reduce electric consumption at Federal water projects.

Let me tell the farmers what that means, they are turning off the switch and they are turning off the water. That is what that means.

Second, solicit and approve tariffs that will help reduce electricity demands during peak times. Do you know what that means, Mr. President? That means the rates are going up. It is like a tax increase. So the cost of your energy is going up. We are not going to produce any more, Heaven forbid, we are just going to make it more expensive.

The next actions prescribed: The Energy Department will conduct an emergency exercise with State and local governments to help prepare for potential summer power supply emergencies. So we essentially will do a fire drill to see what happens when a whole city shuts down because electricity isn't produced when hitting a switch. Somebody has to turn something before we can have lights.

The next one prescribed: the Government is going to gain up-to-date relevant information about potential grid-related problems as quickly as possible.

Great. We don't already have that information?

Finally, we are going to prepare public service announcements to provide tips for how you can conserve electricity.

Nothing in the news release about producing.

When Mr. GORE and Mr. Bush are in the State of Oregon, I want Oregonians to ask about our power. I want them to ask how are our lights going to go on at night? How are we going to stay warm in the winter? How are our factories going to continue to operate? How will we have jobs?

This is not a hypothetical situation I am posing. These are real potential threats.

In spite of all of that, the Vice President is talking about shutting down any offshore drilling. Fine, but realize that has a cost to the environment.

Talk about not renewing nuclear licenses for energy plants—but that has an environmental cost as well. I see Senator BYRD on the floor all the time, decrying how the coal fields of West Virginia are being shut down because this Administration does not want to produce any more coal. I hear the people in the northeastern United States screaming about skyrocketing fuel prices in the winter, yet we are becoming more dependent upon foreign oil. Now I hear this Administration, in my neck of the woods, the Pacific Northwest, saying they are going to tear out our hydroelectric power.

It is not unreasonable, my fellow Americans, to ask how are the lights going to go on? Our own Energy Department is admitting we have a problem on the horizon. I think the whole country was just reminded that gasoline does not come from a filling station. It is $2 a gallon and climbing in some cases, falling in others, I hope.

We need an energy policy.

I support conservation initiatives. Raise CAFE standards? I am for that. I am looking for ways to conserve. But Americans are demanding energy and this Administration's policy is to shut down domestic energy production and leave America more dependent on foreign oil. This does not add up.

I hope Oregonians understand that it is very important to ask the Vice President of the United States what his policy on energy is. Mr. Bush has already answered it. He said if he is elected President, the dams will stay and you will keep your jobs and the lights will go on at night. I like that answer. It is clear.

He also made the point that we can have our energy and we can have our fish as well. Let me tell you a real dirty little secret. As we speak, all that can be heard here in Washington is the gloom and doom about the fish going away. Do you know that in the Columbia/Snake Rivers right now, those rivers are teeming with salmon coming back to spawn?

Let me give some numbers. As of today, at the furthest dam they want to take out, called the Lower Granite, 18,000 chinook have passed through this season. Some say, "Oh, but they must be hatchery fish." To those I say no, they are not. A few of the fish are from hatchery stock, but many of them are wild. Do you know how many fish passed through this same dam last year? It was 240. This year it was 18,000. These numbers have many in the environmental community looking pretty ashen-faced.

The first dam on the Columbia River that the fish pass through is called the Bonneville Dam, a dam Franklin Roosevelt dedicated, I believe in 1936. As of today, 160,000 spring chinook have passed over that dam this season. These are big returns. There are lots of fish returning. In fact, there are so many coming back that the Oregon Department of Fish and Wildlife is clubbing nearly every fish they can find that is a hatchery fish. They are killing them so they will not spawn because they say that hatchery stock affects the ethnic purity of the wild stocks.

The real secret about hatchery fish is that their eggs come from wild fish. But, nevertheless, we have so many fish now, apparently, that we have the luxury of clubbing them to death before they can spawn. By the way, the hatchery fish in the Atlantic salmon recovery program are treated the same as wild fish. But in spite of all this, we're told in the Pacific Northwest that we have to take out our dams. We have to take them out in order to have a normative river.

What do we hear from the administration? We hear on the one hand that Fish and Wildlife has concluded the dams have to come out. The National Marine Fisheries Service says we need to study dam breaching for at least 10 years because we do not have a good answer yet. And, by the way, the studies they have been producing are all predicated on data from 1980 to the current date. However, if you look at data dating back to 1960, which is available, you do not come up with extinction modeling. But federal agencies just picked the years that had the worst ocean conditions to argue that the salmon are going to become extinct unless we tear out our dams. I want the fish but I don't want the people to be suckers. I think we are being set up to be that.

I would like to know, also from Mr. GORE, why it is that the Corps of Engineers was about to issue their recommendation, which was don't take the dams out, and they were ordered by the White House not to make that recommendation? Why were they ordered to make no recommendation? What that adds up to, I believe, is that this is not about science—this is about political science. Political science is not the basis upon which this decision should be made, particularly when our rivers are full of fish as we speak.

What are the consequences if they pull the dams out? I have named a few already, but I do know it adds 13 cents a bushel to every farmer's wheat. I know it means $11 million a year lost in revenue to the barging industry. When you take this wheat from the barges and put it on a truck, do you know how many trucks it takes to replace those barges per day? It takes 2,000 semi trucks a day. You say you care about the environment? Are you going to burn that kind of fuel, burn up those kinds of miles, cause that kind of congestion in the city of Portland and the city of Seattle? Not on my watch you will not.

What else does tearing out the dams mean? It means a loss of about $130 million in property values to farmers. What does that mean to property taxes? School support? Roads? All those things are in jeopardy if you take those dams down. Dam breaching takes 37,000 acres of wheat out of production. What happens to those families? Their land goes back to sagebrush.

It takes at least 5,370 direct jobs in Portland. I actually think it is higher than that when you look at the ripple effect. When you take out these dams, you lose longshoremen in Portland and the many other service-related jobs that depend on them. Not only that, but to take these dams out, it would cost $809 million. Some have said that it could cost that much for each dam—I don't know whether we can get through this body an appropriation to destroy Federal assets that will be in the billions of dollars. What are you going to replace the energy with? What are you going to burn? This is crazy.

What else do you lose? You lose 3,033 megawatts of clean hydroelectric power. That is the amount it takes to run the city of Seattle every day. We are going to take that out in the face of projected energy shortages? Not on my watch.

So I say with the Senator from Washington: No, not on our watch.

I say to my fellow citizens in Oregon, this is the most important question you can ask Al Gore. Governor Bush has answered it. Please, Mr. Vice President, tell us what is your position on tearing out hydroelectric power in the Pacific Northwest? One of your agencies says do it. Another says we don't know enough yet. A third says don't do it. And GORE is refusing to answer the question.

We can have our fish and we can have our power. There are many things we can do, short of destroying our energy infrastructure and our clean, hydroelectric power. There are many things we can do to save fish short of the destruction of this kind of energy. To replace our clean energy with any other type, you are going to burn something and Oregonians will live in a dirtier place. I do not want them to.

I ask the Vice President, respectfully, to answer the question. What is your policy on dam breaching?

## EUROPEAN UNION HUSHKIT REGULATION

Mr. INHOFE. Mr. President, the International Civil Aviation Organization, ICAO, is a specialized agency of the U.N. that has been tasked for more than 50 years with the safe and orderly growth of international civil aviation. Based in Montreal, this 185 countries strong organization develops international standards on such critical issues as noise, emissions, and air worthiness.

I am saddened to report that, last week, the European Union dealt a severe blow to the integrity and future viability of this critical organization. I, of course, am speaking of the EU's implementation of the so-called hushkit regulation. This regulation bans hushkitted aircraft from being registered in Europe, prohibits such aircraft that are not European registered from flying in Europe within two years, and bars certain reengined aircraft with low by-pass ratios from European airspace. The regulation was implemented despite the fact that the aircraft in question meet the highest international noise standards.

Thankfully, in March, the U.S. filed an Article 84 case within ICAO against the fifteen EU Member States arguing that the regulation violated the Chicago Convention. ICAO will review the matter this fall, and hopefully resolve it in a way that reaffirms its position as the sole, international standard setting body.

Ironically, the EU wants to have its cake and eat it too. EU Members States are now anxious for ICAO to establish new, more stringent, Stage 4 noise standards. Indeed, the U.S. is working with ICAO on this endeavor as we speak. The key question becomes, why should we develop new standards if the EU has demonstrated that the old ones can be disregarded at whim? If the EU wants Stage 4, it must begin by demonstrating its respect for Stage 3 by withdrawing the hushkit regulation.

Mr. President, I will be following the resolution of this dispute very carefully. It is critical to future trading opportunities that the integrity of the ICAO process be upheld.

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## SECURITY AND COMMERCIAL SATELLITE IMAGERY

Mr. AKAKA. Mr. President, as Ranking Member of the Subcommittee on International Security, Proliferation, and Federal Services of the Governmental Affairs Committee, I am concerned about an emerging issue that has important implications for our national security: the commercial satellite imaging industry. Soon the public will have access to high resolution pictures able to show objects as small as three feet in size.

The rapid evolution of satellite technology has suddenly made the "eye in the sky" accessible to everyone, from foreign governments to the average individual. Secret sites are suddenly no longer secret. Photos of Area 51, a top-secret military installation located in Nevada, were recently made available by a private company selling commercial satellite images. The wide availability of these pictures to any person or country that can afford to buy them has the potential to both help or hinder our security.

Initially satellites were used during the Cold War for defense purposes. These classified images were only available to the government. However, civilians began to benefit from satellite pictures about thirty years ago when the government satellite, Landsat, began to sell photos to the public for agricultural planning purposes. The first commercial satellite launch did not occur until 1986, when France, Sweden and Belgium jointly launched SPOT I.

The technology of satellites today has evolved considerably since Landsat, in 1972, began providing photos to the public. Those pictures could only render images of objects larger than 250 feet across.

This all changed when earlier this year a private company called Space Imaging made history by distributing the first high-resolution satellite images of a North Korean ballistic missile site. Their photos had a one-meter resolution, providing the public a detailed look at the missile facilities of this rogue nation. Ruts in the road used by North Korean trucks could be seen.

The industry for commercial satellites is growing steadily. In 1994 President Clinton issued Presidential Decision Directive 23 which permitted the Commerce Department to license 12 U.S. companies to operate remote-sensing satellites. Space Imaging and Aerial Images, the company which took the Area 51 pictures, may be the first two of these companies to get a satellite aloft, but there are more to come. At least two other U.S. companies plan on launching satellites this year and several foreign companies have similar plans.

Legal restrictions surrounding these photo purchases are few. Imaging companies do not have to identify either their customers or their pictures. An amendment to the 1997 Defense Authorization Act prohibits U.S. companies from selling satellite images of Israel that show objects with a diameter under 6 feet. Any sale of images to a terrorist state or any regime under U.S. or international sanctions is also prohibited. Aside from these restrictions, there are virtually no limitations on any satellite or any sale of satellite pictures. And even these restrictions are going to be harder to maintain as competition increases from more companies outside the United States.

At the moment, the images are expensive, limited in coverage but not difficult to purchase. Foreign governments, private groups or individuals can now place their orders. In a competitive market with more countries offering this service, there will be competition to provide more precise pictures, of a greater number of subjects, in a more timely manner, at less cost. The restrictions the U.S. now imposes will be harder to maintain in such a free market. What was secret once, will be secret no longer.

Pictures of Area 51, for example, were provided by a Russian launched satellite. India is also beginning a program to launch high-resolution imaging satellites and Israel is planning to launch its own commercial satellite. American restrictions on satellite images of Israel only apply to American satellites. Soon commercial satellites will also be using radar imaging—and thus will no longer be limited by the need for clear skies—and hyperspectral sensors which permit analysis of chemical characteristics. The United States government has long been part of the action. NASA's Commercial Remote Sensing Program is based at the Stennis Space Center in Mississippi.

But it is clear that as this competitive industry grows in the future, we should examine the impact of commercial satellites on our nation's security. Many have applauded the growth of this industry as a means of keeping the public well-informed and expanding the national discussion on issues of national and international security. It is true that having access to satellite images of other countries does enable the U.S. to monitor more areas around the world, to identify violations of international agreements, detect human rights abuses and watch for possible security threats. It will mean private, non-governmental organizations, such as the one which commissioned the pictures of North Korea, will be watching the world too, and issuing their intelligence bulletins.

This may result in confusing interpretations. Countries could take advantage of the fact that they may be monitored by one of these satellites. Knowing that they are being photographed by a satellite and that these images may be made public, states could attempt to blackmail the international community by staging what appears to be a more robust nuclear program or preparations for a missile test for the benefit of the threatening images that this would produce. After all pictures do not lie, do they? Or they could do exactly the opposite and disguise their advanced defense capabilities so that the images captured and released to the media actually reinforce a rogue nation's efforts to circumvent international law.

This possibility calls to mind the pictures taken last January of the Nodong missile launch site in North Korea. As I mentioned earlier, those pictures depicted a crude missile site and a launch pad that cuts through a rice paddy, making the North Korean facilities appear primitive and unthreatening. But these observations contradict the September 1999 National Intelligence Estimate which believes North Korea to be the country most likely to develop ICBMs capable of threatening the U.S. during the next fifteen years. If the U.S. accepts these pictures as fact and believes that the North Korean missile site is as unthreatening as it appears, should we let down our guard and disregard the threat they may pose to our country? I think not.

Similarly, in March of this year, satellite photos of Pakistan's nuclear facility and missile garrison were taken by a commercial satellite and sold to a Washington-based arms control organization. These images have sparked a public policy debate over their interpretation and international security implications. The organization that purchased these photos insists that they are proof that Pakistan will not be persuaded to give up its nuclear weapons program. However, a possible misinterpretation of this data could easily incite a flare-up of the already volatile relationship between Pakistan and India.

We cannot make assumptions about what these pictures mean when constructing our national security policy. Our eyes can deceive us. Photo interpretation is going to open up a new area of commercial employment for former government analysts. This evolving space race of the commercial satellite industry can offer us many military and civilian benefits. It can be an important tool in assisting us to make many of our national security decisions in the future. But we must also be wary about jumping to conclusions from what we see. A single picture may not be worth a thousand words. We must contemplate the use of these commercial satellites carefully and find the way to best utilize them so that they bolster, not threaten, our national security.

Just as Global Positioning System (GPS) navigation devices are now widely accessible, we could have a situation in which an enemy uses GPS to attack an American target identified by commercial satellite imaging. Recently, the White House announced the United States would stop its intentional degradation of the GPS signals available to the public, giving the public access to the precise location system previously possible only for the Department of Defense. Defense is requesting $500 million in FY2001 to sustain and modernize the GPS program. Much of the technology used in commercial space launches came from the military.

This is a strange new world. We need to gain a greater understanding of the implications of this technology on our national security. The technology may be inherently uncontrollable—just as export controls over computer encryption became impossible to sustain. Satellite imagery has the potential to be a major asset to the arms control, human rights, and environmental communities. We are witnessing the birth of a new area of information technology. I would urge my colleagues to consider this issue as we begin to examine American security in the 21st century.

## 142ND ANNIVERSARY OF THE ADMISSION OF THE STATE OF MINNESOTA INTO THE UNITED STATES OF AMERICA

Mr. GRAMS. Mr. President, the State of Minnesota has truly been blessed with a wide array of remarkable gifts. Few places on Earth can boast such diversity amongst its abundant natural resources, prosperous industries, and exceptional people. Today marks the 142nd anniversary of Minnesota's admission as the thirty-second state of the Union, and I want to take this opportunity to reflect on a few of the things that make my state special. This is a difficult speech to make in such a short amount of time, as I am sure I could break Senator THURMOND's twenty-four hour and eighteen minute filibuster record by talking about Minnesota's contributions to America but I will stick to just a few of the highlights and try to finish up by sundown.

Minnesota's natural beauty has been photographed and documented time and time again. License plates may proclaim Minnesota to be "The Land of 10,000 Lakes," but in reality, our vast lakes number in excess of 12,000, and we have more than 63,000 miles of natural rivers and streams. But there is something about sitting on the shore of Mille Lacs Lake at dawn on a Saturday in July that even a two-page spread in National Geographic cannot capture.

Minnesotans have a unique relationship with their great outdoors. Many take advantage of our pristine environment through a large assortment of activities, such as taking a week to canoe through the Boundary Waters or going for a walk along the Mississippi River over a lunch hour. Minnesota is a true sportsman's paradise. Our unique habitat creates some of the best hunting and fishing in the country. We are proud of our outdoor heritage, and take seriously our commitment to maintaining the delicate balance between protecting the environment and the responsible use of our resources.

Nor are we shy about sharing our bounty with others. Minnesota welcomes more than 20 million vacationers every year, who support 170,300 tourism jobs and return $9.1 billion to the local economy. Yet, for all those visitors, our state offers places of such solitude that a camper or canoeist can travel for a week and spot any number of deer, bears, and bald eagles, but never see another person.

The influence of agriculture on Minnesota life and traditions cannot be overstated. Even as family farms struggle in today's difficult market, the resilience and dedication of our farmers establishes the backbone of the Minnesota economy. One in every four Minnesota jobs is tied to the agriculture industry in some way. Minnesota has become a national leader in international exports, as our producers export billions of dollars worth of grains, meats, and other products every year. I am proud of my ongoing efforts to ensure that even more world markets are opened to Minnesota agriculture products—they are among the best products in the world, and they should be shared. Many of the nation's top job providers call Minnesota home. Well-known names like General Mills, Pillsbury, 3M, Target, and Cargill have deep roots within our communities. Aside from the economic impacts made by our corporate community, there is an impressive philanthropic presence in the state. For example, Cargill's generous contributions to causes such as education, environment, and youth programs total in the tens of millions of dollars.

Firms such as Medtronic and St. Jude Medical are national leaders in the bio-medical industry. Their products have given hope to those who previously faced a bleak medical outlook. Other Minnesota organizations are searching for answers to tomorrow's problems—today. The world-renowned Mayo Clinic not only treats over half a million patients a year, but is leading the charge against the mysteries of mankind's deadly diseases through its ongoing research.

Of all the successful companies, natural beauty, and bountiful resources Minnesota plays host to, the real treasures are the people of my state. Successful Minnesotans come from all walks of life. Some of the most prolific writers of the past century have hailed from the North Star State. The first American to be awarded the Nobel Prize for Literature was Sinclair Lewis, a native of Sauk Centre, Minnesota. F. Scott Fitzgerald, Jon Hassler, and Garrison Keillor are all writers we are proud to call our own.

Something about the fresh air in Minnesota inspires us to do bigger and better things. Charles Lindbergh must have gotten a big whiff of that air; so did Judy Garland, Kevin McHale, and Bob Dylan, just to name a few. Our state and nation recently mourned the loss of one of our most beloved natives. Charles Schulz captured the hearts of young and old alike with his long-running Peanuts comic strip, and we will miss him each and every Sunday.

There are many Minnesota celebrities who have contributed to the richness of our nation, but the people who really deserve the applause and recognition are the men and women who day in and day out strive to make their communities, state, and nation a better place to live. The farmer who harvests our nation's corn, the policewoman who patrols the streets, the stay-at-home mom who supervises a household of kids, and the volunteer who takes the time to visit a disabled veteran rarely receive the accolades they deserve. These people are as indispensable to the growing, bustling community of St. Michael-Albertville as they are to the thriving metropolis of Minneapolis-St. Paul. I applaud them and am proud to represent each of them here in the United States Senate.

The quality of life in Minnesota is outstanding for a reason. Ideals such as hard work, dedication, personal responsibility, and a true passion for life are all essential to my state's success. Growing up on a Minnesota dairy farm, I was fortunate enough to witness these qualities and their importance at a very young age.

And for any of my colleagues who may be wondering, you don't have to be a native to spread the "Minnesota Nice" spirit. For example, some of the most outstanding Minnesota citizens are those from its many ethnic communities. Their devotion and contribution to Minnesota's way of life is commendable, and representative of the way our state seems to bring out the very best in its people.

I am deeply proud of my state, Mr. President, and representing her and her citizens is a great honor. So, on this 142nd anniversary of our statehood, I encourage Minnesotans to take time to discover something new about our state and ponder some of the many treasures with which we have been blessed. Visit one of our sky-tinted lakes, the Mall of America, Split Rock Lighthouse, Fort Snelling, or even the world's largest ball of twine. Take pride in our state and continue the efforts to make Minnesota an even better place to call home.

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## CRIME VICTIMS' RIGHTS

Mr. JOHNSON. Mr. President, for the eighth year in a row, the Uniform Crime Report indicates that violent crime has decreased across our country. In 1999, the number of murders, rapes, aggravated assaults, robberies, and property crimes decreased eight percent in the Midwest and seven percent overall. While crime experts will argue endlessly on the reasons behind this remarkable trend, I believe that local, state, and federal law enforcement are primarily responsible for making our streets safer than a decade before.

While I am pleased with the results of this new report, it is important to remember that behind every crime statistic, there is a child, a spouse, a relative, or a friend that has been victimized. Even one crime is too many because that crime victim has been violated in a way that forever changes their life. In our country's haste to focus on what should happen to the criminal, the victim is too often overlooked. That doesn't have to be the case, and I believe that more should be done to assist crime victims in South Dakota and around the country.

As a former prosecutor, I am well aware that victimization in and of itself is terrible to cope with, let alone the anguish of a legal proceeding and restitution recovery. The voice of the victim should be heard at every step of the criminal process, and local and state programs should have adequate resources to effectively deal with crime victims.

States have taken the lead in protecting the rights of crime victims, and it is time for the federal government to follow suit. South Dakota provides a number of specific "victims rights" including the right to restitution, notices of scheduled hearings and releases, an explanation of the criminal charges and process, and the opportunity to present a written or oral victim impact statement at trial. South Dakota also has victim/witness assistants in many of the prosecutor's offices across the state who work with crime victims on a daily basis.

I am a cosponsor of the Crime Victims Assistance Act which enhances victims' rights for federal crimes and provides several grants for state and local prosecutors, judges, prison employees, and law enforcement officials to improve their handling of crime victims as well. However, instead of passing this important piece of legislation that would have an immediate impact on state and local efforts to improve crime victims services, some in Congress prefer to focus their attention on proposals to amend the United States Constitution. I have reservations about amending the constitution while Congress has the ability to enact legislation instead to accomplish the same goal. I am more concerned that this focus on a constitutional amendment has slowed the pace of crime victim legislation over the past several years. It is critical that Congress pass and the President sign into law the Crime Victims Assistance Act this year.

In addition to the Crime Victims Assistance Act, Congress must pass this year the Violence Against Women Reauthorization Act (VAWA II). Since enactment of the Violence Against Women Act in 1994, the number of forcible rapes of women have declined, and the number of sexual assaults nationwide have gone down as well. South Dakota organizations have received $6.7 million in federal funding for domestic abuse programs and $1.6 million in federal funding for battered women's shelters.

Despite the success of the Violence Against Women Act, domestic abuse and violence against women continue to plague our communities. Consider the fact that a woman is raped every five minutes in this country and more women are injured by domestic violence each year than by automobile accidents and cancer deaths combined. Local and state officials should have access to more—not fewer—resources to address domestic violence, and it is critical that programs authorized through VAWA II receive stable levels of funding for the next five years.

Supporters of a constitutional amendment for crime victims have withdrawn their proposal from consideration on the Senate floor this year. I am hopeful that my colleagues will seize this opportunity to continue the very valuable discussion on crime victims' rights and work to pass the Crime Victims Assistance Act and VAWA II as soon as possible.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 10, 2000, the Federal debt stood at $5,664,193,479,449.87 (Five trillion, six hundred sixty-four billion, one hundred ninety-three million, four hundred seventy-nine thousand, four hundred forty-nine dollars and eighty-seven cents).

One year ago, April 26, 1999, the Federal debt stood at $5,571,920,000,000 (Five trillion, five hundred seventy-one billion, nine hundred twenty million).

Five years ago, May 10, 1995, the Federal debt stood at $4,856,767,000,000 (Four trillion, eight hundred fifty-six billion, seven hundred sixty-seven million).

Ten years ago, May 10, 1990, the Federal debt stood at $3,075,637,000,000 (Three trillion, seventy-five billion, six hundred thirty-seven million).

Fifteen years ago, May 10, 1985, the Federal debt stood at $1,739,232,000,000 (One trillion, seven hundred thirty-nine billion, two hundred thirty-two million) which reflects a debt increase of almost $4 trillion—$3,924,961,479,449.87 (Three trillion, nine hundred twenty-four billion, nine hundred sixty-one million, four hundred seventy-nine thousand, four hundred forty-nine dollars and eighty-seven cents) during the past 15 years.

## ADDITIONAL STATEMENTS

### ON THE RETIREMENT OF GORDON C. KERR

• Mr. LEVIN. Mr. President, I rise today to pay tribute to a member of my staff, an advisor, and a man I feel honored to call my friend, Gordon Kerr.

Gordon, who has served as my Chief of Staff since 1982, has retired from government service to join the National Trust for Historic Preservation as the Director of Congressional Affairs. His 17 years as my top aide made him the dean of Senate Chiefs of Staff.

Gordon has served me for these many years in a variety of ways. He has been an invaluable advisor on issues of public policy and legislative strategy, as well as on personal and political matters. He has a clear-eyed, straightforward, right-in-your-face way of evaluating issues and events, and expressing his opinion about them which makes it nearly impossible to walk a bad idea past him. At least not without his calling you on it.

And yet, the first thing that anyone who knows Gordon immediately says is, "what a wonderful human being". How does a plain-speaking, realist like Gordon, come to be so uniformly regarded with such warmth and affection? It's simple when you think about it. Gordon is so open, principled, ethical and kind-hearted in his approach to the people he comes in contact with that it is nearly impossible to take offense at his candid advice. I'm reminded of what I've read about Robert Kennedy who also was known both for his brusque, sometimes harsh candor, but also for his high principles, and thoughtful consideration of others. "My, he is unassimilated, isn't he?" poet Robert Lowell was reported to have said when he first met him.

In all, Gordon spent more than 30 years on Capitol Hill, beginning as a Legislative Assistant for former-Congressman James Scheuer of New York in 1970, joining former-Congresswoman Barbara Jordan of Texas in 1973, and then working for former-Congressman Jonathan Bingham of New York from 1973 until 1982, when he joined my staff as Chief of Staff. Gordon is a graduate of Yale University with a B.A. degree in Political Science and he holds a Masters degree in Public Administration with Distinction from American University, awarded in 1980. He served in the United States Navy as an Intelligence Officer for three years.

In 1990, Gordon served as my campaign manager. Former Senator Eugene McCarthy, with his wonderful irreverent sense of humor, once remarked that practicing politics is a little "like being a football coach; you have to be smart enough to understand the game, but dumb enough to think it's important." Well, Gordon is a brilliant strategist, an outstanding "coach", and although his acute sense of humor would appreciate Senator McCarthy's self-deprecating quip, nonetheless he's always known the importance of the game. He's proud of the work he's done in the Senate as a public servant, and rightly so. And, he's proud of his work in the world of campaigns and politics, doing his part on that tough battleground. He was ever-conscious of the role of politics, which we sometimes tend to forget, in the accountability which is at the heart of the democratic system.

Characteristic of Gordon is his ability to see things from a new, fresh, sometimes unique angle. In a time when even the public policy debate is increasingly driven by political polls, television sound-bites, and oversimplified sloganeering, it was particularly valuable to me to have his contributions. Even when I did not ultimately adopt his viewpoint or accept his recommendation, having the benefit of Gordon's input nearly always informed my decisions.

While Gordon has been a dedicated public servant and loyal and hard-working employee, his first priority has always been his wonderful family. His love of his wife Suzy, his son Charlie and daughter Sarah were evident in his voice whenever he spoke of them and in the special sparkle in his eyes when he was with them. I know I speak not only for myself and the Levin family, but for the entire Levin staff and many in the Senate family, when I say we will miss Gordon and the Kerr family. Fortunately, in his new role at the National Trust for Historic Preservation he won't be too far away.

Mr. President, I owe Gordon Kerr a great debt for the loyal service which he has performed; and I believe that all of us here in the Senate, in my home state of Michigan, and in the nation, owe a debt of gratitude to him and the many like him who serve us here. This tribute to Gordon Kerr, in a small way, is an effort to recognize that role.•

### TRIBUTE TO EDWARD KEHOE

• Mr. JEFFORDS. Mr. President, today I rise to pay tribute to an extraordinary Vermonter and a determined leader, Edward Kehoe. Ed Kehoe was born in Rutland, my hometown, to the late James and Grace Kehoe and graduated from Rutland High School before serving in the U.S. Army with the 26th Infantry Regiment during World War II. As a decorated war hero, Ed Kehoe returned to Vermont to own and operate Kehoe's Diner in Hydeville.

Ed Kehoe served as the town manager of Castleton from 1955 to 1965 before being elected the Vermont House for a single term. In August 1965, Ed Kehoe was appointed to head the Fish and Game Department where he served as the Vermont fish and wildlife commissioner under four governors until he retired in August 1982. He was an avid sportsman and member of an many Vermont sportsmen organizations until his death in late April. At the time of his appointment Ed Kehoe was initially troubled by his lack of a "professional" background in biology or wildlife management. However, his experience as a hunter and angler gave him the needed edge.

Led by his ability to draw on experience and heed the advise of biologists, Ed Kehoe led the Vermont crusade to resist development pressures. During his 17-year tenure as commissioner, Ed Kehoe established two Green Mountain Conservation camps to help teach younger Vermonters how to fish and camp, helped to improve the state warden force, expanded the statewide Hunter Safety Program, and worked to restore Connecticut River salmon and wild turkeys throughout Vermont. Perhaps Ed Kehoe's greatest contribution to the state was his ability to push, acquire, and protect lands with significant wildlife and recreation value.

Ed Kehoe's most recent award speaks to his accomplishments. Last year the Rutland Herald honored his visionary concerns about nongame species and protection of important property by naming him, "Outdoorsman of the Century." John Hall, spokesman with Fish and Wildlife Department, recently alluded to Ed Kehoe's achievement, "Ed wanted to make sure we were passing on the hunting and fishing traditions to future generations of Vermonter to enjoy. He always had the everyday Vermonter in mind, the average person of average means. He was the supreme steward of fish and wildlife resources."

I pay tribute today to a man who paid tribute every day, to the values the everyday Vermonter holds dear. We have lost an extraordinary man, but his contributions to Vermont wildlife policy will live on.•

## TAIWANESE AMERICAN WEEK

• Mr. FEINGOLD. Mr. President, this month I join Americans throughout Wisconsin and across the nation in celebrating Taiwanese American Heritage Week, honoring the many important contributions to American society of the more than half a million Taiwanese Americans in the United States. Without the contributions of Taiwanese Americans, we would lack the important AIDS research of Dr. David Ho. We would be denied the work of Nobel Laureate chemist Dr. Lee Yuan-Tse and that of the many American scientists he inspired. We would not be able to search for information on the internet by using Yahoo, cofounded by Jerry Yang. Thousands of Taiwanese Americans throughout the country have made important achievements in a wide range of sectors, including doctors, teachers, lawyers, and computer technology experts. They have improved the lives of their fellow American citizens, and they will play an integral role in our future.

Besides their many contributions here at home, Taiwanese Americans have also played a vital role in the political transformation of Taiwan. For many years, they organized letter-writing campaigns, planned marches and demonstrations, and talked to any U.S. policy-maker who would listen about their dreams for Taiwan's future as free and democratic. Many risked arrest in—or exile from—their homeland as a result of their activities. The tireless work of Taiwanese Americans helped ensure the success of Taiwan's democratic evolution, beginning with the lifting of martial law in 1987 and culminating with the first fully democratic presidential election in 1996. These are achievements that all Americans can celebrate. I join Taiwanese Americans in congratulating the winners of the March presidential elections in Taiwan.

Mr. President, Taiwanese American Heritage Week recognizes the longstanding friendship between the people of the United States and Taiwan, and celebrates our shared values. I commend the great accomplishments and contributions of the Taiwanese American community.•

## BE KIND TO ANIMALS WEEK

• Mr. GRAMS. Mr. President, I rise today in recognition of "Be Kind to Animals Week." This week is a time to draw attention to how important animals are to our lives and to make sure they receive the treatment and protection they deserve.

The American Humane Association was founded in 1877 with a goal to unite a few groups to give a national voice to those who could not speak for themselves: animals. The Association established Be Kind to Animals Week in 1915, the first national week specifically for animals and now the oldest week of its kind in existence in this country.

This is the 85th year "Be Kind to Animals Week" will be celebrated. The leader of the American Humane Association in 1915 was Dr. William O. Stillman, who foresaw this week continuing on "as annual events to stimulate and revive human thought."

The three main goals of the first Be Kind to Animals Week were to encourage the clergy to spread the message about kindness to animals by observing Humane Sunday, to visit schools and teach children the message of being humane, and to publicize the good works of our nation's humane societies. These noble goals continue on today through the American Humane Association.

Mr. President, I would like to recognize the many Humane Societies in my home state of Minnesota. These organizations are on the front lines of standing up for and protecting animals across Minnesota. By visiting a local animal shelter, I know many citizens have bettered not only the lives of countless animals through adoption, but surely their own lives in the process. The staffs and volunteers of Minnesota Humane Societies continue to make this possible for all citizens—and their efforts to teach people the importance of spay-neuter programs have also been extremely helpful.

Animals certainly have a tremendous effect on our lives. Domesticated animals are considered family members to many of us. Farm animals provide nourishment to families here at home and around the world. And wild animals provide a balance to our overall ecosystem.

I am sure Dr. Stillman would be extremely pleased to see his plan of having an annual week to remember the important role of animals continuing on in its 85th year. I want to urge everyone to use this week to take a minute and reflect on what animals mean to our lives, and how we can continue to give animals the protection and care they deserve every day.•

## TRIBUTE TO RICHARD BUNKER

• Mr. REID. Mr. President, I rise today to honor a distinguished Nevadan, a good man, and a good friend, Mr. Richard Bunker. Richard will be receiving the National Jewish Medical and Research Center's Humanitarian Award on June 3, 2000. The Humanitarian Award recognizes individuals who have made significant civic and charitable contributions, and whose concern is not personal, but for the greater community. There is no one more deserving of this honor than Richard Bunker.

Richard's legacy of service to the state of Nevada is long and remarkable. He has served as Assistant City Manager of Las Vegas and Clark County Manager, before being appointed Chairman of the prestigious State Gaming Control Board, and is now a member of the Colorado River Commission while being a member of the Board of Trustees for the Hotel Employees and Restaurant Employees International Union Welfare/Pension Funds. I was Chairman of the Gaming Commission when Richard was Chairman of the Gaming Control Board. We were partners then and still are.

As Chairman of the Colorado River Commission of Nevada, Richard is Nevada's ambassador on the Colorado River. With shrewdness and finesse, he has developed positive relations with officials of the Colorado River basin states. His political skill has firmly reestablished Nevada as a player on the important issues of the Colorado River community. He also made the critically needed expansion of Southern Nevada water facilities a reality when he brokered a financial plan with the business, developer, and gaming communities.

Over the years, Richard Bunker has also been recognized by a variety of distinguished organizations. In 1993, he received the prestigious Distinguished Nevadan of the Year award from the University of Nevada, Las Vegas. The Anti-Defamation League honored Richard with the Distinguished Community Service Award in 1996. In June 1999, he was presented with the Lifetime

Achievement Award by the Nevada Gaming Attorneys and the Clark County Bar Association.

For those of us who have had the pleasure to work closely with Richard, as I have, the above awards pale in comparison to his true grit. He is knowledgeable of the system of government and totally aware of the magic of our system of free enterprise. For the growth and development of southern Nevada, no one for the past twenty-five years has played a more key role than Richard Bunker.

On a more personal note, Richard has played an important part in my political endeavors. He has been an advisor, counselor, and sounding board. Above all else, he is a good listener, for this Richard, I am grateful.

I extend to you my congratulations and the appreciation of all Nevadans for your good work on their behalf.•

## A TRIBUTE TO GENERAL WESLEY CLARK

• Mr. LUGAR. Mr. President, last week, in a EUCOM change of command ceremony, General Wesley Clark relinquished his position as Supreme Allied Commander Europe, concluding one of his generation's most illustrious and eventful military careers. As he testifies before the Senate Select Committee on Intelligence today, I want to highlight the contributions of General Clark to the national security of the United States and to its friends and allies in Europe and around the globe, and thank him for his service to NATO as Supreme Allied Commander Europe.

As NATO Secretary General Lord Robertson put it: Wes Clark has been the right man, in the right place, at the right time. He has been instrumental in bringing a degree of stability to Bosnia-Herzegovina, so that efforts at reconstruction and reconciliation could proceed. General Clark welcomed three new members to the Alliance and has worked tirelessly to integrate them fully—militarily and politically—into the activities and decision-making processes of the Alliance. The General has worked to turn the Partnerships for Peace into stepping stones rather than alternatives to Alliance membership, and he has kept the door open to new entrants, while setting forth high military standards for full integration.

But nowhere have General Clark's political and leadership qualities been more evident than during NATO's Kosovo campaign. Having been a key participant in diplomatic efforts seeking a solution to Yugoslavia's ethnic turmoil and disintegration, General Clark changed hats without missing a beat and assumed command of the Alliance strategy to complement diplomacy with military power. General Clark's steadfast pursuit of military victory coupled with the maintenance of political cohesion in Alliance planning cells at NATO Headquarters brought the Western coalition to one of its finest hours in its 50-year history.

Equally important, General Clark recognized that military success could not produce peace, prosperity and stability on the ground without an effective civil implementation program that allowed the peoples of the Balkans the tools to address their historical grievances toward one another. He knew that the political unity he helped to forge as a prerequisite to military success must now be sustained and strengthened if the civilianization process is to succeed.

Secretary of Defense Cohen put it well at the EUCOM Change of Command ceremony last week in Europe. He said:

> In General Wes Clark, America found a scholar, a soldier and a statesman: a scholar of unquestioned courage, a bronze and silver star hero who, despite grievous wounds, inspired his unit to survive in the jungles of Vietnam; a soldier of insight who returned to train those who prevailed in Desert Storm. He is a statesman whose influence has been felt from the Americas where he helped to guide the fight against drug barons to Dayton where his counsel helped end the bloodletting in Bosnia.

Those sentiments are shared by those of us in the Senate who have benefitted from General Clark's wise counsel over the years. He was never too busy for one more briefing at NATO Headquarters or in the field. When the relevant committees held their hearings, General Clark was on the plane so that he might address Congressional concerns across the table, not across the ocean.

Members of both branches of government are now in the process of assimilating the "lessons learned" from the Kosovo campaign. General Clark has recently completed his own "after action" report. But for the United States, there is one incontrovertible lesson to be learned: If the history of the last year or so in the Balkans were to repeat itself, the United States and the Alliance would be well served by having Wes Clark again at the helm of a coalition of nations intent on defending their common interests.•

## RETIREMENT OF DON GUNDERSON

• Mrs. FEINSTEIN. Mr. President, on May 21, students and former students, their parents, teachers and administrators of Los Altos High School, will come together in Southern California to show their appreciation, and express their thanks and best wishes to Don Gunderson, who is retiring this year after 41 years as a music educator.

Don Gunderson began his teaching career at the halfway point of President Dwight Eisenhower's second term, working with his mentor in Washington state, teaching instrumental music in the junior high, as well as music to elementary schoolers. Three years later, in 1961, Mr. Gunderson came to Anaheim, California to be the band, orchestra and choir director at Crescent Junior High School, which was still in construction when he was hired. Five years later, he began a very distinguished eleven-year career as the band and orchestra director at Savannah High School in Anaheim. In 1978, Mr. Gunderson rose to the college ranks, serving as head of the jazz and student teacher programs at California State University at Fullerton.

Three years later, in 1981, Don Gunderson decided to return to high school instruction at Los Altos High School, in Hacienda Heights. At that time, Los Altos was one of the largest musical programs in Southern California, with a strong reputation in marching band competitions. For the next nineteen years, Los Altos High School would become more than just the home of one of Southern California's largest marching bands—it would be the site of one of our nation's internationally recognized music education programs. The Los Altos Entertainment Unit has performed at the Fiesta Bowl pageant twice and marched in the Tournament of Roses Parade four times. They've been here in Washington, where they performed at the White House, and traveled for performances in Florida and the Bahamas.

Don Gunderson began building the music program's international credentials in 1982, when he led the Los Altos Entertainment ,Unit on a two week tour of England and Scotland. Knowing that very few, if any Americans, knew of Hacienda Heights, Mr. Gunderson was prepared when inquiring Brits asked where in the world is Hacienda Heights: "We're not far from Disneyland" was his reply. It's safe to say that after that 1982 trip, along with a return visit ten years later as guests of the British Military as part of the prestigious Royal Tournament, the people of Britain know how to find Hacienda Heights on a map. The same can be said for music-lovers that had the good fortune to see and hear Los Altos perform in Germany, Italy, Austria, and Switzerland. The Los Altos Entertainment Unit has been the recipient of countless awards and achievements. Los Altos was designated the Official Youth Band of the 1984 Summer Olympics, and was crowned three times as marching band champions at the Southern California Tournament of Champions. And that's just the marching band, color guard and dance team. Don Gunderson brought to Los Altos a commitment to a total music program, and strived to establish the same standard of excellence to the orchestral and jazz programs.

Perhaps just as significant are the signs of recognition and respect given to this program in ways other than award ceremonies. Go to a Friday night football game at Los Altos and you're sure to find a few young people from other high schools in Southern California in the stands not to see the football team, but to watch and hear the Entertainment Unit. Those same football games certainly sparked the imaginations of young elementary and junior high school students, who would come home interested in learning music and being a part of the Entertainment Unit. Come to the football field on a night when the Entertainment Unit is rehearsing and you're sure to find parents, students, teachers, former students, and even students from other high schools in the stands. Trace the career paths of those who learned from Don Gunderson and yes, you'll find those who have gone on to rewarding careers in music and music education. However, there are many more alumni of the Los Altos Entertainment Unit that pursued other careers, but they carry with them lessons learned from Don Gunderson on football fields, concert halls, or the band room that go beyond musical notes on a page—lessons in teamwork, preparation, determination, and excellence.

Mr. President, those who have learned and applied these and countless other lessons from Don Gunderson will have an opportunity to say thanks in a few short weeks. Let me join them in expressing my admiration to a man who has brought the joy of music to thousands of students and parents, and to countless more around the world who have heard the stirring opening fanfare, "Conquistadores." Perhaps more important, let me express my own thanks to Don Gunderson for the honor and inspiration he has brought to the teaching profession for more than forty years. To borrow from the Los Altos motto, Don Gunderson has engaged and conquered.

I wish Don Gunderson, his wife Judy and his family, all the very best.•

## REAR ADMIRAL STEPHEN TODD FISHER

• Mr. INOUYE. Mr. President, I would like to take a moment to honor Rear Admiral (Upper Half) Stephen Todd Fisher as he retires from the United States Navy after more than thirty-four years of active duty service. For the last five years, Rear Admiral Fisher has been the Deputy Surgeon General of the Navy—the first non-physician officer to serve in that position.

In addition, Rear Admiral Fisher was the first Medical Service Corps officer to be selected by a board to the rank of two-star Admiral within the Department of Defense. He served as the Director of the Medical Service Corps from 1993–1995. RADM Fisher's assignments included tours on the U.S.S *Repose* (AH 16); Headquarters, Fleet Marine Force, Pacific; various Navy Hospitals and Clinics; the Naval School of Health Sciences; the office of the Chief of Naval Operations; and the Headquarters for Navy Medicine. He is also the recipient of the 2000 American Hospital Association award for Excellence in Federal Service.

Rear Admiral Fisher's leadership as the Executive Agent for the Department of Defense Clinical Business Area led to the development of a computerized patient record which will be tested and evaluated this summer for government-wide adoption. This accomplishment has been highly praised by the National Library of Medicine Board of Regents and completes the planning segment of the Composite Health Care System II program. As Chairman of the Board of Directors of the Government Computerized Patient Record, Rear Admiral Fisher coordinated linkage between the Department of Veteran's Health Administration, the Department of Defense, and the Indian Health Services. A prototype of the Computerized Patient Record has been developed and will be alpha tested in Alaska in 2001. Under his leadership, the Composite Health Care System II Program Office was selected for the Government Technology Leadership Award and the Smithsonian Technology Award in recognition of its visionary use of information technology.

As a principal member of the Military Health System Information Management Proponent Committee, Rear Admiral Fisher worked closely with the Deputy Surgeons General of the Air Force and Army, and the Executive Director of the Defense Medical Information Management System orchestrating the development, prioritization, and achievement of information management goals for medical readiness and peacetime health care programs for the Department of Defense. His contributions are far-reaching and will positively impact military health care for years to come.

Mr. President, Rear Admiral Fisher's many meritorious awards and decorations demonstrate his contributions in a tangible way, but it is the legacy he leaves behind for the Navy Medical Service Corps, the United States Navy, and the Department of Defense for which we are most appreciative. It is with pride that I congratulate Rear Admiral Fisher on his outstanding career of exemplary service.•

## IN MEMORY OF JO-ANN MOLNAR

• Mr. KERRY. Mr. President, I would like to share just a few words about a good friend we recently lost, someone I have known since I first ran for Lieutenant Governor in Massachusetts in 1982, a good hearted and selfless individual who was always an inspiration, Jo-Ann Molnar. Jo-Ann recently passed away after bravely battling cancer, and I know that I am not alone in saying that as someone whose life was touched by Jo-Ann Molnar's service, activism, and warmth, there is today a deep and profound sense of loss. In Jo-Ann many of us have lost—and today I would like to honor—a committed activist, a person of enormous courage and character and, most simply, a great friend.

I first met Jo-Ann Molnar when I was running for Lieutenant Governor of Massachusetts, and Jo-Ann approached me at one of our earliest events and offered to help in any way she could. It was on that race in the middle of a difficult and heated campaign that Jo-Ann first demonstrated to me not just that she was an indefatigable volunteer, but that she was one of those individuals who—through her commitment to do what is right, through her belief in politics not as sport but as a fight for principle—could reaffirm precisely why politics matters and why public service is worthwhile.

Jo-Ann and I remained close ever since that first campaign, and I looked forward to and always appreciated Jo-Ann's warm cards and greetings. Always a loyal friend, Jo-Ann would share with me her thoughts on issues of importance, keep me abreast of her accomplishments, and offer me words of encouragement as I worked to find my way in the United States Senate.

It was through her frequent cards and letters—and the occasional happy meeting either in Massachusetts or at political gatherings around the Maryland area—that I learned of the many ways in which Jo-Ann continued to dedicate herself to public service. Her determination to make a difference led her to remarkable achievements. In 1977, Jo-Ann graduated magna cum laude from Fairleigh Dickinson University, with a degree in history and political science. She went on to earn a master's degree in political science from American University. Jo-Ann selflessly offered her leadership to her fellow Democrats, serving admirably as President of the Montgomery County, Maryland Young Democrats, as Vice Chair of the Handicapped Commission in Montgomery County, and on the Board of Directors of the Montgomery County public libraries. In addition to her help with my campaigns, Jo-Ann served as a legislative intern to U.S. Senator Donald Reigle, U.S. Representative Gene Andrew Maguire, and Montgomery County Council member Michael L. Gudis. She also worked as a Congressional Liaison Assistant for the U.S. Department of Health and Human Services. For almost a decade, Jo-Ann served as a legal researcher for the Human Relations Commission. She gave of herself as a Sunday School teacher and a confirmation teacher at the Foundary United Methodist Church in Washington, D.C, as well as an instructor at Colesville United Methodist Church in Silver Spring, Maryland.

Mr. President, Jo-Ann lived a life true to her ideals of service—service to community, service to faith. I would add, though, that none of these achievements would have been possible if Jo-Ann had not worked so hard to overcome cerebral palsy. Jo-Ann refused to be slowed by her disability—and in fact rejected the notion that she should in any way lower her expectations for herself or expect different expectations from those to whom she so selflessly offered her best efforts. Jo-Ann was a fighter, and I continually marveled at her drive to rise above what some would view as limitations.

For that reason, Jo-Ann served as one of the best possible advocates and activists for the Americans with Disabilities Act. Honored as a teenager for her activism on the Education for All Handicapped Children Act, Jo-Ann kept pushing as an adult to break down barriers in our society that she believed kept disabled Americans from maximizing their contributions to their communities and our nation. Jo-Ann was not just an advocate for legislation to protect and empower disabled Americans—she was the living embodiment of those efforts.

Mr. President, it is difficult to accept that we have all lost a friend in Jo-Ann Molnar, but it is particularly difficult, I know, for Jo-Ann's family—her mother, Helen, and her two sisters, Dorothy and Ilona. They are in our thoughts and prayers.

I was comforted, though, to learn that Jo-Ann was able to enjoy life as she had always done, up until her last days. Jo-Ann's mother, Helen, let me know that she had a wonderful Christmas with her family and was able to attend a New Millenium New Year's Eve celebration, complete with the 60's rock music she loved. Just as she did throughout her life, even in her most difficult days, Jo-Ann kept on doing the things that she loved—and she moved forward in so many remarkable efforts driven by a real sense of social conscience.

Mr. President, today I remember Jo-Ann for her service, her friendship, and her kindness. All of us who knew her continue to draw strength from her courage and her faith, and Jo-Ann's life continues to inspire.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## MESSAGES FROM THE HOUSE

At 10:04 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 3709. An act to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet.

### ENROLLED BILL SIGNED

At 2:24 p.m., a message from the House of Representatives delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 2412. An act to designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse."

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

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At 5:18 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 701. An act to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

## MEASURE REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 701. An act to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; to the Committee on Energy and Natural Resources.

## MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 4386. An act to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program, to amend the Public Health Service Act and the Federal Food, Drug, and Cosmetic Act with respect to surveillance and information concerning the relationship between cervical cancer and the human papillomavirus (HPV), and for other purposes.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURNS, from the Committee on Appropriations:

Report to accompany the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purpose (Rept No. 106–290).

By Mr. MCCONNELL, from the Committee on Appropriations:

Report to accompany the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purpose (Rept. No. 106–291).

## EXECUTIVE REPORT OF COMMITTEE

The following executive reports of committee were submitted:

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

Donald W. Horton, of Maryland, to be United States Marshal for the District of Columbia for the term of four years.

E. Douglas Hamilton, of Kentucky, to be United States Marshal for the Western District of Kentucky for the term of four years.

Phyllis J. Hamilton, of California, to be United States Attorney for the Eastern District of Missouri for the term of four years.

Donnie R. Marshall, of Texas, to be Administrator of Drug Enforcement.

Nicholas G. Garaufis, of New York, to be United States District Judge for the Eastern District of New York.

Gerard E. Lynch, of New York, to be a United States District Judge for the Southern District of New York.

Steven S. Reed, of Kentucky, to be United States Attorney for the Western District of Kentucky for the term of four years.

Roger L. Hunt, of Nevada, to be United States District Judge for the District of Nevada.

Kent J. Dawson, of Nevada, to be United States District Judge for the District of Nevada.

Jose Antonio Perez, of California, to be United States Marshal for the Central District of California for the term of four years.

Audrey G. Fleissig, of Missouri, to be United States Attorney for the Eastern District of Missouri for the term of four years.

(The above nominations were reported with the recommendation that they be confirmed.)

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8926. A communication from the Auditor of the District of Columbia, transmitting, pursuant to law, a report entitled "Suggested Changes to the Office of the District of Columbia Auditor's Statutory Audit Requirements"; to the Committee on Governmental Affairs.

EC–8927. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas" (Docket # 00-007-1), received May 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8928. A communication from the Office of Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Imported Fire Ant; Quarantined Areas and Treatment Dosage" (Docket # 99-078-2), received May 9, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8929. A communication from the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report of Pay-As-You-Go Calculations, Report Number 505, dated May 2, 2000; to the Committee on the Budget.

EC-8930. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Acquisition Regulation: To Amend the EPA Acquisition Regulation Clause 1552.216-70, Award Fee" (FRL # 6606-6), received May 9, 2000; to the Committee on Environment and Public Works.

EC-8931. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Antelope Valley Air Pollution Control District" (FRL # 6606-3), received May 9, 2000; to the Committee on Environment and Public Works.

EC-8932. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Revision to the California State Implementation Plan, Monterey Bay Unified Air Pollution Control District" (FRL # 6602-7), received May 9, 2000; to the Committee on Environment and Public Works.

EC-8933. A communication from the Assistant Secretary for Fish and Wildlife and Parks, National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "36 CFR Part 51 Concession Contracts, Final Rule", received May 4, 2000; to the Committee on Energy and Natural Resources.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BURNS (for himself, Mr. WYDEN, Mr. LIEBERMAN, Ms. LANDRIEU, and Mr. TORRICELLI):

S. 2542. A bill to protect individuals, families, and ISPs from unsolicited and unwanted e-mail; to the Committee on Commerce, Science, and Transportation.

By Mr. JEFFORDS (for himself and Mr. SCHUMER):

S. 2543. To amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to include airplane and rail accidents within the meaning of the term "major disaster"; to the Committee on Environment and Public Works.

By Mr. ROCKEFELLER (for himself, Mrs. MURRAY, and Mr. DASCHLE):

S. 2544. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROBERTS (for himself and Mr. KERREY):

S. 2545. A bill to provide for the enhancement of study, research, and other activities in the United States relating to information technology and information protection technology; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. DURBIN, Mr. GRASSLEY, Mr. ASHCROFT, and Mr. FITZGERALD):

S. 2546. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether, to provide flexibility within the oxygenate requirement of the reformulated gasoline program of the Environmental protection Agency, to promote the use of renewable ethanol, and for other purposes; to the Committee on Environment and Public Works.

By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 2547. A bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ASHCROFT:

S. 2548. A bill to provide that extension of nondiscriminatory trade treatment to the People's Republic of China be contingent on the United States and People's Republic of China entering into a bilateral agreement relating to enforcement; to the Committee on Finance.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LAUTENBERG:

S. Res. 305. A resolution commending participant in the Million Mom March; to the Committee on the Judiciary.

By Mr. HELMS:

S. Res. 306. A resolution expressing the sense of the Senate with respect to Mother's Day that the United States Senate should reject the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW) as it demeans motherhood and undermines the traditional family; to the Committee on Foreign Relations.

By Mr. HELMS:

S. Res. 307. A resolution expressing the sense of the Senate with respect to Mother's Day that the United States Senate should reject the United Nations Convention on the Elimination of Discrimination Against Women (CEDAW) as it demeans motherhood and undermines the traditional family.

By Mr. GRASSLEY:

S. Con. Res. 112. A concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. JEFFORDS (for himself and Mr. SCHUMER):

S. 2543. A bill to amend the Robert R. Stafford Disaster Relief and Emergency Assistance Act to include airplane and rail accidents within the meaning of the term "major disaster"; to the Committee on Environment and Public Works.

### AMENDMENT TO STAFFORD ACT TO COVER AIRLINE AND RAIL ACCIDENTS

Mr. JEFFORDS. Mr. President, today I am introducing legislation to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Senator Stafford, my Vermont colleague whose seat in this body I am honored to hold today, authored the legislation creating FEMA more than 25 years a go. Thanks to his foresight and leadership in this area, the federal government has helped thousands of ordinary citizens recover from disasters and other incidents beyond their control.

Today we have a chance to build on the legacy of Senator Stafford by adding airline and rail accidents to the list of "major disasters" defined in the act that governs the Federal Emergency Management Agency.

While extremely rare occurrences, major airline and rail disasters place an incredible burden on the states and municipalities in which they occur. Due in part to the extraordinary level of national attention these accidents receive, states and municipalities face millions of dollars in unexpected and unbudgeted expenditures that often cripple local finances. Fees associated with initial response, security, and other health and safety measures often cost several million dollars.

This legislation standardizes procedure for federal reimbursement of affected communities. While the federal government has regularly reimbursed states and municipalities during the 1990s for their role in these most national of disasters, the process is an ad hoc one. This body has considered and approved at least three special line item appropriations for areas affected by the recent ValueJet, TWA, and COMAIR accidents. A bill to reimburse Rhode Island for its costs associated with last fall's Egypt Air disaster is currently working its way through the Congress as part of the appropriation for the National Transportation Safety Board.

This process causes needless headache and anxiety for local communities, as well as unnecessary chores for the NTSB and Congress. It forces states and municipalities to wait as reimbursement requests find their way through the complicated appropriations process while creating more work for our overburdened appropriators.

The numbers speak for themselves. States and local communities spend millions of dollars to respond to these accidents. While they are ultimately reimbursed by the federal government, the uncertainty and slow pace of the process often places affected communities in a financial bind. Money that could be spent on education, health care, or public safety is lost in an unnecessary limbo.

Under this bill, airline and rail accidents will be treated like any other disaster under the Stafford Act. Like an earthquake, blizzard or any other disaster, FEMA, upon the request of a governor, will examine the scene of such an accident and advise the President on whether federal reimbursement is appropriate.

Mr. President, this bill simply standardizes procedure for a commitment already made by the federal government. It requires to new costs or expenses and actually saves money by streamlining a bureaucratic and complicated process. The International Association of Emergency Managers and the NTSB supports this legislation.

I urge my colleagues to join these groups in supporting this bill that will bring standardization to an ad hoc process that has the potential to cause so much harm to our states and communities.

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By Mr. ROCKEFELLER (for himself, Mrs. MURRAY, and Mr. DASCHLE):

S. 2544. A bill to amend title 38, United States Code, to provide compensation and benefits to children of female Vietnam veterans who were born with certain birth defects, and for other purposes; to the Committee on Veterans' Affairs.

### CHILDREN OF WOMEN VIETNAM VETERANS' BENEFITS ACT OF 2000

• Mr. ROCKEFELLER. Mr. President, on behalf of myself and Senator MURRAY, I wish to introduce a bill, the Children of Women Vietnam Veterans' Benefits Act of 2000, which would amend title 38, United States Code, to provide compensation and benefits to children born with certain birth defects to women Vietnam veterans.

This bill is essentially similar, except for minor technical corrections, to S. 2494, the Children of Female Vietnam Veterans' Benefits Act of 2000, which I introduced on May 2, 2000. Mrs. MURRAY had asked to be an original cosponsor of that bill, but through an inadvertent clerical error, she was not listed as an original cosponsor on the bill when it was printed. I wish to note, for the record, that it was her intent to be an original cosponsor of S. 2494.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2544

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Children of Women Vietnam Veterans' Benefits Act of 2000".

**SEC. 2. BENEFITS FOR THE CHILDREN OF FEMALE VIETNAM VETERANS WHO SUFFER FROM CERTAIN BIRTH DEFECTS.**

(a) IN GENERAL.—Chapter 18 of title 38, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

**"§ 1811. Definitions**

"In this subchapter:

"(1) The term 'child', with respect to a female Vietnam veteran, means a natural child of the female Vietnam veteran, regardless of age or marital status, who was conceived after the date on which the female Vietnam veteran first entered the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title).

"(2) The term 'covered birth defect' means each birth defect identified by the Secretary under section 1812 of this title.

"(3) The term 'female Vietnam veteran' means any female individual who performed active military, naval, or air service in the Republic of Vietnam during the Vietnam era (as so specified), without regard to the characterization of the individual's service.

**"§ 1812. Birth defects covered**

"(a) IDENTIFICATION.—Subject to subsection (b), the Secretary shall identify the birth defects of children of female Vietnam veterans that—

"(1) are associated with the service of female Vietnam veterans in the Republic of Vietnam during the Vietnam era (as specified in section 101(29)(A) of this title); and

"(2) result in the permanent physical or mental disability of such children.

"(b) LIMITATIONS.—(1) The birth defects identified under subsection (a) may not include birth defects resulting from the following:

"(A) A familial disorder.

"(B) A birth-related injury.

"(C) A fetal or neonatal infirmity with well-established causes.

"(2) The birth defects identified under subsection (a) may not include spina bifida.

"(c) LIST.—The Secretary shall prescribe in regulations a list of the birth defects identified under subsection (a).

**"§ 1813. Benefits and assistance**

"(a) HEALTH CARE.—(1) The Secretary shall provide a child of a female Vietnam veteran who was born with a covered birth defect such health care as the Secretary determines is needed by the child for such birth defect or any disability that is associated with such birth defect.

"(2) The Secretary may provide health care under this subsection directly or by contract or other arrangement with a health care provider.

"(3) For purposes of this subsection, the definitions in section 1803(c) of this title shall apply with respect to the provision of health care under this subsection, except that for such purposes—

"(A) the reference to 'specialized spina bifida clinic' in paragraph (2) of such section 1803(c) shall be treated as a reference to a specialized clinic treating the birth defect concerned under this subsection; and

"(B) the reference to 'vocational training under section 1804 of this title' in paragraph (8) of such section 1803(c) shall be treated as a reference to vocational training under subsection (b).

"(b) VOCATIONAL TRAINING.—(1) The Secretary may provide a program of vocational training to a child of a female Vietnam veteran who was born with a covered birth defect if the Secretary determines that the achievement of a vocational goal by the child is reasonably feasible.

"(2) Subsections (b) through (e) of section 1804 of this title shall apply with respect to any program of vocational training provided under paragraph (1).

"(c) MONETARY ALLOWANCE.—(1) The Secretary shall pay a monthly allowance to any child of a female Vietnam veteran who was born with a covered birth defect for any disability resulting from such birth defect.

"(2) The amount of the monthly allowance paid under this subsection shall be based on the degree of disability suffered by the child concerned, as determined in accordance with a schedule for rating disabilities resulting from covered birth defects that is prescribed by the Secretary.

"(3) In prescribing a schedule for rating disabilities under paragraph (2), the Secretary shall establish four levels of disability upon which the amount of the monthly allowance under this subsection shall be based.

"(4) The amount of the monthly allowance paid under this subsection shall be as follows:

"(A) In the case of a child suffering from the lowest level of disability prescribed in the schedule for rating disabilities under this subsection, $100.

"(B) In the case of a child suffering from the lower intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $214; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the lowest level of disability prescribed for purposes of that section.

"(C) In the case of a child suffering from the higher intermediate level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $743; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the intermediate level of disability prescribed for purposes of that section.

"(D) In the case of a child suffering from the highest level of disability prescribed in the schedule for rating disabilities under this subsection, the greater of—

"(i) $1,272; or

"(ii) the monthly amount payable under section 1805(b)(3) of this title for the highest level of disability prescribed for purposes of that section.

"(5) Amounts under subparagraphs (A), (B)(i), (C)(i), and (D)(i) of paragraph (4) shall be subject to adjustment from time to time under section 5312 of this title.

"(6) Subsections (c) and (d) of section 1805 of this title shall apply with respect to any monthly allowance paid under this subsection.

"(d) GENERAL LIMITATIONS ON AVAILABILITY OF BENEFITS AND ASSISTANCE.—(1) No individual receiving benefits or assistance under this section may receive any benefits or assistance under subchapter I of this chapter.

"(2) In any case where affirmative evidence establishes that the covered birth defect of a child results from a cause other than the active military, naval, or air service in the Republic of Vietnam of the female Vietnam veteran who is the mother of the child, no benefits or assistance may be provided the child under this section.

"(e) REGULATIONS.—The Secretary shall prescribe regulations for purposes of the administration of the provisions of this section.".

(b) ADMINISTRATIVE PROVISIONS.—That chapter is further amended by inserting after subchapter II, as added by subsection (a) of this section, the following new subchapter:

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

**"§1821. Applicability of certain administrative provisions**

"The provisions of sections 5101(c), 5110(a), (b)(2), (g), and (i), 5111, and 5112(a), (b)(1), (b)(6), (b)(9), and (b)(10) of this title shall apply with respect to benefits and assistance under this chapter in the same manner as such provisions apply to veterans' disability compensation.

**"§1822. Treatment of receipt of monetary allowance on other benefits**

"(a) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of the individual to receive any other benefit to which the individual is otherwise entitled under any law administered by the Secretary.

"(b) Notwithstanding any other provision of law, receipt by an individual of a monetary allowance under this chapter shall not impair, infringe, or otherwise affect the right of any other individual to receive any benefit to which such other individual is entitled under any law administered by the Secretary based on the relationship of such other individual to the individual who receives such monetary allowance.

"(c) Notwithstanding any other provision of law, a monetary allowance paid an individual under this chapter shall not be considered as income or resources in determining eligibility for or the amount of benefits under any Federal or Federally-assisted program.".

(c) REPEAL OF SUPERSEDED MATTER.—Section 1806 of title 38, United States Code, is repealed.

(d) REDESIGNATION OF EXISTING MATTER.—Chapter 18 of that title is further amended by inserting before section 1801 the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA".

(e) CONFORMING AMENDMENTS.—(1) Sections 1801 and 1802 of that title are each amended by striking "this chapter" and inserting "this subchapter".

(2) Section 1805(a) of such title is amended by striking "this chapter" and inserting "this section".

(e) CLERICAL AMENDMENTS.—(1)(A) The chapter heading of chapter 18 of that title is amended to read as follows:

**"CHAPTER 18—BENEFITS FOR CHILDREN OF VIETNAM VETERANS".**

(B) The tables of chapters at beginning of that title, and at the beginning of part II of that title, are each amended by striking the item relating to chapter 18 and inserting the following new item:

**"18. Benefits for Children of Vietnam Veterans ...................................... 1801".**

(2) The table of sections at the beginning of chapter 18 of that title is amended—

(A) by inserting after the chapter heading the following:

"SUBCHAPTER I—CHILDREN OF VIETNAM VETERANS BORN WITH SPINA BIFIDA";

(B) by striking the item relating to section 1806; and

(C) by adding at the end the following:

"SUBCHAPTER II—CHILDREN OF FEMALE VIETNAM VETERANS BORN WITH CERTAIN BIRTH DEFECTS

"1811. Definitions.
"1812. Birth defects covered.
"1813. Benefits and assistance.

"SUBCHAPTER III—ADMINISTRATIVE MATTERS

"1821. Applicability of certain administrative provisions.
"1822. Treatment of receipt of monetary allowance on other benefits.".

(f) APPLICABILITY.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on the first day of the first month beginning more than one year after the date of the enactment of this Act.

(2) The Secretary of Veterans Affairs shall identify birth defects under section 1822 of title 38, United States Code (as added by subsection (a) of this section), and shall prescribe the regulations required by subchapter II of that title (as so added), not later than the effective date specified in paragraph (1).

(3) No benefit or assistance may be provided under subchapter II of chapter 18 of title 38, United States Code (as so added), for any period before the effective date specified in paragraph (1) by reason of the amendments made by this section.●

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By Mr. ROBERTS (for himself and Mr. KERREY):

S. 2545. A bill to provide for the enhancement to study, research, and other activities in the United States relating to information technology and information protection technology; to the Committee on Health, Education, Labor, and Pensions.

BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION ENHANCEMENT ACT

● Mr. ROBERTS. Mr. President, I rise today to introduce legislation to increase the Barry M. Goldwater Scholarship and Excellence in Education Foundation from the current $61 million to $81 million. I am pleased to have the support and able assistance of the Senior Senator from Nebraska, Senator J. ROBERT KERREY in joining me to introduce this bill. This increase allows the Foundation to add another 100 young people to the 300 that they now support. This substantial increase will augment the influence the Foundation already has on American higher education.

Goldwater scholarships are awarded to college juniors and seniors in math and science. The increased funding in this legislation is set aside for information technology students. Channeling these funds through the existing Goldwater framework will maximize the amount of money directly available to students. These students are selected on the basis of academic merit from a field of approximately 1,200 mathematics, science and engineering students nominated by the faculties of colleges and universities from the fifty states and Puerto Rico. Since 1988, 2,711 scholarships have been awarded, providing about $28 million to outstanding scholars from colleges and universities throughout the United States.

Goldwater Scholars are top notch. As evidence, I cite the large number of Goldwater Scholars who have been awarded prestigious graduate scholarships. Goldwater Scholars have won a total of 25 Rhodes Scholarships over the years. Last year alone, almost 20 percent of the awards—six out of 32—were Goldwater Scholars. Goldwater Scholars also populate the ranks of other distinguished fellowships. In the last eleven years, the scholars have won 19 Marshall, six Churchill, nine Fulbright, 23 Hughes, and 65 National Science Foundation fellowships.

These are the students we need in our economy. For the U.S. to continue to be competitive and support our growing economy, we must encourage our young men and women to enter the high technology industry. America's explosive demand for highly skilled workers is creating a new labor shortage. Under current conditions, we do not have enough U.S. workers trained in high technology fields. This forces our local businesses to resort to immigration to make up for this shortfall. Highly skilled immigrants enter the country under the H1-B visa waiver program. To help meet the growing demand, Congress raised the cap on H1-B visas from 65,000 to 115,000 in FY 1999 and 2000, and 107,500 in 2001. Unfortunately, even this increase is not enough. A tight labor market, increasing globalization and burgeoning economic growth continue to increase U.S. demands for highly skilled workers. The 1999 cap on H-1B visas was reached in June of last year and it is projected we will reach the cap even earlier this year. Later this month, we expect the Senate to consider another increase of H1-B visas to raise the cap to 195,000 a year for FY 2000, 2001 and 2002.

As a member of the Senate Armed Services Committee and the Senate Select Committee on Intelligence, I firmly believe that we have the responsibility to adequately train our own labor force to meet the business and industry demands of today and tomorrow. We simply cannot rely on workers from other countries to do our sensitive technology work. As we saw in the Y2K reprogram with our great dependence on foreign security workers, we are sorely in need of a domestic technology workforce.

Mr. President, I strongly encourage my colleagues to join me in support of this effort to expand the Barry M. Goldwater Scholarship and Excellence in Education Foundation and renew our commitment to educating young people in the fields of math and science. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2545

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SCHOLARSHIPS AND FELLOWSHIPS UNDER BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION PROGRAM FOR STUDY RELATING TO INFORMATION TECHNOLOGY AND INFORMATION PROTECTION TECHNOLOGY.**

(a) AVAILABILITY.—Section 1405(a) of the Barry Goldwater Scholarship and Excellence in Education Act (title XIV of Public Law 99–661; 20 U.S.C. 4704(a)) is amended—

(1) in the first sentence of paragraph (1), by striking "science and mathematics" and inserting "science, mathematics, and information technology and information protection technology"; and

(2) in paragraphs (2) and (3), by striking "mathematics and the natural sciences" and inserting "mathematics, the natural sciences, and information technology and information protection technology".

(b) FUNDING.—(1) There is authorized to be appropriated for fiscal year 2001, $20,000,000 for deposit in the Barry Goldwater Scholarship and Excellence in Education Fund established by section 1408(a) of the Barry Goldwater Scholarship and Excellence in Education Act (20 U.S.C. 4707(a)).

(2) Amounts deposited under paragraph (1) in the Fund referred to in that paragraph shall be available for purposes of providing scholarships and fellowships under section 1405(a) of that Act, as amended by subsection (a) of this section, for persons pursuing study in the field of information technology and information protection technology.●

Mr. KERREY. Mr. President, in today's information age, the threat of electronic attack is more likely than a nuclear attack. Words such as "cyberterrorism" and "hackers" have crept into everyday talk, no longer confined to the world of computer nerds and geeks. Despite being one of the most technologically-advanced countries in the world, United States technology is not capable of keeping intruders out and secrets in. Flaws have been found in the computer systems of the Pentagon, IRS, bank networks, utility companies, and telecommunications providers, among others, making all of them vulnerable to attack.

The question, then, is what can we do as a country to protect both the government and industries from electronic attack? I believe we need to start early to equip more people with technological skills needed to build and maintain secure information technology networks. Today, along with my good friend Senator ROBERTS from Kansas, I am pleased to be introducing legislation that will do just that.

The vehicle we use to achieve this is the highly reputable Barry M. Goldwater Scholarship and Excellence in Education Foundation, which currently awards scholarships to college juniors and seniors studying math and science. I doubt any of my colleagues would dispute the vast success of the Goldwater foundation. Nearly 20 percent of last year's Rhodes Scholars were Goldwater Scholars first; and in the last eleven years, Goldwater Scholars have won 19 Marshall, 6 Churchill, 9 Fulbright, 23 Hughes, 65 NSF and numerous other fellowships.

Our bill is simple: We increase funding for the Goldwater foundation by 20 million dollars, taking it from 61 to 81 million dollars. That money will go for scholarships to a new category of students, those studying "information protection technology". By training these young people, we can set up our technological infrastructure so it becomes safe from intruders.

Let me paint you a picture. Fifty years ago we suffered a devastating attack on Pearl Harbor. The siege lasted five hours. 2403 lives were lost, as were twenty ships and 188 aircraft. That attack catapulted the United States into World War II. As a country, however, we emerged from the war more powerful than we had been entering it. Along with the Soviet Union, the U.S. was deemed a "superpower," and we have yet to give up that title.

A devastating attack today would take a much different form and have much more catastrophic consequences. We are not likely to be attacked by airplanes and ships. Rather, it is far more likely that we will be attacked through our technology systems. The attack can occur in as little as ten seconds, and the effects can devastate our whole industrial and governmental infrastructure. A cyber-terrorist can wipe out all financial records, plunge aircraft from the air with no warning, corrupt our entire national defense system, and render telecommunications useless. And it can happen in just seconds, virtually undetected. And we were worried about Y2K.

If this scenario frightens you, good. These threats are very real, and with our growing dependence on informational systems, as a country we become more vulnerable every day. One needs to look no further than the now infamous "I love you" computer virus that swept this world last week to get a glimpse at how quickly this can occur, and how devastating such an attack can be.

The Pentagon, other government agencies, and many industries have set up departments to handle cyber-security, but we need to do everything we can to ensure that these departments can be staffed by knowledgeable information-protection experts. Without skilled staff, these departments are useless. The Information Protection Technology Scholarships will help ensure that the students in college have the opportunity to learn as much as possible about protecting technology. In turn, these students will repay the nation by putting their skills to work to make our technological infrastructure more secure. Twenty million dollars is not much to ask for to protect the entire United States from the possibility of wide-ranging cyber-terrorism.

One final note. With such a shortage of qualified American workers, America's high tech industry is hiring people from other countries to come to the United States and fill these jobs. Highly trained immigrants enter this country under the H1–B visa program. Congress raised the cap on H1–B visas from 65,000 to 115,000 for FY '99, and it wasn't enough: we reached that cap by June last year. Later this month, the Senate is expected to consider another increase of H1–B visas to 195,000 per year for FY00, 01 and 02. I support this proposed increase; however, I firmly believe we must do everything in our power to grow our own labor force. That is why I intend to offer this bill as an amendment to S. 2045 when it is considered on the Senate floor.

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By Mr. BOND (for himself, Mr. DURBIN, Mr. GRASSLEY, Mr. ASHCROFT, and Mr. FITZGERALD):

S. 2546. A bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether, to provide flexibility within the oxygenate requirement of the reformulated gasoline program of the Environmental Protection Agency, to promote the use of renewable ethanol, and for other purposes; to the Committee on Environmental and Public Works.

### CLEAN AIR AND WATER PRESERVATION ACT OF 2000

Mr. BOND. Mr. President, it is a pleasure for me to introduce the Clean Air and Water Preservation Act of 2000 with my colleague from Illinois, Senator DURBIN. Our bill will accomplish the following: 1. Phases down to elimination MTBE within 3 years of enactment; 2. Maintains the oxygenate standard; 3. Probably has the strongest environmental anti-backsliding provisions of any bill; 4. A temporary waiver from oxygenate standard could be granted if the USDA and DOE certify that there is an issue with supply; and 5. Highway apportionment percentages will stay the same.

Low grain prices high fuel prices, and the clean water problems associated with MTBE have highlighted the need for this bipartisan effort to protect our water, protect our air, and to protect our rural economy. Our region and the nation require a renewable, environmentally friendly alternative to MTBE that helps create local jobs, which adds value to our farmer's product, which moves us away from an energy-hostage situation where our reliance on foreign-produced oil makes our producers, consumers and economy subject to the whims of international cartel autocrats, and protects our air and water.

My colleagues and friends on this issue, Senators DASCHLE and LUGAR, have also introduced a bill on this issue. I commend them for their involvement and look forward to working with them; however, I do not believe their bill solves all the problems. Specifically, their bill eliminates the oxygenate requirement.

The federal oxygen-content requirement was adopted for several reasons. First, Congress understood that oxygenates provide a source of clean octane-displacing toxic compounds such as benzene and reducing ozone-forming exhaust emissions of hydrocarbons and carbon monoxide. Second, Congress recognized the energy-security benefits of substituting a certain percentage of imported petroleum with domestically-produced, renewable fuels such as ethanol. Finally, the Congress hoped the Federal oxygen requirement could provide new market opportunities for farmers by stimulating new demand for ethanol. I believe each of these objectives remain as valid today as they were in 1990.

Unfortunately, the refiners' decision to utilize MTBE, rather than ethanol, has created a serious and growing problem nationwide. The U.S. Geological Survey reports that MTBE has been detected in 21 percent of the drinking water wells in RFG areas nationwide. States with detected MTBE water contamination include Missouri, Illinois, California, Texas, Virginia, Florida, Connecticut, and many more.

It is important to recognize that the Clean Air Act Amendments of 1990 did not mandate the use of MTBE. Indeed, in Chicago and other areas where ethanol RFG is used, the program has been declared a huge air quality success. Replicating the Chicago ethanol RFG model in areas where MTBE is being used today would assure continued air quality progress without compromising water quality by its use. It would also provide a tremendous economic stimulus to rural America by creating value-added demand for as much as 500 million bushels of grain. The Department of Agriculture recently reported that replacing MTBE with ethanol in RFG markets would increase net farm income $1 billion annually, create 13,000 new jobs, enhance our balance of trade and reduce farm program costs over the next ten years. Moreover, USDA reports ethanol can replace MTBE without price spikes or shortages in supplies within three years.

Let us be very clear about this issue. The environmental problem at hand is real. However, the problem is not ethanol, the problem is MTBE.

Fortunately some States are already taking action to ban MTBE. Some are not moving fast enough. We need to make certain that all States ban MTBE to eliminate its contamination of our water supplies. To ensure that we do not have a piecemeal approach to banning MTBE it is important to pass legislation to ensure we have a national solution.

This bill is supported by the National Corn Growers, Missouri Corn Growers, Renewable Fuels Association, and the Missouri Farm Bureau. I look forward to other groups supporting this bill as well.

I am pleased that Senator DURBIN, Senator GRASSLEY, and Senator ASHCROFT have joined me in introducing this vitally important bill. I look forward to working with them and all the other members that join us in this endeavor to ensure that we have a national solution that will protect our water and still ensure that we maintain our air quality benefits produced from the Federal oxygenate requirement. In addition, we will be promoting positive energy and rural economic policy objectives, which includes ethanol.

Mr. DURBIN. Mr. President, I am pleased to join my colleague from Missouri, Senator BOND, in introducing the Clean Air and Water Preservation Act of 2000, a bill that will ban the gasoline additive MTBE and promote the use of renewable ethanol fuel.

By now, many of us are aware of the dangers methyl tertiary butyl ether (MTBE) poses to our environment, our water supply, and our communities. Although this additive has only been widely used for about five years, it is now one of the most frequently detected volatile organic chemicals in drinking water supplies across the nation. In fact, MTBE contamination has affected communities in my home state of Illinois raising many public health concerns.

This legislation addresses these problems by banning MTBE within three years and urging refiners to replace it with ethanol. The bill also increases consumer protection by requiring gasoline stations to label pumps that still sell MTBE. And the Environmental Protection Agency is directed to assist states in getting the chemical out of their groundwater.

Furthermore, the Clean Air and Water Preservation Act of 2000 includes strict anti-backsliding provisions to ensure we do not lose the air quality benefits that we have already achieved. Protection from toxic chemicals and environmentally sound emission levels will not be compromised.

Most important, this legislation upholds the air quality benefits of the reformulated gasoline (RFG) program by maintaining the oxygenate standard. Adding oxygen to our gasoline has helped clean the air in many cities across the nation. With the use of ethanol, the Chicago RFG program has proven highly successful in improving the air quality in Illinois, Indiana, and Wisconsin.

I am proud to say that Illinois is the nation's largest ethanol producer and that one in every six rows of Illinois corn—280 million bushels—goes to ethanol production. But, an expanded role for this renewable fuel is more than a boost to industry; it is jobs to rural America, and it is energy security. As we look for solutions to high oil prices, we must remember that ethanol is a viable alternative fuel—domestically produced and environmentally friendly. In fact, every 23 gallons of ethanol displaces a barrel of foreign oil.

I commend the Clinton administration and Senators DASCHLE and LUGAR for their efforts aimed at solving the problems associated with MTBE and opening a dialogue on renewable fuel content standards. However, I strongly feel we need to maintain our commitment to preserving the oxygenate standard, which has proven to be integral to achieving the goals of the Clean Air Act.

The Clean Air and Water Preservation Act of 2000 is good for our environment and public health and a boost for rural economies. I hope my colleagues will join me in supporting this legislation.

Mr. GRASSLEY. Mr. President, I am pleased to join my colleagues Senator BOND and Senator DURBIN, as an original cosponsor to the Clean Air and Water Preservation Act of 2000. I commend them for their leadership in resolving a very real problem—not a phony problem.

The real problem is that MTBE is contaminating our Nation's water supplies.

The phony problem is the proposition that the Clean Air Act's oxygenate standard caused the MTBE water contamination.

Unfortunately, powerful, influential forces are trying to sucker Congress and the American public into embracing the phony problem.

Some propagandists of the phony problem may be motivated by greed. After all, if the petroleum industry gets its way, its profits will balloon. If they can get Congress or the administration to grant waivers of the oxygenate standard, big oil will be able to squeeze out the 3 to 4 percent of the market currently supplied by alternatives.

The Department of Energy has determined that even a small amount of alternative fuels can save consumers billions of dollars each year by leveraging lower gasoline prices.

Petroleum companies also tell us that they can produce a gasoline just as clean for the air, but without oxygenates. Of course, they tell you that it will come at some extra cost.

Mr. President, I must ask my colleagues: Do we really need to give the petroleum industry both the ability and the excuse to jack up gasoline prices and further gouge American consumers?

Of course not. And the way to make certain this does not happen is by enacting the Clean Air and Water Preservation Act of 2000.

Other propagandists of the phony problem may be political opportunists seeking to engage in some self-serving election-year shenanigans.

The Clinton administration is facing a tough political dilemma. Chevron and other petroleum interests have convinced California's Governor that the only solution to the MTBE problem is to waive the oxygenate requirement.

California represents enormous political stakes for November's elections. Understandably, the Clinton administration does not want to say "no" to California.

But the Clinton administration does not want to say "no" to America's farmers. If the administration gives California and other states a waiver from the oxygenate standard, they will have single-handedly destroyed a $1 billion per year market for America's farmers.

So, what's the easy political solution? Simple. Throw the hot-potato into the laps of Congress. Hold a press conference laying out quote, end-quote, legislative principles for solving the MTBE problem.

By dumping this on Congress, the administration does not have to make the tough decisions, and will be in a position to second-guess and attack anything and everything Congress does do to try to work this out.

And the irony of all of this, is that had the Clinton administration followed Congressional intent about the Clean Air Act Reformulated Fuels Program, instead of listening to the oil companies and some misguided environmentalists, other oxygenates such as ethanol could have competed with MTBE, and we would have far less MTBE water contamination today.

The Clinton administration was warned loud and clear about the health and environmental problems of MTBE. I personally sent many letters and made a lengthy floor statement in 1993 warning then about MTBE and urging that they not give Big Oil a regulation guaranteeing them a market monopoly over the oxygenated problem.

Anyone who has ever smelled MTBE, knows that had consumers been given a choice, they would have overwhelmingly chose to buy reformulated fuel made with ethanol, not MTBE.

So the Clinton administration created this MTBE problem in the first place, and now they tell the world that the only way to correct it is for Congress to fix it.

That's just not true. But the truth sort of got lost during the administration's press conference by EPA's Carol Browner. She forgot to tell the American public the truth that each and every State has the authority to protect its water supplies from MTBE contamination. As long as the States pass laws designed to protect the water, as opposed to protecting the air, the Clean Air Act does not legally preempt the States from taking action on their own.

And I received assurances from EPA during a recent hearing that they would never attempt to stop a State from protecting water supplies from MTBE contamination.

Now, some would argue that the oil industry would try to challenge such efforts in court.

Mr. President, that proposition is ridiculous. The oil companies chose to use MTBE instead of ethanol. They are now liable for what could be billions of dollars of MTBE clean up costs. And these liability costs mount with every day that passes, that the oil companies refuse to replace MTBE with other oxygenates.

Therefore, who in their right mind could think that the oil companies are stupid enough to take court action to block a State from banning the use of MTBE?

So, why didn't EPA's Carol Browner announce to the world the States already have the authority to ban MTBE—the source of the real problem?

Well, if the administration admits the truth, and if they fail to convince Americans and Congress that only Congress can fix this problem, then the Clinton administration is stuck back at "square one" having to choose between California or America's farmers who have suffered the lowest prices in decades.

Mr. President, there are others pushing the phony problem who may simply be struggling to save face, hoping that they not suffer the embarrassment of being proven wrong—wrong in their efforts to help petroleum interests in securing a Clinton administration regulation guaranteeing that MTBE would monopolize the oxygenate market.

These environmentalists would like the public to believe that ethanol was never really a viable option—not then, not now. If they ever concede that point, then it will be clear to Americans that these environmentalists were key promoters of what has turned out to be one of the biggest environmental crises ever to face America.

Mr. President, there are some environmentalists who do not like ethanol, simply because it is something that can be made by farmers. They don't like farmers because sometimes they have to use fertilizers and chemicals. It is that simple-minded.

Mr. President, the real problem is MTBE, and the real solution to this problem is passing the bill introduced today by our colleagues Senator BOND and Senator DURBIN.

I warn my colleagues, however, that if they buy into the phony problem, they will end up having to buy into phony solutions.

For instance, the Clinton administration suggested that Congress might want to only reduce the amount of MTBE used, as opposed to banning it altogether. Well, that's a phony solution.

No level of MTBE in gasoline can protect our water supply.

My State of Iowa is facing an MTBE water contamination disaster. First, understand, we sell no Clean Air Act reformulated gasoline in Iowa. Second, understand that for years now, no gasoline was supposed to be sold in Iowa that contained more than 1 percent MTBE unless warning labels were posted.

Nevertheless, the Iowa Department of Natural Resources recently found that 29 percent of Iowa's water supplies tested contained MTBE above the acceptable levels established by EPA.

So what does this mean? Simply this: MTBE is used in conventional fuel as an octane enhancer and will contaminate your water.

If a State is allowed to waive out of the oxygenate requirement, MTBE will still be used and will continue to contaminate our water supplies.

It is phony to argue the oxygenate requirement is the problem, and it is phony to argue waiving or eliminating the oxygenate requirement will protect our water supplies.

Mr. President, this is just one of many phony issues that we are being asked to embrace. I will be speaking further about this at a later time.

But in closing, I ask my colleagues to cosponsor our legislation. It provides real solutions to the real problem: MTBE water contamination.

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By Mr. ALLARD (for himself and Mr. CAMPBELL):

S. 2547. A bill to provide for the establishment of the Great Sand Dunes National Park and the Great Sand Dunes National Preserve in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

### GREAT SAND DUNES NATIONAL PARK ACT OF 2000

• Mr. ALLARD. Mr. President, today I am introducing legislation to establish the Great Sand Dunes National Park and the Great Sand Dunes National Preserve.

This legislation is a major step in protection and preservation of the Great Sand Dunes and San Luis Valley water. I along with Congressman MCINNIS decided to introduce companion bills at the request of valley residents, locally elected officials and the Rio Grande Water Conservation District. In an era of Presidential threats and questionable uses of the Antiquities Act, a locally driven legislative process is something I strongly support.

Anyone who has visited the Sand Dunes understands the unique feeling they offer the visitor, the dunes seem out of place—a contradiction in nature. The San Luis Valley serenely placed between the Sangre De Cristo and the San Juan Mountains is the last place one would expect to see 750 foot high sand dunes. Still, the Sand Dunes offered the early residents and explorers a unique look into the earth's geological wonders. This bill will help to ensure that future generations have that same opportunity.

Developing legislation that satisfies everyone is a difficult task, but this bill reflects compromises on all sides and puts forth a unique proposal for a complicated issue. The provisions of the bill allow for (1) establishing the Great Sand Dunes National Park; (2) establishing the Great Sand Dunes National Preserve; (3) the acquisition of the Luis Maria Baca Grant No. 4; (4) protection of San Luis Valley's water resources; (5) hunting in the new Great Sand Dunes National Preserve; (6) creation of a new National Wildlife Refuge and (7) a local advisory council.

Protection of the valley's water resources is very important to the citizens of Colorado and a primary motivation for virtually everyone's support for this measure. An integral part of the water component is the federal acquisition of the Baca Ranch. While I am usually very skeptical of additional federal ownership of land, it makes sense here to purchase the land from willing sellers and incorporate it into the combination park, wildlife refuge and forest. The legislation requires the Department of the Interior to work with the State of Colorado to protect the water dependent resources of the Sand Dunes while not jeopardizing valid existing water rights held by others. I want to assure everyone that this bill does not create a federal reserve water right.

The Great Sand Dunes National Preserve allows the Secretaries of the Interior and Agriculture to transfer existing Forest Service lands to the Park Service and manage these lands as a Preserve. The transfer would allow the Park Service jurisdiction of the watershed affecting the Sand Dunes, while not affecting the wilderness status or existing hunting in the area. As a veterinarian I understand and recognize hunting as an important tool in game management. The bill stipulates that the Colorado Division of Wildlife will play an integral role in continued game management of the area.

The bill also creates a new National Wildlife Refuge on the western edge of the existing Baca Ranch and adjacent state trust lands. This new Refuge will provide additional hunting opportunities in an area that has been historically closed to public hunting. It has extensive wetlands and is home to an extensive diversity of plants and animals, including a large elk herd. The Refuge would also give the affected county an additional source of revenue through the Refuge and Revenue Sharing Act as an offset to the loss of property taxes from the federal acquisition of the Baca.

President Herbert Hoover in 1932 recognized the unique characteristics of the sand dunes and wanted to protect their scenic, scientific and educational features. With the support of the local community, the Great Sand Dunes National Monument was established. Now sixty-eight years later, residents of the San Luis Valley are advocating expansion and upgrade of the national monument to a national park.

Last December, I along with Senator CAMPBELL, Congressman MCINNIS, Secretary of the Interior Bruce Babbitt and Colorado Attorney General Ken Salazar met at the Great Sand Dunes to discuss the merits of expanding and protecting the resources of the San Luis Valley. We all recognized the significance of the meeting and vowed to work towards passage of a bill.

Our time is short in Congress this year, and soon I will be asking for a hearing in the Senate Committee on Energy and Natural Resources. This is an important issue to Coloradans, and I look forward to Senate passage of my legislation.●

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By Mr. ASHCROFT:

S. 2548. A bill to provide that extension of nondiscriminatory trade treatment to the People's Republic of China be contingent on the United States and People's Republic of China entering into a bilateral agreement relating to enforcement; to the Committee on Finance.

### SECURING HEIGHTENED OPPORTUNITIES FOR WORKERS, MANUFACTURERS, AND AGRICULTURE EXPORTERS ACT

Mr. ASHCROFT. Mr. President, today I want to discuss an issue that, judging from my discussions with Missourians, establishing the right trade policy with China is of increasing concern to Americans, and Missourians in particular.

Missourians want more opportunities to use their economic freedom to shape the future for their families. They want increasing opportunities to sell their products. They want reciprocity and fairness. This is why I want to ensure that Missouri businesses, farmers, and workers will get what they are promised. Access to a market that is almost one-fourth of the world's population can create higher paying jobs. But if China doesn't live up to its agreements like in the past—no new jobs will be created in Missouri.

The WTO agreement that the United States concluded with China last November could give Missourians substantial benefits. Tariffs on industrial goods could fall from 25 to 9 percent—this means that all of the parts manufacturer5s for aerospace, automobiles, appliances would all face substantial "tax decrease." Also, tariffs on agricultural goods would be reduced from 31 to 17 percent. Missouri, as a leader in agricultural production, would benefit substantially from these reductions. Cattlemen and pork producers would experience significant gains when tariffs are dropped to 12 percent. I also want Missouri farmers to have direct access to Chinese consumers instead of having to go through a bunch of middle-men. In addition, China has made commitments to eliminate eventually many of its current restrictions on services, such as distribution, banking, insurance, telecommunications, accounting, consulting, and other financial services.

But these are the promises that are on paper. Missourians in the "Show-Me" state are leery of relying only on promises when they don't know whether there is adequate enforcement. I've visited many factories where the workers want to make sure that they get a fair shake. They want real opportunities. They don't want hollow promises. I've been all over the state visiting farm families, and this is what they want as well.

Several of my constituents have a fairly accurate perspective on China's record of not voluntarily living up to its agreements. Let me read from a constituent letter, from the International Association of Machinists and Aerospace Workers, District 9, Bridgeton, Mo., dated March 17, 2000:

> China has a history of failing to live up to every other trade agreement it has signed with the United States (the 1992 Memorandum on Prison Labor, the 1996 Bilateral Agreement on Unilateral Property Rights, the 1994 Bilateral Agreement on Textiles, and the 1992 memorandum of Understanding on Market Access).

I think this constituent has a pretty accurate assessment of China's dismal trade record. Quite honestly, China's trade record has been poor. In a 1992 agreement, the so-called "Market Access" Agreement, Missouri farmers, ranchers, and workers weren't actually given much market access. In 1995 China eliminated 176 licensing requirements, but then imposed 400 new de facto licensing requirements. By 1999, China had removed over 1,0000 quotas and licenses, but the U.S. Trade Representative reports that China is erecting new barriers to restrict imports. Also, despite the commitment not to require import substitution, China announced a new "Industrial Policy for the 1990s" which could undermine the U.S. automobile, telecommunications, transportation, machinery, electronics, and construction industries.

Another one of my constituents has additional concerns that once we approve PNTR, the U.S. will lose substantial leverage. From the International Association of Fire Fighters of Kansas City, Mo, Local Union No. 42, dated March 28, 2000:

> Granting PNTR will . . . reduce our ability to use unilateral tools to respond to continued Chinese failure to live up to its commitments. Our ability to take unilateral action is our only leverage against the Chinese government. Proponents of PNTR admit that only by using unilateral actions we were able to make even modest progress on intellectual property rights. The Chinese government has not lived up to the promises they

> made in every single trade agreement signed with the U.S. in the past ten years.

This Missourian is absolutely correct. In 1994 when we negotiated the WTO, the United States gave up the right to threaten a level of retaliation that was "appropriate in the circumstances" to get compliance. However, now we are bound to retaliate at a level that the WTO decides. We have seen where this has taken us with exporting our beef to Europe—absolutely nowhere.

We need to avoid creating an endless lawsuit with China that gets us nowhere. Missourians want some guarantees that they will in fact get export opportunities and not just a lot of litigation with no real results as with the Europeans in the beef and banana cases, where the retaliation level was reduced by the WTO body.

My goal is consistent with the "show me" state. It is straight-forward. Open China's market to Missouri goods and services. In order to do that, however, we must have enforcement that works. That is why I am proposing the "SHOW ME" Act.

My bill is simple. It would require the Administration to work out an arrangement with China whereby if the U.S. wins a WTO case but can't get compliance, China would agree not to challenge the U.S. level of retaliation. The Administration could negotiate this concession from China as a side letter to the November agreement or could negotiate as a part of the protocol of the accession phase.

There is precedent for this requirement. The Administration negotiated a 12 to 15 year phase out of special rules for safeguards and anti-dumping and countervailing duties (which are tools to protect our market), yet they did not work out a 15 year phase out of use of Section 301 (which is a foreign market opening tool). Both are needed—surge protection and market access tools. Market access is crucial to the farming community in Missouri, which gets about one-fourth of its farm income from overseas sales.

In closing, Mr. President, quite frankly, there is declining satisfaction in America's heartland with our inability to pry open foreign markets. The only way we will rebuild is with real enforcement. A lot of my constituents from the "Show Me" state want to see more assurances from us and the Administration that what happened on the EU beef and banana cases won't reverberate through the Chinese market. They want our trade policy to create jobs in practice, not just in theory.

## ADDITIONAL COSPONSORS

S. 74

At the request of Mr. DASCHLE, the name of the Senator from Nevada (Mr. BRYAN) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 746

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 746, a bill to provide for analysis of major rules, to promote the public's right to know the costs and benefits of major rules, and to increase the accountability of quality of Government.

S. 779

At the request of Mr. ABRAHAM, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

S. 890

At the request of Mr. WELLSTONE, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

S. 1020

At the request of Mr. GRASSLEY, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1028

At the request of Mr. HATCH, the names of the Senator from Arkansas (Mr. HUTCHINSON) and the Senator from Alaska (Mr. MURKOWSKI) were added as cosponsors of S. 1028, a bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law, and for other purposes.

At the request of Mr. SMITH of New Hampshire, his name was added as cosponsor of S. 1028, supra.

S. 1185

At the request of Mr. ABRAHAM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1185, a bill to provide small business certain protections from litigation excesses and to limit the product liability of non-manufacturer product sellers.

S. 1322

At the request of Mr. DASCHLE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 1322, a bill to prohibit health insurance and employment discrimination against individuals and their family members on the basis of predictive genetic information or genetic services.

S. 1638

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility data for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1658

At the request of Mr. DASCHLE, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1658, a bill to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota, and for other purposes.

S. 1691

At the request of Mr. INHOFE, the names of the Senator from Montana (Mr. BAUCUS) and the Senator from Missouri (Mr. BOND) were added as cosponsors of S. 1691, a bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1921

At the request of Mr. CAMPBELL, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Arkansas (Mr. HUTCHINSON) were added as cosponsors of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2003

At the request of Mr. JOHNSON, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2003, a bill to restore health care coverage to retired members of the uniformed services.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the Medicare program.

S. 2021

At the request of Mr. BROWNBACK, the name of the Senator from Wyoming

(Mr. ENZI) was added as a cosponsor of S. 2021, a bill to prohibit high school and college sports gambling in all States including States where such gambling was permitted prior to 1991.

### S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

### S. 2046

At the request of Mr. FRIST, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 2046, a bill to reauthorize the Next Generation Internet Act, and for other purposes.

### S. 2071

At the request of Mr. GORTON, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

### S. 2115

At the request of Mr. BAUCUS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2115, a bill to ensure adequate monitoring of the commitments made by the People's Republic of China in its accession to the World Trade Organization and to create new procedures to ensure compliance with those commitments.

### S. 2218

At the request of Mr. CLELAND, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2218, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees and annuitants and members of the uniformed services, and for other purposes.

### S. 2223

At the request of Mr. FITZGERALD, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 2233, a bill to prohibit the use of, and provide for remediation of water contaminated by, methyl tertiary butyl ether.

### S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

### S. 2311

At the request of Mr. KENNEDY, the names of the Senator from Indiana (Mr. BAYH) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

### S. 2330

At the request of Mr. CRAIG, his name was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

### S. 2386

At the request of Mr. FEINSTEIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

### S. 2397

At the request of Mr. HUTCHINSON, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2397, a bill to amend title 10, United States Code, to deny Federal educational assistance funds to local educational agencies that deny the Department of Defense access to secondary school students or directory information about secondary school students for military purposes; and for other purposes.

### S. 2408

At the request of Mr. BINGAMAN, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

### S. 2413

At the request of Mr. LEAHY, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

### S. 2417

At the request of Mr. CRAPO, the name of the Senator from North Carolina (Mr. HELMS), the Senator from South Carolina (Mr. THURMOND), the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Mr. BREAUX), the Senator from Oklahoma (Mr. INHOFE), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonprofit source pollution control programs, and for other purposes.

### S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and other purposes.

### S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

### S. 2477

At the request of Mr. GRASSLEY, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2477, a bill to amend the Social Security Act to provide additional safeguards for beneficiaries with representative payees under the Old-Age, Survivors, and Disability Insurance program or the Supplemental Security Income program.

### S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Michigan (Mr. ABRAHAM) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. Wisconsin and all those who served aboard her.

### S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Virginia (Mr. ROBB), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Massachusetts (Mr. KERRY), the Senator from North Dakota (Mr. CONRAD), the Senator from Hawaii (Mr. INOUYE), and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

### S. CON. RES. 107

At the request of Mr. AKAKA, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. Con. Res. 107, a concurrent resolution expressing the sense of the Congress concerning support for the Sixth Nonproliferation Treaty Review Conference.

### S. CON. RES. 109

At the request of Mr. SCHUMER, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. Con. Res. 109, a concurrent resolution expressing the sense of Congress regarding the ongoing persecution of 13 members of Iran's Jewish community.

S.J. RES. 44

At the request of Mr. KENNEDY, the names of the Senator from South Dakota (Mr. DASCHLE), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Rhode Island (Mr. REED) were added as cosponsors of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

S. RES. 296

At the request of Mr. GRAHAM, the names of the Senator from Colorado (Mr. ALLARD), the Senator from Montana (Mr. BAUCUS), the Senator from Louisiana (Mr. BREAUX), the Senator from Connecticut (Mr. DODD), the Senator from Washington (Mr. GORTON), the Senator from Nebraska (Mr. HAGEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Vermont (Mr. JEFFORDS), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Nebraska (Mr. KERREY), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Michigan (Mr. LEVIN), the Senator from New York (Mr. MOYNIHAN), the Senator from Virginia (Mr. ROBB), and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. Res. 296, a resolution designating the first Sunday in June of each calendar year as "National Child's Day."

### SENATE CONCURRENT RESOLUTION 112—TO MAKE TECHNICAL CORRECTIONS IN THE ENROLLMENT OF THE BILL H.R. 434

Mr. GRASSLEY (for himself and Mr. MOYNIHAN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 112

*Resolved by the Senate (the House of Representatives concurring)*, That, in the enrollment of the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 112(b)(1), insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States)" after "yarns wholly formed in the United States,".

(2) In section 112(b)(2), insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in the United States)" after "yarns wholly formed in the United States".

(3) In section 112(b)(3), strike "countries, subject" and insert "countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in 1 or more beneficiary sub-Saharan African countries), subject".

(4) In section 112(b)(5)(A), insert "apparel articles of" after "to the extent that".

(5) In section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill—

(A) in clause (i), strike "in a CBTPA beneficiary country" and insert "in 1 or more CBTPA beneficiary countries"; and

(B) in clause (ii)—

(i) strike "cut in a CBTPA beneficiary country" and insert "cut in 1 or more CBTPA beneficiary countries"; and

(ii) strike "assembled in such country" and insert "assembled in 1 or more such countries".

(6) In section 213(b)(2)(A)(i) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States)" after "yarns wholly formed in the United States,".

(7) In section 213(b)(2)(A)(ii) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States)" after "yarns wholly formed in the United States".

(8) In section 213(b)(2)(A)(iii)(I) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "United States, in an amount" and insert "United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more CBTPA beneficiary countries), in an amount".

(9) In clause (v) of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill—

(A) strike "fibers, fabric, or yarn" each place it appears in the heading and the text and insert "fabrics or yarn";

(B) strike "fibers, fabric, and yarn" and insert "fabrics and yarn"; and

(C) insert "apparel articles of" after "to the extent that".

(10) In section 213(b)(2)(A)(vii)(IV) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "entered" and insert "classifiable".

(11) In section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "(vii) TEXTILE LUGGAGE.—" and insert "(viii) TEXTILE LUGGAGE.—".

(12) Strike section 412(a)(2) and insert the following:

(2) in the flush paragraph at the end, by striking "and (G)" and inserting "(G), and (H) (to the extent described in section 507(6)(D))".

(13) In the article description for subheading 9902.51.13 of the Harmonized Tariff Schedule of the United States, as added by section 502(a) of the bill, strike "of 64's and linen worsted wool count wool yarn".

(14) In section 505(d), insert "to the United States Customs Service" after "appropriate claim".

### SENATE RESOLUTION 305—COMMENDING PARTICIPANTS IN THE MILLION MOM MARCH

Mr. LAUTENBERG submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 305

Whereas, on Mother's Day—May 14, 2000—Americans from all walks of life will unite for the Million Mom March on the National Mall in Washington, DC and in communities across the country to call for meaningful, common sense gun policy, and these families, citizens, members of religious congregations, schools, community-based organizations, businesses, and political and cultural groups will join together as a local and national community to recognize the violence committed against our children from guns; and

Whereas, 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1997, and

Whereas, American children under 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined, and

Whereas, the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by Congress on the reasonable gun safety measures that were sent to a House-Senate conference more than nine months ago, and

Whereas protecting our children from gun violence is a top priority for our families, communities and nation: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) The organizers, sponsors and participants of the Million Mom March shall be welcomed to Washington and commended for rallying their communities to demand sensible gun safety legislation, and

(2) Congress should pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act before the Memorial Day Recess, which includes the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

### SENATE RESOLUTION 306—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO MOTHER'S DAY THAT THE UNITED STATES SENATE SHOULD REJECT THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW) AS IT DEMEANS MOTHERHOOD AND UNDERMINES THE TRADITIONAL FAMILY

Mr. HELMS submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 306

Whereas motherhood is a God-given right of women to bear and rear children;

Whereas, since 1914, the United States has officially observed the second Sunday in May as Mother's Day to display public expression of love and reverence for all American mothers;

Whereas Mother's Day is recognized by the United States and many other countries in affirmation of the invaluable role mothers play in providing a family upbringing for children;

Whereas the Convention on the Elimination of Discrimination Against Women integrates a derogatory sentiment toward motherhood as manifested in the Convention's January 3, 2000 Committee Report on Belarus specifically condemning symbols such as Mother's Day;

Whereas the Senate affirms its commitment that the United States should work with other nations to enhance the protection of the fundamental right of motherhood, including the condemnation of coercive population control programs where expectant mothers are forced to undergo abortions or sterilizations;

Whereas the Convention's agenda to promote abortion worldwide invades the laws of countries that hold a religious or moral belief that abortion is the destruction of innocent human life and that it subjects expectant mothers to physical and emotional trauma;

Whereas the Convention seeks to supplant the primary care and nurturing provided by stay-at-home mothers with institutionalized daycare facilities as advocated in the Convention's August 12, 1997 Committee Report on Slovenia, which stated that children cared for at home are deprived of "educational and social opportunities offered in formal daycare institutions"; and

Whereas more than a hundred United States-based family, religious, and educational organizations representing countless millions of Americans strongly oppose United States ratification of the Convention on the Elimination of Discrimination Against Women: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the tenets of the Convention on the Elimination of Discrimination Against Women are incompatible with the tradition and policy of the United States to uphold motherhood and to regard motherhood with the highest degree of honor and respect;

(2) the Convention would create negative perceptions toward motherhood; and

(3) the Senate should not give its advice and consent to ratification of the fundamentally flawed Convention on the Elimination of Discrimination Against Women.

Mr. HELMS. Mr. President, mothers across America will be showered with love and appreciation this Sunday as an annual expression of love and gratitude for the selfless acts mothers make for their families every day. Sunday is one of the truly special days of the year. It is Mother's Day.

Americans have a tradition of honoring mothers, dating back to 1914, when the second Sunday of May was first recognized as "Mother's Day"

It is especially significant in this year 2000 because of the irony that a number of high-profile women in the Clinton Administration—and in Congress—are so vocally supportive of the so-called U.N. Convention on the Elimination of Discrimination Against Women, which they call CEDAW—which rhymes with hee-haw.

In any case, the point is this, Mr. President, the radical feminists groups around the country have gone to extreme lengths with incessant declarations, shouting, and even rudely disrupting at least one congressional hearing in their futile efforts to convince American women that the CEDAW Treaty somehow protects the rights of women, which it absolutely would not do—even in the highly unlikely event that the Senate ever gives CEDAW a second glance.

The problem for the radical feminists is that the truth has been circulated across the land that the proposed treaty fails to offer increased opportunities for women. All the same, the radical feminists have tried to turn the proposed treaty into a feminist manifesto, and the militant women have fallen on their faces in the process.

Mr. President, one needs only to examine the reports of the various CEDAW committees, and it is clear that motherhood is not favorably viewed by the CEDAW advocates.

For instance, Mr. President, earlier this year, one such committee solemnly warned the nation Belarus that there was great "concern [over] the continuing prevalence of such [stereotypical] symbols as a Mother's Day." Now get that—"the continuing prevalence of such [stereotypical] symbols as a Mother's Day." The nation Armenia was lectured about the need to "combat the traditional stereotype of women in the noble role of mother."

Another CEDAW committee warned Slovenia that too many Slovenian mothers (that's right, too many mothers) were staying home (in the opinion of the CEDAW ladies) to raise their children. Think of that bad situation, mothers staying home to raise their children. The CEDAW crowd also warned that because only 30 percent of children in Slovenia were in day-care centers, the other 70 percent were in grave danger of "miss[ing] out on educational and social opportunities offered in (the) formal day-care institutions." One can surmise they mean that all this is more important and more effective than motherhood in the home.

So, in spite of CEDAW's noisy advocates, Mr. President, the so-called Convention of Elimination of All Forms of Discrimination Against Women—and that is a jawbreaker within itself—has been left at the starting gate simply because this unwise proposed treaty was clearly negotiated by radical feminists with the intent of enshrining their radical anti-family agenda into international law.

That is why this CEDAW mishmash has been collecting dust in the Senate for 20 years. And when I say Senate, I mean the Committee on Foreign Relations. It was sent to the Senate by President Carter in 1980—since which the Democratic Party was in control of the Senate for 10 years. But the treaty is so obviously bad that the Democrats never brought it up for a vote, and if I have anything to do with it—and I think I do—it will never see the light of day on my watch.

Mr. President, I ask unanimous consent that a list of more than 100 U.S. groups, representing countless millions of Americans who oppose the CEDAW, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### OVER 100 ORGANIZATIONS REPRESENTING COUNTLESS MILLIONS WHO OPPOSE CEDAW

The Alliance of Catholic Women, Providence, RI.
VCY America, Milwaukee, WI
Leola Area Right to Life, Forbes, ND.
Baby Humans Foundation, Cedar Park, TX.
The New Jersey Coalition for Marriage, Mendham, NJ.
Our Lady of the Rosary, Library, Louisville, KY.
Eutopia: A Lay Journal of Catholic Thought, Washington, DC.
Voice For Life, Springfield, MO.
Northwest Catholic Family.
Education Conference.
Concerned Roman, Catholics of America, Anaheim, CA.
Holy Innocents Reparation Committee, Anaheim, CA.
Corpus Christi Parish, East Sandwich, MA.
Men's Health America, Rockville, MD.
The Way, The Truth, The Life, Forestport, NY.
National Federation of Republican Assemblies, Simi Valley, CA.
John Paul II Institute of Christian Spirituality, Woodstock, VA.
The University of Wisconsin-Madison, Pro-Life Action League, Madison, WI.
Women for Faith & Family, St. Louis, MO.
Jesus House Ministries.
ABC Pregnancy Help Center, Pratt, KS.
Rock for Life of Columbus & Central Ohio, Columbus, OH.
The American Family Association of NY, Port Washington, NY.
The Crush—Birmingham, Oneonta, AL.
Concerned Women for America of NJ, Glen Rock, NJ.
Knights of Columbus St Raphael Council, #11884, Belmont, WI.
Eagle Forum, Washington, DC.
Expectant Mother Care, New York, NY.
Legal Center for the Defense of Life.
New York, NY, Illinois Right to Life Committee, Chicago, IL.
Catholic Citizens of Illinois, La Grange, IL.
CSRA Family Network, Augusta, GA.
Catholics for Just Choice, San Antonio, TX.
Voice For Life, Springfield, MO.
Catholic Alliance, Washington, DC.
The Society for the Promotion of Celtic Virtues, Brewster, NY.
Vision Youth Ministries, Inc., Knox, IN.
A Woman's Hope, Champaign, IL.
St. Joseph, Guardian of the Redeemer Chapter: TORCH of the East Bay, Walnut Creek, CA.
Life Coalition International, Melbourne, FL.
Roe No More Ministry.
Capitol Resource Institute, Sacrament, CA.
Family Action Council International, Fredericksburg, VA.
World Family Policy Center, Provo, UT.
Life Advocates, Houston, TX.
Population Research Institute, Front Royal, VA.
Guild of the Holy Spirit, Front Royal, VA.
Couple to Couple League International, Cincinnati, OH.
Coalitions for America.
Knights of Columbus Council #765, Cuba City, WI.
Knights of Columbus Council #1386, Platteville, WI.
Knights of Columbus Council #1762, Hudson, WI.
Knights of Columbus Council #7370, Hazel Green, WI.

Knights of Columbus Council #1080, Darlington, WI.

Knights of Columbus Council #605, Beloit, WI.

Knights of Columbus Council #839, LaCrosse, WI.

Knights of Columbus Council #1909, Highland, WI.

Villanovans for Life, Villanova, PA.

Rock For Life, Owings Mills, MD.

National Congress for Fathers and Children, Kansas.

Rockford Area RomanCatholic Home Educators, Capron, IL.

NFP Outreach, Oklahoma City, OK.

ABCs of Faith, The Woodlands, TX.

Rock For Life, Quad Cities Illinois.

Torch, Montgomery County.

New Jersey Physician's Resource Council, Mountainside, NJ.

Life Savers Ministries, Inc., Bakersfield, CA.

Rock for Life, Elkton, Maryland.

Rock For Life, Richmond, TX.

Rock For Life, Manchester, NH.

The National Right to Life Committee, Washington, DC.

TLM Youth Group, Cajon, CA.

Rockland County Catholic Coalition, Nyack, NY.

Rock For Life, Elgin, Illinois.

Rock For Life, Lane County, Oregon.

Upper Michigan Christians United, Ishpeming, MI.

New Hampshire Prolife Council, Manchester, NH.

The Family Foundation, Richmond, VA.

Rock For Life, Fort Wayne, IN.

St. Thomas More Society of Notre Dame Law School, Notre Dame, IN.

Notre Dame Right to Life, Notre Dame, IN.

Concerned Women for America, Washington, DC.

Praise Assembly of God, Wayne, NE.

Christ in the Workplace, Chicago, IL.

Save the Baby Humans Foundation, Cedar Park, TX.

Our Lady of the Rosary Library, Louisville, KY.

The New Jersey Family Policy Council, Parsippany, NJ.

The Family Foundation, Richmond, VA.

William and Mary Alternatives to Abortion, Williamsburg, VA.

Holy Family Medical Specialties, Lincoln, NE.

Rock for Life, McLean, VA.

United Families Int'l, Salt Lake City, UT.

Pro-Life Wisconsin, Brookfield, WI.

Catholic Pro-Life Committee of the Diocese of Dallas, Dallas, TX.

Cincinnati Rock For Life, Hamilton, OH.

Family Research Council, Washington, D.C.

The White Rose Women's Center, Dallas, TX.

Focus on the Family, Washington, D.C.

## SENATE RESOLUTION 307—EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO MOTHER'S DAY THAT THE UNITED STATES SENATE SHOULD REJECT THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW) AS IT DEMEANS MOTHERHOOD AND UNDERMINES THE TRADITIONAL FAMILY

Mr. HELMS submitted the following resolution; which was ordered to lie over, under the rule:

S. RES. 307

Whereas motherhood is a God-given right of women to bear and rear children;

Whereas, since 1914, the United States has officially observed the second Sunday in May as Mother's Day to display public expression of love and reverence for all American mothers;

Whereas Mother's Day is recognized by the United States and many other countries in affirmation of the invaluable role mothers play in providing a family upbringing for children;

Whereas the Convention on the Elimination of Discrimination Against Women integrates a derogatory sentiment toward motherhood as manifested in the Convention's January 3, 2000 Committee Report on Belarus specifically condemning symbols such as Mother's Day;

Whereas the Senate affirms its commitment that the United States should work with other nations to enhance the protection of the fundamental right of motherhood, including the condemnation of coercive population control programs where expectant mothers are forced to undergo abortions or sterilizations;

Whereas the Convention's agenda to promote abortion worldwide invades the laws of countries that hold a religious or moral belief that abortion is the destruction of innocent human life and that it subjects expectant mothers to physical and emotional trauma;

Whereas the Convention seeks to supplant the primary care and nurturing provided by stay-at-home mothers with institutionalized daycare facilities as advocated in the Convention's August 12, 1997 Committee Report on Slovenia, which stated that children cared for at home are deprived of "educational and social opportunities offered in formal daycare institutions"; and

Whereas more than a hundred United States-based family, religious, and educational organizations representing countless millions of Americans strongly oppose United States ratification of the Convention on the Elimination of Discrimination Against Women: Now, therefore, be it

*Resolved*, That it is the sense of the Senate that—

(1) the tenets of the Convention on the Elimination of Discrimination Against Women are incompatible with the tradition and policy of the United States to uphold motherhood and to regard motherhood with the highest degree of honor and respect;

(2) the Convention would create negative perceptions toward motherhood; and

(3) the Senate should not give its advice and consent to ratification of the fundamentally flawed Convention on the Elimination of Discrimination Against Women.

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a two-part hearing has been scheduled before the Committee on Energy and Natural Resources.

This hearing will take place on Thursday, May 18, 2000, at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the first part of the hearing is to receive testimony on S. 2439, a bill to authorize the construction of the Southeastern Alaska Intertie system. The purpose of the second part of the hearing is to consider the nomination of Mildred Dresselhaus, to be Director, Office of Science, Department of Energy.

Presentation of oral testimony is by Committee invitation only. However, those who wish to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information regarding S. 2439, please contact Dan Kish. For further information regarding the Dresselhaus nomination, please contact David Dye.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Thursday, May 11, 2000, to conduct a hearing on pending nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, May 11, 2000, at 9:30 a.m. on reauthorization of the Pipeline Safety Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Senate Committee on Environment and Public Works be authorized to conduct a hearing Thursday, May 11, 2000, at 9:30 a.m. and 2:00 p.m., to receive testimony on the Administration's legislative proposal on the Comprehensive Everglades Restoration Plan.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, May 11, 2000, at 10:00 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, May 11, 2000, at 10:00 a.m. The markup will take place in Dirksen Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON NATIONAL PARKS

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Subcommittee on National Parks, Historic Preservation and Recreation of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Thursday, May 11 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 1367, a bill to amend the Act which established the Saint-Gaudens National Historic Site, in the State of New Hampshire, by modifying the boundary and for other purposes; S. 1617, a bill to promote preservation and public awareness of the history of the Underground Railroad by providing financial assistance, to the Freedom Center, in Cincinnati, Ohio; S. 1670, a bill to revise the boundary of Fort Mantanzas National Monument, and for other purposes; S. 2020, a bill to adjust the boundary of the Natchez Trace Parkway, Mississippi, and for other purposes; S. 2478, a bill to require the Secretary of the Interior to conduct a theme study on the peopling of America, and for other purposes; and S. 2485, a bill to direct the Secretary of the Interior to provide assistance in planning and constructing a regional heritage center in Calais, Maine.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to the following Appropriations Committee detailees during floor consideration of the Senate appropriations bills and appropriations conference reports: Brian Wilson and Leslie Kalan.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I ask unanimous consent that Mike Daly, a fellow in the office of Senator ABRAHAM, be granted floor privileges for the period of the consideration of S. 2521, military construction fiscal year 2001 appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that John Underriner, a fellow in my office, be granted floor privileges for the remainder of this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PERMISSION TO FILE DEPARTMENT OF DEFENSE AUTHORIZATION BILL AND REPORT

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that notwithstanding the recess of the Senate, the Armed Services Committee be permitted to file the Department of Defense authorization bill and report at 10 a.m. on Friday, May 12, 2000.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EXPRESSING THE SENSE OF THE SENATE WITH RESPECT TO MOTHER'S DAY THAT THE UNITED STATES SENATE SHOULD REJECT THE UNITED NATIONS CONVENTION ON THE ELIMINATION OF DISCRIMINATION AGAINST WOMEN (CEDAW) AS IT DEMEANS MOTHERHOOD AND UNDERMINES THE TRADITIONAL FAMILY

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 307, submitted earlier by Senator HELMS, which expresses the sense of the Senate with respect to Mother's Day, that the U.S. Senate should reject the United Nations Convention on the Elimination of Discrimination Against Women as it demeans motherhood and undermines the traditional family.

The PRESIDING OFFICER. Is there objection to proceeding?

Mr. SMITH of Oregon. Mr. President, I object to my own request on behalf of the other side of the aisle.

The PRESIDING OFFICER. The resolution will lie over under the rule.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the following Senators as members of the Senate Delegation to the Canada-U.S. Interparliamentary Group during the Second Session of the 106th Congress, to be held in Mississippi and Louisiana, May 19–22, 2000: the Senator from Iowa (Mr. GRASSLEY); the Senator from Ohio (Mr. DEWINE); the Senator from Minnesota (Mr. GRAMS); the Senator from Maine (Ms. COLLINS); the Senator from Ohio (Mr. VOINOVICH); the Senator from Vermont (Mr. LEAHY); the Senator from Louisiana (Mr. BREAUX); and the Senator from Hawaii (Mr. AKAKA).

## CORRECTIONS IN THE ENROLLMENT OF H.R. 434

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 112, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 112) to make technical corrections in the enrollment of the bill H.R. 434.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 112) was agreed to, as follows:

### S. CON. RES. 112

*Resolved by the Senate (the House of Representatives concurring),* That, in the enrollment of the bill (H.R. 434) to authorize a new trade and investment policy for sub-Sahara Africa, the Clerk of the House of Representatives shall make the following corrections:

(1) In section 112(b)(1), insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States)" after "yarns wholly formed in the United States,".

(2) In section 112(b)(2), insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in the United States)" after "yarns wholly formed in the United States".

(3) In section 112(b)(3), strike "countries, subject" and insert "countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in 1 or more beneficiary sub-Saharan African countries), subject".

(4) In section 112(b)(5)(A), insert "apparel articles of" after "to the extent that".

(5) In section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill—

(A) in clause (i), strike "in a CBTPA beneficiary country" and insert "in 1 or more CBTPA beneficiary countries"; and

(B) in clause (ii)—

(i) strike "cut in a CBTPA beneficiary country" and insert "cut in 1 or more CBTPA beneficiary countries"; and

(ii) strike "assembled in such country" and insert "assembled in 1 or more such countries".

(6) In section 213(b)(2)(A)(i) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States)" after "yarns wholly formed in the United States,".

(7) In section 213(b)(2)(A)(ii) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States)" after "yarns wholly formed in the United States".

(8) In section 213(b)(2)(A)(iii)(I) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "United States, in an amount" and insert "United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more CBTPA beneficiary countries), in an amount".

(9) In clause (v) of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill—

(A) strike "fibers, fabric, or yarn" each place it appears in the heading and the text and insert "fabrics or yarn";

(B) strike "fibers, fabric, and yarn" and insert "fabrics and yarn"; and

(C) insert "apparel articles of" after "to the extent that".

(10) In section 213(b)(2)(A)(vii)(IV) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "entered" and insert "classifiable".

(11) In section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "(vii) TEXTILE LUGGAGE.—" and insert "(viii) TEXTILE LUGGAGE.—".

(12) Strike section 412(a)(2) and insert the following:

(2) in the flush paragraph at the end, by striking "and (G)" and inserting "(G), and (H) (to the extent described in section 507(6)(D))".

(13) In the article description for subheading 9902.51.13 of the Harmonized Tariff Schedule of the United States, as added by section 502(a) of the bill, strike "of 64's and linen worsted wool count wool yarn".

(14) In section 505(d), insert "to the United States Customs Service" after "appropriate claim".

## ORDERS FOR MONDAY, MAY 15, 2000

Mr. SMITH of Oregon. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 1 p.m. on Monday, May 15. I further ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for the transaction of morning business until 3 p.m., with Senators permitted to speak for up to 5 minutes each, with the following exceptions: Senator AKAKA, 30 minutes; Senator KENNEDY, 30 minutes; Senator THOMAS, or his designee, 2 p.m. to 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SMITH of Oregon. Mr. President, for the information of all Senators, the Senate will not be in session tomorrow and will reconvene on Monday at 1 p.m. When the Senate reconvenes, there will be a period for morning business not to exceed the hour of 3 p.m. Following morning business, the Senate will resume debate on the military construction appropriations bill under the previous order. Senators who have statements in regard to this appropriations bill are encouraged to come to the floor on Monday afternoon and Tuesday morning.

## ADJOURNMENT UNTIL 1 P.M. MONDAY, MAY 15, 2000

Mr. SMITH of Oregon. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:31 p.m., adjourned until Monday, May 15, 2000, at 1 p.m.

## NOMINATIONS

Executive nominations received by the Senate May 11, 2000:

### AGENCY FOR INTERNATIONAL DEVELOPMENT

BARRY EDWARD CARTER, OF THE DISTRICT OF COLUMBIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT, VICE SALLY A. SHELTON.

### NATIONAL SCIENCE FOUNDATION

MARK S. WRIGHTON, OF MISSOURI, TO BE A MEMBER OF THE NATIONAL SCIENCE BOARD, NATIONAL SCIENCE FOUNDATION, FOR A TERM EXPIRING MAY 10, 2006, VICE ROBERT M. SOLOW, TERM EXPIRED.

### THE JUDICIARY

JOHN W. DARRAH, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE GEORGE M. MAROVICH, RETIRED.

JOAN HUMPHREY LEFKOW, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE NORTHERN DISTRICT OF ILLINOIS, VICE ANN C. WILLIAMS, ELEVATED.

RICARDO MORADO, OF TEXAS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS, VICE FILAMON B. VELA, RETIRED.

### FOREIGN SERVICE

THE FOLLOWING-NAMED PERSONS OF THE AGENCIES INDICATED FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF THE CLASSES STATED, AND ALSO FOR THE OTHER APPOINTMENTS INDICATED HEREWITH:

FOR APPOINTMENT AS FOREIGN SERVICE OFFICERS OF CLASS FOUR, CONSULAR OFFICER AND SECRETARY IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

### DEPARTMENT OF AGRICULTURE

LESLIE O'CONNOR, OF CALIFORNIA

### DEPARTMENT OF STATE

AMY MARIE ALLEN, OF ARIZONA
WILLIAM H. AVERY, OF FLORIDA
STEPHEN B. BANKS, OF VIRGINIA
STEPHEN A. BARNEBY, OF NEVADA
BRIDGET A. BRINK, OF MICHIGAN
JENNIFER CHINTANA BULLOCK, OF PENNSYLVANIA
PAUL M. CARTER, JR., OF MARYLAND
ROBERT R. GABOR, OF CALIFORNIA
JEFFREY E. GALVIN, OF COLORADO
EDWARD G. GRULICH, OF TEXAS
SALLY BYRNE IRONFIELD, OF VIRGINIA
EMILY ALLT KENEALY, OF VIRGINIA
YURI KIM, OF GUAM
GREGORY MICHAEL MARCHESE, OF CALIFORNIA
ROBERT B. MOONEY, OF CALIFORNIA
PEGGY ANN ORTEGA, OF HAWAII
ROBERT A. PITRE, OF WASHINGTON
JENNIFER L. SAVAGE, OF VIRGINIA
RUSSELL ADAM SCHIEBEL, OF TEXAS
MICAELA A. SCHWEITZER-BLUHM, OF VIRGINIA
ANDREW SHAW, OF NEW YORK
DAVID WILLIAM SIMONS, OF WYOMING
MATTHEW ALEXANDER SPIVAK, OF CALIFORNIA
CHERYL S. STEELE, OF FLORIDA
MARGARET C. SULA, OF TEXAS
MARTINA ANNA TKADLEC, OF TEXAS
BRYANT P. TRICK, OF CALIFORNIA

THE FOLLOWING-NAMED MEMBERS OF THE FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE AND STATE TO BE CONSULAR OFFICERS AND/OR SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA, AS INDICATED:

CONSULAR OFFICERS AND SECRETARIES IN THE DIPLOMATIC SERVICE OF THE UNITED STATES OF AMERICA:

MARTHA PULTZ AMLIN, OF CALIFORNIA
ALEXANDER N. AVE LALLEMANT, OF TEXAS
ALEXANDER C. BALAZS, OF VIRGINIA
JOHN A. BALLARD, OF VIRGINIA
EDWARD BRERETON BESTIC, OF THE DISTRICT OF COLUMBIA
MICHELLE MARIE BISKUP, OF ILLINOIS
SCOTT ALLAN BRANDON, OF VIRGINIA
JOHN G. BREEN, OF VIRGINIA
JASON E. BRUDER, OF NEW YORK
SHARON LEE CARPER, OF CALIFORNIA
CHARLES GARDNER CHANDLER IV, OF TEXAS
REID ELLICE CHASE, OF VIRGINIA
PETER THOMPSON CHISOLM, OF FLORIDA
R. DIANA CLAYTON, OF MARYLAND
MATTHEW A. COTTRELL, OF WASHINGTON
AMANDA BETH CRONKHITE, OF NEW YORK
MONICA LYN CUMMINGS, OF CALIFORNIA
TRICIA B. CYPHER, OF PENNSYLVANIA
CHARLES A. DAVIS, OF VIRGINIA
CHRISTOPHER K. DERRICK, OF TEXAS
ZUZANA JANA DILLON, OF VIRGINIA
RICHARD C. DONOVAN, OF VIRGINIA
DANIELLE D. EL-GHILANI, OF MARYLAND
NATHAN D. FLOOK, OF MARYLAND
DANIEL H. GERSHATOR, OF CALIFORNIA
LISA CLAIRE GISVOLD, OF OREGON
HEATHER GOETHERT, OF VIRGINIA
LESLIE M. HAYDEN, OF CALIFORNIA
DENISE MARIA HAYES, OF THE DISTRICT OF COLUMBIA
ROSCOE A. HAYES II, OF WEST VIRGINIA
KENT C. HEALY, OF CONNECTICUT
PAUL J. HERMAN, OF NEW YORK
JOHN J. HILLMEYER, OF MISSOURI
TRACY A. HISER, OF TEXAS
CATHLEEN E. HULL, OF KANSAS
STEVEN HOWARD HUNSUCKER, OF VIRGINIA
WILLIAM K. JACKSON, OF UTAH
CHRISTINA E. JASINSKI, OF VIRGINIA
JENIFER JOYCE, OF NEW YORK
CRYSTAL T. KAPLAN, OF VIRGINIA
LISA DOUGHERTY KENNA, OF VERMONT
GORDON T. KINGMA, OF VIRGINIA
NATHANIEL P. LANE, OF CALIFORNIA
WALTER W. LUCAS, OF WASHINGTON
GEOFFREY J. MARTINEAU, OF ILLINOIS
DONALD G. MATTINGLEY, OF ARIZONA
ANDREW RAYMOND MCGOWAN, OF FLORIDA
CEZARY MENDELIUS, OF VIRGINIA
RICHARD CHARLES MERRIN, OF CALIFORNIA
SUSAN MICHELLE MEYER, OF THE DISTRICT OF COLUMBIA
SARA LILLI MICHAEL, OF CALIFORNIA
TIFFANY ANITA MURPHY, OF WASHINGTON
SHANE I. MYERS, OF NEW JERSEY
BRIAN W. NAFZIGER, OF THE DISTRICT OF COLUMBIA
JOHN C. O'BRIEN, OF VIRGINIA
JAMES P. O'DONNELL, OF VIRGINIA
MARTIN JUAN LEYERLY OPPUS, OF CALIFORNIA
RONALD S. PACKOWITZ, OF ILLINOIS
JOHN L. PARDUE, OF VIRGINIA
KATHERINE MOLLOY PEREZ, OF COLORADO
TIMOTHY C. PHILLIPS, OF CALIFORNIA
PEGGY L. PLUNKETT, OF OHIO
BRIAN STEPHEN QUIGLEY, JR., OF VIRGINIA
FORD E. ROBERTSON, OF VIRGINIA
JOHN A. ROME, OF THE DISTRICT OF COLUMBIA
WILLIAM JOSEPH RYAN, OF PENNSYLVANIA
KIMBERLEY ANN SCHAEFER, OF VIRGINIA
WILLIAM O. SCHMALE, OF VIRGINIA
KARA A. SISSON, OF VIRGINIA
TERRY D. STARK, OF TEXAS
TINA D. STIXRUDE, OF DELAWARE
TERENCE W. SWEENEY, OF VIRGINIA
LARUA F. TEMES, OF CALIFORNIA
NIKOLAS M. TRENDOWSKI, OF MICHIGAN
SETH H. VAUGHN, OF NEW YORK
DOUGLAS HARTZLER WISE, OF VIRGINIA
EILEEN MCDONOUGH WOOD, OF VIRGINIA

### THE JUDICIARY

MICHAEL J. REAGAN, OF ILLINOIS, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF ILLINOIS, VICE AN ADDITIONAL POSITION CREATED DECEMBER 10, 1999, PURSUANT TO THE PROVISIONS OF 28 U.S.C. 372(B).

GEORGE Z. SINGAL, OF MAINE, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MAINE, VICE MORTON A. BRODY, DECEASED.

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. CRAIG P. RASMUSSEN, 9204

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. RAYMOND P. HUOT, 2907

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. PETER M. CUVIELLO, 4052

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. TIMOTHY J. MAUDE, 3591

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. PAUL T. MIKOLASHEK, 2507

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ROBERT W. NOONAN, JR., 6884

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. DANIEL R. ZANINI, 1319

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS ASSISTANT COMMANDANT OF THE MARINE CORPS AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5044:

*To be general*

LT. GEN. MICHAEL J. WILLIAMS, 8024

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JAMES W. METZGER, 6693

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. MICHAEL G. MULLEN, 9509

### IN THE ARMY

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY AS CHAPLAINS (CH) UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

*To be colonel*

PHILIP W. HILL, 4741 CH

*To be lieutenant colonel*

JOSEPH F. HANNON, 6941 CH

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK (*)) IN THE JUDGE ADVOCATE CORPS (JA), DENTAL CORPS (DE), MEDICAL SERVICE CORPS (MS), ARMY NURSE CORPS (AN), UNDER TITLE 10, U.S.C., SECTIONS 531, 624 AND 3064:

*To be colonel*

RONALD J. BUCHHHOLZ, 6303 JA

*To be lieutenant colonel*

RICHARD N. JOHNSON, 6484 MS
*DAVID MOSS, 4759 DE

*To be major*

*JEAN M. DAVIS, 6868 AN

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

*To be colonel*

JACK R. CHRISTENSEN, 7816
DOUGLAS D. ELIASON, 9744
JAMES B. GASTON, JR., 0282
DENNIS W. HELDENBRAND, 8300
JAMES A. RYAN, JR., 1311
TERRY W. SALTSMAN, 7338
DANIEL J. TRAVERS, 1304

### IN THE MARINE CORPS

THE FOLLOWING NAMED LIMITED DUTY OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant colonel*

DENNIS J. ALLSTON, 0531
MICHAEL A. BOGACZYK, 5698
GEORGE I. BROUNTY, 9180
DAVID R. BURCH, 8328
PHILLIP D. DURBIN, 4818
JOHN J. FARLEY, 1298
JOHN T. GERMAIN, 6126
CHARLES E. GIRARD, 0403
JEFFREY W. GRAVES, 9548
GEORGE H. LAUVE, JR., 5825
DAVID L. STOKES, 0150

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be commander*

BRADLEY S. RUSSELL, 3304

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

ROBERT E. DAVIS, 3304

THE FOLLOWING NAMED OFFICERS FOR PROMOTION IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5721:

*To be lieutenant commander*

LAWRENCE J. CHICK, 8928
JOHN C. DANKS, 9220
DINO S. DELEO, 8261
KENNETH P. DONALDSON, 8614
GARRETT L.M. GARDNER, 4628
SEAN O. HARDING, 4953
CHRISTOPHER M. HENRY, 2281
JEFFREY T. HEYDON, 2311
ERIC R. HORNING, 7317
DENNIS J. KLEIN, 2210
DANIEL R. LANE, 9921
MINH THANH LY, 6618
BILLY W. NORTON, 0266
LAWRENCE D. OLLICE, 3649
MICHAEL Q. PASQUARETTE, 9567
MICHAEL H. PAWLOWSKI, 4045
DARREN R. POORE, 7464
GERALD R. PRENDEGAST, 5168
KARL F. PRIGGE, 2051
TIMOTHY E. RIEGLE, 6186
KEVIN M. ROBINSON, 4349
WALLACE E. SCHLAUDER, 9953
RICHARD T. SHELAR, 3847
CAREY J. SIMS, 1593
MARK SUCHSLAND, 0222
JOHN A. WARDEAN, 7056
KIRK A. WEATHERLY, 3986
PAUL A. WHITESCARVER, 9801
THOMAS D. WHYTLAW, 9840
MICHAEL L. WILLARD, 0346
JAMES R. WIMMER, 6009

# EXTENSIONS OF REMARKS

## COMMENDING THE ANN ARBOR HURON HIGH SCHOOL MUSIC DEPARTMENT

### HON. J. DENNIS HASTERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. HASTERT. Mr. Speaker, today I commend the Ann Arbor Huron High School Music Department for being named as a Grammy Award Signature School. Their hard work and commitment to excellence has made this achievement possible and it brings me great pleasure to have the opportunity to share this day with them.

As a former member of the Ann Arbor School Board, I know the special significance of such an achievement for a high school music program and I look forward to future accomplishments from the department.

## TRIBUTE TO COLONEL EDWARD OWSLEY

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mrs. EMERSON. Mr. Speaker, it is with pleasure that I rise to honor a very special constituent on his day of retirement. Colonel Edward Owsley, a native of Missouri, is retiring after 10 years on the Rolla City Council. I have known Colonel Ed for twenty years and he has been a great inspiration to me as well as the city of Rolla. Colonel Ed has been a true leader for the City of Rolla, always searching for new opportunities and challenges. He has served on the service academy review board for both Bill and me, and has served as chairman of this group for the last 10 years. He has done a remarkable job in helping me select the finest individuals to serve our country in the service academies. Ed's love of the military has made him a tremendous resource for Rolla and the surrounding area in his official duties as liaison to Fort Leonard Wood and the U.S. Army. He is over 80 years old, yet he continues to remain on the cutting edge of knowledge about his community and Fort Leonard Wood.

At the age of 18, Colonel Owsley joined Company I, 138th Infantry, Missouri National Guard and was First Sergeant of the Company when it was called to active duty on December 23, 1940. He served overseas during World War II as Second Lieutenant of Infantry on various troop and staff assignments in the Far East Campaigns. After he returned from the war, he served at Headquarters, Seventh Corps Area, Omaha, Nebraska as Executive for U.S. Army Recruiting for a five state area. He was promoted in 1948 to Lt. Colonel and assigned to the Missouri Military District as Deputy for recruiting, and Field Representative to the Selective Service System. He served at Fort Leonard Wood as the Assistant Chief of Staff during the Korean build-up and was promoted to Colonel. After serving in the Pentagon, Colonel Ed returned to Fort Leonard Wood for his final years of service.

In addition to serving his country, this dedicated man has served Rolla, Missouri in so many ways, since he retired the U.S. Army in 1966. After serving as the Executive Director for the Rolla Area Chamber of Commerce from 1967 to 1989, he helped form the Rolla Community Development Corporation. This non-profit organization aims at providing jobs and industrial development opportunities for the area. Col. Owsley still serves the RCDC as treasurer. While the City Council will miss Col. Ed, I doubt he is truly retiring. In his first 85-plus years, he has brought so much to those who have crossed his path. With his outgoing spirit and enthusiasm for life, I am sure he will continue to serve his community as long as he is able.

## IN RECOGNITION OF THE HONOREES OF THE 2000 ANNUAL BROTHERHOOD AWARDS DINNER

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. MENENDEZ. Mr. Speaker, today I recognize the honorees of the 2000 Annual Brotherhood Awards Dinner. The National Conference for Community and Justice (NCCJ) has selected Alan J. Apfelbaum, James Jackson and Dr. Patricia L. McGeehan for their outstanding contributions to the promotion of understanding and respect among all races and religions.

These three exceptional individuals have demonstrated a dedication to community that transcends our simple desire to belong. They not only promote tolerance, but embrace diversity, and that is why they are being honored by NCCJ this year; they understand and exemplify American ideals—the very ideals that make our nation great.

With tremendous compassion and selfless determination Alan Apfelbaum, James Jackson, and Dr. Patricia McGeehan have shown the degree of compassion and guidance that ensures a better future for their communities, a better future for America's communities.

I ask that my colleagues join me in recognizing the 2000 Annual Brotherhood Awards Dinner Honorees as well—they are truly great community leaders.

## CHINESE INTENTIONS

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. SCHAFFER. Mr. Speaker, recently the Central Intelligence Agency (CIA) released an unclassified report concerning Chinese espionage activities against the United States. The report is very insightful and I therefore urge every Member to read the report.

Additionally, I have received the CIA's classified briefing concerning Chinese espionage operations. Needless to say, the briefing was more detailed about the activities of our "most favored" trading partner. The classified briefing not only solidified my opinion that we need to do more to dissuade the Chinese government from acting against our country, but gave me at least thirteen more reasons to continue advancing my opinion toward developing a national missile defense capability for the United States.

Mr. Speaker, I have sought clarity to the unclassified report and the unaddressed issues of the report. Those points, are outlined in a letter addressed to CIA Director George Tenet, which I hereby submit for the RECORD.

*April 27, 2000.*

GEORGE TENET, Director,
*Central Intelligence Agency,*
*Attention: Public Affairs,*
*Washington, DC.*

DEAR MR. TENET: Please consider my concerns on the joint CIA/FBI Report to Congress on Chinese Espionage Activities Against the United States, unclassified version. The report omits pertinent items that would otherwise clarify the issue of Communist Chinese espionage, propaganda, and penetration of U.S. political affairs, government, and armed forces. Rather than leading the reader to an understanding of the threat and purpose behind Communist China's acts of espionage against the United States, the report fails to interrelate Communist China's intelligence operations, military build up, and political opportunism.

One of the chief roles of intelligence is to provide information to a country engaged in or about to engage in war. In view of the remarkable penetration by the Communist Chinese People's Liberation Army (PLA) of U.S. military capabilities, the wholesale theft of advanced U.S. technology by the PLA, and the burgeoning interference of Communist Chinese agents with U.S. political affairs, it must be stated that Communist China is engaged in undeclared war against the United States. There is no other purpose for the magnitude and focus of Communist Chinese espionage against the United States.

One of the classical uses of espionage and networks of spies, agents, saboteurs, and "friends" is to provide a "fifth column" attacking the will and sensibility of an opponent. Adolph Hitler demonstrated the effectiveness of "fifth column" elements in his

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

overthrow of Czechoslovakia in 1938. Such is the activity of Communist China inside the United States today. Indeed, classical military strategy would call for directed efforts at breaking the will of an opponent, regardless of the means. The report would do well to note this.

The driving force and purpose behind Communist China's espionage against the United States has been stated by Communist China. In 1999 Communist China's Defense Minister, General Chi Haotian, stated that war with the United States "is inevitable." The doctrine of the Communist Chinese PLA plans for war against the United States as a threat to Communist Chinese hegemony in the Far East and a threat to the oppressive nature of Communist China's regime which rules by brutality and the repression of human freedom. The report would do well to note this, and is striking for its paucity of references and omission of Communist Chinese thinking.

One of the lessons learned by Communist China from the 1991 Persian Gulf War was the effectiveness of advanced military technology. Following the 1991 Persian Gulf War, Communist China began to aggressively acquire Western and U.S. military technology wholesale, whether by theft, trade, or espionage, noted in the report. "Chinese attempts to obtain U.S. military and military-related technology—reflecting recognition of the overwhelming technological superiority enjoyed by the Western alliance in the Gulf War and Kosovo—have increased since the early 1990s."

What would have been helpful in such a report, however, is an explanation of the relationship between Communist Chinese espionage and intelligence operations, Communist China's efforts to "ascend the technology ladder," and the modernization program of the Communist Chinese PLA focused on the acquisition of a U.S.-type military replete with a blue water Navy and air power projection capabilities, and the rapid, aggressive acquisition and development of advanced ballistic missile technology, nuclear weapons, and manned space operations. The driving force behind Communist China's economic modernization is the PLA, seeking to acquire advanced military weapons. The report should note this, and could prove helpful by including a description of the PLA's military modernization program, a link with DIA (Defense Intelligence Agency) may be appropriate on this point.

Intelligence is a key adjunct to successful military operations. Noting the acquisition by Communist China of a global space tracking network, including its ship-based satellite tracking systems, the agreement of the Republic of Kiribati to let Communist China use the island of Tarawa for satellite tracking would be helpful. The report would also be helpful in providing information on Communist Chinese plans to establishing an intelligence gathering station in Cuba, and in the Bahamas, both close to home, and impinging upon our space program based at Cape Canaveral. An update would also be appropriate on Communist Chinese activity in Panama, which affects U.S. economic interests in the Panama Canal, and in the control of drug trafficking and regional stability.

The report would provide valuable information by noting specific examples and activities of Communist Chinese companies and "front operations" such as Cosco, which serve as conduits for Communist Chinese espionage. In particular, Communist Chinese activity in California should be revealed, especially in regard to their purchase or leasing of commercial property for trade (ports, warehouses, and airports). The magnitude of the Communist Chinese penetration of the United States needs clear explanation even beyond the classified version of the report which I have read. It needs to be understood. The contents of the report need to be expanded and brought to light so that the American people can see and understand the magnitude, comprehensiveness, and diffuseness of Communist Chinese intelligence operations against the U.S.

On March 9, The Washington Times said of the report that "professional military and civilian intelligence officers play a small part in the China's spying efforts" (Bill Gertz, "China Boosts Spy Presence in U.S., CIA, FBI Report"). This needs further explanation. In addition, the United States has adopted a policy of giving away advanced military training and tactics to the PLA. These military contacts need to be delineated and described to Congress and the American people. The American people need to understand the closeness of the PLA in grasping and being able to combat U.S. military doctrine and tactics.

The report would also provide valuable background information describing Communist China's acquisition of new territory in Southeast Asia: Communist China's forcible takeover of the Parcel Islands in 1974; Communist China's forcible expulsion of the Philippines from Mischief Reef in the Spratly Islands in 1995; Communist China's propaganda against Taiwan, and its territorial claims for the Natuna Island oil and gas reserves owned by Indonesia are aspects of Communist Chinese belligerence that beg for description. It is also worth noting the military weakness of the many nations in Southeast Asia compared to Communist China.

I am encouraged that the report describes Communist Chinese intelligence operations against the United States. I am anxious to hear of recommendations from the CIA and FBI on the steps Congress should take to combat and defeat Communist China's intelligence, espionage, and propaganda campaign against the United States.

I look forward to your response. Thank you for your kind attention to this matter.

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## CENTRAL NEW JERSEY CONGRATULATES TIMOTHY COPELAND, EWING KIWANIS POLICE OFFICER OF THE YEAR

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. HOLT. Mr. Speaker, I rise today to recognize Timothy Copeland of Ewing Township, who is being honored by the Ewing Kiwanis Club as the Police Officer of the Year on Tuesday, May 16, 2000.

This award is bestowed upon him by his peers in recognition of his constant willingness to go above and beyond the call of duty.

In March of 1993, Officer Copeland began his employment with the Ewing Police Department and graduated from the Trenton Police Academy Basic Training Course in August of 1993.

After being sworn into office, Officer Copeland was assigned to the Patrol Division where he rose to become a Field Training Officer. Officer Copeland is also a mentor for the D.A.R.E. student education program. He has excelled with many letters of commendation for his outstanding work as an officer.

Mr. Speaker, Officer Timothy Copeland is a great example for Central New Jersey. I ask all my colleagues to join me in recognizing him.

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## MICHAEL R. BRENTANO

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. BARR of Georgia. Mr. Speaker, I am pleased to commend Michael R. Brentano, a court reporter from Georgia, on his appointment this July as the 92nd President of the National Court Reporters Association. The NCRA, a professional organization founded in 1899, represents over 38,000 court reporters from around the world.

For those of us who know Mike, this announcement is welcome, but hardly surprising. Throughout his professional life, he has consistently created new opportunities for himself, his employees, his customers, his profession, and our judicial system.

Following his graduation from Emory University in Atlanta, Mike trained to become a court reporter, and began working for Judge Harold Murphy in the U.S. District Court for the Northern District of Georgia. A few years later, he became a freelance reporter for Brentano Reporters, where he serves as Vice President and General Manager today.

Mike and his wife, Judy, have played an invaluable role in pioneering new reporting technologies and methods, that have led their profession into the 21st century. Under the leadership of Mike, Judy, and others, many court reporters have moved beyond their traditional role as recorders of events, and become all-purpose support systems for litigation and other public events. For example, he has become an expert in real-time reporting, advanced litigation support, and data retrieval.

Mike's service to his community goes far beyond the walls of the courtroom. He has testified in the Legislature about his profession, and has supported the State Bar of Georgia pro bono reporting program.

Based on his many past achievements, and his great prospects for more successes in the future, I join court reporters around America in saluting Mike on his appointment as President of the National Court Reporters Association.

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## IN SUPPORT OF NATIONAL TEACHER APPRECIATION WEEK

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. CAPUANO. Mr. Speaker, in honor of National Teacher Appreciation Week I pay tribute to some of the outstanding teachers that serve in the Eighth Congressional District of Massachusetts.

In Belmont, Massachusetts, several teachers have received local and national accolades for their outstanding dedication to their jobs: Janice Rosenberg was selected to join the National Science Foundation's Teachers Experiencing Antarctica and the Arctic; Kimberley Mayer received a Teacher Award in the 2000 Space Settlement Design Contest sponsored by the NASA Research Center; and Eleanor Palais was honored by the Belmont School Committee for the success of 15 students in B.C. Calculus, all of whom received a perfect score of 5 on the AP Exam.

In Somerville, Massachusetts, two teachers, John O'Keefe and Barbara Marder, were recognized by the Department of Education for completing the National Board for Professional Teaching Standards Certification; and Alice Comack was recently honored by the Massachusetts Teachers Association for her work in the area of human rights.

Since becoming a Member, I have visited schools all over my district. In Watertown, Massachusetts, I toured the Cunniff Elementary School and viewed how they are wiring their school and upgrading their computers. In Boston, Massachusetts, I visited the Winship Elementary School and discussed the Constitution with fifth graders. I am always amazed at the warm greeting I receive from students, and from teachers. For them, it does not matter who the visitor is, but rather that someone cares and recognizes the hard work they do.

Mr. Speaker, almost 5,000 teachers in over 176 schools educate approximately 86,000 students in the 8th district; far too many teachers to mention everyone by name. However, I would like to take a moment to thank all the teachers in Belmont, Boston, Somerville, Cambridge, Chelsea and Watertown for tirelessly giving of themselves to educate our future leaders.

Mr. Speaker, as we prepare to debate the reauthorization of the Elementary and Secondary Education Act, I hope each Member of Congress will reflect upon the valuable contributions of teachers in their respective districts, and work to pass legislation that helps our nation's teachers provide the best possible education for our children.

## EQUAL PAY DAY

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. BACA. Mr. Speaker, today is equal pay day. We should recognize women and pay them equally. They are our grandmothers, mothers, wives, colleagues, teachers, caregivers, citizens and leaders.

Women's role in the home and work place is critical. That's why I am pleased to co-sponsor H.R. 541, the Paycheck Fairness Act, and H.R. 1271, the Fair Pay Act. And I am pleased to sponsor the 8th annual women's event on August 4th at Cal Sate University San Bernardino.

Many working women lack the basic benefits they need to care for their families. So we have kids with illnesses going to school; kids who have not eaten breakfast; and kids hanging out on the street because their mothers work two or three jobs.

We need laws to improve child care and after-school care. On the job, working women are looking for higher pay, better benefits and most of all the "3–R's": respect, recognition and reward for a job well done. Working women want a stronger voice—not only in decisions on the job but in the policy making area.

Women deserve our support.

## TRIBUTE TO THE 21ST CENTURY COMMUNITY SCHOOL HOUSE

### HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Ms. HOOLEY. Mr. Speaker, in honor of H. Con. Res. 310—which was passed by the House last week—to Commend the Charter School Movement, I rise to pay tribute to a new PUBLIC charter high school in Salem, Oregon, the heart of my district.

The 21st Century Community Schoolhouse is a small high school where no student is anonymous. With a curriculum that integrates ALL subjects, it is founded on the belief that students' work must be relevant to them, incorporate high academic standards, and include extensive community service.

These students, who formerly have been alienated because of whatever differences make them special, will now become connected to each other, to their teachers, and to adult mentors in the community. I believe that we cannot afford to let one high school student slip through the cracks in the public school system, and the 21st Century Community Schoolhouse provides a model for school districts across the country to follow.

This resolution represents a national commemoration of the charter school movement and the contribution charter schools have made to improving the nation's public school system. But we are not only here to applaud charter schools today—this resolution will continue to express our appreciation of charter schools by designating a National Charter Schools Week.

Often times, we forget to celebrate the parts of our education system which are working. The 21st Century Community Schoolhouse in my district works and I wish to celebrate them.

## NATIONAL TEACHER APPRECIATION DAY—RECOGNIZING THE REMARKABLE ACHIEVEMENTS OF LOCAL EDUCATORS

### HON. BRIAN BAIRD

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. BAIRD. Mr. Speaker, this week we celebrate National Teacher's Appreciation Day, and today I personally recognize some of the remarkable educators who have had a profound affect on the lives of children throughout my district. I have had the opportunity to visit over 200 classrooms in my district since my election to Congress, and I can tell you the teachers I recognize today are just a small sampling of the innovative teaching, academic leadership, energy, and enthusiasm I have seen from educators in so many of the schools in my Southwest Washington district.

For educators, teaching at a small, rural, and often underfunded school poses particularly difficult challenges. In the case of 5th and 6th grade teacher Timothy Davis, he has worked tirelessly for sixteen years at Mount Pleasant School in Washougal to overcome the obstacles faced by the school district. During two years when the school district faced financial difficulties and could not afford to keep a full staff, Mr. Davis stepped forward to serve in a dual role of teacher, principal, and superintendent. Tim Davis never puts in less than 12 hours a day, devoting his free time to applying for grants and creating a challenging curriculum for his students. Mr. Davis is praised by his peers for his patience, consideration, and good judgment.

Students at Centralia High School are truly lucky to have an enthusiastic science teacher by the name of Henri Weeks. After graduating from Centralia High School, Mr. Weeks returned in 1989 to take the job of his former science teacher. Since that time, Henri Weeks has worked tirelessly to make science fun and interesting for his students. In his spare time, Mr. Weeks has taken part in summer internships at Fred Hutchinson Cancer Research Center and has incorporated DNA testing in the schools science lab projects. His students are currently involved in the human genome project (DNA mapping) which is being coordinated by the University of Washington. Henri Weeks is described by his peers a self-less educator that cares a great deal about inspiring his students to achieve greatness.

At South Bend High School, Mr. Steve Lazelle is credited for being an outstanding teacher who is in high demand as a presenter on his unique Aquaculture curriculum locally, regionally, and nationally. In 1990, the district was chosen as one of six test sites in the nation to pilot an aquaculture curriculum provided by the National Council for Agricultural Education. Mr. Lazelle is one of the original teaching team members to infuse aquaculture into Agricultural education beginning in a one-room facility with ten students. Today, thanks to Steve's leadership, the program is located at the Port of Willapa Harbor's Port Dock facility with Steve as the only instructor and manager whose enrollment topped out at 83 students. The program raises and sells tilapia fish to the markets of Seattle, and works with the local gill-netters association to raise and release salmon into the Willapa River. Steve Lazelle is acknowledged by his peers as a man who has changed the lives of many of the students who come into contact with him.

Jim Van Fleet, a former skilled millwright who worked for Reynolds Aluminum Company in Longview for nearly twenty years, now devotes his life to school children. Mr. Van Fleet has been a volunteer coach for kids in various levels of softball and basketball for all of his life, but recently returned to school and earned a masters in teaching. In 1997, Jim began his teaching career at Caste Rock Middle School where he teaches math and science. Mr. Van Fleet is very popular with his students because of his innovative, stimulating lessons. He has developed several games that are used as lessons in his classes. Mr. Van Fleet is at the forefront in the use of technology for improvement of student learning and has been a mentor to other teachers in development of technology augmented instruction. Jim is respected by staff and parents for his ability, dedication to improvement, and for his approachable demeanor.

Since 1972, George Simonsen has instilled a love of music in hundreds of students at all levels in the Kelso School District. Under George's direction, The Kelso High School Chamber Orchestra has won three gold medals at international music competitions. In addition, George's orchestras have performed at numerous competitions and events throughout the state and Northwest. Several years ago they performed before an audience of 20,000 school board members at a national convention in Anaheim, California. In addition to being a gifted teacher, Mr. Simonsen is the director of the Southwest Washington Symphony—one of the truly fine small symphony orchestras in the country. Mr. Simonsen is an important part of the Kelso team, using music as a tool to support learning, willingly accepting extra work, and bringing enthusiasm to all of the activities in which he participates.

Mary Holmberg masterfully teaches a sixth grade classroom at Meadows Elementary School in Lacey. Besides her exceptional work in her own classroom with diverse students, Ms. Holmberg has been a key leader in implementing new math and science curriculums in the school district. Mary devotes numerous hours of her free time to working with math and science teachers throughout the school district and to helping lead after school programs for students. Mary teaches a double class of math students every day in order to help out a visually impaired teacher. Additionally, Ms. Holmberg is always available both before and after school hours to help students with their work.

A teacher at Elma Elementary School for seventeen years, Carol Boyer believes in relevant, exciting, and fun learning experiences for her fifth grade students. A study of astronomy includes a sleep over to view the heavens. A study of the Oregon Trail includes the construction of a wagon train, formation of families, and a simulation of the life along the trail. To bring animal life close to her students, Carol is working with a master birder to create an environment that attracts species of birds at the school site. She is currently creating a unit of study on the Osprey for student research to answer the question, "Why are the eggshells of the Osprey becoming thinner and how does it affect their survival?" In the midst of school reforms, Carol teaches to the Essential Academic Learning Requirements in a way that is engaging, thought provoking, and hands-on.

Mr. Speaker, I could go on for hours about the remarkable teachers who are impacting students throughout my district every day. Today, however, I can only highlight a few of the amazing, generous individuals who are giving selflessly of themselves to help our children succeed. As Teacher Appreciation Day comes to a close, I would implore residents in my district and parents throughout America to thank their child's teacher for providing the most valuable gift their child will ever receive, the gift of knowledge.

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## CELEBRATING TAIWANESE-AMERICAN HERITAGE WEEK

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. DEUTSCH. Mr. Speaker, this month I join with citizens across the nation in celebrating Pacific American Heritage Month. The Pacific American community represents an important foundation of America's future and I commend the proud celebration of its heritage.

Taiwanese-American Heritage Week, the part of Pacific American Heritage Month held from May 7 to May 14, celebrates the unique and diverse contributions of the more than 500,000 Taiwanese-Americans in the United States. This portion of the population has made countless significant achievements in our country and their accomplishments can be found in every facet of American life. Taiwanese-Americans have succeeded as successful and notable artists, Nobel Laureate scientists, researchers, human rights activists, and business leaders.

In addition to recognizing these contributions, Taiwanese-American Heritage Week also provides an excellent opportunity to celebrate the success of democracy on the island of Taiwan. Since 1987, the Taiwanese people have freely selected their own leaders, practiced the religion of their choice, and expressed their thoughts openly and freely. Taiwan has become a vibrant and democratic participant in the family of nations. The recent election of Mr. Chen Shui-bian as the new president of Taiwan should be considered a reaffirmation of their dedication to democratic ideals.

However, despite Taiwan's many accomplishments, significant political challenges still remain. With all that the Taiwanese people and Taiwanese-Americans have accomplished, there can be no complete satisfaction until Taiwan's sovereignty, status and global contributions are respected and appreciated. Gaining worldwide recognition of the legitimacy of Taiwan's government is paramount. It is crucial that the voice of the 22 million people of Taiwan be heard in international organizations such as the United Nations, the World Health Organization and other international organizations.

Mr. Speaker, Taiwanese-American Heritage Week recognizes and celebrates the long-standing friendship between the United States and Taiwan. I hope my colleagues will join with me in commending the accomplishments and contributions of the Taiwanese American community.

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## INTRODUCTION OF MOTOR CARRIER FUEL COST EQUITY ACT OF 2000

### HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to address a crisis which threatens to severely reduce competition in the trucking industry.

To the hundreds of independent truckers who in an orderly and proper fashion came to their Nation's capitol earlier this year, let me say, we heard you. This gentleman from West Virginia, at least, heard what you had to say.

Everyone is concerned over the effect high fuel costs are having on our economy. But in particular, high diesel fuel prices are hitting the independent small trucker the hardest. These individuals, who own and operate their own rigs, are faced with financial ruin. Simply put, they cannot afford sharp increases in diesel fuel prices and they are not in the position to pass these increased costs on to shippers. The result is that many are going out of business and an important segment of the trucking industry is being lost.

What does this mean? Aside from the very real and pressing personal hardships these independent truckers and their families face, we are also losing competition in the trucking industry. Many shippers are concerned over consolidations in the railroad industry. Situations where due to the lack of competition, they believe they are held hostage to a single railroad. These shippers could face a similar situation in trucking as the owner-operators succumb to rising fuel costs, thinning the ranks of trucking alternatives.

Indeed, last month in testimony before the Resources Committee the head of the American Trucking Associations, Walter McCormick, noted: "If we start to see bottlenecks, shippers who today object to a fuel surcharge will have to scramble to get their freight delivered at any cost. It's easy to see where that leads: Consumer prices rise and inflation snuffs out our country's economic expansion."

This statement echoes what the president of the Owner-Operator Independent Drivers Association, James Johnston, said before the Committee on Transportation and Infrastructure on March 21st: "If we don't fix this problem soon, and truckers continue to lose their businesses or refuse to drive unprofitably, we are going to see greater disruptions in our economy as goods do not get to market and just-in-time deliveries to manufacturers cease to arrive 'just-in-time.'"

To address this situation, we are introducing the "Motor Carrier Fuel Cost Equity Act of 2000." This legislation would require that a mandatory fuel surcharge be put into place for truckload carriers, and that the surcharge actually be passed through to the motor carrier, or as the case may be, the broker or freight forwarder, who is providing the transportation service in situations where diesel fuel prices are the subject of sudden and exorbitant increases. Further, the bill provides that if existing transportation contracts or agreements already contain fuel surcharges, nothing in the legislation would affect those arrangements.

To be sure, this is not unique response to fuel crises. There are situations where existing contracts between shippers and motor carriers contains fuel surcharges. Further, in response to past fuel crises, the Interstate Commerce Commission first mandated them during the 1970s. However, once the filed rate doctrine was abolished, federal authority in this matter lapsed.

The question could be asked, why now mandate a fuel surcharge if some transportation contracts already provide for them. The answer lies in the type of environment in which independent truckers operate. In those instances where they are under lease to a motor carrier to provide the transportation service, there is no guarantee that a surcharge will be passed on to them. The transportation contract is between the motor carrier and the shipper, and the owner-operator has no role in the types of rates charged.

In addition, where the independent trucker has his or her own operating authority and deals directly with shippers, they usually do not have the leverage to obtain a fuel surcharge from them. In effect, the independent trucker, being a small businessman, is put in a position of either having to accept the offered rate or losing the business.

Mr. Speaker, I believe this legislation represents a fair and reasonable approach to addressing this situation. It does not solve the fuel crisis, but it would bring relief to an important sector of the transportation industry.

## EQUAL PAY DAY RESOLUTION

**HON. NEIL ABERCROMBIE**

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. ABERCROMBIE. Mr. Speaker, I rise today to recognize the significance of May 11th, as Equal Pay Day. Today is the day when women's wages for the period beginning January 1, 1999, will equal the amount earned by a man during calendar year 1999.

Since the passage of landmark legislation like the Equal Pay Act and the Civil Rights Act, women's participation in the labor market has increased dramatically. Unfortunately, their pay has not.

Women continue to earn less than men for comparable work. U.S. Census data from 1998 shows that women earn only 73 cents for every dollar earned by men.

Equal pay is a problem for all working women. For example, the 95 percent of nurses who are women earn $30 less each week than the 5 percent of nurses who are men.

Unequal pay doesn't just affect women, it affects our entire economy.

I had hoped that I would be able to bring forward the resolution that Representative Morella and I introduced recognizing Equal Pay Day. Unfortunately, the Republican Leadership in the House refuses to acknowledge the significant effects of unequal pay on working women and their families.

This Congress can do more than rest on the laurels of equal pay legislation that passed over 30 years ago. I urge all Members of Congress to commemorate Equal Pay Day. Let women in your district know that you will pursue the passage of equal pay legislation in the 106th Congress.

## IN HONOR OF OLDER AMERICANS MONTH

**HON. JUDY BIGGERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mrs. BIGGERT. Mr. Speaker, I rise today in honor of Older Americans Month.

For more than 35 years, the President of the United States has designated May as Older Americans Month—the month when we honor our 34 million older Americans whose contributions helped to make the 20th century the American century.

This year's theme—"In the New Century . . . The Future is Aging"—highlights the impact that those extraordinary contributions had on nearly every aspect of society for future generations of Americans. It also gives us a chance to draw attention to aging issues that policy makers will face as the ranks of older Americans swell in the coming decades.

The next century is expected to be a golden age for seniors, with life expectancy increasing and predictions that older people will outnumber children for the first time in history.

The least we can do is assist those who have given all they can and want to continue to live healthy, active lives.

We started on the right path when we repealed the Social Security Earnings Limit. No longer will the tax code penalize those seniors who choose to stay in the workforce during their golden years.

But there is more to do. For one, we can renew the Older Americans Act, which has not been reauthorized since 1995. Since that time, our nation's seniors and the programs established to serve them have faced an uncertain future.

The Older Americans Act has been a special program for over 34 years. Using a small slice of the federal budget, the Act has provided hot meals, legal assistance, employment for seniors, and services for the homebound. Because these programs help our seniors to remain active, healthy, and a part of their communities, we must make the Act's reauthorization a priority.

And there are other challenges to face—ensuring that Social Security will be viable for this generation and others, finding a way to furnish long-term care security, and providing a Medicare prescription drug benefit.

But let's not get lost in the minutiae of policy—May is about honoring our seniors, not advancing an agenda.

So, on Friday, I will travel to Darien, Illinois, in my congressional district to celebrate their Older Americans Day. We will honor those who contribute to our communities as grandparents, parents, workers, volunteers, and role models. We will honor those who are the keepers of our traditions and teachers of our values.

I urge all my colleagues to follow Darien's led and to use the month of May to celebrate the great gifts older Americans bring to our lives. And let's help our older friends, parents and grandparents make their lives and our lives more rich and rewarding for many years to come.

## IT'S ONLY FAIR

**HON. JANICE D. SCHAKOWSKY**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Ms. SCHAKOWSKY. Mr. Speaker, today is Equal Pay Day, a day that symbolizes the financial struggles that women must endure because of the ever-present wage gap.

In the workforce, women are at a clear disadvantage. They are paid less than their male counterparts for doing the same job. Women are paid on average 74 cents for every dollar men received of $148 less each week. Women of color are faced with an even worse prospect. African American women earn 64 cents for every dollar men earn or $210 less each week. Hispanic women fare the worst. They earn only 54 cents for every dollar men earn.

This pay inequity is hurting families in every part of our country. A working woman's family loses on average $4,000 each year due to this inequity. And in Illinois, the numbers are even worse. Women in my home state lose on average $4,913 a year.

The inequity compounds over the years. A 25-year-old working woman will lose $523,000 during her lifetime as a result of this wage gap. And when she retires, she'll collect a smaller pension and less Social Security.

There is no denying that a pay gap exists today. When comparing the wages of women and men who have the same job, qualifications, education and background, men win.

As we begin the 21st Century, we must eliminate inequities in the workplace. We must do this for the sake of our next generation of women leaders. When my granddaughters Isabel and Eve are ready to enter the workforce, I want to make sure that they earn the same as their male counterparts. It is only fair.

## IN HONOR OF THE WOMEN'S DIVISION 2000 SPRING LUNCHEON JOURNAL OF THE UNITED JEWISH APPEAL FEDERATION OF BERGEN COUNTY AND NORTH HUDSON

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. MENENDEZ. Mr. Speaker, today I recognize the honorees of the Women's Division of the United Jewish Appeal (UJA) Federation of Bergen County and North Hudson.

Today, the UJA Federation of Bergen County and North Hudson holds its Women's Division 2000 Spring Luncheon Journal, an event that proudly celebrates the heritage and solidarity of the Jewish community, while honoring the women who have tirelessly worked to preserve Jewish identity.

This year's honorees are Dr. Adrienne Greenblatt, Lilo Ollendorf, and Susan Shaw. These three exceptional women represent the life-blood of community service—their contributions to the Jewish community will long endure.

The UJA Federation serves more than 70,000 Jewish people living in 65 Bergen County and North Hudson communities. The 2000 Spring Luncheon will raise money to help the elderly, people with developmental disabilities, and families in crisis. Funds will also be used to help integrate Jewish immigrants from the former Soviet Union into American society.

I ask my colleagues to join me in honoring Dr. Adrienne Greenblatt, Lilo Ollendorf, and Susan Shaw for their extraordinary contributions to the Jewish community.

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## TRIBUTE TO JIM NICHOLSON

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. SCHAFFER. Mr. Speaker, each year the Horatio Alger Association of Distinguished Americans honors outstanding citizens who, overcoming humble or adverse circumstances, become leaders who dedicate themselves to others and serve as role models for youth.

I am proud to report that Jim Nicholson has been chosen as a 2000 Horatio Alger Award recipient.

He was a child raised in bitter poverty, who won an appointment to West Point, led troops in Vietnam, practiced law, built a successful homebuilding and land development company, and served as a volunteer leader to help numerous community and charitable organizations. His faith, family, and commitment to education have been the foundation for his success.

Jim Nicholson now serves as chairman of the Republican National Committee, a post he has held since 1997. His tireless efforts, his optimism, his courage, and his integrity have contributed markedly to restoring public confidence in the ethics of American political leadership.

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## CENTRAL NEW JERSEY RECOGNIZES THE PLAINSBORO VOLUNTEER FIRE COMPANY'S 40TH ANNIVERSARY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. HOLT. Mr. Speaker, I rise today in recognition of the Plainsboro Volunteer Fire Company's 40th anniversary.

Over the last forty years, the members of this organization have made a tremendous contribution to their community by protecting their residents and assisting other local departments.

In the days when there were more cows than people in the Township of Plainsboro, a handful of farm workers and American Cyanimid employees decided to erect a fire station. In the first full year of operation, the Plainsboro Volunteer Fire Company responded to 30 calls for service.

In the early days of the fire company, the alarm was sounded by the stationary fireman on duty at a local farm who would blow the farm's steam whistle when a fire was reported. Firefighters living in the village section of the township could hear the alarm easily. Their family members then relayed the alarm by telephone to members living in outlying areas of the community.

The first truck used was a 1940 American LaFrance with a 640 gallon per minute pump—which stands in contrast to the current 1750 gallon per minute pump that the department uses today. The department has continued to update its fleet of vehicles, purchasing the newest and most efficient fire-fighting equipment.

Over the years, the Plainsboro Fire Company has drawn financial and moral support from Princeton University, one Fire District, and many appreciative citizens. These groups have aided the Plainsboro Fire Company by raising the funds to keep the department running smoothly.

What has not changed about the Plainsboro Fire Company is its dedication and commitment to serving the needs of its community. The 40th anniversary of the department is being celebrated tomorrow at an Anniversary Dinner. The dedication and hard work that is continually demonstrated by the members of the Company is to be admired. I urge all of my colleagues to join me in recognizing the accomplishments of the Plainsboro Volunteer Fire Company.

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## KID DAY AMERICA/INTERNATIONAL

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. BARR of Georgia. Mr. Speaker, on Saturday May 20, 2000, the Wilbert Family Chiropractic office will be the official Chiropractic office representing the 6th annual "Kids' Day America/International" event in Austell, Georgia. This event will focus on health, safety and environmental issues which affect children, their families and the communities in which they live. This will be done with the help and support of the Austell Police Department, whose D.A.R.E. program will directly benefit from the event. The Austell Police Department will be on hand to fingerprint ID children, and the Wilbert Family Chiropractic will donate photos of the children. This information will be used to produce ID cards for the children. "McGruff" the Crime Dog will make an appearance and be joined by Leo the Lion of the D.A.R.E. program. The Austell Fire Department will be participating also, with their Fire Safety House, which helps teach children and their parents about fire safety.

I want to congratulate and commend Dr. Marci Wilbert and the Wilbert Family Chiropractic for sponsoring "Kids Day America/International." This program is a positive, grass-roots, community based effort which will help to strengthen our community, and have a positive impact on children and their families.

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## RESOLVING THE CONFLICT IN SRI LANKA

### HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. CAPUANO. Mr. Speaker, I would like to submit the following editorial from the Boston Globe on April 29, 2000, for the RECORD. The editorial was brought to my attention by Mr. Shri Srithilliampalam, president of the Eelom Tamil Association of America and an activist in the Boston area that continues to call for observance of human rights in Sri Lanka and a peaceful settlement to the 17-year ethnic conflict. We must encourage the parties involved to stop the terror and negotiate a peaceful and immediate end to this war.

[From the Boston Globe, April 29, 2000]

PUSHING PEACE IN SRI LANKA

The long, lethal civil war in Sri Lanka receives little attention here, but for sheer senseless blood-letting it is comparable to the Balkan conflicts. The need for a cease-fire and mediated peace talks became more evident than ever this week when the separatist Tamil Tigers chased 17,000 Sri Lankan army troops from their key strategic position in Elephant Pass, straddling the narrow isthmus that links the south of the country of Jaffna, capital of the Tamil area in the north.

Both sides in this merciless war have committed atrocities, both have suffered terrible losses, and both have sought revenge for past outrages. When government forces recovered bodies of soldiers killed in the fall of Elephant Pass this week, they discovered to their horror that many of the corpses had been mutilated.

The Tamil fighters were taking vengeance for the desecration of their cemeteries four years ago and for acts of ethnic cleansing visited upon the civilian population of their northern province.

The Tigers have often sent terrorist packing suicide bombs into crows of civilians. This past December they wounded Prime Minister Chandrika Kumaratunga in one eye and killed 25 people in such an attack. To overcome the army's base in Elephant Pass this week they blew up wells, cutting off the troops' water supply in a dry climate where the heat surpassed 100 degrees. Senior officers dying of dehydration were airlifted out of their trap.

For their part, government forces have been denounced by Doctors Without Borders and the Red Cross for denying medicines to everyone in the north, civilians and fighters alike.

The United States has had little to do with this war except to sell some weapons to the government and provide some military training. Many of the weapons have fallen into the hands of the Tigers, and the training has done little good. To save the lives that are being squandered on both sides, Washington should now counsel Kumarantunga and her government to accept a cease-fire supervised by international monitors and to pursue to peace talks that Norway has offered to mediate.

## HONORING THUNDER BOY

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention the heroism displayed by Thunder Boy, the masked superhero of Albuquerque. Thunder Boy recently saved the city of Albuquerque from the clutches of the Evil Grouch. Though slow to anger, Thunder Boy does not suffer villains gladly. He rescued Weatherdog, turned the city's fountain back on, and recovered stolen toys for many sick children at Carrie Tingley Hospital.

Through his deeds, Thunder Boy has become Albuquerque's preeminent super hero. Time and again, through all adversity, he has proven himself a true hero, capable of whatever bravery and self-sacrifice are necessary to right a wrong or save a life. But, Mr. Speaker, let us not forget the joy that Thunder Boy brings to those around him daily, even when villains and evil-doers are on vacation.

Thunder Boy's generous heart is what makes him a true hero. He saved Albuquerque because he cares about our city and our neighbors. But his heroism shows in other ways as well. When he sees people who are sad, he smiles to brighten their day. He relishes the peace he finds in others' happiness and wants to spread joy to the world. Thunder Boy shows us that the most important superpower is the ability we all have to make someone else's life better simply by being kind.

Thunder Boy shows us that heroes are not only found in comic books or on television, but are here around us every day if we only look hard enough. Today we honor his strength and kind heart. His fight to help mankind will not be soon forgotten, and neither will his smile. May he teach us all the friendship and kindness that we may all become better people in the future.

Mr. Speaker, the newspaper in Albuquerque, formerly the Daily Planet but now known as the Albuquerque Journal, has been on the trail of Thunder Boy, trying to reveal his true identity. The paper has unconfirmed reports that Thunder Boy, when not battling the Evil Grouch, is a 4-year-old boy name Isaiah Perea, son of Alex Perea and Tanya Larranga, who is fighting another kind of battle—against Leukemia. His wish, through Make-A-Wish Foundation, was to be a superhero. On May 16, 2000, the Foundation arranged for him to save Albuquerque from the Evil Grouch. This report, of course, is still unconfirmed.

Whatever his true identity, the people of Albuquerque are grateful for all he has done for us.

Mr. Speaker, let us wish Thunder Boy Godspeed in all the battles he faces.

## A BILL TO AMEND THE INTERNAL REVENUE CODE OF 1986 TO PROVIDE THAT ANCESTORS AND LINEAL DESCENDANTS OF PAST OR PRESENT MEMBERS OF THE ARMED FORCES SHALL BE TAKEN INTO ACCOUNT IN DETERMINING WHETHER A VETERANS' ORGANIZATION IS EXEMPT FROM TAX

### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from New York, Mr. RANGEL, in introducing our bill to fix a current problem in the Internal Revenue Code regarding use of American Legion Post facilities by members and their families. That is, who qualifies as a "member" versus a guest, for purposes of unrelated business income and the exempt status of the Legion Posts. We do not believe Congress intended or contemplated that use of the facilities by families of the member would result in unrelated business income, or worse yet, the possibility of losing the Post's tax exemption under Section 501(c)(19).

By congressional charter, only veterans who served during specifically designated wars may become "members" of the American Legion. Section 501(c)(19) requires only that 75 percent of the members be current or former members of the Armed Forces, and substantially all the other members are cadets, spouses, widows or widowers of past or present members. The IRS says substantially all is 90 percent. The Legion requires internally that 100 percent of its members be qualifying veterans. However, the Legion has many programs, such as the Sons of the American Legion (SAL), as well as programs involving youth and family support groups. All are designed to further the purposes for which the exemption was granted.

The Post is a family gathering place for many social and patriotic activities. As a result, many family members of numerous generations attend these events. At the present time, the regulations provide that certain relatives related to the war veteran qualify. These include grandparents, brother, sister, and grandchildren. Questions have been raised whether SALs count for the 100 percent or 90 percent test, or might be considered "associate or social members." The same questions arise regarding auxiliary members and relatives beyond the position of the regulation, i.e. great grandparents, great grandchildren, etc. The answers could determine the extent of unrelated business taxable income as well as exempt status. This is not an issue regarding true guests, i.e. unrelated individuals who are, and must be, accompanied by a member. Nor is any substantive change contemplated regarding the sale of life and health insurance to members as provided in Section 512(a)(4). That section would be amended to conform the definition to Congressional charter members and their dependents.

Our bill would eliminate these potential issues by providing that the definition of "member" for purposes of the exemption status and unrelated business income would be expanded to include "ancestors or lineal descendants of the member" (i.e. past or present member of the Armed Services meeting the congressional charter definition).

We believe this change is not only fair, but recognizes the original intent of Congress, and the fact that more distant relatives of the member will come into existence over time. We hope our colleagues will join us in cosponsoring this legislation.

## THE 3M SALUTE TO SCHOOL LIBRARIES

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. TOWNS. Mr. Speaker, today I congratulate 3M, in partnership with the American Association of School Librarians, for their donation of $1 million in detection systems to school library media centers in 2000.

In an effort to help school libraries maintain their valuable resource, 3M, a leader in library security, has launched "3M Salute to Schools," a program which will donate up to $1 million in 3M detection systems for up to 100 schools in the United States. The American Association of School Librarians (AASL) will be responsible for receiving applications and selecting recipients for the donations.

The program is open to middle and high schools in the United States. Schools selected will be awarded a 3M Detection System for the entrance/exit of their media center, a supply of 3M Tattle-Tape security strips for marking items in their collection and necessary materials processing accessories. Individual donations will vary depending upon the size of the collection and the physical layout of the media center. To receive the donation, a school must meet eligibility requirements, including demonstrating a need for a security system.

Schools must apply by May 31, 2000, applications are available by calling the AASL Fax on Demand at 1–800–545–2433, then press 4 and request document No. 802. Recipients will be announced at the AASL Annual Conference, July 8–11.

For more information about "3M Salute to Schools," contact the AASL awards program at 1–800–545–2433 ext. 4383 or cattenh@ala.org.

This important award program reflects 3M's and AASI's shared commitment to education and investing in our nation's schools.

It is with this outstanding award, Mr. Speaker, that I offer this tribute in honor of 3M and their contribution to our nation's school libraries.

## REGARDING: MR. B AND SOUTHMOST COLLEGE

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. ORTIZ. Mr. Speaker, today I ask my colleagues to join me in commending one of the pillars of my South Texas community, Mr. Raul Besteiro, as he is recognized by the University of Texas at the Brownsville (UT–B) Texas Southmost College as a "Distinguished Alumni" on Friday, May 12.

Mr. B, as Raul Besteiro is affectionately known throughout South Texas, is an educator with the biggest heart I have ever known. We have known each other nearly 20 years. He is a gentle and respected friend who shares my love for all things in South Texas. First as an educator, then in a second career as the Chief Executive Officer and Director of the Port of Brownsville, Mr. B has energetically served the people in the Rio Grande Valley over the course of his life. His work at the Port brings an enormous volume of trade through the Valley, bringing jobs to our area.

It is entirely appropriate that Mr. B be chosen for the honor of Distinguished Alumnus, for he has dedicated his life to the education of young people. He spent the first 33 years of his career in the service of the Brownsville Independent School District (BISD), first as a teacher, then later as Superintendent. He has remained committed to education while in his career as Port Director, offering advice to the school district and employees, and even had a school named after him in 1994. He is a unique educator for the community of Brownsville with the example of his life's work.

The community of Brownsville is lucky to have Raul Besteiro in it. He taught us all the meaning of courage and the remarkable nature of human will when he faced down cancer in the early 1990s. His most recent educational legislative interest, the Brownsville Wetlands Center Act, was signed into law in 1994. This important coordination of industry and UT–B teaches students how to protect, restore, and maintain the fragile ecosystems of the Gulf of Mexico region.

This project—in which Raul Bestiero was a prominent and influential player—combines his love of this community, his dedication to education, and his vision of a future in which the environmental concerns of industry and NAFTA are solved by the people who live in a community inspired ever forward by free trade.

Mr. B is a unique patriot, citizen, and family man, respected by so many people because he offers respect to everyone he meets. I ask the colleagues to join me in commending Raul Besteiro for the honor of indeed being a distinguished alumni of the Brownsville (UT–B) Texas Southmost College.

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## TRIBUTE TO DR. BRIAN CRAM

### HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Ms. BERKLEY. Mr. Speaker, I would like to take a moment to recognize a man who has dedicated his life to improving education for the children in the Las Vegas community.

Dr. Brian Cram has spent over 34 years as an educator, serving our children as a teacher, as a principal, and as the superintendent of the Clark County School District. It is with great sadness that we say farewell to an educator who has touched the lives of thousands of students, but it is with great happiness that we wish him a joyous retirement.

Affectionately known by the students in his district as the "Supernintendo," Dr. Cram's tenure will be remembered by his strong personal relationships, and his ability to bring the "human side" to the needs of the school district.

As a principal, Dr. Cram was not satisfied sitting behind a desk, and was happiest during the times when he was actively involved with the students' education. As a superintendent, Dr. Cram would actively participate in the educational needs of the students by traveling to as many schools possible to read to classes during the district's "reading weeks."

Dr. Cram was witness to the enormous growth of Las Vegas, as the Clark County School System expanded from 111,000 students, to over 215,000 students. As a self proclaimed "poster boy for school bonds," Dr. Cram supported the building of 100 new schools, and championed voter approval of billions of dollars in school construction bonds for the students, teachers, and staff of the Clark County School District.

Driven by the fundamental principle that education is the "great equalizer" in life, Dr. Cram endorsed the School to Work program that was sponsored by the Chamber of Commerce, enabling students with the necessary tools to excel in the workforce.

Dr. Cram should be very proud of his accomplishments, as he has been successful in achieving his greatest challenge to meet the growth needs of the 8th largest school district in the country. His commitment and dedication is unmatched, and will be truly missed. I would like to take this opportunity to thank Dr. Cram on behalf of the Clark County community, and wish him every success in future endeavors.

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## PERSONAL EXPLANATION

### HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall No. 154 for the rule to provide for consideration of H.R. 3709, the Internet Nondiscrimination Act. I was unavoidably detained due to inclement weather, and therefore, was not present to vote. Had I been present, I would have voted "yes" on the rule.

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## HONORING WILLIAM G. SHEEHAN UPON THE OCCASION OF HIS RETIREMENT

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. NEAL of Massachusetts. Mr. Speaker, today I would like to take a few minutes to honor a special constituent of mine who after 30 years of providing senior citizens with dedicated service at the Social Security Administration has decided to retire on June 2 of this year.

William G. Sheehan, who presently serves as the District Manager of the Springfield, MA, regional office of the Social Security Administration, has decided that the time has come for him to hang up his hat and retire from a long and meritorious career.

Bill Sheehan's commitment to seniors, the poor and the disabled in western Massachusetts is well known, and his day to day input and dedication in the Springfield regional SSA office will surely be missed.

Bill started his career with the Social Security Administration in 1967 as a Claims Representative in SSA's Springfield office. In 1971, he became an Operations Supervisor, working out of the Hartford, CT, office. He continued to climb the ranks within the Social Security Administration, moving from office to office, when in June of 1980, he became the District Manager of the Springfield Regional Social Security office. He has served in this position for more than 20 years.

There is common and collective praise for the job Bill Sheehan has done during his tenure in Springfield. The usual comments I hear about Bill go something like: "Oh, Bill Sheehan—he's the nicest man," or "Bill Sheehan, he's been so helpful." Surely his friendly face and his cordial demeanor will be greatly missed.

In addition to his brilliant service record, Bill has had a very rich public life in the community outside of his office. He serves on the Career Advisory Board at Springfield College, and was a Board member at Independence House, a shelter for men. He currently serves on the Boards of Independence House, the Galaxy Council, and the Consumer Credit Council of western Massachusetts, as well as the Greater Springfield Senior Services Inc., where he has also served as past President and Treasurer. He is also a retired United States National Guard Lieutenant Colonel and Squadron Commander.

Most noteworthy to mention today is Bill Sheehan's commitment to his family. He is married to the former Madelyn Ferrero, his former schoolmate at Cathedral High School in Springfield. Madelyn is a graduate from Elms College and is a teacher at Forest Park Middle School.

Together, Bill and Madelyn have two children, Bill and Mark. Mark is married to Jennifer Doyle, lives on Cape Cod, and works for State Street Bank in Boston. His son Bill lives in Boston and is Vice President for an Internet company, Suppliermarket.

Bill Sheehan is a graduate of Western New England College, doing it the hard way, at night, while working during the day. Bill also sold advertising for the Springfield newspapers prior to coming to the Social Security Administration.

Bill enjoys his life in Wilbraham, keeping a meticulously groomed yard and house. He plans to spend much of his retirement at his summer home at the Rhode Island shore.

I would like to take a moment to thank Bill Sheehan for a life of public and community service. Social Security beneficiaries in the Springfield area, and all of us who have worked with him throughout the years, will miss him very much.

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## HONORING NON-COMMISSIONED OFFICERS

### HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. UNDERWOOD. Mr. Speaker, it is a well established fact that non-commissioned officers are the backbone of our nation's military. Today's NCO's are given dual roles as leaders and technicians. In addition to providing operational support for their superiors and their organizations, these men and women are duty bound to provide for the health, welfare and safety of the troops under their care. An effective NCO must be mentally and physically dedicated as well as technically and tactically proficient in his or her field of expertise. Such qualities are inherent in Command Sergeant Major Benjamin C. Palacios.

Widely known as Ben, CSM Palacios was born on November 11, 1950, on the island of Saipan in the Northern Marianas. He later moved to Guam where he graduated from George Washington High School. Initially enlisting with the Army on October, 1969, he underwent Basic Training at Fort Ord, CA.

Ben was destined to serve in the Army. He took a 2-year hiatus from military life in 1972 only to re-enlist in 1974 as a Specialist Four. He is now one of the Army's most senior NCO's.

All through his many years of military service Ben served both in the Continental United States and overseas with the 1st Infantry Division, the 9th Infantry Division, the 1st Cavalry Division, and the 2d Armored Division. His assignments include serving in all enlisted leadership positions within the Armor Career Management Field—from Tank Commander to Command Sergeant Major. He also served as an Operations Sergeant in several Armor Battalions. In 1988, he was assigned as the Senior Enlisted Advisor for the 50th Armored Division, New Jersey Army National Guard.

From March 1994 through February 1996, Ben served as the Division Command Sergeant Major for the 24th Infantry Division at Fort Stewart, GA. While serving as the Brigade Command Sergeant Major for the 2nd Vanguard Brigade from May 1994 through January 1996, he participated in several deployments with the Brigade. These included tours of duty with the National Training Center and Bright Star '94 in Egypt. In addition, he was also deployed to Saudi Arabia in Operations Desert Shield and Desert Storm as the 3–69 Armor Battalion Command Sergeant Major. Ben served as the Command Sergeant Major for the Third Mobile Armored Corps at Fort Hood in Texas for 2½ years prior to assuming duty as the United States Army Forces Command Command Sergeant Major on July 27, 1998.

Ben sought further development through professional military education. He attended the Fifth Army Noncommissioned Officer Academy and the Sergeant Major Academy. He also completed the First Sergeants Course in addition to obtaining an Associate's Degree from Fort Steilacoom Community College.

Among his decorations are the Legion of Merit (1OLC), the Bronze Star, the Meritorious Service Medal (2OLC), the Army Commendation Medal (3OLC), the Army Achievement Medal, the Good Conduct Medal (9th Award), the National Defense Medal with Bronze Star, the Southwest Asia Service Medal with two Bronze Stars, the NCODP Ribbon (#4), the Army Service Ribbon, the Overseas Ribbon (#2), and the Kuwaiti Liberation Medal. CSM Palacios has also been a member of the elite Sergeant Morales Club since 1979.

On Guam and the Marianas, the personal accomplishments and success of native sons and daughters are celebrated and adopted as triumphs for everyone in the community. Through his illustrious service in the United States Army, Ben has attained respect and admiration of many. He has brought recognition, not only to himself, but also to the people of the Marianas. On their behalf, I commend Command Sergeant Major Benjamin C. Palacios for his outstanding achievements.

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## COMMITTING TO EQUAL PAY

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. BONIOR. Mr. Speaker, today more women are working than ever before. The number of working women has grown from 18.4 million in 1950 and to 63 million in 1997. Women made up 29.6 percent in 1950 and 46.2 percent in 1997. Our nation depends on the contributions of working women. And equal pay has been the law of the land since 1963. Yet today is Equal Pay Day—the day when women's earnings from January 1999 to May 11, 2000 will finally equal what men earned in 1999 alone. 37 years later after the enactment of the Equal Pay Act, women are still paid less than men—even with similar education, skills and experience. It's time we ensure women can make ends meet and find respect and opportunity on the job.

In 1996, women were paid 74 cents for every dollar men received. That's $26 less to spend on groceries, housing, child care and other expenses for every $100 worth of work. Over a lifetime of work, the 26 cents-on-the-dollar adds up. The average working woman will lose $523,000 to unequal pay during her working life.

Ensuring equal pay for equal work is about improving the lives of families. In the United States, 99 out of every 100 women will work for pay at some point in their lives. 71.9 percent of women with children younger than 18 are in the labor force. This means the wage gap doesn't just shortchange women. It hurts children and families because many working women are the primary breadwinners in their households. In fact, nearly two-thirds of working women provide half or more of their household income, and forty-one percent are the sole source of income. Many families need two full paychecks to get by every month. One full paycheck and one three-quarters paycheck just doesn't cut it.

That's one of the reasons I am a proud cosponsor of the Paycheck Fairness Act. This legislation will help us to be better enforce the Equal Pay Act. It will put wage discrimination on the basis of gender on the same footing as wage discrimination on the basis of race or ethnicity.

The Paycheck Fairness Act will toughen the remedy provisions of the Equal Pay Act. It will strengthen enforcement of the Equal Pay Act by committing more resources to the Equal Employment Opportunity Commission. It will improve education and outreach on differentials between women and men in the workplace, and lift the gag rule imposed by many employers who forbid employees to discuss their wages with co-workers.

I believe most employers want to treat their workers fairly. But for those employers who reward the hard work and loyalty of women with a partial paycheck, we need such measures as the Paycheck Fairness Act to put a stop to their wrongdoing.

Mr. Speaker, 37 years is long enough to wait for equity. It's time we join together and end the wage gap.

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## THE OCCASION OF THE 30TH ANNIVERSARY OF THE S.H.A.P.E. COMMUNITY CENTER

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I recognize Self-Help for African People Through Education, Inc., more commonly known as the S.H.A.P.E. Community Center, of Houston, Texas, on the occasion of its 30th anniversary. On Saturday, May 13, 2000, S.H.A.P.E. will celebrate 30 years of commitment and service to strengthening Black families, the community and the nation.

S.H.A.P.E.'s successful growth is a result of the exemplary services the center provides and offers to area residents. Founded in 1969, chartered by the State of Texas in 1971, and classified by the IRS as a 501(c)(3) organization, S.H.A.P.E. started as a summer enrichment program for youth promoting knowledge of, pride in, and respect for their African heritage. Since its inception, S.H.A.P.E. has been involved in the creation, implementation and operation of education, cultural enrichment, employment, economic development, and crime/juvenile delinquency prevention programs.

In the spring of 1974, S.H.A.P.E. purchased what was once its main building, located at

3815 Live Oak. Remodeled in 1993, this building is now called the S.H.A.P.E. Family Center. It has an art gallery, café, small classrooms/meeting areas, a library, and performance space for cultural, educational and other community events. In 1993, S.H.A.P.E. purchased a building at 3903 Almeda called the S.H.A.P.E. Harambee Building which houses the business office and economic development programs. The Harambee Building has a major community space that can seat up to 500 people. Public events from town hall meetings to plays to Kwanzaa Celebrations have been held at both locations over the years.

S.H.A.P.E. has two major programs: the Family Strengthening & Empowerment Program (FSEP) and the Community Empowerment Program (CEP). The major components of the FSEP include After-School and Summer Enrichment programs for children and a Parents Rites of Passage program for adults. Forming the core of the CEP are the Cultural Arts Program (Community Festivals, Celebrations and Ceremonies), Annual Events, Economic Development, and Community Organizing, Outreach & Partnership activities.

S.H.A.P.E. Community Center has been able to provide these services over the past 30 years because of in-kind contributions and volunteers. Throughout the years, many diverse organizations, groups, businesses and governmental agencies have helped S.H.A.P.E. in its efforts to meet the community needs, and I commend each and every one of them who, over the past 30 years, has helped to make S.H.A.P.E. a model community center.

Mr. Speaker, I proudly ask my colleagues to join me in saluting the spirit of service that has flourished at S.H.A.P.E. Community Center over the past 30 years, and to join me in congratulating Self-Help for African People through Education, Inc., on its 30th anniversary.

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## THE RETIREMENT OF BRIAN HUNTER

### HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. THOMPSON of California. Mr. Speaker, today I rise in honor of the retirement of Mr. Brian Hunter from the California Department of Fish and Game. Mr. Hunter has served the state of California in the Department of Fish and Game for 39 years. For the past 20 years he has managed the Department's 15 county Central Coast Region.

Brian Hunter was born in 1940 in Berkeley, CA. He was raised on a sheep and cattle ranch near Lincoln, California. During his youth, Brian was involved in 4H and the Future Farmers of America. He received his A.A. degree from Sacramento City and American River Colleges in 1961. In 1963 Brian received a B.A. degree in Microbiology and Biochemistry from Sacramento State University. Three years later in 1966, Brian received his Masters Degree from Sacramento State in Microbiology and in Wildlife diseases. He was later certified as a Wildlife Biologist and deputized peace officer by the Wildlife Society.

In July of 1963, Brian began his career with the Department of Fish and Game working in the Wildlife Laboratory in Sacramento, CA. He held several positions including Laboratory Technician to Wildlife Pathologist in charge. In January 1978, Mr. Hunter became the Wildlife Management Supervisor and Big Game Coordinator for the Sacramento office, a position he held until 1980. In 1980, Brian was promoted to Regional manager of the Central Coast region of the California Department of Fish and Game.

During his tenure with the Department of Fish and Game, Brian was instrumental in developing numerous policies and projects. He established cooperative relations with CalTrans, Pacific Gas and Electric and many other entities to help them accomplish their public works projects while maintaining and protecting natural resources. He also provided leadership for interagency coordination with the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Bureau of Land Management and the U.S. Army National Guard. It was Brian who made the initial agreement that led to the Wildlife Conservation Board's acquisition of property at Moss Landing and the creation of the Elkhorn Slough National Estuarine Research in Monterey County, CA. Brian also had oversight and acted as the media contact for the 1998 Shell Oil Spill in Carquinez Strait of Northern California which ultimately led to a $19 million settlement. He was instrumental in the $1 million settlement agreement with Browning Ferris Industries to help restore Pilarcitos Creek in San Mateo County, CA.

Throughout his life, Brian Hunter has been an ardent supporter of recreational fishing and hunting programs throughout northern California. He has encouraged, supported and participated in numerous youth hunting and fishing programs. He developed animal capture and restraint protocols and wrote the handbook for animal capture as well as developing the training class. He has served as the associate editor of TRACKS and on the editorial advisory board of the Outdoor California magazine which is regularly published by the Department of Fish and Game. Perhaps Brian's greatest accomplishment has been in the hiring, training and mentoring of numerous successful Fish and Game Employees.

Brian is a devoted family man as well. He is married and two children, ages 33 and 35. In his spare time Brian prides himself as a hunter, angler, observer of nature and a purveyor of common sense.

Clearly Brian Hunter has been a valuable asset to the people and the wildlife of northern California. His distinguished career record speaks for itself. It has been my honor to represent Brian as both a State Senator and now as a Congressman. For these reasons I move that we recognize and honor Brian Hunter for his outstanding achievements and service to the State of California.

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## INTERNET NONDISCRIMINATION ACT OF 2000

SPEECH OF

### HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet.

Mr. SANDLIN. Mr. Chairman, I rise today to address H.R. 3709, The Internet Nondiscrimination Act. The Internet transformed business and commerce in a revolutionary fashion. Congress now must face the daunting task of shaping policy concerning its taxation.

Mr. Chairman, I come from East Texas, a region that has a heavy concentration of small businesses. Under law, these businesses are required to collect sales tax. In 1992, the U.S. Supreme Court ruled that states cannot require businesses without a physical presence in their geographic area to collect and remit sales taxes. Small businesses were essentially rendered uncompetitive under this ruling. These "brick and mortar" stores now face extinction because they are forced to compete with online businesses who do not have to collect state and local taxes.

As things stand, state and local governments lose about $5 billion annually in uncollected sales taxes on mail order purchases and are expected to lose about $15 billion annually in uncollected sales taxes on Internet purchases by the year 2003. I am aware that the Internet is the engine driving current economic growth and am in no way trying to jeopardize its growth. The Internet provides access to products that my rural constituents would not otherwise be able to purchase. However, I believe that electronic commerce and small business should exist on a level playing field with regard to taxation. It is time that Congress begins to address the task of creating a fair tax code for online retailers and their brick and mortar counterparts.

I urge my colleagues to work toward a technology neutral, simplified, sales tax system which guarantees that buyers and sellers are treated equally. it is important that Congress be given and appropriate period of time to build a consensus on the long-term solution to Internet taxation issues. We must be careful to avoid a hasty, ill-conceived tax system that places unnecessary tax burdens on our consumers and sellers.

I stand in support of H.R. 3709, The Internet Nondiscrimination Act. It is my hope that, in the future, Congress will go one legislative step further and address the issues surrounding e-commerce taxation.

## SAMUEL B. MOODY BATAAN DEATH MARCH ACT

### HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. MICA. Mr. Speaker, today I am introducing legislation in the name of a special and dear friend who valiantly served in World War II and survived the treacherous Bataan Death March. The "Samuel B. Moody Bataan Death March Compensation Act" would provide compensation to those individuals who were forced to partake and held imprisoned following the ruthless procession.

Last year, Sam Moody passed away in Central Florida. I first met Sam in my civic activities in central Florida some years ago. However, I never really knew much about his background until some years ago when I invited Sam and several other veteran leaders to a small luncheon gathering.

As we sat together, I asked each of the veterans to relate some of their military service recollections after lunch to our group. Sam Moody started off rather hesitantly but he began telling an incredible story.

In 1942, American and Filipino troops fought bravely against the Japanese army during the Second World War on the Bataan Peninsula in the Philippines. Due to the low supplies and no hope of reinforcements, these men fought valiantly until they were forced to surrender to the enemy.

Within six days, the troops were corralled in the Mariveles, just south of Bataan. Little did they know, they were in for the journey of their lives—the Bataan Death March. In April of 1942 they began their march from Mariveles to their yet unknown destination of San Fernando—more than 60 miles away. The tropical temperatures in the Philippines during this season were excruciating, many men dying from dehydration and some from exhaustion. Treatment by their Japanese captors was brutal and often fatal as those who could not continue marching were summarily beaten or executed on the spot.

Many marchers attempted to escape into the jungles and some succeeded, however, most were forced to continue on their journey. Once they reached the railroad sidings, the troops were crammed into railroad cars like cattle. They continued to feel the torture of the tropical sun and their 30 mile train journey took close to 4 hours with long stops at various points.

After reaching camp O'Donnel in the jungles of Arlac Province, these soldiers were held as prisoners of war for over 3½ years.

Mr. Speaker, the purpose of the "Samuel B. Moody Bataan Death March Compensation Act" is to illustrate that while food and clothing allowances existed for our soldiers the United States failed to pay these benefits to the Bataan Death March survivors during their time spent in captivity.

In fact, those who survived to see their liberation in 1945 also did not receive the promotions or pay grade increases given to their counterparts who were not held as POWs. Pay increases and benefits were a standard part of military service, however, these brave individuals have yet to receive their lost payment.

In an effort to give these brave men their just benefits, I am introducing this legislation to compensate those survivors who were held captive after the Bataan Death March with their earned pay and benefits.

I would like to invite each member of this body to join me in this effort by cosponsoring this legislation. For those who gave so much in service to our Nation deserve to be duly compensated for their sacrifice and valor.

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## EULOGY FOR GRACE DIEHL

### HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. MOAKLEY. Mr. Speaker, I rise to pay tribute to a remarkable woman, Grace Diehl, who passed away last month. Grace was the wife of Leo Diehl, the former assistant and close friend of Speaker "Tip" O'Neill. I am inserting the eulogy delivered at Grace's mass by Tom O'Neill, the speaker's son. It is obvious in reading the eulogy that Grace and Leo shared a love and devotion that we all should emulate. I submit this eulogy not only to pay my respect to Grace and her memory, but to share with my colleagues a true love story.

EULOGY FOR GRACE DIEHL

Good Morning to each of you . . . Father . . . Grace's family and friends . . . and especially to you Leo. It is a great honor and a significant responsibility . . . to offer some remembrances about Grace whose long life spanned most of the last century and who . . . thanks in large part to an enviable but mysterios mix of great genes, determination and the constant care and concern of an equally determined husband . . . managed to also celebrate the dawn of this new century.

Grace's life is a remarkable saga, best told in two parts. . . . The years before "My Leo" as she liked to call him and the years with Leo, which I know she would agree were her best.

Most good stories begin at the beginning which is where I should start. The problem is that no one is exactly sure, in Grace's case, exactly where the beginning is. A variety of educated guesses put her date somewhere between 1904 and . . . 1910. And since Grace was an avid believer in the old saying that "a lady never tells her age", I will leave it to you to "do the math".

In any case, we do know that Grace Shaunessy was both in North Cambridge on August 1st.

Like so many of her generation, the major markers of Grace's life included two World Wars and a Great Depression. But thanks to entrepenurial parents . . . her father, owned a chain of variety stories and, later her mother ran a popular neighborhood tavern . . . Grace's prospects were a lot better than most of the young women of her generation.

She was able to graduate from Cambridge High and Latin and further her education at The Chandler School.

Grace, like her parents, had a good head for business and in many respects was ahead of her time. She was for many years a career woman holding down positions in the foreign exchange department at Jordan Marsh, working for the government distributing those all-important rationed stamps . . . so much a hallmark of the Depression era ... and working in the Tax Department of Cambridge City Hall.

It was there, in Cambridge City Hall, that Leo Diehl, himself a "tax man" met and began courting Grace Shaunessy. Leo and my father were both happily employed in the Assessor' Office until the Assessor decided he didn't like politicians and summarily fired both of them.

Leo and Grace began a whirlwind . . . and some would say . . . over-extended courtship that lasted over ten years and included trips to New York . . . properly chaperoned of course by a respectable, married couple . . . my parents! I'm not entirely sure what finally convinced Leo to "pop the question" but my hunch is that it had something to do with his feeling the need to settle in to a saner life after helping to run my father's first and notoriously difficult first race for Congress against LoPresti in 1952? In any case, Grace and Leo finally married in 1953, and remarkably, although they both began the married years well into mid-life, their marriage last for almost fifty years.

Grace gave up her career and happily settled into a new life, eventually adjusting to another contemporary twist . . . a commuter marriage. She and Leo bought a house in Belmont and, after a while, built their dream house, complete with a newly-dredged Harbor in Harwichport. Together with their many friends and neighbors . . . the McGuires, the Does, the Maloneys, the Roes . . . and, finally, after a long period impinging on Leo and Grace's hospitality and repeated use of the spare bedroom . . . the O'Neill's finally scraped up enough money to join the rest of the gang.

Those were fun times for Grace and Leo and for my parents and their friends. . . . Saturday nights at the Club, card games and songfests. Grace loved a good party and was always willing to endure Leo and my father's duets. She even enjoyed listening to Leo's famous and often repeated rendition of "Ten Baby Fingers". But, after a while, she drew the line on "I met a Lemon in the Garden of Love Where They Said Only Peaches Grow"!

Beside her business know-now, Grace had many other interests and talents . . . gardening, painting and needlework to name a few. She was always the lady with high standards and excellent taste . . . beautifully dressed . . . the creator of comfortable surroundings. But the center of her universe was, without question, Leo. He doted on her and she enjoyed being doted on. In their later years, when Grace's health began to fail, Leo made sure, with considerable effort, that she got to go out for a ride every day. He handled her every need without complaint and with a patience and devotion that is remarkable and rare. Leo, we know that you have suffered a great loss and that you will miss Grace. I hope that you will rely on the love and support of your family and friends . . . and on the knowledge that you were at Grace's side ministering to her every need until the very end.

Godspeed to you, Leo . . . and to you, Grace.

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## THE "BANKING EQUAL TREATMENT ACT", H.R. 4427

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. LAFALCE. Mr. Speaker, I am today introducing the "Banking Equal Treatment Act" to ensure that all American families have access to basic financial services. It is hard to believe that in this age of Internet banking, online stock trading and embedded options, millions of American families lack the basic passport to the broader economy—a bank account. But, it is true.

According to the Federal Reserve, more than 8.4 million low- and moderate-income families do not now have access to a checking or savings account at a mainstream financial institution. As a consequence, their financial condition, and ability to fully participate in the nation's current economic prosperity, suffers greatly.

For some time now, I have been concerned that we are seeing the development of a dual financial services structure in this country—one for middle and upper income individuals that involves traditional regulated and insured financial institutions; a second for lower-income households that involves higher cost services from lesser-regulated entities check-cashers, pawn shops and other quasi-financial entities.

A 1998 survey found that among Earned Income Tax Credit Claimants who used volunteer tax preparation services in Chicago, 44 percent used a check cashing service to cash their EITC refund check. Some estimate that low-income families may pay more than $15,000 in fees over a lifetime for check-cashing and bill-paying services from less-regulated financial institutions, such as check-cashers and payday lenders. This legislation addresses this inequity in the financial marketplace in a positive way that benefits both consumers and banks.

First, the bill permits the Federal Reserve Banks to pay interest on the so-called sterile reserves that banks, thrifts and credit unions are required to maintain in the Federal Reserve Banks as part of the monetary control apparatus of the Federal Reserve Board. The Federal Reserve Board has testified that paying interest on sterile reserves would be a helpful tool in the conduct of monetary policy. Understandably, many in the industry view the combination of required reserves and the inability to receive interest on those reserves as a tax on the industry and support a repeal of the prohibition.

Second, before the Federal Reserve banks can pay interest on sterile reserves, the Federal financial regulators must require that all banks, thrifts and credit unions offer their customers affordable transaction accounts. Under the bill, an affordable transaction account holder would be permitted a minimum of 8 withdrawal transactions or checks per month for a low monthly service fee. Banks could charge a reasonable fee for other additional transactions, but all fees charged for using these accounts would be capped at amount established by the Federal banking and credit union regulators. The bill gives institutions flexibility. With regulatory approval, a financial institution could offer alternative accounts that are as advantageous to consumers as the low-cost transaction accounts.

This legislation is fair to financial institutions. The Office of Management and Budget and the Congressional Budget Office estimate that permitting the Federal Reserve Banks to pay interest on sterile reserves will return to the banking industry between $600 million and $700 million, after taxes, in the first five years. It would only take a portion of those funds—probably in the $100 million range—to defray the costs to banks of establishing low-cost transaction accounts for the millions of unbanked Americans.

Mainstream financial institutions will benefit in another way. They will find that the low-cost account holders will become good customers. A Federal Reserve study indicates that many low-income families with bank accounts used other bank products, including credit cards, automobile loans, first mortgages and certificates of deposits. This legislation also represents sound economic policy. Research indicates that once "unbanked" families enter the doors of depository institutions as regular account holders, they are likely to become savers and begin to accumulate assets.

Another important provision of the bill preserves state laws that provide more advantageous low-cost accounts for consumers. The bill amends the Bank Enterprise Act of 1991 to provide the same protection for stronger state laws. This last provision resolves an alleged conflict between the Bank Enterprise Act and New Jersey's Consumer Checking Account Act, which requires financial institutions to offer low-cost accounts similar to the bill's low-cost transaction accounts. In 1992, the Comptroller of the Currency opined that national banks did not need to comply with the New Jersey statute because the Bank Enterprise Act, as clearly indicated in the report on the bill, preempted that state statute. In 1996, the New Jersey Department of Banking asked the Comptroller to reconsider that opinion. That request is still under consideration. Although Congress did not intend to preempt state law when it adopted the Bank Enterprise Act, this bill effectively resolves the preemption question in favor of the New Jersey statute.

This legislation will work. For a successful example, you can look to my home state of New York, where we do a lot of banking. Since 1994, the State of New York has been requiring all financial institutions within it borders to offer low-cost basic banking accounts to consumers. New York financial institutions are complying with the law to the benefit of all involved.

Mr. Speaker, I urge my colleagues to follow the example of New York and New Jersey and adopt the Banking Equal Treatment Act, so that the millions of American families who have been left out of the financial mainstream will have an opportunity to receive basic financial services at a reasonable cost.

## HONORING NADINE MILFORD

### HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mrs. WILSON. Mr. Speaker, today I would like to bring to your attention a woman who exemplifies the courage and love of a mother, even under circumstances that no parent should ever have to face. Nadine Milford has become a symbol of motherhood in my District, and throughout the state of New Mexico. Today, I would like to join American Mothers, Inc. in honoring Nadine as Mother's day approaches.

On Christmas Eve, 1992, Nadine's daughter, Melanie, and her three granddaughters, Kandyce, Kacee, and Erin, were hit and killed by a drunk driver in one of New Mexico's worst DWI accidents. Only Nadine's son-in-law, Paul Cravens, survived the wreck. This compelled her to dedicate her life to others. She has become a supporter and a comforter to the families of DWI victims, sometimes driving hundreds of miles to comfort a grieving mother.

Nadine is powerful and courageous. She lives life with a commitment to herself and to others to make this world better, gaining strength and balance from her deep faith. She remains dedicated, even through the most trying times, and will take her massage as far as it will reach. Complimenting her dedication is her patience. Her son, Lance, has said of her, "Mom's persistence has moved mountains one grain of sand at a time."

Mr. Speaker, we know that laws are difficult to change, and our legislative system works slowly. More so, it takes a desire to be involved, whether you're a legislator or a caring mother who has experienced the effects of a nationwide problem—DWI—on the most personal of levels. Since that fateful holiday night so many years ago, Nadine has become New Mexico's most active and visible DWI lobbyist and activist. And she has been a significant factor in historic DWI reform throughout the years in New Mexico.

Nadine's personal philosophy has earned her respect from state legislators and friends alike: "Persistence wears resistance." In a world of chaos and unjustifiable tragedies, Nadine found the courage to forgive and to help. Today we gather to honor her mind and her will to make change as well as her courage, her strength, her commitment, and her involvement in our community. She encompasses what it is to be a woman and a mother: She is reverent, strong, caring, and willing to fight for a better world.

Mr. Speaker, I pray that no mother will ever have to face what Nadine Milford has faced. But for those who do, I pray that they will have the strength and character that Nadine Milford has.

## IN HONOR OF THE PANASONIC-SPONSORED KID WITNESS NEWS PROGRAM AND THIS YEAR'S "NEW VISION" AWARD WINNERS

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. MENENDEZ. Mr. Speaker, today I honor the Panasonic-sponsored Kid Witness News program (KWN) and this year's "New Vision" award winners.

KWN began 17 years ago in Weehawken, New Jersey. Panasonic adopted the program in 1990, and has expanded it to include more than 200 schools in 117 cities across the nation. This is KWN's 10th anniversary with Panasonic.

KWN is an exceptional educational tool, allowing young people to express their feelings and share their perceptions of our world. With this program, our youth can tell us what they value—what is important to them. In addition, students gain valuable experience in news gathering and video production.

This Program is especially important because it provides public school students with education, professional development, instruction, and access to technology—essential ingredients for future success, at a time when these young people have the potential to be anything they aspire to be.

The great success of KWN would not have been possible without the hard work and dedication of Panasonic, its staff, and numerous volunteers; and congratulations to the talented students and dedicated teachers who have contributed as well—you are all an asset to our communities and our schools.

I ask my colleagues to join me in honoring the Panasonic-sponsored Kids Witness News program on its 10th anniversary; and congratulations to this year's "New Vision" award winners.

## MARCIA WAGNER, CHAMPION OF CHILDREN

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. SCHAFFER. Mr. Speaker, I rise now during Teacher Appreciation Week to honor a devoted teacher from my Congressional district. Mrs. Marcia Wagner has taught music to thousands of students in Sterling, Colorado over her thirty-year career. After teaching at several of Sterling's grade schools, Mrs. Wagner completed her career on a high note at Sterling Middle School as a recipient of the Francis Gillespie Excellence Award—an award honoring her commitment to children.

In Sterling, Colorado, like many places in the West, there is a reliance on family and community. Mrs. Wagner embodies these values which are so prevalent throughout the district I represent. She has been a role model and has profoundly influenced thousands of students by putting children first and looking to parents and the local community for support.

During Teacher Appreciation Week, which recognizes a first-rate education system and properly functioning democracy requires a partnership between educators, parents, and children; let us look to Marcia Wagner, a champion of children and community.

## TRIBUTE TO WILBUR J. HENRICHS

### HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. EWING. Mr. Speaker, I rise today to pay tribute to Wilbur J. Henrichs of Danforth, Illinois. For the last 64 years, Mr. Henrichs has served farmers in his feed store, the Danforth Hatchery. I am sad to say that on March 25th, Mr. Henrichs retired at the age of 87 and the Danforth Hatchery closed for business.

The Danforth Hatchery opened for business in 1936 with Mr. Henrichs managing the store. It was a feed and supply store and at one point served as a poultry hatchery. After managing the store for a few years, Mr. Henrichs took ownership and has operated the store ever since. Over time, his the local suppliers have closed forcing him to drive over 200 miles to pick up his inventory, never once passing his increased delivery charges onto his customers. He is well known to farmers throughout the area for his reliability and willingness to lend a helping hand.

In addition to running the Hatchery, Mr. Henrichs has made outstanding contributions to the community through various civic activities. He has been active in his church and served as Village Clerk for over 40 years. In addition, Mr. Henrichs devotes his time and money to the 4–H and FFA groups in support of local youth and their involvement in agriculture.

As a life long resident of Danforth, Mr. Henrichs is known for his quiet, unselfish leadership. Over the years, he has touched countless lives in his daily routine. He continues to serve as a role model through his leadership, sense of humor and humanitarian attitude. On behalf of the citizens of Danforth and those he has served, I thank him for his dedication.

Mr. Speaker, I am honored to recognize the distinguished service to agriculture and the Danforth Community of Mr. Henrichs; for his leadership and professional commitment to stewardship of the land and providing food and fiber to the world.

DANFORTH HATCHERY CLOSES AFTER 64 YEARS

(By Mike Lyons)

DANFORTH—Time was this place reverberated with the "cheeps" of a thousand newly hatched chicks and sparked with the animated chatter of newlyweds placing orders' for the family coop.

Time was the heavy front door of Danforth's downtown hatchery swung wide as grade school classes trooped in to witness life making its tenuous beginning beneath the "hen warm" lights of the incubator trays.

And time was proprietor Wilbur Henrichs welcomed such "intrusions" in his business day, including the daily visits of village kibitzers, curious kids and connoisseurs of that cutthroat card game called "Pepper."

In the process he became an indelible fixture in the lives the rural community of Danforth and beyond—the matrix of hometown memory. A man they respectfully call "a treasure."

On Saturday generations of Wilbur's friends, and a sizable contingent of family, dropped by to help him end an era.

At 88, Wilbur elected to end business Saturday and close his cavernous 19th Century landmark on Danforth's main downtown intersection.

But if one supposed Wilbur's quitting business after having provided "quality chicks since 1936," would somehow escape to notice the organs of modern agricultural communication, one would be dead wrong.

Late Friday no less a luminary than WGN radio's Max Armstrong, phoned to wish Wilbur well in retirement.

Wilbur accepts the unexpected tribute with hallmark humility, his eyes twinkling just beneath the bill of a Golden Sun Feeds cap, its visor characteristically tilted just a bit to the right.

"It was fascinating to come in here in the spring, being a little kid, and seeing all these things," says Danforth native John Tammen, a farm manager in the Kankakee office of Soy Capital Ag Services.

But youngsters could observe far more than the mysteries of life unfolding at the hatchery.

They could observe the basics of small town business—Wilbur style.

"When Wilbur wasn't here—when he was making a delivery, or something—you could go over to the feed store (across the street), pick up what you wanted then come back over here and write it on the bill and sign you're name to it."

That accounting—called the "honor system" in some quarters—was good enough for Wilbur, who'd send his bill in due course.

Just outside, the seven foot tall fiberglass rooster townsmen doubled "Big Wilbur," stands his last watch on main street.

Ranks of Wilbur's well wishers use the fiberglass fowl as backdrop for farewell pictures with their favorite businessman.

And everywhere, "Wilbur recollections" are being offered by those whose lives he has some way touched.

Take Ashkum's David Trout, who along with his wife Virginia, have operated the petting zoo at the Iroquois County Fair for the past 15 years.

According to Trout, "Wilbur style" because dealings helped ensure the zoo could survive its early financial challenges.

"When we first started, we'd run some big feed bills and he'd never say anything to us. We were young and just trying to get started," notes Trout.

Just outside, village board member Denny Johnson stands near "Big Wilbur," recalling his own youthful visits to the hatchery.

"Classes would come up on little field trips," notes Johnson, 54, adding that he too was a "field trip" participant some three and a half decades agone.

"He's great guy," says Johnson a village board member.

None here would dispute that assessment, least of all Randy Johnson, Denny's brother, also a member of the village board.

"He doesn't have an enemy in the world!"

But what's Wilbur plan for retirement?

That fact is, Wilbur's not certain.

"I guess I'll have to think of something," he says, a grin quickly growing.

Maybe he'll join the ranks of the Pepper players he's hosted over the years.

As he says, "it keeps seniors off the streets and hold down senior delinquency."

But the Pepper gang will have to find new digs before that can happen. Wilbur just laughs when it's suggested that the Pepper crew might want to buy his building—a bit of a salty investment, even for this seasoned crew of card players.

Rumor has it that the Pepper players may find temporary quarters at a local church. A convenient venue given that many have likely prayed for better hands a time or two.

Saturday will mark a new chapter in Danforth's history when Wilbur Henrichs closes the Danforth Hatchery. An open house is being held in Wilbur's honor from 8:30 to 12:30 and we would urge you to go.

Wilbur is one of those guys who has made life a little more interesting. When you're talking to him you can't afford to relax, because about the time you do, Wilbur, with tongue firmly in cheek, will come through with one of those one-liners he likes to slip in.

Wilbur went back in time with us Monday and told us he started working at the hatchery in 1936 and bought the store from Edgar Brockman in 1955. During the war years Wilbur said the hatchery produced thousands of chicks. Wilbur continued to turn out chicks until last year when he had to start turning orders down for the first time in 64 years.

The times when the hatchery ran 24 hours per day was nerve wracking, Wilbur said. You'd never know when a fuse might blow as it did one night, resulting in the loss of 4,000 chickens.

There's a lot of history attached to the building that houses the hatchery. The building has housed a grocery store and barbershop and Wilbur says he can remember coming uptown to see the toys in the window around Christmas.

Wilbur is a little concerned about what he's going to do when he retires. He says he has some things he has to dispose of and the hatchery has been the home to a number of card players for years and Wilbur feels a responsibility to "keep them off the streets".

## BILL TO ESTABLISH OFFICE OF CORRECTIONAL HEALTH

### HON. TED STRICKLAND

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. STRICKLAND. Mr. Speaker, today I am introducing legislation which would establish an Office of Correctional Health within the Department of Health and Human Services.

According to the Department of Justice (DOJ), the United States is second only to Russia among industrialized nations in incarceration rates with nearly 2 million people in jail or prison. The fuel that feeds this prison population explosion is comprised of several components. Mandatory minimum and "three-strikes" sentencing laws have resulted in longer sentences and more frequent incarcerations. A look at the changing demographics in American prisons and jails sheds light on the challenges correction facilities face at the beginning of the 21st century.

According to DOJ, 57 percent of state prisoners and 45 percent of federal prisoners surveyed in 1997 said they had used drugs in the month before their offense. A whopping 83 percent of state prisoners and 73 percent of federal prisoners had used drugs at some time in the past. It is estimated that about three-quarters of all inmates can be characterized as being involving in alcohol or drug abuse in the time leading to their arrest.

In the first comprehensive report on mental illness in correctional facilities, the Bureau of Justice Statistics (BJS) found that seven percent of federal inmates and 16 percent of those in state prisons or local jails or on probation said they either had a mental condition or had stayed over night in a mental hospital unit or treatment program. The highest rate of mental illness was among white females in state prisons at 29 percent. For white females age 24 or younger this level rose to almost 40 percent. When compared to other inmates, mentally ill inmates and probationers reported higher rates of prior physical and sexual abuse. According to BJS, nearly 6 in 10 mentally ill offenders reported they were under the influence of alcohol and drugs at the time of their current offense. Many people do not know that the Los Angeles City jail is now the largest mental institution in the United States, holding 3,300 seriously mentally ill inmates on any given night.

The increased incarceration rate of women also presents new health care challenges to correctional facilities. According to BJS, in 1998 an estimated 950,000 women were under custody, care or control of correctional agencies. Nearly 6 in 10 women in state prisons had experienced physical or sexual abuse in the past. This statistic, coupled with the reality that 7 in 10 women under correctional sanction have minor children, points to the acute need for counseling services. Women inmates utilize health care services at higher rates than men. Because of their need for reproductive health care, including sexually transmitted diseases, and the possibility of pregnancy either upon entry into the correction system or during, women's special health care needs must be addressed in a comprehensive fashion.

The health care needs of inmates have expanded as the incarcerated population has aged. As inmates grow old in prison they succumb to the same ailments which afflict the elderly in the outside world—diabetes, heart disease and stroke. These geriatric health care needs represent another challenge to correctional agencies in providing adequate care.

In 1996, the Centers for Disease Control and Prevention's National Center for HIV, STD, and TB Prevention formed an ad hoc working group, the Cross Centers Correctional Work Group made up of health professionals from across CDC. The purpose of the group is to focus attention on the complex health needs of incarcerated men, women, and youth in the United States. I commend the work of this group and the fine efforts of CDC in addressing the very complex health issues associated with correctional facilities.

According to CDC, in 1994 AIDS diagnoses were almost six times more prevalent among the incarcerated population than among the general U.S. population. Further, inmates coming into correctional facilities are increasingly at risk for HIV infection through risk behaviors such as needle sharing and unprotected sex. Also, tuberculosis (TB) is another important public health issue in prisons and jails according to CDC. TB infection rates are substantially higher among inmates because conditions associated with TB (poverty, drug use, HIV infection, etc.) are more common in the incarcerated population than the general U.S. population.

Rates of infectious disease are known to be higher among inmates than in the general population and because most inmates are released after they've served their time, without treatment, these infected inmates threaten the public health of the community upon release.

All of these alarming statistics contribute to the need for the establishment of an Office of Correctional Health with HHS. Such an office would coordinate all correctional health programs within HHS; provide technical support to State and local correctional agencies on correctional health; cooperate with other Federal agencies carrying out correctional health programs to ensure coordination; provide outreach to State directors of correctional health and providers; and facilitate the exchange of information regarding correctional health activities.

Mr. Speaker, with a growing diverse and medically complex population in America's prisons and jails, we must ensure that inmates are provided the health care they need, that staff members operate in a safe working environment, and as a result, public safety is enhanced.

## PERSONAL EXPLANATION

### HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Ms. KILPATRICK. Mr. Speaker, due to official business at the White House, I was unable to record my vote on rollcall No. 154, raising a point of order against the consideration of H.R. 3709 as an unfunded mandate. Had I been present, I would have voted "nay"—against consideration of H.R. 3709.

## CONGRATULATING THE COMMUNITY HEALTHCARE NETWORK OF THE COLUMBUS, GEORGIA, REGIONAL HEALTHCARE SYSTEM

### HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. COLLINS. Mr. Speaker, today, during National Hospital Week, I honor accomplishments of the Community Healthcare Network. Earlier this week, the American Hospital Association presented its prestigious NOVA award to the Community Healthcare Network, which was established by Columbus Regional Healthcare System of Columbus, Georgia. This award recognizes hospitals' innovative and collaborative efforts to improve the health of their communities. I congratulate the dedicated health care workers of the Community Healthcare Network for achieving this important recognition.

The Community Healthcare Network—a collaboration of public and private entities serving 19 counties in west Georgia and east Alabama—exemplifies the dedication of health care workers, professionals, and volunteers who are there 24 hours a day, 365 days a year, curing and caring for their neighbors in need. Using the results of each county's baseline health status surveys, the Community Healthcare Network developed programs to meet each community's specific health needs. For example, primary health care centers were opened to serve children and adults in three rural counties. To increase accessibility, fees are based on the patients' abilities to pay.

The Community Care Mobile Unit travels throughout the service area providing primary case services to the homeless and indigent. Once a week, the unit visits locations selected by teens to provide teen health services. In other collaborative projects, the network has led the way to establish a children's dental clinic, child health screenings at schools, and free transportation for prenatal visits.

Mr. Speaker, the Community Healthcare Network embodies the theme of this year's National Hospital Week—"Touching the Future with Care." I congratulate the Columbus Regional Healthcare System for its award-winning program, and I look forward to its future contributions to the communities of Georgia and Alabama.

## HONORING THE LAMAR UNIVERSITY ALUMNI ASSOCIATION'S AWARD RECIPIENTS

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. LAMPSON. Mr. Speaker, today I congratulate the Lamar University Alumni Association's Distinguished Alumni Award recipients. I am particularly proud of these recipients for two reasons, one—I am a Lamar University Graduate myself, and two—one of the recipients is my sister. This year's proud award winners are Mary Jo Lampson Ford, W.S. "Bud" Leonard and Joe V. Tortorice, Jr. The Alumni Award recipients are all people who have gone on to great success and have made outstanding commitments to their alma mater and communities.

Mary Jo Lampson Ford, my sister, became a quadriplegic after contracting polio when she was 14. Through therapy she regained some use of her arms and decided to go to college. Mary Jo earned a bachelor's degree in social sciences and art from Lamar State College of Technology in 1956.

When Mary Jo attended Lamar it was prior to the days of the Americans with Disabilities Act, and the buildings were not accessible to wheelchairs. Mary Jo found the students and teachers accepting and helpful, often times carrying her up and down stairs and across campus because of the lack of accessibility. Mary Jo taught for seven years at South Park High School and went on to become a well known artist.

The second recipient, W.S. "Bud" Leonard, was an organizing member and officer of the LU Cardinal Club, Cardinal Hall of Honor Council and Friends of the Arts. Bud earned an associate degree in 1950 and a bachelor's degree in health education in 1953 as a member of Lamar's first four-year graduating class. He returned to earn a master's degree in speech in 1976.

Bud began 20 years of service to Lamar in 1975 as vice president of university relations and assistant chancellor for development, during which Lamar received almost $45 million in donations. He also volunteered before and after his tenure, offering 25 years of support. Bud was awarded the Golden Cardinal for exceptional service to the alumni association in 1985.

Joe V. Tortorice, Jr. is the third recipient and earned a master's degree in business administration from Lamar in 1971. Joe developed the Jason's Deli chain of restaurants, which now has 80 locations. In 1976 he opened his first restaurant, with his family serving as its employees and managers. The family connection has remained throughout the years, extending from his mother and father to his cousins. Joe and three of his cousins later became partners in Deli Management Inc., which operates in Texas, Louisiana, Arkansas, Oklahoma, Colorado, Kansas, Arizona, Tennessee, and Florida.

Mr. Speaker, the three recipients of the Lamar University Alumni Association's Distinguished Alumni awards are all exceptional people. As a graduate of Lamar, I found my time there exhilarating—a time of rising expectation and rising confidence in the future and in myself. Lamar gave me the opportunity to try new things and meet people from diverse backgrounds, expanding my horizons both intellectually and socially. I have great admiration for Lamar, and I strongly believe that what I learned there has been an important factor in what I've been able to do since, and I know it was an important factor in the award recipients' accomplishments. I offer my congratulations to Mary Jo Lampson Ford, W.S. "Bud" Leonard and Joe V. Tortorice, Jr. and wish them continued success.

## COMMENDING INDIANA TEACHERS FOR THEIR HARD WORK AND DEDICATION

### HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. McINTOSH. Mr. Speaker, this week is National Teacher Appreciation Week, a week set aside for elected leaders, parents, administrators, and students to express their appreciation for teachers who are making a difference. Every American can think of a special teacher who was an inspiration in their lives. For me, that teacher was Mrs. Daphne Richards.

I was always a pretty good student in school, except for one thing. Early on, I was a slow reader. Then in sixth grade, my teacher, Mrs. Richards, decided that she was going to turn me into a reader. She introduced me to comic books—now she didn't give me Spiderman or Superman, but classic comic books—comic-book versions of classic stories like MacBeth and Last of the Mohicans. And then I wanted to read the real versions—I was hooked! I've loved reading ever since. That great teacher, Mrs. Richards, made a difference in my life—she made me a reader.

Over the years, I have had the privilege of meeting great teachers across my home state of Indiana. Some of these teachers, like Mrs. Richards, teach children. Others, like those I have met at Ball State University, teach adults. Some are moms and dads teaching their kids at home. Some teach in public schools, others in private institutions. Some coach basketball. And some give the gift of music or art. Although they are different in many ways, good teachers have this in common: They are professionals devoted to excellence, possessing talent, patience, fortitude, and a personal love of learning and of learners.

For Teacher Appreciation Week, I would like to personally honor several teachers in Indiana with a Certificate of Special Congressional Recognition. Nominated by a principal, parent, or colleague to receive this honor, these teachers are admired and respected by those closest to them. They are dedicated, hard working, and caring professionals who are doing a great service to our children, our communities, and our state.

Although they represent a small cross section of teachers who are making a difference in the lives of Hoosiers, I would like to list their names for the record. Teachers receiving a Certificate of Special Congressional Recognition for service to the community are as follows:

Ms. Laura Martin teaches physical education and health at Thomas Jefferson Middle School in Valparaiso, Indiana. She has been teaching for 20 years. Also at Thomas Jefferson Middle School, Ms. Janice Stanier has been teaching 27 and a half years. She teaches English. Having taught for 33 years, Mr. David Watson teaches technology at Thomas Jefferson Middle School. They each provide strong, positive leadership at this school where they have spent seventy of their combined eighty years of service to young people.

At Alain LeRoy Locke Elementary School in Gary, Indiana, Mr. Alonzo Daniels teaches fifth grade and coaches basketball. As a coach, Mr. Daniels has led Alain LeRoy Locke Elementary School to two important championships. He is known for bringing out the best in his students on the court and in the classroom. By building up his students with praise and encouragement, they are able to go far beyond expectations.

Mr. Al Remaly teaches Global Studies at Northwestern Middle School in Kokomo, Indiana where he puts in countless hours of hard work and dedication. He is innovative with technology and a strong advocate for our country and our flag. Considered an excellent role model, Mr. Remaly has earned the respect and appreciation of students and faculty.

Mr. Terry Hughes teachers English, U.S. history, and Gifted and Talented at the Signature Learning Center in Evansville, Indiana. He is a hard working teacher whose expertise in the classroom is a blessing to the school. This outstanding educator is an example of dedication, expertise, and commitment to young people.

In rural Indiana, Mr. Ken Snow teaches science at Boone Grove High School in Valparaiso where he is an inspiration to peers and students. Not only does he teach science, Mr. Snow develops curriculum, spearheads the school's science fair, is a co-sponsor of the National Honor Society, and oversees other activities. Because of his personal attention to students, he is known as someone who gives of himself so that student leave school with more than an education.

A reading specialist at the Whitney Center in Richmond, Indiana, Ms. Carolyn Gibb has taught children who have had great difficulties learning to read. Children come from neighboring states to work with Ms. Gibb. Providing the gift of reading through scientifically-based reading instruction, Ms. Gibb has given hope to so many frustrated children and parents.

At Scott Elementary School in Evansville, Indiana, Ms. Patricia Foster teaches second grade. Known for her wit, wisdom and gentleness, Ms. Foster truly understands the needs of her children. Ms. Janie Thomas, the kindergarten teacher at Scott Elementary, is also a greatly admired teacher. Her creative approach makes children excited to return to school each day.

Ms. Janet Bulcher is a teacher at Stanley Hall Enrichment Center in Evansville, Indiana and other sites where she is an itinerant special education teacher. Known for her honesty, energy, and insight, Ms. Bulcher is deeply dedicated to the welfare of her students and their education. Ms. Bulcher works hard to improve the system of education, demonstrating to fellow adults how to work together to help children.

At Ball State University in my home town of Muncie, Indiana, Dr. Neil R. Schmottlach is the John and Janice Fisher Distinguished Professor of Wellness and Gerontology and the Director of the Fisher Institute for Wellness and Gerontology. Dr. Schmottlach promotes wellness education to thousands of kindergarten to Higher Education learners and educators. Adept at using technology, he provides learners with a rich learning environment.

Ms. Victoria Brush is a teacher and leader at Roncalli High School in Indianapolis, Indiana. Completing 52 years of teaching business courses, she has seen technology advance from old manual typewriters, to electric typewriters, to computers. Ms. Brush is also Roncalli High School's number one cheerleader who enthusiastically attends a majority of the games. According to those who know her, she is a truly humble, sincere person.

In Franklin, Indiana, Ms. Becki Biberdorf is a homeschool teacher. Deeply dedicated to her sons, she spends countless hours planning trips, developing lesson plans, and searching out exciting things to teach. She greets the awesome responsibility of teaching her own children, molding their character, and setting them on life's path with grace and wisdom.

Retired teacher Mr. Gene Aurand taught English at Reitz Francis Joseph High School in Evansville, Indiana. He also served on various legislative committees for the Evansville Teachers Association and has been active with the town board in Newburgh, Indiana. Having dedicated his life to teaching, he has earned the respect of his peers and students.

Mr. Speaker, these caring and talented teachers are of immeasurable worth to Indiana. They serve day in and day out, teaching our children and helping them grow to adulthood. They are the pride of our community and essential to our quality of life. In the words of Historian Henry Brooks Adams "A teacher affects eternity; he can never tell where his influence stops."

## MEMBERS OF THE JEWISH COMMUNITY BEING UNJUSTLY IMPRISONED IN THE ISLAMIC REPUBLIC OF IRAN

### HON. STEVEN R. ROTHMAN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. ROTHMAN. Mr. Speaker, today I submit for the RECORD a statement that I issued yesterday concerning the plight of the 13 Jews in Iran who have unjustly been imprisoned on unfounded charges of spying for the State of Israel. I am pleased that this statement was read yesterday at a rally in support of the imprisoned Iranian Jews that was held at the Jewish Community Center in Tenafly, New Jersey. I am encouraged that the rally, which was sponsored by the UJA Federation of Bergen County & North Hudson, the Rabbinical Council of Bergen County, the North Jersey Board of Rabbis, the JCC on the Palisades and the YJCC of Bergen County, served to raise the public's awareness of the plight of the 13 imprisoned Iranian Jews.

*May 10, 2000.*

DEAR FRIENDS: I want to express my solidarity with each and every person who has gathered at the JCC tonight to show their support for the "Iran 13." Your presence at this community meeting sends a clear message to the political leaders of Iran that the eyes of the American people are strongly focused on the plight of Jews who are being imprisoned unjustly in the Islamic Republic of Iran. Just as importantly, tonight you are also sending a message to the Iran 13 that they have not been forgotten.

I regret that Congressional business requires me to be in Washington tonight, but I do want to share with you my full support to the leaders and members of the UJA Federation of Bergen County & North Hudson, the Rabbinical Council of Bergen County, the North Jersey Board of Rabbis, the JCC on the Palisades and the YJCC of Bergen County for sponsoring and arranging this community-wide gathering.

When fanatics within the Iranian Government first moved last year to arrest Jews living in the southern Fars province of Iran, on trumped up charges of spying for the "Zionist regime," I promptly wrote to the President of Iran, Mohammed Khatami, to demand that they immediately be released. Not surprisingly, to this day, I have yet to receive the courtesy of a reply to my letter. And truthfully, I do not expect the Iranian authorities to respond to my letter, because that would force them to put on paper a case that is based solely on anti-Israel rhetoric and bolstered by lies, mistruths and fabrications.

More recently, I have cosponsored legislation, House Concurrent Resolution 128, that calls on the Clinton Administration to condemn the arrest of members of Iran's Jewish minority and urges their immediate release. The bill also calls on all nations that have relations with Iran to condemn the treatment of religious minorities in Iran and to call for the release of all prisoners, including the Iran 13, who are being held in prison solely on the basis of their religious beliefs.

Today, my fear for the physical safety of the Iran 13 is very real and predicated on the fact that five Jews have been executed by the Iranian government in the past five years without ever having been tried. These executions help explain why over half of the Jews in Iran have fled since 1979, many of them leaving to escape the state sponsored religious persecution orchestrated by supporters of the late Ayatollah Khomeini.

I urge each and every person present tonight to be vigilant and continue your demand that the Government of Iran immediately release the Iran 13. The fact is, our voices can be heard by the Jewish community in Iran and we owe that beleaguered community no less than to work diligently and tirelessly for the freedom of those innocent people.

Again, I commend those in attendance tonight. I commend the organizers of this community meeting and I commend those public officials and members of the clergy who this evening have come forward to shine the public's spotlight on a terrible injustice occurring within Iran.

I look forward to working with all of you in the days ahead to seek the immediate release of the Iran 13.

Sincerely,

STEVEN R. ROTHMAN,
*Member of Congress.*

## REGARDING SECTION 110 OF THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT RESPONSIBILITY ACT OF 1996

### HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. HASTINGS of Washington. Mr. Speaker, today I am in support of repealing Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. While I certainly support the goal of enhanced immigration enforcement through better record-keeping at our nation's borders, implementing Section 110 prior to the establishment of a speedy automated entry-exit system will cause serious problems on the borders. Specifically, mandatory documentation will create massive traffic delays that would clog both the Northern and Southern borders, and obstruct trade and tourism nationwide.

The Immigration and Naturalization Service does not have the technology in place to carry out the entry-exit system required by Section 110 without unacceptable delays at all border crossings. As a representative from the State of Washington, my constituents will be adversely affected by the implementation of Section 110. In 1999, Washington State alone exported close to $3 billion worth of goods to Canada. Applying Section 110 without adequate technology in place will create lines of waiting vehicles stretching several miles that would severely cripple trade, travel, and tourism between Washington State and Canada.

Likewise, in 1999, Washington State had close to 5.5 million border crossings at its 5 border stations. Of this, over 300,000 crossings were at the border station in Oroville, Washington, which is in my district. Oroville is a relatively small community in Central Washington that is not equipped to handle the extensive traffic jams that would be caused by Section 110. The City of Oroville recently adopted Resolution 391, and I submit the resolution to be included in the CONGRESSIONAL RECORD. In the Resolution, the City of Oroville requests that Congress delay the implementation of Section 110 until the United States Attorney General has addressed and resolved the issues and concerns relating to implementation.

Until technologies are developed to allow for extensive record-keeping at our border stations while ensuring timely border crossings, it is simply unreasonable to try and implement Section 110.

RESOLUTION NO. 391

A resolution to urge the United States Congress ("Congress") to repeal or delay the implementation of Section 110 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996 ("Act").

Whereas, Section 110 of the Act requires the establishment of an automated entry-exit control system at all airports, seaports and land border crossings to "collect a record of departure for every alien departing the United States and match the records of departure with the record of the Alien's arrival in the United States";

Whereas, implementation of Section 110 will add to the congestion at international crossings and increase the size and amount of delays and holdups at border crossings;

Whereas, delays and holdups at the border crossings will limit the potential for industry expansion and will have negative national and international economic impacts on efficiency, service and jobs;

Whereas, trade and tourism between the United States and its North American neighbors has grown considerably since the enactment of NAFTA;

Whereas, trade and tourism are becoming an increasingly important sector of both the local border economies and the national economy;

Whereas, the World Travel and Tourism Council predicts that travel and tourism will ultimately account for 100 million jobs in this decade;

Whereas, through steady, incremental efforts, current alien arrival and departure data collection and sharing systems at ports of entry may be improved in ways that will advance important national objectives including expanded trade, travel and tourism, enhanced national security and law enforcement;

Whereas, future advances in data collection technology will enable federal, state and local governments and the private sector to increase the flow of goods and persons across our national borders.

Whereas, the appropriate agencies within the Administration, through advances in technology over time, may be able to recommend to Congress how to improve alien arrival and departure data collection and sharing systems at land and sea ports of entry in ways that advance important national objectives, including expanded trade, travel and tourism, enhanced national security and law enforcement;

Whereas, any such recommendations from the appropriate agencies should involve cooperative efforts between the public and private sectors including federal, state and local governments to ensure appropriate realization of these objectives;

Whereas, the technology to collect the data required by Section 110 of the Act is not yet commercially feasible;

Whereas, it is of critical importance that the data collection system created pursuant to Section 110 of the Act not interfere with the ebb and flow of goods and persons across our national borders.

*Now, Therefore, Be It Resolved by The City Council of the City of Oroville,* That that City of Oroville urges the United States Congress to delay implementation of Section 110 of the illegal immigration Reform and Immigration Responsibility Act of 1996 until the United States Attorney General has addressed and resolved the issues and concerns of this resolution in coordination with the private sector and state and local governments.

Passed this 2nd day of May, 2000.

DAVID K. REYNOLDS, *Mayor.*
KATHY M. JONES, *Clerk-Treasurer.*

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## INTRODUCTION OF THE NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT

### HON. JIM SAXTON

OF NEW JERSEY
IN THE HOUSE OF REPRESENTATIVES
*Thursday, May 11, 2000*

Mr. SAXTON. Mr. Speaker, I am pleased to introduce today the National Wildlife Refuge System Centennial Act. I am joined in this important effort by the distinguished chairman of the House Resources Committee, DON YOUNG, the ranking Democratic member of the Committee, GEORGE MILLER, the ranking Democratic subcommittee member, ENI FALEOMAVAEGA, the Dean of the House of Representatives, JOHN DINGELL, and our colleague, DUKE CUNNINGHAM.

Since becoming chairman of the House Subcommittee on Fisheries Conservation, Wildlife and Oceans, I have held many hearings on the operation, maintenance, and management of our nation's National Wildlife refuge System. This unique system of Federal lands provides essential habitat for hundreds of fish and wildlife species, including more than 258 species listed as threatened or endangered under the Endangered Species Act.

The first wildlife refuge was created at Pelican Island, FL, in 1903 by President Theodore Roosevelt. Today the System has 521 refuges and 38 wetland management districts, which are located in all 50 States and the 9 Commonwealths, Territories, and island possessions. These units range in size from the smallest of less than one acre, the Mille Lacs National Wildlife Refuge in Minnesota, to the largest of 19.3 million acres in the Arctic National Wildlife Refuge in Alaska. Money for refuge land acquisition primarily comes from the Land and Water Conservation Fund and the Migratory Bird Conservation Fund.

During the past 5 years, my subcommittee has taken a leadership role in approving legislation to improve our National Wildlife Refuge System. Without question, the most important change was the enactment of the National Wildlife Refuge System Improvement Act of 1997. This landmark Act, P.L. 105–57, was sponsored by Chairman DON YOUNG and, for the first time, it created a comprehensive "organic law" governing the management of the world's largest and most diverse network of lands devoted to fish and wildlife. This historic measure also created a statutory shield to ensure that hunting and fishing and other forms of wildlife-dependent recreation will continue within the Refuge System, and it facilitates these traditional activities where compatible with conservation.

The second improvement, which I was honored to sponsor, was the National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act. This legislation will improve the infrastructure of the Refuge System by encouraging volunteer activities. In 1999, over 28,000 individuals volunteered more than 1.3 million hours, which was worth more than $11 million in services. These services included staffing visitors centers, conducting hunter safety classes, landscaping, and operating heavy equipment. My bill, which was signed into law on October 5, 1998, will encourage additional volunteers by establishing up to 20 pilot projects for the purpose of hiring full-time volunteer coordinators. It also made it easier for interested individuals and groups to donate money or services to a particular refuge.

Finally, during the past 4 years, a bipartisan group of Members, including myself, DON YOUNG, GEORGE MILLER, ENI FALEOMAVAEGA, NEIL ABERCROMBIE, JOHN DINGELL, and others have vigorously lobbied the House Appropriations Committee to increase funding to reduce the Refuge System's operations and maintenance backlog. Together with the Cooperative Alliance for Refuge Enhancement (CARE), we were successful in persuading our Appropriations colleagues to increase funding for this account by $86 million, which is a down payment on the maintenance backlog. While these increases were significant, there is much work to be done to reach the goal of having a fully operational Refuge System by 2003.

The legislation I am introducing today recognizes the vital importance of the Refuge System and the fact that the System will celebrate its centennial anniversary in 3 years. Under the terms of this bill, a Commission will be established to promote awareness of the System; develop a long-term plan to meet the priority operations, maintenance and construction needs of the System; and to improve public use programs and facilities.

The National Wildlife Refuge System Centennial Commission would be composed of 11 voting members, including the Director of the U.S. Fish and Wildlife Service. In addition, the chairman and ranking minority members of the House Resources and Senate Environment and Public Works Committees, plus the congressional members of the Migratory Bird Conservation Commission, would serve as ex offico members.

The Commission would be charged with the responsibility for preparing a plan to commemorate the 100th anniversary of the System, coordinating activities to celebrate that event, and hosting a conference on the National Wildlife Refuge System. The Commission would issue annual reports and would terminate no later than September 30, 2004.

Finally, this bill directs the Secretary of the Interior to prepare and submit to the Congress a long-term plan to address priority operations, maintenance, and construction needs of the National Wildlife Refuge System.

Mr. Speaker, I anticipate that my subcommittee will conduct a hearing on this legislation in the near future. The American people deserve the finest Refuge System in the world. This bill is an appropriate next step in our efforts to ensure that the legacy of Theodore Roosevelt, one of our Nation's greatest conservationists, will live on in the years ahead.

Ahead, I want to thank my distinguished colleagues for joining with me in this endeavor, and I urge enthusiastic support for the National Wildlife Refuge System Centennial Act.

## TRIBUTE TO MS. ELIZABETH ROSE CARROLL—CELEBRATING THE FIRST PLACE WINNER OF THE 18TH CONGRESSIONAL DISTRICT HIGH SCHOOL ART COMPETITION, AN ARTISTIC DISCOVERY

### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. DOYLE. Mr. Speaker, I honor a very talented young lady from my congressional district, Elizabeth Rose Carroll of Springdale High School. Elizabeth is the top winner of the 2000 18th Congressional District High School Art Competition, An Artistic Discovery.

Elizabeth's pen and ink entitled "Petals in the Past" depicting a veiled woman of a bygone era holding a bouquet, was selected from a number of outstanding entries to this year's competition. I know that, with her obvious talent, many successes await Elizabeth.

I look forward to seeing "Petals in the Past" displayed along with the artwork of the other competition winners from across the country, and I am pleased to be associated with Elizabeth's artistic talents.

Congratulations, Elizabeth. I wish you the very best of luck in the future.

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## INTRODUCTION OF LEGISLATION EXPRESSING THE SENSE OF CONGRESS REGARDING VIETNAMESE-AMERICANS AND OTHERS WHO SEEK TO IMPROVE SOCIAL AND POLITICAL CONDITIONS IN VIETNAM

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. DAVIS of Virginia. Mr. Speaker, today I introduce this House Concurrent Resolution which expresses the sense of Congress regarding Vietnamese-Americans and others who seek to improve social and political conditions in Vietnam.

This year marks the 25th anniversary of the fall of Saigon to Communist forces. The current Socialist Republic of Vietnam continues under an oppressive Communist regime that limits and denies its citizens fundamental rights, such as the right to free speech, the right to religious worship, and the right to associate with others who do not agree with the government. During the past 25 years, many people, including Vietnamese-Americans have participated in peaceful protests, freedom rallies, candlelight vigils, hunger strikes, and other demonstrations to bring awareness and attention to the social and political situation in Vietnam.

It is important that we recognize the work of Vietnamese-Americans and others who labor continuously to bring attention to the injustices and human rights conditions in Vietnam. In addition, we must never forget those who risked and gave the ultimate sacrifice—their lives—in defending and attempting to bring freedom and democracy to Vietnam.

Traditionally, the former Republic of South Vietnam and presently in Vietnamese-American communities all across America, June 19 represents a day to commemorate and honor both fallen and living heros who have dedicated or are continuing to dedicate their lives to bringing international attention to the human rights situation in Vietnam. The Vietnamese-American community may be relatively young, but it has a consistent record of bringing issues such as human rights abuses, political and religious persecution, and labor exploitations committed in Vietnam, to the attention of the American public.

Many of my own constituents have shared with me the horrors and their own personal stories of how they and their families have endured living under Vietnam's Communist regime without fundamental human rights. While many of them were lucky enough to escape from Vietnam, many more people have not been as fortunate.

It is my strongest hope that the citizens of Vietnam will one day be free: free to elect their own leaders and government, free to worship as they please, free to speak and print their own opinions without fear of persecution or harassment, and simply free to live their lives without government intrusion. I hope my colleagues will join me in supporting this important resolution because it reaffirms Congress' commitment to Vietnamese-Americans and others whose work keeps the spirit of freedom alive for those still living in the Socialist Republic of Vietnam.

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## TRIBUTE TO THE LATE MYRA (CASIMIRA) LENARD

### HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Ms. KAPTUR. Mr. Speaker, today I have a heavy heart. It is in great sadness that I honor my dear friend, Myra (Casimira) Lenard, who fought her courageous and long bout with grave illness so valiantly. On Monday afternoon, May 1, Myra passed from this life after having served as the long time Executive Director of the Washington Office of the Polish American Congress. For nearly 20 years, she became the much revered force representing Polish Americans here in our Nation's Capital. Her fortitude was to be admired as she guided the Congress through the tumultuous times of Solidarity and Martial Law. What a gift that she lived to witness the fall of the Berlin Wall, and then saw the fulfillment of a life-long quest as Poland left the Warsaw Pact and became a member of NATO. She may be best remembered, though, for leading the charge to convert proceeds of the Polish American Enterprise Fund into the Polish American Freedom Foundation. It was Myra who worked tirelessly with the White House and Members of Congress ensuring that voices of Polish Americans in our country would be heard. It was Myra who sacrificed so much to fight for those unable to do it themselves.

Born in Poland, she emigrated to the United States as a small child, where she spent many years involved in Chicago's Polonian organizations. There she met the love of her life, Casimir I. Lenard, whom she married and then moved with him to Washington, DC in 1962. Once here, she immediately began volunteering her time to needy, worthy causes. Her talents were recognized as she ultimately achieved a leadership position at the Polish American Congress. Myra was the worthy recipient of numerous awards, including the Commander's Cross of the Order of Merit—the highest civilian award granted by Poland, presented by Polish Foreign Minister Wladslaw Bartoszewski in 1995. At a meeting of the Supervisory Council of the Polish National Alliance in December 1998, she and her husband were enrolled in the PNA's Legion of Merit. The list of her accomplishments cannot fully capture the fullness of this dynamic, gracious, dedicated and politically brilliant woman. Truly she was a freedom-lover.

Mr. Speaker, may we gain some small comfort in knowing the spirit and fire that Myra carried through her life that helped bring freedom to her first homeland inspired thousands who have been touched with her light and love. May peace bless her always. And may the work to which she dedicated her life—with family and career—stand as a living testament to this regal and loving woman. America is fortunate indeed that she chose this nation as her permanent homeland.

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## THE E-COMMERCE ENHANCEMENT ACT OF 2000

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. BARCIA. Mr. Speaker, today I introduced the Electronic Enhancement Act of 2000, a bill that will identify the continuous challenges facing small and medium-sized businesses and will assist them in overcoming these obstacles when they enter the world of e-commerce. I developed this legislation after recently hosting an E-Commerce Forum in my District, which was designed to ensure that small and medium-sized businesses have access to the booming e-commerce industry. With more than 300 business people in attendance, it was obvious to me that while there is great interest from small and medium-sized businesses for going online, these businesses face a number of challenges as they enter the world of e-commerce.

Specifically, this bill will establish an outside Advisory Panel made up of representatives from the Technology Administration, the Manufacturing Extension Partnership, the Small Business Administration, the Modernization Forum, the U.S. Chamber of Commerce, the National Association of Manufacturers, along with other relevant parties, to determine the needs of small and medium-sized businesses. Based on the assessment of the Advisory Panel the Manufacturing Extension Partnership (MEP) will establish a pilot program for assisting small and medium-sized businesses in e-commerce. Competitive grants would be awarded to existing MEP centers that submitted e-commerce assistance proposals. The e-commerce needs of businesses will vary between regions of the country and along industry lines. Therefore, the needs of the community can be best served by relying upon the local expertise of current MEP centers rather than establish a national "one size fits all" program.

E-commerce is a facet of our economy that will enable numerous businesses to experience strong growth. Last year, e-commerce was a 100 billion dollar a year industry. in the next three years that number is expected to be 3 trillion dollars—a full ⅓ of our current 9 trillion dollar economy. The power of the Internet is the power to overcome the social, geographic and economic disparities that have traditionally stifled growth for all types of businesses. No longer is the small manufacturer in Michigan limited to buying his raw materials from one or two distributers or supplying his product to only nearby clients. Such business to business e-commerce will increase the efficiency of supply chains and even allow manufacturers to find new markets online. The same situation applies to the retailer. Up until a few years ago, the Main Street shop owner was limited to selling her goods to walk-in traffic. With the advent of online commerce, any retailer can sell to anyone in the United States and to almost anyone in the world.

These are the kinds of advantages that e-commerce can bring to business owners across the country. We must be sure that we do not leave any business behind, especially America's small and medium-sized businesses who are the backbone of our economy and the realization of the American dream for so many. This legislation will allow small and medium-sized businesses to overcome the hurdles they face as they enter the e-commerce arena.

I urge my colleagues in the House of Representatives to join in supporting this important legislation.

## INTERNET NONDISCRIMINATION ACT OF 2000

SPEECH OF

### HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applies to new, multiple, and discriminatory taxes on the Internet.

Ms. McCARTHY of Missouri. Mr. Chairman, I rise to express concerns about HR 3709, the Internet Nondiscrimination Act, a bill which extends the moratorium contained in The Internet Tax Freedom Act of 1998 for five additional years until 2006.

As a former Chairman of the Ways and Means Committee of the Missouri state house and former president of National Council of State Legislators (NCSL), I believe we need to address this issue with an eye toward creating a win-win situation for our states and localities, our mom and pop retailers on Main Street and the technology sector. I am not convinced that this bill has balanced all interests in a manner which achieves that goal.

I want electronic commerce to prosper and I support eliminating discriminatory taxes on this type of commerce. However, I also support finding a way to ensure Main Street businesses and state and local governments are not penalized by competitive advantages enjoyed by internet commerce companies. We need a level playing field and I am committed to finding one.

Not leveling the playing field could result in billions of dollars in lost revenue to states. By 2003 states will lose a total of approximately $20.1 billion in revenue if businesses are not required to collect the use taxes that are owed by purchases on electronic commerce. My state of Missouri will lose a projected $395 million—how will Missouri make up that revenue stream to ensure adequate funds for public education, critical infrastructure needs and other important state programs?

The piecemeal approach in HR 3709 prevents comprehensive solutions to the subject of taxes on the Internet. The existing moratorium does not expire until October 21, 2001. Merely extending the moratorium does not address the main issue of providing a level playing field for sales tax collection. In the coming 17 months which remain in the existing moratorium, we must consider comprehensive solutions.

Without a measured and thoughtful approach to addressing this complex issue we jeopardize the basic services which our constituents rely upon from our states and localities. We must sustain growth of the Internet and e-commerce with an appropriate revenue collecting structure built upon a foundation of fairness and equity to Main Street merchants.

## MORE ANTI-CHRISTIAN ACTIVITIES IN INDIA

### HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

Mr. DOOLITTLE. Mr. Speaker, I was distressed to read some recent articles showing that the repression of Christians in India continues. The RSS, the parent organization of the ruling BJP, has apparently published a booklet on how to besmirch Christians.

According to an article in the May 5 issue of India Abroad, the RSS has published a booklet on how to implicate Christians and other minorities in false criminal cases. It cites a Hindustan Times report that says the booklet, entitled "Save Hindus—Attacks and Laws," contains "guidelines for framing charges, false as well as genuine, against minorities." The booklet has been in circulation for three months, according to the article.

If India cannot learn religious tolerance, it is not deserving of the support of the free countries of the world. It is time to declare India a violator of religious liberty and other human rights until the situation improves. India should allow Amnesty International into Punjab and other troubled states to conduct an independent human-rights investigation. This has not happened since 1978. What is "the world's largest democracy" hiding? India should also hold a free and fair plebiscite on the question of independence for Khalistan, Kashmir, Nagaland, and the other states seeking their freedom from India.

I would like to introduce the article from India Abroad that I mentioned earlier into the RECORD for the information of the House and the public.

[From India Abroad, May 12, 2000]

ATTACK ON CHRISTIANS

New Delhi—A group of Christians who were distributing copies of the Bible and other evangelical literature in Vivekanandnagar, Ahmedabad, were reportedly attacked by activists of the right-wing Bajrang Dal on May 5.

The Christians were attacked with lathis (canes) and sharp-edged weapons, the reports said, adding that three persons were injured in the incident.

Samson C. Christian, executive member of the All India Christian Council, alleged that the attack was pre-planned as the Bajrang Dal was aware that members of the Operation Mobilization Association of Christians (OMAC) had been preaching in the area.

In a related development, reports stated that the Sangh Parivar, comprising Rashtriya Swayamsevak Sangh, the ideological parent of the Bharatiya Janata Party (BJP), and its affiliate organizations, have brought out a booklet in Gujarat, containing guidelines on how to implicate minorities in court cases, The Hindustan Times reported.

The 12-page booklet, titled "Hinduno Bachao—akraman ane kayedo" (Save Hindus—attacks and laws), contains guidelines for framing charges, false as well as genuine, against minorities under existing laws, the report said, adding that the booklet has been in circulation for the past three months.

# SENATE—*Monday, May 15, 2000*

The Senate met at 1:01 p.m. and was called to order by the Honorable JON KYL, a Senator from the State of Arizona.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Holy Father, we join with Americans across this land in the celebration of National Police Week. We thank You for police officers who serve in sheriff and police forces in cities and counties across this land. They serve in harm's way, facing constant danger, so that we may live with security and safety. We gratefully remember the law enforcement officers, Jacob Chestnut and John Gibson, who lost their lives in the line of duty here in the Capitol 2 years ago. Thank You for their valor and heroism. Continue to bless their families as they endure the loss of these fine men. Today, our prayer is that our gratitude and affirmation for the Capitol Police officers will encourage them as they encourage us by their strong presence. May they know that we cheer them for being willing to stand in harm's way so we can keep Government moving in Your way.

Through our Lord and Savior. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON KYL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF THE ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

> U.S. SENATE
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 15, 2000*
>
> *To the Senate:*
>
> Under the provisions of rule 1, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON KYL, a Senator from the State of Arizona, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. KYL thereupon assumed the chair as Acting President pro tempore.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m. with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Hawaii, Mr. AKAKA, is recognized to speak for up to 30 minutes.

The Senator from Hawaii.

## ASIAN PACIFIC AMERICAN HERITAGE MONTH

Mr. AKAKA. Mr. President, I rise today with deep admiration and praise for an integral presence within America's diverse society—Asian Americans and Pacific Islanders. Every May, during Asian Pacific American Heritage Month, we commemorate the major contributions made by this small, but by no means insignificant part of the U.S. population.

Asian Americans and Pacific Islanders, both in the aggregate and in groups of distinct and unique ethnic origin, comprise a growing force in our citizenry. Whether their ancestry is Chinese, Japanese, Filipino, Indian, Korean, Vietnamese, Thai, Laotian, Hmong, or other Asian American, or Native Hawaiian, Chamorro, Samoan, Micronesian, Tongan, Fijian, or other Pacific Islander American, they are a vibrant part of our society. If one could see numbers about each of the distinct peoples in the Asian American and Pacific Islander community, they would observe that we make up one of the fastest growing segments of the population. Our reach in communities across America is increasing. Asian Pacific Americans should not be thought of as located only in a few select states such as Hawaii or California. We have migrated over time from various points of origin in the U.S. to all parts of the country and have come to contribute to local business, education, and politics in every state.

Nearly 11 million Asian and Pacific Islanders lived in the U.S. in about 2.5 million families, according to last year's estimates. About four-fifths of these families were headed by married couples. Furthermore, the Census Bureau projects that the Asian and Pacific Islander population will more than triple to nearly 38 million by the middle of this new century, climbing from four to nine percent of the American population. This growth in the number of Asian Pacific Americans will be felt across the country, and more light will be shed on the multifaceted strengths and varied needs of Asian Americans and Pacific Islanders.

President Clinton recognized the importance of increasing awareness about Asian Americans and Pacific Islanders when he signed Executive Order 13125 in June, 1999. The Executive Order established the White House Initiative on Asian Americans and Pacific Islanders with the goal of improving the quality of life for this population by increasing their participation in Federal programs. Such programs include those related to health, human services, housing, education, labor, transportation, economic development, and community development programs—encompassing those which currently serve this population and those which may not have served this population in the past.

I am happy to say that the Initiative is marching onward through high-level, interagency meetings involving all major agencies in the Executive Branch, and the establishment of the President's Advisory Commission on Asian Americans and Pacific Islanders. The Commission will be sworn in later this week and includes 15 members representing various interests and diverse segments of the Asian American and Pacific Islander community. It will be chaired by an esteemed colleague, former Congressman Norman Mineta, and will include representatives such as Haunani Apoliona from my State of Hawaii. I hope that now and in the next Administration, the Initiative and the Commission will continue to work hand-in-hand toward: increased research and data collection; private sector, public sector and community involvement; and, development, monitoring, and coordination of Federal efforts toward improved quality of life for Asian Americans and Pacific Islanders.

There is clear evidence to show that this type of Federal attention is needed. As stated in the Presidential Proclamation for Asian Pacific American Heritage Month 2000, despite many successes, the needs in the community still continue to be great:

> While many Asian Americans and Pacific Islanders today are thriving, others are still struggling to overcome obstacles. Because of oppression in their countries of origin, some new immigrants have arrived without having completed their education; once here, some have encountered language and cultural barriers and discrimination. Pacific Islanders, too, must overcome barriers to opportunity caused by their geographic isolation and the consequences of Western influences on their unique culture. For these and other reasons, too many Asian Americans and Pacific Islanders face low-paying jobs, inadequate health care, and lack of educational opportunity.

The Initiative, Advisory Commission, and the Asian American and Pacific Islander community have much work to do in these areas. I urge that the proper resources and attention continue to flow to support this combined effort.

Mr. President, within this Federal effort, I cannot underscore enough how much we need to focus on improving data collection for the Asian American and Pacific Islander community. The tremendous diversity in the community poses challenges that have produced data and statistics that are inadequate. Most data collection tends to lump the various Asian American and Pacific Islander ethnicities together in a single category, swallowing up numbers for each distinct group and failing to present an accurate picture of the services needed.

For example, the respected organization, the College Board, produced a report regarding minority achievement in higher education. The report failed to include Asian Pacific Americans because we were considered to be overrepresented in higher education. Unfortunately, in the making of the report, differences between individual groups within the community were ignored. For example, higher educational attainment is greater for groups like Japanese and Chinese Americans than it is for American Samoan and Southeast Asian Americans. Statistics such as these must be brought to light so that educational agencies and institutions know to which groups they should target their limited resources. Thankfully, Congressman ROBERT UNDERWOOD, the Chairman of the Congressional Asian Pacific Caucus, worked to counter this problem and, in the end, reached an agreement with The College Board to work together and analyze disaggregared data for the population.

As another example of data collection challenges, I have worked on Office of Management and Budget Statistical Policy Directive No. 15, which governs the racial and ethnic data collection by Federal agencies. In 1993, I began efforts to change the Directive so that Native Hawaiians would be disaggregated from the Asian Pacific Islander category. My main concern was that Native Hawaiians, as an indigenous people were being classified with populations that had immigrated to the U.S., thereby creating the misperception that Native Hawaiians were immigrants rather than the indigenous peoples of Hawaii.

I finally succeeded in 1997, when OMB Policy and Statistical Directive No. 15 was revised. Native Hawaiians were disaggregated from the Asian Pacific Islander category and a new category entitled, "Native Hawaiians and Other Pacific Islanders" was created. That was one step toward fixing inaccuracies in data collection. Agencies have until January 1, 2003 to make all existing recordkeeping or reporting requirements consistent with its standards. However, provisions of the revised directive took effect immediately for all new and revised recordkeeping or reporting requirements that include racial and/or ethnic information. It is my understanding that only the Department to Health and Human Services has established a policy with respect to the requirements of OMB Directive 15. I have encouraged all Federal agencies to actively work to implement this Directive, especially in collaborative efforts with the White House Initiative and President's Advisory Commission.

As a further example, on March 14, 2000, I hosted a forum to discuss Census 2000 and its impact on Native Hawaiians and Pacific Islanders in Honolulu. The forum included panel members from the Federal government, Congress, and Native Hawaiian, Samoan, and Chamorro community organizations. The issue which generated the most concern regarding Census 2000 was the application of multiracial reporting. This issue is one of particular sensitivity in Hawaii, where a large percentage of the population has multiethnic backgrounds.

In Hawaii, it is very common for individuals, when asked for their ethnicity, to list their entire ethnic background. Only when asked which ethnicity the individual most identifies with will the individual limit the answer to one ethnic background. Furthermore, it was revealed through forum discussion that there is no resolution as to how data will be reported for those who check off more than one race on the 2000 Census form. This raises the fear that the final counts of various Pacific Islander populations—such as the Native Hawaiian population—where multiple-race backgrounds are common, would be inaccurate. Statisticians verify that this has enormous effect on smaller populations.

I am continuing to work on this problem because of the tremendous impact that Federal data has in its use in deciding funding and participation in thousands of Federal, state and local programs. Inaccurate data means that many individuals will not be served, and we must do what we can to prevent this from happening. We must work on these and other issues facing the Asian American and Pacific Islander community, just as we do for issues facing our country's other populations, because it is part of our responsibility to keep each part of our diverse America as strong as it can be.

Mr. President, I recently introduced related legislation that would allow us to take a broader look at, and emphasize the heterogeneous nature of, America. S. 2478, or the Peopling of America Theme Study Act of 2000, takes pride in America's diversity by authorizing the Secretary of the Interior to identify regions, areas, districts, structures and cultures that illustrate and commemorate key events or decisions in the peopling of this country. I hope that this effort will provide a basis for the preservation and interpretation of the complex movement of people, ideas, and cultures to and across the American continent that resulted in the peopling of the nation, and the development of our unique, pluralist society—one that Asian Americans and Pacific Islanders are fully a part.

The bill encourages development of preservation and education strategies to capture elements of our national culture and history such as immigration, migration, ethnicity, family, gender, health, neighborhood, and community. The prehistory and the history of this nation are inextricably linked to the mosaic of migrations, immigrations and cultures that has resulted in the peopling of America. Americans are all travelers from other regions, continents and islands, and I feel we need a better understanding and appreciation of this coherent and unifying theme in America. This is the source of our nation's greatness and strength. Our rich American heritage includes the traditions, cultures, and contributions of Asian Americans and Pacific Islanders, both as a group and as individuals.

Mr. President, I would like to conclude my statement with a note of praise and congratulations to some of the members of the Asian Pacific American community most deserving of recognition. President Clinton recently approved the Army nominations of 21 Asian Pacific American World War II veterans to receive the Congressional Medal of Honor. This concluded a review that I requested of service records of Asian American and Pacific Islanders who received the Distinguished Service Cross during World War II. The approval of the Medal of Honor for these 21 men who served with valor in World War II—19 from the 442nd Regimental Combat Team and 100th Infantry Battalion—is long overdue recognition of the heroic service and bravery displayed by these Asian American soldiers and their comrades in arms. As we honor these patriots, including my colleague Senator DANIEL INOUYE, let us also remember the thousands of young men, living and deceased, whose courage, sacrifice and spirit proved that patriotism is a circumstance of the heart, not a consequence of the skin.

The 100th/442nd fought with incredible courage and bravery in Italy and France. Its members won 1 Medal of Honor, 53 DSCs, and more than 9,000 Purple Hearts. The unit itself won 8 Presidential Unit Citations. The fact that the 100th/442nd saw such fierce and heavy combat, yet received only one Medal of Honor award, and then only posthumously and due to congressional intervention, raised serious questions about the fairness of the award process at that time. Unfortunately, Asian Pacific Americans were not accorded full consideration for the Medal of Honor at the time of their service. A prevailing climate of racial prejudice against Asian Pacific Americans during World War II precluded this basic fairness, the most egregious example being the internment of 120,000 Japanese Americans. The bias, discrimination, and hysteria of that time unfortunately has an impact on the decision to award the military's highest honor to Asians and Pacific Islanders.

I commend Secretary Caldera and all the Army personnel who conducted the DSC review in a thorough and professional manner. They carried out the difficult task of identifying and reconstructing the records of more than one hundred veterans with diligence, sensitivity, and dispatch. The stories documented for each of the 104 DSC recipients will astonish and humble all who read them and underscore our faith in a nation that produces such heroes.

As the only Chinese American in this body and the sole Native Hawaiian in the Congress, I am proud of the legacy that we as Americans are leaving for the world. I am proud of our great country, and I am proud of the citizens that make our country great—including our nation's Asian Americans and Pacific Islanders. We have much to celebrate during Asian Pacific Heritage Month 2000.

Mr. President, thank you again for this opportunity, and I yield the floor.

Mr. INOUYE. Mr. President, I rise today in recognition of Asian Pacific American Heritage Month. In 1992, President Bush signed into law legislation designating May as Asian Pacific American Heritage Month to celebrate the contributions the Asian American and Pacific Islander communities have made to our country.

Asian Americans and Pacific Islanders have been instrumental in the development of the American landscape for more than a century. The diversity within the Asian American and Pacific Islander communities exemplifies the richness of our multicultural country, celebrated through Asian Pacific American Heritage Month.

Valuing family, cultural heritage, and commitment to society, Asian Americans and Pacific islanders have built strong communities contributing to our dynamic society and adding strength to the foundation of our country. With strong values, Asian Americans and Pacific Islanders have succeeded in many facets of life including science where Dr. David Ho was celebrated as Time Magazine's 1996 Man of the Year; the arts, with fashion designer Vera Wang, writer Amy Tan, and actress Ming Na-Wen; sports with ice skaters such as Kristi Yamaguchi and Michelle Kwan and football legend Junior Seau; in the military where General Eric Shinseki is the Chief of Staff for the U.S. Army; and politics where there are two Pacific Islander Governors and where I am joined by six other Asian Americans and Pacific Islanders serving in Congress, and where a record number of Asian American and Pacific Islanders are serving as Administration appointees in some of the highest offices of government. This list is by no means exhaustive, it only scratches the surface of the contributions Asian American and Pacific Islanders have made to our country. Asian Pacific American Heritage Month allows us to pay tribute to the commitment and contributions these men and women have made to their communities and to our country.

The growth of the Asian American and Pacific Islander communities, along with the achievements we have gained, have brought Asian American and Pacific Islander issues to the forefront of American politics. Last June, President Clinton signed Executive Order 13125 establishing the White House Asian and Pacific Islander Initiative seeking to improve the quality of life for Asian Americans and Pacific Islanders through increased participation in federal government programs where they are most likely to be underserved. I commend the President for this Initiative and optimistically look forward to the progress this commission will achieve, under the chairmanship of Mr. Norman Mineta, to highlight and challenge issues pertinent to Asian Americans and Pacific Islanders.

Asian Americans and Pacific Islanders have made considerable contributions to our nation. I am pleased that through Asian Pacific American Heritage Month the various histories, cultures, triumphs, and hardships of all Asian Americans and Pacific Islanders can be celebrated, honored, and remembered.

Mrs. BOXER. Mr. President, each May, hundreds of civic organizations, community groups, students, and public agencies around the nation organize events to celebrate Asian Pacific American Heritage Month. Throughout the month of May, we salute the profound contributions that Asian Pacific Americans have made in all areas of life in the United States. From the arts and sciences to politics and education, their accomplishments have helped shape our culture and build our nation.

In my home state of California, May brings major events celebrating Asian Pacific American culture in Sacramento, Oakland, San Francisco, San Jose, Los Angeles, and San Diego. For more about these events and other interesting information, I invite everyone to consult my special Asian Pacific American Heritage Month web page at http://boxer.senate.gov/apa/index.html.

Asian Pacific American Heritage Month originated in 1977, when Representatives Norman Mineta and Frank Horton introduced a resolution calling on the President to proclaim the first ten days of May as Pacific/Asian Heritage Week. Senators DANIEL INOUYE and Spark Matsunaga introduced similar legislation in the Senate. The following year, President Jimmy Carter signed a Joint Resolution proclaiming Asian/Pacific Heritage Week. The celebration was significantly expanded in 1992, when May was officially designated Asian Pacific American Heritage Month by an Act of Congress.

The term "Asian Pacific American" denotes scores of Asian and Pacific Island ethnic groups with diverse languages, culture, and history. Asian Pacific American Heritage Month offers every American an opportunity to learn more about these peoples, who have woven so many beautiful threads into the tapestry of American life. During the month of May and throughout the year, I hope that every American will take a moment to learn and appreciate more about the rich traditions and major achievements of Asian Pacific Americans.

Mr. AKAKA. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

## BANKRUPTCY REFORM

Mr. WELLSTONE. Mr. President, I have with me an investigative article from the May 15, 2000 issue of Time magazine, the title of which is "Soaked by Congress, Lavished with campaign cash, lawmakers are 'reforming' bankruptcy—punishing the downtrodden to catch a few cheats," by Donald L. Barlett and James B. Steele, who are well known for their investigative journalism—some of the best investigative journalism in the country.

Mr. President, I thank these two journalists for the work they have done over the years. I used to assign their books to classes, and I think it is very good investigative journalism.

Let me read from one part of this lengthy article. I sent a copy of this out to colleagues. I commend this piece to all of them.

> Under the legislation before Congress, new means tests would force more borrowers into Chapter 13—leading to still more failures—and would eliminate bankruptcy as an option for others. For this second group, life will be especially bleak. Listen to their future as described by Brady Williamson, who teaches constitutional law at the University of Wisconsin in Madison and was chairman of the former National Bankruptcy Review Commission, appointed by Congress in 1995:

> "A family without access to the bankruptcy system is subject to garnishment proceedings, to multiple collection actions, to repossession of personal property and to mortgage foreclosure. There is virtually no way to save their home and, for a family that does not own a home, no way to ever qualify to buy one." The wage earner will be "faced with what is essentially a life term in debtor's prison."

Brady Williamson, who teaches constitutional law at the University of Wisconsin, is joined by law professors all across the country in their strong critique in, I would really say, condemnation of this bankruptcy bill. Again, he was the chairman of the former National Bankruptcy Review Commission, which was appointed in 1995.

The reason I mention this is that I want to take a few minutes to talk about this bill.

When there was an effort to separate this bankruptcy bill out from minimum wage legislation, I opposed it. I opposed the unanimous consent agreement. Senator FEINGOLD was out here on the floor with me. We did this because we believe this piece of legislation deserves more scrutiny, albeit it passed by a big margin in the Senate. But I am telling you that many colleagues, I think, had no idea of some of the provisions that were in this legislation—some really egregious provisions. We have learned something about what many of us call the pension raid, which basically for the first time would enable these creditors, as a condition for making the loan, to call upon borrowers to say, look, you can also put a lien on my pension. That has never been done before.

But there are other egregious provisions as well. I again point out that last week Time magazine published this investigative article entitled "Soaked by Congress," written by Donald Barlett and James Steele.

I think this is a true picture of who files for bankruptcy in America. You will find a far different profile of who the people are than from the skewed version that was used to justify this "bankruptcy reform bill" passed by the House and the Senate.

I would like to give my colleagues an example of the kind of families we are talking about—working families, hard-pressed families, crushed by debt, people who need a fresh start.

Tomorrow, Senator KENNEDY will be coming with other Senators —I will join them—in speaking about this bill as well. Since I came to this floor and I objected to any unanimous consent agreement to separate this bankruptcy bill, passing it and moving it forward, and since I have done everything I know how as a Senator to stop this bill, I want to discuss why.

First, I will talk about this legislation from the perspective of ordinary people, people who don't have a lot of money—not the big banks and not the big credit card companies that have been running the show on this legislation.

I will read the beginning of this article by Bartlett and Steele:

> Congress is about to make life a lot tougher—and and more expensive—for people like the Trapp family of Plantation, Fla. As if their life isn't hard enough already. Eight-year-old Annelise, the oldest of the three Trapp children, is a bright, spunky, dark-haired wisp who suffers from a degenerative muscular condition. She lives in a wheelchair or bed, is tied to a respirator at least eight hours a day, eats mostly through a tube and requires round-the-clock nursing care. Doctors have implanted steel rods in her back to stem the curvature of her spine.
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> Her parents, Charles and Lisa, are staring at a medical bill for $106,373 from Miami Children's Hospital. then there are the credit-card debts. The $10,310 they owe Bank One. The $5,537 they owe Chase Manhattan Bank. The $8,222 they owe MBNA America. The $4,925 they owe on their Citibank Preferred Visa card.
>
> The $6,838 they owe on their Discover card. The $6,458 they owe on their MasterCard. "People don't understand, unless they have a medically needy child, these kinds of circumstances," says Charles Trapp, 42, a mail carrier.

Most of the people who file for bankruptcy under chapter 7 for a new start, about 40 percent-plus, are people who have been put under because of a medical bill. The studies don't talk about a lot of abuse. They mention 3, 4 or 5 percent of the people at most abusing this system. Most of the people in the country who do have to start over find themselves in these awful situations because there has been a divorce and now there is a single parent or because people have lost their jobs or because people face catastrophic medical bills. We are going to punish these families?

The figures on the amount of money pouring in, let me be clear, are not on one to one. I am not going to stand here and say every single Senator who disagrees with me on this disagrees with me because they received a lot of money from big credit card companies. Then someone can turn around, and I know the presiding Chair will agree, and say every position you take is based on money you have received. That is simply an analysis that should be unacceptable. I will not do that. It is not fair to people I serve with and I don't believe it.

However, from an institutional view of who has power and who doesn't have power in America, we see an industry that has a tremendous amount of clout, that certainly contributes a lot of money—Republicans and Democrats alike—that has the lobbyists, is certainly well connected and, of course, the people whom we are talking about, such as the Trapp family, don't have the same kind of connections.

We are, I think, about to do something very egregious to these families. Yesterday was Mother's Day—Sheila and I marched in the Million Mom March and were proud to do so—so I'd like to read from a letter signed by 70 scholars at our Nation's law schools who are opposed to this legislation about how this bill will affect mothers. They write directly to this issue of how low-income, women-headed households will be devastated by this bankruptcy bill.

> As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

I don't think the choices in this debate could be stated any more starkly. The core question is, Are we on the side of these big credit companies and these banks or are we on the side of too many women in this country struggling to support their families?

I will mention a few other provisions in this legislation that are punitive. I already mentioned the pension grab. People didn't even seem to know about that provision. That is being reworked. Good. I want to see the bill improved, although a wise proverb comes to mind: Never put good stitching in a rock cloth.

I think this bill is fundamentally flawed—not the Senators who support the bill, the bill. Section 102 of this bill removes the ability of a debtor to seek sanctions against a creditor who brought coercive, frivolous claims against the debtor, as long as the claim in question is less than $1,000. If someone has a loan for less than $1,000, a creditor can intimidate and threaten legal action, even if he doesn't intend to take legal action with impunity.

Section 105 imposes mandatory credit counseling on debtors before they can seek bankruptcy relief at the debtors' expense—as if the debtors have the money for this. This is regardless of whether the bankruptcy would be the result of simple overspending or the result of unavoidable expenses such as catastrophic medical expense. There is no waiver of this requirement. People can end up being evicted.

Section 311 ends the practice of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. This is critical for tenants under current law.

I could go on and on.

I speak from the Senate floor to the people in the country. This is a reform issue. I talked about who has the clout in America and who doesn't. At one time, there was a bill that came to the floor of the Senate, a much better bill, that I voted against. It was a 99-1 vote. I thought that bill was too harsh and too punitive, but most of my colleagues disagreed. People had done good work on it.

Now this bill that passed the United States, it is as Barlett and Steele pointed out in their very important piece, it is completely one sided. There is no call for accountability or responsibility on the part of the creditor, credit card companies. There are harsh provisions, many of which—most of which—all of which, frankly, disproportionately affect low-income people, moderate-income people, women, working families, you name it, based upon the assumption that most people who file for bankruptcy abuse the system—which is not true. Most people are put under because of a medical bill or they have been out of work or because there is a divorce. This bill is just a carbon copy of what this credit card industry wants.

I objected to the unanimous consent agreement to try to move this bill, first to decouple it from the minimum wage and then to try basically to move it through. I do not want to. I want to try to stop this piece of legislation. Because different Senators are entitled to their own viewpoint, I will be pleased, as we get a chance to really look at the provisions of this legislation carefully, as in the case of this Barlett and Steele piece, and if this bill comes back before the Senate and we have the debate, I will be willing to agree to time limits on amendments—you name it. But we need to have a thorough debate on this bill. I am not going to let it go through by unanimous consent or continue in any way, shape, or form.

The effort that is underway is to take this legislation and put it into an unrelated bill; the e-signatures bill is the latest, the effort to take this bankruptcy—quote, reform—bill and put it into the conference committee on e-signature legislation. It has nothing to do with e-signature legislation. Then the effort is to bring the conference report back to the Senate where it cannot be amended and can be only voted up or down.

It is clever enough, but the truth of the matter is, again, my goal in life is to have people interested in politics, public affairs. Even if they vote Republican, I am all for them if they are interested in public affairs. That is my view. I just don't want people opting out and being disillusioned and becoming cynical because then I think our country suffers, I think representative democracy suffers. That is what I believe in more than anything else.

This is a reform issue. People hate this. They hate the way this process works, where you can take a bill and now put it into a completely unrelated piece of legislation, outside the scope of the conference committee, tuck it in, do it at midnight, do it late at night, do it when people cannot see it, do it in whatever way you can, in the most private way possible, and then just try to push it through. It is a neat parliamentary technique, it is a neat trick through this process, this legislative process. But it is an outrage.

I do not think Senators should support this. I certainly am going to challenge this question on the scope of conference. I think we had a ruling on this which was an unfortunate ruling. We will have to go back through that. There are other Senators, Senator HARKIN, Senator FEINGOLD, Senator KENNEDY—a number of others—just to mention a few who I think feel very strongly about this. The more Senators really know what is in this piece of legislation, the more Senators who read this investigative report in Time magazine, the more Senators are going to be worried about this. They are going to be worried about this legislation going through in this form.

There are good Senators who have worked on this legislation, some I consider to be some of the best. But this legislation is fundamentally flawed. I speak about it today. I am going to continue to do everything I can to stop it. I want people in the country to know what the effort is right now, which is to put this piece of legislation into an unrelated conference report.

I want to make it clear on the floor of the Senate that everything I know how to do as a Senator, to insist that this bill goes back in the regular order and comes back through this legislative process—which will give us an opportunity to look at other provisions we did not know were in this bill, such as the pension grab amendment—is what I insist on. I think other Senators feel the same way.

I do not believe Senators, Democrats or Republicans alike, whether they agree or disagree on this particular piece of legislation—I do not think they should accept the proposition we can just put it into an unrelated conference report. We are heading nowhere good if we start doing that with different pieces of legislation. We are heading nowhere good as a legislative body. It is the wrong way to legislate. It is the wrong way to conduct our business.

Then the question is, PAUL, do you have a right to just come out here and object to a unanimous consent agreement?

Yes, I do. We had a minimum wage and we had a bankruptcy bill tied together, and there were tax cuts included with minimum wage provisions. But tax measures need to originate in the House of Representatives under the Constitution and the Senate leadership knows that. If that mistake was made—to unconstitutionally add the tax cuts—and I oppose this bill and, by our own rules, it requires unanimous consent to correct the mistake, of course I have a right to object, especially if I think this is an egregious piece of legislation which hits hard at the most vulnerable, low-income citizens in the United States of America. Of course I have the right to do that.

I say to the majority leader, if he wants to bring this bill back on the floor, let's have at it. We will even have some time agreements on some amendments. But we will have a thorough debate on this, and I will have a chance to point out many egregious provisions in this legislation in a way we were not able to last time. Then we will see where we go.

But if this gets put into a conference committee—and I hope there is enough pressure from other Senators and I hope there is enough pressure from the public that this does not happen. That is the best outcome. I hope the journalists will write about this piece of legislation and will write about what could very well happen here because I think it is indicative of what does not work well here in the legislative process.

If this gets folded into a conference report, I have no doubt a number of Senators—we will do everything we can to hold it up in every way possible. But my hope is we do this the right way and not the wrong way. The right way is, let's have a little bit more of a focus and a little more spotlight on this piece of legislation.

To reiterate, I wanted to take just a few minutes today to talk about the so-called bankruptcy "reform" bill which some Members of this body are trying to force down the throat of working families. As I hope my colleagues are aware, as I speak here today this punitive legislation is being negotiated by a small group of staff working for a handful of members in a secret "shadow" conference. Their plan is to attach this legislation to an unrelated conference report and pass the bill with minimal public scrutiny.

When you really look at what's in this bill, and what's driving this bill, it's really not surprising that some of my colleagues have been trying to do this behind closed doors. But recently, there has been an increasing drum beat of outrage and attention from outside Congress both on the bill itself and the desperate tactics being used to pass it. As I said, last week Time magazine published an investigative article about the bill, entitled "Soaked by Congress," The article, written by reporters Dan Bartlett and Jim Steele, is a detailed look at the true picture of who files for bankruptcy in America. You will find it far different from the skewed version that was used to justify the bankruptcy "reform" bill passed by the House and Senate.

Last week I sent a dear colleague around with a copy of the article. I hope all my colleagues saw it. Tomorrow I believe a group of Senators will speak in the morning about this article, but I'd like to talk about it this afternoon for just a few minutes in the hope that some of you will take another look at this bill, take another look at what it will do to working families, folks crushed by debt, folks who need a fresh start. I want my colleagues to look at this bill from the perspective of ordinary folks—not the big banks and credit card companies.

I'd like to read the beginning of the article, it begins:

> Congress is about to make life a lot tougher—and more expensive—for people like the Trapp family of Plantation, Fla. As if their life isn't hard enough already. Eight-year-old Annelise, the oldest of the three Trapp children, is a bright, spunky, dark-haired wisp who suffers from a degenerative muscular condition. She lives in a wheelchair or bed, is tied to a respirator at least eight hours a day, eats mostly through a tube and requires round-the-clock nursing care. Doctors have implanted steel rods in her back to stem the curvature of her spine.
>
> Her parents, Charles and Lisa, are staring at a medical bill for $106,373 from Miami Children's Hospital. Then there are the credit-card debts. The $10,310 they owe Bank One. The $5,537 they owe Chase Manhattan Bank. The $8,222 they owe MBNA America. The $4,925 they owe on their Citibank Preferred Visa card. The $6,838 they owe on their Discover card. The $6,458 they owe on their MasterCard. "People don't understand, unless they have a medically needy child, these kinds of circumstances," says Charles Trapp, 42, a mail carrier.

Now I ask my colleagues, is there one thing in this bill that would have helped this family head off bankruptcy? Absolutely not, this bill would simply make it harder for them to get the relief they needed to take care of themselves and their daughter. Why aren't we talking about what could have kept this family out of bankruptcy? What does this bill do to help a woman or man who wants to educate themselves so they can earn a better living for their family? What does this bill do to keep ordinary folks from being overwhelmed by medical expenses? What does this bill do to promote economic stability for working families? Shouldn't the goal be keeping families out of circumstances where they can't pay their debts instead of punishing them once it's too late? I believe if my colleagues really wanted to reduce the number of bankruptcies they would focus more on providing a helping hand up rather than removing the safety net. If they really wanted to tackle bankruptcy, they would take on the credit card companies and their abusive tactics.

Yesterday was Mother's Day Mr. President, I would like to read from a letter, signed by approximately 70 scholars at our nation's law schools, who are opposed to this legislation. They write directly to this issue of how low income women headed households will be devastated by this legislation:

> As the heads of the economically most vulnerable families, they have a special stake in the pending legislation. Women heads of households are now the largest demographic group in bankruptcy, and according to the credit industry's own data, they are the poorest. The provisions in this bill, particularly the provisions that apply without regard to income, will fall hardest on them. A single mother with dependent children who is hopelessly insolvent and whose income is far below the national median income still would have her bankruptcy case dismissed if she does not present copies of income tax returns for the past three years—even if those returns are in the possession of her ex-husband. A single mother who hoped to work through a chapter 13 payment plan would be forced to pay every penny of the entire debt owed on almost worthless items of collateral, such as used furniture or children's clothes, even if it meant that successful completion of a repayment plan was impossible.

I don't think the choices in this debate can be made any more stated any more starkly. The core question is this: Will colleagues be on the side of these women, struggling to raise their families? Or do they see these women as the banks and credit card companies do: just an economic opportunity ripe for exploitation?

A constituent from Crystal, Minnesota wrote to my office last July to tell me about her experience with bankruptcy. Her life was very much like any of ours until an injury forced her to leave the financial security of her factory job. She worked multiple minimum wage jobs for several years as her marriage fell apart and her daughter began a descent into deep clinical depression. In the meantime, she enrolled in computer school so that she could pursue a career that would give her and her daughter a stable income. She purchased a computer on credit so she could spend more time working at home. In time, the payments on the computer, her mortgage and her daughter's medical bills became too much, and she fell behind on debt payments. When creditors approached her, she tried to work out a repayment schedule that she could meet. Some were willing to do so. However, she says in her letter:

> What I want you to know specifically is that this one credit card company would not offer any reductions in the interest rate, demanded over one quarter of my entire monthly income, did not care if I could not meet my payments for the most basic requirements of human existence, suggested that I use a food shelf, and they refused to acknowledge that my child was suicidal and that their harassing phone calls to my house nearly caused her to overdose on the only non-prescription pain relievers that I could have for myself.

So she filed for bankruptcy. She has begun to rebuild her life and she ended her letter by saying:

> Please to not vote for Senate Bill 625 or any other bill that makes bankruptcy harder for people who find themselves caught in the unforeseen predicaments of life for which they have no control. It is not fair to pass a bill that helps the credit card companies by hurting people like me without forcing them to look at what they are doing, and how they respond. They have many options that could be used without creating the emotional trauma that forces hard working people to choose the relief of bankruptcy.

What the Bartlett and Steele article makes very clear is that these stories are typical in our bankruptcy courts today. And what does this bill do to these folks? It makes it more difficult to file, harder to get a fresh start, allows them to discharge less debt. Forces them to pay more in attorney's fees or maybe make an attorney cost prohibitive—but not for the big banks. It forces families into Chapter 13 which ⅔ which of all debtors currently fail to complete because of economic circumstances. This legislation allows them to be victimized by coercive debt collectors and abolishes critical tenant protections.

This is reform?

Let me be clear: The bankruptcy bills passed by House and Senate are ill-conceived, unjust, and imbalanced. They impose harsh penalties on families who file for bankruptcy in good faith as a last resort, and address a "crisis" that is self-correcting. They reward the predatory and reckless lending by banks and credit card companies which fed the crisis in the first place, and it does nothing to actually prevent bankruptcy by promoting economic security in working families.

Here are just a few of the punitive provisions in the Senate passed bankruptcy bill:

No. 1. Section 102 of the bill would remove the ability to a debtor to seek sanctions against a creditor who brought coercive, frivolous claims against a debtor—as long as the claim in question is less than $1000. So in other words, as long as the loan was for less than $1000, a creditor may intimidate the borrower or threaten legal action it doesn't intend to take (all illegal under current law).

No. 2. Section 105 imposes mandatory credit counseling on debtors before the can seek bankruptcy relief—at the debtors expense. This is regardless of whether the bankruptcy would be the result of simple overspending or something unavoidable like sudden medical expenses. There is no waiver of this requirement if the debtor needs to make an emergency bankruptcy filing to stave off eviction or utility shutoff.

No. 3. Section 311 will end the practice under current law of stopping eviction proceedings against tenants who are behind on rent who file for bankruptcy. This is a critical right of tenants under current law.

No. 4. Section 312 will make a person ineligible to file for Chapter 13 bankruptcy if he or she has successfully emerged from bankruptcy within the past 5 years—even if it was a successful chapter 13 reorganization where the debtor paid off all their creditors.

No. 5. The bill's new reporting, filing and paperwork requirements will make bankruptcy process more onerous than ever before—expensive legal expertise will be more necessary, a burden which low and moderate income families with high debt loads can ill afford. But several sections of the bill create a variety of disincentives for attorneys to represent consumers in bankruptcy. The results of these provisions will be that some attorneys will leave the practice of consumer bankruptcy, and others will have to raise their fees to account for the increased expenses and risks involved. This in turn will lead to more consumers being unable to afford an attorney and either obtaining no relief or falling prey to nonattorney petition preparers who provide services which are usually incompetent and often fraudulent.

No. 6. The means test to determine which debtors can file Chapter 7 bankruptcy—as opposed to Chapter 13—is inflexible and arbitrary. It is based on IRS standards not drafted for bankruptcy purposes that do not take into account individual family needs for expenses like transportation, food and rent. It disadvantages renters and individuals who rely on public transportation and benefits higher income individuals with more property and debt.

## CAPITOL HILL POLICE BUDGET

Mr. WELLSTONE. Mr. President, I also want to very briefly mention another matter since I have the floor. I think the Senate is going to be united. This I hope will be less of a battle than on the horrible bankruptcy bill, credit card company bill, big banker bill. This is the week where we honor law enforcement. I said it last week. I will say it one more time. I say it to the Presiding Officer. I say it to every Senator.

You should, if you get a chance, talk to some of the Capitol Hill police officers at the different stations here on the Senate side. You will be really troubled by how demoralized they feel and also how angry they are. I have never seen anything like this, and I have been here 9½ years. I have never seen anything like this.

Sheila and I are pretty good friends socially and in other ways with some of the police officers. I am sure some of the Senators are. They are just livid. In July, 2 years ago, we lost two fine officers, and after all the concern that was professed, they cannot believe, in light of that and in light of the fact that we do not have two officers on every post where we need two officers just for security reasons for the public, for us—and I would argue just as important for them—that not only are we not living up to that commitment and doing what we need to do—the Sergeant at Arms on the Senate side, Jim Ziglar, has been terrific on this and Senator BENNETT, the Republican chair of the appropriations legislative subcommittee; his subcommittee has been terrific on this—these police officers cannot believe what the House of Representatives has done.

It is unbelievable. What the House of Representatives has done is to call for fairly dramatic—I don't have the figures. I don't know if the figures are so important. They are calling for dramatic cuts in the budget so we will have hundreds fewer, 400 fewer, police officers.

I will say to some of the Representatives on the House side, and in particular I am going to say it to the Republicans because on this one there seems to be a pretty major party split where the Democrats have expressed a lot of indignation, where Congressman HOYER and Congressman OBEY spoke up rather strongly about this, in all due respect, do we need to wait for this to happen again where we only have two police officers at the memorial post over the weekend, with long lines of people, and one person shows up who is deranged, and those two officers cannot possibly handle that situation when there are all sorts of other people coming through the line, and you have to check baggage and check what people have and you have to be talking to people and keep your eye on so many different people, and it cannot therefore be prevented or avoided, and we lose more? What are you waiting for?

It is absolutely outrageous. I say to the police union, the officers' union, which is a fine union, whatever the union decides to do is what the union decides to do, but I would not blame this union if the police officers do not express clearly their indignation.

I cannot believe this was done. As I said last week, it is one of the most unconscionable, one of the worst things that has been done in the Congress since I have been here. I really believe that.

I say to Senators, when this appropriations bill comes to the floor, I know Senator REID, who is a former Capitol Police officer, and I know I will be out here and others will be, too, with an amendment that will get the funding up. All of us will agree, Republicans and Democrats, that we are in good shape on the Senate side, and I am proud of that.

I say to the Chair, what I would rather not see is two different operations where on the Senate side we have the funding and do what we need to do to make sure these officers are given the resources for their own security, much less the security of the public, and then on the House side, they have a completely different situation.

I wanted to bring this to the attention of my colleagues because we are going to have a very strong showing on the Senate side. I do not believe it is posturing just to show one is on the side of the police officers. People feel strongly about it in the Senate.

We went through far less than the families of Agent Gibson and Officer Chestnut. We went through a living hell here. We do not want it to happen again. We do not know whether we can prevent it from happening again, but we certainly ought to do everything we can. Cutting 400 police officers is not doing everything we can.

## AGRICULTURE CRISIS

Mr. WELLSTONE. Mr. President, it is interesting the Senator from Kansas is in the chair because I know we are in agreement on this, but I at least want to make the appeal to my colleagues that, for my own part, I believe it is good that in our budget resolution we made allowance for additional funding for help and assistance to farmers. It was somewhere close to $7 billion.

My hope is we will not do this in the process of an emergency appropriations bill; that we will give care to how we allocate this money, how we get assistance out to farmers. My fear is—and maybe it will be a good arrangement—that if we double AMTA payments and put it into the conference report to accompany the crop insurance bill, we will have lost our opportunity to have hearings in the Ag Committee and have some focus, some substantive discussion, some careful discussion about how we can make sure we target the assistance to those producers that need it the most.

I voted for AMTA payments. I am not intellectually arrogant. I figured, what help we could get the people, get it. I had an uncomfortable feeling that some of the landowners who were not even farmers and some of the largest operators least in need were getting more than they needed. The flip side was the people who needed help the most were not getting it. I do not want an inverse relationship of assistance to need. Some, regarding the AMTA payments, suggest that is what is happening.

At a minimum, I say to my colleagues, we should, between now and the end of June—we have time—have some hearings in the Ag Committee. We should have some careful discussion and deliberation about how we get this assistance out to family farmers. It should be more targeted than the AMTA payments have been. I do not believe it is appropriate, again, to deal with such an important issue and such an important question by putting it into another conference report, this particular one being on crop insurance.

When we went through the budget process and allocated this money, we were making a statement that we did not want to be forced into a situation of one more time getting emergency funding out there without any deliberation as to how. I thought this meant we were, on the part of the authorization committee, Senator LUGAR's committee, going to have hearings and an opportunity for Senators and people from the countryside to talk about the best way to get this assistance out to the countryside to help the people most in need.

It looks to me, again, that we may be making an end run around that process, and that is a mistake. I speak out for the hearings. I speak out for deliberations. I speak out for doing something about the price crisis other than every year just getting money out to people. Most of the producers in the country would far rather get a decent price. That is a whole other discussion and debate which I hope we will have.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GREGG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GREGG. Mr. President, what is the regular order?

The PRESIDING OFFICER. The time between 2 and 3 o'clock shall be under the control of Senator THOMAS from Wyoming, or his designee.

Mr. GREGG. I ask unanimous consent to proceed as if in morning business for 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SOCIAL SECURITY

Mr. GREGG. Mr. President, today Gov. George W. Bush set forth some ideas addressing the issue of Social Security. It is my understanding that the Vice President is also going to discuss this issue today, although he has, before today, made a number of comments in this area.

I have spent a considerable amount of my time over the last 7 years I have served in the Senate working on the issue of Social Security, working on it in a bipartisan manner, trying to develop a coalition in this Senate to move toward resolution of what I consider to be one of the most significant public policy matters we have confronting us.

Let me define the problem so we understand what we are working with and what the concerns are. Today, the Social Security system is running a very aggressive surplus. In other words, it is taking in more money than it is paying out. The Social Security system is on a dollar in/dollar out basis. In other words, there is no asset value that is placed somewhere. There are not a set of dollars saved to pay your Social Security benefit. The dollar raised today pays the benefit that is incurred today. The younger worker who is paying Social Security taxes today is paying for the older worker who is retired today.

We have the baby boom generation working today at its maximum earning capacity, and because we have a larger younger generation than the generation that is retired, we are now running a surplus. In other words, more money is being taken in to pay for the benefits than is being spent on the benefits. That extra money is being borrowed by the Federal Government. It is being used basically to operate the day-to-day activities of the Federal Government. In exchange for that, a note is given back to the Social Security trust fund.

Alternatively, the money is being used to buy down the debt of the Federal Government—the public debt in many instances—and that money is then basically returned to the marketplace in the form of proceeds going into the capital markets because we no longer have the Federal Government borrowing those moneys from the capital markets but, rather, the money is no longer needed by the Federal Government and, therefore, the capital markets are free to create more activity for a stronger capital market.

The problem is, the baby boom generation today is generating the huge surplus in Social Security funds and is going to start retiring in the year 2008. When that generation starts to retire, the demographics of the situation change radically. The Social Security system was always perceived as a pyramid. It was always believed there would be a larger working generation than the retired generation. The retired generation at the top of the pyramid would be smaller and the working generation at the bottom of the pyramid would be larger.

Because the postwar baby boom generation is so large, it is that unique generation that has changed this country in every decade and forced the country to build all sorts of elementary schools in the 1950s and created the disruption to a large degree in the 1960s. It has gone through the pipeline and has changed the system in every generational phase. When that generation retires, we go from a pyramid to almost a rectangle. Instead of having 3.5 people working for every one person retired by the year 2015, we only have two people working for every one person retired. The system comes under a huge strain. The benefits don't change—or there is no plan to change them—and therefore all the folks who are retired have to be supported by a younger generation, which is a smaller generation, but they have to support them again with the tax dollars earned by that generation.

As we look into the future—and we don't have to look very far; it begins in 2008—we see as we head into the second decade of this new century, the next generation, our children and their children are going to be subjected to a huge cost, a huge tax increase, in order to support the retirement of the baby boom generation. This escalates rather dramatically through the year 2045.

There are Members who think something should be done, that we should not pass this huge burden on to the next generation; that we, as a baby boom generation, have an obligation to get ourselves and our Nation ready for the retirement of our generation.

As I said, we worked across the aisle for the last few years to try to develop policies to address this problem. Dramatic progress has been made. There are at least four or five major initiatives in this Senate today which legitimately address the issue of making the Social Security system solvent for 100 years. One of them happens to be one which I worked on with Senator BREAUX, Senator KERREY, Senator THOMPSON, Senator THOMAS, Senator GRASSLEY, and Senator ROBB. It is bipartisan and crosses philosophical spectrums.

Our proposal, as scored by the Congressional Budget Office and by the Social Security actuaries, makes the system solvent for the next 100 years. It does it without any tax increase of any significance.

In order to accomplish this type of a change, we have to have comprehensive reform. We cannot do it piecemeal; we have to do the whole system. We can't just simply pick out one point in the system and try to change that and expect to address the system so it becomes solvent, so we do not put a huge burden onto our children's backs in new taxes, or additional tax increases.

We have tried to draw into this debate, to get this process moving, the White House and the President, but we have had singularly little luck in doing that. Regrettably, although this administration has occasionally talked about Social Security reform, and the President in his State of the Union even said this would be one of his primary goals in his waning years in office, it has done virtually nothing and, in fact, has put out proposals that would dramatically cause the situation to deteriorate, especially for the younger generation, in the form of major tax increases.

Today, Governor Bush has put forth a proposal. Regrettably, the response by Vice President GORE, up until today—and I suspect he will not change his tune today—and the response of the White House, has been to essentially take the old time school approach of attacking it in the most demagogic terms, saying the proposal is going to end Social Security; it is going to put at risk recipients who are presently benefiting from Social Security, and that it is a proposal which undermines this critical national program of Social Security.

The Vice President has used terms such as "risky" to describe it. He has used terms such as "inappropriate." He has used terms—"smug," I think is one term, and other terms which try to demonize the proposal in a way that is not constructive. So let's look at the proposal because I think it is important to think about this. What Governor Bush has suggested is this.

First, we recognize anybody who is on the Social Security system today, or about to go on the Social Security system soon, should have their benefits locked in place and the structure of the system maintained exactly as they receive it; there should not be any change at all for those folks. So any senior citizen today or anybody who is about to go on the system, anybody 55 years or older, I believe, has no concern here. Essentially the proposal says you will be held harmless. Nothing is going to impact your way of life as it relates to Social Security. Yet it is very obvious the Vice President is trying to scare senior citizens and is saying the proposals coming from Governor Bush will in some way affect their benefit structure when Governor Bush is saying specifically it will not.

Second, Governor Bush suggested we set up a bipartisan commission to take a look at this, a proposal that has been put forth by Senator MOYNIHAN and Senator KERREY and Senator MCCAIN, I think. It is not a bad idea because this needs to be done in a bipartisan way, and we have worked very hard on the bipartisan process in this Senate, so that makes sense.

Third, the Governor suggested we take a look at what is known as personal savings accounts. This is an idea whose time has come, in my opinion. Why? First, let's talk about what personal savings accounts are in the context of Social Security reform.

There are three ways you can address Social Security and make it solvent, only three ways. One, you can raise taxes. That is the Clinton-Gore proposal. In fact, under the Gore-Clinton proposal, there will have to be a tax increase each year going forward on working Americans in order to support retired Americans. That goes up and goes up, I think, until it is $1 trillion around 2035. That is their proposal: Raise taxes on Americans in the outyears. Just do not tell Americans that is what is going to happen to them.

The way they do not tell you is they say we are going to use the interest on the Social Security to pay down the debt, which is occurring today because we are returning a surplus; we are going to use that interest to extend the life of the trust fund. That is a paper game, the bottom line of which is a tax increase that hits $1 trillion by the year 2035. Why is that?

Just to make an aside for the moment, so people understand what the Vice President is proposing: There are no assets in the Social Security trust fund other than Government bonds. What do Government bonds do? Government bonds are a claim on the taxpayers of America to be paid. It is an IOU from the taxpayers to the trust fund. It says we, the taxpayers of America, owe you this money. When you need this money, when that baby boom generation retires, then we, the taxpayers, of America will pay it.

Who is "we"? We are the younger generation. The "we" in that sentence is my children and their children, your children and grandchildren who will be working then. They will get stuck with the IOUs that Vice President GORE wants to stick them with, with his little gamesmanship of transferring interest, which is purely a paper transaction, creating absolutely no assets in the trust fund. All it does is create an IOU which has to be paid by the younger generation. These kids sitting right here as pages are going to pay that IOU.

It means their taxes on Social Security will not be 12 percent of their payroll; it will be somewhere in the vicinity of 18 percent of their payroll. As I said, it will amount to about a $1 trillion tax increase on working Americans by the year 2035. That is the Vice President's proposal: Raise taxes but do not tell anybody it is coming. Use this little euphemism: We are going to transfer the savings on interest over to the trust fund, which means we are going to create a massive tax burden on the next generation in the outyears in order to pay for the benefits of this generation of which I am part, the baby boom generation. But do not tell anybody about that. Just use the term, "We are going to transfer the savings from interest." "We are going to transfer the savings from interest on Social Security" sounds good—do that by paying down the Social Security funds, and that savings means we will extend the life of the trust fund.

That means nothing. It simply means we are going to end up increasing taxes and having more IOUs our younger generation has to pay. So that is the first way you can do it; you can raise taxes—the Vice President's proposal.

The second way you can address the issue is to reduce benefits. There is not much incentive for reducing benefits in our society. People do not like that idea in a democracy. In fact, the Vice President not only is not going to reduce benefits; he is already suggesting we increase benefits. The only specific proposals he has made on Social Security is we raise benefits in two different accounts. It happens to be both those proposals to raise benefits make some sense, but they have to be done in the context of the entire structure. There has to be some tradeoff. If you are going to raise those benefits, there has to be some adjustment in the other benefit side or else you significantly increase the liability to the trust fund, which means once again you raise the taxes on the next generation to pay for those benefits, that younger generation. So he has raised benefits. That is not the way to solve it.

The third way he can address it—remember, you can address it by raising taxes on the younger generation that is earning the benefits for the older generation that is receiving the benefits, or the third way is you can prefund the liability. That is what personal savings accounts do, prefund the liability. By prefunding the liability, we mean you actually create an asset which is owned, actually physically owned by the person who is going to retire, which is not a debt instrument of the Federal Government. It is not an IOU that has to be paid for out of taxes, necessarily. It can be stocks or bonds—some of the bonds could be U.S. Government bonds—but it would be an asset owned by the individual. What does that do?

Today, if you are in the Social Security system and you happen to die, unfortunately, before you reach retirement age—say you die and you are 59 years old and you do not have a spouse or any children. Everything you paid into the Social Security system is lost. You paid in for years and years and years and your estate does not get anything from it. It is gone; it just dissipates into the system. Somebody else benefits from all those taxes you paid. You have no asset value.

Even if you have a spouse and you die before you retire at 62 or 65, or even if you die soon after that, the benefits that spouse gets as a result of your death, as a result of your Social Security payment, is really minimal—very, very small—compared to the amount of taxes you actually paid in to Social Security. So there is nothing physically there that you own. You have an obligation from the Federal Government to support you at a certain level after you retire, but you have no asset value.

What a personal account does is it allows you to take a small portion of the taxes you are paying in to Social Security—and it is a very small portion. Under the plan that we have, it is 2 percent. Of the 12.4 percent of taxes you presently pay in Social Security, you would get to put 2 percent of those taxes into some sort of savings vehicle which you would own. You would physically own it. It might be stocks; it might be bonds, but you would physically own it. It could not be placed in those vehicles and then be speculated with; it would follow the course of what we call the thrift savings vehicle. That vehicle would require the Social Security trustees to basically set up the investment vehicles in which you could invest.

One would be limited in how one could invest that money. They could not speculate with it. They would have to put it into basically large mutual funds which would be approved by and would be under the fiduciary control of the Social Security trustees.

Mr. President, I note it is 3 o'clock. I ask unanimous consent to proceed for another 4 minutes.

Mr. BURNS. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. GREGG. Mr. President, a person would have this asset called a personal account which they would have to invest in three, four, five, or six different funds set up under the auspices of the Social Security Administration. The asset would be owned by that person. If they were to die at 45 or 59 or even 66, their estate would receive the asset held in that account and it would go to their wife, husband, children, or to whomever they wanted it to go.

Equally important, the rate of return on personal accounts would dramatically exceed what one gets under the Social Security system today. A person who is today beginning in the workplace, who is about 22 or 25 years old, is going to pay more, if they are an African American, into the trust funds than they will ever receive from the trust funds. In other words, they get zero rate of return.

If one happens to be a typical, average American, their rate of return in the Social Security trust funds, if they are in their twenties today, is about 1.4 percent. If they are in their thirties, it might get up to 2 percent. If they are in their forties, it might reach 2.5 percent—might. It is a terrible rate of return under the Social Security system. People are paying all these taxes and getting virtually nothing in return.

Under a personal account—remember, it is only a small percentage of one's Social Security tax which is going to be invested in this personal account—one will own the asset; plus, the average rate of return over any 20-year period, including the Depression, of investment in the stock market exceeds 5 percent. Since I am talking about a 20-year period, not a 4-month period or a 5-month period or a 1-year period or 3-year period, one can be pretty sure the rate of return on the personal account is going to be at least twice the rate of return on the taxes that person is paying into the Social Security fund generally.

That is called prefunding liability. In other words, we are going to give a person the opportunity as a citizen, especially a younger citizen—people over 55 are not going to be affected by this at all—to actually own an asset and have that asset grow at a rate that is at least twice the rate of their investment in Social Security. Then when they retire, that asset will be physically there to benefit them in their retirement. The liability that is owed to that person by the Federal Government will have actually been prefunded. There are many ways we can talk about that, but it gets into some complexities I do not have time for now.

Essentially, what it means is that the younger generation, instead of having to pay a huge tax increase to support retirement, is going to actually be creating assets which give them, when they retire, a rate of return which will be significantly or at least as good as what they would get under Social Security without having to pay all these new taxes. It is a way of keeping the system solvent and, at the same time, maintaining a benefit structure that is reasonable and, at the same time, not dramatically increasing taxes.

What we have is a pretty simple debate, in real terms, between the Vice President and Governor Bush. The Vice President does not want to tell people the younger generation is going to get hit with a huge burden of new taxes under his plan, and he does not want to tell us how he is going to address the Social Security system and reform it in the outyears. Governor Bush, on the other hand, is willing to step forward and put some interesting and innovative ideas on the table to address one of the most critical issues that will face our country over the next 30 or 40 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GREGG. Mr. President, I appreciate the courtesy of the Senator from Montana. I yield the floor.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2521, which the clerk will report by title.

The assistant legislative clerk read as follows:

> A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I am reluctant to proceed on this bill, although I think we will hold it. My ranking member, Senator MURRAY from Washington, will not be back in town until 5 o'clock this afternoon. This was the weekend her son was married in Seattle. She is returning from her State. I have no comments to make. If Senators want to make comments on the bill, they are free to do so. In the meantime, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCAIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. This bill contains almost $900 million in unrequested military construction projects.

What makes this bill even more offensive than most pork-laden military construction bills is the fact that, while the Senate is willing to act swiftly to approve these pork-barrel projects, we have failed to act to end the disgraceful situation of more than 12,000 military families forced to use food stamps to make ends meet. For the second year in a row, Congress is on the verge of spending hundreds of millions of dollars for purely parochial reasons, while rejecting a proposal that would cost just $6 million per year to take care of those military families most in need.

I am appalled at the extraordinary and inexplicable resistance I have encountered to enacting legislation to get these brave young men and women and their families off food stamps. I am ashamed that the Senate would put hometown construction projects ahead of desperately needed relief for our most junior enlisted personnel.

I appreciate the Senate's unanimous expression of support during consideration of the budget resolution for additional funding for food stamp relief in the defense budget, and I hope my colleagues will reiterate that support when I offer an amendment to the defense authorization bill to end the food stamp Army once and for all.

Every year, I come to the Senate floor for the express purpose of highlighting programs and projects added to spending bills for primarily parochial reasons. While I recognize that many of the projects added to this bill may be worthwhile, the process by which they were selected violates at least one, if not several, of the criteria set out several years ago to limit just this sort of wasteful spending.

I will address the Kosovo language included in this bill at another time. Suffice to say for now that this language, grounded though it may be in an understandable frustration with the Administration and our allies' handling of that contingency, represents foreign policy making by Congress at its worst. This language, certain to prompt a veto of the bill, constitutes a highly questionable approach to solving the problem of burden-sharing and sets a precedent that will damage our credibility abroad for years to come.

Particularly objectionable, apart from the obvious funding issues already alluded to, is the addition to this bill of funding provisions and legislation having nothing to do with military construction and clearly not an emergency requiring immediate redress. In this regard, note must be made of Section 2109, which legislates a funding profile for a ship that has not been requested by the Navy and that cannot be built under the expedited process the ship's congressional sponsor seeks to impose. The $8 million added by the Appropriations Committee for the 2002 Olympics in Salt Lake City, with the proviso that the funds be designated as an "emergency requirement"—$8 million for the year 2002 Olympics designated as an "emergency"? It continues to stagger the imagination. It compels a reference to the old Yogi Berra malapropism about experiencing deja vu all over again.

I am also at a loss as to the rationale for including in this bill certain site-specific earmarks like the $300,000 to transfer excess housing to Indian tribes of North and South Dakota. And mention should be made of the usual Buy America restrictions included in the bill, with a notable exception when it is in the interest of important Members of Congress. Section 112, for example, prohibits the use of funds in the bill to award contracts worth more than $1 million to foreign contractors, except when a Marshallese contractor is seeking contracts at Kwajalein. The $7 million in the bill "to ensure the availability of biometrics technologies" will require more research.

It will be very interesting to discover the motivation behind that little phrase.

I would like to point out that the report on this bill was filed late, and thus the information available to Senators about specific projects included in this bill is somewhat limited.

We get into an interesting habit of taking up legislation around here without a report available for the Members to read. If history is any guide, however, skepticism regarding many items added to this bill is warranted. Enough is known about the process by which appropriations bills are put together to justify continued outrage at abuse of the system to satisfy parochial considerations.

Mr. President, the abuse of the Future Years Defense Plan as a criteria for adding projects to military spending bills is seriously out of control. Witness, for example, the number of projects in this bill that are in the fourth or fifth year of the FYDP and that have had no design work done. At least 17 such projects were added to the bill. While they are listed as executable, should we really be advancing unrequested projects by four and five years at the same time we continue to ignore the disgrace of 12,000 military families on food stamps?

It was interesting to see, Mr. President, that the authorization bill for military construction includes a provision equating the term "Readiness Center" to the term "Armory." We all enjoy semantic gamesmanship now and again, but if we are going to continue to funnel money back home to National Guard Armories, let's just say so. Let's not exploit the legitimate issue of military readiness that we are finally focused on in order to conduct the same old pork-barrel spending practices that are as much a part of this institution as the collegial colloquialisms that characterize our demeanor on the Senate floor.

There are 28 members of the Appropriations Committee. Only two do not have projects added to the appropriations bill. I wonder what happened to the other two. Perhaps the manager of the bill can tell us what occurred there.

Those numbers, needless to say, go well beyond the realm of mere coincidence. Of 145 projects added to this bill, 111 are in states represented by Senators on the Appropriations Committee, totaling over $700 million. The $12 million added to the bill for the first phase of an access road in Hawaii, the $25 million added for a Joint Mobility Complex in Alaska, the $4 million added for Army National Guard parking in Kentucky, the $14 million added for a fuel cell maintenance dock in Louisiana, the $4.5 million added for an Army National Guard administration building in Nevada, the $10 million added for an Army National Guard Readiness Center (read: Armory) in North Dakota, the $10 million added for the first phase of a base civil engineer complex in South Dakota, and the $1.4 million for channel dredging in Mississippi, are just a handful of the projects added by members that were not in the budget request. Forts Richardson and Wainwright, both in Alaska, fared particularly well, the latter receiving $300,000 for a trail and $900,000 for a biathlon live fire course—which could only be considered a close cousin to the previously mentioned money for the upcoming Winter Olympics.

Yet, many of the Senators whose projects are included in this bill continue to oppose spending just $6 million a year to remove military families from the rolls of those eligible for food stamps. If I sound repetitive, Mr. President, it is out of frustration—frustration at the ability of my colleagues to close their eyes to the disgraceful plight of thousands of our enlisted personnel who don't make enough money to feed themselves and their families.

I believe I have made my point. As usual, I labor under no illusions regarding the impact my comments will have on the way we do business here. I have in the past attempted legislative recourse to pork-barrel spending, and I will do so again. But the history of votes on such efforts causes me to exercise that right sparingly. My self-restraint is simply an acknowledgment that I represent a small minority of this body. Wasteful and unnecessary spending continues because most Members of Congress truly believe that it is one of their primary reasons for being here. I submit, Mr. President, that a wide line exists between serving one's constituents in the context of our nation's best interests and simply funneling money back home because that's how we remind our constituents to vote for us again.

About 2 weeks ago, there was a study completed concerning the deplorable state of the U.S. Army. More captains are leaving the U.S. Army than at anytime in history. We will shortly have a Senate authorization bill, as well as this and other appropriations bills. They don't address this problem. I can guarantee those captains aren't leaving the Army because they need $12 million for the first phase of an access road in Hawaii, or $25 million for a joint mobility complex in Alaska, or $4 million for Army National Guard parking in Kentucky.

If the Republican leadership and the chairmen of these committees continue to spend taxpayers' dollars in this profligate manner, sooner or later the American people will repudiate those actions. I hope it will be sooner rather than later.

The thing that is particularly appalling to me is that this appropriations profligate spending of unauthorized, unnecessary, wasteful pork barrel spending continues at a greater rate every year than the previous year. It will stop sooner or later. I believe it will stop sooner because this bill is a classic example of the abrogation of our responsibilities to average taxpayers, those who are not represented here in Washington, DC.

I yield the floor.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. COLLINS). Without objection, it is so ordered.

## MORNING BUSINESS

Mr. GRASSLEY. Madam President, on behalf of the leader, I ask unanimous consent that there be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Iowa.

## TEN SMART THINGS TO DO WHILE YOU AGE

Mr. GRASSLEY. Madam President, getting old is probably the most universal experience no one really likes to talk about. Sure, people talk about minor aches and pains, but the big topics are unmentionable. They include paying for a funeral, preparing for a nursing home stay, or getting checked for prostate problems. These things make people uncomfortable, but they really should not. Consider Katie Couric's comment about colon cancer. She said, "Some people find the procedures like . . . colonoscopies unappealing. I can tell you they are all much more appealing than dying of this disease."

In honor of Older Americans Month, I encourage aging adults—and that means all of us—to mention the unmentionable, and to think the unthinkable. Once you get these chores done, the rest of your years will be a day in the country. Here are 10 Smart Things to Do While You Age:

1. Secure your retirement income. One financial planner said saving for retirement is "like pushing a ball up a hill. The longer you wait, the steeper the hill (seems)." Yet 56 percent of U.S. households do not save enough for retirement. What should you do? The experts advise developing a financial plan and sticking to it. Save $25 a week for 40 years with 5 percent interest. You will have $165,000. Before you decide how much to set aside, think about how much you will need to maintain a standard of living.

My own advice is do not overrely on Social Security. Think of it this way, a solid retirement plan is a three-legged stool of Social Security, retirement savings, and a pension. Look carefully at your pension plan, too. Make sure you understand what's coming to you, and when.

2. Think about where you would like to live, and how. Do you dream of staying in the same town or city for the rest of your life? If necessary, could you modify your home to accommodate you as you get older? Would you like to move closer to friends and family? Would you like a condo on the beach in Florida or an assisted living facility, where you pay people to do your laundry and cook your meals? This item goes hand-in-hand with financial planning. The more retirement income you have, the more housing options you have.

3. Get preventive health checks, exercise, and eat well. Preventive health checks are getting easier all the time. Increasingly, they are available through insurance coverage. Medicare covers vaccinations, mammograms and screenings for colon and prostate cancer, diabetes and other illnesses. Unfortunately people often do not take advantage of the health screenings available to them. Only one of eight older people gets the recommended testing for colon cancer. This is a shame, when you consider that colorectal cancer is the second leading cause of cancer death.

More than half of all Americans do not get the exercise they need. Generally, the older people get, the less they exercise. Of course, some people have physical limitations that prevent such activities, but those who can exercise should, and at any age, doctors say. Exercise can help stave off heart disease, colon cancer, diabetes and high blood pressure. A good diet carries many of the same benefits

4. Write a will or living trust. Either of these documents delineates how you'd like your property distributed after your death. If you die without a will, the State will distribute your property for you. The result may be contrary to your wishes. It is best to write a will or living trust well before old age. That way, your spouse and children will be provided for if you face an untimely death. More than 40 percent of people 35 or older do not have any kind of legal document determining how their belongings will be distributed after they die.

5. Consider long-term care insurance. Many people do not realize that nursing homes are very expensive. Most nursing home residents do not pay out of their pockets for long. They spend down their assets to become qualified for Medicaid, which then picks up the tab. Spending down assets means giving up almost everything, including a house. Long-term care insurance is an option for covering long-term care expenses. The earlier you buy the insurance, the less expensive your premiums. I have sponsored legislation that would establish a tax deduction to encourage the purchase of long-term insurance.

6. Plan your funeral and burial or cremation. The national average cost for a funeral, burial and monument is $7,520. These costs can be much lower, but they can be much, much higher. The average mark-up on caskets is high. The latest estimated mark-up is 500 percent. Some are marked up as high as 2,000 percent. The high costs, and the presence of some bad apples in this industry, build the case for arranging a funeral early. It is hard to comparison-shop when you are grieving. If you plan ahead, you can call funeral homes for the best price. Of course, planning ahead has its pitfalls. Be sure you tell your family members about prearrangements, and give them all the relevant paperwork. That way, your family can verify that your contract is fulfilled after you're gone.

7. Think about whether a family member will care for you, or vice versa. Unpaid family caregivers keep millions of people at home and out of nursing homes. More than 22 million households have a caregiver who is age 50 or older. The majority are women. Caregiving takes a large toll, both financially and emotionally. I am working to provide more resources to family caregivers, including a $3,000 tax credit that would help them cover their expenses.

8. Decide how long you will work. Until recently, people who worked past age 65 lost Social Security benefits if they made more than $17,000 a year. Congress just repealed that penalty for people ages 65 to 69. This likely will cause many Americans to rethink whether they will work past age 65, either part-time or full-time. Choosing the best age at which to retire is an important financial decision.

9. Determine your treatment at the end of life. In a living will, which, or course, is completely different from an estate-planning will, you direct how your doctor should administer life-sustaining treatment if you are unable to decide for yourself. A living will guides your treatment if you are terminally ill, irreversibly unconscious, or in a persistent vegetative state.

10. Enjoy yourself. You have worked hard to stay financially fit and physically healthy. The opportunities for older Americans are greater than ever before. You can work well into your eighties and nineties if you choose. You can become a competitor in the Senior Olympics. You can write a book, volunteer with your church, or teach people how to read. Surf the Internet. E-mail your grandchildren. Take advantage of the insight and depth that inevitably come with aging. Someone once said, "Being a fun person is the hallmark of true maturity.

I yield the floor.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business Friday, May 12, 2000, the Federal debt stood at $5,667,021,443,140.97 (Five trillion, six hundred sixty-seven billion, twenty-one million, four hundred forty-three thousand, one hundred forty dollars and ninety-seven cents).

One year ago, May 12, 1999, the Federal debt stood at $5,578,150,000,000 (Five trillion, five hundred seventy-eight billion, one hundred fifty million).

Five years ago, May 12, 1995, the Federal debt stood at $4,859,131,000,000 (Four trillion, eight hundred fifty-nine billion, one hundred thirty-one million).

Twenty-five years ago, May 12, 1975, the Federal debt stood at $515,906,000,000 (Five hundred fifteen billion, nine hundred six million) which reflects a debt increase of more than $5 trillion—$5,151,115,443,140.97 (Five trillion, one hundred fifty-one billion, one hundred fifteen million, four hundred forty-three thousand, one hundred forty dollars and ninety-seven cents) during the past 25 years.

## ADDITIONAL STATEMENTS

### IN RECOGNITION OF CFIDS AWARENESS DAY

• Mr. SANTORUM. Mr. President, I rise today to recognize May 12 as Chronic Fatigue and Immune Dysfunctions Syndrome [CFIDS] Awareness Day as well as the efforts of the Chronic Fatigue Syndrome [CFS] Association of the Lehigh Valley in fighting this disease.

CFIDS, also known as CFS, is a complex illness which effects multiple systems of the body. The syndrome is characterized by neurological, rheumatological, and immunological problems; incapacitating fatigue; and numerous other symptoms. Over 800,000 Americans of all ages, races, and socioeconomic classes suffer from this often debilitating disease. Tragically, persons with this syndrome can experience symptoms sufficient to deprive them of opportunity for gainful employment.

CFIDS is often misdiagnosed because it is frequently unrecognized and can resemble other disorders. Therefore, it is imperative that education and training of health professionals regarding CFIDS be expanded and that there be greater public awareness of this serious health problem. While there has been increased activity at the national, state, and local levels, and in private research institutions, more must be done to support patients and their families.

The CFS Association of the Lehigh Valley works to encourage further research to conquer CFIDS and related disorders, and to inform and empower those affected by the disorder until a cure is found. The association, a member of the CFIDS Support Network of the CFIDS Association of America, is celebrating their eight year of service to the CFIDS community and has participated in May 12 activities since 1993. Moreover, the association has been awarded the CFIDS Support Network Action Award for "Excellence in Service in the Area of CFIDS Awareness Day" in 1996 and for "Excellence in Commitment and Other Service to the CFIDS Community in the Area of Public Policy" in 1995.

Mr. President, I urge my colleagues to join me in commending the CFS Association of the Lehigh Valley for its efforts, and in recognizing May 12th as CFIDS Awareness Day.•

### RECOGNIZING K.S. OF WEST VIRGINIA

• Mr. ROCKEFELLER. Mr. President, today I would like to recognize and celebrate the recent expansion of K.S. of West Virginia. It seems like just a short time ago, in August of 1995 to be precise, that I had the privilege of announcing that this Japan-based company would be moving to Ravenswood, West Virginia.

Remarkable things have happened since that day almost five years ago. At that time, just two Japanese firms called West Virginia home. Today, I am honored to say that seventeen Japanese companies are thriving in our state, creating good paying jobs that support both families and communities.

K.S. of West Virginia has played an important role in that success, and I would like to personally extend my gratitude to the Kato family for their unwavering support and belief in us. Our efforts in Japan would surely suffer were it not for the positive voices of our friends here at K.S. Indeed, Mr. Kato's enthusiasm and excitement about West Virginia is unmistakable and contagious. West Virginia has found a valuable ally and a good friend in Mr. Kazuo Kato, and his tireless work continues to be appreciated.

Too often in this country we have witnessed the destruction of families and whole communities as the result of the corporate philosophy of the bottom line. However, companies like K.S. of West Virginia, who recognize the importance of their employees and communities, demonstrate that compassion and sound judgement are the real keys to success. K.S. is an example of the kind of company that truly deserves our praise and support.

There is no clearer example of this than an issue Mr. Kato and I have been working on over the past year. As the leader of K.S., Mr. Kato faced a difficult situation with costly ramifications. Yet, instead of maintaining the status quo, Mr. Kato made a series of innovative decisions that will have far-reaching effects for both K.S., and the U.S. steel industry.

Not only a leader in the business world, K.S. has shown leadership in the West Virginia community, as well. Companies like K.S., who believe that their success is measured not just by overall profit margins, but by the amount that is shared with the people who make them profitable, teach us a valuable lesson in management, ethics, team work and mutual respect. This philosophy is as ancient as Confucius or the Bible, and as relevant as the news you read in this morning's paper.

Indeed, there are 115 individuals who have contributed to the prosperity of K.S of West Virginia. Their hard work is not taken for granted, and as this company grows, so does the value of their loyalty. We are blessed in West Virginia to have parents and grandparents who taught their children that by working hard and playing by the rules a person can be successful—each employee at K.S is a reflection of this tradition and a credit to our State.

As part of his core teaching, Confucius emphasized that people in positions of leadership have a sacred obligation to serve those who have entrusted them with power. If this power is abused, then the entire system would break down, dooming any enterprise. Thus, I am proud to add my voice to the collective celebration of the success we are witnessing at K.S. of West Virginia. To Mr. Kato and his family, and all the members of K.S. of West Virginia, I extend my thanks and congratulations. You have demonstrated that by working together, unattainable dreams can become reality.•

### THE RETIREMENT OF MS. JANET HUVAERE

• Mr. ABRAHAM. Mr. President, I rise today to recognize Ms. Janet Huvaere, who is retiring this spring after 39 years of teaching at St. Jude School in Northeast Detroit. During her time at St. Jude, Ms. Huvaere has constantly been a light in the lives of her students and her fellow staff members, and her dedication to them and to her profession has truly been remarkable.

Ms. Huvaere was born in Grosse Pointe, Michigan, on October 11, 1938. She attended St. Ambrose School for both grade school and high school. After graduating from St. Ambrose, Ms. Huvaere worked for a year at Bon Secours Hospital, and then entered the Adrian Dominican Order. After two years, she left to attend Siena Heights University in Adrian, Michigan. She began teaching at St. Jude upon receiving her bachelor's degree from Siena Heights in 1961.

In her 39 years at St. Jude School, Ms. Huvaere has taught the third, fifth and sixth grades. Her dedication to her students is surpassed only by her dedication and love for her family. One of her greatest memories came in 1986, when her father, who was ill at the time, was able to partake in a celebration marking her 25th year at St. Jude.

Mr. President, Ms. Huvaere has touched many lives during her thirty-nine years of teaching, and has been a role model to many children in the State of Michigan. On behalf of the entire United States Senate, I congratulate Ms. Huvaere on a wonderful career, and wish her the best of luck in retirement.•

### THE GRAND OPENING OF "A TEST OF A NATION: THE HONOR OF A COUNTY"

• Mr. ABRAHAM. Mr. President, on May 19, 2000, the Barry County Parks and Recreation Commission will unveil a brand new exhibition at Historic Charlton Park Village, Museum and Recreation Area in Hastings, Michigan. The exhibition is entitled "A Test of a Nation: The Honor of a County," and is a tribute to the soldiers that Barry County sent off to battle during the Civil War, and also to their families. I rise today, Mr. President, in honor of this special occasion.

During the Civil War, Barry County, at the time populated by less than

15,000 people, contributed 1,632 men to the Union Army, the highest percentage of citizens per county in the State of Michigan. The new exhibition illustrates what life was like for these men out in the field, and for their loved ones at home. Part of the grand opening celebration on May 19, 2000, will be educational programs on the topic of the Civil War.

The exhibition was made possible in part by funds from a Michigan Arts, Cultural and Quality of Life Grant. On September 1, 1999, Historic Charlton Park received $339,000 to remodel and expand the museum. "A Test of a Nation: The Honor of a County" marks the completion of the first phase of the project.

Mr. President, it goes without saying that the Civil War is one of the most important events in American History, and perhaps the most important. I applaud all of the people whose efforts made this exhibition possible, for with these efforts they have allowed individuals of all ages an opportunity to experience a little part of that history. They have given them a chance to see what life was like for the men, women and children of Barry County who played an important role in keeping our nation together.

On behalf of the entire United States Senate, I congratulate Historic Charlton Park Village on the opening of "A Test of a Nation: The Honor of a County." It is truly an important exhibition, and I know that the people of Barry County will greatly appreciate it.●

## THE FRIENDS OF THEODORE ROETHKE HISTORIC MARKER DEDICATION

● Mr. ABRAHAM. Mr. President, on May 18, 2000, The Friends of Theodore Roethke, a group dedicated to maintaining the legacy of the great poet, will unveil a historic marker in his honor on the lawn of his childhood home at 1805 Gratiot, Saginaw, Michigan. I rise today, Mr. President, in honor of this special occasion.

Mr. Roethke was born in Saginaw in 1908, the son of Otto and Helen Huebner Roethke. He attended the University of Michigan and Harvard Graduate School, and later was a professor at Lafayette College in Pennsylvania, Michigan State University, Penn State University, Bennington College in Vermont, and the University of Washington in Seattle.

Before his death on August 1, 1963, Mr. Roethke received many awards for his poetry. In 1954, he became the first Michigan man to win the Pulitzer Prize for his collection of poems entitled The Waking. And in 1959, he received the Bollingen Prize and a National Book Award for another collection of poems entitled Words of the Wind. Some of his other works include The Lost Son, Praise to the End!, and I Am! Says the Lamb.

In 1998, the Friends of Theodore Roethke purchased both Roethke homes in Saginaw, Michigan, with a mission to promote, preserve and protect the literary legacy of the great poet by restoring his family residences for cultural and educational opportunities. Since the group purchased the homes, they have written grants for educational writing workshops combining Saginaw public and Saginaw Township students, offered tours for students and teachers, purchased some of the original Roethke furnishing, opened the houses to working writers, and made some much needed repairs, such as a new furnace and asbestos removal.

Mr. President, I applaud The Friends of Theodore Roethke for their wonderful efforts to keep alive the legacy of Michigan's only Pulitzer Prize winning poet. I am sure that the unveiling of this historic marker is only the first of many tributes. On behalf of the entire United States Senate, I congratulate The Friends of Theodore Roethke on the dedication of this historic marker, and wish President Annie Ransford and the rest of the organization continued success in the future.●

## IN MEMORY OF MS. MARY S. PALMERI

● Mr. ABRAHAM. Mr. President, I rise today in honor and in memory of Ms. Mary S. Palmeri, who passed away on August 30, 1999. Ms. Palmeri served the County of Wayne, Michigan, for 32 years, and has been chosen by her peers to posthumously receive the coveted Court Clerk of the Year Award, which will be presented to her family this week.

Ms. Palmeri was born in St. Mary's Hospital in Detroit in 1939, and was a lifelong resident of the city of Dearborn, Michigan. She graduated from Fordson High School in 1958, and spent approximately two years in college. In June of 1967, Ms. Palmeri became a typist at the County of Wayne Department of Civil Service, thus beginning a thirty-two year career of public service.

A few years later Ms. Palmeri was transferred to the County Clerk's Office, where she worked in numerous offices prior to becoming a Court Clerk, including the Record Room and as Supervisor of the Appeals Department. Ms. Palmeri ultimately worked as a Court Clerk for many prominent judges, including the Honorable Henry J. Szymanski, the Honorable William J. Cahalan, and the Honorable Pamela R. Harwood.

In addition to her work, Ms. Palmeri enjoyed many hobbies, including bowling, ceramics, crocheting, knitting and crewel embroidery. She was both a terrfic seamstress and a wonderful cook. She also loved to play cards, work on crossword puzzles, and play board games. She was also an active member of St. Alphonseus Catholic Church in Dearborn, Michigan. Ms. Palmeri is survived by her husband of thirty years, Frank, and their three children, Christopher, Cindy and John.

Mr. President, I am glad that the County of Wayne has chosen to honor Ms. Palmeri's many years of service by presenting her family with the Court Clerk of the Year Award. She was a hard worker who truly cared for the people around her, and her warm and generous personality is deeply missed by the entire Dearborn community.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## A DRAFT OF PROPOSED LEGISLATION ENTITLED THE "CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000—MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

I am pleased to transmit today for immediate consideration and prompt enactment the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000." This legislative proposal would increase the penalties that the Consumer Product Safety Commission (CPSC) could impose upon manufacturers, distributors, and retailers of consumer products who do not inform the CPSC when the company has reason to believe it has sold a product that does not meet Federal safety standards or could otherwise create a substantial product hazard. The proposal would also improve product recalls by enabling the CPSC to choose an alternative remedy in a recall if the CPSC finds that the remedy selected by the manufacturer is not in the public interest.

Under current consumer product safety laws, manufacturers, distributors, and retailers of consumer products are required to inform the CPSC whenever they have information that one of their products: (1) fails to comply with a CPSC product safety standard; (2) contains a defect that could create a substantial product hazard; or (3) creates an unreasonable risk of serious injury or death. After a company reports this information to the CPSC, the CPSC staff initiates an investigation in cooperation with the company. If the CPSC concludes that the product presents a substantial product hazard and that a recall is in the public interest, the CPSC staff will work with the company to conduct a product safety recall. The sooner the CPSC hears about a dangerous product, the sooner the CPSC can act to remove the product from store shelves and inform consumers about how to eliminate the hazard. That is why it is critical that companies inform the CPSC as soon as they are aware that one of their products may present a serious hazard to the public.

Unfortunately, in about half the cases involving the most significant hazards—where the product can cause death or serious injury—companies do not report to the CPSC. In those cases, the CPSC must get safety information from other sources, including its own investigators, consumers, or tragically, from hospital emergency room reports or death certificates. Sometimes years can pass before the CPSC learns of the product hazard, although the company may have been aware of it all along. During that time, deaths and injuries continue. Once the CPSC becomes aware of the hazard, many companies continue to be recalcitrant, and the CPSC staff must conduct its own independent investigation. This often includes finding and investigating product incidents and conducting extensive laboratory testing. This process can take a long time, which means that the most dangerous products remain on store shelves and in consumers' homes longer, placing children and families at continuing risk.

The Consumer Product Safety Commission can currently assess civil penalties against companies who fail to report a dangerous product. Criminal penalties are also available in particularly serious cases. In fact, in 1999, the CPSC assessed 10 times the amount of civil penalties assessed 10 years ago. But, even with this more vigorous enforcement, too many companies still do not report, especially in cases involving serious harm.

This legislative proposal would enhance the CPSC's civil and criminal enforcement authority. It would provide an added incentive for companies to comply with the law so that we can get dangerous products out of stores and consumers' homes more quickly.

My legislative proposal would also help to make some product recalls more effective by allowing the CPSC to choose an alternative remedy if the CPSC finds that the manufacturer's chosen remedy is not in the public interest. Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. My proposal would continue to permit the company to select the remedy in a product recall. My proposal would also, however, allow the CPSC to determine—after an opportunity for a hearing—that the remedy selected by the company is not in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislation proposal would help the CPSC be even more effective in protecting the public from dangerous products. I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 12, 2000.*

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8934. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation entitled the "U.S. Department of Agriculture Mediation and Arbitration for Agriculture Products in Foreign Commerce Act of 2000"; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8935. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to civilian personnel and Mentor-Protege Programs; to the Committee on Finance.

EC–8936. A communication from the Federal Maritime Commission transmitting, pursuant to law, the report of a rule entitled "Ocean Common Carriers Subject to the Shipping Act of 1984" (Docket No. 99–10), received May 9, 2000; to the Committee on Commerce, Science, and Transportation.

EC–8937. A communication from the Office of Thrift Supervision, Department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Transfer and Repurchase of Government Securities" (RIN1550–AB38), received May 9, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–8938. A communication from the Secretary of the Treasury, transmitting a draft of proposed legislation entitled the "Consumer Financial Privacy Act"; to the Committee on Banking, Housing, and Urban Affairs.

EC–8939. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to implementation of the Cooperative Threat Reduction Program under the FY 2000 Department of Defense Appropriations Act; to the Committee on Armed Services.

EC–8940. A communication from the General Counsel, Department of Defense, transmitting a draft of proposed legislation relative to civilian personnel and Mentor-Protege Programs; to the Committee on Governmental Affairs.

EC–8941. A communication from the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a report entitled "Information Collection Budget of the United States Government, Fiscal Year 2000"; to the Committee on Governmental Affairs.

EC–8942. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Code of Federal Regulations; Authority Citations", received May 9, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8943. A communication from the Chairman, New York State Subcommittee on Sweatshops, transmitting a report entitled "Behind Closed Doors II: Another Look into the Underground Sweatshop Industry"; to the Committee on Health, Education, Labor, and Pensions.

EC–8944. A communication from the Secretary of Education, transmitting a draft of proposed legislation entitled "College Completion Challenge Grant Act of 2000"; to the Committee on Health, Education, Labor, and Pensions.

EC–8945. A communication from the Office of the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Revised OIG Civil Money Penalties Resulting from Public Law 104–191" (RIN0991–AA90), received May 4, 2000; to the Committee on Health, Education, Labor, and Pensions.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–515. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to the observance of the centennial of the Organic Act; to the Committee on Energy and Natural Resources.

### HOUSE CONCURRENT RESOLUTION NO. 27

Whereas, on January 17, 1898, the Kingdom of Hawaii was overthrown; and

Whereas, on July 7, 1898, the Republic of Hawaii was annexed by the United States by a Joint Resolution of Annexation; and

Whereas, after annexation, United States President William McKinley appointed, pursuant to the Joint Resolution, five commissioners to recommend to Congress "such legislation concerning the Hawaiian Islands as they shall deem necessary or proper"; and

Whereas, the five commissioners were United States Senators Shelly M. Cullom, chairman, and John T. Morgan; United States Representative Robert R. Hitt; and Hawaii residents Sanford B. Dole, and Walter F. Frear; and

Whereas, the commissioners held meetings and hearings in Honolulu and the neighbor islands in the fall of 1898; and

Whereas, on December 6, 1898, President William McKinley of the United States transmitted the report of the Hawaiian Commission, appointed pursuant to the "joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July 7, 1898; together with a copy of the civil and penal laws of Hawaii; and

Whereas, on April 30, 1900 the Congress of the United States passed the Organic Act; and

Whereas, the Organic Act provided for a government for the Territory of Hawaii; and

Whereas, the Hawaiian Islands consisted of the following islands: Hawaii, Maui, Oahu, Kauai, Molokai, Lanai, Niihau, Kahoolawe, Molokini, Lehua, Kaula, Nihoa, Necker, Laysan, Gardiner, Lisiansky, Ocean, French Frigates Shoal, Palmyra, Brooks Shoal, Pearl and Hermers Reef, Gambia Shoal and Dowsett and Maro Reef; and

Whereas, under the laws of the Kingdom of Hawaii, the Crown lands were declared to be inalienable; and

Whereas, under the Organic Act, the Crown lands were declared to be public domain and "subject to alienation and other uses as provided by law"; and

Whereas, On July 9, 1921 the Congress of the United States enacted the Hawaiian Homes Commission Act; and

Whereas, On March 18, 1959 the Congress of the United States enacted An Act to Provide for the Admission of the State of Hawaii into the Union; and

Whereas, in December 1999, representatives of the Department of Interior held reconciliation discussions within the Native Hawaiian communities regarding the unlawful overthrow of the Kingdom of Hawaii; now, therefore, be it

*Resolved by the House of Representatives of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the Senate concurring,* That the centennial anniversary of the passage of the Organic Act is hereby commemorated; and be it further

*Resolved,* That members of the House of Representatives and the Senate of the Twentieth Legislature, "Express Aloha" to the Native Hawaiian community on this centennial event that saddens many Native Hawaiians; and be it further

*Resolved,* That all members of the House of Representatives and the Senate of the Twentieth Legislature of the State of Hawaii, are encouraged to gather with the Native Hawaiian community at Iolani Palace on April 30, 2000, commemorating the centennial of the Organic Act; and be it further

*Resolved,* That this Concurrent Resolution serve as a reminder to the United States Congress of its involvement in the creation of the Organic Act; and be it further

*Resolved,* That this Concurrent Resolution serve as an invitation to President William Jefferson Clinton of the United States of America and the Congress of the United States to gather with the Native Hawaiian community at Iolani Palace on April 30, 2000, commemorating the Centennial of the Organic Act or at their earliest convenience; and be it further

*Resolved,* That certified copies of this Concurrent Resolution be transmitted to the President of the United States, the United States Secretary of State, the Attorney General of the United States, the United States Secretary of the Interior, the President of the United States Senate, the Speaker of the House of Representatives of the United States, Hawaii's Congressional delegation, the Chief Justice of the United States Supreme Court, the governor of each state, the Governor and Lieutenant Governor of the State of Hawaii, the Chief Justice of the Hawaii Supreme Court, and each member of the House of Representatives of the State of Hawaii.

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POM-516. A resolution adopted by the House of the General Assembly of the Commonwealth of Pennsylvania relative to the financial structure of the Coal Act; to the Committee on Finance.

HOUSE RESOLUTION NO. 374

Whereas, Pennsylvania is a coal-producing and coal-consuming state that has benefited tremendously from the hard, dangerous work of retired coal miners; and

Whereas, The United States Government entered into a contract with coal miners in 1946 that created the United Mine Workers of America Health and Retirement Funds; and

Whereas, This contract was signed in the White House in a ceremony with President Harry Truman; and

Whereas, A Federal commission established by Secretary of Labor Elizabeth Dole concluded in 1990:

"Retired coal miners have legitimate expectations of health care benefits for life; that was the promise they received during their working lives and that is how they planned their retirement years. That commitment should be honored"; and

Whereas, This promise became law in 1992 when the Congress of the United States passed and President George Bush signed the Coal Industry Retiree Health Benefit Act (the Coal Act); and

Whereas, The Coal Act reiterated the promise of lifetime health benefits for retired coal miners and their dependents; and

Whereas, Congress intended the Coal Act to:

"(1) remedy problems with the provision and funding of health care benefits with respect to the beneficiaries of multiemployer benefit plans that provide health care benefits to retirees in the coal industry;

(2) allow for sufficient operating assets for such plans; and

(3) provide for the continuation of a privately financed self-sufficient program for the delivery of health care benefits to the beneficiaries of such plans"; and

Whereas, Certain court decisions have eroded the financial structure Congress put in place under the Coal Act; and

Whereas, These court decisions have placed the continued provision of health benefits to retired coal miners in jeopardy; and

Whereas, the President has included in his proposed budget $346 million in general Federal funds over ten years to protect the long-term integrity of the Combined Benefit Fund for Retired Miners and their Dependents; therefore be it

*Resolved,* That the House of Representatives of the Commonwealth of Pennsylvania urge the President and the Congress of the United States to work together to enact legislation to reform the financial structure of the Coal Act by providing for an annual transfer of general Federal funds to the combined benefit fund addressing the shortfall created by the above-mentioned court cases; and be it further

*Resolved,* That, in accordance with the contract of 1946, the health care benefits promised to retired coal miners be continued, preserved and ensured; and be it further

*Resolved,* That a copy of this resolution be sent to the President of the United States and to each member of Congress from Pennsylvania.

## REPORTS OF COMMITTEES DURING THE ADJOURNMENT OF THE SENATE

Under authority of the order of the Senate of May 11, 2000, the following reports of committees were submitted on May 12, 2000:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. 2549: An original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes (Rept. No. 106-292).

S. 2550: An original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

S. 2551: An original bill to authorize appropriations for fiscal year 2001 for military construction, and for other purposes.

S. 2552: An original bill to authorize appropriations for fiscal year 2001 for defense activities of the Department of Energy, and for other purposes.

Under authority of the order of the Senate of January 6, 1999, the following reports of committees were submitted on May 12, 2000:

By Mr. SPECTER, from the Committee on Appropriations, without amendment:

S. 2553: An original bill making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September, 30, 2001, and for other purposes (Rept. No. 106-293).

## REPORT OF COMMITTEE

The following report of committee was submitted:

By Mr. JEFFORDS, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 2311: A bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes (Rept. No. 106-294).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself and Mr. DODD):

S. 2554. A bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual; to the Committee on Finance.

By Mr. KERREY (for himself and Mr. HATCH):

S. 2555. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

By Mr. MACK (for himself and Mr. BREAUX):

S. 2556. A bill to make technical amendments to the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 regarding the implementation of the per diem prospective payment system for psychiatric hospitals; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself and Mr. DODD):

S. 2554. A bill to amend title XI of the Social Security Act to prohibit the display of an individual's Social Security number for commercial purposes without the consent of the individual; to the Committee on Finance.

### AMY BOYER'S LAW

Mr. GREGG. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2554

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as "Amy Boyer's Law".

**SEC. 2. PROTECTING PRIVACY BY PROHIBITING DISPLAY OF THE SOCIAL SECURITY NUMBER TO THE GENERAL PUBLIC FOR COMMERCIAL PURPOSES WITHOUT CONSENT.**

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"PROHIBITION OF CERTAIN MISUSES OF THE SOCIAL SECURITY NUMBER

"SEC. 1150A. (a) LIMITATION ON DISPLAY.—Except as otherwise provided in this section, no person may display to the public any individual's social security number, or any identifiable derivative of such number, without the affirmatively expressed consent, electronically or in writing, of such individual.

"(b) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number, or any identifiable derivative of such number, for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for illegal purposes.

"(c) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (a), the person displaying, or seeking to display, an individual's social security number, or any identifiable derivative of such number, shall—

"(1) inform the individual of the general purposes for which the number will be utilized and the types of persons to whom the number may be available; and

"(2) obtain affirmatively expressed consent electronically or in writing.

"(d) EXCEPTIONS.—Nothing in this section shall be construed to—

"(1) prohibit any use of social security numbers permitted or required under section 205(c)(2), section 7(a)(2) of the Privacy Act of 1974 (5 U.S.C. 552a note; 88 Stat. 1909), or section 6109(d) of the Internal Revenue Code of 1986;

"(2) modify, limit, or supersede the operation of, or the conduct of any activity permitted under, the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.) or title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.);

"(3) except as set forth in subsection (b), prohibit or limit the use of a social security number to retrieve information about an individual without displaying such number to the public;

"(4) prohibit or limit the use of the social security number for purposes of law enforcement, including investigation of fraud; or

"(5) prohibit or limit the use of a social security number obtained from a public record or document lawfully acquired from a governmental agency.

"(e) CIVIL ACTION IN UNITED STATES DISTRICT COURT; DAMAGES; ATTORNEYS FEES AND COSTS; REGULATORY COORDINATION.—

"(1) IN GENERAL.—Any individual aggrieved by any act of any person in violation of this section may bring a civil action in a United States district court to recover—

"(A) such preliminary and equitable relief as the court determines to be appropriate; and

"(B) the greater of—

"(i) actual damages;

"(ii) liquidated damages of $2,500; or

"(iii) in the case of a violation that was willful and resulted in profit or monetary gain, liquidated damages of $10,000.

"(2) ATTORNEY'S FEES AND COSTS.—In the case of a civil action brought under paragraph (1)(B)(iii) in which the aggrieved individual has substantially prevailed, the court may assess against the respondent a reasonable attorney's fee and other litigation costs and expenses (including expert fees) reasonably incurred.

"(3) STATUTE OF LIMITATIONS.—No action may be commenced under this subsection more than 3 years after the date on which the violation was or should reasonably have been discovered by the aggrieved individual.

"(4) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other lawful remedy available to the individual.

"(f) CIVIL MONEY PENALTIES.—

"(1) IN GENERAL.—Any person who the Commissioner of Social Security determines has violated this section shall be subject, in addition to any other penalties that may be prescribed by law, to—

"(A) a civil money penalty of not more than $5,000 for each such violation, and

"(B) a civil money penalty of not more than $50,000, if violations have occurred with such frequency as to constitute a general business practice.

"(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise shall be treated as a separate violation with respect to each such individual.

"(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A (other than subsections (a), (b), (f), (h), (i), (j), and (m), and the first sentence of subsection (c)) and the provisions of subsections (d) and (e) of section 205 shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a), except that, for purposes of this paragraph, any reference in section 1128A to the Secretary shall be deemed a reference to the Commissioner of Social Security.

"(4) COORDINATION WITH CRIMINAL ENFORCEMENT.—The Commissioner of Social Security shall take such actions as are necessary and appropriate to assure proper coordination of the enforcement of the provisions of this section with criminal enforcement under section 1028 of title 18, United States Code (relating to fraud and related activity in connection with identification documents). The Commissioner shall enter into cooperative arrangements with the Federal Trade Commission under section 5 of the Identity Theft and Assumption Deterrence Act of 1998 (18 U.S.C. 1028 note) for purposes of achieving such coordination.

"(g) LIMITATION ON REGULATION BY STATES.—No requirement or prohibition may be imposed under the laws of any State with respect to any subject matter regulated under subsections (a) through (d).

"(h) DEFINITIONS.—In this section, the term 'display to the general public' means the intentional placing of an individual's social security number, or identifying portion thereof, in a viewable manner on a web site that is available to the general public or in material made available or sold to the general public.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to violations occurring on and after the date which is 2 years after the date of enactment of this Act.

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By Mr. KERREY (for himself and Mr. HATCH):

S. 2555. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Finance.

### MORTGAGE CANCELLATION RELIEF ACT OF 2000

Mr. KERREY. Mr. President, today I am introducing legislation to correct an inequity in the tax code which can hurt homeowners who sell their homes at a loss. I am delighted to be joined by Senator HATCH in introducing this legislation.

We all know someone who, for whatever reason, has wound up selling their home at a loss. In these situations, where the value of a home is less than the outstanding loan on that home, a mortgage lender will sometimes forgive all or part of the outstanding mortgage balance. Under current law, the amount forgiven is counted as taxable income to the seller.

This doesn't make any sense, particularly since gains on a principal residence are tax exempt up to $500,000. The legislation we are introducing today will fix this problem by exempting taxpayers from including in ordinary income mortgage amounts forgiven by the lender on a principal residence, provided the proceeds of the home sale won't satisfy the qualified outstanding mortgage.

The legislation we are introducing today is targeted to protect against any abuse and we expect the cost to be very low over a 10-year period. I urge my colleagues to join us in cosponsoring this legislation.

Mr. HATCH. Mr. President, I stand before the Senate today to urge my colleagues to support a bill, the Mortgage Cancellation Act of 2000, that I am introducing along with Senator KERREY. This bill would fix a flaw in the tax code that unfairly harms homeowners who sell their home at a loss.

Often, homeowners who must sell their home at a loss are able to negotiate with their mortgage lender to forgive all or part of the mortgage balance that exceeds the selling price. However, under current tax law, the amount forgiven is taxable income to the seller.

For example, suppose a young family purchased their home for $150,000 with a $130,000 mortgage, $120,000 of which is still outstanding. Let us also assume that there is an economic downturn that has both decreased the value of the house to $110,000 and put this family in financial distress because the primary wage earner has lost his or her job. Because the family is no longer able to meet their mortgage payments, they are forced to sell their home for $110,000, $10,000 below the value of the mortgage, with the condition that the lender will forgive this difference. Unfortunately, under current tax law, this family will have to recognize this $10,000 difference as taxable income at a time when they can least afford it. This is true even though the family suffered a $40,000 loss on the sale.

Mr. President, I find this predicament both ironic and unfair. If this same family, under much better circumstances, was able to sell their house for $200,000 instead of $110,000, then they would owe nothing in tax on the gain under current tax law because gains on a principal residence are tax exempt up to $500,000. I believe that this discrepancy creates a tax inequity that begs for relief.

Finally, I want to stress that now is the time to address the inequity, while the economy is healthy, instead of waiting for the next recession, when this problem will be much more common. Luckily, the problem addressed by this bill is not widespread in our country right now. However, a few years ago, many families in my home state of Utah suffered losses on the necessary sale of their homes, and had to pay taxes on the canceled mortgage debt. Families in other areas of our nation experienced similar problems.

So, Mr. President, I urge my colleagues to join with Senator KERREY and me in support of this bill.

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By Mr. MACK (for himself and Mr. BREAUX):

S. 2556. A bill to make technical amendments to the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 regarding the implementation of the per diem prospective payment system for psychiatric hospitals; to the Committee on Finance.

### LEGISLATION MAKING TECHNICAL AMENDMENTS TO THE MEDICARE, MEDICAID, AND SCHIP BALANCED BUDGET REFINEMENT ACT OF 1999

• Mr. MACK. Mr. President, I ask unanimous consent that a copy of the legislation I am introducing today with my colleague, Senator BREAUX, be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2556

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TECHNICAL AMENDMENTS TO THE BBRA.**

(a) PER DIEM PROSPECTIVE PAYMENT SYSTEM FOR PSYCHIATRIC HOSPITALS.—Section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–332), as enacted into law by section 1000(a)(6) of Public Law 106–113, is amended—

(1) in subsection (b), by striking "October 1, 2001" and inserting "October 1, 2000"; and

(2) in subsection (c), by striking "October 1, 2002" and inserting "October 1, 2001".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of section 124 of the Medicare, Medicaid, and SCHIP Balanced Budget Refinement Act of 1999 (113 Stat. 1501A–332), as enacted into law by section 1000(a)(6) of Public Law 106–113.•

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## ADDITIONAL COSPONSORS

### S. 741

At the request of Mr. GRAHAM, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Arkansas (Mrs. LINCOLN) were added as cosponsors of S. 741, a bill to provide for pension reform, and for other purposes.

### S. 1333

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. HUTCHINSON) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

### S. 1361

At the request of Mr. STEVENS, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 1361, a bill to amend the Earthquake Hazards Reduction Act of 1977 to provide for an expanded Federal program of hazard mitigation, relief, and insurance against the risk of catastrophic natural disasters, such as hurricanes, earthquakes, and volcanic eruptions, and for other purposes.

### S. 1562

At the request of Mr. NICKLES, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 1562, a bill to amend the Internal Revenue Code of 1986 to classify certain franchise operation property as 15-year depreciable property.

### S. 1638

At the request of Mr. ASHCROFT, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

### S. 1732

At the request of Mr. BREAUX, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 1732, a bill to amend the Internal Revenue Code of 1986 to prohibit certain allocations of S corporation stock held by an employee stock ownership plan.

### S. 1805

At the request of Mr. KENNEDY, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1805, a bill to restore food stamp benefits for aliens, to provide States with flexibility in administering the food stamp vehicle allowance, to index the excess shelter expense deduction to inflation, to authorize additional appropriations to purchase and make available additional commodities under the emergency food assistance program, and for other purposes.

### S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

### S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

### S. 2045

At the request of Mr. HATCH, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

### S. 2064

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2064, a bill to amend the Missing Children's Assistance Act, to expand the purpose of the National Center for Missing and Exploited Children to cover individuals who are at least 18 but have not yet attained the age of 22.

### S. 2065

At the request of Mr. EDWARDS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 2065, a bill to authorize the Attorney General to provide grants for organizations to find missing adults.

### S. 2068

At the request of Mr. FITZGERALD, his name was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

### S. 2071

At the request of Mr. GORTON, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 2071, a bill to benefit electricity consumers by promoting the reliability of the bulk-power system.

S. 2107

At the request of Mr. GRAMM, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2107, a bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission, and for other purposes.

S. 2217

At the request of Mr. CAMPBELL, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 2217, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National Museum of the American Indian of the Smithsonian Institution, and for other purposes.

S. 2311

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Georgia (Mr. CLELAND) and the Senator from Virginia (Mr. ROBB) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2539

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 2539, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. 2540

At the request of Mr. KERREY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2540, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to establish a carbon sequestration program to permit owners and operators of land to enroll the land in the program to increase the sequestration of carbon, and for other purposes.

S. 2546

At the request of Mr. BOND, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2546, a bill to amend the Clean Air Act to prohibit the use of methyl tertiary butyl ether, to provide flexibility within the oxygenate requirement of the reformulated gasoline program of the Environmental Protection Agency, to promote the use of renewable ethanol, and for other purposes.

S. CON. RES. 84

At the request of Mr. WARNER, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. Con. Res. 84, a concurrent resolution expressing the sense of Congress regarding the naming of aircraft carrier CVN–77, the last vessel of the historic "*Nimitz*" class of aircraft carriers, as the U.S.S. *Lexington*.

## AMENDMENT SUBMITTED

## EXTENDING RETROACTIVE ELIGIBILITY DATES IN THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

### LEAHY AMENDMENT NO. 3147

Mr. BURNS (for Mr. LEAHY) proposed an amendment to the bill (S. 1638) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; as follows:

On page 2, line 10, strike "May 1, 1978" and insert "January 1, 1978".

On page 2, line 12, strike "October 1, 1978" and insert "January 1, 1978".

## NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 17, 2000, at 2 p.m. to conduct an oversight hearing on Implementation of the Indian Arts and Crafts Act, P.L. (101–644). The hearing will be held in room 562, Dirksen Senate Building. Those wishing additional information may contact committee staff at 202/224–2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 17, 2000, at 2 p.m. to conduct a hearing on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Pick-Sloan Project and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota. The hearing will be held in the Committee room, 485 Russell Senate Building. Those wishing additional information may contact committee staff at 202/224–2251.

## COMMEMORATING AND ACKNOWLEDGING THE DEDICATION AND SACRIFICE MADE BY THE MEN AND WOMEN WHO HAVE LOST THEIR LIVES WHILE SERVING AS LAW ENFORCEMENT OFFICERS

Mr. BURNS. Madam President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 247, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 247) commemorating and acknowledging the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEAHY. Madam President, we need to do a better job supporting our federal law enforcement officers and our State and local law enforcement officers. This is National Police Week and today was the National Peace Officers' Memorial Service in which we remembered another 139 federal, State and local officers who died in the line of duty. I commend Senator CAMPBELL for introducing S. Res. 247 back in January. I am sorry that the Judiciary Committee did not take it up and report it before today, but am supportive of his efforts and agreed to discharge the Committee, so as not to miss today's activities.

As someone who served in law enforcement for 8 years as the Chittenden County State's Attorney, I respect and admire those who devote their careers to public safety. I took issue with the extreme rhetoric that some have recently used to attack our Federal law enforcement officers who helped return Elian Gonzalez to his father.

For example, one of the Republican leaders in the House of Representatives was quoted as calling the officers of the U.S. Immigration and Naturalization Service, the U.S. Border Patrol, and the U.S. Marshals Service: "jack-booted thugs." And the Republican Mayor of New York City, who is seeking election to this body, called these dedicated public servants: "storm troopers." This extreme rhetoric only serves to degrade federal law enforcement officers in the eyes of the public.

Let none of us in the Congress, or who are seeking to serve in Congress, contribute to an atmosphere of disrespect for law enforcement officers. No matter what your opinion of the law enforcement action in South Florida, we should all agree that these law enforcement officers were following orders and putting their lives on the line, which they do everyday. Let us treat law enforcement officers with the respect that is essential to their preserving the peace and protecting the public.

This harsh rhetoric by Republican public officials reminds me of similar harsh rhetoric used in April 1995, when the NRA sent out a fund-raising letter calling federal law enforcement officers "jack-booted thugs" who wear "Nazi bucket helmets and black storm trooper uniforms." President George Bush was correctly outraged by this NRA rhetoric and resigned from the NRA in protest. President Bush wrote to the NRA: "Your broadside against federal agents deeply offends my own sense of decency and honor. . . . It indirectly slanders a wide array of government law enforcement officials, who are out there, day and night, laying their lives on the line for all of us." I praised President Bush in 1995 for his actions and again recently.

President Bush was right. This harsh rhetoric of calling federal law enforcement officers "jack-booted thugs" and "storm troopers" should offend our sense of decency and honor. It is highly offensive and did not belong in any public debate on the reunion of Elian Gonzalez with his father, either. We are fortunate to have dedicated women and men throughout Federal law enforcement in this country who do a tremendous job under difficult circumstances. They are examples of the hard-working public servants that make up the federal government, who are too often maligned and unfairly disparaged. These are people with children and parents and friends. They deserve our respect, not personal insults.

In countless incidents across the country everyday, federal law enforcement officers, who are sworn to protect the public and enforce the law, are in danger. These law enforcement officers deserve our thanks and our respect. They do not deserve to be called "jack-booted thugs" and "storm troopers."

I went to the Senate floor in the wake of those comments to join the Federal Law Enforcement Officers Association in condemning these insults against our nation's law enforcement officers. Any public official who used this harsh rhetoric owes our Federal law enforcement officers an apology. I regret that members of the majority party have not followed President Bush's example and, likewise, condemned that extreme rhetoric.

This week is an annual occasion in which we pause to remember the federal, State and local officers who gave their lives in the line of duty over the past year. It is a difficult week and an important week. It should be a productive week, as well.

I said last week at the Judiciary Committee Business Meeting that the Committee should be taking up and reporting S. 2413, the bill that Senator CAMPBELL and I introduced to improve our Bulletproof Vest Grant Partnership Act by reauthorizing the program for another 3 years, raising the annual appropriation to $50 million and guaranteeing to jurisdictions with populations less than 100,000 a fair share of these resources. This program has been very helpful in offering federal assistance to help protect State and local officers in concrete ways. It is an extraordinarily successful program and it should be extended and expanded. I thank President Clinton for his support and for calling for enactment of this measure during his remarks at the National Peace Officers' Memorial Service today. I hope that when the Committee meets later this week, Senator HATCH will see fit to include this measure on the agenda and that the Committee will act favorably on it.

In addition, I look forward to enacting additional measures that protect and assist State and local law enforcement. In particular, I was extremely disappointed last year when an anonymous Republican objection prevented S. 521, my bill to improve the Bulletproof Vest Grant Partnership Act, from passing. This bill would allow the Attorney General to waive or reduce the matching fund requirement for assisting poor and rural law enforcement units to provide this life-saving equipment to officers and prevent injury and death. I cannot understand why anyone would want to oppose that effort.

Finally, I am disappointed that the Congress has not taken final action on the Public Medal of Valor Act, S. 39, championed by Senator STEVENS. The awarding of a medal for extraordinary valor shown by law enforcement officers every year would be a good way to draw attention to the service provided every day by officers all across this country. That bill passed the Senate a year ago by unanimous consent. I cosponsored the bill along with 28 others. For the past year, the House has not found the time to pass it. Today the President announced that he will explore ways to proceed to honor valor by our public safety officers through executive action if Congress continues to stall action on this bill. I hope that Congress will finally act on S. 39 this week and send it to the President for his signature.

These are just a few of the important legislative matters that the Congress should address to help our federal and state law enforcement officers. We should strive for constructive action rather than half-baked rhetoric.

Mr. GRAMS. Madam President, I rise today to honor Federal, State and local law enforcement officers who work to protect and serve the public on a daily basis. I am proud to be a cosponsor of S. Res. 247, which designates today as "Peace Officers Memorial Day" and recognizes law enforcement officers killed or disabled in the line of duty.

During National Police Week, law enforcement officers in all fifty states will pay tribute to their fellow officers who lost their lives in the line of duty. According to the National Law Enforcement Officers Memorial Fund, approximately 130 law enforcement officers lost their lives in 1999 while protecting the public. In my home state, 187 Minnesota law enforcement officers have died in the line of duty since 1914. Most recently, the name of Minnesota State Patrol Corporal Timothy Bowe was added to the National Law Enforcement Officers Memorial. Sadly, more than 14,000 law enforcement officers paid this ultimate sacrifice during the 20th Century. I am honored to pay tribute to the men and women who demonstrated extraordinary bravery while caring for our families and communities.

I would also like to note the extraordinary sacrifice of families who have lost a son, daughter, spouse, parent, or relative who was slain while performing their police duties. We honor the memory of these officers by providing for the families that they have left behind. When I think about these families, I am reminded of the inscription on the wall of the National Law Enforcement Officers Memorial—"In valor there is hope."

I am very pleased that the Senate is continuing its efforts to provide support for the families of law enforcement officers killed in the line of duty. Specifically, I have cosponsored S. 1638, legislation introduced by Senator JOHN ASHCROFT that would retroactively provide financial assistance for higher education to the spouses and children of federal, state, and local law enforcement officers killed in the line of duty. Current law provides that the dependants of federal law enforcement officers killed in the line of duty after May 1, 1992, are eligible for this assistance. Dependants of state and local law enforcement officers killed in the line of duty after October 1, 1997, are also eligible. This legislation would change these dates to May 1, 1978, for federal law enforcement officers and October 1, 1978, for state and local law enforcement officers.

This important legislation, endorsed by the Fraternal Order of Police and the Federal Law Enforcement Officers Association, builds upon police benefits legislation that passed the 104th and 105th Congress with my strong support. Since 1995, we have enacted the Federal Law Enforcement Dependants Assistance Act of 1996, the Public Safety Officers Educational Assistance Act of 1998 and the Care for Police Survivors Act of 1998. These laws help to support the families of our law enforcement officers and keep alive the memory of these brave and heroic men and women.

During National Police Week, I join all Minnesotans in honoring the memory of slain law enforcement officers and their contributions to promoting public safety throughout our communities.

Mr. BURNS. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and, finally, that any statements in relation to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 247) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 247

Whereas the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas more than 700,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of peace;

Whereas peace officers are the front line in preserving our children's right to receive an education in a crime-free environment, which is all too often threatened by the insidious fear caused by violence in schools;

Whereas 134 peace officers lost their lives in the performance of their duty in 1999, and a total of nearly 15,000 men and women have now made that supreme sacrifice;

Whereas every year 1 in 9 officers is assaulted, 1 in 25 officers is injured, and 1 in 4,400 officers is killed in the line of duty; and

Whereas, on May 15, 2000, more than 15,000 peace officers are expected to gather in our Nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes May 15, 2000, as Peace Officers Memorial Day, in honor of Federal, State, and local officers killed or disabled in the line of duty; and

(2) calls upon the people of the United States to observe this day with appropriate ceremonies and respect.

Mr. BURNS. Madam President, I welcome our law enforcement officers to town. There are quite a few of them. They have a memorial at Judiciary Square here in town. They are acknowledging those young men and women who have fallen in the line of duty.

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## OMNIBUS CRIME CONTROL AND SAFE STREETS ACT AMENDMENTS

Mr. BURNS. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 434, S. 1638.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1638) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3147

(Purpose: To further extend the retroactive eligibility dates to January 1, 1978)

Mr. BURNS. Madam President, Senator LEAHY has an amendment at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] for Mr. LEAHY, proposes an amendment numbered 3147.

The amendment is as follows:

On page 2, line 10, strike "May 1, 1978" and insert "January 1, 1978".

On page 2, line 12, strike "October 1, 1978" and insert "January 1, 1978".

Mr. LEAHY. Madam President, I know that Senator ROBB strongly supports this bill and I was glad to work with him and Senator ASHCROFT to expedite Judiciary Committee action in February and finally to achieve Senate consideration today.

I support extending the educational assistance benefits to the families of public safety officers who died in the line of duty. I supported those efforts when we acted for federal officers' families back in 1996 and when we extended those benefits to State and local officers' families in 1998.

A number of us joined with Senator SPECTER and Senator KOHL back in 1996 to pass the Federal Law Enforcement Dependents Assistance Act. Our efforts grew out of the Ruby Ridge investigation and our shared concern to help the family of U.S. Marshal Bill Degan and the families of others killed in the line of duty.

At the time we were unable to gain the consensus needed to authorize these education benefits to State and local law enforcement officers. Some thought that would cost too much. We came back in 1997 and 1998 and were able to pass the Public Safety Officers Educational Benefits Assistance Act to extend these educational benefits to State and local public safety officers. We were led in that effort by Senators SPECTER and BIDEN.

I am delighted to see these benefits expanded further by extending them retroactively by this bill, S. 1638. We were told in February that the estimated cost of this expansion would be $125 million. Since then we have received a significantly revised estimate from the CBO greatly diminishing the estimated costs. I do not know whether CBO was wrong in February or is wrong now, but I commend Senator ASHCROFT and all the sponsors of this measure for their willingness to make this investment and authorize these payments.

I have said that rather than move the eligibility dates back approximately between 14 and 19 years, we should consider removing them altogether. I do not want some to be penalized by the arbitrary selection of the eligibility date. In this regard I have urged an amendment to take the eligibility dates back to at least January 1978, in order to cover at least one, and possibly more, Vermont families who suffered the loss of a family member who was a public safety officer earlier that year. The family of Arnold Magoon, a Vermont game warden, should not be penalized again because he died on April 27 and not after May 1 or October 1 of 1978.

I said in February when the committee considered this measure that I would be working to speed its passage and to help it achieve its goal of making these assistance payments as comprehensive as possible. As soon as the majority got around to suggesting consideration of this matter on Wednesday, May 10, I cleared it for consideration so that we could proceed.

In addition, I look forward to enacting additional measures that protect and assist State and local law enforcement. In particular, I was extremely disappointed last year when an anonymous Republican objection prevented S. 521, my bill to improve the Bulletproof Vest Grant Partnership Act, from passing. This bill would allow the Attorney General to waive or reduce the matching fund requirement for assisting poor and rural law enforcement units to provide this life-saving equipment to officers and prevent injury and death. I cannot understand why anyone would want to oppose that effort.

This year, in addition, I have joined again with Senator CAMPBELL to introduce S. 2413 to improve our Bulletproof Vest Grant Partnership Act by reauthorizing the program for another 3 years, raising the annual appropriation to $50 million and guaranteeing to jurisdictions with populations less than 100,000 a fair share of these resources. Senator HATCH has joined us as a cosponsor of our measure.

I hope that the Judiciary Committee and the Senate will act on these measures without additional delay, as well.

Mr. BURNS. Madam President, I ask unanimous consent that the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3147) was agreed to.

Mr. BURNS. Madam President, I ask unanimous consent that the bill be read a third time, and passed, the motion to reconsider be laid upon the table, without any intervening action, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1638), as amended, was read the third time and passed, as follows:

S. 1638

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF RETROACTIVE ELIGIBILITY DATES FOR FINANCIAL ASSISTANCE FOR HIGHER EDUCATION FOR SPOUSES AND CHILDREN OF LAW ENFORCEMENT OFFICERS KILLED IN THE LINE OF DUTY.**

(a) IN GENERAL.—Section 1216(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796d-5(a)) is amended—

(1) by striking "May 1, 1992", and inserting "January 1, 1978," ; and

(2) by striking "October 1, 1997," and inserting "January 1, 1978,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect October 1, 1999.

## APPOINTMENTS

### FEDERAL JUDICIAL CENTER FOUNDATION

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 100-702, appoints John B. White, Jr. of South Carolina, to the board of the Federal Judicial Center Foundation, vice Richard M. Rosenbaum of New York.

### OFFICE OF COMPLIANCE

The PRESIDING OFFICER. The Chair, on behalf of the majority and minority leaders of the Senate and the Speaker and minority leader of the House of Representatives, pursuant to Public Law 104-1, announces the joint appointment of Susan S. Robfogel, of New York, as Chair of the Board of Directors of the Office of Compliance.

## ORDERS FOR TUESDAY, MAY 16, 2000

Mr. BURNS. Madam President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m., on Tuesday, May 16. I further ask consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with Senators speaking for up to 5 minutes each, with the following exceptions: Senator MURKOWSKI of Alaska or his designee, 45 minutes; Senator KENNEDY of Massachusetts, 35 minutes; and Senator DORGAN of North Dakota, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Madam President, I further ask consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BURNS. For the information of all Senators, the Senate will be in a period of morning business from 9:30 a.m. to 11 a.m. tomorrow. Following morning business, the Senate will resume consideration of the military construction appropriations bill. Any amendments prior to 2:15 p.m. must be cleared by both bill managers. However, those Senators who have general statements on the bill are encouraged to come to the floor during tomorrow morning's session. Votes are possible throughout tomorrow's session, and Senators will be notified as those votes are scheduled.

## ORDER FOR ADJOURNMENT

Mr. BURNS. Madam President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order, following the remarks of Senator KENNEDY of Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KENNEDY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EDUCATION LEGISLATION AND SCHOOL SAFETY

Mr. KENNEDY. Madam President, last Tuesday, the Senate suspended consideration of the education bill. I hope that our Republican friends have just temporarily suspended the bill, and not expelled it. We owe it to the nation's schools, students, parents, and communities to complete action on this priority legislation.

So far, we have considered only eight amendments to the bill over six different days.

When the bankruptcy bill was on the floor, our Republican colleagues did everything they could to satisfy the credit card companies. That bill was debated for 16 days, and 67 amendments were considered.

Obviously, when the credit card companies want a bill, our Republican friends put everything else aside to get it done. But when it comes to education, the voices of parents and children and schools and communities go unheard.

We should be debating education. It's a top priority for parents. It's a top priority for communities. It's a top priority for the country. And, it should be a top priority for Congress.

It is wrong for the Senate to leave the nation's schools with so much uncertainty about whether and when they will get urgently needed help to ensure better teachers, modern schools, smaller classes, and safe classrooms.

Democrats are ready to debate and address these issues now, and finish Senate consideration of the Elementary and Secondary Education Act. But, we have no assurance from the Republican majority that we will be able to do so.

Clearly, there are strong disagreements about how to address the issue of education reform. But, we should all agree to make it a top priority for final action.

Republicans have made block grants the centerpiece of their education proposal. But, block grants are the wrong approach. They undermine the targeting of scarce resources to the highest education priorities. They eliminate critical accountability provisions that ensure better results for all children. The block grant approach abandons the national commitment to help the nation's children obtain a good education through proven effective reforms of public schools.

The lack of commitment by our Republican colleagues to genuine education reform is also clear in the recent actions by the Senate and House Appropriations Committee.

Both bills eliminate critical funding for reducing class size and improving teacher quality. Instead, they put some of those funds into the title VI block grant.

Both bills do nothing to guarantee communities help for modernizing their school buildings.

Both bills eliminate critical funding for helping states to increase accountability for results and turn around schools that aren't getting results.

At the same time that they expand support for block grants and eliminate support for greater accountability, Republicans are cutting funds to communities to improve education. Under the President's budget request, communities would have received a total of $4.05 billion in the coming fiscal year to reduce class size, modernize school buildings, and improve teacher quality. The Republican bill block grants these programs and cuts total funding by $2 billion below the President's request in the House and $500 million below the President's request in the Senate.

Under the Republican block grant scheme, communities get less aid and parents get no guarantee that their children's classes will be smaller, that their teachers will be better qualified, or that their schools will be safe and modern.

Block grants are the wrong direction for education and the wrong direction for the nation. They do nothing to encourage change in public schools.

In the Republican ESEA bill, states are not held accountable for educational results until after 5 years. By that time, many students will have lost five years of potential gains in student achievement.

Block grants also leave the door open for needless waste and abuse. They provide no focus on proven effective strategies to help schools. Senator DEWINE, in urging increased accountability, pointed out the poor history of states and local school districts in spending Safe and Drug-Free Schools and Communities funds. He characterized those dollars as being "raided" for pet projects or to support ineffective methods.

Under block grants, school districts and schools can use scarce public tax dollars to support fads and gimmicks, with no basis in research or proven practice. They can even use the funds to support the football team, buy computer games, or buy new office furniture, if they decide that these uses serve so-called "educational purposes."

In short, block grants provide no assurance that federal education funds will be used where they're needed most—to improve instruction and teacher quality, strengthen curriculum, reduce class size, provide after-school learning opportunities, or support other proven strategies for helping all students reach high standards.

The Republican block grant also undermines local control, because it concentrates educational decision-making at the state level. By authorizing the state to decide whether it will enter into a performance agreement, the Republican bill gives the state ultimate authority to determine the parameters of the agreement, including which schools and which school districts will receive funds, and how funds may be spent. Far from giving local districts flexibility, as the policies and waiver provisions under current law do, the Republican block grants will increase the power of governors over local education policy at the expense of local districts, local school officials, and parents.

The American people want a strong partnership that includes the important involvement of parents, local school boards, local community authorities, States, and the Federal Government. We are not looking to take over education. We are saying that educating the nation's children is a top national priority, and Congress ought to be a strong partner in efforts to improve education.

The Republican proposal says there will only be one member in the education partnership, and that will be the State. It won't be the local community or parents, because they give all of the funds to the States. Then the States make the judgment about how it is going to go down to the local level.

Parents want a guarantee that, with scarce resources, we are going to have accountability for results and for getting national priorities. They know and we know small class sizes work. We guarantee there will be a well-qualified teacher in every classroom.

We guarantee more afterschool programs, which are absolutely essential to help and assist children and enhance their academic achievement and accomplishment.

We guarantee strong accountability provisions.

We guarantee resources for technology in schools so we can eliminate the digital divide, as Senator MIKULSKI speaks to with great knowledge, awareness, and, correctness.

But all of those efforts I have just mentioned are at risk with the proposal of the Republicans to just provide a blank check to the States and let the States work out what they might.

The Republican block grant approach abdicates our responsibility to do all we can to improve the current federal efforts. All that the GOP approach does is hand off the many current problems to states and local communities to solve.

Block grants are particularly harmful, because they abdicate our responsibility to help those most in need, such as homeless children, migrant children, and immigrant children. States rarely spend their own funds to help these children now—and they won't do it under a block grant. These children need targeted federal assistance to help them succeed in school.

Prior to the time the Federal Government provided targeted programs for the homeless under the McKinney Act, the Emergency Immigrant Education program, and the Migrant Education program, these children were not getting the help they needed.

State help for these children is virtually nonexistent. The only help and assistance for any of these children is the assistance provided in the Elementary and Secondary Education Act. But the Republican bill wipes out these programs.

The parents of migrant children are among the most industrious, yet neglected, populations in the country. Poverty, mobility, health problems, isolation from the larger community are characteristics common to migrant families. In the 1997 to 1998 school year, an estimated 752,000 migrant children were counted as eligible for the Migrant Education Program. That would be block granted under the Republican blank check approach. Obviously, the States didn't worry about the problems of migrant children because they were here today and gone tomorrow. That has been the history. We are talking 752,000 children who are going to be cast adrift.

We had seen important progress, as I mentioned in the debate last week, where those working on the education of migrant children have worked out a process where they were able to get children's school records, provide some waivers that were essential to get children enrolled in the schools. We are having at least some positive impact in helping meet the needs of some of these children. With a block grant that goes to the States, that effort will be ended. Without the Federal Migrant Education Program, there are few incentives for schools to implement a means for improving instruction for migrant children.

The Republican block grant bill also wipes out assistance for the homeless children. Nationwide, homeless children are isolated and often stigmatized. They face significant barriers to obtain adequate services of all kinds, including education. According to the December 1999 report of the Interagency Council on the Homeless, most homeless children are young, 20 percent are age 2 or younger; 22 percent are age 3 to 5; 20 percent are age 6 to 8; and 33 percent are between 9 and 17.

According to a 1990 report from the Better Homes Fund, a nonprofit charity dedicated to helping homeless families, homeless children face extremely stressful situations. Each year, 90 percent of homeless children move up to three times; 40 percent attend two schools; 38 percent attend three or more schools; 21 percent of homeless children nationwide repeat a grade due to homelessness, compared with only 5 percent of other children; 14 percent of homeless children are suspended from school, double the rate of other children.

This is what the National Coalition on Homeless says: The Federal program requirements that accompany McKinney funds focus upon State responsibility to ensure equal opportunity for homeless children and youth. They set forth the rights of homeless children to receive the same educational opportunities as their nonhomeless peers.

Under the Republican proposal, States that opt for the block grant would no longer have to follow these programs. Without the McKinney Act requirements, homeless children and youth are shut out of school again, destroying their chance for school success. It is wrong for Congress to turn its back on these children.

Finally, the block grant ignores the pressing needs of immigrant children. In 1997, the foreign-born population in the United States was 25.8 million, the largest in the Nation's history. In fiscal year 2000, States reported that more than 864,000 recent immigrant students were enrolled in schools, with an increase of these students of 55,000 over 1995. Large numbers of immigrant students traditionally have been enrolled in schools in seven States: Arizona, California, Illinois, Florida, New Jersey, New York, and Texas. However, with the increase of immigrant students in other States, the percentage in these States has fallen from 80 percent in 1995 to 71 percent in 2000.

This year, a number of other States reported a dramatic increase in the recent immigrant student enrollment: Connecticut, up 72 percent; Georgia, up 39 percent; Louisiana, up 34 percent; Michigan, up 35 percent; Missouri, up 50 percent; Oregon, up 28 percent; Tennessee, up 33 percent; Utah, up 38 percent. Immigrant students, particularly those with limited-English proficiency, are at significant risk of academic failure. Among all youth ages 16 through 24, immigrants are three times more likely to be drop outs than native born students.

Our overall goal in this legislation should be to write an education guarantee to parents, children, and schools, a guarantee that we will work with them to improve their schools and ensure every student receives a good education. We want to guarantee a qualified teacher is in every classroom. We want to guarantee small class sizes. We want to guarantee modern and safe schools. We want to guarantee after-school opportunities for children to help them succeed in school and stay off the street. We want to guarantee the parents have more opportunities for significant improvement in their public schools. We want to guarantee a good education for homeless children, migrant children, and immigrant children. We want a guarantee that States, districts, and schools are held accountable for results. We want to guarantee parents that their children are free from guns in their schools.

Yesterday, to celebrate Mother's Day, hundreds of thousands of mothers from across the United States marched on the Nation's Capital to insist we do more to protect children from the epidemic of gun violence that continues to plague our country. The Million Mom March has focused the attention of the entire country on this critical challenge. The question now is whether Congress will at long last end the stonewalling and act responsibly on gun control.

For many months, Democrats have continued to ask the Republican leadership for immediate action on pending legislation to close the loopholes in the Nation's gun laws, but every request so far has been denied. In fact, as a conferee on the juvenile violence legislation, in 8 months in caucus, we have had 1 day of meetings. The reason is because, evidently, the leadership is sufficiently concerned that perhaps as a result of a conference between the House and the Senate we might pass sensible and responsible legislation that deals with gun show loopholes in our present laws.

Yesterday, hundreds of thousands of mothers from across the United States marched on the Nation's Capital to insist that we do more to protect children from the epidemic of gun violence that continues to plague our country. The Million Mom March has focused the attention of the entire country on this critical challenge. The question now is whether Congress is willing at long last to end the stonewalling and act responsibly on gun control. For many months, Democrats have continued to ask the Republican leadership for immediate action on pending legislation to close the loopholes in the Nation's gun laws, but every request has been denied.

Each day we fail to act, the tragic toll of gun violence climbs steadily higher. In the year since the killings at Columbine High School in Colorado, 4,560 more children have lost their lives to gunfire, and countless more have been injured. It is inexcusable that the Republican Congress continues to block every attempt to close the gaping loopholes that make a mockery of the Nation's current gun laws. The guns used to kill 9 of the 13 people murdered at Columbine High School were purchased at a gun show. The woman who bought the guns for the two young killers said she never would have purchased the weapons if she had to go through a background check.

Perhaps six year old Kayla Rolland in her first grade class in Flint, Michigan, would be alive today, if the gun her classmate used to kill her had a child safety lock on it. If Congress had listened after the school killing in West Paducah, Kentucky in 1997—or Jonesboro, Arkansas in 1998—or Columbine High School in 1999—thousands more children would have been alive to celebrate Mother's Day yesterday.

By refusing to learn from such tragedies, we condemn ourselves to repeat them. How many wake-up calls will it take before Congress finally stops kowtowing to the National Rifle Association and starts doing what is right on gun control?

The evidence is all around us that more effective steps are needed to protect schools and children from guns. In a survey of over 100,000 teenagers conducted last month, 30 percent said they could get a gun in a few hours—and 11 percent said they could get a gun in one day. Four in ten of these teenagers said there are guns in their homes; more than half say they have access to those weapons themselves. The fact is there are more than a million children returning home today to homes where there are guns that are loaded and unlocked.

No other major nation on earth tolerates such shameful gun violence. According to a study by the Centers for Disease Control in 1997, the rate of firearm deaths among children 0–14 years old is nearly 12 times higher in the United States than in 25 other industrial countries combined.

In fact, I heard it said best from a person who was out marching yesterday on The Mall for the Million Mom March. She was asked about the presence of guns in our society and responded that only the United States and the IRA allow virtually unlimited access to guns. At least the IRA are preparing to turn theirs in.

At the very least, Congress owes it to the nation's children to take stronger steps to protect them in their schools and homes.

Gun laws work. Experience is clear that tough gun laws in combination with other preventive measures have a direct impact on reducing crime. In Massachusetts, we have some of the toughest gun laws in the country. We have a ban on carrying concealed weapons. A permit is required to do so. Local law enforcement has discretion to issue permits, and an individual must show a need in order to obtain the permit. We have a minimum age of 21 for the purchase of a handgun. We have increased penalties for felons in possession of firearms. We have an adult responsibility law. Adults are liable if a child obtains an improperly stored gun and uses it to kill or injure himself or any other person. We require the sale of child safety locks with all firearms. We have a Gun-Free Schools Law. We have a licensing law for purchases of guns. We have enhanced standards for the licensing of gun dealers. We have a waiting period for handgun purchases. It takes up to 30 days to obtain a permit. We have a permit requirement for secondary and private sales of guns. We have a ban on the sale of Saturday Night Specials. We have a requirement for reporting lost or stolen firearms.

As Boston Police Commissioner Paul Evans testified last year in the Senate Health, Education, Labor, and Pensions Committee, "Any successful approach to youth violence must be balanced and comprehensive. It must include major investments in prevention and intervention as well as enforcement. Take away any leg and the stool falls."

Commissioner Evans also stated that to be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, and health and mental health providers. After-school programs are essential to help keep juveniles off the streets, out of trouble, and away from guns and drugs.

There are partnerships between the Boston Public Schools and local mental health agencies. School districts are employing mental health professionals. Teachers and staff focus on identifying problems in order to prevent violence by students. The Boston police work actively with parents, schools and other officials, discussing incidents in and out of school involving students. The Boston Public Health Commission promotes programs by the Boston Police Department.

In developing an effective approach like this, Boston has become a model for the rest of the country. The results have been impressive. The success of Boston's comprehensive strategy is borne out in these results:

From January 1999 through April 2000, no juvenile in Boston was killed with a firearm.

In 1990, 51 Boston young people, ages 24 and under, were murdered by a firearm. Last year, there were 10 such murders.

Reports from emergency rooms about firearm injuries are also down dramatically.

It's no coincidence that the firearm death rate in Massachusetts is significantly lower than the national average. When we compare states with tough gun laws to those that have weak gun laws, the differences are significant. In 1996, across the nation, the number of firearm-related deaths for persons 19 years old or younger was 2 deaths per 100,000 persons.

In states that have the weakest gun laws, the number was significantly higher:

Utah had 5.1 firearm-related deaths per 100,000 people—two and a half times higher than the national average.

Indiana had 5.9 firearm-related deaths per 100,000—three times higher.

Idaho had 6.9 firearm-related deaths per 100,000—three and a half times higher.

Mississippi had 9.2 firearm-related deaths per 100,000—four and a half times higher.

It is clear that strict gun laws help to reduce gun deaths. Yet, every time that Democrats propose steps to keep guns out of the hands of young people—proposals that would clearly save lives—our Republican friends have nothing to say but no. No to closing the gun show loophole. No to child safety locks. No to support for stricter enforcement of current gun laws. No to every other sensible step to reduce the shameful toll of gun deaths.

Nothing in any of our proposals threatens in any way the activities of law-abiding sportsmen and women. Surely, we can agree on ways to make it virtually impossible for angry children to get their hands on guns. We can give schools the resources and expertise they need to protect themselves from guns, without turning classrooms into fortresses.

We must deal with these festering problems. There is ample time to act before this session of Congress ends this fall. We could easily act before the end of the current school year this spring. We could act this week, if the will to act is there. All we have to do is summon the courage and the common sense to say no to the National Rifle Association—and yes to the Million Mom March.

I want to take a moment or two more to talk about the issue which has been raised by others who say, really the answer is just Federal enforcement of existing gun laws.

The National Rifle Association calls in public for more effective enforcement of the nation's gun laws. But it has waged a shameful and cynical campaigns over the years to undermine Federal enforcement activities by restricting the budget for the very enforcement it calls for.

Between 1980 and 1987, for example, the number of ATF agents was slashed from 1,502 to 1,180, a reduction of over 20 percent, and the number of inspectors dropped from 655 to 626 even as the number of licensed firearms dealers soared.

For the past 25 years, Congress has provided ATF with far fewer funds than necessary to support enough inspectors and agents to effectively enforce the nation's firearms laws. In 1973, ATF and the Drug Enforcement Agency had comparable numbers of agents and nearly equal funding—about $250 million a year. From 1973 to 2001 we see the cuts—in the number of agents—that have been made when we had the Republican leadership here in the Senate and in the House.

By 1998, however, the number of DEA agents had almost tripled, from 1,470 to 4,261, while ATF's remained constant. 1,631 ATF agents were on payroll in 1998—only 9 more than in 1973. Yet there are more licensed firearm dealers in the United States than there are McDonalds franchises.

A substantial increase in funding is needed if we're serious about helping ATF enforce the gun control laws. At every opportunity, the NRA and the Republicans say "We don't need more gun laws. We need to enforce what's already on the books." Well, enforcement is exactly what Federal agents and prosecutors are doing. The facts are clear:

Overall firearms prosecutions are up. Criticism of Federal prosecution statistics ignores the basic fact that both Federal and State authorities prosecute gun cases, and Federal authorities generally focus on the worst type of offenders.

The gun lobby says that the Federal Government should prosecute every case in which a person lies on the background check form, without exception. The fact is that ATF and DOJ do not have the resources to prosecute every case. Instead, their strategy is to have state law enforcement officials investigate and prosecute most of the gun violations while federal law enforcement officials pursue the more serious cases.

Although the number of Federal prosecutions for lower-level offenders—persons serving sentences of 3 years or less—is down, the number of higher-level offenders—those sentenced to 5 years or more—is up by nearly 30 percent—from 1049 to 1345.

Do you understand that, Madam President? The number of Federal prosecutions for low-level offenders serving a sentence of 3 years or less is down. The number of higher level offenders of 5 years or more is up more than 30 percent. Why don't our Republican friends quote those statistics?

At the same time, the total number of Federal and State prosecutions is up sharply—about 25 percent more criminals are sent to prison for State and Federal weapons offenses than in 1992, from 20,681 to 25,186. The number of high-level offenders is up by nearly 30 percent.

The total number of Federal and State prosecutions is up. Twenty-five percent more criminals were sent to prison for State and Federal weapons offenses in 1997 than in 1992.

The instant background check, which the NRA initially fought, is a successful enforcement tool. It has stopped nearly 300,000 illegal purchases since 1994. It has also resulted in the arrests of hundreds of fugitives.

Violent crimes committed with guns, including homicides, robberies and aggravated assaults, fell by an average of 27 percent between 1992 and 1997, and the Nation's violent crime rate has dropped nearly 20 percent since 1992.

The results speak for themselves. The increased collaboration among Federal, State, and local law enforcement has resulted in a more efficient distribution of prosecutorial responsibilities, a steady increase in firearms prosecutions on a cumulative basis, and, most important, a sharp decline in the number of violent crimes committed with guns.

Those are the facts. We will hear, as I have heard in the Judiciary Committee and in various debates: This is not really about more laws; what we need to do is prosecute.

The Republicans have cut the agents who are responsible for the enforcement of the laws by 20 percent, and on the other hand, we have seen the total prosecutions, not only the prosecutions but the results of those prosecutions—people going to jail as a result of the combination of Federal, State, and local prosecutions—has increased significantly. I hope in these final weeks of debate we will not keep hearing those arguments that have been made.

I mentioned Boston a few moments ago and about the stringent gun laws. Also, as Chief Evans has pointed out, we need effective prosecution; we need the laws, but we need prevention as well.

In Boston, between 1990 and 1999, homicides dropped by 80 percent.

In 1990, there were 152 homicides in Boston as compared to 31 in 1999. Indeed, serious crime across the board is at its lowest level in 30 years.

In 1999, no juvenile in Boston was murdered by a gun and none so far this year.

In 1990, 51 young Boston people, age 24 and under, were murdered by a firearm. Last year, there were 10; this year, thus far, 3.

Between 1990 and 1999, there was an 80-percent drop in young people age 24 and under murdered by a firearm.

There can be effective efforts, and they are making them. We ought to continue to eliminate, to the extent possible, the proliferation of weapons in the hands of children and those who should not have them. Every day in this country 12 children die. We need to make sure we take steps, including safety locks, parental responsibility, smart-gun technology, and the range of options to cut into that figure dramatically. We can do that. We cannot solve all the problems of violence in our society, but we can make a very important downpayment on it. That power is in our hands. I hope very much we will heed the mothers of this country who spoke out yesterday and listen to their message. They have spoken the truth with power. We should respond. I look forward to working with my colleagues in making sure we do.

Madam President, I yield the floor.

## STAR PRINT—REPORT ACCOMPANYING S. 2507

Mr. DORGAN. Madam President, I ask unanimous consent that the report accompanying S. 2507 be star printed with the changes that are at the desk. I understand this has been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Madam President, I ask unanimous consent to speak in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

## FEDERAL RESERVE BOARD

Mr. DORGAN. Madam President, I thought I had seen some fairly unusual and Byzantine proposals around this town, but one that was described in last Friday's Washington Post almost takes the cake. Going back some years, there was a proposal by the U.S. Post Office that would allow people to file change of address forms in the event of a nuclear war. I thought that was rather bizarre. One can imagine being under nuclear attack and trying to find the road to the post office to leave a forwarding address. That is not very likely. There is a proposal even goofier than that.

On Friday, May 12, John Berry, a Washington Post staff writer—someone for whom I have respect and he is an excellent writer and thinker—wrote an article about "Rate Forecasts Climbing." He was talking about interest rates. John describes the thinking of some members of the Federal Reserve Board and the Open Market Committee about what they intend to do with interest rates. I wish that this story, however, included an analysis of opposing views and there are some.

Here is the situation: Tomorrow morning at 9:30, there will be a meeting in this town of the Federal Reserve Board of Governors and regional Fed bank presidents—five of them—who will make decisions about interest rates. The speculation is they will increase interest rates by one-half of 1 percent despite the fact there is no evidence of inflation that suggests they should do this.

It is the same as deciding they are going to tax the American people. In fact, the rate increases last June, August, November, February, March, and now tomorrow—we will have another, mark my words—those rate increases have added about $1,210 in interest charges to the average household. If one has a $100,000 home mortgage, one is paying $100 more a month because of what the Federal Reserve Board has done. Every household is paying on average some $1,210 more per year in interest charges.

That is from the folks who meet in secret and effectively impose a tax on every single American. The only difference is, when it is done in this Chamber in the form of taxation, there is a debate and then a vote. It is done in the open. Tomorrow, the Federal Reserve Board will deal with interest rate questions in secret.

At 9:30, if those who are paying attention to C-SPAN want to go down to the Federal Reserve Board and say, I want to be involved in this discussion, they will be told: No, you cannot be involved; this is secret; the doors are locked; we intend to make decisions about your life and you can have no involvement.

Here is what the Washington Post article said about what these folks are going to think tomorrow which I think is bizarre. They are saying that American workers are becoming more productive and because the productivity of the American worker is up, they believe that justifies higher interest rates.

It used to be the same economists who cannot remember, in most cases, their home telephone numbers and their home addresses but who can tell us what is going to happen 5 years or 7 years from now, would say our problem is we have inflation pressures in this country because we do not have increases in productivity. If we have increases in productivity, that will deal with all of the other pressures that come to bear on the economy and offset them.

Now they are saying, but if workers become more productive, we are going to have to raise interest rates. You see, they are concerned about workers' pay. If workers in this country receive more pay, they say that is inflationary. So the workers are kind of stuck, aren't they?

The Fed has already said, if workers receive more money, that is going to drive up inflation. But in the past they have said, if workers' productivity goes up, that will be all right, because you can receive more money if you have greater productivity, right? You ought to. American workers ought to expect they would be able to share in their increased productivity and increased output.

Now the Fed is saying: That is not right either. Workers can be more productive, but we don't intend to see them get more money. We intend to continue to raise interest rates to slow down the American economy.

If workers in America become more productive, the Fed wants to go into a room tomorrow and penalize them—all of them. Talk about a goofy idea.

I was going to go through the entire article. I will not.

But let me do this, as I conclude. The folks who are going to do this, they all have gray suits, they all look like bankers, and they all think like bankers. They all have worked there for 100 years. These folks are confirmed by the Congress. To be appointed to the Board of Governors, they have to be confirmed by the Senate. But these other folks also serve on that Open Market Committee on a rotating basis—tomorrow five of them will be in a room with the Board of Governors. They are not confirmed by us. They represent their regional Federal Reserve Banks. They are all presidents of the regional banks. They are going to be voting.

I could have described what they said in that article. I could have described what Cathy Minehan said in that article. Strange. I don't understand this at all. Workers are more productive, and therefore you must penalize them? It used to be that people would say, if workers were more productive, they would be able to expect to receive more wages.

None of you folks down at the Fed has ever given a whit about the top executives in this country who earn $1 million, $5 million, $10 million, $100 million, or $200 million a year. You all have seen those numbers. I have spoken about some of them on the floor. It does not matter to these folks if the upper crust is getting a lot of money. But let the American workers get a gain in productivity and an increase in wages, and then you have these folks running in a room, closing the door, and, in secret, deciding they want to impose another higher interest rate on the American people. There is no justification for it at all.

The core Producer Price Index is up only three-tenths of 1 percent over the past 6 months. Retail sales are down. Auto sales fell seven-tenths of 1 percent—the second straight monthly drop. Building material sales are down 1.6 percent. These are the last monthly figures. There is no justification at all.

The only thing I can conceive of is these people just do not sleep. They see things that do not exist. Imagine how they must feel when the lights are turned off. They see inflation that does not exist.

For nearly a year they have been worried about inflation that does not exist. They have been willing to impose a penalty on the American economy and the average American household to the tune of $1,210 a year.

What do you think people would say if this Congress said: We have a proposal; let's increase taxes on the American people $1,210 a year on the average household? They would have apoplectic seizures around here. But these folks are doing it in secret, with no justification at all. Why? Because they tilt on the side of money center banks on the question of monetary policy. They always tilt that way. It is funny they can stand up, they tilt so far.

It seems to me this country deserves a monetary policy that allows workers in our factories, on our main streets, in our towns, to be more productive and to be able to receive the rewards of that increased productivity.

If these folks close that door tomorrow—and they will; mark my words—and increase interest rates another full one-half percent—and that is likely what they are going to do—they are going to continue to injure this economy and injure the American workers.

I said before that Mr. Greenspan has sort of used himself as a set of human brake pads. His only mission in life somehow is to slow down the American economy. He has always insisted we could not grow more than 2.5 percent without more inflation and that we couldn't go below 6 percent unemployment without more inflation. He has been wrong on both counts. We have been below 6 percent unemployment for 5 years, and inflation has gone down. We have had more than 2.5-percent economic growth for some long while, and inflation has gone down.

At some point, the American people, through this Congress, ought to ask the tough questions of this Federal Reserve Board: How do you continue to justify this? How do you justify this at a time when there is no evidence of real inflationary trouble in this country, risking ruining our economy, ruining continuous economic growth for some while and imposing on the backs of the American citizen, on the backs of the average families in this country, such a significant penalty? It is wrong, wrong, wrong.

I will have more to say about this tomorrow, after the Federal Reserve Board meeting.

Madam President, I guess that ends the business for today.

I yield back my time.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in adjournment until 9:30 a.m. tomorrow.

Thereupon, the Senate, at 5:16 p.m., adjourned until Tuesday, May 16, 2000, at 9:30 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 15, 2000:

### DEPARTMENT OF STATE

PAMELA E. BRIDGEWATER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSEL BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF UNITED STATES OF AMERICA TO THE REPUBLIC OF BENIN.

### DEPARTMENT OF JUSTICE

GLENN A. FINE, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF JUSTICE, VICE MICHAEL R. BROMWICH, SIGNED.

### DEPARTMENT OF VETERANS AFFAIRS

THOMAS L. GARTHWAITE, OF PENNSYLVANIA, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERA FAIRS FOR A TERM OF FOUR YEARS, VICE KENNETH W. KIZER, TER PIRED.

# HOUSE OF REPRESENTATIVES—*Monday, May 15, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. TANCREDO).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 15, 2000.*

I hereby appoint the Honorable THOMAS G. TANCREDO to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which concurrence of the House is requested:

S. Con. Res. 112. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

The message also announced that pursuant to Public Law 106–173, the Chair, on behalf of the Vice President, appoints the following individuals to serve as members of the Abraham Lincoln Bicentennial Commission—

the Senator from Illinois (Mr. DURBIN); and

Dr. Jean T.D. Bandler of Connecticut.

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints the following Senators as members of the Senate Delegation to the Canada-United States Interparliamentary Group during the Second Session of the One Hundred Sixth Congress, to be held in Mississippi and Louisiana, May 19–22, 2000—

the Senator from Iowa (Mr. GRASSLEY);

the Senator from Ohio (Mr. DEWINE);

the Senator from Minnesota (Mr. GRAMS);

the Senator from Maine (Ms. COLLINS);

the Senator from Ohio (Mr. VOINOVICH);

the Senator from Vermont (Mr. LEAHY);

the Senator from Louisiana (Mr. BREAUX); and

the Senator from Hawaii (Mr. AKAKA).

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS) for 5 minutes.

## LOW POWER FM RADIO

Mr. STEARNS. Mr. Speaker, I rise today in response to today's front page story in The Washington Post entitled, "Political static may block low power FM." The article paints a picture of what the new low power FM radio service may offer, but, Mr. Speaker, it does not properly convey why this Chamber, this House of Representatives, was compelled to overwhelmingly pass a bill introduced by my good friend, the gentleman from Ohio (Mr. OXLEY). We did not pass a bill, as the article says, because of the influence of lobbyists or as a matter of politics. Quite simply, we passed a bill as a matter of good policy. That is why I am here this afternoon to point this out.

When the FCC commission began its journey by adopting a notice of proposed rule-making designed to establish low power FM service, many of us voiced concerns about the potential interference larger commercial and public stations would face from this service. Surely, the FCC would not undertake and implement a service on such an important point as this without testing to be sure that interference was not involved.

Well, our subcommittee of the Committee on Commerce earlier heard testimony that the FCC did just that, that they had not determined that no interference would occur between stations when they issued these low power FM licenses.

So we think the FCC has rushed to judgment without resolving this critical part, which is the interference issue without fully consulting with us. Even the FCC witness testifying before our committee could not explain why the commission, the FCC commission, did not measure interference using signal-to-noise ratios. Simply put, the five technical studies analyzing the interference issue caused by low power FM stations have produced conflicting conclusions regarding interference on the third adjacent channel. The FCC, nevertheless, Mr. Speaker, is pressing forward with its own agenda, all the while steamrolling over the legitimate concerns of existing broadcasters.

Instead, broadcasters who have invested millions and millions of dollars into stations with the assumption that the FCC would ensure the integrity of their spectrum now have to worry about interference from a project that the FCC has no idea whether it will work or not.

Examples of interference are already clear. Let us say all of us drive along the Beltway here in Washington near the intersection of I–66 and Route 50. We all know where that is. You can hear for yourself what third-adjacent channel interference sounds like. For there, two local FM radio stations, three channels apart, cross paths, and the interference is clear and apparent. That is the reality that we do not want to replicate in any sort of low power FM proceeding at the FCC. By dropping third channel interference rules, the FCC is creating an environment whereby it is clear that interference will increase. How much? The broadcast industry says a lot. The FCC, very little. So the question is who is right?

Well, now we are going to find out. The independent third party testing provisions of the legislation we passed in this House allow for a 9-month, nine-market analysis of low power FM. Not only will that analysis look at existing FM stations, but it will also analyze the impact on reading services for the blind, FM translators and the advent of digital radio. These are the issues that the FCC decided were not important, so it never tested any of them.

It is a shame that the FCC was not more aggressive in doing testing itself. After all, this agency is supposed to be the guardians of the spectrum. But by measuring distortion rather than using the internationally recognized standard for interference, the FCC cooked its own results in a way that allowed for it to move forward. That decision came even as Congress was out of town in January, as if our views on this subject did not matter. The fact is that low power FM is a symptom of this agency that does not recognize its responsibilities to Congress. This low power FM action is simply the latest in a series of FCC actions that call into question the whole notion of accountability at the FCC.

I am not opposed to low power FM. I do oppose the way in which the FCC decided to move forward, and I will be watching the results of the third party testing that this bill mandates to see if low power FM can, indeed, coexist with full power stations. The FCC appears to be bent on providing the service whether or not it causes interference or other problems for FM listeners. Our responsibility here in Congress is to those listeners, our constituents. I congratulate my colleagues in the House for passing legislation. I urge my colleagues in the Senate to do the same.

## PROMOTING LIVABLE COMMUNITIES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, all across America, people woke up this morning to front page stories in their communities about the Million Mom March against gun violence. There are pictures of the hundreds of thousands of people who gathered here on the Mall in Washington and other stories featuring the crowds in their hometowns in dozens and dozens of communities across America. I joined thousands of people for a march to Pioneer Square in Portland, Oregon yesterday. I do not know if there were a million moms or not.

Based on the reports that I have reviewed, it is likely that the hundreds of thousands here in Washington, D.C. and the tens of thousands in communities across the country could easily have reached or surpassed that number. The issue for me is not so much whether there were a million moms who marched, but the million moms who grieve.

In the last third of a century, over a million victims have been claimed by gun violence in the United States, more than the entire number of Americans lost in all the wars from the Civil War right through today. Yesterday's gathering was in memory of the million victims, though the testimony was not just of a million victims, but a million mothers, a million fathers, millions of brothers and sisters and grandparents whose lives were touched forever by gun violence.

The Americans who participated were not, in the main, advocates or activists. They were largely people who know that America can do better. They know that despite the opposition of the National Rifle Association to the Brady Bill, that America is safer because people with criminal records or a history of mental illness have been prevented by that Brady Bill from getting a half million guns.

They know that if these prohibitions were extended to people with a history of committing violent misdemeanors, that America would be safer still because these people are 15 times more likely to commit violence with weapons. They know that if we care enough as a Nation to make it harder for a 2-year-old to open a bottle of aspirin, then we can make it harder for that 2-year-old to shoot her sister. They know that the gun show loophole should in fact be closed, especially when they learn that the delay of a few hours for a certain category of people who are not cleared instantly, that these people are 20 times more likely to have the record of mental health problems or criminal records that are precisely the people we want to keep weapons away from.

The American public knows that we can succeed. In the 1960s, Congress and the auto industry, prodded by the public, began a war on traffic deaths that resulted in safer cars and tougher laws. In the 1980s, a mother who lost her child to a drunk driver decided to add her voice to that of many others, and MADD, Mothers Against Drunk Driving, was born, and the government was encouraged, some would say forced, to crack down on drunk driving.

As a result of all of these options, in the last third of a century, we have cut the death rate on our highways in half. The mothers march is a signal to people all over America that it is time for a similar effort to reduce gun violence in our communities.

Everybody knows that there is no single solution, but that there are many small steps that will save lives. If we in Congress are serious about listening to our constituents and making our communities more livable and safer, we have to start today. Why does the Speaker not direct the conference committee on juvenile crime, which has not met since last August, to meet now and address the simple, commonsense provisions to reduce gun violence that have already passed the Senate?

Action by this House would be an important sign that we can send to our constituents that we understand their concerns and we share their passion for saving families from unnecessary violence, making our communities more livable, our families safer, healthier and more economically secure.

## TECHNOLOGY, THE NEW ECONOMY AND DIGITAL OPPORTUNITY FOR ALL AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Illinois (Mr. WELLER) is recognized during morning hour debates for 5 minutes.

Mr. WELLER. Mr. Speaker, I appreciate very much this opportunity today to talk about technology, the new economy and digital opportunity for all Americans, but let me begin by just sharing some statistics.

Over 100 million U.S. adults today are using the Internet, and seven new people are on the Internet every second. 78 percent of Internet users almost always vote in national, State and local elections, compared to 64 percent of nonInternet users. It took just 5 years for the Internet to reach 50 million users, much faster than traditional electronic media. In fact, it took 13 years for television to reach 50 million and radio, 38 years.

The Internet economy generated, just in the past couple of years, over $300 billion in revenue in 1998. It was responsible for creating 1.2 million jobs. Preliminary employment data now shows that the U.S. high technology industry employed 4.8 million workers in 1998, making it one of our Nation's largest industries, in fact, larger than steel, auto and petroleum combined. In 1997, the high tech average wage was 77 percent higher than the average U.S. private sector wage.

I am proud to say I represent the great State of Illinois, what some call the land of Lincoln. People often do not think of Illinois as a technology center, but it is. In fact, Illinois ranks third today in technology exports and fourth in technology employment. But clearly, Illinois is one of the top 10 cyber States, as some would say, a major State that is producing new technology and new ideas.

I have talked with many over the years, over the last few years, in particular, about what it takes and why this economy is growing so well in Illinois. And, that is, they say that government has actually stayed out of the way of the new economy. The new economy has been tax free, it has been regulation free, it is trade barrier free. That is why it has been so successful, creating opportunity for so many. That is why I am pleased that House Republicans continue to lead the way in technology. Our e-contract continues to work for a tax-free, regulation-free, trade-barrier-free new economy. And, of course, one of the areas we want to focus on is the area of providing digital opportunity for all Americans.

□ 1245

You know, it is unfortunate that it seems the higher the income, the more likely you are on-line. Families that have incomes of $75,000 or more are nine times more likely to have a home computer, and more than 20 times more likely to have Internet access than a low or moderate income family.

When asked why lower income families and more moderate income families do not have Internet access or a home computer, those families, those working families, cite that cost, the cost of the computer, the cost of subscribing to the Internet access, is a chief barrier.

That is why I am so pleased that this week House Republicans once again are going to lead the way on technology. We are going to be moving legislation passed out of the Committee on Ways and Means, which I serve on, legislation to repeal a 3 percent excise tax on telephone calls, a tax that has been in place since the Spanish American War, over a century. It was a temporary tax at that time. Well, that 3 percent tax is a tax today on Internet access, because 96 percent of those who access the Internet use their telephone to go online. Let us pass that legislation. I hope it has strong bipartisan support.

I also want to call attention to my colleagues in the House to two important initiatives, legislation designed to increase digital opportunities so that every American family has the opportunity to be part of today's new economy.

I am so proud that private employers have stepped forward to help solve the so-called digital divide. I have many educators that tell me that they find that children who have a computer at home compared to those who do not tend to do better in school. They notice the difference. They believe it is in the best interests of families when it comes to doing homework as well as research where you can access the Library of Congress via the Internet for children to have a computer at home.

I am pleased that Ford Motor Company, Intel, American Airlines and Delta Airlines have stepped forward on their own initiative to provide home computers as well as Internet access as an employee benefit. Thanks to those four companies, 600,000 American working families will now have access to computers and Internet access. That means everybody from the janitor to the laborer to the guy working on the shop floor, up through middle management, up to the CEO, will all have access, universal access to the Internet, meaning their children will have a computer at home to do school work and research for school papers and school projects. That is good news.

Unfortunately, many other companies that would like to do this, like to provide computers and Internet access to their employees, have been advised by their tax lawyers, wait a second; if you do, you are going to cause a tax increase for your employees because the IRS and Treasury Department will call this a taxable benefit.

That is why the Data Act is so important. Let us treat that computer and Internet access as tax free, the same as an employer-provided contribution to your pension, the same as an employer contribution to your health care.

Mr. Speaker, that type of initiative deserves bipartisan support.

## TURKISH REGION RECALLS MASSACRE OF ARMENIANS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Mr. Speaker, on Wednesday, May 10, the New York Times published an extremely important article on a subject that receives far too little attention, in my opinion, and that is the Armenian genocide. What was particularly interesting about this article was that it addressed the issue of the Armenian genocide from the Turkish perspective, from the point of view of ordinary people living in what were the killing fields.

Many in the Armenian community and their friends and supporters frequently discuss the painful memories of the genocide from the perspective of the victims. The article in last week's New York Times presents the history of the genocide from the descendents of the perpetrators, the people who live on land in what is now the eastern part of the Republic of Turkey but which once was the center of Armenian life.

I include this article for the RECORD from the New York Times, Wednesday May 10. It is entitled "Turkish Region Recalls Massacre of Armenians," by Steven Kinzer.

Every year in late April Members of this House come to this floor to commemorate the Armenian genocide. April 24th of this year marked the 85th anniversary of the unleashing of the Armenian genocide. Over the years, from 1915 to 1923, millions of men, women and children were deported, forced into slave labor and tortured by the government of the "Young Turk Committee." 1.5 million of them were killed.

To this day, the Republic of Turkey refuses to acknowledge the fact that this massive crime against humanity took place on soil under its control and in the name of Turkish nationalism. That is why this newspaper article was so interesting and important.

Let me quote from one woman, Yasemin Orhan, a recent university graduate and a native of the town of Elazig, Turkey. She says, "They don't teach it in school, but if you are interested, there are plenty of ways you can find out. Many Armenians were killed. That is for sure." Ms. Orhan told the New York Times reporter that she had learned about the killings from her grandmother.

Another woman, Tahire Cakirbay, 66 years old, standing at the site of a long-gone Armenian Orthodox church, pointed to a nearby hill and said, "They took the Armenians up there and killed them. They dug a hole for the bodies. My parents told me."

Mr. Speaker, it is hard to erase from memory such a monumental crime as the Armenian genocide, but the Turkish government is trying. The Times article notes that in the rest of Turkey little is known of and remembered of the Armenian genocide or of the former thriving Armenian community in what is now eastern Turkey. As Ms. Orhan says, "They don't teach it in school." In fact, what they do teach Turkish young people in schools is a skewed version of their own history.

Not content with merely propagating this false version of history for internal consumption, Turkey is using its resources to endow Turkish Studies Chairs at prestigious American universities, staffed by scholars sympathetic to the Turkish official version of history. They are also using their lobbying resources, including former Members of this House, to lobby against bipartisan legislation in this Congress affirming U.S. recognition of the Armenian genocide.

Mr. Speaker, the United States must go on record acknowledging the genocide, and rather than appease Turkey on this issue, we should use our significant influence with that country to get them to do the right thing, to admit what happened in the past, and to work for improved relations with their neighbor, the Republic of Armenia.

The Republic of Armenia is working to build a strong democracy, despite the hostility from Turkey and their ally Azerbaijan, both of whom still maintain blockades preventing vitally needed goods from reaching the Armenian people.

Last week, seven leading Members of the Armenian Parliament came up to Capitol Hill to meet with a bipartisan group of Members of Congress. This week, officials from Armenia and the Republic of Nagorno Karabagh, as well as from Azerbaijan, will be in Washington for a conference on how to resolve the Nagorno Karabagh conflict.

The Armenian people look forward to a bright future of freedom, independence, prosperity and cooperation with their neighbors, but they cannot forget the bitter history of the early 20th century, and they cannot accept Turkey's efforts to deny that it happened.

In closing, Mr. Speaker, I would like to quote from another of the Turkish citizens quoted in the New York Times article, a factory worker named Selhattin Cinar: "This used to be an Armenian area, but now they are gone. Dead, killed, chased away. Our government doesn't want to admit it. Why would you want to say, 'my yogurt is sour'?"

[From the New York Times, May 10, 2000]

### TURKISH REGION RECALLS MASSACRE OF ARMENIANS—BUT MANY DENY VIOLENCE OF 1915

(By Stephen Kinzer)

ELAZIG, Turkey, May 7—Groves of mulberry trees at lakeside resorts are about all that remains from the days when this region was a center of Armenian life.

One of the gnarled trees used to stand beside a long-gone Armenian Orthodox church. Now it shades Tahire Cakirbay, 66, as she looks out over her fields and shimmering Lake Hazar below.

"They took the Armenians up there and killed them," Ms. Cakirbay said, pointing to a hill above her. "They dug a hole for the bodies. My parents told me."

More than one million Armenians lived in what is now eastern Turkey until their community was shattered in an orgy of ethnic violence that exploded 85 years ago this spring. Many aspects of what happened then are still hotly debated, but here where the killings took place, few people doubt that they occurred.

"They don't teach it in school, but if you're interested there are plenty of ways you can find out," said Yasemin Orhan, a native of Elazig who graduated from the local university last year. "Many Armenians were killed. It's for sure."

Ms. Orhan said she had learned about the killings from her grandmother. Here in eastern Turkey, the passage of several generations has not been enough to wipe the killings from memory.

In the rest of the country, however, most people know little about the killings of 1915. Turkish textbooks refer to them only indirectly. They stress that Armenian militants were rebelling against the crumbling Ottoman Empire, and discount or ignore the killing of hundreds of thousands of civilians after the abortive revolt.

Conflicts over how to deal with the episode have provoked a worldwide propaganda war between Armenia and Turkey.

Armenian lobbyists want foreign governments to declare that what happened in 1915 was genocide. Some Armenian nationalists say that if Turkey can be forced to concede that, their next step might be to claim reparations or demand the return of land once owned by Armenians.

Turkish diplomats resolutely resist those efforts. They assert that Muslims as well as Christians were killed here in 1915, and that it is unfair to blame only one side.

To most Turks the events of 1915 seem distant, but in the Armenian consciousness they are a vivid and constant presence. Awareness of what is simply called "the genocide" is acute in Armenian communities around the world.

Often it is accompanied by fierce anger at Turkey's recalcitrance.

That anger boiled over into violence during the 1970's and 80's, when a group calling itself Commandos of the Armenian Genocide mounted a campaign against representatives of the Turkish government. It killed Turkish diplomats in the United States and elsewhere, and bombed targets including the Turkish Airlines counter at Orly Airport in Paris.

Since then the battle has shifted back to the diplomatic arena. Each spring, foreign leaders issue carefully worded commemorations of the killings. Last month, President Clinton issued a proclamation recalling "a great tragedy of the twentieth century: the deportations and massacres of roughly one and a half million Armenians in the final years of the Ottoman Empire." He did not use the word "genocide."

In the last year, Turkey has greatly improved its relations with Greece, but there has been little progress with Armenia. The two countries feud over a variety of political issues, but the wound that 1915 has cut into the Armenian psyche also plays an emotional role in keeping them apart.

In recent months, some of the first efforts toward reconciliation between Turks and Armenians have begun. One was a conference of Turkish, Armenian and American scholars who met at the University of Chicago to begin a joint inquiry into the events of 1915.

"This was the most difficult paper I have ever written in my life," said Selim Deringil, a historian at Bosporus University in Istanbul, as he presented his analysis of Turkish-Armenian relations. "Venturing into the Armenian crisis is like wandering into a minefield."

The scholars who gathered in Chicago plan to meet again. Another group plans to open a series of conferences later this spring in Austria.

In a different kind of gesture, seven Turkish and Armenian women, all in their 20's, have joined in a campaign aimed at improving relations between their peoples. The group's first project will be raising money to restore an Armenian church near Van, a city in eastern Turkey that was one an Armenian capital. "This kind of thing has never been tried before," said one of the organizers, Safak Pavey, a Turkish journalist. "We want to give an example of unity between two peoples who lived together for a long time but became alienated from each other. It's about restoring a church as a way of restoring souls."

Elazig is just one place where Armenians were killed by Ottoman soldiers and Kurdish tribesmen in the spring and summer of 1915. But because several foreigners were living in the area and recorded what they saw, the killings here were unusually well documented.

One of the foreigners was an American consul, Leslie Davis, who took a trip around Lake Hazar, then known as Lake Golcuk, after the massacres. "Thousands and thousands of Armenians, mostly helpless women and children, were butchered on its shores and barbarously mutilated," he later wrote.

Armenian houses, churches and schools in this area have long since been destroyed or allowed to collapse. New villages have sprung up along the lake. Residents picnic under the mulberry tress that Armenians planted around their summer homes a century ago.

It is still possible to find artifacts of Armenian life here. At one antique shop near Elazig, $250 will buy a heavy copper serving tray inscribed with the name of its former owner in distinctive Armenian script.

Just last month, a couple of men were discovered digging at what they believed to be a former Armenian cemetery. They were apparently looking for gold that, according to local lore, was often interred with wealthy Armenians.

Nevzat Gonultas, manager of a telephone substation on the lakeshore, is considered a local historian because his father spent many hours telling him stories from the past. Like most people around here—although unlike their brethren in other parts of Turkey—he knows what happened in 1915.

"Other people don't know because they don't live here," Mr. Gonultas said as he sipped tea on a recent evening. "My father told me that Turkey was weak at that time and the Armenians decided to stage an uprising. Then the order came to kill them. Almost all were killed. It wasn't a war; it was a massacre.

The Turkish authorities do not accept that version, and many Turks never hear it. A historical atlas issued by a leading Turkish newspaper does not show that much of this region was under Armenian rule for centuries.

At historical sites in this region, signs and brochures often discount or omit facts about the earlier Armenian presence. According to one new travel book, "guards are under instruction to eavesdrop on tourist guides who might be tempted to tell another story."

Anyone who seeks to learn about the events in 1915, however, need only come here.

"This used to be an Armenian area, but now they're gone," said a factory worker named Selhattin Cinar. "Dead, killed, chased away. Our government doesn't want to admit it. Why would you want to say, 'My yogurt is sour'?"

## THE BIRTH OF A MOVEMENT TO STOP VIOLENCE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentlewoman from The District of Columbia (Ms. NORTON) is recognized during morning hour debates for 5 minutes.

Ms. NORTON. Mr. Speaker, there have been lots of marches in Washington, but some marches do not fade away. Indeed, they do not go away at all.

A movement was born yesterday, Mr. Speaker. In this city there occurred the largest anti-violence march in the Nation's history. It is estimated that there were 750,000 people. There might be some controversy, there always is, about numbers, half a million, 750,000. What we do know is they covered the Mall, and they had thousands upon thousands in five dozen cities as well. So, if you consider all those who marched throughout the United States and those who marched here, the moms easily made their million.

What this House ought to consider is whether or not 750,000 people could morph into 7 million voters geared to vote to do something about guns and their kids in the next election.

More impressive than their numbers, Mr. Speaker, was who they were. These were not pros. These were amateurs organized essentially from the suburbs of America. These were the proverbial soccer moms. These folks were from the voter-rich suburbs, and their call spread like spontaneous combustion.

But, I come to the floor this afternoon to say that if we thought yesterday's demonstration took this city by storm, watch out for the afterquake. Some of these moms are here today; some of them will be here every day. Mr. Speaker, the NRA has met its match in hundreds of thousands more people than they ever realized would be organized to keep guns away from their kids.

We should not ask why did they come to Washington; I want to ask what took them so long? The parents of America got a terrible, not wake-up call, but alarm bell from the Columbine High School massacre and all that has followed since.

It became clear that no matter where you live, this is one country, there is freedom of travel, and the guns have the same freedom of travel. Of course, there were people from my own district, countless people from my own district: Laura Wallace, Renae Marsh Williams, the mothers of the high school sweethearts from Wilson high school who were killed by guns; Gillian Bates, who also marched with us, whose son is still in Children's Hospital with a bullet in his brain following the zoo shooting on Easter Monday.

But, Mr. Speaker, these mothers and fathers and families are way ahead of us. They want registration and licensing. We are still stuck on "stupid." We are still stuck on mandatory locks and closing the gun show loopholes. They are way ahead of the game, and we are going to have to meet them one day on registration and licensing.

Over and over again, they talked about not minding the inconvenience of registering their cars, and they could not understand why people would be against the registering of their guns, which can do harm to their children.

If in fact there is any respect for the families of America, at the very least we will free this legislation that has been held in bondage in conference, that is, by any measure, modest, too modest, to do the whole job, but a start and the kind of start that these families deserve.

If we have any respect for the people who came here on Sunday, for the people who marched in five dozen cities, surely we will free up that legislation that has been locked down for so long, disgracefully, considering what happened at Columbine and what has happened since.

We should never underestimate the determination of mothers. If I have any criticism to be made for them, it is that they should have been here when children were going down one by one. It should not have taken 15 in Colorado. Well, it did, and they now get it.

They wonder if we get it, and, if we do not get it, Mr. Speaker, they are going to get us, because they are not going away. They are going to turn their march into votes. These are very diverse people, poor people, black and white and Hispanic people, but they include many well-educated people who know how to do their homework and know how to get the job done.

I come to the floor this afternoon with a warning on their behalf: Get the minimum bill we have before us out of conference and passed before we go home for Memorial Day.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 1 o'clock and 58 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 2 p.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Ancient Scriptures tell us: "Beloved, do not be surprised that a trial of fire occurs or when something strange happens to you."

You, O Lord, are the God of all consolation. We pray to You for all those who are startled by sudden events and are shaken by what happens to those they hold dear.

How fragile and how unpredictable is life here on earth. How violent the times. Strengthen us in steadfast faith. Renew us in foundational relationships. For even in the most surprising moments, You call us, "Your Beloved."

Freed of fear and confusion, create in us a new spirit which will unify Your people in hope. May the brokenhearted hold fast to the constancy of Your love.

For You live now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Michigan (Mr. KNOLLENBERG) come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MAKING TECHNICAL CORRECTIONS IN ENROLLMENT OF H.R. 434, AFRICAN GROWTH AND OPPORTUNITY ACT

Mr. CRANE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 112) to make technical corrections in the enrollment of the bill, H.R. 434, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 112

(1) In section 112(b)(1), insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in the United States)" after "yarns wholly formed in the United States,".

(2) In section 112(b)(2), insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed in the United States)" after "yarns wholly formed in the United States".

(3) In section 112(b)(3), strike "countries, subject" and insert "countries (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the Harmonized Tariff Schedule of the United States and are wholly formed and cut in 1 or more beneficiary sub-Saharan African countries), subject".

(4) In section 112(b)(5)(A), insert "apparel articles of" after "to the extent that".

(5) In section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill—

(A) in clause (i), strike "in a CBTPA beneficiary country" and insert "in 1 or more CBTPA beneficiary countries"; and

(B) in clause (ii)—

(i) strike "cut in a CBTPA beneficiary country" and insert "cut in 1 or more CBTPA beneficiary countries"; and

(ii) strike "assembled in such country" and insert "assembled in 1 or more such countries".

(6) In section 213(b)(2)(A)(i) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed and cut in the United States)" after "yarns wholly formed in the United States,".

(7) In section 213(b)(2)(A)(ii) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, insert "(including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are wholly formed in the United States)" after "yarns wholly formed in the United States".

(8) In section 213(b)(2)(A)(iii)(I) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "United States, in an amount" and insert "United States (including fabrics not formed from yarns, if such fabrics are classifiable under heading 5602 or 5603 of the HTS and are formed in 1 or more CBTPA beneficiary countries), in an amount".

(9) In clause (v) of section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill—

(A) strike "fibers, fabric, or yarn" each place it appears in the heading and the text and insert "fabrics or yarn";

(B) strike "fibers, fabric, and yarn" and insert "fabrics and yarn"; and

(C) insert "apparel articles of" after "to the extent that".

(10) In section 213(b)(2)(A)(vii)(IV) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "entered" and insert "classifiable".

(11) In section 213(b)(2)(A) of the Caribbean Basin Economic Recovery Act, as contained in section 211(a) of the bill, strike "(vii) TEXTILE LUGGAGE.—" and insert "(viii) TEXTILE LUGGAGE.—".

(12) Strike section 412(a)(2) and insert the following:

"(2) in the flush paragraph at the end, by striking "and (G)" and inserting "(G), and (H) (to the extent described in section 507(6)(D))".".

(13) In the article description for subheading 9902.51.13 of the Harmonized Tariff Schedule of the United States, as added by section 502(a) of the bill, strike "of 64's and linen worsted wool count wool yarn".

(14) In section 505(d), insert "to the United States Customs Service" after "appropriate claim".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

### PERMANENT NORMAL TRADE RELATIONS TO CHINA

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, later this month, Members of this House will be casting their votes on one of the most important issues that Congress has faced in recent years. Of course, this is a vote to extend Permanent Normal Trade Relations to China.

As a result of decades of negotiations, China will soon become a member of the World Trade Organization. Congress now has the responsibility to extend PNTR to China in order for American workers and businesses to take advantage of this historic opportunity.

For those Members, like myself, who have concerns about national security with China, human rights, Taiwan and other issues, we cannot afford to miss this opportunity. PNTR represents the greatest opportunity that America has had to break down the walls of isolation in China and provide the Chinese people with the tools they need to pursue freedom and democracy.

By increasing the exchange of goods, services, and ideas between the United States and China, we will be taking strides to support reform for those who need our support the most.

### INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell the story of Machael Heidi Al-Omary, who was abducted from Jonesboro, Arkansas to Saudi Arabia by her noncustodial father. There is a bench warrant issued against the abductor as well as Federal warrants for unlawful flight to avoid prosecution and violations of the International Kidnapping Act of 1993. The father had visitation rights, and the parents had reached an agreement in which Machael would stay 1 week at a time at each residence.

Machael's mother, Margaret McClain, corresponded with her ex-husband via e-mail for a short period of time while negotiations were attempted. Margaret is very determined to find and recover her daughter. She has initiated contact with many agencies and is the Director of Legislative Affairs of an organization called P.A.R.E.N.T. in Arkansas. She represents a coalition of over 20 missing children groups around the world.

Mr. Speaker, we should all be working as hard as Margaret McClain to bring our children home. Parents and children like Margaret and Machael should be together. It is a tragedy that countries are violating the Hague Convention and keeping them apart.

I urge my colleagues to help reunite these parents and bring H. Con. Res. 293 to the floor.

### MEDICARE PRESCRIPTION DRUG PLAN

(Mr. WELLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELLER. Mr. Speaker, just a few weeks ago, I convened Medicare town hall meetings with senior citizens in my district that I represent in the towns of South Holland and Joliet, Illinois, to listen to the seniors, the folks back home, about what they feel is needed in a Medicare prescription drug benefit, the proposal we now have before us in Congress.

What I heard, Mr. Speaker, were some horror stories about the cost of drugs today for our seniors. In fact, I met with one gentleman from South Holland who spends $8,000 a year just for four injections. I heard from a retired steelworker in Joliet who wanted choices in drug plans, including the option to keep his current plan provided by his former employer if it is better.

A widow from Calumet City told me about the times that she will go without breakfast or lunch just to save $15 or $20 so she can afford her arthritis medication.

These are heart wrenching stories, Mr. Speaker. But one thing I heard over and over again is that this Congress should work together to solve the challenge for modernizing Medicare to include a prescription drug benefit.

We have seen what has happened in the last few years whenever we try to work to modernize Medicare. We have seen those who wanted to politicize it for partisan purposes using Medi-Scare and poison-pill politics.

Mr. Speaker, let us work together. Let us find a bipartisan way to provide prescription drug coverage for our seniors.

### TIME FOR OVERSIGHT OF THE JUSTICE DEPARTMENT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, scientist Carl Gilliotti, a contract expert for the FBI who was deemed extremely competent by the FBI said, "The FBI lied under oath about Waco when the FBI testified that they did not fire automatic weapons into the burning building." Unbelievable.

Check this out. Shortly after Gilliotti's statement, Gilliotti came up missing. Gilliotti's 42-year-old body was found 2 weeks later in his own laboratory dead and badly decomposed. I say, Mr. Speaker, Gilliotti did not choke on a chicken bone.

A full investigation is warranted by Congress. Otherwise, the Justice Department will investigate the FBI, and the FBI will investigate the death of Carl Gilliotti. Beam me up. It is time for some oversight on the Justice Department by passing H.R. 4105.

### BASEBALL, NOT TAX INCREASES, SHOULD BE THE AMERICAN PASTIME

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, Will Rogers once said that "Baseball is a skilled game. It's America's game, it and high taxes."

Well, it seems like he was right. The Clinton-Gore fiscal year 2001 budget includes 106, that is 106, Mr. Speaker, separate tax increases. Taken together, these tax increases total over $180 billion.

Mr. Speaker, the American pastime should be baseball. Unfortunately, the Clinton-Gore administration has a new pastime, increasing the crushing tax burden placed upon American taxpayers.

It seems that the administration wants to keep taking more and more money from hard-working Americans to pay for their growing, yet inefficient, bureaucracy.

I encourage my colleagues to reject the Clinton-Gore tax and spend plans and to let Americans keep more of their hard-earned money.

Mr. Speaker, I yield back the Democrats' anti-American tax increases, which only serve to demoralize the American working families spirit.

### MILLION MOM MARCH

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, to all of the mothers yesterday that commemorated and celebrated Mother's Day, I hope for them that it was a very special day.

But I hope the Nation took note of more than 750,000 mothers who gathered in Washington, D.C., along with probably another thousands and thousands of mothers who gathered throughout 67 cities across this Nation to take a stand against gun violence and for gun safety legislation.

It is interesting that America seems not to move until the American people stand up and be counted. The Vietnam War ended when mothers said no more of their sons would die. In Houston, Texas, there are over 1,300 strong men and women who marched against gun violence, the inertia, and the lack of activity of this House.

We must act, and the mothers of America have spoken. The question is will the Republican Congress listen?

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, May 12, 2000.*

Hon. J. DENNIS HASTERT,
*The Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 12, 2000 at 4:10 p.m. and said to contain a message from the President whereby he submits a legislative proposal entitled "Consumer Product Safety Commission Enhanced Enforcement Act of 2000."

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
*Clerk of the House.*

## CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–235)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Commerce and ordered to be printed:

*To the Congress of the United States:*

I am pleased to transmit today for immediate consideration and prompt enactment the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000." This legislative proposal would increase the penalties that the Consumer Product Safety Commission (CPSC) could impose upon manufacturers, distributors, and retailers of consumer products who do not inform the CPSC when the company has reason to believe it has sold a product that does not meet Federal safety standards or could otherwise create a substantial product hazard. The proposal would also improve product recalls by enabling the CPSC to choose an alternative remedy in a recall if the CPSC finds that the remedy selected by the manufacturer is not in the public interest.

Under current consumer product safety laws, manufacturers, distributors, and retailers of consumer products are required to inform the CPSC whenever they have information that one of their products: (1) fails to comply with a CPSC product safety standard; (2) contains a defect that could create a substantial product hazard; or (3) creates an unreasonable risk of serious injury or death. After a company reports this information to the CPSC, the CPSC staff initiates an investigation in cooperation with the company. If the CPSC concludes that the product presents a substantial products hazard and that a recall is in the public interest, the CPSC staff will work with the company to conduct a product safety recall. The sooner the CPSC hears about a dangerous product, the sooner the CPSC can act to remove the product from store shelves and inform consumers about how to eliminate the hazard. That is why it is critical that companies inform the CPSC as soon as they are aware that one of their products may present a serious hazard to the public.

Unfortunately, in about half the cases involving the most significant hazards—where the product can cause death or serious injury—companies do not report to the CPSC. In those cases, the CPSC must get safety information from other sources, including its own investigators, consumers, or tragically, from hospital emergency room reports or death certificates. Sometimes years can pass before the CPSC learns of the product hazard, although the company may have been aware of it all along. During that time, deaths and injuries continue. Once the CPSC becomes aware of the hazard, many companies continue to be recalcitrant, and the CPSC staff must conduct its own independent investigation. This often includes finding and investigating product incidents and conducting extensive laboratory testing. This process can take a long time, which means that the most dangerous products remain on store shelves and in consumers' homes longer, placing children and families at continuing risk.

The Consumer Product Safety Commission can currently assess civil penalties against companies who fail to report a dangerous product. Criminal penalties are also available in particularly serious cases. In fact, in 1999, the CPSC assessed 10 times the amount of civil penalties assessed 10 years ago. But, even with this more vigorous enforcement, too many companies still do not report, especially in cases involving serious harm.

This legislative proposal would enhance the CPSC's civil and criminal enforcement authority. It would provide an added incentive for companies to comply with the law so that we can get dangerous products out of stores and consumers' homes more quickly.

My legislative proposal would also help to make some product recalls more effective by allowing the CPSC to choose an alternative remedy if the CPSC finds that the manufacturer's chosen remedy is not in the public interest. Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. My proposal would continue to permit the company to select the remedy in a product recall. My proposal would also, however, allow the CPSC to determine—after an opportunity for a hearing—that the remedy selected by the company is not in the public interest. The CPSC may then order the company to carry out an alternative program that is in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislative proposal would help the CPSC be even more effective in protecting the public from dangerous products. I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 12, 2000.*

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceeding today on each motion to suspend the rules on which a recorded vote, or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules, but not before 6 p.m. today.

## DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 2370) to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse".

The Clerk read as follows:

S. 2370

*Be it enacted by the Senate and House and Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION OF DANIEL PATRICK MOYNIHAN UNITED STATES COURTHOUSE.**

The Federal building located at 500 Pearl Street in New York City, New York, shall be known and designated as the "Daniel Patrick Moynihan United States Courthouse".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the

United States to the Federal building referred to in section 1 shall be deemed to be a reference to the Daniel Patrick Moynihan United States Courthouse.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

□ 1415

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I am certainly pleased to move this legislation directly to the floor for consideration to honor my good friend Senator MOYNIHAN. This legislation designates the United States Courthouse located at 500 Pearl Street in New York as the Daniel Patrick Moynihan United States Courthouse.

PAT MOYNIHAN grew up in New York City, and he experienced the trials of Hell's Kitchen. By the age of 16, he was employed as a stevedore, and I am sure he made everybody know it, especially those whose privilege afforded the social and economic advantage that he never had.

He earned a Bachelor's Degree from Tufts with honors, studied at the London School of Economics as a Fulbright Scholar, and received his M.A. and Ph.D. from Tufts University's Fletcher School of Law and Diplomacy.

Michael Barone best described Senator MOYNIHAN as "the Nation's best thinker among politicians since Lincoln, and its best politician among thinkers since Jefferson."

Senator MOYNIHAN played key roles in passing both ISTEA and TEA-21. I had the great privilege of working closely with him in conference on many very significant transportation and water resource pieces of legislation.

Before entering the Senate, Senator MOYNIHAN was a member of the cabinet or subcabinet of Presidents Kennedy, Johnson, Nixon and Ford. No one else has ever served four successive administrations in such capacity.

His work on welfare earned him the scorn of many, who misunderstood his thinking about inner city poverty, which is now widely acclaimed as brilliant foresight.

He is a former U.S. Ambassador to India and a U.S. Representative to the United Nations. In 1976, he represented the United States as President of the United Nations Security Council. He made this country proud by his adherence to democratic principles over the dismay of Western European diplomats and the anger of Third World diplomats.

In addition to his professional duties at Harvard, MIT, Syracuse, Wesleyan and Cornell, Senator MOYNIHAN is a recipient of 62 honorary degrees. George Will remarked that MOYNIHAN has written more books than most Senators have read. Now, I certainly would not agree with that assertion, but it is an interesting comment.

Mr. Speaker, I support this measure. Everybody who knows PAT MOYNIHAN knows he is brilliant. But I would suggest that he is more than brilliant. I would suggest that he not only has an extraordinarily high IQ, but he has a CSQ to match his IQ. Intelligence quotient, yes, but common sense quotient to go right with it. Indeed, if one were to open the dictionary and look up the definition of wise man, it would be very appropriate to see the name DANIEL PATRICK MOYNIHAN.

It is a great privilege for me, Mr. Speaker, to offer this legislation today.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this legislation, which designates the United States Courthouse located at 500 Pearl Street in New York City in honor of the public career of one of America's most renowned and prolific political figures, Senator DANIEL PATRICK MOYNIHAN, the senior Senator from New York.

Senator MOYNIHAN can take enormous and justifiable pride in the understatement of the words "a job well done." Although he has served as an elected official for over 25 years, his other job descriptions include Ambassador to India, cabinet level officer for four successive administrations, a Smithsonian Regent, educator and author, and in all these positions he served with brilliance and dedication and devotion to the very highest standards of excellence.

Senator MOYNIHAN has written or edited 18 books and he has received 62 honorary degrees. His educational experiences include Professor of Government at Harvard University, Assistant Professor of Government at Syracuse University, Fulbright Fellow at the London School of Economics and Fellow at the Center for Advanced Studies at Wesleyan University.

Senator MOYNIHAN has long held a passion for social issues and reform. During his distinguished career he has received the International League of Human Rights Award, the John LaFarge Award for Interracial Justice, and was the first recipient of the American Political Science Association's Hubert Humphrey Award for notable public service by a political scientist.

He has been honored with national awards from Notre Dame University, the American Institute of Architects, the American Philosophical Society, the National Institute of Social Sciences and Columbia University, to name but a few.

Senator MOYNIHAN has been, and I am sure will continue to be, a distinctive voice in American politics, policy and society. His brilliant intellect fuels his convictions, and his beliefs are grounded in thoroughly independent thinking. His voice of reason and compassion will be sorely missed by both the House and the Senate.

I strongly support S. 2370 and join my colleagues in honoring one of our greatest legislators.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time, and I am pleased to take this opportunity to speak in support of S. 2370, legislation designating the Federal building located at 500 Pearl Street in New York City in honor of our good friend and colleague, the senior Senator from New York, DANIEL PATRICK MOYNIHAN.

Born on March 16, 1927, Senator MOYNIHAN is a long-time New Yorker. He attended public and parochial schools in New York City, graduated from the Ben Franklin High School in East Harlem and earned his Bachelor's degree from Tufts University. He went on the study at the London School of Economics, was a Fulbright Scholar and received his M.A. and Ph.D. from Tufts University Fletcher School of Law and Diplomacy.

Senator MOYNIHAN attended the City College of New York for 1 year before leaving to serve his Nation by enlisting in the United States Navy. From 1944 through 1947, Senator MOYNIHAN served as a gunnery officer on the U.S.S. *Quirinus*, and in 1966 he completed 20 years of service in the Naval Reserve.

I have had the opportunity to work with Senator MOYNIHAN on a number of important issues facing the State of New York, and on a number of occasions we have discussed the state of the State of New York. I have welcomed all of his diligent work and the richness of his dedication and respect for the people of our State. Accordingly, I urge all of our colleagues to support this worthy resolution.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me this time, and I thank our chairman, the gentleman from Pennsylvania (Mr. SHUSTER), for his diligent effort, and it was diligent and all-encompassing to bring this bill forward today. I know that he does so with great sincerity and with great respect for Senator MOYNIHAN and for the times that we spent together in 1991 drafting ISTEA, in which the gentleman from Pennsylvania (Mr. SHUSTER) played a dominant and significant role.

This bill honors one of America's truly great legislators, a person who is a distinguished public servant, an educator, and an author. A Senator from New York for almost 25 years, Senator MOYNIHAN first won election to the Senate in 1976, but his career in the Senate was just one chapter of a life filled with dedication to excellence and devotion to the highest principles of public service.

Though he was not born in New York, like so many New Yorkers who migrated to that city, he was actually born in Oklahoma, but he certainly is a son of New York. He attended public and parochial schools there, graduated from Benjamin Franklin High School in East Harlem, and briefly attended City College of New York.

He enlisted in the U.S. Navy and served on active duty from 1944 through 1947. His last tour of duty was as a gunnery officer aboard the U.S.S. *Quirinus*.

He earned his Bachelor's Degree from Tufts University, an M.A. and Ph.D. from Tufts' Fletcher School of Law and Diplomacy. From 1950 to 1951, Senator MOYNIHAN was a Fulbright Fellow at the London School of Economics and Political Science.

He holds the distinction of being the first person to serve in four successive administrations, in the cabinet or subcabinet of Presidents Kennedy, Johnson, Nixon and Ford.

He has been Ambassador to India, U.S. Representative to the United Nations, President of the U.N. Security Council, assistant to the legendary Governor Harriman, assistant to Secretary of Labor Art Goldberg, later a Supreme Court Justice, Director of Urban Studies at Harvard and MIT, Vice Chair of the Board of the Woodrow Wilson Center, Regent of the Smithsonian Institution.

He is the author of 18 books on race, ethnicity and social policy. Since 1977, every year Senator MOYNIHAN has published an annual account of the flow of tax dollars from New York State to the Federal Government, underscoring the reality that New York is consistently, in many arenas, a donor State.

An independent-minded Member of the Senate, known for his individuality, he is witty, has an extraordinary memory, a great gift with words, and always brilliant.

Just a couple of vignettes, Mr. Speaker.

I recall in 1981, when we were in conference with the Senate on the Budget Reconciliation Act in our Committee on Public Works and Transportation on the economic development program, which the Reagan administration had proposed to abolish. The gentleman from Pennsylvania (Mr. SHUSTER) may recall, although I think it was Mr. Hammersmith who was on the conference with me, and together we made an appeal to the Senate to preserve EDA and Appalachia. At the end of my presentation, Senator MOYNIHAN turned to the chair of the Senate conferees and said, "Doesn't the eloquence of the gentleman from Minnesota move our colleague?" And the chair on the Senate side said, "Yes, I am deeply moved, but I can vote with him."

And so, Senator MOYNIHAN, rather than getting peevish about it, smiled and said, "In time, we will prevail." And, of course, in time, we did. It took the chairmanship of the gentleman from Pennsylvania to prevail, but we have, indeed.

Then again in 1991, when we were crafting the Intermodal Surface Transportation Efficiency Act, in which Senator MOYNIHAN was on the Senate side and author of what came to be known as the enhancements provisions, he insisted time and again that we needed a broader view of transportation, and that some of our trust fund dollars should be used for purposes that will strengthen transportation, ease pressure on roads, give citizens other opportunities in our urban environment. As always an urban philosopher.

And I think it will be to his everlasting credit that he prevailed in the councils of the Senate and persisted in our House-Senate conference on the enhancements, which have been so widely accepted and such a strong point of support for what later became TEA-21.

□ 1430

He certainly is the model of the philosopher politician that our Founding Fathers hoped would lead the Congress that they were crafting.

It is indeed appropriate to name this particular building, this very distinguished structure, for a distinguished member of the United States Senate, DANIEL PATRICK MOYNIHAN.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am not going to let my friend, the gentleman from Minnesota (Mr. OBERSTAR) get away with telling stories on PAT MOYNIHAN without my sharing my two bits' worth. He is such an extraordinary individual, Senator MOYNIHAN, that one might even think he is perfect. But I can tell my colleagues, he is not. He is not perfect.

When the good Lord passed out intelligence, he lingered so long and gave Senator MOYNIHAN such great intelligence that he felt he had had to somehow make up for that overabundance of wisdom; and so, he shortchanged him in a different category. I would suggest that different category was in the category of patience.

Some years ago when we were doing two important bills, the highway bill and the water bill at the same time, and Senator MOYNIHAN was in both conferences and I was in both conferences running back and forth, even though I had an extremely important water provision in the water bill for Altoona, Pennsylvania, and we were going to grandfather in the Federal share at 75 percent; otherwise, it was being cut to 50 percent, I had to leave. I could not be there to defend my position. I had to run upstairs to the highway conference. And so, I asked the Senator if my chief of staff could stay and help in my behalf, and he said, certainly.

My chief of staff explained to the Senator what it was and how we had to have on a $43 million water project 75 percent instead of 50 percent. Senator MOYNIHAN turned over and said, well, you calculate it. Calculate it right away. She became so flustered that she could not calculate 75 percent of 43 in time enough to suit the Senator. So he simply said, oh, just put in such sums as may be required at 75 percent.

So she did. And the project, which was a $43 million project by the time it was billed, grew to about an $80 million project. But because of the Senator's lack of patience, we had a tremendously nice increase in the fund for that project.

So I am deeply indebted to the Senator for his lack of patience. Even when he sometimes seems to come up short in a particular talent, it works to people's advantages.

The last story I would tell about him has to do with a press conference that we held after a long, hard negotiation on a highway bill. We went out together and somebody said to the Senator, Senator MOYNIHAN, which State will you say made out the best in these negotiations? And in his puckish way, Senator MOYNIHAN said, State, State, State, State, the State of Altoona.

So for that, too, I wish to thank the Senator.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am certain that, given his own wit, the Senator will appreciate the comments of the chairman and the ranking member.

Mr. Speaker, if I might, I would like to offer some personal comments about the Senator, because, though I am a native Washingtonian, I spent some of the best years of my career as Human Rights Commissioner of New York City and executive assistant to Mayor John Lindsay, where I first came to know the Senator. I got to know him before I ever thought of joining him in the Congress of the United States. Indeed, the District did not even have home rule at the time.

As one who maintains her tenure by continuing to teach at Georgetown Law Center, I have a very special appreciation for Senator MOYNIHAN's dual and unequalled feat as an eminently practical politician and reigning intellectual of the Congress of the United States, a legislator so effective, his work product would be hard to match, all the while producing very deep works on social policy.

What the Senator has managed to do is to bring the deep thinking from his natural bent as an intellectual to the legislative process. This is, perhaps, why he has chosen to concentrate so often on tough legislative issues, on Social Security, on welfare, yes, and on the black family. And as an African American woman, I think I ought to say right here this afternoon that the Senator was prescient in his work on the black family. As controversial as it was, all that he has said and more has come true. And he was prescient, as well, on the white family, or the American family, since a third of all children in our country are born to female headed households, with all of the disadvantages that implies.

Perhaps because the Moynihan report came just as Civil Rights legislation was kicking in, many African Americans did not want to face the notion that many of the problems of the black family were internal and had to be concentrated on by African Americans themselves. But whatever was the reason, it took a man of the most accomplished intellect, the deepest understanding of social policy to understand so early in the process what problems would attend the growth of the female-headed household.

The Senator appears to have chosen as his only monuments, words. That is why he has written so many. He, of course, has left other monuments; and I want to say a word about those other monuments. But first, let me say that, in choosing words, he is in the tradition of the great intellectuals of the century in choosing to leave on paper what he really thinks so that it can be evaluated now and in the future. He has been true to his first profession as professor all the while he has been a senator.

What has been so important to that work, however, is that it has risen up off the pages. The Senator has continued to be at the cutting edge of social policy, and his deep thinking has obviously guided what he has brought to the legislative table.

I am told he has a hideaway that when the rest of us are running around the halls, he goes to and writes and thinks.

What is truly amazing is that MOYNIHAN is known to have one of the most pragmatic and problem-solving minds in the House and the Senate in his time. He is, basically, a new deal, economics, jobs-first Democrat.

When he came here, he rose to be the chair of the Committee on Finance. He always served on the Committee on Environment and Public Works. Always. He never got off that committee.

Mr. Speaker, this city and surely the Nation will remember Senator MOYNIHAN for a monument he never sought but is his. He is the architect of the new Pennsylvania Avenue. Almost single-handedly, Senator MOYNIHAN remade Pennsylvania Avenue. On November 21, 1963, he spoke of his plan to take what had become a slum, our major avenue leading between the Capitol and the White House, and redo it.

President Kennedy, and he was then in the administration and not in the Congress, said he would meet with Mr. MOYNIHAN when he got back from Dallas. President Kennedy never got back from Dallas. But Senator MOYNIHAN, in fact, got President Johnson to agree to the Moynihan plan for the rededication of Pennsylvania Avenue as an avenue worthy of the Nation. It has become one of the most beautiful avenues in the world.

What it signifies is the ability of Senator MOYNIHAN to simply stick to an issue until it gets done. Very few legislators who, after all, are forced to jump from issue to issue have that determination and stick-to-it-iveness. He followed Pennsylvania Avenue from the administration, where he served into the Senate and stuck with it and kept with it until it is what we see today.

This redesign, remaking of the major thoroughfare of the Nation's capital, of course, benefitted people of the District of Columbia. But, Mr. Speaker, it benefited far more, the Nation. Imagine what our constituents would think of us if they found Pennsylvania Avenue today the way Senator MOYNIHAN found it. Unwillingly perhaps, Pennsylvania Avenue is one of the monuments to his career.

Mr. Speaker, most courthouses this body names are named simply for the honor of the person. The person never had anything to do with the courthouse, but we honor him by putting his name on the courthouse. Well, that is not true of the Foley Square Courthouse. How could any important building like this be built in New York without Senator MOYNIHAN'S hand on the throttle throughout? This is a courthouse that he fought very hard for. It replaces one of the great historic courthouses perhaps next to the Supreme Court, the most historic courthouse that was tumbling down; and Senator MOYNIHAN was determined that there would be a new Foley Square Courthouse.

How appropriate it is, therefore, Mr. Speaker, that the new Foley Square Courthouse would bear the name of a man who sought no monuments, only tried to replace those that had deteriorated, to bear the name of DANIEL PATRICK MOYNIHAN. It does this House a great honor to honor this great Senator. We honor his career, and we are pleased that this courthouse will be one of the monuments to that multifacetted career.

Ms. SCHAKOWSKY. Mr. Speaker, I am in strong support of S. 2370 designating the Federal Courthouse at 500 Pearl Street in Manhattan after a dear friend and true statesman, Senator DANIEL PATRICK MOYNIHAN. This bill is a fitting tribute to a distinguished scholar, an outstanding Senator, and a great American. The building that will bear his name was built to last more than 200 years and will be a lasting monument to the long and distinguished public service career of Senator MOYNIHAN.

Senator MOYNIHAN has served our country for forty-seven years. He is the only person in our country's history to serve as a member of the Cabinet or sub-Cabinet for four successive administrations. He was Ambassador to India, as well as the President of the United Nations Security Council. And since 1977, he has served the great people of New York in the United States Senate.

Senator MOYNIHAN is also one of our great scholars. He has received more than 60 honorary degrees, has written or edited 18 books, holds a Ph.D. from Tufts University's Fletcher School of Law and Diplomacy and has taught at such distinguished institutions as MIT, Harvard, Syracuse, and Cornell. I know few people who can match his resume and none can surpass his commitment to this Nation.

New York will be losing a strong voice and dear friend in the Senate when Senator MOYNIHAN retires at the end of this year.

I have had the privilege of working with Senator MOYNIHAN on several bills on behalf of our constituents over the years. Even as a freshman Member of the House, Senator MOYNIHAN was generous with his time and became a valued advisor to me. I have enjoyed working with him and will sorely miss his presence when he retires. He is a distinguished Senator and one we will deeply miss in both Chambers.

I strongly urge my colleagues to join me in supporting S. 2370.

Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the Senate bill, S. 2370.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

## NAMING ROOM IN CAPITOL IN HONOR OF FORMER REPRESENTATIVE G.V. "SONNY" MONTGOMERY

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 491) naming a room in the House of Representatives wing of the Capitol in honor of former Representative G.V. "Sonny" Montgomery.

The Clerk read as follows:

H. RES. 491

Whereas former Representative G.V. "Sonny" Montgomery of Mississippi, from the time of his election to the House of Representatives in 1967 and his beyond his retirement in 1996 through the present day, has faithfully and continuously facilitated the "House of Representatives Prayer Breakfast" at 8 a.m. every Thursday morning in Room H-130 in the House of Representatives wing of the Capitol with a dedication that is indelibly etched in the memories of the many Members who have attended that weekly event: Now, therefore, be it

*Resolved*, That the room numbered H-130 in the House of Representatives wing of the Capitol is named in honor of former Representative G.V. "Sonny" Montgomery.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am thrilled to be able to bring this resolution to the floor to honor our good friend and former colleague, Sonny Montgomery, and certainly to recognize that the gentleman from Indiana (Mr. PEASE) is the driving force by which this has been brought to the floor today to name room H-130 in the Capitol as the G.V. "Sonny" Montgomery Room.

As many Members know, Sonny served in this body for 30 years. He was born in Meridian, Mississippi, attended Mississippi State, and served in both World War II and the Korean War. He served in the Mississippi National Guard for 35 years and retired at the rank of major general.

Sonny was a tireless advocate for veterans' programs and chaired that committee for 14 years. He is a former President of the Congressional Prayer Breakfast and was the first Member of Congress to be asked to lead the Pledge of Allegiance when it became a permanent part of our daily operations in the House on September 13, 1988.

He made numerous trips abroad on behalf of veterans, led the American Delegation to the 40th and 50th anniversary of the Normandy Invasion.

☐ 1445

He is the recipient of the Legion of Merit, the Bronze Star, Meritorious Service Award, Mississippi Magnolia Cross Award and numerous other awards. In addition to his being a personal friend of mine, we share a common crisis, an honor which I guess both of us could just as well have done without. He had a very serious operation on his back performed by the chief of neurosurgery at Bethesda Naval Hospital and when I had a broken neck in an automobile accident, I turned to Sonny to see where I should go and what we should do. His recommendation was such a good one because the chief of neurosurgery out at Bethesda put me back together as well. So Sonny and I have both been put back together by the same neurosurgeon.

As I say, I very much appreciated his wonderful and very important advice, but I think it is an honor we both could have done without. He is a dear friend. I am thrilled that we have this before us today.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume. I rise in strong support of this resolution in honor of Sonny Montgomery. I am very pleased to note that the gentleman is present in the House today. It seems like old times, and it is where so many of us believe he belongs.

Chairman Montgomery, elected to the House in 1966 to represent the Third District of Mississippi, ably served the people of his district for 30 years. He is best known as the most formidable champion of veterans and veterans' rights and benefits. During budget negotiations at the beginning of the 104th Congress, he was able to resist major budget cuts which would have negatively affected veterans and their families. He could always be relied upon to be on the case for those who had been on the case for the Nation in fighting its wars.

Montgomery was known as a caring but stern, an artful watchdog for the men and women of the armed forces, unwilling to compromise on issues that he believed would weaken programs and benefits for veterans. Those veterans remain grateful for his service and so does this House.

In light of that service, we believe it is fitting to name H-130 in honor of Sonny Montgomery.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Speaker, I am so pleased to be able to rise in support of H. Res. 491, naming a room in the Capitol in honor of G.V. Sonny Montgomery, a former colleague, a retired general and a great friend to all of us, but particularly to the veterans.

I had the pleasure of not only serving with Sonny but having an office next door to him for many years, allowing me the opportunity to often bring in veterans from my own district to meet with the chairman of the Committee on Veterans' Affairs and he was always so gracious.

Sonny Montgomery was elected to the House in 1966 from Mississippi, in which post he served for some 30 years, as chairman of the Committee on Veterans' Affairs for 14 years, and served for 25 years on the Committee on National Security. I had the opportunity to work with Sonny on both of those issues affecting our Nation's veterans as well as our Nation's national security and can say without any reservation, it was always an honor, a privilege and a pleasure to work with Sonny Montgomery. He was a great friend to all veterans and to members of our armed forces and will always be remembered for his tireless efforts in providing and securing passage of the GI Montgomery bill, something that helped to educate thousands upon thousands of discharged veterans.

Moreover, this measure is even appropriate, since it was Sonny Montgomery who arranged the House prayer breakfast every Thursday morning in H-130, the room which we all join in honoring him by naming it as the G.V. Sonny Montgomery Room. Sonny facilitated the House prayer breakfast in that room ever since he was first elected from Mississippi 30 years ago and until his retirement in 1996.

Accordingly, Mr. Speaker, I urge all of our colleagues to support this resolution on behalf of all veterans, on behalf of all his former friends in the Congress. I once again thank him for all of his efforts on behalf of all of us.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. OBERSTAR), the ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Speaker, I thank the gentlewoman for yielding me this time. I want to compliment the chairman of our committee again on bringing forth this very well deserved and truly earned recognition for a beloved colleague. I want to thank the gentleman in the chair, our Speaker pro tem, for his cosponsorship of the legislation as well.

General Montgomery, and that is how most of us referred to him, is one of those rare people who have served in this body who was not only respected by diligence, by hard work, by command of the subject matter, as a master of the issues over which he held jurisdiction, but at the same time truly beloved of Members on both sides of the aisle, as was evident by the remarks of our distinguished chairman the gentleman from Pennsylvania; a vigorous and formidable champion of veterans rights, of veterans benefits, because he had served our country nobly and understood the sacrifices that the men and women made who went forth to defend freedom and advance the cause of righteousness for our country.

Never was his command of the subject matter and his respect more tested than at the beginning of the 104th Congress when there were major budget cuts across the board, submitted by the administration, coming from the House Committee on the Budget that would have significantly reduced benefits for veterans and their families. Singlehandedly, Chairman, former Chairman, no longer Chairman Montgomery was the voice of reason, of responsibility, the architect of veterans legislation for so many years. Singlehandedly by that stature, he was able to protect those benefits, preserve veterans from unjustified cuts, to remind us all of why we have a veterans program, and that we have and will continue to have an obligation to serve the veteran, his widow and orphan.

Seven-term chairman of the Committee on Veterans' Affairs, author of the veterans education bill that now bears his name, a watchdog for veterans, a compassionate voice but as the gentleman from Pennsylvania said, a prayerful voice. And as the gentleman from New York also mentioned, founder of the House prayer breakfast, to bring Members together for at least one day a week on one subject on which all could agree, and that is respect for our maker and the author of life.

We do not name rooms in this august building lightly or frequently. When we do, it must be with great consideration of the role, the contribution that the person we are so honoring has offered to our Congress and to our country. The name must be as distinguished and as hallowed as this building. I think those terms of respect reflect properly the service and the career of G.V. Sonny Montgomery, the gentleman from Mississippi, for whom we designate H–130 in the U.S. Capitol to be named in his honor.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time. I rise in enthusiastic, even joyful support of this legislation, because it will designate H–130 in the United States Capitol as the G.V. Sonny Montgomery Room.

For 30 years, Sonny Montgomery served my State of Mississippi and the Nation with honor and distinction. His legislative accomplishments on behalf of our veterans and in the area of national defense serve as a testament to his effectiveness as a Member of the House of Representatives. Just last week, the Committee on Veterans' Affairs he once chaired held hearings to raise benefits on the Montgomery GI Bill, an education measure which is credited with saving the all-volunteer force. He is still known as "Mr. Veteran" on Capitol Hill, and Sonny is beloved in our home State of Mississippi for his tireless work on behalf of our men and women in uniform.

But we are not here to talk today simply about legislative accomplishments. We honor Sonny Montgomery today for another role which he takes just as seriously today as he did during his three decades in this Chamber, and I refer to his leadership in the House prayer breakfast group.

Each Thursday when the House is in session, Members of Congress meet in H–130 of the Capitol at 8 a.m. to pray, to sing hymns, enjoy food and fellowship and to share their faith. Sonny is the unofficial leader of this weekly gathering. He served as President of this informal group, and for so many years thereafter, he was responsible for reporting on Members, their families, staff and others who were ill or otherwise in need of prayer. He is also known, Mr. Speaker, as a zealous guardian of this one hour per week. Over the years, committee chairmen, House leaders on both sides of the aisle and even Presidents of the United States have heard from Sonny when they would schedule important meetings that conflicted with the House prayer breakfast. He would politely but firmly suggest that perhaps another meeting time would be more appropriate.

Sonny has always said that Thursday was the best day of the week for him, because it starts with the House prayer breakfast, and I agree. He was one of the first people to greet me when I joined that group in 1995, and to this day he is still one of the first people to greet me on Thursday mornings when I walk into H–130 for our prayer breakfast.

Mr. Speaker, I cannot think of a more fitting tribute to our former colleague and friend. I urge unanimous support for this legislation.

Ms. NORTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Mississippi (Mr. PICKERING), Sonny Montgomery's Congressman.

Mr. PICKERING. Mr. Speaker, I rise in proud support of H.Res. 491. It is a difficult challenge to follow someone like Sonny Montgomery in Congress. But I have the great privilege of today representing Congressman G.V. Sonny Montgomery. And I have the opportunity to see his mark, his legacy throughout my district. If my colleagues go through or travel through the Third District of Mississippi, they will see the G.V. Sonny Montgomery VA Hospital. If they go to the small town of Forest, Mississippi, they will see the G.V. Sonny Montgomery International Airport, or the G.V. Sonny Montgomery Industrial Park, or the National Guard complexes across the district. His name and his imprint is all over the Third District of Mississippi.

The gentleman from Mississippi (Mr. WICKER) mentioned his role as Mr. Veteran and National Guard and what he has done for the men and women in our Armed Services. His legacy is rich and it is full, and it is well-deserved. But his legacy and his story would not be complete if we did not also talk about his role, his leadership, his contribution in the congressional prayer breakfast. Every Thursday morning, it is time for Members of Congress, Republican and Democrat, from all over the country, all regions, to come together, put our differences aside, and try to unite as we call upon our Creator and as we pray for our President, our Nation, and for the men and women who serve in this body and their families.

□ 1500

His responsibility each Thursday is to give the report on the sick and the wounded.

When I was first taking office, I was going to my swearing-in ceremony, and Congressman Montgomery blessed me with his presence and his advice and counsel at that event where my family, my friends and people important to Mississippi came. He stood and he said, "You know, I have got some bad news for you, Chip, today. I know it is a great day for you, but I have also got some bad news. After serving this district and my country for 30 years, there is not a building left on which you can put your name."

Never did I know that we would start naming rooms in this building for him as well. I give him a hard time, that the only chance I have to name anything after me is my children. I have five boys, and that is the only hope, the only chance, that I have, because his name is throughout Mississippi and his legacy and his presence is continuously there.

But I have great privilege today of being part of this event as a cosponsor of this resolution, to have a fitting tribute for his role in keeping this House together throughout his 30 years of service. Many times in great conflict and controversy it was the voice of "Sonny" Montgomery and the Prayer Breakfast that brought everyone together. It was his gentle but strong voice that could do so.

If the gentleman from Pennsylvania (Mr. DOYLE) were here, he would tell the story of how, as a freshman coming to Congress, and this is a Member from Pennsylvania who serves on the Committee on Veterans' Affairs today, how he was able to land a slot on the Committee on Veterans' Affairs, but he wanted a particular subcommittee, and he went to then Chairman "Sonny" Montgomery and asked for a position on a subcommittee, a position that "Sonny" currently held on that subcommittee, and the only way that the gentleman from Pennsylvania (Mr. DOYLE) would get a slot was if someone would give their position away.

It was "Sonny" Montgomery who sacrificed his own seat on that subcommittee so that the gentleman from Pennsylvania (Mr. DOYLE) could serve, and he asked one thing, one thing in return: Please come to the Prayer Breakfast every Thursday morning, and as anyone knows, every new Member and every old Member here has heard from "Sonny" Montgomery inviting them, inviting them again and again to come join us Thursday morning at the Prayer Breakfast.

His legacy is rich, it is one that is embodied in the symbols of this chamber. If you look directly over the flag it says "In God We Trust." Directly in front of me in the chamber the historical figures, the central is Moses, and above me the eagle, the symbol of our Nation, and under it, E Pluribus Unum, in many there is one. When we are united, when we have our faith and we are committed to be one, then our Nation can soar as the eagle and it can do great things for our people.

"Sonny" Montgomery's legacy is one of doing things that not only have significance today, but have value for eternity. I am proud to say that I follow his example, and that he is the Member that I can look to, and he is the Member who well deserves this honor that we are giving him today.

Ms. NORTON. Mr. Speaker, I ask unanimous consent to reclaim my time.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentlewoman from the District of Columbia?

There was no objection.

Ms. NORTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Speaker, I add but a word: In my years in Congress here, I have had the opportunity to serve with many outstanding Representatives. One of the finest during my era and during all time is that of G.V. "Sonny" Montgomery, not only an outstanding Member of Congress who represented his district well, kept our country strong as a senior member of the Committee on Armed Services, as chairman and then later ranking member of the Committee on Veterans Affairs.

Further than that, he is a wonderful friend, not just to me but to so many. So this is a very, very fitting and proper tribute to a wonderful man.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 4 minutes to the distinguished gentleman from Indiana (Mr. PEASE), the author of this resolution.

Mr. PEASE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, very few of our constituents, very few in the world, see anything of the Congress other than its public side, exemplified in the letters we write, the speeches we make, the appearances that seem to define us. That, of course, is a part, a very important part, of what and who we are. But it is not the whole picture, and it is the other part of that picture that determines in large measure whether we are successful in the public part of our lives.

The private lives of Members, their relationships with colleagues, with family, with their Creator, form, more than anything else, the real "who" that we are, the real persons that succeed or fail, day in and day out, with the duties we are assigned or which we assume on our own in this place we know as the House of Representatives.

In days of increasing intervention into privacy, both for the public at large, and especially for those in public life, something may perhaps be gained, but much is lost as well. For those in public office, one of the results of the diminution of privacy has been a tendency to withdraw further and further from private relationships, a lessening of personal interactions with others, an unwillingness to admit, let alone share, feelings and concerns that are inevitably a part of the human condition.

Without that part of our lives, we are, in fact, less human, and as such, less capable of doing the job that those who sent us here expect, to reflect in every way the condition of those we represent, and through that representation, to interact with others in the common pursuit of solutions to human problems.

One of the unfortunate results of this trend has been a reduction in the civility of representative government. As colleagues know each other less well, it becomes increasingly easier to reduce intellectual differences to personal attacks, to lose sight of the fact that behind each idea or policy proposal is a human being entitled to respect, simply because of his or her humanity.

We may differ in our ideology, but we must never allow that to intrude on our commonality, as children of God, each created in His own image.

Former Congressman "Sonny" Montgomery is a man who never lost that understanding and who lives it as an example for all of us every day. The many Members who share in the weekly Prayer Breakfast are the beneficiaries of this example, perhaps more than most. His gentle touch, his genuine inquiries about our families, our health, our spiritual life, remind us of the human side of this place, so often lost in the hustle of daily scheduling and the demands of the office and the institution.

Every Thursday morning at 8:00, for more than 30 years as a Member and even now after his retirement, "Sonny" provides us a reminder of the best of the traditions of this place, where Members can share the things in private that they never dare to mention in public; where our humanness is refreshed and reinforced; and where we come to understand that each of us, different as we are, remain joint heirs with the redeemer and common travelers on a road toward the realization of principles to which we are all committed.

Thursday mornings with "Sonny" and our other colleagues provide an oasis for the spirit, an understanding that each of us is a very small part on a continuum of the history of a great Nation, an awareness of how fortunate we are to be here and to share this experience with our colleagues, also entrusted by their constituents with the future of this remarkable institution and the Nation it seeks to serve.

The human touch that "Sonny" brings helps keep in balance the many and sometimes competing demands placed on each of us. His quiet commitment to that understanding and to each of us as Members simply as people has made him truly a Member's Member. In honoring him, we honor a tradition of the House that he has so faithfully lived and which has made this place and each of us better.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Tennessee (Mr. WAMP), the current president of the Congressional Prayer Breakfast.

Mr. WAMP. Mr. Speaker, I thank the distinguished chairman for yielding me time.

Mr. Speaker, it is a bittersweet day as our vice president of our current Prayer Breakfast experiences the loss of his son, and we, all this week, will mourn and grieve and pray and just yearn for that family and the loss that they have experienced.

But it is a great day that we can recognize "Sonny" Montgomery, and I know "Sonny" would also want us all to pause and reflect and share with the gentleman from Michigan (Mr. STUPAK) and his family as they have lost B.J., their 17-year-old son over this weekend.

But I knew of General "Sonny" Montgomery long before I got here, and I am now in my sixth year, and I was blessed recently with the House Members asking me to serve as their president. But I knew of "Sonny" and the great tradition that he brought from Mississippi because I went to the same prep school, which was a military school, the great McCallie School, in Chattanooga, where political leaders like Governor Carroll Campbell and Senator Bill Brock and Senator Howard Baker and General "Sonny" Montgomery went to school, and business people, the likes of Ted Turner, a great tradition. "Sonny" went there. He was raised up right.

But he comes every week. Thursday morning, folks, for an hour is a sacrosanct set aside time. He would want me to recognize that that is a special hour for Members to come in a non-denominational, interfaith way, and just share our faith in God and understand the goodness in each of us, and peel back our heart and share with each other in a human way so that in the middle of what people see as a war here sometimes on Capitol Hill, there is peace and tranquility and we all share in our humanness together.

We sing and we pray and we talk and we fellowship, and it is a great hour, and every week "Sonny" is there, year in, year out, decade in, decade out, he is the rock, he is the anchor. And H–130 where we meet in that sacrosanct fellowship every week should be named after him and in his honor.

So I thank the gentleman from Indiana for this initiative. I thank the gentlemen from Mississippi that have honored "Sonny" today, and all the Members, because in a bipartisan way, there is no more love in this institution than the love for "Sonny" Montgomery, and I thank the gentleman for allowing me to honor "Sonny" Montgomery today.

Ms. NORTON. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in closing, I would suggest that, particularly for those of us who had the privilege of serving in the United States Army, there is one badge of courage which perhaps shines above all others, and that is the combat infantryman's badge, and with all the honors, with all the medals that General "Sonny" Montgomery has, he wears but one in his lapel, and that is the combat infantryman's badge. Of course, what that badge means is that someone privileged to wear it has literally put his life on the line for his country.

So I know we all join together today to salute this great American, General "Sonny" Montgomery.

Mrs. MEEK of Florida. Mr. Speaker, I support H. Res. 491—Naming a Room in the House of Representatives Wing of the Capitol in Honor of G.V. "Sonny" Montgomery. This is a fitting honor for a man who served his constituents and our Nation as a Member of Congress from Mississippi from 1967 until the time he retired in 1996.

When I first came to Congress in 1993, Representative Montgomery served as a mentor and a friend. He was one of my first friends when I came to Congress. There was never a time that I went to him with a problem that he did not listen and provide help and good advice. Today, he continues to serve the House faithfully by facilitating the weekly "House of Representatives Prayer Breakfast" at 8 a.m. every Thursday morning in room H–130 in the Capitol.

Representative Montgomery is one of those people who transcended partisan politics and judged people on who they are as opposed to their party affiliation. He enjoyed and continues to enjoy a wide circle of friends here on Capitol Hill.

As Chairman of the Veteran's Affairs Committee for 14 years, the impact the Representative Montgomery's service to the Veterans of this country has been enormous. Among veterans, he is widely known and respected. Representative Montgomery served his country in World War II and later in the Mississippi National Guard. The House suffered a major loss when he retired in 1996. The veterans' programs that he put together still help people across this country and serve as the foundation and model for successful and meaningful veterans' programs.

Representative Montgomery, thank you for your service.I urge my colleagues to join me in supporting this resolution.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the resolution, H. Res. 491.

The question was taken.

Mr. SHUSTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## JOHN J. BUCHANAN POST OFFICE BUILDING

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1377) to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building."

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. DESIGNATION.***

*The facility of the United States Postal Service, located at 9308 South Chicago Avenue, Chicago, Illinois, 60617, is designated as the "John J. Buchanan Post Office Building".*

***SEC. 2. REFERENCES.***

*Any reference in a law, regulation, map, document, paper, or other record of the United States to the facility referred to in section 1 shall be considered to be a reference to the "John J. Buchanan Post Office Building".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the Senate amendments to H.R. 1377.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Illinois (Mr. WELLER) introduced H.R. 1377 on April 13, 1999. The bill designated the facility of the U.S. Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building."

□ 1515

Pursuant to the policy of the Committee on Government Reform, all Members of the Illinois Delegation supported the legislation.

On May 24, 1999, the House considered the measure under suspension of the rules and agreed to pass the bill by a voice vote.

On November 3, 1999, the Senate committee with jurisdiction ordered the bill to be reported favorably with an amendment in the nature of a substitute, and the following day reported the bill to the Senate with an amendment in the nature of a substitute and an amendment to the title.

On November 19, 1999, the Senate passed H.R. 1377 with an amendment and an amendment to the title by unanimous consent. The amendment changed the address from 13234 South Baltimore Avenue in Chicago, Illinois, to 9308 South Chicago Avenue, Chicago, Illinois.

We concur in the Senate amendment in the nature of a substitute and to the title of H.R. 1377.

John Buchanan, after whom the postal facility will be named, served our Nation as a member of the U.S. Navy. He also served his community as an alderman of Chicago's 10th Ward from 1963 to 1971 and again from 1991 to April 1999 when he retired.

He still continues to volunteer for his community and his community wants to honor him by designating a postal facility be named after him.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. WELLER), the sponsor of this resolution.

Mr. WELLER. Mr. Speaker, I want to thank my friend, the gentleman from New York (Mr. GILMAN), for the time that he has given me in this legislation before us today.

It is not often that we have the opportunity to salute outstanding public servants from the City of Chicago. I am proud today to rise to honor the work and dedication of Alderman John J. Buchanan and urge this body to vote in favor of designating the post office at 9308 South Chicago Avenue in Chicago, Illinois, as the John J. Buchanan Post Office Building.

I have enjoyed working with John Buchanan over the last 6 years that I have had the privilege of representing residents of the 10th Ward of the City of Chicago. I consider him a friend, an advisor, someone who I have grown to respect so much for the contribution he has made to his community and for all of us.

This past year, Alderman Buchanan retired after serving as alderman for the 10th Ward in the City of Chicago for over 20 years. He is a life-long resident, public servant of the 10th Ward. The only time Alderman Buchanan left his community was during the time that he served in the United States Navy.

After he served our country, Alderman Buchanan returned to the 10th Ward and married his high school sweetheart, Lorraine Halbe. Alderman Buchanan and his wife have two children and five grandchildren.

Alderman Buchanan's knowledge of business and industry comes from his richly diverse work background. His work experience includes positions at the Aluminum Company of America, the United States Post Office and the Chicago Board of Education.

Alderman Buchanan is also a licensed stationary engineer and has both a real estate broker's license as well as an insurance broker's license. His experience as an insurance salesman is what opened doors to his deeper understanding of the needs of his community.

Alderman Buchanan was first selected to office as alderman for the 10th Ward of Chicago in 1963 and served the community until 1971.

From 1972 until 1977, he served as coordinator of economic development for the mayor of Chicago. While in this development, he successfully instituted programs for the retention and attraction of new business and industry to the City of Chicago.

In 1991, Alderman Buchanan was once again elected to serve as alderman of the 10th Ward for the City of Chicago.

His city councilman memberships included Aviation, Budget and Government Relations, Rules and Ethics, Economics and Capital Development, Finance, Human Relations and Police and Fire Committee. He dedicated his entire life to his neighbors, the people of the City of Chicago and has worked in the administration of every mayor of Chicago, including the legendary Richard J. Daley.

Alderman John Buchanan is a tireless public servant devoted to the 10th Ward of Chicago. In honor of Alderman Buchanan's distinguished career, I urge this body to vote in favor of this legislation designating the post office at 9308 South Chicago Avenue in Chicago, Illinois, as the John J. Buchanan Post Office Building.

This is an appropriate recognition of his service to Chicago and the people of Illinois and, frankly, Mr. Speaker, it is a very appropriate thank you for a lifetime of public service to the people of Chicago.

Mr. Speaker, I urge this body to vote for this legislation.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Government Reform, I join the gentleman from New York (Mr. GILMAN) in the consideration of H.R. 1377, legislation naming a post office located at 9308 South Chicago Avenue as the John J. Buchanan Post Office Building.

This measure, introduced by the gentleman from Illinois (Mr. WELLER) on April 13, 1999, passed the House by a voice vote on May 24, 1999.

On November 3, 1999 the Senate Government Affairs Committee ordered H.R. 1377 to be reported favorably with an amendment in the nature of a substitute.

On November 4, 1999, the bill was reported to the Senate with an amendment to H.R. 1377; subsequently passed the Senate unanimously with an amendment on November 19, 1999.

It is my understanding that the amendment involved the selection of a post office nearer to Mr. Buchanan's home.

H.R. 1377, as originally passed by the Committee on Government Reform and the House, designated the John J. Buchanan Post Office at 13234 South Baltimore Avenue in Chicago, Illinois. As amended in the Senate, the John J. Buchanan Post Office will now be located at 9308 South Chicago Avenue in Chicago, Illinois.

Mr. Buchanan, a City of Chicago alderman, recently retired as a life-long resident and public servant of Chicago's 10th Ward. He has lived and served Chicago his entire life. He serves on the board of directors of several community organizations, including the Hedgewisch Chamber of Commerce, South Chicago YMCA and Trinity Hospital Governing Council.

I am pleased to join my colleague in the passage of H.R. 1377, as amended in the Senate.

Mr. Speaker, I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1377.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

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## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H. RES. 396

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that my name be removed from the list of cosponsors of House Resolution 396.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Missouri?

There was no objection.

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## CROSS-BORDER COOPERATION AND ENVIRONMENTAL SAFETY IN NORTHERN EUROPE ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4249) to foster cross-border cooperation and environmental cleanup in Northern Europe, as amended.

The Clerk read as follows:

H.R. 4249

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Cross-Border Cooperation and Environmental Safety in Northern Europe Act of 2000".

**SEC. 2. FINDINGS AND PURPOSE.**

(a) FINDINGS.—The Congress finds the following:

(1) Northern Europe is an increasingly vital part of Europe and one that offers great opportunities for United States investment.

(2) Northern Europe offers an excellent opportunity to make progress toward the United States vision of a secure, prosperous, and stable Europe, in part because of—

(A) historical tradition of regional cooperation;

(B) the opportunity to engage Russia in positive, cooperative activities with its neighbors to the west;

(C) commitment by the Baltic states to regional cooperation and integration into western institutions; and

(D) longstanding, strong ties with the United States.

(3) The United States Northern Europe Initiative (NEI) provides the conceptual and operational framework for United States policy in the region, focused on developing a regional network of cooperation in the important areas of business and trade promotion, law enforcement, the environment, energy, civil society, and public health.

(4) A central objective of the United States Northern Europe Initiative is to promote cross-border cooperation among the countries in the region.

(5) A wide variety of regional and cross-border projects have been initiated under the United States Northern Europe Initiative since the Initiative was established in 1997, including the following:

(A) A United States-Lithuanian training program for entrepreneurs from Belarus and Kaliningrad.

(B) The Great Lakes-Baltic Sea Partnership program that is being implemented by the Environmental Protection Agency.

(C) A Center of Excellence for Treatment of Multidrug-Resistant Tuberculosis in Riga, Latvia.

(D) A regional HIV/AIDS strategy being developed under United States and Finnish leadership.

(E) Multiple efforts to combat organized crime, including regional seminars for police officers and prosecutors.

(F) Programs to encourage reform of the Baltic electricity market and encourage United States investment in such market.

(G) Language and job training programs for Russian-speaking minorities in Latvia and Estonia to promote social integration in those countries.

(H) A mentoring partnership program for woman entrepreneurs in the northwest region of Russia and the Baltic states, as part of broader efforts to promote women's participation in political and economic life.

(6) Norway, Sweden, and Finland have made considerable efforts to provide assistance to the newly independent Baltic states and to the Northwest region of Russia. In particular, the United States notes the request placed before the European Union by Finland in 1999 for the creation and extensive funding by the European Union of a "Northern Dimension" Initiative to substantially address the problems that now exist in Northern Europe with regard to economic development, protection of the environment, the safety and containment of nuclear materials, and other issues.

(7) The United States commends the endorsement of the "Northern Dimension" Initiative by the European Council at its meeting in Helsinki, Finland in December 1999 and calls on the European Union to act on that endorsement through the provision of substantial funding for the Initiative.

(8) While the European Union, its member states, and other European countries should clearly take the lead in addressing the challenges posed in Northern Europe, in particular through appropriate yet substantial assistance provided by the European Union, the United States-Northern Europe Initiative, and this Act are intended to supplement such efforts and build on the considerable assistance that the United States has already provided to the Baltic states and the Russian Federation. Partnership with other countries in the region means modest United States investment can have significant impact.

(9) The United States Northern Europe Initiative's focus on regional environmental challenges is particularly important. Northern Europe is home to significant environmental problems, particularly the threat posed by nuclear waste from Russian submarines, icebreakers, and nuclear reactors.

(10) In particular, 21,000 spent fuel assemblies from Russian submarines are lying exposed near Andreeyeva Bay, nearly 60 dangerously decrepit nuclear submarines, many in danger of sinking, are languishing in the Murmansk area of Northwest Russia, whole reactors and radioactive liquid waste are stored on unsafe floating barges, and there are significant risks of marine and atmospheric contamination from accidents arising from loss of electricity or fire on deteriorating, poorly monitored nuclear submarines.

(11) This waste poses a threat to the safety and stability of Northern Europe and to countries of the Eurasian continent.

(12)(A) In addition, the Environmental Protection Agency has facilitated the expansion and upgrading of a facility for the treatment of low-level liquid radioactive waste from the decommissioning of nuclear submarines docked at naval facilities in the Arctic region of Russia.

(B) The Environmental Protection Agency has also initiated a project to construct an 80-ton prototype cask for the storage and transport of civilian-controlled spent nuclear fuel, much of it damaged and currently stored onboard an aging vessel anchored in Murmansk Harbor. Currently in the design phase, this project is scheduled for completion in 2000.

(13) Working with the countries in the region to address these environmental problems remains vital to the long-term national interest of the United States.

(14) The United States and other countries are currently negotiating a number of agreements with Russia which will provide internationally accepted legal protections for the United States and other countries that provide nuclear waste management assistance to Russia. Regrettably, it has not yet been possible to resolve remaining differences over liability, taxation of assistance, privileges and immunities for foreign contractors, and audit rights.

(15) Concluding these agreements is vital to the continued provision of such assistance and to the possible development of new programs.

(16) With the election of Russian President Vladamir Putin, the opportunity presents itself to surmount these problems, to conclude these outstanding agreements, and to allow assistance programs to move forward to alleviate this problem.

(17) The United States Government is currently studying whether dismantlement of multi-purpose submarines is in the national interest.

(b) PURPOSE.—The purpose of this Act is to demonstrate concrete support for continued cross-border cooperation in Northern Europe and immediate efforts to assist in the clean up of nuclear waste in that region.

### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the United States-Northern Europe Initiative is a sound framework for future United States involvement in Northern Europe;

(2) the European Union should move expeditiously to authorize and fund the proposed "Northern Dimension" Initiative at appropriate yet substantial levels of assistance;

(3) the United States should continue to support a wide-ranging strengthening of democratic and civic institutions on a regional basis to provide a foundation for political stability and investment opportunities, including cross-border exchanges, in Northern Europe;

(4) the United States should demonstrate continued commitment to address environmental security challenges in Northwest Russia, in cooperation with partners in the region;

(5) recently-elected Russian President Vladamir Putin should rapidly conclude pending nuclear waste management agreements to enable assistance programs to go forward; and

(6) assistance to Russia on nuclear waste management should only be provided after issues related to liability, taxation of assistance, privileges and immunities for foreign contractors, and audit rights have been resolved.

### SEC. 4. SUPPORT FOR UNITED STATES NORTHERN EUROPE INITIATIVE PROJECTS.

(a) AVAILABILITY OF AMOUNTS FROM EAST EUROPEAN AND THE BALTIC STATES ASSISTANCE.—Of the amounts available for fiscal year 2001 to carry out the provisions of the Foreign Assistance Act of 1961 and the Support for Eastern European Democracy (SEED) Act of 1989 for assistance and for related programs for Eastern Europe and the Baltic States, not less than $2,000,000 shall be used for projects described in subsection (c).

(b) AVAILABILITY OF AMOUNTS FROM INDEPENDENT STATES OF THE FORMER SOVIET UNION ASSISTANCE.—Of the amounts available for fiscal year 2001 to carry out the provisions of chapter 11 of part I of the Foreign Assistance Act of 1961 and the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 for assistance for the independent states of the former Soviet Union and related programs, not less than $2,000,000 shall be used for the projects described in subsection (c).

(c) PROJECTS DESCRIBED.—The projects described in this subsection are United States Northern Europe Initiative projects relating to environmental cleanup, law enforcement, public health, energy, business and trade promotion, and civil society.

### SEC. 5. REPORT ON ENVIRONMENTAL SECURITY.

Not later that 180 days after the date of the enactment of this Act, the Secretary of State, in consultation with the heads of other appropriate Federal departments and agencies, shall prepare and submit to the Congress a report on—

(1) the threat to the environmental security of the countries of Northern Europe and other countries of Europe and Asia presented by Russian marine nuclear reactors, waste, and contamination; and

(2) identifying the possibilities for new and expanded United States and multilateral assistance programs for environmental cleanup in Northwest Russia, including technical exchanges and private-public partnerships.

### SEC. 6. DEFINITIONS.

In this Act:

(1) NORTHERN EUROPE.—The term "Northern Europe" means the northwest region of the Russian Federation (including Kaliningrad), the Republic of Belarus, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Kingdom of Denmark, the Republic of Finland, the Republic of Iceland, the Kingdom of Norway, the Republic of Poland, and the Kingdom of Sweden.

(2) UNITED STATES NORTHERN EUROPE INITIATIVE.—The term "United States Northern Europe Initiative" means the framework agreement established in 1997 between the United States and the countries of Northern Europe to promote stability in the Baltic Sea region and to strengthen key institutions and security structures of the United States and the countries of Northern Europe.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4249, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4249, introduced by the gentleman from Connecticut (Mr. GEJDENSON), seeks to focus on the policies of our Nation and the European Union with regard to Northern Europe, an area that includes the Baltic region and the northwestern region of Russia. I have been concerned that the European Union, while acknowledging the extensive problems that exist today in its own backyard in Northern Europe, has yet to take action to provide the kind of substantial aid that will be needed if those problems are going to be properly addressed.

My distinguished colleague from Connecticut has graciously incorporated into his bill provisions I suggested that make it clear that the European Union must take the lead in addressing those problems and must, in particular, provide the substantial aid that is going to be needed to deal with that.

In my view, any assistance provided at this point by our Nation should be clearly understood by the European Union to be a supplement to its aid, not a substitute for the substantial EU assistance that is going to be required.

I have no objection to our Nation lending a hand on those problems. In fact, the gentleman's bill points out the U.S.-Northern Europe Initiative already exists and has already been funded under our foreign aid program for 3 years at the present time, since the President already has the authority to conduct the activities envisioned in this bill under the SEED Act of 1989 and the Freedom Support Act of 1992, and the authority to provide funding for those activities, and the President has used that authority.

I believe, Mr. Speaker, that the gentleman's intent with the introduction of this bill is, however, to highlight his concern about the problems faced by the countries of Northern Europe, and I share his concern. I hasten to take this opportunity to point out that the United States has provided considerable aid to support reforms and to address problems in the region, and that the United States has also endowed several foundations in those countries of the region where its aid program has been phased out.

Mr. Speaker, such U.S.-endowed foundations include the Baltic American Enterprise Fund, the Baltic American Partnership Fund and the Polish American Freedom Foundation. In addition, while our Freedom Support Act aid program, our Nunn-Lugar demilitarization program, our large food aid program, our enriched uranium purchase program and other forms of aid all continue today in Russia, we have also set up an enterprise fund in that nation that I am certain will last for years to come.

Mr. Speaker, we should not overlook all that the United States has done in Eastern Europe since 1989 and all that the United States is still doing in that region today. It is, therefore, my hope that this bill, if adopted by this Congress, will serve to signal our concern over remaining problems in the region of Northern Europe but will also serve as a clear call on the European Union to take the lead in addressing those problems.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this bill. First, let me just thank the gentleman from New York (Mr. GILMAN) for all of his work and his bipartisan efforts in allowing this bill to come to the floor.

An environmental threat looms over our allies in Europe and the emerging democracies in the Baltic region. Twenty-one thousand spent fuel assemblies from Russian submarines are lying exposed. Nearly 60 dangerously decrepit nuclear submarines, many in danger of sinking, are languishing in northwest Russia. Whole reactors and radioactive liquid waste are stored on unsafe floating barges and there are significant risks of marine and atmospheric contamination from accidents arising from loss of electricity or fire on deteriorating, poorly monitored nuclear submarines.

This waste poses a threat to the safety and the stability of Northern Europe and to countries of the Eurasian continent. A fire or explosion on one of these subs could spread contamination over a wide area. Theft of plutonium from a submarine could become a proliferation issue.

This important bill, introduced by our foresighted ranking member of the Committee on International Relations, ensures that at least $4 million will be spent on environmental cleanup and cross-border cooperation in this region.

□ 1530

It also mandates a study on this potential environmental crisis that threatens regional environmental stability and therefore the United States' national interests in the region.

By mandating a report to address the severity of this situation and by urging President Putin to make progress on concluding liability issues to move forward on nuclear waste management issues, this bill makes a very important contribution to proactively preventing a security crisis in Northern Europe before it erupts.

Just as our foreign policy must address regions in crisis in Europe and around the world, likewise, we cannot afford to neglect areas that appear to be stable but may have problems that lie beneath the surface.

Northern Europe has made progress over the last few years, particularly among the Balkan states, but the division itselves of the Cold War and the legacy of the Soviet Union damaged trust and a sense of community which flourished in this region in the past.

This bill reaffirms support for Northern Europe's initiative, and it also seeks to continue the progress towards rebuilding confidence and security in the region. So for those of us who are very much opposed to nuclear proliferation and who support the environment, we urge our colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the chairman of the committee for yielding time to me.

Mr. Speaker, I rise in strong support of this legislation. H.R. 4249 authorizes $4 million from a variety of sources: The Eastern European Democracy Act, or SEED, of 1989; the Foreign Assistance Act of 1961; and the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992.

It does this to support worthwhile projects under the U.S.-Northern European initiative in the areas of environmental clean-up, law enforcement, public health, energy, business and trade promotion, and civil society.

Most significantly, I think, H.R. 4249 highlights the enormously dangerous problem of Russian nuclear waste in the area of Murmansk and northwest Russia. In particular, hundreds of rusting and rotting decommissioned nuclear submarines and ships pose a threat, not just to Northern Europe, but to the entire world. Indeed, this waste may pose the most imminent environmental danger in the world today. There is an urgent need to address this critical problem because it literally could explode in our face.

Unfortunately, the bill also points out that it has not yet been possible to resolve remaining differences with Russia over liability, taxation of assistance, privileges and immunities for foreign contractors, and audit rights in regard to this waste, and concludes that these agreements are vital to continue provision of assistance.

The gentleman from Connecticut (Mr. GEJDENSON), distinguished ranking member of the Committee on International Relations, amended this bill in committee to make it clear that no assistance should be provided until these problems are adequately resolved.

In addition to the environmental problems, this bill will also provide funds to support the United States' Northern European initiative and projects under that initiative in areas such as civil society, law enforcement, business, energy, and public health.

While the bill remains very limited in providing seed funds, it will serve as an important indicator to the European Union of our interest and support for this initiative.

I would close by commending the gentleman from Connecticut for offering this important legislation, and urge our colleagues to support H.R. 4249.

Mr. GEJDENSON. Mr. Speaker, I rise in support of H.R. 4249, a bill I introduced to foster cooperation and environmental cleanup in Northern Europe. I thank Chairman GILMAN for his assistance with this legislation. I also thank all of the bipartisan co-sponsors of this bill, particularly my friend from Nebraska, Mr. BEREUTER, who spoke eloquently and forcefully in Committee on the threats that this bill addresses.

Many people thought that the problem of decaying Soviet-era nuclear submarines would just disappear with the end of the Cold War, but the threat is real and it persists. My legislation seeks to address this problem and other regional challenges through the important framework of the Northern Europe Initiative (NEI). The NEI is a U.S. launched initiative to promote stability in the Baltic Sea region and to strengthen key institutions and security structures of the United States and the countries of Northern Europe.

The remarkable work of the Combined Threat Reduction Program, better known as Nunn-Lugar, has facilitated the dismantlement of 12 strategic missile submarines and 46 submarine launched ballistic missiles—those parts of the old Soviet fleet deemed most of a threat to U.S. National Security. But over 150 decaying nuclear submarines remain floating in Russian ports, vulnerable to theft and tampering.

Recent events show how dangerous this situation is for the region and therefore for U.S. National Security. Less than five months ago in January at a base near Vilyuchinsk, Russia, two sailors bribed a guard and boarded a decommissioned attack submarine, then broke into the reactor compartment and began removing cables and metal. According to press reports, while stealing these parts, the sailors could easily have caused a meltdown in the still-operating reactor of the submarine, if its control rods had not been bolted down by an engineer two days earlier so the thieves were unable to raise them.

Equally frightening was an event from September 1998 when a young Russian sailor commandeered an active duty Akula-class SSN that was docked at the Northern Fleet's Gadzhiyevo Naval Base, killing eight of his colleagues in the process. He barricaded himself in the boat's torpedo room, where he was preparing to set fire to the vessel and detonate its torpedoes. When Murmansk Security troops stormed the torpedo compartment, they found the assailant dead, apparently killed by an explosion triggered by his attempt to set fire to the torpedoes.

Needless to say, had the torpedoes all detonated, a serious nuclear accident could have occurred.

My legislation calls on Russian President Putin to rapidly conclude pending nuclear waste management agreements to enable assistance programs from European sources to go forward. The bill also mandates a study from the Secretary of State to assess the environmental threat of decaying submarines to American allies in Europe and proliferation threats to the national security of the United States.

The bill also directs the U.S. Government to spend $4 million of already budgeted money in Northern Europe on environmental cleanup and civil society projects under the framework of the Northern European Initiative. Included in this initiative are targeted but valuable programs such as:

A United States-Lithuanian training program for entrepreneurs from Belarus and Kaliningrad.

The Great Lakes-Baltic Sea partnership program that is being implemented by the Environmental Protection Agency.

A Center of Excellence for Treatment of Multidrug-Resistant Tuberculosis in Riga, Latvia.

A regional HIV/AIDS strategy being developed under United States and Finnish leadership.

Northern Europe is an area that once pulsed with activity, long before the Cold War divided this region. It is a place where my parents came from—from modern day Lithuania and Belarus. These cross-border projects can take a small step to build back the trust and cooperation that flourished before dictators and armies split people apart.

This legislation has been endorsed by proliferation and environmental watchdog groups with expertise in this area including Monterey Institute of International Studies, the Bellona Institute, the Sierra Club and the Union of Concerned Scientists.

One of the leading U.S. experts on the Russian Submarine issue, Dr. James Clay Moltz, Director of the NIS Nonproliferation Project at the Monterey Institute, said in support of this legislation:

> The presence of large numbers of decommissioned but not defueled attack submarines in the Russian Northern Fleet poses serious environmental, proliferation-related, and security threats. These vessels are vulnerable to nuclear accidents from the ongoing theft of materials and control systems by impoverished sailors, the sinking of corroded vessels, and periodic electrical outages at Russian naval facilities. Given that many of these submarines were designed to carry nuclear-tipped cruise missiles and torpedoes, it is in U.S. interests to dismantle them as soon as possible.

My legislation states clearly that it is Europeans who must continue to take the lead. It is not necessary for the United States to spend large sums of money on these projects, but it is in our national interest to provide leadership and expertise on submarine dismantlement efforts. This is a case where our unparalleled experience in this field makes us the indispensable nation.

I urge my colleagues to support this legislation.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4249, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## COMMENDING THE REPUBLIC OF CROATIA FOR CONDUCT OF ITS PARLIAMENTARY AND PRESIDENTIAL ELECTIONS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 251) commending the Republic of Croatia for the conduct of its parliamentary and presidential elections, as amended.

The Clerk read as follows:

H. CON. RES. 251

Whereas the fourth Croatian parliamentary elections, held on January 3, 2000, marked Croatia's progress toward meeting its commitments as a participating state of the Organization on Security and Cooperation in Europe (OSCE) and as a member of the Council of Europe;

Whereas Croatia's third presidential elections were conducted smoothly and professionally and concluded on February 7, 2000, with the landslide election of Stipe Mesic as the new President of the Republic of Croatia;

Whereas the free and fair elections in Croatia, and the following peaceful and orderly transfer of power from the old government to the new, is an example of democracy to the people of other nations in the region and a major contribution to the democratic development of southeastern Europe; and

Whereas the people of Croatia have made clear that they want Croatia to take its rightful place in the family of European democracies and to develop a closer and more constructive relationship with the Euro-Atlantic community of democratic nations: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That it is the sense of the Congress that—

(1) the people of the Republic of Croatia are to be congratulated on the successful elections and the outgoing Government of Croatia is to be commended for the democratic standards with which it managed the elections;

(2) the United States should support the efforts of the new Government of Croatia to increase its work on refugee return, privatization reform, accession to the World Trade Organization, media reform, and further cooperation with the International Criminal Tribunal for Former Yugoslavia (ICTY) to set an example to other countries in the region;

(3) the Congress strongly supports Croatia's commitment to western democratic standards and will give its full support to the new Government of Croatia to fully implement democratic reforms;

(4) the United States continues to promote Croatian-American economic, political, and military relations and welcomes Croatia as a partner in the cause of stability and democratization in south central Europe;

(5) the United States and the Republic of Croatia should work to establish a strategic partnership to include Croatia's entry into the North Atlantic Treaty Organization's Partnership for Peace; and

(6) the countries of the European Union should develop closer relations with Croatia and, in particular, should help to expedite Croatia's accession into global and regional trade organizations, including the World Trade Organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. Gilman).

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

### GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, this resolution, House Concurrent Resolution 251, was introduced by our colleague, the gentleman from California (Mr. RADANOVICH). It is timely and appropriate. The people of Croatia have suffered through too many years of warfare, destruction, ethnic strife, and economic stagnation.

As this resolution points out, the elections held recently from the Croatian parliament and the Croatian presidency were indeed conducted in a fair, free, and Democratic manner, by all accounts that we have received. Just as important, however, is the fact that those elections brought to power a government that appears intent on moving Croatia forward in all respects.

I therefore believe and agree with the sponsor of the resolution that it would be worthwhile for the Congress to show its support at this time for the new government in the form of this resolution. The new Croatian government will face challenges in opening up its economy and in finding ways to make certain that its support for ethnic Croats in neighboring Bosnia does not lead Croatia to undermine the sovereignty of that state.

It is going to face serious challenges in other areas as well. This resolution will make it clear that the success in meeting those challenges should be met by American and European support for Croatia's full entry into the Pan American and trans-Atlantic community of nations.

I am pleased to note that Croatia has been invited just last week, Mr. Speaker, to join NATO's Partnership for Peace program. In that manner, the new Croatian government's good intentions are receiving important recognition.

This resolution will serve as another important signal of our support as Croatia's new government moves to fulfill its intentions, and will serve to highlight our hopes for Croatia's future success. I am optimistic that Croatia's days of warfare and destruction are over. We are hopeful that Croatia will now enter a stage of stability and prosperity.

Now is the time for Croatia to build its new democratic future. This resolution points to that fact and congratulates the Croatian people for so clearly choosing the path of democracy in their recent elections.

Mr. Speaker, I urge my colleagues to support the adoption of this important resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of this resolution, Mr. Speaker. Just as the committee takes the time to criticize the outcome of election results that produce controversial governments, it also produces resolutions which commend the results of positive elections, such as the recent elections in Croatia in February.

The results of recent elections in Croatia have been described as some of the best news to emerge from the Balkans since the Dayton accords were signed 4 years ago.

The first elections to follow the death of Croatia's longtime leader saw Croatians turn out in large numbers to elect reformers promising to steer Croatia towards a more moderate internationalist path.

United States policymakers are optimistic that positive ripples from the wake of this election will bode well for American interests throughout the region. A new reform-minded, Western-leaning coalition scored a comprehensive victory on the January 3 parliamentary elections, securing 71 seats while the HDZ won just 40.

On the heels of the parliamentary election, the February 7 race for president saw a battle of two reformers. During the campaign, the newly-elected president promised that he would be the opposite of his predecessor in everything. He said, "Where he was autocratic, I will be democratic; where he was nationalistic, I will be pro-European."

It is important to note that the United States' pro-democracy assistance to Croatia helped lay the foundation for this historic election. USAID's 5-year commitment to strengthening a broad spectrum of political parties and advocacy groups culminated in a 148-NGO coalition of trade unions and small business groups teamed for a wide-scale "get out the vote" campaign of media and face-to-face citizen outreach.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from California (Mr. RADANOVICH), the sponsor of this resolution.

Mr. RADANOVICH. Mr. Speaker, I thank the gentleman for yielding time to me and allowing me to speak on this important resolution before the House today.

On June 15 of this year, I introduced House Concurrent Resolution 251, commending the Republic of Croatia for the successful conduct of its parliamentary and presidential elections.

The free and fair elections in Croatia and the beautiful and orderly transfer of power from the old to the new government is an example of democracy to the people of other nations in the region, and a major contribution to the democratic development of Southeastern Europe.

President Mesic has pledged to bring his country into the European Union in 5 years. Even if this is an ambitious goal, he is to be commended. President Mesic has promised and has in fact undertaken concrete steps to end interference in Bosnia, to welcome returning Serb refugees, and to cooperate with the international court in pursuing alleged Croatian war criminals. He has also promised further privatization and media reform.

Although president Mesic and his new government face many many difficulties, I am very optimistic that Croatia is on a new path. I am hopeful we will do our utmost to encourage them on this path.

My resolution also calls for U.S. support and facilitation of Croatia's goals for membership in NATO's Partnership for Peace program and its accession to the World Trade Organization. I firmly believe that by supporting Croatia's membership in PfP and its accession to the WTO, we will not only be making a sound investment in the future security of Southeast Europe, but we will also be sending a clear message to other countries in the region of the benefits that come from choosing a democratic path.

Croatia was a tremendous ally to us last year during the Kosovo conflict, and as far as I am concerned, they have more than demonstrated their loyalty to the United States.

In my opinion, their membership in the Partnership for Peace program has already been earned and is long overdue. There is no question that we need a trustworthy ally in Southeast Europe, where we have spent an exorbitant amount of time and money. Croatia is that trustworthy ally, and I want to honor this country, its leaders, and its people here today.

I believe this is a very important resolution, and I urge my colleagues to vote favorably.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I will begin by thanking the gentleman from New York (Chairman GILMAN) for yielding time to me. I am pleased that he expedited the consideration of this important resolution which I rise to support.

This resolution, offered by our distinguished colleague from California (Mr.

RADANOVICH), certainly deserves our full support, for it recognizes what the Republic of Croatia has done in the conduct of its recent parliamentary and presidential elections.

Since the fall of communism in 1991, Croatia has now completed its fourth parliamentary election and its third presidential election. I would also give note of what the gentleman from New York (Chairman GILMAN) has mentioned, that on May 9 the North Atlantic Council extended an invitation to Croatia to become the 26th member of NATO's Partnership for Peace.

The Partnership for Peace, or PfP, serves as an important program for fostering security and stability in Europe through military cooperation.

I also serve as the chairman of the House delegation to the NATO Parliamentary Assembly, and I would mention that the NATO Parliamentary Assembly has noted the progress in Croatia in its turn towards democracy. It is my expectation that Croatia will soon be offered associate membership status because of that action.

This Member believes that Croatia rightfully earned the invitation to PfP as that country has served as an important ally to NATO, as demonstrated during the recent conflict in Kosovo.

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Croatia provided crucial airspace and port access during the NATO operations. Croatia's commitment to stability in southeastern Europe is further demonstrated by the active cooperation it has provided in enforcing the Dayton Accord and in implementing the International Criminal Tribunal for former Yugoslavia.

Perhaps Croatia's most important contribution, however, has been contribution to stability in this volatile neighborhood by the example that it set in its successful transfer of political power through democratic means, such as the recent elections.

Mr. Speaker, as this Member concludes, I would say, again, I want to commend the distinguished gentleman from California (Mr. RADANOVICH) for his initiative in offering this timely resolution which recognizes the very significant and welcome progress in Croatia, which should serve to encourage Croatia on this path.

I urge strong support for H. Con. Res. 251.

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the Commission on Security and Cooperation in Europe—the Helsinki Commission—I fully support this resolution.

Ten years ago, a waive of political pluralism swept East-Central Europe, including Croatia and the other republics of the former Yugoslavia. Multi-party elections and open expression of political views allowed those unhappy with the existing Yugoslav federation to work for change in their government. Unfortunately but not unexpectedly, nationalism was a strong part of this effort, in part to enhance the power of certain leaders and the ruling circles around them. That is exactly what Franjo Tudjman and his Croatian Democratic Community, or HDZ, did in Croatia.

The people of Croatia wanted change, including independence, and they had to endure hardships for it. First, the 1991 conflict left thousands dead and hundreds of thousands displaced as Serb militants occupied major portions of the country. The retaking of this territory in 1995 led to further displacements. Subsequently, until 1999 those in power in Croatia fanned the flames of nationalism, evident not only in the unwillingness to allow Serbs from Croatia to return, but in the efforts, sometimes violent, to form a Croatian enclave in neighboring Bosnia-Herzegovina. For Those who disagree with this nationalist approach, the authorities marginalized them with controls on society, especially in the media.

As Croatian citizens grew confident in their country's independence and stability, however, they opted not for nationalism, isolation and corruption, but for democracy, tolerance and economic progress. They had enough of the past; they wanted to move forward. This was reflected in the strong turnout for the parliamentary and presidential elections held earlier this year, and in the results of those elections.

Croatia has now been accepted as a member of NATO's Partnership for Peace. It is moving forward in its quest to be integrated fully into European affairs. The prospects for the return of displaced Serbs originally from Croatia has increased, along with cooperation with the International Tribunal prosecuting war crimes and the international community's regional efforts as a whole.

As I have been critical of developments in Croatia in the past, now I must join those who welcome the progress that has fully been made. We should, of course, monitor the situation closely, to make sure the promises made by the new Croatian leadership are kept. At the same time, we should also encourage Croatia by acknowledging positive movement when we see it.

Mr. GEJDENSON. Mr. Speaker, I rise in support of H. Con. Res. 251, a resolution commending the Republic of Croatia for the conduct of its Parliamentary and Presidential elections, introduced by my colleague on the International Relations Committee, Mr. RADANOVICH of California. I am proud to be a cosponsor of this important resolution.

This resolution commends the Republic of Croatia for the conduct of its recent parliamentary and presidential elections and calls for the United States to support Croatian efforts on compliance with the Dayton Peace Accords. It also supports membership for Croatia in the North Atlantic Treaty Organization's Partnership for Peace (PFP) program and its accession into the World Trade Organization.

Recent developments regarding Croatia's membership in PFP underscore the good timing of this resolution. Last Wednesday, NATO approved Croatia's bid to join the PFP program, a move strongly supported by the United States. NATO Secretary General Lord Robertson explained "Croatia has now become an example for its neighbors and an inspiration for moderate forces throughout the region. By promoting peace and stability in the Balkans, Croatia has won its place in the Euro-Atlantic family."

The results of recent elections in Croatia have been described as some of the best news to emerge from the Balkans since the Dayton Accords were signed four years ago. The first elections to follow the death of longtime leader Franco Tudjman saw Croatians turn out in large numbers to elect reformers promising to steer Croatia towards a more moderate, internationalist path. U.S. policymakers are optimistic that positive ripples from the wake of this election will bode well for American interests throughout the region.

Many observers saw the elections as a measuring stick as to how weary Croatians had grown with economic stagnation, authoritarian leadership, and perceived corruption within the hardline ruling party, the HDZ. Nonetheless, the sweeping change of the political landscape surprised even many of those who has expressed optimism in advance of elections. A new reform-minded, western-leaning coalition headed by Ivica Racan scored a comprehensive victory in the January 3rd parliamentary elections—securing 71 seats while the HDZ won just 40. On the heels of the parliamentary election, the February 7th race for President saw Stipe Mesic prevail in a battle of two reformers. During the campaign, Mesic had promised that he would "be the opposite of Tudjman in everything. Where he was autocratic I shall be democratic. Where he was nationalist, I'll be pro European."

It is now apparent that many Croats who had supported Tudjman's unyielding leadership after the dissolution of the former Yugoslavia and the fierce battle between Croatia and Serbia that ensued, now voted to signal the end of that era. Fueling this need for change was a growing resentment among the Croatian people towards a corrupt HDZ party perceived to be more interested in patronage and insider deals than managing an economy where export had stagnated and a $9 billion external debt had accumulated.

In addition to an improving bilateral climate with Zagreb, we hope that the change of government in Croatia may create a dynamic for change in the region. On the issue of Bosnia Herzegovina, both major candidates for President campaigned for reducing political and economic support for ethnic Croats in Bosnia. Recalcitrant Bosnian Croats, sustained by HDZ hardliners in Zagreb, both reflected and reinforced hostility in the Serb and Bosnian communities. This change in outlook from Zagreb, coupled with a more independent Republika Srpsksa drifting from a financially strapped Belgrade and growing international pressure on the Bosnian Muslim government to reform may combine to create a dynamic in Bosnia where the definition of progress is not simply the absence of war but active trust and cooperation between ethnic groups.

This resolution has support from a broad bipartisan coalition, from the Administration, and from leading Croatian-American groups such as the National Federation of Croatian Americans.

I urge my colleagues to support this resolution.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 251, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

## CONGRESSIONAL OVERSIGHT OF NUCLEAR TRANSFERS TO NORTH KOREA ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4251) to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight of nuclear transfers to North Korea, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4251

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Congressional Oversight of Nuclear Transfers to North Korea Act of 2000".

**SEC. 2. ENHANCEMENT OF CONGRESSIONAL OVERSIGHT OF NUCLEAR TRANSFERS TO NORTH KOREA.**

(a) ESTABLISHING REQUIREMENT FOR CONGRESSIONAL ACTION BY JOINT RESOLUTION.—The North Korea Threat Reduction Act of 1999 (subtitle B of title VIII of division A of H.R. 3427, as enacted into law by section 1000(a)(7) of Public Law 106-113, and as contained in appendix G to such Public Law) is amended in section 822(a)—

(1) by redesignating paragraphs (1) through (7) as subparagraphs (A) through (G), respectively, and by indenting each such subparagraph 2 ems to the right;

(2) by striking "until the President" and inserting "until—

"(1) the President"; and

(3) at the end of subparagraph (G) (as redesignated in paragraph (1)) by striking the period and inserting "; and

"(2) a joint resolution described in section 823 is enacted into law pursuant to the provisions of such section.".

(b) DESCRIPTION AND PROCEDURES FOR JOINT RESOLUTION.—The North Korea Threat Reduction Act of 1999 is amended—

(1) by redesignating section 823 as section 824; and

(2) by inserting after section 822 the following new section:

**"SEC. 823. JOINT RESOLUTION PURSUANT TO SECTION 822(a)(2).**

"(a) TERMS OF JOINT RESOLUTION.—For purposes of section 822(a)(2), the term 'joint resolution' means only a joint resolution of the two Houses of Congress—

"(1) the matter after the resolving clause of which is as follows: 'That the Congress hereby concurs in the determination and report of the President relating to compliance by North Korea with certain international obligations transmitted pursuant to section 822(a)(1) of the North Korea Threat Reduction Act of 1999.';

"(2) which does not have a preamble; and

"(3) the title of which is as follows: 'Joint Resolution relating to compliance by North Korea with certain international obligations pursuant to the North Korea Threat Reduction Act of 1999.'.

"(b) CONGRESSIONAL REVIEW PROCEDURES.—

"(1) RULEMAKING.—The provisions of this section are enacted by the Congress—

"(A) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and, as such, shall be considered as part of the rules of either House and shall supersede other rules only to the extent they are inconsistent therewith; and

"(B) with full recognition of the constitutional right of either House to change the rules so far as they relate to the procedures of that House at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

"(2) INTRODUCTION AND REFERRAL.—

"(A) INTRODUCTION.—A joint resolution described in subsection (a)—

"(i) shall be introduced in the House of Representatives by the majority leader or minority leader or by a Member of the House of Representatives designated by the majority leader or minority leader; and

"(ii) shall be introduced in the Senate by the majority leader or minority leader or a Member of the Senate designated by the majority leader or minority leader.

"(B) REFERRAL.—The joint resolution shall be referred to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate.

"(3) DISCHARGE OF COMMITTEES.—If a committee to which a joint resolution described in subsection (a) is referred has not reported such joint resolution by the end of 30 days beginning on the date of its introduction, such committee shall be discharged from further consideration of such joint resolution, and such joint resolution shall be placed on the appropriate calendar of the House involved.

"(4) FLOOR CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

"(A) IN GENERAL.—On or after the third calendar day (excluding Saturdays, Sundays, or legal holidays, except when the House of Representatives is in session on such a day) after the date on which the committee to which a joint resolution described in subsection (a) is referred has reported, or has been discharged from further consideration of, such a joint resolution, it shall be in order for any Member of the House to move to proceed to the consideration of the joint resolution. A Member of the House may make the motion only on the day after the calendar day on which the Member announces to the House the Member's intention to do so. Such motion is privileged and is not debatable. The motion is not subject to amendment or to a motion to postpone. A motion to reconsider the vote by which the motion is agreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the House shall immediately proceed to consideration of the joint resolution which shall remain the unfinished business until disposed of.

"(B) DEBATE.—Debate on a joint resolution described in subsection (a), and on all debatable motions and appeals in connection therewith, shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the joint resolution. An amendment to the joint resolution is not in order. A motion further to limit debate is in order and is not debatable. A motion to table, a motion to postpone, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

"(C) APPEALS.—Appeals from the decisions of the Chair to the procedure relating to a joint resolution described in subsection (a) shall be decided without debate.

"(5) FLOOR CONSIDERATION IN THE SENATE.—Any joint resolution described in subsection (a) shall be considered in the Senate in accordance with the provisions of section 601(b)(4) of the International Security Assistance and Arms Export Control Act of 1976.

"(6) CONSIDERATION BY THE OTHER HOUSE.—If, before the passage by one House of a joint resolution of that House described in subsection (a), that House receives from the other House a joint resolution described in subsection (a), then the following procedures shall apply:

"(A) The joint resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

"(B) With respect to a joint resolution described in subsection (a) of the House receiving the joint resolution—

"(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

"(ii) the vote on final passage shall be on the joint resolution of the other House.

"(C) Upon disposition of the joint resolution received from the other House, it shall no longer be in order to consider the joint resolution that originated in the receiving House.

"(7) COMPUTATION OF DAYS.—In the computation of the period of 30 days referred to in paragraph (3), there shall be excluded the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain or because of an adjournment of the Congress sine die.".

**SEC. 3. EXPANSION OF RESTRICTIONS ON NUCLEAR COOPERATION WITH NORTH KOREA.**

Section 822(a) of the North Korea Threat Reduction Act of 1999 is amended by striking "such agreement," both places it appears and inserting in both places "such agreement (or that are controlled under the Export Trigger List of the Nuclear Suppliers Group),".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentlewoman from California (Ms. LEE) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

### GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4251.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as may I may consume.

Mr. Speaker, I am pleased that the distinguished gentleman from Massachusetts (Mr. MARKEY) has joined with me to offer bipartisan legislation regarding U.S. nuclear cooperation with North Korea pursuant to the 1994 Agreed Framework between our Nation and North Korea. Our bill is designed to make certain that no transfers of U.S. nuclear equipment or technology to North Korea takes place pursuant to that agreement without careful review by the Congress and without the full support of the Congress.

Along with other distinguished cosponsors, including the gentleman from Nebraska (Mr. BEREUTER), chairman of our Subcommittee on Asia and the Pacific, and the gentleman from California (Mr. COX), chairman of our Republican Policy Committee, as well as the gentleman from Ohio (Mr. KUCINICH), our former colleague on the Committee on International Relations, we introduced H.R. 4251, entitled the Congressional Oversight of Nuclear Transfers to North Korea Act of 2000. We introduced that on April 12.

But this proposal is not a new one. For all practical purposes, this bill already has passed the House of Representatives. On July 21 of last year, the gentleman from Massachusetts (Mr. MARKEY) and I offered an amendment to the Foreign Relations Authorization Act requiring the President to certify to the Congress that North Korea has fulfilled all of its obligations under the Agreed Framework before a nuclear cooperation agreement between our Nation and North Korea can enter into effect.

Without such a nuclear cooperation agreement, key nuclear components could not be transferred to North Korea from the United States as contemplated by the Agreed Framework. The Gilman-Markey amendment further required that Congress enact a joint resolution concurring in the President's certification before such a nuclear cooperation can enter into effect. Our amendment was approved by a wide margin with strong support on both sides of the aisle.

We later negotiated with the administration over our amendment in the conference committee on the Foreign Relations Authorization Act, and we reached an agreement with the administration over the language of the certification. Our certification requirement was enacted into law late last year as the North Korea Threat Reduction Act of 2000.

We were less successful, however, with regard to our proposed requirement that the Congress enact a joint resolution concurring in the President's certification. The administration resisted our idea that Congress should have a role with the President in evaluating North Korea's compliance with the Agreed Framework. They noted in particular that the language of our amendment last year did not include expedited procedures that would ensure that such a joint resolution would actually be considered on the floor of both Houses of the Congress. Without such expedited procedures, they argued such a resolution could be filibustered in the Senate or bottled up in the committee in the House.

It has never been our intention, Mr. Speaker, to allow procedural maneuvers in either House to block implementation of the Agreed Framework. What we want is to make certain that the issue of North Korea's compliance with its obligations will be fully considered in both Houses, and that both Chambers will be able to express themselves on the subject by majority vote.

Because expedited procedures can help ensure that the majority of each chamber will be heard, we have always favored including them in our legislation.

Mr. Speaker, H.R. 4251 amends the North Korea Threat Reduction Act to require that Congress concur in any certification submitted by the President pursuant to that Act before a nuclear cooperation agreement between our Nation and North Korea can enter into effect. To meet the concerns expressed last year, our bill includes expedited procedures for consideration in both the House and Senate of a joint resolution concurring in the President's certification.

We worked with the gentleman from Connecticut (Mr. GEJDENSON), our distinguished Ranking Democratic Member on the Committee on International Relations, to refine the expedited procedures while this bill was before our committee. After it was approved by our committee, we received the very able assistance from the Committee on Rules in further perfecting the expedited procedures. The amendment that we have before us today reflects that very helpful contribution.

I want to thank not only the gentleman from Connecticut (Mr. GEJDENSON), but also the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and the gentleman from Massachusetts (Mr. MOAKLEY), Ranking Democratic Member for their support in developing this very fine product that we have before us today.

The text before us, Mr. Speaker, has been developed with bipartisan input from two very important committees. The only possible reason that any Member could have for objecting to it is the belief that Congress is incapable of fairly evaluating whether North Korea has complied with its international obligations. I would be surprised if any Member of this body had such a concern.

Most presidents, of course, would prefer for Congress to abdicate to them all responsibilities relating to foreign affairs. But, Mr. Speaker, we were elected by our constituents to represent them, and we cannot do that by ceding our constitutional responsibilities to the Executive Branch.

This legislation is designed to help us, in this body, to exercise responsibilities we were elected to carry out. We hope and expect that it will once again receive strong bipartisan support.

Mr. Speaker, I reserve the balance of my time.

Ms. LEE. Mr. Speaker, I yield myself such time as I may consume, and I rise in strong support of this bill.

In 1994, the United States and North Korea signed the Agreed Framework under which North Korea was obligated to freeze its activities at several nuclear related sites subject to international on-site inspection.

These sites included an operating nuclear reactor that the North Koreans had built themselves, a nuclear reprocessing plant suitable for producing plutonium for nuclear weapons from this reactor's fuel, and two larger nuclear reactors under construction.

In exchange for North Korea's freeze, the United States was obligated to provide low-grade heating oil and create an international consortium to construct two civil power reactors to replace the two reactors that North Korea had been building.

International inspectors continue to verify that activity at these North Korean nuclear cites remain frozen. The Agreed Framework has successfully ensured that they cannot contribute to a North Korean nuclear weapon program so long as the Agreed Framework is in force.

However, I am concerned that the United States and its allies cannot be assured at this point that North Korea is not surreptitiously seeking to develop nuclear weapons.

We must be vigilant that North Korea fully and completely meets all of its nonproliferation obligations under the Agreed Framework, the Treaty on Nonproliferation of Nuclear Weapons, and its obligations to allow inspections of its activities by the International Atomic Energy Agency.

This bill will require congressional review and approval of any nuclear cooperation with North Korea. Such cooperation will be necessary to complete the two civil nuclear power reactors now being built in fulfillment of the Agreed Framework agreement between the United States and North Korea.

This bill is a significant improvement over last year's version. Under the previous Gilman-Markey amendment, one committee chair or Chamber leader could have prevented consideration of the joint resolution approving the President's certification that North Korea is living up to its nonproliferation obligations. The version before the House today contains expedited procedures ensuring that there will be a vote on the joint resolution in both Houses.

Mr. Speaker, the Agreed Framework is clearly in our national security interest of the United States and our allies in the region. A nuclear-armed North Korea would be a serious threat to all of us. So long as North Korea is meeting its obligations under the Agreed Framework, and those nuclear facilities are shut down, it is strongly in the United States' national interest to live up to our side of the bargain and support the construction of these two reactors.

This bill today places a serious responsibility on the shoulders of a future Congress. When the time comes for a decision on whether to move forward with the provision of two nuclear reactors to North Korea, Members of Congress must deliberate coolly, objectively, and without partisan rancor. If the Agreed Framework ultimately comes apart with all the potential devastating consequences for peace and stability in the region, then it must happen because the North Koreans did not live up to their obligations, not because the United States walked away from the agreement.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Nebraska (Mr. BEREUTER), chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York (Chairman GILMAN) for yielding me this time.

I rise in strong support of H.R. 4251, which was offered by the gentleman from New York (Chairman GILMAN). Essentially and importantly, H.R. 4251 addresses concerns raised when the North Korean nuclear issue was debated during last year's consideration of the Embassy Security Act of 1999. At that time, language was overwhelmingly approved that required Presidential certification and a positive vote on this body and by the other body before a nuclear cooperation agreement with North Korea could go into effect. Without such a Presidential certification and positive congressional vote, key nuclear technology could not be sold or transferred to North Korea.

When this measure was debated in July of last year, it was approved by a vote of 305 to 120. At that time, the gentleman from Connecticut (Mr. GEJDENSON) and the gentleman from New York (Mr. ACKERMAN) raised a concern that either legislative body might stall the process by refusing to schedule a vote.

H.R. 4251, as the gentlewoman from California (Ms. LEE) has mentioned, seeks to, and I think does adequately, address this concern by establishing an expedited procedure for consideration of a joint resolution concurring in the President's certification. This is an attempt to alleviate the legitimate concerns raised when this matter was last debated.

Mr. Speaker, former Secretary of Defense William Perry was tasked by the President with devising a strategy for responding to the North Korean threat. Few individuals have garnered greater respect than Secretary Perry as he served as the Secretary of Defense. He is an outstanding public servant and has made a major contribution to U.S. national security in so many ways, including what he has done with respect to the North Korean threat.

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Dr. Perry proposed a blueprint for two alternative paths of U.S.-North Korea relations. If North Korea chooses the path of peace, the United States would be willing to provide improved political and economic relations, including, presumably, the technology for two light-water reactors. But, if North Korea chooses the path of confrontation under the Perry initiative, the United States and our allies must be prepared to meet force with force and deny Pyongyang any political or military advantage.

It certainly is not yet clear which path North Korea has taken. The DPRK's missile development program, its history of a covert program for nuclear weapons development, and its extraordinarily blatant terrorist activities are among the many reasons for suspicion, caution, and maximum verification. If North Korea does choose the path of confrontation, this body should be prepared to abandon the nuclear cooperation agreement, and the Congress needs to reduce any ambiguity about that point.

Mr. Speaker, in closing, H.R. 4251 ensures that this body will have a voice in that determination. It is a responsible measure, and I urge support for the resolution offered by the distinguished chairman.

Ms. LEE. Mr. Speaker, I yield 6 minutes to the gentleman from Massachusetts (Mr. MARKEY), whose work has been very sustained and consistent on this issue.

Mr. MARKEY. Mr. Speaker, I thank the gentlewoman from California (Ms. LEE) for generously yielding me this time, and I stand here proudly as the lead Democratic cosponsor with the distinguished chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN).

I, of course, would also like to thank the ranking Democrat on the committee, the gentleman from Connecticut (Mr. GEJDENSON), for his sustained interest in and support for this legislation.

The reason that we are here today is that North Korea's record on nuclear and ballistic missile proliferation is nothing short of abysmal. This secretive, Stalinist, rogue regime has, over the last decade, refused to carry out its obligations under the Nuclear Nonproliferation Treaty and other accords it has signed. In fact, in 1993, North Korea threatened to withdraw from the NPT and stopped international inspections of its nuclear weapons programs. It has constructed nuclear reactors and a plutonium reprocessing plant at a site called Yongbyon. As a result of these activities, U.S. and foreign intelligence assessments have reportedly concluded that North Korea probably has acquired enough weapons-grade plutonium to manufacture from one to three nuclear bombs. At the same time, North Korea has been testing and developing ballistic missiles that may soon be capable of reaching as far away as the western United States. In addition, North Korea is believed to be a major exporter of ballistic missile technology and components to countries like Iran and Pakistan, increasing the security risk in those regions of the world.

In an effort to halt North Korea's progress towards a full-blown nuclear weapons and ballistic missile capacity, the Clinton administration negotiated an agreed framework with North Korea in 1994, which provided a package of benefits in return for a freeze on North Korea's nuclear program and acceptance of nonproliferation requirement. One key component of this benefits package was a United States promise to facilitate the delivery of two light-water nuclear reactors to North Korea, which were intended to replace two nuclear weapons production reactors then under construction in North Korea.

H.R. 4251 would require an affirmative vote of approval before any nuclear cooperation agreement between the United States and North Korea that allows the sale of these reactors to go forward.

This amendment builds on an effort begun last year by the gentleman from New York (Mr. GILMAN) and myself. Last July 21, the House voted 305 to 120 to pass the Gilman-Markey amendment to the State Department authorization bill, which required the President to make certain nonproliferation certifications regarding North Korea's compliance with various international agreements regarding nuclear nonproliferation; that is, the NPT and the 1994 Agreed Framework; and the Congress to pass a joint resolution approving an agreement for cooperation with North Korea before U.S. nuclear facilities technologies or materials can be exported to North Korea.

The specific certifications required under the Gilman-Markey amendment were drawn from the terms of the 1994 Agreed Framework. All our amendment required is for the President to certify that the North Koreans have actually complied with the specific nuclear nonproliferation commitments they made under the Agreed Framework and other international agreements they have signed to terminate their efforts to enrich uranium, reprocess spent fuel, or otherwise acquire, test or deploy nuclear weapons.

Now, there was one part of the Gilman-Markey amendment as it passed the House that the Senate was not willing to accept. That was the requirement for an affirmative vote of approval by the Congress before a nuclear cooperation agreement could become effective for North Korea. Under current law, nuclear cooperation agreements take effect within 90 days of their formal submission by the President unless Congress has, within that time period, passed a joint resolution of disapproval. While this process theoretically provides an opportunity to review and block a nuclear cooperation agreement, in practice the Congress has never, in its history, passed a joint resolution disapproving a nuclear cooperation agreement. That is never, my colleagues. Never. Indeed, most of the time, Congress never even votes on these agreements, as the State Department, the U.S. nuclear industry and their supporters can usually run out the clock and thereby allow an agreement to take effect without any congressional vote, even though there are nonproliferation considerations that should have been debated on the floor of Congress.

H.R. 4251 assures that Congress will have a strong voice in ensuring that any future U.S.-North Korea nuclear cooperation agreement is fully consistent with our national security and nuclear nonproliferation interests. It does so by requiring a joint resolution of approval to be adopted by the Congress before any such agreement goes into effect.

I am pleased that the bill also included expedited procedures to assure timely Congressional action on any approval resolution brought forth in the future with respect to North Korea. The gentlewoman from Connecticut had raised the issue of possible delaying tactics, particularly in the Senate, during last year's debate over this provision. By providing expedited procedures for consideration of an approval resolution, we should help assure that a vote actually occurs on any North Korea nuclear cooperation agreement.

I think this is a good bill. I think the gentleman from New York (Mr. GILMAN) has provided enormously important national leadership on this question. Without question it has now arisen to the top of our national security concerns of our Nation, and I hope this resolution receives unanimous support here today.

Ms. LEE. Mr. Speaker, I just want to thank the chairman, the gentleman from Connecticut (Mr. GEJDENSON), and the gentleman from Massachusetts (Mr. MARKEY) for working in a bipartisan fashion in bringing this resolution to the floor.

Mr. HALL of Ohio. Mr. Speaker, I rise today to express my opposition to H.R. 4251. This bill sounds good on its face, and it might make us feel like we're striking a blow against North Korea, but I believe its passage today is a mistake.

First, if this bill becomes law, it will make it virtually impossible for the United States to keep the commitments we made in the 1994 Agreed Framework. That was the deal designed to end North Korea's nuclear program. Slowly but surely, and despite its critics' dire warnings, it is succeeding.

This bill would block delivery of key components to the light-water reactors now under construction by a South Korean firm. Those components are not the core reactors, whose installation will come only when the United States, South Korea and Japan are confident that North Korea no longer poses a nuclear threat. Instead, the affected items are more basic components that would be denied much sooner, and at a critical moment in this process of eliminating North Korea's nuclear capabilities.

My second objection is that our timing is terrible. For the first time since the Korean nation was split in two, a summit has been scheduled between the leaders of the North and South. Hopes are high that President Kim Dae Jung and General Kim Jong Il will make progress toward peace, or at least a more permanent end to the tense stand-off that has blighted Korea's history for 50 years.

In less than a month, South Korea's elected president—a national hero known for his courage in pressing for human rights—will meet with North Korea's new leader—a man who has broken his predecessors' tradition of isolation and hostility by reaching out to the United States and other nations.

The North-South summit is an historic initiative that tour country should support. Instead, by this vote we risk signaling to Koreans in both nations that they cannot trust the United States to keep our solemn commitments. With 37,000 Americans stationed along one of the world's most dangerous borders, ending the Korean War—or even lessening the hostile situation—should be our country's highest priority. This bill will take us further from that goal.

Mr. Speaker, our allies in South Korea have grave concerns about this bill. Few of us expect it to win Senate passage or, if it does, the President's approval. Passage of this bill today puts a successful strategy in jeopardy, and does so at what may well be a turning point in history. I urge my colleagues to vote no on the bill.

Ms. LEE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I too want to thank the gentleman from Massachusetts (Mr. MARKEY) for his supportive remarks and his diligent work on this matter.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4251, as amended.

The question was taken.

Mr. GILMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## IMPACT AID REAUTHORIZATION ACT OF 2000

Mr. GOODLING. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3616) to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3616

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Impact Aid Reauthorization Act of 2000".

**SEC. 2. PURPOSE.**

Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended—

(1) in the matter preceding paragraph (1)—

(A) by inserting after "educational services to federally connected children" the following: "in a manner that promotes control by local educational agencies with little or no Federal or State involvement"; and

(B) by inserting after "certain activities of the Federal Government" the following: ", such as activities to fulfill the responsibilities of the Federal Government with respect to Indian tribes and activities under section 514 of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 574),";

(2) in paragraph (4), by adding "or" at the end;

(3) by striking paragraph (5);

(4) by redesignating paragraph (6) as paragraph (5); and

(5) in paragraph (5) (as redesignated), by inserting before the period at the end the following: "and because of the difficulty of raising local revenue through bond referendums for capital projects due to the inability to tax Federal property".

**SEC. 3. PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.**

(a) FISCAL YEAR REQUIREMENT.—Section 8002(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(a)) is amended in the matter preceding paragraph (1) by striking "1999" and inserting "2005".

(b) AMOUNT.—

(1) INSUFFICIENT FUNDS.—Section 8002(b)(1)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(B)) is amended by striking "shall ratably reduce the payment to each eligible local educational agency" and inserting "shall calculate the payment for each eligible local educational agency in accordance with subsection (h)".

(2) MAXIMUM AMOUNT.—Section 8002(b)(1)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(C)) is amended by adding at the end before the period the

following: ", or the maximum amount that such agency is eligible to receive for such fiscal year under this section, whichever is greater".

(c) Payments With Respect to Fiscal Years in Which Insufficient Funds Are Appropriated.—Section 8002(h) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(h)) is amended to read as follows:

"(h) Payments With Respect to Fiscal Years in Which Insufficient Funds Are Appropriated.—For any fiscal year for which the amount appropriated under section 8014(a) is insufficient to pay to each local educational agency the full amount determined under subsection (b), the Secretary shall make payments to each local educational agency under this section as follows:

"(1) Foundation payments for pre-1995 recipients.—

"(A) In general.—The Secretary shall first make a foundation payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved and was eligible to receive a payment under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of the enactment of the Improving America's Schools Act of 1994) for any of the fiscal years 1989 through 1994.

"(B) Amount.—The amount of a payment under subparagraph (A) for a local educational agency shall be equal to 37 percent of the payment amount the local educational agency was eligible to receive under section 2 of the Act of September 30, 1950, for fiscal year 1994 (or if the local educational agency was not eligible to receive a payment under such section 2 for fiscal year 1994, the payment that local educational agency was eligible to receive under such section 2 for the most recent fiscal year preceding 1994).

"(C) Insufficient appropriations.—If the amount appropriated under section 8014(a) is insufficient to pay the full amount determined under this paragraph for all eligible local educational agencies for the fiscal year, then the Secretary shall ratably reduce the payment to each local educational agency under this paragraph.

"(2) Payments for 1995 recipients.—

"(A) In general.—From any amounts remaining after making payments under paragraph (1) for the fiscal year involved, the Secretary shall make a payment to each eligible local educational agency that received a payment under this section for fiscal year 1995.

"(B) Amount.—The amount of a payment under subparagraph (A) for a local educational agency shall be determined as follows:

"(i) Calculate the difference between the amount appropriated to carry out this section for fiscal year 1995 and the total amount of foundation payments made under paragraph (1) for the fiscal year.

"(ii) Determine the percentage share for each local educational agency that received a payment under this section for fiscal year 1995 by dividing the assessed value of the Federal property of the local educational agency for fiscal year 1995 determined in accordance with subsection (b)(3), by the total national assessed value of the Federal property of all such local educational agencies for fiscal year 1995, as so determined.

"(iii) Multiply the percentage share described in clause (ii) for the local educational agency by the amount determined under clause (i).

"(3) Subsection (i) recipients.—From any funds remaining after making payments under paragraphs (1) and (2) for the fiscal year involved, the Secretary shall make payments in accordance with subsection (i).

"(4) Remaining funds.—From any funds remaining after making payments under paragraphs (1), (2), and (3) for the fiscal year involved—

"(A) the Secretary shall make a payment to each local educational agency that received a foundation payment under paragraph (1) for the fiscal year involved in an amount that bears the same relation to 25 percent of the remainder as the amount the local educational agency received under paragraph (1) for the fiscal year involved bears to the amount all local educational agencies received under paragraph (1) for the fiscal year involved; and

"(B) the Secretary shall make a payment to each local educational agency that is eligible to receive a payment under this section for the fiscal year involved in an amount that bears the same relation to 75 percent of the remainder as a percentage share determined for the local educational agency (in the same manner as percentage shares are determined for local educational agencies under paragraph (2)(B)(ii)) bears to the percentage share determined (in the same manner) for all local educational agencies eligible to receive a payment under this section for the fiscal year involved, except that for the purpose of calculating a local educational agency's assessed value of the Federal property, data from the most current fiscal year shall be used.".

(d) Special Payments.—

(1) In general.—Section 8002(i)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)(1)) is amended to read as follows:

"(1) In general.—For any fiscal year beginning with fiscal year 2000 for which the amount appropriated to carry out this section exceeds the amount so appropriated for fiscal year 1996 and for which subsection (b)(1)(B) applies, the Secretary shall use the remainder described in subsection (h)(3) for the fiscal year involved (not to exceed the amount equal to the difference between (A) the amount appropriated to carry out this section for fiscal year 1997 and (B) the amount appropriated to carry out this section for fiscal year 1996) to increase the payment that would otherwise be made under this section to not more than 50 percent of the maximum amount determined under subsection (b) for any local educational agency described in paragraph (2).".

(2) Conforming amendment.—The heading of section 8002(i) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(i)) is amended by striking "Priority" and inserting Special".

(e) Additional Assistance for Certain Local Educational Agencies Impacted by Federal Property Acquisition.—Section 8002(j)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(j)(2)) is amended—

(1) by striking "(A) A local educational agency" and inserting "A local educational agency";

(2) by redesignating clauses (i) through (v) as subparagraphs (A) through (E), respectively; and

(3) in subparagraph (C) (as redesignated), by adding at the end before the semicolon the following: "and such agency does not currently have a military installation located within its geographic boundaries".

(f) Data; Preliminary and Final Payments.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following:

"(l) Data; Preliminary and Final Payments.—

"(1) In general.—The Secretary shall—

"(A) not later than 30 days following the application deadline under section 8005(c) for a fiscal year, require any local educational agency that applied for a payment under subsection (b) for the fiscal year to submit such data as may be necessary in order to compute the payment;

"(B) as soon as possible after the beginning of any fiscal year, but no later than 60 days after the enactment of an Act making appropriations to carry out this title for the fiscal year, provide a preliminary payment under subsection (b) for any local educational agency that applied for a payment under subsection (b) for the fiscal year and was eligible for such a payment for the preceding fiscal year, in the amount of 60 percent of the payment for the previous year; and

"(C) provide a final payment under subsection (b) for any eligible local educational agency not later than 12 months after the application deadline established under section 8005(c), except that any local educational agency failing to submit all of the data required under subparagraph (A) shall be denied such payment for the fiscal year for which the application is made unless funds from a source other than the Act described in subparagraph (B) are made available to provide such payment.

"(2) Eligibility for payments in subsequent years.—The denial of a payment under subsection (b) to a local educational agency for a fiscal year pursuant to this subsection shall not affect the eligibility of the local educational agency for a final payment under subsection (b) for a subsequent fiscal year.".

### SEC. 4. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN.

(a) Military Installation Housing Undergoing Renovation or Rebuilding.—

(1) In general.—Section 8003(a)(4) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended—

(A) in the heading, by striking "UNDERGOING RENOVATION" and inserting "UNDERGOING RENOVATION OR REBUILDING";

(B) by striking "For purposes" and inserting the following:

"(A) In general.—For purposes";

(C) in subparagraph (A) (as designated by subparagraph (B)), by inserting "or rebuilding" after "undergoing renovation"; and

(D) by adding at the end the following:

"(B) Limitations.—(i)(I) Except as provided in subclause (II), children described in paragraph (1)(D)(i) may be deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A) for a period not to exceed 2 fiscal years.

"(II) If the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that the expected completion date of the renovation or rebuilding of the housing has been delayed by not less than 1 year, then—

"(aa) in the case of a determination made by the Secretary in the 1st fiscal year described in subclause (I), the time period described such subclause shall be extended by the Secretary for an additional 2 years; and

"(bb) in the case of a determination made by the Secretary in the 2nd fiscal year described in subclause (I), the time period described such subclause shall be extended by the Secretary for an additional 1 year.

"(ii) The number of children described in paragraph (1)(D)(i) who are deemed to be children described in paragraph (1)(B) with respect to housing on Federal property undergoing renovation or rebuilding in accordance with subparagraph (A) for any fiscal year may not exceed the maximum number of children who are expected to occupy that housing upon completion of the renovation or rebuilding.".

(2) Effective date.—The amendments made by paragraph (1) shall apply with respect to payments to a local educational agency for fiscal years beginning before, on, or after the date of the enactment of this Act.

(b) Military "Build to Lease" Program Housing.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

"(5) Military 'build to lease' program housing.—

"(A) In general.—For purposes of computing the amount of payment for a local educational agency for children identified under paragraph (1), the Secretary shall consider children residing in housing initially acquired or constructed under the former section 2828(g) of title 10, United States Code (commonly known as the 'Build to Lease' program), as added by section 801 of the Military Construction Authorization Act, 1984, to be children described under paragraph (1)(B) if the property described is within the fenced security perimeter of the military facility upon which such housing is situated.

"(B) Additional requirements.—If the property described in subparagraph (A) is not owned by the Federal Government, is subject to taxation by a State or political subdivision of a State, and thereby generates revenues for a local educational agency that is applying to receive a payment under this section, then the Secretary—

"(i) shall require the local educational agency to provide certification from an appropriate official of the Department of Defense that the property is being used to provide military housing; and

"(ii) shall reduce the amount of the payment under this section by an amount equal to the amount of revenue from such taxation received in the second preceding fiscal year by such local educational agency, unless the amount of such revenue was taken into account by the State for such second preceding fiscal year and already resulted in a reduction in the amount of State aid paid to such local educational agency.".

### SEC. 5. MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENTS.

Section 8003(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)(1)) is amended by adding at the end the following:

"(D) Increase in local contribution rate due to unusual geographic factors.—If the current expenditures in those local educational agencies which the Secretary has determined to be generally comparable to the local educational agency for which a computation is made under subparagraph (C) are not reasonably comparable because of unusual geographical factors which affect the current expenditures necessary to maintain, in such agency, a level of education equivalent to that maintained in such other agencies, then the Secretary shall increase the local contribution rate for such agency under subparagraph (C)(iii) by such an amount which the Secretary determines will compensate such agency for the increase in current expenditures necessitated by such unusual geographical factors. The amount of any such supplementary payment may not exceed the per-pupil share (computed with regard to all children in average daily attendance), as determined by the Secretary, of the increased current expenditures necessitated by such unusual geographic factors.".

### SEC. 6. BASIC SUPPORT PAYMENTS FOR HEAVILY IMPACTED LOCAL EDUCATIONAL AGENCIES.

(a) In General.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) Basic support payments for heavily impacted local educational agencies.—

"(A) In general.—(i) From the amount appropriated under section 8014(b) for a fiscal year, the Secretary is authorized to make basic support payments to eligible heavily impacted local educational agencies with children described in subsection (a).

"(ii) A local educational agency that receives a basic support payment under this paragraph for a fiscal year shall not be eligible to receive a basic support payment under paragraph (1) for that fiscal year.

"(B) Eligibility for continuing heavily impacted local educational agencies.—

"(i) Fiscal year 2001.—A heavily impacted local educational agency is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2001 with respect to a number of children determined under subsection (a)(1) only if the agency received an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000.

"(ii) Fiscal year 2002 and subsequent fiscal years.—A heavily impacted local educational agency described in clause (i) is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency—

"(I) received a basic support payment under subparagraph (A) for fiscal year 2001; and

"(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation;

"(bb) has an enrollment of federally connected children described in subsection (a)(1) which constitutes a percentage of the total student enrollment of such agency which is not less than 35 percent, has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located or the average per-pupil expenditure of all States (whichever average per-pupil expenditure is greater), except that a local educational agency with a total student enrollment of less than 350 students shall be deemed to have satisfied such per-pupil expenditure requirement, and has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; or

"(cc) has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are federally connected children described in subsection (a)(1) and not less than 6,000 of such federally connected children are children described in subparagraphs (A) and (B) of subsection (a)(1).

"(iii) Resumption of eligibility.—A heavily impacted local educational agency described in clause (i) or (ii) that becomes ineligible under either such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of item (aa), (bb), or (cc) of clause (ii)(II) for that subsequent fiscal year.

"(C) Eligibility for new heavily impacted local educational agencies.—

"(i) In general.—A heavily impacted local educational agency that did not receive an additional assistance payment under subsection (f) (as such subsection was in effect on the day before the date of the enactment of the Impact Aid Reauthorization Act of 2000) for fiscal year 2000 is eligible to receive a basic support payment under subparagraph (A) for fiscal year 2002 and any subsequent fiscal year with respect to a number of children determined under subsection (a)(1) only if the agency—

"(I) has an enrollment of federally connected children described in subsection (a)(1) which constitutes a percentage of the total student enrollment of such agency which (aa) is not less than 50 percent if such agency receives a payment on behalf of children described in subparagraphs (F) and (G) of such subsection or (bb) is not less than 40 percent if such agency does not receive a payment on behalf of such children;

"(II)(aa) is a local educational agency whose boundaries are the same as a Federal military installation; or

"(bb) is a local educational agency that has a tax rate for general fund purposes which is at least 95 percent of the average tax rate for general fund purposes of comparable local educational agencies in the State; and

"(III)(aa) for a local educational agency that has a total student enrollment of 350 or more students, the agency has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located; or

"(bb) for a local educational agency that has a total student enrollment of less than 350 students, the agency has a per-pupil expenditure that is less than the average per-pupil expenditure of a comparable agency in the State in which the agency is located.

"(ii) Resumption of eligibility.—A heavily impacted local educational agency described in clause (i) that becomes ineligible under such clause for 1 or more fiscal years may resume eligibility for a basic support payment under this paragraph for a subsequent fiscal year only if the agency meets the requirements of subclauses (I), (II), and (III) of clause (i) for that subsequent fiscal year.

"(iii) Application.—With respect to the first fiscal year for which a heavily impacted local educational agency described in clause (i) applies for a basic support payment under subparagraph (A), or with respect to the first fiscal year for which a heavily impacted local educational agency applies for a basic support payment under subparagraph (A) after becoming ineligible under clause (i) for 1 or more preceding fiscal years, the agency shall apply for such payment at least 1 year prior to the start of that first fiscal year.

"(D) Maximum amount for regular heavily impacted local educational agencies.—(i) Except as provided in subparagraph (E), the maximum amount that a heavily impacted local educational agency is eligible to receive under this paragraph for any fiscal year is the sum of the total weighted student units, as computed under subsection (a)(2) (subject to clause (ii)), multiplied by the greater of—

"(I) four-fifths of the average per-pupil expenditure of the State in which the local educational agency is located for the third fiscal year preceding the fiscal year for which the determination is made; or

"(II) four-fifths of the average per-pupil expenditure of all of the States for the third fiscal year preceding the fiscal year for which the determination is made.

"(ii)(I) For a local educational agency with respect to which 35 percent or more of the total student enrollment of the schools of the agency are children described in subparagraph (D) or (E) (or a combination thereof) of subsection (a)(1), the Secretary shall calculate the weighted student units of such children for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 0.55.

"(II) For a local educational agency that has an enrollment of 100 or fewer federally connected children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.75.

"(III) For a local educational agency that has an enrollment of more than 100 but not more than 750 children described in subsection (a)(1), the Secretary shall calculate the total number of weighted student units for purposes of subsection (a)(2) by multiplying the number of such children by a factor of 1.25.

"(E) Maximum amount for large heavily impacted local educational agencies.—(i)(I) Subject to clause (ii), the maximum amount that a heavily impacted local educational agency described in subclause (II) is eligible to receive under this paragraph for any fiscal year shall be determined in accordance with the formula described in paragraph (1)(C).

"(II) A heavily impacted local educational agency described in this subclause is a local educational agency that has a total student enrollment of not less than 25,000 students, of which not less than 50 percent are federally connected children described in subsection (a)(1) and not less than 6,000 of such federally connected children are children described in subparagraphs (A) and (B) of subsection (a)(1).

"(ii) For purposes of calculating the maximum amount described in clause (i), the factor used in determining the weighted student units under subsection (a)(2) with respect to children described in subparagraphs (A) and (B) of subsection (a)(1) shall be 1.35.

"(F) Data.—For purposes of providing assistance under this paragraph, the Secretary shall use student, revenue, expenditure, and tax data from the third fiscal year preceding the fiscal year for which the local educational agency is applying for assistance under this paragraph.".

(b) Payments With Respect to Fiscal Years in Which Insufficient Funds Are Appropriated.—Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)), as redesignated, is amended—

(1) in subparagraph (A), by striking "paragraph (1)" and inserting "paragraphs (1) and (2)";

(2) in subparagraph (B)—

(A) in the heading, by inserting after "PAYMENTS" the following: "IN LIEU OF PAYMENTS UNDER PARAGRAPH (1)";

(B) in the matter preceding subclause (I) of clause (i), by inserting after "'threshold payment')" the following: "in lieu of basic support payments under paragraph (1)";

(C) in clause (ii), by striking "paragraph (1)" and inserting "clause (i)"; and

(D) by adding at the end the following:

"(iv) In the case of a local educational agency that has a total student enrollment of fewer than 1,000 students and that has a per-pupil expenditure that is less than the average per-pupil expenditure of the State in which the agency is located, the total percentage used to calculate threshold payments under clause (i) shall not be less than 40 percent.";

(3) by redesignating subparagraph (C) as subparagraph (D);

(4) by inserting after subparagraph (B) the following:

"(C) Learning opportunity threshold payments in lieu of payments under paragraph (2).—For fiscal years described in subparagraph (A), the learning opportunity threshold payment in lieu of basic support payments under paragraph (2) shall be equal to the amount obtained under subparagraph (D) or (E) of paragraph (2), as the case may be."; and

(5) in subparagraph (D) (as redesignated), by striking "computation made under subparagraph (B)" and inserting "computations made under subparagraphs (B) and (C)".

(c) Conforming Amendments.—(1) Section 8002(b)(1)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702(b)(1)(C)) is amended by striking "section 8003(b)(1)(C)" and inserting "paragraph (1)(C) of section 8003(b) or subparagraph (D) or (E) of paragraph (2) of such section, as the case may be".

(2) Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended—

(A) in subsection (a)(1), by striking "subsection (b), (d), or (f)" and inserting "subsection (b) or (d)";

(B) in subsection (b)—

(i) in paragraph (1)(C), in the matter preceding clause (i), by striking "this subsection" and inserting "this paragraph"; and

(ii) in paragraph (4) (as redesignated)—

(I) in subparagraph (A), by striking "paragraphs (1)(B), (1)(C), and (2) of this subsection" and inserting "subparagraphs (B) and (C) of paragraph (1) or subparagraphs (B) through (D) of paragraph (2), as the case may be, paragraph (3) of this subsection"; and

(II) in subparagraph (B)—

(aa) by inserting after "paragraph (1)(C)" the following: "or subparagraph (D) or (E) of paragraph (2), as the case may be,"; and

(bb) by striking "paragraph (2)(B)" and inserting "subparagraph (B) or (C) of paragraph (3)";

(C) in subsection (c)(1), by striking "paragraph (2) and subsection (f)" and inserting "subsection (b)(2) and paragraph (2)";

(D) by striking subsection (f); and

(E) in subsection (i), by striking "sections 8002 and 8003(b)" and inserting "section 8002 and subsection (b) of this section".

### SEC. 7. BASIC SUPPORT PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES AFFECTED BY REMOVAL OF FEDERAL PROPERTY.

Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)), as amended by this Act, is further amended by adding at the end the following:

"(5) Local educational agencies affected by removal of federal property.—

"(A) In general.—In computing the amount of a basic support payment under this subsection for a fiscal year for a local educational agency described in subparagraph (B), the Secretary shall meet the additional requirements described in subparagraph (C).

"(B) Local educational agency described.—A local educational agency described in this subparagraph is a local educational agency with respect to which Federal property (i) located within the boundaries of the agency, and (ii) on which 1 or more children reside who are receiving a free public education at a school of the agency, is transferred by the Federal Government to another entity in any fiscal year beginning on or after the date of the enactment of the Impact Aid Reauthorization Act of 2000 so that the property is subject to taxation by the State or a political subdivision of the State.

"(C) Additional requirements.—The additional requirements described in this subparagraph are the following:

"(i) For each fiscal year beginning after the date on which the Federal property is transferred, a child described in subparagraph (B) who continues to reside on such property and who continues to receive a free public education at a school of the agency shall be deemed to be a child who resides on Federal property for purposes of computing under the applicable subparagraph of subsection (a)(1) the amount that the agency is eligible to receive under this subsection.

"(ii)(I) For the third fiscal year beginning after the date on which the Federal property is transferred, and for each fiscal year thereafter, the Secretary shall, after computing the amount that the agency is otherwise eligible to receive under this subsection for the fiscal year involved, deduct from such amount an amount equal to the revenue received by the agency for the immediately preceding fiscal year as a result of the taxable status of the former Federal property.

"(II) For purposes of determining the amount of revenue to be deducted in accordance with subclause (I), the local educational agency—

"(aa) shall provide for a review and certification of such amount by an appropriate local tax authority; and

"(bb) shall submit to the Secretary a report containing the amount certified under item (aa).".

### SEC. 8. ADDITIONAL PAYMENTS FOR LOCAL EDUCATIONAL AGENCIES WITH HIGH CONCENTRATIONS OF CHILDREN WITH SEVERE DISABILITIES.

(a) Repeal.—Subsection (g) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(g)) is repealed.

(b) Conforming Amendments.—(1) Section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) is amended by redesignating subsections (h) and (i) as subsections (f) and (g), respectively.

(2) Section 426 of the General Education Provisions Act (20 U.S.C. 1228) is amended by striking "subsections (d) and (g) of section 8003 of such Act" and inserting "section 8003(d) of such Act".

### SEC. 9. APPLICATION FOR PAYMENTS UNDER SECTIONS 8002 AND 8003.

Section 8005(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7705(d)) is amended—

(1) in paragraph (2), by inserting after "not more than 60 days after a deadline established under subsection (c)" the following: ", or not more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to paragraph (3)(A), as the case may be,"; and

(2) in paragraph (3) to read as follows:

"(3) Late applications.—

"(A) Notice.—The Secretary shall, as soon as practicable after the deadline established under subsection (c), provide to each local educational agency that applied for a payment under section 8002 or 8003 for the prior fiscal year, and with respect to which the Secretary has not received an application for a payment under either such section (as the case may be) for the fiscal year in question, written notice of the failure to comply with the deadline and instruction to ensure that the application is filed not later than 60 days after the date on which the Secretary sends the notice.

"(B) ACCEPTANCE AND APPROVAL OF LATE APPLICATIONS.—The Secretary shall not accept or approve any application of a local educational agency that is filed more than 60 days after the date on which the Secretary sends written notice to the local educational agency pursuant to subparagraph (A).".

### SEC. 10. PAYMENTS FOR SUDDEN AND SUBSTANTIAL INCREASES IN ATTENDANCE OF MILITARY DEPENDENTS.

Section 8006 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7706) is repealed.

### SEC. 11. CONSTRUCTION.

(a) IN GENERAL.—Section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) is amended to read as follows:

**"SEC. 8007. CONSTRUCTION.**

"(a) CONSTRUCTION PAYMENTS AUTHORIZED.—

"(1) IN GENERAL.—From 70 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall make payments in accordance with this subsection to each local educational agency that receives a basic support payment under section 8003(b) for that fiscal year.

"(2) ADDITIONAL REQUIREMENTS.—A local educational agency that receives a basic support payment under section 8003(b)(1) shall also meet at least 1 of the following requirements:

"(A) The number of children determined under section 8003(a)(1)(C) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

"(B) The number of children determined under subparagraphs (B) and (D)(i) of section 8003(a)(1) for the agency for the preceding school year constituted at least 50 percent of the total student enrollment in the schools of the agency during the preceding school year.

"(3) AMOUNT OF PAYMENTS.—

"(A) LOCAL EDUCATIONAL AGENCIES IMPACTED BY MILITARY DEPENDENT CHILDREN.—The amount of a payment to each local educational agency described in this subsection that is impacted by military dependent children for a fiscal year shall be equal to—

"(i)(II) 35 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

"(II) the total number of weighted student units of children described in subparagraphs (B) and (D)(i) of section 8003(a)(1) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)), including the number of weighted student units of such children attending a school facility described in section 8008(a) if the Secretary does not provide assistance for the school facility under that section for the prior fiscal year; multiplied by

"(ii) the total number of such weighted student units for the agency.

"(B) LOCAL EDUCATIONAL AGENCIES IMPACTED BY CHILDREN WHO RESIDE ON INDIAN LANDS.—The amount of a payment to each local educational agency described in this subsection that is impacted by children who reside on Indian lands for a fiscal year shall be equal to—

"(i)(I) 35 percent of the amount appropriated under section 8014(e) for such fiscal year; divided by

"(II) the total number of weighted student units of children described in section 8003(a)(1)(C) for all local educational agencies described in this subsection (as calculated under section 8003(a)(2)); multiplied by

"(ii) the total number of such weighted student units for the agency.

"(4) USE OF FUNDS.—Any local educational agency that receives funds under this subsection shall use such funds for construction, as defined in section 8013(3).

"(b) SCHOOL FACILITY MODERNIZATION GRANTS AUTHORIZED.—

"(1) IN GENERAL.—From 30 percent of the amount appropriated for each fiscal year under section 8014(e), the Secretary shall award grants in accordance with this subsection to eligible local educational agencies to enable the local educational agencies to carry out modernization of school facilities.

"(2) ELIGIBILITY REQUIREMENTS.—A local educational agency is eligible to receive funds under this subsection only if—

"(A) such agency (or in the case of a local educational agency that does not have the authority to tax or issue bonds, such agency's fiscal agent) has no capacity to issue bonds or is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures; and

"(B)(i) such agency received assistance under section 8002(a) for the fiscal year and has an assessed value of taxable property per student in the school district that is less than the average of the assessed value of taxable property per student in the State in which the local educational agency is located; or

"(ii) such agency received assistance under subsection (a) for the fiscal year and has a school facility emergency, as determined by the Secretary, that poses a health or safety hazard to the students and school personnel assigned to the school facility.

"(3) AWARD CRITERIA.—In awarding grants under this subsection the Secretary shall consider 1 or more of the following factors:

"(A) The extent to which the local educational agency lacks the fiscal capacity to undertake the modernization project without Federal assistance.

"(B) The extent to which property in the local educational agency is nontaxable due to the presence of the Federal Government.

"(C) The extent to which the local educational agency serves high numbers or percentages of children described in subparagraphs (A), (B), (C), and (D) of section 8003(a)(1).

"(D) The need for modernization to meet—

"(i) the threat that the condition of the school facility poses to the safety and well-being of students;

"(ii) overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment; and

"(iii) facility needs resulting from actions of the Federal Government.

"(E) The age of the school facility to be modernized.

"(4) OTHER AWARD PROVISIONS.—

"(A) FEDERAL SHARE.—The Federal funds provided under this subsection to a local educational agency described in subparagraph (C) shall not exceed 50 percent of the total cost of the project to be assisted under this subsection. A local educational agency may use in-kind contributions to meet the matching requirement of the preceding sentence.

"(B) MAXIMUM GRANT.—A local educational agency described in subparagraph (C) may not receive a grant under this subsection in an amount that exceeds $3,000,000 during any 5-year period.

"(C) LOCAL EDUCATIONAL AGENCY DESCRIBED.—A local educational agency described in this subparagraph is a local educational agency that has the authority to issue bonds but is at such agency's limit in bonded indebtedness for the purposes of generating funds for capital expenditures.

"(5) APPLICATIONS.—A local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each application shall contain—

"(A) documentation certifying such agency's lack of bonding capacity;

"(B) a listing of the school facilities to be modernized, including the number and percentage of children determined under section 8003(a)(1) in average daily attendance in each school facility;

"(C) a description of the ownership of the property on which the current school facility is located or on which the planned school facility will be located;

"(D) a description of any school facility deficiency that poses a health or safety hazard to the occupants of the school facility and a description of how that deficiency will be repaired;

"(E) a description of the modernization to be supported with funds provided under this subsection;

"(F) a cost estimate of the proposed modernization; and

"(G) such other information and assurances as the Secretary may reasonably require.

"(6) EMERGENCY GRANTS.—

"(A) APPLICATIONS.—Each local educational agency described in paragraph (2)(B)(ii) that desires a grant under this subsection shall include in the application submitted under paragraph (5) a signed statement from an appropriate local official certifying that a health or safety deficiency exists.

"(B) PRIORITY.—If the Secretary receives more than 1 application from local educational agencies described in paragraph (2)(B)(ii) for grants under this subsection for any fiscal year, the Secretary shall give priority to local educational agencies based on the severity of the emergency, as determined by the Secretary, and when the application was received.

"(C) CONSIDERATION FOR FOLLOWING YEAR.—A local educational agency described in paragraph (2)(B)(ii) that applies for a grant under this subsection for any fiscal year and does not receive the grant shall have the application for the grant considered for the following fiscal year, subject to the priority described in subparagraph (B).".

(b) DEFINITION.—Section 8013 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713) is amended by adding at the end the following:

"(13) MODERNIZATION.—The term 'modernization' means repair, renovation, alteration, or construction, including—

"(A) the concurrent installation of equipment; and

"(B) the complete or partial replacement of an existing school facility, but only if such replacement is less expensive and more cost-effective than repair, renovation, or alteration of the school facility.".

**SEC. 12. FEDERAL ADMINISTRATION.**

Section 8010(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7710(c)) is amended—

(1) by striking paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2)(D) (as redesignated), by striking "section 5(d)(2) of the Act of September 30, 1950 (Public Law 874, 81st Congress) (as such section was in effect on the day preceding the date of enactment of the Improving America's Schools Act of 1994) or".

**SEC. 13. ADMINISTRATIVE HEARINGS AND JUDICIAL REVIEW.**

(a) ADMINISTRATIVE HEARINGS.—

(1) IN GENERAL.—Section 8011(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711) is amended by adding at the end before the period the following: "if the local educational agency or State, as the case may be, submits to the Secretary a request for the hearing not later than 60 days after the date of the action of the Secretary under this title".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply with respect to an action of the Secretary under title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.) initiated on or after the date of the enactment of this Act.

(b) JUDICIAL REVIEW OF SECRETARIAL ACTION.—Section 8011(b)(1) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7711(b)(1)) is amended by striking "60 days" and inserting "30 working days (as determined by the local educational agency or State)".

**SEC. 14. DEFINITIONS.**

Section 8013(5)(A)(iii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(5)(A)(iii)) is amended—

(1) in subclause (I), by striking "or" at the end; and

(2) by adding at the end the following:

"(III) affordable housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996; or".

**SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

(a) PAYMENTS FOR FEDERAL ACQUISITION OF REAL PROPERTY.—Section 8014(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(a)) is amended by striking "$16,750,000 for fiscal year 1995" and inserting "$32,000,000 for fiscal year 2000".

(b) BASIC PAYMENTS.—Section 8014(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(b)) is amended—

(1) by striking "subsections (b) and (f) of section 8003" and inserting "section 8003(b)";

(2) by striking "$775,000,000 for fiscal year 1995" and inserting "$809,400,000 for fiscal year 2000"; and

(3) by striking ", of which 6 percent" and all that follows and inserting a period.

(c) PAYMENTS FOR CHILDREN WITH DISABILITIES.—Section 8014(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(c)) is amended by striking "$45,000,000 for fiscal year 1995" and inserting "$50,000,000 for fiscal year 2000".

(d) PAYMENTS FOR INCREASES IN MILITARY CHILDREN.—Subsection (d) of section 8014 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714) is repealed.

(e) CONSTRUCTION.—Section 8014(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(e)) is amended by striking "$25,000,000 for fiscal year 1995" and inserting "$10,052,000 for fiscal year 2000".

(f) FACILITIES MAINTENANCE.—Section 8014(f) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(f)) is amended by striking "$2,000,000 for fiscal year 1995" and inserting "$5,000,000 for fiscal year 2000".

(g) ADDITIONAL ASSISTANCE FOR CERTAIN LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION.—Section 8014(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7714(g)) is amended—

(1) in the heading, by striking "FEDERAL PROPERTY LOCAL EDUCATIONAL AGENCIES" and inserting "LOCAL EDUCATIONAL AGENCIES IMPACTED BY FEDERAL PROPERTY ACQUISITION"; and

(2) by striking "such sums as are necessary beginning in fiscal year 1998 and for each succeeding fiscal year" and inserting "$1,500,000 for fiscal year 2000 and such sums as may be necessary for each of the four succeeding fiscal years".

**SEC. 16. EFFECTIVE DATE.**

This Act, and the amendments made by this Act, shall take effect on October 1, 2000, or the date of the enactment of this Act, whichever occurs later.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GOODLING) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. Goodling).

### GENERAL LEAVE

Mr. GOODLING. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3616, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, first of all, I want to thank Miss Impact Aid. Miss Impact Aid, Ms. Selmser, is sitting beside me here. She came with me 19 years ago, and she is still here and still doing Impact Aid.

I rise in support of H.R. 3616, the Impact Aid Reauthorization Act of 2000. This legislation, introduced by the gentleman from North Carolina (Mr. HAYES), updates and improves the Impact Aid program to address issues brought to our attention by school leaders and educators around the country.

Up front let me thank the gentleman from North Carolina for his tireless effort on behalf of the Impact Aid program. His constituents should be very proud of his good work on behalf of America's students.

H.R. 3616 was reported by the Committee on Education and the Workforce by a voice vote. It represents a strong bipartisan agreement and is supported by 10 cochairs of the bipartisan House Impact Aid Coalition, the National Association of Federally Impacted Schools, the National Military Impacted Schools Association and the Indian Impacted Schools Association.

Mr. Speaker, the Impact Aid is unlike any other Elementary and Secondary Education program. Impact Aid is truly a Federal responsibility. It provides funds to schools that have lost taxable property due to Federal ownership, such as the presence of military installations, tribal lands, low-rent housing or national parks. Because of this Federal presence, the amount of money available to schools is reduced to the extent that it could negatively impact on the quality of education provided to students.

There was a time when I believed the program was not well focused. Money was being spent on districts where there was not a clear need due to a Federal presence. This changed with the reforms to Impact Aid during the last reauthorization in 1994. At that time the program was revised to focus available funds on those school districts with the greatest need for assistance. Since those changes were implemented, I believe the program has worked quite well, and the bill before us, H.R. 3616, continues these reforms, while including additional improvements to the Impact Aid program.

H.R. 3616 would modify the formula used to determine payments for Federal property to ensure a more equitable distribution of funds. It also reforms the method used to make payments to the most heavily impacted school districts to reduce paperwork and speed up the receipt of needed funds. This change has been tested in a pilot program included in the last two appropriation bills and has proven to work.

This legislation will revise the current construction provisions of Impact Aid. This section, modeled on a bill authored by the gentleman from Arizona (Mr. HAYWORTH), would allow federally-impacted school districts with no bonding capacity, or schools with health or safety hazards to apply for Impact Aid construction funds. A portion of these funds would be reserved for that purpose.

The bill provides a funding floor for small school districts with fewer than a thousand children who have a per-pupil expenditure lower than their State average. This change will help these districts raise their per-pupil spending to a level that will provide them the necessary resources to better meet the educational needs of the student.

Finally, as many of my colleagues know, every year we are faced with amendments to the Impact Aid program to assist schools that have missed filing deadlines. In the past, some districts have sent their applications to the wrong address or have had personnel changes that caused the deadline to be overlooked. H.R. 3616 contains a provision to require the Department of Education to notify schools that they have missed the filing deadline. The Department will also provide schools with 60 days from the date of notice to file their application.

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In my view, this ensures that school districts will no longer have any excuse for missing their deadlines. They are not little children, so they should make sure they do not miss their deadlines if they want the money.

These are but a few of the changes included in the legislation we are considering today. I would like to thank the gentleman from Missouri (Mr. CLAY), the ranking minority member; the gentleman from Delaware (Mr. CASTLE); the gentleman from Michigan (Mr. KILDEE); and, most importantly, the gentleman from North Carolina (Mr. HAYES) for working with me to create a strong bipartisan reauthorization bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today's legislation before the House, H.R. 3616, authorizes a very valuable and important Federal education program known as Impact Aid.

Impact Aid is a Federal formula grant designed to assist school districts that have lost property tax revenue due to the presence of tax-exempt Federal property or have increased expenditures due to the enrollment of federally-connected children.

Children covered under the Impact Aid law include those residing on Indian lands, military installations, low-rent housing properties and other Federal properties, and whose parents are in the uniformed services or employed on eligible Federal properties.

Impact Aid is the only Federal education program where funds are sent directly to the school districts.

In a State like Hawaii, which has a very large number of military installations and over 150,000 military personnel at any given time, we have a very large dependence on the impact program. So I want to take this opportunity to thank the chairman of the House Committee on Education and the Workforce, the gentleman from Pennsylvania (Mr. GOODLING), for advancing this very important bill with the modifications that he described.

I know that it is the product of several months of bipartisan negotiations, and I believe that the changes that have been made to the legislation will add many of the improvements that have been sought by our school districts, including the business about late filing.

The bill allows a new provision for districts that have no bonding authority and have very serious construction and housing problems with reference to their school facilities, which present serious health and safety problems for the children. I hope that this new authority will address many of the emergency needs that have come to attention of this committee.

In closing, Mr. Speaker, I urge Members to support this important legislation, H.R. 3616. It comes to the floor with very strong bipartisan support.

Mr. Speaker, I reserve the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska (Mr. BARRETT) from the committee.

Mr. BARRETT of Nebraska. Mr. Speaker, I thank my chairman for yielding me this time.

Mr. Speaker, I rise in very strong support of the Impact Aid Reauthorization Act of 2000. Mr. Speaker, this bill provides much needed support for federally-impacted school districts without the local tax base to support education. This primarily includes those schools on or near military bases and on Indian reservations.

I have always supported Impact Aid, and this bill goes a long way toward meeting some of the critical needs of Impact Aid schools. I especially like the expanded construction fund provisions to help schools without bonding authority. This will help Indian schools in my State like Winnebago, Walthill, Omaha Nation, and Santee.

I often think it is too easy for people in Washington to forget that schools receiving Impact Aid are often the poorest and face some of the biggest obstacles. A few months ago, the Omaha World-Herald ran an excellent series describing some of the challenges facing Indian education in Nebraska and across the country. Dysfunctional tribal governments, poor home environments, alcohol, tobacco, drug addiction, the highest truancy and dropout rates of any minority group, and a host of other problems face Native American children in schools across this country.

When the U.S. Government signed treaties with these tribes years ago, we promised to educate their children. So far, our efforts have fallen short and have left generations of Native American children without the chance of a good education.

Now, at a very bare minimum, Mr. Speaker, for Native American children, as well as children from our military personnel, like those serving at the Omaha Offutt Air Force Base, we can authorize funds to support basic education through Impact Aid. This is a good bill. It is a well-balanced bill. I strongly urge the passage of the Impact Aid Reauthorization Act of 2000.

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. SCOTT) a distinguished member of our Committee on Education and the Workforce.

Mr. SCOTT. Mr. Speaker, I thank the gentlewoman from Hawaii for yielding me the time.

Mr. Speaker, the bill before us today is a true bipartisan effort. I would like to thank the gentleman from Pennsylvania (Chairman GOODLING), the gentleman from Delaware (Mr. CASTLE), the gentleman from Missouri (Mr. CLAY) and the gentleman from Michigan (Mr. KILDEE) for their work in crafting reauthorization which will ensure that federally-impacted school districts will continue to be compensated for the loss in property tax revenue due to the military or Federal presence in their district.

I want to specifically thank the gentleman from Pennsylvania (Chairman GOODLING) on behalf of the Virginia Tidewater Delegation, the gentleman from Virginia (Mr. BATEMAN), the gentleman from Virginia (Mr. SISISKY), the gentleman from Virginia (Mr. PICKETT) and myself for his assistance in resolving a unique situation in the district of the gentleman from Virginia (Mr. PICKETT) at the Oceana Naval Air Station in Virginia Beach.

As a result of the efforts of the chairman, the Virginia Beach school district can continue to receive Impact Aid without future penalties and other school districts who find themselves in a similar situation as it relates to rehabilitated military housing will have the appropriate guidance.

Mr. Speaker, Impact Aid continues to be an important funding stream for school districts that enroll a high number of children whose parents serve in the military or whose parents are Federal employees.

There is one part of the bill, however, Mr. Speaker, that needs improvement. I encourage the conference committee to work towards adjusting the funding formula to better reflect the impact of military and civilian dependent students whose parents work on Federal and military installations but actually reside in the local community.

The school districts, obviously, will not benefit from the taxes paid by the employer of Federal employees. And employer taxes represent a substantial portion of the tax base which pays for public schools. And so, an increase in aid for those children will help compensate what the loss is to the school districts by the loss of employer taxes. That means a lot to school districts in Norfolk, Newport News or Hampton in my district. But the same scenario holds true for the other school districts in the Hampton area of Virginia such as York County, Virginia Beach, and Chesapeake.

I want to congratulate my colleagues on this reauthorization, and I look forward to working with them towards full compensation of school districts for the loss in taxes that they receive and the Impact Aid as an extremely crucial part of helping that funding gap.

Mr. GOODLING. Mr. Speaker, I yield 3 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Speaker, I rise in support of H.R. 3616.

I testify today in my capacity as co-chairman of the Impact Aid Coalition and as the representative of Offut Air Force Base in my home district.

Offutt Air Force Base has as its tenants US/STRATCOM and the 55th Wing and a variety of other missions. This district is a heavily-impacted district. The land mass of Offutt Air Force Base is huge; and our school districts that educate the military children rely on their primary funding, property taxes, which, of course, because of the Federal base, this district does not collect.

Each year Congress rides to the rescue for these type of school districts. Bellevue is a wonderful example of a school district dependent on the deadbeat dad of the Federal Government for its survival. Each year it survives attempts to cut the budget for these military families. Such as, in Bellevue, 45 percent of its school population is composed of military families.

These families should not have to settle for less of an education than their counterparts surrounding Bellevue and Nebraska. Our military families should not be treated as second-class citizens.

Mr. Speaker, I am especially pleased with how this legislation deals with section 8003(f). The Clinton/Gore administration, in their budget, recommended the elimination of this section, which would take $6 million annually from this school district. H.R. 3616 deals a blow to this proposal by taking section (f) from a pilot program and making it a basic part of the payment structure. It would also encourage the method under which the supplemental payments are calculated and paid, therefore expediting the receipts of payment by heavily-impacted school districts. Until now, these heavily-impacted school districts had to wait a significant amount of time in order to receive their Federal payments.

Those in our armed forces need to know that the Federal Government is doing right by the school systems that teach their children. Education programs outside of Impact Aid are receiving increases, while we survive repeated attempts to cut Impact Aid.

I urge my colleagues to vote for this legislation. The $4.8 billion, 5-year reauthorization will ensure that those schools that are heavily impacted will maintain its funding.

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Texas (Mr. EDWARDS), who chairs the Congressional Impact Aid Caucus.

Mr. EDWARDS. Mr. Speaker, I thank the gentlewoman from Hawaii (Mrs. MINK) for yielding me the time.

Mr. Speaker, oftentimes the best products of this House pass with very little national attention for the very reason they have been put together on a bipartisan basis, and there has not been a great deal of conflict. This is a perfect example of that.

This is an important bill, helping deserving families and children. The Impact Aid program annually helps over 17 million children, Native American, military children, and helps them receive a better education. It is an important program for many reasons.

I want to congratulate the gentleman from Pennsylvania (Chairman GOODLING) for his leadership, along with the gentleman from Missouri (Mr. CLAY), in seeing that this important legislation that is affecting millions of children is here on the floor without rancor, without partisanship. This is a great compliment to the chairman and to the ranking member.

I also want to take this time, I was not here on the floor, to thank the gentleman from Illinois (Mr. PORTER), who is chairman of the Subcommittee on Labor, Health and Human Services and Education, and who has played a fundamental roll over the last several years in ensuring increased funding for these Native American children and military children. We will miss his leadership.

But most importantly, millions of children will have a better life for many decades to come because of the leadership of the gentleman from Illinois (Mr. PORTER), the gentleman from Pennsylvania (Mr. GOODLING), and the gentleman from Missouri (Mr. CLAY) and all of those on the committee who have worked on this important legislation.

Mr. Speaker, as the representative of Ft. Hood, Texas, I have the privilege of representing the largest Army installation in the world. And from that perspective, I would like to take just a few moments to focus my remarks on the sacrifices made by military children, those children we are helping in this bill.

On Veterans Day and Memorial Day, our Nation, and rightfully so, honors men and women in uniform who have given so much, perhaps their all, for all of us in this country.

What is all too often forgotten is the sacrifices made by our military families and children. Think just for a minute, if you would, about the life of a military child, knowing how proud they are of their mom or dad who are serving in the military. But think for a moment what it is like to move five or six or eight or ten times between their first grade classes and graduating from high school. What is it like to just get elected as cheerleader in their high school or captain of their soccer team or football team only to find out that their mother or father has been asked by his or her country to move to another State?

What is it like to have mom or dad deployed for 6 or 12 months at a time, missing baseball and soccer and other events at their school? And what is it like to have mother or father not be there for high school commencement because mom or dad is serving their country?

Worse yet, what is it like for millions of young military children who have to face the possible reality of not having their mother or father at their high school commencement because they might have been killed in training or in combat?

Just over a year ago, Mr. Speaker, I saw a high school junior in my district in Coleen, a young lady who saw her mother for the first time in 2 months because her mother was in Bosnia serving in uniform, saw her mother over teleconferencing from Ft. Hood. How do we put a value on the sacrifice of that young lady who had not even seen her mom in 2 months and would not see her in person for several more months?

□ 1630

Just Easter weekend of this year with Senator HUTCHINSON and others, I met a young private who missed the birth recently of his first child. Who among us as fathers in this House would not be devastated to be away from our wife upon such an important moment as that? We all know military children rightfully are proud of their parents.

While we cannot fully understand all of their sacrifices unless we were in their shoes, what we can do and what we morally must do is say and to ensure that military children deserve no less than a first-class education. That is what impact aid is all about. It is a first-class, quality education for deserving children. It is telling our soldiers and sailors and airmen and Marines, if you are thousands of miles away in uniform putting your life on the line for your Nation, then you have a right to know your children are back home getting a good education. Impact aid is about readiness, because we cannot attract and keep the best and brightest in our military unless we ensure that their families can be confident their children will get a quality education. Impact aid. It is not the only way but it is an important way we in this House today on a bipartisan basis can say thank you to the servicemen and women of America.

Mr. GOODLING. Mr. Speaker, I yield 2¾ minutes to the gentlewoman from New York (Mrs. KELLY), who knows what impact aid is all about.

Mrs. KELLY. Mr. Speaker, I rise today in support of H.R. 3616, the Impact Aid Reauthorization Act of 2000. This bill, which has moved through the committee process with strong bipartisan support is a clear example of this Congress' dedication to our Nation's children and a fulfillment of the Federal commitment to local educational agencies impacted by the presence of the Federal Government.

In fact, section 8002 of the Impact Aid Program which serves land impacted districts was funded in fiscal year 2000 at almost twice the amount it was funded at for fiscal year 1995. However, this section and the entire program is still not yet fully funded. Due to the program's limited resources, we face a situation where we must factor need into the funding formula to ensure that resources are getting to the schools who rely on the assistance the most.

Like many of my colleagues, I represent one of the most highly impacted schools in the Nation. This school relies on the impact aid program. Adjacent to West Point, the Highland Falls-Fort Montgomery school district is a textbook example of the importance of this program. As one of 243 land impacted school districts, it is nearly impossible for this district to raise the revenues necessary to provide their children with the quality of education which they deserve. Because this school is sandwiched between Federal land, a State park and the Hudson River, it leaves the school district with 93 percent nontaxable land. Only 7 percent of land is available from which to fund the school. Several years ago when faced with decreased funding, the school district was faced with a real possibility that it would have to close its doors. They were forced to eliminate several teachers, some of the support staff and some administrators. In fact, it even got so bad that the students walked out to protest the deteriorating conditions of their schools. Today, thanks to the renewed support of section 8002 and of the Impact Aid Program, this school district has been able to begin capital improvements, they have hired new teachers, they have tutors and they have reinstated the college advanced placement courses. None of this would have been possible without the assistance that they received through Impact Aid.

Mr. Speaker, reauthorization of this and the other programs associated with the Elementary and Secondary Education Act is critical to the future success of our children and our Nation. I urge my colleagues to vote in support of this legislation.

In addition, I would like to thank the sponsor of this legislation the gentleman from North Carolina (Mr. HAYES) and the distinguished chairman of the Committee on Education and the Workforce the gentleman from Pennsylvania (Mr. GOODLING) for his tireless efforts on behalf of the children of this Nation, both during his 26 years in the House and as a school superintendent. His efforts are appreciated and they will be very much missed in the future. We thank him for all he has done for all of the schoolchildren of this Nation.

Mr. GOODLING. Mr. Speaker, I yield 2½ minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, as a longtime cosponsor of impact aid legislation, I rise today in strong support of this bill. I would note that the Impact Aid Reauthorization Act of 2000 is an important step forward. I want to thank the sponsor of the legislation for his hard work, the gentleman from North Carolina (Mr. HAYES) and the gentleman from Pennsylvania (Mr. GOODLING), the distinguished chairman of the Committee on Education and the Workforce, and the gentlewoman from Hawaii (Mrs. MINK) for their longtime advocacy of impact aid.

This measure, Mr. Speaker, will assist those school districts with their loss of tax revenues resulting from a heavy presence of federally owned lands. Such is the case for the Highland Falls-Fort Montgomery School District located in Orange County, New York, which includes some 16,000 acres of the United States Military Academy at West Point.

Mr. Speaker, this measure establishes a pilot program for heavily impacted school districts and addresses the growing problem of how to compensate school districts for the loss of impact aid revenues due to the continued practice of privatizing military housing, all of which is of particular concern to those in the Highland Falls-Fort Montgomery District due to the presence of the West Point Military Academy.

I am pleased that the House today is considering this important measure to once again ensure the economic viability of those school districts throughout our communities providing the important service of educating our children, including those from the armed forces.

Accordingly, I urge all of our colleagues to support this important Impact Aid measure.

Mr. GOODLING. Mr. Speaker, if I had known what the gentlewoman from New York was going to say at the end, I would have given her a couple of minutes.

Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina (Mr. HAYES), who worked tirelessly to promote this legislation.

Mr. HAYES. Mr. Speaker, I would like to take up where the gentlewoman from New York left off. The gentleman from Pennsylvania has worked with enthusiasm, with determination and with tireless effort to move this bill forward. I would like to also thank the gentleman from Michigan (Mr. KILDEE), the ranking member of the subcommittee, again for his tireless effort and identify myself with the remarks of the gentleman from Texas (Mr. EDWARDS) and call to the attention of the body that this has been a bill supported strongly by Members on both sides of the aisle. This has been an example of Congress working together for our young people to give them opportunities and working at its best.

Mr. Speaker, I rise to ask my colleagues, as have others, to support strongly this important piece of education legislation. In my Congressional district, impact aid is a crucial element of the basic financial support for schools in Cumberland, Robeson, Hoke, Richmond and Scotland Counties. Just as local taxes support other school districts, impact aid bridges the gap in counties where the Federal Government is a major landowner. In some cases, impact aid supplies a significant portion of school districts' operating budgets. For example, in Cumberland County, home of Fort Bragg and Pope Air Force Base, over one-third of the school district's budget comes from impact aid and other Federal education programs. In fact, the Cumberland County School System receives the most impact aid of any system in North Carolina. Dr. Bill Harrison, superintendent of Cumberland County Schools, recently testified before Congress on the importance of impact aid. He did a great job of describing the real world ways by which our children are helped through impact aid.

The Impact Aid Reauthorization Act of 2000 builds on key improvements to the Impact Aid Program. The program was written so it would focus impact aid dollars on those school districts most heavily impacted by a Federal presence. These changes have proven extremely successful in getting funds to schools in greatest need of assistance, thus enabling them to improve the quality of education provided to students. This legislation will further improve the program and should lead to even stronger support among my colleagues for funding key needs in federally impacted school districts. As in my Congressional district, many of the children affected by this law are the children of members of the Armed Services. We need to make sure that the men and women who serve and put themselves in harm's way have peace of mind knowing that their children will receive a quality education.

As one of the over 150 members of the Impact Aid Coalition, one of the largest bipartisan coalitions in Congress, we have worked together to support our local school systems that provide support for military men and women and those citizens who are affected by Federal properties. This bill has the support of the National Association of Federally Impacted Schools, the association that represents over 1,600 school districts nationwide that will benefit from this legislation, and also the National Military Impacted Schools Association. I would like to submit their letters of support for the RECORD.

AIR FORCE SERGEANTS ASSOCIATION,
*Temple Hills, MD, February 28, 2000.*

Hon. ROBIN HAYES,
*Cannon House Office Building,*
*Washington, DC.*

DEAR REPRESENTATIVE HAYES: On behalf of the 150,000 members of the Air Force Sergeants Association, I applaud you for introducing H.R. 3616, the "Impact Aid Reauthorization Act of 2000." Congratulations on the unanimous vote to bring H.R. 3616 out of the House Education & Workforce Committee to the floor of the House of Representatives. This unanimous vote is a great sign of your leadership and the commitment that committee members have to the children of our military men and women. Your leadership in developing this legislation to reauthorize Impact Aid will benefit thousands of children and school districts.

Thank you again for sponsoring the "Impact Aid Reauthorization Act of 2000." As always we are ready to support you on this and other matters of mutual concerns.

Sincerely,

JAMES D. STATON,
*Executive Director.*

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NATIONAL ASSOCIATION OF
FEDERALLY IMPACTED SCHOOLS,
*Washington, DC, February 23, 2000.*

Hon. ROBIN HAYES,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE HAYES: On behalf of the 1,600 local educational agencies that are impacted by a federal presence, I want to thank you for your leadership and support in shepherding H.R. 3616 through the House Education and the WorkForce Committee last week. Your introduction of the bill will reauthorize the Impact Aid Program for the next five years is in itself a reason for the National Association of Federally Impacted Schools (NAFIS) to say thank you. But your work to see to it that the bill was favorably reported out of the Education and Workforce Committee exemplifies your unqualified support for the Impact Aid Program.

As you know the bill was unanimously reported out of committee, but we were very concerned about the amendment to eliminate the civilian "b" student from the program offered by Representative Tancredo. The passage of his amendment would have made it very difficult for NAFIS as an association representing the interests of all the categories of federal students, to support the bill on the House floor. I hesitate to even think of what our options might have been in terms of trying to overturn the Tancredo amendment. Because the program is not found in every congressional district, our job on the House floor would have been difficult. I know for a fact that your conversations with your Republican colleagues on the committee prior to the mark-up, helped insure that Mr. Tancredo's amendment would fail. I can't find the words to express the association's thanks for your "active" support for the bill. Without question, your role as the original sponsor of this legislation, made it possible for the bill to be reported out of committee without amendment.

Our job now is to move the bill through the full House next week. I am hopeful that bringing it up on the suspension calendar will avoid any potential problems that might be lingering. If you feel a need for any assistance from our office as the committee prepares to bring the bill to the floor, please let me know. We will continue to work with Chairman Goodling's staff as they prepare for next week, but again please know that NAFIS recognizes your unselfish role in moving this bill through the House. Again thank you!!!

Sincerely,

JOHN B. FORKENBROCK,
*Executive Director.*

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FLEET RESERVE ASSOCIATION,
*Alexandria, VA, February 22, 2000.*

Hon. WILLIAM GOODLING,
*Chairman, Education and the Workforce Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: On behalf of the 152,000 members of the Fleet Reserve Association (FRA), I wish to express strong support for H.R. 3616, a proposal introduced by Rep. Robin Hayes that re-authorizes and improves the Impact Aid program under the Elementary and Secondary Education Act of 1965.

Impact Aid is an essential support program for schools near military installations enrolling children of uniformed services members. If enacted, H.R. 3616 will help ensure a more balanced distribution of funds, revise construction regulations and authorize other positive changes in the administration of the program. Of special importance to military personnel and their families is an amendment that provides more equitable payments for children living in privatized military housing communities on land formerly owned by the Federal Government.

Quality of life concerns significantly impact military recruiting and retention and are directly related to readiness. Anxiety about the quality of elementary and secondary educational opportunities for their children at each duty station ranks as one of the major concerns along with pay, health care, etc., of our Nation's service members. As the Armed Services work to execute demanding operational commitments around the world, uniformed personnel need not have these additional concerns complicating their military duties.

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NATIONAL MILITARY
IMPACTED SCHOOLS ASSOCIATION,
*Bellevue, NE, February 17, 2000.*

Congressman BILL GOODLING,
*House Education & Workforce Committee,*
*Washington, DC.*

DEAR CONGRESSMAN GOODLING: The Military Impacted Schools Association (MISA) is extremely proud of the leadership you and your staff have demonstrated in developing the legislative proposal to reauthorize the Impact Aid Program. Congratulations on the unanimous vote to bring H.R. 3616 out of the House Education & Workforce Committee to the floor of the House of Representatives.

There has been a real sensitivity to the needs of military children and your support is greatly appreciated.

The discussion on the proper weight for a military (b) child is also appreciated and we hope this can be continued.

On behalf of the public schools serving the educational needs of over 550,000 military children, we wholeheartedly endorse and support your Impact Aid reauthorization proposal.

Warmest regards,

JOHN F. DEEGAN, Ed.D.,
*Chief Executive Officer.*

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NATIONAL MILITARY FAMILY
ASSOCIATION, INC.
*Alexandria, VA, February 22, 2000.*

Hon. WILLIAM GOODLING,
*Chairman, Education and the Workforce Committee, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The National Military Family Association (NMFA) congratulates you, the members of your Committee, and your staff for the unanimous vote to bring H.R. 3616 to the House floor. This proposal, introduced by Rep. Robin Hayes, provides important improvements to the reauthorization of the Impact Aid Program.

As the only national association whose sole focus is the military family, NMFA knows that military members rank quality education for their children as a top priority. The approximately 75 percent of military children who attend school in civilian systems rather than DoD schools depend on the Impact Aid Program to help ensure adequate funding for the schools serving the military installations where their parents are assigned. This program is essential to the quality of education received by over 500,000 military children as well as several million of their civilian classmates.

We were especially pleased to see the provisions in HR 3616 dealing with equitable payments for children living in privatized military housing or being moved when military family housing is undergoing renovation. Protecting the funding stream for children already in the system is very important. NMFA also appreciates the proposal's attention to the construction needs of districts serving large numbers of military children.

On behalf of the military families we represent, NMFA appreciates your support of the Impact Aid program and endorses HR 3616.

Sincerely yours,

MARGARET HALLGREN,
*Director, Government Relations,*
*National Military Family Association.*

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NATIONAL INDIAN IMPACTED SCHOOLS
ASSOCIATION

HOUSE OF REPRESENTATIVES,
*Washington, DC*

DEAR REPRESENTATIVE: Over the past several months the National Indian Impacted Schools Association (NIISA) has worked closely with the National Association of Federally Impacted Schools (NAFIS) to make recommendations to the United States House of Representatives Committee on Education and Workforce on the reauthorization of the Impact Aid Program. H.R. 3616 is the result of those collaborative efforts. I am pleased to say that that bill includes only minor changes which will "fine tune" the existing law or revise it to address specific concerns brought forward by both military and Indian lands school districts.

NIISA would like to commend the committee for recognizing the facility needs of school systems that are highly impacted with Indian land and federal trust property. The committee bill recognizes that many of these school systems lack the capacity to issue capital construction bonds and in addition, many of these same school systems are currently educating children in facilities that pose a serious health threat to the students and faculty working within them. The reasonable and responsible approach taken by the committee to address this very serious issue is celebrated by the impact aid community and NIISA urges the Congress to support the committee's recognition of the federal obligation to address this serious building issue.

In summary, the NIISA community strongly supports H.R. 3616 which the United States House of Representatives is about to consider. We urge all members of the House to support this bill when it comes up for vote.

Sincerely,

BRENT D. GISH,
*President.*

Mr. HAYES. Mr. Speaker, we have a responsibility to assist those school districts impacted by a Federal presence. The Impact Aid Reauthorization Act of 2000 will help ensure school districts receive the support they need to provide children with the best possible education. These are thoughtful improvements to a very important law. I again thank the gentleman from Pennsylvania for his many years of service, his effort on this bill, and I strongly urge my colleagues to wholeheartedly support this legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I yield back the balance of my time.

Mr. GOODLING. Mr. Speaker, I yield myself such time as I may consume.

I want to thank Alex Nock and Marshall Grigsby on the minority side. It may be the last time that we can address Alex as Alex Nock because I understand he is getting married and must take his wife's name from that point on.

Again I want to thank George Conant on our side, and I particularly want to thank Ms. Impact Aid, Lynn Selmser.

Mr. CUNNINGHAM. Mr. Speaker, I am proud to rise in support of H.R. 3616, the Impact Aid Reauthorization Act. As a co-chair of the bipartisan House Impact Aid Caucus, now over 120 members strong, and as an early cosponsor of this bipartisan legislation, I urge my colleagues to vote for H.R. 3616 today.

Let me take a moment to describe for my colleagues what education Impact Aid is, and why this legislation is important.

Impact Aid represents the fulfillment of federal responsibility to local public education. Local public schools are chiefly funded by a combination of state and local income, sales and property taxes. Some 93 percent of local public education funding is just that—local, not federal. However, the presence of federal facilities such as national security installations and Indian reservations has a negative impact on local property tax collections. Such federal property is not locally taxed. This impact reduces the locally-generated revenues to our local public schools—the very same local public schools attended by the children of military personnel or Native Americans. Simply put, Uncle Sam does not pay local property tax for local public education. So until the federal government pays local property tax, the federal government has a responsibility to provide education Impact Aid.

Most of the funding for Impact Aid is paid as general revenue to local education agencies to compensate for federal impaction, which each local school district calculates by formula. Other Impact Aid programs pay to local school districts involved in special circumstances, such as a high presence of children requiring special education, sizable tracts of federal property ineligible for private development and taxation, a large percentage of student population that is federally connected, the presence of Native American children, and other factors. Each one of these is important.

Unfortunately, Mr. Speaker, Impact Aid has been under unprecedented and continuous attack from the Clinton-Gore Administration.

Year after year, Clinton-Gore budgets cut and gut Impact Aid, some years by hundreds of millions of dollars. This year's budget submission for Fiscal Year 2001 is no different; the Administration has for FY 2001 proposed a risky scheme to slash Impact Aid by $136.5 million. This astonishes me for several reasons.

First, military families are under more stress than ever, with parents being sent on longer and more frequent deployments thanks to this Administration's foreign policy and its failure to budget adequately for our basic national security needs. Military recruitment is a challenge, and retaining quality soldiers, sailors and Marines is more difficult every passing year. Yet, President Clinton and Vice President GORE are once again cutting and gutting direct funding to the schools attended by these families' children, which is clearly a federal responsibility.

Secondly, the economic and social challenges on American Indian reservations continue to be most grave, with unemployment and other measures of social stress far above the national average. Their school buildings are falling apart. They have no ability to raise more local property tax revenues for education. The federal government has a specific responsibility to these communities. Yet, President Clinton and Vice President GORE have annually cut the funding for their schools, by cutting funding for Impact Aid.

Thirdly, the Clinton-Gore Administration's callousness toward this responsibility has extended to the Department of Education's historic misadministration of this important program. Through FY 1999, schools and observers of the Impact Aid program could count on schools' payments being made later and later, requiring local schools to take out loans and pay interest just to meet regular budget obligations. As late as mid-1999, the Department was as much as five years late in making certain Impact Aid payments. I am pleased to note that after several years of the Appropriations Subcommittee on Labor, HHS and Education bringing this to the Administration's attention, the Department has finally, after seven years of Clinton-Gore, been making Impact Aid payments on a more timely basis. There was never any valid excuse for them to be made so late in the first place.

Given all this, it is not surprising that the Administration's own proposal to reauthorize Impact Aid would have eliminated Impact Aid payments to hundreds of schools that have legitimate federal impact within their borders.

I am pleased to inform Members, however, that the House Appropriations Subcommittee that funds the Impact Aid program has rejected the mean, extreme Clinton-Gore cut of Impact Aid, and recommended an increase.

Why is this legislation important?

First, H.R. 3616 renews and improves the administration of the Impact Aid program. Without making drastic changes in the legislation since the 1994 authorization, or to the 1996 Impact Aid Technical Amendments which I authored, H.R. 3616 nevertheless addresses challenges that have arisen in the Impact Aid program, and makes needed improvements. Among these are several important incremental improvements to Impact Aid that in recent years have been carried by the Appropriations Subcommittee on Labor, HHS and Education as legislative language. These improvements have successfully simplified schools' application process, and accelerated payments to eligible schools.

Second, and most important, it demonstrates the commitment of the people's bipartisan representatives in this House to Impact Aid as a federal responsibility to America's public schools, to their teachers, administration and students, and to the families who serve our country in the military and to Native Americans.

Mr. Speaker, in closing I want to thank several people who have helped to develop this important legislation.

The bill's sponsor, Representative ROBIN HAYES, Republican from North Carolina, has done a tremendous job with this bill. Congressman HAYES is a friend of education and a friend to America.

I also want to recognize House Education and Workforce Committee Chairman BILL GOODLING, House Education Appropriations Chairman JOHN PORTER, and all of the members of the bipartisan House Impact Aid Coalition, for the contributions they have made to this legislation.

Good work does not happen in a vacuum. Thus, I also want to single out for special thanks the following people: Ms. Lynn Selmser of the Education Committee Staff; John Forkenbrock, the executive director of the National Association of Federally Impacted Schools and his staff and membership; and my constituent Rick Knott, comptroller of the San Diego City Schools and chairman of the California Association of Federally Impacted Schools. Their specific efforts for Impact Aid help children, and have made this a better bill.

With that, Mr. Speaker, I urge Members to vote for schools, for children, and for our military and Native American families, by voting for this bill, H.R. 3616.

Mr. POMEROY. Mr. Speaker, I strongly support H.R. 3616, the Impact Aid Reauthorization Act. In addition to its other important components, this legislation includes a critical provision that would help federally impacted schools in North Dakota and across the country meet their urgent repair needs.

Since 1950, through the Impact Aid program, the federal government has recognized its responsibility to assist school districts and communities that are impacted by a federal presence such as a military base or Indian reservation. Today over 1½ million children in over 1,600 school districts across the country depend on the Impact Aid program for a quality education.

Until 1994, Congress provided substantial assistance to help federally impacted districts build and repair their schools. This assistance is particularly important to districts whose property tax circumstances make it almost impossible to pass school construction bonds. Since 1994, however, federal funding for the Impact Aid school construction account has fallen off and no longer meets the needs of the over two hundred qualifying schools. As a result, many of these school buildings have become run down, overcrowded, and in some cases, a danger to the health and safety of their students.

I became ware of the real impact of inadequate construction funding when I visited a federally impacted school in my district, Cannonball Elementary. Cannonball Elementary is located on the Standing Rock Reservation in North Dakota, and serves as a perfect example of the many challenges Impact Aid schools face in trying to provide a safe and healthy learning environment with serverly limited resources.

The Standing Rock Reservation currently suffers from staggering unemployment rates and overall economic depression. A quality education is critical in ensuring that the children on this reservation escape a life of poverty. As in all federally impacted schools, a quality education for children at Cannonball depends upon the willingness of the federal government to fulfill the responsibility to it acknowledged in 1950.

For the past several years, however, the federal government's commitment to Impact Aid has fallen short of meeting the most basic needs of these students. As a result of inadequate construction funding, Cannonball has fallen into despair. Storage rooms have been converted to makeshift classrooms and entire portions of the building have been condemned. Students and teachers are often forced to move from classroom to classroom to dodge the stench of sewer back-up that permeates through the building. I have walked the halls of Cannonball Elementary and have found the conditions these children face on a day-to-day basis to be simply deplorable.

Cannonball Elementary and federally impacted schools like it across the country find themselves in a kind of "Catch 22" when trying to keep up with their construction needs. Although these schools depend upon the federal government to fund their construction needs, current funding is barely sufficient to cover the daily operating expenses of Impact Aid schools, and repair needs have become increasingly desperate. Last year, a mere $10 million was allocated to section 8007, the Impact Act school construction account. Moreover, $3 million of the $10 million appropriated for section 8007 was earmarked for special projects. The remaining Impact Act schools were left with the balance—only $7 million to address all construction and renovation needs for over 1,600 schools.

The Cannonball School relies on federal Impact Air funds to meet its repair needs, and when that funding is not adequate, the school literally has no other source of funds. The "Catch-22" for schools like Cannonball is that when Impact Aid funding is insufficient, they are left out in the cold because they lack a property tax base and the capacity to pass school construction bonds to support urgent repairs. Several other districts in North Dakota, including Minot and Grand Forks Air Force Base school districts, also face the same problem.

Mr. Speaker, I believe that the legislation we will vote on today offer great hope that the Cannonball school and others can finally address their urgent needs. Specifically, H.R. 3616 would create a new section 8007(b) within the Impact Air program to fund urgent school modernization projects. Under this legislation, an individual school district could receive a grant of up to $3 million any time during the five-year authorization period. In order to make the federal funds go farther, the bill also required districts to provide matching funds, but allows for in-kind contributions to count towards the match.

This provision of H.R. 3616 is based on the Federally Impacted School Improvement Act legislation Representative HAYWORTH (R–AZ) and I introduced last year. I would like to take this opportunity to thank Representative HAYWORTH and other members of the House Impact Aid Coalition for their role in the inclusion of section 8007 (b) in this legislation. I would also like to recognize John Forkenbrock in Brady King of the National Association of Federally Impacted Schools Association (NAFIS) for their tireless advocacy on behalf of Impact Aid school districts across the country.

Finally, Mr. Speaker, I would like to thank Representative KILDEE, (D–MI), the Ranking Member of the Committee on Education and the Workforce. Our success today is due in no small part to Mr. KILDEE's vocal support of the inclusion of a school modernization provision in H.R. 3616. On behalf of the students of Cannonball Elementary and thousands like them across the country, I would like to express my gratitude to Mr. KILDEE for his dedication to improving the educational opportunities of our children.

Again, Mr. Speaker, I urge my colleagues to vote in favor of this important legislation, which would help federally impacted schools across the country provide a quality education in a safe, healthy, learning environment.

Mr. WATTS of Oklahoma. Mr. Speaker, I am in strong support of the Impact Aid program. Impact Aid is one of the oldest federal education programs, dating back to 1950. Impact Aid compensates local educational agencies, LEAs, for the substantial and continuing financial burden resulting from federal activities. These activities include federal ownership of certain lands, thus taking the land off the tax roles, as well as the enrollment in LEAs of children of parents who work and/or live on federal land. The federal government provides compensation because these activities deprive LEAs of the ability to collect property or sales taxes from these individuals, for example members of the Armed Forces living on military bases, even though the LEAs are obligated to provide free public education to their children. Thus, Impact Aid is a federal payment to a school district intended to make up for a loss of local tax revenue due to the presence of non-taxable federal property.

Impact Aid is one of the only federal education programs where the funds are sent directly to the school district, and thus there is almost no bureaucracy. In addition, these funds go into the general fund, and may be used as the local school district decides. As a result, the funds are used for the education of all students, and there is no rake-off by states or the federal government to fund bureaucrats.

Nationwide, there are approximately 1,500 federally impacted school districts that are educating 1.3 million federal children. In Oklahoma, there are 287 Oklahoma school districts with federal property. A total of 258,914 students are enrolled in Oklahoma's Federally Impacted Schools. The fourth district of Oklahoma is home to three military bases. Therefore, Oklahoma is comprised of students who are military children, children living in Indian lands, children residing in federal Low Rent Housing projects, children whose civilian parents work on federal property, but do not live on federal property, and children who are special education students. Considering the staggering number of federally impacted children, it is abundantly clear that the federal government has an obligation to federally impacted schools.

By increasing its support, the federal government can assist these schools in providing a quality education to thousands of children across the country. Therefore, I urge my colleagues to join me in reauthorizing the Impact Aid Program. Millions of students depend on the Impact Aid program for a quality education. Let's not disappoint them.

Mr. GOODLING. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GOODLING) that the House suspend the rules and pass the bill, H.R. 3616, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## SENSE OF CONGRESS REGARDING IN-SCHOOL PERSONAL SAFETY PROGRAMS

Mr. CASTLE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 309) expressing the sense of the Congress with regard to in-school personal safety education programs for children.

The Clerk read as follows:

H. CON. RES. 309

Whereas there were more than 84,000 confirmed cases of sexual abuse in the United States in 1997 and 90 percent of the victims under 12 years old knew their offender;

Whereas 867,129 individuals were reported missing in 1999 and 85 to 90 percent of these missing persons were children;

Whereas according to Department of Justice research, there are approximately 114,000 nonfamily abductions in any one-year period;

Whereas a central element of the National Center for Missing and Exploited Children's (NCMEC) congressionally mandated mission is to prevent the victimization of children;

Whereas NCMEC examined the state of child safety education in the United States, focusing on what works and what does not;

Whereas nearly every primary and secondary school in the Nation conducts some sort of child safety education program, but NCMEC concluded that most such child safety programs were inadequate to promote personal safety for children;

Whereas guidelines, such as those developed by NCMEC, will help ensure that educators and child-serving organizations have the best possible tools and information to make decisions regarding child safety curriculum selection and development; and

Whereas child safety guidelines should be developed in collaboration with leading educational, public policy, and child-serving organizations and the NCMEC's guidelines have been endorsed and are supported by many such organizations: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That—

(1) it is the sense of the Congress that States should encourage their primary and secondary schools to implement quality child safety curricula so that each child receives instruction that is positive, comprehensive, and effective; and

(2) the Congress recognizes the National Center for Missing and Exploited Children's "Guidelines for Programs to Reduce Child Victimization" as one of the tools to guide the selection of quality child safety programs when local schools develop such programs.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Delaware (Mr. CASTLE) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Delaware (Mr. CASTLE).

GENERAL LEAVE

Mr. CASTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this resolution, H. Con. Res. 309.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Delaware?

There was no objection.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H. Con. Res. 309, expressing the sense of Congress with regard to in-school personal safety education programs for children.

I introduced this resolution along with the founder and chairman of the House missing and exploited children's caucus, the gentleman from Texas (Mr. LAMPSON), to help focus our attention on the important issue of child safety. I am sure we have all seen the posters, the fliers and the special news reports on children who have been abducted from their families or who have been otherwise harmed by the adults in their lives.

In fact, in 1997, there were more than 84,000 confirmed cases of sexual abuse in the United States, and 90 percent of the children who were under 12 years knew their offender. And, according to the Department of Justice, there were nearly 114,000 nonfamily abductions just last year. I believe that these statistics point to the desperate need for comprehensive, age-appropriate safety programs to reduce the rate of victimization among our children. And because children can learn a great deal in the classroom about basics of personal safety, schools have increasingly become the center of our prevention efforts. Yet according to a recent survey, while nearly every primary and secondary school in the Nation conducts some sort of child safety education program, most programs are inadequate to actually prevent victimization and promote personal safety.

For this reason, H. Con. Res. 309 does two things. First, it expresses the sense of Congress that States should encourage their primary and secondary schools to implement child safety curricula so that each child receives instruction that is positive, comprehensive and effective.

Second, the resolution recognizes the National Center for Missing and Exploited Children's guidelines for programs to reduce child victimization as one of the tools to guide the selection of quality child safety programs. I hold up a copy of this. This is as good and as substantive a document as I have read. I would encourage every office to get hold of a copy of that.

□ 1645

As the Nation's preeminent resource for programs and materials to prevent child victimization, the National Center for Missing and Exploited Children is often asked to endorse specific programs and provide guidance to schools, community groups and individuals who are trying to choose among different child safety programs. Although the National Center does not endorse specific products or programs, they recently completed a comprehensive assessment of available education materials, and they have developed guidelines, as I have already shown, to help parents and educators identify and implement quality child safety programs. Their criteria was developed in collaboration with experts from the fields of education and law enforcement, and they are now supported by a number of organizations, including the American Academy of Pediatrics; the National Association of Elementary School Principals, the National Association of Attorneys General, the Boys and Girls Clubs of America, and many others.

I believe their products, the guidelines to reduce child victimization, is one way to help ensure that the child safety programs are locally designed, but that they are also effective in increasing our children's ability to recognize and avoid potentially dangerous situations.

In closing, I hope all Members will join with me to support the National Center throughout the month of May and help us picture our lost children home. For these children, school-based safety programs may be too late, but we can take a few moments to view the pictures of missing children on the National Center's web site and return these children to their families' loving embrace. In the meantime, we can pass this resolution and encourage our schools and our educators to obtain the necessary tools to help our children avoid a similar fate.

I would like to thank the gentleman from Texas (Mr. LAMPSON) again for his efforts and involvement with child safety issues, and I would encourage the adoption of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 309, bipartisan legislation introduced by the gentleman from Delaware (Mr. CASTLE) and the gentleman from Texas (Mr. LAMPSON) in support of guidelines issued by the National Center on Missing and Exploited Children on child safety and abuse programs.

One of the most important concerns for parents today is the safety of their children. Whether they are walking to school, riding bicycles around town, or even going to the mall, children need to be aware of their surroundings and cautious about contact with adults they do not know. Since 357,000 child abductions happen every year, these issues are critical to our families and our communities.

The resolution that the House is considering today recognizes the National Center's guidelines as one of several tools that should guide the selection of child safety programs, particularly in our schools. Specifically, the guidelines provide background information as a general framework to assist schools, communities and individuals in choosing, implementing and evaluating programs to prevent and reduce child abuse and to generally promote child safety. It does not endorse or recommend specific programs or methods, but does describe practices and techniques which appear to be most effective in attaining the goals of these programs.

Clearly, this guide can be an essential tool for school districts seeking to improve child safety programs and to reduce child abuse. We need to establish programs that provide useful information to children, encourage self-confidence and teach assertiveness skills so that they can recognize danger and avoid abduction.

Mr. Speaker, in closing, I want to congratulate again both the gentleman from Delaware (Mr. CASTLE) and the gentleman from Texas (Mr. LAMPSON) for their conscientious efforts and for collaborating together on a bipartisan basis and bringing this resolution for consideration by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GOODLING), Chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I also rise today in support of H. Con. Res. 309, expressing the sense of Congress with regard to in-school personal safety education programs for children. You have heard the horrible statistics as the subcommittee chair recited them. I would add one more to those. As I drive behind school buses and notice every time they stop and see children jump off and run across in front of that bus without looking either way, assuming that the cars are going to stop as they are supposed to, but each year we read about the number of cars that do not stop, unfortunately.

H. Con. Res. 309 will help draw attention to these devastating statistics that are so drastically impacting our Nation's young people and make information available regarding personal safety education programs to schools across the country.

The resolution is simple and straightforward. First, it states the sense of Congress that States should encourage their primary and secondary schools to implement quality child safety curricula so that each child receives instruction that is positive, comprehensive and effective. Let me be clear about this point: H. Con. Res. 309 does not promote a specific child safety curriculum. It simply says that States should encourage their schools to implement locally appropriate child safety education programs.

Second, this resolution recognizes the National Center for Missing and Exploited Children and their guidelines for programs to reduce child victimization as one of the tools to guide the selection of quality child safety programs when local schools develop such programs.

The National Center for Missing and Exploited Children is a nonprofit organization that serves as a focal point in providing assistance to parents, children, law enforcement, schools and the community in recovering missing children and raising public awareness about ways to help prevent child abduction, molestation and sexual exploitation. Their mission is twofold: The Center works to find missing children, and they try to prevent future victimization of children. To prevent the victimization of children, the Center argues that every child should receive instructions on personal safety that are positive, comprehensive and effective.

The National Center for Missing and Exploited Children examined the state of child safety education in the United States. On a positive note, they found that nearly every primary and secondary school in the Nation conducts some sort of child safety education program. Unfortunately, the Center concluded that most of these child safety programs were inadequate to promote successful personal safety for children.

The Center does not endorse specific products or programs. However, because of their examination of child safety programs, they have developed guidelines for educational programs in the hope that educators and parents will use these criteria to review proposed programs. These guidelines are not legal standards and they are not community-specific. They are simply intended to provide a framework for communities when selecting safety programs and making curriculum decisions.

The National Center for Missing and Exploited Children guidelines came about as a result of exhaustive research and significant experience in the field of child safety. These guidelines argue that training and educational materials proposed for use by schools and organizations that serve children should, first, be based on accepted educational theories, be appropriate for the age and educational and developmental levels of the child, offer concepts that will help children build self-confidence in order to better handle and protect themselves in all types of situations, have multiple program components that are repeated several years in a row, and utilize qualified presenters who use role-playing behavioral rehearsal feedback and active participation.

Mr. Speaker, I reiterate that H. Con. Res. 309 does not endorse a child safety curriculum from Washington. Rather, it urges schools to consider child safety guidelines when selecting or creating a localized curriculum. We are not trying to assert local control of education; we are merely trying to help ensure that educators and child-serving organizations have access to and consider available information in making decisions regarding the development of child safety education programs.

I want to thank the gentleman from Delaware (Mr. CASTLE), the Chairman of the Subcommittee on Early Childhood, Youth and Families, for introducing this legislation, and I also want to commend the gentleman from Texas (Mr. LAMPSON) for his yeoman work in helping to ensure a safer world for our Nation's youth. I urge my colleagues to support H. Con. Res. 309.

Mrs. MINK of Hawaii. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Texas (Mr. LAMPSON), who has demonstrated tremendous leadership on this whole issue of missing and unaccounted for children. The gentleman has been on the floor and has done so much to awaken the consciousness of the Members of this Chamber, and, through us, the rest of the country.

Mr. LAMPSON. Mr. Speaker, I thank the gentlewoman from Hawaii for yielding me time, and for both you and the gentleman from Delaware (Mr. CASTLE) for all the hard work that you and many others have done on this particular issue.

It was about April of 1997 that I became involved with what became the Congressional Caucus on Missing and Exploited Children, and that happened after a 12-year-old constituent of mine was abducted and murdered within my district. To date, this bipartisan caucus is one of the largest in the House of Representatives, with about 145 Members. That is significant.

The goals of the caucus are threefold: First, to build awareness around the issue of missing and exploited children for the purpose of finding children who are currently missing and to prevent future abductions; second, to create a voice within Congress on the issue of missing and exploited children and to introduce legislation that would strengthen law enforcement, community organizing and school-based efforts to address child abduction; third, to identify ways to work effectively in our districts to address child abduction. By developing cooperative efforts that involve police departments, educators and community groups, we can heighten the level of awareness of this issue and pool resources for the purpose of solving outstanding cases and preventing future abductions.

Today's vote of the National Center for Missing and Exploited Children's Taskforce guidelines meet the objectives that I just stated. I am so pleased to be the lead Democrat on this resolution, with my friend, the gentleman from Delaware (Mr. CASTLE). The gentleman from Delaware (Mr. CASTLE) has been involved with this issue for many years, sponsoring legislation to authorize funding for the National Center for Missing and Exploited Children, which in turn enables the Center to establish task forces such as its Education Standards Task Force in 1999 to assess leading research and create meaningful guidelines and criteria.

This resolution urges nationwide implementation of standards-based, high-quality child safety curricula. Hopefully schools across the Nation will follow these guidelines and develop programs implementing these guidelines, while addressing local needs and concerns.

Personal safety is something many young people do not think about. But in this rapidly changing and unpredictable world, we, as parents, teachers, neighbors and coaches, must teach our children that they cannot take anything for granted. I would like to emphasize that it takes each and every one of us, the entire community, to keep our kids safe, happy and healthy. We cannot bury our heads in the sand and ignore these risks. We must act and we must educate to save another family from the heart-breaking tragedy of a child abduction or exploitation.

Mr. Speaker, I can honestly say this issue means more to me than any other. Keeping our children safe has become my mission while serving as your Congressman.

Let me conclude by stating that the caucus would not be nearly as effective in producing innovative legislation and helpful district safety workshops without the advice and programs offered by the National Center for Missing and Exploited Children. The Center's outreach programs range from helping chiefs of police and sheriffs to develop fast response plans to reports of missing children, to educational public service campaigns designed to help children escape potentially dangerous situations, to developing guidelines like those we are talking about today. These guidelines need to be in every school across America. With the passage of H. Con. Res. 309, they will be.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. CASTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to say in final closing, I cannot thank the gentleman from Texas (Mr. LAMPSON) enough for his continuing work on this issue, not just this legislation, but he truly has been the stalwart in the task force dealing with an issue which, as he said, is as important to him as anything we are doing in Congress, and I think it is to everybody.

Again, I would point out that this is a wonderful pamphlet, it is not a pamphlet, it is a little more than that, for anybody who has read it. It does not advertise any particular program, but it is a guideline for programs to reduce child victimization, a resource for communities when choosing a program to teach personal safety to children. I would encourage everybody to get a copy of this. You can contact any of the offices, I am sure, to get a copy of it. I think it is tremendously helpful to give to your schools back home.

Ms. JACKSON-LEE of Texas. Mr. Speaker, today I support H. Con. Res. 309 that expresses the sense of the Congress with regard to in school personal safety education programs for children.

I applaud Congressman CASTLE and Congressman LAMPSON's leadership on bringing this issue to the forefront.

As this resolution states, we as parents and leaders in our communities must encourage primary and secondary schools to implement quality child guidelines on how to protect themselves from abuse.

Unfortunately, the National Center for Missing and Exploited Children has concluded that most child safety programs are inadequate to promote personal safety for children.

It is estimated that instances of child abuse and neglect are over three times greater than what is reported to authorities. Already more than 3 million American children annually are reported as suspected victims of child abuse and neglect and children every day are abused. This amounts to a child abused every 10 seconds in this country.

In 1999, there were 867,129 confirmed missing individuals with around 90 percent of these being children.

Further, it is reported that in 1997 there were 84,000 confirmed cases of sexual abuse in the United States whereas 90 percent of these victims, who were under 12, knew of their offender.

In my district alone, there were 6,064 cases of child abuse or neglect in the Harris County area. That amounts to almost 30 percent of the children in my district being abused or neglected. In the State of Texas we have 44,532 children who have been abused or neglected.

In a Children's Task Force meeting I attended sponsored by my colleague Mr. LAMPSON, Mr. Ernie Allen, president of the National Center further explained that the current school programs are dysfunctional because most abductions and abuse of children are the result of a known relative or family friend. Thus, the "Don't Talk to Stranger" campaign supported by most programs, fails to educate children about potential dangers in the home as well.

That is why I already support national organizations like Childhelp USA, and local organizations like Initiatives for Children in Houston which are helped educate both parents and children about child abuse and are instrumental in preventing future social problems related to child abuse.

I support this Resolution recognizing the National Center for Missing and Exploited Children. Since, The National Center for Missing and Exploited Children has already recently released research-based guidelines to assist schools as they select curricula aimed at reducing crimes against youth and I urge this Congress to pass this resolution in support of these guidelines.

Mr. ETHERIDGE. Mr. Speaker, I am in strong support of House Concurrent Resolution 309, the sense of Congress with regard to in-school personal safety education programs for children. I want to thank my colleagues from Texas, Congressman NICK LAMPSON and my colleague from Delaware, Congressman MIKE CASTLE for their leadership on this important issue. The safety of our children should be a bipartisan effort, and I am pleased my colleagues have worked in cooperation to advance this important cause.

Mr. Speaker, I rise today with a heavy heart to share with my colleagues the mourning that is taking place in and around Wake Forest, NC in my Congressional District. Four months ago, 9-year-old C.J. Wilkerson was reported missing from his home community. Month after month, friends, family members and even perfect strangers have prayed for the safe return of this little boy with the infectious smile who captured the heart of Wake County. Tragically, C.J.'s body was found last week in a wooded area in Raleigh.

As C.J.'s family lays to rest a young boy taken from this world far too soon, our thoughts and prayers go out to his family, friends and the broader community. As the former superintendent of North Carolina's schools, I want to call attention to the special needs of C.J.'s fellow students at Rolesville Elementary School. These children need individual attention from caring adults in order to come to grips with the trauma of a classmate plucked from within their midst. I know that the counselors, teachers and leaders of Rolesville Elementary have come together in mutual support to help our children through this tragedy. Schools can play a unique role to help children deal with acts of hate that make no sense. And schools can and do provide children with instruction and resources to keep them safe. Mr. Speaker, I know all of my colleagues join me in wishing our most sincere condolences for the family of C.J. Wilkerson. I want to thank my colleagues on the Missing and Exploited Children Caucus for their leadership on this issue to protect other communities from knowing the grief being experienced by those who today mourn C.J. Wilkerson.

Mrs. CASTLE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309.

The question was taken.

Mr. CASTLE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

☐ 1700

## SENSE OF HOUSE ACKNOWLEDGING AND HIGHLIGHTING EFFORTS OF ARAPAHOE RESCUE PATROL OF LITTLETON, CO

Mr. TANCREDO. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 456) expressing the sense of the House of Representatives to acknowledge and highlight the efforts of the Arapahoe Rescue Patrol of Littleton, CO.

The Clerk read as follows:

### H. RES. 456

Whereas in 1957 the Arapahoe Rescue Patrol, a non-profit organization that assists law enforcement agencies, fire departments and search and rescue missions, was established;

Whereas Stan Bush founded this program in 1957 to gather volunteers for community service to meet in the basement of Fire Station 12 in Littleton, Colorado;

Whereas this group has participated in 43 years of public service to the Denver metro area including: conducting search and rescue efforts, assisting in emergencies, and aiding in automobile accidents and fires;

Whereas over a thousand students have participated in the program and been involved in 2,226 rescue missions and contributed countless thousands of hours of community service; and

Whereas the commitment of these youths must be recognized to promote positive after school activities for today's young people: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that the Congress recognizes the Arapahoe Rescue Patrol of Littleton, Colorado for its 43 years of service to the local community, strong commitment from young adults, and selfless acts of community service to encourage positive outlets for young adults, teaching them a sense of commitment, responsibility, and belonging, all qualities essential to provide youth with the tools they need to succeed in the future.

The SPEAKER pro tempore (Mr. PEASE). Pursuant to the rule, the gentleman from Colorado (Mr. TANCREDO) and the gentlewoman from Hawaii (Mrs. MINK) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDO).

### GENERAL LEAVE

Mr. TANCREDO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 456.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

Mr. TANCREDO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Resolution 456 to express the sense of the House to acknowledge and highlight the efforts of the Arapahoe Rescue Patrol. Since 1957, the Arapahoe Rescue Patrol has been helping shape the lives of young adults in and around the community of Littleton, Colorado.

Over the past 43 years, this organization has assisted in over 2,000 rescue missions throughout the State and participants have volunteered over 50,000 hours of work.

Young adults from around the community volunteer their time to aid and make a positive difference in their communities. They assist in every aspect of emergency response from fires to automobile accidents to searching for missing people.

I want to give special recognitions to Stan Bush, who in 1957 started this program in an effort to organize a group to assist in rescue missions. The problem was that no one was interested, anyway no adult. Stan had originally sought adults to assist in this program but when there was a complete lack of interest, he turned to the community's youth and the youth responded.

In fact, over 1,000 adolescents have responded over the last 43 years. Young people can start in the spring of their eighth grade year. They must provide their own equipment and that usually amounts to a cost of about $500. They begin their training with a 3-day excursion into the Rocky Mountains and 3 days at a search and rescue school and then another 3 days living in the mountains, and then there is a 6-month probation period.

Only after they successfully complete this rigorous routine, they are made members.

The students must also maintain a C average in school to be part of the organization. After completing this program, many students have gone on to become leaders in their own communities, from sheriff to fire chief to military academy graduates.

The Rescue Patrol has proven itself to be a positive influence in the lives of these students. This program represents what is so good about American young leaders and young people. We have so many good kids who make up this Nation, Mr. Speaker, I often worry why we do not take time to recognize them more often.

Just over a year ago, my community was rocked by the events of Columbine and we have all spent the last year asking why, and also asking what could be done to prevent crimes like this from happening again.

One factor that we have found to be of interest here is the preventive, and something that can prevent destructive behavior is after-school programs, or extracurricular activities.

The committees on which I have sat, Mr. Speaker, time after time after time have come back with a variety of different suggestions to the House and to community members as to what we can do to avoid these kinds of situations, and the one common thing that ran through every single response was that there is a time period from about 3:00 to 6:00 every single day that is not filled with positive stuff; that so many kids come home to empty houses; and this is a time when so many young people get into trouble.

This is a program that can help fill that particular void.

Long before the tragic events at Columbine, Stan Bush instituted the Arapahoe Rescue Patrol and the program has been paying dividends ever since. We may never know how programs such as this impact upon the actions of youth. We know it is positive in the long run. We do know that those who participate in the program admire, not disdain, the communities in which they live.

These kids are provided with a sense of belonging and also provide a direct connection to the communities in which they live. We spend countless hours examining and reexamining the actions of those who do harm to our communities but we forget about the vast majority of our youth that want to participate positively. It is time to acknowledge what is good about young people.

Mr. Speaker, I have introduced legislation to do just that. I want to recognize all of those who have participated in the Arapahoe Rescue Patrol over the 43 years and say thanks to all of them, and at this point I insert into the RECORD the names of those who have served.

### ARAPAHOE RESCUE PATROL EARNS CONGRESSIONAL PRAISE

U.S. Representative Tom Tancredo (R-CO) presented the organizers of the Arapahoe Rescue Patrol of Littleton with a copy of a Congressional Resolution on April 19 in Englewood, praising their efforts within the community.

"I wish every child in Colorado could participate in this program," Tancredo said. "When many young adults are crying out for role models, the Arapahoe Rescue Patrol has filled that important void for over a thousand Colorado children."

Stan Bush, director of the Emergency Planning Department for the city of Littleton, founded for the Patrol in 1957 as a nonprofit organization that assists law enforcement agencies, fire departments and search and rescue missions. The volunteers gather in the basement of Fire Station 12 in Littleton, headquarters of the Patrol

Most important, over one thousand students have participated in the program and been involved in more than, 2,200 reduce missions. Each student works approximately 10 hours a week assisting with emergencies, from fires and automobile accidents to searches for missing people.

Tancredo introduced House Resolution 456 on April 3 "to acknowledge and highlight the efforts of the Arapahoe Rescue Patrol." The resolution states:

"Resolved, That it is the sense of the House of Representatives that the Congress recognizes the Arapahoe Rescue Patrol of Littleton, Colorado for its 43 years of service to the local community, strong commitment from young adults, and selfless acts of community service to encourage positive outlets for young adults, teaching them a sense of commitment, responsibility, and belonging, all qualities essential to provide youth with the tools they need to succeed in the future."

"The children who have participated in the program are lucky, they have been associated with what I hope will be a model for every city in Colorado," Tancredo said. "I want to say thank you to the Patrol on behalf of all the citizens in the Sixth Congressional District and Colorado. I consider all of you heroes.

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Abbey, David | 04-29-64 | 05-78 | | |
| Abbey, William, Jr | 00-00-00 | 06-79 | NA | |
| Abbink, Darrin | 06-25-70 | 05-85 | | |
| Abbott, David | 10-08-54 | 05-69 | | |
| Abbott, Jack | 12-03-63 | 05-79 | | |
| Abbott, Steve | 05-21-51 | 06-67 | | |
| Abbott, Virgil | 00-00-00 | 05-76 | NA | Fire Captain. |
| Acuna, Brandon | 06-22-84 | 05-99 | | |
| Adams, D. Bruce | 01-29-57 | 05-72 | DM | Secretary. |
| Adams, Jeff | 06-19-68 | 05-83 | | |
| Adkins, Steve | 08-19-57 | 05-72 | | |
| Ahlgrim, Robert | 01-12-65 | 05-80 | | |
| Akins, K. Mike | 01-12-54 | 05-71 | | |
| Aksamit, Lance | 07-18-69 | 05-84 | | |
| Alden, Richard | 07-04-64 | 05-81 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Alder, Christian | 06-03-76 | 05-90 | | |
| Allen, Rowan | 09-13-72 | 05-88 | | |
| Alter, Paul | 12-12-56 | 05-72 | | |
| Amidon, Doug | 10-31-56 | 05-72 | S-*. | |
| Amsberry, Larry | 00-00-00 | 09-57 | C. | |
| Ancell, Kevin | 07-29-70 | 05-86 | | |
| Anderson, Gary | 07-31-53 | 05-68 | | |
| Anderson, Kevin J | 10-19-72 | 05-87 | | |
| Anderson, Kevin | 08-26-58 | 05-74 | | |
| Anderson, Ron | 03-10-63 | 05-77 | | |
| Anderson, Thomas | 09-14-54 | 05-70 | | |
| Andrews, Danny | 09-05-73 | 05-88 | S-MA. | |
| Andrews, James | 01-09-58 | 05-72 | | |
| Angle, Jon | 11-29-77 | 05-94 | | |
| Anselmi, David | 09-21-66 | 05-83 | S. | |
| Anselmi, Richard | 09-28-72 | 05-87 | S. | |
| Arbuckle, Joe | 02-28-46 | 09-61 | | |
| Arment, Marcus | 09-19-55 | 05-71 | | |
| Arnold, Dale | 11-15-61 | 05-76 | | |
| Arrington, Austin III | 05-20-50 | 10-64 | | |
| Arruda, Darrell | 04-04-65 | 05-80 | | |
| Aurand, Chris | 08-17-70 | 05-88 | | |
| Austin, Curt | 02-09-75 | 05-92 | | |
| Autry, Britt | 03-26-79 | 05-93 | | |
| Auyoung, Tiffany | 04-19-80 | 05-97 | | |
| Axt, Christa | 12-15-79 | 05-94 | | |
| Babylon, James | 03-11-64 | 05-79 | MA | Chief-98 + XM. |
| Bader, Alan | 10-25-50 | 10-65 | | |
| Bader, Wayne | 10-17-48 | 10-63 | | |
| Bailey, David | 00-00-42 | 09-57 | C-S | 1st DFO. |
| Bailey, Shawn | 06-17-63 | 05-77 | | |
| Baker, Brian | 12-05-75 | 05-91 | | |
| Baker, Jenna | 06-24-83 | 05-97 | | |
| Baker, Monte | 10-17-53 | 05-67 | | |
| Baker, Todd | 04-08-62 | 05-76 | | |
| Ball, John | 03-23-51 | 10-66 | | |
| Ballonoff, Ari | 04-29-75 | 05-92 | | |
| Barkema, Aaron | 04-21-77 | 05-92 | | |
| Barksdale, Rod | 10-25-48 | 09-62 | | |
| Barnes, Mike | 00-00-45 | 05-59 | | |
| Barry, Dan | 08-08-72 | 05-86 | | |
| Barry, John | 10-14-70 | 05-85 | | |
| Barry, Pat | 02-05-70 | 05-85 | | NBC Today Show. |
| Barry, Robert | 00-00-44 | 03-60 | | |
| Barthel, James | 05-11-81 | 05-96 | | |
| Bartholomew, Brad | 04-15-59 | 05-74 | | |
| Bartholomew, Daryl | 12-14-69 | 05-84 | | |
| Bauman, Loren II | 09-20-73 | 05-90 | | |
| Bayci, Mark | 06-26-49 | 10-64 | | |
| Becker, Ryan | 03-10-82 | 05-99 | | |
| Beery, James | 08-09-61 | 05-77 | | EX Merit. |
| Beiter, Scott | 05-04-67 | 05-81 | | |
| Bennett, Charles | 03-04-52 | 10-66 | DM-S | 1st Capt—70. |
| Bennison, David | 05-11-49 | 10-64 | | |
| Bergander, Don | 00-00-46 | 10-60 | | |
| Berger, Eric | 06-12-79 | 05-94 | | |
| Bienemann, Blake | 07-25-83 | 05-98 | | |
| Bigby, Edwin | 06-26-45 | 09-61 | | |
| Binnicker, Robert | 07-11-62 | 05-76 | | |
| Bishop, Crystal | 01-13-79 | 05-95 | | |
| Bivens, Paul | 00-00-00 | 11-88 | NA | |
| Bloom, Eric | 05-16-57 | 05-71 | | |
| Blumer, Dustin | 03-11-82 | 05-97 | | |
| Boardman, David | 06-18-62 | 05-77 | | |
| Boardman, Michael | 02-08-60 | 05-76 | | |
| Boley, John | 00-00-42 | 09-57 | C | |
| Boll, Roger | 03-17-67 | 05-80 | | |
| Bone, Justin | 09-14-76 | 05-91 | | |
| Boor, John | 12-12-69 | 05-86 | | |
| Bosco-Lauth, Dominic | 01-02-82 | 05-96 | | |
| Bowen, Mike | 04-16-59 | 05-74 | | |
| Bowen, Mike Robert | 08-25-69 | 05-86 | | |
| Bowman, Jason | 04-21-71 | 05-85 | | |
| Boyd, Justin | 05-17-82 | 05-97 | | |
| Boyle, Mark | 04-27-79 | 10-93 | | |
| Bracken, Scott | 12-05-70 | 05-85 | | |
| Bradley, Craig | 03-08-59 | 05-74 | | |
| Brady, Jay | 02-25-54 | 05-71 | | |
| Brady, Patrick | 02-22-60 | 05-75 | | |
| Brady, Van | 07-16-55 | 05-69 | | |
| Bramley, Dan | 12-19-72 | 05-87 | | |
| Brammeier, Charlie | 03-16-84 | 05-98 | | |
| Brandt, Brian | 02-03-74 | 05-91 | | |
| Brandt, Scott | 02-22-66 | 05-81 | S | Scott Suitts. |
| Brann, Doug | 06-06-64 | 05-79 | | |
| Brassfield, Mike | 01-17-62 | 05-76 | | |
| Breen, Patrick | 04-11-60 | 05-75 | | |
| Brewer, Chad | 07-16-72 | 05-87 | | |
| Briggs, Jeff | 09-23-81 | 05-97 | | |
| Brighton, Michelle | 02-25-77 | 05-94 | | |
| Brighton, Randy | 03-05-79 | 05-95 | | |
| Briscoe, Mike | 07-29-70 | 05-84 | | |
| Brookshire, Dan | 04-01-60 | 05-75 | | |
| Brown, David | 05-24-77 | 05-92 | | |
| Brown, Ian | 08-31-67 | 05-84 | | |
| Browning, Jeff | 10-25-57 | 05-72 | | |
| Bruns, C.J. | 04-15-76 | 11-90 | | |
| Brutout, David | 03-18-66 | 05-81 | | |
| Bryant, Gary | 03-16-59 | 05-73 | | |
| Bryant, Gregory | 07-24-57 | 05-71 | | |
| Buckley, John | 08-24-72 | 05-89 | | |
| Bullock, Benjamin | 12-13-82 | 05-97 | | |
| Bullock, Mike | 00-00-00 | 01-95 | NA | Undersheriff. |
| Bulllock, Steve | 11-01-78 | 10-93 | | |

## ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Bullock, Verne | 02–22–47 | 05–63 | | |
| Bunn, Paul | 05–04–64 | 05–79 | | |
| Burgeson, Mark | 12–25–54 | 05–70 | | |
| Burke, Jamie | 03–03–62 | 05–76 | | |
| Burnett, Ryan | 11–01–79 | 05–96 | | |
| Burnette, Scott | 04–25–65 | 05–79 | | |
| Burquest, Ben | 06–22–85 | 05–99 | | |
| Burris, Eric | 06–18–77 | 05–94 | | |
| Burris, Ryan | 10–23–64 | 05–99 | | |
| Burton, Alan | 06–27–55 | 05–72 | | |
| Burton, Earl | 12–19–56 | 05–71 | | |
| Busch, Brian | 09–24–83 | 05–99 | | |
| Bush, Stanley | 11–04–28 | 09–57 | C–D–P | Chief—57–92 & 98. |
| Bush, William | 09–23–54 | 05–69 | | |
| Byrd, Parker | 01–08–59 | 05–75 | | |
| Cahill, Patrick | 04–29–67 | 05–82 | | |
| Cain, Sean | 08–29–80 | 05–94 | | |
| Calhoun, John | 02–03–77 | 05–92 | | |
| Calhoun, Rick | 12–31–46 | 05–63 | | |
| Calonge, Devon | 05–08–85 | 05–99 | | |
| Camp, Craig | 00–00–00 | 06–66 | D | LPD Chief. |
| Camp, Matt | 03–22–61 | 05–76 | | |
| Carlson, Randy | 05–28–76 | 05–91 | | |
| Carmody, Vince | 10–02–74 | 05–92 | | |
| Carnell, Paul | 02–11–66 | 05–81 | | |
| Carr, Dean | 12–31–61 | 05–78 | | |
| Cary, Carl | 00–00–44 | 05–59 | | |
| Case, Brad | 10–10–75 | 05–93 | | |
| Case, Scott | 10–22–73 | 05–90 | MA | Ass't Chief. |
| Casteel, Kyle | 08–18–83 | 05–98 | | |
| Center, Donald | 09–03–45 | 09–61 | | |
| Cernich, Bob | 06–14–69 | 05–83 | | |
| Chapman, Stuart | 01–25–55 | 05–70 | | |
| Charney, Kenneth | 03–10–49 | 10–65 | | |
| Chatham, James | 01–27–66 | 05–80 | | |
| Cherry Bryan | 04–09–58 | 05–73 | | |
| Cheuvront, Mike | 02–08–77 | 05–91 | | |
| Childers, James | 07–12–60 | 06–77 | | |
| Christ, Kathy | 00–00–00 | 08–94 | NA | |
| Christensen, Cory | 04–09–62 | 05–76 | | |
| Cissell,Keven | 04–27–65 | 05–79 | | |
| Clark, Andrew | 11–07–77 | 05–93 | | |
| Clark, David | 08–27–74 | 11–90 | | |
| Clark, Dustin | 06–05–80 | 05–95 | | |
| Clark, Terry | 10–30–50 | 10–65 | | |
| Cleavelin, Lawrence | 00–00–47 | 03–60 | | |
| Coddington, David | 10–24–56 | 05–73 | | |
| Coffern, Earl, Jr. | 00–00–00 | 09–67 | D | Treasurer. |
| Colbenson, Anders | 02–14–75 | 05–89 | S | |
| Colbenson, Kristofer | 10–12–78 | 05–93 | S | |
| Cole, Jerry | 01–08–43 | 10–63 | | |
| Coll, Brian | 12–03–74 | 05–92 | | |
| Collinge, Bradley | 06–06–72 | 05–87 | | |
| Comer, Kevin | 01–22–82 | 05–97 | | |
| Cook, Mark | 00–00–44 | 05–59 | S | |
| Cook, Mel | 07–22–79 | 05–94 | | |
| Cook, Paul | 00–00–00 | 10–60 | D | |
| Cooley, Stephen | 09–03–55 | 05–71 | | |
| Cooney, Caleb | 05–02–84 | 05–99 | | |
| Cooper, Michael | 08–10–73 | 05–88 | | |
| Cope, Mark | 05–25–50 | 10–64 | | |
| Coppedge, Stuart | 12–03–59 | 05–75 | | |
| Cornish, Gregg | 04–05–62 | 05–78 | | |
| Costillo, David | 10–04–65 | 05–80 | | |
| Costello, Patrick | 01–20–75 | 05–92 | | |
| Costello, Thomas | 09–12–63 | 05–78 | | |
| Cousins, Clay | 09–02–82 | 05–97 | | |
| Couzens, Brian | 05–11–64 | 05–80 | | Award of Merit. |
| Couzens, George | 07–26–82 | 05–96 | | |
| Cowdin, Patton | 09–10–47 | 10–63 | | |
| Crandell, Chris | 10–02–52 | 06–67 | | |
| Crawford, James | 00–00–73 | 05–88 | | |
| Crogan, Daniel | 08–06–55 | 05–69 | | |
| Cummer, Thomas | 00–00–42 | 09–57 | C | |
| Cunningham, Jeff | 06–03–72 | 05–88 | | |
| Daly, Justin | 12–15–80 | | | |
| Davick, Troy | 07–15–71 | 05–85 | | |
| Davidson, Troy | 10–01–64 | 05–78 | | |
| Davies, Stephen | 10–11–69 | 05–84 | | |
| Davis, Andrew | 10–10–55 | 05–73 | | |
| Davis, Emily | 11–24–82 | 05–98 | | |
| Davis, John | 02–02–64 | 05–79 | | |
| Davis, Jon | 04–08–63 | 05–78 | | |
| Davis, Robert | 02–05–62 | 05–79 | | |
| Dawson, Chris | 10–19–82 | 05–98 | | |
| Dean, Justin | 05–20–78 | 10–93 | | |
| Deeter, Scott | 09–11–63 | 05–78 | | |
| DeKruif,Ryan | 02–12–80 | 05–94 | | |
| Delaney, Cory | 12–16–80 | 05–95 | | |
| Dengerink, Benjamin | 12–04–79 | 05–95 | | |
| Denison, Scott | 03–10–84 | 05–99 | | |
| Denman, Cathi | 06–16–94 | 05–94 | | & 05–96. |
| Denman, Kristen | 11–11–81 | 05–96 | | |
| DeRocher, David | 10–06–54 | 05–69 | | |
| Dickens, David | 02–04–49 | 10–64 | | |
| Dickins, Phil | 04–23–50 | 10–64 | | |
| Dickens, Rodney | 10–23–51 | 06–67 | | |
| Dillman, Andrew | 07–03–69 | 05–87 | | |
| Dillon, David | 07–22–60 | 05–76 | | |
| Dinges, Chad | 09–26–70 | 05–86 | | |
| Dinges, Cory | 06–03–77 | 05–92 | S | |
| Dionne, Steven | 07–31–71 | 05–87 | | |
| Divan, Derek | 04–21–71 | 05–87 | | |
| Doe, Nicholas | 09–11–82 | 05–98 | | |

### ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Dores, Michael | 10-10-80 | 05-96 | | |
| Dowell, James | 04-12-55 | 05-69 | | |
| Dowell, Robert | 10-29-65 | 05-80 | | |
| Downing, Ben | 08-18-74 | 11-90 | | |
| Downing, Charles | 05-19-63 | 05-77 | | |
| Downing, Elliott | 11-29-69 | 05-84 | | |
| Doyle, Brian | 10-08-80 | 05-95 | | |
| Dreiling, Robert | 09-07-60 | 05-77 | | |
| Drew, Paul | 02-14-56 | 05-72 | | |
| Druckenmiller, Kent | 05-13-82 | 05-98 | | |
| Druckenmiller, Shane | 05-21-79 | 05-95 | | |
| DuCharm, Proctor II (Guy) | 08-28-60 | 05-76 | | |
| Duffendack, Jeff | 10-10-77 | 10-93 | | |
| Dunbar, Thomas | 08-06-46 | 09-61 | | |
| Dunston, Ronald | 04-22-70 | 05-87 | | |
| Dutton, Glenn | 00-00-00 | 06-66 | D | |
| Echols, Daniel | 03-01-69 | 05-83 | | |
| Eckhardt, David | 10-07-61 | 05-77 | | |
| Eckroth, Joe | 09-15-80 | 05-95 | | |
| Eckroth, Josh | 04-09-79 | 10-93 | | |
| Eckstine, Kirk | 01-21-61 | 05-77 | | |
| Edgington, David | 04-10-57 | 05-71 | | |
| Edson, Mark | 11-28-72 | 05-92 | MA | |
| Edwards, Landis | 06-26-78 | 05-92 | | |
| Eich, Robert | 04-17-80 | 05-96 | | |
| Eikermann, Gary | 00-00-42 | 05-59 | | |
| Elder, Donald | 11-28-45 | 09-62 | | |
| Ellinwood, Ryan | 06-02-82 | 05-99 | | |
| Elliott, David | 06-25-67 | 05-81 | | |
| Ems, David | 09-08-60 | 05-74 | | |
| Ems, Michael | 06-23-59 | 05-73 | | |
| Engel, Dean | 03-08-66 | 05-80 | | |
| English, William | 05-20-52 | 05-69 | | |
| Eppich, Dan | 05-16-67 | 05-83 | | |
| Erb, Lee | 00-00-44 | 09-57 | C-S | |
| Erb, Lester | 00-00-00 | 10-60 | D | |
| Erbacher, Joe | 01-01-69 | 05-84 | | |
| Euhus, Steven | 05-03-61 | 05-76 | | |
| Evans, Allson | 04-26-83 | 05-97 | | |
| Evans, Gary | 07-13-55 | 05-71 | | |
| Evans, Mark | 07-09-56 | 05-71 | (*) | |
| Evans, Patrick | 11-29-73 | 05-90 | (*) | |
| Falconetti, Joe, Jr | 11-22-47 | 10-63 | | |
| Falconetti, Joe, Sr | 00-00-00 | 02-65 | D | |
| Fanelli, Dominic III | 01-17-80 | 05-96 | | |
| Faulkner, Thomas | 07-27-60 | 05-75 | | |
| Federer, Fred | 02-10-79 | 05-94 | | |
| Fenton, Ryan | 09-10-74 | 11-90 | | |
| Ferrill, Hulsey, Jr | 08-17-56 | 10-63 | | |
| Fesing, Thomas | 09-18-71 | 05-87 | | |
| Ficek, Raymond | 10-11-62 | 05-77 | | |
| Fickes, Matt | 10-17-75 | 05-90 | MA | |
| Fickes, Morriah | 11-30-83 | 05-98 | | |
| Fidacaro, Kevin | 10-21-73 | 04-92 | | |
| Finnie, M. William | 00-00-00 | 09-62 | D | |
| Fischer, Seth | 04-02-78 | 10-93 | | |
| Flickinger, Robert | 07-10-51 | 06-67 | | |
| Forber, Patrick | 07-18-78 | 05-93 | | |
| Fosdick, Bruce | 08-23-51 | 10-66 | S-DM | Chief—92-98 |
| Fosdick, Cheryl | 00-00-00 | 08-94 | NA | |
| Fosdick, Richard | 07-26-73 | 05-87 | S-MA | |
| Foster, Malcolm (Mac) | 00-00-00 | 01-64 | D | |
| Foster, Robert | 05-21-48 | 09-62 | | |
| Fowle, Scott | 07-29-68 | 05-92 | | |
| Framsted, Chris | 06-20-73 | 05-88 | | |
| Frank, Brad | 04-11-47 | 05-63 | | |
| Frascone, Anthony | 06-20-73 | 05-88 | | |
| Frasz, Scott | 06-29-57 | 05-72 | | |
| Fria, Richard | 05-22-49 | 06-66 | | |
| Fria, Robert | 00-00-41 | 09-57 | C | |
| Friebus, Mike | 08-18-78 | 05-93 | | |
| Fuller, Tim | 10-29-79 | 05-97 | | |
| Fullerton, James | 10-05-58 | 05-73 | | |
| Fullerton, Jeff | 09-28-56 | 05-72 | | |
| Furch, J. Paul | 00-00-41 | 09-58 | | |
| Fuson, Phil | 01-17-79 | 05-94 | | |
| Gaiser, Drew | 01-15-81 | 05-95 | | |
| Gallagher, Clement | 00-00-43 | 05-59 | | |
| Gallagher, Mike | 00-00-45 | 09-61 | | |
| Gammill, David | 09-11-72 | 05-88 | | |
| Gant, Garrett | 12-23-81 | 05-97 | | |
| Garcia, Jessica | 05-27-82 | 05-99 | | |
| Gardner, James | 00-00-45 | 10-60 | | |
| Garvin, Josh | 05-23-79 | 05-94 | | |
| Gates, Monte | 11-22-68 | 05-85 | | |
| Gergen, Jared | 02-02-74 | 05-90 | | |
| Ghering, Steve | 08-29-50 | 10-65 | | |
| Gerrish, Cheryl | 10-12-78 | 05-95 | | |
| Gibson, Gary | 01-18-65 | 05-80 | | |
| Giellssen, Brad | 06-17-63 | 05-78 | | |
| Gilbert, Jason | 10-04-81 | 05-98 | | |
| Go-Hollo, Akira | 09-10-81 | 05-97 | | |
| Goller, Thomas | 10-14-67 | 05-82 | | |
| Gollob, Kenneth | 08-10-64 | 05-81 | | |
| Gonzales, Derek | 08-07-75 | 05-89 | | |
| Goodwin, Kenneth | 06-25-57 | 05-73 | | |
| Gormley, Pete | 01-03-72 | 05-88 | | |
| Graaff, Chris | 02-26-64 | 05-81 | | |
| Graber, Karl | 12-14-60 | 05-77 | | |
| Graham, Michael | 04-10-69 | 05-84 | | |
| Graham, Ryan | 06-07-74 | 11-90 | | |
| Graves, Bill | 00-00-43 | 05-59 | | |
| Graves, James | 00-00-45 | 10-59 | S | |
| Graves, Tony | 04-26-75 | 11-90 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

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| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Gray, Bill | 00–00–00 | 09–63 | *D | LPD Dispatcher. |
| Gray, Grant | 00–00–42 | 09–57 | C | |
| Gray, Miles | 08–18–65 | 05–82 | | |
| Greenhalgh, Scott | 09–09–62 | 05–79 | | |
| Greenlee, Craig | 03–03–67 | 05–83 | | |
| Gregory, Nathan | 08–20–76 | 05–94 | | |
| Griffith, Mike | 06–22–59 | 05–75 | | |
| Grundmeier, Todd | 11–23–68 | 05–86 | | |
| Grusin, Don | 00–00–41 | 09–58 | | Brother of Dave. |
| Gulizia, Elizabeth | 02–19–81 | 05–95 | | Ex Merit. |
| Gulizia, John | 07–30–60 | 05–74 | DM | DC, Chief, Merit. |
| Gulizia, Kim | 00–00–00 | 08–94 | D | |
| Gulizia, Stephanie | 11–18–79 | 05–94 | S | |
| Gunesch, Michael | 00–00–44 | 05–59 | | |
| Gurian, Stephen | 06–01–81 | 05–96 | | |
| Gutherie, Clint, Jr | 00–00–44 | 03–60 | | |
| Gutrich, Mark | 01–28–69 | 05–86 | | |
| Gypson, Jeffrey | 05–08–51 | 10–65 | | |
| Habetler, Daniel | 02–19–74 | 05–89 | | |
| Hackett, Dan | 04–06–78 | 05–93 | | |
| Hackett, Phil | 01–22–76 | 05–92 | | |
| Hafertepen, Stephen | 08–23–82 | 05–97 | S | |
| Hakkarinen, David | 10–19–78 | 05–95 | W | |
| Hakkarinen, Doug | 08–30–81 | 05–97 | | Ski Crash. |
| Hallacy, Mike | 07–15–73 | 05–90 | | |
| Hamburg, Steven | 08–22–59 | 05–76 | | |
| Hamilton, James | 00–00–43 | 10–59 | | |
| Hamilton, Paul | 11–01–44 | 09–61 | | |
| Hammell, Eric | 01–17–77 | 05–93 | | |
| Hammermeister, Dan | 07–24–83 | 05–97 | | |
| Hammond, Susie | 08–20–76 | 05–94 | | |
| Hamrick, Brian | 05–21–76 | 05–92 | | |
| Hancock, Randy | 02–02–68 | 05–83 | | |
| Handly, J. P | 04–24–72 | 05–87 | | |
| Hannafious, T. R | 03–03–72 | 05–89 | | |
| Hannaman, Jeffrey | 09–24–66 | 05–81 | | |
| Hannaman, John | 04–16–70 | 05–84 | | |
| Harding, James | 04–26–83 | 05–97 | | |
| Hardy, Christopher | 10–07–65 | 05–82 | | |
| Hare, David | 05–06–69 | 05–86 | | |
| Hare, Steven | 01–21–68 | 05–85 | | |
| Harris, Chris | 08–05–53 | 05–69 | | |
| Harris, Jared | 12–03–68 | 05–85 | | |
| Harrison, Jessica | 10–11–78 | 05–95 | | |
| Hartje, Nathan | 05–29–81 | 50–96 | | |
| Hassan, Art III | 00–00–41 | 09–57 | C | |
| Hastings, Kent | 04–08–75 | 05–89 | | |
| Hatfield, D. Brooke | 08–03–58 | 05–75 | | |
| Haugland, Chris | 09–25–56 | 05–72 | D–MA | |
| Hauschild, Andrew | 06–26–81 | 05–96 | | |
| Havens, Chad | 11–10–82 | 05–97 | | |
| Hawkins, Brianne | 09–24–82 | 05–98 | | |
| Haynes, John Russ | 01–30–58 | 05–73 | | |
| Haynes, Stephen | 01–09–59 | 05–73 | | |
| Head, James | 07–09–55 | 05–70 | S | |
| Heaston, Ben | 12–31–79 | 05–95 | | |
| Hebb, Kenneth | 09–25–79 | 05–95 | | |
| Heber, J.J. | 09–15–75 | 05–92 | | |
| Heckart, Jeff | 01–24–72 | 05–88 | | |
| Heckendorf, Robert | 00–00–45 | 09–58 | | |
| Hedeen, Verner | 12–06–58 | 05–73 | | |
| Heimel, J. Todd | 01–27–70 | 05–87 | | |
| Heitzman, Lauren | 02–19–47 | 09–62 | | |
| Helfrich, Randall | 00–00–41 | 10–59 | | |
| Henderson, Donald | 00–00–41 | 09–58 | | |
| Henderson, Michael | 03–15–67 | 05–84 | | |
| Henn, Deniel | 02–04–80 | 05–94 | S | |
| Herald, Mando | 01–07–75 | 05–98 | | |
| Hess, Chad | 03–07–57 | 05–72 | | |
| Heyden, Bradlee | 09–14–65 | 05–81 | | |
| Heyliger, David | 01–13–60 | 05–74 | | |
| Heyliger, Paul | 09–05–58 | 05–72 | | |
| Hickman, Adam | 05–19–76 | 05–91 | | |
| Hickman, Eric | 07–08–72 | 05–87 | | |
| Hill, Kenneth | 00–00–42 | 09–57 | C | |
| Hindry, Burke ("Spike") | 00–00–45 | 05–59 | | |
| Hines, Chris | 11–30–59 | 05–75 | | |
| Hix, Jerry | 01–24–59 | 05–74 | | |
| Hix, Steven | 08–07–57 | 05–71 | | |
| Hixenbaugh, Paul Noel | 08–03–49 | 10–64 | | |
| Hjerleid, David | 08–05–63 | 05–80 | | |
| Hoisington, Kenneth | 03–28–64 | 05–80 | | |
| Holden, Bill | 01–07–50 | 10–64 | | |
| Holloway, J. Hunter | 00–00–00 | 02–76 | *D | CSRB Award |
| Holloway, James, Jr | 06–30–60 | 05–75 | | |
| Hon, Kirk | 09–02–52 | 06–67 | | |
| Hone, Jason | 01–24–76 | 05–92 | | |
| Hope, Mark | 05–25–62 | 05–78 | | |
| Hopf, Andrew | 02–11–78 | 05–94 | | |
| Hopkins, Eric | 03–19–78 | 05–93 | | |
| Hopkins, Kevin | 03–31–76 | 05–90 | | |
| Hopwood, Ron | 09–13–79 | 05–96 | | |
| Hopwood, Travis | 02–16–72 | 05–87 | | |
| Horacek, Stephen | 10–01–56 | 05–71 | | |
| Horen, Robert | 00–00–44 | 03–60 | | |
| Hostetler, Dan | 00–00–42 | 09–57 | C | |
| Houlton, John | 05–12–55 | 05–70 | | |
| Houlton, William Gray | 09–25–53 | 06–67 | | |
| Houseweart, Tim | 00–00–00 | 09–79 | NA | Fire Captain. |
| Houy, Charles | 02–04–45 | 09–61 | S | |
| Howard, Harry | 00–00–00 | 10–60 | NA | |
| Hower, Tim | 00–00–45 | 10–60 | | |
| Hubbs, John | 00–00–41 | 09–57 | C | |
| Huber, David | 10–01–74 | 05–89 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Huft, Larry | 00-00-43 | 09-57 | C | |
| Hulse, David | 12-15-56 | 05-73 | | |
| Hulse, John | 04-27-59 | 05-74 | | |
| Hunzinger, Brian | 03-03-67 | 05-82 | | |
| Hupp, Douglas | 03-13-73 | 05-87 | | |
| Hurtt, Erikk | 08-06-73 | 05-87 | | |
| Hynds, Mike | 11-18-65 | 05-80 | | |
| Hytjan, Andy | 01-13-83 | 05-99 | | |
| Ihlenfeldt, Richard | 03-30-70 | 05-86 | | |
| Ilk, Todd | 08-01-73 | 05-88 | | |
| Ingram, Joshua | 09-22-79 | 05-96 | | |
| Ingrum, Dick | 00-00-00 | 05-87 | | |
| Intagliata, Nick | 04-06-79 | 05-94 | | |
| Irvine, Andrew | 03-29-79 | 05-95 | | |
| Irving, David | 06-06-45 | 09-61 | | |
| Jacobson, Darryl | 06-10-63 | 05-77 | | |
| Jaouen, Richard | 05-02-47 | 09-61 | | |
| Jaouen, Steve | 00-00-43 | 10-59 | | |
| Jardine, George | 05-13-53 | 05-68 | | |
| Jenkins, Robert | 10-07-62 | 05-77 | | |
| Jennison, Josh | 05-27-77 | 05-91 | | |
| Jenson, Jess | 01-10-78 | 10-93 | | |
| Jessop, Tad | 10-17-73 | 05-90 | | |
| Jewell, Jeffrey | 10-03-54 | 05-69 | | |
| Johannes, Dale | 03-23-47 | 05-63 | | |
| Johnson, Edward | 00-00-43 | 09-58 | | |
| Johnson, Kelli | 02-11-77 | 05-94 | | |
| Johnson, Kenneth | 04-07-58 | 05-73 | | |
| Johnson, Scott | 08-18-56 | 05-72 | | |
| Johnson, Steven P. | 06-20-61 | 05-76 | | |
| Johnson, Steven R. | 05-05-54 | 05-69 | | |
| Kaminski, Kevin | 04-12-73 | 05-87 | | |
| Kanaber, Justin | 12-09-80 | 05-96 | S | |
| Kauffman, James | 00-00-00 | 06-73 | D | |
| Kauffman, Robert | 09-26-54 | 05-69 | | |
| Kaylor, Dean | 06-13-55 | 05-69 | (*) | |
| Kelley, Erin | 07-12-74 | 05-88 | | |
| Kelley, Sam | 06-14-59 | 05-74 | (*) | Ded. Class of '83. |
| Kelley, Verne | 06-17-62 | 05-80 | | |
| Keltz, Arthur Robert | 04-16-46 | 09-62 | | |
| Kelton, Steve | 11-27-60 | 05-75 | S | Only Major. |
| Kempf, Gregory | 05-10-55 | 05-70 | | |
| Kenley, Lance | 10-12-72 | 05-88 | | |
| Kennedy, John | 08-17-55 | 05-69 | | |
| Kenton, Scott | 00-00-00 | 09-57 | C-D | Scout Exec. |
| Kessler, Jeff | 12-14-61 | 05-76 | | |
| Kilburn, Bradley | 01-04-64 | 05-78 | | |
| Kimmett, Marc | 10-25-76 | 05-92 | | |
| King, Russell | 02-18-76 | 11-90 | | |
| Kingsley, Brett | 03-06-77 | 10-93 | | |
| Kirk, Doug | 07-12-62 | 05-78 | | |
| Kisling, Jesse | 06-01-83 | 05-98 | | |
| Klancic, Scott | 10-05-65 | 05-80 | | |
| Klebak, George | 00-00-45 | 10-60 | | |
| Klein, Shane | 01-11-78 | 05-95 | | |
| Kluge, David | 07-14-52 | 10-66 | (*) | XXX. |
| Kluge, James | 00-00-00 | 06-72 | D | |
| Knight, Thomas | 08-19-68 | 05-84 | | |
| Knoll, Dennis | 00-00-42 | 09-58 | (*) | Choper Crash. |
| Koch, Douglas | 04-23-78 | 05-94 | | |
| Koch, Robert | 02-05-67 | 05-82 | S | |
| Koenck, Leon | 06-01-55 | 05-69 | | |
| Kozlowski, Gregory | 02-01-82 | 05-96 | | |
| Kraft, David | 01-11-66 | 05-83 | | |
| Krebs, Robert | 07-06-65 | 05-80 | | |
| Krebs, Steven | 12-21-68 | 05-82 | S | |
| Kreye, George | 02-10-65 | 05-80 | | |
| Kreymborg, Louis (Fritz) | 07-11-44 | 09-61 | * MA | XXX. |
| Kuehn, Ben | 04-01-78 | 05-92 | | |
| Kuhl, Spencer | 09-27-61 | 05-78 | | |
| Kulaga, Theodore | 04-15-46 | 09-62 | | |
| Kunkel, Mickey | 01-23-45 | 02-61 | | |
| Kupilik, Kenneth | 11-18-57 | 05-72 | | |
| Lacy, Gary | 09-09-55 | 05-70 | | |
| Lacy, Tom | 07-16-57 | 05-72 | | |
| Laffoon, David | 08-27-77 | 10-93 | | |
| Laird, Chuck | 01-19-72 | 05-89 | | |
| Laird, Jerry | 00-00-44 | 10-60 | | |
| Lamb, Danny | 07-21-51 | 06-67 | | |
| Lamb, David | 03-19-51 | 10-65 | | |
| Lamb, Mike | 01-09-55 | 05-70 | | |
| Lamb, Richard | 05-01-52 | 10-66 | | |
| Lamb, Shawn | 04-15-68 | 05-83 | | |
| Landers, Chris | 09-11-83 | 05-98 | | |
| Lane, Jeff | 00-00-42 | 09-57 | C | |
| Lanier, Robert | 00-00-44 | 10-59 | | |
| Larson, Brian | 11-22-79 | 05-95 | | |
| Larson, Kevin | 07-31-81 | 05-95 | | |
| Latiolais, John | 09-10-78 | 10-93 | | |
| Law, Ricky | 07-13-50 | 10-65 | | |
| Lebedoff, Jim | 05-07-57 | 05-72 | | |
| Lechman, Jason | 07-07-74 | 05-88 | | |
| Lederhos, Max | 11-11-79 | 05-94 | | |
| Ledyard, Harry | 00-00-00 | 09-83 | | |
| Lee, Jerod | 12-18-72 | 07-89 | | |
| Lee, Meghan | 02-16-82 | 05-97 | | |
| Leitao, Anthony | 12-13-60 | 05-76 | | |
| Lenda, Brian | 11-02-70 | 05-86 | | |
| Leonard, Aldan | 07-12-80 | 05-96 | | |
| Leonard, Ian | 07-18-83 | 05-99 | | |
| Lepore, Matt | 01-07-59 | 05-73 | | |
| Levermann, Casey | 04-30-74 | 07-90 | | |
| Lewis, Bob | 08-05-52 | 06-67 | | |
| Lewis, Edward | 03-08-51 | 06-67 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Lichtenwalter, Guy | 01-12-48 | 05-63 | | |
| Lilly, James | 12-16-65 | 05-79 | | |
| Lingle, Brad | 06-21-80 | 05-96 | | |
| Lippitt, Paul | 06-07-81 | 05-97 | | |
| Lipson, Tal | 07-02-51 | 10-65 | | |
| Livesay, Robert | 04-30-55 | 05-70 | | |
| Livingston, Mike | 08-20-75 | 10-93 | | |
| Lowecke, Jeffrey | 11-03-70 | 05-87 | | |
| Lombardi, Donald | 02-07-63 | 05-77 | | |
| Lomme, Greg | 09-21-61 | 05-76 | | |
| London, Brian | 09-09-75 | 11-90 | | |
| Long, Randy | 03-27-59 | 05-74 | | |
| Longnecker, Erica | 08-23-80 | 05-97 | | |
| Loop, Robert | 10-20-70 | 05-85 | S | |
| Lopez, Roger | 12-02-62 | 05-77 | | |
| Lorenzen, Richard | 04-24-48 | 09-62 | S | |
| Lorenzen, Robert | 01-22-52 | 10-66 | | |
| Lougee, Lance | 01-26-58 | 05-72 | | |
| Lowe, Eric | 12-25-71 | 05-89 | | |
| Lowen, Chuck | 01-13-75 | 05-92 | | |
| Luethy, Dana | 12-25-62 | 05-77 | S | |
| Luethy, Phil | 00-00-00 | 10-80 | NA | |
| Lytle, John | 00-00-44 | 10-59 | | |
| Maartense, John | 03-05-70 | 05-84 | | |
| Maartense, Michael | 08-08-71 | 05-85 | | |
| Mabini, Alex | 04-20-92 | 05-92 | | |
| MacDonald, William | 00-00-43 | 10-60 | | |
| Mack, Barry | 10-19-64 | 05-79 | | |
| Mack, John | 10-10-63 | 05-78 | | |
| Macrum, Richard, Jr. | 00-00-44 | 10-59 | | |
| Mahoney, James | 09-12-67 | 05-82 | | |
| Malloy, Robert | 08-09-62 | 05-77 | | |
| Malone, Tod | 01-11-63 | 05-77 | | |
| Mann, Jon | 06-16-60 | 05-75 | | |
| Manning, Kenneth | 06-21-48 | 10-63 | | |
| Manning, Robert | 01-13-47 | 09-62 | | |
| Maraggos, Tony | 10-29-49 | 10-63 | | |
| Marold, Tony | 09-05-58 | 05-76 | | |
| Marotte, Jeremy | 06-10-76 | 05-93 | | |
| Martens, Darwin | 00-00-00 | 05-76 | NA | Major—CSP. |
| Marthaler, Greg | 05-27-79 | 10-93 | | |
| Martin, Corey | 09-27-76 | 10-93 | | |
| Martin, John | 11-03-54 | 05-70 | | |
| Martin, Ryan | 09-20-77 | 10-93 | | |
| Martinez, James | 07-26-71 | 05-86 | | |
| Marturano, Donald | 12-21-46 | 09-61 | | |
| Maser, Boyd | 12-09-53 | 05-71 | | |
| Mash, Edward | 11-15-59 | 05-73 | | |
| Mason, Brian | 11-30-59 | 05-74 | | |
| Mason, Thomas | 05-26-56 | 05-71 | | |
| Massa, Michael | 01-23-50 | 06-67 | | |
| Massee, Mike | 04-23-69 | 05-86 | | |
| Mastin, Earl | 00-00-43 | 09-57 | C | |
| Mathers, Dean | 04-28-61 | 05-78 | | |
| Matthews, Gene | 00-00-00 | 09-57 | C-D | Ex Sec—YMCA. |
| Mayo, Roddy | 00-00-41 | 09-57 | C | |
| Mays, David | 10-11-58 | 05-73 | | |
| McAfoos, Jay | 09-24-77 | 08-93 | | |
| McCann, Craig | 05-09-60 | 05-77 | | |
| McCaslin, David | 04-28-66 | 05-80 | MA | |
| McClure, Robert | 05-12-69 | 05-86 | | |
| McConnell, Jeremy | 06-15-77 | 05-92 | | |
| McCoy, David | 06-29-61 | 05-76 | | |
| McCulloch, Kevin | 01-27-82 | 05-96 | | |
| McCurdy, Mike | 03-06-73 | 05-89 | | |
| McElroy, Ronald III | 12-08-56 | 05-71 | | |
| McEowen, Clyde | 10-09-46 | 10-63 | | |
| McEowen, Michael | 02-10-48 | 05-63 | | |
| McGuire, Brendan | 03-01-75 | 05-91 | | |
| McGuire, Scott | 12-24-72 | 05-86 | | |
| McHugh, Zack | 01-09-84 | 05-99 | | |
| McKay, Michael | 02-04-47 | 09-62 | | |
| McKean, Jason | 03-03-76 | 05-91 | | |
| McKenna, Thomas | 07-04-76 | 05-92 | | |
| McKinley, Mike | 04-18-50 | 10-64 | | |
| McKinzie, Eric | 03-23-70 | 05-85 | | |
| McKinzie, Mark | 09-12-68 | 05-84 | | |
| Medlicott, Shea | 01-01-72 | 05-88 | | |
| Meehan, Mike | 04-06-61 | 05-78 | | |
| Meinen, Mike | 09-12-49 | 10-65 | | |
| Meinen, Tim | 09-17-51 | 10-66 | | |
| Meissner, Mark | 03-25-57 | 05-71 | | |
| Melancon, Steve | 12-11-59 | 05-74 | | |
| Melnikoff, Mark | 06-03-78 | 05-94 | | |
| Merrill, Brad | 08-10-72 | 05-88 | | |
| Messenger, Anthony | 11-04-66 | 05-82 | | |
| Middel, Jason | 06-03-81 | 05-98 | | |
| Miller, Anthony | 09-21-64 | 05-80 | | |
| Miller, D. Cory | 02-21-55 | 05-70 | | |
| Miller, A. James | 12-14-48 | 10-63 | | |
| Miller, Jeffrey | 03-18-75 | 05-92 | | |
| Milne, Robert | 07-13-56 | 05-70 | S | |
| Milner, Dale | 00-00-00 | 10-60 | NA | |
| Milo, James | 09-19-52 | 05-68 | | |
| Miranda, Edmund | 11-02-71 | 05-87 | | |
| Moffitt, Michael | 05-26-66 | 05-80 | | |
| Moore, Brian | 03-15-78 | 10-93 | | |
| Moore, Justin | 11-19-75 | 05-90 | S | |
| Moore, Kenneth | 05-18-57 | 05-73 | | |
| Moran, Michael | 11-30-45 | 09-61 | | |
| Moran, Sean | 11-17-80 | 05-95 | | |
| Moreno, Anthony | 03-29-79 | 05-93 | | |
| Morgan, Donald | 02-29-60 | 05-76 | | |
| Morken, Brandon | 04-16-84 | 05-98 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Morken, Shannon | 02-12-82 | 05-98 | | |
| Morrison, Jason | 04-12-76 | 10-93 | | |
| Morrison, Rees | 03-12-60 | 05-75 | | |
| Moses, Brian | 05-10-76 | 05-93 | | |
| Mount, Charles | 11-07-56 | 05-70 | | |
| Moyer, James | 00-00-00 | 09-57 | C-NA | |
| Mullin, John | 00-00-00 | 05-83 | NA | Fire Captain. |
| Mullinnix, Matthew | 03-26-75 | 05-93 | | |
| Mumma, George, Sr. | 00-00-00 | 09-72 | D | |
| Mumma, George, Jr. | 10-21-56 | 05-71 | | |
| Mumma, William | 09-20-58 | 05-73 | | |
| Murphy, Daniel | 02-04-81 | 05-98 | | |
| Murphy, David | 07-25-63 | 05-80 | | |
| Murphy, Thomas | 12-30-75 | 05-93 | | |
| Murray, Gary | 11-07-51 | 05-68 | | |
| Murrish, Jon | 07-15-62 | 05-78 | | |
| Murry, Mark | 05-11-54 | 05-69 | | |
| Myers, William | 03-01-62 | 05-77 | | |
| Nance, Josh | 08-24-73 | 05-90 | | |
| Neary, Doug | 12-12-50 | 10-65 | | |
| Neary, Gregory | 12-02-53 | 05-69 | | Ex. Merit. |
| Neary, Patrick | 00-00-49 | 10-63 | | |
| Nelson, Jay | 07-15-60 | 05-75 | | |
| Nelson, Sonja | 10-19-80 | 05-97 | | |
| Nesbitt, Doug | 00-00-43 | 09-58 | | |
| Ness, Dean | 03-21-56 | 05-71 | | |
| Neuman, James | 07-20-63 | 05-78 | | |
| Newcomer, David | 05-06-63 | 05-78 | | |
| Newell, Jared | 09-26-79 | 05-93 | | |
| Newhagen, John | 00-00-46 | 09-62 | | |
| Nickoley, Scott | 08-04-76 | 05-92 | | |
| Nielson, Jake | 00-00-00 | 05-77 | NA | Fire Chief. |
| Nikstaitis, Art | 10-24-77 | 10-93 | | |
| Noble, Larry | 11-25-54 | 05-70 | | |
| Nocerino, Eric | 04-12-78 | 05-92 | | |
| Noll, Richard | 11-02-57 | 05-72 | | |
| Norman, Michael | 00-00-47 | 05-63 | | |
| Norman, Randy | 00-00-46 | 09-62 | | |
| Novotny, Josh | 06-15-77 | 05-91 | | |
| Nowicki, Patrick | 04-09-66 | 05-81 | | |
| O'Brien, Kenneth | 00-00-44 | 10-60 | | |
| O'Callaghan, Mike | 11-26-73 | 05-89 | | |
| Oerter, Erik | 10-29-75 | 11-90 | | |
| O'Grady, Gerald | 00-00-55 | 05-69 | | |
| Oliver, Jesse | 10-08-78 | 05-94 | | |
| O'Malley, Brian | 00-00-00 | 02-78 | NA | Mt. Everest. |
| O'Neill, Mike | 00-00-47 | 09-62 | | |
| Ornellas, John | 05-31-73 | 05-87 | | |
| Orr, Brian | 12-31-81 | 05-96 | | |
| Orth, Robert | 02-22-83 | 05-97 | | |
| Osborn, John, Jr. | 01-17-67 | 05-81 | | |
| Overmyer, Richard | 12-15-66 | 05-82 | | |
| Overstake, Ryan | 02-14-71 | 05-85 | | |
| Owen, Russell | 11-07-81 | 05-99 | | |
| Palmer, Chris | 07-04-58 | 05-74 | | |
| Palmer, Gregory | 05-13-64 | 05-79 | S-MA | |
| Palmer, James | 09-16-61 | 05-77 | S | |
| Parker, Dale | 00-00-45 | 05-59 | | |
| Parker, John | 03-15-63 | 05-78 | | |
| Parmentier, Roger | 02-22-47 | 05-63 | (*) | |
| Parnell, Henry | 01-15-58 | 05-72 | | |
| Parsely, Randy | 12-27-52 | 06-67 | | |
| Patin, Andre | 09-15-74 | 11-90 | | |
| Paton, Craig | 02-12-57 | 05-71 | | |
| Paxton, Geoffrey | 10-16-63 | 05-80 | | |
| Payne, Cecil | 12-23-48 | 10-63 | | |
| Peats, Robert | 02-13-62 | 05-76 | | |
| Peden, Kevin | 11-01-53 | 05-69 | | |
| Peden, Larry | 02-05-48 | 10-64 | | |
| Peek, Larry | 09-06-59 | 05-75 | | |
| Pekari, Mark | 08-12-66 | 05-83 | | |
| Peraro, John | 06-02-52 | 06-67 | | |
| Peregoy, Charles, Jr. | 00-00-00 | 05-76 | NA | |
| Perkins, Daniel | 12-08-73 | 05-88 | | |
| Perrigo, Stephen | 11-06-53 | 05-68 | | |
| Perman, Gary | 00-00-45 | 05-59 | | |
| Peterson, Eugene | 03-10-53 | 05-68 | | |
| Pfeil, John | 05-07-61 | 05-76 | | |
| Phillips, Chester Leroy | 00-00-43 | 09-58 | | |
| Phillips, Danny | 00-00-45 | 10-60 | | |
| Phillips, Scott | 05-19-78 | 05-94 | | |
| Phillips, William, Jr. | 03-30-49 | 09-62 | | |
| Pike, Tadd | 02-13-74 | 05-90 | | |
| Plaine, John | 03-21-69 | 05-84 | | |
| Pollock, Carl | 11-10-54 | 05-71 | | |
| Polsley, Charles | 06-11-46 | 09-61 | | |
| Pool, Mike | 12-27-50 | 10-65 | | |
| Pooley, Brenda | 09-09-79 | 05-96 | | |
| Pooley, Renae | 03-09-81 | 05-96 | | |
| Pope, Kevin | 06-22-70 | 05-87 | | |
| Pottinger, Chris | 10-07-76 | 05-91 | | |
| Powell, John | 10-28-47 | 09-62 | | |
| Radke, Andreas | 12-10-78 | 05-95 | | |
| Rago, Brian | 04-19-66 | 05-82 | | |
| Ragona, James | 05-18-68 | 05-84 | | |
| Ramm, Bryan | 09-15-75 | 11-90 | | |
| Rath, Jeramy | 09-28-78 | 10-93 | | |
| Rathbun, Douglas | 02-18-70 | 05-84 | | |
| Raynolds, Will | 07-16-82 | 05-97 | | |
| Reece, Matthew | 06-11-81 | 05-96 | | |
| Reeves, John | 06-26-76 | 05-92 | | |
| Reilly, Greg | 01-26-63 | 05-78 | (*) | |
| Reininger, Mike | 01-02-80 | 05-95 | | |
| Reister, Chris | 06-23-78 | 05-94 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

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| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Rethmeier, Gary | 00–00–42 | 09–58 | | |
| Reynolds, Phil | 02–07–53 | 06–67 | | |
| Rheinhelmer, James | 00–00–42 | 09–57 | C | |
| Rice, Arthur | 08–05–59 | 05–74 | | |
| Rich, Robert | 06–07–66 | 05–80 | | |
| Richards, David | 11–09–52 | 05–68 | | |
| Richards, James | 10–25–48 | 10–63 | | |
| Richards, Lawrence "Lars" | 06–23–63 | 05–77 | | |
| Richardson, Albert | 05–28–50 | 10–64 | | |
| Richardson, John | 12–15–63 | 05–79 | | |
| Ridgley, Trevor | 04–29–76 | 05–91 | | |
| Riebling, James | 06–19–64 | 05–79 | | |
| Rightmire, Douglas | 10–03–52 | 06–67 | | |
| Rimbert, Ron | 08–30–82 | 05–99 | | |
| Robbins, Eric | 08–20–80 | 05–96 | | |
| Roberts, Charles | 07–27–55 | 05–70 | | |
| Roberts, David | 03–12–67 | 05–81 | | |
| Roberts, Neal | 12–12–46 | 09–61 | S | First DFO. |
| Robinson, Eric | 01–21–79 | 10–93 | | |
| Robinson, Grayson | 00–00–00 | 08–80 | NA | Undersheriff. |
| Robertson, Warren | 11–21–80 | 05–95 | | |
| Rock, M. Sean | 04–08–67 | 05–84 | | |
| Rodgers, Don | 09–14–49 | 10–65 | | |
| Roe, Shawn | 08–26–69 | 05–84 | (*) | |
| Roebuck, Greg | 05–31–75 | 11–90 | | |
| Rolling, Charles | 03–15–62 | 05–76 | | |
| Romero, Phillipe | 11–28–72 | 05–87 | | |
| Romriell, Lucas | 02–15–78 | 05–94 | | |
| Rosenfield, Brent | 03–01–74 | 05–90 | | |
| Ross, David | 10–24–65 | 05–83 | | |
| Roth, Jeremy | 11–13–69 | 05–84 | | |
| Roth, Wade | 06–16–68 | 05–83 | | |
| Rothlisberger, Jay | 08–15–76 | 10–93 | | |
| Rothschild, Joel | 11–11–58 | 05–76 | | |
| Rozycki, James | 12–11–59 | 05–74 | | |
| Rozycki, Richard | 07–13–58 | 05–74 | | |
| Rudd, Michael | 07–28–60 | 05–75 | | |
| Ruetz, Jeff | 01–22–52 | 10–66 | | |
| Rupp, Danny | 00–00–46 | 10–60 | | |
| Rutherford, James | 09–12–47 | 05–63 | | |
| Ryan, Daniel | 08–10–51 | 05–68 | | |
| Sakdol, Corby | 05–18–61 | 05–76 | | |
| Salzberg, Llan | 06–18–76 | 05–92 | | |
| Salzberg, Yaniv | 04–26–78 | 05–93 | | |
| Samms, David | 01–09–66 | 05–83 | | |
| Sample, Raymond | 05–28–62 | 05–79 | | |
| Sandoval, Sonny | 01–26–78 | 10–93 | | |
| Saulnier, Patricia | 03–05–82 | 05–98 | | |
| Saylor, Sean | 03–18–68 | 05–83 | | |
| Schmitt, Bill | 02–20–58 | 05–72 | | |
| Schneebeck, Dean | 00–00–00 | 05–76 | D | |
| Schneebeck, Byron | 08–09–61 | 05–75 | S | |
| Schroer, Greg | 06–15–57 | 05–72 | | |
| Schroer, Kenneth | 03–13–51 | 10–66 | | |
| Schroth, Brandon | 06–06–73 | 05–90 | | |
| Schuckman, Dylan | 02–28–74 | 05–92 | | |
| Schueller, Brad | 07–23–74 | 05–92 | | |
| Schuster, Jake | 10–19–79 | 05–94 | | |
| Schwab, Kenneth | 01–06–47 | 05–63 | | |
| Schwartz, Stephen | 00–00–49 | 05–63 | | |
| Scott, Bill | 00–00–46 | 05–59 | | |
| Scott, Robert | 00–00–45 | 09–58 | | |
| Scott, Steve | 04–15–83 | 05–99 | | |
| Seedroff, Zak | 02–28–78 | 05–95 | | |
| Sekhar, Pavan | 07–21–82 | 05–97 | | |
| Self, Darcy | 05–12–57 | 05–72 | | |
| Serkes, Keith | 10–01–50 | 06–67 | | |
| Settle, Sean | 08–15–82 | 05–97 | | |
| Sharp, Kent | 11–12–64 | 05–80 | | |
| Shelton, Jayson | 01–31–62 | 05–76 | | |
| Sherrill, John | 12–02–70 | 05–86 | MA | |
| Shorey, Larry | 10–11–45 | 09–61 | S | |
| Sidebottom, Phillip | 05–19–69 | 05–84 | | |
| Simmons, Chris | 07–06–78 | 05–94 | | |
| Simonton, John | 12–23–73 | 05–89 | | |
| Simpson, Tygh | 06–22–73 | 05–89 | | |
| Sinclair, Edward | 10–08–56 | 05–71 | | |
| Skalet, Andrew | 08–25–79 | 05–94 | | |
| Slaten, Joel | 04–15–68 | 05–82 | | |
| Slaten, Lane | 01–27–66 | 05–81 | | |
| Slaughter, Keith | 06–16–52 | 05–68 | | |
| Slechta, Ryan | 01–07–77 | 10–93 | | |
| Smischny, Jeff | 06–10–84 | 05–99 | | |
| Smischny, Matthey | 04–26–64 | 05–79 | | |
| Smischny, Richard | 07–07–53 | 05–73 | | |
| Smischny, Ron | 07–29–57 | 05–73 | | |
| Smischny, Tim | 12–08–61 | 05–77 | | Award of Merit. |
| Smith, Cody | 02–01–80 | 05–97 | | |
| Smith, Edward | 05–14–72 | 05–87 | | |
| Smith, Rick | 08–24–58 | 05–72 | | |
| Smith, Steve | 02–09–56 | 05–70 | | |
| Smith, Tedwood | 00–00–45 | 10–60 | | |
| Snyder, Lorin | 09–30–77 | 05–92 | | |
| Solome, Marc | 10–29–80 | 05–95 | | |
| Sommerville, Les | 03–27–57 | 05–72 | | |
| Sorensen, Carmen | 11–17–80 | 05–97 | | |
| Sorensen, Christopher | 04–08–68 | 05–85 | | |
| Sorenson, Jason | 06–02–80 | 05–95 | | |
| Sosebee, Kyle | 01–25–77 | 05–93 | | |
| Spratien, David | 02–29–80 | 05–97 | | |
| Staab, Thomas | 12–13–70 | 05–85 | | |
| Stahl, Jed | 07–30–79 | 05–94 | | |
| Staves, G. Scott | 10–29–74 | 05–92 | | |
| Steyaert, James | 09–06–57 | 05–74 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| Stinson, Robert | 08-12-67 | 05-84 | | |
| Stockwell, Jesse | 08-07-65 | 05-79 | | |
| Stoen, Jonathan | 00-00-42 | 09-58 | * | Son X Jonestown |
| Stone, Adam | 02-17-81 | 05-98 | | |
| Stoner, Charles | 00-00-44 | 10-60 | | |
| Straub, Randy | 12-21-76 | 05-91 | S | |
| Streelman, Bryan | 00-00-47 | 09-62 | | |
| Strickland, Steve | 10-11-47 | 09-62 | | |
| Strong, Ryan | 09-23-74 | 05-92 | | |
| Strong, Tedwood | 00-00-44 | 03-60 | | |
| Stuart, Gary | 00-00-00 | 08-80 | NA | Fire Captain. |
| Stucky, Ben | 03-04-76 | 11-90 | | |
| Stuebe, Brian | 02-14-74 | 05-88 | S | Ass't Chief. |
| Sullivan, Mike | 01-16-58 | 05-72 | | |
| Sullivan, Pat, Jr. | 02-01-43 | 03-60 | DM | Sheriff-VP. |
| Sullivan, Robert | 06-09-81 | 05-98 | | |
| Swain, Tim | 11-08-77 | 05-95 | | |
| Swanson, James | 07-25-61 | 05-76 | | |
| Swanson, Parker | 07-13-66 | 05-80 | | |
| Swartz, Thomas | 00-00-43 | 09-57 | C | |
| Swerdzewski, Pete | 10-27-78 | 10-93 | | |
| Taggart, Andrew | 09-29-82 | 05-97 | | |
| Taigman, Mike | 07-04-59 | 05-74 | MA | |
| Tarde, Robert | 10-22-64 | 05-79 | | |
| Tardy, Edmond | 11-01-46 | 09-62 | | |
| Tardy, Eugene | 01-28-51 | 10-65 | | |
| Tardy, James | 03-06-54 | 05-68 | | |
| Tardy, Timothy | 10-23-50 | 10-64 | | |
| Tatum, Travis | 09-14-71 | 05-85 | | |
| Tatum, Trent | 05-24-68 | 05-84 | | |
| Taylor, Kyle | 07-02-81 | 05-98 | | |
| Taylor, Thomas | 04-01-64 | 05-78 | | |
| Tedesco, Wayne | 11-11-75 | 11-90 | | |
| Teegarden, Thomas | 10-06-52 | 05-69 | | |
| Terry, Doug | 05-04-60 | 05-75 | DM-MA. | |
| Thayer, Richie | 05-13-83 | 05-97 | | |
| Therrien, Mike | 05-20-53 | 05-69 | | |
| Thirsk, James | 09-25-54 | 05-70 | | |
| Thomas, Dan | 10-03-52 | 06-67 | | |
| Thomas, David | 03-03-50 | 10-65 | | |
| Thomas, John | 06-08-48 | 10-63 | | |
| Thomas, Paul | 00-00-47 | 09-62 | | |
| Thomas, Tom | 01-21-47 | 09-62 | | |
| Thompson, Clint | 08-11-70 | 05-85 | | |
| Thompson, Donald | 07-27-52 | 10-66 | | |
| Thompson, Steve | 11-22-76 | 05-92 | | |
| Thornton, Buddy | 00-00-45 | 10-60 | | |
| Tipton, Chris | 06-23-77 | 10-93 | MA. | |
| Toeppen, Greg | 06-02-57 | 05-73 | | |
| Tolle, David | 06-20-55 | 05-70 | | |
| Touchstone, Jason | 09-07-83 | 05-97 | | |
| Tracy, Eddie | 04-16-76 | 05-91 | | |
| Tringl, Steve | 12-18-63 | 05-78 | | |
| Troup, Douglas | 07-11-70 | 05-84 | | |
| Troup, Mike | 11-24-66 | 05-81 | | |
| Trujillo, Ryan | 12-03-77 | 05-92 | | |
| Tucker, Charles Wes | 07-19-54 | 05-68 | | |
| Tucker, Jeff | 03-02-67 | 05-84 | | |
| Tucker, T. Brooks | 11-03-70 | 05-87 | | |
| Tugman, Thomas | 01-04-58 | 05-73 | | |
| Turnwall, O. Kelly | 00-00-44 | 09-58 | S. | |
| Turpen, James | 04-27-45 | 02-61 | S. | |
| Tyndall, William | 07-22-58 | 05-73 | | |
| Ullery, Rod | 06-10-47 | 09-62 | | |
| Underwood, James | 02-02-66 | 05-81 | MA | |
| Vandenberg, David | 02-24-52 | 06-67 | | |
| Vandenberg, Edward | 05-27-58 | 05-73 | S. | |
| Vandermee, Tom | 01-15-51 | 10-66 | | |
| Van Hook, Joe | 04-12-77 | 05-92 | MA-W. | |
| Van Houten, Russell | 06-07-49 | 10-65 | | |
| Van Note, Keith | 11-13-73 | 05-88 | | |
| Van Patten, Denis | 05-29-47 | 10-63 | | |
| Van Puffelen, John | 00-00-45 | 10-60 | | |
| Vasil, Geoff | 08-05-78 | 10-93 | | |
| Vaughn, Jennifer | 03-09-83 | 05-98 | | |
| Vazquez, John | 11-24-79 | 05-94 | W. | |
| VerSteeg, Philip | 03-28-63 | 05-77 | | |
| Vlieger, Ron | 03-10-58 | 05-73 | | |
| Vinci, Ben | 06-20-69 | 05-86 | | |
| Vodehnal, Mike | 04-13-73 | 05-90 | | |
| Vosburgh, Craig | 12-27-66 | 05-80 | | |
| Vrooman, Ryan | 05-16-84 | 05-98 | | |
| Wade, Adam | 05-23-78 | 05-92 | | |
| Walden, Tony | 01-08-55 | 05-69 | | |
| Waller, Christopher | 10-30-81 | 05-96 | | |
| Waller, Richie | 07-31-83 | 05-97 | | |
| Wiley, Daniel | 08-24-82 | 05-97 | | |
| Walmsley, Chappie | 08-01-54 | 05-69 | | |
| Weaver, Earl | 02-06-50 | 10-64 | | |
| Weaver, John | 00-00-00 | 02-65 | D. | |
| Weaver, Mark | 10-05-54 | 05-68 | | |
| Wehrie, Joe | 00-00-43 | 10-60 | | |
| Weidlein, Charles R. | 12-18-48 | 10-63 | S. | |
| Weidlein, Charles W. | 00-00-00 | 04-67 | NA. | |
| Weiss, Steven | 11-01-61 | 05-78 | | |
| Wellman, Andrew | 02-17-81 | 05-98 | | |
| Wellman, David | 12-30-63 | 05-78 | | |
| Wellman, Edward | 06-19-61 | 05-77 | | |
| Wells, Chris | 05-01-75 | 05-92 | | |
| Werking, Robert | 11-24-65 | 05-80 | | |
| Werner, Russell | 03-26-61 | 05-76 | | |
| West, Larry | 00-00-43 | 09-58 | | |
| Wetzbarger, Jacob | 04-19-84 | 05-99 | | |
| Wheeler, Seth | 11-16-75 | 05-92 | | |

ARAPAHOE RESCUE PATROL, INC., LITTLETON BASED, MEMBERSHIP ROSTER, AS OF 13 NOVEMBER 1999—Continued

[Key: S—Senior Officer; C—Charter Member; MA—Member + Associate or Advisor; W—Warrant (1999+); D—Director; DM—Director/Former Member; NA—Not Member/Associate; *—Deceased. Tally: Member—Any young person who applied for membership and was accepted—first by the Captains, and later by the Board of Officers, 975; Adult—Men and women who have been directly involved over the years—in many capacities, but were not formally accepted as members, 42. Totals: 1,017.]

| Name | DOB | Joined | Status | Comment |
|---|---|---|---|---|
| White, Adam | 11–26–80 | 05–95 | | |
| White, Andrew | 06–12–73 | 05–90 | | |
| White, James | 00–00–46 | 02–61 | | |
| White, Rod | 09–06–50 | 10–65 | | |
| Whittemore, Jared | 09–17–54 | 05–70 | | |
| Widdows, Jason | 07–02–77 | 05–94 | | |
| Wignal, Dennis | 00–00–44 | 03–60 | | |
| Wildman, Richard, Jr. | 02–27–44 | 02–61 | | |
| Wildman, William | 04–05–45 | 02–61 | | |
| Wiley, Charles | 01–25–48 | 10–64 | | |
| Wiley, Robert | 12–01–49 | 10–64 | | |
| Wilkens, Robert | 09–08–56 | 05–72 | | |
| Wilkinson, Paul | 00–00–00 | 09–57 | C–NA | |
| Williams, Brad | 07–18–78 | 05–93 | | |
| Williams, Brett | 09–31–78 | 05–96 | | |
| Williams, Gary | 01–18–63 | 05–77 | | |
| Williams, Laurence | 11–02–62 | 05–77 | | |
| Willis, Larry | 10–15–48 | 09–62 | | |
| Wilson, Chris | 04–07–59 | 05–74 | | |
| Wilson, Garrett | 06–15–80 | 05–95 | | |
| Wilson, Garth | 11–21–78 | 05–95 | | |
| Wilson, James | 00–00–00 | 05–76 | D–NA | |
| Winckler, Derrick | 11–11–78 | 05–96 | | |
| Winegarden, Collier | 02–07–81 | 05–95 | | |
| Winkel, Joe | 04–03–71 | 05–86 | | |
| Wischhusen, Ted | 00–00–42 | 10–59 | | |
| Witt, Mike | 07–30–73 | 05–90 | | |
| Wixson, Brett | 07–16–62 | 05–77 | | |
| Wolfe, David | 00–00–45 | 10–59 | | |
| Wolfe, Julia | 06–12–82 | 05–98 | | |
| Wolff, Jakob | 07–29–80 | 05–95 | | |
| Wood, Jenn | 07–28–82 | 05–97 | | |
| Wood, J. Steven | 00–00–45 | 10–60 | | |
| Wood, Lance | 03–05–75 | 05–91 | | |
| Woods, Carl | 03–12–50 | 10–65 | | |
| Woodlee, David | 07–02–52 | 05–69 | | |
| Woodruff, Kent | 06–08–55 | 05–72 | | |
| Woodward, A. Tim | 10–28–53 | 05–68 | | |
| Wooley, Bill | 02–05–50 | 10–64 | | |
| Wooley, Gary | 04–14–47 | 09–61 | | |
| Woolum, Malcolm | 03–27–78 | 05–93 | | |
| Workman, Ted | 09–04–61 | 05–76 | | |
| Worth, R. Randolph | 06–29–60 | 05–76 | | |
| Wright, Jason | 06–14–75 | 11–90 | | |
| Wright, Larry | 00–00–00 | 08–80 | NA | |
| Wright, Marty | 02–21–74 | 11–90 | | |
| Wright, Paul | 08–21–77 | 10–93 | | |
| Wright, Steven | 05–30–52 | 06–67 | | |
| Wright, Wayne | 03–08–66 | 05–80 | | |
| Wulfmeyer, Todd | 01–16–68 | 05–84 | | |
| Wynkoop, Mark | 06–09–79 | 05–95 | | |
| Yant, Robert, Jr. | 05–16–53 | 05–69 | | |
| Yost, Steve | 04–26–76 | 05–92 | | |
| Young, Mark | 04–11–60 | 05–75 | | |
| Young, Rick | 09–17–56 | 05–72 | | |
| Young, Thomas | 06–27–60 | 05–77 | | |
| Youngblood, David | 07–16–71 | 05–86 | | |
| York, Chris | 04–22–82 | 05–97 | | |
| Zambruk, Brett | 09–09–65 | 05–82 | | |
| Zayle, Bryan | 05–11–74 | 05–91 | | |
| Zeiger, Aaron | 10–01–82 | 05–98 | | |
| Zeiger, Jonathan | 06–15–81 | 05–98 | | |
| Zettel, Benton | 12–16–75 | 11–90 | | |
| Zimmerman, Keegan | 08–19–80 | 05–97 | | |
| Zimmermann, Peter | 09–19–68 | 05–82 | | |
| Zuschlag, Chris | 05–07–64 | 05–78 | | |

Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 456. The Arapahoe Rescue Patrol is a professional search and rescue team headquartered in Littleton, Colorado, in the district of the gentleman from Colorado (Mr. TANCREDO).

It was founded in 1957 and has provided service to the community for the past 43 years. The Arapahoe Rescue Patrol is unique in that its membership is restricted to young adults currently in high school. The patrol, which has approximately 75 active members, is primarily a search and rescue organization but it also supports local fire departments and law enforcement organizations.

In 1998, the Patrol participated in 82 search-related activities and spent 52 days searching for missing persons.

While the service of the Arapahoe Rescue Patrol is clearly valuable to constituents represented by our colleague from Colorado, I believe that we can all learn a lesson from their activities. What is unique about this patrol in particular is that it is all high school age membership. Littleton's young people, who successfully complete the training for membership in the Patrol, are unselfishly contributing to their community.

This after-school program is certainly exemplary and offers a positive image of our youth. This sense of community worth and value is something that should exist in all areas of our country.

In that sense, I am very pleased to support this resolution, H.R. 456, and urge my colleagues to vote for it.

Mr. UDALL of Colorado. Mr. Speaker, I am in support of this resolution. I am glad that the House is considering it today.

For more than four decades, volunteers of the Arapahoe Rescue Patrol have assisted Colorado law enforcement agencies, fire departments and search and rescue missions. Founded in 1957 by Stan Bush, Director of the Emergency Planning Department for the city of Littleton, the Patrol is as a non-profit organization that with its headquarters in the Fire Station 12 in the city of Littleton.

More than one thousand students have participated in the Rescue Patrol's program and been involved in more than 2,200 rescue missions. Each student works approximately ten hours a week assisting with emergencies, from fires and automobile accidents to searches for missing people.

The Patrol's program benefits everyone—our communities, our law-enforcement agencies, and the young people who receive its training.

I join my colleague, Representative TANCREDO in urging the House to approve this resolution to acknowledge and highlight the efforts of the Arapahoe Rescue Patrol.

Mrs. MINK of Hawaii. Mr. Speaker, I yield back the balance of my time.

Mr. TANCREDO. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. TANCREDO) that the House suspend the rules and agree to the resolution, H. Res. 456.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3519) to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development or the International Development Association to combat the AIDS epidemic, as amended.

The Clerk read as follows:

H.R. 3519

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### ***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "World Bank AIDS Marshall Plan Trust Fund Act".*

### ***SEC. 2. FINDINGS AND PURPOSES.***

*(a) FINDINGS.—The Congress finds the following:*

*(1) According to the Surgeon General of the United States, the epidemic of human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) will soon become the worst epidemic of infectious disease in recorded history, eclipsing both the bubonic plague of the 1300's and the influenza epidemic of 1918–1919 which killed more than 20,000,000 people worldwide.*

*(2) According to the Joint United Nations Programme on HIV/AIDS (UNAIDS), 33,600,000 people in the world today are living with HIV/AIDS, of which approximately 95 percent live in the developing world.*

*(3) UNAIDS data shows that among children age 14 and under worldwide, 3,600,000 have died from AIDS, 1,200,000 are living with the disease; and in one year alone—1999—an estimated 570,000 became infected, of which over 90 percent were babies born to HIV-positive women.*

*(4) Although sub-Saharan Africa has only 10 percent of the world's population, it is home to 23,300,000—roughly 70 percent—of the world's HIV/AIDS cases.*

*(5) Worldwide, there have already been an estimated 16,300,000 deaths because of HIV/AIDS, of which 13,700,000—over 80 percent—occurred in Sub-Saharan Africa.*

*(6) According to testimony by the Office of National AIDS Policy, an entire generation of children in Africa is in jeopardy, with one-fifth to one-third of all children in some countries already orphaned and the figure estimated to rise to 40,000,000 by 2010.*

*(7) The 1999 annual report by the United Nations Children's Fund (UNICEF) states "[t]he number of orphans, particularly in Africa, constitutes nothing less than an emergency, requiring an emergency response" and that "finding the resources needed to help stabilize the crisis and protect children is a priority that requires urgent action from the international community."*

*(8) A 1999 Bureau of the Census report states that the average life expectancy in the Republic of Botswana, the Republic of Zimbabwe, the Kingdom of Swaziland, the Republic of Malawi, and the Republic of Zambia has decreased from approximately age 65 to approximately age 40—the lowest life expectancy in the world—due to high mortality rates from HIV/AIDS.*

*(9) A January 2000 unclassified United States National Intelligence Estimate (NIE) report on the global infectious disease threat concluded that the economic costs of infectious diseases—especially HIV/AIDS—are already significant and could reduce GDP by as much as 20 percent or more by 2010 in some sub-Saharan African nations.*

*(10) According to the same NIE report, HIV prevalence among militias in Angola and the Democratic Republic of the Congo are estimated at 40 to 60 percent, and at 15 to 30 percent in Tanzania.*

*(11) The HIV/AIDS epidemic is of increasing concern in other regions of the world with UNAIDS reporting, for example, that there are 6 million cases in South and South-east Asia, that the rate of HIV infection in the Caribbean is second only to sub-Saharan Africa, and that HIV infections have doubled in just two years in the former Soviet Union.*

*(12) Despite the grim statistics on the spread of HIV/AIDS, some developing nations—such as Uganda, Senegal, and Thailand—have implemented prevention programs that have substantially curbed the rate of HIV infection.*

*(13) AIDS, like all diseases, knows no boundaries, and there is no certitude that the scale of the problem in one continent can be contained within that region.*

*(14) According to a 1999 study prepared by UNAIDS and the Francois-Xavier Bagnoud Center for Health and Human Rights at the Harvard School of Public Health, HIV/AIDS is spreading three times faster than funding available to control the disease.*

*(15) The United Nations Secretary General has stated "[n]o company and no government can take on the challenge of AIDS alone," and that what is needed is a new approach to public health—combining all available resources, public and private, local and global."*

*(16) The World Bank, declaring AIDS not just a public health problem but "the foremost and fastest-growing threat to development" in Africa, has launched a new strategy for HIV/AIDS in Africa, declaring it a top priority for the Bank on that continent.*

*(17) The World Bank estimates that for Africa alone $1,000,000,000 to $2,300,000,000 annually is needed for prevention in contrast to the approximately $300,000,000 a year in official assistance currently available for HIV/AIDS in Africa.*

*(18) Accordingly, United States financial support for medical research, education, and disease containment as a global strategy has beneficial ramifications for millions of Americans and their families who are affected by this disease, and the entire population which is potentially susceptible.*

*(b) PURPOSES.—The purposes of this Act are to prevent the spread of HIV/AIDS and promote its eradication, prevent human suffering, and to mitigate the devastating impact of the disease on economic and human development, social stability, and security in the developing world, through the creation of a trust fund which is designed to—*

*(1) work with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, donor agencies, and the private sector to intensify action against the HIV/AIDS epidemic and to support essential field work in the most affected countries to assist in the development of AIDS vaccines; and*

*(2) seek to leverage financial commitments by the United States in order to mobilize additional resources from other donors, the private sector, nongovernmental organizations, and recipient countries to combat the spread of HIV/AIDS.*

## ***TITLE I—NEGOTIATIONS FOR THE CREATION OF A WORLD BANK AIDS TRUST FUND***

### ***SEC. 101. TRUST FUND TO ASSIST IN HIV/AIDS PREVENTION, CARE AND TREATMENT, AND ERADICATION.***

*The Secretary of the Treasury shall seek to enter into negotiations with the International Bank for Reconstruction and Development or the International Development Association, and with the member nations of such institutions and with other interested parties for the creation of a trust fund which would be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds and use the contributions to address the HIV/AIDS epidemic in countries eligible to borrow from such institutions, as follows:*

*(1) PROGRAM OBJECTIVES.—The trust fund would provide only grants, including grants for technical assistance, to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including affordable drugs. Among the activities the trust fund would provide grants for would be programs to promote best practices in prevention, including health education messages that emphasize risk avoidance; measures to ensure a safe blood supply; voluntary HIV/AIDS testing and counseling; measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling and access to infant formula or other alternatives for infant feeding; and deterrence of gender-based violence and provision of post-exposure prophylaxis to victims of rape and sexual assault. In carrying out these objectives, the trust fund would coordinate its activities with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.*

*(2) PRIORITY.—In providing such grants, the trust fund would give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate, and that have or agree to carry out a national HIV/AIDS program which—*

*(A) has a government commitment at the highest level and multiple partnerships with civil society and the private sector;*

*(B) invests early in effective prevention efforts;*

*(C) requires cooperation and collaboration among many different groups and sectors, including those who are most affected by the epidemic, religious and community leaders, nongovernmental organizations, researchers and health professionals, and the private sector;*

*(D) is decentralized and uses participatory approaches to bring prevention care programs to national scale; and*

*(E) is characterized by community participation in government policymaking as well as design and implementation of the program, including implementation of such programs by people living with HIV/AIDS, nongovernmental organizations, civil society, and the private sector.*

*(3) GOVERNANCE.—*

*(A) IN GENERAL.—The trust fund would be administered as a trust fund of the International Bank for Reconstruction and Development. Subject to general policy guidance from the President of the United States and representatives of the other donors to the trust fund, the Trustee would be responsible for managing the day-to-day operations of the trust fund.*

*(B) SELECTION OF PROJECTS AND RECIPIENTS.—In consultation with the President and other donors to the trust fund, the Trustee would establish criteria, that have been agreed on by the donors, for the selection of projects to receive support from the trust fund, standards and criteria regarding qualifications of recipients of such support, as well as such rules and procedures as would be necessary for cost-effective management of the trust fund. The trust fund would not make grants for the purpose of project development associated with bilateral or multilateral development bank loans.*

*(C) TRANSPARENCY OF OPERATIONS.—The Trustee shall ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the trust fund.*

*(D) ADVISORY BOARD.—*

*(i) APPOINTMENT.—The President of the United States and representatives of other participating donors to the trust fund would establish an Advisory Board, and appoint to the Advisory Board renowned and distinguished international leaders who have demonstrated integrity and knowledge of issues relating to development, health care (especially HIV/AIDS), and Africa.*

*(ii) DUTIES.—The Advisory Board would, in consultation with other international experts in related fields (including scientists, researchers, and doctors), advise and provide guidance for the trust fund on the development and implementation of the projects receiving support from the trust fund. Once the Advisory Board is established, the Secretary of the Treasury shall ensure that the Trustee provides the Advisory Board complete access to all information and documents of the trust fund necessary to the effective functioning of the Advisory Board.*

## *TITLE II—UNITED STATES FINANCIAL PARTICIPATION*

### *SEC. 201. LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS.*

*In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to AIDS or economic development, there are authorized to be appropriated to the Secretary of the Treasury $100,000,000 for each of fiscal years 2001 through 2005 for payment to the trust fund established as a result of negotiations entered into pursuant to section 101.*

## *TITLE III—REPORTS*

### *SEC. 301. REPORTS TO THE CONGRESS.*

*(a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the trust fund established pursuant to section 101, the Secretary of the Treasury shall submit to the appropriate committees of the Congress a written report on the trust fund, the goals of the trust fund, the programs, projects, and activities, including any vaccination approaches, supported by the trust fund, and the effectiveness of such programs, projects, and activities in reducing the worldwide spread of AIDS.*

*(b) APPROPRIATE COMMITTEES DEFINED.—In subsection (a), the term "appropriate committees" means the Committees on Appropriations, on International Relations, and on Banking and Financial Services of the House of Representatives and the Committees on Appropriations, on Foreign Relations, and on Banking, Housing, and Urban Affairs of the Senate.*

## *TITLE IV—HIV/AIDS PREVENTION AND CARE*

### *SEC. 401. STRENGTHENING LOCAL CAPACITY IN SUB-SAHARAN AFRICA TO IMPLEMENT HIV/AIDS PREVENTION AND CARE PROGRAMS.*

*Title XVI of the International Financial Institutions Act (22 U.S.C. 262p—262p-7) is amended by adding at the end the following:*

### *"SEC. 1625. STRENGTHENING LOCAL CAPACITY IN SUB-SAHARAN AFRICA TO IMPLEMENT HIV/AIDS PREVENTION AND CARE PROGRAMS.*

*"The Secretary of the Treasury shall instruct the United States Executive Director at the International Bank for Reconstruction and Development to use the voice and vote of the United States to encourage the Bank to work with Sub-saharan African countries to modify projects financed by the Bank and develop new projects to build local capacity to manage and implement programs for the prevention of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) and the care of persons with HIV/AIDS, including through health care delivery mechanisms which facilitate the distribution of affordable drugs for persons infected with HIV.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of one of the most important healthcare initiatives in modern times, the creation of a World Bank AIDS Trust Fund.

There are few issues more difficult to discuss in public life than the AIDS issue, but any sense of historical perspective requires that Congress recognize that it is quite likely that no issue in the world is more consequential.

In parts of Africa where the epicenter currently resides, as well as South Asia and the Caribbean where the disease is fast moving, AIDS and the precipitating HIV virus have jumped well beyond the population groups considered most at-risk in America.

Millions of women now have the HIV virus and it is being transferred in the womb to the unborn. Out of a sense of self-preservation for mankind itself, if not simply humanitarian concern for those affected, this disease must be eradicated whatever the cost.

The purposes of H.R. 3519 are straightforward: To prevent the spread of HIV/AIDS and promote its eradication, prevent human suffering and mitigate its effects on economic development and security through a World Bank-administered trust fund that would work with governmental and nongovernmental organizations and leverage United States contributions to mobilize additional resources from other donors, including the private sector.

The bill before us, which has captured the attention of medical and development professionals working to combat the HIV/AIDS crisis around the world, was passed by the Committee on Banking and Financial Services on March 15 by a strong bipartisan 27-to-4 vote.

The committee has been in regular contact with the administration regarding the development of this legislation, as well as our floor amendment, and I am pleased to inform Members that we received today a statement announcing that the administration strongly supports the passage of H.R. 3519.

At the dawn of the 21st century, the world confronts one of the most serious and urgent public health challenges in the history of mankind. According to the United States Surgeon General, AIDS will soon become the worst epidemic of infectious disease in recorded history, eclipsing both the bubonic plague of the 1300s and the influenza epidemic of 1918 to 1919, which killed more than 20 million people worldwide.

Already 16.3 million have died from AIDS and more than 33 million are living with this deadly disease. Indeed, the global AIDS epidemic might fairly be described as a disease of biblical proportions.

The statistics in the global AIDS crisis, particularly in sub-Saharan Africa, are stunning. Although it only has 10 percent of the world's population, sub-Saharan Africa accounts for 80 percent of global AIDS deaths and nearly 70 percent of the world's current HIV/AIDS cases. The African continent is also confronted with an unprecedented number of orphaned children from AIDS.

At the committee's March hearing, Mary Fisher, the founder of the Family AIDS Network, who eloquently addressed the Republican Convention in 1992, testified about her recent trip to Africa. She told the committee that what dominates the African landscape is orphans, acres of orphans; orphans raising orphans because there is no one else left to do it. Tough children take to the streets. Weak children die of starvation. Many just sit, docile and sick, a vast human ocean of orphans, mostly infected and doomed.

While Africa is the current epicenter of the disease, it is moving towards Asia and nothing would be a greater mistake than to think that oceans are boundaries capable of containing the spread of diseases of this nature. At this time, for instance, there is an alarming increase in the HIV/AIDS infection rate in the Caribbean and in parts of South and Southeast Asia, as well as the Newly Independent States of the former Soviet Union.

As bleak as the global picture is, it nevertheless must be understood that there are prevention and education strategies that are effective against the spread of HIV/AIDS. Statistics from Uganda and Senegal in Africa and from Thailand and Asia demonstrate the positive impact of strong prevention programs. Encouragingly, those strategies can be applied in other countries as well.

The innovative approach outlined in the World Bank AIDS Marshall Plan Trust Fund Act holds out the promise of catalyzing a much stronger global response to the AIDS epidemic. Implicit in approaches involving Bretton Woods institutions is the possibility of attracting additional contributions from other donors, including, as uniquely authorized in this bill, the private sector.

For a modest $100 million per year contribution in the table from the United States, we have the prospect of leveraging multibillion dollar contributions from other public and private donors over the next 5 years.

It is my hope that some of the resources made available in this initiative could be applied to ultimately achieving a desperately-needed medical breakthrough in developing an AIDS vaccine, but until the day that such a vaccine is available, the only vaccine we have is what Dr. Peter Piot of UNAIDS calls a social vaccine, that is education and prevention efforts.

H.R. 3519 is directly targeted at maximizing this social vaccine through education and prevention initiatives.

In conclusion, let me stress that America has a particular obligation to do everything within its power to prevent and ultimately eradicate HIV/AIDS, particularly among those most vulnerable, our children both here and abroad.

□ 1715

Mortality may be a part of the human condition, but all of us have an obligation to put an end to those conditions that precipitate premature death, particularly at very young ages.

For the country that leads the world in wealth and research capacity to abdicate its responsibility to confront forth rightly this biblically proportioned humanitarian crisis would be morally derelict.

I am honored to join my colleagues, the gentleman from New York (Mr. LAFALCE) the distinguished gentlewoman from California (Ms. LEE), the gentleman from New York (Mr. GILMAN), the gentleman from Oklahoma (Mr. COBURN), and the gentlewoman from Maryland (Mrs. MORELLA) and so many others in pressing for congressional action in this crisis, and urge my colleagues to give it their support.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Missouri (Mr. GEPHARDT), the minority leader.

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of the World Bank AIDS trust fund legislation we are considering today. I commend the gentlewoman from California (Ms. LEE) and the gentleman from Iowa (Mr. LEACH), the authors of this legislation, for their leadership and hard work in not only calling attention to the magnitude of the HIV/AIDS pandemic, but in developing an important initiative that will help address this horrible problem.

I believe that the global HIV/AIDS crisis is the preeminent moral issue of our time. Yet, most Americans do not know very much about the crisis and the devastation that this disease has caused in Sub-Saharan Africa and other nations and continents around the world. In fact, the future of Africa may well be at risk, and the consequences of the failure to act may condemn future generations to a deadly cycle of poverty and chronic illness.

It is simply impossible to imagine lasting political or social progress in Africa without forcefully addressing the increasing toll that this disease is exacting on her people. Most of us who live in nations with high standards of living cannot become complacent about our success and good fortune, and ignore the millions of fellow human beings whose struggle to achieve political, economic, and social progress is in such jeopardy. We have to significantly increase the efforts we have made to date if we are to succeed in helping other peoples curb the HIV/AIDS pandemic.

So we must increase international funding for vaccine research, for efforts to stop the spread of the HIV virus, and for the care of those already infected. We must also address the crushing debt problem with which too many of the poorest nations in the world are saddled.

I commend the administration for its efforts in these areas, and fully support its budget request, which calls for much needed increases in next year's funding.

Because our response must be multifaceted, the World Bank trust fund that would be established by the Leach-Lee legislation will play a very important part, as well, by bringing together multinational, private sector, and nongovernmental resources to fight HIV/AIDS.

I urge all of my colleagues on both sides of the aisle to support this important initiative. Again, I commend the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) for a job well done.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. LAFALCE. Mr. Speaker, H.R. 3519 is a bill which can mean life instead of death for millions of people. H.R. 3519 primes a pump of worldwide resources to fight one of mankind's deadliest enemies, AIDS.

The Acquired Immune Defense Syndrome is sweeping our planet. It is striking us without discrimination as to age, gender, income, race, religion, or nationality. Our Surgeon General has estimated that this will soon be the worst plague to strike mankind in all recorded history, worse than the bubonic plague of the 1300s, worse than the worldwide influenza epidemic of the early 1900s; worse than any other illness in the history of the world.

So a broad, a global, a coordinated defense against this scourge must come. It has been unmercifully slow in coming. However, it is coming, and this bill is a very major part of it.

Mr. Speaker, H.R. 3519 is aimed at inclusiveness in the HIV/AIDS battle. Our Treasury Secretary is directed to initiate negotiations within the World Bank, its members, and other interested parties to create a trust fund to receive resources from any entity to combat HIV and AIDS through grants.

The bill as amended today authorizes a U.S. contribution of $100 million to the AIDS-targeted trust for each fiscal year from 2001 to 2005. We know our contribution will be leveraged many fold by additional contributions from such an open community of donors. A figure of at least $1 billion per annum is possible.

Secondly, our bill, entitled the "World Bank AIDS Marshall Plan Trust Fund Act," is very flexible. Trust fund resources can be deployed globally. This is not merely a reaction to a crisis in Africa or the growing threat in Eastern Europe. The transborder character of AIDS is fully recognized.

Further, no single line of attack is elevated over another. There will be no priority given a prevention over a cure or a cure over a prevention.

The findings of our Committee on Banking and Financial Services fully demonstrate that we cannot delay. Thousands, tens of thousands, are infected daily. Until AIDS can be brought to heel globally, no matter what the success of steps to stem it domestically might be, the virus will threaten us. Even now it is believed incidence of strains largely found outside the United States, and having different characteristics from our predominant strain B are rising domestically. This bill is a highly productive path for a global counterattack. I urge its unanimous passage.

Mr. LEACH. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise in strong support of H.R. 3519, which addresses the urgent need for global resources by leveraging the U.S. contribution to a World Bank AIDS trust fund of $100 million annually over the next 5 years to mobilize potentially more than $1 billion a year from other governmental and private sector donors for grants to operations working to combat, to eradicate, and to mitigate the impact of the AIDS virus throughout the world.

I want to commend the gentleman from Iowa (Mr. LEACH), the distinguished chairman of our Committee on Banking and Financial Services, and the gentlewoman from Texas (Ms. LEE), for sponsoring this important measure.

Mr. Speaker, the AIDS pandemic may soon become the most deadly infectious disease in modern times, eclipsing the influenza epidemic earlier this century that caused some 20 million deaths worldwide.

Recent estimates place the AIDS death toll at over 16 million people and rising. Over 33 million people are living with this disease, and most of these infected live in the developing world. Therefore, until this terrible disease is eradicated, our efforts to promote economic development and democratic practices are going to be impeded as the meager resources of these infected developing societies are drained by this terrible scourge.

Sub-Saharan Africa has been particularly hard hit. This bill encourages prompt action in that region of the world. However, no area of the world has been spared the ravages of this deadly disease. It is rapidly spreading today in Asia and throughout the Pacific Rim at an alarming pace.

As this disease continues to spread, the international health economic and security implications are very serious and require the unique leadership of our Nation. The Committee on International Relations will be holding hearings soon to identify ways in addition to this measure in which our Nation can effectively combat AIDS and other infectious diseases that are not only a human tragedy of immeasurable proportions, but also pose a threat to the health and well-being of the American people.

In our own State of New York, the spread of the West Nile virus epidemic last year is a testament to the need to remain vigilant about the global threads of AIDS and all other infectious diseases.

Accordingly, Mr. Speaker, I urge my colleagues to join in strong support of H.R. 3519 so that our Nation can lead the world community in seeking more private and public contributions to combat the deadly AIDS virus. Not only is it in our national interest to do so, but it is the right thing to do so.

Mr. LAFALCE. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. LEE), the principal coauthor of this bill.

Ms. LEE. Mr. Speaker, I rise today to express strong support for the World Bank AIDS Marshall Plan Trust Fund Act, H.R. 3519.

First, I would like to thank the gentleman from Iowa (Chairman LEACH) for his wisdom and commitment to ensure that Congress is on the right side of history and that we address this pandemic in a bipartisan fashion.

Also, I would like to thank my colleagues, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, the ranking member, the gentleman from New York (Mr. LAFALCE), the gentleman from New York (Chairman GILMAN), and the Congressional Black Caucus, especially the gentlewoman from California (Ms. WATERS) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN), for demonstrating leadership in moving this issue forward in the spirit of bipartisanship and cooperation.

Finally, I also would like to acknowledge the contributions of my predecessor and dear friend, Mr. Ron Dellums, for remaining committed to the fight as a public citizen, and raising consciousness throughout the world regarding this pandemic.

The World Health Organization has proclaimed that HIV/AIDS is the world's deadliest disease. It has ravaged Sub-Saharan Africa, claiming 13.7 million lives. Today, 23.3 million adults and children are living with HIV and AIDS. AIDS is decimating the continent and leaving behind millions of orphans in its wake. By the year 2010, the number of orphans in Africa will equal the number of children in America's public schools.

An estimated 6,000 people die in Africa every day due to AIDS. Since I introduced my original bill last August, H.R. 2765, of which most provisions are retained in this bill, 1.8 million people have perished. The survival of a continent is at stake.

This is not only a humanitarian crisis, it is an emerging economic catastrophe. Teachers are disappearing from classrooms. Skilled workers are vanishing from production plants.

Over the past year, our Nation's moral compass has pointed us in the direction that guides us now to address the AIDS crisis globally and most profoundly in Africa. However, I remind Members again that the AIDS crisis in Africa is only the epicenter. The Caribbean, Asia, India, Latin America, and the Balkans are only ticking time bombs. In our own country, people of color are being disproportionately hit by HIV and AIDS.

The Clinton administration has rightfully recognized AIDS as a national security threat and has issued an executive order to provide access to HIV/AIDS pharmaceuticals and medical technologies. This is a step in the right direction. The President has also issued a statement of administration policy in support of the World Bank AIDS Marshall Plan Trust Fund Act.

Mr. Speaker, I include for the RECORD the Statement of Administration Policy issued by the Executive Office of the President.

The document referred to is as follows:

### STATEMENT OF ADMINISTRATION POLICY

### H.R. 3519—WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

The Administration strongly supports the passage of H.R. 3519, which would increase international efforts to combat the global spread of HIV/AIDS, and agrees with its sponsors that there is a critical need for new sources of funding in order to combat this growing pandemic effectively. The President's FY 2001 Budget requests a $100 million increase for HIV/AIDS prevention, treatment, and related activities, bringing the total HIV/AIDS funding (exclusive of research) in FY 2001 to $342 million. The current U.S. efforts to combat global HIV/AIDS are by far the largest among bilateral and multilateral donors. In addition, the Administration has proposed a $50 million contribution to the Global Alliance for Vaccines and Immunization (GAVI) and new tax credits to help spur the development and distribution of vaccines for HIV/AIDS and other diseases that result in millions of deaths every year in the developing world.

The Administration believes that H.R. 3519 takes an important step towards our common objective of increasing the international effort to combat this pandemic. We believe that additional flexibility in negotiating the exact structure of the multilateral funding mechanism will ensure that this mechanism will best meet the objectives of other donors and the requirements of recipient countries and organizations, and therefore will maximize our ability to increase other donor participation. The Administration looks forward to working with the Congress to address this goal. We also note that H.R. 3519 raises constitutional concerns regarding the President's exclusive authority in foreign affairs to represent, and negotiate on behalf of, the United States.

The Administration remains fully committed to other high priority international initiatives and to the funding levels proposed in the President's Budget for HIV/AIDS programs and other critical components of our existing international affairs budget request. A new multilateral funding mechanism will take time to become operational and effective, and therefore the passage of the President's FY 2001 Budget for HIV/AIDS programs is imperative and will result in immediate assistance in the fight against global HIV/AIDS.

Mr. Speaker, AIDS, like all diseases, knows no boundaries. There is no guarantee that the scale of the problem on one continent can be contained in that region. In fact, it is just the opposite.

□ 1730

So I want to leave on one thought. An old Swaziland proverb says, "There is a poisonous snake in our house. If we do not get it out, it will kill us all."

Left unaddressed, AIDS will wipe out Africa. Today, as the world watches, Congress must step up to the plate and hit a home run. Vote yes for final passage of H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Maryland (Mrs. MORELLA), a great friend.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Iowa for yielding me this time.

Mr. Speaker, I certainly want to salute and commend the gentleman from Iowa (Chairman LEACH) and the gentlewoman from California (Ms. LEE) for introducing this very important legislation, the World Bank AIDS Marshall Plan Trust Fund Act, and to the leadership for scheduling it for consideration today. This legislation would provide $500 million over 5 years for HIV and AIDS treatment, prevention, and research, beginning in Africa.

Over the past several months, an incredible amount of attention has been directed to the devastating plight Africans are facing due to the AIDS crisis. More than 11 million Africans have died from AIDS. This represents more than 70 percent of AIDS deaths worldwide.

The spread of AIDS in Africa has increased economic instability, is causing serious food and agricultural destabilization and will result in a severe drop in life expectancy rates.

Thirteen million children have lost one or both of their parents to AIDS, and life expectancy is expected to plummet from 59 years to 45 years between 2005 and 2010.

This bill directs the U.S. Government to seek the establishment of a new AIDS Prevention Trust Fund at the World Bank. The bill authorizes U.S. contributions of $100 million a year for 5 years in the hopes of leveraging that contribution to obtain contributions from other governments as well as private sector companies to reach $1 billion a year. The proceeds of the trust fund would support AIDS education, prevention, treatment, and vaccine development efforts in the world's poorest countries, particularly in sub-Saharan Africa.

The United States is uniquely positioned to lead the world in the prevention and eradication of HIV and AIDS. H.R. 3519 responds to this crisis.

Again, I thank the gentleman from Iowa (Chairman LEACH) and the gentlewoman from California (Ms. LEE) for introducing this legislation. I certainly urge support by this House of this legislation.

Mr. LAFALCE. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from California (Ms. WATERS), ranking member of the Subcommittee on Domestic and International Monetary Policy, the subcommittee with jurisdiction over the World Bank, and one of the chief promoters of this legislation.

Ms. WATERS. Mr. Speaker, I would like to thank the gentleman from New York (Mr. LAFALCE) for the time that he has allocated to me today.

Mr. Speaker, I rise to express my support for H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act, and I would like to commend the gentlewoman from California (Ms. LEE) for her leadership on this critical issue.

H.R. 3519 was passed by the Committee on Banking and Financial Services on March 15 by a bipartisan majority. This regulation would direct the Secretary of the Treasury to enter into negotiations with the World Bank for the creation of a World Bank AIDS Trust Fund to provide grants to support HIV/AIDS treatment and prevention programs in the countries of sub-Saharan Africa and other less developed countries. I am proud to be a cosponsor of this bill.

However, I must say I am deeply dismayed that the funding authorized by this bill is only half of what had been approved by the Committee on Banking and Financial Services. During the Committee on Banking and Financial Services's consideration of H.R. 3519, I offered an amendment to the bill that increased the amount of funds authorized to be appropriated for payment to the World Bank AIDS Trust Fund from $100 million to $200 million per year.

Although my amendment was passed by the Committee on Banking and Financial Services, the leadership, the Republican leadership, reduced the funding back to only $100 million before bringing the bill to the floor today without any discussion with those of us who worked so hard to double that amount. This undemocratic reduction was done without a unanimous-consent request, without a rule from the Committee on Rules, without any opportunity for the Members of the House to debate it.

Given the magnitude of HIV/AIDS epidemic in sub-Saharan Africa, this reduction of funding is dangerously unwise. In sub-Saharan Africa, there are over 5,000 AIDS-related funerals every day. Since the beginning of the HIV/AIDS epidemic, over 80 percent of all AIDS deaths have occurred in sub-Saharan Africa. By the end of 1999, there were an estimated 23.3 million people in sub-Saharan Africa living with HIV/AIDS. This is 70 percent of the total number of HIV-infected people worldwide.

The National Intelligence Council of the Central Intelligence Agency, the CIA, released a report in January of this year on the threat of HIV/AIDS and other infectious diseases to our national security.

According to this report, "Some of the hardest hit countries in sub-Saharan Africa, and possibly later in South and Southeast Asia, will face a demographic upheaval as HIV/AIDS and associated diseases reduce human life expectancy by as much as 30 years and kill as many as a quarter of their populations over a decade or less, producing a huge orphan cohort. Nearly 42 million children in 27 countries will lose one or both parents to AIDS by 2010; 19 of the hardest hit countries will be in sub-Saharan Africa."

Despite the urgency of this epidemic, Congress has not demonstrated a willingness to commit the resources necessary to stop the spread of this devastating disease.

I am thankful for this $100 million. It should be more. I know that the gentleman from Iowa (Mr. LEACH) worked very hard on this. To tell my colleagues the truth, because he is so fair all the time, I was a little bit disappointed that this had happened without any discussion, without my knowing and others knowing, who had worked so hard to increase it, that it would come to the floor in this manner.

All we have is $100 million. We do not have the $200 million. Certainly we are not going to turn it down. I support it. I hope we can do better in the future.

Mr. LEACH. Mr. Speaker, I yield 2½ minutes to the distinguished gentleman from Oklahoma (Mr. COBURN) who has quite constructively added some language on best practices techniques from his medical background for this bill. I am very appreciative.

Mr. COBURN. Mr. Speaker, I thank the gentleman from Iowa for yielding me this time. I thank the committee for the manner in which they worked with us.

For $4 a baby, we can prevent HIV infection in Africa, $4. That is all it takes, one dose of nevirapine, and the pregnant woman who has HIV for her child not to become infected. That is the minimal that we can do.

This bill brings forward the first of many challenges that the world is going to face in terms of HIV. About 3 months ago, I met with directors, AIDS directors of 21 African countries and visited with them about what they were doing. My hope is, as we pass this bill and we assess the success that I know that is going to take place in Africa, because we have already seen major changes in two countries, Uganda and Senegal, my hope is that, as we vote for this, that we will apply the same common sense to the AIDS epidemic in America.

See, the same women, African-American women are being unduly hit by this disease. The same children, African-American children in America are five times more likely to contract this disease than a white child. An Hispanic child is three times more likely to contract this disease.

So as we vote to help Africa in this dreaded disease, and this will be great help, it will make a tremendous difference, we will have not ever spent $100 million more effectively than the money that is going to be authorized in this program, please look at how we handle HIV in this country, and let us not let another baby get infected in this country, the wealthiest country in the world. Let us not allow people to continue to be ignorant about HIV and this infection.

I thank the gentleman from Iowa (Mr. LEACH), chairman, and the gentleman from New York (Mr. LAFALCE), ranking member, for this bill. It has my wholehearted endorsement.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Mr. Speaker, I rise today in support of H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act. I want to commend the bill's prime sponsors, the gentleman from Iowa (Mr. LEACH), chairman of the Committee on Banking and Financial Services, and the gentlewoman from California (Ms. LEE) for their efforts in bringing this important and vitally needed bill to the floor today.

I want to particularly recognize and thank the gentlewoman from California (Ms. LEE) for her leadership in fighting HIV and AIDS in people of color globally and on all fronts.

Mr. Speaker, the enormity of the deadly impact of AIDS on the people and countries of Africa has been at crisis proportions for a long time and has long called us to act.

Since the onset of the epidemic, more than 11 million Africans have died from AIDS, representing more than 70 percent of AIDS death world wide. Although we have made small steps in the recent past today, we begin to respond more appropriately.

In addition to this measure, I applaud President Clinton for his recognition of AIDS as a national security threat and a doubling of his budget request to prevent the spread of HIV around the world.

The bill before us today will bolster this effort, and that of private pharmaceutical companies such as Glaxo-Welcome, Bristol Myers-Squibb, Boeringher Ingelheim, Hoffman-LaRoche, and Merck & Co., and others who have also pledged to join this effort by helping to ensure that the Federal Government commits to addressing this issue over the next several years.

Out of compassion for our fellow human beings, and in recognition of our compelling economic and humanitarian interests in combatting infectious disease in developing countries around the world, although it falls short of what we had hoped for, I urge my colleagues to support passage of this bill.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I very much thank the gentleman from New York for yielding me this time and for his work on this bill. I especially appreciate the work of the gentleman from Iowa (Chairman LEACH) who worked so productively, and the gentlewoman from California (Ms. LEE) for whom this has been a priority issue for a long time.

H.R. 3519 has important breakthrough potential to level substantial funding from those who have it to those who do not. The spectrum of urgent needs in Africa from prevention to treatment and research is exhausting to even contemplate. This is why the President has indicated that AIDS worldwide is a national security issue. History, I think, will reveal him to be prescient in his understanding of the implications of the developed Nations in failing to move more rapidly. The Vice President has said the same thing when he made a historic appearance before the UN Security Council.

In this country, we have our own AIDS epidemic of major and tragic proportions in the minority communities. But this epidemic pales beside the plague in Africa that sees 11 million men women and children exposed and become HIV positive every single day. It is decimating an entire generation right at the time when Africa is in the throes of Nation building with democracy finally taking hold in many countries when one needs young educated people most. This funding hastens the time when urgently needed fundings can go directly to where they are most needed.

I congratulate the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) for moving us ahead on this urgent issue.

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Ohio (Mrs. JONES), a member of the Committee on Banking and Financial Services, who has worked very hard on this, too.

Mrs. JONES of Ohio. Mr. Speaker, AIDS is a very important and security issue in our country and across the world. I thank the gentleman from Iowa (Chairman LEACH) and the gentlewoman from California (Ms. LEE), my ranking member, for proceeding on the issue of a Marshall Plan for Africa.

The epidemic and devastating effects of AIDS have impacted our country greater than the deaths attributed to war. The United Nations reported that while war and conflict took about 200,000 people in 1998, AIDS and HIV took about 2.2 million.

I recall, in fact, having had an opportunity to go to an Africa Today conference in Seattle. At that Seattle conference, an epidemiologist testified that there were grandparents in Africa taking care of as many as 25 to 30 of their grandchildren because their children have been devastated by the disease of AIDS.

☐ 1745

The United Nations took up the security issue on the issue of AIDS this year when seven of the great leaders from the continent of Africa were there to talk to the United Nations.

I am pleased that my colleagues have supported and presented this issue, and I rise in support of H.R. 3519 and thank my ranking member for the opportunity to be heard.

Mr. LAFALCE. Mr. Speaker, how much time is remaining on each side?

The SPEAKER pro tempore (Mr. PEASE). The gentleman from New York (Mr. LAFALCE) has 2½ minutes remaining, and the gentleman from Iowa (Mr. LEACH) has 6¼ minutes remaining.

Mr. LAFALCE. Mr. Speaker, may I ask if the gentleman from Iowa would be willing to share some of his time.

Mr. LEACH. Mr. Speaker, I would like to reserve 3 minutes for myself, but I would be happy to recognize someone on the other side.

The SPEAKER pro tempore. The Chair will be pleased to recognize whomever the gentleman yields to, and for how much time?

Mr. LAFALCE. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. MILLENDER-MCDONALD).

Ms. MILLENDER-MCDONALD. Mr. Speaker, I thank the gentleman from New York (Mr. LAFALCE), the ranking member, for his leadership on this issue, and really thank my dear friend and colleague, the gentlewoman from California (Ms. LEE), for her tenacity and her leadership in pushing until this bill came to this floor.

It is so incredibly important that we support this piece of legislation. We have recognized by the statistics that have been presented to us all today how devastating it is in areas of Africa; in fact, all over Africa. It is really seen as a pandemic, and I urge my colleagues, everyone in this House, to support this.

As the cochair of the International HIV/AIDS, I have also seen this devastation now rising in places of India, Central America, Eastern Europe and other places, and we recognize that this disease is seamless. It has no borders. It has no respect for age, ethnicity or anything else. So I urge all my colleagues to look at this bill, vote the bill out, and make sure that we are addressing the most egregious disease that has ever hit the face of this country and the world.

In a bill that I had, Mr. Speaker, I had certain components as prevention, education, and making sure that research as to vaccine was a part of this bill. I am happy that that was inserted into the bill and I urge support.

Mr. Speaker, we cannot speak enough on a bill of this magnitude, on an issue of this magnitude. I am happy that the administration is supporting it, and I urge all my colleagues to support this bill.

Mr. Speaker, AIDS is potentially the greatest health catastrophe to humankind. It knows no borders and strikes individuals regardless of age, race, gender, national origin, or social class. More than 16,000,000 men, women and children have died of AIDS. More than 33,600,000 people are living with HIV, and nearly all of them will die of AIDS-related complications within the next two decades. UN-AIDS estimated that there were 5,600,000 newly-infected people with HIV in 1999, including an estimated 2,300,000 women and approximately 570,000 children.

Ninety-five percent of people worldwide living with HIV live in the world's poorest countries. With poor health systems, weak economies, poverty, and limited access to resources, the epidemic will grow even more over the next quarter century without immediate intervention.

There also are potential security implications in poor countries where the increase in HIV-infected military personnel is gradually weakening the capacity of militaries to defend their nations, maintain civil order, and deploy peacekeepers. Child soldiers and girl 'wives', some also HIV-infected, are a byproduct of a dwindling pool of adult recruits. Sustained education, prevention, and treatment programs for military personnel.

Alongside H.R. 3519, I authored this session H.R. 4140, "The International HIV/AIDS Partnership Prevention Act of 2000" that addresses the global HIV/AIDS challenge in all world regions. From Africa, Asia, the Caribbean, Latin America, Eastern and Central Europe and Russia, we must pull together world resources including our own to combat this disease.

Let me close by underscoring the human rights elements to this crisis. In our expedience to overtake this disease and bring education, prevention, and treatment to those infected with HIV/AIDS, we must not overlook their basic human rights.

I hope when this bill comes to Conference Committee that we will assure women, children and men around the world that we care for their human rights as well as their physical well being. I am reminded of the early days of the epidemic here in America when we had to grapple with broad social policy issues like privacy and discrimination.

I hope, Mr. Speaker, that when this House passes HIV/AIDS legislation, we will require that any government or organization can receive funds only if the government or organization, as the case may be, certifies that its laws, policies, and practices, as appropriate, do not punish or deny services to victims based on age, ancestry, color, disability, gender, national origin, race, religion, sexual orientation, and political status.

If we add this clause to our legislation, we not only will bring physical care and treatment to persons with HIV/AIDS but will also guarantee respect for their human and civil rights.

Mr. Speaker, I am pleased that this bill reflects so many of the issues I raised in H.R. 4140. I hope that this Congress will pass a global HIV/AIDS bill and we will move one step forward toward conquering this disease.

Mr. LEACH. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished chairman of the Committee on Banking and Financial Services for yielding me this time, and for his leadership on this very, very important issue. I am very pleased to join him and the distinguished ranking member, the gentleman from New York (Mr. LAFALCE), and thank them for bringing this to the floor.

I want to join them and others in commending my colleague, the gentlewoman from California (Ms. LEE), for her tremendous and relentless leadership on this issue.

Mr. Speaker, we all know the statistics, and they are staggering. George Bernard Shaw once said, "The sign of a truly intelligent person is that he or she is swayed by statistics." And these statistics, as I say, are not only swaying, they are staggering.

I think it would be interesting for our colleagues to know why this bill is so important and the wisdom of it. And I particularly want to commend the gentleman from Iowa (Mr. LEACH) for his work on the World Bank Trust Fund aspect of this. So our colleagues know, $100 million a year over 5 years, largely focused on prevention, counseling, testing, treatment and care. They all must be increased dramatically. But the need for education, counseling, and testing is severe. Because of all the numbers we have heard about AIDS in Africa, my understanding is that 95 percent of those who are HIV infected, without the full-blown cases of AIDS, 95 percent of those people do not know that they are HIV infected.

So prevention, prevention, prevention is what we must do. We must prevent people from getting this and prevent them, therefore, from spreading it when they do not even know in 95 percent of the cases that they have it.

The funding provided by the World Bank AIDS Trust Fund will help the nations of sub-Saharan Africa move forward on all of these fronts while strengthening their capacity to provide HIV/AIDS treatments and other health care services that are vital for survival of the millions of Africans who are living with HIV/AIDS.

I support this legislation and commend the gentlewoman from California (Ms. LEE), the gentleman from Iowa (Mr. LEACH) and the gentleman from New York (Mr. LAFALCE), the three L's, for their hard work on this effort. It is a matter of life and death. Their leadership is to be respected by all of us and their legislation to be supported.

Mr. LAFALCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, when we hear the two words "bubonic plague," we think, very often, of the worst plague that man has known. But that is wrong. That was in the 1300s, but it is not the worst.

When we think of the major plagues of this century and of all time, we think too of the world-wide influenza epidemic that in 2 years killed over 20 million people. That is far more than were killed in World War I and World War II. And yet AIDS is worse than either of those two.

AIDS is a disease of biblical proportions. It requires an immediate response. It requires at the very least the passage of this bill.

Mr. LEACH. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, this is principally a humanitarian issue. Secondarily, but accurately, as the President has suggested, it is a national security threat. Tertiarily, it is an economic challenge. According to the Global AIDS Policy Coalition at Harvard, AIDS has already cost the world GDP in excess of $500 billion.

I raise this cost issue because frequently, in legislative bodies, we have to consider cost-benefit analysis. It is clear that the cost to eradicate and cure this disease is less than the cost of the disease itself in GDP terms. More importantly, it is far more costly in terms of lost minds and lost souls.

Mr. Speaker, this is the first significant new step emanating from Congress to deal with this disease. The gentlewoman from California (Ms. WATERS) has valid concerns about how much we are dedicating to it. Hopefully, this step can be built upon in the future.

In conclusion, I would like to thank the gentlewoman from California (Ms. LEE) and her dedication to this cause. I would also like to thank her predecessor, Ron Dellums, who, as a private citizen, is devoting his life to this challenge. I would be remiss if I also did not thank our staff, Cindy Fogleman, Jamie McCormick, Gary Parker, Jeanne Roslanowick, and Dick Peterson.

Finally, I would suggest that the Congressional leadership is to be congratulated. The gentleman from Missouri (Mr. GEPHARDT), the minority leader, has made this a seminal part of his concerns in this Congress. My own leadership, the Speaker, the gentleman from Illinois (Mr. HASTERT), and the majority leader, the gentleman from Texas (Mr. ARMEY), have allowed this bill to come to the floor despite what many consider to have very controversial implications.

I believe, though, despite the controversy, this body is obligated to act, and act in a humanitarian way, and so I urge as strong a vote as possible on this initiative.

Ms. SCHAKOWSKY. Mr. Speaker, I want to express my continuing support for H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act, is sponsored by the chairman of the Committee on Banking and Financial Services and the gentlewoman from California. I am very proud to be a cosponsor of that bill.

If enacted, H.R. 3519 would create a worldwide trust fund that is admiminstered by the World Bank and funded by governments, the private sector, and international organizations. Nations would be able to receive grants from the trust fund to address the HIV/AIDS crisis. The bill would direct the United States to contribute $100 million a year to the fund for 5 years, the hope being that U.S. contributions would help leverage contributions from others in the private sector and the international community. I must say that, while I am happy this bill seems to have the support necessary for passage, I am extremely disappointed that the amount of annual U.S. contributions to the fund under this bill will be $100 million instead of $200 million, the amount approved by the House Banking Committee.

Although the passage of this bill would be a significant victory in the battle against HIV/AIDS, it is a small drop in a very big bucket. It is estimated that about $10 billion would be needed over the next 5 years, just to fight AIDS in Africa. We must do much more if we want to seriously address the HIV/AIDS epidemic that is killing millions of people worldwide, and the United States has to lead the way. It is in our own best interests to do so, because HIV/AIDS knows no borders and, because it threatens the stability of the world, even more than conventional warfare.

AIDS is claiming more lives than all the armed conflicts in the last century combined. Twelve million men, women, and children in Africa have already died of AIDS. Today in Africa, 5,500 people are buried daily because of AIDS, and that number is expected to more than double. AIDS is the leading cause of death in Africa, but also, and this is very important, among young adult African-American men in the United States as well. It is our problem.

There is no doubt this bill is a necessary move in the right direction. Again, I commend my colleagues for their tireless efforts on this issue, and I urge all members to vote in support of H.R. 3519.

Mr. BENTSEN. Mr. Speaker, I strongly support this legislation, of which I am a co-sponsor. I also want to recognize and honor the original sponsor of this legislation, Chairman JIM LEACH of the House Banking Committee for his leadership in bringing this important issue to the floor today and for that of our colleague Representative BARBARA LEE, who has been the main champion of this critical issue. Working with the Chairman on the House Banking Committee, we were able to approve this bi-partisan legislation out of the full committee in March by a vote of 27 to 4.

Under this bill, the U.S. Treasury Department will negotiate with the World Bank and its members to establish a trust fund to solicit contributions from governments, the private sector and other non-governmental organizations to provide grants to address the global HIV/AIDS epidemic. The grants provided by the trust fund would support measures to implement and establish effective HIV/AIDS prevention measures as well as fund new research and development activities in the countries hardest hit by the epidemic. Participating countries with the highest rates of HIV/AIDS infection rates would receive priority under this legislation, and must agree to implement national strategies to combat HIV/AIDS. For payment to the World Bank HIV/AIDS trust fund, the bill authorizes $100 million in each year from Fiscal Year 2001 through 2005 for a total of $500 million over five years.

Almost 34 million people live with HIV/AIDS, of which about 95 percent live in the developing world. Approximately 16.3 million people have died of HIV/AIDS, with over 80 percent of those deaths occurring in sub-Saharan Africa, which accounts for only 10 percent of the world population. Worldwide, about 5.6 million new infections will occur this year, with an estimated 3.8 million in sub-Saharan Africa—3.8 million people will contract HIV. Every day, 11,000 additional people are infected—1 every 8 seconds. All told, over 34 million people in Africa—double the population of the State of Texas—have been infected with HIV since the epidemic began, and an estimated 13.7 million Africans have lost their lives to AIDS, including 2.2 million who died in 1998.

Each day, AIDS kills 5,500 men, women, and children. By 2005, if policies do not change, the daily death toll will not be 5,500, it will be 13,000—double what it is now—with nearly 5 million AIDS deaths that year alone, according to the White House Office of AIDS Policy. AIDS has surpassed malaria as the leading cause of death in Africa, and it kills many times more people on that continent than war. The overall rate of infection among adults is about 8 percent, compared with a 1.1-percent infection rate worldwide. In some countries of southern Africa, 20 to 30 percent of the adults are infected. AIDS has cut life expectancy by 4 years in Nigeria, 18 years in Kenya, and 26 years in Zimbabwe. AIDS is swelling infant and child mortality rates, reversing the declines that had been occurring in many countries during the 1970s and 1980s. Over 30 percent of all children born to HIV-infected mothers in sub-Saharan Africa will themselves become HIV infected.

There are many explanations for why this epidemic is sweeping across sub-Saharan Africa. Certainly the region's poverty, which has deprived much of Africa from effective systems of health information, health education and health care, bears much of the blame. Sub-Saharan Africa becoming the only region in the world in which women are infected with HIV at a higher rate than men, may also play a role. HIV/AIDS is becoming a major woman's issue. AIDS has largely impacted the heterosexual community in Africa, and it has established itself in such a way that it sweeps across and wipes out entire villages. Because of the region's poverty, all too often treatment of AIDS sufferers with medicines that can result in long-term survival has not been widely used in Africa.

Despite these sobering statistics, there is a bit of good news. Uganda is making significant headway with regard to prevention. Since 1992, the Ugandan government's very frank and high-profile public education efforts have helped to reduce the incidence of HIV infection by more than 15 percent. Thanks to recent medical research, there are now effective drugs that combat HIV/AIDS. For example, some recent pilot projects have had success in reducing mother-to-child transmission by administering the anti-HIV drug AZT, or a less expensive medicine, Nevirapine, during birth and early childhood.

New studies indicate that Nevirapine can reduce the risk of mother-to-child transmission by as much as 80 percent. NVP is given just once to the mother during labor, once to the child within 3 days of birth. Taking three or four pills can mean that a child is prevented from being born with HIV. In fact, for $4 a tablet this drug regime has created an unprecedented opportunity for international cooperation in the fight against AIDS. Currently, however, less than 1 percent of HIV-infected pregnant women have access to interventions to reduce mother-to-child transmission. Administered in a treatment regimen known as HAART—highly active antiretroviral therapy—antiretroviral drugs can allow people living with AIDS to live a largely normal life and use of the drugs can lead to long-term survival rather than early death. Such treatment is proven highly effective in developed countries, including our very own.

But despite these positive signs, there are many fronts on which there has been very little progress. Virtually no one has access to drugs to treat the disease. Prevention is unquestionably the most important element of the equation, but treatment cannot be ignored. Poverty should not be a death sentence—not when the infectious disease that is destroying African society can be treated.

Even beyond the human tragedy, there are vast economic costs to this epidemic. AIDS affects the most productive segment of society. It is turning the future leaders of the region into a generation of orphans. The United States and the other industrialized nations of the world have the power to make these life-savings drugs more affordable and accessible to Africans. If the U.S. and other G–7 nations fail to engage and address this crisis now, I fear we will be forced to address it in more costly terms, both economic and militarily in the future. we turn our backs on Africa, truly, at our own long-term risk.

I urge my colleagues to join with me in supporting this critical legislation to address the global HIV/AIDS epidemic.

Ms. KILPATRICK. Mr. Speaker, I support H.R. 3519 and commend my colleagues, Mr. LEACH of Iowa and Ms. LEE of California, for their initiative in crafting this piece of legislation.

Some 50 million people in developing nations are infected with the HIV virus. Sub-Sahara Africa, a region which I have had the privilege to visit more than once, has been far more affected by AIDS than any other part of the world. According to one report, 23 million adults and children are infected with HIV in that part of the world. They have about 10 percent of the world's population, and 70 percent of the world's HIV-infected people. In the African continent, 13.7 million people have already lost their lives to AIDS, and we shall surely see those numbers increase dramatically unless we step up our efforts to combat this worldwide epidemic.

An epidemic of such Biblical proportions is too overwhelming for just a handful of countries to attack. The AIDS epidemic requires the active involvement of our multilateral institutions, and that is precisely the objective of H.R. 3519. This bill establishes a World Bank Trust Fund to provide international grants to combat the spread of HIV/AIDS. The grants would provide significant levels of funding for HIV/AIDS treatment, prevention and research in developing countries.

Recently, the House and Senate sent to the President the African Trade and Opportunity

Act. This bill will open new economic opportunities for the continent, provide African countries with greater access to U.S. markets and consequently attract greater foreign investment. Africa needs these investments and market access opportunities to lift up its economy. However, it will never reach the road of economic prosperity as long as the HIV/AIDS epidemic continues to subjugate the African people. Until a cure is found, all other issues are of secondary importance.

President Clinton and his administration want to increase resources to fight AIDS abroad in fiscal year 2001. The World Bank AIDS Marshall Plan Trust Fund Act will help to ensure that the federal government will continue to address this issue over the next several years. The resources supplied by these efforts will go toward distributing medications which can prolong the life of HIV-infected people and improve their quality of life. This is significant when one considers that many African countries have national annual medical budgets of as little as $6 per person. This bill will help these countries set up treatment, prevention and education programs. In return the benefiting countries must agree to implement a national HIV/AIDS program and undertake a commitment to work with multiple partners including those affected by the disease, religious and community leaders, health professionals and other entities.

The bill authorizes $100 million in each of the following five fiscal years through fiscal year 2005. These funds would be authorized in addition to any other funds authorized for multilateral or bilateral programs related to HIV/AIDS or economic development. As a Member of the Appropriations Committee, I want to assure the sponsors of this legislation that I will work with them to obtain a fair share of funding in this year's appropriations cycle.

I join those who urge my colleagues to support this bill. This is timely legislation, and it deserves the approval of this chamber.

Mr. CASTLE. Mr. Speaker, I am in support of the World Bank AIDS Marshall Plan Trust Fund Act, H.R. 3519. I have seen first hand the devastation that AIDS has had on Africa, and I firmly believe that the United States and the rest of the developed world must act now to end the suffering and hardship caused by this terrible disease.

I cannot overstate my strong belief that H.R. 3519 is desperately needed legislation, and I am proud to be a cosponsor. Quite simply, passing this bill is the right thing to do. When I recently visited Zimbabwe, Nigeria, and South Africa, I was overwhelmed by the impact that AIDS was having, not only on those inflicted with the disease, but also on the thousands of orphans that the disease creates. In some countries, one-fifth to one-third of the children have already been orphaned by the disease.

The AIDS epidemic presents us with an unprecedented humanitarian challenge. The numbers for Africa are numbing—more than 23 million adults and children currently infected with the virus and, to date, almost 14 million AIDS-related deaths. Infection rates in some countries are in the 20 to 26 percent range.

In light of these statistics, the U.S. Surgeon General warns that AIDS will soon surpass the bubonic plague as the worst epidemic of infectious disease in recorded history. Of the 33.6 million AIDS cases worldwide, 70 percent are in Africa. While I can cite these statistics, it is impossible to find any words to describe the magnitude of the human suffering and what amounts to be the potential destruction of an entire continent, not to mention the harm to those countries beyond Africa's borders.

H.R. 3519's call for an international response to the AIDS crisis in Africa is a reasonable step towards making sure that the people who need our help get it. While the United States alone cannot solve the AIDS crisis, it can provide leadership. Only the coordinated response of the developed world provides hope. In this regard, I was especially pleased to see last week that five of the world's leading pharmaceutical companies have agreed to drastically reduce the price that they charge in the world's poor countries.

However, it is important to understand that the United States and the developed world will never be able to effectively deal with the pandemic without the cooperation of the governments in the countries affected. Of all of the provisions in H.R. 3519, one of its most important provisions is the one that establishes the priority for making trust fund grants. In directing funds to programs in countries at the most risk, the law will factor in a government's level of commitment to combating the AIDS epidemic in determining whether a program should receive trust fund money.

As we have seen in countries such as Uganda and Senegal, active political support at the highest levels of government is essential to making sure the limited funds are not wasted. On this point, I emphasize with what I can only describe at total bewilderment the failure of some African leaders to face the AIDS epidemic. While we can provide financial support, the leadership and will to fight the epidemic must come from within Africa.

Funds are too scarce and the magnitude of what we are facing too great to invest in programs that are destined to fail because they lack the necessary internal support.

In closing, I want to thank Chairman LEACH and Congressman LAFALCE for their leadership on this bill. It is desperately needed, and I urge my colleagues to vote for it.

Mr. NADLER. Mr. Speaker, I strongly support H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund. I am proud to be a cosponsor of this important bipartisan legislation, which would address one of the greatest crises facing the world today, the tremendous spread of AIDS in Africa.

The AIDS epidemic has ravaged the nations of Africa, with over 23 million people estimated to be living with AIDS today in sub-Saharan Africa alone. Most heartbreaking is the effect this disease has had on the children of that continent. Roughly 8 million children in Africa are orphaned due to AIDS today and this number is expected to reach nearly 40 million in ten years.

The World Bank Trust Fund would harness the power of the world's public and private sectors to combat this devastating situation. This public-private partnership is a great example of the role the United States can play as an international leader in public health. This bill demonstrates that we have the resources and the bill to help those who are suffering with this terrible disease.

Along with the recent steps taken by the Clinton Administration and several major pharmaceutical companies to ensure that affordable treatments are available in Africa, this bill would go a long way toward finally eradicating the spread of AIDS in Africa and bring some relief to a much beleaguered part of the world.

I applaud the efforts of all of those who have worked hard on this bill and I urge my colleagues to support it.

Mr. LEACH. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3519, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3519, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 434) "An Act to authorize a new trade and investment policy for sub-Sahara Africa.".

## EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES REGARDING THE NATION'S LAW ENFORCEMENT OFFICERS

Mr. CHABOT. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 501) expressing the sense of the House of Representatives regarding the Nation's law enforcement officers.

The Clerk read as follows:

### H. RES. 501

Whereas the Nation's law enforcement officers preserve and protect the safety and well-being of all the citizens of this country;

Whereas approximately 740,000 men and women risk their personal safety every day to fight crime and to safeguard our citizens;

Whereas peace officers are on the front line in the Nation's schools and on the Nation's streets, preserving children's right to learn in schools that are free of violence and citizens' right to safe communities;

Whereas 134 peace officers lost their lives in the performance of their duty in 1999 and a total of more than 15,000 have now made that supreme sacrifice;

Whereas on average one officer dies every 54 hours and thousands of officers are assaulted and injured every year; and

Whereas National Police Week 2000—May 14 to 20, 2000—provides an opportunity to honor and recognize the officers who have died in the line of duty and to affirm the Nation's thanks to the officers who put their lives on the line on a daily basis to protect our citizens: Now, therefore, be it

*Resolved*, That it is the sense of the House of Representatives that—

(1) all peace officers slain in the line of duty and all peace officers who risk their own personal safety and well-being to protect this Nation's citizens should be honored and recognized; and

(2) the President should issue a proclamation calling upon the people of the United States to honor and recognize slain peace officers with appropriate ceremonies and respect and to honor and recognize the sacrifices and risks taken daily by all peace officers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. CHABOT) and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. CHABOT).

GENERAL LEAVE

Mr. CHABOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on the resolution under consideration, House Resolution 501.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Unfortunately, it is often easy to overlook the courageous service of a group of men and women who protect us very close to home here in the United States. Over 700,000 law enforcement officers, serving at every level of government and in communities of every size, stand guard over our lives and our property every single day. These officers patrol our streets, they pursue those who threaten our security, they are just a phone call away.

Today, with the consideration of this resolution, we honor the dedication and devotion of America's law enforcement community. And, in particular, we honor the sacrifice of a specific heroic group of law enforcement officers. We honor those who have given their lives in service to the rule of law.

Mr. Speaker, mere words cannot fully express the significance of this sacrifice. How do we adequately express our appreciation for those who are willing to die to protect us and our families? Police officers enjoy life just as much as the rest of us. They long to see their children grow up and be successful and to someday hold their grandchildren, just like all of us do. And yet they are willing to risk all of this, all of their hopes and all of their dreams, for us, to ensure the safety and well-being of our communities.

It is far too easy for us to take for granted their devotion to duty. It is for this reason that we bring H. Res. 501 to the floor today. It is to honor the 134 peace officers who lost their lives in the performance of their duties just last year.

It is also to commemorate the more than 15,000 officers who have made the supreme sacrifice over the course of our Nation's history. The names of these heroes are now enshrined on the Law Enforcement Memorial Wall only a few blocks from this very House Chamber. That wall and this simple resolution are among the many ways that we can encourage all Americans to remember, to never forget the extraordinary service of these extraordinary public servants.

This week, Mr. Speaker, we celebrate Law Enforcement Officers Memorial Week. Earlier today, a ceremony was held on the West Lawn of the Capitol in memory of peace officers killed in the line of duty in 1999. This resolution calls on the President to issue a proclamation calling on the people of the United States to honor and recognize slain peace officers.

Mr. Speaker, I want to thank the gentleman from Minnesota (Mr. RAMSTAD) for introducing this resolution and taking the lead in ensuring that this House expresses its profound appreciation for the commitment and sacrifice of America's law enforcement officers.

Mr. Speaker, I reserve the balance of my time.

Mrs. CHRISTENSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased also to rise in support of this resolution, which expresses the sense of the House that law enforcement officers killed in the line of duty should be honored, their dedication and sacrifice recognized, and their service to the Nation remembered.

I want to commend the prime sponsors, my colleagues, the gentleman from Michigan (Mr. STUPAK) and the gentleman from Minnesota (Mr. RAMSTAD).

Mr. Speaker, Federal, State and local police officers perform a great service for our communities. All too often they literally are the last thread between us and the forces of violence and chaos. We ask a great deal of the officers who protect us. We ask them to defend our homes and families, to patrol our roads and highways and to bring justice to criminals and murderers who would otherwise wreak havoc in our society. We ask a great deal from these brave officers and they seldom fail us. For this we owe the Nation's police officers our deepest gratitude and our strong support.

President John F. Kennedy once remarked, "A man does what he must, in spite of personal consequences, in spite of obstacles and dangers and pressures. And that is the basis of all human morality." This quote is truly fitting of our Nation's slain officers, who truly uphold this lofty standard. As responsible defenders of our country, they bravely protect our citizens from mortal danger, and, in some cases, it has cost these noble officers their very lives.

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There are very few communities that have not been touched by the senseless death of a police officer.

Fittingly, I would like to acknowledge the courage and the dedication that these slain officers exemplified throughout their careers. This resolution before us seeks to honor the memories of these brave men who served their country with the utmost dignity.

I strongly believe that whenever an officer is killed in the line of duty, the pall of sorrow falls upon our great Nation.

Today we pause to remember our heroes whose lives were prematurely ended. In 1999, some 151 law enforcement officers died in the line of duty. For instance, Officer Tiffany Hickey, who tragically passed away while attempting to pull over a civilian for speeding and running a red light. All of 20 years old, Officer Hickey was only with the police force for a brief month before she left us. Nevertheless, her passing symbolizes the risk of all of our officers and the risks that they encounter in the service that they provide to our communities.

These stories are repeated here in the Nation's capital and in cities around this Nation. In my own district, although we have been fortunate not to have lost officers in the line of duty in the past year, I pause to recognize Randy Stevens and Steven Hodge, who were killed in recent years and for whom wreaths were laid in the Virgin Islands today.

On behalf of all my colleagues, I commend these and all brave officers for paying the ultimate sacrifice and for their efforts at protecting our communities.

In addition, Mr. Speaker, it is also fitting that as we pause to remember our Nation's fallen officers that we also remember the two Capitol Hill Police officers who lost their lives in the line of duty just last year. Officer Chestnut and Officer Gibson protected the very core of our American society and our belief in the preservation of life. We will always remember these brave officers.

In closing, I would like to offer my utmost sympathy and that of my colleagues to the families and friends of our fallen heroes who have gathered today in Washington, D.C., and to the family and friends who were unable to commute as we honor the memories of their loved ones.

Again, I urge my colleagues to continue ensuring the memory of these courageous officers by supporting this House Resolution. God bless them all, and God bless America.

Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield such time as he may consume to the gentleman from Minnesota (Mr. RAMSTAD), and I want to thank him for his leadership in this very important area.

Mr. RAMSTAD. Madam Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for yielding me the time and for his leadership as subcommittee chairman on this important House resolution.

Madam Speaker, I rise as the proud sponsor, along with my good friend, our distinguished colleague, the gentleman from Michigan (Mr. STUPAK), of this important resolution, H. Res. 501, to honor those brave police officers who have given their lives to keep our communities safe.

Unfortunately, the gentleman from Michigan (Mr. STUPAK) is not able to be here today, as a personal tragedy has struck his family. I know the thoughts and prayers of every Member in the House of Representatives are certainly with the gentleman from Michigan (Mr. STUPAK) and Laurie and their family.

The gentleman from Michigan (Mr. STUPAK) was the impetus for this legislation, and he has done absolutely stellar work on behalf of our Nation's law enforcement officers during his time in Congress.

As co-chair, along with the gentleman from Michigan (Mr. STUPAK), of the Congressional Law Enforcement Caucus, I applaud the courage and dedication to duty of all police and peace officers serving our communities. These officers put their lives on the line for us and our families every single day they put on the badge.

Their courage and sacrifice was demonstrated in a very dramatic way, as the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) just described, during the summer of 1998 when shots rang out not far from this chamber and two brave and loyal U.S. Capitol Police officers lost their lives.

It is fitting that we consider this resolution during National Police Week. Earlier today, thousands of officers gathered on the west front of the Capitol for the 19th Annual Peace Officers' Memorial Service. The names of 134 police and peace officers killed in the line of duty this past year alone have been added to the Law Enforcement Memorial wall, just steps from the Capitol at Judiciary Square.

That is right, Madam Speaker, 134 law enforcement officers killed in the line of duty in 1999; and over 15,000 officers killed since our Nation started keeping records of their deaths.

My home State of Minnesota has lost over 200 police and peace officers over the years. On average, a law enforcement officer in the United States is killed every other day in America. Each year one in nine officers is assaulted and one in 25 is injured while on duty.

These sacrifices are made every day to fight crime and protect our citizens. These law enforcement heroes and their families deserve our deepest gratitude and respect during National Police Week and every other day of the year. We must never forget their sacrifices, including the ultimate sacrifice paid by too many law enforcement officers in the United States. We must work for a day when no more names will be added to the Law Enforcement Memorial and a resolution like this will never be necessary.

Madam Speaker, I urge heartfelt support for this resolution honoring our Nation's fallen law enforcement officers, America's true heroes.

Again, I thank the gentleman from Ohio (Mr. CHABOT) for his leadership.

Mrs. CHRISTENSEN. Madam Speaker, I reserve the balance of my time.

Mr. CHABOT. Madam Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Madam Speaker, I thank the gentleman for yielding me the time.

Madam Speaker, I rise in strong support of H. Res. 501, recognizing our Nation's fallen men and women in blue during Police Memorial Week, a time when our Nation joins families, friends, and colleagues of our Nation's slain peace officers in honoring and remembering their sacrifices.

I commend the gentleman from Minnesota (Mr. RAMSTAD) for introducing this measure.

Madam Speaker, permit me to take this moment to invite our colleagues to join in expressing our condolences to our good friend and colleague, the gentleman from Michigan (Mr. STUPAK), a long-time supporter of our Nation's police, and to his family and friends for the loss of their son, B.J., this past weekend.

Madam Speaker, since 1789, when Congress first created the first Federal law enforcement officer, the United States Marshal, over 14,000 officers have died in the line of duty, including over 1,000 from the State of New York.

These dedicated heroes must never be forgotten. Their sacrifice must serve as a reminder that the price of a safer Nation has been paid for with the lives of our police officers.

Police Memorial Week is a time for all of us to be reminded that when a police officer is killed, it is not just a community that loses an officer, it is our entire Nation.

Madam Speaker, earlier today it was a privilege for me to be able to join the friends and families of our Nation's slain police officers at the 19th Annual National Police Officers Memorial service outside the Capitol. Moreover, I had the honor this past Sunday of attending a local police memorial service in Montgomery, New York, in my own district. And I will be joining my constituents in the law enforcement community in New City, New York, later on this week. These ceremonies are symbolic of programs and memorials being conducted throughout our Nation this week.

Accordingly, I would like to take this opportunity to recite the names of those fallen heroes from the State of New York who, in the name of duty, gave their lives over the past year: Sergeant James C. Low, Officer Matthew, Anthony Dziergowski, and Officer Sharyn D. Dover.

I would also like to remember an officer from my Congressional district, Vincent Guidice of Stony Point, who died in the line of duty in the past few years. To our fallen officers, we express our Nation's gratitude. To our fallen men and women in blue, in their spirit, we pledge to continue to fight for those laws that provide our Nation's peace officers with the tools and resources needed to fulfill their mandate in making our communities a safer place in which to live.

Mr. CHABOT. Madam Speaker, I yield 3 minutes to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Madam Speaker, I thank the gentleman from Ohio (Mr. CHABOT) for yielding me the time here to speak on this issue.

Madam Speaker, I rise in proud support today of this important bill, a bill introduced by my friend and colleague the gentleman from Minnesota (Mr. RAMSTAD), along with the gentleman from Michigan (Mr. STUPAK), a bill which will honor and recognize those peace officers slain in the line of duty, as well as all peace officers who risk their own personal safety every day to protect the citizens of the United States.

There are approximately 740,000 sworn law enforcement officers currently serving in the United States. Every day these officers courageously serve and protect the safety and welfare of all Americans. They are motivated by their own personal sense of good will and responsibility and not by a desire for praise, recognition, or glory.

As citizens, we must rely on their dedication, their commitment, and their bravery. Yet, oftentimes we are unaware of the enormous risks that they take every day. Since the first recorded police death in 1794, there have been more than 15,000 law enforcement officers killed in the line of duty in the United States.

In the past 10 years alone, over 1,500 law enforcement officers have died in the line of duty. Madam Speaker, that is an average of one death every other day.

The State of Nevada has lost 54 officers over the years. These fallen officers leave behind wives, children, other family members, and friends as a result of their dedication to law enforcement and to the public they serve.

I encourage all my colleagues to support this important bill, which recognizes the risks and sacrifices that our police officers make every day to protect our families and our property and welfare. It is my hope that we honor these men and women not just today, but every day.

Finally, let us never forget these officers who made the ultimate sacrifice with their lives in service to the people of this great Nation.

Mrs. CHRISTENSEN. Madam Speaker, I yield myself 30 seconds.

Madam Speaker, as we rise to recognize and thank the officers who have given their lives in service to this community, I also want to join my colleagues in offering my sincerest condolences to our colleague, the gentleman from Michigan (Mr. STUPAK) on the personal tragedy that he and his family have experienced this weekend.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I support this resolution. This resolution expresses the sense of the House that law enforcement officers killed in the line of duty should be honored, their dedication and sacrifice recognized and their service to the nation remembered.

Federal, state, and local police officers perform a great service for our communities. All too often they literally are the last thread between us and the forces of violence and chaos. We ask a great deal of the officers who protect us. We ask them to defend our homes and families; to patrol our roads and highways; and to bring justice to criminals and murderers who would otherwise wreck havoc on our society. We ask a great deal from these brave officers, and they seldom fail us. For this, we owe the nation's police officers our deepest gratitude and our strong support.

President John F. Kennedy once remarked, "A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality." This quote is truly fitting of our nation's slain officers, who truly uphold this lofty standard. As responsible defenders of our country, they bravely protect our citizens from mortal danger, and in some cases, it has cost these noble officers their very lives. There are very few communities in the United States that have not been touched by the senseless death of a police officer.

Fittingly, I would like to acknowledge the courage and dedication that these slain officers exemplified throughout their careers. This resolution before us seeks to honor the memories of these brave men who served their country with the utmost dignity. I strongly believe that whenever an officer is killed in the line of duty, the pall of sorrow falls upon our great Nation.

Today, we pause to remember our heroes whose lives were prematurely ended. In 1999, some 151 law enforcement officers died in the line of duty. In 1999, this figure included 12 from the state of Texas. These officers (Troy Blando, Tiffany Hickey, Larry Jacobs, Clyde Kincaid, Larry Kolb, Terry Miller, Thomas Monse, Jr., Daniel Nagle, Carl Fisher, Luis Tudyk, Mark Stephenson and Leonard Turner) did not pass in vain, but in service to their community and their nation.

For instance, Officer Tiffany Hickey, who tragically died while attempting to pull over a civilian for speeding and running a red light. All of 20 years old, Officer Hickey was only with the Police Force for a brief month before she left us. Nevertheless, her passing symbolizes the risk all of our officers encounter and the service that they provide our communities. In addition, Officer Troy Blando, an undercover police for the Houston Police Department tragically was killed last year. A 19 year veteran of the force, Officer Blando was checking out a suspected car thief when he was gunned downed while seated in his vehicle. Sadly, his family and friends will mark May 19, 2000 as the anniversary of his passing. On behalf of the 18th Congressional District, the city of Houston and our nation, I commend these brave officers for paying the ultimate sacrifice and for their efforts at protecting our communities.

In addition, Madam Speaker, it is also fitting that as we pause to remember our nation's fallen officers, that we also remember the two Capitol Hill Police officers who lost their lives in the line of duty just last year. Officer Chestnut and Officer Gibson protected the very core of our American society, and our belief in the preservation of life. I will forever remember these brave officers.

In closing, I wish to offer my utmost sympathy to the families and friends of our fallen heroes who have gathered today in Washington, D.C., and to the family and friends who were unable to commute as we honor the memories of their loved ones. Again, I urge my colleagues to continue ensuring the memory of these courageous officers by supporting this House resolution. God bless you all and God Bless America.

Mr. RODRIGUEZ. Madam Speaker, I rise in support of this resolution honoring our nation's local, state and federal law enforcement officers during Police Week 2000. This weekend, I had the honor of speaking before the Justices of the Peace and Constables Association of South Texas quarterly meeting in Floresville, Texas. We cannot thank our constables enough for the sacrifices they make and the work they do each day to make our communities and homes as safe as can be. These are everyday family men, who get up each morning or leave their homes each night to serve and protect. Each shift, they face an unknown and potentially dangerous situation, whether they are patrolling, serving notice, or responding to call for help. I salute our constables and J.P.'s who maintain a continual and visible presence in our communities, particularly in rural areas, where city and state police coverage is less apparent.

Of course, this tribute for Police Week 2000, which this year began on May 14 and will continue until May 20, applies to all levels of law enforcement, and I extend my comments to include all police officers, sheriffs and deputies, troopers and federal law enforcement officers. Peace officers from differing jurisdictions and levels of government have proven time and again that they can work well effectively and get the job done. I applaud officers of all stripes for the hard work and sacrifices they make throughout the country.

At this time, I would also like to draw attention to the two tragedies involving law enforcement officers which have befallen South Texas in the past year. On October 12, 1999, in the town of Pleasanton in Atascosa County, Texas, three brave officers of the law fell in the line of duty. Atascosa Sheriff's deputies, Thomas Monse and Mark Stephenson, along with Texas state trooper Terry Miller were all gunned down in an ambush by a lone gunman.

Officer Miller, the first Texas trooper who had been killed since 1994 and the 74th trooper killed in the line of duty, left behind a wife and two children, ages 13 and 22 months. Officer Monse, a former Bexar County deputy, left behind a wife and four children. Officer Stephenson, who also served our nation in the military for seven years, left behind a wife and three children.

In addition to those who paid with their lives, Atascosa County deputy Carl Fisher and Pleasanton police officer Luis Tudyk, were wounded while carrying out their duty.

The other tragedy, in San Antonio, was much more recent. Oscar Perez, a young San Antonio Police Officer was killed on Friday, March 24, 2000 as he served a warrant on a drug fugitive. Aged 31 at his death, he left behind a pregnant wife and two young children, ages 5 and sixteen months. As his 6½ year career as a San Antonio police officer came to a tragic and abrupt end, we honor him and the 41 others in the history of the San Antonio Police Departments, serves as a reminder of the unique and fatal risks they all too often must bear.

Our hearts go out to the families of these brave men and all the others who have in earlier years shed their blood so we can live safely and securely. We honor our slain law enforcement officers so that their own children and loved ones will know that we cannot and will not forget, and keep the memory of their service and sacrifice as an on-going inspiration to those who follow.

Mr. ORTIZ. Madam Speaker, I offer my support for this bill, and thank the House of Representatives for hearing this important resolution today.

My colleagues and I join Americans across the country today in honoring those officers who have died in the line of duty, keeping our streets safe. I also want to offer my appreciation to those men and women in our community who walk that thin blue line every day.

As a former law enforcement officer, I have a unique understanding of the everyday dangers and sense of accomplishment that accompanies each officer every day. What people do not understand very often, is that it is the inherent risk of what we might have to do that makes law enforcement so dangerous.

We see the best and worst of our fellow human beings. It is not our job to judge them. That task is reserved for 12 people and someone wearing a robe. Our job is merely to treat everyone alike.

Enforcing the law is a hard job. There are detractors everywhere. When people do something wrong, their first instinct is to find fault with the person who catches them. So being the guardian of our laws is never a happy endeavor. But in the end, it is the enormous satisfaction of protecting our neighborhoods and families that makes walking that blue line worth all the danger and criticism. It is the laughter of safe children, or the gratitude of someone whose life or property we protect, that makes doing this job an enormously satisfying endeavor.

There are several South Texans who will be honored this week. Officers who made the supreme sacrifice include: Los Fresnos Police Officer Enrique L. Carrizalez; Department of Public Safety Trooper David Rucker; Border Patrol Agents Susan Lynn Rodriguez and Richardo Guillermo Salinas; and Corpus Christi Police Department Officers Joseph Moon, Juan Prieto, Dan Bock, Roy Smith, John Sartain and Ruben Almanza. A National Police Hall of Fame award will go to Officer Hector Gonzalez, who was shot twice at the scene of a family disturbance; Gonzalez still works for the Los Fresnos Police Department.

Today, let us not forget the sacrifice made on our behalf right here in this building; our own Capitol Police Officers Chestnut and Gibson died defending Members of Congress and the public who populate this building. The House of Representatives joins families and communities across the nation remember those members of the force who are no longer with us, who made the supreme sacrifice in the line of duty. For that sacrifice, they and their family have the eternal gratitude of a grateful community and a grateful nation.

Mr. REYES. Madam Speaker, I strongly support this bill. As someone who spent twenty-six and a half years in law enforcement, it is important that we recognize our men and women who stand in the line of fire and protect our cities and communities from crime. These individuals are on the front lines every day maintaining the peace and providing public safety for all Americans.

From our borders to our inner cities, in rural areas and along our coasts, these men and women defend and protect our children, friends, neighbors and family. We owe them a huge debt of gratitude.

As of late, we have watched with horror as violent and dangerous incidents have taken place around the country and caused concern for all Americans. With multiple shooting at our schools, community centers, in the workplace, and in every part of the country, we have tragically seen innocent victims injured and killed from gunfire.

It is our men and women of law enforcement who step into these dangerous situations and restore the peace, deal with victims and do their best to apprehend those responsible.

Each year, however, we know that some of our local, state, and federal officers are wounded and some make the ultimate sacrifice for our benefit. We can never take their sacrifices for granted, and should never forget their service to our country.

I therefore am proud to support this resolution which designates today as National Peace Officers Memorial Day honoring those peace officers killed in the line of duty.

I therefore support this bill, and ask my colleagues to vote for its passage.

Madam Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. CHABOT. Madam Speaker, we have no further requests for time on this side of the aisle, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. Biggert). The question is on the motion offered by the gentleman from Ohio (Mr. Chabot) that the House suspend the rules and agree to the resolution, H. Res. 501.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

## JOINT APPOINTMENT OF CHAIRMAN OF BOARD OF DIRECTORS OF OFFICE OF COMPLIANCE

The SPEAKER pro tempore. Without objection, and pursuant to section 301 of Public Law 104-1, the Chair announces on behalf of the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the United States Senate their joint appointment of Ms. Susan S. Robfogel, New York, Chairman of the Board of Directors of the Office of Compliance, to fill the existing vacancy thereon.

There was no objection.

□ 1815

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

House Resolution 491, by the yeas and nays;

H.R. 4251, by the yeas and nays;

House Concurrent Resolution 309, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## NAMING ROOM IN CAPITOL IN HONOR OF FORMER REPRESENTATIVE G.V. "SONNY" MONTGOMERY

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 491.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and agree to the resolution, House Resolution 491, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 0, not voting 54, as follows:

[Roll No. 180]

YEAS—380

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre

McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—54

Abercrombie
Ackerman
Barrett (WI)
Bateman
Becerra
Berkley
Blagojevich
Boucher
Brown (FL)
Buyer
Callahan
Campbell
Capuano
Chenoweth-Hage
Cook
Cooksey
Danner
DeLay
Engel
English
Farr
Forbes
Franks (NJ)
Ganske
Gutierrez
Hansen
Hefley
Hoekstra
Kaptur
Kilpatrick
Kingston
Lowey
Lucas (OK)
McCollum
McIntosh
McNulty
Moakley
Owens
Payne
Peterson (PA)
Rahall
Reynolds
Rothman
Rush
Ryun (KS)
Schaffer
Smith (MI)
Stupak
Thomas
Udall (NM)
Vento
Waxman
Wexler
Wilson

☐ 1838

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mrs. BIGGERT). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## CONGRESSIONAL OVERSIGHT OF NUCLEAR TRANSFERS TO NORTH KOREA ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 4251, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4251, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 374, nays 6, not voting 54, as follows:

[Roll No. 181]

YEAS—374

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—6

Frank (MA)
Hall (OH)
Johnson, E. B.
LaFalce
Nadler
Obey

NOT VOTING—54

Abercrombie
Ackerman
Barrett (WI)
Bateman
Becerra
Berkley
Blagojevich
Boucher
Brown (FL)
Buyer
Callahan
Campbell
Capuano
Chenoweth-Hage
Cook
Cooksey
Danner
DeLay
Engel
English
Farr
Forbes
Franks (NJ)
Gutierrez
Hansen
Hefley
Hoekstra
Kaptur
Kilpatrick
Kingston
Lowey
Lucas (OK)
McCollum
McIntosh
McNulty
Moakley
Owens
Payne
Peterson (PA)
Rahall
Reynolds
Rothman
Rush
Ryun (KS)
Schaffer
Smith (MI)
Stupak
Thomas
Tiahrt
Udall (NM)
Vento
Waxman
Wexler
Wilson

☐ 1847

So (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Madam Speaker, on rollcall No. 181 I was inadvertently detained. Had I been present, I would have voted "yea."

## MOMENT OF SILENCE FOR THE STUPAK FAMILY

(Mr. ARMEY asked and was given permission to address the House for 1 minute.)

Mr. ARMEY. Madam Speaker, all of us are so hurt and heartbroken over the loss that BART and Laurie STUPAK had in their family.

I wanted to advise the Members that we will be working with those Members wanting to travel on Wednesday, with the floor schedule, to be sure we accommodate them. I wanted to recommend, Madam Speaker, that the House have a moment of silence on behalf of BART and Laurie and family.

The SPEAKER pro tempore (Mrs. BIGGERT). The Members will rise for a moment of silence.

(Members observed a moment of silence.)

## SENSE OF CONGRESS REGARDING IN-SCHOOL PERSONAL SAFETY PROGRAMS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 309.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Delaware (Mr. CASTLE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 309, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 383, nays 0, not voting 51, as follows:

[Roll No. 182]

YEAS—383

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—51

Abercrombie
Ackerman
Barrett (WI)
Bateman
Becerra
Berkley
Blagojevich
Boucher
Brown (FL)
Buyer
Callahan
Campbell
Capuano
Chenoweth-Hage
Cook
Cooksey
Danner
DeLay
Engel
Farr
Forbes
Franks (NJ)
Gutierrez
Hansen
Hefley
Hoekstra
Kilpatrick
Kingston
Lowey
Lucas (OK)
McCollum
McIntosh
McNulty
Moakley
Owens
Payne
Peterson (PA)
Rahall
Reynolds
Rothman
Rush
Ryun (KS)
Schaffer
Smith (MI)
Stupak
Thomas
Udall (NM)
Vento
Waxman
Wexler
Wilson

□ 1858

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. CAPUANO. Madam Speaker, due to a personal family commitment I was unavoidably detained in Massachusetts today May 15, 2000 and was therefore unable to cast a vote on rollcall Votes 180, 181 and 182. Had I been present, I would have voted "yea" on rollcall 180, "nay" on rollcall 181, and "yea" on rollcall 182.

## PERSONAL EXPLANATION

Ms. KILPATRICK. Madam Speaker, due to official business in my District, I was unable to record my vote on H.R. 491 (rollcall no. 180), Naming a Room in the House Wing of the Capitol in Honor of G.V. "Sonny" Montgomery, H.R. 4251 (rollcall no. 181), Congressional Oversight of Nuclear Transfers to North Korea, and H. Res. 309 (rollcall no. 182), Sense of Congress With Regard to In-school Personal Safety Education Programs for Children. Had I been present, I would have voted "yea" on all three bills.

## PERSONAL EXPLANATION

Mr. ABERCROMBIE. Madam Speaker, as I requested a leave of absence for today, May 15, 2000, had I been present on the following rollcall votes I would have voted: H. Res. 491, Naming a Room to the House of Representatives Wing of the Capitol in Honor of G.V. "Sonny" Montgomery, "yea"; H.R. 4251, Congressional Oversight of Nuclear Transfers to North Korea Act, "yea"; H. Con. Res. 309, In-School Personal Safety Education, "yea".

□ 1900

## ANNOUNCEMENT REGARDING AMENDMENT PROCESS FOR H.R. 4392, INTELLIGENCE AUTHORIZATION ACT, FISCAL YEAR 2001

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Madam Speaker, tonight a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules may meet later this week to grant a rule for the consideration of H.R. 4392, the Intelligence Authorization Act, Fiscal Year 2001.

The Committee on Rules may grant a rule which would require that amendments be preprinted in the CONGRESSIONAL RECORD. In this case, amendments must be preprinted prior to their consideration on the floor. Amendments should be drafted to the version of the bill reported by the Permanent Select Committee on Intelligence.

The language of the committee amendment is now available for Members on request to the Permanent Select Committee on Intelligence. The committee report will be filed tomorrow, Tuesday, May 16. Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted, and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## AUTHORIZING THE USE OF THE CAPITOL GROUNDS FOR THE GREATER WASHINGTON SOAP BOX DERBY

Mr. LATOURETTE. Madam Speaker, I ask unanimous consent to take from the Speaker's table the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby, with a Senate amendment, and concur in the Senate amendment.

The Clerk read the title of the concurrent resolution.

The Clerk read the Senate amendment, as follows:

Senate amendment: Page 3, line 10, after "sales," insert "advertisements,".

The SPEAKER pro tempore (Mrs. BIGGERT). Is there objection to the request of the gentleman from Ohio?

There was no objection.

A motion to reconsider was laid on the table.

## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. TANCREDO). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## TURKEY'S REFORM-MINDED GOVERNMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, tomorrow in Ankara, Turkey, Judge Ahmet Necdet Sezer will take the oath of office to become president of that vitally important Nation and its 65 million people.

This is truly an historic moment. Judge Sezer is the first president of modern Turkey whose career has been spent neither in the military nor partisan politics. He is a distinguished career jurist who has served on Turkey's constitutional court for the past 12 years. Since 1998 he has been the President of the court, which is the equivalent of our Chief Justice.

Judge Sezer, now President Sezer, has been an outspoken advocate for modernizing Turkey's legal system, for liberalizing the country's constitution, for reforming their laws regarding freedom of expression and dissent, and for providing equal protection for the rights of all Turkish citizens, including the Kurdish minority.

The election of a reformist president in Turkey comes at an extraordinarily opportune moment. It was just 1 year ago that a parliamentary election was held which brought to power a coalition government that pledged itself to enacting major political and economic reforms.

Mr. Speaker, it must be noted emphatically that the government of Turkey has compiled a remarkable record over this past year. It is a record that defies the skepticism of critics and exceeds the hopes of friends.

The Turkish parliament, known as the Grand National Assembly, has passed 69 major initiatives, including constitutional amendments, that hold great promise for the future development of Turkey.

Among the more important legislative changes that have been enacted are reforms to the social security system which will plug holes that had been wasting as much as 3 percent of Turkey's gross national product, strict limits on agricultural subsidies, a restructuring of the banking system, and a modernization of the entire budget process so as to control public spending and reduce deficits.

In a series of overwhelming votes that the Wall Street Journal in August of 1999 has characterized as "crossing an ideological watershed and a revolutionary change," Turkey's parliament enacted three constitutional amendments to open up the country to foreign investment, including international arbitration will be allowed on disputes between Turkey and foreign investors, administrative review of government contracts with foreign investors will be streamlined, and the state will formally recognize the privatization of public assets.

On the political front, the Grand National Assembly has adopted legislation to provide political parties with protection against prosecution, toughen the sentences for convictions of such crimes as obstruction of justice and violations of human rights, extend the constitutional amnesty to Kurdish insurgents who have been trying to establish a separate country, and prohibit military judges from serving in cases that come before the state security court.

All of these moves and many others that I have not even mentioned were rewarded last December when the European Union accepted Turkey as a candidate for membership and the International Monetary Fund approved a 3-year $4 billion loan program to help the Turkish government fight inflation.

With an ambitious privatization program now being implemented and with the government exerting fiscal discipline, Turkey is already ahead of the IMF schedule for both revenue growth and reduction of inflation.

All of this is not to say, Mr. Speaker, that Turkey is without challenges, but it is to say that Turkey has turned a decisive page in its history. Mr. Speaker, I believe the government of Turkey will continue along the path of reform that it has staked out.

There will be critics, of course, but the salient question is simply this: Looking at the explosive region in which Turkey finds itself, how many other countries in that part of the world would America rather rely upon?

Turkey has been a faithful friend and trusted ally of the United States for nearly 50 years, and has been essential to the support of America's strategic regional interests. They have been a great and vital ally in NATO. In a region where most countries are racing to produce nuclear weapons and other tools of mass destruction, Turkey has repeatedly and publicly foresworn the nuclear option. Turkey is not looking to dominate its neighbors, it is interested only in being a good partner and a force for stability in a region that has known too much instability.

It is my strong belief that America should give Turkey our unswerving support in the future.

## SUPPORT OF THE WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, earlier today we voted on H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act. I am pleased to have supported this important legislation.

I want to commend its authors, the gentleman from Iowa (Mr. LEACH) and the gentlewoman from California (Ms. LEE) for their vision and commitment to ending the horrors of HIV/AIDS globally.

I also want to take this moment to thank former representative Ron Dellums, Sandra Thurman, Mel Foote, Jesse Jackson, Senior, and others who have provided leadership efforts to try to combat the problem of AIDS in Africa.

The legislation that we have passed today will provide significant funding over 5 years for HIV/AIDS treatment, prevention, and research in developing nations. The bill establishes a trust fund at the World Bank that has the potential to leverage $1 billion a year from donor nations and the private sector.

We currently face a crisis as it relates to HIV/AIDS globally. Perhaps nowhere is this crisis more evident than on the continent of Africa. More than 16 million people have died from AIDS since the 1980s, 60 percent of them in Sub-Saharan Africa. Not since the Bubonic plague ravaged Europe in the Middle Ages has there been a more devastating disease.

Currently, 23 million people in Sub-Saharan Africa are affected with either HIV or with AIDS, with new infections coming at the rate of 5,000 a day, according to the World Health Organization. In South Africa alone, it is estimated that there are more than 1,500 new HIV infections each day.

Unfortunately, due to our accelerated travel and trade, the pandemic is spreading to Asia, Latin America, the Caribbean, and India rapidly.

I applaud President Clinton for his courage and vision to declare HIV/AIDS as a national security threat. He realizes that the global spread of HIV/AIDS has the potential to destabilize governments and disrupt trade in free market democracies abroad.

The Congressional Black Caucus 2 years ago urged Secretary Donna Shalala to declare a state of emergency relative to HIV/AIDS in communities of color in America because we realized that this disease destroys our most precious resource, and that is, our people.

Mr. Speaker, as the most developed nation in the world, we have an ongoing obligation and responsibility to share our technology and medical expertise with developing nations. Former President Franklin Roosevelt once said that the test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little.

Today this Congress took a step to lift the lots of those who have too little. The World Bank AIDS Marshall Trust Fund Plan will help to ensure that the Federal government, our Federal government, commits to addressing this issue over the next several years.

Again, Mr. Speaker, I am pleased to have joined with other Members of this House who took a bold and gigantic step in not only dealing with an issue at the domestic level, but going abroad, understanding that we are a world community. I salute Congress for the action that it took this day.

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## THE BIASED MEDIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, newspapers, magazines, and nightly news shape the opinions of its readers and viewers. In fact, it has been said that whomever controls multimedia controls our culture.

Unfortunately, more often than not, the media's message is biased, but in few cases has it been as slanted as it has been with the saga of Elian Gonzalez.

April 22nd was the first time in American history that the U.S. Government decided that a custody case should be settled with automatic weapons. Yet, to those who know the biased media, it was no surprise that, according to the Media Research Center, major news outlets such as the New York Times, USA Today, and Newsweek magazine, did not run the photo of a Federal agent seizing Elian with an automatic weapon in hand.

The Media Research Center, which is a media watchdog group which seeks to expose bias and favoritism among multimedia, has compiled an impressive record showing how the national media built the public relations rationale for Elian's eventual return to Cuba, and then justified the government's raid on a private residence to ensure a political victory for the Clinton administration and the Communist regime of Cuba.

In all of the coverage and controversy over the rescue of 6-year-old Elian Gonzalez, the media have taken the stark contrast between American liberty and Cuban tyranny and muddled it to the point that much of the American public could now think that Cuba is no different than the United States, or even that Cuba is better than America.

We would like to think that the Cold War is over, but for the people of Communist Cuba, the Cold War remains. Is it any wonder that after being barraged with liberal arguments, the public told network pollsters that they approved of the violent seizure of Elian?

Analysts from the Media Research Center identified four patterns of distinct liberal media bias:

One, the news media have deliberately undermined the moral legitimacy of Elian's Miami relatives specifically and anti-Communist Cuban Americans in general; two, the news media have consistently praised the actions and achievements of Fidel Castro's Cuba, claimed that it was better for children than America, and played up the paradise that Elian could dwell in among the Communist party elite.

□ 1915

Three, the news media have justified Attorney General Janet Reno's actions and arguments and lamented any resistance and delay in sending Elian back to Cuba.

Four, the news media have dismissed congressional criticism of the INS raid and have branded calls for investigation as unpopular and totally unnecessary.

Analysts concluded that, if the media were interested in a balanced presentation of the Elian controversy, they would have scrutinized the administration more than justified it.

They concluded that the media would have explained the regimented reality of family life in Castro's Cuba.

The Media Research Center states that the media would have balanced the questioning of the motives of Elian's Miami relatives by questioning the motives of the reunification camp and they would have encouraged more discussion and oversight instead of trying to cut it off.

Thomas Jefferson said that "the advertisement is the most truthful part of a newspaper." He may have been correct because, regarding the Elian controversy, it is apparent the media have been more interested in entertainment than in covering the facts.

The media do not tell the American public of the everyday horrors that take place in the homes of 11 million enslaved Cubans, the horrors that take place in the scores of Cubans, like Elian's mother Elisabet Brotons, who was willing to take the risk of their lives to escape.

The media have failed to question why Joan Campbell, posing as a church lady for the National Council of Churches, feverishly raised funds to send a boy back to a country that persecutes religious believers.

Why did the INS send a heavily armed SWAT team to seize Elian in the name of parental rights, but it has done nothing to reunify another survivor from that ill-fated freedom journey with her beloved 5-year-old daughter in Cuba.

On Tuesday, May 23, at 2:30 p.m., I invite each of my colleagues to come and learn the answers to these questions by attending a special briefing to be held by Brent Bozell, founder of the Media Research Center, who will give a presentation on how the media have distorted the truth regarding the case of Elian Gonzalez.

Come learn the real reason why the Gonzalez family and anticommunist

Americans everywhere are valiantly fighting for a fair chance to give Elian in his fair day in court in the United States.

If the fact that blacks and Jews are persecuted in Cuba, that gays and HIV patients are quarantined in concentration camps, and that all Cuban children are stripped from their parents and sent off to forced work camps is news to my colleagues, they can blame the biased media.

Galileo said "all truths are easy to understand once they are discovered; the point is to discover them."

Mr. Speaker, I hope to see many of our colleagues attempting to unveil the truths about Elian Gonzalez' case by attending next Tuesday's briefing and discovering the truths about this case.

## WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, earlier today, the House took up the tribute to honoring the Nation's law enforcement officers. I would just like to add my appreciation and recognition of those officers, some of whom lost their lives in my own home town of Houston, Texas. I think the resolution was one of a very important statement to acknowledge the heroes that we meet every day in law enforcement who act to keep our communities safe.

In addition, Mr. Speaker, the House addressed the question of world AIDS in H.R. 3519. I rise today to discuss this very important issue.

If we were to take a rollcall of the number of HIV/AIDS cases in sub-Saharan Africa, we would find the country of Botswana and the country of Zambia and the country of South Africa with numbers reaching up into 20 percent of the HIV infected adults in those particular countries.

When I traveled to Africa in the spring of 1999 on the first Presidential mission to the continent on the issue of HIV/AIDS to discover the number of children that will be orphaned by the year 2005, noting that some 40 percent of Africa's children could, in fact, be orphaned because of the devastation of AIDS. This legislation is long in coming.

I am a very proud co-sponsor of this legislation, and I want to salute the gentleman from Iowa (Chairman LEACH) and the gentleman from New York (Mr. LAFALCE), ranking member, and the gentlewoman from California (Ms. LEE), the cosponsor and the proponent and mover of this legislation. I am very happy to join her in this effort, and as well, to encourage my colleagues in the Senate and for us ultimately to have this bill before the President of the United States.

As I indicated to my colleagues, the numbers in Zimbabwe are 25.9 percent, Botswana 25.1 percent, Namibia 19.4 percent, and South Africa 12.9 percent. An even more heart-wrenching statistic is that 13 million children have lost one or both of their parents to AIDS. This number is projected to reach 40 million by 2010.

It is interesting to note the many roads we have traveled to try to fight this devastating disease. But the important point is to recognize that we must face this together. This legislation will provide $100 million for prevention and education. This legislation is a start.

We all remember the Marshall Plan that was utilized to rebuild a fallen Europe. There is no more important issue than to rebuild humanity. AIDS is moving its way from the continent of Africa to India to China. This is not a respecter of one's income, of one's background, of the continent that one might live on.

In fact, in Zimbabwe, the life expectancy is only 38.8 years and in Malawi, 34.8 years. We are facing this devastation everywhere we go.

When I traveled to Africa, I went in to visit some of the locales and villages where HIV-infected persons were, living in desolation, alone, and without family support because of the confusion of the disease.

When I visited these bedridden individuals, I saw so many of them suffering, not only from the devastation of AIDS, but they were suffering from tuberculosis. Sometimes they were left to be cared for by children as young as 4 and 6 years old, because other families had already died.

One woman that I spoke to had already lost six members of her family, was HIV-infected herself along with her son. The reason is because she nurtured her husband who died of this disease, and none of the family members would explain what was occurring to him. It is a question of whether they even knew. So of course, she contracted the disease subsequently as well.

I do want to acknowledge as well Congressman Dellums, who formerly was a colleague of ours whose brain child this legislation was. We thank him for his constant persistence and his work with all of us, including the Democratic Caucus, the gentleman from Missouri (Mr. GEPHARDT), the minority leader, the Congressional Black Caucus, all of whom have participated in visitations and in efforts to raise or heighten the sophistication and knowledge about this devastation.

When I was in Africa, I met with Ugandan first lady Janet Museveni, who was leading a campaign to help the orphans who had been victimized by HIV/AIDS, working with grandparents and providing support systems, some of whom have lost all their children, and they are caring for 10, 11, 12, 15 grandchildren.

It is important to recognize that there are things that we could do better in this bill. Frankly, I wish the Feingold and the Feinstein amendments could have been included dealing with prescription drugs.

I hope that, as we look to this bill in the future, even though the President, in his wisdom, ordered an executive order to take Senator FEINSTEIN's amendment and include it as an executive order, I believe that there is more that we could have done.

Let me also say, as I conclude, Mr. Speaker, that I was very gratified when we passed the African Growth and Opportunity Act, a legislation that I had an amendment to ask the private sector to involve themselves in fighting the devastation of AIDS was included.

Might I simply say that this is an important legislative initiative. I support it. I hope that we will see the efforts of this legislation helping to fight the devastation of AIDS.

I thank the Speaker for bringing this important piece of legislation to the Floor this week.

Mr. Speaker, I rise in support of H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act.

I would like to thank Congressman LEACH for including the core provisions of BARBARA LEE's original bill, H.R. 2765, the AIDS Marshall Plan and Congressman Dellums for his public awareness regarding the importance of this bill.

This bill garners bipartisan support, including the Democratic Caucus and the CBC which both recognize the necessity of HIV/AIDS funding in Sub-Saharan Africa.

Mr. Speaker, I personally saw the devastation that the AIDS epidemic is causing in Africa during a visit with the President during March of 1999. During that trip, I visited places like St. Anthony's Compound in Zambia where grandparents were caring for grandchildren orphaned by AIDS.

In Uganda, the government showed the delegation the impact of AIDS as we met with a grandmother who was caring for 38 of her grandchildren because they were orphaned by her 11 children.

I also met with Ugandan First Lady Janet K. Museveni who is leading the campaign to help orphans as we discussed the fact that over 13 million children have been orphaned because of AIDS.

This trip emphasized to me the dire circumstances existing in Africa today and the obligation countries like the United States have to combat this disease.

The goal of this bill is to create a trust fund administered by the World Bank to combat the AIDS epidemic is long overdue.

By directing the Secretary of Treasury to enter into negotiations with the World Bank and member nations, H.R. 3519 would serve as the impetus for an international response to the HIV/AIDS epidemic.

This bill would authorize the United States to contribute $200 million a year through fiscal year 2005 to this fund which would provide grants for prevention care programs and partnerships between local governments and the private sector that would lead to education, treatment, research, and affordable drugs.

Organizations like the Joint United Nations Programme on HIV/AIDS (UNAIDS) would be recipients of these grants.

By providing grants to organizations like UNAIDS, this bill could help address the "drug corruption" in sub-Saharan Africa by requiring that only those countries that eliminate corruption are eligible for trust funds.

Just last week, this Congress passed the Africa Growth and Opportunity Act in which there is a structured framework for this country to use trade and investment as an economic development too throughout Africa and the Caribbean.

Unfortunately, the conference report does not include Senator Feinstein and Feingold's amendment that would have prohibited the Executive Branch from denying African countries to use legal means to improve access to HIV/AIDS pharmaceuticals for their citizens. This amendment would have clarified the African Growth and Opportunity Act so that African Governments, in accordance with the World Trade Organizations policies, could exercise flexibility in addressing public health concerns.

Thus, this amendment would simply allow countries to determine the availability of HIV/AIDS pharmaceuticals in their countries and provide their people with affordable HIV drugs.

Despite the failure of Senator Feinstein and Feingold's amendment, the White House still recognized the importance of access to drug therapies by issuing an Executive Order just last week Wednesday to provide access to HIV pharmaceuticals and medical technology.

This Executive Order incorporates the language of the Senator Feinstein-Feingold amendment and declares that the United States would not invoke a key clause in U.S. trade law against sub-Saharan African countries concerning the protection of patents on AIDS drugs. Like the Senators' amendments, the Executive Order would instead hold the African countries to the less stringent standard of the WTO on intellectual property protection.

Furthermore, I am pleased the House-Senate conference report includes amendments, which I offered during last year's consideration of the House bill.

The first provision encourages the development of small businesses in sub-Shararan Africa, including the promotion of trade between the small businesses in the United States and sub-Saharan Africa. This is an important victory for small business enterprises in America that are looking to expand remarkable trade opportunities in Africa.

It was once said, "There is nothing more dangerous than to build a society, with a large segment of people in that society, who feel that they have no stake in it; who feel that they have nothing to lose. People who have a stake in their society, protect that society, but when they don't have it, they unconsciously want to destroy it." Although Martin Luther King was not speaking of AIDS, his comment rings true in so many aspects today.

The private sector must take responsibility for the eradication of this disease if these U.S. businesses are going to use African resources for their economic benefit.

Thus, I am pleased that an additional amendment I offered was incorporated into the conference report. This provision encourages U.S. businesses to provide assistance to sub-Saharan African nations to reduce the incidence of HIV/AIDS and consider the establishment of a Response Fund to coordinate such efforts.

This is important because HIV/AIDS have now been declared a national security threat. My provision reflects a national and international consensus that we must do everything we can to eliminate the HIV/AIDS disease.

Senior Clinton Administration officials clearly express their frustration that by all estimates on HIV/AIDS, that nearly $2 billion is needed to adequately prevent the spread of this disease in Africa per year.

Although, some say this may not be feasible at the moment, and the $200 million a year donation from the U.S. is not either, we no longer can deny that this disease is an epidemic of enormous proportion that can no longer be ignored.

The very fact that the Clinton Administration formally recognized a month ago that the spread of HIV/AIDS in the world today is an international crisis by declaring HIV/AIDS to be a National Security threat is illustrative of the devastating effect of this disease.

It is estimated that 800,000 to 900,000 American are living with HIV and every year another 40,000 become infected. Although newer and effective therapies have led to reductions in the mortality rate of people with HIV/AIDS, the demographics of this epidemic have shifted. Thus, women, young people, and people of color represent an alarming portion of the new cases of HIV/AIDS.

Globally, more than 16 million have died from AIDS Since the 1980's, 80% of them in Sub-Saharan Africa.

The creation of a WorldWide trust in which nations would be able to obtain grants to address the needs of HIV/AIDS victims globally is truly needed.

We know that 60% of those that have died from AIDS are in Sub-Saharan Africa.

An even more heart-wrenching statistic is that 13 million children have lost one or both of their parents to AIDS and this number is projected to reach 40 million by 2010.

AIDS in Sub-Saharan Africa accounts for nearly half of all infectious disease deaths globally.

The percentage of the adult population infected with HIV or suffering from AIDS is alarming. To name a few: In Zimbabwe—25.9%; Botswana—25.1%; Namibia—19.4%; and South Africa—12.9%.

Additionally, in places like Namibia there has been a 44.5% drop in the life expectancy. Now adults in Namibia are only expected to live 38.9 year!

In Zimbabwe, the life expectancy is only 38.8 years and in Malawi, 34.8 years! Not since the bubonic plague of the Middle Ages, has there been a more devastating disease.

Yet, HIV/AIDS is 100% preventable. There is no reason for 2 million to die a year in Sub-Saharan Africa and 4 million to become infected.

The AIDS Marshall plan will help to ensure that the federal government commits to addressing the HIV/AIDS epidemic over the next several years.

The survival of Africa is at stake! The United States can and should be the leader in generating a global response to this incredible contagion.

Now is the time to act and I urge my colleagues to support this measure in its entirety.

## MANIPULATING INTEREST RATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, the national debt is rising at an annual rate of $100 billion per year while the Federal Government's obligation to future generations is rising even faster. Yet, little concern is shown here in Congress as our budgets grow and new programs are added on to old. Ordinary political deception has been replaced with the dangerous notion of invincibleness as Members claim credit for imaginary budgetary surpluses.

The percent of our income that government now takes continues to rise while personal liberty is steadily compromised with each new budget. But the political euphoria associated with the "New Era" economy will soon come to an end.

Although many have done well during the last 7 years of economic growth, many middle income families have had to struggle just to keep up. For them, inflation is not dead and the easy fortunes made on Wall Street are as far removed as winning the lottery. When the economy enters into recession, this sense of frustration will spread.

Business cycles are well understood. They are not a natural consequence of capitalism, but instead result from central bank manipulation of credit. This is especially true when the monetary unit is undefinable, as it is in a fiat monetary system such as ours. Therefore, it is correct to blame the Federal Reserve for all depressions, recessions, inflations, and much of the unemployment since 1913. The next downturn, likewise, will be the fault of the Fed.

It is true that the apparent prosperity and the boom part of the cycle are a result of the Federal Reserve credit creation, but the price that must always be paid and the unfairness of inflationism makes it is a dangerous process.

The silly notion that money can be created at will by a printing press or through computer entries is eagerly accepted by the majority as an easy road to riches, while ignoring any need for austerity, hard work, saving, and a truly free market economy. Those who actively endorse this system equate money creation with wealth creation and see it as a panacea for the inherent political difficulty in raising taxes or cutting spending.

A central bank that has no restraints placed on it is always available to the politicians who spend endlessly for reelection purposes. When the private sector lacks its appetite to lend sufficiently to the government, the Federal Reserve is always available to buy Treasury debt with credit created outside of thin air. At the lightest hint that interest rates are higher than the Fed wants, its purchase of debt keeps interest rates in check; that is, they are kept lower than the market rate. Setting interest rates is an enormous undertaking. It is price fixing and totally foreign to the principle of free market competition.

Since this process is economically stimulating, the politicians, the recipients of government largess, the bankers, and almost everyone enjoys the benefit of what seems to be a gift without cost. But that is a fallacy.

There is always a cost. Artificially low interest rates prompts lower savings, over-capacity expansion, malinvestment, excessive borrowing, speculation, and price increases in various segments of the economy. Since money creation is not wealth creation, it inevitably leads to a lower value for the currency. The inflation always comes to an end with various victims, many of whom never enjoyed the benefits of the credit creation and deficit spending.

This silly notion of money and credit gives rise to the conventional wisdom that once the economy gets really rolling along, it is time for the Fed to stop economic growth. This false assumption is that economic growth causes higher prices and higher labor costs, and these evils must be prevented by tightening credit and raising interest rates.

But these are only the consequences of the previous monetary expansion, and blaming rising prices or higher labor costs is done only to distract from the real culprit, monetary inflation by the Federal Reserve.

In a free market, economic growth would never be considered a negative and purposely discouraged. It is strange that so many established economists and politicians accept the notion of dampening economic growth for this purpose. Economic growth with sound money always lowers prices. It never raises them.

□ 1930

Deliberately increasing rates actually increases the cost of borrowing for everyone, and yet it is claimed that this is necessary to stop rising cost. Obviously, there is not much to the soundness of central economic planning through monetary policy of this sort.

There are some who see this fallacy and object to deliberately slowing the economy but instead clamor for even more monetary growth to keep interest rates low and the economy booming. But this is just as silly because that leads to even more debasement of the currency, rising prices, and instead of lowering interest rates will, in time, due to inflationary expectation, actually raise rates.

Fine-tuning the economy through monetary manipulation is a dangerous game to play. We are now completing a decade of rapid monetary growth and evidence is now appearing indicating that we will soon start to pay for our profligate ways.

The financial bubble that the Fed manufactured over the past decade or two will burst and the illusion of our great wealth will end. In time, also the illusion of "surpluses for as far as the eyes can see will end." Then the Congress will be forced to take much more seriously the budgetary problems that it pretends do not exist.

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## PERMANENT TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore (Mr. OSE). Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I wish to inform my colleagues and those who are listening this evening of the publication of an excellent new report called Made in China, released by Charles Kernaghan, of New York City. This report can be found at web site www.nlcnet.org. It talks about the role of U.S. companies in denying human and worker rights in China.

The report begins, "For years, and now again with renewed vigor, U.S. companies have claimed that their mere presence in China would help open that society to American values." And it talks about "Recent in-depth investigations," conducted by individuals in China, at great risk to themselves, "of 16 factories in China producing car stereos, bikes, shoes, sneakers, clothing, TVs, hats and bags for some of the largest U.S. companies clearly demonstrate that Wal-Mart, Nike, Huffy and others and their contractors in China continue to systematically violate the most fundamental human and worker rights, while paying subsistence wages."

The report talks about Kathie Lee handbags being made for Wal-Mart at the Qin Shi factory where 1,000 workers were being held under conditions of indentured servitude in that Communist country forced to work 12-to-14-hour days 7 days a week with only one day off a month while earning an average of 3 cents an hour. However, after months of work, 46 percent of the workers surveyed have earned nothing at all. In fact, they owed money to the company.

This report is absolutely amazing, and I would urge all my colleagues to take a look at the firms mentioned in this book.

I also want to refer this evening to one in particular, Huffy Bicycles, which had been manufactured in my own State of Ohio, where 2,000 people lost their jobs, people who were earning $11 an hour, making a quality product. They were asked by their company to take a $2 an hour wage cut in Salina, Ohio, and they did, earning $9 an hour, because they wanted to keep their jobs. And I might say that Huffy has 80 percent of the U.S. bicycle market. Those jobs were moved to China. They were testing the waters in China. This is even before this proposal here to have permanent normal trade relations with China.

Why should we approve of a system which does the following? Huffy uses a contractor in China, the Taiwanese Zhenzhen Nan Guan Corporation in Bicycle Factory Number 1. There is also a Bicycle Factory Number 2. They assemble these bikes from parts supplied from local materials, from local factories, or from the Fuda Corporation from Taiwan. The workers in this factory work from 8 in the morning until 9:30 or 11:30 at night. They work 7 days a week. They earn 25 cents to 41 cents per hour for a weekly wage of $16.68 for a 66-hour workweek.

Think about that. And if they do not work the mandatory overtime, they are penalized double. They lose $6.02 of their weekly wage, or 2 full days of wage if they refuse to work the overtime.

Not only that, but the quality of the bicycle has gone down. If we go to Kmart, if we go to these retail outlets and we buy a Huffy bike, it still costs $100, but look at the welds. The double welds that used to exist on the fenders, which our workers were very proud of their work in the State of Ohio, they know good metal and they know good quality workmanship, that does not exist any more. The quality of metals has gone down.

And when we try to find if the bearings are good or we try to figure out before we buy it whether the bike is of quality, everything is sprayed with paint now. We really cannot tell the quality of the workmanship until we buy the bicycle. Huffy does not stand for quality any more.

I will never get one of their campaign contributions, but what they did to the workers in Salina, Ohio, to me, is repugnant. And I think to have this kind of indentured servitude, for America to approve anything permanent with China, until we fix situations like this, really undermines the fundamental liberties and principles for which this Nation should stand domestically and internationally.

And let me add a word as a graduate of the University of Michigan. Two weeks ago the University of Michigan Board of Trustees, along with Brown University and the University of Oregon, refused to sign contracts with

Nike Corporation, which is also talked about in this excellent report. And they did that because all the university boards of trustees asked to do was that the sports departments not buy sports equipment from sweat shop labor in places like China. Those companies were so angry that they cut off $26 million to the University of Michigan's endowment as well as the University of Oregon and Brown University.

Well, Mr. Speaker, my hat is off to those university boards. The presidents of those universities, including Gordon Gee of Brown University. They did the right thing for the world, the right thing for America. Their moral courage will stand on its own.

## HONORING BERT SNYDER FOR HIS COURAGE IN THE FACE OF DANGER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, the anniversary of the Columbine shooting has been the focus of media attention the last few years. It has been difficult during this time not to be reminded of the two young men who devastated a small Colorado town and the entire Nation with violence. The picture of these young killers has been ingrained in many of our minds when we think about today's youth. This is an image that the media continues to foster, and one that I personally find unfortunate.

While I recognize that we do live in a violent society, I also note that there are bright young men and women in every Congressional District across this country who are working to become active and productive members of society. Tonight, I am proud to tell my colleagues about one such individual from my district, the Third District of North Carolina.

I recently attended the Annual Recognition Banquet of the East Carolina Council of the Boy Scouts of America. I had the honor of presenting a very special award to a young man whose bravery and courage in the face of danger should serve as an inspiration to us all.

When I presented Bert his award, I could see the justified pride in his parents, Vern and Jessica Snyder's, eyes, as well as in the eyes of his scout leaders and his fellow boy scouts.

Bert Snyder is a student at Rose High School in Greenville, North Carolina. On May 10 of last year Bert and his friend, Rice Godwin, were driving home from school when they encountered a multi-car accident at an intersection near the high school. The two young men stopped their car at a local convenience store and ran to the scene of the accident. It was evident, as they approached the accident, that one of the drivers involved had suffered a severe injury to her arm and her knee. The passenger in the car had sustained a head injury and appeared to be in a state of unconsciousness.

By the time Bert arrived on the scene, as many as 30 people had already gathered, but, Mr. Speaker, nobody was making an effort to assist the victims. Bert stepped in and ordered a fellow student to call 911. He then assisted the female victim by providing comfort and assurance to help prevent her from going into shock. When he noticed that she was losing a significant amount of blood from the injury to her arm, he removed his own shirt and applied pressure to the site. Bert continued his efforts to stop the bleeding even after firemen arrived at the scene. Only when rescue personnel with the EMS unit arrived did Bert break from his efforts.

Mr. Speaker, Bert Snyder placed himself in a potentially unknown and threatening situation to help someone in need. When onlookers did not take action, he stepped in and offered reassurance and emergency assistance. Mr. Speaker, I do not know, as an adult, if I would have been prepared enough or secure enough in my abilities to assist in a similar emergency situation with the same confidence and assertiveness as Bert.

As a result of his courage and bravery, Bert was honored with the National Heroism Award at the award ceremony. The award was presented to Bert on the recommendation of the National Court of Honor because he demonstrated heroism and skill in saving or attempting to save a life at risk to self.

Mr. Speaker, it was an honor for me to present Bert with this important recognition. It was also a joy to attend the awards banquet and to be reminded of the number of young men and women who are working with organizations like the Boy Scouts and Girl Scouts to gain the values and leadership skills that will help lead this country into our future. Too often these bright young people do not receive the media attention they deserve.

Mr. Speaker, I want to take this opportunity to thank Bert Snyder for his courage and his commitment to his fellow man. Bert exemplifies the young men and women in our society who have the character and leadership skills to lead this country and tomorrow's future.

I want Bert to know how proud I am to have the opportunity to represent him and his family in the House of Representatives and to share his important story with this Nation. Bert Snyder is a member of today's youth who can make us all proud. I applaud his efforts and the efforts of every young person today who is working to make a difference within their communities.

Bert Snyder, America's future is bright because of young people like you throughout this Nation. We thank you for your courage.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, listening to my distinguished colleague from Ohio (Ms. KAPTUR) speaking earlier about the potential permanent normal trade relations vote that we will have on China soon reminded me that any opportunity I get I should come to the floor. And since there is an opportunity now, I thought I should take this 5 minutes.

As my colleagues know, President Clinton has sent a request for Congress asking this Congress to yield permanent normal trade relations with China. He bases that request on a U.S.-China bilateral agreement signed in 1999. He bases that request also on a history of absolutely noncompliance on the part of China of any trade agreements they have ever signed with the U.S., be they trade agreements for market access of U.S. products into China's market, be they trade agreements on intellectual property violations by the Chinese, be they trade agreements on use of prison labor for export, China year in and year out continues to violate these agreements, and now the President has said, the Chinese will honor this one.

Well, they are already backing off this one. In fact, in two areas of agriculture, of particular note I think to this body, the Chinese have a different interpretation. They are famous for reinterpreting treaties and agreements. For example, on the subject of wheat, the U.S. Trade Rep's factsheet says that wheat and grain, therefore, will be allowed into China. The Chinese Trade Rep says, any idea that the grain will enter the country of China is a misunderstanding. Beijing merely conceded a theoretical opportunity.

On the subject of meat, the Trade Rep's factsheet talks about meat and poultry, all forms, being allowed into China. The Chinese Trade Rep says, not so, not quite. He says diplomacy is a way of finding different forms of expression, and to that extent we found new expressions, we were diplomatic, but where there were no material concessions made.

So on the basis of a flimsy 1999 U.S.-China trade agreement, in which, by the way, there was little attention paid, practically none, to enforcement, compliance or implementation, the President is asking this body to surrender to the dictates of the regime in Beijing permanently any leverage that we have on trade and, indeed, human rights and proliferation of weapons of mass destruction as well.

Even if we could put aside for a moment, Mr. Speaker, the brutal occupation of Tibet, the ongoing repression of human rights in China, the continuing proliferation of weapons, chemical, biological and nuclear weapons of mass destruction to rogue states, to Pakistan, the ongoing relationship between the Chinese and the Pakistanis in terms of missile technology transfer, same thing with Iran, more recently with Libya, since this 1999 U.S.-China trade agreement they have proliferated to Libya, the administration does not want that known, but it is in the public domain, so in any event, we have many areas of concern. But even if we were to make a determination strictly on the basis of trade alone, there is no reason for us to permanently surrender our leverage.

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It is as if the U.S. wants to trade with China in the worst possible way, and that is exactly what the President is leading us to do in the worst possible way.

There is a better way. All the President needs to do is send a request to Congress for a special waiver for China to have normal trade relations for one more year, as he does every end of May. There does not even have to be a vote on that. We do not have to have the debate. We do not have to have a vote. No one has to go on record.

In the course of the next year, if the Chinese begin for a change, a drastic change, to start honoring the commitments, they do not have to do everything. In the agreement that would not be possible, but at least to take the initial steps to honor the agreement. Then next year around this time there should be no problem with saying, all right, they honored the commitment on trade, and the WTO is a trade regiment, so on the basis of trade alone, this might work for us.

I do not know why everybody is so afraid to do it in the normal course of events. Because if we believe that China is going to honor the agreement, they should have no problem with that.

The other reason that is important is because China has not even made its agreement with the European Union. And we are not supposed to see this arrangement, we are not supposed to even be voting on this until the Chinese reach an agreement with the other members of the WTO. So, effectively, the President is asking us to vote on something that we do not know what the terms are because they have not negotiated them with the EU yet.

What the President is asking us to do is give privileges to China permanently before they ever have to honor any commitments to the WTO. Indeed, they have not even reached the agreement to join the WTO.

What the President is asking us to do is for each of us to put our good names next to his failed China policy and try to redeem it with this rush to surrender permanently to the dictators in Beijing, thereby squandering our leverage on trade, squandering our leverage on our values, and surrendering our leverage on national security.

So I would hope that our colleagues would pay attention and ask the question, where is the implementation, where is the compliance, where is the enforcement on this, and where are our national values on this?

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## CLINTON ADMINISTRATION PROPOSING MASSIVE REDUCTION IN STRATEGIC FORCES

The SPEAKER pro tempore (Mr. OSE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. WELDON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WELDON of Pennsylvania. Mr. Speaker, I will not take the full hour. But I do rise to discuss a matter of vital importance, following the gentlewoman from California (Ms. PELOSI), on issues relating to national security.

There are some in both parties who are concerned that, perhaps, we are rushing to try to create a new legacy for this President on foreign policies relative to our policies with China and Russia.

As someone who spends a great deal of time focusing on both of those countries as a senior member of the Committee on Armed Services and Chairman of the Committee on Military Research and Development and co-chairman of the inter-parliamentary dialogue between Russia and the U.S., I am extremely concerned about not just our relationship with China, which I will have more to say later on this week and next week relative to the NTR vote, but specifically to our relationship with Russia.

Mr. Speaker, we all know that the first week of June the President will take an historic trip to Moscow, where he has been asked to address the Duma, which is kind of an historic event, an American President being asked to speak before the lower house of the Russian Parliament.

I applaud the President for going to Moscow. I am concerned, however, that the election of Putin as the new President of Russia saw him take his first trip not to Washington, not to the West. But his first trip, in fact, is to Beijing, where he is, in fact, engaged in a series of high-level meetings with the leadership of China.

In fact, both China and Russia have talked about a new strategic partnership, one that would include China and Russia against the West and, in particular, against the U.S.

Now, it is important that we reach out to this new leader in Russia. I did the day that he was sworn into office on January 11 in a three-page letter that I wrote in Russian to him talking about the need for us to sit down and work together to build, once again, a solid relationship between our two countries.

But I am extremely concerned, Mr. Speaker, about the President's upcoming trip in June; and I want to call my concerns to the attention of our colleagues and to the American people.

Mr. Speaker, it is not that we do not want our President to go to Moscow. We do. And we do want him to discuss issues that are important between our two countries. And, obviously, reducing the threat of the massive buildup of arms that we both engaged in during the Cold War has got to be our top priority.

But, Mr. Speaker, many of us on both sides of the aisle are equally concerned that this President not rush to a quick judgment in our relations with Russia or China that would cause America to, in the end, be more insecure and would cause more destabilizing relations between us and those two nations.

Now, why do I raise these concerns today? Because, Mr. Speaker, last week it was brought to my attention by quiet conversations brought to me from both the Pentagon and the intelligence service that the President had ordered the Pentagon to look at a massive reduction in our strategic forces.

In fact, one individual told me that the President himself had ordered a presidential nuclear initiative that would, in fact, cut our strategic forces by 50 percent and that this initiative would be announced as a part of the President's trip to Moscow.

Now, why is that critically important? Mr. Speaker, as we both know, the strategic stability between us and Russia is based on an outdated theory called "mutually assured destruction," where neither side dares challenge the other for fear of retaliation. We do not have a defensive system to defeat a Russian accidental launch. Although, the Russians do have a defense system around Moscow.

So when we negotiate with the Russians in terms of reducing arms, it is critically important that our Pentagon, that our military leaders, that our strategic thinkers in our Government, not Republican or Democrat thinkers, but career thinkers who are paid to protect America, be consulted in terms of what the final outcome of negotiations should be.

What I heard last week, Mr. Speaker, which was reported in at least three major newspapers in both Chicago, New York, and Washington on Thursday, was that the administration is, in fact, proposing massive reductions in our strategic forces in terms of our relations with Russia.

Now, why am I concerned about that? I do want to see us reduce our strategic forces and our reliance on them, but I want to do it in a logical and methodical manner. This administration, Mr. Speaker, unfortunately does not have a good track record in negotiating treaties that can get the bipartisan support of the Congress. This administration, in fact, has a terrible reputation in terms of our foreign policy in general.

Many of our colleagues talk, for instance, frequently about the President's comments before he went into Kosovo and declared that we would see hundreds of thousands of mass graves from where Milosevic had buried the people he had murdered. Well, after that war was, in fact, wound down this year, we had the CIA before our committee and I asked the CIA how many mass graves did we find. They said well below 10,000; and some of those graves may have actually been wounds inflicted by the allied forces in their attempts to remove Milosevic from power.

So while the President said one thing to get the support of the American people to go into Kosovo, which he promised us would last only a matter of weeks and which we would win, here we are a year later and Milosevic is still in power. We spent tons of money and, in fact, we have since learned that we probably killed more innocent people with allied bombs than what Milosevic did in his reign of terror. And Milosevic, the war criminal, is still in power and, many would argue, stronger than he was before America and Britain led the NATO allies in a massive deployment in the Kosovo theatre.

Likewise, Mr. Speaker, many of our colleagues feel betrayed by this administration because of the failure of our arms control policies. In fact, in a floor speech 2 years ago, I documented 37 violations of arms control agreements by China and Russia since 1991, cases where we caught the Russians or the Chinese transferring technology illegally to states like Iran, Iraq, Syria, Libya, North Korea, as well as India and Pakistan.

Mr. Speaker, in all of those 37 cases where we had evidence or inclinations that Russia and China had, in fact, violated arms control agreements, this administration imposed the requirement sanctions only two times. Once we caught the Chinese transferring ring magnets to Pakistan for their nuclear program, and once we caught the Chinese transferring M–11 missiles to Pakistan, both of which are violations of arms control agreements. Seventeen times we saw the Russians transferring technology, and 17 times we did nothing about it.

In fact, Mr. Speaker, as my colleagues know, the Congress became so disenchanted with this administration and so concerned about the flagrant ignorance of violations that were occurring by Russian entities that the Congress did something that many felt we would never do. We passed the Iran Missile Sanctions legislation.

We passed that because Israel, just several years ago, I believe it was in 1998, told us that they had evidence that Russia was cooperating with Iran to build a new class of medium-range missiles, the Shahab 3 and the Shahab 4. These missiles could target most of Europe and all of Israel.

When the Congress heard that the Israelis had evidence, the question to our White House is, well, what are we doing to stop this transfer of technology? As we give Russia a billion dollars a year to assist them in stabilizing their economy, what are we doing to enforce the arms control agreements that require us to take actions against entities in any country that is illegally selling technology to rogue states?

The fact is, Mr. Speaker, the response by the administration when we began to get information from the CIA that Israel was correct that we had evidence that Russia was, in fact, cooperating with Iran, the response of this administration was to make life unbearable for Dr. Gordon Ehlers.

Dr. Gordon Ehlers was the Director of Nonproliferation for the CIA. Instead of being honest and candid with Members of Congress, as Dr. Ehlers was, the administration wanted to keep the evidence that we had of Russian cooperation with Iran quiet. So Dr. Ehlers was, basically, made so uncomfortable that he took early retirement from his job.

The Congress then, in response, introduced bipartisan legislation, the Iran Missile Sanctions bill, endorsed by the gentleman from New York (Mr. GILMAN), a Republican, and Jane Harman of California. This bill would force the administration to impose the required sanctions on Russia. Immediately it got over 200 cosponsors because Members of Congress were livid that that administration was not enforcing arms control agreements that we and Russia were supposed to abide by.

By November of that year, the House was getting ready to vote on the Iran Missile Sanctions bill. Vice President GORE called 12 of us down to the White House, Mr. Speaker. I was one of those 12 Members called down to the old Executive Office Building. Sitting in the old Executive Office Building with people like John MCCAIN, Senator BOB KERREY, Congressman Lee Hamilton, the gentleman from New York (Mr. GILMAN), Congresswoman Jane Harman, and Senator CARL LEVIN, we listened to the Vice President tell us that if the Congress passed this legislation, it would be devastating to our relationship with Russia.

When he finished talking to us for about an hour, the Members of Congress that were there from both parties from both Houses said, Mr. Vice President, we understand your concerns. But it is too late. The Congress has lost its confidence in this administration's ability to enforce arms control agreements that we are a party to.

A week after the Vice President called us down, in spite of his objections and the President's objections, the bipartisan Iran Missile Sanctions bill passed the House with 392 votes.

Mr. Speaker, as my colleagues know, we do not get those kinds of votes unless Members of Congress on both sides are absolutely upset and feel that this administration is not, in fact, living up to its requirements under our arms control treaties.

Then, Mr. Speaker, we broke for the Christmas and holiday recess and came back in February. The Senate was about to take up the same bill, the Iran Missile Sanctions Act.

The Vice President again called us back to the old Executive Office Building; and there again, the Vice President, with a member of the National Security Council, Jack Karavelli on one side, and the President's security adviser, Leon Furth on the other side, talked to us Democrats and Republicans, Senators and House Members, many of whom had been there for the earlier meeting, and said to the Senators, you cannot pass this bill. If you pass it, you will embarrass the President and you will cause us irreparable harm with the Russian leadership.

Mr. Speaker, for a second time, in spite of the personal pleas of the Vice President and the President, the Senate passed the Iran Missile Sanctions bill with a vote that included 94 Senators voting in the affirmative.

□ 2000

Mr. Speaker, you do not get 94 Senators to vote in unison to embarrass the President unless there are serious concerns about the policies of this administration. And those 94 Senators did exactly that. Mr. Speaker, the bill went to a conference. The President, as he said he would, vetoed the bill that year and we had the votes to override the veto because of a lack of confidence in this administration's policies. In fact, I was in all of those meetings where we discussed bringing the veto override up on the House floor with Speaker Gingrich one month before the Congressional elections that year in 1999.

Mr. Speaker, it was Speaker Newt Gingrich who stopped the veto override from coming up for a vote in the House. It would have passed. We would have had overwhelming numbers of Members on both sides overturning the President's veto, but Republican Newt Gingrich did not want to bring that bill up a month before the Congressional elections. So in this new Congress, without Speaker Gingrich, without Members like Jane Harman, bipartisan Members again reintroduced the Iran missile sanctions bill, and this year, Mr. Speaker, the Iran missile sanctions bill passed the House and the Senate unanimously. This year, Mr. Speaker, the President could not veto the bill because he knew he would be overridden. So what did he do? He did what Bill Clinton does so frequently. He changed his sides, came over in support of the legislation, and signed the bill into law, even though it was a direct slap at this administration and was a direct contradiction to their policies.

Mr. Speaker, that was probably the most clear evidence of the lack of confidence of this Congress in the policies of this administration when it comes to arms control. My most glaring evidence, Mr. Speaker, was when I was in Moscow in 1996 in January, a month after the Washington Post had just reported a front page story that we had evidence that Iraq had received guidance systems from Russia illegally. While I was visiting with our ambassador, Ambassador Pickering in his office in Moscow, I said, "Mr. Ambassador, what was the response from the Russians when you told them that we caught them illegally transferring guidance systems to Iraq?" Now, the importance of these systems is that they make their missiles more accurate. As we all know, we lost 31 young Americans in 1991 because of an Iraqi SCUD missile. Any technology that would make those missiles more accurate could endanger the lives of American troops and American allies. The Post reported that we had evidence that Russia had been helping Iraq with their guidance systems. So when I asked Ambassador Pickering what the response was from the Russian side, he said, "Congressman, I haven't asked the Russians yet." I said, "Why haven't you asked them, Mr. Ambassador?" He said, "Because that's got to come from the White House."

So I came back to Washington. At the end of January 1996 I wrote to President Clinton a letter saying, Dear Mr. President, we have evidence evidently, according to the Washington Post, that we have caught the Russians illegally transferring guidance systems to Iraq, in violation of the Missile Technology Control Regime, a key arms control agreement. That is a serious violation, Mr. President, and if it is so, what are you doing about it?"

Mr. Speaker, the President wrote me back in April of that year. He said, "Dear Congressman WELDON, you are right. If the Russians did what the Post said they did, that would be a terribly serious violation of an arms control agreement, and I assure you, if we can prove that the Russians transferred those devices, we will take aggressive action, and we will take the required actions mandated by that arms control treaty."

Mr. Speaker, little did I know that at that time, agencies of the U.S. Government had well over 100 sets of the Russian guidance systems that we caught being transferred from Russia to Iraq not on one occasion, not twice, but on three separate occasions. We caught the Russians transferring guidance systems to Iraq. In fact, I have a set of these devices that I carry around when I give speeches. Yet this administration did nothing to impose the required sanctions. In fact, Mr. Speaker, when asked by Members of Congress what action we had taken with Russia, the response by the administration was, "Well, we got assurances from Russia that they'll never do it again."

Mr. Speaker, because of the continued policy of ignoring Russia's violations, the Congress lost total confidence in this administration on arms control agreements. Mr. Speaker, as an aside, I am convinced that the reason we did not call Russia on those violations was because of our policy of a friendly relationship between Clinton and Yeltsin and therefore our policy in this country was to prevent anything from surfacing that would have embarrassed Boris Yeltsin. In fact, the year of those Iraqi violations was in fact the year that Yeltsin was running for reelection. In my opinion, that is why we never surfaced those clear violations of an arms control agreement.

So, Mr. Speaker, the track record of this administration on arms control is abysmal. Many in this city, including arms control groups, maintain it is one of the worst in the history of this country in terms of letting countries get away with obvious violations of arms control treaties. That is why this administration could not get the votes for the nuclear test ban treaty. That is why this administration could not get the votes for any arms control treaty that it negotiates with any country. That is a sad state of affairs, when the confidence is so low that neither body will support arms control negotiations completed by this administration.

Now, we had a similar occurrence occur, Mr. Speaker, 3 years ago. The administration, after the Senate ratified the START II treaty with Russia, a very important START II treaty, ratified by this country in 1993, the year President Clinton came into office, because the Senate believed START II was important to reduce arms negotiated by former President Bush and before that, former President Reagan. So the Senate approved it. But then the administration did something that caused further erosion in the confidence of the Congress. The administration held negotiations with the Russians in Geneva to amend the ABM Treaty. These negotiations went on for months. They were centered around two specific issues: One was to make the ABM Treaty a multilateral treaty that would not just apply to Russia but would bring in Belarus, Ukraine and Kazakhstan. Now, I could not understand for the life of me why we would want to amend the ABM Treaty to broaden it. The second issue was demarcation, a complicated issue but one that would set up a distinction between a theater missile defense system and a national missile defense system. This distinction would be based on interceptor speed, a very highly scientific development that would differentiate between the two systems. I did not understand the negotiations. Unlike our colleagues, Mr. Speaker, I went to Geneva. I think I am the only Member of Congress from either body who went over there to sit in on the negotiations firsthand. I got the approval of the administration up-front. I sat down at the negotiating table with our chief negotiator Stanley Riveles on my side and I sat across from the chief Russian negotiator, General Koltunov. For 2½ hours I questioned the Russians through General Koltunov about the negotiations going on at Geneva. For instance, Mr. Speaker, I asked Koltunov, "Why does Russia want to multinationalize or lateralize the ABM Treaty?" I said, "General, you are the only country left of the former Soviet Union that has long range missiles. Why do you want to include Ukraine and Kazakhstan and Belarus? They don't have long range missiles. They have all been removed."

He looked at me and he said, "Congressman, you're asking that question of the wrong person. We didn't propose multilateralizing the treaty. Your side did." Now, for the life of me, Mr. Speaker, I could not understand why we would want to multilateralize the ABM treaty unless there are those in the White House who wanted to make it more difficult to amend the treaty after they left office. If you bring Belarus in, with an unstable leader like Lukashenko, you could have Russia and America agree on an ABM change and have the Russians quietly tell Lukashenko, "Don't support it," and have Belarus be the country that stopped the treaty from being changed. That became a very controversial item of negotiation that this administration agreed to.

Then there was a second item, and that was demarcation. The administration agreed to a number difference between theater and national missile defense systems. I asked General Koltunov, "Where do these numbers come from, General, how do you determine what is a theater versus a national missile defense system? Where is that line? How do you arrive at it? Is it some theory of physics?"

He said, "Congressman, these numbers were very carefully negotiated by our military and your military."

I said, "Well, General, I don't understand but I think it's ridiculous that we would amend the ABM Treaty to broaden it to include theater missile defense systems when you, Russia, already have some of the world's most capable theater missile defense systems and you're selling them all over the place."

I came back to Washington not satisfied with what I heard. The administration concluded their negotiations in Geneva, and those two items became known as the protocols. I found out a year later what I think is the reason that these numbers were reached for the demarcation between these systems, Mr. Speaker.

Mr. DREIER. Mr. Speaker, if the gentleman will yield, I simply want to compliment him on his fine work and to say that the bill which will be coming forward tomorrow on military construction should I think go a long way towards addressing some of the concerns that my friend has raised.

Mr. WELDON of Pennsylvania. I thank my colleague. I thank him for his chairmanship of the Committee on Rules and look forward to his new rule, hopefully tomorrow, on the defense authorization bill for 2001.

Mr. DREIER. We are going to work on that right now.

Mr. WELDON of Pennsylvania. Mr. Speaker, I read an article in the Tel Aviv newspaper that documented that Russia was trying to sell Israel a brand new defense system called the Antei 2500. I had never heard of this system. I know most of Russia's systems. So I called the CIA. They were not quite sure of it either but they sent an expert over about a month later who was a missile expert for the CIA. He brought in some documents with him. I said, "Have you ever heard of this new Russian system called the Antei 2500? It is supposed to be fantastic." He said, "Congressman, I know the system." He said, "In fact the Russians have printed documents, marketing brochures," and he gave me one. He said, "This is what they were showing at the Abu Dhabi air show this year." I picked it up and looked at it. There were photographs of this new missile defense system that Russia was in fact trying to sell. I found out they were not just trying to sell it to Israel, they were also offering it to Greece. I read through the brochure. The agent and I, the CIA agent and I had a discussion about the capability. He said, "It is a very capable system, almost as capable as our PAC–3." On the back page of that document, Mr. Speaker, was a summary sheet of all the capabilities of that system. To my amazement, the interceptor speed of that Antei 2500 was right below the threshold of the demarcation that our government got sucked into by the Russians in Geneva. So in effect, Mr. Speaker, that is where the demarcation number came from. In our haste to enter into an agreement with the Russians, we agreed to an artificial number between theater and national missile defense that would let the Russians a year later market a brand new system right below that threshold but would prohibit us from making our systems go beyond that capability.

Mr. Speaker, that is why there is no confidence in this administration's ability to negotiate arms control agreements. It is because this administration has a terrible track record. In fact, Mr. Speaker, today the Iranians are developing the Shahab 4 system which they got help from the Russians on which has a defined capability of at least 2500 kilometers.

□ 2015

If we were to accept the administration's demarcation protocol, we could not improve our systems to defeat the Iranian Shahab-4 system which Russia helped Iran build. That is why this Congress, Mr. Speaker, has no confidence, and that is why I have no confidence in this administration in arms control negotiations.

Now, to add further insult to injury, when the administration finished their negotiations in Geneva and these two protocols were signed by the White House and by the Russian leadership, by law and by the Constitution, the President is required to submit those changes to the treaty to the Senate, because constitutionally the Senate has the role of advise and consent.

Mr. Speaker, that was 3 years ago. For 3 years Senate leadership has been asking the administration to send those two protocols up so the Senate could debate them, and for 3 years the White House has refused to send those two items up. Why? Because they know they could not get them passed, because no Member of the Senate would have confidence in those two items that we negotiated based on the outline I have just provided to our colleagues, so for 3 years the Senate held those protocols back.

Quietly, in getting the Russians to approve START II, the administration gave a wink and a nod to Russia and said, look, instead of us bringing those demarcation items up and those protocols up separately, attach those to START II. So when the Russian Duma ratified the START II treaty three weeks ago, they did not just pass the START II treaty that our Senate ratified in 1993, they added those two protocols on to the START II ratification.

Now, Mr. Speaker, this President knows that this Senate will never approve START II with those two protocols included, so now we have a case where the START II treaty is in jeopardy, and it is in jeopardy again because of the underhanded and deceitful way in which the protocols were not brought before to the Senate or to the House, but rather, forced on the Russian side as a part of the START II final passage.

The President also knows that we have a law on the books that says the President cannot go below a certain threshold of strategic weapons unless START II is fully ratified. START II is not fully ratified, Mr. Speaker, and this President cannot get START II fully ratified under the terms agreed to by the Russians. So if we cannot get START II ratified as agreed to by the Russian side, then how are we ever going to reach below that to a START III level? In fact, Mr. Speaker, in last year's defense bill, we also put a provision in that said, in Section 1201, that not later than September 1, 2000, the Secretary of Defense shall submit to the Committees on Armed Services in the Senate and the House, in consultation with the CIA, an assessment of the strategic balance between Russia and the U.S. based on decreasing numbers of strategic weapons.

Mr. Speaker, we have been informed by the Pentagon they have not even completed the assessment for this report. They have not even completed the assessment for the further reductions that would come under START III, and here is President Clinton telling the Pentagon, "Tell me how I can cut our strategic forces in one-half."

Mr. Speaker, that is why there is no confidence. There is no confidence because last week when I heard the administration was proposing these changes, I went to see Majority Leader TRENT LOTT. I said, "Mr. Majority Leader, have you had any consultation with the White House on what is going to be discussed in Moscow in June?" He said "none."

I went to the Speaker, I went to the Majority Leader, I went to the Majority Whip. I went to the Chairman of the Committee on Armed Services, I went to the Chairman of the Subcommittee on Defense Appropriations. I said to all of them, "Have you been briefed by this administration on what they are going to offer and negotiate with Russia at the summit in June?" They all said no.

So here we have an administration that has lost the confidence of this Congress on arms control agreements for all the reasons I documented, plus many more, now proposing a major announcement of a reduction with the Russians in Moscow in June. It is not that we do not want to work with the Russians to reduce arms. I want that, Mr. Speaker, and I work at that every day. But, Mr. Speaker, I want those negotiations based on candor, I want them based on fact, I want them based on what the Pentagon feels is within our best security limitations.

I do not want the President going off to Moscow to reverse the legacy of 7½ years of helping to cause Russia to become a failure, a basket case, where in 1992 young Russians were parading in Moscow streets waving American flags, and Boris Yeltsin's first speech was declaring a new strategic relationship between the U.S. and Russia, and, 7 years later, in 1999, having 5,000 Russians stand in front of the American embassy in Moscow throwing bricks and cans of paint at our embassy, and one of Boris Yeltsin's final speeches declaring a new strategic relationship between Russia and China with the U.S. as the enemy.

Now, we cannot blame all of that turnaround on Bill Clinton, but, Mr. Speaker, I can tell you that we have not done well with Russia over the last 8 years, and the level of confidence from both Russia and China is at an all time low. Our concern is that this President, in his rush to repair his tainted foreign policy image, may try to come out with some grandiose scheme that does two things: It puts a new face on the foreign policy legacy of Bill Clinton; and, secondary, it gives Al Gore, who has been trailing in the polls by about 8 or 9 points to Governor Bush, a political issue to run on through the November election.

Mr. Speaker, arms control negotiations with the Russians cannot be based on what is best for a presidential campaign, and they cannot be based on trying to recreate a legacy that does not exist when it comes to foreign policy issues.

Here is my greatest fear, Mr. Speaker; that the President, in a rush to accept the advice of some of his political advisers to have some newly negotiated level of reduction in arms with the Russians, may end up reaching an agreement that the Senate will never ratify, and, therefore, again we will let Russia down, and again the Russians will lose confidence, and they will think that we did it deliberately, that the President went over to Moscow to negotiate something, announced something was potent in front of the entire Duma and the entire country; and then America did not follow through. Why? Not because of any disagreement necessarily with Russia, but because this Congress has no confidence in this administration's arms control track record. In fact, it was not until last year that the administration began to finally impose some limited sanctions on Russian entities that we, in fact, knew were in violation of arms control agreements.

Now, Mr. Speaker, I want Russia to succeed, and I work at it every day. I want them to be a stable friend of ours. Calling violations of arms control agreements into question when Russian entities do things that are wrong is no different than when we accuse a company like Loral or Hughes or some other American firm of illegally selling technology in violation of those same agreements or our own laws. And what we did for 8 years was ignore the violations of Russian entities. We did it because I think we had a failed foreign policy of not wanting to embarrass Russia's leaders. Now we are paying the price for that.

We cannot let in the matter of the last 6 months of this administration a President who, in my opinion, is desperately trying to reverse what will be his legacy of a failed foreign policy, to announce some grandiose plan that is not based on substance and does not have bipartisan support.

Mr. Speaker, one month ago, Secretary Cohen called six of us from the House over to the Pentagon for a luncheon meeting, three Democrats, three Republicans, and the Secretary had all of his senior staff there, and we talked about where we should go with Russia.

I told the Secretary then our policy with Russia has got to be a bipartisan policy. This administration has lost the confidence of the Congress, and the only way this administration can have any hope of a successful new relationship is to bring in leaders of both parties.

I suggested to Secretary Cohen that he lead a bipartisan delegation to Moscow to meet with Putin's people, with Republicans and Democrats sitting together, to discuss a new relationship. What do we have a month later? This President, without any consultation with the Speaker, without any consultation with the Majority Leader, without any consultation with any Member of Congress, secretly proposing a new deal, one that he could stand up before the cameras, before the Duma, bite his lip and talk about a new relationship in America's and Russia's relations, when he knows full well this Congress just does not trust his ability to negotiate successful treaties that are in America's best interests.

If this President does not take those steps, then it is wrong for him to go to Moscow and lay out a scenario to the Russians that he knows full well this Congress will not support. He may try to give Al Gore a political campaign theme, but that is not going to work, Mr. Speaker, because we caught onto this act in advance.

That is why last week the White House was in a skirmish, because the cat got out of the bag. Members of Congress were aware that there were secret discussions taking place that were leading up to a major announcement by the President in Moscow that would shake America and shake Russia.

Now, Mr. Speaker, thank goodness our leadership has responded. Only Friday Majority Leader TRENT LOTT and Speaker DENNY HASTERT announced that they are forming a bipartisan coalition that will begin to assess our defense posture, but specifically what increased threats might come about by unilateral discussions in our strategic forces.

I called former CIA director, Jim Woolsey, on the phone last Thursday and said, "Director Woolsey, would you be willing to serve on such a panel?" He said "Absolutely." People of the caliber of Jim Woolsey and Don Rumsfeld are the kind of people that this Congress has confidence in. When Don Rumsfeld and Jim Woolsey and the other seven Members of the Rumsfeld Commission came back to this Congress two years ago with a report that said the CIA was wrong, the administration was wrong, the threat to our security from countries like Iran and Iraq and China were closer than what they were originally stated to be, the Congress responded with overwhelming bipartisan support.

We now need those same bipartisan people, who are recognized experts on defense and strategic issues, to analyze what would happen if we, in fact, agreed in Moscow to lower the number of strategic weapons and what the onus would be on our side in terms of security risk, because there are many in this country who have argued that to go too low with strategic forces co-equally be destabilizing.

So, Mr. Speaker, tonight I am asking our colleagues to begin to ask the questions before President Clinton goes to Moscow. The first question is, Mr. President, why have you not involved the Congress? If you want to succeed, Mr. President, do what we suggested to Secretary Cohen 5 weeks ago; bring a bipartisan delegation together, a delegation that you have called upon when you want support for your initiatives.

I can recall in each of the past 5 years, former administration official Howard Smith calling me each year to deliver Republican votes for the administration's cooperative threat reduction program, and each year we did that. The administration has had a policy of calling us when they want our support for their priorities, but ignoring us when they tread on such delicate issues as arms control treaties and relations.

Nothing could be more devastating to our relationship with Russia than to have a President of the United States go to Moscow, make a grand appearance before the Duma and announce some grand strategy, only to have the Senate say, "We don't agree, Mr. President. You went too far."

□ 2030

Right now, that is the way the Senate feels about START II, Mr. Speaker. In the words of senators like JON KYL and JIM INHOFE, Senators on both sides of the aisle have questioned the two protocols that were added to the START II treaty by the Russian side. This administration needs to clear up those two protocols before it attempts to negotiate further reductions in the START III process.

Mr. Speaker, in the end I want us to reach historic new levels in our relationship with the Russians, as Ronald Reagan and George Bush did; but Ronald Reagan and George Bush negotiated with Russia with three basic conditions in mind: Strength, consistency and candor.

For the last 7½ years, Mr. Speaker, we have not seen any of those three positions used in our negotiations with

Russia. We have wavered. We have ignored reality. We have pretended things are not what they are and we have allowed Russian entities to get away with deliberate violations of arms control treaties that have undermined the confidence of the Congress in terms of a new treaty we would enter into, and that is a real sorrowful situation.

So I would hope, Mr. Speaker, that this administration and the President and his team would reach out in the last 3 weeks before the Moscow trip to the Congress to bring in Republican and Democrat leaders, to have a full and open debate and dialogue about where we are going with Russia; not to do something in secret, not to have some grand announcement, where he attempts to capture the imagination of the American people to restore a failed foreign policy legacy and not to boost Al Gore's campaign and give him an edge on defense issues.

If the President does not do that, Mr. Speaker, then this Congress will not support anything that the President negotiates and, unfortunately, we will again create more of a lack of confidence on the Russian side as to what our intentions are in our relationship.

In fact, Mr. Speaker, I have encouraged the President to move away from the whole theory of mutually assured deterrence where we basically dare each other to attack and build up these large missiles to attack each other and move toward what I call asymmetric deterrence, where we continue to negotiate with the Russians decreases in our offensive weapons but begin to allow in those negotiations strategic defensive systems as well, so that we focus on defending our people as opposed to threatening to attack the other side.

Mr. Speaker, if this President wants to change the legacy that he has made for himself, the best thing he could do would be to go to Moscow with a bipartisan approach. In fact, I would go even one step further, Mr. Speaker. I would implore the President in this, an election year, to invite Governor George Bush and Vice President Al Gore in to let each of them share in any negotiation that takes place in Moscow, because President Clinton is not going to get anything ratified that he does in Moscow, number one, because of the legacy of the failed arms control practices of the past 7½ years but, two, just because of the time involved.

The President will go in June. We will be in session the rest of June and July. We will break in August, come back in September. No arms control agreement has ever been ratified that quickly by a Senate, and the President knows that. So he will not have to get the support of the Congress in the next session. It will be either Al Gore or George W. Bush.

So my advice to the President would be, bring in Republicans and Democrats, Mr. Speaker; have an honest discussion with us about our approach with the Russians; clear up the START II treaty; get rid of those two protocols that were never a part of the START II treaty that the Senate ratified in 1993 and bring in George W. Bush along with Al Gore and involve both of them in any discussions with the Russians, because if the President does not, Mr. Speaker, if he does not do that then we could only read his intent as being purely political; purely political because the President knows that his only attempt would be to, one, change his own legacy and, two, bolster Al Gore's campaign and not to a sincere effort to get this country's legislative bodies to ratify a substantive agreement with Russia, because if that were the case the President would involve this Congress and he would involve George W. Bush in this process before he goes to Moscow.

Mr. Speaker, I would like to ask my colleagues to convey their concerns, as I will be doing.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. DREIER (during the special order of Mr. WELDON of Pennsylvania), from the Committee on Rules, submitted a privileged report (Rept. No. 106–618) on the resolution (H. Res. 502) providing for consideration of the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001 and for other purposes, which was referred to the House Calendar and ordered to be printed.

## ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from American Samoa (Mr. FALEOMAVAEGA) is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, a few years back I was privileged, along with my Asian Pacific colleagues on Capitol Hill, to attend a special White House ceremony where President Clinton signed an official proclamation declaring May, this month, as it is true each year, as National Asia Pacific Heritage Month.

Tomorrow, my friend and colleague, the gentleman from Guam (Mr. UNDERWOOD), who is currently the chairman of our Congressional Asian Pacific Caucus, along with our other colleagues, will hold a special order commemorating the month of May which honors Asian Pacific Americans.

I commend and thank the gentleman from Guam (Mr. UNDERWOOD) for his strong leadership of the Congressional Asian Pacific Caucus, which he has brought to the forefront and addressed many of the critical issues facing our Nation.

Unfortunately, Mr. Speaker, I will not be able to participate in the special order tomorrow, as I have a prior commitment to give an Asian Pacific American Heritage Month speech at Fort Sill, Oklahoma, and then at Fort Hood, Texas, this coming weekend.

On that note, Mr. Speaker, I have just returned from Fort Bragg, North Carolina, and Fort Sam Houston, Texas, where last week I delivered addresses to our service men and women at their Asia Pacific Heritage Month programs.

I certainly want to extend my deepest appreciation to Major General William Boykin of the U.S. Army Special Forces headquarters and Brigadier General Thomas Turner of the U.S. Army 82nd Airborne, both groups at Fort Bragg, North Carolina, and also my good friend Major General James Peake, the commanding general at Fort Sam Houston, for their warm and gracious hospitality and the courtesies that were extended to me when I visited them earlier this month.

Mr. Speaker, I am privileged to be here tonight to share with our great Nation a legacy of those Americans whose roots extend from the soils of nations in the Asia and Pacific region. Mr. Speaker, the Asian Pacific region is a dynamic area of the world where two-thirds of the world's population reside. Our Nation's trade with the Asian Pacific region is almost twice of any other region, including Europe.

I recall Senator DANIEL INOUYE of Hawaii once elaborated or illustrated our trade with the Asian Pacific region and Europe in this fashion, he once made the comment that for every one or single 747 that flies between the Atlantic and the East Coast of our Nation four 747s fly between the Asian and Pacific region to our country.

Asians, or Americans of Asian Pacific descent, over 10.5 million strong, are among the fastest growing demographic groups in the United States today. Over the last decade, the Asian Pacific American community has more than doubled and this rapid growth is expected to continue in the 21st century. By 2050 the Asian Pacific American population is projected to exceed 40 million people.

As many of my colleagues are aware, the immigrants of the Asian Pacific countries are amongst the newest wave to arrive in the United States in recent years. However, they are merely the latest chapter in a long history of Asian Pacific Americans in our Nation.

During this time of celebration, Mr. Speaker, it is only fitting that we honor our fellow citizens of Asian Pacific descent both from the past and the present that have blessed and enriched our Nation. I submit that Asian

Pacific Americans have certainly been an asset to our country's development and it is most appropriate that our President and the Congress recognize these achievements by establishing a National Asian Pacific Heritage Month.

The peoples of the Asian Pacific have contributed much to America's development. For example, in the fields of sciences and in medicine nothing exemplifies this more than Time Magazine's selection a few years ago of a Chinese American as its Man of the Year, Dr. David Ho, head of the prestigious Aaron Diamond AIDS Research Center at New York University Medical School.

Dr. Ho's journey, starting as a 12-year-old immigrant from Taiwan to gracing the cover of Time Magazine, has given hope to millions of people around the world afflicted by the HIV virus. His story is a stirring testament to the significant contributions that Asian Pacific American immigrants have made to our Nation. As one of the foremost AIDS scientists in the world, Dr. Ho pioneered a treatment for the HIV infection with the usage of an anti-viral drug. This has fundamentally changed the approach of combatting AIDS, stated Time Magazine in honoring Dr. Ho. Dr. Ho's work is greatly responsible for containing the AIDS epidemic in America and today less than 1 percent of our citizens are infected.

The rest of the world is not so fortunate, Mr. Speaker. Just recently, the Clinton administration announced that global spread of AIDS has reached catastrophic dimensions that threaten to overwhelm foreign governments, ignite wars and destabilize entire regions of the world. With 16 million dead from AIDS and over 33 million infected worldwide, the AIDS crisis has spread from Africa to South Asia to the former Soviet Union and even Eastern Europe.

The global AIDS pandemic is now so serious that the National Security Council of the United Nations has declared it a national security threat even to our own nation.

Against this backdrop, Dr. Ho's medical research is increasingly front and center stage in the worldwide battle to contain this destructive disease. By restoring hope to millions of patients around the world suffering from this deadly virus, Dr. Ho is a credit to our Nation and the Asian Pacific American community.

Dr. Ho's scientific advances continue a long record of service by other Asian Pacific Americans. For example, in 1899 a Japanese immigrant arrived on the shores of this Nation. After years of study and work, this man, Dr. Hideyo Noguchi, isolated a syphilis germ leading to a cure for this deadly widespread disease.

For decades, Dr. Makio Murayama conducted vital research in the United States that laid groundwork for combat in sickle-cell anemia.

In 1973, Dr. Leo Esaki, a Japanese American, was awarded the Nobel Prize in physics for his electron tunneling theories, and in engineering few have matched the architectural masterpieces created by the genius of Chinese American I.M. Pey.

In the fields of business and commerce, the names of prominent Asian Pacific American and corporate leaders and legal scholars are too numerous to mention. One need only read our Nation's top periodicals and newspapers to document that Asian Pacific students, both in secondary schools and universities, are among the brightest minds that our Nation has produced.

For example, a recent Stanford graduate, Jerry Yang, a Taiwanese American who cofounded Yahoo, the Internet directory, Yang's Internet company recorded $588 million in sales last year and is valued at over $11 billion today.

Just last week, Mr. Speaker, USA Today announced its top 20 high school students around the Nation, and among the 20 top students that was announced by USA Today, Mr. Speaker, 13 were Asian Pacific Americans.

In the entertainment fields in sports, American martial arts expert Bruce Lee captivated the movie audiences of this Nation destroying the stereotype of that passive, quiet Asian American male.

Worldclass conductor Seiji Ozawa has led the San Francisco and Boston Symphony Orchestras through brilliant performances over the years.

Mr. Speaker, a native Hawaiian by the name of Duke Kahanamoku shocked the world by winning the Olympic Gold Medal for our Nation in swimming 7 decades ago; followed by Dr. Sammy Lee, a Korean American who won the Olympic Gold Medal in high diving.

Then there was Tommy Kono, a Japanese American from the State of Hawaii, also a Gold Olympic Medalist in weightlifting and, yes, perhaps the greatest Olympic high diver ever known to the world, a Samoan Greek American by the name of Greg Louganis, whose record in gold medals and national championships and international tournaments will be in the books for a long, long time to come.

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There is Japanese American Kristi Yamaguichi, and Chinese-American Michelle Kwan's enthralling ice skating performances at the Winter Olympics continued the milestone achievements by Asian Pacific Americans.

In professional sports, we have Michael Chang blazing new paths in tennis, and Pacific Islanders Brian Williams and Michael Jones in world rugby, and many others.

Of course, we cannot forget the tens of dozens of Polynesian Americans, like Samoan All-Pro linebacker Junior Seau of the San Diego Chargers, and former All-Pro guard Jesse Sapolu of the San Francisco Forty-Niners, former All-Pro tackle Dan Saleaumua of the Kansas City Chiefs, and All-Pro tackle Luther Ellis of the Detroit Lions, who have made their mark as stars in the National Football League.

Yes, I am also impressed with dot you end, a Vietnamese American who won numerous college awards as a top linebacker, and will expect to play first string this year with the Dallas Cowboys.

In professional boxing, which a fast rising Samoan challenger in heavyweight professional boxer Dat Nguyen, a Vietnamese American, who is now ranked number one in the world heavyweight division by the International Boxing Federation.

USA Today just 2 days ago gave David Tua as ranking number 3 overall in the world, just ahead of Evander Holyfield and Lewis Lennox. It is expected that David Tua will be fighting for the heavyweight title sometime in November of this year.

Mr. Speaker, one of the brightest stars to emerge recently from our community is, yes, none other than Tiger Woods, a professional golfer who has identified himself not only as an African-American but as an Asian American, too, due to his mother being of Thai ancestry.

In routing the field in the Masters Tournament a few years ago, Tiger made history. He continued making history this year by winning 6 PGA golf tournaments in a row, matching the second longest winning streak in history. Before Tiger Woods' career is finished, Mr. Speaker, this American will reinvent the game of golf.

I recall when someone asked Tiger who he was or who he is in an article, he said he is part African-American, he is Native American, he is white, he is Asian American, and that makes him a pure golfer.

Another professional golfer, Mr. Speaker, we must honor is Vijay Singh, originally from the island of Fiji and is now an American resident. This Pacific Islander showed great discipline and tremendous heart in winning this year's Masters Tournament despite grueling weather conditions and competition from the world's best golfers. The win was Vijay's second major victory establishing his place certainly among golf's elite.

We also have Asian Americans who are making their mark, Mr. Speaker, in history, not in our country but even in the Far East. We have Samoan American Salevaa Atisanoe, who only weighs 578 pounds as a former sumo wrestler in Japan for 15 years; a wrestler by the name of Konishiki. He was the first foreigner in Japanese centuries-old sport to break through to the rarefied area of sumo's second-highest rank. Another Samoan/Tongan American, Leitani Peitani, known in Japan as Musashimaru, has now attained the last position in sumo wrestling known as Yokozuna, or grand champion.

Along with him is a native Hawaiian by the name of Chad Rowen, or Akebono as he is known in Japan. He has scaled even greater heights in sumo by attaining the exalted status of grand champion.

Until this Polynesian American arrived on the scene no foreigner had ever been permitted to assume this sacred position, as the Japanese associated the Yokozuna with the essence of Shinto's guardian spirits.

The ascendancy to grand champion sumo status goes to the heart of the Japanese religion and culture, and it is a tremendous achievement by this native Hawaiian and certainly a credit, a tribute to the Asian American community.

Mr. Speaker, in honoring the Asian American Americans that have served to enrich our Nation, I would be remiss as a Vietnam veteran if I do not honor the contributions of the Japanese Americans who served in the U.S. Army's 100th Batallion and 442nd Infantry Combat Group.

History speaks for itself in documenting that none have shed their blood more valiantly for America than the Japanese Americans who served in these units while fighting enemy forces in Europe during World War II.

The records of the 100th Batallion and 442nd Infantry, Mr. Speaker, are without equal. These Japanese American units suffered an unprecedented casualty rate of 314 percent and received over 18,000 individual decorations, many awarded posthumously for bravery and courage in the field of battle.

Mr. Speaker, a total of 52 Distinguished Service Crosses, 560 Silver Stars, and 9,480 Purple Hearts were awarded to the Japanese American soldiers who fought in the 100th Batallion and 442nd Infantry.

Given the tremendous sacrifice of life, however, it was highly unusual that only one Medal of Honor was given. Nonetheless, the 442nd Combat Group emerged as the most decorated group unit of its size ever in the history of the United States Army.

President Truman was so moved by their bravery in the field of battle, as well as that of the African-American soldiers and sailors who fought during World War II, that President Truman then issued an executive order to desegregate the Armed Forces.

I am proud to say that we can count Senator DANIEL K. INOUYE, a highly respected Senator, and the late Senator Spark Matsunaga of Hawaii as soldiers who distinguished themselves in battle with the 100th Batallion and 442nd Infantry.

It was while fighting in Italy that Senator INOUYE, then a young lieutenant, was shot in the abdomen and leg and had his arm shattered by a grenade while advancing alone and personally eliminating three German machine gun nests that had pinned down his platoon. The Senator lost his arm and spent 20 months recovering in Army hospitals before receiving the Distinguished Service Cross, the second highest medal for bravery awarded by our Nation.

Last week, Mr. Speaker, Secretary of the Army Lewis Caldera and the Department of Defense announced they have completed a reevaluation of the exceptional heroism displayed by the soldiers of the 100th Batallion and 442nd Infantry. As a result, I am very proud to say that next month, on June 21, in a special White House ceremony, Senator DANIEL INOUYE from Hawaii and 18 of his fellow Japanese American soldiers shall be awarded this Nation's last military decoration, the Medal of Honor.

Additionally, two other soldiers, a Filipino American and a Chinese-Hawaiian American, shall also receive Medals of Honor at the White House ceremony.

For the past 12 years, Mr. Speaker, I have been complaining about this injustice, where anti-Japanese and anti-Asian prejudice prevented these American heroes from being properly recognized. On that point, Mr. Speaker, Senator DANIEL K. AKAKA of Hawaii deserves tremendous credit and our Nation's gratitude for introducing legislation that passed in 1996 which mandated that the Pentagon review and reevaluate the courageous exploits of the soldiers of the 100th Battalion and 442nd Infantry.

Finally, the records are being changed to reflect the legendary bravery of these Asian American warriors, and finally justice is being done. It took 50 years, Mr. Speaker, and today there are only seven survivors out of the 21 Medal of Honor recipients, but this is what makes America a great Nation, Mr. Speaker, I submit. I am pleased to see that this injustice has been corrected.

Mr. Speaker, despite this change where we will now honor 21 Asian Pacific Americans to become recipients of our Nation's highest award in the field of battle, that of the Medal of Honor, there are complaints from some so-called experts that the only reason why we made these changes is because of political pressures, and that it is done because it was politically expedient.

I say to such criticism, they are full of baloney. What I would say is also the word Awaha, in the Hawaiian language, a bunch of hot air.

Let me share with my colleagues and with the American people, Mr. Speaker, why the U.S. Army and the Department of Defense has properly upgraded these Distinguished Service Cross recipients to the Medal of Honor.

For example, Staff Sergeant Rudolph DaVila, of Vista, California, in the Army's breakthrough from a beachhead in Anzaio, Italy, in 1943, he singlehandedly saved 130 riflemen from German machine gun fire by silencing several gun positions.

Private Barney Hajiro of Waipahu, Hawaii, charged uphill in eastern France in 1944, where he destroyed two German machine gun nests and killed two snipers, a member of the 442nd Infantry.

Private Mikio Hasemoto, Hawaii-born, killed in action December 1, 1943, in Italy, a member of the 100th Batallion.

Private Joe Hayashi of Pasadena, California, killed in action. He led attacks that took strategic hills near Tendola, Italy, a member of the 442nd.

Private Shizuya Hayashi of Pearl City, Hawaii, charged with his automatic rifle near Cerasuolo, Italy. He killed nearly 20 Germans and took four prisoners, a member of the 100th Batallion.

Second Lieutenant DANIEL INOUYE, now a United States Senator, April, 1945, he destroyed three German machine gun positions, staying on the field to direct his troops, after his right arm was shattered by an enemy grenade, a member of the 442nd Infantry.

Tech. Sergeant Yeiki Kobashigawa of Waianae, near Lanuvio, Italy, where he had a companion, destroyed two German machine gun defense emplacements, a member of the 100th Battalion.

Staff Sergeant Robert Kuroda, a medal awarded posthumously, killed in action in October, 1944, a member of the 442nd Infantry.

Private First Class Kaoru Moto of Makawao, Maui, who died in 1992. Alone, he wiped out a machine gun nest and later crawled 100 yards under fire to capture prisoners, a member of the 100th.

Private First Class Kiyoshi Muranaga, killed in action. His mortar fire forced the Germans to withdraw an 88 millimeter Howitzer threatening his platoon. A shell from a German gun killed him. a member of the 442nd Infantry.

Private Masato Nakae, Hawaii. He died in 1998. When his submachine gun was damaged, he picked up a wounded comrade's rifle to hold off the advancing enemy with rifle grenades. Also throwing hand grenades, he forced an enemy retreat; a member of the 100th Batallion.

Private Shinyei Nakamine of Hawaii, killed in action, age 24, while attacking machine gun nests, a member of the 100th.

Private First Class William Nakamura, killed by a sniper in 1944 in Italy during a bitter firefight in which he pinned down German gunmen to allow his platoon to withdraw, member of the 442nd Infantry.

Private First Class Joe Nishimoto of Fresno, California, killed in action 8 days after the heroism in France for which he is honored. Fiercely attacking alone he forced enemy withdrawal and broke a 3-day stalemate; member of the 442nd Infantry.

Sergeant Alan Ohata of Hawaii, died in 1977. Eight days off the ship, he and a companion advanced through fire and killed at least 51 attacking Germans; a member of the 100th Battalion;.

Tech Sergeant Yukio Okutsu from Hilo, Hawaii, destroyed two machine gun nests, captured a third at Mount Belvedere in Italy; a bullet bounced off his helmet; member of the 442nd Infantry.

Private First Class Frank Ono who died in 1980. In 1944 in Italy he silenced a machine gun, killed a sniper, defended a position with hand grenades, and helped rescue his wounded platoon leader; a member of the 442nd Infantry.

Sergeant Kazuo Otani of Rivers, Arizona, killed in action, multiple acts of bravery while his platoon was pinned down in an open field; a member of the 442nd.

Private George Sakato of Denver, Colorado. His squad was pinned down in France. He led a charge that destroyed a stronghold; a member of the 442nd Infantry.

Tech Sergeant Ted Tanouye, killed in action 2 months after his arrival in Italy. He led men to capture a hill, refused aid for a wound, then led a long-odds night attack to break a 2-day German resistance, member of the 442nd.

And there was Captain Francis Wai, posthumously awarded for his actions of bravery in the fight for freedom in the Philippines.

Mr. Speaker, I do not consider these acts of heroism as politically expedient.

Mr. Speaker, I include these two articles as part of the RECORD, these newspaper articles.

The articles referred to are as follows:

[From the USA Today, May 12, 2000]

### 21 ON MEDAL OF HONOR LIST

(By Martin Kasindorf)

President Clinton yesterday upgraded the World War II decorations of 21 Asian-American heroes to the coveted Medal of Honor, including at least 10 men from Hawaii.

For ethnic groups whose fighting ability and even patriotism were once doubted by the nation's leaders, the action 55 years after the war is the final stamp of commendation.

Clinton signed documents accepting Pentagon recommendations of higher honors for men who had received the Army's second-highest medal, the Distinguished Service Cross. Seven are still living. Eleven were killed in action.

Nineteen names on the list are those of Japanese Americans who fought in Europe with the racially segregated 442nd Regimental Combat Team or 100th Infantry Battalion. Among those receiving the medal: U.S. Sen. Daniel Inouye, D-Hawaii, 75, who lost his right arm in battle as a platoon leader with the 442nd in Italy.

Another medal recipient, Francis Wai, an infantry captain, was of Chinese and Hawaiian ancestry. A UCLA football star before the war, Wai was killed during Gen. Douglas MacArthur's 1944 liberation of the Philippine island of Leyte.

Recipient Rudolph Davila, 84, of Vista, Calif., is of Filipino and Spanish ancestry.

Presentation of the medals at an outdoor White House ceremony on June 21 will bring to 462 the number of Medals of Honor awarded for the highest gallantry in World War II, in which 15 million Americans served in uniform. Only two fighting men of Asian or Pacific island ancestry, Army Pvt. Sadao Munemori and Sgt. Jose Calugas of the Philippine Scouts, previously had received the blue-ribboned medal for that conflict.

Asian-American veterans say the additional Medals of Honor validate a long drive for justice. Suspecting that wartime prejudice had limited their recognition, veterans of the 442nd and 100th persuaded U.S. Sen. Daniel Akaka, D-Hawaii, to sponsor 1996 legislation that ordered a Pentagon search for Medal of Honor candidates among Asian Americans and Pacific islanders.

The law was patterned on an Army study that led to the 1997 award of Medals of Honor to seven black World War II soldiers. No blacks had won the medal during the war because of a biased "racial climate," the Army admitted.

At least four of the Asian Americans named yesterday to receive the Medal of Honor were originally recommended for it by their commanders. They got the Distinguished Service Cross instead.

The Asian-American medal study provoked controversy. When Army historian James McNaughton described the project in 1998 to the Legion of Valor, a group whose members earned the Medal of Honor, Distinguished Service Cross, Navy Cross and Air Force Cross, he was beset with protests about race-based "political correctness."

Former Legion of Valor President Mike Gilroy now says: "I think there probably would be a concern about it being a politically motivated thing, but it needs to be done."

The citations of those being upgraded speak of astonishing acts of courage: enemy machine guns and tanks silenced by men who charged at point-blank range; wounded comrades carried to safety through galling fire.

#### HARD TO BELIEVE

The living recipients, making no claims of past discrimination, were quietly delighted when aides to Army Secretary Louis Caldera phoned them with the news.

"It was hard to believe it," Shizuya Hayashi, 82, of Pearl City said. "During the war, we didn't think about medals. We just wanted to do our job. I was surprised they gave us medals."

Under Akaka's bill, the Army reconsidered 104 Asian Americans and Pacific islanders who had won the Distinguished Service Cross. The Navy reopened the files of the single Asian American who had won its equivalent medal, the Navy Cross. A Navy decorations board ruled that Cmdr. Gordon Chunghoon didn't merit higher commendation.

Historians at the Army's Presidio of Monterey in California unearthed the old citations of 47 Japanese Americans, one Korean American, one Hawaiian-Chinese America, 54 Filipinos and one Filipino American. Davila, who served in the Third Army in Europe, is the lone Filipino American.

Army lawyers determined that 23 Filipinos who got the Distinguished Service Cross from MacArthur were ineligible by law for the Medal of Honor. They had served in the Philippine Army or constabulary, not the U.S. Army.

But 25 Philippine Scouts, attached to the U.S. Army, were considered for the top-ranking medal. None were recommended for it by the Army's three reviewing boards of senior generals, headed by Gen. Eric Shinseki before he became Army chief of staff in June.

#### HEAVILY DECORATED UNITS

Their dominant share of the new Medals of Honor won't surprise wartime admirers of the 442nd Regimental Combat Team and the 100th Infantry Battalion.

After months of initial suspicion by military leaders, political lobbing by Japanese Americans in Hawaii won the community's young men the right to serve in 1942. The 1,300-member 100th and later the 4,500-member 442nd were organized in Hawaii and fought in France and Italy.

One-third of the units' enlistees volunteered from Mainland relocation camps where 110,000 Japanese Americans had been interned by presidential order. At least four of those named yesterday for the Medal of Honor left the camps to go to war.

The Asian-American units, which were commanded by whites, were thrown into the thickest fighting. Casualties were heavy. Their loss of 650 men killed and 8,836 wounded marked the highest casualty percentage among Army formations.

At the same time, the 442nd and 100th were the most decorated units of their sizes in Army history. A partial medal count, updated yesterday: 20 Medals of honor, 48 distinguished Service Crosses, 560 Silver Stars, 4,000 Bronze Stars, 9,468 Purple Hearts.

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[From the Honolulu Advertiser, May 12, 2000]

### PERSONAL GLORY WAS NEVER GOAL OF JAPANESE-AMERICAN SOLDIERS

(By Mike Gordon)

They fought for their country. They fought for the honor of Americans of Japanese ancestry. And they fought to win World War II and come home alive.

They never fought for medals.

But now the bravery of the 442nd Regimental Combat Team and the 100th Infantry Battalion will be rewarded with the Medal of Honor, decades after their battles became the stuff of Army legend.

Now 19 more will forever be tied to the nation's highest honor.

Shizuya Hayashi is 82, and the words and the memories of that long-ago war come in fits and spurts. But in 1943, in Italy, the young private charged a German position and killed 20 enemy soldiers. He also took four prisoners.

Next month the Pearl City resident will be at the White House for the special ceremony. He'll meet a president who wasn't born until after the war.

"It's kind of surprising," he said. "A lot of other boys deserve it, but they're not here. Those days, we didn't think about medals. You were there to do a job. It was something you had to do.

Barney Hajiro fought, too. He helped to rescue the Lost Battalion, a Texas unit trapped behind enemy lines. He was wounded three times.

On Tuesday, he got a telephone call from Washington, informing him of the medal.

"I was thinking a long time ago about this," Hajiro said yesterday. "They turned me down, so I didn't care. Then it came up again, and I said I would accept it for my buddies who died in the war, not for myself."

U.S. Sen. Daniel Inouye also is one of the recipients. Inouye lost an arm during the war.

"I am deeply grateful to my nation for this extraordinary award," he said. "The making of a man involves many mentors. If I did well, much of the credit should go to my parents and the gallant men of my platoon. This is their medal. I will receive it on their behalf."

Ed Ichiyama, a veteran of the 442nd and one of those who researched old military documents to support the awards, said yesterday that he feels like a new father. He is 76.

"The AJAs left a legacy of valor, loyalty and self-sacrifice," he said. "We like to think we opened the door of opportunity slightly for succeeding generations."

He, too, plans to be in Washington for the ceremony, proud to honor his comrades living and dead.

"To think these guys, in spite of their fear, did what they did, is simply awesome," Ichiyama said, "I don't know how they generated the courage to do what they did."

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[From the Honolulu Advertiser, May 12, 2000]

## MEDAL OF HONOR'S ROSTER OF WARTIME VALOR

These are the World War II winners of the Distinguished Service Cross who were upgraded to the Medal of Honor by President Clinton. In some instances, a more detailed summary of actions was not available. Members of the 442nd Regimental Combat Team or 100th Infantry Battalion are noted.

Staff Sgt. Rudolph Davila, 84, of Vista, Calif. In the Army's breakout from a beachhead on Anzio, Italy, in 1943, he singlehandedly saved 130 rifleman from German machine-gun fire by silencing several gun positions.

Pvt. Barney Hajiro, 82, of Waipahu. Charging uphill in eastern France in 1944, he destroyed two German machine-gun nests and killed two snipers. 442nd.

Pvt. Mikio Hasemoto, Hawaii-born, killed in action Dec. 1, 1943, at Cerasuolo, Italy. 100th

Pvt. Joe Hayashi, of Pasadena, Calif., killed in action April 22, 1945. He led attacks that took strategic hills near Tendola, Italy. 442nd.

Pvt. Shizuya Hayaski, 82, of Pearl City. In a charge with his automatic rifle near Cerasuolo, Italy, in 1943, he killed nearly 20 Germans and took four prisoners. 100th.

2nd Lt. Daniel Inouye, 75, now a U.S. senator. In April 1945 he destroyed three German machine-gun positions, staying on the field to direct his troops after his right arm was shattered by an enemy grenade. 442nd.

Tech. Sgt. Yieki Kobashigawa, 82, of Waianae. Near Lanuvio, Italy, on June 2, 1944, he and a companion destroyed two German machine-gun defense emplacements. 100th.

Staff Sgt. Robert Kuroda, medal awarded posthumously for actions on Oct. 20, 1944, at Bruyeres, France. 442nd.

Pfc. Kaoru Moto, of Makawao, Maui, who died in 1992. Alone, we wiped out a machine-gun nest and later crawled 100 yards under fire to capture prisoners. 100th.

Pfc. Kiyoshi Muranaga, killed in action June 26, 1944. His mortar fire forced the Germans to withdraw an 88mm howitzer threatening his platoon. A shell from the German gun killed him. 442nd.

Pvt. Masato Nakae, Hawaii. He died in 1998. When his submachine gun was damaged, he picked a wounded comrade's rifle to hold off the advancing enemy with rifle grenades. Also throwing hand grenades, he forced an enemy retreat. 100th.

Pvt. Shinyei Nakamine, of Waianae. Killed in action June 2, 1944, at age 24, while attacking machine-gun nests. 100th.

Pfc. William Nakamura, killed by a sniper on July 4, 1944, at Castellina, Italy, during a bitter firefight in which he pinned down German gunmen to allow his platoon to withdraw. 442nd.

Pfc. Joe Nishimoto, of Fresno, Calif., killed in action eight days after the heroism of La Houssiere, France, for which he is honored. Fiercely attacking alone, he forced enemy withdrawal and broke a three-day stalemate. 442nd

Sgt. Alan Ohata, of Hawaii. He died in 1977. Eight days off the ship to Europe, he and a companion advanced through fire and killed at least 51 attacking Germans. 100th.

Tech. Sgt. Yukio Okutsu, Hilo. He destroyed two machine-gun nests and captured a third at Mount Belvedere, Italy, in April 1945, A bullet bounced off his helmet. 442nd.

Pfc. Frank Ono, who died in 1980. On July 4, 1944, in Castellina. Italy, he silenced a machine gun, killed a sniper, defended a position with hand grenades and helped rescue his wounded platoon leader. 442nd.

Sgt. Kazuo Otani, of Rivers, Ariz, killed in action July 15, 1944, near Pieve di Santa Luce, Italy. For multiple acts of bravery after his platoon was pinned down in an open field. 442nd

Pvt. George Sakota, 79, of Denver. When his squad was pinned down at Biffointaine, France, in October 1944, he led a charge that destroyed a stronghold. 442nd.

Tech. Sgt. Ted Tanouye, killed in action two months after July 1944 heroism in Italy. He led men to capture a hill, refused aid for a wound, then led a long-odds night attack to break a two-day German resistance. 442nd.

Capt. Francis Wai, posthumously, for actions at Leyte, the Philippines, Oct. 20, 1944.

Mr. Speaker, these Asian Pacific Americans paid their dues in blood to protect our Nation from its enemy. It is a shameful black mark on the history of our country when the patriotic survivors of the 100th Batallion and 442nd Infantry returned to the United States, many of these soldiers were reunited with their parents, their brothers and sisters and loved ones who were locked up behind barbed wire fences, living in concentration camps.

Members might be interested to know that our colleagues, the gentleman from California (Mr. MATSUI) and former Congressman, Mr. Mineta, were children of these concentration camps.

The wholesale and arbitrary abolishment of the constitutional rights of these hypothetical Japanese Americans will forever serve as a reminder and testament that this must never be allowed to occur again, Mr. Speaker.

When this miscarriage of justice unfolded in World War II, Americans of German and Italian ancestry were not similarly jailed en masse. Some declare the incident as an example of outright racism and bigotry in its ugliest form.

After viewing the Holocaust Museum recently in Washington, Mr. Speaker, I understand better why the genocide of some 6 million Jews has prompted the cry, never again, never again. Likewise, I sincerely hope that the mass internments on the basis of race will never again darken the history of this great Nation.

Mr. Speaker, to those that say, well, that occurred decades ago, I say, we must continue to be vigilant in guarding against such evil today.

Not long ago we had the case of Bruce Yamashita, a Japanese American from Hawaii who was discharged from Marine Corps officer training program in an ugly display of racial rescission. His superiors taunted him with ethnic slurs and told him, "We don't want your kind around here. Go back to your own country."

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The situation was made worse by the Commandant of the Marine Corps, a four star general, who appeared on television's "Sixty Minutes" and stated, "Marine officers who are minorities do not shoot, swim or use compasses as well as white officers." The Commandant later apologized for his remarks, but it was a little too late.

After years of perseverance and appeals, Mr. Yamashita was vindicated after proving that he was the target of vicious racial harassment during his officer training program. The Secretary of the Navy's investigation into whether minorities were deliberately discouraged from becoming officers resulted in Bruce Yamashita receiving his commission as a captain in the Marine Corps.

I am also greatly disturbed, Mr. Speaker, by events of recent years involving political campaign funding, where the integrity of the Asian Pacific American community has been unfairly tarnished in the media for political contribution transgressions of a few.

I find this racial scapegoating to be repugnant and morally objectionable. At least I find this quite objectionable, Mr. Speaker. Playing up fears of the Asian connection serves to alienate the Asian Pacific Americans from participating in our political process. Moreover, this negative reporting acts to marginalize Asian Pacific American political empowerment at a time when we are coming of age in American politics.

Perhaps these attacks are a convenient way to ostracize a growing American political force. When mainstream Americans raise money for political purposes, it is called gaining political power; but when Asian Pacific Americans begin to participate, we are accused of being foreigners trying to infiltrate the mainstream of our Nation's political system. On this note, Mr. Speaker, remember the Oklahoma City bombing incident? Americans of Arab descent or Arab Americans were immediately targeted and investigated as terrorists by local and Federal law enforcement agencies. Mr. Speaker, I submit it is wrong, and this type of negative stereotyping must not continue.

This is nothing new, Mr. Speaker. One need only look at the history of this country to see that scapegoating of Asian Pacific Americans as foreigners has been used as an excuse to burn down Asian Pacific communities in the 1880s and deny Asian Pacific Americans the right to own land, marry our own kind, and practice many professions in the early 1900s.

Today, in a time of heightened tension between the United States and the People's Republic of China, many Asian Pacific Americans question whether the same issue of racial scapegoating are being raised again in the case of Taiwanese American scientists Wen-ho Lee. As my colleagues may know, Mr. Speaker, Dr. Lee is the target of a heavy-handed Federal prosecution for the alleged crime of mishandling classified materials while working in Los Alamos National Lab. After 3 years, Mr. Speaker, after a 3-year FBI investigation, however, there is no evidence that Dr. Lee disclosed classified information, and he, in fact, has not been charged with espionage.

While Dr. Lee is in jail in manacles and held in solitary confinement, former CIA Director John Deutsch, who similarly mishandled classified materials by accessing files through an unsecured home computer connected to the Internet, was left off with a slap of the wrist.

Mr. Speaker, the double standard and selective prosecution has not gone unnoticed. Asian Pacific American researchers employed at the U.S. National Labs report that they work in a climate of fear and paranoia. As one Taiwanese American scientist stated, "They want us to be Americans and work in their defense labs, but they never treat us as Americans. They always treat us like foreigners, like Chinese."

Mr. Speaker, incidents like these sadden me. To protect America's greatness, we should all be sensitive to the fact that full acceptance of and democratic participation by people of all races and backgrounds, including Asian Pacific Americans, is crucial to our Nation's health and vitality.

I think the cases of Dr. Bruce Yamashita and Dr. Wen-ho Lee, and the hysteria surrounding Asian Pacific American contributions, bear implications, not just for the military, the government, and the media, but for our society as a whole. It asks the question, how long do we have to endure the attitude of those who consider Asian Pacific Americans and other minorities as lesser Americans?

I applaud Dr. Yamashita and others like him who have spoken out to ensure that racial discrimination is not tolerated. During this month as we recognize the diverse experiences and contributions of the Asian Pacific American community to our great Nation, I hope that we all take inspiration from them.

When I envision America, Mr. Speaker, I do not see a melting pot designed to reduce and remove racial differences. The America I see is a brilliant rainbow, a rainbow of ethnicities and cultures, with each people proudly contributing in their own distinctive and unique way.

I submit, Mr. Speaker, I did not have to be categorized as a Pacific Island American or Chinese American or Asian American or black American. I do not hear anybody calling themselves French Americans or British Americans or European Americans.

Asian Pacific Americans wish to find a just and equitable place in our society that will allow them, like all Americans, to grow, to succeed, to achieve, and to contribute to the advancement of this great Nation.

Mr. Speaker, I would like to close my remarks this evening by asking, what is America all about? What is this great Nation all about? I think it could not have been said better than on the steps of the Lincoln Memorial on that summer day in 1963 when a black minister by the name of Dr. Martin Luther King, Jr., said, "I have a dream. My dream is that one day my children will be judged, not by the color of their skin, but by the content of their character."

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BARRETT of Wisconsin (at the request of Mr. GEPHARDT) for today, on account of personal business.

Mr. BECERRA (at the request of Mr. GEPHARDT) for today, on account of official business.

Mr. ABERCROMBIE (at the request of Mr. GEPHARDT) for today, on account of personal reasons.

Ms. BERKLEY (at the request of Mr. GEPHARDT) for today, on account of an airline cancellation.

Mr. MCNULTY (at the request of Mr. GEPHARDT) for today and Tuesday, May 16, on account of attending the state convention.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of personal reasons.

Mr. UNDERWOOD (at the request of Mr. GEPHARDT) for today and Tuesday, May 16, on account of official business.

Mr. VENTO (at the request of Mr. GEPHARDT) for today, on account of health reasons.

Mrs. CHENOWETH-HAGE (at the request of Mr. ARMEY) for today, on account of travel delays.

Mr. ENGLISH (at the request of Mr. ARMEY) for today, on account of transportation problems in getting back to Washington, DC.

Mr. LUCAS of Oklahoma (at the request of Mr. ARMEY) for today, on account of illness in the family.

Mr. SCHAFFER (at the request of Mr. ARMEY) for today, on account of official business.

Mrs. WILSON (at the request of Mr. ARMEY) for today, on account of official business.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. TAUSCHER) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. COMBEST, for 5 minutes, on May 16.

Mr. SIMPSON, for 5 minutes, on May 16.

Mr. WALDEN of Oregon, for 5 minutes, on May 16.

## BILL PRESENTED TO THE PRESIDENT

**Mr. THOMAS**, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On Thursday, May 11, 2000:

H.R. 2412. To designate the Federal building and United States courthouse located at 1300 South Harrison Street in Fort Wayne, Indiana, as the "E. Ross Adair Federal Building and United States Courthouse.

## ADJOURNMENT

**Mr. FALEOMAVAEGA.** Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 07 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 16, 2000, at 9 a.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7574. A letter from the Regulatory Liaison, Grain Inspection, Packers and Stockyards

Administration, Department of Agriculture, transmitting the Department's final rule—Regulations Issued under the Packers and Stockyards Act (RIN: 0580–AA64) received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7575. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Decreased Assessment Rate [Docket No. FVOO–985–4 IFR] received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7576. A letter from the Assistant, Board of Governors of the Federal Reserve System, transmitting the Board's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R–1053] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7577. A letter from the Director, Financial Crimes Enforcement Network, Department of the Treasury, transmitting the Department's final rule—Financial Crimes Enforcement Network; Amendments to the Bank Secrecy Act Regulations-Requirement that Money Transmitters and Money Order and Traveler's Check Issuers, Sellers, and Redeemers Report Suspicious Transactions (RIN: 1506–AA20) received March 16, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7578. A letter from the General Counsel, Federal Emergency Management, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7579. A letter from the Associate Bureau Chief, Wireless Telecommunications Bureau, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 3(n) and 332 of the Communications Act [GN Docket No. 93–252] Regulatory Treartment of Mobile Services; Amendment of Part 90 of the Commission's Rules to Facilitate Future Development of SMR Systems in the 800 MHz Frequency Band [PR Docket No. 93–144] Amendment of Parts 2 and 90 of the Commission's Rules to Provide for the Use of 200 Channels Outside the Designated Filing Areas in the 896–901 MHz Band Allotted to the Specialized Mobile Radio Pool [PR Docket No. 89–553] Received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7580. A letter from the Deputy Secretary, Division of Investment Management; Division of Corporation Finance, Securities and Exchange Commission, transmitting the Commission's final rule—Rulemaking for EDGAR System [Release Nos. 33–7855; 34–42712; 35–27172; 39–2384; IC–24400 File No. S7–05–00] (RIN: 3235–AH79) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7581. A communication from the President of the United States, transmitting notification that on May 12, a U.S. C–17 aircraft is scheduled to deliver urgently required ammunition and other supplies and equipment to Sierra Leone for the Jordanian contingent in UNAMSIL; (H. Doc. No. 106—236); to the Committee on International Relations and ordered to be printed.

7582. A communication from the President of the United States, transmitting a report to the Congress on Chemical and Biological Weapons Defense, submitted pursuant to Condition 11(F) of the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and the Use of Chemical Weapons and on Their Destruction, adopted by the United States Senate on April 24, 1997; to the Committee on International Relations.

7583. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Recent Inspection of Community Correctional Center No. 4 Confirms Overcrowded Condition and Building Code Violations," pursuant to D.C. Code section 47–117(d); to the Committee on Government Reform.

7584. A letter from the Chairman, Advisory Council on Historic Preservation, transmitting the Council's fiscal year 1999 annual report, pursuant to 16 U.S.C. 470(b); to the Committee on Government Reform.

7585. A letter from the Administrator and Chief Executive Officer, Department of Energy, transmitting the 1999 Annual Report of the Bonneville Power Administration, pursuant to 31 U.S.C. 9106; to the Committee on Government Reform.

7586. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2001 Performance Plan and the FY 1999 Annual Performance Report; to the Committee on Government Reform.

7587. A letter from the Director, Office of Management and Budget, Executive Office of the President, transmitting the FY 2001 Annual Performance Plan and FY 1999 Performance Evaluation Report; to the Committee on Government Reform.

7588. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting the annual report to Congress on the operations of the Export-Import Bank of the United States for Fiscal Year 1999, pursuant to 12 U.S.C. 635g(a); to the Committee on Government Reform.

7589. A letter from the Chairman, Federal Energy Regulatory Commission, transmitting the Annual Performance Report for Fiscal Year 1999 and the 2000 State of the Markets Report; to the Committee on Government Reform.

7590. A letter from the Chairman, Federal Mine Safety and Health Review Commission, transmitting the Annual Performance Plan for FY 2001 and the Program Report for FY 1999 for the Federal Mine Safety and Health Review Commission, as required by the Government Performance and Results Act; to the Committee on Government Reform.

7591. A letter from the Chairman, International Trade Commission, transmitting the Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7592. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Circular 97–17; Introduction—received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7593. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Utilization of Indian Organizations and Indian-Owned Economic Enterprises [FAC 97–17; FAR Case 1999–301 (99–301); Item IV] (RIN: 9000–AI52) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7594. A letter from the Acting Deputy Associate Administratior, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Caribbean Basin Trade Initiative [FAC 97–17; FAR Case 2000–003; Item III] (RIN: 9000–AI73) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7595. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Determination of Price Reasonableness and Commerciality [FAC 97–17; FAR Case 1998–300 (98–300); Item II] (RIN: 9000–AI45) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7596. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Aeronautics and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Competition under Multiple Award Contracts [FAC 97–17; FAR Case 1999–014; Item I] (RIN: 9000–AI53) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7597. A letter from the Acting Deputy Associate Administrator, Office of Acquisition Policy, GSA, National Air and Space Administration, transmitting the Administration's final rule—Federal Acquisition Regulation; Ocean Transportation by U.S.—Flag Vessels [FAC 97–17; FAR Case 1998–604 (98–604); Item V] (RIN: 9000–AI39) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7598. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the Commission's Fiscal Year 1999 Accountability Report and the Inspector General's Fiscal Year 1999 Performance Report, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

7599. A letter from the Director, Office of Federal Housing Enterprise Oversight, transmitting the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7600. A letter from the Secretary of Congress, transmitting the FY 1999 Annual Program Performance Report and the FY 2001 Annual Performance Plan; to the Committee on Government Reform.

7601. A letter from the Secretary of Veterans Affairs, transmitting the Annual Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7602. A letter from the Director, Selective Service System, transmitting the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7603. A letter from the Under Secretary, SMITHsonian Institution, transmitting the FY 1999 Performance Report; to the Committee on Government Reform.

7604. A letter from the Congressional Members and Presidential Members, U.S. Census Monitoring Board, transmitting a report of the U.S. Census Monitoring Board; to the Committee on Government Reform.

7605. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Threatened Status for the Santa Ana Sucker (RIN: 1018–AF34) received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7606. A letter from the Assistant Administrator for Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic Mackerel, Squid, and Butterfish Fisheries, 2000 Specifications [Docket No. 99128354–0078–02; I.D. No. 111299C] (RIN: 0648–AM49) received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7607. A letter from the Assistant Attorney General, Department of Justice, transmitting the report of the Institute on its activities under Title I of the Omnibus Crime Control and Safe Streets Act for 1998, pursuant to 42 U.S.C. 3766b; to the Committee on the Judiciary.

7608. A letter from the Director, Policy Directes and Instructions Branch, Immigration and Naturalization Service, Department of Justice, transmitting the Department's final rule—Adjustment of Status for Certain Polish and Hungarian Parolees [INS No. 1825–97] (RIN: 1115–AE25) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7609. A letter from the Chief, Regulatory Branch Operations Division, Directorate of Civil Works, Department of the Army, transmitting the Department's final rule—Establishing an Administrative Appeal Process for the Regulatory Program of the Corps of Engineers—received April 6, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7610. A letter from the Deputy Administrator, General Services Administration, transmitting a copy of a building project survey, pursuant to 40 U.S.C. 610(b); to the Committee on Transportation and Infrastructure.

7611. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Medical, dental, etc., expenses [Rev. Ruling: 2000–24] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7612. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low Income Housing Credit—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7613. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Weighted Average Interest Rate Update [Notice 2000–25] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7614. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Delay in finalizing proposed regulations regarding last known address [Announcement 2000–49] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7615. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief From Disqualification for Plans Accepting Rollovers [TD 8880] (RIN: 1545–AU46) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7616. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Alternative Minimum Tax for Individuals—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7617. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Child Care Providers—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7618. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Garden Supplies—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7619. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7620. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Nonconventional Source Fuel Credit/Inflantation Adjustment Factor/Reference Price for Calendar Year 1999 [Notice 2000–23] received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7621. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for Federal Fiscal Year (FY) 2001, pursuant to Public Law 101—508, section 4002(g)(1)(B) (104 Stat. 1388—36); to the Committee on Ways and Means.

7622. A letter from the Lieutenant General, Director, Defense Security Cooperation Agency, transmitting a report authorizing the transfer of defense articles and services to Bosnia-Herzegovina; jointly to the Committees on International Relations and Appropriations.

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## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

*[Submitted May 12, 2000]*

Mr. BLILEY: Committee on Commerce H.R. 1291. A bill to prohibit the imposition of access charges on Internet service providers, and for other purposes; with an amendment (Rept. 106–615). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on Armed Service. H.R. 4205. A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes; with amendments (Rept. 106–616). Referred to the Committee of the Whole House on the State of the Union.

*[Submitted May 15, 2000]*

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–617). Referred to the Committee of the Whole House on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 502. Resolution providing for consideration of the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–618). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ARCHER (for himself, Mr. Crane, Mr. Matsui, and Mr. Tanner) (all by request):

H.R. 4444. A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; to the Committee on Ways and Means.

By Mr. TAUZIN (for himself, Mr. Dingell, Mr. Bliley, and Mr. Boucher):

H.R. 4445. A bill to exempt from reciprocal compensation requirements telecommunications traffic to the Internet; to the Committee on Commerce.

By Mr. BARTON of Texas (for himself and Mr. Boucher):

H.R. 4446. A bill to ensure that the Secretary of Energy may continue to exercise certain authorities under the Price-Anderson Act through the Assistant Secretary of Energy for Environment, Safety, and Health; to the Committee on Commerce.

By Mr. CUMMINGS:

H.R. 4447. A bill to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS:

H.R. 4448. A bill to designate the facility of the United States Postal Service located at 3500 Dolfield Avenue in Baltimore, Maryland, as the "Judge Robert Bernard Watts, Sr. Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS:

H.R. 4449. A bill to designate the facility of the United States Postal Service located at 1908 North Ellamont Street in Baltimore, Maryland, as the "Dr. Flossie McClain Dedmond Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS:

H.R. 4450. A bill to designate the facility of the United States Postal Service located at 900 East Fayette Street in Baltimore, Maryland, as the "Judge Harry Augustus Cole Post Office Building"; to the Committee on Government Reform.

By Mr. CUMMINGS:

H.R. 4451. A bill to designate the facility of the United States Postal Service located at 1001 Frederick Road in Baltimore, Maryland, as the "Frederick L. Dewberry, Jr. Post Office Building"; to the Committee on Government Reform.

By Mr. DICKS (for himself, Mr. Skeen, and Mr. Udall of New Mexico):

H.R. 4452. A bill making emergency supplemental appropriations for wildland fire management for fiscal year 2000; to the Committee on Appropriations.

By Mr. McGOVERN (for himself, Mr. Porter, and Mrs. Morella):

H.R. 4453. A bill to encourage the establishment of a United Nations Rapid Deployment Police and Security Force; to the Committee on International Relations.

By Mr. PORTER (for himself and Mr. Bereuter):

H.R. 4454. A bill to authorize appropriations to expand and enhance United States international broadcasting operations around the world, specifically enhancing the depth and scope of programming thoughout the People's Republic of China; to the Committee on International Relations.

By Ms. SCHAKOWSKY:

H.R. 4455. A bill to require providers of electronic mailboxes to provide forwarding addresses; to the Committee on Commerce.

By Ms. STABENOW:

H.R. 4456. A bill to establish or expand existing community prosecution programs for gun-related crimes; to the Committee on the Judiciary.

By Mr. TERRY (for himself, Mr. BEREUTER, and Mr. BARRETT): of Nebraska

H.R. 4457. A bill to redesignate the facility of the United States Postal Service located at 2221 North 24th Street in Omaha, Nebraska, as the "Reverend J.C. Wade Post Office"; to the Committee on Government Reform.

By Mr. TERRY (for himself and Mr. MANZULLO):

H.R. 4458. A bill to amend title 13, United States Code, to limit the information that may be requested on decennial census questionnaires; to the Committee on Government Reform.

By Mrs. WILSON (for herself and Mr. UDALL of New Mexico):

H. Con. Res. 326. Concurrent resolution expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico; to the Committee on Resources.

By Mr. RAMSTAD (for himself and Mr. STUPAK):

H. Res. 501. A resolution expressing the sense of the House of Representatives regarding the Nation's law enforcement officers; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. BLUMENAUER introduced a bill (H.R. 4459) to liquidate certain U.S. Customs Service duty drawback claims as filed; which was referred to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 65: Mr. DIAZ-BALART and Mr. WOLF.

H.R. 82: Mr. LIPINSKI and Mrs. MEEK of Florida.

H.R. 207: Mr. DAVIS of Virginia and Mr. FORD.

H.R. 229: Mr. LaFALCE.

H.R. 230: Mr. BERRY, Mr. TURNER, Mr. CUMMINGS, Mr. SAWYER, and Mr. JEFFERSON.

H.R. 303: Mrs. CHRISTENSEN, Mr. ROTHMAN, Mr. MATSUI, Mr. WEYGAND, and Mr. WOLF.

H.R. 329: Mr. BONIOR and Mr. LEACH.

H.R. 783: Mr. FOLEY.

H.R. 1102: Mrs. CUBIN and Mr. WELDON of Florida.

H.R. 1168: Mr. BILIRAKIS, Mr. LEACH, and Mr. ROMERO-BARCELO.

H.R. 1217: Mr. POMEROY and Mr. McINTOSH.

H.R. 1304: Mr. STRICKLAND and Mr. COYNE.

H.R. 1310: Mr. GREEN of Wisconsin.

H.R. 1347: Mr. EDWARDS.

H.R. 1592: Mr. SHUSTER.

H.R. 1686: Mr. DOOLITTLE.

H.R. 1689: Ms. DeLAURO.

H.R. 1732: Mr. SAXTON.

H.R. 1824: Mr. BROWN of Ohio.

H.R. 2233: Mr. SPENCE.

H.R. 2308: Mr. SHAW.

H.R. 2321: Mr. HINCHEY.

H.R. 2571: Mr. GREEN of Wisconsin.

H.R. 2581: Ms. CARSON, Mrs. THURMAN, and Mr. KILDEE.

H.R. 2749: Mr. FRANKS of New Jersey and Mr. FROST.

H.R. 2894: Mr. WAMP.

H.R. 2969: Ms. ESHOO.

H.R. 3004: Mr. McINTOSH and Mr. ANDREWS.

H.R. 3125: Mr. GEORGE MILLER of California and Mr. SHAW.

H.R. 3140: Mr. GANSKE and Mr. STARK.

H.R. 3144: Ms. LEE.

H.R. 3188: Mr. WOLF, Mr. SNYDER, Mr. SANDERS, Ms. PELOSI, Mr. SMITH of New Jersey, Ms. McKINNEY, Mr. FILNER, Mr. KUCINICH, and Mr. LANTOS.

H.R. 3193: Mr. McCOLLUM, and Mr. DAVIS of Florida.

H.R. 3202: Mr. HOLT.

H.R. 3240: Mr. KINGSTON.

H.R. 3436: Mr. HINOJOSA and Mr. LAMPSON.

H.R. 3485: Mr. GEKAS.

H.R. 3489: Mr. COBURN.

H.R. 3519: Mr. BACA.

H.R. 3544: Mr. SKEEN, Mr. OBERSTAR, Mr. DICKEY, Mr. SHAYS, Ms. DUNN, Mr. TANCREDO, Mr. RYAN of Wisconsin, Mr. McHUGH, Mr. LaFALCE, Mr. GREEN of Texas, Mr. SENSENBRENNER, Mr. VENTO, Mr. JOHN, Mr. BENTSEN, Mr. PHELPS, Mr. LEWIS of Georgia, Mr. GARY MILLER of California, Mr. BARCIA, Mr. BACA, Mr.. INSLEE, Mr. CASTLE, Mr. EHRLICH, Mr. HUTCHINSON, Mr. BOEHLERT, Mr. POMBO, Mr. THOMPSON of California, Mr. REYNOLDS, Mr. COOK, Mr. MALONEY of Connecticut, and Mr. CAMP.

H.R. 3573: Mr. BRYANT, AND MR. WEYGAND.

H.R. 3590: Mr. RADANOVICH.

H.R. 3663: Mr. CALVERT and Ms. BERKLEY.

H.R. 3688: Mr. Olver.

H.R. 3698: Mr. HORN, Ms. ROYBAL-ALLARD, Mr. SMITH of Washington, Mr. MEEHAN, Mr. BONILLA, Ms. VELÁZQUEZ, Mr. SABO, Mr. THOMPSON of California, Mr. KINGSTON, Mr. GELLEGLY, Ms. RIVERS, Mr. DOOLEY of California, Mr. HALL of Texas, and Mrs. MYRICK.

H.R. 3806: Mr. KINGSTON.

H.R. 3817: Mr. UDALL of Colorado, Mr. SCHAFFER, Mr. HEFLEY, Mr. McINNIS, and Ms. DeGETTE.

H.R. 3826: Mr. CUMMINGS, Mr. TOWNS, and Ms. SCHAKOWSKY.

H.R. 3841: Mr. FORD.

H.R. 3891: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. CAPUANO.

H.R. 3910: Mr. HAYWORTH and Mr. STUMP.

H.R. 3915: Mr. McHUGH, Mr. HALL of Ohio, Mr. MASCARA, Mr. BLUNT, Mr. ISAKSON, and Mr. FRANK of Massachusetts.

H.R. 3916: Mr. CONDIT, Mr. LIPINSKI, Mr. RODRIGUEZ, Mr. MORAN of Virginia, Mr. ROYCE, Mr. GOODLATTE, Mr. GIBBONS, Mr. RUSH, Mr. POMBO, and Mr. SHADEGG.

H.R. 4004: Mr. BERMAN, Ms. PRYCE of Ohio, Mr. BARTON of Texas, Mr. BILIRAKIS, Mr. HALL of Texas, Mr. CUNNINGHAM, Mr. WYNN, Mr. DIAZ-BALART, Mr. NEY and Mr. DEUTSCH.

H.R. 4042: Mr. WYNN.

H.R. 4057: Mr. OBERSTAR, Mr. HINCHEY, Mr. LUCAS of Oklahoma, Mr. ROTHMAN, Mr. ISAKSON, and Mr. BRADY of Pennsylvania.

H.R. 4061: Mr. GORDON, Mr. LaFALCE, and Mr. FILNER.

H.R. 4064: Mr. GORDON.

H.R. 4106: Mr. UPTON.

H.R. 4176: Mr. LUCAS of Kentucky, Mr. LUTHER, Mrs. MALONEY of New York, and Ms. MILLENDER-McDONALD.

H.R. 4184: Mrs. MORELLA.

H.R. 4196: Mr. CANNON and Mr. RADANOVICH.

H.R. 4198: Mr. STUMP.

H.R. 4201: Mr. BLUNT and Mr. MANZULLO.

H.R. 4215: Mr. UPTON.

H.R. 4249: Mr. BROWN of Ohio and Mr. MINGE.

H.R. 4357: Mr. MOAKLEY, Mr. CAPUANO, Mr. FARR of California, Mr. WEINER, Ms. ESHOO, Mr. EVANS, Mr. STARK, Mr. POMBO, Mr. SANDERS, and Mr. SERRANO.

H.R. 4373: Ms. CARSON.

H.R. 4398: Mr. WAMP, Mr. PORTMAN, Mr. TANCREDO, and Mr. JENKINS.

H. Con. Res. 286: Mr. ABERCROMBIE.

H. Con. Res. 307: Mr. CROWLEY and Mr. LANTOS.

H. Res. 155: Mrs. ROUKEMA.

H. Res. 398: Mr. COYNE, Mr. WOLF, Ms. BERKLEY, Mr. GUTIERREZ, and Ms. LEE.

H. Res. 491: Mr. WICKER, Mr. FORBES, MR. HOEKSTRA, Mr. CALLAHAN, MR. GIBBONS, Mr. FRANK of Massachusetts, Mr. NORWOOD, Mr. PICKETT, Mr. COSTELLO, Mr. McINTYRE, Mrs. THURMAN, Mr. CONDIT, Mr. GOODLING, Mr. QUINN, Mr. MASCARA, Mr. SCHAFFER, Mr. STEARNS, Mr. GARY MILLER of California, Mr. BARRETT of Nebraska, Mr. DIXON, Mrs. MYRICK, Mr. BUYER, Mr. TAYLOR of North Carolina, Mr. PORTMAN and Mr. PICKERING.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of the rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 396: Mr. SKELTON.

# EXTENSIONS OF REMARKS

## IN RECOGNITION OF NURSING HOME WEEK

### HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. HAYES. Mr. Speaker, today I recognize National Nursing Home Week and pay tribute to the health care professionals who work in nursing homes across the country. The average life span of Americans has extended over 10 years in the past century due to advancements in health care and our increased knowledge of our own well being. With more Americans living longer, our society is having to meet the needs of caring for our older citizens.

Thousands of hardworking men and women are looking for affordable, quality health care for their older friends and relatives who need additional medical attention. Nursing homes provide stable and caring environments for seniors to receive the medical attention they may need, while maintaining a community feel.

The unsung heroes of this profession are the people that work in nursing homes. These tireless dedicated professionals and volunteers form a network of caring support in our Nation's vast health care system and deserve special recognition. There is one specific nursing home in my district in North Carolina, Five Oaks Nursing Home in Concord, whose nursing staff is exceptional in their care for Five Oaks residents.

We in Congress need to fundamentally change the way health care for senior citizens is administered. Medicare, as it is structured now, will not support the millions of baby boomers who will be in need of nursing home services in the 21st century. I will continue who work for a Medicare system that will support our health care providers and will not compromise the quality of care for our seniors.

I'd like to voice my appreciation for the nursing home care givers in North Carolina and across the nation for their continued efforts to improve the quality of life for all Americans.

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## HONORING THE GLENSIDE FIRE COMPANY ON ITS 100TH ANNIVERSARY

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. HOEFFEL. Mr. Speaker, today I congratulate the Glenside Fire Company on its 100th anniversary. The town of Glenside was founded in 1888 when Philadelphians sought residential summer homes in the newly developing suburbs of Montgomery County.

Glenside was a small town of fewer than 200 inhabitants 100 years ago, but with the advent of the railroad the town began to flourish. In February 1900, W.T.B. Roberts, George D. Heist, and Frederick Smith led an initiative to create a local volunteer fire department. By March the fire company was officially founded. On May 17, 1900, the county officially granted the Glenside Fire Company a charter.

The Fire Company progressed quickly. In June 1900, the company's first foreman and assistant foreman were elected. The firefighters bought a wagon with a hose and constructed a fire alarm by striking the rim of a steam locomotive with a sledgehammer.

The Glenside Fire Company set up a temporary location near Mount Carmel Avenue and Easton Road. It was in 1901 the Weldon Hotel caught on fire and the company made its first official response. By 1907, the company established a permanent location about 100 feet away from its present location.

In the past 100 years, many dedicated people have volunteered at the Glenside Fire Company. I am proud to have such an extraordinary Fire Company in my district. This anniversary should serve as a long-standing tribute to hard work and dedication for all who have made the Glenside Fire Company the wonderful organization it is.

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## CELEBRATING THE 83RD BIRTHDAY OF YOLANDA INGRAM

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

> Whereas, Yolanda Ingram was born May 15, 1917 to Giovanni and Giovanna Marie Caiazza.
>
> Whereas, Irene married William Ingram and spent fifty-one years working for Bank One. In addition, Yolanda has spent a lifetime in dedication to her family and her community.
>
> Whereas, I ask that my colleagues join me in wishing Yolanda a wonderful 83rd birthday. I am proud to call her a constituent and a friend.

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## HONORING OFFICER STEVEN LEVY

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. ANDREWS. Mr. Speaker, today I honor the memory of fallen officer Corporal Steven Levy, 35, of the Washington Township Police Department, State of New Jersey, for his invaluable service to law enforcement and to the citizens of our nation. Officer Levy was killed in the line of duty that fatal day on October 21, 1999. This tragic incident which took Corporal Levy's life, resulted in leaving behind his loving wife, Mrs. Janeen Levy and his two small children, Kevin and Jessica.

Corporal Levy's tireless efforts to make a positive difference throughout our community is evident throughout his entire law enforcement career and life. The First Congressional District of New Jersey, the Law Enforcement Community and the citizens of our nation pay tribute to Corporal Steven Levy for his ultimate sacrifice in safeguarding others from harm and death.

On October 21, 1999, Corporal Levy was fatally wounded during a domestic standoff in Woodbury, NJ, while he served as a Washington Township Police Officer dedicated to the official duties instilled upon him by his responsibilities as a prestigious member on the Gloucester County Critical Incident Team.

During his distinguished law enforcement career, Corporal Levy was awarded numerous awards which recognized him for his standard of excellence and extraordinary accomplishments. Over the years, he was awarded six official accommodations and 16 official letters of recognition. In 1995, Corporal Levy helped rescue two young girls who fell through thin ice on a lake, and a man who fell in the water trying to retrieve the girls. To recognize Corporal Levy for his achievements and constant efforts to help others in need, the Gloucester County Police Awards Committee presented Corporal Levy with Lifesaving Awards in 1995 and 1996 and the Distinguished Service Award in 1996 and 1998.

Corporal Steven Levy's determination and courage serves as an inspiration to law enforcement officers and to the citizens of the United States of America. Corporal Levy shall be recognized by the First Congressional District of New Jersey and by the 106th Congress, as we forever remember his ultimate sacrifice—the sacrifice of his life to safeguard the lives of others. I stand along with my fellow citizens as a grateful nation to honor and recognize the life of Corporal Steven Levy.

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## HONORING THE TORRANCE ROTARY CLUB

### HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. KUYKENDALL. Mr. Speaker, today I recognize an important organization within my district, the Torrance Rotary Club. The Torrance Rotary is currently celebrating its 75th year as a valuable member of the community.

For the last 75 years, the Torrance Rotary has provided generous support to various programs throughout the community. Its members are community and professional leaders who

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

have been active in promoting the betterment of the local region. The Torrance Rotary was established in 1924 and currently has over 60 members.

The club's objectives include the development of fellowship and understanding among the business and professional leaders in Torrance. They are also active in promoting public service as well as high standards in business and professional practices. The members strive to help local charities with their time, money, and fellowship.

I congratulate the members of the Torrance Rotary on achieving this milestone. The club is a valuable part of the Torrance community. Its contributions are much appreciated. I wish the Torrance Rotary continued success.

## HONORING THE HEBREW IMMIGRANT AID SOCIETY (HIAS) AND THE COUNCIL MIGRATION SERVICE OF PHILADELPHIA ON THEIR 118TH ANNIVERSARY

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. HOEFFEL. Mr. Speaker, today I congratulate the Hebrew Immigrant Aid Society (HIAS) and the Council Migration Service of Philadelphia on their 118th (one hundred plus "chai") Anniversary. Founded in 1882 by Louis Edward Levy, HIAS and Council was the first organization of its kind in the United States.

HIAS and Council is part of a humanitarian effort of help Jews and people of other backgrounds who are fleeing from persecution. HIAS and Council helps to provide asylum and resettlement to all people who want to enter the United States. HIAS and Council works diligently to help the refugees adapt to their new environment and gain permanent residence in America.

Because of the extensive work done by HIAS and Council in the 1920's, Philadelphia became the second most active community in the country for assisting Jewish refugees fleeing from Eastern Europe.

In 1976, the U.S. Justice Department's Board of Immigration Appeals (BIA) recognized HIAS and Council as an agency authorized to practice immigration and nationality law on behalf of eligible clients. This organization is the only Jewish agency in the Philadelphia area that provides law-related refugee and immigration services. The agency services clients from over 35 countries worldwide.

I am proud to represent such an extraordinary organization as the Hebrew Immigrant Aid Society and the Council Migration Service of Philadelphia. This anniversary should serve as a long-standing tribute to hard work and dedication for all who have made HIAS and Council the wonderful organization it is.

## RECOGNIZING DR. JAMES BERTZ

### HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, Dr. James Bertz, a native of Cadiz, Ohio recently traveled to South America as part of the "Healing the Children Mission"; and,

Whereas, This is just the most recent of many such missions that Dr. Bertz has set out on to perform corrective facial surgeries on children; and,

Whereas, I ask my colleagues to join me in honoring Dr. Bertz. His dedication and commitment to helping heal children all over the world deserve recognition.

## IN HONOR OF THE 100TH ANNIVERSARY OF LOYOLA SCHOOL

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to an exceptional independent school in the New York Metropolitan Area as it celebrates its 100th Anniversary. The Loyola School is a prime example of independent and progressive education at its best.

Loyola school is an institution filled with rich history. It was founded by a most visionary educator, The Reverend Neil McKinnon, S.J. In October of 1900, McKinnon, Pastor of the Parish and founding Principal of the school, opened the door to eight young men of various ages and academic readiness. Since its conception 100 years ago, the school has survived and thrived through its early days of struggle, the depression, two World Wars, rising educational costs, and the struggle to maintain the ever important Jesuit tradition.

Throughout its history the school has overcome a century filled with challenges in order to encourage and establish the highest of educational and religious standards. The Loyola School strives to provide every student with an excellent education complimented by diverse and enriching extra-curricular activities.

Loyola is nationally recognized as a School of Excellence and regionally respected as one of the finest independent schools in the Metropolitan area. They enjoy success in sports, both old and new. To complement the success of the staff and students, the school also enjoys a growing endowment and an expanded faculty. All of these factors have proven successful to the students.

In addition to the excellence of the staff and student body, Loyola school also enjoys the convenience of new network wiring and learning curriculum to incorporate technology into a vibrant and interesting juxtaposition of traditional heritage and forward-thinking education.

Loyola's rich history provides the school with a promising future. The school now educates some 200 of the brightest boys and girls in a comprehensive program which works to mold its young individuals into conscious, competent and compassionate graduates. Their hope is to enrich students with intellectual ability, religious clarity, and a commitment to justice. The graduates of Loyola move forward armed with the "strength from the past and faith in the future." I ask my colleagues to join me in commending the faculty, students and individuals involved in creating and maintaining the standard of excellence at The Loyola School.

## PERSONAL EXPLANATION

### HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Ms. WOOLSEY. Mr. Speaker, on Wednesday, May 10, 2000, I missed rollcall vote No. 154. Had I been present, I would have voted "yea" on this procedural vote on H.R. 3709, the Internet Nondiscrimination Act.

While I regret my absence from the floor, I was at the White House with the President and many of my Democratic colleagues speaking out on the need for prescription drugs for our seniors. Nearly every day I receive letters and calls from individuals in the North Bay who are worried if Medicare will be there when they need it. That's why I have consistently been pushing the Republican-led Congress to consider legislation to protect the future of the Medicare Program and expand Medicare to cover medications. It is my hope that the Republican leadership will open the debate so that we may consider meaningful health care reform for Medicare beneficiaries. With a projected Federal budget surplus, it only makes common sense to make the Medicare Program a top priority. I look forward to working with the President and my House colleagues to make this happen.

## HONORING MR. BOB WILLARD FOR 50 YEARS OF SERVICE

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. HOEFFEL. Mr. Speaker, today I congratulate Mr. Bob Willard for 50 years of service on the active crew of the Glenside Fire Company. Mr. Willard joined the fire department in 1949 and quickly rose up through the ranks. In less than 5 years, Mr. Willard was promoted to lieutenant. Four years later he moved up to captain. He served as captain for a year and was then elected deputy chief. Mr. Willard served as deputy chief for 17 years, tying the company record. He has also served as the company's vice president for the past 25 years.

I am proud to have such a civic minded and hard-working constituent in the community. As a leader in the Glenside Fire Department, Mr. Willard has impacted the lives of countless individuals. The residents of Glenside have long benefited from his service and that of the entire Glenside Fire Department. I applaud the

Glenside Fire Department for honoring Mr. Willard and I enthusiastically concur with their recognition of his leadership.

## TRIBUTE TO CAPTAIN JOHN C. SIMPSON

### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. LAMPSON. Mr. Speaker, today I recognize the outstanding career of Captain John C. Simpson, who is retiring on June 2, 2000, after 25 years of distinguished Coast Guard service. Captain Simpson's career has had a wide-ranging impact across a broad spectrum of our vital national interests. This includes serving on high endurance cutters in the Pacific to protect our maritime boarder and preserve our natural resources, commanding coastal units on the Gulf Coast to rescue those in distress and ensure compliance with federal maritime laws, and developing progressive naval doctrine to enhance the interoperability of the Coast Guard and Navy to protect our global strategic interests.

For the past three years, Captain Simpson has commanded Coast Guard Group Galveston, Texas. His area of responsibility includes both the inland and offshore waters on the coast of Southeast Texas. As Group Commander, he integrated active duty, reserve and auxiliary personnel into a cohesive team that together conducted more than 3,500 search and rescue cases, resulting in over 700 lives saved and $35 million in property preserved. He carried out an aggressive program that balanced maritime law enforcement with education of the boating public, commercial vessel operators, and the fishing industry. He also directed the annual maintenance and servicing of over 2,550 aids to navigation in the critical waterways leading to the Ports of Galveston, Port Arthur, Beaumont, Freeport, and Houston. One can only truly appreciate Captain Simpson's contribution in ensuring maritime safety after realizing that over 90 percent of the goods imported into the United States are carried by ships, and a large percentage of that trade enters the maritime thoroughfares under his charge.

Despite these accomplishments, Captain Simpson's greatest and most lasting achievement has been his strong advocacy for the men and women under this command. In times of limited resources and an austere budget climate, when the Coast Guard is being asked to do more than ever before, Captain Simpson has been tireless in his pursuit to ensure that his units had the right tools to get the job done. During my visits with Captain Simpson, I have been continually impressed with the resourcefulness, dedication, and commitment of the men and women at Coast Guard Group Galveston, which is a testament to his exceptional leadership.

Mr. Speaker, Captain Simpson's career is ripe with countless examples of self-sacrifice and extraordinary accomplishment in service to our great Nation. His contributions to Southeast Texas are immeasurable. I ask my colleagues to join me in wishing Captain Simpson and his wife, Jan, fair winds and following seas as they chart a new course together in Seattle, Washington.

Congratulations, Captain Simpson, on a job well done.

## VOTE NO ON PNTR

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. EVANS. Mr. Speaker, today I oppose granting Permanent Normal Trade Relations with China. It is clearly the wrong step to take if we want meaningful change from China on a wide variety of issues that are important to all Americans.

It must be noted that Chinese leaders have broken every previous trade agreement they have signed with the United States. What makes us believe that this time will be any different? During the last decade alone, China violated four major trade agreements: the 1992 Memorandum of Understanding on Prison Labor, the 1992 Memorandum of Understanding on Market Access, the 1994 Bilateral Agreement on Textiles, and the 1996 Bilateral Agreement on Intellectual Property Rights. Most recently, after signing the current bilateral in November, China turned its back on the agreement. Their Chief Negotiator stated, "it is a complete misunderstanding to expect this grain to enter the country . . . Beijing only conceded a theoretical opportunity for the export of grain." These governments are not ventures in theory—these agreements should be unbreakable.

Another argument for supporting PNTR is that US businesses will introduce the Chinese people to democracy and human rights. However, when we look at how Chinese workers are already being treated by corporations such as Wal-Mart, Timberland, Nike, Alpine and others, it becomes clear that is not the case. Wal-Mart and Nike's operations in China have become synonymous with child labor, forced labor and hazardous working conditions. These are not the values we want to bring to other countries. By granting PNTR, we give up any hope of influencing the PRC's policy on worker and human rights. We are inviting US companies to leave the US to produce goods in a country which does not support a minimum wage, basic safety regulations, or the right of association. Let's export our values—not our jobs.

It is not only workers who are oppressed by China. Religious groups too often are denied basic human rights. Recent examples include prison sentencing of Falun Gong members without trials for undetermined sentences. The United States Catholic Conference expressed their opposition to PNTR by stating, ". . . we have urged that the well-documented violations of the Chinese peoples' human rights, and notably their lack of true religious freedom be seriously addressed and reversed." Religious freedom is one of the most important freedoms guaranteed to US citizens. Let us not reward a country who so blatantly disregards this right.

The agreement also omits any statement on environmental protections. Having just celebrated the 30th anniversary of Earth Day in the United States, we should continue to be vigilant in our pursuit of a healthy international ecosystem. We would send a message that protecting the world's natural resources and pollution control are not important if we agree to PNTR. According to the Sierra Club, "nothing was done in the WTO/PNTR package to mitigate the increased risks to endangered wildlife." They also note the State Department's 1999 Report of China's Human Rights Practices, "the China Development Union (which works for environmental and political reforms) virtually was shut down by arrests of its members during the year." This agreement is not just an affront against the environment, but also against the Chinese who press the government to protect their natural resources.

Some members of the agricultural community are looking favorably on this agreement. However, it should be noted that China already has had overall agricultural surpluses and is still producing a glut of agricultural goods. China has already backtracked on tariff and market-access portions of the bilateral. The PRC will not allow American farmers to participate in a competitive marketplace. Charles McMillion, a founder of the Congressional Economic Leadership Institute, wrote, "China's agricultural glut is likely to continue with WTO membership. . . ." Even the National Farmers Union, opposes giving this permanent status: "We must not unilaterally disarm our Nation's ability to respond if China fails to comply with commitments contained in this agreement." Make no mistake, international markets are critical to our farmers. However, we must not engage in agreements with countries who frequently renege on past agreements and who do not believe in the type of fair trade that will benefit American agriculture.

President Clinton has said that this is an essential national security issue. He is right—but he is on the wrong side of the argument. There are just too many incidents where China has acted egregiously against American security interests. In recent years, China fired several live missiles in the Taiwan Straight. At the same time, the PRC has supplied other rogue nations with weapons that could be used against U.S. soldiers abroad. Already, five major military organizations—the American Legion, the Fleet Reserve Officers Association, the National Reserve Association, the Warrant Officers Associations, and the Reserve Officers Association—have publicly agreed that it would not be in the best interest of the United States to grant PNTR.

This vote is one that will have repercussions for generations to come. We can take this opportunity to stand for military security, human and worker rights, the environment, and fair market access, or we can choose to give a "blank check" to China, allowing them to dictate a lower standard. I urge my colleagues to reject PNTR.

## CONGRATULATIONS TO ANNELIESE C. TAYLOR AND BRUCE G. ANDERSEN

### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mrs. NAPOLITANO. Mr. Speaker, I would like to extend my heartfelt congratulations and best wishes to a young couple soon to be wed. On June 3, Anneliese C. Taylor and Bruce G. Andersen will be united in marriage at Mission San Gabriel in California. I am confident that through Anneliese's dedication to literature and education, and through Bruce's commitment to public and community service, this couple will serve society well and share the good fortune of their talents with others.

I am proud to represent eleven members of the groom's family, who reside in Whittier, Hacienda Heights and La Puente. I wish them, Bruce and Anneliese great happiness upon this momentous occasion.

## HONORING THE BOROUGH OF CONSHOHOCKEN ON ITS 150TH ANNIVERSARY

### HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. HOEFFEL. Mr. Speaker, today I congratulate the Borough of Conshohocken on its 150th anniversary. On May 15, 1850, William Fraeme Johnson, the Governor of Pennsylvania, signed the official incorporation papers making Conshohocken the third incorporated borough in Montgomery County. In 1850, Conshohocken began with only 727 residents living in the area. Today, the borough is home to 9,000 residents.

Following World War I, the Federal Government recognized Conshohocken for its contribution to the war effort. In fact, the borough sent more men and women, per capita, off to war than any other American town. As a reward for their efforts, the U.S. Government built and named a merchant marine ship, the *Conshohocken,* after the borough. Conshohocken also contributed heavily to the World War II effort when one out of seven residents served in the Armed Forces.

The Borough of Conshohocken is nationally recognized for its sports teams as well. Since their early professional basketball and football teams were crowned national champions, Conshohocken is recognized in both the National Basketball Association and the National Football League Halls of Fame.

Conshohocken, which means "Pleasant Valley," is also home to nationally recognized industries. In 1835, the Schuylkill Navigation Company built a canal through the area. This canal brought the iron industry to Conshohocken. Alan Wood Steel was formed when James Wood and his son, Alan, used the canal water to power furnaces and form a steel mill. By 1920, Alan Wood Steel was responsible for 8 percent of the country's steel production as it provided jobs for local residents.

Conshohocken was the site of many industrial innovations. The former John Wood company invented the "Arc" weld, Conshohocken's Lee Tires invented the vulcanization of rubber and Hale Pumps led the industry in fire truck pump production.

Conshohocken is part of a nationwide initiative to revitalize towns that were dominated by the coal, iron, or steel industries. Through this program Conshohocken has made a remarkable transition from an industrial town to one that fosters corporate development and programs.

I am proud to represent such an extraordinary town like Conshohocken, PA. This sesquicentennial anniversary should serve as a long-standing tribute to hard work and dedication for all who have made Conshohocken the wonderful place it is.

## HONORING FREDERICK BOLD

### HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. GEORGE MILLER of California. Mr. Speaker, I pay tribute to Frederick Bold, Jr., one of the most distinguished and talented attorneys to ever practice the complex craft of water law in California. For fifty years Mr. Bold has provided expert and reasoned advice to the Contra Costa Water District and many others, and I know that many throughout California join me in honoring his many years of service.

My own relationship with Mr. Bold goes back many years to his work with my father, State Senator George Miller, Jr., when much of modern water law in California was being developed. I learned from both of them that water law and water politics can be complex and treacherous, but also fascinating and, for our state, critical to our economic growth and environmental quality of life.

Mr. Bold grew up in San Francisco and graduated from Stanford University magna cum laude and Phi Beta Kappa. He received his law degree from Harvard University, and served as a professor at Hastings Law School and San Francisco Law School.

Mr. Bold began his legal career with the distinguished firm of Pillsbury, Madison and Sutro, and was for two decades a partner in the Richmond law firm of Carlson, Collins, Gordon and Bold. He later was senior partner of the firm now known as Bold, Polisner, Maddow, Nelson and Judson.

For 44 years, he served as general counsel for the Contra Costa Water district which serves many of my constituents and has long been in the forefront of the often fractious battles over water policy in California. He has also served as general counsel for the Diablo Water District.

Mr. Bold worked closely with my father in the drafting of the Delta Protection Act, which was a key part of the Burns Porter State Water Project Act and which has formed much of the legal basis for defending the quality of Delta water from degradation over the years. He also was involved in many other legal, legislative and regulatory actions that helped form the framework for modern water policy in California including Delta Decisions 1379 (1972–72), and 1485 (1977–78).

Mr. Bold has been very active in a wide range of community services including serving as a cofounder of Richmond Brookside Hospital, president of the Richmond Memorial Youth Center, the Richmond Chamber of Commerce, Richmond Kiwanis Club, Exalted Ruler of the Richmond Elks Club and president of the Richmond Bar Association. He is also a skilled sailor and horseman.

On May 19, 2000, many friends and leaders in the water community will be joining Helene and Fred for his recognition dinner. I know that all members of the House will want to join me and Congresswoman PELOSI in wishing Mr. Bold the very best, and in thanking him for his many contributions to public service over the years. He has helped lay a strong foundation to protect the water and environment for our region for many decades to come, and we all owe him a special debt of gratitude and appreciation.

## CONSERVATION AND REINVESTMENT ACT OF 1999

SPEECH OF

### HON. ROBERT A. WEYGAND

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes:

Mr. WEYGAND. Mr. Chairman, as an original sponsor of H.R. 701, the Conservation and Reinvestment Act, I am in strong support of this important legislation.

By providing an estimated $17 million per year for wildlife protection, open space preservation, urban parks, and coastal protection to my home state of Rhode Island, CARA will go a long way in providing the resources and investment necessary to fund vital conservation and recreation programs.

As many of my colleagues know, I am a landscape architect by profession. I began my public service career by serving on my local planning board. Later, as Lieutenant Governor, I served as chairman of Rhode Island's Land Use Commission. During that time, I wrote Rhode Island's current land use and zoning laws which the won praise of planning organizations nationwide. I have spent the last 25 years working on ways to improve land use planning for communities and states. I can say with a high degree of expertise that providing a steady and stable conservation funding stream will improve the ability of states and communities to plan better and manage their growth. This legislation provides this critical funding stream.

As communities continue to struggle with uncontrolled growth and the loss of sensitive environmental lands, this legislation provides states with the resources they need to address these issues. Many of us in Congress have been working hard to make our communities more livable. CARA takes us one step closer to making communities across the country more livable.

As I travel across Rhode Island, my constituents urge me to make their communities more livable by improving the environment in which they live. In the northern part of my state, I continue to hear that we need more green and open space, more parks for their children to safely play. This legislation will provide the funds that communities, such as my home town of North Kingstown need to provide additional parks and open space.

In the southern part of my State, the coastal areas, I continue to hear that we need to take further action to address coastal erosion, and prevent further damage to sensitive wetlands and salt ponds. As many of you know, Rhode Island is subject to severe winter storms and hurricanes. These storms do untold damage to habitat and salt ponds, and increase coastal erosion. This bill will provide Rhode Island with several million dollars per year to address the problems resulting from these storms.

Many Members have taken to the floor to talk about the environmental importance of this bill. I agree. I would also like to address the potential economic benefits. For a state who's economy and way of life is largely dependent upon the Atlantic Coast and Narragansett Bay, preserving and restoring critical habitat and coastline is not only important to Rhode Island's environmental health but vital to its economic stability. Protecting our coastline will undoubtedly result in cleaner water which in turn, yields improved fish stocks for both the recreational and commercial fisheries. Both are significant economic generators for Rhode Island.

One of Rhode Island's largest economic generators is the tourism industry. People from all over the world come to Rhode Island to sail, visit its beaches, and experience the natural beauty of its coastal landscape. Taking steps to protect the State's natural beauty will undoubtedly result in an improved tourism industry.

Mr. Chairman, CARA is good for our environment, it is good for our economy, it will ease growth pressure on our communities, and I strongly urge my colleagues to support it.

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## A TRIBUTE TO ANGELINE McKELVIE

### HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. KLECZKA. Mr. Speaker, today I remember the life of Angeline M. McKelvie, who on April 20, 2000, died of a heart attack at the age of 62. Angeline was a dedicated public servant and lifelong resident of Cudahy, WI.

Angeline, mother of four, was not content to be an observer when it came to her children's education. She became an active participant by running for the Cudahy School Board which served as the foundation for her political career. She set an example in the relationships she formed with area residents and became known as someone who cared about people.

It was here school board experience that enabled her to move into the broader circle of politics. Angeline believed that a female perspective was needed on the all-male common council. After a few setbacks at the polls, in 1990 she became the first woman to serve on the Cudahy Common Council, paving the way for other women to become involved. While in office, she worked diligently to win the trust of her constituents.

Even though her struggles with diabetes eventually led to the amputation of both legs, Angeline continued to work hard for the people in her beloved city, Cudahy. When it was time for a vote to be cast, Angeline knew what the people in her district wanted. Along with her desire to help people, she had a gift for listening. It was her determination and commitment to the people of Cudahy that enabled her to remain in office for 10 years.

Mr. Speaker, and colleagues, I ask that you join me in paying tribute to the life and work of Angeline McKelvie.

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## TRIBUTE TO JERRY A. KING

### HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Mr. CALVERT. Mr. Speaker, throughout towns and cities across our nation there are individuals who are willing to step forward to dedicate their talents and energies to making life better for their friends and neighbors. The citizens of California are fortunate to have such an individual in Jerry A. King.

Jerry King's involvement with the California Regional Water Quality Control Board, Santa Ana Region, and community, began in 1983 when he was first appointed by Governor George Deukmejian. As a Regional Board member Jerry represented the community's concerns, set priorities for projects and plans of action, allocated funds, and made decisions essential to the future of water quality in southern California. His endless energy is displayed by his long list of business and community involvements including: President and owner of J.A. King & Associates, Chairman of the Citizens Advisory Committee for the Orange County Transportation Authority, board member of the Industrial League of Orange County, President of the Newport Beach Conference and Visitors Bureau and countless other local charitable and civic associations and organizations.

Jerry King has made, and continues to make, a lasting and positive impact in the southern California community. His involvement and leadership have established a path for those individuals following in his footsteps. I would like to take this opportunity to thank Jerry for his dedication, influence and involvement in our community. He has served as an outstanding representative of community leadership. It is a great pleasure for me to congratulate Jerry King for the outstanding job he has done as a member of the California Regional Water Quality Control Board.

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## IN HONOR OF LEONARD "LEFTY" GORDON

### HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Ms. PELOSI. Mr. Speaker, I rise to pay my final respects to one of San Francisco's finest leaders, Leonard "Lefty" Gordon. Mr. Gordon dedicated his life to helping young African-Americans get a better chance in life and became a respected community figure in the process. A talented athlete with an agile mind, Lefty Gordon could have achieved personal fame or amassed great wealth, but he chose instead to live his life in service to his community.

Born in Mississippi, Lefty moved with his family to San Francisco when he was three years old. Growing up in the Western Addition neighborhood, Lefty excelled at any sport he tried, but he became particularly known for running track.

Upon graduation from high school, however, he decided to pursue his education rather than athletics. Mr. Gordon first earned a bachelor's degree from San Francisco State University and then earned a Master of Sociology degree from the University of California at Berkeley.

While pursuing his education, Lefty always made time to work with young people. Upon his graduation, this part-time work became his vocation. As a counselor at the Booker T. Washington Community Center, Mr. Gordon dedicated himself to mentoring young African-American men. He encouraged them to get an education and tied to provide them with opportunities, but, more than anything else, he respected them.

In 1983, Lefty became the Executive Director of the Ella Hill Hutch Community Center. Under his leadership, the Center became a dynamic place where students received tutoring, where children and senior citizens learned to use computers, where the unemployed received job training, and where the neighborhood's young people found guidance and caring.

Lefty was a mentor to the young, but he was also a leader among his peers. The Ella Hill Hutch Community Center became a meeting place for the city's African-American elected officials and city department heads. Working together, these leaders sought to improve the lives of their fellow San Francisco residents, and it was Lefty who brought them together.

The unexpected passing of Lefty Gordon leaves a void in the city of San Francisco. Lefty was a true friend to his community, and he was loved for it. His talents are not easily replaced, and his caring heart will never be. We will miss him greatly.

My thoughts and prayers are with his wife, Scarlett, his son, Gregory, and all of his family and friends.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 16, 2000 may be found in the Daily Digest of today's RECORD.

## MEETINGS SCHEDULED

### MAY 17

9:30 a.m.

Indian Affairs

To hold oversight hearings on Indian arts and crafts programs.

SR-485

Commerce, Science, and Transportation

To hold hearings to examine global warming issues.

SR-253

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on proposed legislation authorizing funds for programs of the Clean Air Act, focusing on an incentive-based utility emissions reduction approach.

SD-406

Rules and Administration

To hold hearings on S. 1816, to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits.

SR-301

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD-366

10 a.m.

Finance

Business meeting to markup proposed legislation extending Permanent Normal Trading Relations to China.

SD-215

Judiciary

To hold hearings to examine internet security and privacy.

SD-226

11 a.m.

Appropriations

Defense Subcommittee

Business meeting to markup proposed legislation making appropriations for fiscal year 2000 for the Department of Defense.

SD-192

2 p.m.

Indian Affairs

To hold hearings on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Basin Pick-Sloan project; and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota.

SR-485

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold oversight hearings on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

SD-366

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold oversight hearings to examine satellite export controls.

SD-419

### MAY 18

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 2439, to authorize the appropriation of funds for the construction of the Southeastern Alaska Intertie system; and the nomination of Mildred Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research.

SD-366

Armed Services

To hold hearings on United States strategic nuclear force requirements. (Closed Hearing will follow in SR-222).

SR-253

10 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine mental health parity.

SD-430

Environment and Public Works

Fisheries, Wildlife, and Drinking Water Subcommittee

To hold hearings on S. 2417, to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs.

SD-406

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold hearings to examine the attack of the "I Love You" virus and its impact on United States financial services industry.

SD-538

Judiciary

Business meeting to consider pending calendar business.

SD-226

Governmental Affairs

Oversight of Government Management, Restructuring and the District of Columbia

Subcommittee

To hold hearings on issues relating to training Federal employees, focusing on Federal agency's programs to train and educate employees throughout their careers to maintain their skills and productivity.

SD-342

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 1584, to establish the Schuylkill River Valley National Heritage Area in the State of Pennsylvania; S. 1685, to authorize the Golden Spike/Crossroads of the West National Heritage Area; H.R. 2932, to authorize the Golden Spike Crossroads of the West National Heritage Area; S. 1998, to establish the Yuma Crossing National Heritage Area; S. 2247, to establish the Wheeling National Heritage Area in the State of West Virginia; S. 2421, to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing an Upper Housatonic Valley National Heritage Area in Connecticut and Massachusetts; and S. 2511, to establish the Kenai Mountains-Turnagain Arm National Heritage Area in the State of Alaska.

SD-366

### MAY 19

9:30 a.m.

Governmental Affairs

Investigations Subcommittee

To hold hearings to examine the extent to which fraud and criminal activities are affecting commerce on the internet, focusing on the widespread availability of false identification documents and credentials on the internet and the criminal uses to which such identification is put.

SD-342

### MAY 23

9:30 a.m.

Health, Education, Labor, and Pensions

To hold hearings to examine drug safety and pricing.

SD-430

10 a.m.

Small Business

To hold hearings on Internal Revenue Service restructuring, focusing on small businesses.

SR-428A

10:30 a.m.

Commission on Security and Cooperation in Europe

To hold hearings to examine human rights abuses in Russia.

2200, Rayburn Building

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.

SD-366

3 p.m.

Foreign Relations

To hold hearings on the Meltzer Commission, focusing on the future of the International Monetary Fund and world.

SD-419

### MAY 24

9:30 a.m.

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

Environment and Public Works

To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer

Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 2123, to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; and S. 2181, to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

SD–406

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

SD–366

MAY 25

10 a.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine gene therapy issues.

SD–430

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.

SD–366

JUNE 7

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR–485

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

SD–366

JUNE 21

9:30 a.m.

Indian Affairs

To hold hearings on certain Indian Trust Corporation activities.

SR–485

JUNE 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR–485

JULY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR–485

JULY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR–485

JULY 26

9:30 a.m.

Indian Affairs

To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.

SR–485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

# HOUSE OF REPRESENTATIVES—*Tuesday, May 16, 2000*

The House met at 9 a.m.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed a bill of the following title in which concurrence of the House is requested:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

The message also announced that pursuant to Public Law 100–702, the Chair, on behalf of the President pro tempore, appoints John B. White, Jr. of South Carolina, to the board of the Federal Judicial Center Foundation, vice Richard M. Rosenbaum of New York.

The message also announced that pursuant to Public Law 104–1, the Chair, on behalf of the Majority and Minority Leaders of the Senate and the Speaker and Minority Leader of the House of Representatives, announces the joint appointment of Susan S. Robfogel, of New York, as Chair of the Board of Directors of the Office of Compliance.

## MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

## GUN VIOLENCE

Mr. BLUMENAUER. Mr. Speaker, amidst the sometimes incendiary rhetoric surrounding the efforts to reduce gun violence, there are times when it is easy for people to overlook a basic fact: the victims of gun violence are real people; they are not statistics. They are not debating points.

The grounds of our Nation's Capitol are filled with memorials to the dead. Our visitors and tourists here are visiting them as I speak, the Civil War, the Spanish-American War, the Vietnam Veterans Memorial, the Korean Memorial, soon we may have a memorial to the soldiers who died in World War II.

Mr. Speaker, if we take all of those memorials to all the soldiers who have been killed since the Civil War, it would be fewer than the number of Americans who have been lost to gun violence in the last third of a century.

It is not enough to simply have another memorial here in our Nation's Capitol; although, something the size of 16 Vietnam memorials would be impressive, because that is what it would take to list all of these victims.

Last Sunday, in Portland, we had thousands of people standing and crowding into our little Pioneer Courthouse Square for our Mother's Day March against gun violence. They were standing on 70,000 bricks that had peoples' names inscribed who contributed to building that public square. It would take 10 acres of bricks with peoples' names to deal with the million victims.

Our job must be to make sure that these victims are not anonymous; that we put a face next to the names, to provide details of the life that would go along with that picture.

It is important to let people know that these victims had parents, relatives and friends. They had jobs. They had hopes. We need to know how it happened and we need to think of what we could do to prevent it. That the United States has the worst record of gun violence of any developed Nation in the world ought to be a concern to every citizen, a sense of shame.

Mr. Speaker, I do not think that it is we are less smart than the rest of the world. It is hard to believe that we are somehow worse people. I cannot believe that we care less about our children more than others, and I would hope that we as a people are not somehow more reckless.

I hope that in focusing our attention on the loss, how it occurred, what it means, we will be able to renew our commitment.

Tomorrow, I am going to speak on the floor of this House about one face, a young man named Darrell English. I will talk about the circumstance of his death, and I will be posting that information on my website and dealing with it in public meetings so that others may know the name, the face, the hopes and the dreams.

Every month, as long as I am in Congress, I will continue the discussion on the floor, on the Web, the conversation with the community, as a small gesture that these people not have died in vain.

This hope that we can all do our part to reduce the danger of gun violence. I hope the House of Representatives will act on that, finally, acting on a juvenile crime bill that has been locked in conference committee that has not met for 295 days because of unwillingness to pass the simple common sense steps that have already been approved by the Senate.

Mr. Speaker, I hope that citizens back home will take steps to promote their own initiatives and legislation that politicians can use to make their communities safer in the political process, at the ballot box, in the legislature. I hope that every citizen will do their part as individuals, that no parent allows a child to go into a home without inquiring as to whether or not there is a gun there, if it is locked, if it is loaded.

If Americans can somehow cut in half the rate of automobile deaths in the last 30 years, I know that we can do our part to protect our families. There is no single magic solution, but together we can find hundreds of ways everyday to make America safer, to make our communities more livable, because the most important face is going to be the face that does not appear on a poster like this, a picture that does not appear of one of our loved ones whose life was not lost to gun violence.

## IMPORTANCE OF SAVING SOCIAL SECURITY

The SPEAKER pro tempore (Ms. GRANGER). Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Madam Speaker, yesterday, Governor Bush came out with some general parameters on saving Social Security and the importance of saving Social Security. There has been a lot of discussion of whether there should be any privately-owned investment owned by the American worker as opposed to continuing to keep on going with a system that is insolvent. What it boils down to is that because of the demographics, because people are living longer, because the birth rate has been going down, there are fewer workers paying their taxes into a system to support and finance existing senior citizens benefits.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

It is important that everybody understands that it is a pay-as-you-go program. It is a program where taxes come in one week, and by the end of the week, they are paid out in benefits. If you are an average worker today, then you are going to get an estimated 1.7 percent real return on the money you and your employer put into the system.

If you are a young worker, because we are going to run out of enough money eventually, there is not going to be adequate tax money, coming in to pay benefits, then you are going to get even a smaller return. There are two ways to fix Social Security; you either increase the revenue coming in, or you reduce the benefits going out.

None of us want to reduce benefits. Everybody, including Governor Bush, has committed that we are not going to reduce benefits for current retirees or near-term retirees. So then the question is, is there merit in having privately-owned accounts, and if we get a larger real return than 1.7 percent, then, absolutely, it brings more revenue into the system. In fact, if my Social Security bill had been passed, the first one that I introduced 5 years ago, the 25 year old when they retire would have $150,000 more than what they are going to receive under the current Social Security system.

There are safe investments even through the worst parts of the history of this country, on dips in Social Security. We saw that there was no 12-year period where there was not at least a positive gain on Social Security.

There are companies now that will guarantee you a gain, and if you are going to do a reasonable investment, and I would say reasonable for people over 45 is maybe 40 percent in bonds and 60 percent in safe stocks, in most all the proposals, Democrats and Republicans have all agreed that there needs to be privately-owned investment accounts, I mean Senator KERREY, Senator MOYNIHAN respected in this regard, Democrats in the House, the gentleman from Texas (Mr. STENHOLM) has been working on this for years, and he comes to the conclusion that there needs to be some privately-owned accounts, that are put into safe investments, low-risk investments, because it is an absolute certainty: If you leave those investments in more than 12 years, it is going to recover more than the 1.7 percent average that Social Security is going to pay people.

Now, the other part of the problem is that Social Security is running out of money, so we need to do something. We cannot just pretend that the problem is not there. On this chart, Social Security the bottom piece of pie now represents 20 percent of all government spending. This is a graphic impression of what is happening in Social Security. The blue at the top left is this short period of time where there is more tax money coming in than is needed to pay benefits, but over time, for the next 75 years, we are short $120 trillion.

Tax revenues are short $120 trillion of what is needed to pay what is promised in benefits today. Another way to say that is that the unfunded liability is short, $9 trillion today. You would have to put $9 trillion into an interest bearing account today to come up with the $120 trillion that is needed over the next 75 years. We have got to do something.

Madam Speaker, suggesting, like the Vice President has, that simply if we pay down the debt, and you are doing that by borrowing the excess money from Social Security and using that money to pay down the debt held by the public, it is like using one credit card to pay off the debt of another credit card; to pretend that is going to somehow solve this red deficit problem is unrealistic.

It cannot be scored by the actuaries over at the Social Security Administration. So I plead with the Vice President, I pled with the President of the United States do not demagog suggestions of how we move ahead to fix Social Security. It is too important a program.

I have met with the President maybe four times over the last 16 months, he ended up saying that he is not going to come up with a plan because he is afraid it would be criticized. Let us move ahead, let us work together, let us, Republicans and Democrats, make sure that we fix this important program.

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## ENACT EMERGENCY SUPPLEMENTAL BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Washington (Mr. DICKS) is recognized during morning hour debates for 5 minutes.

Mr. DICKS. Madam Speaker, on Wednesday of this week, the Interior Appropriations Subcommittee will be marking up our appropriations bill for FY 2001. I am very concerned about the fact that the emergency supplemental has not been enacted yet by the other body. In fact, I have written a letter to the distinguished majority leader asking that they take up this emergency supplemental as quickly as possible.

We are now faced with an emergency situation in the area surrounding Los Alamos, New Mexico. We also have nine other wildfires, and I am told 67 forest fires raging nationally, many of them in the west, and the money for fighting these forest fires will run out, the emergency money will run out by the end of May, unless Congress enacts this supplemental.

What we are asking for is $200 million for the Bureau of Land Management. The BLM does a great job of fighting the forest fires, along with the forest service; we are asking there for $150 million, or a total of $350 million.

This year 2000 will probably be one of the worst forest fire years since 1994, and also 1999 was a year where we had many devastating fires as well. I want to compliment the majority in the House for having enacted the supplemental, but now it is been languishing for several weeks, if not months, over in the other body.

Madam Speaker, this is a true emergency. I do not think we should be playing appropriations politics with this issue. We need to get this money out to the BLM so that they can run their emergency center out in Idaho, we need to get this money out to the Forest Service.

Secretary Babbitt has written back in early April a very impassioned plea to the majority leader in the other body urging that this emergency supplemental be taken up as quickly as possible, and there really is not any excuse.

Now, if they do not want to take up the entire emergency supplemental, one possible way to move forward would be to take out these two items. The money for the BLM, the $200 million and the $150 million for the forest service, and pass that immediately, and then we can pass it here in the House, get it down to the President and take care of this situation.

We cannot help but be sympathetic to see these people out in New Mexico, some 260 of them, who have lost their homes. They are living in schools and other areas. They need to know that the Federal Government is going to do everything it can to make sure that we have the resources to fight these fires and to go in and restore the ground and the areas that have been damaged.

I think this is an emergency, a true emergency. I urge the leadership here in the House to meet with the leadership in the Senate and try to work out a way to get this money freed. I intend to offer these amendments as additions to the Interior Appropriations bill for 2001, hoping that maybe we can rush that bill through if it is the only way we can get action out of the other body. Again, I believe this an emergency. I think we need to act.

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## DIFFERENCES BETWEEN PARTIES ON ENVIRONMENTAL ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PALLONE) is recognized during morning hour debates for 5 minutes.

Mr. PALLONE. Madam Speaker, this morning I want to examine the environmental record of the Republican leadership and of the GOP Presidential candidate, Governor Bush. Last Thursday, Madam Speaker, the EPA released its Toxics Release Inventory which highlights the fact that Texas continues to have the largest amount of airborne toxic emissions in the Nation, as has been the case every year since 1995.

More than 300 million pounds of toxic chemicals were released into Texas' air, water and land according to this latest report. Yet, Governor Bush has pushed a strictly voluntary program for dirty power plants to reduce harmful emissions, even though Texas' deteriorating air quality has reached a crisis proportion.

Madam Speaker, of the air pollution produced by companies exempt from mandatory regulations in Texas, 75 percent, or 741,000 tons of toxic emissions, came from companies that contributed to and are close to Bush's gubernatorial races from 1994 to 1998. And only 3 of 36 plants who pledged to reduce emissions under this voluntary plan have actually done so and not even 1 percent of emissions from grandfathered plants have been reduced.

In fact, Texas has experienced significant increases in emissions. Specifically, Texas experienced an increase of 2 million pounds of cancer-causing and other toxic chemicals from 1997 to 1998.

Madam Speaker, although Texas ranks third worst in water pollution from chemical dumping, Governor Bush has done nothing to improve water quality and has subsequently underfunded Superfund cleanups. He also appointed industry representatives to State environmental agencies that had previously fought against environmental regulations.

Several environmental groups have called on Governor Bush to stop gutting the environment and act proactively. We know this will not happen. So we have to continue our efforts, in my opinion, Madam Speaker, and elect a President that will close the loophole for grandfathered power plants.

Vice President Gore has called for a market-based approach to reducing power plants that addresses the four primary pollutants of concern, nitrogen oxide, sulfur dioxide, carbon dioxide and mercury. I have a bill that establishes a trading program to reduce these four pollutants, and I urge my colleagues to enact this type of legislation as quickly as possible to improve the health of our citizens and our environment.

Madam Speaker, let me also point out that Vice President Gore has lead the fight on many environmental efforts from preserving open space to protecting air and water quality. He also has lead the brownfield development program. And I can tell my colleagues the importance of this program, because my hometown of Long Branch, New Jersey has received a $200,000 grant from the EPA to help redevelop brownfields. The Republican leadership's ideas of Superfund reform is to gut water quality protections and put a cap and fence around a site and call it a day.

I have over 115 superfund sites in my district, and I can tell my colleagues that this is not environmental cleanup or protection.

Again, I just wanted to highlight this morning the major differences between the Republicans and the Democrats on environmental issues and, particularly, the differences between our Presidential candidates. We have our Presidential candidate, Vice President Gore, who has fought hard over the last 7 years and even before as a Member of Congress to protect the environment and improve the environment around our country.

## TRADE WITH CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Ohio (Mr. BROWN) is recognized during morning hour debates for 5 minutes.

Mr. BROWN of Ohio. Madam Speaker, here in Congress, we say we stand together and in our commitment toward the spread of democratic ideals and improvement of the human rights. These last couple weeks I am not so sure.

During the weeks approaching the vote for Permanent Normal Trade Relations for the People's Republic of China, corporate CEOs flocked to the Hill to lobby for increase unrestricted trade with China.

They talk about access to 1.2 billion potential consumers in China. What they do not say is that their real interest is in 1.2 billion Chinese workers, workers whom they pay wage on the level of slave labor.

These CEOs will tell us, increase trade with China will allow human rights to improve. Democracy will flourish with increased free trade as we engage with China. But as these CEOs speak, their companies systematically violate the most fundamental of human and worker rights.

In the new report "Made in China, The Role of U.S. Companies in Denying Human and Worker Rights," released by Charles Kernaghan and the National Labor Committee, we see evidence of American corporations exploiting the horrible conditions of human rights in the People's Republic of China.

Companies such as Huffy and Nike and Wal-Mart are contracting with Chinese sweatshops to export to the United States, often with the assistance of repressive and corrupt local government authorities. 1,800 Huffy bicycle workers have lost their jobs in Ohio as Huffy shut down its last three remaining U.S. plants over the last 17 months. In July of 1998, Huffy fired 850 workers from its Celina, Ohio plant where workers earned $17 an hour. Huffy now outsources all of its production to developing nations, such as China, where laborers are forced to work 15 hours a day, 7 days a week and earn an average of 33 cents an hour, less than 2 percent of what Ohio Huffy bicycle workers earned.

Wal-Mart makes its line of Kathie Lee Gifford handbags in China. There are a thousand workers at the factory, where they put in 14-hour shifts, 7 days a week, 29 or 30 days a month, one off day per month. The average wage of the factory is 3 cents an hour.

Workers live in factory dormitories housed 16 in a room. Their ID documents have been confiscated; they are allowed to leave the factory only for one and a half hours a day. For half of all factory workers, rent for the dormitory exceeds their wages. Workers earn nothing at all and, in many cases, owe the company money. These people are indentured servants to Kathie Lee and to Wal-Mart. Some would simply call it slavery.

The findings in Charles Kernaghan's report illustrates why democratic countries in the developing world are losing ground to more authoritarian countries in the developing world. Democratic nations, such as India, are losing out to more totalitarian governments such as China. Democratic nations such as Taiwan are losing out to more authoritarian governments such as Indonesia where people are not free and workers do as their told.

The share of developing country exports to the U.S. from democratic nations fell from 53 percent 10 years ago to 35 percent today. Corporate America wants to do business with countries with docile workforces that earn below-poverty wages and are not allowed to organize to bargain collectively.

In manufactured goods, developing democracies' share of developing country exports fell 21 percent from 56 to 35 percent. Corporations are relocating their manufacturing bases to more authoritarian regimes from democratic countries where workers do not talk back for fear of being punished.

Madam Speaker, western corporations want to invest in countries that have poor environmental standards, no worker benefits, below-poverty wages, no opportunities to bargain collectively, and worse, as developing countries make progress toward democracy, as they increase worker rights and create regulations to protect the environment, the American business community punishes them by pulling its trade and investment from developing democratic countries to totalitarian governments and developing countries.

Decisions about the Chinese economy are made by three groups, the Chinese Communist party, the People's Liberation Army, which owns many of the export factories, and western investors. Which of these three want to empower workers?

Does the Chinese Communist worker want the Chinese people to enjoy human rights? I do not think so. Does the People's Liberation Army want to close the labor camps? I do not think so. Do western investors want Chinese workers to make better wages, have more democracy and bargain collectively? I do not think so.

None of these groups has any interest in changing the status quo in China. I repeat, none of these groups, western investors, the Chinese Communist Party, the People's Liberation Army, none of these has any interest in changing the current situation in China. All three profit too much from the status quo to want to see human rights and labor rights improve in China.

U.S. trade law forbids the trade of any products of slave labor, forced labor. The 1992 bilateral agreement between the U.S. and China prohibited the trade of goods manufactured by imprisoned workers.

Congress needs to know more about working conditions in Chinese factories before we vote on permanent MFN for China. American people need to know more about how our major corporations are behaving outside the borders of the United States before we vote on permanent MFN for China.

Based on evidence released into the Kernaghan Report, many of us in the Congress call on the Department of Labor and the Department of Treasury to conduct an extensive investigation into the working conditions and factories in China which are owned by American corporations, or where American corporations contract to manufacture their products before we vote on MFN for China. These investigations should report back its findings and a decision should be made as to whether any conditions in China violate U.S. law.

Madam Speaker, I urge my colleagues to demand action to investigate these claims.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 25 minutes a.m.), the House stood in recess until 10 a.m.

☐ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PEASE) at 10 a.m.

## PRAYER

The Reverend Lyle W. Lipps, Second Church of Christ, Nashport, Ohio, offered the following prayer:

Father God in heaven, I pray to You today on behalf of our Nation's lawmakers and for the citizens they represent. I pray that You grant them a spirit of wisdom, insight and cooperation. I pray that You help them to serve this country in its best interests. I pray that we learn to love one another as citizens so that we might have peace and justice tempered with mercy. Thank You for the freedom that we have in this Nation. I thank You for those who have fought and died defending our country. I thank You for the protection and provision You have placed over us as Your blessings. May Your will be done as we seek to follow Your example in humble imitation. In Jesus' name I pray. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Texas (Mr. LAMPSON) come forward and lead the House in the Pledge of Allegiance.

Mr. LAMPSON led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## HONORING MINISTER LYLE W. LIPPS

(Mr. NEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. NEY. Mr. Speaker, I rise today to honor Lyle W. Lipps, the minister of the Second Street Church of Christ in Frazeysburg, Ohio. Minister Lipps and his family have traveled to our Nation's capital from Ohio so that he may serve as the Guest Minister for the House today. I am honored to have one of my constituents represent our area and our State in such a manner.

Minister Lipps has been involved full time in the ministry for the last 12 years of his life. Prior to his work at the Second Street Church of Christ, he spent 4 years with the Adena Road Church of Christ in Chillicothe, Ohio.

Minister Lipps is a 1989 graduate of the Cincinnati Bible College and Seminary in Cincinnati, Ohio. Minister Lipps, his wife Connie and their son Luke reside in Nashport, Ohio.

Mr. Speaker, I ask that my colleagues join me in honoring Minister Lyle Lipps. His commitment and dedication to his family, his community, his church and his Nation deserve to be commended.

## PRIVATE CALENDAR

The SPEAKER pro tempore. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

## CERTAIN PERSIAN GULF EVACUEES

The Clerk called the bill (H.R. 3646) for the relief of certain Persian Gulf evacuees.

There being no objection, the Clerk read the bill as follows:

### H.R. 3646

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. ADJUSTMENT OF STATUS FOR CERTAIN PERSIAN GULF EVACUEES.**

(a) IN GENERAL.—The Attorney General shall adjust the status of each alien referred to in subsection (b) to that of an alien lawfully admitted for permanent residence if the alien—

(1) applies for such adjustment;

(2) has been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed;

(3) is admissible to the United States as an immigrant, except as provided in subsection (c); and

(4) pays a fee (determined by the Attorney General) for the processing of such application.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided in subsection (a) shall apply to the following aliens:

(1) Waddah Al-Zireeni, Enas Al-Zireeni, and Anwaar Al-Zireeni.

(2) Salah Mohamed Abu Eljibat, Ghada Mohamed Abu Eljibat, and Tareq Salah Abu Eljibat.

(3) Jehad Mustafa, Amal Mustafa, and Raed Mustafa.

(4) Shaher M. Abed and Laila Abed.

(5) Zaid H. Khan and Nadira P. Khan.

(6) Rawhi M. Abu Tabanja, Basima Fareed Abu Tabanja, and Mohammed Rawhi Abu Tabanja.

(7) Reuben P. D'Silva, Anne P. D'Silva, Natasha Andrew Collette D'Silva, and Agnes D'Silva.

(8) Abbas I. Bhikhapurawala, Nafisa Bhikhapurawala, and Tasnim Bhikhapurawala.

(9) Fayez Sharif Ezzir, Abeer Muharram Ezzir, Sharif Fayez Ezzir, and Mohammed Fayez Ezzir.

(10) Issam Musleh, Nadia Khader, and Duaa Musleh.

(11) Ahmad Mohammad Khalil, Mona Khalil, and Sally Khalil.

(12) Husam Al-Khadrah and Kathleen Al-Khadrah.

(13) Nawal M. Hajjawi.

(14) Isam S. Naser and Samar I. Naser.

(15) Amalia Arsua.

(16) Feras Taha, Bernardina Lopez-Taha, and Yousef Taha.

(17) Mahmood M. Alessa and Nadia Helmi Abusoud.

(18) Emad R. Jawwad.

(19) Mohammed Ata Alawamleh, Zainab Abueljebain, and Nizar Alawamleh.

(20) Yacoub Ibrahim and Wisam Ibrahim.

(21) Tareq S. Shehadah and Inas S. Shehadah.

(22) Basim A. Al-Ali and Nawal B. Al-Ali.

(23) Hael Basheer Atari and Hanaa Al Moghrabi.

(24) Fahim N. Mahmoud, Firnal Mahmoud, Alla Mahmoud, and Ahmad Mahmoud.

(25) Tareq A. Attari.

(26) Azmi A. Mukahal, Wafa Mukahal, Yasmin A. Mukahal, and Ahmad A. Mukahal.

(27) Nabil Ishaq El-Hawwash, Amal Nabil El Hawwash, and Ishaq Nabil El-Hawwash.

(28) Samir Ghalayini, Ismat F. Abujaber, and Wasef Ghalayini.

(29) Iman Mallah, Rana Mallah, and Mohanned Mallah.

(30) Mohsen Mahmoud and Alia Mahmoud.

(31) Nijad Abdelrahman, Najwa Yousef Abdelrahman, and Faisal Abdelrahman.

(32) Nezam Mahdawi, Sohad Mahdawi, and Bassam Mahdawi.

(33) Khalid S. Mahmoud and Fawziah Mahmoud.

(34) Wael I. Saymeh, Zatelhimma N. Al Sahafie, Duaa W. Saymeh, and Ahmad W. Saymeh.

(35) Ahmed Mohammed Jawdat Anis Naji.

(36) Sesinando P. Suaverdez, Cynthia Paguio Suaverdez, Maria Cristina Sylvia P. Suaverdez, and Sesinando Paguio Suaverdez II.

(37) Thabet Said, Hanan Said, and Yasmin Said.

(38) Hani Salem, Manal Salem, Tasnim Salem, and Suleiman Salem.

(39) Ihsan Mohammed Adwan, Hanan Mohammed Adwan, Maha Adwan, Nada M. Adwan, Reem Adwan, and Lina A. Adwan.

(40) Ziyad Al Ajjouri and Dima Al Ajjouri.

(41) Essam K. Taha.

(42) Salwa S. Beshay, Alexan L. Basta, Rehan Basta, and Sherif Basta.

(43) Latifa Hussin, Sameer Hussin, Anas Hussin, Ahmed Hussin, Ayman Hussin, and Assma Hussin.

(44) Fadia H. Shaath, Bader Abdul Azium Shaath, Dalia B. Shaath, Abdul Azim Bader Shaath, Farah Bader Shaath, and Rawan Bader Shaath.

(45) Bassam Barqawi and Amal Barqawi.

(46) Nabil Abdel Raoof Maswadeh.

(47) Nizam I. Wattar and Mohamed Ihssan Wattar.

(48) Wail F. Shbib and Ektimal Shbib.

(49) Reem Rushdi Salman and Rasha Talat Salman.

(50) Khalil A. Awadalla and Eman K. Awadalla.

(51) Nabil A. Alyadak, Majeda Sheta, Iman Alyadak, and Wafa Alyadak.

(52) Mohammed A. Ariqat, Hitaf M. Ariqat, Ruba Ariqat, Renia Ariqat, and Reham Ariqat.

(53) Hazem A. Al-Masri and Maha A. Al-Masri.

(54) Tawfiq M. Al-Taher and Rola T. Al-Taher.

(55) Nadeem Mirza.

(c) WAIVER OF CERTAIN GROUNDS FOR INADMISSIBILITY.—The provisions of paragraphs (4), (5), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply to adjustment of status under this Act.

(d) OFFSET IN NUMBER OF VISAS AVAILABLE.—Upon each granting to an alien of the status of having been lawfully admitted for permanent residence under this section, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) of such Act.

(e) DENIAL OF PREFERENTIAL IMMIGRATION TREATMENT FOR CERTAIN RELATIVES.—The natural parents, brothers, and sisters of an individual referred to in subsection (b) shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. RAHALL. Mr. Speaker, I rise in strong support of H.R. 3646, a bill I introduced as a Private Relief Bill on behalf of 54 families and individuals seeking permanent resident status in the United States. These families, known as Persian Gulf Evacuees, have lived and worked in this country since being evacuated out of Kuwait, at the behest of the United States government, just prior to U.S. Military Intervention in the Iraqi invasion of that country.

More than 2,000 individuals, many of whom have U.S. citizen children, by order of then President George Bush, were evacuated to keep them out of harms way when the United States intervened militarily in Kuwait to drive out Saddam Hussein and his weapons of mass destruction.

Many of the evacuees, prior to evacuation, had provided a safe-haven for Americans caught unaware when Iraq invaded Kuwait, and hid them in their homes against Iraqi retaliation.

Once here, the majority of the 2,000 evacuees adjusted their own status, often through asylum procedures. These 54 families remained in limbo, facing deportation and loss of work permits in the United States.

The Persian Gulf Evacuees, better known as PGE's, are well educated, mostly professional individuals perfectly capable of working and supporting themselves here in the U.S. without becoming wards of any State in which they have settled. They are English-speaking, and this is especially true of their U.S. Citizen children.

These families were extensively investigated by both the INS and the FBI, and have been cleared of any wrong-doing since entering the United States, and none has been found to be members of any subversive groups.

I am deeply pleased to have been their champion since the 103rd Congress.

I take this opportunity to extend my most profound thanks and appreciation to my friend, Immigration Subcommittee Chairman LAMAR SMITH. I am grateful for his good counsel and his able guidance over these past few years as we worked to bring this bill or similar legislation to enactment. My thanks go also to his capable staff for their long-term, hard work on behalf of the Persian Gulf Evacuees.

I also extend my sincere thanks to Judiciary Committee Chairman HENRY HYDE, my good friend and a distinguished leader on immigration matters in the House, for his action to report H.R. 3646 favorably from his Committee, paving the way for passage of this vitally important legislation.

I salute the Persian Gulf Evacuees, for their patience throughout the years it has taken to bring this bill to enactment. The nationwide teamwork among the PGE's worked remarkably well. The PGE Team Leaders not only keep my office advised of any problems they faced, while awaiting legal permanent status in their adopted country, such as work permits so that they could remain self-sufficient and not in need of public assistance, but helped each family keep track of the legislative process.

They did an outstanding job, and I congratulate them not only for all their work, but as mentioned above, for their excellent patience throughout.

And finally, I wish to thank Dr. Hala Maksoud, of the American-Arab Anti-Discrimination Committee (ADC), and her staff, for bringing this matter to my attention during the 103rd Congress, and for their solid support for the legislation throughout the years of waiting.

I believe our action today makes this new, challenging century in America one that will be remembered by these 54 families for its compassionate understanding, and is an acknowledgment of the duty we have to discharge our responsibility toward those who come to America at the behest of our own Government.

We have, with the able assistance of Subcommittee Chairman LAMAR SMITH and his fine staff, responded to their economic needs by ensuring the continual approval of work permits, and by keeping them free of INS deportation actions until our action today could be brought to fruition.

It was not an easy task, and knowing this makes us even more grateful for the assistance we have received.

I am confident that the PGE's will continue, as they have during the 10 year period they have been in this country, to work hard, to remain good citizens, and to make important contributions to the American socio-economic structure as legal, permanent residents of this great country.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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## AKAL SECURITY, INCORPORATED

The Clerk called the bill (H.R. 3363) for the relief of Akal Security, Incorporated.

There being no objection, the Clerk read the bill as follows:

H.R. 3363

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. PAYMENT FOR SERVICES PERFORMED BUT NOT PAID.**

Notwithstanding section 2465 of title 10, United States Code, the Secretary of the Treasury shall pay, out of any money in the Treasury not otherwise appropriated, to Akal Security, Incorporated, a New Mexico corporation incorporated in New Mexico, $10,208.74 for security guard services rendered in 1991 to the United States Army Reserve Personnel Center located at 9700 Page Boulevard in St. Louis, Missouri.

**SEC. 2. EXTINGUISHMENT OF LIABILITY.**

Notwithstanding section 2465 of title 10, United States Code, any liability of Akal Security, Incorporated, to the United States for repayment of $57,771.29 for the services described in section 1 is hereby extinguished.

**SEC. 3. FULL SATISFACTION.**

The relief under sections 1 and 2 shall, when accepted by or on behalf of Akal Security, Incorporated, be in full satisfaction of all claims of or on behalf of Akal Security, Incorporated, against the United States or against any officer, employee, or agent of the United States acting within the scope of employment or agency, for payment for the services described in section 1.

**SEC. 4. LIMITATION ON ATTORNEY FEES.**

It shall be unlawful for an amount exceeding 10 percent of the amount paid pursuant to section 1 to be paid to, or received by, any agent or attorney for any service rendered in connection with the claim described in such section. Any person who violates this section shall be guilty of an infraction, and shall be subject to a fine in the amount provided in title 18, United States Code.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. This concludes the call of the Private Calendar.

### GENERAL LEAVE

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3646 and H.R. 3363, the bills just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

### APPOINTMENT OF CONFEREES ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

Mr. SENSENBRENNER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The SPEAKER pro tempore. The Chair will appoint conferees later today.

### OPPOSITION TO INTERNET ACCESS FEES

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute.)

Mr. KUYKENDALL. Mr. Speaker, today the House will vote on important legislation that will affect the millions of Americans who use the Internet. Specifically we will take action to prevent the FCC from imposing Internet access charges.

In just a few short years, the Nation has evolved into a digital one. Most of us have surfed the Web and have corresponded with friends and loved ones with e-mail. It will continue to develop but only if we prevent commercial blocks like taxes and access charges.

I have had more mail from constituents on this one issue than any other issue since I have been in Congress. To my constituents, let me say simply that I have heard that message. I urge my colleagues to support this legislation. Congress today will recognize the Internet's importance and say no to access fees. We must keep the Internet tax-free. It is the right thing to do.

### INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell about Yona Gelernter, whose three children were abducted to Israel by their mother, Anat Gelernter. On April 17, 1995, Chaya, Menachem and Chava were taken from their Brooklyn, New York home to Israel.

As the parents were still married, Yona applied in the New York courts for emergency custody of his children. Additionally, because Israel is a signatory to the Hague Convention, he was able to apply for the return of his three children under the agreement. He filed his Hague petition in October of 1997 and on August 13, 1998, the Israeli courts ordered the immediate return of Chaya, Menachem and Chava to their father in the United States. However, when the mother learned that she had lost her case, she went into hiding with the three children. Yona has since hired private investigators in Israel to attempt to locate his wife and three children. He has not seen them since their abduction.

Mr. Speaker, there are 10,000 American children out there whose stories are similar, 10,000 American children and their parents who experience the same kind of pain and devastation every day of their separation. This Congress must take action to solve this problem and help reunite parents with their children. Mr. Speaker, we must bring our children home.

### AUTISM

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, when you look at these posters, you see beautiful, happy children. But what you do not know is that Bonnie and Willis Flick are beautiful, happy children with autism. Autism is a neurological disorder that impacts half a million people in America. This disorder makes it hard for them to communicate with others and to relate to the outside world. Autistic children have difficulties in communications, in social interactions and even in play activities. I am a very close friend of Bonnie and Willis Flick's parents and I have seen the distress and the frustration that dealing with autism may impose on families.

Approximately 50 percent of Florida's families with autism reside within my community of south Florida and Bonnie and Willis Flick are just two. But the Flicks are among the fortunate few who can afford intervention and counseling to help them cope with autism, because when one child suffers with autism, indeed the entire family is impacted.

Last week, the House passed the Children's Health Act to fight against autism by establishing centers to develop treatment and prevention methods. Thousands of children like Bonnie and Willis Flick will benefit from this research because for families living with autism, until we find a cure, research is what keeps our hopes alive.

### LIES, COVER-UPS AND MURDER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Reports show that the FBI lied about Waco. The FBI denied using tear gas until a memo was found and they were forced to admit it. The FBI then confiscated all autopsy reports of victims at Waco and now claims they lost it. In addition, the FBI lied about Ruby Ridge, Idaho, forcing Congress to give $5 million to the Weaver family to cover up their lies. Lies, cover-ups, murder, over 90 Americans killed at Waco and Ruby Ridge and not one single charge.

Beam me up. The Congress of the United States is allowing a police state to exist in our own country. Shame, Congress. Lies, murder, Waco, Ruby Ridge, Boston. You name the cities. I yield back the crimes and cover-ups of the Gestapo state that has developed in America at the United States Justice Department.

### INCOMPETENCE CAN CAUSE DEVASTATION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, one of the worst wildfires in history rages continually out of control in New Mexico today and so far has burned over 10,000 acres of land in that State. And it is the National Park Service who is to blame. Thousands of residents have been evicted, hundreds of homes have been destroyed or damaged and the lives of these families threatened. Yet all of this devastation and upheaval could have been prevented if the National Park Service had not blatantly ignored key information.

The National Weather Service informed the Park Service hours before a controlled burn was to begin that weather conditions were actually a blueprint for spreading a fire. But in spite of this warning, the fire was started, anyway.

Our heartfelt sympathies go out to all those families who have lost everything as a result of this man-made disaster and our deepest appreciation goes out to the firefighters now risking their lives battling a wildfire which should never have occurred.

Mr. Speaker, I yield back the negligence and incompetence of the National Park Service, an agency supposed to be responsible for protecting our national land.

### FEDERAL RESERVE RATE INCREASE TARGETS WORKING FAMILIES

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. The economic pundits only question how much of an interest rate increase the Fed will do today. They miss the basic question. Why? Core inflation is about 2 percent, less than it was a year ago.

Federal Chief Greenspan spent another sleepless night last night, not because he is worried about the damage the rate increase is going to do to working families, everyone who has to borrow money to buy a house, buy a car and finance major purchases. They will pay billions to finance his crusade. No, he had a sleepless night because he kept looking under the bed and in the closet for the chimera of inflation that does not exist.

What is the real agenda? If it is irrational exuberance, raise the margin rates on Wall Street. But maybe the real agenda is that he wants to drive up unemployment and drive down wages. God forbid American workers should get a wage increase. That is the real agenda of the Federal Reserve. It is targeted at the working families of America.

### OBSCENITY LAW ENFORCEMENT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, 80 percent of the American people say they want obscenity laws vigorously enforced. That same 80 percent do not believe the Government is doing its job, and they are right. Between 1992 and 1998, prosecutions for violations of Federal obscenity laws dropped 86 percent. A leading distributor of pornographic videos told TV Guide that the President was, and I quote, on our team. He said, "It's not that Clinton has been outwardly supportive of the adult industry but rather that he hasn't tried to quash it the way Republicans did back in the 1980s."

Even the public airwaves are not safe anymore. Sexual material on TV was more than three times as frequent in 1999 as it was in 1989. Foul language was more than five times as high. But the FCC has not collected a single fine or forfeiture or refused to renew a license due to broadcast indecency in 15 years.

Our children deserve better protection. The Justice Department and the President need to start enforcing the law on obscenity.

### MILLION MOM MARCH

(Mr. INSLEE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. INSLEE. Mr. Speaker, I spent last Sunday with hundreds of thousands of American moms on the Mall who had come to ask Congress to help protect their families from gun violence. And it was hard. It was hard to listen to mom after mom tell their stories of the loss of their children. But the reason it was hard was not just the heartache. The really hard part for me was to realize that 300 feet away from these hundreds of thousands of moms was the U.S. Capitol building, the place where we are charged to help American families, where this year the U.S. Congress has done nothing, nothing, nothing to help these families be protected from gun violence.

□ 1015

There is no protection with trigger locks, no closing of the gun show loophole. While this torrent of gun violence sweeps across us, the U.S. Congress does nothing. If this Congress refuses to act, may the heavens have mercy on us, because this November these mothers will not.

### BIPARTISAN SUPPORT OF GUN PROPOSALS NEEDED

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. KINGSTON. Mr. Speaker, I appreciate the opportunity to listen to the 1 minutes today, and I was wondering if the previous speaker happened to mention how his vote was on the bill that we had on the floor that actually did require trigger locks, that did close the loopholes at gun shows, and did put a ban on certain kinds of assault weapon clips?

We had that vote. Interestingly, the Democrats voted against it. Why did they vote against it? Because the loophole that was being closed in the gun show was not great enough for them, and it is odd, because it was actually offered by a fellow Democrat.

Now, that motion was something that I think a lot of Members of Congress would support. But, unfortunately, and it pains me, and I hope some of this was conveyed to some of these mothers, that the Democrats fought it. They had a shot at trigger locks, they had it in their hand to ban certain clips, and, of course, to close the loopholes on gun shows, but they voted no.

We might get another chance. I hope this time the Democrats put their rhetoric in front of their politics and put philosophy in front of politics and try to do the right thing.

### SENIORS DESERVE CHOICE ON PRESCRIPTION DRUG NEEDS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. SAM JOHNSON of Texas. Mr. Speaker, anyone developing a health plan these days would not think of omitting prescription drugs as a benefit, yet Medicare does. However, despite this lack of coverage in Medicare, fully two-thirds of America's 39 million seniors currently have prescription drug coverage, so any new plan must be voluntary and not force seniors out of their current plans.

Seniors deserve the flexibility to determine what type of drug coverage they want and need. A one-size-fits-all program will not work.

One thing that is crystal clear to me is that seniors should not have to choose between putting food on the table and buying their medicine. A senior's choice should be the plan that best meets their prescription drug needs.

### FIXING THE JUNK E-MAIL PROBLEM

(Mr. GARY MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. GARY MILLER of California. Mr. Speaker, I rise to call on this House to pass legislation to fix the unsolicited commercial e-mail problem, referred to as "spam," that is harming the Internet.

Millions of unsolicited commercial e-mails, which contain advertisements for pornography, dubious products or get-rich-quick schemes are clogging up the computers of individuals, business systems and the entire information superhighway.

The receiver pays for e-mail advertisements. Junk e-mail is like postage-due marketing, or a telemarketer calling your cell phone, or receiving a bill at the end of the month for all the junk mail you have received.

The spam problem is increasing because there is an incentive for shady marketers to send as many advertisements as possible. After all, they do not spend more for sending one million than for sending one. We need to fix this skewed incentive.

Mr. Speaker, I want to especially thank the gentlewoman from New Mexico (Mrs. WILSON), the gentleman from Texas (Mr. GREEN), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Virginia (Mr. BLILEY) for their dedication and hard work on this issue.

Mr. Speaker, I yield back all the unsolicited invasive pornographic e-mail messages that invade your home and that we are forced to pay for.

## THE RISK OF DOING NOTHING TO SAVE SOCIAL SECURITY

(Mr. SMITH of Michigan asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. SMITH of Michigan. Mr. Speaker, yesterday the Governor of Texas came out with a proposal that we have got to do something on Social Security to save it. He suggested that some of the tax that American workers pay in should end up in their own name invested to bring in more returns to Social Security and to those individuals when they retire.

I think that when AL GORE suggests that it is risky to invest any of that money in indexed funds, or in 401(k) type funds or, for government workers, the Thrift Savings Account funds, where their performance has averaged a very high positive return, we should also note that there has never been a 12-year period in the history of this country where indexed stocks did not have a positive return. In fact, according to Mr. Jeremy Siegel, there has been a positive return of at least 1 percent for any 12-year period, even during the worst of times, and over 70 years there has been an average return of 7.5 percent.

Some suggest that it's risky to have real investments.

What is really risky is not doing anything and spending Social Security trust fund money on other government programs.

## HEALTH PREMIUMS AND PRESCRIPTION DRUGS SHOULD BE TAX DEDUCTIBLE ITEMS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks).

Mr. STEARNS. Mr. Speaker, today I plan to introduce a bill to allow health insurance premiums and unreimbursed prescription drug expense to be tax deductible. Under current law, employers can write off the cost of health care coverage purchased for their employees. Why cannot individuals also be allowed the same opportunity to write off premiums and unreimbursed prescription drug expenses?

The current Tax Code sets the threshold at 7.5 percent of adjusted gross income before an individual can write off their medical expenses. This does not seem right to me. Currently in order to claim health care expenses, an individual must file an itemized tax return.

I believe that all taxpayers should be allowed to deduct these out-of-pocket expenses, and we need to include a place where this deduction could be taken on the short form, such as a 1040EZ and 1040A. My bill also applies to the self-employed, because individuals who are self-employed will not be eligible for a 100 percent write-off until the year 2003.

This type of relief is long overdue. Allowing individuals to write off certain costly health care expenses they may incur would be a tremendous benefit to them.

The National Taxpayers Union supports my bill. I urge my colleagues to cosponsor my bill.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE), Pursuant to clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

## INTERNET ACCESS CHARGE PROHIBITION ACT OF 2000

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1291) to prohibit the imposition of access charges on Internet service providers, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1291

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Internet Access Charge Prohibition Act of 2000".*

***SEC. 2. PROHIBITION OF CHARGES ON PROVIDERS OF INTERNET ACCESS SERVICE.***

*Section 254 of the Communications Act of 1934 (47 U.S.C. 254) is amended by adding at the end the following new subsection:*

*"(l) PROHIBITION OF CHARGES ON INTERNET SERVICE PROVIDERS.—*

*"(1) IN GENERAL.—Notwithstanding subsection (b)(4) or (d) or any other provision of this title, the Commission shall not impose on any provider of Internet access service (as such term is defined in section 231(e)) any contribution for the support of universal service that is based on a measure of the time that telecommunications services are used in the provision of such Internet access service.*

*"(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall preclude the Commission from imposing access charges on the providers of Internet telephone services, irrespective of the type of customer premises equipment used in connection with such services.".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

### GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1291.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself 5 minutes in support of the bill.

Mr. Speaker, I rise in strong support of H.R. 1291, the Internet Access Charge Protection Act of 2000, and I urge my colleagues today to show their support for this important pro-consumer legislation.

A number of Members have made this floor vote possible, and I would like to begin by noting their contributions. The gentleman from Michigan (Mr. UPTON) is the author of this most important legislation. He has identified the significance of this issue and has worked hard with the committee to ensure that the bill is balanced and represents a continued contribution to the public interest.

Let me also commend the leadership of the House, who showed an early and critical interest in bringing this legislation to the floor today. Finally, as always, let me note the work of the bipartisan leadership of our Committee on Commerce, its chairman, the gentleman from Virginia (Mr. BLILEY) and the ranking minority member, the gentleman from Michigan (Mr. DINGELL), both of whom always contribute to the bipartisan spirit by which we bring legislation important to the Nation on telecommunication matters to the floor.

Mr. Speaker, this bill represents the best interests of this body. No matter how complex an issue is and no matter how controversial it may be, this institution can find a way to craft a balanced bill which serves the interests of consumers and of the technologies.

Over the years, the Committee on Commerce has labored hard to provide for universal access to the Nation's telephone network. While competition and innovation have been the hallmark of telecommunications policy, so too has universal service. We have balanced these goals over the decades, and we will do so again today with this legislation that is before us.

More to the point, H.R. 1291 will preclude the Federal Communications Commission from imposing permanent charges on Internet service providers when those charges are intended for the support of universal service. At the same time, it is important to note that this bill will permit the Committee on Commerce and the FCC to continue to consider the implications of the growth of Internet telephony, particularly its long-term implications on consumer access to the telephone network.

This is a critical issue, and yet we know so little about what it means for those who depend upon affordable access to telecommunications service. The FCC, for example, has advised Congress that it is too early to tell what the future holds for universal service as more voice traffic migrates to Internet telephony. At the same time, the FCC warned that it does not want to stifle the growth of Web-based applications such as Internet telephony.

The FCC, in other words, has told us the record on this matter is not yet complete, nor is Congress prepared with a well-developed record in this area either. That is why the legislation makes it clear that Congress is not predetermining the issue of access charges and Internet telephony.

Let me make it clear to my colleagues, this bill leaves this important debate for another day. It is neutral on this point. It decides it neither way and leaves it for a future debate, leaves it for Congress and the FCC to settle at a future time. But this House can today and should address the central issue of permanent charges on Internet data access, and it should do so today.

The Advisory Commission on Electronic Commerce has recommended to us that access to the Internet should remain tax free and unregulated. Today's monthly Internet access services are affordable and charged on a flat rate basis. As a result, the Internet is available to children to surf the Worldwide Web for information, reports and learning. It is available for e-commerce businesses to grow and expand without the burden of permanent charges. This bill ensures that that affordable access is continued on into the future. H.R. 1291 will help ensure that this affordable access is the rule, not the exception.

I urge my colleagues to join me in supporting this bill.

Mr. DINGELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in support of H.R. 1291. The bill is intended to make sure that the individual who logs on to the Internet will not be charged by the minute for the privilege of doing so. That is a worthy goal. I would observe, however, that the situation before us is still somewhat Kafkaesque and does indeed participate of the rather wry humor of that kind of story.

I would note that one of the things that has triggered our interest in this matter has been a story that has been going around on the Internet about a Congressman by the name of Schnell who has a piece of legislation which says that people will be charged by the minute for the privilege of using Internet. I would note that Mr. Schnell is entirely fictitious, and I am curious why we are responding to an imaginary piece of legislation which is sponsored by a fictitious Congressman who does not exist?

I would note that many Congressional offices have been bombarded with an insidious e-mail campaign over the past year denouncing the fictitious legislation introduced by Mr. Schnell, who does not exist, which would accomplish precisely the opposite result of the bill we consider today.

I only hope that the passage of H.R. 1291 will finally extinguish this cybermyth for once and all. I am not convinced, however, that mounting a massive legislative counterattack on a fictitious bill introduced by a make-believe Congressman is the best use of the time of this House, particularly when the subject of that bogus bill, if it were actually introduced, is so contrary to the public interest, that it would have zero chance of success in this legislative body.

My puzzlement extends further to the speed with which the leadership has rushed this legislation to the floor. What we are considering today is a fabricated solution to an imaginary problem, yet the leadership seems to believe that this virtual bill is so important that the Committee on Commerce was asked to dispense with the regular order and bypass subcommittee consideration.

I find it quite amazing that a phantom Congressman by the name of Schnell has more success in jumpstarting the legislative process than those of us here by actual election of the people. I only regret that Congressman Schnell is not a conferee on some of the more important legislation currently languishing in the conferences between the House and the Senate.

Certainly our constituents should know that the Congress has no intention of installing a meter on their use of the Internet and that this legislation will alleviate their concern in that regard, even though it is prompted by the existence, as I have said, of a fictitious bill sponsored by a nonexistent Congressman.

□ 1030

However, I am disappointed that the majority refuses to seize an opportunity here to address a greater and a more genuine threat to consumer pocketbooks; that is, the very real possibility that new services such as Internet telephony may evade the responsibility of contributing to support the Universal Service Fund, a fund that ensures that all Americans have access to affordable telephone service.

These services will continue to migrate from traditional networks to the Internet and unless we act, the Universal Service Fund will be left to wither on the vine. That spells significant trouble for local phone rates for all consumers, but particularly for those who live in rural areas and the working poor or those who live in big cities.

I would observe these are the same Americans who are stuck on the wrong side of the digital divide and are least able to take advantage of high-tech alternatives. Unfortunately, in our haste to get this legislation to the floor that solves, as I have mentioned, an imaginary problem, we squandered the opportunity to address one that is all too real, and that is the prices which Americans will pay for local telephone service if today's disparate regulatory treatment is permitted to continue.

Whether a service is offered by the Internet or through a traditional telephone network, the attendant obligations to support the universal service should be the same. I hope the majority will address this serious inequity with due haste so that the American people can be duly protected against the sharp rise in the price for one of their most essential communications needs, and that is plain, old-fashioned telephone service.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I would point out that Congressman Schnell may indeed be a bogus Congressman but the issue is not bogus. There are real lawyers litigating in the courts on this issue today, and real debate before the FCC.

This bill puts an end to the debate and protects the Internet from per minute charges for all of those who have affordable access today.

Mr. Speaker, I yield 4 minutes to a real Congressman, the gentleman from Michigan (Mr. UPTON), a dear friend and the author of the legislation.

Mr. UPTON. Mr. Speaker, we have all received thousands and thousands of e-mails from our constituents who have been outraged about erroneous reports that Congress was soon going to consider Congressman Schnell's bill H.B. 602P, which purportedly would impose a surcharge on literally every e-mail sent by an individual. Yes, yes, that rumor is false but around the same time another e-mail campaign suggested that the FCC was in fact going to impose a per minute access fee on Internet use, and again our constituents flooded our offices with e-mails to express their outrage.

It is undisputed that the FCC's unelected bureaucrats currently do have the power to authorize permitted access charges on Internet use, their claims that they have no intention of doing so disregarded. As we all know, the road to hell was paved with good intentions, and one need look no further than the e-rate tax to know how the FCC's unelected bureaucrats have recently used their authority to increase the Government's take by a billion dollars through an increase on every American's long distance charges.

The question is this: Should we trust the unelected bureaucrats at the FCC to keep their hands out of the pockets of Internet users, or should Congress pull the plug once and for all?

Our constituents have e-mailed us. They have talked to us through letters to the editor. They have come to our town meetings and they have said that they want us to pull the plug once and for all. That is why we need to pass this legislation this morning.

H.R. 1291 will prevent a stop-watch from being placed on the Internet so that our constituents are not charged by the minute when they surf the Web or when they e-mail their friends, families, customers or even us, Members of Congress, for that matter.

Our constituents are already paying for the phone service and a monthly fee usually to their Internet service provider as well. Clearly, if our constituents were charged by the minute when they surfed the Web or e-mailed, this would drastically increase the cost and dramatically inhibit their use of the Internet, perhaps as much as $400 over the course of the year.

This would disproportionately impact folks who communicate by e-mail, particularly families with children in the military overseas, or children who are in college far away from home, brothers and sisters, families who are scattered across our Nation, even around the globe, and seniors on fixed incomes who have begun to communicate by e-mail to their grandkids.

We cannot let this happen and this bill would prevent it. I am pleased that 141 of our colleagues from both sides of the aisle have cosponsored this legislation.

I commend the gentleman from Virginia (Mr. BLILEY), the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) for all their efforts to ensure that this bill is on the floor today. I introduced it almost a year and a half ago and I am pleased to say we hope to pass it this morning.

Mr. DINGELL. Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARMEY), the majority leader.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Louisiana (Mr. TAUZIN) for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 1291, the Internet Access Charge Prohibition Act. Last week, this Congress voted overwhelmingly to extend the moratorium on Internet taxes by 5 years. This was an important first step in our efforts to address the recommendations of the Electronic Commerce Advisory Commission Report, the Gilmore Commission report.

Today we are taking another important step in advancing the Commission's recommendations to prevent the Federal Government from imposing charges on Internet access. An important component of the eContract2000 unveiled last week was to expand digital opportunities for all Americans. The Internet provides new and exciting opportunities for all Americans to communicate, learn and to be entertained. It is the engine of our economic growth, but it is also a force for freedom and opportunity. Banning taxes and fees on Internet access helps ensure that this opportunity is available at the lower cost to more consumers. One of the main reasons that the Internet has grown so quickly has been the relative lack of taxes and regulations. In our eContract, we promise to stick to the principle that freedom, not government intervention, is the answer to maintaining and expanding that growth. This bill is part of that promise.

Mr. Speaker, some may be disappointed that this bill does not address other related telecommunications issues, which are more complex and very controversial. As with any bill, the fact that Congress has not addressed an issue today does not mean that it will not address it in the future. There is a time and place for Congress to address those questions more thoroughly and with more reasoned thought. Silence by Congress on these other complex and controversial issues should not be interpreted as anything other than that they are complex and controversial issues.

H.R. 1291 is intended as a simple, straightforward bill designed to ban access charges on the Internet. Please join me today in voting to keep the Internet free of excessive taxes, fees and regulations so that we can provide more digital opportunities for more Americans.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Speaker, we are here on the House floor today debating a bill that flew through the Committee on Commerce, skipping a subcommittee markup in order to address some Internet access charge issues. Now many Members have received letters about a bill that would impose a modem tax, a per-minute-fee on e-mail or consumers' general Internet use. This fictitious bill sponsored by the equally fictitious Representative Schnell purports to impose new fees on Internet use.

The proposal here on the floor, which is styled as a remedy to any chance that the FCC might some day permit access charges to be imposed on Internet service providers, is also a work of fiction. This is not a bill that we should send on to President Clinton. This is a bill that should be sent over to the Federal Trade Commission for false advertising.

This bill does not prohibit per minute access charges on Internet service providers. Let me repeat that thought. This bill does not prohibit per minute access charges on Internet service providers. This bill only prohibits access charges that are for universal service to help poor people, to help rural Americans. That is the only thing that it prohibits.

The only thing that this bill prohibits is for charges to be assessed that ensures that inner-city residents who cannot afford phone service are given access to it; that ensures that rural Americans who have always been given subsidies through the universal service charge are prohibited from looking at this as a source of revenues in order to help those rural Americans, in order to help those inner-city Americans be given access to phone service.

This bill only prohibits access charges that help those people. Representative Schnell, this fictitious Congressman to whom we are responding right now, his idea, his vision of not helping those poor people is alive and well in this bill on the floor here today. Under this bill, access charges would be permitted as long as they do not go to universal service. In other words, access charges levied by local phone companies to recoup their costs or for profit for themselves are fully permitted under this bill.

So this is a great moment here for the Congress? We are going to prohibit anything from being done for poor people or rural Americans for their phone service, but we are going to make sure and protect the phone companies so that they can make more profits. I think this is an emergency bill of the highest and most important, paramount interest if that is why we are out here, just to help phone companies and to make sure that poor people cannot be helped.

Since today there is a roaring debate about whether and, if so, how much of today's access charges actually support universal service, the prohibition contained in the bill actually prohibits very little. Any Internet companies that think that today's bill codifies the Internet access charge exemption are quite mistaken. We are not. Phone companies can still tip them upside down under this bill.

In addition, the second part of the bill that gives the FCC a big legislative wink to look at access charges on Internet telephone providers is also something that is very questionable.

I offered an amendment in the committee to prohibit the FCC from authorizing per minute charges on Internet telephone calls. It would have allowed a flat rate fee for universal service so that all competitors contributed to universal service but would have banned per minute charges for Internet telephone service. I believe we need to safeguard the flat rate nature of the Internet for consumers. At the full committee markup, I was told that prohibiting per minute charges on Internet telephone calls was premature, premature. Why on earth would we ever want to permit the FCC from allowing per minute charges or per minute fees on the Internet for anything? When would this be a good idea? The only people who want per minute charges on Internet telephone calls are those who do not want to compete in the marketplace against flat rate telephone calls, and that is why this bill is out here on the floor.

Moreover, creating a glaring savings clause in the bill for per minute charges on Internet telephone calls ignores the fact that assessing per minute charges would pose a huge privacy issue. Who is going to monitor someone's Internet usage to see whether their bits are e-mail bits, which are Web surfing bits and which are telephone calls? Is the FCC going to be checking out every one of our phone bills to see which one of us is using it for which?

I think we can codify the existing Internet access exemption, but this bill only does part of it. Moreover, I think that we can codify the existing Internet charge access exemption, but this bill only does part of it.

□ 1045

Moreover, I think we need to move quickly to prohibit per minute charges for Internet telephone calls, which this bill specifically fails to do. That failure is very, very troubling for the future of the Internet's flat rate pricing structure, and one that every high-tech company and Internet consumer should take notice of. This is not a good bill. This heads in just the opposite direction of where we should be heading with the Internet, the flat rate system we have had for the last 13 years. A no vote is justified.

Mr. TAUZIN. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Speaker, I thank the gentleman for yielding time to me.

I would like to join other Members in support of the bill offered by the gentleman from Michigan (Mr. UPTON), as it was originally introduced.

Avoiding per-minute charges for Internet access service, as we have since 1987, remains a worthwhile objective. How we treat Internet telephony will dictate the extent to which millions of Americans choose an affordable, yet innovative, alternative to traditional telephone services today.

This is why I share the view of others that the SEC should not rush in and impose access charge regimes on providers of Internet telephone services. Access charges were designed in the wake of the break-up of AT&T to require long distance providers a means to compensate the local telephone monopoly.

The FCC should carefully study the issue and reform today's current access charge regime before it rushes in to impose old regulations on new Internet applications.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield 2 minutes to distinguished gentleman from Texas (Mr. GREEN).

Mr. GREEN of Texas. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am proud to be a cosponsor of H.R. 1291, and congratulate my colleague, the gentleman from Michigan (Mr. UPTON) for his leadership. I believe Congress is well-intentioned today by not allowing the FCC the ability to impose per minute charges on Internet access services.

I want to say so long to Congressman Snell and his 602–P legislation. I am sure everyone has received hundreds if not thousands of e-mails, like we have in our office, concerning this fictitious Member of Congress and this fictitious legislation.

Mr. Speaker, in our markup my colleague, the gentleman from Michigan (Mr. DINGELL), our ranking member, said sometimes this Congress does better by sponsoring fictitious bills by fictitious Members than they do real life legislation. H.R. 1291 is real life legislation, but I agree with the gentleman, oftentimes. Hopefully the voters would not have elected Congressman Schnell, anyway, if he had introduced such a bill.

We all know that per minute access would devastate the Internet. The explosive growth in data traffic has clearly demonstrated that per minute access charges would quickly drive consumers off the Internet. I do not believe that the intention of anyone here is to do that. We need to expand the Internet and continue its growth, and allow people to expand the ability that it provides.

Because access fees were originally designed for voice traffic, there was little concern about adding a few cents per minute to fund the maintenance of the telecommunications infrastructure. Unfortunately, the length of consumers' calls differs from the amount of time consumers may be online, and access charges were designed for the typical 5-minute phone call. They were not intended for the 45 minutes average that our constituents spend online on the Internet.

I do have some concern, and I know we tried to address it in the committee, about the impact this would have on the solvency of the universal service fund. We do not know what telephone service will look like 5 years from now, but hopefully this Congress will be responsive and will pass this bill today.

Mr. DINGELL. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, we have here a bill which has merit, limited. We have a bill which is directed at solving a problem which really does not exist. We have need to address the major problem of the universal service fund, which may very well be drying up under this, which will result in significant cost increases to inner city dwellers and to residents of rural areas.

It is a shame that we are not addressing the more important questions that we need to address, rather than to respond in this hasty fashion to a problem which really does not exist.

The first application for this kind of relief had begun very shortly after the FCC made Internet charges no longer possible back in the 1980s. They have had many applications for this kind of thing since and have never once accorded any reality to those charges, so I think it would be better that we address real problems rather than fictitious ones.

Mr. Speaker, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me first point out that there is no contribution to universal service right now in any access charge assessed against Internet users for data services. This is not occurring. The FCC has an exemption on the books right now that prevents such access charges for universal service. Universal service is not threatened by this bill today, and no one should feel otherwise.

Secondly, there is no Member of the House who has proposed to make access charges for data services on the Internet support universal service. The only person who suggested that is this artificial bogus Congressman, Congressman Schnell, that is the subject of some e-mail conversation on the web.

Third, if there was an opportunity to create a digital divide here, it would be in the case if Congressman Schnell or some litigator in the Eighth Circuit or some litigator at the FCC ever succeeded in changing the FCC's exemption.

If ever these litigators succeeded in assessing per minute charges for data use of the Internet, indeed, we would be helping to create a digital divide. It is the absence of per minute charges on the Internet that is making the Internet affordable to poor people, to children, to struggling new-coming businesses on the web; to the growth, in fact, of the electronic commerce in America and across the world.

It is the absence of per minute charges that is helping us to make sure that a digital divide does not happen when it comes to access to the Internet for children, libraries, hospitals, schools, for people in general in this country.

Today we codify that rule. In this bill we say never shall the FCC assess per minute charges for access to the Internet for data services. That is a good thing. We ought to put this to rest. This bill does it. I commend my friend, the gentleman from Michigan (Mr. UPTON) for doing so.

We leave to a future debate the question of telephone service, where indeed universal service is critically important. We leave that debate open. We make no judgment. We are neutral on that point.

This is a good bill. It deserves the support of the House. I urge its final passage.

Mr. GOODLATTE. Mr. Speaker, the bill considered by the House today should put to rest any undue concern on the part of the American people that Congress intends to tax their Internet access. By keeping Internet service unregulated and unburdened by taxation, we have allowed millions of Americans to access these services and, in turn, created a boom in electronic commerce that has transformed the way we live and do business today in this country.

H.R. 1291 reaffirms the decision made more than a decade ago that access fees should not be imposed on Internet service providers. This has allowed consumers in droves to access the Internet on an affordable flat-rate basis, rather than a per-minute basis. It's simple economics: the less you tax supply, the more consumer demand you create.

I recognize that parts of this bill might create the mistaken impression that Congress is encouraging Federal regulators to impose access fees on Internet telephone services. I want to make clear that this bill is no way meant to encourage the FCC to apply existing access charges to providers of Internet telephone services. Rather than pile on additional charges for Internet users, we ought to first figure out how to reform telephone access charges as Congress instructed the FCC to do in 1996. The last thing we want to do is impose charges that will discourage consumers from embracing the Internet and the innovative services that will revolutionize the way we live and work.

Mr. BENTSEN. Mr. Speaker, I strongly support H.R. 1291, the Internet Access Charge Prohibition Act. This legislation will ensure that Internet Service Providers (ISPs) are not required to pay access charges to connect to the Internet. As a result, consumers will continue to have lower prices for their Internet access.

In this Information Age, the number of consumers who use the Internet daily for their work and education continues to grow. This legislation will ensure that Internet access remains reasonable and accessible for all Americans.

In 1983, the Federal Communications Commission (FCC) established rules which require long distance companies to pay "access charges" to local telephone companies for connecting a long-distance call to local telephone networks. These access charges are paid to both networks where the call originates and where the call ends. In addition, part of these access charges help to pay for the Universal Service Fund which subsidizes the cost of telephone services to rural and high-cost areas and low-cost individuals. In addition, this Universal Service Fund helps to provide low-cost Internet connections for schools and libraries. The current average access charge is 2.4 cents-per-minute which is paid by consumers.

The FCC however, does not permit local telephone companies to impose these access charges to ISPs because they classify these ISPs as "enhanced service providers." Recently, the FCC reviewed this matter again and determined that ISPs should continue to be exempt from these access charges. In May 1997, the Court of Appeals for the Eighth Circuit upheld this FCC decision and this decision remains in effect today.

Regrettably, there is a persistent rumor on the Internet that these fees are going to be imposed on all electronic mail (E-mail) messages. In my congressional district, I have heard from many constituents that they are concerned about the burden that these fees would impose upon them. This legislation, H.R.. 1291, would prohibit the FCC from imposing any per-minute access fees on ISPs if such fees are going to be dedicated to the federal Universal Service Fund activities. This legislation will permanently protect consumers who use the Internet daily. I am pleased that Congress has acted to provide this common-sense consumer protection to all Internet users.

I strongly urge my colleagues to support this bill, H.R. 1291.

Mr. UDALL of Colorado. Mr. Speaker, I would like to join other Members in applauding the intention of Mr. UPTON's bill as introduced. Avoiding per-minute charges for Internet access services is a very worthy goal. The use of per-minute access charges for the Internet has plagued the development of the Internet is no many other countries. We should do what is needed to continue a flat-rate charging mechanism.

However, H.R. 1291 also includes a "Rule of Construction" that I find a little troubling. The provision says that nothing in the bill precludes the FCC from imposing access charges on Internet telephone providers. This refers to the charges long-distance telephone companies must pay to local telephone companies for connecting a long-distance call to local telephone networks—both where the call originates and where it terminates.

I don't believe that this provision is intended to encourage the FCC to rush in and impose today's access charge regime on providers of Internet telephone services. Nor do I think the FCC has plans to impose any access charges at the present time.

Still, given the wording of this provision, I think it's important to emphasize that an imposition of old-style access charges on Internet telephony would be short-sighted. Access charges are based on a distinction between local and long-distance that the Internet is rendering irrelevant. The FCC should carefully study the issue and reform today's current access charge regime before it rushes in to impose old regulation on new Internet applications.

Mr. BLILEY. Mr. Speaker, I rise in support of H.R. 1291, the Internet Access Charge Prohibition Act of 2000, and I urge my colleagues to join me in supporting this bill.

The Committee on Commerce last week reported H.R. 1291, a bill that was introduced by my friend and colleague from Michigan, Mr. UPTON.

His bill, H.R. 1291, will help to ensure consumers continue to have affordable access to the Internet. More to the point, his bill will block the FCC's ability to impose per-minute charges on consumers' Internet access services, when those charges are intended for support of universal service.

In doing so, this bill will help preserve the flat-rate pricing structure Americans enjoy today for their Internet services. Flat-rate pricing, as opposed to per-minute charging, is one of the reasons the Internet has flourished in this country, and why Internet usage is so high here, compared to other countries.

Preserving that flat-rate pricing scheme is a commendable goal, and I think Mr. UPTON for his efforts in that regard. The Report of the Advisory Commission on Electronic Commerce, chaired by my good friend, the governor of Virginia, Mr. Gilmore, recommended that Congress deregulate Internet access services. That is the intention of H.R. 1291.

I note that some have raised concerns that the bill could be used to impose per-minute access charges on provides of Internet telephony. That is not the intention, nor the effect, of the bill.

The FCC is not encouraged by this bill to extend today's access charge regime on providers of Internet telephony. That regime was devised in a very different time, for a very different situation. access charges were designed in the early 1980's to compensate the local telephone companies for the use of their local loop facilities. These charges are predicated on a traditional distinction between local and long-distance services that the Internet is making irrelevant.

Choice telephone service is merely one type of application over the Internet. Internet voice should no more be subject to per-minute access charges than Internet access services. If we want to avoid per-minute charges on the Internet, we should avoid such charges for all Internet applications.

In the meantime, the House should begin the process now of ensuring that consumers can continue to have affordable, flat-rate prices for access to the Internet. I urge my colleagues to support the bill before us today.

Mr. TAUZIN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PEASE). The question is on the motion offered by the gentleman from Louisiana (Mr. TAUZIN) that the House suspend the rules and pass the bill, H.R. 1291, as amended.

The question was taken; and (two-thirds having voted in favor thereof), the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## EXPRESSING THE SENSE OF CONGRESS REGARDING THE FEDERAL GOVERNMENT'S RESPONSIBILITY FOR STARTING A DESTRUCTIVE FIRE NEAR LOS ALAMOS, NEW MEXICO

Mrs. CHENOWETH-HAGE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 326) expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico.

The Clerk read as follows:

### H. CON. RES. 326

Whereas on May 4, 2000, the National Park Service initiated a prescription burn on Federal land during the southwest's peak fire season;

Whereas on May 5, 2000, the prescription burn exceeded the containment capabilities of the National Park Service, was reclassified as a wildland burn, and spread to non-Federal land, quickly becoming characterized as a firestorm;

Whereas by May 7, 2000, the fire had grown in size and caused evacuations in and around Los Alamos, New Mexico, including the Los Alamos National Laboratory, one of America's leading national research laboratories and birthplace of the atomic bomb;

Whereas on May 12, 2000, the President issued a major disaster declaration for the Counties of Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos, and Torrance;

Whereas the fire resulted in the loss of Federal, State, local, tribal, and private property;

Whereas the loss to private citizens of personal property and memories cannot be accounted for in monetary terms nor repaid with financial assistance; and

Whereas a full congressional investigation will assist the Federal Government to determine the cause of this disaster and its full cost to the Federal Government and the people of New Mexico: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That—

(1) it is the sense of the Congress that the Federal Government should—

(A) take responsibility for the fire intentionally set by the National Park Service at the Bandelier National Monument, New Mexico, on May 4, 2000, which burned out of control near Los Alamos, New Mexico;

(B) take all necessary steps to mitigate the threats from the fire to the public health and well-being of the residents of New Mexico; and

(C) take all necessary steps to compensate the people of New Mexico for the losses incurred as a result of National Park Service actions; and

(2) the Congress commends—

(A) the people of New Mexico for opening their homes and their hearts to the New Mexican communities affected by this fire;

(B) the New Mexico firefighting teams for their efforts and courage in battling the fire;

(C) the New Mexico National Guard and the State of New Mexico for their efforts in mitigating the fire and assisting those affected by it;

(D) the American Red Cross and numerous other charitable organizations and volunteers for the extensive assistance provided to the fire victims;

(E) the Western States that have assisted New Mexico by sending people and equipment to help fight the fire;

(F) the businesses which have served as food and clothing collection points;

(G) all organizations and individuals that have collected and disseminated information to those affected by the fire;

(H) Sandia National Laboratories for extending assistance to fire victims;

(I) the Department of Energy for providing analysis and monitoring public health concerns; and

(J) the people of the United States for opening their hearts to assist with the plight of New Mexicans affected by the fire and for sending additional firefighting teams to help battle the fire.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) and the gentleman from Texas (Mr. GREEN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

### GENERAL LEAVE

Mrs. CHENOWETH-HAGE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 326.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, it has been a very difficult week in New Mexico. My colleague, the gentleman from New Mexico (Mr. Udall), is not here. He is still in northern New Mexico. As so many New Mexicans have in the past week, we are pitching in together and holding up our end of the stick.

We wanted to move forward with this resolution today, not only to recognize those who have served and are still serving in the great State of New Mexico fighting the fires, but to begin to rebuild and look to the future, and for the Federal government and for this Congress to stand up and take responsibility for a fire that was started by the Federal government.

Mr. Speaker, the sense of the Congress that my colleagues will have an opportunity to vote on today recognizes a tragedy and a disaster in the State of New Mexico that I would like to talk about a little bit, because its origins will affect this Congress and how it appropriates funds this year.

Let me talk first a little bit about what happened. On May 4, it seems like a long, long time ago right now, the National Park Service set a prescribed burn which was supposed to be a controlled burn in the Bandelier National Forest, which is down here.

This is the area of the fire as of last night. The red area is that part of New Mexico that has been devastated by fire. Here is the Baca ranch, we are in the process of trying to purchase that for the Federal government. This is Bandelier National Monument, the Santa Clara Indian Reservation here, 10 percent of which has been burned, and the fire is now dangerously close to the cliff dwellings.

Here in the middle is the town of Los Alamos and Los Alamos National Laboratories. Los Alamos is a city built on mesas. It was a closed city for many years, put out in the middle of northern New Mexico where nobody would be likely to find its secrets.

On May 4, the National Park Service started a prescribed burn over here. That fire quickly became out of control, and while the Department of the Interior is conducting an administrative investigation as to whether their procedures were followed, the National Park Service has acknowledged that they started the fire, that they started it in very dry conditions, and it quickly got out of control.

By Sunday night, I got a phone call from my former legislative director who went back to New Mexico to work there just 8 months ago, and he moved to Los Alamos. His house is in the western part of Los Alamos here. He was supposed to meet with me on Monday morning. He called and said, they are evacuating our neighborhood. I am not going to be able to be at the meeting on Monday. He got what he could in his pick-up truck and got his dog and headed down to White Rock, where his parents live. White Rock is this little community down here.

For about 48 hours it looked as though they had things mostly under control or at least contained, and the fire had not crossed State Route 4, which they were kind of using as a fire line. But on Wednesday, last Wednesday, we got the call here that the fire had jumped the road, that the winds were gusting to 40 and 50 and 60 miles an hour, that the humidity was 10 percent, and that as sparks dropped, 9 out of 10 sparks were starting new fires. The plume of smoke stretched all the way across northern New Mexico and into Texas and Oklahoma on high winds.

Immediately they began the evacuation of the town of Los Alamos and of Los Alamos National Laboratories. Los Alamos is the birthplace of the atomic bomb. It is a place that still has nuclear materials, and there was a real concern on the part of the residents of New Mexico about environmental safety and health if a raging forest fire crossed Los Alamos National Laboratories.

The laboratory I believe was well prepared, and the Department of Energy responded, as did the Environmental Protection Agency and numerous agencies, to monitor and make sure that all the plans were in place and executed well to protect the people of New Mexico and even surrounding States.

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But they could not fight the fire. The wind was too strong. By 1 a.m. on Thursday, they began to evacuate the town of White Rock. The fire had spread down Pajarito Canyon, and they were fighting to keep it from reaching the town of White Rock and reaching a number of technical areas that contained nuclear material.

So by Thursday at breakfast time, 20,000 New Mexicans had been evacuated from their homes. The winds were still high. There was no water pressure in Los Alamos. But the Los Alamos police department stayed in place. Throughout that terrible night of Wednesday night when 260 homes burned, the Los Alamos police department and the fire-fighting teams from across the American west saved everything that they could.

Last night, I was up in Espanola, which is a town near here and Pojoaque, which is just down the hill, and they did re-open 80 percent of Los Alamos, everything but the areas that were burned. But the fire is still only 35 percent contained, and the winds today are expected to gust up to 30 or 40 miles per hour or even higher again.

But now the biggest part of the fire is up here, burning the Santa Clara Indian Reservation and the Santa Clara Canyon, which is sacred to the Santa Clara Pueblo.

In this country, we are used to dealing with disasters with floods along the Mississippi or hurricanes along the Gulf Coast or earthquakes in California, but there is a difference with this one. It is not just the Federal Emergency Management Agency coming in to help those in some way get back on their feet because they did not have insurance. Everyone in this town knows that the Federal Government started the fire. This was not an act of God. It was an act of man. While it was not intentional that this fire rage out of control, that the Park Service did not mean for this to happen, they set the fire that destroyed 260 homes and the lives of 400 families and the businesses and incomes of thousands of residents of Los Alamos in White Rock.

I spent much of the weekend dealing with the fire and the fire's victims. The response of the people of New Mexico to this disaster really warms one's heart. We always read about people taking advantage of people when things are going bad, and that did not happen in New Mexico.

There was nobody there trying to sell bottles of water for $5 or $10. On the contrary, there were truckloads of food and water and clothing streaming into Sante Fe and Los Alamos. Twenty thousand people relocated from a rural area in northern New Mexico, and immediately every hotel and motel in Sante Fe and Espanola in northern New Mexico dropped their prices to $25 a night. It has probably been since 1920 since one has been able to get a $25 a night hotel room in Sante Fe, New Mexico; but last weekend, one could get one if one were a victim of a fire.

The Red Cross mobilized. I was there on Friday morning in Albuquerque at the Red Cross Center there where they were bringing in the national teams. On Friday afternoon, they had to stop taking donated supplies because they had no more storage room. But they were still accepting donations.

Intel walked in on Thursday afternoon with a $100,000 check. As I was standing there, a man walked in and opened his wallet and emptied it and gave it to the Red Cross.

Most of the banks in New Mexico set up special accounts for the victims of the fire. I went by one. It is not a big bank. It is called First State Bank. It is a New Mexico bank. They have a New Mexico flavor. They do not even wear ties to work. On Thursday midmorning, they opened an account and just called the local radio station to say they had opened one. Six hours later, they had collected $34,000 from New Mexicans who just walked in to donate to the victims of the fire.

As one can see, Los Alamos is kind of an isolated community, and there were over 1,000 fire fighters and policemen and Red Cross workers who still needed to be fed in a place that is really hard to get to. I was up in Los Alamos on Friday afternoon, and the Los Alamos Inn was still open. That is where most of the media and many of the fire fighters and rescue people were staging out of.

There was a waitress who continued to work there. They were just making food and bringing it in. She had her 4-year-old daughter with her there at work. I do not think she stopped working since they evacuated the town.

Down at Ray's in Albuquerque was one of the staging points for the food and water distribution. I was there on Friday morning. Mayflower had donated big trailer trucks to take food and water and clothing up to the victims of the fire. I was there. In probably about an hour and a half, they had filled half a tractor trailer truck full of food and water and clothing and bedding and equipment to rebuild lives and homes.

Car after car was just driving through the parking lot and opening their trunks and giving. There is a man who wanted to remain anonymous, but he donated 1,000 brand new suits to the Salvation Army down in Espanola to reclothe the victims of the fire. It kind of made me laugh actually because, in Los Alamos, they do not often wear suits. It is kind of a relaxed place of scientists and Ph.D.s. They probably will be better dressed than they have in a long time. But it is that kind of generosity that has been provoked by the fire.

The New Mexico home builders immediately got together, and they wanted to make sure there was not a lot of scamming of people who lost their homes. So they are working with the New Mexico Attorney General to come up with a list of the licensed contractors so that every victim knows what their options are and they will not have somebody show up at the front of their door and say, give me $2,000, and I will fix their siding, and they never see them again, which so often happens after these kinds of disasters.

They also called all of the suppliers, all of the suppliers for the home building industry and said, we want the best and lowest prices you can get us for building materials to help rebuild. Those guys probably have the power to make that happen.

On Friday morning, I went by United Blood Services in Albuquerque. See, last week, there was supposed to be a big blood drive in Los Alamos, and they depend on that to supply the State of New Mexico. They have kind of got their plan from where they are going to get enough blood from this week to make sure all the hospitals were supplied.

They were 400 pints short because they had not been able to do the Los Alamos blood drive. So they put out a special appeal and said they were having a special week in Albuquerque, and please come in and donate blood. I dropped by, and the line was an hour wait just to donate blood because the people in Los Alamos were not there to donate blood.

But as I was standing there and watching the live news reports from Los Alamos, there was a lady standing next to me watching as well. Her husband was donating blood. They were in Texas when the fire started, and they are from Los Alamos. The first thing they did when they came back to the State was to go donate blood while they wondered if their home still stood.

We have a number of military bases in New Mexico, and the military was there, too, the National Guard, the Army Guard, the Air Guard as well as active duty. A lot of guys loading the trucks with food and water were active duty military who were not on their shifts.

I met one guy. His name was David. He is a Sergeant in the Air Force. He has only been stationed in New Mexico for about a year. He is out at AFOTEC in Kirtland Air Force Base. He had come into the Red Cross because he figured the guys on the base could take the 6:00-to-6:00 shift and man the phones at night, and he could get a lot of his friends to help to relieve the Red Cross volunteers.

Many of the elementary schools in New Mexico all over New Mexico have gathered contributions for the victims of the fire. This has affected so many people's lives.

I dropped by the Elks Lodge in Los Alamos, which is right up there by the Los Alamos Inn. They stayed there to pass out food to the fire fighters and to the cops. They were kind of funny about it. There is more than a little gallows humor in these kinds of things. They said, well, the Elks Lodge really is not known around this town for the thing we do for the community, but we do do quite a lot.

There were folks coming in in their pickup trucks. One family from Santa Clara Pueblo had a pickup truck full of all kinds of snacks and food, and they were going to every one of the trail heads to make sure that all the fire fighters would be fed in an F–150 pickup that looked like it was about a 1981 version with about 130,000 miles on it. But their Pueblo was threatened, and they had not been evacuated yet, and they were going to do everything they could until they needed their pickup truck to move out of their own homes. At that time, they did not know if they would have to move or not.

Los Alamos has more Ph.D.s per capita than any other town in the world. It is probably not a surprise that, during this disaster, it was the Internet Professional Association that got up an Internet site immediately to communicate among the victims of the fire spread out across the State and their relatives, many of whom were looking for them.

They put up a web site that, not only had information for folks, but also had bulletin boards so that one could ask about one's friends or relatives or have any of you seen so and so, or we are missing our horses, down where they might be, to help with the information and the confusion of a disaster.

While sometimes we always like to pick on the press a little bit in this town, I have to give some commendations also to the television and radio stations in New Mexico. All three of our television stations were working around the clock during this disaster, giving information to people and providing that public service to keep people informed on where they could go and what they should do and what the fire was doing to their lives.

My husband is in the Air Guard. On Saturday morning our phone rang, and the New Mexico Air Guard was called to duty for a civilian disaster for the first time in 30 years. The last time the Air Guard was called up for a disaster, State disaster, was during the riots in Vietnam at the University of New Mexico. But the Air Guard took on the task of taking in the victims, the one who had lost their homes, so that they could see what was lost and begin the process of getting insurance coverage and rebuilding their lives.

So he went up to do that on Saturday and Sunday, and he ended up taking in a busload of folks. As they were driving down the street, he really understood what the fire department had done, the extraordinary efforts they had gone to to save homes and save neighborhoods from a raging inferno.

There was one burned house, and right next to it, and he kind of laughed, was a fire hose with the end burned off. These guys were serious about doing everything they could to save the homes and lives of their neighborhoods.

So where are we now? This fire is 35 percent contained. It is burning mostly on the northern end. 80 percent of the residents of Los Alamos are able to get back into their homes. Some will never go back into their homes.

Every red dot on this map is a home that is not there anymore, 260 buildings, over 400 families that were burned out by a fire started by the United States Government. But it is not only their losses that the city of Los Alamos is feeling. Every small business in Los Alamos has been out of work and off the hill for over a week.

I ran into a family at Pojoaque Red Cross Station at the high school last night.

The SPEAKER pro tempore (Mr. PEASE). The time of the gentlewoman from New Mexico (Mrs. WILSON) has expired.

Mr. GREEN of Texas. Mr. Speaker, I am happy to yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

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Mrs. WILSON. The question is, where do we go from here? FEMA is doing everything they can, like they do in floods and tornadoes and other disasters, in bringing assistance to the people of New Mexico, but the reality is that the Federal Government started this fire. I am not a lawyer, I do not do liability, but there is responsibility, and the Federal Government must stand up and take responsibility for the actions and the consequences of those actions.

On the night of May 4, the National Weather Service told the Park Service that there were potential blow-out conditions and that any controlled fire might not be controlled. They lit the fire anyway. This resolution before the House today commends the people of New Mexico and those surrounding States that have helped New Mexico deal with this disaster, and it takes responsibility on the part of the Federal Government for this disaster.

We will begin to rebuild Los Alamos, but it will be with the help and assistance of the Federal Government, which must take responsibility for the actions that it took.

Mr. GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am here today to speak on behalf of my friend and neighbor, fellow Congressman, the gentleman from New Mexico (Mr. UDALL). I say neighbor because the State of Texas and New Mexico are very close. In fact, at one time Texas claimed part of that area where the fire is at in the last century.

I have followed this story and the tragic fires in my colleague's district in northern New Mexico that has disrupted the lives of thousands of citizens of New Mexico, and we have shared the anguish of their families who have lost their homes and cherished possessions. There is, of course, no price we can place on much of what has been lost, but our hearts go out, and not only those of us who are Texas neighbors but also from the entire country, to the New Mexican people for this tragedy.

What we can do, though, is to support the relief and recovery of the people who are now faced with putting their lives back together, because that is the right thing to do. The New Mexico Congressional delegation has done just that, and on their behalf the gentleman from New Mexico (Mr. UDALL) asks that all his colleagues here in the House provide their support.

Right now the gentleman from New Mexico (Mr. UDALL) is back in his district working to provide his support to try to make the difference. He is making sure information about what assistance is available is getting to the people in his Third Congressional District who have been hit so hard by this fire. He is also walking through the fire stricken parts of his district, talking to his constituents and listening to them about what they need to put their lives back together.

What he has already learned has made him grateful for the efforts of the many New Mexicans and the communities surrounding the fire who have pulled together even as this tragedy unfolded, opening their homes and their hearts to the less fortunate. He has also expressed his gratefulness for the efforts of the countless organizations and firefighters who have helped bring some order to this shattered scene.

Even from that distance he is advocating for what his constituents are telling him by working with this Congress to keep the Federal efforts to help these citizens on track. The resolution is one example.

While in New Mexico, he has been working here in Washington to ensure that the emergency funds needed for these efforts are available. He has asked for $100 million in additional emergency aid for that purpose. And, Mr. Speaker, I would like to read from a letter from the gentleman from Washington (Mr. DICKS), who is a member of the Committee on Appropriations, and the ranking Democratic member on the Subcommittee on the Interior, to the gentleman from New Mexico (Mr. UDALL):

> I am pleased to report that we are pursuing your suggestions in the Committee on Appropriations with regard to the need to replenish the U.S. Forest Service and Bureau of Land Management firefighting funds in this fiscal year. While the emergency supplemental appropriations bill, which the House passed and sent to the Senate on March 30, contained $250 million for these accounts, Senator Lott's opposition to moving the supplemental bill precluded us from providing additional funds to these agencies this spring, even though the expected weather conditions and Forest Service predictions indicate a very high risk of wildfires this year.
>
> With the fire still raging in your State of New Mexico, and with these accounts becoming seriously depleted, it is our intention to introduce a freestanding supplemental appropriations bill containing $350 million, $200 million for the Bureau of Land Management and $150 million for the U.S. Forest Service, to reflect the current estimates for emergency firefighting expenses. I want you to know that there is broad support in the Appropriations Committee, among both Republican and Democratic Members, for such a strategy. Pending a decision on whether a separate supplemental bill will have sufficient support in the Senate, I want you to know that it is also the committee's intention to add this amount of funding to the fiscal year 2001 Interior appropriations bill when the Interior Appropriations Subcommittee considers the bill on Wednesday. That is tomorrow.
>
> In addition, I have sought agreement from our committee leadership to designate this funding as emergency in nature, so that it will be available immediately upon passage by both Houses and when signed by the President.

Again, continuing the letter, Mr. Speaker,

> Let me assure you that I and all of my colleagues on the Appropriations Committee understand the urgent situation you have brought to our attention. To the best of our ability, we will attempt to play a constructive role in assuring that Forest Service and BLM firefighters will have sufficient resources to hire the fire crews to contain the New Mexico fires now occurring, as well as to fight additional wildfires that may occur later in this fiscal year.

Again, Mr. Speaker, this letter is signed by the gentleman from Washington (Mr. DICKS), the ranking member of the Subcommittee on Interior of the Committee on Appropriations.

While the gentleman from New Mexico (Mr. UDALL) is in New Mexico he remains in close contact with the Federal agencies that share the assistance and relief responsibilities for dealing with this disaster. He wants to make sure that the maximum effort is being employed to discharge these responsibilities. And, again, having him on the ground in New Mexico is just like, and I can relate to it in Texas when we have a hurricane come to the coast in Houston, oftentimes we have to fight a battle here to have the resources at home, but oftentimes we need to be at home to see what our constituents need, and that is what the gentleman from New Mexico is doing today.

This resolution is a first step in taking both responsibility for the fire but also to help mitigate the threats of fire to public health and to take the necessary steps to compensate the people of New Mexico. As the gentlewoman from New Mexico (Mrs. WILSON) mentioned, and the gentleman from New Mexico (Mr. UDALL) has expressed to me, the people in New Mexico are opening their homes and their hearts to the people affected.

The firefighting teams should be commended for their courage in battling the fire, as well as the New Mexico National Guard and the State of New Mexico for their efforts in mitigating the fire. We could go on and on. The American Red Cross, and the other western States who have provided help to New Mexico by sending people and equipment, as well as the businesses who have served food and clothing at collection points. Thanks also should go to the Sandia National Laboratory for their assistance to the fire victims, and the Department of Energy for providing analysis regarding public health.

Mr. Speaker, I yield the balance of my time to the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE).

Mrs. CHENOWETH-HAGE. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PEASE). The gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) has 12 minutes remaining.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I yield myself such time as I may consume.

I really want to commend the gentlewoman from New Mexico (Mrs. WILSON) for this very quick response resolution, letting the National Park Service know of our deep concern about their destructive and negligent actions in this matter.

Mr. Speaker, this is not one moment too soon to let the Federal land management agencies know that we as a Congress take these issues very seriously and we will take appropriate action. This is more than money that is involved. What happened here was the fact that it has become apparent that the Federal agencies do not understand the consequences of their actions or their inactions.

There was an inordinate amount of squabbling about what kind of aircraft to use to put out the fire quickly, while it was still containable. And, yes, people can make mistakes, but to see continual finger pointing at each other between the agencies does not resolve the problem. What we in the Congress must do to resolve the problem is to make sure that we have agencies who know how to take the appropriate action when these destructive measures happen in our country.

This phenomenon that is occurring lately is one where we see agencies not able to take the proper course and not be able to make decisions, and it costs lives. It costs the lives of animals who are burned, it destroys habitat, it destroys landscapes, it destroys homes, it destroys families, it destroys communities because a handful of individuals fail to make the right decisions at the right time.

Mr. Speaker, the time has come when this Congress must begin to look in a new direction for the appropriate measures to make sure that we have agencies who are responsive to these emergency needs. The fires burning today in New Mexico provide the Nation with the very worst examples of Federal agency mismanagement of the public trust. The National Park Service is, frankly, acting like children playing with matches, not understanding the consequences of their actions.

Since becoming chairman of the Subcommittee on Forests and Forest Health, I have held numerous hearings on Federal agency firefighting, fire prevention and related issues. And through these efforts, my subcommittee has uncovered many, many serious problems. Even before the Cerro Grande fires, I had begun planning a hearing on the administration's overreliance on prescribed fire. Now, in continuation of our investigation, my subcommittee is in the process of scheduling two hearings to follow up just as soon as possible.

Again, I want to thank the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from New Mexico (Mr. UDALL) for their leadership on this issue. Rest assured we will get to the bottom of this issue.

Mr. UDALL of Colorado. Mr. Speaker, I am here today to speak on behalf of my cousin and fellow Congressman TOM UDALL. We have followed the story of the tragic fires in my cousin's district in New Mexico that have disrupted the lives of thousands of our citizens in New Mexico and we have shared the anguish of the families that have lost their homes and cherished possessions. There is, of course, no price that we can place on much of what has been lost.

What we can do, though, is support the relief and recovery efforts for the people who are now faced with putting their lives back together. It is the right thing to do. The New Mexico congressional delegation has done just that. And on the delegations behalf he asks that you also provide your support for the delegation's efforts.

Right now, Congressman TOM UDALL is back in his district working to provide support to his constituents. He is making sure information about what assistance is available is getting to the people in the Third Congressional District who have been hit so hard by this fire. He is also walking through the fire-stricken parts of his district, talking with his constituents and listening to them in order to understand what they need to put their lives back together.

What he has learned has made him grateful for the efforts of the New Mexicans in the surrounding communities the fire who they pulled together even as this tragedy unfolded. Opened their homes and their hearts to those less fortunate. And he is so grateful for the efforts of the countless organizations and firefighters who have helped bring some order to this shattered scene.

And even from that distance he is advocating for his constituents by working with this Congress to keep the Federal efforts to help these citizens get back on track. This house resolution is one example.

While in New Mexico, he has also been working here in Washington to ensure that the emergency funds that are needed for these efforts are available. He has asked for 100 million dollars in additional emergency aid for that purpose.

And he remains in close contact with the Federal agencies that share the assistance and relief responsibilities for dealing with this disaster. He will make sure that the maximum effort is employed to meet our responsibilities. Colleagues, I am here to tell you that he asks for your support for his efforts and those of his colleague HEATHER WILSON to help Americans whose lives have been turned upside down.

Mrs. CHENOWETH-HAGE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho (Mrs. CHENOWETH-HAGE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 326.

The question was taken.

Mrs. WILSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 404, nays 0, answered "present" 6, not voting 24, as follows:

[Roll No. 183]

YEAS—404

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

ANSWERED "PRESENT"—6

Bateman
Hutchinson
Kelly
Lowey
Mollohan
Sanford

NOT VOTING—24

Abercrombie
Ackerman
Boucher
Brown (FL)
Callahan
Campbell
Clay
Danner
DeLay
Dooley
Franks (NJ)
Largent
LoBiondo
Martinez
McCarthy (NY)
McCollum
McIntosh
McNulty
Norwood
Nussle
Slaughter
Stupak
Udall (NM)
Vento

□ 1146

Mrs. KELLY changed her vote from "yea" to "present."

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on business and unable to be present for rollcall vote No. 183. Had I been present, I would have voted "yes" on rollcall vote No. 183.

(Mr. DINGELL asked and was given permission to speak out of order for 5 minutes.)

## FUNERAL ARRANGEMENTS REGARDING BART STUPAK, JR.

Mr. DINGELL. Mr. Speaker, I intend to share this time with my good friend, the gentleman from Michigan (Mr. UPTON), who has been enormously helpful in this difficult matter. As reported to the House by our Dear Colleague letter of yesterday, our colleague, the gentleman from Michigan (Mr. STUPAK) and his wife, Laurie, have suffered a terrible loss with the tragic death of their son, and we extend our condolences to them and to their other son, Ken, for this terrible and tragic loss of young Bart, who is also known as BJ.

He was a bright and energetic young man, much loved by all who knew him. Obviously his loss is a devastating blow to the Stupak family and to all of their friends, and many of my colleagues in the House have come over to express their sorrow and concern.

It is my purpose to announce at this time that the funeral for BJ, as he was known, will be tomorrow evening on Wednesday, May 17. It will take place in Menominee, Michigan at 8 p.m. Our offices, that of myself and my good friend the gentleman from Michigan (Mr. UPTON), have worked to arrange travel for Members wishing to attend the visitation and the funeral mass.

Members desiring to go will leave the House steps of the Capitol tomorrow at 3:15 p.m. The aircraft which has been chartered will be departing Reagan National Airport at 4 p.m. We should be returning about 1 a.m. on Thursday morning.

For Members desiring more details on travel arrangements, they should contact either my office or that of the gentleman from Michigan (Mr. UPTON).

I yield to my good friend, the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I have had the opportunity to speak to the gentleman from Michigan (Mr. STUPAK) this morning. He thanked the leadership for the moment of silence, and also the staffs of the gentleman from Michigan (Mr. DINGELL) and my staff, and also his staff has been terrific in putting together this event on, obviously, a pretty short notice.

I also want to thank Northwest Airlines which has bent over backwards to allow us to charter a plane to fly to Wisconsin tomorrow. The gentleman from Michigan (Mr. STUPAK) also indicated he wanted me to thank the leadership for postponing votes allowing Members to be able to attend the service tomorrow afternoon and evening.

I would just like to thank the Dean of the House for this 5 minutes and would ask Members that would like to attend the service tomorrow if they could contact either the office of the gentleman from Michigan (Mr. DINGELL) or my office. We will make sure that those arrangements are taken care of.

Mr. DINGELL. Mr. Speaker, I want to commend my colleague for the wonderful help he has been in this difficult matter and express my thanks to the gentleman from Michigan (Mr. UPTON) for that. I would like to observe that we will be making further communications with the office of the Members both by Dear Colleague and electronically, so that they will be fully informed of this.

I repeat, the chartered aircraft will be leaving tomorrow at 3:15 by bus from the Capitol steps; the actual time of departure from the aircraft will be from Reagan National Airport at 4 p.m. It is anticipated that the return will be about 1 o'clock in the morning the next day. I do thank my good friend, the gentleman from Michigan (Mr. UPTON).

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## PROVIDING FOR CONSIDERATION OF H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 502 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 502

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(c) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendments the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. For purposes of enforcement of the Congressional Budget Act of 1974 in the House, the appropriate levels of total new budget authority and total budget outlays for fiscal years 2000 through 2005 prescribed by House Concurrent Resolution 290 pursuant to section 301(a)(1) of the Act shall be those reflected in the table entitled "Conference Report Fiscal Year 2001 Budget Resolution Total Spending and Revenues" on page 49 of House Report 106–577.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted an open rule for H.R. 4425, the Military Construction Appropriations bill for fiscal year 2001. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking member of the Committee on Appropriations.

The rule waives clause 2 of House rule XXI prohibiting unauthorized or legislative provisions in a general appropriations bill against provisions in the bill. The rule also waives clause 4(c) of rule XIII requiring the 3-day availability of printed hearings on a general appropriations bill against consideration of the bill.

Additionally, the rule provides that the bill shall be open to amendment by paragraph and authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD.

The rule further allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if it follows a 15-minute vote.

The rule provides that for the purposes of enforcement of the Congressional Budget Act, the appropriate levels of new budget authority and total budget outlays shall be those reflected in the table entitled "Conference Report Fiscal Year 2001 Budget Resolution Total Spending and Revenues" in House Report 106–577.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, as Thomas Jefferson warned, eternal vigilance is the price of liberty. Part of this Nation's vigilance is ensuring America's military readiness, for as Ronald Reagan said during an address at West Point, a successful Army is one that because of its strength, ability and dedication will not be called upon to fight, for no one will dare provoke it.

Too often, we take for granted the security and peace of mind that comes with living in the greatest, freest Nation in the world. But we cannot take for granted the dedicated men and women who serve in the United States military.

The Military Construction Appropriations Act for fiscal year 2001 recognizes the dedication and commitment of our troops by providing for their most basic needs: improved military facilities, including housing and medical facilities.

Last year, this Congress began to meet its responsibility to our troops and the recruitment and retention of military personnel by increasing military pay. This legislation will continue that effort by ensuring an adequate and appropriate quality of life.

The quality of housing for service members and their families is an important incentive, attracting and retaining dedicated individuals to military service. Today's poor state of military housing for these men and women clearly serves as a disincentive to reenlistment.

This bill provides an overall increase for military construction, which includes $43 million for child development centers, $141 million for hospital and medical facilities, and $26 million for environmental compliance. The bill also provides $859 million for new family housing units and for improvements to existing units.

Additionally, I am pleased the committee included $4.1 million for the Niagara Falls International Airport upgrade overrun and runway. The Niagara Falls Air Reserve Station is home to the 914th Air Reserve (Airlift) Wing and the 109th Air National Guard (Refueling) Wing. Upgrading the runway and constructing the necessary overrun will enable Niagara based fueling aircraft to participate in the "Air Bridge" missions which resupply operations in Europe and the Near East as well as serve as a third Northeast Tanker Task Force Location for "surge" contingency missions.

□ 1200

Mr. Speaker, we must honor the most basic commitments we have made to the men and women of our Armed Services; we must ensure a reasonable quality of life to recruit and retain the best and the brightest to America's fighting forces; and most important, we must do all in our power to ensure a strong, able, dedicated American military, so that this Nation will be ever vigilant, ever prepared.

Mr. Speaker, this is a fair and open rule for consideration of the fiscal year 2001 military construction appropriations bill. I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman for yielding me time.

This is an open rule. As my colleague from New York explained, the rule provides for one hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Under this rule, germane amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. Members on both sides of the aisle will have the opportunity to offer amendments.

Mr. Speaker, this bill funds construction projects on military bases. This includes homes for military families, hospitals, laboratories, training facilities, barracks and other buildings that support the missions of our armed forces. The bill also funds activities necessary to carry out the last two rounds of base closings and realignments.

Our military requires modern facilities. New buildings can improve productivity, reduce waste and improve morale. The money spent in this bill is a long-term commitment to our defense capabilities.

This bill funds a new ramp to replace one used by the 445th Airlift Wing on Wright-Patterson Air Force Base, which is partially in my district and partially in the 7th District. The current ramp is costly to maintain, and it is in such bad condition that it is a safety hazard. Another project at Wright-Patterson is a laboratory building to conduct environmental and toxics research.

I want to commend the chairman of the subcommittee, the gentleman from Ohio (Mr. HOBSON), for his great work, and the ranking minority Member, the gentleman from Massachusetts (Mr. OLVER), for their work in crafting this bill and bringing it to the floor. The bill was approved by the Committee on Appropriations on a voice vote. It has support on both sides of the aisle. The rule is open, it was adopted by a voice vote of the Committee on Rules, and I support the rule and bill and urge its adoption.

Mr. Speaker, I yield 4 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I thank the gentleman for his courtesy in yielding me time to discuss the bill today.

Mr. Speaker, I am planning on supporting the rule and the underlying bill, but I am concerned that we are not taking full advantage of the opportunity in the military construction arena. One of the greatest threats to national security in this country and worldwide is the disease, poverty, pollution, unrest and misery that is produced. We have serious problems here at home that is part of the legacy of 60 years of war, amongst them some of our production facilities at Hanford, Rocky Flats. We have chemical weapons, toxic waste and unexploded ordinance.

One of the most powerful tools of government to lead is to lead by example. I think one of the ways the government can do that is to follow the rules and model the behavior that we want the rest of society to follow. One of the biggest, richest and most visible opportunities for the United States to lead by example in ways to promote livable communities is dealing with the military.

The Department of Defense manages the world's largest dedicated infrastructure. It covers 40,000 square miles, a physical plant worth over $500 billion. The bill before us could give many opportunities. One that we see in the Department of Defense is on-base housing programs. The military housing privatization initiative that is being continued is an example to allow funding. It allows the service to partner with civilian developers to build and renovate family housing on military installations, to convey housing units to private companies, while retaining the land in Federal hands, to provide military members with the same type of housing that the people that they defend have the opportunity to live in, and create communities that look, feel and work like those outside a military base. But, unfortunately, we are losing an opportunity here for the Federal Government to be a better partner with the local communities in which they are situated.

I would hope that as we move forward with this through the legislative process and in subsequent years, that we reverse the presumption that we have a situation where the Department of Defense plays by the local land use and planning rules of the local community.

For instance, we saw in 1999 the Army proposed to develop a 700,000 square foot private shopping center on Fort Hood that would have severely affected the surrounding business community in Collin, Texas. We have an opportunity here to avoid having the Federal Government impose massive highway and infrastructure requirements on States and communities without their being able to realize any offsetting tax benefits.

I note that on the Senate side, in Section 8168 of the Defense Appropriations Act, it permits the City of San Antonio to exercise these responsibilities for the Brooks Air Force Base Demonstration Efficiency Project.

This should not be the exception. This should be the rule. We should be cooperating with local communities, we should be playing by their planning and zoning rules, we should be leading by example.

I am pleased that the bill has many other positive things, a 72 percent increase in the cleaning up of the environmental problems associated with base closings, but I hope that the committee will work with us to make sure that the military is a better partner with local communities to provide livability wherever our facilities are located.

Mr. HALL of Ohio. Mr. Speaker, I endorse the rule and the bill.

I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HOBSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and that I be permitted to include tabular and extraneous material on H.R. 4425.

The SPEAKER pro tempore (Mr. REYNOLDS). Is there objection to the request of the gentleman from ohio?

There was no objection.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 502 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4425.

□ 1209

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. HOBSON) and the gentleman from Massachusetts (Mr. OLVER) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is my pleasure to present to the House the recommendation for the military construction appropriations bill for fiscal year 2001. This is a bipartisan bill, and I want to thank my ranking member, the gentleman from Massachusetts (Mr. OLVER), for his assistance in putting this bill together this year once again. We have tried to work together to solve many of the problems that our military faces today. We have gone out and looked at various locations. We have gone around the world together a number of times looking at the various projects, trying in a learning mode to get a bill that we can all agree upon.

This bill presented to the House today totals $8.6 billion. This represents a $293 million, or 3 percent increase from last year's appropriation. However, the bill reflects a reduction of $1.3 billion or 13 percent from the enacted level just 4 years ago. The bill is within the 302(b) allocation for both budget authority and outlays. The recommendations before the House are solid, and fully fund priority projects for the services and our troops.

The legislation helps meet the needs of our military families and improving our national security infrastructure. It is fiscally responsible, while supporting the housing, child care, and medical needs of our military.

Within the $8.6 billion provided, we have been able to address quality-of-life issues, including $759 million for troop housing, $43 million for child development centers, $141 million for hospital and medical facilities, $26 million for environmental compliance, $859 million for new family housing units and for improvements to existing units, and $2.7 billion for operation and maintenance of existing family housing units.

This year we have worked closely with the authorization committee, and I would like to recognize the gentleman from Colorado (Mr. HEFLEY), whose chairmanship of the Subcommittee on Military Installations and Facilities will end at the conclusion of this Congress. This subcommittee has appreciated his cooperation and commitment to funding the infrastructure needs of our servicemen and their families the past 6 years.

In conclusion, this $8.6 billion is less than 3 percent of the total defense budget and only 3 percent above last year's funding level, but this $8.6 billion directly supports the men and women of our Armed Services. It increases productivity, readiness and recruitment, all very vital to a strong national defense.

Mr. Chairman, I include the following for the RECORD.

## MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)
## (Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Military construction, Army | 1,042,033 | 897,938 | 870,585 | -171,448 | -27,353 |
| Foreign currency fluctuation adjustment | | | -635 | -635 | -635 |
| Total | 1,042,033 | 897,938 | 869,950 | -172,083 | -27,988 |
| Military construction, Navy | 901,531 | 753,422 | 894,269 | -7,262 | +140,847 |
| Foreign currency fluctuation adjustment | | | -2,889 | -2,889 | -2,889 |
| Total | 901,531 | 753,422 | 891,380 | -10,151 | +137,958 |
| Military construction, Air Force | 777,238 | 530,969 | 703,903 | -73,335 | +172,934 |
| Military construction, Defense-wide | 593,615 | 784,753 | 807,429 | +213,814 | +22,676 |
| Foreign currency fluctuation adjustment | | | -7,115 | -7,115 | -7,115 |
| Total | 593,615 | 784,753 | 800,314 | +206,699 | +15,561 |
| Total, Active components | 3,314,417 | 2,967,082 | 3,265,547 | -48,870 | +298,465 |
| Military construction, Army National Guard | 227,456 | 59,130 | 137,603 | -89,853 | +78,473 |
| Military construction, Air National Guard | 263,724 | 50,179 | 110,585 | -153,139 | +60,406 |
| Military construction, Army Reserve | 111,340 | 81,713 | 115,854 | +4,514 | +34,141 |
| Military construction, Naval Reserve | 28,457 | 16,103 | 53,004 | +24,547 | +36,901 |
| Rescission | | | -2,400 | -2,400 | -2,400 |
| Total | 28,457 | 16,103 | 50,604 | +22,147 | +34,501 |
| Military construction, Air Force Reserve | 64,404 | 14,851 | 43,748 | -20,656 | +28,897 |
| Total, Reserve components | 695,381 | 221,976 | 458,394 | -236,987 | +236,418 |
| Total, Military construction | 4,009,798 | 3,189,058 | 3,723,941 | -285,857 | +534,883 |
| Appropriations | (4,009,798) | (3,189,058) | (3,726,341) | (-283,457) | (+537,283) |
| Rescissions | | | (-2,400) | (-2,400) | (-2,400) |
| NATO Security Investment Program | 81,000 | 190,000 | 177,500 | +96,500 | -12,500 |
| Family housing, Army: | | | | | |
| New construction | 41,000 | 91,974 | 115,974 | +74,974 | +24,000 |
| Construction improvements | 35,400 | 63,590 | 77,940 | +42,540 | +14,350 |
| Planning and design | 4,300 | 6,542 | 6,542 | +2,242 | |
| Foreign currency fluctuation adjustment | | | -1,951 | -1,951 | -1,951 |
| Subtotal, construction | 80,700 | 162,106 | 198,505 | +117,805 | +36,399 |
| Operation and maintenance | 1,086,312 | 978,275 | 971,704 | -114,608 | -6,571 |
| Foreign currency fluctuation adjustment | | | -17,960 | -17,960 | -17,960 |
| Subtotal, operation and maintenance | 1,086,312 | 978,275 | 953,744 | -132,568 | -24,531 |
| Total, Family housing, Army | 1,167,012 | 1,140,381 | 1,152,249 | -14,763 | +11,868 |
| Family housing, Navy and Marine Corps: | | | | | |
| New construction | 134,674 | 159,317 | 213,720 | +79,046 | +54,403 |
| Construction improvements | 189,682 | 183,547 | 183,547 | -6,135 | |
| Planning and design | 17,715 | 19,958 | 19,958 | +2,243 | |
| Foreign currency fluctuation adjustment | | | 2,359 | +2,359 | +2,359 |
| General reduction and revised economic assumptions | -1,000 | | | +1,000 | |
| Subtotal, construction | 341,071 | 362,822 | 419,584 | +78,513 | +56,762 |
| Operation and maintenance | 891,470 | 882,638 | 882,638 | -8,832 | |
| Foreign currency fluctuation adjustment | | | -3,430 | -3,430 | -3,430 |
| Subtotal, operation and maintenance | 891,470 | 882,638 | 879,208 | -12,262 | -3,430 |
| Total, Family housing, Navy and Marine Corps | 1,232,541 | 1,245,460 | 1,298,792 | +66,251 | +53,332 |
| Family housing, Air Force: | | | | | |
| New construction | 203,411 | 36,677 | 61,417 | -141,994 | +24,740 |
| Construction improvements | 129,952 | 174,046 | 174,046 | +44,094 | |
| Planning and design | 17,093 | 12,760 | 12,760 | -4,333 | |
| Foreign currency fluctuation adjustment | | | -6,839 | -6,839 | -6,839 |
| General reduction and revised economic assumptions | -1,000 | | | +1,000 | |
| Subtotal, construction | 349,456 | 223,483 | 241,384 | -108,072 | +17,901 |
| Operation and maintenance | 818,392 | 826,271 | 826,271 | +7,879 | |
| Foreign currency fluctuation adjustment | | | -5,392 | -5,392 | -5,392 |
| Subtotal, operation and maintenance | 818,392 | 826,271 | 820,879 | +2,487 | -5,392 |
| Total, Family housing, Air Force | 1,167,848 | 1,049,754 | 1,062,263 | -105,585 | +12,509 |
| Family housing, Defense-wide: | | | | | |
| Construction improvements | 50 | | | -50 | |
| Operation and maintenance | 41,440 | 44,886 | 44,886 | +3,446 | |
| Total, Family housing, Defense-wide | 41,490 | 44,886 | 44,886 | +3,396 | |

## MILITARY CONSTRUCTION APPROPRIATIONS BILL, 2001 (H.R. 4425)—Continued
(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Department of Defense Family Housing Improvement Fund | 2,000 | | | -2,000 | |
| Total, Family housing | 3,610,891 | 3,480,481 | 3,558,190 | -52,701 | +77,709 |
| New construction | (379,085) | (287,968) | (391,111) | (+12,026) | (+103,143) |
| Construction improvements | (355,084) | (421,183) | (435,533) | (+80,449) | (+14,350) |
| Foreign currency fluctuation adjustment | | | (-6,431) | (-6,431) | (-6,431) |
| Planning and design | (39,108) | (39,260) | (39,260) | (+152) | |
| General reduction | (-2,000) | | | (+2,000) | |
| Operation and maintenance | (2,837,614) | (2,732,070) | (2,725,499) | (-112,115) | (-6,571) |
| Foreign currency fluctuation adjustment | | | (-26,782) | (-26,782) | (-26,782) |
| Family Housing Improvement Fund | (2,000) | | | (-2,000) | |
| Base realignment and closure accounts: | | | | | |
| Part IV | 672,311 | 1,174,369 | 1,174,369 | +502,058 | |
| Grand total: | | | | | |
| New budget (obligational) authority | 8,374,000 | 8,033,908 | 8,634,000 | +260,000 | +600,092 |
| Appropriations | (8,374,000) | (8,033,908) | (8,636,400) | (+262,400) | (+602,492) |
| Rescissions | | | (-2,400) | (-2,400) | (-2,400) |

Mr. Chairman, I reserve the balance of my time.

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the major function of this military construction bill deals with the training and housing facilities for the men and women who serve us in our military forces, but also with the education, the health clinics and hospitals and the daycare centers that serve their families while they serve us.

At the very outset of this discussion I want to thank the gentleman from Ohio (Chairman HOBSON) particularly for the bipartisan spirit in which this bill has been prepared, and I wanted to recognize the close and cooperative relationship that has existed between the majority and minority staffs as the legislation has been prepared.

The bill before us, I believe, deserves our support. It is a good bill, prepared in that bipartisan spirit that I have mentioned. It provides for better workplaces and housing for the men and women that serve our Nation, but also for better housing for their families.

The funds that are appropriated in this legislation are between 3 and 4 percent more than last year, so we are not losing ground in dealing with the facilities and housing backlog, which is a severe backlog in trying to keep up the quality of life for our personnel.

□ 1215

One of the biggest problems that has faced this committee over the past several years is the huge need for quality family housing for the military, and one of the major efforts to address this has been housing privatization in an effort to leverage Federal assets and allow the private sector to come to the table with expertise in housing construction and management. Implementing that program, however, has not been easy. There have been some false starts. It has been slow, but with the chairman's very strong leadership we are starting to make some real progress.

As part of his efforts, the committee is asking for the development of family housing master plans for each of the military services, and I particularly appreciate that these reports will review the economics behind the privatization programs and consider the market impact of the Defense Department's increase in the basic allowance for housing, which is to be fully phased in and implemented over the next several years.

All in all, I think that we are on the road to improving the quality of life for our military families, and I urge all of my colleagues to support this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. HOBSON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I rise to express the appreciation of the men and women who serve at Fort Bragg and Pope Air Force Base. The chairman and the ranking member have outlined the details of the bill which are very important, but I rise to say that these men, particularly my chairman, have spent the time in the field listening to the concerns and seeing firsthand what the needs are and they have responded enthusiastically and in a very effective way with this bill.

I strongly support it and urge everyone to do the same.

Mr. OLVER. Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. LEE), for the purposes of a colloquy with the chairman.

Ms. LEE. Mr. Chairman, I want to thank the ranking member, the gentleman from Massachusetts (Mr. OLVER), for yielding me this time.

Mr. Chairman, I would like to engage the distinguished chairman of the subcommittee in a colloquy. I first want to commend the committee for their hard work in crafting the bill before us today. I know that funding for new initiatives or requested increases would be difficult. However, there is a project recently brought to my attention, which is vitally important to my district. The East Bay Municipal Water District, better known as East Bay MUD, is the water district for much of the East Bay, and it is required because of new Federal regulations to expand its waste water treatment plant. East Bay MUD is currently located adjacent to the bay and adjacent to land acquired by the Army Reserves through the 1995 base closure.

Through almost a year of negotiations, we have arrived at a solution to our problem and the Army Reserves is willing to move their entire operation to Camp Parks in Dublin, California. This would free up approximately 16 acres for East Bay MUD's expansion, and as well provide additional development of land for the City of Oakland. So this appears to be a very viable solution for our parties.

We are, therefore, requesting $1.9 million to conduct a feasibility study. This would evaluate the alternatives and also plan and design for the land transfer. If feasible, the actual relocation would cost approximately $18 million, which we would seek in another funding cycle if the study proves positive.

Mr. HOBSON. Mr. Chairman, will the gentlewoman yield?

Ms. LEE. I yield to the gentleman from Ohio.

Mr. HOBSON. I will be happy to work with the gentlewoman on this request. As she knows, we are working with tight funding restraints but we will do all we can to accommodate the request.

Ms. LEE. I thank the chairman and the ranking member for allowing me to bring this request to their attention, and I look forward to working with the committee on this important project.

Mr. KUCINICH. Mr. Chairman, I oppose the Military construction appropriations bill. This bill effectively appropriates $65 million for the initial phase construction of a national ballistic missile system. This bill will begin to pave the way for deploying a boondoogle of unprecedented size and a hoax of a military strategy, a so-called national missile defense system.

Once we begin down the road of an expanded nuclear defense system, there may be no turning back for Washington. If the history of defense funding serves, we will be creating policies to promote the use of and spending on more missiles. We will create a gravy train for every kooky weapons idea, without regard to effectiveness and affordability. We will undermine military readiness and we will weaken U.S. defense.

We need to stop this now before spending billions of dollars on a system that has only been previously tested on a computer as a simulation. Billions of taxpayers dollars will fund a weapons system that simply does not work. Let's really strengthen our military and use these funds for programs that work and that really defend against real threats.

According to testimony taken from Dr. David Wright of the Union of Concerned Scientists before the U.S. Senate Committee on Foreign Relations:

> There have been no intercept tests of the NMD system, but since 1982 the U.S. has conducted 16 intercept tests of exo-atmospheric hit-to-kill interceptors, which operate in a similar manner to the planned NMD interceptor. To date, the test record of such interceptors has been absymmal. Only 2 of these 16 intercept tests scored hits, for a 13 percent success rate. And the test record is not getting better with time: the most recent successful high-altitude test occurred in January 1991 and the last 11 such intercept tests have been failures.

Moreover, deploying a national missile defense system will have devastating effect on United States-Russian arms reduction talks. Recently, the Russian Parliament has ratified the START II treaty. I think we have a great opportunity to lead by example but not deploying this dangerous system. Let's continue the dialog with Russia and cooperate on reducing nuclear military threats worldwide. Let us continue to fund successful programs, the Cooperative Threat Reduction program or the Nunn-Lugar program which aims to assist Russia in the denuclearization and demilitarization of the states of the former Soviet Union. This program has proven successful and effective in reducing nuclear threats, yet this program is due to receive little in comparison to the billions that will go to a ballistic missile technology which has not been proven to be successful and which can be easily defeated with countermeasures.

Mr. Speaker, I urge my colleagues to vote against this bill because it prematurely approves the construction of national missile defense system which has not been fully tested, does not work, and is of unprecedented cost.

Mr. UDALL of Colorado. Mr. Chairman, I support this bill because on balance, it is a good bill. In particular, it provides necessary funds for National Guard projects in my State of Colorado.

I would like to voice my concerns, however, about funding provided for the initial construction phase of a national missile defense system. I'm glad the committee didn't provide all the funds the President requested, and I'm glad the committee's report included language expressing concern that to date no site has been selected and a decision hasn't been made to go forward with this program.

I hope that the appropriation of these funds does not encourage a premature decision on the deployment of a national missile defense system. As so many have said, the intercept technology is clearly not ready for operational application, and I am convinced it would be irresponsible—as well as strategically disadvantageous—for us to make a unilateral move toward an inadequately tested defense system. I continue to believe that a decision to deploy that ignores technological and diplomatic considerations cannot possibly yield the best outcome.

Mr. GUTKNECHT. Mr. Chairman, I thank the Chairman and applaud the committee for including funding for a new National Guard Training and Community Center in Mankato, MN, in this year's military construction bill.

For the information of Members, the Mankato Training and Community Center was included in the 2001 Future Years Defense Plan and is one of the highest priorities of the Minnesota National Guard. The United States has called on its military for major deployments three times as much in the last 10 years as in the previous 40. If we continue to call on our military with an ever-increasing frequency we must also commit to updating the facilities and equipment which are essential to its mission.

We must not simply pour money into our military, without first ensuring that this money is being spent well. Training and community centers are a win-win solution, that gives value-added benefit to the local community and much greater benefit from the Government dollar. These facilities traditionally have been used only by the Guard unit and remain unused during the week when no training is conducted. By allowing the community to share in the use and cost of the new facility the community receives a state-of-the-art community center and the Guard benefits from a better facility than without the local community's contribution. The 2d battalion 135th Infantry in Mankato, MN is certainly in need of a new facility. The current facility is outdated and prohibits the Guard from carrying out its mission. The building was built in 1922 to hold Army horse cavalry which is needless to say, far different from the modern mechanized infantry which attempts to use the same facility today. It lacks adequate classrooms, administration facilities, training space and equipment storage areas. The unit can't even park its military vehicles on location, most are parked at the nearest National Guard facility 60 miles away.

This project is a win-win-win for the Minnesota National Guard, the local community, and our Nation's defense infrastructure. I thank the members who supported this bill.

Mr. PACKARD. Mr. Chairman, I am in support of H.R. 4425 the FY2001 Military Construction Appropriations Act. This bill provides funds to support our military men and women.

Mr. Chairman, the quality of life of our military service men and women is paramount to national security. Retaining skilled, talented, and hard-working men and women into the armed services cannot be guaranteed without ensuring that medical facilities meet medical needs. Our efforts to attract bright, gifted young people will struggle without military housing that protects and serves the needs of families. This bill makes much needed improvements on infrastructure and represents our commitment to those who put their lives on the line everyday to ensure that our quality of life is protected.

Mr. Chairman, H.R. 4425 also approves the Department of Defense's three-pronged approach to military housing needs which includes: eliminating out-of-pocket housing costs by raising the Basic Allowance for Housing (BAH), maintaining existing levels of military construction funding and continuing privatization projects. This legislation recognizes the varying cost-of-living throughout the United States and applies creative solutions to military housing needs.

I encourage my colleagues to support this legislation and continue our commitment to our military personnel.

Mr. RYAN of Wisconsin. Mr. Chairman, I see that the committee's report that accompanies this bill encourages the Deputy Under Secretary of Defense for Installations to ensure that up to date building control technologies are used in the Pentagon as that building is renovated. As the chairman of the subcommittee that funds DOD's capital construction budget, he understands that installing inadequate building control systems can increase the operations costs in future years. I commend the chairman for this wisdom.

However, the report suggests that the funding for this effort be taken from unobligated balances in the Energy Conservation Investment Program. The report further states that the Energy Conservation Investment Program has unobligated balances that total $39 million. I have received information that the unobligated balances in that account may be much smaller. If that is the case, the funds for the Pentagon building controls may not be available. I believe such a result is unintended.

So I hope the Committee will look into this matter.

Mr. OLVER. Mr. Chairman, I yield back the remainder of my time.

Mr. HOBSON. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN: Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

### H.R. 4425

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, for the fiscal year ending September 30, 2001, and for other purposes, namely:

### MILITARY CONSTRUCTION, ARMY

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, $869,950,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed $99,961,000 shall be available for study, planning, design, architect and engineer services, and host nation support, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

### MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, $891,380,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed $67,502,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

### MILITARY CONSTRUCTION, AIR FORCE

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, $703,903,000, to remain available until September 30, 2005: *Provided*, That of this amount, not to exceed $56,949,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

### MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the military departments), as currently authorized by law, $800,314,000, to remain available until September 30, 2005: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed $77,505,000 shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

### MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $137,603,000, to remain available until September 30, 2005.

### MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $110,585,000, to remain available until September 30, 2005.

### MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $115,854,000, to remain available until September 30, 2005.

### MILITARY CONSTRUCTION, NAVAL RESERVE

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $53,004,000, to remain available until September 30, 2005: *Provided further*, That the funds appropriated for "Military Construction, Naval Reserve" under Public Law 105–45, $2,400,000 is hereby rescinded.

### MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 1803 of title 10, United States Code, and Military Construction Authorization Acts, $43,748,000, to remain available until September 30, 2005.

### NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in Military Construction Authorization Acts and section 2806 of title 10, United States Code, $177,500,000, to remain available until expended.

### FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $198,505,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $953,744,000; in all $1,152,249,000.

### FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $419,584,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $879,208,000; in all $1,298,792,000.

### FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, $241,384,000, to remain available until September 30, 2005; for Operation and Maintenance, and for debt payment, $820,879,000; in all $1,062,263,000.

### FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, for Operation and Maintenance, $44,886,000.

### BASE REALIGNMENT AND CLOSURE ACCOUNT

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $1,174,369,000, to remain available until expended: *Provided*, That not more than $865,318,000 of the funds appropriated herein shall be available solely for environmental restoration, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

### GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for construction, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 percent of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except: (1) where there is a determination of value by a Federal court; (2) purchases negotiated by the Attorney General or his designee; (3) where the estimated value is less than $25,000; or (4) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to: (1) acquire land; (2) provide for site preparation; or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or in countries bordering the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in countries bordering the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 percent: *Provided further*, That this section shall not apply to contract awards for military construction on Kwajalein Atoll for which the lowest responsive and responsible bid is submitted by a Marshallese contractor.

SEC. 113. The Secretary of Defense is to inform the appropriate committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel 30 days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 percent of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last 2 months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project: (1) are obligated from funds available for military construction projects; and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the 5-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies bordering the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 15 line 3 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. Are there any amendments to that portion of the bill?

Mr. TRAFICANT. Mr. Chairman, I have an amendment on page 15 after line 9.

The CHAIRMAN. The Clerk will report that section of the bill.

The Clerk read as follows:

SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment on page 15, after line 9, which would be section 121(b), a new section.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT:

On page 15, line 4, after "Sec. 121" insert "(a)".

On page 15, after line 9 insert the following:

"(b) No funds made available under this Act shall be made available to any person or entity who has been convicted of violating the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act")."

Mr. TRAFICANT. Mr. Chairman, we will be participating in building a facility in Italy that will be covered by Italian law that will limit all contractors to be Italians. My language is not restrictive. All it says is, abide by our buy American law and if anybody has been convicted of having violated it, they cannot, in fact, receive contracts under this bill.

Now, to the best of my knowledge, there is no one at this point that has violated it but it begins to set a precedent for those to understand that one shall not violate the Buy American Act even though I believe it should be stronger, but they shall not violate it under any circumstances.

Mr. HOBSON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Ohio.

Mr. HOBSON. Mr. Chairman, we have no objection to the amendment.

Mr. OLVER. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman, we have no objection.

Mr. TRAFICANT. Mr. Chairman, I urge an aye vote on the amendment and on this fine bill.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The amendment was agreed to.

Mr. BISHOP. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of H.R. 4425, the Military Construction Appropriations bill for fiscal year 2000. I wish to commend the gentleman from Ohio (Chairman HOBSON) and the gentleman from Massachusetts (Mr. OLVER) and the Committee on Appropriations for crafting a bill which provides the necessary funding to improve the quality of life of our men and women in our armed forces.

I believe that this measure goes a long way in addressing the backlog in readiness, revitalization and quality of life projects. The measure before us today will fund the planning and construction of several barracks, family housing and operational facilities.

The Second Congressional District of Georgia is home to three military installations, Fort Benning, home of the 75th Ranger Regiment and this year's winner of the Army Chief-of-Staff's Army Communities of Excellence Awards; Moody Air Force Base in Valdosta, home of the 347th Fighter Wing, and the Marine Corps Logistics Center and Materiel Command Base in my hometown of Albany, Georgia.

I have seen firsthand the excellent work that our fighting men and women do, often under very, very difficult circumstances. Our responsibility is to make their jobs easier. We cannot expect to attract qualified recruits and retain them if we provide inadequate facilities for them while they are in.

This measure would provide Fort Benning with $24 million for Phase III of barracks construction and $15.8 million for fixed wing aircraft parking aprons. It provides $1.1 million for the renovation of the vehicle storage facility at the Marine Corps Logistics Base in Albany, and it provides $2.5 million for a badly needed water treatment plant at Moody Air Force Base.

The portions of the bill that I just spoke of place a human face on this debate for my constituents, Mr. Chairman. We know that we have the most technologically advanced military in the world. Therefore, we must continue to improve the quality of life for the men and women who are the heart and soul of that military. This bill does a very good job of doing just that, and, therefore, I strongly urge my colleagues to support the measure.

Mr. HOBSON. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 20, line 5, be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The text of the bill from page 15, line 10, through page 20, line 5, is as follows:

SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

(TRANSFER OF FUNDS)

SEC. 123. Subject to 30 days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to the Department of Defense Family Housing Improvement Fund from amounts appropriated for construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to the Fund: *Provided*, That appropriations made available to the Fund shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of subchapter IV of chapter 169, title 10, United States Code, pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

SEC. 124. None of the funds appropriated or made available by this Act may be obligated for Partnership for Peace Programs in the New Independent States of the former Soviet Union.

SEC. 125. (a) Not later than 60 days before issuing any solicitation for a contract with the private sector for military family housing the Secretary of the military department concerned shall submit to the congressional defense committees the notice described in subsection (b).

(b)(1) A notice referred to in subsection (a) is a notice of any guarantee (including the making of mortgage or rental payments) proposed to be made by the Secretary to the private party under the contract involved in the event of—

(A) the closure or realignment of the installation for which housing is provided under the contract;

(B) a reduction in force of units stationed at such installation; or

(C) the extended deployment overseas of units stationed at such installation.

(2) Each notice under this subsection shall specify the nature of the guarantee involved and assess the extent and likelihood, if any, of the liability of the Federal Government with respect to the guarantee.

(c) In this section, the term "congressional defense committees" means the following:

(1) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the Senate.

(2) The Committee on Armed Services and the Military Construction Subcommittee, Committee on Appropriations of the House of Representatives.

(TRANSFER OF FUNDS)

SEC. 126. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred from the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to the fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374) to pay for expenses associated with the Homeowners Assistance Program. Any amounts transferred shall be merged with and be available for the same purposes and for the same time period as the fund to which transferred.

SEC. 127. Notwithstanding this or any other provision of law, funds appropriated in Military Construction Appropriations Acts for operations and maintenance of family housing shall be the exclusive source of funds for repair and maintenance of all family housing units, including flag and general officer quarters: *Provided*, That not more than $25,000 per unit may be spent annually for the maintenance and repair of any general or flag officer quarters without 30 days advance prior notification of the appropriate committees of Congress: *Provided further*, That the Under Secretary of Defense (Comptroller) is to report annually to the Committees on Appropriations all operations and maintenance expenditures for each individual flag and general officer quarters for the prior fiscal year.

SEC. 128. The Army, Navy, Marine Corps, and Air Force are directed to submit to the appropriate committees of the Congress by July 1, 2001, a Family Housing Master Plan demonstrating how they plan to meet the year 2010 housing goals with traditional construction, operation and maintenance support, as well as privatization initiative proposals. Each plan shall include projected life cycle costs for family housing construction, basic allowance for housing, operation and maintenance, other associated costs, and a time line for housing completions each year.

(TRANSFER OF FUNDS)

SEC. 129. During fiscal year 2001, in addition to any other transfer authority available to the Department of Defense, funds appropriated in the Military Construction Appropriations Act, 2000 (Public Law 106–52; 113 Stat. 259) under the heading "MILITARY CONSTRUCTION, NAVAL RESERVE" and still unobligated may be transferred to the account for "MILITARY CONSTRUCTION, NAVY". Amounts transferred under this section shall be merged with, and be available for the same period as, the amounts in the account to which transferred and shall be available to construct, under the authority of section 2805 of title 10, United States Code, an elevated water storage tank at the Naval Support Activity Midsouth, Millington, Tennessee.

SEC. 130. Notwithstanding any other provision of law, the Secretary of the Navy is authorized to use funds received pursuant to section 2601 of title 10, United States Code, for the construction, improvement, repair, and maintenance of the historic residences located at Marine Corps Barracks, 8th and I Streets, Washington, DC: *Provided*, That the Secretary notifies the appropriate committees of Congress thirty days in advance of the intended use of such funds.

The CHAIRMAN. Are there amendments to that portion of the bill?

Mr. EDWARDS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I really want to come to the floor to compliment the gentleman from Ohio (Mr. HOBSON), the chairman of the subcommittee, and the gentleman from Massachusetts (Mr. OLVER), the ranking Democratic member. The way this process works is when a bill is put together on a thorough, careful, fair and bipartisan basis, it brings to it very little press attention.

We will have to talk about this today because in tomorrow's newspapers and on the evening news tonight, we will not read about the military construction bill. It is sad that Americans will not know what has been done here on the House today and what has led up to this fact, because the fact is that we owe it to the men and women of this country who put on a uniform and put their lives on the line to ensure that they can have a quality of life; education for their children; housing and health care for their children. Quality of life for military servicemen and women and their families is what this military construction bill is all about, and because of the fair and bipartisan leadership of the gentleman from Ohio (Mr. HOBSON), in his partnership with the gentleman from Massachusetts (Mr. OLVER), and the committee, this money, these taxpayer dollars, are being spent wisely in a way that will improve the readiness of our military forces and give the kind of quality of care that our military servicemen and women deserve.

☐ 1230

Just one final note. I was recently on a trip with several other Members of the House and met a young Army private who had missed the birth, the recent birth, of his first child.

I do not know how we can ever repay somebody like that. As a father of a 2-year-old and a 4-year-old, I cannot imagine what it would have been like not to have been there when my wife, Lea Ann, gave birth to our children. What a special moment for all of us in this House that are fathers, to be there with our wives when our children are born.

But while we cannot put a dollar value on that sacrifice that that young private of the Army gave, what we can do and are doing, under the leadership of the chairman and the ranking member today, is saying to our service men and women, we do appreciate them. We not only appreciate them with our words, but with our deeds.

I want to compliment the committee leadership for a great effort on putting together this fair and bipartisan package that makes sense for the taxpayers and for our military.

The CHAIRMAN. Are there further amendments to the bill?

If not, the Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Military Construction Appropriations Act, 2001".

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. Barrett of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 502, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 386, nays 22, not voting 26, as follows:

[Roll No. 184]

YEAS—386

Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad-
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—22

Barrett (WI)
Capuano
Conyers
Duncan
Frank (MA)
Klink
Kucinich
Lee
Lofgren
Markey
McDermott
McKinney
Nadler
Owens
Paul
Payne
Rivers
Royce
Sensenbrenner
Stark
Tierney
Wu

NOT VOTING—26

Abercrombie
Ackerman
Campbell
Clay
Danner
Dooley
Franks (NJ)
Gutknecht
Hinchey
Houghton
LaFalce
Largent
LoBiondo
Maloney (CT)
McCollum
McIntosh
McNulty
Neal
Salmon
Serrano
Shows
Skelton
Stupak
Udall (NM)
Vento
Weldon (PA)

□ 1251

Messrs. CAPUANO, OWENS and PAYNE changed their vote from "yea" to "nay".

Mr. McGOVERN changed his vote from "nay" to "yea".

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SALMON. Mr. Speaker, due to an unavoidable absence, I was unable to be present for House consideration of H.R. 4425, Military Construction Appropriations for FY 2001 (rollcall No. 184). Had I been present I would have voted "yea."

Mr. GUTKNECHT. Mr. Speaker, I was unavoidably detained earlier today and was not present for rollcall vote No. 184. Had I been present, I would have voted "aye."

## COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 499 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 499

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed 90 minutes, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget, 30 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Rules, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by the Committee on the Budget, the Committee on Rules, and the Committee on Appropriations now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule an amendment in the nature of a substitute consisting of the text of H.R. 4397. That amendment in the nature of a substitute shall be considered as read. No amendment to that amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendments printed in the report are waived. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HAYES). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the distinguished gentleman from the Commonwealth of Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate on this subject only.

Mr. Speaker, this is an appropriate structured rule for consideration of the Comprehensive Budget Reform Act of 1999. As one of the authors of the underlying bill, I can tell my colleagues that great pains were taken to accommodate the concerns of our House committees and Members in this legislation.

In fashioning this rule, we have taken similar care to ensure, as best as possible, a nonpartisan substantive debate about our budget process. Leaving aside our budget policy differences, and I emphasize policy, we do hope to come to a consensus on an improved, outcome-neutral budget process.

The rule provides for 90 minutes of general debate, divided fairly between the three committees of jurisdiction, the Committee on Budget, the Committee on Rules, and Committee on Appropriations. The rule makes in order seven amendments from both sides of the aisle. Three of those amendments are attempts to put a section back into the bill that were dropped at the request of committees. One aims to strike altogether the linchpin of the bill, the Joint Budget Resolution. So I think that the Committee on Rules has clearly erred on the side of the inclusion of the amendment process, if we have erred at all on this.

Mr. Speaker, when I came to Congress, I suspect I was like most Americans out there watching the debate on budget process. I knew little about how the budget process worked in Washington, and what I did know did not make a whole lot of sense.

Since becoming the chairman of the Subcommittee on Legislative and Budget Process nearly 6 years ago, I had a chance to learn a great deal about the inner workings of our congressional budget process. I have really been down in the weeds on a lot of the issues and listened to the best and the brightest budget experts we can find and all their green eye shade associates who have come forward and tried to help us along in this process.

☐ 1300

I have also lived through a number of our annual budget battles, which have not been particularly pretty, as many will recall. Through these experiences, I have arrived at one simple truth about our budget process. The best reforms in the world are meaningless if at the end of the day, Members are not committed to enforcing them. So enforcement is a big issue, and we have certainly provided for it in this rule when we get to the debate.

H.R. 853 recognizes this is a reality. It properly encourages the President and Congress to agree on a joint budget resolution, but provides the flexibility of a fallback in years they elect not to do that, although we create the incentives to do that. We get real about budgeting for emergencies by adding a rainy day reserve fund, but we do so in a way that is workable and serious.

Instead of creating rigid procedural sticks that will be ignored, we encourage committees and Members to be better stewards of their programs and agencies under their jurisdiction. In Florida, we believe in sunshine, and I am hopeful a little sunshine will enhance oversight and accountability inside the Beltway as well.

Along those lines, I think that the amendment of the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), to convert the current annual budget and appropriations process to a biennial one is a particularly good fit for this bill. By structuring our calendar to prefer budget matters in the first year and oversight in the second, we will create an atmosphere where both responsibilities show signs of improvement. It is a good amendment, and I hope it is adopted once we consider it.

Let me be very clear, H.R. 853 is not a panacea for all that ails us, and it is certainly not foolproof. We will still have our policy differences and we will still use, possibly abuse, the budget process to advance individual causes. But this is a good bipartisan work product, primarily because it does not attempt to solve every problem.

The gentleman from Iowa (Mr. NUSSLE) and the gentleman from Maryland (Mr. CARDIN), from opposite sides of the aisle, should be commended for resisting the temptation to use this vehicle for partisan manipulation. While H.R. 853 has many parents, I would like to congratulate them in particular for their leadership and resolve throughout the last few years. As I say, this has been in the works for a long time.

Whatever our view on the individual budget process reform pieces that are going to be offered up, we should be able to support this rule. All of the major substantive amendments presented to us have been made in order. We have not gamed the system to give preference to any controversial provision. We have taken the guidance of the Speaker, the gentleman from Illinois (Mr. HASTERT), to heart and let the House work its will on a nonpartisan basis. I urge a "yes" vote on the rule.

## Biennial Budgeting Amendment to H.R. 853, the Comprehensive Budget Process Reform Act of 1999

### SECTION-BY-SECTION SUMMARY

*Offered by Reps. Dreier, Luther, Regula, Hall (OH), Bass, McCarthy (MO), Goss, Condit, et al.*

"To provide for a biennial budget and appropriations process and to enhance programmatic oversight and the management, efficiency, and performance of the Federal Government."

*Short Summary:* Establishes a two-year budgeting and appropriations cycle and timetable. Defines the budget biennium as the two consecutive fiscal years beginning on October 1 of any odd-numbered year. Sets forth a special timetable for any first session that begins in any year during which the term of a President begins (except one who starts a second consecutive term).

### Adds a New Title VII Entitled "Biennial Budgeting"

Section 701. Findings. Outlines nine congressional findings on the budget process and biennial budgeting.

Section 702. Revision of Timetable. Amends section 300 of the Congressional Budget and Impoundment Control Act of 1974 to revise the timetable of the congressional budget process to reflect a biennial budget schedule. The first session of any Congress is primarily devoted to the consideration of the budget resolution, the regular appropriations bills, and any necessary reconciliation legislation. In general, the revised timetable is similar to the current timetable except that most of the milestones only apply to the first session of a Congress. The timetable is modified to extend the deadline for completion of the biennial budget resolution to May

15th. The revised timetable contains only three deadlines for the second session: (1) The President must submit a mid-biennium budget review to Congress by February 15th; (2) the Congressional Budget Office must submit its annual report to the Budget Committees of the House and the Senate no later than six weeks after the President submits the budget review; and (3) Congress must complete action on bills and resolutions authorizing new budget authority for the succeding biennium by the last day of the session. This section also creates a new section 300(b) of the Budget Act that establishes a special timetable for the submission and consideration of a budget in the case of any first session of Congress that begins in any year during which the term of a President (except a President who succeeds himself) begins. Generally, the budget deadlines are extended by 6 weeks to give a new President more time to prepare and submit the budget.

Section 701. Amendments to the Congressional Budget and Impoundment Control Act of 1974. Section 703(a) amends section 2(2) of the Budget Act relating to the "Declaration of Purposes" of the Budget Act to account for the congressional determination biennially of the appropriate level of Federal revenues and expenditures.

Section 703(b)(1) amends the definition of a budget resolution in section 3(4) of the Budget Act to reflect its application to a biennium as opposed to a fiscal year.

Section 703(b)(2) amends section 3 of the Budget Act by adding a new paragraph (13) to define the term biennium as "the period of two consecutive fiscal years beginning on October 1 of any odd-number year."

Section 703(c) amends the Budget Act to make the budget resolution a biennial concurrent resolution on the budget.

Section 703(c)(1) amends section 301(a) of the Budget Act regarding the required contents of the budget resolution to conform its application to the biennium beginning on October 1 of each odd-numbered year and its consideration to the biennial timetable for completion, which is by May 15 of each odd-numbered year.

Section 703(c)(2) amends action 301(b) of the Budget Act to ensure that the additional matters which may be included in the budget resolution apply to a biennium.

Section 703(c)(3) amends section 301(d) of the Budget Act to conform the submission of committee views and estimates to the Budget Committees to a biennial cycle.

Section 703(c)(4) amends section 301(e)(1) of the Budget Act to conform the requirements of the Budget Committee's hearings on the budget and the Budget Committee's reporting of the budget resolution to a biennial schedule. The House Budget Committee would report a biennial budget resolution by April 1st of each odd-numbered years.

Section 703(c)(5) amends section 301(f) of the Budget Act relating to the achievement of goals for reducing unemployment to conform it to a biennial cycle.

Section 703(c)(6) amends section 301(g)(1) of the Budget Act to conform the provisions relating to the economic assumptions of the budget resolution to a biennial schedule.

Section 703(c)(7) and 8) amend section 301 to make conforming changes to the section heading and the table of contents of the Budget Act.

Section 703(d) amends section 302(a) of the Budget Act regarding committee allocations in the budget resolution, to require the conference report on a budget resolution to include an allocation of budget authority and outlays to each committee for each year in the biennium and the total of all fiscal years covered by the resolution as well as makes conforming change to subsections (f) and (g) of section 302 to reflect a biennial cycle and the biennial timetable.

Section 701(e)(1) amends section 303(a) of the Budget Act, which prohibits consideration of legislation, as reported, providing new budget authority, changes in revenues, or changes in the public debt for a fiscal year until the budget resolution for that year has been agreed to, to reflect the application of the budget resolution to a biennium.

Section 703(e)(2) amends section 303(b) of the Budget Act relating to the exceptions in the House of Representatives from the application of this point of order, to account for a biennial budget cycle. The application of these exceptions are also amended to reflect the special biennial timetable utilized during the first term of a new President.

Section 703(e)(3) amends section 303(c)(1) of the Budget Act to conform the application of this point of order in the Senate to a biennial budget cycle.

Section 703(f) amends section 304 of the Budget Act, regarding permissible revisions of budget resolutions, to conform to the biennial budget cycle. This subsection maintains current law which allows Congress to revise the budget resolution at any time during the biennium.

Section 703(g) amends section 305(a)(3) of the Budget Act, relating to the procedures for consideration of the budget resolution, to conform references to the budget resolution to account for its application to a biennium.

Section 703(h) amends section 307 of the Budget Act to conform the timetable for completing House Appropriations Committee action on regular appropriations bills by June 10 to a biennial cycle. This section also makes conforming amendments to reflect the special biennial timetable utilized during the first term of a new President.

Section 703(i) amends section 308 of the Budget Act to require the Congressional Budget Office to file quarterly budget reports with the House and Senate Budget Committees. These reports are to compare revenues, spending, and the deficit or surplus for the current fiscal year with the assumptions used in the congressional budget resolution. CBO is also required to make the reports available to other interested parties upon request. These reports will enable the Congress to compare actual budget results to earlier estimates. The frequent periodic reports by CBO on the progress of fiscal policy and economic developments since action on the budget resolution will inform the Congress about current status of the budget and its earlier underlying projections by using updated projects and actual budget figures to date. The reports can also serve to facilitate additional reconciliation legislation (between biennial budget resolutions) as necessary due to changes in the economy or policy emphasis.

Section 703(j) amends section 309 of the Budget Act to conform the timetable for completion of all House action on the regular appropriation bills before the House adjourns for more than three calendar days during the month of July. This section also makes conforming amendments to reflect the special biennial timetable utilized during the first term of a new President.

Section 703(k) amends section 310 of the Budget Act to conform the reconciliation process to a biennial budget cycle. It also strikes subsection (f) which currently prohibits the House from adjourning for more than 3 calendar days during the month of July until all required reconciliation legislation is completed. This is necessary to reflect the budget resolutions application to the biennium and the possibility of considering reconciliation legislation during the second session.

Section 703(l)(1) and (2) amend section 311(a)(1) and (2) of the Budget Act respectively, to prohibit consideration in the House or Senate of any legislation that would cause the total levels of budget authority or total levels of outlays to greater than or that would cause the total level of revenues to be less than those levels set forth in the most recently agreed to budget resolution for either fiscal year of the biennium or for the total of each fiscal year in the biennium and the ensuing fiscal years for which allocations are provided in the budget resolution.

Section 703(l)(3) amends section 311(a)(3) of the Budget Act to conform the point of order in the Senate against any legislation that would cause a decrease in the Social Security levels set forth in the budget resolution for a biennial budget cycle.

Section 703(m) amends section 312(c) of the Budget Act to conform the Senate's maximum deficit amount point of order for a biennial budget cycle.

Section 704. Amendments to the Rules of the House of Representatives. Section 704(a) amends clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives, relating to the required Appropriations Committee hearings on the President's budget submission, to conform to the biennial timetable.

Section 704(b) amends clause 4(a)(4) of Rule X of the Rules of the House, relating to the suballocations of the Appropriations Committee, to conform to a biennial budget resolution.

Section 704(c) amends clause 4(b)(2) of Rule X of the Rules of the House, relating to the Budget Committee's hearings on the budget, to conform to a biennial budget resolution.

Section 704(d) amends clause 4(b) of Rule X of the Rules of the House to add a new subparagraph (7), to require the House Budget committee to use the second session of each Congress to study issues with long-term budgetary and economic implications, including holding hearings and receiving testimony from committees of jurisdiction to identify problem areas and to report on the results of their oversight activities. The Budget Committee should issue to the Speaker by January 1 of each odd-numbered year a report identifying the key issues facing the Congress in the next biennium.

Section 704(e) amends clause 11(i) of Rule X of the Rules of the House, relating to the duties of the Permanent Select Committee on Intelligence, to conform to a biennial budget cycle.

Section 704(f) amends clause 4(e) of Rule X of the Rules of the House, relating to the duties of the standing committees of the House to maximize annual appropriations for the programs and actives within their jurisdictions, to establish a new preference for biennial appropriations.

Section 704(g) amends clause 4(f) of Rule X of the Rules of the house, relating to the Budget Act responsibilities of the standing committees of the House, to conform to a biennial timetable.

Section 704(h) amends clause 3(d)(2)(A) of Rule XIII of the Rules of the House, relating to committee cost estimates, to conform to a biennial timetable.

Section 704(i) amends clause 5(a)(1) of Rule XIII of the Rules of the House, relating to privileged reports from the Appropriations Committee, to conform to a biennial timetable.

Section 705. Amendments to Title 31, United States Code. Section 705(a) amends section 1101 of Title 31 to define the term biennium as "the period of two consecutive fiscal years beginning on October 1 of any odd-numbered year." This is the same definition given such term in paragraph (11) of section 3 of the Budget Act.

Section 705(b)(1) amends section 1105 of Title 31 to require that on or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Budget Act), the President shall transmit to Congress, the budget for the biennium beginning on October 1 of such calendar year. The President must include a budget message and summary and supporting information with the budget submission.

Section 705(b)(2) amends section 1105(a)(5) of Title 31 to conform the required contents of the budget submission with respect to expenditures to account for a biennial budget cycle.

Section 705(b)(3) amends section 1105(a)(6) of Title 31 to conform the required contents of the budget submission with respect to receipts to account for a biennial budget cycle.

Section 705(b)(4) amends section 1105(a)(9)(C) of Title 31 to conform the required contents of the budget submission with respect to balance statements to account for a biennial budget cycle.

Section 705(b)(5) amends section 1105(a)(12) of Title 31 to conform the required contents of the budget submission with respect to government functions and activities to account for a biennial budget cycle.

Section 705(b)(6) amends section 1105(a)(13) of Title 31 to conform the required contents of the budget submission with respect to allowances to account for a biennial budget cycle.

Section 705(b)(7) amends section 1105(a)(14) of Title 31 to conform the required contents of the budget submission with respect to allowances for unanticipated and uncontrollable expenditures to account for a biennial budget cycle.

Section 705(b)(8) amends section 1105(a)(16) of Title 31 to conform the required contents of the budget submission with respect to tax expenditures to account for a biennial budget cycle.

Section 705(b)(9) amends section 1105(a)(17) of Title 31 to conform the required contents of the budget submission with respect to estimates for future fiscal years to account for a biennial budget cycle.

Section 705(b)(10) amends section 1105(a)(18) of Title 31 to conform the required contents of the budget submission with respect to prior year outlays to account for a biennial budget cycle.

Section 705(b)(11) amends section 1105(a)(19) of Title 31 to conform the required contents of the budget submission with respect to prior year receipts to account for a biennial budget cycle.

Section 705(c) amends section 1105(b) of Title 31, regarding estimated expenditures and proposed appropriations for the legislative and judicial branches, to require the submission of these proposals to the President by October 16th of even-number years.

Section 705(d) amends section 1105(c) of Title 31, regarding the President's recommendations if there is a proposed deficit or surplus, to conform to a biennial budget cycle.

Section 705(e) amends section 1105(e)(1) of Title 31, regarding capitol investment analyses, to conform to a biennial budget cycle.

Section 705(f)(1) and (2) amends section 1106 (a) and (b) of Title 31 respectively, relating to the President's submission of supplemental budget estimates and changes, to conform to a biennial budget cycle. The President is still required to submit a Mid-session Review of the budget by July 16 of each year as well as will now be required to also submit a Mid-biennium Review on or before February 15 of each year even numbered year.

Section 705(g)(1) amends section 1109(a) of Title 31, regarding the President's submission of current program and activity estimates, to conform to a biennial budget cycle and require its submission with the overall budget submission for each odd-numbered year as required by section 1105.

Section 705(g)(2) amends section 1109(b) of Title 31, regarding the Joint Economic committee's analysis of the President's current program and activity estimates, to require the Joint Economic Committee to submit an economic evaluation of such estimates to the Budget Committee as part of its views and estimates within 6 weeks of the President's budget submission for each odd-numbered year.

Section 705(h) amends section 1110 of Title 31, regarding advance requests for authorization legislation to require the President to submit requests for authorization legislation by March 31st of even-numbered years.

Section 706. Two-Year Appropriations; Title and Style of Appropriations Acts. Section 706 amends section 105 of Title I of the U.S. Code to conform the statutory style and definition of appropriations Acts to require that they cover each of two fiscal years of a biennium.

Section 707. Multi-Year Authorizations. Section 707(a) amends Title III of the Budget Act by adding a new section 318 that establishes a new point of order in the House and Senate against the consideration of any bill, joint resolution, amendment, motion or conference report that does contain a specific authorization of appropriations for any purpose for less than each fiscal year in one or more bienniums. This prohibition does not apply to an authorization of appropriations for a single fiscal year. For any program, project or activity if the measure (defined as a bill, joint resolution, amendment, motion or conference report) containing that authorization includes a provision expressly stating the following: "Congress finds that no authorization of appropriation will be required for [Insert name of applicable program, project, or activity] for any subsequent fiscal year." It further defines a specific authorization of appropriations as an authorization for the enactment of an amount of appropriations or amounts not to exceed an amount of appropriations (whether stated as a sum certain, as a limit, or as such sums as may be necessary) for any purpose for a fiscal year.

Section 707(b) amends section 1(b) of the Budget Act to conform the table of contents of the Budget Act to account for this new section 318.

Section 708. Government Strategic and Performance Plans on a Biennial Basis. Section 708 amends the Government and Performance and Results Act of 1993 (the Results Act) to incorporate GPRA into the biennial budget cycle. The Results Act requires federal agencies to develop strategic plans, performance plans, and performance reports. Strategic plans set out the agencies' missions and general goals. Performance plans lay out the specific quantifiable goals and measures. Performance reports compare actual performance with the goals of past performance plans. The Results Act currently requires federal agencies to consult with congressional committees as they develop their strategic plans. The Results Act requires all federal agencies to submit their strategic and performance plans to the Office of Management and Budget, along with their budget submissions, by September 30 of each year. Finally, the Results Act requires the President to include a performance plan for the entire government.

Sections 708(a) through (g) amend section 306 of title 5, sections 1105, 1119 and 9703 of title 31, and sections 2802 and 2803 of title 39 require agencies to prepare strategic and performance plans every two years, in conjunction with the President's development of a biennial budget. In addition, these amendments make other changes to conform strategic and performance plans to a biennial budget cycle.

Section 708(h) amends section 301(d) of the Budget Act to require Congressional committees to review the strategic plans, performance plans, and performance reports of agencies in their jurisdiction. Committees may then provide their views on the agency's plans or reports as part of their views and estimates on the President's budget submitted to the Budget Committees.

Section 708(i) provides that the amendments by this section shall take effect on March 1, 2003.

Section 709. Biennial Appropriations Bills. Section 709(a)(1) amends clause 2(a) of House Rule XXI to provide that in the House of Representatives an appropriation may not be reported in a general appropriation bill (other than a supplemental appropriation bill), and may not be in order as an amendment thereto, unless it provides new budget authority or establishes a level of obligations under contract authority for each fiscal year of a biennium. If further provides that this prohibition shall not apply with respect to an appropriation for a single fiscal year for any program, project, or activity if the bill or amendment thereto containing that appropriation includes a provision expressly stating the following: Congress finds that no additional funding beyond one fiscal year will be required and the [Insert name of applicable program, project, or activity] will be completed or terminated after the amount provided has been expended." The subparagraph is further amended to provide that such a statement shall not constitute legislating on an appropriation bill if it is included with an appropriation for a single fiscal year for any program, project, or activity.

Section 709(a)(2) amends clause 5(b)(1) of House Rule XXII to apply similar prohibitions against appropriation conference reports.

Section 709(b)(1) amends Title III of the Congressional Budget Act of 1974 to add a new section 319 to create a point of order in the Senate against consideration in any odd-numbered year of any regular appropriation bill providing new budget authority or a limitation on obligations under the jurisdiction of the Committee on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond one year and will be completed or terminated after the amount provided has been expended.

Section 709(b)(2) amends section 1(b) of the Budget Act to conform the table of contents of the Budget Act to account for this new section 319.

Section 710. Assistance By Federal Agencies to Standing Committees of the House of Representatives and the Senate. Section 710(a) requires the head of each Federal agency under the jurisdiction of a standing committee to provide to committee those studies, information, analyses, reports, and assistance as may be requested by the chairman and ranking minority member of the committee.

Section 710(b) requires the head of each Federal agency to furnish to such committee documentation containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

Section 710(c) requires that, within 30 days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed, the Comptroller General furnish to the committee summaries of any audits or reviews of such program the Comptroller General has completed during the preceding six years.

Section 710(d) reaffirms the role of the Comptroller General, the Director of the Congressional Research Service, and the Director of the Congressional Budget Office to furnish (consistent with established protocols) to each standing committee of the House and Senate such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under its jurisdiction.

Section 711. Report on Two-Year Fiscal Period. Requires that, not later than 180 days after the enactment of this Act, the Director of OMB shall determine the impact of changing the definition of a fiscal year and the budget process based on that definition to a 2 year fiscal period with a biennial budget process based on the 2 year period, and shall report his findings to the Committees on Budget in the House and Senate and the Committee on Rules in the House.

Section 712. Special Transition Period for the 107th Congress. Section 712(a) requires the President to include in the FY 2002 budget submission an identification of the budget accounts for which an appropriation should be made for each fiscal year of the FY 2002–2003 biennium and any necessary budget authority that should be provided for each such fiscal year for those identified budget accounts.

Section 712(b) requires the Appropriations Committees of each House to review the President's recommendations and include an assessment of those recommendations and any recommendations of their own in the committee's overall views and estimates on the President's budget which they are required to submit to their respective Budget Committees.

Section 712(c)(1) requires the Budget Committees of each House to review the recommendations of both the President and the Appropriations Committees with respect to those budget accounts that should be funded for the biennium.

Section 712(c)(2) requires the report of the Committee on the Budget of each House and the joint explanatory statement of the managers accompanying the budget resolution for FY 2002 to include an allocation to the Appropriations Committees for FY 2003 from which the Appropriations Committee can fund certain accounts in the FY 2002 appropriations bills for each of the fiscal years in the FY 2003–2004 biennium.

Section 712(c)(3) requires the report of the Committee on the Budget of each House and the joint explanatory statement of the managers accompanying the budget resolution for FY 2002 to include the assumptions upon which the allocation to the Appropriations Committees for FY 2003 is made.

Section 712(d)(2) directs the GAO to work with the Committees of Congress during the first session of 107th Congress to develop plans to transition program authorizations to a multi-year schedule.

Section 712(d)(2) requires GAO to continue to provide assistance to the Congress with respect to programmatic oversight and in particular to assist committees in designing and conforming programmatic oversight procedures for the Fiscal Year 2003–2004 biennium.

Section 712(e) provides for a CBO report to Congress (before January 15, 2002) listing all those programs and activities that were funded during FY 2002 with no authorization and all those programs and activities whose authorizations will expire during that fiscal year, FY 2003 and FY 2004.

Section 712(f) requires the President's budget submission for FY 2003 to including an evaluation of and recommendations regarding the transitional biennial budget process for the fiscal year 2002–2003 biennium.

Section 712(g) requires CBO to issue a report on or before March 31, 2002 include an evaluation of and recommendations regarding the transitional biennial budget process for the fiscal year 2002–2003 biennium.

Section 713. Effective Date. Except as provided by sections 708, 711 and 712, the Act is effective January 1, 2003, and applicable to budget, authorization and appropriations legislation for the biennium beginning in FY 2004.

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COUNCIL FOR
CITIZENS AGAINST GOVERNMENT WASTE,
*Washington, DC, May 8, 2000.*

Hon. DAVID DREIER,
*Cannon House Office Building,*
*Washington, DC.*

DEAR CHAIRMAN DREIER: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my support for your biennial budget amendment to the Comprehensive Budget Process Reform Act.

Your amendment will build upon several significant reforms to the federal budget process that are embodied in the base bill. The creation of a biennial budget will allow Congress to perform its most critical responsibilities. Devoting the first session of each Congress to the budget and appropriation process will enable members to spend the second session on oversight into the effectiveness of that spending.

A two-year budget will save a great degree of time and resources that are being wasted on the current process. This reform will streamline the budget process and make Congress more accountable to the American taxpayer.

CCAGW urges your House colleagues to support your amendment. The vote on your bill will be among those considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
*President.*

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CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
*Washington, DC, May 12, 2000.*

Hon. DAVID DREIER,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE DREIER: The U.S. House of Representatives is expected to consider H.R. 853, the Comprehensive Budget Reform Act sponsored by Representatives Jim Nussle (R–IA), Ben Cardin (D–MD), and Porter Goss (R–FL) in the next few days. The U.S. Chamber of Commerce urges you to support this common-sense legislation.

This measure, the product of extensive bipartisan negotiations and congressional hearings, will strengthen the existing federal budget process and provide additional—and needed—accountability of federal spending decisions.

Among its major provisions, this legislation establishes a reserve fund to better budget for emergency needs; requires more legislation be subjected to budgetary enforcement rules; prohibits the consideration of legislation creating new spending programs unless the authorization is for ten years or less; and requires that both the President and Congress better budget for many long-term unfunded federal liabilities.

During consideration of H.R. 853, Representative David Dreier is expected to offer a biennial budget amendment. The U.S. Chamber of Commerce earlier this year testified before the Committee on Rules in support of a biennial federal budget and we strongly support the Dreier amendment. Biennial budgeting would help streamline budget decisions and allow the Congress and Federal agencies more time to manage and oversee federal programs.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region, urges you to support H.R. 853 and the Dreier biennial budget amendment to their eventual enactment into law.

Sincerely,

R. BRUCE JOSTEN,
*Executive Vice President,*
*Government Affairs.*

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THE CONCORD COALITION,
*Washington, DC, May 11, 2000.*

Hon. DAVID DREIER,
Hon. BILL LUTHER,
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN DREIER AND REPRESENTATIVE LUTHER: The Concord Coalition is pleased to support your amendment to H.R. 853, The Comprehensive Budget Process Reform Act, which would move the budget and appropriations processes to biennial cycles.

Putting the President's budget, the Congressional Budget Resolution, appropriations, and oversight on a two-year cycle that coincides with the sessions of Congress is an excellent proposal. Moving to a biennial budget process would make the legislative and executive branches more efficient, while helping to shield the budget process from the gamesmanship and election year politics that have frequently spelled fiscal disaster in years past.

One of the strongest arguments in favor of your amendment is that it would enhance opportunities for Congressional oversight. As you know, many members of Congress have come to believe that the annual, repetitive battle over the budget makes it impossible to engage in any meaningful oversight. Evidence in support of this perception is the fact that, according to CBO, some $121 billion worth of FY 2000 appropriations were made for programs and activities with expired authorizations. With biennial budgeting in place, the first session of each Congress would ideally be spent on setting priorities and funding levels, which would leave a significant portion of the second session available for long-term planning and oversight.

The Concord Coalition believes that your amendment also makes sense from the perspective of government efficiency, given that Congress functions in a biennial mode. Conforming the budget cycle to the Congressional cycle is a sensible change that would replace budget politics with more productive work. Too much time is consumed needlessly in repetitious budget preparation, justification, and appropriation. With a two-year budget, policymakers will be able to spend less time negotiating budget agreements and invest more of their energy in improving government performance.

For these reasons, The Concord Coalition is pleased to support your amendment establishing biennial budgeting for the federal government. We commend you and the cosponsors for putting forward this bipartisan proposal, which we believe would produce a more efficient and fiscally responsible budget process.

Sincerely,

ROBERT L. BIXBY,
*Executive Director.*

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COMMITTEE FOR A
RESPONSIBLE FEDERAL BUDGET
*Washington, DC, May 10, 2000.*
Hon. DAVID DREIER,
*Chairman, Committee on Rules,*
*House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: We understand that the House will take up the Comprehensive Budget Process Reform Act of 1999 on Thursday this week. We also understand that you will offer an amendment to that bill to convert to a biennial budget and appropriations cycle. We are writing to express support for that amendment.

Biennial budgeting and appropriations is not a panacea for all the ails the budget process. But a biennial cycle could save time and resources in the Administration and on Capitol Hill—time and resources that could be redirected to meet high priority public service needs.

It would be a real boon if a biennial cycle results in Congress and the Administration paying more attention to authorizations and oversight.

Biennial budgeting also could save the country money, though that is by no means certain. It does seem that every new appropriations cycle provides opportunities to ratchet up the baseline for federal expenditure.

We applaud your decision to stay with a one-year fiscal year (and single-year appropriations) even as you move to a biennial cycle. In all, we think your amendment is well conceived and deserving of our former colleagues' support.

If you have any questions or if you need further information, please call Carol Wait in the Committee's office.

Best Regards,

BILL FRENZEL.
TIM PENNY.

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COMMITTEE FOR A
RESPONSIBLE FEDERAL BUDGET
*Washington, DC, May 5, 2000.*
Hon. JIM NUSSLE and
Hon. BEN CARDIN,
*House of Representatives*
*Washington, DC.*

DEAR JIM AND BEN: We understand that the House will take up the Comprehensive Budget Process Reform Act of 1999 this week. We are writing to express our strong support for that legislation.

This bill will not fix everything that is wrong with the budget process, but it is a giant step in the right direction.

Perhaps most importantly, the Comprehensive Budget Process Reform Act would change the current nonbinding concurrent budget resolution to a joint budget resolution to be signed or vetoed by the President. Once signed, the joint resolution would have the force of law. The importance of this change cannot be overstated. So long as the two policy branches of government operate off of different plans, there really is no such thing as a budget for the United States Government. This is the source of most confusion attributed to baselines.

Some say that Congress and the President cannot resolve their differences early in the budget process. We are convinced that they can agree on the big pieces: aggregate spending and revenues—mandatory and discretionary, defense and non-defense spending totals—and expenditure caps. We believe that such agreements could bring order to consideration of spending, revenue and reconciliation bills. The first time through this process may seem difficult; but subsequent budget cycles should go more smoothly, because all parties would have a tremendous incentive to act. Passing a new budget would permit them to set new spending caps and otherwise amend the most recently enacted budget law.

Who can argue against efforts to ameliorate the distortions caused by so-called "emergency provisions" in existing law? Not we, we think it is imperative for Congress to do something about this problem before the budget process loses all credibility. The Comprehensive Budget Reform Act would require Congress and the President to budget for emergencies and set up safeguards to keep the kinds of abuses abound today from recurring.

Who can argue against greater accountability in Federal spending? Discretionary spending is growing more rapidly than at any other time since the Viet Nam War. The provisions of this bill would not necessarily change that. It is not the objective of budget process legislation to etch in stone specific spending decisions. But the new law would require regularized reauthorization of all spending laws, programs and agencies and that should help to curb or eliminate lower priority spending. Further, it would limit new entitlement legislation. That is especially important as the time approaches when we will not be able to pay current law Social Security and Medicare benefits from dedicated tax receipts.

The changes that this bill would bring to budgeting for long-term obligations and baseline calculations also are desirable.

All in all, this is good legislation. We urge our former colleagues to support it.

Best regards,

BILL FRENZEL.
TIM PENNY.

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AMERICANS FOR TAX REFORM,
*Washington, DC, May 16, 2000.*
Hon. JIM NUSSLE,
*Chairman, Budget Committee Task Force on Budget Process,*
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN NUSSLE: Americans for Tax Reform is very concerned about attempts to remove the legally binding joint resolution provision from the Budget Process Reform Act.

We enthusiastically support changing the current non-binding budget resolution into a legally enforceable joint resolution passed by both houses of Congress. Such a joint resolution, when signed by the president, will set the stage for meaningful budget negotiations between the legislative and executive branches at the beginning of the year, with overall levels of spending being agreed to upfront.

Consequently, a joint resolution will avoid the type of brinkmanship that has allowed spending levels to eventually balloon far in excess of what was originally envisaged.

Taxpayers deserve a budget process that makes sense and whose limits and outlines have the force of law. A joint budget resolution will achieve that.

Sincerely yours,

GROVER G. NORQUIST,
*President.*

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THE CONCORD COALITION,
*Washington, DC, May 9, 2000.*
Hon. JIM NUSSLE,
Hon. BEN CARDIN,
*House of Representatives, Washington, DC.*

DEAR MR. NUSSEL AND MR. CARDIN, The Concord Coalition is pleased to lend its strong support to H.R. 853, the Comprehensive Budget Process Reform Act. We commend the bill's sponsors for putting forward this bipartisan effort to strengthen the budget process.

In particular, The Concord Coalition supports:

Changing the budget resolution from a concurrent resolution that binds only Congress, but not the Administration, to a joint resolution that requires the President's signature. The allocation of constrained resources is a tough political process, and the earlier in the year that agreement can be reached on at least a general framework, the better.

Streamlining the budget resolution to just the major budget enforcement categories and the aggregates. The parts of the budget resolution that really matter and have teeth for enforcement purposes are not the 20 budget functions but rather the handful of limits that tell policy makers how much money they have to work with during the ensuring year—total spending, revenues, surplus or deficit, public debt, mandatory spending, non-defense discretionary spending, defense discretionary spending, and emergency spending. If the budget resolution continued to require function-by-function details, the Congress and the White House would seldom be able to agree on a joint resolution, particularly during times of divided party control. However, even with different parties in control of different chambers or branches of government, it should be possible most years to agree on aggregates. If not, H.R. 853 allows the present concurrent resolution process to kick in.

Setting up an advance reserve for emergencies in the budget resolution, and tightening the definition of "emergency" to a situation involving loss of life or property, or a threat to national security, that is unanticipated—sudden, urgent, unforeseen and temporary. Although we never know what disaster or emergency lies ahead, it's safe to assume that there will be one. Yet, year after year, insufficient funds are appropriated through the regular appropriations process to finance even an average level of disaster spending. Then, when disaster strikes, the only way to provide relief is through the emergency spending loophole. Abuse of this loophole has become the most egregious and flagrant disregard of the spirit of the budget process.

Entitlement reform measures including subjecting new entitlements to annual appropriations, barring enactment of new entitlements lasting longer than 10 years, requiring 10 year cost estimates, and requiring oversight review of all programs, including existing entitlements, at least every decade.

Reform of the budget rules for unfunded liabilities in federal insurance programs to get a better handle on the creation of new long-term insurance obligations or expansion of existing ones. The current scoring procedures do not accurately reflect the long-term federal liabilities associated with various government insurance programs. H.R. 853 proposes setting up a new scoring and accounting system for federal insurance programs to deal with these problems.

Some have argued that the budget process is not broken, and does not need to be fixed. The Concord Coalition disagrees. Lately, the closing days of the session have deteriorated into a very costly and unstatesmanlike cross between a fiscal food fight and a game of budgetary chicken in which the aim of each side seems to be to inflict maximum political embarrassment on the other while getting as much as possible for one's own spending or tax priorities.

No amount of process reform can guarantee a better result. But, in Concord's view, H.R. 853 focuses on the places where budget enforcement has broken down most flagrantly—emergency spending, end-game tactics, scoring of federal insurance programs, lack of entitlement oversight, and lack of enforcement of the existing budget discipline. You and the other co-sponsors have worked hard to reach bipartisan agreement on this important legislation. The Concord Coalition congratulates you and looks forward to working with you in the future.

Sincerely,

ROBERT L. BIXBY,
*Executive Director.*

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COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
*Washington, DC, May 12, 2000.*

Hon. JIM NUSSLE,
*Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE NUSSLE: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my support for the Comprehensive Budget Process Reform Act.

This legislation makes several significant reforms to the federal budget process. By transforming the non-binding concurrent budget resolution into a joint resolution, the budget would become a document with the force of law. The legislation provides further order to the budget process by enabling Congress to adopt a concurrent budget resolution under expedited procedures if the president vetoes the joint budget resolution.

By creating an emergency reserve fund and clearly defining what would qualify as an emergency, the legislation will allow for expedited funding for truly unanticipated events while preventing the manipulation of this designation for other purposes. The Comprehensive Budget Process Reform Act also strengthens fiscal responsibility by requiring the Budget Committee to certify that each spending bill is in compliance with budgetary levels set forth by the budget resolution, establishing regular authorization for government programs, and prohibiting new spending programs from being authorized for more than ten years at a time. Your legislation also includes the requirement that new spending requests are compared to actual previous levels.

I would also like to express my opposition to any amendment that would weaken the reforms in your bill. Chief among these is an amendment that may be offered which would prevent the budget from having the force of law. It is in the interest of the taxpayers that Congress and the president be bound by law to certain spending limitations.

I appreciate your leadership on this important issue. CCAGW urges your colleagues to support your legislation. The vote on your bill will be among those considered for CCAGW's 2000 Congressional Ratings. In addition, any amendment offered that would strike the force of law provision will also be considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ.

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CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
*Washington, DC, May 12, 2000.*

Hon. JIM NUSSLE,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE NUSSLE: The U.S. House of Representatives is expected to consider H.R. 853, the Comprehensive Budget Reform Act sponsored by Representatives Jim Nussle (R-IA), Ben Cardin (D-MD), and Porter Goss (R-FL) in the next few days. The U.S. Chamber of Commerce urges you to support this common-sense legislation.

This measure, the product of extensive bipartisan negotiations and congressional hearings, will strengthen the existing federal budget process and provide additional—and needed—accountability of federal spending decisions.

Among its major provisions, this legislation establishes a reserve fund to better budget for emergency needs; requires more legislation be subjected to budgetary enforcement rules; prohibits the consideration of legislation creating new spending programs unless the authorization is for ten years or less; and requires that both the President and Congress better budget for many long-term unfunded federal liabilities.

During consideration of H.R. 853, Representative David Dreier is expected to offer a biennial budget amendment. The U.S. Chamber of Commerce earlier this year testified before the Committee on Rules in support of a biennial federal budget and we strongly support the Dreier amendment. Biennial budgeting would help streamline budget decisions and allow the Congress and Federal agencies more time to manage and oversee federal programs.

The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million organizations of every size, sector, and region, urges you to support H.R. 853 and the Dreier biennial budget amendment to their eventual enactment into law.

Sincerely,

R. BRUCE JOSTEN.

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TAXPAYERS FOR COMMON $ENSE,
*Washington, DC, May 11, 2000.*

Hon. JIM NUSSLE,
Hon. BEN CARDIN,
*House of Representatives, Washington, DC.*

Re: Support for H.R. 853

DEAR CONGRESSMEN NUSSLE AND CARDIN: When the House considers H.R. 853, the Comprehensive Budget Process Reform Act, Taxpayers for Common Sense urges all members to support this important bill. TCS believes that it represents a valuable and serious effort by you and your bipartisan cosponsors, to fix some of the worst things about the budget process.

H.R. 853 should be called "The Dire Emergency Budget Process Reform Act of 2000." It is likely to be more important than any similarly-named supplemental appropriations bill that will be presented to the House this year.

The budget process is broken. It is cluttered with numbers that mostly count for nothing, like the budget function subtotals. It ignores the annual reality that emergencies happen. It allows unfunded federal insurance liabilities. It puts too many programs on fiscal autopilot. Finally, it generates debates and votes that resolve nothing. All of this wastes time and political energy in Congress, as well as taxpayer money. Your bill would address all of these problems.

No one should believe that H.R. 853 or any other process reform will guarantee fiscally responsible budgeting. Ultimately, that results from a political will and seriousness of purpose that have been lacking in Congress in recent years on both sides of the aisle and in many different congressional committees.

But no one should oppose H.R. 853 on the grounds that its significant and badly-needed improvements in the budget process would not be the perfect solution to all problems. That would be a flimsy excuse, and process reform might create a climate for progress on other fronts. We urge all members to become part of the solution, and to support H.R. 853.

Sincerely,

RALPH DEGENNARO,
*President & CEO.*

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CAPITOLWATCH,
*Washington, DC, May 8, 2000.*

Hon. JIM NUSSLE,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE NUSSLE: On behalf of the 250,000 supporters of CapitolWatch, I thank you for introducing H.R. 853, "The Comprehensive Budget Process Reform Act of 1999."

H.R. 853 will create a better budget process by amending the rules to encourage Congress and the President to agree on a Joint Budget Resolution at the beginning of the budget process. Such a resolution would help force Congress and the President to keep within spending limits.

H.R. 853 will also stop Congress and the President from passing additional spending outside the normal budget process. The bill strictly defines "emergency" spending as funding for the "loss of life or property, or a threat to national security" and an "unanticipated" situation.

CapitolWatch believes that "sunlight is the greatest disinfectant" and that H.R. 853 will allow the time needed for a full and open debate on budget issues that will replace the usual process—a hodgepodge omnibus bill negotiated at the last minute with the possibility of a government shutdown.

CapitolWatch believes that H.R. 853 will bring about a budget process that is less wasteful and leads to more effective government.

CapitolWatch and its 250,000 citizen lobbyists are urging all members of the House of Representatives to support your bill. We wish you much success and look forward to assisting you in the passage of this much-needed legislation.

Sincerely,

ANDREW F. QUINLAN,
*Executive Director.*

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COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
*Washington, DC, May 5, 2000.*

Hon. JIM NUSSLE,
*Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE NUSSLE: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my support for the Comprehensive Budget Process Reform Act.

This legislation makes several significant reforms to the federal budget process. By transforming the non-binding concurrent budget resolution into a joint budget resolution, the budget would become a document with the force of law. The legislation provides further order to the budget process by enabling Congress to adopt a concurrent budget resolution under expedited procedures if the president vetoes the joint budget resolution.

By creating an emergency reserve fund and clearly defining what would qualify as an emergency, the legislation will allow for expedited funding for truly unanticipated events while preventing the manipulation of this designation for other purposes. The Comprehensive Budget Process Reform Act also strengthens fiscal responsibility by requiring the Budget Committee to certify that each spending bill is in compliance with budgetary levels set forth by the budget resolution, establishing regular authorization for government programs, and prohibiting new spending programs from being authorized for more than ten years at a time. Your legislation also includes the requirement that new spending requests are compared to actual previous levels.

We appreciate your leadership on this important issue. CCAGW urges your House colleagues to support your legislation. The vote on your bill will be among those considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ.

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AMERICANS FOR TAX REFORM,
*Washington, DC, May 8, 2000.*

Hon. JIM NUSSLE,
*House of Representatives, Cannon House Office Building, Washington, DC.*

SIR: Americans for Tax Reform would like to express its support for your bill "The Comprehensive Budget Process Reform Act." This sound proposal would introduce fiscal restraint to a frequently incoherent procedure that now aids and abets profligate spending. Your legislation would not only repair a faltering system, it would safeguard the interests of our nation's overburdened taxpayers.

Most notably, your bill would make the all-important switch from a concurrent budget resolution (which ultimately serves to invite counterproductive and often pointless inter-branch conflict) to a joint budget resolution. This would compel the President and Congress to agree on overall levels of spending at the beginning of the process, when consensus should be reached, and not at the last possible moment, as is currently done. Consequently, inserting superfluous spending provisions into appropriations bills will be more tightly controlled. This alone is ample reason to support your legislation.

In addition, your bill requires committees to reauthorize the departments and programs under their purview every ten years. Today, nearly every federal activity is underwritten by its own essentially permanent and self-perpetuating spending authority. As a result, Executive agencies have license to automatically devour money. It's often been said that the closest thing to immortality is a government program. This is unfortunately true, but your bill would render that witticism anachronistic.

Furthermore, your bill's measures for curtailing spurious demands for "emergency spending" will save taxpayers millions upon millions of dollars every year; no more allocations for such "unforeseen threats" to the commonwealth as dangerously non-existent parking garages. All told, the Comprehensive Budget Process Reform Act is a well-constructed and perfectly reasonable proposal worthy of passage.

We will seriously consider rating Congress' vote on this bill. The time for budget reform is long overdue. We're glad that you have taken the initiative to make it a reality.

Sincerely,

GROVER NORQUIST.

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NATIONAL TAXPAYERS UNION
*Washington, DC, May 9, 2000.*

Hon. JIM NUSSLE,
*House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR CONGRESSMAN NUSSLE: On behalf of the 300,000-member National Taxpayers Union, (NTU) I write to endorse H.R. 853, the Comprehensive Budget Process Reform Act, and to urge all Members to work toward its passage.

The end of the year "omnibus appropriation," "emergency spending," and "supplemental appropriation" bills that have characterized Congressional budgeting and spending over the last decade clearly demonstrate that the current budget process used on Capitol Hill is incapable of instituting, or ensuring, fiscal responsibility and discipline in Washington. The result has been end of the year spending sprees initiated by a President bent on hijacking the budget process in order to spend the surpluses resulting from the hard work of American taxpayers. Clearly, a mechanism for fiscal responsibility in Washington is needed.

Your bill moves Washington in that direction. By giving budgetary limitations the force of law, requiring clearly distinguished standards for emergency spending, and requiring accountability for federal programs, H.R. 853 will provide some much needed restraint on the federal spending train that is currently out of control.

Once again, NTU endorses the Comprehensive Budget Process Reform Act, and encourages all Members to work toward its passage.

Sincerely,

ERIC V. SCHLECHT,
*Director, Congressional Relations.*

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Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume, and I thank my dear colleague, the gentleman from Florida (Mr. GOSS), for yielding me the appropriate time.

Mr. Speaker, I rise in opposition to this rule which fails to protect veterans, student loans, and prescription drugs from possible elimination. Last week, the Committee on Rules, my colleagues, refused to make in order three excellent amendments that would have made great improvements to this bill.

The gentleman from New Jersey (Mr. HOLT) offered an amendment to exempt student loans from the sunset requirements in this bill. Without the Holt amendment, our student loan programs are on the chopping block every 10 years. And, Mr. Speaker, I believe that American families want that program protected.

I believe they also want Medicare and prescription drug benefits protected, and last week, the gentlewoman from Nevada (Ms. BERKLEY) offered an amendment doing just that. But, unfortunately, Mr. Speaker, the amendment of the gentlewoman from Nevada protecting Medicare was also defeated by my Republican colleagues.

The gentleman from New York (Mr. FORBES) offered an amendment protecting veterans programs from the chopping block, but my Republican colleagues, once again, decided not to make his amendment in order either.

So this budget process reform bill will endanger student loans, Medicare, and veterans programs, and, Mr. Speaker, I am afraid that is only the beginning. First of all, this bill changes the budget resolution from a concurrent resolution to a joint resolution and, in doing so, this bill slows down a process that is already too slow.

As long as one party controls the White House and one party controls the Congress, there will never be serious negotiations on a budget resolution. Mr. Speaker, different parties have no reason whatsoever to compromise with one another at the budget resolution stakes of the process.

As everyone knows, the budget resolution is only a political statement, and I believe the majority in Congress should have the opportunity to set out their own plan in the budget resolution. By requiring the budget resolution be signed into law, my colleagues will stall the appropriations process even further, while Congress and the White House struggle and struggle to agree.

Mr. Speaker, as it is, our appropriations process takes far too long. This joint resolution is going to make that deadline even more difficult to make than it already is.

Secondly, Mr. Speaker, this bill changes the way we designate emergencies. Now, I agree that far too many spending programs are falling under the category of emergency these days; programs like the Census, which could hardly be called a surprise. But the reason for so many nonemergencies being pushed into that category is because it is impossible to live within the caps. Emergencies give Congress a way around the caps. So until we have more realistic caps, Congress will continue to resort to emergencies or some other gimmick no matter how high we raise that bar.

Finally, Mr. Speaker, I understand my chairman will offer an amendment changing our budget to a biennial system. As I have said before, many times, I believe biennial budgeting will encourage more supplemental appropriation bills, it will weaken Congress' ability to set budget priorities, and it will require decisions to be made much too far in advance. It is hard enough to predict where we will need to spend the money 1 month in advance much less 2 years in advance.

Although my colleagues made some changes in this bill which does improve the bill tremendously, last week the Committee on Rules made in order amendments to reverse those changes. They removed the dangerous pay-go system that will endanger Social Security and Medicare, then they made in order an amendment to restore it. They removed the automatic continuing resolution which would make it easier to avoid compromise, then they made an amendment in order to restore that, too.

Mr. Speaker, my Republican colleagues did not see fit to protect Medicare, student loans, or veterans programs. They decided those programs, like a lot of the spending programs, should be up for grabs every 10 years, but they made in order amendments restoring portions of the bill that they themselves decided were too unwise.

So, Mr. Speaker, I am asking my colleagues to stand up for student loans, Medicare, veterans benefits and to oppose this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. GOSS. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. NUSSLE), who is indeed an author of this and has worked long and hard, and in a very distinguished nonpartisan manner, to bring this process to Members to debate.

Mr. NUSSLE. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to start by giving my appreciation to my good friend from Florida for his good work on the Committee on Rules, and for the Committee on Rules as a whole, for their patience, for their understanding, for the thoroughness in which they have conducted this budget process, reform process.

That is really what we are talking about today, is process. As much as there are a few Members in our body that are rushing to the floor now at the last minute wanting to inject into this a certain level of political substance, let me caution Members that this has been a bipartisan process which has not gone to the level of political substance or political theater.

I would suggest that while there are many viewpoints on exactly how the budget process should be conducted, exactly how our budget should be arrived at, we have, in this process with the Committee on Rules, with the Committee on the Budget, with the Committee on Appropriations, stayed completely away from substantive outcome determinant procedures. This is outcome neutral in its process.

I had to describe this to a group of kids back home in Iowa, and they wanted to find out what I was going to be working on this week. And budget process reform, quite honestly, is pretty much a yawn, I would have to suggest. Even the gentleman from Massachusetts would probably agree with me on that. But I told them, I said, it is a lot like when we play the game Monopoly. We dust off the board game, Monopoly, and we open it up and look on the back of the box and it never tells us who is going to win the game. It never says one player gets to pass go and collect $200 but another does not; one specific player gets to be the shoe today and another gets to be the thimble. Nowhere in the game do we see that. And that is what we have tried to preserve here too.

The gentleman from Massachusetts is correct when he stated that we do not protect specifically prescription drugs or Social Security or student loans, nor do we protect the United States Capitol building. According to our budget process reform, there is nothing in there that prevents us from tearing it down and moving it to maybe even Des Moines, Iowa. In fact, we could get rid of the Energy Department, according to this. There is no protection in there for Energy, no protection for the Commerce Department, no protection in there for any of the programs, the bureaucracies, the agencies, the departments, the buildings, and, even for that matter, the people within them. We could eliminate all sorts of budgets within this. There are no special protections.

There is a reason for that. We do not want to determine the outcome. We want Congress to work its will. But we also believe it needs to be real. The gentleman from Massachusetts said this is nothing but a political document. That is what is wrong. That is what is wrong. From the time this bill was first introduced, back in 1974, when the Committee on the Budget was first established, when the budget process was first established, it was established because the Committee on Appropriations, the Committee on Ways and Means, the Congress as a whole could not come together and understand what the final outcome was going to look like.

It established a reconciliation process, so that before anything began, everyone had to sit down and look and see what it was going to look like, just like a normal home budget would look like. What are we going to spend, generally, how much money are we taking in, how much money do we think we should expend. The Committee on Appropriations should be allowed to put in the details. The Committee on Ways and Means should be allowed and have the power to put in the details. But someone had to come in and put an umbrella over the entire document, and that is the reason why the Committee on the Budget and the budget process was first instituted.

So the question today is, is the process broken? Yes, the process is broken. We should not mess with a process if it is not broken. But go back and pick a year, any year my colleagues want to pick in the last decade, except for 1997, interestingly enough, and I will come back to that. Pick a year, any year, and every single year there was chaos, there were train wrecks, there were final negotiations at Andrews Air Force Base between the Congress and the President scrambling, with sometimes only three people in the room. And I see the smiles on the faces. Sometimes the Democrats were in the majority and it was the Republicans in control of the White House.

Neither side can be happy with the current process that gets us to a train wreck. So we said what year worked? 1997 worked. Why did it work? Why did we finally get to a balanced budget for the first time in 40 years? Because the Congress and the President sat down early in the process and came up with a memorandum of agreement that decided what the big picture was going to look like; how much money were we taking in in taxes; how much generally we were going to expend in spending; what was the national debt going to look like; what was Social Security going to look like, and they put together a memorandum of agreement. The big picture.

From that, we had success. We wrote this bill to encourage that success in the future, and that is why we should support this rule and this bill.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. HALL), a member of the Committee on Rules.

Mr. HALL of Ohio. Mr. Speaker, I want to thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

This rule makes in order the Dreier amendment. Actually, it is the Dreier-Luther-Regula-Hall amendment, which establishes a 2-year budget process for Congress and the administration. As a former member of the Ohio General Assembly, which follows a 2-year budget process, I learned the value of considering budgets on a 2-year cycle instead of devoting each year to spending bills.

In 1982, shortly after joining the House Committee on Rules, I was appointed to a task force on the budget process. At that time, I favored a biennial budget, and since then I have not changed my mind. Passing budgets and appropriation bills for 2 years will increase funding stability, permitting more efficient management of government programs. It will also reduce the amount of time Congress spends on considering the appropriation bills, allowing us to spend more time on serious problems that we have with oversight.

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Under the current budget process, we are constantly missing deadlines for making decisions on spending. Moreover, our record on oversight in the last few years is poor. Many have blamed the unacceptable performance on the lack of time we have to spend on oversight.

A 2-year budget process should free up time for House Members to spend on oversight. Properly carried out, oversight will give Congress greater insight into the execution of the laws that we pass and improve Government performance.

The biennial budget process amendment has support on both sides of the aisle. It is an experiment worth trying.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I am again privileged to yield such time as he may consume to the distinguished gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, let me begin by extending my congratulations, since he is walking out of the Chamber, I am going to mention him first, and that is to my very good friend the gentleman from Ohio (Mr. HALL) and fellow member of the Committee on Rules.

Now that he is out of the chamber, the gentleman from Florida (Mr. GOSS) is still here; so I would say that the distinguished vice-chairman of the Committee on Rules, the gentleman from Florida (Mr. GOSS), has done a great job.

And even though he is no longer in the chamber, I am going to say the name of the gentleman from Iowa (Mr. NUSSLE). He did a spectacular job in his presentation that he just made here. Maybe he is in the cloakroom and is able to hear my words here.

There are a lot of people who have spent a great deal of time working on this issue of budget process reform, and we are beginning what is clearly an historic debate. For the first time in over a decade, the House will debate fundamental reform of the budget process.

The bill that we will be making in order with this rule is a product of the work of both the Committee on the Budget and the Committee on Rules and the efforts that we have put in for a long time. It also represents a landmark process in which those two committees of jurisdiction over the budget process have come together in a bipartisan manner. And I have got to stress that word "bipartisan" again.

The gentleman from Maryland (Mr. CARDIN) has been working for years and years on this with the gentleman from Iowa (Mr. NUSSLE) and with the gentleman from Florida (Mr. GOSS) and with the rest of us, and it is due to their spectacular leadership that we have gotten to the point where we are today.

As the gentleman from Iowa (Mr. NUSSLE) said just a few minutes ago, it is very clear that the budget process that we have now does not work. It is a disorganized patchwork of decades' old rules and laws.

The bipartisan Comprehensive Budget Reform Act will make the process more rational, it improves accountability, and it strengthens enforcement in the budget process. Is it a panacea to all the ailments of society? No. Is it a cure-all for all of the challenges that we face on the budget process? No. But I will tell my colleagues, it is a very, very important step, which enjoys, again, bipartisan support.

One item in here I will say, as a Californian, that I think is a very important aspect is the issue of dealing with natural disasters. We all know that they are a fact of life, whether it is hurricanes in Florida, or ice storms in upstate New York, or floods in Iowa, or in my home State we all know what we get, we get earthquakes in California, we know that there is going to be some kind of disaster and it will have an impact on the budget.

This bill requires the President and the Congress to face reality and set aside a disaster reserve fund within the budget. We do not need to pit the victims of Mother Nature against those who desire sound fiscal policies. This is just one of the many sensible reforms that have been put into place in this bill.

The rule also makes in order a number of amendments for Members with very, very diverse views on this issue. Such amendments include biennial budgeting, which the gentleman from Ohio (Mr. HALL) mentioned and I will be offering later, an automatic continuing resolution, and pay-go.

All of these amendments are very important reform issues, and they deserve to be fully and openly considered in this debate, which is what this rule actually does.

Now, I will take just a moment to talk about this issue which I feel so strongly about, and that is the question of biennial budgeting. That process could lead to the most significant change in the budget process that we have had in over a quarter century. Really, since the 1974 Budget Empowerment Act was put into place, biennial budgeting would be the most sweeping reform.

The enormous amount of resources that are expended by the executive branch in preparing multiple annual budgets at the same time would be diverted to long-term strategic planning and improving the performance of Federal programs. Again, this effort is put together with strong bipartisan support and enjoys the strong support of President Clinton, who, in his budget submission earlier this year, called for biennial budgeting.

Vice President AL GORE, the presumptive Democratic nominee for the President of the United States, he is a strong proponent of biennial budgeting.

Governor George Bush of Texas, the presumptive nominee and I hope the next President of the United States, is in fact a strong proponent. He has a 2-year budget process in Texas and believes that we should do it here in Washington, D.C.

When combined with other significant bipartisan budget reforms contained in the base bill, I believe that the biennial budget amendment which I will be offering represents a whole package of very comprehensive reforms.

I urge my colleagues to resist the harsh partisan politics and to come together on what will be, as I said, a significant Government reform package that will benefit the American taxpayers. There will be tremendous taxpayer dollars saved if we can move in the direction of bringing about biennial budgeting and some of these other budget process reform issues.

So I want to again congratulate all of those who have been involved: the gentleman from Florida (Mr. GOSS), the gentleman from Ohio (Mr. HALL), the gentleman from Maryland (Mr. CARDIN), the gentleman from Iowa (Mr. NUSSLE) and others who have worked on this measure and to congratulate them for their hard work and to say that I urge my colleagues to vote in favor of this rule that we will be offering and also in favor of the budget process reform package and vote "yes" on the biennial budgeting amendment.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. FORBES), the author of one of the amendments.

Mr. FORBES. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today in opposition to this rule and, unfortunately, in opposition to this bill, a bill that enjoys bipartisan opposition.

Like many of my colleagues, I certainly want to see us reform the budget process so all Americans can understand how we are spending their tax dollars.

Sadly, this bill does nothing to make the process better. Instead, I would suggest, it is going to make it worse.

And nothing, I might add, nothing in this bill would end the annual political standoff that we see, the so-called train wrecks that characterize this budget process. There is nothing in this bill that would end those kind of stalemates.

Unfortunately, this bill would give to the executive an inordinate amount of power. Currently, in these coequal branches of Government, we have the right of the executive to offer up his or her budget and the right of the legislature to, in turn, offer up their budget and then negotiate. But to require a joint resolution is to abdicate to the President an inordinate amount of power that takes away from the legislature its right to do the budgeting. I think that is inappropriate.

I regret that this rule does not contain an amendment that I think is necessary. It takes a certain program for veterans and makes it uncertain. The majority would have us believe, for some reason, that they do not do this. But I would remind my colleagues that in this bill that we will be soon debating, this bill protects the certainty of Social Security while at the same time opening up an uncertainty for veterans' programs, for Medicare programs, and others.

I had offered an amendment, frankly, that I hoped would be in bipartisan spirit accepted so that we could tell our veterans' community that, as we try to reform a budget process, we are not going to every 10 years subject them to the possible elimination of veterans' programs or Medicare programs.

So I find it curious that they went to a great degree here to protect Social Security programs but they would not protect the Medicare programs, they would not protect the veterans' programs. I think this is a major weakness of this bill. It suggests to our veterans' community that the budget reform process is somehow more important than protecting a compact that we made with veterans so long ago.

I urge my colleagues to look at the mail in their office from many veterans' organizations who are concerned about the tenuous nature that this leaves their programs in. I urge my colleagues to defeat this rule, to allow the committee to go back to the drawing board, include some protections for veterans, include protections for senior citizens, and then take another look at this budget reform process and start over again, take the good things out of it like emergency spending reservations and some of the things that we might want to get done here.

Let us reform the process, but let us not make it worse, as this legislation would do. It would not avoid the annual train wrecks, the standoffs that we see between the President and the Congress; and I think it is a fallacy to suggest otherwise.

Mr. GOSS. Mr. Speaker, may I inquire as to the time remaining on both sides, please?

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Florida (Mr. GOSS) has 15 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 21 minutes remaining.

Mr. GOSS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from the Commonwealth of Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the Committee on Rules, very properly in my judgment, has acceded to my request long-standing now to include in the debate on the new budget process an amendment which would bring about forever an end to Government shutdowns.

Lest there be anybody in the United States or in the western hemisphere who does not recognize the possibility and reality of a Government shutdown in the United States, let me remind everyone, for the record, that, in the last 20 years, more than 17 times the Government of the United States was at shutdown or near shutdown because of the inability of the Congress to pass appropriations bills and complete the budgets by September 30, the last day of the fiscal year.

What happens in that case? When the budget is not completed, the next day, October 1, the Government automatically shuts down.

How have we prevented that in the past when we have prevented it? By passing temporary continuing resolutions to keep the flow of appropriations going until the negotiations can be completed for a new budget to be adopted.

Well, that always leads to a further deadline and yet another deadline; and each time that deadline appears for the completion of a budget, lo and behold, Government shutdown or a threat of Government shutdown.

What does that mean?

It means not just that the Smithsonian Institute has to shut its doors, as happened several times while tourists are waiting to get in and unable to do so because the Smithsonian Institute is out of business with a Government shutdown, as is every other institution of our Government.

That is so embarrassing and so shameful and so inappropriate that my legislation has to be passed simply to avoid the shame of a Government shutdown.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman and colleague from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is so important that we discuss and debate how we can improve the budget and the budget process.

Right now we are approaching $1.8 trillion in annual spending. We are dealing with overspending in the past that has left us with approximately a $5.7 trillion total national debt.

We are going to talk about ways we can improve this process. We are going to talk about the hopeful ideas to increase the efficiency of budgeting and spending. But the bottom line is the intestinal fortitude and the will of the Members of Congress to do a better job.

It does not make any difference if we have a 2-year budget with biennial or 1 year. I think biennial, by the way, shifts more power to the administrative branch. It does not matter if we have supplemental appropriations bills. It boils down to the determination, the will power to do a better job in the way we spend taxpayer dollars. That is the bottom line.

The debate is going to be good. I congratulate the Committee on Rules for getting this before us.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, before any of us can speak on this floor, we first have to take an oath to defend the Constitution of the United States.

That Constitution was created by our Founding Fathers because they had a huge suspicion of power, especially executive power. That is why they created an Article I of the Constitution, the Congress of the United States, an independent branch of Government. And to keep it independent and to make certain that we would never have excess power in the hands of the executive, they lodged in this institution the power of the purse.

□ 1330

Today if we pass this proposal, we are walking away from our constitutional obligation to defend the power of the purse. The chairman of the Committee on Rules is absolutely right. There is absolutely nothing partisan about this debate. This is a debate about power and the use and misuse of power and how you best maintain checks on that use of power.

I think there are two fundamental problems with this proposition. First of all, because we create a joint resolution instead of a concurrent resolution when the budget resolution passes, that means for the first time the President imposes himself right in the middle of Congress' obligation to define its own budget resolution. So the President gets two kicks at the cat: once when he submits his budget and then another when he puts together a huge budget summit out at Andrews or some other place like they have been in the past, and the President will come to totally dominate that debate. And every rank and file Member of this place will be on the outside looking in, passing notes in, hoping that a handful of people on the inside will give them an occasional listen. We do not want to do that.

Secondly, it will enhance the power of the Senate vis-a-vis the House. The House has a Committee on Rules but the Senate runs on unanimous consent and a system of holds, and in order to get anything done in the Senate, the Senate leadership is going to be vulnerable to having any Senate chairman come to them and say, "I'm not going to vote for your budget resolution unless you add my authorization bill to the budget resolution," and you will have a huge incentive to have everything but the kitchen sink added in the Senate.

Secondly, we have another problem with this proposition, and that is 2-year budgeting. Right now every year, every agency of government has to justify every action to the people's representatives. What will happen if we move to a system of 2-year budgeting is that we will move to a system of permanent supplementals and it is far more difficult to control spending on supplementals than it is on regular appropriation bills, because again in the House we have a germaneness rule, but in the Senate there is no germaneness rule. And so they can add virtually anything they want. That in my view weakens the House vis-a-vis the Senate; it allows Senators to add amendment after amendment and project after project. House Members will not have that same privilege or opportunity. And most of all, it makes the agencies of government even more independent of legislative power than they are right now. Because once you have passed an agency budget, they have their money for a 2-year period and they do not have to come to this House for anything.

Now, Members will say, "Well, but if you have supplementals, they'll have to come back here for those." That is true. But supplementals are always to add money to their programs. They are programmatic supplementals. They have nothing whatsoever to do with agency staffing levels, agency bureaucratic structure, and so they will have been able to pocket what they want on the administrative end of their budgets, and that means that they will be far more immune to the legitimate Congressional questioning of their actions than they are right now. I think in the end that makes this institution fundamentally weaker in constitutional terms than it is right now, both vis-a-vis the executive branch of government and vis-a-vis the other body. I think both actions would be a mistake.

I would urge the House to cast a bipartisan "no" on this proposition when we get the opportunity.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, last week I appeared before the Committee on Rules to focus attention on one section of H.R. 853 that threatens to undermine the American public's confidence in Medicare. I am referring to provisions in title IV that require authorizing committees to establish a schedule for sunsetting and reauthorizing all mandatory spending programs, including Medicare, over 10 years and that limit the authorization of any new mandatory program to 10 years.

Congress needs to ensure that taxpayers' funds are spent wisely. However, the authorizing committees already have both the responsibility and authority to conduct such oversight. Lack of effective oversight is not a consequence of the way that the budget process operates. Nor is it due to the permanent authorization of fundamental programs such as Medicare. In fact, the authorizing committees regularly review the programs under their jurisdiction and report legislation updating them.

The Committee on Ways and Means has regularly held hearings on Medicare and has proposed a number of reforms in recent years to modernize the program. For instance, we are now considering creating a prescription drug benefit for seniors that would, I hope, become part of Medicare. Why would we want to create the uncertainty of limiting a prescription drug benefit to only 10 years? And why should Medicare itself be put on a schedule that might call into doubt the future of the program? Such outcomes would do little good and possibly great harm.

For these reasons, I urge my colleagues to vote against this legislation that weakens our existing budget process, our committees and the entire Congress and brings uncertainty to such programs like Medicare that millions of older Americans depend on for their very survival. I am puzzled and dismayed that my colleagues on the Committee on Rules refused to consider my amendment to exclude mandatory spending programs such as Medicare from this measure. I urge a "no" vote on this legislation.

Mr. GOSS. Mr. Speaker, I am happy to yield 3 minutes to the distinguished gentleman from the great State of Delaware (Mr. CASTLE), the former governor.

Mr. CASTLE. I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in total support of the rule which I think allows amendments, some of which I will support, some of which I will not, but really in strong support of the legislation. I have been sitting here listening to this debate and it is sort of like inside baseball only it is inside Congress where we have various Members of Congress standing up and saying, well, this committee is going to have to give up jurisdiction or power to another committee, we have other people getting up and saying that the most likely things to always be reauthorized such as Medicare and veterans benefits and others may be threatened if we do away with this in 10 years, which is nonsense, that is never going to happen.

My view is the public really does not care about this. What the public cares about is that we spend their money wisely. The public also cares greatly that we sit down with the President of the United States and that together, even though we are in different parties and have differences of opinion, which we should, that we sit down and we work out a budget process which is fiscally sound and which accommodates the problems that exist in the United States of America. They are not interested in the committee fights. They are not interested in the politics of Congress. They are not interested in the politics of Washington. They are interested in good spending of their money.

Believe me, this legislation, this process, budget process reform legislation more than any legislation I have seen since I have been here incorporates, particularly with some of the amendments which are hopefully going to be addressed to it, the aspects of budgeting which would make a huge difference in terms of how we present ourselves to the public by making sure that the money we spend is not just for the district of a particular Member of Congress or committee or whatever it may be but in the best interests of the people of the United States of America. So I applaud all those people who put it together.

I would like particularly to address just one aspect of it because I do not have unlimited time, and that is the emergency spending provisions. I have been pushing for this since I arrived in the Congress some 7 or 8 years ago now, because I am a strong believer that we should limit how we spend emergency spending. In 1994, we passed legislation to prevent nonemergency spending from being added to emergency spending bills. That sounded all well and good at the time. I thought it was a good act until I realized you can call anything an emergency here in the House of Representatives.

What is the problem with emergency spending? The problem is it is completely unrestricted, it is very open-ended, there is no accountability for it. You do it on requests that come in from various sources, States, in the case of emergencies, military or whatever it may be. There are absolutely no limits. It is not counted against the other money which we have spent. We do not appropriate it. In spite of the fact they do that in virtually every State in this country, we do not do it in the Congress of the United States. This is extra money which is added to the debt that we have in this country. So as a matter of course, I think we are taking the wrong steps with respect to how we are handling emergency spending.

How do we do this? We basically set forth in this legislation a sum of money equal to a 5-year rolling average, we set up a group which will look at that, will look at the emergencies as they come in, make the decisions, make sure that the appropriations are made through our regular appropriations process, not added to the debt and then they will do the accounting as that money is spent. It is pretty simple, it is a little more complex than that, but it is the way to go.

It is a good bill, that is a good measure, it is something we should pass, it is bipartisan, and I hope we get a strong bipartisan vote in favor of the rule and the bill.

Mr. GOSS. Mr. Speaker, I am happy to yield 4 minutes to the distinguished gentleman from California (Mr. COX), who has been instrumental in providing a good deal of the substance for this particular piece of legislation.

Mr. COX. Mr. Speaker, I thank the gentleman for yielding me this time. It is in fact my purpose to rise to thank the gentleman from Florida (Mr. GOSS) and the gentleman from Iowa (Mr. NUSSLE), who chaired the budget task force that produced this product, along with the gentleman from Maryland (Mr. CARDIN) and, of course, the gentleman from Ohio (Mr. KASICH), the chairman of the Committee on the Budget, and also the gentleman from Texas (Mr. STENHOLM), who did such good work on this in his capacity as a member of the task force, and the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules. All of the people who are associated with this project are owed a great debt of gratitude by the Members of this House and indeed by the other body as well, because proposals to overhaul the badly broken budget process have been under debate and under consideration in this Congress for as long as I have been here.

I came to Congress 12 years ago, having already spent 2 years working as a lawyer for President Reagan in the White House trying to overhaul our badly broken budget process. President Reagan in 1986 appointed a White House working group on budget process reform, a Cabinet level working group, that put together many of the recommendations that have found their way into this legislation.

I did not know at the time that 2 years later I would be a Member of this House myself, but in my initial term in Congress I was the cochair of a task force on budget process reform that produced legislation very similar to this that had over 100 sponsors the first year that it was introduced. I introduced that legislation in successive Congresses. In the 105th Congress it had over 200 sponsors. The legislation was introduced and authored on the Senate side, in the other body, by the gentleman from Mississippi (Mr. LOTT).

What is before us right now is not about Republicans and Democrats. It is not about more spending or less spending. It is not about higher taxes or lower taxes. It is about doing business properly, in an organized way. It means that we are going to have a budget first and spending second. In this legislation, it is made very plain that we are not to get to the business of spending money until we have agreed between the executive branch and the legislative branch on the outer limits of what we think we can afford. It is the same way that anyone would produce a budget in the private sector, in a nonprofit organization or in your own home.

In Congress, too often for many years we have simply spent money on what we considered to be worthy projects and added it up at the end to find out what our budget was. Our budget was nothing more or less than the residue of all those small decisions, or all those relatively small decisions. Our budget, since 1974, has been a nonbinding resolution.

□ 1345

We can ignore it if we please. We can even not pass a budget if we please. We have supplemental bills that come to the floor whenever there is a natural disaster that break the budget. If we happen to have a horrible earthquake or flood in a given year, no provision is made for it, no forethought, as if these things had never happened before in our country. So, in a cash budget, all of the money runs out of operations in that current year.

None of these things is consistent with the way a significant substantial operation in America today conducts its business. Least of all, is this the way a trillion dollar annual enterprise should run its business? The Budget Process Reform Act, which I am very, very happy to see come to the floor under this rule, gives us an opportunity, a first opportunity after many, many years of effort, to rationalize all of this work that we do here.

Also one more important thing needs to be said about this: The process will become increasingly transparent, understandable to our constituents. The budget process has been very arcane in the past. Making it clearer for everyone to understand inside of Congress and outside of Congress is yet another noble objective of this legislation.

Mr. Speaker, I want to commend the rule for being broad and including many amendments, and I want to commend the legislation to all of my colleagues.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise in opposition to the rule. I speak on one aspect of the bill and the rule, and, although it is only one aspect, I think it is a serious enough problem that it warrants the rejection of the rule. The Comprehensive Budget Process Reform Act, H.R. 853, contains serious problems that I think could actually weaken Congress' ability to budget. Unfortunately, the rule before us today does nothing to improve this flawed bill.

Last week I proposed an amendment before the Committee on Rules to address one section of the legislation that is particularly troubling, the section that calls for Federal mandatory spending programs to be sunsetted. Others have addressed this problem today. If this language becomes law, important benefits that our constituents rely on, Medicare, veterans' benefits, student loans, will lose their permanence and their existence will be made subject to the whims of future Congresses.

My amendment would have exempted the Federal student loan programs from these provisions. Unfortunately, the amendment was not made in order.

Now, many of us would like to see improvements in the budget process. I sit on the Committee on the Budget and I can imagine some improvements we should make. But I do not believe a majority of Members, Republican, Democratic or independent, really believe that the problems in the budget process are due to the permanent authorization of essential programs such as student loans.

The Committee on Rules should have, I think, shown more willingness to work in a bipartisan fashion and allowed my amendment to be considered. The people we represent, America's students and their parents, need to know that the Federal student loan program will be there when they need it. These programs and the legislation that created them were designed to give stability and certainty to the financial future planning process. Their existence should not be subject to the whims of a future Congress and President, regardless of which party is in power.

We want our families to plan ahead for college education for their children, and they should know that the student loan program will be around for the long term. They should know that the student loan program will be around for the long term, that they can count on it for their future planning.

Mr. Speaker, for these reasons, I urge my colleagues to defeat the rule, so that my amendment and other amendments to improve this bill may be offered.

Mr. GOSS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. CUNNINGHAM).

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from California.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from California (Mr. CUNNINGHAM) is recognized for 2 minutes.

Mr. CUNNINGHAM. Mr. Speaker, I rise in opposition to this bill. We have bipartisan support in opposition to this bill.

I think the gentleman from Wisconsin (Mr. OBEY) spoke eloquently about some of the pitfalls of the existing conditions of the bill as it exists right now. My friend, the gentleman from Delaware (Mr. CASTLE), talked about exchange of power and that our people do not care. Well, the framers of the Constitution understood that too much power in the hands of a single source will corrupt, and it will.

I want to tell my friends on the other side of the aisle, it is a very frustrating process, both for them and for us as well, but I think the framers of the Constitution understood that, and it should be difficult to pass things, because if too much power on the left is there, too much power on the right is there, then it is going to be lopsided, and the framers understood that it should be difficult so that no single group can tilt the scales.

Is it frustrating? Absolutely. But the gentleman from Missouri (Mr. GEPHARDT) talks about in-house, he says "Republicans are our adversary; the Senate is our enemy." That is because a single Senator can stop legislation over there. That is too much power in one hand. This body is going to attempt to do the same thing by shifting the power to the White House.

Imagine, the President's budget failed 425 to 2 in this body, and 94 to 6 in the Senate because it was a political bill, too much power. Can you imagine what would have happened if we had given that power to the White House?

The Constitution, under Article I, says that Congress shall initiate spending bills. By that, the President has two whacks at it. As has been mentioned before, that is a spreading of power, and that is good.

What this bill attempts to do I believe is wrong. I would support the Gekas amendment.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking minority member on the Committee on the Budget.

Mr. SPRATT. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I would be the first to admit that the budget process needs an overhaul, but not this overhaul, not this bill, for many reasons. It is not the right fix. Parts of it I agree with, but many parts of it not only are not the right fix, I think they would be counterproductive.

Back in 1990, we sat down in earnest with the budget process as part of the budget summit agreement, and we made some budget process changes that laid the foundation for deficit reduction throughout the last decade and for the surpluses that we enjoy today. We adopted what we call a "pay-as-you-go" rule, a pay-go rule, with respect to tax cuts and entitlements. Basically, we said nobody can worsen the deficit. If you want to propose a tax cut, you have got to have an offsetting tax increase or an offsetting decrease or cut in entitlement, or permanent spending, and if you want to add to or liberalize the entitlement benefit, you have to identify a revenue stream to pay for it or diminish some other entitlement benefit so it is deficit neutral.

This rule served us well. But recently, in recent years, we have flouted it, and flouted it with impunity. We started this budget year, this legislative session, with a major tax cut bill.

I stood right here in the well of the House and said this bill violates pay-go. It also violates section 303(a) of the Congressional Budget Act, which basically says that pieces of legislation of this significance, whether they are spending legislation or tax legislation, will not be considered until we have a budget resolution. It was ignored.

Now, today, we bring this bill to the House floor which would change the architecture of our budget process, and yet the most significant fault right now, the most significant fault with our budget process, is the fact that the discretionary spending ceilings that we established back in 1990, set again in 1993, reset again in 1997, are an anachronism today. They are out of date.

The ceiling which we legislated several years ago for fiscal year 2001 is $541 billion. The 302 allocation to the Committee on Appropriations and the budget resolution that the Congress passed exceeds that ceiling by $60 billion. That is not small change. That is not a non-trivial excess.

The 302 allocation is $600.3 billion, $60 billion above the ceiling. We have got that problem, and the consequence of it, if we do not do something about it, is sequestration, an automatic process we set up for across-the-board cuts. The committee and the Congress were able to avoid it by function 920, unallocated cuts in the budget resolution. That is just treading water. We have got that problem.

We today started the appropriations process with the military construction appropriations bill. The first order of business, if we are starting the appropriations process, should be to adjust these ceilings, because we all know that the appropriators are not going to cut those 13 bills down to $541 billion. They will be lucky to bring them in at $600.3 billion.

If we were earnest, sincere about amending the budget process, we would do something about the pay-go rule and violations like the bill we brought to the floor where section 303(a) was just totally ignored, and we would do something right now, here and now, with the most immediate and relevant problem with the budget process, and that is, the fact that we are well above, inevitably going to be far above, the discretionary spending ceiling, and we are going to trigger sequestration.

That is the order of business today, and that is why we ought to vote down this rule and get down to what we really should be doing in the way of budget process and budgeting.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I ask my colleagues to vote no on the previous question. If the previous question is defeated, I will offer an amendment to make in order three amendments: An amendment by the gentlewoman from Nevada (Ms. BERKLEY) to protect any new prescription drug benefits and Medicare programs; an amendment by the gentleman from New York (Mr. FORBES) to protect veterans benefits; and an amendment by the gentleman from New Jersey (Mr. HOLT) to protect student loan programs.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment I will offer in the CONGRESSIONAL RECORD, to appear immediately before the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MOAKLEY. Mr. Speaker, I urge my colleagues to vote no on the previous question.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Florida is recognized for 4 minutes.

Mr. GOSS. Mr. Speaker, I will just take a minute to close up here.

Mr. Speaker, first of all I think that the gentleman from Wisconsin (Mr. OBEY) hit it pretty well on the head in his remarks that this is really not a partisan matter, and it is certainly not a partisan rule. Consequently, I cannot think of a reason not to support the rule. The rule is, I think, a good rule, and it clearly will get us to the debate, which is the purpose of rules.

We have been having a lot of conversation here and testimony about the elements and the substance of the legislation. The purpose is to get that forward into the debate mode, and that is what this rule purports to do.

I think obviously there are differing opinions on the various pieces that we have talked about on our budget process reform. We know we need some reform. Some think it is too much, some think it is too little, some think we have the right pieces, some think we have the wrong pieces. Obviously, we should have the debate. The rule gets us to the debate. I suggest we follow the logic of that, vote for the rule, get on with the debate and vote up or down the pieces you like or do not like.

As for some concerns we have heard a little bit about here on these three carveouts that were not made in order in the Committee on Rules, I suppose it would have been possible to make a bunch of carveouts for special elements and special programs. I do not know where one stops and starts that process. Do we leave out the environmentalist issues? Do we leave out the defense issues? Do we leave out one program or another at the expense of another? It seemed to us on the Committee on Rules, at least on the majority side, if you give one carveout, you tilt the budget process. We are talking about budget process reform, with a clean slate. Consequently, we did not make those amendments in order.

Now, those amendments have been, I believe, mischaracterized, perhaps inadvertently, as sunset. I do not believe the word "sunset" shows up anywhere, and I think if you go to your word processor, I do not think you are going to find any program sunsetted, certainly not veterans or students or the Medicare programs.

So I would suggest what is happening here is that perhaps over some confusion about the word "sunset," which is not warranted in any way, that what we are calling for in budget process reform is enhanced transparency, enhanced accountability and enhanced oversight.

□ 1400

Now, if enhanced oversight, that is reviewing programs every 10 years or so, which is kind of the thing we are sent here to do on behalf of the people we represent who pay us our salaries, is threatening, then that is a debate we can have; but I suggest that really our responsibility is to make sure the taxpayers' dollars are being used wisely, and I believe that is called oversight.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the gentleman is correct. I used the word "sunset" when I should have said "sunset like." It was not a sunset; it was just looking at it after 10 years and then deciding whether to sunset it.

Mr. GOSS. Reclaiming my time, I appreciate the clarification. The brilliance of it, I am sure, will shine through immediately to everybody.

In any event, there is no sunsetting and the fact that we are reviewing programs every 10 years, I hope, does not come as an alarm bell. I hope it comes as confidence that Congress is doing its job. That is, as I said, what we are supposed to be here for.

I do not feel that there is anything except politics involved in these things that suggest even that somehow veterans' programs are going to not survive after 10 years or students' programs or so forth.

It reminds me of those Meals on Wheels scares and the school lunch scares that we went through a few years ago that were made out of, well, I guess I will not say what they were made out of but they were not true, and I do not think that these are serious worries. I think these are perhaps political debating points and they do not deserve much attention.

Therefore, I am going to ask that we move the previous question and we support the move for the previous question and then we support the rule and then we support those elements of this good legislation that we like.

Mr. Speaker, I yield back the balance of my time.

Mr. MOAKLEY. Mr. Speaker, the amendment to H. Res. 499 that I previously spoke of is as follows:

AMENDMENT TO BE OFFERED IF THE PREVIOUS QUESTION IS DEFEATED

AMENDMENT TO H. RES. 499, PROVIDING FOR THE CONSIDERATION OF H.R. 853

On page 3, line 8 after "Rules" add "or in section 2 of this resolution" and at the end of the resolution, add the following:

"Section 2. The following amendments shall be considered as if they appeared after the amendment numbered 7 in House Report 106–613.

8. An amendment to be offered by Representative BERKLEY of Nevada, or a designee, debatable for 20 minutes.

PROTECT THE MEDICARE PROGRAM

Strike section 411 and insert the following new section:

**SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.**

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

"(b) LIMITATION OF DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

"(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years."; and

(2) by redesignating subsection (c) as subsection (d), striking "(a) and (b)" both places it appears in such redesignated subsection (d) and inserting "(a), (b), and (c)", and inserting the following new paragraph in such redesignated subsection (d):

"(3) Subsections (b) and (c) shall not apply to any new prescription drug benefit.".

Strike subsection (a) of section 421 and insert the following new subsection:

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivisions:

"(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years; and

"(C) exempt the medicare trust fund from the provisions of subdivision (B).".

9. An amendment to be offered by Representative FORBES of New York, or a designee, debatable for 20 minutes.

PROTECT VETERANS' BENEFITS

Strike section 411 and insert the following new section:

**SEC. 411 FIXED-YEAR AUTHORIZATION REQUIRED FOR NEW PROGRAMS.**

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

"(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

"(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years."; and

(2) by redesignating subsection (c) as subsection (d), striking "(a) and (b)" both places it appears in such redesignated subsection (d) and inserting "(a), (b), and (c)", and inserting the following new paragraph in such redesignated subsection (d):

"(3) Subsections (b) and (c) shall not apply to any new veterans benefit, program, and compensation.".

Strike subsection (a) of section 421 and insert the following new subsection:

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivisions:

"(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years; and

"(C) exempt veterans benefits from the provisions of subdivision (B) program, and compensation.".

10. An amendment to be offered by Representative HOLT of New Jersey, or a designee, debatable for 20 minutes.

PROTECT STUDENT LOAN PROGRAMS

Strike section 411 and insert the following new section:

**SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.**

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

"(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

"(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years."; and

(2) by redesignating subsection (c) as subsection (d), striking "(a) and (b)" both places it appears in such redesignated subsection (d) and inserting "(a), (b), and (c)", and inserting the following new paragraph in such redesignated subsection (d):

"(3) Subsections (b) and (c) shall not apply to any new student loan program.".

Strike subsection (a) of section 421 and insert the following new subsection:

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivisions:

"(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years; and

"(C) exempt student loan programs from the provisions of subdivision (B).".

Mr. GOSS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 221, nays 200, not voting 13, as follows:

[Roll No. 185]

YEAS—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Ackerman
Campbell
Danner
Franks (NJ)
Largent
LoBiondo
McCollum
McIntosh
McNulty
Millender-McDonald
Nadler
Stupak
Udall (NM)

☐ 1421

Mr. SHOWS changed his vote from "yea" to "nay."

Messrs. METCALF, MOORE, and HOUGHTON changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated against:

Ms. MILLENDER-McDONALD. Mr. Speaker, on rollcall No. 185, I was detained by constituents and was unable to get to the floor in time. Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. LoBIONDO. Mr. Speaker, I regret I was attending a family funeral today and unable to be present for the following rollcall votes, 183, 184 and 185. Had I been here I would have voted "yea" on all three votes.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 499 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 853.

☐ 1424

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, with Mr. LATOURETTE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Iowa (Mr. NUSSLE) and the gentleman from South Carolina (Mr. SPRATT) each will control 20 minutes; the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 10 minutes; and the gentleman from California (Mr. DREIER) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 15 minutes.

The Chair understands that each committee will consume or yield back its entire time as just mentioned before the next committee is recognized.

The Chair recognizes the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to commend a number of Members on both sides of the aisle for their work on budget process reform. There are maybe a few Members of Congress and a few people watching who may think that this all of a sudden just came up in the last couple of weeks, but it did not.

In fact, I remember talking to Members of Congress when I first arrived as a freshman Member who were concerned about that year's budget process, 1990, when, as we may recall, as the body may recall, Members of Congress and administration officials were being shuttled back and forth from Andrews Air Force Base in a very "democratic process" in order to try and arrive at the end year result of what the budget would look like.

There were probably only a handful of people in this entire country divvying up the final $1.3 trillion worth of spending tax increases, at that point. There were just a few Members in a little barracks, I guess, right off of Andrews Air Force Base, and they were making the final decisions of what was then the budget process.

At that point, as a freshman Member, and just about every year since, I made the commitment that this is something that I wanted to do. Well, there were many people that I worked with. I certainly could not and did not do this alone.

I first would like to commend my partner in this, and that is the gentleman from Maryland (Mr. CARDIN). The two of us were given the task of sitting down and trying to take all of the good ideas from Members since the 1974 Act was passed and to try and put them together in a comprehensive bill that addressed many of the problems that we were facing at that time.

□ 1430

So I want to commend the gentleman from Maryland (Mr. CARDIN), the gentleman from Minnesota (Mr. MINGE), the gentleman from Texas (Mr. STENHOLM), the gentleman from New Hampshire (Mr. SUNUNU), the gentleman from Minnesota (Mr. GUTKNECHT), the gentleman from Ohio (Mr. KASICH), so many people, the gentleman from California (Mr. COX), and the gentleman from Texas (Mr. BARTON), that we stand on their shoulders as we work together.

Why is this process broken, or how do we know it is broken? Well, one does not have to go back to my very first year as a freshman to 1990. Just go back to 1995, the government shutdown. Everybody certainly remembers that. In fact, that is the poster child for budget process reform. The same is true with 1998 when we did not even get a budget, did not even pass a budget that particular year.

So we have a number of different dynamics that proved to us as Members that the process is broken. So one can pick any year one wants and see a number of opportunities for the budget process to break down.

We also considered just about every alternative that was put before the Congress, both past and present. We considered every kind of lockbox one can imagine. We considered joint resolutions. We considered concurrent resolutions. We considered all sorts of things which people outside might glaze over in their eyes. They may not even be following.

But as I explained to a group of young people that I spoke to back in my district when they were asking me what I was going to be working on this week, I told them budget process reform. Of course, they do not quite understand what that would mean.

I said, well, it is the rules in which we govern our behavior in coming up with a budget. Those rules are not much different than when one dusts off that old Monopoly box that one pulls out from under one's bed, and one dusts it off because one has not played it in a while. So one is trying to remember the rules. One opens the box, and one looks on the back of the box, and there it says very clearly the non-outcome, in other words, it does not determine the outcome, but it says how one plays the games in a fair way so that the process can work its will, and that the players can achieve their end result on their own, based on those rules.

That is what we tried to do here. We did not game it. We did not say there is a special rule for this or a special rule for that. We did not take advantage for the Committee on Ways and Means or the Committee on Appropriations or any of the authorizing committees. We said, what is the best way for us to get a common sense result?

So what did we do? We looked back and we said, since 1994, when has the process worked? Do my colleagues know what? Mr. Chairman, we could only find one year where the budget process truly worked. Do my colleagues know what year that was? That was the year that we did not follow the budget process. It was 1997.

Let me remind my colleagues what happened. Early in that year, Democrats and Republicans met with both the House, the Senate, the administration together, and they said, how can we make sure that the budget process works? They came up with what was called a memorandum of agreement. That memorandum of agreement set out the aggregate numbers by which the entire year worked. It said what taxes were going to be. It said what spending was going to be. It said debt reduction; how we were going to reduce the deficit.

Together in a memorandum of understanding, the White House, together working with the Congress, they came up with what was the framework for probably one of the most successful years of budgeting since 1974. So it was that process that we used as a boilerplate for this particular bill.

Now, since we wrote the bill and in the last few days when this bill has been coming to the floor, I have been having three typical conversations. One is, of course, Members who support the reform. They are very happy that we can prevent government shutdowns, that we can stop with the game playing and the political documents as part of a budget bill because it has to be real.

If we make it a joint resolution, it means the president of either party cannot come to the Congress in February and submit a budget that is dead on arrival, leave for 9 months, and come back when there are negotiations at Andrews Air Force Base. It means that the Congress and the Committee on the Budget cannot put a political document out on to the table and leave and check out until October when the budget should have been done and we are already on the government shutdown, and they come back in to try to fix everything. It means that the process has to be real. It should not be political. It should not be a game. We are talking about $1.8 trillion of one's hard-earned money that is being spent, that is being taxed, that is being used for the betterment of our country. We should have a process that works.

The second kind of conversation is from Members who I have to honestly suggest to my colleagues find a certain amount of advantage from our current chaos. I would suggest to my colleagues those are probably Members who find themselves in that last room on that last day putting the finishing touches on a 15,000-page bill. That is not me. That is not the gentleman from South Carolina (Mr. SPRATT). That is probably very few of us in this room right here today.

So are my constituents from Iowa being represented in that process? I would suggest to my colleagues no. Are my friends who are here today listening to the debate? Are their constituents being served by that process where one has no input, where the House is not working its will? I would suggest to my colleagues that it is not. It does work for those Members who observe a certain advantage of being in that room and taking advantage of that chaos.

The final group of people are those who are concerned about bringing the White House into the process. Mr. Chairman, should not the White House be in our budget process? I mean, I realize that my colleagues are all walking around here today suggesting that maybe we can do it all by ourselves, but did that not, in some respect, contribute to the government shutdown? Did that not, in some respect, contribute to the chaos and the confusion of years past when, all of a sudden, at the end of the year, be they a Republican majority or a Democratic majority, because the process was not real, at the last minute, in order to avert a government shutdown, had to rush into a room and try and finally put a finishing touch on that bill?

By excluding the President from this particular provision, what we end up doing is not make it real, not make it realistic. More so, we send a false sense of security to our constituents suggesting that, as long as we continue to have votes on all these bills, things must be proceeding successfully, when we all know with a wink and a nod that they are, in fact, not.

Now, there are some committees that have some specific concerns that have been coming up to me as well. One are the authorizing committees. For those of my colleagues listening, those are the committees, such as the Committee on Agriculture, the Committee on Transportation and Infrastructure, the Committee on Commerce, committees such as that. They are in charge of authorizing the many departments, laws, and agencies of our government.

They are concerned that if, in fact, we create a budget law at the beginning of the year, that, in fact, the Committee on Budget could decide to do all of the work for those other committees. I would suggest to my colleagues, not only is that protected in this legislation, but it is protected by the Speaker, and it is protected by the rules of our House. We do not have the ability to circumvent any jurisdiction at all in this bill. Do not buy the arguments that suggest otherwise.

The Committee on Appropriations. The Committee on Appropriations have some concerns with this bill. Why? Well, number one, I say very respectfully, and if I was a Cardinal, as they call them, one of the chairmen of the subcommittees of the Committee on Appropriations, I might kind of like this, too. But I am, of course, invited as one of the Cardinals into that final room to write the bill, and, of course, I kind of like that opportunity. So they oppose the bill because the current amount of chaos and confusion that gets us to that end result advantages that committee.

There are other committees, such as the Committee on Transportation and Infrastructure that has suggested that mischief might be created by that as well. But, again, I would suggest to my colleagues that all they are trying to do is to determine the outcome before the House gets to work its will.

I would just like to suggest to my colleagues, in closing, my part of this that we have an opportunity today to fix a process that is broken. Oftentimes, we come to the floor, and we do not have a broken process. But even the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget, has worked on this, his staff. While they have not been in agreement, I respected his opinion on this and his input on this.

Even though we may want to agree on this, I would suggest to him that we have an opportunity today to fix the process that he knows is broken. In fact, the gentleman from South Carolina admitted that during the debate on the rule. This may not be exactly the best way in everybody's estimation, but it is a start, and we should not kill this bill on the floor today.

There is a reason why we have not reformed the process since 1974. The reason is, quite honestly, because people see some advantage in there to them, personal, jurisdictional advantage. What we have come up with is a non-outcome determining solution to this process. It has been an arduous task, to say the least, but we feel we have brokered a compromise that works well and allows the House today, as we debate this bill to work its will and to make a determination that does, in fact, fix this final process.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Chairman, this is sort of an interesting bill because it is kind of inside baseball. Nobody outside this building or outside this Hill really cares about it. But, therefore, it ought to be possible to have an honest discussion about what this is really all about.

This, in my view, is a repeal of the Committee on the Budget. It really is saying we are done with it, but we are not going to do it directly because we do it by three mechanisms.

One is, we say that the budget document has to be signed by the President. Now, let us just suppose, in the worst case, we have George Bush as President and a Democratic House of Representatives and a Republican Senate, and they fight, and they fight, and they fight, and we never get a budget resolution done? Now, what happens? Is the government paralyzed? Do we close down? No, we just go on, and they make it easier by repealing the May 15 deadline.

The Committee on Appropriations just goes about their business as though there was no budget resolution. We do not need a budget resolution essentially is what this says. Because if it gets snarled up in a fight between the White House and the Houses here, we will just go right ahead.

But the real hooker, the real fast ball in under one's fingers in this bill is the automatic CR. This establishes an automatic CR that goes in perpetuity at the year 2000 levels. If nothing else happens, that is what we have got. Now, God bless the Committee on Appropriations. Their problem is going to have to be to reduce the funding in some things before they vote for things that increase the funding in other things.

Mr. NUSSLE. Mr. Chairman, will the gentleman yield?

Mr. McDERMOTT. Yes, I yield to the gentleman from Iowa.

Mr. NUSSLE. Mr. Chairman, only to let the gentleman from Washington know that we did take that automatic CR out of the bill. There will be an amendment later, and my colleagues can decide whether they want that as part of this bill.

Mr. McDERMOTT. Mr. Chairman, I want to make the Members aware of that issue because I know it is coming. Everybody who fears that the shutdown of 1995 is going to say we have to put that in there.

So those three elements will kill the Committee on Budget.

Mr. NUSSLE. Mr. Chairman, I yield 1½ minutes to the gentleman from New Hampshire (Mr. SUNUNU), a member of the Budget Reform Task Force.

Mr. SUNUNU. Mr. Chairman, I think it is always a good sign when one brings a piece of legislation to the floor like this one that is rooted in common sense, and the only opposition that can be put up is to argue against elements that are not even in the legislation. I think that is an indication of the strength of the bill, and I rise in strong support of it.

This is budgeting process. It is not necessarily exciting, but it is important. This legislation does a few basic things to put us back on a ground of common sense and fiscal responsibility. We give the budget resolution the teeth of law, allowing the President the opportunity to sign it into law, and thereby enable us to know where we are headed at the beginning of the process and make the outcome that much better.

We set aside for emergencies. Everyone in America would think that that makes sense to budget for emergencies or contingent funds at the beginning of the year. But we do not do it in Congress. As a result, we are caught in an endless cycle of supplemental and emergency appropriations where we have to exceed whatever our every budget caps might have been put into place.

We will take up the opportunity to look at 2-year budget cycles, which would give us an opportunity to improve the budget cycle by improving our capacity for oversight, to make sure that taxpayer funds are spent effectively.

The bottom line is that this legislation gives a better planning process to all of Congress. It improves the accountability that is in the system and puts us on a road to greater fiscal discipline and restores public confidence in the way we fund government. It is not a cure-all. The opponents of this legislation will raise some legitimate concerns. But the objective is to incrementally improve the budget process and restore public confidence in the way we do business here in Congress.

Mr. SPRATT. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, I rise in opposition to this bill. I do want to commend those who have worked on it in good faith. I know that their intention is good. But this is a flawed remedy. It is not a convincing remedy. It might well do more harm than good.

I think we will all agree that the budget process is not working well. But it is a mistake to believe that endless procedural tinkering is the answer.

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The problem is not mainly a flawed process. The challenge to us as Members is to use the existing process responsibly, and yet in recent years that has just not been done. In 1998, for the first time, Congress failed to even adopt a budget resolution. And for the past 2 years, the leadership has allowed Congress to approve budget resolutions that could not possibly be implemented, and then has facilitated waiving as many rules as necessary in order to break or circumvent or ignore those budget resolutions.

So if the budget process is broken, it is not so much that we need to tinker with the machinery as to use that machinery responsibly. We need to adopt realistic budget plans and then comply with the existing rules. The bill before us purports to address our problems by more tinkering with the machinery. But I think it looks for a fix in the wrong direction.

One of the best examples of this is the misguided proposal for biennial budgeting, and I will be able to address that, as will other Members, when the amendment process begins. Let me focus for now on the base bill and the proposal to make the budget resolution a joint resolution. That would bring the President into the process and would require his signature on the budget resolution.

I understand very well the attraction of this. I can remember times in the Reagan and Bush administrations when as Democrats we wished for a way to bring the President to the table earlier, to share responsibility for putting our fiscal house in order. But I believe the advantages of doing this are outweighed by the likely disadvantages.

First of all, I think this would invite further delays in the budget and appropriations process, beyond those we already experience. It would halt the process in years when the President or the Congress could not agree. I know there is supposed to be a fail-safe mechanism whereby we would then revert to a concurrent resolution. But when that kicked in, the process would already be way behind.

And then, finally, once the President and the budget committees found themselves negotiating over a real statute and not a planning document, they might very well succumb to the temptation to directly legislate, to load all kinds of controversies that properly belong in the reconciliation process or in authorization bills onto the budget resolution.

So this bill would take power away from the committees of this body and move it toward the Committee on the Budget, and away from the Congress as a whole and move it toward the President. I urge my colleagues to vote "no."

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Chairman, let me thank the gentleman for yielding me this time.

Mr. Chairman, let me just make a couple points, if I might. First, I want to compliment my friend, the gentleman from Iowa (Mr. NUSSLE), for the manner in which we developed this proposal. It was done in a bipartisan way, an honest effort to try to improve the process around here.

Let me make three points, if I might, first in regards to the joint resolution. In response to my friend from North Carolina, there is no opportunity to add, other than the budget requirements in the budget resolution. And if we do not enact the budget resolution, we report back to the current process. So there is really no danger there.

But the key here is to try to get the White House and the Congress engaged on the same page on the budget document of this country. Why is that important? In the last 10 years, we have only passed a budget on time twice, once under Democrats, once under Republicans. In the last 10 years, we have only passed the appropriation bills on time once. We have had summit after summit, we have had violations of the rules after violations of the rules, and what this all means is that the Congress is not as strong as it needs to be. None of us like a summit. We are all neutered in that process except for a few of us. This empowers each one of the Members in this body as well as the institution itself to be stronger.

Number two, emergency spending. Look what we have done with emergency spending in this body. Through the 1990s, we had 18 supplemental appropriation bills and 21 regular appropriation bills that included emergency spending. Much of this was not even emergency spending. It is time to reform this process and this legislation does it.

And number three, it is time for us to start moving towards accrual accounting. Members should try explaining to their business leaders why we are still on a cash basis accounting system. That allows us to play gimmicks with the budget, which is wrong. This is a good first step.

I urge the Members to please read what is in this document, because there are statements being made that are just not true. We do not sunset any of the entitlement programs under this bill, but it sets up a way in which we can start reviewing government spending in a more responsible way.

I urge my colleagues to support the underlying reform bill. It will make us stronger as an institution.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. BARTON).

Mr. BARTON of Texas. Mr. Chairman, I rise in very strong support of this bill. It is not a perfect budget process reform bill, but it is the most perfect budget process reform bill we can get to the floor, and I am for it.

A lot of the talk we will hear against it is really inside baseball against the prerogatives of certain committees or, in some cases, perhaps certain specific Members. I think the fact that we have to have a joint resolution signed by the President early in the process is a very positive step.

We have sat around here, those of us that have been in the body a number of years, and watched President Clinton demand more spending to sign the appropriation bills, or watched President Reagan or Bush demand less spending. Why not bring the President and the Congress together at the beginning?

In terms of the emergency day fund, how many emergency supplemental bills have really been just about emergencies? Not very many. This bill has a real definition and actually does try to budget for emergencies. I think that is a very positive step.

It does not have the 2-year budget biennium that we hope will be passed on the amendment, but if we pass that, that will be a good step, and I will speak later on other amendments as they come forward.

Mr. Chairman, I rise today to express my support for H.R. 853, the Comprehensive Budget Process Reform Act, introduced by Congressman NUSSLE. As a cosponsor of this legislation, I am very glad to see this important measure considered here today.

The American people are sick and tired, like I am, of the same old budget story coming out of Washington at the end of every year. The process in which we now fund our government has become one big staring contest—waiting to see who will blink first. Each year, hot political issues and scare tactics are used to hold up and stall the federal budget process so that at the end of the year some can attempt to cater the final budget numbers to be most appealing to their constituencies, regardless of whether or not the spending direction and levels are good for the country as a whole. This political game must be ended and sanity must be brought back to the federal budgeting process.

Since joining Congress, I have been a strong supporter of budget process reform. I believe that budget process reform is an essential key to reaching and maintaining a balanced budget. Passage of meaningful process reform would leave its mark on this Nation for generations to come. In fact, I have introduced budget process reform legislation in this Congress, H.R. 2293, the "Budget Enforcement Simplification Trust" Act, or the "BEST" bill. This legislation, along with H.R. 853, recognizes the need for discipline and order in making spending and revenue decisions at the federal level.

There are many issues that H.R. 853 addresses that should be central to any budget debate. For example, I support the idea of a joint resolution. A joint, rather than the current concurrent, resolution would bring the President into Congressional budget deliberations and make him accountable for its success or failure. And, because the President would have the authority to veto an unacceptable resolution, a joint resolution would require Congress to pay attention to Presidential concerns. Unlike the current budget process, this new framework would make both the Executive and the Legislative branches stakeholders in the resolution's outcome and require them to agree on overall spending and revenue levels, annual deficits, total debt levels, and on the allocation of resources among budget functions and committees.

I understand that an amendment will be offered today to strike the provision in H.R. 853 that changes the budget resolution from a concurrent resolution to a joint resolution. I would hope that my colleagues would oppose this amendment and keep this important provision in the bill.

I am also grad to see included in H.R. 853 the creation of a Reserve Fund which would replace the "emergency" supplemental appropriations bills which have become a catch-all for non-emergency spending schemes. Disbursements will be only for certified natural disasters with tough procedures to ensure spending on only its designed purposes. An "emergency" should not be defined as a requirement lacking budgeted funds. Congress has become too reliable on labeling increases in spending as an "emergency" designation, when in fact, the emergency at hand does not coincide with the spending levels considered.

H.R. 853 also budgets for insurance programs on an accrual basis, which is the budget records net cost or receipts on a present value basis at the time the government commits to provide insurance. While I did not offer a similar provision in my BEST bill, I also see merit in this responsible treatment of insurance program transactions.

While Congressman NUSSLE's bill, H.R. 853, contains many similar provisions to my BEST bill, there are a few differences in the two. One main difference is the fact that my budget process reform bill calls for a biennial budgeting process, while H.R. 853 retains the annual budget and appropriation process.

I do want to elaborate some on this distinction between the use of biennial budgeting as compared to an annual budget and appropriation process. Today, an amendment will be offered by Rules Committee Chairman DRIER that will establish a two-year budgeting and appropriations cycle and budget timetable. I appreciate the efforts of Chairman DRIER in working to offer this important amendment and feel that this will go a long way to make an already good bill even better. I urge my colleagues to support his amendment.

There are many sound arguments as to why and how biennial budgeting would help make the federal budgeting process more reliable and sensible. First of all, budgeting for a two year cycle would force Congress to be more careful in their spending habits and encourage members to be more responsible in the amounts and directions in which they allocate taxpayer dollars. Far too often, pet projects are added on to annual appropriations bills at the last minute, usually without the proper scrutiny of Congress. With one budget process every two years, the opportunities for that kind of spending would be cut in half.

Federal agencies would also be more efficient and cautious in how they use their funds because of the length and stability of their funding over a two year cycle. In addition, Congress would be able to exercise better oversight over these government agencies and programs to ensure that the financial commitment involved is sound fiscal policy for the country to undertake.

However, the most important aspect of biennial budgeting in my opinion is not what enacting it would do for Congress, but rather what it would allow Congress to accomplish. Each year, both parties state the many goals and accomplishments they hope to pass in order to improve the life of the American people. And each year, achieving these goals are becoming more and more difficult because of the time that is required to be spent on the annual appropriations process.

Imagine how productive Congress could be if instead of having to deliberate over every dollar the government will see that given year, we could commit more time to the different issues that most of us came here to work toward. I want to spend more time helping small business and small communities by cutting taxes and wasteful spending in our government and pushing for legislative proposals that give more freedom for the American people to work toward a better tomorrow. I think every Member would tell you that he or she would like to have more time and resources to pursue the types of issues that they were all sent to Congress for in the first place. Biennial budgeting can help to make that happen.

Again, I applaud this House for taking up budget process reform legislation here today. It is time for Congress to free up this process and allow this body to stand for more than annual appropriations battles. It is time for us to start spending our time and the American taxpayers' dime more wisely.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I rise in reluctant opposition to this bill. I want to commend the gentleman from Iowa and the gentleman from Maryland for their work on it, but I do not think this bill is fully done.

I have to say, Mr. Chairman, that we can come up with any budget process we want, but if the Members are not going to abide by it, it will not make any difference in the world. We could be back here, and probably it will not be any of us, but someone will be back in 10 years, if we enact this, saying, boy, the budget process is broken, we have to change it again. It ultimately comes down to the Members of the House and the Senate being willing to abide by it.

If we look at the reforms that were enacted in 1990, the pay-go and caps, when those were put into law, Congress actually abided by those for a number of years, until the Congress decided it did not want to. It was not a single party, it was a bipartisan effort that led the way. So whatever change is not going to make a good deal of difference.

Now, there are some good things in here dealing with emergency spending, although some of the language was changed, which I will talk to the gentleman from Iowa (Mr. NUSSLE) about later, I think the accrual funding is good, but I do think this idea of moving the goalpost, which is in effect what we have done, we have decided we are going to move the goalpost back up the field 50 yards rather than having it at the back, by having the fight with the President early on rather than later. The problem with that is, I think, that they might push the fight to the very end of the year and make it much more difficult. It may work, it may not, but I do not think it solves the problems that our colleagues are trying to solve.

I think they made an honest attempt. I do not think this bill is fully done yet. And, again, this is a matter of human nature. Nothing that we change in the process will make that much difference. So I think we should send this bill back to committee and work on it some more.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina (Mrs. CLAYTON).

Mrs. CLAYTON. Mr. Chairman, I thank the gentleman for yielding me this time. I oppose this bill as written, though I think it is indeed well intended.

For more than half a century biennial budgeting has been considered and rejected by many States. In 1940, some 44 States used biennial budgeting. Today, less than half do.

The bill will cause harmful delays, reduce accuracy in forecasting and planning, and obstruct legislative control in the budget process. Under this bill, harmful delays will result because a joint resolution, as is proposed, takes longer than a concurrent resolution, as is in current law.

Worse, Mr. Chairman, under this bill, from the time items within a budget are formulated to the time such items are implemented would be extended in a way that no one could be assured of accuracy.

Budget cycles for Federal agencies could extend over 2- or 3-year periods, and forecasting and planning would be affected by economic swings, inflation, and unanticipated need. Fiscal control would become elusive and fanciful. And, also, many of our colleagues believe we use emergency spending measures far too often now. Imagine how often we would be tempted to use emergency spending measures if we were unable to get help to citizens in need due to the inherent sluggish budget process. I welcome the amendment that addresses this issue.

Moreover, the President and small groups of legislators would exercise inordinate power in a process where a determined minority could frustrate the will of the majority.

Mr. Chairman, the goals of the Comprehensive Budget Process Reform Act are laudable and we should commend the purpose of it. However, this bill gives us little more than we already have and threatens much of what we are required to do. Defeat this bill as it is currently written. We seek to fix things that are not broken and will result in breaking those things which we seek to fix.

Mr. Chairman, I rise in opposition to this bill.

For more than half a century, Biennial budgeting has been considered and rejected by many states.

In 1940, some 44 states used biennial budgeting. Today, less than half do.

Many states have considered and rejected biennial budgeting because it causes harmful delays; reduces accuracy in forecasting and planning; and constricts legislative control in the budget process.

Under this Bill, harmful delay will result because a joint resolution, as is proposed, takes longer than a concurrent resolution, as in current law. Not only would Congress be forced to await action by the President to pass a budget, but appropriations bills could not move until a budget is passed.

Current law, allowing appropriations bills to come to the House Floor after May 15th is repealed by this Bill.

Mr. Chairman, many of our colleagues believe we use emergency spending measures too often now. Imagine how often we will be tempted to use emergency spending measures if we are unable to get help to citizens in need due to an inherently sluggish budget process.

And, imagine the mammoth bills we would construct, with add-on provisions of every sort and kind, while attempting to pass a budget bill that must be passed before this Government can spend money.

Worse, Mr. Chairman, under this Bill, from the time items within a budget are formulated to the time such items are implemented would be extended in a way that no one could assure accuracy.

Budget cycles for Federal agencies could extend over two or three year periods, and forecasting and planning would be affected by economic swings, inflation and unanticipated needs. Fiscal control would become illusive and fanciful.

Moreover, the President and small groups of legislators could exercise inordinate power in a process where a determined minority could frustrate the will of the majority.

Senate Rules, different from House Rules, would empower Senators in a way never before seen.

Do we really want to surrender our role as representatives to the President and small bands of Senators?

Mr. Chairman, the goals of the Comprehensive Budget Process reform Act are laudable. But, we already have the authority to exercise regular oversight and to adopt multi-year budget plans.

Why do we need a Bill to reaffirm that role? We have already stood for the protection of Social Security. Why do we need a Bill to make that stand again? We can already reauthorize or rescind spending programs. Why must we restate that authority? And do we really want to expose entitlement programs to the perils of biennial budgeting?

Mr. Chairman, we need, and the American people demand, predictability in our budgeting; calculated choices in deciding how much, for what purposes and when to spend; reliability as we proceed; and certainty in how we operate as we shape the budget of the United States.

This Bill gives us little more than we already have and threatens much of what we are required to do.

Defeat this Bill. It seeks to fix what ain't broke, and will result in breaking what it seeks to fix.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time, and I compliment him on his leadership in standing up and offering a rationale on this issue we can all heed.

The Budget and Impoundment Control Act of 1974 was crafted for the purpose of giving the Congress a coequal role with the President in setting the budget of the United States. That law created a process whereby the Congress, after reviewing the administration's spending and policy priorities, would establish priorities and investment levels that reflect the appropriateness of our ideas, the people's body, and the people we represent.

This bill turns that initiative on its head. The joint resolution proposal brings the President into this Chamber and gives him three cracks at the budget ball; his budget, our budget, and the appropriation bills. That is a formula for failure. That is a formula for surrender of the prerogatives of the legislative body to the executive body.

Some of the advocates for this bill decry the 1990 budget summit, but, ironically, they are creating a formula for annual budget summits. Budget targets and committee allocations will be negotiated by the Committee on the Budget, the House and Senate leadership, and the President, without the participation of authorizing committees and the rank-and-file Members of this body. Most of us will be shut out of the process.

If my colleagues do not think so, think back on 1997. Three years ago. Three years ago this week we considered the 1997 Balanced Budget Act. Well, the gentleman from Pennsylvania (Mr. SHUSTER) and I offered a substitute to increase highway and transit spending, adjusting the deal by one-third of 1 percent. What did we hear? "A deal is a deal," intoned colleagues on both sides of the aisle. "Do not break the deal," said a panicked White House, "Stick to the deal," said the Committee on the Budget.

At 2 a.m. in the morning, when I got a chance to debate the issue, I said, "Who is a part of this deal? Not me. Not the gentleman from Pennsylvania. Not most of those in the Chamber. We did not have anything to say about the deal. So why are we being asked to support it?" Well, that is where we will be if we pass this goofy idea.

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With this bill, we will be in that kind of debate every year, eliminate functional categories from the budget resolution. We even take away our ability to offer amendments to the leadership-negotiated deal.

Well, the budget process is where we set our priorities, where we decide what the values are for America. It sets the priorities for the future. It is a process where every Member of this Chamber ought to have a voice and a say and have an equal role. This proposition cuts us out of that role. We ought to defeat this bill.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I thank my colleague for yielding me the time.

Mr. Chairman, this proposal that we are considering this afternoon gives us in the House of Representatives an opportunity to move ahead with a very ticklish task of developing a budget and trying to improve the rigors of the budget process in several different respects.

It is always easy to criticize progress and to say, oh, there is a parade of horribles here. If we try something new and different, we may have problems. Well, I submit that is really not the issue. The issue is do we have problems with the way we are currently handling our budget responsibilities. And indeed we do. The problems are legion.

One of them is that we do not find out until September or October of each year whether or not we have agreement with the White House. So one of the challenges is how can we move this dispute up to an earlier point in the year. This particular proposal does that.

The same thing for emergencies. The same thing for accrual accounting and a variety of other things that would represent improvements in the budget process.

I urge my colleagues to vote in favor of this proposal.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support of the Comprehensive Budget Process Reform Act. While this bill will not fix everything that is wrong with the budget process, I believe it is a step in the right direction.

The current economic trend we are enjoying will not last forever. Now is the time to increase accountability for spending taxpayers' dollars, strengthening enforcement of budgetary decisions, promote long-term budget planning, and encourage fiscal discipline.

This bill requires a binding budget resolution to compel the President and compel the Congress to agree, from the start, on levels of spending and not at the last moment, as is currently done.

Furthermore, this bill forces both the Congress and President to budget up front for long-term liabilities. It sets aside a strategic reserve, something we should have done years ago instead of the supplemental budgets that become Christmas trees. It closes existing loopholes in budget enforcement.

In addition, it will limit the authorization of any new spending program to not more than 10 years, and requires committees to submit a plan for reauthorization for all programs within 10 years.

I urge my colleagues to pass these important reforms.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, let me talk about my concern about this 2-year budget process.

I think that the worst thing we could do is allow the executive branch to have any more influence than they have. I mean, they send a budget over to us. Every year we dispose of that budget in one way or the other. If we dispose of it 1 year and we had 2 years, we would have little or no influence over the departments.

I was talking to the gentleman from Connecticut (Mr. LARSON) from Connecticut. They used to have a 2-year budget. They have to open their budget up every year and go through the same process they would ordinarily. But the problem with then having influence with the departments, they have no personnel in there, they would have none of the things that they are really interested in in their budget.

So what they would be doing, the process things that are so important to the changes that happen, the supplemental appropriation, all of the things that they need to do to make sure that things are operating smoothly would have to be taken care of every year. They would have to open the budget up. And yet all their personnel and things they are really concerned about would be taken care of every year.

Our Constitution is clear. We start the process. The Senate would have an inordinate influence because they have no rules over there and they would be able to add to any budget anything they wanted to add. And if my colleagues believe that we can see ahead 2 years, we get more changes from the Department of Defense, we get them before the committee, and the only real ability we have over them is to say, look, the budget is coming up and we will try to work things out. If we do not have that leverage, we are not going to have an influence over the Department of Defense or any other department at all.

But the one that is really going to benefit is the White House. The White House is going to have that much more control. We pass about 95 percent of what they want. The control we have would be then limited.

I ask Members to vote against this idea, which I think sets us back and reduces the influence of the House.

Mr. NUSSLE. Mr. Chairman, I yield to my friend, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am reminded of a Rodney Dangerfield line where he comes home one night and his wife is packing and he says, "What is the matter, dear?" She says, "I am leaving." And he asked her, "Is there another man?" She looked at him and said, "There must be."

When I look at this system that we have today, the way we put a budget together, the way we are going to spend $1.83 billion this year, I look at that and I say, there must be a better way. Because, essentially, what we have now is we have no rules. I mean, the House has one set of rules, the Senate has a different set of rules, and the President of the United States has no rules.

What is the President's target this year?

If we do not have the same target, if we do not have the same rules, how will we ever get there, how will we know where we are?

This is just simply a reform package that says we are all going to have the same set of rules.

I submit that not a single Member of this body can defend the system that we have today, let alone explain it. There must be a better way. This, I think, is one better way. If my colleagues have a better idea, we are willing to listen.

Mr. SPRATT. Mr. Chairman, could the Chair advise me how much time is remaining on our side?

The CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 3½ minutes remaining, and the gentleman from Iowa (Mr. NUSSLE) has 4 minutes remaining.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I will stipulate that the budget process is broken, and I will stipulate that the gentleman from Iowa (Mr. NUSSLE) and the gentleman from Maryland (Mr. CARDIN) have worked in earnest and in good faith to come forth with solutions, some of which I agree with, but not all of them. In fact, I think there are provisions in this bill that could compound our budget problems rather than solving them.

At the core of the bill is a new idea: that we make the budget resolution a joint resolution rather than a concurrent resolution. Basically, this means that the President has to sign it before it is effective. And when and if he does sign it, of course, it becomes law.

Now, frankly, I think that idea is not without merit. It could be the device for bringing the President and the Congress together earlier in the process rather than later in the process. But, in reality, we are all politicians and we know that these budget compromises are usually made at the 11th hour because that is usually when our back is against the wall and we have to come to some kind of decision.

The chances are that we would not have an agreement, not have closure with the White House, particularly in a divided government. And, in that event, this bill would not facilitate the process, it would not improve the process; it would only delay the budget process well into the month of June.

Now, if a joint resolution which becomes law is the chosen vehicle for the budget resolution, it also becomes a moving vehicle which is an occasion for passing all sorts of laws, not just budget laws, but other things too.

The text of the bill recognizes this problem and tries to prohibit these extraneous matters from being attached to the budget resolution. But we all know that the Committee on Rules in this House is master at overruling such prohibitions, waiving points of order. And in the Senate, the other body, there are hardly any germaneness rules, and 60 Senators can override anything.

So this moving vehicle becomes a vehicle for passing all kinds of laws. It opens the door to one-shot riders, such as some prohibition on abortion spending across the board, and to major legislation.

The President and the leadership might get together and decide they want to ram something through in a hurry, bypass the authorizing committees. That is why the Committee on Transportation, among others, has said this has insidious potential, this could open the door to all kinds of diversions.

What do we get if we do make it through this process, if this joint resolution does, in fact, get adopted? We get a shell of a resolution. The irony of this bill is they elevate the status of it to a law, and then they gut it if it is meaningful content.

What we get is about six or seven numbers. This debate is not about programmatic choices, it is about numbers. And because this particular bill would take the budget functions and put them in the report; would take the one power that the committee has, the power of reconciliation directives and put that in the report and downgrade the status of the two, we diminish the status of the debate on the floor.

The one opportunity when we come to the floor and have a debate on programmatic priorities is taken away from us, because we are not talking about programmatic priorities. There are no more budget functions in the resolution before us. They are just aggregate numbers, discretionary spending, defense spending, nondefense spending, surpluses, and things of that nature.

So, this takes us back, it does not take us forward. I do not think this is an improvement on the process. That is why I think we should vote down the base bill and go back to work on real solutions to our budget problems.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COX), my friend who wrote the original budget process reform bill quite a few years ago.

Mr. COX. Mr. Chairman, I want to thank the gentleman from Iowa (Chairman NUSSLE), the chairman of the task force that is bringing this legislation to the floor; as well as his colleague, the gentleman from Maryland (Mr. CARDIN); the gentleman from Ohio (Mr. KASICH), chairman of the Committee on the Budget; the gentleman from Texas (Mr. STENHOLM), who, on the Democratic side, did so much work on this bill; the gentleman from New Hampshire (Mr. SUNUNU); and the gentleman from California (Mr. RADANOVICH), Members who spent a great deal of time making this happen.

A dozen years ago, Mr. Chairman, President Reagan stood at the rostrum just before us addressing Congress with his State of the Union message and he demanded that Congress reform the incomprehensible Budget Act of 1974. President Reagan submitted legislation to do just that.

I know, because, as a White House counsel, I drafted that legislation, brought it to Capitol Hill, and then 2 years later, as a Member of Congress, had the opportunity to introduce it here, with over 100 sponsors.

By the 105th Congress, that legislation had over 200 sponsors. And thanks to the leadership of the Members whose names I have just recalled, this bill is on the floor today 14 years later.

The ideas are the same. Rationalize this budget process. Make it a law, not a nonbinding resolution. Give us discipline. Plan for disasters. All of these reforms are in this legislation. It is the most important vote, perhaps, that we will cast this year. I urge an "aye" vote.

Mr. NUSSLE. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Chairman, I rise in support of this bill. It is not a perfect bill, but it is a good bill.

I would like to focus my comments on a provision that I have supported since I came to the Congress, a sunset requirement that requires Congress to review all programs at least every 10 years.

The bill also provides that any new program created by Congress ought to have its authorization limited to no more than 10 years.

There is no provision in H.R. 853 that would terminate any current programs under any circumstances. I cannot understand why some of my colleagues are opposing such a common sense requirement.

I am very disappointed that some have resorted to scare tactics, suggesting that this bill would somehow threaten veterans' programs, student loans, Social Security, or Medicare.

The bill does no such thing. It simply requires that we, as Members of Congress, do our job in reviewing Government programs, see what is working, see what is not working, figure out what needs to be changed, what else we should be doing at least once every 10 years.

The Committee on Agriculture already lives with this requirement. Every 5 years we have a farm bill. This requirement that the farm bill be reauthorized every 10 years does not threaten agricultural programs. I do not see why some suggest this bill does.

Support it.

The CHAIRMAN. The gentleman from Iowa (Mr. NUSSLE) has 2 minutes remaining.

Mr. NUSSLE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I have an opportunity here to fix something that is broken. That is why I proposed the particular bill that I did in a bipartisan way with so many different Members.

The excuses today are flying. Everyone says, well, the process is broken. Everybody admits it. There are very few coming to the floor today suggesting that it is not. The question is how do we fix it.

Most of the excuses regarding this particular method of fixing it surrounds whether or not the President should be involved in the process. And the complaint is that the President should not be involved in this process.

Well, wake up, my colleagues. The President is involved in this process. First, he has got to propose the budget. That is the first thing that has to happen.

Is it a realistic budget? I would submit to my colleagues that there has not been a President probably since the 1970s that did not submit a political document as their draft. I see my very good friend the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations, nodding his head.

□ 1515

Both parties, is that not true? That is what is wrong. This is not a political exercise. This should be a practical exercise. Can you imagine a family paying its bills for the mortgage, for the lights, for the gas, for the water, paying for their kids to go to college and at the end of the year they gather all those checks together and they say, "Oh, we've got a budget. Just add all these up and that's our budget." That is basically what we do here. That it is okay to have the President involved at the end of the process but not at the beginning of the process I suggest to my colleagues is a fallacy. We need to include to make this process responsible to the White House and the Congress early in this process.

There have been some that have suggested that in fact there would be a summit meeting. Well, heaven forbid we would actually have a conversation with the White House, be they of any particular party, prior to the last possible moment of the year when three or four people get to sit in a room and write the final bill.

Folks, wake up. The process is broken, it needs to be fixed. This is an opportunity to do so. Vote for the bill.

The CHAIRMAN. The time allocated to the Committee on the Budget has expired. It is now in order to conduct the portion of the debate allocated to the Committee on Appropriations.

The gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 10 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. I thank the gentleman for yielding me this time, Mr. Chairman. I am reminded, since one of my predecessors at this dais today talked about Rodney Dangerfield, I read a comic strip once in Dog Patch, Little Abner. It seems they had a problem going in the Dog Patch. There was a gigantic curve, an S curve on the steep embankment and people were always running off the embankment. They were breaking their arms and their necks and their legs. So they formed a committee such as has been done here today and they came up with a resolve. The resolve the committee came up with was to build a larger hospital. That does not solve the problem. Neither does this underlying bill here today resolve a problem.

How could anyone in the United States House of Representatives not understand the Constitution sufficiently to be against this measure? Why delegate what authority you have as Members of the Congressional body to the President of the United States regardless of who he is? Some of us hope we have a Republican President in the next 4 years and therefore we would be advantaged, you might think. But the fact that we are delegating all of our constitutional authority is absolutely wrong and a big mistake.

What we are seeing here today are the same things that the Committee on the Budget has been leaning toward for a great number of years. They want to authorize and they want to appropriate. Now they want to lock in their suggestions, their power by getting the President of the United States involved in the process. This issue that we are debating today is not something for next year, it is not something for a biennial budget, it is a law that will be here until it is repealed by the Congress of the United States and some future President signs it, which you would never get a President to do. He would veto a repeal of this mistake if indeed we were to pass it.

I urge my colleagues today to take a close look at what they are doing. There are many things in this bill I support. I support biennial budgeting, for example. Some of my colleagues are against biennial budgeting. But we can bring up biennial budgeting and we can debate that issue without involving this complicated, new idea that a great many members of the Committee on the Budget have come up with as a way to resolve a problem.

This is not the resolve. This is causing a greater problem for this Congress and leading us into dangerous territory when we delegate our constitutional authority to the administrative branch of government. I urge my colleagues to vote against the underlying bill.

Mr. OBEY. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, absolutely the budget process is broken. The problem is that what is being proposed today will make it even worse.

The major argument that is being used for adopting this proposal is that too much time is spent in the budget and appropriations process and we have to find a way to shorten it. By making the budget a joint resolution which requires a signature by the President rather than a concurrent resolution which does not, you double the length of time that it will take for us to finish our job, because it requires Congress to reach agreement with the President not once but twice during each budget cycle, once on the budget resolution and the second time on each and every appropriation bill that will work their way through here. That is a prescription for having us never finish our budget business.

Secondly, we also have the problem of 2-year budgeting, which apparently is going to be attached to this proposal. The problem that I see when you move to 2-year budgeting is that we wind up living in a permanent racetrack of supplementals. We have too many supplemental appropriations now when we set the budget for a year in advance. If you set the budget for 2 years in advance, the world is not static, wars happen, disasters happen, economic disruption happens, and that means we will be required to push through more and more supplementals. When that happens, there is a huge shift of power that takes place if we are in a 2-year budget versus a 1-year budget.

First of all, we will transfer an unparalleled amount of power to the Senate, because Senators do not have to work under a rule of germaneness. If we pass an education supplemental through here, the Senate can go through and add anything they want to it because they do not have a rule of germaneness. We have a Committee on Rules that requires a rule of germaneness. That fundamentally transfers power to the Senate.

Secondly, we have a total abdication of power to the agencies. It is hard enough right now to get unelected agencies to follow the instructions of the elected officials of the Congress. And if they do not have to pay any attention to us until the last 18 months of a budget cycle, you know that they will be even more obstreperous than they are right now in dealing with Congressional intent in any legislation. To me, that creates an even more unresponsive government than we have right now.

I would make just this one point. We are the last independent legislative body on the face of the Earth. The reason we are is because we hold tightly and fiercely to the power of the purse. It is only when you have the power of the purse firmly in the hands of this House that this House can meet its constitutional responsibilities to protect liberty, to protect justice and to protect the country against the abuse of power that comes from anyone who does not have to seek anyone else's approval for their conduct.

It is no accident that every President for as long as I have served here, including the one who serves now, wants to see 2-year budgeting and wants to see a joint resolution approach to the budget. It is because Presidents by nature want all the power—95 cents out of every dollar in every budget we have passed except 2 over the last 20 years has gone where Presidents have wanted that money to go. The other 5 percent is the difference between having a President and having a king. And when you move from 1-year budget to a 2-year budget and when you move from a resolution which is a congressional product to a resolution that requires the blessing of the President, then he controls the process at every juncture. And when we allow that to happen, we violate the very constitutional oath that we took to uphold the Constitution and within it Article I, which speaks to the duty of the Congress to stand independent, not on our behalf but on behalf of the people we represent.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman for yielding me this time on this critical issue of importance to this House and to the balance of power in this country. I could not agree more with my colleague from Wisconsin who just spoke. There are many, many times when he and I disagree, many, many times. But on this he has never been righter. At the heart of this is the constitutional power of the House of Representatives.

Just a couple of thoughts, Mr. Chairman. The Budget Act of 1974, it was a reform. This also is posed as a reform. Since that reform in 1974, we have created $5 trillion in deficit spending. So that budget reform has been a disaster.

The second item is by allowing for 2-year budgets, we are now going to have to make assumptions on revenue and spending over 2 years. We cannot get it right over 1 year now. How in God's name are we going to plan for 2 years? So we go to a 2-year budget, we do not get our budget completed, we run on these automatic continuing resolutions. It is a mindless, Band-Aid approach to budgeting. We lose all incentive to resolve the budget issues each year because we go on automatic pilot.

What happens when we are on automatic pilot? One supplemental Christmas tree after another. Without the thought process that goes into the authorizing bills and the appropriations bills, we are on automatic pilot, we conjure up these supplementals, we cover them up with Christmas tree ornaments at the taxpayers' expense to get them through the process, and we completely blow the budget process even further wide open. If we want to continue to produce trillions and trillions of dollars in deficit spending, this is the right reform, Mr. Speaker, but if we want to exhibit and exert fiscal control, allow us to continue annually, one year at a time, to create a budget and to do it with the proper balance by using the authorizing committees to authorize the appropriations and the appropriations process to continue as it has the past several years in a proper way.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the Dreier amendment and I rise in opposition to the underlying bill and in support of responsible budgeting that meets America's priorities and reflects their values. I understand the concerns of this amendment's sponsors and I support their goals. Vigorous Congressional oversight is vital if we are to safeguard public funds and ensure that Federal agencies follow Congressional directives. But biennial budgeting will not improve oversight or guard against increased spending. In fact, it will have the opposite effect. Biennial budgeting will reduce the oversight that the Congress has over government spending.

Agency heads, Cabinet secretaries, administrators, they all have to come to the Congress every year to justify their requests, to explain their actions, and to face tough questions. Why would Congress want to relinquish the power of the purse strings? With the biennial budgeting, these agencies have to only come every 2 years. We would have then less assurance that the agencies will spend money in the right way.

I also challenge the principle in the underlying bill of sunsetting entitlement programs after 10 years. Does this include Social Security and Medicare? Why do we want to sunset Social Security and Medicare and deal with it every 10 years? Yesterday we had indication that there are those who would privatize the Social Security system. Is this another way in fact to threaten those bedrocks of our commitment generationally to seniors in this country? It makes no sense at all for us to be talking about sunsetting Social Security or Medicare or other entitlement programs every 10 years.

□ 1530

This is a blueprint for bad budgeting. It fails to meet the needs of Americans. Support responsible budgeting that is responsive to the needs of working families. I call on my colleagues to reject the underlying amendment and to reject the Dreier amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last year a similar bill was introduced. The Committee on Appropriations asked that it be referred to the committee, and, after thorough consideration, we reported the bill with a negative recommendation.

Some of the things that we were concerned about have now been taken out of this basic bill, which makes us a little more happy. However, there are amendments made in order that would restore some of those items that we really do not want to see in this bill. So we will deal with those as they come.

I was going to use this chart later in the debate on the two year budget amendment, but I want to use it now since the gentleman from Wisconsin (Mr. OBEY) made such a compelling case as to how this bill would drag out the the budget process by involving the executive branch of government at this early stage.

What I want all of our colleagues to know is if you look at this chart, every one of these months that are colored red are days that the Committee on Appropriations lost in dealing with its 13 appropriations bills. We lost all of that time, 6½ months, before we could even begin our work because we did not have a budget resolution. Until we have a budget resolution which allows us to make our 302(b) assignments, we cannot begin the actual markup of our legislation.

Now, if you look at the green color, that is how many days have gone by since we got the 302(a) allocation. Since that time, the committee went to work very rapidly. We have already marked up six of our 13 bills in subcommittee, and we have already marked up four of our major bills in committee. We already passed earlier today one of our primary bills, and we have others prepared to go to the floor. So we have done that much appropriations work in the couple of weeks that are colored green.

If we extend the time it takes before we can actually begin our work for another 2, 3 or 4 weeks, we are not going to be able to get to the end of the fiscal year and have our work completed. We promised the leadership on both sides of the aisle that we would complete our work expeditiously, and we are well on target to do that. Any further delay in the budget process takes time away from the appropriations process, and, Mr. Chairman, time is not on our side, as you can see from this calendar.

So rather than finding ways to extend the length of the budget process, we should be trying to find ways to reduce the time of the budget process, to give more time for the Committee on Appropriations to deal with the 13 appropriations bills in subcommittee, in full committee, on the House floor and in conference committee with the other body.

Mr. OBEY. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I often quote my friend Archie the cockroach, and Archie said once, "Did you ever notice when a politician does get an idea, he gets it all wrong?" I think that can be said of the remedy that is being proposed for the budget process problems.

But Archie also said something else that I think is useful in this context. He said, "Man always fails because he is not honest enough to succeed. There are not enough men continuously on the square with themselves and with other men. The system of government does not matter so much. The thing that matters so much is what men do with any kind of system they happen to have."

That would be my message with respect to the budget resolution. Whether we get our work done on time depends on how serious we are, it depends on how political both sides of the aisle are, and it depends on what determination we have to compromise.

The problem with this proposition which is being set up today is that if a President does not want to compromise with the Congress on a budget, he can delay his approval of the initial budget resolution forever before he signs it. And then after he signs it, he can delay action on every appropriation bill again, and it strings you out forever. I would say to my conservative friends here, I do not think that is the result that you want, but that is the result you are going to get if this proposition passes.

I would also say that every authorizing committee needs to understand that they will be out of business if this proposition passes, because Senate authorizing chairs who have not been able to have their way with House authorizers, when the budget resolution goes to the Senate they will say (because they operate in a body that has to run on unanimous consent so that any one Member can throw a monkey wrench into the gears) so every authorizing Chair will be able to say, "Mr. Leader, if you don't put my authorizing bill in here, if you don't put my banking bill in, if you don't put my farm bill in, if you don't put my interior bill in, I 'ain't' going to vote for your budget resolution."

That means that every House authorizing committee will be dealing with a

Senate authorizing committee in a budget summit situation where they get buried in larger issues, and that is not the way this Congress is supposed to run.

The reason this Congress survives as a vibrant institution is because of each of our individual expertise which we apply to the areas that we work with in our committees. I urge you not to destroy that by putting the President in the middle of it all.

Mr. YOUNG of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, just following up a bit on what the gentleman from Wisconsin (Mr. OBEY) suggested, what is eventually going to make us successful in the way we budget, in the way we appropriate, in the way that we oversee administration, is the willingness of the Members of Congress, of the House and the Senate, to be more diligent, to have some guts, to have some intestinal fortitude, to make sure we are doing the right thing to best of our ability. Whether you have a 1-year budget or a 2-year budget, whether you have the President sign on to something early on or later on, if Congress wants to be, excuse the expression, lazy and shift more power to the administration, we are going to lose what made this republic great in the first place. Our forefathers, when they wrote this Constitution, gave us a powerful legislative branch and a less powerful executive branch. Biennial budgeting puts this at risk and may diminish us in terms of our effectiveness as a democracy and a republic.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would just urge the Members to pay very close attention to the debate today. We are not talking about just a run-of-the-mill piece of legislation. We are talking about a decision that this House would have to live with for a long, long time in policy and procedure on some of the most important things that we do.

Mr. Chairman, of all the legislation we consider, the bills that really have to pass are appropriations bills. So let us be careful that we do not create some procedure or way to conduct a budget process, an appropriations process, that cannot work, that results in longer delays than under the current budget process.

I just ask Members to be very careful in how they listen to the debate and how they choose to vote on some of the amendments and on the final package, whatever condition that final package is when we go to a final vote.

The CHAIRMAN. The time allocated to the Committee on Appropriations having expired, it is now in order to conduct the debate on the time assigned to the Committee on Rules.

The gentleman from Florida (Mr. GOSS) and the gentleman from Massachusetts (Mr. MOAKLEY) each will control 15 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to focus my time on a couple of the rules changes in H.R. 853 that are designed to increase accountability. We think that is a reform. Accountability in Federal spending we think is something that most taxpayers feel we can do better about.

Not surprisingly, some the reforms have been demagogued by opponents of accountability, in my view fostering unwarranted anxiety among some of our Nation's students, perhaps, and some of our veterans and some of our senior citizens, if they have not gotten the full understanding of what is actually in front of us. There is no need to worry. We are advocating good oversight and advocating more accountability, and I think all of those groups, in fact, all Americans, favor those types of accomplishments here.

Currently our rules state you cannot appropriate money unless a program has been authorized first. That is the normal order. Despite this rule, however, in FY 2000 we appropriated $120 billion in taxpayer money to 137 programs that lack authorization. Now, that is just by our count. Probably somebody else could find more unauthorized programs, unauthorized programs that were funded in the appropriations process.

To encourage committees to do a better job, we think that H.R. 853 adds a requirement that they provide specific timetables for authorization of those programs under their jurisdiction, and we have picked a 10-year time period, thinking that is a very fair chunk of time. While we still will be able to waive the rule and no program will be punished, as is the situation now, we think that providing some added sunshine in a 10-year period with oversight is going to give us greater accountability, and it certainly is going to create an incentive for more accountability and for the authorizers to do their jobs.

Another rule changed would simply require that any new programs have a fixed year authorization. In our view, it makes sense that Congress should take a look at new programs it creates. We do not get it right every time the first time it turns out, and so maybe making a requirement that if we have a new program every 10 years or so, we ought to take a look at it and see if it is working and doing what we actually thought it was supposed to do.

But, be clear, no matter what, the school lunches are still going to be served; we are still going to have senior prescriptions; we are still going to have our veterans services, and everybody getting their benefits. It is all going to happen. This process is not going to change that. There may be votes about policy change or appropriations amounts, but the process is not going to take away anything from anybody, and, hopefully, will give benefits to people that they lack now in terms of greater accountability and oversight.

I think to argue otherwise indicates either a lack of understanding about how things really work here, or, worse, a desire perhaps to exploit anxieties for partisan reasons to some of our most vulnerable Americans. In either way, that is wrong, not acceptable, and not part of the spirit of the good substance we are trying to accomplish in this legislation.

I encourage all Members to read the details of H.R. 835 before voting later this evening. It is a good bipartisan bill that promises nothing more than a better framework within to make our budgetary decisions. We have the joint budget resolution, we have the emergency rainy day fund, baseline budgeting reform, budgeting for unfunded liabilities, the Byrd rule reform, increased authorization oversight requirements, a lot of things we talk a lot about here. Well, we have brought them to the floor for debate, we are going to debate them under the rule and have a chance to vote them up or down.

On top of that, there are several other issues that we did not include in the bill because we knew they were controversial, but we know that they will be debated in the amendment process, or we assume they will. I think of the lockbox, the continuing resolution and those types of things, we will be able to debate those too. So we will have some accountability on where we really stand when we talk about reform of our process here. I think that is a good outcome, and I think certainly worth our time.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill really hides an inability to govern behind procedural changes, and I urge my colleagues to oppose it. This bill changes our current budget resolution from a concurrent resolution to a joint resolution. The difference between the two is a concurrent resolution is created by Congress to guide the way through a budget process, whereas a joint resolution, on the other hand, is signed by the President and becomes law.

□ 1545

Because it must be agreed upon by both the Congress and the President, a joint resolution necessarily takes much longer than a concurrent resolution.

Mr. Chairman, our budget process is already slow enough. Under this bill's proposed joint resolution, the Committee on Appropriations cannot begin their work until a budget resolution is worked out and that, Mr. Chairman, as pointed out by the gentleman from Florida (Mr. YOUNG), could take an awful long time.

If my Republican colleagues had a history of finishing the appropriation bills well before October 1, this proposal would not seem quite as ridiculous, but as it stands now the history leaves a bit to be desired.

In the 104th Congress, my Republican colleagues, led by Speaker Gingrich, refused to compromise and failed to enact the 13 appropriation bills on time, and as a result they shut down the Federal Government for a period of 28 days.

In the 105th Congress, my Republican colleagues compromised on everything and passed a bloated omnibus bill that still has people shaking their heads.

Last year, my Republican colleagues could not reach agreement amongst themselves and as a result they failed to pass a budget resolution for the first time since the Budget Act was enacted back in 1974.

This year, my Republican colleagues have already given up on keeping spending below their caps and at some point, Mr. Chairman, Congress must summons the will to make the budget process work. It is not the fault of the Budget Act that we cannot fund everything we would like to fund and still reduce the deficit. Congress must make that tough decision, and there is just no way around it.

Another way my colleagues are hoping to avoid budget decisions is by making them far in advance. My good friend, my chairman, will offer an amendment to change our system to a biennial system. The biennial system will cover a much longer period of time and therefore will need to be debated for even a longer period of time.

It eliminates one year of Committee on Appropriations review. It tightens the reins on executive branch officials. Furthermore, Mr. Chairman, budget predictions are notoriously inaccurate. If we limit ourselves to making budget decisions every other year, our projections will be even further off the mark.

It is a radical change from our current system and if my colleagues are determined to make these changes, I would urge them to proceed slowly.

Mr. Chairman, I urge my colleagues to oppose this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. LINDER), the distinguished chairman of the Subcommittee on Rules and Organization of the House of the Committee on Rules.

Mr. LINDER. Mr. Chairman, I rise in strong support of the Comprehensive Budget Process Reform Act and I want to congratulate my colleagues on the Committee on Rules, the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DREIER) for their commitment to these reforms and specifically their efforts to craft the amendment to establish a 2-year budgeting timetable.

The Comprehensive Budget Process Reform Act is an important institutional reform that will strengthen the enforcement of budgetary controls, enhance accountability for Federal spending, set aside funds in the budget for emergencies and alleviate the tendency toward higher spending.

Specifically, I want to comment on the biennial budgeting amendment that will create a 2-year budget cycle. Before acting on these historic budget reforms, the Committee on Rules held two days of hearings on budget process reform and an additional 3 days of comprehensive hearings focused solely on biennial budgeting. Over and over again, we heard testimony that not only would biennial budgeting not diminish the role of Congress in the budget process, but that it would actually improve legislative branch management of Federal spending.

For example, Dan Crippen, Director of the Congressional Budget Office, stated that "It seems unlikely that agencies would be less responsive to the Congress simply because they would be requesting regular appropriations every other year. Also, a biennial budget cycle by setting aside time for Congressional action on oversight and authorizing legislation might relieve the appropriations process of time consuming debates on substantive policy issues which can actually improve Congressional control of spending."

Congress will continue to decide, down to the account level, the exact amount of spending in every appropriation bill just as is done under current law. In fact, biennial budgeting may enhance Congress" control over the budget since the process gives legislators an increased opportunity to review existing policies and expenditures.

On the topic of increased opportunities to review programs, we have taken testimony in the Committee on Rules and in my subcommittee on the need to dramatically increase what is clearly a priority responsibility of ours: The issue of programmatic oversight. In addition to saving time and resources, I strongly believe that this bipartisan, biennial reform proposal will improve oversight and management of Federal spending.

Specifically, the Dreier-Luther-Regula-Hall amendment will permit committees to concentrate on budget and appropriations in the first session, and authorization and oversight in the second session. The 1993 Joint Committee on the Organization of Congress, led by our former colleague Lee Hamilton and the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, recognize that the current budget system is not working effectively and recommended biennial budgeting as a key reform.

In hearings of the Committee on Rules in March, OMB Director Jack Lew stated that "The primary potential benefit from biennial budgeting is that by concentrating budget decisions in the first year of each 2-year period, time would be freed up in the second year that could be redirected to management, long-range planning and oversight."

The bipartisan biennial budget amendment will also put the requirements of the Government Performance and Results Act on a logical timetable in conjunction with the development of budgets every 2 years.

Under the new timetable, the GPRA reporting requirements would come at the most optimal time of the budget process to provide committees with the opportunity to utilize the performance information. As a result, we will deliver more efficient services to the American people in the most effective way.

Under the biennial timetable, the President's budget will be submitted to Congress with biennial governmentwide performance plans and reports and agencies will submit separate biennial performance plans. The process will effectively give authorizing committees the opportunity to include their views of the GPRA plans and reports as parts of the views they submit to the Committee on the Budget.

Utilizing GPRA in this manner will improve performance by letting us examine the program structures that Congress has put into place to achieve better results for the American people.

It appears clear that the Federal Government is too often preoccupied with budget matters and has limited time to manage and oversee Federal programs or concentrate on long-term planning. In an effort to streamline the budget process and enhance Congressional oversight of Federal programs, I urge strong support for the biennial budgeting amendment and final passage of this historic institutional reform.

Mr. MOAKLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from Minnesota (Mr. MINGE).

Mr. MINGE. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Chairman, this afternoon we are debating budget reform legislation. I do not think there is a Member of this Chamber that has not been embarrassed by the performance of the House of Representatives and the Senate in the last 5 years in the handling of the budget. We have had massive agreements with the White House, late in the night, late in the session, thousands of pages. We are being asked to vote on things that we have not had an opportunity to analyze. It is an embarrassment to the institution.

We recognize that we must reform the way we do business, and, yes, it could be that if we acted in a much more expeditious fashion earlier under the current budget framework we would not have these problems, but unfortunately it does not seem to be within our power to do that.

I also know that it is tempting to blame the other side of the aisle, to say that therein lies the problem, and assume that on our side of the aisle it would not be a difficulty if we were only in the majority.

Well, I think that we are deluding ourselves. Certainly part of the problem that we face in enacting budgets on a timely basis, in handling the appropriations bills on a timely basis, is attributable to human nature and the difficulty of making decisions and the need to bring things to closure in the heat of the final moments of a session, but this piece of legislation that we are considering today is an effort to move us towards an improved process. It is an experiment admittedly, and like all other experiments there are risks in trying it, but I think that when we recognize the enormity of the problems that we have had and the potential for improvement, it is worth taking that risk.

We talk about the powers of Congress. Now we are comprising the powers of Congress, the prerogatives of Congress, giving more power to the White House, the executive branch. I submit there is nothing that compromises Congress' power in the long-term than the embarrassment of not timely dispatching our affairs.

We need to make progress, and whether or not this would be progress would remain to be seen, but I submit it is worth taking the chance, and therein lies the debate over whether it should be a joint resolution or whether we should continue with the concurrent resolution such as we have had.

There are many other things in this legislation that go beyond the joint resolution issue and the role of the President earlier in the process. I urge my colleagues to recognize that the way that this legislation deals with emergency spending, the way it deals with emergency spending, the way that it deals with accrual accounting, the way that it deals with the baseline and the so-called Byrd rule and other issues, represents a very dramatic and significant improvement over the current budget process.

This bill has been a bipartisan bill in that it was developed by a bipartisan subcommittee of the Committee on the Budget and this ought to have bipartisan support this evening. It ought to be approved.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN), the chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs.

Mr. CALLAHAN. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me this time.

Mr. Chairman, let me just say that maybe we ought to all take a good close look at our Constitution and the makeup of the United States House of Representatives. We are each elected every 2 years for one session of the Congress. The people who wrote the Constitution and drafted this government that we have, which admittedly is the best government mankind has ever known, said that we would be elected for one session of the Congress. It also says we will have an organizational session and we will elect our leadership and that we will establish our rules.

Each session of the Congress gives the Members of that Congress the authority to set their own rules. If they want biennial budgeting, there is nothing from prohibiting them from establishing a rule in the next session of the Congress, including those Members of the next session of the Congress, to have biennial budgeting for that one session of the Congress. They establish their own rules at each session of the Congress, and what we do here today with this underlying bill is to say that we are going to hamstring future sessions of the Congress. We are going to tell the Members of the next session of Congress, which will convene in January, that they do not have a sufficient intellect level to establish their own rules.

Instead, we are going to say that this session of the Congress is the more brilliant than any succeeding session and, therefore, they must obey the rules that we think are best for them.

This is a wrong Constitutional area that we are debating, and we should vote this issue down unanimously.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Ohio (Mr. REGULA), the chairman of the Committee on Appropriations Subcommittee of the Interior.

Mr. REGULA. Mr. Chairman, I thank the gentleman from Florida (Mr. GOSS) for yielding me this time.

Mr. Chairman, I have been a long-time advocate of 2-year budgeting as a management tool. We are the directors of the largest corporation in the world today. We collect taxes and we deliver services.

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The challenge to all of us is to deliver these services in the most efficient way, because the more efficient we can be in our distribution of services, the less we have to collect in taxes.

I think we need to think about how we can manage these resources in the most effective way. Two-year budgeting provides that kind of opportunity. Through the first year, we would establish the appropriation for a 2-year budget cycle. I might say, I served in the Ohio State legislature. We did it that way in Ohio and it worked very effectively, and many other States operate on a 2-year budget.

The second year would be devoted to oversight. In our subcommittee, we have had over 25 oversight sessions over the last several years. We have discovered that in so doing, we have found ways in which we can more efficiently write our bills to ensure that the money is used wisely and produces the greatest benefit to the people of this Nation.

I think also another advantage of 2-year budgeting is that we have time to do planning. Too often I find that we are so consumed, we no sooner finish one budget than we start on another one. We do not have time to think about how we can plan effectively.

Just using the Subcommittee on the Interior, for example, I think we need to think about how we can manage the resources that will leave a legacy that will be valuable to the people of this Nation 50 or 100 years from now, because what kind of a legacy they will inherit, what kind of parks and forests and fish and wildlife, and the Bureau of Land Management, the Smithsonian, the Kennedy Center, the National Gallery, what they will be like 50 years from now is being decided today.

Therefore, we need time to do oversight, we need time to do planning, to ensure that we get the best possible management of the resources that come our way as a subcommittee.

Secondly, I think so much time is devoted to establishing budgets that we do not get the time we need to think about the ways in which we can be more effective.

The other advantage I see is that the people that manage these enterprises, the superintendents of parks, the directors of the various agencies, could plan more efficiently in the purchase of products, simple things like gasoline and food and so on, if they could contract on a 2-year basis, if they could manage the resources that they are provided under our appropriations process in a way that would be most efficient in the use of these materials. A 2-year budget would give managers an opportunity to use their time, their resources in a more effective way.

I suspect that most industries have longer than a 2-year budget cycle in terms of managing the resources that they have to produce products for the marketplace. I think the previous speaker, the gentleman from Alabama (Mr. CALLAHAN) has a point. Perhaps we ought to try it. But I believe, based on the experience that our States have had with 2-year budgeting, that it is an effective tool in terms of management of the resources available.

I believe we should certainly try this, because as government and life gets more complicated, it becomes more important than ever that we have time for oversight, that we have time to visit facilities. We have found in our subcommittee if we can get out and look at some of our facilities, if we have time to do that, that it helps us a great deal in making the decisions that will provide a legacy for future generations that we can all take pride in.

Certainly, we are elected by the people, as the previous speaker said, to make policy decisions. That is the role of the Members of this body. That is the separation of powers.

We constitutionally have a responsibility for policy, and the executive branch has the responsibility for executing that policy. To do it well, I believe a 2-year budget cycle would be very constructive.

Mr. Chairman, I rise in support of the two-year budget amendment that we will consider later today. I consider two-year budgeting as a management tool.

As Members of Congress, we are the directors of the largest U.S. enterprise—namely the U.S. Government. We can no longer view the federal government as just a provider of services. In today's world—with increasing populations and increasing needs—we need to approach the federal budget in a more business-like manner. We need to determine how we can manage resources and provide services to the American public in the most efficient way within our budget constraints.

I believe that two-year budgets would provide us with a mechanism to budget more efficiently and to provide more oversight over federal spending. In the first year we would appropriate funds. The second year would be devoted to oversight and planning for the next budget cycle.

A two-year cycle would reduce significantly the number of repetitive votes that Congress takes on budget issues every year. It would allow more time for oversight hearings.

Since becoming Chairman of the Interior Subcommittee, I have chaired more than 25 oversight hearings to closely examine the more than 30 agencies funded in the bill.

These hearings have allowed Members of the Subcommittee to explore management reforms within these agencies that encourage the agencies and programs to be run more efficiently. A two-year budget would allow for more oversight and follow-up to ensure that reforms are fully implemented.

Furthermore, I believe a two-year budget process would allow agencies to be more effective. It would allow program managers and agency heads to do their planning on a two-year cycle.

As a practical matter, they could contract for supplies for a two-year period instead of just one. They wouldn't spend as much time putting together a budget every year and preparing the huge budget justifications that are sent to Congress every year.

A two-year cycle would give agency managers more time to engage in long-term planning and in implementing management reforms.

Historically, we have not viewed the federal government as a management challenge. I believe that it is time to do so. A two-year cycle would allow the time necessary to explore and implement positive management policies for the federal government. I urge you to support the two-year budget amendment.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida (Mrs. MEEK).

Mrs. MEEK of Florida. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I stand to address the Congress and ask them to vote no on H.R. 853 because, number one, it weakens the power of the authorizing committees. It weakens the power and the utilization of the Committee on Appropriations. It weakens the power of each Member of Congress.

With that diminution, I ask each Member to think about why should we change this process. There is absolutely nothing wrong with the process that we use in budgeting now. It is not the process, it is those of us who administer this process, where we put in many times a lot of partisan wrangling and we put in a lot of intramural arguments. Whatever we put into it to make the process lasts too long. That is what is wrong.

If we were to take this process seriously and use it for the time appointed, then we would notice that the budgeting process would end up as we wanted it to.

I want to remind this Congress, I stood on the floor of Congress and spoke against it the last time we gave power to the President in determining line item vetos. I was not shouted down, but I was voted down.

Here we go again, now, giving power to the President for something each of us was elected to do. That was to make solid decisions in a time certain for the budgetary process.

I have lived through this biennial budgeting situation in the State of Florida. It did not work there and it will not work here. Sooner or later, we would just become a Congress of supplemental kinds of bills that would come up when there is something that we need to do something quickly on that we had not thought about.

I want to tell the Members that there will be things that come up because of the economic conditions and other conditions that happen in this great country of ours.

Mr. Chairman, many of the things we have heard about the biennial budget will not happen if we properly do our jobs and think timely and decisively in expediting it.

Mr. MOAKLEY. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Chairman, the gentleman from Alabama made a point which I think bears repeating. Every day we recognize the fact that Congress cannot bind future Congresses in terms of the action that they will take. But if we pass this legislation today, we are enabling future presidents to bind future Congresses, because if we pass this proposal and discover, as we most assuredly will, that it does not work the way we intended, we will not be able to change it without the permission of the President of the United States. That is not a position which any independent legislative body should be in.

Secondly, on 2-year budgets, there is a vast difference between multiyear planning and multiyear budgeting. I favor long-term planning. I favor 5- and 10-year planning. But when we go to a 2-year budget, we put the House at a huge disadvantage vis-a-vis the Senate.

In the House, we have germaneness rules, so if we pass an Interior supplemental through the place, no one can attach an education item or an agricultural item to it. We stick to the subject. But in a world of 2-year budgeting, we will have constant supplementals. When supplementals move through this body and move to the Senate, we, will have individual Senators free to add any item they want to any supplemental that moves through there. That means a giant loss of control of spending and it means a giant transfer of powers and prerogatives to the Senate.

Most perniciously, I believe it ruins our ability to keep agencies on a short leash. The healthiest thing that occurs in this town is in the annual appropriation process, when senior program managers discover that they are not ordained by God to follow policies of their own making. They have to answer to the Congress. The problem is that if we put them on a 2-year leash rather than a 1-year leash, it will be very difficult to get them to follow congressional intent in legislation that we pass.

People will say, "oh, well, don't worry about it; as long as they need supplementals, they will need the support of the Congress". But supplementals are different than regular appropriation bills. Supplementals add money only to programs. They do not deal with personnel levels, they do not deal with agency size. That is where we really have control over agencies, and we should not give that control up.

Mr. MOAKLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, it is really difficult to believe the majority is serious about reaching agreement on the budget early with a Democratic president. Given the history and the failure to even seek consensus with the Democratic colleagues in the House on a budget resolution, it is very hard to believe, why would they give up the opportunity to clarify their differences with us? Given their history, my guess is that the majority would rather send the President a resolution he has to veto. That slows up the process. It does not help.

Mr. Chairman, we agree the process has not run well lately, but what makes them propose what they propose does not help. I think it will make things worse. I now urge a no vote on the bill.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I recall very well Members feeling some frustration, to say the least, at the end of the budget cycle for the past few years, thinking, gosh, we need to do better on this. Why does not the Committee on Rules and the Committee on the Budget and the people responsible get together and give us some choices?

We filed a bill at the end of the last session just because we listened. We went through a couple of years of hard work, a lot of effort, to focus on issues that Members wanted to debate. We filed that bill. This year we have worked from that bill, taken the controversial issues out, brought them forward, and left the controversial issues available for amendment, and in addition, brought forward some other amendments that we know will have a lot of Member appeal, such as the biennial budget process that my good friend, the gentleman from California (Mr. DREIER) of the Committee on Rules has championed so long and ardently.

We think we have provided some good choices out here for debate. I think that any effort to get away from the chaos at the end of the budget year is right.

Our good friend, the gentleman from Wisconsin (Mr. OBEY) has gotten up and said that bad things can happen. Yes, bad things can happen any time. I think the idea of getting together early with the President at the beginning of the session and working out an arrangement is a very good idea, but if it does not work, we have a fallback. The fallback is where we are now, so nobody loses power. We do not have these dire consequences that I keep hearing about.

I think it is also true that if the other body decides that they wish to get off the subject of the budget matter, that there are provisions in this for a self-destruct mechanism, so that the dangers are not as great as they have been outlined.

I think these are worthwhile changes. They deserve our careful attention during the debate, and I hope we will see strong support for good process reform.

Mr. OBERSTAR. Mr. Chairman, I rise in strong opposition to H.R. 853, the Comprehensive Budget Reform Act.

### JOINT RESOLUTION

H.R. 853 changes the current non-binding concurrent resolution to a joint budget resolution that would be signed by the President and have the force of law. Such a process would weaken the role of Congress (particularly the House of Representatives), authorizing committees, and rank-and-file Members.

We know this from history—think back to the major budget agreements of the past decade, beginning with the 1990 Andrews Air Force Base budget summit during the Bush Administration. These agreements were negotiated by the House and Senate Leaderships and the President, without the participation of authorizing committees or rank-and-file Members. In practice, creating a budget resolution with the force of law means we will have these budget summits each and every year. Budget targets and committee allocations would be negotiated by the Budget Committees, the House and Senate Leaderships, and the President, without the participation of authorizing committees or rank-and-file Members. Most Members would be shut out of the process.

In addition to the budget being negotiated by the House and Senate Leaderships and the President, the bill eliminates Members' ability to alter this Leadership-negotiated package. Members would no longer have the ability to offer amendments to either the reconciliation instructions or the functional allocations assumed by the joint budget resolution because these times would now only be included in the report accompanying the law.

Finally, I am extremely concerned that once we head down the road of a statute implementing budget policy, the Budget Committees, the House and Senate Leaderships, and the President will use this must-pass legislative vehicle to legislate their agendas. Look at the tens and sometimes hundreds of legislative riders included in the Omnibus Appropriations Acts of the last several years—the last thing this Body needs is more Leadership-driven, must-lass legislation.

Given the experiences of past budget summits, it is unlikely that this process will include authorizing committees, including those Members with the most specific issue expertise, or rank-and-file Members. We will simply be urged: "Don't break the deal"—a deal in which almost all of us will have had no input. I recall that three years ago this week, the House considered the 1997 Balanced Budget Agreement negotiated by the House and Senate Leadership and the President. The Gentleman from Pennsylvania, Mr. SHUSTER, and I offered an amendment to increase highway and transit infrastructure investment, adjusting the deal by one-third of one perecent—one-third of one percent. "A deal is a deal," intoned our colleagues. "Do not break the deal," said a panicked White House. "Stick to the deal," said the Budget Committee. As I said then, "Who are a part of this deal? Not me, and not many in this Chamber. We did not have much to say about the deal, so why are we being asked to stick with it?" We lost that vote by two votes and it made TEA 21 impossible in 1997. Now, the proponents of this bill want us to have that debate each year. Moreover, by eliminating the functional categories from the budget resolution, they want to even take away our ability to offer amendments to alter their Leadership-negotiated package.

### EFFECT ON TRANSPORTATION COMMITTEE PROGRAMS

I also rise in opposition to H.R. 853 because I am concerned about the impact of this bill on transportation trust funds. I believe that this bill will undermine the enormous progress we have made in infrastructure investment with the Transportation Equity Act for the 21st Century (TEA 21) and the Aviation Investment and Reform Act for the 21st Century (AIR 21), and will make it more difficult to reauthorize these programs in the future.

H.R. 853 does not acknowledge the important budget reforms contained in TEA 21 and AIR 21—including the reform that transportation revenues must be used for transportation purposes. Rather than updating the budget process to reflect a link between transportation trust fund spending and transportation trust fund receipts—a budget process change that was mandated by the overwhelming majority of the House in TEA 21 and AIR 21—H.R. 853 merely strengthens the old budget process, which assumes that transportation trust fund revenues are no different from general revenues.

H.R. 853 would also shift power to entities that are institutionally opposed to the trust fund reforms that our Committee achieved in TEA 21 and AIR 21, and would effectively shut most Members and committees out of the budget process. As a former Member of the Budget Committee (1987–1993) and a Member of this Body and the Transportation and Infrastructure Committee for 25 years, I know that the Budget Committee and the Office of Management and Budget have always opposed the trust fund reforms that the Transportation Committee has advocated and an overwhelming majority of this House have supported.

Not only does H.R. 853 fail to institutionalize the trust fund reforms enacted in TEA 21 and AIR 21, it assumes flat spending from transportation trust funds for purposes of calculating the budget surplus after TEA 21 and AIR 21 expire. This assumption is made despite the fact that transportation trust fund revenues will continue to increase each year as our economy and highway and air travel continue to grow. A flat-spending assumption would result in a return to the old days of trust fund surpluses being used for non-transportation purposes. If the link between trust fund revenues and trust fund spending is to be maintained, budget procedures and the assumptions for transportation spending must reflect the annual growth in trust fund revenues.

### CONCLUSION

Do not be lulled into thinking that this bill simply changes a technical House procedure. This bill significantly alters the congressional budget process. The budget process is where we decide priorities for America's future. It is the process where, to a large degree, we decide what our values are, and put a price tag on them. It is a process in which all Members and all committees should play a role H.R. 853 will shut Members out of that process.

I urge all Members to vote "no" on H.R. 853.

Mr. BENTSEN. Mr. Chairman, I rise in reluctant opposition to H.R. 853, the Comprehensive Budget Process Reform Act of 1999. I commend the gentleman from Iowa, Mr. NUSSLE and the gentleman from Maryland, Mr. CARDIN for their hard work, but in the end this bill is not yet ready for adoption.

My colleagues argue that this bill will fix the "broken" budget process. While this bill may correct some deficiencies in the current law, no bill is going to fix what is the real problem—the behavior of the members of this body and the Senate. For years following inclusion of pay-as-you-go rules and discretionary spending caps amendments to the Budget Act in 1990, the Budget Act had an effect on law rather than serving as a mere target. It was not until 1998 that the process fell apart when members on both sides of the aisle felt compelled to violate the caps by abusing the Emergency spending designation. In 1999, Congress did the same thing. The primary problem with the budget process lies not with the system or the end game, but rather Congress and the Administration. There were legitimate concerns, greater defense, education and agriculture spending demands weighed against other domestic priorities, but rather than honestly argue the needs to the American people and raise the caps, we chose to engage in budget subterfuge. That is not a flaw in the process so much as human nature.

While this bill includes some good reforms such as a tighter designation for emergency spending to stem abuse and bringing the use of accrual accounting to the federal budget process, it is flawed in converting the concurrent budget resolution to a joint resolution signed into law by the President. This is intended to move the end game to the front of budget cycle but it is a little like moving the goal posts from the end of the field to the middle. The practical effect is to shift more power to the Executive branch at the expense of the Congress. As a result, the appropriations process will be delayed and the end game will be extended throughout most the year. Unintended by its proponents, this could result in greater, not less, politicization of the budget process.

Moreover, as a joint resolution, the budget resolution would be vulnerable to having certain other pieces of legislation the Congressional leadership favored attached. The drafters of H.R. 853 have inserted a weak provision aimed at preventing the budget resolution from becoming a major legislative vehicle but it cannot assure this body the budget resolution will be free from being taken hostage by an abortion amendment or, more likely, an amendment to raise discretionary spending caps or alter the pay-as-you-go rules to let projected budget surpluses be used to "pay for" large tax cuts.

With regard to the biennial budgeting amendment which Representative DREIER plans to offer, I believe it is unrealistic and unworkable. The GAO has cautioned against biennial budgeting and cites "difficulty in forecasting" as the major force behind an increasing number of states abandoning biennial budgeting, in favor of annual cycles. Under H.R. 853, agencies would have to begin to put together budgets for the second year of a two-year cycle at least 28 months before the year would start. Such long lead times will certainly result in decisions that become outdated. During the intervening period, there would inevitably be findings concerning the effectiveness of various programs and changes needed in those programs from GAO reports, Inspector Generals' reports, and research studies. Proponents of biennial budgeting assert that it will free up time for more oversight. They overlook the fact that a significant amount of oversight is conducted by the appropriations committees in the course of reviewing agency budget requests annually. But, I believe that if we adopt biennial budgeting, we will be creating new problems. We will be constructing a system that lacks flexibility to address GAO findings or developments in a program or substantial changes in our nation's economic conditions.

Mr. Chairman, while I oppose H.R. 853, I support its commitment to limit use of emergency spending outside the spending caps only for true emergencies. There can be little question that in recent years, the emergency supplemental appropriations process has been abused and loaded with billions of dollars of spending which do not meet the true test of an "emergency." We must, as a body, reign in emergency spending. H.R. 853 would create a reserve fund for emergencies and specifically defines "emergency" as "loss of life or property, or a threat to national security" and an "unanticipated" situation that is sudden, urgent, unforeseen and temporary.

Mr. Chairman, I will also oppose the Gekas Automatic Continuing Resolution Amendment to avoid a government shutdown. We debated this in the House Budget Committee last year. I opposed a "freeze" of appropriations in event of a budgetary stalemate because I believed it would give Congress and the Administration an out, as opposed to compelling that the hard work of passing the budget and appropriations bills is done. Rather, I suggested that any automatic continuing resolution not be a disincentive to compromise. My amendment would have set the automatic continuing resolution at 75% of the previous year's appropriated level in order to fund essential functions, but low enough to spur the Congress and Administration into action.

Finally, Mr. Chairman, I will oppose the Ryan amendment to eliminate the on-budget surplus from the pay-as-you-go rules. While the intent of this amendment is to free up on-budget surpluses for tax cuts or new mandatory spending instead of being used for debt relief, its real impact would be to allow Congress to leverage tax cuts or new spending on the basis of long-term budget projections. And, if the projections are wrong, such tax cuts or spending would be ultimately backed by sequestration against Medicare, Medicaid or tax increases if the projections are wrong. This amendment is a redo of Gramm-Rudman-Hollings, allowing Congress to make long-term spending and tax commitments with uncertain offsets.

Accordingly, Mr. Chairman, I rise in opposition to H.R. 853. Rather than insure an expedited budget process, H.R. 853 will create new barriers to formulating a federal budget and interfere with effective oversight.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 853, the Comprehensive Budget Process Reform Act. We may all agree that the current budget process does not run as smoothly as we may like; however, this bill does not adequately address the inefficiencies in the budget process. The problem with the budget process is that for the last three years, the Leadership has engaged in conduct that has hindered this process.

In 1998, we failed to adopt a budget resolution and for the last two years Congress approved budget resolutions that were difficult to implement. To work through these problems the Congress had to waive rules to circumvent the budget resolutions. This bill does nothing to address this issue.

H.R. 853 will significantly hamper our ability to agree on a budget by requiring a joint budget resolution. Requiring the President to enter the process early in the year by transforming the joint budget resolution into an omnibus budget law, while simultaneously curtailing the ability of the appropriations committees to press forward if a budget has not been agreed to by May 15, will delay rather than speed up our budget process.

Contemplate how much deliberation occurs between the House and the Senate on the budget resolution, just imagine how delayed this process will be with the interjection of the President. In the years where the President and Congress are in serious disagreement as to budget priorities, disagreements are likely to linger into the waning days of future legislative sessions.

The budget resolution would be transformed into "must pass" legislation that may likely entice the Leadership to attach bills they favor. This is true of provisions in this bill to change Congressional budget procedures that include measures to impose discretionary caps or actual appropriations, as well as provisions to impose caps on entitlement programs from responding to changes in unemployment, poverty, the health status of our nation, and other such programs.

The removal of functional levels and reconciliation instructions from the budget resolution to a budget committee report is unwise. Relying on an aggregate budget amount without debating the details of specific functions may result in significant budget cuts in discretionary spending without the opportunity for vigorous debate on the virtues of each budget request.

Some may argue that debating budget functions obscure the ability to debate a set aggregate amount. On the other hand, we need to analyze budget functions to make the aggregate number more meaningful in addressing the needs of the nation. My amendment sought to reinstate a process that ensures that the American people's needs are sufficiently addressed by the Congress during the budget process.

Finally, I do not support the Drier Biennial Budgeting Amendment because biennial budgeting and appropriating will not ease

Congress's ability to meet deadlines, enact authorization provisions or engage in more meaningful oversight. Biennial budgeting will further complicate an already complicated process.

Biennial budgeting will not assist Congress pass budget or appropriations bills on time. No matter whether the fiscal year begin on July 1 or October 1, Congress often finishes its appropriations work approximately one month after an imposed deadline. The real concern with biennial budgeting is that appropriations' debates will fall into the second year, as Members become less willing to compromise.

In addition, budget projections change too quickly for biennial budgeting. The events of the nation and world change from year-to-year. It would be increasingly difficult for the Congressional Budget Office to project budgets for two years. The difficulty in forecasting for biennial budgets will likely create a need for supplemental appropriations. Thus, the impetus for biennial budgeting would diminish.

As Martin Luther King, Jr. once said, "Our nettlesome task is to discover how to organize our strength into compelling power." The Congress's task is to organize our best ideas on meaningful budget reform and not measures which will exacerbate the complexity of our nation's budget process. We can do better and we must do better.

Mr. SHAYS. Mr. Chairman, I strongly support H.R. 853, the Comprehensive Budget Process Reform Act. This bill represents the most fundamental revision of the Congressional budget process since 1974.

H.R. 853 contains a variety of critical reforms, including changing the Budget Resolution from a concurrent resolution to a joint resolution that would have to be presented to the president and therefore would have the force of law.

This would improve the budget process in two ways. First, it would force the president to play a formal role in the budget process, rather than only engaging in the final stages of the appropriations process.

Providing for formal executive participation through a joint resolution would avoid year-end scrambling to finance government programs. It would also encourage the president to submit a realistic budget because he will be compelled to defend it.

Second, a joint resolution would force inter-branch agreement on aggregate spending levels prior to agreement on details. Currently, since the president does not have to approve the Budget Resolution, gaining approval on the final spending measures presents a greater challenge.

Forcing an early agreement on the principles in the Resolution will make coming together on the details of budget bills much easier in the fall. Moreover, this bill is still sensitive to the likelihood of an earlier budget "train wreck" by enabling Congress to adopt a concurrent budget resolution under expedited procedures if the president vetoes the joint budget resolution.

In other words, H.R. 853 provides incentives for the president to sign an agreement on principles, but allows the process to move forward if he does not.

The bill also requires the president and Congress to set aside a reserve within the budget for emergencies. This reserve would be equivalent to the five year historical average of emergency spending. The reserve could only be used for emergencies that meet both of the following criteria: (1) funding for "loss of life or property, or a threat to national security" and (2) an "unanticipated situation."

This important provision will prevent supplemental appropriations bills that are stuffed with fraudulent "emergency" spending. Unfortunately such bills have often become vehicles for pork-barrel spending rather than ways to alleviate the suffering of Americans who have experienced genuine crises.

I would like to thank Congressman NUSSLE and other members of the House Budget Committee's bipartisan task force on the budget process for bringing this bill to the floor. I urge my colleagues to support it.

Mr. DINGELL. Mr. Chairman, certainly the budget process could benefit from useful progressive reform. However, the bill we are considering is neither useful nor progressive. It can properly be described as deform. As long as the majority lacks the political courage to set realistic spending caps, we will continue to see the abuse of the budget process that we have become accustomed to under Republican control of the Congress. Where more than $34 billion, including the cost of the census, is declared an "emergency." These "emergencies" are nothing but an absolute circumvention of the budget process and a parliamentary exercise to evade hard choices.

Let history be our guide and let us examine how the budget process has operated under Republican control.

I would observe that last year Congress failed to even adopt a budget resolution for the first time since the Budget Act was signed into law. Why, because the budget process was broken? Hardly. Because the Republican majority in Congress could not agree with itself on a budget resolution. Rather than negotiate a bipartisan document, the majority chose not to draft a budget at all. This unprecedented failure is not an indictment of the budget process but rather of the majority's incompetence.

In the 104th Congress, under the leadership of then-Speaker Newt Gingrich, the Republican majority could not agree with the President on the budget, failed to pass the regular 13 appropriations bills on time, and proceeded to shut down the government for 28 days. Why, because the budget process was broken? Hardly. Because the Republican majority was unwilling to compromise and negotiate in good faith with the President. Like little children, the majority took their toys and went home. This was not a result of a flawed budget process but of flawed leadership in the Congress.

The Republican majority, having learned their harsh lesson from the rebuke of the public for such fiscal recklessness, reversed course in the 105th Congress and gave in on everything. The result was an unseemly, bloated omnibus bill that contained everything—including the kitchen sink. Why, because the budget process was broken? Hardly. It was another example of the irresponsible manner in which the majority runs the Congress and once again demonstrated their remarkable inability to govern.

H.R. 853 continues in this rich tradition of flawed proposals and failed ideas. It should rightly and properly be relegated to the scrap heap, to reside next to the Contract with America, where it will, with good fortune and the good Lord's mercy, rust in peace. I urge my colleagues to defeat this bill so we can move on to the people's business.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute consisting of the text of H.R. 4397 shall be considered as an original bill for the purpose of amendment under the 5-minute rule, and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 4397

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Comprehensive Budget Process Reform Act of 2000".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Purpose.
Sec. 3. Effective date.
Sec. 4. Declaration of purposes for the Budget Act.

TITLE I—BUDGET WITH FORCE OF LAW

Sec. 101. Purposes.
Sec. 102. The timetable.
Sec. 103. Annual joint resolutions on the budget.
Sec. 104. Budget required before spending bills may be considered; fall-back procedures if President vetoes joint budget resolution.
Sec. 105. Conforming amendments to effectuate joint resolutions on the budget.

TITLE II—RESERVE FUND FOR EMERGENCIES

Sec. 201. Purpose.
Sec. 202. Repeal of adjustments for emergencies.
Sec. 203. OMB emergency criteria.
Sec. 204. Development of guidelines for application of emergency definition.
Sec. 205. Reserve fund for emergencies in President's budget.
Sec. 206. Adjustments and reserve fund for emergencies in joint budget resolutions.
Sec. 207. Up-to-date tabulations.
Sec. 208. Prohibition on amendments to emergency reserve fund.
Sec. 209. Effective date.

TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

Sec. 301. Purposes.

Subtitle A—Application of Points of Order to Unreported Legislation

Sec. 311. Application of Budget Act points of order to unreported legislation.

Subtitle B—Compliance With Budget Resolution

Sec. 321. Budget compliance statements.

Subtitle C—Justification for Budget Act Waivers

Sec. 331. Justification for Budget Act waivers in the House of Representatives.

Subtitle D—CBO Scoring of Conference Reports

Sec. 341. CBO scoring of conference reports.

TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING
Sec. 401. Purposes.
Subtitle A—Limitations on Direct Spending
Sec. 411. Fixed-year authorizations required for new programs.
Sec. 412. Amendments to subject new direct spending to annual appropriations.
Subtitle B—Enhanced Congressional Oversight Responsibilities
Sec. 421. Ten-year congressional review requirement of permanent budget authority.
Sec. 422. Justifications of direct spending.
Sec. 423. Survey of activity reports of House committees.
Sec. 424. Continuing study of additional budget process reforms.
Sec. 425. GAO reports.
Subtitle C—Strengthened Accountability
Sec. 431. Ten-year CBO estimates.
Sec. 432. Repeal of rule XXIII of the Rules of the House of Representatives.
TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS
Sec. 501. Purposes.
Subtitle A—Budgetary Treatment of Federal Insurance Programs
Sec. 511. Federal insurance programs.
Subtitle B—Reports on Long-Term Budgetary Trends
Sec. 521. Reports on long-term budgetary trends.
TITLE VI—BASELINE AND BYRD RULE
Sec. 601. Purpose.
Subtitle A—The Baseline
Sec. 611. The President's budget.
Sec. 612. The congressional budget.
Sec. 613. Congressional Budget Office reports to committees.
Sec. 614. Outyear assumptions for discretionary spending.
Subtitle B—The Byrd Rule
Sec. 621. Limitation on Byrd rule.

### SEC. 2. PURPOSE.

The purposes of this Act are to—

(1) give the budget the force of law;

(2) budget for emergencies;

(3) strengthen enforcement of budgetary decisions;

(4) increase accountability for Federal spending;

(5) display the unfunded liabilities of Federal insurance programs; and

(6) mitigate the bias in the budget process toward higher spending.

### SEC. 3. EFFECTIVE DATE.

Except as otherwise specifically provided, this Act and the amendments made by this Act shall become effective on the date of enactment of this Act and shall apply with respect to fiscal years beginning after September 30, 2001.

### SEC. 4. DECLARATION OF PURPOSES FOR THE BUDGET ACT.

Paragraphs (1) and (2) of section 2 of the Congressional Budget and Impoundment Control Act of 1974 are amended to read as follows:

"(1) to assure effective control over the budgetary process;

"(2) to facilitate the determination each year of the appropriate level of Federal revenues and expenditures by the Congress and the President;".

## TITLE I—BUDGET WITH FORCE OF LAW

### SEC. 101. PURPOSES.

The purposes of this title are to—

(1) focus initial budgetary deliberations on aggregate levels of Federal spending and taxation;

(2) encourage cooperation between Congress and the President in developing overall budgetary priorities; and

(3) reach budgetary decisions early in the legislative cycle.

### SEC. 102. THE TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 is amended to read as follows:

"TIMETABLE

"Sec. 300. The timetable with respect to the congressional budget process for any fiscal year is as follows:

| "On or before: | Action to be completed: |
|---|---|
| First Monday in February. | President submits his budget. |
| February 15 | Congressional Budget Office submits report to Budget Committees. |
| Not later than 6 weeks after President submits budget. | Committees submit views and estimates to Budget Committees. |
| April 1 | Senate Budget Committee reports joint resolution on the budget. |
| April 15 | Congress completes action on joint resolution on the budget. |
| June 10 | House Appropriations Committee reports last annual appropriation bill. |
| June 15 | Congress completes action on reconciliation legislation. |
| June 30 | House completes action on annual appropriation bills. |
| October 1 | Fiscal year begins.". |

### SEC. 103. ANNUAL JOINT RESOLUTIONS ON THE BUDGET.

(a) Content of Annual Joint Resolutions on the Budget.—Section 301(a) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraph (4) and insert the following new paragraph:

"(4) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending (excluding interest), and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies;".

(2) Strike the last sentence of such subsection.

(b) Additional Matters in Joint Resolution.—Section 301(b) of the Congressional Budget Act of 1974 is amended as follows:

(1) Strike paragraphs (2), (4), and (6) through (9).

(2) After paragraph (1), insert the following new paragraph:

"(2) if submitted by the Committee on Ways and Means of the House of Representatives or the Committee on Finance of the Senate to the Committee on the Budget of that House of Congress, amend section 3101 of title 31, United States Code, to change the statutory limit on the public debt;".

(3) After paragraph (3), insert the following new paragraph:

"(4) require such other congressional procedures, relating to the budget, as may be appropriate to carry out the purposes of this Act;"; and

(4) After paragraph (5), insert the following new paragraph:

"(6) set forth procedures in the Senate whereby committee allocations, aggregates, and other levels can be revised for legislation if that legislation would not increase the deficit, or would not increase the deficit when taken with other legislation enacted after the adoption of the resolution, for the first fiscal year or the total period of fiscal years covered by the resolution.".

(c) Required Contents of Report.—Section 301(e)(2) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A), (B), (C), (D), (E), and (F) as subparagraphs (B), (C), (E), (F), (H), and (I), respectively.

(2) Before subparagraph (B) (as redesignated), insert the following new subparagraph:

"(A) new budget authority and outlays for each major functional category, based on allocations of the total levels set forth pursuant to subsection (a)(1);".

(3) In subparagraph (C) (as redesignated), strike "mandatory" and insert "direct spending".

(4) After subparagraph (C) (as redesignated), insert the following new subparagraph:

"(D) a measure, as a percentage of gross domestic product, of total outlays, total Federal revenues, the surplus or deficit, and new outlays for nondefense discretionary spending, defense spending, and direct spending as set forth in such resolution;".

(5) After subparagraph (F) (as redesignated), insert the following new subparagraph:

"(G) if the joint resolution on the budget includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels, a justification for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriations;".

(d) Additional Contents of Report.—Section 301(e)(3) of the Congressional Budget Act of 1974 is amended as follows:

(1) Redesignate subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, strike subparagraphs (C) and (D), and redesignate subparagraph (E) as subparagraph (D).

(2) Before subparagraph (B), insert the following new subparagraph:

"(A) reconciliation directives described in section 310;".

(e) President's Budget Submission to the Congress.—(1) The first two sentences of section 1105(a) of title 31, United States Code, are amended to read as follows:

"On or after the first Monday in January but not later than the first Monday in February of each year the President shall submit a budget of the United States Government for the following fiscal year which shall set forth the following levels:

"(A) totals of new budget authority and outlays;

"(B) total Federal revenues and the amount, if any, by which the aggregate level of Federal revenues should be increased or decreased by bills and resolutions to be reported by the appropriate committees;

"(C) the surplus or deficit in the budget;

"(D) subtotals of new budget authority and outlays for nondefense discretionary spending, defense discretionary spending, direct spending, and interest; and for fiscal years to which the amendments made by title II of the Comprehensive Budget Process Reform Act of 2000 apply, subtotals of new budget authority and outlays for emergencies; and

"(E) the public debt.

Each budget submission shall include a budget message and summary and supporting information and, as a separately delineated statement, the levels required in the preceding sentence for at least each of the 9 ensuing fiscal years.".

(2) The third sentence of section 1105(a) of title 31, United States Code, is amended by inserting "submission" after "budget".

(f) Limitation on Contents of Budget Resolutions.—Section 305 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(e) Limitation on Contents.—(1) A joint resolution on the budget and the report accompanying it may not—

"(A) appropriate or otherwise provide, impound, or rescind any new budget authority, increase any outlay, or increase or decrease any revenue (other than through reconciliation instructions);

"(B) directly (other than through reconciliation instructions) establish or change any program, project, or activity;

"(C) establish or change any limit or control over spending, outlays, receipts, or the surplus or deficit except those that are enforced through congressional rule making; or

"(D) amend any law except as provided by section 304 (permissible revisions of joint resolutions on the budget) or enact any provision of law that contains any matter not permitted in section 301(a) or (b).

"(2) No allocation under section 302(a) shall be construed as changing such discretionary spending limit.

"(3) It shall not be in order in the House of Representatives or in the Senate to consider any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b).

"(4) Any joint resolution on the budget or any amendment thereto or conference report thereon that contains any matter not permitted in section 301(a) or (b) shall not be treated in the House of Representatives or the Senate as a budget resolution under subsection (a) or (b) or as a conference report on a budget resolution under subsection (c) of this section.".

### SEC. 104. BUDGET REQUIRED BEFORE SPENDING BILLS MAY BE CONSIDERED; FALLBACK PROCEDURES IF PRESIDENT VETOES JOINT BUDGET RESOLUTION.

(a) Amendments to Section 302.—Section 302(a) of the Congressional Budget Act of 1974 is amended by striking paragraph (5).

(b) Amendments to Section 303 and Conforming Amendments.—(1) Section 303 of the Congressional Budget Act of 1974 is amended—

(A) in subsection (b), by striking paragraph (2), by inserting "or" at the end of paragraph (1), and by redesignating paragraph (3) as paragraph (2); and

(B) by striking its section heading and inserting the following new section heading: "CONSIDERATION OF BUDGET-RELATED LEGISLATION BEFORE BUDGET BECOMES LAW".

(2) Section 302(g)(1) of the Congressional Budget Act of 1974 is amended by striking "and, after April 15, section 303(a)".

(3)(A) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "303(a)," before "305(b)(2),".

(B) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "303(a)," before "305(b)(2),".

(c) Expedited Procedures Upon Veto of Joint Resolution on the Budget.—(1) Title III of the Congressional Budget Act of 1974 is amended by adding after section 315 the following new section:

"EXPEDITED PROCEDURES UPON VETO OF JOINT RESOLUTION ON THE BUDGET

"Sec. 316. (a) Special Rule.—If the President vetoes a joint resolution on the budget for a fiscal year, the majority leader of the House of Representatives or Senate (or his designee) may introduce a concurrent resolution on the budget or joint resolution on the budget for such fiscal year. If the Committee on the Budget of either House fails to report such concurrent or joint resolution referred to it within five calendar days (excluding Saturdays, Sundays, or legal holidays except when that House of Congress is in session) after the date of such referral, the committee shall be automatically discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar.

"(b) Procedure in the House of Representatives and the Senate.—

"(1) Except as provided in paragraph (2), the provisions of section 305 for the consideration in the House of Representatives and in the Senate of joint resolutions on the budget and conference reports thereon shall also apply to the consideration of concurrent resolutions on the budget introduced under subsection (a) and conference reports thereon.

"(2) Debate in the Senate on any concurrent resolution on the budget or joint resolution on the budget introduced under subsection (a), and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours and in the House such debate shall be limited to not more than 3 hours.

"(c) Contents of Concurrent Resolutions.—Any concurrent resolution on the budget introduced under subsection (a) shall be in compliance with section 301.

"(d) Effect of Concurrent Resolution on the Budget.—Notwithstanding any other provision of this title, whenever a concurrent resolution on the budget described in subsection (a) is agreed to, then the aggregates, allocations, and reconciliation directives (if any) contained in the report accompanying such concurrent resolution or in such concurrent resolution shall be considered to be the aggregates, allocations, and reconciliation directives for all purposes of sections 302, 303, and 311 for the applicable fiscal years and such concurrent resolution shall be deemed to be a joint resolution for all purposes of this title and the Rules of the House of Representatives and any reference to the date of enactment of a joint resolution on the budget shall be deemed to be a reference to the date agreed to when applied to such concurrent resolution.".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 315 the following new item:

"Sec. 316. Expedited procedures upon veto of joint resolution on the budget.".

### SEC. 105. CONFORMING AMENDMENTS TO EFFECTUATE JOINT RESOLUTIONS ON THE BUDGET.

(a) Conforming Amendments to the Congressional Budget and Impoundment Control Act of 1974.—(1)(A) Sections 301, 302, 303, 305, 308, 310, 311, 312, 314, 405, and 904 of the Congressional Budget Act of 1974 (2 U.S.C. 621 et seq.) are amended by striking "concurrent" each place it appears and by inserting "joint".

(B)(i) Sections 302(d), 302(g), 308(a)(1)(A), and 310(d)(1) of the Congressional Budget Act of 1974 are amended by striking "most recently agreed to concurrent resolution on the budget" each place it occurs and inserting "most recently enacted joint resolution on the budget or agreed to concurrent resolution on the budget (as applicable)".

(ii) The section heading of section 301 is amended by striking "adoption of concurrent resolution" and inserting "joint resolutions";

(iii) Section 304 of such Act is amended to read as follows:

"PERMISSIBLE REVISIONS OF BUDGET RESOLUTIONS

"Sec. 304. At any time after the joint resolution on the budget for a fiscal year has been enacted pursuant to section 301, and before the end of such fiscal year, the two Houses and the President may enact a joint resolution on the budget which revises or reaffirms the joint resolution on the budget for such fiscal year most recently enacted. If a concurrent resolution on the budget has been agreed to pursuant to section 316, then before the end of such fiscal year, the two Houses may adopt a concurrent resolution on the budget which revises or reaffirms the concurrent resolution on the budget for such fiscal year most recently agreed to.".

(C) Sections 302, 303, 310, and 311, of such Act are amended by striking "agreed to" each place it appears and by inserting "enacted".

(2)(A) Paragraph (4) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by striking "concurrent" each place it appears and by inserting "joint".

(B) The table of contents set forth in section 1(b) of such Act is amended—

(i) in the item relating to section 301, by striking "adoption of concurrent resolution" and inserting "joint resolutions";

(ii) by striking the item relating to section 303 and inserting the following:

"Sec. 303. Consideration of budget-related legislation before budget becomes law.";

(iii) in the item relating to section 304, by striking "concurrent" and inserting "budget" the first place it appears and by striking "on the budget"; and

(iv) by striking "concurrent" and inserting "joint" in the item relating to section 305.

(b) Conforming Amendments to the Rules of the House of Representatives.—(1) Clauses 1(e)(1), 4(a)(4), 4(b)(2), 4(f)(1)(A), and 4(f)(2) of rule X, clause 10 of rule XVIII, and clause 10 of rule XX of the Rules of the House of Representatives are amended by striking "concurrent" each place it appears and inserting "joint".

(2) Clause 10 of rule XVIII of the Rules of the House of Representatives is amended—

(A) in paragraph (b)(2), by striking "(5)" and inserting "(6)"; and

(B) by striking paragraph (c).

(c) Conforming Amendments to the Balanced Budget and Emergency Deficit Control Act of 1985.—Section 258C(b)(1) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 907d(b)(1)) is amended by striking "concurrent" and inserting "joint".

(d) Conforming Amendments to Section 310 Regarding Reconciliation Directives.—(1) The side heading of section 310(a) of the Congressional Budget Act of 1974 (as amended by section 105(a)) is further amended by inserting "Joint Explanatory Statement Accompanying Conference Report on" before "Joint".

(2) Section 310(a) of such Act is amended by striking "A" and inserting "The joint explanatory statement accompanying the conference report on a".

(3) The first sentence of section 310(b) of such Act is amended by striking "If" and inserting "If the joint explanatory statement accompanying the conference report on".

(4) Section 310(c)(1) of such Act is amended by inserting "the joint explanatory statement accompanying the conference report on" after "pursuant to".

(5) Subsection (g) of section 310 of such Act is repealed.

(e) Conforming Amendments to Section 3 Regarding Direct Spending.—Section 3 of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding at the end the following new paragraph:

"(11) The term 'direct spending' has the meaning given to such term in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985.".

(f) Technical Amendment Regarding Revised Suballocations.—Section 314(d) of the Congressional Budget Act of 1974 is amended by—

(1) striking "Reporting" in the side heading, by inserting "the chairmen of" before "the Committees", and by striking "may report" and inserting "shall make and have published in the Congressional Record"; and

(2) adding at the end the following new sentence: "For purposes of considering amendments (other than for amounts for emergencies covered by subsection (b)(1)), suballocations shall be deemed to be so adjusted.".

## TITLE II—RESERVE FUND FOR EMERGENCIES

### SEC. 201. PURPOSE.

The purposes of this title are to—

(1) develop budgetary and fiscal procedures for emergencies;

(2) subject spending for emergencies to budgetary procedures and controls; and

(3) establish criteria for determining compliance with emergency requirements.

### SEC. 202. REPEAL OF ADJUSTMENTS FOR EMERGENCIES.

(a) Discretionary Spending Limits.—(1) Section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 is repealed.

(2) Such section 251(b)(2) is further amended by redesignating subparagraphs (B) through (G) as subparagraphs (A) through (F).

(b) Direct Spending.—Sections 252(e) and 252(d)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985 are repealed.

(c) Emergency Designation.—Clause 2 of rule XXI of the Rules of the House of Representatives is amended by repealing paragraph (e) and by redesignating paragraph (f) as paragraph (e).

(d) Amount of Adjustments.—Section 314(b) of the Congressional Budget Act of 1974 is amended by striking paragraph (1) and by redesignating paragraphs (2) through (6) as paragraphs (1) through (5), respectively.

### SEC. 203. OMB EMERGENCY CRITERIA.

Section 3 of the Congressional Budget and Impoundment Control Act of 1974 (as amended by section 105(e)) is further amended by adding at the end the following new paragraph:

"(12)(A) The term 'emergency' means a situation that—

"(i) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

"(ii) is unanticipated.

"(B) As used in subparagraph (A), the term 'unanticipated' means that the situation is—

"(i) sudden, which means quickly coming into being or not building up over time;

"(ii) urgent, which means a pressing and compelling need requiring immediate action;

"(iii) unforeseen, which means not predicted or anticipated as an emerging need; and

"(iv) temporary, which means not of a permanent duration.".

### SEC. 204. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

Not later than 5 months after the date of enactment of this Act, the chairmen of the Committees on the Budget (in consultation with the President) shall, after consulting with the chairmen of the Committees on Appropriations and applicable authorizing committees of their respective Houses and the Directors of the Congressional Budget Office and the Office of Management and Budget, jointly publish in the Congressional Record guidelines for application of the definition of emergency set forth in section 3(12) of the Congressional Budget and Impoundment Control Act of 1974.

### SEC. 205. RESERVE FUND FOR EMERGENCIES IN PRESIDENT'S BUDGET.

Section 1105 of title 31, United States Code is amended by adding at the end the following new subsections:

"(h) The budget transmitted pursuant to subsection (a) for a fiscal year shall include a reserve fund for emergencies. The amount set forth in such fund shall be calculated as provided under section 317(b) of the Congressional Budget Act of 1974.

"(i) In the case of any budget authority requested for an emergency, such submission shall include a detailed justification of the reasons that such emergency is an emergency within the meaning of section 3(12) of the Congressional Budget Act of 1974, consistent with the guidelines described in section 204 of the Comprehensive Budget Process Reform Act of 2000.".

### SEC. 206. ADJUSTMENTS AND RESERVE FUND FOR EMERGENCIES IN JOINT BUDGET RESOLUTIONS.

(a) Emergencies.—Title III of the Congressional Budget Act of 1974 (as amended by section 104(c)) is further amended by adding at the end the following new section:

"EMERGENCIES

"Sec. 317. (a) Adjustments.—

"(1) In general.—After the reporting of a bill or joint resolution or the submission of a conference report thereon that provides budget authority for any emergency as identified pursuant to subsection (d)—

"(A) the chairman (in consultation with the ranking minority member) of the Committee on the Budget of the House of Representatives or the Senate shall determine and certify, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, the portion (if any) of the amount so specified that is for an emergency within the meaning of section 3(12); and

"(B) such chairman shall make the adjustment set forth in paragraph (2) for the amount of new budget authority (or outlays) in that measure and the outlays flowing from that budget authority.

"(2) Matters to be adjusted.—The adjustments referred to in paragraph (1) are to be made to the allocations made pursuant to the appropriate joint resolution on the budget pursuant to section 302(a) and shall be in an amount not to exceed the amount reserved for emergencies pursuant to the requirements of subsection (b).

"(3) Permissible committee vote on adjustments.—Any adjustment made by the chairman of the Committee on the Budget of the House of Representatives or the Senate under paragraph (1) may be placed before the committee for its consideration by a majority vote of the members of the committee, a quorum being present.

"(b) Reserve Fund for Emergencies.—

"(1) Amounts.—(A) The amount set forth in the reserve fund for emergencies for budget authority for a fiscal year pursuant to section 301(a)(4) shall equal the average of the enacted levels of budget authority for emergencies in the 5 fiscal years preceding the current year.

"(B) The amount set forth in the reserve fund for emergencies for outlays pursuant to section 301(a)(4) shall be the following:

"(i) For the budget year, the amount provided by subparagraph (C)(i).

"(ii) For the year following the budget year, the sum of the amounts provided by subparagraphs (i) and (ii).

"(iii) For the second year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), and (iii).

"(iv) For the third year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), and (iv).

"(v) For the fourth year following the budget year, the sum of the amounts provided by subparagraphs (i), (ii), (iii), (iv), and (v).

"(C) The amount used to calculate the levels of the reserve fund for emergencies for outlays shall be the—

"(i) average outlays flowing from new budget authority in the fiscal year that the budget authority was provided;

"(ii) average outlays flowing from new budget authority in the fiscal year following the fiscal year in which the budget authority was provided;

"(iii) average outlays flowing from new budget authority in the second fiscal year following the fiscal year in which the budget authority was provided;

"(iv) average outlays flowing from new budget authority in the third fiscal year following the fiscal year in which the budget authority was provided for budget authority provided; and

"(v) average outlays flowing from new budget authority in the fourth fiscal year following the fiscal year in which the budget authority was provided;

if such budget authority was provided within the period of the 5 fiscal years preceding the current year.

"(2) Average levels.—For purposes of paragraph (1), the amount used for a fiscal year to calculate the average of the enacted levels when one or more of such 5 preceding fiscal years is any of fiscal years 1996 through 2000 shall be for emergencies within the definition of section 3(12)(A) as determined by the Committees on the Budget of the House of Representatives and the Senate after receipt of a report on such matter transmitted to such committees by the Director of the Congressional Budget Office 6 months after the date of enactment of this section and thereafter in February of each calendar year.

"(c) Emergencies in Excess of Amounts in Reserve Fund.—Whenever the Committee on Appropriations or any other committee reports any bill or joint resolution that provides budget authority for any emergency and the report accompanying that bill or joint resolution, pursuant to subsection (d), identifies any provision that increases outlays or provides budget authority (and the outlays flowing therefrom) for such emergency, the enactment of which would cause—

"(1) in the case of the Committee on Appropriations, the total amount of budget authority or outlays provided for emergencies for the budget year; or

"(2) in the case of any other committee, the total amount of budget authority or outlays provided for emergencies for the budget year or the total of the fiscal years;

in the joint resolution on the budget (pursuant to section 301(a)(4)) to be exceeded:

"(A) Such bill or joint resolution shall be referred to the Committee on the Budget of the House or the Senate, as the case may be, with instructions to report it without amendment, other than that specified in subparagraph (B), within 5 legislative days of the day in which it is reported from the originating committee. If the Committee on the Budget of either House fails to report a bill or joint resolution referred to it under this subparagraph within such 5-day period, the committee shall be automatically discharged from further consideration of such bill or joint resolution and such bill or joint resolution shall be placed on the appropriate calendar.

"(B) An amendment to such a bill or joint resolution referred to in this subsection shall only consist of an exemption from section 251 or 252 (as applicable) of the Balanced Budget and Emergency Deficit Control Act of 1985 of all or any part of the provisions that provide budget authority (and the outlays flowing therefrom) for such emergency if the committee determines, pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000, that such budget authority is for an emergency within the meaning of section 3(12).

"(C) If such a bill or joint resolution is reported with an amendment specified in subparagraph (B) by the Committee on the Budget of the House of Representatives or the Senate, then the budget authority and resulting outlays that are the subject of such amendment shall not be included in any determinations under section 302(f) or 311(a) for any bill, joint resolution, amendment, motion, or conference report.

"(d) COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.—Whenever the Committee on Appropriations or any other committee of either House (including a committee of conference) reports any bill or joint resolution that provides budget authority for any emergency, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide budget authority and the outlays flowing therefrom for such emergency and include a statement of the reasons why such budget authority meets the definition of an emergency pursuant to the guidelines referred to in section 204 of the Comprehensive Budget Process Reform Act of 2000.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 316 the following new item:

"Sec. 317. Emergencies.".

### SEC. 207. UP-TO-DATE TABULATIONS.

Section 308(b)(2) of the Congressional Budget Act of 1974 is amended by striking "and" at the end of subparagraph (B), by striking the period at the end of subparagraph (C) and inserting "; and", and by adding at the end the following new subparagraph:

"(D) shall include an up-to-date tabulation of amounts remaining in the reserve fund for emergencies.".

### SEC. 208. PROHIBITION ON AMENDMENTS TO EMERGENCY RESERVE FUND.

(a) POINT OF ORDER.—Section 305 of the Congressional Budget Act of 1974 (as amended by section 103(c)) is further amended by adding at the end the following new subsection:

"(f) POINT OF ORDER REGARDING EMERGENCY RESERVE FUND.—It shall not be in order in the House of Representatives or in the Senate to consider an amendment to a joint resolution on the budget which changes the amount of budget authority and outlays set forth in section 301(a)(4) for emergency reserve fund.".

(b) TECHNICAL AMENDMENT.—(1) Section 904(c)(1) of the Congressional Budget Act of 1974 is amended by inserting "305(e), 305(f)," after "305(c)(4),".

(2) Section 904(d)(2) of the Congressional Budget Act of 1974 is amended by inserting "305(e), 305(f)," after "305(c)(4),".

### SEC. 209. EFFECTIVE DATE.

The amendments made by this title shall apply to fiscal year 2002 and subsequent fiscal years, but such amendments shall take effect only after the enactment of legislation changing or extending for any fiscal year the discretionary spending limits set forth in section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 or legislation reducing the amount of any sequestration under section 252 of such Act by the amount of any reserve for any emergencies.

## TITLE III—ENFORCEMENT OF BUDGETARY DECISIONS

### SEC. 301. PURPOSES.

The purposes of this title are to—

(1) close loopholes in the enforcement of budget resolutions;

(2) require committees of the House of Representatives to include budget compliance statements in reports accompanying all legislation;

(3) require committees of the House of Representatives to justify the need for waivers of the Congressional Budget Act of 1974; and

(4) provide cost estimates of conference reports.

### Subtitle A—Application of Points of Order to Unreported Legislation

### SEC. 311. APPLICATION OF BUDGET ACT POINTS OF ORDER TO UNREPORTED LEGISLATION.

(a) Section 315 of the Congressional Budget Act of 1974 is amended by striking "reported" the first place it appears.

(b) Section 303(b) of the Congressional Budget Act of 1974 (as amended by section 104(b)(1)) is further amended—

(1) in paragraph (1), by striking "(A)" and by redesignating subparagraph (B) as paragraph (2) and by striking the semicolon at the end of such new paragraph (2) and inserting a period; and

(2) by striking paragraph (2) (as redesignated by such section 104(b)(1)).

### Subtitle B—Compliance With Budget Resolution

### SEC. 321. BUDGET COMPLIANCE STATEMENTS.

Clause 3(d) of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(4) A budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974 or any other requirements set forth in a joint resolution on the budget and may include the budgetary implications of that bill or joint resolution under section 251 or 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, as applicable.".

### Subtitle C—Justification for Budget Act Waivers

### SEC. 331. JUSTIFICATION FOR BUDGET ACT WAIVERS IN THE HOUSE OF REPRESENTATIVES.

Clause 6 of rule XIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(h) It shall not be in order to consider any resolution from the Committee on Rules for the consideration of any reported bill or joint resolution which waives section 302, 303, 311, or 401 of the Congressional Budget Act of 1974, unless the report accompanying such resolution includes a description of the provision proposed to be waived, an identification of the section being waived, the reasons why such waiver should be granted, and an estimated cost of the provisions to which the waiver applies.".

### Subtitle D—CBO Scoring of Conference Reports

### SEC. 341. CBO SCORING OF CONFERENCE REPORTS.

(a) The first sentence of section 402 of the Congressional Budget Act of 1974 is amended as follows:

(1) Insert "or conference report thereon," before "and submit".

(2) In paragraph (1), strike "bill or resolution" and insert "bill, joint resolution, or conference report".

(3) At the end of paragraph (2) strike "and", at the end of paragraph (3) strike the period and insert "; and", and after such paragraph (3) add the following new paragraph:

"(4) A determination of whether such bill, joint resolution, or conference report provides direct spending.".

(b) The second sentence of section 402 of the Congressional Budget Act of 1974 is amended by inserting before the period the following: ", or in the case of a conference report, shall be included in the joint explanatory statement of managers accompanying such conference report if timely submitted before such report is filed".

## TITLE IV—ACCOUNTABILITY FOR FEDERAL SPENDING

### SEC. 401. PURPOSES.

The purposes of this title are to—

(1) require committees to develop a schedule for reauthorizing all programs within their jurisdictions;

(2) provide an opportunity to offer amendments to subject new entitlement programs to annual discretionary appropriations;

(3) require the Committee on the Budget to justify any allocation to an authorizing committee for legislation that would not be subject to annual discretionary appropriation;

(4) provide estimates of the long-term impact of spending and tax legislation;

(5) provide a point of order for legislation creating a new direct spending program that does not expire within 10 years; and

(6) require a vote in the House of Representatives on any measure that increases the statutory limit on the public debt.

### Subtitle A—Limitations on Direct Spending

### SEC. 411. FIXED-YEAR AUTHORIZATIONS REQUIRED FOR NEW PROGRAMS.

Section 401 of the Congressional Budget Act of 1974 is amended—

(1) by striking subsection (b) and inserting the following new subsections:

"(b) LIMITATION ON DIRECT SPENDING.—It shall not be in order in the House of Representatives or in the Senate to consider a bill or joint resolution, or an amendment, motion, or conference report that provides direct spending for a new program, unless such spending is limited to a period of 10 or fewer fiscal years.

"(c) LIMITATION ON AUTHORIZATION OF DISCRETIONARY APPROPRIATIONS.—It shall not be in order in the House of Representatives or in the Senate to consider any bill, joint resolution, amendment, or conference report that authorizes the appropriation of new budget authority for a new program, unless such authorization is specifically provided for a period of 10 or fewer fiscal years."; and

(2) by redesignating subsection (c) as subsection (d) and by striking "(a) and (b)" both places it appears in such redesignated subsection (d) and inserting "(a), (b), and (c)".

### SEC. 412. AMENDMENTS TO SUBJECT NEW DIRECT SPENDING TO ANNUAL APPROPRIATIONS.

(a) HOUSE PROCEDURES.—Clause 5 of rule XVIII of the Rules of the House of Representatives is amended by adding at the end the following new paragraph:

"(c)(1) In the Committee of the Whole, an amendment only to subject a new program which provides direct spending to discretionary appropriations, if offered by the chairman of the Committee on the Budget (or his designee) or the chairman of the Committee of Appropriations (or his designee), may be precluded from consideration only by the specific terms of a special order of the House. Any such amendment, if offered, shall be debatable for twenty minutes equally divided and controlled by the proponent of the amendment and a Member opposed and shall not be subject to amendment.

"(2) As used in subparagraph (1), the term 'direct spending' has the meaning given such term in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974, except that such term does not include direct spending described in section 401(d)(1) of such Act.".

(b) ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS FOR DISCRETIONARY APPROPRIATIONS OFFSET BY DIRECT SPENDING SAVINGS.—

(1) PURPOSE.—The purpose of the amendments made by this subsection is to hold the discretionary spending limits and the allocations made to the Committee on Appropriations under section 302(a) of the Congressional Budget Act of 1974 harmless for legislation that offsets a new discretionary program with a designated reduction in direct spending.

(2) DESIGNATING DIRECT SPENDING SAVINGS IN AUTHORIZATION LEGISLATION FOR NEW DISCRETIONARY PROGRAMS.—Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202) is further amended by adding at the end the following new subsection:

"(e) OFFSETS.—If a provision of direct spending legislation is enacted that—

"(1) decreases direct spending for any fiscal year; and

"(2) is designated as an offset pursuant to this subsection and such designation specifically identifies an authorization of discretionary appropriations (contained in such legislation) for a new program,

then the reductions in new budget authority and outlays in all fiscal years resulting from that provision shall be designated as an offset in the reports required under subsection (d).".

(3) EXEMPTING SUCH DESIGNATED DIRECT SPENDING SAVINGS FROM PAYGO SCORECARD.—Section 252(d)(4) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(b)) is further amended by adding at the end the following new subparagraph:

"(B) offset provisions as designated under subsection (e).".

(4) ADJUSTMENT IN DISCRETIONARY SPENDING LIMITS.—Section 251(b)(2) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as amended by section 202(a)(2)) is further amended by adding at the end the following new subparagraph:

"(G) DISCRETIONARY AUTHORIZATION OFFSETS.—If an Act other than an appropriation Act includes any provision reducing direct spending and specifically identifies any such provision as an offset pursuant to section 252(e), the adjustments shall be an increase in the discretionary spending limits for budget authority and outlays in each fiscal year equal to the amount of the budget authority and outlay reductions, respectively, achieved by the specified offset in that fiscal year, except that the adjustments for the budget year in which the offsetting provision takes effect shall not exceed the amount of discretionary new budget authority provided for the new program (authorized in that Act) in an Act making discretionary appropriations and the outlays flowing therefrom.".

(5) ADJUSTMENT IN APPROPRIATION COMMITTEE'S ALLOCATIONS.—Section 314(b) of the Congressional Budget Act of 1974 (as amended by section 202(d)) is further amended by striking "; or" at the end of paragraph (4), by striking the period and inserting "; or" at the end of paragraph (5), and by adding at the end the following new paragraph:

"(6) the amount provided in an Act making discretionary appropriations for the program for which an offset was designated pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 and any outlays flowing therefrom, but not to exceed the amount of the designated decrease in direct spending for that year for that program in a prior law.".

(6) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS.—Section 314 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(f) ADJUSTMENT IN AUTHORIZING COMMITTEE'S ALLOCATIONS BY AMOUNT OF DIRECT SPENDING OFFSET.—After the reporting of a bill or joint resolution (by a committee other than the Committee on Appropriations), or the offering of an amendment thereto or the submission of a conference report thereon, that contains a provision that decreases direct spending for any fiscal year and that is designated as an offset pursuant to section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985, the chairman of the Committee on the Budget shall reduce the allocations of new budget authority and outlays made to such committee under section 302(a)(1) by the amount so designated.".

## Subtitle B—Enhanced Congressional Oversight Responsibilities

### SEC. 421. TEN-YEAR CONGRESSIONAL REVIEW REQUIREMENT OF PERMANENT BUDGET AUTHORITY.

(a) TIMETABLE FOR REVIEW.—Clause 2(d)(1) of rule X of the Rules of the House of Representatives is amended by striking subdivisions (B) and (C) and inserting the following new subdivision:

"(B) provide in its plans a specific timetable for its review of those laws, programs, or agencies within its jurisdiction, including those that operate under permanent budget authority or permanent statutory authority and such timetable shall demonstrate that each law, program, or agency within the committee's jurisdiction will be reauthorized at least once every 10 years.".

(b) REVIEW OF PERMANENT BUDGET AUTHORITY BY THE COMMITTEE ON APPROPRIATIONS.—Clause 4(a) of rule X of the Rules of the House of Representatives is amended—

(1) by striking subparagraph (2); and

(2) by redesignating subparagraphs (3) and (4) as subparagraphs (2) and (3) and by striking "from time to time" and inserting "at least once each Congress" in subparagraph (2) (as redesignated).

(c) CONFORMING AMENDMENT.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by striking "from time to time" and inserting "at least once every ten years".

### SEC. 422. JUSTIFICATIONS OF DIRECT SPENDING.

(a) SECTION 302 ALLOCATIONS.—Section 302(a) of the Congressional Budget Act of 1974 (as amended by section 104(a)) is further amended by adding at the end the following new paragraph:

"(5) JUSTIFICATION OF CERTAIN SPENDING ALLOCATIONS.—The joint explanatory statement accompanying a conference report on a joint resolution on the budget that includes any allocation to a committee (other than the Committee on Appropriations) of levels in excess of current law levels shall set forth a justification (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit) for not subjecting any program, project, or activity (for which the allocation is made) to annual discretionary appropriation.".

(b) PRESIDENTS', BUDGET SUBMISSIONS.—Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(33) a justification for not subjecting each proposed new direct spending program, project, or activity to discretionary appropriations (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit).".

(c) COMMITTEE JUSTIFICATION FOR DIRECT SPENDING.—Clause 4(e)(2) of rule X of the Rules of the House of Representatives is amended by inserting before the period the following: ", and will provide specific information in any report accompanying such bills and joint resolutions to the greatest extent practicable to justify the reasons that the programs, projects, and activities involved would not be subject to annual appropriation (such as an activity that is fully offset by increases in dedicated receipts and that such increases would trigger, under existing law, an adjustment in the appropriate discretionary spending limit)".

### SEC. 423. SURVEY OF ACTIVITY REPORTS OF HOUSE COMMITTEES.

Clause 1(d) of rule XI of the Rules of the House of Representatives is amended by redesignating paragraph (4) as paragraph (5) and by inserting after paragraph (3) the following new paragraph:

"(4) Such report shall include a summary of and justifications for all bills and joint resolutions reported by such committee that—

"(A) were considered before the adoption of the appropriate budget resolution and did not fall within an exception set forth in section 303(b) of the Congressional Budget Act of 1974;

"(B) exceeded its allocation under section 302(a) of such Act or breached an aggregate level in violation of section 311 of such Act; or

"(C) contained provisions in violation of section 401 of such Act.

Such report shall also specify the total amount by which legislation reported by that committee exceeded its allocation under section 302(a) or breached the revenue floor under section 311(a) of such Act for each fiscal year during that Congress.".

### SEC. 424. CONTINUING STUDY OF ADDITIONAL BUDGET PROCESS REFORMS.

Section 703 of the Congressional Budget Act of 1974 is amended as follows:

(1) In subsection (a), strike "and" at the end of paragraph (3), strike the period at the end of paragraph (4) and insert "; and", and at the end add the following new paragraph:

"(5) evaluating whether existing programs, projects, and activities should be subject to discretionary appropriations and establishing guidelines for subjecting new or expanded programs, projects, and activities to annual appropriation and recommend any necessary changes in statutory enforcement mechanisms and scoring conventions to effectuate such changes. These guidelines are only for advisory purposes.".

(2) In subsection (b), strike "from time to time" and insert "during the One Hundred Seventh Congress".

### SEC. 425. GAO REPORTS.

The last sentence of section 404 of the Congressional Budget Act of 1974 is amended to read as follows: "Such report shall be revised at least once every five years and shall be transmitted to the chairman and ranking minority member of each committee of the House of Representatives and the Senate.".

## Subtitle C—Strengthened Accountability

### SEC. 431. TEN-YEAR CBO ESTIMATES.

(a) CBO REPORTS ON LEGISLATION.—Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by striking "four" and inserting "nine".

(b) ANALYSIS BY CBO.—Section 402(1) of the Congressional Budget Act of 1974 is amended by striking "4" and inserting "nine".

(c) COST ESTIMATES.—Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking "five" each place it appears and inserting "10".

### SEC. 432. REPEAL OF RULE XXIII OF THE RULES OF THE HOUSE OF REPRESENTATIVES.

Rule XXIII of the Rules of the House of Representatives (relating to the establishment of the statutory limit on the public debt) is repealed.

## TITLE V—BUDGETING FOR UNFUNDED LIABILITIES AND OTHER LONG-TERM OBLIGATIONS

### SEC. 501. PURPOSES.

The purposes of this title are to—

(1) budget for the long-term costs of Federal insurance programs;

(2) improve congressional control of those costs; and

(3) periodically report on long-term budgetary trends.

## Subtitle A—Budgetary Treatment of Federal Insurance Programs

### SEC. 511. FEDERAL INSURANCE PROGRAMS.

(a) IN GENERAL.—The Congressional Budget Act of 1974 is amended by adding after title V the following new title:

## "TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

### "SEC. 601. SHORT TITLE.

"This title may be cited as the 'Federal Insurance Budgeting Act of 2000'.

### "SEC. 602. BUDGETARY TREATMENT.

"(a) PRESIDENT'S BUDGET.—Beginning with fiscal year 2007, the budget of the Government pursuant to section 1105(a) of title 31, United States Code, shall be based on the risk-assumed cost of Federal insurance programs.

"(b) BUDGET ACCOUNTING.—For any Federal insurance program—

"(1) the program account shall—

"(A) pay the risk-assumed cost borne by the taxpayer to the financing account, and

"(B) pay actual insurance program administrative costs;

"(2) the financing account shall—

"(A) receive premiums and other income,

"(B) pay all claims for insurance and receive all recoveries,

"(C) transfer to the program account on not less than an annual basis amounts necessary to pay insurance program administrative costs;

"(3) a negative risk-assumed cost shall be transferred from the financing account to the program account, and shall be transferred from the program account to the general fund; and

"(4) all payments by or receipts of the financing accounts shall be treated in the budget as a means of financing.

"(c) APPROPRIATIONS REQUIRED.—(1) Notwithstanding any other provision of law, insurance commitments may be made for fiscal year 2007 and thereafter only to the extent that new budget authority to cover their risk-assumed cost is provided in advance in an appropriation Act.

"(2) An outstanding insurance commitment shall not be modified in a manner that increases its risk-assumed cost unless budget authority for the additional cost has been provided in advance.

"(3) Paragraph (1) shall not apply to Federal insurance programs that constitute entitlements.

"(d) REESTIMATES.—The risk-assumed cost for a fiscal year shall be reestimated in each subsequent year. Such reestimate can equal zero. In the case of a positive reestimate, the amount of the reestimate shall be paid from the program account to the financing account. In the case of a negative reestimate, the amount of the reestimate shall be paid from the financing account to the program account, and shall be transferred from the program account to the general fund. Reestimates shall be displayed as a distinct and separately identified subaccount in the program account.

"(e) ADMINISTRATIVE EXPENSES.—All funding for an agency's administration of a Federal insurance program shall be displayed as a distinct and separately identified subaccount in the program account.

### "SEC. 603. TIMETABLE FOR IMPLEMENTATION OF ACCRUAL BUDGETING FOR FEDERAL INSURANCE PROGRAMS.

"(a) AGENCY REQUIREMENTS.—Agencies with responsibility for Federal insurance programs shall develop models to estimate their risk-assumed cost by year through the budget horizon and shall submit those models, all relevant data, a justification for critical assumptions, and the annual projected risk-assumed costs to OMB with their budget requests each year starting with the request for fiscal year 2003. Agencies will likewise provide OMB with annual estimates of modifications, if any, and reestimates of program costs. Nothing in this subsection shall be construed to require an agency, which is subject to statutory requirements, to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums, to provide models, critical assumptions, or other data that would, as determined by such agency, affect financial markets or the viability of insured entities.

"(b) DISCLOSURE.—When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2003, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities would use to estimate the risk-assumed cost of Federal insurance programs and giving such persons an opportunity to submit comments. At the same time, the chairman of the Committee on the Budget shall publish a notice for CBO in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it would use to estimate the risk-assumed cost of Federal insurance programs and giving such interested persons an opportunity to submit comments.

"(c) REVISION.—(1) After consideration of comments pursuant to subsection (b), and in consultation with the Committees on the Budget of the House of Representatives and the Senate, OMB and CBO shall revise the models, data, and major assumptions they would use to estimate the risk-assumed cost of Federal insurance programs. Except as provided by the next sentence, this paragraph shall not apply to an agency that is subject to statutory requirements to maintain a risk-based assessment system with a minimum level of reserves against loss and to assess insured entities for risk-based premiums. However, such agency shall consult with the aforementioned entities.

"(2) When the President submits a budget of the Government pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2004, OMB shall publish a notice in the Federal Register advising interested persons of the availability of information describing the models, data (including sources), and critical assumptions (including explicit or implicit discount rate assumptions) that it or other executive branch entities used to estimate the risk-assumed cost of Federal insurance programs.

"(d) DISPLAY.—

"(1) IN GENERAL.—For fiscal years 2004, 2005, and 2006 the budget submissions of the President pursuant to section 1105(a) of title 31, United States Code, and CBO's reports on the economic and budget outlook pursuant to section 202(e)(1) and the President's budgets, shall for display purposes only, estimate the risk-assumed cost of existing or proposed Federal insurance programs.

"(2) OMB.—The display in the budget submissions of the President for fiscal years 2004, 2005, and 2006 shall include—

"(A) a presentation for each Federal insurance program in budget-account level detail of estimates of risk-assumed cost;

"(B) a summary table of the risk-assumed costs of Federal insurance programs; and

"(C) an alternate summary table of budget functions and aggregates using risk-assumed rather than cash-based cost estimates for Federal insurance programs.

"(3) CBO.—In the 108th Congress and the first session of the 109th Congress, CBO shall include in its estimates under section 308, for display purposes only, the risk-assumed cost of existing Federal insurance programs, or legislation that CBO, in consultation with the Committees on the Budget of the House of Representatives and the Senate, determines would create a new Federal insurance program.

"(e) OMB, CBO, AND GAO EVALUATIONS.—(1) Not later than 6 months after the budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2006, OMB, CBO, and GAO shall each submit to the Committees on the Budget of the House of Representatives and the Senate a report that evaluates the advisability and appropriate implementation of this title.

"(2) Each report made pursuant to paragraph (1) shall address the following:

"(A) The adequacy of risk-assumed estimation models used and alternative modeling methods.

"(B) The availability and reliability of data or information necessary to carry out this title.

"(C) The appropriateness of the explicit or implicit discount rate used in the various risk-assumed estimation models.

"(D) The advisability of specifying a statutory discount rate (such as the Treasury rate) for use in risk-assumed estimation models.

"(E) The ability of OMB, CBO, or GAO, as applicable, to secure any data or information directly from any Federal agency necessary to enable it to carry out this title.

"(F) The relationship between risk-assumed accrual budgeting for Federal insurance programs and the specific requirements of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(G) Whether Federal budgeting is improved by the inclusion of risk-assumed cost estimates for Federal insurance programs.

"(H) The advisability of including each of the programs currently estimated on a risk-assumed cost basis in the Federal budget on that basis.

**"SEC. 604. DEFINITIONS.**

"For purposes of this title:

"(1) The term 'Federal insurance program' means a program that makes insurance commitments and includes the list of such programs included in the joint explanatory statement of managers accompanying the conference report on the Comprehensive Budget Process Reform Act of 2000.

"(2) The term 'insurance commitment' means an agreement in advance by a Federal agency to indemnify a nonfederal entity against specified losses. This term does not include loan guarantees as defined in title V or benefit programs such as social security, medicare, and similar existing social insurance programs.

"(3)(A) The term 'risk-assumed cost' means the net present value of the estimated cash flows to and from the Government resulting from an insurance commitment or modification thereof.

"(B) The cash flows associated with an insurance commitment include—

"(i) expected claims payments inherent in the Government's commitment;

"(ii) net premiums (expected premium collections received from or on behalf of the insured less expected administrative expenses);

"(iii) expected recoveries; and

"(iv) expected changes in claims, premiums, or recoveries resulting from the exercise by the insured of any option included in the insurance commitment.

"(C) The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment, and the current estimate of the net present value of the remaining cash flows under the terms of the insurance commitment as modified.

"(D) The cost of a reestimate is the difference between the net present value of the amount currently required by the financing account to pay estimated claims and other expenditures and the amount currently available in the financing account. The cost of a reestimate shall be accounted for in the current year in the budget of the Government pursuant to section 1105(a) of title 31, United States Code.

"(E) For purposes of this definition, expected administrative expenses shall be construed as the amount estimated to be necessary for the proper administration of the insurance program. This amount may differ from amounts actually appropriated or otherwise made available for the administration of the program.

"(4) The term 'program account' means the budget account for the risk-assumed cost, and for paying all costs of administering the insurance program, and is the account from which the risk-assumed cost is disbursed to the financing account.

"(5) The term 'financing account' means the nonbudget account that is associated with each program account which receives payments from or makes payments to the program account, receives premiums and other payments from the public, pays insurance claims, and holds balances.

"(6) The term 'modification' means any Government action that alters the risk-assumed cost of an existing insurance commitment from the current estimate of cash flows. This includes any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of existing insurance commitments.

"(7) The term 'model' means any actuarial, financial, econometric, probabilistic, or other methodology used to estimate the expected frequency and magnitude of loss-producing events, expected premiums or collections from or on behalf of the insured, expected recoveries, and administrative expenses.

"(8) The term 'current' has the same meaning as in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985.

"(9) The term 'OMB' means the Director of the Office of Management and Budget.

"(10) The term 'CBO' means the Director of the Congressional Budget Office.

"(11) The term 'GAO' means the Comptroller General of the United States.

**"SEC. 605. AUTHORIZATIONS TO ENTER INTO CONTRACTS; ACTUARIAL COST ACCOUNT.**

"(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $600,000 for each of fiscal years 2001 through 2006 to the Director of the Office of Management and Budget and each agency responsible for administering a Federal program to carry out this title.

"(b) TREASURY TRANSACTIONS WITH THE FINANCING ACCOUNTS.—The Secretary of the Treasury shall borrow from, receive from, lend to, or pay the insurance financing accounts such amounts as may be appropriate. The Secretary of the Treasury may prescribe forms and denominations, maturities, and terms and conditions for the transactions described above. The authorities described above shall not be construed to supersede or override the authority of the head of a Federal agency to administer and operate an insurance program. All the transactions provided in this subsection shall be subject to the provisions of subchapter II of chapter 15 of title 31, United States Code. Cash balances of the financing accounts in excess of current requirements shall be maintained in a form of uninvested funds, and the Secretary of the Treasury shall pay interest on these funds.

"(c) APPROPRIATION OF AMOUNT NECESSARY TO COVER RISK-ASSUMED COST OF INSURANCE COMMITMENTS AT TRANSITION DATE.—(1) A financing account is established on September 30, 2006, for each Federal insurance program.

"(2) There is appropriated to each financing account the amount of the risk-assumed cost of Federal insurance commitments outstanding for that program as of the close of September 30, 2006.

"(3) These financing accounts shall be used in implementing the budget accounting required by this title.

**"SEC. 606. EFFECTIVE DATE.**

"(a) IN GENERAL.—This title shall take effect immediately and shall expire on September 30, 2008.

"(b) SPECIAL RULE.—If this title is not reauthorized by September 30, 2008, then the accounting structure and budgetary treatment of Federal insurance programs shall revert to the accounting structure and budgetary treatment in effect immediately before the date of enactment of this title.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 507 the following new items:

"TITLE VI—BUDGETARY TREATMENT OF FEDERAL INSURANCE PROGRAMS

"Sec. 601. Short title.
"Sec. 602. Budgetary treatment.
"Sec. 603. Timetable for implementation of accrual budgeting for Federal insurance programs.
"Sec. 604. Definitions.
"Sec. 605. Authorizations to enter into contracts; actuarial cost account.
"Sec. 606. Effective date.".

### Subtitle B—Reports on Long-Term Budgetary Trends

**SEC. 521. REPORTS ON LONG-TERM BUDGETARY TRENDS.**

(a) THE PRESIDENT'S BUDGET.—Section 1105(a) of title 31, United States Code (as amended by section 404), is further amended by adding at the end the following new paragraph:

"(34) an analysis based upon current law and an analysis based upon the policy assumptions underlying the budget submission for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays; and a specification of its underlying assumptions and a sensitivity analysis of factors that have a significant effect on the projections made in each analysis; and a comparison of the effects of each of the two analyses on the economy, including such factors as inflation, foreign investment, interest rates, and economic growth.".

(b) CBO Reports.—Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentences: "Such report shall also include an analysis based upon current law for every fifth year of the period of 75 fiscal years beginning with such fiscal year, of the estimated levels of total new budget authority and total budget outlays, estimated revenues, estimated surpluses and deficits, and, for social security, medicare, medicaid, and all other direct spending, estimated levels of total new budget authority and total budget outlays. The report described in the preceding sentence shall also specify its underlying assumptions and set forth a sensitivity analysis of factors that have a significant effect on the projections made in the report.".

## TITLE VI—BASELINES AND BYRD RULE

### SEC. 601. PURPOSE.

The purposes of this title are to—

(1) require budgetary comparisons to prior year levels; and

(2) restrict the application of the Byrd rule to measures other than conference reports.

## Subtitle A—The Baseline

### SEC. 611. THE PRESIDENT'S BUDGET.

(a) Paragraph (5) of section 1105(a) of title 31, United States Code, is amended to read as follows:

"(5) except as provided in subsection (b) of this section, estimated expenditures and appropriations for the current year and estimated expenditures and proposed appropriations the President decides are necessary to support the Government in the fiscal year for which the budget is submitted and the 4 fiscal years following that year, and, except for detailed budget estimates, the percentage change from the current year to the fiscal year for which the budget is submitted for estimated expenditures and for appropriations.".

(b) Section 1105(a)(6) of title 31, United States Code, is amended to read as follows:

"(6) estimated receipts of the Government in the current year and the fiscal year for which the budget is submitted and the 4 fiscal years after that year under—

"(A) laws in effect when the budget is submitted; and

"(B) proposals in the budget to increase revenues, and the percentage change (in the case of each category referred to in subparagraphs (A) and (B)) between the current year and the fiscal year for which the budget is submitted and between the current year and each of the 9 fiscal years after the fiscal year for which the budget is submitted.".

(c) Section 1105(a)(12) of title 31, United States Code, is amended to read as follows:

"(12) for each proposal in the budget for legislation that would establish or expand a Government activity or function, a table showing—

"(A) the amount proposed in the budget for appropriation and for expenditure because of the proposal in the fiscal year for which the budget is submitted;

"(B) the estimated appropriation required because of the proposal for each of the 4 fiscal years after that year that the proposal will be in effect; and

"(C) the estimated amount for the same activity or function, if any, in the current fiscal year,

and, except for detailed budget estimates, the percentage change (in the case of each category referred to in subparagraphs (A), (B), and (C)) between the current year and the fiscal year for which the budget is submitted.".

(d) Section 1105(a)(18) of title 31, United States Code, is amended by inserting "new budget authority and" before "budget outlays".

(e) Section 1105(a) of title 31, United States Code, (as amended by sections 412(b) and 521(a)) is further amended by adding at the end the following new paragraphs:

"(35) a comparison of levels of estimated expenditures and proposed appropriations for each function and subfunction in the current fiscal year and the fiscal year for which the budget is submitted, along with the proposed increase or decrease of spending in percentage terms for each function and subfunction.

"(36) a table on sources of growth in total direct spending under current law and as proposed in this budget submission for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.

"(37) a comparison of the estimated level of obligation limitations, budget authority, and outlays for highways subject to the discretionary spending limits for highways (if any) set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 for the fiscal year for which the budget is submitted and the corresponding levels for such year under current law as adjusted pursuant to section 251(b)(1)(D) of such Act.".

(f) Section 1109(a) of title 31, United States Code, is amended by inserting after the first sentence the following new sentence: "For discretionary spending, these estimates shall assume the levels set forth in the discretionary spending limits under section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, as adjusted, for the appropriate fiscal years (and if no such limits are in effect, these estimates shall assume the adjusted levels for the most recent fiscal year for which such levels were in effect).".

### SEC. 612. THE CONGRESSIONAL BUDGET.

Section 301(e) of the Congressional Budget Act of 1974 (as amended by section 103) is further amended—

(1) in paragraph (1), by inserting at the end the following: "The basis of deliberations in developing such joint resolution shall be the estimated budgetary levels for the preceding fiscal year. Any budgetary levels pending before the committee and the text of the joint resolution shall be accompanied by a document comparing such levels or such text to the estimated levels of the prior fiscal year. Any amendment offered in the committee that changes a budgetary level and is based upon a specific policy assumption for a program, project, or activity shall be accompanied by a document indicating the estimated amount for such program, project, or activity in the current year."; and

(2) in paragraph (2), by striking "and" at the end of subparagraph (H) (as redesignated), by striking the period and inserting a semicolon at the end of subparagraph (I) (as redesignated), and by adding at the end the following new subparagraphs:

"(J) a comparison of levels for the current fiscal year with proposed spending and revenue levels for the subsequent fiscal years along with the proposed increase or decrease of spending in percentage terms for each function; and

"(K) a comparison of the proposed levels of new budget authority and outlays for the highway category (if any) (as defined in section 250(c)(4)(B) of the Balanced Budget and Emergency Deficit Control Act of 1985) for the budget year with the corresponding levels under current law as adjusted consistent with the anticipated revenue alignment adjustments to be made pursuant to section 251(b)(1)(D) of such Act.".

### SEC. 613. CONGRESSIONAL BUDGET OFFICE REPORTS TO COMMITTEES.

(a) The first sentence of section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting "compared to comparable levels for the current year" before the comma at the end of subparagraph (A) and before the comma at the end of subparagraph (B).

(b) Section 202(e)(1) of the Congressional Budget Act of 1974 is amended by inserting after the first sentence the following new sentence: "Such report shall also include a table on sources of spending growth in total direct spending for the budget year and the ensuing 9 fiscal years, which shall include changes in outlays attributable to the following: cost-of-living adjustments; changes in the number of program recipients; increases in medical care prices, utilization and intensity of medical care; and residual factors.".

(c) Section 308(a)(1)(B) of the Congressional Budget Act of 1974 is amended by inserting "and shall include a comparison of those levels to comparable levels for the current fiscal year" before "if timely submitted".

### SEC. 614. OUTYEAR ASSUMPTIONS FOR DISCRETIONARY SPENDING.

For purposes of chapter 11 of title 31 of the United States Code, or the Congressional Budget Act of 1974, unless otherwise expressly provided, in making budgetary projections for years for which there are no discretionary spending limits, the Director of the Office of Management and Budget and the Director of the Congressional Budget Office shall assume discretionary spending levels at the levels for the last fiscal year for which such levels were in effect.

## Subtitle B—The Byrd Rule

### SEC. 621. LIMITATION ON BYRD RULE.

(a) Protection of Conference Reports.—Section 313 of the Congressional Budget Act of 1974 is amended—

(1) in subsection (c), by striking "and again upon the submission of a conference report on such a reconciliation bill or resolution,";

(2) by striking subsection (d);

(3) by redesignating subsection (e) as subsection (d); and

(4) in subsection (e), as redesignated—

(A) by striking ", motion, or conference report" the first place it appears and inserting ", or motion"; and

(B) by striking ", motion, or conference report" the second and third places it appears and inserting "or motion".

(b) Conforming Amendment.—The first sentence of section 312(e) of the Congressional Budget Act of 1974 is amended by inserting ", except for section 313," after "Act".

The CHAIRMAN. No amendment to that amendment is in order except those printed in House Report 106–613. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to an amendment, and shall not be subject to a demand for a division of the question.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment, and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

It is now in order to consider amendment No. 1 printed in House Report 106-613.

AMENDMENT NO. 1 OFFERED BY MR. DREIER

Mr. DREIER. Mr. Chairman, I offer amendment No. 1 made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. DREIER:

At the end, add the following new title:

## TITLE VII—BIENNIAL BUDGETING

### SEC. 701. FINDINGS.

The Congress finds that—

(1) the annual appropriations and budget process increasingly dominates the congressional agenda and Congress regularly fails to meet the deadlines of the Congressional Budget Act of 1974;

(2) the design of the budget process has led to repetitive and time-consuming budget votes, decreasing the time available for the systematic and programmatic oversight of Federal programs and delaying the enactment of legislation necessary to fund the Government;

(3) Congress' responsibility to improve the efficiency, economy, and effectiveness of governmental operations, evaluate programs and performance, detect and prevent poor administration, waste, or abuse in Government programs, ensure that executive policies reflect the public interest, ensure administrative compliance with legislative intent, and prevent executive encroachment on legislative authority and prerogatives is undermined by the current time-consuming and repetitive budget process;

(4) an annual budget process encourages inefficiency in the management, stability, and predictability of Federal funding, particularly for States and localities;

(5) a biennial budget process will reduce the number of budget-related votes during each Congress, enhance congressional oversight of Government operations, encourage longer time horizons in policy planning and greater stability in fiscal policy;

(6) a biennial budget process was a principal recommendation of the 1993 Joint Committee on the Organization of Congress and the Vice President's National Performance Review;

(7) since the enactment of the Congressional Budget Act of 1974, more than 50 bills addressing a two-year budget cycle have been introduced, 10 biennial budget related provisions were reported by congressional committees, 7 passed either chamber and 4 were enacted; more than 40 congressional or special committee hearings addressed the issue of biennial budgeting; and the Congressional Budget Office, the Office of Management and Budget, and 5 different special task forces or joint committees of Congress have either recommended biennial budgeting or further studies of it;

(8) the adoption of a biennial budget process was recommended by President Reagan in the fiscal year 1989 budget submission, by President Bush in the fiscal year 1990 and 1991 budget submissions, and by President Clinton in the fiscal year 1995, 2000, and 2001 budget submissions; and

(9) a bipartisan majority of Members of the House of Representatives support a biennial budget process.

### SEC. 702. REVISION OF TIMETABLE.

Section 300 of the Congressional Budget Act of 1974 (2 U.S.C. 631) is amended to read as follows:

"TIMETABLE

"SEC. 300. (a) IN GENERAL.—Except as provided by subsection (b), the timetable with respect to the congressional budget process for any Congress (beginning with the One Hundred Eighth Congress) is as follows:

| | "First Session |
|---|---|
| "On or before: | Action to be completed: |
| First Monday in February | President submits budget recommendations. |
| February 15 | Congressional Budget Office submits report to Budget Committees. |
| Not later than 6 weeks after budget submission. | Committees submit views and estimates to Budget Committees. |
| April 1 | Budget Committees report concurrent resolution on the biennial budget. |
| May 15 | Congress completes action on concurrent resolution on the biennial budget. |
| May 15 | Biennial appropriation bills may be considered in the House. |
| June 10 | House Appropriations Committee reports last biennial appropriation bill. |
| June 30 | House completes action on biennial appropriation bills. |
| October 1 | Biennium begins. |
| | "Second Session |
| "On or before: | Action to be completed: |
| February 15 | President submits budget review. |
| Not later than 6 weeks after President submits budget review. | Congressional Budget Office submits report to Budget Committees. |
| The last day of the session | Congress completes action on bills and resolutions authorizing new budget authority for the succeeding biennium. |

"(b) SPECIAL RULE.—In the case of any first session of Congress that begins in any year during which the term of a President (except a President who succeeds himself) begins, the following dates shall supersede those set forth in subsection (a):

| | "First Session |
|---|---|
| "On or before: | Action to be completed: |
| First Monday in April | President submits budget recommendations. |
| April 20 | Committees submit views and estimates to Budget Committees. |
| May 15 | Budget Committees report concurrent resolution on the biennial budget. |
| June 1 | Congress completes action on concurrent resolution on the biennial budget. |
| June 1 | Biennial appropriation bills may be considered in the House. |
| July 1 | House Appropriations Committee reports last biennial appropriation bill. |
| July 20 | House completes action on biennial appropriation bills. |
| October 1 | Biennium begins.". |

### SEC. 703. AMENDMENTS TO THE CONGRESSIONAL BUDGET AND IMPOUNDMENT CONTROL ACT OF 1974.

(a) DECLARATION OF PURPOSE.—Section 2(2) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621(2)) is amended by striking "each year" and inserting "biennially".

(b) DEFINITIONS.—

(1) BUDGET RESOLUTION.—Section 3(4) of such Act (2 U.S.C. 622(4)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(2) BIENNIUM.—Section 3 of such Act (2 U.S.C. 622) (as amended by section 203) is further amended by adding at the end the following new paragraph:

"(13) The term 'biennium' means the period of 2 consecutive fiscal years beginning on October 1 of any odd-numbered year.".

(c) BIENNIAL CONCURRENT RESOLUTION ON THE BUDGET.—

(1) CONTENTS OF RESOLUTION.—Section 301(a) of such Act (2 U.S.C. 632(a)) is amended—

(A) in the matter preceding paragraph (1) by—

(i) striking "April 15 of each year" and inserting "May 15 of each odd-numbered year";

(ii) striking "the fiscal year beginning on October 1 of such year" the first place it appears and inserting "the biennium beginning on October 1 of such year"; and

(iii) striking "the fiscal year beginning on October 1 of such year" the second place it appears and inserting "each fiscal year in such period";

(B) in paragraph (6), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium"; and

(C) in paragraph (7), by striking "for the fiscal year" and inserting "for each fiscal year in the biennium".

(2) ADDITIONAL MATTERS.—Section 301(b) of such Act (2 U.S.C. 632(b)) is amended—

(A) in paragraph (3), by striking "for such fiscal year" and inserting "for either fiscal year in such biennium"; and

(B) in paragraph (7), by striking "for the first fiscal year" and inserting "for each fiscal year in the biennium".

(3) VIEWS OF OTHER COMMITTEES.—Section 301(d) of such Act (2 U.S.C. 632(d)) is amended by inserting "(or, if applicable, as provided by section 300(b))" after "United States Code".

(4) HEARINGS.—Section 301(e)(1) of such Act (2 U.S.C. 632(e)) is amended by—

(A) striking "fiscal year" and inserting "biennium"; and

(B) inserting after the second sentence the following: "On or before April 1 of each odd-numbered year (or, if applicable, as provided by section 300(b)), the Committee on the Budget of each House shall report to its House the concurrent resolution on the budget referred to in subsection (a) for the biennium beginning on October 1 of that year.".

(5) GOALS FOR REDUCING UNEMPLOYMENT.—Section 301(f) of such Act (2 U.S.C. 632(f)) is amended by striking "fiscal year" each place it appears and inserting "biennium".

(6) ECONOMIC ASSUMPTIONS.—Section 301(g)(1) of such Act (2 U.S.C. 632(g)(1)) is amended by striking "for a fiscal year" and inserting "for a biennium".

(7) SECTION HEADING.—The section heading of section 301 of such Act is amended by striking "**ANNUAL**" and inserting "**BIENNIAL**".

(8) TABLE OF CONTENTS.—The item relating to section 301 in the table of contents set forth in section 1(b) of such Act is amended by striking "Annual" and inserting "Biennial".

(d) COMMITTEE ALLOCATIONS.—Section 302 of such Act (2 U.S.C. 633) is amended—

(1) in subsection (a)(1) by—

(A) striking "for the first fiscal year of the resolution," and inserting "for each fiscal year in the biennium,";

(B) striking "for that period of fiscal years" and inserting "for all fiscal years covered by the resolution"; and

(C) striking "for the fiscal year of that resolution" and inserting "for each fiscal year in the biennium";

(2) in subsection (f)(1), by striking "for a fiscal year" and inserting "for a biennium";

(3) in subsection (f)(1), by striking "first fiscal year" and inserting "either fiscal year of the biennium";

(4) in subsection (f)(2)(A), by—

(A) striking "first fiscal year" and inserting "each fiscal year of the biennium"; and

(B) striking "the total of fiscal years" and inserting "the total of all fiscal years covered by the resolution"; and

(5) in subsection (g)(1)(A), by striking "April" and inserting "May".

(e) Section 303 Point of Order.—

(1) In general.—Section 303(a) of such Act (2 U.S.C. 634(a)) is amended by striking “for a fiscal year” and inserting “for a biennium” and by striking “the first fiscal year” and inserting “each fiscal year of the biennium”.

(2) Exceptions in the house.—Section 303(b) of such Act (2 U.S.C. 634(b)) is amended—

(A) in paragraph (1)(A), by striking “the budget year” and inserting “the biennium”;

(B) in paragraph (1)(B), by striking “the fiscal year” and inserting “the biennium”; and

(C) in paragraph (2), by inserting “(or June 1 whenever section 300(b) is applicable)”.

(3) Application to the senate.—Section 303(c)(1) of such Act (2 U.S.C. 634(c)) is amended by—

(A) striking “fiscal year” and inserting “biennium”; and

(B) striking “that year” and inserting “each fiscal year of that biennium”.

(f) Permissible Revisions of Concurrent Resolutions on the Budget.—Section 304 of such Act (2 U.S.C. 635) is amended—

(1) by striking “fiscal year” the first two places it appears and inserting “biennium”;

(2) by striking “for such fiscal year”; and

(3) by inserting before the period “for such biennium”.

(g) Procedures for Consideration of Budget Resolutions.—Section 305(a)(3) of such Act (2 U.S.C. 636(b)(3)) is amended by striking “fiscal year” and inserting “biennium”.

(h) Completion of House Committee Action on Appropriation Bills.—Section 307 of such Act (2 U.S.C. 638) is amended—

(1) by striking “each year” and inserting “each odd-numbered year (or, if applicable, as provided by section 300(b), July 1)”;

(2) by striking “annual” and inserting “biennial”;

(3) by striking “fiscal year” and inserting “biennium”; and

(4) by striking “that year” and inserting “each odd-numbered year”.

(i) Quarterly Budget Reports.—Section 308 of such Act (2 U.S.C. 639) is amended by adding at the end the following new subsection:

“(d) Quarterly Budget Reports.—The Director of the Congressional Budget Office shall, as soon as practicable after the completion of each quarter of the fiscal year, prepare an analysis comparing revenues, spending, and the deficit or surplus for the current fiscal year to assumptions included in the congressional budget resolution. In preparing this report, the Director of the Congressional Budget Office shall combine actual budget figures to date with projected revenue and spending for the balance of the fiscal year. The Director of the Congressional Budget Office shall include any other information in this report that it deems useful for a full understanding of the current fiscal position of the Federal Government. The reports mandated by this subsection shall be transmitted by the Director to the Senate and House Committees on the Budget, and the Congressional Budget Office shall make such reports available to any interested party upon request.”.

(j) Completion of House Action on Regular Appropriation Bills.—Section 309 of such Act (2 U.S.C. 640) is amended—

(1) by striking “It” and inserting “Except whenever section 300(b) is applicable, it”;

(2) by inserting “of any odd-numbered calendar year” after “July”;

(3) by striking “annual” and inserting “biennial”; and

(4) by striking “fiscal year” and inserting “biennium”.

(k) Reconciliation Process.—Section 310 of such Act (2 U.S.C. 641) is amended—

(1) in subsection (a), in the matter preceding paragraph (1), by striking “any fiscal year” and inserting “any biennium”;

(2) in subsection (a)(1), by striking “such fiscal year” each place it appears and inserting “any fiscal year covered by such resolution”; and

(3) by striking subsection (f) and redesignating subsection (g) as subsection (f).

(l) Section 311 Point of Order.—

(1) In the house.—Section 311(a)(1) of such Act (2 U.S.C. 642(a)) is amended—

(A) by striking “for a fiscal year” and inserting “for a biennium”;

(B) by striking “the first fiscal year” each place it appears and inserting “either fiscal year of the biennium”; and

(C) by striking “that first fiscal year” and inserting “each fiscal year in the biennium”.

(2) In the senate.—Section 311(a)(2) of such Act is amended—

(A) in subparagraph (A), by striking “for the first fiscal year” and inserting “for either fiscal year of the biennium”; and

(B) in subparagraph (B)—

(i) by striking “that first fiscal year” the first place it appears and inserting “each fiscal year in the biennium”; and

(ii) by striking “that first fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(3) Social security levels.—Section 311(a)(3) of such Act is amended by—

(A) striking “for the first fiscal year” and inserting “each fiscal year in the biennium”; and

(B) striking “that fiscal year and the ensuing fiscal years” and inserting “all fiscal years”.

(m) Maximum Deficit Amount Point of Order.—Section 312(c) of the Congressional Budget Act of 1974 (2 U.S.C. 643) is amended—

(1) by striking “for a fiscal year” and inserting “for a biennium”;

(2) in paragraph (1), by striking “first fiscal year” and inserting “either fiscal year in the biennium”;

(3) in paragraph (2), by striking “that fiscal year” and inserting “either fiscal year in the biennium”; and

(4) in the matter following paragraph (2), by striking “that fiscal year” and inserting “the applicable fiscal year”.

**SEC. 704. AMENDMENTS TO RULES OF HOUSE OF REPRESENTATIVES.**

(a) Clause 4(a)(1)(A) of rule X of the Rules of the House of Representatives is amended by inserting “odd-numbered” after “each”.

(b) Clause 4(a)(4) of rule X of the Rules of the House of Representatives is amended by striking “fiscal year” and inserting “biennium”.

(c) Clause 4(b)(2) of rule X of the Rules of the House of Representatives is amended by striking “each fiscal year” and inserting “the biennium”.

(d) Clause 4(b) of rule X of the Rules of the House of Representatives is amended by striking “and” at the end of subparagraph (5), by striking the period and inserting “; and” at the end of subparagraph (6), and by adding at the end the following new subparagraph:

“(7) use the second session of each Congress to study issues with long-term budgetary and economic implications, which would include—

“(A) hold hearings to receive testimony from committees of jurisdiction to identify problem areas and to report on the results of oversight; and

“(B) by January 1 of each odd-number year, issuing a report to the Speaker which identifies the key issues facing the Congress in the next biennium.”.

(e) Clause 11(i) of rule X of the Rules of the House of Representatives is amended by striking “the same or preceding fiscal year”.

(f) Clause 4(e) of rule X of the Rules of the House of Representatives is amended by striking “annually” each place it appears and inserting “biennially” and by striking “annual” and inserting “biennial”.

(g) Clause 4(f) of rule X of the Rules of the House of Representatives is amended—

(1) by inserting “during each odd-numbered year” after “submits his budget”;

(2) by striking “fiscal year” the first place it appears and inserting “biennium”; and

(3) by striking “that fiscal year” and inserting “each fiscal year in such ensuing biennium”.

(h) Clause 3(d)(2)(A) of rule XIII of the Rules of the House of Representatives is amended by striking “five” both places it appears and inserting “six”.

(i) Clause 5(a)(1) of rule XIII of the Rules of the House of Representatives is amended by striking “fiscal year after September 15 in the preceding fiscal year” and inserting “biennium after September 15 of the year in which such biennium begins”.

**SEC. 705. AMENDMENTS TO TITLE 31, UNITED STATES CODE.**

(a) Definition.—Section 1101 of title 31, United States Code, is amended by adding at the end thereof the following new paragraph:

“(3) ‘biennium’ has the meaning given to such term in paragraph (13) of section 3 of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(13)).”.

(b) Budget Contents and Submission to the Congress.—

(1) Schedule.—The matter preceding paragraph (1) in section 1105(a) of title 31, United States Code, is amended to read as follows:

“(a) On or before the first Monday in February of each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974), beginning with the One Hundred Seventh Congress, the President shall transmit to the Congress, the budget for the biennium beginning on October 1 of such calendar year. The budget transmitted under this subsection shall include a budget message and summary and supporting information. The President shall include in each budget the following:”.

(2) Expenditures.—Section 1105(a)(5) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years”.

(3) Receipts.—Section 1105(a)(6) of title 31, United States Code, is amended by striking “the fiscal year for which the budget is submitted and the 4 fiscal years after that year” and inserting “each fiscal year in the biennium for which the budget is submitted and in the succeeding 4 years”.

(4) Balance statements.—Section 1105(a)(9)(C) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(5) Government functions and activities.—Section 1105(a)(12) of title 31, United States Code, is amended in subparagraph (A), by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(6) Allowances.—Section 1105(a)(13) of title 31, United States Code, is amended by striking “the fiscal year” and inserting “each fiscal year in the biennium”.

(7) ALLOWANCES FOR UNANTICIPATED AND UNCONTROLLABLE EXPENDITURES.—Section 1105(a)(14) of title 31, United States Code, is amended by striking "that year" and inserting "each fiscal year in the biennium for which the budget is submitted".

(8) TAX EXPENDITURES.—Section 1105(a)(16) of title 31, United States Code, is amended by striking "the fiscal year" and inserting "each fiscal year in the biennium".

(9) ESTIMATES FOR FUTURE YEARS.—Section 1105(a)(17) of title 31, United States Code, is amended—

(A) by striking "the fiscal year following the fiscal year" and inserting "each fiscal year in the biennium following the biennium";

(B) by striking "that following fiscal year" and inserting "each such fiscal year"; and

(C) by striking "fiscal year before the fiscal year" and inserting "biennium before the biennium".

(10) PRIOR YEAR OUTLAYS.—Section 1105(a)(18) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years,";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" and inserting "in those fiscal years".

(11) PRIOR YEAR RECEIPTS.—Section 1105(a)(19) of title 31, United States Code, is amended—

(A) by striking "the prior fiscal year" and inserting "each of the 2 most recently completed fiscal years";

(B) by striking "for that year" and inserting "with respect to those fiscal years"; and

(C) by striking "in that year" each place it appears and inserting "in those fiscal years".

(c) ESTIMATED EXPENDITURES OF LEGISLATIVE AND JUDICIAL BRANCHES.—Section 1105(b) of title 31, United States Code, is amended by striking "each year" and inserting "each even numbered year".

(d) RECOMMENDATIONS TO MEET ESTIMATED DEFICIENCIES.—Section 1105(c) of title 31, United States Code, is amended—

(1) by striking "the fiscal year for" the first place it appears and inserting "each fiscal year in the biennium for";

(2) by striking "the fiscal year for" the second place it appears and inserting "each fiscal year of the biennium, as the case may be,"; and

(3) by striking "that year" and inserting "for each year of the biennium".

(e) CAPITAL INVESTMENT ANALYSIS.—Section 1105(e)(1) of title 31, United States Code, is amended by striking "ensuing fiscal year" and inserting "biennium to which such budget relates".

(f) SUPPLEMENTAL BUDGET ESTIMATES AND CHANGES.—

(1) IN GENERAL.—Section 1106(a) of title 31, United States Code, is amended—

(A) in the matter preceding paragraph (1), by—

(i) inserting "and before February 15 of each even numbered year" after "Before July 16 of each year"; and

(ii) striking "fiscal year" and inserting "biennium";

(B) in paragraph (1), by striking "that fiscal year" and inserting "each fiscal year in such biennium";

(C) in paragraph (2), by striking "4 fiscal years following the fiscal year" and inserting "4 fiscal years following the biennium"; and

(D) in paragraph (3), by striking "fiscal year" and inserting "biennium".

(2) CHANGES.—Section 1106(b) of title 31, United States Code, is amended by—

(A) striking "the fiscal year" and inserting "each fiscal year in the biennium"; and

(B) inserting "and before February 15 of each even numbered year" after "Before July 16 of each year".

(g) CURRENT PROGRAMS AND ACTIVITIES ESTIMATES.—

(1) THE PRESIDENT.—Section 1109(a) of title 31, United States Code, is amended—

(A) by striking "On or before the first Monday after January 3 of each year (on or before February 5 in 1986)" and inserting "At the same time the budget required by section 1105 is submitted for a biennium"; and

(B) by striking "the following fiscal year" and inserting "each fiscal year of such period".

(2) JOINT ECONOMIC COMMITTEE.—Section 1109(b) of title 31, United States Code, is amended by striking "March 1 of each year" and inserting "within 6 weeks of the President's budget submission for each odd-numbered year (or, if applicable, as provided by section 300(b) of the Congressional Budget Act of 1974)".

(h) YEAR-AHEAD REQUESTS FOR AUTHORIZING LEGISLATION.—Section 1110 of title 31, United States Code, is amended by—

(1) striking "May 16" and inserting "March 31"; and

(2) striking "year before the year in which the fiscal year begins" and inserting "calendar year preceding the calendar year in which the biennium begins".

### SEC. 706. TWO-YEAR APPROPRIATIONS; TITLE AND STYLE OF APPROPRIATIONS ACTS.

Section 105 of title 1, United States Code, is amended to read as follows:

**"§ 105. Title and style of appropriations Acts**

"(a) The style and title of all Acts making appropriations for the support of the Government shall be as follows: 'An Act making appropriations (here insert the object) for each fiscal year in the biennium of fiscal years (here insert the fiscal years of the biennium).'.

"(b) All Acts making regular appropriations for the support of the Government shall be enacted for a biennium and shall specify the amount of appropriations provided for each fiscal year in such period.

"(c) For purposes of this section, the term 'biennium' has the same meaning as in section 3(11) of the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 622(11)).".

### SEC. 707. MULTIYEAR AUTHORIZATIONS.

(a) IN GENERAL.—Title III of the Congressional Budget Act of 1974 (as amended by section 206(a) is further amended by adding at the end the following new section:

"MULTIYEAR AUTHORIZATIONS OF APPROPRIATIONS

SEC. 318.(a) POINT OF ORDER.—(1)(A) It shall not be in order in the House of Representatives or the Senate to consider any measure that contains a specific authorization of appropriations for any purpose unless the measure includes such a specific authorization of appropriations for that purpose for not less than each fiscal year in one or more bienniums.

"(B) For purposes of this paragraph, a specific authorization of appropriations is an authorization for the enactment of an amount of appropriations or amounts not to exceed an amount of appropriations (whether stated as a sum certain, as a limit, or as such sums as may be necessary) for any purpose for a fiscal year.

"(2) Paragraph (1) does not apply with respect to an authorization of appropriations for a single fiscal year for any program, project, or activity if the measure containing that authorization includes a provision expressly stating the following: 'Congress finds that no authorization of appropriation will be required for [Insert name of applicable program, project, or activity] for any subsequent fiscal year.'.

"(3) For purposes of this subsection, the term 'measure' means a bill, joint resolution, amendment, motion, or conference report".

(b) AMENDMENT TO TABLE OF CONTENTS.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 317 the following new item:

"Sec. 318. Multiyear authorizations of appropriations.".

### SEC. 708. GOVERNMENT STRATEGIC AND PERFORMANCE PLANS ON A BIENNIAL BASIS.

(a) STRATEGIC PLANS.—Section 306 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2002";

(2) in subsection (b)—

(A) by striking "at least every three years" and inserting "at least every 4 years"; and

(B) by striking "five years forward" and inserting "six years forward"; and

(3) in subsection (c), by inserting a comma after "section" the second place it appears and adding "including a strategic plan submitted by September 30, 2002, meeting the requirements of subsection (a)".

(b) BUDGET CONTENTS AND SUBMISSION TO CONGRESS.—Paragraph (28) of section 1105(a) of title 31, United States Code, is amended by striking "beginning with fiscal year 1999, a" and inserting "beginning with fiscal year 2004, a biennial".

(c) PERFORMANCE PLANS.—Section 1115 of title 31, United States Code, is amended—

(1) in subsection (a)—

(A) in the matter before paragraph (1)—

(i) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)"; and

(ii) by striking "an annual" and inserting "a biennial";

(B) in paragraph (1) by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(C) in paragraph (5) by striking "and" after the semicolon,

(D) in paragraph (6) by striking the period and inserting a semicolon; and inserting "and" after the inserted semicolon; and

(E) by adding after paragraph (6) the following:

"(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.";

(2) in subsection (d) by striking "annual" and inserting "biennial"; and

(3) in paragraph (6) of subsection (f) by striking "annual" and inserting "biennial".

(d) MANAGERIAL ACCOUNTABILITY AND FLEXIBILITY.—Section 9703 of title 31, United States Code, relating to managerial accountability, is amended—

(1) in subsection (a)—

(A) in the first sentence by striking "annual"; and

(B) by striking "section 1105(a)(29)" and inserting "section 1105(a)(28)";

(2) in subsection (e)—

(A) in the first sentence by striking "one or" before "years";

(B) in the second sentence by striking "a subsequent year" and inserting "for a subsequent 2-year period"; and

(C) in the third sentence by striking "three" and inserting "four".

(e) PILOT PROJECTS FOR PERFORMANCE BUDGETING.—Section 1119 of title 31, United States Code, is amended—

(1) in paragraph (1) of subsection (d), by striking "annual" and inserting "biennial"; and

(2) in subsection (e), by striking "annual" and inserting "biennial".

(f) STRATEGIC PLANS.—Section 2802 of title 39, United States Code, is amended—

(1) in subsection (a), by striking "September 30, 1997" and inserting "September 30, 2002";

(2) in subsection (b), by striking "at least every three years" and inserting "at least every 4 years";

(3) by striking "five years forward" and inserting "six years forward"; and

(4) in subsection (c), by inserting a comma after "section" the second place it appears and inserting "including a strategic plan submitted by September 30, 2002, meeting the requirements of subsection (a)".

(g) PERFORMANCE PLANS.—Section 2803(a) of title 39, United States Code, is amended—

(1) in the matter before paragraph (1), by striking "an annual" and inserting "a biennial";

(2) in paragraph (1), by inserting after "program activity" the following: "for both years 1 and 2 of the biennial plan";

(3) in paragraph (5), by striking "and" after the semicolon;

(4) in paragraph (6), by striking the period and inserting "; and"; and

(5) by adding after paragraph (6) the following:

"(7) cover each fiscal year of the biennium beginning with the first fiscal year of the next biennial budget cycle.".

(h) COMMITTEE VIEWS OF PLANS AND REPORTS.—Section 301(d) of the Congressional Budget Act (2 U.S.C. 632(d)) is amended by adding at the end "Each committee of the Senate or the House of Representatives shall review the strategic plans, performance plans, and performance reports, required under section 306 of title 5, United States Code, and sections 1115 and 1116 of title 31, United States Code, of all agencies under the jurisdiction of the committee. Each committee may provide its views on such plans or reports to the Committee on the Budget of the applicable House.".

(i) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall take effect on March 1, 2003.

(2) AGENCY ACTIONS.—Effective on and after the date of enactment of this Act, each agency shall take such actions as necessary to prepare and submit any plan or report in accordance with the amendments made by this title.

### SEC. 709. BIENNIAL APPROPRIATION BILLS.

(a) IN THE HOUSE OF REPRESENTATIVES.—(1) Clause 2(a) of rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(3)(A) Except as provided by subdivision (B), an appropriation may not be reported in a general appropriation bill (other than a supplemental appropriation bill), and may not be in order as an amendment thereto, unless it provides new budget authority or establishes a level of obligations under contract authority for each fiscal year of a biennium.

"(B) Subdivision (A) does not apply with respect to an appropriation for a single fiscal year for any program, project, or activity if the bill or amendment thereto containing that appropriation includes a provision expressly stating the following: 'Congress finds that no additional funding beyond one fiscal year will be required and the [Insert name of applicable program, project, or activity] will be completed or terminated after the amount provided has been expended.'.

"(C) For purposes of paragraph (b), the statement set forth in subdivision (B) with respect to an appropriation for a single fiscal year for any program, project, or activity may be included in a general appropriation bill or amendment thereto.".

(2) Clause 5(b)(1) of rule XXII of the House of Representatives is amended by striking "or (c)" and inserting "or (3) or 2(c)".

(b) IN THE SENATE.—(1) Title III of the Congressional Budget Act of 1974 (2 U.S.C. 631 et seq.) (as amended by section 707) is further amended by adding at the end the following:

"CONSIDERATION OF BIENNIAL APPROPRIATION BILLS

"SEC. 319. It shall not be in order in the Senate in any odd-numbered year to consider any regular appropriation bill providing new budget authority or a limitation on obligations under the jurisdiction of the Committee on Appropriations for only the first fiscal year of a biennium, unless the program, project, or activity for which the new budget authority or obligation limitation is provided will require no additional authority beyond one year and will be completed or terminated after the amount provided has been expended.".

(2) The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by adding after the item relating to section 318 the following new item:

"Sec. 319. Consideration of biennial appropriation bills.".

### SEC. 710. ASSISTANCE BY FEDERAL AGENCIES TO STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) INFORMATION REGARDING AGENCY APPROPRIATIONS REQUESTS.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee shall provide to such committee such studies, information, analyses, reports, and assistance as may be requested by the chairman and ranking minority member of the committee.

(b) INFORMATION REGARDING AGENCY PROGRAM ADMINISTRATION.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the head of any agency shall furnish to such committee documentation, containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

(c) SUMMARIES BY COMPTROLLER GENERAL.—Within thirty days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding six years.

(d) CONGRESSIONAL ASSISTANCE.—Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Director of the Congressional Research Service shall continue to furnish (consistent with established protocols) to each standing committee of the House of Representatives or the Senate such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under this section.

### SEC. 711. REPORT ON TWO-YEAR FISCAL PERIOD.

Not later than 180 days after the date of enactment of this Act, the Director of the Office of Management and Budget shall—

(1) determine the impact and feasibility of changing the definition of a fiscal year and the budget process based on that definition to a 2-year fiscal period with a biennial budget process based on the 2-year period; and

(2) report the findings of the study to the Committees on the Budget of the House of Representatives and the Senate and the Committee on Rules of the House of Representatives.

### SEC. 712. SPECIAL TRANSITION PERIOD FOR THE 107TH CONGRESS.

(a) PRESIDENT'S BUDGET SUBMISSION FOR FISCAL YEAR 2002.—The budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2002 shall include the following:

(1) An identification of the budget accounts for which an appropriation should be made for each fiscal year of the fiscal year 2002-2003 biennium.

(2) Budget authority that should be provided for each such fiscal year for the budget accounts identified under paragraph (1).

(b) REVIEW AND RECOMMENDATIONS OF THE COMMITTEES ON APPROPRIATIONS.—The Committee on Appropriations of the House of Representatives and the Senate shall review the items included pursuant to subsection (a) in the budget submission of the President for fiscal year 2002 and include its recommendations thereon in its views and estimates made under section 301(d) of the Congressional Budget Act of 1974 within 6 weeks of that budget submission.

(c) ACTIONS BY THE COMMITTEES ON THE BUDGET.—(1) The Committee on the Budget of the House of Representatives and the Senate shall review the items included pursuant to subsection (a) in the budget submission of the President for fiscal year 2002 and the recommendations submitted by the Committee on Appropriations of its House pursuant to subsection (b) included in its views and estimates made under section 301(d) of the Congressional Budget Act of 1974.

(2) The report of the Committee on the Budget of each House accompanying the concurrent resolution on the budget for fiscal year 2002 and the joint explanatory statement of managers accompanying such resolution shall also include allocations to the Committee on Appropriations of its House of total new budget authority and total outlays (which shall be deemed to be made pursuant to section 302(a) of the Congressional Budget Act of 1974 for purposes of budget enforcement under section 302(f)) for fiscal year 2003 from which the Committee on Appropriations may report regular appropriation bills for fiscal year 2002 that include funding for certain accounts for each of fiscal years 2002 and 2003.

(3) The report of the Committee on the Budget of each House accompanying the concurrent resolution on the budget for fiscal year 2002 and the joint explanatory statement of managers accompanying such resolution shall also include the assumptions upon which such allocations referred to in paragraph (2) are based.

(d) GAO PROGRAMMATIC OVERSIGHT ASSISTANCE.—(1) During the first session of the 107th Congress the committees of the House of Representatives and the Senate are directed to work with the Comptroller General of the United States to develop plans to transition program authorizations to a multi-year schedule.

(2) During the 107th Congress, the Comptroller General of the United States will continue to provide assistance to the Congress with respect to programmatic oversight and in particular will assist the committees of Congress in designing and conforming programmatic oversight procedures for the fiscal year 2003–2004 biennium.

(e) CBO AUTHORIZATION REPORT.—On or before January 15, 2002, the Director of the Congressional Budget Office, after consultation with the appropriate committees of the House of Representatives and Senate, shall submit to the Congress a report listing (A) all programs and activities funded during fiscal year 2002 for which authorizations for appropriations have not been enacted for that fiscal year and (B) all programs and activities funded during fiscal year 2002 for which authorizations for appropriations will expire during that fiscal year, fiscal year 2003, or fiscal year 2004.

(f) PRESIDENT'S BUDGET SUBMISSION FOR FISCAL YEAR 2003.—The budget submission of the President pursuant to section 1105(a) of title 31, United States Code, for fiscal year 2003 shall include an evaluation of, and recommendations regarding, the transitional biennial budget process for the fiscal year 2002-2003 biennium that was carried out pursuant to this section.

(g) CBO TRANSITIONAL REPORT.—On or before March 31, 2002, the Director of the Congressional Budget Office shall submit to Congress an evaluation of, and recommendations regarding, the transitional biennial budget process for the fiscal year 2002-2003 biennium that was carried out pursuant to this section.

**SEC. 713. EFFECTIVE DATE.**

Except as provided by sections 708, 711, and 712, this title and the amendments made by this title shall take effect on January 1, 2003, and shall apply to budget resolutions and appropriations for the biennium beginning with fiscal year 2004.

In section 1(b), at the end of the table of contents, insert the following new items:

TITLE VII—BIENNIAL BUDGETING

Sec. 701. Findings.
Sec. 702. Revision of timetable.
Sec. 703. Amendments to the Congressional Budget and Impoundment Control Act of 1974.
Sec. 704. Amendments to rules of House of Representatives.
Sec. 705. Amendments to title 31, United States Code.
Sec. 706. Two-year appropriations; title and style of appropriations acts.
Sec. 707. Multiyear authorizations.
Sec. 708. Government plans on a biennial basis.
Sec. 709. Biennial appropriation bills.
Sec. 710. Assistance by Federal agencies to standing committees of the Senate and the House of Representatives.
Sec. 711. Report on two-year fiscal period.
Sec. 712. Special transition period for the 107th Congress.
Sec. 713. Effective date.

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from California (Mr. DREIER) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

□ 1615

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today along with my colleagues, the gentleman from Minnesota (Mr. LUTHER), the gentleman from Ohio (Mr. REGULA), the gentleman from Ohio (Mr. HALL), the gentleman from Florida (Mr. YOUNG), the chairman of the Committee on Appropriations, the gentleman from Kentucky (Mr. WHITFIELD), the gentlewoman from Missouri (Ms. MCCARTHY), the gentleman from New Hampshire (Mr. BASS), the gentleman from North Carolina (Mr. JONES), and others who worked long and hard on this to offer a bipartisan amendment, and I underscore the word "bipartisan amendment," to establish a biennial budget and appropriations process and to enhance programmatic oversight, management, efficiency, and performance of the Federal Government.

I would like to specifically commend the hard work of the gentleman from New Hampshire (Mr. BASS), my colleague as I mentioned, who is here on the floor. He has been a strong supporter of this. He is a member of the Committee on the Budget.

This is also, I should say, a recommendation, as we pointed out several times, of the bipartisan Joint Committee on the Organization of Congress back in 1993.

Under a biennial budget process, the President would submit a 2-year budget, and Congress would consider a 2-year budget resolution and 13 2-year appropriations bills during the first session of a Congress. The second session of the Congress would be devoted to consideration of authorization bills and for the very important programmatic oversight of government agencies.

Now, Mr. Chairman, I happen to believe that the enactment of a biennial budget process could lead to the most significant government-wide fiscal reform that we have seen in a quarter century. I am not alone in that belief. President Clinton proposed it in his most recent budget. Vice President Gore proposed it as a key component of his reinventing government reform outlined in the National Performance Review Report.

Governor George W. Bush has stated that biennial budgeting is a reform that needs to be done by the Congress. Let me say that again. We have got President Bill Clinton, the presumptive Democratic nominee Vice President Al Gore, presumptive Republican nominee Governor George Bush of Texas, all agreeing on the need for us to have a biennial budget.

Earlier this year, the Committee on Rules held three separate days of hearings on biennial budgeting where we received detailed testimony from 32 witnesses. I should stress the Committee on Rules held three separate hearings, very important hearings, on the issue of biennial budgeting. Thirty-two witnesses, which included the former House Committee on the Budget chairman and Director of the Office of Management and Budget, Leon Panetta, my former California colleague, the current director of the Office of Management and Budget, Jack Lew, 10 academics, the Congressional Budget Office, the Congressional Accounting Office, and 17 Members of Congress, which included opponents like the gentleman from Michigan (Mr. SMITH) and the Speaker of the House and the chairman of the Committee on Appropriations, both of whom testified in strong support of this measure.

Let me tell my colleagues that I recently met with our former colleague, Leon Panetta. He feels very strongly about this. He is a strong partisan Democrat. But, remember, he was chairman of the Committee on the Budget. He served as Director of the Office of Management and Budget, and he served as Chief of Staff to President Clinton.

He stated in his testimony "a biennial budget built around a 2-year life of the Congress offers a better way for Congress to commit itself to continuing fiscal discipline and to better planning for the coming years."

Jack Lew stated, "the primary potential benefit from biennial budgeting is that, by concentrating budget decisions in the first year of each 2-year period, time would be freed up in the second year that could be redirected to management, long-range planning, and oversight."

My cochairman of the Joint Committee on the Organization of Congress, our former Democratic colleague, Lee Hamilton, now the head of the great Woodrow Wilson Center here in town said "biennial budgeting would free up Members' time for important work that is now being squeezed out by competing pressures."

Now, this bipartisan amendment, Mr. Chairman, is the product of months of extensive hearings, technical consultation, and legislative drafting. It addresses comprehensive concerns with uncertainty in projections, weakened oversight, and larger supplementals.

There are only two reasons, only two reasons to oppose this amendment. One either wants to maintain the status quo, which has created government shutdowns and a lot of contention late in a session. It breeds that annual conflict, and it enhances the level of cynicism that the people have towards this institution. Or one is one of those who supports the idea of a do-nothing Congress. Let us block any kind of reform that might be coming forward.

I will say that I do not think that we should be doing either of those things. I do not think that we should be maintaining simply the status quo, and this Congress is dedicated to doing everything that it can to bring about major reforms. We have an historic opportunity here, again, the first time that we have had a chance to vote on biennial budgeting; and it is the first time in a quarter century that we could offer such a sweeping reform to this budget process which has created so many problems for us.

So with that, I urge strong support of this bipartisan amendment which I am honored to author.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I rise to claim the time in opposition to the biennial budgeting amendment.

The CHAIRMAN. The gentleman from Massachusetts (Mr. MOAKLEY) is recognized for 20 minutes.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, although I have the greatest respect for the gentleman from California (Mr. DREIER), my chairman, I believe the biennial system will make our budget process slower and less accurate. A biennial system will make it harder to reach budget agreements because the agreements will have to cover a longer period of time.

Although no one wants to admit it, the pressure to get things finished is what ensures that we address the difficult issues. If Congress did not have that pressure each and every year, we would put off the more controversial issues for later; and that is really no way to govern.

Proponents may argue that authorization bills are crowded off the schedule by appropriation bills. But it is actually policy disputes, not lack of time, that trip up the authorization bills.

According to the Congressional Research Service, Congress spends less than one-fifth of its total floor time on budget bills. Furthermore, we are now in the 15th week of the session, and we have spent only 49 days in formal session.

In addition to slowing things down, biennial budgeting will actually limit oversight. In 1993, the State of Connecticut converted to a biennial budget in order to improve oversight, in order to improve program review. But Connecticut State officials says there has not been any improvement in either of those areas.

There are two reasons for that, Mr. Chairman. Biennial budgeting removes one year of the Committee on Appropriations review, and it shortens the leash on executive branch officials.

It also relies heavily on budget predictions which are notoriously inaccurate. Mr. Chairman, if budget predictions are inaccurate on an annual system, they will be even worse on a biennial system. Decisions will become outdated, and changes will need to be made. But we would be hobbled by an every-other-year system, and our budget will have been slowed down to the point that we could hardly respond.

Congress will be faced with only one choice, pass more supplemental appropriation bills and pile spending upon spending.

Mr. Chairman, I do not need to remind anyone here that supplemental appropriation bills are not a model of fiscal discipline. But there will be no alternative. Congress will fail to predict every single spending need; and as a result, the need for supplemental appropriation bills in the off years will just skyrocket.

The same is true on the State level. States with biennial budget tend to spend more per capita than States on an annual budget because they have to pass additional appropriation bills to keep up with their budget needs.

Mr. Chairman, history shows that States have learned their lesson. In 1940, 44 States had a 2-year budget cycle. Today, only 21 States have a 2-year budget. Those States that have kept the biennial budgets tend to have a small or mid-sized budget. Mr. Chairman, if the States are the laboratories of democracy, we should avoid this at all costs. The Federal Government's budget is neither small, nor mid-sized.

Mr. Chairman, switching to a biennial budget will have very far-reaching implications for the entire Federal budget. It is a brand-new system, a system that has not worked well for larger States. I would urge my colleagues to proceed cautiously. I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Let me just say, since 1990, every State that has changed its budget cycle has changed from an annual to a biennial process.

Mr. Chairman, I yield 2 minutes to the gentleman from New Hampshire (Mr. BASS).

Mr. BASS. Mr. Chairman, I thank the gentleman from California for yielding 2 minutes to me. I rise in strong support of the amendment to create biennial budgets and appropriations.

I would point out that passage of such an amendment will remove the bulk of budgeting and appropriations from election years. It increases government efficiency and encourages more responsive spending. It increases the time and quality of oversight and authorizing legislation. It provides budget stability for the States, many of which were forced to abandon their own biennial budgets because of their growing dependence on annual Federal appropriations.

Indeed, by passing biennial budgeting and appropriations, we would be getting back in sync with the States and we would most likely see a reversal in the trend that was brought up by the gentleman from Massachusetts (Mr. MOAKLEY).

Indeed, this bill is supported by the President, both candidates for President, House and Senate leaders, the Committee on Appropriations chairman in the House and the Senate Committee on the Budget chairman.

For once, we have a truly bipartisan amendment to move this Congress forward into the 21st century so that we can be a body that works on real legislative proposals rather than being totally reactive and being totally controlled by the appropriations process.

Indeed, Mr. Chairman, if my colleagues like omnibus spending bills every year, if they like spending late nights until 1:00 and 2:00 in the morning, if they like turning the appropriations process ultimately over to two or three people, out of the hands of even the appropriators, if they like the system that we have now, which is clearly broken, then they will not support this amendment. But if they believe that we can run Congress better, that we can be a Congress that is bold enough to step forward and change fundamentally its process, then they will support the Dreier amendment.

Mr. MOAKLEY. Mr. Chairman, I yield 3½ minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Chairman, the budget conflicts and frustrations of the last 3 years have prompted various proposed procedural fixes for what is mainly a failure of political will and responsibility.

In my view, the most misguided of these proposals is the amendment before us, instituting biennial budgeting and appropriating. This supposed remedy is not only unresponsive to the problem we face, but it actually would weaken Congress' power of the purse and its ability to hold the Executive Branch accountable.

I would like to remind my colleagues that Congress already has the authority to adopt multiyear budget plans and multiyear authorizations. These have been important instruments in achieving advance planning and fiscal discipline. But to go beyond this to biennial budgeting and appropriating would greatly weaken Congress' hand in shaping national priorities and holding the Executive Branch accountable. In fact, annual appropriating is necessary as a complement to multiyear budget plans, to ensure flexibility, responsiveness, and coequal power with the executive.

Under biennial budgeting, Congress would not be able to react as effectively to congressional oversight, GAO reports, Inspector General's reports, research studies, and other findings that bear on the effectiveness of Federal programs. Agencies would have to begin working in late spring on a 2-year budget, the second year of which would not commence for some 28 months. The President and OMB would make budget decisions 22 to 23 months before the beginning of the second year of a budget cycle.

Biennial appropriations could limit the ability of the Federal Government to use fiscal policy to stabilize the economy during economic downturns. There would be pressure to frequently revise 2-year budgets through supplemental after supplemental appropriations bills. We know from experience that these supplemental appropriations are less deliberative and less systematic than regular appropriations bills, and they are certainly less subject to fiscal discipline and control.

Now, some proponents argue that biennial budgeting would leave Congress more time to conduct oversight of the Executive Branch. That is an ironic claim, for the unique oversight provided through the appropriations process, when agency budgets and performance are gone over line by line, program by program, is one of the most important tools we have in holding the Executive Branch accountable.

Off-year oversight under biennial appropriations would become less intense, less systematic, and most importantly, it would lose the teeth provided by the actual power of decision.

Proponents have talked today about the support from the three most recent Presidents for biennial appropriations, Bill Clinton, George Bush, Ronald Reagan. Why should that surprise anyone? Of course Presidents support biennial budgeting. If that support indicates biennial budgeting is not a partisan issue, it surely makes our point for us that it is an institutional issue. Biennial budgeting would result in a major devolution of power from Congress to the Executive Branch.

We would do our appropriating in the first 9 months of a Congress and become fiscal lame ducks thereafter, with executive agencies less subject to effective scrutiny and direction. That would be a loss, not only for individual Members and individual committees, but it would be a loss for this institution, for our constitutional system of checks and balances, and for the people we represent.

We need to enhance Congress' power and performance in both budgeting and oversight. But moving to biennial budgeting and appropriating would take us in precisely the opposite direction.

I urge my colleagues to defeat this amendment.

□ 1630

Mr. MOAKLEY. Mr. Chairman, I yield 10 minutes to the gentleman from Michigan (Mr. SMITH), and I ask unanimous consent that he be allowed to control that amount of time.

The CHAIRMAN. Without objection, the gentleman from Michigan (Mr. SMITH) will control and yield time on 10 minutes.

There was no objection.

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman for yielding me this time, and I yield myself 2 minutes.

In 1940, there were 44 States that had biennial budgets. Today, there are just 20 States that have biennial budgets, with eight of those having biennial legislatures. As we talked to the CRS, as we talked to the executives of budget directors for all of the States, they suggest and claim that a biennial budget transfers power from the legislative branch to the executive branch.

Look, we have not had hearings on this issue. The Committee on the Budget that has jurisdiction on this issue had zero hearings on biennial budgets. The Committee on Rules had three informational hearings. None of the hearings were in Committee on the Budget. Also, we are looking at a situation where, on the 39-page amendment at issue, there have not been hearings anyplace. Informational hearings only in the Committee on Rules.

So if we risk transferring power from the legislative branch to the executive branch, do we really want to charge ahead to make this decision?

Look at this chart. This 20 percent goes to Social Security pretty much on automatic pilot. The Congress has transferred already too much power to the executive branch of government. Medicare, 11 percent, on automatic pilot; Medicaid, automatic pilot; other entitlements, 14 percent, automatic pilot; interest on automatic pilot. Only Defense and the other 12 appropriation bills that represent less than 40 percent of the total budget is in the control of the Congress, and I think we have to be very careful as we move ahead.

The result of the congressional majority, whether it is a Republican or a Democrat, will find it far more difficult and perhaps impossible to pass agenda-setting legislation, like tax cuts, tax increases, whatever, if we lose reconciliation in the Senate.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise today in opposition to this amendment on biennial budgeting. I am concerned that in our haste to push forward this type of legislation we are overlooking unintended consequences that will drastically affect our budget process.

Despite today's projections of enormous surpluses, these numbers will invariably rise and fall with the economic cycles, with emergencies and other factors that, frankly, are outside of Congress' immediate control.

Last week, CBO updated their projections to show a $40 billion on-budget surplus, which is an increase of $14 billion from their estimate of last month. Over the last 4 years, CBO incorrectly estimated the deficit or surplus for the upcoming fiscal year by $99.5 billion. Given these inevitable fluctuations of our economy and Federal revenues, Congress needs every tool at its disposal to ensure that there are sufficient surpluses each year to meet its target for tax cuts and for debt reduction.

One of the supposed benefits of biennial budgeting is to provide additional time to focus on oversight. The truth of this whole matter is that most experts believe otherwise. They believe that biennial budgeting actually reduces oversight. One of the most important tools that we have in this House, in holding the executive branch accountable, is the appropriations process. Oversight is best accomplished when the agencies are dependent on Congress for funding in the near term and, therefore, more responsive to Congress' intentions.

The President, the executive branch and his agencies, will be less inclined to work with Congress once they receive their funding. In effect, it turns the Members of the House into fiscal lame ducks.

Further, with no regular appropriations bills in the second session, Congress would be forced to consider massive supplemental bills or correction bills to take care of changing priorities, unanticipated events, and emergencies. I truly believe biennial budgeting is not the most effective way to solve our frustrations in the appropriations process.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER), a very able coauthor of this bipartisan amendment.

Mr. LUTHER. Mr. Chairman, before coming to Congress 5 years ago, I served in the Minnesota legislature for 20 years working on 2-year budgets. From that experience, there is no question in my mind that a 2-year budget is a better process. It would also, as has been pointed out, allow time for other important nonbudget issues. I think we all know the number of issues that are not going to be dealt with this year because we are, again, working on budget issues.

Proponents of biennial budgets have already stated the arguments that I agree with in terms of fiscal management, oversight, and cost effectiveness. But I also believe biennial budgets will add to long-term planning and it will allow us an easier time of making the budget cuts necessary to meet today's and tomorrow's needs.

What is happening today is that we argue the same issues year after year but still have a very difficult time meeting the future needs of our Nation because we are unwilling oftentimes to cut the kinds of things we thought were important years ago. The biennial budget process, I believe, would make it easier to make those difficult decisions.

Due to the initial closing costs associated with shutting down many programs, it is hard to see a lot of savings when we are looking at just 1 year. But if we look out 2 years, we can see the substantial savings. And that is the experience that I had when I worked on 2-year budgets in the Minnesota legislature.

Successful families and businesses do a lot better than 1-year budgets, they plan into the future, and I think it is time we get that kind of thinking here in Washington.

I respect many of the opponents of this amendment, certainly the gentleman from Massachusetts (Mr. MOAKLEY) and the others, and I respect those arguments. But based on the experience I have had working with both 1-year and 2-year budgets, there is no question in my mind that while biennial budgets may not be the total solution, they move us in the right direction.

Mr. DREIER. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky (Mr. WHITFIELD), the very able coauthor of this amendment.

Mr. WHITFIELD. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of H.R. 853, the Comprehensive Budget Process Reform Act and the biennial budgeting amendment thereto. Both the underlying budget reform bill and the biennial budgeting amendment are the result of extensive study and deliberation during a process characterized by bipartisan cooperation.

The changes in the reform bill and the biennial budget amendment changes address long-standing inefficiencies which hamper the work of Congress and Federal agencies. Each year the Congress is so consumed by the budget process, by the appropriation process, we end up with omnibus bills. We do not know what is in there. This bill increases the accountability for Federal spending, promotes fiscal discipline and encourages long-term planning. It also preserves the progress we have made in reducing the public debt by requiring a vote on legislation that increases the debt.

In my view, the most necessary reform which we will consider today is the biennial budget amendment. Biennial budgeting was a key recommendation of the 1993 Joint Committee on the Organization of Congress and the Vice President's National Performance Review, and as has been said earlier, President Reagan supported it, President Bush supports it, President Clinton supports it, Vice President GORE supports it, Governor George W. Bush of Texas supports it, and I believe that is what we should do as well.

Critics of biennial budgeting allege that a 2-year cycle will reduce the leverage Congress exercises over Federal agencies through the appropriation process, resulting in a shift of power from Congress to the executive branch. I believe the opposite is true. Currently the budget process detracts from Congress' ability to conduct programmatic oversight and reauthorization.

Mr. Chairman, I urge support for the amendment and the reform bill.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 3 minutes.

Can my colleagues imagine that 4 to 5 months after a new Congress is elected in November that they are going to be asked to analyze and evaluate and decide on a 2-year budget? What we are doing, again, by forcing a new Congress into that position, is transferring power to the executive branch.

On oversight. I served in the administration, and it is my firm conviction that the administration, the agencies, the Departments, are much more respectful and responsive to Congress at budget time. If we allow the administration to have this longer leash, a longer leash because they are only obligated to come to Congress half as often, we are going to see an extra transfer of power and a further weakening of the legislative branch.

The authorizing committees are not affected by a 2-year budget. They already have 2-, 3-, 5-year authorization bills. They are the committees that should be doing the greatest part of that work in terms of oversight; evaluating how the administration is performing and assuring that the taxpayers get their money's worth.

Mr. Chairman, does anyone believe Members facing reelection will spend their time going over the dry details of Federal programs? With those States that have biennial budgets, every one of those States comes in for a second year modification of that budget with huge supplementals. Does anybody believe that Members that have 2 years to go or 18 months to go on a new budget are going to be able to get a quorum in those authorizing committees?

Look, I plead with this Chamber. Let us evaluate this idea. Let us not rush into a situation that may very well weaken the legislative branch, which has already been weakened. We have an executive branch that is now passing more laws in the form of promulgated rules than actually the legislature passes. Let us evaluate this idea. Let us have long hearings to make sure that we are not losing further control. Let us have the kind of review that is necessary to consider this kind of dramatic change, after 200 years of annual budgeting. Let us not jump into something new in a 2-year budget that is going to weaken the legislative branch.

Mr. Chairman, I submit for the RECORD an article in Roll Call written by me dated February 28.

### ENTITLEMENT REFORM THE WAY TO GO

For 224 years, Congress has wrestled with the budget. As an ex-wrestler and current Budget Committee member, I know that can be both strenuous and challenging.

This has led some Members to seek a "quick fix" in an attempt to end the annual struggle. Biennial budgeting, however, is a mirage that distracts us from the real budget problems we face.

Biennial budgeting would be an enormous change in our budget processes, the biggest since at least 1974. The effects on the budget struggle would be far-reaching and very largely negative from the Congressional perspective. Biennial budgeting will deprive Congress of much of the leverage it needs to compete equally with the administration. Specifically, Congress gives up:

Reconciliation in off years. The Congressional majority could lose much of its power in election years to use reconciliation. This will endanger its priorities in election years and would rule out the House tax cut strategy for this year.

Congress could include multiple reconciliation instructions in a biennial budget resolution, but this deprives Congress of flexibility needed to react to changing political and economic needs. The majority would have to fashion its political strategy for the next two years just three months after the preceding election.

Control over the agencies. The annual budget process allows Congress to express its will to government agencies. I know that we were more eager to cooperate with Congress at budget time when I was a member of the Nixon administration. Biennial budgeting will reduce our leverage to hold agencies accountable and encourage defiance.

Budget accuracy and flexibility. Economic forecasting is highly uncertain. The Congressional Budget Office estimate for fiscal 2000 two years ago was for a $70 billion unified budget deficit. That's $240 billion off the current fiscal 2000 estimate of a $170 billion unified budget surplus. The estimate has shifted by $40 billion just since October 1999.

This uncertainty means the President would bargain for high second-year spending, and we would frequently need or be tempted to reopen the budget. When we reopen the budget, we would find ourselves with little leverage against a pre-funded administration that can resist unwanted budget modifications with near impunity. When revenue is lower or spending is higher than projected, the pressure to increase fees, taxes and borrowing, rather than cut the administration, would be considerable.

Leverage over spending. Congress will inevitably grapple with supplemental spending requests in the off years. In the absence of pressure to produce a complete budget, an administration will always have poll-tested and politically motivated requests in off years that will be hard to fend off in the absence of broader budget issues.

As a result, we will pass supplemental appropriations bills in most years that will grow as Members add their own pet election-year projects. All of this threatens even the very modest spending restraint that we've been able to exercise over the last five years.

I find it surprising, then, to hear of growing support for moving from our current annual budget to a biennial budget process. It does seem sometimes that we are on a budget treadmill that never stops. There is no solution, however, in ducking our responsibilities to exercise the power the Constitution grants us. Power atrophies unless it is used, that is what will surely continue to happen to Congressional power is we adopt biennial budgeting.

Members interested in getting a handle on the budget should focus on substance rather than process. The truth is that the discretionary portion of the budget—which is the substance of the 13 annual appropriations bills—makes up just one-third of total federal spending.

The rest of the spending—chiefly, entitlement programs—is on automatic pilot and rising faster than inflation. This growth in entitlement spending puts enormous pressure on the other parts of the budget and will inevitably necessitate higher taxes or a return to excessive government borrowing.

Acting promptly and boldly will bring benefits as well. The unremarked secret of our current budget surplus is the welfare reforms enacted in 1996 and the Medicare changes enacted in 1997. To be blunt, we should still be in deficit without these reforms. But in both cases, one could also argue that the programs have been strengthened.

I have long believed that there are similar opportunities to improve our largest entitlement, Social Security, which is now 23 percent of total federal spending. As chairman of the Budget Committee Task Force on Social Security, I helped develop 18 unanimous and bipartisan findings that could serve as the basis for reform.

After the completion of the task force's business, I also introduced the bipartisan Social Security Solvency Act (H.R. 3206), which is scored to keep Social Security solvent based on these findings.

The effect of this reform (or of similarly reforms such as the 21st Century Retirement Act (H.R. 1793)) would be to dramatically reduce the growth of government spending for decades to come. The charts (not shown here) indicate how significant reform can be.

The first chart shows that federal spending will rise to nearly 35 percent of the nation's gross domestic produce without changes in our entitlement programs, about 75 percent higher than it is today. Needless to say, giant tax increases will be needed to sustain this level of spending.

In contrast, the second chart shows what could happen if we simply adopt the Social Security Solvency Act. Under this scenario, we would experience a gradual reduction in federal spending as we shift to a retirement system based partly on worker-owned accounts starting at 2.5 percent of income and partly on traditional government-paid benefits.

This legislation would also fully restore the program's shaky finances and create opportunities for workers to live better in retirement by making full use of the power of compound interest.

This is not easy work. But if we do nothing, taxes will have to rise to the equivalent of 40 percent of payroll by 2040 to pay for Social Security, Medicare, and Medicaid. Social Security and our other entitlement programs are complicated and alternation carries political risk.

The benefits from this effort, however, will also be substantial. Sound reforms will allow Congress to master the federal budget where gimmicky process reforms such as biennial budgeting are bound to fail.

Mr. DREIER. Mr. Chairman, may I inquire of the Chair how much time is remaining on all sides here?

The CHAIRMAN. The gentleman from California (Mr. DREIER) has 8½ minutes remaining, the gentleman from Massachusetts (Mr. MOAKLEY) has 2½ minutes remaining, and the gentleman from Michigan (Mr. SMITH) has 3 minutes remaining.

Mr. DREIER. Mr. Chairman, I yield 4 minutes to the gentleman from Florida (Mr. YOUNG), and let me just say that it has been an honor to work with the chairman of the very important Committee on Appropriations, who has long been a great champion of this issue of biennial budgeting.

Mr. YOUNG of Florida. Mr. Chairman, I disagree with the argument that I just heard about weakening the appropriations process, or weakening the House. I believe that we actually strengthen the position of the United States Congress in our separation of powers, in our separate but equal branches of government, by providing oversight of the hundreds of billions of dollars spent by the agencies of the Federal Government.

Now, if we do not have time to do oversight, we are not strengthening the position of the House of Representatives or the Congress in that whole process. I referred to this chart earlier, and I would ask the Members to look at it again. All of the days and weeks colored in red are days that have gone past, that have expired, that are gone before the Committee on Appropriations ever got a budget allocation.

Now, we cannot assign 302(b) allocations to our subcommittees until we get a 302(a) allocation that comes from the budget resolution.

□ 1645

When we lose more than half of the year before we can even begin to make our allocations, we are losing valuable time in getting appropriations bills considered, passed in the House and the Senate, and approved by the President of the United States. We run out of time and do not have adequate time for negotiations with the Senate or the President, and we do not have time to do the oversight.

And they say, well, do the oversight over here. That is fine, and we do some oversight during this period. But we need to see the President's budget and we need to see the resolution of the Committee on the Budget so we know what kind of oversight we are supposed to provide.

We do a pretty good job as appropriators in oversight. We eliminate a lot of the wasteful programs. There is a lot more to be done. We eliminate a lot of duplicative programs. There is a lot more to be done. And if we had more time to apply to this job rather than having to rush and rush and hurry to get the appropriations bills done before the end of September, we could do more oversight. We could strengthen the hand of the United States House of Representatives and the United States Congress as we deal with the executive branch of Government.

The branches of Government are supposedly, under our Constitution, separate but equal. It seems that in recent years, the executive branch has become more equal than any other branch, for a lot of reasons. One reason is the confusion that we created in the budget process that was put into effect in 1974. That cost us time and cost us the ability to do the real oversight that we ought to be doing.

So I am a supporter of biennial appropriations, and I know a lot of my colleagues on the Committee on Appropriations are also supporters. I also know that a lot of my appropriating colleagues are not. But I think it is a good move and I think we ought to support this.

While there is a difference of opinion on the Committee on Appropriations, for a number of reasons, it is my opinion, having served on this committee for 27 years that, prior to the time that we had limitations put on us by the Budget and Impoundment Control Act, we had more time to do better oversight. But once the budget act was put into effect and we were given dates that were not realistic as far as appropriations were concerned, we lost a lot of the time that we could use in oversight and in appropriating.

So I would just ask the Members to think about this seriously and consider giving us the opportunity to have time to do this oversight and do it properly by supporting this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of our Committee on the Budget.

Mr. SPRATT. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, one of the gravest responsibilities that is given to us in Congress is the power to declare war. We have the power to raise armies and navies. We have the power to regulate them. And we have the power to determine when they will be put in the field, when young men and women will be put in harm's way to protect the interests of this country.

Frankly, we do not exercise that power very well. We have the War Powers Act, which gives the President presumptive authority to dispatch troops into conflict; and we have the power to recall them by passing a resolution of dubious legal status. We rarely exercise it. In the 18 years I have been here, I think we have used it twice.

One restraint we have is the knowledge on the part of the President and the executive branch that every year, every year, they must come here hat in hand and ask us to fund the defense budget of this country. And if they dispatch troops, under the biennial budget, they will have $600 billion to spend, they will have twice the amount that we will appropriate this year in our defense budget and a 2-year lapse of time before they have to come up here and account for how they have spent and used that money.

Unless we have better controls on how we are going to dispatch troops to combat and commit our forces, I do not think we need biennial budgeting. It is one of the few limits we have, however we may exercise it, upon the use of our military in foreign theaters.

I think we should retain that short leash, that 1-year appropriation, to remind the executive that he still must come to Congress for the authority to put our men and women in harm's way.

Mr. MOAKLEY. Mr. Chairman, would the Chair be kind enough to inform all parties of the remaining time?

The CHAIRMAN. The gentleman from Michigan (Mr. SMITH) has 1½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 2½ minutes remaining. The gentleman from California (Mr. DREIER) has 4½ minutes remaining.

Mr. MOAKLEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY of Oregon. Mr. Chairman, while I understand the frustrations sometimes we have with the budget process, I come from a State that had biennial budgets. They did not work very well. Let me tell my colleagues why they did not work very well.

In that off year, we talk about having review and oversight. Well, when we do it in the off year, what I found is that it does not work very well, it has no teeth.

It was a time when that oversight is less systematic, it is less intense and, again, it really does not have any teeth. In fact, most of the time it did not happen. So it does not work very well.

This is only chance we have to sit down every year and go over those budgets item by item and agency by agency. And again, by my experience, biennial budgets do not work very well.

If we want to experiment, let us experiment with it. But this is a time that we should not change the process because there is not the oversight that happens in those opposite years.

Mr. DREIER. Mr. Chairman, I yield 1½ minutes to my very good friend, the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today in strong support of the Dreier amendment to replace our current time consuming, bloated, and inefficient budget process with the biennial budgeting.

I believe in our budget leaders, Democrat and Republican alike. But the fact is, after being here for so many years, we have got to change the system. We have got to make some reforms. We are going to elect a new President in November, and let us start it out in a correct manner.

When we do this, we are going to be fighting over surpluses and priorities rather than fighting over deficits in the past. And the amount of time spent on the annual appropriations bills both in committee and on the floor leaves us significantly less time to engage in needed oversight activities and enact authorization bills.

Congress routinely funds unauthorized programs because we do not have time to take up the authorization legislation.

For fiscal year 2000, appropriations were provided for 137 programs whose authorization had expired, providing $121 billion for programs that lacked authorization. This is simply wrong.

Part of responsible governing includes funding programs that have gone through the authorization process. Biennial budgeting will allow us time to review and fund programs that merit taxpayers' dollars. That is what the people at home want. They want fairness. They want equity.

Let us have a 2-year budget rather than a 1-year budget, and we will get a lot more done and we will save a lot more taxpayers' dollars.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, we have problems with budgets projections. It should be obvious to everybody how far off our projections are 1 year in advance, let alone 2 years in advance.

Two years ago, CBO projected a $70 billion deficit for the year 2000. The current estimate is that there will be a $170 billion surplus. That is a $240 billion difference.

Budget inflation. Agencies will deal with uncertainty in two year budgets by padding their budget request. This will result in more spending.

Mr. Chairman, Congress has had annual Federal budgets since 1789. Our present budget problems have nothing to do with annual budgets. Our present budget problems have to do with the willingness of Members to take the time to make the effort to oversee and review spending bills in the United States Congress.

When it comes to giving taxpayers their money's worth, whether the budget is 2 years or 1 year, there will be no difference unless there is a willingness of Members to review programs that need to be reviewed. The authorizing committees that now have 2-, 3-, 5-year authorization bills now have the time available to do that.

What is going to happen with an election year when Members want to go home if there is no budget to pass? I urge Members to vote against this amendment.

Mr. DREIER. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington (Ms. DUNN), one of the able coauthors of this amendment.

Ms. DUNN. Mr. Chairman, I rise today in support of the amendment offered by my friend, the gentleman from California (Mr. DREIER), to require a biennial budget.

When the gentleman from California (Mr. DREIER) and I served together on the Commission to Reform the House of Representatives in 1993 and 1994, we came out with some pretty important recommendations that then were passed into law when we took over the running of the Congress, for example, the Open Meetings Act, the first ever private audit of the House of Representatives, reduction of staff and committee by a third, which allowed us to run this body at $200 million less than the other party had run it the year before.

But the most important of all of those recommendations is the one that is being considered today on the floor, and that is implementing a biennial budget. It will bring us much more value for our tax dollar by allowing us to focus more on the efficiency of Government and the scrutiny that Federal programs should receive. Biennial budgeting will bring greater trust in Government.

By allowing greater deliberation over budgeting by the legislative bodies, we can assure our constituents that their tax dollars are being spent wisely and judiciously.

I urge my colleagues to support this amendment.

The CHAIRMAN. The gentleman from California (Mr. DREIER) has 2 minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has 1½ minutes remaining. The gentleman from Massachusetts (Mr. MOAKLEY) has the right to close the debate.

Mr. DREIER. Mr. Chairman, the gentleman from Massachusetts (Mr. MOAKLEY) has the right to close?

The CHAIRMAN. As representing one of the committees managing the bill, the gentleman from Massachusetts (Mr. MOAKLEY) has the right to close the debate, as the gentleman from California (Mr. DREIER) is seeking to amend the committee's bill.

Mr. DREIER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, this amendment has a great deal of common sense to it. There are a number of statements that have been made that I think need to be refuted.

This argument that the gentleman from Michigan (Mr. SMITH) is making about oversight, biennial budgeting dramatically enhances the ability to have oversight.

The subcommittee of the gentleman from Alabama (Mr. CALLAHAN) can continue with its oversight and appropriations. But, also, we very much want to have the authorizers spend time on oversight.

It is a constitutional responsibility which, unfortunately, we do not get to do enough of now because we spend so doggone much time on all of these budget disputes that are going on.

This argument that has been made about this transfer of authority down to the executive branch, Jack Lew, a great protege of the gentleman from Massachusetts (Mr. MOAKLEY), who is now our Director of the Office of Management and Budget, said in his testimony, "While I respect the concern of those who believe that biennial budgeting will shift power between the two branches, I don't share this concern. I do not believe that, under biennial budgeting, executive branch officials would become less responsive to Congress. That is because biennial budgeting would not alter the fundamental reality that, under the Constitution, Congress has the power of the purse."

Dan Crippen, who is the Director of the Congressional Budget Office, stated, "It seems unlikely that agencies would be less responsive to the Congress simply because they would be requesting regular appropriations every other year. Also, a biennial budget cycle by setting aside some time for Congressional action on oversight and authorizing legislation might relieve the appropriation process of time-consuming debates on substantive policy issues, which could actually improve congressional control of spending."

That is what we are trying to get at. Mr. Chairman, this is the most sweeping reform in a quarter century. It makes so much sense. We have got everyone who is now in the White House and seeking the White House in support of this. We have bipartisan support. The chairman of the Committee on Appropriations, the Speaker of the House, many of the cardinals, many Democrats have joined in support of it.

We should provide this very, very key to the reform of the budget process. I urge an aye vote.

□ 1700

Mr. MOAKLEY. Mr. Chairman, I yield myself the balance of my time. I think the gentleman just made the argument why Presidents want this. It gives them an advantage. Every President wants it. Jack Lew who works for the President is doing a great job carrying out the President's orders because the President knows that it would have the legislature up against the wall in the off years.

Mr. Chairman, I call to the Members' attention an editorial from yesterday's Washington Post urging the defeat of this amendment, "Fleeing Hard Choices." I urge a "no" vote on the biennial budget amendment.

[From the Washington Post, May 15, 2000]

FLEEING HARD CHOICES

The House this week may take up a proposal to shift to biennial budgeting. The bad idea suggests that even the members are disgusted with the duplicitous farce in which they now annually engage. It is part of a 15-year effort to find a procedural fix that will somehow magically save them from their own indiscipline. But process can't solve the problem, and as with so many of its predecessors, this is a proposal that would do more harm than good.

The problem is not that the budget takes too much time each year, but that the Republicans particularly persist in pretending that they can spend the same dollars twice. They say as they have since 1981 that they can give a large tax cut, protect Social Security and Medicare, increase defense spending and still balance the budget by cutting other domestic spending. But as everyone understands by now, they lack the votes for such cuts even within their own caucus.

The appropriations process once again has begun. To pay for their tax cut plus all the rest, the Republicans would have to cut domestic appropriations by about 10 percent in real terms over the next five years and more thereafter. A cut that large would do real harm to basic functions of government, but the sponsors aren't required to name specific cuts. They strike their pose, then use accounting gimmicks to crawl back from the abyss to which the pose took them. That's what the budget process has become. It's squalid and demeaning, and members can be forgiven for wanting to engage in it only once every two years. But it's their unwillingness to make hard choices from which they flee.

The choices occur within particular appropriations bills. The Democrats want to increase education spending. The Republicans want at least to match them without doing notable harm in an election year to the health and other social programs with which education competes for appropriations. But in part to pay for their tax cut, their budget calls for a freeze on appropriations for health, education, etc., next fiscal year—not even an allowance for inflation. So they already are resorting to gimmicks. Likewise in the so-called VA-HUD bill, in which they propose to cut overall spending while increasing veterans' health spending. But do they want to offend the big cities by cutting the subsidized housing programs for the poor with which the veterans' programs compete?

Myth and math don't match; truth becomes the victims. But biennial budgeting won't solve that; if anything, it will make it worse. The budget would have to be drawn up more than two years in advance. It would be an exercise in guesswork. There would have to be even more adjustments—"emergency" appropriations, with all the opportunities for mischief they present—than now. That's especially so because they would postpone until the second year the discipline from which they would give themselves a bye in the first. No procedural fix can take the place of political will.

Mr. STEARNS. Mr. Chairman. I rise in support of the biennial budget amendment being offered by Mr. DREIER.

I became an original cosponsor of the biennial budget resolution because I want to see our budget process improved. As we all know, the budget process often results in gridlock. In the past we have witnessed train wrecks, government shutdowns, and continuing resolutions.

Although establishing spending levels in Washington will always be contentious, there is strong agreement on adopting a two-year, or biennial, budget process. President Clinton, Senate Majority Leader TRENT LOTT, and other congressional leaders have endorsed this streamlined system.

Under a biennial budget the President would submit a two-year budget resolution during the first session of Congress.

Congress then would consider and pass 13 two-year appropriation bills for the President's signature. The second session of Congress would be devoted to overseeing government programs, considering authorization bills, and working on other legislative priorities. Imagine, members of the House and Senate carefully considering legislative proposals and addressing major issues and emergencies at a deliberate and reasoned pace.

The annual budget process has become a tool of political theatrics yielding poor policies. By adopting a biennial budget spending, decisions would be made in the year prior to an election year, putting policy ahead of politics.

Annual budgeting also encourages using accounting gimmickry and wishful thinking. Lawmakers frequently adopt budgets with ambitious out-year spending restrictions; restrictions that rarely materialize. It is easy to promise to make tough decisions next year, beyond the reach of the current budget. Biennial budgeting doubles the period for specific spending levels and holds decision makers more accountable.

Since 1950, Congress has only twice met the fiscal year deadline for completion of all 13 individual appropriation bills. A two-year budget cycle will introduce greater stability to the funding process, decrease political manipulation of federal spending, and enhance the efficiency of Congress and federal agencies. It would also increase the public's confidence in the ability of the federal government to manage its responsibilities. That is the mark of good government.

Adoption of a biennial budget makes sense because it would be an important improvement to our budget process.

Mr. HORN. Mr. Chairman, I rise in support of Representative DREIER's two-year budget amendment. This amendment would create a two-year budget cycle which would save both time and money. That cycle would enable Congress to increase its oversight of Federal programs and Federal spending.

That is long overdue!

Of the functions, we do well when we engage in law making and helping our constituents who have had difficulties with a complicated bureaucracy.

We all know that we do not do enough to regularly examine how the executive branch implements our laws.

Why don't we do a better job of oversight? For one reason is a lack of time in which to do it. Another reason is that our staffs want to develop policy. It is glamorous. The media also enjoys policy, not the hard work.

The really difficult work is to spend weeks and months of going over a lot of paper and interviews with civil servants and clients. In 1994 we put the government performance and results act in the public laws of our nation.

Those of us on Government Reform have urged our colleagues to meet with their political counter-parts in the Executive Branch—the Cabinet Secretary, the Agency Administrator, the Deputy Secretary, the Deputy Administrator, or the various Assistant Secretaries. We need the dialogue between the principal agents of the President's administration and those of us who have been elected by the people.

As we know, the Results Act is off to a very slow start. The General Accounting Office report on Federal agencies' 1999 performance plans found that only 14 of 35 agencies defined a relationship between their program activities and their performance goals. Few agencies explained how they would use their funding to achieve those goals.

Sustained congressional oversight is essential. Congressional appropriators and authorizers are in the best position to provide that oversight. But they must have the time in which to do so. Congress must demand accurate and timely program performance data from the Federal departments and agencies.

That objective will require agency leadership that is strong committed to implementing all phases of the Government Performance and Results Act.

It will require the Office of Management and Budget to require agencies to justify their funding requests by linking them to the agency's program results.

Finally, it will require greater congressional scrutiny to ensure that the job gets done.

It is time for two year budgeting, and it is time to start linking Government spending with the results of that spending.

I strongly urge my colleague to support the Drier amendment.

Ms. McCARTHY of Missouri. Mr. Chairman, today we have a historic opportunity to fundamentally change the way we do business in Congress. Implementing biennial budgeting will insert new efficiencies and programmatic oversight into the budget process, provide agencies with more decisionmaking stability with which to plan for future needs, and allow the Congress more time to consider policy matters critical to the citizens.

As is often the case with important policy decisions, Congress can benefit from the experiences of the States. My State of Missouri is among the 23 States that have implemented biennial budgeting. Missouri began using a mixed biennial budget process several years ago (1994–1995 biennium).

The day-to-day operations of the State continue to be authorized on a yearly basis, but our capital improvements budget—about $700 million—operates on a biennium to aid in planning major capital investments and to increase agency oversight.

As with the Missouri experience, a Federal biennial budget will improve both our fiscal and programmatic management, and enable us to become more efficient and more productive. This works in my State; I am here today to say it can also work at the Federal level.

Improvement is vitally needed at the Federal level. Only twice in the past quarter-century has Congress completed action on all 13 appropriations bills by the start of the new fiscal year on October 1.

Since my election to the House of Representatives in 1994, Congress has never gotten all of its budgeting responsibilities completed on time.

In 1995, our inability to act forced a government shut down at the end of the year. In 1996, Congress didn't pass the Budget Resolution until mid-summer and barely completed all of the appropriations bills prior to the fiscal year deadline. In 1997, we didn't bother to pass a Budget Resolution at all.

For the past two years we have only been able to complete work on the annual funding bills by passing an omnibus appropriations bill with less than 24 hours to review a multi-agency appropriation bill containing critically important program funding.

This is no way to allocate precious taxpayer dollars or to do our critically important oversight duties such as finding ways to expand enrollment in Head Start, working in a bipartisan fashion to provide safe streets and schools for our children, identifying strategies to extend the solvency of the Social Security Trust Fund, or debating how we can provide quality health care to all Americans.

Let us take an important step today toward truly reforming how we do our nation's business and adopt biennial budgeting. Biennial budgeting does not eliminate our responsibility to make the difficult choices among spending priorities nor with it cure all the problems within the budget process, but biennial budgeting is a step in the right direction.

I strongly urge the House to adopt my distinguished colleague's amendment to H.R. 853 to establish a biennial budget process, so we can begin a new millennium with a renewed emphasis on cooperation, results, and efficiency.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DREIER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 217, not voting 17, as follows:

[Roll No. 186]

AYES—201

Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Clement
Coble
Coburn
Combest
Condit
Cook
Cooksey
Crane
Cubin
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Doggett
Dreier
Dunn
Ehlers
Ehrlich
English
Ewing
Foley
Fossella
Fowler
Franks (NJ)
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kind (WI)
King (NY)
Kleczka
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Linder
LoBiondo
Lucas (OK)
Luther
Martinez
McCarthy (MO)
McCrery
McHugh
McInnis
McKeon
Meehan
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Ose
Oxley
Pease
Peterson (PA)
Pickering
Pitts
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Sisisky
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Tiahrt
Toomey
Upton
Vento
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Young (AK)
Young (FL)

NOES—217

Abercrombie
Aderholt
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonilla
Bonior
Borski
Boswell
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clyburn
Collins
Conyers
Costello
Cox
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hastings (FL)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hoyer
Hunter
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kingston
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Lucas (KY)
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pickett
Pombo
Pomeroy
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Saxton
Schakowsky
Scott

Sherman
Sherwood
Shows
Shuster
Skeen
Skelton
Slaughter
Smith (MI)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Taylor (MS)
Taylor (NC)
Thompson (MS)
Tierney
Towns
Traficant
Turner
Udall (CO)
Velázquez
Visclosky
Walsh
Waters
Watkins
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wicker
Wise
Wolf
Woolsey
Wu
Wynn

NOT VOTING—17

Ackerman
Campbell
Engel
Largent
Lowey
Maloney (NY)
McCollum
McIntosh
McNulty
Meeks (NY)
Nadler
Owens
Rangel
Serrano
Stupak
Thurman
Udall (NM)

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Ms. SANCHEZ, Mr. EVERETT and Mr. FORD changed their vote from "aye" to "no."

Messrs. PITTS, BLILEY and SWEENEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 106–613.

AMENDMENT NO. 2 OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. GEKAS:

At the end of title VI, add the following new subtitle:

**Subtitle C—Automatic Continuing Resolution**

**SEC. 631. AUTOMATIC CONTINUING RESOLUTION.**

(a) AMENDMENT TO TITLE 31.—Chapter 13 of title 31, United States Code, is amended by inserting after section 1310 the following new section:

**"§ 1311. Continuing appropriations**

"(a)(1) If any regular appropriation bill for a fiscal year does not become law prior to the beginning of such fiscal year and a joint resolution making continuing appropriations (other than pursuant to this subsection) is not in effect, there is appropriated, out of any moneys in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, such sums as may be necessary to continue any program, project, or activity for which funds were provided in the preceding fiscal year—

"(A) in the corresponding regular appropriation Act for such preceding fiscal year; or

"(B) if the corresponding regular appropriation bill for such preceding fiscal year did not become law, then in a joint resolution making continuing appropriations for such preceding fiscal year.

"(2)(A) Except as provided by subparagraphs (B), (C), and (D), appropriations and funds made available, and authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be at a rate of operations not in excess of the rate of operations provided for in the regular appropriation Act providing for such program, project, or activity for the preceding fiscal year, or in the absence of such an Act, the rate of operations provided for such program, project, or activity pursuant to a joint resolution making continuing appropriations for such preceding fiscal year.

"(B) The applicable rate of operations for a program, project, or activity for any fiscal year pursuant to this section shall exclude amounts—

"(i) for which any adjustment was made under section 251(b)(2)(A) or section 252(e) of the Balanced Budget and Emergency Deficit Control Act of 1985 before the date of enactment of this section;

"(ii) provided for emergencies for which an exemption from section 251 or 252 of such Act is granted under section 317(c) of the Congressional Budget Act of 1974; or

"(iii) for which any adjustment is made under section 251(b)(2) (C) or (D) of such Act.

"(C) The applicable rate of operations for a program, project, or activity for any fiscal year pursuant to this section shall include amounts provided and rescinded for such program, project, or activity in any supplemental or special appropriations Act and in any rescission bill for that year that is enacted into law.

"(D) The applicable rate of operations for a program, project, or activity for any fiscal year pursuant to this section shall be reduced by the amount of budgetary resources cancelled in any such program, project, or activity resulting from the prior year's sequestration under section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985 as published in OMB's final sequestration report for the prior fiscal year.

"(3) Appropriations and funds made available, and authority granted, for any fiscal year pursuant to this section for a program, project, or activity shall be available for the period beginning with the first day of a lapse in appropriations and ending with the earlier of—

"(A) the date on which the applicable regular appropriation bill for such fiscal year becomes law (whether or not such law provides for such program, project, or activity) or a continuing resolution making appropriations becomes law, as the case may be, or

"(B) the last day of such fiscal year.

"(b) An appropriation or funds made available, or authority granted, for a program, project, or activity for any fiscal year pursuant to this section shall be subject to the terms and conditions imposed with respect to the appropriation made or funds made available for the preceding fiscal year, or authority granted for such program, project, or activity under current law.

"(c) Appropriations and funds made available, and authority granted, for any program, project, or activity for any fiscal year pursuant to this section shall cover all obligations or expenditures incurred for such program, project, or activity during the portion of such fiscal year for which this section applies to such program, project, or activity.

"(d) Expenditures made for a program, project, or activity for any fiscal year pursuant to this section shall be charged to the applicable appropriation, fund, or authorization whenever a regular appropriation bill or a joint resolution making continuing appropriations until the end of a fiscal year providing for such program, project, or activity for such period becomes law.

"(e) This section shall not apply to a program, project, or activity during a fiscal year if any other provision of law (other than an authorization of appropriations)—

"(1) makes an appropriation, makes funds available, or grants authority for such program, project, or activity to continue for such period, or

"(2) specifically provides that no appropriation shall be made, no funds shall be made available, or no authority shall be granted for such program, project, or activity to continue for such period; or

"(f) For purposes of this section, the term 'regular appropriation bill' means any annual appropriation bill making appropriations, otherwise making funds available, or granting authority, for any of the following categories of programs, projects, and activities:

"(1) Agriculture, rural development, and related agencies programs.

"(2) The Departments of Commerce, Justice, and State, the judiciary, and related agencies.

"(3) The Department of Defense.

"(4) The government of the District of Columbia and other activities chargeable in whole or in part against the revenues of the District.

"(5) The Departments of Labor, Health and Human Services, and Education, and related agencies.

"(6) The Department of Housing and Urban Development, and sundry independent agencies, boards, commissions, corporations, and offices.

"(7) Energy and water development.

"(8) Foreign assistance and related programs.

"(9) The Department of the Interior and related agencies.

"(10) Military construction.

"(11) The Department of Transportation and related agencies.

"(12) The Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies.

"(13) The legislative branch.".

(b) CONFORMING AMENDMENT.—Section 202(e)(3) of the Congressional Budget Act of 1974 is amended by inserting "and on or before September 30" before "of each year".

(c) CHAPTER ANALYSIS.—The analysis of chapter 13 of title 31, United States Code, is amended by inserting after the item relating to section 1310 the following new item:

"1311. Continuing appropriations.".

(d) EFFECT OF AMENDMENTS.—Nothing in the amendments made by this section shall be construed to affect Government obligations mandated by other law, including obligations with respect to social security, medicare, and medicaid.

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from Pennsylvania (Mr. GEKAS) and a Member opposed each will control 20 minute.

Mr. YOUNG of Florida. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Florida (Mr. YOUNG) will be recognized for 20 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment which we are about to consider is one that we have proposed several times over the last decade, and each year it becomes more important and more salient to the process which we are debating here today, namely, how can we prepare and devise a suitable budget for the people of the United States without the fear of or actual causing of a shutdown of government?

Let me take you back to December of 1990, because it is important to recognize and for the American people to realize what the nature of this debate is. In that month, you will recall, half a million of our fellow Americans, young people serving in the Armed Forces, were in the deserts of Saudi Arabia, musket in hand, ready to do battle to rescue Kuwait from the Iraqi conquest.

While they were poised, ready to do battle, guess what? The government of the United States shut down. It shut down, and, for all intents and purposes, then the man in uniform, the woman in uniform, was a man without a country, a woman without a country, because the Congress did not have the negotiating ability or brain power to put together a budget to forestall this shutdown of government.

Now, that is the worst example. Since then we have had several shutdowns or threats of shutdown. The most notable one, of course, was in 1995 when the Clinton strategy and the Gingrich strategy collided in such a way that we had a colossal shutdown of government.

What I am asking here today is for us to adopt the amendment which would call for an instant replay on October 1, the first day of the new fiscal year, an instant replay of last year's budget for all those appropriations bills not completed by September 30.

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That means that there will never be a shutdown and that the negotiators and the appropriators, like our good friend the gentleman from Florida (Mr. YOUNG), who does a superb job, is not robbed of one iota of his power in the appropriation or his ability to negotiate and to deal with the problems of fashioning a budget, and we would be in a position to proceed with the level of government without interruption.

That is the force and effect of my amendment. Ask the Federal employees and the people who have to run the Federal bureaucracy, the Social Security Administration, the Pentagon, what the people of the United States expect. Like the Smithsonian Institute to stay open for tourism in Washington, do they not have a right to expect that, as the bottom line, government services to be available at all times? Yet we would shut down not just our 500,000 men and women in Saudi Arabia but the Smithsonian Institute as well for the rationale that is employed in the bickering between the White House and the Congress.

I am saying what we want to put in place today is not for this Congress, not for this President. All those who are blindly loyal to the President, this President, or those who are blindly hostile to the President, have to set all of that aside because we are talking about the future budget process for the next Congress and for the next President, not for us who went through these shutdowns and who do not fully understand how it occurred in the first place.

So what we are talking about is good government, better government, for the future. The gentleman from Florida (Mr. YOUNG) wants a staunch, workable system. I know he does, but he opposes this, I learned from a wonderful letter that he sent to me about his rationale, because in his way of looking at things he, as an appropriator, is robbed of the power to negotiate and to bring about an orderly process, as he sees it, of a budget for the year.

I say the reverse is true. If we can have the instant replay on October 1, with no shutdown, a smooth transition into the new fiscal year, he has more power than ever as an appropriator to be able to put all the pieces together for a new budget and all the time unpressured by emergencies and unpressured by special interests that always have a hand in that mammoth last budget that all of us are forced to support because there is nothing else before us except the threat of a shutdown in government.

I implore my colleagues to vote in favor of the Gekas amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG), who is a member of the Committee on Appropriations and also a member of the Committee on the Budget.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding this time.

Mr. Chairman, I rise in total opposition to this amendment. No matter how well written an automatic CR might be, there are always special cases that must be addressed with legislation in order to maintain the continuity of operations. The census is a perfect example, as well as many research programs and construction projects, including those that are related to national defense. In practice, this prevents Congress from being able to pass a CR without any changes to any departments or programs. Because of this reality, any automatic CR will have to be supplemented with other legislation in order to work effectively and to avoid the semi-shutdown impacts across the Federal Government. Therefore, even with an automatic CR, we will be in a situation not that much different than what we currently face.

In addition, I am also concerned about the change in context under which appropriations bills are negotiated with the President. Since the individual appropriations bills would no longer be viewed as must-pass, this has the possibility of prolonging negotiations between Congress and the President.

This amendment will remove the backbone from appropriators because there will be no sense of urgency in passing appropriations bills. I understand the concerns of many of my colleagues about the effects of the threat of a government shutdown but government shutdowns can easily be avoided without an automatic CR. Prior shutdowns have not occurred over appropriations issues but over extraneous issues. Short-term CRs written as cleanly as possible have always been signed by the President.

While I support the efforts to avoid any appropriations train wreck at the end of the year, I do not believe the automatic CR will accomplish this goal, and I urge my colleagues to oppose this amendment.

Mr. GEKAS. Mr. Chairman, I yield 2½ minutes to the gentleman from California (Mr. ROHRABACHER), a staunch supporter of our concept.

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the amendment given us today by the gentleman from Pennsylvania (Mr. GEKAS).

Mr. Chairman, it is time for us to give up, which is the budgetary equivalent of a doom's day strategy, a nuclear weapon. It is time to repeal for all time the threat of a government shutdown. It is not a threat to us as much as it is a threat to the people of the United States. It is time for us to say that we do not have to threaten ourselves and the American people to do our job. We do not have to threaten to do something that everyone agrees is stupid, just to give ourselves enough incentive to do our job and to enact appropriation bills.

Mr. Chairman, whenever we propose to end government shutdowns, we always hear the same thing as we have heard. How can we pass appropriations bills without the threat of a government shutdown? One answer is that almost every year we somehow manage to enact one or more supplemental appropriations bills, even though we know for a fact that the government will not shut down if we pass them.

The larger question is this: Are our appropriation bills so bad that the only thing worse than passing them is the totally irrational alternative of shutting down the government?

I, for one, have more confidence in our appropriators and the appropriations process that it will work than that. Even a step towards sanity would be worthwhile. The main reason that I supported the amendment that we just debated and which failed, which provided for a 2-year budget cycle, is that it would mean that at least every other year there would be no threat of a shutdown, but if we can eliminate the threat for just half the time, which unfortunately we did not do, why should we not go all the way? Why should we not just eliminate this threat?

Let me suggest this: The American people are looking to us. There is no reason for us to threaten the American people, especially there is no reason for us to threaten government employees with the hardship and the burden of government shutdowns just to get us to do our bills. Let us work together. We have proven we can work together this year, but let us put an insurance policy in place that protects the American workers, the American people and government workers; protects them if we are not doing our job, and let us instead insist that the job get done and not threaten the American people if we do not do it.

Mr. Chairman, I strongly support the Gekas amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. WALSH).

Mr. WALSH. Mr. Chairman, I thank the gentleman from Florida (Mr. YOUNG) for yielding me this time.

Mr. Chairman, this amendment, I think, would be a terrible mistake if we passed it. The Founding Fathers over 200 years ago put this system together, a system of checks and balances, and there are consequences to our actions and also to our inactions. The concern here is that if we fail to pass an appropriations bill or several appropriations bills, that portion of the government will not be funded. That has happened once in my 12 years here and I am told the last time it happened before that was 1986. It was not the end of the world. Did it cause some disruptions? It did. The fact of the matter is, there has to be some discipline in the system, and if we do not get our bills done on time and an automatic continuing resolution takes over, all impetus, all momentum, all consequences to not completing our budget work are lost. It is a Band-Aid approach to a very complicated, delicate balance of power that has been working for over 200 years.

This idea of a 2-year budget, the Founding Fathers rejected that. An automatic continuing resolution, I am sure they did not envision that but they would have rejected it, too. What we do here, if we put the government on automatic pilot, the pilot is the President of the United States and we, as the legislators, our job is to be independent of the executive, fiercely independent.

Now, we already had reform in a recent Congress where we passed a line item veto, where we gave power to the President and the Supreme Court said do not do that, you idiots; do not give that power to the President. That is your power; and they gave it back to us, thank God.

Now we are going to yield more power to the President by putting the government out on automatic pilot. We lose our control of the budget process and the President just runs us around. That is not what we want. We want to maintain our independence. Please defeat this bill.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman from Pennsylvania (Mr. GEKAS) for yielding me this time and for his leadership on this issue.

Mr. Chairman, I rise in strong support of this amendment. We need a continuing resolution, an automatic continuing resolution, for one simple reason. Pause and think a moment. We were elected to run the government, not to stop the government, not to shut it down. The current structure we have in place, and this is no slap at the appropriators for whom I have a great deal of respect, masks two things. The current structure masks either our ineptitude, our failure to come to a reasonable agreement on budget agreements, or it masks our selfishness. The notion that our personal and perceived objectives are more important than the government of the United States, that it is more important that we get our way than it is that we have museums open, that we fund our military, that we send out Social Security checks, some people in this body think their decision-making is so important that it is worth shutting down the government. I disagree with that notion. I think that a continuing resolution maintains the status quo. If one feels that cutting the government is that important, continue the debate and negotiate. If they feel expanding government is important, continue that debate, but in the meantime do not shut down the government. I support the Gekas amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, there is no one in the House that I respect more than the gentleman from Pennsylvania (Mr. GEKAS). I literally have spent hours across the desk from him listening to his philosophy, sort of straining him to tell me some of the great depth of knowledge he has of the great Civil War and his process knowledge of this body.

I would say to the gentleman from Pennsylvania (Mr. GEKAS), I am here today to maybe engage in a colloquy with him to ask him some specific questions.

As the gentleman may know, my niche in Congress is chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs, and as a result it is up to me to draft a bill each year to bring to the Members to vote on how much foreign aid we are going to give. This is not a real popular position. For example, I would say to the gentleman from Pennsylvania (Mr. GEKAS), we are in the process of reducing aid to Israel, reducing Israel $120 million a year, with an agreement with the Israeli government that this is the right direction we should go, but under the Gekas amendment, as I understand it, there would be no room for that reduction in a continuing resolution.

Israel gets all of their money the first 15 days of the fiscal year. So if indeed that is the case, under the Gekas resolution when would I be able to cut foreign aid, which is what I have been doing every single year I have been chairman?

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. The answer is in two parts. First, when next the gentleman meets with the appropriators to sit down for the new budget he can do it but, secondly, I answer the question with a question. What does the gentleman do now if we come to the end of the fiscal year and a continuing resolution temporary for 2 weeks occurs?

Mr. CALLAHAN. Rerestrict that in the resolution. In the continuing resolution, we deny that early disbursal, and I am saying under the Gekas amendment, as I understand it, and I have great respect for the gentleman's tremendous knowledge of this process, but I am saying in my particular case we do not give foreign aid like an entitlement. We give it to countries based upon their needs.

Mr. GEKAS. My answer to the gentleman is what does he do now under a temporary CR? The same thing.

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Mr. Chairman, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of the Gekas amendment to provide for an automatic continuing resolution for those appropriations bills which have not been enacted by the start of the fiscal year.

To respond to our previous distinguished speaker, our response is, get the bills done by the end of that fiscal year.

This amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) responds to the American people, who are tired of watching the spectacle of a possible Federal Government shutdown because of an impasse in budget negotiations between Congress and the President.

This amendment simply prevents what all of us want to see prevented.

Mr. Chairman, there have been 17 government shutdowns since 1977. When this happens, those who bear the real burden of these national embarrassments are not Members of Congress, nor are they those in the upper echelons of the executive branch. Instead, those who pay the price are our senior citizens and our veterans, who rely on receiving their social security and benefit checks on time, and our Federal work force, who find themselves jerked around from one day to the next, sometimes even 1 hour to the next, not knowing or having any control over their only livelihoods.

Let us stop that and support this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I have the greatest respect for the gentleman from Pennsylvania (Mr. GEKAS). We are co-chairs on the Biomedical Research Caucus. However, this is just a bad amendment. It is well-intentioned, but I consider this amendment to be the dumbing down of American government.

It means well that we do not want government shutdowns, but what this amendment does is it puts the government on automatic pilot. We might as well pass this and leave town and not come back, because if we have any discrepancy between the executive branch and the legislative branch, nothing will ever get done. All we will do is have automatic CRs that will go one after the other, and we will never take care of policy issues we should be addressing.

Yes, there are times when the government is shut down. We had it during the Clinton administration, we had it during the Reagan administration. Usually the power inures to the executive in that process. Nonetheless, that is how the system works. In the end, we are better off because there is that separation of powers between the branches.

I would encourage my colleagues to oppose this. When we debated this in the Committee on the Budget, I was against it. At the very least, what we should consider is something to do with the essential functions, but not 100 percent, or not a freeze at 95 percent, because we will never do anything around here. We will never make the hard decisions. That is the unintended consequences of what is otherwise a very well-meaning amendment.

I would hope that my colleagues would defeat this, because, as I said, if we pass this, we might as well shut the place down, go home, put the government on automatic pilot, and let the bureaucrats run the operation. I do not think that is what the gentleman from Pennsylvania intends.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I thank my colleague for yielding time to me.

Mr. Chairman, let us go to October 17 of this year. We are here on the weekends, and it is 3 o'clock in the morning. The President has vetoed three or four of our appropriations bills. The Republicans meet, the Democrats meet. We do not know what to do. We are trying to get together.

Sound familiar? That is what happened in 1999, what happened in 1998, what happened in 1997. What do we do? We put everything together in an omnibus appropriations bill for $500 billion. There is not one person in this body that knew what was in that appropriations bill. We brought it all on the House floor and everybody, exhausted, votes for it.

Is that the way to run a government? That is not the way we should do it. There is so much in-fighting and partisanship near the end, particularly in an election year, that we need some failsafe method. This is what the Gekas amendment does, it fully funds 100 percent of the previous years's budget at the funding levels so we can go home and not have these omnibus appropriations bills that are so awful that all of us are embarrassed to go home after voting for them.

I urge my colleagues to think in terms of protecting their constituents, protecting the integrity of this office. If Members do not pass the Gekas amendment for this continuing level, they are corrupting the process. We need to pass this today.

Mr. Chairman, I rise today in support of the amendment being offered by Mr. GEKES—the Automatic Continuing Resolution, or CR.

I do so because an automatic Continuing Resolution is a fail safe provisions that would automatically and fully fund the thirteen appropriations measures should any or all fail to be passed into law. In other words, we would be adding a common sense provision to this budget reform measure.

The CR is a simply and reasonable effort to protect America from the kind of partisan political battle that resulted in shutting down the government and suspending essential government services back in 1995. None of us want this to happen ever again. Passage of this amendment would ensure the uninterrupted continuation of vital services like Social Security and Veterans benefits—the CR remove politics from the appropriations process.

The CR provision is actually quite simple and generous: should any of the bills fail to become law by the end of the fiscal year, they would be funded at fully 100 percent of the previous year's funding levels. In other words, there are no cuts and no elimination of programs as a result of passage.

Today, America is not in desperate need of a dire course of action, but one never knows what the future holds. For the good of our country and the peace of mind of her citizens, we should pass into law this common sense insurance mechanism.

As an original cosponsor of this legislation and a long-time supporter of the sentiments behind the CR, I urge my colleagues to vote in favor of this worthy amendment. I also call upon the president to reconsider his position on this issue for the long-term good of the entire country.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. LEWIS), the distinguished chairman of the Subcommittee on Defense of the Committee on Appropriations.

Mr. LEWIS of California. Mr. Chairman, I very much appreciate the gentleman yielding time to me, and rise in strong opposition to the amendment offered by my colleague, the gentleman from Pennsylvania (Mr. GEKAS).

It is with some hesitancy that I do so, but he and I had talked more than once about the fact that the Founding Fathers designed this system almost to stimulate confrontation. The body is made up of two parties, and the debate that takes place between the two parties oftentimes is the healthiest part of the work that we do around here. Sometimes we have a Democratic Congress and a Republican president, and vice versa. Indeed, that dialogue and exchange is very healthy for the process.

The automatic continuing resolution presumes that we cannot get our work done without some way of avoiding that confrontation. Nothing could be worse for our government than that. If we had an automatic continuing resolution in place, there are some pretty dramatic things that could happen in the months ahead. Let me illustrate that point.

The presumption here is that in the 00 year, everything was fine with certain kinds of programming, so we do not need increases for the 01 year. Let me suggest that if the proposal of the gentleman from Pennsylvania were in place, this is what would occur in the defense arena, the area that I have responsibility for appropriating about.

The 01 bill provides for $19.6 billion for national security above last year's bill. In specific categories, the military would be dramatically impacted by this proposal if it were in place. For example, for military personnel, those people we wanted so desperately to help last year, we would lose $2 billion; for operations and maintenance, there would be a reduction of $5.2 billion; for procurement, very important assets for the military, $8.6 billion. The problem goes on and on.

I would suggest very, very strongly that the Gekas amendment, while carefully thought out by the author, is not what we need in this legislation. Indeed, with this amendment, I would urge all of my colleagues to vote no on the entire bill.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, if we came to the end of a cycle, thinking about those expenditures that the gentleman is talking about for the Pentagon, and we did not have a budget for the military, would the gentleman vote for a temporary CR for 30 days or 45 days? The answer is yes, the gentleman would, and he would be under the same constraints then in not being able to spend.

Mr. LEWIS of California. Taking back my time, the fact is that short-term clean CRs have worked from time to time. It is when we get in confrontations between the administration or between parties that often the process falls apart.

Therefore, I strongly urge my colleagues to oppose this amendment, and if it should pass, to oppose the bill.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from Iowa (Mr. NUSSLE), the author of the overall budget reform system that we are debating generally.

Mr. NUSSLE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am amazed to hear the debate today, so much discussion about personal and individual power, committee jurisdiction, prerogative, the need to put discipline into a system.

Mr. Chairman, this is not about us, this is about America; We, the people. People come from around the world to see how 260 million people govern a Nation. They do not come here to see how much power the chairman of the Committee on Resources has, they come here to see how it works.

What they cannot believe and what I cannot believe, and what my constituents in Iowa cannot believe, is that if in fact we do come to impasse, that they should be so affected by a government shutdown that everything has to stop because a couple of chairmen, a couple of powerful chairmen, rightfully have an argument, rightfully have a disagreement, and cannot come to an agreement. Therefore, everything has to suffer, everything has to shut down.

The beauty of America is that we have been able to for more than 200 years talk about the power of the people of this country, not individual power of Members of Congress. Let us pass this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT), the distinguished ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, this amendment is not necessary. It is not necessary as long as we keep our institutional memory and remember what happened among the public the last time we shut the government down. That ought to be impetus enough to get the job done, get the bills passed, and use temporary CRs to breach the gap until we do.

It is not necessary and it is not useful, either. For one thing, it is not good for the institutions, in my opinion. It takes away all incentive for us to enact 13 appropriation bills on time, on schedule, by regular order. It is hard enough for us to do that now. If we pass the CR, it is no sweat, we do not have to get the job done. The automatic CR provision would be there to put $600 billion of spending on automatic pilot. We could not do our job with impunity.

It is not good budget policy. What this effectively does is turn all existing discretionary appropriations into capped entitlements at this year's rate, because unless they are cut by a majority vote, they remain in effect. This backstops existing spending. It takes away all pressure for us to compromise.

Having said that, I do not think we can begin to imagine all of the possibilities of games playing with the budget if this is adopted, not necessarily in this body, although I am sure we are up to it, but in the other body, where they have the power of filibuster. A minority of the Senate, by filibuster, can prevent the enactment of regular appropriation bills and leave the program funding levels at the capped entitlement level in the automatic CR.

The President with his veto has all the more power now, if we pass this bill, because he can veto with impunity. He does not have to worry about the government keeping going because the automatic CR will fill the gap.

We do not need any of these factors overhanging the budget process. This amendment solves very little and it raises all sorts of problems. It should be defeated.

Mr. GEKAS. Mr. Chairman, it now gives me personal pleasure to yield 1 minute to my colleague, the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of this amendment. Every year, at the end of the appropriation process, we end up facing the shutdown showdown. Congress and the President disagree on the spending level, and when a stalemate occurs, the threat of a disruptive, costly, irresponsible government shutdown looms ominously over the negotiations.

Who wins those negotiations? The winner is whichever side can blame the other for the shutdown. The politics of who will win and who will get to blame the other side for the shutdown determines the winner. That is no way to run the government.

The gentleman from Pennsylvania (Mr. GEKAS) has a good commonsense solution that says, keep the government running, keep spending bills in dispute constant at the previous year's level. One of the best things about this approach is, as we have heard today, nobody likes freezing things at last year's level. No one likes it. I do not like a freeze, I would like to see lower spending. Others do not like a freeze, they want to see higher spending. The appropriators do not like the freeze, they want to play the role allocated to them of allocating the spending.

The good result of that is that if the Gekas amendment becomes law, there is plenty of pressure from all sides to reach a reasonable compromise, much more likely to be based on policy matters and less likely to be driven by the politics of a shutdown.

I urge a yes vote on this amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, the gentleman from Kentucky (Mr. ROGERS).

Mr. ROGERS. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, the passage of this amendment would be an admission by the Members of this body that we cannot do the job our people elected us to do.

We were elected by our constituents, all of us, to come here and pass on spending and funding the Federal government. Passing this amendment would say, no, we are going to put things on automatic pilot. We do not have the capacity or the ability to pass on individual spending bills. I think that would be a dereliction of our duties.

We would take away the automatic period at the end of the sentence, the October 1 deadline, and therefore these appropriations bills are not must-pass pieces of legislation. We would extend the appropriating process, rather than bring it to a successful conclusion.

Number two, passage of this amendment would put a premium on people opposing and stonewalling and causing inaction. Those who would want to increase spending or those who want to avoid a funding cut for a program or a bill would be automatically strengthened by the existence of the automatic continuing resolution, saying, if we do nothing, the status quo prevails.

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Most Members of this body want some change in the status quo, either up or down. Automatic continuing resolution would take away the incentive to make something happen by a deadline. If we remove the deadline of October 1, then I predict nothing will take place. The government will be on automatic pilot. We would have, as the gentleman from South Carolina (Mr. SPRATT) says, capped entitlements. Every program would stay just exactly like it is year in and year out because there would not be the ability in this body to muster a majority of votes to overcome that incentive to do nothing and to cause some change.

So I would hope that the body would reject this amendment by a very large margin because I think the people that elected us sent us here to decide how we spend their Federal tax dollars, not to sit by on automatic pilot and say I am helpless, I cannot do anything.

I think my colleagues are elected to do something. I think they were elected to represent their constituents in deciding how their taxes were spent. If my colleagues adopt this amendment, they are saying to their folks back home, I cannot affect the process. I am putting it on automatic pilot.

Mr. Chairman, I urge a rejection of the amendment.

Mr. GEKAS. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona (Mr. SHADEGG).

Mr. SHADEGG. Mr. Chairman, I rise in strong support of the Gekas amendment. Each year, this Congress is faced with a government shutdown. Indeed, as an earlier speaker noted, there have been 17 government shutdowns since 1977. The last speaker made a point that it would be an admission that somehow this would reflect badly on this body.

I want to echo what was said earlier by one of my colleagues from Iowa. This is not about us. I have great respect for the Committee on Appropriations. They work very hard at doing their job. They sort out the priorities and do it very, very well.

But this is not about us. This is about the American people. Quite simply, the American people deserve better. They deserve to know that, if this Congress, working with the President, cannot come to an agreement, the government will not shut down. They deserve to know that they will not become the innocent victims of our inability to reach an agreement.

Let me ask a simple question. I would make the point that if my wife and I could not come to an agreement on our family budget, would we stop feeding our children? Would we stop paying our light bill? Would we stop paying our mortgage? The answer is no, obviously we would not.

Indeed, this is a reasonable proposal, and the notion that the budget would go on auto pilot and nothing would happen is ridiculous. What would happen is that we would debate the spending bills as we should debate them, on the merits in them, without a gun at our head and being forced to say we must reach agreement by a certain deadline or we will hurt innocent people. The notion of hurting innocent people should not be a part of this debate. What should be a part of it is responsible government.

Mr. Chairman, I urge support for the Gekas amendment.

Mr. YOUNG of Florida. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Pennsylvania (Mr. MURTHA).

Mr. MURTHA. Mr. Chairman, I worry that the Members believe that there is some easy way to solve these problems. The reason we do not come to a conclusion is because there are legitimate differences between Members, between parties when we are trying to solve them.

Certainly a continuing resolution that is automatic does not solve it. It just puts it off and puts it off again and puts it off again. It is a way for us to find a deadline to solve the problem.

I am talking about the practical results of how we legislate. If we face a deadline, we solve the problem. If we do not, it goes on and on. I have seen it happen for years. I have seen us come up to a deadline and finally pass the legislation.

If my colleagues pass something like this, they may never get the legislation that they want. So they are making a tactical mistake when they try to pass something and think they are going to solve the problem.

I understand the concern of the gentleman from Pennsylvania (Mr. GEKAS), but that does not answer the concern. It does not solve the problem. Every time we run into a conflict and there is no deadline, we just put it off. That is the nature of the legislative business.

So I say to the Members, we make a serious mistake if we think there is some easy way to solve this kind of a problem. Our continuing resolutions allow us to solve the problem.

I remember President Reagan getting up and saying, I will never sign another continuing resolution the rest of my career. Well, I do not remember whether he did or did not, but the point was that was a way of solving the problem. He put the continuing resolution on the desk, and he said, this is 2 feet high, and we should not pass something like this. Well, that got us to the culmination of the session and got us through to the next year.

There are all kinds of ways to avoid it. I am sure if we pass something like this, all we will do is eliminate the deadline, eliminate the possibility of solving the problem.

So I would urge the Members to vote against this amendment that is very damaging to our process.

Mr. GEKAS. Mr. Chairman, how much time is remaining, may I ask?

The CHAIRMAN pro tempore (Mr. LATOURETTE). The gentleman from Pennsylvania (Mr. GEKAS) has 5½ minutes remaining. The gentleman from Florida (Mr. YOUNG) has 3 minutes remaining.

Mr. GEKAS. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I thank the gentleman from Pennsylvania (Chairman GEKAS) for yielding me this time.

I am pleased to rise in support of the Gekas amendment, which will provide a sustaining mechanism so that whatever conflicts and debates might arise between the branches, between the executive branch and the legislative branch, during our annual exercise of allocating our national resources, we will not suffer needless brinksmanship exercises, we will not have budgetary games of chicken, and we will not have wasteful government shutdowns.

In 1986, the Federal Government shutdown, I was working in the White House for President Reagan at the time. That prompted President Reagan to observe that the 1974 Budget Act, which establishes our current budget process was badly flawed. He proposed budget reform legislation which is essentially the Nussle-Cardin bill that we are getting to vote on today.

The only difference between what President Reagan then proposed and the base text that we have on the floor today is that we lack a sustaining mechanism in the base text. That is what the Gekas amendment provides.

I urge my colleagues to vote aye.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I wanted to say to all of those who opposed the amendment on the floor, particularly the ones on our side of the aisle, on the Republican side, that I was elated a few years back when this same proposition came up in the midst of the debate on disaster relief. I was overjoyed when I saw that the gentleman from Florida (Chairman YOUNG) and the gentleman from Kentucky (Mr. ROGERS), others who oppose this legislation, voted in favor of the Gekas amendment of that era. The rationale was exactly the same, and the prospects were exactly the same, and the result would have been exactly the same.

It would have been in operation today had the President not vetoed it. It is the fault of the President that we do not have a continuing resolution, an instant replay concept like the one we are proposing here today. He vetoed the disaster relief program that contained the Gekas amendment of that era.

Now, what I am imploring the Members to consider is to replicate that which was said by the gentleman from Maryland (Mr. WYNN) and the gentleman from Iowa (Mr. NUSSLE) that this is not about this Congress and the makeup of the personalities and egos of this Congress. The gentleman from Florida (Mr. YOUNG) and I are going to be friends way beyond our service in the Congress. But both of us can look back, I would presume, to say that we put some mechanism into play as incumbent legislators for the good of the future of our government, the future of our system, the bolstering of our Constitution.

How anyone can say that it would be automatic pilot has to forget the fact that, when we vote for this amendment, we are saying that is what we want for the American people.

We want a continuing automatic transition until the appropriators can work out a budget. I want this bill to pass, not for me or for the gentleman from Florida (Mr. YOUNG), but I want it to pass for the future Congresses of the United States, long after we are gone, to put something stable and something of which we can be proud to know that, forever and ever, never again will the government of the United States shut down, and particularly will that never occur again when we are poised for some emergency action and then become toothless in the face of the inability of the Members of Congress to come to an agreement.

Let us support the Gekas amendment.

Mr. Chairman, today is a great day for the American people. Soon the House will be voting to approve a measure of which all Americans can embrace and be proud—the "Government Shutdown Prevention Act."

Mr. Chairman, unfortunately, the image of government shutdowns from the 104th Congress remains etched in the mind of the American citizen as shameful—and unnecessary—incidents in our nation's history. As taxpayers, they were incensed that the government would choose not to perform its essential duties. As statesmen, we were all embarrassed to have forsaken our obligations to the American people. While the Republican Congress was blamed for the shutdowns, I believe we were all responsible for this disgraceful exhibition of failed governance: the House, the Senate, Republicans, Democrats, and the President.

Before us today is a message to the American people. An affirmation, if you will, in the form of an amendment which states that we, the Congress, will not forsake the American people's trust to deliver essential government services and allow for another shameful government shutdown in this fiscal cycle. We will achieve this by voting for my amendment to provide 100 percent of a Fiscal Year's spending levels to continue through the end of the next Fiscal Year, in the absence of a regularly passed appropriations bill or a continuing resolution.

Since my election to the House of Representatives in 1982, I have witnessed eight government shutdowns. The worst of which occurred when our soldiers were poised for battle in the Persian Gulf. It was at this time that I introduced my first government shutdown prevention bill, what I referred to as an "instant replay" mechanism. At the time, I knew I was facing an uphill battle in a long war. After all, the threat of a shutdown is one of the most effective weapons in the arsenal of legislative politics.

However, I remained vigilant with the image in my mind of our fighting men and women ready to sacrifice their lives as they stood poised for Operation Desert Storm without an operating government for which to fight. I pledged never to let that happen again. Today, I and others proudly stand ready to fulfill that pledge as the House prepares to vote on the Government Shutdown Prevention Act Amendment now before us, so that we can send a clear message to the American people that we will no longer allow them to be pawns in budget disputes between Congress and the White House.

Mr. Chairman, without question, we should have enacted the Shutdown Prevention Act years ago. But we did not. So let us restore the public's faith in its leaders by showing that we have learned from our mistakes by enacting this budget reform. I ask for its adoption and urge all members, Republican and Democrat, to vote for its passage, and especially urge the President to support this "good government" reform measure.

Mr. Chairman, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I want to agree with the gentleman from Pennsylvania (Mr. GEKAS). We are friends. I would say to the gentleman from Pennsylvania (Mr. GEKAS), we live and learn. He referred to how I might have voted on an earlier Gekas amendment, but the situation was considerably different then than it is now.

But I have a great difference with the gentleman from Pennsylvania (Mr. GEKAS), as he said this is what the American people want. They want the status quo. Well, I do not believe that. The reason I do not believe that is that every Member in this House was elected by about the same number of people to represent that district and to do what is right for the country. That is where the people speak.

Now, let me tell my colleagues how the people have spoken in just this year alone. What I am holding here is a stack of legal-sized papers. On each of these pages is a specific request made to the Committee on Appropriations, including requests for changes in the budget and changes in appropriations over last year.

Now, here they are. The Members of Congress have spoken. I hope that they are all listening to this. There are 21,547 requests from Members of this House, mostly to change from the status quo of last year. Now, are the Members that asked for these requests to be considered by the Committee on Appropriations going to be satisfied with the status quo? I do not think so, Mr. Chairman.

To be honest, will the Committee on Appropriations grant every one of these requests? Of course not, because they run close to $90 billion over last year's budget, so we cannot do all of that.

So one thing that appropriators do is go through these lists, and they try to prioritize based which requests have the most merit. Well, the people of America, through their elected representatives in the House of Representatives, have spoken. They do not want the status quo. They want all these changes over last year. Here is the fact and here are the pages. These are the pages and the requests of all members.

But if we have an automatic continuing resolution in place where we enjoy this status quo that makes life easy for all of us, the people's voice will have been muted because these 21,457 requests will not even be considered, let alone adopted.

Mr. Chairman, I oppose this amendment.

Mr. DAVIS of Virginia. Mr. Chairman, I am in strong support of the amendment offered by the gentleman from Pennsylvania, and urge all my colleagues to do the same. During 17 of the last twenty budget cycles, there has been some level of budgetary impasse between the Congress and the President. More often than not, these temporary delays go relatively unnoticed because they are tempered by the passage of a Continuing Resolution (CR) that maintains the current fiscal year's spending levels.

Unfortunately, in 1995, the rancor of the budget battles here in Washington were raised to such a pitch, that their consequences ultimately resonated across the nation. As many of you remember, we reached an impasse so insurmountable that no CR could be passed, and the federal government was effectively shut-down. Overnight, the people we were sent here to represent could no longer count on the federal government to provide the services they paid for. Additionally, roughly 1 million federal employees found themselves without a job or a paycheck during one of the busiest commercial spending times of the year.

Mr. Chairman, more than 56,000 federal employees reside in my district just across the Potomac River. They constitute one of my largest constituencies, and are by far one of the most politically astute groups in the Nation. But more important than that, they are the people who process the millions of social security checks, they are the DEA Agents that intercept drugs before they reach our streets, they are the surveyors at the Department of Agriculture that distribute aid to struggling farmers, and they are the HUD employees who make sure a poor family has its rent covered for the next month.

No one can argue that the differences we have about the federal budget are not of paramount importance. But when the entire federal government is forced to close its door to the American people because of a political dispute in Washington, then we have failed the people we were sent here to represent. I want every member in this August Chamber to keep in mind that when my 56,000 federal employees can't do their jobs, it will be your constituents that will ultimately suffer.

I want to thank Mr. GEKAS for offering an amendment that will provide an automatic CR whenever the political rhetoric reaches such a pitch as to potentially shutdown the Government. I strongly support the amendment and urge all my colleagues to do the same.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GEKAS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, further proceedings on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) will be postponed.

It is the Chair's understanding that amendment No. 3 will not be offered.

It is now in order to consider amendment No. 4 printed in House Report 106-613.

### AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas:

Section 103(a) is amended by striking paragraph (1) and by striking "(2)".

Section 103(c) is amended—

(1) by striking paragraph (1) and inserting the following new paragraph:

(1) Redesignate subparagraphs (C), (D), (E), and (F) as subparagraphs (D), (E), (G), and (H), respectively.

(2) by striking paragraph (2);

(3) in paragraph (3), by striking "subparagraph (C) (as redesignated)" and inserting "subparagraph (B)";

(4) in paragraph (4), by striking "subparagraph (C) (as redesignated)" and inserting "subparagraph (B)" and by striking "(D)" and inserting "(C)"; and

(5) in paragraph (5), by striking "subparagraph (F) (as redesignated)" and inserting "subparagraph (E) (as redesignated)" and by striking "(G)" and inserting "(F)".

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, the gentlewoman from Texas (Ms. JACKSON-LEE) and a Member opposed each will control 5 minutes.

Mr. NUSSLE. Mr. Chairman, I rise to claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Iowa (Mr. NUSSLE) will control 5 minutes in opposition.

The Chair recognize the gentlewoman from Texas (Ms. JACKSON-LEE) for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I hope that my discussion of this amendment would draw appropriators and budgeters together, because I believe the process of budgeting and appropriating are two very crucial aspects of this House business.

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Call me today the conciliatory lady, the lady who is trying to bring us all together on the process that I think is extremely important.

We all agree that the current budget process does not run as smoothly as we may like; however, this bill does not answer all of our concerns. The problem with the budget process is that for the last 3 years, the leadership has engaged sometimes in processes that do not forward the opportunity for resolution.

In 1998, we failed to adopt a budget resolution, and for the last 2 years Congress approved budget resolutions that were difficult to implement. To work through these problems, the Congress has to waive rules to circumvent the budget resolutions. This bill does nothing to address this issue.

Mr. Chairman, H.R. 853 will significantly hamper our ability to agree on a budget by requiring a joint budget resolution, requiring the President to enter the process early in the year, by transforming the joint budget resolution to omnibus budget law, while simultaneously curtailing the ability of the appropriation committees to press forward if a budget has not been agreed to by May 15. This will delay the process rather than speed it up. So it is important that we look for options.

To interject the President in this is not a good option. The budget resolution will be transformed into a must-pass legislation. It is important, then, to offer an amendment that puts back into the process the actual ability to discuss the budget items as they are noted in the budget process. It gives us the opportunity to be able to discuss thoroughly the needs of education, the needs of Medicare, the needs of Social Security.

In my district, in particular, we are suffering in our public hospital system because of the formula of disproportionate share. It is important, Mr. Chairman, that we have the opportunity to ensure that we discuss these items in a manner that is respectful of the needs of the American people. That vigorous debate in the Committee on the Budget, that vigorous debate that is heard by the Committee on Appropriations is important.

So I would hope that this amendment that strikes language, that would take analysis of the budget functions out of the House budget resolution and place them in the committee report would be accepted and would be viewed as an important feature, an important aspect of the budgeting process for all Americans.

Mr. Chairman, I rise in strong support of my amendment to eliminate H.R. 853's provision taking the analysis of the budget functions out of the House budget resolution and placing them in a Committee report. This Committee report would not permit the debate of each individual budget function; instead, the budget debate would shift to the comprehensive total amount.

The prohibition of debate on individual budget functions would significantly curtail the ability to increase discretionary spending. This amendment reinstates the inclusion of budget functions in the budget resolution. Under my amendment, the budget resolution would continue to set spending targets for the current 20 budget functions.

It is a mistake to remove budget functions and reconciliation directives from the budget resolution, because floor amendments that seek to address where money is spent, not just how much is spent, will no longer be possible. Priorities are often as important as aggregates, perhaps even more so in an era of surpluses. And if we pay inadequate attention to the detailed priorities, the aggregates are more likely to be unrealistic.

With functional levels included in the report and not subject to amendment, the issue of relative priorities cannot be addressed as well as they are now. And with the text of the budget resolution itself including fewer details, those details may take on less importance over time. Such a result will focus the debate on total spending and tax levels, and generally strengthen the position of those who talk about lower taxes and less spending.

Those who favor a series of programs such as Medicare, veterans benefits, education, highways, WIC, child care grants, defense, or environmental protection will be at a disadvantage in the budget resolution debate. This would be a tragic result for our nation.

Mr. Chairman, I reserve the balance of my time.

Mr. NUSSLE. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, to me, the reason that the budget functions were removed from the budget process as part of the base bill probably makes the most sense, to me, of just about any of the provisions. And the reason is because, as a new Member of the Committee on the Budget, one of the things that I did and one of the things that my staff did as an exercise is we actually tried to make sense of the budget functions and how there was a correlation between those 20 budget functions and the 13 appropriation bills.

So my colleagues understand what I am saying, let me show this chart. This is what the budget currently looks like, and what the gentlewoman is suggesting is that these budget functions need to remain in the budget that we pass. The problem is, there is not one number within these 20 budget functions that correlates to anything in reality later on in the year.

In other words, let me just take an example. Income security is the budget function called budget function 600. As an example, for this last budget there was $252 billion, with a B, billion dollars, set aside for income security. Now, my colleagues might guess what that is, but let me suggest to my colleagues that, first, of all, it crossed the jurisdiction of four committees, it crossed the authorizing jurisdiction of seven different committees, and let me just give my colleagues an idea of some of the things that were part of that budget function: The drug elimination grants for low-income housing was in this, Section 8 housing vouchers, homeless assistance grants, child care and development block grant. That was part of the discretionary portion of that budget function.

But see if it makes sense to have, for instance, military retirement as part of that budget function. Should that not be in defense? Should that not be someplace else? Why do we have budget functions that are never used after the budget is passed? That is the question that we as a budget reform panel asked ourselves.

So, instead of having budget functions that would make it even more difficult for the President and the Congress to come together and make an agreement on the budget overall, what we said was, if we really do want to illustrate these 20 different budget functions, let us include them, but let us not include them on the face sheet of the report. Let us put them in the report language.

It does not mean there is not going to be income security; it does not mean there will not be agriculture; it does not mean there will not be education; it does not mean there will not be all of the other important programs. Nothing is changed. Nothing is eliminated. In fact, all of those programs can increase.

What the gentlewoman is trying to include in here is included already in our bill. What we try and do, however, is take out the confusion of numbers that do not make sense to anybody after the budget is passed. So I would recommend that we vote down this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1½ minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member of the Committee on the Budget.

Mr. SPRATT. Mr. Chairman, I thank the gentlewoman for yielding me this time.

The irony of this bill is that it elevates the budget resolution to a joint resolution so that it has the force and effect of law, and then it takes the contents of this newly elevated resolution and literally guts it. It reduces us from what we have now, a debate on programmatic priorities, the different functions in this budget, which are more aligned to programmatic spending than any of the 13 appropriation bills that we have. It takes those and relegates them to the committee report so they lose a lot of their cause and effect.

Secondly, it takes the one power that we have as a committee to sort of move the budget process and require committees to do what the House would have them do, a process called reconciliation, and also relegates it to the report. So having raised the status of the resolution to a law, it then downgrades the contents of them to relative insignificance.

It means that, when we have the budget debate on the floor, we will be talking about big aggregated numbers that do not mean a lot of anything. We will not be coming here to say that we are talking about more for defense or more for health care or more for veterans' health care or more for housing. We will not be able to make that argument nearly as convincingly as we do now because all of this will be tucked away in the report, and all we will have in the resolution itself will be big aggregate numbers which will not necessarily mean anything about individual programs.

This is a good amendment. It should be adopted.

Mr. NUSSLE. Mr. Chairman, I yield myself such time as I may consume.

The gentleman from South Carolina proposed an amendment in the committee, which I thought was an interesting one when we were debating my base bill. And that is that instead of the budget functions, what we do is have the 302(b) allocations, which for everybody's edification are the amounts that are given to the different 13 appropriation subcommittees. I happened to think that was a fairly ingenious idea, because then the numbers would connect.

Now, having said that, I can see the gentleman from Wisconsin (Mr. OBEY) and the gentleman from Alabama (Mr. CALLAHAN) about ready to come out of their chairs, and I do not think we are probably going to have much success in passing that. The gentleman from Wisconsin does not need to come out of his chair, I would say, because we did not put that in there.

See, I should not have even brought that up.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would inform the gentleman that I was merely making an innocent inquiry about the fate of the Chicago Cubs, that is all.

Mr. NUSSLE. Well, reclaiming my time, Mr. Chairman, let me advise the gentleman that they are losing.

Mr. SPRATT. Mr. Chairman, will the gentleman yield?

Mr. NUSSLE. I yield to the gentleman from South Carolina.

Mr. SPRATT. Mr. Chairman, my colleague may have noticed that I winced when I heard him speak up in the background. I was not quite sure what was happening back there because that was a bold proposal. It was almost heresy because it breaks with the compromise that was reached in 1974.

Mr. NUSSLE. Reclaiming my time, Mr. Chairman, I would agree with the gentleman from South Carolina. That is right.

To conclude, Mr. Chairman, I would suggest that if there was some reality between the numbers, then I think there would be more of a reason to have them in the base bill.

The frustrating thing, I think for both sides, is that these budget functions are confusing. What we tried to do is we pushed them into the report and we put the reconciliation restrictions into the base bill. That way we, as a Congress, could decide exactly what committees made those decisions, if there were changes that needed to be made. It does not change the budget function numbers. It just, to some extent we believe, makes them more realistic and makes them easier to understand.

The current budget functions, as the gentleman from South Carolina knows, if we tried to add them up at the end of the year and make them fit into the budget, rarely do. They rarely have any kind of basis in reality when everything is said and done. So we felt it was important to make this more of a real document and not have the confusion that we feel was part of the original budget law, and that is the reason for that change.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield myself such time as I may consume.

If we are concerned about priorities for the American people, then we will vote for this coming-together amendment. If we are concerned about veterans' payments, Medicare, WIC, child care grants, education and highways, issues that bring people together, if we care about how the appropriators do their jobs well, and they do it well; how the Committee on the Budget does its job well, and it does it well, then we will give ourselves the opportunity to establish priorities on the floor dealing with the American people.

This is a good amendment, Mr. Chairman, and it brings people together. It allows both committees respectively to do their jobs. I respect the jobs they do, and I would ask my colleagues to vote for the Jackson-Lee amendment that provides for aggregate assessment, and also the ability to discuss these particular programs in a way that will address the issues and concerns of the American people. I ask for the vote of my colleagues on my amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE).

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 499, further proceedings on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 106–613.

### AMENDMENT NO. 5 OFFERED BY MR. TANCREDO

Mr. TANCREDO. Mr. Chairman, I offer an amendment made in order under the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. TANCREDO:

Subtitle B of title IV is amended by adding at the end the following new section:

**SEC. 426. COMMITTEE ON APPROPRIATIONS REPORTS.**

Clause 3(f)(1)(B) of rule XIII of the Rules of the House of Representatives is amended to read as follows:

"(B) a list of all appropriations contained in the bill for expenditures not currently authorized by law along with the last year for which the expenditures were authorized, the level of expenditures authorized that year, the actual level of expenditures that year, and the level of expenditures contained in the bill (except classified intelligence or national security programs, projects, or activities).".

The CHAIRMAN. Pursuant to House Resolution No. 499, the gentleman from Colorado (Mr. TANCREDO) and a Member opposed each will control 5 minutes.

The gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Tancredo amendment to H.R. 853, the Comprehensive Budget Process Reform Act, would simply expand the reporting requirements for unauthorized programs which appear in the back of the House appropriations reports.

I want to take this opportunity to bring to the attention of the committee and, to help put this thing in perspective, some historical tidbits that I think are interesting.

In 1979, for instance, the Conservative Party leader, Margaret Thatcher, was elected Britain's first female Prime Minister, the Facts of Life began as a four-episode spin-off from an already successful sitcom Different Strokes, and the Legal Services Corporation was last authorized.

In 1980, Mount Saint Helens erupted in May, Ronald Reagan was elected President in November, and the Department of Justice was last reauthorized.

In 1983, the invasion of Grenada, the last episode of MASH was broadcast, and the EPA toxic substance program was last reauthorized.

In 1984, the Olympics came to Los Angeles, the movie Ghost Busters premiered, and the Power Marketing Administration was last reauthorized.

Well, I could go on, there are quite a bit of what I would call interesting tidbits that puts this issue in perspective. We have a lot of programs out there that are continuing to be appropriated for that have not been reauthorized for years. This is a dereliction of our duty, I think, and something we have to draw attention to.

As my colleagues know, the current House rules require a list of all unauthorized programs to appear in the back of the appropriations report. While this current rule is very helpful in ensuring that Congress is aware of the programs that are unauthorized, I believe that much more needs to be done to increase the awareness.

The amendment I propose would simply expand on current rules to include, one, the last year for which the expenditures were authorized; two, the level of expenditures authorized that year; three, the actual level of expenditures for that year; and, four, the level of expenditures contained in that current bill.

I believe this is, although not a gigantic step in the direction I would like to take in terms of reauthorization, it is an important one.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member seek the time in opposition to the Tancredo amendment?

Mr. TANCREDO. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa (Mr. NUSSLE).

Mr. NUSSLE. Mr. Chairman, we have had an opportunity to look at this amendment. We think it improves and enhances this particular bill and we would like to accept this amendment. We feel that it helps us particularly with the section on oversight, and we thank the gentleman for his work on this cause.

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Mr. TANCREDO. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from South Carolina (Mr. DEMINT).

Mr. DEMINT. Mr. Chairman, I rise in strong support of the amendment offered by my friend, the gentleman from Colorado (Mr. TANCREDO).

This is a very simple amendment with a very important purpose, to increase access to Government spending information for Members of the House and the Senate and, especially, to the voting public.

This is a step in the right direction because it brings reform to our Government. It increases accountability, not by creating a new Government program, but by empowering the people with information.

The information required by this amendment answers the questions many of us and many citizens ask when we see un-budgeted spending, questions such as: When did Congress approve this program? How much money was originally approved? How does this compare with current spending levels?

This amendment is important because an informed electorate is crucial to the future of our democracy and informed Members of Congress will also make better decisions.

I urge my colleagues to support this common sense amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, since coming to Congress a little over a year ago, I have spent a considerable amount of time trying to highlight the problems that I have come across in unauthorized spending. As I say, I know this is not the ultimate answer. It is our attempt to focus a little attention, a little light on the problem.

The chart I have here does not come anywhere near indicating all the programs that are being presently appropriated for without authorization, but it just looks at a couple of things that I think are again interesting.

Department of Justice, the last year it was authorized was 1980. The amount of authorization at that time was $1,954,000,000. The level appropriated in this bill $18,213,926,000. That growth has occurred without any authorization activity.

For fiscal year 2000, according to the annual budget report released by the CBO, there were 247 programs funded in 137 laws, totaling over $120 billion wherein authorizations have expired. Last year there were 198 programs funded in 118 laws, totaling over $101 billion.

I believe that this continuing practice has led to the deterioration of power of the authorizing committees and, thus, the loss of aggressive congressional oversight and fiscal responsibility. It has also led to the shift of power away from the legislative branch toward the administration and Federal bureaucracy.

I recognize that H.R. 853 includes a provision requiring authorizing committees to detail how they will authorize programs within a 10-year period, but I believe it is time that the House adds additional provisions to shine the light on this egregious problem.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDO).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 6 printed in House Report 106–613.

### AMENDMENT NO. 6 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. RYAN of Wisconsin:

At the end, add the following new title:

## TITLE VII—BUDGETING IN AN ERA OF SURPLUSES

**SEC. 701. PAYGO REQUIREMENTS AND THE ON-BUDGET SURPLUS.**

(a) Section 252(a) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(a) PURPOSE.—The purpose of this section is to trigger an offsetting sequestration in the amount by which any excess of decreases in receipts and increases in direct spending over increases in receipts and decreases in direct spending, caused by all direct spending and receipts legislation enacted prior to October 1, 2002, exceeds estimates of the on-budget surplus.".

(b) TIMING AND CALCULATION OF SEQUESTRATION.—Section 252(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended to read as follows:

"(b) SEQUESTRATION.—

"(1) TIMING.—Not later than 15 calendar days after the date Congress adjourns to end a session and on the same day as a sequestration (if any) under section 251, there shall be a sequestration to offset an amount equal to—

"(A) any excess of decreases in receipts and increases in direct spending over increases in receipts and decreases in direct spending for legislation enacted prior to October 1, 2002; minus

"(B) the estimated on-budget surplus (which shall not be less than zero),

as calculated under paragraph (2).

"(2) CALCULATION OF SEQUESTRATION.—OMB shall calculate the amount of the sequestration by adding—

"(A) all OMB estimates for the budget year of direct spending and receipts legislation transmitted under subsection (d) for legislation enacted prior to October 1, 2002;

"(B) the estimated amount of savings in direct spending programs applicable to the budget year resulting from the prior year's sequestration under this section, if any, as published in OMB's final sequestration report for that prior year; and

"(C) all OMB estimates for the current year that were not reflected in the final OMB sequestration report for that year; and

then by subtracting from such sum the OMB estimate for the budget year of the on-budget surplus (if any) as set forth in the OMB final sequestration report increased by the amount of budgetary resources cancelled in any such program, project, or activity resulting from a sequestration for the budget year on the same day under section 251 as published in OMB's final sequestration report.".

(c) PREVIEW REPORTS.—Section 254(c)(3) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by redesignating subparagraph (C) as subparagraph (D) and by adding after subparagraph (B) the following new subparagraph:

"(C)(i) MANDATORY.—In projecting the on-budget surplus (if any) for the budget year, direct spending and receipts shall be calculated consistent with the assumptions under section 257(b) but shall exclude all estimates of direct spending and receipts legislation for such year enacted after the date of enactment of this subparagraph (as estimated by OMB when such legislation was originally enacted).

"(ii) DISCRETIONARY.—Except as provided by the preceding sentence, the following assumptions shall apply to the calculation of such estimated surplus:

"(I) For programs, projects, and activities for which a regular appropriation Act or a joint resolution (other than pursuant to section 1311 of title 31, United States Code) continuing appropriations through the end of the budget year is enacted, budgetary resources other than unobligated balances shall be at the level provided by that Act with the following adjustments:

"(aa) Include amounts of budget authority provided and rescinded for such year in any supplemental or special appropriation Act or rescission bill that is enacted into law.

"(bb) Reduce the level by the amount of budgetary resources canceled in any such program, project, or activity by a sequestration under section 251 as published in OMB's final sequestration report for such year.

Substantive changes to or restrictions on entitlement law or other mandatory spending law in an appropriation Act shall be counted in determining the level of direct spending and receipts for purposes of calculating the on-budget surplus under this section.

"(II) For programs, projects, and activities for which a regular appropriation Act or a joint resolution (other than pursuant to section 1311 of title 31, United States Code) continuing appropriations through the end of the budget year is not enacted, budgetary resources other than unobligated balances shall be at the level provided for the current year in regular appropriation Acts or a joint resolution (other than pursuant to section 1311 of title 31, United States Code) continuing appropriations through the end of the current year with the following adjustments:

"(aa) Include amounts of budget authority provided and rescinded for such year in any supplemental or special appropriation Act or rescission bill that is enacted into law.

"(bb) Reduce the level by the amount of budgetary resources canceled in any such program, project, or activity by a sequestration under section 251 as published in OMB's final sequestration report for such year.

Substantive changes to or restrictions on entitlement law or other mandatory spending law in an appropriation Act shall be counted in determining the level of direct spending and receipts for purposes of calculating the on-budget surplus under this section. After making such adjustments, further adjust such amount using the assumptions set forth in section 257(c) (1)–(5).".

(d) DEFINITION OF ON-BUDGET SURPLUS.—Section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended by adding at the end the following new paragraph:

"(20) The term 'on-budget surplus' means, with respect to a fiscal year, the amount by which receipts exceed outlays for all spending and receipt accounts of the United States Government that are designated as on-budget. Such term does not include outlays and receipts of the Federal Old-Age and Survivors Insurance Trust Fund, the Federal Disability Insurance Trust Fund, or any other off-budget entity.".

(e) EXPEDITED RECONCILIATION PROCESS.—Section 258C of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended as follows:

(1) The side heading of subsection (a) is amended by inserting "OR IN THE HOUSE OF REPRESENTATIVES" after "SENATE".

(2) In paragraphs (1), (2), (3), and (4) of subsection (a), insert "or House" after "Senate" each place it appears.

(3) In subsection (a)(7), strike "For" and insert "In the Senate, for".

(4) In subsection (b)(1), insert "or House" after "Senate".

(5) In the side heading of subsection (b)(4), insert "OTHER" after "THE".

(6) In subsection (b)(4), strike "in the Senate from the House" and insert "in the Senate or House of Representatives from the other House", strike "Senate" the second place it appears and insert "Senate or House of Representatives, as the case may be,", and strike "Senate" the third place it appears and insert "in the applicable House".

The CHAIRMAN. Pursuant to House Resolution 499, the gentleman from Wisconsin (Mr. RYAN) and the gentleman from South Carolina (Mr. SPRATT) each will control 10 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very simple amendment. The reason why I am proposing this amendment is because our current budget process, our current budget laws, have failed to take into consideration that we are now in an era of surpluses. The budget laws were written in a time when we were knee deep in deficits and we had deficits as far as the eye could see.

I believe that it is very important that, as we redo our budget process, we do it to take into consideration the fact that we now have budget surpluses.

What my amendment would do is to carry out our commitment to allow that the on-budget or non-Social Security surpluses would be used for tax relief or entitlement reform or debt reduction, as current law allows.

Under current law, the budget surplus cannot be used to offset tax relief provisions or increases in mandatory spending. This law, which is commonly referred to as pay-as-you-go, or the pay-go statute, was enacted in 1990. It says that the sum of all tax-and-entitlement legislation could not increase the deficit in any given fiscal year over a period 5 years.

This means that if a tax or spending legislation increased the deficit, it had to be offset with increasing taxes or decreasing entitlement spending, a wise law, for a deficit period.

But what happens when we run into a budget surplus? Mr. Chairman, that is what this amendment addresses. This law updates that. This legislation has been introduced by Members of both sides of the aisle in this Congress and last Congress.

I introduced H.R. 1016 to do just this, which is similar to this amendment. My amendment would simply apply the on-budget surplus to the pay-go scorecard to allow that the surplus could be used for either offsetting tax relief or entitlement reform.

If they want to pass a prescription drug benefit to Medicare, now, under my amendment, if it becomes law, they can do so. If they want to give deductibility for health insurance, if they want to abolish the marriage tax penalty, right now they cannot use that budget surplus. Under my amendment, they can do so.

What we simply achieve in this amendment is catching up with the fact that we have surpluses. If we do not rewrite the pay-go statute to catch up with the current situation, we will spend this money.

Mr. Chairman, what we have seen time and time again this year and last, if there is money left on the table by our constituents overpaying their income taxes, that money will be spent. Make no bones about that.

What this amendment does is play off of the good support and the good policy we have achieved by dedicating all Social Security surpluses toward paying off our public debt.

Mr. Chairman, let me add that, with the passage of our budget resolution, with legislation we have passed earlier, and with the discipline of Congress last year, we stopped the raid on the Social Security trust fund and we are well on our way to paying off our public debt in 12 years.

What this amendment does is address those other surpluses, the non-Social Security surpluses, the on-budget surpluses. And it simply says, after paying that public debt off, after taking Social Security off budget, if constituents, if the American taxpayer still overpays their taxes, that money ought to be used for either changing entitlements like Medicare reform or reducing their taxes. Because, after all, that is what surpluses are, tax overpayments.

It is a very common sense bill. It is a very common sense amendment. It is endorsed and promoted by the National Taxpayer Union and Citizens Against Government Waste.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 5½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this is a little more than a simple amendment. But I do want say to my colleague, the gentleman from Wisconsin (Mr. RYAN), he is one of the more thoughtful Members on these issues, even though we do not always agree, and I respect him for that.

The problem with this amendment, in my opinion, is that this would repeal half of the pay-go rules only if it applies to the on-budget surplus and it would allow the Congress to leverage long-term projections for tax cuts or new spending which might turn out to be wrong.

In the event they were wrong, then half of pay-go would apply and it would apply against things either as tax increases or Medicare or title XX social services block grants or veterans' education or student loans or farm price supports, or quite possibly, and the appropriators should think about this, it might indirectly affect discretionary spending, because if the Congress decided it did not want to have sequestration in the Medicare programs or the farm price support programs, then they would have to revisit the discretionary side of the ledger and make adjustments in there.

My colleagues would be better off, and I oppose this, but they would be better off, quite frankly, repealing all of pay-go rather than doing what they are doing here, which is sort of doubling up the straitjacket that pay-go does.

I appreciate what the gentleman from Wisconsin (Mr. RYAN) is trying to do. He is trying to say, in this new era of bucket surplus, it is time to forget pay-go and move on.

My feeling is, one, we do not know how long this is going to go on for. We do not know how good these projections are. We ought to be dedicating the vast majority of both the on-budget and off-budget surplus to paying down debt because we may well have to borrow in the future for some unforeseen event. But to do this would just rachet tighter and tighter pay-go on a smaller portion of the budget.

And it probably would fail. It would probably go back to the days of Gramm-Rudman-Hollings. I was staff here when Gramm-Rudman-Hollings first came in, and all I can remember was Congress missed, missed, missed and missed through Gramm-Rudman-Hollings.

So it was not until the 1990 Budget Act, and I had left, I was on Wall Street at that time, that Congress then started to follow the spending caps and the pay-go rules.

I think it would be a grave mistake to adopt this amendment. The gentleman from Wisconsin (Mr. RYAN) is well-intentioned, but he either is going to set us up to fail or he is going to set us up to make huge leverage decisions on long-term projections, which very likely could be wrong and make us have to make cuts in these programs or raise taxes in the future. I have not found too many Members in this body on either side of the aisle who are eager to raise taxes.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, to respond, I appreciate the compliments of the gentleman from Texas (Mr. BENTSEN). I, too, believe that he is one of the more thoughtful members of the Committee on the Budget who understands these issues.

I would like to address just a couple of points he makes. I think it is a valid point to suggest that we are locking in projections on this pay-go scorecard fix and that that might, indeed, become a case where those projections do not materialize.

That is why, if we look at the amendment, we have rewritten this amendment so that it takes into account changes in budget projections. Every January, CBO would reanalyze the projections. So every single year we would redo the projections so that the scorecard would be adjusted on an annual basis so that we would not wind ourselves up into the point where we are going to pass a tax cut, say, for example, that uses a credit on the scorecard on old projections. It would be annual projections. And if we would exceed those projections, we would offset that spending.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, I understand that. But they are going to have projections that they are going to get for, say, fiscal year 2001 and then they are going to pass the capital gains tax cut. I do not think they want to pass the capital gains tax cut and do it on an annual basis. I think they want to do it on a long-term basis, and I think it is going to be a problem in how it works.

The point is that they would not want to have to come back and say, well, we set the cap gains rate at 20 percent this year, but because we got new CBO forecast, in order not to have to cut Medicare, we are going to go back and reset it at 21 percent.

For the investor who is holding an instrument for 6 months or a longer period of time, that is going to be quite disruptive. And that is a problem in trying to do this. They either have to try to go all the way or no way.

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will continue to yield, right now if we cut taxes and we pass a tax bill saying it decreases capital gains taxes that is offset with spending cuts or mandatory spending cuts, what this amendment simply says is that the mixture of offsets would be on-budget surpluses or mandatory offsets, and that mixture would be determined by the annual re-estimate of the projection on an annual basis. So that, if they lock in place a capital gains tax cut, say, for 10 years, their on-budget portion which pays for that would adjust on the actual re-estimate every year and any money that comes in above and beyond the surplus projection amount that is required to offset taxes would be dedicated toward offsets coming from mandatory spending.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, I understand what the gentleman is saying. It is well-intentioned. But the point he made is that, if the numbers do not turn out, they have locked in the cap gains tax cut for 10 years and, so, they are going to have to go back and make it up on the mandatory spending side.

That is my point exactly, they do not know for certain. They are going to have to come back and keep reevaluating it. So they may start this where they have a large surplus. Things change and they have to come back and take it out of the Medicare program. I do not think the Members on either side of the aisle are really going to want to do it.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to how much time is remaining.

The CHAIRMAN. The gentleman from Wisconsin (Mr. RYAN) has 6½ minutes remaining. The gentleman from South Carolina (Mr. SPRATT) has 4½ minutes remaining.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before I yield to my friend from Pennsylvania, I would like to actually quote Mr. Leon Panetta. Leon Panetta was the former chairman of the House Committee on the Budget when the Democrats controlled the House.

□ 1845

He was the former Budget Director of the Office of Management and Budget and the former Chief of Staff to President Clinton. Recently at a budget symposium, Mr. Panetta said, "We should set aside a specific amount of the projected budget surplus for either use on entitlement programs or tax cuts, and Members can then fight on how that should be done. But to establish a pay-go account for that purpose and if that pay-go account is exceeded, you then have to pay for any additional spending above that limit."

Mr. Chairman, this is precisely what my amendment does. It is an amendment that has been endorsed effectively by Mr. Panetta, the former chairman of the House Committee on the Budget, the former chairman of the Office of Management and Budget.

To respond to the gentleman from Texas, who is a thoughtful gentleman on these issues, I say that we are always passing tax relief packages here in the House. The only difference that this amendment presents is that if constituents, taxpayers continue to overpay their tax, that should be factored into it. We should not spend the money on discretionary spending if it shows up in town, if we have brand new surpluses. That money should instead go toward tax reduction or entitlement reform.

Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. I thank the gentleman from Wisconsin for yielding me this time.

Mr. Chairman, I would point out that I think he deserves congratulations for delving so deeply into the land of esoteria here. This is not a very well understood topic and I congratulate him for his conscientious efforts certainly to understand it, which he thoroughly does, but to offer a constructive solution.

I think what this amendment is all about really is honest budgeting, specifically honest budgeting in the age of surpluses. Pay-go is a relic of the era of deficits. It was designed at the time for the worthy purpose of preventing further growth in existing deficits. What the Ryan amendment does is it simply updates this tool so that it will also work when there are surpluses. If, God forbid, we go back to the days of deficits, this tool will continue to work as it was designed, as it was intended, as it worked then. But today, fortunately, we are in a time of surplus and we need to update this tool.

Theoretically, under the current budget rules, if we want to use part of the on-budget surplus, the non-Social Security surplus for a tax cut, the rules say you have got to cut entitlement spending in order to do that. Now, we certainly do not want to cut entitlement spending because we want to lower taxes from the on-budget surplus, and we do not. When we propose a tax cut, what we do is we waive this rule. We pretend it is not there. Well, that is not the right way to do things. That really makes a mockery of the rules of the House.

What the gentleman from Wisconsin is attempting to do is to modify this rule, update it, bring it up to the era of surpluses and make it workable, whether we have deficits or surpluses. It is a good, thoughtful amendment. I urge my colleagues to support it.

Mr. SPRATT. Mr. Chairman, I yield 30 seconds to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, what the Ryan amendment says is that no matter how big the surpluses become in the future that you cannot spend a dime on veterans health care, you cannot spend a dime on education, you cannot spend a dime on cancer research. All you can do is use that money for tax cuts or entitlements, which are the fastest growing portion of the budget. With all due respect, he may define that as being balanced and fair. I think veterans and persons suffering from cancer and people who want their kids to get a decent education would respectfully disagree.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume to say just one thing. That is why we have a discretionary budget. We have a discretionary budget which increases every year for veterans programs, for NIH spending. This money goes toward either tax reform or entitlement reform. Medicare is a very, very important program for every single American in this country over the age of 65. We are simply saying, let us fix Medicare, let us fix our entitlements and let us fix the fact that we have the highest tax burden in the peacetime history of this Nation.

Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska (Mr. TERRY).

Mr. TERRY. Mr. Chairman, I rise in support of this amendment, along with the others who are simply here because we passionately feel that to secure America's future and protect our children, that we need to limit the growth of government and that we are tired of being on the losing end of those attempts. What we want to do is just put in real, common sense measures that really focus the attention on limiting spending and trying to do the right things in this Congress. This amendment would do that. This amendment would allow the on-budget surplus to offset tax relief or mandatory spending increases.

The Ryan pay-go amendment is endorsed by the National Taxpayers Union and Citizens Against Government Waste. What it does is that under current law, known as pay-go, only tax increases or cuts in mandatory spending may be used to offset other tax relief measures or mandatory spending increases. This amendment . would allow the on-budget surplus, not the Social Security surplus, to offset these measures. In essence, this amendment would allow for the budget surplus to be used for tax relief, for mandatory spending reforms such as Medicare reform.

This is bipartisan language that is similar to bills that have been introduced in the past. It is sensible. It is common sensical. I support it and urge all of my colleagues to support it.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

The gentleman began his amendment by saying that this would allow us to dedicate all Social Security funds to debt reduction. But in truth, the debt reduced, the debt held by the public, would be bought up by the Social Security administrators and there would be a commensurate increase in the debt held by the administrator, the Social Security Administration, for the decrease in the debt held by the public. So in truth there is no real debt retirement. I am in favor of doing that, but that is not really debt retirement. If you want to retire debt, pay off debt, you have got to use the on-budget surplus for debt reduction. If you wipe it out with tax cuts or mandatory spending increases as this would allow, then it will not be there for additional debt reduction, point number one.

Point number two. He says this will protect Social Security. But in truth what he is doing is removing the cushion that does protect Social Security. Suppose we are wrong about future surpluses and suppose we have a big tax cut or a big spending increase premised on the expectation that these projections will actually obtain and they do not obtain, the economy takes a downturn. What happens is that you are into Social Security, because you have removed the cushion, the on-budget surplus that would absorb the downturn in the economy. You are back into Social Security, so it puts Social Security in jeopardy.

To protect Social Security, he reaches back into the past and gets an instrument, a tool, we called it a club in the closet once, called sequestration. We go back to the old principles of sequestration and Gramm-Rudman-Hollings I and Gramm-Rudman-Hollings II here. If you have a downturn in the economy, if the surplus does not obtain, if you have a tax cut or a spending increase premised on payment out of the surplus and the surplus does not show up in the future, then you have sequestration so that you stay out of Social Security. We had sequestration in Gramm-Rudman-Hollings. How many times did we use it? Once. March 1, 1986. Thereafter, when the law was changed, we never used sequestration again to any substantial extent. It is a phony device. It will not ever happen. In any event, if it does, you will cut Medicare instead of cutting Social Security and the same people are going to be hurt. So this is not a good idea.

Let me tell the gentleman, I respect him. We work together on the Committee on the Budget. He was not here in the 1980s and the 1990s when we grappled with solutions. One of the solutions to the deficit that we came up with was the pay-go rule. The other was the discretionary spending ceiling. The pay-go rule was a reaction to our failed experience under Gramm-Rudman-Hollings. In Gramm-Rudman-Hollings, we said we are going to project the deficit for the future each year, and we had then $180 billion deficits. So we said over 5 years we are going to eradicate this deficit. 180 over 5 equals 36, every year we are going to reduce the deficit by $36 billion until it is zero. It did not happen.

One reason it did not happen is that the first year out of the box, the first year in our experience with Gramm-Rudman-Hollings the deficit went from $180 billion to $221 billion. That was not supposed to happen. The economy made it happen. As a consequence, we were $41 billion deeper in debt than we really thought we were, $41 billion behind the mark where we thought we were going to start. That could happen here. We have been lucky, we have been fortunate, but one day this gravy train could come to an end. The increasing revenues that have fueled the increasing surplus could also terminate. When that happens, all of these spending increases and tax cuts that we are premising on paper are projected surpluses may turn awry. We may find ourselves in deep trouble because we have assumed that they were going to happen. The safe, conservative, responsible and proven way to go is to leave the pay-go rule the way it is and only cut taxes when you identify a revenue stream or an entitlement cut to offset the consequences to the surplus.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 1 minute to the gentleman from New Hampshire (Mr. SUNUNU).

Mr. SUNUNU. Mr. Chairman, I have rarely heard so much time and effort made into making a pretty simple amendment sound so complicated. It is simple because if you ask anyone in this country what should be done with the on-budget surpluses, they give you a pretty straightforward response. They say, we should increase education funding, we should strengthen Social Security or Medicare, we should get rid of the marriage penalty, give individuals deductibility for their health insurance cost. But the fact of the matter is under the existing pay-go rule, you cannot get rid of the marriage penalty using the on-budget surplus. You cannot strengthen Medicare using the on-budget surplus.

Then how in fact do we do those things? Last year we passed a Medicare update bill. We had to waive the pay-go rule, which is arcane and outdated in an age of on-budget surpluses. How did we eliminate the Social Security earnings limit, which is good bipartisan legislation that everyone in this body supports? We had to waive the pay-go rule. How do we get rid of the marriage penalty? We have to waive the pay-go rule. If you want to do these things, if you want to reduce taxes without cutting entitlements and if you want to strengthen entitlements without cutting other entitlements, you need to waive the existing pay-go rules.

That is what this gentleman's amendment does. It updates them in a common sense way.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

This is a very simple amendment. For those Members who are endorsing pay-go as it is currently structured, it is expiring next year, anyway. We should be supporting this amendment. This amendment not only retains pay-go but it improves and extends pay-go to apply to the fact that we now have budget surpluses.

Mr. Chairman, those who are opposing this amendment are trying to make it more complicated than it is. All we are saying is in the land of budget surpluses, non-Social Security surpluses, when Washington gets flooded with all of this new money, that money should not go toward more frivolous spending. That money should go toward entitlement reform and tax reform or debt reduction. Congress will decide the mixture of those things. It extends and updates pay-go to take into account the fact that we have a surplus era. I urge the passage of this amendment.

The CHAIRMAN pro tempore. (Mr. MCHUGH). The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SPRATT. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. RYAN) will be postponed.

It is now in order to consider amendment No. 7 printed in House Report 106–613.

### AMENDMENT NO. 7 OFFERED BY MR. RYAN OF WISCONSIN

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. RYAN of Wisconsin:

At the end of title VI, add the following new subtitle:

### Subtitle C—Spending Accountability Lock-box

#### SEC. 631. SHORT TITLE.

This subtitle may be cited as the "Spending Accountability Lock-box Act of 1999".

#### SEC. 632. SPENDING ACCOUNTABILITY LOCK-BOX LEDGER.

(a) ESTABLISHMENT OF LEDGER.—Title III of the Congressional Budget Act of 1974 (as amended by sections 104(c) and 206(a)) is further amended by adding after section 317 the following new section:

"SPENDING ACCOUNTABILITY LOCK-BOX LEDGER

"SEC. 318. (a) ESTABLISHMENT OF LEDGER.—The chairman of the Committee on the Budget of the House of Representatives and the chairman on the Committee on the Budget of the Senate shall each maintain a ledger to be known as the 'Spending Accountability Lock-box Ledger'. The Ledger shall be divided into entries corresponding to the subcommittees of the Committees on Appropriations. Each entry shall consist of three components: the 'House Lock-box Balance'; the 'Senate Lock-box Balance'; and the 'Joint House-Senate Lock-box Balance'.

"(b) COMPONENTS OF LEDGER.—Each component in an entry shall consist only of amounts credited to it under subsection (c). No entry of a negative amount shall be made.

"(c) CREDIT OF AMOUNTS TO LEDGER.—(1) In the House of Representatives or the Senate, whenever a Member offers an amendment to an appropriation bill to reduce new budget authority in any account, that Member may state the portion of such reduction that shall be—

"(A) credited to the House or Senate Lock-box Balance, as applicable; or

"(B) used to offset an increase in new budget authority in any other account;

"(C) allowed to remain within the applicable section 302(b) suballocation.

If no such statement is made, the amount of reduction in new budget authority resulting from the amendment shall be credited to the House or Senate Lock-box Balance, as applicable, if the amendment is agreed to.

"(2)(A) Except as provided by subparagraph (B), the chairmen of the Committees on the Budget shall, upon the engrossment of any appropriation bill by the House of Representatives and upon the engrossment of Senate amendments to that bill, credit to the applicable entry balance of that House amounts of new budget authority and outlays equal to the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by that House to that bill.

"(B) When computing the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the House of Representatives or the Senate to an appropriation bill, the chairmen of the Committees on the Budget shall only count those portions of such amendments agreed to that were so designated by the Members offering such amendments as amounts to be credited to the House or Senate Lock-box Balance, as applicable, or that fall within the last sentence of paragraph (1).

"(3) The chairmen of the Committees on the Budget shall, upon the engrossment of Senate amendments to any appropriation bill, credit to the applicable Joint House-Senate Lock-box Balance the amounts of new budget authority and outlays equal to—

"(A) an amount equal to one-half of the sum of (i) the amount of new budget authority in the House Lock-box Balance plus (ii) the amount of new budget authority in the Senate Lock-box Balance for that subcommittee; and

"(B) an amount equal to one-half of the sum of (i) the amount of outlays in the House Lock-box Balance plus (ii) the amount of outlays in the Senate Lock-box Balance for that subcommittee.

"(4) CALCULATION OF LOCK-BOX SAVINGS IN SENATE.—For purposes of calculating under this section the net amounts of reductions in new budget authority and in outlays resulting from amendments agreed to by the Senate on an appropriation bill, the amendments reported to the Senate by its Committee on Appropriations shall be considered to be part of the original text of the bill.

"(d) DEFINITION.—As used in this section, the term 'appropriation bill' means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations through the end of a fiscal year.

"(e) TALLY DURING HOUSE CONSIDERATION.—The chairman of the Committee on the Budget of the House of Representatives shall maintain a running tally of the amendments adopted reflecting increases and decreases of budget authority in the bill as reported. This tally shall be available to Members in the House of Representatives during consideration of any appropriations bill by the House.".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 317 the following new item:

"Sec. 318. Spending accountability lock-box ledger.".

### SEC. 633. DOWNWARD ADJUSTMENT OF SECTION 302(a) ALLOCATIONS AND SECTION 302(b) SUBALLOCATIONS.

(a) ALLOCATIONS.—Section 302(a) of the Congressional Budget Act of 1974 (as amended by section 422) is further amended by adding at the end the following new paragraph:

"(6) ADJUSTMENT OF ALLOCATIONS.—Upon the engrossment of Senate amendments to any appropriation bill (as defined in section 318(d)) for a fiscal year, the amounts allocated under paragraph (1) to the Committee on Appropriations of each House upon the adoption of the most recent joint resolution on the budget for that fiscal year shall be adjusted downward by the amounts credited to the applicable Joint House-Senate Lock-box Balance under section 318(c)(2). The revised levels of new budget authority and outlays shall be submitted to each House by the chairman of the Committee on the Budget of that House and shall be printed in the Congressional Record.".

(b) SUBALLOCATIONS.—Section 302(b) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Whenever an adjustment is made under subsection (a)(6) to an allocation under that subsection, the Committee on Appropriations of each House shall make downward adjustments in the most recent suballocations of new budget authority and outlays under this subparagraph to the appropriate subcommittees of that committee in the total amounts of those adjustments under section 318(c)(2). The revised suballocations shall be submitted to each House by the chairman of the Committee on Appropriations of that House and shall be printed in the Congressional Record.".

### SEC. 634. PERIODIC REPORTING OF LEDGER STATEMENTS.

Section 308(b)(1) of the Congressional Budget Act of 1974 is amended by adding at the end the following new sentence: "Such reports shall also include an up-to-date tabulation of the amounts contained in the ledger and each entry established by section 318(a).".

### SEC. 635. DOWNWARD ADJUSTMENT OF DISCRETIONARY SPENDING LIMITS.

The discretionary spending limits for new budget authority and outlays for any fiscal year set forth in section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amounts set forth in the final regular appropriation bill for that fiscal year or joint resolution making continuing appropriations through the end of that fiscal year. Those amounts shall be the sums of the Joint House-Senate Lock-box Balances for that fiscal year, as calculated under section 302(a)(6) of the Congressional Budget Act of 1974. That bill or joint resolution shall contain the following statement of law: "As required by section 635 of the Spending Accountability Lock-box Act of 1999, for fiscal year [insert appropriate fiscal year] and each outyear, the adjusted discretionary spending limit for new budget authority is reduced by $ [insert appropriate amount of reduction] and the adjusted discretionary limit for outlays is reduced by $ [insert appropriate amount of reduction] for the fiscal year and each outyear.". Section 306 shall not apply to any bill or joint resolution because of such statement. This adjustment shall be reflected in reports under sections 254(f) and 254(g) of the Balanced Budget and Emergency Deficit Control Act of 1985.

The CHAIRMAN pro tempore. Pursuant to House Resolution 499, the gentleman from Wisconsin (MR. RYAN) and the gentleman from South Carolina (MR. SPRATT) each will control 5 minutes.

The Chair recognizes the gentleman from Wisconsin (MR. RYAN).

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume. I will be very brief in the summary of this amendment. This amendment has been here before. In fact, 321 Members of this body have at one time or another in this or past Congresses either cosponsored or voted for this amendment; 42 Members of the Committee on Appropriations today have either voted for or cosponsored this amendment.

This amendment is commonly referred to as the discretionary lockbox. It simply says this. If you are a Member of Congress and you come to the floor of Congress with an amendment to reduce or cut spending, that money will go toward debt reduction. What it says is that money will go toward debt reduction unless you choose to designate that money to go toward other parts of spending. But today under current law, we have this crazy budget system under which if you go to the floor of Congress, pass an amendment to cut or eliminate spending, save some taxpayer dollars, that program may not be authorized or appropriated but the money you save by law will have to be respent at another part of the Federal Government. That is part of the crazy budget laws we live under today.

Simply put, this amendment says if you want to pass an amendment to cut out some pork barrel spending, to cut some wasteful spending, that money will go toward paying down the national debt rather than being plowed into spending in another form of the Federal Government.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

It is true that this has been voted upon before. We were desperate for solutions and so this was one of the jerry-rigged solutions that we came up with. It has been through committee. It has been on the floor. Let me tell my colleagues what is wrong with it.

□ 1900

We can have a cut here on the House floor or in committee of a particular program that is unpopular amongst Members here in the House. They can have a cut in the Senate of the same amount, or roughly the same amount, of a totally different program. When you then go to conference, there is no coming together on the cut that has been made. The House has decided to cut one thing that is not popular here, the Senate has decided to cut another thing that is not popular there.

The amount is roughly the same, so both Houses have interests in their so-called lockbox accounts that have to be reconciled, but there is no reconciliation on the item to be cut, how that number is to be achieved. They may be at total loggerheads over that particular issue. That is one of the problems with it.

Secondly, you can cut something that is one time, nonrecurring, that would not have any really future prospect of spendout, but nevertheless, it has future consequences for the budget, because, if I understand the gentleman's amendment correctly, once you achieve that cut here on the House floor, if you specify that the cut will be charged to the lockbox account, then you have to reduce 302(a) and (b), and then, having done that, discretionary spending has been reduced overall, the discretionary spending ceiling is not only lowered for that year, but successive years so long as it remains in effect. Even though if this could have been a one-time nonrecurring item, something that did not have future consequences, it could and will have consequences for the budget.

For all of these reasons, this lockbox idea is an idea whose time has come and passed. We do not need it now. There is no reason to complicate the process with it. I strongly recommend that we do not approve it tonight.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to respond to those two concerns by the gentleman from South Carolina (Mr. SPRATT), who voted for this lockbox amendment in prior Congresses. We have changed it a little bit since the last time the gentleman from South Carolina (Mr. SPRATT) voted for it.

Number one, the conference report must pass for the savings to be realized. We lower the 302(a) after the conference report with the House and the Senate passes.

Number two, it is a 1 year time savings. It happens in the first year. It does not change the 5-year budget resolution window. So I think those are very good points the gentleman has raised. We have taken care of those concerns in this amendment. The gentleman voted for it once before, and I hope he will do so again.

Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I rise in support of this amendment. It is really very simple. What this amendment is all about, as it says, is if Congress passes an amendment designed, intended, and it passes, to save taxpayer money, then it should do just that. It should not be spent somewhere else.

The Ryan amendment, frankly, is a reasonable and sensible compromise on how that happens. It says any money that is saved through an amendment to an appropriation bill is not going to be used for a tax cut and it cannot be used for additional spending. It simply will be used for debt reduction.

Now, some may point out, well, you know, if nothing else happens, eventually this money automatically will go for debt reduction. But, keep in mind, that is only if it is not spent first on a subsequent bill. I think experience shows that it is very hard for this Chamber and it is very hard for the other Chamber to resist the temptation of spending money that is sitting on the table.

What the Ryan amendment does is it says when this Chamber expresses its will by reducing the spending level, let us make that happen. Take the money off the table. This is a very modest modicum of fiscal discipline, and I urge my colleagues to support this amendment.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (MR. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I am starting a new practice in the House, and also an old practice in the House.

The question I have, and the staff has explained this to me, if an amendment passed, say, to the defense appropriations bill, I will give an example, which, say, cuts the D–5 missile program for $10 billion in the House, and then it passes in the Senate for $5 billion, then you take the average of $7.5 billion and reduce the overall discretionary spending by $7.5 billion, could the committee still then fully fund the D–5 missile and just take it out of somewhere else so Members would think they are voting for one thing but get something else in return?

Mr. RYAN of Wisconsin. Mr. Chairman, if the gentleman will yield, first of all, that would be something that would be operated under a conference report agreement. If one side does one policy and the other does not, that could be changed in conference.

As to the issue of the allocation, not the appropriation of a particular program, the allocation would be changed after the conference report is passed.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Texas (MR. BENTSEN).

Mr. BENTSEN. Mr. Chairman, the question though is this: The Members on the floor of the House would be voting to cut a specific program that they think is going in a lockbox, and the members of the other body would be voting to cut a specific program. But then the members of the Committee on Appropriations could actually go back and fund that program, but we would get credited.

I know it would come to a great shock to everybody that that might happen, that the members of the committee and conference might not follow the will of the House or the other body, but it seems like we are sort of giving a blanket approach to a lockbox, just stick whatever program on there nobody likes, and then we will do that, and then we will cut it and take it out of somewhere else.

Mr. RYAN of Wisconsin. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, we cannot control what happens in a conference report. We cannot control from this Chamber or from the other Chamber what they do in conference reports. So this amendment does not try to control that, it simply tries to capture the savings from successful appropriations amendments to be used for debt reduction. You cannot control the level.

Mr. BENTSEN. Mr. Chairman, reclaiming my time, my only concern is it would be something people would say we are going to vote against a program we do not like, but we will take it out of a program we like.

Mr. SPRATT. Mr. Chairman, I yield back the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 1 minute.

Mr. RYAN of Wisconsin. Mr. Chairman, this is a very, very straightforward amendment. All this amendment does is it simply says that if you are a Member of Congress and you want to reduce spending, you want to go after a wasteful program, that means you can then use that money to pay off national debt.

We have some weird laws in this body. I am a new Member of Congress and I am becoming acquainted with these. But one of the weirdest laws that we have here in this body is that if you eliminate or reduce spending in the appropriations process, that money is spent somewhere else in the Federal Government. It cannot go toward paying down our National debt.

All this amendment does, an amendment supported by the National Taxpayers Union, an amendment supported by the Citizens Against Government Waste, all this amendment says is that if you successfully pass an amendment to save money, that that money will go toward paying down the National debt, unless you designate it to go to another account or another spending program within the Federal Government. It is good fiscal discipline, it is bipartisan. I am pleased to have as my cosponsors the gentleman from Minnesota (Mr. MINGE) and the gentleman from New Jersey (Mr. ANDREWS). I am pleased that 321 Members of this House have already voted for or cosponsored this bill.

I ask Members to be consistent. I ask Members to vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The amendment was agreed to.

Mr. SPRATT. Mr. Chairman, I ask unanimous consent to withdraw my request for a recorded voted on Ryan amendment No. 7.

The CHAIRMAN. Does any other Member ask for a recorded vote?

### PARLIAMENTARY INQUIRY

Mr. NUSSLE. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NUSSLE. Mr. Chairman, on the amendment that the gentleman from South Carolina was requesting unanimous consent regarding, what was the determination of the Chair?

The CHAIRMAN. The result on the previous amendment was "aye" by a voice vote.

The Chair would make an inquiry of the gentleman from South Carolina.

The amendment just concluded was Ryan No. 7. I understand the gentleman's unanimous consent request to be with regard to which amendment?

Mr. SPRATT. It was Ryan No. 7, according to mine. It is Ryan No. 6, the pay-go amendment.

The CHAIRMAN. The gentleman's request concerns the previous amendment, Ryan No. 6, on which the gentleman from South Carolina asked for a recorded vote. He is now seeking unanimous consent to withdraw his request for a recorded vote.

Mr. RYAN of Wisconsin. Are you talking about the pay-go amendment?

The CHAIRMAN. Yes. Without objection, the request for a recorded vote entered by the gentleman from South Carolina is withdrawn. Does any other Member seek a recorded vote on Ryan No. 6?

If not, that amendment is adopted.

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 499, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

Amendment No. 2 offered by Mr. GEKAS of Pennsylvania; and,

Amendment No. 4 offered by Ms. JACKSON-LEE of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 2 OFFERED BY MR. GEKAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Pennsylvania (Mr. GEKAS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 173, noes 236, not voting 25, as follows:

[Roll No. 187]

AYES—173

Aderholt
Archer
Armey
Bachus
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Blunt
Boehlert
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Combest
Cook
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeMint
Diaz-Balart
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Gallegly
Gekas
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
LaHood
LaTourette
Lazio
Leach
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Norwood
Nussle
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shows
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Terry
Thomas
Thune
Toomey
Vitter
Walden
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wynn
Young (AK)

NOES—236

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bishop
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Cardin
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Emerson
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (TX)
Hastings (FL)
Hayes
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hoyer
Hunter
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
Lofgren
Lucas (KY)
Luther
Maloney (CT)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Napolitano
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Portman
Price (NC)
Pryce (OH)
Rahall
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Sherman
Sherwood
Sisisky
Skeen
Skelton
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (NC)
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tiahrt
Tierney
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Wexler
Weygand
Wise
Wolf
Woolsey
Wu
Young (FL)

NOT VOTING—25

Ackerman
Baker
Barrett (WI)
Bliley
Campbell
Delahunt
Engel
Ganske
Largent
Lowey
Maloney (NY)
Martinez
McCollum
McCrery
McIntosh
McNulty
Meeks (NY)
Nadler
Owens
Oxley
Rangel
Serrano
Slaughter
Stupak
Udall (NM)

□ 1932

Mr. LEWIS of Georgia and Mr. HUNTER changed their vote from "aye" to "no."

Mrs. MORELLA and Messrs. SMITH of Michigan, PETERSON of Pennsylvania, REYNOLDS, and DOGGETT changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 499, the Chair announces that he will reduce to a minimum of 5 minutes the time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

### AMENDMENT NO. 4 OFFERED BY MS. JACKSON-LEE OF TEXAS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from Texas (Ms. JACKSON-LEE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 188, noes 225, not voting 21, as follows:

[Roll No. 188]

AYES—188

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci

Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bilbray
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Linder
Lipinski
Lofgren
Lucas (KY)
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Menendez
Millender-McDonald
Miller, George
Mink
Moakley
Moore
Moran (VA)
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Phelps
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sherman
Simpson
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOES—225

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilirakis
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
LoBiondo
Lucas (OK)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Minge
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Ose
Oxley
Packard
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Bliley
Campbell
Engel
Ganske
Kaptur
Largent
Lowey
Maloney (NY)
Martinez
McCollum
McIntosh
McNulty
Meeks (NY)
Nadler
Owens
Rangel
Riley
Serrano
Stupak
Udall (NM)

☐ 1941

Mr. LUTHER changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes, pursuant to House Resolution 499, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. NUSSLE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 250, not voting 18, as follows:

[Roll No. 189]

AYES—166

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Bartlett
Barton
Bass
Bilbray
Blunt
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Crane
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Doggett
Dreier
Dunn
Ehrlich
English
Ewing
Fletcher
Foley
Fossella
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Inslee
Isakson
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
LaHood
Latham
Lazio
Leach
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Manzullo
McCrery
McHugh
McInnis
McKeon
Meehan
Metcalf
Mica
Miller, Gary
Minge
Moran (KS)
Myrick
Nethercutt
Norwood
Nussle
Oxley
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Reynolds
Rogan
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Stearns
Stenholm
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Terry
Thomas
Thornberry
Thune

Toomey
Upton
Vitter
Walden
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wilson

NOES—250

Abercrombie
Allen
Andrews
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barrett (NE)
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Callahan
Calvert
Capps
Capuano
Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Conyers
Cook
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehlers
Emerson
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Forbes
Ford
Fowler
Frank (MA)
Frost
Gejdenson
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Hoyer
Hunter
Hyde
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
Lofgren
Maloney (CT)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
Meek (FL)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Napolitano
Neal
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Ose
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NOT VOTING—18

Ackerman
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□ 2000

So the bill was not passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. NUSSLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 853, the legislation just considered.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Iowa?

There was no objection.

## APPOINTMENT OF CONFEREES ON H.R. 1654, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 2000, 2001, AND 2002

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees on H.R. 1654, to authorize appropriations for the National Aeronautics and Space Administration for fiscal years 2000, 2001, and 2002:

Messrs. SENSENBRENNER, ROHRABACHER, WELDON of Florida, HALL of Texas, and GORDON.

There was no objection.

## REPORT ON H.R. 4461, DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS, 2001

Mr. SKEEN, from the Committee on Appropriations, submitted a privileged report (Report No. 106–619) on the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for fiscal year 2001, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection and pursuant to the provisions of 22 U.S.C. 276d, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group, in addition to Mr. Houghton of New York, chairman, appointed on February 16, 2000:

Mr. UPTON of Michigan,
Mr. STEARNS of Florida,
Mr. MANZULLO of Illinois,
Mr. PAYNE of New Jersey,
Mr. PETERSON of Minnesota, and
Ms. DANNER of Missouri.

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## RESPONSE TO ARGUMENTS AGAINST PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. STENHOLM) is recognized for 5 minutes.

Mr. STENHOLM. Mr. Speaker, I want to take this 5 minutes to respond to one of the arguments that I have heard against permanent normal trade relations with China.

The argument is that China, its 1.3 billion citizens, and only 7 percent of the world's arable land, does not need United States' agricultural products. USDA's Economic Research Service and private agricultural commodity groups believes China will continue to be a major market for U.S. agricultural products and that China's accession to the WTO will expand that market.

For cotton, China committed to a tariff-rate quota of 743,000 tons for cotton in the Year 2000, increasing to 894,000 tons in 2004. The within-quota duty would be 4 percent and the over-quota duty would decline from 69 percent in 2000 to 40 percent by 2004. Nonstate trade companies get two-thirds of that quota, which means we help avoid the problem we have sometimes had in the past with quotas going unfilled.

The ERS projects that if China did not join the WTO, it would import cotton worth $565 million in 2005. If China does join, ERS projects that its cotton imports would increase to $924 million by 2005.

For corn, China committed to establish a 4.5 million ton tariff rate quota in 2000, rising to 7.2 million by 2004. Here again, ERS projects that China's net imports of corn in 2005 will increase by $587 million if China joins the WTO.

U.S. corn exports to China have averaged about 47 million over the past 5 years. This will increase.

For wheat, China committed to a tariff rate quota of 7.3 million tons in 2000, rising to 9.64 million in 2004. ERS projects that China's net imports of wheat in 2005 will increase from $231 million per year to $773 million if it joins the WTO.

For soybean products, the story goes on. ERS projects that China's net imports of soybean products in 2005 will increase by $180 million if China joins the WTO.

Now, ERS is not alone in the view that China will have to be buying agricultural commodities. According to Worldwatch's Lester Brown, China's water supplies in its grain-producing areas are falling at a high rate. He sees massive grain imports and growing dependence on U.S. grain.

The Farm Bureau also expects great benefits from China's accession to the WTO. U.S. exports to the Asian region as a whole are expected to increase in the next few years.

I would like to conclude my remarks tonight by putting all of these facts and figures into context. For years, we in agriculture have complained about the use of unilateral sanctions to change the behavior of various governments around the world. Recently, we have made some progress on this front, with some restrictions lifted last year that have resulted in sales of some corn to Iran and wheat to Libya.

If we look at what USDA estimates that we in agriculture lost because of the United States' own decision not to trade with certain countries, the total in 1996 was about $500 million. The estimates for this year have to be considerably more than $500 million. That is less than a third of the $1.7 billion we will lose in 2005 if we do not grant China permanent normal trade relations.

All six of the countries currently under sanctions, Cuba, Iran, Iraq, Libya, Sudan and North Korea, together, import only $7.7 billion in food and agricultural products each year. That is about half the $14 billion China imports today annually.

We need to make the right decision on China and stop giving away agricultural markets to our competitors. That is what those of us who support treating China as our competitors do. What sense does it make today for the United States to unilaterally say to any country that we will not sell them our food and medicine, when our "friends" sell to that country? That is something that I have failed to understand in some of the arguments against PNTR. It is one thing if we multilaterally, if all of our "friends" also agree to use food and medicine as a weapon. That would be a powerful tool. But to do it unilaterally, it seems to me, only punishes our own producers, in this case farmers and ranchers, and it hurts the people of which we are trying to help, and it strengthens the governments of which we are trying to change.

I hope that this and other statements we will hear over the next few days will convince at least 218 of us in this body to do the right thing, to grant permanent normal trade relations with China, to allow them to come into the WTO, and, for the first time in history, have them subjected to the same laws that apply to the rest of the free world. It sure cannot hurt to try it.

## FINDING A CURE FOR AUTISM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida (Ms. ROS-LEHTINEN) is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, every morning Miami-Dade County Commissioner Jimmy Morales helps his 6-year-old daughter get ready for school. Like many 6-year-old kids, Nora sings along to Britney Spears, N-Sync or Cristina Aguilera. Once at school, she introduces her dad to all of her classmates, gives daddy a kiss and a hug, and sends him off to work.

While to most people this may sound like a normal day in the life of a 6-year-old for Nora, many of these achievements have come only as a result of hard work. Unlike most little girls, Nora would not like to wear ribbons or clips in her hair. She could not look her parents in the eye nor tell them about her day with her grandparents. In fact, Nora's parents were not even sure she recognized her own name.

The reason: 4 years ago, Nora was diagnosed with autism; a neurological disorder which impacts a half a million people in America.

The world through the eyes of an autistic child is a complex puzzle with no solution. Autism affects the normal development of the brain and it impacts in the area of social interaction and communication skills. As a result, children living with autism have a difficult time responding appropriately to their environment. This includes playing with friends and forming relationships, even with their own parents.

Autism is four times more prevalent in boys than in girls, but it does not discriminate. It knows no racial, ethnic, or social boundaries. And family income, life-style and educational level do not affect the chances of autism's occurrence. In fact, according to the Centers for Disease Control and Prevention, no one knows exactly why autism strikes approximately 1 in every 500 individuals.

Autism not only has no known cause, but it has, sadly, no known cure. Sadly enough, the national rates of children being diagnosed with autism are increasing dramatically. For example, in the State of California, the numbers have increased 237 percent in the last 10 years. In my home State, 50 percent of the children diagnosed with autism reside within my community of south Florida.

The pictures that I would like to show to my colleagues and to the viewers tonight that we see here are of Bonnie and Willis Flick, two autistic children residing in my Congressional District who are fortunate enough to receive treatment and intervention therapy to help them cope with every day life.

A good day for Bonnie is similar to the one we just heard about Nora. Bonnie is a high functioning autistic child who attends a very special school, The Learning Experience in Miami. And because autism is a spectrum disease that is manifested in a variety of forms, some children are not as high functioning as Bonnie.

□ 2015

For example, life for Bonnie's autistic brother, Willis, is a bit more difficult. Willis is mostly nonverbal and is not able to tell his mother that he is hungry or sleepy or not feeling well. He is unable to verbally express his joy, anger, or frustration; and that makes life all the more difficult for those around him.

Bonnie and Willis receive professional assistance to help them optimize their potential and learning capabilities. But there are many autistic children who are less fortunate.

As if families of autistic children did not suffer enough distress, one of the biggest challenges facing them is finding health coverage for treatment and therapy of this condition.

Fortunately, Nora's parents, as well as Bonnie and Willis' parents, have been able to work through obstacles to ultimately find the care that their families so desperately need.

Many families, however, are not as fortunate. We must continue to work so that all health insurance and health maintenance organizations include coverage for services to treat autism.

In my Congressional district, the University of Miami operates the Center for Autism and Related Diseases, CARD, which helps hundreds of children and their families whose lives are impacted with autism.

The CARD centers operate throughout the State of Florida and provide free individual and family assistance services as well as training programs for the parent and the professional. These centers focus on finding ways to change the behaviors and perceptions of individuals with autism in a way that will allow them to successfully learn, work, and communicate.

Mr. Speaker, we need to continue to support centers like CARD whose services benefit families struggling through the ordeal of autism.

Last week, the House passed the Children's Health Act, which contains a provision to establish centers of research and expertise. It is establishments like these that will help families of autistic children.

I hope that, on behalf of the Bonnies and the Willises and the Noras in their districts, my colleagues will continue to pass legislation like the Children's Health Act and provide funding to research the causes for this disorder. With continued research, every day we are one day closer to finding a cure for this debilitating disability.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. COMBEST) is recognized for 5 minutes.

Mr. COMBEST. Mr. Speaker, the vote on permanent normal trade relations with China may be one of the most important votes that we will cast in years.

China represents an agricultural market that is vital to the long-term success of American farmers and ranchers. Agriculture trade with China can strengthen development of private enterprise in this country and bring China more fully into the world trade membership. We intend to work for that goal and urge all of U.S. agriculture to join with us.

China's participation in the WTO will result in at least $2 billion per year in additional U.S. exports within the next 5 years. That is just U.S. agricultural exports.

By 2005, the largest increases in the annual value of China's net agricultural imports are likely to be $587 million for corn, $543 million for wheat, and $359 million for cotton.

According to the Economic Research Service, net farm income would be higher by $1.7 billion in 2005 and higher by an average of $1.1 billion over the years 2000 to 2009 for each year.

Listen to what agricultural groups are saying about China PNTR. The U.S. wheat growers say that PNTR represents a potential 10 percent increase in U.S. wheat exports. The U.S. pork producers believe that China PNTR will pave the way for an increased value in hogs by $5 a head.

Poultry producers say that because China is already the largest export market for poultry, $350 million in 1999, under PNTR it can become a $1 billion market in just a few years.

Cattle producers believe that a vote against PNTR is a vote against them. They expect to almost triple beef export to China by the year 2005.

Corn growers believe that they have an opportunity to immediately triple their 5-year average of corn exports to China with acceptance to PNTR.

Some who oppose PNTR for China will weigh that China is an agricultural glut and will never buy U.S. commodities. That is not true according to USDA's Economic Research Service. They say that China's accession to the WTO means that U.S. farmers and ranchers can sell an additional $1.6 billion worth of agricultural products in 5 years.

On top of that, $400 million of U.S. fruits, vegetables, and animal products can be sold by 2005 upon China's entry into the WTO. That is $2 billion more of agricultural exports in 5 years. This view is supported by the widespread support among U.S. agricultural commodity groups for China PNTR.

Still, others argue that China is self-sufficient in agriculture production and that it produces enough to feed its own people and does not need U.S. wheat or corn or any commodity. But listen to what the Worldwatch Institute Chairman Lester Brown said. He said that China's water supplies in its grain-producing areas are falling at a high rate. He sees massive grain imports and growing dependence on U.S. grain.

The reality is that no one can predict the future. China imports large amounts of U.S. agricultural commodities right now, some through Hong Kong, $2.5 billion in 1999 of agriculture, fish, and forestry products.

Greater access to Chinese markets means greater opportunities for U.S. high-quality agriculture products. As the diets of the Chinese improve, there will be more demand for high-quality agricultural products and value-added food products. This is what U.S. farmers and the food industry can provide to Chinese consumers.

It must be remembered that China has access to the U.S. market right now. China will become a member of WTO; and after its accession to the WTO, it will still have access to the market. The vote for PNTR will decide whether U.S. agriculture will have improved access to Chinese markets or that we will see that market to the competitors of U.S. agriculture.

We have all heard the argument that PNTR is not necessary and that if Congress rejects China PNTR that U.S. exporters still will attain the benefits of China's WTO accession. But the General Accounting Office says that the full benefits of the November 1999 agreement negotiated by the U.S. will not be available unless Congress adopts China PNTR.

Tariff concessions will be available, but there will be no way to enforce these. No enforcement mechanisms will be available, and the U.S. will not be able to use WTO dispute settlement provisions. The WTO dispute settlement is a critical weapon to ensure U.S. trading rights. The ability to enforce the tariff rate quotas will be undermined. The U.S. could not challenge Chinese export or domestic subsidies that hurt U.S. exports in third countries. We could not enforce the benefits of the sanitary and phytosanitary agreement that was negotiated with the Chinese and is so important to U.S. citrus, wheat, and meat products.

Additionally, the special safeguards provision to protect against import surges negotiated by the U.S. would not be available.

Unless Congress grants China PNTR, there will be no way to ensure that tariff and access concessions will be available to U.S. agricultural exporters. WTO dispute settlement provision will not be available to the U.S. Those who are concerned about making sure China keeps its part of the bargain should support PNTR. Without WTO dispute settlement provisions, any ability to ensure Chinese compliance is severely weakened. According to a May 11, 2000 article in the Washington Post many of China's dissidents back China's accession into the WTO. This is what they are saying:

> Bao Tong, one of China's most prominent dissidents, says that Congress should pass China PNTR. Mr. Bao believes that China should be included in as many international regimes as possible so that it must adhere to these international standards. Referring to congressional passage of PNTR, Mr. Bao says, "It is obvious this is a good thing for China." He goes on to say . . . "I appreciate the efforts of friends and colleagues to help our human rights situation, but it doesn't make sense to use trade as a lever. It just doesn't work."
>
> Dai Qing, perhaps China's most prominent environmentalist and independent political thinker, says "All of the fights—for a better environment, labor rights and human rights—these fights we will fight in China tomorrow. But first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the WTO." According to Ms. Dai, "One of the main economic and political problems in China today is our monopoly system, a monopoly on power and business monopolies. Both elements are mutually reinforcing. The WTO rules would naturally encourage competition and that's bad for both monopolies.
>
> Zhou Litai, one of China's most prominent labor lawyers and represents dozens of maimed workers in Shenzhen, says, "American consumers are a main catalyst for better worker rights in China. They are the ones who pressure Nike and Reebok to improve working conditions at Hong Kong and Taiwan-run factories here. If Nike and Reebok go—and they could very well (if the trade status) is rejected—this pressure evaporates. This is obvious."

Mr. Speaker, there will be irreparable damage done to American agriculture if Congress does not pass PNTR.

## THINK ONCE, THINK TWICE ABOUT U.S. TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I would say to our colleagues this evening, think once, think twice about U.S. trade with China, particularly in agriculture.

Recently I read a fascinating report prepared by Dr. Charles McMillian, former editor of the Harvard Business Review. He is a man who understands numbers. And he says, think once, think twice. China has produced an annual glut of agricultural commodities for over a generation. In fact, the United States has registered a consistent and growing deficit in agriculture with China in two-thirds of all agricultural groupings.

It is true with pork. We produced a lot of that in my corner of Ohio. It is true with corn. It is true with citrus, with vegetables, with fish. Just go down the categories.

China, in fact, in the last decade, had an average annual surplus, that means they are sending more out than taking goods in, in global agricultural trade of $4 billion annually. Just last year, in 1999, the rate of that is increasing to where just in 1999 they had a $4 billion surplus of global agricultural trade over what they imported. So their advantage, essentially, is increasing.

They are rapidly expanding the quantity, the quality, and the composition of products that are being exported to our country, everything from ketchup to rice and, for the first time, in 1999, cotton.

Now, China recorded an overall advantage with the United States in 1985, 1986, 1992, 1993, and 1999 in agriculture. In fact, we have maintained a chronic agricultural trade deficit with them in 17 of 26 agricultural commodity groups, everything from seafood, to tobacco, sugar, cocoa, vegetables, fruits, nut, and various animal parts.

What is even more troubling is that our exports to them have fallen every year since 1995 as China has strengthened our ability to export to them in spite of our bilateral agreements and tariff reductions has decreased.

In fact, our agricultural exports to China in 1999 were a third less than a decade before, while U.S. imports of their agricultural commodities had literally doubled, gone up by nearly 100 percent.

Now, if we think about this, China's agricultural production growth continues to outpace their own growth in domestic demand. Our own embassy in China, our agriculture attache in Beijing, points out that China is struggling to solve its fundamental problems of chronic overproduction.

But it does have an inefficient distribution system. And with capital investment that might occur there as a result of going into WTO, they are going to be able to move that product more quickly around the world.

Particularly key in all of this are China's partnerships with powerful global firms such as Cargill, Archer Daniels Midland, and ConAgra. And of course, those companies export. In fact, Cargill, for example, has been in China since 1973. Cargill really does not care if it sells and markets Chinese corn or U.S. corn.

So the point is there are some agricultural interests globally that will win, but it will not be U.S. farmers because that Chinese corn and pork and tobacco and seafood, and go down all the categories, are going to depress prices even more here at home.

So I would say to people in rural America, think once, think twice about all of this.

It is not clear that, in this recent agreement that the administration signed with China, that any new grain commitments to purchase were actually made. There were some promises that maybe there would be some tariff reduction. But if we look at the tariff reduction that occurred during the decade of the 1990s, it did not result in any more sales.

It is highly unlikely that China will eliminate its non-tariff barriers to agriculture trade. It would put too great a risk on its own sector advancing. Because China, since 1949, has had an agricultural policy that said, we will be food self-sufficient. Starvation propelled them into the most recent half century, and they fully well understand what it means not to be self-sufficient in food production at home.

I think that, as much as we talk about tariffs here and about non-tariff barriers, it is also important to point out that when China gets in trouble internationally, it does something very simple, it devalues its currency, as it did in 1994.

So think once, think twice. China is going to put more downward pressure on U.S. food prices if permanent normal trade relations are approved with China.

I urge my colleagues to vote "no" on that measure.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Idaho (Mr. SIMPSON) is recognized for 5 minutes.

Mr. SIMPSON. Mr. Speaker, I rise today in support of the permanent normal trade relations with China.

Some people view PNTR as a gift that the United States would give to China. PNTR with China is, in fact, in the United States' best economic interest.

China is a huge potential market for the United States, as has been mentioned, 1.2 billion people, or 20 percent of the world's population. Our potential to export to them is enormous.

Idaho's share of those exports is significant to a small State with a million people in it. In 1998 alone, Idaho exported nearly $25 million worth of merchandise to China. And in the agricultural sector, we exported $833 million to China.

Future gains are almost certain under the terms of the bilateral agreement and China's WTO accession. Upon accession to the WTO, China's average tariff rate of 22 percent will drop to 17 percent for most products. In the agricultural sector, the reduction is even more significant. The average 31 percent tariff will be reduced to 14 percent for agricultural products on average.

In fact, Goldman Sachs estimates that passage of PNTR will increase U.S. exports to China by $12.7 billion to $13.9 billion by the year 2005.

□ 2030

Although there have been some statements to the contrary that the U.S. can reap all of the benefits of this bilateral agreement when China accedes to the WTO, the fact is that cannot happen unless PNTR is granted to China. That is because one of the cornerstones of the WTO is the concept of unconditional most favored nation or normal trade relations between WTO members.

In the agricultural area, PNTR wheat producers believe that they will see an increase of 10 percent sales to China with PNTR. In fact, the increase of sales of beef will increase even more, I believe, as the current tariff rates are reduced from their current level of 45 percent to 12 percent by the year 2004. China will also eliminate its export subsidies upon WTO accession.

The U.S., and this is important to remember, Mr. Speaker, the U.S. is not required to change any of its market access commitments to achieve all of these benefits. In the high tech sector in Idaho, which is a growing industry in Idaho, the current duties on information technology products such as computers, electronics, fiberoptics, cable and other telecommunication equipment currently average 13 percent but will be eliminated by January 1, 2005. In addition, trading and distribution rights for IT products will be phased in over 3 years. This means that companies in my congressional district, such as Micron and Hewlett-Packard, will be able to build upon their current exports to China which currently average around 6 percent.

Mr. Speaker, this is a very important vote for Congress. I understand and agree with the concerns of my colleagues with regards to human rights in China. But I believe that we will change China more by being engaged with China rather than standing back and throwing stones. In fact, it was interesting. Today I had several students from Taiwan in my office. One would think that Taiwan would be opposed to accession of China into the WTO because of the aggressive nature that China has expressed toward Taiwan but these students told me, and I have confirmed with the President elect of Taiwan that they support accession of China into the WTO because they believe that active engagement with China will make China more like Taiwan and will free Taiwan and make them more economically free.

Mr. Speaker, this potentially is the most important vote that we will cast in this Congress. I urge my colleagues to support PNTR for China.

## TRIBUTE TO THE LATE JOSEPH L. MOORE, DIRECTOR OF CHICAGO VA HEALTH CARE SYSTEM

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to pay tribute to a man who could be called the personification of a smooth, effective and loyal bureaucrat but also a dedicated protector and promoter of health care for veterans. Joseph L. Moore began his career with the Veterans Affairs Department as a clerk typist but ended it as director of the Lakeside and Westside Veterans' Administration Hospitals in Chicago, Illinois.

Born in Ripley, Tennessee and raised in St. Louis, Missouri, Mr. Moore worked with the Department of Veterans Affairs for more than 40 years. He came to Chicago in 1979 to take over as director of the VA Lakeside Medical Center. He became director of the Chicago VA Health Care System in 1996 when Lakeside administration merged with the Westside VA Medical Center. He was instrumental in facilitating the merger. That will stand as one of his final achievements in the Veterans' Administration. This merger is reported to have saved millions of dollars for U.S. taxpayers.

When Mr. Moore came to Lakeside, the hospital was in need of strong leadership, which he provided. He redid Lakeside and turned it around so that the veterans and their families could be well received and well treated. Just before his death, Mr. Moore was scheduled to receive an award from the Chicago Federal executive board for distinguished services. He served two terms as chairman of the Chicago Federal executive board.

Over 40 years, Joseph Moore championed quality health care services for all veterans. His commitment to the veteran community was without reservation. His integrity and intellect gained him the respect of medical professionals throughout the world. In every endeavor, he demonstrated exceptional leadership, professionalism and dedication to the public and to Federal employees.

Mr. Moore received the Distinguished Executive Presidential Rank award, the highest award given to a civilian employee of the Federal Government, from President Ronald Reagan. He was also the first nonphysician to receive the Distinguished Service award from Northwestern University's Department of Medicine.

He dedicated his life to providing good health care for veterans. As director of Lakeside Medical Center, Mr. Moore was a member of the board of directors for Northwestern University's McGaw Medical Center.

He leaves a legacy of dedication and service to veterans. I am pleased to have known and to have worked with him as he went about the business of protecting and promoting the highest level and quality of health care for men and women who had dedicated and given their lives in the service of this country.

## PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. ETHERIDGE) is recognized for 5 minutes.

Mr. ETHERIDGE. Mr. Speaker, the vote on permanent trade status for China is vital to our technology and small business interests in North Carolina, but it is particularly important to North Carolina agriculture, so I am glad this evening to come and join a number of other colleagues and talk about this issue. In 1998, North Carolina ranked 11th among the 50 States in the value of agricultural exports totaling $1.5 billion. These exports supported about 22,800 jobs both on and off the farm in our State.

Our State's largest agricultural export, of course, in North Carolina is tobacco. In 1998, North Carolina exported $573 million worth of tobacco leaf. It has been estimated that if flue-cured tobacco farmers could capture just 1 percent of the Chinese market, that is 1 percent, and 1 percent of the manufacturing in China was comprised of American flue-cured tobacco, the stocks in Stabilization would cease to exist and quotas would rise for our farmers.

The North Carolina Rural Prosperity Task Force that was chaired by Erskine Bowles estimated that if China would give our farmers fair access to their markets, North Carolina exports of flue-cured tobacco would increase by as much as 10 percent right away. After suffering a 50 percent loss in income due to quota cuts during the past several years, such an increase would be welcome news to many struggling farmers and their families and to tobacco industry workers in our State and other States.

Today China's tariff that is imposed on tobacco is currently 40 percent. Once China joins the WTO, it would drop to only 10 percent by 2004. The tariff on tobacco products will fall from 65 percent to just 25 percent during that same period.

What must the United States sacrifice to gain these trade benefits? Nothing. All we have to do is make permanent what we have been doing for 20 years. We have been doing it on an annual basis. The U.S. granted China most-favored-nation status, now called normal trading relations status, in 1980. Simply by voting to continue this policy on a permanent basis, the Chinese will be required to reduce their tariffs, revise their trading practices, abide by the rule of law and remove their phony trade barriers on many of our products.

Therefore, the question coming before this House is this: Do we allow the U.S. tobacco growers and other farmers to take advantage of this new access? Or do we shut them out and give our competitors free reign to enjoy the fruits of our hard work and the negotiations that have taken place? To me, the answer is easy, which is why I support PNTR for China.

This does not mean that I am looking at this with my eyes closed. China has problems it needs to address before formally coming into WTO. Of special concern to me is China's use of blue mold as a phony barrier to keep our tobacco farmers from entering into this market. Barring our tobacco from their market based on the contention that blue mold could affect their crop has no basis in science and is a barrier that does not stand the light of day. I have been helping to lead the effort with other Members of this House to make sure that this issue is resolved satisfactorily, and I trust that our USDA and Chinese officials will have an announcement on this in the very near future.

While I have spoken at length about tobacco, China's entry into WTO will also greatly benefit North Carolina's poultry, pork, grain and other industries in our State. The North Carolina Department of Agriculture estimates that poultry, pork and a wide variety of other farmers could also see a steady increase in exports if China is granted PNTR. Last year, North Carolina exported more than $300 million in chicken and turkey products. China is the second leading market for U.S. poultry exports, with North Carolina producers selling tens of millions of dollars worth of poultry to China every year. Under the WTO agreement, China will cut its tariff in half, from 20 percent to 10 percent by 2004 for frozen poultry cuts. There will be no quantity limits at this tariff level, for China has agreed to accept all poultry meat from the United States that is certified wholesome by the United States Department of Agriculture. The same is true for pork. About 60 percent of all meat consumed in China is pork. This will make a big difference for us. I think China PNTR is a win-win for our farmers.

## PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. BERRY) is recognized for 5 minutes.

Mr. BERRY. Mr. Speaker, this evening I want to commend the President, the Speaker of the House, and leaders on both sides of the aisle for their work on China permanent normal trade relations. I commend the gentleman from Texas (Mr. COMBEST) of the Committee on Agriculture and the ranking member the gentleman from Texas (Mr. STENHOLM) for their work on opening markets with China and many other countries. I want to commend Ambassador Barshefsky, Secretary of Agriculture Dan Glickman and Secretary of Commerce Bill Daley for their work in opening markets to American agriculture and other commodities.

If Congress does not pass PNTR for China, it will be the worst economic policy decision since the Smoot-Hawley act of 1930 that the Congress has made. Smoot-Hawley was based on the idea that our economy can succeed while all other economies of the world fail. This is simply not the case. Failure to pass PNTR will be a step toward the isolation of Smoot-Hawley and a step away from the global business practices which have fueled our economic growth.

PNTR is a good deal for business, workers, farmers, consumers and all Americans. It is an especially good deal for American agriculture. We produce more food than we can consume. With 1.3 billion people, 20 percent of the world's population, China must import food to feed its people. Based on this fact, the agriculture relationship is a win-win situation for both countries.

For the district that I am fortunate to represent, the First Congressional District of Arkansas, China PNTR represents opening the largest market in the world to rice, soybeans, cotton, wheat, poultry, fish, beef, pork and other products. Agriculture is just one example of the tremendous benefits that China PNTR holds for Arkansas and America. This agreement is also good for financial services, insurance, information and technology, automobiles, chemicals, entertainment, telecommunications and many others. When average tariffs for American products that are going into China are cut from 24 to 9 percent, only good things can result for America's economy.

American farmers and businesses can compete on a level playing field with anyone else in the world. This agreement goes a long way towards creating a level playing field between America and China. Additionally, we give up nothing by granting China PNTR. This agreement grants us access to their markets but does not give them any more access to our market than they already have.

□ 2045

If China PNTR does not happen, we will lose out, the rest of the world will gain, other countries in regions from Europe to South America will be doing business and laughing all the way to the bank with their profits. If we do not pass PNTR, the principal effect will be to deny the American economy the benefits of trading with the largest country and the largest population in the world.

I also firmly believe that China's human rights record must improve. The best way to be accomplish this is to bring them into the international community. By trading with them rather than refusing to relate to them, we will be able to have a positive influence on human rights in China.

Another common misperception is that China PNTR is bad for industries which have been hurt by trade. This is simply not true. We will have stronger trade laws under this agreement with a product-specific safeguard and permission to unilaterally retaliate should the Chinese engage in unfair trading practices. This agreement contains strong legal protections for American industries. If we fail to pass PNTR, American business will lose these protections.

Mr. Speaker, this decision is the right one. Trade with China is good from an economic standpoint, from a human rights standpoint, and from a national security standpoint. We must not allow China PNTR to be bogged down by politics. We should pass PNTR because it is the right thing to do for America.

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## THE DOLLAR AND OUR CURRENT ACCOUNT DEFICIT

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, fiat money, that is, money created out of thin air, causes numerous problems internationally as well as domestically. It causes domestic price inflation, economic downturns, unemployment, excessive debt, corporate, personal and government, malinvestment and overcapacity, all very serious and poorly understood by many of our officials.

But fluctuating values in various paper currencies cause all kinds of disruptions in international trade and finance as well. Trade surpluses and deficits when sound money conditions exist are of little concern, since they prompt changes in policy or price adjustments in a natural or smooth manner. When currencies are non-convertible into something of real value, they can be arbitrarily increased at will.

Trade deficits, and especially current account deficits, are of much greater significance. When trade imbalances are not corrected, sudden devaluations, higher interest rates and domestic inflation are forced on the country that has most abused its monetary power. This was seen in 1997 in the Asian crisis, and precarious economic conditions continue in that region. Japan has yet to recover from its monetary inflation of the seventies and eighties and has now suffered with a lethargic economy for over a decade. Even after this length of time, there is no serious thought for currency reform in Japan or any other Asian country.

Although international trade imbalances are a predictable result of fiat money, the duration and intensity of the cycles associated with it are not. A reserve currency, such as is the dollar, is treated by the market quite differently than another fiat currency. The issuer of a reserve currency, in this case, the United States, has greater latitude for inflating, and can tolerate a current account deficit for much longer periods of time than other countries not enjoying the same benefit.

But economic law, although at times it may seem lax, is ruthless in always demanding that economic imbalances arising from abuse of economic principles be rectified. In spite of the benefits that reserve currency countries enjoy, financial bubbles still occur, and their prolongation, for whatever reason, only means the inevitable adjustment, when it comes, is much more harsh.

Our current state of imbalance includes a huge U.S. foreign debt of $1.5 trillion, a record 20 percent of our GDP, and is a consequence of our continuously running a huge monthly current account deficit that shows no signs of soon abating. We are now the world's greatest debtor.

The consequence of this deficit cannot be avoided. Our current account deficit has continued longer than many would have expected, but not knowing how long and to what extent deficits can go is not unusual. The precise event that starts the reversal in the trade balance is also unpredictable. The reversal itself is not.

Japan's lethargy, the Asian crisis, the Mexican financial crisis, Europe's weakness and uncertainty surrounding the Euro, the demise of the Soviet system and the ineptness of the Russian bailout, all contributed to the continued strength in the dollar and prolongation of our current account deficit.

This current account deficit, which prompts foreigners to loan back dollars to us and to invest in our stock and bond markets, has contributed significantly to the financial bubble. The perception that the United States is the economic and military powerhouse of the world helps perpetuate an illusion that the dollar is invincible and has encouraged our inflationary policies. By inflating our currency, we can then spend our dollars overseas, getting products at good prices which, on the short run, raises our standard of living, but on borrowed money. All currency account deficits must be financed by borrowing from abroad. It all ends when the world wakes up and realizes it has been had by the U.S. printing press. No country can expect to inflate its currency at will forever.

Since cartels never work, OPEC does not deserve credit for getting oil prices above $30 per barrel. Demand for equivalent purchasing power for the sale of oil can. Recent commodity price and wage price increases signals accelerating price inflation is at hand. We are likely witnessing the early stages in a sea change regarding the dollar, inflation and the stock market, as well as commodity prices. The nervousness in the stock and bond markets, and especially in the NASDAQ, indicates that the Congress may soon be facing an entirely different set of financial numbers regarding spending, revenues, interest costs on our national debt and the value of the U.S. dollar.

Price inflation of the conventional type will surely return, even if the economy slows. Fiscal policy and current monetary policy will not solve the crisis we will soon face. Only sound money, money that cannot be created out of thin air, can solve the many problems appearing on the horizon. The sooner we pay attention to monetary policy as the source of our international financial problems, the sooner we will come up with a sound solution.

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## HALT DEPARTMENT OF DEFENSE ANTHRAX VACCINATION IMMUNIZATION PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, I am here today to address an issue of critical importance to many Gulf War veterans across our country. Today I sent a letter to Secretary of Defense William Cohen asking for an immediate halt to the Department of Defense anthrax vaccination immunization program. I am grateful 34 of my colleagues have cosigned this letter. They share my deep concerns regarding this flawed defense policy and the urgent need to suspend the program until the Department of Defense obtains approval for use of an improved vaccine.

The following developments in recent months confirm my concerns regarding this program and its impact on the health and morale of our military service members.

The Institute of Medicine Committee on Health Effects Associated With Exposures During the Gulf War, in response to a Department of Defense request, provided a report which stated in summary: "The committee concludes that in the peer-reviewed literature, there is inadequate/insufficient evidence to determine whether an association does or does not exist between anthrax vaccination and long-term adverse health outcomes."

An internal legal memo written in March by two Air Force Reserve judge advocates addressed the following crucial question: Are orders currently being given to Members of the U.S. Armed Forces to submit to anthrax vaccinations consistent with Federal law? In summary, the response stated: "Orders currently being given to Members of the United States Armed Forces to submit to anthrax vaccinations are illegal because they contradict the express terms of Presidential Executive Order 13139 and 10 U.S.C. Section 1107 of 1999."

On March 22, 2000, the Inspector General, Department of Defense, issued an audit report that documents troubling financial management practices and multiple deficiencies cited by FDA that continue to compromise the program.

The House Subcommittee on National Security, Veterans Affairs and International Relations issued a report on February 17 that was approved and adopted by the full Committee on Government Reform. After a thorough review of the current relevant scientific data and compelling testimony, the subcommittee recommended: "The force-wide mandatory anthrax vaccination immunization program, until the Department of Defense obtains approval for use of an improved vaccine, should be suspended." It went on to conclude that "use of current anthrax vaccines for force protection against biological warfare should be considered experimental and undertaken only pursuant to FDA regulations governing investigational testing."

The American Public Health Association Governing Council adopted a policy statement November 10, 1999, urging DOD "to delay any further immunization against anthrax using the current vaccine, or at least to make immunization voluntary."

The General Accounting Office presented testimony on October 12, 1999, before the House Committee on Government Reform and stated among other concerns that "long-term safety of the licensed vaccine has not been studied."

These adverse symptoms are not new. I held a hearing in my district some time ago and invited Gulf War veterans who were having health problems they believed to be related to the injections they received. I was shocked at the number that came and testified who were truly ill and were not getting recognition of their problems, nor even needed medical help.

It is clear that the Anthrax Vaccination Immunization Program, while well intended, is a flawed policy that should immediately be stopped and reexamined in the light of the growing preponderance of evidence challenging the Department of Defense position. I am calling on Secretary Cohen to take immediate action to suspend the AVIP until DOD complies with the recommendations of the Subcommittee on National Security, Veterans Affairs and International Relations.

I hope this action will send a clear signal to our men and women in uniform. This seriously flawed program does not meet the high standards they deserve.

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## INSIGHT INTO CAUSES OF RENEWED ISRAEL-PALESTINIAN VIOLENCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia, (Mr. RAHALL) is recognized for 5 minutes.

Mr. RAHALL. Mr. Speaker, we have all seen recent news reports of renewed confrontations between Palestinians and the Israelis. This violence is deeply troubling and cannot be condoned. It is all the more worrisome because the deadline for concluding a Final Status Agreement is quickly approaching. I think it is fair to say that we all hoped the days of such confrontation had passed.

Israel's legitimate interests in stopping terrorism and achieving security are well understood and strongly supported in Washington. Sources of Palestinian frustration, however, are less well known.

The Palestinian aggravation that boiled over recently stems from their view that seven years of peace negotiations have produced few tangible improvements in the lives of Palestinians.

For example, Mr. Speaker, Palestinians continue to see their land confiscated by Israel for the building of roads and Israeli settlements. This issue, among all others may be the most frustrating to Palestinians. Gaining control of their land is the Palestinian goal in peace negotiations. Watching land confiscations continue while negotiating deadlines pass undermines confidence among Palestinians that the peace process is worthwhile.

I would like to share with my colleagues an editorial on land confiscations that appeared recently in the Chicago Tribune. It is written by the head of the Palestinian Final Status Negotiating Team, Yasser Abed Rabbo, and it explains clearly the Palestinian viewpoint on this issue.

Mr. Speaker, achieving a peaceful, stable Middle East is in America's best interest. We have therefore spent considerable time and resources supporting that goal. Israelis and Palestinians have all suffered tremendously because of their on-going conflict and the majority of both peoples clearly long for peace. All parties must renew their efforts and truly seek compromise on their remaining differences so that Israeli and Palestinian people alike see real benefits in peace and support negotiated agreements.

I submit the Editorial written by Palestinian chief negotiator, Yesser Rabbo, from the April 27, 2000 edition of the Chicago Tribune, entitled: "Israeli Settlements Undermine Change for Peace in the Middle East," for the RECORD.

[From the Chicago Tribune, Apr. 27, 2000]

### ISRAELI SETTLEMENTS UNDERMINE CHANCE FOR PEACE IN MIDDLE EAST

(By Yasser Abed Rabbo)

The Israeli-Palestinian peace process is based on the acceptance of both sides that no action will be taken that will prejudice the final negotiated arrangement.

From the Palestinian perspective, continued Israeli confiscation of land and the construction of new Israeli settlements, whether approved by previous governments or not, prejudices the final outcome more than all other actions combined. A day does not go by that Palestinians are not confronted by the expansion of Israeli control of Palestinian lands. Public support among Palestinians for the peace process is rapidly being eroded in face of this increased activity, causing Palestinian negotiators to take a firmer stance in negotiations over land confiscation and settlement activity. Negotiators are making if clear that if settlement activity does not halt, the peace process very well may.

Some see this as a sign of Palestinian intransigence; others have accused us of trying to cause a crisis in order to force the United States to become directly involved in the talks. Both assertions are wrong. For Palestinians, Israeli settlement activity is a critical issue because it makes attainment of our foremost goal more difficult.

We seek to establish an independent state comprised of the West Bank and Gaza Strip. This goal represents an enormous lowering of aspirations on the part of Palestinians. It places under Palestinian sovereignty less than one-fourth of the pre-1948 Mandate of Palestine—and less than half of the territory the United Nations recommended allocating to the Palestinians in 1947. The expansion of Israeli settlements, and the continuing confiscation of Palestinian land, undermine the very reason Palestinians have chosen to enter the peace process: to regain control of our territory.

The U.S. and the international community have repeatedly condemned Israeli settlements as obstacles to peace. It is important to emphasize, however, that the obstacles posed by settlements are not abstract or rhetorical. With each new Israeli settlement or expansion of an existing settlement, new housing units are built, military installations to guard the settlement are expanded and new "by-pass" roads devour limited land. With the loss of land, Palestinian towns and villages become less economically viable and more isolated from one another. Most important, the ever-expanding patchwork of settlements and roads risks making it impossible for Palestinians to create a secure, contiguous, governable state. Palestinians do not aspire to become a Middle Eastern Bantustan.

Palestinians' commitment to the peace process is resolute, but it is not absolute. We have made every effort to understand and respond to Israel's concerns. We recognize, for instance, that security is of paramount importance to Israel. The Palestinian Authority is doing all in its power to prevent violence against Israelis. In testimony before Congress last year, Martin Indyk, then-U.S. assistant secretary of state, praised the Palestinian Authority for its commitment to counter-terrorism. Palestinian actions, Indyk said, are "beginning to pay real dividends in terms of improving the security of the Israeli people." The Palestinian Authority has taken these steps even at the risk of alienating and angering some segments of our population, because we understand the consequences for peace if we do not. We know we will never achieve lasting peace unless Israelis believe they will be secure.

Israel, however, has not taken comparable steps to address the Palestinians' greatest concern by halting settlement activity. In November, Israeli Prime Minister Ehud Barak ordered the dismantling of a dozen so-called "illegal outposts," (tiny Israeli settlements that were not authorized by the government) in the West Bank. Barak was applauded by peace advocates in Israel and the West. Palestinians, however, saw no cause for celebration. The fact is, Barak allowed 30 newly built outposts to remain. More disturbing, more than 5,000 new houses for Israeli settlers are being constructed in the West Bank with Israeli government approval and another 3,000 have been authorized. Meanwhile, Israeli authorities have repeatedly authorized confiscation of even more Palestinian land. In Gaza—which many people incorrectly believe is under full Palestinian control—6,200 Israeli settlers remain and Israel has full or partial control of more than 42 percent of the land. The 1,000,000 Palestinians in Gaza are confined to a very small area and are deprived of potable water and employment opportunities.

The Israeli government and people must understand that just as they cannot make peace without security, we cannot make peace in the face of the relentless expansion of Israeli settlements. To talk of peace on the one hand, and to continue destroying Palestinian houses and confiscating Palestinian private property on the other, undermines the process of peace the Palestinians and Israelis both want and need. It is time for Prime Minister Barak to unequivocally declare and strictly enforce a total and permanent freeze on all Israeli settlement activity and cease the confiscation of Palestinian land. To do so would go a long way toward securing the hopes and dreams of both our peoples.

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## SAY NO TO THE CHINA TRADE DEAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I am joined this evening by the distinguished gentlewoman from Ohio (Ms. KAPTUR), and I hope to be joined by others, to talk about the China trade deal.

Mr. Speaker, to listen to the lobbyists for permanent MFN, most-favored-nation trade status for China, to listen to them, China today is the last frontier of American business. People have been lusting over the Chinese market since Marco Polo. After all, it is where one-fifth of the population on the face of the Earth lives, it is where the largest market in the universe is. So there has been this constant theme in western civilization of explorer, conqueror, and perhaps "plunder" is too strong of a word, but economically plunder I do not think is.

But the reality of all of this is that the Chinese are a very clever people, they are a very bright people, they are a very industrious people, and despite the history of the attempts to change their market to a western market, they have persisted over centuries in fighting that very thing.

□ 2100

We are told it is a market of more than 1 billion customers waiting to be sold, everything from American made SUVs to cheese-flavored dog food. Take one look behind all of this hype and one will discover a different China.

Now, why the gentlewoman from Ohio (Ms. KAPTUR) and I and others are here fighting this issue is because we believe, with all of our heart and our soul, that the issues and the effort that went into making America great was not by itself the free market. The free market unfettered, Darwinian in nature, will not by itself open up the opportunities for American workers and Americans in our society. It was only thus because people were willing 100 years ago, a century ago in our country, to fight for the things that they did not have.

What did they not have? They did not have the right to come together to organize, to form collectively organizations and unions to bargain for their sweat, for their labor, for benefits, so they could have decent wages, health care, pensions, worker's comp, unemployment comp, weekends, holidays, name it.

What we enjoy and take for granted today they did not have and it did not exist, and it happened because people were willing to march, protest, even die, go to jail for these fights. So people were willing to do that.

What else were they willing to do? They were willing to expand our democratic process so that people of color, people of other genders, could participate.

My grandmother came to this country, and one of the first things she engaged in was for the right of women to vote. She was a suffragette. It did not happen automatically. It happened because she and others were concerned enough that went to the streets, they demonstrated, they petitioned, they created a movement called the Progressive Movement of the United States of America that not only gave women the right to vote and created the atmosphere for people to come together collectively in unions to fight corporate power and to provide for their families, and, of course, at this very time in our Nation's history during the progressive movement at the turn of the century we had people taking on the big multinationals and the trusts, the banks, the railroads, and a whole body of law came out of that with respect to antitrust and consumer protection and all of these things that we enjoy today.

Now, why do I preface all of my remarks around this? I do this because these things do not automatically happen because of a free market. They happen because people come together and they form coalitions and they fight for these things and they march and they protest and they sometimes are beaten and, as I said, sometimes they die for them.

We did not have universal suffrage in the United States of America until 1965, and we have it today because of a gentleman who serves with us today by the name of JOHN LEWIS and others like him who had the courage and the guts to march in the streets, to protest, to fight for the things that they believe in, to get beaten, thrown in jail, to stand up for the rights of African Americans to vote, particularly in the South in this country, where they were denied with such vehemence and such brutality.

These are struggles today that are going on in China, and the question we have to decide for ourselves, as Members of this institution, next week when we vote on this, is that who will we stand with? There is an old labor phrase, which side are you on? And there is a song, which side are you on? Which I cannot sing here because the last guy that came here and sang a song ended up getting beat, and I am not going to replicate that.

It is a very poignant and basic thought. I mean, which side are you on? Are you on the side of Wei Jengsheng, who spent years and years in prison fighting for democracy? Are you on the side of Harry Wu, who fought for the same thing? Or are you on the side of the multinational corporations who see, as their goal, the pot of gold at the end of the rainbow, this market of a 1,200,000,000 people, and all these other values that we care so deeply about they kind of can be pushed to the side? We call them side agreements or side issues or sidelines concerns. That is what this debate is about today: Labor rights, human rights, environmental concerns, religious rights.

If one lives in China today and they try to organize on any one of those four levels, religiously, politically, environmentally or trade union wise, they will end up in jail, in prison. There are tens of thousands of people who are exactly there today because they attempted to do that.

Now, my friends on the other side of this issue, and I have dear friends who I respect and like and admire and it pains me deeply to be opposing them because we share, I think, some of the same values, we would be on the same sides, but they will tell me, they will come to me and they will argue and say, listen, if we only open up the market in China we will have a better chance to educate all of these individuals on these issues of environmental concerns and religious, human rights, labor concerns.

My respective retort to them is this: If that indeed is the formula which they espouse, we have given China over the last part of this decade those very same opportunities through most favored trade status, and it has only gotten worse on all of these scores. On the environment, 5 of the 10 dirtiest cities in the world are in China. Eighty percent of the rivers in China do not have any fish in them because of the toxic pollutants. China produces more fluorocarbons, which eat away at our ozone layer, which causes not only the Chinese but the whole planet incredible environmental degradation and concern.

Two million Chinese die every year of air and water pollution, and I could go on and on and on. So by opening up the market, we have not done a thing about the environmental issue. By opening up the market, they have not done a thing about the issue of religious freedom, where Catholic bishops languish in jail for 30 years, and it is not just Catholics. It is Muslims. It is Protestant pastors. It is a whole host of people who do not agree and who try to organize. It is the Falun Gong. If one tries to form a political organization to challenge the Communist Party and autocratic rule, they will end up in prison like they did when they challenged at Tiananmen Square. Of course, if one opposes the government on labor grounds, they will certainly end up in prison because they understand the labor issue is really kind of the key to all of this. If people can organize for their economic well-being, they will strike back. So the labor leaders are the first ones to get punished and to be isolated.

The China lobbyists tell us, do not talk to us about these issues because we can expand the economy, we can create jobs. Well, the problem is that we are moving to the lowest common denominator. China is a country where the workers average only $30 a month.

This is a report that we are going to talk about. The gentleman from Ohio (Mr. KUCINICH) is here. The gentleman from Ohio (Mr. BROWN) is here with me. The gentlewoman from California (Ms. LEE) is here with me, from Oakland and Berkeley. We are going to talk about this issue. It is called Made in China, the issue of labor, and it is a report done by Charlie Kernaghan by the National Labor Committee and it talks about the sweatshops in China.

If one reads this report, it is absolutely and abundantly clear what the problem is. The problem is that the national multicorporations go into China with the blessings of the Chinese Government. They set up these multinational, very sophisticated, very efficient, very new facilities and they pay people pennies, three pennies, and I am not going to steal the thunder of the gentleman from Ohio (Mr. KUCINICH) because I know he is going to talk about that, as will my friends, the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. BROWN) will talk about it; three cents an hour. Some plants pay a little bit more, 22 cents an hour, but the upshot of it is they get slave wages. They are indentured servants to multinational corporations.

Now, let me give an example. It has been estimated that Wal-Mart uses 1,000 contractors in China. They will contract with somebody to set up a factory and they may employ 200, 300, 400, 500, 600, 700 people. Researchers found that Wal-Mart was making Kathie Lee handbags at a factory where a thousand workers were being held under conditions of indentured servitude. Workers were forced to work 12, 14 hours a day, seven days a week, 30 out of 31 days in a month and their pay, as I said, three cents an hour. It is just not Wal-Mart.

Nike has 50 contractors in China, employing more than 110,000 workers. Young women making shoes for Nike in Hung Wah work from 7:30 in the morning until 10:30 at night for an average of 22 cents an hour.

In China, RCA TVs are made by women, some of them 14 years of age, girls, for a base wage of 25 cents an hour. If that is not bad enough, they are fined $10 pay by the company for mistakes they make on the assembly line.

Keds are being made in China by 16-year-old girls who use their bare hands to apply the toxic glue.

I can go on and on and on, but I think one gets the idea here. These people are paid slave wages. They are indentured servants. They live in dormitories, crowded rooms with barbed wire fences around the workplace. They work 30 out of 31 days, often times 15 hours a day, under the most brutal conditions and then they send these shoes here and they sell them for $100, $120. We all know that story.

The gentlewoman from Ohio (Ms. KAPTUR), I do not know if she is going to talk about it tonight, but Huffy Bike is another example of just where you just want to scream at why can they get away with this?

Now, let me just conclude by saying this, and then I will yield to my colleagues to elaborate on this, because I think it is just very critically important.

We have seen this play before. This is nothing new. We have all come to this floor. We had a debate in 1993 on NAFTA, the North American Free Trade Agreement. What is going on here is very quite similar to what happened back then, and what happened back then was this: They passed the North American Free Trade Agreement with the idea that, and they would say this to you, and actually Harley Shaiken has an op-ed piece today in the Los Angeles Times. He is a professor at Berkeley, lays this out very well; they made the same promises then as they are making today. They said labor wages would increase, environmental protection would increase, human rights would increase.

Seven years later, our trade deficit with Mexico has exploded. The 1.2 million workers in the maquiladora, which has doubled since we passed NAFTA, are making on an average 18 percent less in real wages than they made back in 1993; environmental protection, no such thing. Environmental degradation, we passed the NADBAG to take care of that, not provided any funds to speak of. So the toxics and the pollutants in the Rio Grande which seep into our country and cause hepatitis for people on our side of the border who live on the Rio Grande, as well as the Mexican population, has increased.

□ 2115

So none of this was built in. None of it is in force. As a result, we are suffering. Yes, Americans lost jobs. We lost hundreds of thousands of jobs as a result of NAFTA, good-paying manufacturing jobs. Of course, people got jobs in this country who had lost their jobs to Mexico. On the average, though, they are being paid about half of what they were paid before.

What is happening with this China trade deal is the same thing. Corporations will use that leverage to say to our workers, listen, if you do not take a cut in wages, do not take a cut in benefits, do not freeze this and that, then we are out of here. We are going to China, because we can pay people 3 cents an hour or 22 cents an hour and ship the stuff back here and make a real handsome profit. So our workers are left high and dry. That is what this is about, an export platform for the Chinese.

I just want to say to my friends and colleagues tonight that I have seen this before. We are kind of rushing into this thing again. We are going to have a very tight, close vote on this issue. I am glad that we are having a great debate on this, because it is something the country needs to focus in on.

I was reading this book by Marianne Williamson, the title of which I forget. She talks about the principles in American democracy. The first principles she talks about are the right to freely associate, to freely express yourself, to form organizations; just to have a sense of freedom about who you are and what you say and how you go about your business. Those are kind of the principles that are at stake here.

People say, well, it is for China, it is not for us. But it really is for us, because the longer we deny the Wei Jingshengs, the Harry Wus, the tens of thousands that are in prison today in China, to live the promise of my grandmother and my grandfather, who sat down in those strikes at the auto companies in the 1930s, the longer we deny them the promise to have that opportunity to strike a blow for liberty and justice and freedom of association and decent wages and good environmental protection, and the right to form political parties, the more that is going to play back on us in terms of our own standards, which will continually decrease.

Our wage gaps will widen in this country. We will bifurcate who we are as a society, those who have and those who are struggling to have.

We live, Mr. Speaker, in a globalized world. The rules of the game have changed. The question is, what will they be? I submit respectfully, Mr. Speaker, that those who are advocating for this treaty and that trade deal are advocating a policy that masquerades the past as the future. We cannot use the same formula that was used 100 years ago in a globalized atmosphere.

It is kind of like the Bobby Knight of trade deals: abuse, abuse, abuse; and okay, we will do it one more time, but do not abuse; abuse, abuse, abuse; okay, we will give you another chance, but do not abuse. It does not work. It sends a terrible message. It sends a terrible signal.

I want to thank my colleagues for joining me tonight.

I yield to the gentlewoman from Toledo, Ohio (Ms. KAPTUR) for any comments she might make.

Ms. KAPTUR. Mr. Speaker, I want to thank our leader here this evening for his superlative commitment to the cause of decency and values that we stand for as a free people.

In joining the gentleman this evening, along with our very respected colleagues, the gentleman from Ohio (Mr. BROWN) and the gentleman from California (Mr. SHERMAN), the gentlewoman from California (Ms. LEE) and the gentleman from Ohio (Mr. KUCINICH), I am really proud to join these men and women, and the gentleman from Michigan (Mr. BONIOR) tonight in expressing in more than a minute why this is really a vote about values, and that if permanent trade status is granted in this vote to China, we essentially are placing a stamp of approval on current conditions and saying that this is the system that we want to enlarge in the future.

How can we want to enlarge a system that is based on utter exploitation of people? One cannot operate a company in China unless they have an agreement with the government, with one of the state-owned companies. There was an article in USA Today this week that said that the first 19,000 cars that were sold in China in a General Motors facility that was built there were sold to the owners of the State companies, they were not sold to the workers.

So if that is the kind of system that we want to build for those that have the most, then, by golly, that is what the current system is producing. If we look at the workers in those plants, they are not earning enough to buy what they make.

That is the reason that, under this system that people want to approve permanently, we are amassing greater and greater trade deficits with China every year, more of our dollars going in their coffers than their currency coming here.

Mr. BONIOR. How much is it? I recall about 10 years ago we had about a $6 billion trade deficit with the Chinese, 6 or 7.

Ms. KAPTUR. This year it will be somewhere between $70 and $100 billion. That is the deficit. That is how many more of our dollars go into their coffers. We are the largest funder of the Chinese increasing defense spending and purchases of weaponry and advancement in their Navy, their Army, their Air Force, all of the technology that they are buying, some of it for making some saber-rattling moves towards Taiwan.

The point is that the system that we are currently supporting, and some of the proponents of this want to lock in permanently, would give the very forces that have created this system the kind of go-ahead that frankly I as a liberty-loving person cannot support.

We hear the proponents say, well, but if you do this, you will bring freedom. How do we bring freedom when 110,000 Nike workers inside China who work for contract shops, 50 of them, that we could not even get into or drive by because they are hidden in country, those workers earn pennies an hour. If they earn over 35 cents an hour they are doing well. They work 7 days a week. They have mandatory overtime. If they do not do it, in other words, if they do not work from 7:30 in the morning until 11 at night, three shifts, they lose two day's wages. They are penalized if they do not do the mandatory overtime.

Who can survive in that kind of system? To me, it would make sense that if the United States is taking all these goods, we take over one-third of Chinese exports globally.

Mr. BONIOR. Between 33 and 40 percent.

Ms. KAPTUR. Yes. If we want to exact change in China, why not use our marketplace as the lever? Why go through this complicated process of giving them permanent trade status globally, knowing the kind of indentured servitude that is going on in that country? And I might add there also, particularly with women, because 80 percent of the people who are exploited in that country are women. There is forced abortion. Girls in that country do not have rights to education as women in societies that are free have.

In many ways, I also feel like I am speaking out for them, because I know they cannot speak out in their own country. Yet, this is the kind of system that we are going to hold up and say, well, we as Americans, we endorse this system. That is still a Communist system.

I find this place incredible, that we would have Members of Congress saying, believe them. Every trade agreement we have signed with them during the decade of the nineties, when we reduced, when they said that we will reduce tariffs to allow in goods, if that had happened, our trade deficit would be getting better. It is getting worse. They are earning more off of us. We are not able to get in there.

Mr. BONIOR. Can we talk about that for just a second before we go on, because that is a really good point. Every trade agreement, as the gentlewoman has just said, in the nineties that we have agreed to with China has not been enforced. They have no enforcement compliance mechanism.

The typical example, and I think the best example, one of the best examples, is intellectual property: software, tapes, you name it; digital products. Ninety-five percent of that stuff in China is pirated. We have an agreement that it is not supposed to be.

In fact, some of the very ministries that put out the rules and regulations that say, you cannot pirate this stuff and sell it, are using pirated material. They just do not enforce or comply with any of their agreements. I could go sector by sector by sector. They have no mechanism to do that.

So when our colleagues come to us and say, listen, this is going to open up my markets to my wheat, my grapefruits, my apples, or to this or that, the answer to that is, they will find a way to keep your stuff out.

Ms. KAPTUR. May I just say something to the gentleman, and I will allow my other colleagues to speak here?

I had a young woman before one of our committees this past week. We were discussing this. She is a Chinese American. Her roommate was shot. Her roommate was a demonstrator in Tiananmen Square in 1989. This young woman who is a physicist and now lives in my community in Ohio became politically active when she saw this happen to her friend who was a democracy demonstrator inside China.

I asked her about this attitude of Americans, this kind of belief. She said, I cannot believe how naive the people here really are. Do you think because China promises something, she is going to do it? Do you, who live under a rule-of-law society, believe if someone signs a piece of paper, they are going to do it? Why are you so naive? Do you not understand what goes on there?

I just wanted to add that to the record this evening, and thank the gentleman so very much for taking out this special order. I know my colleagues will also want to comment. We thank the American people for listening.

Maybe it is important to say if people want to see this report on the website, if they have a website, this is Made in China by Charles Karnighan, and it is at www.NLCnet.org.

Mr. BONIOR. I thank my colleague for her comments, her passion and commitment and steadfastness on this issue. She has been, as always, fabulous.

Mr. Speaker, I yield to my friend, the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, I thank my friend, the gentleman from Michigan, and thank him for his leadership for a decade on trade issues. His comments tonight about NAFTA just make me sad in the sense that not nearly enough people in this institution have learned the lessons of NAFTA, have learned that NAFTA was an investment agreement that paid no attention to worker rights, paid no attention to the environment, did nothing to raise living standards in Mexico.

In fact, Mexican living standards plummeted after NAFTA. As a result, NAFTA caused even more hardship in Mexico, cost more jobs in the United States, and really locked in a system where Mexican workers do not make enough money that they can buy products from the United States.

That is the tragedy of NAFTA, and the same tragedy on the same stage this Congress is playing out in the legislation to give permanent trade advantages, permanent most-favored-nation status trade advantages to the People's Republic of China.

The gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Michigan (Mr. BONIOR) both talked about the promises made by supporters of giving trade advantages, permanent trade advantages, to China; that if we only would engage with China, if we would only open our markets, that things would begin to change. They talk in terms of China being 1.2 billion consumers, and we should get to those consumers before France or England or Germany does, because there is so much wealth to be created, so many jobs for Americans in selling to China.

But what they do not say is, we have engaged with China with this failed policy for 10 years. We have engaged with China with something called the annual trade advantages to China. Why should we, when it is not working for 10 years, why should we make it permanent so we can have more of the same?

More of the same means a trade deficit, back in 1988 and 1989 when President Reagan, President Bush, and now President Clinton have continued this policy; a trade deficit of $100 million in 1989 that has evolved into, as the gentlewoman from Ohio (Ms. KAPTUR) said, $70 billion plus in the year 1999 and probably $80 or $90 or a $100 billion trade deficit in the year 2000.

We have gone backwards in other ways in these 10 years since we have engaged with China. We have seen more human rights violations. If we pick up something called the country reports, which is what our State Department, the booklet in which our State Department discusses human rights violations, what the Chinese have done in Tibet and other minorities in China, the language used to describe that by our government is similar to the language used, the language that the State Department wrote about Serbia and what it did in Kosovo.

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We bombed Kosovo, yet we give trade advantages to the People's Republic of China. It makes no sense. In other issues, forced abortions in China where the government winks and sometimes encourages them. All of that has gotten worse in the last 10 years.

The selling of nuclear technology to rogue States, countries that should not have nuclear technology, that has gotten worse in China. Slave labor has gotten worse in China. Child labor has gotten worse in China. All during this policy of engaging China.

Mr. BONIOR. Religious persecution, Mr. Speaker.

Mr. BROWN of Ohio. Religious persecution aimed at Falun Gong, Christians, Muslims, all kinds of religions.

Mr. BONIOR. Buddhists.

Mr. BROWN of Ohio. Buddhists in China. But they cannot have the supporters of China for permanent trade advantages for China talk over and over that China has 1.2 billion consumers and we need access to them.

What they do not tell us and what their real interest in China is it is a country of 1.2 billion workers, workers that, as the gentleman from Michigan (Mr. BONIOR) said, workers that will be used as an export platform in China where investors will come into China, pay these workers as this Made in China Study has illustrated, pay these workers as little as 3 cents, 5 cents, 10 cents, 25 cents an hour, make them work 12 hours a day, 6 days, sometimes 7 days a week, live in dormitories, 16 people to a room, charge them from their meager 15 cents, 20 cents, 25 cents an hour wages, charge them for their dormitory space, charge them for their food, charge them for their clothing.

So, in essence, these are slave labor workers. It is against the law in the United States of America for us to accept any products from another country made by slave labor. We have called, a group of us, the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentleman from Michigan (Mr. BONIOR), the gentlewoman from Ohio (Ms. KAPTUR), the gentleman from Vermont (Mr. SANDERS) have called on the Department of Justice and on the Department of Treasury to enforce that law and to investigate to see if those goods are made by slave labor that we are accepting in this country.

When Kathy Lee handbags made for Wal-Mart are made from workers paid 3 cents an hour, where I come from, we call that slave labor. Those products should not be allowed in our country. We need to know more from our government about what is coming into the country made by slave labor before we vote on this China MFN bill next week.

One other point I wanted to make, Mr. Speaker, is that these companies say they want to democratize, these people lobbying us, the CEOs that walk the halls all over the place in the last couple of weeks, trying to get us to give trade advantage to China, they tell us, if we are in China that things will get more democratic. The fact is, in the last 5 years, in developing countries, investment from the United States, people in the United States investing in developing countries, the amount of money invested in developing countries has moved from democratic developing countries to authoritarian developing countries.

Mr. BONIOR. Mr. Speaker, this is a very good point, and I hope my colleagues pay attention to this, because I think the gentleman from Ohio (Mr. BROWN) has really developed this well. It is an amazing, it is not amazing, but it is disturbing. He has really pinpointed it well, and I look forward to hearing it.

Mr. BROWN of Ohio. Mr. Speaker, in a nutshell, it means that, rather than investing in India, a democracy, American investors, large businesses are moving those investors to countries like China. Instead of Taiwan, a democracy, they are moving those investments to countries like Indonesia. Why? Because they can pay 3 cents, 5 cents, 10 cents an hour, because they do not have to worry about workers speaking out and talking back, because they do not have to worry about their employees trying to form a union and unite and be able to demand better wages. Because it is not a democracy in China, they do not have to worry about environmental laws. They do not have to worry about worker safety laws.

All the values we hold dear in this country simply are nonexistent in a totalitarian-authoritarian country. That is why investors in the West like to invest in China, want this permanent most-favored-nation status for China knowing there will not be democracy, knowing there will not be unions, knowing they will not have to pay high wages, know they will not have to worry about environmental worker safety laws.

That in itself is why we should not believe the promises of the CEOs walking the halls of this Congress, telling us, well, China will live up to its promise, we will live up to its promises, we will make this a more democratic system. Because history in the last 10 years and especially the last 5 years have shown us this is simply is not true.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Ohio (Mr. BROWN) for his comments tonight and his insights. I think he is absolutely on track on this.

Mr. Speaker, I yield to the gentleman from Ohio (Mr. KUCINICH) and then the gentlewoman from California (Ms. LEE) and then the gentleman from California (Mr. SHERMAN). But I encourage them to engage while we debate this.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR) for yielding to me. I want to thank him for the leadership that he has shown to this country.

People are really concerned about basic human values, about what is right, about what is wrong. It is a privilege to be here with the gentleman from Ohio (Mr. BROWN) who is my partner from the Cleveland area, the gentlewoman from California (Ms. LEE), the gentleman from California (Mr. SHERMAN) and the other Members, including the gentlewoman from Ohio (Ms. KAPTUR) who participated in this important discussion about the vote which is coming up next week, which would grant China permanent most-favored-nations trading status.

During the presentation of the gentleman from Michigan (Mr. BONIOR), he had talked about a book that Marianne Williamson had written. The title of the book is Healing the Soul of America. I know he remembers because she is a constituent of the people of Michigan.

Mr. BONIOR. Right.

Mr. KUCINICH. Mr. Speaker, she lives in Michigan and is a fine writer. In the preface to that work, she writes, "Would Jesus, if he were a citizen of the richest nation on earth, choose to feed the poor or fatten the rich?" She goes on to write, "All of us are better off when contemplation of holy principles is at the center of our lives. But it is in actually applying those principles that we forge the marriage between heaven and earth, while merely dwelling on principle falls short of the human effort needed to carry out God's will."

This book, the Healing of the Soul of America is about reclaiming our voices as spiritual citizens. Here in this August Chamber, above the Speaker, the words "In God We Trust" symbolize that we do believe in spiritual principles as well as trying to navigate this material world.

In a way, our founders understood that, because, while they believed in the separation of church and State, as I do, they did not believe in an America that would be devoid of spiritual principles, the kind of principles that Marianne Williamson talks about in her book.

When we reflect on the current situation in China, we can ask if the reports that we have in our hands, how they reconcile with spiritual principles. Is it spiritually appropriate for workers to be locked up in a work space working from 7 a.m. to 11 p.m., 7 days a week, and in some cases earning 3 cents an hour. Is that spiritually appropriate?

Because if we as Americans cannot see that clearly for what that represents, cannot see that when an American manufacturer moves jobs over to China, closes down factories in this country, and moves the work to China, closes down jobs in this country where workers are paid $15 an hour, $18 an hour, $20 an hour, and moves those factories to China so they can pay the workers 3 cents and hour, we have to ask is that spiritually appropriate.

I think that every fair-minded American would have to agree that it is not spiritually right, it is not morally right. It is devoid of sensible economics. It is devoid of human values. This is the kind of judgment that we have to make.

When we face the issue of whether or not China should be given permanent most-favored-nation status, which means that we would lose our opportunity to review the conduct of the Chinese Government when it comes to the workers.

I think we have to avoid condemning the people of China in this debate, because they are our brothers and sisters. Those are our sisters working for 3 cents an hour to make Kathy Lee handbags for Wal-Mart at the Qin Shi factory where 1,000 workers are held under companies of indentured servitude, working 12 to 14 hours a day, 7 days a week, 1 day off a month, while earning an average wage of three, count them, 1, 2, 3 cents an hour. Can they buy anything that the United States would ship over there, Mr. Speaker?

Mr. BONIOR. Of course not, Mr. Speaker.

Mr. KUCINICH. Mr. Speaker, I mean it is ridiculous. So what is this trade about? It is about creating a platform in China to wipe out American manufacturing jobs, so dump cheap goods on to the market here, while the major corporations literally make a killing at the expense of the human and worker rights of the people of China.

Let me tell my colleagues where this is going. For those who say, well, that is just China. Let China handle its own problems. Let us send the business over there and create business, and let China lift up its values for the people there.

Well, what will happen is this, as we create an environment in China where people are working under slave labor conditions, earning 3 cents an hour and, in some cases, netting less than that, owing their employer money at the end of a month's work, where they work 16 hours a day, 6 and 7 days a week, at the end of all that, what happens in America? Those same corporations go back to the American working men and women, and they tell American working men and women they are going to have to take a wage cut. We do not want them to have a union anymore to speak for them. They better not complain about their working conditions. Do not go with trying to negotiate with us. There is nothing to negotiate. We are moving to China.

We are in a time right now where we as Americans have to once again say whether or not we believe in the basic principles upon which this country was founded: the principles of liberty, the principles of democracy, the principles of equality, the principles of everyone in this country counted. One cannot do that when one is reducing the value of a human being to 3 cents an hour, to 3 cents an hour.

I think there was a time in history where one of the greatest persons ever to walk this earth was sold out for 30 pieces of silver. Are we going to sell out the people of China and the people of this country for three pieces of copper?

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Ohio (Mr. KUCINICH) for his comments. They are very poignant and very on target.

Mr. Speaker, I have about 15 minutes left, and I want to share that with the gentlewoman from California (Ms. LEE) and then also the gentleman from California (Mr. SHERMAN).

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE).

Ms. LEE of California. Mr. Speaker, I wanted to thank the gentleman from Michigan (Mr. BONIOR) for really helping this House to focus on the basic question of what is right and what is wrong. So often we forget about those issues here.

I want to thank him and the gentlewoman from Ohio (Ms. KAPTUR) and the gentleman from Ohio (Mr. KUCINICH), the gentleman from Ohio (Mr. BROWN), and the gentleman from California (Mr. SHERMAN) for continuing to help educate this body with regard to really what the right thing to do is in this instance.

As we entered the new century and the new millennium, relations among Nations in the Pacific rim and Africa are becoming very significant. Trade with China represents a substantial component of our country's international commerce. So as Congress has debated United States' trading policies toward China and Africa, I have carefully considered many fundamental issues.

Now, I am a firm believer of self-determination for China. China has chosen communism. Whether we agree with it or not, that is their right. However, it is wrong to round up, to intimidate, and to arrest people, to place them in slave labor camps with no due process, regardless of whatever political or economic system one lives under.

So the time is now for us to send a strong and unyielding message that the United States will not condone mass suffering and oppression. Trade must be open. Trade must be fair. Standards for human rights must be included in all trade agreements. Environmental protections must be in place. Women's rights should be advanced. Worker rights abroad everywhere should be protected. Of course religious freedom should be protected. American jobs should be protected and should not become a casualty of our trade policy.

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And, of course, as we have heard over and over again, many argue that the best way to ensure China's respect for all of these issues is to admit China into the World Trade Organization and to grant it PNTR. Well, I disagree, as the gentleman disagrees, and believe an annual review actually provides for this.

Mr. BONIOR. I think that is an important point. What we are asking is that we as a body, as elected people, the representatives of this country, have a chance to talk about this and vote on it so people can understand where we are on this important issue of principles that the gentlewoman has just enunciated once a year. That is what we are asking.

We are going to continue to trade with China. They will continue to bring in 30 to 45 percent of their goods into our market. What we want to do, though, is keep the leverage and the pressure on making sure that these principles are eventually adhered to. We are not asking for all of these things at once. We know that takes time. It took us a long time. What we are asking for, as the gentlewoman from California has well stated, is some very basic things; the right to organize, collectively bargain, the right to deal with child labor and slave labor.

Those are the four basic labor principles we are concerned about. We are not asking that people be paid $4 an hour or $5 an hour. We are asking that they have the right to collectively come together so they can bargain for their wages, so they can form political organizations, so they can worship freely. And then, through those mechanisms, they will be able to express themselves and develop the democratization process and democracy that they yearn for.

Ms. LEE. That is right. Annual review at least provides for an effective mechanism for us to review China's compliance with all these standards. Also, it is the most viable assurance for the American worker.

According to the Economic Policy Institute, over 870,000 jobs are projected to be lost within the next decade. What will happen to these workers here in our own country? If this bill passes, of course, the United States trade deficit will continue to escalate, leading to job losses in virtually almost every State.

Mr. BONIOR. In the gentlewoman's State, as I recall, the figure over the next decade is 84,000, or something close to that.

Ms. LEE. Absolutely. In my State of California we estimate 87,294 jobs lost in the next century.

Mr. BONIOR. And these are good jobs.

Ms. LEE. These are good jobs. And this is very scary. What do we do? We have had many go-rounds of base closures and we are just now beginning to recover. California workers do not deserve this, and I hope people throughout the country understand what the magnitude of this job loss is to American workers.

So we support free trade, I know the gentleman supports free trade, but it must be fair. Our policies also should at least put an end to slave labor in China rather than reward it. And, in essence, PNTR rewards slave labor.

Now, we are not talking about cutting off our relationship with China at all. We want to make sure that our trade relations are such that the people of China and the people of the United States benefit from a fair and free trade policy.

Very seldom do we have these defining moments in the Congress. This vote really does define who we are as a people and as a Nation. And as an African American, whose ancestors were brought here in chains and forced to help build this great country as slaves, I must oppose any measure that allows for the exploitation of people anywhere in the world, whether it is here in America, whether it is in Africa, the Caribbean, or in China.

So I appreciate the gentleman's taking the leadership in this effort and really trying to help all of us in this Congress know that we must do the right thing, because this is our moment to be true to who we are as Americans.

Mr. BONIOR. I thank my colleague for her eloquence and her passion on this issue and for bringing to light some of the real questions that confront us as we approach this vote.

Mr. Speaker, I yield now to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Speaker, I thank the gentleman from Michigan for yielding to me.

I am pro trade, I am pro engagement. I am against isolation. I am against protectionism. And I oppose this trade deal. I would oppose this trade deal if it was only for the bad effects it is going to have on human rights in China. I would oppose this trade deal alone for the reasons that it is going to have a bad impact on the American economy. And it would be sufficient to vote against this deal just because of its bad impact on the strategic and political interests of the United States. Yet all three compel a vote against this deal.

This deal leaves out a discussion of labor and environmental standards, but we are told that it is going to cause China and its system of communism and oppression to unravel. But for 10 years we have been giving China everything it wants in the way of trade and for 10 years they have not unraveled but, instead, have beaten down harder on the voices of dissent. The Soviet Union unraveled with far less trade than what China enjoys with the United States today.

We are told that the dissidents in China want this deal, but are they free to speak their minds, or do they face additional incarceration in the Chinese gulag should they dare to say anything but what they are told?

We do not know what the real dissidents in China think, but we do know what the Central Committee of the Communist Party thinks. Yes, it is divided between the so-called reformers and the so-called hard-liners. They are united on two things: First, they are absolutely dedicated to maintaining the Communist Party's monopoly on power. The reformers are not Democrats, if we are referring to the "reformers" in the Communist Party hierarchy. And they are united in wanting this deal because it empowers them, it solidifies their position, it emboldens them, and it delays for a long time the day in which their system will unravel and freedom will reign in China. China, I hope, will have freedom one day, but this deal will not make it closer.

I think we should reject this deal because of American economic interests. This is not a struggle between the heart and the pocketbook. The pocketbook of America must say no. This is an issue of American human rights, the human right to be able to work in manufacturing and make $26 an hour instead of being shuffled off to a fast-food restaurant and told you are not an unemployment statistic and paid $6 an hour.

We have the most lopsided trading arrangement with China in the history of life on this planet; $83 billion of their exports to us, 13 of our exports to them. Our exports to them are actually declining, a level of deficit that is six times the size of our exports.

Now, I know we are told our economy is doing well, but the trade deficit is a cancer inside our economy, and the biggest and most important part of that is the growing trade deficit, the enormous trade deficit with China. This deal locks in that deficit.

Their deficit should not exist. China is a developing country. It needs infrastructure. It needs the kind of factories and manufacturing control systems that we produce the best of. It needs machinery. It needs communication systems. Why are we not selling to China? It is not because of anything written in the documents and the laws of China. It is because the Chinese Communist Party has made a political decision; when in doubt, buy from those countries that are not criticizing you on Taiwan and on human rights. And so they run a trade deficit with the rest of the world, financing it with the huge trade surplus they run with us.

We are told that this deal is going to change things because Chinese business people are going to buy from us. Almost anyone in China who would buy big American goods, almost all those enterprises are owned and controlled by the government. So if the government says that their enterprises are free to buy from us without quotas and tariffs, what does that mean if they make a political decision not to buy? The airline in China will buy as many Boeing planes as they politically decide is appropriate regardless of the published rates, tariffs and quotas.

But what if there was a really politically independent businessperson in China who wanted to buy a huge amount of American goods and got a call from a commissar in the Communist Party saying, Mr. or Ms. Chun, or whatever the person's name happens to be, we know that you will think again. Yes, the American goods are great, they are high quality, they are just what you need. We have lowered the tariffs and we have lowered the quotas, and all the laws of China say you are free to buy. But Mr. or Ms. Businessperson, we know that you will decide that because the gentlewoman from California (Ms. PELOSI) and the gentleman from Michigan (Mr. BONIOR) and the gentlewoman from California (Ms. LEE) make speeches that we do not like, that you will choose to buy goods from somewhere else. We know you will make the right decision, businessperson, because we know you are well educated. We hate to think that you need reeducation.

We are not going to sell any more to China than the Communist Party of China wants us to. And a change in the law in a country where the law is not followed, where the government exercises power through terror and through oral conversations cannot be held accountable in WTO court.

Now, we are told a couple of the last-minute sweeteners to this deal are going to make it better. We are told that someone is going to propose an anti-surge provision. There is no anti-surge provision in the anti-surge provision. What it says in the "anti-surge provision" is, if there is a surge of Chinese exports, we are allowed to spend our money, should there be any left in the appropriations process, to reeducate our workers. This is the first time I have heard that we need permission from Beijing to provide assistance to Americans who are displaced by trade.

Second, we are told there are going to be Helsinki style reports on China every year. Every 6 months. Many people have quoted the reports. We have reports coming out of our ears. We could have more reports. We could commission several additional reports. Paper is not going to bring down this government. But if it was, we are free to do that without granting these agreements.

The status quo is unacceptable. But that is not a reason to embrace this deal, because this deal simply solidifies the status quo in place. What it does is that it causes our companies to invest their capital in China knowing that they can then export back to the United States and there is no risk that those exports will ever be stopped. This deal is not going to cause China to buy goods manufactured here.

Now, we are told, well, it does not matter because they just make tennis shoes and toys in China. We could not make those here in the United States. Well, that is not true. Often we do. But, second, if we had $100 million in capital, instead of making a low-tech factory in China, that could be used to make a high-tech factory in the United States, where sufficient technology and capital could allow American workers to compete. But even if we believe that it is impossible not to have these goods produced abroad, let us produce them abroad in a country where freedom exists and where the workers and the people in that country are free to buy American goods should they want to do so.

Let me finally shift to the idea of our strategic interests, because here is where this agreement really lets America down. It takes away any sanction we might have should China deal with Taiwan in an inappropriate way or should China provide nuclear weapons to North Korea, or the technology for them, or, likewise, Iran. It takes away all the tools from the United States. We cannot do anything, except to declare war, which seems unlikely; or make speeches, which seems ineffective. We cannot do anything that costs the Chinese a penny, or a million dollars, should they take action adverse to our security interests.

While it takes away our tools, it gives them tools. Because that same hoard of lobbyists that have been in every one of our offices telling us to vote for this deal now, they will be back next year and the year after that, and they will pull us aside and say, stop talking about human rights in China. It is costing us business. It gives them tools.

I would hope the gentleman from Michigan could be recognized for concluding remarks if he has them. I have concluded my remarks.

Mr. BONIOR. Well, I thank my colleague, and I would just conclude, Mr. Speaker, with this one comment. I want to thank my friend, the gentleman from California (Mr. SHERMAN), the gentlewoman from California (Ms. LEE), the gentleman from Ohio (Mr. KUCINICH), the gentlewoman from Ohio (Ms. KAPTUR), and the gentleman from Ohio (Mr. BROWN) for joining me tonight. I think we have made a compelling case on this issue, and we look forward to engaging the opposition on it as we go forward in the next week before the vote.

I thank my colleagues for their time this evening.

☐ 2200

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes as the designee of the majority leader.

Mr. MCINNIS. Mr. Speaker, well, it is time for another evening chat. This evening I have three subjects which I think will be of some interest. I hope to be able to have time to address all three of them. But, in order, I am going to speak a little about the trade agreement.

We have had much interesting discussion this evening about trade with China, the different issues, the economic issues, the political issues; and, so, I too will chime in on that, I think from a little bit of a different angle. But, nonetheless, I will spend a little time on that this evening.

I would like to talk to you again about taxes. As you know, I think it is important that we distinguish out there the difference between the parties, the Republicans and the Democrats, when it comes to tax policy in this country.

My discussion and comments this evening will not be talking about a tax cut today. It will be talking about a little historical tax management and which one of those parties really has the experience to manage our taxes.

Then the third thing which I hope we get time for this evening is a fundamental issue to all of us, and that is education.

Let me begin by talking about China. First of all, let us get the economic factors out of the way for the State of Colorado.

My district is the Third District in the State of Colorado. It is representative of all of western Colorado and some of eastern Colorado. To give my colleagues an idea of the geographic size, it is larger than the State of Florida.

We have lots of industry in Colorado. We have a lot of industry in business, primarily small business, in the Third Congressional District. We do have some of the world class ski resorts in the Third Congressional District. We have a lot of international tourists.

In fact, the State of Colorado made a conscious decision some time ago to really try to make an effort at marketing on an international basis. We determined in Colorado that tourism is a good industry to have, that it is better than the smoke-stack industry that we had experienced in some years previous. So we wanted to get a mix. And now, as you know, Denver, Colorado, is one of the leading cities in the country with regards to high tech. And, of course, the Third Congressional District, the mountains of Colorado, is known throughout the world for the beautiful and majestic mountains and the views that we have and so on, and the ski areas that we do have.

But China is a factor in the Colorado economy. I think to just get it out of the way, the economic numbers, because this evening we have heard economic numbers bantered back and forth, so at the beginning of my remarks here I will tell you that China is a very important trading partner for the State of Colorado. It is fourth, in fact, as far as the largest amount of exports to a foreign country for the State of Colorado.

In Colorado our agricultural base, which is very, very important for Colorado, whether it is the cattlemen, whether it is the wheat growers, whether it is the corn growers, regardless, the agricultural base in the State of Colorado through their associations strongly support trade with China.

These associations realize that 96 percent of the consumers reside outside the boundaries of the United States of America. Only within our boundaries do we have four percent of the consumers.

Now, some people tonight that you heard preceding my comments will claim they run away from the word "isolationist." They talk about pro-trade. They talk about pro-small business. They talk about international relations. And then they urge you to vote no on the China bill. When the real test steps up there, they are not pro-trade, they are isolationists.

Now, in some cases, maybe isolation works. It has not worked for the United States of America. We thought for sure that we could make Cuba collapse to its knees by isolating that country. Several presidents ago or so, it did not work. Some day we are going to get capitalism into that country. But our choice of isolation is not going to work with China.

We are not going to isolate China. How are we going to isolate them? We are not going to isolate them. Let us face the facts. And the facts in Colorado are economically, economically, it is a very, very important trading partner.

In the areas that I represent, agriculture is very important. In the cities of Colorado, the largest cities, which I do not represent, high tech is very important.

There are a lot of businesses from small to medium to large in Denver, Colorado, in Boulder, Colorado, in Colorado Springs and Ft. Collins throughout the cities on the front range that think that this China trade is very important for the State of Colorado and for the people of the State of Colorado.

So I am not saying tonight in my remarks that will follow that we should disregard the economic factors of the State of Colorado. They are important. We should not ignore them. It should play an important factor for every congressman's decision when they make that final decision on whether or not to support trade with China.

But what I want to focus about this evening in regards to China is more from a philosophy point of view, I guess, and that is to kind of relate to my colleagues here on the floor my personal experience in China.

Many, many years ago I had the privilege of being selected as one of 10 what they called young leaders in America from across the country to go and visit the country of Taiwan and to go and visit and spend time with their government and, after visiting Taiwan, to go ahead and go across the straits there and visit China and spend time with China's young leaders.

This was a bipartisan group of people. There were five Democrats and five Republicans. And so, we went off on a trip to visit with the governments of these two different countries.

In Taiwan it was very interesting to see what capitalism has done for that country. This is a country that has boomed when it allowed its people the opportunity to improve their life situation, to go and pursue their life dream of having their own business, of being able to make a better mouse trap, of having rewards for their hard work because they come up with a better mouse trap or they have a better invention or they figure out a more productive way to produce.

Taiwan loved capitalism. Taiwan put its arms out and said, we want capitalism in our country. And compare to what has happened in Taiwan to any other country of its size, especially any other country of its size that is socialistic or communistic, compare Taiwan and the economy and the type of lifestyle and the freedoms and the freedom of expression and the art and the music and just, basically, the enjoyment of life in Taiwan, compare it to what you have in China. It is hardly a comparison. It is like between night and day.

What is the answer? Is what brought capitalism to Taiwan isolationism by the greatest country in the world, the United States of America? Was it a conscious decision on behalf of the United States of America to ignore Taiwan and say, look, the best way to break communism and make sure this new regime that went over to Taiwan is not going to practice communism, the best way to do that is isolate them?

We did not isolate them. We embraced them. We said, try capitalism. It works. Throughout the history of the world, every time we have allowed an individual to make life better for themselves through their own labors, it works. Capitalism has proven itself over and over and over again.

In China, they have been very successful at rejecting capitalism. They have been very successful at rejecting individual rights. They have been very successful in restricting the freedom of movement in their country.

In China, the communists have been very successful in making sure that they cannot form political groups, that they cannot have the freedoms as these people hear about just 90 miles away in the country of Taiwan. China has made sure that it has oppressed its citizens, and it has made sure that it has defied the world.

So what do we do about this communistic country, this country that is huge, huge and growing, by what, 20,000 or 30,000 people a day are born in China? We cannot ignore them. Come on, my colleagues that oppose even acknowledging that China is out there. We cannot ignore them. We cannot isolate them. Figure it out.

Now, I went over to China and I had an opportunity to meet some of their young leaders. And I will tell you what really stood out for me when I was in China was how oppressive their government was, but what encouraged me were some of these young leaders seemed to be enchanted by the idea of freedom and enchanted by the idea of capitalism.

I could really see an optimistic viewpoint in their mind that their mighty country, and they were proud of their country, that their country was beginning to, at least, acknowledge that outside of communism there might be an improvement called capitalism.

I saw their signs of encouragement when I was in China. I went to a school. This school was for the very privileged in their society. In China that is the school teachers, the medical doctors, and the government leaders and their top business executives. So it was a private school.

All of the children were beautifully dressed. And, of course, the Chinese children are beautiful children. I guess all children are beautiful. But, really, their dress and their outfits. But do you know what I noticed in their school what made me feel good that capitalism was getting its foot in the door in Communist China was the fact that on the walls of this school they had paintings of Goofy and Mickey Mouse.

Now, some of my colleagues might chuckle at that. Well, what has that got to do with trade? Think about it. Through entertainment, through music, and through many other means, capitalism is beginning to seep into Communist China. It is beginning to get in there.

Now, what amazed me the most about these young Chinese leaders is that a couple three months later, I then hosted those leaders in the United States for a period of about 3 days in the Colorado mountains. Now, they had already been to Washington, D.C., and they had seen this fine building. They had seen this fine body in action. They saw the majestic White House and our other beautiful monuments around here. They were impressed. They liked America.

When they came to the mountains of Colorado, we did some things, we treated them. We gave them each a pair of Levi jeans. Back then that was a big deal. We took them on a roundup camp and sang cowboy songs around the fire. They loved it. But do you know what they enjoyed and they were most enthralled about during that time that I had them and they inform me it was the most interesting thing of their entire trip to the United States, which included San Francisco, which included Colorado, which included Washington D.C.? Do you know what amazed them the most? The grocery store.

I took them to our grocery store, our local city market. They could not believe it. We spent 4 hours. I had allotted 25 minutes to go through the grocery store. They spent 4 hours in that grocery store in Glenwood Springs, Colorado. They went up and down those aisles. They could not believe it, all of these different choices of cereal.

Where is your milk? This is all milk? Yogurt two percent. One percent sour cream. They could not believe it. And the eggs, dozens and dozens and dozens of eggs. We went to the cheese selection. They could not believe all the selections of cheese. And cereal. I mean, we literally opened a couple of boxes of cereal so they could taste the cereal. They were enthralled by an American grocery store.

Then I had to convince them that that American grocery store was not for the exclusive or the wealthy people in our society. I am not sure they ever believed me that anybody in our community of Glenwood Springs or anybody that stopped in Glenwood Springs could go into that grocery store and that the prices that we were paying for items in proportion to what we made per month were minuscule in their terms. What a deal. How did it happen?

And do you know, the rest of the time with those young leaders, do you know what we talked about? We did not talk about the indoctrination of communism. We did not talk about how you can stymie freedom of speech. We did not talk about how you can prevent the people from having music and art. We talked just the opposite.

We talked about capitalism. We talked about freedom of expression. We talked about music. We talked about art. We talked about grocery stores. We talked about the fact you could own your own horses and your own cows and if you wanted to, you could sell them for a profit, if you were a good businessperson, you could make a good living at it. We talked and we talked and we talked.

Now, this story goes on. They then went back to China. I could tell that these people, these young leaders, men and women, were inspired. They really felt an urge that their great country of China could move in a direction that would make it an even stronger country, that they could begin to get their senior leaders to open up their eyes just a little, not dramatic change, because dramatic changes takes time in China.

□ 2215

But it is change, nonetheless, towards capitalism, away from communism.

The last time I ever saw most of them was as they got on that plane. They smiled, they did not want to leave America, in one sense; but in the other sense they could not wait to leave America and get to China, because they wanted to talk to their friends and neighbors about what America had, what America had that China did not have and what America had that China should have. That is why they were anxious to get out of this country.

Well, not too many years later, in fact, just a couple short years, Tiananmen Square occurred, where the government forced down, executed, and, to the best of my knowledge, some of those good friends that I had met were executed as a result of Tiananmen Square. I was very, very bitter. To this day I remain bitter about the way these young people were prosecuted, persecuted and executed by the Chinese government.

It is a tough hump to overcome. These kids, and they were young men and women, they had a lot of promise. They had a lot to take to their country. They did not stay in the United States. They did not want to be Americans. They wanted to go home to their homeland of China and improve the conditions and bring things like small business and capitalism and music and art, open up the world. They never got that opportunity, because the government made sure that they were, as I said, prosecuted, persecuted and executed.

Well, I, for a long time, took the position that the best thing we should do is cut all our ties to China, stop dealing with China. Those SOBs, they killed these people, and you cannot deal with China except through a military takeover at some point, or at least build up your military strength so you never ever have to have China push your own citizens around, and I was convinced that the best thing to do was isolate China.

But I guess with time you begin to think about, is that really working? In the meantime, what we saw was we saw the Iron Curtain collapse. We saw the Reagan Cold War be successful without the firing of one missile. And as I began to study what broke Russia, what brought Russia to its knees, was it the fact that we isolated them? Was it the fact of our military machine?

Well, both of those factors played into it, and there are other factors I will talk about. First of all, was it the fact we isolated them? We did isolate Russia in some areas, and we should isolate China in some areas, and that is transfer of military secrets.

As you know, the Russians had a very successful spy operation, unfortunately, a couple of traitors in America, U.S. citizens that became traitors. But, nonetheless, we restricted them. We did not allow swapping of even semisensitive equipment to Russia. And that is appropriate with China. We should be very, very restrictive about military hardware or civilian hardware that can be converted to military use. We should be restrictive and isolationists in regard to that. If we were not, you could see the proliferation of nuclear weapons going on throughout the world. We have to keep that stuff close to our chest. I am not sure anyone in this room disagrees with that. But when you take a look, did we isolate Russia as a whole, the answer is no. Capitalism began to creep into Russia. That is what happened.

Now, what about the military? Was it our military might that brought down the Russian empire? The answer to that is no. What our military might did, and, by the way, I think every American citizen should be thankful for Ronald Reagan. He stood up to a lot of heat when he called Russia the evil empire. He stood up to a lot of heat when he had our military build up in this country. A lot of people said he was a war monger. Some called him Rambo. Now you do not hear much from those people, because, you know what? Ronald Reagan was right. You need to have a strong military. You need to have the first military in line of every military in the world.

But the military itself did not bring down Russia. What brought down Russia is the heart, the people's heart. Those people in Russia said, you know, there is something better, beyond that wall. There is something better on the other side of the ocean. There is something better about America. What is America doing that they have such good lifestyles?

What is America? The teenagers in Russia were saying look at the teenagers in America. They have this great music. They have these radios. Back then they had these Walkmans. What are they doing in America that we should do in Russia to improve our lifestyle?

Our military strength, make no mistake about it, our military strength kept Russia from attacking us. Our military strength was a critical element in bringing Russia down to its knees. But the overriding factor that brought Russia to its knees or that the Russian people wanted was freedom. They wanted a taste of life that was a lot sweeter. They wanted the freedom of expression. They wanted the freedom of religion. They wanted a lot of freedoms that had been denied to them. And little by little, through Radio Free Europe, remember, that is how we got in there. Today we are going to get in China through the Internet.

Back in the Cold War days we got in through Radio Free Europe. They turned on these radios, and no matter how hard, no matter how decisively the Russian leaders tried to shut down Radio Free Europe or shut down those signals, those Russian people still had radios hidden. They would pull them out at night and listen to the Americans on Radio Free Europe talk about how good things are and how capitalism can work in your country too, that we are not asking you Russians to become Americans; we are asking you Russians to enjoy the freedoms that Russians deserve.

It was through that kind of effort that capitalism began to sneak in. American music and American music plays a very important part. You may say "that is somewhat exaggerated, Scott." It really does play an important part.

As I travel throughout the world, which I have done fairly extensively, almost everywhere I go it is American music being played, and you know the young people that listen to this music, they have good impressions of America. That is where this good music comes from. It worked the same way in Russia. You begin to see American music. You begin to see American products in the wealthier class. The ruling class in Russia had the use of these products, but the common man out there, they noticed them and they wanted them too.

Then pretty soon the operation of the government control began to collapse in Russia, and, what do you know, the Russian empire fell. Whoever thought that the Berlin Wall, that they would live to see the falling of the Berlin Wall? I never imagined it. But that was a remarkable event in our history.

Well, I think we can apply the same type of standards, and I think we ought to look from the same historical point of view as to China.

Now, what about this trade with China? What do we accomplish? Should we do it? As one of the previous speakers, who loves to talk about corporate America and big corporate this and big corporate that, I mean, you know, it sounds like a broken record. Forget talking about big corporate America. Talk about the small businesses.

Talk about, and I wish my colleague were here, talk about the farms and ranches in Colorado. Talk about the corn growers or the wheat growers. Talk about the people that produce chicken eggs. Talk about our dairy farms. There is a lot of people out there we ought to talk about that are not big corporations in America, that are not oppressive business entities in America, that are not out to squash the freedoms of American citizens.

There are a lot of people that work very hard. In fact, they probably work a lot harder than we, and we work hard on this floor, and they work harder than we do in their small business.

Trade means something to them. With the advent of the Internet, you cannot be an isolationist. Some of your colleagues, when you hear from other colleagues and they say, "Well, look, I am for free trade. I think we should be in on the international business, but, boy, I am sure opposed to NAFTA, and I am sure opposed to China trade. By gosh, I am opposed to any trade like this."

Come on, you cannot have it both ways. And which way works? Sit down with your colleague, my friends, and say hey, show me the historical basis of where isolationism works, number one, and, number two, tell me how you are going to isolate China. How are you going to do it? You cannot. Isolationism does not work, and you are not going to isolate China.

Now, I have some pretty resentful feelings towards China. I expressed those to you tonight. I lost my friends at Tiananmen Square, so I do have a deep resentment towards the way that those leaders, the leaders at that point in time, treated their young people, and I think that China does have very oppressive human rights, and I think China's communism is not long for lasting. I think in the next 20 years it will break, just like Russia's did. I know I am no fan of China. But it is because of that very fact that I am not a fan of China, that I still contain within my heart some bitter resentment towards the Chinese government, it is because of those reasons that I think we should do exactly the opposite of what my colleagues who preceded me talked about.

I do not think we should isolate China at all. I think the worst nightmare of the Chinese leaders, their worst nightmare, is that their people will begin to get a taste of American music, of American art, of American enterprise, of American freedom of speech, of American freedom of religion.

You know what? That is what those Chinese leaders fear the most. They love it when primarily my Democratic friends stand up here and say isolation or no trade with China. They love you to talk like that, because they know they are too big for you to be any kind of threat at all to them through isolationism. They know you are not going to isolate them. They would just as soon you not try to get freedom in to their people.

My Democratic colleagues, they would just as soon you stand up here and act like this, the ones that oppose this trade. "My gosh, we cannot do this and that with China."

You know, you are taking exactly the wrong track, in my opinion. If you want to break China to its knees, and I want to do that, you begin to put free enterprise into that country. And how do you get free enterprise into that country? You get American products over there. You open up trade with this country.

Now, remember, it is in fact true the EU and a number of other trading entities in this world would love for the United States not to trade with China, because 99 percent of the products that we trade with China are nonmilitary products. So let us take the military issue out right away. That 1 percent of military products, let us not trade it. I agree with you, let us isolate ourselves on the trading of any military hardware. I do not object to that at all. I do not think we ought to give China one bullet. If they have to buy it from the Europeans, let them buy it from the Europeans.

But, that said, the other 99 percent of consumer goods, where is your objection? Do you realize that when the Chinese people get to begin to enjoy American products, whether it is a coffee maker, whether it is a disk player, whether it is the clothes, whether it is just a writing pen, I mean, whether it is a pair of skis, I mean, all of these different things, do you realize what happens when a person who has never tasted freedom gets to feel American enterprise? It is like tasting hot apple pie for the first time. You want a second bite. It sticks with you. You like that cinnamon flavor.

That is exactly what is going to happen with China. And then you know what happens? First they begin to get the taste of American products. They want more. And then they begin to want more. More products? Oh, yes, more products.

But what, more importantly, do they want? They begin to say, you know, we want more freedom of movement in this country. In America they can get in their car and they can travel clear across the country. They are not stopped at the borders. They are not searched at the borders. They can go. Why cannot we do that in China?

In America they can voice their opinion. In America they have got this freedom of religion. That is what begins to seep into this country. If you want to bring China around, do not ignore them, do not isolate them. Let us go in there and improve the situation. Let us go in there and look at it from a constructive point of view.

Now, I have heard some of my colleagues talk about, well, we could be at nuclear war with China. China, we will be at war with China within the next 10 to 15 years. Well, I do not downplay your remarks, not at all. I do not downplay your remarks one bit.

□ 2230

In fact, I think the Chinese are a serious enough military threat that we need to get on the ball over here and we need to do two things. One, we need to not allow our President to go overseas and agree with the Russian Government to cut our nuclear arsenal below the red line, which is the line that our military experts say is the minimum we need to sustain the safety of American citizens in a conflict. We need to have a military that is second to none and is by a factor of many much more efficient and much more devastating than the Chinese military.

We need to be prepared, if China were ever to move, to defend ourselves and to protect American citizens. So I do not downplay the military threat at all. I think the United States must be fully prepared militarily to take on China or anybody else in this world that possess or exercises a threat against American citizens or our allies.

I think while we do that, we must, as we did in Russia, simultaneously get the word of free enterprise and get capitalism into China. Remember with Russia we had the nuclear missiles. We put nuclear missiles on the European continent. We shored up NATO but while we were doing all of this, we still had Radio Free Europe working. We still had Radio Free Europe. We kept plugging away. We kept trying to get American enterprise in, get American products in behind those Russian borders. It began to seep, it began to crack, and finally it did crack.

With China, Mr. Speaker, instead of saying, well, we are going to be at war with them in 10 to 15 years so let us ignore them, I say different. I say we should approach China, to the extent that we can, and get the taste of freedom to those Chinese citizens because that is one thing the Chinese Government leaders cannot take away from their citizens. Once they get the taste of freedom, it will be just like the Russian empire. Once they get that taste of freedom, no matter how harsh a leader you are, no matter what you do, that freedom will spread like a strawberry patch. It will grow and it will survive the winter and it will grow the next summer and it will survive the winter and it will grow the next summer and it will grow and grow and grow, and that is what will bring China down.

I hope my colleagues this evening who for the sake of politics are saying that they oppose trade with China, listen to my remarks. Here is a person who has a very bitter taste about what China did to his own friends. Here is a person who in his initial years of reaction to China took an isolationist policy, but here is a person who after having studied the Cuban and Russian model has decided the best way to do it is continue to build the strongest military known in the world's history but at the same time getting that taste of freedom inside the borders of China.

### TAX MANAGEMENT

Mr. McINNIS. Well, we have discussed China to the extent that I am going to this evening, but let us move on to a new subject. I notice lately we have obviously in this country, Mr. Speaker, we have a presidential election going this year, very important election. There has been a lot of, I think, play on words or tricks through the use of semantics about, geez, the Republicans want tax cuts; that is all the Republicans want are tax cuts, and we, the Democrats, we want to keep the money, trust us, we want to keep the money and use it to help shore up Social Security. Well, I want to talk a little more about taxes and tax management, because taxes are an important factor.

I am not advocating that today we go out and produce a massive tax cut for the American citizens. There are some specific taxes that I am going to talk about that are punitive, that are punishing, that are unfair, like the death tax, which the Democrats continue to push and push and this administration not only pushes the death tax but this administration attempts to increase the death tax $9.5 billion in the budget they gave us this year.

There is a marriage penalty which when we brought up in front of the Democrats, although they had 40 years to do something about it, there is that marriage penalty when we finally got it up here for a vote many of them voted for it. Now we see the Democratic administration opposing it.

It may never be signed. It is unfair. This is a country where we ought to encourage people to be married. We want to encourage families. We do not want our young people to be taxed just because of the fact they are married, and taxed at an unproportionate rate.

There are those kind of taxes that I think we have an inherent duty, as Congressmen, we have a fiduciary duty to our constituents, to be fair to them. The death tax is not fair. It should not be there. It is nothing but a transfer of wealth.

We are not a socialistic society. We do not, in our society, say go to the wealthy or now in our country go to even the lower middle class or the middle class, capture their assets and give them to the people. We are not a society that says go to the people that work and take away from them the fruits of their labor and give it to the people who do not work. That is socialism, and that death tax is darn close to a defining foundation of socialism and it ought to be eliminated.

What I think we should talk about is tax management. Now as we all know, Mr. Speaker, those on the Democratic side had control of this House for 40 years. I think it is very interesting, when we have heard the proposals for Social Security, when those who believe that Social Security, the people who are on it deserve more, the people who will be on it some day deserve an opportunity to enjoy the taste of American enterprise by having personal investment accounts, I find it interesting that the people who managed it, the Democrats, for 40 years and got it into the deep hole that it was in now are saying to the American people, my gosh, the Republicans have come up with a good idea; run from it, people, run from it.

How dare any of us think of something different to do with Social Security. How dare any of us talk about a person actually having some choice in their Social Security dollars. Trust us. For 40 years we ran the Social Security and we ran it into the hole, but do not change. My gosh, our historical basis, 40 years of lousy rotten management and now, by gosh, the Republicans are proposing a tax change or a change in the management of Social Security. Well, it is the same thing with taxes. Take a look at what has happened to tax management since the Republicans took control.

Now, I generally do not like to get too partisan in my remarks on the House Floor but this floor is designed for partisan debate, and there is a clear distinction between the Republican Party and the Democratic Party when it comes to tax management. In my opinion, the Democrats manage taxes in every way possible to get the maximum tax dollar transferred from the local and State government to the central government or to the Federal Government in Washington, D.C.

Now when we took control, when the Republicans took control, take a look within those 6 years what has happened with tax policy. I will give an example. This could have happened in any of the 40 years that the Democrats controlled your taxes. It took the Republicans to make this tax change, to manage these taxes.

What did we do? The Republican Party, through our leadership, realized that the one property that most people in this country dream of, that really is the largest asset in most of the homes of this country, in most of the families of this country, is the family home. Yet we found out that the family home, under the tax management of the Democrats the last 40 years, that the sale of this property, the sale of the family's largest asset was being penalized. It was being heavily taxed. So we proposed a new idea, and, of course, we had the typical the sky is going to fall, just like we hear on Social Security. Do not try anything new on Social Security. Stick with us. We have had 40 years of rotten management. Stick with us, trust us, count on us.

The same thing with this tax, but fortunately we have the majority, and the Republicans looked at what individuals and couples pay for their home. Now let me say what the old law was. The old law said that if someone sold their home for a profit, in other words if they bought a house for $1 and they sold that house for $2, they then had to buy a house of equal or greater value to what they sold the last one. So they bought it for $1. They sold it for $2. To avoid being taxed on the $1 of net profit they made, they had to buy a home that had a value of at least $2. They had to do it within an 18-month period of time or they paid a very steep tax on the fact that they were able to sell the family's biggest asset at a profit.

Now there was one exception to that. If one was 55 years old, they got a once-in-a-lifetime exemption of, I think, $125,000 or $150,000. We changed that. We believe that the family home is an asset that most families try and build up equity. A lot of families build up equity in their home that they intend to use for their retirement. A lot of families build up equity in their home that they hope to be able to pass on to the next generation. Why penalize the families on their home? And therein is where the Republicans differed with the Democrats on tax management.

So what did we do? Here is what we proposed, here is what became law. Again, let us look, before the Republican tax bill, an individual, this individual bought a house for $100,000, sold the House for $350,000. The profit was $250,000. The tax, the income that would be taxed is $250,000. Now that is an individual.

Let us take a couple, an example of a couple. Let us say a couple bought a home for $200,000. Let us say that they sold the home for $700,000. So obviously their profit is $500,000. They paid taxes on $500,000. We changed that. Here is what we did, and every one of my colleagues that owns a home ought to pay attention because every homeowner in America gets a tax break if they make a net profit on the sale of their home: every American. For most Americans, Mr. Speaker, it will be the most significant tax break they have gotten in their life. It is significant.

We went and said, all right, up to an amount of $250,000 we are going to charge zero taxes. That is for an individual. So if an individual buys a home for $100,000, sells the home for $350,000, giving us a profit of $250,000, the taxes are zero. Remember back here under the Democrat leadership for 40 years, $250,000 profit, $250,000 that would be taxed. Our $250,000 now, in law, our bill on the Republican side, the tax is zero. The American people get to, Mr. Speaker, put those dollars in their pocket.

Now, what happens to those dollars? Number one, they do not come to Washington, D.C. for redistribution. They stay in their community. They either go buy another house or they buy some additional property or they buy a new car or they put it in a savings account in a bank that turns around and loans it to somebody who wants to buy a new car. That is money staying in the community. That is money that is staying in the family.

Under the Democrat management of these tax dollars that money went to the bureaucracy in Washington, D.C. for redistribution. Under the Republican policy, that money stays in the taxpayer's pocket.

For a couple, most homes in America are owned by a couple, we gave that a $500,000 exemption. So here the couple buys a home for $200,000. They sell the home for $700,000. They make $500,000. Under the Democrats, they pay taxes on $500,000. Under the Republicans, they pay taxes of zero, zero.

Now, whenever one hears the Republicans talk about tax management, they hear some of the Democratic leadership talk about, oh my gosh, if we cut taxes we are going to cut education. Why education? Because they have been out there with their polls, and the polls say, look, if you want to scare somebody tell them they are not going to get the education for their kids. Who would not get scared? We all want a good education.

We heard the same kind of the sky is falling in when we did this tax management policy. Mr. Speaker, have any of you who have owned a home, who have enjoyed this tax management, have any of you out there seen a school close or one school in your county, in your city, in your State or anywhere in this country, one school get one less dollar because we let the American family put these dollars back into their pockets instead of transferring them to Washington?

□ 2245

No. What we see is a record surplus in Washington, D.C. This is good tax policy. This is the kind of tax policy that differentiates between the Republicans and the Democrats.

Let us talk about some other tax policy. Again, keep in mind, here is another difference. I talked about it earlier, but it is important to re-note. With death taxes, Mr. Speaker, we know there is a difference in the parties in this. The administration, the Democratic Party in general, not everyone, but in general, supports these death taxes.

They think it is appropriate to go out to somebody who has worked all of their life, paid taxes on their property, in some cases paid taxes one or two or three times, and the instant they die, send in the governments, get in there and raid their pockets. It is called the death tax.

There is a significant difference. The Republicans want to get rid of it. We want to eliminate the death tax. It is not fair. It is punitive. It is on property that has already been taxed. It has already been taxed.

Let us talk about the other tax that we managed to get rid of, a little more successful than we have been with eliminating the death tax. Do Members know what happened? Democrats, as soon as we put this in front of them, they voted for it. For 40 years they had an opportunity to get rid of it and they never even brought it to the floor. Once we got it to the floor, this thing went out with unanimous support. Everybody voted for it. Everybody went back to their districts and talked about, hey, look what we are doing for the seniors. Look how good we have been to the seniors.

Let us talk about what that does. What the tax on the seniors did, as many know, we have one particular paragraph, beneficiaries, we know this, aged 65 to 69, full retirement age, could only earn up to $17,000. After that, that is all they could make.

We have an employee shortage. We have a lot of senior citizens who may be senior citizens as classified by age, but they are good workers. They want to be in the marketplace. They want to go to work every day. They are productive.

The philosophy, frankly, of the Democratic Party through their tax management policy, and again, we are talking business, here, and I am not trying to be partisan, but let us talk business, because there is a difference in management. The management that they had frankly was that the $17,000, it should be limited. Once earnings go over that $17,000, they should lose $1 of social security benefit for every $3 they make in the marketplace.

Was that fair? We said no. We did not think so. Do Members know what the Republican policy management was? Do Members know what the Republicans said about this tax? Here is what we do with it, take away the tax that we are putting on senior citizens who want to work.

I appreciate the fact that all my colleagues on the Democratic side voted for it. But I also question the fact, where has it been for 40 years? How in God's Earth could they justify doing that kind of tax? How do they justify a death tax? How could they justify a tax on marriage penalties, penalizing somebody who is married?

Let me mention another tax that helped our economy. In fact, if we talk to a lot of economists, these economists will tell us that one of the most significant factors in the healthy economy we have today is that when we took control, the Republican tax management philosophy was take capital gains, which was then 28 percent, and drop it, drop capital gains, which is exactly what we did. We took it down to 20 percent.

Now, we heard from the other side, of course, the sky is going to fall down, schools are going to close, we are not going to get our highways, and that this is the wrong time to give money back to the American citizens, even though there is a huge surplus.

Do Members know what happened? A funny thing happened. In the last several years, hundreds and hundreds of thousands of American citizens began to buy mutual funds. Hundreds and hundreds of thousands of American citizens began to invest. They begin to recognize that, hey, this is an opportunity. This is a good economy.

Do Members know what? Capital gains all of a sudden, and that is what we call this, capital gains taxation, all of a sudden the meaning of capital gains grabbed a lot of people's attention. When we dropped it from 28 percent to 20 percent, we had an explosive, an explosive economic growth.

That 8 percent may not sound like much, but wait until one is a middle-income person or lower-income person and sells some stock and realizes 8 percent of it, gets a tax break of 8 percent.

Did they close any schools as a result of dropping capital gains from 28 percent to 20? No. In fact, what happened was the money to the Treasury went up like this. We saw more movement in the capital markets. We saw capital being created. Now we had more dollars than we ever had for schools. Now we had more dollars than we ever had for highways. Now we had more dollars for a lot of different needs that we have in this country.

That is important. That is important tax management. Education, for example, and I cannot find anybody that disagrees with this, is one of the highest priorities our Nation should have. We should fund it. I think funding it is in part a responsibility of good tax management.

Members will see in this upcoming election, on their side they are going to try and say, my gosh, do not let the Republicans cut taxes. To be fair to those voters out there, colleagues, I think we all need to talk about the kind of taxes that we want to cut.

I think to be fair out there, they need to say, you know, the Republican leadership wants to do away with the death tax. What do you think about it, people? Is it fair to tax you all your life for property you have earned and made through the American system, and then on your death, tax you, take it away from you, force your family to sell it and transfer it to somebody else, to the bureaucracy in Washington, DC?

When we talk about tax cuts by the Republicans and our tax management policy, ask them if it is so wrong to eliminate the marriage penalty. In our country where we penalize people for being married, what is so wrong with eliminating that? When they talk about the tax policy that the Republicans have, ask how many homeowners who sold their homes would, rather than have paid taxes on those in some cases tens and tens and tens of thousands of dollars, would rather have paid taxes and had a lot more faith in sending that money to Washington, DC than being allowed to save that money and use it in their own community?

That is the kind of tax policy we are talking about. It is the same thing with social security. As we go, they go out to condemn us on social security because of the fact that for the first time in 40 years we have somebody willing to stand up and take the lead. We have somebody strong enough that says, I will take some bumps and bruises, but we have to change the course. We have to continue to give security to the people on social security, and we have to give promise to the people who some day will be on social security.

What is wrong with that? They ought to talk about that, talk about the 40 years of management that preceded these tax reductions, these tax management policies. They ought to talk about the 40 years of management with social security.

My point here this evening is this: All of us, Republicans and Democrats, have a fiduciary responsibility to help fund this government in an efficient and productive fashion. That means that we must deploy good management tactics.

There are times where we may have to have some type of tax adjustment. Do not run away from it. There are times when we have to have a change in the management of social security. Do not run away from it. The best way for us to protect social security for the people today, and every Republican plan I have seen out there gives absolute protection to the people on it today, and frankly, protection from my generation, but it gives promise for the generation behind us. Do not run away from it, analyze it, take a look at it.

I wish they would have analyzed the marriage tax penalty years ago, and what they were doing to seniors who wanted to go out into the marketplace and earn a living. They penalized them for it. I wish they would analyze what they are doing to American families, small businesses, farms, ranchers, with the death tax.

I wish they would analyze some of those things. If they do, they are going to say, look, folks, we cannot give all of the money back, but we can manage some of it. When we manage our taxes, everybody wins. That money stays in the community. It still helps the Federal government. When we keep money in the community, if we want to talk about helping education, keep that money in the local community. That is where we help education.

Mr. Speaker, let me move off the taxes and just kind of wrap up my final comments with some points I think that are important on education.

I am very excited about education this year. I have seen in Colorado what we are doing with education for the first time I think in 12 years. The Governor of the State of Colorado, Governor Bill Owens, has fully, and his legislature, have fully funded education in Colorado.

We have a new program, the Governors' educational reform program, that was kind of like Reagan when he caught holy heck for his defense program, and Governor Owens has gotten some grief on his education reform. Five years from now or 10 years from now we are going to look back at Governor Owens' reform package and say, you know, he was right. He did a good job.

I am excited about education at the Federal level. I am beginning to see that the American people are beginning to focus more and more on the student in the classroom and less and less on the bureaucracy that is built above that student.

I think the American people are beginning more and more to realize that we need to bring discipline back to the schoolroom; that discipline is a necessary tool to teach our young people.

I think the American people, and it excites me, are beginning to say about our schools, you know, uniforms may not be a bad idea. Let us bring uniforms to our schools. Philadelphia, I think, is the most recent one to try it. They caught some heat.

Somebody said, well, it takes away our freedom of expression, but it introduces a form of discipline back in the classroom. I am excited about these things. Had we not had the debates we have had on this floor and the debates that have been held in our 50 States, probably in every school district in this country, our product of education would not have improved.

It needs to improve. This country has got to have education that is second to none. But just like the taxes, we need management. That is why the Republican leadership has spoken so strongly about discipline in the classroom, about uniforms in schools, about fully funding schools, like they have done, like the Republicans did in Colorado.

Why do I keep saying Republicans? Obviously, I am a Republican. I am proud of what we are doing. At one time many years ago I was not so confident that the Republicans were giving education the attention it needs. Now I am concerned that the Democrats are hanging onto the old ways, the ways that have been proven inefficient, instead of letting us put reforms in these schools that will bring back the basics, math, English, school discipline, the reading.

But as a team, I think we can improve education. I am willing to work with them as a team. I think it is an exciting year. I think the next 3 or 4 years will be even more exciting for education.

Mr. Speaker, in final conclusion, let me say to my colleagues, they should not disassociate themselves or disqualify themselves from talking about tax management. We need to manage those taxes. We have been very successful. Do not run away from trade with China. That may be the very way we break China and bring them around to the freedom of America.

Finally, stick with us on our education agenda. We have an agenda that will improve that product to the student in the classroom, that student that will be the next leader of America.

## ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. SIMPSON). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for half of the remaining time before midnight, or approximately 32 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again on a Tuesday night to talk about a subject that I usually discuss with my colleagues in the House of Representatives, and that is the problem we face in our Nation and across our communities in America of illegal narcotics.

We also have an incredibly serious problem with drug abuse that is affecting almost every family in our Nation. If we look at the root of the real problems in our society, criminal problems, disruption in families, serious crimes committed, we need look no further than the problem of illegal narcotics.

I know much of the attention of Washington and some of the Nation was focused here on the events Sunday, on Mothers Day. I think that every American abhors violence. I think it is rightful that mothers would come to this city and plead for an end to violence.

□ 2300

I think that everyone who is a rational human being would be against gun violence, gun violence against another human being, using a weapon to destroy life, to harm an individual. So I think we all abhor that. But what we fail to address really is the core problem.

This past Monday, I had the opportunity to attend the National Memorial and Recognition Service for police officers who had been slain. Some 139 police officers across our Nation were slain this past year. Talking to police officers who were visiting from my community and from around the Nation and speaking to police officers and law enforcement officials as I go about my responsibilities as a Member of Congress, they all tell me the same thing; and that is, that illegal narcotics are at the core and again the source of so many of our crime problems, so many of our felonies committed. So many of the people behind a weapon whether it is a gun, a knife, some other instrument of death and destruction are motivated by illegal narcotics.

In fact, in hearings that I have conducted as chair of the Subcommittee on Criminal Justice, Drug Policy and Human Resources, hearing after hearing, we have heard individuals testify that illegal narcotics contribute to crime, disruption of our social life. That is 60 to 70 percent of those behind bars, and we now have some 2 million Americans behind bars, are there because of a drug-related offense.

Most of these offenses are not mere possession of small amounts of marijuana. They are not small drug offenses, in some localities misdemeanors. These are multiple felonies. One really has to try hard, according to a New York State judicial survey of those surveying in that State taken last spring. That survey indicated most of the people in New York State prisons are there because of multiple felonies. One really has to try hard to get in prison in some of our jurisdictions, and it takes multiple and very serious offenses to be there.

There are exceptions to that, and we have heard testimony of tough minimum mandatory sentencing. But for the most part, illegal narcotics drives crime in this country. Not only does it drive murders, but it drives drug-related deaths.

In the last recorded year, 1998, we do not have the 1999 figures yet, 15,973 Americans lost their life as a direct result of illegal narcotics, consuming illegal narcotics. These are not the flashy news reports that one sees that are publicized, say, with the action of a young child shooting a young child with a handgun. These are silent, nonetheless deadly incidents of overdose, of young people in the numbers three and four times those lost in one incident in Columbine, a horrible national tragedy. But that horrible national tragedy is repeated three and four times each day if we count all of the drug overdoses across this country.

Our Drug Czar, General McCaffrey, has estimated that the deaths, if we took into account all of the causes related to use and abuse of illegal narcotics, would exceed some 52,000 a year, an incredible impact. As much of an impact as our last major conflict, international conflict, the Vietnam War. Again, a deadly problem for this country and for our society and sometimes pushed into the background.

The march that was held on Sunday focused on violence and in particular gun violence. The media stories, as I have recounted over the past month or two, have focused on several incidents involving guns. A 6 year old shooting a

6 year old, and again the focus was the gun. But the real problem was the 6 year old came from a crack cocaine family. The 6 year old came from a family whose parent was in prison because of narcotics, serious narcotics offenses, an environment that was harmful, an environment that provided the motivation and the setting for a 6 year old to commit mayhem.

Then of course the media focused on, I believe it was, a 12-year-old who brought a gun to school and had all of his fellow students on the floor and threatened them. When asked why he brought that gun to school, he said it was because he wanted to join his mother, be with his mother. She was in prison because of a drug offense. Another tragedy.

Most recently, we had in Washington, D.C., during the spring and Easter Passover break a horrible incident when African American families in our Nation's capital were celebrating a day in our National Zoo; and what took place there was mayhem among young teenagers, I believe a 16 or 17-year-old teenager who fired the weapons in that case, wounding a number of individuals. The focus was again on the gun.

But here is another young individual in our Nation's capital, the victim, not just of gun violence and participating in gun violence, but coming from a home of drug violence. His father is in prison because he was part of a Washington, D.C. drug gang. That is a sad event for our Nation's capital.

But, unfortunately, that sad event has been repeated for the last decade day and day and day again. I cannot tell my colleagues how many times I have come to the capital and read on a Monday or Tuesday of the violence over the weekend. Some of that has been curtailed by tougher enforcement, by change of administration, which is long overdue in our Nation's capital. This year, the drug-related deaths are down. But year after year, 300 to 400 young African American males were slaughtered in this city in a pattern of violence, and almost all of those incidents of death brought about by involvement with illegal narcotics.

I would venture today, if we quizzed our Capitol Police and our Washington Metropolitan Police Officers, they would tell us the same statistics prevail. Sixty, 70, 80 percent of those who are murdered in our Nation's capital, 60 to 70 percent of the violence, the felonies committed in this great city with so many great people, are caused because someone is involved with illegal narcotics.

Here of course we have a city in which most firearms, individual possession of an unregistered firearm is not allowed. We have some of the tightest laws relating to weapons. In fact, most of the weapons that are used in these murders are stolen or illegally obtained.

Again, I think it is important that, rather than to focus on guns, that we need to focus as a Congress and as responsible legislators on the root cause. Certainly the root cause, if we ask anyone involved in law enforcement, is illegal narcotics.

□ 2310

I thought I would recite some statistics relating to other types of violence that my colleagues may not have heard about, and how they too are brought about by the use of illegal narcotics. Most of the cases of child abuse that we read about, if we look a little further behind the news, at the child abuse itself, the motivation that someone has become involved in child abuse is because of drug use.

A study that was recently done indicated that 80 to 90 percent of all referrals for child abuse to social services in Butte County, California, cases were, in fact, drug related. Social service workers estimated that 80 percent of the child abuse cases statewide in California, in that same study, are drug related. Social service workers across the United States attribute 62 percent or more of the child abuse cases to an adult substance abuse problem.

Not only is child abuse driven by illegal narcotics and substance abuse, but the same thing applies to spousal abuse. Spousal abuse attributed to drug use was also reviewed by another study, and we found in the study recently that social service workers across the United States attributed a large percentage of spousal abuse cases to drug-related causes. A full 50 percent of all domestic violence cases involved substance abuse in a study conducted in New York State.

Suicide is also another major social problem, and studies have recently been conducted to see the impact of illegal narcotics and drug use as it relates to suicide. The Substance Abuse and Mental Health Services Administration, also known in Washington as SAMSHA, estimated that 90 percent of the suicide victims have had a mental and/or substance abuse disorder. SAMSHA, again our HHS, Health and Human Services agency, followed up studies of adults with substance abuse disorders and it revealed an inordinately high risk of suicide for those who were victimized by illegal drugs and by substance abuse. Youth who abuse substances combined with serious behavioral problems are much more likely to commit suicide than those without substance abuse problems, this study also found.

Of course, I have related in a previous special order, after conducting a hearing on the problems of methamphetamine in California, we conducted two hearings there, our Subcommittee on Criminal Justice, Drug Policy and Human Resources recently, and I did provide a detailed report in a special order on the methamphetamine problem both in the Sacramento, north central area of California, and also in San Diego, where we conducted our second hearing.

Some pretty startling cases of child abuse, actually beyond description, where children were abandoned by their parents in incredible numbers because of their problems of being addicted to methamphetamine. Methamphetamine causes some of the most irrational behavior in human beings I think I have ever seen recorded. The crack epidemic of the 1970s and 1980s is nothing compared to the methamphetamine problems we are experiencing.

This past week, our Subcommittee on Criminal Justice, Drug Policy and Human Resources conducted a hearing on the question of minimum mandatory sentencing, particularly as it relates to drug offenses, and there is some controversy about how those laws have been applied. But I was startled to learn from one of the witnesses in that hearing what has taken place in this country relating to methamphetamine and crack abuse since 1992, since the beginning of this administration.

One of our witnesses was a United States Sentencing Commission commissioner. That commission has had vacancies, but they have recently been filled and we were pleased to have testimony from that commission provided to our subcommittee so that we can find out what is happening as far as sentencing and also the prevalence of drug abuse in this country.

Submitted for the record of that hearing were several charts, and these charts are exactly as submitted to our subcommittee. This chart is entitled Predominant Drug Type by State, and it covers the period starting in 1992 and going up to 1995 with this series. I think if we look at the lighter yellow here we see crack. In 1992, there is almost very little crack in these States, almost no methamphetamine, which is in the other color here.

In 1993, we see the beginning of methamphetamine abuse, some in the Midwest. We see the spreading of the crack problem. That is 1993. In 1994, we could focus here and we see methamphetamine, crack in the yellow, spreading. In 1995, we see what has taken place.

Now, this is under the policy of the Clinton-Gore administration in their change of emphasis to get away from source country programs; stopping illegal narcotics at their source. The source of crack is cocaine. Cocaine comes from only three countries: Peru, Bolivia, and Colombia. Methamphetamine, most of the precursors, the chemicals used in processing methamphetamine, come from Mexico.

This is the record from 1992, untouched, submitted by this administration's sentencing commission. This is the rest of the story, so to speak; 1996, 1997, 1998, 1999. Again, we are talking about crack, methamphetamine. Crack in the yellow, methamphetamine in this other color here. Until we get to 1999, when we see almost the entire Nation covered by methamphetamine and/or crack.

□ 2320

This is one of the most telling sets of graphs showing again the dramatic increase in these two drugs across the Nation since 1992.

Now, I have often heard liberal commentators and liberal legislators talking about the failure of the war on drugs. This is a chart that I have not altered in any way, except we have added the Reagan-Bush era during their presidency and the Clinton presidency with this bar and just labeling here.

The chart itself was produced by the University of Michigan, and it really tracks the long-term trend and lifetime prevalence of drug use. I have used this several times in special orders. But, to me, this is the most telling and graphic representation of what took place in a real war on drugs.

Again, the liberals both in the media and in the House and other body would tell us that this is a record of failure. We have a decline in long-term trend in lifetime prevalence of drug use.

And if we took up other illegal narcotics, we would see, again, we could go back to cocaine or to heroin or some of these other narcotics, methamphetamine, which was not even on the charts, but we would see a decline in those illegal narcotics during the Reagan and Bush era.

Now, they will tell us that this is a failure, both failure in the war on drugs, the war on drugs failed. I submit that if we look at this point where the Clinton administration up to the Republicans took over the House of Representatives, we see a steady incline in the use of illegal narcotics, the prevalence of lifetime use. And again, we can bring the other charts that were just supplied by the Sentencing Commission or take charts relating to heroin and other narcotics and we show the same pattern.

Again, this is what they are trying to tell us is a record of failure. This is a record of success. I submit there is absolutely no way the war on drugs was a failure when it was adequately conducted. When it was a multifaceted effort, when we had source country programs where we stopped illegal narcotics where they are produced.

Again, crack and cocaine, it does not take a Harvard Ph.D., it does not take a rocket scientist when we know that crack and its derivative, cocaine and coca, are only produced in a small Andean region are really only capable of being produced in that region, Peru, Colombia, and Bolivia.

When the Republicans took over the House of Representatives, one of the things that they did was try to restore some of the international programs that had been sliced and slashed by the Clinton administration.

The Clinton administration, when it took office in 1993 to 1995 controlled in very large majorities both this body, the House of Representatives, and the other body, the United States Senate. One of the first things that they did was to cut money on the international programs. That would be stopping drugs at their source. Federal drug spending on international programs declined 21 percent in just 1 year after the Clinton administration took office.

Federal drug spending on the international programs decreased from $660 million in 1992 to 1993. And it is interesting, if we look at these years, as they cut international programs, drug use and abuse increased.

The same thing happened with interdiction. Interdiction would be stopping illegal narcotics as they leave the source country before they get to our borders. The prime area of assistance is really in surveillance of illegal narcotics, both at the source so that the host country or the source country can destroy the illegal narcotics at their source or get the illegal narcotics as they are leaving the source from airfields, from waterways, from transit routes.

The United States military has been involved in providing that surveillance information. Unfortunately, one of the first decisions of the Clinton administration, again, back here when we see the beginning of the end of the war on drugs and the failure of, again, fighting illegal narcotics, Federal spending on drug interdiction declined 23 percent in 1 year after the Clinton administration took office, again, with very significant majorities of both Houses here in Congress.

Federal drug spending decreased from $1.96 billion in 1992 to $1.5 billion in 1993. Actually, it went down even more if we take into consideration several years that they controlled this body in large numbers.

This is the Federal drug spending chart on international programs. Again, we see dramatic decreases from the Reagan-Bush era on down to about half. So if we want to see how we can get more drugs from the source into this country, we cut these international programs.

When the Republicans took over in 1995, and it does take several years to get into this process, since then we have been able to get back to 1991 and 1992 figures. However, even with these programs, money which we ask to be sent, for example, to Colombia, funds never made it to Colombia, either through ineptness or through just pure ignoring the will of the Congress.

So even though funds have been appropriated to go back to the equal equivalent of 1991–1992 Bush-Reagan era dollars, the actual resources getting into the war on drugs have not been there.

So this is the era in which there was a dramatic decline. This is the era in which we had a dramatic increase in prevalence of drug use among our young people.

I have a second chart which deals with interdiction, and we see the same pattern again of cutting interdiction, use of military, for surveillance information gathering. The military does not arrest anyone, does not become involved in enforcement. It merely provides that information.

Here again, we have the same pattern of behavior. Back in 1996, the Republicans did up this and in 1998 we are bringing it back. Again, we have to use equivalent of 1991–1992 dollars. So in the past 4 or 5 years of our control of the House and the other body, we have managed to get us back to 1991–1992 levels with great difficulty.

Unfortunately, in the international area, as I said, resources have not gotten to the countries which are producing the illegal narcotics. We have had two success stories, both of those developed by the current Speaker of the House when he chaired the responsibility of the subcommittee, which I now chair, for our national drug policy.

The gentleman from Illinois (Mr. HASTERT) chaired, again, this responsibility and got funds and resources into some of these programs. However, many of the funds and resources, again, were diverted time and again by this administration and did not, in fact, get to Colombia, which is now the main source of heroin and cocaine and illegal substances that are coming into this country.

□ 2330

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). The Chair recognizes the gentleman from Florida (Mr. MICA) for the remainder of his hour, or 28 minutes.

Mr. MICA. Mr. Speaker, I will continue part of what I am discussing tonight, which is the history of how we got ourselves into this fix. It is a very difficult situation, made even more so by, again, the incredible quantity of illegal narcotics coming into our borders.

I submit, Mr. Speaker, that there is no more important responsibility for us to attend to as Members of Congress than, first, to keep illegal narcotics from coming into our borders. Stopping illegal narcotics in the international arena is not the responsibility of our local police force, it is not the responsibility of our State police, it is not the responsibility of the localities or the school boards. Our number one responsibility is to make certain that those hard narcotics are kept from our shores, from our borders. Once they come into the United States, it is very difficult to go after them, and it does take a great deal of resources.

This, again, is a record, in my estimation, of failure, the war on drugs being very systematically closed down. Statistics show, again, a record of success in the Reagan and Bush era. I have not doctored the figures. This is not meant to be partisan in any way. These are in fact the facts.

If we see success with an increase, as the media, the liberals would have you know success, an increase in drug use, then in fact that is success. We have more heroin addicts, more people on illegal narcotics, more deaths, almost double the deaths. Again, if we flip the other charts of the changes in policy made in interdiction and international programs, we can almost trace again the end of any war on illegal narcotics.

Again, these are the results released last week by the administration themselves. I do not know if we can get both of these up here, but from 1992 to 1993, 1994, 1995, 1996, 1997, 1998, 1999, what an incredibly graphic description of what has taken place. This is only with several of the drugs, the very serious narcotics that are affecting our cities and our communities across the land.

Again, the situation with illegal narcotics is affecting all of us. Recently I participated in an International Association of Chiefs of Police meeting, and I asked if I could get from the Drug Enforcement Administration, our U.S. anti-narcotics agency, information about the purity levels of heroin, because I come from an area that has been the victim of heroin abuse, heroin overdose. Deaths now exceed homicides in central Florida, which is the area I represent.

We know that we are getting more and more illegal narcotics in from the source countries because we do not have intervention in place, because we are just back to the 1992 levels and because the administration has thwarted our efforts to stop illegal narcotics coming from their source.

One of the things that startled me in receiving this information on heroin trends in central Florida is, again, we have an incredible death rate, but that death rate is linked almost directly to the purity level of the heroin coming in. In the eighties and seventies the purity level of heroin was in single digits, sometimes very, very low purity. In 1995–1996 that began to change. In fact, we have ranged from 71 percent to 60 percent on average since 1995, the purity rate in central Florida with the heroin that is seized there and analyzed.

What that means is that the heroin is so pure that it is deadly, it is killing in unprecedented numbers, it is killing first-time users, and it is killing those who use heroin with other substances. The only reason the deaths have not gotten worse than they are, and they have increased in the last several years, is that in fact our medical personnel are able to resuscitate more of the victims of drug overdose in central Florida and also around the Nation, but we have a startling increase in number of drug overdose admissions and in emergency rooms.

Part of it is dealing with the deadly heroin that is on the streets of central Florida, again between 60 and 72 percent pure. That compares to a national purity level of between 40 and 37 percent, still very deadly. But the people in my district are particularly vulnerable to, again, a very deadly type of heroin that is coming in.

Now, we know exactly where that heroin is coming in. We have the ability through our agencies, and, again in this case, DEA, Drug Enforcement Agency, to analyze the heroin that comes in and other drugs that come into our borders. They can conduct signature analysis, which basically tells us almost to the field where that heroin or the poppies are grown and where that heroin comes from.

Now we have some 60 to 70 percent of the heroin coming into the United States from Colombia. This is an incredible figure, if you consider that in 1992 there is almost zero heroin being produced in Colombia. In six or seven short years of this administration, through, again, neglect of getting equipment, resources to fight illegal narcotics, again in the source country or interdicting it as it came to our shores, before it came to our shores, we have turned Colombia into the largest producer of heroin.

Following Colombia, is, of course, our good trading partner who we have given so many trade benefits to, underwritten their finances when they faltered, opened our borders in unprecedented fashion to trade and commerce and business, and that is Mexico, which has jumped, again, the media will not report it, but a 20 percent increase in the last two recorded years in heroin production, from 14 to 17 percent of the heroin, black tar heroin on our streets, killing our kids and our young adults and others, is coming from the fields of Mexico, our good trading partner.

So between Colombia and Mexico, and Colombia, of course, is way out there with some 65 to 70 percent of the heroin being produced, none of that being produced some 6 or 7 years ago.

In 6 or 7 years, through the policy of this administration, we also find that Colombia, which was really a single digit producer of cocaine, now produces some 80 percent, according to DEA and other estimates, of the cocaine and crack coming in to the United States of America.

We are fortunate that the plan devised by the gentleman from Illinois (Mr. HASTERT) and the Republicans 3 or 4 years ago to curtail illegal production of cocaine in Peru and Bolivia has stopped production in those countries to the tune of 55 percent reduction in Bolivia, and a 60-plus percent reduction in Peru.

□ 2340

Those two countries were the major producers in the past. The production has shifted and operations have shifted to Colombia which formerly was just a transit country in the last 6 or 7 years. Of course, we all know that Colombia is a disaster. The situation in Colombia gets worse every week. This morning's news, President Pastrana of Colombia suspended a round of Colombia's peace process plan for the end of May, something we have all been trying to work to get accomplished. His action came as a result of Marxist rebels killing a woman in a most horrible fashion. They rigged a bomb around her neck and she was killed when the bomb disposal specialists of Colombia tried to diffuse the dynamite-packed necklace bomb which the Army said had been rigged by the Marxist FARC leftist rebels who demanded ransom from her husband. President Pastrana said to his nation, the men of violence have placed a necklace of dynamite around the hope of all Colombians.

Of course, many people say well, why should we worry about Colombia; why should we be concerned? Of course, we know where the source is, again, of the hard narcotics coming into this country. We know where the death and violence is coming from, and that is Colombia.

Unfortunately, the administration turned its back on this problem since 1993 and has very systematically kept any assistance coming to Colombia and, in fact, even the assistance that has gotten to Colombia has been almost farcical.

Some people may say why is Colombia so important in this, other than the production of illegal narcotics which in itself should justify our involvement? But, in fact, Colombia and the region surrounding Colombia produces some 20 percent of our daily oil supply. Some 35,000 individuals have been killed in Colombia through a war, a civil war, of various factions and that war is being financed by narcoterrorists.

General Barry McCaffrey described Colombia as an emergency situation last year after, again, this region exploded not only with narcotics production but also violence which is now spilling over into the region. In fact, Colombia has become a basket case.

Americans have already died in Colombia. U.S. contract pilots have been killed in Colombia, who have been on missions to eradicate illegal narcotics. Robert Ernest Martin was killed in 1997. Dane Milgrew was killed in 1998 and Jerry Chestnut, another pilot, in 1999. Also in Colombia we have had the deaths of five individuals on July 23, when a U.S. Army reconnaissance aircraft crashed into Southern Colombia on a surveillance mission. The officers killed there were Captain Jennifer Odom of Maryland; Captain Jose Santiago of Florida, my central Florida area; Chief Warrant Officer Thomas Moore from Arkansas; Private First Class Bruce Cluff of Utah; and Private First Class Ray Kruegar of Texas.

These are some of the deaths that have occurred there, including DEA agents, Special Agent Frank Moreno, who was killed in November of 1998. So indeed we have a great deal at stake in Colombia and, again, if we linked each of the 52,000 deaths last year related in the total picture of illegal narcotics and narcotics abuses and murders and suicides and other things that have brought about death, or the 15,973 deaths in 1998, we could trace a vast percentage of those deaths to Colombian narcotics that are coming across our borders.

So indeed this has been identified by this administration finally as a priority. That is in spite of blocking, at the beginning of the Clinton administration, Clinton-Gore, of course, slashed the drug czar's staff from 112 personnel to 27, and the Democrat-controlled Congress cut the source country and interdiction programs by more than 50 percent. Then appointing just-say-maybe Surgeon General of the United States, Jocelyn Elders, who again I think said just say maybe and the results are very dramatic in the increases of illegal narcotics as they closed down very systematically the war on drugs.

In 1994 and 1995, this administration single-handedly closed down information and intelligence-sharing with Colombia and Peru and slashed U.S. military and Coast Guard involvement in antidrug programs.

If you are going to conduct a war on drugs and if you see why the liberal and Clinton-Gore program to stop illegal narcotics was a failure, if you look at cutting, again, the assistance in these most effective source country programs, the interdiction programs, the Coast Guard programs, taking the military out of the effort, that is why you had no war on drugs. Then to stop information-sharing which is so important to stop the drugs both at the source and as they leave the source and interdict the drugs before they come into our borders year after year, this administration blocked assistance to Colombia again through a bungled decertification of Colombia, a direct action of the President, without providing a waiver to give Colombia the needed assistance.

The latest part of the fiasco, again by the Clinton-Gore administration, is news that we received this week. It was in the Washington Times and other papers across the Nation, the U.S. Sends Colombia Unsafe Shells from 1952. Now since I came to Congress in 1993 we have done everything we can to get this administration to get resources to Colombia because we knew narcotics were going to be produced there more; we knew they were going to be transited from there. We knew it was the source of death and destruction coming to our shores. The latest part of the fiasco is even after the Congress appropriates money, the administration supplied recently, and this is within the last few weeks we have sent our staff down to check on the ammunition that is being sent there, the manufacturer actually said that these shells and this ammunition which was produced in 1952, which we have given the Colombians with some of the taxpayer money, is, in fact, unsafe. The story, of course, gets even worse because for at least some 4 or 5 years we have been trying to get helicopters, and in this case Black Hawk helicopters, which could be most effective to go into the mountains, eradicate narcotics, go after drug traffickers. It is very difficult in Colombia, with the high Andean regions, to go after traffickers without the right resources.

This is another headline, Delay of Copters Hobbles Colombia in Stopping Drugs. This is 1998, and I could take these headlines back to 1997 and 1996, time and time again.

□ 2245

Time and time again, the administration blocked equipment getting there. Finally when they declared an emergency last August, we were able to get at the end of last year three Black Hawk helicopters to Colombia. They were sent there without proper armoring, so just recently they have gotten them into the position where they are combat ready. Now we find the ammunition was sent down there in fact was outdated and may be in fact dangerous for the Colombians to use.

This story continues to get worse. We asked the President and the administration to send surplus military equipment to Colombia. We had in mind equipment that could be used. We unfortunately learned, and we do have quite a bit of surplus military equipment, that Colombia was provided with dilapidated trucks, military trucks, and the cost of actually rehabilitating them was high. I think some of them were used in an arctic terrain and not suitable for the mission at hand. Unfortunately, Colombia had to turn these down because it would have cost them more to rehabilitate them than to use them.

Finally, again, how important it is to have intelligence and surveillance information available to stop illegal narcotics. Peru has been great about stopping illegal narcotics. President Fujimora, who has eliminated 60 percent of the production in that country, has used in the past, when we were able to get information, surveillance information to him, a shoot-down policy which in fact has resulted in, again, that lowering of production, the lowering of transiting of, in this case, particularly cocaine coming out of that country.

This is a March 13 headline from the Washington Post. "U.S. Officials See Trend in Colombia: Lack of Air Support Hindering the Drug War." I have said before, there has not been a drug war in this country since 1993. We have tried to restart it in the last 2 or 3 years, but every time we get on course, we find the administration diverts resources.

They diverted resources to Haiti. The Vice President diverted some of the planes for surveillance to check on oil spills in Alaska. The President diverted military resources to Kosovo, to Bosnia, and to any one of the number of other deployments, and took them out of in fact action and the war on drugs.

The inability to provide surveillance is now, for the first time, resulting in an increased production in Peru, according to reports we are getting, in cocaine. Without source country programs, without interdiction, without surveillance and intelligence, the missions fail.

I do not want to just talk about the failure of the Clinton record. I must say that what we have done is the Republican majority in a positive fashion I think has been on target. We have gotten our levels of funding for source country back to 1991–1992 levels. We have not only concentrated on source country, but also on interdiction, trying to get those resources where they were not diverted.

In these cases, we see in March again a third time the administration is making a fatal mistake and again closing down our war on drugs, if there ever was under this administration a war on drugs.

The Republicans have funded a $1 billion campaign, an education and media campaign. Maybe Members have seen those ads on television. We hope they are effective. We are testing them in various markets. We are going to do everything to see that we reach our young people in education and prevention.

That $1 billion through our efforts, and the administration, of course, wanted to spend the $1 billion, but we thought it was important to have also donated an equivalent amount, at least. So with that compromise we will now have $2 billion in that program, both through direct taxpayer funding and through private sector donations.

We have dramatically increased the amount of money for prevention. In fact, one of the primary goals of this administration was to treat our way out of this problem. We see examples like Baltimore, Maryland, where they have gone from just a handful of heroin addicts to now one in eight in the population of Baltimore is an addict, a drug addict. They could not treat their way out of the problem. It has grown out of control, while the murder rate has stayed dramatically high in that city.

The liberals would have us believe that the war on drugs is a failure. The liberals would have us believe that if we liberalize the policy, we can just treat people out of this problem. In fact, Baltimore is a great example of that philosophy gone wrong. Thank goodness they have a new mayor, a new philosophy, and are instituting it at this time. I am very pleased with the action they have taken after we conducted a hearing in the city of Baltimore, and now we will have a new police chief, someone more inclined to zero tolerance and tough enforcement, to bring the death and destruction in that great city on our East Coast to a halt.

Those are some of the things that the Republicans have done, again, in spite of opposition.

I wanted to close tonight, I only have a few minutes more, and talk about something else we have asked the administration to do. That is since 1992. If we are going to go after, again, illegal narcotics and those who deal in death and destruction, then we prosecute those people.

We have been after the administration, because in 1992 we were having prosecutions in Federal courts for drug offenses at the rate of nearly 30,000. In 1996, the administration dropped to 26,000. So we have been hammering the administration to go after prosecution of drugs.

This is almost an embarrassment, again, if we are going to have a war or serious efforts against those who are dealing in death and destruction, contributing to the thousands and thousands of deaths and mayhem around, and 70 percent of the crime, this is their record. Now, I will say that in 1997 and 1998 they started up, but they are getting just back to the level of 1992 with our hammering.

This is prosecution. Then we found this last week when we had in the U.S. Sentencing Commission, the Commissioners, we found a report that was provided recently that shows that Federal drug offenders are spending less time in prison, according to a study that was released about the same time as their testimony. So we had prosecutions down, we were trying to get prosecutions up, but then we find that the administration is now reducing sentences and drug offenders, and this case serious drug offenders, are spending less time in prison. It seems like everything is being done to thwart a real effort against illegal narcotics.

## RECESS

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 11 o'clock and 58 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 0035

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 12 o'clock and 36 minutes a.m.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–621) on the resolution (H. Res. 503) providing for consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MEEKS of New York (at the request of Mr. GEPHARDT) for today, on account of state convention.

Mr. LARGENT (at the request of Mr. ARMEY) for today and May 17, on account of attending a funeral.

Mr. LOBIONDO (at the request of Mr. ARMEY) for today until 3 p.m., on account of a death in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. BERRY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. STENHOLM, for 5 minutes, today.

Mr. DOOLEY of California, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. ETHERIDGE, for 5 minutes, today.

Mr. BERRY, for 5 minutes, today.

(The following Members (at the request of Ms. ROS-LEHTINEN) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, on May 23.

Mr. THUNE, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

(The following Member (at the request of Mr. ETHERIDGE) to revise and extend their remarks and include extraneous material:)

Mr. RAHALL, for 5 minutes, today.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1638. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty; to the Committee on the Judiciary.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 434. An act to authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and to reauthorize the trade adjustment assistance programs.

H.R. 1377. An act to designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the "John J. Buchanan Post Office Building."

## SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse";

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Appropriation, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 434. To authorize a new trade and investment policy for sub-Saharan Africa, expand trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

## ADJOURNMENT

Mr. SESSIONS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 37 minutes a.m.), under its previous order, the House adjourned until today, Wednesday, May 17, 2000, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7623. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Ports Designated for Exportation of Horses; Dayton, OH [Docket No. 99-102-2] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7624. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Johne's Disease in Domestic Animals; Interstate Movement [Docket No. 98-037-2] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7625. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Foreign Acquisition [DFARS Case 98-D028] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

7626. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7627. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7312] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7628. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-7316] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7629. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7630. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification of 28 Preamendments Class III Devices into Class II [Docket No. 99N-0035] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7631. A letter from the Director, Regulations Policy and Management, FDA, Department of Health and Human Services, transmitting the Department's final rule—Clinical Chemistry Devices; Classification of the Biotinidase Test System [Docket No. 00P-0931] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7632. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Information Processing Procedures; Obtaining, Submitting, Executing, and Filing of Forms: Change of Addresses [Docket No. 00N-0784] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7633. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole by Catcher Vessels Using Trawling Gear in the Bering Sea and Aleutian Islands [Docket No. 991228352-0012-02; I.D. 040500A] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7634. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-322, "Money Transmitters Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7635. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-339, "District of Columbia Emancipation Day Temporary Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7636. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-320, "John Wilson Campaign Fund Transfer Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7637. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-338, "Attendance and School Safety Temporary Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7638. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-337, "Workforce Investment Implementation Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7639. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-336, "School Governance Companion Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7640. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-344, "Omnibus Police Reform Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7641. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-333, "Long-Term Care Insurance - Temporary Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7642. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-329, "Choice in Drug Treatment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7643. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-327, "Alcoholic Beverage Control New Grocery Store Development Temporary Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7644. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-335, "Electricity Tax Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7645. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-326, "Elimination of Unlicensed Group Residential Facilities Temporary Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7646. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-325, "Moratorium on Conversion of Existing Public Schools into Charter Schools Temporary Amendment Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7647. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-324, "Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7648. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 13-323, "Closing of Public Alleys in Square 252 S.O. 98-144 Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7649. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 13-321, "Tobacco Settlement Model Act of 2000" received May 16, 2000, pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

7650. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7651. A letter from the Chairman, Federal Trade Commission, transmitting the Fiscal Year 1999 Performance Report; to the Committee on Government Reform.

7652. A letter from the Secretary of State, transmitting the first Annual Performance Report; to the Committee on Government Reform.

7653. A letter from the Vice President, Communications, Tennessee Valley Authority, transmitting the Statistical Summary for Fiscal Year 1999, pursuant to 16 U.S.C. 831h(a); to the Committee on Transportation and Infrastructure.

7654. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Business Loan Program—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7655. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule—Liquidation of Collateral, Sale of Loans—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7656. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Installment Sales by Accrual Method Taxpayers [Notice 2000-

26] received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7657. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Coordinated Issue: Gaming Industry The Applicable Recovery Period Under I.R.C. 168(a) For Slot Machines, Video LOTTery Terminals And Gaming Furniture, Fixtures and Equipment—received April 11, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7658. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property—received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7659. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Taxation of Fringe Benefits [Rev. Ruling 2000-13] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SKEEN: Committee on Appropriations. H.R. 4461. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–619). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Permanent Select Committee on Intelligence. H.R. 4392. A bill to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; with an amendment (Rept. 106–620). Referred to the Committee of the Whole House on the State of the Union.

*[May 17 (Legislative Day of May 16), 2000]*

Mrs. MYRICK: Committee on Rues. House Resolution 503. Resolution providing for the consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106–621). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HYDE (for himself, Mr. Conyers, Mr. Gekas, and Mr. Nadler):

H.R. 4460. A bill to amend the Internet Tax Freedom Act to extend the moratorium applicable to State and local taxes on Internet access and electronic commerce, and for other purposes; to the Committee on the Judiciary.

By Mr. SKEEN:

H.R. 4461. A bill making appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. BACHUS (for himself, Ms. McCarthy of Missouri, Mr. Istook, and Mr. Delahunt):

H.R. 4462. A bill to provide for the simplification of sales and use taxes on interstate commerce and to ensure that such taxes are equitably applied; to the Committee on the Judiciary, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BONO (for herself, Mr. LoBiondo, Mr. Talent, Mr. Watkins, Mr. Foley, Mr. Sisisky, Mr. Duncan, and Ms. Granger):

H.R. 4463. A bill to amend the Internal Revenue Code of 1986 to allow the empowerment zone employment credit for additional empowerment zones and enterprise communities and to increase funding for such zones and communities; to the Committee on Ways and Means.

By Mr. DAVIS of Illinois (for himself, Ms. Velázquez, Ms. Millender-McDonald, Ms. Berkley, Mrs. Napolitano, Mr. Phelps, Mr. Brady of Pennsylvania, Mr. Pascrell, Mrs. Christensen, Mr. Gonzalez, Mr. Moore, and Mrs. Jones of Ohio):

H.R. 4464. A bill to amend the Small Business Act to authorize the Administrator of the Small Business Administration to make grants and to enter into cooperative agreements to encourage the expansion of business-to-business relationships and the provision of certain information; to the Committee on Small Business.

By Mr. HAYES:

H.R. 4465. A bill to provide for reciprocal trade in textile and apparel goods between the United States and other countries, and for other purposes; to the Committee on Ways and Means.

By Mr. HAYES:

H.R. 4466. A bill to provide for certain additional benefits for individuals receiving trade adjustment asssistance; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 4467. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under such act, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. HUTCHINSON (for himself, Mr. Smith of Washington, Mr. McCollum, Mr. Mica, Mr. Snyder, Mr. Rogan, Mr. Dickey, Mr. Jenkins, Mr. Boswell, Mr. Moran of Kansas, Mr. Dicks, Mr. Calvert, Ms. Hooley of Oregon, Mr. Pickering, Mr. Berry, Mr. Ryan of Wisconsin, Mr. Dooley of California, Mr. Sessions, Mr. Wamp, and Mr. Brady of Texas):

H.R. 4468. A bill to authorize the Drug Enforcement Administration to provide reimbursements for expenses incurred to remediate methamphetamine laboratories, and for other purposes; to the Committee on the Judiciary.

By Mrs. JOHNSON of Connecticut (for herself, Mr. Camp, and Mr. English):

H.R. 4469. A bill to provide more child support money to families leaving welfare, to simplify the rules governing the assignment and distribution of child support collected by States on behalf of children, to improve the collection of child support, to promote marriage, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RANGEL:

H.R. 4470. A bill to amend the Internal Revenue Code of 1986 to provide that the excise tax on air transportation shall not apply to amounts paid for mileage credits for individuals residing outside the United States; to the Committee on Ways and Means.

By Mr. SANFORD (for himself, Mr. Leach, Mr. Jackson of Illinois, Mr. Campbell, Mr. Serrano, Mr. Dooley of California, Mr. Payne, Mr. Condit, Mr. Thompson of California, Mr. McDermott, Mr. George Miller of California, Mr. Paul, Mr. Berman, Mr. Frank of Massachusetts, Mr. Nethercutt, Mr. Weygand, Mr. Vento, Mr. Baldacci, Mr. Ney, Mr. Rangel, Ms. Eshoo, Ms. Hooley of Oregon, Mr. Hall of Ohio, Mr. Shays, Mr. Boucher, Mr. Martinez, Mr. Delahunt, Mr. Gejdenson, Mr. Clay, Mr. Hilliard, Mrs. Clayton, Mr. Larson, Mr. Taylor of Mississippi, Mr. Shows, Mrs. Tauscher, Mr. Farr of California, Mr. Owens, Mr. Moakley, Mr. Houghton, Mr. Clyburn, Mr. Markey, Mr. Moran of Virginia, Mr. Meehan, Mr. Sandlin, Ms. Pelosi, Mr. McGovern, Mr. Hinchey, Mr. Cummings, Mr. Olver, Mr. Stupak, Mr. Baca, Mr. Capuano, Ms. Danner, Mr. Matsui, Ms. Lee, Mr. Porter, Mr. Strickland, Mr. Tierney, Mr. Brown of Ohio, Ms. McCarthy of Missouri, Ms. McKinney, Mr. Abercrombie, Mr. Kucinich, Mr. Cramer, and Mr. Moran of Kansas):

H.R. 4471. A bill to allow travel between the United States and Cuba; to the Committee on International Relations.

By Mr. STEARNS (for himself and Mr. Hostettler):

H.R. 4472. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. WYNN (for himself and Mr. Rush):

H.R. 4473. A bill to amend the National Telecommunications and Information Administration Organization Act to establish a program to distribute funds to State educational agencies to advance the use of technology to effectively teach our students computer skills and improve the general educational performance of students, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KUYKENDALL (for himself, Mr. Abercrombie, Mr. Bateman, Mr. Horn, Mr. Scarborough, and Mr. Underwood):

H. Con. Res. 327. Concurrent resolution honoring the service and sacrifice during periods of war by members of the United States merchant marine; to the Committee on Armed Services.

By Mr. PORTER (for himself, Mr. Lantos, Mr. Gilman, Mr. Smith of New

Jersey, Mr. DELAHUNT, Mr. PITTS, Mr. KUCINICH, Mr. PAYNE, Mr. DIAZ-BALART, Mr. ROHRABACHER, Mr. ABERCROMBIE, Mr. MCGOVERN, Mr. SHAYS, Mr. CASTLE, Mr. BERMAN, Mr. ENGEL, Mr. SANDERS, Mr. HORN, Mr. RAHALL, Mr. BALDACCI, Mrs. MORELLA, Mr. GUTIERREZ, Mr. OBERSTAR, Mr. CAPUANO, Mr. STARK, Mr. OLVER, Ms. LEE, Mr. WAXMAN, Mr. RUSH, and Mr. UDALL of Colorado):

H. Con. Res. 328. Concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on International Relations.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WYNN introduced a bill (H.R. 4474) for the relief of Valentine Nwandu; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 141: Mr. FROST and Mr. BRADY of Pennsylvania.

H.R. 177: Mr. FRANK of Massachusetts.

H.R. 353: Mr. OWENS, Mr. SPRATT, Mr. OXLEY, and Mr. MOLLOHAN.

H.R. 363: Mr. CRAMER.

H.R. 366: Mr. EVANS.

H.R. 531: Mr. BILBRAY, Ms. BROWN of Florida, Mr. JEFFERSON, Mr. GORDON, Mr. REYNOLDS, and Mrs. ROUKEMA.

H.R. 534: Mr. SCARBOROUGH.

H.R. 557: Mr. LEACH.

H.R. 583: Ms. ESHOO and Mr. JEFFERSON.

H.R. 632: Mr. REYES.

H.R. 664: Mr. BACA.

H.R. 742: Mr. LIPINSKI.

H.R. 828: Mr. MCHUGH.

H.R. 860: Mr. MATSUI, Mr. KLINK, and Mr. LIPINSKI.

H.R. 1044: Mr. TERRY.

H.R. 1050: Ms. MCKINNEY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CAPUANO, and Ms. MILLENDER-MCDONALD.

H.R. 1130: Mr. BONIOR and Mr. LEACH.

H.R. 1217: Mr. BOYD, Ms. MCKINNEY, and Mr. FLETCHER.

H.R. 1278: Mr. ALLEN.

H.R. 1304: Mr. HASTINGS of Florida and Mr. LEWIS of Georgia.

H.R. 1366: Mr. KNOLLENBERG, Mr. HINOJOSA, Mr. DEAL of Georgia, Mr. TERRY, and Mr. COX.

H.R. 1592: Mr. KUYKENDALL.

H.R. 1621: Mr. GORDON.

H.R. 1622: Mr. ACKERMAN and Mr. WHITFIELD.

H.R. 1634: Mr. RYUN of Kansas and Mr. PETRI.

H.R. 1640: Mr. BONIOR, Mr. ROTHMAN, and Mr. RAHALL.

H.R. 1798: Mr. STARK.

H.R. 1839: Mr. BRYANT and Mr. WAMP.

H.R. 1850: Mr. GREEN of Wisconsin.

H.R. 1976: Mr. JEFFERSON and Mr. ENGLISH.

H.R. 2066: Mr. JONES of North Carolina, Mr. WATKINS, Mr. DELAHUNT, Mr. LEACH, and Mr. CALVERT.

H.R 2141: Mr. PASTOR.

H.R. 2289: Mr. HINOJOSA.

H.R. 2308: Mr. EVANS.

H.R. 2495: Mr. PICKETT, Mr. WEINER, Mrs. BONO, and Mr. FILNER.

H.R. 2512: Mr. JACKSON of Illinois, Mr. INSLEE, Mr. SCOTT, and Mr. SAXTON.

H.R. 2613: Mr. WAMP, Mr. NETHERCUTT, and Mr. WHITFIELD.

H.R. 2738: Mr. DEUTSCH.

H.R. 2774: Mr. INSLEE, Mrs. LOWEY, Mr. STARK, Mr. MCGOVERN, Mr. MATSUI, and Ms. WOOLSEY.

H.R. 2892: Mr. CANADY of Florida and Mr. WHITFIELD.

H.R. 2953: Mr. HOEFFEL, Mr. LATHAM, Mr. FILNER, and Mr. NEAL of Massachusetts.

H.R. 3000: Mrs. JONES of Ohio and Ms. WOOLSEY.

H.R. 3082: Mrs. BIGGERT and Mr. COYNE.

H.R. 3142: Mr. MURTHA.

H.R. 3168: Mrs. THURMAN, Mr. BAKER, and Mr. BARTLETT of Maryland.

H.R. 3193: Ms. RIVERS, Mr. BRYANT, and Mr. HALL of Texas.

H.R. 3219: Mr. WICKER.

H.R. 3299: Mr. COLLINS.

H.R. 3324: Mr. EVANS.

H.R. 3433: Mr. GREEN of Wisconsin, Mrs. KELLY, Ms. WOOLSEY, Mr. MATSUI, Ms. BROWN of Florida, and Ms. BERKLEY.

H.R. 3514: Mr. SHAW and Ms. DELAURO.

H.R. 3544: Mr. SHAW, Mr. FOSSELLA, Ms. DELAURO, and Mr. BOEHNER.

H.R. 3573: Mr. FRANK of Massachusetts and Ms. SLAUGHTER.

H.R. 3580: Mr. JEFFERSON, Mr. MOORE, Mr. STEARNS, Ms. RIVERS, Ms. DEGETTE, Mr. KUYKENDALL, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. KIND.

H.R. 3624: Mr. BORSKI.

H.R. 3625: Mr. LATHAM, Mr. CANADY of Florida, Mr. THORNBERRY, Mr. SPENCE, Mr. BARRETT of Nebraska, Mr. GARY MILLER of California, Ms. ROS-LEHTINEN, Mr. BEREUTER, Mrs. BIGGERT, Mr. RAHALL, and Mr. WALDEN of Oregon.

H.R. 3628: Mr. HORN, Mr. COOK, and Mr. FALEOMAVAEGA.

H.R. 3633: Mr. SKEEN, Mr. WAXMAN, Mr. SHAYS, Mr. JOHN, Mr. VENTO, Mr. INSLEE, Mr. CASTLE, Mr. BENTSEN, Mr. COOK, and Mr. KENNEDY of Rhode Island.

H.R. 3661: Mr. STUMP.

H.R. 3669: Mr. BASS, Mr. GRAHAM, Mr. PETERSON of Minnesota, and Ms. DUNN.

H.R. 3694: Mr. FOSSELLA.

H.R. 3766: Mr. FORBES, Mrs. MCCARTHY of New York, and Mr. MCDERMOTT.

H.R. 3826: Mr. LAMPSON, Ms. WATERS, and Mr. ABERCROMBIE.

H.R. 3842: Mr. TOOMEY, Mr. KASICH, Mr. HINCHEY, Mr. HALL of Ohio, Mr. VENTO, Mr. LATOURETTE, Mr. FLETCHER, Mr. NEY, Mr. COOKSEY, Mr. CONDIT, Mr. HILLIARD, and Mr. MARKEY.

H.R. 3909: Mr. PORTER, Mr. CRANE, and Mr. MANZULLO.

H.R. 3916: Mrs. KELLY, Mr. WHITFIELD, Mr. SUNUNU, Mr. PRICE of North Carolina, Mr. RADANOVICH, Mr. WELDON of Pennsylvania, Mr. SPENCE, Mr. SESSIONS, Mrs. MCCARTHY of New York, Mr. DOOLITTLE, and Mr. HOEKSTRA.

H.R. 3985: Mr. WEXLER, Ms. ROS-LEHTINEN, Mr. YOUNG of Florida, Mr. SHAW, Mr. FOLEY, Mr. MILLER of Florida, Mr. GOSS, Mr. MICA, Mr. DAVIS of Florida, Mrs. MEEK of Florida, Mr. BOYD, Mr. CANADY of Florida, Mr. DIAZ-BALART, Mrs. THURMAN, Mr. STEARNS, Mrs. FOWLER, Mr. CLAY, and Ms. BROWN of Florida.

H.R. 4033: Mr. SCOTT and Mr. HASTINGS of Washington.

H.R. 4046: Mrs. CAPPS, Mr. UDALL of Colorado, and Ms. ESHOO.

H.R. 4048: Mr. GREENWOOD, Mr. LOBIONDO, Mr. UNDERWOOD, and Mr. ENGLISH.

H.R. 4069: Mrs. JONES of Ohio, Mr. GORDON, Mr. KIND, Mr. BACA, Ms. BERKLEY, and Mr. CHAMBLISS.

H.R. 4082: Mr. DICKEY, Mr. BERRY, Mr. STRICKLAND, Mr. TURNER, Ms. PRYCE of Ohio, Mr. BISHOP, Mr. COOKSEY, Mr. MORAN of Kansas, Mr. MASCARA, Mr. BARRETT of Nebraska, Mr. KINGSTON, and Mr. BONILLA.

H.R. 4168: Mr. OBEY and Mr. VISCLOSKY.

H.R. 4170: Mr. STUMP and Mr. POMBO.

H.R. 4178: Mr. SMITH of Texas.

H.R. 4191: Ms. SLAUGHTER, Mrs. THURMAN, and Mr. KUCINICH.

H.R. 4200: Mr. EVANS and Ms. CARSON.

H.R. 4201: Mr. HALL of Texas and Mrs. EMERSON.

H.R. 4207: Mr. PETRI, Mr. LIPINSKI, Ms. KAPTUR, Mr. EVANS, Mr. LUTHER, Mr. LANTOS, and Mr. HINCHEY.

H.R. 4213: Mr. MCHUGH, Mr. HOEKSTRA, Mr. ISAKSON, and Mrs. KELLY.

H.R. 4260: Mr. TERRY and Mrs. EMERSON.

H.R. 4271: Mr. EWING, Mr. WOLF, and Mr. DEAL of Georgia.

H.R. 4272: Mr. EWING, Mr. WOLF, and Mr. DEAL of Georgia.

H.R. 4273: Mr. EWING, Mr. WOLF, and Mr. DEAL of Georgia.

H.R. 4274: Ms. DUNN, Mr. GOODLATTE, Mr. UPTON, Mr. MCINNIS, Mr. WHITFIELD, Mr. NEY, and Mr. FLETCHER.

H.R. 4288: Mr. GILLMOR.

H.R. 4329: Mr. COOK and Mr. METCALF.

H.R. 4375: Mr. EVANS, Mrs. MINK of Hawaii, and Mr. DEUTSCH.

H.R. 4395: Mrs. CHRISTENSEN.

H.R. 4399: Mr. HASTINGS of Florida and Mrs. MEEK of Florida.

H.R. 4424: Mr. RODRIGUEZ.

H.R. 4441: Mr. BLUNT.

H.J. Res. 9: Mr. VITTER.

H.J. Res. 98: Ms. SANCHEZ, Mr. HOYER, Mr. CONYERS, Ms. BERKLEY, Mr. THOMPSON of Mississippi, Ms. ESHOO, and Mr. SCOTT.

H. Con. Res. 177: Mr. DIXON.

H. Con. Res. 268: Mr. PETRI.

H. Con. Res. 297: Mr. SMITH of New Jersey.

H. Con. Res. 308: Mr. WAXMAN and Mr. STARK.

H. Con. Res. 318: Mr. OBEY and Mr. LAFALCE.

H. Res. 237: Mr. LEVIN.

H. Res. 347: Mr. HINCHEY, Mr. ROHRABACHER, Mr. GEJDENSON, and Mr. LANTOS.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 4205

OFFERED BY: MR. HILL OF INDIANA

AMENDMENT NO. 1: At the end of title XXVIII (page    , after line    ), insert the following new section:

**SEC.    . ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY AVAILABLE OUTSIDE OF BASE CLOSURE PROCESS.**

(a) AUTHORITY TO MAKE CONVEYANCES.—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) ECONOMIC DEVELOPMENT CONVEYANCES.—(1) In the case of a military installation to be closed or realigned pursuant to a law or authority other than a base closure law, the Secretary of Defense may transfer real property and personal property located at the military installation to the recognized redevelopment or reuse authority for the installation for purposes of job generation on the installation.

"(2) The transfer of property of a military installation under paragraph (1) shall be without consideration if the redevelopment or reuse authority with respect to the installation—

"(A) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment or reuse authority during at least the first seven years after the date of the transfer under paragraph (1) shall be used to support the economic redevelopment of, or related to, the installation; and

"(B) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) For purposes of paragraph (2), the use of proceeds from a sale or lease described in such paragraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

"(A) Road construction.

"(B) Transportation management facilities.

"(C) Storm and sanitary sewer construction.

"(D) Police and fire protection facilities and other public facilities.

"(E) Utility construction.

"(F) Building rehabilitation.

"(G) Historic property preservation.

"(H) Pollution prevention equipment or facilities.

"(I) Demolition.

"(J) Disposal of hazardous materials generated by demolition.

"(K) Landscaping, grading, and other site or public improvements.

"(L) Planning for or the marketing of the development and reuse of the installation.

"(4) The Secretary may recoup from a redevelopment or reuse authority such portion of the proceeds from a sale or lease described in paragraph (2) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in paragraph (2).".

(b) BASE CLOSURE LAWS.—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(4) The term 'base closure law' means—

"(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); or

"(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(c) RETROACTIVE APPLICATION.—Notwithstanding section 2843 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2216), the authority provided in section 2391(c) of title 10, United States Code, as added by subsection (a)(2), shall apply with respect to the conveyance of the Indiana Army Ammunition Plant in Charlestown, Indiana, authorized by such section 2843.

H.R. 4392

OFFERED BY: MR. ROEMER

AMENDMENT NO. 1: At the end of title III add the following new section (and conform the table of contents accordingly):

**SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.**

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—Not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress a report containing an unclassified statement of the aggregate appropriations for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and Joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.".

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: At the end of title I, insert the following new section (and conform the table of contents accordingly):

**SEC. 106. PROHIBITION ON USE OF FUNDS TO ENTER INTO CONTRACTS WITH PERSONS IN VIOLATION OF THE BUY AMERICA ACT.**

No amounts authorized to be appropriated under this Act may be used to enter into, renew, or carry out a contract with any private person who has been found, under section 3(b) of the Act of March 3, 1933 (41 U.S.C. 10b(b) popularly known as the "Buy America Act"), by the head of an agency or Department of the intelligence community (as defined in section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) to have failed to comply with the provisions of the Act of March 3, 1933 (41 U.S.C. 10a et seq.).

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: At the end of title III, insert the following new section (and conform the table of contents accordingly):

**SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.**

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates, and revises as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120, 113 Stat. 1613) (relating to a description of the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development).

# SENATE—*Tuesday, May 16, 2000*

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

### PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign God, our Help in all the ups and downs of life, all the triumphs and defeats of political life, and all the changes and challenges of leadership, You are our Lord in all seasons and for all reasons. We can come to You when life makes us glad or sad. There is no circumstance beyond Your control. Wherever we go, You are there waiting for us. You are already at work with people before we encounter them. You prepare solutions for our complexities, and You are always ready to help us resolve conflicts even before we ask. We claim Your promise given through Jeremiah: "I have plans for you: plans for good and not evil, to give you a future and a hope."—Jeremiah 29:11.

Lord, our only goal is to please You in what we say and accomplish. Bless the Senators in the decisions they make and the votes they cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen

## PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Ohio is recognized.

## SCHEDULE

Mr. VOINOVICH. Today, the Senate will be in a period of morning business until 11 a.m. with Senators MURKOWSKI, KENNEDY, and DORGAN in control of the time. Following morning business, the Senate will resume consideration of S. 2521, the military construction appropriations bill. Senators who have general statements on the bill are encouraged to come to the floor during this morning's session.

As a reminder, votes are possible throughout the day's session and throughout the remainder of the week. Notification will be given as votes are scheduled. Senators can expect votes on Mondays and Fridays during the consideration of the appropriations bills. I thank my colleagues for their cooperation.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 11 a.m., with Senators permitted to speak therein for up to 5 minutes each.

Under the previous order, the Senator from Alaska, Mr. MURKOWSKI, or his designee, is recognized to speak for up to 45 minutes.

The Senator from Alaska is recognized.

## NATIONAL ENERGY SECURITY ACT OF 2000

Mr. MURKOWSKI. Mr. President, I am going to take advantage of this time to speak on behalf of the National Energy Security Act of 2000.

For the benefit of the Chair, this is the result of a 10-member task force appointed by the Majority Leader, which he asked that I chair. The Task Force included Senators NICKLES, CRAIG, HUTCHISON, COLLINS, DOMENICI, SNOWE, ROTH, SANTORUM, and SMITH of New Hampshire.

The bill before us is S. 2557. The purpose of the legislation is to address a harsh reality that it is currently hard to identify just what the administration's policy is toward energy in this country at this time, other than to increase imports of crude oil coming into the country. The Majority Leader charged us to examine the impacts of increased U.S. dependence on foreign energy sources and the resulting increased energy cost to American consumers.

It is estimated that the increase in the price of crude oil, which has risen from roughly $10, $11, $12 a barrel a year ago, to as high as $34—and it is currently about $30—has resulted in an increase, if one could compare it to a tax increase, of about $100 billion to the American consumer.

If you have taken a cab in Washington, DC, you have noticed there is a little sticker that says they are going to charge 50 cents extra because of the increased cost of gasoline. If you have taken an airplane lately, you have noticed a surcharge from $20 to $40 on your ticket. So the multiplier is out there, Mr. President, and it is a significant factor in adding to inflation.

So at the leader's request, we have established a very simple goal for our energy security through this legislation. The goal of the bill is to decrease America's dependency on foreign oil to less than 50 percent by the year 2010. It is kind of interesting, but the current administration figures indicate that since President Clinton has come to office, we are currently consuming 14 percent more oil than we did approximately 7 years ago and producing 17 percent less.

There is indeed a need for an energy policy. This is what the National Energy Security Act of 2000 proposes to establish.

We anticipate achieving the goal of reducing our imports of oil through a number of considerations.

One is enhancing the use of renewable energy resources—including hydro, wind, solar, and biomass. We spend a good deal for experimental funding for these renewable sources. But the reality is we have a long way to go before they are going to take a major share of our energy production.

Second, we are proposing to conserve energy resources and improve energy efficiencies.

Third, we propose to increase domestic energy supplies, including oil, gas, and coal.

The bill also addresses the concerns of regional consumers, particularly in the Northeast.

It allows the Department of Energy's Secretary Richardson to create a home heating oil reserve and strengthen the weatherization program.

It establishes a State-led education program to encourage consumers to take action to minimize seasonal price increases and shortages of home heating fuel.

It provides incentives for construction and rehabilitation of private home heating oil storage facilities.

The purpose is very simple. Imported energy should supplement our domestic energy supplies—not supplant them.

The administration has looked for a quick fix and has pointed fingers. We understand that the American energy supply problem cannot be solved overnight. It is going to take a long-term view. We have to take it one step at a time. But it is time to begin taking those steps and that is a process we further today.

The administration continues to lull the American public into a sense of indifference about energy supplies and the energy situation and has really hidden behind a slight decrease in prices at the pump. However, I would suggest these reductions in price are not here to stay.

I refer to an article that appears in the Wall Street Journal of May 16 entitled "Tight U.S. Gas Markets Boost Oil Prices"—a price of $30, and a year ago it was $12 or $13.

What about the inflation factor? A significant indicator is the increased cost of energy.

What about the balance of payments? One-third of our $300 billion deficit balance of payments—$100 billion—is the cost of imported oil.

As a consequence, we have had an opportunity to hear from consumers all over the country stung by the high prices of heating oil, particularly in the Northeast corridor. And it is fair to say that as we go into the summer, this particular area of the country, which is approximately 30-percent dependent on oil-powered generation, will experience substantial price increases as a consequence of increased energy demand, particularly for air-conditioning.

It is estimated that electricity costs in the Northeast region may double what they were last year and in some cases triple.

The idea is that the older oil-fired power generation facilities are the last to come online, and ordinarily there is a windfall profit associated with that. Whatever it takes to support financially the cost of the higher generating resource—namely, oil—the other energy sources, whether they be gas or coal, rise to that price level—a practice known as "uniform pricing." The consumer is stuck as a consequence, and prices go up as a result of the windfall profit.

Finally, as the economies of Asia, Europe, and the United States continue to grow in the context of a set energy market, there will be increasing demands for energy resources by the fourth quarter of this year, again leading to tightening of petroleum supplies and a corresponding increase in prices.

Many of us in this body on both sides of the aisle have made statements that the administration really lacks an energy policy. If you go back and recognize that in 1973 and 1974 we were 34-percent dependent on imported oil, today we are 56-percent dependent. And last month we got up to 61-percent dependence.

The realities are, if we look to increasing imports to offset our increased consumption as well as the rest of the world, we are going to be paying the piper because, as indicated in this article today, we can look to OPEC and we can look to Venezuela, but, nevertheless, they have indicated self-discipline, and the price range is expected to be somewhere between $22 and $28 a barrel, which suggests, if you will, that the discipline to maintain this price is there.

I see another Member of our task force is on the floor and intends to speak on this.

As I have outlined our proposal in general terms and identified our goals—I again point out the realization that we want to protect energy security, we want to protect consumers and low-income families, and we want to increase domestic energy supplies—it should be noted that the last written statement from the administration about its proposal on energy was a narrow one. It came out during the last week of April from the Office of the Secretary of Energy, entitled "Energy Secretary Richardson Announced Six Short-Term Actions to Help Prevent Power Outages."

I think it is appropriate to highlight just what this contains because clearly it does not address increased production.

It specifically states in the six points:

First, to work with agencies to identify opportunities to reduce liquid consumption and Federal water problems during times of peak demand.

I assume that means we are going to shut off water and our irrigation projects.

Second, it urges the Federal Regulatory Commission and State utilities to commission, solicit, and improve targets that will help reduce electric demand.

So we are going to propose an increase in the price of electricity to ensure that people reduce their consumption.

Third, explore opportunities for use of existing backup generators during power supply emergencies.

I wonder if we are going to confiscate the private sector generators.

Fourth, conduct an emergency exercise with State and local governments to help prepare for outages.

It looks as if they are pretty much giving up the ship and are preparing for those outages as opposed to generating more energy.

Fifth, work closely with the utility industry to gain up-to-date, relevant information about potential grid-related problems.

They are going to keep us informed.

Lastly, they are going to prepare public service announcements. So we will know what is coming.

I hardly think that fits the bill as we address the need for precise energy policy and the realization that the administration lacks an energy policy of any kind.

In conclusion, let's relate the position the administration has taken with regard to energy.

There is no effort to spur domestic oil and gas production.

There is no effort to open up the area of the Rocky Mountain overthrust belt to encourage exploration for gas.

There is no effort by the administration to loosen the noose they have put around the neck of our domestic energy industries.

They are refusing to resolve the nuclear waste issue.

They have refused to recognize hydro as a renewable resource and are proposing in some cases to take dams down out west.

If you identify the energy resources and recognize the position of the administration, it is quite clear that they do not have an energy policy. That is why I commend the leader and the other members of the task force for developing a plan that is a workable, achievable plan that will substantially address the emergency associated with our energy situation in this country. I again refer to this as the National Energy Security Act of 2000.

I see the leader on the floor, and perhaps at this time he wishes to introduce the bill and make some remarks.

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## ENERGY SECURITY ACT OF 2000

Mr. LOTT. Mr. President, it is my pleasure this morning to introduce and cosponsor, with the distinguished chairman of the Energy and Natural Resources Committee, S. 2557, the Energy Security Act of 2000.

There is a dark cloud on the horizon for America's future and for our economy and for job creation. This cloud could cause serious problems in the future. That cloud is the fact that we don't have a national energy policy. Despite a lot of rhetoric that we do—there is nothing to worry about—there is plenty to worry about.

The American people remember the long lines we faced at the gasoline stations in the 1970s. At that time, we were dependent on foreign oil for much less than 50 percent, probably around 45 percent at the time. We passed legislation in an attempt to deal with that problem and, for a variety of reasons, the prices came back down. The problem was not resolved, and the problem is much worse today.

In today's Wall Street Journal, for instance, there is an article entitled "Tight U.S. Gas Market Boosts Oil Prices." I ask unanimous consent to have the article printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

[From the Wall Street Journal, May 16, 2000]

### TIGHT U.S. GAS MARKET BOOSTS OIL PRICES

(By Alexei Barrionuevo)

A tight U.S. gasoline market drove world crude-oil prices back to nearly $30 a barrel yesterday, and analysts say little in the short term will help arrest the run-up.

This time, the worry isn't about a shortage of oil, but a confluence of gasoline-related issues and a hot economy.

In the past five weeks, wholesale gasoline prices have shot up 30% out of concerns about refinery production, new environmental regulations and a patent dispute. That has left the false impression that crude is in short supply, pulling crude-oil prices up more than $4 a barrel.

The drop in retail gasoline prices, which normally trail wholesale prices by a month or more, has stopped dead in its tracks, with the average U.S. price at $1.46 a gallon of regular unleaded, according to the Energy Information Administration. With U.S. refineries expected to get little help from foreign sources this summer because of new environmental gasoline requirements, price spikes are possible.

The new surge in oil prices is also bound to intensify inflation concerns. Analysts have dismissed the significance of a creep up in consumer prices earlier in the spring, saying that it was a temporary trend driven by the jump in oil prices and would likely recede once oil prices fell.

Since the Organization of Petroleum Exporting Countries loosened up production in late March, the attention has turned to refiners, who must crank up production to meet summertime demand. Refiners, who had cut production and scheduled more maintenance work over the winter amid depressed margins, now are trying to catch up in a hurry. U.S. refiners are currently running at about 92% of capacity and will need to kick production up to 97% to meet expected demand.

Gasoline inventories continue to be low, in part because of demand for a federally mandated cleaner-burning gasoline to be required in about one-third of the U.S. beginning June 1. European and Venezuelan refiners, which usually provide a total of 400,000 to 500,000 barrels a day of gasoline and gas components, have had difficulty making the fuel. And some "blenders," which are critical to upgrading foreign gasoline, particularly in the Northeast, are holding off on reformulated gasoline because of concerns about gas patents held by Unocal Corp., which has been pursuing violators.

Add to all that strong gasoline demand despite the steepest pump prices in years. "High prices pull down demand but income pulls it up, and right now income is winning out over price," said Larry Goldstein, president of Petroleum Industry Research Foundation in New York.

U.S. officials, who two months ago put heavy pressure on OPEC to increase production when oil hit $34 a barrel, are scrambling once again. Energy Secretary Bill Richardson met with OPEC President and Venezuelan Minister Ali Rodriguez over the weekend to urge OPEC ministers to open up the taps a bit more next month.

Mr. Richardson, who thinks $30-a-barrel oil is too high, is expected to discuss new visits to producing countries at a White House meeting today focusing on oil and electricity issues, government officials said. "I will continue to do what we said we would do, monitor the oil market and stay in touch with producing countries and others," Mr. Richardson said yesterday in La Jolla, Calif.

With the current run-up in crude prices, OPEC is entering territory where its price-band mechanism could be tested. The band, agreed to in March, gives Mr. Rodriguez power to direct changes in production based on a 20-day average of prices that translate to roughly $24 to $30 a barrel for West Texas Intermediate.

Even if prices are within the band, most analysts expect OPEC to vote to put more oil on the market at its meeting next month. "We are now talking about prices that make a number of producers uncomfortable," Mr. Goldstein said. Only three countries—Saudi Arabia, Kuwait and United Arab Emirates—have spare capacity, and most of it is in Saudi Arabia.

Speaking yesterday, Mr. Rodriguez said there is "no inclination to increase production," but that oil prices would "return to an acceptable level."

Mr. LOTT. It says in this article that crude oil prices were back up to nearly $30 a barrel yesterday, and for the last month our dependency on foreign oil was in the range of 60 percent. This is going to have an effect on the price of fuel oil. It will have an effect on the price of gasoline. It will have an effect on the economy. While we saw some leveling off or some general slide back, we have done nothing to secure our country's energy future.

Earlier, I tried to put in place some reduction in the Federal gasoline tax, to stop until the end of the year the 4.3-cent Federal gasoline tax that was added back in the early 1990s and say if nationwide gas reached an average of $2 a gallon, we would suspend the entire Federal gasoline tax for the balance of the year. The Senate was not inclined to go along with that.

My purpose was a wakeup call—first, that gasoline prices are probably not going to go down; more than likely, they will go up. But the wakeup call was bigger than that, to try to make people realize that we don't have a national energy policy.

What are we going to do? I ask the American people: Do we feel safe with the idea we are dependent on foreign oil, OPEC oil, oil from Iraq, oil from Libya? I don't. What if they decide not only to turn down the spigots but to turn the spigots off? What would America do? Within 30 days we would be in serious trouble.

Now, we have a strategic oil reserve, and that was a very wise decision; it could be helpful in dealing with a national security emergency. It would help deal with a crisis created if the spigot should be cut off. However, I think to not have a plan to be less dependent on foreign oil is irresponsible. We can't tolerate it.

So what are we going to do? We know now we are dependent on the foreign oil imports to the tune of 56 percent of oil consumed, compared to 36 percent imported in 1973 when we had the Arab oil embargo. Even the Department of Energy predicts America will import at least 65 percent of foreign oil for our energy needs by the year 2020. Secretary Richardson even admitted that the administration had been caught napping when energy prices began to rise a few weeks ago.

We appointed a task force to deal with this problem, to look at it, to see what we could do to address our energy needs for the future. It is a multifaceted proposal, not only aimed at gasoline or oil but across the spectrum. This task force has been working to find these reasonable solutions to give us more of our own energy supplies. Chairman MURKOWSKI has headed that task force. This task force has been a diverse group, including Senators from all over the country—Senator CRAIG from Idaho, who is on the floor; Senator NICKLES from Oklahoma; Senator HUTCHISON from Texas; also Senators from the Midwest and Northeast, including Senator COLLINS of Maine; Senator SNOWE; Senator ROTH of Delaware; Senator SANTORUM of Pennsylvania, Senator SMITH of New Hampshire. They have worked together and have come up with a proposal that I think will make a real difference. It will encourage alternative sources. It will try to enhance the use of renewable energy resources, including hydro, nuclear, coal, solar, and wind.

We need to increase our domestic supplies of nonrenewable resources, including oil and natural gas. In my own State of Mississippi, and in the gulf off the coast, we have a tremendous supply of natural gas. Natural gas is relatively cheap and is a very clean source of energy. Yet there is no incentive to make greater use of natural gas. We have more oil deposits. We know it. Some of them are in marginal wells, some are in large areas such as off the coast of Alaska. We have to do something to take advantage of these resources, give incentives to take advantage of them.

I absolutely support the effort by the Alaskan Senators who advocate getting the oil off the coast of Alaska in what is commonly referred to as ANWR.

We should also look at unique needs within the country, in the Northeast where they have extraordinarily cold weather, compared to my part of the country, where people are dependent on home heating fuel. We need to strengthen the Department of Energy weatherization program. We need to establish a State-led education program to encourage consumers to take actions to minimize seasonal price increases and fuel shortages. We should authorize the expensing of costs associated with building new home heating oil storage. We should authorize the Secretary to build a home heating oil reserve. If we don't do that, more than likely there will be a problem in the Northeast next year. We have a number of tax incentives that would encourage more production. We would provide relief for marginal wells.

By the way, these so-called marginal wells are responsible for 50 percent of

U.S. production, so they may be marginal but they are significant. It allows for expensing of oil and gas exploration costs. It would delay rental payments. The 1999 Taxpayer Relief Act had a 5-year carryback provision, and that is included.

Finally, there is an expansion of tax credits for renewable energy to include wind and biomass facilities. Some people say we shouldn't be giving any kind of consideration or breaks to people who are out there trying to produce more oil and gas; they may not need it; it may not be good for the environment.

What do you mean? That is the most fallacious argument of all. It can be done safely and cleanly and we need that resource. The alternative is to go ahead and continue to be dependent on OPEC and other countries for our energy needs. It is irresponsible.

This is a broad package. It is a good package. I thank Senator MURKOWSKI and the task force for their work. We will talk more about it later. I encourage my colleagues on both sides of the aisle to take a look at this. This is something that should not be partisan. It is not partisan. It should be bipartisan. It will help our country all across the Nation both in terms of energy needs and in terms of energy production. This is not something that is aimed only at this administration. I emphase this administration has no plan to deal with this problem, but this administration is going to be leaving shortly. What are we going to do about the future? We need to come together. We cannot continue down the path we are headed. If we do, I predict disaster looms on the horizon. I want to make sure that we make our best effort to do something about it so we can avert this disaster.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I ask how much time remains on our side.

The PRESIDING OFFICER. The Senator has 32 minutes.

Mr. MURKOWSKI. I thank the Chair.

## MEASURE READ FOR THE FIRST TIME—S. 2557

Mr. LOTT. Mr. President, in order to have this important bill placed on the calendar, I ask for the first reading of S. 2557.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2557) to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

Mr. LOTT. I ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

Mr. LOTT. I yield the floor.

Mr. MURKOWSKI. Mr. President, I believe the Senator from Idaho would like to be recognized to speak for 10 or 15 minutes.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Idaho.

Mr. CRAIG. Mr. President, this is an important day in the Senate. I think it is important for us to let Americans know there is a group of their national leaders who are focused on developing a national energy policy for this country. You have heard the majority leader of the Senate speak for just a few moments. He touched on some very critical questions that I think Americans are asking when they go to the gas pump and they find, as they have found for the last good many months, that their energy costs are going up dramatically. But high oil prices are doing more than raise the price of gasoline. With spikes in electrical production during this last heat spell on the east coast, we are going to find that when the power bill gets to that consumer, his or her power bill has gone up substantially.

As a result of sustained high oil prices, several weeks ago the majority leader convened a task force in the Senate, led by Senator FRANK MURKOWSKI, who is chairman of the full Energy and Natural Resources Committee. I, as chairman of the Republican Policy Committee, served with that task force and today our work product has been introduced. But this is a work product that resulted not by just a group of us coming together to decide what was a better idea, it is a product of a good many hearings held by the Senate Energy and Natural Resources Committee to explore the effects of the cost of energy now and in the future on the American consumer.

As a result of that, S. 2557 has been introduced today. That is better known as the National Energy Security Act for 2000. The legislation is designed to do a number of things, but its overall objective is to reduce our dependence on imported crude oil below 50 percent. Crude oil and gas prices shot up earlier this year. At the time we were importing about 55 percent of our crude oil needs. Now, according to the latest Energy Information Administration figures, U.S. dependency on foreign crude oil as of May 5, is just over 60 percent. We are getting about 9.2 million-barrels-a-day from somewhere else in the world. The U.S. is now importing about a million barrels a day more than we were importing in January of 1999.

In addition, the U.S. is importing more finished petroleum products. That is a rather new phenomenon. We have seen the tearing down of many of our refineries during the last good number of years for failure to retrofit to meet Clean Air Act requirements because there was no cost incentive to do so. In fact, there has not been a major refinery permitted in the U.S. since 1975. Now we are importing more finished product.

In January of 1999, our daily import level of motor gasoline, for example, was about 441,000 barrels per day. During the week ending May 5, according to the Energy Information Administration, the U.S. imported an average of 562,000 barrels a day of motor gasoline.

In other words, if the average consumer were looking at a chart graphed along with these increases we have just talked about, the price of gasoline would be going up and so is our reliance on imports. We are no longer the masters of our own destiny. We no longer control the future of energy in this country. That is a sad day for Americans, when that reality is in front of us. It is something I think this country has to deal with.

The Energy Information Administration estimates our dependency on imports could rise to more than 65 percent by the year 2020. At the rate we are going, my guess is we will be there long before that.

For the last nearly 8 years, the Clinton-Gore administration has refused to develop an effective national energy policy. The administration has published national energy plans and, I will be blunt, I do not think they are worth the paper on which they are printed. Here is exactly why. Their plans pay only lip service to the need to increase domestic oil and gas production. They have consistently underfunded research into more efficient and clean use of coal for electric generation. Yet the U.S. has an abundance of coal that we ought to be using in an effective and environmentally sound way. They have underfunded research into how we can improve the efficiency and safety of our nuclear generating stations. And they have refused to recognize hydropower as a renewable resource.

The Presiding Officer and I come from an area of the country where hydropower is king. Many of our rivers are dammed to produce an abundance of electrical energy, and our electrical energy costs to consumers are the lowest in the Nation, while our environment is generally very clean. Yet as the chairman of the Energy Committee said just a few moments ago, this administration has, as a policy, not recognized hydroelectricity as a renewable resource. Quite the opposite: It proposes that we ought to start removing dams from our rivers for environmental reasons and without regard for existing economic uses.

Instead of strong producing policies for our country and incentives for producers to produce more energy, the

Clinton-Gore administration has focused its attention on solar energy and wind power and energy from biomass, and demanded significant increases in Federal money to encourage more use of these resources. There is nothing wrong with supporting renewables. I support renewables. I think most in the U.S. Congress do. We have been subsidizing solar and wind now for more than 25 years, but they meet only about 3 percent of our total energy demand. I think renewables, including hydropower, must play a role in meeting the needs of the U.S., but the real solution lies in boosting oil and natural gas production and finding cleaner, more efficient ways to use coal. That is where our research dollar ought to be going because that is the only way we will be able to meet the demands of the marketplace.

The bill Senator LOTT has just introduced is the product of several months of discussion and analysis that I have already outlined. The committee was chaired by Senator FRANK MURKOWSKI. Let me take just a few more minutes and explain a the major steps the bill takes to improve our energy future.

The bill would require the Secretary to report annually on progress toward limiting our dependence on foreign oil down to no greater than 50-percent. The Secretary must lay out legislative and administrative steps to meet that goal and recommend alternatives for reducing crude oil imports. To increase our use of natural gas, the bill creates an interagency working group to design a policy and strategy for greater use of natural gas.

The bill extends authority to the Strategic Petroleum Reserve and prevents drawdown of the reserve until the President and the Secretary of Defense agree that a drawdown will not threaten our national security.

Our bill contains a title to protect consumers and low-income families, and to encourage energy efficiency. It expands eligibility for residential weatherization programs, creates a program to educate consumers to help them avoid seasonal price fluctuations, and also establishes a heating oil reserve to help the Northeast deal with shortages and severe price fluctuations.

Our bill also contains a title addressing increased use of other domestic energy sources like coal and more efficient use of our nuclear and hydro resources. It also requires the Federal Energy Regulatory Commission to report on how costs for relicensing hydroelectric facilities can be lowered.

The bill also authorizes a Federal oil and gas leasing program for the Arctic National Wildlife Refuge in Alaska, one of the remaining great potential sources of crude oil in this country, with estimated yields of well over 16 billion barrels, the kind of production that could come in at about 1.5 million barrels a day and do that for nearly 20 years or more. Despite that potential the Clinton-Gore administration opposes going there to explore for oil.

The amount of additional domestic production would, if added to today's domestic production, reduce our 60-percent dependency below the 50-percent mark that our legislation seeks. I think 50 percent is a responsible goal, not only one demanded by the public but demanded by the Congress and that should be supported by this administration and future administrations.

The bill also contains provisions to streamline and reduce the costs associated with gas and oil leasing on Federal lands to enhance domestic production and to encourage small oil producers to keep low-volume wells operating during harsh economic times.

Finally, we have included in the legislation tax credits for wind and biomass energy and electrical production from steel-making facilities and tax incentives for residential solar use. In other words, we want to encourage all kinds of energy. We do not want to pick and choose and decide that some do not fit our policy or our lifestyle. What this public wants is a market basket full of reasonable energy sources at reasonable costs. It is to our benefit, it is to our economy's benefit, and it is to the world's benefit that we drive these technologies as well as conventional forms of energy production.

What is the policy of the Clinton-Gore Administration? My colleagues have seen it in action. We saw our Secretary of Energy walking around the Middle East with a tin cup: Oh, sheik, oh, sheik, if you are from the Middle East or if you are from Venezuela or if you are from Mexico, please, turn on your valves and give us a little oil. Please, please, it may hurt our lifestyle.

How sad it is that our great country has been reduced to that kind of policy. The legislation Senators LOTT and MURKOWSKI have introduced today can help us regain control of our energy destiny from the Middle East and OPEC.

The news today reported there is a huge new discovery of oil in the Caspian Sea which is years away from production, and if it comes online, it will be in a politically unstable place in the world over which we have little or no control.

Does the average consumer going to the gas pump every day want to have to turn to the East and ask a sheik to turn on a valve so that he or she can get to work at a reasonable cost? I doubt that, and that is what this legislation is about. That is why Senator MURKOWSKI, Senator LOTT, I, and others have joined together to offer up this legislation as a national energy policy for this country, not only to direct this Congress, but to direct this administration and future administrations to an achievable goal of reducing foreign crude oil imports below the 50-percent level and recognizing the great creativity in this country to produce energy in abundance, at low cost, and through a variety of resources.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, how much time remains on the special order?

The PRESIDING OFFICER. Eleven minutes.

Mr. MURKOWSKI. I thank the Chair.

Mr. President, I compliment my friend from Idaho. He has outlined very carefully the basic underlying theme, which is we are proposing an energy policy. That energy policy is enunciated in the National Energy Security Act of 2000, S. 2557, which was introduced by the leadership this morning and on whose behalf the Senator from Idaho has spoken.

We have—I emphasize this—we have laid down an energy policy for this country. I suggest there is not one Member who can identify specifically what is the administration's energy policy. We know what it is not. Let's take nuclear power. We know they are opposed to it. They will not address the issue of nuclear waste.

We know they are against domestic oil and gas production.

We know they are against hydroelectric power expansion.

We know they are against new natural gas pipelines.

What are they for then? It is pretty hard to identify until one begins looking at the record of the Secretary in trying to generate relief from the oil shortage we are experiencing.

I will speak about the oil shortage specifically because it is very real and is identified on this chart.

This chart is designated by quarter, this is global demand and global supply for each quarter this year. The reality is, by the end of the fourth quarter, the demand will exceed the supply by about 2 million barrels a day. I could spend a lot of time on this chart and show where the oil comes from—OPEC, Iraq, OPEC supply, non-OPEC supply—but we have a basic economic factor where we have more demand than supply. When we have that kind of situation, the price goes up and the American taxpayers pay through the nose. Last year, oil was $11, $12, $13 a barrel. Earlier this year, we saw $34-a-barrel oil. Currently we are at about $29 to $30.

Where are we looking to accommodate this increase demand with this administration? We are looking to Iraq—of all nations of the world, Iraq. Think about it. This next chart shows our imports from Iraq. They were very small through 1997. In 1998, they began to jump up. The specifics are, in 1998 we imported 300,000 barrels a day from

Iraq; currently, we are importing 700,000 barrels a day. How quickly we forget that in 1990 and 1991 we fought a war with Iraq. We lost 293 American lives. There were 467 wounded. There was a cost to the American taxpayers of approximately $7.4 billion.

What have we done since then? We have enforced a no-fly zone. That is very similar to an aerial blockade.

What has it cost the taxpayers of this country since the war? It has cost the taxpayers approximately $10 billion just to keep Saddam Hussein fenced in.

The American press does not even print this anymore. We get the figures from the French press of what is going on over there. Enforcing the no-fly zone in Iraq has required more than 240,000 sorties since the end of the gulf war at an average cost of $7 million an hour. We have flown 21,000 missions since 1998. We have bombed them on more than 145 days since Desert Fox in December of 1998. Since December of 1998, Iraq reports 295 of their citizens have been killed and 860 wounded in airstrikes. Airstrikes on Iraq occur almost daily. Where are we looking for oil? Iraq. What kind of a foreign policy does this administration have?

Saddam Hussein seems to be deliberately luring us, sadistically using his own people as bait, into killing innocent Iraqis for sympathy to lift the no-fly zone. At the same time, he is dramatically increasing his own military capacity. What is happening? He is smuggling out an awful lot of oil. What is he using the funds for? Every Member of this body should get a classified briefing from the Intelligence Committee and find out for themselves what he is doing. It is a very dangerous situation with which we are going to have to reckon at some point in time, and God help us.

U.N. sanctions certainly have not done the job. What we are doing with Saddam Hussein is rewarding him. Iraq will export $8.5 billion in oil this year, and it is estimated the smuggling will generate approximately $400 million which goes to enrich Saddam Hussein and goes to his Republican Guard which keeps him alive.

Think about it. We are looking to Iraq for our oil. What is Iraq looking towards? This is a bizarre pattern.

If we think about it, it is fairly simple. It is so simple that I hope my colleagues will reflect on its significance. He uses the money we send him for new arms—new biological technology—we take his oil, and we fill our warplanes. And what do we do? We go bomb him. Then we buy some more of his oil, send him some money, and the process starts all over again.

We are spending billions and billions of dollars to contain Iraq's expansion, and billions and billions of dollars to permit Iraqi expansion by increasing their refining capacity. As we do this we are risking the lives of American service men and women, our security, the security of our allies, and the American way of life, if you will, pursuing an energy policy which can only end in a tragedy.

I think today my colleagues who have joined the leader in the introduction of the National Energy Security Act of 2000 have put forward an energy plan, an energy policy. It is up to the administration now to match it. Because so far the only thing the administration has done is to come out with six very weak short-term actions: to help prevent power outages which would terminate the generation to Federal water projects; it would encourage price increases; it would explore the opportunities for the inventory of generators held by the private sector; it would conduct emergency exercises; it would work with the utility industry to update information; and prepare public service announcements.

What kind of an energy policy is that?

I see my good friend, the junior Senator from Texas, seeking recognition.

Mr. President, how much time remains on our side?

The PRESIDING OFFICER. Two and one-half minutes.

Mr. MURKOWSKI. I yield the remainder of our time to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for 2½ minutes.

Mrs. HUTCHISON. Mr. President, I thank the Senator from Alaska for heading the task force that put together a balanced approach, with a clear goal—a simple goal—of reducing foreign oil dependence in the United States of America to under 50 percent by the year 2010, so that 10 years from today we could have what I think is a very modest goal of 50-percent capability in the United States of America to produce the oil and gas needs of our country.

It does not take a rocket scientist to see what has been happening to oil prices over the last 3 years. First, we went down so low that the little guys could not make it. We lost thousands of small well producers because they could not make it on $10-a-barrel oil. They could not meet their expenses. So they went under and they capped the wells.

When a well is capped, it is almost impossible to reopen it because it is so expensive. These are wells that produced 15 barrels a day or less. We are not talking about gushers. We are not talking about thousands of barrels a day, which some do produce in other parts of the country. We are talking about 15 barrels a day, a barely break-even proposition at any price, but certainly not at $10.

What we are trying to do is take the artificially low prices and the ridiculously high prices that we see today because we are dependent on foreign imported oil, and say: What will allow us to stabilize these prices? What will allow us to stabilize these prices is exactly what is in the bill we are introducing today and which we hope Congress will act on before we leave; and that is, we encourage the little guys by giving them a floor—just as we do farmers—when prices go below $17 a barrel. We would just give them a tax credit so they could stay in business.

The Senator from Alaska talked about many of the other parts of this bill. I hope we can have bipartisan support so we can stabilize the prices for consumers in America and jobs in our country.

Mr. President, I yield the floor.

## ORDER OF PROCEDURE

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask for a clarification from the Chair.

It is my understanding that the Republican side of the aisle was given 45 minutes in morning business, and they were to complete that at 10:15. But they started a little late, and now it is after 10:25. I want a clarification that the Democratic side, in morning business, will be given the entire 45 minutes allocated.

The PRESIDING OFFICER. Is there objection?

Mr. BURNS. Mr. President, I hope I do not have to object. I do want to resume my military construction bill at 11 o'clock, as in the previous order.

Mr. DURBIN. If I might respond to the Senator from Montana, his colleague from Alaska started late. He was to start at 9:30. He started about 10 minutes late. We have waited over here until the Senator from Texas, the Senator from Alaska, and the Senator from Idaho all had their chance to speak. I think we have accommodated them. We only want to use the 45 minutes we were allocated in morning business.

Mr. BURNS. I have no objection.

Mr. BIDEN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I don't know if the Senator from Delaware has a request at this time.

The PRESIDING OFFICER. Under the previous rule, the Senator from Massachusetts has 35 minutes and the Senator from North Dakota has 10 minutes.

The Senator from Delaware.

Mr. BIDEN. Mr. President, I ask unanimous consent that I be allotted 10 minutes, in addition to the time that is available.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. DURBIN. Mr. President, of the 35 minutes allotted to the Senator from

Massachusetts, I ask unanimous consent that the Senator from California, Mrs. BOXER, have 5 minutes and that I be allocated 5 minutes, and then the Senator from North Dakota be recognized for his 10 minutes, and then the Senator from Massachusetts for the remainder of his time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from California.

Mrs. BOXER. I thank our assistant floor leader, Senator DURBIN, for arranging this time.

## THE MILLION MOM MARCH

Mrs. BOXER. Mr. President, I had a tremendous honor this weekend to march in the Million Mom March, along with about 750,000 citizens of this great country. They were moms; they were dads; they were grandmas and grandpas; and children in strollers.

We really all had in our hearts one wish for Mother's Day—to turn around the gun violence that is plaguing our Nation.

It was quite a march. It was quite an event because the emotion was high. The spirits were high. Perhaps the most touching part of it, for me and for many others, was the presence of so many moms and dads whose families have been touched by gun violence, whose children have been killed by gun violence, cut down by gun violence, maimed by gun violence.

The victims were there with a message: That they want to make sure other families never have feelings of pain and loss and anguish which will last all their lives.

I am embarrassed to say to my constituents that this Congress has done nothing—nothing at all—to reduce gun violence in our country. After Columbine, we passed five sensible gun measures—very modest, good, sensible gun measures—such as making sure every handgun is sold with a safety lock, and others that are very sensible: closing the gun show loophole so that a mentally imbalanced person or a criminal cannot walk into a gun show and simply be handed a gun—hand the cash over and get the gun with no background check.

We know the background checks work, but they don't apply to gun shows. So Senator LAUTENBERG offered a very important amendment and it was added to the juvenile justice bill to close that gun show loophole. Vice President AL GORE cast the tie-breaking vote. We know that will keep guns out of the criminals' hands. But what has happened in this Senate? Nothing. The power of the gun lobby can be felt in this Chamber—the power of the money of the gun lobby, the power of the threat of the gun lobby, and the gun lobby rules in this Senate, the gun lobby rules in the House of Representatives, and the gun lobby says if one of the candidates is elected President—namely, George Bush—they will run an office out of the White House.

Mr. President, enough is enough. Let's look at the deaths from gun violence in our country. There were 58,168 deaths in Vietnam over 11 years. They were tragic deaths. People were cut down in the prime of their lives. In 11 years, there were 58,168 deaths. Let's look at the last 11 years in America—the war on our streets, the war in our schools and, yes, even the war in our churches and Jewish community centers, where gunmen come in and cut people down in the prime of their lives; and they cut children down. There were 395,441 gun deaths in the 11-year period.

Now, we stopped the war in Vietnam—Democrats, Republicans, Independents, people of every race, color, and creed. We stopped that war. We can stop this war. But I will tell you, it isn't going to be easy. The gun lobby is not going to make it easy. We have to have courage. There are those of us in this Senate who are going to be on this floor from now on, in the name of the million moms who marched with the dads, the grandmas, the grandpas, and the children. We are going to be here. We are going to be here day after day. We are going to force this Senate to look this issue in the eye, to look families in the eye, to bring out the five sensible gun control measures that are in the juvenile justice bill. What excuse is there since Columbine High School, where 13 people were killed? Thirteen kids are killed every day.

Thank you, Mr. President. We will be back on this issue.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I thank my colleague from California. Every day in America, 13 mothers receive a phone call or a knock on the door, a word from a neighbor, and their lives are changed. Every day in America, 13 mothers learn that one of their children has been killed by a gun. Every day in America, 13 mothers have a pain in their heart that will be there for a lifetime.

This last Sunday, I went to Chicago, IL, on the banks of Lake Michigan. Our Million Mom March chapter came together, and thousands of people came out. They were inspired, of course, by the fact that it was Mother's Day and that we were addressing this issue because it is a family issue, and especially an issue that mothers take to heart because mothers, by their nature, protect their children. They came forward on the banks of Lake Michigan in Chicago and here on The Mall in Washington, DC, and in Los Angeles, and in cities across America, to say: Let us protect our children; protect our children from the gun criminals who menace our neighborhoods, our communities and our schools; protect our children from the gang bangers who spray these bullets from semiautomatic and automatic weapons across playgrounds, day care centers, and bus stops; protect our children from careless gun owners who insist on their constitutional right to own a gun but will not accept their moral responsibility to store it safely away from children; protect our children from a gun lobby in this town that has made a mockery of democracy, which owns this Chamber and owns the House of Representatives, which stops us in our tracks; protect our children from the indifference of millions of American families who know what I say is true but who didn't come to the march, who don't call a Congressman or a Senator and just shake their heads and say, "It's politics, it's hopeless; they don't listen, they don't care."

The Million Mom March was an inspiration to so many people. It was an inspiration to me because at the end of the march in Chicago, the Bell Campaign, which sponsored it, invited the families of gun victims to come forward and literally ring a bell for their victim. They started coming slowly from the crowd, and then the numbers increased. The procession went on and on and on—black, white, brown, men, women, brothers and sisters, sons and daughters, breaking down in tears as they pealed that bell for a gun victim.

I stood there, as a Member of the Senate, humbled by that experience, trying to imagine for one brief moment what it must be like to receive that telephone call or that knock on the door. I vowed I would come back to this Chamber this week and begin a personal campaign, a personal crusade to make the Senate act on this issue. To think that it is 1 year after Columbine and we have done nothing—we have not passed a bill to keep guns out of the hands of criminals or kids; we have been totally stopped by this gun lobby—it is a disgrace, a disgrace to this Chamber, to the Congress, and to this country. The million moms who came forward are watching and waiting and praying that before this ends, we will do something.

The National Rifle Association bought a full-page ad in the Washington Post Friday criticizing the Million Mom March. Here is what they said: "It is a political agenda masquerading as motherhood."

I have a message for the National Rifle Association. This was no masquerade; this was the real thing. These were real families who have endured the pain and suffering of gun violence. They are coming forward and challenging you, gun lobby, National Rifle Association, and challenging us in the Senate and in the House to do what is right for America, to reduce gun violence, reduce the pain, and reduce the suffering.

There is no excuse for the fact that, for 1 year, the Republican leadership in the House and Senate has refused to bring a bill to the floor so we could vote and send to the President a bill to keep guns out of the hands of criminals and kids. You will hear more about this issue.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from North Dakota is recognized for 10 minutes.

## FEDERAL RESERVE BOARD MEETING

Mr. DORGAN. Mr. President, a meeting started 1 hour and 5 minutes ago at 20th Street and Constitution Avenue here in Washington, DC. The Federal Reserve Board is meeting in a large room in a building that takes up nearly the entire block.

No one in this Chamber is allowed at that meeting. No ordinary American citizen is allowed at this meeting. The door is locked. They are meeting behind closed doors at the Federal Reserve Board to decide how much they want to raise interest rates once again.

I think it is important to allow people to see who is meeting. Here are the pictures of the folks at the Fed—the Federal Board of Governors. The ones with the stars are the regional Federal Reserve bank presidents who will make the decision this morning.

They increased interest rates last June, in August, in November, in February, and again in March. In North Dakota, in Idaho, in Illinois, and in California, the average American household is now paying $1,200 a year in additional interest charges as a result. If you have a $100,000 mortgage, you are paying $100 a month more for your mortgage payment. Why? Because the Federal Reserve Board feels that too many people are working in this country and that our economic growth ought to be slowed.

If you ask them about the circumstance, they would say: We really have controlled inflation; it is because we have increased interest rates that inflation has been under control.

That is like the weatherman taking credit for the sunshine. The fact is, this economy has worked in spite of the Federal Reserve Board.

This Federal Reserve Board, under Mr. Greenspan's tutelage, has added nearly a three-quarters of 1 percent increase in the real Federal funds rate during his term versus the 20 years prior. It has added nearly a two percent increase in the real prime rate during the Greenspan years versus the prior years. They have leaned and tilted their interest rate policies towards the big banking center interests, and against the consumer's interest and against the taxpayers' interests.

By what justification would they increase interest rates this morning? This morning the Consumer Price Index came out. It is flat; plumb flat. The Producer Price Index from last month was down. The core inflation rate is down.

By what justification will the Federal Reserve Board decide to charge higher interest rates on the American people? They say, in a Washington Post article by John Berry, that the new theory of the Fed is that if worker productivity is up in this country, it puts pressure on the economy, and, therefore, they should raise interest rates to slow down the economy.

What a prosperous notion. It used to be when I came to the floor and indicated that the Fed complained workers were getting more money, or there was a threat that they would get more money but their productivity wasn't rising, the Fed used to say that is inherently inflationary. Now what they say is that it doesn't matter how productive they are; in fact, the more productive they are, the more likely it is the Fed wants to raise interest rates.

Talk about people flying blind. I learned to fly an airplane about a quarter century ago. I remember that as you do your solo cross-country flying the airplane, you have to learn to rely on instruments. How do you know where you are going? You have to read your instruments? The fact is, the Federal Reserve Board doesn't have instruments that work anymore.

To the extent you could picture a group of bankers in gray suits and wearing goggles, with a leather helmet and a silk scarf—to the extent you could picture them flying and flying blind—I respectfully say they are flying in the wrong direction and are perfectly happy to do so even when told.

The thing that I find interesting is this: We have an economy that has been remarkably strong. The Fed has been remarkably wrong all along. They have said our economy cannot grow more than 2½ percent, and if it does we are going to have more inflation. It has and we haven't.

They have said that unemployment can't go below 6 percent. If it does, we will have more inflation. Unemployment has been below 6 percent for 5 years, and inflation has been down.

The Federal Reserve Board has been wrong about the performance of this economy. Yet as they write about the Fed, they simply take what the Fed says, print it, and they print no discussion about the alternatives. So we have no real debate about this.

The interesting thing is 30 years ago a one-quarter percent increase in interest rates proposed by McChesney Martin caused an outcry in this country. It was front-page headlines. Lyndon Johnson was President. He called this guy down to the ranch in Texas and put pressure on him all the weekend. It was front-page news. Today the Fed can go behind closed doors and raise interest rates one-half percent, and nobody seems to mind.

All of these chairs are largely empty in the Senate. I wonder where people are. What if someone were to bring to the floor of the Senate a proposal that said, what we would like to do is increase taxes on the average household in this country by $1,210 a year. If there were a proposal to increase taxes in the amount of $1,210 a year, all of these chairs would be full. There would be a raging debate, and all of the folks would come to the floor to talk about taxes. They would be hollering and bellowing.

But guess what. You can increase interest rates five, six, or seven times by the Federal Reserve, and impose an additional $1,210 a year interest charge on the average household, and there is not a whimper.

Again, let me give credit where credit is due. All of these folks look alike. They largely think alike. All of them wear gray suits. All of them have a banking background. When they close the doors and lock the American citizens out down at the Federal Reserve Board, they are going to make a banking decision.

What is the banking decision? They increase interest rates on the American people in order to protect the big banking center interests.

The point is this: There is no inflation. There is no evidence of inflation.

It is going to be uncomfortable for the Fed. But of course they do not deal with comforts. Once they close the doors, they have all the comforts at hand.

Just this morning the Consumer Price Index was announced, and it is flat; no inflation.

Just this morning—a little over an hour ago—they went into the room, closed the doors, and locked everybody else out. Guess what they are going to decide. They will announce that they have decided, despite the fact there is no inflation, because American workers are more productive that justifies an increase in the interest rates.

Why if the American worker is more productive should the American worker not be entitled to a better share of income? Of course, they should. That is not inflationary. But the Federal Reserve Board has now concocted this goofy new theory that says if the American worker is more productive, they must impose an added charge on the average American.

You talk about people who can't think. I don't understand. Maybe they need to loosen all those neckties. But there is something wrong at the Fed.

I would be happy to yield for a question.

Mr. HARKIN. I thank the Senator for yielding. I thank him for bringing us back to this point about the Fed behind closed doors. When they raise the rates, this is really a hidden tax, is it not, I ask the Senator.

Mr. DORGAN. It certainly is, and it is a tax that was not a part of any public discussion and imposed in a room with the doors locked.

Mr. HARKIN. No representation for the American people.

Mr. DORGAN. No representation.

Mr. HARKIN. I want to ask the Senator another question. The decisions they make today are behind closed doors. Does the Senator know how long it will be before we will be able to look at the detailed books to find out why they made those decisions? I will answer it. It will be 5 years before we will fully know why they made the decisions. Maybe if we knew tomorrow, or next week, or next month why they made the decision, we might want to make some changes around here in the way we operate. They make the decisions, and we will not know the full picture for 5 years why they did it.

Mr. DORGAN. We will know in 5 minutes that it was a mistake. If these folks at a time when there is no additional inflation raise interest rates once again to try to slow down this economy and penalize the American workforce for being more productive, we will know in 5 minutes that is a mistake.

I hope with this announcement that will apparently be made at about 2 o'clock this afternoon this group of folks perhaps might exhibit some good sense for a change.

Mr. HARKIN. I thank the Senator.

Mr. DORGAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand it, we are in morning business, and we have some 22 minutes remaining.

The PRESIDING OFFICER. The Senator is correct.

The Senate is in morning business.

The Senator from Massachusetts is recognized.

## THE SENATE AGENDA

Mr. KENNEDY. Mr. President, I yield myself 7 minutes, the Senator from Minnesota, 7 minutes, and the Senator from Iowa, the remaining time.

First of all, I join with our colleagues who spoke earlier about the extraordinary events we saw on The Mall this past weekend.

I was here a few moments ago when we listened to the majority leader talk about the urgency of passing a comprehensive energy program. Energy programs are important, and we have a great interest in it in our part of the country, particularly as we are looking forward to another fall and another winter, and the importance of developing some protections in the form of reserves and other factors. That is a very important policy issue. I am glad our Republican leader thinks that is of such urgency.

But the fact is, the issues which the Senator from California and others have spoken about, and taking sensible and responsible and commonsense actions on guns, particularly to ensure greater safety and security in the schools of this country, are also a matter of enormous importance.

I am reminded of the debate we had on elementary and secondary education. We had 6 days of debate, although some of that was limited in terms of being able to debate only a handful of amendments. We took 16 days on the bankruptcy bill and had 67 amendments.

Many of us on our side believe we ought to put our priorities straight. One of them is to take action in terms of sensible and commonsense issues on the proliferation of guns.

Second, we ought to be addressing the education issue, which is of such importance to families across this country.

We reject the position of the majority in giving short shrift on the issue of education. We want to debate that, and we want action on it.

## BANKRUPTCY REFORM

Mr. KENNEDY. Mr. President, I want to bring to the attention of the Senate the continued deterioration of the position which had been accepted previously by the Senate on the issue of bankruptcy.

That may seem an issue that is distant and remote to many of our colleagues or many around this country, but it is an issue that will affect basically working women who are disproportionately hit by the pressures of bankruptcy because of the allocations of credit at the time of separation or their shortage of alimony or the shortage of child payments. It hits them disproportionately.

It hits older workers disproportionately in terms of their medical bills. About half of those bankruptcies are a result of the escalation and the costs of medical bills, coupled with the fact of prescription drug costs and the shortage of prescription drugs. That is another matter of priority. That is another matter we believe ought to be addressed. The failure of this body to address providing decent quality prescription drugs on the basis of need and on the ability to pay is also a major gap in our Medicare system. We should be taking action on that. When we don't, we find increasing numbers of individuals are falling into bankruptcy because they can't afford the prescription drugs. The credit cards last for only so long, and the payments they receive in terms of working families last only so long, and then they get overwhelmed with their payments and they go into bankruptcy.

There is a third group of individuals who go into bankruptcy as a result of being downsized. They worked hard all of their lives. The people who go into bankruptcy have the same work habits as those who do not. The overwhelming majority are hard-working Americans who fall into hard times.

As has been stated time and time on the floor of this body, it is always useful to ask who is going to benefit from a piece of legislation and who is going to pay a price with the passage of a piece of legislation. I have not seen in this Congress or any recent times the scales so unbalanced. Those that are going to benefit are going to be the credit card companies, banking interests; those harshly treated will be average working Americans who have fallen into difficult times, either economically or because of health care needs or because of age and the job challenges they are facing.

Only recently there was an excellent article in Time magazine. The total number of individuals going into bankruptcy is declining. Still, we have this economic power that is trying to jam this legislation through the House of Representatives and the Senate of the United States behind closed doors. I was listening to my colleagues talk about actions taken behind closed doors. They find out on the bankruptcy legislation these are matters that are taking place behind closed doors as well.

The Time magazine article pointed out what is happening to an average family. Charles and Lisa Trapp are mail carriers in Plantation, FL, where Annelise, 8 years old, developed a muscular disorder and needed around-the-clock nursing care. Lisa had to quit her job, and with $124,000 in doctor bills, insurance will not cover paying off credit cards, which is the least of their worries. They have filed for chapter 7 bankruptcy. The medical costs are what the Trapp family insurance did not cover. They had to use credit cards to buy groceries and they have an accumulation of $59,000 in credit card bills. The point is, they used the funds available on the credit cards for their groceries so they could use what income they had to pay for the needed prescription drugs.

This family, under this Republican bill, is treated harshly and poorly. The Trapp family are a brave and courageous family. And this situation is being replicated. It is fundamentally wrong.

Mr. President, for over two years, Congress has been struggling to reform the bankruptcy laws. From the beginning, the debate has been unfairly slanted toward the credit card companies and banks at the expense of vulnerable Americans. It is especially disturbing that the final bill may well be drafted without the appointment of conferees or even public meetings. The American people deserve a better process and a fairer bill.

A fair bankruptcy reform bill will balance the needs of debtors and creditors. It will not allow credit card companies and other special interests to take unfair advantage of thousands of citizens who find themselves in economic crisis—citizens like the Trapp family recently featured in Time magazine.

The Trapps are not wealthy cheats trying to escape their financial responsibilities. They are a middle class family engulfed in debt because of circumstances beyond their control. Like half of all Americans who file for bankruptcy, the Trapp family had massive medical expenses.

Charles and Lisa Trapp met while working as mail carriers in Plantation, Florida. They married and have three children—the youngest, Annelise, has a degenerative muscular condition. She requires round-the-clock medical care. In her wheel chair or in bed, she uses a respirator at least eight hours a day. As a result, the Trapps have $124,000 in doctors' bills that insurance won't cover, and $40,000 of credit card debt for groceries and other necessities.

The plight of the Trapp family is similar to that of many other American families confronted with serious illness and injury. Over 43 million Americans have no health insurance, and many millions more are under-insured. Each year, millions of families spend more than 20 percent of their income on medical care. Older Americans are hit particularly hard. Too often, each of these families and senior citizens is one serious illness away from bankruptcy.

A report recently published in Norton's Bankruptcy Adviser says,

> The data reported here serve as a reminder that self-funding medical treatment and loss of income during a bout of illness or recovery from an accident make a substantial number of middle class families vulnerable to financial collapse . . . For middle class people, there is little government help, so that when private insurance is inadequate, bankruptcy serves by default as a means for dealing with the financial consequences of a serious medical problem.

The data collected in the report make clear that this problem affects both the poor and the middle class. In many cases, health insurance is insufficient to protect a family with medical problems. "The bankruptcy courts are populated not only with the uninsured, but also with those whose insurance does not cover all the financial consequences of their medical problems"—families facing medical debts that have outrun their policy limits—facing co-payments beyond their means—facing lost income not covered by their insurance.

When the health care system fails these men and women and children, the bankruptcy system catches them before they hit rock bottom. What will happen to these families if we fundamentally destroy the bankruptcy system?

What will happen to those who can't pay their bills because they were laid off in a merger or downsizing that left them without adequate income or basic benefits? Over half of all Americans say that the reason they file for bankruptcy is because of job loss. That fact is not surprising. Despite low unemployment, a record-setting stock market, and large budget surpluses, Wall Street cheers when companies—eager to improve profits by down-sizing—lay-off workers in large numbers.

Often, when workers lose a good job, they are unable to recover. In a study of displaced workers in the early 1990s, the Bureau of Labor Statistics reported that only about one-quarter of these workers were later employed in full-time jobs paying as much as or more than they had earned at the job they lost. Too often, laid-off workers are forced to accept part-time jobs, temporary jobs, and jobs with fewer benefits or no benefits at all.

For many hard-working men and women, these job benefits—particularly a pension— can be the difference between a secure retirement and poverty. But instead of action by Congress to expand pension benefits, an offensive anti-pension provision was quietly slipped into the bankruptcy reform bill at the last minute.

It is wrong for Congress to let credit card companies and other lenders pressure workers to give up the protection they now have for their pensions in bankruptcy. Clearly this so-called "pension waiver" provision should be struck from the final bill.

It would also be a mistake to "cap" the amount of pension assets that a worker can protect in bankruptcy. Federal law already imposes strict limits on pension contributions. Unlike homestead abuses, retirement plans can't be used as part of a scheme to divert assets before bankruptcy.

It was the combination of a medical problem and a job loss that pushed Maxean Bowen—a single mother—into bankruptcy. Maxean told Time magazine that she was a social worker in the foster-care system in New York City when she developed a painful condition in both feet that made her job, which required house calls, impossible. As a result, she had to give up her work and go on the unemployment rolls. Her income fell by 50 percent. She had to borrow from relatives, and she used her credit cards to make ends meet. Like so many others in similar situations, she believed that she would soon be back on her feet and able to pay her debts. But, like thousands who file for bankruptcy, even when Maxean was able to work again, she owed far more than she could repay.

She was at the mercy of her creditors. "They would call me on the job . . . that was very embarrassing. They call you early in the morning. They call you late at night. Sometimes I get calls at 10 o'clock at night. And they are very nasty." Maxean tried paying her creditors a few hundred dollars when possible, but it wasn't enough to keep her bills from piling up because of interest changes and late-payment fees. Maxean said she was "going crazy."

If she was going crazy, so are many others. Reports show that by the time individuals and families file for bankruptcy protection, more than 20 percent of income before taxes is going toward paying interest and fees on their debts. Time magazine reports that study after study proves that Chapter 7 debtors have little if any ability to repay more of their debts. "The notion that debtors in bankruptcy court are sitting on many billions of dollars that they could turn over to their creditors is a figment of the imagination of lenders and lawmakers."

Maxean's plight was made worse by the fact that she is a single mother. In 1999, over 500,000 women who head their own households filed for bankruptcy to try to stabilize their economic lives. 200,000 of them are also creditors—trying to collect child support or alimony. The rest are debtors struggling to make ends meet. Divorced women are four times more likely to file for bankruptcy than married women or single men.

The House and Senate bankruptcy bills are especially harsh on divorced women and their children. Under current law, an ex-wife trying to collect support enjoys special protection. Her claims—like very few others—survive her husband's bankruptcy and provide a realistic opportunity to collect support payments from her former husband. Under the pending bill, however, credit card companies are given a new right to compete with women and children for the husband's limited income after bankruptcy.

It is true that the bill moves support payments to the first priority position in the bankruptcy code. But that only matters in the limited number of cases in which the debtor has assets to distribute to a creditor. In most cases—close to 99 percent —there are no assets, and the list of priorities has no effect.

The claim of "first priority" in bankruptcy is a sham to conceal the real problem—the competition for resources after bankruptcy. This legislation creates a new category of debt that cannot be discharged after bankruptcy—credit card debt. And, when women and children are forced to compete after bankruptcy with these sophisticated lenders, the women and children lose.

In ways like these, the bankruptcy reform bills currently being negotiated by the House and the Senate are a travesty. They remove the bankruptcy safety net that has been a life-line for the poor and middle class. The credit card companies will receive a huge windfall, and they will walk away with few incentives to act more responsibly. And in a further insult, the House Republican negotiators want to preserve one of the most flagrant fat-cat loopholes—the ability of wealthy debtors to escape their responsibilities by using the homestead loophole in the current bankruptcy code.

The Time magazine article makes these points effectively by comparing the plight of two debtors—James Villa and Allen Smith. James Villa is a 42 year-old stockbroker living in a $1.4 million home in Boca Raton, Florida. He was President, CEO and indirect owner of 99.5 percent of the stock of H.J. Meyers & Co., Inc—a brokerage firm with offices around the country. During the firm's heyday, Mr. Villa bought expensive cars, boats, and jewelry. But he fell on hard times when Massachusetts securities authorities found that his firm had engaged in fraudulent and unethical practices. Before further action could be taken, the firm closed its doors and Mr. Villa moved to Florida. That state has a broad homestead exemption, which allowed him to protect $1.4 million of assets—his Boca Raton home—from creditors, including clients of the brokerage firm who had lost their savings.

How can that be fair, when Allen Smith, a retired security worker, has lost everything? Mr. Smith served in the Coast Guard during World War II and later went to work at Chrysler. He was eventually laid-off during a downsizing. Too young to collect Social Security, he started working as a security guard. He and his wife Carolyn bought a home and lived a solid middle-class lifestyle until their lives started to crumble.

Beginning in 1984, Mr. Smith's wife lost her toe, then one leg, then the other leg to diabetes. To accommodate her disability, Mr. Smith renovated their home using money borrowed against the equity. He developed throat cancer, high blood pressure, and a heart murmur and had to leave his job. The family was $115,000 in debt—double their annual income—so the Smiths filed for bankruptcy. They agreed to pay $100 a month under the requirements of Chapter 13.

Carolyn Smith died later that year, and Mr. Smith was left—without her companionship or Social Security checks—to struggle alone. Eventually—after being hospitalized with a stroke, after cataract surgery, and after an irresponsible friend didn't pay his mortgage—Mr. Smith's Chapter 13 bankruptcy failed. His situation isn't unusual—two-thirds of all Chapter 13 plans fail—but the consequences were devastating. Mr. Smith will be moved to Chapter 7, and he will lose his home.

Any bill sent to the President for his signature must not make Allen Smith's life more difficult while protecting James Villa's ability to live in luxury. Congress must pass a better and fairer bill worthy of the name reform. The President should not hesitate to veto a bad bankruptcy bill that flunks the fairness test.

For over a century, the bankruptcy laws have provided needed relief for those who fall on hard times. This Congress should not be a party to unfair reforms designed to benefit the powerful credit card industry and wealthy debtors, at the expense of the large numbers of needy citizens whom the bankruptcy laws are supposed to help, not hurt.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. How much time remains?

The PRESIDING OFFICER. Under Senator KENNEDY's control, Senator WELLSTONE has 7 minutes and Senator HARKIN has 7 minutes, and, following that, Senator KENNEDY retains 2 minutes.

Mr. WELLSTONE. Mr. President, I am pleased to join Senator KENNEDY and some of my other colleagues on the floor here today to talk about the so-called bankruptcy reform bill. I spoke for about twenty minutes yesterday on the same topic and my intent then is the same as that of my colleagues today: which is to shine a line on this bankruptcy bill, and focus the attention of the Senate on what Congress is poised to do to harshly punish working families overwhelmed by debt.

Yesterday I mentioned the Bartlett and Steel article from Time magazine of last week entitled "Soaked by Congress." I commend it to my colleagues' attention. And yesterday I also read some excerpts from that article to give colleagues an idea of what a typical family actually looks like who files for bankruptcy. In all honesty, I think many in the House and Senate were hoodwinked last year by a very clever media campaign on the part of the big banks and the credit card industry. I mean, it shouldn't be too surprising that the bill passed with the overwhelming margin that it did if you assumed that colleagues focused on the media campaign, the ad campaign, the legions of Gucci loafer wearing lobbyist that descended on the Hill. Because, frankly, I don't believe that many of my colleagues who did vote for the bill would have done so had they known then what they should know now, now that there has been some balance to the debate.

Now the House and Senate leadership have staff burning the midnight oil trying to finish this bill so that they can stick it in an unrelated conference report. But while they do that, we have 40 million Americans without health insurance who we aren't rushing emergency legislation to safeguard. The Patients' Bill of Rights is MIA in conference for almost a year. We are crawling along—actually not even crawling anymore it appears—on Education—though schools are crumbling and kids can't learn because we aren't investing what we should into their education. I mean these are real emergencies facing millions of Americans. And yet it is so-called bankruptcy reform that the House and Senate are falling all over themselves to pass. This morning I want to focus on the reasons why this bill is being moved at light speed—the false reasons as well as the real reasons.

Bankruptcy does not occur in vacuum. We know that in the vast majority of cases it is a drastic step taken by families in desperate financial circumstances and overburdened by debt. The main income earner may have lost his or her job. There may be sudden illness or a terrible accident requiring medical care. Certainly most Americans have faced a time in their lives where they weren't sure where the next mortgage payment or credit card payment was going to come from, but somehow they scrape by month to month. Still, such families are on the edge of a precipice and any new expense—a severely sick child, a car repair bill—could send a family into financial ruin. Despite the current economic expansion there are far too many working families in this situation. That is the true story behind the high number of bankruptcy filings in recent years and I want to make clear to my colleagues that the evidence shows that the very banks and credit card companies who are pushing this bill have a lot to do with why working families are in this predicament today.

The bankruptcy system is supposed to allow a person to climb back up after they've hit bottom, to have a "fresh start." There is no point to continue to punish a person and a family once their resources are over matched by debt. The bankruptcy system allows families to regroup, to focus resources on essentials like their home, transportation and meeting the needs of dependents. Sometimes the only way this can occur is to allow the debtor to be forgiven of some debt, and in most cases this is debt that would never be repaid because of the debtor's financial circumstances. In fact, in over 95% of bankruptcy cases creditors receive no distributions from the filer's assets—not because folks are able to beat the system—but because in the vast majority of cases the debtor simply has no assets left.

The sponsors of this measure and the megabanks and credit card companies behind this bill don't like to focus on those situations. They paint a picture of profligate abuse of the bankruptcy system by irresponsible debtors who could pay their debt but simply choose not to. Such people do take advantage of the system, there is no question. But this bill casts a wider net and catches more than just the bankruptcy "abusers."

"Soaked by Congress" does an excellent job of setting the record straight. It notes that a study last year by the American Bankruptcy Institute found that only 3 percent of debtors who file under Chapter 7—where debtors liquidate assets to repay some debt while the rest of the debtor's unsecured debt is forgiven—would actually have been able to pay more of their debt than they are required to under Chapter 7. Even the U.S. Justice Department found that the number of abusive claims was somewhere between 3 percent and 13 percent. This means that the number of people filing abusive bankruptcy claims is astonishingly low. But this legislation seeks to channel many more debtors into chapter 13 bankruptcy—where the debtor enters a 3-5 year repayment plan and very little debt is forgiven. Yet in the pursuit of the few, this bill imposes onerous conditions, and ridiculous standards on all bankrupts alike. Additionally, under current law, 67 percent of the debtors in chapter 13 fail to complete their repayment plan often because they did not get enough relief from loans, and because economic difficulties continued. So this legislation would take individuals, the majority of whom desperately need a true "fresh start", and force them into a bankruptcy process which ⅔ of debtors already fail to complete successfully. And my colleagues call this reform?

Furthermore, the consumer credit industry would like this to be a debate about financial responsibility. But what is apparently not obvious to many of my colleagues is that debt involves both a borrower and a lender. Yes, a person should be responsible for repaying money lent to them on fair terms. But is it not in the lender's interest to not over lend? Should not the banks, and the credit card companies, and the retailers bear some responsibility for the so-called bankruptcy crisis?

As high cost debt, credit cards, retail charge cards, and financing plans for consumer goods have skyrocketed in recent years, so have the number of bankruptcy filings. As the consumer credit industry has begun to aggressively court the poor and the vulnerable, bankruptcies have risen. Credit card companies brazenly dangle literally billions of card offers to high debt families every year. They encourage card holders to make low payments toward their card balances, guaranteeing that a few hundred dollars in clothing or food will take years to pay off. The lengths that companies go to keep their customers in debt is ridiculous.

So any thinking person would ask at this point. Why is the House and Senate calling out the stops to pass this bill? What's driving this bill? Well as "Soaked by Congress" notes, the big banks spent $5 million last year specifically on bankruptcy lobbyists and another $50 million on firms that lobbied on bankruptcy as well as other matters. I wonder how much money working families overburdened with medical bills paid to influence Congress last year? Is that why we weren't listening?

That makes this a reform issue, a basic question of good government. Regardless of how you feel about the bill, this is terrible legislating. I don't think that the 100 members of the Senate or the 435 members of the House came to Congress to be dictated to by secret committees formed by the leadership. This week we are debating education in the Senate. Can you imagine trying to explain to a 9th grade civics class what the House and Senate leadership are trying to do? They would learn how minority rights are protected in the Senate, about how there are regular procedures—high bars—for the majority to overcome to force something to passage over the objections of a determined minority. All of that goes out the window for the 4th branch of government—the conference committee.

We don't have time for debate, we don't have time for legislative battles in this Congress. We don't have time for the hallowed traditions of the Senate. Just form a secret committee and stick in an unrelated conference report in the dead of night. What is so essential about this bill that the leadership must make such a mockery of the legislative process?

The most expedient means is the best means according to this logic. But at what cost? Only a handful of power brokers are at the table. Working families aren't represented. Seniors aren't at that table. Minorities aren't in the loop. Women and children, and single parent families weren't invited.

So I would say to my colleagues in closing, folks can make the claim that big money doesn't buy results in Congress but they won't use this bill as the poster boy for that argument. I urge my colleagues on both sides of the aisle to go to their leadership. It isn't too late to ask them to reconsider this course.

We come to the floor today as Senators to shine a light on the bankruptcy bill. I spoke about this bill for some 20 or 30 minutes yesterday. I thank two fine journalists, Bartlett and Steele, for their fine work, "Soaked by Congress." I sent this article out to every Senator. I hope my colleagues will read this article. It is about how the House and Senate were hoodwinked last year by a clever media campaign on the part of big banks and the credit card industry.

I point out not to my colleagues but, frankly, to people in the country that some of the House and Senate leadership, with the majority party taking the lead, have been burning the midnight oil trying to finish this bankruptcy bill so they can stick it into an unrelated conference report. While they do that, we have 40 million people who don't have any health insurance at all. That is not an emergency? While they do that, the patient protection bill of rights is barely moving at all. It may be crawling; it may not even be crawling. While they do that, we don't pass any kind of education measure. While they do that, there is no response to 700,000-plus mothers—Sheila and I were proud to join them this past Sunday—who came to Washington, DC. They said: We are a citizens' lobby. We will take on special interests. We will be here for our children. We will be here to reduce violence. We will be here for sensible gun control. But there has been no response to that. That is not considered to be an emergency?

But boy, oh boy, when it comes to this bankruptcy bill, some of my colleagues, some of the leadership on the other side, can't wait to stick this into an unrelated conference report. I think there is a reason for that. In the piece that Bartlett and Steele wrote called "Soaked by Congress," they do an excellent job of getting the record straight. As opposed to the media campaign by these banks and credit card companies about all of this abuse, it turns out that the American Bankruptcy Institute found only 3 percent of debtors under chapter 7 could have done any better.

Now, all in the name of a few people who abuse this system, we have families my colleague, Senator KENNEDY, talked about, with 40 percent of them in bankruptcy because of medical bills, and the vast majority of the remaining are because someone lost their job or because there has been a divorce and now they are a single parent.

What in the world is going on here? In this piece, "Soaked by Congress," Barlett and Steele point out that big banks spent $5 million last year specifically on bankruptcy lobbyists and another $50 million on firms that lobbied on bankruptcy as well as other matters.

I say to my colleague Senator FEINGOLD, and my colleague Senator HARKIN, and I would say it to my colleague Senator KENNEDY if he were on the floor, this is the ultimate reform issue. We are talking about people, mainly women, mainly senior citizens, mainly working-income, maybe low-income people, people without much clout who are completely rolled by this bill.

Now we find out all about the pension grab. Now we find out about all sorts of other provisions that are egregious, that I do not have time to summarize, that I summarized yesterday. Now we find out that, given where this bill is going in conference, it is going to be even more harsh toward the most vulnerable citizens in this country. But that will not see the light of day; it will get tucked into an unrelated conference report.

I say to my colleagues, we do intend to speak out on this issue. I hope the President will make it clear he will veto this bill. It is too harsh, there are too many egregious provisions, and right now we are not conducting our business the way we ought to as the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 7 minutes.

Mr. HARKIN. Mr. President, I thank Senator KENNEDY and others for getting this time to talk about the bankruptcy bill.

I must at the outset admit that due to the press of business around here, and I am not on that committee that formulated this bill, I had not really looked at the bankruptcy portions of it in depth. A lot of people I admire and have respect for have supported the bill. I supported a number of amendments. When the bill finally passed, I had some qualms about it. I voted against it. But I had not really delved into it in very much depth until a week ago, last week, when Time magazine came out with one of the longest stories I have ever seen Time magazine do. It has been mentioned by the previous two speakers, a story called "Soaked By Congress." It is 12 pages or more long.

I read it. When I read it, some memories started coming back to me of my days when I was a legal aid lawyer before coming to Congress. I was thinking about the people we represented at the low end of the economic spectrum who could not afford to get another attorney from a private law firm, and the people we took through bankruptcy. These were people at wit's end. I remember them. Often it was a woman with a couple of children, her husband took off, there was illness in the family, she racked up a lot of bills, and she had nowhere to go.

At that time in Iowa, we were also debating a bill in the Iowa Legislature to limit the amount of interest that could be charged on a credit card. The Iowa Legislature in fact at that time passed a limit of 15 percent. It did not hurt the State at all. I remembered that, reading this article.

When you heard the debate out here on the bankruptcy bill, you would think these were people out living high on the hog, going to the best restaurants, taking foreign vacations, driving Mercedes Benz cars and BMWs, they have beautiful homes and stuff, and all of a sudden they decide they have been living the life of Riley and they do not want to pay their dues, so they go into bankruptcy court. That is the image of the average person filing bankruptcy that came out here on the Senate floor during that debate. That is a very bad misrepresentation.

As the Time magazine article pointed out, the median characteristics of a person discharging chapter 7 bankruptcy: Gross income, $22,800—gross; reported expenses, $20,592; total debt, $42,000, of which miscellaneous debt—medical bills is about $10,000; unsecured debt, credit card, about $23,000; and secured debt, a car, about $9,000.

Another thing I remembered from my days as a legal aid lawyer: Most of the people going into bankruptcy were women. It has not changed. As the Time magazine article points out, 497,000 single women filed for bankruptcy last year compared to only single 367,000 men.

What are the reasons? Because of a job loss, 51 percent; 46 percent because of medical reasons; 19 percent because of a family breakup. The reason that adds up to more than 100 percent is that people said: I lost my job and my family broke up. That is why most people are going into bankruptcy court today, not because they have been living high on the hog and they are out there trying to get away.

We heard statements made on the floor that bankruptcy is not as shameful as it used to be. I beg to differ. Most of the people who go into bankruptcy court are embarrassed, they are ashamed. I remember them from my days as a legal aid lawyer. They fell on hard times, the interest charges keep piling up and piling up, and they could never get ahead of it. They have kids to care for, and they have expenses they have to keep up just to take care of their families. That is who is going into bankruptcy court. It is not because of living high on the hog.

The real deviousness of the expected final version of the bill, what is really bad, is, for example, as Time magazine pointed out, an individual who had made millions of dollars sort of scamming the system on investments—Villa, his name is. James Villa is a 42-year-old one-time stockholder who lives in a $1.4 million home in Boca Raton. They contrasted him to 73-year-old Allen Smith, a retired autoworker with throat cancer who lives in an $80,000 home in Wilmington, DE.

They go through the whole story. I do not have the time. You can read it. But Villa profited handsomely, he bought Ferraris, he bought a $22,000 Rolex watch for his wife, a 3-carat $44,000 wedding ring, $9,000 diamond earrings. In October 1988, Massachusetts securities authorities ruled he had been engaging in fraudulent and unethical practices. They revoked their broker-dealer registration. He packs up, moves to Florida, takes his money, and buys this huge $1.4 million house. Guess what. It is beyond the reach of his creditors thanks to the homestead exemption in Florida.

How about 73-year-old Allen Smith of Wilmington, DE? He served in World War II, worked hard all his life as an auto mechanic, and, guess what. He lost his job, then his world started falling apart, and now he has cancer. He has filed chapter 13, and now they can take his house away from him.

We stopped that abuse in the Senate version of the bill. But, unfortunately, I am told that the loophole filled provision in the House that will allow this practice to continue is likely to be in the final measure. This bill is bad, it is getting worse.

The PRESIDING OFFICER (Mr. ENZI). The time of the Senator has expired.

Mr. FEINGOLD. How much time do Senators KENNEDY and WELLSTONE have remaining?

The PRESIDING OFFICER. Senator KENNEDY has 5 minutes remaining.

Mr. FEINGOLD. I ask unanimous consent I be yielded Senator KENNEDY's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am pleased to join my colleagues on the floor this morning to talk about the bankruptcy bill. We need to talk about this bill because what is now going on is that those who desperately want to pass the bill are acting in secret to try to avoid the public scrutiny that might lead to some changes in the bill that will benefit average people.

The latest rumor is that the bankruptcy bill's sponsors want to combine it with the "e-signature" bill and a bill that has never even been considered on the Senate floor—the bill to increase the number of H-1b visas—and bring it to us as a package. Supposedly this will make it more appealing to some people who oppose one or another of those bills. But I think combining major pieces of legislation in a package like this just makes things worse. We are talking here about doing an end run around the legislative process simply to get things done for a narrow set of special interests. I think that's a disgrace and I hope my colleagues will resist it.

This is a bill that gets worse the more you look at it. I am disturbed by reports that the final bill will look more like the House-passed bill than the bill that passed the Senate. But it does not surprise me that this is happening, since a bill that is worked out behind closed doors is much more likely to favor powerful financial interests. A public process generally serves the public interest. So no one should be shocked that the private process that the bill's proponents have been following is going to yield a bill that leaves the public behind.

I commend to all my colleagues a major investigative story in the May 15th issue of Time Magazine by reporters Donald Bartlett and James Steele. Bartlett and Steele have done a masterful job in explaining how bankruptcy reform legislation ended up being a wish list for the credit card industry. Even more important, they show us the kinds of people who will be hurt by this bill—honest debtors who are down on their luck, forced into bankruptcy by the loss of a job or divorce or catastrophic medical bills. The bill is particularly detrimental to the interests of women. They constitute the largest segment of bankruptcy filers in 1999. These are the people that this bill turns its back on, at the same time that it gives the credit card industry virtually everything that it asked for.

Now I don't deny that there is need for some reform in our nation's bankruptcy laws. But what happened with this bill is that when monied interests were given an inch to correct some abuses they took a mile. One area that I devoted a lot of time to on the Senate floor was the treatment of tenants under this bill. The landlord-tenant provision of this bill is typical of the sledgehammer approach that the bill takes to alleged abuses by people declaring bankruptcy.

It started with stories of people repeatedly filing for bankruptcy in order to avoid paying rent. But to address that situation a provision was inserted in the bill that completely eliminates the protection of the automatic stay for tenants in bankruptcy. And when I suggested in an amendment that tenants who had never before filed for bankruptcy and were willing to pay their rent during the bankruptcy proceedings should be protected from being thrown out on the street, the proponents of this bill said no. The National Association of Realtors and other groups representing landlords adamantly opposed any weakening of the extreme provision in the bill. And they got their way.

That is the kind of excess that you get in legislation when one side is dumping money into the process and the other side is not or cannot. Common Cause just put out a stunning report recently on the amount of money that the credit industry has contributed to members of Congress and the political parties in recent years. $7.5 million in 1999 alone, and $23.4 million in just the last three years. One company that has been particularly generous is MBNA Corporation, one of the largest issuers of credit cards in the country. In 1998, MBNA gave a $200,000 soft money contribution to the Republican Senatorial Committee on the very day that the House passed the conference report and sent it to the Senate.

This year, MBNA gave its first large soft money contribution ever to the Democratic party—it gave $150,000 to the Democratic Senatorial Campaign Committee on December 22, 1999, right in the middle of Senate floor consideration of the bill.

So it is no mystery to me why this bill is so anti-consumer, and I don't think it's a mystery to the public either. The bill contains precious little to address abuses by creditors in debt collection and reaffirmation practices, and it contains very weak credit card disclosure provisions. The credit card industry has ridden the rise in personal bankruptcies to get the changes in the law that it wants, but has resisted efforts to inform consumers of the risks of overuse of credit cards. Better disclosure might reduce the number of bankruptcy filings in this country, but the credit industry has successfully prevented the Congress from requiring such disclosure.

There is still time to step back from the brink. Nonpartisan experts have many recommendations to reform the bankruptcy laws in a balanced and fair way to get at the abuses, without causing undeserved misery to thousands of powerless and defenseless Americans. Let's listen to them rather than the credit card issuers who are lining our campaign treasuries.

I again thank the Senators from Massachusetts, Minnesota and Iowa and my other colleagues who are here this morning to call attention to this crucial issue, and I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware for up to 10 minutes.

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## SUPREME COURT DECISION IN U.S. v. MORRISON

Mr. BIDEN. Mr. President, I attended the Million Mom March with my wife. I do not think anyone should misunderstand the significance and consequence of so many mothers and a number of fathers giving up Mother's Day to make an important point. These were not a bunch of wild radicals. These were a bunch of moms from rural areas, inner cities, and suburban areas. They were black, they were white, Hispanic, Asian American. They were basically making a plea. As I stood there and listened, I was reminded of a quote attributed to John Locke speaking about someone he heard. He said:

> He spoke words that wept and shed tears that spoke.

I do not know how anyone could have attended any significant portion of that march and not felt, as John Locke felt, listening to the words these women spoke that wept and the tears they shed that spoke volumes about the insanity of our policy.

Irony of all ironies; the next day, on Monday, the Supreme Court hands down a decision, not about guns but about the protection and empowerment of women in society. Yesterday, in United States v. Morrison, the Supreme Court struck down a provision of an act that I spent 8 years writing and attempting to pass—six of which were in earnest—the so-called Violence Against Women Act. There is one provision of that act they struck down and only one provision. That is the provision that empowered women to take up their cause in Federal court to make the case they were a victim of sexual abuse because, and only because, of their gender and to sue their attacker for civil damages in Federal court; empowering women to not have to rely on the prosecutorial system or anyone else to vindicate the wrong that had been done to them if they can supply the proof.

As the author of that act, I must tell my colleagues that I was disappointed by the Court's decision but, quite frankly, not surprised by it.

I emphasize, though, the Morrison case struck down the civil rights cause of action women have in Federal court, no other part of the act. Nothing in the Court's decision yesterday affects the validity of any other provision, any other program, or the need to reauthorize these programs through my bill, the Violence Against Women Act II, which now has 47 cosponsors.

Unfortunately, I believe the Court's ruling yesterday will have a significant impact on Congress' ability to respond to public needs in a way that has not been constrained since the 1930s. The Court has been inching toward this decision and this line of reasoning in case after case over the last several years. The Court has grown bolder and bolder in stripping the Federal Government of the ability to make decisions on behalf of the American people, part of the objectives of the Honorable Chief Justice, who believes in the notion of devolution of power and thinks that the Federal Government should have significantly less power.

The Court's decision—and these have all been basically 5-4 decisions—in United States v. Lopez in 1995 struck down the Gun-Free School Zones Act, a decision upon which the Court heavily relied in the Morrison case in striking down the civil rights remedy.

In the case of Boerne v. Flores, a 1997 case, the Court struck down the Religious Freedom Restoration Act. Again, this is not mostly about what act they like and do not like; it is about Congress' power. Those who thought we should not be dealing with guns were happy with the Lopez case substantively. Those who thought we should have more religious freedom in public places, our conservative friends—and I happen to agree with them on that point—were disappointed when the Supreme Court reached in and said as to section 5 of the 14th amendment, which is the provision which says the Congress shall determine how to enforce the 14th amendment, no, no, no, Congress is not the one; we—the Court—are going to decide.

There, then, was another decision, the Supreme Court's watershed decision in the Seminole Tribe of Florida v. Florida, a 1996 decision, and the cases that followed, in which the Court limited Congress' ability to authorize private citizens to vindicate Federal rights in lawsuits against their States, and that included the Fair Labor Standards Act and the Age Discrimination Act.

Putting it in simple terms, if the State of Florida discriminated against somebody in State employment because of age in violation of the Federal act, the Court said: Sorry, Florida has immunity. A Federal Government cannot protect all Americans against age discrimination because of a new and novel reading of the 11th amendment.

The Court's decision today is at peace with those rulings. Fundamentally, this decision is about power. Who has the power, the Court or the Congress, to determine whether or not a local activity, such as gender-motivated violence, has a substantial impact on interstate commerce? Yesterday the Court said it: The Court has this power—echoes of 1920 and 1925 and 1928 and 1930, the so-called Lockner era.

I find it particularly striking the Court acknowledged in Morrison that in contrast to the lack of congressional findings supporting the law struck down in Lopez, the civil rights remedy is supported by numerous findings regarding the serious impact of gender-motivated violence on interstate commerce. I conducted 4 years of hearings to make that record.

We showed overwhelmingly that the loss of dollars to the economy of women being battered and abused and losing work is billions of dollars. We showed overwhelmingly that women make decisions about whether to engage in a business that requires them to cross State lines based in significant part upon the degree to which they think they can be safe, based upon a survey of 50 State laws, and whether or not they adequately protect women as they do men against violence.

The record is overwhelming. Nonetheless, instead of applying the rule they had traditionally applied in determining whether Congress has the right to be involved in what is a local matter, they came up with a new standard.

Instead of applying the old standard of: Is there a rational basis for Congress to find, as they did, the traditional "rational basis review" to decide whether Congress' findings in this case were rational—and I cannot conceive of how they concluded they could not be—the Court simply disagreed with the findings, marking the first occasion in more than 60 years that the Court has rejected explicit factual findings by the Congress, supported by a voluminous record. They, in fact, explicitly rejected the findings that a given activity substantially affects interstate commerce.

The Court justified the abandonment of the deference to Congress by declaring that whether particular activities sufficiently affect interstate commerce "is ultimately a judicial rather than a legislative question."

I could not disagree more fundamentally with the Court's ruling. Quite frankly, this will affect the Violence Against Women Act less than it is going to affect a whole lot of other things. The Supreme Court precedents have long recognized that Congress has the power to legislate with regard to local activities that, in the aggregate, have a substantial impact on interstate commerce.

I personally believe Justice Souter, who wrote the principal dissent in this case, had it right when he explained that:

> [t]he fact of such a substantial effect is not an issue for the courts in the first instance, but for the Congress, whose institutional capacity for gathering evidence and taking testimony far exceeds ours.

I am left wondering, where does the Court's decision leave Congress' formerly plenary power to remove serious obstructions to interstate commerce, whatever their source?

It is reminiscent of the Lockner era when they said, by the way, you have those labor standards having to do with mining—mining is not interstate commerce. Then they came along and said production is not interstate commerce. Then they said manufacturing is not interstate commerce. Until midway in the New Deal, with the end of the Lockner era, they said: Woe, woe, woe; wait a minute, wait a minute.

Unfortunately, this decision yesterday reads more as a decision written in 1930 than in the year 2000.

As Justice Souter documented so well in his dissent, the Court appears to be returning to a type of categorical analysis of Congress' power under the Commerce Clause that characterized the pre-New Deal era, where, as I said, manufacturing, mining, and production were all held to be off limits despite their obvious impact on interstate commerce. Now it is a new standard: "Economic activity" versus "noneconomic activity."

If Congress can regulate activity with substantial effects on interstate commerce, then I, as Justices Souter and Breyer, do not understand what difference it makes whether the causes of those substantial effects on interstate commerce are in and of themselves commercial.

In any event, suffice it to say that this type of formalistic, enclave analysis—where certain spheres of activity are held off limits to Congress—did not work in the 1930s and will work no better in the 21st century.

Because it is impossible to develop judicially defined subject matter categories spelling out in advance what is in Congress' Commerce Clause power and what is out, I believe the dissenting Justices are correct that Congress, not the courts, must remain primarily responsible for striking the right Federal-State balance, and that the Members of Congress are institutionally motivated to strike that balance by virtue of the fact that we represent our States and local interests as well as the Federal interest.

So why has the Court revived the form of analysis that so ill-served the Nation in the years leading up to the judicial crisis of 1937? Again, I find Justice Souter's explanation convincing: In both eras, the Court adopted these formalistic distinctions in interpreting the Commerce Clause in service of broader political theories shared by a majority of the Court's members.

In the pre-New Deal era, that broader political theory was laissez faire economics: now it is the new federalism. In both instances, the Court has been eager to substitute its own judgment for that of the political branches democratically elected by the people to do their business.

Those of you who are conservatives in this Congress, who say that you, in fact, want the democratically elected bodies making these decisions, I suggest to you that this is one of the most activist Courts we have had in 50 years. It is supplanting its judgment for the democratically elected branches of the Government.

So have at it, conservatives. This judicially active Court is supplanting their judgment for the democratically elected bodies.

Justice Stevens put it bluntly in his recent dissent in the recent age discrimination case. He said: The Court's federalism decisions constitute a "judicial activism"—that is his quote, not mine—that is "such a radical departure from the proper role of this Court that it should be opposed whenever an opportunity arises."

This is one Senator who plans to keep up that opposition.

Stay tuned, folks, because what this upcoming election is about is the future—the future—of the power of the elected branches of the Government versus the Court which is appointed for life. This is a conservative agenda that is being forced upon the democratically elected bodies, as it was in the 1920s. The next President is going to get to pick somewhere between one and three new Justices.

Mr. President, I ask unanimous consent that a speech I made on the Supreme Court and its changing direction be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### REMARKS BY JOSEPH R. BIDEN, JR., TO THE NEW HAMPSHIRE SUPREME COURT, SEPTMEBER 17, 1999

Today marks the anniversary of an extraordinary event, the 212th anniversary of the birth of the Constitution of the United States. On September 17, 1787, the Constitutional Convention, its work complete, rose and submitted the Constitution to the thirteen states for ratification. Bringing together thirteen different states with diverse cultures and established governments—some of these harking back a hundred years—did not come easy. In 1775, at the time of the Continental Congress, John Adams, writing to his wife, Abigail, described: "[f]ifty gentlemen meeting together all strangers . . . not acquainted with each other's language, ideas, views, designs. They are therefore jealous of each other—fearful, timid, skittish."

The men who attended that Constitutional Convention knew, even then, that they had begun the greatest political experiment in human history, producing a document that would become an engine of change throughout the world. According to James Madison's account, Governor Morris of Pennsylvania stated that:

> He came here as a Representative of America; he flattered himself he came here in some degree as a Representative of the whole human race; for the whole human race will be affected by the proceedings of this Convention.

"This Country," Governor Morris continued, must be united. If persuasion does not unite it, the sword will. . . . The scenes of horror attending civil commotion can not be described. . . . The stronger party will then make [traitors] of the weaker; and the Gallows & Halter will finish the work of the sword.

The Framers, in their vision and wisdom, did unite the country, fashioning a government that was both federal—that is, comprised of sovereign states—and, at the same time, truly national in power. The Framers respected and sustained the essential role of the states. But, at the same time, the Framers made national law supreme, a principle enshrined in the Supremacy Clause of the Constitution, and created a government empowered to bind both the states and individuals, powers denied the government under the Articles of Confederation.

The Constitution also established a vigorous and independent presidency—what Alexander Hamilton in the Federalist Papers called "energy in the executive"—by freeing the Chief Executive from selection by the legislature and granting the President real and meaningful powers. As early as McCulloch v. Maryland, Chief Justice John Marshall in 1819 recognized the "great powers" the national government possessed:

> to lay and collect taxes; to borrow money; to regulate commerce; to declare and conduct a war; and to raise and support armies and navies. The sword and the purse, all the external relations, and no inconsiderable portion of the industry of the nation, are entrusted to its government.

And, on this 212th anniversary of the crafting of the Constitution—a day and age now marked by national malaise about and distrust of our government and its institutions—it is only fitting to reflect on how right Governor Morris was about how the Framers' creation has transformed—and transfixed —the human race. Under this Constitution, we settled a vast continent—from the Atlantic to the Pacific coasts; we mobilized millions of men to unite the nation and end slavery, fulfilling the promise of the Constitution; we ascended, like the mythical phoenix, from the ashes of the Great Depression; we turned back despotism and preserved a free Europe in two World Wars; we won the Cold War; and we now enjoy economic and military power unrivaled across the globe and unmatched in the history of the world. No small achievements, these.

These achievements make us the envy of the world. Just last week, I returned from a trip to six European countries, including Kosovo, and I met with six Presidents. The President of Bulgaria said to me:

> I know of no other country that has risked the lives of its young men and women and would spend $15 billion dollars on behalf of a place in which it has no economic interest, no strategic interest, and no territorial interest—only an interest in defending human rights.

Could we have achieved these successes without vigorous presidential leadership? We owe our position in the world to the choices made by the Framers at the Constitutional Convention. Imagine accomplishing what we have in the two centuries of our brief history without a strong federal government and a strong president.

More than our achievements, though, it is our public institutions that other nations seek to imitate. In every place I traveled around the world last month, every one of those six foreign Presidents talked about how they wanted to mimic American governmental institutions—our Congress, our President, our courts. They do not talk about our resources; they do not talk about the American people themselves; they talk about our institutions. It is these public institutions—not a common ethnicity or religion, which, of course, we do not share—that acts as the glue that binds this country together.

But although other nations clamor to model their institutions after ours, our own public discourse reflects a deep and abiding angst about and suspicion of our government. Last November, only 38 percent of Americans voted, a 50-year low that ranks the United States at or near the bottom of the world's democracies in voter participation. As of 1995, voter turnout in 14 European countries, by contrast, was above 70 percent.

And take Washington Post reporter Bob Woodward's recent book, Shadow: Five Presidents and the Legacy of Watergate, which New York Times columnist Frank Rich recently nicknamed "All the Presidents Stink." Woodward's book puts between two covers a cynicism about government that you can purchase for fifty cents by picking up a daily newspaper, and for less than that by turning on your television. A style of attack and scandal journalism toward public officials dominates the news media—and studies by Kathleen Hall Jamieson, Dean of the Annenburg School of Communication and her colleague Joseph Cappella, have shown that cynical coverage breeds cynical voter reactions.

It produces the kinds of expectations what were well captured by Marvin Lucas, a 59-year-old custodial supervisor at a college in Milledgeville, Georgia. Responding to a Washington Post-Kaiser Foundation interviewer, Mr. Lucas said "I compare politicians with used car salesmen: say one thing, do another."

And the "other thing" that politicians do, of course, is to feather their own nests and the nests of special interest groups that support their reelection campaigns. That is the dominant opinion people have of American elected officials. If that is your starting point, it is no wonder that in 1994, 56 percent of Americans thought that government did more to hinder their family's achieving the American dream than to help them achieve it, while only 31 percent thought that government helped them. (The numbers had improved by 1997, but were still negative—47 percent to 38 percent).

Heaven knows that politicians are far from perfect, and our own missteps and, yes, deceptions, contribute to the country's cynical attitude. Some historians trace the contemporary decline in faith in government to Lyndon Johnson's 1964 Presidential campaign, where he pledged that "no American boy will fight a foreign war on a foreign soil if I'm elected President." Within a year of that statement, Johnson had ordered massive increases in draft calls and the military build-up for the Vietnam War. Then Watergate cut right to the heart of our faith in elected officials.

And today, highly negative campaigning has become an art form, as each candidate tries to tag his opponent with being an insider, or else being a corrupt person who just hasn't had the chance to be corrupt on the inside yet. When Majority Leader George Mitchell was retiring from the Senate, he remarked to Jim Lehrer on the News Hour that so long as campaigns consist of one candidate calling his opponent a crook and the other calling his opponent a scoundrel, is it any wonder that Americans believe that Congress is filled with crooks and scoundrels?

So I don't want to understate the complexity of the sources of contemporary cynicism and distrust toward elected officials. What worries me, though, is that this cynicism and distrust is way out of proportion to the actual accomplishments of the federal government, and way out of proportion to the sincerity and honesty with which my colleagues conduct themselves every day in doing the country's business.

This public cynicism is not the only current raging in American politics today, however. There is a movement among intellectuals, historians, and political scientists to shift the locus of political power, or to "devolve power," from the national government to the states. George Will, one of the champions of this "devolution of power" movement, explained its premise as follows:

> [I]t is unwholesome that Washington, like Caesar, has grown so great. Power should flow back to where it came from and belongs, back to the people and their state governments, back to state capitals . . .

This is nothing less than a fight for the heart and soul of America. This is a fight about power. And it is a fight about who will be left in charge.

In my view, the value of devolution of power from the national government to the states can be overstated. Certainly the abuse of power, whenever it occurs, must be checked. The federal government admittedly does tend to grab power for itself without due regard for whether its goals can better be achieved at the local level. But the state and local governments, in contrast, tend toward parochialism without due regard for the national interest. Thus, devolution of power is not per se a good thing. At whatever level of government, it all depends how that power is used.

It cannot be that the Framers intended to hamstring the federal government in favor of the states. If that was their intent, why abandon the Articles of Confederation? And just try to imagine the United States attaining its successes to date without a strong national government and a vigorous President. To go one step further—imagine how difficult it will be to fortify our position in the world in the 21st century without a powerful central government.

The current cynicism about our public institutions, it seems to me, is also beginning to gain a foothold in the constitutional decisions of the Supreme Court, and that is also of concern to me, and is something I would like to spend the next few minutes discussing with you. Now first I want to say that today's Supreme Court is the best-informed, hardest working Court we have ever had. In particular, I want to commend Justice Souter, a native son of this great state of New Hampshire, for writing several of the most scholarly and persuasive dissents this Court has seen in recent years—dissents that I am confident will prove prophetic.

Yet the Supreme Court of today embodies both strands of the phenomenon now plaguing our American culture—both the public cynicism about, and the intellectual disdain for, our national government. The Court is sharply critical of the political branches of our federal government, accusing them in case after case this decade of arrogating power to themselves at the expense of state governments. But in assuming the role of "Chief Protector" of the allocation of power between the federal government and the states, the Supreme Court of late has regrettably adopted a court-centered view of the scope of federal power. In doing so, it has arrogated to itself a responsibility that more properly befits the political branches.

In my opinion, we have in the past eight years or so begun to see a series of opinions in which the Supreme Court has become bolder and bolder in stripping the federal government of the ability to make decisions on behalf of the American people. So far, the immediate effects of these decisions are real, but relatively modest. They may represent marginal readjustments in the allocation of power under the Constitution. On the other hand, if I am right and the jurisprudence is being driven by an oversized sense of distrust and cynicism toward democratically elected government—and especially toward the federal government—the decisions could constitute the beginnings of a sea change that could take us quite literally back to a style of judicial imperialism unseen in this country since the early 1930s.

The trio of cases decided by the Supreme Court at the very end of the last Term are a prime example of this court-centered view of federal power. For example, in its 5-4 decision in Florida Prepaid Postsecondary Education Expense Board v. College Savings Bank, the Court held that Congress had no power to subject the states to private patent infringement suits in federal court because in the Court's view, the statute was not "appropriate" legislation to enforce the Fourteenth Amendment. The Court said no to patent infringement cases against state entities because the Court—not Congress—decided that legislation remedying patent infringement by state entities was not really necessary. In so deciding, the Court made a quintessentially legislative judgment.

To the same effect was the companion case, College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, in which the Court dismissed out of hand Congress' effort to hold state entities accountable to private parties for misrepresenting the states' commercial products in violation of federal trademark law, because the Court decided that the statute did not protect "property rights" within the meaning of the Fourteenth Amendment.

The two Florida Prepaid decisions unfortunately flow directly from City of Boerne v. Flores, in which the Court in 1997 struck down the Religious Freedom Restoration Act as also exceeding Congress' authority under section 5 of the Fourteenth Amendment. In ruling that Congress had gone too far in protecting religious liberty, the Court in essence held that Congress had not done its homework to the Court's satisfaction. The Court attacked the legislative record as lacking what it considered to be sufficient modern instances of religious bigotry and found that the statute was "out of proportion" to its supposed remedial or preventive objects. Again, the Court in effect decided that a law simply was not really necessary.

Implicit in the Court's obvious willingness in Boerne to second-guess Congress' legislative judgment in the name of protecting state governments is the notion that it is for the Supreme Court, and not Congress, to specify the meaning of the provisions of the Constitution, even when Congress claims to enforce the individual liberties protected by the Fourteenth Amendment.

It is as if the Court has forgotten that the only institution mentioned in section 5 of the Fourteenth Amendment is Congress. The text of section 5 is clear and simple: "The Congress shall have power to enforce, by appropriate legislation, the provisions of this article." It was for Congress, not the courts, to be the primary guarantor of individual rights as against oppression by state authorities, and for Congress, not the courts, to assess whether and what legislation is needed for that purpose. Remember that the Fourteenth Amendment was adopted in the long shadow of the Dred Scott decision. The court-centered view the Court has since taken of that amendment is directly at odds with the universal sentiment at the time of its adoption that it was our federal legislature, not the courts, that could best be trusted to police the states.

What seems to lie at the heart of the headline-grabbing cases of the past few terms is the Court's willingness to disregard the views of Congress in favor of its own. It is as if the Court believes that it has a better sense of the economic and other real-world implications of the laws Congress passes than do those elected by the people to serve in that branch.

The Court's recent decisions contain troubling echoes from the New Deal era, when the Supreme Court was swift to substitute its own judgment of what was desirable economic legislation for that of Congress and the President. Here is just one illustration from that bygone era: In Railroad Retirement Board v. Alton Railroad Co., the Court in 1935 struck down the Railroad Retirement Act as unconstitutional, in part because the Court concluded that it was not a valid regulation of interstate commerce. Congress enacted the statute, which established a compulsory retirement and pension system for all railroad carriers, to promote "efficiency and safety in interstate transportation" both by reducing the aging population of employees and by improving the employees' sense of security and morale. In its opinion, the Court stated, however: "We cannot agree that these ends . . . encourage loyalty and continuity of service." We cannot agree. That is a breathtaking statement by a court which had abandoned its proper role. We cannot agree?

And in denying Congress what Justice Breyer in dissent has called "necessary legislative flexibility," such as to create, for example, "a decentralized system of individual private remedies," the Court has returned to the kind of court-centered conception of federal power that typified not only the New Deal era, but the Lochner era as well. As Justice Souter predicted in his Alden v. Maine dissent lamenting the Court's sovereign immunity decisions:

> The resemblance of today's state sovereign immunity to the Lochner era's industrial due process is striking. The Court began this century by imputing immutable constitutional status to a conception of economic self-reliance that was never true to industrial life and grew insistently fictional with the years, and the Court has chosen to close the century by conferring like status on a conception of state sovereign immunity that is true neither to history nor to the structure of the Constitution. I expect the Court's latest essay into immunity doctrine will prove the equal of its earlier experiment in laissez-faire, the one being as unrealistic as the other, as indefensible, and probably as fleeting.

(Justice Souter, I sincerely hope that you are correct when you said "probably as fleeting" because if you are wrong, and the Court's pronouncements endure, then I am afraid that the country is in bigger trouble than I thought.)

Don't misunderstand me. I do not mean for a second to disparage the role of the states. The states play a critical part in warding off tyranny by the national government and in performing all the fundamental functions with which the governments closest to the people are charged. Certainly those of you who live in this great state of New Hampshire—whose motto is "Live Free or Die"—understand that better than anyone else. As James Madison wrote in the Federalist Papers:

> The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.

But we should think long and hard before allowing one branch of our government—the federal judiciary—to cripple its co-equal branches, the political branches, of government. To do so is to put in jeopardy all that we have accomplished in our brief history and all that we may do in the future.

I must tell you that I am gravely concerned about the direction the Court is headed. I have a particular stake in this which I will confess now and that is the fate of the civil rights remedy created by the Violence Against Women Act of 1994, which I wrote. Earlier this year, the U.S. Court of Appeals for the Fourth Circuit invalidated the civil rights remedy in Brzonkala v. Virginia Polytechnic Institute & State University, and the case may come before the Supreme Court in the coming Term if the Court grants review.

The civil rights remedy creates a new federal cause of action allowing a victim of gender-motivated violence to sue her attacker in court. I believe—indeed, I know—that violence against women restricts the participation of women in the national economy, inhibits their production and consumption of goods and services in interstate commerce, and obstructs their ability to work and travel freely. In short, violence against women was, and is, a national problem of epic proportions that substantially and adversely affects interstate commerce. A massive legislative record compiled after four years of fact-finding hearings in Congress irrefutably confirms the impact of violence against women on the national economy and interstate commerce.

When we enacted the Violence Against Women Act civil rights remedy in 1994, the Senate Judiciary Committee explicitly found that the provision satisfied the "modest threshold" required by the Commerce Clause, and we in Congress were confident of the statute's constitutionality. The civil rights remedy quite appropriately attempted to remove an obstruction to interstate commerce, much as the Civil Rights Act of 1964 barred race discrimination in hotels and restaurants because such discrimination, as the Court put it in upholding the statute, "imposed 'an artificial restriction on the market.'"

But less than a year after we enacted the Violence Against Women Act and its civil rights remedy, the Supreme Court decided United States v. Lopez and invalidated, as beyond Congress' Commerce Clause authority, the Gun-Free School Zones Act, which prohibited the possession of a firearm within 1000 feet of a school. In the wake of Lopez, I find myself asking: Will this Court accept the congressional judgment that violence against women adversely affects the national economy? Or will this Court second-guess the remedy we chose to address that effect?

Ironically, the Court may find itself the champion of states' rights that the states do not even want. Just as with the Patent Remedy Act, where no state testified in favor of immunity from private patent infringement actions, the vast majority of states strongly favor the Violence Against Women Act civil rights remedy. Forty-one state attorneys general wrote to Congress in favor of the statute, including the civil rights remedy, before its enactment. Only a few weeks ago, 33 Attorneys General submitted an amicus brief to the Supreme Court asking the Court to grant the petition for certiorari and uphold the statute because the states "agree with Congress that gender-based violence substantially affects interstate commerce and the States cannot address this problem adequately by themselves."

I also fear that the Supreme Court's readiness to disregard the people's judgment has served as a clarion call to the federal courts to usher in what Judge Douglas Ginsburg of the U.S. Court of Appeals for the D.C. Circuit has called the "Constitution in Exile." According to Judge Ginsburg, the doctrine of enumerated powers, the nondelegation doctrine, the Necessary and Proper, Contracts, Takings, and Commerce clauses, had become "ancient exiles, banished for standing in opposition to unlimited government."

In service of this "Constitution-in-Exile," the lower courts have begun to read the Constitution in a revolutionary way. Thus, a district court in Alabama decided, remarkably, that the Superfund amendments were unconstitutional because they did not regulate interstate commerce, a decision later reversed on appeal. Similarly, the Fourth Circuit's ruling striking down the civil rights remedy of the Violence Against Women Act transforms Lopez v. United States from an important reminder that Congress' commerce power is not without limits, into what is arguably the most momentous decision of the last fifty years regarding the scope of federal power.

That same court of appeals has tightened the noose in yet another way. The Fourth Circuit ruled last year in Condon v. Reno, a case now under review by the Supreme Court, that Congress may not pass a law when that law applies only to the states, and not also to private individuals. In other words, Congress may not require the states to comply with federal law if the law does not also affect private individuals.

The jury is still out on whether the Supreme Court will let the other shoe drop and sustain these additional restrictions on federal power, but the Court seems primed and poised to do so. Much hangs in the balance. If your eyes glaze over when I speak about Congress authorizing private actions for patent infringement or trademark violations by state entities, then think about the Fair Labor Standards Act, which the Court held last June in Alden v. Maine could not be enforced against noncompliant states by state employees seeking backpay. How far we have come from the Framers' vision of a federal government strong enough and flexible enough to do the people's business. As Justice Souter observed in his dissent in Alden v. Maine:

> Had the question been posed, state sovereign immunity could not have been thought to shield a State from suit under federal law on a subject committed to national jurisdiction by Article I of the Constitution.

Other cases could potentially serve as a resounding wake-up call as to the extent to which the federal government's hands have been tied in addressing problems of national import. In the coming Term, the Court will take up the question whether the Congress had the power in the Age Discrimination in Employment Act to authorize private law suits against state violators. A case raising a similar issue with respect to the Americans with Disabilities Act is sure to follow. And if the Court says no, private individuals who suffer age, disability, and other forms of discrimination at the hands of state actors will have few means at their disposal to enforce their rights under federal law, and the federal government will rarely be able to help them.

The Court left open the possibility that the federal government could sue noncompliant states, but if you think that it is realistic for the federal government to come to the rescue by going into court on a regular basis to vindicate the federal rights of private individuals, think again. I do not see a massive expansion of the federal litigating corps happening any time soon. Nor do I see how that could be anything but self-defeating if the goal is to minimize the federal intrusion into state government affairs. By elevating the states' sovereign immunity to an immutable principle of constitutional law, the Court, as Justice Breyer recognized in his College Savings Bank dissent: "makes it more difficult for Congress to decentralize governmental decisionmaking and to provide individual citizens, or local communities, with a variety of enforcement powers. By diminishing congressional flexibility to do so, the Court makes it somewhat more difficult to satisfy modern federalism's more important liberty-protecting needs. In this sense, it is counterproductive."

Now don't get me wrong. Sometimes the federal and state governments do not get their relationship quite right. We do not have infallible institutions. But when the Supreme Court restricts the flexibility of Congress to decide how best to address national problems within the scope of its enumerated powers, the Court truncates the learning process otherwise underway in our political institutions—a result a conservative court—conservative with a small "c"—should hesitate to effect.

The Court has imposed by fiat limitations on the exercise of federal power that might very well have come about without the Court's interference. In other words, the Court in Garcia v. San Antonio Metropolitan Transit Authority got it right when, in 1985, it overruled National League of Cities v. Usery, a case decided a decade earlier, that had restricted the federal government's power to regulate the states "in areas of traditional governmental functions." Instead, the Court announced in Garcia that the political process, not the Court, should serve as the principal check on federal overreaching. I must disagree with the notion that leaving it to Congress and the President is like leaving the fox to guard the chicken coop, or as Justice O'Connor put it in her dissent in Garcia, like leaving the "essentials of state sovereignty" to Congress' "underdeveloped capacity for self-restraint."

The Violence Against Women Act civil rights remedy is a good example of Congress' developing capacity for self-restraint. At the outset, those most concerned about domestic violence and rape wanted a statute with a broad sweep, and so we started out by introducing a provision in 1990 that arguably would have federalized a significant portion of state laws against domestic violence and rape. But the Conference of Chief Justices of State Supreme Courts, the Judicial Conference of the United States—and Chief Justice Rehnquist, in particular—pointed out to Congress, while the bill was under consideration, that the civil rights provision might significantly interfere with the states' handling of domestic relations and rape cases, while at the same time, overburdening the federal courts. The federal and state judiciaries raised the concern, we examined it, and we decided that they were right. Congress then carefully redrafted the civil rights remedy so that it would not have that effect.

There are other recent examples—such as the Unfunded Mandates Act—that came about because the states complained to Congress that we were forcing them to use their tax dollars to do whatever we mandated in Washington. The states staged a mini-rebellion. So Congress wrote a new law requiring federal restraint. And for that, I must give my Republican colleagues their due.

But when the Supreme Court plays traffic cop on the streets of federalism, the Court does our country a disservice by cutting this national political dialogue short. We are already reaching many of the conclusions the Court has now cemented into the Constitution. James Madison wrote in the Federalist Papers that the new federal government would be sufficiently national and local in spirit as "to be disinclined to invade the rights of the individual States, or the prerogatives of their governments." Our political institutions can be trusted. The Framers understood this.

In short, the disconnect between our public and cultural perceptions of our institutions and reality is stunning. Keep in mind that the rest of the world is struggling to emulate our institutions because they believe it is our institutions that separate us from other nations—indeed, from other democracies—and are the bedrock upon which our successes are founded.

Yet our public discourse, our legal opinions, our very culture, are compelling us to overlook or scorn our own accomplishments. We are losing, as a nation, the communal notion that our strength lies in our institutions. Relentlessly accentuating the negative when it comes to our political institutions, however, eclipses our considerable successes. And this predilection to distrust the political branches now seems to be shared equally by the judicial branch, not only when it comes time to decide how to distribute power between the federal government and the states, but also when it comes to making a judgment of what is in the best interests of Americans.

I talked to you tonight about cynicism, devolution of power, and how we got here. In my view, all of that can be overcome by the right leadership, the right people in power, who will recharge the public's imagination and confidence. The public mood can be transformed in an election, a single cycle. Maybe it will take a generation. But it can be changed. Elected officials who cater too much or too little to state interests can be voted out of office. But if the Supreme Court chisels into stone new constitutional restrictions on federal power, new hoops through which Congress must leap, where will we be then? You cannot go to the polls to undo a constitutional ruling of the Supreme Court. There is no further appeal—no appeal to a higher court, no appeal to the voters. Nothing short of a new constitutional convention or an amendment to the Constitution—and you know how easy that is—or will do. James Madison was right: trust the political process. "WE CANNOT AGREE"? Please.

Let me conclude by making the following simple point: if, at the federal level, we are such a failure institutionally, why does the rest of the world look to us to copy our supposed frailties? If we are such a failure—with our last six Presidents supposedly flops—how is that our incomes are actually growing, crime is going down, drug use is down, and our economy is in better shape than that of any nation in the history of the world? How did we produce a nation willing and able, as the President of Bulgaria pointed out, to spend billions of dollars and risk the lives of its men and women to advance the cause of human rights? Did it happen by chance? Did it happen by accident? It happened as a direct result of our unique political institutions.

The Framers set out to create a centralized government robust enough to deal with national problems, but with built-in guarantees that it be respectful of, and sensitive to, local concerns. There is an inherent tension in the document. But look at the sweep of history: as the balance of power has shifted back and forth between the national government and the states, our resilient political branches have adjusted and responded. The rest of the world gets it.

We must remember that politics—and politicians—are not the enemy. The Constitutional Convention was composed of men who were regarded as gifted even in their own day. As the French chargé d'affaires wrote to his government as the Convention convened:

> If all the delegates named for this Convention at Philadelphia are present, we will never have seen, even in Europe, an assembly more respectable for the talents, knowledge, disinterestedness, and patriotism of those who compose it.

Above all else, these men were politicians. And I am not suggesting by this that our government today boasts the likes of a Jefferson or a Madison, but I am suggesting that we have fine and decent men and women with significant capabilities who choose public service. And some of you are among them.

The hostility we see from the Supreme Court toward the elected branches of government is the same suspicion we see in the eyes of the ordinary person on the street. "Politics" has become a dirty word. But as those of you here who live in this state of strong local community governments and town hall meetings, know better than anyone, "politics" is fundamental to how we govern ourselves in a democracy. At the end of the day, politics is the only way a community can govern itself and realize its goals without the sword.

So I stand before you today, on this 212th anniversary of the completion of the work of the Constitutional Convention, ready and willing to defend politics—even national politics. It was what those 50 gentlemen, all strangers, who met 212 years ago defended and vindicated. And it is what, in the end, has made and will continue to make us secure and strong.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The PRESIDING OFFICER. The Senate will now resume consideration of S. 2521, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. The ranking member of this committee has some chores to do. I am finding no one on the floor who wants to talk on this piece of legislation, unless the Senator from Delaware wants to make his Kosovo statement.

Mr. BIDEN. I will do whatever the Senator would like me to do.

Mr. BURNS. I tell the Senator, I have a feeling we are not going to really get into the meat of this bill until after the policy luncheons.

If the Senator would like to open it up, say, with your statement at around 2:15, we might be able to arrange that. Until then, I would put the Senate back into morning business.

Mr. BIDEN. Mr. President, if the Senator will yield, I would be happy to do that. But would I be able to appropriately ask unanimous consent that I be recognized first, unless the managers wish to be recognized, when we reconvene after our party caucuses?

Mr. BURNS. Let's hold up for a minute until we get some consultation.

Mr. BIDEN. Mr. President, let me rephrase that. I ask unanimous consent that after the managers and/or either party leader I be recognized to make my statement on Kosovo.

Mr. BURNS. I have no objection.

The PRESIDING OFFICER. Without objection; it is so ordered.

Mr. BURNS. I thank my good friend from Delaware.

Mr. President, seeing no one to speak on this issue—and I think most everybody is awaiting the debate for this afternoon—I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BURNS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that there be a period for the transaction of morning business until 12:30 p.m. today and that Senators be permitted to speak therein for up to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## THE DISASTER IN NEW MEXICO

Mr. DOMENICI. Mr. President, I note on the floor with me this afternoon is Senator BINGAMAN. We are both here to speak about the disaster and catastrophe that has occurred in New Mexico. I would like to speak maybe for 5 or 6 minutes, then yield to my colleague, and then come back and do a little more.

During my time in the Senate, which is now approaching 28 years, I vividly remember coming down and hearing Senators have to tell the Senate about a disaster of significant proportions in their home State. The Senator wanted to tell us about how bad things were and lay the groundwork for the Congress, the Government of the United States, to do what it must to help those who are victims in a disaster.

To tell you the truth, I have been to Los Alamos, oh, so many times over the last 28 years. Most of them have been very joyous occasions, when we met with some of the greatest scientists in the world, talked about some fantastic science, met some wonderful people, and saw a beautiful town up there in the mountains. It came into being when the United States of America decided a former boys' academy up there in the mountains would be the center around which we would develop our first atomic weapons. It was a closed city for a long time but a beautiful place.

Sure enough, never did I expect to see what I saw last Thursday when Senator BINGAMAN and I, the Secretary of Energy, and James Lee Witt, the head of our emergency disaster relief agency for the United States, and others flew out there. Then we helicoptered around. Then we drove the streets to see what was occurring.

Senator BINGAMAN took a little different tour than I. He saw some of the housing. I saw where they set up the headquarters to manage and operate things. So he will have some very vivid recollections of what he saw, of houses burned to the ground.

Essentially, it is, indeed, a very sad day when probably one of the greatest laboratories human beings have ever set up—in terms of great science, not just because of great buildings but because great scientists have lived there and worked—is surrounded by flames. Many people supported those most talented of Americans—and even some of our greatest friends from other countries have been there as part of America's research in atomic and nuclear weapons safety, responsibility, and reliability—to go there and see a ghost town as you drive the streets, with smoke on one side, fire on one side, a house burned down, your heart kind of goes out. A great deal of empathy pours from you.

We are very lucky, the Senate should know; even though over 44,000 acres have burned, something like 400 housing units have burned to the ground, and upwards of 25,000 people have been evacuated—many are returning now. Damage and fire are still going in some of the canyons—but, we are very grateful that in the canyons that are still burning there are not very many housing units in the path. The forest is still burning and will burn for a long time. Yet nobody died, nobody got seriously hurt. Two or three firemen were injured, as I understand it, and none of those was serious.

The fire is now no longer threatening the houses of the city of Los Alamos or of White Rock, the adjoining community. In some very miraculous way, none of the big administrative and research buildings of the laboratory was hit by this fire. It went around them and got some housing subdivisions, but only a few buildings of minor significance that are part of this enormous science complex were burned.

The houses that burned, burned right to the ground. All that is left is cement foundations, as Senator BINGAMAN will describe and perhaps show some pictures. If there were houses that had cars in the front yards, the cars were burned to a crisp. The metal is twisted and burned. In some places, you can see an icebox that is hanging over the vacuum that used to be sheltered by walls and roofs. The icebox just melted. It is no longer even noticeable. You cannot recognize it as being such. It is melted and completely different in form.

Essentially, all this was going on right around and close to a laboratory that does an awful lot of nuclear work, that has some compounds that are housed in cement bunkers so nothing can happen to them. And, sure enough, to this day there has been no radioactivity escape from any of these buildings and/or research facilities.

That is not just the Federal Government saying it. The New Mexico environmental department has monitored this. The greatest and best monitors from around the country are located there, and the ambient air monitors have indicated there is no radioactivity in the air. So now we have to start back up the path of trying to see how we can rebuild the lives of people there.

I am not going to go into detail other than to say we are beginning to move in the right direction. The laboratory personnel will begin to move in and see what is needed. In one of the communities, people are coming back. Parts of Los Alamos will be reoccupied soon. But I am sure Senator BINGAMAN and I will be asking the Senate, from time to time, to assist us, either with legislation that will direct how this should be handled, or certainly with money that will make the repairs and bring this facility back to where maybe we could say we will make it as whole as possible.

I want to close my first few remarks, and then yield to my friend, Senator BINGAMAN, by saying that right next to this forest, which surrounds Los Alamos, the Los Alamos property that belongs to the Department of Energy, is a national monument called Bandelier. It is rather renowned.

Both Senator BINGAMAN and I have had reason to work specifically for things to preserve and make the Bandelier National Monument a great and beautiful place. But it appears that in order to clear out that Bandelier forest a bit, because so much growth had accumulated and because of so many fallen trees and other things, that a planned burn took place. It looks as if that planned burn got out of hand. It further looks as if it maybe should not have been started at all. I think the House passed a resolution today indicating that the U.S. Government is responsible for all these damages because of this controlled fire that got out of hand. Surely that will be looked at.

The Energy and Natural Resources Committee, chaired by Senator, MURKOWSKI, with Senator BINGAMAN as ranking member, has asked the General Accounting Office to begin an investigation. The executive branch has been rather forthcoming. They have told us, by Thursday evening, no later than Friday, they will give us, and I presume the people of New Mexico, the country, and Los Alamos, the results of an evaluation by some of the Government's best experts on controlled fires and forest maintenance. They will tell us what they think went wrong.

At this point, I do not think there is any question that, at least—I start with the proposition, and I am certain Senator BINGAMAN will address the same issue—we are responsible to make that community whole, to make those individual residents who lost their homes and lost their property whole, and whatever expenditures have been incurred by the people and by the community that we, as a national Government, must make them whole. I am not sure what that means. But it will not take us long to find out.

In the meantime, I am very pleased that New Mexico's delegation is going to meet this afternoon. Hopefully, we will all be working together, the three House Members and the two Senators—Senator BINGAMAN and myself—in an effort to bring before the Senate and the House the appropriate remedies and the appropriate resources that are needed to do everything we can to make that community whole and make the individuals who have been subject to this terrible disaster as whole as possible.

I have additional remarks, about another forest fire occurring in another part of New Mexico and about some of the heroes there. There were heroes in other fires, too. But I yield to Senator BINGAMAN for his comments, and then I will reclaim some time when he is finished.

I thank the Senate and the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. I thank my colleague, Senator DOMENICI.

It is a pleasure to work with him in trying to solve some of these imminent problems that afflict our State. We hope very much we can do that in an effective way, with the help of the rest of the Senate and the rest of Congress.

Mr. President, on May 4, National Park Service officials set a fire in Bandelier National Monument to clear brush and deadwood that had accumulated in one corner of the monument, known as the Cerro Grande. We all know now what happened next.

That fire became an uncontrollable wildfire as high winds fanned the flames over the next several days.

Its smoke plume stretched across New Mexico and into Texas and Oklahoma—a plume that was visible from outer space.

The fire spread across the Santa Fe National Forest and torched the northern and western parts of the City of Los Alamos, destroying 260 homes and other residential units that had housed over 400 families.

The fire has, as of yesterday evening, consumed over 44,000 acres. Its perimeter last night was 85 miles.

The City of Los Alamos and the neighboring community of White Rock evacuated a total of over 20,000 people. A voluntary evacuation of 3,000 persons also took place in the next closest city, Española

The fire has damaged over 10 percent of the Santa Clara Pueblo Indian Reservation, where 1,500 people live, and threatens both the water supply and economic lifeline for that community.

On Saturday, President Clinton declared a Major Disaster in 12 New Mexico counties, as a result of the Cerro

Grande fire and wildfires in several other locations in the State.

This week, and perhaps next week as well, we will be considering appropriations bills that contain emergency supplemental spending for a variety of disasters that have occurred over the past several months. I believe that it is important for the Senate to make some critical adjustments to these spending bills to mitigate the effects of the Cerro Grande fire, and to prevent the occurrence of other catastrophic fires in the West this spring and summer.

As a first step, we should consider additional defense emergency spending to mitigate damage that has occurred at Los Alamos National Laboratory due to the fire. Thankfully, the laboratory was spared major destruction. At the same time, the damage to the laboratory was not zero. A number of buildings and trailers were destroyed, and the fire pointed up some systemic weaknesses in some of the laboratory's emergency and security systems that need to be addressed

Second, we need to deal with the aftermath of the destruction of dwellings for over 400 families in Los Alamos. The Administration and the Congress needs to act quickly to make them whole for the destruction of their homes and the loss of their belongings. I'm sure we have all seen pictures that show the total loss suffered by many families.

Making these Los Alamos community members and their families whole is not simply a matter of fairness—the government, after all, set the fire that burned them out. What happens to the residents of the City of Los Alamos and the surrounding communities also affects our national security.

The prime national security asset at Los Alamos, when you stop to think about it, is not some scientific facility at the lab or a stockpile of some special nuclear material. The most important national security asset at Los Alamos are the people who work there. It is their brains, their special expertise, and their detailed knowledge of nuclear security issues that won the Cold War. Without the continuance of this human resource, the long-term future of our nuclear deterrent will be in jeopardy, and we may find ourselves prone to unpleasant surprises in a world where nuclear proliferation is still an important threat.

If we do not act quickly to help the scientists and engineers at Los Alamos rebuild their lives there, some of them may take their insurance money and go to rebuild their lives in other places where they can find high-tech employment. That would be a terrible loss to this country's national security. I believe that we have to especially worry about two populations at the laboratory who may find it hardest to rebuild there—the young scientists and engineers who have recently been hired at the lab, and the scientists and engineers who are nearing retirement.

The young scientist or engineer who has been at the laboratory for only a few years has many other professional options in today's high-tech economy.

For most of them, working at Los Alamos pays considerably less than working for the private sector. Many of these individuals may not be fully insured for their potential losses. If we face these younger investigators with a prolonged stay in temporary housing a substantial distance from the laboratory, or if we ignore their uninsured losses, they may wonder about our long-term commitment to their careers supporting the nuclear security of this country. Already, there have been concerns that the recent attrition rate for these investigators has been higher than the historical average.

Another population at risk for loss to the lab is typified by the senior scientist or engineer who is close to retirement. It is hard for these individuals to start all over again, when they face the prospect of a potential second starting-over when they retire in a few years. These individuals are particularly needed over the next 4 to 5 years. That is the time period during which we will have to make the transition from a laboratory workforce with substantial experience in designing and conducting underground nuclear tests to a workforce that will have to maintain our nuclear stockpile without nuclear tests. According to an analysis carried out last year for my staff, much of the workforce at Los Alamos with substantial experience at the Nevada Test Site testing the primary components of nuclear weapons is aged 56 or older. The lab has an aggressive plan to capture and formalize their expertise in computer models over the next 4 to 5 years. We need to validate the computer codes that will be used in the long-term to certify the nuclear weapons stockpile before these weapons designers with direct test experience retire.

As far back as 1955, laws like the Atomic Energy Communities Act stated that the continued morale of nuclear defense laboratory personnel "is essential to the common defense and security of the United States," and that the federal government needed to maintain conditions in these communities "which will not impede the recruitment and retention of personnel essential to the atomic energy program," as the nuclear weapons program was then called. These principles are still true today. They indicate that we quickly move to restore the homes, the community facilities, and the physical infrastructure of the communities around the laboratory.

In addition to the workers at Los Alamos National Laboratory, the Cerro Grande fire is also threatening some of the most economically vulnerable citizens of northern New Mexico. These are the rural residents and the Native Americans who depend critically on the land that is being burned and its resources for their livelihood. I am particularly concerned about the residents of the Santa Clara Pueblo Indian Reservation, who face the loss of their natural water supply and of numerous sacred and historic sites as the fire progresses. Native American firefighters have been at the forefront of battling this blaze, and have been unstinting in their time and efforts to protect the federal government's property and that of their neighbors. We need to make sure that they are not forgotten in any restitution and recovery plan.

The Cerro Grande fire is one of several major fire disasters now facing the State of New Mexico.

Down in Otero County, New Mexico, near the town of Cloudcroft, the Scott Able fire in the Lincoln National Forest has burned over 21,000 acres. The fire was started last Thursday by a downed power line and is still not contained.

In Otero and Lincoln Counties, the Cree Fire, which started May 7 from a campfire, has burned over 8,700 acres. It has cost over $1.7 million to fight this fire to date.

Up north in Mora and San Miguel Counties, the Manuelitas Fire in the Santa Fe National Forest, which also started last Thursday from an unknown cause, has burned approximately 1,400 acres. And yesterday, another fire broke out and closed a five-mile portion of Interstate 25 near Pecos, New Mexico.

We need to make sure that we provide the persons and communities who have been damaged by these fires emergency relief and, where appropriate, compensation, as well.

All of these fires, taken together, illustrate the broader danger that States like New Mexico face in this severe fire season from areas of our national forests and public lands that are very close to towns, but in need of management of their vegetation to remove or reduce the dangers of wildfire and to improve the health of the forests. The Forest Service has asked for funds for the past few years to support such activities. This kind of funding would reduce the risk to human life and property while providing a source of local jobs in the rural West. As part of the upcoming emergency appropriations, we need to make sure that we not only provide extra funds for fire fighting, but also for the type of vegetation management, including thinning the forests of certain small-diameter trees, that will help prevent catastrophic fires near cities and towns in the West that are bordered by public forests.

I hope that all my colleagues here in the Senate will join me in making sure that the destruction caused by this fire is quickly remedied, and that the funds are rapidly made available to help prevent more repeats of that destruction this spring and summer out West.

Mr. President, to reiterate, it is clear now, and acknowledged by the Park Service and by the Secretary of the Interior, that the fire was started by the Park Service on May 4 —well over a week ago—and was set as a so-called controlled burn, which got out of control.

This is, unfortunately, not the only instance we know of right at this current time where we have fires out of control which started as controlled burns. So we have a serious problem here.

Let me show you a couple of these photos that have been in the newspapers in New Mexico and in some of the national newspapers to show what we are talking about.

As you can see from this photo, this is the smoke plume from the fire. From the photo, you can see the red. This is Los Alamos. This is the State of New Mexico. This is the State of Colorado above, and then Texas and Oklahoma.

You can see this smoke plume extending to the east out of Los Alamos and out of New Mexico into Texas, into Oklahoma, and into Colorado. That gives you some sense of the size of this conflagration we have been trying to put out as a result of this so-called controlled burn.

I have one or two other photos which I also would like to show, just to give you an idea. This is a picture of the perimeter. Last night the perimeter of this fire was 85 miles. The fire has now destroyed something over 44,000 acres. This photo shows the largest of the fires.

As Senator DOMENICI has said, we have other fires going on in our State. Those have also been devastating for those communities.

Let me just mention those and indicate that we hope that whatever we do here will also provide relief for those communities as well.

The Cerro Grande fire is the largest in our State. But in Otero County, near Cloudcroft, we have the Scott Able fire which has burned over 21,000 acres. The fire started last Thursday by a downed power line.

In Otero and Lincoln Counties, the Cree fire was started May 7 from a camp fire. It has burned nearly 9,000 acres.

Up in Mora and San Miguel Counties, we have another fire that was started last Thursday that has burned approximately 1,400 acres.

We have serious human tragedies resulting from each of these fires. We hope we can get it all addressed.

The particular thing about this large Cerro Grande fire at Los Alamos, as Senator DOMENICI pointed out, is it was started by the Government. The laws we have passed, as I understand them, providing for Federal assistance in the case of disasters, do not contemplate a circumstance where the disaster was caused by Government action. They are generally disaster relief proposals and resources made available through those statutes, because the Government is stepping in to try to assist where there has been a hurricane or there has been an earthquake or there has been a flood or there has been a fire. Here we have all of that, but we also have the extra overlay and responsibility that I think comes with the fact that the Government set the fire.

Los Alamos National Laboratory was spared major destruction. That is a very important fact. It was not spared totally. There have been some damages. I hope we can see to it that those damages are repaired. But fortunately for the country, as well as for our State and the community of Los Alamos, the major facilities of the laboratories were not burned.

I do think this fire, though, reminds us of our national security assets located in Los Alamos. They are not just the facilities, and they are not just the nuclear material or equipment that has been developed there over many decades; the main asset we have there with a national security significance to it is the scientists and engineers and other people who work at that facility.

For that reason, it is absolutely essential we step up, as Senator DOMENICI said, to make these people whole, do what can be done by way of resources at this point, to help them rebuild, help them get through this period of turmoil, and get back to work on our very important national security needs.

We have various distinctions in our State. One that I have always enjoyed is that we have more Ph.D.'s per capita in New Mexico than any other State in the Union. People say, well, that is an unusual statistic. It is a statistic which relates directly to the Los Alamos National Laboratory and to the Sandia National Laboratory.

We have many extremely well-trained, well-qualified people working there. These are people who have alternative careers they can pursue; these are not people who need employment there. They could go to any of a number of private firms and be compensated, probably substantially better than we are compensating them to do this very important national security work.

We need to keep those people at our laboratory. We particularly need to keep those people, the young ones who have come in recently and those who are near retirement but who have very valuable information and very valuable expertise, in our nuclear-weapons-related work.

I know there is an aggressive plan that the Department of Energy and the Los Alamos National Laboratory have developed for the next 4 to 5 years to try to capture some of that expertise and ensure that we retain that before some of these people retire.

We cannot allow this fire and this disruption of activity in the laboratory and in the community of Los Alamos to interfere with our ability to keep that expertise at that laboratory. So that is an important reason why this needs to be done quickly, why we need to move aggressively to deal with this.

Let me also mention the other populations in our State that have been very adversely affected by the fire. One, of course, is the Santa Clara Pueblo. If the fire continues—and it has already consumed some 10 percent of their reservation—it continues to threaten that pueblo and the livelihoods of many of those people. We need to see to it that whatever we are able to do benefits them and helps them to recover from the devastating effects of this fire, as well as other individuals in Rio Arriba County, Santa Fe County, and the community of Espanola.

All of those factors need to be taken into account. There is a long list of needs that people will have and a long list of damages that people in the communities involved and the businesses involved will have suffered. I need to just say that, to my mind, we need to step up and accept responsibility. We, the Federal Government, we, the country, need to step up and accept responsibility for making those people whole.

These natural disasters can result in extended litigation and efforts by people to try to get compensated. We hope that can be avoided to the extent possible in this case, because we hope that we can get a sufficiently effective and coordinated and rapid response from the Federal Government to allow that to happen. So I hope very much that all of this occurs.

Mr. President, on behalf of Senator LEVIN, I ask unanimous consent that following the remarks of Senator BIDEN, Senator LEVIN be recognized for up to 30 minutes.

Mr. DOMENICI. On behalf of the manager of the bill, I have been asked to object to that. I object.

The PRESIDING OFFICER. Objection is heard.

The senior Senator from New Mexico is recognized.

Mr. DOMENICI. I thank Senator BINGAMAN for his remarks and his observations.

Mr. President, I've visited Los Alamos countless times during my years of service in the Senate. I've been there for many celebrations, celebrations of their immense contributions that have helped to preserve our national security and maintain our scientific leadership.

Well, I was there a few days ago, and it was no celebration. I witnessed incredible devastation caused by the massive forest fire that is ravaging the area. Thousands of beautiful trees have burned and smoke was rising everywhere. Hot winds were fanning new flames. Thousands of acres of forest were devastated. The lives of many people were shattered. Over 20,000 people had been evacuated, and were receiving shelter with friends and in public areas. Many homes lay in ruins, consumed by flames.

These are homes of people who have dedicated their lives to preserving our precious freedoms. They are true patriots. It only added to my heavy heart to know that the fire was caused by an ill-advised "prescribed burn" in nearby Bandelier National Monument.

In the face of the tragedy, I was immensely impressed with the superb emergency services that were being provided. The State Governor spent a long night in Los Alamos. The Red Cross set up shelters throughout the northern area. The Forest Service mobilized hot shot firefighting units and brought superb expertise, capabilities, leadership and coordination to this horrible situation. The FEMA Administrator was on site. The Secretary of Energy arrived with some of his key staff.

The local emergency personnel were doing wonderful work, trying their best to safely cope with the immense challenge of protecting public safety during a complex evacuation, while also ensuring that none of the hazardous operations at the Laboratory caused additional concerns. The evacuation of Los Alamos took only about half the time anticipated, partly because they had recently practiced an evacuation drill.

There have been many acts of heroism, in which emergency personnel performed critical functions. Many of the lab personnel who manned emergency posts lost their homes in the fire, yet they continued at their stations to ensure the safety of others. People from throughout New Mexico reached out to help their neighbors. Assistance to evacuees from Pojoaque, Espanola, Taos and Santa Fe, along with other communities throughout the State, has been heart warming. Community leaders of these areas, like Jake Villareal from Pojoaque Pueblo and Richard Lucero from Espanola, were some of the first to offer generous assistance.

Given the state of the devastation, it's amazing that there has been no loss of life, or even serious injuries. The fire burned over bunkers full of high explosives—those bunkers provided the planned levels of protection and there were no accidents. Laboratory buildings, which house hazardous operations, remained secure, thanks in large part to years of careful planning. In fact, Laboratory leadership, under the direction of John Browne, deserves accolades for assuring that the Laboratory did not compound the fire-related crises, and bringing the laboratory through the events without significant loss of the facilities they require to accomplish their mission.

In the near term, we need to care for the immense human dimensions of the tragedy. We must ensure that people have adequate shelter, that public health and safety are protected, that public services are rapidly restored, and that some semblance of normalcy can return to their lives. We need to provide assistance to people as they rebuild their lives and their houses.

In the longer term, we need to ensure that the town regains its vitality, which is essential for our national Laboratory to return to full productivity. With the cessation of nuclear testing, the challenges facing that Laboratory are even greater than in years past. Now we've asked their staff to assure that our nuclear deterrent is safe, secure, and reliable—and do it without any nuclear tests. Our nation depends on that deterrent. We need these patriots to continue their work.

While I'd like to list the groups and individuals that have worked together to mitigate this catastrophe, that's really an impossible task. I do want to especially thank President Clinton, FEMA Administrator James Lee Witt, and regional FEMA Director Buddy Young for their quick reaction to this devastating disaster. FEMA's assistance has and will continue to be critical in helping to make the community whole again.

Up to this point, much of the focus has been on the tragedy facing the Laboratory and the communities of Los Alamos County, but there are additional dimensions to this horrible fire. It is still burning, and may threaten other communities. In fact, it could burn for months, as dry fuel in these mountain areas is plentiful.

As we are speaking, the Abiquiu land grant has been voluntarily evacuated. Beautiful and sacred areas of the Santa Clara Pueblo are burning or are threatened. We must make the same assistance package being prepared for the Los Alamos community available in these other locations, if this fire damages property there.

Last Wednesday, Governor Johnson requested that the President declare a state of emergency in New Mexico, and President Clinton signed that request within hours. The emergency declaration triggered immediate assistance to Los Alamos, as well as Sandoval and Santa Fe Counties, and Rio Arriba County was added soon thereafter. The emergency declaration provided for short-term assistancem including funds for things like: Food, water, medicine and other essential needs; shelters and emergency care; temporary housing assistance; emergency repairs and demolition; and emergency communications service and public transportation.

Over the weekend, at Governor Johnson's request, the President declared parts of northern New Mexico to be a federal major disaster area. This triggers additional federal assistance from FEMA and other agencies for the following counties: Bernalillo, Cibola, Los Alamos, McKinley, Mora, Rio Arriba, Sandoval, San Juan, San Miguel, Santa Fe, Taos and Torrance.

FEMA has only begun the process of assessing the damage, but the assistance will include funds to help individual families with rental housing, hotel/motel costs and other living expenses. Federal aid also will be available for county and city governments to help begin the process of rebuilding their infrastructure.

Thankfully, it is estimated that 98 percent of the homes destroyed or damaged by the fire were insured. But, there are other effects this fire will have on the community, particularly the business community so heavily dependent on the Laboratory for its existence in Los Alamos. SBA will make available low interest loans to help small businesses pay for their property losses and to cover cash flow shortages or working capital deficiencies because of the fire's impact.

FEMA has completed its initial assessment of the situation in northern New Mexico, and I have been assured that all appropriate federal agencies that can provide support will do so. FEMA will coordinate these activities and work closely with local officials to implement a comprehensive plan. No amount of money can replace many of the things which have been lost during this devastating tragedy, but all available federal resources will be brought to bear to do the best job we can.

Over the next few weeks, we will begin to understand the types of assistance that will be required for the Laboratory and its staff to return to productive work. I stand ready to work with all of you to assure that those resources are provided swiftly and surely.

Unfortunately, FEMA may be called upon to assist other communities in New Mexico, as my State is being devastated by a series of major fires. In the southern part of New Mexico, there are fires comparable in size to the Los Alamos fire. My heart goes out to those people as well, as they work to rebuild their lives.

I've joined a call within the Energy and Natural Resources Committee, together with Chairman MURKOWSKI and Senator BINGAMAN, to carefully establish the chain of events that led to the horrific events associated with the Los Alamos fire. The Government Accounting Office has begun a detailed investigation. Even with the limited information we have now, it appears clear that major human errors caused this fire. We need to understand those errors and be sure they don't occur again. We may, for example, need to reexamine the procedures for evaluating the safety of "controlled burns."

It's also clear, even with the information we had last week, that the federal government is responsible for this disaster. Thousands of people were impacted by this mistake, and hundreds of those people have suffered major financial losses. Those folks are plenty angry, and they have every right to be furious. In Congress, we need to find ways to make those folks "whole" again, as quickly and efficiently as possible, with an absolute minimum of red tape.

All our citizens owe a tremendous gratitude to the workers at Los Alamos. We won the Cold War because of their contributions. Today we enjoy our freedoms because of their dedication. We need their continued dedication to assure that those freedoms survive for our future generations. And they need our help to rebuild their lives and return to their vital missions.

Mr. President, there are a lot of people to thank. I thank the President for acting expeditiously in declaring a national emergency. I thank James Lee Witt, the FEMA Administrator. He visited personally. He has put one of his best directors in charge. I thank Buddy Young from FEMA, who is out there setting up the appropriate centers. Obviously, at the forefront throughout this entire disaster has been our distinguished Governor, Governor Johnson. He probably knows more about it than any outsider today. He has spent untold numbers of hours, along with his wife, finding out what was going on, making sure things were coordinated and organized. I thank him in a very special way for all he has done. There are many others to thank whom I will forget to mention and they are very important.

I think the people in this country ought to know this laboratory was very well organized. It is the center of some very significant activities that require expertise and require that we do things absolutely right. They had an evacuation plan. It was followed to a tee and, believe it or not, with just four roads out of the mountains, all of these people went to other parts of our State 20, 30, 40, 50 miles away. That occurred without anything other than a mild jam up of automobiles on a couple of occasions as they left. They are staying with friends and neighbors everywhere. Motels offered the people from Los Alamos some very excellent, reasonably priced, accommodations and were very generous in doing that. Now, people from Los Alamos are starting to move back and we anxiously await their return. I have a few comments for them.

Without a doubt, it is the people who make this laboratory great. It is imperative that in our efforts to make this community whole, we do so with as much dispatch as humanly possible. Let it not be a long, dragged out, protracted effort to focus our attention and resources on what the people are entitled to and need, and let's get it done. We don't need any discouragement directed at those who are either new on the job, with great scientific prowess, or those who have been there a long time and are a part of the real nucleus of our nuclear and our deterrent capability. We don't need to discourage them. They should not be discouraged. We hope they come back and take up their jobs. Nobody should lose anything because of this fire in terms of remuneration, or pay, or the like. It is our responsibility.

As I indicated in my remarks, we have acts of God where lightning and other things burn our forests, and we have people in recreation areas who make a mistake and start a fire. This one apparently was started by the U.S. Government, although another department of Government, the Park Service, under the Interior Department; that is different from the Department of Energy that manages this laboratory.

Nonetheless, it seems to me that there are lawyers talking about trying to get our constituents there to sign up with them so they can get remuneration. I am very hopeful, as Senator BINGAMAN has indicated, and as Congressman UDALL from the district where this laboratory lies, who spoke last night at an event. We ought to give our assistance in an effort to make people whole. We ought to do that quickly and make sure the people understand they don't have to go through protracted litigation and courts to get the compensation they are entitled to. We intend to make them whole. But obviously, there may be different definitions, depending upon what vantage point you take, as to what "making them whole" means. But wherever you can measure property losses such as a house, that which was in a house, personal property, automobiles, and the like which might have been damaged or destroyed, it is pretty easy. We need to put somebody in charge. We owe the people for what these destroyed assets were worth to them.

This isn't a town way up in the mountains. It is not going to be easy to build 400 new residences, if that is what people choose to do. It will take some time. The Federal Government has a lot of resources that it puts to bear and focus in emergencies. They will all be there, and hopefully organized in such a manner so that people will not be frustrated, and we will get on with this.

In the meantime, the process of controlled burns ought to be looked at thoroughly by Congress, but also the entire process of how we are maintaining our forests and our national parks in terms of trees that are knocked down; blighted areas where we have timber standing that is totally dry and dead; underbrush that is growing; pine needles that are piled up everywhere making a tinderbox out of some of our national monuments, some of our national parks, some of our forests, and some of the Bureau of Land Management land. We have to take a look to see what we should be doing about that.

Should we leave that independent kind of situation waiting around for a fire of this magnitude or should we begin some orderly process of doing some things that will clean it up a bit and make it a little more safe? I opt for the latter.

I hope there will be some detailed hearings about that because I believe something should be done.

I understand the Senate is going into recess for the Republican and Democratic lunches. But I am not in charge of that time, unless leadership wants me to do something in that regard.

I yield the floor and thank the Senate.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, is there a unanimous consent agreement?

The PRESIDING OFFICER. There is a unanimous consent agreement that we recess for the caucus meetings.

Mr. CRAIG. Mr. President, starting at what time?

The PRESIDING OFFICER. At 12:30.

## EXTENSION OF MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent to extend that for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Idaho for 1 minute.

## FIRES IN NEW MEXICO

Mr. CRAIG. Mr. President, I wanted to respond to the senior Senator from New Mexico and his colleagues who have just spoken. All of us have watched with great concern as this fire has caused such devastation in the mountains of New Mexico and around Los Alamos.

I chair the Subcommittee on Forestry and Public Lands. For the last decade we have known as a country that our forests are rapidly growing unhealthy, largely because we have not managed them as skillfully as we should. In areas that are natural and left to be natural, we understand not touching them. But where we have forests in what we call urban interface today, where houses are built amongst the trees, there ought to be an aggressive effort to keep fuel loading down and to disperse trees in such a way as to disallow these kinds of crises from developing. It is happening now in New Mexico because of a major error on the part of a Federal agency.

We literally have millions and millions of acres of forested public lands around this country in an unsatisfactory condition, as in the mountains of the great State of New Mexico, and one spark, one lightning strike, or one human match could cost millions of dollars, lose thousands of homes, and the land that it touches, it destroys for a generation.

Oftentimes much greater environmental damage is done trying to put out these fires than an organized manner of managing the land, to control fuel loading, and those types of things that are now evident in New Mexico.

We will work with the Senators from New Mexico. Those hearings will be timely. There should be a report out by this Thursday that will give us some indication of cause.

The Senator from New Mexico is absolutely right: There should be extensive hearings on how and why it happened. Are there other areas where this could happen across these United States?

I thank the Senator for his comments.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. DOMENICI. Mr. President, I have an article from the Albuquerque Journal that talks about a marvelous man, Alton J. Posey, 68 years old. Essentially, this 68-year-old retired man knew a lot about forests and mountains. That was his job. He went out to save his mountain house, which was his dream—a two-story log cabin in the mountains. He doused himself with water, took his water hose, and stayed there and kept that house from burning while things burned all around him.

I ask unanimous consent that the story explaining his life and what he did be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. DOMENICI. Mr. President, there is a little town named Weed, NM, which was hit by this fire. Terrible damage was done. It is on the other side of the State in the southern section.

There is a detailed Associated Press account by Chaka Ferguson that explains the details about that small town and what happened.

I ask unanimous consent that it be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2)

Mr. DOMENICI. Mr. President, I thank the Senate in advance for the generosity that it is going to show, as it always does for those who suffer a disaster in this country.

I want to say to New Mexicans that the Senate won't let you down this time either. We are going to do what we have to do to organize it properly, put it in the right hands, and make all of you out there in New Mexico whole, rebuild that lab where it needs to be built, and make it safer where it ought to be safe so it can continue its marvelous work in behalf of peace and freedom as it has done for so many decades.

I yield the floor.

### EXHIBIT 1

### EX-FIREMAN SAVES HOME FROM SCOTT ABLE BLAZE

### RETIREE PREVAILS OVER FIRE—ONE-MAN BATTLE SAVES WEED HOME

(By Rene Romo)

WEED.—The Scott Able Fire was raging on Agua Chiquita Road west of this tiny village, but 68-year-old Alton J. Posey was determined to protect his house, a two-story log cabin he built for his retirement.

With an old firefighter's helmet perched on his head and his pants drenched with water, Posey used a garden hose to battle flare-ups.

He managed to save his dream house, but at lest 15 other houses and structures burned to the ground a few hundred yards away in nearby Wayland Canyon and along Agua Chiquita on Thursday night.

"Everything at the end of the rainbow for me was at the bottom of his hill," Posey said Saturday of his 11-acre property, a preserve surrounded by blackened trees and incinerated homes. "At 68 years old, you're too old to start again. And if a guy is determined and he knows he's right, you can't whip him."

Firefighters on Sunday had the 20,717-acre blaze, which cut a swath about 20 miles wide from Scott Able Canyon east to the Sacramento and Weed area, about 50 percent contained, fire information officer Kris Fister said.

The fire was believed to have been sparked by a downed power line in a 4-H camp about 16 miles south of Cloudcroft.

Fed by wind gusts, the fire churned across the Sacramento Mountains in the Lincoln National Forest, covering nearly 20 miles Thursday night and Friday morning.

Along Agua Chiquita, the fire left charred refrigerators and well pumps standing amid aluminum siding twisted like noodles. At some homes, trucks sat on their wheel rims because the tires were roasted away.

Milder winds Saturday and Sunday limited the blaze mainly to ground fires and gave more than 300 firefighters from around the West a chance to build a perimeter and douse hot spots with five helicopters and six air tankers.

According to a preliminary estimate, the Scott Able Fire destroyed 20 residences, 16 structures such as garages and sheds, and six automobiles.

Among those who lost houses in Wayland Canyon were two of Posey's neighbors, Maggie Bailey and Weed postmaster Francis Visser. Posey allowed them to stay in his home while they figure out what to do next.

Bailey moved to the area from Wisconsin two years ago with her truck-driver husband, who was on the road during the blaze. Bailey said she lost a motorhome, a small cabin and a motorboat. She managed to save two cars and her pets—a dog and two cats.

"I think I want to go back where there's more moisture," a dazed Bailey said Saturday evening "What can you do? You just . . . do."

Otero County sheriff's deputy Sgt. Jeff Farmer also lost his home.

"It's the little things you miss," said Farmer, who was working a roadblock leading into Weed off N.M. 24 on Saturday. He had been working almost nonstop since the fire erupted Thursday evening. "Yesterday morning, I didn't own anything."

Posey said "it sounded like 10 trains" when the blaze roared down the mountainside behind his house, consuming 80-foot-tall pine trees.

The former Artesia firefighter thoroughly drenched his log cabin with a garden hose as the fire advanced Thursday. Later that evening, heat all around the house caused the building to issue a cloud of steam.

From about 8 p.m. to 1 a.m., Posey, working frantically and alone, scrambled about his property dousing thumb-sized embers with a bucket.

Flames burned a hole in the wall of a barn about 50 feet from his home before Posey extinguished the flare-up.

Several times during the night, he said, he had to drop to the ground to gulp air. And once during the evening, a wild-eyed doe charged out of the burning forest and crashed into him.

Posey said he refused three requests by local authorities to evacuate but sent his wife and two neighbors off Thursday evening. The goodbye became emotional when Posey told his wife of 47 years, Carol, to take his dog, a blue heeler named Ugly, with her.

"I was just just wondering if I would ever see him alive again." Carol Posey said Sunday, noting that she left her home with nothing but medicine and her pets. "It was a scary time, I tell you what. You didn't have time to think. You didn't have time to do anything."

Alton Posey recounted their goodbye: "I said, 'Don't you fret. This is the kind of hand I can play. I had a good supply of water, a good pressure pump, and my old coat.' "

Meanwhile, the 8,650-acre Cree Fire east of Ruidoso was 94 percent contained as of early Sunday, and a single helicopter doused hot spots. The fire is expected to be under control by Wednesday.

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### EXHIBIT 2

### TOWN FULL OF STORIES AFTER FIRE

(By Chaka Ferguson)

WEED, N.M.—Under a blue sky, with a row of apple trees serving as an outdoor wedding chapel, newlyweds Chris Mydock and Kendra Goss-Mydock proved why this mountain community, population 20, is known to some of its residents as a town of 100 stories.

Two days earlier, a raging wild-fire ripped through the Sacramento Mountains, burning at least two dozen buildings about a mile from where the Mydocks consecrated their wedding Saturday. When they took their vows, an evacuation order was still in effect.

In the background, wisps of white smoke rose from the hills. A helicopter hovered above, prepared to drop water on remaining hot spots. Firefighters milled around, awaiting orders.

But like life in this resilient community, the wedding went on.

"The pastor called us yesterday and asked us if we're still on, and we said, 'Yep, we're still on,'" said Goss-Mydock, 31, a lifelong resident of Weed, as she posed for pictures with her new husband before a sign that read "Weed: pop, 20".

The communities that dot the Southern New Mexico mountains have pulled together since a wild-fire erupted in a nearby canyon Thursday and spread to more than 20,000 acres, rivaling the bigger blaze in the north that scorched Los Alamos.

The Mydocks wanted to share their wedding with the community to help heal some of the pain caused by the fire's destruction.

"The people are really close to each other; it's like one big family here. Everybody cares about everybody else," Goss-Mydock said.

The preacher and his wife, who served as the witness, attended the wedding. The Mydocks then had their reception down a dirt road that bisects the community with patrons of the Weed Cafe, a gathering place for residents seeking news on the fire.

The family-run restaurant which also houses the community's post office, stayed open during the tense days and nights of the fire and the following evacuation, donating food and other provisions to firefighters and evacuees. Some residents ignored the evacuation and stayed put, others took up residence with friends or relatives.

"I stayed open to supply hot coffee to the people and provide telephones," said Gary Stone, 45, who lives several miles down the road in Miller Flats. "I was making sure the coffee was on and the doors were open."

## RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. DASCHLE. Mr. President, this weekend an estimated 750,000 mothers, fathers, and children united for the Million Mom March here in the District. These women and men took the first step toward ending the epidemic of gun violence in our country.

Certainly, Congress needs to take the next step. It is intolerable that commonsense gun safety legislation is stalled in a conference committee that has not met since August 5 of 1999. Twelve kids die a day from gun violence and we do nothing. We have more safety regulations for toy guns than for real guns, and we do nothing. We have watched children shot in schools and day-care centers, but still we do nothing.

Yesterday, the Democratic Policy Committee held a hearing with mothers from the Million Mom March. At the hearing, I heard stories that I must say will haunt me for a long time. I listened to a kindergarten schoolteacher talk about her horror when one of her seemingly innocent students, a kindergartner, brought a gun to school to kill a classmate. She remains afraid to teach and afraid for her students.

I listened to the mother of an aspiring high school graduate who was gunned down in front of his girlfriend's home while unloading groceries. As she talked about her loss, and demanded Congress act, she said simply:

> I don't want this to happen to any other mother, father, sister or brother. I don't want anyone else to suffer like this.

I listened to a mother whose oldest son was shot and killed by a neighbor in a sleepy town in California. She told us:

> I came to the District to protect my son, Brandon, from gun violence because he is the only child that I have left.

I ask my colleagues, what else will it take for us to act to stem this domestic war of violence that is infecting every city and county in our beloved country? We cannot wait any longer for the juvenile justice conference to meet and act.

I was disappointed by comments made by the National Rifle Association when asked whether all of this effort, 750,000 people coming to Washington as peacefully as any group I have ever seen come, organized in a respectful way, telling their stories, as tragic as they are, with the courage that I don't think I personally could muster, the personal stories of lost sons and daughters, mothers and fathers—the NRA was asked the question, Will this translate to political power? Their answer:

> It's one thing to say it. It's another thing to do it.

They understand political power. They have it. But I do think that is changing. The landscape is changing, and it is changing dramatically. As a South Dakotan who has been raised with guns all my life, who is proud to be a hunter—I have many guns myself—I will say without equivocation that it, too, is even changing in my home State.

Given the fact it has now been more than a year, given the fact that we have not yet acted, given the fact that we ought to respond to all those people who came to Washington with their courage and with what few pennies they had to pay for their trips, I ask unanimous consent that no rule XVI point of order lie against any gun-related amendment to the military construction appropriations. This would apply to Republican or Democratic amendments.

Mr. BURNS. Objection.

The PRESIDING OFFICER. Objection is heard.

### AMENDMENT NO. 3148

Mr. DASCHLE. Mr. President, I, therefore, send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from South Dakota [Mr. DASCHLE] proposes an amendment numbered 3148.
>
> At the appropriate place add the following:
>
> Since Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;
>
> Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;
>
> Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;
>
> Since gun safety education programs are inadequate to protect children from gun violence;
>
> Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;
>
> Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;
>
> Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;
>
> Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and
>
> Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it
>
> Determined, That it is the sense of the Senate that—
>
> (1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and
>
> (2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I have not had a chance to review this language, so I suggest the absence of a quorum in order to have the opportunity to do that.

The PRESIDING OFFICER (Mr. CRAPO). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mrs. MURRAY. I object.

The PRESIDING OFFICER (Mr. GORTON). The objection is heard.

The clerk will call the roll.

The assistant legislative clerk resumed the call of the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 2]

Coverdell
Enzi
Gorton
Lott
Murray
Reid

The PRESIDING OFFICER. A quorum is not present. The clerk will call the names of absent Senators.

The assistant legislative clerk resumed the call of the roll.

Mr. LOTT. Mr. President, I move to instruct the Sergeant at Arms to request the presence of absent Senators, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion of the Senator from Mississippi. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH), is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER), are necessarily absent.

The result was announced—yeas 94, nays 2, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—94

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, Lincoln
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—2

Breaux
Thomas

NOT VOTING—4

Biden
Moynihan
Schumer
Smith, Oregon

The motion was agreed to.

The PRESIDING OFFICER. With the addition of Senators who did not answer the quorum call, a quorum is now present.

Mr. LOTT. Mr. President, I raise a point of order that the pending Daschle amendment is not germane to the Military Construction Appropriations bill and ask for the yeas and nays on the question put before the Senate.

The PRESIDING OFFICER (Mr. STEVENS). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:—

[Quorum No. 3]

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. A quorum is present.

The majority leader.

Mr. LOTT. Mr. President, I believe there is a point of order that has been made on germaneness, and the yeas and nays have been ordered. We should proceed to vote.

Mr. DASCHLE. Mr. President, I move to table the point of order and ask for the yeas and nays.

I note the absence of a quorum.

The PRESIDING OFFICER. Is there a sufficient second?

The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 4]

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. A quorum is now present.

The question is on agreeing to the motion to table.

Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Oregon (Mr. SMITH) is necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.

The result was announced—yeas 42, nays 54, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—42

Akaka
Bayh
Bingaman
Boxer
Breaux
Bryan
Byrd
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—4

Biden
Moynihan
Schumer
Smith (OR)

The motion was rejected.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 5]

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feingold
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

The PRESIDING OFFICER. A quorum is present. The Democratic leader.

## EXECUTIVE SESSION—MOTION TO PROCEED

Mr. DASCHLE. Mr. President, I move to proceed to executive session to consider Calendar No. 504, E. Douglas Hamilton, of Kentucky, to be U.S. Marshal, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) and the Senator from Oregon (Mr. SMITH) are necessarily absent.

Mr. REID. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from New York (Mr. MOYNIHAN), and the Senator from New York (Mr. SCHUMER) are necessarily absent.–
–

The result was announced—yeas 41, nays 54, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Breaux
Bryan
Cleland
Conrad
Daschle
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—5

Biden
Gorton
Moynihan
Schumer
Smith (OR)

The motion was rejected.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mr. LOTT. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may send an amendment to the desk. I further ask consent that upon reporting of the amendment there be 8 hours for debate, equally divided between the two leaders, or their designees, for the purpose of debating both amendments, with 4 hours consumed this evening. I also ask consent that at 1:30 p.m. on Wednesday the Senate proceed to a vote on or in relation to the Lott amendment, to be followed by a vote on or in relation to the Daschle amendment. I finally ask consent that no amendments be in order to either amendment prior to the votes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask unanimous consent that my pending point of order be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

### AMENDMENT NO. 3150

Mr. LOTT. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3150.

Mr. LOTT. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert:

**SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law—abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; plus

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and

(e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons, and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

(a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences of firearm offenses;

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

Mr. LOTT. Mr. President, in light of this agreement, there will be no further votes this evening. The next vote will occur at 1:30 p.m. on Wednesday.

I thank Senator DASCHLE for his cooperation in getting this agreement.

Mr. DASCHLE. Mr. President, if I may ask the majority leader a question, the unanimous consent doesn't address this, but I assume the 4 hours tonight would be equally divided.

Mr. LOTT. Absolutely, Mr. President.

Mr. DASCHLE. Of course, it already notes it should be equally divided tomorrow. I appreciate the clarification.

Mr. President, let me thank the majority leader for his willingness to proceed in this manner. This is what we had hoped we could achieve. I am delighted now that we have done so. This is far better than to go through the parliamentary motions that were being made. I appreciate the patience and willingness on the part of everyone to accommodate our desire to have this amendment and these votes. We will have them tomorrow, as we had hoped. I look forward to the debate tonight as well as tomorrow.

Mr. President, I yield our 2 hours tonight on the Democratic side to Senator BOXER who will manage the time on my behalf.

(Mr. BROWNBACK assumed the Chair.)

Mr. LOTT. Mr. President, while the time will be equally divided tonight—2 hours on each side that are required to discuss the pending amendments—I want to emphasize again that there is another very important issue pending that everybody thought would be the subject of debate this afternoon, and that is the language in the appropriations bill regarding Kosovo and how we will deal with our allies' involvement there, and how we will deal in the future with the funding.

Some Senators may wish to take some time to speak on that issue. I also encourage colleagues that we work toward getting a time agreement tomorrow afternoon on the Kosovo issue, have a reasonable time, but have a focused, good debate and vote on that issue so we can complete the military construction appropriations bill. We are getting far afield from getting our work done on the appropriations bills. We would then go to the foreign operations appropriations bill. I encourage Senators to stay and make speeches tonight on these subjects.

I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Thank you very much, Mr. President.

May I ask the majority leader if he could tell us who is going to be handling the time on his side of the aisle?

Mr. LOTT. Mr. President, we don't have anybody designated yet. I will either be here to do it myself or we will designate somebody. There are a number of Senators who have indicated a desire to be heard on this issue—Senator SESSIONS, Senator CRAIG, and others. But exactly when tonight or tomorrow, we will have to make that determination since we just had this agreement entered into.

Mrs. BOXER. Mr. President, I thank the majority leader for getting us to a place where we can in fact consider the Daschle amendment, which simply says that on Mother's Day an estimated 750,000 mothers, fathers, and children united for the Million Mom March on The Mall in Washington, and they were joined by tens of thousands of others in 70 cities across America in a call for a meaningful, commonsense policy.

Essentially what this amendment says is that the organizers of the Million Mom March should be commended for rallying to demand sensible gun safety legislation and that Congress should immediately pass a conference report which will include the meaningful, sensible gun laws that were passed here in the Senate as part of the juvenile justice bill.

I had the privilege and honor of marching with so many American families of so many diverse backgrounds and so many Americans of different ages all united in a call for a safer America.

I am very pleased that my leader, Senator DASCHLE, has placed this amendment before the body. I hope all Members will vote for it.

I see that the Republican side has responded with a litany of attacks on President Clinton, which I think is most inappropriate. This should be a time when we reach across the aisle and say we want safety for our children. I hope maybe they will reconsider.

Believe me when I tell you that the million moms and their families are not Democrats, Republicans, or independents; they are Americans. Many were touched by violence in their families and violence in their communities.

At this time, I ask the Senator from Massachusetts, Mr. KENNEDY, if he would like to take up to 30 minutes to discuss these amendments. If so, I will now yield up to 30 minutes to the Senator from Massachusetts.

Ms. MIKULSKI. Mr. President, will the Senator from Massachusetts withhold?

May I have 1 minute?

Mrs. BOXER. Yes.

Ms. MIKULSKI. Mr. President, I thank the Senator for her leadership and her advocacy on this issue.

I was so proud to march with her on The Mall with the mothers and the fathers and the good men who supported the women. We were proud. Why were we proud? Because the people marching believed marching made a difference. They thought if they could go out and march with their feet instead of people marching with their money into these lobbying events that are held here, they could make a difference. I thank the Senator for responding to their marching feet.

I stand with her, along with the people who were there from Maryland. I congratulate her because we are making democracy work. If we don't march on this floor and pass this amendment, I really say to the voters of America, march into the voting booth and get a Congress that will respond to marching feet instead of marching to millions of dollars.

Mrs. BOXER. I thank my friend from Maryland. It was an honor to march with her and to stand with her. She brings to the Senate a sense of reality for our families, our seniors, and our children. She fights for them every day. She is fighting for them tonight.

With that, I yield up to 30 minutes to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Massachusetts is recognized.

Mr. KENNEDY. Two days ago, to honor Mother's Day, hundreds of thousands of mothers from across the United States marched on the nation's Capitol, to insist that Congress do more to protect children from the epidemic of gun violence that continues to plague our country.

The Million Mom March has focused the attention of the entire country on this critical challenge—and the question now is whether Congress will at long last end the stonewalling and act responsibly on gun control.

The National Rifle Association is not the Majority Leader of the United States Senate. It shouldn't be dictating our agenda. It's irresponsible for the Republican Senate leadership to stonewall every opportunity to enact responsible gun control legislation.

For many months, Democrats have continued to ask the Republican leadership for immediate action on pending legislation to close the loopholes in the nation's gun laws, but every request so far has been denied.

Gun laws work. Experience is clear that tough gun laws in combination with other preventive measures have a direct impact on reducing crime.

In Massachusetts, we have some of the toughest gun laws in the country.

We have a ban on carrying concealed weapons. A permit is required to do so: Local law enforcement has discretion to issue permits, and an individual must show a need in order to obtain the permit.

We have a minimum age of 21 for the purchase of a handgun. We have increased penalties for felons in possession of firearms.

We require the sale of child safety locks with all firearms.

We have an adult responsibility law. Adults are liable if a child obtains an improperly stored gun and uses it to kill or injure himself or any other person.

We have a Gun-Free Schools Law.

We have a licensing law for purchases of guns.

We have strict standards for the licensing of gun dealers.

We have a waiting period for handgun purchases. It takes up to 30 days to obtain a permit.

We have a permit requirement for secondary and private sales of guns.

We have a ban on the sale of Saturday Night Specials.

We have a requirement for reporting of lost or stolen firearms.

As Boston Police Commissioner Paul Evans testified last year in the Senate Health Committee, "Any successful approach to youth violence must be balanced and comprehensive. It must include major investments in prevention and intervention as well as enforcement. Take away any leg and the stool falls."

Commissioner Evans also stated that to be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, and health and mental health providers. After-school programs are essential to help keep juveniles off the streets, out of trouble, and away from guns and drugs. In developing an effective approach like this, Boston has become a model for the rest of the country.

There are partnerships between the Boston Public Schools and local mental health agencies. School districts are employing mental health professionals. Teachers and staff focus on identifying problems in order to prevent violence by students. The Boston police work actively with parents, schools and other officials, discussing incidents in and out of school involving students. The Boston Public Health Commission promotes programs by the Boston Police Department.

The results have been impressive. The success of Boston's comprehensive strategy is borne out in these outstanding results:

From January 1999 through April 2000, no juvenile in Boston was killed with a firearm.

In 1990, 51 Boston young people, ages 24 and under, were murdered by a firearm. Last year, there were 10 such murders.

Reports from emergency rooms about firearm injuries are also down dramatically.

It's no coincidence that the firearm death rate in Massachusetts is significantly lower than the national average. We've taken strong and effective steps to protect our citizens, our children, and our communities.

When we compare states with tough gun laws to those that have weak gun laws, the differences are significant:

In 1996, across the nation, the number of firearm-related deaths for persons 19 years old or younger was 2 deaths per 100,000 persons.

In states that have the weakest gun laws, the number was significantly higher:

Utah had 5.1 firearm-related deaths per 100,000 people—two and a half times higher than the national average.

Indiana had 5.9 firearm-related deaths per 100,000—three times higher.

Idaho had 6.9 firearm-related deaths per 100,000—three and a half times higher.

Mississippi had 9.2 firearm-related deaths per 100,000—four and a half times higher.

No other major nation on earth tolerates such shameful gun violence. According to a study by the Centers for Disease Control in 1997, the rate of firearm deaths among children 0–14 years old is nearly 12 times higher in the United States than in 25 other industrial countries combined.

Every day we fail to act, the tragic toll of gun violence climbs steadily higher. In the year since the killings at Columbine High School in Colorado, 4,560 more children have lost their lives to gunfire, and countless more have been injured.

We intend to do all we can to see that the Senate votes on these common sense measures as soon as possible.

Today is a new dawn for gun control. On Sunday, finally, the immoveable object we call Congress met the irresistible force of the Million Mom March—and the immoveable object moved.

I believe that at long last, Congress will say no to The National Rifle Association, and yes to the hundreds of thousands of mothers from across the United States who marched on the nation's Capitol to demand an end to the epidemic of gun violence that continues to plague our children, our homes, our schools, and our country.

The Million Mom March focused the attention of the entire country on this critical challenge. It is time—long past time—for Congress to end the stonewalling and act responsibly on gun control.

We already know what needs to be done to reduce the irresponsible proliferation of guns and gun violence in communities across the country. This is not rocket science. We should close the gun show loophole. We should require child safety locks for guns. We should insist on licensing for all handgun owners. We should take guns out of schools and let children learn in safe classrooms.

Enough is enough is enough is enough.

I am sure those Americans who have been watching the Senate now for the last 2 hours wonder whether we are going to be able to take very much action on matters which they consider important to their families.

In this particular instance, the issue is whether we are going to pass a sense-of-the-Senate resolution—not even an amendment that would be the basis for legislative action, but just an expression of the Members of this body, as the Senator from California has pointed out, effectively commending the participants of the Million Mom March. They should be commended for rallying to demand sensible gun safety legislation.

Congress should pass a conference report on violent juvenile offender accountability before the Memorial Day recess and include the Lautenberg gun show provision which passed in the Senate, and other Senate-passed provisions to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

That took just over 2 hours of the Senate's time primarily because of the Republican leadership saying they were not going to permit the Democratic leadership to go on record in the Senate this evening just for the sense of the Senate commending the Million Mom March, and also asking that the Senate do what it already should do—that is, pass the violent juvenile offender legislation out of conference where it has been for 7 months.

As a member of the conference committee, we met on two different occasions: on the opening occasion, and on the organization. And that was it.

It has taken the Republican leadership 2½ hours to say that we can vote on this tomorrow with their permission. They ought to get used to the fact that we are going to continue to press this issue—2 hours to get a sense of the Senate to say the mothers, the 750,000 moms who marched with their daughters on Sunday—that they are to be commended. That is troublesome, evidently, to the other side.

These moms came from all different parts of the country. Many of them had never participated in any political process at all. They came here because they wanted the Congress of the United States to debate and take action. They had different views about what specifically should be out there. But they had a common sense and a common purpose that we should take some action. We are commending them for doing so. That evidently was unacceptable to the Republican leadership.

That is what we are facing here, for those who are watching this program tonight and who saw the march. In the last 2 hours we have been unable to get action. It is as clear as can be.

There has been objection, parliamentary maneuvering, and gymnastics using the rules of the Senate to deny an expression that we ought to commend the Million Mom March and that we ought to complete what is our responsibility to complete; that is, the conference, and pass sensible and commonsense gun control. You would have thought we were repealing the first amendment of the United States. That is what we are facing here. It is so interesting for us to find that out at this time in this session—the difficulty and the complexity we are going to have. But we are going to continue to pursue it.

I see my friend and our leader from California, Senator BOXER. I am glad to yield for a question.

Mrs. BOXER. Mr. President, I simply want to say to my friend that everything he said was true, except one small point. He said it has been 2 hours. It has been since 2 o'clock, I say to my friend from Massachusetts. They delayed for 5 hours the simple vote to say to moms who gave up their Mother's Day and came here: Thank you for what you are doing.

Mr. KENNEDY. The Senator is correct.

We have a short period of time remaining. As a member of the Health, Education, Labor, and Pensions Committee, we have responsibilities to try to pass education legislation. We had seven votes over a period of 5 days. That legislation was pulled. We are saying we don't have enough time, we don't have enough time to consider this, although we had all day Friday where there were no votes and all day Monday where there were no votes.

What we see now is that during the whole course of the afternoon, we were denied the opportunity to have just an expression of the Senate.

As I mentioned, this resolution is a simple, straightforward measure. Fact: Over 400 young people have been killed by gun violence since 1997. Fact: In the year since the Columbine tragedy, the Senate and House juvenile justice conference has not taken action to ensure the passage of meaningful gun legislation. Fact: Our continued inaction poses a threat to public safety.

The sense of the Senate does only two things. It commends the participants of the Million Mom March and calls upon the conference to pass the language of the Lautenberg measure on the gun show loophole that has passed the Senate, and to take action that is sensible and responsible.

I will take a few moments of the Senate's time to respond to an argument and to discuss some of the facts which are so compelling, particularly about the children, because we as a country and as a society refuse to take action. The latest data released in 1999 shows in a single year—and this can't tell the story because for every statistic, for every individual there is a name and a face behind this—what has been happening: 4,205 children and teens were killed by gunfire—1 every 2 hours, nearly 12 a day; 2,562 were murdered by gunfire; 1,262 committed suicide using a firearm—more than 3 every day; 306 died from accidental shooting; 2,357 were white and 1,687 were black; 629 were under 15; 191 were under 10; 84 were under 5 years of age; nearly 3 times as many children under 10 died from gunfire as the number of law enforcement officers killed in the line of duty. We know that the American children under 15 are 12 times more likely to die from gunfire than children in 25 other industrial countries combined; homicide is the third leading cause of death among children 5 to 14; 61% of the 80,000 children killed by gunfire since 1979 were white; 36% were black; children are twice as likely as adults to be victims of violent crime, and more likely to be killed by adults than other children; white youths are six times more likely to commit suicide than black youths although the suicide rate for black youths is up more than 100 percent since 1980.

We do not believe this legislation is necessarily going to be the only answer. We understand that. We do understand this is a step that can be taken now to make a difference about the proliferation of weapons and the easy access to weapons.

Various studies and polls show the number of children who say how easy it is for them to acquire weapons in our country today. We want to reduce that availability and that accessibility. We understand there are legitimate issues with which we have to deal. I want to dispose of a few of them. One has been the argument that has been raised that there hasn't been a sufficient effort in the area of law enforcement.

Reading through our Republican sense of the Senate, they talk about law enforcement. It is an interesting fact that Republicans have cut back on the total number of agents who have been most involved in law enforcement—the ATF agents—over the last 15 years.

Back to the prosecutions and the important point which our Republican friends ought to understand because their sense-of-the-Senate resolution is basically flawed in what they say about the prosecutions: Although the number of Federal prosecutions for lower level offenders—persons serving sentences of 3 years or less—has dropped, the number of high-level offenders—those sentenced to 5 years or more—is up by nearly 30 percent. Do we understand that? If we are talking about the more serious aspect of gun prosecutions, they are up by 30 percent.

I hope our Republican friends acknowledge their findings which are flawed in their presentation on this issue. At the same time, the total number of Federal and State prosecutions is up sharply. About 25 percent more criminals are sent to prisons for State and Federal weapons offenses than in 1992. The number of high-level offenders is up nearly 30 percent. The total number of Federal and State prosecutions is up 25 percent or more. The total number of prosecutions—local, Federal, and State—are up significantly.

We hear from the National Rifle Association that all that is needed is further prosecution under the law, but that is happening at the present time. What we need is action over the proliferation of weapons. We have tried in recent times on our side, with strong support, to make progress regarding the proliferation of weapons.

Moving along to some of the other challenges that children are facing, in November of last year in the Senate, the mental health bill was passed unanimously, by Republican and Democrats alike. We are still waiting over in the House of Representatives for the Republican leadership to call that up.

What does that bill do? That bill directly addresses the problems of violence in children's lives. The first section of the bill provides grants to public entities for programs in local communities to help children deal with violence. Community partnerships are created among law enforcement, education systems, mental health, and substance abuse systems. These partnerships provide a comprehensive response to violence, and include security, education reform, prevention, and early intervention services for mental health and substance abuse problems, as well as early childhood and development and social services.

Recognizing what is happening in many of our urban areas, I know in my city of Boston, a third of the children who come to school each day come from schools where there is abuse—physical abuse and substance abuse. Those children need help. They have problems. Those who are the strongest supporters of eliminating the proliferation of weapons available to children have been fighting for these kinds of efforts.

Nonetheless, our Republican leadership is opposed to all of our efforts and refuses to take action in those areas. It wasn't that long ago, in 1995, when we tried to get the Center for Disease Control to have a survey of gun violence and our House Republican budget proposed a phaseout of the Center for Injury Control because it was just collecting information about violence and guns in schools.

Not only are they opposed to trying to take direct action on the proliferation of guns, not only are they opposed, evidently—because they are refusing to take up legislation to deal with some of the other aspects of guns—but on the other hand, they are absolutely opposed to even permitting the Center for Disease Control, the premier organization in the world in terms of public health services, from having any collection of material on gun violence.

In 1996, the appropriation was cut by $2.6 million, the appropriation of the Center for Disease Control, for injury control. That is the exact amount CDC was spending to survey gun violence. Since then, the CDC found other ways to continue the survey of gun violence, but Republicans have fought us every step along the way. That is what we are pointing out.

We are pointing out a number of things. First of all, if you can do something for effective law enforcement as well as prevention programs, you can have a dramatic impact on violence in communities. I want to show what has happened in my own State of Massachusetts where we have passed some of the toughest gun laws. We have a ban on carrying concealed weapons. A permit is required to do so. Local law enforcement has discretion to issue permits, and an individual must show a need in order to obtain the permit.

We have a minimum age of 21 for the purchase of a handgun.

We have increased penalties for felons in possession of firearms.

We require the sale of child safety locks with all fire arms.

We have an adult responsibility law. Adults are liable if a child obtains an improperly stored gun and uses it to kill or injure himself or any other person.

We have gun-free school laws.

We have a licensing law for the purchase of guns. We have strict standards for the licensing of gun dealers. We have a waiting period for handgun purchases. It takes up to 30 days to obtain a permit. We have a permit requirement for secondary and private sales of guns.

We have a ban on Saturday night specials, and we have a requirement for reporting lost or stolen firearms.

What have been the results? In the city of Boston, we see what the difference has been. In 1990, homicides of those 16 and under: 10 a year. See how this has gradually been phased out as these measures have been passed, down to the year 2000 where, in the first 3 months of the year, for youth homicides, we have not had one yet.

Does that mean something to anybody? Obviously we have had a very powerful impact. That is not just because of this legislation which has been enormously important, but we have also had a very effective program in prevention and intervention as well as enforcement. As Commissioner Paul Evans said, you have to have all the legs of the stool to be effective. Commissioner Evans also states:

> To be effective, efforts must be targeted and cooperative. Police officers must be able to work closely with churches, schools, health and mental health providers. Afterschool programs are essential to help keep juveniles off the streets and out of trouble, away from guns and drugs.

In developing an effective approach like this, Boston has become a model for the rest of the country. On this chart, here is the city of Boston: Firearm homicides, 50 a year in 1990, and now we are down, in the year 2000, to 3 this particular year. That is because of tough laws with effective efforts that include many of the different provisions we have talked about here in our SAMSHA program: Working with troubled youth; trying to work with children to deal with violence in their communities; community partnership among law enforcement, education, and mental health and substance abuse systems. Those have been local efforts—some supported by the States—that are effective. Prevention and tough laws; we are finding out the scores, the hundreds of children who are alive today that I dare say probably would not be if we did not have an effective effort against the proliferation of weapons as well as prevention.

There are partnerships between the Boston public schools and local mental health agencies. School districts are employing mental health professionals. Teachers and staff focus on identifying problems in order to prevent violence by students. Boston police work actively with parents, schools, and other officials discussing incidents in and out of schools involving students. The Boston Public Health Commission promotes programs by the Boston Police Department and the results have been impressive.

From January 1999 through April of 2000, no juvenile in Boston was killed with a firearm. We ought to be able to at least debate this issue in the Senate. If there are those who take issue with what we have represented tonight about the effectiveness of a strong prevention program in terms of proliferation weapons, and also a prevention program working with a range of different social services, come out here on the floor and let's debate it and call the roll.

But, oh, no, the Republican leadership says. Oh, no, we are not even going to let you, over 5 hours, pass a resolution commending the Million Mom March, or that we ought to get the bill out of the conference, where we have been for 8 months. Why is it they are so nervous about it? Why is it, when we have results that we are prepared to defend that can demonstrate we can save lives in this country, but that we are denied the opportunity to do so? That is what is unacceptable. People are milling around saying: when are we going to end this evening? We have places to go. We have places to go—here on the floor of the Senate. We have things to do, and that is here in the Senate. That is what we are elected for.

The leader, Senator DASCHLE, has outlined what we want to be able to do.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has another 9 minutes.

Mr. KENNEDY. Let me point out, when we compare States with tough gun laws to those that have weak gun laws—let's take a look at that. We are constantly told tough gun laws do not make any difference, they really do not make any difference.

Listen to this. In 1996, across the Nation the number of firearm-related deaths for persons 19 years old or younger were 2 deaths per 100,000. That is across the country, 2 deaths per 100,000. In the States that have the weakest gun laws, the number was significantly higher. Utah had 5.1 firearm-related deaths per 100,000, 2.5 times higher than the national average. These are, effectively, for children under 19 years of age. Indiana had 5.9 firearm-related deaths per 100,000, 3 times higher; Idaho, 6.9 firearm-related deaths per 100,000, 3.5 times higher; Mississippi, 9.2 firearms-related deaths per 100,000, 4.5 times higher. No other nation on Earth tolerates such shameful gun violence.

Where we have had effective laws and preventive programs we have reduction in the violence against children. Where we have weaker laws, we see the expanded number of deaths of children in our country. There may be other reasons for it, but come out here and defend it. We are prepared to debate these issues. But we are unable to do so because of these magic words: "I suggest the absence of a quorum."

If you took away the words, "I suggest the absence of a quorum," perhaps we could get some action around here. But we cannot and therefore we are stymied, at least to date, although we will have some opportunities to get some expressions tomorrow, and we are going to try to get action on these measures before the end of the session.

We are prepared to insist that action be taken on these measures. I will just conclude by reading some of the comments of children. These are the words of Columbine students who witnessed a horrible tragedy last year. This is a quote from Valeen Schnurr:

> The nights are always the worst. Inevitably, I find my thoughts drifing into nightmares, terrifying images of the library at

> Columbine High School on April 20, 1999. The sound of students screaming as explosive and gunshots echo through the school; the burning pain of the bullets penetrating my body; the sound of my voice professing my faith in God; seeing my hands fill with my own blood; and my friend Lauren Townsend lying lifeless beside me as I try to wake her.
>
> In the mornings when I look in the mirror, the scars I see on my arms and upper body always remind me that it's not just a nightmare, but the memory of a real event that will stay with me for the rest of my life. The scars are a part of me now, but they help me to remember that I've been blessed with a second chance at life.

From Garrett Looney:

> I've never been ashamed to be an athlete. I started playing football when I was eight, and baseball and basketball too. This spring, I'll run track. Sports have always been part of me. . . .
>
> I'd been in the library that day, about 11 a.m., making some copies. Then I left with friends for lunch. We were heading back to school and thought there was a bad wreck because a fireman stopped us. We went to Clement Park, next to Columbine, and saw a sea of kids running from the building. We couldn't believe it. It's beyond me how two kids could go that crazy. . . .
>
> A friend of mine, Corey Depooter was killed. I had one [woodworking] class with him, and we did projects together. It was hard going back to that class. The seniors on the football team took memorial pictures of a columbine flower to the victims' houses, including Mrs. Depooter's. She wanted to know how we were doing and told us stories about Corey. That was tough for me.

The list goes on, Mr. President. Here is Nicole Nowlen:

> I was only at Columbine for seven weeks before (the shooting). My parents are divorced, and I had been living in Sioux Falls, S. Dak., with my mother and younger brother, Adam. When my mom moved to California, I chose to live with my dad in Colorado. . . .
>
> On April 20, I was sitting alone at a table in the library doing my math homework when this girl ran in and yelled. "There are guys with guns downstairs:" I thought it was a senior prank. . . .
>
> The time seemed to go in slow motion. And then they came in.
>
> I don't remember much until they got over into our area. I could see John watching where they were walking. I was trying to pick up expressions from his face, and I could hear them walking over to this table full of girls next to us. I remember this gun going off, and one of the gunmen saying, "Do you believe in God?" And I remember thinking, "These people are sick."

The stories go on.

We have had Paducah, KY. We have had Jonesboro, AR. We have had Columbine. Those who forget history are fated to repeat it. We have failed to take action. America has witnessed these shootings over the years. Every single day in cities, in communities, in rural areas, 12 children die. These are dramatic incidents which catch the heart, as they should, and the soul of every American, and it is happening every single day.

We can make a difference. We can reduce these incidents. Perhaps we cannot eliminate them all, but we can reduce significantly the total number of children who are lost every day. We fail to reduce the number if we refuse to take action in this area.

I hope the Senate will go on record in support of the Daschle sense-of-the-Senate amendment. I hope this will just be the beginning. I know it will be for many of our colleagues, including my two dear friends, the Senators from California and Illinois, who have been providing leadership for our Nation in this area. We are going to respond to the Million Mom March. They asked for action. We committed ourselves to taking action.

I look forward to working with them and others in making every effort we possibly can to reduce the proliferation of weapons that should not be available to children in this country. We can make a difference. I look forward to working with them.

The PRESIDING OFFICER. The Senator's 30 minutes have expired.

Mrs. BOXER. Mr. President, I thank my friend for his remarks. I know he watched with great pride while KERRY, KENNEDY, Cuomo, and Kathleen Kennedy Townsend spoke at the Million Mom March with hearts full. I know the people who came to that march, particularly those who witnessed and experienced pain, loss, and suffering have inspired people across the country.

I say to my friend, before I yield time to my friend from Illinois, that he is powerful on this issue. He is a powerful spokesperson for the children of this Nation. I was so happy he chose to come over here tonight. It is late in the evening. I know we will work together, as so many of us will on this side of the aisle, and hopefully a couple from the other, in making sure those moms who gave up their Mother's Day for a cause that is so important will be commended by this Senate. For goodness' sake, will be commended. As Hillary Clinton said, they did not care about the flowers; they did not care about the fancy dinners or breakfast in bed. They gave up their Mother's Day to march for something that was very important to them, more important than anything else: the safety of their children and the safety of the communities' children.

I say to my friend, thank you for making this point over and over. The other side seems to be fearful of these moms. Why don't they vote down our resolution if they do not like it? No, they stalled 5 hours because they wanted the clock to tick, and they are not even here to debate us on this amendment.

We voted out sensible gun measures. What are they afraid of, I ask my friend from Massachusetts? Sensible gun measures passed the Senate—child safety locks, background checks at gun shows, the banning of the superlarge capacity clips, a study to investigate how the gun manufacturers are marketing to our children, and changing the age at which one can buy an assault weapon from 18 to 21. A few of them crossed over, and this Senate voted for those measures.

Before my friend leaves, I want to ask him this question, and then I will yield as much time as he would like to the Senator from Illinois. I wonder if my friend can explain to me, because he has been around here a long time, of what are they afraid? Why don't they just vote it down? Why don't they just say: No, we don't want to commend the moms; no, we don't want to bring these commonsense gun laws to the Senate? Why are they using every parliamentary trick not to have to vote on that?

Mr. KENNEDY. I say to the Senator from California, it defies every logical explanation. The alleged explanation is that we do not need these additional laws; what we need is the enforcement of existing laws; why waste our time on the floor of the Senate in considering these measures because if we dealt with these other measures, our problems would be resolved.

That is, of course, a flawed factual representation, as I mentioned, in terms of total prosecutions, and it is wrong in terms of fact, not only, as I mentioned, in total prosecutions, but it is wrong in terms of what can be done in States across this country.

I thank the Senator from California for raising these questions this evening for Americans. The question is, At least, why can't we vote? Why can't we vote? Why can't we have accountability? Why aren't they proud of their position? Why aren't they proud of their position and willing to take a stand on it? That is what this office is about: making choices and decisions; exercising some judgment. Why constantly try to frustrate the ability of Members to make some difference on this? I think that is the inexcusable position which hopefully the American public will find unacceptable in the remaining weeks of this session and, if not, then during the election.

I thank the Senator.

Mrs. BOXER. I thank my friend and yield as much time as he will consume to my friend from Illinois. If he is still going in 30 minutes, perhaps he would then wrap up in the next 15, and I would conclude this side's debate.

Mr. DURBIN. I thank the Senator from California.

I salute my colleague from the State of Massachusetts. Senator KENNEDY has been the leader on so many issues throughout his political career. You can almost count on it: It is late at night—7:30 p.m. on the Senate floor. Very few Senators are still around to debate this important issue. But Senator KENNEDY, who has become legendary in his commitment to issues in the Senate, stayed for this important debate. I am honored to share the floor with him. I am honored to share the same position on this issue with my colleagues, Senator KENNEDY and Senator BOXER.

As Senator BOXER noted earlier, at the Million Mom March in Washington, there were several members of Senator KENNEDY's family who came and spoke about what gun violence has meant to them. America knows that story. America knows it so well. America knows of the assassination of President John Kennedy, of the assassination of Senator Robert Kennedy, and all the tragedies that have befallen that family. We know it because they are so prominent in the American culture and the American political scene. We know, as well, that people with less prominent names, not that well known, have endured gun violence on a daily basis.

At the end of the Million Mom March, in Chicago, a spokesman for one of the group's sponsoring it, the Bell Campaign Fund, brought a bell near the stage and invited the families to come up and ring it if they had lost someone to gun violence in their family.

At first they were hesitant to come forward; and then more started to move forward. Finally, it became a long, long procession of young and old, of those who were not well dressed and those who were very well dressed, of rich and poor, of black and white and brown, of children and of the elderly. They came forward—hesitated—and rang the bell. They had lost someone in their family to gun violence.

As you watched this procession go by, anyone observing it could not help but think there but for the grace of God go I; it can happen to any family in America.

A nation of 270 million people, and a nation of over 200 million guns, a nation where every day we pick up a newspaper, turn on the radio, or turn on the television, to hear of another gun death. The sad reality is that we have become inured to it. We have become used to it. We think this is what life is like in the world. It is not. It is what life is like in America— in America, where we have failed to pass legislation for gun safety, to make the neighborhoods and the schools, the towns, and the cities across America safer places to live.

What calls our attention to this steady stream of information about gun violence is the most outrageous situations. For the last several years, the most outrageous gun violence has occurred in America's schools:

In February, 1997, in Bethel, AK, a 16-year-old boy took a shotgun and a bag of shells to school, killing the principal and a student and injuring two others.

On October 1, 1997, in Pearl, MS, a 16-year-old boy is sentenced to life in prison for killing his mother and then going to his high school and shooting nine students, two of them fatally.

On December 1, 1997, in West Paducah, KY, three students are killed, five others wounded at the high school; a 14-year-old student pleaded guilty—mentally ill—to murder.

On March 24, 1998, Jonesboro, AR—you will remember this one—four girls and a teacher killed and 10 people wounded at a middle school, when two boys, aged 11 and 13, fired from a nearby woods. They literally brought an arsenal of weapons and ammunition. They triggered the fire alarm bell. The kids ran out of the classroom and they opened fire.

America, 1998:

On April 24 of that year, in Edinboro, PA, a science teacher is killed in front of his students at an eighth grade dance. A 15-year-old pleaded guilty.

On May 19, 1998, in Fayetteville, TN, 3 days before graduation, an 18-year-old honors student opened fire at his high school, killing a classmate who was dating his ex-girlfriend.

On May 21, 1998, in Springfield, OR, two teenagers are killed and more than 20 hurt when a teenage boy opened fire at his high school, after killing his parents.

On April 20, 1999—the news story of the year in America; you may not have heard of the town before, but you know the name now—in Littleton, CO, two students at Columbine High School killed 12 of their classmates and a teacher and wounded 23 others before killing themselves.

That was supposed to be the gun tragedy that turned this issue around. Congress was supposed to wake up at that point and finally do something to protect America from gun violence.

Of course, we considered legislation on the floor of the Senate, and it was a long, painful debate. The bill finally came up before us, and on a vote of 49–49—a tie vote—Vice President GORE came to this Chamber, cast the tie-breaking vote, and we passed a gun safety bill which, under the Constitution, then went to the House of Representatives across the Rotunda.

Was this a radical bill? Was this something so outlandish that we could not expect the House of Representatives to consider it? I do not think so. Forty-eight of my colleagues and myself believed it was a sensible gun control measure.

What did it say?

If you buy a gun at a gun show, we want to make sure you can legally own it.

If you have a criminal record, we do not want you to buy it.

If you are a child, we do not want you to buy it.

If you have a restraining order because of domestic violence or something else, we do not want you to buy it.

If you have a history of violent mental illness, we do not want you to buy a gun.

We want to check your background and make sure you do not have a problem where you should not own a gun.

Is this a radical idea, keeping guns out of the hands of people who are criminals? The Brady law, which we passed in America, has kept guns out of the hands of hundreds of thousands of people such as those I described. And you think to yourself: Come on now, somebody convicted of a murder surely is not going to walk into a Federal gun dealer and try to buy a gun. Yes, they do it—time and time again.

Nobody said they were rocket scientists. They are people who were criminals and want to be criminals again. They may not be very bright, but they are smart enough to know they need another gun to pull off another crime.

We stop them with the Brady law. But the Brady law does not apply to gun shows. Gun shows across America are a loophole; they are exempt. You buy what you want at a gun show and nobody checks. Think about that. Even the least intelligent criminal will figure that out: Go to a gun show and get your gun. Do not go to a dealer. The dealer is going to check it out, find out if you have a criminal record.

So we said, in this gun safety law, let's do a background check at gun shows. Let's apply this same law we apply to gun dealers. That is not a radical idea. It is common sense.

Senator KOHL of Wisconsin had an amendment—part of this bill—that every handgun in America would be sold with a trigger lock, a child safety device.

It is interesting. We have many sportsmen and hunters in my family. They are strong in the belief that this is their right to own a gun; and I do not dispute it. But they are also strong in the belief that they never want their gun to harm anyone else, any innocent victim. They certainly do not want their gun to harm a child. Now they are turning around and buying trigger locks. I am glad they are.

Senator KOHL says, from now on, every handgun sold in America will have a trigger lock so that the parent who puts their gun up on the top shelf of the closet, thinking their little son or daughter will never find it—they may be wrong, but the child may be safe because with the trigger lock the child will not be able to fire the gun.

That is not a radical idea. That is part of gun safety. In fact, if there had been trigger locks in Jonesboro, AR, maybe these kids could not have taken the guns out in the woods, with an 11-year-old kid firing away at teachers and classmates.

No. I think, quite honestly, we all believe that if you are going to exercise any right to own a gun, you should exercise the responsibility to store it safely, securely, and away from children.

That is part of the bill sent to the House, a bill which still languishes. Senator FEINSTEIN of California has a provision that says you don't need a huge ammo clip with literally hundreds of rounds of ammunition for any sport or any hunting. So as you cannot manufacture them in America, you should not be able to import them from overseas. That doesn't sound radical to me. I don't know many people who need a hundred rounds to go out and kill a deer. As I have said many times, if you need an assault weapon to kill a deer, maybe you ought to stick to fishing. But the fact is, Senator FEINSTEIN's amendment was adopted as part of the bill.

We had an amendment by a Republican, Senator JOHN ASHCROFT of Missouri, that would limit who could buy semiautomatic assault weapons—certainly making sure that those under age of 18 cannot—and establishing an age of 21. We had an amendment by Senator BOXER to have the FTC and the Attorney General investigate whether gun companies were trying to attract young buyers, underage buyers, with their advertising.

That is it. I have just described the entire gun safety bill. Did you hear anything that is patently unconstitutional, so radical and outlandish that we should not consider it in America? I don't think so. In that amendment, we have basic, commonsense efforts to make America safer. I am not so naive as to believe that we are going to end gun violence by passing this bill, but we think it will help. We certainly have an obligation to help. We passed that bill in the Senate, sent it over to the House, and the National Rifle Association tore it to pieces, passed a weak substitute, sent it to a conference committee where it has sat for 8 months, since Columbine High School. We have had all sorts of meetings on the floor of the Senate and in the House, all sorts of debates and committee meetings, all sorts of press conferences, and we have done absolutely nothing to make America safer when it comes to gun violence.

What do we have to show for it? Since Columbine High School, on May 20, 1999, in Conyers, GA, a 15-old-boy opened fire in a high school with a .357 caliber handgun and a rifle wounding six students.

On November 19, 1999, in Deming, NM, a 13-year-old girl was shot in the head at school and died the next day. A 12-year-old boy was arrested.

On December 6, 1999, at Fort Gibson, OK, a 13-year-old student fired at least 15 rounds in a middle school wounding four classmates. Asked why he did it, he said, "I don't know."

February 29, 2000, is one you won't forget. At Mount Morris Township, MI, a 6-year-old boy pulled a .32 caliber Davis Industry semiautomatic pistol out of his pocket, pointed it at a classmate, turned the gun on Kayla Rolland, a little 6-year-old girl, and fatally shot her in the neck.

That is America since Columbine. America, unfortunately, is very busy with gun violence but, sadly, the Congress is not busy with legislation to reduce and end gun violence. So today, Senator DASCHLE came to the floor with a suggestion, one which obviously did not set well with the Republican majority. Senator DASCHLE suggested that we pass a resolution—and I want to read the language—that it is the sense of the Senate that the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation, and Congress should immediately pass the conference report to accompany H.R. 1501—the bill I described, the gun safety bill—that includes all the provisions that I described, and do so as soon as possible.

With those two suggestions, the Republican majority stopped the Senate for 5 straight hours. They would not have this Senate vote to commend the organizers and mothers who participated in the Million Mom March, and they did not want this Congress to go on the record to pass gun safety legislation for 5 hours. They tried every parliamentary trick they could to stop this, and then when they found we were determined to bring this to a vote, they finally relented at about 3 o'clock. They said: All right, you can debate it a couple hours tonight and a couple hours tomorrow. That is why we are here.

I salute Senator BOXER of California. As you can tell, many Members of the Senate had other things they wanted to do. But she and I and Senator KENNEDY and so many others believe that after we have seen what those mothers went through to put together that march to come out and ask us to pass sensible legislation, we owed it to them to be here this evening and speak to it.

Let me talk about two or three issues that will come up in this debate. The National Rifle Association spent a substantial sum of money last week on television in preparation for the Million Mom March. They ran a lot of ads showing a member of their board of directors—a woman—who articulated their point of view, as well as their personal hero, Mr. Charlton Heston. They said during the course of these ads that what we need in America to reduce the killing of 12 or 13 children a day is more education. They use something called Eddie Eagle, which is like Joe Camel, for the NRA. It is a little symbol they use to try to attract children's attention with it. They say if we have more Eddie Eagle training in schools, we will have fewer gun deaths.

Well, this may surprise some, but I don't disagree with the NRA, to some extent. If they are suggesting we should teach children that guns are dangerous and they ought to stay away from them, I salute that and agree with that. In a nation of 200 million guns, we should do that. Members of my staff in Chicago and in Washington sit down with 4- and 5-year-old children and explain to them that guns are dangerous. You have to do it in America. Even if there is not a gun in your home, you don't know where your child may be playing or whether their classmate is going to find a gun. You should tell them that. It is a reality.

But if the National Rifle Association thinks education of children to reduce gun violence means teaching kids to shoot straight, that is where I part company with them. I don't think kids should be handling firearms. I think firearms should be in the hands of adults who understand the danger of a weapon. I go along with the National Rifle Association if they want to join us in educating children in school about the danger of firearms. That makes sense. Maybe we can find some common ground on that.

The second thing the NRA tells us is we have all the laws we need. All the States have laws, some of the cities have laws, and the Federal Government has all the laws it needs and, for goodness' sake, just enforce the law. This may surprise the NRA, but I don't disagree with that either. We should enforce the laws. In fact, we find that when it comes to the number of high-level firearm offenders, those sentenced to 5 or more years, Federal prosecution of those offenders has gone up 41 percent under this administration. The average sentence for firearm offenders in Federal court has increased by more than 2 years in that same period of time. Enforcement is taking place. Should there be more? Yes, and I will support that, too.

But let me tell you, there was an interesting vote on the floor. One of the Senators who opposed my motion on the floor is here this evening. When it came to enforcement, I asked those who are friends of the National Rifle Association to put their votes where their rhetoric happened to be. I asked them if they would join me in supporting President Clinton, who asked for 500 more agents at the Bureau of Alcohol, Tobacco and Firearms to investigate firearms dealers who were violating the law and to make sure that we kept an eye on the people who were selling the weapons, and a thousand more prosecutors and judges and others across America to prosecute the same gun laws. I offered the amendment on the floor, and one of the Senators, who is here and is a member of the board of directors—or was—of the NRA, amended it and said take out the part on the Bureau of Alcohol, Tobacco and Firearms, the 500 additional agents, and then we will vote for it.

So that really calls into question their sincerity when they say they want more enforcement. It turns out a very small percentage of firearms dealers in America actually sell guns used in crimes. Most of them abide by the law. We want to stop the ones who violate the law. When I tried to put more agents at work to do that, I was stopped by a Republican Senator who says he believes in the second amendment but wants enforcement but he would not vote for 500 ATF agents for more enforcement.

Mrs. BOXER. Will the Senator yield on that point?

Mr. DURBIN. Yes.

Mrs. BOXER. Mr. President, I think the Senator makes a very important point here. When we call for sensible gun laws, the other side gets up and says we can handle it all with enforcement. Do you know what we say? Excellent idea—enforcement and sensible gun laws. Let's join hands and do it all; that is what we need to protect our people. Yet as my friend says, when he attempted to do just that, the other side found fault with it.

I want to ask my friend if he is aware of what the Republican Appropriations Committee did on the House side with a number of Capitol Police officers? I know my friend is just as distressed. I discussed this with him.

We lost two beautiful Capitol Police officers. What were they doing? They were protecting the people in this building. They were protecting the Members of the House and the Senate, and they were shot down in the prime of their lives. They have magnificent families. We went to a funeral. We all cried. Republicans and Democrats cried tears. Now what happens? The people who want the enforcement, what have they done on the House side?

Mr. DURBIN. The House Appropriations Committee, barely 2 years after two Capitol policemen were killed protecting the Members of Congress and visitors in the Capitol Building, has proposed that we cut by 400 the number of Capitol Police working at the Capitol. It is an incredible suggestion. We have doors leading into the office buildings and into the Capitol that literally hundreds, if not thousands, of people pass through but where there is one security guard. Many believe there should be two at these doors that are the busiest.

Instead of enhancing the Capitol Police so they can do their job and be safe in doing it, the House Republican leadership called for cutting 400 Capitol policemen. That does not sound like good law enforcement and vigorous law enforcement. Just the opposite is true. They are suggesting, for more enforcement of the law, cutting back on the police after we had the terrible tragedy right here in the Capitol not that long ago.

Mrs. BOXER. The old expression is hackneyed now but "actions speak louder than words." I think when you stand up on the floor and you say, "More enforcement, more enforcement," then you cut 400 police officers out of this Capitol Police Force, and you go to Senator DURBIN's resolution on hiring more agents so we can crack down on the gun criminals, it doesn't add up. Something is not adding up here.

I have to say it is time we just spoke very directly about it. It is hard. It is hard to pick a fight, and it is hard to get into an argument and debate on the other side of the aisle because we don't control this Senate. But we have our rights. Senator DURBIN represents a very large State. I represent a very large State. People sent us here not to just sit back and do nothing but in fact to speak out.

I thank my friend, and he can continue for as long as he wishes tonight.

Mr. DURBIN. I thank the Senator from California.

I also want to tell you that I think this issue is an important national issue in this Presidential campaign because I think what you hear from two candidates is a clear difference when it comes to dealing with sensible gun laws and gun safety.

Vice President GORE came to the Senate floor casting the deciding vote on the gun safety bill, which I mentioned earlier. He has supported it publicly. He has spoken in favor of it. I believe it is fair to say he has supported the Brady law, he has supported the assault weapon ban, and he has supported efforts to have a waiting period so people do not in a high state of emotion go out and buy a gun and harm themselves or others. That is a matter of record. That is his position.

On the other side, the Governor of Texas, George W. Bush, has a much different record. In his State, he signed into law a concealed weapon law which allows people to carry guns into churches and synagogues.

There are people who believe we will be a safer nation if everybody carries a gun. I am not one of them. I happen to believe we are not a safer nation when the couple is arguing across the restaurant and you have to wonder whether or not someone is going to reach into their pocket or purse and pull out a gun.

I don't happen to believe we are a safer nation whenever a policeman who pulls a car over is doubly worried and concerned that that speeder may have a gun in the glove compartment instead of the registration they are apparently going after.

I don't believe we are a safer nation when people are carrying guns to public events, such as high school football games, or are taking them into churches. I don't believe that makes America safer.

Governor Bush signed a law in Texas so people would have a right in the State of Texas to carry guns around. That is his image of a safer America; it is not mine. I am glad my State of Illinois has not passed such a law, and I hope we never do.

In addition, it appears that one of the problems the Republican Party has with our gun safety bill is that we require background checks at gun shows. Which State has more gun shows than any other State in the Nation? The State of Texas. The provision in the law—the loophole in the Brady law—which said you don't do a background check at a gun show was put in by a Democratic Texas Congressman. It is an important industry, I take it, in the State of Texas to preserve these gun laws. It may be the reason Governor Bush will not come out and support the gun safety law which passed in the Senate with Vice President GORE's tie-breaking vote.

Finally, the day before the Million Mom March weekend, Governor Bush came on television and said: I tell you what we are going to do in Texas. We are going to make a lot of trigger locks available. We are going to buy a lot of them and give them away.

I am glad he is doing it. I think it is a nice thing to do. It is certainly not a comprehensive attitude toward dealing with gun violence. I would like to see more communities and States do that. But certainly I would like to see Senator KOHL's amendment which requires a trigger lock with every gun as part of a law of the land, so that when you buy a handgun, it has a trigger lock and it has a child safety device. A once-in-a-lifetime or once-in-a-decade effort by a Governor in any State won't make any difference unless it is in a comprehensive approach, as Senator KOHL has suggested.

It is interesting to note that when the Republican leadership is asked why they have failed in over 8 months to bring this gun safety legislation to the floor, they in the majority and in control of the House and Senate say it is the Democrats' fault. That is a little hard to understand. In fact, it is impossible to believe.

I have been appointed to conference committees in the Senate in name only where my name will be read by the President and only the conference committee of Republicans goes off and meets, adopts a conference committee report, signs it, and sends it back to the floor without even inviting me to attend a session. The Republican leadership majority could do that at any moment in time. To suggest that somehow the Democrats are stopping them from bringing a gun safety bill out of committee and to the floor just defies common sense. They are in control. They have to accept responsibility for their actions.

Senator ORRIN HATCH, a Republican of Utah, is the chairman of the Senate Judiciary Committee. He is the head conferee on the Senate side for the Republicans on this conference on gun safety. My colleague from the State of Illinois, Congressman HENRY HYDE, chairman of the House Judiciary Committee, shares that responsibility with him. And the two of them have a majority of votes in this conference committee. If they wanted to bring a gun safety bill forward, there is nothing the Democrats could do to stop them from doing such. Yet they haven't done it. Eight months have passed, and more people have been shot and killed.

Stories come out suggesting to us there is much more to it. Unless and until Governor Bush decides this is an important issue in his Presidential campaign, unless and until Governor Bush decides he is for gun safety, that bill is going to stay in that conference committee. That is a simple political fact of life.

The Republicans on Capitol Hill don't want to embarrass their candidate for President by bringing out a bill he opposes. So the bill sits in this conference committee. And 750,000 mothers across America rallied in 65 different cities saying to Members of Congress, Members of the House and the Senate: For goodness' sake, can you put party aside for a moment and think about the safety of our children in schools? Can you put party aside for a moment and think about the safety of our neighborhoods so that we believe kids can stand at the bus stop without worrying about a gang banger coming by and spraying bullets? Can you put partisanship aside and decide that we can all agree we want to have background checks at gun shows, and trigger locks on handguns, and these huge ammo clips kept out of the country? Isn't it time Congress came together and agreed on those basic simple things? The fact of the matter is, we have not, and apparently under this leadership we cannot.

The National Rifle Association is boasting that their membership is higher than ever. They love this, they say, because the more attention to this issue, the more people sign up for the National Rifle Association. More power to them. But I will tell you that if I had to put my political future with a group, it would be with the mothers who are marching and not with Wayne LaPierre and Charlton Heston. They represent the real feelings of families across America who understand that gun safety is important and that it includes not just the passage of laws to keep guns out of the hands of criminals and kids, but it also includes enforcement and it also includes education. All of it comes together.

The folks who listen to the NRA and believe them think that you stop once you talk about education and enforcement—that there is no reason to go beyond it. Yet we know better. We know those kids at Columbine High School got their guns from a gun show by a straw purchaser. We know it could have been more difficult if we had passed a law in the Senate and if it had been signed by President Clinton. We know that some of those lives might have been saved. Sadly, that didn't occur.

Now we are faced with the reality of a legislative session that is moving to the spending bills. It appears that the Republican leadership is not going to have its own agenda it wants passed but instead will move to appropriations bills, and in so doing, give us a chance, at least with sense-of-the-Senate resolutions, to continue to remind the Members of the Senate and people across America that we have not done anything to make this a safer nation when it comes to guns.

I understand, I think, the feelings of some gun owners. They feel put upon, that all this debate somehow involves them. Some of them have what I think is a naive, if not a wrong, point of view that they should not be inconvenienced in the ownership of their guns.

Let me suggest that we inconvenience a lot of people for a lot of good reasons in America. I was inconvenienced this morning when I went through the airport. I had to go through a metal detector. It is an inconvenience. I expect, because I want to sit on the plane with peace of mind, to know that every effort has been made to keep those who would create some terrorist environment off the plane. I am inconvenienced when I drive my car by the rules of the road of Illinois—thank goodness for the inconveniences—which require brakes on my car and require me to stay on the right-hand side of the road and abide by the speed limit. It is an inconvenience I accept because I want to bring my family home safely.

I think most gun owners are prepared to accept some inconvenience in life if they know it means they can continue to use their guns legally and safely. In my home State of Illinois, it is a firearms identification card; you have to apply to the Illinois State Police. They do a background check on you. They give you a little card. You can't buy a gun or ammunition in Illinois without that card with your picture on it.

I don't own a gun, but I applied for one of these cards. I wanted to know how tough it was. It wasn't too tough: Fill out a questionnaire, give them a little photo, they do a background check, send me my card, and I send them a few bucks every year to renew it. That is a device that could be used on a national basis. It has been an inconvenience for the gun owners of Illinois for 40 years now but not such a serious inconvenience that they cannot go out and enjoy sports that involve guns.

We are talking about minor inconveniences with major dividends for America. Background checks to keep guns out of the hands of criminals and fugitives and stalkers and kids so we don't have the sad situations that I recounted earlier in the schools and other places across America, these are things of common sense. These are things which, frankly, both parties should agree.

It is interesting to note that the Republican substitute to our amendment commending the Million Mom March spends a full page or so blasting the Clinton administration for the inadequate prosecution for gun crimes. As I read earlier, the statistics don't back up some of the claims they have made. Instead of commending the million moms who stood up saying, "Make America safer," the Republicans have replied by blasting the first family. That is their idea—go after President Clinton; don't stand up for the families across America who came together last Sunday.

Then they say they want a juvenile crime conference committee report that has a lot more than guns in it. Quite frankly, there are some things they want with which I can agree. It is interesting they don't call for the gun safety amendments which were adopted by the Senate. Of course, they close by repeating their belief that it is a right of each law-abiding citizen to own a firearm for any legitimate purpose, including self-defense or recreation, and that should not be infringed. I don't think it is an infringement to put a basic requirement to try to keep guns in the hands of those who will use them safely, rather than those who would misuse them.

I thank my colleague from the State of California for her leadership on this particular debate. I was happy to join her this evening. I look forward to joining her tomorrow when at least we will have a sense-of-the-Senate resolution and an opportunity for a vote as to whether or not we should finally tell this conference committee to get down to business.

Mrs. BOXER. Before my friend leaves the floor, I want to ask him a question.

Mr. ENZI addressed the Chair.

Mrs. BOXER. I believe Senator DURBIN has the time.

The PRESIDING OFFICER (Mr. CRAIG). Senator DURBIN has the time and did not yield to the Senator, so I recognize the Senator from Illinois. I thought he concluded his debate.

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. This is brief.

The PRESIDING OFFICER. The Senator from Illinois yields to the Senator from California.

Mrs. BOXER. This is very brief. I have been touched reading some of the comments that have come via the Internet on the Million Mom March web site. I simply read two which I think indicate why the Democratic proposal commending the Million Mom March is so on target. It speaks for so many people across America. I want to get a quick response from my colleague to these two very brief statements.

A woman from Mount Royal, NJ, writes:

> I wholeheartedly support the Million Mom March. I lost my 25-year-old son in November of 1999 to a self-inflicted gunshot wound

> to the head. I firmly believe that he would still be here today if there would not have been a gun available to him. My prayers go out to all those who are marching on Washington.

And Elizabeth from North Carolina writes:

> Five years ago my sister was murdered by her ex-husband in a courthouse that had no metal detectors. She had warned the court of his threats and they took his guns away. But because of the easy access to guns, he just went out and got another. And he used it to kill her in front of their 6-year-old child.

She says to the million moms:

> God bless all of you for walking in this march and raising awareness of the horrible problem we have with gun violence on behalf of my sister and her child. I thank you all for caring.

I say to my friend before he leaves the floor tonight—he has been so generous to share his tremendous wisdom—isn't the reason the Democratic proposal, which praises the million moms for doing what they did, makes sense because people such as these have felt so alone? Is that my friend's perspective?

Mr. DURBIN. I say to my friend from California, I understand the sentiments expressed. Even in my own family, I have a sister-in-law who is interested in politics. We talk about it from time to time. She is the mother of 10 children and I think 20-plus grandchildren—I lost count. She decided when she heard about this Million Mom March that she was going to be here in Washington on The Mall last Sunday. She called every woman in the family and said: We are all going down on Metro together. They did.

The same thing happened with other people in my Chicago office. There was a feeling of mothers across America that this was a special moment and that they were going to take time away from their families, away from what was their day, Mother's Day, and come down and be with so many others.

I was in Chicago. I know the Senator from California was here in Washington and was touched by what occurred on The Mall gathering.

That is a sentiment growing in America. My Republican colleagues should think twice about criticizing this resolution where we commend these mothers who had the courage to come forward because they believe so passionately on this issue.

When it comes to the question raised by the other person who e-mailed or contacted your office about the accessibility of guns, they are easily acceptable. The District of Columbia has strong, strong, anti-gun laws in terms of ownership possession. Yet you go right across the bridge into Virginia or over the line into Maryland and you can purchase guns that end up coming right in to crime scenes here in Washington, DC.

It is naive to believe that State laws are going to control this traffic in guns. In fact, when they did a survey in Illinois of guns confiscated in crimes and their origin, where they were from—they traced them with the gun numbers and such—they found the No. 1 State for sending crime guns to the State of Illinois was the home State of the majority leader of the Senate, the State of Mississippi. Of all places, Mississippi. Why? It is easier to buy guns there. They buy them, they throw them in the backs of trucks and trunks of cars and take off for Chicago or Boston or wherever it happens to be.

This steady trafficking, in many cases illegal trafficking of these guns, needs to be better policed, and we need to ensure we understand that these guns move across borders at will. I would say to the Senator from California, the experience of the second lady who contacted you, when a person who was not supposed to have a gun had easy access, really speaks to the issue of the proliferation of guns in America, and their easy access not only to the violent and the criminal but also kids.

Mrs. BOXER. Mr. President, how much time is remaining on this side?

The PRESIDING OFFICER. The Senator has 39 minutes.

Mrs. BOXER. I retain my time.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield myself such time as I want to use.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. ENZI. Mr. President, I am compelled to speak at this point. I am really disturbed about the direction the conversation—I will not call it a debate—is going. I think the American public needs to know what is going on here.

At the moment, the bill that is on the floor is the military construction appropriations bill—not gun control. You might be confused, if you have been listening to the debate. We are on the military construction appropriations bill. This is the bill that provides for the national security and promotes the national defense. This is the bill that builds things for the military, to make sure we have a strong military. This is the bill that builds the dormitories and the housing for our military people so they have the morale to stay in the military and do the job of protecting us.

We are debating the military construction bill. It is the bill that takes care of some of the problems on military bases where there has been pollution. A lot of it we did not know was pollution at the time it happened, but we recognize the need to take care of the environment, and this bill takes care of the environment—if we can ever get around to it and get it passed. But it sounds as if we are having a gun debate.

This bill, the military construction appropriations bill that we are considering, is the bill that handles our basic military construction needs. It is not about schools. It is not about gun control. It is about taking care of our military in a responsible and timely way. That is what is going to be happening with appropriations bill after appropriations bill after appropriations bill. We do 13 of them. It takes us about a week to do an appropriations bill. It is tough to get them done by October 1, when the next appropriation starts. It is very important that we be expeditious in the work of the appropriations bills.

We have trouble passing appropriations every year. There is always a mini filibuster done on appropriations. My friends across the aisle would prefer the President set the appropriations for this country. That is not what the Constitution says. The Congress of the United States sets the appropriations. We can do it, and we can do it in a timely fashion, as long as there is not a filibuster.

Filibusters come in different forms. One of the filibusters you see is this gun control legislation that has been thrust into the military construction bill. Another form of it is putting 100 different amendments down on an appropriations bill and expecting to be able to debate each and every one. Those are all attempts to delay the appropriations process and put the process in the hands of the President. I want the American public to know that the responsible way, the constitutional way, is for this Congress to pass a budget.

As to the debate we are having tonight, why didn't we just agree to have a vote on the sense of the Senate and get on with the business of appropriations? This is a very important point. We cannot set new precedent for people to be able to delay the appropriations process, and that is what we are talking about.

Last year we passed rule XVI. We made rule XVI valid again. The purpose of that process that we went through, a very difficult process, was to say you cannot legislate on appropriations bills. You cannot do that because we are not going to have every piece of legislation that everybody would like to have passed that they cannot get through the regular process brought up as a simple amendment to an appropriations bill and debated for hours and hours and hours. If we are going to get the appropriations process done, it has to be according to the rules. We had a rule, rule XVI, that said you could not legislate on an appropriations bill. It had been kind of set aside. Last year, we put it back into effect so we could expedite the appropriations process.

OK, there is a way around that. There is not anything that really addresses if you offer a sense-of-the-Senate amendment on an appropriations bill. Perhaps that is a way to back-door some of these other debates. We are not going to do it. We said you cannot legislate on it, we are not going to let you back-door legislate on it at the moment. That is what we are talking about here, a sense-of-the-Senate amendment.

If I had my way, we would not do sense-of-the-Senate amendments. Sense-of-the-Senate amendments are our opinion as reflected in time crunches, which means they do not mean anything. They are used a lot because if somebody passes a sense-of-the-Senate amendment, you will hear them up here frequently saying: I passed that sense-of-the-Senate amendment 100 to nothing, and that means the Senate wants it. What they did was pass it 100 to nothing to get it out of the way so we could get to another issue, perhaps a real issue. The sense of the Senate does not get negotiated with the House folks. It is just something we pass so we can feel good.

That is what this sense-of-the-Senate amendment is; it is something that will make us feel good. There is violence in this country, and it is important to end violence. But we are not talking about whether or not we are doing that. We are talking about whether we are going to have an appropriations process that can be done responsibly, without all kinds of other issues being thrown into the process, willy-nilly, to hold up the process so the President can decide, with Congress, how the appropriations are going to go. So earlier tonight you saw a lot of procedural motions. Those were motions to make sure that the sense of the Senate could be voted on, that a new precedent could be set for how we are going to do appropriations bills around here. That is why we have been so adamant at making sure there are votes. In order to get a vote on germaneness, we had to concede 8 hours of debate time. Instead of talking about military construction and getting the bill passed, completing the amendments to it—instead of that, we agreed we would do 4 hours of debate on each of two amendments, so we could get to some votes.

You saw what happened earlier—endless quorum calls. Every time there was one of those quorum calls, we did not have to go quite as formal. The other side likes these filibusters to be a bit more subtle, so instead we just have to do a quorum count. We had to actually show on the lists up there that the people were here. It was not an actual vote. It only took about 7 minutes each time one of those procedural quorum calls was called. But it did not just delay 7 minutes; it kept a vote from happening. And that is the strategy: Filibuster the appropriations, put it in the hands of the President, set a new precedent so we have additional opportunities to set it back.

It is about time Congress went to a biennial budget, a budget that we do every other year so we do not get in this time crunch every year; so we do not get under the gun and put things into appropriations that ought not be there; so we can have the best possible debate every other year and get the best possible biennial budget and appropriation that we can and, in the in-between year, have a chance to see how the people are spending that money and making sure it is according to the way Congress appropriated it.

We have concentrated on guns in the debate tonight. As I have pointed out, the bill we are debating is military construction. Everyone that I know is sensitive to the violence issue in this country. We need to do something about that violence. Since it has been brought up as the single solution being gun control, and the Democrats are willing to concede that perhaps a little enforcement might help out and are using statistics about a 40-percent increase in the amount of Federal enforcement that has been done—it is pretty easy if you only have 9 one year to get 40 percent the next year, especially with the crew we have to do the enforcement.

They ought to be embarrassed about the enforcement. Neither of these things are the solution. We have to quit trying to treat the symptoms. We have to get to the heart of violence, and the heart of violence is that we lack a sense of community. We have lost a sense of community.

I am from Wyoming, and I get back to Wyoming almost every weekend. I travel 300 to 500 miles around the State going to all kinds of towns—small towns, big cities. In Wyoming, the big cities are 50,000 people. One can drive out of that city and see the whole city at one time. It is not another town running into another town into another town.

Some of the communities I visit are listed on the Wyoming highway map as having zero population. That really irritates the two people who live there, but they are counted in the county population rather than the city population. When my wife and I go to those towns, we call ahead and talk to those two people and say: Can you invite a few of your friends over so we can hear what is on your minds? When we get there, there will be 20 to 30 people at that place ready to give their opinion because they have seen a lot of stuff on television with which they do not agree. They have seen polls in which we believe, and they want me to know the right way.

I challenge any other Senator to beat that percentage of attendance: zero population, 30 people. Give it a try. The average town in my State is 250 people. They turn out well, too. When I go to a town of 250, I usually get to talk with 80 percent of the people who are there. I do not even know what size building I would have to have in Los Angeles to talk to 80 percent of the people, but we can do that in Wyoming, and we do.

They do not think handling the symptom of guns or enforcement is the answer. They are a little distressed at the lack of sense of community. They have a strong sense of community. They know their neighbors. They talk to their neighbors regularly. They respect their neighbors, and they have this community they can see. Wyoming is an example for the Nation when it comes to community.

We are worried about it there, too. Television has made a tremendous difference in this country. We are not trying to outlaw television. That would cause the biggest uproar this country has ever heard. I can tell from some of the satellite TV and cable TV problems we have that it is the most important thing in the minds of many people in America.

What does television do? It turns everybody inward. Part of the time I was growing up, we did not have television. Then we got a black and white television set. I watched this tremendous progression of television. It was a fascinating technology with fascinating new capabilities.

Television has turned us inward. When I was growing up, there were not many channels from which to select, but there were different programs that different members of the family wanted to see. We had a discussion, a debate, a family decision on what we were going to watch. There was interaction in the family. That is part of community.

Today we have the Internet. Not only can the child go to his or her own room and watch his or her own television set; they can go to their room, and if they do not like what is on television, they can go on the Internet. Again, it is turned inward, perhaps a little more outward than television because one can get into chatrooms.

I suggest to parents—and I know a lot are watching what their kids do with television and on the Internet—talking to somebody in a chatroom is not the same as talking to them in person. It is talking to a computer game. It is talking to yourself with some interaction, and that is turning us inward.

My daughter is a teacher. She is an outstanding teacher of seventh and ninth grade English in Gillette, WY. She has been a little distressed over the last year at some of the things she has seen happening even in Wyoming. I know it is nothing compared to what is happening in the rest of the Nation. There was a knife incident in her school, and she went through the entire enforcement process. It was a very disturbing experience and maybe a reason at some point in the near future for her to quit teaching. It is a very difficult process.

I have talked with her about guns, violence, and what we can do about it. I have received a lot of good suggestions from her and the students. Again, we find this inward turning, this lack of community, this lack of respect as being one of the big problems.

I am very proud of my wife. I have to mention her, too. This last weekend when I was in Wyoming, I went to the University of Wyoming and watched her receive her master's degree. She has been working on that for several years, while we have been in Washington, on the Internet taking it from the University of Wyoming. It is very difficult, but it is a way one can pick up a degree no matter where in the world one is. Even when we were traveling, she could go online and make the class times she had to make. It was difficult but doable.

I congratulate her for her efforts. Her master's degree is in adult education. She has done some teaching in high school before. One of her views is that one of the things we ought to have in schools is a course called "Life's Not Fair and What To Do About It." We are so busy in this country giving people rights. We have the Bill of Rights, but we are giving out a lot of other rights. Unfortunately, I think we have given the kids of this country the impression that they have the right to everything for themselves, and if they do not get that right, they can take it out on others.

There are a number of different ways they can do that. They can sue. If they fall down and hurt themselves, it is not their fault anymore. It is somebody else's fault and they have to concentrate on how much money they can get from them for themselves. Life is not fair. We have kids across this country who are saying life is not fair and I am going to hurt somebody because they have hurt me internally. In fact, they even kill people over that. Somehow we have to get the message out to each and every kid. We have lost a whole generation of kids. There is a whole generation of them who have not had the message they are not supposed to hurt other people, and they are definitely not supposed to kill them. That is a message we are missing.

I know the first thing a lot of people are going to do is jump up and say: But we have all these working mothers now. If they did not have to work, they could take better care of their kids. I am not going to let them off with that excuse.

We just had Mother's Day, and that ought to be the most special day in the world. We ought to listen to what every mother has in the way of instruction—the mothers who marched and the mothers with whom we celebrated.

One of the most important lessons is listen to your mother. My mom is in Washington right now. She has had a tremendous influence on my life, and she was a working mother. She and my dad had a shoe store, a small business. If there are people who think owning a business is the easy way of life, they need to do a business plan and take a look at small business. The only people who do not get off when they need to or want to are the people who own the business. They are the ones locked into a schedule. The people who work for them have more flexibility because, as a businessowner, you do not want them to quit and not have any help. If you have your own business, you work interminable hours because it is everything you have. Until one has gone through the agony of figuring out how to pay the bills in a small business, one really cannot appreciate what a small businessman goes through.

My mom worked at the shoe store. She did the books for the store and had to spend a lot of time at it. So did my dad. But my sister and I, I do not think, turned out too bad.

My sister is really the smart one in the family. She is a CPA. She is the business manager for a school district in Sheridan, WY, and does just outstanding work. She understands numbers far better than I do. She is the more capable one in our family.

But I am proud of my mother and the way she brought us up. And my wife, all of the time our kids were growing up, was a working mother. We also had shoe stores. We also had to go through that pain and agony of making sure we could meet payrolls all the time and that we could get all the work done.

I am really proud of my kids. Her working did not destroy my kids. In fact, it may have aided my kids, as my mother working aided me.

It is very difficult to work and do all of those things and have special time with your kids. I really think that is the key —special time. That does not have to be a whole day. In fact, I would challenge anybody to spend a whole day of special time, unless they are doing it in an entertainment mode, in which case they are looking at something else other than their kids.

I would suggest that you have some family traditions. One of our family traditions, both when I was growing up and with my family, was to have one meal a day that you had together—not optional; not with TV—one meal a day together; one opportunity during that day to ask, what did you do, or what are you going to do, to compare notes, to find out and, most importantly, to show a little bit of concern for that child or that spouse—a time that is uninterrupted, 5 minutes, 10 minutes—I do not know how long it takes you to eat but enough time to compare notes just a little bit.

If you compare notes, I think it will drag out into a much longer time than 5 minutes or 10 minutes.

Another part of this is a respect for neighbors and teachers. This is part of community, too. With community, you have to have some respect for yourself, some self-responsibility. You also have to have respect for your family. You have to have that willingness to work together because everything isn't going to work out in a family just the way you would dream of it. Life is not fair in families, either. But families show their strength by working together when things are difficult.

When I was growing up, we respected our neighbors. Our neighbors were able to say: Hey, I saw your boy. I didn't like what he was doing. No punishment was necessary because I changed immediately because I respected that neighbor, too.

The same thing for teachers in the classroom. One of the things my daughter does that I really like is, when she is teaching and she has a big assignment that is supposed to be turned in, she calls the parents of those students who did not turn in the paper. It is a lot of extra effort.

The first time she did that, she called us, in tears. And she is near tears every time she does it. The reason she is near tears is because of the number of parents who say: So, what are you going to do about it? They put it back on her, as the teacher, when they have the complete control—or as much control as anybody has—of making sure their child does the work timely. It is part of community.

I got in trouble a little bit in Wyoming with some education things. At one time I checked and found out Wyoming was spending—this has been a few years ago—about $5,600 a student per year. I suggested that one of the ways we could improve education was if we charged tuition, and then gave every kid a $5,600 scholarship to cover the tuition that we charged.

And how did you earn the scholarship? All you had to do to earn the scholarship was show up, do your homework, and be good. Those are pretty weak criteria for getting $5,600 a year. But those are some things that we need in school. We need the kids to show up; we need the kids to do their homework; and we need them to behave so they are not disrupting other people—pretty easy criteria. But that is part of that sense of community, again, that sense of knowing that the people you are going to school with have an equal right to learn.

When I have talked to a lot of the school classes—and we usually do that on Fridays when we get to Wyoming—I have found that you want to phrase your questions on what needs to be done very carefully. If you do not, what you get back from kids is: You are not doing enough for us: We need; we need; we need. That is not the solution either.

In St. Louis, one of the things they did there—this was not done professionally at all, as I understand; I read about it in a book on communitarianism, which is what I am talking about—in the book, they said in St. Louis they sent out a questionnaire to the kids in the school and asked: What does our community need? What do you need? What does our community need? Which happens to be the right way to phrase that question.

They also had a little spot on the survey of what needed to be done where they could list if they were willing to work on it, and how they would work on it, and put their name and their address and their phone number. They expected a small return of these questionnaires. Instead, what they got was over 50 percent back, and over 50 percent of those had signatures on them saying they were willing to participate. And the city was smart enough to put them to work. They let them use the city hall for committee meetings and to go to work on the projects they suggested the community needed. There was a huge decrease in vandalism. There was a huge increase in caring for their fellow people.

The same book talks about Cincinnati. There they hired a professional to check and see why there was so much violence and so much destruction. The conclusion of the report was: A broken window left undone leads to a door that is left undone that leads to a kid who feels that nobody cares.

They are not interested in us having a bunch of debates back here in a fancy sort of way that sets a whole bunch more laws in place.

I would like to be able to tell you I have the solution to violence and that I have the perfect law that will take care of the violence problem in this country. But it isn't going to be done by law. You cannot make people behave. You have to have people who want to behave, to know that they are supposed to behave.

Something I also find when I talk to kids is that they believe the only publicity out there is the publicity about the bad kids and the bad incidents.

We just had a Congressional Awards Ceremony in Cheyenne, WY. The Congressional Awards Program is something that we all ought to understand because everybody has the right to that program. The U.S. Congress gives out two kinds of awards. They give out the Congressional Medal of Honor; that is usually to adults who have done something fantastic to help our country and our way of life and democracy. We also have the Congressional Awards. Those go to kids, kids who have done something for other people, kids who have helped out in their community, kids who have set goals and followed them, and the goals have to include volunteer work.

We have quite a few kids sign up for that in Wyoming. In fact, in most years Wyoming has more kids who get the gold medal than any other State. I did not say on a per capita basis. I want to make sure that everybody understands, in Wyoming we have 480,000 people. So sometimes on a per capita basis it is pretty easy for us. We show up in all the bad statistics because one incident drives us to the top of the charts.

I want to mention that again. For congressional awards, in Wyoming we have more kids who get a gold medal than any other State—flat out numbers. About 3 years ago, there were 21 gold medals awarded in the United States. Fifteen of the kids receiving that gold medal were from Wyoming. We are very proud of the program. But the thing we like the most is kids say: We get good publicity for doing that. Good kids get good publicity. The more publicity there is that way, the more people get in the program. So we always have the largest program.

I spoke at a Boy Scout Week dinner in Cheyenne. Lots of letters, again, said: Thanks for saying good things about what we are doing.

I have gone on a lot longer than I anticipated going, and I particularly apologize for it because we are debating military construction. That is the bill we are considering—military construction appropriations.

I have to tell you a little bit about the new dollar, the golden dollar, the Wyoming dollar. Yes, to have a new dollar in the United States, it has to go through the Banking Committee. When they noticed we were running out of the Susan B. Anthony coins, they passed a resolution to do a new dollar. And then the battle started.

The resolution said it would have the image of a real woman, and every State has a number of women who are worthy to be on a coin. Trying to break the logjam, I nominated Sacajawea. She is a person of tremendous interest to the Presiding Officer because Sacajawea was born in Idaho. Sacajawea, of course, was kidnapped at a very young age in Idaho and taken to North Dakota. It was in North Dakota that she met up with Lewis and Clark and went across the United States and helped them out by using the skills, talents, and language she had learned as a child.

Without Sacajawea, the Lewis and Clark expedition would have fallen far short of its goal. It might not have even made it back to Idaho. But she helped with that. I love to go on and add that not only did she get to travel the entire West through that process, but even after the territory expedition, it is with great pleasure that I can say she chose to spend her last years in Wyoming.

People who have seen the West usually like to stay in Wyoming, if they possibly can. But kids in Kelly, WY, helped me promote Sacajawea and helped to get her on the coin. One of the schoolteachers wrote a song about her. His dad wrote a book about her that we used as the evidence for her importance in the United States. Of course, we are coming up on the bicentennial of the Lewis and Clark expedition. So we are pleased that through the whole process, Sacajawea made it onto the coin, along with her baby. It is a lookback, but a look to the future, and it is the first time we put a baby on a coin.

When we had the golden dollar celebration in Kelly, WY, the local bank—well, there is no local bank in Kelly. The nearest town is Jackson, and the bank there arranged for an armored car to come to Kelly, WY, with some of the dollars. I know it was the first time an armored car had been there. But the bank was also so kind as to invite some of the kids from the Wind River Indian Reservation in Wyoming, which is where Sacajawea is buried, and also from the Fort Hall Indian Reservation in Idaho. We just had a great day celebrating it.

One of the things I noted was that part of Indian tradition is a thing called "dream catchers." They are circular to represent endless time, and they have webs that go through them that would catch dreams and visions. It occurred to me that is a bit of what the dollar is; it is a dream catcher. It isn't any good just by itself. We call it the golden dollar, and it has been pointed out that it doesn't have gold in it. It is colored gold, distinctly from the quarter. It has smooth edges so you can tell it from the quarter. But it is a dream catcher. You have to use it in order to make a difference.

Kids understand that. They know that helping other people with their dreams makes one's own dreams come true. Sometimes that is done through dollars. I mention this because, again, we are in the appropriations process. That is where we deal with dollars—trillions of dollars. It is very important that we spend those dollars as well as possible. And we are not going to get the process done if we are diverted onto a whole bunch of sense-of-the-Senate amendments, which are used a few times by people who say, "I got that through 100–0," or whatever the number is. Most of them pass 100–0 because the words on them don't mean anything, except a vocal display.

So I hope we can keep the discussion relevant and make sure we can do the business of the United States—the dream catching of the United States—and get our appropriations process done.

I yield the floor and reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, may I ask if there are other speakers on the other side this evening?

The PRESIDING OFFICER. I believe there is one other speaker on the Republican side who wishes to speak. We may want to propound the necessary language to close the Senate down, which would allow the Senator to complete her expressions for the evening.

Mrs. BOXER. I am happy to do that, but I don't have the particular language in front of me at this time.

The PRESIDING OFFICER (Mr. ENZI). It is not available yet. The Senator may continue with her remarks.

Mrs. BOXER. I appreciate that. How much time remains on my side?

The PRESIDING OFFICER. The Senator from California has 39 minutes remaining.

Mrs. BOXER. Mr. President, I don't intend to use the entire time. At the appropriate moment, I will be happy to make that unanimous consent request.

I want to say to the Senator from Wyoming I really enjoyed listening to him, and much of what he said I agree with. But I have to say that, as my friend explained the needs of our communities to be closer and the needs of our children to be paid attention to and to be taught respect and accountability and love, he is very right.

But I might say to my friend that every day in this country 12 children are cut down by gunfire. Most of them come from families who love them, come from families who respect them, come from families who have taught them the values of love and community and country.

So I say to my friend from Wyoming, who told some very tender stories about how good most of the youth are in this country—and I agree with him—a lot of those wonderful young people are being shot in schools and in churches. There seems to be no limit today on what can happen. So he can speak about the need to be close with our families. He is exactly right. Most of us are. But for those who are alienated, who don't have that love, why should the rest of the children pay the price and fear for their lives?

In some of our communities, if you ask those children, I say to my friend, the sad reality, for whatever reason, is that they are afraid. Many of them know someone who has been cut down by gunfire.

So I say, yes, the world he paints is a world I want for every child in America—a loving family, the ability to feel secure, the ability to feel responsibility, the ability to feel confidence. But also, I might add, if we don't pass sensible gun laws—and my friend doesn't want any more sensible gun laws—no matter what type of families our children come from, they are not protected.

I also want to address the point of my friend from Wyoming on why we are doing this on the military construction bill. Over on the House side, I served on the Armed Services Committee, and I know how important that bill is. I want to make it clear to my friends that the Democratic leader, TOM DASCHLE, didn't want to go this route. He asked unanimous consent to bring up the gun amendments that passed the Senate and are trapped in the conference committee, take them up immediately, and resolve them, and pass them in honor of the moms who gave up their Mother's Day to come here and express themselves.

The Republican side said no. They objected. So what choice did he have but to offer up an amendment?

I say to my friend that the Republican leadership waited 5 full hours before they allowed us to be heard on the subject of sensible gun laws; 5 full hours before we could offer our amendment and be heard on our amendment which commends the moms for coming out on a day when they could have had breakfast in bed, have gotten flowers, and been treated to dinner, to say thank you for being selfless as moms are. That is what you learn when you are a mom—how to be selfless.

As my friend pointed out, military construction is funded for 4 more months. We are not up against any clock—4 more months. Would it hurt us to take a few hours to pay tribute to those moms who worked so hard to organize that march of 750,000 strong, and thousands across the country adding up to more than a million moms? By the way, plenty of dads, too; plenty of grandmas; plenty of grandpas; plenty of daughters and sons. Would it hurt us? My God, in the 5 hours the Republicans stalled before we could get to this measure, we could have had the debate and could have voted on it. Who is wasting time?

The Democratic leader said let's just take this matter up and vote it out. He would have agreed to a very short time limit. But, no, 5 hours of delay. So here it is 5 minutes to 9.

You know what. I am grateful we are taking this up. I am grateful even if it is late at night. Even if I have some other things to do, it doesn't matter at all. We will take it up tomorrow as well. By the way, we will take it up again, and we will take it up again, and we will take it up again because too many people are dying in our country. How many? Let's take a look.

We have a war at home. It is a war in our streets. It is a war in our schools. In Vietnam, we lost 58,168 of our people. This country came to its knees. We wanted to end the war. The vast majority of people thought it was a mistake. Republicans, Democrats, and Independents marched. And President Nixon ended the war in Vietnam. That is 11 years.

Let's look at what happened in the last 11 years in our Nation—395,441 people have been shot down by gunfire. That is from the National Census for Health Statistics.

We have a war here at home. It is shocking to look at that, isn't it? I find it so.

That is why we are going to come back again and again. It is not easy to be here late at night. But I think we are going to have to do that because we have to face it.

Let's look at murder by handguns compared to other countries. A lot of people say, well, this is just the way it is in a society that is free. I would argue that Japan, Great Britain, and Canada are free countries. They are our allies. They are democracies. By the way, in Canada, murder by handguns per 1 million population is .12 per 1 million; .51, 3.64 in Canada. And in the United States, it is 35.05.

What is wrong? My friend from Wyoming talked about lack of community. He is certainly right on that point. But why is it always in this debate either/or? Why don't we want to work on that issue of community, work on those issues of respect for families, and work on those issues that we have to work on—yes, in the media—and also face one fact, that the only product in this country that has not one safety regulation is guns? Does that make sense to you?

In 1968, after the tragic assassination of Robert Kennedy—killed, shot down in the prime of life, who might have been our next President, shot down in the prime of life with an imported handgun—this Congress acted to ban Saturday night specials from being imported. As I remember, some of my colleagues who are still here on the other side of the aisle voted for that. But guess what they didn't vote for. They didn't vote to ban Saturday night specials from being made in America. So if you try to import a Saturday night special, you can't do it. You can't import a handgun. But guess what. They are made all over this country, particularly in my own home State. I am proud to tell you that recently with a new California Legislature and a new Governor, we have banned those Saturday night specials in California.

We are making progress. We are making progress. I am very proud of that.

After Columbine High School, this Senate gathered, and all said we are going to work together. We passed five sensible gun laws. They are so modest. They are so sensible. They passed this Senate and closed the gun show loophole that allows criminals to go to a gun show and not have to have a background check. It would have made a difference in Columbine. The woman who got the guns for those kids said so. It would ban the importation of high-capacity clips which are used in semiautomatic assault weapons. That is the Feinstein amendment. The first one is the Lautenberg amendment. Requiring child safety devices be sold with every handgun is the Kohl amendment. It requires that the FTC and the Attorney General study the extent to which the gun industry markets to juveniles. That was my amendment. I will talk more about it. It makes it illegal to sell or give a semiautomatic assault weapon to anyone under the age of 18. That was written by a Republican Member of this Senate, Senator ASHCROFT. Those amendments passed. And they are languishing in a conference committee that doesn't even meet.

On April 20, 1999, the Columbine High School shooting stunned America. On May 11, a month later, the Senate begins debate on those gun measures. On May 20, just a month after Columbine, this Senate passed a juvenile justice bill by a vote of 73–25 that included those five sensible gun control amendments that I talked about.

The Senate and House go to conference 3 months after Columbine, and guess what. That was July. There is one meeting of the conferees. Here we are more than a year after Columbine and we have done zero, nothing, nada.

I am embarrassed to face my constituents. I was embarrassed to face these marching moms and look them in the eye. It is not their job to pass legislation. Hello. It is our job. It is not their job. It is our job. What are we doing? Nothing, zero, zip. I am embarrassed about that. I am angry about that.

I tell you that there are a number of us who are not going to go away on this point. We will be back here. That is why I say to the Presiding Officer sitting in the Chair today that we chose to move forward on this bill. We tried to get a separate resolution. We offered it. The Republicans said no. I don't know, I just do not know why the fear is in this Chamber about voting this thing up or down. All we said is commend the Million Mom March for what they did. It is the American way—standing up and being counted.

Moms attended who are Republicans, Democrats, Independents, some who don't have any affiliation whatever with politics, many of whom are never political. They want Congress to act. We do nothing.

I hope these moms continue to work on this matter, to connect this political process with the facts and the realities of the deaths that go on day after day after day after day.

We had a hearing the day after the Million Mom March and an art teacher from Columbine spoke. With a trembling voice she told us what it was like to be in that library, to tell the kids: Go under your desk. Call 9–1–1.

She said: I used to be in favor of no gun laws and now I am here asking you to act because I don't want anyone else to suffer in this way.

I talked about the five commonsense measures. I think the one that I wrote is very important. We learned when we looked at the cigarette industry how they marketed to kids. We have to realize how the gun industry is marketing to kids. Here is an ad in "Gun World": "Start 'em Young! There is no time like the present." Here is a child, definitely under 18. It is a toy gun that looks like a real handgun. Now, under the laws today you can't buy a handgun in a licensed dealer shop until you are 21 years of age and you can't buy it from anybody, including a gun show, until you are 18. Here is a young man: "Start 'em Young!"

Let's take a look at what some of the gun people say about marketing: ". . .greatest threat we face is the lack of a future customer base. . ."; ". . .we continue to look for every opportunity to reach young people. . ."; "Building the next generation of customers takes work and commitment. But it must be done."

Sound familiar.

Let's hear what the tobacco companies said in the documents we found through the lawsuits. We will hear how the tobacco company and the gun companies sound alike.

Tobacco company documents: "If our company is to survive and prosper, over the long-term we must get our share of the youth market." "Today's teenager is tomorrow's potential regular customer."

This sounds very familiar.

Here are the gun companies: ". . .greatest threat we face is the lack of a future customer base. . ."; ". . .we continue to look for every opportunity to reach young people. . ."

Are they trying to reach young people? I argue they are.

We no longer see Joe Camel. Because of the lawsuits, tobacco companies agreed to stop using a cartoon character to lure kids to their product. Well, here is Eddie Eagle. If all Eddie Eagle did was to promote safety, it would be one thing, but it is absolutely a way to get kids interested in guns at a young age. "Start 'em Young!" begins to take on new meaning.

Here is a photograph from a gun magazine. This child is 4 years old and he is watching an adult load a handgun— "Start 'em Young!"

This is a very pressing issue. That is why we offered this amendment. We thank the moms for coming here. We call on our colleagues to free that juvenile justice bill and pass these laws.

My friend from Wyoming, in his opening remarks, said the people in his State don't want any laws. Quoting him the best I can, the Senator from Wyoming said: You can't make people behave. We don't need a bunch of laws.

Let's take that to its logical conclusion. You can't make people behave; you don't need a bunch of laws. OK. Should we have no laws against murder because you can't make people behave? Should we have no laws against rape because you can't make people behave? Should we have no laws on the books that say if you drive a car you have to have a license?

And the NRA takes out an ad and says, by the way, licensing a car doesn't save kids from getting hurt. They have to look both ways when they cross the street.

There is another either/or strawman. Of course, you have to look both ways when you cross the street. But if the driver didn't have to get a license and couldn't see and went up on the sidewalk, you would get killed. So what is this either/or? You don't need laws to make people behave? You want to repeal the laws for getting a license to drive? You want to repeal the laws on registering a car? Yes, you can look both ways, but if the guy's brakes don't work, you are hit. So we keep setting up these either/ors. It is not about either/or. Look both ways, yes. But also make sure that your driver is licensed, the car is registered, it is safe, he or she can see, can hear, and can drive.

With this refrain that laws can't make people behave, if you take it to its logical conclusion, we wouldn't have any laws at all. We wouldn't have a country that was a country of laws. That is, by the way, what makes America the greatest country in the world because we are a country of laws, not men; I add, we are a country of laws, not men or women.

We have laws for safe toys; we have laws for safe products. We have the safest products in the world. Not because people are wonderful. Yes, some are; they would never make an unsafe product; they wouldn't do it. But some people aren't wonderful and we have to protect our people from those people who would make a shoddy product. Guess what. We have the safest products in the world.

The only product that is not regulated that I know of is a domestically produced handgun. If you try to import it, there are safety standards. But not if you make it here.

I would say to my friend, I do not agree with him. If he does not think laws make people behave, I don't know exactly what we are doing here. We do pass laws every day to protect our people. Laws are the bedrock of a civilized society.

The NRA took out a full-page ad—the same one where they said when you license a driver or register a car you do not make our kids any safer—so I already think I addressed that. But they also basically said: What kind of mother would march? This is a political agenda.

I wish those NRA members who wrote that ad could have been at the Million Mom March. I have been in politics all my life. I have to say, these people were authentic American moms, dads, grandmas, grandpas, aunts, uncles, sisters, brothers, daughters. Do you know why they were there? They said it: Enough is enough. Enough is enough. Many of them had lost children, relatives; they feel the pain; they feel the hurt. They are scarred forever. Many of them knew people who were injured, who were paralyzed for life.

Enough is enough. That is why they came. That is why they marched. They could have stayed home, had their breakfast in bed once a year for Mother's Day, but they chose not to do it. I am proud of them.

For the National Rifle Association to take out an ad condemning those mothers is an insult to the women of this country. By the way, they were women from every political party imaginable, every age, every ethnic group. It was the most amazing picture. People out there saying: Enough is enough.

They want us to act. So, yes, I think it is worth a couple of days of debate in the memory of the almost 400,000 Americans shot dead by gunfire in the last 11 years. I think it is worth a couple of days of debate to say, in the name of these 395,441 people, that we will take a few hours; that we will commend the Million Mom March; that we will encourage them to keep on fighting for what they believe in—a safe America.

Many years ago, when I first got into politics, I was involved in trying to ensure that my children, who are now old enough to take care of me, had a safe future. We were embroiled in that Vietnam war for years and years. There was a bumper strip that came out and a lot of people put it on their cars. It said: Imagine peace. Because the war had gone on so long it was hard to imagine what it would be like, not to have this divisive war, where Americans were arguing with one another, where generations were having debates until most of the country came around and believed it was wrong.

I think we need to have a new bumper strip that says: Imagine an America with no gun violence. Maybe every day we could think about what it would be like to put on the television set at night and not hear story after story: A child goes to the zoo and shoots a gun and hurts a child; a 6-year-old brings a gun to school and shoots a 5-year-old; two high school kids go into their high school and kill people randomly. Every day 12 children die. Imagine what it would be like to turn on the television at night and not have to hear these stories. God, what a wonderful thing it would be for our Nation.

I will say this. If we take the attitude that laws do not mean anything, then we are giving up. We could stand up here, as many nights as we could, and say how much we need to feel a sense of community and how much mothers and fathers have to work with their children and how important it is that we respect each other and admire each other and love each other and come together as a community—and, my God, we should say that.

But we cannot stop there. Because the mothers who grieve for their children every day in America love their children and they gave their children values and their children went off to school and they never came home. So you can stand here, day after day and say that it is about a sense of community, and I will agree with every word that you say. But that does not mean we do not have the responsibility to protect the good children and the good families. We can do it. Five sensible gun laws that we have already passed here, seeing how we market to children, making sure we do not import those high-capacity clips, making sure that guns are sold with safety locks, making sure you cannot buy an assault weapon until you are 18.

The bottom line is we can do it. The last one, of course, is closing the gun show loophole. If you ask the woman who got those guns for those kids at Columbine, she says it clearly: If I had to undergo a background check at the gun show, this whole thing would not have happened.

So no one can get up here and say laws do not make a difference because I do not believe that. These people are telling us to pass these laws. We are not all that smart here. None of us is. But if we turn our back on the people who have experienced this violence, the Sarah Bradys, the Jim Bradys who beg us to pass waiting periods and background checks—if we turn our back on those Americans, I do not think we deserve to be here, really. Maybe that is what this election in November is going to be all about. We are going to see how much people really care.

I know it is late. The Senator from Alabama is here. I know he wants to talk. I know he is not going to agree with one thing I said—and that is good because that is what this is all about. That is what it is all about. That is why I love the Million Mom March, because it is what the country is all about: standing up and being counted, standing up and giving up Mother's Day to come out there and do what they think is right. We have a simple, simple opportunity for people to praise those moms.

I am going to close by reading from Senator DASCHLE's amendment and hope my friends on the other side will join us and will vote for it:

> Since on Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;
>
> Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;
>
> Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;
>
> Since gun safety education programs are inadequate to protect children from gun violence;
>
> Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;
>
> Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;
>
> Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;
>
> Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and
>
> Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it
>
> Determined, That it is the sense of the Senate that—
>
> (1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and
>
> (2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

It is very simple. It is a lot of nice and important words, but the bottom line is we commend those mothers for marching.

We agree with them that we should pass some modest gun laws that will stop our children from having access to firearms, that will keep us safe from criminals having access to firearms, that will keep us safe because we will not allow mentally unbalanced people to have access to firearms. That is all we are saying. We are not talking about stopping people who are law abiding from having a gun if they want it as long as they act responsibly. We are not talking about taking away anybody's guns. We are not talking about that at all. We are not talking about not being able to hunt. No.

No matter what the gun lobby says to you, I say this: We are saying if you are responsible, fine, but if you are a criminal, you cannot have a gun. If you are a child, you cannot have a gun. If you are mentally unbalanced, you cannot have a gun.

If we cannot pass laws that carry out those requests, then there is something wrong with us, there is something in this Chamber that is stopping us from doing what is right.

This is going to be a big issue in this Presidential election. It is going to be a big issue in the Senate and House races. As a matter of fact, we have a

National Rifle Association first vice president saying:

> With George Bush in the White House, we'll have a President where we work out of their office.

Imagine a satellite office of the National Rifle Association in the White House. Please, we need to protect the people of this country, and we need to do it by passing sensible gun laws and standing up in the face of powerful lobby groups, whether it is this one or any other one, because we should be the ones in the Senate who are free from that kind of special interest domination.

I pray that tomorrow when we meet—we have a few more hours of debate—we will adopt the Daschle amendment.

I thank the Chair. I yield the floor, and I yield back all my time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama.

Mr. SESSIONS. I thank the Chair.

Mr. President, I thank the Senator from California. She is a most eloquent spokeswoman for her point of view, and I do share many of her concerns. I do believe this: Too many people are dying and we can do something about it.

I want to share tonight some of my ideas about what we can do about it. If we do the things I am talking about tonight, we can literally save thousands of lives.

It is fair and accurate to say that as a direct result of the failure—it is shocking, stunning to me—of the Clinton administration to enforce existing firearm laws, thousands of people have died who otherwise would not have died. I say that as a person who spent 15 years as a Federal prosecutor working as an assistant U.S. attorney for 2½ years and almost 12 years as the U.S. attorney appointed to prosecute Federal criminal cases. In this body, we only deal with laws that apply to Federal criminal cases, not State cases.

We can save lives, but ask anybody who is a long-time, good student on the subject of crime in America, "Do you think a law that would stop the sale of guns at gun shows is going to stop people from getting killed?" and they will laugh at you. This is not something that is going to have a serious impact on crime in America, but it does have the capacity to seriously undermine a popular institution of gun shows because it delays for so long sales of guns and the gun show activities have closed and people are gone. It just does not work well. People have objected to that. That is where we are today.

I am frustrated, as I know the Chair is, because we are now back on this issue. The bill before this body is a military construction bill. We need to address certain matters of construction for our military bases and men and women in the service. We need to focus on that and get serious about it.

The majority leader, TRENT LOTT, knows what we have to do. We have 13 appropriations bills to pass. Are we going to every day have some other controversial, nongermane, irrelevant amendment brought forward disrupting the flow of the Senate and keeping us from doing the job we want to do? Is that what is going to happen? That is why he has stood firm. No, we are going to stay on military construction; we do not need to be on the issue of gun laws today.

It is a tactic. I know the Senator is most eloquent, but she also said basically the truth. She said it was a political issue; the Democrats want to use this in the fall. I suggest they are just playing politics and not talking about matters that will make our streets safer and our schools safer. I will talk about those in a minute. Politics is not what we need to be doing now.

The gun laws we debated in this body some time ago are, in fact, in conference. They passed this Senate. We passed a gun show law. Virtually everybody here voted for major restrictions on the gun show operations. The Lautenberg amendment was contested. Many believed the Lautenberg amendment went too far and disrupted a favored institution in America—the gun show. We had a vote on it after a great debate, the thing the Democrats want to continue, apparently. We had a 50–50 tie. The Vice President sat in the Presiding Officer's chair and, with great pomp and circumstance, broke the tie in favor of the amendment, walked out here, and immediately had a press conference and accused those of us who did not agree with his view on the details of this gun show law of not caring about children, not caring about crime, being indifferent to murder.

I was offended by that. I remain offended by that because I have committed a better part of my professional life to prosecuting criminals and caring about crime and victims. I know them personally. I personally tried approximately 100 gun cases myself, and under my supervision hundreds of gun cases have been prosecuted. I think I know something about this. I want to share some thoughts about that today.

I start off by discussing some basic issues. I am delighted the mothers were in town. Most of all, they remind us that children, young people, adults, family members, ourselves, are in danger in America because of violence and that this Nation needs to use the expertise, knowledge, skill, and scientific data to do what we can as a Congress to make this country safer. We can do that.

How can we reduce crime? How can we save children's lives? How can we save adult lives? How can we make our communities safer? I have studied this for 17 years as a prosecutor. I have read reports and studies of the Department of Justice. I have observed personally and tried to see what was going on around me, and I want to share some things with you about crime in America.

During the sixties and seventies, as the Chair mentioned so eloquently in his remarks, crime in this country more than doubled. It tripled, maybe even quadrupled.

We had double-digit increases—15-, 17-, 18-percent crime increases—a year in the 1960s and 1970s. It was a direct result, in my opinion, of a breakdown of discipline, a breakdown of family, an increase in drug use, and a disconnect and a lack of respect for authority in America.

Our leaders in our colleges and universities, they all said it was "cool," it was "doing your own thing," it was "seeking fulfillment," and you should not teach children to just always be automatons and just follow orders; that they ought to be allowed to express themselves. They said people were not responsible for their own acts. They said crime was a product of finances; how much money you had would affect whether you were a criminal or not—all kinds of things like that.

People who are listening to me today, who lived during those times, know I am not exaggerating. As a result, even though crime was going up dramatically, we had no increase really in the number of people in jail. We had a belief afoot in the land, by many of our brightest people, that jail did not work. They would say that putting people in jail just made them meaner, that it was no good, we needed to treat the root cause of crime, whatever that was, and we needed to increase welfare spending and just give people more money; that we could just sort of buy them off. Then they would not riot, rob, steal, rape, and kill. I am telling you, that is basically what the deal was in the 1960s and 1970s.

The critical point came when Ronald Reagan ran for President, and he promised he was going to promote law and order in this country. He made a serious commitment; he was going to create a war on drugs. He did that. He set about to appoint prosecutors, such as JEFF SESSIONS, in Mobile, AL, and 94 others in the districts around this country. He told us to get out there and utilize the skills and abilities and laws we had to fight crime.

This Senate and this Congress passed some extraordinarily effective and tough laws that had already passed a number of years earlier under President Nixon—a Speedy Trial Act that said cases had to be tried in 70 days. That is so much shorter than what goes on in most State courts today. The Federal Speedy Trial Act of 70 days is a very firm rule, and cases are normally tried within 70 days.

In addition to that, in the 1980s, under President Reagan, they passed a law that eliminated parole. It said that whatever sentence you got, you served it, virtually day for day. It eliminated parole, so a criminal who was sentenced would serve the time the judge gave him. We called that "honesty in sentencing." We said it was time to quit joking about giving someone 30 years and having them serve 6 and be right back out on the streets again, robbing and raping and doing other kinds of criminal activities. So we had the honesty in sentencing.

Then we had mandatory sentencing. Sentencing guidelines were set up. Minimum mandatory sentences were set forth under President Reagan and into President Bush's term. Those sentences were very effective.

We had an expert group of judges, and others, who analyzed the kinds of crimes and helped establish the statutory range of guidelines for judges to sentence within. The mandatory minimums said, for example, regardless of what else may happen, if you carry a gun during any crime, including a drug crime, you have to be sentenced for 5 years, without parole, consecutive to the drug crime or the burglary or any other crime you may have been sentenced for in Federal court.

So those are the kinds of things that happened. And the Federal courts improved themselves dramatically.

During those 12 years I served as U.S. attorney, a major factor dawned on me. We were making some progress. Crime in America began to drop in a number of the years—maybe a majority of the years under President Reagan's leadership. But it was not always down. In some years it started up, or the crime did not drop enough. I wondered, what could we do?

Many questioned whether these sentencing guidelines were working or not. Then it dawned on me why we were not having the impact. It was so simple as to be obvious to anybody who gave any thought to it. Federal court only tries 2, 3, 1 percent of all the crimes in America; 95, 97, 98 percent of all crimes tried in America are tried in State courts, not Federal. Even though the Federal court had set the example for the State courts, it could not itself, in effect, change the climate in America.

Over the past number of years, State court systems have gotten fed up. They realized that the revolving-door mentality of just arresting people, releasing them on bail, trying them 2 years later, letting them plead guilty to 6 months, and having them in a halfway house and then back on the streets, selling drugs, conducting crime, was not effective; and they passed all kinds of repeat dangerous offender laws.

You heard the "three strikes and you're out" laws passed in many States. The third time you are convicted of a felony, you serve life without parole. All kinds of laws such as that were passed in virtually every State in this country. They got tough and serious about crime in America and said: We are not going to take it anymore. We are not going to allow people who threaten the lives of our children to be released on the streets. And from 1990 to today, the prison population in America has doubled—more than doubled.

Many people complain about it. They say to me: JEFF, we have too many people in jail. That is just too many. Oh, this is awful.

One person told me one time: If we keep this up, everybody is going to be in prison. Of course, that is a joke. Everybody does not commit crimes. Everybody does not rob, rape, shoot, and kill. No, sir. We have gotten serious about it. We focused on the repeat dangerous offender and did something about it.

The Rand Corporation, a number of years ago, did a very important study. In this study, they interviewed, in depth, people in prison all over, but I believe it was mainly in California. They interviewed lots of people in prison, in depth, for hours, about what their life was like when they were out involving themselves in crime.

They found some amazing facts. They found that a significant number, although less than a majority of those in prison, were very much criminally inclined, that they were committing as many as 300 crimes a year. Three hundred crimes a year they were committing. It gave further impetus to and further basis for these "three strikes and you're out" laws and multiple-offender laws.

You might say: They would not commit 300 crimes a year, Jeff. They must not be telling the truth. But listen to me. There are 365 days in a year. Some of these criminals go out and knock ladies down, take their purses two or three times a night, break into cars, steal cars, break into houses, break into stores and office places multiple times in one night. Many of them are committing 200, 300 crimes a year; some of them more than that.

So we began to focus on that, and, since about 1990, we have had a decline in the crime rate in America every year. This past year, we just had the announcement that the murder rate dropped 7 percent in America. I was proud to see that.

They can have all the theories they want, but I tell you, there are not that many people in my hometown of Mobile, AL, who are willing to come out and shoot you. There are just not that many of them. And if you identify them when they go out and start committing crimes, and put them in jail, they are not going to be out there to shoot you, your family, your children, your loved ones. They are not going to be there.

I wish there were some way we could do something different. I wish we could have a class for prisoners where they could take this class and in 6 months we could release them where they would not commit crimes.

You will hear of people who cite studies and say: Oh, this cures people, and they do not ever commit crime again. Look at them closely. If that were so, we would already be doing it. Trust me. Nobody would oppose that. Nobody would oppose that. But for the most part they do not work. They may help some—and I am not against these kinds of programs—but, fundamentally, many people who are definitely criminally inclined will continue to be so.

So we made some big progress.

The city of Miami—many of you will remember the commitment President Bush made when he went down there to head the task force in Miami when he was Vice President. They were using automatic weapons, machine guns, MAC–11s, slaughtering people. Colombian gangs were operating almost at will. They said they were going to do something about it. Over a period of years, Miami has been relieved of those kinds of violent shootings. You almost never hear of a shooting with an automatic weapon in Miami anymore. It was brought to a halt.

By the way, it has been a crime since the days of Al Capone to have a machine gun. In the midseventies, when I was an assistant U.S. attorney, we prosecuted every one of those cases where people had machine guns, fully automatic weapons. So this idea that somehow we need to pass laws to keep people from carrying AK–47s—and you hear that all the time—it is already against the law to carry those weapons. It has been in the law for some number of years.

Boston, MA, a few years ago, was very concerned about the number of murders in their town. They wanted to do something about it. My staff members went up and studied their program because we heard such good comments about what they had done. They took young people seriously. When a young person got in trouble in the juvenile court in Boston, they weren't only given probation and sent home. They had a police officer and a probation officer—and they changed their hours; they worked from 3 o'clock in the afternoon to 10 o'clock at night, and the police officer would go out with the probation officer, and if the curfew was at 7 o'clock for young Billy, they knocked on Billy's door at 7 o'clock or 7:30 to see if he was home at night. If he wasn't home, something was done. Almost all of a sudden, they began to realize that these people meant business. They really cared about them. If you care about these young people, you will make sure they are obeying the rules you give them.

They targeted gang members who were leading gangs and getting involved in criminal activities and told them: If you keep this up, you are going to serve big time in jail. They sent criminals away for long periods. They broke up the gangs and they went a year without a single juvenile homicide in Boston.

I thought it was a good program. That is why, as chairman of the juvenile crime subcommittee of the Senate Judiciary Committee, we put that kind of effort into our juvenile crime bill that is now being held up in conference. That would have been supported financially by the Federal Government, encouraging other cities to do those kinds of things that would reduce crime. But let me ask you, do you think we are going to save lives in Boston, MA, by passing a law to eliminate gun shows in America? It is not going to have anything to do with that crime. So we need to do those kinds of things.

Another city that had an extraordinary success rate was Richmond, and I will talk about it in a minute.

So what do we do? We have a juvenile crime bill that is being held up in committee. Let me tell you precisely why it is being held up, the way I see it. The Senator from California indicates she sees it a different way. Let me tell you the way I see it.

We had this strong—too strong, in my opinion—gun show amendment. It did not have a majority of support in the Senate. The Senate tied 50/50. The Vice President came in here and broke the tie. Only 50 Members of this 100-Member body voted for that amendment. They voted for other amendments that would be less strong and less damaging to the gun show activities but at the same time tightening up the gun show situation. It went to the House of Representatives, a coequal body. For a bill to become law, it has to pass the Senate and the House. The House, on a bipartisan basis—JOHN DINGELL, Democrat from Michigan, and a number of other Democrats—voted against it, killed the Lautenberg amendment by a substantial vote.

Now, Members of this body are saying the conference committee is supposed to work out a bill and has to put in an amendment that was rejected in the House and had a tie vote in the Senate. You don't normally do that. Why would we think the votes in those two Houses would justify that? Surely not. That is not logical. So they are saying, if you don't agree to put in this amendment that was rejected already in the House, we are going to block the bill and keep trying to offer amendments here every day to see if we can't embarrass you Republicans so we can have an election issue in November.

That is what it is all about. But it is frustrating our ability to do our work because we have a military construction bill on the floor. That is what we need to deal with, taking care of that, not repeating the same old arguments we have had with gun laws.

Let me tell you what I think ought to be done. In the juvenile crime bill, we have, I believe, $80 million for a project CUFF, Criminal Use of Firearms by Felons—just a title we came up with—that would provide special prosecutors in every U.S. attorney's office in America. It would, in effect, step up dramatically the Federal enforcement of criminal laws.

By the way, when I became a Member of this Senate 3 years ago, I started looking at the U.S. attorneys' statistics. I knew how to use them. I reviewed them every year when I was a U.S. attorney. I pulled out the book. I was hearing from friends and people in the Department of Justice that this Department had allowed criminal prosecution to decline markedly. I looked at the numbers to see if it were true. I was shocked to find that, under the Clinton-Gore administration, prosecutions of criminal gun cases dropped from 7,000 to around 3,500—nearly a 40-percent decline in the prosecutions of gun cases.

I was shocked because every day the President of the United States and Vice President Gore were out there saying: All you Senators and Congressmen who won't pass more and more restrictions on innocent law-abiding citizens who want to possess guns are for crime, death, slaughter, and shootings. You guys are no good. You are not worthy of respect. You are just trash. You care about crime. You defend crime and you don't believe in children.

Those are the kinds of things they were saying. At the same time, they had the power and authority to prosecute criminals who were actually using guns in criminal activities, and the prosecutions had dropped 40 percent. A stunning thing. I didn't ignore it.

Nearly 3 years ago—within a year of my being in this office—I challenged the Attorney General herself, Janet Reno, about these numbers. She brushed off the debate. A deputy attorney general came before the committee and had private meetings when he was coming around to meet Senators. In his testimony, I asked him and demanded that they do better with the prosecutions of gun cases. The chief of the criminal division came by, as did two criminal division chiefs. I raised it with them. I had charts. I wrote an oped in 1998, or so, on this very subject, expressing my shock at this amazing decline in prosecutions. The reason was that was a big deal for us. Under President George Bush, we were told to do something about these gun cases. We were Federal prosecutors appointed by the President of the United States. All 94 U.S. attorneys were appointed by the President of the United States as part of the executive branch.

We had a project called Project Triggerlock. We had task forces with the sheriffs and the chiefs of police in our area. We met and discussed how to use these tough Federal laws for speedy trial actions with mandatory minimum sentences and no parole to crack down on violent criminals.

I put together a newsletter. I called it Project Triggerlock News. I sent it to all of the chiefs of police and to all of the sheriffs in my district. I sent it to the detectives and law enforcement officers who I knew were working on these kinds of cases. We showed example after example of criminals who were carrying firearms, and whom we tried in Federal court with joint investigations and prosecutions, and they served a long period of time in jail and were removed from the community.

I couldn't believe an administration that came into office talking about guns had abandoned this program. In fact, they had not totally abandoned it. Several years ago, the United States attorney in Richmond, VA, and the chief assistant who had been involved in these cases over the years got together with the chief of police in Richmond and determined to prosecute aggressively all Federal gun violations of existing law in Richmond, VA. They called their project Project Exile. They called it Project Exile because when they convicted them they got 5 or 10 years without parole. They didn't go to the halfway house in Richmond. They were sent off to a Federal prison maybe hundreds of miles away. They were gone, out of Richmond, away for long periods of time without parole. They did this consistently and aggressively.

President Clinton's own U.S. attorney, his own appointee, testified that they had achieved a 40-percent reduction in murder rate—a 40-percent reduction. They did one thing that we didn't do. They put ads out about it. They put up posters: Carry a gun, mandatory Federal jail time. They were out to convince people that they better obey the law, and they had better not be misusing guns. They were successful at it. They reduced murder rates 40 percent.

I asked Attorney General Reno if she was going to do something about that. Well, we are just going to let each district do what they want to, she said.

Curiously, I had a hearing set. It was really remarkable to me. We had a hearing on this matter. It was set for Monday morning. The administration did not want us to have this hearing. They kept wanting to put it off. I had the U.S. attorney from Richmond, the chief of police, and some experienced prosecutors testify about this kind of thing. I was amazed to turn on my radio on Saturday. What do you think the President's radio address to the Nation was on? It was on Project Triggerlock, and Project Exile. He had the U.S. attorney from Richmond and the chief of police from Richmond in the White House with him while he was doing the address. And he bragged on it, and said how good it was.

About 6 weeks later, the Attorney General came up. I had heard that they had not taken any action on it. They appointed some commission to talk about it, and no directives had gone out. I asked her about it. I remember asking her how the President sent her directives. Did he send them to her by writing or did she have to turn on the radio and listen to him? Because his exact words were, "I am directing the Attorney General and the Secretary of Treasury to crack down on these kinds of criminals."

To my knowledge, they still have not made the kind of progress that they should.

Do you see the hypocrisy here?

We have a plan in Richmond, VA, that I know as an experienced Federal prosecutor will save hundreds of lives and thousands of lives.

In the time this administration has been in office, I believe I can say with confidence that thousands of people are dead today because Project Triggerlock was abandoned and this administration allowed crime prosecutions to plummet. That is a tragedy, and it is wrong.

But, at the same time, when they come up to me, and they want to register handguns, or they want to close down gun shows, and if I don't vote for that, then I don't care about children, I don't care about people getting shot and killed in America. It burns me up. I do not like that. And why the media has not understood this fully is beyond my comprehension.

They just continue to suggest that the only thing that counts in this country is whether or not you vote for further and further restrictions that implicate and sometimes really go beyond implicating but, in fact, violate the second amendment to the Constitution of the United States which guarantees the right to keep and bear arms. Somebody will say, well, they don't like that. Well, that is our Constitution. Put it up in an amendment, big boy, if you want to change it. Let's see them bring forward an amendment to eliminate the second amendment. There is no consensus for that in this country. It is part of the heritage of this country that people maintain firearms.

We didn't have these kinds of murder rates in the 1930s, the 1940s, and the 1950s when a higher percentage of Americans had guns than they have today. I don't know of anybody where I grew up who didn't have a firearm.

I say to you first and foremost, how do you reduce crime and murder and make our streets safer? Implement President Clinton's own Project Exile. Mr. President, direct that it be done. See that the Attorney General carries it out. Pass our juvenile crime bill which provides you even more money than you really need to carry out that project. I say you don't need any more money because we didn't need it when I was U.S. attorney. Why can't you prosecute these gun cases? They are not hard to prosecute. Really most of them are quite simple, and 80 or 90 percent plead guilty. It is a good way to crack down on violence in America.

There is one more thing that I want to mention. We implemented the National Crime Information Center—the NCIC—background check. That is a computer-operated system. So if you go down to a gun store and attempt to buy a firearm, they can plug in your Social Security number, date of birth, whatever, and they can run an NCIC check on your criminal history to see if you are a convicted felon. Most of you may not know it, but if you are a convicted felon, you can't possess a firearm, period. You can't possess a shotgun, a rifle, or a pistol. Any convicted felon in America, even if it is a fraud case with no violence in it, cannot possess a firearm. We used to prosecute a lot of those cases of a "felon in possession." That is what we called them.

We found that in 13 months of this new NCIC system, 89,000 individuals were rejected. They could not buy a firearm because they had some problem. Many of them were felons.

I submit to you they have already filled out a form. I used to remember the number. I think it was 4477. On that form they filled out they had to swear under oath they were not a convicted felon. That is a crime. That is a false statement. Also, many of these people turned out to be fugitives from other criminal activities.

The BATF, the Bureau of Alcohol, Tobacco and Firearms—I have great friends in BATF, and they do a good job—is not following up on these cases. They have prosecuted less than 1 percent of these 89,000 cases. Probably about two-tenths of 1 percent were actually prosecuted.

There are some serious criminals in that group. When those cases come in and are kicked out and people are rejected because of violence, they ought to be investigated, and they ought to be prosecuted.

I think that would be a great way to identify criminals who are out to get guns and are up to no good and are out on the street. There are straw men who use false identities to buy guns. There are illegal sellers of guns. There are gun thieves who sell guns and pass them around the neighborhoods. Those kinds of people can be prosecuted, too.

If you do that, I have no doubt that crime will be reduced. There will be less murders in this country and we could save lives by the thousands. That is what we need to do. That is where our focus needs to be.

I hope those who came to the moms' march will cause us to focus on the real causes of crime and how to really stop it. If we do, we can make this country safer, we can save lives, and we can do what we are paid to do.

We need to quit playing politics. We need to get that juvenile crime bill up, voted on, and we need some compromise and support from the Members of the other side.

Once we do that, we will begin to save lives in America.

## TRIBUTE TO LAMPTON O'NEAL "TREY" WILLIAMS III

Mr. LOTT. Mr. President, today I rise to pay tribute to an extraordinary young man who has persevered to overcome significant obstacles in his life and who, in spite of these obstacles, has excelled. Lampton O'Neal "Trey" Williams III, of Hattiesburg, Mississippi, exemplifies the qualities of courage, dedication, commitment, and self-discipline that harken back to the days of this great nation's founding fathers who likewise employed these values to overcome seemingly insurmountable adversity. With this graduation from the Presbyterian Christian School in Hattiesburg on Friday, May 19, 2000, I express my most heartfelt and warmest congratulations to Trey on this extraordinary accomplishment.

As a deaf student, Trey has been saddled in life with a hardship that many of us will never be forced to carry. Yet, from an early age, Trey refused to allow his disability to overcome him and, instead, set out to conquer his disability. As a young boy, Trey was enrolled in The University of Southern Mississippi DuBard School for Language Disorders where his eagerness, ability to learn, and refusal to yield to his disability quickly warmed him to the hearts of all around him. During his tenure at the DuBard School, Trey excelled in speech, lip reading, learning language and academic skills. However, Trey's passion for learning and his commitment to his education did not end there.

In 1992, having secured from the DuBard School the skills and abilities he would need to live a full and free life with his disability, Trey took the noble and daunting step of enrolling in regular education classes at the Presbyterian Christian School in Hattiesburg, Mississippi. Throughout his years at the Presbyterian Christian School Trey has continuously challenged himself and has demanded only the best from himself. His motivation, self-discipline and character have earned Trey the highest praise from his teachers and the respect of all who know him. And while Trey's forthcoming graduation from the Presbyterian Christian School is a truly extraordinary achievement in and of itself, it is only part of the story. As the result of his academic excellence and exceptional accomplishments over the past several years, Trey has earned a college scholarship. I have no doubt that Trey's strength of character and commitment to his education will result in a college career marked with awards and honors only few can ever expect to achieve.

Mr. President, Trey's dedication, commitment and perseverance is unique and truly commendable. With his graduation on May 19, 2000, Trey will receive a concrete representation of his years of perseverance—his diploma. And while his accomplishments thus far deserve the highest praise and commendation, I have no doubt this young man's future will be marked by even greater accomplishments. Trey's refusal to yield to his disability and his determination to overcome it should serve as an inspiration and motivation to all of us. It is an example of what we can achieve when we demand the most from ourselves. I want to extend my highest congratulations to Trey on his graduation and wish only the best for him in the future.

## MARINE COLONEL WAYNE SHAW'S RETIREMENT ADDRESS

Mr. DASCHLE. Mr. President, the debt we owe to the men and women who have served in the U.S. Armed Forces is one that we will never be able to repay adequately. They sacrifice so much of themselves to defend our nation and its ideals, and ask for so little in return.

Today, I would like to focus the Senate's attention on one such veteran, who entered the United States Marine Corps more than a quarter-century ago. Colonel Wayne Shaw, who was a Marine for over 28 years, retired recently and delivered a farewell address to his fellow officers at Quantico, Virginia.

Colonel Shaw's address at Quantico was not your typical "feel-good" retirement speech. In it, he makes a number of observations about how the Marine Corps has changed in recent years—and how, in his view, many of those changes have weakened the Corps that, for the sake of our country and the world, needs to remain strong. Not a man to mince words, Colonel Shaw lists in his speech a number of concerns he has about the future of the Marine Corps.

Colonel Shaw does not question the future of the Corps because of any disillusionment he may have about the institution. Rather, he questions the future of the Corps because of his love for and devotion to it. Colonel Shaw is certainly entitled—if anyone is—to critique the Marine Corps because of his unique commitment to this country for nearly three decades. I believe we owe it to Colonel Shaw and other veterans like him to pay heed to his words of warning and carefully consider his suggestions to sustain the integrity of the U.S. Marine Corps. I hope each and every member of this chamber will do so.

I ask unanimous consent that Colonel Shaw's retirement address be printed into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### A FAREWELL TO THE CORPS

(Remarks by Colonel Wayne Shaw, USMC, Quantico, Virginia)

In recent years I've heard many Marines on the occasion of retirements, farewells, promotions and changes of command refer to the "fun" they've had in the Marine Corps. "I loved every day of it and had a lot of fun" has been voiced far too often. Their definition of "fun" must be radically different from mine. Since first signing my name on the dotted line 28½ years ago I have had very little fun.

Devoting my entire physical and mental energies training to kill the young men of some other country was not fun. Worrying about how many of my own men might die or return home maimed was not fun. Knowing that we did not have the money or time to train as best we should have, was not fun either. It was no fun to be separated from my wife for months on end, nor was it fun to freeze at night in snow and rain and mud.

It was not much fun to miss my father's funeral because my Battalion Commander was convinced our peacetime training deployment just couldn't succeed without me. Missing countless school and athletic events my sons very much wanted me to see was not much fun either. Not being at my son's high school graduation wasn't fun. Somehow it didn't seem like fun when the movers showed up with day laborers from the street corner and the destroyed personal effects were predictable from folks who couldn't hold a job. The lost and damaged items, often irreplaceable family heirlooms weren't much fun to try to "replace" for pennies on the dollar. There wasn't much fun for a Colonel with a family of four to live in a 1200 sq. ft. apartment with one bathroom that no welfare family would have moved into. It was not much fun to watch the downsizing of the services after Desert Storm as we handed out pink slips to men who risked their lives just weeks before.

It has not been much fun to watch mid-grade officers and senior Staff NCO's, after living frugal lives and investing money where they could, realize that they cannot afford to send their sons and daughters to college. Nor do I consider it much fun to reflect on the fact that our medical system is simply broken. It is not much fun to watch my Marines board helicopters that are just too old and train with gear that just isn't what it should be anymore. It is not much fun to receive the advanced copies of promotion results and call those who have been passed over for promotion. It just wasn't much fun to watch the infrastructure at our bases and stations sink deeper into the abyss because funding wasn't provided for the latest "crisis." It just wasn't much fun to discharge good Marines for being a few pounds overweight and have to reenlist Marines who were HIV positive and not world-wide deployable. It sure wasn't much fun to look at the dead Marines in the wake of the Beirut bombing and Mogadishu fiascoes and ask yourself what in the hell we were doing there. I could go on and on. There hasn't been much fun in a career that spans a quarter century of frustration, sacrifice and work.

So, why did you serve you might ask? Let me answer that: I joined the service out of a profound sense of patriotism. As the son of a career Air Force Senior NCO I grew up on military bases often within minutes flying time from Soviet airfields in East Germany. I remember the Cuban Missile crisis, the construction of the Berlin Wall, the nuclear attack drills in school and was not many miles away when Soviet tanks crushed the aspirations of citizens in Czechoslovakia. To me there was never any doubt that our great Republic and the last best hope of free people needed to prevail in this ultimate contest. I knew I had to serve. When our nation was in turmoil over our involvement in Vietnam I knew that we were right in the macro strategic sense and in the moral sense, even if in the execution we may have been flawed. I still believe to this day that did the right thing. Many of our elite's in the nation today continue to justify their opposition in spite of all evidence that shows they were wrong and their motives either naive or worse. This nation needed to survive and I was going to join others like me to ensure it did. We joined long before anyone had ever referred to service in the infantry units of the Marine Corps as an "opportunity."

We knew the pay was lousy, the work hard and the rewards would be few. We had a cause, we knew we were right and we were willing when others were not. Even without a threat to our Nation, many still join and serve for patriotic reasons.

I joined the Marines out of a sense of adventure. I expected to go to foreign countries and do challenging things. I expected that, should I stick around, my responsibilities would grow as would my rewards. It was exciting to be given missions and great Marines to be responsible for. Finally, I joined for the camaraderie. I expected to lead good men and be led by good men. Marines, who would speak frankly and freely, follow orders once the decision was made and who would place the success of the mission above all else. Marines who would be willing to sacrifice for this great nation. These were men I could trust with anything and they could trust me. It was the camaraderie that sustained me when the adventure had faded and the patriotism was tested. I was a Marine for all of these years because it was necessary, because it was rewarding, because our nation needed individuals like us and because I liked and admired the Marines I served with . . . but it sure wasn't fun.

I am leaving active service soon and am filled with some real concerns for the future of our Marine Corps and even more so for the other services. I have two sons who are on the path to becoming Marine Officers themselves. I am concerned about their future and that of their fellow Marines, sailors, airmen and soldiers. We in the Corps have the least of the problems but will not be able to survive in a sick DOD. We have gone from a draft motivated force to an all-volunteer force to the current professional force without the senior leadership being fully aware of the implications. Some of our ills can be traced to the fact that our senior leadership doesn't understand the modern Marine or service member. I can tell you that the 18 year old who walks through our door is a far different individual with different motivations than those just ten years ago.

Let me generalize for a moment. The young men from the middle class in the suburbs come in to "Rambo" for a while. He has a home to return to if need be and Mom has left his room unchanged. In the back of his mind he has some thoughts of a career if he likes it or it is rewarding. The minorities and females are looking for some skills training but also have considered a career if "things work out." They have come to serve their country but only in a very indirect way. They have not joined for the veterans Benefits because those have been truncated to the point where they are useless. No matter what they do, there is no way it will pay for college and the old VA home loan is not competitive either. There are no real veteran's benefits anymore. . . . It is that simple, and our senior leadership has their head in the sand if they think otherwise. As they progress through their initial enlistments, that are four years or more now, many conclude that they will not be competitive enough to make it a 20 year career or don't want to endure the sacrifices required. At that point they decide that it is time to get on with the rest of their lives and the result is the high first term attrition we currently have to deal with. The thought of a less than honorable discharge holds no fear whatsoever for most. It is a paper tiger. Twenty years ago an individual could serve two years and walk away with a very attractive amount of Veterans benefits that could not be matched by any other sector or business in the country. We have even seen those who serve long enough lose benefits as we stamped from weaker program to weaker program. This must be reversed. We need a viable and competitive GI Bill that is grandfathered when you enter the service, is predicated on an honorable discharge and has increasing benefits for longer service so we can fill the mid grade ranks with quality people. We must do this to stop the hemorrhage of first term attrition and to reestablish good faith and fairness. It will allow us to reenlist a few more and enlist a few less.

The modern service member is well read and informed. He knows more about strategy, diplomacy and current events than Captains knew when I first joined. He reads national newspapers and professional journals and is tuned into CNN. Gone are the days of the PFC who sat in Butzbach in the Fulda Gap or Camp Schwab on Okinawa and scanned the Stars and Stripes sports page and listened to AFN. Yet our senior leadership continue to treat him like a moron from the hinterland who wouldn't understand what goes on. He is in the service because he wants to be and not because he can't get a job in the steel mill. Three hots and a cot are not what he is here for. The Grunts and other combat arms guys aren't here for the "training and skills" either. He is remarkably well disciplined in that he does what he is told to do even though he knows it is stupid. He is very stoic, but not blind. Yet I see senior leaders all of the time who pile more on. One should remind them that their first platoon in 1968 would have told them to stick it where the sun doesn't shine. These new Warriors only think it. . . . He is well aware of the moral cowardice of his seniors and their habit of taking the easy way out that results in more pain and work for their subordinates. This must be reversed. The senior leadership must have the moral courage to stop the misuse and abuse of the current force. The force is too small, stretched too thin and too poorly funded. These deficiencies are made up on the backs of the Marines, sailors, airmen and soldiers. The troops are the best we've ever had and that is no reason to drive them into the dirt. Our equipment and infrastructure is shot. There is no other way to put it. We must reinvest immediately and not just on the big-ticket items like the F–22. That is the equivalent of buying a new sofa when the roof leaks and the termites are wrecking the structure.

Finally let me spend a minute talking about camaraderie and leadership. I stayed a Marine because I had great leaders early on. They were men of great character without preaching, men of courage without ragging, men of humor without rancor. They were men who believed in me and I in them. They encouraged me without being condescending. We were part of a team and they cared little for promotions, political correctness or who your father was. They were well educated renaissance men who were equally at home in the White House or visiting a sick Marine's child in a trailer park. They could talk to a barmaid or a baroness with equal ease and make each feel like a lady. They didn't much tolerate excuses or liars or those with too much ambition for promotion. Someone once told me that Priests do the Lord's work and don't plan to be the Pope. They were in touch with their Marines and supportive of their seniors. They voiced their opinions freely and without retribution from above. They probably drank too much and had an eye for beautiful women as long as they weren't someone's wife or a subordinate. You could trust them with your life, your wife or your wallet. Some of these great leaders were not my superiors—some were my Marines. We need more like them at the senior levels of Government and military leadership today. It is indeed sad when senior defense officials and Generals say things on TV they themselves don't believe and every service member knows they are lying. It is sad how out of touch with our society some of our Generals are.

Ask some general you know these ten questions:

1. How much does a PFC. make per month?
2. How big is the gas tank on a Hummvee?
3. Who is your Congressman and who are your two Senators?
4. Name one band that your men listen to.
5. Name one book on the NY Times best seller list.
6. Who won the last superbowl?
7. What is the best selling car in America?
8. What is the WWF?
9. When did you last trust your subordinates enough to take ten days leave?
10. What is the leave balance of your most immediate subordinate?

We all know they won't get two right and therein lies the problem. We are in the midst of monumental leadership failure at the senior levels. Just recently Gen. Shelton (CJCS) testified that he didn't know we had a readiness problem or pay problems. . . . Can you imagine that level of isolation? We must fix our own leadership problems soon.

Quality of life is paid lip service and everyone below the rank of Col. knows it. We need tough, realistic and challenging training. But we don't need low pay, no medical benefits and ghetto housing. There is only so much our morality should allow us to ask of families. Isn't it bad enough that we ask the service members to sacrifice their lives without asking their families to sacrifice their education and well being too? We put our troops on guilt trips when we tell them about how many died for this country and no hot water in housing is surely a small sacrifice to make. "Men have died and you have the guts to complain about lack of medical care for your kids?" The nation has been in an economic boom for dam near twenty years now, yet we expect folks in the military to live like lower middle class folks lived in the mid fifties. In 1974 a 2nd Lt. could buy a Corvette for less than his annual salary. Today, you can't buy a Corvette on a Major's annual salary. I can give you 100 other examples . . . An NROTC midshipman on scholarship got $100 a month in 1975. He or she still gets $100 in 1999. No raise in 25 years? The QOL life piece must be fixed. The Force sees this as a truth teller and the truth is not good.

I stayed a Marine despite the erosion of benefits, the sacrifices of my wife and children, the betrayal of our junior troops and the declining quality of life because of great leaders, and the threat to our way of life by a truly evil empire that no longer exists. I want men to stay in the future.

We must reverse these trends. There will be a new "evil empire" eventually. Sacrifices will need to be made and perhaps many things cannot change but first and foremost we must fix our leadership problems. The rest will take care of itself. If we can only fix the leadership problem. . . . Then, I still can't promise you "fun" but I can promise you the reward and satisfaction of being able to look in the mirror for the rest of your life and being able to say: "I gave more to American than I ever took from America. . . . and I am proud of it."

Semper Fi and God Bless you.

## NATIONAL ENERGY SECURITY ACT OF 2000

Ms. SNOWE. Mr. President. I rise today to speak about S. 2557, the National Energy Security Act of 2000.

First of all, I want to thank the Republican leader, Senator LOTT, who pulled together a task force to address the serious problem of the lack of a national energy policy, and also Senator MURKOWSKI, Chairman of the Senate Energy and Natural Resources Committee.

From my viewpoint on the Task Force, I was representing a State that appeared to be the proverbial canary in the coal mine as Maine was one of the early Northeast states not only to bear the brunt of low oil inventories during this past winter that was 20 degrees below normal in January, but a state that also experienced some of the highest prices in the country for home heating oil, kerosene and propane. Prices doubled and remained high throughout the winter months only then to be followed this spring by the highest prices in over two decades at the gas pump. And, this week, prices at the pump are once again on their way up, jumping more than 12 cents overnight.

The entire episode has pointed out just how vulnerable—and unprepared—the Federal Government is when it comes to a workable energy policy. As we found out, there was no short term policy to follow. The Administration, as Secretary Richardson stated at an oil crisis summit in Bangor last February, was caught napping. So, the goal of the task force was to come up with legislation that would decrease the country's dependency on foreign oil to 50 percent by the year 2010 through the enhancement of the use of renewable energy resources and includes the extension of tax credits for the production of energy from biomass, including wood waste; increases eligibility to the federal Weatherization Program, an outreach program to encourage consumers to take actions to avoid seasonal price increases through a summer fill and fuel budgeting program; and provides tax credits for residential use of solar power.

The bill enhances domestic energy production oil by offering tax relief for oil and gas produced from small marginal wells—wells that produce less than 15 barrels a day—that have already been drilled but have been capped when oil prices hit rock bottom over the past few years. Bringing these marginal wells back into domestic production also has the benefit of producing more U.S. jobs.

I am particularly pleased that the bill authorizes the Secretary of Energy to establish a Northeast Heating Oil Reserve to be used when home heating oil inventories fall dangerously low and prices escalate. The Reserve would store two million barrels of refined home heating oil within a day's delivery to Northeast states if supplies run dangerously low because of a sudden demand due to cold winter weather.

Mr. President, I would have liked to have been a cosponsor of S. 2557, because we need a comprehensive policy and the National Energy Security Act was an effort to start down that road. I cannot, however, because the bill also calls for the opening up of the Arctic Coastal Plain, which would allow for oil and gas exploration and drilling in the Arctic National Wildlife Refuge. I continue to believe that ANWR should remain protected and there are a number of other steps that can be taken to increase or conserve our domestic supply.

Now that this legislation has been introduced, potential solutions to our Nation's energy policy—or lack of it—can at least be considered and debated.

## TRIBUTE TO MONTANA'S LAW ENFORCEMENT OFFICERS

Mr. BAUCUS. Mr. President, I rise today to honor Montana's Law Enforcement officers who have fallen in the line of duty. These individuals have given their lives protecting the innocent and I can think of no more noble endeavor.

We have recently considered a resolution that will make May 15th a national memorial day for peace officers. I think it is high time that the nation joins Montana in setting aside time to honor our law enforcement officers. For the past twelve years Montana has celebrated the dedication of its law enforcement officers on this day. I wish to commend Terry Tyler and the other members of the Professional Justice Community of Montana whose hard work and sacrifice to preserve and recognize the officers who have died in the line of duty are the best examples of the "Montana Spirit" that I know so well. I was pleased to support that resolution as I am pleased to commend and commemorate the Montana Law Enforcement Museum for its continuing commitment to honoring our fallen law enforcement officers who placed public safety before their own.

Montana law enforcement traditions can be traced back to April 1863 when Henry Plummer became the state's first elected sheriff. Since that time Montana's law enforcement officers have been charged with the protection and defense of the public and our laws. In Montana, our citizens enjoy a life style not marred by daily occurrences of gun violence and crime. Our children do not feel threatened in our schools and it is commonplace to leave your door unlocked. I can think of no greater testament to the hard work and dedication of our law enforcement officers and the people of Montana who support their efforts.

It is only right that we take a day to remember those who have died so that others may live in a safe and secure environment. It is an honor and privilege to stand and recognize the efforts of these people and those who will not let their efforts go unnoticed. So, I wish to close with gratitude for those individuals who have dedicated their labors to a higher cause and who continually put their lives on the line to protect me and my family. On behalf of the state of Montana and the Nation, thank you.

## LAW ENFORCEMENT SURVIVORS' EDUCATION BENEFITS

Mr. ASHCROFT. Mr. President, I rise today to speak in tribute to all the men and women in law enforcement in this country. This week, May 14–20, is National Police Week, set aside to honor the men and women behind the badge. In 1962, Congress passed and President Kennedy signed a joint resolution proclaiming May 15 of each year as Peace Officers Memorial Day and the calendar week of each year during which such May 15 occurs as Police Week, "in recognition of the service given by the men and women who, night and day, stand guard in our midst to protect us through enforcement of our laws," from Public Law 87-726.

Sadly, between 140 and 160 law enforcement officers die in the line of duty each year. On average, 21,433 officers are injured in the line of duty each year.

In honor of the thousands of officers who have given their lives to protect the people of this Nation, I am pleased to announce an important step that the Senate took yesterday in furtherance of a much needed change in the current federal law. Last September I introduced S. 1638, a bill to expand the educational opportunities under the Deegan program, named after slain Federal officer Bill Deegan, for the families of law enforcement officers killed in the line of duty. This bill honors those who made the ultimate sacrifice in defending our communities by making available Federal funds to those officers' spouses and dependent children in order to pursue secondary education.

Yesterday, on National Peace Officers Memorial Day, the Senate unanimously passed S. 1638. I want to thank the Senate for taking this action, and urge the House to do the same.

I want to thank the co-sponsors of this bill—Senators COLLINS, GRAMS, ROBB, TIM HUTCHINSON, DODD, ABRAHAM, SPECTER, BRYAN, GREGG, HELMS, and BIDEN. I am very pleased by the bipartisan support for the bill, and for the endorsements of the Federal Law Enforcement Officers Association, the Fraternal Order of Police, the National Sheriffs' Association and other law enforcement organizations.

This bill extends retroactively the benefits created under the 1992 law to the surviving spouses and dependent children of law enforcement officials who were killed between 1978 and the current start dates of the program.

It is important to extend these benefits back to the year 1978 because under the existing program, a large number of dependent children currently between the ages 8 and 21, those born between 1978 and 1992, are excluded from participating in the program merely because their parent was killed before 1992. Pushing back the date allows these dependent children, currently facing the prospect of paying for secondary education in the often financially strained environment of a single-parent family, also to benefit from this program.

This goal is consistent with the intent of the original law: an effort to show our gratitude to the maximum number of dependent children of slain law enforcement officers.

This provision affects the families of an estimated 4,100 officers, including more than 60 in Missouri. The bill makes these spouses and dependent children eligible for up to $5820 a year for 4 years if they enroll in full-time study at an approved secondary school. In short, it helps the loved ones of those who have made the ultimate sacrifice in defending the rest of us by allowing them to pursue their dreams to move forward with their lives and continue their education.

On this occasion, I also want to thank a very important organization headquartered in Camdenton, MO—the Concerns of Police Survivors, Inc. [COPS]. COPS was organized in 1984 with 110 members. Today COPS' membership is over 10,000 families. Concerns of Police Survivors, provides resources to assist in the rebuilding of the lives of surviving families of slain law enforcement officers.

Furthermore, COPS provides training to law enforcement agencies on survivor victimization issues and educates the public of the need to support the law enforcement profession and its survivors.

To help those families begin rebuilding their shattered lives, COPS is again hosting the National Police Survivors' Seminars as part of National Police Week—the second day of this seminar is occurring today in Alexandria, VA. For 15 years, COPS' National Police Survivors' Seminars have provided survivors of law enforcement officers killed in the line of duty the opportunity to interact with other survivors and have access to some of the best mental health professionals available. I wish to thank COPS for the many programs that they operate in addition to the Police Survivors' Seminars, including scholarships, peer-support at the national, State, and local levels, "C.O.P.S. Kids" counseling programs, the "C.O.P.S. Kids" Summer Camp, Parents' Retreats, trial and parole support, and other assistance programs.

We owe a debt of gratitude to the hundreds of thousands of police officers who protect the lives and property of their fellow Americans. By the enforcement of our laws, these same officers have given our country internal freedom from fear and are responsible for helping our nation lower its crime rates again this year. These men and women, by their patriotic service and their dedicated efforts, have earned the gratitude of us all.

Officers who give their lives to protect our freedom leave behind families that must cope with the terrible loss. When this tragedy occurs, we have an obligation to help the spouses and children of fallen heroes. One way to help is to offer the opportunity to pursue their education. I thank the Senate for supporting this bill, and urge the House of Representatives to pass this legislation quickly.

## BURMA'S FORCED MILITARY SERVICE

Mr. McCONNELL. Mr. President, on Monday, the Financial Times carried a story headlined "Burma Regime Has the Most Child Soldiers." As Burma drives toward a goal of a half million man army, more than 50,000 children have been forced into military service, with orphans and street children the most vulnerable.

These are the facts of life in Burma that no longer surprise any of us who follow the region closely. Forced labor, forced relocations, arrests, detention, torture, even executions are more facts—repeated so often that it is easy to develop a tin ear to the unreal horrors these words convey about daily life in Burma. Add words like hunger, disease, and illiteracy—add unemployment, injustice and drug trafficking, and you get the full picture of the misery the Rangoon regime has created.

As acute as Burma's pain is, this is not a day of mourning. Today is a celebration of wisdom and courage—a tribute to Burma's citizens who 10 years ago defied all risks and elected Daw Aung San Suu Kyi and the National League for Democracy [NLD] to lift the nation from a deep swamp of poverty, brutality and repression to the solid ground of democracy and prosperity.

The army may have stolen Burma's elections and her rightful past, but they will not be allowed to diminish our faith nor discourage our service to her future—to Burma's freedom.

For 10 years, Daw Aung San Suu Kyi has honored the wisdom and courage of her constituents through countless acts of self-discipline, heroic judgment and profound humility. Treated with cruelty, especially during her husband's final days, her compassion has not withered. Imprisoned, isolated by house arrest, she finds strength to reach out for a peaceful, political dialog with her captors. Wounded with each report of a follower's detention or death, she does not scar with bitterness, she does not retreat from her destined course—democracy.

Today, Senator MOYNIHAN and I have introduced a resolution of support for that destiny—for the restoration of democracy. Joined by Senators LOTT, HELMS, LEAHY, ASHCROFT, FEINSTEIN, LUGAR, DURBIN, KENNEDY, SARBANES and WELLSTONE, we are honored to have the opportunity to pay tribute to those who persevere in the noble quest for Burma's liberty.

In particular, let me offer my appreciation to the Members and friends of the NLD who work tirelessly for Burma's free future and, especially the guardian angel of our common cause, Michelle Bohanna.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 15, 2000, the Federal debt stood at $5,665,244,853,842.93 (Five trillion, six hundred sixty-five billion, two hundred forty-four million, eight hundred fifty-three thousand, eight hundred forty-two dollars and ninety-three cents).

Five years ago, May 15, 1995, the Federal debt stood at $4,881,377,000,000 (Four trillion, eight hundred eighty-one billion, three hundred seventy-seven million).

Ten years ago, May 15, 1990, the Federal debt stood at $3,092,389,000,000 (Three trillion, ninety-two billion, three hundred eighty-nine million).

Fifteen years ago, May 15, 1985, the Federal debt stood at $1,750,555,000,000 (One trillion, seven hundred fifty billion, five hundred fifty-five million).

Twenty-five years ago, May 15, 1975, the Federal debt stood at $520,101,000,000 (Five hundred twenty billion, one hundred one million) which reflects a debt increase of more than $5 trillion—$5,145,143,853,842.93 (Five trillion, one hundred forty-five billion, one hundred forty-three million, eight hundred fifty-three thousand, eight hundred forty-two dollars and ninety-three cents) during the past 25 years.

## ADDITIONAL STATEMENTS

### TAIWANESE-AMERICAN HERITAGE WEEK

• Mr. KOHL. Mr. President, this week I join people in Wisconsin and across the nation in celebrating Taiwanese-American Heritage Week. This week of celebration, from May 7 to May 14, honors the many diverse contributions of over 500,000 Taiwanese-Americans in the United States. These Americans have contributed significantly to our social fabric, making notable contributions as medical professionals, Nobel Laureate scientists, business owners, human rights activists, and teachers.

While it is important to recognize the achievements of Taiwanese-Americans in the United States, Taiwanese-American Heritage Week also gives us the opportunity to celebrate the success of democracy in Taiwan. Since the lifting of martial law in 1987, Taiwan has made consistent strides toward becoming an open, democratic society where freedoms are respected and the will of the people is observed. To the credit of the many Taiwanese-Americans who fought to bring democratic principles back to the island, Taiwan is now a vibrant democratic member of the international community.

With the recent election of opposition leader Chen Shui-bian as President, Taiwan has again reaffirmed its commitment to the open electoral process that is the cornerstone of democracy. While this election bodes well for the future of a democratic Taiwan, many challenges remain. Taiwan must continue to resist internal anti-democratic forces, while also providing for its own security in a region with too few democratic neighbors. However, I am confident that Taiwan will meet these challenges and continue to play a productive role in the international community.

Mr. President, Taiwanese-American Heritage Week properly recognizes the longstanding friendship between the United States and Taiwan. Once again, I commend the accomplishments and on-going contributions of the Taiwanese-American community.•

### RECOGNITION OF THE 20TH ANNIVERSARY OF THE ERUPTION OF MT. ST. HELENS

• Mr. GORTON. Mr. President, I take the floor today to commemorate one of the most significant events in the history of my state—the eruption of Mt.

St. Helens. On the 18th of May, 1980, Mt. St. Helens exploded with the force of a 24-megaton atomic bomb, scorching 230 square miles of picturesque Northwest landscape and triggered the largest known landslide in history, traveling at nearly 200 mph to bury Spirit Lake and the Toutle River. Tragically, fifty-seven men and women lost their lives, over 200 homes and 180 miles of road were destroyed and caused $3 billion in damages.

Since that horrific day, the great people of Washington state began the long road to recovery. Today, I would like to recognize the astounding efforts of thousands of volunteers and donations from countless companies that have succeeded in making Mt. St. Helens a place where trees are growing at record speeds and animals are beginning to thrive in their new home.

Mt. St. Helens is now a place where tens of thousands of visitors flock every year from around the globe to witness both the violent and healing powers of nature. Local residents devastated by the eruption have transformed their communities and now look to Mt. St. Helens to attract visitors and contribute to the local economy.

There is still, however, an enormous amount of work to be done to help Mt. St. Helens and the surrounding areas continue on this path to recovery. The local communities' dedication to rebuilding infrastructure and ecosystems, the creation of a renowned research facility, and the construction of a world-class tourist attraction have demonstrated the highest degree of responsiveness and resourcefulness.

I would also like to take this opportunity to commend the U.S. Army Corps of Engineers and the U.S. Forest Service for their achievements and commitment in bringing Mt. St. Helens back to life.

As a member of the Senate Appropriations Committee, the Chairman of the Interior Appropriations Subcommittee, and a member of the Mt. St. Helens Institute Advisory Board, I am deeply committed to helping Mt. St. Helens make the best possible recovery and to finding federal dollars to keep Mt. St. Helens accessible and enjoyable for all visitors and to assist the surrounding communities in finding solutions to their many challenges.

I am confident that in the next twenty years the people of the Northwest will make even greater strides in reviving the beauty of Mt. St. Helens, making Washington state an even greater place to live.•

## REFLECTIONS ON THE BOZEMAN DRUG COURT

• Mr. BAUCUS. Mr. President, I rise today to recognize the innovative work of the Drug Treatment Court in Gallatin County, Montana.

Recently I worked for a day at the Drug Court, where I witnessed the process of evaluating drug court cases and determining who was following the rules—and who was not.

I must say, Mr. President, I was very impressed and inspired by the whole process—Judge Olson, his staff, the prosecutors, defense attorneys, parole and probation officer, counselors. And, most important of all, the people who have voluntarily decided to turn their lives around. This pilot project in Bozeman, Montana should be replicated around the state and nation.

In the morning, I sat in on the briefing, where judges and all the parties involved in sanctioning defendants discussed—with compassion and sometimes frustration—their attempts to help these people get off and stay off of drugs and alcohol.

Their discussions centered not on punishment, but on finding commonsense ways to help these people addicted to drugs and alcohol find ways to improve their lives and be positive contributors to their communities.

And, sitting later in court, I saw the genuine and sincere attempts of the defendants to correct their lives and stay out of jail.

Judge Olson was remarkable. He mixed just the right amount of compassion with tough love to help the defendants.

He counseled them, warned them, cajoled them, and told them he personally would help them find jobs so they could stay "clean." His work is to be highly commended and copied throughout Montana.

The defendants also showed that they can beat drugs and alcohol. One middle-aged man told me later that the Treatment Court was the best thing that ever happened in his life. He had become clean for the first time in 30 years. He owed his life to the Treatment Court. Now he is trying to find ways to help other people.

The Treatment Court is a success story waiting to be copied. It is a way to keep people out of jail, off the streets and in a job.

Yes, some people slip up and don't abide by the rules. When they do, Judge Olson cracks down on them. But when they succeed, Judge Olson praises them, and shakes their hand.

His personal involvement in the lives of these people shows that justice does know compassion, that courts can be places where people headed for jail can make a detour—and be given a chance to redirect their lives. Mr. President, I want to say that I was inspired by what I saw last Friday in Treatment Court in Bozeman. And I want to help to find funding for the Bozeman Treatment Court, as well as funding for similar courts throughout Montana.

Such an investment in people—in helping them become positive citizens in their communities rather than burdens—will save us money—and lives—in the long run.

And I will also work hard to help the Treatment Court find funds to help defendants locate affordable housing, get a good education and good jobs. What struck me, Mr. President, was that many of the defendants suffered from a lack of education. My work day in Treatment Court reminded of the importance and power of education, as well as the importance of creating good-paying jobs.

Along with families, they are the building blocks of a strong and health society, and help keep people off drugs and alcohol.

Count me a supporter of this successful program.

The treatment court idea embodies steps crucial to curbing the influence of drugs on our society.

Nationally, such treatment courts are a relatively new idea. The first drug courts were created in Florida in 1989, under the supervision of Janet Reno.

She and others realized that the solution to the rising number of drug related cases was not to increase the capacity of the criminal justice system—but to reduce the number of drug users.

The Gallatin Treatment Court is only seven months old. And while its first participants have yet to graduate, based on my experience I believe most will succeed.

Roger Curtiss, who works with the Drug Court and heads the non-profit Alcohol and Drug Services program of Gallatin County, told me how he overcame his own drug addiction problems after being placed in a similar program.

I also learned what a dedicated and talented staff Roger has supporting him in his efforts to reduce the scourge of drugs.

I remain committed to fighting illegal drug use in Montana. While I believe that treatment courts such as Gallatin County's will play an increasing role in the fight against drugs, other steps must be taken.

In January I invited drug czar Barry McCaffrey to Montana for a conference. He spoke to dozens of Montanans about the challenge posed by methamphetamine and other drugs.

One experience sticks out in particular. At the town hall meeting we had a man named Wayne approach the microphone to address the group. He fidgeted as he told his story about being addicted to meth for nearly 20 years. He said, "People don't understand the affect of this drug. It tears the brains up. It rips the family apart. It has a hold that never lets go."

Mr. President, Wayne is not alone. Across Montana and rural America, meth and other drugs are tearing families—and communities—apart.

In January the DEA reported that eighth graders in rural America are 83 percent more likely to use crack cocaine than their urban counterparts. And they are 104 percent more likely to use meth.

The bottom line is that drugs destroy lives and communities.

The solution to the ongoing fight against drugs will be found only through constant innovation of the type demonstrated by Gallatin County's Treatment Court and similar programs across the nation.

To that end I have introduced legislation to make Montana part of the Rocky Mountain High Intensity Drug Trafficking Area.

The bill would allow Montana to embark on an intensive, statewide media campaign and hire additional personnel for methamphetamine prosecution.

And because WHAT you know depends so much on WHO you know, the measure would establish a state-wide criminal intelligence network, allowing law-enforcement officials in all 56 counties to share information on criminal activity.

Mr. President, if I learned one thing from my meetings with the General McCaffrey and last Friday's visit to the treatment court, it is that there are many committed individuals fighting the drug problem.

The trick is to get them all together working to the same end: treatment, prevention and law enforcement must all coordinate their efforts to fight the scourge of drugs.

We in Congress must do the same. At the end of last session the Senate passed legislation to fight meth, by beefing up law enforcement and treatment resources throughout the nation.

Both S. 486—sponsored by Senator ASHCROFT—and an amendment to the Bankruptcy Bill—sponsored by Senator HATCH—passed the Senate.

Unfortunately, both bills have languished in the House of Representatives. Neither has been acted upon, and the legislative days for the 106th Congress are numbered. I urge my colleagues in the House to act now to strengthen resources in the fight against illegal drugs, meth in particular.

Finally, I want to again recognize the efforts of the Bozeman Drug Court and thank them for allowing me to witness their innovative and inspiring work first-hand.

Drug Court is an alternative, but it's not easy. For many it is just as difficult as serving time.

In fact, I witnessed one individual who, after continually breaking the rules, was kicked out of drug court. Now he faces five years of jail time.

But with our jails bursting at the seams and the drug problem mushrooming in rural areas, I believe the Drug Court is an effective tool in fighting the drug problem we face.

Thank you, Mr. President.●

## THE 50TH ANNIVERSARY OF WLNS-TV IN LANSING, MICHIGAN

● Mr. ABRAHAM. Mr. President, I rise today to recognize WLNS-TV in Lansing, Michigan, a station which will celebrate its 50th Anniversary on May 18, 2000. For fifty years, Channel 6 has provided Lansing residents with a wonderful mix of local and national news, community events and information, and an assortment of entertaining and insightful programming.

On May 1, 1950, WJIM-TV, Channel 6, signed on the air in Lansing, Michigan. The station was founded by Mr. Harold Gross, and for the next forty-four years he owned WJIM-TV. In 1984, Bakke Communications bought WJIM-TV, and changed the call letters to WLNS-TV. In 1986, the station's current owners, Young Broadcasting of Lansing, Inc., purchased WLNS-TV.

Serving the Lansing community has always been, and remains, the first and foremost priority of WLNS-TV. Channel 6 covers 24 hours of local news per week. It broadcasts Town Hall meetings on important community issues; political debates; major high school and college sporting events; severe weather and school closing information; and regular announcements highlighting important activities for hundreds of non-profit organizations in the community.

As a C.B.S. affiliate, WLNS-TV is able to keep Lansing residents abreast of local as well as national and global events. In addition, Channel 6 offers C.B.S. entertainment programs and national sporting events. For instance, when the Michigan State University Men's Basketball Team won the N.C.A.A. Championship this past season, Lansing viewers turned to WLNS-TV not only to watch the games, but also to get local updates on their favorite team and its players.

Mr. President, Channel 6 has been home to many prominent Lansing personalities over the years, including Martha Dixon, hostess of the cooking show "The Copper Kettle"; Len Stuttman, host of "The Many Worlds of Len Stuttman"; Bill Dansby, news anchor and news director in the 1960's; Howard Lancour, host of the children's show "Alley Cat and the Mayor," and a news anchor in the 1970's; and Jane Aldrich and Sheri Jones, current news anchors who have 25 years of combined tenure at WLNS-TV.

Mr. President, I applaud the many people whose efforts over the years have made this birthday possible. I think it is safe to say that the long term success of WLNS-TV is representative of how much Channel 6, and its many employees, mean to the Lansing community. On behalf of the entire United States Senate, I would like to wish WLNS-TV in Lansing, Michigan, a happy 50th Anniversary.●

## TRIBUTE TO MARVIN STONE

● Mr. LEAHY. Mr. President. U.S. News and World Report, in speaking of the death of Marvin Stone, spoke of one man's "superior contribution".

Marvin Stone contributed more than should be expected of someone who had had a dozen life times and far more than anyone could have expected in a span of seventy-six years.

Marvin Stone, born in Burlington, VT, served in the Pacific in World War II and then went on to become one of the most respected journalists in America.

My wife, Marcelle, and I have been privileged to know Marvin and his wonderful wife, Terry. I think with fondness not only of times together with them, Marvin's sister, Marilyn Greenfield, and the many friends in Burlington, but also evenings with those far reaching conversations at their home in the Washington area.

Marvin took the time to call me when I was a brand new Senator, even though he probably was at first curious about the oddity of a Democrat from Vermont. We became close friends and throughout two decades I called upon him for advice and insight. I knew the advice would come, never tinged with partisanship but underlined with a great sense of history and his overwhelming integrity.

I can only imagine the void this leaves in the life of Terry, his wife of fifty years, of Jamie and Stacey and Torren and all his family. He also leaves a great void in our country. Marvin's legacy, though, is also one of example, and those, especially in the field of journalism, who follow that example, can also seek the respect and the honor that he earned.

I ask that the US News World Report article be printed in the RECORD as well as the obituary in the Washington Post.

[From the U.S. News & World Report, May 15, 2000]

### ONE MAN'S "SUPERIOR CONTRIBUTION"

Journalist Marvin L. Stone, who died of cancer last week at 76, played a transforming role a generation ago as the editor of U.S. News & World Report.

In his decade of leadership, from 1976 to 1985, Stone was responsible for U.S. New's editorial shift toward the center from the more conservative views held by its founder, David Lawrence. Stone expanded the magazine's coverage beyond its traditional emphasis on politics and business to include social, cultural, and educational issues. He introduced four-color photography and changed the character of the editorial staff by recruiting younger journalists, women, and minority reporters. "Ours is a magazine devoted to a singular ideal: to report, clarify, interpret, and project the news—to put people and events in perspective as objectively as humanly possible," Stone once told a national convention of Sigma Delta Chi, the journalism society, "Put another way: to provide information people can rely on, find useful, can act upon."

Born and raised in Vermont, Stone served in World War II as an attack boat officer in the Pacific. He began his 40-year journalism career as a police reporter for the Huntington (W.Va.) Herald-Dispatch. As an International News Service correspondent based in Tokyo, Vienna, Paris, and London, he covered the Korean War and the French Indochina War and broke the news that the Soviet Union had developed a hydrogen bomb.

To the moon. In 1961, a year after he joined U.S. News, Stone covered the construction of the Berlin Wall. Later in the 1960's, he reported on topics as varied as coal mining in Kentucky and space shots to the moon. He authored the Doubleday Science Series book Man in Space.

When Mortimer B. Zuckerman bought U.S. News in 1984, Stone was holding two positions, editor of the magazine and chairman of its parent company. After what we termed six "amicable" months with Zuckerman, he resigned to become deputy director of the United States Information Agency, a position he held for four years. From 1989 to 1995, he was the founding president and chairman of the International Media Fund, an organization that encouraged a free press in Eastern Europe and the Balkans.

Zuckerman, chairman and editor-in-chief of U.S. News, said, "Marvin Stone was one of the giants of post-World War II journalism. His talent as a reporter and an editor brought him one of the great positions of journalism as the editor of U.S. News & World Report. He extended his career by outstanding service in the public arena. He was a great friend and a great colleague. He shall be missed by all who benefited from his wisdom and insight."

In 1985, Ronald Reagan hailed Stone's 25 years with U.S. News as a "superior contribution" to American journalism. Said the president: "You helped make the world's events and our challenges just a little more understandable."

[From the Washington Post, May 3, 2000]

### MARVIN L. STONE DIES AT 76; U.S. NEWS EDITOR

Marvin L. Stone, 76, who covered definitive Cold War moments such as the fall of Dien Bien Phu in Vietnam and the rise of the Berlin Wall before he took the top editing job at U.S. News & World Report in 1976 and became deputy director of the U.S. Information Agency in 1986, died of cancer May 1 at his home in Falls Church.

Mr. Stone joined the weekly news magazine in 1960 and advanced to executive editor in 1973. He became the equivalent of editor in chief in 1976, and over the next nine years, he propelled the magazine away from some of its conservative editorial positions and added cultural features and colorful layouts. He resigned in 1985, shortly after Mortimer B. Zuckerman purchased the publication.

Among the changes Mr. Stone oversaw during his years at the magazine were the addition of full-color photographs and service stories about medical, scientific and social trends. Mr. Stone, who considered himself conservative, told The Washington Post in 1982 that he viewed his impact less as a "revolution" than an "evolution."

Mr. Stone was deputy director of the U.S. Information Agency from 1985 to 1989, followed by six years as president and chairman of the International Media Fund, a Washington-based, government-funded organization encouraging a free press in Eastern Europe. After the fund went defunct in 1995, he spent the next year in Europe on a Knight Foundation journalism fellowship before retiring.

Marvin Lawrence Stone was born in Burlington, Vt., and served in the Navy in the Pacific during World War II. He graduated from Marshall University in Huntington, W.Va., and received a master's degree in journalism from Columbia University.

He was a police reporter in Huntington before joining the old International News Service wire agency in the 1950s, where his assignments included the Korean War.

Mr. Stone was named to the Sigma Delta Chi journalism society's Journalism Hall of Fame in 1990. He was a past adjunct fellow at the Center for Strategic and International Studies. His memberships included Temple Rodef Shalom in Falls Church, the Cosmos Club and the Military Order of the Caribao.

He was the author of "Man in Space," a 1974 booklet that was part of a Doubleday science series.

Survivors include his wife of 50 years, Sydell "Terry" Stone of Falls Church; two daughters, Jamie Faith Stone of Falls Church and Stacey Hope Goodrich of West Melbourne, Fla.; a son, Torren M. Stone of Falls Church; a sister; and three grandchildren.•

## ANNUAL BREHON MEDAL

• Mr. SANTORUM. Mr. President, I rise today to recognize Ireland's President, Mary McAleese, as she will be awarded the prestigious Annual Brehon Medal in Philadelphia today for her outstanding contributions to the cause of Ireland throughout the world.

Born on June 27th, 1951, Mary Leneghan was married in 1976 to Martin McAleese, with whom she has three children—Emma, Saramai and Justin.

After graduating from Queen's University Belfast, Mary McAleese was called to the Northern Ireland Bar and practiced primarily criminal and family law.

In 1975, she was appointed Reid Professor of Criminal Law, Criminology and Penology at Trinity College Dublin, a position she held until 1979 when she joined RTé as a journalist and presenter. She returned to the Reid Professorship at Trinity in 1981, while continuing with RTé on a part-time basis.

In 1987, Mary McAleese was appointed Director of the Institute of Professional Legal Studies, which trains barristers and solicitors for the legal profession in Northern Ireland. In 1994, she was appointed a Pro-Vice Chancellor of Queen's University Belfast. Other appointments that she has held include Director of Channel 4 Television, Director of Northern Ireland Electricity, Director of the Royal Group of Hospitals Trust, and delegate to the 1995 White House Conference on Trade and Investment in Ireland and follow-up Pittsburgh Conference in 1996. She was also a member of the Catholic Church delegation to the North in 1996, the Commission on Contentious Parades, the Catholic Church Episcopal Delegation to the New Ireland Forum in 1984, and was a founding member of the Irish Commission for Prisoners Overseas.

On November 11, 1997, Mary McAleese was inaugurated as the eighth President of Ireland. As President, she has demonstrated a sincere commitment to promoting Ireland worldwide, and will be recognized for her service to Ireland today, May 16, 2000, at the Brehon Law Society's annual banquet in Philadelphia, Pennsylvania. I would like to welcome President McAleese to Philadelphia and extend my sincere congratulations on the prestigious honor which she will be receiving today.•

## TRIBUTE TO U.S. SERVICEMEMBERS OVERSEAS

• Mr. BAUCUS. Mr. President, I rise today to express support for American men and women serving overseas in our Armed Services. These men and women are faced with difficult missions—made even more difficult by the fact that they are serving far from home and loved ones.

Despite these difficulties, the men and women of our armed forces have met every expectation, fulfilled every mission, and upheld the trust of the American people. This is especially commendable because over the last several years, our Armed Forces have been charged with restoring peace and maintaining order in some of the most intractable conflicts around the globe.

Out of many service members, one individual I am proud to recognize is Army Staff Sgt. Travis Elliston. I am proud to say that he is a Montana native, from the town of Kalispell. Elliston is a squad leader with Company B, 3rd Battalion, 504th Infantry, 82nd Airborne Division from Fort Bragg, N.C.

During his time in Vrbovac, Kosovo, Elliston has shown the dedication and innovation required in today's military.

The quality of his work is reflected in his own words. In a February interview with Stars and Stripes Magazine, Elliston spoke about his work with Vrbovac's residents—many of whom are just now returning after fleeing their homes. Describing his work with town residents, Elliston said, "I try to put a smile on their faces and give them hope that we will protect them."

This protection has taken many forms. One Vrbovac resident told Stars and Stripes, "Before Elliston came here, we locked all the doors. Now that [Elliston] is here we leave the doors open every night because we feel much more safe with him here." Elliston and the men and women serving with him have also been able to put an end to many killings, hijackings and kidnapings.

Elliston has also spearheaded measures to improve the quality of life in Kosovo. He has taken steps to facilitate the spread of news from the outside world to local residents and has even installed speed bumps to solve the problem of speeding vehicles.

These are but a few examples illustrating the dedication and innovation of Elliston and those serving with him. It is these qualities upon which our nation depends.

The same Vrbovac resident said of Elliston, "The people in Montana must be proud because he is a great man." I am here today to say that the people of Montana are proud. We are proud of Elliston, and we are also proud of all the other men and women who serve overseas. These sacrifice and dedication of these individuals must be recognized and I call on my colleagues in the Senate to do so.

Thank you Mr. President.•

## BOY SCOUT EAGLE SCOUT AND GIRL SCOUT GOLD AWARD

• Mr. JEFFORDS. I rise today to recognize the young men and women of our great nation who have earned the honor of receiving the Boy Scout Eagle Scout Award and the Girl Scout Gold Award.

As a former Boy Scout, I have a great appreciation for the duties, obligations, and benefits that Scouting offers to boys and girls. Scouting helps to shape our nation's youth into proud and civic-minded adults. Recipients of the Eagle Scout and Gold Awards not only meet the challenges presented to them, but they surpass the expectations of their leaders and their peers.

In order to receive the highest honor, each Scout must design and execute a project that will benefit others in their community. Through initiatives such as teaching music to children, hosting an educational seminar, or building a neighborhood playground facility, the recipients display selfless commitment and integrity—qualities they will carry with them for the rest of their lives.

The contributions that these youth have made to their communities, and to our nation, are invaluable. Their hard work and devotion warrants great commendation. I am grateful for this opportunity to offer my appreciation and my congratulations to the recipients of the Boy Scout Eagle Scout Award and the Girl Scout Gold Award.•

## COMMENDING THOMAS ALESSANDRO

• Mr. MOYNIHAN. Mr. President, I rise today to give praise and recognition to one of my fellow New Yorkers who has devoted his life to helping heal the wounds of crime. Thomas Alessandro recently received the Crime Victim Service Award from Attorney General Janet Reno. I rise today to echo that recognition and to briefly describe Mr. Alessandro's innovation and tireless work in this field.

The Crime Victim Service Award was given to Mr. Alessandro as part of the Justice Department's Office for Victims of Crime's 20th annual observance of National Crime Victims' Rights Week, held this year from April 9 to April 15. This week of observance enables communities across the country to recognize the millions of Americans who have felt the burdens of crime and those who have enabled them to navigate the difficult and often complex path to justice. This highlights the efforts of Mr. Alessandro and other outstanding individuals by drawing attention to their cause, and praising all citizens of the Nation who work toward this laudable ideal. As part of this week of recognition the Attorney General awarded the Crime Victim Service award to Mr. Alessandro, four other individuals, four organizations and two families. Mr. Alessandro was selected from 110 nominees for the award because of his outstanding progress and innovation in the field of crime victim service, the highest federal award for service to victims of crime. Mr. Alessandro is a shining example of how our law enforcement officials should protect justice and help victims of injustice seek healing.

Mr. Alessandro has dedicated the last 22 years of his life to the service of crime victims. One of his most astounding innovations was the development of the Victims Aid Services into a comprehensive program addressing the needs of all crime victims who come to the New York County District Attorney's Office. Additionally, Mr. Alessandro forged many public and private sector partnerships to strive toward the goal of justice. Among these partnerships and organizational enhancements, he established a counseling department and created a child victim specialist division. These additional tools allow the New York District Attorney's Office to protect the rights of victims not only in the form of conviction of criminals, but also in the form of healing the emotional scars of the victim especially the young victim. This second step is essential to making this society healthier and safer. The counseling staff is now made up of certified clinical social workers who provide individual and group therapy for victims. It is my honor to rise in recognition of this great man who actualizes this ideal.

In addition to counseling services, Mr. Alessandro has directed the development of new technology to increase the efficiency and availability of victim services, including protection order tracing and victim notification systems. He has forged partnerships with private sector organizations, including the AT&T Cell Phone Project, which, along with additional services, provides crime victims with 911 programmed cell phones for use in emergencies.

Mr. Alessandro's commitment to the needs of crime victims does not stop when he leaves the office. His tireless efforts continue into volunteer service. Beyond his professional role, Mr. Alessandro has been actively involved with numerous other state and local initiatives, such as the development of the New York city Victim Information and Notification System. For these accomplishments and innovations in this heroic field I rise to thank Thomas Alessandro and to draw this institution's attention to his outstanding work in this field.•

## RECOGNITION OF THE 75TH ANNIVERSARY OF CENTRALIA COLLEGE

• Mr. GORTON. Mr. President, I take the floor today to honor one of the oldest and top community colleges in the great state of Washington. In honor, of their 75th Anniversary, I would like to say a few words about this fine academic institution.

Centralia College serves the citizens of Southcentral Washington, offering outstanding community service programs and a high quality of student life. Centralia College, however, extends beyond traditional instruction of its students and participates in the greater-Centralia community, providing residents with informative and interesting public lectures, art shows and cultural events. Clearly, Centralia College is an integral part of the surrounding community.

Students at Centralia College study a variety of disciplines from accounting and nursing to computer and forestry technology, receiving a well-rounded education that will prepare them for a bright and challenging future.

Furthermore, Centralia College offers students an international experience. Students have the opportunity to study in a number of foreign countries or learn from the many international students that attend Centralia College. I applaud Centralia College for its commitment to expanding its students' horizons and exposing them to new ideas and different ways of life.

The faculty at Centralia College are extremely dedicated to giving their students a balanced education and emphasize the importance of critical thinking skills, writing, oral and visual communication as well as fostering in their students a sense of resourcefulness and responsibility.

I believe that the faculty's continuous hard work and dedication to these goals has made their students successful and contributing citizens of Washington state. Education is more than merely memorizing facts and Centralia College teaches its students vital problem solving and communication skills that will lead our country in the new millennium and give them a solid foundation to help Washington state continue in its prosperity.

I wish Centralia College another successful 75 years. It is institutions like Centralia College that make Washington state one of the best places to live.•

## A DRAFT OF PROPOSED LEGISLATION ENTITLED THE "CONSUMER PRODUCT SAFETY COMMISSION ENHANCED ENFORCEMENT ACT OF 2000"—A MESSAGE FROM THE PRESIDENT—PM 104

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation.

*To the Congress of the United States:*

I am pleased to transmit today for immediate consideration and prompt enactment the "Consumer Product Safety Commission Enhanced Enforcement Act of 2000." This legislative proposal would increase the penalties that the Consumer Product Safety Commission (CPSC) could impose upon manufacturers, distributors, and retailers of consumer products who do not inform the CPSC when the company has reason to believe it has sold a product that does not meet Federal safety standards or could otherwise create a substantial product hazard. The proposal would also improve product recalls by enabling the CPSC to choose an alternative remedy in a recall if the CPSC finds that the remedy selected by the manufacturer is not in the public interest.

Under current consumer product safety laws, manufacturers, distributors, and retailers of consumer products are required to inform the CPSC whenever they have information that one of their products: (1) fails to comply with a CPSC product safety standard; (2) contains a defect that could create a substantial product hazard; or (3) creates an unreasonable risk of serious injury or death. After a company reports this information to the CPSC, the CPSC staff initiates an investigation in cooperation with the company. If the CPSC concludes that the product presents a substantial product hazard and that a recall is in the public interest, the CPSC staff will work with the company to conduct a product safety recall. The sooner the CPSC hears about a dangerous product, the sooner the CPSC can act to remove the product from store shelves and inform consumers about how to eliminate the hazard. That is why it is critical that companies inform the CPSC as soon as they are aware that one of their products may present a serious hazard to the public.

Unfortunately, in about half the cases involving the most significant hazards—where the product can cause death or serious injury—companies do not report to the CPSC. In those cases, the CPSC must get safety information from other sources, including its own investigators, consumers, or tragically, from hospital emergency room reports or death certificates. Sometimes years can pass before the CPSC learns of the product hazard, although the company may have been aware of it all along. During that time, deaths and injuries continue. Once the CPSC becomes aware of the hazard, many companies continue to be recalcitrant, and the CPSC staff must conduct its own independent investigation. This often includes finding and investigating product incidents and conducting extensive laboratory testing. This process can take a long time, which means that the most dangerous products remain on store shelves and in consumers' homes longer, placing children and families at continuing risk.

The Consumer Product Safety Commission can currently assess civil penalties against companies who fail to report a dangerous product. Criminal penalties are also available in particularly serious cases. In fact, in 1999, the CPSC assessed 10 times the amount of civil penalties assessed 10 years ago. But, even with this more vigorous enforcement, too many companies still do not report, especially in cases involving serious harm.

This legislative proposal would enhance the CPSC's civil and criminal enforcement authority. It would provide an added incentive for companies to comply with the law so that we can get dangerous products out of stores and consumers' homes more quickly.

My legislative proposal would also help to make some product recalls more effective by allowing the CPSC to choose an alternative remedy if the CPSC finds that the manufacturer's chosen remedy is not in the public interest. Under current law, a company with a defective product that is being recalled has the right to select the remedy to be offered to the public. My proposal would continue to permit the company to select the remedy in a product recall. My proposal would also, however, allow the CPSC to determine—after an opportunity for a hearing—that the remedy selected by the company is not in the public interest. The CPSC may then order the company to carry out an alternative program that is in the public interest.

The Consumer Product Safety Commission helps to keep America's children and families safe. This legislative proposal would help the CPSC be even more effective in protecting the public from dangerous products. I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 12, 2000.*

## MESSAGE FROM THE HOUSE

At 12:19 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 2370. An act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

The message also announced that the House has agreed to the following concurrent resolution, without amendment:

S. Con. Res. 112. Concurrent resolution to make technical corrections in the enrollment of the bill H.R. 434.

The message further announced that the House agrees to the amendments of the Senate to the bill (H.R. 1377) to designate the facility of the United States Postal Service located at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building".

The message also announced that the House agrees to the amendment of the Senate to the concurrent resolution (H. Con. Res. 277) authorizing the use of the Capitol grounds for the Great Washington Soap Box Derby.

The message further announced that the House has passed the following bills, in which it requests the concurrent of the Senate:

H.R. 3519. An act to provide negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic.

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe.

H.R. 4251. An act to amend the North Korea Threat Reduction Act of 1999 to enhance congressional oversight to nuclear transfers to North Korea, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrent of the Senate:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections.

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children.

### ENROLLED BILL SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 434. An act to authorize a new trade and investment policy for sub-Sahara Africa, expend trade benefits to the countries in the Caribbean Basin, renew the generalized system of preferences, and reauthorize the trade adjustment assistance programs.

The enrolled bill was signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3519. An act to provide for negotiations for the creation of a trust fund to be administered by the International Bank for Reconstruction and Development of the International Development Association to combat the AIDS epidemic; to the Committee on Foreign Relations.

H.R. 4249. An act to foster cross-border cooperation and environmental cleanup in Northern Europe; to the Committee on Foreign Relations.

The following concurrent resolutions were read, and referred as indicated:

H. Con. Res. 251. Concurrent resolution commending the Republic of Croatia for the conduct of its parliamentary and presidential elections, to the Committee on Foreign Relations.

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with regard to in-school personal safety education programs for children; to the Committee on Health, Education, Labor, and Pensions.

The following bills, previously received from the House of Representatives for the concurrence of the Senate, were read the first and second times by unanimous consent, and referred as indicated:

H.R. 3903. An act to deem the vessel M/V *Mist Cove* to be less than 100 gross tons, as measured under chapter 145 of title 46, United States Code; to the Committee on Commerce, Science, and Transportation.

H.R. 3439. An act to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations; to the Committee on Commerce, Science, and Transportation.

## MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 3616. An act to reauthorize the impact aid program under the Elementary and Secondary Education Act of 1965, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–8946. A communication from the Naval Nuclear Propulsion Program, transmitting reports on radiological waste disposal and environmental monitoring, worker radiation exposure, and occupational safety and health, and an overview of the Program; to the Committee on Armed Services.

EC–8947. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Italy, Sweden, Norway, Germany, Australia and the United Arab Emirates; to the Committee on Foreign Relations.

EC–8948. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Foreign Assistance Act of 1961, a semi-annual report on progress toward regional nuclear non-proliferation in South Asia, for the period October 1, 1999, to March 31, 2000; to the Committee on Foreign Relations.

EC–8949. A communication from the Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; to the Committee on Governmental Affairs.

EC–8950. A communication from the Secretary of the Senate, transmitting, pursuant to law, the report of the receipts and expenditures of the Senate for the period October 1, 1999 through March 31, 2000; ordered to lie on the table.

EC–8951. A communication from the Under Secretary of Defense for Acquisition and Technology, transmitting, pursuant to law, a report relative to the Advanced Threat Infrared Countermeasure/Common Missile Warning System defense acquisition program; to the Committee on Armed Services.

EC–8952. A communication from the Federal Mediation and Conciliation Service, transmitting, a copy of the unqualified opinion it received as a result of the audit performed in compliance with the Chief Financial Officers' Act of 1990; to the Committee on Governmental Affairs.

EC–8953. A communication from the Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of an interim final rule entitled "Indian Reservation Road Bridge Program" (RIN2125–AE57), received May 11, 2000; to the Committee on Indian Affairs.

EC–8954. A communication from the Federal Election Commission transmitting, pursuant to law, the report of a final rule entitled "Administrative Fines", received May 15, 2000; to the Committee on Rules and Administration.

EC–8955. A communication from the Regulations Policy and Management Staff, Food and, Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a final rule entitled "Indirect Food Additives: Adjuvants, Production Aids, Sanitizers" (Docket No. 99F–1910), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8956. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a final rule entitled "Indirect Food Additives: Polymers" (Docket No. 98F–1019), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–8957. A communication from the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a final rule entitled "Indirect Food Additives: Adjuvants, Production Aids, Sanitizers" (Docket No. 99F–5111), received May 10, 2000; to the Committee on Health, Education, Labor, and Pensions.

## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–517. A resolution adopted by the Executive Board of the Washington State Labor Council, AFL–CIO in opposition to breaching of the Snake River and Columbia River dams; to the Committee on Environment and Public Works.

POM–518. A resolution adopted by the legislature of the State of Alaska relative to S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; to the Committee on Energy and Natural Resources.

### LEGISLATIVE RESOLVE NO. 38

Whereas, in 1973, during the Arab oil embargo, the United States was 36 percent dependent on foreign supplies, while today the United States relies on imports to supply over 56 percent of its energy consumption; and

Whereas, in the last eight years, the nation's demand for petroleum products has grown by 14 percent while domestic production was declined by 17 percent; and

Whereas, by 2020, the United States expects to be 64 percent dependent on other countries to fuel its industry, transportation, and homes; and

Whereas United States consumers are paying the price, with home heating oil costs in the Northeastern states surpassing 41.70 a gallon, while gasoline prices have climbed to $2 a gallon for mid-range gasoline in California; and

Whereas some airplane passengers are currently paying a $20 fuel surcharge on tickets; and

Whereas the nation's growing reliance on foreign oil is strengthening the aggressive pricing policies of the Organization of the Petroleum Exporting Countries (OPEC); and

Whereas the United States is currently receiving 44 percent of its imported oil from OPEC countries, including 1,400,000 barrels a day from Saudi Arabia and 700,000 barrels a day from Iraq; and

Whereas Iraq has emerged as the fastest growing source of United States oil imports; and

Whereas Iraq has emerged as the fastest growing source of United States oil imports; and

Whereas the United States is spending $300,000,000 a day on foreign oil, accounting for one-third of the entire trade deficit; and

Whereas the United States Secretary of Energy recently visited the OPEC countries of Venezuela, Saudi Arabia, and Kuwait and non-OPEC member Mexico to urge increased production, but did not visit Alaska; and

Whereas it will take 10,000 dockings of foreign supertankers carrying 500,000 barrels of oil each to provide 65 percent of the nation's oil needs in 2020; and

Whereas, if the United States is going to reduce its dependence on foreign oil, it must look toward domestic sources, including Alaska's Arctic; and

Whereas federal legislation has been introduced by Senator Murkowski calling for the opening of the 1,500,000-acre coastal plain of the Arctic National Wildlife Refuge to environmentally sound exploration, development, and production of oil and gas resources; and

Whereas the coastal plain is America's best possibility for the discovery of another giant, Prudhoe Bay-sized oil and gas discovery in North America; and

Whereas, in 1998, a three-year study by the United States Geological Survey estimated the recoverable oil potential of the coastal plain to be as high as 16,000,000,000 barrels of oil, which could replace Saudi oil imports to the United States for 30 years; and

Whereas the vast majority of Alaskans, including the Native residents of Kaktovik, the only community located in the Arctic National Wildlife Refuge, supports coastal plain development; and

Whereas the state will ensure the continued health and productivity of the Porcupine Caribou herd and the protection of land, water, and wildlife resources during the exploration and development of the coastal plain of the Arctic National Wildlife Refuge; and

Whereas coastal plain development could provide hundreds of thousands of jobs and billions of dollars in government revenue, and could contribute billions of dollars to the nation's economy; and

Whereas many national groups may argue against the development of the Arctic National Wildlife Refuge gas reserves because there is no vehicle to bring the gas to market; be it

*Resolved*, That the Alaska Legislature supports Alaska's role in providing this nation with a major portion of its domestic oil and encourages the United States Congress to pass S. 2214, a bill opening the coastal plain of the Arctic National Wildlife Refuge to responsible exploration, development, and production of its oil and gas resources; and be it further

*Resolved*, That oil exploration and development activity be conducted in a manner that protects the wildlife and the environment and utilizes the state's work force to the maximum extent possible; and be it further

*Resolved*, That the Alaska Legislature opposes any efforts to declare the coastal plain a national monument; and be it further

*Resolved*, That the Alaska Legislature urges the current leaseholders on the North Slope to make every effort to promptly build a natural gas pipeline to bring Alaska's natural gas to market and thereby avoiding resistance by national organizations that the gas resources in the Alaska National Wildlife Refuge would be stranded.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable Al Gore, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable Bruce Babbitt, United States Secretary of the Interior; the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S. Senate; the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress; and to all other members of the U.S. Senate and the U.S. House of Representatives serving in the 106th United States Congress.

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POM–519. A concurrent resolution adopted by the Legislature of the State of Hawaii relative to extending Medicare to prescription drugs for the elderly and disabled; to the Committee on Finance.

### Senate Concurrent Resolution No. 73

Whereas, outpatient prescription drugs, which are not covered under Medicare, are a substantial out-of-pocket burden for many Medicare beneficiaries, as over one-third of beneficiaries have no coverage for prescription drugs; and

Whereas, it has been argued that because roughly two-thirds of beneficiaries have some type of drug coverage from other sources, a Medicare drug benefit for all beneficiaries is not necessary; and

Whereas, however, recent research has identified many gaps in private drug coverage and the degree of protection it affords; and

Whereas, the Prescription Drug Fairness for Seniors Act (Act) (H.R. 664/S. 731) would allow 39,000,000 Medicare beneficiaries to buy prescription drugs at up to forty percent of current retail prices; and

Whereas, as of February 10, 2000, 138 House congressional members and 12 Senate congressional members have co-sponsored the Act, making it the most broadly supported drug reform bill in Congress; and

Whereas, this legislation would end price discrimination among prescription drug makers against the elderly and disabled on Medicare who have no or inadequate prescription drug insurance coverage; and

Whereas, a number of states have state-funded programs, separate from Medicare, to assist elderly and disabled individuals to purchase prescription drugs, however, Hawaii is not among these states; now, therefore, be it

*Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000, the House of Representatives concurring*, That the United States Congress is urged to support legislation to extend Medicare benefits to include prescription drug coverage for the elderly and disabled; and be it further

*Resolved*, That certified copies of this Concurrent Resolution be transmitted to the President of the Senate of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the State Director of Health, and the State Director of Human Services.

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POM–520. A resolution adopted by the Senate of the Legislature of the State of Hawaii relative to extending Medicare to prescription drugs for the elderly and disabled; to the Committee on Finance.

### Senate Resolution No. 28

Whereas, outpatient prescription drugs, which are not covered under Medicare, are a substantial out-of-pocket burden for many Medicare beneficiaries, as over one-third of beneficiaries have no coverage for prescription drugs; and

Whereas, it has been argued that because roughly two-thirds of beneficiaries have some type of drug coverage from other sources, a Medicare drug benefit for all beneficiaries is not necessary; and

Whereas, however, recent research has identified many gaps in private drug coverage and the degree of protection it affords; and

Whereas, the Prescription Drug Fairness for Seniors Act (Act) (H.R. 664/S. 731) would allow 39,000,000 Medicare beneficiaries to buy prescription drugs at up to forty percent of current retail prices; and

Whereas, as of February 10, 2000, 138 House congressional members and 12 Senate congressional members have co-sponsored the Act, making it the most broadly supported drug reform bill in Congress; and

Whereas, this legislation would end price discrimination among prescription drug makers against the elderly and disabled on Medicare who have no or inadequate prescription drug insurance coverage; and

Whereas, a number of states have state-funded programs, separate from Medicare, to assist elderly and disabled individuals to purchase prescription drugs, however, Hawaii is not among these states; now, therefore, be it

*Resolved by the Senate of the Twentieth Legislature of the State of Hawaii, Regular Session of 2000*, That the United States Congress is urged to support legislation to extend Medicare benefits to include prescription drug coverage for the elderly and disabled; and be it further

*Resolved*, That certified copies of this Resolution be transmitted to the President of the Senate of the United States Senate, the Speaker of the United States House of Representatives, each member of Hawaii's Congressional Delegation, the State Director of Health, and the State Director of Human Services.

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POM–521. A resolution adopted by the Senate of the Legislature of the State of Michigan relative to voluntary, individual, unorganized, and non-mandatory prayer in public schools; to the Committee on the Judiciary.

### Senate Resolution No. 158

Whereas, the United States of America was founded by men and women with varied religious beliefs and ideals; and

Whereas, The First Amendment to the United States Constitution states that "Congress shall make no laws respecting an establishment of religion or prohibiting the free exercise thereof . . .," which means that the government is prohibited from establishing a state religion. However, no barriers shall be created against the practice of any religion; and

Whereas, The establishment clause of the First Amendment was not drafted to protect Americans from religion, rather, its purpose was clearly to protect Americans from government mandates with respect to religion; and

Whereas, The Michigan Legislature strongly believe that reaffirming a right to voluntary, individual, unorganized, and nonmandated prayer in public schools is an important element of religious choice guaranteed by the Constitution, and will reaffirm those religious rights and beliefs upon which the nation was founded; now, therefore, be it

*Resolved by the Senate*, That the members of this legislative body memorialize the Congress of the United States to strongly support voluntary, individual, unorganized, and non-mandatory prayer in the public schools of this nation; and be it further.

*Revolved*. That a copy of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

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## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SMITH, of New Hampshire, from the Committee on Environment and Public Works, with a amendment in the nature of a substitute:

S. 1691: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes (Rept. No. 106–295).

By Mr. Smith, of New Hampshire, from the Committee on Environment and Public Works, without amendment:

H.R. 707: A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize a program for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LOTT (for himself, Mr. Murkowski, and Mr. Voinovich):

S. 2557. A bill to protect the Energy Security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes; read the first time.

By Mr. BIDEN:

S. 2558. A bill to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 2559. A bill for the relief of Vijai Rajan; to the Committee on the Judiciary.

By Mr. THURMOND:

S. 2560. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Finance.

By Mr. THURMOND:

S. 2561. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Finance.

By Mr. THURMOND:

S. 2562. A bill to reduce temporarily the duty on Baytron M; to the Committee on Finance.

By Mr. THURMOND:

S. 2563. A bill to reduce temporarily the duty on Baytron C–R; to the Committee on Finance.

By Ms. SNOWE:

S. 2564. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON:

S. 2565. A bill to reform the financing of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. FRIST (for himself and Mr. McCain):

S. 2566. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor and Pensions.

By Mrs. BOXER:

S. 2567. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; read the first time.

By Mr. KENNEDY (for himself, Mr. Lautenberg, Mr. Durbin, Mr. Kerry, and Mr. Wellstone):

S. 2568. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOND (for himself, Mr. Kerry, Mr. Campbell, Mr. Murkowski, Mr. Stevens, Mr. Daschle, and Mr. Baucus):

S. 2569. A bill to ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes; to the Committee on Small Business.

By Mr. FRIST (for himself, Mr. Thompson, and Mr. Cochran):

S. 2570. A bill to provide for the fair and equitable treatment of the Tennessee Valley Authority and its ratepayers in the event of restructuring of the electric utility industry; to the Committee on Environment and Public Works.

By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

By Mr. BURNS (for himself, Mr. Breaux, Mr. Enzi, Mr. Grams, and Mrs. Lincoln):

S. 2572. A bill to amend the Communications Act of 1934 to promote deployment of advanced services and foster the development of competition for the benefit of consumers in all regions of the Nation by relieving unnecessary burdens on the Nation's two percent local exchange telecommunications carriers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. MOYNIHAN (for himself, Mr. McConnell, Mr. Lott, Mrs. Boxer, Mr. Feingold, Mr. Ashcroft, Mrs. Feinstein, Mr. Helms, Mr. Lugar, Mr. Durbin, Mr. Kennedy, Mr. Leahy, Mr. Wellstone, and Mr. Sarbanes):

S. Con. Res. 113. A concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; to the Committee on Foreign Relations.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN:

S. 2559. A bill for the relief of Vijai Rajan; to the Committee on the Judiciary.

### PRIVATE RELIEF LEGISLATION GRANTING UNITED STATES CITIZENSHIP TO VIJAI RAJAN

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation today to grant United States citizenship to Vijai Rajan. Ms. Rajan is a twenty-four year old permanent resident from India whose naturalization application was denied because of physical disabilities that make it impossible for her to take the oath of allegiance.

Ms. Rajan has lived in the United States since she was four months old. Her sister, Inbhu, was born in Cincinnati and is an American citizen by right of her birth in the United States. Her father Sunder Rajan became a naturalized citizen in 1980. But Ms. Rajan's mother Shakunthala, was not naturalized until 1994, just after Vijai's 18th birthday. If both parents had become citizens before Rajan turned 18, she would have automatically qualified for citizenship.

Unfortunately, due to this peculiar circumstance, the law now requires that Ms. Rajan undergo the rigors of the regular naturalization process, including taking the oath of allegiance, before she can become a United States citizen.

An anomaly in the law has resulted in Ms. Rajan being left out of her family's American dream, for no other reason than because her physical disabilities prevent her from taking the oath of allegiance. Ms. Rajan suffers from cerebral palsy, muscular dystrophy, seizures, and Crohn's disease.

American citizenship is the most visible sign of one's attachment to the United States. The naturalization process, including the oath of allegiance, should be credible, and it must be accorded the formality and ceremony appropriate to its importance. I would not support any steps that would detract from the meaningfulness, solemnity, and dignity of this time-honored tradition.

In 1952, when Congress codified the requirements for becoming an American citizen, it required that the oath contain five elements: (1) support for the Constitution; (2) renunciation of prior allegiance; (3) defense of the Constitution against all enemies; (4) true faith and allegiance; and (5) a commitment to bear arms or perform noncombatant service when required.

I believe these principles should remain intact. But I also believe that we should carry out these ideals with compassion and sufficient flexibility that persons who are so severely disabled, like Ms. Rajan, are not automatically disqualified from becoming U.S. citizens.

I believe the case of Vijai Rajan is compelling and warrants Congress' immediate consideration. Moreover, I am aware that there are other cases in which a physical disability has prevented an otherwise qualified person from becoming an American citizen. I intend to work to enact legislation that will give the Attorney General the discretion to act on such compelling cases without having to resort to a private act of Congress.

In the meantime, I urge my colleagues to support this private legislation on behalf of Vijai Rajan.

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By Mr. THURMOND:

S. 2560. A bill to reduce temporarily the duty on Mesamoll; to the Committee on Finance.

S. 2561. A bill to reduce temporarily the duty on Vulkalent E/C; to the Committee on Finance.

S. 2562. A bill to reduce temporarily the duty on Baytron M; to the Committee on Finance.

S. 2563. A bill to reduce temporarily the duty on Baytron C–R; to the Committee on Finance.

## LEGISLATION TO SUSPEND THE DUTY ON CERTAIN CHEMICALS USED IN THE MANUFACTURING INDUSTRY

Mr. THURMOND. Mr. President, I rise today to introduce four bills which will suspend the duties imposed on certain chemicals that are important components in a wide array of applications. Currently, these chemicals are imported for use in the United States because there are no known American producers or readily available substitutes. Therefore, suspending the duties on these chemicals would not adversely affect domestic industries.

These bills would temporarily suspend the duty on the following:

Mesamoll (alkyl sulfonic acid ester of phenol);

Vulkalent E/C (N-phenyl-N-((trichloromethyl)thio)-benzenesulfonamide with calcium carbonate and mineral oil);

Baytron M (3,4 ethylenedioxythiophene); and

Baytron C-R (iron(III) toluenesulfonate).

These chemicals are used in the manufacturing of a number of products including, but not limited to, solvents, PVC coated fabric, medical apparatus, rubber products for automobile hoses, circuit boards, and other electronic goods.

Mr. President, suspending the duty on these chemicals will benefit the consumer by stabilizing the costs of manufacturing the end-use products. Further, these duty suspensions will allow U.S. manufacturers to maintain or improve their ability to compete internationally. I hope the Senate will consider these measures expeditiously.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2560

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDUCTION OF DUTY ON MESAMOLL.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| " | 9902.38.14 | A certain Alkylsulfonic Acid Ester of Phenol (CAS No. 70775–94–9) (provided for in subheading 3812.20.10) ................................ | Free ...................... | No change ............ | No change ............ | On or before 12/31/2003 | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2561

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDUCTION OF DUTY ON VULKALENT E/C.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| " | 9902.38.30 | A mixture of N-Phenyl-N-((trichloromethyl)thio)-Benzenesulfonamide; calcium carbonate; and mineral oil (the foregoing provided for in subheading 3824.90.28) .... | Free .................... | No change ........... | No change ........... | On or before 12/31/2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2562

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDUCTION OF DUTY ON BAYTRON M.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| " | 9902.29.34 | A certain 3,4-ethylenedioxythiophene (CAS No. 126213–50–1) (provided for in subheading 2934.90.90) ........................... | Free .................... | No change ........... | No change ........... | On or before 12/31/2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2563

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REDUCTION OF DUTY ON BAYTRON C-R.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new subheading:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| " | 9902.38.15 | A certain catalytic preparation based on Iron (III) toluenesulfonate (CAS No. 77214–82–5) (provided for in subheading 3815.90.50) ............................................... | Free .................... | No change ........... | No change ........... | On or before 12/31/2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

By Ms. SNOWE:

S. 2564. A bill to provide tax incentives for the construction of seagoing cruise ships in United States shipyards, and to facilitate the development of a United States-flag, United States-built cruise industry, and for other purposes; to the Committee on Finance.

### ALL AMERICAN CRUISE ACT OF 2000

Ms. SNOWE. Mr. President, I rise to introduce legislation designed to promote growth in the domestic cruise ship industry and at the same time enable U.S. shipyards to compete for cruise ship orders. The legislation would require that at least two U.S.-built ships be ordered for each foreign-built ship permitted to operate in the U.S. market, and provide tax incentives for U.S. cruise ship construction and operation.

Current law prohibits non-U.S. vessels from carrying passengers between U.S. ports. As such, today's domestic cruise market is very limited. The cruise industry consists predominantly of foreign vessels which must sail to and from foreign ports. The vast majority of cruise passengers are Americans, but most of the revenues now go to foreign destinations. That is because the high cost of building and operating U.S.-flag cruise ships and competition from modern, foreign-flag cruise ships have deterred growth in the domestic cruise ship trade.

By some estimates, a single port call by a cruise vessel generates between $300,000 and $500,000 in economic benefits. This is a very lucrative market, and I would like to see U.S. companies and American workers benefit from this untapped potential. However, domestic ship builders and cruise operations face a very difficult, up-hill battle against unfair competition from foreign cruise lines and foreign shipyards. Foreign cruise lines, for example, pay no corporate income tax. Nor are they held to the same demanding ship construction and operating standards imposed on U.S.-flag vessel operators. Foreign cruise lines are also free from the need to comply with many U.S. labor and environmental protection laws, and U.S. health, safety, and sanitation laws do not apply to the foreign ships.

The legislation I am introducing today is designed to level the playing field between the U.S. cruise industry and the international cruise industry. It requires that at least two U.S.-built ships be ordered for each foreign-built ship permitted to operate on a temporary basis in the U.S. market, and provide tax incentive for U.S. cruise ship construction and operation. For example, it provides that a shipyard will pay taxes on the construction or overhaul of a cruise ship of 20,000 gross tons or greater only after the delivery of the ship.

Under my bill, a U.S. company operating a cruise ship of 20,000 grt and greater may depreciate that vessel over a five-year period rather than the current 10-year depreciation period. The bill would also repeal the $2,500 business tax deduction limit for a convention on a cruise ship to provide a tax deduction limit equal to that provided to conventions held at shore-side hotels. The measure would authorize a 20-percent tax credit for fuel operating costs associated with environmentally clean gas turbine engines manufactured in the U.S., and also allows use of investment of Capital Construction Funds to include not only the non-contiguous trades, but also the domestic point-to-point trades and "cruise to nowhere."

Finally, the bill provides that a foreign-built ship may be brought into the U.S. trades only after the owner or buyer of such vessel has entered into a binding contract for the construction of at least two cruise ships of equal or greater size in the U.S. The interim foreign-built ship must be documented in the U.S. The contract must require that the first ship constructed in the U.S. be delivered no later than four years from the date of entering the binding contract with the delivery of a second ship within five years, and that the foreign-built ship must exit the U.S. trade within 12 months of the delivery of the last ship, provided there is no longer than a 24-month elapse between delivery of second and subsequent ships, should the contract provide for construction of more than two ships.

Mr. President. I truly believe that this legislation would jumpstart the domestic cruise trade, benefit U.S. workers and companies, and promote economic growth in our ports. I strongly urge my colleagues to join me in a strong show of support for this legislation.

By Mr. FRIST (for himself and Mr. MCCAIN):

S. 2566. A bill to amend the Federal Food, Drug, and Cosmetic Act to grant the Secretary of Health and Human Services the authority to regulate tobacco products, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### NATIONAL YOUTH SMOKING REDUCTION ACT

Mr. FRIST. Mr. President, I rise today to introduce the National Youth Smoking Reduction Act, along with my colleague, Senator MCCAIN. The purpose of this bill is to diminish the number of children who start to smoke or use other tobacco products, while at the same time trying to reduce the risk such products pose to adults who make the ill-advised—but legal—choice to use these products.

Mr. President, each day, more than 3,000 kids become regular smokers. That's about one million per year. Currently more than 4 million children 12 to 17 years old smoke. Sadly, more than 5 million children alive today will die prematurely from smoking-related illnesses, unless current trends are reversed.

Adults almost always start smoking as children. According to a 1994 Surgeon General report, nearly 90 percent of adults who smoke took his or her first puff at or before the age of 18. Moreover, youth smoking is on the rise! The Centers for Disease Control and Prevention have determined that smoking rates for students in grades 9 through 12 increased from 27.5 percent in 1991 to 36.4 percent in 1997. In my own state of Tennessee, 38 percent of all high school students smoke compared to just 26 percent of Tennessee adults.

Mr. President, we should all be alarmed by these statistics. Before my election to the United States Senate, I was a heart and lung transplant surgeon. I have held hundreds and hundreds of lungs in my hands that were ravaged by years of smoking. I've performed hundreds of coronary artery bypass heart operations to repair damage accelerated by smoking. When you've seen the damage that cigarettes can cause to the human body, it is a powerful motive to find a way to try to prevent children from ever starting the habit. After all, as the statistics suggest, if you keep a child from smoking, he'll probably never start as an adult.

Many factors account for a child's decision to smoke. One concerns the easy access of tobacco products to our nation's youth. For too long, cigarettes have been readily available to those who are too young to purchase them legally, whether through vending machines or by pilfering them from self-service displays.

Another heavily-researched factor is the role that advertising has in stimulating children to smoke. According to a 1995 study published in the Journal of the National Cancer Institute, teens are more likely to be influenced to smoke by cigarette advertising than they are by peer pressure. In 1994 the CDC determined that 86 percent of children who smoke prefer Marlboro, Camel and Newport—the three most heavily advertised brands—compared to only about one-third of adult smokers. When advertising for the "Joe Camel" campaign jumped from $27 million to $43 million, between 1989 and 1993, Camel's share among youth increased by more than 50 percent, while its adult market share did not change at all.

There have been efforts made during the last decade to curb and eliminate children smoking. In 1996, the Food and Drug Administration promulgated a rule which would have reduced youth access to tobacco by banning most cigarette vending machines and requiring that retailers verify the age of all over the counter sales. The rule would also address advertising to children by restricting advertising within 1,000 feet of schools and playgrounds, restricting outdoor ads and ads in publication with a significant teen readership to black and white text only.

The rule was controversial, particularly some of the advertising restrictions. It was made even more controversial by the fact that many in Congress did not believe that FDA had ever been given the authority to regulate tobacco.

During the 105th Congress, Senator McCain introduced S. 1415, the tobacco settlement bill, which was a comprehensive response to the landmark tobacco settlement of 1997. As part of that bill, I drafted provisions which set up a framework for the FDA to regulate tobacco. The tobacco settlement bill did not pass the Senate, which killed my effort during the 105th Congress to have FDA regulate tobacco in an attempt to keep the product away from children.

Thus, Congress has never delegated to the FDA the authority to regulate tobacco. On March 21, 2000, the U.S. Supreme Court ruled that FDA lacked any authority to regulate tobacco products. It was obvious to the Court that Congress never intended for the FDA to treat tobacco products as drugs subject to regulation under the Federal Food, Drug and Cosmetic Act.

The National Youth Smoking Reduction Act, which we introduce today, would for the first time give the FDA authority to regulate tobacco.

This authority would not flow from treating nicotine as a drug and tobacco products as drug delivery devices. That's what the FDA has already tried to do, by trying to force tobacco products under Chapter 5 of the existing Act. To me, this is like taking a square peg and trying to put it in a round hole; it just doesn't fit. Chapter 5 calls on the Secretary to determine whether the regulatory actions taken will provide reasonable assurance of the "safety and effectiveness" of the drug or the device. Well, clearly, tobacco is neither safe nor effective, as those terms are understood in the Act. We know that tobacco kills. That has clearly been demonstrated over the last 35 years. You can talk about the effectiveness of a pacemaker or a heart valve or an artificial heart; you can talk about those devices as being safe and effective. You really cannot apply that standard to tobacco. Therefore, instead of taking tobacco and ramming it through the drug and device provisions, I felt it was important to look at the unique nature of tobacco, and regulate it under a new chapter, which we designate as Chapter 9. This gives FDA the flexibility to create a new standard that was appropriate for tobacco products.

Chapter 9 requires manufacturers to submit to the FDA information about the ingredients, components and substances in their products. It empowers the FDA to set performance standards for tobacco products, by which FDA can try to reduce the risk posed by these products. It gives FDA the power to regulate the sale, distribution, access to, and advertising of tobacco products to try to prevent children from smoking. It also gives the FDA the power to revise and improve the warning labels contained on tobacco product packages and advertising. Last, it gives FDA the power to encourage tobacco manufacturers—who probably know more about the products than even FDA's scientists—to develop and market "reduced risk" products for adults who are regular users of tobacco.

In short, our bill represents a powerful, initial grant of authority to the FDA to regulate tobacco.

We think the bill, as a whole, strikes a fair balance between the need to promote the public health and the recognition that adults may legally choose to smoke. I very strongly believe that, should Congress act to give FDA authority to regulate tobacco products, this legislation will be the template.

Six years ago, I was saving lives as a heart and lung surgeon. I saw the ravages of tobacco in the operating room. The people of Tennessee elected me to use common sense to advance the public good. I submit that crafting a comprehensive approach to keep children from smoking is a chance for the Senate to save lives through the exercise of common sense.

Mr. McCAIN. Mr. President, I am pleased to co-sponsor this important legislation aimed at reducing youth smoking. This legislation addresses the void in federal regulatory authority over tobacco left by the recent Supreme Court ruling that FDA has no current power to regulate tobacco products.

Dr. Frist provided excellent guidance and leadership on FDA authority in 1998. In this legislation he is continuing that role by proposing legislation which I believe can gain support of enough of our colleagues to actually make this the law. Right now FDA has no authority whatsoever. While I supported the even more stringent measures proposed in 1998, I concur with Senator Frist that our chief responsibility this year is to pass legislation which will actually result in reductions in the number of kids smoking. We should pass this legislation and see results, not simply talk for several more years about how much more we would like to do.

The statistics on youth smoking are clear and alarming: 3000 kids start smoking every day; 1000 of them will die early from smoking related disease; and one of three adolescents is using tobacco by age 18.

We're not talking about kids who sneak a cigarette out of their mother's purse. According to a Surgeon General's report 71 percent of youth smokers use tobacco daily, but 90 percent of lifetime smokers take up the habit before the age of 18—the legal age to buy tobacco products in every state in the union—so if we can limit the number of kids smoking, we will eventually decrease the number of adults smoking.

Specifically, what the legislation will do is:

1. FDA will oversee ingredients in tobacco products to ensure that they are adulterated with "putrid" or "poisonous substances," and may regulate the manufacturing process to require the sanitary conditions one would normally expect in dealing with agricultural products.

2. It includes the very stringent and specific warning labeling requirements from the 1998 legislation. FDA will have the authority to revise and enforce labeling requirements, and to ensure that tobacco products are not misbranded or misrepresented to the public.

3. FDA will serve as the clearinghouse for information about tobacco products, the ingredients used by manufacturers, and will approve new products and formulas to ensure that they protect public health.

4. FDA will have the authority to establish advertising and access limitations designed to ensure that kids are not the target of marketing by tobacco companies, and to prevent kids from easily shoplifting or buying cigarettes.

5. It provides a mechanism for lower risk tobacco products to be tested, reviewed and approved.

6. It allows FDA to regulate tobacco products and nicotine to decrease the harm caused by them as much as feasible.

What the legislation does not do is permit FDA to ban tobacco products directly, or indirectly. That authority remains with Congress. There are an estimated 40–50 million smokers in this country, and it is neither practical nor in the public interest to vest that authority with a federal agency which is unaccountable to the public at large. We do not gain by driving current smokers to black markets. It is better to regulate tobacco products to prevent them from becoming worse and to focus on decreasing the number of kids who take up smoking or using chewing tobacco.

The legislation also does not raise prices—it does not raise taxes. No new government programs or agencies are created. No liability issues are addressed. This is simple and straightforward legislation to give the FDA authority to regulate tobacco products and to promulgate regulations to prevent advertising, marketing and access for kids.

The legislation does not permit a broad ban or control over advertising.

Instead, it vests authority with FDA to regulate advertising aimed at kids. This limitation allows FDA sufficient authority to address Joe Camel type advertising, while providing the best opportunity for success against constitutional challenges.

While I strongly advocate against kids smoking, I recognize that it is the right of an adult to make a stupid choice—to smoke—knowing of the consequences. This legislation protects that right. It provides a delicate balance between protecting a person from himself, and letting each individual make individual choices, and suffer the consequences of those choices.

This legislation will draw attacks from both sides—from those who think the bill is too stringent, and from those who think the legislation does not go far enough. I say to my friends on both sides, this is a reasonable and practical solution to a serious problem. I urge an end to the posturing and a dedication to making sure that we do not leave this session without providing FDA with some authority over tobacco products. I pledge to both sides that I will work with them to refine the language, to address their legitimate concerns. But, we will have gained nothing if we allow this to become the political football that it became two years ago.

Make no mistake, this is not perfect legislation. I would like to do more. But I think it is more important to move forward with this very good proposal than to wait for some distant time, if ever, when we can pass a perfect bill.

This legislation is a major step in the right direction. I think we can get enough support to pass it. I support its early consideration and action.

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By Mrs. BOXER.

S. 2567. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes; read the first time.

### CONSERVATION AND REINVESTMENT ACT

Mrs. BOXER. Mr. President, earlier today, I introduced in the Senate a bill that passed the House of Representatives on Thursday, May 11—the Conservation and Reinvestment Act of 2000. I introduced the bill and asked that it be put on the Senate calendar for one simple reason. I believe that the fastest way to pass legislation to protect our national lands legacy is to take up where the House left off last week.

I know that the Energy and Natural Resources Committee has been trying for many months to get a lands legacy bill, and I commend the efforts of Senator BINGAMAN, Senator LANDRIEU and others. But I am also aware of the great differences of opinion on the Committee. I personally support the Bingaman bill, which is similar to legislation I introduced last year, the Resources 2000 Act. Some Senators support the Landrieu bill. Others oppose both approaches.

Thus, it may not be possible to get a strong bill out of the Energy Committee this year. And, Mr. President, we are running out of time. There are probable fewer than 60 working days left in the 106th Congress. So that is why I have asked that the House bill be placed on the Senate calendar, so that at any time the Majority Leader can take it up and place it before the Senate.

The House bill isn't perfect. I would like to see further changes. But it would be a good start for the Senate. We must not let this session of Congress end without passing this critical legislation to protect our natural heritage.

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By Mr. KENNEDY (for himself, Mr. LAUTENBERG, Mr. DURBIN, Mr. KERRY, and Mr. WELLSTONE):

S. 2568. A bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products; to the Committee on Health, Education, Labor, and Pensions.

### YOUTH SMOKING PREVENTION AND PUBLIC HEALTH PROTECTION ACT

Mr. KENNEDY. Mr. President, today, I am introducing legislation to give the Food and Drug Administration board authority to regulate tobacco products for protection of the public health. With the recent 5 to 4 decision by the Supreme Court rejecting FDA's claim that it had authority to regulate tobacco products under current law, it is now essential for Congress to act. We cannot in good conscience allow the federal agency most responsible for protecting the public health to remain powerless to deal with the enormous risk of tobacco, the most deadly of all consumer products.

The provisions in this bill are identical to those in the bipartisan compromise reached during Senate consideration of comprehensive tobacco control legislation in 1998. Fifty eight Senators supported it at that time. That legislation was never enacted because of disputes over tobacco taxation and litigation, not over FDA authority.

This FDA provision is a fair and balanced approach to FDA regulation. It creates a new section in FDA jurisdiction for the regulation of tobacco products, with standards that allow for consideration of the unique issues raised by tobacco use. It is sensitive to the concerns of tobacco farmers, small businesses, and nicotine-dependent smokers. But, it clearly gives FDA the authority it needs in order to prevent youth smoking and to reduce addiction to this highly lethal product.

I had hoped to be introducing this bill with the same bipartisan support we had for this FDA provision in 1998. Unfortunately, we have not been able to reach agreement. I believe the changes in the 1998 language now being proposed by Republicans will undermine the FDA's ability to deal effectively with the enormous health risks posed by smoking. This concern is shared by a number of independent public health experts who have reviewed the proposed Republican changes and by the FDA officials who would be responsible for administering the law. The bipartisan compromise agreed to in 1998 is still the best opportunity for Senators to come together and grant FDA the regulatory authority it needs to substantially reduce the number of children who start smoking and to help addicted smokers quit. Nothing less will do the job.

The stakes are vast. Three thousand children begin smiling every day. A thousand of them will die prematurely from tobacco-induced diseases. Smoking is the number one preventable cause of death in the nation today. Cigarettes kill well over four hundred thousand Americans each year. That is more lives lost than from automobile accidents, alcohol abuse, illegal drugs, AIDS, murder, suicide, and fires combined. Our response to a public health problem of this magnitude must consist of more than half-way measures.

We must deal firmly with tobacco company marketing practices that target children and mislead the public. The Food and Drug Administration needs broad authority to regulate the sale, distribution, and advertising of cigarettes and smokeless tobacco.

The tobacco industry currently spends five billion dollars a year to promote its products. Much of that money is spent in ways designed to tempt children to start smoking, before they are mature enough to appreciate the enormity of the health risk. The industry knows that more than 90% of smokers begin as children and are addicted by the time they reach adulthood.

Documents obtained from tobacco companies prove, in the companies' own words, the magnitude of the industry's efforts to trap children into dependency on their deadly product. Recent studies by the Institute of medicine and the Centers for Disease Control show the substantial role of industry advertising in decisions by young people to use tobacco products. If we are serious about reducing youth smoking, FDA must have the power to prevent industry advertising designed to appeal to children wherever it will be seen by children. This legislation will give FDA the ability to stop tobacco advertising which glamorizes smoking from appearing in publications likely to be read by significant numbers of children.

FDA authority must also extend to the sale of tobacco products. Nearly every state makes it illegal to sell cigarettes to children under 18, but surveys show that those laws are rarely enforced and frequently violated. FDA must have the power to limit the sale of cigarettes to face-to-face transactions in which the age of the purchaser can be verified by identification. This means an end to self-service displays and vending machine sales. There must also be serious enforcement efforts with real penalties for those caught selling tobacco products to children. This is the only way to ensure that children under 18 are not able to buy cigarettes.

The FDA conducted the longest rulemaking proceeding in its history, studying which regulations would most effectively reduce the number of children who smoke. Seven hundred thousand public comments were received in the course of that rulemaking. At the conclusion of its proceeding, the Agency promulgated rules on the manner in which cigarettes are advertised and sold. Due to litigation, most of those regulations were never implemented. If we are serious about curbing youth smoking as much as possible, as soon as possible; it makes no sense to require FDA to reinvent the wheel by conducting a new multi-year rulemaking process on the same issues. This legislation will give the youth access and advertising restrictions already developed by FDA the immediate force of law, as if they had been issued under the new statute.

The legislation also provides for stronger warnings on all cigarette and smokeless tobacco packages, and in all print advertisements. These warnings will be more explicit in their description of the medical problems which can result from tobacco use. The FDA is given the authority to change the text of these warning labels periodically, to keep their impact strong.

Nicotine in cigarettes is highly addictive. Medical experts say that it is as addictive as heroin or cocaine. Yet for decades, tobacco companies have vehemently denied the addictiveness of their products. No one can forget the parade of tobacco executives who testified under oath before Congress as recently as 1994 that smoking cigarettes is not addictive. Overwhelming evidence in industry documents obtained through the discovery process proves that the companies not only knew of this addictiveness for decades, but actually relied on it as the basis for their marketing strategy. As we now know, cigarette manufacturers chemically manipulated the nicotine in their products to make it even more addictive.

The tobacco industry has a long, dishonorable history of providing misleading information about the health consequences of smoking. These companies have repeatedly sought to characterize their products as far less hazardous than they are. They made minor innovations in product design seem far more significant for the health of the user than they actually were. It is essential that FDA have clear and unambiguous authority to prevent such misrepresentations in the future. The largest disinformation campaign in the history of the corporate world must end.

Given the addictiveness of tobacco products, it is essential that the FDA regulate them for the protection of the public health. Over forty million Americans are currently addicted to cigarettes. No responsible public health official believes that cigarettes should be banned. A ban would leave forty million people without a way to satisfy their drug dependency. FDA should be able to take the necessary steps to help addicted smokers overcome their addiction, and to make the product less toxic for smokers who are unable or unwilling to stop. To do so, FDA must have the authority to reduce or remove hazardous ingredients from cigarettes, to the extent that it becomes scientifically feasible. The inherent risk in smoking should not be unnecessarily compounded.

Recent statements by several tobacco companies make clear that they plan to develop what they characterize as "reduced risk" cigarettes. This legislation will require manufacturers to submit such "reduced risk" products to the FDA for analysis before they can be marketed. No health-related claims will be permitted until they have been verified to the FDA's satisfaction. These safeguards are essential to prevent deceptive industry marketing campaigns, which could lull the public into a false sense of health safety.

Smoking is the number one preventable cause of death in America. Congress must vest FDA not only with the responsibility for regulating tobacco products, but with full authority to do the job effectively.

This legislation will give the FDA the legal authority it needs to reduce youth smoking by preventing tobacco advertising which targets children—to prevent the sale of tobacco products to minors—to help smokers overcome their addiction—to make tobacco products less toxic for those who continue to use them—and to prevent the tobacco industry from misleading the public about the dangers of smoking.

The 1998 compromise we reached in the Senate is still the right answer. We cannot allow the tobacco industry to stop us from doing what we know is right for America's children. I intend to do all I can to see that Congress enacts this legislation this year. The public health demands it.

By Mr. BOND (for himself, Mr. KERRY, Mr. CAMPBELL, Mr. MURKOWSKI, Mr. STEVENS, Mr. DASCHLE, and Mr. BAUCUS):

S. 2569. A bill to ensure and enhance participation in the HUBZone program by small business concerns in Native America, to expand eligibility for certain small businesses on a trial basis, and for other purposes; to the Committee on Small Business.

### HUBZONES IN NATIVE AMERICA ACT OF 2000

• Mr. BOND. Mr. President, the bill I am introducing today with Senators KERRY, CAMPBELL, MURKOWSKI, STEVENS, DASCHLE, and BAUCUS will expand economic opportunity in some of the most stubborn areas of poverty and unemployment in the entire country. It will do so by expanding the HUBZone program to ensure that Indian Tribal enterprises and Alaska Native Corporations are eligible to participate.

The HUBZone program, enacted in 1997, directs a portion of Federal contracting dollars into areas of the country that have been out of the economic mainstream for far too long. HUBZone areas, which include, qualified census tracts, poor rural counties, and Indian reservations, often are relatively out-of-the-way places that the stream of commerce passes by. They tend to be low-traffic areas that do not have a reliable customer base to support business development. As a result, business has been reluctant to move into these areas. It simply has not been profitable, without a customer base to keep them operating.

The HUBZone Act seeks to overcome this problem by making it possible for the Federal government to become a customer for small businesses that locate in HUBZones. While a small business works to establish its regular customer base, a Federal contract can help it stabilize its revenues and remain profitable. This gives small business a chance to get a foothold, and provides jobs to these areas. New business and new jobs mean new life and new hope for these communities.

The HUBZone Act seeks to restart the economic engine in these communities and keep it running. Small business is the carburetor that makes that engine run smoothly. If a community seeks to attract a large business, often with expensive tax concessions and promises of public works, that community can find itself back where it started if that large business becomes unprofitable and closes its plant. However, if a community attracts a diversified base of small businesses its overall economic development does not stop just because one or two of those businesses close. That is why small business must be a central part of any economic development strategy.

Unfortunately, when we wrote the HUBZone Act three years ago, we accidentally created a technical glitch that excludes Indian Tribal enterprises and

Alaska Native Corporations. These businesses must play a central role in improving life in rural Alaska and on Indian reservations. That is why we are here to propose a solution to this problem.

In the HUBZone Act, we specified that participating small businesses must be 100 percent owned and controlled by U.S. citizens. However, since citizens are "born or naturalized" under the Fourteenth Amendment, ownership by citizens implies ownership by individual flesh-and-blood human beings. Corporate owners and Tribal government owners are not "born or naturalized" in the usual meanings of those terms. Thus, the Small Business Administration found that it had no authority to certify small businesses owned wholly or partly by Alaska Native Corporations and Tribal governments.

Although the legal logic of that view seems sound, the outcome is not. It certainly is not what we intended. On many reservations, particularly the desolate, isolated ones in western State, the only investment resources available are the Tribal governments. Excluding those governments from investing in their own reservations means, in practical terms, excluding those reservations from the HUBZone program entirely. Similarly, Alaska Native Corporations have the corporate resources that are necessary to make real investments in rural Alaska, to provide jobs to Alaska Natives who currently have no hope of getting them.

That is why we are here to propose a legislative fix. In putting together this bill, we have sought to follow three broad principles.

First, no firm should be made eligible solely by virtue of who they are. We should not, for example, make all Alaska Native Corporations eligible solely because they are Alaska Native Corporations. Instead, Alaska Native Corporations and Indian Tribal enterprises should be eligible only if they agree to advance the goals of the HUBZone program: job creation and economic development in the areas that need it most.

Second, our legislation should seek to conform to existing Native American policy and not allow the HUBZone program to be used as a back door to change that policy. Some folks would like to change Alaska Native policy so that Alaska Natives exercise governmental jurisdiction over their lands, just like Tribes in the Lower 48 do on their reservations and trust lands. However, the Alaska Native Claims Settlement Act (ANCSA) of 1971 deliberately avoided that approach, and our legislation here simply recognizes existing practice in ANCSA.

The third principle underlying this bill is that Alaska Natives and Indian Tribes should participate on more-or-less equal grounds. It is impossible to have exact equivalence because the Federal relationship with Alaska Natives is not equal to the relationship with Indian Tribes, and also because Alaska is a very different State from the Lower 48. However, ANCSA provided that Alaska Natives should be eligible to participate in Federal Indian programs "on the same basis as other Native Americans."

Mr. President, with these principles in mind, we have finally come to the end of a long negotiation on these issues. This bill represents the outcome of that discussion, and it is a long step forward. I have a section-by-section discussion of the bill, and I ask unanimous consent that it be printed in the RECORD.•

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SECTION-BY-SECTION ANALYSIS

*Section 1.* The bill amends the definition of "HUBZone small business concern" to include small businesses owned by one or more U.S. citizens (current law), Alaska Native Corporations and their subsidiaries, joint ventures, and partnerships as defined under ANCSA, and Tribal enterprises. Tribal enterprises refers to those wholly owned by one or more Tribal governments, and to those partly owned by Tribal governments if all other owners are small businesses or U.S. citizens. Some Tribal governments have also created holding companies to do their business for them, so they can waive sovereign immunity against those companies without waiving it against the Tribe itself. Small businesses owned by these holding companies would also be eligible.

*Section 2.* This amends the definition of "qualified HUBZone small business concern" to indicate what each of the "HUBZone small business concerns" must do in order to advance the goals of the program and be qualified. Small businesses in general must have a principal office in a HUBZone, and 35% of their employees must reside in a HUBZone (current law). This is also the underlying policy that would apply to Alaska Native Corporations if the pilot program described below were to become inactive; however, it is not likely that Alaska Native Corporations would be able to participate in the HUBZone program on this basis, for the reasons in the discussion of the pilot program, below. Having this as the fallback position in case the pilot program is suspended, however, keeps Alaska Native Corporations and small businesses in Alaska on the same footing. In this way, a uniform standard will be in force in Alaska for all program participants, either under the pilot program or under this section. This prevents unnecessary confusion and complexity.

Tribal enterprises would be required to have 35% of their employees performing a HUBZone contract either reside on an Indian reservation or on any HUBZone adjoining a reservation. This allows Tribal enterprises to use a place-of-performance standard similar to Alaska Native Corporations in the pilot program, below. However, it is slightly more restrictive than the rule that applies to small businesses in general, whose employees may come from any HUBZone to meet the 35% threshold. Since Tribal enterprises are government-owned entities (owned wholly or partly by Tribal governments), this provision limits their scope to the reservations governed by their respective owners.

The language about HUBZones "adjoining" a reservation is also comparable to existing language in the Indian Education Act that refers to activities "on or near" a reservation, so the idea has a precedent in other Indian policy areas.

In each of these cases, a firm added to the definition of "HUBZone small business concerns" has a corresponding obligation imposed on it to be "qualified." They have to do something in a HUBZone to participate.

The final component of this section is the "HUBZone Pilot Program for Sparsely Populated Areas." This attempts to address concerns that small businesses in Alaska, as well as Alaska Native Corporations, are likely to face insurmountable practical problems that prevent their participation in the HUBZone program even if they are eligible on paper. Most of the useful HUBZones are in rural areas (Anchorage has just a handful of qualified census tracts, and two of those tracts are military installations), but rural areas tend not to have large residential populations and have little infrastructure to support contract performance. Thus, Alaska Native Corporations tend to be headquartered in Anchorage, and 50% of the Native population lives in Anchorage, where HUBZones are few. This makes it unlikely that an Alaska Native Corporation would be able to meet the general HUBZone program's criteria of having a principal office plus 35% of their employees in a HUBZone.

Other small businesses in Alaska are likely to confront these same problems of population patterns and lack of infrastructure that affect the Alaska Natives—and unlike the Alaska Natives, regular small businesses will have fewer corporate resources to call upon to overcome those problems. It also makes sense administratively for all of Alaska to have the same set of basic rules for the program at any given time. Thus, the bill includes a three-year pilot program providing that HUBZone participants must have their principal office in a HUBZone in Alaska or 35% of their employees must reside in a HUBZone in Alaska or in an Alaska Native village in Alaska or 35% of the employees working on a contract awarded through the HUBZone program must do their work in a HUBZone in Alaska. This creates a rule unique to Alaska. HUBZone participants in Alaska would not need to meet all three criteria, just one of them.

Under the pilot language, firms could relocate their principal office to comply, or else they could hire 35% of their employees from HUBZones. If neither of those is do-able, they would have a third option, of having 35% of their employees working a specific HUBZone contract do so in an Alaska HUBZone.

However, since this does represent a relaxing of the current HUBZone criteria, it is important to be on guard against the possibility of relaxing the rules too much. Thus, the pilot program has a cap. If more than 2% of the nation's small business contract dollars are awarded to Alaska in any fiscal year, the pilot would shut down for the next fiscal year. Alaska Native Corporations and Alaska small businesses would then fall back on the underlying, current-law criteria of having a principal office in a HUBZone and 35% of their employees residing in a HUBZone.

*Section 3.* The definitions of Alaska Native Corporation and Alaska Native Village are the same as in ANCSA. The definition of "Indian reservation" refers generally to the definition of "Indian country" at 18 U.S.C. 1151, with two exceptions. It excludes lands taken into trust in any State where a Tribe did not exercise governmental jurisdiction on the date of enactment (unless the Tribe is recognized after the date of enactment). It also excludes land acquisitions that are not within the external boundaries of a reservation or former reservation or are noncontiguous to trust or restricted lands as of the date of enactment. Since reservation and trust areas are deemed HUBZones without any explicit test of economic need, a Tribe could otherwise purchase a plot of land in a prosperous area, have it placed into trust status, and have it deemed a HUBZone. Using scarce economic development resources like the HUBZone program, on areas that are already developing without such assistance, is not the highest and best use of those limited resources. However, this definition would still allow Tribes to continue current practices of trying to acquire lots, within their reservations, to eliminate the "checkerboard" pattern of reservations that have plots within them not owned by the Tribe; it also allows Tribes to expand existing trust areas.

Finally, the definition of "Indian reservation" provides a special rule for Oklahoma, which was all reservation at one time. If all of Oklahoma were to be deemed a HUBZone, the program benefits would flow to businesses in their current locations, without requiring job creation in distressed areas of Oklahoma. This would be corporate welfare, not economic development. To avoid this problem, the definition focuses the HUBZone program on Oklahoma lands currently in trust or eligible for trust status under existing regulation.●

● Mr. KERRY. Mr. President, I want to express my support for the HUBZones in Native America Act of 2000. This bill is designed to clarify eligibility requirements and enhance participation by Native American-owned small firms seeking certification in the Small Business Administration's Historically Underutilized Business Zone (HUBZone) government contracting program. The bill also sets up a temporary pilot program for Alaska Native Corporations under the HUBZone program.

As ranking member of the Committee on Small Business, I was a cosponsor to the HUBZone legislation when it was enacted into law as part of the Small Business Reauthorization Act of 1997. The original bill language, because of some peculiarities in Native American and Alaska Native law, inadvertently exempted some Native American-owned firms located in economically distressed areas from participating in the HUBZone program. This bill is designed to make those firms eligible to participate.

The HUBZone program, Mr. President, is designed to help qualified small businesses located in economically distressed areas—inner cities, rural areas, and Native American tribal lands—secure contracting opportunities with the Federal government. The program is also designed to create jobs in these areas by requiring that firms hire 35% of their workforce from economically distressed areas.

According to the SBA, there are currently 1171 small businesses that are eligible to participate in the HUBZone program, and 114 of these are Native American-owned, 11 of which are located in the state of Alaska. This bill should provide the vehicle for more Native American-owned firms to become eligible.

Mr. President, Native Americans are one of the groups that the SBA presumes to be socially and economically disadvantaged for purposes of their Section 8(a) and Small Disadvantaged Business contracting programs. Unfortunately, Native American tribal areas have not been able to share in the remarkable economic growth that our country has enjoyed for the last few years. It is my hope that this bill, with its technical corrections to the HUBZone program, will in some part, provide greater economic opportunities in these areas that continue to suffer high levels of unemployment and desperately need this help.●

● Mr. CAMPBELL. Mr. President, I am pleased today to join my fellow chairman Senator BOND in introducing the HUBZones in Native America Act of 2000.

The act is designed to make sure that federal procurement dollars are targeted to the areas that are most in need of an economic boost. These areas are called "historically underutilized business zones" and under the Act, Indian reservations are defined as "historically underutilized business zones".

Tribal economies continue to be among the most depressed and economically stagnant in the country. Though some well-situated tribes are benefiting from gambling, most tribes and Indian people live in Third World conditions.

In the 106th Congress, the emphasis of the Committee on Indian Affairs has been that of Indian economic development. The ultimate goal for Native economies is self-sufficiency. Programs, such as this, bridge the gap between Native economies and private enterprise.

On May 10, 1999, the Committee on Small Business and the Committee on Indian Affairs held a joint hearing on the implementation of the HUBZones Act of 1997 and its impact on Indian communities.

During that hearing three main issues were aired that are remedied by the amendments we introduce today:

Eligibility of Indian Lands in Oklahoma; Eligibility of Indian Lands in Alaska; and Eligibility of Tribally-owned enterprises.

The original intent of the HUBZone program was to re-target existing federal contracting dollars into America's distressed communities, including Alaska Native and Indian communities. The changes reflected in the HUBZones in Native America Act of 2000 build on the original intent of the Act, and make further steps to ensure that Alaska Native and Indian communities fully participate in this competitive program. I look forward to perfecting the obstacles that remain.

I am hopeful that the legislation introduced today will encourage long-term economic growth in Native communities by expanding business opportunities and job creation activities.●

Mr. STEVENS. Mr. President, today I join Senators BOND, KERRY, CAMPBELL, MURKOWSKI, DASCHLE, and BAUCUS, in introducing this bill. I want to focus on a few specific portions of this bill that would be beneficial to Alaska. this bill contains a provision to create a pilot program for small businesses in qualified areas of Alaska. The pilot program contained in this bill would alter the requirements for Alaska small Businesses to quality as HUBZone participants.

The current HUBZone Program, as designed by the chairman of the Small Business Committee, Senator BOND, is a good tool for getting contracting dollars into distressed geographic areas and neighborhoods. A HUBZone is an area that is (1) located in a qualified census tract, (2) a qualified "non-metropolitan county" that is not located in a metropolitan statistical area, and in which the median household income is less than 80 percent of the non-metropolitan state median household income, or an area that has an unemployment rate that is not less than 140 percent of the statewide average unemployment rate for the state in which the county is located, or (3) lands within the external boundaries of an Indian reservation. The current HUBZone program requires a small business to be located in one of these designated areas while also requiring at least 35 percent of the business' employees to live in a HUBZone. This helps get dollars circulating into areas of the community that have not enjoyed the economic growth of the last 10 years.

The Alaska Pilot Program contained in this bill will modify the requirements to allow a small business to qualify as a HUBZone participant if they meet only one of the following conditions: Either (1) they have their principle place of business in a HUBZone, or (2) at least 35 percent of their employees live in a HUBZone, or (3) at least 35 percent of the employees working on a qualified contract perform the work in a HUBZone. Rather than requiring a small business to meet all of the requirements for HUBZone contracts, this Alaska Pilot Program will allow small businesses in Alaska to compete for HUBZone contracts by fulfilling only one of the requirements. This should be beneficial for the communities and neighborhoods who have missed out on growth of the 1990's. In addition, it could mean more jobs for Alaskans and more money circulating into the Alaskan economy.

The bill also fixes technical problems that kept Alaska native-owned firms from being able to participate in the HUBZone program. This will allow Alaska native-owned small businesses an opportunity to broaden their business activities in the state while also contributing economically to their local communities and shareholders.

I would like to note that in providing benefits to native communities, this bill would not change Indian law, nor the State of Alaska's exclusive jurisdiction over lands in Alaska.

I thank the members of the Small Business and Indian Affairs Committees who worked on this issue and for their willingness to take into account the unique circumstances in Alaska. I believe this program will help Alaska's economy to move forwarded and will afford hard working small business owners in Alaska new opportunities.

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By Mr. FRIST (for himself, Mr. Thompson, and Mr. Cochran):

S. 2570. A bill to provide for the fair and equitable treatment of the Tennessee Valley Authority and its rate payers in the event of restricting of the electric utility industry.

### LEGISLATION TO PROVIDE FOR FAIR TREATMENT OF THE TENNESSEE VALLEY AUTHORITY

• Mr. FRIST. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2570

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFINITIONS.**

In this Act:

(1) Commission.—The term "Commission" means the Federal Energy Regulatory Commission.

(2) Distributor.—The term "distributor" means a cooperative organization, municipal, or other publicly owned electric power system that, on December 31, 1997, purchased all or substantially all of its wholesale power requirements from the Tennessee Valley Authority under a long-term power sales agreement.

(3) Distributor service area.—The term "distributor service area" means a geographic area within which a distributor is authorized by State law to sell electric power to retail electric consumers on the date of enactment of this Act.

(4) Electric utility.—The term "electric utility" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(5) Excess electric power.—The term "excess electric power" means the amount of the electric power and capacity that—

(A) is available to the Tennessee Valley Authority; and

(B) exceeds the Tennessee Valley Authority's power supply obligations to distributors and any Tennessee Valley Authority retail electric consumers (or predecessors in interest) that had a contract for the purchase of electric power from the Tennessee Valley Authority on the date of enactment of this Act.

(6) Public utility.—The term "public utility" has the meaning given the term in section 201 of the Federal Power Act (16 U.S.C. 824).

(7) Retail electric consumer.—The term "retail electric consumer" has the meaning given the term in section 3 of the Federal Power Act (16 U.S.C. 796).

(8) Tennessee valley region.—The term "Tennessee Valley Region" means the geographic area in which the Tennessee Valley Authority or its distributors were the primary source of electric power on December 31, 1997.

**SEC. 2. WHOLESALE COMPETITION IN THE TENNESSEE VALLEY REGION.**

(a) Amendments to the Federal Power Act.—

(1) Wheeling orders.—Section 212(f) of the Federal Power Act (16 U.S.C. 824k(f)) is repealed.

(2) Transmission.—Section 212(j) of the Federal Power Act (16 U.S.C. 824k(j)) is repealed.

(b) Amendments to the Tennessee Valley Authority Act.—

(1) Sale or delivery of electric power.—The third sentence of the first undesignated paragraph of section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4(a)) is repealed.

(2) Additional amendments.—The second and third undesignated paragraphs of section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4(a)) are repealed.

**SEC. 3. TENNESSEE VALLEY AUTHORITY POWER SALES.**

(a) Limit on Retail Sales by Tennessee Valley Authority.—Notwithstanding sections 10, 11, and 12 of the Tennessee Valley Authority Act (16 U.S.C. 831i, 831j, 831k), the Tennessee Valley Authority may sell electric power at retail only to—

(1) a retail electric consumer (or predecessor in interest) that had a contract for the purchase of electric power from the Tennessee Valley Authority on the date of enactment of this Act; or

(2) a retail electric consumer that consumes the electric power within a distributor service area, if the applicable regulatory authority (other than the Tennessee Valley Authority) permits any other power supplier to sell electric power to the retail electric consumer.

(b) Construction of Retail Electric Service Facilities.—No person shall construct or modify a facility in the service area of a distributor for the purpose of serving a retail electric consumer within the distributor service area without the consent of the distributor, except when the electric consumer is already being served by such a person.

(c) Wholesale Power Sales.—

(1) Existing sales.—Nothing in this title shall modify or alter the existing obligations of the Tennessee Valley Authority under the first sentence of section 10 of the Tennessee Valley Authority Act (16 U.S.C. 831i) to sell power to a distributor, provided that this paragraph shall not apply to access to power being supplied to another entity under an existing contract with a term of 1 year or longer by a distributor that—

(A) has made a prior election under section 5(b); and

(B) requests to increase its power purchases from the Tennessee Valley Authority.

(2) Sales of excess electric power.—

(A) In general.—Notwithstanding sections 10, 11, and 12, or any other provision of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i, 831j, 831k), the sale of electric power at wholesale by the Tennessee Valley Authority for use outside the Tennessee Valley Region shall be limited to excess electric power.

(B) No excess electric power.—The Tennessee Valley Authority shall not offer excess electric power under a firm power agreement with a term of 3 or more years to any new wholesale customer at rates, terms, and conditions more favorable than those offered to any distributor for comparable electric power, taking into account such factors as the amount of electric power sold, the firmness of such power, and the length of the contract term, unless the distributor or distributors that are purchasing electric power under equivalent firm power contracts agree to the sale to the new customer.

(C) No effect on exchange power arrangements.—Nothing in this subsection precludes the Tennessee Valley Authority from making exchange power arrangements with other electric utilities when economically feasible.

(d) Application of Tennessee Valley Authority Act To Sales Outside Tennessee Valley Region.—The third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall not apply to any sale of excess electric power by the Tennessee Valley Authority for use outside the Tennessee Valley Region.

**SEC. 4. TENNESSEE VALLEY AUTHORITY ELECTRIC GENERATION FACILITIES.**

Section 15d(a) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n-4(a)) is amended—

(1) in the second sentence, by inserting before the period at the end the following: ", if the Corporation determines that the construction, acquisition, enlargement, improvement, or replacement of any plant or facility used or to be used for the generation of electric power is necessary to supply the demands of distributors and retail electric consumers of the Corporation"; and

(2) by inserting after the second sentence the following: "Commencing on the date of enactment of this sentence, the Tennessee Valley Authority shall provide to distributors and their duly authorized representatives, on a confidential basis, detailed information on its projections and plans regarding the potential acquisition of new electric generating facilities, and, not less than 45 days before a decision by the Tennessee Valley Authority to make such an acquisition, shall provide distributors an opportunity to comment on the acquisition. Notwithstanding any other provision of law, confidential information described in the preceding sentence shall not be disclosed by a distributor to a source other than the Tennessee Valley Authority, except (1) in response to process validly issued by any court or governmental agency having jurisdiction over the distributor; (2) to any officer, agent, employee, or duly authorized representative of a distributor who agrees to the same confidentiality and non-disclosure obligation applicable to distributor; (3) in any judicial or administrative proceeding initiated by distributor contesting action by the Tennessee Valley Authority to cause the construction of new electric generation facilities; or (4) on or after a date that is at least 3 years after the commercial operating date of the electric generating facilities.".

**SEC. 5. RENEGOTIATION OF POWER CONTRACTS.**

(a) Renegotiation.—The Tennessee Valley Authority and the distributors shall make good faith efforts to renegotiate their power contracts in effect on and after the date of enactment of this Act.

(b) Distributor Contract Termination or Reduction Right.—If a distributor and the Tennessee Valley Authority are unable by negotiation to arrive at a mutually acceptable replacement contract to govern their post-enactment relationship, the Tennessee Valley Authority shall allow the distributor to give notice 1 time each calendar year, within the 60-day period beginning on the date of enactment of this Act or on any anniversary of that date, of the distributor's decision to (1) terminate the contract to purchase wholesale electric energy from the Tennessee Valley Authority that was in effect on the date of enactment of this Act, to take effect on the date that is 3 years after the date on which notice is given under this subsection; or (2) reduce the quantity of wholesale power requirements under the contract to purchase wholesale electric energy from the Tennessee Valley Authority that was in effect on the date of enactment of this Act by up to 10 percent of its requirements, to take effect on the date that is 2 years after the date on which notice is given under this subsection, or more than 10 percent of its requirements, to take effect on the date that is 3 years after the date on which notice is given under this subsection, and to negotiate with the Tennessee Valley Authority to amend the contract that was in effect on the date of enactment to reflect a partial requirements relationship.

(c) Partial Requirements Notice.—As part of a notice under subsection (b), a distributor shall identify—

(1) the annual quantity of electric energy that the distributor will acquire from a source other than the Tennessee Valley Authority as the result of an election by the distributor; and

(2) the times of the day and year that specified amounts of the energy will be received by the distributor.

(d) Nondiscrimination.—The Tennessee Valley Authority shall not unduly discriminate against any distributor as the result of—

(1) the exercise of notice under paragraph (1) or (2) of subsection (b) by the distributor; or

(2) the status of the distributor as a partial requirements customer.

### SEC. 6. REGULATION OF TENNESSEE VALLEY AUTHORITY TRANSMISSION SYSTEM.

Notwithstanding sections 201(b)(1) and 201(f) of the Federal Power Act (16 U.S.C. 824(b)(1), 824(f)), sections 202(h), 205, 206, 208, 210 through 213, 301 through 304, 306, 307 (except the last sentence of 307(c)), 308, 309, 313, and 317 of that Act (16 U.S.C. 824a(h), 824d, 824e, 824g, 824i–824*l*, 825–825c, 825e, 825f, 825g, 825h, 825*l*, 825p) apply to the transmission and local distribution of electric power by the Tennessee Valley Authority to the same extent and in the same manner as the provisions apply to the transmission of electric power in interstate commerce by a public utility otherwise subject to the jurisdiction of the Commission under part II of that Act (16 U.S.C. 824 et seq.).

### SEC. 7. REGULATION OF TENNESSEE VALLEY AUTHORITY DISTRIBUTORS.

(a) Election To Repeal Tennessee Valley Authority Regulation of Distributors.—On the election of a distributor, the third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall not apply to a wholesale sale of electric power by the Tennessee Valley Authority in the Tennessee Valley Region after the date of enactment of this Act, and the Tennessee Valley Authority shall not be authorized to regulate, by means of a rule, contract provision, resale rate schedule, contract termination right, or any other method, any rate, term, or condition that is—

(1) imposed on the resale of the electric power by the distributor; or

(2) for the use of a local distribution facility.

(b) Authority of Governing Bodies of Distributors.—

(1) In general.—Any regulatory authority exercised by the Tennessee Valley Authority over any distributor making an election under subsection (a) shall be exercised by the governing body of the distributor in accordance with the laws of the State in which the distributor is organized.

(2) No election.—If a distributor does not make an election under subsection (a), the third proviso of section 10 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831i) and the second and third provisos of section 12 of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831k) shall continue to apply for the duration of any wholesale power contract between the Tennessee Valley Authority and the distributor, in accordance with the terms of the contract.

(c) Use of Funds.—In any contract between the Tennessee Valley Authority and a distributor for the purchase of at least 70 percent of the distributor's requirements for the sale of electric power, the Tennessee Valley Authority shall include such terms and conditions as may be reasonably necessary to ensure that the financial benefits of a distributor's electric system operations are allocated to the distributor's retail electric consumers.

(d) Removal of PURPA Ratemaking Authority.—Section 3(17) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2602(17)) is amended by striking ", and in the case of an electric utility with respect to which the Tennessee Valley Authority has ratemaking authority, such term means the Tennessee Valley Authority".

### SEC. 8. STRANDED COST RECOVERY.

(a) Commission Jurisdiction.—

(1) Recovery of costs.—

(A) In general.—Subject to subparagraph (B), notwithstanding the absence of 1 or more provisions addressing wholesale stranded cost recovery in a power sales agreement between the Tennessee Valley Authority and a distributor that is executed after the date of enactment of this Act, the Tennessee Valley Authority may recover any wholesale stranded costs that may arise from the exercise of rights by a distributor under section 5, to the extent authorized by the Commission based on application of the rules and principles that the Commission applies to wholesale stranded cost recovery by other electric utilities within its jurisdiction.

(B) No recovery of costs related to loss of sales revenues.—In any recovery under subparagraph (A), the Tennessee Valley Authority shall not be authorized to recover from any distributor any wholesale stranded costs related to loss of sales revenues by the Tennessee Valley Authority, or its expectation of continuing to sell electric energy, for any period after September 30, 2007.

(2) No effect on claim.—The exercise of rights by a distributor under section 5 shall not affect any claim by the Tennessee Valley Authority that the Tennessee Valley Authority may have for the recovery of stranded costs before October 1, 2007.

(b) Debt.—

(1) In general.—Stranded costs recovered by the Tennessee Valley Authority under subsection (a) shall be used to pay down the debt of the Tennessee Valley Authority, to the extent determined by the Tennessee Valley Authority to be consistent with proper financial management.

(2) Generation capacity.—The Tennessee Valley Authority shall not use any amount recovered under paragraph (1) to pay for additions to the generation capacity of the Tennessee Valley Authority.

(c) Unbundling.—

(1) In general.—Any stranded cost recovery charge to a customer authorized by the Commission to be assessed by the Tennessee Valley Authority shall be—

(A) unbundled from the otherwise applicable rates and charges to the customer; and

(B) separately stated on the bill of the customer.

(2) No wholesale stranded cost recovery.—The Tennessee Valley Authority shall not recover wholesale stranded costs from any customer through any rate, charge, or mechanism.

(d) Report.—Beginning in fiscal year 2001, as part of the annual management report submitted by the Tennessee Valley Authority to Congress, the Tennessee Valley Authority shall include in the report—

(1) the status of the Tennessee Valley Authority's long-range financial plans and the progress toward its goal of competitively priced electric power (including a general discussion of the Tennessee Valley Authority's prospects on meeting the objectives of the Ten Year Business Outlook issued on July 22, 1997);

(2) any changes in assumptions since the previous report that may have a material effect on the Tennessee Valley Authority's long-range financial plans;

(3) the source of funds used for any generation and transmission capacity additions;

(4) the use or other disposition of amounts recovered by the Tennessee Valley Authority under the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.) and this Act;

(5) the amount by which the Tennessee Valley Authority's publicly held debt was reduced; and

(6) the projected amount by which the Tennessee Valley Authority's publicly held debt will be reduced.

### SEC. 9. APPLICATION OF ANTITRUST LAW

(a) In General.—

(1) Definition of antitrust laws.—

(A) In general.—Except as provided in subparagraph (B), in this section, the term "antitrust laws" has the meaning given the term in subsection (a) of the first section of the Clayton Act (15 U.S.C. 12(a)).

(B) Inclusion.—In this section, the term "antitrust laws" includes section 5 of the Federal Trade Commission Act (15 U.S.C. 45), to the extent that section 5 applies to unfair methods of competition.

(2) Applicability of antitrust law.—Except as provided in subsection (b), the Tennessee Valley Authority shall be subject to the antitrust laws with respect to the operation of its electric power and transmission systems.

(b) Damages.—No damages, interest on damages, costs, or attorneys' fees may be recovered under section 4, 4A, or 4C of the Clayton Act (15 U.S.C. 15, 15a, 15c) from the Tennessee Valley Authority.

(c) Effect on Other Rights.—Nothing in this Act diminishes or impairs any privilege, immunity, or exemption in effect on the day before the date of enactment of this Act that would have been accorded any person by virtue of the association of the person together in advocating a cause or point of view to—

(1) the Tennessee Valley Authority; or

(2) any other agency or branch of Federal, State or local government.

### SEC. 10. SAVINGS PROVISION.

Nothing in this Act shall affect section 15d(b) of the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831n–4(b)), providing that bonds issued by the Tennessee Valley Authority shall not be obligations of, nor shall payment of the principal thereof or interest thereon be guaranteed by, the United States.●

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By Mr. WYDEN:

S. 2571. A bill to provide for the liquidation or reliquidation of certain entries of athletic shoes; to the Committee on Finance.

### DUTY DRAWBACK FOR ENVIRONMENTAL RECYCLING

Mr. WYDEN. Mr. President, I am introducing legislation today to help retain a unique environmental recycling program launched by Nike, a homegrown Oregon business, which involves recycling running shoes rather than dumping them in a landfill. The bill would resolve an issue on which the U.S. Customs Service has taken inherently conflicting positions: whether a duty drawback can be claimed on an item that has no commercial value and is no longer an item in United States commerce but which is recycled rather than destroyed. I believe recycling should be promoted and not punished, and that is what this legislation does.

Under existing U.S. Customs law, an importer is entitled to import duty drawback on products that are returned to the importer because they are defective. The point of this provision is to safeguard against an import duty being imposed on a product that does not end up in United States commerce. Customs law and regulation ensures that a product will not end up in U.S. commerce by requiring that the product be completely destroyed to the extent that the product has no commercial value, or that it be exported from the United States. In certain cases Customs has allowed duty drawback: for example, alcohol salvaged from destroyed beer and malt liquor which was sold as scrap rather than dumped as waste was accorded duty drawback.

Consistent with Customs' requirements, for a number of years Nike destroyed the shoes and placed them in a landfill. This amounted to thousands of tons of non-biodegradable shoes being dumped in landfills. Because shoes are not biodegradable, Nike developed a new, more environmentally-sustainable way to dispose of the defective shoes by chopping them into small pieces, called "re-grind," and giving the regrind without charge or compensation to manufacturers of sport surfaces. The re-grind became part of playground, basketball and other surfaces that was used primarily for charitable purposes in poor urban centers around the country. The program, called the "Re-Use A-Shoe," is one of the many initiatives Nike has undertaken to incorporate environmental sustainability into its operations.

The issue Customs has been grappling with is whether the re-grind is "destroyed with no commercial value" so as to qualify the destroyed shoes for duty drawback treatment. For several years Customs granted the re-grind shoes duty drawback, but a Customs audit team recently determined that the re-grind was not "destroyed," as it had commercial value for court manufacturers and Customs recommended retroactive denial of Nike's drawback claims, totaling $11.6 million. Because Customs had already refunded the drawback, the audit team recommended that Nike repay the $11.6 million to Customs.

It is clear from Customs' decisions that an article is considered destroyed when it has been rendered of no commercial value and is no longer an article of commerce. In this case, the defective footwear, once shred, is valueless and of no commercial interest to anyone. Even when the shredded material is subsequently processed by Nike to recover some material of limited use, the recovered material is not saleable to anyone and therefore has no commercial value.

Mr. President, it seems to me that the position taken by the Customs audit team is not consistent with the intent of the duty drawback provision. There is no commercial value to Nike in the re-grind; the shoes have been destroyed. Nike gives the product to the manufacturer without charge or compensation, and the manufacturers have confirmed they would not pay for the material. I have copies of letters from each of the manufacturers attesting to the fact that they would not pay for the re-grind and that it is not commercially viable. It appears that the Customs audit team believes a more desirable outcome is to have Nike dump some 2 million pairs or 3.5 million pounds of shoes into a landfill rather than recycle the destroyed material. The outcome is the same: the shoes no longer have commercial value, nor are they a product in U.S. commerce. It would seem to me there is no public policy benefit in forcing Nike to dump the shoes in a landfill; but that there is much to be gained from recycling millions of pairs of shoes that would otherwise be dumped in a landfill.

The legislation I am introducing today resolves the question in favor of recycling, in favor of the environment and in favor of a rational duty drawback policy. I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2571

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. LIQUIDATION OR RELIQUIDATION OF CERTAIN ENTRIES.

(a) IN GENERAL.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, the United States Customs Service shall, not later than 90 days after the date of the enactment of this Act, liquidate or reliquidate each drawback claim as filed described in subsection (b).

(b) DRAWBACK CLAIMS.—The drawback claims referred to in subsection (a) are the following claims, filed between August 1, 1993 and June 1, 1998:

Drawback Claims

221–0590991–9
221–0890500–5 through 221–0890675–5
221–0890677–1 through 221–0891427–0
221–0891430–4 through 221–0891537–6
221–0891539–2 through 221–0891554–1
221–0891556–6 through 221–0891557–4
221–0891559–0
221–0891561–6 through 221–0891565–7
221–0891567–3 through 221–0891578–0
221–0891582–0
221–0891584–8 through 221–0891587–1
221–0891589–7
221–0891592–1 through 221–0891597–0
221–0891604–4 through 221–0891605–1
221–0891607–7 through 221–0891609–3

(c) PAYMENT OF AMOUNTS DUE.—Any amounts due pursuant to the liquidation or reliquidation of the claims described in subsection (b) shall be paid not later than 90 days after the date of such liquidation or reliquidation.

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## ADDITIONAL COSPONSORS

### S. 63

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 63, a bill to amend the Internal Revenue Code of 1986 to provide a credit against tax for employers who provide child care assistance for dependents of their employees, and for other purposes.

### S. 85

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 85, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on vaccines to 25 cents per dose.

### S. 662

At the request of Mr. L. CHAFEE, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 662, a bill to amend title XIX of the Social Security Act to provide medical assistance for certain women screened and found to have breast or cervical cancer under a federally funded screening program.

### S. 1007

At the request of Mr. JEFFORDS, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. 1007, a bill to assist in the conservation of great apes by supporting and providing financial resources for the conservation programs of countries within the range of great apes and projects of persons with demonstrated expertise in the conservation of great apes.

S. 1102

At the request of Mr. GRAMS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 1102, a bill to guarantee the right of individuals to receive full social security benefits under title II of the Social Security Act in full with an accurate annual cost-of-living adjustment.

S. 1237

At the request of Mr. HUTCHINSON, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1237, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 1333

At the request of Mr. WYDEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1333, a bill to expand homeownership in the United States.

S. 1419

At the request of Mr. MCCAIN, the names of the Senator from Wisconsin (Mr. KOHL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Arkansas (Mrs. LINCOLN), and the Senator from Colorado (Mr. CAMPBELL) were added as cosponsors of S. 1419, a bill to amend title 36, United States Code, to designate May as "National Military Appreciation Month".

S. 1565

At the request of Mr. SARBANES, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1565, a bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes.

S. 1638

At the request of Mr. LEAHY, his name was added as a cosponsor of S. 1638, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend the retroactive eligibility dates for financial assistance for higher education for spouses and dependent children of Federal, State, and local law enforcement officers who are killed in the line of duty.

S. 1883

At the request of Mr. BINGAMAN, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 1883, a bill to amend title 5, United States Code, to eliminate an inequity on the applicability of early retirement eligibility requirements to military reserve technicians.

S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2225

At the request of Mr. GRASSLEY, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2225, a bill to amend the Internal Revenue Code of 1986 to allow individuals a deduction for qualified long-term care insurance premiums, use of such insurance under cafeteria plans and flexible spending arrangements, and a credit for individuals with long-term care needs.

S. 2274

At the request of Mr. GRASSLEY, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2299

At the request of Mr. L. CHAFEE, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 2299, a bill to amend title XIX of the Social Security Act to continue State Medicaid disproportionate share hospital (DSH) allotments for fiscal year 2001 at the levels for fiscal year 2000.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. TORRICELLI) was added as a cosponsor of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2357

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2413

At the request of Mr. CAMPBELL, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2415

At the request of Mr. SARBANES, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2415, a bill to amend the Home Ownership and Equity Protection Act of 1994 and other sections of the Truth in Lending Act to protect consumers against predatory practices in connection with high cost mortgage transactions, to strengthen the civil remedies available to consumers under existing law, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2459

At the request of Mr. COVERDELL, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2463

At the request of Mr. FEINGOLD, the name of the Senator from Minnesota (Mr. WELLSTONE) was added as a cosponsor of S. 2463, a bill to institute a moratorium on the imposition of the death penalty at the Federal and State level until a National Commission on the Death Penalty studies its use and policies ensuring justice, fairness, and due process are implemented.

S. 2510

At the request of Mr. MCCAIN, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2510, a bill to establish the Social Security Protection, Preservation, and Reform Commission.

S. 2539

At the request of Mr. REID, the name of the Senator from Virginia (Mr. ROBB) was added as a cosponsor of S. 2539, a bill to amend the National Defense Authorization Act for Fiscal Year 1998 with respect to export controls on high performance computers.

S. CON. RES. 60

At the request of Mr. GRASSLEY, his name was added as a cosponsor of S. Con. Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

At the request of Mr. KERRY, his name was added as a cosponsor of S. Con. Res. 60, supra.

At the request of Mr. HUTCHINSON, his name was added as a cosponsor of S. Con. Res. 60, supra.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Georgia (Mr. COVERDELL), the Senator from Mississippi (Mr. COCHRAN), and the Senator from Colorado (Mr. ALLARD) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S.J. RES. 44

At the request of Mr. KENNEDY, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

AMENDMENT NO. 3146

At the request of Mr. ROBB, the names of the Senator from Virginia (Mr. WARNER), the Senator from Massachusetts (Mr. KENNEDY), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Maryland (Ms. MIKULSKI) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of Amendment No. 3146 intended to be proposed to S. 2521, an original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

## SENATE CONCURRENT RESOLUTION 113—EXPRESSING THE SENSE OF THE CONGRESS IN RECOGNITION OF THE 10TH ANNIVERSARY OF THE FREE AND FAIR ELECTIONS IN BURMA AND THE URGENT NEED TO IMPROVE THE DEMOCRATIC AND HUMAN RIGHTS OF THE PEOPLE OF BURMA

Mr. MOYNIHAN (for himself, Mr. MCCONNELL, Mr. LOTT, Mrs. BOXER, Mr. FEINGOLD, Mr. ASHCROFT, Mrs. FEINSTEIN, Mr. HELMS, Mr. LUGAR, Mr. DURBIN, Mr. KENNEDY, Mr. LEAHY, Mr. WELLSTONE, and Mr. SARBANES) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 113

Whereas in 1988 thousands of Burmese citizens called for a democratic change in Burma and participated in peaceful demonstrations to achieve this result;

Whereas these demonstrations were brutally repressed by the Burmese military, resulting in the loss of hundreds of lives;

Whereas despite continued repression, the Burmese people turned out in record numbers to vote in elections deemed free and fair by international observers;

Whereas on May 27, 1990, the National League for Democracy (NLD) led by Daw Aung San Suu Kyi won more than 60 percent of the popular vote and 80 percent of the parliamentary seats in the elections;

Whereas the Burmese military rejected the results of the elections, placed Daw Aung San Suu Kyi and hundreds of members of the NLD under arrest, pressured members of the NLD to resign, and severely restricted freedom of assembly, speech, and the press;

Whereas 48,000,000 people in Burma continue to suffer gross violations of human rights, including the right to democracy, and economic deprivation under a military regime known as the State Peace and Development Council (SPDC);

Whereas on September 16, 1998, the members of the NLD and other political parties who won the 1990 elections joined together to form the Committee Representing the People's Parliament (CRPP) as an interim mechanism to address human rights, economic and other conditions, and provide representation of the political views and voice of Members of Parliament elected to but denied office in 1990;

Whereas the United Nations General Assembly and Commission on Human Rights have condemned in nine consecutive resolutions the persecution of religious and ethnic minorities and the political opposition, and SPDC's record of forced labor, exploitation, and sexual violence against women;

Whereas the United States and the European Union Council of Foreign Ministers have similarly condemned conditions in Burma and officially imposed travel restrictions and other sanctions against the SPDC;

Whereas in May 1999, the International Labor Organization (ILO) condemned the SPDC for inflicting forced labor on the people and has banned the SPDC from participating in any ILO meetings;

Whereas the 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer inhumane detention conditions as political prisoners in Burma;

Whereas the Department of State International Narcotics Control Report for 2000 determines that Burma is the second largest world-wide source of illicit opium and heroin and that there are continuing, reliable reports that Burmese officials are "involved in the drug business or are paid to allow the drug business to be conducted by others", conditions which pose a direct threat to United States national security interests; and

Whereas despite these massive violations of human rights and civil liberties and chronic economic deprivation, Daw Aung San Suu Kyi and members of the NLD have continued to call for a peaceful political dialogue with the SPDC to achieve a democratic transition: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That it is the sense of Congress that—

(1) United States policy should strongly support the restoration of democracy in Burma, including implementation of the results of the free and fair elections of 1990;

(2) United States policy should continue to call upon the military regime in Burma known as the State Peace and Development Council (SPDC)—

(A) to guarantee freedom of assembly, freedom of movement, freedom of speech, and freedom of the press for all Burmese citizens;

(B) to immediately accept a political dialogue with Daw Aung San Suu Kyi, the National League for Democracy (NLD), and ethic leaders to advance peace and reconciliation in Burma;

(C) to immediately and unconditionally release all detained Members elected to the 1990 parliament and other political prisoners; and

(D) to promptly and fully uphold the terms and conditions of all human rights and related resolutions passed by the United Nations General Assembly, the Commission on Human Rights, the International Labor Organization, and the European Union; and

(3) United States policy should sustain current economic and political sanctions against Burma as the appropriate means—

(A) to secure the restoration of democracy, human rights, and civil liberties in Burma; and

(B) to support United States national security counternarcotics interests.

Mr. MOYNIHAN. Mr. President, the Senator from Kentucky and I rise today to submit, along with several of our distinguished colleagues, a resolution commemorating the 10th anniversary of free and fair elections in Burma.

On May 27, 1990, the National League for Democracy (NLD), led by Daw Aung San Suu Kyi, won a majority of the parliamentary seats in the elections. This was a great victory for the champions of democracy and human rights in Burma. However, the Burmese military arbitrarily annulled the results and arrested Aung San Suu Kyi and hundreds of NLD members. Others were forced to flee, and the people's freedoms of assembly, speech and the press were severely restricted.

Today, the steady erosion of human rights continues under the heavy hand of the military regime known as the State Peace and Development Council (SPDC). This resolution calls upon the SPDC to guarantee basic freedoms to its people; accept a political dialogue with the NLD and other Burmese political leaders; and to comply with human rights agreements and resolutions emanating from such bodies as the United Nations General Assembly, the European Union, and the International Labor Organization.

The struggle in Burma is not over. The 1999 Department of State Country Reports on Human Rights Practices for Burma identifies more than 1,300 people who continue to suffer as political prisoners. A recent study traced the distribution patterns of different HIV strains to paths of heroin traffic originating from the country. As a New York Times editorial wrote on March 16, 2000, "The cruelty of . . . Burma is increasingly a regional problem that threatens to destabilize its Southeast Asian neighbors with refugees, narcotics and now AIDS." I urge my colleagues to pass this important resolution.

## AMENDMENTS SUBMITTED

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

### DASCHLE AMENDMENT NO. 3148

Mr. DASCHLE proposed an amendment to the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

At the appropriate place add the following:

Since on Mother's Day, May 14, 2000, an estimated 750,000 mothers, fathers, and children united for the Million Mom March on the National Mall in Washington, D.C. and were joined by tens of thousands of others, in 70 cities across America, in a call for meaningful, common-sense gun policy;

Since 4,223 young people ages 19 and under were killed by gunfire—one every two hours, nearly 12 young people every day—in the United States in 1977;

Since American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrialized countries combined;

Since gun safety education programs are inadequate to protect children from gun violence;

Since a majority of the Senate resolved that the House-Senate Juvenile Justice Conference should meet, consider and pass by April 20, 2000, a conference report to accompany H.R. 1501, the Juvenile Justice Act, and that the conference report should retain the Senate-passed gun safety provisions to limit access to firearms by juveniles, felons, and other prohibited persons;

Since the one year Anniversary of the Columbine High School tragedy passed on April 20, 2000, without any action by the Juvenile Justice Conference Committee on the reasonable gun safety measures that were passed by the Senate almost one year ago;

Since continued inaction on this critical threat to public safety undermines confidence in the ability of the Senate to protect our children and raises concerns about the influence of special interests opposed to even the most basic gun safety provisions;

Since this lack of action on the part of the Juvenile Justice Conference Committee and this Congress to stem the flood of gun violence is irresponsible and further delay is unacceptable; and

Since protecting our children from gun violence is a top priority for our families, communities, and nation: Now, therefore, be it

Determined, That it is the sense of the Senate that—

(1) the organizers, sponsors, and participants of the Million Mom March should be commended for rallying to demand sensible gun safety legislation; and

(2) Congress should immediately pass a conference report to accompany H.R. 1501, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act, before the Memorial Day Recess, and include the Lautenberg-Kerrey gun show loophole amendment and the other Senate-passed provisions designed to limit access to firearms by juveniles, convicted felons, and other persons prohibited by law from purchasing or possessing firearms.

## EDUCATIONAL OPPORTUNITIES ACT

### STEVENS AMENDMENT NO. 3149

(Ordered to lie on the table.)

Mr. STEVENS submitted an amendment intended to be proposed by him to the bill (S. 2) to extend programs and activities under the Elementary and Secondary Education Act of 1965; as follows:

At the appropriate place, insert the following:

**SEC. . PHYSICAL EDUCATION FOR PROGRESS.**

Title X of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8001 et seq.) is amended by adding at the end the following:

**"PART L—PHYSICAL EDUCATION FOR PROGRESS**

**"SEC. 10999A. SHORT TITLE.**

"This part may be cited as the 'Physical Education for Progress Act'.

**"SEC. 10999B. PURPOSE.**

"The purpose of this part is to award grants and contracts to local educational agencies to enable the local educational agencies to initiate, expand and improve physical education programs for all kindergarten through 12th grade students.

**"SEC. 10999C. FINDINGS.**

"Congress makes the following findings:

"(1) Physical education is essential to the development of growing children.

"(2) Physical education helps improve the overall health of children by improving their cardiovascular endurance, muscular strength and power, and flexibility, and by enhancing weight regulation, bone development, posture, skillful moving, active lifestyle habits, and constructive use of leisure time.

"(3) Physical education helps improve the self esteem, interpersonal relationships, responsible behavior, and independence of children.

"(4) Children who participate in high quality daily physical education programs tend to be more healthy and physically fit.

"(5) The percentage of young people who are overweight has more than doubled in the 30 years preceding 1999.

"(6) Low levels of activity contribute to the high prevalence of obesity among children in the United States.

"(7) Obesity related diseases cost the United States economy more than $100,000,000,000 every year.

"(8) Inactivity and poor diet cause at least 300,000 deaths a year in the United States.

"(9) Physically fit adults have significantly reduced risk factors for heart attacks and stroke.

"(10) Children are not as active as they should be and fewer than 1 in 4 children get 20 minutes of vigorous activity every day of the week.

"(11) The Surgeon General's 1996 Report on Physical Activity and Health, and the Centers for Disease Control and Prevention, recommend daily physical education for all students in kindergarten through grade 12.

"(12) Twelve years after Congress passed House Concurrent Resolution 97, 100th Congress, agreed to December 11, 1987, encouraging State and local governments and local educational agencies to provide high quality daily physical education programs for all children in kindergarten through grade 12, little progress has been made.

"(13) Every student in our Nation's schools, from kindergarten through grade 12, should have the opportunity to participate in quality physical education. It is the unique role of quality physical education programs to develop the health-related fitness, physical competence, and cognitive understanding about physical activity for all students so that the students can adopt healthy and physically active lifestyles.

"(14) Every student in our Nation's schools should have the opportunity to achieve the goals established by Healthy People 2000 and Healthy People 2010.

**"SEC. 10999D. PROGRAM AUTHORIZED.**

"The Secretary is authorized to award grants to, and enter into contracts with, local educational agencies to pay the Federal share of the costs of initiating, expanding, and improving physical education programs for kindergarten through grade 12 students by—

"(1) providing equipment and support to enable students to actively participate in physical education activities;

"(2) developing or enhancing physical education curricula to meet national goals for physical education developed by the Secretary in consultation with the National Association for Sport and Physical Education; and

"(3) providing funds for staff and teacher training and education.

**"SEC. 10999E. APPLICATIONS; PROGRAM REQUIREMENTS.**

"(a) APPLICATIONS.—Each local educational agency desiring a grant or contract under this part shall submit to the Secretary an application that contains a plan to initiate, expand, or improve physical education programs in the schools served by the agency in order to make progress toward meeting—

"(1) the goals described in subsection (b); or

"(2) State standards for physical education.

"(b) GOALS.—The goals referred to in subsection (a) are as follows:

"(1) Physical education programs shall facilitate achievement of the national goals for physical education described in section 10999D(2), and the curriculum of the programs may provide—

"(A) fitness education and assessment to help children understand, improve, or maintain their physical well-being;

"(B) instruction in a variety of motor skills and physical activities designed to enhance the physical, mental, and social or emotional development of every child;

"(C) development of cognitive concepts about motor skill and physical fitness that support a lifelong healthy lifestyle;

"(D) opportunities to develop positive social and cooperative skills through physical activity participation; and

"(E) instruction in healthy eating habits and good nutrition.

"(2) Teachers of physical education shall be afforded the opportunity for professional development to stay abreast of the latest research, issues, and trends in the field of physical education.

"(c) SPECIAL RULE.—For the purpose of this part, extracurricular activities such as team sports and Reserve Officers' Training Corps (ROTC) program activities shall not be considered as part of the curriculum of a physical education program assisted under this part.

**"SEC. 10999F. PROPORTIONALITY.**

"The Secretary shall ensure that grants awarded and contracts entered into under this part shall be equitably distributed between local educational agencies serving urban and rural areas, and between local educational agencies serving large and small numbers of students.

**"SEC. 10999G. PRIVATE SCHOOL STUDENTS AND HOME-SCHOOLED STUDENTS.**

"An application for funds under this part, consistent with the number of home-schooled children or children enrolled in private elementary schools, middle schools, and secondary schools located in the school district of a local educational agency, may provide for the participation of such children and their teachers in the activities assisted under this part.

**"SEC. 10999H. REPORT REQUIRED FOR CONTINUED FUNDING.**

"As a condition to continue to receive grant or contract funding after the first year of a multiyear grant or contract under this part, the administrator of the grant or contract for the local educational agency shall submit to the Secretary an annual report that describes the activities conducted during the preceding year and demonstrates that progress has been made toward achieving goals described in section 10999E(b) or meeting State standards for physical education.

**"SEC. 10999I. REPORT TO CONGRESS.**

"The Secretary shall submit a report to Congress not later than June 1, 2003, that describes the programs assisted under this part, documents the success of such programs in improving physical fitness, and makes such recommendations as the Secretary determines appropriate for the continuation and improvement of the programs assisted under this part.

**"SEC. 10999J. ADMINISTRATIVE COSTS.**

"Not more than 5 percent of the grant or contract funds made available to a local educational agency under this part for any fiscal year may be used for administrative costs.

**"SEC. 10999K. FEDERAL SHARE; SUPPLEMENT NOT SUPPLANT.**

"(a) FEDERAL SHARE.—The Federal share under this part may not exceed—

"(1) 90 percent of the total cost of a project for the first year for which the project receives assistance under this part; and

"(2) 75 percent of such cost for the second and each subsequent such year.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds made available under this part shall be used to supplement and not supplant other Federal, State and local funds available for physical education activities.

**"SEC. 10999L. AUTHORIZATION OF APPROPRIATIONS.**

"There are authorized to be appropriated $30,000,000 for fiscal year 2000, $70,000,000 for fiscal year 2001, and $100,000,000 for each of the fiscal years 2002 through 2004, to carry out this part. Such funds shall remain available until expended.".

• Mr. STEVENS. Mr. President, I offer an amendment to the Elementary and Secondary Education Act. My amendment would provide a demonstration program for incentive grants for local school districts to develop minimum weekly requirements for physical education.

More than a third of young people aged 12–21 years do not regularly engaged in vigorous physical activity, and the percentage of overweight young Americans has more than doubled in the past 30 years.

More and more Americans are obese—more than 30 pounds overweight. In 1991, only four states had populations more than 15 percent of which were overweight. In 1998, the number of states with more than 15 percent overweight residents rose to 43.

Lack of exercise is a matter of death. Poor diet and exercise are the second leading cause of death in the United States. Only tobacco causes more deaths. Lack of exercise contributes to 300,000 deaths in a year in the U.S.—more than alcohol, infectious agents, or guns. The immediate and long-term impact of our poor health habits is staggering, costing the nation more than $100 billion per year. If our young people continue to be inactive, the cost to the nation down the road will be astronomical. That long-term cost can be prevented, or at least greatly diminished, through regular physical activity and good nutrition.

Lifelong health-related habits, including physical activity and eating patterns, are normally established in childhood. Habits are hard to change as people grow older. We need to convince young people early, before health-damaging behaviors are adopted, to pursue a disciplined life with regular exercise.

My amendment—the PEP bill—will provide our schools an ideal opportunity to make an enormous, positive impact on the health of our nation. Every student in our nation's schools should have an opportunity to participate in quality physical education.

Children need to know that physical activity will help them feel good, be successful in school and work, and stay healthy. Education in sports activities provides important lifelong lessons about teamwork and dealing with defeat. The lessons of sports may help resolve some of the problems that lead to violence in schools.

The trends for physical education have not been good. Daily participation in Phys Ed dropped from 42 percent in 1991 to 27 percent in 1997. Budgets for physical education are cut first. Only one state in the U.S. currently requires physical education.

Sports and healthy body help produce a healthy mind. 47 percent of Fortune 500 executives were in the National Honor Society—95 percent participated in school athletics. Healthy, active kids grow into healthy, active leaders.

There is a great support for the PEP Act. Many of my colleagues have been contacted by constituents expressing their support for the return of physical education to schools. This is not a new program—physical education was a regular part of school for decades. 72 percent of Americans surveyed would support legislation for physical education. This amendment creates a 5-year demonstration project to provide an opportunity to prove the impact of physical activity in schools on our young people.•

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

### LOTT AMENDMENT NO. 3150

Mr. LOTT proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

**SEC. . SENSE OF THE SENATE REGARDING THE SECOND AMENDMENT, THE ENFORCEMENT OF FEDERAL FIREARMS LAWS, AND THE JUVENILE CRIME CONFERENCE.**

(a) FINDINGS.—The Senate makes the following findings:

(1) The Second Amendment to the United States Constitution protects the right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation; and

(2) The Clinton Administration has failed to protect law-abiding citizens by inadequately enforcing Federal firearms laws. Between 1992 and 1998, Triggerlock gun prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800, despite the fact that the overall budget of the Department of Justice increased 54 percent during this period; and

(3) It is a Federal crime to possess a firearm on school grounds under section 922(q) of title 18, United States Code. The Clinton Department of Justice prosecuted only 8 cases under this provision of law during 1998, even though more than 6,000 students brought firearms to school that year. The Clinton Administration prosecuted only 5 such cases during 1997; and

(4) It is a Federal crime to transfer a firearm to a juvenile under section 922(x) of title 18, United States Code. The Clinton Department of Justice prosecuted only 6 cases under this provision of law during 1998 and only 5 during 1997; also

(5) It is a Federal crime to transfer or possess a semiautomatic assault weapon under section 922(v) of title 18, United States Code. The Clinton Department of Justice prosecuted only 4 cases under this provision of law during 1998 and only 4 during 1997; and

(6) It is a Federal crime for any person "who has been adjudicated as a mental defective or who has been committed to a mental institution" to possess or purchase a firearm under section 922(g) of title 18, United States Code. Despite this federal law, mental health adjudications are not placed on the national instant criminal background system; also

(7) It is a Federal crime for any person knowingly to make any false statement in the attempted purchase of a firearm; it is also a Federal crime for convicted felons to possess or purchase a firearm. More than 500,000 convicted felons and other prohibited purchasers have been prevented from buying firearms from licensed dealers since the Brady Handgun Violence Prevention Act was enacted. When these felons attempted to purchase a firearm, they committed another

crime by making a false statement under oath that they were not disqualified from purchasing a firearm; and, of the more than 500,000 violations, only approximately 200 of the felons have been referred to the Department of Justice for prosecution; and

(8) The juvenile crime conference committee is considering a comprehensive approach to juvenile crime including:

(a) tougher penalties on criminals using guns and illegal gun purchases;

(b) money for states to get tough on truly violent teen criminals;

(c) a provision allowing Hollywood to reach agreements to clean up smut and violence on television, in video games, and in music;

(d) changing federal education mandates to ensure that all students who bring guns to school can be disciplined; and

(e) a ban on juveniles who commit felonies from ever legally possessing a gun and from possessing assault weapons, and

(b) SENSE OF THE SENATE.—It is the sense of the Senate that:

(1) Any juvenile crime conference report should reflect a comprehensive approach to juvenile crime and enhance the prosecution of firearms offenses, including:

(a) designating not less than 1 Assistant United States Attorney in each district to prosecute Federal firearms violations and thereby expand Project Exile nationally;

(b) upgrading the national instant criminal background system by encouraging States to place mental health adjudications on that system and by improving the overall speed and efficiency of that system; and

(c) and providing incentive grants to States to encourage States to impose mandatory minimum sentences of firearm offenses;

(2) The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

## NOTICE OF HEARING

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I wish to announce that the Committee on Rules and Administration will meet at 9:30 a.m., Wednesday, May 17, 2000, in Room SR–301 Russell Senate Office Building, to receive testimony on legislative remedies, including S. 1816, the Hagel-Kerrey-Abraham-Landrieu campaign finance reform bill.

For further information concerning this meeting, please contact Hunter Bates at the Rules Committee on 4-6352.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 9:30 a.m., in open session to consider the nomination of Admiral Vernon E. Clark, USN to be Chief of Naval Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ARMED SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 a.m., in open session to consider the nomination of Admiral Vernon E. Clark, USN to be Chief of Naval Operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, May 16, 2000, at 9:30 a.m. on reauthorization of Marad administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FOREIGN RELATIONS

Mr. BURNS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 am to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL SECURITY, PROLIFERATION AND FEDERAL SERVICES

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on International Security, Proliferation and Federal Services be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, at 10:00 a.m. for a hearing on Long-Term Care Insurance for Federal Employees.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CRIMINAL JUSTICE OVERSIGHT

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Criminal Justice Oversight be authorized to meet to conduct a hearing on Tuesday, May 16, 2000, at 10:00 a.m., in 226 Dirksen.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 16, at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the United States Forest Service's proposed transportation policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 16, 2000, to conduct a hearing on "HUD's Single Family Management and Marketing Contracts."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. BURNS. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, May 16, 10:00 a.m., to conduct a hearing on the Army Corps of Engineers backlog of authorized projects and the future of the Army Corps of Engineers mission.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGE OF THE FLOOR

Mr. BIDEN. Mr. President, I ask unanimous consent that Bennett Lowenthal, a State Department Pearson fellow on the staff of the Foreign Relations Committee, be granted the privilege of the floor for the duration of the consideration of S. 2521, the military construction appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ FOR THE FIRST TIME—S. 2567

Mr. SESSIONS. Mr. President, I understand that S. 2567 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The bill clerk read as follows:

A bill (S. 2567) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Roberts on Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

Mr. SESSIONS. Mr. President, I now ask for its second reading, and I object to my own request.

The PRESIDING OFFICER. The objection is heard.

The bill will be read the second time on the next legislative day.

## ORDERS FOR WEDNESDAY, MAY 17, 2000

Mr. SESSIONS. On behalf of the majority leader, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, May 17. I further ask consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of S. 2521, the military construction appropriations bill under the previous consent, with Senator SPECTER to be recognized for up to 30 minutes at 9:30 to speak, with his time being considered as being consumed from the majority leader's time.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. SESSIONS. For the information of all Senators, the Senate will immediately resume consideration of the military construction appropriations bill at 9:30 tomorrow. Under the previous agreement, there will be 4 hours of debate on the pending Lott and Daschle amendments, with those votes occurring at 1:30 p.m. A vote on final passage of the bill is expected to occur on Wednesday. Therefore, additional votes can be expected, and Senators will be notified as those votes are scheduled. Following this bill, the Senate will begin consideration of the foreign operations appropriations bill.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. SESSIONS. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 10:02 p.m., adjourned until Wednesday, May 17, 2000, at 9:30 a.m.

# EXTENSIONS OF REMARKS

## AMERICAN VETERANS COMMITTEE (AVC) INTERNATIONAL AFFAIRS PLATFORM AND RESOLUTIONS

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### HON. ALBERT RUSSELL WYNN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. WYNN. Mr. Speaker, today I recognize the American Veterans Committee (AVC). The American Veterans Committee is an outstanding organization of American veterans with ongoing concerns and interest in our foreign policy and international affairs. I submit for the RECORD their International Affairs Platform and Resolutions, as prepared by the American Veterans Committee, International Affairs Commission and adopted by the American Veterans Committee (AVC) National Board at the National Board Meeting, Tuesday, August 26, 1997, with appropriate changes as of November 1999.

INTERNATIONAL AFFAIRS PLATFORM

We, the members of the American Veterans Committee (AVC), believe that in international affairs the objective of the United States of America is the maintenance of peace. All else aside, the world must avoid the holocaust of nuclear war. The end of the Cold War, the dissolution of the Soviet Union, and the fall of the Berlin Wall brought much hope of the avoidance of nuclear war—at least among the major powers—in the foreseeable future. Many international problems remain, and the United States has been active—along with the United Nations—in dealing with hostilities in the Middle East and the Balkan States, Central and Southeast Asia, such African states as Somalia, Rwanda and Zaire (now the Democratic Republic of the Congo), and in Central America and the Caribbean. The work of the United States has aided in establishing and restoring elective governments wherever possible.

Within that framework, our foreign policy, like our domestic policy, must seek always to enhance social justice for and the welfare of the individual, in all classes and without regard to race, religion, ethnicity, language, sex, sexual orientation, or age. Our policies should strive for realization of the world envisioned in the Universal Declaration of Human Rights, a world in which all might eat and sleep in safety, live under and vote in an elective government, with realistic hope and opportunity their reasonable aspirations.

I. THE UNITED NATIONS AND WORLD GOVERNANCE

The United Nations (UN), despite its weakness, continues to be the best hope for peace in the world. American support of the UN must be an essential part of our foreign policy. The authority of the UN must be strengthened in a process in which selected elements of national sovereignty will be progressively transferred, in a manner that will enhance the fundamental freedoms and the well-being of all the peoples of the world.

AVC supports the following principles, reforms and programs for a more effective United Nations:

1. International law governing disputes and conduct of UN member states, and other states, with one another should be improved, clarified, codified, and obeyed. The U.S. and all member states should work within the UN for the development of clear, well understood and respected international law. All member states should accept the jurisdiction of the International Court of Justice (ICJ) to interpret and implement international law. Other steps of clarification of and respect for international law might include:

(a) a procedure whereby the Security Council would decide, in cases of continuing bilateral disputes that threaten world security, to require the UN member states involved (including Security Council members) either to present themselves to conciliation proceedings or to take the dispute to the ICJ;

(b) General Assembly authorization of the Secretary General, under Article 96 of the Charter, to turn to the ICJ for advisory opinions;

(c) the establishment of an International Criminal Court to try individuals accused of specific violations of international law; and

(d) provision for individuals or groups that believe their rights have not been respected to petition the UN High Commissioner for Human Rights for reaction and then, if the issue is not resolved, to petition the General Assembly for a hearing.

2. The United States and other debtor states must pay their United Nations past and current dues and assessments in full to honor their treaty obligations. Consequences for continued non-payment must be instituted.

3. The effectiveness of the UN must be improved through better financing, including such mechanisms as—

(a) a treaty among member states to establish partial self-financing of UN peace-keeping and other programs through a worldwide tax on airline tickets, currency exchanges, and the value of ocean freight;

(b) a surcharge on international postage items;

(c) rent for the exclusive use of satellite positions;

(d) national legislation within member states to ease the way to voluntary individual contributions to UN programs through tax-deductibility of contributions; and

(e) sale of UN bonds to private individuals and of extra premium postage stamps.

4. The UN structures for dispute mediation and conflict prevention and resolution should be strengthened through the establishment of a UN Peace Observation Corps of 100 to 200 highly-trained professional observers and mediators to assist the Security Council and Secretary General—backed by a competent research and analysis unit—to track potential crisis situations and, further, to identify the most successful approaches to conflict prevention and resolution from past crises.

5. United Nations peace-keeping capability should be improved through such means as:

(a) predesignation of peace-keeping units in their own forces by member states with provision for joint training of such designated units to be financed either through voluntary contributions or regular peacekeeping expenditures;

(b) a task force established by the Security Council to study the practical detail of a small UN Readiness Force, to be placed at the disposal of the Security Council—10,000 troops composed of volunteers contributed by member states in small units (companies or battalions)—and with the purpose of intervention in the early stages of possible conflict before it expands to widespread fighting and, when not engaged in peacekeeping operations to train peace-keeping personnel of interested member states;

(c) a second task force established by the Security Council to investigate practical steps to use more effectively the Military Staff Committee (Article 47 of the UN Charter) with responsibility for enforcement, peace-keeping operation, and disarmament.

6. Further international cooperation for peace and sustainable development should be enhanced through the establishment of a UN Economic Security Council to take the place of the Economic and Social Council (ECOSOC), its functions being to balance the interests of citizens, nations, and corporations in an increasingly globalized economy and, in particular, to improve coordination on economic and social programs within the UN system.

7. Movement should be made toward a genuine career UN civil service, with training of UN staff on all levels to include the recognition of diversity of cultures. And, further, with the elimination of political appointments, level-by-level over a period of years, with all positions in the UN Secretariat except those of the Secretary General and his immediate staff being held only by those who have passed the UN entry examination or met other well-established professional criteria including maintenance of a high-level of performance.

8. The influence of civil society at the UN should be strengthened through measures such as a biennial Citizens' Assembly at the UN representing all NGOs. The Citizens' Assembly would develop concepts and proposals for transmittal to and discussion by the General Assembly, especially as regards widest possible participation of NGOs at all UN conferences.

9. The integrity and independence of the Office of the Secretary General, as expressed in the UN Charter, are crucial to the strength and effectiveness of the United Nations. The U.S. should oppose any attempt to weaken the powers of this office. AVC commends the leadership of the present Secretary General Kofi Annan, in making the organization work more effectively.

10. The formation of supra-national authorities of a regional nature consistent with the UN Charter and treaty arrangements which limit the sovereignty of the participating nations in order to secure mutual advantages, such as the European Union, Euratom, and others. The United States should further encourage initiatives through the Council of Europe or otherwise to create, consolidate, and strengthen institutions which may lead to a politically stable and prosperous European entity.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

11. In pursuit of the goals of the United Nations and the dream of a world free from exploitation as well as the scourge of war, the establishment of democratic governments throughout the world should be encouraged and persistently supported.

### II. WORLD VETERANS FEDERATION (WVF)

The American Veterans Committee points with pride to and pledges continuing support for the World Veterans Federation, a worldwide organization of former combatants whose activities are a remarkable example of the kind of private international cooperation on which lasting world peace and justice can be built.

### III. NUCLEAR TESTING AND DISARMAMENT

Complete elimination of nuclear weapons testing and the establishment of international controls on this most dangerous weapons technology must be the goal of American foreign policy. Our world finds itself in the unique and unenviable position where one generation can make life on Earth unlivable for later generations.

The adoption by the United Nations of a Comprehensive Test Ban Treaty in September 1996 is a significant advance with all five Permanent Security Council states among the signatories. Complete and total disarmament is the ultimate *summum bonum*, but this is an objective remote in time; immediate achievement is not feasible. Efforts toward that goal should be made by the United States nonetheless and should be encouraged in other nations. Mankind can never reach its true destiny if it must continue to allocate so high a percentage of its resources to forge the weapons of war.

### IV. CHEMICAL WEAPONS—UN TREATY BANNING SUCH WEAPONRY

The American Veterans Committee (AVC) without reservation supports the adoption by the United Nations of a treaty that bans in the world the use of chemical weapons. And at the time of the development of this AVC/IAC Platform, AVC urges the United States Senate to support ratification of the UN treaty on chemical weapons.

AVC believes that the world-wide ban on testing nuclear weapons on the total elimination of the anti-personnel landmines, and the ban on the use of chemical weapons have a major role in ensuring the continuation of civilization on this Earth.

### V. UNITED STATES AND ITS ALLIES

Inevitably differences will arise between the United States and its allies, but these are differences which can be and must be resolved around the conference table. In its negotiations the US should seek no more than the rights and privileges of a willing partner.

The North Atlantic Treaty Organization (NATO) was formed in a world considerably different from the world of today. The American Veterans Committee (AVC) supports the reassessment by the NATO nations of their membership and role. Its continued organization and operation should reflect the changing

In Latin America we must bend every effort to erase the image of the United States as a prosperous, patronizing, and paternalistic benefactor or intervenor. It should be the objective of the US foreign policy to create instead an image of a US that wants to be a good partner as well as a good neighbor—in helping the peoples of Latin America work out their own destiny.

The US should, at every turn, encourage the UN or the Organization of American States (OAS) to be the forum in which to resolve differences and disagreements among or with our Latin American neighbors. We must show by word and deed that we have no desire to impose our own form of government or way of life upon any country of Latin America. The United States nevertheless continues to believe in the effectiveness of a democratic form of government.

Relations with Cuba continue to be difficult, but we believe that the US should resume humanitarian aid to the Cuban people, an aid cut off as a result of the downing of two US civilian planes by the Cubans in the Cuban waters. The policy of penalizing other countries which trade with US firms—firms that have been nationalized by the Cuban government—has seriously strained relations with some of our closest allies and, therefore, should be abandoned as soon as possible.

### VI. THE UNITED STATES AND THE WORLD

At the end of the twentieth century and the second millennium, the US must continue to be willing to help the developing nations of Africa, Asia, and Latin America to direct their own destinies. The UN forum must be held open to the developing nations. And the services of the UN specialized agencies, for example, the World Health Organization (WHO), and the many non-governmental organizations (the NGOs) must appropriately be focused on the needs of the developing nations.

The gap between the social and economic bases of the developed countries and those of the developing countries continues to widen. The decline in relative socio-economic position of developing nations, accompanied as it is by a population explosion (now being recently addressed), has led to dangerous tension and the outbreak of violence and disorder in many areas of the world. Africa faces particularly difficult problems, and African institutions seeking to solve these problem, such as the Organization of African Unity (OAU), deserve our continuing support.

Acknowledged that the ability of the United States to underwrite services in assistance of all foreign countries is limited, its efforts to aid developing countries should be utilized at points of greatest potential for success. Priority should be given to those countries which can make the most rational and productive use of such aid, humanitarian considerations aside under conditions of famine and natural disasters. In evaluating the effectiveness of United States' aid, due weight should be given not only to economic and environmental considerations but also to the strengthening of democratic institutions and the consolidation of efforts on a regional basis.

Only when asked and only when it is clear that armed force is necessary to thwart a take-over by powers inimical to the survival of a weak and developing nation should the United States furnish military assistance. Even then, it should be with the approval and cooperative assistance of the United Nations and regional organizatins.

### VII. RUSSIA AND CHINA

The end of the Cold War and the dissolution of the Soviet Union into Russia and the several independent states—plus the freeing of Eastern Europe and the separation of the three Baltic States—has caused a monumental improvement in the international relations of the United States and Russia and the Eastern European states as well. With many problems remaining, all have moved toward democratic governments and free market systems.

China also does not seem as threatening as it has in the past—as the "free market economy" has penetrated even this nation state. At the same time, quarrels between the United States and China—both with respect to the independence of Taiwan and "human rights"—are expected to continue. Trade between the U.S. and China will surely expand despite the disapproval in the US of the latter China policy. The US should use its trading relationship to continue to press for relaxation of China's stern measures against dissent, especially as China prepares to take over during this year Hong Kong—once the market capital of Southeast Asia.

### VIII. ISRAEL AND THE ARAB STATES

The American Veterans Committee strongly supports the efforts of the United States to continue the peace process begun at Camp David in 1979, continued at Madrid in 1991, further affirmed at Oslo in 1993, and today reflected in the Wye Memorandum agreements of the Prime Minister of Israel and the Head of the Palestinian Movement. Although no rigid deadline should be set, the ultimate goal should be the fulfillment of the UN Security Council Resolution 242 (1967), which requires that Israel evacuate the territory occupied in that year in return for recognition by Arab countries of Israel's sovereignty, territorial integrity, political integrity, and peace. Exception must be made for areas absolutely necessary for Israel's existence as a state.

### IX. WORLD TRADE

Unlimited global economic growth through global free trade in a global free market. That has long been an American dream; for some, almost a religion. In 1945, two great international financial institutions (IFIs) were erected, and a third envisaged, to make the dream real. In collaboration with other World War II winners—all great capitalist powers—and some developing world possessors of great natural resources, the U.S. hosted and led the Bretton Woods, New Hampshire, meetings that launched the International Bank for Reconstruction and Development (the "World Bank") and the International Monetary Fund (IMF). A third institution, to promote and regulate global trade, was postponed. In 1995, however, it opened for business as the World Trade Organization (WTO).

Two assumptions that undergirded the Bretton Woods institutions' establishment are deeply flawed. The first is that growth and enhanced world trade will benefit everyone. The second is that growth will not be constrained by the inherent limits of a finite planet.

The first fallacious assumption was summarized and popularized by President Kennedy's famous dictum, "A rising tide lifts all boats." The trouble with that is, of course, many more people don't have boats than do. For the have-nots, the rising tide means run for the hills or drown on the beach.

At Bretton Woods, U.S. Secretary of the Treasury Henry Morgenthau advocated rapid "material progress on an earth infinitely blessed with natural riches." He asked participants to embrace the "elementary economic axiom . . . that prosperity has no fixed limits. It is not a finite substance to be diminished by division."

That perception is now widely controverted, most importantly in the "Earth Summit" deliberations and agreements at Rio in 1992. But, as economist David C. Korten points out, the World Bank and IMF, in their "structural adjustment programs," are still holding faithfully to Morgenthau's half-century-old mandate. They "have pressured countries of the South to open their borders and convert their economies from diverse production for local self-sufficiency to export production for the global market."

Under the regime of the Bretton Woods institutions and the new World Trade Organization (WTO), the planet's far from infinite resources are being divided in ways that are, first, wasteful and environmentally unsustainable; and, second, so uneven, unjust and cruel as to incite armed revolutions—some now underway.

The brave new world of IFIs, trans-national corporations (TNCs), and free trade has enormously

The WTO and the North American Free Trade Agreement (NAFTA) are creating new jobs, often by displacing others. They are eroding labor and environmental standards. The American Veterans Committee favors renewed and thorough public discussion of both these treaties, followed by their renegotiation and extensive revision or replacement with others more friendly to people.

## INTERNATIONAL AFFAIRS RESOLUTIONS

### 1. THE BALKAN STATES

Having goals of peace, security, and development in the Balkans and well aware that what was once Yugoslavia is now Yugoslavia/Serbia, Herzegovinia, Croatia, Macedonia, Montenegro, and Slovenia;

Noting with appreciation that the World Veterans Federation (WVF) brought together its member' organizations (International Conference, Luxembourg, 5–7 May 1996) to arrive at "principles to be followed and measures to be taken" for attainment of those goals . . . and that the Luxembourg International Conference carefully took into account the position adopted in Dayton (Ohio/USA) with respect to Bosnia-Herzegovinia;

Aware that peoples of different ethnic, religious, and historical background do have differences, sometimes substantial almost insurmountable differences;

Supporting the elections of a democratic state and urging the peoples to support the results of the elections wherever in the Balkan States;

Also supporting the position that individuals accused of "war crimes or crimes against humanity" must be brought before the appropriate court;

Believing with respect to the totality of the Balkan States that "recognition by every State in the region of all the other States in the region and renunciation of all forms of nationalism leading to the notion of 'greater State,' ethnocentrism, xenophobia, and intolerance toward minorites";

Continuing to respect the final act of Helsinki, which emphasizes the security and cooperation in Europe;

The American Veterans Committee continues to adopt the position that mediation and discussion, together with (a) peace-keeping, economic, and infrastructural support from NATO and the UN, including in both instances the United States of America, and (b) vital governing provisions Bosnia-Herzegovinia and other Balkan States will lead to a state of multi-ethnic, multi-culture, and multi-denomination with full respect for the rights of all the people concerned.

### 2. BAN ON "ANTI-PERSONNEL" MINES

Recognizing that the President of the United States has himself used the phrase "global humanitarian tragedy caused by the indiscriminate use of anti-personnel mines";

Reviewing the long-standing position of the American Veterans Committee (AVC) in support of the total ban of land mines, or anti-personnel mines;

Recalling also that the statement to the President of the United States of generals of the United States Armed Forces established that land mines hurt the United States more than they helped our Armed Forces;

Continuing to observe that around the world children and women and other civilians have sustained injuries and even death from land mines.

The American Veterans Committee continues respectfully to urge the President of the United States to adopt a strong position with the goal of eliminating land mines, or anti-personnel mines, from our global life, a position by the President that includes the end of use by our Armed Forces of such mines.

### 3. CUBA

Observing Fidel Castro has been in power in Cuba for more than forty years and that all efforts to remove him and change his regime have been and continue to be futile;

Believing that the Helms-Burton Act has not been and will not be effective in achieving its stated goal(s), and judging further that this Act of Congress has only created conflict between us and our close allies;

The American Veterans Committee believes that the Helms-Burton Act should be repealed; further, that the United States should establish diplomatic ties or permit commercial relationships with Cuba . . . the U.S. acting thus in its own self-interest.

### 4. ISRAEL AND THE MIDDLE EAST

Applauding in the early days of the American Veterans Committee (AVC) the establishment of the nation of Israel;

Supporting the leadership of President Jimmy Carter in bringing together Prime Minister Menachem Begin of Israel and Egypt's leader Anwar Sadat and further supporting the agreement developing from the meeting of Begin and Sadat;

Noting with satisfaction the further movement toward conciliation, reconciliation, and peace formulated by Palestinian leader Yasser Arafat and the present and immediate past Prime Ministers of Israel;

Urging the leaders of Israel and Palestine today to continue using mediation in arriving at agreements, including an agreement with respect to East Jerusalem;

AVC continues to support the right of Israel to peace and economic and socio-cultural development and the use of the instrument of discussion and mediation in the consideration of all elements and aspects of difference and conflict between Israel and the neighboring peoples and nations—whether they be Palestine, Jordan, Syria, Lebanon, or any other nation state; AVC in supporting the above stated developments in Israel in no way implies that it does not support similar development of Palestine as well as all and other nations as they too seek peace and improvement of the qualify of life for their peoples.

### 5. THE UNITED NATIONS—SUPPORT WITH REFORM

Recognizing that the American Veterans Committee (AVC) has been a staunch supporter of the United Nations since its inception in 1945 and has taken a very active role in the World Veterans Federation, a role that has enabled AVC to serve in the capacity of an NGO;

Recognizing nevertheless that time has brought the need for reform of a number of the systems and activities of the UN and those of some if its member states;

Observing further that some member states and even our own nation, the United States, have failed to meet their financial obligations as dues-paying members in the UN;

Resolved by the American Veterans Committee:

1. THAT the United States and other debtor states must pay their United Nations dues in full to fulfill their treaty obligations; that consequences for continued non-payment must be instituted.

2. THAT the effectiveness of the UN must be improved through better financing, including such mechanisms as (a) a treaty among member states to establish partial self-financing of UN peace-keeping and other programs through a worldwide tax on airline tickets and the value of ocean freight; (b) a surcharge on international postage items; (c) rent for the exclusive use of satellite positions; (d) national legislation within member states to ease the way to voluntary individual contributions to UN programs through tax-deductibility of contributions; and (e) sale of UN bonds to private individuals and of extra premium postage stamps;

3. THAT the UN structures for dispute mediation and conflict prevention and resolution be strengthened through the establishment of a UN Peace Observation Corps of 100–200 highly-trained professional observers and mediators to assist the Security Council and Secretary General—backed by a competent research and analysis unit—to track potential crisis situations and, further, to identify the most successful approaches to conflict prevention and resolution from past crises;

4. THAT United Nations peace-keeping capability be improved through such means as (a) predesignation of peace-keeping units in their own forces by member states with provision for joint training of such designated units to be financed either through voluntary contributions or regular peace-keeping expenditures; (b) a task force established by the Security Council to study the practical detail of a small UN Readiness Force, to be placed at the disposal of the Security Council—10,000 troops composed of volunteers contributed by member states in small units (companies or battalions) . . . and with the purpose of intervention in the early stages of the possible conflict before it expands to widespread fighting and, when not engaged in peace-keeping operations to train peace-keeping personnel of interested member states; (c) a second task force established by the Security Council to investigate practical steps to revive the Military Staff Committee (foreseen in the UN Charter) with responsibility for enforcement, peace-keeping operation, and disarmament;

5. THAT the Security Council become more responsive to the concerns of the General Assembly through arranging for regular presentation of the Assembly to the Council and discussion by the latter of the views of the General Assembly, as reflected in the Assembly Resolutions, with the President of the Assembly given ex-officio membership on the Council, and through continued study of the representative qualities of the UNSC membership;

6. THAT the rule of law among nations be strengthened through (a) a movement toward universal acceptance of the jurisdiction of the International Court of Justice by introducing a procedure where the Security Council would decide, in cases where continuing bilateral disputes threaten world security, to require the UN member states involved (including Security Council members) either to present themselves to conciliation proceedings or to take the dispute to the International Court of Justice; (b) General Assembly authorization of the Secretary General to turn to the International Court of

Justice for advisory opinions; (c) the establishment of an International Criminal Court to try individuals accused of specific violations of international law; and (d) provisions that individuals or groups who consider that their rights have not been respected may petition the UN High Commissioner for Human Rights for reaction and then, if the issue is not resolved, to petition the General Assembly for a hearing;

7. THAT further international cooperation for peace and substantial development be enhanced through the establishment of a UN Economic Security Council to take the place of ECOSOC, its functions being to balance the interests of citizens, nations, and corporations in an increasingly globalized economy and, in particular, to improve coordination on economic and social programs within the UN system;

8. THAT movement be made toward a genuine career UN civil service, with training of UN staff on all levels to include the recognition of diversity of cultures. And, further, with the elimination of political appointments, level-by-level over a period of years, with all positions in the UN Secretariat except those of the Secretary General and his immediate staff being held only by those who have passed the UN entry examination or met other well-established professional criteria including maintenance of a high-level of

9. THAT the influence of civil society at the UN be strengthened through enhancing the role and access of citizen organizations with regard to their participation in proceedings of the General Assembly and all UN conferences through a biennial Citizens' Assembly at the UN representing all NGOs to develop concepts and proposals for transmittal to and discussion by the UN General Assembly;

10. THAT isolationism within the United States be fought in all its forms, as the US with about five percent of the world's population needs the UN to serve as a necessary and vital bridge to the rest of the world; and

11. THAT funding of the UN Trusteeship Council should end inasmuch as there are no longer any Trust Territories, thereby eliminating a stark example of bureaucratic waste within the UN itself and setting a precedent for other comparable action as warranted.

### 6. US RATIFICATION OF RELEVANT CONVENTIONS PROTOCOLS, AND TREATIES ON WOMEN'S RIGHTS

Recognizing the importance of the United Nations Conventions on the Elimination of Discrimination Against Women (CEDAW) and other international conventions and treaties which promote the human rights of women and their desire for full equality with men in all pursuits of life;

The American Veterans Committee (AVC) calls for the United States Senate (a) to endorse the CEDAW which would make the United States a signatory to the CEDAW, and (b) to support other international conventions and treaties promoting the rights and interests of women;

AVC affirms the proposition spelled out in The Platform For Action that human rights are universal and equally applicable to women; the inherent and indivisible rights of women must be affirmed by the international community, and support the Mission Statement from Beijing that "equality between women and men is a matter of human rights and a condition for social justice and is also a necessary and fundamental prerequisite for equality, development, and peace." [N.B. The previous statement flows from the United Nations 4th International Conference on Women, held in Beijing, China, September 1995.]

### 7. US RATIFICATION OF UNITED NATIONS HUMAN RIGHTS COVENANTS

Supporting since the adoption by the United Nations nearly a half-century ago of the "Universal Declaration of Human Rights" the philosophy and concept of human rights for all people all over the globe;

Supporting further the United Nations Human Rights Covenants on Economic, Social, and Cultural Rights—as well as the United Nations Human Right Covenants on Civil and Political Rights;

Noting that more than 175 nations of the world have ratified the UN Human Rights Covenants;

Noting further that the United States of America became a signatory, during the administration of President Jimmy Carter to the UN HR Covenants;

The American Veterans Committee (AVC) respectfully urges the President of the United States to take all immediate and reasonable steps to move the United States not only as a signatory but also as a nation ratifying both United Nations Human Rights Covenants (a) Economic, Social, and Cultural as well as (b) Civil and Political Rights.

### 8. US SUPPORT FOR THE REPORT ON THE IMPACT OF ARMED CONFLICT ON CHILDREN

Noting with satisfaction the release of the important study of the "Impact Of Armed Conflict On

Reaffirming the American Veterans Committee's traditional support for strict adherence to international humanitarian laws and human rights standards in situations of armed conflict;

Reaffirming further our support for the implementation of the Convention of the Rights of the Child;

The American Veterans Committee (a) calls upon the international community to offer special care and protection of refugee and internally placed children and (b) further calls international support for the findings of the of the Report, including calling upon governments to prevent the recruitment of children under the age of 18 and to demobilize any children under that age.

### 9. THE UNITED NATIONS ASSOCIATION/US AND THE WORLD FEDERALIST ASSOCIATION

Recognizing for decades that the World Federalist Association (WFA) in the United States and World Federalism elsewhere in the world have appropriately emphasized the global nature of the Earth and our life thereon;

Recognizing further that the work of the United Nations Associations/US in its support of the United Nations itself has similarly reflected an understanding of the global nature of the world;

Observing that both of these organizations have emphasized the great need of peoples to work together for a better world at the same time their governments work together in the United Nations for peace and security;

Having members of the American Veterans Committee (AVC) also in positions of leadership and membership in the WFA and likewise in positions of leadership in the United Nations Association/US;

Believing today that the WFA position is still sound and that its annual and regional and assembly meetings are productive . . . likewise noting the effectiveness and value of the National Assembly of the UNA/US;

Believing today that the WFA position is still sound and that its national and regional meetings are productive, having produced recent leadership in advancing the international criminal court, the Hague Appeal for Peace and adequate UN funding . . . likewise noting the effectiveness and value of the results achieved by the national and regional assemblies of the UNA/US;

American Veterans Committee finds that both the work of the United Nations Association/US and the World Federalist Association have goals and programs that lead to a stronger and more productive relationship of the peoples in the nations of the world; and, therefore, AVC supports both of these organizations.

### 10. WORLD VETERANS FEDERATION—A HALF CENTURY OF AVC SUPPORT

Reviewing with gratification the nearly half century history of the World Veterans Federation (WVF) and the funding membership of the American Veterans Committee (AVC) in WVF in 1950 as well as the continuing AVC membership now in 1997;

Reviewing also the long and consistent programs and work of WVF in behalf of veterans as well as those who have suffered on account of war—the WVF program always including support of the United Nations;

Recalling the guidance of WVF by the CREDO created by the late United Nations Under-secretary General Ralph J. Bunche . . . the Credo having the celebrated phrase "None can speak more eloquently for peace than those who have fought in war";

Noting that WVF has consistently brought veterans from all over the world to its General Assemblies, Council meetings, and such special meetings as the 1990 Conference on the Mediterranean held in Malta, and observing that WVF now looks forward this year to its 23rd General Assembly to be held in Seoul, Korea;

Taking pride in the fifty-year leadership of WVF Presidents and Secretaries General, including the present leader General Bjorn Egge and Secretary General Serge Wourgaft;

Observing also that contributing to WVF over many, many years have been and are such AVCers as the late United States District Court Judge Hubert Will (WVF US Council Member for the three terms and WVF International Vice President), Executive Director June A. Willenz (who heads the WVF Standing Committee on Women), Stanley Allen (who has served the WVF US Council for more than four decades as its Executive Secretary), and Dr. Paul P. Cooke (who serves the WVF US Council at this time as its Alternate Council Member);

The Americans Veterans Committee continues to support without reservation the World Veterans Federation and looks forward to continuing membership and contribution to WVF programs.

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## IN SPECIAL RECOGNITION OF NELSON B. GRAY V ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

**HON. PAUL E. GILLMOR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Nelson B. Gray V, of Norwalk, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Nelson's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Nelson brings a special blend of leadership, service, and dedication to the incoming class of West Point cadets. While attending Edison High School in Milan, Nelson has attained a grade point average of 4.047, which places him seventh in his class of one hundred forty-three students. Nelson is a member of the National Honor Society, French National Honor Society, Honor Roll, Varsity Scholarship Team, and has placed highly on the American Legion Americanism and Government test and the Greater Toledo Council of Teachers Mathematics exam.

Outside the classroom, Nelson has distinguished himself as a fine student-athlete. On the fields of competition, he has earned letters in Varsity Football and Baseball, and was named Field Captain of the Varsity Football team this year. Nelson has also been active in the Boy Scouts of America, earning the rank of Eagle Scout in 1998. He is a member of the French Club, Drama Club, Choir Band, and was a representative to Buckeye Boys' State.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Nelson B. Gray V. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Nelson will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

## SENSE OF THE HOUSE IN SUPPORT OF AMERICA'S TEACHERS

SPEECH OF

### HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 9, 2000*

Ms. ESHOO. Mr. Speaker, today I honor teachers throughout our nation and speak in support of H. Res. 492, which expresses a sense of the House of Representatives in support of America's Teachers.

Teaching is one of the oldest and most important professions in the world, yet it is a profession which is underappreciated by too many. I come to the House floor today to demonstrate my appreciation for the teachers who shaped my life and those who inspire our children today.

Diane Hooper is one such individual from California's 14th Congressional District who has devoted her life to shaping and improving the lives of tomorrow's leaders by educating and inspiring her students. Ms. Hooper teaches math at Sequoia High School and she was named San Mateo County's Teacher of the Year for 2000 for her outstanding contributions.

The 14th Congressional District is blessed with Vonneke Broekhof-Miller and team teachers Brenda Goldstein and Andrew Lucia. They teach middle school science at Peterson Middle School in Sunnyvale and were honored at the 1999 American Teacher Awards last November.

Paul Jorgans, a teacher at Stanford Middle School in Palo Alto was recognized for developing cutting-edge curriculum for integrating computer technology into classroom curriculum. Clarence Bakken from Palo Alto Unified School District, Gayle Britt from the San Carlos School District, and Shane Tatman from the Cupertino Union School District were recognized for excellence in teaching by the Innovations in Teaching Awards Program. These teachers are shaping the way students learn in the 21st Century by using innovative and proven methods that inspire other teachers and lead to increased student learning and greater achievements.

Teachers touch the future and shape it every day. My sister, Veronica Georges, teaches in the Sequoia School District and my daughter and son-in-law are devoted educators as well. They along with Linda Mitchell, Pat Dawson, Sheila Haberkorn, Kris Weaver, and Dale Deffiner are the mothers, fathers and sisters of my staff who are influencing America's future today. I'm exceedingly proud of them and the superb work they do daily.

This statement of recognition by the House of Representatives is but a small tribute of gratitude to those who have dedicated themselves to education. On behalf of a grateful nation, I salute every teacher in our land!

## TRIBUTE TO SOUTHERN HOMES SERVICES

### HON. ROBERT A. BRADY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BRADY of Pennsylvania. Mr. Speaker, I rise to honor Southern Homes Services (SHS) as it celebrates its 150th anniversary. Since 1840 SHS has provided quality services to preserve, build and stabilize the lives of children and families within their communities.

During the first 100 years of its existence SHS provided services for youngsters who had been placed in its care because of the death of their fathers and the mothers' inability to care for their children. But, in the early 1950's SHS refocused its mission. The result was the adoption of a psychiatric residential treatment program for children that included support services for their families.

Today SHS is a multi-disciplined, multi-facility that is licensed as a Residential Treatment Facility. Annually it provides comprehensive services to more than 2,000 children and adolescents with severe emotional problems. Its comprehensive mental health and social services include: foster and kinship care; residential treatment services; an on-site licensed private school; outpatient mental health and psychiatric services; in-home family preservation services; and mentor/volunteer opportunities.

In February 2000, SHS became one of the first children's services agency to be accredited as a behavioral Healthcare Organization by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO).

In recognition of its 15 decades of providing critical services to at-risk children when their families are the most vulnerable, I join SHS as it celebrates this important milestone.

## TAIWAN INAUGURATES A NEW PRESIDENT

### HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. HILLIARD. Mr. Speaker, today I pay tribute to Mr. Chen Shui-bian who will be inaugurated as the tenth president of the Republic of China on May 20th. I am honored to stand before you today in a spirit of freedom and change. President-elect Chen Shui-bian's victory on March 18, 2000, signals a new milestone for Taiwan's history of democratization. His Excellency defeated two other formidable opponents, and for the first time in Chinese history, an opposition party attained real political power from the ruling National Party. Taiwan united and is now clearly a model for reform and promise for most Asian countries.

As Taiwan voters collaborate on a brighter future, reevaluating the past proves a desirable democratization record which must be commended. The United States, and all countries of the free world, should pledge open support to President Chen Shui-bian, and encourage meaningful discussions of reunification issues in an effort to build better relationships with mainland China.

I congratulate a leader of vision and express my full confidence in Taiwan's President-elect Chen Shui-bian and the people of Taiwan.

## HONORING REV. DR. JOE SAMUEL RATLIFF

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BENTSEN. Mr. Speaker, today I recognize Rev. Joe Samuel Ratliff for his 30 years of service in the ministry.

Since 1980, Rev. Ratliff has faithfully addressed the needs of the Brentwood Baptist Church community. Throughout his tenure as the church's spiritual leader, Rev. Ratliff has brought remarkable vision, transforming the 400-member church into a dynamic 10,000-member congregation. Brentwood has experienced unprecedented growth since Rev. Ratliff has been at the helm, including a new 1,800-seat sanctuary, land acquisitions, and an enhanced role as public servant and community activist in the surrounding community. The growth and success that Brentwood Baptist Church has undergone stems from a visionary pastor who is truly connected to his community and to his congregants.

Rev. Ratliff is the eldest of his mother's nine children. As a child growing up in Lumberton, NC, he was always active in the church, and played piano at services as a teenager. But he did not aspire to a career in the ministry until after he moved to Atlanta to attend Morehouse

College. It was in his junior year that Rev. Ratliff recognized the power of the church in bringing about change and making a positive impact on the community. He took his first pastorate as a college senior, and went on to earn his master of divinity and doctor of ministry degrees from the Atlanta's Interdenominational Theological Center. Before coming to Brentwood in 1980, Rev. Ratliff served Cobb Memorial Church in Atlanta and as acting dean of chapel at Morehouse College. In 1988, he was a research fellow at Harvard University for a semester.

During his 20 years as pastor for Brentwood Baptist Church, Rev. Ratliff is credited with building one of the fastest-growing churches in America. At the same time, he has provided congregants with an outlet for giving back to the community. A stellar example of the good works performed by the church includes the Brentwood Community Foundation, a program that serves the needs of HIV/AIDS patients by providing housing and health care. Programs include a mobile health unit and services for pregnant teens and young adults who are HIV-positive. The church also raises money to benefit students' scholarships.

Rev. Ratliff's religious and spiritual dedication to the community and to his growing congregation have won him many distinctions and awards, including induction into the Martin Luther King Jr. Board of Preachers, the Julie and Ben Rogers Ecumenism Award from the Anti-Defamation League of Houston, and "Minister of the Year" award for improving ecumenical dialog and interracial understanding in Houston.

Mr. Speaker, throughout his 30 years in the ministry, Rev. Ratliff's intelligence, enthusiasm, and can-do spirit has served his congregations well. He brings tireless energy and compassion to each of his endeavors, whether its as a pastor, community leader, or friend. His contributions to the ministry and his energy in addressing the needs of his congregation and surrounding community are truly commendable.

## WORLD BANK AIDS MARSHALL PLAN TRUST FUND ACT

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 15, 2000*

Ms. JACKSON-LEE of Texas. Mr. Speaker, thank you for bringing this important piece of legislation to the floor this week.

Mr. Speaker, I rise in support of H.R. 3519, the World Bank AIDS Marshall Plan Trust Fund Act.

I would like to thank Congressman LEACH for including the core provisions of BARBARA LEE's original bill, H.R. 2765, the AIDS Marshall Plan and Congressman Dellums for his public awareness regarding the importance of this bill.

This bill garners bipartisan support, including the Democratic Caucus and the CBC which both recognize the necessity of HIV/AIDS funding in Sub-Saharan Africa. Further, I was an original co-sponsor of AIDS Marshall Plan legislation authored by Congresswoman BARBARA LEE.

Mr. Speaker, I personally saw the devastation that the AIDS epidemic is causing in Africa during a visit with the President during March of 1999. During that trip, I visited places like St. Anthony's Compound in Zambia where grandparents were caring for grandchildren orphaned by AIDS.

In Uganda, the government showed the delegation the impact of AIDS as we met with a grandmother who was caring for 38 of her grandchildren because they were orphaned by her 11 children.

I also met with Ugandan First Lady Janet K. Museveni who is leading the campaign to help orphans as we discussed the fact that over 13 million children have been orphaned because of AIDS.

This trip emphasized to me the dire circumstances existing in Africa today and the obligation countries like the United States have to combat this disease.

The goal of this bill to create a trust fund administered by the World Bank to combat the AIDS epidemic is long overdue.

By directing the Secretary of Treasury to enter into negotiations with the World Bank and member nations, H.R. 3519 would serve as the impetus for an international response to the HIV/AIDS epidemic.

This bill would authorize the United States to contribute $100 million a year through fiscal year 2005 to this fund which would provide grants for prevention care programs and partnerships between local governments and the private sector that would lead to education, treatment, research, and affordable drugs.

Organizations like the Joint United Nations Programme on HIV/AIDS (UNAIDS) would be recipients of these grants.

By providing grants to organizations like UNAIDS, this bill could help address the "drug corruption" in sub-Saharan Africa by requiring that only those countries that eliminate corruption are eligible for trust funds.

Just last week, this Congress passed the Africa Growth and Opportunity Act in which there is a structured framework for this country to use trade and investment as an economic development tool throughout Africa and the Caribbean.

Unfortunately, the conference report does not include Senators FEINSTEIN and FEINGOLD's Amendment that would have prohibited the Executive Branch from denying African countries to use legal means to improve access to HIV/AIDS pharmaceuticals for their citizens. This amendment would have clarified the African Growth and Opportunity Act so that African Governments, in accordance with the World Trade Organization policies, could exercise flexibility in addressing public health concerns.

Thus, this amendment would simply allow countries to determine the availability of HIV/AIDS pharmaceuticals in their countries and provide their people with affordable HIV drugs.

Despite the failure of Senators FEINSTEIN and FEINGOLD's amendment, the White House still recognized the importance of access to drug therapies by issuing an Executive Order just

This Executive Order incorporates the language of the Senator Feinstein-Feingold Amendment and declares that the United States would not invoke a key clause in U.S. trade law against sub-Saharan African countries concerning the protection of patents on AIDS drugs. Like the Senators' amendment, the Executive Order would instead hold the African countries to the less stringent standard of the WTO on intellectual property protection.

Furthermore, I am pleased the House-Senate conference report includes amendments, which I offered during last year's consideration of the House bill.

The first provision encourages the development of small businesses in sub-Saharan Africa, including the promotion of trade between the small businesses in the United States and sub-Saharan Africa. This is an important victory for small business enterprises in America that are looking to expand remarkable trade opportunities in Africa.

It was once said, "There is nothing more dangerous than to build a society, with a large segment of people in that society, who feel that they have no stake in it; who feel that they have nothing to lose. People who have a stake in their society, protect that society, but when they don't have it, they unconsciously want to destroy it." Although Martin Luther King was not speaking of AIDS, his comment rings true in so many aspects today.

The private sector must take responsibility for the eradication of this disease if these U.S. businesses are going to use African resources for their economic benefit.

Thus, I am pleased that an additional amendment I offered was incorporated into the conference report. This provision encourages U.S. businesses to provide assistance to sub-Saharan African nations to reduce the incidence of HIV/AIDS and consider the establishment of a Response Fund to coordinate such efforts.

This is important because HIV/AIDS has now been declared a national security threat. My provision reflects a national and international consensus that we must do everything we can to eliminate the HIV/AIDS disease.

Senior Clinton Administration officials clearly express their frustration that by all estimates on HIV/AIDS, that nearly $2 billion is needed to adequately prevent the spread of this disease in Africa per year.

Although, some say this may not be feasible at the moment, and the $100 million a year donation from the U.S. is not either, we no longer can deny that this disease is an epidemic of enormous proportion that can no longer be ignored.

The very fact that the Clinton Administration formally recognized a month ago that the spread of HIV/AIDS in the world today is an international crisis by declaring HIV/AIDS to be a National Security threat is illustrative of the devastating effect of this disease.

It is estimated that 800,000 to 900,000 American are living with HIV and every year another 40,000 become infected. Although newer and effective therapies have led to reductions in the mortality rate of people with HIV/AIDS, the demographics of this epidemic have shifted. Thus, women, young people, and people of color represent an alarming portion of the new cases of HIV/AIDS.

Globally, more than 16 million have died from AIDS since the 1980's, 80% of them in sub-Saharan Africa.

The creation of a WorldWide trust in which nations would be able to obtain grants to address the needs of HIV/AIDS victims globally is truly needed.

We know that 60% of those that have died from AIDS are in sub-Saharan Africa.

An even more heart-wrenching statistic is that 13 million children have lose one or both of their parents to AIDS and this number is projected to reach 40 million by 2010.

AIDS in Sub-Saharan Africa accounts for nearly half of all infectious disease deaths globally.

The percentage of the adult population infected with HIV or suffering from AIDS is alarming. To name a few: In Zimbabwe—25.9%; Botswana—25.1%; Namibia—19.4%; and South Africa—12.9%.

Additionally, in places like Namibia there has been a 44.5% drop in the life expectancy. Now adults in Namibia are only expected to live 38.9 years.

In Zimbabwe, the life expectancy is only 38.8 years and in Malawi, 34.8 years. Not since the bubonic plague of the Middle Ages, has there been a more devastating disease.

Yet, HIV/AIDS is 100% preventable. There is no reason for 2 million to die a year in Sub-Saharan Africa and 4 million to become infected.

The AIDS Marshall plan will help to ensure that the federal government commits to addressing the HIV/AIDS epidemic over the next several years.

The survival of Africa is at stake. The United States can and should be the leader in generating a global response to this incredible contagion.

Now is the time to act and I urge my colleagues to support this measure in its entirety.

## IN SPECIAL RECOGNITION OF NATHAN J. NAHM ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY AT WEST POINT

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Nathan J. Nahm of Tiffin, Ohio, has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Nathan's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertaking of their lives.

Nathan brings an enormous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Columbian High School in Tiffin, Nathan has attained a grade point average of 3.64, which places him twenty-first in his class of two hundred sixty-nine students. Nathan is a member of the National Honor Society, Honor Roll, Who's Who Among American High School Students, and has earned several Scholar-Athlete awards.

Outside the classroom, Nathan has distinguished himself as an excellent student-athlete. On the fields of competition, Nathan has earned letters in Varsity Football and Basketball. Nathan was named Captain of the Tiffin Columbian Varsity Basketball team this year. Nathan has also been active in the Tiffin Columbian Boosters Club and the Technology Advisory Council.

West Point has become a home away from home for the Nahm family. With Nathan's appointment, he stands ready to walk the same path as his two older brothers, Blair and Reed, as a West Point cadet.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Nathan J. Nahm. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Nathan will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

## PERSONAL EXPLANATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. OWENS. Mr. Speaker, yesterday I was unavoidably absent on a matter of critical importance and missed the following votes:

On H. Res. 491, naming a room in the House of Representative wing of the Capitol in honor of G.V. "Sonny" Montgomery, introduced by the Gentleman from Indiana, Mr. PEASE, I would have voted "yea."

On H.R. 4251, Congressional Oversight of Nuclear Transfers to North Korea Act of 2000, introduced by the gentleman from New York, Mr. GILMAN, I would have voted "nay."

On H. Con. Res. 309, sense of Congress with regard to in-school personal safety education programs for children, introduced by the gentleman from Delaware, Mr. CASTLE, I would have voted "yea."

## PERSONAL EXPLANATION

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. COBLE. Mr. Speaker, on Wednesday, May 10, and Thursday, May 11, I missed rollcall votes 160–179. On these dates, I was representing the Subcommittee on Courts and Intellectual Property at the opening of the Diplomatic Conference on the Patent Law Treaty in Geneva, Switzerland. As Chairman of the House Subcommittee on Courts and Intellectual Property, I believe congressional representation at this meeting was important, and I was honored to address the delegates of the conference.

## COMMENDING THE ANN ARBOR HURON SCHOOL MUSIC DEPARTMENT

### HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Ms. RIVERS. Mr. Speaker, today I commend the Ann Arbor Huron High School Music Department for being named as a Grammy Award Signature School. Their hard work and commitment to excellence has made this achievement possible and it brings me great pleasure to have the opportunity to share this day with them.

As a former member of the Ann Arbor School Board, I know the special significance of such an achievement for a high school music program and I look forward to future accomplishments from the department.

## RECOGNITION OF THE 100TH ANNIVERSARY OF HERRIN, IL

### HON. DAVID D. PHELPS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. PHELPS. Mr. Speaker, I rise to recognize one of the towns in my district. On April 17, 2000, The City of Herrin marked the 100th Anniversary of its incorporation, and I thought it appropriate to acknowledge this city's great heritage of farming, coal mining, and industry. I would also like to commend the spirit of its citizens working together for a better community.

The City of Herrin gets its name from its first settler, Isaac Herring, a veteran of the War of 1812. Mr. Herring received a parcel of land, which became Herrin, as a land-grant for his service in the war. Mr. Herring later shortened his name, and that of the town, to Herrin.

Herrin was incorporated as a city in the election of April 17, 1900. At this time Herrin also elected its first mayor, Mr. C.E. Ingraham. Today Herrin is admirably served by Mayor Victor Ritter.

Herrin began as a farming community with cotton being the primary crop. It was later discovered that Herrin was surrounded by vast veins of bituminous coal. The coal helped Herrin to grow rapidly and to develop as a leading community in the region, attracting numerous immigrants seeking work in the coal mines. At one point, thirty coal mines operated within six miles of the city. The coal fields of Herrin were ripe for widespread union organization at this time.

Following World War II, Herrin's leaders and the Chamber of Commerce actively sought new industry for the community. Because of their efforts, Herrin is still one of the area's largest industrial cities, being home over the years to the Norge Division, Borg-Warner Corporation (now Maytag), Smoler Brothers, Inc., International Staple and Machine Company, Allen Industries, Container Stapling Corporation, Dura-Containers, Central Technology, Inc., and National Tape Corporation. Today Herrin continues providing business infrastructure and promoting even more industry, along with a better quality of life for its citizens.

Herrin's first school was a log structure built in 1844. Today Herrin's schools provide quality education to approximately 2,600 students from the greater Herrin area. Southern Illinois Healthcare, owner of Herrin Hospital, provides excellent healthcare for the region, as well as many jobs for the area. Herrin is also a deeply religious community, exemplified by its many churches of differing faiths. These churches, along with other charitable organizations, work together in providing help for those in need, the Herrin Food Pantry being a prime example.

Herrin is also home to the annual Herrin Festa Italiana celebration, which is held over Memorial Day. The festival is known to draw around 60,000 people over the four-day weekend. Home to one of the most popular city parks in the area, Herrin provides seasonal recreation including swimming, fishing, and picnicking. The park is also home to several ballfields used by a variety of school teams and city leagues.

I ask my colleagues to join me in congratulating the citizens and leaders of Herrin on their Centennial celebration, and also in wishing the City of Herrin continued prosperity in the new millennium.

## IN HONOR OF MRS. LINDA STEIGLER

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Mrs. Linda Steigler, a teacher at Welch Middle School in the 25th Congressional District, who this Thursday will be honored at the last concert of the school year by her eighth-grade band students.

Mrs. Steigler's dedication to her band students has been boundless. Parents of the members of the Welch Middle School band will tell you that her positive influence on her students' futures are immeasurable. Mrs. Steigler's instruction and passion for music bring education to life for her students, and her outstanding efforts deserve recognition.

Mrs. Steigler inspires her students with the power of music. Her instruction taps into music's potential to enhance human development and speed up the learning process. She gives the Welch Middle School band students a leg-up in their education through musical instruction that will last their entire lives. The diversity and talent of her band students is an admirable sight to behold.

Mrs. Steigler has had students compete and place in various music competitions. She has worked to get music scholarships at Mars Music Store for students, awarding them with free music lessons and instruments for those who could not afford them. She has held various fundraisers to support the students on field trips, allowing them to broaden their experiences through travel that they could not otherwise afford. She inspires them to go to music camps during the summer, and to work hard at their music—some students arrive at school early just for additional practice. She often works single-handed and tirelessly to spread the gift of music.

It is the involvement and support of dedicated teachers such as Mrs. Steigler at Welch Middle School that reaps ever-lasting rewards for these young people on their paths to adulthood. Studies have shown that children who take music score higher on standardized tests than students who are never taught an instrument. When students learn music, there is an overlap that occurs in nearly all subjects.

I, along with the Eighth-grade members of the Welch Middle School Band, salute Mrs. Linda Steigler for her accomplishments and her commitment to teaching. She is an outstanding role model for her students, parents, and other teachers.

## IN SPECIAL RECOGNITION OF NEIL HARBER ON HIS APPOINTMENT TO ATTEND THE UNITED STATES MILITARY ACADEMY

### HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. GILLMOR. Mr. Speaker, today I pay special tribute to an outstanding young man from Ohio's Fifth Congressional District. I am happy to announce that Neil Harber of Bascom, Ohio has been offered an appointment to attend the United States Military Academy at West Point, New York.

Mr. Speaker, Neil's offer of appointment poises him to attend the United States Military Academy this fall with the incoming cadet class of 2004. Attending one of our nation's military academies is an invaluable experience that offers a world-class education and demands the very best that these young men and women have to offer. Truly, it is one of the most challenging and rewarding undertakings of their lives.

Neil brings a tremendous amount of leadership, service, and dedication to the incoming class of West Point cadets. While attending Hopewell-Loudon High School in Bascom, Neil has attained a grade point average of 3.97, which places him sixth in his class of sixty-five students. Neil is an Honor Roll member, and has received the Honor Award for Spanish, English, History, and Biology. Neil has received Scholastic Awards in Baseball and has been recognized for his academic efforts at Tiffin University.

Outside the classroom, Neil has performed very well on the fields of competition and has distinguished himself as an excellent student-athlete. Neil has earned letters in Varsity Football, Basketball, and Baseball. In addition, Neil was named Captain of both the Varsity Football and Basketball teams this year. Neil was named the Hopewell-Loudon Outstanding Male Athlete of the Year in 1998–1999. Neil has also been active in Student Council, Choir, Traveling Ensemble, and Quiz Bowl. He was a delegate to Buckeye Boys' State and currently serves as Vice President of the Senior Class.

Mr. Speaker, I would ask my colleagues to stand and join me in paying special tribute to Neil Harber. Our service academies offer the finest education and military training available anywhere in the world. I am sure that Neil will do very well during his career at West Point and I wish him the very best in all of his future endeavors.

# HOUSE OF REPRESENTATIVES—*Wednesday, May 17, 2000*

The House met at 9 a.m.

Commissioner John Busby, National Commander, Salvation Army, Alexandria, Virginia, offered the following prayer:

Almighty God, Creator, Preserver and Governor of all things, we humbly bow before You on behalf of those gathered here; individuals who find pleasure in serving the people of this great country.

With thankful hearts for Your goodness to each of them, we earnestly pray that You will take their minds and give them a new measure of wisdom, take their hearts and fill them with Your love for others, and take their wills and make them more obedient to Your will.

May Your servants here proceed step by step, hour by hour to meet the challenges You have given them so that in the end, the purpose that You have set out for this House of Representatives may be accomplished for the enrichment of people across this land and to Your honor and glory.

This we pray in Your holy name. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Georgia (Mr. DEAL) come forward and lead the House in the Pledge of Allegiance.

Mr. DEAL of Georgia led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECESS

The SPEAKER. Pursuant to the order of the House of Thursday, May 11, 2000, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 5 minutes a.m.) the House stood in recess subject to the call of the Chair.

## RECEPTION OF FORMER MEMBERS OF CONGRESS

The SPEAKER of the House presided.

The SPEAKER. Good morning. On behalf of the House of Representatives, it gives me great pleasure to welcome to the Chamber today the former Members of Congress. This is your annual meeting. And, of course, many of you are personal friends from both sides of the aisle, and it is important that you are here certainly to renew those friendships.

As a report from the President will indicate, you honor this House and the Nation by your continuing efforts to export the concept of representative democracy to countries all over the world and to college campuses around this country. I endorse those efforts and hope you will pursue that and continue it.

I also endorse your wise choice of Chaplain Emeritus James D. Ford as the recipient of the Distinguished Service Award. Chaplain Ford will finally have his opportunity, which he has long sought, to speak from the floor of the House, a privileged reserved only to Members. I would remind him, however, that the proceedings are technically held within the House in recess, just to place things in perspective.

At this time, I would request that my friend, the gentleman from Illinois, Mr. Erlenborn, Vice President of the Former Members Association, take the Chair.

Mr. ERLENBORN (presiding). The Clerk will call the roll of former Members of the House and Senate who are present today.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 30TH ANNUAL SPRING MEETING

THE UNITED STATES ASSOCIATION OF FORMER MEMBERS OF CONGRESS

William V. (Bill) Alexander (Arkansas)
J. Glenn Beall, Jr. (Maryland)
Tom Bevill (Alabama)
Daniel B. Brewster (Maryland)
Donald G. Brotzman (Colorado)
Clarence J. Brown, Jr. (Ohio)
James T. Broyhill (North Carolina)
John H. Buchanan (Alabama)
Jack Buechner (Missouri)
Albert G. Bustamante (Texas)
Beverly B. Byron (Maryland)
Elford A. Cederberg (Michigan)
Charles E. Chamberlain (Michigan)
Rod Chandler (Washington)
William F. Clinger (Pennsylvania)
R. Lawrence Coughlin (Pennsylvania)
James K. Coyne (Pennsylvania)
E (Kika) de la Garza (Texas)
Ben L. Erdreich (Alabama)
John N. Erlenborn (Illinois)
Don Fuqua (Florida)
Robert Garcia (New York)
Robert N. Giaimo (Connecticut)
Gilbert Gude (Maryland)
Robert P. Hanrahan (Illinois)
William D. Hathaway (Maine)
Dennis M. Hertel (Michigan)
George J. Hochbrueckner (New York)
William J. Hughes (New Jersey)
Hastings Keith (Massachusetts)
David S. King (Utah)
Ernest Konnyu (California)
Lawrence P. (Larry) LaRocco (Idaho)
Claude (Buddy) Leach (Louisiana)
Marilyn Lloyd (Tennessee)
Cathy Long (Louisiana)
Andrew Maguire (New Jersey)
Romano L. Mazzoli (Kentucky)
Matthew F. McHugh (New York)
Jan Meyers (Kansas)
Robert H. Michel (Illinois)
Abner J. Mikva (Illinois)
Clarence E. Miller (Ohio)
John S. Monagan (Connecticut)
G.V. (Sonny) Montgomery (Mississippi)
Shirley N. Pettis (California)
William R. Ratchford (Connecticut)
Marty Russo (Illinois)
George E. Sangmeister (Illinois)
Ronald A. Sarasin (Connecticut)
Patricia Schroeder (Colorado)
Richard T. Schulze (Pennsylvania)
Dennis A. Smith (Oregon)
Neal E. Smith (Iowa)
Gerald B.H. Solomon (New York)
James V. Stanton (Ohio)
James W. Symington (Missouri)
Steve Symms (Idaho)
Robert S. Walker (Pennsylvania)
Charles W. Whalen, Jr. (Ohio)
James C. Wright, Jr. (Texas)
Roger H. Zion (Indiana)

Mr. ERLENBORN (presiding). The Chair now recognized the distinguished minority whip, the gentleman from Michigan (Mr. BONIOR) for such remarks as he may make.

Mr. BONIOR. Mr. Speaker, it is good to be with you again. We welcome you back to the Capitol. I want to echo the comments of the gentleman from Illinois (Mr. HASTERT), my dear friend and our Speaker, when I say to you this morning that it is good to see so many familiar faces and to comment how comfortable you look in your seats.

I am sure, as some of you know, I look forward some day of joining you all in your present capacity, but not too soon. The great American historian and diplomat, John Kenneth Galbraith, once said that nothing is so admirable in politics as a short memory. But

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

when I look out at those of you who are sitting here this morning, think that is really not true at all, because what we really need more than anything in this institution today is to depend upon your institutional memory to recapture the great, not only concepts and principles, but traditions of this body, which I think we are slowly putting back together after a very difficult period of time that we have gone through in the last decade.

So I want to welcome all of you back on behalf of DICK GEPHARDT and our leadership. I wish you a good day today. Thank you for honoring Jim Ford, who I know many of you have served with while you were in the House of Representatives. He is a very special and a very dear man.

I remember one instance when I was in the hospital with Jim, we were at, I think it was Walter Reed, we both were pretty ill and we were going down for an operation together. They wheeled us just coincidentally out of our ward together. We got out of the elevator together. We went down the elevator together and we separated. And just before we separated to go on our respective surgical rooms he said to me, "BONIOR, I want you to remember, this is what I call real chaplainship." He was there for me in my hour of need right into the operating room.

I also want to say that I look forward to, I do not know how many of you going to go to the event on China today, but I am on the panel discussion. So I look forward to a vigorous debate and discussion of that issue as well.

So welcome. I look forward to visiting with you today, and I hope you have a wonderful experience back in your House. Thank you.

The SPEAKER pro tempore. The Chair announces that 49 former Members of Congress have responded to their names. A quorum is present.

The Chair will now recognize the gentleman from New York, the Honorable Matthew McHugh, President of our association, for such time as he may consume, and to yield for appropriate remarks to other Members.

GENERAL LEAVE

Mr. McHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. McHUGH. Mr. Speaker, my thanks to our Speaker pro tempore and to all of my colleagues for being with us this morning. We are, of course, especially grateful to the Speaker, DENNIS HASTERT, for taking time from his very busy schedule to be with us, and to the gentleman from Michigan (Mr. BONIOR) for his warm welcome as well.

It is always a privilege for us to return to this great institution which we revere and where we shared so many memorable experiences. Service in Congress, as we know, is both a joy and a heavy responsibility, and whatever our party affiliation, we have great admiration for those who continue to serve in this place for the country.

We thank them all once again for giving us this opportunity to report on the activities of our Association of Former Members of Congress.

This is our 30th annual report to Congress. Our association is nonpartisan, or bipartisan. It has been chartered but not funded by the Congress. We have a wide variety of domestic and international programs which I and others this morning will briefly summarize in our report.

Our membership now is approximately 600 men and women, the purpose of which is to continue in some small measure the service to the country that we began during our terms of service here in the House or in the Senate.

I think our most significant domestic activities are our Congress to Campus program. As most know, this is a bipartisan effort to share with college students throughout the country our insights on the work of Congress and on the political process more generally.

A team of former Members, one Democrat and one Republican, spend up to 2½ days on college campuses throughout the United States meeting formally and informally with students, but also with Members of the faculty and the local communities.

It is a great experience for all Members, and those who have participated have always enjoyed it. But our primary goal is to generate a deeper appreciation for our democratic form of government and the need for young people in particular to participate actively in the political process.

Since the program's inception in 1976, 119 former Members of Congress have reached more than 150,000 students through 267 visits to 183 campuses in 49 States and the District of Columbia.

In recent years we have conducted the program jointly with the Stennis Center for Public Service at Mississippi State University. The former Members donate their time to the program, the Stennis Center pays transportation costs, and the host institution provides room and board.

At this point, Mr. Speaker, I would like to yield to Rod Chandler, the gentleman from the State of Washington, to discuss his participation in this Congress to Campus program.

Mr. CHANDLER. Mr. Speaker, it has been my privilege to visit five campuses under the Congress to Campus program of the United States Former Members of Congress Association. I am an enthusiastic supporter of this program, and I believe that we are making an important contribution toward the understanding of and respect for our Nation's policy-making institution itself, particularly the Congress of the United States.

In March, my former colleague from Michigan, Dennis Hertel, and I were guests at Meridian Community College in Meridian, Mississippi. Diann Sollie, Chair of the Social Science Division of the school, was the faculty in charge of our visit. In 2 days, we spoke to eight separate classrooms, met with talented and gifted high school students from the Meridian area, and visited informally with Meridian Community College students.

Dennis Hertel and I are good friends and we present a compatible team. We do differ on major subjects, however, and the students appeared to enjoy and appreciate our frank discussion of these policy questions. We also spoke with students of our personal political careers and provided advice to those who expressed an interest in developing political careers of their own.

Mr. Speaker, thousands of young men and women in this country are fascinated by what takes place here in this Chamber and in the Senate. They would like to contribute to their country and play a role in the world's greatest democracy. I believe the Former Members of Congress Association provides a valuable contrast to the often misleading news coverage of Congress.

I would like to thank the Stennis Center for its support of Congress to Campus, and the fine staff of the former Members of Congress association, ably led by Linda Reed, for the coordinating role that they play. My hope is that we former Members will continue to demonstrate for America's young people the treasure we have in the form of a country where every citizen, if they choose to, has a say in public policy.

Mr. McHUGH. Thank you very much, Rod. One outgrowth of the Congress to Campus program was an interest in producing a book that would take an inside look at Congress from differing viewpoints. There are many fine books written by individual Members of Congress, but to our knowledge, there was no compendium that goes behind the scenes in a very personal way.

So, our immediate past president, Lou Frey, recruited more than 30 Members of Congress, former Members, and their spouses to write chapters for a book on Congress. It is being coedited by Lou and by the head of the political science department at Colgate University, Professor Michael Hayes. The book is scheduled to go to press later this year, and we hope that all of you will find it interesting reading.

Mr. Speaker, as you know, although many of our former Members live in the Washington area, there are quite a few who reside in other parts of the country. Therefore, in an effort to broaden participation in the association's work, we have had some meetings outside of Washington. In recent years, for example, we have held meetings in the western region, and California in particular.

In November of last year, the meeting was in San Diego. In addition to enjoying many of the attractions of that beautiful area, our Members met with students and faculty at San Diego State University as well as the University of California at San Diego. Also former Members Lynn Schenk and Paul Rogers, who serve on the board of directors of Scripps Research Institute, arranged a briefing and a reception for us at the institute.

This year the regional meeting will be held in Austin, Texas, from October 21 to 25. Our former colleagues, Jake Pickle and Jack Hightower, are planning an interesting schedule that will include visits to the LBJ Library and ranch, tours of the State Capitol building and other local attractions, as well as meetings with students at the University of Texas. Joel Wyatt last night also volunteered to help with our program in Austin as well.

We certainly hope that many of you will be able to join us for what promises to be a very worthwhile and enjoyable time.

After the November elections, the association will again sponsor what we have called the Life After Congress Seminar, a program we have traditionally organized for the benefit of Members who are leaving the Congress. During the seminar, former Members now working in the public and private sectors will share insights with retiring Members about career opportunities and the personal adjustments involved in this transition.

In addition, congressional support staff will outline the services available to former Members of Congress. As in the past, the seminar will be followed by a reception sponsored by the auxiliary to the association which will afford more time for informal exchanges.

Mr. Speaker, beyond the events we organize here, the association is very active in sponsoring programs that are international in scope. Over the years, we have gained experience in fostering interaction between the leaders of other nations and the United States. We have arranged 410 special events at the U.S. Capitol for international delegations from 85 countries and the European Parliament, programmed short-term visits for individual Members of parliaments, and long-term visits for parliamentary staff.

We have hosted 46 foreign policy seminars in nine countries involving more than 1,500 former and current parliamentarians, and we have conducted 18 study tours abroad for Members of Congress.

The association also serves as a secretariat for the Congressional Study Group on Germany. As many know, this is the largest and most active exchange program between the U.S. Congress and the parliament of another country. Founded in 1987 in the House and 1988 in the Senate, it is a bipartisan group of 171 representatives and senators. They are afforded the opportunity to meet with their counterparts in the German Bundestag to enhance understanding and greater cooperation. Ongoing Study Group activities include conducting a distinguished visitors program at the U.S. Capitol for guests from Germany, sponsoring annual seminars involving Members of Congress and the Bundestag, providing information about participants in the Congress-Bundestag Youth Exchange Program to appropriate Members of Congress, and arranging for Members of the Bundestag to visit congressional districts with Members of Congress. New activities are being explored to enhance these opportunities.

The Congressional Study Group on Germany is funded primarily by the German Marshall Fund of the United States. Additional funding, with the help of Tom Coleman, our former colleague, has also been obtained from eight corporations and they are represented now on the Business Advisory Council to the Study Group.

I would like at this point to yield to our friend and colleague from Missouri, Jack Buechner, to report on the 17th annual Congress-Bundestag Seminar, which was held recently in Niagara Falls, and other activities.

Mr. BUECHNER. Mr. Speaker, I thank the gentleman for yielding. I think everyone who has served in the Congress since 1987 will be aware of the fact that the Congressional Study Group between the United States Congress and the Bundestag is the largest of any of the cooperative relationships with other parliaments. Currently, over 160 Members of the sitting Congress participate in the Study Group, and the activities are certainly ones to be proud of and to certainly serve as a model for any other bicameral relationship.

Both parties are represented in the Study Group, and they come from all regions of the country. Currently, the two Senate leaders are TIM JOHNSON and BILL ROTH, and on the House side, the current chairman of our group is JOHN LAFALCE of New York, and he is joined by JOEL HEFLEY of Colorado as the vice chairman.

The support, although it is under the aegis of the Congress, the financial support actually comes from the German Marshal Fund and from generous donations from German-American business groups.

Since the last meeting of the former Members, the Congressional Study Group on Germany has conducted 17 events as part of the Distinguished Visitors Program, and that brings German dignitaries to the United States Congress to meet with Members of the Study Group. Just as an example, some of the visiting dignitaries last year were Anke Fuchs, the vice president of the Bundestag; Peter Struck, the majority floor leader in the Bundestag; Hans-Ulrich Klose, the chairman of the Bundestag's Foreign Affairs Committee; and recently Joschka Fischer, Germany's vice chancellor and foreign minister.

When these dignitaries come in, the meetings are, of course, both formal and informal. They make themselves available for press briefings and for public dialogue. Following that, there is memoranda that are circulated from both the Bundestag and the Congress. They are made available to various committees and certainly to the 160 Members of the Study Group who currently serve. These issues, I believe, are of international trade, defense, and the types of issues that, of course, our Members need very much to hear about.

Last month, right prior to the Easter vacation, the 17th meeting of the Joint Study Group was conducted and held in Niagara Falls, New York. Our House Chairman, JOHN LAFALCE, was the host.

We had Members of the Bundestag, I think we had seven Members of the Bundestag and nine sitting Members of the United States Congress were there. Along with it we had four former Members of Congress, John Erlenborn, Lou Frey, Tom Coleman of Missouri, and myself. And we were joined by business leaders of the German-American business community.

We conducted discussions about everything ranging from WTO to the role of NATO, whether there was going to be a European Army come up, the relationship of the EU, and such things as relationships with China. And it was really a great event, because there was an opportunity for everybody to take off their legislator's hat and put on the one of really an ambassador of goodwill.

But the discussions became very hot and heavy, especially on topics such as PNTR. We were able to go to Niagara Falls. I do have to say that the weather was a little rainy, a little windy, a little bleak, and there were only a few flowers and trees budding, but it had no effect upon the camaraderie that was established amongst the group.

Barber Conable, our former Member from New York, and also the former head of the World Bank, joined us and we had a very lengthy discussion. This was at the old Fort Niagara, and we really did have a great time there, and I think that it really augurs well for the continuation of the program.

Next year, the meeting for the first time will be held in what was formerly East Germany up around the Baltic, and I would hope that we will have a good attendance from our current Members as well as the former Members. So thank you very much. The growth is one to be admired and the participation of the former Members is certainly a good relationship for us to continue with the sitting Members, and the board looks forward to continuation of the program.

Mr. McHUGH. Thank you very much, Jack. The association also serves as the secretariat for the Congressional Study Group on Japan. This was founded in 1993 in cooperation with the East-West Center in Hawaii. It is a bipartisan group of 80 Members in the House and Senate with an additional 55 Members who have asked to be kept informed of the Study Group activities.

In addition to providing substantive opportunities for Members of Congress to meet with their counterparts in the Japanese Diet, the Study Group arranges monthly briefings when Congress is in session for Members to hear from American and Japanese experts about various aspects of the U.S.-Japanese relationship.

The Congressional Study Group on Japan is funded primarily by the Japan-U.S. Friendship Commission.

Last year, Mr. Speaker, the association began a parliamentary exchange program with the People's Republic of China. In October, with funding from the U.S. Information Agency, the association hosted a delegate of nine Members of the National People's Congress here in Washington.

This visit marked the inauguration of the U.S.-China Interparliamentary Exchange Group, whose members have been appointed by the Speaker. The association has been asked by the Department of State to submit a proposal to fund a visit to China by members of this exchange group next year. We are also seeking funding to initiate a Congressional Study Group on China, which would hold monthly meetings at the Capitol for current Members to discuss with American and Chinese experts topics of particular concern. Obviously, this would follow the same pattern as these other study groups that we have been coordinating for Germany and Japan.

I would like now, Mr. Speaker, to yield to the gentlewoman from Maryland, Beverly Byron, to discuss the October visit and future plans for the exchange program with China.

Ms. BYRON. Mr. Speaker, I would like to say, first of all, that I think it is interesting to note that the Senate Finance Committee and the House Committee on Ways and Means are taking up today the Most Favored Nation Status for China. And so it is timely and appropriate that we discuss the Chinese exchange program that this body has begun.

In August of 1996, 10 former Members had an opportunity, at the invitation of the Chinese government, to spend, I guess, about 8, 9 days in China, an extremely exciting and interesting trip. And as a return, a delegation of nine members of the National People's Congress, the Standing Committee and the Foreign Affairs group, visited Washington this year from October 11 to 16.

The Chinese government paid the international transportation costs for the delegation and we picked up the costs while they were here.

It marked the inauguration of a U.S.-China Interparliamentary Exchange group whose members were appointed by Speaker Hastert in the late summer. The chair of that group is Representative DONALD MANZULLO of Illinois, and DOUG BEREUTER of Nebraska is vice chair, and TOM LANTOS of California is ranking Democrat.

They had a visit to the Hill with four rounds of meetings between Members of Congress and their Chinese counterparts. In addition to the meetings with the Members, the Chinese delegation held extensive talks with Kurt Campbell of the Department of Defense, Tom Pickering, Department of State, Susan Shirk, Deputy Assistant Secretary for East Asian and Pacific Affairs, and then they went to the General Accounting Office and then Matt took care of them when they went down and visited with the World Bank.

They met with the Office of U.S. Trade Representative, the National Security Council, U.S.-Chinese Business Council and U.S.-Chinese scholars. So we can see they had an extremely broad opportunity to be exposed.

During the meetings with Congress, as well as during the talks with representatives in the administration, many contentious issues came up. Human rights, Taiwan, trade deficit, the U.S. bombing of the embassy, and joining the World Trade Organization. These conversations were sometimes difficult and sometimes there was a meeting of the mind.

It was interesting, one of the members of the delegation was the Chinese Bishop of Beijing who wished to meet with Catholic officials while he was here, or some priests. We were able to set up a meeting at Georgetown University with Father Bill Byron, who was formerly head of CU, and the dialogue, as our new chaplain will be interested to know, was an extremely interesting one.

The delegation also had an interest in seeing something outside of Washington, and so I grabbed on the opportunity and we took them to Annapolis. They were given an opportunity to visit Annapolis for about an hour and a half on their own, at which time they came back with numerous pictures, and we had an extensive visit and dinner at the Naval Academy, but they all wanted their picture taken with their postcard in front of the statue that was at the Naval Academy.

They had dinner in the dining hall with the midshipmen. It was quite a revelation for many of them to realize that there were 4,000 midshipmen that ate in one room, and we had a very interesting discussion because there are four professors at the academy that are of Chinese origin and speak the different dialects. So we did not have to work through interpreters that evening.

They also had an opportunity to visit the Maryland State House. I was interested to note that the Maryland Secretary of State, John Willis, we have an active ongoing program with the Chinese exchange so he was delighted.

As an outgrowth of this, the congressional delegation that they met with have been working and will be looking forward to a return exchange visit, probably a year from now, with some of the same Members that they met with before.

Let me take 2 seconds, because no one can control a Member and no one can control a former Member unless they bang the gavel, but, Rod, you talked about the campus program. I had an opportunity to go visit the University of Utah in Salt Lake City with Barbara Vucanovich, and it was an extremely wonderful 3 days interacting with the students. So for anybody that has not participated in those programs, I cannot urge you enough to try. Thank you.

Mr. McHUGH. Thank you, Bev. Before we leave the subject of China, let me just remind everybody that immediately after our proceedings here on the floor, we are going to have a panel, very distinguished panel, including DAVE BONIOR who mentioned it when he was here, on the subject of China-U.S. relations and, of course, particularly on this pending issue of trade relations with China. So we encourage all of you to come to that panel presentation immediately after this at about 10:30.

The U.S. Congress and the Congress of Mexico have been conducting annual seminars for about 39 years under the auspices of the Interparliamentary Group; however, there is still little interaction between the legislators from our two countries during the rest of the year. The association hopes to initiate a Congressional Study Group on Mexico with funding from the Tinker Foundation, so that Members of Congress can meet on a regular basis with visiting Mexican dignitaries and other experts on our mutual relationship.

In the aftermath of the political changes in Europe, the association began a series of programs in 1989 to assist the emerging democracies of Central and Eastern Europe. With funding from the U.S. Information Agency, the association sent bipartisan teams of former Members, accompanied by either a congressional or country expert, to the Czech Republic to, Slovakia, Hungary and Poland for up to 2 weeks. They conducted workshops and provided instruction on legislative issues for new members of parliament in those countries as well as their staffs and other persons involved in the legislative process.

They also made public appearances to discuss the American political process. In addition, the association brought delegations of members of parliament from all of these countries to the U.S. for 2-week visits. Also with funds from this USIA, the association sent a technical advisor to the Hungarian parliament from 1991 to 1993.

With financial support from the Pew Charitable Trust in 1994, the association assigned technical advisors to the Slovak and Ukrainian parliaments. This initial support was supplemented by other grants to enable Congressional Fellows to extend their stays.

Since 1995, with funding from the U.S. Agency for International Development and the Eurasia Foundation, the association has managed a very highly successful program to place outstanding Ukrainian students in internships with committees in the Ukrainian parliament. This program meets not only the parliament's short-term need for having a well-educated motivated and professionally trained staff, but also the longer term need to develop a cadre of trained professionals.

At this point, Mr. Speaker, I would like to yield to the gentleman from Michigan, Dennis Hertel, to report on our program in Ukraine.

Mr. HERTEL. Mr. Speaker, I thank the gentleman from New York. Last year I had the pleasure of advising the Congress about the continued progress of our program in Ukraine. I am now able to report that our goals have been achieved. We will be completing 6 years of assistance to the Ukrainian parliament.

I want to give a special "thank you" on behalf of our association to Walt Raymond, Bill Brown, our former parliamentarian, and our colleague, Lucien Nedzi. Our most lasting accomplishment has been to create and sustain for 5 years a robust internship in the parliament.

Five years ago, few, if any new staffers, were hired by the Ukrainian parliament. There was no new blood, no fresh thinking at the staff level. Staff holdovers, appointed by the former communist leaders of the Soviet Union before Ukraine received its independence in 1991, remained in place and served as a retarding influence on any internal effort to modernize the parliament or to pass reform legislation.

During the past 5 years, the intern program supported by this association has included more than 250 young Ukrainian university graduates, drawn especially from law schools or those departments specializing in economics politics and social issues. Interns have served not so much as interns as we know them in our Congress, but really as the staff of the parliament. They have drafted laws, they have provided research, they supported member of parliament needs and provided a bridge to western parliament processes and western analysis.

Few members of parliament speak or read western languages. It has been a requirement that each candidate be conversant in a key western language, particularly English. The activity of the interns has helped bring a greater sense of relevance to committee work and by assisting in raising the quality of work in the parliament, the parliament is in better position to play its role in the emerging Ukrainian democracy.

There is evidence of success. The number of young Ukrainians interested in applying for intern positions continues to soar as does the demand by Ukrainian members of parliament for interns to be assigned to their committees or their offices.

In the parliamentary year ending this summer, 65 interns have been involved in the program. Earlier interns who completed the program have found many excellent job opportunities. Some remain as parliamentary staffers, others have entered the executive branch, while some return to academia and a significant number seek to enter the growing private sector and business there in the Ukraine, the media, or think tanks. The group represents a veritable young leaders cadre, which is essential for the democratic development of Ukraine.

Later this year, our association intends to turn the direction of the program over to the local Ukrainian management to ensure its long-term viability. Two independent Ukrainian groups, one academic and the other, the Association of Ukrainian Deputies, have committed themselves to maintaining the high professional standards and the nonpartisan selection process.

The Ukrainian program has proved to be an excellent pilot and worth replication in other emerging democracies, particularly in the Central/East European and NIS areas. As my colleague, John Erlenborn, has described or will describe today, the Ukrainian model has been successfully replicated in Macedonia by this association.

This program initiative which supports emerging democratic parliaments focuses on personnel, one of the key weaknesses throughout the former communist region, but the key to having a successful developed democratic government. Changes at the top have not been followed by changes throughout the organizational structure in the country, whether in the executive, the legislative, or judicial branches. The idea of intern programs designed to bring new and energetic staffs to the region is an idea that should be followed in other countries. It is a great strength of our democracy and our government really that we have such a wide breadth of experience, and people that are involved in what they call civil society over there, and civic society.

The people have other interests. They bring other people into it. They teach others. And that is what this association has accomplished for the Ukraine. I believe that is what this association can accomplish continually throughout Eastern and Central Europe, where the assistance is needed so much and the involvement of the members of this association is needed so much. The Ukrainian program, this association believes, will be a lasting legacy and an example for what can be done in Eastern and Central Europe.

Mr. McHUGH. Thank you, Dennis. Because of the success of our internship program in Ukraine, as has been mentioned, the National Democratic Institute for International Affairs, with funding from the Agency for International Development, asked the association to replicate this program in Macedonia. In September of last year, we sent John Hart, who was given leave from his responsibility as press Secretary to Representative TOM COBURN, to Macedonia for 6 months to establish a program for 65 interns to the Macedonian parliament, to initiate a research and analysis program, and to conduct public outreach.

Funds were also included to permit several former Members of Congress to travel to Macedonia to assist with this effort. One of those, as Dennis mentioned, was John Erlenborn. At this point, I would like to yield to the gentleman from Illinois to tell us about his participation in that program.

Mr. ERLENBORN. I thank the gentleman for yielding and request the gentleman assume the Chair during the course of my remarks.

Mr. Speaker, the scope of the activities of our association are not very well-known by the public. One of the important programs we have undertaken is providing help to emerging democracies, especially their parliaments.

In January of this year, I traveled to Skopje, Macedonia, to confer with members of the Macedonian parliament concerning the intern program that we have established for them. This program was patterned after the one that we had established and operated for several years in the Ukraine.

Under a subgrant from the National Democratic Institute, we chose a staffer from the Hill, and Matt has already identified him as John Hart, who worked in Macedonia selecting university students and recent graduates in that country, training them to provide research and drafting services for the members of parliament who lack such resources.

A young Macedonian lawyer also was engaged to work with John in launching the project, with a view toward grooming her to manage the project when John returned to the United States, which he did about a month ago.

National elections delayed the full implementation of the intern project late last year. The interns were assigned to various party caucuses, but were not able to be fully utilized until after the elections.

By the time I arrived, interns and members have begun to work together, and I interviewed some members to obtain their impressions. As one would expect, members' use of the interns varied. Generally, however, they assigned information-gathering tasks to them so that members would have a better knowledge of the current issues and also be prepared to offer legislative solutions to perceived needs.

Every Member of parliament I spoke with was pleased with the work being done by their interns. Most of them expressed the belief that only with such resources would they be able to become independent of the executive branch which now drafts legislation and prepares the budget. The parliament typically has little time in which to consider these drafts, and thus has little or no input into the finally approved legislation.

The relationship of the executive and legislative branches reflects the reality of their respective roles under the government structure of the past. Little has changed since Macedonia was successful in a peaceful secession from Yugoslavia in 1992. At the present time, membership in the parliament is expected soon to become a full-time occupation. It is believed that then there will be a greater demand from within an independent legislature exercising its collective will in the enactment of legislation.

This transition from the old ways to democratic governments is a basic test of the success of the newly-emerging democracies. Similar problems are being faced by all of them with varying successes. I believe that the intern projects that we have initiated are necessary to help the legislatures transition to independent and meaningful roles if the voice of the people is to be heard, as it must in a democracy.

The U.S. Association of Former Members of Congress is uniquely qualified to provide these resources for the education of the legislators in the emerging democracies. Former Members have experience in State legislatures and the Congress. We cannot expect other countries just to adopt our ways, but we can help them identify the basic elements of a free representative government, sensitive to the traditions of their country.

In talking to some of these parliamentarians and telling them how our legislature operates, I always prefaced it by saying we have been working at this for more than 200 years, and we do not expect, number one, that you are going to be able to achieve the same kind of a legislative process too rapidly; and, secondly, it does not have to be exactly like ours. You choose your own, but it has to have some of the basic elements that any free democratic legislature must have.

I believe that each and every one of us having served our country in the past still have an urge to serve in some capacity. With our experience, we can help other countries move toward responsive, democratic governments. It would be a shame to waste the resource that we represent. I hope that we can have more programs such as those in Ukraine and Macedonia.

Mr. McHUGH. Mr. Speaker, in December of 1996, the association sent a delegation of current and former Members to Cuba on a study mission to assess the situation there and analyze the effectiveness of U.S. policies toward Cuba. Upon its return, the delegation wrote a report of its findings, which were widely disseminated through the media and were made available to Members of Congress as well as to personnel in the executive branch.

A follow-up to this initial study mission was conducted in January of 1999. Again, the delegation wrote a detailed report of its findings and shared it through media and briefings with congressional leaders and representatives of the executive branch.

A final study mission to Cuba is scheduled to take place from May 29 this year to June 3. A delegation led by John Brademas of Indiana, and including Jack Buechner of Missouri, Larry LaRocco of Idaho and Fred Grandy of Iowa will meet with representatives of the Cuban government, dissidents and others to assess the current State of U.S.-Cuba relations. When they return, they will write a report of their findings and again share their conclusions with Members of the Congress, the media, the executive branch and others. Needless to say, it is a very timely mission with all that is going on these days in that relationship.

The association also organizes study tours for its Members and their spouses who, at their own expense, have participated in educational and cultural experiences in a wide variety of places, including Canada, China, Vietnam, Australia, New Zealand, the former Soviet Union, Western and Eastern Europe, the Middle East and South America. The most recent study tour took place in March of this year when association and auxiliary members, spouses, and friends visited Italy.

As most of my colleagues know, we have three former Members of Congress who now serve as ambassadors in Italy: Tom Foglietta, our Ambassador to Italy, Lindy Boggs, our Ambassador to the Holy See, and George McGovern, our Ambassador to the Food and Agriculture Organization.

The trip, as I understand it, was very successful, and at this point I would like to yield to the gentleman from New York, GERRY SOLOMON, to tell us about that study tour and the plans for next year.

Mr. SOLOMON. Thank you, Mr. President and former Members, Chaplain Ford, Speaker Jim Wright sitting over there, and certainly our leader, Bob Michel sitting over here. Let me be brief because we are running out of time reporting on the study tour this past March. And, Mr. Speaker, I hope you would not recognize Bob Walker to object to my request to revise and extend.

The study tour to Italy was a huge success, thanks to the outstanding advance planning and organization by our executive director, Linda Reed, sitting over here. The well-attended meetings with the Vatican, the Vatican think tank of Justice and Peace, and Ambassador Lindy Boggs, our former colleague, as Matt has mentioned, were extremely informative and extremely interesting, as was the meeting with Ambassador George McGovern at the Food and Agriculture Organization, and the meeting in Florence with the U.S. Consul General's office.

The entire Italy tour, made up of 64 members, spouses, friends, including 26 former Members, the largest ever, made visits to the Vatican Museum, St. Peter's Basilica, the Coliseum and the Forum in Rome, and equally interesting stops in Assisi and the romantic and beautiful city of Florence. Everyone enjoyed the entire program.

The discussions held with Ambassador McGovern, who incidentally sends his regards to all of you, as well as with other officials, including Catherine Bertini, which many of you know, were extremely helpful in explaining the work of the Food and Agriculture Organization that many of you on both sides of the aisle have participated in and have helped in a badly needed area.

Finally, several Members stated their desire at the organization to consider a Study Group tour to two of our NATO allies early next year, perhaps, Turkey and Greece. We have that request under consideration. And there have been other requests now coming in, filling in on the reports given by our President Matt McHugh, Ben Erdreich, John Erlenborn and others, concerning the very, very serious need to help these former Soviet bloc countries in the Baltics, in the Caucasus, in Central Asia, in the Balkans. Their very future depends on the success of their parliaments. These countries have never known democracy in their whole history, and in the last 10 years they have struggled.

Much of the help that we have already given is really paying off, as Ben Erdreich has mentioned, and we hope that we may be able to arrange some study tours there in this part of the world in order to perhaps undertake a "Peace Corps of Former Members" who could give their old sage, badly needed advice to many of these parliamentarians, many of whom are very young and have had no experience whatsoever and really need our help.

So these are things we have under consideration. We would certainly appreciate any feedback that you might have, and I thank the President and the Speaker.

Mr. McHUGH. Thank you, Gerry. Those of us who put this program together sometimes worry that the annual report will be overly long and dry, and we apologize if it is. But I think it is important that get a sense of the wide variety of programs that we run as an association so that you can participate in those and so that others will be aware of what we are trying to do to help.

All of this, of course, requires financial support. And at the present time, we get our financial support primarily from three sources. Our membership dues, and we thank all of you for paying those this year; also from our program grants from foundations and others that support the individual programs that we have described; and from an annual fund-raising dinner that has become a very important part of our financial base.

As many of you know, on February 22 of this year, we held our Third Annual Statesmanship Award Dinner, at which our friend and colleague, Lynn Martin, was honored. We presented Lynn with the Statesmanship Award in recognition of her service as a Member of Congress, as Secretary of Labor, and as a leader in many other community activities.

I want to acknowledge and thank at this point Lou Frey, our friend and colleague from Florida, who, once again, chaired the dinner. He had a great deal of help, but he led the effort and we are grateful to him and we thank him again for agreeing to do that next year as well.

I would also like to recognize at this point Larry LaRocco from Idaho who, among other things, was one of our entertaining and talented auctioneers at the auction which we hold in conjunction this annual dinner.

Mr. LAROCCO. Thank you, Mr. President, I appreciate you yielding to me. I will give you a short report on the dinner. As treasurer, one has to assume many roles and being auctioneer happened to be one of them.

Since 1998, the U.S. Association of Former Members of Congress has instituted an Annual Statesmanship Award Dinner and Auction to honor a former Member of Congress and raise funds to defray the costs of implementing the Congress to Campus program. Each year approximately 400 people, including sitting Members of the House and Senate, attend this outstanding event.

This dinner is a wonderful opportunity to honor a colleague, visit with friends, and raise money for a good purpose. The auction has two components, a silent and live auction of political memorabilia of significant historical value, and Jimmy Hayes has played a major role in collecting this memorabilia for us.

The spirit of this dinner is most important, because it is noted for its blatant display of bipartisanship, comity and commitment to public service by each former Member of Congress. It is an evening filled with mutual respect and gratitude for the opportunity to serve our Nation and its legislative bodies.

One of our colleagues is honored at this dinner for his or her outstanding work in Congress and after leaving public service. And as our President has just described and reported, our good friend and colleague, Lynn Martin, was honored this year.

The association made note of Lynn Martin's achievements and contributions through her commitment to fair workplace standards capped by her service as Secretary of Labor. Our first Statesmanship Award Dinner in 1998 honored Secretary of Agriculture Dan Glickman and the 1999 dinner paid tribute to the work of our distinguished colleague, Lee Hamilton, who now heads the Woodrow Wilson International Center for Scholars.

Our former President and board member, Lou Frey, shared his vision and possessed the skills to organize the first dinner, and has acted as the chairman for each subsequent dinner. He brings an incredible amount of energy and organizational talent into building a successful event for the association.

I encourage each member to support this dinner as you have in the past. As Matt has mentioned, we only have a couple of sources of funding for our programs and this is a major source. And besides the dues that we all pay, this provides the funds for our unrestricted activities, and last year we netted about $70,000 for this dinner and we hope to be on a good glide path to raise even more. I encourage to you come. We have invited each sitting Member of the House and the Senate to join us and we enjoy their participation and their presence at the dinner.

I have never invited anybody to this dinner that has not come back and told me that it is one of the most outstanding evenings that they have ever spent in Washington, D.C., to see former Members come together in the spirit of bipartisanship, enjoying each other's company, regaling each other with stories and smiling and feeling very proud of their service in this legislative body.

Mr. McHUGH. Thank you very much, Larry. Mr. Speaker, in addition to the financial support which we have referred to, the association benefits tremendously from the effort and leadership of many people. I want to just expressly thank the officers of the association with whom I have had the privilege to serve: John Erlenborn, Larry LaRocco, Jack Buechner, Lou Frey and others, the members of our board of directors and our counselors, for providing the excellent guidance and support necessary to make all of these activities we have described possible.

In addition, we are assisted by the auxiliary of the association which is now led by Nancy Beuchner, Jack's wife. It goes without saying, I am sure, that none of these programs could be effectively run without the staff of our association: Linda Reed, our executive director; Peter Weichlein, our program director, who has special responsibility for the Congressional Study Group on Germany; Katrinka Stringfield, our administrative assistant; Victor Kytasty, who runs our Congressional Fellow program in Ukraine; and Walt Raymond, a senior advisor for our international programs. We are really very grateful to each and every one of them for the help that they give us on a day-to-day basis.

The association also maintains close relations with counterpart associations of former Members of parliament in other countries. And we are very pleased that we have two representatives of those other parliament's former Members associations with us here today. I am pleased to recognize and welcome Barry Turner, the President of the Canadian Association of Former Members of Parliament, and George Ehrnrooth from the Association of Former Members of Parliament in Finland, who are with us today and who have been with us on many occasions in the past as well.

I also want to mention an invitation we have received from the Association of Former Members of Parliament of Australia for our members and their partners to be guests at a reception being held in Sydney on Tuesday, September 26, 2000, which is during the 21st Olympiad, which is being held in Australia this year. Unfortunately, we cannot pay your way to go to that, but if by chance you are going to the Olympics in Australia, I know that you would enjoy the camaraderie of that reception, which is hosted by the Former Members of Parliament in Australia. If you need more details on that, please talk with Linda about that.

Mr. Speaker, it is now my sad obligation to inform the House of those persons who have served in Congress and have passed away since our last report last year. The deceased Members of Congress are the following:

Carl B. Albert of Oklahoma;
Laurie C. Battle of Alabama;
Gary Brown of Michigan;
George E. Brown, Jr. of California;
John H. Chafee of Rhode Island;
Carl Thomas Curtis of Nebraska;
David W. Dennis of Indiana;
Bernard J. Dwyer of New Jersey;
Floyd K. Haskell of Colorado;
Henry Helstoski of New Jersey;
Byron L. Johnson of Colorado;
Ed Jones of Tennessee;
Robert H. Mollohan of West Virginia;
James C. Murray of Illinois;
Richard B. Ray of Georgia;
Hardie Scott of Pennsylvania;
Abner W. Sibal of Connecticut;
Fred Wampler of Indiana;
Charles Wiggens of California;
Bob Wilson of California.

I would respectfully ask all of you at this point to stand for just a moment of silence in memory of our colleagues.

Thank you very much.

Mr. Speaker, as you know, we now reach what I think is one of the real highlights of our festivities during the annual meeting, and that is the presentation of our Distinguished Service Award.

We present this each year to a distinguished and outstanding public servant. The award normally rotates between the two parties, as do the officers of the association. Last year, the award was presented to a Democrat, our distinguished former Speaker, Jim Wright, who as others have mentioned, is here with us again today and we are deeply grateful that he is able to be with us, along with his wife, Betty.

This year, we are being totally nonpartisan and we are extremely pleased to be honoring a man who has been a very special friend and counselor to many of us, former House Chaplain, James David Ford.

Before serving as House chaplain, Jim had a very distinguished career with which many of you are quite familiar. After graduating from Gustavus Adolphus College in Minnesota, receiving a Master of Divinity from Augustana Seminary in Illinois, and attending graduate school at Heidelberg University in Germany, Jim served 1958 from 1961 as pastor of the Lutheran Church in Ivanhoe, Minnesota. From 1961 to 1965, he was the assistant chaplain at the U.S. Military Academy in West Point, New York. And at the tender age of 33, he was appointed by President Johnson as the senior chaplain at the Military Academy, where he was appointed three times more and served in that position from 1965 until 1979, during which he counseled the corps of cadets not only at West Point, but also our active duty personnel in Vietnam.

On January 17, 1979, Jim was elected chaplain of the House of Representatives and was reelected to that post every 2 years until his retirement this year.

As you know, he has received countless awards and honorary degrees in recognition of his outstanding service to this institution.

Jim Ford's devotion, exceptional counseling skills, and marvelous sense of humor have sustained many of us throughout the years. However, in addition to these qualities, Jim has many other talents, some rather unusual and extraordinary. In the spring of 1976, for example, he was captain of a 31-foot sailboat called the Yankee Doodle, which, with two crewmen, sailed from Plymouth, England, to West Point, New York. This Bicentennial adventure lasted 52 days at sea and covered 5,920 miles.

Jim has appeared on the NBC "Today" Show, giving exhibitions of trick skiing and ski jumping. He also appeared on the CBS show "I've Got a Secret," and some of us old-timers can remember that show. His secret was: "Can perform a backwards ski jump." Not many of us can do that. Maybe some of you have seen the picture of him actually doing it. Jim also pilots an ultralight airplane in the Virginia foothills and is currently planning to sail across the Atlantic alone. So his talents are numerous.

Jim, why don't you come up, if you would, please. He asked, does he get to talk. He cannot wait.

Jim, there are two gifts that we present to you as a symbolic gesture of our great affection and one of them is a plaque. I do not know how many plaques you have, but this is a very nice attractive one. I hope you like it. Let me read to you what the plaque says, and I quote:

> His parishioners were politicians all. His parish was the gilded hall where the soul of freedom dwells. To the Reverend James David Ford, Chaplain of the U.S. House of Representatives, 1979 to 2000. The U.S. Association of Former Members of Congress thanks you for your dedicated pastoral services to the People's House and its men and women. You have provided counsel and comfort to our cadets at West Point, our soldiers in Vietnam, and our Representatives in the United States Congress. You will be missed. Sail on. Washington, D.C., May 17, 2000.

We also have a scrapbook, Jim, of letters from your many friends here, and colleagues, extending congratulations and affection to you for this award and, of course, for your great service. And so we want to present this to you now as well.

And now it is my great privilege to present to you Reverend Jim Ford.

Dr. FORD. Thank you very much for this award. I am honored and delighted to be here. My family are here too.

There are some who say that I get this award as an attempt to keep me quiet and not write my book, which I of course will never do. I follow Martin Luther's remarks in the 16th century when he said, "There are just too many books being written."

I would like to introduce my successor over here Chaplain Coughlin. Stand up, Chaplain. The new chaplain.

Matt mentioned the things that I have done. One of the things you probably will not believe is he said I went off a ski jump backwards. In Minnesota, that is what we did. In Minnesota, we had nine months of winter and three months of poor sledding, and many of us were ski jumpers. I did go out one day and they bet me I could not go off. We did single jumps, double jumps, triple jumps. They bet me that I could not go off backwards and I did.

I was on the show, "I've Got a Secret," and that was my secret and they could not guess it. And when it was announced that I had gone off the ski jump backwards, Henry Morgan raised his hand and said, "Chaplain, I want to ask you a question. Is this when you first began to believe in God?"

And, Chaplain Coughlin, I want you to know something. When you hear that story about the chaplain praying, it is a Senate joke. The Senate Chaplain went out to pray for the Members, took one look at them and decided to pray for America. That is a Senate story, Chaplain, not our side.

You know, I started out in Lake Wobegon country, Minnesota. Garrison Keillor country. A town of 700. I was a country pastor, started out where my father and grandfather had started as pastors, within 50 miles. And I never thought I would inherit the title of chaplain. I went to West Point in 1961, in my 20s, and met General Eisenhower who came to church one Sunday. Omar Bradley, I discussed D-Day with him.

I knew MacArthur. In fact, I was there when MacArthur gave a famous speech. He gave one here, but he gave a more famous one called "Duty, Honor, Country" at West Point in the early 1960s. All he had on the podium was a crumpled piece of paper. He said he worked on that speech for 40 years, and his little piece of paper only said the word, "doorman." He began his speech this way. He said, "As I left the Waldorf this morning, the doorman said to me, 'General, where are you going today?' And MacArthur replied, 'I'm going to West Point.' And the doorman said, 'Nice place. Have you been there before?' "

But over the years, I got to know these men, Schwarzkopf, whom you know as a general, I remember as a captain and the meanest player in the noontime basketball league. Wes Clark, who just retired as NATO Commander, was one of my cadets. Barry McCaffrey, that you are going to hear at lunch, was one of my cadets. I am particularly proud that Senator JACK REED, used to serve in the House, now in the Senate, was one of my cadets at West Point, Class of 1971. And presently JOHN SHIMKUS from Illinois who serves in this body was also one of my cadets.

I must tell you, even though it is late, of an important dream that I had last night. Of course, a chaplain is ecumenical and bipartisan. But I had a dream last night that Army was playing Navy in Philadelphia in football. And the two teams were going back and forth and neither team could score. And just before the end of the first half, a jet airplane flew over the stadium and let out a sonic boom, which the Army team took to be the gun ending the first half, so the Army team ran off the field. Three plays later, Navy scored. On a field goal.

I came here after that 18 years going through the war as chaplain in 1979. As you know, I always wore the clerical collar. Tip O'Neill called me "Monsignor." He thought I was an Irish priest from South Boston. He had a committee. I mentioned their names, George Mahon, the Chairman; John Rhodes, the Republican Leader, and Jim Wright, who is with us today on the Democratic side. The committee, we met in that office right over there. Now I know how important it is to have an office right off the floor.

They asked me this question: What do you think about religion and politics? And leaping into my mind was a quote that the Governor of Minnesota had used in a chapel talk many years before, quoting Martin Luther, and I gave in answer to them, I said, "As Martin Luther said in 1530, quote: Send your good men into the ministry, but send your best into politics. Because in the ministry it all depends on the spirit, but in politics you have shades of gray, ambiguities, and you need the finest people." Of course, after that self-serving comment, they hired me on the spot. But I also believe it. I grew up that way, and I believe it.

When I left this place, I wrote a letter to the Members and I said that my feelings about Congress were strong when I came, and they are strengthened now that I leave. Religion points to the goals of life, politics tells us how to get there. We can agree on justice and peace, or faith, hope, and love. Call it what you will. But in politics, we have the give and take of argument and debate as to the how of achieving our goals.

I remember as a young man in the 1950s, I went to the Soviet Union and I visited the legislature and it was quiet. And in the 1960s, I went to the East German legislature and it was quiet. Democracy is noisy. I like the noise. I have been with the noise here for 21 years. It is a part of the gift of democracy.

Concluding, in my 21 years here, I counted up I have been here for about 35 joint meetings. And as you know, it is a joint session when the President comes; it is a joint meeting when the Heads of State come. And during this time, in these 35 speeches that I heard, I do not think one of them has lived under one constitution for 200 years. We are a young Nation with a very old and mature Constitution.

I heard Vaclav Havel speak here from Czechoslovakia. Remember, he got up and said "I am just a playwright. What do I know? There is no school to be President." And we celebrated democracy with him.

Lech Walesa of Poland got up, and he said, "I am an electrician. If the lights go out tonight, I can fix them. But now I am leading a country." Or Nelson Mandela, 27 years in prison who stood up here and spoke about reconciliation.

It has been a pride to serve as your chaplain for these many years, for politics is a noble vocation, a noble opportunity and calling. I have observed your debates. I have listened to your private concerns. I have encouraged you in your service. I have celebrated with you the joys of democracy.

When you think of your service as former Members in this Congress, I say to you stand tall and be proud, because your politics has been a noble vocation. Thank you.

Mr. McHUGH. On behalf of all of us, Jim, we thank you again for your friendship and your warmth and your great service to this institution and to us.

We also welcome and wish our best to the new chaplain, who I am sure will serve with equal distinction.

Mr. Speaker, the Members of the association were honored and proud to serve in the U.S. Congress and in a way we are continuing our service to the Nation in other ways now, but hopefully ones that are equally as effective. Again, we thank you for letting us make this annual report, and this concludes our session for today, and we again invite all of the Members to the next panel at 10:30 on the China-U.S. relations. Thank you very much.

The SPEAKER pro tempore. The Chair again wishes to thank the former Members of the House for their presence here today. Before terminating these proceedings, the Chair would like to invite those former Members who did not respond when the roll was called to give their names to the reading clerks for inclusion in the roll.

The Chair wishes to thank the former Members of Congress for their response here today. Good luck to all of you.

The Chair announces that the House will reconvene at 10:45 a.m.

Accordingly (at 10 o'clock and 26 minutes a.m.) the House continued in recess.

□ 1045

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. Boehner) at 10 o'clock and 45 minutes a.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

Mr. BOEHNER. The Chair will entertain 15 one-minute requests on each side this morning.

## PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. WATTS of Oklahoma. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the Congressional Record and that all Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## GOP WORKING TO MAKE NEEDED PRESCRIPTION DRUGS AVAILABLE AND AFFORDABLE TO ALL

(Mr. WATTS of Oklahoma asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATTS of Oklahoma. Mr. Speaker, America is the most prosperous nation on earth, yet some seniors here are forced to choose between putting food on their table and the prescription drugs they need to lead healthy and productive lives. That is just not right.

Republicans are working to make sure that is a choice seniors no longer have to make. While I share the goal of President Clinton and Democrats in Congress, their proposal may endanger existing drug coverage that some seniors already have. It could give the Federal Government too heavy a hand in controlling drug benefits and deny seniors the right to select the coverage that best fits their respective needs.

Republicans have a voluntary plan to make prescription drug coverage affordable and available to America's seniors. Republicans are working to protect seniors from runaway drug costs so that their retirement remains secure and they have greater peace of mind. That is a brighter future for every single American.

## VOTE AGAINST PNTR FOR CHINA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, if you were told that the Yankees scored six runs in a ball game, would you conclude the Yankees won? Of course not. You need to know how many runs the Yankees' opponent scored in the game to know if they won, especially if they played against our Cleveland team.

Whether it is baseball or trade, people need to know the score. In this case, between the U.S. and China, the U.S. has a trade deficit with China of about $70 billion. So we are losing the game with China. The rising trade deficit is unlucky for the United States and our workers. But the bill number for PNTR for China is H.R. 4444, and four is a very unlucky number. Ask the Chinese. And the Chinese workers are unlucky already because some get only three cents an hour pay for their work.

This bill is bad luck for the United States, and it is bad luck for China. Vote against PNTR.

### PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, not long ago, news anchor Tom Brokaw wrote a book in which he called today's seniors the greatest generation. After all, it was today's seniors who saw this country through the Depression and fought to save the world from Nazi aggression.

Mr. Speaker, no American and no senior, those who have served this country so well for so many years, should ever have to choose between putting food on the table and taking the medicine their doctor has prescribed. But today's advanced medications are expensive.

The Republicans in the House have a plan to modernize Medicare by adding a prescription drug plan. This plan is fair, sensible and necessary. Under this plan, seniors will be able to choose the coverage that best suits their needs. It will protect seniors from high out-of-pocket costs and be completely voluntary. The President and the minority party in Congress owe it to our seniors to stop the politics of fear and to support this bill.

### FOOD OR MEDICINE?

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, after a lifetime of hard work, our senior citizens should be able to enjoy their golden years. But unfortunately, instead of enjoying their retirement, the rising cost of prescription drugs forces many seniors to choose between putting food on the table or buying lifesaving medications. Forcing seniors into this type of decision is wrong and it must stop.

The Republicans have brought forward a responsible, common sense prescription drug plan that provides our seniors access to affordable prescription drugs. Under the Republican proposal, seniors will have the power to choose prescription drug plans that best fit their needs instead of being forced into the Democrats' inefficient, dangerous, big-government, price control scheme. The Republican plan assures that no senior citizen or disabled American will have to choose between food and medicine again.

Mr. Speaker, I yield back the administration's dangerous one-size-fits-all, government-dictated drug scheme which fails to meet the needs of our seniors.

### WHO IS LYING ABOUT WACO?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, who is lying about Waco? Scientist Carl Ghigliotti said the FBI lied, that they did fire automatic weapons into the burning building. But Vector Data Systems of England said the FBI did not lie. Two scientific groups totally disagree.

But something stinks. Vector gets hundreds of millions of dollars in contracts from the FBI. Carl Ghigliotti was just found dead. To boot, FBI audio tapes of the burning building are now lost. To boot, FBI autopsy reports confiscated of victims are now missing.

Beam me up, Mr. Speaker. This is not a Justice Department. This is a coverup. We need an investigation. Congress should pass H.R. 4105 and put some oversight on what is developing into a police state in America.

### VOTE NO ON PNTR

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, every year for the last 30 years we have granted China most-favored-nation status. The presidencies of Reagan, Bush and Clinton have all stated that most-favored-nation status will open China to freedom and democracy. Let us look at the scorecard a little bit regarding this strategy.

We gave most-favored-nation status and they continue their policy of population planning with forced abortion. We gave most-favored-nation status and they continue not to tolerate any dissent of any kind. The imprisonments, the torture and the killings go on. We gave most-favored-nation status and they continue to try to stamp out religion that is not state-supported religion. We gave most-favored-nation status and they made plans to invade Taiwan. We gave most-favored-nation status to them and they have the biggest buildup of nuclear missile development of any country on the face of the earth. We gave most-favored-nation status and they continue to occupy Tibet. We gave most-favored-nation status and they pour money into American elections.

Are we nuts? Can we not learn? America sometimes has the reputation of being willing to do anything for a buck. On this vote, we are set to prove that that is true.

### CONGRESSIONAL MEDAL OF HONOR AMENDMENT

(Mr. BACA asked and was given permission to address the House for 1 minute.)

Mr. BACA. Mr. Speaker, I am offering an amendment to the defense authorization bill that will bring honor and distinction to America's most highly decorated veterans. As a veteran myself who served in the 101st Airborne Division and 82nd Airborne Division, I was surprised to learn that the Congressional Medal of Honor awarded to our veterans as this Nation's highest honor for their heroic efforts is made primarily of brass.

Congress awards its own gold medal to distinguished Americans, and this medal costs as much as $30,000 and is made of solid gold. My amendment would replace the brass in the Congressional Medal of Honor we award to America's brave Americans with gold.

I do not think it is too much of a price to pay for our most heroic Americans. It would only cost about $2,000 per medal. Many of the recipients of the Medal of Honor already paid the ultimate price for our Nation and for our freedoms and liberty. We need to remember our veterans and think about them every day.

There are more than 25 million veterans in the United States. There are more than 3 million veterans in California. That is why I am holding a veterans' fair on Saturday recognizing veterans.

Today, I invite my colleagues who honor and respect America's veterans to join me in supporting my amendment for a more fitting Medal of Honor to individuals.

### VETERANS GROUPS OPPOSE PNTR

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, almost every day a new veterans group comes out against PNTR. The Military Order of the Purple Heart, chartered by Congress, said yesterday:

"Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual congressional review of their trade status.

"Today China represents the most dangerous of the emerging threats to U.S. national security."

It goes on to say, "Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean conflict. Fifty years after that war, China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the Military Order of the Purple Heart, this objective must be reached before PNTR status should be granted to China."

## PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, seniors deserve prescription drug coverage and Republicans have a plan to provide it for them. Last week, the Committee on Ways and Means Subcommittee on Health had a hearing on the President's prescription drug plan.

As a member of the committee, I was pleased to learn there are several ways where we can agree. But history must not repeat itself. This issue must not be used in this election to scare our seniors. Scare tactics serve no purpose and do not help one senior get the drugs they need.

Republicans are ready to roll up our sleeves and give seniors a choice in their Medicare prescription drug coverage. I welcome my Democrat colleagues and the President to join us in this important effort.

□ 1100

## ALL SENIORS SHOULD HAVE A PRESCRIPTION DRUG BENEFIT

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, our seniors are facing skyrocketing prices for their prescription drugs. They are scared. For millions of seniors, a prescription drug benefit is the difference between getting the medicine they need for their health and what they need to do in order to pay mortgages, what they need to pay rent, what they need to do to pay for food. That is what the decisions are that our seniors are making today. They are forced to choose between purchasing that medication and buying groceries.

The problem with prescription drug coverage does not just affect one group of seniors. The Republican plan for prescription drugs is to focus on low income seniors, not all seniors. What we need to do is to cover all seniors with a prescription drug benefit. Prices are skyrocketing out of control. According to a recent study by Families USA, the price of the 50 prescription drugs most frequently used by seniors rose by twice the rate of inflation in 1999.

Between 1993 and 1998, the price of the average prescription rose 40 percent. The situation imperils our seniors. Let us make sure that all of our seniors are covered for prescription drug coverage.

## INTERNATIONAL ABDUCTIONS MUST BE STOPPED

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise today to tell my colleagues the story of Sam Ali Tabaja, just one of the 10,000 American children who have been abducted to foreign countries. Sam was taken to Lebanon by his father Ali Ibrahim Tabaja in August of 1997. Sam was 3 years old at the time of his abduction.

Sam's mother was awarded custody of him and allowed his father to visit him frequently. A warrant for international parental kidnapping was issued for the father. However, Ali Ibrahim Tabaja has a large circle of friends and relatives in Lebanon who have helped to protect him. Sam's mother, Zohra Tabaja, has traveled to Lebanon and was allowed to visit with her son for half an hour. During the visit, she was surrounded by bodyguards. Zohra has been informed that she will never see Sam again, and she has heard nothing since her visit.

The problem of international child abduction is a disgrace. We should be displaying the same amount of outrage for American children that we did for Elian Gonzalez. I urge my colleagues to support the efforts to bring American children back to America, their home and their rightful place. Bring H. Con. Res. 293 to the floor and bring our children home.

## IRANIAN JEWS

(Mr. DEUTSCH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEUTSCH. Mr. Speaker, I rise today to once again bring notice to this Congress of 13 Jews who are accused of spying in Iran, who have been imprisoned for over a year without formally being charged.

Jews have been living in Iran for 2,700 years, the oldest Jewish Diaspora community and the biggest in the Middle East after Israel.

At least 17 Jews have been executed in Iran since 1979, most of whom were accused of spying for Israel and the United States.

These Jews who have been held have had their due process violated, even under Iranian law. Thirteen Jews have been denied the right to choose their own lawyers. Ten of the defendants imprisoned for over a year without legal representation had lawyers chosen for them by the court, after the court rejected the lawyers picked by the defendants' families. Three of the 13 have been released on bail but none of the others were allowed to consult attorneys until hours before the trial opened.

Since that time, the lawyers have only had brief periods with their clients and only the most limited contact with their court-appointed attorneys. There has been a closed trial. No members of the Jewish community diplomats or human rights activists were permitted in the courtroom by order of the judge. The trial comes amid a power struggle between President Khatami and the hardliners opposed to his social and political reforms. This is about hardliners' opposition rather than the actual action of the defendants.

## PROVIDING FOR CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE, NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 503 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 503

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. After general debate the bill shall be considered for amendment under the five-minute rule.

SEC. 2. (a) It shall be in order to consider as an original bill for purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived.

(b) No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution or specified by a subsequent order of the House, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(c) Except as specified in section 5 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(d) All points of order against amendments printed in the report of the Committee on Rules or amendments en bloc described in section 3 of this resolution are waived.

SEC. 3. It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report of the Committee on Rules not earlier disposed of or germane modifications of any such amendment. Amendments en bloc offered pursuant to this section shall be considered as read (except that modifications shall be reported), shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. For the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken. The original proponent of an amendment included in such amendments en bloc may insert a statement in the Congressional Record immediately before the disposition of the amendments en bloc.

SEC. 4. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 5. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 6. After disposition of the amendments printed in the report of the Committee on Rules, the Committee of the Whole shall rise without motion. No further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore (Mr. BOEHNER). The gentlewoman from North Carolina (Mrs. MYRICK) is recognized for 1 hour.

Mrs. MYRICK. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a structured rule for H.R. 4205, the Fiscal Year 2001 Department of Defense Authorization Act. The rule provides for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Armed Services. The rule waives all points of order against consideration of the bill. It makes in order as an original bill for the purpose of amendment the Committee on Armed Services amendment in the nature of a substitute now printed in the bill.

The rule also waives all points of order against the amendment in the nature of a substitute.

The rule provides that no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the Committee on Rules report accompanying the resolution or specified by a subsequent order of the House, amendments en bloc described in section 3 of this resolution, and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report; may be offered only by a Member designated in the report; shall be considered as read and shall not be subject to a demand for division of the question in the House or the Committee of the Whole.

The rule provides that unless otherwise specified in the report, each amendment printed shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent and shall not be subject to amendment, except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment.

The rule waives all points of order against the amendments printed in the report or amendments en bloc described in section 3 of the resolution.

The rule provides that it shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment, which shall be considered as read, except that modifications shall be reported, shall be debatable for 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services or their designees and shall not be subject to amendment; shall not be subject to a demand for a division of the question in the House or the Committee of the Whole.

The rule provides that for the purpose of inclusion in such amendments en bloc, an amendment printed in the form of a motion to strike may be modified to the form of a germane perfecting amendment to the text originally proposed to be stricken.

The rule provides that an original proponent of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce voting time to 5 minutes on a postponed question, if the vote follows a 15-minute vote.

The rule allows the Chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides that after disposition of the amendments printed in the report, the Committee of the Whole shall rise without motion and no further consideration of the bill shall be in order except pursuant to a subsequent order of the House.

H.R. 4205 is a good bill. For several years, this body cut our military's budget while the administration deployed troops all over the globe. It was not fair to our men and women in uniform and it was not fair to hard working Americans who count on the military for their protection.

Well, those days are over. Now we are taking care of our national defense. We are getting our military families off food stamps by providing a 3.7 percent pay raise and we are helping them retire by creating an armed forces thrift savings plan. We are providing resources to improve military housing. For years our military personnel have been living in substandard housing.

□ 1115

We are giving our leaders the tools they need to get the job done in the field of battle, including five new submarines, up to 15 destroyers, additional Black Hawk helicopters, and Bradley fighting vehicles.

We need this bill, Mr. Speaker. For far too long we have shortchanged our military at the expense of our Nation's security.

This rule provides for a fair debate on the bill. The Committee on Rules received 102 amendments to H.R. 4205. With this rule, we will debate more than one-third of them, 35 amendments in all. But this is only the first step. Later the Committee on Rules will meet to grant a second rule for H.R. 4205.

All of the amendments which are not made in order under this rule are still in play. We simply decided that it was wise to get started this morning, and with 35 amendments to debate today, it is a healthy start.

I urge my colleagues to support this rule and to support the underlying bill, because now more than ever we must provide for our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4205, the National Defense Authorization Act for fiscal year 2001, was reported from the Committee on Armed Services on a strong bipartisan vote of 56 to 1. The vote reflects the understanding of Democrats and Republicans for the need to ensure that our national defense continues to be second to none.

This bill reflects the commitment of Democrats and Republicans to achieving a level of readiness throughout the military that will protect this Nation and our commitment to democracy and the rule of law throughout the world.

Therefore, Mr. Speaker, I rise in support of H.R. 4205, the National Defense Authorization Act for fiscal year 2001.

Mr. Speaker, during the report recess, I had the opportunity to see firsthand the dedication of the men and women who serve our country in uniform, often under the most trying circumstances. Along with some of my colleagues from the Texas delegation, I traveled to Bosnia to visit with National Guard troops from Texas and to see how our regular forces are faring in the tense and hazardous duty stations in Kosovo.

Many of the Members of this body have made the same kind of trip, and I am sure that every Member has come away with similar impressions of our men and women in uniform and their dedication to duty.

Mr. Speaker, the Congress has as one of its primary duties to provide for the national defense and the men and women who protect it. This bipartisan bill does a great deal to improve military readiness and to improve the quality of life for our men and women in uniform, as well as for their families.

Mr. Speaker, I am particularly pleased that this bill contains several provisions to improve the quality of life of our military personnel. The bill provides for a 3.7 percent military pay raise, reduces out-of-pocket housing costs, which will particularly benefit the enlisted ranks, and provides a targeted subsistence benefit for those personnel who are most in need.

H.R. 4205 also makes significant improvements in military health care, and authorizes the creation of a Thrift Savings Plan for military personnel which will help them plan for their retirement needs.

The bill also provides $857 million for construction and improvement of military family housing, and an additional $605 million for construction of new barracks and dormitories. There are funds for child development centers, DOD dependent schools and impact aid, and commissary modernization, all important to quality of life improvements for uniformed personnel and their families. I congratulate the committee for their work on these issues.

I am also pleased that the committee has continued its commitment to the wide range of weapons programs that ensure our military's superiority throughout the world.

The bill includes $1.4 million for research and development for the F–22 Raptor, the next-generation air dominance fighter for the Air Force, as well as $2.1 billion for 10 low-rate initial production aircraft, and $396 million for advanced procurement of 16 LRIP aircraft in fiscal year 2002.

H.R. 4205 also includes $51.7 million for the procurement of three F–16C aircraft, and $1.1 billion for the procurement of 16 MV–22 aircraft, and $142.7 million to accelerate development of the CV–22 Special Operations Variant.

These aircraft are all important components in our national arsenal, and moving forward on their production sends a clear signal that the United States has no intention of relinquishing our air superiority.

Mr. Speaker, while the Committee on Armed Services has reported a truly bipartisan effort, I should note that 101 amendments to the bill were filed with the Committee on Rules. This rule makes in order 36 of those amendments, and provides that an additional rule providing for the consideration of further amendments to the bill will be considered before the House votes on final passage later this week.

Mr. Speaker, while it is not unusual for the Committee on Rules to report more than one rule providing for the consideration of amendments to the Department of Defense authorization, in the past the Committee on Rules pursued this course in order to ensure that a full and fair debate on the issues of the day would follow.

The rule now under consideration will certainly allow the House to debate the issue of the continued presence of U.S. ground forces in Kosovo, an issue on which there is a genuine split of opinion in this body.

While I do not agree with the amendment to be offered by the gentleman from Ohio (Mr. KASICH), I cannot object to the House having the opportunity to debate the issue.

While I disagree with the amendment to be offered by the gentleman from Massachusetts (Mr. FRANK), which seeks to cut 1 percent of funding in the bill, I certainly believe that this is an issue worthy of debate in this body. The other 34 amendments made in order in this rule are also certainly deserving of consideration of the House.

So far so good, Mr. Speaker. What concerns me is the fact that there are several major amendments that have not been included in this rule and may not be included in the second rule to be acted on later. Mr. Speaker, one can only hope that when the Committee on Rules meets later today to report the second rule for H.R. 4205, the Republican majority on the Committee on Rules will allow these issues to be fairly aired and considered by the House.

Let us take, for example, Mr. Speaker, the issue of health care for military retirees. Members will be hearing from the gentleman from Mississippi (Mr. TAYLOR) on this issue shortly. The ranking member of the Committee on Armed Services has called this the year of health care, and the bill does indeed make substantive improvements in the way health care is delivered for active duty military personnel and their dependents. These improvements are long overdue, and the committee is to be congratulated for taking these positive steps.

But Mr. Speaker, the bill is seriously deficient on the issue of health care for Medicare-eligible retirees. Mr. Speaker, I have serious concern that the two thoughtful amendments addressing this issue, that is, the issue of health care for Medicare-eligible retirees, might not be made in order when the committee meets this afternoon. One proposal by the gentleman from Mississippi (Mr. TAYLOR) would expand and make permanent the TRICARE Senior Prime demonstration, more commonly known as Medicare subvention.

The other offered by the gentleman from Mississippi (Mr. SHOWS) would give all military retirees the option of participating in FEHB, or remaining in TRICARE after they become Medicare-eligible.

I have a serious concern that the only reason the House will be denied the opportunity to debate either of these amendments presented to the Committee on Rules will be for purely partisan political reasons.

Let us also take the issue of the island of Vieques in Puerto Rico. The committee bill has chosen to ignore an agreement negotiated between the President of the United States and the Governor of Puerto Rico about the future of this island as a training facility for the Navy and Marine Corps, and has instead adopted language that directly contravenes this agreement.

I remain hopeful that when the Committee on Rules meets later this day, the Republican majority will see fit to allow the ranking member of the committee the opportunity to offer an amendment which will strike the committee language and insert language which will allow the President's negotiated position to go forward.

In the interests of fairness to the people of Puerto Rico, I would hope that the Skelton amendment will be part of the second rule. The only reason to not allow his amendment to be considered would again be for purely partisan reasons. I would hope that this truly bipartisan bill will not be marred by such action.

Mr. Speaker, I strongly support the committee bill, but I do believe the House should be given the opportunity to address the issues I have just mentioned, as well as a number of other issues that have been raised in the 101 amendments submitted to the Committee on Rules.

The bill is one of fundamental importance to our great country, and the policies and programs that are contained within it certainly are worthy of extensive debate. Mr. Speaker, I support this rule, but I hope that the bipartisan approach to the committee bill will be extended to the second rule providing for its consideration. To do less is a disservice to this House and to our military.

Mr. Speaker, I reserve the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. McKEON).

Mr. McKEON. Mr. Speaker, I thank the gentlewoman for yielding time to me.

Mr. Speaker, I rise in strong support of this rule and for H.R. 4205, the Defense Authorization Act.

Mr. Speaker, I would like to begin by thanking the gentleman from South Carolina (Chairman SPENCE) for his hard work and dedication in putting together a measure that helps our fighting men and women. The efforts of the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON) should not be underestimated. It is truly apt that this legislation we debate today is named after the gentleman from South Carolina (Chairman SPENCE).

Mr. Speaker, this is the first year that the President has brought us a reasonable defense budget for consideration. Over the last 7 years, the President's budget has failed the military service chiefs and our fighting men and women in uniform.

While the President's budget was reasonable this year, it still failed our armed services to the tune of $16 billion. However, under the leadership of the gentleman from South Carolina (Chairman SPENCE), the Committee on Armed Services has once again added funding to support our defense requirements.

While still living within a balanced budget, we have added $4.5 billion to the President's defense budget request. For example, the B–2 bomber was an essential part of the success story from the air war in Kosovo. The B–2's success in this conflict underscored our needs for an adequate and modern bomber fleet.

We also learned some very valuable lessons about the effectiveness of our smart bombs during the war. Unfortunately, the President failed to fund the research and development of the 500-pound JDAM and 500-pound JDAM bomb rack, even though the Service Chiefs wanted it.

It was the Committee on Armed Services, under its able bipartisan leadership, that added funding for these upgrades and advancements. In total, the committee added funding of $96 million for upgrades on the B–2. These include the Link 16 upgrades that will modernize the cockpit and allow for in-flight re-planning, research, and development of the 500-pound JDAM and the integration on the B–2.

With the success of the B–2, these upgrades will allow our military to exert further strength to keep freedom and peace abroad, thus making the B–2 truly the spirit of America.

I also want to thank the gentleman from California (Mr. HUNTER) for implementing legislation I introduced last year on the Joint Strike Fighter program. As we all know, one of the pillars of the Joint Strike Fighter program is affordability. My legislation called for a cost study to be conducted on possible production sites for the Joint Strike Fighter. While I contend that Air Force Plant 42 offers the best opportunity for savings, I believe that the Defense Department owes Congress and the American people a study showing the savings opportunities that the different production sites offer.

Mr. Speaker, these two programs are just a few of the many success stories found in this legislation. Again, I want to thank both the chairman and the ranking member for their hard work on this important legislation. Yet again, the Committee on Armed Services has worked in a bipartisan manner in order to put the national security of the United States ahead of politics.

It is for this reason that the legislation passed in committee with an overwhelming majority and deserves the votes of the Member of this House. I urge a vote on this rule and for this important legislation.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the ranking member on the Committee on Armed Services.

Mr. SKELTON. Mr. Speaker, I wish I could say I am wholeheartedly in support of this rule. I suppose the politic thing to do would be to say I will vote for this rule and await the second rule.

But I feel constrained to express my reservation, because there is no assurance that one of the most important issues will come before this body, that which deals with military retirees. Even though this rule does not touch upon that, and there is the possibility of the second rule being adopted with the amendment offered by the gentleman from Mississippi (Mr. TAYLOR) therein, I have no such assurance. I feel constrained to voice my reservation.

□ 1130

This is a very important bill, Mr. Speaker. It is an excellent bill, by and large, with some exceptions. And I also wish to tell the Members of the House that in honor of our chairman, it is named the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, and it is a very, very proper recognition of this fine gentleman from South Carolina, who does such a fair and decent job for us in the committee, for us in the House.

I wish I could say on this very first part of the split rule that I could support the rule, but I do not have the assurance. Now, if I have that assurance in the next few minutes, that would be fine, but I do not have that. I do not see it forthcoming, because I cannot very well bifurcate the two rules, and as a result, I would have to vote against this first rule because of the lack of assurance that the second rule will contain the amendment that is so important to military retirees.

Mrs. MYRICK. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules.

Mr. DREIER. Mr. Speaker, let me begin by thanking the gentlewoman from Charlotte, North Carolina, (Mrs. MYRICK), my very good friend, the former mayor, who has done a wonderful job managing this rule. She has just come back, and we are all happy to see her doing so extraordinarily well, and it is very fitting that we would be here on an issue which is near and dear to the gentlewoman from North Carolina (Mrs. MYRICK), and that is the national security of the United States of America, that she is leading the charge in this rule.

Mr. Speaker, as my friend, the gentleman from Missouri (Mr. SKELTON) said, I want to recognize the fact that this is a great accomplishment and a great tribute to a wonderful individual to have the Floyd D. Spence National Defense Reauthorization Act established in his name, and I believe this is a very, very important piece of legislation, because as has been pointed out, we are really beginning this effort to rebuild our capability.

This morning in the Republican Conference, the gentleman from South Carolina (Mr. SPENCE) referred to the fact that over the past decade and a half, we have seen this continued diminution in the level of expenditures for national security, and we have been trying in recent years to rebuild it, and the steps that we are going to begin taking today will go a long way towards doing just that.

This has been one of the four top priorities that this Republican Congress has established for us, along with rebuilding our defense capabilities, saving Social Security and Medicare and, obviously, providing tax relief to working families, that has been a priority, and then improving public education. Those have been the four guides that we have had, but nothing is more important than our national security, because as we look at the issue, these other issues can be dealt with by a different level of government, but only Washington can deal with our national security.

My friend, the gentleman from San Diego, California (Mr. HUNTER) in 1980 came in and got on to this Committee on Armed Services so that he could make sure that we proceeded as vigorously as we could at rebuilding our Nation's defense capability. We did that during the Reagan years, as we all know so well, but we have had this pattern of reduction; the threats have changed.

The thing that I find very, very troubling has been over the past few years we have had continued requests made by the administration.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I do not want to interrupt the gentleman's dialogue.

Mr. DREIER. The gentleman from Missouri has done that already, so I am happy to yield to the gentleman, in light of the fact that he already interrupted me.

Mr. SKELTON. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I hope the chairman of the Committee on Rules understands my concern for the military retirees, that it is a major problem. They were told when they joined if you stay with us 20 years, we will take care of your health care for life. And I think that there should be some assurance that we would be able to at least debate the issue on a proper amendment, and that is why I said what I did a few moments ago. I really do not have a great deal of problem with this part of the rule; however, I cannot in my own mind bifurcate the two parts of the two rules, and that is why I said what I did.

I would certainly hope that the Taylor amendment would be made in order in the second go-around.

Mr. DREIER. Mr. Speaker, I appreciate the contribution of the gentleman from Missouri (Mr. SKELTON), my friend. I appreciate his requests. Let me say that we all know that the reason that we have dealt with this two-rule process is due to the tragic situation that hit the Stupak family, and the fact that many of our colleagues are this afternoon going to go to Michigan, and that led to this situation.

We are still working on the issue that my friend has raised, and we hope to have a resolution to that. I can assure the gentleman that when we meet later today in the Committee on Rules, we hope to have what I hope will be a satisfactory response.

Let me just conclude by saying as we look at where we are going in our Nation's national security, we have had a pattern over the past few years of seeing an administration which, unfortunately, has called for deploying troops all over the world, in fact, 139 countries with 265,000 Americans. We have seen that number, and at the same time there have been reduced requests for the level of commitment from Washington to our national defense.

Look at what it really has brought about. Unfortunately, it has brought about reduced readiness. We know that there is lower morale that exists in the military today; recruitment difficulties, we have heard many stories about those. And we have in this high-tech economy today a need to focus more investment on high-tech for our national security.

We have some real problems that need to be addressed, and I believe that this bill will go a long way towards doing just that. And again, as the gentleman from Missouri (Mr. SKELTON), my friend, has just said making sure that we have everything that is necessary for our men and women in uniform.

Mr. Speaker, I am pleased that we have begun this debate. It is an important one that we will be having, and I hope very much that my colleagues will join in support of the rule and in support of the bill when we finally get to passage.

I should say just before I do that that the gentleman from Missouri (Mr. SKELTON), my friend, and I are going to be jointly offering an amendment to deal with the issue of high-speed computers, which is an important one, that allows us again to maintain our commitment to national security, but at the same time our competitiveness around the world, which is a priority.

I urge support of the rule and support of the Dreier amendment that will be coming up later and support of this bill itself.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to encourage my colleagues to vote against this rule. I appreciate the horror that has happened to the Stupak family. I understand the reason that we will be meeting on a short schedule today. It makes perfect sense for as many Members to be with the Stupaks during this horrible moment as possible.

It also makes a golden opportunity for the Committee on Rules to meet and to make amendments in order. In fact, they should have been doing that right now. It is a good national defense bill. It actually improves spending for the first time maybe in a decade. It does a lot of good things, but what it does not do is solve the problem of health care for our military retirees.

If we think about it, they are the only Americans who were promised health care, the only Americans who were promised health care if they serve their country honorably for 20 years. They have done that. Every recruiter in every custom house for every branch of the service since the 1950s has been telling young 18, 19, 20 years old if you serve your country honorably for 20 years, then when it comes time for you to retire, for you and your spouse, we are going to take care of you at a military facility for the rest of your life. But what they are being told, because of the defense drawdown and because money is tight, is that when they hit 65, I am sorry, Chief; I am sorry, Sergeant; I am sorry, Colonel, yes, we asked you to go to Vietnam. We told you to go to Korea. We sent you to Kosovo. We sent you to Bosnia.

We sent you to all these places you did not want to be, where you got shot at, where you were away from your family, but we are not going to keep our end of the bargain. Congress for the past decade has failed to address this issue. I am saying it is time for Congress to address this.

Mr. Speaker, I cannot believe the Committee on Rules. This was the third amendment brought before the Committee on Rules, the third of over 100. They chose not to even vote on it. That is how good, that is how much they care about our Nation's retirees. We have absolutely no guarantee that this amendment will be brought to the floor. We have none.

We have asked repeatedly. This amendment has four Republican cosponsors, including three Members of the Committee on Armed Services, one of which is a subcommittee chairman.

This is not partisan. This is Republicans and Democrats trying to solve a sincere problem for the folks who deserve it the most. And we cannot even get a vote in the Committee on Rules.

I am asking every single Member of this body, if they care about those folks who have served your country honorably, if they think it is time that they keep getting told, well, next year, maybe we will get around to it in a couple of decades. Doggone it, we found time for tax breaks for millionaires. We found time to honor or condemn just about every group under the sun. You do not think we can find time for our military retirees?

Vote against this rule, that sends the Committee on Rules back to work. Let us make the Taylor-Hefley-Pickering-Tanner-Abercrombie amendment in order, Democrats and Republicans trying to solve the problem of health care for military retirees, to fulfill our Nation's promise. And doggone it, if we do not make it in order, then I am asking as many of you as possible to shut this place down.

We are not going to vote on this bill until we have an up or down vote on whether or not we are going to fulfill our promise to our Nation's military retirees.

Mrs. MYRICK. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I think, to a large degree, this is a historic bill. This is the first defense bill of this century, and in a bipartisan way, I believe it reflects some of the lessons of the century. After World War II, we had an enormous military, over 8 million people in arms, we rushed to throw our weapons away when General Marshall was asked how the demobilization was going. He said, this is not a demobilization, it is a rout, we are literally disarming before the world.

If we look at the correspondence between the Communist Chinese and Stalin's Russia, we can see their understanding of the fact that America over just a couple of years became extremely weak, and we found ourselves in June of 1950 being driven off the Korean Peninsula by a third-rate military. And before we had regrouped and managed to push our forces back and establish the stalemate that had endured, we lost 50,000 Americans killed in action.

We have seen in this last century what these bloody wars do, this enduring lesson that we achieve peace through strength. As the gentleman from California (Mr. DREIER), one of the great Members of this House, who came in with me in 1980, and I and a number of other people sought to do with Ronald Reagan, and I know the gentleman from South Carolina (Mr. SPENCE), our chairman, and the gentleman from Missouri (Mr. SKELTON), our ranking member, were members of this movement, we sought to rebuild America's defenses in 1980. And by doing that, we backed down the Soviet Union and ultimately dismantled the Soviet Union.

The interesting thing about that dismantlement is that dismantlement actually led to enormous savings of money by American taxpayers. What I am talking about is the fact that this bill that we are offering today is about $125 billion less in military spending than Ronald Reagan's bill of 1985. We have saved probably $1 trillion by the Reagan dismantlement of the Soviet empire, the fact that we no longer have the requirement to meet those massive Warsaw Pact divisions in military Europe.

We achieved something by being strong. I think it is important that we carry that message into the next century. This bill is a start of that. But I want to remind my colleagues, it is only a start. We still have massive problems.

Our mission capable rates have dropped about 10 percent, and they are hanging there. They fell off the cliff, and they are hanging there around 70 percent throughout the services; meaning that about 30 percent of our aircraft cannot get off the carrier deck or the tarmack to go do their job and in return cannot do their mission. We still have shortages of ammunition. We have shortages of spare parts.

We do have people problems; instead of 800 pilots short in the Air Force, as we had last year, we are going to have about 1,200 short this year. But we are making some improvements, and this House voted for a $4 billion increase in national defense, I think reflecting the mood of the people in this country and their understanding that we do achieve peace through strength.

Mr. Speaker, we passed that in the emergency supplemental, and working with the other body, it came back as an add-on to this defense bill that we are debating today. We have started the upgrading and modernization of our forces, but I want to remind everybody what Bill Perry, President Clinton's former Secretary of Defense, said about the blueprint that he, himself, helped to put in place for defense spending: It looks like we need about $10 billion to $15 billion more per year. Jim Schlesinger, another former Secretary of Defense, said it is actually closer to $100 billion more per year that we need.

□ 1145

So we need to increase defense spending. That is clear. Members of Congress recognize that. This bill is a start. It is only a start, but I would hope that all Members would support this bill and support this rule.

And with respect to my friend from Mississippi, I think, and I have confidence in the gentleman from California (Mr. DREIER) and the gentleman from Texas (Mr. FROST) and the gentleman from Missouri (Mr. SKELTON) and the gentleman from South Carolina (Mr. SPENCE), that they will be able to work out the subvention issue before this bill is finished. So please support this bill. It is good for America.

Peace through strength is what we want to achieve, and we are on our way at least to achieving it. And I am going to talk about him a little later, but I want to thank the gentleman from Virginia (Mr. SISISKY), too, our ranking member on the Subcommittee on Military Procurement of the Committee on Armed Services, for the wonderful job that he has done.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, for reasons stated by the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON), I rise in opposition to this rule, although I believe the underlying bill is a good bill.

I want to commend the chairman of the Committee on Armed Services, the gentleman from South Carolina (Mr. SPENCE), and the ranking member, the gentleman from Missouri (Mr. SKELTON), for their hard work in putting together such complex and important legislation. I urge particular support for the health care provisions. The gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Missouri (Mr. SKELTON) and the gentleman from Indiana (Mr. BUYER) have done a great job of putting together a bipartisan package that improves the Tri-Care system and increases health care access for retirees.

I want to focus on the provision to extend the pharmaceutical benefit to military retirees over the age of 65. Prescription drug coverage is a vital issue for all seniors, and I am pleased this committee has made a small but important contribution to provide affordable and meaningful coverage to a segment of the Medicare eligible population. I hope that other committees will follow suit.

The Tri-Care Senior Pharmacy Program in this bill allows all military retirees to participate in the DOD pharmacy program. Under this government-run prescription drug benefit, the Defense Supply Center in Philadelphia negotiates prices for its beneficiaries that are as low or lower than those obtained by other Federal agencies.

The Defense Supply Center receives some drugs off the Federal supply schedule and negotiates pricing agreements with more than 200 manufacturers, using as a starting point the mandated 24 percent VA discount. DOD estimates that these negotiated prices are 24 percent to 70 percent lower than the average private sector price.

My bill, H.R. 664, the Prescription Drug Fairness for Seniors Act, would give the rest of the Medicare eligible population the same discounts that this provision provides. We have 153 cosponsors, but none so far are Republicans. I hope that they will now embrace my bill as warmly as they have embraced the Tri-Care Senior Pharmacy Program.

Now, I do not accept the accusation that H.R. 664 involves price controls. But those who do must also conclude that this prescription drug benefit for military retirees is, indeed, a price control. Like the Democratic Medicare prescription drug plan, the Tri-Care Senior Pharmacy Program is administered by a Federal agency making good on the government's promise to provide health care for life for military retirees and the promise to provide health care in the golden years for the over 65 population at large. It uses the government's volume purchasing power to negotiate and achieve the same price discounts that favored large purchasers obtain.

Unlike the Republican prescription drug plan, this program does not throw military retirees to the whims of the private insurance market leaving them guessing about whether they can get prescription drug insurance from an industry that says it cannot offer such insurance anyway.

As we cast our affirmative vote for this legislation, and I hope we all will, please consider these questions. If Congress can provide a government-administered prescription drug benefit with negotiated price discounts to one segment of the Medicare eligible population, military retirees over 65, why can we not offer the same benefit to the rest of our Nation's seniors? If Congress can give 1.4 million Medicare eligible military retirees access to the best prices the government can negotiate, why is Congress not giving the other 38 million seniors the same access to the best prices that the government can negotiate?

I urge support for the bill and for affordable and meaningful prescription drug benefits.

Mr. FROST. Mr. Speaker, I would ask the time remaining on each side.

The SPEAKER pro tempore (Mr. BOEHNER). Each side has 11 minutes remaining.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for yielding me this time. I appreciate the work done by all the members of the Committee on Armed Services.

Mr. Speaker, I am here to say that I support the cause of peace, I support the defense of the United States and the men and women who serve.

I also support the taxpayers of the United States of America. That is why I rise in opposition to this rule, because it authorizes a $2.2 billion boondoggle called the national missile defense, NMD. The NMD will consume defense budgets, undermine legitimate military expenditures, and contribute to the erosion of the readiness of our forces. Taxpayers will regret the day we authorize $2.2 billion in wasteful spending for the NMD.

Everything is wrong about spending $2.2 billion for the missile defense building in the bill. First, the technology is not feasible, it is not testable, and it would not and could not be reliable.

Second, there is no real threat that such a missile defense system could protect anyone against anything.

Third, it clearly violates the ABM Treaty of 1972. The concept of the ABM Treaty recognizes that countries have nuclear missiles, swords, but could not deploy shields. If the U.S. tells Russia, we want a shield, what can Russia conclude, other than they may need a shield and more swords, more nuclear missiles?

The deployment of the NMD will decouple all arms agreements. It will undermine the Nuclear Nonproliferation Treaty. It will negate the anti-ballistic missile treaty and, furthermore, will frustrate SALT II and SALT III. It will lead directly to the proliferation by nuclear nations. It will lead to transitions towards nuclear arms by nonnuclear nations. It will make the world less safe, and lead to the impoverishment of people of many nations, as budgets are refashioned for nuclear arms expenditures.

The United States would be willing to risk a showdown with Russia or China and the rest of the world over the unlikely possibility that North Korea may one day have a missile that could touch the continental United States. What that argues for is talks with North Korea, not the beginning of a new worldwide arms race.

The fourth reason why this bill is wrong is that it lacks adequate funding for the cooperative threat reduction program, Nunn-Lugar, which helps in denuclearization and demilitarization of the states of the former Soviet Union. Nunn-Lugar has proven real and successful and effective in reducing nuclear threats, yet this program receives only $143 million in comparison to a total of $5.2 billion for an imaginary ballistic missile technology, the NMD, which has proven to be unworkable and easily defeated by countermeasures.

Fifth, the NMD is a waste of taxpayers' money: $2.2 billion for a system which everyone knows does not and cannot work will only serve to undermine taxpayers' confidence in the spending for the military.

Today's Washington Post reports that three high-level Pentagon officials, who have served in this administration are saying that a national defense missile system is expensive and unnecessarily alienating to the Russians. The Russians just passed START II and a comprehensive test ban treaty. We are saying the Cold War is over. If the Cold War is over, what are we doing putting together a national missile defense shield?

The officials conclude in The Washington Post that the development and testing of the system is not mature enough for the United States to make a confident deployment decision this year.

Let us recommit to nuclear arms reduction. Let us recommit to nuclear disarmament. Let us do this for ourselves and future generations. There is no security in a future saturated with nuclear weapons. The Cold War is over. The benefits of the end of the Cold War ought to start coming back to the taxpayers, not to arms contractors for a missile shield that does not work.

Mrs. MYRICK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Speaker, the bill that my friend, the gentleman from Mississippi (Mr. TAYLOR), was talking about with regard to subvention was written in San Diego by my veterans. It was actually written before I became a Member of Congress in 1990, and we support that particular bill.

The gentleman from Mississippi has got good intentions on this. There are many of us that would like this bill to come forward, and we have talked to both the gentleman from California (Mr. DREIER) and to the Speaker, the gentleman from Illinois (Mr. HASTERT). But let me tell my colleagues something. Before we shut this House down, I would say to my friend, it is important that we move forward. Subvention, Tri-Care, FEHBP, we have promised our military veterans too long that we are going to take care of them. We are losing thousands of World War II veterans every month. If we wait and keep on delaying, those veterans are not going to get the care that was promised to them.

We looked at the subvention bill itself. When I originally introduced the subvention bill, we had it as 100 percent. Because of the cost analysis and different reasons, the White House said no, we want to make it a pilot program. They were going to limit it just to two, one in the Senate and one here. It was my bill and my hospital was not even going to get in the subvention mix. I fought tooth, hook, and nail, and we were able to get that expanded.

But even then we were stopped. And if my colleagues will look at why subvention and some of these others have not passed, the White House itself did not push. DOD did not push these bills. Matter of fact, they told people if they got involved with subvention or FEHBP, they may not get back onto the regular program. So the numbers were very, very deficient. And they put out outlandish numbers; that the cost would reach out too much.

I would say to my friend, the gentleman from Mississippi, that I will work with him. But he is also aware that whether it is Tri-Care, whether it is FEHBP, and I personally think FEHBP, which a civilian has, is better than my original subvention. The same thing that a civilian Federal worker has that will guarantee subsistence beyond Medicare will actually be better. But the commission, Republicans and Democrats, were put together and tasked with what do we need to put together to really keep the promise of our health care promises to our veterans.

I remember in 1993, when the other side of the aisle increased taxes, increased spending and they cut military COLAs. They cut veterans' COLAs and they increased taxes on Social Security. So what we are saying, there is fault on both sides. Do not try to demagogue the veterans issue. Work with us in providing this health care plan.

We are well aware that the White House came over to the Democrat leadership and now every single bill the minority leadership is going to try to stop, to show a do-nothing Congress. Every one of these bills, whether it is riders, whether it is this issue, the Democrats are going to try to shut down the House or delay and end up with a monumental appropriations package at the end because the White House wants $20 billion more. Will they get some of that? Probably, yes, because we cannot control the Senate. But what the minority wants is to where they can get the whole $20 billion and work in taking the majority. I think that is disingenuous.

I support the gentleman from Mississippi, and I think he is very, very caring in what he wants to do for veterans. But look at the big picture and help us work through this process. Support this rule. Let us push on forward and let us work for the betterment of the American people.

□ 1200

Mr. FROST. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, all that the gentleman from Mississippi (Mr. TAYLOR) is asking for is a vote. All he is asking for is the House to have the opportunity to vote on his proposal. That is not an unreasonable proposition. All the platitudes on the other side will not do any good if they do not give us a vote on the Taylor amendment.

Mr. Speaker, I yield 1 minute to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, let me thank the gentleman from California (Mr. CUNNINGHAM) for his comments. I certainly do not claim to be the inventor of subvention. Someone else is. It might possibly be the gentleman from California (Mr. CUNNINGHAM). It is a good idea, though.

What I would like to tell the gentleman from California (Mr. CUNNINGHAM) is that he is right. I am disappointed also that the administration has not been more helpful. But a reading of the Constitution will tell both of us that no money may be drawn from the Treasury except by an appropriation by Congress.

Just because the administration did not help enough no way absolves us from doing our job. I am asking for the opportunity for the 435 Members of this body to do their job, to take care of our military retirees. I hope the gentleman will help me in that effort.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Speaker, I rise in support of the rule.

As the chairman and ranking member of the Committee on Rules know, the rule makes in order my amendment to provide the Department of Energy additional tools to manage the reduction of the overall number of Federal employees in the workforce at Rocky Flats and the other nuclear weapons facilities while also keeping those sites on track for expedited closure. In addition, the DOE would be able to provide assistance for employees to make successful transitions to retirement and new careers.

I am here to say that I greatly appreciate the Committee on Rules for allowing this important matter to be considered. I also appreciate the cooperation and assistance of the leadership and staff of the Committee on Armed Services and the Committee on Government Reform and Oversight. Based on my discussions with them, I have agreed to some revisions in the amendment; and it is my understanding that the amendment, with those revisions, probably will be included as part the en bloc managers amendment.

Here is a brief description of the revised amendment:

The amendment deals with the DOE weapons sites that are scheduled for expedited cleanup and closure—(1) Rocky Flats in Colorado and (2) several sites in Ohio: Fernald, Columbus, Miamisburg, and Ashtabula.

The amendment is based on an Administration request. It would give DOE additional tools to meet the challenge of downsizing the federal workforce in ways that will both facilitate accelerated closure of the site and also assist DOE's employees to make successful transitions to retirement or new careers.

DOE wants this authority as a way to avoid reliance on the standard reduction-in-force (RIF) procedures by offering incentives for some employees to voluntarily separate and for others to remain.

The goal is to manage the reduction in the overall number of federal employees at the site while still retaining the proper mix of people with needed skills despite the high attrition rates that can be expected as closure approaches—so, the amendment would allow DOE to offer incentives for some people to leave early and for others to remain.

Similar—not identical—language has been incorporated as section 3155 of the Senate version of the bill. As modified, the amendment would allow DOE to authorize—additional accumulation of annual leave; payment of lump-sum retention allowances; and continuation of health-care benefits for employees who are separated (voluntarily or involuntarily) from Rocky Flats or one of the other sides covered by the amendment.

The amendment would require inclusion of information about the use of these incentives in the required periodic reports on the closure.

Mrs. MYRICK. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE).

Mr. ABERCROMBIE. Mr. Speaker, I rise in support of the bill. I am disappointed with the rule as it stands before the body. But the National Defense Authorization Act for Fiscal Year 2001 is very urgent for the United States. I strongly urge my colleagues on the Committee on Rules to reconsider their decision on many amendments that do not appear before the House today.

The bill before us builds upon last year's achievements and continues our efforts to improve the quality of life for our military personnel retirees and their families. I am particularly pleased that the bill includes several provisions, which I support, to improve the military health care system, particularly for our Medicare-eligible retirees and their families.

This year, the Year of Health Care, we have made significant improvements in the military health care system in response to concerns raised by service members, retirees, and their families. The health care provisions of this bill will greatly improve their quality of life, particularly for Medicare-eligible retirees and their dependents.

The TRICARE Senior Pharmacy Program will restore access to the National Mail Order Pharmacy, the network retail pharmacies, and the out-of-network pharmacies. It is a major step towards improving health care for our Medicare-eligible retirees. We have improved access to TRICARE. We have reduced and streamlined the administrative costs, and we are using the savings to improve health care benefits for our military personnel, retirees and their families.

I am particularly pleased that this bill includes provisions which we have supported on our side of the aisle, and I am particularly pleased to have been able to work with the gentleman from Indiana (Chairman BUYER) to see that everything has been included.

It includes improvements to pay, it reduces out-of-pocket housing costs for service members, and provides funding for the Military Thrift Savings Plan. These provisions help us build upon our achievements of last year, which was the Year of the Troops.

Mr. Speaker, I want to express my appreciation to the gentleman from South Carolina (Mr. SPENCE), the chairman, and the gentleman from Missouri (Mr. SKELTON), the ranking member of the Committee on Armed Services, for their leadership in producing a bipartisan bill that will improve the lives of our service members.

I particularly want to commend again the gentleman from Indiana (Mr. BUYER) for working with me and other members on the committee to ensure that our men and women in uniform have the quality of life that they deserve.

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mrs. MYRICK. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, I would just like to say that H.R. 4205 is a very good bill. I would like to commend the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking member, for bringing it forward with excellent bipartisan cooperation. It is a difficult challenge with defense because of so many needs and not enough dollars to go around, but they have done an excellent job this year.

I would also like to reassure the gentleman from Missouri (Mr. SKELTON), the ranking member, that the gentleman from California (Chairman DREIER) and the Committee on Rules are very sensitive to the issue of the gentleman from Mississippi (Mr. TAYLOR) and will work to achieve a satisfactory result.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BOEHNER). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 201, not voting 14, as follows:

[Roll No. 190]

YEAS—220

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—201

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—14

Baldacci
Campbell
Coburn
Collins
Crowley
Davis (VA)
Delahunt
Doyle
Largent
Lipinski
McIntosh
Stupak
Udall (NM)
Wamp

☐ 1226

Messrs. MALONEY of Connecticut, STRICKLAND, HALL of Texas, RAHALL, MRS. MINK of Hawaii, Mr. LAMPSON, and Mr. PASTOR changed their vote from "yea" to "nay."

Mr. UDALL of Colorado and Mr. RYAN of Wisconsin changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. WOLF, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106–622) on the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4205.

☐ 1229

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BOEHNER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

□ 1230

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on May 10, the Committee on Armed Services reported this bill, H.R. 4205, on a strong bipartisan vote of 56 to 1. This bill, the first defense authorization bill prepared for the new millennium, makes a good start toward ensuring that America's military can meet the challenges that lie ahead and ensure the safety and security of all Americans well into the 21st century. However, it is only a beginning, not an end.

In recent years, the committee has called attention to the problems faced by the men and women who so proudly serve their country in uniform. Serious readiness deficiencies and equipment modernization shortfalls, made worse by longer and more frequent deployments away from home, have placed increasing strains on a military that is still being asked to do more with less. Moreover, the increasing use of America's Armed Forces on missions where vital United States national security interests are not at stake has reduced military readiness and affected recruiting, retention and morale.

The defense bill before us today seeks to correct many of these problems. It is the fifth year out of the last six in which Congress has added to the administration's budget request. I am pleased to report that, in real terms, after more than a decade of decline in defense spending, this downward spiral has finally been halted. Nevertheless, although this bill contains $309.9 billion for defense, an increase of $4.5 billion over the administration's defense budget request, a serious mismatch between requirements, forces and resources continues to exist.

This bill seeks to address the most critical deficiencies faced by our military today. While some would argue that the end of the Cold War allows us to cut defense further, the bill we are debating today must be seen in proper perspective. In reality, the level of resources we devote to defense remains at an historically low level, roughly 3 percent of this Nation's gross domestic product. This is hardly an exorbitant price to pay to defend our freedom, our values and our national interests around the world.

Moreover, the threats we face today are in many ways more difficult and challenging than those we faced during the Cold War. The increasing number of states seeking to develop or acquire weapons of mass destruction, chemical, biological, bacteriological and ballistic missiles, against which we have no defense, poses a qualitatively new set of challenges to our national security. Other threats are emerging; new forms of terrorism, the outbreak of long suppressed ethnic conflicts, and the spread of sophisticated military technologies to potential adversaries.

While the United States remains the world's sole military superpower, we need to adapt to the changing realities and threats that we face in the new millennium. This requires a growing level of investment in the tools and the people necessary to keep our country at least one step ahead of any potential adversary.

As former Secretary of Defense James Schlesinger testified recently before our committee, "We are resting on our laurels as the sole superpower." He noted that under the administration's current and planned levels of defense funding, the United States would be unable to sustain even our current level of military capability. "This is not a matter of opinion," he said, "it is a matter of simple arithmetic."

In fact, the administration has underfunded the United States defense effort for years. This year alone, the Joint Chiefs of Staff identified nearly $6 billion in unfunded military requirements. Since last year, the Chiefs' 5-year estimate of shortfalls has increased from $38 billion to $84 billion. The result of this chronic underfunding has been an increase in risk to our country, risk to our interests, and risk to the men and women who defend us. The time has come to reduce that risk.

This year's debate over the defense budget highlighted a general consensus that our defense spending has fallen too far too fast. During the Committee on Armed Services' oversight hearing earlier this year, the real debate revolved not around whether there is a defense shortfall, but rather its size, magnitude and implications. Some observers have characterized the current situation as a coming "train wreck."

Mr. Chairman, this bill is designed to help put America's defenses back on track. In overwhelmingly bipartisan fashion, the committee has targeted increases to the administration's budget request on a series of initiatives to improve readiness, modernize equipment, and enhance quality of life for our Armed Forces. This bill represents a sound approach to defense policy that bases the level of resources we provide on the magnitude of the threats that we face. It is based on a strategy that seeks to protect America's interests abroad and ensure America's safety at home. This bill is tailored to provide the minimum level of resources necessary to carry out our country's global responsibilities.

In a moment, my colleagues on the Committee on Armed Services will discuss the improvements contained in this bill in greater detail. However, I would like to take this opportunity to recognize the hard work and support of the chairmen and ranking members of our committees and subcommittees and the panels. Their strong leadership and bipartisan commitment to ensuring the best for our service personnel resulted in the bill that we have before us today. It is a tribute to their dedication and commitment.

Finally, Mr. Chairman, and I would like to pay tribute to the Committee on Armed Services staff. In my 6 years as committee chairman, I and the other members of the committee have been fortunate to be able to rely upon their expertise and professionalism. I thank them for their tireless efforts and support of the committee and our Nation's military.

Mr. Chairman, this is likely the last defense authorization bill I will submit to the House as chairman of the Committee on Armed Services. I have worked very hard to see to it that our military is second to none, not second to one. I am proud of what we have accomplished in this bill, and I believe it deserves the support of all Members. I urge my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support H.R. 4205, which is known as the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. This is not only a good bill and deserves the support of the people in this House, it is named for an outstanding American, the chairman of Our Committee on Armed Services, who, through the years, has done yeoman's work. As the gentleman mentioned a few moments ago, this is the last time he will present as chairman the bill coming from our committee. We thank him for his excellent leadership and bipartisanship through the years.

Mr. Chairman, at the outset, I would like to thank the gentleman for the work he did on this particular bill. All of us have worked hard on it and it has been glued together quite well. I will talk of the exceptions a moment later. But this bill would authorize $310 billion for defense programs, including $13 billion for the Department of Energy defense-related programs. It authorizes a funding level of $4.5 billion above the President's request, which, of course, was $13 billion above last year's level. The bill makes a number of vital readiness and modernization improvements which will keep our forces the best trained and best equipped in the world.

The bill also addresses important qualities of life issues that are at the top of agenda for service members and their families. It gives a much needed 3.7 percent pay raise, plus a number of key improvements in the military health care system that will benefit service members and their families as well as military retirees.

Mr. Chairman, last year was "the Year of the Troops." Congress was successful in enacting a number of pay and compensation reforms that have helped to close the pay gap between the military and civilian society that makes the military a more attractive career choice in a difficult recruiting environment.

Mr. Chairman, this year is "the Year of Health Care." I am pleased that the bill provides a number of important health care reforms. Foremost is the reform to the TRICARE pharmacy benefit. The bill's provisions authorizing mail order, retail and non-network pharmacy access for Medicare-eligible retirees goes a long way toward affording greater health care access and affordability for military retirees. The bill helps us keep the promise of lifetime health care made to those service members.

Other major elements of the bill that are noteworthy include provision of adequate funding to support the Army's transformation to a lighter, more mobile force, the transition to the next generation of Nimitz-class aircraft carriers, and continued funding for tactical aircraft programs. This also makes significant investments in information technology and information infrastructure.

I do, however, want to express my disappointment, Mr. Chairman, with the language of the bill regarding the Island of Vieques. The best way to ensure that the Navy will have access to this important training area in the long run is to support the agreement worked out between the President and the Governor of Puerto Rico. This agreement gives the people of Vieques a voice in the future of the area and provides economic incentives to allow the Navy to continue live fire training there. The language in the Chairman's mark would do nothing short of gutting that agreement.

I know that all of us here today care deeply about the readiness of our Navy and Marine forces. I think it is fair to say there is generally a shared desire that this range be returned to its previous use. However, I believe that only through the implementation of the agreement between the President and the Governor of Puerto Rico will all sides to the dispute be accommodated and the range returned to the use of the military. I fear that the language in this mark will cause us to squander that opportunity, and I hope the Committee on Rules will make in order my amendment to correct this ill-advised provision.

Also, Mr. Chairman, I wish to express my disappointment thus far that the rule does not allow the amendment of the gentleman from Mississippi (Mr. TAYLOR) regarding military retirees and Medicare subvention. More about that later in the debate, but that is extremely important, and I hope that the second rule will include it.

On balance, this is a good bill. I believe Members should support it. I sincerely hope that the process under which the bill is considered will permit the House to work its will on important issues such as Medicare subvention and the Island of Vieques.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia (Mr. BATEMAN), the chairman of our Subcommittee on Military Readiness, and also the Merchant Marine Panel.

Mr. BATEMAN. Mr. Chairman, I thank the gentleman from South Carolina for yielding me time.

Mr. Chairman, I rise in support of the National Defense Authorization Act for Fiscal Year 2001, and am indeed very proud of the fact it is being named for the chairman of our full committee.

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The committee has, once again, given the funding restraints it faced, done an outstanding job in fulfilling its role of oversight of the Department of Defense, and it has done its best to provide the necessary funding to improve readiness of our military forces.

Does this bill contain enough funding to fix all of our readiness problems? Unfortunately, no. Does the funding recommended in this bill take us in the right direction toward improving readiness? Absolutely.

Mr. Chairman, the administration began to publicly express concern that military readiness was on the decline in October of 1998, though my subcommittee found very serious readiness problems as early as 1996. Since then, our military leaders have continued to report to Congress that the annual budget requests are significantly short of critical funding. Again, this year the budget request is over $16 billion short in many critical areas. Unfortunately for our military, the administration has once again provided a budget that is longer on rhetoric than it is on substance.

To address the shortages in the budget request, the committee carefully reviewed the unfunded requirements identified to us in the Congress by the Joint Chiefs of Staff, or the members of the Joint Chiefs of Staff. The committee review found that most of the unfunded requirements for day-to-day military operations are spare parts, depot maintenance and facility maintenance, accounts that should be fully funded every year.

Due to the successful efforts of the gentleman from South Carolina (Mr. SPENCE) and other Members of the committee, additional funds above the budget requests were made available for many of these pressing readiness imperatives.

I want to quickly outline those readiness areas of greatest concern where we were able to increase the level of funding beyond the President's request. The bill recommends an increase of $660 million for real property maintenance; $257 million for depot maintenance; $204 million for ship depot maintenance; $157 million for training and training range improvements; $91 million for war readiness materials so our military can deploy more rapidly and efficiently; and $45 million for deployment of spare parts for aircraft squadrons.

This bill provides for several readiness reporting initiatives that will assist military leaders to ensure that we maintain the best-trained, best-equipped and most effective force in the world. To do anything less will allow the readiness of our military to slip further and could risk the lives of countless men and women in every branch of the service.

Mr. Chairman, H.R. 4205 is a responsible, meaningful bill that fairly allocates resources for the sustainment of readiness and an improved quality of life for the men and women of our military forces. I strongly urge my colleagues to vote yes on this bill, vote yes to maintain military readiness.

I would like to thank the gentleman from Texas (Mr. ORTIZ), the ranking minority member of the subcommittee and, in fact, thank all the Members of the subcommittee who, throughout my tenure as its chairman, have made it possible for us to operate in a thoroughly and totally bipartisan manner. They have been truly partners in all that we have done, and also to thank very deeply and sincerely the staff of the subcommittee for their good work.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ), an outstanding member of our committee.

Ms. SANCHEZ. Mr. Chairman, as a member of the House Committee on Armed Services, I rise in strong support of the national defense authorization bill, H.R. 4205. I would like to thank the gentleman from South Carolina (Mr. SPENCE) and my ranking member, the gentleman from Missouri (Mr. SKELTON) and the committee staff for all the hard work they have done on this bill. This year's bill makes great strides towards improving modernization, quality of life and military readiness, all within the confines of the budget caps. One area I am particularly pleased with are the improvements we have made to military health care, and I would like to thank the gentleman from Indiana (Mr. Buyer) and the gentleman from Hawaii (Mr. ABERCROMBIE) for their exemplary work addressing health care shortcomings, specifically the TRICARE health care system and lack of permanent health care for the military retirees.

Although this bill makes significant inroads, there is still a lot of work that needs to be done. Recruiting and retention are becoming problematic, with fewer seeing the call to duty during these prosperous times. While this bill makes improvements in military compensation, do the younger service members fully understand the value of their total compensation, that beyond their basic pay? Benefits this Congress has worked hard to provide, such as health care, housing and retirement, have a significant value, and I hope that the Department of Defense will do a better job informing service members of the value of these and other benefits received.

Finally, I would like to bring attention to research and development funding. The gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Virginia (Mr. PICKETT) did heroic work in improving the R&D accounts, specifically science and technology. R&D is the future of this Nation's defense. We should not be stealing from our future to pay for the current year's shortfalls.

R&D is critical in maintaining the technological edge for combatting the growing and changing threats to this Nation's security. This bill restores R&D accounts to acceptable levels.

In closing, I commend all the committee chairs, ranking members, the staff for working within the confines of this budget resolution to produce a bipartisan bill that goes a long way towards strengthening our Nation's defense, and I urge my colleagues to support this bill.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. CALVERT)

Mr. CALVERT. Mr. Chairman, I rise in support of H.R. 4205.

Mr. Chairman, I am in full support of this important legislation that honors our men and women serving our nation's armed services. I believe this bill properly addresses the needs of our servicemen and women by providing needed quality of life programs and revamping the procurement shortfalls our military has been suffering since the Kosovo campaign.

I am particularly thankful to Chairman SPENCE and the Armed Services Committee for their continued support of the C–17 Globemaster. This legislation contains language focusing on the aging C–141 aircraft fleet and replacing this aircraft with C–17's. This legislation directs the Secretary of the Air Force to consider placing C–17's at bases with reserve units, especially those that could accommodate a reverse-associated unit, like March Air Reserve Base in Riverside, CA.

Mr. Chairman, I believe this bill is good for U.S. servicemen and women, good for the national security needs of our country and a sound investment for the people of the United States.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER), the chairman of our Subcommittee on Military Procurement.

Mr. HUNTER. Mr. Chairman, I want to thank our chairman, the gentleman from South Carolina (Mr. SPENCE), for whom the bill is named, and our ranking member, the gentleman from Missouri (Mr. SKELTON) for the great bipartisan leadership that they gave us, and my great colleague and partner, the gentleman from Virginia (Mr. SISISKY), who worked with me on the Subcommittee on Military Procurement to try to do what was right for the troops.

One thing that we derived from our hearings was that we are still badly underfunded. Whether one ascribes to the GAO recommendation or their evaluation that we are $20 billion to $30 billion per year underfunded in modernization or Bill Perry, President Clinton's own Secretary of Defense, that it is somewhere closer to $15 to $20 billion, or even former Secretary Jim Schlesinger that it may be close to $100 billion per year short, we acknowledge that we are short, that we need to modernize the force and we have a lot of programs that are aging.

Now, we carried out a number of programs this year. It is a fairly vast piece of the defense bill. A couple of things that we worked on that were important were ammunition and precision munitions. We took the lessons of Kosovo and the most recent conflicts in which precision munitions, coupled with our tactical and long range aircraft and stealth aircraft that provided great power projection, so we tried to shore up the precision munition and ammunition accounts. We think that is important.

We preserve the submarine option for the next President; that is, if he feels that the 50 submarines that the administration is moving toward attack submarines is not enough, that he can retain some of the 688s that were going to be decommissioned. So we left money in there for the early work on refueling for the 688s, refuelings that would allow them to continue to march, and also we left some early money in for changing the boomers, the so-called boomers, or the ballistic missile submarines, to cruise-missile carrying submarines. It gives us great power projection capability.

We sustained those options for the next President, should he decide to go in that direction.

We moved this extra money around and tried to solve as many of the $16 billion in shortages that the services gave us as we could with the money we had available.

I want to thank again the gentleman from Virginia (Mr. SISISKY) for his great partnership and help in getting that done.

So I would say to my colleagues, I think we at least held the bar without slipping this year. We need to put more money in next year. We are at least treading water. We are still very short in the procurement accounts, Mr. Chairman, but we are going to keep the wheels turning with this budget.

I would urge all Members to vote for this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SISISKY), the ranking member of the Subcommittee on Military Procurement.

Mr. SISISKY. Mr. Chairman, first of all, I would like to congratulate the chairman of the full committee. He has been chairman now, my chairman, for 6 years. The love for the military and the love for his State and his country has just shone through and I, on behalf of the people that I represent, want to thank him for his service, and also to the ranking member who has been very good and very easy to deal with.

I would like to follow the remarks of the gentleman from California (Mr. HUNTER) and say that I do not always find it easy to follow him, and I mean that in the kindest way, but in this case he has laid out a sound synopsis of the procurement title. As noted, we made a simple rule to govern consideration of changes to the President's budget: What does the military need? And that one question took precedence over all other considerations.

No House Member can be unaware of the high operational tempo that U.S. forces face around the globe. That tempo is hard for the troops, hard for their families, and hard for the equipment as well. We took it as a point of honor to give the military services what they told us they needed, not in the complete dollars, because we did not have the complete dollars, but I should note that in addition to an administration request for over $60 billion for procurement, with $2.6 billion added from the Committee on the Budget allocations, Members requested, that is, our Members here, $13 billion in potential add-ons.

Mr. Chairman, I compliment them on their devotion to national security and, of course, also their creativity, as the gentleman from California (Mr. HUNTER) well knows. I am pleased to assure my colleagues that the chairman and his staff were scrupulously fair in dealing with the minority Members throughout this process, and I believe that fairness is borne out by a lack of amendments seeking to make major changes in the work of the Subcommittee on Military Procurement.

I wish Americans who have a jaded view of Congress could see how this subcommittee works. It is bipartisan and it is fair.

Finally, I would like to thank the many Members on both sides of the aisle who voted to add funds, and that is the important thing to add funds, to this year's defense bill. They made it possible for this title to be both responsive to the needs of our service personnel and responsible to the taxpayers who support them.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado (Mr. HEFLEY), who is the chairman of our Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, let me say I have been through several chairmen of this committee. I have been through chairmen that were partisan. I have been through chairmen that were contentious. I have never had a chairman like the gentleman from South Carolina (Mr. SPENCE), who can finesse this thing with courtesy and respect for every single Member of the committee, be they Democrat or Republican. I want to say thanks to the gentleman from South Carolina (Mr. SPENCE) for the way he has handled himself. He is a testimony of why we should not have terms limits for committee chairmen.

Beyond that, down to business, I rise in strong support of H.R. 4205. The authorizations for the military construction and military family housing programs of the Department of Defense for the fiscal year 2001 contained in this legislation continue a strong bipartisan approach to the efforts of this Congress to enhance living and working conditions for military personnel and their families and to improve facilities supporting the training and readiness of our armed forces.

I regret very much the lack of emphasis by the Department of Defense on what the record, most of which was developed through taking testimony from senior officials and the uniform leadership of the DOD and the military departments, clearly indicates is a crying need. This year's budget request continued the broad trend that began with fiscal year 1996 MILCON program. The Department of Defense requested fewer total dollars for these key infrastructure accounts that was enacted by the Congress the year before. The department's budget request of $8.03 billion for the MILCON program was 4 percent below current spending levels, and 5.5 percent below the levels authorized for appropriations in the current fiscal year.

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More significantly, the budget request was 25 percent below the funding level requested by the Department for fiscal year 1996.

While the Department of Defense has consistently underfunded the military construction and military family housing programs, the House has played a key bipartisan role in addressing the needs of military personnel and their families.

In fact, just yesterday the House passed the Military Construction Appropriations Act for the coming year by a vote of 386 to 22. The gentleman from Ohio (Chairman HOBSON) and I have worked very closely to make sure our bills compliment each other, and I am grateful for his cooperation and hard work on our common approach to the MILCON program.

H.R. 4205 would continue our efforts both to provide additional investment in military infrastructure and to continue innovation in facilities acquisition and management. The bill would commit approximately $8.43 billion to the military construction and military family housing programs for the coming fiscal year.

Although we all would prefer to do more, we recognize the imperative to balance the unmet needs in the infrastructure arena with the additional and growing list of unfunded modernization, readiness, and personnel requirements confronting our military services.

In closing, I want to express again my appreciation to the members of the subcommittee, especially the ranking member, the gentleman from Mississippi (Mr. TAYLOR) and the committee who have contributed to our work this session.

I want to also express my deep appreciation again to the gentleman from South Carolina (Chairman SPENCE) for his steadfast efforts to increase the defense budget, and his willingness to support significant improvements in the MILCON program over the years.

This is truly a bipartisan effort, and I urge all of my colleagues to support this bill without reservation. It is a bill we can be proud of.

Mr. PICKERING. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4205, the National Defense Authorization Act for fiscal year 2001. I want to specifically address the provisions of the bill relating to military readiness.

First, I would like to express my personal appreciation to the leadership of the Subcommittee on Military Readiness and my colleagues on both the subcommittee and the full committee for their active participation, support, and cooperation in addressing critical readiness matters during this accelerated session, and also to the staff for doing a great job.

Let me say this, that even though the gentleman from South Carolina (Chairman SPENCE) is not retiring, he will not be the chairman of this Committee on Armed Services any longer but he will be a member of the committee, and we value his leadership and his input as we continue to address matters that pertain to service men and women.

My good friend, the gentleman from Virginia (Chairman BATEMAN) is retiring, but we wish him the best and thank him for his leadership.

The readiness provisions in the bill reflect some of the steps that I believe are necessary with the dollars available to make some of the improvements needed. But it still does not provide all that is needed. As I have said before, while the readiness of the force has shown some improvements in some areas, we are nowhere close to getting where we should be. Much more needs to be done if we are going to support our forces with the equipment and material they deserve to perform the missions that we require of them.

Also, I look forward to continuing to support the committee's effort to address two areas that have been neglected for a number of years, the readiness of our dedicated civilian employees and the modernization of our failing infrastructure.

Mr. Chairman, the readiness provisions in this bill represent a step in the right direction. They permit the Department to build upon the improvements that have been started in an area that is crucial to our national security.

I encourage my friends, all my colleagues, to vote for this bill. It is a good bill. It will do a lot for our troops.

Mr. SPENCE. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. WELDON), chairman of our Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Chairman, I thank the distinguished gentleman from South Carolina and my colleague, chairman and leader, for yielding time to me. I want to congratulate both he and the gentleman from Missouri (Mr. SKELTON) for an outstanding bill. It is certainly appropriate that we have named it after the gentleman from South Carolina (Chairman SPENCE). He is an outstanding patriot and American.

I want to pay tribute to the ranking member, the gentleman from Virginia (Mr. PICKETT). This is also his last bill, a distinguished patriot and a tireless advocate for the military, especially the Navy. He has been an outstanding co-director with me of our Subcommittee on Military Research and Development for 6 years. I am proud of the fact that in 6 years, Mr. Chairman, we have not had one split vote.

In all of our deliberations, in everything that is said about how Congress cannot get along, I think our subcommittee has demonstrated that we can work together. Even when there are disagreements, we try to find common ground. Even where there are funding disputes, we try to resolve those issues.

I extend my thanks to the distinguished gentleman from Virginia (Mr.

PICKETT) for his cooperation and leadership. The people of Virginia will surely miss his leadership on these issues and other issues.

The chairman of the committee has done a great job in getting us some extra money. In the R&D area, we have been able to plus up the R&D portion of our bill by $1.4 billion over the President's request that has allowed us to fund things like cyberterrorism, information dominance, missile defense systems like THAAD, Navy area-wide, Navy upper tier.

We have been able to increase funding for technologies dealing with weapons of mass destruction, chemical and biological agents. Because of his leadership, we were able to increase funding for the basic research accounts, the 6–1, 6–2, and 6–3 account lines. That would not have happened without the chairman's leadership.

Mr. Chairman, we also have in this bill very important language that we worked out with the Permanent Select Committee on Intelligence asking that the CIA, the Defense Department, and the FBI come together in creating a national data fusion center so we can have an information intelligence capability in the 21st century that allows us to do data profiling, profiling of leaders, rogue groups, terrorist nations, to allow us to make the right decisions.

I want to thank my colleague and friend, the gentleman from New Jersey (Mr. ANDREWS). He has been one of our shining stars in the subcommittee in the area of cyberterrorism. I will be supporting him on legislation that he intends to offer on this bill later on in the process.

Mr. Chairman, this is a good bill. It is not as far as we would like to have gone, because we have shortfalls of dollars, but the chairman has done a commendable job and given us our basic support to meet the basic needs, albeit not all needs, of the military.

I applaud the chairman for the work he has done and the way he has done it, allowing Democrats and Republicans to work together without having significant dissension. In fact, our vote on the bill was the most bipartisan lopsided vote we have ever had, if I am not mistaken, in the history of the Committee on Armed Services. I think there was only one Member that actually voted against the bill when it came out of the committee. That is a tribute to the gentleman from South Carolina (Chairman SPENCE) and to the gentleman from Missouri (Mr. SKELTON).

I thank the chairman. Again I look forward to working with the chairman on the amendment process. All of our colleagues should support this bill without hesitation. It is a good bill. It provides for basic support for our troops. It does not solve all the dollar questions. The next administration is going to have a terrible problem trying to rectify those issues, but there is a good start. I urge my colleagues to vote yes.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Virginia (Mr. PICKETT).

Mr. PICKETT. Mr. Chairman, I thank the gentleman for yielding time to me, and rise in strong support of H.R. 4205.

Also, I congratulate the gentleman from South Carolina (Chairman SPENCE) and ranking member, the gentleman from Missouri (Mr. SKELTON), for their leadership in putting together an excellent authorization bill.

Let me also thank the gentleman from Pennsylvania (Mr. WELDON), the chairman of the Subcommittee on Military Research and Development, for his leadership in that portion of the bill. As ranking member on this panel, it has been a pleasure to work with him.

With additional resources provided for each of the services and the various defense-wide accounts, this legislation, in my estimation, brings us one step closer to fielding a lighter, leaner, stealthier, more mobile, more precise, and more lethal military capability.

The actions proposed in H.R. 4205 will mean that leap-ahead technologies will be fielded sooner, and that the investment strategy embraced will enable our Nation to field a robust force with a better chance of avoiding technological surprise in the future.

Let me particularly commend the gentleman from Pennsylvania (Chairman WELDON) for supporting additional resources for Apache upgrades, Navy theater-wide accounts, and a precision-guided miniaturized munitions capability for future air-to-ground missions.

These initiatives will leverage other programs funded at the levels requested by the administration. I am, of course, speaking of programs such as DD–21, Joint Strike Fighter, F–22, Chinook, Comanche, and LOSAT, just to name a few.

I am also pleased to report that the committee has authorized the full budget requested for all advanced concept technology demonstrations. These demonstrations offer significant promise for fielding improved capabilities in a timely fashion.

I urge my colleagues to vote for this bill. A vote in the affirmative will be a vote in favor of all U.S. uniformed personnel and in support of fielding a technologically superior military capability.

Mr. SPENCE. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina, the chairman, for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4205. This bill addresses many of the most difficult national security challenges facing the Nation.

In particular, the military personnel titles of H.R. 4205 meet two major national security challenges head on. First, it reforms the military health care system so it can promote, not detract, from readiness, recruiting, and retention. The bill breaks down numerous barriers to access for active and retired military individuals and their families, and it restores access to a nationwide prescription drug benefit for 1.4 million military retirees over the age of 65.

It sets the stage for providing Medicare-eligible military retirees a permanent health care program in fiscal year 2004, and adds more than $280 million to the defense health programs to fund new benefits. It also promotes reforms that will save more than $500 million over 5 years.

The Subcommittee on Military Personnel conducted hearings, and what we learned was that in TRICARE, it is costing us $78 a claim to process that claim. When we have 39 million claims, that is a lot of money. In Medicare, it costs us 80 cents to $1 to process one claim, so just do the easy math. Over a 5-year period, if we actually can get them to enact the best business practices and move to online billing, we can save over $500 million, and take those monies and pour them back into the health program. It is the right thing. It is pretty exciting that we are able to do this.

The bill also aggressively attacks the major challenge of sustaining the viability of America's all volunteer military force. Therefore, the bill contains numerous recommendations for improved pay, bonuses, benefits, that continue the broad-based approach that Congress undertook last year.

We also target certain specific problems like recruiting and retention, and with regard to the food stamp program.

In short, this bill provides a strong, comprehensive set of initiatives that go to the heart of fixing some of the toughest problems confronting our military today. I urge all Members to support the bill.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to take this opportunity to compliment the gentleman from Indiana (Mr. BUYER), particularly on that part of the markup involving prescription drugs and the work the gentleman did overall to help this move forward. Of course, we do not agree on whether it went far enough, but I compliment the gentleman on a major step in that direction. We thank the gentleman for that.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank the ranking member for yielding time to me.

I am very pleased and honored to rise in support of the aptly named Floyd D.

Spence defense authorization bill. I congratulate our chairman on his service to our country. I thank my friend and ranking member, the gentleman from Missouri (Mr. SKELTON), for his leadership.

I also extend, as a member of the Subcommittee on Military Research and Development, my appreciation to the gentleman from Pennsylvania (Chairman WELDON) and the ranking member, the gentleman from Virginia (Mr. PICKETT).

Throughout our history, when things seemed to be most safe for our country, we seemed to get into the most trouble. When we seem to be at the apex of our power, we seem to be most subject to risk. I believe that this bill, which is worthy of support, moves us in a direction of avoiding that mistake this time.

The world is not placid and we are not secure if we ignore the need to provide for the common defense. This bill does that in three very important ways. First, it does provide for nearly $40 billion in research and development funds that will assure us that the best technology deployed in the most intelligent way will be at our disposal for years to come.

Second, it recognizes that the most important aspect of our armed forces and defense structure is the people who work in those forces. Keeping those people is a function of what we pay them and how we retain them. The increase in pay, the steps forward in benefits for retirees, are important, positive steps in that direction. I salute the committee for that.

I would urge the committee to later accommodate the Medicare subvention proposal of the gentleman from Mississippi (Mr. TAYLOR) in the second rule.

Finally, I am pleased that this legislation includes legislation that I, along with the gentleman from Pennsylvania (Chairman WELDON), introduced that will provide us protection against cyberterrorist attacks in our most vulnerable places, the air traffic control system, the banking system, the 911 system.

For the first time, this bill contains language that provides for a modest loan guarantee program that will help the private sector provide protection against those risks. I support the bill.

□ 1315

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH), who is chairman of the MWR panel. For those who do not know what that means, that is the Morale, Welfare and Recreation panel.

Mr. MCHUGH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, let me begin by adding my words of deep admiration and appreciation to Chairman SPENCE. This naming of the bill in his honor is the most appropriate act. Frankly, it does not even begin to reflect the dedication that he has brought to the committee and to its efforts, and I salute him.

I also want to thank our ranking member, the gentleman from Massachusetts (Mr. MEEHAN), and the ranking member of the full committee, the gentleman from Missouri (Mr. SKELTON), and their never-ending, untiring efforts to working in a bipartisan way to produce what, as we are hearing on this floor today, is a very, very fine bill.

As the Chair mentioned, I want to discuss for a moment the provisions in the bill that do pertain to morale, welfare and recreation activities of the Department of Defense and the military service.

I think it is fair to say that all Members of this great body support their troops and their families, and that certainly is a very, very good thing. We can make a difference in the lives of young military families from each of our districts, as well as retirees across the country by supporting this bill.

The legislation takes decisive action to protect a critical and highly-valued benefit for our troops, namely the commissaries. Lost in the discussions about food stamps is the fact that each military base operates a grocery store that sells name-brand products to our military men and women at substantial discounts.

This long-standing military benefit has been endangered by a serious lack of funding for store modernization. It was primarily caused by the insidious drains on the building fund initiated by the Pentagon. This bill firmly shuts those loopholes and protects the commissary benefit well into the future.

Mr. Chairman, the committee has also included other measures as well, that serve notice on the Department of Defense that inadequate defense budgets cannot be shorn up by using funds that properly belong to the troops.

This is an issue that has been a continuing battle and that all of us on the committee have championed and through the adoption of this bill. It is a fight we can effectively wage in the future.

Mr. Chairman, I urge my colleagues to support this bill.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, let me begin by complimenting the gentleman from South Carolina (Chairman SPENCE). I think it is very appropriate that the bill is named after him. He is truly a gentleman who has been a great patriot and a great Congressman.

The bill overall does a heck of a lot of good things. The bill, unfortunately, fails to address adequately the problem of dealing with health care fraud and the Nation's military retirees. It is for that reason that eight of us, Democrats and Republicans alike, went to the Committee on Rules and asked for an opportunity to have an up or down vote on the prospect of Medicare subvention for our Nation's military retirees.

Unfortunately, the Committee on Rules has failed to even vote on that. For the citizens who are watching, we have but one chance a year to change that. Medicare subvention involves Medicare. It involves something going out of the Committee on Commerce, and it involves Armed Services. So we really only have one chance a year to address that, and that is today.

Mr. Chairman, and it is for that reason if by 2 p.m., the Committee on Rules has not ruled on this amendment and giving the Members an opportunity to vote on it, I will begin a series of procedural moves to tie up the House of Representatives, because all we are asking for is for the sake of those people who served our Nation so well for 20 years or more in horrible places away from their families, all we are asking for is the opportunity for 435 Members of Congress to decide whether or not we are going to improve their health benefits and give them what they were promised.

We just want an up or down vote, and this is the only chance we get all year long to do that. If we do not get it today, we do not get it at all; otherwise, it is a wonderful bill.

I am looking forward to the opportunity that once we further address health care needs for military retirees, to support it. But until then, we want an up or down vote of giving to our Nation's military retirees that what was promised to them so many years ago.

Mr. SPENCE. Mr. Chairman, I yield 30 seconds to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I have great respect for the gentleman that just spoke, but I extend my even greater admiration to the chairman of the full committee, who extended the ability of this committee to finally put our arms around all of those demo programs.

This bill provides the road map actually to extend and remove these barriers and extend that benefit the military retiree is entitled to. Any Member can stand in this well and embrace the military retiree and the Veteran, it is easy. But how do we finally put our arms around all of these demos and actually deliver the right program that is in the best interests? That is what this bill lays out, the road map, and I thank the chairman for giving me the ability to do that.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Alabama (Mr. RILEY).

Mr. RILEY. Mr. Chairman, I rise today to voice my strong support of

H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001.

Before I speak to the bill itself, I feel it is important to recognize the outstanding work of six very distinguished Members of our Committee on Armed Services. We will certainly miss the gentleman from Ohio (Mr. KASICH), the gentleman from Virginia (Mr. BATEMAN), the gentleman from Missouri (Mr. TALENT), the gentleman from Virginia (Mr. PICKETT) and the gentlewoman from Florida (Mrs. FOWLER). I applaud their great work and their tireless work on behalf of the men and women in uniform, and I wish them the very best.

Mr. Chairman, I believe it is fitting that this bill will bear the name of our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE). He has guided us through recent lean years and his leadership and tenacity has resulted in our men and women in uniform ending up every year more than what had been proposed at the outset.

Some have been quick to scream pork, but everyone on this committee, Mr. Chairman, knows what shape our military would be in if those funding victories had not been won.

Mr. Chairman, I applaud the gentleman from South Carolina (Chairman SPENCE), the subcommittee chairman and their staffs for the hard work they put in to securing the $4.5 billion additional funding.

I urge my colleagues to support this bill, and I appreciate the chairman for yielding me the time.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to talk about the young men and the young women in uniform. Largely based upon what the gentleman from Mississippi (Mr. TAYLOR) has said, this is one time a year when we consider the defense bill. It is our time to tell them, through our words and through our votes, that they are important to us; that those in uniform who sacrificed daily, hard training away from home, away from family, pay could probably be better, although we have done better here in Congress lately, all of those items cause us to have the deep admiration for the young men and women in uniform.

True, there are series challenges when it comes to recruiting and serious challenge when it comes to retention, but I hope this bill this year will give added confidence to those who are considering joining the military and to those who are in the military to look at as possible because they are so important to our country, so important to the future of this grand democracy and this land that is known as the grandest civilization ever known in the history of mankind.

But I have a concern, Mr. Chairman, that because of the victory in the Cold War, because fewer and fewer families are being touched by sons and daughters and cousins and aunts and uncles who wear the uniform, that the fact that there is a need for a strong national security might be out of sight, out of mind.

So this is our one chance to say on this floor to those folks who serve us well, whether they be in Bosnia, Kosovo, aboard ship, in the Far East or here in one of the posts or camps or bases in this country, that we appreciate their efforts; that we hope that the work that we do today will meet with their approval; that they will continue to serve and those that are considering serving will think possibly upon the challenges of the military.

Mr. Chairman, it is a true opportunity for those of us who serve on this committee to work with and for the young people. And many of us make trips to visit with them aboard the ship at the post, the bases. I had the opportunity along with my wife, Susie, to have Thanksgiving dinner in Bosnia and Kosovo with the young folks, and they are tremendous.

The morale is good. We hope to keep those folks doing what they do so well for our country, and this is our one chance in this bill, this bill named after the gentleman from South Carolina (Mr. SPENCE), our chairman, that we can give added confidence to those young people who are in uniform to let them know that we work with them and for them, and that we wish them continued success as they serve the United States of America.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to another good member of our committee, an able Member, the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, I rise in strong support of the Floyd D. Spence National Defense Authorization Act. Over the past 8 years, the current administration has not only cut defense spending in our military, the readiness of our force has been permitted to deteriorate. This is unfortunate. It is unacceptable.

Thankfully, the defense authorization bill today before us continues the Congress' effort to rebuild our military and improve the quality of life of our military personnel and their families.

Specifically, I am pleased that this bill authorizes funding for several electronic warfare initiatives, which is very important to the defense of our aircraft, most notably, the funding for upgrades in the EA-6B Prowler. The Prowler fleet is over-committed and aging fast. Maintenance is frequently deferred.

Mr. Chairman, the U.S. military supremacy in the 21st century promises to be even more dependent upon control of the EW spectrum, than it was in the past few decades. Unfortunately, EW requirements are often overlooked, and this is not the case in this authorization bill.

I thank the gentleman from South Carolina (Chairman SPENCE) for his support of the vital electronic warfare assets and capabilities in this bill, and I urge support of the bill.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON).

Mr. LARSON. Mr. Chairman, I rise in support of this legislation. And I want to commend our distinguished chairman, the gentleman from South Carolina (Mr. SPENCE) and, of course, the great leadership of the gentleman from Missouri (Mr. SKELTON) as well.

This is an important bill in so many respects, but I rise this afternoon concerned about a very important segment, a segment that addresses the concern of veterans and their health care and the benefits that they so richly have earned and deserved.

This committee has distinguished itself in the nature of its bipartisan accord and the way that we have been able to come together around important issues that concern this Nation's defense and the quality of life that is needed within our military.

But at the heart of what this committee has stood for is a morale commitment to those men and women who wear the uniforms. I stand in support of this bill and hope that we address the concerns raised by the gentleman from Mississippi (Mr. TAYLOR).

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from the Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I rise in strong support of the Floyd Spence National Defense Authorization Act. Mr. Chairman, for 7 years, America's Armed Forces has suffered the strain of doing more with less. Funding shortfalls have left a legacy of readiness problems that plague our military on a daily basis.

This bill not only provides a pay raise for our troops, but we enhance health care benefits and improve the quality of life for our military men and women and their families who sacrificed daily to protect and defend America's freedom.

Mr. Chairman, we must invest in technologically-advanced equipment that our soldiers, sailors and airmen will need to meet the national security challenges of the 21st century. Aircraft like JSTARS, the C-17, C-130J and the F-22 are critical platforms that will help ensure successful military missions from Korea to Kosovo.

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Every day our military men and women risk their lives to provide us with peace of mind and a safe Nation. It is crucial we repay their sacrifices by providing them with the resources and supports they deserve. After all, the price of freedom is eternal vigilance, and this bill is critical to meeting that challenge. I urge my colleagues to support this very important bill.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, I want to thank the ranking member, the gentleman from Missouri (Mr. SKELTON), and the great chairman, the gentleman from South Carolina (Mr. SPENCE), and particularly the gentleman from California (Mr. HUNTER) for their hard work and dedication in developing the defense authorization for fiscal year 2001.

I also want to thank the gentleman from Illinois (Mr. EVANS) for his leadership in the arms initiative, and my neighbor, the gentleman from New York (Mr. McNULTY), for working with me to secure the future of the Watervliet Arsenal, which serves the 21st and 22nd Congressional District in upstate New York.

I am pleased to point out that H.R. 4205 dedicates $3.6 million for the storage and maintenance of laid away equipment and facilities at Hawthorne Army Depot in Rock Island and the Watervliet Arsenal. These arsenals are an asset to our military and our region.

It is important to expand the arms initiative to allow for the option of attracting commercial tenants to these arsenals. I am incredibly thankful for the help of this committee and its great work.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SWEENEY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I just want to thank the gentleman for his great leadership on behalf of his constituents and the U.S. Armed Forces for helping to put this thing together. He did a lot of great work on it and we appreciate it.

Mr. SWEENEY. Reclaiming my time, Mr. Chairman, I thank the gentleman from California (Mr. HUNTER) for his kind words.

Mr. Chairman, this is vital to our national security, and I have to tell my colleagues that, as a representative of the people who have given their lives to this facility, it is important to their lives, and I want to really thank all my colleagues very much for the hard work they have put in, and thanks again to the ranking member for yielding me this time.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. CUNNINGHAM), our top gun on another committee now, but he was on our committee at one time.

And I also wish to thank, Mr. Chairman, the ranking member, the gentleman from Missouri (Mr. SKELTON), for yielding some of his time to our people, as I do not have enough time left.

Mr. CUNNINGHAM. Mr. Chairman, first of all, there are no better committees that one can serve on than the authorization or appropriations defense committee. Once we get to the floor, that is different, because there are those people that do not support national security.

Mr. Chairman, I want to talk about the health care issue. And if the gentleman from Mississippi (Mr. TAYLOR) and the gentleman from Missouri (Mr. SKELTON) would listen, this is important.

The subvention bill is my bill, my original bill. I put it through to get 100 percent of coverage for the subvention that the gentleman from Mississippi wants to do. But I want to tell my colleagues that, even though it is my bill, and I have the most to gain, I would love to have the veterans saying, "DUKE CUNNINGHAM's bill is out there and it is 100 percent," it has its limitations. If someone lives close to a hospital, then subvention is good, but it is just a Band-Aid.

I put it in because we were not doing enough for our veterans and we could not get movement. Tri-Care is the same thing. We could go ahead and make that 100 percent right now, but I want to take care of those veterans that are in the rural areas who do not have access to Tri-Care or subvention. If we do this, we could mess up the whole program and what we are trying to do to help veterans.

Do not demagogue the issue with the Democrat leadership. And those people that support what the gentleman from Mississippi (Mr. TAYLOR) is doing are mistaken.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Chairman, I want to thank the gentleman from Missouri for yielding to me, and I rise in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001.

Mr. Chairman, I want to thank the Chairman of the Subcommittee on Military Installations and Facilities of the Committee on Armed Services, the gentleman from Colorado (Mr. HEFLEY), for his work to include a land transfer of the former Army Reserve Center in Winona, Minnesota, to the Winona State University Foundation.

Winona State University is in desperate need of student housing, and the City of Winona has a family home shortage as well and a severe parking problem. The former Reserve Center property can help solve these problems by development into student housing and parking. Also, the University's foundation is developing an agreement to transfer the former Reserve Center's building to the American Legion Post 9 and the Veterans of Foreign Wars Post 1287, showing a tremendous amount of cooperation between these fine organizations.

This project enjoys enormous support from the community. Resolutions were passed by the city and county, and letters of support have been sent to me by State and local officials and members of the community. This land conveyance to the Winona State University Foundation is the best possible use for these facilities.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume to add a postscript to the very, very hard working staff of the Committee on Armed Services. Without exception, they do yeomen's work, and we would not be where we are today but for their bipartisan, lengthy, arduous efforts. So I wish to just salute them for the work they have done to help us get to this point in this very important legislation.

Mrs. TAUSCHER. Mr. Chairman, I want to take this opportunity to express my support for the Enhancement of Authority of Military Departments to Lease Non-Excess Property that is found in Section 2812 of the Mark. The changes in this section will give military departments the needed leasing flexibility to ensure that the men and women on our military installations have ready access to important institutions, such as their credit unions, and the services they provide. By allowing these services and this use of the property to count as in-kind consideration for the lease, military departments may treat credit unions on military property much the same as credit unions on other Federal property and effectively charge them a nominal fee to lease land to build facilities to serve military personnel.

Mrs. THURMAN. Mr. Chairman, thank you for this opportunity to talk about an issue that I have been working on for years—access to prescription drugs for our military retirees.

I am pleased to support Section 721 H.R. 4205, the National Defense Authorization Act for FY 2001. I am especially pleased that this section includes the TRICARE Senior Pharmacy Program which will enable our military retirees to have easy access to necessary prescription drugs. I have been working on this issue for years and am glad that the Committee recognizes the important need to ensure that our military retirees have access to necessary and often life-saving pharmaceuticals.

The TRICARE Senior Pharmacy program would ensure that all Medicare-eligible military retirees and eligible family members would enjoy the same pharmacy benefit that military retirees under the age 65 receive through the TRICARE program. In particular, they would have access to the national mail order program and prescription drugs through both network and out-of-network retail pharmacies.

Last year, I was pleased that the Committee included in the FY 2000 Defense Authorization bill language, that I originally authored, which required DOD to conduct a demonstration program of the military pharmacy program in two TRICARE regions. The demonstration program is currently going on in Okeechobee, Florida, and Fleming, Kentucky. But, we need to ensure that all eligible military retirees have access to prescription drugs, not just a lucky few.

Before they reach 65, retired military are eligible for mail order prescription drugs through TRICARE. Once they reach age 65 and come under Medicare, they lose that mail-order benefit. They get prescription drugs only if they live near a military base. For many military retirees, going on Medicare effectively ends their prescription drug coverage.

We have an obligation to keep the promises that were made to the men and women who dutifully served our country. Out of respect and appreciation for their sacrifices, we must provide our military retirees good, affordable health care in their older years. That includes affordable prescription drug coverage. We made a promise, and it is time that we honored that promise. Today, we are taking one step closer toward fulfilling a promise to our nation's servicemen and women with the expanded mail-order TRICARE drug program for military retirees.

It is also good to know that my colleagues from both sides of the aisle on the Armed Services Committee recognize the importance of getting the best price for our seniors. Under this provision, the prices for these drugs will be negotiated by a government agency to ensure that we get the best price available to other favored customers.

I urge my colleagues to support this legislation and cast a vote in support of a pharmaceutical benefit for our military retirees.

Mr. OXLEY. Mr. Chairman, I rise in full support of H.R. 4205 and thank Chairman SPENCE, Ranking Member SKELTON, and the Armed Services Committee for the great work in putting together this legislation. They are to be commended for expertly balancing our national security interests with very unforgiving budget constraints.

Even though the Army, in my opinion, has shortsightedly threatened the superiority of our heavy forces by terminating the Heavy Assault Bridge program, the Committee is wisely supporting the bridge and the most superior tank in the world, the M1A2 Abrams.

The M1A2 Abrams System Enhancement Program (SEP) tank is a major component of the Army's heavy forces and will remain so through the year 2020. I am pleased the committee matches the President's request of $512.8 for M1A2 SEP Abrams tanks. The committee also recommends $55 million ($18.9 million more than the President's request) for M1 Abrams tank modifications.

The Wolverine Heavy Assault Bridge (HAB) is a mobile bridge deployable in five minutes, retrievable in less than ten minutes, and can support 70-ton vehicles. Like the Grizzly Breacher, the President's budget terminated this program to pay for Army Transformation efforts, even though Congress has provided multi-year procurement authority and additional funds for HAB in recent years. It is the top unfunded modernization requirement of the Chief of Staff of the Army for fiscal year 2001. To restore this program, the committee recommends $59.2 million for 12 HABs and $13.1 million for advance procurement of HABs in fiscal year 2002.

I urge all my colleagues to support this vital legislation.

Mrs. FOWLER. Mr. Chairman, I strongly support the bill before us today, which contains a badly needed $4.5 billion increase over the President's 2001 request for defense.

Most importantly, the committee supported significant improvements in the quality of life of our men and women in uniform. This bill would increase troop pay by 3.7 percent; increase housing benefits for troops living off-base; address serious deficiencies in the military health care system; enhance recruitment and retention incentives; and provide additional funding for military housing and child development centers. It also provides up to $500 per month in supplemental assistance to military families at the greatest level of economic stress, a move that will take some 1,100 military families off Food Stamps.

In addition to these critical steps, the bill provides another $1.4 billion for critical readiness accounts; $2.7 billion for key modernization efforts, including $85 million more for national missile defense; and $400 million in military construction enhancements.

Mr. Chairman, I congratulate the Chairman and Ranking Member on this excellent bill, and urge its support.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). All time for general debate has expired.

Pursuant to rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment, and is considered read.

The text of the committee amendment in the nature of a substitute is as follows:

### H. R. 4205

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### ***SECTION 1. SHORT TITLE; FINDINGS.***

*(a) SHORT TITLE.—This Act may be cited as the "Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001".*

*(b) FINDINGS.—Congress makes the following findings:*

*(1) Representative Floyd D. Spence of South Carolina was elected to the House of Representatives in 1970, for service in the 92d Congress, after serving in the South Carolina legislature for 10 years, and he has been reelected to each subsequent Congress.*

*(2) Representative Spence came to Congress as a distinguished veteran of service in the Armed Forces of the United States.*

*(3) Upon graduation from college in 1952, Representative Spence was commissioned as an ensign in the United States Naval Reserve. After entering active duty, he served with distinction aboard the USS CARTER HALL and the USS LSM–397 during the Korean War and later served as commanding officer of a Naval Reserve Surface Division and as group commander of all Naval Reserve units in Columbia, South Carolina. Representative Spence retired from the Naval Reserve in 1988 in the grade of captain, after 41 years of dedicated service.*

*(4) Upon election to the House of Representatives, Representative Spence became a member of the Committee on Armed Services of that body. During 30 years of service on that committee (four years of which were served while the committee was known as the Committee on National Security), Representative Spence's contributions to the national defense and security of the United States have been profound and long lasting.*

*(5) Representative Spence served as chairman of that committee while known as the Committee on National Security during the 104th and 105th Congresses and serves as chairman of that committee for the 106th Congress. In addition, Representative Spence served as the ranking minority member of the Committee on Armed Services during the 103d Congress.*

*(6) Dozens of awards from active duty and reserve military, veterans service, military retiree, and industry organizations and associations have recognized the distinguished character of Representative Spence's service to the Nation.*

*(7) Representative Spence has been a leading figure in the debate over many of the most critical military readiness, health care, recruiting, and retention issues currently confronting the Nation's military. His concern for the men and women in uniform has been unwavering, and his accomplishments in promoting and gaining support for those issues that preserve the combat effectiveness, morale, and quality of life of the Nation's military personnel have been unparalleled.*

*(8) During his tenure as chairman of the Committee on National Security and the Committee on Armed Services of the House of Representatives, Representative Spence has—*

*(A) led efforts to identify and reverse the effect that declining resources and rising commitments have had on military quality of life for service members and their families, on combat readiness, and on equipment modernization, with a direct result of those diligent efforts and of his willingness to be an outspoken proponent for America's military being that Congress has added nearly $50,000,000,000 to the President's defense budgets over the past five years;*

*(B) been a leading proponent of the need to expeditiously develop and field a national missile defense to protect American citizens and forward deployed military forces from growing ballistic missile threats;*

*(C) advocated reversing the growing disparity between actual military capability and the requirements associated with the National Military Strategy; and*

*(D) led efforts in Congress to reform Department of Defense acquisition and management headquarters and infrastructure and business practices.*

*(9) This Act is the 30th annual authorization bill for the Department of Defense for which Representative Spence has taken a major responsibility as a member of the Committee on Armed Services of the House of Representatives (including four years while that committee was known as the Committee on National Security).*

*(10) In light of the findings in the preceding paragraphs, it is altogether fitting and proper that this Act be named in honor of Representative Floyd D. Spence of South Carolina, as provided in subsection (a).*

### ***SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS.***

*(a) DIVISIONS.—This Act is organized into three divisions as follows:*

*(1) Division A—Department of Defense Authorizations.*

*(2) Division B—Military Construction Authorizations.*

*(3) Division C—Department of Energy National Security Authorizations and Other Authorizations.*

*(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:*

*Sec. 1. Short title; findings.*
*Sec. 2. Organization of Act into divisions; table of contents.*

Sec. 3. Congressional defense committees defined.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

## TITLE I—PROCUREMENT

### Subtitle A—Authorization of Appropriations

Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense-wide activities.
Sec. 105. Defense Inspector General.
Sec. 106. Chemical demilitarization program.
Sec. 107. Defense Health Program.

### Subtitle B—Army Programs

Sec. 111. Multiyear procurement authority.
Sec. 112. Increase in limitation on number of Bunker Defeat Munitions that may be acquired.
Sec. 113. Armament Retooling and Manufacturing Support Initiative.

### Subtitle C—Navy Programs

Sec. 121. Submarine force structure.
Sec. 122. Virginia class submarine program.
Sec. 123. Retention of configuration of certain Naval Reserve frigates.
Sec. 124. Extension of multiyear procurement authority for Arleigh Burke class destroyers.

### Subtitle D—Air Force Programs

Sec. 131. Annual report on operational status of B-2 bomber.

### Subtitle E—Joint Programs

Sec. 141. Study of production alternatives for the Joint Strike Fighter program.

## TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

### Subtitle A—Authorization of Appropriations

Sec. 201. Authorization of appropriations.
Sec. 202. Amount for basic and applied research.

### Subtitle B—Program Requirements, Restrictions, and Limitations

Sec. 211. High energy laser programs.
Sec. 212. Management of Space-Based Infrared System—Low.
Sec. 213. Joint strike fighter.

### Subtitle C—Ballistic Missile Defense

Sec. 231. Funding for fiscal year 2001.
Sec. 232. Sense of Congress concerning commitment to deployment of National Missile Defense system.
Sec. 233. Reports on ballistic missile threat posed by North Korea.
Sec. 234. Plan to modify ballistic missile defense architecture to cover intermediate-range ballistic missile threats.
Sec. 235. Designation of Airborne Laser Program as a program element of Ballistic Missile Defense program.

### Subtitle D—Other Matters

Sec. 241. Recognition of those individuals instrumental to naval research efforts during the period from before World War II through the end of the Cold War.

## TITLE III—OPERATION AND MAINTENANCE

### Subtitle A—Authorization of Appropriations

Sec. 301. Operation and maintenance funding.
Sec. 302. Working capital funds.
Sec. 303. Armed Forces Retirement Home.
Sec. 304. Transfer from National Defense Stockpile Transaction Fund.

### Subtitle B—Environmental Provisions

Sec. 311. Payment of fines and penalties imposed for environmental violations.
Sec. 312. Necessity of military low-level flight training to protect national security and enhance military readiness.
Sec. 313. Use of environmental restoration accounts to relocate activities from defense environmental restoration sites.

### Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities

Sec. 321. Use of appropriated funds to cover operating expenses of commissary stores.
Sec. 322. Adjustment of sales prices of commissary store goods and services to cover certain expenses.
Sec. 323. Use of surcharges for construction and improvement of commissary stores.
Sec. 324. Inclusion of magazines and other periodicals as an authorized commissary merchandise category.
Sec. 325. Use of most economical distribution method for distilled spirits.
Sec. 326. Report on effects of availability of slot machines on United States military installations overseas.

### Subtitle D—Performance of Functions by Private-Sector Sources

Sec. 331. Inclusion of additional information in reports to Congress required before conversion of commercial or industrial type functions to contractor performance.
Sec. 332. Limitation on use of funds for Navy Marine Corps intranet contract.

### Subtitle E—Defense Dependents Education

Sec. 341. Assistance to local educational agencies that benefit dependents of members of the Armed Forces and Department of Defense civilian employees.
Sec. 342. Eligibility for attendance at Department of Defense domestic dependent elementary and secondary schools.

### Subtitle F—Military Readiness Issues

Sec. 351. Additional capabilities of, and reporting requirements for, the readiness reporting system.
Sec. 352. Reporting requirements regarding transfers from high-priority readiness appropriations.
Sec. 353. Department of Defense strategic plan to reduce backlog in maintenance and repair of defense facilities.

### Subtitle G—Other Matters

Sec. 361. Authority to ensure demilitarization of significant military equipment formerly owned by the Department of Defense.
Sec. 362. Annual report on public sale of certain military equipment identified on United States Munitions List.
Sec. 363. Registration of certain information technology systems with chief information officer.
Sec. 364. Studies and reports required as precondition to certain manpower reductions.
Sec. 365. National Guard assistance for certain youth and charitable organizations.

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

Sec. 401. End strengths for active forces.
Sec. 402. Revision in permanent end strength minimum levels.
Sec. 403. Adjustment to end strength flexibility authority.

### Subtitle B—Reserve Forces

Sec. 411. End strengths for Selected Reserve.
Sec. 412. End strengths for Reserves on active duty in support of the Reserves.
Sec. 413. End strengths for military technicians (dual status).
Sec. 414. Increase in numbers of members in certain grades authorized to be on active duty in support of the Reserves.

### Subtitle C—Authorization of Appropriations

Sec. 421. Authorization of appropriations for military personnel.

## TITLE V—MILITARY PERSONNEL POLICY

### Subtitle A—General Personnel Management Authorities

Sec. 501. Authority for Secretary of Defense to suspend certain personnel strength limitations during war or national emergency.
Sec. 502. Authority to issue posthumous commissions in the case of members dying before official recommendation for appointment or promotion is approved by secretary concerned.
Sec. 503. Technical correction to retired grade rule for Army and Air Force officers.
Sec. 504. Extension to end of calendar year of expiration date for certain force drawdown transition authorities.
Sec. 505. Clarification of requirements for composition of active-duty list selection boards when reserve officers are under consideration.
Sec. 506. Voluntary Separation Incentive.
Sec. 507. Congressional review period for assignment of women to duty on submarines and for any proposed reconfiguration or design of submarines to accommodate female crew members.

### Subtitle B—Reserve Component Personnel Policy

Sec. 511. Exemption from active-duty list for reserve officers on active duty for a period of three years or less.
Sec. 512. Exemption of reserve component medical and dental officers from counting in grade strengths.
Sec. 513. Continuation of officers on the reserve active status list without requirement for application.
Sec. 514. Authority to retain reserve component chaplains and officers in medical specialties until specified age.
Sec. 515. Authority for temporary increase in number of reserve component personnel serving on active duty or full-time National Guard duty in certain grades.
Sec. 516. Authority for provision of legal services to reserve component members following release from active duty.
Sec. 517. Entitlement to separation pay for reserve officers released from active duty upon declining selective continuation on active duty after second failure of selection for promotion.
Sec. 518. Extension of involuntary civil service retirement date for certain reserve technicians.

### Subtitle C—Education and Training

Sec. 521. College tuition assistance program for pursuit of degrees by members of the Marine Corps Platoon Leaders Class program.
Sec. 522. Review of allocation of Junior Reserve Officers Training Corps units among the services.

*Sec. 523. Authority for Naval Postgraduate School to enroll certain defense industry civilians in specified programs relating to defense product development.*

### *Subtitle D—Decorations, Awards, and Commendations*

*Sec. 531. Authority for award of the Medal of Honor to Andrew J. Smith for valor during the Civil War.*
*Sec. 532. Authority for award of the Medal of Honor to Ed W. Freeman for valor during the Vietnam Conflict.*
*Sec. 533. Consideration of proposals for posthumous or honorary promotions or appointments of members or former members of the Armed Forces and other qualified persons.*
*Sec. 534. Waiver of time limitations for award of Navy Distinguished Flying Cross to certain persons.*
*Sec. 535. Addition of certain information to markers on graves containing remains of certain unknowns from the U.S.S. ARIZONA who died in the Japanese attack on Pearl Harbor on December 7, 1941.*
*Sec. 536. Sense of Congress regarding final crew of U.S.S. INDIANAPOLIS.*
*Sec. 537. Posthumous advancement of Rear Admiral (retired) Husband E. Kimmel and Major General (retired) Walter C. Short on retired lists.*
*Sec. 538. Commendation of citizens of Remy, France, for World War II actions.*

### *Subtitle E—Military Justice Matters*

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*Sec. 542. Probable cause required for entry of names of subjects into official criminal investigative reports.*
*Sec. 543. Collection and use of DNA identification information from violent and sexual offenders in the Armed Forces.*
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*Sec. 545. Authority for civilian special agents of military department criminal investigative organizations to execute warrants and make arrests.*

### *Subtitle F—Other Matters*

*Sec. 551. Funeral honors duty compensation.*
*Sec. 552. Test of ability of reserve component intelligence units and personnel to meet current and emerging defense intelligence needs.*
*Sec. 553. National Guard Challenge program.*
*Sec. 554. Study of use of civilian contractor pilots for operational support missions.*
*Sec. 555. Pilot program to enhance military recruiting by improving military awareness of school counselors and educators.*
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## *TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS*

### *Subtitle A—Pay and Allowances*

*Sec. 601. Increase in basic pay for fiscal year 2001.*
*Sec. 602. Revised method for calculation of basic allowance for subsistence.*
*Sec. 603. Family subsistence supplemental allowance for low-income members of the Armed Forces.*
*Sec. 604. Calculation of basic allowance for housing for inside the United States.*
*Sec. 605. Equitable treatment of junior enlisted members in computation of basic allowance for housing.*
*Sec. 606. Basic allowance for housing authorized for additional members without dependents who are on sea duty.*
*Sec. 607. Personal money allowance for senior enlisted members of the Armed Forces.*
*Sec. 608. Allowance for officers for purchase of required uniforms and equipment.*
*Sec. 609. Increase in monthly subsistence allowance for members of precommissioning programs.*
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### *Subtitle B—Bonuses and Special and Incentive Pays*

*Sec. 611. Extension of certain bonuses and special pay authorities for reserve forces.*
*Sec. 612. Extension of certain bonuses and special pay authorities for nurse officer candidates, registered nurses, and nurse anesthetists.*
*Sec. 613. Extension of authorities relating to payment of other bonuses and special pays.*
*Sec. 614. Consistency of authorities for special pay for reserve medical and dental officers.*
*Sec. 615. Special pay for Coast Guard physician assistants.*
*Sec. 616. Special duty assignment pay for enlisted members.*
*Sec. 617. Revision of career sea pay.*
*Sec. 618. Revision of enlistment bonus authority.*
*Sec. 619. Authorization of retention bonus for members of the Armed Forces qualified in a critical military skill.*
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### *Subtitle C—Travel and Transportation Allowances*

*Sec. 631. Advance payments for temporary lodging of members and dependents.*
*Sec. 632. Additional transportation allowance regarding baggage and household effects.*
*Sec. 633. Equitable dislocation allowances for junior enlisted members.*
*Sec. 634. Authority to reimburse military recruiters, Senior ROTC cadre, and military entrance processing personnel for certain parking expenses.*
*Sec. 635. Expansion of funded student travel for dependents.*

### *Subtitle D—Retirement and Survivor Benefit Matters*

*Sec. 641. Increase in maximum number of reserve retirement points that may be credited in any year.*
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### *Subtitle E—Other Matters*

*Sec. 651. Participation in Thrift Savings Plan.*

## *TITLE VII—HEALTH CARE PROVISIONS*

### *Subtitle A—Health Care Services*

*Sec. 701. Two-year extension of authority for use of contract physicians at military entrance processing stations and elsewhere outside medical treatment facilities.*
*Sec. 702. Medical and dental care for medal of honor recipients.*
*Sec. 703. Provision of domiciliary and custodial care for CHAMPUS beneficiaries and certain former CHAMPUS beneficiaries.*
*Sec. 704. Demonstration project for expanded access to mental health counselors.*
*Sec. 705. Teleradiology demonstration project.*

### *Subtitle B—TRICARE Program*

*Sec. 711. Additional beneficiaries under TRICARE Prime Remote program in the continental United States.*
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*Sec. 713. Modernization of TRICARE business practices and increase of use of military treatment facilities.*
*Sec. 714. Claims processing improvements.*
*Sec. 715. Prohibition against requirement for prior authorization for certain referrals; report on nonavailability-of-health-care statements.*
*Sec. 716. Authority to establish special locality-based reimbursement rates; reports.*
*Sec. 717. Reimbursement for certain travel expenses.*
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### *Subtitle D—Other Matters*

*Sec. 731. Training in health care management and administration.*
*Sec. 732. Study of accrual financing for health care for military retirees.*
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## *TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS*

*Sec. 801. Extension of authority for Department of Defense acquisition pilot programs; reports required.*
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*Sec. 803. Management of acquisition of mission-essential software for major defense acquisition programs.*
*Sec. 804. Extension of waiver period for live-fire survivability testing for MH-47E and MH-60K helicopter modification programs.*

*Sec. 805. Three-year extension of authority of Defense Advanced Research Projects Agency to carry out certain prototype projects.*
*Sec. 806. Certification of major automated information systems as to compliance with Clinger-Cohen Act.*
*Sec. 807. Limitations on procurement of certain items.*
*Sec. 808. Multiyear services contracts.*
*Sec. 809. Study on impact of foreign sourcing of systems on long-term military readiness and related industrial infrastructure.*
*Sec. 810. Prohibition against use of Department of Defense funds to give or withhold a preference to a marketer or vendor of firearms or ammunition.*
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### TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

*Sec. 901. Change of title of certain positions in the Headquarters, Marine Corps.*
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*Sec. 904. Report on number of personnel assigned to legislative liaison functions.*
*Sec. 905. Joint report on establishment of national collaborative information analysis capability.*
*Sec. 906. Organization and management of Civil Air Patrol.*
*Sec. 907. Report on Network Centric Warfare.*
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*Sec. 1001. Transfer authority.*
*Sec. 1002. Incorporation of classified annex.*
*Sec. 1003. Authorization of emergency supplemental appropriations for fiscal year 2000.*
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*Sec. 1005. Limitation on funds for Bosnia and Kosovo peacekeeping operations for fiscal year 2001.*

#### Subtitle B—Naval Vessels and Shipyards

*Sec. 1011. National Defense Features Program.*

#### Subtitle C—Counter-Drug Activities

*Sec. 1021. Report on Department of Defense expenditures to support foreign counter-drug activities.*
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#### Subtitle D—Other Matters

*Sec. 1031. Funds for administrative expenses under Defense Export Loan Guarantee program.*
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*Sec. 1033. Transfer of Vietnam era TA-4 aircraft to nonprofit foundation.*
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*Sec. 1101. Employment and compensation provisions for employees of temporary organizations established by law or executive order.*
*Sec. 1102. Restructuring the restriction on degree training.*
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*Sec. 1306. Russian nonstrategic nuclear arms.*
*Sec. 1307. Limitation on use of funds to support warhead dismantlement processing.*
*Sec. 1308. Agreement on nuclear weapons storage sites.*
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*Sec. 1401. Establishment of commission.*
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### TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND, PUERTO RICO

*Sec. 1501. Conditions on disposal of Naval Ammunition Support Detachment, Vieques Island.*
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*Sec. 2001. Short title.*

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*Sec. 2101. Authorized Army construction and land acquisition projects.*
*Sec. 2102. Family housing.*
*Sec. 2103. Improvements to military family housing units.*
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*Sec. 2201. Authorized Navy construction and land acquisition projects.*
*Sec. 2202. Family housing.*
*Sec. 2203. Improvements to military family housing units.*
*Sec. 2204. Authorization of appropriations, Navy.*
*Sec. 2205. Modification of authority to carry out fiscal year 1997 project at Marine Corps Combat Development Command, Quantico, Virginia.*

### TITLE XXIII—AIR FORCE

*Sec. 2301. Authorized Air Force construction and land acquisition projects.*
*Sec. 2302. Family housing.*
*Sec. 2303. Improvements to military family housing units.*
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### TITLE XXIV—DEFENSE AGENCIES

*Sec. 2401. Authorized Defense Agencies construction and land acquisition projects.*
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### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

*Sec. 2501. Authorized NATO construction and land acquisition projects.*
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*Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.*

### TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

*Sec. 2701. Expiration of authorizations and amounts required to be specified by law.*
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#### Subtitle A—Military Construction Program and Military Family Housing Changes

*Sec. 2801. Revision of limitations on space by pay grade.*
*Sec. 2802. Leasing of military family housing, United States Southern Command, Miami, Florida.*
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#### Subtitle B—Real Property and Facilities Administration

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Sec. 2813. Conveyance authority regarding utility systems of military departments.

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Sec. 2831. Transfer of jurisdiction, Rock Island Arsenal, Illinois.
Sec. 2832. Land conveyance, Army Reserve Center, Galesburg, Illinois.
Sec. 2833. Land conveyance, Army Reserve Center, Winona, Minnesota.
Sec. 2834. Land conveyance, Fort Polk, Louisiana.
Sec. 2835. Land conveyance, Fort Pickett, Virginia.
Sec. 2836. Land conveyance, Fort Dix, New Jersey.
Sec. 2837. Land conveyance, Nike Site 43, Elrama, Pennsylvania.
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Sec. 2851. Modification of authority for Oxnard Harbor District, Port Hueneme, California, to use certain Navy property.
Sec. 2852. Modification of land conveyance, Marine Corps Air Station, El Toro, California.
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Sec. 2856. Land exchange, Marine Corps Recruit Depot, San Diego, California.
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Sec. 2861. Land conveyance, Wright Patterson Air Force Base, Ohio.
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Sec. 2871. Conveyance of Army and Air Force Exchange Service property, Farmers Branch, Texas.

**Subtitle D—Other Matters**

Sec. 2881. Relation of easement authority to leased parkland, Marine Corps Base, Camp Pendleton, California.
Sec. 2882. Extension of demonstration project for purchase of fire, security, police, public works, and utility services from local government agencies.
Sec. 2883. Establishment of World War II memorial on Guam.
Sec. 2884. Naming of Army missile testing range at Kwajalein Atoll as the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.
Sec. 2885. Designation of building at Fort Belvoir, Virginia, in honor of Andrew T. McNamara.
Sec. 2886. Designation of Balboa Naval Hospital, San Diego, California, in honor of Bob Wilson, a former Member of the House of Representatives.
Sec. 2887. Sense of Congress regarding importance of expansion of National Training Center, Fort Irwin, California.

**DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS**

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Sec. 3131. Funding for termination costs for tank waste remediation system environmental project, Richland, Washington.
Sec. 3132. Enhanced cooperation between National Nuclear Security Administration and Ballistic Missile Defense Organization.
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**TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD**

Sec. 3201. Authorization.

**TITLE XXXIII—NATIONAL DEFENSE STOCKPILE**

Sec. 3301. Authorized uses of stockpile funds.
Sec. 3302. Use of excess titanium sponge in the National Defense Stockpile to manufacture Department of Defense equipment.

**TITLE XXXIV—MARITIME ADMINISTRATION**

Sec. 3401. Authorization of appropriations for fiscal year 2001.
Sec. 3402. Extension of period for disposal of obsolete vessels in the National Defense Reserve Fleet.
Sec. 3403. Authority to convey National Defense Reserve Fleet vessel, GLACIER.

**SEC. 3. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.**

For purposes of this Act, the term "congressional defense committees" means—

(1) the Committee on Armed Services and the Committee on Appropriations of the Senate; and

(2) the Committee on Armed Services and the Committee on Appropriations of the House of Representatives.

## DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

## TITLE I—PROCUREMENT

### Subtitle A—Authorization of Appropriations

**SEC. 101. ARMY.**

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Army as follows:

(1) For aircraft, $1,542,762,000.

(2) For missiles, $1,367,681,000.

(3) For weapons and tracked combat vehicles, $2,167,938,000.

(4) For ammunition, $1,199,323,000.

(5) For other procurement, $4,095,270,000.

**SEC. 102. NAVY AND MARINE CORPS.**

(a) NAVY.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Navy as follows:

(1) For aircraft, $8,205,758,000.

(2) For weapons, including missiles and torpedoes, $1,562,250,000.

(3) For shipbuilding and conversion, $11,981,968,000.

(4) For other procurement, $3,432,011,000.

(b) MARINE CORPS.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Marine Corps in the amount of $1,254,735,000.

(c) NAVY AND MARINE CORPS AMMUNITION.—Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement of ammunition for the Navy and the Marine Corps in the amount of $481,349,000.

**SEC. 103. AIR FORCE.**

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Air Force as follows:

(1) For aircraft, $10,267,153,000.

(2) For missiles, $3,046,715,000.

(3) For ammunition, $638,808,000.

(4) For other procurement, $7,869,903,000.

**SEC. 104. DEFENSE-WIDE ACTIVITIES.**

(a) AMOUNT AUTHORIZED.—Funds are hereby authorized to be appropriated for fiscal year 2001 for Defense-wide procurement in the amount of $2,309,074,000.

(b) AMOUNT FOR NATIONAL MISSILE DEFENSE.—Of the funds authorized to be appropriated in subsection (a), $74,500,000 shall be available for the National Missile Defense program.

**SEC. 105. DEFENSE INSPECTOR GENERAL.**

Funds are hereby authorized to be appropriated for fiscal year 2001 for procurement for the Inspector General of the Department of Defense in the amount of $3,300,000.

**SEC. 106. CHEMICAL DEMILITARIZATION PROGRAM.**

There is hereby authorized to be appropriated for fiscal year 2001 the amount of $877,100,000 for—

(1) the destruction of lethal chemical agents and munitions in accordance with section 1412 of the Department of Defense Authorization Act, 1986 (50 U.S.C. 1521); and

(2) the destruction of chemical warfare materiel of the United States that is not covered by section 1412 of such Act.

**SEC. 107. DEFENSE HEALTH PROGRAMS.**

Funds are hereby authorized to be appropriated for fiscal year 2001 for the Department of Defense for procurement for carrying out health care programs, projects, and activities of the Department of Defense in the total amount of $290,006,000.

### Subtitle B—Army Programs

**SEC. 111. MULTIYEAR PROCUREMENT AUTHORITY.**

(a) M2A3 BRADLEY FIGHTING VEHICLE.—(1) Beginning with the fiscal year 2001 program *year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of M2A3 Bradley fighting vehicles.*

*(2) The Secretary of the Army may execute a contract authorized by paragraph (1) only after—*

*(A) there is a successful completion of a M2A3 Bradley initial operational test and evaluation (IOT&E); and*

*(B) the Secretary certifies in writing to the congressional defense committees that the vehicle met all required test parameters.*

*(b) Utility Helicopters.—Beginning with the fiscal year 2002 program year, the Secretary of the Army may, in accordance with section 2306b of title 10, United States Code, enter into one or more multiyear contracts for procurement of UH–60 Blackhawk utility helicopters and, acting as executive agent for the Department of the Navy, CH–60 Knighthawk utility helicopters.*

### *SEC. 112. INCREASE IN LIMITATION ON NUMBER OF BUNKER DEFEAT MUNITIONS THAT MAY BE ACQUIRED.*

*Section 116(2) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2862) is amended by striking "6,000" and inserting "8,500".*

### *SEC. 113. ARMAMENT RETOOLING AND MANUFACTURING SUPPORT INITIATIVE.*

*(a) Expansion of Authority.—The Armament Retooling and Manufacturing Support Act of 1992 (subtitle H of title I of Public Law 102–484; 10 U.S.C. 2501 note) is amended—*

*(1) in section 193—*

*(A) in subsection (a), by striking "2001" and inserting "2002"; and*

*(B) by adding at the end the following new subsection:*

*"(d) Inclusion of Manufacturing Arsenals.—For purposes of this Act, a manufacturing arsenal of the Department of the Army shall be treated as a Government-owned, contractor-operated manufacturing facility of the Department of the Army."; and*

*(2) in section 194—*

*(A) by striking subsection (a)(1) and inserting the following:*

*"(1) to use the facility for any period of time that the Secretary determines is appropriate for the accomplishment of, and consistent with, the needs of the Department of the Army and the purposes of the ARMS Initiative; and"; and*

*(B) by adding at the end the following new subsection:*

*"(c) Authority to Accept Non-Monetary Consideration for Use of Facilities.—The Secretary may accept non-monetary consideration in lieu of rental payments for use of a facility under a contract entered into under this section.".*

*(b) Report.—Not later than July 1, 2001, the Secretary of the Army shall submit to the congressional defense committees a report on the progress of the implementation of the ARMS Initiative at manufacturing arsenals of the Department of the Army under the Armament Retooling and Manufacturing Support Act of 1992 (as amended by subsection (a)). The report shall contain a comprehensive review of contracting at the manufacturing arsenals of the Department of the Army and such recommendations as the Secretary considers appropriate.*

## *Subtitle C—Navy Programs*

### *SEC. 121. SUBMARINE FORCE STRUCTURE.*

*(a) Limitation on Retirement of Submarines.—The Secretary of Defense may not retire from the active force structure of the Navy any Los Angeles class nuclear-powered attack submarine (SSN) which has less than 30 years of active service.*

*(b) Report.—Not later than April 15, 2001, the President shall submit to Congress a report on the required force structure for nuclear-powered submarines, including attack submarines (SSNs), ballistic missile submarines (SSBNs), and cruise missile submarines (SSGNs), to support the national military strategy through 2020. The report shall include a detailed discussion of the acquisition strategy and fleet maintenance requirements to achieve and maintain that force structure through—*

*(1) the procurement of new construction submarines;*

*(2) the refueling of Los Angeles class attack submarines (SSNs) to achieve the maximum amount of operational useful service; and*

*(3) the conversion of Ohio class submarines that are no longer required for the strategic deterrence mission from their current ballistic missile (SSBN) configuration to a cruise-missile (SSGN) configuration.*

### *SEC. 122. VIRGINIA CLASS SUBMARINE PROGRAM.*

*(a) Contract Authority.—The Secretary of the Navy is authorized to enter into a contract or contracts for the procurement of five Virginia class submarines during fiscal years 2003 through 2006. Any such contract shall provide that any obligation of the United States to make payments under the contract is subject to the availability of funds provided in advance in appropriations Acts. The submarines authorized to be procured under this subsection are in addition to the submarines authorized under section 121(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648).*

*(b) Shipbuilder Teaming.—Paragraphs (2)(A), (3), and (4) of section 121(b) of National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1648) apply to the procurement of submarines under this section.*

*(c) Limitation of Liability.—If a contract entered into under this section is terminated, the United States shall not be liable for termination costs in excess of the total amount appropriated for the Virginia class submarine program.*

### *SEC. 123. RETENTION OF CONFIGURATION OF CERTAIN NAVAL RESERVE FRIGATES.*

*For each FFG–7 class frigate produced in Flight I or Flight II of that class that is commissioned in active service, the Secretary of the Navy shall, for so long as the vessel remains commissioned in active service—*

*(1) provide for the vessel to be configured and equipped with the complete organic weapons system capability for that vessel, as specified in the Navy's Operational Requirements Document; and*

*(2) retain those operational assets that are integral to the FFG–7 weapons system in their current (as of the enactment of this Act) locations in order to avoid disruption of established training and operational cycles.*

### *SEC. 124. EXTENSION OF MULTIYEAR PROCUREMENT AUTHORITY FOR ARLEIGH BURKE CLASS DESTROYERS.*

*(a) Authority for Additional Multiyear Procurement.—Section 122(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2446), as amended by section 122(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 534), is amended—*

*(1) in the first sentence, by striking "18 Arleigh Burke class destroyers" and all that follows through "2003" and inserting "Arleigh Burke class destroyers"; and*

*(2) by inserting after the first sentence the following new sentence: "Vessels authorized under this subsection shall be acquired at a procurement rate of three ships per year in each of fiscal years 1998 through 2001 and up to three ships per year in each of fiscal years 2002 through 2005.".*

*(b) Clerical Amendment.—The heading for such subsection is amended by striking "of 18 Vessels".*

## *Subtitle D—Air Force Programs*

### *SEC. 131. ANNUAL REPORT ON OPERATIONAL STATUS OF B–2 BOMBER.*

*(a) In General.—(1) Chapter 136 of title 10, United States Code, is amended by adding at the end the following new section:*

***"§2282. B–2 bomber: annual report on operational status***

*"Not later than March 1 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the operational status of the B–2 bomber. Each such report shall include the following:*

*"(1) An assessment as to whether the B–2 aircraft has a high probability of being able to perform its intended missions.*

*"(2) Identification of all planned or ongoing development of technologies to enhance B–2 aircraft capabilities for which funds are programmed in the future years defense program and an assessment as to whether those technologies—*

*"(A) are consistent with the Air Force bomber roadmap in effect at the time of the report;*

*"(B) are consistent with the recommendations of the report of the Long-Range Air Power panel established by section 8131 of the Department of Defense Appropriations Act, 1998 (Public Law 105–56); and*

*"(C) will be sufficient to assure that the B–2 aircraft will have a high probability of being able to perform its intended missions in the future.*

*"(3) Definition of any additional technology development required to assure that the B–2 aircraft will retain a high probability of being able to perform its intended missions and an estimate of the funding required to develop those additional technologies.*

*"(4) An assessment as to whether the technologies identified pursuant to paragraph (2) are adequately funded in the budget request for the next fiscal year and whether funds have been identified throughout the future years defense program to continue those technology developments at an adequate level.".*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"2282. B–2 bomber: annual report on operational status.".*

*(b) Repeal of Superseded Reporting Requirement.—Section 112 of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189) is repealed.*

## *Subtitle E—Joint Programs*

### *SEC. 141. STUDY OF PRODUCTION ALTERNATIVES FOR THE JOINT STRIKE FIGHTER PROGRAM.*

*(a) Report Required.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report providing the results of a study of production alternatives for the Joint Strike Fighter aircraft program and the effects on the tactical fighter aircraft industrial base of each alternative considered.*

*(b) Matters To Be Included.—The report under subsection (a) shall include the following:*

*(1) Examination of alternative production strategies for the program, including—*

*(A) production of all aircraft under the program at one location;*

*(B) production at dual locations; and*

*(C) production at multiple locations using facilities of the existing bomber and fighter aircraft production base.*

*(2) Identification of each major Government or industry facility that is a potential location for production of such aircraft.*

*(3) Identification of the anticipated costs of production of that aircraft at each facility identified pursuant to paragraph (2) under each of*

*the alternative production strategies examined pursuant to paragraph (1), based upon a reasonable profile for the annual procurement of that aircraft once it enters production.*

*(4) A comparison, for each such production strategy, of the anticipated costs of carrying out production of that aircraft at each such location with the costs of carrying out such production at each of the other such locations.*

*(c) Cost Comparison.—In identifying costs under subsection (b)(3) and carrying out the cost comparisons required by subsection (b)(4), the Secretary shall include consideration of each of the following factors:*

*(1) State tax credits.*

*(2) State and local incentives.*

*(3) Skilled resident workforce.*

*(4) Supplier and technical support bases.*

*(5) Available stealth production facilities.*

*(6) Environmental standards.*

## *TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION*

### *Subtitle A—Authorization of Appropriations*

#### *SEC. 201. AUTHORIZATION OF APPROPRIATIONS.*

*Funds are hereby authorized to be appropriated for fiscal year 2001 for the use of the Department of Defense for research, development, test, and evaluation as follows:*

*(1) For the Army, $5,500,246,000.*

*(2) For the Navy, $8,834,477,000.*

*(3) For the Air Force, $13,677,108,000.*

*(4) For Defense-wide activities, $11,297,323,000, of which $219,560,000 is authorized for Operational Test and Evaluation, Defense.*

#### *SEC. 202. AMOUNT FOR BASIC AND APPLIED RESEARCH.*

*(a) Fiscal Year 2001.—Of the amounts authorized to be appropriated by section 201, $4,435,354,000 shall be available for basic research and applied research projects.*

*(b) Basic Research and Applied Research Defined.—For purposes of this section, the term "basic research and applied research" means work funded in program elements for defense research and development under Department of Defense category 6.1 or 6.2.*

### *Subtitle B—Program Requirements, Restrictions, and Limitations*

#### *SEC. 211. HIGH ENERGY LASER PROGRAMS.*

*(a) Funding for Fiscal Year 2001.—(1) Of the amount authorized to be appropriated by section 201(4), $30,000,000 is authorized for high energy laser development.*

*(2) Funds available under this section are available to supplement the high energy laser programs of the military departments and Defense Agencies, as determined by the official designated under subsection (b).*

*(b) Designation of Official for High Energy Laser Programs.—(1) The Secretary of Defense shall designate a senior civilian official in the Office of the Secretary of Defense (in this section referred to as the "designated official") to carry out responsibilities for the programs for which funds are provided under this section. The designated official shall report directly to the Under Secretary of Defense for Acquisition, Technology, and Logistics for matters concerning the responsibilities specified in paragraph (2).*

*(2) The primary responsibilities of the designated official shall include the following:*

*(A) Establishment of priorities for the high energy laser programs of the military departments and the Defense Agencies.*

*(B) Coordination of high energy laser programs among the military departments and the Defense Agencies.*

*(C) Identification of promising high energy laser technologies for which funding should be a high priority for the Department of Defense and establishment of priority for funding among those technologies.*

*(D) Preparation, in coordination with the Secretaries of the military departments and the Directors of the Defense Agencies, of a detailed technology plan to develop and mature high energy laser technologies.*

*(E) Planning and programming appropriate to rapid evolution of high energy laser technology.*

*(F) Ensuring that high energy laser programs of each military department and the Defense Agencies are initiated and managed effectively and are complementary with programs managed by the other military departments and Defense Agencies and by the Office of the Secretary of Defense.*

*(G) Ensuring that the high energy laser programs of the military department and the Defense Agencies comply with the requirements specified in subsection (c).*

*(c) Coordination and Funding Balance.—In carrying out the responsibilities specified in subsection (b)(2), the designated official shall ensure that—*

*(1) high energy laser programs of each military department and of the Defense Agencies are consistent with the priorities identified in the designated official's planning and programming activities;*

*(2) funding provided by the Office of the Secretary of Defense for high energy laser research and development complements high energy laser programs for which funds are provided by the military departments and the Defense Agencies;*

*(3) beginning with fiscal year 2002, funding from the Office of the Secretary of Defense in applied research and advanced technology development program elements is not applied to technology efforts in support of high energy laser programs that are not funded by a military department or the Defense Agencies; and*

*(4) funding from the Office of the Secretary of Defense to complement an applied research or advanced technology development high energy laser program for which funds are provided by one of the military departments or the Defense Agencies do not exceed the amount provided by the military department or the Defense Agencies for that program.*

*(d) Sense of Congress.—It is the sense of Congress that—*

*(1) the Department of Defense should establish funding for high energy laser programs within the science and technology programs of each of the military departments and the Ballistic Missile Defense Organization; and*

*(2) the Secretary of Defense should establish a goal that basic, applied, and advanced research in high energy laser technology should constitute at least 4.5 percent of the total science and technology budget of the Department of Defense by fiscal year 2004.*

*(e) Interagency Memorandum of Agreement.—(1) The Secretary of Defense and the Administrator for Nuclear Security of the Department of Energy shall enter into a memorandum of agreement to conduct joint research and development on military applications of high energy lasers.*

*(2) The projects pursued under the memorandum of agreement—*

*(A) shall be of mutual benefit to the national security programs of the Department of Defense and the National Nuclear Security Administration of the Department of Energy;*

*(B) shall be prioritized jointly by officials designated to do so by the Secretary of Defense and the Administrator; and*

*(C) shall be consistent with the technology plan prepared pursuant to subsection (b)(2) and the requirements identified in subsection (c).*

*(3) Costs of each project pursued under the memorandum of agreement shall be shared equally by the Department of Defense and the National Nuclear Security Administration.*

*(4) The memorandum of agreement shall provide for appropriate peer review of projects pursued under the memorandum of agreement.*

*(f) Technology Plan.—The designated official shall submit to the congressional defense committees by February 15 of each fiscal year the technology plan prepared pursuant to subsection (b)(2). The report shall be submitted in unclassified and, if necessary, classified form.*

*(g) Annual Report.—Not later than February 15 of 2001, 2002, and 2003, the Secretary of Defense shall submit to the congressional defense committees a report on high energy laser programs of the Department of Defense. Each report shall include an assessment of the following:*

*(1) The adequacy of the management structure of the Department of Defense for high energy laser programs.*

*(2) The funding available for high energy laser programs.*

*(3) The technical progress achieved for high energy laser programs.*

*(4) The extent to which goals and objectives of the high energy laser technology plan have been met.*

*(h) Definition.—For purposes of this section, the term "high energy laser" means a laser that has average power in excess of one kilowatt and that has potential weapons applications.*

#### *SEC. 212. MANAGEMENT OF SPACE-BASED INFRARED SYSTEM—LOW.*

*The Secretary of Defense shall direct that the Director of the Ballistic Missile Defense Organization shall have authority for program management for the ballistic missile defense program known on the date of the enactment of this Act as the Space-Based Infrared System—Low.*

#### *SEC. 213. JOINT STRIKE FIGHTER.*

*The Joint Strike Fighter program may not be approved for entry into the Engineering and Manufacturing Development (EMD) stage of the acquisition process until the Secretary of Defense certifies to the congressional defense committees that the technological maturity of key technologies for the program is sufficient to warrant entry of the program into the Engineering and Manufacturing Development stage.*

### *Subtitle C—Ballistic Missile Defense*

#### *SEC. 231. FUNDING FOR FISCAL YEAR 2001.*

*Of the funds authorized to be appropriated in section 201(4), $2,066,200,000 shall be available for the National Missile Defense program.*

#### *SEC. 232. SENSE OF CONGRESS CONCERNING COMMITMENT TO DEPLOYMENT OF NATIONAL MISSILE DEFENSE SYSTEM.*

*(a) Statement of Policy.—Congress reaffirms the policy of the United States declared in the National Missile Defense Act of 1999 (Public Law 106–38, signed into law by the President on July 22, 1999).*

*(b) Findings.—Congress makes the following findings:*

*(1) An effective National Missile Defense system is technologically feasible.*

*(2) Hostile "rogue" nations are capable of posing missile threats the United States which justify deployment of a National Missile Defense system.*

*(c) Sense of Congress.—It is the sense of Congress that the action of the President in signing the National Missile Defense Act of 1999 entails a commitment by the President to execute the policy declared in that Act.*

#### *SEC. 233. REPORTS ON BALLISTIC MISSILE THREAT POSED BY NORTH KOREA.*

*(a) Report On Ballistic Missile Threat.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, or 60 days after the date of the enactment of this Act, whichever is sooner, the President shall submit to Congress, in classified and unclassified form, a report on the North Korean ballistic missile threat to the United States. The report shall include the following:*

*(1) An assessment of the current North Korean missile threat to the 50 States.*

*(2) An assessment of whether the United States is capable of defeating the North Korean long-range missile threat to the United States as of the date of the report.*

*(3) An assessment of when the United States will be capable of defeating the North Korean missile threat to the United States.*

*(4) An assessment of the potential for proliferation of North Korean missile technologies to other states and whether such proliferation will accelerate the development of additional long-range ballistic missile threats to the United States.*

*(b) Report on Reducing Vulnerability.—Not later than two weeks after the next flight test by North Korea of a long-range ballistic missile, the President shall submit to Congress a report providing the following:*

*(1) Any additional steps the President intends to take to reduce the period of time during which the Nation is vulnerable to the North Korean long-range ballistic missile threat.*

*(2) The technical and programmatic viability of testing any other missile defense systems against targets with flight characteristics similar to the North Korean long-range missile threat, and plans to do so if such tests are considered to be a viable alternative.*

#### SEC. 234. PLAN TO MODIFY BALLISTIC MISSILE DEFENSE ARCHITECTURE TO COVER INTERMEDIATE-RANGE BALLISTIC MISSILE THREATS.

*(a) Plan.—The Director of the Ballistic Missile Defense Organization shall develop a plan to adapt ballistic missile defense systems and architectures to counter potential threats to the United States, United States forces deployed outside the United States, and other United States national security interests that are posed by ballistic missiles with ranges of 1,500 to 2,500 miles.*

*(b) Use of Space-Based Sensors Included.—The plan shall include—*

*(1) potential use of space-based sensors, including the SBIRS Low and SBIRS High systems, Navy theater missile defense assets, upgrades of land-based theater missile defenses, the airborne laser, and other assets available in the European theater; and*

*(2) a schedule for ground and flight testing against the identified threats.*

*(c) Report.—The Secretary of Defense shall assess the plan and, not later than February 15, 2001, shall submit to the congressional defense committees a report on the results of the assessment.*

#### SEC. 235. DESIGNATION OF AIRBORNE LASER PROGRAM AS A PROGRAM ELEMENT OF BALLISTIC MISSILE DEFENSE PROGRAM.

*Section 223(a) of title 10, United States Code, is amended by adding at the end the following new paragraph:*

*"(13) Airborne Laser program.".*

### Subtitle D—Other Matters

#### SEC. 241. RECOGNITION OF THOSE INDIVIDUALS INSTRUMENTAL TO NAVAL RESEARCH EFFORTS DURING THE PERIOD FROM BEFORE WORLD WAR II THROUGH THE END OF THE COLD WAR.

*(a) Findings.—Congress makes the following findings:*

*(1) The contributions of the Nation's scientific community and of science research to the victory of the United States and its allies in World War II resulted in the understanding that science and technology are of critical importance to the future security of the Nation.*

*(2) Academic institutions and oceanographers provided vital support to the Navy and the Marine Corps during World War II.*

*(3) Congress created the Office of Naval Research in the Department of the Navy in 1946 to ensure the availability of resources for research in oceanography and other fields related to the missions of the Navy and Marine Corps.*

*(4) The Office of Naval Research of the Department of the Navy, in addition to its support of naval research within the Federal Government, has also supported the conduct of oceanographic and scientific research through partnerships with educational and scientific institutions throughout the Nation.*

*(5) These partnerships have long been recognized as among the most innovative and productive research partnerships ever established by the Federal Government and have resulted in a vast improvement in understanding of basic ocean processes and the development of new technologies critical to the security and defense of the Nation.*

*(b) Congressional Recognition and Appreciation.—Congress—*

*(1) applauds the commitment and dedication of the officers, scientists, researchers, students, and administrators who were instrumental to the program of partnerships for oceanographic and scientific research between the Federal Government and academic institutions, including those individuals who helped forge that program before World War II, implement it during World War II, and improve it throughout the Cold War;*

*(2) recognizes that the Nation, in ultimately prevailing in the Cold War, relied to a significant extent on research supported by, and technologies developed through, those partnerships and, in particular, on the superior understanding of the ocean environment generated through that research;*

*(3) supports efforts by the Secretary of the Navy and the Chief of Naval Research to honor those individuals, who contributed so greatly and unselfishly to the naval mission and the national defense, through those partnerships during the period beginning before World War II and continuing through the end of the Cold War; and*

*(4) expresses appreciation for the ongoing efforts of the Office of Naval Research to support oceanographic and scientific research and the development of researchers in those fields, to ensure that such partnerships will continue to make important contributions to the defense and the general welfare of the Nation.*

## TITLE III—OPERATION AND MAINTENANCE

### Subtitle A—Authorization of Appropriations

#### SEC. 301. OPERATION AND MAINTENANCE FUNDING.

*Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for expenses, not otherwise provided for; for operation and maintenance, in amounts as follows:*

*(1) For the Army, $19,492,617,000.*

*(2) For the Navy, $23,321,809,000.*

*(3) For the Marine Corps, $2,851,678,000.*

*(4) For the Air Force, $22,351,164,000.*

*(5) For Defense-wide activities, $11,673,852,000.*

*(6) For the Army Reserve, $1,565,918,000.*

*(7) For the Naval Reserve, $967,646,000.*

*(8) For the Marine Corps Reserve, $150,469,000.*

*(9) For the Air Force Reserve, $1,890,859,000.*

*(10) For the Army National Guard, $3,236,835,000.*

*(11) For the Air National Guard, $3,461,875,000.*

*(12) For the Defense Inspector General, $144,245,000.*

*(13) For the United States Court of Appeals for the Armed Forces, $8,574,000.*

*(14) For Environmental Restoration, Army, $389,932,000.*

*(15) For Environmental Restoration, Navy, $294,038,000.*

*(16) For Environmental Restoration, Air Force, $376,300,000.*

*(17) For Environmental Restoration, Defense-wide, $23,412,000.*

*(18) For Environmental Restoration, Formerly Used Defense Sites, $186,499,000.*

*(19) For Overseas Humanitarian, Disaster, and Civic Aid programs, $55,800,000.*

*(20) For Drug Interdiction and Counter-drug Activities, Defense-wide, $841,500,000.*

*(21) For the Kaho'olawe Island Conveyance, Remediation, and Environmental Restoration Trust Fund, $25,000,000.*

*(22) For Defense Health Program, $11,571,523,000.*

*(23) For Cooperative Threat Reduction programs, $433,400,000.*

*(24) For Overseas Contingency Operations Transfer Fund, $4,100,577,000.*

#### SEC. 302. WORKING CAPITAL FUNDS.

*Funds are hereby authorized to be appropriated for fiscal year 2000 for the use of the Armed Forces and other activities and agencies of the Department of Defense for providing capital for working capital and revolving funds in amounts as follows:*

*(1) For the Defense Working Capital Funds, $916,276,000.*

*(2) For the National Defense Sealift Fund, $737,109,000.*

#### SEC. 303. ARMED FORCES RETIREMENT HOME.

*There is hereby authorized to be appropriated for fiscal year 2000 from the Armed Forces Retirement Home Trust Fund the sum of $69,832,000 for the operation of the Armed Forces Retirement Home, including the United States Soldiers' and Airmen's Home and the Naval Home.*

#### SEC. 304. TRANSFER FROM NATIONAL DEFENSE STOCKPILE TRANSACTION FUND.

*(a) Transfer Authority.—To the extent provided in appropriations Acts, not more than $150,000,000 is authorized to be transferred from the National Defense Stockpile Transaction Fund to operation and maintenance accounts for fiscal year 2000 in amounts as follows:*

*(1) For the Army, $50,000,000.*

*(2) For the Navy, $50,000,000.*

*(3) For the Air Force, $50,000,000.*

*(b) Treatment of Transfers.—Amounts transferred under this section—*

*(1) shall be merged with, and be available for the same purposes and the same period as, the amounts in the accounts to which transferred; and*

*(2) may not be expended for an item that has been denied authorization of appropriations by Congress.*

*(c) Relationship to Other Transfer Authority.—The transfer authority provided in this section is in addition to the transfer authority provided in section 1001.*

### Subtitle B—Environmental Provisions

#### SEC. 311. PAYMENT OF FINES AND PENALTIES IMPOSED FOR ENVIRONMENTAL VIOLATIONS.

*(a) Army Violations.—Using amounts authorized to be appropriated by section 301(1) for operation and maintenance for the Army, the Secretary of the Army may pay the following amounts in connection with environmental violations at the following locations:*

*(1) $993,000 for Walter Reed Army Medical Center, Washington, D.C., in satisfaction of a fine imposed by Region 3 of the Environmental Protection Agency for a supplemental environmental project.*

*(2) $377,250 for Fort Campbell, Kentucky, in satisfaction of a fine imposed by Region 4 of the Environmental Protection Agency for a supplemental environmental project.*

*(3) $20,701 for Fort Gordon, Georgia, in satisfaction of a fine imposed by the State of Georgia for a supplemental environmental project.*

*(4) $78,500 for Pueblo Chemical Depot, Colorado, in satisfaction of a fine imposed by the State of Colorado for supplemental environmental projects.*

*(5) $20,000 for Deseret Chemical Depot, Utah, in satisfaction of a fine imposed by the State of Utah for a supplemental environmental project.*

*(b) Navy Violations.—Using amounts authorized to be appropriated by section 301(2) for operation and maintenance for the Navy, the Secretary of the Navy may pay not more than the following amounts in connection with environmental violations at the following military installations:*

*(1) $108,800 for Allegany Ballistics Laboratory, West Virginia, in satisfaction of a penalty imposed by the West Virginia Division of Environmental Protection.*

*(2) $5,000 for Naval Air Station, Corpus Christi, Texas, in satisfaction of a penalty imposed by Region 6 of the Environmental Protection Agency.*

*(c) Reduction in Payment Amounts.—An amount specified in subsection (a) or (b) as the authorized payment for an environmental violation shall be reduced to reflect any amounts previously paid by the Secretary concerned in connection with that violation.*

### *SEC. 312. NECESSITY OF MILITARY LOW-LEVEL FLIGHT TRAINING TO PROTECT NATIONAL SECURITY AND ENHANCE MILITARY READINESS.*

*(a) Necessity of Current Training Routes and Areas.—The environmental impact statements completed as of the date of the enactment of this Act for each special use airspace designated by a military department for the performance of low-level training flights, including each military training route, slow speed route, military operations area, restricted area, or low altitude tactical navigation area, are deemed to satisfy the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and regulations implementing such law.*

*(b) Protecting Future Flexibility of Network.—On and after the date of the enactment of this Act, a proposal by a military department to establish or to expand or otherwise modify a special use airspace for low-level training flights shall be considered separately to determine whether the proposal is a major Federal action significantly affecting the quality of the human environment for purposes of the National Environmental Policy Act of 1969.*

### *SEC. 313. USE OF ENVIRONMENTAL RESTORATION ACCOUNTS TO RELOCATE ACTIVITIES FROM DEFENSE ENVIRONMENTAL RESTORATION SITES*

*Subsection (b) of section 2703 of title 10, United States Code, is amended to read as follows:*

*"(b) Obligation of Authorized Amounts.—(1) Funds authorized for deposit in an account under subsection (a) may be obligated or expended from the account only—*

*"(A) to carry out the environmental restoration functions of the Secretary of Defense and the Secretaries of the military departments under this chapter and under any other provision of law; and*

*"(B) to relocate activities from defense sites, including sites formerly used by the Department of Defense that are released from Federal Government control, at which the Secretary is responsible for environmental restoration functions.*

*"(2) The authority provided by paragraph (1)(B) expires September 30, 2003. Not more than five percent of the funds deposited in an account under subsection (a) for a fiscal year may be used for activities under paragraph (1)(B).*

*"(3) If relocation assistance under paragraph (1)(B) is to be provided with respect to a site formerly used by the Department of Defense, but now released from Federal Government control, the Secretary of Defense or the Secretary of the military department concerned may use only fund transfer mechanisms otherwise available to the Secretary. The Secretary may not provide assistance under such paragraph for permanent relocation from the affected site unless the Secretary determines that permanent relocation is the most cost effective method of dealing with the activities located at the affected site and notifies the Congress of the determination before providing the assistance.*

*"(4) Funds authorized for deposit in an account under subsection (a) shall remain available until expended.".*

## ***Subtitle C—Commissaries and Nonappropriated Fund Instrumentalities***

### *SEC. 321. USE OF APPROPRIATED FUNDS TO COVER OPERATING EXPENSES OF COMMISSARY STORES.*

*(a) In General.—(1) Section 2484 of title 10, United States Code, is amended to read as follows:*

#### ***"§2484. Commissary stores: use of appropriated funds to cover operating expenses***

*"(a) Operation of Agency and System.—Except as otherwise provided in this title, the operation of the Defense Commissary Agency and the defense commissary system may be funded using such amounts as are appropriated for such purpose.*

*"(b) Operating Expenses of Commissary Stores.—Appropriated funds may be used to cover the expenses of operating commissary stores and central product processing facilities of the defense commissary system. For purposes of this subsection, operating expenses include the following:*

*"(1) Salaries of employees of the United States, host nations, and contractors supporting commissary store operations.*

*"(2) Utilities.*

*"(3) Communications.*

*"(4) Operating supplies and services.*

*"(5) Second destination transportation costs within or outside the United States.*

*"(6) Any cost associated with above-store level management or other indirect support of a commissary store or a central product processing facility, including equipment maintenance and information technology costs.".*

*(2) The table of sections at the beginning of chapter 147 of such title is amended by striking the item relating to section 2484 and inserting the following new item:*

*"2484. Commissary stores: use of appropriated funds to cover operating expenses.".*

*(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2001.*

### *SEC. 322. ADJUSTMENT OF SALES PRICES OF COMMISSARY STORE GOODS AND SERVICES TO COVER CERTAIN EXPENSES.*

*(a) Adjustment Required.—Section 2486 of title 10, United States Code, is amended—*

*(1) in subsection (c), by striking "section 2484(b) or" and inserting "subsection (d) or section"; and*

*(2) in subsection (d)—*

*(A) in paragraph (1), by striking "sections 2484 and" and inserting "section"; and*

*(B) by adding at the end the following new paragraph:*

*"(3) The sales price of merchandise and services sold in, at, or by commissary stores shall be adjusted to cover the following:*

*"(A) The cost of first destination commercial transportation of the merchandise in the United States to the place of sale.*

*"(B) The actual or estimated cost of shrinkage, spoilage, and pilferage of merchandise under the control of commissary stores.".*

*(b) Effective Date.—The amendments made by this section shall take effect on October 1, 2001.*

### *SEC. 323. USE OF SURCHARGES FOR CONSTRUCTION AND IMPROVEMENT OF COMMISSARY STORES.*

*(a) Expansion of Authorized Uses.—Subsection (b) of section 2685 of title 10, United States Code, is amended to read as follows:*

*"(b) Use for Construction, Repair, Improvement, and Maintenance.—(1) The Secretary of Defense may use the proceeds from the adjustments or surcharges authorized by subsection (a) only—*

*"(A) to acquire (including acquisition by lease), construct, convert, expand, improve, repair, maintain, and equip the physical infrastructure of commissary stores and central product processing facilities of the defense commissary system; and*

*"(B) to cover environmental evaluation and construction costs, including surveys, administration, overhead, planning, and design, related to activities described in paragraph (1).*

*"(2) In paragraph (1), the term 'physical infrastructure' includes real property, utilities, and equipment (installed and free standing and including computer equipment), necessary to provide a complete and usable commissary store or central product processing facility.".*

*(b) Authority of Secretary of Defense.—Such section is further amended—*

*(1) in subsection (a), by striking "Secretary of a military department, under regulations established by him and approved by the Secretary of Defense," and inserting "Secretary of Defense";*

*(2) in subsection (c)—*

*(A) by striking "Secretary of a military department, with the approval of the Secretary of Defense and" and inserting "Secretary of Defense, with the approval of"; and*

*(B) by striking "Secretary of the military department determines" and inserting "Secretary determines"; and*

*(3) in subsection (d), by striking "Secretary of a military department" and inserting "Secretary of Defense".*

*(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 2001.*

### *SEC. 324. INCLUSION OF MAGAZINES AND OTHER PERIODICALS AS AN AUTHORIZED COMMISSARY MERCHANDISE CATEGORY.*

*(a) Additional Authorized Category.—Subsection (b) of section 2486 of title 10, United States Code, is amended—*

*(1) by redesignating paragraph (11) as paragraph (12); and*

*(2) by inserting after paragraph (10) the following new paragraph:*

*"(11) Magazines and other periodicals.".*

*(b) Conforming Amendments.—Subsection (f) of such section is amended—*

*(1) by striking "(1)" before "Notwithstanding";*

*(2) by striking "items in the merchandise categories specified in paragraph (2)" and inserting "tobacco products"; and*

*(3) by striking paragraph (2).*

### *SEC. 325. USE OF MOST ECONOMICAL DISTRIBUTION METHOD FOR DISTILLED SPIRITS.*

*Section 2488(c) of title 10, United States Code, is amended—*

*(1) by striking paragraph (2); and*

*(2) by redesignating paragraph (3) as paragraph (2).*

### *SEC. 326. REPORT ON EFFECTS OF AVAILABILITY OF SLOT MACHINES ON UNITED STATES MILITARY INSTALLATIONS OVERSEAS.*

*(a) Report Required.—Not later than March 31, 2001, the Secretary of Defense shall submit to Congress a report evaluating the effect that the*

*ready availability of slot machines as a morale, welfare, and recreation activity on United States military installations outside of the United States has on members of the Armed Forces, their dependents, and other persons who use such slot machines, the morale of military communities overseas, and the personal financial stability of members of the Armed Forces.*

*(b) MATTERS TO BE INCLUDED.—The Secretary shall include in the report—*

*(1) an estimate of the number of persons who used such slot machines during the preceding two years and, of such persons, the percentage who were enlisted members (shown both in the aggregate and by pay grade), officers (shown both in the aggregate and by pay grade), Department of Defense civilians, other United States persons, and foreign nationals;*

*(2) to the extent feasible, information with respect to military personnel referred to in paragraph (1) showing the number (as a percentage and by pay grade) who have—*

*(A) sought financial services counseling at least partially due to the use of such slot machines;*

*(B) qualified for Government financial assistance at least partially due to the use of such slot machines; or*

*(C) had a personal check returned for insufficient funds or received any other nonpayment notification from a creditor at least partially due to the use of such slot machines; and*

*(3) to the extent feasible, information with respect to the average amount expended by each category of persons referred to in paragraph (1) in using such slot machines per visit, to be shown by pay grade in the case of military personnel.*

## Subtitle D—Performance of Functions by Private-Sector Sources

### SEC. 331. INCLUSION OF ADDITIONAL INFORMATION IN REPORTS TO CONGRESS REQUIRED BEFORE CONVERSION OF COMMERCIAL OR INDUSTRIAL TYPE FUNCTIONS TO CONTRACTOR PERFORMANCE.

*(a) INFORMATION REQUIRED BEFORE COMMENCEMENT OF CONVERSION ANALYSIS.—Subsection (b)(1)(D) of section 2461 of title 10, United States Code, is amended by inserting before the period the following: ", and a certification that funds are specifically budgeted to pay for the cost of the analysis".*

*(b) INFORMATION REQUIRED IN NOTIFICATION OF DECISION.—Subsection (c)(1) of such section is amended—*

*(1) by redesignating subparagraphs (A), (B), (C), (D), and (E) as subparagraphs (B), (C), (D), (F), and (G), respectively;*

*(2) by inserting before subparagraph (B), as so redesignated, the following new subparagraph:*

*"(A) The date when the analysis of that commercial or industrial type function for possible change to performance by the private sector was commenced."; and*

*(3) by inserting after subparagraph (D), as so redesignated, the following new subparagraph:*

*"(E) The number of Department of Defense civilian employees who were performing the function when the analysis was commenced and the number of such employees whose employment was terminated or otherwise adversely affected in implementing the most efficient organization of the function or whose employment will be terminated or otherwise adversely affected by the change to performance of the function by the private sector.".*

### SEC. 332. LIMITATION ON USE OF FUNDS FOR NAVY MARINE CORPS INTRANET CONTRACT.

*(a) IN GENERAL.—None of the funds authorized to be appropriated for fiscal year 2001 for the Department of the Navy may be obligated or expended to carry out a Navy Marine Corps Intranet contract until the date that is 60 days after the date that the Secretary submits to Congress the following information:*

*(1) Outcome-oriented performance measures regarding such contract.*

*(2) A description of the alternatives considered to such contract, and the factors relied on in determining not to pursue such alternatives.*

*(3) A description of the baseline of current costs to the Department of the Navy for performing information technology services that would be carried out under such contract and current mission capability regarding such services.*

*(4) An analysis of how civilian and military personnel who currently perform information technology functions would be impacted by such contract, including a description of—*

*(A) the number such personnel currently performing such functions at the Echelon I level;*

*(B) the number of such personnel who would no longer perform such functions as a result of the Navy Marine Corps Intranet contract, and what functions such personnel would perform after the implementation of such contract; and*

*(C) whether a reduction in force would be necessary as a result of such contract.*

*(5) A complete funding profile with respect to such contract, including a description of—*

*(A) the amount of funds obligated or expended in fiscal years 1999 and 2000 for information technology at the Echelon I level, and from what accounts such funds were obligated or expended; and*

*(B) the accounts from which funds would be used for the purpose of carrying out a Navy Marine Corps Intranet contract in fiscal year 2001 and throughout the period of the future-years defense plan of the Department of Defense.*

*(6) A risk assessment which—*

*(A) describes the probability of achieving cost, schedule, and performance goals with respect to such contract;*

*(B) categorizes all identified risks in terms of the likelihood of occurrence and potential impact of such risks; and*

*(C) establishes a plan for mitigation of each risk that is identified as of high importance.*

*(7) A certification that, beginning in fiscal year 2002, the Department of the Navy will comply with the requirements in OMB Circular A-11.*

*(b) GAO REPORT.—In any case in which the Secretary of the Navy submits to Congress the information described in subsection (a), not later than 60 days after the date that the Secretary submits such information the Comptroller General shall review and submit a report on the information to the congressional defense committees.*

*(c) NAVY MARINE CORPS INTRANET CONTRACT DEFINED.—In this section, the term "Navy Marine Corps Intranet contract" means a long-term arrangement with the commercial sector that transfers the responsibility and risk for providing and managing the vast majority of desktop, server, infrastructure, and communication assets and services of the Department of the Navy.*

## Subtitle E—Defense Dependents Education

### SEC. 341. ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES THAT BENEFIT DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.

*(a) CONTINUATION OF DEPARTMENT OF DEFENSE PROGRAM FOR FISCAL YEAR 2001.—Of the amount authorized to be appropriated by section 301(5) for operation and maintenance for Defense-wide activities, $35,000,000 shall be available only for the purpose of providing educational agencies assistance (as defined in subsection (d)(1)) to local educational agencies.*

*(b) NOTIFICATION.—Not later than June 30, 2001, the Secretary of Defense shall notify each local educational agency that is eligible for educational agencies assistance for fiscal year 2001 of—*

*(1) that agency's eligibility for educational agencies assistance; and*

*(2) the amount of the educational agencies assistance for which that agency is eligible.*

*(c) DISBURSEMENT OF FUNDS.—The Secretary of Defense shall disburse funds made available under subsection (a) not later than 30 days after the date on which notification to the eligible local educational agencies is provided pursuant to subsection (b).*

*(d) DEFINITIONS.—In this section:*

*(1) The term "educational agencies assistance" means assistance authorized under section 386(b) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102-484; 20 U.S.C. 7703 note).*

*(2) The term "local educational agency" has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).*

### SEC. 342. ELIGIBILITY FOR ATTENDANCE AT DEPARTMENT OF DEFENSE DOMESTIC DEPENDENT ELEMENTARY AND SECONDARY SCHOOLS.

*Section 2164(c) of title 10, United States Code, is amended—*

*(1) in the subsection heading, by inserting "AND OTHER PERSONS" after "EMPLOYEES"; and*

*(2) by adding at the end the following new paragraph:*

*"(3)(A) The Secretary may authorize the dependent of an American Red Cross employee described in subparagraph (B) to enroll in an education program provided by the Secretary pursuant to subsection (a) if the American Red Cross agrees to reimburse the Secretary for the educational services so provided.*

*"(B) An employee referred to in subparagraph (A) is an American Red Cross employee who—*

*"(i) resides in Puerto Rico; and*

*"(ii) performs, on a full-time basis, emergency services on behalf of members of the armed forces.*

*"(C) Amounts received under this paragraph as reimbursement for educational services shall be treated in the same manner as amounts received under subsection (g).".*

## Subtitle F—Military Readiness Issues

### SEC. 351. ADDITIONAL CAPABILITIES OF, AND REPORTING REQUIREMENTS FOR, THE READINESS REPORTING SYSTEM.

*(a) MEASURING CANNIBALIZATION OF PARTS, SUPPLIES, AND EQUIPMENT.—Subsection (c) of section 117 of title 10, United States Code, is amended by adding at the end the following new paragraph:*

*"(7) Measure, on a quarterly basis, the extent to which units of the armed forces remove serviceable parts, supplies, or equipment from one vehicle, vessel, or aircraft in order to render a different vehicle, vessel, or aircraft operational.".*

*(b) FUNDING TO ADDRESS DEFICIENCIES.—Subsection (e) of such section is amended—*

*(1) by inserting "(1)" before "The Secretary";*

*(2) by striking "Each such report" and inserting the following:*

*"(3) Each report under this subsection"; and*

*(3) by inserting after the first sentence the following new paragraph:*

*"(2) The monthly report submitted under paragraph (1) that covers the first quarter of the then current fiscal year shall also include a description of the funding proposed in the President's budget for the next fiscal year, and for the subsequent fiscal years covered by the most recent future-years defense program submitted under section 221 of this title, to address each deficiency in readiness identified during the joint readiness review conducted for the first quarter of the current fiscal year.".*

### *SEC. 352. REPORTING REQUIREMENTS REGARDING TRANSFERS FROM HIGH-PRIORITY READINESS APPROPRIATIONS.*

*(a) Continuation of Reporting Requirements.—Section 483 of title 10, United States Code, is amended by striking subsection (e).*

*(b) Level of Detail.—Subsection (c)(2) of such section is amended by inserting before the period the following: ", including identification of the sources from which funds were transferred into that activity and identification of the recipients of the funds transferred out of that activity".*

*(c) Additional Covered Budget Activities.—Subsection (d)(5) of such section is amended by adding at the end the following new subparagraphs:*

*"(G) Combat Enforcement Forces.*

*"(H) Combat Communications.".*

### *SEC. 353. DEPARTMENT OF DEFENSE STRATEGIC PLAN TO REDUCE BACKLOG IN MAINTENANCE AND REPAIR OF DEFENSE FACILITIES.*

*(a) Plan Required.—Section 2661 of title 10, United States Code, is amended by adding at the end the following new subsection:*

*"(c) Plan to Address Maintenance and Repair Backlog.—(1) The Secretary of Defense shall develop, and update annually thereafter, a strategic plan to reduce the backlog in maintenance and repair needs of facilities and infrastructure under the jurisdiction of the Department of Defense or a military department. At a minimum, the plan shall include or address the following:*

*"(A) A comprehensive strategy for the repair and revitalization of facilities and infrastructure, or for the demolition and replacement of unusable facilities, carried as backlog by the Secretary concerned.*

*"(B) Measurable goals, over specified time frames, for achieving the objectives of the strategy.*

*"(C) Expected funding for each military department and Defense Agency to carry out the strategy during the period covered by the most recent future-years defense program submitted to Congress pursuant to section 221 of this title.*

*"(D) The cost of the current backlog in maintenance and repair for each military department and Defense Agency, which shall be determined using the standard costs to standard facility categories in the Department of Defense Facilities Cost Factors Handbook, shown both in the aggregate and individually for each major military installation.*

*"(E) The total number of square feet of building space of each military department and Defense Agency to be demolished or proposed for demolition under the plan, shown both in the aggregate and individually for each major military installation.*

*"(F) The initiatives underway to identify facility and infrastructure requirements at military installation to accommodate new and developing weapons systems and to prepare installations to accommodate these systems.*

*"(2) Not later than March 15, 2001, the Secretary shall submit the strategic plan to Congress. The annual updates shall be submitted to Congress each year at or about the time that the President's budget is submitted to Congress that year under section 1105(a) of title 31.".*

*(b) Stylistic Amendments.—Such section is further amended—*

*(1) in subsection (a), by inserting "Availability of Operation and Maintenance Funds.—" after "(a)"; and*

*(2) in subsection (b), by inserting "General Leasing Authority; Maintenance of Defense Access Roads.—" after "(b)".*

## *Subtitle G—Other Matters*

### *SEC. 361. AUTHORITY TO ENSURE DEMILITARIZATION OF SIGNIFICANT MILITARY EQUIPMENT FORMERLY OWNED BY THE DEPARTMENT OF DEFENSE.*

*(a) Authority to Require Demilitarization After Disposal.—Chapter 153 of title 10, United States Code, is amended by inserting after section 2572 the following new section:*

***"§2573. Significant military equipment: continued authority to require demilitarization after disposal***

*"(a) Authority to Require Demilitarization.—The Secretary of Defense may require any person in possession of significant military equipment formerly owned by the Department of Defense—*

*"(1) to demilitarize the equipment,*

*"(2) to have the equipment demilitarized by a third party; or*

*"(3) to return the equipment to the Government for demilitarization.*

*"(b) Cost and Validation of Demilitarization.—When the demilitarization of significant military equipment is carried out by the person in possession of the equipment pursuant to paragraph (1) or (2) of subsection (a), the person shall be solely responsible for all demilitarization costs, and the United States shall have the right to validate that the equipment has been demilitarized.*

*"(c) Return of Equipment to Government.—When the Secretary of Defense requires the return of significant military equipment for demilitarization by the Government, the Secretary shall bear all costs to transport and demilitarize the equipment. If the person in possession of the significant military equipment obtained the property in the manner authorized by law or regulation and the Secretary determines that the cost to demilitarize and return the property to the person is prohibitive, the Secretary shall reimburse the person for the purchase cost of the property and for the reasonable transportation costs incurred by the person to purchase the equipment.*

*"(d) Establishment of Demilitarization Standards.—The Secretary of Defense shall prescribe by regulation what constitutes demilitarization for each type of significant military equipment.*

*"(e) Exception for Government Contracts.—This section does not apply when a person is in possession of significant military equipment formerly owned by the Department of Defense for the purpose of demilitarizing the equipment pursuant to a Government contract.*

*"(f) Definition of Significant Military Equipment.—In this section, the term 'significant military equipment' means—*

*"(1) an article for which special export controls are warranted under the Arms Export Control Act (22 U.S.C. 2751 et seq.) because of its capacity for substantial military utility or capability, as identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and*

*"(2) any other article designated by the Department of Defense as requiring demilitarization before its disposal.".*

*(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 2572 the following new item:*

*"2573. Significant military equipment: continued authority to require demilitarization after disposal.".*

### *SEC. 362. ANNUAL REPORT ON PUBLIC SALE OF CERTAIN MILITARY EQUIPMENT IDENTIFIED ON UNITED STATES MUNITIONS LIST.*

*(a) Annual Report Required.—Chapter 153 of title 10, United States Code, is amended by adding at the end the following new section:*

***"§2582. Military equipment identified on United States munitions list: annual report of public sales***

*"(a) Report Required.—The Secretary of Defense shall prepare an annual report identifying each public sale conducted by a military department or Defense Agency of military items that are—*

*"(1) identified on the United States Munitions List maintained under section 121.1 of title 22, Code of Federal Regulations; and*

*"(2) assigned a demilitarization code of 'B' or its equivalent.*

*"(b) Elements of Report.—(1) A report under this section shall cover all public sales described in subsection (a) that were conducted during the preceding fiscal year.*

*"(2) The report shall specify the following for each sale:*

*"(A) The date of the sale.*

*"(B) The military department or Defense Agency conducting the sale.*

*"(C) The manner in which the sale was conducted.*

*"(D) The military items described in subsection (a) that were sold or offered for sale.*

*"(E) The purchaser of each item.*

*"(F) The stated end-use of each item sold.*

*"(c) Submission of Report.—Not later than March 31 of each year, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate the report required by this section for the preceding fiscal year.".*

*(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"2582. Military equipment identified on United States munitions list: annual report of public sales.".*

### *SEC. 363. REGISTRATION OF CERTAIN INFORMATION TECHNOLOGY SYSTEMS WITH CHIEF INFORMATION OFFICER.*

*(a) Registration Required.—During fiscal years 2001, 2002, and 2003, no funds available to the Department of Defense may be used for a mission critical or mission essential information technology system (including a system funded by the defense working capital fund) that is not registered with the Chief Information Officer of the Department of Defense.*

*(b) Manner of Registration.—A system shall be considered to be registered with the Chief Information Officer upon the furnishing to that officer of notice of the system, together with such information concerning the system as the Secretary of Defense may prescribe.*

*(c) Quarterly Updates.—In the case of each information technology system registered pursuant to this section, the information required under subsection (b) to be submitted as part of the registration shall be updated on not less than a quarterly basis.*

*(d) Covered Information Technology Systems.—An information technology system shall be considered to be a mission critical or mission essential information technology system for purposes of this section as defined by the Secretary of Defense.*

*(e) Definitions.—For purposes of this section:*

*(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.*

*(2) The term "information technology system" has the meaning given the term "information technology" in section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401).*

### SEC. 364. STUDIES AND REPORTS REQUIRED AS PRECONDITION TO CERTAIN MANPOWER REDUCTIONS.

*(a) REQUIRED STUDIES AND REPORTS.—Chapter 146 of title 10, United States Code, is amended by adding at the end the following new section:*

**“§2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions**

*“(a) REPORTING AND ANALYSIS REQUIREMENTS AS PRECONDITION TO MANPOWER REDUCTIONS.—The Secretary of Defense may not initiate manpower reductions at organizations or activities, or within functions, that are commercial, commercial exempt from competition, military essential, or inherently governmental until the Secretary fully complies with the reporting and analysis requirements specified in subsections (b) and (c).*

*“(b) NOTIFICATION AND ELEMENTS OF ANALYSIS.—Before commencing to analyze any commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity for the consolidation, restructuring, or reengineering of military personnel or Department of Defense civilian employees, the Secretary of Defense shall submit to Congress a report containing the following:*

*“(1) The organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering.*

*“(2) The location or locations at which military personnel or Department of Defense civilian employees would be affected.*

*“(3) The number of military personnel or Department of Defense civilian employee positions potentially affected.*

*“(4) A description of the organization, function, or activity to be analyzed for possible consolidation, restructuring, or reengineering, including a description of all missions, duties, or military requirements that might be affected.*

*“(5) An examination of the cost incurred by the Department of Defense to perform the function or to operate the organization or activity that will be analyzed.*

*“(6) A certification that a proposed consolidation, restructuring, or reengineering of a commercial, commercial exempt from competition, military essential, or inherently governmental organization, function, or activity is not a result of a decision by an official of a military department or Defense Agency to impose predetermined constraints or limitations on the number of military personnel or Department of Defense civilian employees.*

*“(c) NOTIFICATION OF DECISION.—If, as a result of the completion of an analysis carried out consistent with the requirements of subsection (b), a decision is made to consolidate, restructure, or reengineer an organization, function, or activity, the Secretary of Defense shall submit to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate a report describing that decision. The report shall contain the following:*

*“(1) The Secretary's certification that the consolidation, restructuring, or reengineering that was analyzed will yield savings to the Department of Defense.*

*“(2) A projection of the savings that will be realized as a result of the consolidation, restructuring, or reengineering, compared with the cost incurred by the Department of Defense to perform the function or to operate the organization or activity prior to such proposed consolidation, restructuring, or reengineering.*

*“(3) A description of all missions, duties, or military requirements that will be affected as a result of the decision to consolidate, restructure, or reengineer the organization, function, or activity that was analyzed.*

*“(4) The Secretary's certification that the consolidation, restructuring or reengineering will not result in any diminution of military readiness.*

*“(5) A schedule for performing the consolidation, restructuring or reengineering.*

*“(6) The Secretary's certification that the entire analysis is available for examination.*

*“(d) DELEGATION.—The responsibility to prepare reports under subsections (b) and (c) may be delegated to the Deputy Under Secretary of Defense for Installations.*

*“(e) COMMENCEMENT; WAIVER FOR SMALL FUNCTIONS.—(1) The consolidation, restructuring, or reengineering of an organization, function, or activity for which a report is required under subsection (c) shall not begin until at least 45 days after the submission of the report to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate.*

*“(2) Subsection (c) shall not apply to a consolidation, restructuring, or reengineering that will result in the elimination of 10 or fewer military or Department of Defense civilian employee positions.*

*“(f) COMPTROLLER GENERAL REVIEW.—Not later than March 1 of each year, the Comptroller General shall submit to Congress a report reviewing decisions taken by the Secretary of Defense to consolidate, restructure, or reengineer organizations, functions, or activities during the previous year and assessing the Secretary's compliance with this section. The report shall include a detailed assessment by the Comptroller General of whether the savings projected by the Secretary to result from such decisions are likely to be realized, and whether any decision taken by the Secretary is likely to result in a diminution of military readiness. The report shall also include detailed audits of selected analyses performed by the Secretary.*

*“(g) RELATION TO OTHER LAW.—Nothing in this section shall be construed to obviate the requirements set forth in section 1597 of this title.”.*

*(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*“2475. Consolidation of functions or activities and reengineering or restructuring of organizations, functions, or activities: required studies and reports before manpower reductions.”.*

### SEC. 365. NATIONAL GUARD ASSISTANCE FOR CERTAIN YOUTH AND CHARITABLE ORGANIZATIONS.

*Section 508 of title 32, United States Code, is amended—*

*(1) in subsection (b)(2), by inserting “or any other youth or charitable organization designated by the Secretary of Defense” after “Special Olympics”; and*

*(2) in subsection (d)(1)—*

*(A) by redesignating paragraph (14) as paragraph (15); and*

*(B) by inserting after paragraph (13) the following new paragraph (14):*

*“(14) Reach For Tomorrow.”.*

## TITLE IV—MILITARY PERSONNEL AUTHORIZATIONS

### Subtitle A—Active Forces

### SEC. 401. END STRENGTHS FOR ACTIVE FORCES.

*The Armed Forces are authorized strengths for active duty personnel as of September 30, 2001, as follows:*

*(1) The Army, 480,000.*

*(2) The Navy, 372,642.*

*(3) The Marine Corps, 172,600.*

*(4) The Air Force, 357,000.*

### SEC. 402. REVISION IN PERMANENT END STRENGTH MINIMUM LEVELS.

*(a) REVISED END STRENGTH FLOORS.—Section 691(b) of title 10, United States Code, is amended—*

*(1) in paragraph (2), by striking “371,781” and inserting “372,000”;*

*(2) in paragraph (3), by striking “172,148” and inserting “172,600”; and*

*(3) in paragraph (4), by striking “360,877” and inserting “357,000”.*

*(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2000.*

### SEC. 403. ADJUSTMENT TO END STRENGTH FLEXIBILITY AUTHORITY.

*Section 691(e) of title 10, United States Code, is amended by inserting “or greater than” after “identical to’.*

### Subtitle B—Reserve Forces

### SEC. 411. END STRENGTHS FOR SELECTED RESERVE.

*(a) IN GENERAL.—The Armed Forces are authorized strengths for Selected Reserve personnel of the reserve components as of September 30, 2001, as follows:*

*(1) The Army National Guard of the United States, 350,526.*

*(2) The Army Reserve, 205,300.*

*(3) The Naval Reserve, 88,900.*

*(4) The Marine Corps Reserve, 39,558.*

*(5) The Air National Guard of the United States, 108,000.*

*(6) The Air Force Reserve, 74,358.*

*(7) The Coast Guard Reserve, 8,000.*

*(b) ADJUSTMENTS.—The end strengths prescribed by subsection (a) for the Selected Reserve of any reserve component shall be proportionately reduced by—*

*(1) the total authorized strength of units organized to serve as units of the Selected Reserve of such component which are on active duty (other than for training) at the end of the fiscal year; and*

*(2) the total number of individual members not in units organized to serve as units of the Selected Reserve of such component who are on active duty (other than for training or for unsatisfactory participation in training) without their consent at the end of the fiscal year.*

*Whenever such units or such individual members are released from active duty during any fiscal year, the end strength prescribed for such fiscal year for the Selected Reserve of such reserve component shall be proportionately increased by the total authorized strengths of such units and by the total number of such individual members.*

### SEC. 412. END STRENGTHS FOR RESERVES ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

*Within the end strengths prescribed in section 411(a), the reserve components of the Armed Forces are authorized, as of September 30, 2001, the following number of Reserves to be serving on full-time active duty or full-time duty, in the case of members of the National Guard, for the purpose of organizing, administering, recruiting, instructing, or training the reserve components:*

*(1) The Army National Guard of the United States, 22,974.*

*(2) The Army Reserve, 13,106.*

*(3) The Naval Reserve, 14,649.*

*(4) The Marine Corps Reserve, 2,261.*

*(5) The Air National Guard of the United States, 11,148.*

*(6) The Air Force Reserve, 1,336.*

### SEC. 413. END STRENGTHS FOR MILITARY TECHNICIANS (DUAL STATUS).

*The minimum number of military technicians (dual status) as of the last day of fiscal year 2001 for the reserve components of the Army and the Air Force (notwithstanding section 129 of title 10, United States Code) shall be the following:*

(1) For the Army Reserve, 5,921.

(2) For the Army National Guard of the United States, 23,129.

(3) For the Air Force Reserve, 9,785.

(4) For the Air National Guard of the United States, 22,247.

### SEC. 414. INCREASE IN NUMBERS OF MEMBERS IN CERTAIN GRADES AUTHORIZED TO BE ON ACTIVE DUTY IN SUPPORT OF THE RESERVES.

(a) Officers.—The table in section 12011(a) of title 10, United States Code, is amended to read as follows:

| “Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| Major or Lieutenant Commander .......... | 3,405 | 1,071 | 998 | 140 |
| Lieutenant Colonel or Commander ...... | 1,830 | 520 | 859 | 90 |
| Colonel or Navy Captain .................... | 547 | 188 | 317 | 30”. |

(b) Senior Enlisted Members.—The table in section 12012(a) of such title is amended to read as follows:

| “Grade | Army | Navy | Air Force | Marine Corps |
|---|---|---|---|---|
| E–9 ........................ | 866 | 202 | 502 | 20 |
| E–8 ........................ | 2,966 | 429 | 1,131 | 94”. |

(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2000.

### Subtitle C—Authorization of Appropriations

### SEC. 421. AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PERSONNEL.

There is hereby authorized to be appropriated to the Department of Defense for military personnel for fiscal year 2001 a total of $75,801,666,000. The authorization in the preceding sentence supersedes any other authorization of appropriations (definite or indefinite) for such purpose for fiscal year 2001.

## TITLE V—MILITARY PERSONNEL POLICY

### Subtitle A—General Personnel Management Authorities

### SEC. 501. AUTHORITY FOR SECRETARY OF DEFENSE TO SUSPEND CERTAIN PERSONNEL STRENGTH LIMITATIONS DURING WAR OR NATIONAL EMERGENCY.

(a) Senior Enlisted Members on Active Duty.—Section 517 of title 10, United States Code, is amended by adding at the end the following new subsection:

“(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.”.

(b) Field Grade Reserve Component Officers.—Section 12011 of such title is amended by adding at the end the following new subsection:

“(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.”.

(c) Senior Enlisted Member in Reserve Components.—Section 12012 of such title is amended by adding at the end the following new subsection:

“(c) Whenever under section 527 of this title the President may suspend the operation of any provision of section 523, 525, or 526 of this title, the Secretary of Defense may suspend the operation of any provision of this section. Any such suspension shall, if not sooner ended, end in the manner specified in section 527 for a suspension under that section.”.

### SEC. 502. AUTHORITY TO ISSUE POSTHUMOUS COMMISSIONS IN THE CASE OF MEMBERS DYING BEFORE OFFICIAL RECOMMENDATION FOR APPOINTMENT OR PROMOTION IS APPROVED BY SECRETARY CONCERNED.

(a) Repeal of Limitation to Deaths Occurring After Secretarial Approval.—Subsection (a)(3) of section 1521 of title 10, United States Code, is amended by striking “and the recommendation for whose appointment or promotion was approved by the Secretary concerned”.

(b) Effective Date of Commission.—Subsection (b) of such section is amended by striking “approval” both places it appears and inserting “official recommendation”.

### SEC. 503. TECHNICAL CORRECTION TO RETIRED GRADE RULE FOR ARMY AND AIR FORCE OFFICERS.

(a) Army.—Section 3961(a) of title 10, United States Code, is amended by striking “or for nonregular service under chapter 1223 of this title”.

(b) Air Force.—Section 8961(a) of such title is amended by striking “or for nonregular service under chapter 1223 of this title”.

(c) Effective Date.—The amendments made by subsections (a) and (b) shall apply to Reserve officers who are promoted to a higher grade as a result of selection for promotion under chapter 36 or chapter 1405 of title 10, United States Code, or having been found qualified for Federal recognition in a higher grade under chapter 3 of title 32, United States Code, after October 5, 1994.

### SEC. 504. EXTENSION TO END OF CALENDAR YEAR OF EXPIRATION DATE FOR CERTAIN FORCE DRAWDOWN TRANSITION AUTHORITIES.

(a) Early Retirement Authority for Active Force Members.—Section 4403(i) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1293 note) is amended by striking “October 1, 2001” and inserting “December 31, 2001”.

(b) SSB and VSI.—Sections 1174a(h) and 1175(d)(3) of title 10, United States Code, are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(c) Selective Early Retirement Boards.—Section 638a(a) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(d) Time-in-Grade Requirement for Retention of Grade Upon Voluntary Retirement.—Section 1370(a)(2)(A) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(e) Minimum Commissioned Service for Voluntary Retirement as an Officer.—Sections 3911(b), 6323(a)(2), and 8911(b) of such title are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(f) Travel, Transportation, and Storage Benefits.—Sections 404(c)(1)(C), 404(f)(2)(B)(v), 406(a)(2)(B)(v), and 406(g)(1)(C) of title 37, United States Code, and section 503(c) of the National Defense Authorization Act for Fiscal Year 1991 (37 U.S.C. 406 note) are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(g) Educational Leave for Public and Community Service.—Section 4463(f) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 1143a note) is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(h) Transitional Health Benefits.—Subsections (a)(1), (c)(1), and (e) of section 1145 of title 10, United States Code, are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(i) Transitional Commissary and Exchange Benefits.—Section 1146 of such title is amended by striking “September 30, 2001” both places it appears and inserting “December 31, 2001”.

(j) Transitional Use of Military Housing.—Paragraphs (1) and (2) of section 1147(a) of such title are amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(k) Continued Enrollment of Dependents in Defense Dependents' Education System.—Section 1407(c)(1) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 926(c)(1)) is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(l) Force Reduction Transition Period Definition.—Section 4411 of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(m) Temporary Special Authority for Force Reduction Period Retirements.—Section 4416(b)(1) of the National Defense Authorization Act for Fiscal Year 1993 (10 U.S.C. 12681 note) is amended by striking “October 1, 2001” and inserting “December 31, 2001”.

(n) Retired Pay for Non-Regular Service.—(1) Section 12731(f) of title 10, United States Code, is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(2) Section 12731a of such title is amended in subsections (a)(1)(B) and (b) by striking “October 1, 2001” and inserting “December 31, 2001”.

(o) Reduction of Time-in-Grade Requirement for Retention of Grade Upon Voluntary Retirement.—Section 1370(d)(5) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(p) Affiliation With Guard and Reserve Units; Waiver of Certain Limitations.—Section 1150(a) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

(q) Reserve Montgomery GI Bill.—Section 16133(b)(1)(B) of such title is amended by striking “September 30, 2001” and inserting “December 31, 2001”.

### SEC. 505. CLARIFICATION OF REQUIREMENTS FOR COMPOSITION OF ACTIVE-DUTY LIST SELECTION BOARDS WHEN RESERVE OFFICERS ARE UNDER CONSIDERATION.

(a) Clarification.—Section 612(a) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking “who are on the active-duty list” in the second sentence; and

(B) by inserting after the second sentence the following new sentence: “Each member of a selection board (except as provided in paragraphs (2), (3), and (4)) shall be an officer on the active-duty list.”; and

(2) in paragraph (3)—

(A) by striking “of that armed force, with the exact number of reserve officers to be” and inserting “of that armed force on active duty (whether or not on the active-duty list). The actual number of reserve officers shall be”; and

(B) by striking “his discretion, except that” and inserting “the Secretary's discretion. Notwithstanding the first sentence of this paragraph,”.

(b) Effective Date.—The amendments made by subsection (a) shall apply to any selection board convened under section 611(a) of title 10, United States Code, on or after August 1, 1981.

### SEC. 506. VOLUNTARY SEPARATION INCENTIVE.

(a) Authority for Termination Upon Entitlement to Retired Pay.—Section 1175(e)(3) of title 10, United States Code, is amended—

*(1) inserting "(A)" after "(3)"; and*

*(2) by adding at the end the following new subparagraph:*

*"(B) If a member is receiving simultaneous voluntary separation incentive payments and retired or retainer pay, the member may elect to terminate the receipt of voluntary separation incentive payments. Any such election is permanent and irrevocable. The rate of monthly recoupment from retired or retainer pay of voluntary separation incentive payments received after such an election shall be reduced by a percentage that is equal to a fraction with a denominator equal to the number of months that the voluntary separation incentive payments were scheduled to be paid and a numerator equal to the number of months that would not be paid as a result of the member's decision to terminate the voluntary separation incentive.".*

*(b) Effective Date.—Subparagraph (B) of section 1175(e)(3) of title 10, United States Code, as added by subsection (a), shall apply with respect to decisions by members to terminate voluntary separation incentive payments under section 1175 of title 10, United States Code, to be effective after September 30, 2000.*

### SEC. 507. CONGRESSIONAL REVIEW PERIOD FOR ASSIGNMENT OF WOMEN TO DUTY ON SUBMARINES AND FOR ANY PROPOSED RECONFIGURATION OR DESIGN OF SUBMARINES TO ACCOMMODATE FEMALE CREW MEMBERS.

*(a) In General.—(1) Chapter 555 of title 10, United States Code, is amended by adding at the end the following new section:*

***"§6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines***

*"(a) No change in the Department of the Navy policy limiting service on submarines to males, as in effect on May 10, 2000, may take effect until—*

*"(1) the Secretary of Defense submits to Congress written notice of the proposed change; and*

*"(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.*

*"(b) No funds available to the Department of the Navy may be expended to reconfigure any existing submarine, or to design any new submarine, to accommodate female crew members until—*

*"(1) the Secretary of Defense submits to Congress written notice of the proposed reconfiguration or design; and*

*"(2) a period of 120 days of continuous session of Congress expires following the date on which the notice is received.*

*"(c) For purposes of this section—*

*"(1) the continuity of a session of Congress is broken only by an adjournment of the Congress sine die; and*

*"(2) the days on which either House of Congress is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of such 120-day period.".*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"6035. Female members: congressional review period for assignment to duty on submarines or for reconfiguration of submarines.".*

*(b) Conforming Amendment.—Section 542(a)(1) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 113 note) is amended by inserting "or by section 6035 of title 10, United States Code" after "Except in a case covered by subsection (b)".*

## Subtitle B—Reserve Component Personnel Policy

### SEC. 511. EXEMPTION FROM ACTIVE-DUTY LIST FOR RESERVE OFFICERS ON ACTIVE DUTY FOR A PERIOD OF THREE YEARS OR LESS.

*Section 641(1) of title 10, United States Code, is amended—*

*(1) by redesignating subparagraphs (D) through (G) as subparagraphs (E) through (H), respectively; and*

*(2) by inserting after subparagraph (C) the following new subparagraph:*

*"(D) on the reserve active-status list who are on active duty under section 12301(d) of this title, other than as provided in subparagraph (C), under a call or order to active duty specifying a period of three years or less;".*

### SEC. 512. EXEMPTION OF RESERVE COMPONENT MEDICAL AND DENTAL OFFICERS FROM COUNTING IN GRADE STRENGTHS.

*Section 12005(a)(1) of title 10, United States Code, is amended by adding at the end the following new sentence: "Medical officers and dental officers shall be excluded in computing and determining the authorized strengths under this subsection.".*

### SEC. 513. CONTINUATION OF OFFICERS ON THE RESERVE ACTIVE STATUS LIST WITHOUT REQUIREMENT FOR APPLICATION.

*Section 14701(a) of title 10, United States Code, is amended by striking "Upon application, a reserve officer" and inserting "A reserve officer".*

### SEC. 514. AUTHORITY TO RETAIN RESERVE COMPONENT CHAPLAINS AND OFFICERS IN MEDICAL SPECIALTIES UNTIL SPECIFIED AGE.

*Section 14703(a)(3) of title 10, United States Code, is amended by striking "veterinary officers" and all that follows through the period and inserting "Air Force nurse, Medical Service Corps officer, biomedical sciences officer, or chaplain.".*

### SEC. 515. AUTHORITY FOR TEMPORARY INCREASE IN NUMBER OF RESERVE COMPONENT PERSONNEL SERVING ON ACTIVE DUTY OR FULL-TIME NATIONAL GUARD DUTY IN CERTAIN GRADES.

*(a) Field Grade Officers.—Section 12011 of title 10, United States Code, as amended by section 501(b), is amended by adding at the end the following new subsection:*

*"(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of officers serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.".*

*(b) Senior Enlisted Members.—Section 12012 of such title, as amended by section 501(c), is amended by adding at the end the following new subsection:*

*"(d) Upon a determination by the Secretary of Defense that such action is in the national interest, the Secretary may increase the number of enlisted members serving in any grade for a fiscal year pursuant to subsection (a) by not more than the percent authorized by the Secretary under section 115(c)(2) of this title.".*

### SEC. 516. AUTHORITY FOR PROVISION OF LEGAL SERVICES TO RESERVE COMPONENT MEMBERS FOLLOWING RELEASE FROM ACTIVE DUTY.

*(a) Legal Services.—Section 1044(a) of title 10, United States Code, is amended—*

*(1) by redesignating paragraph (4) as paragraph (5); and*

*(2) by inserting after paragraph (3) the following new paragraph:*

*"(4) Members of a reserve component not covered by paragraph (1) or (2), but only during a period, following a release from active duty under a call or order to active duty for more than 29 days under a mobilization authority (as determined by the Secretary of Defense), that is not in excess of twice the length of time served on active duty.".*

*(b) Dependents.—Paragraph (5) of such section 1044(a) (as redesignated by subsection (a)) is amended by striking "and (3)" and inserting "(3), and (4)".*

*(c) Implementing Regulations.—Regulations to implement the amendments made by subsections (a) and (b) shall be prescribed not later than 180 days after the date of the enactment of this Act.*

### SEC. 517. ENTITLEMENT TO SEPARATION PAY FOR RESERVE OFFICERS RELEASED FROM ACTIVE DUTY UPON DECLINING SELECTIVE CONTINUATION ON ACTIVE DUTY AFTER SECOND FAILURE OF SELECTION FOR PROMOTION.

*(a) Discharge or Release To Be Considered Involuntary.—Section 1174(c) of title 10, United States Code, is amended by adding at the end the following new paragraph:*

*"(4) The discharge or release from active duty of an officer under a law or regulation requiring that an officer who has failed of selection for promotion to the next higher grade for the second time, or who declines continuation on active duty after such a failure, be discharged or released from active duty shall be considered to be involuntary for purposes of paragraph (1)(A).".*

*(b) Effective Date.—Paragraph (4) of section 1174(c) of title 10, United States Code, as added by subsection (a), shall apply with respect to an offer for selective continuation on active duty that is declined on or after the date of the enactment of this Act.*

### SEC. 518. EXTENSION OF INVOLUNTARY CIVIL SERVICE RETIREMENT DATE FOR CERTAIN RESERVE TECHNICIANS.

*(a) Mandatory Retirement Not Applicable Until Age 60.—Section 10218 of title 10, United States Code, is amended—*

*(1) in subsection (a)—*

*(A) by inserting "and is age 60 or older at that time" after "unreduced annuity" in paragraph (2);*

*(B) by inserting "or is under age 60 at that time" after "unreduced annuity" in paragraph (3)(A); and*

*(C) by inserting "and becoming 60 years of age" after "unreduced annuity" in paragraph (3)(B)(ii)(I); and*

*(2) in subsection (b)—*

*(A) by inserting "and is age 60 or older" after "unreduced annuity" in paragraph (1);*

*(B) by inserting "or is under age 60" after "unreduced annuity" in paragraph (2)(A); and*

*(C) by inserting "and becoming 60 years of age" after "unreduced annuity" in paragraph (2)(B)(ii)(I).*

*(b) Transition Provision.—(1) An individual who before the date of the enactment of this Act was involuntarily separated or retired from employment as an Army Reserve or Air Force Reserve technician under section 10218 of title 10, United States Code, and who would not have been so separated if the provisions of subsection (c) of that section, as amended by subsection (a), had been in effect at the time of such separation may, with the approval of the Secretary concerned, be reinstated to the technician status held by that individual immediately before that separation.*

*(2) The authority under paragraph (1) applies only to reinstatement for which an application is received by the Secretary concerned before the end of the one-year period beginning on the date of the enactment of this Act.*

## *Subtitle C—Education and Training*

### *SEC. 521. COLLEGE TUITION ASSISTANCE PROGRAM FOR PURSUIT OF DEGREES BY MEMBERS OF THE MARINE CORPS PLATOON LEADERS CLASS PROGRAM.*

*(a) IN GENERAL.—Section 16401 of title 10, United States Code, is amended as follows:*

*(1) The section heading is amended to read as follows:*

***"§16401. Marine Corps Platoon Leaders Class program: college tuition assistance program".***

*(2) Subsection (a) is amended—*

*(A) by striking "FINANCIAL" in the subsection heading and inserting "COLLEGE TUITION";*

*(B) by striking "an eligible enlisted" in the matter preceding paragraph (1) and inserting "a"; and*

*(C) in paragraph (2), by striking "three" and inserting "four".*

*(3) Subsection (b)(1) is amended—*

*(A) by striking "an enlisted" and inserting "a";*

*(B) in subparagraph (A), by striking "an officer candidate in" and inserting "a member of";*

*(C) by striking subparagraph (B) and redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively; and*

*(D) in subparagraph (C) (as so redesignated), by striking "(3)" and inserting "(2)".*

*(4) Subsection (b) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).*

*(5) Subsection (f)(1) is amended by striking "A member" and inserting "An enlisted member".*

*(b) COMPUTATION OF CREDITABLE SERVICE.—Section 205(f) of title 37, United States Code, is amended—*

*(1) by striking "section 12209" and inserting "section 12203"; and*

*(2) by striking "a member" and inserting "an enlisted member".*

*(c) CLERICAL AMENDMENT.—The item relating to section 16401 in the table of sections at the beginning of chapter 1611 of such title is amended to read as follows:*

*"16401. Marine Corps Platoon Leaders Class program: college tuition assistance program.".*

### *SEC. 522. REVIEW OF ALLOCATION OF JUNIOR RESERVE OFFICERS TRAINING CORPS UNITS AMONG THE SERVICES.*

*(a) REALLOCATION OF JROTC UNITS.—Not later than March 31, 2001, the Secretary of Defense shall—*

*(1) review the allocation among the military departments of the statutory maximum number of Junior Reserve Officers' Training Corps (JROTC) units; and*

*(2) redistribute the allocation of those units planned (as of the date of the enactment of this Act) for fiscal years 2001 through 2006 so as to increase the number of units for a military department that proposes to more quickly eliminate the current waiting list for such units and to commit the necessary resources for that purpose.*

*(b) PROPOSAL FOR INCREASE IN STATUTORY MAXIMUM.—If, based on the review under subsection (a) and the redistribution of the allocation of JROTC units under that subsection, the Secretary determines that an increase in the statutory maximum number of such units is warranted, the Secretary shall include a proposal for such an increase in the budget proposal of the Department of Defense for fiscal year 2002.*

### *SEC. 523. AUTHORITY FOR NAVAL POSTGRADUATE SCHOOL TO ENROLL CERTAIN DEFENSE INDUSTRY CIVILIANS IN SPECIFIED PROGRAMS RELATING TO DEFENSE PRODUCT DEVELOPMENT.*

*(a) IN GENERAL.—(1) Chapter 605 of title 10, United States Code, is amended by adding at the end the following new section:*

***"§7049. Defense industry civilians: admission to defense product development program***

*"(a) AUTHORITY FOR ADMISSION.—The Secretary of the Navy may permit eligible defense industry employees to receive instruction at the Naval Postgraduate School in accordance with this section. Any such defense industry employee may only be enrolled in, and may only be provided instruction in, a program leading to a masters's degree in a curriculum related to defense product development. No more than 10 such defense industry employees may be enrolled at any one time. Upon successful completion of the course of instruction in which enrolled, any such defense industry employee may be awarded an appropriate degree under section 7048 of this title.*

*"(b) ELIGIBLE DEFENSE INDUSTRY EMPLOYEES.—For purposes of this section, an eligible defense industry employee is an individual employed by a private firm that is engaged in providing to the Department of Defense significant and substantial defense-related systems, products, or services. A defense industry employee admitted for instruction at the school remains eligible for such instruction only so long at that person remains employed by the same firm.*

*"(c) ANNUAL CERTIFICATION BY THE SECRETARY OF THE NAVY.—Defense industry employees may receive instruction at the school during any academic year only if, before the start of that academic year, the Secretary of the Navy determines, and certifies to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives, that providing instruction to defense industry employees under this section during that year—*

*"(1) will further the military mission of the school;*

*"(2) will enhance the ability of the Department of Defense and defense-oriented private sector contractors engaged in the design and development of defense systems to reduce the product and project lead times required to bring such systems to initial operational capability; and*

*"(3) will be done on a space-available basis and not require an increase in the size of the faculty of the school, an increase in the course offerings of the school, or an increase in the laboratory facilities or other infrastructure of the school.*

*"(d) PROGRAM REQUIREMENTS.—The Secretary of the Navy shall ensure that—*

*"(1) the curriculum for the defense product development program in which defense industry employees may be enrolled under this section is not readily available through other schools and concentrates on defense product development functions that are conducted by military organizations and defense contractors working in close cooperation; and*

*"(2) the course offerings at the school continue to be determined solely by the needs of the Department of Defense.*

*"(e) TUITION.—The Superintendent of the school shall charge tuition for students enrolled under this section at a rate not less than the rate charged for employees of the United States outside the Department of the Navy.*

*"(f) STANDARDS OF CONDUCT.—While receiving instruction at the school, students enrolled under this section, to the extent practicable, are subject to the same regulations governing academic performance, attendance, norms of behavior, and enrollment as apply to Government civilian employees receiving instruction at the school.*

*"(g) USE OF FUNDS.—Amounts received by the school for instruction of students enrolled under this section shall be retained by the school to defray the costs of such instruction. The source, and the disposition, of such funds shall be specifically identified in records of the school.".*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"7049. Defense industry civilians: admission to defense product development program.".*

*(b) PROGRAM EVALUATION AND REPORT.—(1) Before the start of the fourth year of instruction, but no earlier than the start of the third year of instruction, of defense industry employees at the Naval Postgraduate School under section 7049 of title 10, United States Code, as added by subsection (a), the Secretary of the Navy shall conduct an evaluation of the admission of such students under that section. The evaluation shall include the following:*

*(A) An assessment of whether the authority for instruction of nongovernment civilians at the school has resulted in a discernible benefit for the Government.*

*(B) Determination of whether the receipt and disposition of funds received by the school as tuition for instruction of such civilians at the school have been properly identified in records of the school.*

*(C) An assessment of the disposition of those funds.*

*(D) An assessment of whether instruction of such civilians at the school is in the best interests of the Government.*

*(2) Not later than 30 days after completing the evaluation referred to in paragraph (1), the Secretary of the Navy shall submit to the Secretary of Defense a report on the program under such section. The report shall include—*

*(A) the results of the evaluation under paragraph (1);*

*(B) the Secretary's conclusions and recommendation with respect to continuing to allow nongovernment civilians to receive instruction and the Naval Postgraduate School as part of a program related to defense product development; and*

*(C) any proposals for legislative changes recommended by the Secretary.*

*(3) Not later than 60 days after receiving the report of the Secretary of the Navy under paragraph (2), the Secretary of Defense shall submit the report, together with any comments that the Secretary considers appropriate, to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives.*

## *Subtitle D—Decorations, Awards, and Commendations*

### *SEC. 531. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ANDREW J. SMITH FOR VALOR DURING THE CIVIL WAR.*

*(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the medal of honor, posthumously, under section 3741 of that title to Andrew J. Smith of Clinton, Illinois, for the acts of valor during the Civil War described in subsection (b).*

*(b) ACTION DESCRIBED.—The acts of valor referred to in subsection (a) are the actions of Andrew J. Smith during the Civil War on November 30, 1864, while serving as an infantry corporal in the 55th Massachusetts Voluntary Infantry during the Battle of Honey Hill in South Carolina.*

### *SEC. 532. AUTHORITY FOR AWARD OF THE MEDAL OF HONOR TO ED W. FREEMAN FOR VALOR DURING THE VIETNAM CONFLICT.*

*(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding the time limitations specified in section 3744 of title 10, United States Code, or any other time limitation with respect to the awarding of certain medals to persons who served in the military service, the President may award the*

*Medal of Honor, posthumously, under section 3741 of that title to Ed W. Freeman of Boise, Idaho, for the acts of valor during the Vietnam Conflict described in subsection (b).*

*(b) Action Described.—The acts of valor referred to in subsection (a) are the actions of Ed W. Freeman on November 14, 1965, as a flight leader and second in command of a 16-helicopter lift unit, serving in the grade of captain at Landing Zone X-Ray in the battle of the IaDrang Valley, Republic of Vietnam, with Alpha Company, 229th Assault Helicopter Battalion, 101st Cavalry Division (Airmobile).*

### ***SEC. 533. CONSIDERATION OF PROPOSALS FOR POSTHUMOUS OR HONORARY PROMOTIONS OR APPOINTMENTS OF MEMBERS OR FORMER MEMBERS OF THE ARMED FORCES AND OTHER QUALIFIED PERSONS.***

*(a) In General.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:*

***"§1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation***

*"(a) Review by Secretary Concerned.—Upon request of a Member of Congress, the Secretary concerned shall review a proposal for the posthumous or honorary promotion or appointment of a member or former member of the armed forces, or any other person considered qualified, that is not otherwise authorized by law. Based upon such review, the Secretary shall make a determination as to the merits of approving the posthumous or honorary promotion or appointment and the other determinations necessary to comply with subsection (b).*

*"(b) Notice of Results of Review.—Upon making a determination under subsection (a) as to the merits of approving the posthumous or honorary promotion or appointment, the Secretary concerned shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives and to the requesting Member of Congress notice in writing of one of the following:*

*"(1) The posthumous or honorary promotion or appointment does not warrant approval on the merits.*

*"(2) The posthumous or honorary promotion or appointment warrants approval and authorization by law for the promotion or appointment is recommended.*

*"(3) The posthumous or honorary promotion or appointment warrants approval on the merits and has been recommended to the President as an exception to policy.*

*"(4) The posthumous or honorary promotion or appointment warrants approval on the merits and authorization by law for the promotion or appointment is required but is not recommended.*

*A notice under paragraph (1) or (4) shall be accompanied by a statement of the reasons for the decision of the Secretary.*

*"(c) Definition.—In this section, the term 'Member of Congress' means—*

*"(1) a Senator; or*

*"(2) a Representative in, or a Delegate or Resident Commissioner to, Congress.".*

*(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"1563. Consideration of proposals for posthumous and honorary promotions and appointments: procedures for review and recommendation.".*

### ***SEC. 534. WAIVER OF TIME LIMITATIONS FOR AWARD OF NAVY DISTINGUISHED FLYING CROSS TO CERTAIN PERSONS.***

*(a) Waiver.—Any limitation established by law or policy for the time within which a recommendation for the award of a military decoration or award must be submitted shall not apply to awards of decorations described in this section, the award of each such decoration having been determined by the Secretary concerned to be warranted in accordance with section 1130 of title 10, United States Code.*

*(b) Distinguished Flying Cross.—Subsection (a) applies to the award of the Distinguished Flying Cross for service during World War II or Korea (including multiple awards to the same individual) in the case of each individual concerning whom the Secretary of the Navy (or an officer of the Navy acting on behalf of the Secretary) submitted to the Committee on Armed Services of the House of Representatives and the Committee on Armed Services of the Senate, during the period beginning on October 5, 1999, and ending on the day before the date of the enactment of this Act, a notice as provided in section 1130(b) of title 10, United States Code, that the award of the Distinguished Flying Cross to that individual is warranted and that a waiver of time restrictions prescribed by law for recommendation for such award is recommended.*

### ***SEC. 535. ADDITION OF CERTAIN INFORMATION TO MARKERS ON GRAVES CONTAINING REMAINS OF CERTAIN UNKNOWNS FROM THE U.S.S. ARIZONA WHO DIED IN THE JAPANESE ATTACK ON PEARL HARBOR ON DECEMBER 7, 1941.***

*(a) Information To Be Provided Secretary of Veterans Affairs.—The Secretary of the Army shall provide to the Secretary of Veterans Affairs certain information, as specified in subsection (b), pertaining to the remains of certain unknown persons that are interred in the National Memorial Cemetery of the Pacific, Honolulu, Hawaii. The Secretary of Veterans Affairs shall add to the inscriptions on the markers on the graves containing those remains the information provided.*

*(b) Information To Be Added—The information to be added to grave markers under subsection (a)—*

*(1) shall be determined by the Secretary of the Army, based on a review of the information that, as of the date of the enactment of this Act, has been authenticated by the director of the Navy Historical Center, Washington, D.C., pertaining to the interment of remains of certain unknown casualties from the U.S.S. Arizona who died as a result of the Japanese attack on Pearl Harbor on December 7, 1941; and*

*(2) shall, at a minimum, indicate that the interred remains are from the U.S.S. Arizona.*

*(c) Limitation of Scope of Section.—This section does not impose any requirement on the Secretary of the Army to undertake a review of any information pertaining to the interred remains of any unknown person other than as provided in subsection (b).*

### ***SEC. 536. SENSE OF CONGRESS REGARDING FINAL CREW OF U.S.S. INDIANAPOLIS.***

*(a) Findings.—Congress finds the following:*

*(1) Shortly after midnight on the night of July 30, 1945, during the closing days of World War II, the United States Navy heavy cruiser U.S.S. INDIANAPOLIS (CA-35) was torpedoed and sunk by a Japanese submarine.*

*(2) Of the 1,196 crew members, only 316 survived the attack and subsequent five-day ordeal adrift at sea, the rest dying from battle wounds, drowning, shark attacks, exposure, or lack of food and water, making the sinking of the INDIANAPOLIS the worst sea disaster in United States naval history.*

*(3) Following the rescue of the surviving crew members, the commanding officer of the INDIANAPOLIS, Captain Charles Butler McVay III, who survived the sinking and the ordeal at sea, was charged with "suffering a vessel to be hazarded through negligence" and was convicted by a court-martial of that charge, notwithstanding a great many extenuating circumstances, some of which were not presented at the court-martial trial.*

*(4) Captain McVay had an excellent record throughout his naval career before the sinking of the INDIANAPOLIS, beginning with his graduation from the United States Naval Academy in 1919 and including an excellent combat record that included participation in the landings in North Africa and award of the Silver Star for courage under fire earned during the Solomon Islands campaign.*

*(5) After assuming command of the INDIANAPOLIS on November 18, 1944, Captain McVay led the ship during her participation in the assaults on Iwo Jima and Okinawa.*

*(6) During the latter assault, the INDIANAPOLIS suffered a damaging kamikaze attack which penetrated the ship's hull, but the ship was made seaworthy and skillfully returned by Captain McVay and her crew to San Francisco for repairs.*

*(7) Following completion of those repairs, the INDIANAPOLIS was given the mission of transporting to the island of Tinian vital parts of the atomic bomb which was dropped on Hiroshima, a mission which was completed successfully on July 26, 1945, at a record average speed of 29 knots.*

*(8) Following the accomplishment of that mission, the INDIANAPOLIS sailed from Tinian to Guam and from there embarked for Leyte Gulf in the Philippines to join training with the fleet assembling for the final assault on the Japanese mainland.*

*(9) As the INDIANAPOLIS began its trip across the Philippine Sea on July 28, 1945, the war was virtually over in that area of the south Pacific, with hostilities having moved 1,000 miles to the north, the Japanese navy's surface fleet was nonexistent, and United States naval intelligence reported only four operational Japanese submarines in the entire Pacific theater of war, all of which resulted in the state of alert among shore-based personnel routing and tracking the INDIANAPOLIS across the Philippine Sea being affected accordingly.*

*(10) Before departure from Guam Captain McVay requested a destroyer escort because his ship was not equipped with antisubmarine detection devices, but, despite the fact that no capital ship such as the INDIANAPOLIS had made the transit between Guam and the Philippines without escort during World War II, that request was denied, and a 1996 report by the Navy's Judge Advocate General's office concedes that "Captain McVay and the routing officer did not discuss the availability of an escort after the operations officer for COMMARIANNAS confirmed that an escort was not necessary".*

*(11) Although Captain McVay was informed of "submarine sightings" in the Philippine Sea, such sightings were commonplace, and none of those reported to Captain McVay had been confirmed, and at the same time there was a failure to inform him that a submarine within range of his path had sunk the U.S.S. UNDERHILL four days before his departure from Guam.*

*(12) United States military intelligence activities, through a 'code-breaking system called ULTRA, had learned that the Japanese submarine I-58 was operating in the Philippine Sea area, but Captain McVay was not told of this intelligence, which remained classified as Top Secret until the early 1990's, and this intelligence (and the fact that it was withheld from Captain McVay when he sailed from Guam) was not brought to light at his court-martial.*

*(13) The INDIANAPOLIS was sunk by this same submarine.*

*(14) the commander of that submarine, Mochitsura Hashimoto, testified at the court-*

*martial that once he had detected the ship, he would have been able to make a successful torpedo attack whether or not the ship was zigzagging.*

*(15) With visibility severely limited by a heavy overcast at approximately 11 p.m. on the night of July 29, 1945, Captain McVay gave the order to cease zigzagging and retired to his cabin and shortly after midnight the INDIANAPOLIS was. struck by two torpedoes and sunk within 12 minutes.*

*(16) The formal charge upon which Captain McVay was convicted for "suffering a vessel to be hazarded through negligence" contained the phrase "in good visibility" in reference to the weather conditions on that night, which is contrary to the recollection of all survivors, who recall that the visibility was very poor.*

*(17) After the INDIANAPOLIS was sunk, various Navy shore offices compounded the previous errors which had led to the ship being placed in jeopardy by failing to report the ship's overdue arrival, thus leaving the approximately 950 members of the crew who survived the sinking of the ship adrift for four days and five nights until by chance the survivors were spotted by a routine air patrol.*

*(18) A court of inquiry to investigate the sinking was convened in Guam on August 13, 1945, just two weeks after the sinking and nine days after the survivors were rescued (a date so soon after the sinking that Captain William Hillbert, the Navy judge advocate for the inquiry, admitted that the inquiry was so rushed that they were ". . . starting the proceedings without having available all the necessary data") and recommended that Captain McVay be issued a Letter of Reprimand and that he be court-martialed.*

*(19) The headquarters staff of CINCPAC (commanded by Fleet Admiral Chester Nimitz) disagreed with the recommendation of the court of inquiry, stating that in not maintaining a zigzag course Captain McVay at worst was guilty only of an error in judgment and not gross negligence and concluded that the rule requiring zigzagging would not have applied in any event since Captain McVay's orders gave him discretion on that matter and took precedence over all other orders (a point that was never made by Captain McVay's attorney during the court-martial).*

*(20) The Department of the Navy delayed the announcement of the sinking of the INDIANAPOLIS for almost two weeks to coincide with the announcement of the surrender of Japan, thus diverting attention from the magnitude of the disaster and lessening its public impact, and then, despite opposition by Admiral Nimitz and Admiral Raymond Spruance (for whom the INDIANAPOLIS had served as flagship), it brought court-martial charges against Captain McVay in a rare instance when a commanding officer's recommendations are contravened.*

*(21) Captain McVay thus became the first United States Navy commanding officer brought to trial for losing his ship in combat during World War II, despite the fact that over 700 ships were lost during World War II, including some under questionable circumstances.*

*(22) Captain McVay was convicted on February 23, 1946, on the charge of "suffering a vessel to be hazarded through negligence", thus permanently damaging his career as a naval officer, although when Admiral Nimitz was advanced to the position of Chief of Naval Operations later that same year, he remitted Captain McVay's sentence and restored him to active duty.*

*(23) Following his court-martial conviction, Captain McVay remained on active duty until retiring in 1949 upon completion of 30 years of active naval service, with a final promotion, in accordance with then-applicable law, to the grade of rear admiral, effective upon the date of his retirement.*

*(24) Rear Admiral Charles Butler McVay III (retired), died on November 6, 1968, without having been exonerated from responsibility for the loss of his ship and the lives of 880 members of her crew.*

*(25) The survivors of the INDIANAPOLIS still living have remained steadfast in their support of the exoneration of Captain McVay.*

*(26) In 1993, Congress, in section 1165 of the National Defense Authorization Act for Fiscal Year 1994 (Public Law 103–160; 107 Stat. 1765; 16 U.S.C. 431 note), recognized the memorial to the U.S.S. INDIANAPOLIS (CA–35) in Indianapolis, Indiana, as the national memorial to that historic warship and to her final crew.*

*(27) In 1994, Congress, in section 1052 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2844), stating that it was acting on behalf of the grateful people of the United States—*

*(A) recognized the invaluable contributions of the U.S.S. INDIANAPOLIS to the ending of World War II; and*

*(B) on the occasion of the 50th anniversary of her tragic sinking, and the dedication of the national memorial in Indianapolis on July 30, 1995, commended that ship and her crew for selfless and heroic service to the United States.*

*(b) Court-Martial Conviction of Charles Butler McVay, III.—It is the sense of Congress that—*

*(1) the court-martial charges against then-Captain Charles Butler McVay III, United States Navy, arising from the sinking of the U.S.S. INDIANAPOLIS (CA–35) on July 30, 1945, while under his command were not morally sustainable;*

*(2) Captain McVay's conviction was a miscarriage of justice that led to his unjust humiliation and damage to his naval career; and*

*(3) the American people should now recognize Captain McVay's lack of culpability for the tragic loss of the U.S.S. INDIANAPOLIS and the lives of the men who died as a result of her sinking.*

*(c) Presidential Unit Citation.—(1) It is the sense of Congress that the President should award a Presidential Unit Citation to the final crew of the U.S.S. INDIANAPOLIS (CA–35) in recognition of the courage and fortitude displayed by the members of that crew in the face of tremendous hardship and adversity after their ship was torpedoed and sunk on July 30, 1945.*

*(2) A citation described in paragraph (1) may be awarded without regard to any provision of law or regulation prescribing a time limitation that is otherwise applicable with respect to recommendation for, or the award of, such a citation.*

### SEC. 537. POSTHUMOUS ADVANCEMENT OF REAR ADMIRAL (RETIRED) HUSBAND E. KIMMEL AND MAJOR GENERAL (RETIRED) WALTER C. SHORT ON RETIRED LISTS.

*(a) Findings.—Congress makes the following findings:*

*(1) The late Rear Admiral (retired) Husband E. Kimmel, formerly serving in the grade of admiral as the Commander in Chief of the United States Fleet and the Commander in Chief, United States Pacific Fleet, had an excellent and unassailable record throughout his career in the United States Navy prior to the December 7, 1941, attack on Pearl Harbor.*

*(2) The late Major General (retired) Walter C. Short, formerly serving in the grade of lieutenant general as the Commander of the United States Army Hawaiian Department, had an excellent and unassailable record throughout his career in the United States Army prior to the December 7, 1941, attack on Pearl Harbor.*

*(3) Numerous investigations following the attack on Pearl Harbor have documented that then Admiral Kimmel and then Lieutenant General Short were not provided necessary and critical intelligence that was available, that foretold of war with Japan, that warned of imminent attack, and that would have alerted them to prepare for the attack, including such essential communiques as the Japanese Pearl Harbor Bomb Plot message of September 24, 1941, and the message sent from the Imperial Japanese Foreign Ministry to the Japanese Ambassador in the United States from December 6–7, 1941, known as the Fourteen-Part Message.*

*(4) On December 16, 1941, Admiral Kimmel and Lieutenant General Short were relieved of their commands and returned to their permanent ranks of rear admiral and major general.*

*(5) Admiral William Harrison Standley, who served as a member of the investigating commission known as the Roberts Commission that accused Admiral Kimmel and Lieutenant General Short of "dereliction of duty" only six weeks after the attack on Pearl Harbor, later disavowed the report maintaining that "these two officers were martyred" and "if they had been brought to trial, both would have been cleared of the charge".*

*(6) On October 19, 1944, a Naval Court of Inquiry—*

*(A) exonerated Admiral Kimmel on the grounds that his military decisions and the disposition of his forces at the time of the December 7, 1941, attack on Pearl Harbor were proper "by virtue of the information that Admiral Kimmel had at hand which indicated neither the probability nor the imminence of an air attack on Pearl Harbor";*

*(B) criticized the higher command for not sharing with Admiral Kimmel "during the very critical period of 26 November to 7 December 1941, important information . . . regarding the Japanese situation"; and*

*(C) concluded that the Japanese attack and its outcome was attributable to no serious fault on the part of anyone in the naval service.*

*(7) On June 15, 1944, an investigation conducted by Admiral T. C. Hart at the direction of the Secretary of the Navy produced evidence, subsequently confirmed, that essential intelligence concerning Japanese intentions and war plans was available in Washington but was not shared with Admiral Kimmel.*

*(8) On October 20, 1944, the Army Pearl Harbor Board of Investigation determined that—*

*(A) Lieutenant General Short had not been kept "fully advised of the growing tenseness of the Japanese situation which indicated an increasing necessity for better preparation for war";*

*(B) detailed information and intelligence about Japanese intentions and war plans were available in "abundance", but were not shared with Lieutenant General Short's Hawaii command; and*

*(C) Lieutenant General Short was not provided "on the evening of December 6th and the early morning of December 7th, the critical information indicating an almost immediate break with Japan, though there was ample time to have accomplished this".*

*(9) The reports by both the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation were kept secret, and Rear Admiral (retired) Kimmel and Major General (retired) Short were denied their requests to defend themselves through trial by court-martial.*

*(10) The joint committee of Congress that was established to investigate the conduct of Admiral Kimmel and Lieutenant General Short completed, on May 31, 1946, a 1,075-page report which included the conclusions of the committee that the two officers had not been guilty of dereliction of duty.*

*(11) The Officer Personnel Act of 1947, in establishing a promotion system for the Navy and*

*the Army, provided a legal basis for the President to honor any officer of the Armed Forces of the United States who served his country as a senior commander during World War II with a placement of that officer, with the advice and consent of the Senate, on the retired list with the highest grade held while on the active duty list.*

*(12) On April 27, 1954, the then Chief of Naval Personnel, Admiral J. L. Holloway, Jr., recommended that Rear Admiral Kimmel be advanced in rank in accordance with the provisions of the Officer Personnel Act of 1947.*

*(13) On November 13, 1991, a majority of the members of the Board for the Correction of Military Records of the Department of the Army found that the late Major General (retired) Short "was unjustly held responsible for the Pearl Harbor disaster" and that "it would be equitable and just" to advance him to the rank of lieutenant general on the retired list".*

*(14) In October 1994, the then Chief of Naval Operations, Admiral Carlisle Trost, withdrew his 1988 recommendation against the advancement of Rear Admiral (retired) Kimmel (by then deceased) and recommended that the case of Rear Admiral Kimmel be reopened.*

*(15) Although the Dorn Report, a report on the results of a Department of Defense study that was issued on December 15, 1995, did not provide support for an advancement of the late Rear Admiral (retired) Kimmel or the late Major General (retired) Short in grade, it did set forth as a conclusion of the study that "responsibility for the Pearl Harbor disaster should not fall solely on the shoulders of Admiral Kimmel and Lieutenant General Short, it should be broadly shared".*

*(16) The Dorn Report found—*

*(A) that "Army and Navy officials in Washington were privy to intercepted Japanese diplomatic communications . . . which provided crucial confirmation of the imminence of war";*

*(B) that "the evidence of the handling of these messages in Washington reveals some ineptitude, some unwarranted assumptions and misestimations, limited coordination, ambiguous language, and lack of clarification and followup at higher levels"; and*

*(C) that "together, these characteristics resulted in failure . . . to appreciate fully and to convey to the commanders in Hawaii the sense of focus and urgency that these intercepts should have engendered".*

*(17) On July 21, 1997, Vice Admiral David C. Richardson (United States Navy, retired) responded to the Dorn Report with his own study which confirmed findings of the Naval Court of Inquiry and the Army Pearl Harbor Board of Investigation and established, among other facts, that the war effort in 1941 was undermined by a restrictive intelligence distribution policy, and the degree to which the commanders of the United States forces in Hawaii were not alerted about the impending attack on Hawaii was directly attributable to the withholding of intelligence from then Admiral Kimmel and Lieutenant General Short.*

*(18) Rear Admiral (retired) Kimmel and Major General (retired) Short are the only two officers eligible for advancement under the Officer Personnel Act of 1947 as senior World War II commanders who were excluded from the list of retired officers presented for advancement on the retired lists to their highest wartime ranks under that Act.*

*(19) This singular exclusion from advancement of Rear Admiral (retired) Kimmel and Major General (retired) Short from the Navy retired list and the Army retired list, respectively, serves only to perpetuate the myth that the senior commanders in Hawaii were derelict in their duty and responsible for the success of the attack on Pearl Harbor, and is a distinct and unacceptable expression of dishonor toward two of the finest officers who have served in the Armed Forces of the United States.*

*(20) Major General (retired) Walter Short died on September 23, 1949, and Rear Admiral (retired) Husband Kimmel died on May 14, 1968, without having been accorded the honor of being returned to their wartime ranks as were their fellow veterans of World War II.*

*(21) The Veterans of Foreign Wars, the Pearl Harbor Survivors Association, the Admiral Nimitz Foundation, the Naval Academy Alumni Association, the Retired Officers Association, the Pearl Harbor Commemorative Committee, and other associations and numerous retired military officers have called for the rehabilitation of the reputations and honor of the late Rear Admiral (retired) Kimmel and the late Major General (retired) Short through their posthumous advancement on the retired lists to their highest wartime grades.*

*(b) REQUEST FOR ADVANCEMENT ON RETIRED LISTS.—(1) The President is requested—*

*(A) to advance the late Rear Admiral (retired) Husband E. Kimmel to the grade of admiral on the retired list of the Navy; and*

*(B) to advance the late Major General (retired) Walter C. Short to the grade of lieutenant general on the retired list of the Army.*

*(2) Any advancement in grade on a retired list requested under paragraph (1) shall not increase or otherwise modify the compensation or benefits from the United States to which any person is now or may in the future be entitled based upon the military service of the officer advanced.*

*(c) SENSE OF CONGRESS.—It is the sense of Congress that—*

*(1) the late Rear Admiral (retired) Husband E. Kimmel performed his duties as Commander in Chief, United States Pacific Fleet, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on the naval base at Pearl Harbor, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Admiral Kimmel; and*

*(2) the late Major General (retired) Walter C. Short performed his duties as Commanding General, Hawaiian Department, competently and professionally, and, therefore, the losses incurred by the United States in the attacks on Hickam Army Air Field and Schofield Barracks, Hawaii, and other targets on the island of Oahu, Hawaii, on December 7, 1941, were not a result of dereliction in the performance of those duties by the then Lieutenant General Short.*

### *SEC. 538. COMMENDATION OF CITIZENS OF REMY, FRANCE, FOR WORLD WAR II ACTIONS.*

*(a) FINDINGS.—The Congress finds the following:*

*(1) On August 2, 1944, a squadron of P–51s from the United States 364th Fighter Group strafed a German munitions train in Remy, France.*

*(2) The resulting explosion killed Lieutenant Houston Braly, one of the attacking pilots, and destroyed much of the village of Remy, including seven stained glass windows in the 13th Century church.*

*(3) Despite threats of reprisals from the occupying German authorities, the citizens of Remy recovered Lieutenant Braly's body from the wreckage, buried his body with dignity and honor in the church's cemetery, and decorated the grave site daily with fresh flowers.*

*(4) On Armistice Day, 1995, the village of Remy renamed the crossroads near the site of Lieutenant Braly's death in his honor.*

*(5) The surviving members of the 364th Fighter Group desire to express their gratitude to the brave citizens of Remy.*

*(6) To express their gratitude, the surviving members of the 364th Fighter Group have organized a nonprofit corporation to raise funds, through its project "Windows for Remy", to restore the church's stained glass windows.*

*(b) COMMENDATION AND RECOGNITION.—The Congress commends the bravery and honor of the citizens of Remy, France, for their actions with respect to the American fighter pilot Lieutenant Houston Braly during and after August 1944, and recognizes the efforts of the surviving members of the United States 364th Fighter Group to raise funds to restore the stained glass windows of Remy's 13th Century church.*

## *Subtitle E—Military Justice Matters*

### *SEC. 541. RECOGNITION BY STATES OF MILITARY TESTAMENTARY INSTRUMENTS.*

*(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1044c the following new section:*

**"§ 1044d. Military testamentary instruments: requirement for recognition by States**

*"(a) TESTAMENTARY INSTRUMENTS TO BE GIVEN LEGAL EFFECT.—A military testamentary instrument—*

*"(1) is exempt from any requirement of form, formality, or recording before probate that is provided for testamentary instruments under the laws of a State; and*

*"(2) has the same legal effect as a testamentary instrument prepared and executed in accordance with the laws of the State in which it is presented for probate.*

*"(b) MILITARY TESTAMENTARY INSTRUMENTS.—For purposes of this section, a military testamentary instrument is an instrument that is prepared with testamentary intent in accordance with regulations prescribed under this section and that—*

*"(1) is executed in accordance with subsection (c) by (or on behalf of) a person, as a testator, who is eligible for military legal assistance;*

*"(2) makes a disposition of property of the testator; and*

*"(3) takes effect upon the death of the testator.*

*"(c) REQUIREMENTS FOR EXECUTION OF MILITARY TESTAMENTARY INSTRUMENTS.—An instrument is valid as a military testamentary instrument only if—*

*"(1) the instrument is executed by the testator (or, if the testator is unable to execute the instrument personally, the instrument is executed in the presence of, by the direction of, and on behalf of the testator);*

*"(2) the instrument is executed in the presence of a military legal assistance counsel acting as presiding attorney;*

*"(3) the instrument is executed in the presence of at least two disinterested witnesses (in addition to the presiding attorney), each of whom attests to witnessing the testator's execution of the instrument by signing it; and*

*"(4) the instrument is executed in accordance with such additional requirements as may be provided in regulations prescribed under this section.*

*"(d) SELF-PROVING MILITARY TESTAMENTARY INSTRUMENTS.—(1) If the document setting forth a military testamentary instrument meets the requirements of paragraph (2), then the signature of a person on the document as the testator, an attesting witness, a notary, or the presiding attorney, together with a written representation of the person's status as such and the person's military grade (if any) or other title, is prima facie evidence of the following:*

*"(A) That the signature is genuine.*

*"(B) That the signatory had the represented status and title at the time of the execution of the will.*

*"(C) That the signature was executed in compliance with the procedures required under the regulations prescribed under subsection (f).*

"(2) A document setting forth a military testamentary instrument meets the requirements of this paragraph if it includes (or has attached to it), in a form and content required under the regulations prescribed under subsection (f), each of the following:

"(A) A certificate, executed by the testator, that includes the testator's acknowledgment of the testamentary instrument.

"(B) An affidavit, executed by each witness signing the testamentary instrument, that attests to the circumstances under which the testamentary instrument was executed.

"(C) A notarization, including a certificate of any administration of an oath required under the regulations, that is signed by the notary or other official administering the oath.

"(e) STATEMENT TO BE INCLUDED.—(1) Under regulations prescribed under this section, each military testamentary instrument shall contain a statement that sets forth the provisions of subsection (a).

"(2) Paragraph (1) shall not be construed to make inapplicable the provisions of subsection (a) to a testamentary instrument that does not include a statement described in that paragraph.

"(f) REGULATIONS.—Regulations for the purposes of this section shall be prescribed jointly by the Secretary of Defense and by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Department of the Navy.

"(g) DEFINITIONS.—In this section:

"(1) The term 'person eligible for military legal assistance' means a person who is eligible for legal assistance under section 1044 of this title.

"(2) The term 'military legal assistance counsel' means—

"(A) a judge advocate (as defined in section 801(13) of this title); or

"(B) a civilian attorney serving as a legal assistance officer under the provisions of section 1044 of this title.

"(3) The term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, and each possession of the United States.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1044c the following new item:

"1044d. Military testamentary instruments: requirement for recognition by States.".

### SEC. 542. PROBABLE CAUSE REQUIRED FOR ENTRY OF NAMES OF SUBJECTS INTO OFFICIAL CRIMINAL INVESTIGATIVE REPORTS.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1563, as added by section 533(a), the following new section:

**"§ 1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports**

"(a) PROBABLE CAUSE REQUIRED FOR 'TITLING'.—The Secretary of Defense shall require that an employee of a military criminal investigative organization or a member of the armed forces assigned to a military criminal investigative organization, in connection with the investigation of a reported crime, may not designate any person, by name or by any other identifying information, as a suspect in the case in any official investigative report, or in a central index for potential retrieval and analysis by law enforcement organizations, unless there is probable cause to believe that that person committed the crime.

"(b) STANDARD FOR REMOVAL OF 'TITLING' INFORMATION FROM RECORDS.—The Secretary of Defense shall establish a uniform standard applicable throughout the Department of Defense for removal from an official investigative report of a reported crime, and from any applicable central index, of the name of a person (and any other identifying information about that person) that was entered in the report or index to designate that person as a suspect in the case when it is subsequently determined that there is not probable cause to believe that that person committed the crime.

"(c) CRIMINAL INVESTIGATIVE ORGANIZATION DEFINED.—In this section, the term 'criminal investigative organization' means any of the following:

"(1) The Defense Criminal Investigative Service (or any successor to that service).

"(2) The Army Criminal Investigation Command (or any successor to that command).

"(3) The Naval Criminal Investigative Service (or any successor to that service).

"(4) The Air Force Office of Special Investigations (or any successor to that office).".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1563, as added by section 533(b), the following new item:

"1564. Military criminal investigations: probable cause required for entry of names of subjects into official investigative reports.".

(b) EFFECTIVE DATE.—Section 1564 of title 10, United States Code, as added by subsection (a), shall take effect at the end of the 180-day period beginning on the date of the enactment of this Act.

### SEC. 543. COLLECTION AND USE OF DNA IDENTIFICATION INFORMATION FROM VIOLENT AND SEXUAL OFFENDERS IN THE ARMED FORCES.

(a) IN GENERAL.—(1) Chapter 80 of title 10, United States Code, is amended by adding after section 1564, as added by section 542(a)(1), the end the following new section:

**"§ 1565. DNA identification information: collection from violent and sexual offenders; use**

"(a) COLLECTION OF DNA SAMPLES.—The Secretary concerned shall collect a DNA sample from each member of the armed forces under the Secretary's jurisdiction who is, or has been, convicted of a qualifying military offense (as determined under subsection (e)).

"(b) ANALYSIS OF SAMPLES.—The Secretary concerned shall furnish each DNA sample collected under subsection (a) to the Secretary of Defense. The Secretary of Defense shall carry out a DNA analysis on each such DNA sample.

"(c) DEFINITIONS.—In this section:

"(1) The term 'DNA sample' means a tissue, fluid, or other bodily sample of an individual on which a DNA analysis can be carried out.

"(2) The term 'DNA analysis' means analysis of the deoxyribonucleic acid (DNA) identification information in a bodily sample.

"(d) USE IN CODIS.—(1) The Secretary of Defense shall furnish the results of each DNA analysis carried out under subsection (b) to the Director of the Federal Bureau of Investigation for use in the Combined DNA Index System (in this section referred to as 'CODIS') of the Federal Bureau of Investigation.

"(2) The Secretary of Defense, in consultation with the Director of the Federal Bureau of Investigation, shall establish procedures providing that if a DNA sample has been collected from a person pursuant to subsection (a), and the Secretary receives notice that each conviction of that person of a qualifying military offense has been overturned, the Secretary shall promptly transmit a notice of that fact to the Director in accordance with section 210304(d) of the Violent Crime Control and Law Enforcement Act of 1994.

"(e) QUALIFYING MILITARY OFFENSES.—(1) Subject to paragraph (2), the Secretary of Defense, in consultation with the Attorney General, shall determine those violent or sexual offenses under the Uniform Code of Military Justice that shall be considered for purposes of this section as qualifying military offenses.

"(2) An offense under the Uniform Code of Military Justice that is equivalent to a serious violent felony (as that term is defined in section 3559(c)(2)(F) of title 18), as determined by the Secretary in consultation with the Attorney General, shall be considered for purposes of this section as a qualifying military offense.

"(f) WAIVER.—The Secretary of Defense may waive the requirement of subsection (a) for a member if CODIS contains a DNA analysis with respect to that member.

"(g) REGULATIONS.—This section shall be carried out under regulations prescribed by the Secretary of Defense, in consultation with the Secretary of Transportation and the Attorney General. Those regulations shall apply, to the extent practicable, uniformly throughout the armed forces.".

(2) The table of sections at the beginning of such chapter is amended by adding after the item relating to section 1564, as added by section 542(a)(2), the following new item:

"1565. DNA identification information: collection from violent and sexual offenders; use."

(b) INITIAL DETERMINATION OF QUALIFYING MILITARY OFFENSES.—The initial determination of qualifying military offenses under section 1565(e) of title 10, United States Code, as added by subsection (a)(1), shall be made not later than 120 days after the date of the enactment of this Act.

(c) EXPANSION OF DNA IDENTIFICATION INDEX.—Section 811(a) of the Antiterrorism and Effective Death Penalty Act of 1996 (28 U.S.C. 531 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting "; and"; and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Director of the Federal Bureau of Investigation shall expand the combined DNA Identification System (CODIS) to include analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.".

(d) INDEX TO FACILITATE LAW ENFORCEMENT EXCHANGE OF DNA IDENTIFICATION INFORMATION.—Section 210304 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14132) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by inserting after paragraph (4) the following new paragraph:

"(5) analyses of DNA samples collected from members of the Armed Forces convicted of a qualifying military offense in accordance with section 1565 of title 10, United States Code.";

(2) in subsection (b)(2), by striking ", at regular intervals of not to exceed 180 days," and inserting "semiannual"; and

(3) by adding at the end the following new subsection:

"(d) EXPUNGEMENT OF RECORDS OF MILITARY OFFENDERS.—If the Director of the Federal Bureau of Investigation receives a notice transmitted under section 1565(d)(2) of title 10, United States Code, the Director shall promptly expunge from the index described in subsection (a) any DNA analysis furnished under section

*1565(d)(1) of such title with respect to the person described in the notice.''.*

### *SEC. 544. LIMITATION ON SECRETARIAL AUTHORITY TO GRANT CLEMENCY FOR MILITARY PRISONERS SERVING SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.*

*(a) LIMITATION.—Section 874(a) of title 10, United States Code (article 74(a) of the Uniform Code of Military Justice), is amended by adding at the end the following new sentence: ''However, in the case of a sentence of confinement for life without eligibility for parole, after the sentence is ordered executed, the authority of the Secretary concerned under the preceding sentence (1) may not be delegated, and (2) may be exercised only after the service of a period of confinement of not less than 20 years.''.*

*(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply with respect to a sentence of confinement for life without eligibility for parole that is adjudged for an offense committed before the date of the enactment of this Act.*

### *SEC. 545. AUTHORITY FOR CIVILIAN SPECIAL AGENTS OF MILITARY DEPARTMENT CRIMINAL INVESTIGATIVE ORGANIZATIONS TO EXECUTE WARRANTS AND MAKE ARRESTS.*

*(a) DEPARTMENT OF THE ARMY.—(1) Chapter 373 of title 10, United States Code, is amended by adding at the end the following new section:*

#### *''§4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests*

*''(a) AUTHORITY.—The Secretary of the Army may authorize any Department of the Army civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.*

*''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Army who is a special agent of the Army Criminal Investigation Command (or a successor to that command) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Army.*

*''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Army and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Army, the Secretary of Defense, or the Attorney General.''.*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:*

*''4027. Civilian special agents of the Criminal Investigation Command: authority to execute warrants and make arrests.''.*

*(b) DEPARTMENT OF THE NAVY.—(1) Chapter 643 of title 10, United States Code, is amended by adding at the end the following new section:*

#### *''§7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests*

*''(a) AUTHORITY.—The Secretary of the Navy may authorize any Department of the Navy civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.*

*''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Navy who is a special agent of the Naval Criminal Investigative Service (or any successor to that service) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Navy.*

*''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Navy and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Navy, the Secretary of Defense, or the Attorney General.''.*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:*

*''7451. Special agents of the Naval Criminal Investigative Service: authority to execute warrants and make arrests.''.*

*(c) DEPARTMENT OF THE AIR FORCE.—(1) Chapter 873 of title 10, United States Code, is amended by adding at the end the following new section:*

#### *''§9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests*

*''(a) AUTHORITY.—The Secretary of the Air Force may authorize any Department of the Air Force civilian employee described in subsection (b) to have the same authority to execute and serve warrants and other processes issued under the authority of the United States and to make arrests without a warrant as may be authorized under section 1585a of this title for special agents of the Defense Criminal Investigative Service.*

*''(b) AGENTS TO HAVE AUTHORITY.—Subsection (a) applies to any employee of the Department of the Air Force who is a special agent of the Air Force Office of Special Investigations (or a successor to that office) whose duties include conducting, supervising, or coordinating investigations of criminal activity in programs and operations of the Department of the Air Force.*

*''(c) GUIDELINES FOR EXERCISE OF AUTHORITY.—The authority provided under subsection (a) shall be exercised in accordance with guidelines prescribed by the Secretary of the Air Force and approved by the Secretary of Defense and the Attorney General and any other applicable guidelines prescribed by the Secretary of the Air Force, the Secretary of Defense, or the Attorney General.''.*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end following new item:*

*''9027. Civilian special agents of the Office of Special Investigations: authority to execute warrants and make arrests.''.*

## *Subtitle F—Other Matters*

### *SEC. 551. FUNERAL HONORS DUTY COMPENSATION.*

*(a) COMPENSATION OF MEMBERS OF THE NATIONAL GUARD.—Section 115(b)(2) of title 32, United States Code, is amended by inserting before the period at the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.*

*(b) COMPENSATION OF MEMBERS OF A RESERVE COMPONENT.—Section 12503(b)(2) of title 10, United States Code, is amended by inserting before the period at the end the following: ''or compensation at the rate prescribed in section 206 of title 37''.*

*(c) CONFORMING AMENDMENT.—Section 435(c) of title 37, United States Code, is repealed.*

*(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to funeral honors duty performed on or after October 1, 2000.*

### *SEC. 552. TEST OF ABILITY OF RESERVE COMPONENT INTELLIGENCE UNITS AND PERSONNEL TO MEET CURRENT AND EMERGING DEFENSE INTELLIGENCE NEEDS.*

*(a) TEST PROGRAM REQUIRED.—(1) Beginning not later than June 1, 2001, the Secretary of Defense shall conduct a three-year test program of reserve component intelligence units and personnel. The purpose of the test program shall be—*

*(A) to determine the most effective peacetime structure and operational employment of reserve component intelligence assets for meeting current and future Department of Defense peacetime operational intelligence requirements; and*

*(B) to establish a means to coordinate and transition that peacetime intelligence operational support network into use for meeting wartime requirements.*

*(2) The test program shall be carried out using the Joint Reserve Intelligence Program and appropriate reserve component intelligence units and personnel.*

*(3) In conducting the test program, the Secretary of Defense shall expand the current Joint Reserve Intelligence Program as needed to meet the objectives of the test program.*

*(b) OVERSIGHT PANEL.—The Secretary shall establish an oversight panel to structure the test program so as to achieve the objectives of the test program, ensure proper funding for the test program, and oversee the conduct and evaluation of the test program. The panel members shall include—*

*(1) the Assistant Secretary of Defense for Command, Control, Communications and Intelligence;*

*(2) the Assistant Secretary of Defense for Reserve Affairs; and*

*(3) representatives from the Defense Intelligence Agency, the Army, Navy, Air Force, and Marine Corps, the Joint Staff, and the combatant commands.*

*(c) TEST PROGRAM OBJECTIVES.—The test program shall have the following objectives:*

*(1) To identify the range of peacetime roles and missions that are appropriate for reserve component intelligence units and personnel, including the following missions: counterdrug, counterintelligence, counterterrorism, information operations, information warfare, and other emerging threats.*

*(2) To recommend a process for justifying and validating reserve component intelligence force structure and manpower to support the peacetime roles and missions identified under paragraph (1) and to establish a means to coordinate and transition that peacetime operational support network and structure into wartime requirements.*

*(3) To provide, pursuant to paragraphs (1) and (2), the basis for new or revised intelligence and reserve component policy guidelines for the peacetime use, organization, management, infrastructure ,and.funding of reserve component intelligence units and personnel.*

*(4) To determine the most effective structure, organization, manning, and management of Joint Reserve Intelligence Centers to enable them to be both reserve training facilities and virtual collaborative production facilities in support of Department of Defense peacetime operational intelligence requirements.*

*(5) To determine the most effective uses of technology for virtual collaborative intelligence operational support during peacetime and wartime.*

*(6) To determine personnel and career management initiatives or modifications that are required to improve the recruiting and retention of personnel in the reserve component intelligence specialties and occupational skills.*

*(7) To identify and make recommendations for the elimination of statutory prohibitions and barriers to using reserve component intelligence units and individuals to carry out peacetime operational requirements.*

*(d) REPORTS.—The Secretary of Defense shall submit to Congress—*

*(1) interim reports on the status of the test program not later than July 1, 2002, and July 1, 2003; and*

*(2) a final report, with such recommendations for changes as the Secretary considers necessary, not later than December 1, 2004.*

### SEC. 553. NATIONAL GUARD CHALLENGE PROGRAM.

*(a) EXPENDITURE LIMITATIONS.—Subsection (b) of section 509 of title 32, United States Code, is amended—*

*(1) by inserting "(1)" before "The Secretary of Defense";*

*(2) by striking ", except that Federal expenditures under the program may not exceed $62,500,000 for any fiscal year"; and*

*(3) by adding at the end the following new paragraph:*

*"(2) The Secretary shall carry out the National Guard Challenge Program using funds appropriated directly to the Secretary for the program and nondefense Federal funds made available or transferred to the Secretary by other Federal agencies to support the program. However, the amount of funds appropriated directly to the Secretary of Defense and expended for the program in a fiscal year may not exceed $62,500,000.".*

*(b) REGULATIONS.—Such section is further amended by adding at the end the following new subsection:*

*"(m) REGULATIONS.—The Secretary of Defense shall prescribe regulations to carry out the National Guard Challenge Program. The regulations shall address at a minimum the following:*

*"(1) The terms to be included in the program agreements required by subsection (d).*

*"(2) The qualifications for persons to participate in the program, as required by subsection (e).*

*"(3) The benefits authorized for program participants, as required by subsection (f).*

*"(4) The status of National Guard personnel assigned to duty in support of the program.*

*"(5) The conditions for the use of National Guard facilities and equipment to carry out the program, as required by subsection (h).*

*"(6) The status of program participants, as described in subsection (i).*

*"(7) The procedures to be used by the Secretary when communicating with States about the program.".*

*(c) CONFORMING AMENDMENT.—Section 2033 of title 10, United States Code, is amended by striking "appropriated for" and inserting "appropriated directly to the Secretary of Defense for".*

### SEC. 554. STUDY OF USE OF CIVILIAN CONTRACTOR PILOTS FOR OPERATIONAL SUPPORT MISSIONS.

*(a) STUDY.—The Secretary of Defense shall conduct a study to determine the feasibility and cost, as well as the advantages and disadvantages, of using civilian contractor personnal as pilots and other air crew members to fly nonmilitary Government aircraft (referred to as "operational support aircraft") to perform noncombat personnel transportation missions worldwide. In carrying out the study, the Secretary shall consider the views and recommendations of the Chairman of the Joint Chiefs and the other members of the Joint Chiefs of Staff.*

*(b) MATTERS TO BE INCLUDED.—The study shall, as a minimum—*

*(1) determine whether use of civilian contractor personnel as pilots and other air crew members for such operational support missions would be a cost effective means of freeing for duty in units with combat and combat support missions those military pilots and other personnel who now perform such operational support missions; and*

*(2) the effect on retention of military pilots and other personnel if they are no longer required to fly operational support missions.*

*(c) SUBMISSION OF REPORT.—The Secretary shall submit a report containing the results of the study to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives not later than six months after the date of the enactment of this Act.*

### SEC. 555. PILOT PROGRAM TO ENHANCE MILITARY RECRUITING BY IMPROVING MILITARY AWARENESS OF SCHOOL COUNSELORS AND EDUCATORS.

*(a) IN GENERAL.—The Secretary of Defense shall conduct a pilot program to determine if cooperation with military recruiters by local educational agencies and by institutions of higher education could be enhanced by improving the understanding of school counselors and educators about military recruiting and military career opportunities. The pilot program shall be conducted during a three-year period beginning not later than 180 days after the date of the enactment of this Act.*

*(b) CONDUCT OF PILOT PROGRAM THROUGH PARTICIPATION IN INTERACTIVE INTERNET SITE.—(1) The pilot program shall be conducted by means of participation by the Department of Defense in a qualifying interactive Internet site.*

*(2) For purposes of this section, a qualifying interactive Internet site is an Internet site in existence as of the date of the enactment of this Act that is designed to provide to employees of local educational agencies and institutions of higher education participating in the Internet site—*

*(A) systems for communicating;*

*(B) resources for individual professional development;*

*(C) resources to enhance individual on-the-job effectiveness; and*

*(D) resources to improve organizational effectiveness.*

*(3) Participation in an Internet site by the Department of Defense for purposes of this section shall include—*

*(A) funding;*

*(B) assistance; and*

*(C) access by other Internet site participants to Department of Defense aptitude testing programs, career development information, and other resources, in addition to information on military recruiting and career opportunities.*

*(c) REPORT.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report providing the Secretary's findings and conclusions on the pilot program not later than 180 days after the end of the three-year program period.*

### SEC. 556. REIMBURSEMENT FOR EXPENSES INCURRED BY MEMBERS IN CONNECTION WITH CANCELLATION OF LEAVE ON SHORT NOTICE.

*(a) IN GENERAL.—(1) Chapter 157 of title 10, United States Code, is amended by adding at the end the following new section:*

**"§2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations**

*"(a) AUTHORIZATION TO REIMBURSE.—The Secretary concerned may reimburse a member of the armed forces under the jurisdiction of the Secretary for travel and related expenses (to the extent not otherwise reimbursable under law) incurred by the member as a result of the cancellation of previously approved leave when the leave is canceled in connection with the member's participation in a contingency operation and the cancellation occurs within 48 hours of the time the leave would have commenced.*

*"(b) REGULATIONS.—The Secretary of Defense shall prescribe regulations to establish the criteria for the applicability of subsection (a).*

*"(c) CONCLUSIVENESS OF SETTLEMENT.—The settlement of an application for reimbursement under subsection (a) is final and conclusive.".*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"2647. Reimbursement for expenses incurred in connection with leave canceled due to contingency operations.".*

*(b) EFFECTIVE DATE.—Section 2647 of title 10, United States Code, as added by subsection (a) shall apply with respect to any travel and related expenses incurred by a member in connection with leave canceled after the date of the enactment of this Act.*

## TITLE VI—COMPENSATION AND OTHER PERSONNEL BENEFITS

### Subtitle A—Pay and Allowances

### SEC. 601. INCREASE IN BASIC PAY FOR FISCAL YEAR 2001.

*(a) WAIVER OF SECTION 1009 ADJUSTMENT.—The adjustment to become effective during fiscal year 2001 required by section 1009 of title 37, United States Code, in the rates of monthly basic pay authorized members of the uniformed services shall not be made.*

*(b) INCREASE IN BASIC PAY.—Effective on January 1, 2001, the rates of monthly basic pay for members of the uniformed services are increased by 3.7 percent.*

### SEC. 602. REVISED METHOD FOR CALCULATION OF BASIC ALLOWANCE FOR SUBSISTENCE.

*(a) ANNUAL REVISION OF RATE.—Section 402(b)(1) of title 37, United States Code, is amended by striking paragraph (1) and inserting the following new paragraph:*

*"(1) The monthly rate of basic allowance for subsistence to be in effect for an enlisted member for a year (beginning on January 1 of that year) shall be equal to the sum of—*

*"(A) the monthly rate of basic allowance for subsistence that was in effect for an enlisted member for the preceding year; plus*

*"(B) the product of the monthly rate under subparagraph (A) and the percentage increase in the monthly cost of a liberal food plan for a male in the United States who is between 20 and 50 years of age over the preceding fiscal year, as determined by the Secretary of Agriculture each October 1.".*

*(b) EARLY TERMINATION OF BAS TRANSITIONAL AUTHORITY.—Subsections (c) through (f) of section 602 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 402 note) are repealed.*

*(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.*

### SEC. 603. FAMILY SUBSISTENCE SUPPLEMENTAL ALLOWANCE FOR LOW-INCOME MEMBERS OF THE ARMED FORCES.

*(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 402 the following new section:*

**"§402a. Supplemental subsistence allowance for low-income members with dependents**

*"(a) SUPPLEMENTAL ALLOWANCE AUTHORIZED.—(1) The Secretary concerned may increase the basic allowance for subsistence to which a member of the armed forces described in subsection (b) is otherwise entitled under section*

*402 of this title by an amount (in this section referred to as the 'supplemental subsistence allowance') designed to remove the member's household from eligibility for benefits under the food stamp program.*

*"(2) The supplemental subsistence allowance may not exceed $500 per month. In establishing the amount of the supplemental subsistence allowance to be paid an eligible member under this paragraph, the Secretary shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.*

*"(3) In the case of a member described in subsection (b) who establishes to the satisfaction of the Secretary concerned that the allotment of the member's household under the food stamp program, calculated in the absence of the supplemental subsistence allowance, would exceed the amount established by the Secretary concerned under paragraph (2), the amount of the supplemental subsistence allowance for the member shall be equal to the lesser of the following:*

*"(A) The value of that allotment.*

*"(B) $500.*

*"(b) ELIGIBLE MEMBERS.—(1) Subject to subsection (d), a member of the armed forces is eligible to receive the supplemental subsistence allowance if the Secretary concerned determines that the member's income, together with the income of the rest of the member's household (if any), is within the highest income standard of eligibility, as then in effect under section 5(c) of the Food Stamp Act of 1977 (7 U.S.C. 2014(c)) and without regard to paragraph (1) of such section, for participation in the food stamp program.*

*"(2) In determining whether a member meets the eligibility criteria under paragraph (1), the Secretary—*

*"(A) shall not take into consideration the amount of the supplemental subsistence allowance payable under this section; but*

*"(B) shall take into consideration the amount of the basic allowance for housing that the member receives under section 403 of this title or would otherwise receive under such section, in the case of a member who is not entitled to that allowance as a result of assignment to quarters of the United States or a housing facility under the jurisdiction of a uniformed service.*

*"(c) APPLICATION FOR ALLOWANCE.—To request the supplemental subsistence allowance, a member shall submit an application to the Secretary concerned in such form and containing such information as the Secretary concerned may prescribe. A member applying for the supplemental subsistence allowance shall furnish such evidence regarding the member's satisfaction of the eligibility criteria under subsection (b) as the Secretary concerned may require.*

*"(d) EFFECTIVE PERIOD.—The eligibility of a member to receive the supplemental subsistence allowance terminates upon the occurrence of any of the following events, even though the member continues to meet the eligibility criteria described in subsection (b):*

*"(1) Payment of the supplemental subsistence allowance for 12 consecutive months.*

*"(2) Promotion of the member to a higher grade.*

*"(3) Transfer of the member in a permanent change of station.*

*"(e) REAPPLICATION.—Upon the termination of the effective period of the supplemental subsistence allowance for a member, or in anticipation of the imminent termination of the allowance, a member may reapply for the allowance under subsection (c) if the member continues to meet, or once again meets, the eligibility criteria described in subsection (b).*

*"(f) REPORTING REQUIREMENT.—Not later than March 1 of each year after 2001, the Secretary of Defense shall submit to Congress a report specifying the number of members of the armed forces who received, at any time during the preceding year, the supplemental subsistence allowance. In preparing the report, the Secretary of Defense shall consult with the Secretary of Transportation. No report is required under this subsection after March 1, 2006.*

*"(g) DEFINITIONS.—In this section:*

*"(1) The term 'Secretary concerned' means the Secretary of Defense, and the Secretary of Transportation, with respect to the Coast Guard when it is not operating as a service in the Navy.*

*"(2) The terms 'allotment' and 'household' have the meanings given those terms in section 3 of the Food Stamp Act of 1977 (7 U.S.C. 2012).*

*"(3) The term 'food stamp program' means the program established pursuant to section 4 of the Food Stamp Act of 1977 (7 U.S.C. 2013).*

*"(h) TERMINATION OF AUTHORITY.—No supplemental subsistence allowance may be made under this section after September 30, 2006.".*

*(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 402 the following:*

*"402a. Supplemental subsistence allowance for low-income members with dependents.".*

*(b) EFFECTIVE DATE.—Section 402a of title 37, United States Code, as added by subsection (a), shall take effect on the first day of the first month that begins not less than 180 days after the date of the enactment of this Act.*

### *SEC. 604. CALCULATION OF BASIC ALLOWANCE FOR HOUSING FOR INSIDE THE UNITED STATES.*

*(a) SECRETARY OF DEFENSE TO PRESCRIBE RATES.—Paragraph (2) of section 403(b) of title 37, United States Code, is amended to read as follows:*

*"(2) The Secretary of Defense shall prescribe the monthly amount of the basic allowance for housing for a member of a uniformed service who is entitled to the allowance in a military housing area in the United States at a rate based upon the costs of adequate housing in the area determined under paragraph (1).".*

*(b) MINIMUM ANNUAL AMOUNT AVAILABLE FOR HOUSING ALLOWANCES.—Paragraph (3) of such section is amended to read as follows:*

*"(3) The total amount that may be paid for a fiscal year for the basic allowance for housing under this subsection may not be less than the product of—*

*"(A) the total amount authorized to be paid for such allowance for the preceding fiscal year; and*

*"(B) a fraction—*

*"(i) the numerator of which is the index of the national average monthly cost of housing for June of the preceding fiscal year; and*

*"(ii) the denominator of which is the index of the national average monthly cost of housing for June of the second preceding fiscal year.".*

*(c) REPEAL OF REQUIRED ADJUSTMENT.—Paragraph (5) of such section is repealed.*

*(d) BASIS FOR REDUCTION IN MEMBER'S ALLOWANCE.—Paragraph (6) of such section is amended by striking ", changes in the national average monthly cost of housing,".*

*(e) EXTENSION OF TRANSITION PERIOD.—Section 603(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 37 U.S.C. 403 note) is amended by striking "six years" and inserting "eight years".*

*(f) READJUSTMENT OF ALLOWANCE FOR CERTAIN PERIOD.—A member of the uniformed services who was entitled to the basic allowance for housing for a military housing area in the United States during the period that began on January 1, 2000, and ended on March 1, 2000, shall be paid the allowance at a monthly rate not less than the rate in effect on December 31, 1999, in that area for members serving in the same pay grade and with the same dependency status as the member.*

### *SEC. 605. EQUITABLE TREATMENT OF JUNIOR ENLISTED MEMBERS IN COMPUTATION OF BASIC ALLOWANCE FOR HOUSING.*

*(a) DETERMINATION OF COSTS OF ADEQUATE HOUSING.—Subsection (b)(1) of section 403 of title 37, United States Code, is amended by adding at the end the following new sentence: "In determining what constitutes adequate housing for members, the Secretary may not differentiate between members with dependents in pay grades E–1 through E–4.".*

*(b) SINGLE RATE; MINIMUM.—Subsection (b) of such section, as amended by section 604(c) of this Act, is further amended by inserting after paragraph (4) the following new paragraph:*

*"(5) The Secretary shall establish a single monthly rate for members of the uniformed services with dependents in pay grades E–1 through E–4 in the same military housing area. The rate shall be consistent with the rates paid to members in pay grades other than pay grades E–1 through E–4 and shall be based on the following:*

*"(A) The average cost of a two-bedroom apartment in that military housing area.*

*"(B) One-half of the difference between the average cost of a two-bedroom townhouse in that area and the amount determined in subparagraph (A).".*

*(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on July 1, 2001.*

### *SEC. 606. BASIC ALLOWANCE FOR HOUSING AUTHORIZED FOR ADDITIONAL MEMBERS WITHOUT DEPENDENTS WHO ARE ON SEA DUTY.*

*(a) PAYMENT AUTHORIZED.—Subsection (f)(2)(B) of section 403 of title 37, United States Code, is amended by striking "E–5" both places it appears and inserting "E–4 or E–5".*

*(b) CONFORMING AMENDMENT.—Subsection (m)(1)(B) of such section is amended by striking "E–4" and inserting "E–3".*

*(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2001.*

### *SEC. 607. PERSONAL MONEY ALLOWANCE FOR SENIOR ENLISTED MEMBERS OF THE ARMED FORCES.*

*(a) AUTHORITY.—Section 414 of title 37, United States Code, is amended by adding at the end the following new subsection:*

*"(c) ALLOWANCE FOR SENIOR ENLISTED MEMBERS.—In addition to other pay or allowances authorized by this title, a noncommissioned officer is entitled to a personal money allowance of $2,000 a year while serving as the Sergeant Major of the Army, the Master Chief Petty Officer of the Navy, the Chief Master Sergeant of the Air Force, the Sergeant Major of the Marine Corps, or the Master Chief Petty Officer of the Coast Guard.".*

*(b) STYLISTIC AMENDMENTS.—Such section is further amended—*

*(1) in subsection (a), by inserting "ALLOWANCE FOR OFFICERS SERVING IN CERTAIN RANKS OR POSITIONS.—" after "(a)"; and*

*(2) in subsection (b), by inserting "ALLOWANCE FOR CERTAIN NAVAL OFFICERS.—" after "(b)".*

*(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.*

### *SEC. 608. ALLOWANCE FOR OFFICERS FOR PURCHASE OF REQUIRED UNIFORMS AND EQUIPMENT.*

*(a) INITIAL ALLOWANCE FOR OFFICERS.—Section 415(a) of title 37, United States Code, is*

*amended by striking "$200" and inserting "$400".*

*(b) Additional Allowance.—Section 416(a) of such title is amended by striking "$100" and inserting "$200".*

*(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2000.*

### *SEC. 609. INCREASE IN MONTHLY SUBSISTENCE ALLOWANCE FOR MEMBERS OF PRECOMMISSIONING PROGRAMS.*

*(a) Minimum and Maximum Rates.—Subsection (a) of section 209 of title 37, United States Code, is amended—*

*(1) by inserting "(1)" before "Except";*

*(2) by striking "subsistence allowance of $200 a month" and inserting "monthly subsistence allowance at a rate prescribed under paragraph (2)";*

*(3) by striking "Subsistence" and inserting the following:*

*"(3) A subsistence"; and*

*(4) by inserting after the first sentence the following:*

*"(2) The Secretary of Defense shall prescribe by regulation the monthly rates for subsistence allowances provided under this section. The rate may not be less than $250 per month, but may not exceed $600 per month.".*

*(b) Conforming Amendments.—(1) Subsection (b) of such section is amended by striking "in the amount provided in subsection (a)" and inserting "at a rate prescribed under subsection (a)(2)".*

*(2) Subsection (d) of such section is amended by striking "the same rate as that prescribed by subsection (a)," and inserting "the monthly rate prescribed under subsection (a)(2)".*

*(c) Stylistic Amendments.—Such section is further amended—*

*(1) in subsection (a), by inserting "Senior ROTC Members in Advanced Training.—" after "(a)";*

*(2) in subsection (b), by inserting "Senior ROTC Members Appointed in Reserves.—" after "(b)";*

*(3) in subsection (c), by inserting "Pay While Attending Training or Practice Cruise.—" after "(c)" the first place it appears; and*

*(4) in subsection (d), by inserting "Members of Marine Corps Officer Candidate Program.—" after "(d)".*

*(d) Effective Date.—The amendments made by subsections (a) and (b) shall take effect October 1, 2001.*

### *SEC. 610. ADDITIONAL AMOUNT AVAILABLE FOR FISCAL YEAR 2001 INCREASE IN BASIC ALLOWANCE FOR HOUSING INSIDE THE UNITED STATES.*

*In addition to the amount determined by the Secretary of Defense under section 403(b)(3) of title 37, United States Code (as amended by section 604(b)), to be the total amount to be paid during fiscal year 2001 for the basic allowance for housing for military housing areas inside the United States, $30,000,000 of the amount authorized to be appropriated by section 421 for military personnel shall be used by the Secretary to further increase the total amount available for the basic allowance for housing for military housing areas inside the United States.*

## *Subtitle B—Bonuses and Special and Incentive Pays*

### *SEC. 611. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR RESERVE FORCES.*

*(a) Special Pay for Health Professionals in Critically Short Wartime Specialties.—Section 302g(f) of title 37, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(b) Selected Reserve Reenlistment Bonus.—Section 308b(f) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(c) Selected Reserve Enlistment Bonus.—Section 308c(e) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(d) Special Pay for Enlisted Members Assigned to Certain High Priority Units.—Section 308d(c) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(e) Selected Reserve Affiliation Bonus.—Section 308e(e) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(f) Ready Reserve Enlistment and Reenlistment Bonus.—Section 308h(g) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(g) Prior Service Enlistment Bonus.—Section 308i(f) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(h) Repayment of Education Loans for Certain Health Professionals Who Serve in the Selected Reserve.—Section 16302(d) of title 10, United States Code, is amended by striking "January 1, 2001" and inserting "January 1, 2002".*

### *SEC. 612. EXTENSION OF CERTAIN BONUSES AND SPECIAL PAY AUTHORITIES FOR NURSE OFFICER CANDIDATES, REGISTERED NURSES, AND NURSE ANESTHETISTS.*

*(a) Nurse Officer Candidate Accession Program.—Section 2130a(a)(1) of title 10, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(b) Accession Bonus for Registered Nurses.—Section 302d(a)(1) of title 37, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(c) Incentive Special Pay for Nurse Anesthetists.—Section 302e(a)(1) of title 37, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

### *SEC. 613. EXTENSION OF AUTHORITIES RELATING TO PAYMENT OF OTHER BONUSES AND SPECIAL PAYS.*

*(a) Aviation Officer Retention Bonus.—Section 301b(a) of title 37, United States Code, is amended by striking "December 31, 2000," and inserting "December 31, 2001,".*

*(b) Reenlistment Bonus for Active Members.—Section 308(g) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(c) Enlistment Bonus for Persons With Critical Skills.—Section 308a(d) of such title is amended by striking "December 31, 2000" and inserting "September 30, 2001".*

*(d) Army Enlistment Bonus.—Section 308f(c) of such title is amended by striking "December 31, 2000" and inserting "September 30, 2001".*

*(e) Special Pay for Nuclear-Qualified Officers Extending Period of Active Service.—Section 312(e) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(f) Nuclear Career Accession Bonus.—Section 312b(c) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

*(g) Nuclear Career Annual Incentive Bonus.—Section 312c(d) of such title is amended by striking "December 31, 2000" and inserting "December 31, 2001".*

### *SEC. 614. CONSISTENCY OF AUTHORITIES FOR SPECIAL PAY FOR RESERVE MEDICAL AND DENTAL OFFICERS.*

*(a) Consistent Descriptions of Active Duty.—Section 302(h)(1) of title 37, United States Code, is amended by inserting before the period at the end the following: ", including active duty in the form of annual training, active duty for training, and active duty for special work".*

*(b) Relation to Other Special Pay Authorities.—Subsection (d) of section 302f of such title is amended to read as follows:*

*"(d) Exception.—While a reserve medical or dental officer receives a special pay under section 302 or 302b of this title by reason of subsection (a), the officer shall not be entitled to special pay under section 302(h) or 302b(h) of this title.".*

### *SEC. 615. SPECIAL PAY FOR COAST GUARD PHYSICIAN ASSISTANTS.*

*Section 302c(d)(1) of title 37, United States Code, is amended by inserting "an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant," after "nurse,".*

### *SEC. 616. SPECIAL DUTY ASSIGNMENT PAY FOR ENLISTED MEMBERS.*

*(a) Increase in Monthly Rate.—Subsection (a) of section 307 of title 37, United States Code, is amended by striking "$275" and inserting "$600".*

*(b) Elimination of Separate Rate for Recruiters.—Such subsection is further amended by striking the last sentence.*

*(c) Effective Date.—The amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.*

### *SEC. 617. REVISION OF CAREER SEA PAY.*

*(a) In General.—Section 305a of title 37, United States Code, is amended by striking subsections (a), (b), and (c) and inserting the following new subsections:*

*"(a) Availability of Special Pay.—A member of a uniformed service who is entitled to basic pay is also entitled, while on sea duty, to career sea pay at a monthly rate prescribed by the Secretary concerned, but not to exceed $750 per month.*

*"(b) Eligibility for Premium.—A member of a uniformed service entitled to career sea pay under subsection (a) who has served 36 consecutive months of sea duty is also entitled to a career sea pay premium for the 37th consecutive month and each subsequent consecutive month of sea duty served by the member. The monthly amount of the premium shall be prescribed by the Secretary concerned, but may not exceed $350 per month.*

*"(c) Regulations.—The Secretaries concerned shall prescribe regulations to carry out this section. Regulations prescribed by the Secretary of a military department shall be subject to the approval of the Secretary of Defense.".*

*(b) Stylistic Amendment.—Subsection (d) of such section is amended by striking "(d)" and inserting "(d) Definition of Sea Duty.—".*

*(c) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.*

### *SEC. 618. REVISION OF ENLISTMENT BONUS AUTHORITY.*

*(a) Bonus Authorized.—(1) Title 37, United States Code, is amended by inserting after section 308i the following new section:*

***"§309. Special pay: enlistment bonus***

*"(a) Bonus Authorized; Bonus Amount.—A person who enlists in an armed force for a period of at least two years may be paid a bonus in an amount not to exceed $20,000. The bonus may be paid in a single lump sum or in periodic installments.*

*"(b) Repayment of Bonus.—(1) A member of the armed forces who voluntarily, or because of the member's misconduct, does not complete the term of enlistment for which a bonus was paid under this section, or a member who is not technically qualified in the skill for which the bonus was paid, if any (other than a member who is not qualified because of injury, illness, or other impairment not the result of the member's misconduct), shall refund to the United States that*

percentage of the bonus that the unexpired part of member's enlistment is of the total enlistment period for which the bonus was paid.

"(2) An obligation to reimburse the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of an enlistment for which a bonus was paid under this section does not discharge the person receiving the bonus from the debt arising under paragraph (1).

"(c) RELATION TO PROHIBITION ON BOUNTIES.—The enlistment bonus authorized by this section is not a bounty for purposes of section 514(a) of title 10.

"(d) REGULATIONS.—This section shall be administered under regulations prescribed by the Secretary of Defense for the armed forces under the jurisdiction of the Secretary of Defense and by the Secretary of Transportation for the Coast Guard when the Coast Guard is not operating as a service in the Navy.

"(e) DURATION OF AUTHORITY.—No bonus shall be paid under this section with respect to any enlistment in the armed forces made before October 1, 2001, or after December 31, 2001.".

(2) The table of sections at the beginning of chapter 5 of such title is amended by inserting after the item relating to section 308i the following new item:

"309. Special pay: enlistment bonus.".

(b) REPEAL OF SUPERSEDED ENLISTMENT BONUS AUTHORITIES.—(1) Sections 308a and 308f of title 37, United States Code, are repealed.

(2) The table of sections at the beginning of chapter 5 of such title is amended by striking the items relating to sections 308a and 308f.

(c) EFFECTIVE DATE.—The amendments made by subsection (b) shall take effect on October 1, 2001.

### SEC. 619. AUTHORIZATION OF RETENTION BONUS FOR MEMBERS OF THE ARMED FORCES QUALIFIED IN A CRITICAL MILITARY SKILL.

(a) BONUS AUTHORIZED.—(1) Chapter 5 of title 37, United States Code, is amended by adding at the end the following new section:

### "§ 323. Special pay: retention incentives for members qualified in a critical military skill

"(a) RETENTION BONUS AUTHORIZED.—An officer or enlisted member of the armed forces who is serving on active duty and is qualified in a designated critical military skill may be paid a retention bonus as provided in this section if—

"(1) in the case of an officer, the member executes a written agreement to remain on active duty for at least one year; or

"(2) in the case of an enlisted member, the member reenlists or voluntarily extends the member's enlistment for a period of at least one year.

"(b) DESIGNATION OF CRITICAL SKILLS.—(1) A designated critical military skill referred to in subsection (a) is a military skill designated as critical by the Secretary of Defense, or by the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy.

"(2) The Secretary of Defense, and the Secretary of Transportation with respect to the Coast Guard when it is not operating as a service in the Navy, shall notify Congress, in advance, of each military skill to be designated by the Secretary as critical for purposes of this section. The notice shall be submitted at least 90 days before any bonus with regard to that critical skill is offered under subsection (a) and shall include a discussion of the necessity for the bonus, the amount and method of payment of the bonus, and the retention results that the bonus is expected to achieve.

"(c) PAYMENT METHODS.—A bonus under this section may be paid in a single lump sum or in periodic installments.

"(d) MAXIMUM BONUS AMOUNT.—A member may enter into an agreement under this section, or reenlist or voluntarily extend the member's enlistment, more than once to receive a bonus under this section. However, a member may not receive a total of more than $200,000 in payments under this section.

"(e) CERTAIN MEMBERS INELIGIBLE.—A retention bonus may not be provided under subsection (a) to a member of the armed forces who—

"(1) has completed more than 25 years of active duty; or

"(2) will complete the member's 25th year of active duty before the end of the period of active duty for which the bonus is being offered.

"(f) RELATIONSHIP TO OTHER INCENTIVES.—A retention bonus paid under this section is in addition to any other pay and allowances to which a member is entitled.

"(g) REPAYMENT OF BONUS.—(1) If an officer who has entered into a written agreement under subsection (a) fails to complete the total period of active duty specified in the agreement, or an enlisted member who voluntarily or because of misconduct does not complete the term of enlistment for which a bonus was paid under this section, the Secretary of Defense, and the Secretary of Transportation with respect to members of the Coast Guard when it is not operating as a service in the Navy, may require the member to repay the United States, on a pro rata basis and to the extent that the Secretary determines conditions and circumstances warrant, all sums paid under this section.

"(2) An obligation to repay the United States imposed under paragraph (1) is for all purposes a debt owed to the United States.

"(3) A discharge in bankruptcy under title 11 that is entered less than five years after the termination of a written agreement entered into under subsection (a) does not discharge the member from a debt arising under paragraph (2).

"(h) ANNUAL REPORT.—Not later than February 15 of each year, the Secretary of Defense and the Secretary of Transportation shall submit to Congress a report—

"(1) analyzing the effect, during the preceding fiscal year, of the provision of bonuses under this section on the retention of members qualified in the critical military skills for which the bonuses were offered; and

"(2) describing the intentions of the Secretary regarding the continued use of the bonus authority during the current and next fiscal years.

"(i) TERMINATION OF BONUS AUTHORITY.—No bonus may be paid under this section with respect to any reenlistment, or voluntary extension of an enlistment, in the armed forces entered into after December 31, 2001, and no agreement under this section may be entered into after that date.".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"323. Special pay: retention incentives for members qualified in critical military skill.".

(b) EFFECTIVE DATE.—Section 323 of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.

### SEC. 620. ELIMINATION OF REQUIRED CONGRESSIONAL NOTIFICATION BEFORE IMPLEMENTATION OF CERTAIN SPECIAL PAY AUTHORITY.

(a) RETENTION SPECIAL PAY FOR OPTOMETRISTS.—(1) Section 302a(b)(1) of title 37, United States Code, is amended by striking "an officer described in paragraph (2) may be paid" and inserting "the Secretary concerned may pay an officer described in paragraph (2) a".

(2) Section 617 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1578) is amended by striking subsection (b).

(b) SPECIAL PAY FOR OFFICERS IN NURSING SPECIALTIES.—(1) Section 302e(b)(2)(A) of title 37, United States Code, is amended by striking "the Secretary" and inserting "the Secretary of the military department concerned".

(2) Section 614 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 104 Stat. 1577) is amended by striking subsection (c).

## Subtitle C—Travel and Transportation Allowances

### SEC. 631. ADVANCE PAYMENTS FOR TEMPORARY LODGING OF MEMBERS AND DEPENDENTS.

(a) SUBSISTENCE EXPENSES.—Section 404a of title 37, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (d) and (e), respectively; and

(2) by striking subsection (a) and inserting the following:

"(a) PAYMENT OR REIMBURSEMENT OF SUBSISTENCE EXPENSES.—(1) Under regulations prescribed by the Secretaries concerned, a member of a uniformed service who is ordered to make a change of permanent station described in paragraph (2) shall be paid or reimbursed for subsistence expenses of the member and the member's dependents for the period (subject to subsection (c)) for which the member and dependents occupy temporary quarters incident to that change of permanent station.

"(2) Paragraph (1) applies to the following:

"(A) A permanent change of station from any duty station to a duty station in the United States (other than Hawaii or Alaska).

"(B) A permanent change of station from a duty station in the United States (other than Hawaii or Alaska) to a duty station outside the United States or in Hawaii or Alaska.

"(C) In the case of an enlisted member who is reporting to the member's first permanent duty station, the change from the member's home of record or initial technical school to that first permanent duty station.

"(b) PAYMENT IN ADVANCE.—The Secretary concerned may make any payment for subsistence expenses to a member under this section in advance of the member actually incurring the expenses. The amount of an advance payment made to a member shall be computed on the basis of the Secretary's determination of the average number of days that members and their dependents occupy temporary quarters under the circumstances applicable to the member and the member's dependents.

"(c) MAXIMUM PAYMENT PERIOD.—(1) In the case of a change of permanent station described in subparagraph (A) or (C) of subsection (a)(2), the period for which subsistence expenses are to be paid or reimbursed under this section may not exceed 10 days.

"(2) In the case of a change of permanent station described in subsection (a)(2)(B)—

"(A) the period for which such expenses are to be paid or reimbursed under this section may not exceed five days; and

"(B) such payment or reimbursement may be provided only for expenses incurred before leaving the United States (other than Hawaii or Alaska).".

(b) PER DIEM.—Section 405 of such title is amended to read as follows:

### "§ 405. Travel and transportation allowances: per diem while on duty outside the United States or in Hawaii or Alaska

"(a) PER DIEM AUTHORIZED.—Without regard to the monetary limitation of this title, the Secretary concerned may pay a per diem to a member of the uniformed services who is on duty outside of the United States or in Hawaii or

Alaska, whether or not the member is in a travel status. The Secretary may pay the per diem in advance of the accrual of the per diem.

"(b) DETERMINATION OF PER DIEM.—In determining the per diem to be paid under this section, the Secretary concerned shall consider all elements of the cost of living to members of the uniformed services under the Secretary's jurisdiction and their dependents, including the cost of quarters, subsistence, and other necessary incidental expenses. However, dependents may not be considered in determining the per diem allowance for a member in a travel status.

"(c) TREATMENT OF HOUSING COST AND ALLOWANCE.—Housing cost and allowance may be disregarded in prescribing a station cost of living allowance under this section.".

(c) STYLISTIC AMENDMENTS.—Section 404a of such title is further amended—

(1) in subsection (d), as redesignated by subsection (a), by striking "(d)" and inserting "(d) DAILY SUBSISTENCE RATES.—"; and

(2) in subsection (e), as redesignated by subsection (a), by striking "(e)" and inserting "(e) MAXIMUM DAILY PAYMENT.—".

### SEC. 632. ADDITIONAL TRANSPORTATION ALLOWANCE REGARDING BAGGAGE AND HOUSEHOLD EFFECTS.

(a) PET QUARANTINE FEES.—Section 406(a)(1) of title 37, United States Code, is amended by adding at the end the following new sentence: "The Secretary concerned may also reimburse the member for mandatory pet quarantine fees for household pets, but not to exceed $275 per change of station, when the member incurs the fees incident to such change of station.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect October 1, 2000.

### SEC. 633. EQUITABLE DISLOCATION ALLOWANCES FOR JUNIOR ENLISTED MEMBERS.

Section 407(c)(1) of title 37, United States Code, is amended by inserting before the period the following: ", except that the Secretary concerned may not differentiate between members with dependents in pay grades E–1 through E–5".

### SEC. 634. AUTHORITY TO REIMBURSE MILITARY RECRUITERS, SENIOR ROTC CADRE, AND MILITARY ENTRANCE PROCESSING PERSONNEL FOR CERTAIN PARKING EXPENSES.

(a) REIMBURSEMENT AUTHORITY.—(1) Chapter 7 of title 37, United States Code, is amended by inserting after section 411h the following new section:

**"§411i. Travel and transportation allowances: parking expenses**

"(a) REIMBURSEMENT AUTHORITY.—The Secretary of Defense may reimburse a member of the Army, Navy, Air Force, or Marine Corps described in subsection (b) for expenses incurred by the member in parking a privately owned vehicle being used by the member to commute to the member's place of duty.

"(b) ELIGIBLE MEMBERS.—A member referred to in subsection (a) is a member who is—

"(1) assigned to duty as a recruiter for any of the armed forces;

"(2) assigned to duty with a military entrance processing facility of the armed forces; or

"(3) detailed for instructional and administrative duties at any institution where a unit of the Senior Reserve Officers' Training Corps is maintained.

"(c) INCLUSION OF CERTAIN CIVILIAN EMPLOYEES.—The Secretary of Defense may extend the reimbursement authority provided by subsection (a) to civilian employees of the Department of Defense whose employment responsibilities include performing activities related to the duties specified in subsection (b).".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411h the following new item:

"411i. Travel and transportation allowances: parking expenses.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2000.

### SEC. 635. EXPANSION OF FUNDED STUDENT TRAVEL FOR DEPENDENTS.

Section 430 of title 37, United States Code, is amended—

(1) in subsections (a)(3) and (b)(1), by striking "for the purpose of obtaining a secondary or undergraduate college education" and inserting "for the purpose of obtaining a formal education"; and

(2) in subsection (f)—

(A) by striking "In this section, the term" and inserting the following:

"In this section:

"(1) The term"; and

(B) by adding at the end the following new subparagraph:

"(2) The term 'formal education' means the following:

"(A) A secondary education.

"(B) An undergraduate college education.

"(C) A graduate education pursued on a full-time basis at an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)).

"(D) Vocational education pursued on a full-time basis at a post-secondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1002(c))).".

## Subtitle D—Retirement and Survivor Benefit Matters

### SEC. 641. INCREASE IN MAXIMUM NUMBER OF RESERVE RETIREMENT POINTS THAT MAY BE CREDITED IN ANY YEAR.

Section 12733(3) of title 10, United States Code, is amended by striking "but not more than" and all that follows and inserting "but not more than—

"(A) 60 days in any one year of service before the year of service that includes September 23, 1996;

"(B) 75 days in the year of service that includes September 23, 1996, and in any subsequent year of service before the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001; and

"(C) 90 days in the year of service that includes the date of the enactment of the National Defense Authorization Act for Fiscal Year 2001 and in any subsequent year of service.".

### SEC. 642. RESERVE COMPONENT SURVIVOR BENEFIT PLAN SPOUSAL CONSENT REQUIREMENT.

(a) ELIGIBLE PARTICIPANTS.—Subsection (a)(2)(B) of section 1448 of title 10, United States Code, is amended to read as follows:

"(B) RESERVE-COMPONENT ANNUITY PARTICIPANTS.—A person who (i) is eligible to participate in the Plan under paragraph (1)(B), and (ii) is married or has a dependent child when he is notified under section 12731(d) of this title that he has completed the years of service required for eligibility for reserve-component retired pay, unless the person elects (with his spouse's concurrence, if required under paragraph (3)) not to participate in the Plan before the end of the 90-day period beginning on the date on which he receives that notification.".

(b) SUBSEQUENT ELECTION TO PARTICIPATE.—Subsection (a)(3)(B) of such section is amended—

(1) by striking "who elects to provide" and inserting "who is eligible to provide";

(2) by redesignating clauses (i) and (ii) as clauses (iii) and (iv), respectively; and

(3) by inserting before clause (iii) (as so redesignated) the following new clauses:

"(i) not to participate in the Plan;

"(ii) to designate under subsection (e)(2) the effective date for commencement of annuity payments under the Plan in the event that the member dies before becoming 60 years of age to be the 60th anniversary of the member's birth (rather than the day after the date of the member's death);".

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) in subsection (a)(2), by striking "described in clauses (i) and (ii)" in the sentence following subparagraph (B) (as amended by subsection (a)) and all that follows through "that clause" and inserting "who elects under subparagraph (B) not to participate in the Plan";

(2) in subsection (a)(4)—

(A) by striking "not to participate in the Plan" in subparagraph (A); and

(B) by striking "to participate in the Plan" in subparagraph (B); and

(3) in subsection (e), by striking "making such election".

(d) EFFECTIVE DATE.—The amendments made by this section apply only with respect to a notification under section 12731(d) of title 10, United States Code, made after January 1, 2001, that a member of a reserve component has completed the years of service required for eligibility for reserve-component retired pay.

## Subtitle E—Other Matters

### SEC. 651. PARTICIPATION IN THRIFT SAVINGS PLAN.

For purposes of subtitle F of title VI of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 670), both of the conditions under section 663(b)(1) of such Act shall be considered met on July 15, 2001 (unless earlier met).

## TITLE VII—HEALTH CARE PROVISIONS

## Subtitle A—Health Care Services

### SEC. 701. TWO-YEAR EXTENSION OF AUTHORITY FOR USE OF CONTRACT PHYSICIANS AT MILITARY ENTRANCE PROCESSING STATIONS AND ELSEWHERE OUTSIDE MEDICAL TREATMENT FACILITIES.

Section 1091(a)(2) of title 10, United States Code, is amended by striking "December 31, 2000" in the second sentence and inserting "December 31, 2002".

### SEC. 702. MEDICAL AND DENTAL CARE FOR MEDAL OF HONOR RECIPIENTS.

(a) IN GENERAL.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1074g the following new section:

**"§1074h. Medical and dental care: medal of honor recipients; dependents**

"(a) MEDAL OF HONOR RECIPIENTS.—A former member of the armed forces who is a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if entitled to retired pay.

"(b) DEPENDENTS.—A person who is a dependent of a Medal of Honor recipient and who is not otherwise entitled to medical and dental benefits under this chapter may, upon request, be given medical and dental care provided by the administering Secretaries in the same manner as if the Medal of Honor recipient were, or (if deceased) was at the time of death, entitled to retired pay.

"(c) DEFINITIONS—In this section:

"(1) The term 'Medal of Honor recipient' means a member or former member of the armed forces who has been awarded a medal of honor under section 3741, 6241, or 8741 of this title or section 491 of title 14.

"(2) The term 'dependent' has the meaning given that term in subparagraphs (A), (B), (C), and (D) of section 1072(2) of this title.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074g the following new item:

"1074h. Medical and dental care: medal of honor recipients; dependents.".

(b) EFFECTIVE DATE.—Section 1074h of title 10, United States Code, shall apply with respect to medical and dental care provided on or after the date of the enactment of this Act.

### SEC. 703. PROVISION OF DOMICILIARY AND CUSTODIAL CARE FOR CHAMPUS BENEFICIARIES AND CERTAIN FORMER CHAMPUS BENEFICIARIES.

(a) IN GENERAL.—Section 703(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 682; 10 U.S.C. 1077 note) is amended by adding at the end the following:

"(4) The Secretary may provide payment for domiciliary or custodial care services provided to an eligible beneficiary for which payment was discontinued by reason of section 1086(d) of title 10, United States Code, and subsequently reestablished under other legal authority. Such payment is authorized for the period beginning on the date of discontinuation of payment for domiciliary or custodial care services and ending on the date of reestablishment of payment for such services.".

(b) COST LIMITATION FOR INDIVIDUAL CASE MANAGEMENT PROGRAM.—(1) Section 1079(a)(17) of title 10, United States Code, is amended—

(A) by inserting "(A)" after "(17)"; and

(B) by adding at the end the following:

"(B) The total amount expended under subparagraph (A) for a fiscal year may not exceed $100,000,000.".

(2) Section 703 of the National Defense Authorization Act for Fiscal Year 2000 is amended by adding at the end the following:

"(e) COST LIMITATION.—The total amount paid for services for eligible beneficiaries under subsection (a) for a fiscal year (together with the costs of administering the authority under that subsection) shall be included in the expenditures limited by section 1079(a)(17)(B) of title 10, United States Code.".

(3) The amendments made by paragraphs (1) and (2) shall apply to fiscal years after fiscal year 1999.

### SEC. 704. DEMONSTRATION PROJECT FOR EXPANDED ACCESS TO MENTAL HEALTH COUNSELORS.

(a) REQUIREMENT TO CONDUCT DEMONSTRATION PROJECT.—The Secretary of Defense shall conduct a demonstration project under which licensed and certified professional mental health counselors who meet eligibility requirements for participation as providers under the Civilian Health and Medical Program of the Uniformed Services (hereinafter in this section referred to as "CHAMPUS") or the TRICARE program may provide services to covered beneficiaries under chapter 55 of title 10, United States Code, without referral by physicians or adherence to supervision requirements.

(b) DURATION AND LOCATION OF PROJECT.—The Secretary shall conduct the demonstration project required by subsection (a)—

(1) during the 2-year period beginning October 1, 2001; and

(2) in one established TRICARE region.

(c) REGULATIONS.—The Secretary shall prescribe regulations regarding participation in the demonstration project required by subsection (a).

(d) PLAN FOR PROJECT.—Not later than March 31, 2001, the Secretary shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to carry out the demonstration project. The plan shall include, but not be limited to, a description of the following:

(1) The TRICARE region in which the project will be conducted.

(2) The estimated funds required to carry out the demonstration project.

(3) The criteria for determining which professional mental health counselors will be authorized to participate under the demonstration project.

(4) The plan of action, including critical milestone dates, for carrying out the demonstration project.

(e) REPORT.—Not later than February 1, 2003, the Secretary shall submit to Congress a report on the demonstration project carried out under this section. The report shall include the following:

(1) A description of the extent to which expenditures for reimbursement of licensed or certified professional mental health counselors change as a result of allowing the independent practice of such counselors.

(2) Data on utilization and reimbursement regarding non-physician mental health professionals other than licensed or certified professional mental health counselors under CHAMPUS and the TRICARE program.

(3) Data on utilization and reimbursement regarding physicians who make referrals to, and supervise, mental health counselors.

(4) A description of the administrative costs incurred as a result of the requirement for documentation of referral to mental health counselors and supervision activities for such counselors.

(5) For each of the categories described in paragraphs (1) through (4), a comparison of data for a one-year period for the area in which the demonstration project is being implemented with corresponding data for a similar area in which the demonstration project is not being implemented.

(6) A description of the ways in which allowing for independent reimbursement of licensed or certified professional mental health counselors affects the confidentiality of mental health and substance abuse services for covered beneficiaries under CHAMPUS and the TRICARE program.

(7) A description of the effect, if any, of changing reimbursement policies on the health and treatment of covered beneficiaries under CHAMPUS and the TRICARE program, including a comparison of the treatment outcomes of covered beneficiaries who receive mental health services from licensed or certified professional mental health counselors acting under physician referral and supervision, other non-physician mental health providers recognized under the program, and physicians, with treatment outcomes under the demonstration project allowing independent practice of professional counselors on the same basis as other non-physician mental health providers.

(8) The effect of policies of the Department of Defense on the willingness of licensed or certified professional mental health counselors to participate as health care providers in CHAMPUS and the TRICARE program.

(9) Any policy requests or recommendations regarding mental health counselors made by health care plans and managed care organizations participating in CHAMPUS or the TRICARE program.

### SEC. 705. TELERADIOLOGY DEMONSTRATION PROJECT.

(a) REQUIREMENT TO CONDUCT PROJECT.—(1) The Secretary of Defense shall conduct a demonstration project for the purpose of increasing efficiency of operations with respect to teleradiology at a military medical treatment facility and supporting remote clinics and increasing coordination with respect to teleradiology between such facility and clinics. Under the project, a military medical treatment facility and each clinic supported by such facility shall be linked by a digital radiology network through which digital radiology X-rays may be sent electronically from clinics to the military medical treatment facility.

(2) The demonstration project shall be conducted at a multi-specialty tertiary-care military medical treatment facility affiliated with a university medical school, that is supported by at least five geographically dispersed remote clinics of the Departments of the Army, Navy, and Air Force, and clinics of the Department of Veterans Affairs and the Coast Guard.

(b) DURATION OF PROJECT.—The Secretary shall conduct the project during the two-year period beginning on the date of the enactment of this Act.

## Subtitle B—TRICARE Program

### SEC. 711. ADDITIONAL BENEFICIARIES UNDER TRICARE PRIME REMOTE PROGRAM IN THE CONTINENTAL UNITED STATES.

(a) COVERAGE OF OTHER UNIFORMED SERVICES.—(1) Section 1074(c) of title 10, United States Code, is amended—

(A) by striking "armed forces" each place it appears, except in paragraph (3)(A), and inserting "uniformed services";

(B) in paragraph (1), by inserting after "military department" in the first sentence the following: ", the Department of Transportation (with respect to the Coast Guard when it is not operating as a service in the Navy), or the Department of Health and Human Services (with respect to the National Oceanic and Atmospheric Administration and the Public Health Service)";

(C) in paragraph (2), by adding at the end the following:

"(C) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this paragraph."; and

(D) in paragraph (3)(A), by striking "The Secretary of Defense may not require a member of the armed forces described in subparagraph (B)" and inserting "A member of the uniformed services described in subparagraph (B) may not be required".

(2)(A) Subsections (b), (c), and (d)(3) of section 731 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) are amended by striking "Armed Forces" and inserting "uniformed services".

(B) Subsection (b) of such section is further amended by adding at the end the following:

"(4) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.".

(C) Subsection (f) of such section is amended by adding at the end the following:

"(3) The terms 'uniformed services' and 'administering Secretaries' have the meanings given those terms in section 1072 of title 10, United States Code.".

(3) Section 706(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 684) is amended by striking "Armed Forces" and inserting "uniformed services (as defined in section 1072(1) of title 10, United States Code)".

(b) COVERAGE OF IMMEDIATE FAMILY.—(1) Section 1079 of title 10, United States Code, is amended by adding at the end the following:

"(p)(1) Subject to such exceptions as the Secretary of Defense considers necessary, coverage for medical care under this section for the dependents referred to in subsection (a) of a member of the uniformed services referred to in section 1074(c)(3) of this title who are residing with the member, and standards with respect to timely access to such care, shall be comparable to coverage for medical care and standards for timely access to such care under the managed *care option of the TRICARE program known as TRICARE Prime.*

*"(2) The Secretary of Defense shall enter into arrangements with contractors under the TRICARE program or with other appropriate contractors for the timely and efficient processing of claims under this subsection.*

*"(3) The Secretary of Defense shall consult with the other administering Secretaries in the administration of this subsection.".*

*(2) Section 731(b) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 1811; 10 U.S.C. 1074 note) is amended—*

*(A) in paragraph (1), by adding at the end the following: "A dependent of the member, as described in subparagraph (A), (D), or (I) of section 1072(2) of title 10, United States Code, who is residing with the member shall have the same entitlement to care and to waiver of charges as the member."; and*

*(B) in paragraph (2), by inserting "or dependent of the member, as the case may be," after "(2) A member".*

*(c) Effective Date.—(1) The amendments made by subsection (a)(2), with respect to members of the uniformed services, and the amendments made by subsection (b)(2), with respect to dependents of members, shall take effect on the date of the enactment of this Act and shall expire with respect to a member or the dependents of a member, respectively, on the later of the following:*

*(A) The date that is one year after the date of the enactment of this Act.*

*(B) The date on which the amendments made by subsection (a)(1) or (b)(1) apply with respect to the coverage of medical care for and provision of such care to the member or dependents, respectively.*

*(2) Section 731(b)(3) of Public Law 105–85 does not apply to a member of the Coast Guard, the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the Public Health Service, or to a dependent of a member of a uniformed service.*

### SEC. 712. ELIMINATION OF COPAYMENTS FOR IMMEDIATE FAMILY.

*(a) No Copayment for Immediate Family.—Section 1097a of title 10, United States Code, is amended—*

*(1) by redesignating subsection (e) as subsection (f); and*

*(2) by inserting after subsection (d) the following new subsection (e):*

*"(e) No Copayment for Immediate Family.—No copayment shall be charged a member for care provided under TRICARE Prime to a dependent of a member of the uniformed services described in subparagraph (A), (D), or (I) of section 1072(2) of this title.".*

*(b) Effective Date.—The amendments made by subsection (a) shall take effect on October 1, 2000, and shall apply with respect to care provided on or after that date.*

### SEC. 713. MODERNIZATION OF TRICARE BUSINESS PRACTICES AND INCREASE OF USE OF MILITARY TREATMENT FACILITIES.

*(a) Requirement To Implement Internet-Based System.—Not later than October 1, 2001, the Secretary of Defense shall implement a system to simplify and make accessible through the use of the Internet, through commercially available systems and products, critical administrative processes within the military health care system and the TRICARE program. The purpose of the system shall be to enhance efficiency, improve service, and achieve commercially recognized standards of performance.*

*(b) Requirements of System.—The system required by subsection (a) —*

*(1) shall comply with patient confidentiality and security requirements, and incorporate data requirements, that are currently widely used by insurers under medicare and commercial insurers;*

*(2) shall be designed to achieve improvements with respect to—*

*(A) the availability and scheduling of appointments;*

*(B) the filing, processing, and payment of claims;*

*(C) marketing and information initiatives;*

*(D) the continuation of enrollments without expiration; and*

*(E) the portability of enrollments nationwide; and*

*(3) may be implemented through a contractor under TRICARE Prime.*

*(c) Areas of Implementation.—The Secretary shall implement the system required by subsection (a) in at least one region under the TRICARE program.*

*(d) Plan for Improved Portability of Benefits.—Not later than March 15, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a plan to provide portability and reciprocity of benefits for all enrollees under the TRICARE program throughout all TRICARE regions.*

*(e) Increase of Use of Military Medical Treatment Facilities.—The Secretary shall initiate a program to maximize the use of military medical treatment facilities by improving the efficiency of health care operations in such facilities.*

*(f) Definition.—In this section the term "TRICARE program" shall have the meaning given such term in section 1072 of title 10, United States Code.*

### SEC. 714. CLAIMS PROCESSING IMPROVEMENTS.

*Beginning on the date of the enactment of this Act, the Secretary of Defense shall take all necessary actions to implement the following improvements with respect to processing of claims under the TRICARE program:*

*(1) Use of the TRICARE encounter data information system rather than the health care service record in maintaining information on covered beneficiaries under chapter 55 of title 10, United States Code.*

*(2) Elimination of all delays in payment of claims to health care providers that may result from the development of the health care service record or TRICARE encounter data information.*

*(3) Require all health care providers under the TRICARE program that the Secretary determines are high-volume providers to submit claims electronically.*

*(4) Process 50 percent of all claims by health care providers and institutions under the TRICARE program by electronic means.*

*(5) Authorize managed care support contractors under the TRICARE program to require providers to access information on the status of claims through the use of telephone automated voice response units.*

### SEC. 715. PROHIBITION AGAINST REQUIREMENT FOR PRIOR AUTHORIZATION FOR CERTAIN REFERRALS; REPORT ON NONAVAILABILITY-OF-HEALTH-CARE STATEMENTS.

*(a) Prohibition Regarding Prior Authorization for Referrals.—(1) Chapter 55 of title 10, United States Code, is amended by inserting after section 1095e the following new section:*

***"§1095f. TRICARE program: referrals for specialty health care***

*"The Secretary of Defense shall provide that no contract for managed care support under the TRICARE program shall require a managed care support contractor to require a primary care provider or specialty care provider to obtain prior authorization before referring a patient to a specialty care provider that is part of the network of health care providers or institutions of the contractor.".*

*(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1095e the following new item:*

*"1095f. TRICARE program: referrals for specialty health care.".*

*(b) Report.—Not later than February 1, 2001, the Comptroller General shall submit to Congress a report on the financial and management implications of eliminating the requirement to obtain nonavailability-of-health-care statements under section 1080 of title 10, United States Code.*

*(c) Effective Date.—Section 1095f of title 10, United States Code, as added by subsection (a), shall apply with respect to a managed care support contract entered into by the Department of Defense after the date of the enactment of this Act.*

### SEC. 716. AUTHORITY TO ESTABLISH SPECIAL LOCALITY-BASED REIMBURSEMENT RATES; REPORTS.

*(a) In General.—Section 1079(h) of title 10, United States Code, is amended by adding at the end the following new paragraph:*

*"(5) To assure access to care for all covered beneficiaries, the Secretary of Defense, in consultation with the other administering Secretaries, shall designate specific rates for reimbursement for services in certain localities if the Secretary determines that without payment of such rates access to health care services would be severely impaired. Such a determination shall be based on consideration of the number of providers in a locality who provide the services, the number of such providers who are CHAMPUS participating providers, the number of covered beneficiaries under CHAMPUS in the locality, the availability of military providers in the location or a nearby location, and any other factors determined to be relevant by the Secretary.".*

*(b) Reports.—(1) Not later than March 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate and the General Accounting Office a report on actions taken to carry out section 1079(h)(5) of title 10, United States Code (as added by subsection (a)) and section 1097b of such title.*

*(2) Not later than May 1, 2001, the Comptroller General shall submit to Congress a report analyzing the utility of—*

*(A) increased reimbursement authorities with respect to ensuring the availability of network providers and nonnetwork providers under the TRICARE Program to covered beneficiaries under chapter 55 of such title; and*

*(B) requiring a reimbursement limitation of 70 percent of usual and customary rates rather than 115 percent of maximum allowable charges under the Civilian Health and Medical Program of the Uniformed Services.*

### SEC. 717. REIMBURSEMENT FOR CERTAIN TRAVEL EXPENSES.

*(a) In General.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074h (as added by section 702) the following new section:*

***"§1074i. Reimbursement for certain travel expenses***

*"In any case in which a covered beneficiary is referred by a primary care physician to a specialty care provider who provides services more than 100 miles from the location in which the primary care provider provides services to the covered beneficiary, the Secretary shall provide reimbursement for reasonable travel expenses for the covered beneficiary.".*

*(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1074h the following new item:*

*"1074i. Reimbursement for certain travel expenses.".*

### SEC. 718. REDUCTION OF CATASTROPHIC CAP.

*(a) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended in section 1095d by adding at the end the following new subsection:*

*"(c) REDUCTION OF CATASTROPHIC CAP.—The Secretary shall reduce the catastrophic cap for covered beneficiaries under TRICARE Standard and TRICARE Extra to $3,000.".*

*(b) CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:*

**"§ 1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap".**

*(2) The item relating to section 1095d in the table of sections at the beginning of such chapter 55 is amended to read as follows:*

*"1095d. TRICARE program: waiver of certain deductibles; reduction of catastrophic cap.".*

### SEC. 719. REPORT ON PROTECTIONS AGAINST HEALTH CARE PROVIDERS SEEKING DIRECT REIMBURSEMENT FROM MEMBERS OF THE UNIFORMED SERVICES.

*Not later than January 31, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report recommending practices to discourage or prohibit health care providers under the TRICARE Program from inappropriately seeking direct reimbursement from members of the uniformed services or their dependents for health care received by such members or dependents.*

### SEC. 720. DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.

*Section 1076c of title 10, United States Code, is amended—*

*(1) by redesignating subsection (i) as subsection (j); and*

*(2) by inserting after subsection (h) the following new subsection (i):*

*"(i) DISENROLLMENT PROCESS FOR TRICARE RETIREE DENTAL PROGRAM.—With respect to the provision of dental care to a retired member of the uniformed services or the dependent of such a member under the TRICARE program, the Secretary of Defense—*

*"(A) shall require that any TRICARE dental insurance contract allow for a period of up to 30 days, beginning on the date of the submission of an application for enrollment by the member or dependent, during which the member or dependent may disenroll;*

*"(B) shall provide for limited circumstances under which disenrollment shall be permitted during the 24-month initial enrollment period, without jeopardizing the fiscal integrity of the dental program.*

*"(2) The circumstances described in paragraph (1)(B) shall include—*

*"(A) a case in which a retired member or dependent who is also a Federal employee is assigned to a location overseas which prevents utilization of dental benefits in the United States;*

*"(B) a case in which such a member or dependent provides medical documentation with regard to a diagnosis of a serious or terminal illness which precludes the member or dependent from obtaining dental care;*

*"(C) a case in which severe financial hardship would result; and*

*"(D) any other instances which the Secretary considers appropriate.*

*"(3) A retired member or dependent described in paragraph (1)—*

*"(A) shall make any initial requests for disenrollment under this subsection to the TRICARE dental insurance contractor; and*

*"(B) may appeal a decision by the contractor, or policies with respect to the provision of dental care to retirees and their dependents under the TRICARE program, to the TRICARE Management Activity.*

*"(4) In a case of an appeal described in paragraph (3)(B) the contractor shall refer all relevant information collected by the contractor to the TRICARE Management Activity.".*

## Subtitle C—Health Care Programs for Medicare-Eligible Department of Defense Beneficiaries

### SEC. 721. IMPLEMENTATION OF TRICARE SENIOR PHARMACY PROGRAM.

*Section 723 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2068; 10 U.S.C. 1073 note) is amended—*

*(1) in subsection (a)—*

*(A) by striking "October 1, 1999" and inserting "April 1, 2001"; and*

*(B) by striking "who reside in an area selected under subsection (f)";*

*(2) by amending subsection (b) to read as follows:*

*"(b) PROGRAM REQUIREMENTS.—The same coverage for pharmacy services and the same procedures for cost sharing and reimbursement as are applicable under section 1086 of title 10, United States Code, shall apply with respect to the program required by subsection (a).";*

*(3) in subsection (d)—*

*(A) by striking "December 31, 2000" and inserting "December 31, 2001"; and*

*(B) by striking "December 31, 2002" and inserting "December 31, 2003";*

*(4) in subsection (e)—*

*(A) in paragraph (1)—*

*(i) in subparagraph (B), by inserting "and" after the semicolon;*

*(ii) in subparagraph (C), by striking "; and" and inserting a period; and*

*(iii) by striking subparagraph (D); and*

*(B) in paragraph (2), by striking "at the time" and all that follows through "facility" and inserting "before April 1, 2001, has attained the age of 65 and did not enroll in the program described in such paragraph"; and*

*(5) by striking subsection (f).*

### SEC. 722. STUDY ON HEALTH CARE OPTIONS FOR MEDICARE-ELIGIBLE MILITARY RETIREES.

*(a) REQUIREMENT TO CONDUCT STUDY.—The Secretary of Defense shall enter into an agreement with a federally funded research and development center for the purpose of having such center conduct an independent study on alternatives for providing continued health care benefits for medicare-eligible military retirees.*

*(b) MATTERS TO BE INCLUDED.—(1) The study shall consider the possibility of providing health care to such retirees through at least the following alternatives, either individually or in combination, and shall include an analysis of the mandatory and discretionary funding requirements for implementation of each alternative for each year of a ten-year period:*

*(A) The use of mandatory enrollments in any health care option.*

*(B) The creation, integration, and coordination of a Department of Defense-Medicare supplemental plan that—*

*(i) includes benefits similar to those covered under a standard medicare supplemental health insurance policy; and*

*(ii) requires participation in, and coordination with, available medicare prescription drug benefits.*

*(C) Space-available health care in military medical treatment facilities and participation in the standard prescription drug plan under the TRICARE program.*

*(D) Increased participation in, and coordination with, managed care programs of the Veterans Health Administration.*

*(2) The study shall consider—*

*(A) the findings and recommendations in all reports prepared by the Comptroller General on demonstration programs of the Department of Defense involving medicare-eligible military retirees; and*

*(B) the existence of multiple overlapping benefits for such retirees, including benefits available through the Veterans Health Administration, medicare, and private insurance.*

*(c) INDEPENDENT ADVISORY COMMITTEE.—(1) The Secretary shall establish an independent advisory committee to assist the federally funded research and development center described in subsection (a) in conducting the study required by this section. The Secretary shall appoint the members of the committee from among individuals who—*

*(A) are not members of the uniformed services or civilian employees of the Department of Defense;*

*(B) possess expertise in health insurance matters, including matters regarding medigap plans and TRICARE supplemental insurance policies;*

*(C) are representative of nongovernmental organizations and associations that represent the views and interests of covered beneficiaries under chapter 55 of title 10, United States Code;*

*(D) are knowledgeable regarding the medicare system, the military health care system, and the Veterans' Health Administration; and*

*(E) represent associations of major health care providers and institutions.*

*(2) Members of the committee shall be appointed for the life of the committee.*

*(3)(A) Each member of the committee who is not an employee of the Government shall be paid at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the committee.*

*(B) Members of the committee may travel on aircraft, vehicles, or other conveyances of the Armed Forces when travel is necessary in the performance of a duty of the committee except when the cost of commercial transportation is less expensive.*

*(C) The members of the committee may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the committee.*

*(D)(i) A member of the committee who is an annuitant otherwise covered by section 8344 or 8468 of title 5, United States Code, by reason of membership on the committee shall not be subject to the provisions of such section with respect to such membership.*

*(ii) A member of the committee who is a member or former member of a uniformed service shall not be subject to the provisions of subsections (b) and (c) of section 5532 of such title with respect to membership on the committee.*

*(4) The committee shall terminate 60 days after the date on which the final report is submitted under subsection (d).*

*(d)(1) DEADLINE FOR COMPLETION.—Not later than September 30, 2002, the federally funded research and development center described in subsection (a) shall submit to the Secretary a report on the study, including its findings and conclusions concerning each of the matters described in subsection (b).*

*(2) Not later than December 31, 2002, the Secretary shall submit the report, together and any comments of the Secretary, to Congress, the Secretary of Veterans Affairs, and the Secretary of Health and Human Services.*

*(e) COOPERATION BY DEPARTMENT OF DEFENSE.—The Secretary shall require that all components of the Department of Defense cooperate fully with the federally funded research and development center carrying out the study.*

### SEC. 723. EXTENDED COVERAGE UNDER FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.

(a) Expansion of Coverage for Retirees Over Age 65.—Section 1108 of title 10, United States Code, is amended by adding at the end the following:

"(m) Expansion of Coverage for Retirees Over Age 65.—(1) Eligible beneficiaries referred to in subsection (b)(1) shall be permitted to enroll, or to extend a previous enrollment entered into under subsection (d)(2), during a period of open enrollment for the year 2003 (conducted in the fall of 2002).

"(2) Subject to paragraphs (2) and (3) of subsection (f), the period of enrollment, or extension of enrollment, of an eligible beneficiary under paragraph (1) shall be one year unless the beneficiary disenrolls before the termination of the demonstration project.".

(b) Extension of Project Period.—(1) Subsection (d) of such section is amended—

(A) in paragraph (1), by striking "three contract years" and inserting "four contract years"; and

(B) in paragraph (2), by striking "December 31, 2002" in the second sentence and inserting "December 31, 2003".

(2) Subsection (f)(1) of such section is amended by striking "three" and inserting "four".

(3) Subsection (k) of such section is amended by striking "December 31, 2002" and inserting "December 31, 2003".

(4) Subsection (l)(2) of such section is amended by striking "36 months" and inserting "48 months".

(c) Additional Areas of Coverage.—Subsection (c) of such section is amended—

(1) by striking ", but not more than ten,"; and

(2) by striking the third sentence and inserting the following: "In establishing the areas, the Secretary and the Director of the Office of Personnel Management shall include an area that includes the catchment area of one or more military medical treatment facilities, an area that is not located in the catchment area of a military medical treatment facility, an area in which there is a Medicare Subvention Demonstration project area under section 1896 of title XVIII of the Social Security Act (42 U.S.C. 1395ggg), and one area for each TRICARE region.".

### SEC. 724. EXTENSION OF TRICARE SENIOR SUPPLEMENT PROGRAM.

Section 722(a)(2) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2065; 10 U.S.C. 1073 note) is amended by striking "December 31, 2002" and inserting "December 31, 2003".

### SEC. 725. EXTENSION OF TRICARE SENIOR PRIME DEMONSTRATION PROJECT.

(a) Extension of Project.—Section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is amended in subsection (b)(4) by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2003";

(b) Implementation of Utilization Review Procedures.—Subsection (b) of such section is further amended by adding at the end the following:

"(6) Utilization review procedures.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.".

(c) Reports.—(1) Such section 1896 is further amended in subsection (k)(1)—

(1) by striking "3½ years" and inserting "4½ years"; and

(2) by adding at the end the following new subparagraphs:

"(P) Which interagency funding mechanisms would be most appropriate if the project under this section is made permanent.

"(Q) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

"(R) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

"(S) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the demonstration project.".

(2) Section 724 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 10 U.S.C. 1108 note) is amended by inserting "the demonstration project conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg)," after "section 722,".

## Subtitle D—Other Matters

### SEC. 731. TRAINING IN HEALTH CARE MANAGEMENT AND ADMINISTRATION.

(a) Expansion of Program.—Section 715(a) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat 375; 10 U.S.C. 1073 note) is amended—

(1) in paragraph (1)—

(A) by inserting ", deputy commander, and managed care coordinator" after "commander"; and

(B) by inserting "and any other person" after "Defense";

(2) by redesignating subsection (b) as subsection (c); and

(3) by inserting after subsection (a) the following new subsection:

"(b) Limitation on Assignment Until Completion of Training.—No person may be assigned as the commander, deputy commander, or managed care coordinator of a military medical treatment facility or as a TRICARE lead agent or senior member of the staff of a TRICARE lead agent office until the Secretary of the military department concerned submits a certification to the Secretary of Defense that such person has completed the training described in subsection (a).".

(b) Report Requirement.—(1) Not later than six months after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on progress in meeting the requirements in such section regarding implementation of a professional educational program to provide appropriate training in health care management and administration.

(2) The report required by paragraph (1) shall include, but shall not be limited to, the following:

(A) A survey of professional civilian certifications and credentials which demonstrate achievement of the requirements of such section.

(B) A description of the continuing education activities required to obtain initial certification and periodic required recertification.

(C) A description of the prominence of such credentials or certifications among senior civilian health care executives.

### SEC. 732. STUDY OF ACCRUAL FINANCING FOR HEALTH CARE FOR MILITARY RETIREES.

(a) Study Required.—The Secretary of Defense shall carry out a study to assess the feasibility and desirability of financing the military health care program for retirees of the uniformed services on an accrual basis. The study shall be conducted by one or more Department of Defense organizations designated by the Secretary.

(b) Report.—Not later than February 8, 2001, the Secretary shall submit to Congress a report on the study, including any comments on the matters studied that the Secretary considers appropriate.

### SEC. 733. TRACKING PATIENT SAFETY IN MILITARY MEDICAL TREATMENT FACILITIES.

(a) Centralized Tracking Process.—The Secretary of Defense shall implement a centralized process for the reporting, compiling, and analysis of errors in the provision of health care in military medical treatment facilities that endanger patients beyond the normal risks associated with the care and treatment of the patients.

(b) Safety Indicators, Standards, and Protocols.—The process shall include such indicators, standards, and protocols as the Secretary of Defense considers necessary for the establishment and administration of an effective process.

### SEC. 734. PHARMACEUTICAL IDENTIFICATION TECHNOLOGY.

(a) Bar Code Identification Technology.—The Secretary of Defense shall develop a system for the use of bar codes for the identification of pharmaceuticals in order to provide for the safest use possible of such pharmaceuticals.

(b) Use in National Mail Order Pharmaceuticals Demonstration Project.—The Secretary shall implement the use of bar code identification of pharmaceuticals in the administration of the mail order pharmaceutical demonstration project being carried out under section 702 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2431; 10 U.S.C. 1079 note).

### SEC. 735. MANAGEMENT OF VACCINE IMMUNIZATION PROGRAM.

(a) In General.—(1) Chapter 55 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 1110. Policies and procedures for immunization program

"(a) System and Procedures for Tracking Separations.—(1) The Secretary of each military department shall establish a system for tracking, recording, and reporting separations of members of the armed forces that result from procedures initiated as a result of a refusal to participate in the anthrax vaccine immunization program.

"(2) The Secretary of Defense shall consolidate the information recorded under the system described in paragraph (1) and shall submit to the Committees on Armed Services of the House of Representatives and the Senate on an annual basis a report on such information. Such reports shall include a description of—

"(A) the number of personnel separated, categorized by military department, rank, and active-duty or reserve status; and

"(B) any other information determined appropriate by the Secretary.

"(b) Emergency Essential Civilian Personnel.—The Secretary of Defense shall—

"(1) prescribe regulations for the purpose of ensuring that any civilian employee of the Department of Defense who is determined to be an emergency essential employee and who is required to participate in the anthrax vaccination program is notified of the requirement to participate in the program and the consequences of a decision not to participate; and

"(2) ensure that any individual who is being considered for a position as such an employee is notified of the obligation to participate in the program before being offered employment in such position.

"(c) Procedures for Medical and Administrative Exemptions.—(1) The Secretary of Defense shall establish uniform procedures under which members of the armed forces may be exempted from participating in the anthrax vaccination program for either administrative or medical reasons.

*"(2) The Secretaries of the military departments shall provide for notification of all members of the armed forces of the procedures described in paragraph (1).*

*"(d) System for Monitoring Adverse Reactions.—(1) The Secretary of Defense shall establish a system for monitoring adverse reactions of members of the armed forces to the anthrax vaccine which shall include the following:*

*"(A) Independent review of Vaccine Adverse Event Reporting System reports.*

*"(B) Periodic surveys of personnel to whom the vaccine is administered.*

*"(C) A continuing longitudinal study of a preidentified group of members of the armed forces (including men and women and members from all services).*

*"(D) Active surveillance of a sample of members to whom the anthrax vaccine has been administered that is sufficient to identify, at the earliest opportunity, any patterns of adverse reactions, the discovery of which might be delayed by reliance solely on the Vaccine Adverse Event Reporting System.*

*"(2) The Secretary may extend or expand any ongoing or planned study or analysis of trends in adverse reactions of members of the armed forces to the anthrax vaccine in order to meet any of the requirements in paragraph (1).*

*"(3) The Secretary shall establish guidelines under which members of the armed forces who are determined by an independent expert panel to be experiencing unexplained adverse reactions may obtain access to a Department of Defense Center of Excellence treatment facility for expedited treatment and follow up.*

*"(e) Vaccine Development and Procurement.—(1) The Secretary of Defense shall develop a plan, including milestones, for modernizing all vaccines used or anticipated to be used as part of the protection strategy for members of the armed forces.*

*"(2) The Secretary—*

*"(A) shall, to the maximum extent possible, be the sole purchaser of a vaccine to immunize members of the armed forces and employees of all Federal agencies;*

*"(B) shall, to the maximum extent possible, procure such a vaccine from more than one manufacturer; and*

*"(C) in any case in which the Secretary determines that sole source procurement of such a vaccine is necessary, may not enter into a contract to purchase such vaccine until 30 days after providing notification to the Committees on Armed Services of the House of Representatives and the Senate that the Secretary intends to enter into a sole source contract for the vaccine.".*

*(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:*

*"1110. Policies and procedures for immunization program.".*

*(b) Comptroller General Reports.—(1)(A) Not later than April 1, 2002, the Comptroller General shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the impact of the anthrax vaccination program on the recruitment and retention of active duty and reserve military personnel and civilian personnel of the Armed Forces. The study shall cover the period beginning on the date of the enactment of this Act and ending on December 31, 2001.*

*(B) The Comptroller General shall include in the report required by paragraph (1) a description of any personnel actions (including transfer, termination, or reassignment of any personnel) taken as a result of the refusal of any civilian employee of the Department of Defense to participate in the anthrax vaccination program.*

*(2) Not later than March 1 of each of years 2001 through 2004, the Comptroller General shall review and submit to the Committees on Armed Service of the House of Representatives and the Senate a report on the financial operations of the manufacturer of the anthrax vaccine administered through the anthrax vaccine immunization program of the Department of Defense. Under such review, the Comptroller General shall—*

*(A) consider the findings and observations of any other Federal or State reports relating to such financial operations;*

*(B) examine the compliance of the Department of Defense and its contractors with the Federal Acquisition Regulation; and*

*(C) make recommendations for improving the financial stability of the manufacturer.*

*(c) DoD Reports on Management of Anthrax Vaccine Immunization Program.—(1) Not later than April 1 of each of years 2001 through 2004, the Secretary of Defense shall submit to the Committees on Armed Service of the House of Representatives and the Senate a report describing, with respect to each contract relating to the anthrax vaccination program, the costs incurred by, and payments made to, each contractor or other entity engaged in the production, storage, distribution, or marketing of the anthrax vaccine administered by the Department of Defense.*

*(B) The first report submitted under subparagraph (A) shall include the following:*

*(i) An estimate of the life-cycle cost for the anthrax vaccination program.*

*(ii) A description of the acquisition strategy for the program, including the applicable acquisition category.*

*(iii) An assessment of the Governmentwide requirements with respect to the anthrax vaccine and the financial and manufacturing ability of the manufacturer of the anthrax vaccine to meet such requirements.*

*(iv) A description of the status of supplements to the anthrax vaccine licenses of the contractors and whether the Food and Drug Administration has approved or is anticipated to approve all anthrax vaccine doses manufactured.*

*(v) A summary of all audits by the Defense Contract Audit Agency or the Inspector General of the Department of Defense of anthrax vaccine contracts of the Department of Defense and a description of any actions taken or planned to be taken in response to recommendations regarding such audits.*

*(vi) A review of all actions taken by the Department of Defense to coordinate with other Federal agencies to ensure the facility of a manufacturer of the anthrax vaccine is compliant with all Federal requirements.*

### *SEC. 736. STUDY ON FEASIBILITY OF SHARING BIOMEDICAL RESEARCH FACILITY.*

*(a) Study Required.—The Secretary of the Army shall conduct a study on the feasibility of the Tripler Army Medical Center, Hawaii, sharing a biomedical research facility with the Department of Veterans Affairs and the School of Medicine at the University of Hawaii for the purpose of making more efficient use of funding for biomedical research. Such facility would include a clinical research center and facilities for educational, academic, and laboratory research.*

*(b) Report.—Not later than March 1, 2001, the Secretary of the Army shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the study conducted under this section.*

### *SEC. 737. CHIROPRACTIC HEALTH CARE FOR MEMBERS ON ACTIVE DUTY.*

*(a) Plan Required.—(1) Not later than March 31, 2001, the Secretary of Defense shall complete development of a plan to provide chiropractic health care services and benefits, as a permanent part of the Defense Health Program (including the TRICARE program), for all members of the uniformed services who are entitled to care under section 1074(a) of title 10, United States Code.*

*(2) The plan shall provide for the following:*

*(A) Direct access, at designated military medical treatment facilities, to the scope of chiropractic services as determined by the Secretary, which includes, at a minimum, care for neuromusculoskeletal conditions typical among military personnel on active duty.*

*(B) A detailed analysis of the projected costs of fully integrating chiropractic health care services into the military health care system.*

*(C) An examination of the proposed military medical treatment facilities at which such services would be provided.*

*(D) An examination of the military readiness requirements for chiropractors who would provide such services.*

*(E) An examination of any other relevant factors that the Secretary considers appropriate.*

*(F) Phased-in implementation of the plan over a five-year period, beginning on October 1, 2001.*

*(b) Consultation Requirements.—The Secretary of Defense shall consult with the other administering Secretaries described in section 1073 of title 10, United States Code, and the oversight advisory committee established under section 731 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 10 U.S.C. 1092 note) regarding the following:*

*(1) The development and implementation of the plan required under subsection (a).*

*(2) Each report that the Secretary is required to submit to Congress regarding the plan.*

*(3) The selection of the military medical treatment facilities at which the chiropractic services described in subsection (a)(2)(A) are to be provided.*

*(c) Continuation of Current Services.—Until the plan required under subsection (a) is implemented, the Secretary shall continue to furnish the same level of chiropractic health care services and benefits under the Defense Health Program that is provided during fiscal year 2000 at military medical treatment facilities that provide such services and benefits.*

*(d) Report Required.—Not later than January 31, 2001, the Secretary of Defense shall submit a report on the plan required under subsection (a), together with appropriate appendices and attachments, to the Committees on Armed Services of the Senate and the House of Representatives.*

*(e) GAO Reports.—The Comptroller General shall monitor the development and implementation of the plan required under subsection (a), including the administration of services and benefits under the plan, and periodically submit to the committees referred to in subsection (d) written reports on such development and implementation.*

*(f) Funding.—The Secretary of Defense shall transfer $3,000,000 from the Foreign Currency Fluctuations, Defense account to the Defense Health Program account, which amount shall only be available for purposes of carrying out this section.*

### *SEC. 738. VA-DOD SHARING AGREEMENTS FOR HEALTH SERVICES.*

*(a) Primacy of Sharing Agreements.—The Secretary of Defense shall—*

*(1) give full force and effect to any agreement into which the Secretary or the Secretary of a military department entered under section 8111 of title 38, United States Code, or under section 1535 of title 31, United States Code, which was in effect on September 30, 1999; and*

*(2) ensure that the Secretary of the military department concerned directly reimburses the Secretary of Veterans Affairs for any services or resources provided under such agreement in accordance with the terms of such an agreement, including terms providing for reimbursement*

from funds available for that military department.

(b) Modification or Termination.—Any agreement described in subsection (a) shall remain in effect in accordance with such subsection unless, during the 12-month period following the date of the enactment of this Act, such agreement is modified or terminated in accordance with the terms of such agreement.

## TITLE VIII—ACQUISITION POLICY, ACQUISITION MANAGEMENT, AND RELATED MATTERS

### SEC. 801. EXTENSION OF AUTHORITY FOR DEPARTMENT OF DEFENSE ACQUISITION PILOT PROGRAMS; REPORTS REQUIRED.

(a) In General.—Notwithstanding section 5064(d) of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note), the special authorities provided under section 5064(c) of such Act shall continue to apply with respect to programs designated under section 5064(a) of such Act through September 30, 2005.

(b) JDAM Pilot Program.—The Secretary of Defense may award Joint Direct Attack Munition contracts and modifications on the same terms and conditions as contained in the Joint Direct Attack Munition contract F08626–94–C–0003.

(c) Reports Required.—(1) Not later than January 1, 2001, the Secretary of Defense shall submit to the Committees on Armed Services of the House of Representatives and the Senate a report on the acquisition pilot programs of the Department of Defense. Such report shall include a description of the following with respect to each acquisition program participating in the pilot program:

(A) Each quantitative measure and goal established for each item described in paragraph (2), which of such goals have been achieved, and the extent to which the use of the authorities in section 809 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2430 note) and section 5064 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355; 10 U.S.C. 2430 note) were a factor in achieving each of such goals.

(B) Each of the regulations and statutes waived, as authorized under such sections, in order to achieve such goals.

(C) Recommended revisions to statutes or the Federal Acquisition Regulation as a result of participation in the pilot program.

(D) Any other acquisition programs which could benefit from participation in the pilot program, and the reasons why such programs could benefit from such participation.

(E) Any innovative business practices developed as a result of participation in the pilot program, whether such business practices could be applied to other acquisition programs, and any impediments to application of such practices to other programs.

(F) Technological changes to the program, and to what extent those changes affected the items in paragraph (2).

(G) Any other information determined appropriate by the Secretary.

(2) The items under this paragraph are, with respect to defense acquisition programs, the following:

(A) The acquisition management costs.

(B) The unit cost of the items procured.

(C) The acquisition cycle.

(D) The total cost of carrying out the contract.

(E) Staffing necessary to carry out the program.

### SEC. 802. TECHNICAL DATA RIGHTS FOR ITEMS DEVELOPED EXCLUSIVELY AT PRIVATE EXPENSE.

(a) Amendments to Title 10.—Section 2320(a)(2) of title 10, United States Code, is amended—

(1) in subparagraph (C)—

(A) by amending clause (iii) to read as follows:

"(iii) is necessary for normal operation (other than detailed manufacturing or processing data), maintenance, installation, or training when such services are to be provided by an entity other than the contractor or its subcontractor;";

(B) by redesignating clause (iv) as (v); and

(C) by inserting after clause (iii) the following new clause (iv):

"(iv) is necessary for critical operation, maintenance, installation of deployed equipment, or training, when such services are to be provided by an entity other than the contractor or its subcontractor; or";

(2) in subparagraph (F)(i)—

(A) in subclause (I)—

(i) by inserting "clause (i), (ii), (iv), or (v) of" before "subparagraph (C)"; and

(ii) by striking "or" at the end; and

(B) by adding at the end the following new subclause:

"(III) under the conditions described in subsection (a)(2)(C)(iii), reaching agreement in negotiations concerning provision of the rights involved may not be required as a condition of being responsive to a solicitation, but may be a condition for the award of a contract; or"; and

(3) by adding at the end the following new subparagraphs:

"(H) In a case described in subparagraph (C)(iii), the provision of the rights involved shall be subject to negotiations between the Government and the contractor or contractors involved.

"(I) A description of the difference between 'normal operation' and 'critical operation', as such terms are used in subparagraph (C).".

(b) Deadline for Proposal of Certain Regulations.—The Secretary of Defense shall propose, before initiating notice and opportunity for public comment, initial regulations regarding section 2320(a)(2)(I) of title 10, United States Code (as added by subsection (a)(3)), not later than 60 days after the date of the enactment of this Act.

### SEC. 803. MANAGEMENT OF ACQUISITION OF MISSION-ESSENTIAL SOFTWARE FOR MAJOR DEFENSE ACQUISITION PROGRAMS.

(a) Designation of Director of Mission-Essential Software Management.—Chapter 4 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 144. Director of Mission-Essential Software Management

"(a) The Under Secretary of Defense for Acquisition, Technology, and Logistics shall designate within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics a Director of Mission-Essential Software Management.

"(b) The Director of Mission-Essential Software Management shall provide effective oversight of, and shall seek to improve mechanisms for, the management, development, and maintenance of mission-essential software for major defense acquisition programs described in subsection (c).

"(c) For purposes of this section, mission-essential software for major defense acquisition programs is software—

"(1) that is an integral part of software-intensive major defense acquisition programs; and

"(2) that is physically part of, dedicated to, or essential to the mission performance of a weapons system.

"(d) The Director of Mission-Essential Software Management shall be responsible for—

"(1) reviewing the policies and practices of the military departments and Defense Agencies for developing software described in subsection (c);

"(2) reviewing planning and progress in the management of such software; and

"(3) recommending goals and plans to improve management with respect to such software.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"144. Director of Mission-Essential Software Management.".

### SEC. 804. EXTENSION OF WAIVER PERIOD FOR LIVE-FIRE SURVIVABILITY TESTING FOR MH–47E AND MH–60K HELICOPTER MODIFICATION PROGRAMS.

(a) Existing Waiver Period Not Applicable.—Section 2366(c)(1) of title 10, United States Code, shall not apply with respect to survivability and lethality tests for the MH–47E and MH–60K helicopter modification programs. Except as provided in the previous sentence, the provisions and requirements in section 2366(c) of such title shall apply with respect to such programs, and the certification required by subsection (b) shall comply with the requirements in paragraph (3) of such section.

(b) Extended Period for Waiver.—With respect to the MH–47E and MH–60K helicopter modification programs, the Secretary of Defense may waive the application of the survivability and lethality tests described in section 2366(a) of title 10, United States Code, if the Secretary, before full materiel release of the MH–47E and MH–60K helicopters for operational use, certifies to Congress that live-fire testing of the programs would be unreasonably expensive and impracticable.

(c) Conforming Amendment.—Section 142(a) of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 106 Stat. 2338) is amended by striking "and survivability testing" in paragraphs (1) and (2).

### SEC. 805. THREE-YEAR EXTENSION OF AUTHORITY OF DEFENSE ADVANCED RESEARCH PROJECTS AGENCY TO CARRY OUT CERTAIN PROTOTYPE PROJECTS.

Section 845(c) of the National Defense Authorization Act for Fiscal Year 1994 (10 U.S.C. 2371 note) is amended by striking "September 30, 2001" and inserting "September 30, 2004".

### SEC. 806. CERTIFICATION OF MAJOR AUTOMATED INFORMATION SYSTEMS AS TO COMPLIANCE WITH CLINGER-COHEN ACT.

(a) Milestone Approval.—(1) During fiscal years 2001, 2002, and 2003, a major automated information system may not receive Milestone I approval, Milestone II approval, or Milestone III approval within the Department of Defense until the Chief Information Officer certifies, with respect to that milestone, that the system is being developed in accordance with the Clinger-Cohen Act of 1996 (40 U.S.C. 1401 et seq.). The Chief Information Officer may require additional certifications, as appropriate, with respect to any such system.

(2) The Chief Information Officer shall provide the congressional defense committees notification of each certification under paragraph (1). Each such notification shall be submitted not later than 10 days after the date of the Milestone approval to which the certification relates and shall include, at a minimum, the funding baseline and milestone schedule for the system covered by the certification and confirmation that the following steps have been taken with respect to the system:

(A) Business process reengineering.

(B) An analysis of alternatives.

(C) An economic analysis that includes a calculation of the return on investment.

(D) Performance measures.

(E) An information assurance strategy consistent with the Department's Command, Control, Communications, Computers, Intelligence, Surveillance, and Reconnaissance ($C^4ISR$) Architecture Framework.

(b) Notice of Designation of Systems as Special Interest Major Technology Initiatives.—(1) Whenever during fiscal year 2001, 2002, or 2003 the Chief Information Officer designates a major automated information system of the Department of Defense as a "special interest major technology initiative", the Chief Information Officer shall notify the congressional defense committees of such designation. Such notice shall be provided not later than 30 days after the date of the designation. Any such notice shall include the rationale for the decision to make the designation and a description of the program management oversight that will be implemented for the system so designated.

(2) Not later than 60 days after the date of the enactment of this Act, the Chief Information Officer shall submit to the congressional defense committees a report specifying each information system of the Department of Defense currently designated as a "special interest major technology initiative". The report shall include for each such system the information specified in the third sentence of paragraph (1).

(c) DEFINITIONS.—For purposes of this section:

(1) The term "Chief Information Officer" means the senior official of the Department of Defense designated by the Secretary of Defense pursuant to section 3506 of title 44, United States Code.

(2) The term "major automated information system" has the meaning given that term in Department of Defense Directive 5000.1.

### SEC. 807. LIMITATIONS ON PROCUREMENT OF CERTAIN ITEMS.

Section 2534 of title 10, United States Code, is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(6) POLYACRYLONITRILE CARBON FIBER.—Polyacrylonitrile carbon fiber in accordance with subpart 225.71 of part 225 of the Defense Federal Acquisition Regulation Supplement, as in effect on April 1, 2000."; and

(2) in subsection (c)—

(A) by striking paragraph (2)(C) and inserting the following:

"(C)(i) Subsection (a)(4)(B), subparagraph (B), and this clause shall cease to be effective on October 1, 1996.

"(ii) Subsection (a)(4)(A), subparagraph (A), and this clause shall cease to be effective on October 1, 2003.";

(B) by striking paragraph (3);

(C) by redesignating paragraph (4) as paragraph (3); and

(D) by adding at the end the following new paragraph (4):

"(4) POLYACRYLONITRILE CARBON FIBER.—Subsection (a)(6) and this paragraph shall cease to be effective on October 1, 2003.".

### SEC. 808. MULTIYEAR SERVICES CONTRACTS.

(a) IN GENERAL.—Chapter 137 of title 10, United States Code, is amended—

(1) in section 2306(g), by striking paragraph (3) and inserting the following:

"(3) Additional provisions regarding mulityear contracts for the purchase of services are provided in section 2306b of this title.";

(2) in section 2306b—

(A) in the heading, by inserting "**or services**" after "**property**";

(B) in subsection (a)—

(i) in the matter following the subsection heading, by striking "for the purchase of property";

(ii) in paragraph (2), by inserting "or services" after "property"; and

(iii) in paragraph (4)—

(I) by striking "That" and inserting "In the case of a contract for the purchase of property, that"; and

(II) by inserting "or services" after "property" the last place such term appears; and

(C) in subsection (f)(2), by inserting "or services" after "property"; and

(3) by amending the item relating to section 2306b in the table of sections at the beginning of such chapter to read as follows:

"2306b. Multiyear contracts: acquisition of property or services.".

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to a contract entered into after the date the enactment of this Act.

### SEC. 809. STUDY ON IMPACT OF FOREIGN SOURCING OF SYSTEMS ON LONG-TERM MILITARY READINESS AND RELATED INDUSTRIAL INFRASTRUCTURE.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study analyzing in detail—

(1) the amount and source of parts, components, and materials of the systems described in subsection (b) that are obtained—

(A) from domestic sources; and

(B) from foreign sources;

(2) the impact of obtaining such parts, components, and materials from foreign sources on the long-term readiness of the Armed Forces and on the economic viability of the industrial infrastructure of the United States that supports defense needs;

(3) the impact on military readiness that would result from the loss of the ability to obtain parts, components, and materials identified pursuant to paragraph (1) from foreign sources; and

(4) the availability of domestic sources for parts, components, and materials identified as being obtained from foreign sources pursuant to paragraph (1).

(b) SYSTEMS.—The systems referred to in subsection (a) are the following:

(1) AH–64D Apache helicopter.

(2) F/A–18 E/F aircraft.

(3) M1A2 Abrams tank.

(4) AIM–120 AMRAAM missile.

(5) Patriot missile ground station.

(6) Hellfire missile.

(7) M–16 A3 rifle.

(8) AN/VPS–2 radar.

(c) SOURCE OF INFORMATION.—The Secretary shall collect information to be analyzed under the study from prime contractors and first and second tier subcontractors.

(d) REQUIREMENT TO CREATE DATABASE.—The Secretary shall create an interactive database for the purpose of compiling, analyzing, and updating data gathered for the study required by this section.

(e) REPORT REQUIRED.—Not later than 9 months after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study required by this section.

(f) FOREIGN SOURCE DEFINED.—In this section, the term "foreign source" means a country other than the United States.

### SEC. 810. PROHIBITION AGAINST USE OF DEPARTMENT OF DEFENSE FUNDS TO GIVE OR WITHHOLD A PREFERENCE TO A MARKETER OR VENDOR OF FIREARMS OR AMMUNITION.

(a) IN GENERAL.—No funds authorized to be appropriated for the Department of Defense may be used to give or withhold a preference to a marketer or vendor of firearms or ammunition based on whether the manufacturer or vendor is a party to a covered agreement.

(b) COVERED AGREEMENT DEFINED.—For purposes of this section, the term "covered agreement" means any agreement requiring a person engaged in a business licensed under chapter 44 of title 18, United States Code, to abide by a designated code of conduct, operating practice, or product design respecting importing, manufacturing, or dealing in firearms or ammunition.

### SEC. 811. STUDY AND REPORT ON PRACTICE OF CONTRACT BUNDLING IN MILITARY CONSTRUCTION CONTRACTS.

(a) STUDY REQUIRED.—The Comptroller General of the United States shall conduct a study regarding the use of the practice known as "contract bundling" with respect to military construction contracts.

(b) REPORT.—Not later than February 1, 2001, the Comptroller General shall submit to the congressional defense committees a report on the results of the study conducted under subsection (a).

## TITLE IX—DEPARTMENT OF DEFENSE ORGANIZATION AND MANAGEMENT

### SEC. 901. CHANGE OF TITLE OF CERTAIN POSITIONS IN THE HEADQUARTERS, MARINE CORPS.

(a) INSTITUTION OF POSITIONS AS DEPUTY COMMANDANTS.—Section 5041(b) of title 10, United States Code, is amended—

(1) by striking paragraphs (3) through (5) and inserting the following:

"(3) The Deputy Commandants."; and

(2) by redesignating paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(b) DESIGNATION OF DEPUTY COMMANDANTS.—(1) Section 5045 of such title is amended to read as follows:

**"§ 5045. Deputy Commandants**

"There are in the Headquarters Marine Corps, not more than five Deputy Commandants, detailed by the Secretary of the Navy from officers on the active-duty list of the Marine Corps.".

(2) The item relating to section 5045 in the table of sections at the beginning of chapter 506 of such title is amended to read as follows:

"5045. Deputy Commandants.".

(c) CONFORMING AMENDMENT.—Section 1502(7)(D) of the Armed Forces Retirement Home Act of 1991 (24 U.S.C. 401) is amended to read as follows:

"(D) the Deputy Commandant of the Marine Corps with responsibility for personnel matters.".

### SEC. 902. FURTHER REDUCTIONS IN DEFENSE ACQUISITION AND SUPPORT WORKFORCE.

(a) REDUCTION OF DEFENSE ACQUISITION AND SUPPORT WORKFORCE.—The Secretary of Defense shall accomplish reductions in defense acquisition and support personnel positions during fiscal year 2001 so that the total number of such personnel as of October 1, 2001, is less than the total number of such personnel as of October 1, 2000, by at least 13,000.

(b) IMPLEMENTATION PLAN.—(1) The Secretary of Defense shall develop an implementation plan for reshaping, recruiting, and sustaining the defense acquisition and support workforce in the future.

(2) Not later than May 1, 2001, the Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the plan developed under paragraph (1). The Secretary shall include in the report a proposal for any recommended changes in law that are necessary to implement the plan.

(c) DEFENSE ACQUISITION WORKFORCE DEFINED.—For purposes of this section, the term "defense acquisition and support workforce" has the meaning given that term in section 931(d) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2106).

### SEC. 903. CLARIFICATION OF SCOPE OF INSPECTOR GENERAL AUTHORITIES UNDER MILITARY WHISTLEBLOWER LAW.

(a) CLARIFICATION OF RESPONSIBILITIES.—Subsection (c)(3)(A) of section 1034 of title 10, United States Code, is amended by inserting ", in accordance with regulations prescribed under subsection (h)," after "shall expeditiously determine".

(b) REDEFINITION OF INSPECTOR GENERAL.—Subsection (i)(2) of such section is amended—

*(1) by inserting "any of" in the matter preceding subparagraph (A) after "means";*

*(2) by striking subparagraphs (C), (D), (E), (F) and (G); and*

*(3) by inserting after subparagraph (B) the following new subparagraph (C):*

*"(C) Any officer of the armed forces or employee of the Department of Defense who is assigned or detailed to serve as an Inspector General at any level in the Department of Defense.".*

### SEC. 904. REPORT ON NUMBER OF PERSONNEL ASSIGNED TO LEGISLATIVE LIAISON FUNCTIONS.

*(a) Report.—Not later than December 1, 2000, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report setting forth the number of personnel of the Department of Defense performing legislative liaison functions as of April 1, 2000.*

*(b) Matters To Be Included.—The report shall include the following:*

*(1) The number of military and civilian personnel of the Department of Defense assigned to full-time legislative liaison functions, shown by organizational entity and by pay grade.*

*(2) The number of military and civilian personnel of the Department not covered by paragraph (1) (other than personnel described in subsection (d)) who perform legislative liaison functions as part of their assigned duties, shown by organizational entity and by pay grade.*

*(c) Legislative Liaison Functions.—For purposes of this section, a legislative liaison function is a function (regardless of how characterized within the Department of Defense) that has been established or designated to principally provide advice, information, and assistance to the legislative branch on Department of Defense policies, plans, and programs.*

*(d) Organizational Entities.—The display of information under subsection (b) by organizational entity shall be for the Department of Defense and for each military department as a whole and separately for each organization at the level of major command or Defense Agency or higher.*

*(e) Personnel Not Covered.—Subsection (b)(2) does not apply to civilian officers appointed by the President, by and with the advice and consent of the Senate, or to general or flag officers.*

### SEC. 905. JOINT REPORT ON ESTABLISHMENT OF NATIONAL COLLABORATIVE INFORMATION ANALYSIS CAPABILITY.

*(a) Report.—The Secretary of Defense and the Director of Central Intelligence shall submit to the congressional defense committees and the congressional intelligence committees a joint report assessing alternatives for the establishment of a national collaborative information analysis capability. The report shall include the following:*

*(1) An assessment of alternative architectures to establish a national collaborative information analysis capability to conduct data mining and profiling of information from a wide array of electronic data sources.*

*(2) Identification, from among the various architectures assessed under paragraph (1), of the preferred architecture and a detailed description of that architecture and of a program to acquire and implement the capability that would be provided through that architecture.*

*(b) Completion and Use of Army Land Information Warfare Activity.—The Secretary of Defense—*

*(1) shall ensure that the data mining, profiling, and analysis capability of the Army's Land Information Warfare Activity is completed and is fully operational as soon as possible; and*

*(2) shall make maximum use of that capability to provide intelligence support to the Department of Defense, the military services, the Intelligence Community, and other agencies of the Government until a national collaborative information analysis capability is operational.*

*(c) Funding Restriction for a National Collaborative Information Analysis Capability.—No funds available to the Department of Defense may be expended to establish, support, or implement a program to establish a national, multi-agency data mining and analysis capability until such a program is specifically authorized by law.*

### SEC. 906. ORGANIZATION AND MANAGEMENT OF CIVIL AIR PATROL.

*(a) In General.—Chapter 909 of title 10, United States Code, is amended to read as follows:*

### "CHAPTER 909—CIVIL AIR PATROL

*"Sec.*
*"9441. Status as federally chartered corporation; purposes.*
*"9442. Status as volunteer civilian auxiliary of the Air Force.*
*"9443. Activities not performed as auxiliary of the Air Force.*
*"9444. Activities performed as auxiliary of the Air Force.*
*"9445. Funds appropriated for the Civil Air Patrol.*
*"9446. Miscellaneous personnel authorities.*
*"9447. Board of Governors.*
*"9448. Regulations.*

### "§ 9441. Status as federally chartered corporation; purposes

*"(a) Status.—(1) The Civil Air Patrol is a nonprofit corporation that is federally chartered under section 40301 of title 36.*

*"(2) Except as provided in section 9442(b)(2) of this title, the Civil Air Patrol is not an instrumentality of the Federal Government for any purpose.*

*"(b) Purposes.—The purposes of the Civil Air Patrol are set forth in section 40302 of title 36.*

### "§ 9442. Status as volunteer civilian auxiliary of the Air Force

*"(a) Volunteer Civilian Auxiliary.—The Civil Air Patrol is a volunteer civilian auxiliary of the Air Force when the services of the Civil Air Patrol are used by any department or agency in any branch of the Federal Government.*

*"(b) Use by Air Force.—(1) The Secretary of the Air Force may use the services of the Civil Air Patrol to fulfill the noncombat programs and missions of the Department of the Air Force.*

*"(2) The Civil Air Patrol shall be deemed to be an instrumentality of the United States with respect to any act or omission of the Civil Air Patrol, including any member of the Civil Air Patrol, in carrying out a mission assigned by the Secretary of the Air Force.*

### "§ 9443. Activities not performed as auxiliary of the Air Force

*"(a) Support for State and Local Authorities.—The Civil Air Patrol may, in its status as a federally chartered nonprofit corporation and not as an auxiliary of the Air Force, provide assistance requested by State or local governmental authorities to perform disaster relief missions and activities, other emergency missions and activities, and nonemergency missions and activities. Missions and activities carried out under this section shall be consistent with the purposes of the Civil Air Patrol.*

*"(b) Use of Federally Provided Resources.—(1) To perform any mission or activity authorized under subsection (a), the Civil Air Patrol may use any equipment, supplies, and other resources provided to it by the Air Force or by any other department or agency of the Federal Government or acquired by or for the Civil Air Patrol with appropriated funds, without regard to whether the Civil Air Patrol has reimbursed the Federal Government source for the equipment, supplies, other resources, or funds, as the case may be.*

*"(2) The use of equipment, supplies, or other resources under paragraph (1) is subject to—*

*"(A) the terms and conditions of the applicable agreement entered into under chapter 63 of title 31; and*

*"(B) the laws and regulations that govern the use by nonprofit corporations of federally provided assets or of assets purchased with appropriated funds, as the case may be.*

*"(c) Authority Not Contingent on Reimbursement.—The authority for the Civil Air Patrol to provide assistance under subsections (a) and (b) is not contingent on the Civil Air Patrol being reimbursed for the cost of providing the assistance. If the Civil Air Patrol requires reimbursement for the provision of assistance under such subsections, the Civil Air Patrol may establish the reimbursement rate at a rate less than the rates charged by private sector sources for equivalent services.*

*"(d) Liability Insurance.—The Secretary of the Air Force may provide the Civil Air Patrol with funds for paying the cost of liability insurance for missions and activities carried out under this section.*

### "§ 9444. Activities performed as auxiliary of the Air Force

*"(a) Air Force Support for Activities.—The Secretary of the Air Force may furnish to the Civil Air Patrol in accordance with this section any equipment, supplies, and other resources that the Secretary determines necessary to enable the Civil Air Patrol to fulfill the missions assigned by the Secretary to the Civil Air Patrol as an auxiliary of the Air Force.*

*"(b) Forms of Air Force Support.—The Secretary of the Air Force may, under subsection (a)—*

*"(1) give, lend, or sell to the Civil Air Patrol without regard to the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.)—*

*"(A) major items of equipment (including aircraft, motor vehicles, computers, and communications equipment) that are excess to the military departments; and*

*"(B) necessary related supplies and training aids that are excess to the military departments;*

*"(2) permit the use, with or without charge, of services and facilities of the Air Force;*

*"(3) furnish supplies (including fuel, lubricants, and other items required for vehicle and aircraft operations) or provide funds for the acquisition of supplies;*

*"(4) establish, maintain, and supply liaison officers of the Air Force at the national, regional, State, and territorial headquarters of the Civil Air Patrol;*

*"(5) detail or assign any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any liaison office at the national, regional, State, or territorial headquarters of the Civil Air Patrol;*

*"(6) detail any member of the Air Force or any officer, employee, or contractor of the Department of the Air Force to any unit or installation of the Civil Air Patrol to assist in the training programs of the Civil Air Patrol;*

*"(7) authorize the payment of travel expenses and allowances, at rates not to exceed those paid to employees of the United States under subchapter I of chapter 57 of title 5, to members of the Civil Air Patrol while the members are carrying out programs or missions specifically assigned by the Air Force;*

*"(8) provide funds for the national headquarters of the Civil Air Patrol, including—*

*"(A) funds for the payment of staff compensation and benefits, administrative expenses, travel, per diem and allowances, rent, utilities, other*

operational expenses of the national headquarters; and

"(B) to the extent considered necessary by the Secretary of the Air Force to fulfill Air Force requirements, funds for the payment of compensation and benefits for key staff at regional, State, or territorial headquarters;

"(9) authorize the payment of expenses of placing into serviceable condition, improving, and maintaining equipment (including aircraft, motor vehicles, computers, and communications equipment) owned or leased by the Civil Air Patrol;

"(10) provide funds for the lease or purchase of items of equipment that the Secretary determines necessary for the Civil Air Patrol;

"(11) support the Civil Air Patrol cadet program by furnishing—

"(A) articles of the Air Force uniform to cadets without cost; and

"(B) any other support that the Secretary of the Air Force determines is consistent with Air Force missions and objectives; and

"(12) provide support, including appropriated funds, for the Civil Air Patrol aerospace education program to the extent that the Secretary of the Air Force determines appropriate for furthering the fulfillment of Air Force missions and objectives.

"(c) Assistance by Other Agencies.—(1) The Secretary of the Air Force may arrange for the use by the Civil Air Patrol of such facilities and services under the jurisdiction of the Secretary of the Army, the Secretary of the Navy, or the head of any other department or agency of the United States as the Secretary of the Air Force considers to be needed by the Civil Air Patrol to carry out its mission.

"(2) An arrangement for use of facilities or services of a military department or other department or agency under this subsection shall be subject to the agreement of the Secretary of the military department or head of the other department or agency, as the case may be.

"(3) Each arrangement under this subsection shall be made in accordance with regulations prescribed under section 9448 of this title.

**"§9445. Funds appropriated for the Civil Air Patrol**

"Funds appropriated for the Civil Air Patrol shall be available only for the exclusive use of the Civil Air Patrol.

**"§9446. Miscellaneous personnel authorities**

"(a) Use of Retired Air Force Personnel.—(1) Upon the request of a person retired from service in the Air Force, the Secretary of the Air Force may enter into a personal services contract with that person providing for the person to serve as an administrator or liaison officer for the Civil Air Patrol. The qualifications of a person to provide the services shall be determined and approved in accordance with regulations prescribed under section 9448 of this title.

"(2) To the extent provided in a contract under paragraph (1), a person providing services under the contract may accept services on behalf of the Air Force and commit and obligate appropriated funds as necessary to perform the services.

"(3) A person, while providing services under a contract authorized under paragraph (1), may receive the person's retired pay and an additional amount for such services that is not less than the amount equal to the excess of—

"(A) the pay and allowances that the person would be entitled to receive if ordered to active duty in the grade in which the person retired from service in the Air Force, over

"(B) the amount of the person's retired pay.

"(4) A person, while providing services under a contract authorized under paragraph (1), may not be considered to be on active duty or inactive-duty training for any purpose.

"(b) Use of Civil Air Patrol Chaplains.—The Secretary of the Air Force may use the services of Civil Air Patrol chaplains in support of the Air Force active duty and reserve component forces to the extent and under conditions that the Secretary determines appropriate.

**"§9447. Board of Governors**

"(a) Governing Body.—The Board of Governors of the Civil Air Patrol is the governing body of the Civil Air Patrol.

"(b) Composition.—The Board of Governors is composed of 11 members as follows:

"(1) Four members appointed by the Secretary of the Air Force, who may be active or retired officers of the Air Force (including reserve components of the Air Force), employees of the United States, or private citizens.

"(2) Four members of the Civil Air Patrol, elected from among the members of the Civil Air Patrol in the manner provided in regulations prescribed under section 9448 of this title.

"(3) Three members appointed or selected as provided in subsection (c) from among personnel of any Federal Government agencies, public corporations, nonprofit associations, and other organizations that have an interest and expertise in civil aviation and the Civil Air Patrol mission.

"(c) Appointments From Interested Organizations.—(1) Subject to paragraph (2), the members of the Board of Governors referred to in subsection (b)(3) shall be appointed jointly by the Secretary of the Air Force and the National Commander of the Civil Air Patrol.

"(2) Any vacancy in the position of a member referred to in paragraph (1) that is not filled under that paragraph within 90 days shall be filled by majority vote of the other members of the Board.

"(d) Chairperson.—(1) The Chairperson of the Board of Governors shall be chosen by the members of the Board of Governors from among the members of the Board eligible for selection under paragraph (2) and shall serve for a term of two years.

"(2) The position of Chairperson shall be held on a rotating basis, first by a member of the Board selected from among those appointed by the Secretary of the Air Force under paragraph (1) of subsection (b) and then by a member of the Board selected from among the members elected by the Civil Air Patrol under paragraph (2) of that subsection. Upon the expiration of the term of a Chairperson selected from among the members referred to in one of those paragraphs, the selection of a successor to that position shall be made from among the members who are referred to in the other paragraph.

"(e) Powers.—(1) The Board of Governors shall, subject to paragraphs (2) and (3), exercise the powers granted under section 40304 of title 36.

"(2) Any exercise by the Board of the power to amend the constitution or bylaws of the Civil Air Patrol or to adopt a new constitution or bylaws shall be subject to approval by a majority of the members of the Board.

"(3) Neither the Board of Governors nor any other component of the Civil Air Patrol may modify or terminate any requirement or authority set forth in this section.

"(f) Personal Liability for Breach of a Fiduciary Duty.—(1) The Board of Governors shall, subject to paragraph (2), take such action as is necessary to eliminate or limit the personal liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for a breach of fiduciary duty while serving as a member of the Board.

"(2) The Board may not eliminate or limit the liability of a member of the Board of Governors to the Civil Air Patrol or to any of its members for monetary damages for any of the following:

"(A) A breach of the member's duty of loyalty to the Civil Air Patrol or its members.

"(B) Any act or omission that is not in good faith or that involves intentional misconduct or a knowing violation of law.

"(C) Participation in any transaction from which the member directly or indirectly derives an improper personal benefit.

"(3) Nothing in this subsection shall be construed as rendering section 207 or 208 of title 18 inapplicable in any respect to a member of the Board of Governors who is a member of the Air Force on active duty, an officer on a retired list of the Air Force, or an employee of the United States.

"(g) Personal Liability for Breach of a Fiduciary Duty.—(1) Except as provided in paragraph (2), no member of the Board of Governors or officer of the Civil Air Patrol shall be personally liable for damages for any injury or death or loss or damage of property resulting from a tortious act or omission of an employee or member of the Civil Air Patrol.

"(2) Paragraph (1) does not apply to a member of the Board of Governors or officer of the Civil Air Patrol for a tortious act or omission in which the member or officer, as the case may be, was personally involved, whether in breach of a civil duty or in commission of a criminal offense.

"(3) Nothing in this subsection shall be construed to restrict the applicability of common law protections and rights that a member of the Board of Governors or officer of the Civil Air Patrol may have.

"(4) The protections provided under this subsection are in addition to the protections provided under subsection (f).

**"§9448. Regulations**

"(a) Authority.—The Secretary of the Air Force shall prescribe regulations for the administration of this chapter.

"(b) Required Regulations.—The regulations shall include the following:

"(1) Regulations governing the conduct of the activities of the Civil Air Patrol when it is performing its duties as a volunteer civilian auxiliary of the Air Force under section 9442 of this title.

"(2) Regulations for providing support by the Air Force and for arranging assistance by other agencies under section 9444 of this title.

"(3) Regulations governing the qualifications of retired Air Force personnel to serve as an administrator or liaison officer for the Civil Air Patrol under a personal services contract entered into under section 9446(a) of this title.

"(4) Procedures and requirements for the election of members of the Board of Governors under section 9447(b)(2) of this title.

"(c) Approval by Secretary of Defense.—The regulations required by subsection (b)(2) shall be subject to the approval of the Secretary of Defense.".

(b) Conforming Amendments.—(1) Section 40302 of title 36, United States Code, is amended—

(A) by striking "to—" in the matter preceding paragraph (1) and inserting "as follows:";

(B) by inserting "To" after the paragraph designation in each of paragraphs (1), (2), (3), and (4);

(C) by striking the semicolon at the end of paragraphs (1)(B) and (2) and inserting a period;

(D) by striking "; and" at the end of paragraph (3) and inserting a period; and

(E) by adding at the end the following:

"(5) To assist the Department of the Air Force in fulfilling its noncombat programs and missions.".

(2)(A) Section 40303 of such title is amended—

(i) by inserting "(a) Membership.—" before "Eligibility"; and

(ii) by adding at the end the following:

"(b) Governing Body.—The Civil Air Patrol has a Board of Governors. The composition and responsibilities of the Board of Governors are set forth in section 9447 of title 10.''.

(B) The heading for such section is amended to read as follows:

**"§ 40303. Membership and governing body".**

(C) The item relating to such section in the table of sections at the beginning of chapter 403 of title 36, United States Code, is amended to read as follows:

"40303. Membership and governing body.''.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.

### SEC. 907. REPORT ON NETWORK CENTRIC WARFARE.

(a) REPORT REQUIRED.—Not later than October 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report describing the Department's views on Network Centric Warfare (NCW) and the role of Network Centric Warfare in the strategy of the Department of Defense for military transformation. The Secretary of Defense shall prepare the report in consultation with the Chairman of the Joint Chiefs of Staff.

(b) CONTENT OF REPORT.—The report shall include the following:

(1) A definition of Network Centric Warfare.

(2) A discussion of the theory, nature, and principles of Network Centric Warfare and how they relate to the revolution in military affairs.

(3) A discussion of the conceptual, doctrinal, and operational concepts related to Network Centric Warfare.

(4) A discussion of how the concept of Network Centric Warfare is related to the strategy of the Department of Defense for military transformation as outlined in the document entitled "Joint Vision 2010'' and other key strategy documents.

(5) The current and planned acquisition programs of the Department of Defense that relate to Network Centric Warfare and the extent to which those programs are interoperable with each other.

(6) The experimentation activities inside the joint experimentation program and the service experimentation programs, if any, which are designed to explore and evaluate the emerging concepts of Network Centric Warfare.

### SEC. 908. DEFENSE INSTITUTE FOR HEMISPHERIC SECURITY COOPERATION.

(a) AUTHORITY FOR INSTITUTE.—(1) Chapter 108 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 2166. Defense Institute for Hemispheric Security Cooperation**

"(a) AUTHORITY.—The Secretary of Defense may operate an education and training facility known as the 'Defense Institute for Hemispheric Security Cooperation'. The Secretary of Defense may designate the Secretary of the Army as the Department of Defense executive agent for carrying out the responsibilities of the Secretary of Defense under this section.

"(b) PURPOSE.—(1) The Institute shall be operated for the purpose of providing education and training to military, law enforcement, and civilian personnel of nations of the Western Hemisphere in defense and security matters.

"(2) For purposes of paragraph (1), defense and security matters include—

"(A) professional military education;

"(B) leadership development;

"(C) counter-drug operations;

"(D) peace support operations; and

"(E) disaster relief.

"(c) CURRICULUM.—The education and training programs provided by the Institute shall include (for each person attending the Institute under subsection (b)) instruction totaling not less than eight hours relating to each of the following subjects:

"(1) Human rights.

"(2) The rule of law.

"(3) Due process.

"(4) Civilian control of the military.

"(5) The role of the military in a democratic society.

"(d) BOARD OF VISITORS.—(1) There is a Board of Visitors for the Institute. The Board shall be composed of members appointed by the Secretary of Defense (or the Secretary of the Army as the Secretary's designee). In selecting members of the Board, the Secretary shall consider recommendations by—

"(A) the Speaker and the minority leader of the House of Representatives;

"(B) the majority leader and the minority leader of the Senate;

"(C) the Secretary of State;

"(D) the commander of the unified command with geographic responsibility for Latin America; and

"(E) representatives from academic institutions, religious institutions, and human rights organizations.

"(2) Members shall serve for two years and shall meet at least annually.

"(3)(A) The Board shall inquire into—

"(i) the curriculum, instruction, physical equipment, fiscal affairs, academic methods, and other matters relating to the Institute that the Board decides to consider; and

"(ii) any other matters relating to the Institute that the Secretary considers appropriate.

"(B) The Board shall review the curriculum of the Institute to ensure that the curriculum—

"(i) complies with applicable United States law and regulations;

"(ii) is consistent with United States policy goals toward Latin America and the Caribbean; and

"(iii) adheres to current United States doctrine.

"(4)(A) Not later than 60 days after its annual meeting, the Board shall submit to the Secretary a written report of its action and of its views and recommendations pertaining to the Institute.

"(B) Within 30 days of receipt of the Board's report for any year, the Secretary shall transmit the report, with the Secretary's comments, to Congress.

"(5) While performing duties as a member of or adviser to the Board, each member of the Board and each adviser shall be reimbursed for travel expenses under Government travel regulations. Board members shall not be compensated by reason of service on the Board.

"(e) SOURCE OF FUNDS.—The fixed costs of operating and maintaining the Institute may be paid from funds available for operation and maintenance.

"(f) TUITION.—Tuition fees charged for persons who attend the Institute may not include the fixed costs of operating and maintaining the Institute.''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2166. Defense Institute for Hemispheric Security Cooperation.''.

(b) TRANSITION FROM UNITED STATES ARMY SCHOOL OF THE AMERICAS.—(1) The Secretary of Defense shall take such steps as necessary to ensure that the Secretary of the Army provides for the transition of the United States Army School of the Americas located at Fort Benning, Georgia, into the Defense Institute for Hemispheric Security Cooperation established pursuant to section 2166 of title 10, United States Code, as added by subsection (a).

(2)(A) Section 4415 of title 10, United States Code, is repealed.

(B) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

### SEC. 909. DEPARTMENT OF DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.

(a) IN GENERAL.—Chapter 7 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 184. Regional Centers for Security Studies**

"(a) IN GENERAL.—(1) Subject to paragraph (2), the Secretary of Defense may operate in the Department of Defense regional centers for security studies, each of which is established for a specified geographic region of the world. Any such regional center shall serve as a forum for bilateral and multilateral communication and military and civilian exchanges with nations in the region for which the center is established. A regional center may, as the Secretary considers appropriate, use professional military education, civilian defense education, and related academic and other activities to pursue such communication and exchanges.

"(2) After the date of the enactment of this section, a regional center for security studies as described in paragraph (1) may not be established in the Department of Defense until at least 90 days after the date on which the Secretary of Defense submits to Congress a notification of the intent of the Secretary to establish the center. The notification shall contain a description of the mission and functions of the proposed center and a justification for the proposed center.

"(b) EMPLOYMENT AND COMPENSATION OF FACULTY.—Section 1595 of this title provides authority for the Secretary of Defense to employ certain civilian personnel at certain Department of Defense regional center for security studies without regard to certain provisions of title 5.

"(c) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—Section 2611 of this title provides authority for the Secretary of Defense to accept foreign gifts and donations in order to defray the costs of, or enhance the operations of, certain Department of Defense regional centers for security studies.

"(d) ANNUAL REPORT TO CONGRESSIONAL COMMITTEES.—The Secretary shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives an annual report on the status, objectives, and operations of the Department of Defense regional centers for security studies. Each such report shall include information on international participation in the programs of the centers and on foreign gifts and donations accepted under section 2611 of this title.

"(e) PROVISIONS RELATING SPECIFICALLY TO MARSHALL CENTER.—(1) The Secretary of Defense may waive reimbursement of the costs of conferences, seminars, courses of instruction, or similar educational activities of the George C. Marshall European Center for Security Studies for military officers and civilian officials of cooperation partner states of the North Atlantic Cooperation Council or the Partnership for Peace if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this paragraph shall be paid from appropriations available for the Center.

"(2)(A) Notwithstanding any other provision of law, the Secretary of Defense may authorize participation by a European or Eurasian nation in Marshall Center programs if the Secretary determines, after consultation with the Secretary of State, that such participation is in the national interest of the United States.

"(B) Not later than January 31 of each year, the Secretary shall submit to Congress a report setting forth the names of the foreign nations permitted to participate in programs of the Marshall Center during the preceding year under *paragraph (1). Each such report shall be prepared by the Secretary with the assistance of the Director of the Marshall Center.".*

*(b) ACCEPTANCE OF FOREIGN GIFTS AND DONATIONS.—(1) Subsection (a) of section 2611 of such title is amended to read as follows:*

*"(a) AUTHORITY TO ACCEPT FOREIGN GIFTS AND DONATIONS.—(1) Subject to subsection (b), the Secretary of Defense may accept foreign gifts or donations in order to defray the costs of, or enhance the operation of, one of the specified defense regional centers for security studies.*

*"(2) For purposes of this section, a specified defense regional center for security studies is any of the following:*

*"(A) The Asia-Pacific Center for Security Studies.*

*"(B) The George C. Marshall European Center for Security Studies.".*

*(2) Subsection (d) of such section is amended—*

*(A) in the first sentence, by striking "the Asia-Pacific Center" and inserting "the regional center intended to benefit from the gift or donation of such funds"; and*

*(B) in the second sentence, by striking "the Asia-Pacific Center" and inserting "such regional center".*

*(3) Subsection (e) of such section is amended by inserting "with respect to a defense regional center for security studies" after "in any fiscal year".*

*(c) REPEAL OF CODIFIED PROVISIONS RELATING TO THE MARSHALL CENTER.—(1) Section 1306 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2892) is repealed.*

*(2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2653) is amended—*

*(A) by striking subsections (a) and (b) and inserting the following:*

*"(a) DEFINITION.—In this section, the term 'Marshall Center Board of Visitors' means the Board of Visitors of the George C. Marshall European Center for Security Studies"; and*

*(B) by redesignating subsection (c) as subsection (b).*

*(d) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 7 of such title is amended by adding at the end the following new item:*

*"184. Regional Centers for Security Studies.".*

*(2)(A) The heading of section 2611 of such title is amended to read as follows:*

***"§2611. Regional centers for security studies: acceptance of foreign gifts and donations".***

*(B) The item relating to section 2611 in the table of sections at the beginning of chapter 155 of such title is amended to read as follows: .*

*"2611. Regional centers for security studies: acceptance of foreign gifts and donations.".*

### *SEC. 910. CHANGE IN NAME OF ARMED FORCES STAFF COLLEGE TO JOINT FORCES STAFF COLLEGE.*

*(a) CHANGE IN NAME.—The Armed Forces Staff College of the Department of Defense is hereby renamed the "Joint Forces Staff College".*

*(b) CONFORMING AMENDMENT.—Section 2165(b)(3) of title 10, United States Code, is amended by striking "Armed Forces Staff College" and inserting "Joint Forces Staff College".*

*(c) REFERENCES.—Any reference to the Armed Forces Staff College in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Joint Forces Staff College.*

## *TITLE X—GENERAL PROVISIONS*

## *Subtitle A—Financial Matters*

### *SEC. 1001. TRANSFER AUTHORITY.*

*(a) AUTHORITY TO TRANSFER AUTHORIZATIONS.—(1) Upon determination by the Secretary of Defense that such action is necessary in the national interest, the Secretary may transfer amounts of authorizations made available to the Department of Defense in this division for fiscal year 2001 between any such authorizations for that fiscal year (or any subdivisions thereof). Amounts of authorizations so transferred shall be merged with and be available for the same purposes as the authorization to which transferred.*

*(2) The total amount of authorizations that the Secretary may transfer under the authority of this section may not exceed $2,000,000,000.*

*(b) LIMITATIONS.—The authority provided by this section to transfer authorizations—*

*(1) may only be used to provide authority for items that have a higher priority than the items from which authority is transferred; and*

*(2) may not be used to provide authority for an item that has been denied authorization by Congress.*

*(c) EFFECT ON AUTHORIZATION AMOUNTS.—A transfer made from one account to another under the authority of this section shall be deemed to increase the amount authorized for the account to which the amount is transferred by an amount equal to the amount transferred.*

*(d) NOTICE TO CONGRESS.—The Secretary shall promptly notify Congress of each transfer made under subsection (a).*

### *SEC. 1002. INCORPORATION OF CLASSIFIED ANNEX.*

*(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Committee on Armed Services of the House of Representatives to accompany its report on the bill H.R. 4205 of the One Hundred Sixth Congress and transmitted to the President is hereby incorporated into this Act.*

*(b) CONSTRUCTION WITH OTHER PROVISIONS OF ACT.—The amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.*

*(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.*

*(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.*

### *SEC. 1003. AUTHORIZATION OF EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2000.*

*(a) ADJUSTMENT OF FISCAL YEAR 2000 AUTHORIZATIONS TO REFLECT SUPPLEMENTAL APPROPRIATIONS.—Subject to subsections (b) and (c), amounts authorized to be appropriated to the Department of Defense for fiscal year 2000 in the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65) are hereby adjusted, with respect to any such authorized amount, by the amount by which appropriations pursuant to such authorization were increased (by a supplemental appropriation) or decreased (by a rescission), or both, in the 2000 Emergency Supplemental Appropriations Act.*

*(b) LIMITATION.—(1) In the case of a pending defense contingent emergency supplemental appropriation, an adjustment may be made under subsection (a) in the amount of an authorization of appropriations by reason of that supplemental appropriation only if, and to the extent that, the President transmits to Congress an official amended budget request for that appropriation that designates the entire amount requested as an emergency requirement for the specific purpose identified in the 2000 Emergency Supplemental Appropriations Act as the purpose for which the supplemental appropriation was made.*

*(2) For purposes of this subsection, the term "pending defense contingent emergency supplemental appropriation" means a contingent emergency supplemental appropriation for the Department of Defense contained in the 2000 Emergency Supplemental Appropriations Act for which an official budget request that includes designation of the entire amount of the request as an emergency requirement has not been transmitted to Congress as of the date of the enactment of this Act.*

*(3) For purposes of this subsection, the term "contingent emergency supplemental appropriation" means a supplemental appropriation that—*

*(A) is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985; and*

*(B) by law is available only to the extent that the President transmits to the Congress an official budget request for that appropriation that includes designation of the entire amount of the request as an emergency requirement.*

*(c) EXCEPTION.—No adjustment may be made under subsection (a) by reason of any appropriation under the provisions contained in sections 2207 through 2211 of the 2000 Emergency Supplemental Appropriations Act, as passed the House of Representatives on March 30, 2000.*

### *SEC. 1004. CONTINGENT REPEAL OF CERTAIN PROVISIONS SHIFTING CERTAIN OUTLAYS FROM ONE FISCAL YEAR TO ANOTHER.*

*(a) CONTINGENT REPEAL.—Subject to subsection (b)—*

*(1) sections 305 and 306 of H.R. 3425 of the 106th Congress, as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed;*

*(2) section 1001(a) of Public Law 106–113 is amended, effective immediately after the enactment of such Public Law, by striking "paragraph 4 of subsection 1000(a)" and inserting "paragraph (5) of section 1000(a), and the provisions of titles V, VI, and VII of the legislation enacted in this division by reference in such paragraph (5),"; and*

*(3) sections 8175 and 8176 of the Department of Defense Appropriations Act, 2000 (Public Law 106–79), as amended by sections 214 and 215, respectively, of H.R. 3425 of the 106th Congress (113 Stat. 1501A–297), as enacted into law by section 1000(a)(5) of Public Law 106–113, are repealed.*

*(b) CONTINGENCY.—The provisions of subsection (a) shall be effective only to the extent provided in an appropriations Act that is enacted after this Act.*

### *SEC. 1005. LIMITATION ON FUNDS FOR BOSNIA AND KOSOVO PEACEKEEPING OPERATIONS FOR FISCAL YEAR 2001.*

*(a) LIMITATION.—Of the amounts authorized to be appropriated by section 301(24) for the Overseas Contingency Operations Transfer Fund—*

*(1) no more than $1,387,800,000 may be obligated for incremental costs of the Armed Forces for Bosnia peacekeeping operations; and*

*(2) no more than $1,650,400,000 may be obligated for incremental costs of the Armed Forces for Kosovo peacekeeping operations.*

*(a) PRESIDENTIAL WAIVER.—The President may waive the limitation in subsection (a)(1), or the limitation in subsection (a)(2), after submitting to Congress the following:*

*(1) The President's written certification that the waiver is necessary in the national security interests of the United States.*

*(2) The President's written certification that exercising the waiver will not adversely affect the readiness of United States military forces.*

*(3) A report setting forth the following:*

*(A) The reasons that the waiver is necessary in the national security interests of the United States.*

*(B) The specific reasons that additional funding is required for the continued presence of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be, for fiscal year 2001.*

*(C) A discussion of the impact on the military readiness of United States Armed Forces of the continuing deployment of United States military forces participating in, or supporting, Bosnia peacekeeping operations, or Kosovo peacekeeping operations, as the case may be.*

*(4) A supplemental appropriations request for the Department of Defense for such amounts as are necessary for the additional fiscal year 2001 costs associated with United States military forces participating in, or supporting, Bosnia or Kosovo peacekeeping operations peacekeeping operations.*

*(c) Peacekeeping Operations Defined.—For the purposes of this section:*

*(1) The term "Bosnia peacekeeping operations" has the meaning given such term in section 1004(e) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2112).*

*(2) The term "Kosovo peacekeeping operations"—*

*(A) means the operation designated as Operation Joint Guardian and any other operation involving the participation of any of the Armed Forces in peacekeeping or peace enforcement activities in and around Kosovo; and*

*(B) includes, with respect to Operation Joint Guardian or any such other operation, each activity that is directly related to the support of the operation.*

## *Subtitle B—Naval Vessels and Shipyards*

### *SEC. 1011. NATIONAL DEFENSE FEATURES PROGRAM.*

*Section 2218(k) of title 10, United States Code, is amended—*

*(1) in paragraph (1), by adding at the end the following new sentence: "As consideration for a contract with the Secretary of Defense or the Secretary of a military department under this subsection, the company entering into the contract shall agree with the Secretary to make any vessel covered by the contract available to the Secretary, fully crewed and ready for sea, at any time at any port determined by the Secretary, and for whatever duration the Secretary determines necessary."; and*

*(2) by adding at the end of paragraph (2) the following new subparagraph:*

*"(E) Payments of such sums as the Government would otherwise expend, if the vessel were placed in the Ready Reserve Fleet, for maintaining the vessel in the status designated as 'ROS-4 status' in the Ready Reserve Fleet for 25 years.".*

## *Subtitle C—Counter-Drug Activities*

### *SEC. 1021. REPORT ON DEPARTMENT OF DEFENSE EXPENDITURES TO SUPPORT FOREIGN COUNTER-DRUG ACTIVITIES.*

*Not later than January 1, 2001, the Secretary of Defense shall submit to the congressional defense committees a report detailing the expenditure of funds by the Secretary during fiscal year 2000 in direct or indirect support of the counter-drug activities of foreign governments. The report shall include the following for each foreign government:*

*(1) The total amount of assistance provided to, or expended on behalf of, the foreign government.*

*(2) A description of the types of counter-drug activities conducted using the assistance.*

*(3) An explanation of the legal authority under which the assistance was provided.*

### *SEC. 1022. REPORT ON TETHERED AEROSTAT RADAR SYSTEM.*

*(a) Report Required.—Not later than May 1, 2001, The Secretary of Defense shall submit to Congress a report on the status of the Tethered Aerostat Radar System used to conduct counter-drug detection and monitoring and border security and air sovereignty operations. The report shall include the following:*

*(1) The status and operational availability of each of the existing sites of the Tethered Aerostat Radar System.*

*(2) A discussion of any plans to close, during the next 5 years, currently operational sites, including a review of the justification for each proposed closure.*

*(3) A review of the requirements of other agencies, especially the United States Customs Service, for data derived from the Tethered Aerostat Radar System.*

*(4) An assessment of the value of the Tethered Aerostat Radar System in the conduct of counter-drug detection and monitoring and border security and air sovereignty operations.*

*(5) The costs associated with the planned standardization of the Tethered Aerostat Radar System and the Secretary's analysis of that standardization.*

*(b) Consultation.—The Secretary of Defense shall prepare the report in consultation with the Commissioner of Customs.*

## *Subtitle D—Other Matters*

### *SEC. 1031. FUNDS FOR ADMINISTRATIVE EXPENSES UNDER DEFENSE EXPORT LOAN GUARANTEE PROGRAM.*

*(a) Authority To Use Operation and Maintenance Funds on an Interim Basis.—Section 2540c(d) of title 10, United States Code, is amended—*

*(1) by inserting "(1)" after "Fees.—"; and*

*(2) by adding at the end the following new paragraph:*

*"(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this subchapter, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.*

*"(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.".*

*(b) Effective Date.—Paragraph (2) of section 2540c(d) of title 10, United States Code, as added by subsection (a), shall take effect on October 1, 2000.*

### *SEC. 1032. TECHNICAL AND CLERICAL AMENDMENTS.*

*(a) Title 10, United States Code.—Title 10, United States Code, is amended as follows:*

*(1) Section 628(c)(2) is amended by striking "section" in the second sentence after "the provisions of" and inserting "sections".*

*(2) Section 702(b)(2) is amended by striking "section 230(c)" and inserting "section 203(c)".*

*(3) Section 706(c) is amended—*

*(A) by striking "(1)" after "(c)"; and.*

*(B) by striking paragraph (2).*

*(4) Section 1074g is amended—*

*(A) in subsection (a)(6), by striking "as part of the regulations established" and inserting "in the regulations prescribed";*

*(B) in subsection (a)(7), by striking "not included on the uniform formulary, but," and inserting "that are not included on the uniform formulary but that are";*

*(C) in subsection (b)(1), by striking "required by" in the last sentence and inserting "prescribed under";*

*(D) in subsection (d)(2), by striking "Not later than" and all that follows through "utilize" and inserting "Effective not later than April 5, 2000, the Secretary shall use";*

*(E) in subsection (e)—*

*(i) by striking "Not later than April 1, 2000, the" and inserting "The"; and*

*(ii) by inserting "in" before "the TRICARE" and before "the national";*

*(F) in subsection (f)—*

*(i) by striking "As used in this section—" and inserting "In this section:";*

*(ii) by striking "the" at the beginning of paragraphs (1) and (2) and inserting "The"; and*

*(iii) by striking "; and" at the end of paragraph (1) and inserting a period; and*

*(G) in subsection (g), by striking "promulgate" and inserting "prescribe".*

*(5) Section 1109(b) is amended by striking "(1)" before "The Secretaries".*

*(6) Section 1448(b)(3)(E)(ii) is amended by striking the second comma after "October 16, 1998".*

*(7) Section 2401(b)(1)(B) is amended by striking "Committees on Appropriations" and inserting "Committee on Appropriations".*

*(8) Section 5143(c)(2) is amended by striking "has a grade" and inserting "has the grade of".*

*(9) Section 5144(c)(2) is amended by striking "has a grade" and inserting "has the grade of".*

*(10) Section 10218 is amended—*

*(A) in subsections (a)(1), (b)(1), (b)(2)(A), and (b)(2)(B)(ii), by striking "the date of the enactment of this section" each place it appears and inserting "October 5, 1999,";*

*(B) in subsections (a)(3)(B)(i) and (b)(2)(B)(i), by striking "the end of the one-year period beginning on the date of the enactment of this subsection" and inserting "October 5, 2000";*

*(C) in subsection (b)(1), by striking "six months after the date of the enactment of this section" and inserting "April 5, 2000"; and*

*(D) in subsection (b)(3), by striking "within six months of the date of the enactment of this section" and inserting "during the period beginning on October 5, 1999, and ending on April 5, 2000,".*

*(11) Section 12552 is amended by inserting a period at the end.*

*(b) Title 37, United States Code.—Title 37, United States Code, is amended as follows:*

*(1) Section 301b(j)(2) is amended by striking "section 301a(a)(6)(A)" and inserting "section 301a(a)(6)(B)".*

*(2) Section 404(b)(2) is amended by striking "section 402(e)" and inserting "section 403(f)(3)".*

*(3) The table of sections at the beginning of chapter 7 is amended by inserting after the item relating to section 434 the following new item:*

*"435. Funeral honors duty: allowance.".*

*(4) The section 435 added by section 586(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 638) is redesignated as section 436, and the item relating to that section in the table of sections at the beginning of chapter 7 is revised to conform to such redesignation.*

*(5) Section 1012 is amended by striking "section 402(b)(3)" and inserting "section 402(e)".*

*(c) Public Law 106–65.—Effective as of October 5, 1999, and as if included therein as enacted, section 601(c) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 645) is amended—*

*(1) in the first table, relating to commissioned officers, by striking "$12,441.00" in footnote 2 and inserting "$12,488.70"; and*

*(2) in the fourth table, relating to enlisted members, by striking "$4,701.00" in footnote 2 and inserting "$4,719.00".*

*(d) Public Law 105–261.—Effective as of October 17, 1998, and as if included therein as enacted, the Strom Thurmond National Defense*

*Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 1920 et seq.) is amended as follows:*

*(1) Section 503(b)(1) (112 Stat. 2003) is amended by inserting "its" after "record of" in the first quoted matter therein.*

*(2) Section 645(b) (112 Stat. 2050) is amended by striking "a member" and inserting "member" in the quoted matter therein.*

*(3) Section 701 (112 Stat. 2056) is amended—*

*(A) in subsection (a), by inserting "(1)" before "Section 1076a(b)(2)"; and*

*(B) in subsection (b), by inserting "of such title" after "1076a".*

*(4) Section 802(b) (112 Stat. 2081) is amended by striking "Administrative" in the first quoted matter therein and inserting "Administration".*

*(5) Section 1101(e)(2)(C) (112 Stat. 2140; 5 U.S.C. 3104 note) is amended by striking "subsection (c)(1)" and inserting "subsection (c)(2)".*

*(e) Public Law 105–85.—The National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended as follows:*

*(1) Section 602(d)(1)(A) (111 Stat. 1773; 37 U.S.C. 402 note) is amended by striking "of" the first place it appears in the matter preceding clause (ii).*

*(2) Section 1221(a)(3) (22 U.S.C. 1928 note), as amended by section 1233(a)(2)(A) of Public Law 105-261 (112 Stat. 2156), is amended by striking the second close parenthesis after "relief efforts".*

*(f) Other Laws.—*

*(1) Section 834(e) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (15 U.S.C. 637 note) is amended by striking the second period after "2000".*

*(2) Section 2905(b)(4) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) is amended by transferring subparagraph (G) so as to appear immediately before subparagraph (H), as added by section 2821(a) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 853).*

*(3) Section 686(b) of title 14, United States Code, is amended—*

*(A) in paragraph (1), by striking "section 403(b)" and inserting "section 403(e)"; and*

*(B) in paragraph (2), by striking "a basic allowance for quarters under section 403 of title 37, and, if in a high housing cost area, a variable housing allowance under section 403a of that title" and inserting "a basic allowance for housing under section 403 of title 37".*

*(4) Section 405(f)(6)(B) of the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1999 (as contained in section 101(f) of division A of Public Law 105–277; 112 Stat. 2681–430), is amended by striking "Act of title" in the first quoted matter therein and inserting "Act or title".*

*(5) Section 1403(c)(6) of the Defense Dependents' Education Act of 1978 (20 U.S.C. 922(c)(6)) is amended by striking "the" before "Assistant Secretary of Defense".*

*(6) Effective as of October 5, 1999, section 224 b. of the Atomic Energy Act of 1954 (42 U.S.C. 2274(b)) is amended by striking "$500,000" and inserting "$50,000".*

### *SEC. 1033. TRANSFER OF VIETNAM ERA TA–4 AIRCRAFT TO NONPROFIT FOUNDATION.*

*(a) Authority to Convey.—The Secretary of the Navy may convey, without consideration, to the nonprofit Collings Foundation of Stow, Massachusetts (in this section referred to as the "foundation"), all right, title, and interest of the United States in and to one surplus TA–4 aircraft that is flyable or that can be readily restored to flyable condition. The conveyance shall be made by means of a conditional deed of gift.*

*(b) Condition of Aircraft.—The Secretary may not convey ownership of an aircraft under subsection (a) until the Secretary determines that the foundation has altered the aircraft in such manner as the Secretary determines necessary to ensure that the aircraft does not have any capability for use as a platform for launching or releasing munitions or any other combat capability that it was designed to have. The Secretary is not required to repair or alter the condition of the aircraft before conveying ownership of the aircraft.*

*(c) Reverter Upon Breach of Conditions.—The Secretary shall include in the instrument of conveyance of the aircraft—*

*(1) a condition that the foundation not convey any ownership interest in, or transfer possession of, the aircraft to any other party without the prior approval of the Secretary;*

*(2) a condition that the foundation operate and maintain the aircraft in compliance with all applicable limitations and maintenance requirements imposed by the Administrator of the Federal Aviation Administration; and*

*(3) a condition that if the Secretary determines at any time that the foundation has conveyed an ownership interest in, or transferred possession of, the aircraft to any other party without the prior approval of the Secretary, or has failed to comply with the condition set forth in paragraph (2), all right, title, and interest in and to the aircraft, including any repair or alteration of the aircraft, shall revert to the United States, and the United States shall have the right of immediate possession of the aircraft.*

*(d) Conveyance at No Cost to the United States.—The conveyance of the aircraft under subsection (a) shall be made at no cost to the United States. Any costs associated with the conveyance, costs of determining compliance with subsection (b), and costs of operation and maintenance of the aircraft conveyed shall be borne by the foundation.*

*(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.*

*(f) Clarification of Liability.—Notwithstanding any other provision of law, upon the conveyance of ownership of a TA–4 aircraft to the foundation under subsection (a), the United States shall not be liable for any death, injury, loss, or damage that results from any use of that aircraft by any person other than the United States.*

### *SEC. 1034. TRANSFER OF 19TH CENTURY CANNON TO MUSEUM.*

*(a) Donation Required.—The Secretary of the Army shall convey, without consideration, to the Cannonball House Museum located in Macon, Georgia (in this section referred to as the "recipient"), all right, title, and interest of the United States in and to a 12-pounder Napoleon cannon bearing the following markings:*

*(1) On the top "CS".*

*(2) On the face of the muzzle: "Macon Arsenal, 1864/No.41/1164 ET".*

*(3) On the right trunnion: "Macon Arsenal GEO/1864/No.41/WT.1164/E.T.".*

*(b) Conditions on Conveyance.—The Secretary shall include in the instrument of conveyance of the cannon under subsection (a)—*

*(1) a condition that the recipient not convey any ownership interest in, or transfer possession of, the cannon to any other party without the prior approval of the Secretary; and*

*(2) a condition that if the Secretary determines at any time that the recipient has conveyed an ownership interest in, or transferred possession of, the cannon to any other party without the prior approval of the Secretary, all right, title, and interest in and to the cannon shall revert to the United States, and the United States shall have the right of immediate possession of the cannon.*

*(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

*(d) Acquisition of Replacement Macon Cannon.—The Secretary shall seek to acquire, by donation or purchase with funds made available for this purpose, one or more cannons documented as having been manufactured in Macon, Georgia, during the Civil War in order to replace in the Army's inventory the cannon conveyed under subsection (a).*

### *SEC. 1035. EXPENDITURES FOR DECLASSIFICATION ACTIVITIES.*

*(a) Identification in Budget Materials of Amounts for Declassification Activities.—Section 230 of title 10, United States Code, is amended—*

*(1) by striking ", as a budgetary line item"; and*

*(2) by adding at the end the following new sentence: "Identification of such amounts in such budget justification materials shall be in a single display that shows the total amount for the Department of Defense and the amount for each military department and Defense Agency.".*

*(b) Limitation on Expenditures.—The total amount expended by the Department of Defense during fiscal year 2001 to carry out declassification activities under the provisions of sections 3.4, 3.5, and 3.6 of Executive Order 12958 (50 U.S.C. 435 note) and for special searches (including costs for document search, copying, and review and imagery analysis) may not exceed $30,000,000.*

*(c) Compilation and Organization of Records.—The Department of Defense may not be required, when conducting a special search, to compile or organize records that have already been declassified and placed into the public domain.*

*(d) Special Searches.—For the purpose of this section, the term "special search" means the response of the Department of Defense to any of the following:*

*(1) A statutory requirement to conduct a declassification review on a specified set of agency records.*

*(2) An Executive order to conduct a declassification review on a specified set of agency records.*

*(3) An order from the President or an official with delegated authority from the President to conduct a declassification review on a specified set of agency records.*

### *SEC. 1036. AUTHORITY TO PROVIDE LOAN GUARANTEES TO IMPROVE DOMESTIC PREPAREDNESS TO COMBAT CYBERTERRORISM.*

*(a) Authority.—Subject to subsection (b), the Secretary of Defense may guarantee the repayment of any loan made to a qualified commercial firm to fund, in whole or in part, any of the following activities:*

*(1) The improvement of the protection of the critical infrastructure of that commercial firm.*

*(2) The refinancing of improvements previously made to the protection of the critical infrastructure of that commercial firm.*

*(b) Subject to Appropriations of Budget Authority.—Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).*

*(c) Loan Limits.—The maximum amount of loan principal guaranteed during a fiscal year under this section may not exceed $10,000,000, with respect to all borrowers.*

*(d) Qualified Commercial Firms.—For purposes of this section, a qualified commercial firm*

*is a company or other business entity (including a consortium of such companies or other business entities, as determined by the Secretary) that the Secretary determines—*

*(1) conducts a significant level of its research, development, engineering, and manufacturing activities in the United States;*

*(2) is a company or other business entity the majority ownership or control of which is by United States citizens or is a company or other business of a parent company that is incorporated in a country the government of which—*

*(A) encourages the participation of firms so owned or controlled in research and development consortia to which the government of that country provides funding directly or provides funding indirectly through international organizations or agreements; and*

*(B) affords adequate and effective protection for the intellectual property rights of companies incorporated in the United States;*

*(3) provides technology products or services critical to the operations of the Department of Defense; and*

*(4) meets standards of prevention of cyberterrorism applicable to the Department of Defense.*

*(e) GOALS AND STANDARDS.—The Secretary shall prescribe regulations setting forth goals for the use of the loan guarantees provided under this section and standards for evaluating whether those goals are met by each entity receiving such loan guarantees.*

*(f) FEES.—(1) The Secretary shall prescribe regulations to assess a fee for providing a loan guarantee under this section. The amount of such fee shall be not less than 75 percent of the amount incurred by the Secretary to provide the loan guarantee. Such fees shall be credited to a special account in the Treasury. Amounts in the special account shall be available, to the extent and in amounts provided in appropriations Acts, for paying the costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.*

*(2)(A) If for any fiscal year amounts in the special account established under paragraph (1) are not available (or are not anticipated to be available) in a sufficient amount for administrative expenses of the Department of Defense for that fiscal year that are directly attributable to the administration of the program under this section, the Secretary may use amounts currently available for operations and maintenance for Defense-wide activities, not to exceed $500,000 in any fiscal year, for those expenses.*

*(B) The Secretary shall, from funds in the special account established under paragraph (1), replenish operations and maintenance accounts for amounts expended under subparagraph (A) as soon as the Secretary determines practicable.*

*(g) ADMINISTRATION.—(1) The Secretary shall enter into one or more agreements, each with an appropriate Federal or private entity, under which such entity shall, under this section—*

*(A) process applications for loan guarantees;*

*(B) guarantee repayment of loans; and*

*(C) provide any other services to the Secretary to administer this section.*

*(2) The cost of such agreements shall be considered, for purposes of the special account established under subsection (f)(1), to be costs of administrative expenses of the Department of Defense that are attributable to the loan guarantee program under this section.*

*(h) REPORTS.—*

*(1) BY RECIPIENTS.—The Secretary shall require each recipient of a loan guarantee under this section, as a condition of receiving that loan guarantee, to submit to the Secretary a report on the results of the improvements carried out pursuant to the loan guarantee.*

*(2) BY SECRETARY.—Not later than March 1 of each year in which a guarantee issued under this section is in effect, the Secretary shall submit to Congress a report specifying the amounts of loans guaranteed under this section during the preceding calendar year. The report shall include an evaluation of the success of the loan guarantees, an assessment of the program as it relates to the support of the Department's Critical Infrastructure Protection Program, and any other information that the Secretary considers appropriate.*

*(i) DEFINITIONS.— In this section:*

*(1) The term "critical infrastructure" means telecommunications systems, information systems, and facilities, the loss of which would have a debilitating effect on the ability of the commercial firm to deliver technology products or services to the Department of Defense.*

*(2) The term "cyberterrorism" means the commission of any of the following acts with respect to protected computers (as defined in section 1030(e)(2) of title 18, United States Code):*

*(A) Knowing transmission of a program, information, code, or command, that as a result of such conduct, intentionally causes damage without authorization, to a protected computer.*

*(B) Intentional access of a protected computer without authorization, that as a result of such conduct, recklessly causes damage.*

*(C) Intentional access of a protected computer without authorization, that as a result of such conduct, causes damage.*

*(j) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated for Defense-wide activities by section 201(4), $500,000 shall be available only for the purpose of providing loan guarantees under this section.*

### *SEC. 1037. V–22 COCKPIT AIRCRAFT VOICE AND FLIGHT DATA RECORDERS.*

*The Secretary of Defense shall require that all V–22 Osprey aircraft be equipped with a state-of-the-art cockpit voice recorder and a state-of-the-art flight data recorder each of which meets, at a minimum, the standards for such devices recommended by the National Transportation Safety Board.*

## *TITLE XI—DEPARTMENT OF DEFENSE CIVILIAN PERSONNEL*

### *SEC. 1101. EMPLOYMENT AND COMPENSATION PROVISIONS FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER.*

*(a) IN GENERAL.—Chapter 31 of title 5, United States Code, is amended by adding at the end the following new subchapter:*

### *"SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS IN THE EXECUTIVE BRANCH ESTABLISHED BY LAW OR EXECUTIVE ORDER*

### ***"§3161. Temporary organizations established by law or Executive order***

*"(a) DEFINITION OF TEMPORARY ORGANIZATION.—For the purposes of this subchapter, the term 'temporary organization' means an organization such as a commission, committee, or board that is established by law in the legislative or executive branches, or by Executive order in the executive branch, for a specific period, which shall not exceed 5 years, for the purpose of performing specific projects or studies.*

*"(b) HIRING AUTHORITY.—Notwithstanding the provisions of chapter 51, the head of a temporary organization may employ such numbers and types of employees as required to perform the functions required of the temporary organization. Employees may be appointed for a period of 5 years or the life of the temporary organization, whichever is less.*

*"(c) STATUS OF POSITIONS AND APPOINTMENTS.—Positions of employment in a temporary organization are excepted from the competitive service.*

*"(d) COMPENSATION.—(1) The basic pay of an employee of a temporary organization may be set without regard to the provisions of chapter 51 or subchapter III of chapter 53, except that—*

*"(A) basic pay for an executive level position (such as a chairperson, member, or executive or staff director), and, in exceptional cases, for senior staff shall be capped at the maximum rate of basic pay established for the Senior Executive Service under subchapter VIII of chapter 53; and*

*"(B) basic pay for other staff may not exceed the maximum rate of basic pay for GS–15 of the General Schedule.*

*"(2) An employee whose rate of basic pay is set under paragraph (1) shall be entitled to locality-based comparability payments, as provided under section 5304.*

*"(e) TRAVEL EXPENSES.—An employee of a temporary organization, whether employed on a full-time or part-time basis, may be entitled to travel and transportation allowances, including per diem allowances, authorized for employees under subchapter I of chapter 57, while traveling away from the regular place of business of the employee in the performance of services for the temporary organization.*

*"(f) RETURN RIGHTS.—An employee serving under a career or career-conditional appointment, or the equivalent, who transfers to or converts to an appointment in a temporary organization with the consent of the head of the agency (or the designee of the agency head) in which the employee was serving is entitled to be returned to a position of like seniority, status, and pay (without grade or pay retention) as the former position in the agency from which employed immediately preceding employment with the temporary organization if—*

*"(1) the employee is being separated from the temporary organization for reasons other than misconduct, neglect of duty, or malfeasance; and*

*"(2) the employee applies for return rights not later than 30 days before the end of the employment in the temporary organization, or the termination of the temporary organization, whichever is earlier.*

*"(g) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The head of the temporary organization may procure temporary and intermittent services under section 3109(b).*

*"(h) ACCEPTANCE OF VOLUNTEER SERVICES.—(1) The head of a temporary organization may accept volunteer services relating to the duties of the temporary organization without regard to section 1342 of title 31, including service as advisers, experts, members, or in other capacities determined appropriate by the head of the temporary organization. The head of the temporary organization—*

*"(A) shall assure that all persons accepted as volunteers are notified of the scope of the voluntary services accepted;*

*"(B) shall supervise volunteers to the same extent as employees receiving compensation for similar services; and*

*"(C) shall ensure that volunteers have appropriate credentials or are otherwise qualified to perform in the capacities for which they are accepted.*

*"(2) A person providing volunteer services under this subsection shall be considered an employee of the Federal Government for the purposes of chapters 73 and 81, chapter 171 of title 28, chapter 11 of title 18, and part 2635 of title 5 of the Code of Federal regulations.*

*"(i) DETAILEES.—Upon request of the head of the temporary organization, the head of any department or agency of the United States may detail, on a nonreimbursable basis, any personnel of the department or agency to the temporary*

organization to assist in carrying out its duties.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the items relating to subchapter III the following:

"SUBCHAPTER IV—EMPLOYMENT AND COMPENSATION FOR EMPLOYEES OF TEMPORARY ORGANIZATIONS ESTABLISHED BY LAW OR EXECUTIVE ORDER

"3161. Temporary organizations established by law or Executive order.".

### SEC. 1102. RESTRUCTURING THE RESTRICTION ON DEGREE TRAINING.

Section 4107 of title 5, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)";

(2) in subsection (b)(1), by striking "subsection (a)" and inserting "subsections (a) or (c)"; and

(3) by adding at the end the following new subsection:

"(c) With respect to an employee of the Department of Defense—

"(1) this chapter does not authorize, except as provided in subsection (b) of this section, the selection and assignment of the employee for training, or the payment or reimbursement of the costs of training, for—

"(A) the purpose of providing an opportunity to the employee to obtain an academic degree in order to qualify for appointment to a particular position for which the academic degree is a basic requirement; or

"(B) the sole purpose of providing an opportunity to the employee to obtain one or more academic degrees, unless such opportunity is part of a planned, systematic, and coordinated program of professional development endorsed by the Department of Defense; and

"(2) any course of post-secondary education delivered through classroom, electronic, or other means shall be administered or conducted by an institution recognized under standards implemented by a national or regional accrediting body, except in a case in which such standards do not exist or would not be appropriate.".

### SEC. 1103. CONTINUATION OF TUITION REIMBURSEMENT AND TRAINING FOR CERTAIN ACQUISITION PERSONNEL.

Section 1745(a)(2) of title 10, United States Code, is amended by striking "September 30, 2001" and inserting "September 30, 2005".

### SEC. 1104. EXTENSION OF AUTHORITY FOR CIVILIAN EMPLOYEES OF THE DEPARTMENT OF DEFENSE TO PARTICIPATE VOLUNTARILY IN REDUCTIONS IN FORCE.

Section 3502(f)(5) of title 5, United States Code, is amended by striking "September 30, 2001" and inserting "September 30, 2005".

### SEC. 1105. EXPANSION OF DEFENSE CIVILIAN INTELLIGENCE PERSONNEL SYSTEM POSITIONS.

(a) AUTHORITY FOR SENIOR DOD INTELLIGENCE POSITIONS THROUGHOUT DEPARTMENT OF DEFENSE.—Section 1601(a)(1) of title 10, United States Code, is amended—

(1) by striking "in the intelligence components of the Department of Defense and the military departments" and inserting "in the Department of Defense"; and

(2) by striking "of those components and departments" and inserting "of the Department".

(b) CONFORMING AMENDMENT FOR PERSONS ELIGIBLE FOR POSTEMPLOYMENT ASSISTANCE.—Section 1611 of such title is amended—

(1) in subsection (a)(1), by striking "intelligence component of the Department of Defense" and inserting "defense intelligence position";

(2) in subsection (b)—

(A) by striking "sensitive position in an intelligence component of the Department of Defense" in the matter preceding paragraph (1) and inserting "sensitive defense intelligence position"; and

(B) by striking "with the intelligence component" in paragraphs (1) and (2) and inserting "in a defense intelligence position";

(3) in subsection (d), by striking "an intelligence component of the Department of Defense" and inserting "in a defense intelligence position"; and

(4) by striking subsection (f).

(c) CONFORMING AMENDMENT FOR DEFINITION OF DEFENSE INTELLIGENCE POSITION.—Section 1614(1) of such title is amended by striking "of an intelligence component of the Department of Defense or of a military department" and inserting "of the Department of Defense".

### SEC. 1106. PILOT PROGRAM FOR REENGINEERING THE EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT PROCESS.

(a) PILOT PROGRAM.—(1) The Secretary of the Navy may carry out a pilot program to improve processes for the resolution of equal employment opportunity complaints by civilian employees of the Department of the Navy. Complaints processed under the pilot program shall be subject to the procedural requirements established for the pilot program and shall not be subject to the procedural requirements of 29 CFR part 1614 or other regulations or directives of the Equal Employment Opportunity Commission.

(2) The pilot program shall include procedures to reduce processing time and eliminate redundancy with respect to processes for the resolution of equal employment opportunity complaints, reinforce local management and chain-of-command accountability, and provide the parties involved with early opportunity for resolution.

(3) The Secretary may waive any regulatory restrictions prescribed by the Equal Employment Opportunity Commission in carrying out the pilot program.

(4) The Secretary may carry out the pilot program for a period of 5 years, beginning on January 1, 2001.

(5) Participation in the pilot program shall be voluntary on the part of the complainant. Complainants who participate in the pilot program shall retain the right to appeal a final agency decision to the Equal Employment Opportunity Commission and to file suit in district court. The Equal Employment Opportunity Commission shall not reverse a final agency decision on the grounds that the agency did not comply with the regulatory requirements promulgated by the Commission. This paragraph applies to all cases currently pending before the Equal Employment Opportunity Commission or hereinafter filed with the Commission.

(b) REPORT.—Not later than 90 days following the end of the second and fourth full or partial fiscal years during which the pilot program is implemented, the Comptroller General shall submit to Congress a report on the pilot program. Such reports shall contain the following:

(1) A description of the processes tested by the pilot program.

(2) The results of such testing.

(3) Recommendations for changes to the processes for the resolution of equal employment opportunity complaints as a result of such pilot program.

(4) A comparison of the processes used under the pilot program to traditional and alternative dispute resolution processes used in the government or private industry.

## TITLE XII—MATTERS RELATING TO OTHER NATIONS

### SEC. 1201. SUPPORT OF UNITED NATIONS-SPONSORED EFFORTS TO INSPECT AND MONITOR IRAQI WEAPONS ACTIVITIES.

(a) LIMITATION ON AMOUNT OF ASSISTANCE IN FISCAL YEAR 2001—The total amount of the assistance for fiscal year 2001 that is provided by the Secretary of Defense under section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) as activities of the Department of Defense in support of activities under that Act may not exceed $15,000,000.

(b) EXTENSION OF AUTHORITY TO PROVIDE ASSISTANCE.—Subsection (f) of section 1505 of the Weapons of Mass Destruction Control Act of 1992 (22 U.S.C. 5859a) is amended by striking "2000" and inserting "2001".

### SEC. 1202. ANNUAL REPORT ASSESSING EFFECT OF CONTINUED OPERATIONS IN THE BALKANS REGION ON READINESS TO EXECUTE THE NATIONAL MILITARY STRATEGY.

Section 1035 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 753) is amended—

(1) in subsection (a), by striking "Not later than 180 days after the date of the enactment of this Act" and inserting "Not later than April 1 each year";

(2) in subsection (b), by striking "The report" in the matter preceding paragraph (1) and inserting "Each report"; and

(3) in subsection (d), by striking "the report" and inserting "a report".

### SEC. 1203. SITUATION IN THE BALKANS.

(a) ESTABLISHMENT OF NATO BENCHMARKS FOR WITHDRAWAL OF FORCES FROM KOSOVO.—The President shall develop, not later than May 31, 2001, militarily significant benchmarks for conditions that would achieve a sustainable peace in Kosovo and ultimately allow for the withdrawal of the United States military presence in Kosovo. Congress urges the President to seek concurrence among member nations of the North Atlantic Treaty Organization in the development of those benchmarks.

(b) COMPREHENSIVE POLITICAL-MILITARY STRATEGY.—The President shall develop a comprehensive political-military strategy for addressing the political, economic, humanitarian, and military issues in the Balkans and shall establish near-term, mid-term, and long-term objectives in the region. In developing such strategy and such objectives, the President shall take into consideration the benchmarks relating to Kosovo developed as described in subsection (a) and the benchmarks relating to Bosnia that were detailed in the report accompanying the certification by the President to Congress on March 3, 1998 (printed as House Document 105–223), with respect to the continued presence of United States Armed Forces, after June 30, 1998, in Bosnia and Herzegovina, submitted to Congress pursuant to section 7 of Public Law 105–74. Such strategy and objectives shall be developed in consultation with appropriate regional and international entities.

(c) SEMIANNUAL REPORT ON COMPREHENSIVE STRATEGY.—Not later than June 30, 2001, and six months thereafter so long as United States forces are in the Balkans, the President shall submit to Congress a report on the progress being made in developing and implementing a comprehensive political-military strategy as described in subsection (b).

(d) SEMIANNUAL REPORT ON BENCHMARKS.—Not later than June 30, 2001, and every six months thereafter, the President shall submit to Congress a report on the progress made in achieving the conditions established by those benchmarks.

### SEC. 1204. LIMITATION ON NUMBER OF MILITARY PERSONNEL IN COLOMBIA.

(a) LIMITATION.—None of the funds available to the Department of Defense may be used to support or maintain more than 500 members of the Armed Forces on duty in the Republic of Colombia at any time.

(b) EXCEPTIONS.—There shall be excluded from counting for the purposes of the limitation in subsection (a) the following:

*(1) A member of the Armed Forces in the Republic of Colombia for the purpose of rescuing or retrieving United States military or civilian Government personnel, except that the period for which such a member may be so excluded may not exceed 30 days unless expressly authorized by law.*

*(2) A member of the Armed Forces assigned to the United States Embassy in Colombia as an attaché, as a member of the security assistance office, or as a member of the Marine Corps security contingent.*

*(3) A member of the Armed Forces in Colombia to participate in relief efforts in responding to a natural disaster.*

*(4) Nonoperational transient military personnel.*

### *TITLE XIII—COOPERATIVE THREAT REDUCTION WITH STATES OF THE FORMER SOVIET UNION*

#### *SEC. 1301. SPECIFICATION OF COOPERATIVE THREAT REDUCTION PROGRAMS AND FUNDS.*

*(a) Specification of CTR Programs.—For purposes of section 301 and other provisions of this Act, Cooperative Threat Reduction programs are the programs specified in section 1501(b) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731; 50 U.S.C. 2362 note).*

*(b) Fiscal Year 2001 Cooperative Threat Reduction Funds Defined.—As used in this title, the term "fiscal year 2001 Cooperative Threat Reduction funds" means the funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs.*

*(c) Availability of Funds.—Funds appropriated pursuant to the authorization of appropriations in section 301 for Cooperative Threat Reduction programs shall be available for obligation for three fiscal years.*

#### *SEC. 1302. FUNDING ALLOCATIONS.*

*(a) Funding for Specific Purposes.—Of the $433,400,000 authorized to be appropriated to the Department of Defense for fiscal year 2001 in section 301(23) for Cooperative Threat Reduction programs, not more than the following amounts may be obligated for the purposes specified:*

*(1) For strategic offensive arms elimination in Russia, $162,800,000.*

*(2) For strategic nuclear arms elimination in Ukraine, $34,100,000.*

*(3) For activities to support warhead dismantlement processing in Russia, $9,300,000.*

*(4) For weapons transportation security in Russia, $14,000,000.*

*(5) For planning, design, and construction of a storage facility for Russian fissile material, $57,400,000.*

*(6) For weapons storage security in Russia, $89,700,000.*

*(7) For development of a cooperative program with the Government of Russia to eliminate the production of weapons grade plutonium at Russian reactors, $32,100,000.*

*(8) For biological weapons proliferation prevention activities in Russia, $12,000,000.*

*(9) For activities designated as Other Assessments/Administrative Support, $13,000,000.*

*(10) For defense and military contacts, $9,000,000.*

*(b) Report on Obligation or Expenditure of Funds for Other Purposes.—No fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended for a purpose other than a purpose listed in paragraphs (1) through (10) of subsection (a) until 30 days after the date that the Secretary of Defense submits to Congress a report on the purpose for which the funds will be obligated or expended and the amount of funds to be obligated or expended. Nothing in the preceding sentence shall be construed as authorizing the obligation or expenditure of fiscal year 2001 Cooperative Threat Reduction funds for a purpose for which the obligation or expenditure of such funds is specifically prohibited under this title or any other provision of law.*

*(c) Limited Authority To Vary Individual Amounts.—(1) Subject to paragraphs (2) and (3), in any case in which the Secretary of Defense determines that it is necessary to do so in the national interest, the Secretary may obligate amounts appropriated for fiscal year 2001 for a purpose listed in any of the paragraphs in subsection (a) in excess of the amount specifically authorized for such purpose.*

*(2) An obligation of funds for a purpose stated in any of the paragraphs in subsection (a) in excess of the specific amount authorized for such purpose may be made using the authority provided in paragraph (1) only after—*

*(A) the Secretary submits to Congress notification of the intent to do so together with a complete discussion of the justification for doing so; and*

*(B) 15 days have elapsed following the date of the notification.*

*(3) The Secretary may not, under the authority provided in paragraph (1), obligate amounts for the purposes stated in any of paragraphs (4), (5), (7), (9), or (10) of subsection (a) in excess of 115 percent of the amount specifically authorized for such purposes.*

#### *SEC. 1303. PROHIBITION ON USE OF FUNDS FOR ELIMINATION OF CONVENTIONAL WEAPONS.*

*No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for elimination of conventional weapons or the delivery vehicles primarily intended to deliver such weapons.*

#### *SEC. 1304. LIMITATIONS ON USE OF FUNDS FOR FISSILE MATERIAL STORAGE FACILITY.*

*(a) Limitations.—No fiscal year 2001 Cooperative Threat Reduction funds may be used—*

*(1) for construction of a second wing for the storage facility for Russian fissile material referred to in section 1302(a)(5); or*

*(2) for design or planning with respect to such facility until 15 days after the date that the Secretary of Defense submits to Congress notification that Russia and the United States have signed a verifiable written transparency agreement that ensures that material stored at the facility is of weapons origin.*

*(b) Establishment of Funding Cap For First Wing of Storage Facility.—Out of funds authorized to be appropriated for Cooperative Threat Reduction programs for fiscal year 2001 or any other fiscal year, not more than $412,600,000 may be used for planning, design, or construction of the first wing for the storage facility for Russian fissile material referred to in section 1302(a)(5).*

#### *SEC. 1305. LIMITATION ON USE OF FUNDS UNTIL SUBMISSION OF MULTIYEAR PLAN.*

*Not more than ten percent of fiscal year 2001 Cooperative Threat Reduction funds may be obligated or expended until the Secretary of Defense submits to Congress an updated version of the multiyear plan for fiscal year 2001 required to be submitted under section 1205 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 22 U.S.C. 5952 note).*

#### *SEC. 1306. RUSSIAN NONSTRATEGIC NUCLEAR ARMS.*

*(a) Reporting Requirement.—(1) Not later than October 1, 2000, the Secretary of Defense shall submit to Congress a report on the following regarding Russia's arsenal of tactical nuclear warheads:*

*(A) Estimates regarding current types, numbers, yields, viability, locations, and deployment status of the warheads.*

*(B) An assessment of the strategic relevance of the warheads.*

*(C) An assessment of the current and projected threat of theft, sale, or unauthorized use of the warheads.*

*(D) A summary of past, current, and planned United States efforts to work cooperatively with Russia to account for, secure, and reduce Russia's stockpile of tactical nuclear warheads and associated fissile material.*

*(2) The Secretary of Defense shall include in the report described in paragraph (1) the views on the report provided under subsection (b).*

*(b) Views of the Director of Central Intelligence.—The Director of Central Intelligence shall submit to the Secretary of Defense, for inclusion as an appendix in the report described in subsection (a), the Director's views on the matters described in that subsection regarding Russia's tactical nuclear weapons.*

#### *SEC. 1307. LIMITATION ON USE OF FUNDS TO SUPPORT WARHEAD DISMANTLEMENT PROCESSING.*

*No fiscal year 2001 Cooperative Threat Reduction funds may be used for activities to support warhead dismantlement processing in Russia until 15 days after the date that the Secretary of Defense submits to Congress notification that the United States has reached an agreement with Russia, which shall provide for appropriate transparency measures, regarding assistance by the United States with respect to such processing.*

#### *SEC. 1308. AGREEMENT ON NUCLEAR WEAPONS STORAGE SITES.*

*The Secretary of Defense shall seek to enter into an agreement with Russia regarding procedures to allow the United States appropriate access to nuclear weapons storage sites for which assistance under Cooperative Threat Reduction programs is provided.*

#### *SEC. 1309. PROHIBITION ON USE OF FUNDS FOR CONSTRUCTION OF FOSSIL FUEL ENERGY PLANTS.*

*No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be used for the construction of a fossil fuel energy plant.*

#### *SEC. 1310. AUDITS OF COOPERATIVE THREAT REDUCTION PROGRAMS.*

*(a) Report on Audits.—Not later than March 31, 2001, the Comptroller General shall submit to Congress a report examining the procedures and mechanisms with respect to audits by the Department of Defense of the use of funds for Cooperative Threat Reduction programs. The report shall examine the following:*

*(1) Whether the audits being conducted by the Department of Defense are producing necessary information regarding whether assistance under such programs, including equipment provided and services furnished, is being used as intended.*

*(2) Whether the audit procedures of the Department of Defense are adequate, including whether random samplings are used.*

*(b) Extension For Comptroller General Assessment.—Section 1206(c) of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 471) is amended by striking "30 days" and inserting "90 days".*

#### *SEC. 1311. LIMITATION ON USE OF FUNDS FOR PREVENTION OF BIOLOGICAL WEAPONS PROLIFERATION IN RUSSIA.*

*No fiscal year 2001 Cooperative Threat Reduction funds, and no funds appropriated for Cooperative Threat Reduction programs for any other fiscal year, may be obligated or expended for prevention of proliferation of biological weapons in Russia until the President submits to Congress the report required by section 1309 of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 795).*

## *TITLE XIV—COMMISSION TO ASSESS THE THREAT TO THE UNITED STATES FROM ELECTROMAGNETIC PULSE (EMP) ATTACK*

### *SEC. 1401. ESTABLISHMENT OF COMMISSION.*

*(a) Establishment.—There is hereby established a commission to be known as the "Commission to Assess the Threat to the United States from Electromagnetic Pulse Attack" (hereinafter in this title referred to as the "Commission").*

*(b) Composition.—The Commission shall be composed of nine members. Seven of the members shall be appointed by the Secretary of Defense and two of the members shall be appointed by the Director of the Federal Emergency Management Agency. In selecting individuals for appointment to the Commission, the Secretary of Defense shall consult with the chairmen and ranking minority members of the Committees on Armed Services of the Senate and House of Representatives.*

*(c) Qualifications.—Members of the Commission shall be appointed from among private United States citizens with knowledge and expertise in the scientific, technical, and military aspects of electromagnetic pulse (hereinafter referred to as "EMP") effects resulting from the detonation of a nuclear weapon or weapons at high altitude, sometimes referred to as high-altitude electromagnetic pulse effects (HEMP).*

*(d) Chairman of Commission.—The Secretary of Defense shall designate one of the members of the Commission to serve as chairman of the Commission.*

*(e) Period of Appointment; Vacancies.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall be filled in the same manner as the original appointment.*

*(f) Security Clearances.—All members of the Commission shall hold appropriate security clearances.*

*(g) Initial Organization Requirements.—All appointments to the Commission shall be made not later than 45 days after the date of the enactment of this Act. The Commission shall convene its first meeting not later than 30 days after the date as of which all members of the Commission have been appointed.*

### *SEC. 1402. DUTIES OF COMMISSION.*

*(a) Review of EMP Threat.—The Commission shall assess—*

*(1) the nature and magnitude of potential high-altitude EMP threats to the United States from Russia, China, North Korea, and other potentially hostile states or non-state actors that have or could acquire nuclear weapons and ballistic missiles enabling them to perform a high-altitude EMP attack against the United States within the next 15 years;*

*(2) the vulnerability of United States military and especially civilian systems to an EMP attack, giving special attention to vulnerability of the civilian infrastructure as a matter of emergency preparedness; and*

*(3) the capability of the United States to repair and recover from damage inflicted on United States military and civilian systems by an EMP attack.*

*(4) the feasibility and cost of hardening select military and civilian systems against EMP attack.*

*(b) Recommendation.—The Commission shall recommend steps that can be taken by the United States to better protect its military and civilian systems from EMP attack.*

*(c) Cooperation From Government Officials.—In carrying out its duties, the Commission should receive the full and timely cooperation of the Secretary of Defense, the Director of the Federal Emergency Management Agency, and any other United States Government official serving in the Department of Defense or Armed Forces in providing the Commission with analyses, briefings, and other information necessary for the fulfillment of its responsibilities.*

### *SEC. 1403. REPORT.*

*The Commission shall, not later than one year after the date of its first meeting, submit to Congress, the Secretary of Defense, and the Director of the Federal Emergency Management Agency a report on the Commission's findings and conclusions.*

### *SEC. 1404. POWERS.*

*(a) Hearings.—The Commission or, at its direction, any panel or member of the Commission, may, for the purpose of carrying out the provisions of this title, hold hearings, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.*

*(b) Information.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this title.*

### *SEC. 1405. COMMISSION PROCEDURES.*

*(a) Meetings.—The Commission shall meet at the call of the Chairman.*

*(b) Quorum.—(1) Five members of the Commission shall constitute a quorum other than for the purpose of holding hearings.*

*(2) The Commission shall act by resolution agreed to by a majority of the members of the Commission.*

*(c) Commission.—The Commission may establish panels composed of less than full membership of the Commission for the purpose of carrying out the Commission's duties. The actions of each such panel shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.*

*(d) Authority of Individuals To Act for Commission.—Any agent or member of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this title.*

### *SEC. 1406. PERSONNEL MATTERS.*

*(a) Pay of Members.—Members of the Commission shall serve without pay by reason of their work on the Commission.*

*(b) Travel Expenses.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.*

*(c) Staff.—(1) The chairman of the Commission may, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, appoint a staff director and such additional personnel as may be necessary to enable the Commission to perform its duties. The appointment of a staff director shall be subject to the approval of the Commission.*

*(2) The chairman of the Commission may fix the pay of the staff director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay fixed under this paragraph for the staff director may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title and the rate of pay for other personnel may not exceed the maximum rate payable for grade GS–15 of the General Schedule.*

*(d) Detail of Government Employees.—Upon request of the chairman of the Commission, the head of any Federal department or agency may detail, on a nonreimbursable basis, any personnel of that department or agency to the Commission to assist it in carrying out its duties.*

*(e) Procurement of Temporary and Intermittent Services.—The chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay payable for level V of the Executive Schedule under section 5316 of such title.*

### *SEC. 1407. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.*

*(a) Postal and Printing Services.—The Commission may use the United States mails and obtain printing and binding services in the same manner and under the same conditions as other departments and agencies of the Federal Government.*

*(b) Miscellaneous Administrative and Support Services.—The Secretary of Defense shall furnish he Commission, on a reimbursable basis, any administrative and support services requested by the Commission.*

### *SEC. 1408. FUNDING.*

*Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities for fiscal year 2001. Upon receipt of a written certification from the Chairman of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.*

### *SEC. 1409. TERMINATION OF THE COMMISSION.*

*The Commission shall terminate 60 days after the date of the submission of its report under section 1403.–*

## *TITLE XV—PROVISIONS REGARDING VIEQUES ISLAND, PUERTO RICO*

### *SEC. 1501. CONDITIONS ON DISPOSAL OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.*

*(a) Inclusion in Excess Property Report.—The Secretary of the Navy may not include any portion of the Naval Ammunition Support detachment on the western end of Vieques Island, Puerto Rico, in a report of excess real property required to be prepared pursuant to section 2662(a) of title 10, United States Code, unless and until the President certifies to the Congress that military training operations on Vieques Island utilizing the full range of live ordnance in use prior to April 19, 1999, have been resumed without interference.*

*(b) Management as Conservation Zone.—If, consistent with subsection (a), any portion of the Naval Ammunition Support detachment on the western end of Vieques Island is declared to be excess to the needs of the Armed Forces, any conveyance of the property covered by the declaration shall be subject to the irrevocable condition that the recipient of the property (and any successor in interest) manage all lands included in the conveyance as a conservation zone.*

*(c) Retention of Radar and Telecommunications Facilities.—The following real property within the Naval Ammunition Support detachment on Vieques Island may not be transferred or conveyed from the jurisdiction of the Navy unless the transfer or conveyance is specifically authorized by a law enacted after the date of the enactment of this Act:*

*(1) The approximately 100 acres at the installation containing the Relocatable Over-The-Horizon Radar and the Mt. Pirata telecommunications facilities.*

(2) Such other property at the installation that the Secretary of the Navy designates as necessary to provide access and utilities to the property described in paragraph (1), to ensure the security of the property, or to effectively maintain and operate the property.

### SEC. 1502. RETENTION OF EASTERN PORTION OF VIEQUES ISLAND.

The Secretary of the Navy may not declare any lands within the Eastern Maneuver Area or the Atlantic Fleet Weapons Training Facility, including the Live Impact Area, on Vieques Island, Puerto Rico, to be excess to the needs of the Armed Forces, or transfer or convey any such lands from the jurisdiction of the Navy.

### SEC. 1503. LIMITATIONS ON MILITARY USE OF VIEQUES ISLAND.

(a) Advance Notice of Major Training.—Not less than 15 days before the Armed Forces commences any major training exercise on Vieques Island, Puerto Rico, the Secretary of the Navy shall notify the Government of Puerto Rico, through its Secretary of State, of the exercise in the manner provided in the 1983 memorandum of understanding between the United States and the Government of Puerto Rico. The Secretary of the Navy shall define what constitutes a major training exercise for purposes of this section.

(b) Maximum Training Days.—Armed Forces training on Vieques Island involving the use of explosive ordnance may not exceed 90 days per calendar year. An additional 90 days per calendar year of training may occur if the training is limited to the use of nonexplosive ordnance, including spotting devices.

(c) Safety and Noise.—(1) The Secretary of the Navy shall ensure that procedures are implemented for Navy training on Vieques Island designed to ensure the safety of civilians on the island.

(2) The Secretary of the Navy shall require that naval vessels involved in such training be positioned in such a manner so as to reduce noise levels in civilian areas of the island whenever possible.

(d) Advisory Committee.—(1) The Secretary of the Navy shall establish an advisory committee to review and comment on the operations and policies relating to military training activities on and around Vieques Island. The committee shall be advisory in nature and shall meet not less than quarterly. Members of the advisory committee shall not receive additional compensation on account of their service on the committee.

(2) The Committee shall consist of three members appointed by the Governor of Puerto Rico, three members appointed by the Mayor of the Municipality of Vieques, and three members appointed by the Secretary of the Navy. Not less than two of the members shall be permanent residents of Vieques Island and not less than two shall be commissioned officers of the Navy or Marines Corps who have experience in combined training requirements.

(3) The committee shall be jointly chaired by one of the members appointed by the Governor of Puerto Rico, to be designated by the Governor, and one of the officers appointed by the Secretary of the Navy, to be designated by the Secretary.

(e) National Security Waiver.—The Secretary of Defense may temporarily waive the applicability of subsection (a), (b), or (c) if the Secretary notifies Congress and the Governor of Puerto Rico that compliance with the requirements of such subsection would adversely affect national security. The Secretary shall include in the notification an estimate of the duration of the waiver.

### SEC. 1504. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) Assistance Authorized.—Subject to subsections (b) and (c), of the amounts appropriated pursuant to the 2000 Emergency Supplemental Appropriations Act referred to in section 1003, $40,000,000 shall be available to the Secretary of Defense to provide assistance to the residents of Vieques Island, Puerto Rico, in such manner and for such purposes as the Secretary considers appropriate.

(b) Assistance for Certain Purpose Prohibited.—Amounts available under subsection (a) may not be used to conduct a referendum among the residents of Vieques Island regarding the further use of the island for military training programs.

(c) Conditions on Availability of Assistance.—The amounts available under subsection (a) may not be transferred, obligated, or expended unless and until the President certifies to the Congress that military training operations on Vieques Island utilizing the full range of live ordnance in use prior to April 19, 1999, have been resumed without interference.

(d) Transfer Authority.—The Secretary of Defense may expend amounts available under subsection (a) directly or by appropriate transfer for the provision of assistance to the residents of Vieques Island. The transfer authority provided under this subsection is in addition to any other transfer authority available to the Department of Defense.

## DIVISION B—MILITARY CONSTRUCTION AUTHORIZATIONS

### SEC. 2001. SHORT TITLE.

This division may be cited as the "Military Construction Authorization Act for Fiscal Year 2001".

## TITLE XXI—ARMY

### SEC. 2101. AUTHORIZED ARMY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) Inside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(1), the Secretary of the Army may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Army: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Redstone Arsenal | $28,500,000 |
| | Fort Rucker | $5,600,000 |
| Alaska | Fort Richardson | $3,000,000 |
| Arizona | Fort Huachuca | $8,600,000 |
| Arkansas | Pine Bluff Arsenal. | $2,750,000 |
| California | Fort Irwin | $31,000,000 |
| | Presidio, Monterey. | $4,600,000 |
| Georgia | Fort Benning | $15,800,000 |
| | Fort Gordon | $2,600,000 |
| Hawaii | Wheeler Army Air Field. | $43,800,000 |
| Kansas | Fort Riley | $5,600,000 |
| Maryland | Aberdeen Proving Ground. | $8,900,000 |
| Missouri | Fort Leonard Wood. | $65,400,000 |
| New Jersey | Picatinny Arsenal | $5,600,000 |
| New Mexico | White Sands Missile Range. | $9,000,000 |
| New York | Fort Drum | $18,000,000 |
| North Carolina | Fort Bragg | $222,200,000 |
| | Sunny Point Army Terminal. | $2,300,000 |
| Ohio | Columbus | $1,832,000 |
| Pennsylvania | Carlisle Barracks | $10,500,000 |
| | New Cumberland Army Depot. | $3,700,000 |
| Texas | Fort Bliss | $26,000,000 |
| | Fort Hood | $36,492,000 |
| | Red River Army Depot. | $800,000 |
| | Total: | $562,574,000 |

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(2), the Secretary of the Army may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Army: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Germany | Area Support Group, Bamberg. | $11,650,000 |
| | Area Support Group, Darmstadt. | $11,300,000 |
| | Kaiserslautern | $3,400,000 |
| | Mannheim | $4,050,000 |
| Korea | Camp Carroll | $10,000,000 |
| | Camp Hovey | $4,200,000 |
| | Camp Humphreys | $14,200,000 |
| | Camp Page | $19,500,000 |
| Kwajalein | Kwajalein Atoll | $18,000,000 |
| | Total: | $96,300,000 |

(c) Unspecified Worldwide.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(3), the Secretary of the Army may acquire real property and carry out military construction projects for the installation and location, and in the amount, set forth in the following table:

**Army: Unspecified Worldwide**

| Location | Installation | Amount |
|---|---|---|
| Unspecified Worldwide. | Classified Location. | $11,500,000 |

### SEC. 2102. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Army: Family Housing**

| State or County | Installation or location | Purpose | Amount |
|---|---|---|---|
| Arizona | Fort Huachuca. | 110 Units. | $16,224,000 |
| Hawaii | Schofield Barracks. | 72 Units | $15,500,000 |
| Kentucky | Fort Campbell. | 102 Units. | $15,800,000 |
| Maryland | Fort Detrick | 48 Units | $5,600,000 |
| North Carolina. | Fort Bragg | 160 Units. | $22,000,000 |
| South Carolina. | Fort Jackson | 1 Unit | $250,000 |
| Texas | Fort Bliss | 64 Units | $10,200,000 |
| Korea | Camp Humphreys. | 60 Units | $21,800,000 |
| Virginia | Fort Belvoir | 27 Units | $5,500,000 |
| | Fort Lee | 52 Units | $8,600,000 |
| | Total: | | $121,474,000 |

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of family housing units in an amount not to exceed $6,542,000.

### SEC. 2103. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2104(a)(6)(A), the Secretary of the Army may improve existing military family housing units in an amount not to exceed $72,440,000.

### SEC. 2104. AUTHORIZATION OF APPROPRIATIONS, ARMY.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Army in the total amount of $1,824,640,000, as follows:

(1) For military construction projects inside the United States authorized by section 2101(a), $385,974,000.

(2) For military construction projects outside the United States authorized by section 2101(b), $96,300,000.

(3) For military construction projects at unspecified worldwide locations authorized by section 2101(c), $11,500,000.

(4) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $17,000,000.

(5) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $105,861,000.

(6) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $200,456,000.

(B) For support of military family housing (including the functions described in section 2833 of title 10, United States Code), $971,704,000.

(7) For the construction of phase 1C of a barracks complex, Infantry Drive, Fort Riley, Kansas, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182), $10,000,000.

(8) For the construction of a railhead facility, Fort Hood, Texas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2182), as amended by section 2105 of this Act, $9,800,000.

(9) For the construction of a chemical defense qualification facility, Pine Bluff Arsenal, Arkansas, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 825), $92,000.

(10) For the construction of phase 1B of a barracks complex, Wilson Street, Schofield Barracks, Hawaii, authorized by section 2101(a) of the Military Construction Authorization Act for Fiscal Year 2000 (113 Stat. 825), $22,400,000.

(11) For the construction of phase 2B of a barracks complex, Tagaytay Street, Fort Bragg, North Carolina, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $3,108,000.

(12) For the construction of phase 2 of a tactical equipment shop, Fort Sill, Oklahoma, authorized by section 2101(a) of the Military Construction Act for Fiscal Year 2000 (113 Stat. 825), $10,991,000.

(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2101 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $22,600,000 (the balance of the amount authorized under section 2101(a) for the construction of a Basic Training Complex at Fort Leonard Wood, Missouri);

(3) $10,000,000 (the balance of the amount authorized under section 2101(a) for construction of a Multipurpose Digital Training Range at Fort Hood, Texas);

(4) $34,000,000 (the balance of the amount authorized under section 2101(a) for construction of a barracks complex, Longstreet Road Phase I at Fort Bragg, North Carolina);

(5) $104,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a barracks complex, Bunter Road Phase I at Fort Bragg, North Carolina); and

(6) $6,000,000 (the balance of the amount authorized under section 2101(a) for the construction of a battle simulation center at Fort Drum, New York).

(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (12) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $635,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $19,911,000 which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.

### SEC. 2105. MODIFICATION OF AUTHORITY TO CARRY OUT CERTAIN FISCAL YEAR 1999 PROJECT.

(a) MODIFICATION.—The table in section 2101 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2182) is amended—

(1) in the item relating to Fort Hood, Texas, by striking "$32,500,000" in the amount column and inserting "$45,300,000"; and

(2) by striking the amount identified as the total in the amount column and inserting "$781,581,000".

(b) CONFORMING AMENDMENTS.—Section 2104(a) of that Act (112 Stat. 2184) is amended—

(1) in the matter preceding paragraph (1), by striking "$2,098,713,000" and inserting "$2,111,513,000"; and

(2) in paragraph (1), by striking "$609,076,000" and inserting "$622,581,000".

## TITLE XXII—NAVY

### SEC. 2201. AUTHORIZED NAVY CONSTRUCTION AND LAND ACQUISITION PROJECTS.

(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1), the Secretary of the Navy may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:

**Navy: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Arizona | Marine Corps Air Station, Yuma. | $8,200,000 |
| | Navy Detachment, Camp Navajo. | $2,940,000 |
| California | Marine Corps Air-Ground Combat Center, Twentynine Palms | $23,870,000 |
| | Marine Corps Air Station, Miramar. | $13,740,000 |
| | Marine Corps Base, Camp Pendleton. | $8,100,000 |
| | Marine Corps Logistics Base, Barstow. | $6,600,000 |
| | Naval Air Station, Lemoore. | $10,760,000 |
| | Naval Air Warfare Center Weapons Division, Point Mugu | $12,600,000 |
| | Naval Aviation Depot, North Island. | $4,340,000 |
| | Naval Facility, San Clemente Island. | $8,860,000 |
| | Naval Postgraduate School, Monterey. | $5,280,000 |
| | Naval Ship Weapons Systems Engineering Station, Port Hueneme | $10,200,000 |
| | Naval Station, San Diego. | $53,200,000 |
| Connecticut | Naval Submarine Base, New London. | $3,100,000 |
| CONUS Various | CONUS Various | $11,500,000 |
| District of Columbia. | Marine Corps Barracks. | $24,597,000 |
| | Naval District, Washington. | $2,450,000 |
| | Naval Research Laboratory, Washington. | $12,390,000 |
| Florida | Blount Island Command. | $3,320,000 |
| | Naval Air Station, Jacksonville. | $1,400,000 |
| | Naval Air Station, Whiting Field. | $5,130,000 |
| | Naval Surface Warfare Center Wastal Systems Station, Panama City | $1,000,000 |
| | Naval Station, Mayport. | $6,830,000 |
| | Naval Surface Warfare Center Detachment, Ft. Lauderdale | $3,570,000 |
| Georgia | Marine Corps Logistics Base, Albany. | $1,100,000 |
| | Navy Supply Corps School, Athens. | $2,950,000 |
| | Trident Refit Facility, Kings Bay. | $5,200,000 |
| Hawaii | Fleet Industrial Supply Center, Pearl Harbor | $12,000,000 |
| | Naval Undersea Weapons Station Detachment, Lualualei | $2,100,000 |
| | Marine Corps Air Station, Kaneohe. | $18,400,000 |
| | Naval Station, Pearl Harbor. | $30,700,000 |
| Illinois | Naval Training Center, Great Lakes. | $124,800,000 |
| Indiana | Naval Surface Warfare Center, Crane. | $8,460,000 |
| Maine | Naval Air Station, Brunswick. | $2,450,000 |
| | Naval Shipyard, Portsmouth. | $4,960,000 |
| Maryland | Naval Explosive Ordinance Disposal Technology Center, Indian Head | $6,430,000 |
| | Naval Air Station, Patuxent River | $8,240,000 |
| Mississippi | Naval Air Station, Meridian. | $4,700,000 |
| Nevada | Naval Air Station, Fallon. | $6,280,000 |
| New Jersey | Naval Weapons Station, Earle. | $2,420,000 |
| North Carolina | Marine Corps Air Station, Cherry Point. | $8,480,000 |

**Navy: Inside the United States—Continued**

| State | Installation or location | Amount |
|---|---|---|
| | Marine Corps Air Station, New River. | $3,400,000 |
| | Marine Corps Base, Camp Lejeune. | $45,870,000 |
| | Naval Aviation Depot, Cherry Point. | $7,540,000 |
| Pennsylvania ...... | Naval Surface Warfare Center Shipyard Systems Engineering Station, Philadelphia .... | $10,680,000 |
| Rhode Island ....... | Naval Undersea Warfare Center Division, Newport ................ | $4,150,000 |
| South Carolina .... | Marine Corps Air Station, Beaufort. | $3,140,000 |
| | Marine Corps Recruit Depot, Parris Island .... | $2,660,000 |
| Texas ................. | Naval Air Station, Corpus Christi .. | $4,850,000 |
| | Naval Air Station, Kingsville. | $2,670,000 |
| | Naval Station, Ingleside. | $2,420,000 |
| Virginia ............. | AEGIS Combat Systems Center, Wallops Island | $3,300,000 |
| | Marine Corps Combat Development Command, Quantico | $8,590,000 |
| | Naval Air Station, Norfolk. | $31,450,000 |
| | Naval Air Station, Oceana. | $9,440,000 |
| | Naval Amphibious Base, Little Creek. | $2,830,000 |
| | Naval Shipyard, Norfolk, Portsmouth. | $16,100,000 |
| | Naval Station, Norfolk. | $4,700,000 |
| | Naval Surface Warfare Center, Dahlgren. | $11,300,000 |
| Washington ......... | Naval Shipyard, Bremerton, Puget Sound. | $100,670,000 |
| | Strategic Weapons Facility Pacific, Bremerton ........ | $1,400,000 |
| | Total: ............. | $770,807,000 |

(b) Outside the United States.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(2), the Secretary of the Navy may acquire real property and carry out military construction projects for the locations outside the United States, and in the amounts, set forth in the following table:

**Navy: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Bahrain ............. | Administrative Support Unit. | $19,400,000 |
| Guam ................. | Naval Activities ... | $1,000,000 |
| Italy ................... | Naval Air Station, Sigonella. | $32,969,000 |
| | Naval Support Activity, Naples. | $15,000,000 |
| Various Locations | Host Nation Infrastructure Support. | $142,000 |
| | Total: ............. | $68,511,000 |

### SEC. 2202. FAMILY HOUSING.

(a) Construction and Acquisition.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:

**Navy: Family Housing**

| State | Installation or location | Purpose | Amount |
|---|---|---|---|
| California ... | Marine Corps Air-Ground Combat Center, Twentynine Palms .. | 79 Units | $13,923,000 |
| | Naval Air Station, Lemoore ... | 260 Units. | $47,871,000 |
| Hawaii ........ | Commander Naval Base, Pearl Harbor .......... | 112 Units. | $23,654,000 |
| | Commander Naval Base, Pearl Harbor .......... | 62 Units | $14,237,000 |
| | Commander Naval Base, Pearl Harbor .......... | 98 Units | $22,230,000 |
| | Marine Corps Air Station, Kaneohe Bay ........ | 84 Units | $21,910,000 |
| Louisiana ... | Naval Air Station, New Orleans. | 34 Units | $5,000,000 |
| Maine ......... | Naval Air Station, Brunswick | 168 Units. | $18,722,000 |
| Mississippi .. | Naval Construction battalion Center, Gulfport. | 157 Units. | $20,700,000 |
| Washington | Naval Air Station, Whidbey Island ...... | 98 Units | $16,873,000 |
| | | Total: | $205,120,000 |

(b) Planning and Design.—Using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $19,958,000.

### SEC. 2203. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(5)(A), the Secretary of the Navy may improve existing military family housing units in an amount not to exceed $192,147,000.

### SEC. 2204. AUTHORIZATION OF APPROPRIATIONS, NAVY.

(a) In General.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Navy in the total amount of $2,187,673,000, as follows:

(1) For military construction projects inside the United States authorized by section 2201(a), $718,627,000.

(2) For military construction projects outside the United States authorized by section 2201(b), $68,511,000.

(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $7,659,000.

(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $67,502,000.

(5) For military family housing functions:

(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $417,225,000.

(B) For support of military housing (including functions described in section 2833 of title 10, United States Code), $882,638,000.

(6) For construction of a berthing wharf at Naval Air Station, North Island, California, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 828), $12,800,000.

(7) For construction of the Commander-in-Chief Headquarters, Pacific Command, Camp H.M. Smith, Hawaii, authorized by section 2201(a) of the Military Construction Authorization Act for Fiscal Year 2000, $35,600,000.

(b) Limitation on Total Cost of Construction Projects.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2201 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a);

(2) $17,500,000 (the balance of the amount authorized under section 2201(a) for repair of a pier at Naval Station, San Diego, California);

(3) $24,460,000 (the balance of the amount authorized under section 2201(a) for replacement of a pier at Naval Ship Yard, Bremerton, Puget Sound, Washington); and

(4) $10,280,000 (the balance of the amount authorized under section 2201(a) for construction of an industrial skills center at Naval Shipyard, Bremerton, Puget Sound, Washington).

(c) Adjustments.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (7) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by—

(1) $2,889,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States; and

(2) $20,000,000, which represents the combination of project savings in military construction resulting from favorable bids, reduced overhead charges, and cancellations due to force structure changes.

### SEC. 2205. MODIFICATION OF AUTHORITY TO CARRY OUT FISCAL YEAR 1997 PROJECT AT MARINE CORPS COMBAT DEVELOPMENT COMMAND, QUANTICO, VIRGINIA.

The Secretary of the Navy may carry out a military construction project involving infrastructure development at the Marine Corps Combat Development Command, Quantico, Virginia, in the amount of $8,900,000, using amounts appropriated pursuant to the authorization of appropriations in section 2204(a)(1) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2769) for a military construction project involving a sanitary landfill at that installation, as authorized by section 2201(a) of that Act (110 Stat. 2767).

## TITLE XXIII—AIR FORCE

### SEC. 2301. AUTHORIZED AIR FORCE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

*(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(1), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:*

**Air Force: Inside the United States**

| State | Installation or location | Amount |
|---|---|---|
| Alabama | Maxwell Air Force Base. | $3,825,000 |
| Alaska | Cape Romanzof | $3,900,000 |
| | Eielson Air Force Base. | $15,990,000 |
| | Elmendorf Air Force Base. | $27,520,000 |
| Arizona | Davis-Monthan Air Force Base. | $7,900,000 |
| Arkansas | Little Rock Air Force Base. | $18,319,000 |
| California | Beale Air Force Base. | $10,100,000 |
| | Los Angeles Air Force Base. | $6,580,000 |
| | Vandenberg Air Force Base. | $4,650,000 |
| Colorado | Buckley Air National Guard Base. | $2,750,000 |
| | Peterson Air Force Base. | $15,570,000 |
| | Schriever Air Force Base. | $8,450,000 |
| | United States Air Force Academy. | $18,960,000 |
| CONUS Classified | Classified Location. | $1,810,000 |
| District of Columbia. | Bolling Air Force Base. | $4,520,000 |
| Florida | Eglin Air Force Base. | $8,940,000 |
| | Eglin Auxiliary Field 9. | $7,960,000 |
| | Patrick Air Force Base. | $12,970,000 |
| | Tyndall Air Force Base. | $31,495,000 |
| Georgia | Fort Stewart/Hunter Army Air Field. | $4,920,000 |
| | Moody Air Force Base. | $2,500,000 |
| | Robins Air Force Base. | $11,762,000 |
| Hawaii | Hickam Air Force Base. | $4,620,000 |
| Idaho | Mountain Home Air Force Base. | $10,125,000 |
| Illinois | Scott Air Force Base. | $3,830,000 |
| Kansas | McConnell Air Force Base. | $9,764,000 |
| Louisiana | Barksdale Air Force Base. | $6,390,000 |
| Mississippi | Keesler Air Force Base. | $15,040,000 |
| Missouri | Whiteman Air Force Base. | $12,050,000 |
| Montana | Malmstrom Air Force Base. | $5,300,000 |
| New Jersey | McGuire Air Force Base. | $29,772,000 |
| North Carolina | Pope Air Force Base. | $24,570,000 |
| | Seymour Johnson Air Force Base. | $7,141,000 |
| North Dakota | Minot Air Force Base. | $3,151,000 |
| Ohio | Wright-Patterson Air Force Base. | $37,508,000 |
| Oklahoma | Altus Air Force Base. | $2,939,000 |
| | Tinker Air Force Base. | $26,895,000 |
| South Carolina | Charleston Air Force Base. | $12,789,000 |
| | Shaw Air Force Base. | $8,102,000 |
| Texas | Dyess Air Force Base. | $19,523,000 |
| | Lackland Air Force Base. | $10,330,000 |
| | Laughlin Air Force Base. | $11,973,000 |
| | Sheppard Air Force Base. | $6,450,000 |
| Utah | Hill Air Force Base. | $28,050,000 |
| Virginia | Langley Air Force Base. | $19,650,000 |
| Washington | Fairchild Air Force Base. | $7,926,000 |
| | McChord Air Force Base. | $10,250,000 |
| Wyoming | F.E. Warren Air Force Base. | $25,720,000 |
| | Total: | $591,249,000 |

*(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(2), the Secretary of the Air Force may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:*

**Air Force: Outside the United States**

| Country | Installation or location | Amount |
|---|---|---|
| Diego Garcia | Diego Garcia | $5,475,000 |
| Italy | Aviano Air Base | $8,000,000 |
| Korea | Kunsan Air Base | $6,400,000 |
| | Osan Air Base | $21,948,000 |
| Spain | Naval Station, Rota. | $5,052,000 |
| Turkey | Incirlik Air Base | $1,000,000 |
| | Total: | $47,875,000 |

### SEC. 2302. FAMILY HOUSING.

*(a) CONSTRUCTION AND ACQUISITION.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may construct or acquire family housing units (including land acquisition) at the installations, for the purposes, and in the amounts set forth in the following table:*

**Air Force: Family Housing**

| State | Installation or location | Purpose | Amount |
|---|---|---|---|
| California | Edwards Air Force Base | 57 Units | $9,870,000 |
| | Travis Air Force Base. | 64 Units | $9,870,000 |
| District of Columbia. | Bolling Air Force Base. | 136 Units. | $17,137,000 |
| Nevada | Nellis Air Force Base. | 26 Units | $5,000,000 |
| North Dakota. | Cavalier Air Force Station | 2 Units | $443,000 |
| | Minot Air Force Base. | 134 Units. | $19,097,000 |
| | | Total: | $61,417,000 |

*(b) PLANNING AND DESIGN.—Using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may carry out architectural and engineering services and construction design activities with respect to the construction or improvement of military family housing units in an amount not to exceed $12,760,000.*

### SEC. 2303. IMPROVEMENTS TO MILITARY FAMILY HOUSING UNITS.

*Subject to section 2825 of title 10, United States Code, and using amounts appropriated pursuant to the authorization of appropriations in section 2304(a)(5)(A), the Secretary of the Air Force may improve existing military family housing units in an amount not to exceed $174,046,000.*

### SEC. 2304. AUTHORIZATION OF APPROPRIATIONS, AIR FORCE.

*(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of the Air Force in the total amount of $1,766,136,000, as follows:*

*(1) For military construction projects inside the United States authorized by section 2301(a), $589,199,000.*

*(2) For military construction projects outside the United States authorized by section 2301(b), $47,875,000.*

*(3) For unspecified minor construction projects authorized by section 2805 of title 10, United States Code, $9,850,000.*

*(4) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $56,919,000.*

*(5) For military housing functions:*

*(A) For construction and acquisition, planning and design, and improvement of military family housing and facilities, $248,223,000.*

*(B) For support of military family housing (including functions described in section 2833 of title 10, United States Code), $826,271,000.*

*(b) LIMITATION ON TOTAL COST OF CONSTRUCTION PROJECTS.—Notwithstanding the cost variations authorized by section 2853 of title 10, United States Code, and any other cost variation authorized by law, the total cost of all projects carried out under section 2301 of this Act may not exceed—*

*(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and*

*(2) $9,400,000 (the balance of the amount authorized under section 2301(c) for the construction of an air freight terminal and base supply complex at McGuire Air Force Base, New Jersey).*

*(c) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (5) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $12,231,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military family housing construction and military family housing support outside the United States.*

## TITLE XXIV—DEFENSE AGENCIES

### SEC. 2401. AUTHORIZED DEFENSE AGENCIES CONSTRUCTION AND LAND ACQUISITION PROJECTS.

*(a) INSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(1), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations inside the United States, and in the amounts, set forth in the following table:*

**Defense Agencies: Inside the United States**

| Agency | Installation or location | Amount |
|---|---|---|
| Defense Education Activity. | Camp Lejeune, North Carolina | $5,914,000 |
| | Laurel Bay, South Carolina | $804,000 |

### *Defense Agencies: Inside the United States—Continued*

| Agency | Installation or location | Amount |
|---|---|---|
| *Defense Logistics Agency.* | *Defense Distribution Supply Point New Cumberland, Pennsylvania* | *$17,700,000* |
| | *Defense Fuel Support Point, Cherry Point, North Carolina* | *$5,700,000* |
| | *Defense Fuel Support Point, MacDill Air Force Base, Florida* | *$16,956,000* |
| | *Defense Fuel Support Point, McConnell Air Force Base, Kansas* | *$11,000,000* |
| | *Defense Fuel Support Point, Naval Air Station, Fallon, Nevada* | *$5,000,000* |
| | *Defense Fuel Support Point, North Island, California* | *$5,900,000* |
| | *Defense Fuel Support Point, Oceana Naval Air Station, Virginia* | *$2,000,000* |
| | *Defense Fuel Support Point, Patuxent River, Maryland* | *$8,300,000* |
| | *Defense Fuel Support Point, Twentynine Palms, California* | *$2,200,000* |
| | *Defense Supply Center, Richmond, Virginia* | *$4,500,000* |
| *National Security Agency.* | *Fort Meade, Maryland* | *$4,228,000* |
| *Special Operations Command.* | *Eglin Auxiliary Field 9, Florida* | *$26,523,000* |
| | *Fleet Combat Training Center, Dam Neck, Virginia* | *$5,500,000* |
| | *Fort Bragg, North Carolina* | *$8,600,000* |
| | *Fort Campbell, Kentucky* | *$16,300,000* |
| | *Kodiak, Alaska* | *$5,000,000* |
| | *Naval Air Station, North Island, California* | *$1,350,000* |
| | *Naval Air Station, Oceana, Virginia* | *$3,400,000* |
| | *Naval Amphibious Base, Coronado, California* | *$4,300,000* |
| | *Naval Amphibious Base, Little Creek, Virginia* | *$5,400,000* |
| | *Pearl Harbor, Hawaii* | *$9,990,000* |
| *TRICARE Management Activity* | *Edwards Air Force Base, California* | *$17,900,000* |
| | *Marine Corps Base, Camp Pendleton, California* | *$14,150,000* |
| | *Eglin Air Force Base, Florida* | *$37,600,000* |
| | *Fort Drum, New York* | *$1,400,000* |
| | *Patrick Air Force Base, Florida* | *$2,700,000* |
| | *Tyndall Air Force Base, Florida* | *$7,700,000* |
| | *Total:* | *$258,015,000* |

*(b) OUTSIDE THE UNITED STATES.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(2), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations outside the United States, and in the amounts, set forth in the following table:*

### *Defense Agencies: Outside the United States*

| Agency | Installation or location | Amount |
|---|---|---|
| *Defense Education Activity.* | *Hanau, Germany* | *$1,026,000* |
| | *Hohenfels, Germany* | *$13,774,000* |
| | *Royal Air Force, Feltwell, United Kingdom* | *$1,287,000* |
| | *Royal Air Force, Lakenheath, United Kingdom* | *$3,086,000* |
| | *Schweinfurt, Germany* | *$1,444,000* |
| | *Sigonella, Italy* | *$971,000* |
| | *Wuerzburg, Germany* | *$1,798,000* |
| *Defense Finance and Accounting Service* | *Kleber Kaserne, Germany* | *$7,500,000* |
| *Defense Logistics Agency.* | *Defense Fuel Support Point, Andersen Air Force Base, Guam* | *$36,000,000* |
| | *Defense Fuel Support Point, Marine Corps Air Station, Iwakuni, Japan* | *$22,400,000* |
| | *Defense Fuel Support Point, Misawa Air Base, Japan* | *$26,400,000* |
| | *Defense Fuel Support Point, Royal Air Force, Mildenhall, United Kingdom* | *$10,000,000* |
| | *Defense Fuel Support Point, Sigonella, Italy* | *$16,300,000* |
| *Defense Threat Reduction Agency* | *Darmstadt, Germany* | *$2,450,000* |
| *Special Operations Command.* | *Roosevelt Roads, Puerto Rico* | *$1,241,000* |
| | *Taegu, Korea* | *$1,450,000* |
| *TRICARE Management Agency* | *Kitzingen, Germany* | *$1,400,000* |
| | *Wiesbaden Air Base, Germany* | *$7,187,000* |
| | *Total:* | *$155,714,000* |

*(c) UNSPECIFIED WORLDWIDE.—Using amounts appropriated pursuant to the authorization of appropriations in section 2402(a)(3), the Secretary of Defense may acquire real property and carry out military construction projects for the installations and locations, and in the amounts, set forth in the following table:*

### *Defense Agencies: Unspecified Worldwide*

| Location | Installation | Amount |
|---|---|---|
| *Unspecified Worldwide.* | *Unspecified Worldwide* | *$451,135,000* |

### SEC. 2402. AUTHORIZATION OF APPROPRIATIONS, DEFENSE AGENCIES.

*(a) IN GENERAL.—Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for military construction, land acquisition, and military family housing functions of the Department of Defense (other than the military departments), in the total amount of $2,034,759,000, as follows:*

*(1) For military construction projects inside the United States authorized by section 2401(a), $262,415,000.*

*(2) For military construction projects outside the United States authorized by section 2401(b), $155,714,000.*

*(3) For the military construction projects at unspecified worldwide locations authorized by section 2401(c), $85,095,000.*

*(4) For unspecified minor construction projects under section 2805 of title 10, United States Code, $17,390,000.*

*(5) For contingency construction projects of the Secretary of Defense under section 2804 of title 10, United States Code, $10,000,000.*

*(6) For architectural and engineering services and construction design under section 2807 of title 10, United States Code, $75,705,000.*

*(7) For base closure and realignment activities as authorized by the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note), $1,174,369,000.*

*(8) For military family housing functions, for support of military housing (including functions described in section 2833 of title 10, United States Code), $44,886,000 of which not more than $38,478,000 may be obligated or expended for the leasing of military family housing units worldwide.*

*(9) For the construction of an ammunition demilitarization facility, Pine Bluff Arsenal, Arkansas, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3040), as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996 (division B of Public Law 104–106; 110 Stat. 539), section 2408 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1982), and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2197), $43,600,000.*

*(10) For the construction of phase 6 of an ammunition demilitarization facility, Umatilla Army Depot, Oregon, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1995, as amended by section 2407 of the Military Construction Authorization Act for Fiscal Year 1996, section 2408 of the Military Construction Authorization Act for Fiscal Year 1998, and section 2406 of the Military Construction Authorization Act for Fiscal Year 1999, $9,400,000.*

*(11) For the construction of phase 2 of an ammunition demilitarization facility, Pueblo Army Depot, Colorado, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2775), as amended by section 2406 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 839), $10,700,000.*

*(12) For the construction of phase 3 of an ammunition demilitarization facility, Newport Army Depot, Indiana, authorized by section*

2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2193), $54,400,000.

(13) For the construction of phase 3 of an ammunition demilitarization facility, Aberdeen Proving Ground, Maryland, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 1999 (112 Stat. 2193), $45,700,000.

(14) For construction of a replacement hospital at Fort Wainwright, Alaska, authorized by section 2401(a) of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 836), $44,000,000.

(15) For the construction of the Ammunition Demilitarization Support Phase 2, Blue Grass Army Depot, Kentucky, authorized in section 2401(a) the Military Construction Act for Fiscal Year 2000 (113 Stat. 836), $8,500,000.

(b) Limitation of Total Cost of Construction Projects.—Notwithstanding the cost variation authorized by section 2853 of title 10, United States Code, and any other cost variations authorized by law, the total cost of all projects carried out under section 2401 of this Act may not exceed—

(1) the total amount authorized to be appropriated under paragraphs (1) and (2) of subsection (a); and

(2) $366,040,000 (the balance of the amount authorized under section 2401(c) for construction of National Missile Defense initial deployment facilities, unspecified worldwide locations).

(c) Adjustment.—The total amount authorized to be appropriated pursuant to paragraphs (1) through (15) of subsection (a) is the sum of the amounts authorized to be appropriated in such paragraphs, reduced by $7,115,000, which represents the combination of savings resulting from adjustments to foreign currency exchange rates for military construction outside the United States.

### TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

#### SEC. 2501. AUTHORIZED NATO CONSTRUCTION AND LAND ACQUISITION PROJECTS.

The Secretary of Defense may make contributions for the North Atlantic Treaty Organization Security Investment program as provided in section 2806 of title 10, United States Code, in an amount not to exceed the sum of the amount authorized to be appropriated for this purpose in section 2502 and the amount collected from the North Atlantic Treaty Organization as a result of construction previously financed by the United States.

#### SEC. 2502. AUTHORIZATION OF APPROPRIATIONS, NATO.

Funds are hereby authorized to be appropriated for fiscal years beginning after September 30, 2000, for contributions by the Secretary of Defense under section 2806 of title 10, United States Code, for the share of the United States of the cost of projects for the North Atlantic Treaty Organization Security Investment program authorized by section 2501, in the amount of $177,500,000.

### TITLE XXVI—GUARD AND RESERVE FACILITIES

#### SEC. 2601. AUTHORIZED GUARD AND RESERVE CONSTRUCTION AND LAND ACQUISITION PROJECTS.

There are authorized to be appropriated for fiscal years beginning after September 30, 2000, for the costs of acquisition, architectural and engineering services, and construction of facilities for the Guard and Reserve Forces, and for contributions therefor, under chapter 1803 of title 10, United States Code (including the cost of acquisition of land for those facilities), the following amounts:

(1) For the Department of the Army—

(A) for the Army National Guard of the United States, $129,139,000; and

(B) for the Army Reserve, $104,854,000.

(2) For the Department of the Navy, for the Naval and Marine Corps Reserve, $56,574,000.

(3) For the Department of the Air Force—

(A) for the Air National Guard of the United States, $110,885,000; and

(B) for the Air Force Reserve, $41,748,000.

### TITLE XXVII—EXPIRATION AND EXTENSION OF AUTHORIZATIONS

#### SEC. 2701. EXPIRATION OF AUTHORIZATIONS AND AMOUNTS REQUIRED TO BE SPECIFIED BY LAW.

(a) Expiration of Authorizations After Three Years.—Except as provided in subsection (b), all authorizations contained in titles XXI through XXVI for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) shall expire on the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for military construction for fiscal year 2004.

(b) Exception.—Subsection (a) shall not apply to authorizations for military construction projects, land acquisition, family housing projects and facilities, and contributions to the North Atlantic Treaty Organization Security Investment program (and authorizations of appropriations therefor) for which appropriated funds have been obligated before the later of—

(1) October 1, 2003; or

(2) the date of the enactment of an Act authorizing funds for fiscal year 2004 for military construction projects, land acquisition, family housing projects and facilities, or contributions to the North Atlantic Treaty Organization Security Investment program.

#### SEC. 2702. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1998 PROJECTS.

(a) Extension.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1998 (division B of Public Law 105–85; 111 Stat. 1984), authorizations set forth in the tables in subsection (b), as provided in section 2102, 2202, or 2302 of that Act, shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.

(b) Tables.—The tables referred to in subsection (a) are as follows:

**Army: Extension of 1998 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| Maryland .... | Fort Meade | Family Housing Construction (56 units) | $7,900,000 |
| Texas .......... | Fort Hood ... | Family Housing Construction (130 units) | $18,800,000 |

**Navy: Extension of 1998 Project Authorizations**

| State | Installation or location | Project | Amount |
|---|---|---|---|
| California ... | Naval Complex, San Diego ....... | Replacement Family Housing Construction (94 units) | $13,500,000 |
| California ... | Marine Corps Air Station, Miramar .. | Family Housing Construction (166 units) | $28,881,000 |
| California ... | Marine Corps Air-Ground Combat Center, Twentynine Palms .. | Replacement Family Housing Construction (132 units) | $23,891,000 |
| Louisiana ... | Naval Complex, New Orleans ... | Replacement Family Housing Construction (100 units) | $11,930,000 |
| Texas .......... | Naval Air Station, Corpus Christi ..... | Family Housing Construction (212 units) | $22,250,000 |
| Washington | Naval Air Station, Whidbey Island ...... | Replacement Family Housing Construction (102 units) | $16,000,000 |

### *Air Force: Extension of 1998 Project Authorizations*

| *State* | *Installation or location* | *Project* | *Amount* |
|---|---|---|---|
| *Georgia* | *Robins Air Force Base* | *Replace Family Housing (60 units)* | *$6,800,000* |
| *Idaho* | *Mountain Home Air Force Base* | *Replace Family Housing (60 units)* | *$11,032,000* |
| *New Mexico* | *Kirtland Air Force Base* | *Replace Family Housing (180 units)* | *$20,900,000* |
| *Texas* | *Dyess Air Force Base* | *Construct Family Housing (70 units)* | *$10,503,000* |

**SEC. 2703. EXTENSION OF AUTHORIZATIONS OF CERTAIN FISCAL YEAR 1997 PROJECTS.**

*(a) EXTENSION.—Notwithstanding section 2701 of the Military Construction Authorization Act for Fiscal Year 1997 (division B of Public Law 104–201; 110 Stat. 2782), authorizations set forth in the table in subsection (b), as provided in section 2201 or 2202 of that Act and extended by section 2702 of the Military Construction Authorization Act for Fiscal Year 2000 (division B of Public Law 106–65; 113 Stat. 842), shall remain in effect until October 1, 2001, or the date of the enactment of an Act authorizing funds for military construction for fiscal year 2002, whichever is later.*

*(b) TABLE.—The table referred to in subsection (a) is as follows:*

### *Navy: Extension of 1997 Project Authorizations*

| *State* | *Installation or location* | *Project* | *Amount* |
|---|---|---|---|
| *Florida* | *Navy Station, Mayport* | *Family Housing Construction (100 units)* | *$10,000,000* |
| *North Carolina.* | *Marine Corps Base, Camp Lejeune* | *Family Housing Construction (94 units)* | *$10,110,000* |
| *South Carolina.* | *Marine Corps Air Station, Beaufort* | *Family Housing Construction (140 units)* | *$14,000,000* |
| *Texas* | *Naval Complex, Corpus Christi* | *Family Housing Replacement (104 units)* | *$11,675,000* |
| | *Naval Air Station, Kingsville* | *Family Housing Replacement (48 units)* | *$7,550,000* |
| *Virginia* | *Marine Corps Combat Development Command, Quantico* | *Infrastructure Development* | *$8,900,000* |
| *Washington* | *Naval Station, Everett* | *Family Housing Construction (100 units)* | *$15,015,000* |

**SEC. 2704. EFFECTIVE DATE.**

*Titles XXI, XXII, XXIII, XXIV, XXV, and XXVI shall take effect on the later of—*

*(1) October 1, 2000; or*

*(2) the date of the enactment of this Act.*

## *TITLE XXVIII—GENERAL PROVISIONS*

### *Subtitle A—Military Construction Program and Military Family Housing Changes*

**SEC. 2801. REVISION OF LIMITATIONS ON SPACE BY PAY GRADE.**

*Section 2826 of title 10, United States Code, is amended to read as follows:*

**"§2826. Limitations on space by pay grade**

*"In the construction, acquisition, and improvement of military family housing units, the Secretary concerned shall ensure that the room patterns and floor areas are generally comparable to the room patterns and floor areas of similar housing units in the locality concerned.".*

**SEC. 2802. LEASING OF MILITARY FAMILY HOUSING, UNITED STATES SOUTHERN COMMAND, MIAMI, FLORIDA.**

*(a) FIVE-YEAR LEASE; PAYMENT SOURCE.—Subsection (b)(4) of section 2828 of title 10, United States Code, is amended—*

*(1) by striking "and no lease on any individual housing unit may exceed $60,000 per year" and inserting "and the lease payments shall be made out of annual appropriations for that year"; and*

*(2) by adding at the end the following new sentence: "A lease under this paragraph may not exceed five years.".*

*(b) HOUSING ADJUSTMENT.—Such subsection is further amended—*

*(1) by inserting "(A)" after "(4)"; and*

*(2) by adding at the end the following new subparagraph:*

*"(B) At the beginning of each fiscal year, the Secretary of the Army shall adjust the maximum amount provided for leases under subparagraph (A) for the previous fiscal year by the percentage (if any) by which the basic allowance for housing under section 403 of title 37 for the Miami metropolitan area during the preceding fiscal year exceeded such basic allowance for housing for the second preceding fiscal year.".*

*(c) CONFORMING AMENDMENT.—Subsection (b)(5) of such section is amended by striking "paragraphs (2), (3), and (4)"and inserting "paragraphs (2) and (3)".*

**SEC. 2803. EXTENSION OF ALTERNATIVE AUTHORITY FOR ACQUISITION AND IMPROVEMENT OF MILITARY HOUSING.**

*Section 2885 of title 10, United States Code, is amended by striking "2001" and inserting "2006".*

**SEC. 2804. EXPANSION OF DEFINITION OF ARMORY TO INCLUDE READINESS CENTERS.**

*(a) DEFINITION.—Section 18232(3) of title 10, United States Code, is amended by striking "The term 'armory' means" and inserting "The terms 'armory' and 'readiness center' mean.*

*(b) CONFORMING AMENDMENTS.—(1) Section 18232(2) of such title is amended by striking "armory or other structure" and inserting "armory, readiness center, or other structure".*

*(2) Section 18236(b) of such title by inserting "or readiness center" after "armory".*

### *Subtitle B—Real Property and Facilities Administration*

**SEC. 2811. INCREASE IN THRESHOLD FOR NOTICE AND WAIT REQUIREMENTS FOR REAL PROPERTY TRANSACTIONS.**

*(a) INCREASED THRESHOLD.—Section 2662 of title 10, United States Code, is amended by striking "$200,000" each place it appears and inserting thereof "$500,000".*

*(b) REFERENCE TO SIMPLIFIED ACQUISITION THRESHOLD.—Subsection (b) of such section is amended by striking "under section 2304(g) of this title" and inserting "specified in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11)),".*

**SEC. 2812. ENHANCEMENT OF AUTHORITY OF MILITARY DEPARTMENTS TO LEASE NON-EXCESS PROPERTY.**

*(a) PROPERTY AVAILABLE FOR LEASE.—Subsection (a) of section 2667 of title 10, United States Code, is amended—*

*(1) by inserting "and" at the end of paragraph (1);*

*(2) by striking paragraph (2); and*

*(3) by redesignating paragraph (3) as paragraph (2).*

*(b) ACCEPTANCE OF IN-KIND CONSIDERATION.—Such section is further amended—*

*(1) in subsection (b)(5)—*

*(A) by striking "improvement, maintenance, protection, repair, or restoration," and inserting "alteration, repair, or improvement,"; and*

*(B) by striking ", or of the entire unit or installation where a substantial part of it is leased,";*

*(2) by transferring subsection (c) to the end of the section and redesignating such subsection, as so transferred, as subsection (i);*

*(3) by inserting after subsection (b) the following new subsection (c):*

*"(c)(1) In addition to any in-kind consideration accepted under subsection (b)(5), in-kind*

*consideration accepted with respect to a lease under this section may include the following:*

*"(A) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities under the control of the Secretary concerned.*

*"(B) Provision of facilities for use by the Secretary concerned.*

*"(C) Facilities operation support for the Secretary concerned.*

*"(D) Provision of such other services relating to activities that will occur on the leased property as the Secretary concerned considers appropriate.*

*"(2) In-kind consideration under paragraph (1) may be accepted at any property or facilities under the control of the Secretary concerned that are selected for that purpose by the Secretary concerned.*

*"(3) The Secretary concerned may not accept in-kind consideration during a fiscal year with respect to leases under this section until the Comptroller General certifies to the Secretary concerned that the total received by the Secretary concerned as money rentals for that fiscal year under such leases is equal to the total money rentals under such leases received by the Secretary concerned during fiscal year 2000.*

*"(4) In the case of a lease for which all or part of the consideration proposed to be accepted by the Secretary concerned under this subsection is in-kind consideration with a value in excess of $500,000, the Secretary concerned may not enter into the lease until 30 days after the date on which a report on the facts of the lease is submitted to the congressional defense committees."; and*

*(4) in subsection (f)—*

*(A) by striking paragraph (4); and*

*(B) by redesignating paragraph (5) as paragraph (4).*

*(c) USE OF CASH PROCEEDS AND CONGRESSIONAL NOTIFICATION.—Subsection (d) of such section is amended—*

*(1) in paragraph (1), by striking subparagraph (B) and inserting the following new subparagraphs:*

*"(B) Subject to subparagraphs (C) and (D), the amounts deposited in the special account of a military department pursuant to subparagraph (A) shall be available to the Secretary of that military department, in such amounts as provided in appropriation Acts, for the following:*

*"(i) Maintenance, protection, alteration, repair, improvement, or restoration (including environmental restoration) of property or facilities.*

*"(ii) Lease of facilities.*

*"(iii) Facilities operation support.*

*"(C) At least 50 percent of the amounts deposited in the special account of a military department under subparagraph (A) by reason of a lease shall be available for activities described in subparagraph (B) only at the military installation where the leased property is located.*

*"(D) The Secretary concerned may not expend under subparagraph (B) an amount in excess of $500,000 at a single installation until 30 days after the date on which a report on the facts of the proposed expenditure is submitted to the congressional defense committees."; and*

*(2) in paragraph (3)—*

*(A) in the matter preceding subparagraph (A), by striking "As part" and all that follows through "Secretary of Defense" and inserting "Not later than March 15 each year, the Secretary of Defense shall submit to the congressional defense committees a report which"; and*

*(B) in subparagraph (A), by striking "request" and inserting "report".*

*(e) DEFINITIONS.—Subsection (h) of such section is amended to read as follows:*

*"(h) In this section:*

*"(1) The term 'congressional defense committees' means:*

*"(A) The Committee on Armed Services and the Committee on Appropriations of the Senate.*

*"(B) The Committee on Armed Services and the Committee on Appropriations of the House of Representatives.*

*"(2) The term 'base closure law' means the following:*

*"(A) Section 2687 of this title.*

*"(B) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note).*

*"(C) Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. 2687 note).*

*"(3) The term 'military installation' has the meaning given such term in section 2687(e)(1) of this title.".*

### SEC. 2813. CONVEYANCE AUTHORITY REGARDING UTILITY SYSTEMS OF MILITARY DEPARTMENTS.

*Subsection (b) of section 2688 of title 10, United States Code, is amended to read as follows:*

*"(b) SELECTION OF CONVEYEE OR AWARDEE.—(1) The Secretary concerned shall comply with the competition requirements of section 2304 of this title in conveying a utility system under this section and in awarding any utility services contract related to the conveyance of the utility system.*

*"(2) A conveyance or award may be made under paragraph (1) only if the Secretary concerned determines that the conveyance or award complies with State laws, regulations, rulings, and policies governing the provision of utility services. Such State laws, regulations, rulings, and policies shall apply to the conveyee or awardee notwithstanding the existence of exclusive federal legislative jurisdiction as to any parcels of land served by the utility system.".*

## Subtitle C—Land Conveyances

## PART I—ARMY CONVEYANCES

### SEC. 2831. TRANSFER OF JURISDICTION, ROCK ISLAND ARSENAL, ILLINOIS.

*(a) TRANSFER AUTHORIZED.—The Secretary of the Army may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of Veterans Affairs a parcel of real property, including any improvements thereon, consisting of approximately 23 acres and comprising a portion of the Rock Island Arsenal, Illinois.*

*(b) USE OF LAND.—The Secretary of Veterans Affairs shall include the real property transferred under subsection (a) in the Rock Island National Cemetery and use the transferred property as a national cemetery under chapter 24 of title 38, United States Code.*

*(c) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Army. The cost of the survey shall be borne by the Secretary of Veterans Affairs.*

*(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Army considers appropriate to protect the interests of the United States.*

### SEC. 2832. LAND CONVEYANCE, ARMY RESERVE CENTER, GALESBURG, ILLINOIS.

*(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Knox County, Illinois (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Galesburg, Illinois, consisting of approximately 4.65 acres and containing an Army Reserve Center for the purpose of permitting the County to use the parcel for municipal office space.*

*(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.*

*(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### SEC. 2833. LAND CONVEYANCE, ARMY RESERVE CENTER, WINONA, MINNESOTA.

*(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Winona State University Foundation of Winona, Minnesota (in this section referred to as the "Foundation"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Winona, Minnesota, containing an Army Reserve Center for the purpose of permitting the Foundation to use the parcel for educational purposes.*

*(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Foundation.*

*(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### SEC. 2834. LAND CONVEYANCE, FORT POLK, LOUISIANA.

*(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Louisiana (in this section referred to as the "State"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 200 acres at Fort Polk, Louisiana, for the purpose of permitting the State to establish a State-run cemetery for veterans.*

*(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State.*

*(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### SEC. 2835. LAND CONVEYANCE, FORT PICKETT, VIRGINIA.

*(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Commonwealth of Virginia (in this section referred to as the "Commonwealth"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 700 acres at Fort Pickett, Virginia, for the purpose of permitting the Commonwealth to develop and operate a public safety training facility.*

*(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Commonwealth.*

*(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### SEC. 2836. LAND CONVEYANCE, FORT DIX, NEW JERSEY.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Pemberton Township, New Jersey (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property at Fort Dix, New Jersey, consisting of approximately 2 acres and containing a parking lot inadvertently constructed on the parcel by the Township.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) CONDITIONS ON CONVEYANCE.—The conveyance authorized under subsection (a) shall be subject to the conditions that—

(1) the Township accept the property as is; and

(2) the Township assume responsibility for any environmental restoration or remediation required with respect to the property under applicable law.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2837. LAND CONVEYANCE, NIKE SITE 43, ELRAMA, PENNSYLVANIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Board of Supervisors of Union Township, Pennsylvania (in this section referred to as the "Township"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, in Elrama, Pennsylvania, consisting of approximately 160 acres, which is known as Nike Site 43 and was more recently used by the Pennsylvania Army National Guard, for the purpose of permitting the Township to use the parcel for municipal storage and other public purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Township.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2838. LAND EXCHANGE, FORT HOOD, TEXAS.

(a) EXCHANGE AUTHORIZED.—The Secretary of the Army may convey to the City of Copperas Cove, Texas (in this section referred to as the "City"), all right, title and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 100 acres at Fort Hood, Texas, in exchange for the City's conveyance to the Secretary of all right, title, and interest of the City in and to one or more parcels of real property that are acceptable to the Secretary and consist of a total of approximately 300 acres.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2839. LAND CONVEYANCE, CHARLES MELVIN PRICE SUPPORT CENTER, ILLINOIS.

(a) CONVEYANCE AUTHORIZED.—(1) The Secretary of the Army may convey to the Tri-City Regional Port District of Granite City, Illinois (in this section referred to as the "Port District"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 752 acres and known as the U.S. Army Charles Melvin Price Support Center, for the purpose of permitting the Port District to use the parcel for development of a port facility and for other public purposes.

(2) The property to be conveyed under paragraph (1) shall include 158 units of military family housing at the Charles Melvin Price Support Center for the purpose of permitting the Port District to use the housing to provide affordable housing, but only if the Port District agrees to provide members of the Armed Forces first priority in leasing the housing at a rental rate not to exceed the member's basic allowance for housing.

(3) The Secretary of the Army may include as part of the conveyance under paragraph (1) personal property of the Army at the Charles Melvin Price Support Center that the Secretary of Transportation recommends is appropriate for the development or operation of the port facility and the Secretary of the Army agrees is excess to the needs of the Army.

(b) INTERIM LEASE.—Until such time as the real property described in subsection (a) is capable of being conveyed by deed, the Secretary of the Army may lease the property to the Port District.

(c) CONSIDERATION.—(1) The conveyance under subsection (a) shall be made without consideration as a public benefit conveyance for port development if the Secretary of the Army determines that the Port District satisfies the criteria specified in section 203(q) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(q)) and regulations prescribed to implement such section. If the Secretary determines that the Port District fails to qualify for a public benefit conveyance, but still desires to acquire the property, the Port District shall pay to the United States an amount equal to the fair market value of the property to be conveyed. The fair market value of the property shall be determined by the Secretary of the Army.

(2) The Secretary of the Army may accept as consideration for a lease of the property under subsection (b) an amount that is less than fair market value if the Secretary determines that the public interest will be served as a result of the lease and the fair market value is unobtainable or is not compatible with the public interest.

(d) ARMY RESERVE ACTIVITIES.—(1) Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain up to 50 acres of the parcel for use by the Army Reserve. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed for Army Reserve activities, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(e) NAVY ENCLAVE.—Notwithstanding the total acreage of the parcel authorized for conveyance under subsection (a), the Secretary of the Army may retain an additional portion of the parcel, up to 150 acres, for the development of a Navy enclave to support the existing Federal use of the parcel. The acreage selected for retention shall be mutually agreeable to the Secretary and the Port District.

(2) At such time as the Secretary of the Army determines that the property retained under this subsection is no longer needed, the Secretary shall convey the property to the Port District. The consideration for the conveyance shall be determined in the manner provided in subsection (c).

(f) FLOOD CONTROL EASEMENT.—The Port District shall grant to the Secretary of the Army an easement on the property conveyed under subsection (a) for the purpose of permitting the Secretary to implement and maintain flood control projects. The Secretary of the Army, acting through the Corps of Engineers, shall be responsible for the maintenance of any flood control project built on the property pursuant to the easement.

(g) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Port District. The cost of such survey shall be borne by the Port District.

(h) ADDITIONAL TERMS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2840. LAND CONVEYANCE, ARMY RESERVE LOCAL TRAINING CENTER, CHATTANOOGA, TENNESSEE.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the Medal of Honor Museum, Inc., a nonprofit corporation organized in the State of Tennessee (in this section referred to as the "Corporation"), all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 15 acres at the Army Reserve Local Training Center located on Bonnie Oaks Drive, Chattanooga, Tennessee, for the purpose of permitting the Corporation to develop and use the parcel as a museum and for other educational purposes.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Corporation.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

## PART II—NAVY CONVEYANCES

### SEC. 2851. MODIFICATION OF AUTHORITY FOR OXNARD HARBOR DISTRICT, PORT HUENEME, CALIFORNIA, TO USE CERTAIN NAVY PROPERTY.

(a) ADDITIONAL RESTRICTIONS ON JOINT USE.—Subsection (c) of section 2843 of the Military Construction Authorization Act for Fiscal Year 1995 (division B of Public Law 103–337; 108 Stat. 3067) is amended to read as follows:

"(c) RESTRICTIONS ON USE.—The District's use of the property covered by an agreement under subsection (a) is subject to the following conditions:

"(1) The District shall suspend operations under the agreement upon notification by the commanding officer of the Center that the property is needed to support mission essential naval vessel support requirements or Navy contingency operations, including combat missions, natural disasters, and humanitarian missions.

"(2) The District shall use the property covered by the agreement in a manner consistent with Navy operations at the Center, including cooperating with the Navy for the purpose of assisting the Navy to meet its through-put requirements at the Center for the expeditious movement of military cargo.

"(3) The commanding officer of the Center may require the District to remove any of its personal property at the Center that the commanding officer determines may interfere with military operations at the Center. If the District cannot expeditiously remove the property, the commanding officer may provide for the removal of the property at District expense.''.

(b) CONSIDERATION.—Subsection (d) of such section is amended to read as follows:

''(d) CONSIDERATION.—(1) As consideration for the use of the property covered by an agreement under subsection (a), the District shall pay to the Navy an amount that is mutually agreeable to the parties to the agreement, taking into account the nature and extent of the District's use of the property.

''(2) The Secretary may accept in-kind consideration under paragraph (1), including consideration in the form of—

''(A) the District's maintenance, preservation, improvement, protection, repair, or restoration of all or any portion of the property covered by the agreement;

''(B) the construction of new facilities, the modification of existing facilities, or the replacement of facilities vacated by the Navy on account of the agreement; and

''(C) covering the cost of relocation of the operations of the Navy from the vacated facilities to the replacement facilities.

''(3) All cash consideration received under paragraph (1) shall be deposited in the special account in the Treasury established for the Navy under section 2667(d) of title 10, United States Code. The amounts deposited in the special account pursuant to this paragraph shall be available, as provided in appropriation Acts, for general supervision, administration, overhead expenses, and Center operations and for the maintenance preservation, improvement, protection, repair, or restoration of property at the Center.''.

(c) CONFORMING AMENDMENTS.—Such section is further amended—

(1) by striking subsection (f); and

(2) by redesignating subsections (g) and (h) as subsections (f) and (g), respectively.

### SEC. 2852. MODIFICATION OF LAND CONVEYANCE, MARINE CORPS AIR STATION, EL TORO, CALIFORNIA.

Section 2811(a)(2) of the National Defense Authorization Act for Fiscal Years 1990 and 1991 (Public Law 101–189; 103 Stat. 1650) is amended by striking ''of additional military family housing units at Marine Corps Air Station, Tustin, California'' and inserting ''and repair of roads, and the development of Aerial Port of Embarkation facilities, at Marine Corps Air Station, Miramar, California''.

### SEC. 2853. TRANSFER OF JURISDICTION, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) TRANSFER AUTHORIZED.—The Secretary of the Navy may transfer, without reimbursement, to the administrative jurisdiction of the Secretary of the Interior a parcel of real property, including any improvements thereon, consisting of approximately 250 acres and known as the Teacup Parcel, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(b) USE OF LAND.—The Secretary of the Interior shall include the real property transferred under subsection (a) as a part of the Vernal Pool Unit of the San Diego National Wildlife Refuge and administer the property for the conservation of fish and wildlife. All current and future military aviation and related activities at the Marine Corps Air Station, Miramar, are deemed to be compatible with the refuge purposes for which the property is transferred, and with any secondary uses that may be established on the transferred property.

(c) CONDITION ON TRANSFER.—The transfer authorized under subsection (a) shall be subject to the condition that the Secretary of the Interior make the transferred property available to the Secretary of the Navy for any habitat restoration or preservation project that may be required for mitigation of military activities occurring at the Marine Corps Air Station, Miramar, unless the Secretary of the Interior determines that the project adversely affect the property's sensitive wildlife and habitat resource values.

(d) LEGAL DESCRIPTION.—The exact acreage and legal description of the real property to be transferred under this section shall be determined by a survey satisfactory to the Secretary of the Navy. The cost of the survey shall be borne by the Secretary of the Interior.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Navy may require such additional terms and conditions in connection with the transfer under this section as the Secretary of the Navy considers appropriate to protect the interests of the United States.

### SEC. 2854. LEASE OF PROPERTY, MARINE CORPS AIR STATION, MIRAMAR, CALIFORNIA.

(a) AUTHORITY TO LEASE.—(1) The Secretary of the Navy may lease, without consideration, to the City of San Diego, California (in this section referred to as the ''City''), a parcel of real property, including any improvements thereon, consisting of approximately 44 acres and known as the Hickman Field, which comprises a portion of the Marine Corps Air Station, Miramar, California.

(2) The lease authorized by paragraph (1) may have a term not to exceed five years.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the City.

(c) CONDITIONS ON LEASE.—The lease authorized under subsection (a) shall be subject to the conditions that—

(1) the City maintain the property at no cost to the United States;

(2) the City make the property available to the existing tenant at no cost during the term of the lease; and

(3) the property be used only for recreational purposes.

(d) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2855. LEASE OF PROPERTY, NAVAL AIR STATION, PENSACOLA, FLORIDA.

(a) AUTHORITY TO LEASE.—The Secretary of the Navy may lease, without consideration, to the Naval Aviation Museum Foundation (in this section referred to as the ''Foundation'') real property improvements constructed by the Foundation at the National Museum of Naval Aviation at Naval Air Station, Pensacola, Florida, for the purpose of permitting the Foundation to operate a National Flight Academy to encourage and assist American young people to develop an interest in naval aviation and to preserve and enhance the image and heritage of naval aviation.

(b) CONSTRUCTION.—The Foundation shall be solely responsible for the design and construction of the real property improvements referred to in subsection (a). Upon completion, the improvements shall be donated to and become the property of the United States, subject to the terms of the lease under subsection (a).

(c) TERM OF LEASE.—(1) The lease authorized by subsection (a) may be for a term of up to 50 years, with an option to renew for an additional 50 years.

(2) In the event that the National Flight Academy ceases operation for a period in excess of one year during the leasehold period, or any extension thereof, the lease shall immediately terminate without cost or future liability to the United States.

(d) USE BY NAVY.—The Secretary may use all or a portion of the leased property when the National Flight Academy is not in session or whenever the use of the property would not conflict with operation of the Academy. The Foundation shall permit such use at no cost to the Navy.

(e) MAINTENANCE AND REPAIR.—The Foundation shall be solely responsible during the leasehold period, and any extension thereof, for the operation, maintenance, and repair or replacement of the real property improvements authorized for lease under this section.

(f) ASSISTANCE.—(1) Subject to subsection (e), the Secretary may assist the Foundation in implementing the National Flight Academy by furnishing facilities, utilities, maintenance, and other services within the boundaries of Naval Air Station, Pensacola. The Secretary may require the Foundation to reimburse the Secretary for the facilities, utilities, maintenance, or other services so provided or may provide the facilities, utilities, maintenance, or other services without reimbursement by the Foundation.

(2) Any assistance provided the Foundation pursuant to paragraph (1) may be terminated by the Secretary without notice, cause, or liability to the United States.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### SEC. 2856. LAND EXCHANGE, MARINE CORPS RECRUIT DEPOT, SAN DIEGO, CALIFORNIA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Navy may convey to the San Diego Unified Port District of San Diego California (in this section referred to as the ''Port District''), all right, title, and interest of the United States in and to three parcels of real property, including improvements thereon, consisting of approximately 44.5 acres and comprising a portion of the Marine Corps Recruit Depot, San Diego, California, in exchange for the Port District's—

(1) conveyance to the Secretary of all right, title, and interest of Port District in and to a parcel of real property that is acceptable to the Secretary and contiguous to the recruit depot; and

(2) construction of suitable replacement facilities and necessary supporting structures on the parcel or other property comprising the recruit depot, as determined necessary by the Secretary.

(b) TIME FOR CONVEYANCE.—The Secretary may not make the conveyance to the Port District authorized by subsection (a) until the Secretary determines that the replacement facilities have been constructed and are ready for occupancy.

(c) ADMINISTRATIVE EXPENSES.—The Port District shall reimburse the Secretary for administrative expenses incurred by the Secretary in carrying out the exchange under subsection (a), including expenses related to the planning, design, survey, environmental compliance, and supervision and inspection of construction of the replacement facilities. Section 2695(c) of title 10, United States Code, shall apply to the amounts received by the Secretary.

(d) CONSTRUCTION SCHEDULE.—The Port District shall construct the replacement facilitates pursuant to such schedule and in such a manner so as to not interrupt or adversely affect the capability of the Marine Corps Recruit Depot to accomplish its mission.

(e) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection *(a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Port District.*

*(f) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### *SEC. 2857. LAND EXCHANGE, NAVAL AIR RESERVE CENTER, COLUMBUS, OHIO.*

*(a) Exchange Authorized.—The Secretary of the Navy may convey to the Rickenbacker Port Authority of Columbus, Ohio (in this section referred to as the "Authority"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 24 acres comprising the civilian facilities of the Naval Air Reserve at Rickenbacker International Airport in Franklin County, Ohio, in exchange for the Authority's conveyance to the Secretary of all right, title, and interest of the Authority in and to a parcel of real property consisting of approximately 10 to 15 acres acceptable to the Secretary at Rickenbacker International Airport.*

*(b) Use of Acquired Property.—The Secretary shall use the real property acquired from the Authority in the exchange as the site for a replacement facility that will house both the Naval Air Reserve Center at Rickenbacker International Airport and the Naval and Marine Corps Reserve Center currently located in Columbus, Ohio.*

*(c) Time for Conveyance.—The Secretary may not make the conveyance to the Authority authorized by subsection (a) until the Secretary determines that the replacement facility described in subsection (b) has been constructed and is ready for occupancy.*

*(d) Description of Property.—The exact acreage and legal description of the parcels of real property to be exchanged under subsection (a) shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the Authority.*

*(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the exchange under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### *SEC. 2858. LAND CONVEYANCE, NAVAL RESERVE CENTER, TAMPA, FLORIDA.*

*(a) Conveyance Authorized.—The Secretary of the Navy may convey to the Tampa Port Authority of Tampa, Florida (in this section referred to as the "Port Authority"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 2.18 acres and comprising the Naval Reserve Center, Tampa, Florida, for the purpose of permitting the Port Authority to use the parcel to facilitate the expansion of the Port of Tampa.*

*(b) Conditions on Conveyance.—The conveyance authorized under subsection (a) shall be subject to the following conditions:*

*(1) The Port Authority will accept the Naval Reserve Center as is.*

*(2) The Port Authority will provide a replacement facility for the Naval Reserve Center on a site of comparable size and consisting of comparable improvements on port property or other public land acceptable to the Secretary. In the event that a federally owned site acceptable to the Secretary is not available for the construction of the replacement facility, the Port Authority will provide a site for the replacement facility acceptable to the Secretary and convey it in fee title to the United States.*

*(3) The Port Authority will procure all necessary funding and the planning and design necessary to construct a replacement facility that is fully operational and satisfies the Base Facilities Requirements plan, as provided by the Naval Reserve.*

*(4) The Port Authority will bear all reasonable costs that the Navy may incur in the relocating to the replacement facility.*

*(c) Time for Conveyance.—The Secretary may not make the conveyance authorized under subsection (a) until all of the conditions specified in subsection (b) have been met to the satisfaction of the Secretary.*

*(d) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Port Authority.*

*(e) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

## *PART III—AIR FORCE CONVEYANCES*

### *SEC. 2861. LAND CONVEYANCE, WRIGHT PATTERSON AIR FORCE BASE, OHIO.*

*(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to Greene County, Ohio, (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 92 acres comprising the communications test annex at Wright Patterson Air Force Base, Ohio, for the purpose of permitting the County to use the parcel for recreational purposes.*

*(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.*

*(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### *SEC. 2862. LAND CONVEYANCE, POINT ARENA AIR FORCE STATION, CALIFORNIA.*

*(a) Conveyance Authorized.—The Secretary of the Air Force may convey, without consideration, to Mendocino County, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of approximately 82 acres at the Point Arena Air Force Station, California, for the purpose of permitting the County to use the parcel for municipal and other public purposes.*

*(b) Description of Property.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the County.*

*(c) Effect of Reconveyance.—If at any time the County conveys all or a portion of the property conveyed under subsection (a), the County shall pay the United States an amount equal to the fair market value of the property conveyed, as determined by an appraisal satisfactory to the Secretary.*

*(d) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.*

### *SEC. 2863. LAND CONVEYANCE, LOS ANGELES AIR FORCE BASE, CALIFORNIA.*

*(a) Conveyance Authorized.—The Secretary of the Air Force may convey, by sale or lease upon such terms as the Secretary considers appropriate, all or any portion of the following parcels of real property, including improvements thereon, at Los Angeles Air Force Base, California:*

*(1) Approximately 42 acres in El Segundo, California, commonly known as Area A.*

*(2) Approximately 52 acres in El Segundo, California, commonly known as Area B.*

*(3) Approximately 13 acres in Hawthorne, California, commonly known as the Lawndale Annex.*

*(4) Approximately 3.7 acres in Sun Valley, California, commonly known as the Armed Forces Radio and Television Service Broadcast Center.*

*(b) Consideration.—As consideration for the conveyance of real property under subsection (a), the recipient of the property shall provide for the design and construction on real property acceptable to the Secretary of one or more facilities to consolidate the mission and support functions at Los Angeles Air Force Base. Any such facility must comply with the seismic and safety design standards for Los Angeles County, California, in effect at the time the Secretary takes possession of the facility.*

*(c) Leaseback Authority.—If the fair market value of a facility to be provided as consideration for the conveyance of real property under subsection (a) exceeds the fair market value of the conveyed property, the Secretary may enter into a lease for the facility for a period not to exceed 10 years. Rental payments under the lease shall be established at the rate necessary to permit the lessor to recover, by the end of the lease term, the difference between the fair market value of a facility and the fair market value of the conveyed property. At the end of the lease, all right, title, and interest in the facility shall vest in the United States.*

*(d) Appraisal of Property.—The Secretary shall obtain an appraisal of the fair market value of all property and facilities to be sold, leased, or acquired under this section. An appraisal shall be made by a qualified appraiser familiar with the type of property to be appraised. The Secretary shall consider the appraisals in determining whether a proposed conveyance accomplishes the purpose of this section and is in the interest of the United States. Appraisal reports shall not be released outside of the Federal Government, other than the other party to a conveyance.*

*(e) Description of Property.—The exact acreage and legal description of real property to be conveyed under subsection (a) or acquired under subsection (b) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the recipient of the property.*

*(f) Exemption.—Section 2696 of title 10, United States Code, does not apply to the conveyance authorized by subsection (a).*

*(g) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a conveyance under subsection (a) or a lease under subsection (c) as the Secretary considers appropriate to protect the interests of the United States.*

## *PART IV—OTHER CONVEYANCES*

### *SEC. 2871. CONVEYANCE OF ARMY AND AIR FORCE EXCHANGE SERVICE PROPERTY, FARMERS BRANCH, TEXAS.*

*(a) Conveyance Authorized.—The Secretary of Defense may authorize the Army and Air Force Exchange Service, which is a nonappropriated fund instrumentality of the United States, to sell all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, that is located at 2727 LBJ Freeway in Farmers Branch, Texas.*

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the purchaser.

(c) CONSIDERATION.—As consideration for conveyance under subsection (a), the purchaser shall pay, in a single lump sum payment, an amount equal to the fair market value of the real property conveyed, as determined by the Secretary. The payment shall be handled in the manner provided in section 204(c) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 485(c)).

(d) CONGRESSIONAL REPORT.—Within 30 days after the sale of the property under subsection (a), the Secretary shall submit to Congress a report detailing the particulars of the sale.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

### Subtitle D—Other Matters

#### SEC. 2881. RELATION OF EASEMENT AUTHORITY TO LEASED PARKLAND, MARINE CORPS BASE, CAMP PENDLETON, CALIFORNIA.

Section 2851 of the Military Construction Authorization Act for Fiscal Year 1999 (division B of Public Law 105–261; 112 Stat. 2219) is amended by adding at the end the following new subsection:

"(f) EXEMPTION FOR CERTAIN LEASED LANDS.—(1) Section 303 of title 49, and section 138 of title 23, United States Code, shall not apply to any approval by the Secretary of Transportation of the use by State Route 241 of parkland within Camp Pendleton that is leased by the State of California, where the lease reserved to the United States the right to establish rights-of-way.

"(2) The Agency shall be responsible for the implementation of any measures required by the Secretary of Transportation to mitigate the impact of the Agency's use of parkland within Camp Pendleton for State Route 241. With the exception of those mitigation measures directly related to park functions, the measures shall be located outside the boundaries of Camp Pendleton. The required mitigation measures related to park functions shall be implemented in accordance with the terms of the lease referred to in paragraph (1).".

#### SEC. 2882. EXTENSION OF DEMONSTRATION PROJECT FOR PURCHASE OF FIRE, SECURITY, POLICE, PUBLIC WORKS, AND UTILITY SERVICES FROM LOCAL GOVERNMENT AGENCIES.

Section 816(c) of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337; 108 Stat. 2820), as added by section 2873 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2225), is amended by striking "2000" and inserting "2002".

#### SEC. 2883. ESTABLISHMENT OF WORLD WAR II MEMORIAL ON GUAM.

(a) ESTABLISHMENT REQUIRED.—The Secretary of Defense shall establish on Federal lands near the Fena Caves in Guam a suitable memorial intended to honor those Guamanian civilians who were killed during the occupation of Guam during World War II and to commemorate the liberation of Guam by the United States Armed Forces in 1944.

(b) MAINTENANCE OF MEMORIAL.—The Secretary of Defense shall be responsible for the maintenance of the memorial established pursuant to subsection (a).

(c) CONSULTATION.—In designing and building the memorial and selecting the specific location for the memorial, the Secretary of Defense shall consult with the American Battle Monuments Commission established under chapter 21 of title 36, United States Code.

#### SEC. 2884. NAMING OF ARMY MISSILE TESTING RANGE AT KWAJALEIN ATOLL AS THE RONALD REAGAN BALLISTIC MISSILE DEFENSE TEST SITE AT KWAJALEIN ATOLL.

The United States Army missile testing range located at Kwajalein Atoll in the Marshall Islands shall after the date of the enactment of this Act be known and designated as the "Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll". Any reference to that range in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Ronald Reagan Ballistic Missile Defense Test Site at Kwajalein Atoll.

#### SEC. 2885. DESIGNATION OF BUILDING AT FORT BELVOIR, VIRGINIA, IN HONOR OF ANDREW T. MCNAMARA.

The building at 8725 John J. Kingman Road, Fort Belvoir, Virginia, shall be known and designated as the "Andrew T. McNamara Building". Any reference to that building in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Andrew T. McNamara Building.

#### SEC. 2886. DESIGNATION OF BALBOA NAVAL HOSPITAL, SAN DIEGO, CALIFORNIA, IN HONOR OF BOB WILSON, A FORMER MEMBER OF THE HOUSE OF REPRESENTATIVES.

The Balboa Naval Hospital in San Diego, California, shall be known and designated as the "Bob Wilson Naval Hospital". Any reference to the Balboa Naval Hospital in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the Bob Wilson Naval Hospital.

#### SEC. 2887. SENSE OF CONGRESS REGARDING IMPORTANCE OF EXPANSION OF NATIONAL TRAINING CENTER, FORT IRWIN, CALIFORNIA.

(a) FINDINGS.—The Congress finds the following:

(1) The National Training Center at Fort Irwin, California, is the Army's premier warfare training center.

(2) The National Training Center was cited by General Norman Schwarzkopf as being instrumental to the success of the allied victory in the Persian Gulf conflict.

(3) The National Training Center gives a military unit the opportunity to use high-tech equipment and confront realistic opposing forces in order to accurately discover the unit's strengths and weaknesses.

(4) The current size of the National Training Center is insufficient in light of the advanced equipment and technology required for modern warfare training.

(5) The expansion of the National Training Center to include additional lands would permit military units and members of the Armed Forces to adequately prepare for future conflicts and various warfare scenarios they may encounter throughout the world.

(6) Additional lands for the expansion of the National Training Center are presently available in the California desert.

(7) The expansion of the National Training Center is a top priority of the Army and the Office of the Secretary of Defense.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the prompt expansion of the National Training Center is vital to the national security interests of the United States.

## DIVISION C—DEPARTMENT OF ENERGY NATIONAL SECURITY AUTHORIZATIONS AND OTHER AUTHORIZATIONS

## TITLE XXXI—DEPARTMENT OF ENERGY NATIONAL SECURITY PROGRAMS

### Subtitle A—National Security Programs Authorizations

#### SEC. 3101. NATIONAL NUCLEAR SECURITY ADMINISTRATION.

(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for the activities of the National Nuclear Security Administration in carrying out programs necessary for national security in the amount of $6,269,435,000, to be allocated as follows:

(1) WEAPONS ACTIVITIES.—For weapons activities, $4,677,800,000, to be allocated as follows:

(A) For stewardship, $4,280,415,000, to be allocated as follows:

(i) For directed stockpile work, $856,603,000.

(ii) For campaigns, $2,057,014,000, to be allocated as follows:

(I) For operation and maintenance, $1,707,682,000.

(II) For construction, $349,332,000, to be allocated as follows:

Project 01–D–101, distributed information systems laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $2,300,000.

Project 00–D–103, terascale simulation facility, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 00–D–105, strategic computing complex, Los Alamos National Laboratory, Los Alamos, New Mexico, $56,000,000.

Project 00–D–107, joint computational engineering laboratory, Sandia National Laboratories, Albuquerque, New Mexico, $6,700,000.

Project 98–D–125, tritium extraction facility, Savannah River Plant, Aiken, South Carolina, $75,000,000.

Project 97–D–102, dual-axis radiographic hydrotest facility, Los Alamos National Laboratory, Los Alamos, New Mexico, $35,232,000.

Project 96–D–111, national ignition facility (NIF), Lawrence Livermore National Laboratory, Livermore, California, $169,100,000.

(iii) For readiness in technical base and facilities, $1,366,798,000.

(B) For secure transportation asset, $115,673,000, to be allocated as follows:

(i) For operation and maintenance, $79,357,000.

(ii) For program direction, $36,316,000.

(C) For program direction, $216,871,000.

(D) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $159,841,000, to be allocated as follows:

Project 01–D–103, preliminary project design and engineering, various locations, $14,500,000.

Project 01–D–124, highly enriched uranium (HEU) storage facility, Y–12 Plant, Oak Ridge, Tennessee, $17,800,000.

Project 01–D–126, weapons evaluation test laboratory, Pantex Plant, Amarillo, Texas, $3,000,000.

Project 99–D–103, isotope sciences facilities, Lawrence Livermore National Laboratory, Livermore, California, $5,000,000.

Project 99–D–104, protection of real property (roof reconstruction, phase II), Lawrence Livermore National Laboratory, Livermore, California, $2,800,000.

Project 99–D–106, model validation and system certification center, Sandia National Laboratories, Albuquerque, New Mexico, $5,200,000.

Project 99–D–108, renovate existing roadways, Nevada Test Site, Nevada, $2,000,000.

Project 99–D–125, replace boilers and controls, Kansas City Plant, Kansas City, Missouri, $13,000,000.

*Project 99–D–127, stockpile management restructuring initiative, Kansas City plant, Kansas City, Missouri, $23,765,000.*

*Project 99–D–128, stockpile management restructuring initiative, Pantex Plant, Amarillo, Texas, $4,998,000.*

*Project 99–D–132, stockpile management restructuring initiative, nuclear material safeguards and security upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $18,043,000.*

*Project 98–D–123, stockpile management restructuring initiative, tritium facility modernization and consolidation, Savannah River Plant, Aiken, South Carolina, $30,767,000.*

*Project 97–D–123, structural upgrades, Kansas City Plant, Kansas City, Missouri, $2,918,000.*

*Project 95–D–102, chemistry and metallurgy research (CMR) upgrades project, Los Alamos National Laboratory, Los Alamos, New Mexico, $13,337,000.*

*Project 88–D–123, security enhancements, Pantex Plant, Amarillo, Texas, $2,713,000.*

*(2) DEFENSE NUCLEAR NONPROLIFERATION.—For other nuclear security activities, $914,035,000, to be allocated as follows:*

*(A) For nonproliferation and verification research and development, $232,990,000, to be allocated as follows:*

*(i) For operation and maintenance, $225,990,000.*

*(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $7,000,000, to be allocated as follows:*

*Project 00–D–192, nonproliferation and international security center (NISC), Los Alamos National Laboratory, Los Alamos, New Mexico, $7,000,000.*

*(B) For arms control, $272,870,000.*

*(C) For long-term nonproliferation program for Russia, $100,000,000.*

*(D) For highly enriched uranium transparency implementation, $15,190,000.*

*(E) For international nuclear safety, $20,000,000.*

*(F) For fissile materials control and disposition, $221,517,000, to be allocated as follows:*

*(i) For operation and maintenance, $175,517,000.*

*(ii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $46,000,000, to be allocated as follows:*

*Project 00–D–142, immobilization and associated processing facility, various locations, $3,000,000.*

*Project 99–D–141, pit disassembly and conversion facility, various locations, $20,000,000.*

*Project 99–D–143, mixed oxide fuel fabrication facility, various locations, $23,000,000.*

*(G) For program direction, $51,468,000.*

*(3) NAVAL REACTORS.—For naval reactors, $677,600,000, to be allocated as follows:*

*(A) For naval reactors development, $656,200,000, to be allocated as follows:*

*(i) For operation and maintenance, $627,500,000.*

*(ii) For general plant projects, $11,400,000.*

*(iii) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $17,300,000, to be allocated as follows:*

*Project 01–D–200, major office replacement building, Schenectady, New York, $1,300,000.*

*Project 90–N–102, expended core facility dry cell project, Naval Reactors Facility, Idaho, $16,000,000.*

*(B) For program direction, $21,400,000.*

*(b) ADJUSTMENT.—The total amount authorized to be appropriated pursuant to paragraph (1) of subsection (a) is the sum of the amounts authorized to be appropriated in subparagraphs (A) through (D) of such paragraph reduced by $95,000,000.*

### *SEC. 3102. DEFENSE ENVIRONMENTAL RESTORATION AND WASTE MANAGEMENT.*

*(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for environmental restoration and waste management in carrying out programs necessary for national security in the amount of $4,591,527,000, to be allocated as follows:*

*(1) SITE/PROJECT COMPLETION.—For site project and completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $1,010,951,000, to be allocated as follows:*

*(A) For operation and maintenance, $941,475,000.*

*(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $69,476,000, to be allocated as follows:*

*Project 01–D–402, Intec cathodic protection system expansion, Idaho National Engineering and Environmental Laboratory, Idaho, $500,000.*

*Project 01–D–407, Highly Enriched Uranium (HEU) Blend-down, Savannah River Site, Aiken, South Carolina, $27,932,000.*

*Project 99–D–402, tank farm support services, F&H area, Savannah River Site, Aiken, South Carolina, $7,714,000.*

*Project 99–D–404, health physics instrumentation laboratory, Idaho National Engineering and Environmental Laboratory, Idaho, $4,300,000.*

*Project 98–D–453, plutonium stabilization and handling system for plutonium finishing plant, Richland, Washington, $1,690,000.*

*Project 97–D–470, regulatory monitoring and bioassay laboratory, Savannah River Site, Aiken, South Carolina, $3,949,000.*

*Project 96–D–471, chlorofluorocarbon heating, ventilation, and air conditioning and chiller retrofit, Savannah River Site, Aiken, South Carolina, $12,512,000.*

*Project 92–D–140, F and H canyon exhaust upgrades, Savannah River Site, Aiken, South Carolina, $8,879,000.*

*Project 86–D–103, decontamination and waste treatment facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.*

*(2) POST-2006 COMPLETION.—For post-2006 project completion in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $3,108,457,000, to be allocated as follows:*

*(A) For operation and maintenance, $2,588,725,000.*

*(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $99,732,000, to be allocated as follows:*

*Project 01–D–403, immobilized high level waste interim storage facility, Richland, Washington, $1,300,000.*

*Project 99–D–403, privatization phase I infrastructure support, Richland, Washington, $7,812,000.*

*Project 97–D–402, tank farm restoration and safe operations, Richland, Washington, $46,023,000.*

*Project 94–D–407, initial tank retrieval systems, Richland, Washington, $17,385,000.*

*Project 93–D–187, high-level waste removal from filled waste tanks, Savannah River Site, Aiken, South Carolina, $27,212,000.*

*(3) SCIENCE AND TECHNOLOGY.—For science and technology in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $196,548,000.*

*(4) PROGRAM DIRECTION.—For program direction in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $359,888,000.*

*(b) ADJUSTMENT.—The total amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated in paragraphs (1) through (4) of that subsection reduced by $84,317,000, to be derived from offsets and use of prior year balances.*

### *SEC. 3103. OTHER DEFENSE ACTIVITIES.*

*(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for other defense activities in carrying out programs necessary for national security in the amount of $557,122,000, to be allocated as follows:*

*(1) INTELLIGENCE.—For intelligence, $38,059,000, to be allocated as follows:*

*(A) For operation and maintenance, $36,059,000.*

*(B) For plant projects (including maintenance, restoration, planning, construction, acquisition, modification of facilities, and the continuation of projects authorized in prior years, and land acquisition related thereto), $2,000,000, to be allocated as follows:*

*Project 01–D–800, Sensitive compartmented information facility, Lawrence Livermore National Laboratory, Livermore, California, $2,000,000.*

*(2) COUNTERINTELLIGENCE.—For counterintelligence, $45,200,000.*

*(3) SECURITY AND EMERGENCY OPERATIONS.—For security and emergency operations, $340,376,000, to be allocated as follows:*

*(A) For nuclear safeguards and security, $124,409,000.*

*(B) For security investigations, $33,000,000.*

*(C) For emergency management, $93,600,000.*

*(D) For program direction, $89,367,000.*

*(4) INDEPENDENT OVERSIGHT AND PERFORMANCE ASSURANCE.—For independent oversight and performance assurance, $14,937,000.*

*(5) ENVIRONMENT, SAFETY, AND HEALTH.—For the Office of Environment, Safety, and Health, $111,050,000, to be allocated as follows:*

*(A) For environment, safety, and health (defense), $88,446,000.*

*(B) For program direction, $22,604,000.*

*(6) WORKER AND COMMUNITY TRANSITION ASSISTANCE.—For worker and community transition assistance, $24,500,000, to be allocated as follows:*

*(A) For worker and community transition, $21,500,000.*

*(B) For program direction, $3,000,000.*

*(7). OFFICE OF HEARINGS AND APPEALS.—For the Office of Hearings and Appeals, $3,000,000.*

*(b) ADJUSTMENTS.—The amount authorized to be appropriated pursuant to subsection (a)(3)(B) is reduced by $20,000,000 to reflect an offset provided by user organizations for security investigations.*

### *SEC. 3104. DEFENSE FACILITIES CLOSURE PROJECTS.*

*Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for closure projects carried out in accordance with section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2836; 42 U.S.C. 7274n) in the amount of $1,082,297,000.*

### *SEC. 3105. DEFENSE ENVIRONMENTAL MANAGEMENT PRIVATIZATION.*

*(a) IN GENERAL.—Funds are hereby authorized to be appropriated to the Department of*

*Energy for fiscal year 2001 for privatization projects at various locations in carrying out environmental restoration and waste management activities necessary for national security programs in the amount of $284,092,000.*

*(b) Explanation of Adjustment.—The amount authorized to be appropriated in subsection (a) is the sum of the amounts authorized to be appropriated for the projects in that subsection reduced by $25,092,000 for use of prior year balances of funds for defense environmental management privatization.*

### SEC. 3106. DEFENSE NUCLEAR WASTE DISPOSAL.

*Funds are hereby authorized to be appropriated to the Department of Energy for fiscal year 2001 for payment to the Nuclear Waste Fund established in section 302(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10222(c)) in the amount of $112,000,000.*

## Subtitle B—Recurring General Provisions

### SEC. 3121. REPROGRAMMING.

*(a) In General.—Until the Secretary of Energy submits to the congressional defense committees the report referred to in subsection (b) and a period of 45 days has elapsed after the date on which such committees receive the report, the Secretary may not use amounts appropriated pursuant to this title for any program—*

*(1) in amounts that exceed, in a fiscal year—*

*(A) 110 percent of the amount authorized for that program by this title; or*

*(B) $1,000,000 more than the amount authorized for that program by this title; or*

*(2) which has not been presented to, or requested of, Congress.*

*(b) Report.—(1) The report referred to in subsection (a) is a report containing a full and complete statement of the action proposed to be taken and the facts and circumstances relied upon in support of such proposed action.*

*(2) In the computation of the 45-day period under subsection (a), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.*

*(c) Limitations.—(1) In no event may the total amount of funds obligated pursuant to this title exceed the total amount authorized to be appropriated by this title.*

*(2) Funds appropriated pursuant to this title may not be used for an item for which Congress has specifically denied funds.*

### SEC. 3122. LIMITS ON GENERAL PLANT PROJECTS.

*(a) In General.—The Secretary of Energy may carry out any construction project under the general plant projects authorized by this title if the total estimated cost of the construction project does not exceed $5,000,000.*

*(b) Report to Congress.—If, at any time during the construction of any general plant project authorized by this title, the estimated cost of the project is revised because of unforeseen cost variations and the revised cost of the project exceeds $5,000,000, the Secretary shall immediately furnish a complete report to the congressional defense committees explaining the reasons for the cost variation.*

### SEC. 3123. LIMITS ON CONSTRUCTION PROJECTS.

*(a) In General.—(1) Except as provided in paragraph (2), construction on a construction project may not be started or additional obligations incurred in connection with the project above the total estimated cost, whenever the current estimated cost of the construction project, which is authorized by section 3101, 3102, or 3103, or which is in support of national security programs of the Department of Energy and was authorized by any previous Act, exceeds by more than 25 percent the higher of—*

*(A) the amount authorized for the project; or*

*(B) the amount of the total estimated cost for the project as shown in the most recent budget justification data submitted to Congress.*

*(2) An action described in paragraph (1) may be taken if—*

*(A) the Secretary of Energy has submitted to the congressional defense committees a report on the actions and the circumstances making such action necessary; and*

*(B) a period of 30 days has elapsed after the date on which the report is received by the committees.*

*(3) In the computation of the 30-day period under paragraph (2), there shall be excluded any day on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain.*

*(b) Exception.—Subsection (a) shall not apply to any construction project which has a current estimated cost of less than $5,000,000.*

### SEC. 3124. FUND TRANSFER AUTHORITY.

*(a) Transfer to Other Federal Agencies.—The Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title to other Federal agencies for the performance of work for which the funds were authorized. Funds so transferred may be merged with and be available for the same purposes and for the same period as the authorizations of the Federal agency to which the amounts are transferred.*

*(b) Transfer Within Department of Energy.—(1) Subject to paragraph (2), the Secretary of Energy may transfer funds authorized to be appropriated to the Department of Energy pursuant to this title between any such authorizations. Amounts of authorizations so transferred may be merged with and be available for the same purposes and for the same period as the authorization to which the amounts are transferred.*

*(2) Not more than five percent of any such authorization may be transferred between authorizations under paragraph (1). No such authorization may be increased or decreased by more than five percent by a transfer under such paragraph.*

*(c) Limitation.—The authority provided by this section to transfer authorizations—*

*(1) may only be used to provide funds for items relating to activities necessary for national security programs that have a higher priority than the items from which the funds are transferred; and*

*(2) may not be used to provide funds for an item for which Congress has specifically denied funds.*

*(d) Notice to Congress.—The Secretary of Energy shall promptly notify the Committee on Armed Services of the Senate and the Committee on National Security of the House of Representatives of any transfer of funds to or from authorizations under this title.*

### SEC. 3125. AUTHORITY FOR CONCEPTUAL AND CONSTRUCTION DESIGN.

*(a) Requirement for Conceptual Design.—(1) Subject to paragraph (2) and except as provided in paragraph (3), before submitting to Congress a request for funds for a construction project that is in support of a national security program of the Department of Energy, the Secretary of Energy shall complete a conceptual design for that project.*

*(2) If the estimated cost of completing a conceptual design for a construction project exceeds $3,000,000, the Secretary shall submit to Congress a request for funds for the conceptual design before submitting a request for funds for the construction project.*

*(3) The requirement in paragraph (1) does not apply to a request for funds—*

*(A) for a construction project the total estimated cost of which is less than $5,000,000; or*

*(B) for emergency planning, design, and construction activities under section 3126.*

*(b) Authority for Construction Design.—(1) Within the amounts authorized by this title, the Secretary of Energy may carry out construction design (including architectural and engineering services) in connection with any proposed construction project if the total estimated cost for such design does not exceed $600,000.*

*(2) If the total estimated cost for construction design in connection with any construction project exceeds $600,000, funds for such design must be specifically authorized by law.*

### SEC. 3126. AUTHORITY FOR EMERGENCY PLANNING, DESIGN, AND CONSTRUCTION ACTIVITIES.

*(a) Authority.—The Secretary of Energy may use any funds available to the Department of Energy pursuant to an authorization in this title, including those funds authorized to be appropriated for advance planning and construction design under sections 3101, 3102, and 3103, to perform planning, design, and construction activities for any Department of Energy national security program construction project that, as determined by the Secretary, must proceed expeditiously in order to protect public health and safety, to meet the needs of national defense, or to protect property.*

*(b) Limitation.—The Secretary may not exercise the authority under subsection (a) in the case of any construction project until the Secretary has submitted to the congressional defense committees a report on the activities that the Secretary intends to carry out under this section and the circumstances making such activities necessary.*

*(c) Specific Authority.—The requirement of section 3125(b)(2) does not apply to emergency planning, design, and construction activities conducted under this section.*

### SEC. 3127. AVAILABILITY OF FUNDS.

*(a) In General.—Except as provided in subsection (b), amounts appropriated for any activities under this title pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:*

*(1) October 1, 2003.*

*(2) The date of the enactment of an Act authorizing funds for such activities for fiscal year 2004.*

*(b) Exception for Program Direction.—Amounts appropriated for program direction pursuant to an authorization of appropriations in this title shall remain available for obligation only until the later of the following dates:*

*(1) October 1, 2001.*

*(2) The date of the enactment of an Act authorizing funds for such program direction for fiscal year 2002.*

### SEC. 3128. TRANSFERS OF DEFENSE ENVIRONMENTAL MANAGEMENT FUNDS.

*(a) Transfer Authority for Defense Environmental Management Funds.—The Secretary of Energy shall provide the manager of each field office of the Department of Energy with the authority to transfer defense environmental management funds from a program or project under the jurisdiction of the office to another such program or project.*

*(b) Limitations.—(1) Only one transfer may be made to or from any program or project under subsection (a) in a fiscal year.*

*(2) The amount transferred to or from a program or project under subsection (a) may not exceed $5,000,000 in a fiscal year.*

*(3) A transfer may not be carried out by a manager of a field office under subsection (a) unless the manager determines that the transfer is necessary to address a risk to health, safety, or the environment or to assure the most efficient use of defense environmental management funds at the field office.*

*(4) Funds transferred pursuant to subsection (a) may not be used for an item for which Congress has specifically denied funds or for a new program or project that has not been authorized by Congress.*

*(c) Exemption From Reprogramming Requirements.—The requirements of section 3121 shall not apply to transfers of funds pursuant to subsection (a).*

*(d) Notification.—The Secretary, acting through the Assistant Secretary of Energy for Environmental Management, shall notify Congress of any transfer of funds pursuant to subsection (a) not later than 30 days after such transfer occurs.*

*(e) Definitions.—In this section:*

*(1) The term "program or project" means, with respect to a field office of the Department of Energy, any of the following:*

*(A) A program referred to or a project listed in paragraph (2) or (3) of section 3102.*

*(B) A program or project not described in subparagraph (A) that is for environmental restoration or waste management activities necessary for national security programs of the Department, that is being carried out by the office, and for which defense environmental management funds have been authorized and appropriated before the date of the enactment of this Act.*

*(2) The term "defense environmental management funds" means funds appropriated to the Department of Energy pursuant to an authorization for carrying out environmental restoration and waste management activities necessary for national security programs.*

*(f) Duration of Authority.—The managers of the field offices of the Department may exercise the authority provided under subsection (a) during the period beginning on October 1, 2000, and ending on September 30, 2001.*

## Subtitle C—Program Authorizations, Restrictions, and Limitations

### SEC. 3131. FUNDING FOR TERMINATION COSTS FOR TANK WASTE REMEDIATION SYSTEM ENVIRONMENTAL PROJECT, RICHLAND, WASHINGTON.

*The Secretary of Energy may not use appropriated funds to establish a reserve for the payment of any costs of termination of any contract relating to the tank waste remediation system environmental project, Richland, Washington. Such costs may be paid from—*

*(1) appropriations originally available for the performance of the contract concerned;*

*(2) appropriations currently available for privatization initiatives in carrying out environmental restoration and waste management activities necessary for national security programs, and not otherwise obligated; or*

*(3) funds appropriated specifically for the payment of such costs.*

### SEC. 3132. ENHANCED COOPERATION BETWEEN NATIONAL NUCLEAR SECURITY ADMINISTRATION AND BALLISTIC MISSILE DEFENSE ORGANIZATION.

*(a) Jointly Funded Projects.—The Secretary of Energy and the Secretary of Defense shall modify the memorandum of understanding for the use of national laboratories for ballistic missile defense programs, entered into under section 3131 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85; 111 Stat. 2034), to provide for jointly funded projects.*

*(b) Requirements for Projects.—The projects referred to in subsection (a) shall—*

*(1) be carried out by the National Nuclear Security Administration and the Ballistic Missile Defense Organization; and*

*(2) contribute to sustaining—*

*(A) the expertise necessary for the viability of such laboratories; and*

*(B) the capabilities required to sustain the nuclear stockpile.*

*(c) Participation by NNSA in Certain BMDO Activities.—The Administrator of the National Nuclear Security Administration and the Director of the Ballistic Missile Defense Organization shall implement mechanisms that increase the cooperative relationship between those organizations. Those mechanisms shall include participation by personnel of the National Nuclear Security Administration in the following activities of the Ballistic Missile Defense Organization:*

*(1) Peer reviews of technical efforts.*

*(2) Activities of so-called "red teams".*

### SEC. 3133. REQUIRED CONTENTS OF FUTURE-YEARS NUCLEAR SECURITY PROGRAM TO BE SUBMITTED WITH FISCAL YEAR 2002 BUDGET AND LIMITATION ON THE OBLIGATION OF CERTAIN FUNDS PENDING SUBMISSION OF THAT PROGRAM.

*(a) Findings.—Congress finds that:*

*(1) The budget justification materials submitted to Congress in support of the budget for fiscal year 2001 did not comply with the requirement of section 3251(b) of the National Nuclear Security Administration Act (title XXXII of Public Law 106–65; 113 Stat. 966; 50 U.S.C. 2451) that the amounts requested for the National Nuclear Security Administration be specified in individual, dedicated program elements.*

*(2) The information submitted to Congress in support of that budget did not comply with the requirement of section 3253(b) of such Act (50 U.S.C. 2453(b)) that a future-years nuclear security program be submitted that contains—*

*(A) the estimated expenditures and proposed appropriations necessary to support the programs, projects, and activities of the Administration during the five-fiscal year period covered by the program, expressed in a level of detail comparable to that contained in the budget; and*

*(B) a description of the anticipated workload requirements for each Administration site during that five-fiscal year period.*

*(b) Required Detail for Future-Years Nuclear Security Program Submitted with Fiscal Year 2002 Budget.—The future-years nuclear security program submitted in connection with the budget for fiscal year 2002 shall, at a minimum, and in addition to the information required to be contained in such program by section 3253 of such Act (50 U.S.C. 2453), include the following information:*

*(1) A detailed description of proposed program elements for directed stockpile work, campaigns, readiness in technical base and facilities, nonproliferation and national security, fissile materials disposition, and naval reactors, and for their associated projects, activities, and construction projects, during the five-fiscal year period covered by such program.*

*(2) A statement of proposed budget authority, proposed expenditures, and proposed appropriations necessary to support each proposed program element specified in paragraph (1);*

*(3) A detailed description of how the funds identified for each proposed program element specified in paragraph (1) in the budget of the Administration for each fiscal year during the five-fiscal year period covered by such program will help ensure that the nuclear weapons stockpile is safe and reliable as determined in accordance with the criteria established under section 3158 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2257; 42 U.S.C. 2121 note).*

*(c) Limitation on Obligation of Certain Funds.—The Administrator for Nuclear Security may not obligate more than 50 percent of the funds described in subsection (d) until 30 days after the Administrator submits the future-years nuclear security program required to be submitted in connection with the budget for fiscal year 2002.*

*(d) Covered Funds.—Funds referred to in subsection (c) are funds appropriated or otherwise available to the Administrator for Program Direction within any National Nuclear Security Administration budget account for fiscal year 2001.*

### SEC. 3134. LIMITATION ON OBLIGATION OF CERTAIN FUNDS.

*(a) Limitation.—The Secretary of Energy may not obligate any funds appropriated or otherwise made available to the Secretary for fiscal year 2001 for the purpose of infrastructure upgrades or maintenance in an account specified in subsection (b) for any other purpose.*

*(b) Covered Accounts.—An account referred to in subsection (a) is any Construction account or Readiness in Technical Base and Facilities account within any National Nuclear Security Administration budget account.*

## TITLE XXXII—DEFENSE NUCLEAR FACILITIES SAFETY BOARD

### SEC. 3201. AUTHORIZATION.

*There are authorized to be appropriated for fiscal year 2001, $17,000,000 for the operation of the Defense Nuclear Facilities Safety Board under chapter 21 of the Atomic Energy Act of 1954 (42 U.S.C. 2286 et seq.).*

## TITLE XXXIII—NATIONAL DEFENSE STOCKPILE

### SEC. 3301. AUTHORIZED USES OF STOCKPILE FUNDS.

*(a) Obligation of Stockpile Funds.—During fiscal year 2001, the National Defense Stockpile Manager may obligate up to $70,500,000 of the funds in the National Defense Stockpile Transaction Fund established under subsection (a) of section 9 of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98h) for the authorized uses of such funds under subsection (b)(2) of such section, including the disposal of hazardous materials that are environmentally sensitive.*

*(b) Additional Obligations.—The National Defense Stockpile Manager may obligate amounts in excess of the amount specified in subsection (a) if the National Defense Stockpile Manager notifies Congress that extraordinary or emergency conditions necessitate the additional obligations. The National Defense Stockpile Manager may make the additional obligations described in the notification after the end of the 45-day period beginning on the date on which Congress receives the notification.*

*(c) Limitations.—The authorities provided by this section shall be subject to such limitations as may be provided in appropriations Acts.*

### SEC. 3302. USE OF EXCESS TITANIUM SPONGE IN THE NATIONAL DEFENSE STOCKPILE TO MANUFACTURE DEPARTMENT OF DEFENSE EQUIPMENT.

*(a) Transfer Authorized.—Upon the request of the Secretary of a military department or the director of a defense agency, the Secretary of Defense may transfer excess titanium sponge in the National Defense Stockpile for use in manufacturing equipment to be used by the Armed Forces. The quantity of titanium sponge transferred under this section may not exceed 20,000 short tons.*

*(b) Nonreimbursable.—Any transfer of excess titanium sponge under this section shall be made without reimbursement, except that the recipient of the material shall be responsible for all transportation and related costs incurred in connection with the transfer.*

*(c) Relationship to Other Disposal Authority.—Any request by the Secretary of the Army for the transfer of titanium sponge pursuant to section 3305 of the National Defense Authorization Act for Fiscal Year 1996 (Public Law 104–106; 110 Stat. 630) takes precedence over any transfer request received under this section.*

## TITLE XXXIV—MARITIME ADMINISTRATION

### SEC. 3401. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 2001.

*Funds are hereby authorized to be appropriated for fiscal year 2001, to be available without fiscal year limitation if so provided in appropriations Acts, for the use of the Department* *of Transportation for the Maritime Administration as follows:*

*(1) For expenses necessary for operations and training activities, $94,160,000.*

*(2) For expenses under the loan guarantee program authorized by title XI of the Merchant Marine Act, 1936 (46 App. U.S.C. 1271 et seq.), $54,179,000, of which—*

*(A) $50,000,000 is for the cost (as defined in section 502(5) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a(5))) of loan guarantees under the program; and*

*(B) $4,179,000 is for administrative expenses related to loan guarantee commitments under the program.*

***SEC. 3402. EXTENSION OF PERIOD FOR DISPOSAL OF OBSOLETE VESSELS IN THE NATIONAL DEFENSE RESERVE FLEET.***

*(a) Extension.—Section 6(c)(1)(A) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)(A)) is amended by striking "2001" and inserting "2006".*

*(b) Utilization of Foreign Scrapping.—Section 6(c)(1) of such Act (16 U.S.C. 5405(c)(1)) is amended—*

*(1) in subparagraph (B) by striking "and" after the semicolon;*

*(2) in subparagraph (C)—*

*(A) by striking "in accordance with" and inserting "subject to subparagraph (D), in accordance with"; and*

*(B) by striking the period at the end and inserting "; and"; and*

*(3) by adding at the end the following:*

*"(D) to the maximum extent possible, by scrapping outside of the United States.".*

*(b) Plan for Completion of Disposal.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Transportation shall submit to the Congress a plan for completing disposal of vessels in the National Defense Reserve Fleet in accordance with section 6(c) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405), as amended by subsection (a), including—*

*(1) a description of resources required for such completion; and*

*(2) a determination of the extent to which such vessels will be disposed of by scrapping outside of the United States.*

***SEC. 3403. AUTHORITY TO CONVEY NATIONAL DEFENSE RESERVE FLEET VESSEL, GLACIER.***

*(a) Authority To Convey.—The Secretary of Transportation (in this section referred to as "the Secretary") may, subject to subsection (b), convey all right, title, and interest of the United States Government in and to the vessel in the National Defense Reserve Fleet that was formerly the U.S.S. GLACIER (United States official number AGB–4) to the Glacier Society, Inc., a corporation established under the laws of the State of Connecticut that is located in Bridgeport, Connecticut (in this section referred to as the "recipient").*

*(b) Terms of Conveyance.—*

*(1) Required conditions.—The Secretary may not convey a vessel under this section unless the recipient—*

*(A) agrees to use the vessel for the purpose of a monument to the accomplishments of members of the Armed Forces of the United States, civilians, scientists, and diplomats in exploration of the Arctic and the Antarctic;*

*(B) agrees that the vessel will not be used for commercial purposes;*

*(C) agrees to make the vessel available to the Government if the Secretary requires use of the vessel by the Government for war or national emergency;*

*(D) agrees to hold the Government harmless for any claims arising from exposure to asbestos, polychlorinated biphenyls, or lead paint after the conveyance of the vessel, except for claims arising from use of the vessel by the Government pursuant to the agreement under subparagraph (C); and*

*(E) provides sufficient evidence to the Secretary that it has available for use to restore the vessel, in the form of cash, liquid assets, or a written loan commitment, financial resources of at least $100,000.*

*(2) Delivery of vessel.—If the Secretary conveys the vessel under this section, the Secretary shall deliver the vessel—*

*(A) at the place where the vessel is located on the date of conveyance;*

*(B) in its condition on that date; and*

*(C) at no cost to the United States Government.*

*(3) Additional terms.—The Secretary may require such additional terms in connection with the conveyance authorized by this section as the Secretary considers appropriate.*

*(c) Other Unneeded Equipment.—If the Secretary conveys the vessel under this section, the Secretary may also convey to the recipient any unneeded equipment from other vessels in the National Defense Reserve Fleet or Government storage facilities for use to restore the vessel to museum quality or to its original configuration (or both).*

*(d) Retention of Vessel in NDRF.—The Secretary shall retain in the National Defense Reserve Fleet the vessel authorized to be conveyed under this section until the earlier of—*

*(1) 2 years after the date of the enactment of this Act; or*

*(2) the date of the conveyance of the vessel under this section.*

Amend the title so as to read: "A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense; for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.".

The CHAIRMAN pro tempore. No amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106–621 or specified by subsequent order of the House, amendments en bloc described in section 3 of House Resolution 503, and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 5 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Unless otherwise specified in the report, each amendment printed in the report shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

It shall be in order at any time for the chairman of the Committee on Armed Services or his designee to offer amendments en bloc consisting of amendments printed in the report not earlier disposed of or germane modifications of any such amendment.

The amendments en bloc shall be considered read, except that modifications shall be reported, shall be debatable for 40 minutes, equally divided and controlled by the chairman and ranking minority member, or their designees, shall not be subject to amendment and shall not be subject to a demand for the division of the question.

The original proponent of an amendment included in the amendments en bloc may insert a statement in the Congressional Record immediately before disposition of the amendments en bloc.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider Amendment No. 1 printed in House Report 106–621.

AMENDMENT NO. 1 OFFERED BY MR. KASICH

Mr. KASICH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. Kasich:

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. ACTIVITIES IN KOSOVO.**

(a) Contingent Required Withdrawal of Forces From Kosovo.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) Waiver Authority.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. KASICH) and a Member opposed each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

Mr. KASICH. Mr. Chairman, I yield myself such time as I may consume.

I think the Members of the House will remember that just a short period of time ago the gentleman from Connecticut (Mr. SHAYS), the gentleman from Massachusetts (Mr. FRANK), the gentleman from California (Mr. CONDIT), the gentleman from Alabama (Mr. BACHUS) and I came to the floor with an amendment on Kosovo. The thrust of our amendment was to force the Europeans, who had made pledges to us in Kosovo, to live up to the pledges that they made.

They were going to help us in four specific areas of Kosovo activity, and they were going to be in such areas as civilian administration, reconstruction, and police activities. The fact is that we had felt at the time that the allies, who had agreed to be involved with us, had in fact not contributed the kind of money that they said that they would give in these areas of reconstruction and police and a civil budget and humanitarian aid.

What we had been urging is the fact that since the Europeans, when put all together, have an economy, a GDP that is, when looked at, essentially the same as ours. As we can see when we take a look at all of NATO and Europe, their GDP is $8.3 trillion, ours being $8.9 trillion. Relatively similar. The defense spending of $283 billion by us, $180 billion by them. We felt as though they were not really carrying the load.

In fact, that since our European allies had made a commitment to putting up and honoring the pledges they made in terms of all of our involvements in Kosovo, that we ought to at least keep their feet to the fire when it comes to getting them to live up just to the commitments that they made. Not commitments that we had established, but rather commitments that they had pledged.

The fact is that since Senator WARNER, the gentleman from Virginia, has turned up the heat on our European allies, along with the action in this House, we have, in fact, seen some improvement, but we have not seen all the improvement that we look for.

The vote that we had on the House floor about a month ago was very, very close. And there were a number of arguments against it that were related to the fact that there was not a presidential waiver for national security purposes, and that, secondly, the funding and the way in which the funding was going to be withdrawn from our activities in Kosovo would actually harm the readiness of our forces.

We did not agree with either of the charges, but since we fell short, we thought we needed to go back and review the legitimate questions that arose from the amendment that we had. And we felt that if we made improvements, that we could be constructive in our improvements, that we could win this vote and, in fact, we could send a strong message to our European allies that they ought to keep their pledge.

Let me just show my colleagues for a second what we are talking about in terms of our European allies. In the area of reconstruction aid, the original pledge was $402 million to help with reconstruction, but the actual payments have only been $93 million. We feel as though the Europeans ought to take the $93 million and, in fact, honor the pledge that they had made.

Secondly, in the area of police in Kosovo, and as I think we all know when we look at so many of the actions in Kosovo right now, we do recognize that the activity of the police, both civilian and special police, are very important in terms of maintaining some sense of stability in Kosovo. What the U.N. requested was that the Europeans contribute approximately 4,700 police. The European pledge was 1,200. But they have only agreed to provide 808 police for purposes of civilian administration.

What we are arguing is that the European allies, our NATO allies, have relatively the same size economy as the United States; that we carry far more of the load when it comes to the amount of resources we dedicate for defense; and that we have been in Kosovo now for a significant period of time, and in Bosnia, in the Balkans. In fact, if we take a look at Bosnia and Kosovo, we can see that between 1993 and 2001, we will have expended over $20 billion. What we are asking for is that the Europeans, our NATO allies, honor the pledges that they made.

We have provided the President of the United States a presidential waiver; that the President could request a 90-day waiver on the withdrawal of American forces if in fact our allies do not step up to the plate. The President would have a second 90-day waiver and, in fact, he could come a third time. But on the third time it would force a vote of this House.

I really do not think that the waivers are going to be that critical. Because I think if the House today says that we are urging our European allies to keep their pledge, to keep their commitment, when we take a look at it in terms of the commitment that the United States has made and the amount of resources that have been expended, it is very reasonable for us to call on our European allies to live up to their pledge.

□ 1345

We have given the President flexibility. We also do not withhold any funds at the current time. This amendment would not take effect until April 1, 2001.

Now, I would say to my colleagues that I think we all feel strongly about burdensharing and the proper way to do it. We all have our disagreements about the proper policy in Kosovo. And, in fact, in the United States Senate, an amendment passed that I personally support that would withdraw American forces from Kosovo in a definite period of time.

I do not believe that that policy can pass this House. But I believe that what can pass this House and, I hope, pass the Senate and ultimately be signed into law is a provision that says to our European allies, live up to the pledge that they made, be a good partner with us in terms of our activities in the Balkans, which send a message to the Europeans far beyond just the Balkans.

I want the House to know that we listened carefully to the objections of this amendment the last time around and we, as a group, have made a real effort to try to answer those legitimate objections that were raised on this House floor.

I think with the presidential waiver in order and with the fact that we withhold no funds at the present and wait until October 1, 2001, to actually act would give the Europeans enough time to practically be able to meet their pledge.

I think if they would meet their pledge, it would ensure a sense of solidarity between all NATO partners. I think it would restore a sense of equity between us, the United States, who have done so much in the Balkans and our NATO allies, and the continent where they live would begin to do more of what they say they want to do. And I think, in a way, it would be a very strong message that NATO needs to be not just a one-way partnership but, frankly, a partnership among everyone with everybody expected to provide the resources that they are able to provide in order to carry out mutual security concerns.

Again, I would rather have not been in Kosovo. I would love to see a time certain for withdrawal of American forces so that people in the region can handle the situation that exists, which I believe that they can.

But that is not what this amendment addresses. This amendment is neutral on the issue of whether we belong or do not belong in Kosovo. But it is not neutral on the fact that, when our allies make pledges, when the time comes for them to keep their pledge, we must keep their feet to the fire.

I believe if the House passes this amendment, in my judgment, I think we will see the Europeans begin to do much better in these areas where they have fallen short. And I think the more heat we keep on, the more effective it is not just for our soldiers, but also for the American taxpayer and, I think, for mutual security.

So I would urge passage of the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. LaHood). The gentleman from Missouri (Mr. Skelton) is recognized for 30 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in strong opposition to the Kasich amendment. This amendment would have the perverse effect of holding our national security interests in Europe, and indeed the safety and well-being of our military forces there hostage to what other nations do.

I do not believe that how we exercise our national security policy should be determined by the actions of other countries. Moreover, this amendment would be unlikely to encourage our European allies to do more burdensharing. I believe it would invalidate the trust that our allies and NATO have in us, it would undermine American leadership worldwide, and would encourage renewed ethnic tension, fighting and instability in that sad part of the world, the Balkans.

We all understand and I agree that our European allies should take on a larger share of the costs and the risks associated with the conduct of military operations and efforts to secure sustainable peace in Kosovo. And I firmly believe we should continue to press our allies to do more to live up to their commitments in the region. But we should not act precipitously and undo the gains we have made just because our allies do not quite measure up on time, though they have done a relatively good job of doing so.

I am convinced that this amendment does much more harm than good. It sends exactly the wrong message to both our allies as well as our adversaries. By setting a specific deadline for the pullout of American forces, the amendment would signal to the Albanians the limits of national security guarantees providing for their protection. Mr. Milosevic would know that all he needs to do is wait, and after the first of April next year, he can effectively resume his campaign of ethnic cleansing and genocide, leading to an additional holocaust. The people of Montenegro, who have thus far resisted Serbian hegemony, would become vulnerable to takeover. The conflict could spread to Macedonia.

At the same time, our European allies will see this measure as a unilateral move that splits 50 years of shared efforts in NATO. There is no doubt that European stability will be compromised. While it purports to send a message that the Europeans must bear a greater share of the burdens leading to regional peace, it transmits counterproductive ultimatums. It fails to realize that our European allies already make substantial contributions to alliance security, and those contributions have significantly increased over the last several years.

I have communicated my concerns to General Ralston, the NATO commander, and he essentially shares my views. In addition to the adverse implications this amendment would have on U.S. leadership in the region and in the world, he is concerned about the impact of this amendment on the morale of U.S. military forces who have unselfishly, under conditions of extreme hardship and personal sacrifices, contributed so much to achieve peace in that sad part of the world.

This amendment sends a message that can only undermine the confidence of our service members about our national resolve and will inevitably call into question the sacrifices that we have already asked them to make.

The simple fact is that the United States is the world's lone superpower. All over the world, nations look up to our country. We are their inspiration. We are their role model. We are their hope for the future.

The likelihood of NATO enlargement, led by the United States, and the prospect of expanding the peace and stability in Eastern Europe, as well as in the Balkans, would be gravely jeopardized by this amendment. The stabilizing force that NATO represents would be undercut by this amendment, which would effectively curtail U.S. commitment and influence in Europe.

This is an ill-conceived amendment that is not in our national interest. It should be defeated. I urge my colleagues to vote against it.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAYS. Mr. Chairman, I ask unanimous consent that I may control the time in support of the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

Mr. SHAYS. Mr. Chairman, I reserve the balance of the time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. Gejdenson).

Mr. GEJDENSON. Mr. Chairman, in the entire time the United States has spent involved in conflicts around the world, there has never been an instance where our European allies have played as significant a role.

Our role here is among the smallest of any engagement that we have had. We are now in a position where the European forces are the overwhelming part of the military; and they are, not in every instance, not in every account, but shouldering their burden for the first time.

All of us believe in burdensharing. The question is, what is the process for the Congress to speak its will? The idea that we will choose a point in the future where there is an automatic trigger is a somewhat cowardly act. It seems to me, if we want to pull out American forces, pick the date, come to the floor, and do it.

The worst of all worlds is to tell Mr. Milosevic, if he can somehow drive out one or two of our European partners, if he can get them to back off so they fall below 85 percent, 84 percent, wherever that magic number we pick is, that Mr. Milosevic will be able to feel that he can once again take control of the region.

The Europeans are taking up a broader share of the responsibility than ever. Not just here. They are beginning an initiative that frustrates some of our colleagues to set up a coordinated military operation in Europe, so they can play a fuller role as a partner in engagements.

We are in political season here. There are not many things the Republicans and Democrats end up agreeing on. There is one thing that both the Republican apparent nominee, Mr. Bush, and the Democratic apparent nominee, Mr. GORE, agree on; and that is that this proposal is a bad idea. They offer burdensharing. This administration has done more for getting the Europeans to increase their burden than any administration in the history of this country.

What are we doing in the midst of that? We are going to come out here with some bravado and claim that somehow we are going to force the accountants to do a better job.

Do not undermine what we have done. Reject this amendment.

Mr. SKELTON. Mr. Chairman, I yield 3¼ minutes to the distinguished gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to this amendment. While I do not object to the intention of the gentleman from Ohio (Mr. KASICH) to ensure adequate burdensharing between our Nation and our European allies for humanitarian and economic reconstruction and related expenses in Kosovo, I do not believe that it is appropriate to link our military mission in Kosovo to that worthy goal.

As the author of H.R. 4053, which does place a cap on our overall foreign assistance to the region of southeastern Europe, including Kosovo, of some 15 percent, I strongly believe that, given the size and scope of other commitments around the world, that our Nation's contribution to the stability in the region where Europe bears the primary responsibility needs to be fair but limited.

What H.R. 4053 does, however, in the event that our European allies fail to do their fair share, is to reduce our relevant foreign aid in subsequent years.

I believe that this is the appropriate way to leverage European contributions in the Balkans. I am concerned that by linking the issue of sharing the foreign aid burden in Kosovo to our military mission, we raise serious questions with regard to the reliability of American commitment, the quality of our leadership, and our belief in the continued value of the trans-Atlantic relationship.

We need to be mindful, my colleagues, that these kinds of debate, as healthy as they may be for educating ourselves and our constituents, do not take place in any vacuum. Europe is at an important watershed in terms of arrangements for creating its own security and its own defense policy.

We are working extremely hard to influence Europe's debate on its future defense and security policy to make certain that Europe develops increased military capabilities, to avoid discrimination against those members of NATO that are not part of the European Union, and to prevent any decoupling of our European allies from North America.

There are forces in Europe that would like to see America's role and influence weakened. Let us not let this amendment play into the hands of those forces that want to decouple the United States from our historic role in the trans-Atlantic relationship.

I am also concerned that the timetable created by this amendment requiring a key foreign policy decision by the next administration so early in the tenure would be an unfair burden on our new President, whether he be Republican or Democrat. In the event the President was unable to make this certification on burdensharing required by this amendment or to justify an exercise of the waivers it provides, he would have to begin a withdrawal of U.S. forces from Kosovo almost as soon as he took his hand off the inaugural Bible.

Our friends in Europe have received the message, thanks to debates on measures similar to this that have already occurred in the Congress. And Europe is doing more in terms of shouldering the burden in Kosovo. Let us not saddle this important appropriations legislation with this kind of an untimely provision.

Accordingly, I urge my colleagues to defeat this amendment.

□ 1400

Mr. SHAYS. Mr. Chairman, I yield 4¼ minutes to the gentleman from Massachusetts (Mr. FRANK), a chief cosponsor of this amendment.

Mr. FRANK of Massachusetts. Mr. Chairman, I am sorry that my friend from Connecticut, the ranking member of the Committee on International Relations was unfortunately called off the floor because I am going to express my strong disagreement with him, and he is one of my closest friends in this institution. Indeed, he and I share a common ethnic heritage. It is an ethnic heritage which has an affinity for certain foods. So I would not have been surprised to have my friend from Connecticut down here talking about pickled herring or schmaltz herring, but when he comes down here with a red herring, I am a little bit disappointed.

Certainly the suggestion that this is a means of getting us out of Kosovo is the reddest of red herrings. I only hope he will never serve it to me when we dine together.

This is not an effort to get us out of Kosovo. Some Members want us to do that. But that is not what this is. Indeed people who simultaneously tell us that they have great faith in our allies and also that they do not want to go out of Kosovo must not be talking about this amendment.

Here is what this amendment says on page 3. Our European allies have to put up 50 percent of what they said for reconstruction, 85 percent of what they have pledged for humanitarian assistance, 85 percent of their pledges, and this is just for this year and next year, and 90 percent for police. In other words, this amendment will have no effect if our European allies put up 50 to 90 percent of what they pledge.

Now, my friend from Connecticut said, well, they have been doing most of the lifting here. I guess I must have been under a misapprehension when I saw all those planes flying in Kosovo and bombing Serbia. I could have sworn they were American planes. But my eyesight is not what it has been. Maybe they were Belgian planes, maybe they were Italian and Portuguese and Norwegian planes. It is hard to tell from very far away. But my impression was that it was the United States taxpayer and the United States Defense Department that carried most of the burden of that air war.

We are not suggesting that they do that in our stead. We do not think they can do that. We are saying once that combat phase is over and we are in the policing phase and the peacekeeping phase, Europe ought to do it.

Now, the United States is alone in South Korea with no European help. That is appropriate. The United States carries the burden in the Middle East. Does Europe not ever get the primary responsibility anywhere? This is, after all, Europe.

Now, my friends say, oh, but they are doing this, they are doing this because you have already raised it. Well, yes, every time we raise an issue about burdensharing, the establishment, the Defense Department, the State Department, and I agree, it is nonpartisan. My friend from Connecticut said it, Bush said it and GORE said it, that is true. And Albright says it and Cohen says it and Kissinger said it and Weinberger said it. They all say it. Once you become a very important foreign policy person, with this comes the obligation to absolve our European allies of any financial responsibility. I think it is right there in your council on foreign relations membership card. But it is wrong, because we have been proven right. Every time we have come forward with a burdensharing argument, they have predicted terrible consequences. And then afterwards they take credit for the favorable consequences that resulted from our raising the argument.

The answer here is a very simple one. Europe lives up to a substantial percentage of the commitments it made. Our European allies jointly have a population and an economy larger than ours. We are not asking them to take our difficult combat operations here. We are not asking them to duplicate American air and sea power. We are not withdrawing the 6th Fleet. We are saying that in the continent of Europe where you have such an interest as well as us, we will do the things that you cannot do, that we can only do, the combat, but you can do the policing.

Members here have said again and again on both sides, we have overstrained our military, they are overcommitted. What we are saying is instead of sending Americans to do peacekeeping 4,000 miles, let us ask Germans, Italians, French and others to go a few hundred miles. Let us have them do what they can do. That is what this amendment calls for.

If Members believe that the allies are going to live up to what they said they were going to do, if indeed they believe they are going to live up to between 80 and 90 percent of what they said they can do, they can safely vote for this amendment because it will then have no negative effect. Everything will work out as it should.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from New York (Mrs. KELLY).

Mrs. KELLY. Mr. Chairman, I rise in strong opposition to the amendment offered by our colleagues which seeks to set conditions on our peacekeeping mission in Kosovo that will only threaten the future of peace and stability that we have worked so hard to achieve.

The fact is, Mr. Chairman, we have much to be encouraged by in the changes that have taken place in Kosovo over the past year since the NATO air campaign commenced. But we also face much uncertainty in Kosovo and whether its future will be colored by peace, stability and economic growth or instability and continued hostility from the Milosevic regime to the north.

I am convinced that Kosovo will be doomed to continued hostility from the Milosevic regime if the United States and the international community turns its back on Kosovo at this delicate stage. Unfortunately, this amendment sends a troubling signal. The implication is that instead of following through from our successful military action to helping build peace and stability, we are contemplating a pullout. I can assure my colleagues that the principal beneficiary of this policy will be Serbian strongman Slobodan Milosevic, not the people of Kosovo and not the cause of peace.

Texas Governor George Bush, Senator JOHN McCAIN, Defense Secretary William Cohen and General Wesley Clark, the former NATO commander in Europe, have all expressed their opposition to efforts in Congress to force our withdrawal from the peacekeeping effort in Kosovo. While many legitimately question the administration's past handling of the Kosovo issue, all of these distinguished leaders view our deployment in Kosovo as an indication of America's commitment to peace in this troubled region, a commitment that should not be compromised and should not be weakened.

I urge my colleagues to heed this clearheaded thinking and oppose this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. SISISKY).

Mr. SISISKY. Mr. Chairman, I rise today in opposition to the Kasich amendment. Legislating a date certain for the withdrawal of U.S. ground forces, I believe, is the worst action we as a body could do to further the goal of achieving peace and stability in the region. I for one am especially sensitive to the need for all of our allies to assume a larger share of the costs and risks for the conduct of military operations and efforts to secure a more stable international environment.

There is no question about it, NATO should do more. They have heard me and many of my colleagues here express our sentiments on this matter at every NATO forum we have participated in, and we are doing much better. Look at the current facts on NATO and allied participation. NATO and our allies are currently providing the lion's share of the military forces and funding for reconstruction efforts. I am also convinced that the Congress, in its oversight role, should continue to press NATO and our allies to do more, but we must exercise the responsibility in a responsible manner. The amendment simply does not measure up to that standard. Can you imagine the reaction to this date certain amendment in Belgrade, Montenegro, Macedonia and Albania?

No matter what is said and done, at the end of the day, we cannot afford to allow our concern about the participation of other countries harm U.S. security interests.

I think General Wes Clark had it about right in responding to a similar amendment offered in the other body. He said:

> In all of our activities in NATO, the appropriate distribution of burdens and risks remains a longstanding and legitimate issue among nations. Increased European burden sharing is an imperative in Europe as well as in the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burden sharing success story, even as we encourage the Europeans to do even more. The United States must continue to act in our own best interest.

This amendment should be defeated and I urge my colleagues to vote against it.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. CONDIT), the chief sponsor of this amendment.

Mr. CONDIT. Mr. Chairman, I rise today in support of the amendment. As has been indicated, this amendment is not about whether or not the United States will do the heavy carrying or carry the heavy load. We are willing to do that. We have said that we will do that. What this is about is asking our allies to keep their promise for money and manpower.

Now, I do not believe our allies have kept their commitment on any of the promises that they have made and I am a bit surprised to come to the floor and learn that Members would not be supportive of requiring our allies to meet their commitment. It is pretty simple. We are honoring our commitment with our tax dollars, and more precious than that, we are honoring our commitment with our men and women who serve in the military. It seems to me, at a minimum, we could ask our allies to honor their commitment which kind of makes me suspicious if we ever really intended on them keeping their commitment if we are not willing to take some action to see that they do.

Let me also say that there are broader implications for me and a lot of people in this House over this kind of issue, whether or not we are willing to put the hammer down on our allies and our partners when we make agreements. In a few weeks we will be taking up PNTR where we will be asked to look at an agreement with China. Now, what kind of message are we sending to the people who negotiate that agreement if we are not willing at some point to put the hammer down to our allies and to our partners who do not honor the agreements they make with us?

I think that we are doing the right thing today in saying that we are going to take some kind of action or we are not going to participate with you as an ally or as a partner if you are not willing to honor your agreement. The American people are suspicious when we go into these kind of agreements that we are going to shoulder the full load and that is usually what happens.

I would ask all of my colleagues today to support this amendment. I think that we are willing to shoulder the big burden here, but we want our partners to do the same.

Mr. Chairman, I rise in strong support of this amendment and I do so for one very compelling reason. We need to send a strong and clear message today to our European allies. That message is this: Keep your word. Our commitment depends on you keeping your word.

You've heard over and over again what this amendment does. Very frankly, this is a simple tool to make our European allies honor their word. We have consistently met our obligations—even exceeded them.

What this all comes down to is this. Our allies made lots or promises to help rebuild Kosovo and conduct peacekeeping operations. They promised money and manpower. But Mr. Chairman, mostly these have been a lot of hollow promises. The truth of the matter is, they have failed to live up to their word.

In the next week or so this House will take up China PNTR. I would ask my colleagues—those who fancy themselves as internationalists and free traders how they expect the American people to take us seriously on the China question when they can't take us seriously in the Balkans? Why should we expect the Chinese—or anyone else for that matter—to honor their word if our European allies mark this precedent so loudly?

Mr. Chairman, we are great at making speeches and making promises. But when it comes time to keep our words and expect our friends and allies to keep theirs, we get squishy and start going back and forth. And, we make excuses.

What kind of message do we send to the world when we hold open our check book in Kosovo and say, "It's okay. We'll cover the tab." But even more importantly, what kind of message do we send to the American people when we say, "It's okay for your sons and daughters to go to Kosovo while we keep our commitments, but our European friends don't have to keep theirs?"

We have bent over backwards in the Balkans. We have shouldered the burden and we've footed the bill. It's time for our allies to step up and meet their responsibilities.

Our allies—our friends in Europe—ought to ante up and pay their fair share. I remind you, we are only asking them to pay what they promised in the first place. We are asking them to keep their word.

We realize very clearly that our NATO allies—Germany and France in particular—have different fiscal years and different budget processes. We purposefully extended the deadline until April 1, 2001 to give them even more time to make a good faith down payment. That's all we're asking for—a good faith down payment.

If the next President doesn't certify these good faith benchmarks have been met, this amendment requires us to withdraw our troops. It also permits the next President to waive the withdrawal requirement for 180 days for national security reasons.

I challenge my friends on both sides of the aisle, support this amendment. It is a bipartisan common sense approach.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I rise in very strong opposition to this amendment. I think this amendment would be counterproductive. If we have an argument with our allies, we should sit down with our NATO partners and negotiate directly with them. But to come to the floor of the House of Representatives and try to set a date certain on this matter to me is foolish and counterproductive. I also think it is a very dangerous precedent. We are there in Kosovo and in Yugoslavia because we feel it is in our national interest to be there. And we have conducted ourselves appropriately. We have worked with NATO for stability in Europe, a very major goal, and now to say that if these European countries by a certain date do not do something, we are going to pull out and do it from the Congress is undermining the ability of the commander in chief. We only can have one President at a time. I strongly oppose this amendment and urge its overwhelming defeat.

Mr. SHAYS. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the full committee .

Mr. SPENCE. Mr. Chairman, I rise in support of this amendment. That might surprise some people. In the past I have opposed these types of amendments but I have worked with the sponsors of this amendment this time to the extent that they changed it, and I can support it.

I will tell my colleagues why. For years, I have been critical of the administration's use of our ground troops to keep the peace in the Balkans. The administration has failed to make a persuasive case that our involvement in Bosnia and Kosovo is in our national interest or vital national interest. On the list of real threats to this country, and our national security, these countries are not near the top of the list. We cannot today properly defend against the real threats that we have facing us in places like Korea and the Persian Gulf. With no strategic rationale and no strategy for a timely withdrawal, our continued deployment in Bosnia and Kosovo has led to a significant and troubling decline in our overall military readiness.

□ 1415

With all these deployments, we are wearing out our people and our equipment. Three people are doing the work of five. We just do not have the people to do it.

Finally, I want to say I agree with the sponsors of this resolution that the Europeans need to do more to bolster the fragile peace that occurs in Kosovo. Our country led, not only led, but for the most part carried the war effort one year ago in Kosovo. The air war was mainly our war. They could not even participate. They did not have the technology to do it. So we expended a lot of our assets in doing that.

Now our European allies should shoulder the burden of keeping the peace that we won for them. Unfortunately, they have not done it. Some of our allies have not provided what they need to, and we call on them to do it.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank my friend for yielding me time.

Mr. Chairman, I rise today in opposition to this amendment. I object to this amendment for a number of reasons, but, in the interest of time, I will address just one key point.

United States national security policy should not be dictated by the actions or inactions of our allies or other countries. I am very aware that there is a need to have our European allies assume a larger role in securing peace in Kosovo. However, this amendment places us in the situation of pursuing our national security interests literally by default.

This Easter, several of my colleagues and I visited with the soldiers in Kosovo. This was my second visit to the region and my second opportunity to talk with our service members about this difficult mission. Each of the soldiers I spoke with felt our participation was critical to reducing the instability and violence of the Balkans.

This amendment would undermine our ability to affect the future of the Balkans, and, more importantly, it would affect our ability to influence any future conflicts. I strongly urge each of my colleagues to vote against this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, will the gentleman yield?

Mr. REYES. I yield to the gentleman from Mississippi.

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LAHOOD). Does the gentleman yield for that purpose?

Mr. REYES. Yes.

The CHAIRMAN pro tempore. Does the gentleman first yield back his time for debate?

Mr. TAYLOR of Mississippi. The gentleman yielded his time to me, Mr. Chairman. At that point I made a motion.

The CHAIRMAN pro tempore. The gentleman from Mississippi will have to be recognized on his own. The gentleman from Texas has been recognized for debate only, and may proceed.

Mr. REYES. Mr. Chairman, I yield back my time.

The CHAIRMAN pro tempore. The gentleman yields back his time.

### MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN pro tempore. This is not a debatable question.

The question is on the motion to rise offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 204, noes 216, not voting 14, as follows:

[Roll No. 191]

AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Woolsey
Wu
Wynn

NOES—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—14

Baldacci
Bilirakis
Campbell
Coburn
Crowley
Doyle
Largent
McIntosh
Radanovich
Rothman
Stupak
Udall (NM)
Wamp
Wise

☐ 1438

Messrs. SAXTON, COMBEST, GILCHREST, BRADY of Texas, GREENWOOD, HOEKSTRA, CHAMBLISS, COLLINS, Mrs. CHENOWETH-HAGE and Mrs. MORELLA changed their vote from "aye" to "no."

Mr. FORD changed his vote from "no" to "aye."

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from South Carolina (Mr. SPENCE) has 12¼ minutes remaining. The gentleman from Missouri (Mr. SKELTON) has 14¾ minutes remaining.

The Chair recognizes the gentleman from Ohio (Mr. KASICH).

PARLIAMENTARY INQUIRY

Mr. KASICH. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman from Ohio will state his parliamentary inquiry.

Mr. KASICH. Mr. Chairman, would it be possible for me to negotiate through the chairman a yield back of all time on this amendment right now and have a vote on this amendment so that the Members can get about I know the important trip they are about to make? I am willing to do that, Mr. Chairman, yield back all of my time, if we could dispense with additional speeches. I think everybody on this floor knows this issue, but it cannot be unilateral. I am prepared to yield back all time at this moment.

The CHAIRMAN pro tempore. Any Member who controls time may yield back at any time.

Mr. SKELTON. Mr. Chairman, I have one remaining speaker. I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Chairman, I thank my friend, the gentleman from Missouri (Mr. SKELTON), for yielding me this time.

Mr. Chairman, I very, very strongly oppose this amendment. I think this sends the absolute wrong message and is really the height of the wrong way we ought to go.

I chair the Albanian Issues Caucus. I have put a lot of time and effort into the situation in Kosovo. Let me say something. What we have done in Kosovo is working. It is working. We have saved lives.

It is true that the Europeans ought to be doing more but this will have the exact opposite effect. Secretary of Defense Bill Cohen says this is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

Joe Lockhart, the White House Press Secretary, says this is the wrong message being sent at the wrong time, and presidential candidate George Bush says this is wrong and it is legislative overreach.

A letter from General Wesley Clark says these measures, if adopted, would be seen as a de facto pull-out by the United States.

We ought to be proud of the role we have played in saving the lives of hundreds of thousands of people and the United States ought not to cut and run. We are the leaders of the world and the leaders of the free world. No one gave us that mantle. We took it and we ought to follow it through. It is working.

People have gone to Kosovo. There are going to be bumps and grinds in the road but essentially what we have done is working. We cannot pull out. We need to work with our European allies, not cut and run.

This is not what America should be doing. We cannot go back to the days of isolationism. There are people that never wanted to be in Kosovo in the first place.

I am proud of the role that this administration played and that the American people played in saving the lives of so many people. So I just want to say that a bipartisan no vote ought to be here and we ought to very, very strongly reject this amendment. We have saved the lives of thousands of people. Let us continue the job.

MAY 11, 2000.

Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo, exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throw-weight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability was well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainty will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,

WESLEY K. CLARK,
*General, U.S. Army.*

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

☐ 1445

Mr. KASICH. Mr. Chairman, I yield such time as he may consume to the gentleman from Alabama (Mr. BACHUS).

Mr. BACHUS. Mr. Chairman, the Members may not have heard all this debate, but we have heard that we deployed into Kosovo. We have been told that we are in Kosovo. We have talked about we are withdrawing from Kosovo. The simple truth is that none of us went into Kosovo. None of us are in Kosovo. None of us will come out of Kosovo. It is the men and women of our military.

Yesterday I talked to four of them. I talked to a Major who has been deployed five times in the last 10 years. Ten years ago he had two people directly under him. Today they are his supervisors. I talked to a young man at the University of Alabama who deployed in May, came back in February, lost a year and a half of school.

That is what we are talking about. We are talking about the men and women of our military. It is a simple question: Do we make our European allies shoulder the burden, or do we make our own troops continue to shoulder the European burden?

Mr. KUCINICH. Mr. Chairman, I am in favor of this amendment. This amendment requires the President to submit a report to Congress confirming European obligations in Kosovo. If, before April 1, 2001 a report is not submitted, then the amendment would prohibit funding for further deployment of US ground troops.

This amendment is a common sense amendment. It does not withhold funding for maintaining our troops that are there currently. It is flexible because it gives the President room to waive this requirement for up to 180 days. And it provides the President time to certify that our allies are meeting up to their financial commitments.

Mr. Chairman, the current situation in the Balkans is grim and unpromising.

Ethnic cleansing is still taking place. More than a year later we are witnessing reversed ethnic cleansing of Serbs and Gypsies by Albanians. Since June of last year, more than 240,000 Serbs, Roma and Muslim Slav Gurani have fled the province of Kosovo.

Human rights abuses are rampant. An Amnesty International report issued in February concluded that after six months of peacekeeping efforts in the region that "human rights abuses and crimes continue to be committed at an alarming rate, particularly against members of minority communities." It goes on to say that UN police and KFOR troops have been "unable to prevent violent attacks, including human rights abuses, often motivated by a desire of retribution, against non-Albanians." Many refugees are forced to live in nearby enclaves under heavy NATO protection.

The UN's goals of maintaining a multi-ethnic, peaceful Kosovo has failed. For example, an attempt to reintegrate Serb and Kosovar children in school in the village of Plementina recently failed. In response, the UN Kosovo Mission (UNMIK) decided to build a separate school several kilometers away for security reasons. These failures have forced the head of the UN Kosovo Mission Bernard Kouchner to concede that "the most one can hope for is that they [Serbs and Albanians] can live side-by-side." So, it would seem that UNMIK's mission in Kosovo has drastically changed from maintaining a multi-ethnic society to one that must learn to co-exist side-by-side, but not together. Indeed, that is not even a representative picture.

Moreover, I am concerned that continued peacekeeping operations may actually facilitate an escalation in violence in the region. It is my understanding that part of the mission of KFOR is not only to "keep the peace" in the region, but to also train local residents into a civilian police force. My concern is that UN troops are legitimizing and institutionalizing extremist or radical elements of society there by training them to be a police force. If that's true, then our forces and our funds are propping up extremist elements in Kosovo and consolidating their power.

Despite European cooperation, the United States continues to bare the majority of the financial burden in the region, and we have really nothing to show for it. Congress needs to know that our NATO allies are meeting their financial obligations. Congress needs to know that US and European taxpayer dollars are being spent proportionately. Congress needs to know that our allies will provide their share of the cost of the peacekeeping mission in Kosovo. This amendment does this by prompting the President to report back to Congress on our allies commitments.

I urge my colleagues to vote in favor of this bipartisan amendment.

Mr. CROWLEY. Mr. Chairman, I am opposed to the Kasich, Condit, Shays, Frank, Bachus, DeFazio amendment to withdraw our troops from Kosovo before the completion of their vital mission in the Balkans.

The U.S. has committed a great deal of men, material and money to Kosovo and the Balkans region. Now is not the time to limit our activities. We must see it through.

I think it is very dangerous to tie the President's hands in the region when U.S. troops are on the ground and so much has been invested in the future of the region. This isn't a budget issue. It's a national security issue and must be viewed as such.

I agree with the proponents of the amendment that we must pressure our European allies to pay their fair share in Kosovo and the region. I think most of my colleagues would agree as well. But, I can't in good conscience allow the President to be prevented from doing what he feels is in the vital interests of the U.S. Especially when a new President will inherit the current situation in Kosovo next year and be forced to deal with this amendment if it passes here today. That is why George W. Bush joined with the Clinton Administration in opposing this amendment.

We must not link U.S. national security priorities with the perceived inaction of our allies. We all want to ensure our European allies to pay their fair share, but this is not the way to do it—diplomacy is.

No matter how you dress it up, this amendment could force the withdrawal of American troops from Kosovo. What kind of message does that send to our allies and enemies and most of all our troops? It sends the message that if you wait out the United States, we'll give up and go home. This message is irresponsible and dangerous.

Mr. Chairman, once again, this is a national security issue. We can not allow concerns over burdensharing to cloud our judgment on this issue. Yes, the Europeans must pay their fair share. Yes, the U.S. is often in a position where we must pay more than our fair share. And yes, I want our European allies to live up to their commitments. But, I will not sacrifice our security to do it.

I urge my colleagues to oppose this shortsighted amendment.

Mrs. FOWLER. Mr. Chairman, I rise in strong support of the Kasich amendment.

This amendment would simply require the President to hold our European allies to their past burdensharing commitments regarding Kosovo.

It would require the President to certify to Congress that the Europeans have delivered on at least a part of their commitments concerning humanitarian aid, redevelopment assistance, and law enforcement support for Kosovo.

Specifically, it would require them to provide at least fifty percent of the reconstruction aid, 85 percent of the humanitarian aid, and 85 percent of Kosovo Consolidated Budget support to which they have already committed. It would also require that they meet at least 90 percent of their commitments regarding United Nations international police force personnel for Kosovo.

If the President does not make this certification by next April 1, funding for U.S. ground forces in Kosovo would be terminated. The President would be able to pursue two 90-day waivers of this certification requirement if hostilities were underway or imminent.

Last summer I led a Congressional delegation to Kosovo at the request of Speaker HASTERT. We arrived the morning after the massacre of 14 ethnic Serb farmers in the village of Gracko. We saw clear evidence of intercommunal violence. We saw firsthand how U.S. troops had been pressed into service, performing every mission from law enforcement to utilities repair to municipal management.

As outstanding as our troops are, they are not trained for these missions. They are not trained to investigate or fight organized crime. They are not trained to restore telephone systems or power grids. They are not trained to operate prisons or administer justice.

These tasks were supposed to be performed by the United Nations Interim Administration Mission in Kosovo (UNMIK), pursuant to a Security Council resolution. Unfortunately, UNMIK is not able, even today, to perform many of these missions.

That is why I support the Kasich amendment. During the air campaign last year, the United States flew some sixty percent of the missions, including most of the riskiest.

Now it is time for the Europeans, whose interests remain most directly affected by this situation, to do their share.

I urge support for the Kasich amendment.

Mr. BONIOR. Mr. Chairman, to read the amendment before us, it's easy to get the impression that we're being presented with an opportunity to save some dollars. But, in fact, the real effect of this amendment will be to risk human lives.

Let's be clear: all of us believe in burden sharing. All of us want our allies to pay their fair share for our mission in the Balkans. That's why I was proud to support burden sharing from the start—and why I support it today.

But we can't allow our frustration with our allies to blind us to the truth. Because the truth is that there's nothing Slobodan Milosevic wants more—nothing that he needs more—than to know a date certain for the withdrawal of U.S. forces.

Ask yourself, what possible incentive would there be for Milosevic to agree to a lasting settlement if he knows that—in less than a year—our armed forces will simply pack their bags and come home?

What incentive is there for Milosevic to end the reign of terror against ethnic Albanians—terror that continues to this day—if this Congress tells him that all he has to do is run out the clock?

Should our allies pay their fair share? Of course they should. That's not the issue. The issue is that our mission in that troubled land is not yet complete. And until it is, measures like the one we're considering are as damaging as they are premature.

I urge my colleagues to vote no on the amendment.

Mr. KASICH. Mr. Chairman, I yield back the balance of my time, and ask that we immediately proceed to a vote.

### MOTION TO RISE OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I move that the Committee do now rise.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the motion offered by the gentleman from Mississippi (Mr. TAYLOR). It is not a debatable question.

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

### RECORDED VOTE

Mr. TAYLOR of Mississippi. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 215, not voting 19, as follows:

[Roll No. 192]

### AYES—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson. E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner

Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

### NOES—215

Aderholt
Archer
Armey
Bachus
Baker
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

### NOT VOTING—19

Baldacci
Ballenger
Campbell
Clay
Coburn
Crowley
Doyle
Frost
Largent
Markey
McIntosh
Ney
Pomeroy
Sanford
Scarborough
Slaughter
Stupak
Udall (NM)
Wamp

□ 1503

So the motion was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LaHood.) The question is on the amendment offered by the gentleman from Ohio (Mr. Kasich).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KASICH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 264, noes 153, not voting 17, as follows:

[Roll No. 193]

### AYES—264

Aderholt
Archer
Armey
Bachus
Baker
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Blunt
Boehner
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
Delahunt
DeLay
DeMint
Deutsch
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Hooley
Horn
Hostettler
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kingston
Kleczka
Kucinich
Kuykendall
LaHood
Latham
LaTourette
Lazio
Leach
Lee
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lucas (OK)
Luther
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Meehan
Meek (FL)
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Morella
Myrick
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Udall (CO)
Upton
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Woolsey
Wu
Young (AK)
Young (FL)

### NOES—153

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Bentsen
Berkley
Berman
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Brady (PA)
Callahan
Capps
Capuano
Cardin
Clay
Clement
Clyburn
Conyers
Coyne
Cramer
Cummings
Davis (FL)
DeGette
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Edwards
Engel
Etheridge
Fattah
Filner
Forbes
Fossella
Frost
Gejdenson
Gephardt
Gilman
Gonzalez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Houghton
Hoyer
Hunter
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Lampson
Lantos
Larson
Levin
Lewis (CA)
Lewis (GA)
Lowey
Lucas (KY)
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McNulty
Meeks (NY)
Menendez
Millender-McDonald
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Reyes
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Stump
Tauscher
Taylor (MS)
Thompson (MS)
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Waxman
Weiner
Wexler
Weygand
Wolf
Wynn

### NOT VOTING—17

Baldacci
Ballenger
Campbell
Coburn
Crowley
Doyle
Hall (OH)
Herger
LaFalce
Largent
McIntosh
McKinney
Sanford
Stupak
Udall (NM)
Wamp
Wise

□ 1522

Ms. SLAUGHTER changed her vote from "aye" to "no."

Mr. DAVIS of Illinois changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. Sununu). It is now in order to consider amendment No. 2 printed in House Report 106–621.

### AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

Mr. FRANK of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

**SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.**

The total amount obligated from amounts appropriated pursuant to authorizations of appropriations in this Act may not exceed the amount equal to the sum of such authorizations reduced by one percent. In carrying out reductions required by the preceding sentence, no reduction may be made from amounts appropriated for operation and maintenance or from amounts appropriated for military personnel.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Massachusetts (Mr. FRANK) and a Member opposed, the gentleman from Colorado (Mr. HEFLEY), each will control 10 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, it is important for Members to understand that in the 2 days in which we will be dealing with this bill we will have spent more than half of the discretionary funds available for expenditure by the Federal Government in the next fiscal year. If we go along with the committee's proposal.

The committee has proposed a very significant increase in the military. It has gone significantly above what the President proposed. And the result will be that, according to the calculations I have gotten from budget people, 51.8 percent of the total money spent on discretionary accounts by the Federal Government this year will be spent on the military.

Now, many of my colleagues will have told their constituents that they would like to do more for prescription drugs for older people. We have older people in desperate need of help in paying for prescription drugs. Members have told local police departments that they would like to be even more responsive to their needs. We have told, many of us, local educational authorities that we understand their needs for expanded school buildings and we would like to help them. We have told communities affected by environmental problems that we would like to expand the money EPA has so that they could do more to clean up Superfund sites more quickly and to do more to deal with brownfields. But this bill will make a lot of that impossible.

And we ought to establish a standard of honesty for Members. If we vote for the full amount asked for by the Committee on Armed Services today, we should not expect to be able to tell people honestly that we would like to help them but were somehow deprived by someone else of the ability to do it because this will be a self-imposed deprivation.

Now, my amendment is a rather small one. It calls for a 1 percent cut in the authorized level. That would be $3.09 billion. This bill is $4.5 billion over the President's request. On the last amendment many of my Democratic colleagues felt they had to support the President. Well, I hope that carries over. Raising the President's defense budget by $4.5 billion more than he asked for, when that comes at the expense of education and the environment and health care and law enforcement, is not a good way to show support. Even if this amendment passes, the bill will still be a billion and a half more than the President asked for, and the President asked for a significant increase.

Now, the bill exempts personnel and it exempts operation and maintenance and it gives to the Congress, not the White House, the ability to decide how to allocate this. So that is the question before the Members. Are we prepared to increase by $4.5 billion what the President asked for; do we believe that there is apparently no waste in the Pentagon; are we prepared to say that 51.8 percent of the total discretionary spending will go to the military, when that increase that we will be voting for will lessen our chances of providing prescription drugs, will undercut our ability to deal with local law enforcement and will reduce the resources available for housing for the elderly or environmental cleanup?

Mr. Chairman, I reserve the balance of my time.

Mr. HEFLEY. Mr. Chairman, I yield myself 2 minutes, and I rise to oppose the amendment.

Mr. Chairman, let me talk about the area of the bill that I know the most about, and that is, as chairman of the Subcommittee on Military Installations and Facilities, I remain concerned about the deteriorating conditions of our military installations, and I am especially concerned about the impact of inadequate facilities and military housing on readiness and retention.

The House Committee on Armed Services has played a bipartisan role in addressing the needs of the military personnel, their families, and has shown a commitment to acquire decent housing, improve child development centers, and other quality of life improvements for those who serve in the Armed Forces. The gentleman from Massachusetts (Mr. FRANK) talks about helping these people. Well, we are trying to help these people.

The amendment would have the practical effect of reducing total defense spending by 1 percent. In carrying out such a reduction, no cuts could be made in operations and maintenance or from the personnel accounts. This would require that a disproportionate amount be taken from the other defense accounts, including military construction and military family housing, thus diminishing the improvements that our service members deserve.

H.R. 4205 contains a number of important provisions affecting these accounts which will help alleviate part of the problems I mentioned previously. Decreasing the MILCON authorization level, a level to which the House Committee on Armed Services unanimously agreed, and a level that complies with the concurrent resolution on the budget, would contribute to the deteriorating conditions for our service members and their families, and signal to them that we as a Congress are uncommitted to addressing the unfunded infrastructure accounts.

□ 1530

Military construction and military family housing continue to receive too little attention in the overall competition for resources. We cannot afford to reduce authorization levels for vital infrastructure programs. This will only accelerate the long-term degradation of quality of life, training, and readiness.

I urge the defeat of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. LUTHER), an intellectually consistent budget cutter.

Mr. LUTHER. Mr. Chairman, I rise in strong support of the Frank amendment.

The amendment, as the gentleman from Massachusetts (Mr. FRANK) has pointed out, would reduce funding for next year's defense budget by a very modest one percent, leaving the accounts for operations and maintenance and personnel untouched.

That still leaves us with a total defense spending level of over $300 billion, $1.4 billion more than the President requested, and a massive $20 billion more in defense spending than last year.

To put it in perspective, as the gentleman from Massachusetts (Mr. FRANK) did, this bill currently represents more than half of the discretionary spending for the fiscal year 2001 budget. This is a prime example of misdirected priorities, and I think it is high time that Congress face up to that issue.

We have serious work to do for the American people: providing a prescription drug benefit for seniors, securing Social Security, guaranteeing top quality education for our young people, and paying down the national debt. In light of these needs, we should not be adding in this way to the military budget, especially when it represents old-fashioned thinking in our modern world.

Currently, the Pentagon's strategy is far too focused on big weapons systems, with little value in the ethnic and the nationalistic conflicts we find ourselves in today. So, in addition to consuming resources that we need in society for other purposes, this old way of thinking also robs our military men and women of crucial funds for readiness and training.

Finally, Mr. Chairman, while we have made significant progress on reducing the imbalance in our budget, we must look for every opportunity to reduce our over $5 trillion in national debt. We simply cannot continue to justify spending money in this way.

I urge support for the amendment.

Mr. HEFLEY. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, the Members of the House have already voted against the substance of this amendment. We voted almost 3–1 to add $4 billion to the emergency supplemental appropriations bill. That money was in response to a request by the services when we asked them this year, what do they have in unfunded requirements that is not in the President's budget? They gave us a list of $16 billion, including ammunition, spare parts, training, and, in some cases, replacement platforms, aircraft, and other things to fill in areas where the President had not funded the armed services.

In response, we gave $4 billion on the emergency supplemental. We did not get that. The other body would not go along with that. But they did go along with an increase of our top line of $4 billion. This amendment would, basically, gut that and wipe out the will of the House that voted almost 3–1 to give more money to the military.

Now, why did they do it? They did it because defense spending has been in decline for 13 years. We are spending approximately $100 billion less this year on national security than we did in 1985 in real dollars.

Now, some people may say, well, we funded readiness accounts. We funded personnel accounts. Why can we not take money out the modernization accounts.

I think the best reason is the 80 aircraft that have crashed in the last year and a half. For any Member that wants to know the essence of this debate, it is this list of crashes. These crashes represent almost every type of aircraft, rotary and fixed-wing aircraft, in our inventory: F–16s, F–15s, helicopters, right on down the line.

Some of them crashed because they did not have spare parts. Some of them crashed because we have inexperienced people, we are not getting enough pilots in. Some of them crashed, in my estimation, because of lack of training. Some of them crashed, my colleagues, because they are too old.

And even President Clinton's own Secretary of Defense Bill Perry told us just a few weeks ago we are $10 billion to $15 billion short in procurement accounts, in modernization accounts. Here is a person that put together the blueprint that President Clinton is now operating under, and he is telling us that we are short $15 billion to $20 billion in our accounts. And he is a responsible person. He understands it is largely sparked by the fact that we are having enormous numbers of crashes, lots of operational problems.

The facts are, my colleagues, that we need this money; and we cannot take this large piece of money out of the defense bill without having a major impact on our ability to have a strong national defense.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to commend the gentleman from California (Mr. HUNTER) for his statement.

We are still substantially below where we need to be in modernization. We have got OPTEMPO issues. We have got spare parts problems, real property maintenance.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am sorry my friend the gentleman from Washington (Mr. DICKS) cannot join me in supporting the Clinton administration on this issue, but maybe he will come back on a later one.

The Clinton administration did ask for a significant increase. I think they asked for too much. But I am still prepared only to cut back to even a little bit above what they asked.

Now, I acknowledge that the Department of Defense does not have everything it would like to have. It does not have all of its proposals. Neither does the Department of Health and Human Services. They do not have enough money to pay for prescription drugs for all the people.

Vote against this amendment and then go and tell the elderly people in their district that they cannot do a prescription drug program the way they would like it because we cannot afford it.

Now, I want to help the living conditions of the people in the military. If they would listen to this debate, they might not know that we buy weapons, and not only that we buy weapons, but let me quote here a former presidential candidate, the Senator from Arizona, who talks about all the pork that gets put in. There were weapons in here that no one asked for except the people in whose districts they are made. I am talking about 1 percent of the budget, 1 percent of the $309 billion.

I believe that we could look at a list of projects that were generated by Congress put into this bill that were not requested by any of the services that would amount to this. We just voted an amendment to say that our European allies have to pay more of the joint costs. That provides some savings.

Now, it is true we are spending less on defense than we were. Ten years ago a major event happened. There was the collapse of the Soviet Union, and the major threat to our ability to exist as a free society collapsed.

That does not mean there are not still countries in the world that cause us problems. But they existed before the collapse of the Soviet Union. North Korea did not come into being in 1995. Iran was not invented in 1992. Libya did not spring to Earth in 1993.

Twelve years ago we had the Soviet Union with its nuclear weapons and the Warsaw Pact and all these over threats. I have heard Members say, oh, well, it is much more dangerous now that the Soviet Union has collapsed.

We have, believe it or not, nostalgia for the old days when we were facing a thermonuclear threat amongst some Members because they can use that to justify increased expenditures.

I have more confidence in the members in the authorization and appropriations committees than they have in themselves. I believe if we say, look, they are going to have 99 percent of what they asked for, which includes billions more than they had, the increase in the military budget from last year and this year would pay for a prescription drug program. Not the budget, the increase in the budget.

What we are saying to them is show a little restraint, we will leave to them the authority to pick and choose. Do not cut things that are important to manpower. Cut out some of the projects that they are being asked to pay for because they will provide employment in certain districts.

There is an intellectual double standard here that says, when we are talking about housing, when we are talking about health care, when we are talking about the Environmental Protection Administration, if we catch them misspending money, we will punish them.

In the Pentagon, when we catch them misspending money, we reward them by giving them more.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the committee.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we have been fighting for a long time to rebuild our military. We have been in a deep hole, and we are trying to dig out of it. This year, for the first time in 15 years, we have got a real increase in the defense budget.

And now people want to try to take away part of that.

Reference is made to the Cold War and the fact that the Soviet Union has dissolved now and so we do not have all these threats we had and it will not cost us as much to defend against them.

I would like to remind my colleagues that the world now is more dangerous, in spite of what he says, than it has been during the Cold War. We still have the Cold War threats of intercontinental ballistic missiles with nuclear warheads, but now it is more varied. Instead of just coming from the old Soviet Union, now it comes from Russia, from China, from North Korea, Iraq. And the list goes on. We cannot defend against any of those properly.

In addition, we have new threats, weapons of mass destruction, chemical, biological, bacteriological. We can put these as warheads on shorter range missiles and cruise missiles that we hear so much about. Eighty-one countries have cruise missiles. They can put these as warheads on those devices and they can bring everyone in the world within the range of these types of weapons, our friends, our allies, our troops, and us here at home.

We cannot properly defend against those threats, and here we are trying to cut more than that.

Mr. FRANK of Massachusetts. Mr. Chairman, I yield myself 15 seconds to say that none of the threats my friend just mentioned, North Korea, China, Iraq, chemical weapons, or biological weapons, date from 1990. They all existed contemporaneously with the Soviet Union.

So it is simply not remotely accurate that we have all these new threats. We used to have all of those and the Soviet Union.

Mr. Chairman, I yield the balance of the time to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, the Pentagon cannot even have their books audited to figure out how they are spending their money. Do my colleagues think the days of $1,000 hammers and screwdrivers and bolts are gone? Wrong.

The Pentagon loses ships. They do not know where they are. Yet, they say we cannot restrain spending in this town? They are wrong. Because they have gotten too addicted to Potomac fever.

Those are not my words. Those are the words of the chairman of the Republican Committee on the Budget.

Now, what we are talking about here is good money after bad. We want the strongest defense possible. We want readiness. We want O&M funded. We want our personnel taken care of. But we do not want precious taxpayer dollars wasted. And they are being wasted.

This year financial statements were more untimely than ever, and a record $1.7 trillion of unsupported adjustments were made in preparing these statements. That is the Department of Defense Inspector General Semiannual Report, March 31.

Now, defense contractors, the wonderful patriotic folks that they are, returned $984 million they were paid that they were not owed voluntarily. They were not audited. They did not return it because the Pentagon found out they had paid the bills twice, three times, four times, or whatever. They sent back $1 billion voluntarily. And then we got back another $3.6 billion after some minor audits were conducted.

Now, my colleagues cannot tell me that this is enhancing our defense or our readiness, and they certainly cannot tell me it is cost-effective and a good use of our taxpayers' dollars.

This cut would cause, finally, the bureaucrats and the four-stars down at the Pentagon to begin to pay attention how they spend our tax dollars and to have a more cost-effective and better ready force.

□ 1545

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. BATEMAN).

Mr. BATEMAN. Mr. Chairman, I will comment that this debate is about priorities. The priority here is the overriding priority of providing for our national defense which is not only an obligation, it is a constitutional obligation, and this amendment would strike at the heart of our ability to perform that responsibility. O&M accounts, personnel accounts are exempted under this amendment which means that it falls even more heavily on all the other accounts in the Department of Defense and it would be an onerous, intolerable burden and would indeed, even though it does not come under my Readiness subcommittee, be a tremendous detriment to the status of readiness of our military forces. This amendment deserves resounding defeat.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina (Mr. HAYES).

Mr. HAYES. Mr. Chairman, I thank the gentleman for yielding me this time. I rise in opposition to this amendment. My friends on the left are headed in the wrong direction once again. Without national security, there can be no Social Security. We cannot afford to continue the slide in priorities of national defense.

I will use the balance of my time to call attention to our chairman who has fought tirelessly throughout his career for the men and women who wear our uniform and protect our country. He has fought against the Clinton budget-cutting ax that has tried to decimate our military.

Mr. Chairman, I ask my colleagues to vote against this amendment. Support our national security. Support our chairman for whom the title of this bill is properly dedicated. I rise to thank him for his tireless efforts on behalf of our men and women in uniform.

Mr. Chairman, I rise today in strong support of H.R. 4205, the National Defense Authorization Bill for Fiscal Year 2001. But first and foremost, I would like to recognize our Chairman, the gentleman from South Carolina, Mr. SPENCE, for whom this bill's title is dedicated. No one in this Congress cares more about our men and women in uniform than Mr. SPENCE. He has distinguished himself among his colleagues as a member who leaves politics at the water's edge when faced with issues important to our Armed Services. Chairman SPENCE, we and the millions of Americans who proudly serve our nation in the military are grateful to you.

Mr. Chairman, I would also like to recognize our retiring colleagues on the Committee: Mr. KASICH, Mr. PICKETT, Mr. BATEMAN, Mr. FOWLER and Mr. TALENT. I've enjoyed working with them and certainly wish them well.

For almost a decade now, this nation's defense budgets have continued to fall victim to the Clinton Administration's cutting ax. We have gone from a budget in 1992 that exceeded $300 bullion to a budget that in the mid-90s fell perilously low. This year, the Armed Services Committee has put before this body a bill which reverses the downward and misguided trend in defense spending. We renew our commitment in the form of $310 billion to the men and women who selflessly serve in the defenses of our nation. We have continued this year the good work we began last year in what was called the year of the troop.

Mr. HEFLEY. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania (Mr. WELDON).

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from Pennsylvania (Mr. WELDON) is recognized for 1 minute.

Mr. WELDON of Pennsylvania. Mr. Chairman, I rise in solid opposition to this amendment. We are in no way, shape or form able to meet the needs of our military. The irony here is that we had President Clinton's former Secretary of Defense Bill Perry come before us in January and tell us that the President's request, the $15 billion above last year, was inadequate and that in his mind it should be more like 10 to $20 billion above the President's request. That is after we put money in each year, bipartisan support, to make those increases occur. Yet Bill Perry still said we were 10 to $20 billion short in what the President requested.

Now, I know some of my colleagues are not happy, but even the proponents of this amendment signed letters to us asking for tens of billions of dollars above what we were willing to give. I have the information here and I am not going to embarrass Members personally, but I can tell you that Members who are supportive of this amendment signed letters to us asking for us to put more money in the defense bill than what the President asked for.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. FRANK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. FRANK of Massachusetts. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. FRANK) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 printed in House Report 106–621.

### AMENDMENT NO. 3 OFFERED BY MR. DREIER:

Mr. DREIER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

At the end of title XII (page 338, after line 13), add the following:

**SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.**

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following:

"(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from California (Mr. DREIER) and the gentlewoman from California (Ms. LOFGREN) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, national security is the top priority that we have here in Washington, D.C. As I said during the debate on consideration of the rule that made these amendments in order this morning, there are a wide range of issues that we address and discuss on a regular basis, many of which can be handled at other levels of government. But the security of the United States of America can only be handled by the Federal Government, and that is why I want to make it very clear that our security is my top priority. That is why I am very happy to say that we have worked out in a bipartisan way a very, very important piece of legislation which will allow us to strengthen our security. I would like to begin by commending the very distinguished ranking minority member of the Committee on Armed Services, the gentleman from Missouri (Mr. SKELTON), who has joined me as the lead cosponsor of this amendment on the other side of the aisle as well as the gentlewoman from California (Mrs. TAUSCHER), the chairman of the Committee on International Relations, the gentleman from New York (Mr. GILMAN) and several others.

This is a compromise that has been put together working closely with the gentleman from South Carolina (Mr. SPENCE) the man not only who chairs the committee, but after whom this legislation that we are dealing with here today is named, and I would like to express my great appreciation to him for his stellar leadership and for working with us in putting together this bipartisan compromise, which, as I said, not only includes both sides of the aisle, but also deals with various committees that have been involved in it. It is a very common sense proposal that will establish a 60-day congressional review period when the President raises the threshold for export controls on high speed computers.

The amendment protects our congressional prerogatives. Let me underscore once again, this amendment protects the prerogatives of the United States Congress by ensuring that the review period will not occur when Congress is adjourned sine die. In short, this amendment is a very balanced proposal that is designed to promote sound export controls and the continued global leadership of our Nation's computer industry. As I said, it is very good for our national security.

Let me just say that I happen to believe that as we look at where we are going on this legislation, we have got to deal with our Nation's security, but at the same time, we have to recognize that the computer industry in this country is constantly re-creating itself. It is not just happening in this country, it is happening throughout the rest of the world, they push the technology envelope on a regular basis, and I think that the current export policy regime structure that we have is really out of step with the changes that have taken place with the 6-month current law that does exist. I would like to say that this stems from legislation that the gentlewoman from California (Ms. LOFGREN) and I introduced earlier, and I believe it is very, very important for us to realize that that launched the effort, and now we have worked a compromise which I think can be acceptable all the way around.

I urge support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

I cannot help but express my severe disappointment that this measure, which is inferior to the bill introduced with the gentleman from California (Mr. DREIER) on this subject is the best we can do here on the floor. I must point out that the better bill that the gentleman from California and I introduced won unanimous support in the Committee on International Relations. It provides for a 30-day review, which is the proper time period. Why should computers be subjected to a lengthier time review than tanks and missiles? It is preposterous.

I realize that there are Members of the House, some have called them cold warriors, who disagree. But they are a small minority. If the Committee on Rules had allowed the 30-day bill on the floor, we would have seen a huge bipartisan vote for that amendment for that better approach. The leadership instead offers this weaker remedy, and it is a darn shame that we have lost this opportunity to do fully and completely what the White House and Democratic House leadership has asked for for years, a bill that provides for a 30-day review of computer exports.

Mr. Chairman, our Committee on International Relations whip count indicated we would have had a floor vote of about 300 Members for a 30-day bill, with more Democrats in favor than Republicans. Democrats would have outshined the Republicans on this. That, Mr. Chairman, is why this 60-day bill is the only amendment made in order. The Republican leadership wants to look tech friendly, but here, I believe, they are putting partisanship ahead of good policy. I agree that the current export policy is wrongheaded. It means that children's toys, for example, the Sony Playstation 2 that was categorized as a supercomputer cannot be exported for half a year while we update our technology policy in the export arena. The current policy is disastrous. This amendment that is before us is, in fact, an improvement over current policy, but it is far short of what we could have done. I am greatly disappointed. I hope that in the end we can somehow rescue the 30-day provision.

Mr. Chairman, I reserve the balance of my time.

Mr. DREIER. Mr. Chairman, I am very happy to yield 2 minutes to the gentlewoman from California (Mrs. TAUSCHER), coauthor of the amendment.

Mrs. TAUSCHER. Mr. Chairman, I rise in support of the Dreier-Skelton-Gilman-Tauscher amendment to the defense authorization bill. Current U.S. export controls on supercomputers are Cold War leftovers that are irrelevant to today's global marketplace. Namely, they do not account for the rapid development of widely available technology.

On February 1, President Clinton proposed new controls to reflect modern technology. But that proposal will not take effect until August because of a lengthy 180-day congressional review process. The problem is that modern technology in August is not necessarily what modern technology was in February.

Today we should limit the congressional review period to 30 days, which would be in line with our export controls on tanks and other military technologies. I submitted an amendment to that effect on Monday. I regret that the Committee on Rules ruled against my amendment, and for this 60-day review period. Congress simply does not need 2 months to review technology that is ubiquitous and is being exported by other nations.

When we apply antiquated controls to a fast-paced, evolving market, we hurt American businesses with no added advantage to national security. While a 30-day review period is the right policy, I urge my colleagues to support this 60-day review period held in the Dreier-Skelton-Gilman-Tauscher amendment because it is better policy than the current law.

Mr. DREIER. Mr. Chairman, let me once again thank the gentlewoman from California (Mrs. TAUSCHER) for her cosponsorship of this amendment and to say that it is very helpful. Again this is a package that has been put together with both the Republican leadership and many Democrats included in this.

Mr. Chairman, I am happy to yield 2 minutes to the gentleman from the show-me State, (Mr. SKELTON), distinguished ranking minority member of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I am proud to be a cosponsor with the gentleman from California (Mr. DREIER), the gentlewoman from California (Mrs. TAUSCHER) and the gentleman from New York (Mr. GILMAN) to reduce the notification period for changes in the definition of supercomputers. Modern computing was born in the United States of America. The technology leaders in the field are among the firms most strongly driving our economy today.

We may all be familiar with Moore's law which states that the amount of computing power available at a given price doubles every 18 months. Today, though, before the government can legally recognize any advancement in computing power, it must wait for 180 legislative days. That is 6 of those 18 months. In 6 months, foreign competitors can leap ahead of our technology. In 6 month, buyers can be attracted to other products. In 6 months, companies restrained from filling already closed deals can find themselves in great financial difficulty.

Even worse, we all know that a legislative day is not a day in any conventional sense of the term. It can be as long or as short as we wish. We can perform the miracle Joshua described, to stop the sun in the sky. While that may be useful for legislation, it can stretch the waiting period far beyond the 6 calendar months that can already be so difficult for America's companies, and do so beyond the capacity of any seer to predict.

This amendment recognizes the reality of technology. I would note also that this amendment does not reduce the time available for approval of particular export transactions. All of those controls remain in place.

□ 1600

I hope that all of my colleagues will join us in recognizing the unique pace of technology development endorsing the rationality and predictability in government regulations.

Ms. LOFGREN. Mr. Chairman, I yield 4¼ minutes to the gentleman from New York (Mr. GILMAN). s

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I rise in strong support of the Dreier-Gilman-Skelton-Tauscher amendment providing for a 60-day Congressional review period for any decision by the administration to modify control levels for high performance computers exported to certain countries and markets.

While I would prefer to shorten the current review period of 180 days to 30 days to enable U.S. industry to respond quickly to rapid changes in the speed and technology of computer chips and microprocessors, I am in support of this bipartisan proposal.

In my view, this measure carefully balances the need for Congressional oversight of our export control policy with the need to make certain we do not put unnecessary roadblocks in the way of our computer industry, which faces increasingly stiff competition in markets throughout Europe and Asia.

This amendment in no way alters the current licensing policy regarding these high performance computers and the Department of Commerce's ongoing post-shipment verifications on the use of these computers in countries of concern, including China and India. It does, however, ensure that the administration is going to provide Congress with an adequate review period for any proposed changes in computer performance thresholds by requiring that it not include a Congressional sine die adjournment.

By way of background on this issue, I point out to my colleagues that there are widely divergent computer export controls that are now in place designed to balance foreign availability with national security concerns. The two factors determining whether an export license is required for a high performance computer are its country of destination and the number of MTOPS, million theoretical operations per second.

As of January of this year, the Department of Commerce has broke broken down these countries into four separate tiers, with each tier having its own separate licensing requirement.

The first tier includes Western Europe, Japan and Australia, Mexico and Canada, where no individual validated license is required for any computer exports.

The second tier includes the countries of South and Central America, as well as a number of Asian countries, where an individual validated license is required for the export of a computer above 20,000 MTOPS.

The third tier includes India, Pakistan, China, Russia, and the countries of the Middle East, where exports are permitted without an individual validated license for computers up to 6,500 MTOPS, but sufficient licenses are required for exports for military uses above this threshold level and for all other exports of computers having a speed of 12,300 MTOPS or higher.

Tier 4 countries include Iran, Iraq, Libya, North Korea, Cuba, Sudan and Syria, where virtually no computer exports are allowed.

The National Defense Authorization Act for Fiscal Year 1998 required exporters to notify the Commerce Department of a proposed export or reexport of a computer to a Tier 3 country with a speed of 2,000 MTOPS or higher, subsequently increased to 6,500 MTOPS, and authorized our President to raise this threshold level for these countries, but stipulated that it should not go into effect until 180 days after the President justifies the new policy in a written report to the Congress.

With computer product life cycles now averaging 3 months or less, a requirement that our computer companies must wait 6 months before exporting widely available high performance computers is both unrealistic and unwarranted. This amendment before us simply shortens the review period to 60 days while preserving Congressional prerogatives and making no changes in our current export control regulations. Accordingly, I urge our colleagues to fully support the adoption of this measure.

Mr. DREIER. Mr. Chairman, let me express my appreciation to the chairman of the Committee on International Relations for his coauthorship of the amendment and his very thoughtful statement.

Mr. Chairman, I am very happy to yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of the Committee on Armed Services and the man for whom this very important defense authorization act is named.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I rise in support of this amendment. I appreciate, I want everyone to know, the willingness of the chairman of the Committee on Rules to work with me in trying to find a legislative outcome that would ensure our national security is not compromised by the export of high performance computers to dangerous entities in countries of proliferation concern. I believe that this amendment, which would reduce the current waiting period for certain computer exports to those countries from 180 days to 60 days, excluding the period of time when the Congress has adjourned sine die, is an acceptable compromise.

Personally, I would have preferred a longer time frame for review in order to allow Congress an opportunity to more fully debate and review significant changes that the administration may propose in the level of computing capability that may be exported to certain users without government knowledge, especially during periods when Congress is not in session.

Those of us who have expressed national security concerns about the liberalization of export control policies under this administration recognize that technology is rapidly advancing. The underlying legislation this amendment would change also recognizes this fact by allowing the administration to make such adjustments in the level of computing power that can be exported without government review.

Nevertheless, I believe this amendment strikes an appropriate balance between commercial concerns and national security requirements. Because of this, Mr. Chairman, I support the amendment.

Ms. LOFGREN. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. DOOLEY).

Mr. DOOLEY of California. Mr. Chairman, I rise in support of this amendment, but also express some regret that we did not have the opportunity to have this body act on an amendment which I think would have even been more in tune with the realities we are seeing in today's Information Age. When we look at the fact that we allow many sensitive weapons, such as tanks, high performance aircraft and missiles, to be exported from the United States with only a 30-day waiting period, it seems somewhat irresponsible and inappropriate that we would not apply that same standard to the exportation of high performance computers and technology.

We are here today because we are recognizing that we are advancing from an industrial-based economy to one that is based on information, and the forces in an information-based economy are speed, whether it is the speed of commerce, the speed of innovation, the speed of communication, and we ought to be advancing regulations that are consistent with our transformation into an information-based economy, and a 30-day review period is more than adequate to allow us to ensure that we are not jeopardizing national security, and, at the same time, ensuring that we are not impeding the ability of our economy, which is committed to the technology sector to maximize their economic opportunities internationally.

We have had some evidence where companies have been thwarted in their ability to make sales of computers. Just last fall Apple Computers developed a single processor that exceeded the export control limits, and were precluded from marketing this product in over 50 countries.

We need to ensure that we do not have U.S. workers sacrificing market opportunities because we have a regulation on the books that is not in tune with the realities of this information-based economy in which we now find ourselves.

I rise in support of this amendment. I hope as we continue this process though that we can hopefully get back to looking at the legislation that my good friends the gentleman from California (Mr. DREIER) and the gentlewoman from California (Ms. LOFGREN) would have introduced that would have only required a 30-day period.

Mr. DREIER. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services, who would like to make an announcement.

Mr. SPENCE. Mr. Chairman, pursuant to section 5 of House Resolution 503, I announce to the House we will proceed with consideration of amendments printed in the report on the rule in the following revised order: Amendment No. 4; No. 20; No. 13; Nos. 5 through 9; Nos. 11 and 12; Nos. 14 through 19; Nos. 21 through 26; Nos. 28 through 35; No. 10; and No. 27.

Mr. DREIER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just say that I appreciate the very thoughtful remarks of the gentleman from California (Mr. DOOLEY) in support of the legislation that I and the gentlewoman from California (Ms. LOFGREN) introduced. Obviously I am a proponent of that 30-day period.

The fact of the matter is it was necessary for us to put together a compromise, because obviously the 6-month period with which we have had to deal over the past several years has been inadequate, and the most recent experience we had actually delayed from July 23 of last year until January 23 of this year the ability to increase the MTOPS level, and we tried then to move for some kind of movement. Quite frankly, it took the administration quite a while, because it was nearly 5 months before that July 23 letter that the President sent that we made the request of him to move for a lifting of the export control level.

So now we have come up with a compromise, which I believe is a balanced one. Again, my first choice is the legislation that the gentlewoman from California (Ms. LOFGREN) and I introduced. But we have come to a compromise, and I am very appreciative of the fact that my colleagues the gentleman from South Carolina (Mr. SPENCE), the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from New York (Mr. GILMAN) and the others who have come to support this, have agreed to do that.

Mr. Chairman, I yield 2 minutes to my very good friend and classmate, the gentleman from San Diego, California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank my good friend for yielding me time, and I want to thank him for his hard work in trying to put together a compromise that he feels would serve national security as well as commercial interests.

Mr. Chairman, as one of the folks that believes that we fought the Cold War right, let me just reflect to my colleagues that this species of transfer of computers and supercomputers to potential adversaries is a very dangerous game.

My colleague mentioned the Cold War. In fact, we won the Cold War and liberated about half a billion people from slavery. In winning the Cold War we were very careful not to transfer American militarily useful technology to adversaries and potential adversaries.

Computers have a deadly potential. That is, they can help to upgrade the nuclear weapons component of a military like China's. They can upgrade their ability to throw missiles. They can upgrade those militaries in almost every category, chemical, biological weapons.

One of my colleagues talked about helping American workers. American workers have another interest, and that is to see to it that their children are not killed on battlefields around the world by systems that were transferred to those countries by the United States of America.

This is a compromise. It is 60 days, and the time we are out of session does not count in the review period. For that reason, those of us who want to see very, very tight controls and review went along with it.

□ 1615

I might say to my colleagues, this is a very dangerous exercise that we are engaged in. We have to be very conservative and very careful. We have made massive mistakes in the past in transferring technology to our adversaries. We do accept this, especially because of the reservation of time that is spent out of session, so we are not going to be surprised by a transfer by the President of something that we think will be dangerous to American security. For that reason, the committee has agreed to the compromise.

Ms. LOFGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just think that it is important to establish a couple of points about the agreement among Members. First, everybody in America is glad the Cold War is over and we are glad that capitalism won and we are glad that America won, so that is not an issue.

Number two, I think everybody agrees that there are some supercomputers that should not be exported. I know that I do and I think most of the companies in Silicon Valley, my home, believe that there is some high-end equipment that can be used for a dual use purpose and that it is not generally available and should be controlled. I agree with that.

The issue really is what is widely available and already accessible worldwide? And that is a changing number in terms of computing power, and once we determine that someone can get it anywhere else we are not really accomplishing anything by hampering our own economy.

I mention from time to time that if one can buy it at Fry's, it is too late to control. Recently somebody said what is Fry's? Well, what Fry's is is an electronic store in Silicon Valley where a person can walk down the aisle and they can buy computer chips and mother boards, and they can buy, and believe me this stuff is small, hardware that violates our export controls at Fry's right now. If we think that there are other countries in the world who cannot also go into Fry's, believe me there is no security ID necessary to go shopping at Fry's, if we do not think that people who want to get high computing power cannot already get it, then I think we are sadly mistaken.

So we need to make sure that our export controls are really keyed in to exporting power that is not available generally, and then once that decision is made there is no point in having a long, long period of time to implement it.

I mentioned earlier my disappointment over the 30- and 60-day issue. I will not reiterate that, but I thought it was important to highlight where we agree and not just where we disagree.

Mr. Chairman, I yield back the balance of my time.

Mr. DREIER. Mr. Chairman, do I have the right to close the debate on this?

The CHAIRMAN pro tempore (Mr. SUNUNU). The gentleman from California (Mr. DREIER) has the right to close and has 6½ minutes remaining.

Mr. DREIER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me first say that the pages are snickering because when someone put an easel up next to me here, I said I do not need charts. Well, this is one business where one can never admit to having learned anything, but the fact is I have learned that one can use charts if they are really good. So I have a really good chart here which points to the fact that when we are looking at MTOPs levels, MTOPs are millions of theoretical operations per second, MTOP levels, we are actually debating very, very small computers here.

We are not talking about these supercomputers that go up to 3.2 million millions of theoretical operations per second. So the fact is, we are talking about computers that are widely available, and what we have done here is we have said that we simply want to make sure that since the rest of the world is making these very small computers available, that we in the United States should be able to compete with them. It seems to me that is the right thing to do.

Now today, current law says that we have a 6-month review period. As the gentleman from California (Mr. DOOLEY) pointed out, we have all kinds of other things that are approved with a much shorter period of time, 30 days. Now, people are concerned about the exports. My friend from San Diego, the gentleman from California (Mr. HUNTER), raised his question on this. The gentlewoman from California (Ms. LOFGREN) and I introduced the legislation calling for 30 days, but I want to see it reduced from the 6-month level, because if we look at the 3-month innovation cycle that exists out there we need to make sure that we do not have to be burdened with that 6-month period of time, and at the same time, recognize the top priority of national security.

So in light of that, we have come to a compromise. I have to say that I am troubled by those who would try to politicize this compromise because it is one that we have worked out. I have talked to everyone involved in this and gotten most people to agree. Again, the man for whom this legislation, the defense authorization bill, is named, the gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, has made a very supportive statement here. The coauthor of the amendment is my friend from Missouri (Mr. SKELTON), a Democrat. My colleague, the gentlewoman from California (Mrs. TAUSCHER), and I suspect that my friend the gentlewoman from California (Ms. LOFGREN), will be supportive when we do have a vote on this because it is the best we can do at this juncture.

So I believe that it is the right thing to do and it is going to help us go a long way towards making sure that we do not have an incentive for our very, very important industry, the computer industry, which frankly is responsible for 45 percent of the gross domestic product growth that we have had in this country over the past 3 years, is not in any way provided with an incentive to leave the United States and go elsewhere because we put in the way hurdles for their continued success.

So I urge support of this very important amendment.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise today in support of the Drier/Gilman Amendment to shorten from 180 days to 60 days the amount of time for Congress to review the performance level that defines high-speed computers; however, I am disappointed in the Rules Committee's handling of this issue. Unfortunately, the Rules Committee did not rule in order the Lofgren/Tauscher Amendment that would have created a 30-day review time limit. I am disappointed that the amendment that we have before us today is inadequate because it does not go far enough to make meaningful change to our export policy.

On October 19, 1999, along with eleven of my Democratic colleagues from the House Armed Services Committee, I signed a letter to Chairman SPENCE and Mr. SKELTON, indicating support for a change to the export adjustment policy to a 30-day review period. That letter was meant to indicate the support of several Democratic Committee Members for this change and to reiterate the fact that advances in technology and industry product cycles are simply moving too quickly to deal with a 180-day delay in the implementation of export regulations. It is unreasonable to subject modifications in computer export regulations to a six-month waiting period, or even a 60-day delay, while the sales of tanks, rockets, and high-performance aircraft require only a thirty-day review period. That is why I was extremely disappointed that the Rules Committee did not allow an amendment to be ruled in order on a reasonable 30-day review period.

Of course, I support the 60-day waiting period amendment as an improvement, and will vote for the Dreier Amendment. Nevertheless, I do feel that we have wasted an opportunity to make an even more practical and necessary change to our computer export policy by not allowing an amendment on a 30-day amendment to be ruled in order.

Mr. CROWLEY. Mr. Chairman, I rise today in support of the Dreier/Skelton amendment to the National Defense Authorization Act to reduce the waiting period for the export of computers from 180 days to 60 days.

The current 6-month waiting period clearly does not make sense for products that have a 3-month innovation cycle and are widely available from our foreign competitors. Until recently, export controls affected only a small number of computers. But with recent advances in microprocessor performance, many of the commonly available U.S. business computers will be subject to U.S. unilateral export controls.

This amendment will enable American high tech companies to compete more effectively around the world.

But I also want to express my hope that this legislation is only a first step to a more comprehensive overhaul of the U.S. Export Control System. We have to realize that our broken export control system threatens to cost our computer industry valuable sales in some of the most critical markets in the world.

This bipartisan amendment is support by the administration and by the computer industry. I urge my colleagues to support it today.

Mr. SMITH of Washington. Mr. Chairman, I rise today in strong support of shortening from 180 days to 60 days the Congressional review period for changes to the thresholds for export controls on high speed computers. While I have consistently maintained that the review period should be 30 days, this amendment represents a workable compromise. It is good for America's security and good for our Nation's economy

I have worked hard to update and improve our export controls since almost my first day in Congress. I am proud to have consistently supported loosening export controls—even when, at times, I was the only voice in favor of doing so. Clearly, we've come a long way in the last few years.

As a Member of the House Armed Services Committee, I am particularly sensitive to the need to protect and maintain national security. This measure not only ensures our country's national security, but also allows the technology industry to deliver their products to overseas customers and remain the world's leader in high speed computer production.

One of the best ways to protect security interests is to ensure that American companies continue to develop and sell the most advance computer systems in the world. According to the independent Defense Advisory Board, allowing foreign competitors to replace us in key markets, could ". . . have a stifling effect on U.S. military's rate of technological advancement." At risk is nothing less than the technological edge that is driving America's military and security superiority.

One of the best ways to keep our economy vibrant is to promote the export of technology. Industry needs the predictability of a 60 day review period to execute their business plans and to move products that have a three to six month innovation cycle. I am confident that this measure will allow U.S. computer firms to deliver their products to market in time to stay on top of foreign competitors.

I have been proud to fight this fight over the last several years, and I am proud of the gains we have made today.

Mr. DREIER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. DREIER).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. DREIER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from California (Mr. DREIER) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106–621.

### AMENDMENT NO. 4 OFFERED BY MR. LUTHER

Mr. LUTHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

**SEC.  . DISCONTINUATION OF PRODUCTION OF TRIDENT II (D-5) MISSILES.**

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D–5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $472,900,000.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Minnesota (Mr. LUTHER) and a Member opposed will each control 5 minutes.

Mr. HUNTER. Mr. Chairman, I rise in opposition.

The CHAIRMAN pro tempore. The gentleman from California (Mr. HUNTER) claims the 5 minutes in opposition.

The Chair recognizes the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise today with my colleagues, the gentleman from Minnesota (Mr. RAMSTAD) and the gentleman from Massachusetts (Mr. FRANK), to offer a bipartisan amendment to discontinue funding for the production of the Trident II D-5 submarine launch ballistic missile.

The U.S. Navy currently operates a ballistic missile submarine fleet of 18 Ohio class submarines. Ten of these submarines are equipped with the Trident II D–5 missiles, while the 8 older submarines carry the Trident I C–4 missile, the D–5's predecessor. Each submarine carries 24 missiles.

Now, to comply with START II, the Navy is planning to retire four of the older subs carrying the C–4 missiles and to backfit the other 4 with the new D–5 missiles, even though the Navy has currently an inventory of 372 missiles. To do this backfit, the Navy has requested an additional 12 Trident II D–5 missiles at a cost to the American taxpayer of $472.9 million.

Mr. Chairman, given the dramatic change in our country's national security needs, we simply do not need to have the taxpayers of this country buy these additional Trident II D–5 missiles. The United States is the unchallenged world leader of missiles. The Russian submarine fleet is largely rusting in port. China has just one submarine with 12 ballistic missiles. We already have 372. Who could seriously argue that we need any more?

The Congressional Budget Office estimates that ending production will save the taxpayers $2.6 billion through fiscal year 2007, and retiring all 8 older subs will lead to savings of approximately $4.7 billion over the next 10 years.

These savings could be redirected toward other pressing needs in our country, including defense needs such as the retraining of our military personnel.

I urge my colleagues to support this common sense bipartisan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, if one believes in strategic stability and deterrence, and I think almost every Member of the Chamber believes that deterrence has worked for the last 40 years, oppose this amendment.

We have three legs to our strategic triad. We have the land-based leg, that is, our missiles that are in silos in the United States. They are extremely vulnerable. They are very obvious. They are well targeted by our adversaries.

We have bomber aircraft. Those bomber aircraft are also very visible. They can be targeted on the runways very quickly.

We have one type of triad, the third type, which is not visible, which is survivable, which can survive to retaliate and therefore deter an adversary from making that first strike, throwing that first rock at the United States of America. That leg of the triad is the submarine leg.

Now we have 18 boats in the water, or boomers or SSBNs, missile boats. We go down under START II, if the Senate ratifies START II with the changes, which is no sure thing because the Russians changed START II when the Duma made the ratification, so we now have to ratify START II as changed, but even if that happens, we go down to 14 boats and that requires more D–5 missiles.

Even if we do a START III, we are going to have 14 missile submarines, and that still requires D–5. So these accurate, stabilizing systems that are now the key and the heart of our strategic triad must be preserved. Even if my colleagues think START II, as changed, is going to be ratified by the Senate and signed, fine, go ahead and think that. We still have to have 14 submarines. We still need D–5s on all of those submarines.

Mr. Chairman, I reserve the balance of my time.

Mr. LUTHER. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Minnesota (Mr. RAMSTAD).

Mr. RAMSTAD. Mr. Chairman, I thank the author of the amendment, the gentleman from Minnesota (Mr. LUTHER), for yielding me this time.

Mr. Chairman, I rise today in strong support of the Luther-Ramstad amendment to end production of the Trident II D-5 submarine launch ballistic missile. The appropriations bill before us today includes, as the gentleman from Minnesota (Mr. LUTHER) stated, almost $473 million for the purchase of 12 Trident II D-5 missiles. The Congressional Budget Office estimates that our amendment would save taxpayers $2.6 billion through 2007 and $4.7 billion over the next 10 years, money much better spent on our enlisted families in the military who are on food stamps.

The Navy already has a surplus of missiles, 25 more missiles than it says, the Navy says, are necessary to support its submarine force.

We should not be spending scarce military dollars on a Cold War relic that is not needed to effectively support our military's mission.

As a strong budget hawk and fiscal conservative, I believe that each and every area of the Federal budget must be scrutinized for savings. This Trident missile program has outlived its usefulness. It is time to save taxpayers from being forced to fund it.

This important amendment would save taxpayers money without, in any way, jeopardizing national security, and I urge my colleagues to support it. I urge a vote for fiscal sanity. Vote yes on the Luther-Ramstad amendment.

□ 1630

Mr. HUNTER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I have a Navy document in front of me that I am reading that gives the state of play with these D5 missiles. It states, "With no D5 production beyond FY 2000, available inventory will only support outfitting of 11 Trident 2 SSBNs. So we are stopping short three submarine-loads of SSBNs if we stop production now.

It says further, we have to pull more submarines or more missiles each year out of inventory to support testing, so we are going to be going downhill in this very important part of our strategic triad.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, the gentleman from California is absolutely correct. If we pass this amendment, only 11 Tridents would have the D5. We need 14. We are coming down from 18 to 14.

The other problem is that the existing missile, the C4 missile, is at the end of its useful life. In order to retrofit it and improve it, in order to use it over the lifetime of the submarine, we would have to spend almost as much money to do that as to get the existing D5. We are also 50 D5s short of inventory requirements.

Having said that, this missile, the D5 missile, is the only one we have today in actual production. This is the only missile the United States is producing. Therefore, killing this program would end all of our active missile procurement at a time when I think that would be a serious mistake.

Also, if they do this, then the United States would have to either build more land-based missiles or more bombers at a much higher cost than finishing out this particular program.

The D5 is our most effective and accurate missile, and I believe that the undersea deterrent is the most survivable part of our triad. We have an advantage here that we would unilaterally be giving up at a time when we are asking the Russians to enter into a START III agreement at lower levels.

The leverage for that is because of our ballistic missile submarines. That is where we have an advantage over the Soviets. We would be unilaterally giving up that advantage. It makes no sense. The D5 has been a first rate system. We need to backfit it on the four Pacific Tridents. It is part of our overall defense plan. It is something that this administration favors.

Who favors it? The President of the United States, the Secretary of Defense, and the Secretary of the Navy, the Chief of Naval Operations, that is who supports it, along with, I hope, a majority of the House of Representatives.

Mr. LUTHER. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Luther amendment. I appreciate my colleagues' and all of our colleagues' tireless efforts to fight and eliminate the Trident missile, a true relic of the Cold War.

With the potential for nuclear warhead reduction from the START II procedures, pending that ratification, we will not need to invest in missiles today that could be unnecessary in the near future. It is a waste.

Continuing the Trident's production wastes billions of dollars. In fact, terminating production of the Trident missiles, as this amendment does, the CBO estimates it would save over $2.5 billion over the next 7 years. In fiscal year 2001 alone it would save $473 million.

Mr. Chairman, this is money that can be invested in our children and their education, our seniors and their health care, and our families and their security. I urge my colleagues to invest in people. Vote for this amendment.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a centerpiece of our strategic deterrent. The amount of money we are talking about here is less than 1 percent of the defense budget. With a growing nuclear club around the world, it is important for us to preserve the most important part of our nuclear deterrent.

This amendment would gut that program and would hurt strategic stability. Please vote against this amendment offered by my friend, the gentleman from Minnesota (Mr. LUTHER).

Mr. LUTHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respect the point of view that this is the centerpiece of our defense, and yes, I do not disagree with that, but we have 372 of these missiles already. Who would suggest that we need 12 more when we have the pressing needs that we have in this country?

This amendment, Mr. Chairman, is supported by Taxpayers for Common Sense, the Council for a Livable World. Let us get some common sense in this body. That is all we are asking for on this amendment. Let us support this amendment and start sharing the resources that are in this bill with the other needs of our country.

The CHAIRMAN pro tempore (Mr. SUNUNU). The question is on the amendment offered by the gentleman from Minnesota (Mr. LUTHER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. LUTHER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Minnesota (Mr. LUTHER) are postponed.

The point of no quorum is considered withdrawn.

Mr. HUNTER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. VITTER) having assumed the chair, Mr. SUNUNU, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

## ORDER OF CONSIDERATION OF AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that when the House next resolves itself into the Committee of the Whole House on the State of the Union for the further consideration of H.R. 4205, that the committee proceed to the consideration of amendments printed in the House Report 106-621 in the following order: No. 20, No. 13, Nos. 5 through 9, No. 11, No. 12, Nos. 14 through 19, Nos. 21 through 26, Nos. 28 through 35, No. 10, and No. 27.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

☐ 1636

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. GUTKNECHT (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a demand for a recorded vote on amendment No. 4 printed in House Report 106-621 offered by the gentleman from Minnesota (Mr. LUTHER) had been postponed.

It is now in order to consider amendment No. 20 printed in House Report 106-621.

### AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 20 printed in House Report 106-621 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 324, after line 11), insert the following new section:

**SEC. . ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—Chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**"§ 374a. Assignment of members to assist border patrol and control**

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.".

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Ohio (Mr. TRAFICANT) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, a great Georgetown basketball player not too far away, now in the NBA for the Miami Heat, was just named the most valuable defensive player in the National Basketball Association. He got that award because he did not allow anyone with bad intentions to come into his territory.

The Traficant amendment does not deal with immigration, it deals strictly with terrorism and with narcoterrorists. I submit that someone can actually send across the border the components of a nuclear missile, assemble it in Arizona, and launch it at American cities.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. REYES) is recognized for 5 minutes.

Mr. REYES. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have found in my short tenure in Congress that every year we celebrate the holiday season, we celebrate Easter with an Easter egg roll, we celebrate the Fourth of July, and we every year debate this ridiculous amendment.

Mr. Chairman, this amendment is ill-advised. Every year it is ill-timed. It has the ability or the potential to put our men and women in uniform in jeopardy. I would hope that my colleagues would join me in opposition to this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I can remember when a Member stood up when I offered to change the burden of proof in a civil tax case and change judicial consent, forcing the IRS to go to a judge before they could seize a home, and I heard a colleague say the same thing: Every year we do this, we did it for 10 years.

Last year it became law. In 1997, we had 10,037 seizures of homes, I would say to the gentleman from Texas (Mr. REYES). In 1999, there were only 161 seized. Sometimes it takes time to pass good legislation.

Mr. Chairman, let me say this, a Nation that does not secure its borders has no national security. A bill that does not debate the fact that only three out of 100 trucks are even inspected and our borders are wide open, and we are asking civilians to match the firepower of terrorists who literally have those bad intentions, it makes no sense, the argument that I am hearing.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to my good friend and colleague, the gentleman from Ohio, if this amendment were to become law, then that would mean that this country would be in serious trouble, because what this amendment does, it advocates the equivalent of martial law for communities along the border, the equivalent of martial law, where whole regions of this country who are already suffering from lack of infrastructure, lack of support, lack of money, many, many different needs that we have along our border communities would, in a very disparate way, be affected by the utilization of the military, under the guise of terrorism.

My friend speaks about good legislation sometimes taking many years. A bad idea I think does not deserve its time and its place, and certainly this amendment does not deserve to be considered by this body.

Mr. Chairman, I reserve the balance of my time.

Mr. TRAFICANT. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, I rise in support of this amendment.

Mr. Chairman, this is a very moderate amendment. There are many people in America who would say it does not go far enough. We hear a lot about what our responsibilities are in the Federal government, but if we read the Constitution, Article 4 specifically says that the Federal government's responsibility is to defend our neighborhoods from outside invasion.

We have a drug war supposedly going on, and the American people are paying to send troops all over the world to defend everybody else's neighborhoods, but Members of Congress who are sworn to uphold the Constitution will not even authorize the President to use troops if necessary to defend our children from the scourge of drugs.

The gentleman from Ohio is not saying put them there, he says at least be brave enough to say that if this is what it takes, we are willing to stand by our citizens, our children, and our Constitution that says our obligation constitutionally is not to defend other countries but to defend our own children in their neighborhoods.

Mr. Chairman, I am asking my colleagues to understand, this is a moderate proposal being presented. If Members will not even authorize the executive branch to use what resources are available to defend our children, resources that are used for other children all around the world, I ask Members, who do Members defend if they are not going to defend their children and their own constitutional responsibilities?

Check it out, Article 4, the responsibility of the Federal government to stop foreign invasion. Our country is being invaded by drugs. I do not want anyone to stand up and point fingers at other countries, that they are not doing enough about fighting the drug war, when they will not stand up and execute the minimum of constitutional responsibilities of this Congress.

Mr. REYES. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, I have fought the drug war. I have served in the military. I, in the same way, want to enforce and obey the Constitution of this United States, but we need to do it in a very responsible manner.

How many Members have had a chance to go visit and learn the needs of the border? Just last week, Mr. Chairman, we had five Federal judicial judges from the border States who carried 24 percent, in five districts, carried 24 percent of the workload in the United States.

□ 1645

We put soldiers on the border. Where are we going to keep them when we arrest them? What about the judges that are needed? What about the prosecutors that are needed? We have to provide, my friends. The infrastructure is not there. I have fought the war on drugs. I have talked to the judges about the needs that they have. If we do it in a responsible manner, yes, let us do it.

Let me say something else, when you are in the military, the training is totally different from the training that people on the Border Patrol, who serve in the Border Patrol, have. We are dealing with human beings. We are dealing with people who are destitute, who are looking for a job. Yes, we need to enforce our borders and strengthen our borders, but let us do it in a responsible way.

Mr. Chairman, my friends from Ohio know, both of them, how much respect I have for both of them, but if we do not have the infrastructure, please tell me where we are going to house them? Who is going to try them?

Mr. Chairman, I oppose this amendment.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say this, if we are worried about where we are going to house them, just let the narcotics people keep coming in. Tons of cocaine and heroin, we are debating how are we going to prosecute them, where are we going to keep them. Our borders are overflowing with narcotics. We have no war on drugs in America. It is hypocrisy.

My amendment does not deal with immigration, but it says they must be trained. They cannot make arrests. They must always be in the presence of civilian law enforcement officers.

Mr. Chairman, I reserve the balance of my time.

Mr. REYES. Mr. Chairman, I will defer, I will close. I am the last speaker on this segment.

Mr. TRAFICANT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment calls for the training of regular and reserved troops. It prohibits making arrests. They are not involved with illegal immigration. Their purpose is to support preventing terrorists from entering our Nation, and if there is one threat that we face more than anywhere else, is not a sophisticated battle somewhere overseas, it is terroristic and continued attempt to impregnate our Nation and blow up our Federal buildings.

In addition, if this is a war on drugs, then I am Woody Allen, because we have none, and we have two border patrol agents for every mile of border. I say if the Secretary of the Treasurer or the Attorney General requests it, they are allowed to do it. It does not mandate it. I want to know the program, because there is no program, our Nation is overrun by narcotics.

The weight of this problem falls right on Congress who sits back with people in the White House that have done nothing. This group has done nothing. If we need more judges, hire them. If we need more prosecutors, hire them and do that in another bill.

Mr. Chairman, I yield back the balance of my time.

Mr. REYES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in deference to my friend, Woody, the gentleman from Ohio (Mr. TRAFICANT), I would like to close by saying that the Department of Defense does have, the authority does have a plan. I want to enter into the RECORD a copy of a report that was just filed this week.

Mr. Chairman, I would like to read from it, and it says, I quote, "in emergencies, the DOD will respond to requests for support as required. It is not in the DOD's military interests to require training in search and seizure of arrest or use of force against civilian citizens," what my colleague is advocating. "This type of training has minimal military value and detracts from the training with war-fighting equipment for which we are trained in war-fighting missions. It will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the armed forces."

Mr. Chairman, I ask my friend, the gentleman from Ohio (Mr. TRAFICANT), this is not what the military is trained to do. We already stretched our troops all around the world in many different types of missions. I strongly ask my colleagues to vote against this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to my friend, the gentleman from Texas (Mr. ORTIZ).

Mr. ORTIZ. Mr. Chairman, as I stated before, I am for arresting terrorists and narcotraffickers, but, my friends, the dockets of the judges who border the United States and Mexico are overloaded. They are having to look for places to incarcerate hard-core criminals. All I am saying is let us be responsible, let us come up with a plan.

I have five presiding judges, there are 89, 89 judicial Federal districts throughout the United States, my friends, and five of these judicial districts, five carry 24 percent. Yes, I am for arresting traffickers and narcotraffickers. I used to arrest them when I was sheriff, but let us come with a responsible plan. It may be my friend can help me by coming up with a bill that will give these judges help, give the United States marshals help, but this is not the place for the military to be involved in.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, it is not as though the House has had this debate. It never had this debate. It seems as though we have had it over the years, and I have great respect for the gentleman from Ohio (Mr. TRAFICANT). I have great respect for his passion and his zeal.

Let us apply a little common sense, as the gentleman from Missouri (Mr. SKELTON) always likes to teach me. This is also about the Constitution and the prerogatives of the Office of the Presidency. He is the Commander-in-Chief. The Congress, we do not have to stand here and tell the Commander-in-Chief that one of your jobs is to protect the Nation's borders. Constitutionally, it is implied in the powers of the Executive Office of the Presidency.

With regard to narcotics, let us be very upfront; 80 percent of the drugs that are coming into this country come through ports of entry. Now, we have 10 percent that are air. We probably have the other 10 percent that come through the transit countries here in particular, whether it is up through central America to Mexico, they shortland the border, and then they end up taking it across the border through mules, to humans, to motorbikes, horseback, that happens; so the gentleman is correct on that.

That issue gets addressed by, whether it is INS and DEA and those types of issues, but for the Congress to mandate placing our troops in divisions on the border is not the most prudent way to do this. I agree with the gentleman from Texas (Mr. REYES) about how it detracts from the unit readiness and those types of things, he is right. I concur with the gentleman's analysis. That is not what we should be doing.

I would urge Members to vote against the Traficant amendment, although, I have great respect for his passion.

Mr. SKELTON. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, this is often one of the issues that gets contentious on the floor of Congress, and it is a lot like eating an ice cream sundae. It looks good. It feels good eating it, but it is not good for us and a lot of times people recommend against it. Part of this effort is not one of wanting to sound tough on drugs.

Like my colleague, the gentleman from Texas (Mr. ORTIZ), I fought the war on drugs. I had 26½ years working the border with the United States Border Patrol, so I know what is involved. That is why I emphatically asked my colleagues let us fund the INS, let us fund Border Patrol. Let us give them the right equipment. Let us give Customs the necessary personnel, the necessary technology to do the kind of professional job that my colleague, the gentleman from Ohio (Mr. TRAFICANT) is concerned about.

If, in fact, this issue is about fighting terrorism; if, in fact, we are concerned about the ability of this country to monitor and control the borders, it is not a Republican or a Democratic issue. It is an issue that has to be dealt fairly. It is an issue that has to be dealt even-handledly, and it is one that has got to be done strategically.

We cannot impose marshal law on communities along the border simply because they happened to live there, people happen to live there. It is imperative that we provide the same kinds of protection to residents along the border like Brownsville, El Paso, Nogales, and the San Diego area that the same citizens in Ohio and other parts of this great country have.

It is an issue of fairness. It is an issue of working smart to protect this country, but doing it professionally by funding INS Border Patrol and Customs.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, let me start off by just saying that I think the gentleman from Texas (Mr. REYES) is the most successful Border Patrol chief in the history of this country, a great American, a great crew chief in Vietnam. I have been down in the contrawars with my great friend, the gentleman from Texas (Mr. ORTIZ), a wonderful, wonderful member of our committee. I also respect the gentleman from Ohio (Mr. TRAFICANT) and what he is trying to do. And I just want to point out a few things.

We have already entered the drug war with the U.S. military. We entered the drug war because we realized that our Customs folks and our other folks were being overwhelmed by what essentially were military operations on the side of the people that were moving cocaine and other narcotics to our children into the U.S., so we started using American military assets, even though there was a major debate 15 years ago on this subject.

This is only permissive. It requires the request of the Attorney General of the United States and the Secretary of the Treasury, and even then it is not mandatory, it is discretionary with DOD.

I would say if we look at the enormous effectiveness of the smugglers, people who are moving now, both people and narcotics into this country, and the prospect and possibility of terrorism, which always exists, this is not an unusual or an extreme request. It requires a request from the Attorney General of the United States, and in some cases, with this 2,000 mile border and an underfunded Border Patrol which is stretched very thin and which, even today, cannot meet its recruiting requirements, it is very obvious, it is very easy to envision a time when the United States in its interests, its preservation interests and security interests, should have the right to have American troops on the border.

Mr. Chairman, I do not think it is an outrageous request, and I think it is something that we should be able to have at least in our hip pocket.

I would just ask my friends, I joined with them on all of these requests for more Border Patrol funding, and I led some of those requests, the INS has not gone along with those requests, we are still short Border Patrol agents. I think this is a reasonable amendment

Mr. SPENCE. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, let us be upfront about this. Mexico has recognized how critical the war on drugs are. They have put their troops at the border. We are not even mandating that. We have Naval forces and Air forces right now working a drug interdiction on the border, and we have the National Guard of the State of California. I do not know about the other States, but the troops from California are already at the border.

Now, I have supported both gentlemen from Texas in increasing funding for Border Control, but to deny the American people who pay the taxes for the national defense capabilities of this country, to deny them the resources defending their neighborhoods, because we are worried about a public relations problem, or we are worried that it may detract from hiring more Border Patrol agents, I strongly support that. I think my colleagues know that.

□ 1700

San Diego has more drug problems through the court system than any other portion of this country. This is not about conviction. This is about interdiction. I strongly support the argument of the gentleman from Texas that we need more court processes. But do not dare walk away from the fact that the States are doing it, Mexico is doing it, the Navy is doing it, the Air Force is doing it, everyone is committed to this. Everyone is committed to controlling the border, but we are going to condition that American troops will not be used for controlling our border.

Mr. REYES. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I do not have time.

Mr. REYES. The gentleman still has time. Let me just ask my colleague if he realizes that that authority already exists? I read from a report filed this week. That authority is already there with DOD.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The gentleman's time has expired.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Chairman, I cannot even believe this debate. Is the border a national security checkpoint or not? Are we guarding borders in the Mideast? Are we vaccinating dogs in Haiti with our military; building homes overseas?

I am not worried about the small illegal immigrant running across that border. I understand that. But, my God, I am a former sheriff. How many more overdoses are we going to have? Where is our program? We have no program.

I heard the gentleman from Indiana (Mr. BUYER) talk about the ports of entry. The Traficant bill allows the military to assist Customs as well at those ports of entry. They cannot make arrests, they must be trained, they cannot violate posse comitatus. But, go ahead, keep the doors open. Keep the cocaine and heroin coming in, colleagues, and then let the people all over America end up on slabs. Maybe we need a rocket to come across, someone to put together a warhead, maybe in Arizona. Maybe that will teach us a lesson.

I say the Constitution says Congress is responsible for our national defense. We authorized the President to conduct our programs. I do not mandate it, but I do authorize that possibility to occur.

I want to thank this chairman for being respectful enough to allow a Democrat to bring this amendment and to have time to speak granted from the Republicans.

Mr. ORTIZ. Mr. Chairman, I rise today to oppose the Traficant Amendment.

I have been a law enforcement officer, and I served in the Army. These two endeavors simply do not mix, particularly inside the borders of the United States. Putting our forces on the border is a violation of the legal protection of citizens from the military under Posse Comitatus.

Our energy should rightly be focused on the need for professional law enforcement officers; we do not have enough INS and Customs personnel to address the need that now exists. Protecting our border is a massive undertaking, one which should be performed by professional, bilingual INS and Customs personnel.

As a co-chair of the Congressional Border Caucus, I can tell you that one of our most constant and pressing issues is lobbying and fighting for resources to put the law enforcement we need on the border. Again, that is the appropriate venue for the gentleman from Ohio, and others who share his concern, to focus their efforts.

The Department of Defense has spoken to this issue and their views are very instructive for this debate. They note that it is not in the DoD's military interest to require training in search and seizure arrests—or use of force against civilian citizens.

They say this will lead to decreased military training, which reduces unit readiness levels and overall combat effectiveness of the Armed Forces. That, my friends, is not the path we want to take. Our soldiers face enough danger.

DoD also says that "the risk of potential confrontation between U.S. citizens and military members far outweigh the benefit." Indeed it does, and for one citizen on the border, it is too late.

I urge my colleagues to defeat this amendment.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. REYES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The CHAIRMAN pro tempore. The Committee will rise informally.

The SPEAKER pro tempore (Mr. VITTER) assumed the Chair.

## MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Ms. McDevett, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The Committee resumed its sitting.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). It is now in order to consider amendment No. 13 printed in House Report 106-621.

### AMENDMENT NO. 13 OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STEARNS:

At the end of title VII (page 247, after line 9), insert the following new section:

**SEC. 7 . STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from Florida (Mr. STEARNS) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, every now and then in a debate we need an amendment that everybody agrees on and everybody is happy about, and this is just such an amendment. And I think it is appropriate that we have this one after our previous debate. In addition, this amendment has been worked out with the Committee on Armed Services.

The purpose of my amendment is to request that the Secretary of Defense conduct a study comparing the coverage and reimbursement for physical, speech, and occupational therapies for covered beneficiaries under the TRICARE program to coverage and reimbursement for such same therapies under Medicare and the Federal Employee Health Benefits Program. So we are comparing what is provided under TRICARE with what is provided under Medicare and the Federal Employee Health Benefits Program.

This study examines the following: The type of services covered; whether prior authorization is required to receive such services; reimbursement limits for services covered; and, fourthly, whether services are covered on both an inpatient and outpatient basis.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, we see nothing wrong with the gentleman's amendment. As far as we are concerned, we accept it.

Mr. STEARNS. Reclaiming my time, Mr. Chairman, I thank the gentleman. I will just finish my presentation for the good of the House, and I thank the chairman for his kind acceptance.

The Secretary shall submit a report on the findings of the study conducted to the House and Senate Committees on Armed Services no later than March 31, 2001. So, Mr. Chairman, I offer this amendment because it has been brought to my attention that acceptance of TRICARE patients presents a variety of problems, business concerns, to rehab providers. Because of these concerns, rehab practices are reluctant to accept TRICARE patients, and that is wrong.

For example, most patients with a diagnosis of a stroke, for example, require two and sometimes three rehab disciplines, depending upon the severity of the stroke. Therefore, the stroke patient may require physical and occupational therapy and possibly speech therapy, if the speech centers of the brain are involved. The concern here is that only the physical therapy services are covered as reimbursable service without prior written authorization, while speech therapy services require prior written authorization.

Confusing? That is what this study will determine, the proper way to go.

Occupational therapy would not be covered, as it can only be covered in an institutional facility. In most cases this creates a significant inconvenience for patients who now must receive their physical and speech therapy in one facility and have to travel to a separate institutional facility for occupational therapy services.

Another good example, Mr. Chairman, concerns patients who are referred with a diagnosis of, let us say, a head trauma or upper extremity trauma. They would have similar rehab needs as stroke patients and, most likely, experience similar inconveniences.

Providers are also concerned about the potential for interpretation of fraud by utilizing a physical therapy assistant in the treatment of TRICARE patients. That should not occur. In hospitals, skilled nursing facilities, and outpatient rehab facilities it is common for the therapy staff to be comprised of physical therapists and physical therapy assistants. When the rehab staffing is compromised due to sickness, educational leave, vacation, et cetera, the rehab provider is limited to the staff who can treat TRICARE patients. These TRICARE patient appointments may need to be canceled and the therapy interrupted due to the compromised staffing pattern.

This situation does not occur in treating traditional Medicare patients. Neither does it occur with Federal Employee Health Benefits. The requirement for utilizing only registered physical therapists serves to create a more expensive model in which to deliver rehab services.

In Florida, for example, physical therapy assistants, by their practice, can perform all of the therapy services rendered by a registered physical therapist, with the exception of performing a patient evaluation, changing a patient's plan of care or treatment, or discharging a patient. The risks associated with a TRICARE patient accidentally being treated by a physical therapy assistant presents a significant concern to all these rehab providers.

So, Mr. Chairman, I think this study will try to determine how these problems can be resolved. My district has many active duty and retired military and their dependents who rely on this program for their health care. By having DOD conduct such a study, we would be provided with the necessary information to make a fair assessment about coverage of the rehab therapies by TRICARE. I urge my colleagues to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. Does any Member claim time in opposition to the amendment?

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Florida (Mr. STEARNS).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from Florida (Mr. STEARNS) will be postponed.

### AMENDMENTS EN BLOC, AS MODIFIED, OFFERED BY MR. SPENCE

Mr. SPENCE. Mr. Chairman, pursuant to section 3 of House Resolution 503, I offer en bloc amendments consisting of the following amendments, printed in House Report 106-621: Amendment No. 5, as modified; amendments 6, 7, 8 and 9; amendment No. 11, as modified; amendments 12, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, and 35.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc and report the modifications.

The Clerk designated the amendments en bloc and proceeding to report the modifications.

### AMENDMENT NO. 5 AS MODIFIED

### OFFERED BY MR. HUNTER OF CALIFORNIA

The amendment as modified is as follows:

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

**SEC. 125. ECONOMIC ANALYSIS OF CERTAIN SHIPBUILDING PROGRAMS.**

(a) ECONOMIC ANALYSIS.—The Secretary of Defense, in consultation with the Secretary of the Navy, shall conduct an economic analysis on the potential benefits and costs associated with full funding, and with alternative funding mechanisms, for the procurement of large aviation-capable naval vessels beginning in fiscal year 2002.

(b) COVERED VESSEL CLASSES.—For purposes of this section, the term "large aviation-capable naval vessel" means the following classes of vessel:

(1) The CVN(X) class aircraft carrier.

(2) The LHD and LHA replacement class amphibious assault ships.

(c) REPORT.—The Secretary shall submit to the congressional defense committees a report detailing the results of the economic analysis under subsection (a). The report shall be submitted concurrently with the submission of the President's Budget for fiscal year 2002, but in no event later than February 5, 2001. The report shall include the following:

(1) A detailed description of the funding mechanisms considered.

(2) The potential savings or costs associated with each such funding mechanism.

(3) The year-to-year effect of each such funding mechanism on production stability of other shipbuilding programs funded within the Shipbuilding and Conversion, Navy, account, given the current acquisition plan of the Navy for the large aviation-capable ships and other shipbuilding programs through fiscal year 2010.

(4) A description and discussion of any statutory or regulatory restrictions that would preclude the use of any of the funding mechanisms considered.

### AMENDMENT NO. 6

### OFFERED BY MR. UNDERWOOD OF GUAM

Page 40, line 14, strike "50 States" and insert "United States".

Page 41, after line 15, insert the following:

(c) DEFINITION.—For purposes of this section, the term "United States", when used in a geographic sense, means the 50 States, the District of Columbia, and any Commonwealth, territory, or possession of the United States.

### AMENDMENT NO. 7

### OFFERED BY MR. HANSEN OF UTAH

Page 51, line 13, strike the period at the end and insert the following: "for such special use airspace and the use of such special use airspace established in such environmental impact statements.".

Page 51, lines 14 and 15, strike "OF NETWORK" and insert "FOR LOW-LEVEL FLIGHT TRAINING".

### AMENDMENT NO. 8

### OFFERED BY MR. MCKEON OF CALIFORNIA

At the end of subtitle B of title III (page 53, after line 12), insert the following new section:

**SEC.    . FINDINGS AND SENSE OF CONGRESS REGARDING ENVIRONMENTAL RESTORATION OF FORMER DEFENSE MANUFACTURING SITE, SANTA CLARITA, CALIFORNIA.**

(a) FINDINGS.—The Congress finds the following:

(1) A former private sector munitions plant may have demonstratively impacted the environment of a 1,000-acre site in Santa Clarita, California.

(2) Munitions and rocket propellant manufactured at this site for over 60 years may have contributed to various contaminants including, but not limited to, perchlorates and various volatile organic compounds.

(3) The munitions plant used materials and production methods in support of purchase orders from the Department of Defense to meet the national security interests of the United States at the time.

(4) The Santa Clarita site serves a unique role in the future of the community and is the cornerstone to many public benefits, including reduction in transportation congestion, access to much-needed schools, future local government centers, assurance of quality drinking water, more than 400 acres of public space, and affordable housing.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) every effort should be made to apply all known public and private sector innovative technologies to restore the Santa Clarita site to productive use; and

(2) the experience gained from this site by the private and public sector partnerships has the potential to pay dividends many times over.

AMENDMENT NO. 9

OFFERED BY MRS. FOWLER OF FLORIDA

Page 80, line 14, insert "only" after "may be delegated".

Page 81, line 15, insert before the period the following: "or to an official in the Office of the Secretary of Defense senior to that Deputy Under Secretary".

AMENDMENT NO. 11, AS MODIFIED

OFFERED BY MR. BUYER OF INDIANA

The amendment as modified is as follows:

Page 83, line 23, strike "350,526" and insert "350,706".

Page 85, line 11, strike "22,974" and insert "23,154".

Page 86, line 2, strike "23,129" and insert "23,392".

At the end of subtitle D of title I (page 30, after line 2), insert the following new section:

**SEC. 132. KC-135E REENGINING KITS.**

Of the amount provided in section 103(1) for procurement of aircraft for the Air Force, the amount of $52,000,000 provided for two reengining kits for KC-135E modifications shall be available for the Air Force Reserve Command.

AMENDMENT NO. 12

OFFERED BY MR. CAMP OF MICHIGAN

At the end of subtitle D of title VI (page 199, after line 10), insert the following new section:

**SEC. 643. EFFECTIVE DATE OF DISABILITY RETIREMENT FOR MEMBERS DYING IN CIVILIAN MEDICAL FACILITIES.**

(a) IN GENERAL.—(1) Chapter 61 of title 10, United States Code, is amended by inserting after section 1219 the following new section:

**"§ 1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement**

"(a) AUTHORITY FOR LATER TIME-OF-DEATH DETERMINATION TO ALLOW DISABILITY RETIREMENT.—In the case of a member of the armed forces who dies in a civilian medical facility in a State, the Secretary concerned may, solely for the purpose of allowing retirement of the member under section 1201 or 1204 of this title and subject to subsection (b), specify a date and time of death of the member later than the date and time of death determined by the attending physician in that civilian medical facility.

"(b) LIMITATIONS.—A date and time of death may be determined by the Secretary concerned under subsection (a) only if that date and time—

"(1) are consistent with the date and time of death that reasonably could have been determined by an attending physician in a military medical facility if the member had died in a military medical facility in the same State as the civilian medical facility; and

"(2) are not more than 48 hours later than the date and time of death determined by the attending physician in the civilian medical facility.

"(c) STATE DEFINED.—In this section, the term 'State' includes the District of Columbia and any Commonwealth or possession of the United States.".

(2) The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1219 the following new item:

"1220. Members dying in civilian medical facilities: authority for determination of later time of death to allow disability retirement.".

(b) EFFECTIVE DATE.—(1) Section 1220 of title 10, United States Code, as added by subsection (a), shall apply with respect to any member of the Armed Forces dying in a civilian medical facility on or after January 1, 1998.

(2) In the case of any such member dying on or after such date and before the date of the enactment of this Act, any specification by the Secretary concerned under such section with respect to the date and time of death of such member shall be made not later than 180 days after the date of the enactment of this Act.

AMENDMENT NO. 14

OFFERED BY MR. STENHOLM OF TEXAS

At the end of title VII (page 247, after line 9), insert the following new section:

**SEC. 7 . IMPROVEMENT OF ACCESS TO HEALTH CARE UNDER THE TRICARE PROGRAM.**

(a) WAIVER OF NONAVAILABILITY STATEMENT OR PREAUTHORIZATION.—In the case of a covered beneficiary under chapter 55 of title 10, United States Code, who is enrolled in TRICARE Standard, the Secretary of Defense may not require with regard to authorized health care services (other than mental health services) under any new contract for the provision of health care services under such chapter that the beneficiary—

(1) obtain a nonavailability statement or preauthorization from a military medical treatment facility in order to receive the services from a civilian provider; or

(2) obtain a nonavailability statement for care in specialized treatment facilities outside the 200-mile radius of a military medical treatment facility.

(b) NOTICE.—The Secretary may require that the covered beneficiary inform the primary care manager of the beneficiary of any health care received from a civilian provider or in a specialized treatment facility.

(c) EXCEPTIONS.—Subsection (a) shall not apply if—

(1) the Secretary demonstrates significant cost avoidance for specific procedures at the affected military medical treatment facilities;

(2) the Secretary determines that a specific procedure must be maintained at the affected military medical treatment facility to ensure the proficiency levels of the practitioners at the facility; or

(3) the lack of nonavailability statement data would significantly interfere with TRICARE contract administration.

(d) EFFECTIVE DATE—This section shall take effect on October 1, 2001.

AMENDMENT NO. 15

OFFERED BY MS. VELÁZQUEZ OF NEW YORK

At the end of title VIII (page 263, after line 2), insert the following new section:

**SEC. 8 . REQUIREMENT TO CONDUCT STUDY ON CONTRACT BUNDLING.**

(a) IN GENERAL.—The Secretary of Defense shall conduct a comprehensive study on the practice known as "contract bundling" by the Department of Defense, and the effects of such practice on small business concerns, economically and socially disadvantaged small business concerns, and small business concerns owned and controlled by women (as such terms are used in the Small Business Act (15 U.S.C. 632 et seq.)).

(b) DEADLINE.—The Secretary shall submit the results of the study to the Committees on Armed Services and Small Business of the Senate and the House of Representatives before submission of the budget request of the Department of Defense for fiscal year 2002.

(c) DATABASE.—For purposes of conducting the study required by this section, the Secretary shall develop, in consultation with the General Accounting Office, and maintain a database on all contracts of the Department of Defense (excluding contracts for the procurement of weapons systems) for which requirements have been bundled.

AMENDMENT NO. 16

OFFERED BY MR. TRAFICANT OF OHIO

At the end of title VIII (page 263, after line 2), insert the following new section:

**SEC. 8 . COMPLIANCE WITH BUY AMERICAN ACT.**

(a) COMPLIANCE WITH BUY AMERICAN ACT.—No funds authorized by this Act may be expended by an entity of the Department of Defense unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a et seq.).

(b) SENSE OF CONGRESS REGARDING PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of Congress that any entity of the Department of Defense, in expending funds authorized by this Act for the purchase of equipment or products, should purchase only American-made equipment and products.

(c) DEBARMENT OF PERSONS CONVICTED OF FRAUDULENT USE OF "MADE IN AMERICA" LABELS.—If the Secretary of Defense determines that a person has been convicted of intentionally affixing a label bearing a "Made in America" inscription, or another inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the Secretary shall determine, in accordance with section 2410f of title 10, United States Code, whether the person should be debarred from contracting with the Department of Defense.

AMENDMENT NO. 17

OFFERED BY MR. BEREUTER OF NEBRASKA

Page 292, line 5, strike the closing quotation marks and second period.

Page 292, after line 5, insert the following:

"(f) PROVISIONS RELATING SPECIFICALLY TO ASIA-PACIFIC CENTER.—The Secretary of Defense may waive reimbursement of the cost of conferences, seminars, courses of instruction, or similar educational activities of the Asia-Pacific Center for Security Studies for military officers and civilian officials of foreign nations if the Secretary determines that attendance by such personnel without reimbursement is in the national security interest of the United States. Costs for which reimbursement is waived pursuant to this subsection shall be paid from appropriations available for the Asia-Pacific Center.".

### AMENDMENT NO. 18

OFFERED BY MR. COBURN OF OKLAHOMA

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

**SEC. 10 . REQUIREMENT FOR PLAN TO ENSURE COMPLIANCE WITH FINANCIAL MANAGEMENT REQUIREMENTS.**

(a) IN GENERAL.—(1) The Secretary of Defense shall develop a comprehensive plan to ensure compliance by the Department of Defense, not later than October 1, 2001, with all statutory and regulatory financial management requirements applicable to the Department. In developing such plan, the Secretary shall give the same priority to achieving compliance with statutory and regulatory financial management requirements as the priority given to ensuring that the computer systems of the Department would be fully functional in the year 2000.

(2) Not later than January 1, 2001, the Secretary shall submit the plan required by this subsection to the Committees on Armed Services, the Committees on the Budget, and the Committees on Appropriations of the Senate and the House of Representatives, and the Comptroller General.

(b) COMPTROLLER GENERAL REPORT.—Not later than March 1, 2001, the Comptroller General shall submit to the Committees on Armed Services and the Committees on the Budget of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Committee on Government Reform of the House of Representatives, a report on the adequacy of the plan developed under subsection (a).

### AMENDMENT NO. 19

OFFERED BY MR. GILCHREST OF MARYLAND

At the end of title X (page 324, after line 11), insert the following new section:

**SEC. 1038. ADDITIONAL WEAPONS OF MASS DESTRUCTION CIVIL SUPPORT TEAMS.**

During fiscal year 2001, the Secretary of Defense may establish up to five additional teams designated as Weapons of Mass Destruction Civil Support Teams (for a total of 32 such teams), to the extent that sources of funding for such additional teams are identified.

### AMENDMENT TO NO. 21

OFFERED BY MR. WELDON OF FLORIDA

At the end of title X (page 324, after line 11), insert the following new section:

**SEC. . COMMISSION ON THE FUTURE OF THE UNITED STATES AEROSPACE INDUSTRY.**

(a) ESTABLISHMENT.—Not later than March 1, 2001, the President shall establish a commission to be known as the "Commission on the Future of the United States Aerospace Industry" (in this section referred to as the "Commission").

(b) DUTIES.—The Commission shall have the following duties:

(1) To study the issues relevant to the future of the United States aerospace industry with respect to the economic and national security of the United States.

(2) To assess the future importance of the United States aerospace industry to the economic and national security of the United States.

(3) To evaluate the effect on the United States aerospace industry of the laws, regulations, policies, and procedures of the Federal Government with respect to—

(A) the budget;

(B) research and development;

(C) acquisition, including financing and payment of contracts;

(D) operation and maintenance;

(E) international trade and export of technology;

(F) taxation; and

(G) science and engineering education.

(4) To study in particular detail the adequacy of projected budgets of Federal agencies for—

(A) aerospace research and development and procurement;

(B) maintaining the national space launch infrastructure; and

(C) supporting aerospace science and engineering efforts at institutions of higher education.

(5) To consider and recommend feasible actions by the Federal Government to support the ability of the United States aerospace industry to remain robust into the future.

(c) COMPOSITION.—(1) The Commission shall be composed of not less than 10 and not more than 17 members appointed by the President.

(2) Each member shall be an individual with extensive experience and a national reputation with respect to one or more of the following:

(A) Aerospace manufacturing.

(B) Labor organizations associated with aerospace manufacturing.

(C) Economics or finance.

(D) National security.

(E) International trade or foreign policy.

(3) Members shall serve without pay by reason of their work on the Commission.

(4) Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(5) The Chairperson of the Commission shall be designated by the President at the time of the appointment.

(d) POWERS.—(1) A number not less than 50 percent of the total number of members of the Commission shall constitute a quorum but a lesser number may hold hearings.

(2) The Commission shall meet at the call of the Chairperson.

(3) The Commission may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate.

(4) Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(5) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairperson of the Commission, the head of that department or agency shall furnish that information to the Commission.

(6) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(e) DIRECTOR AND STAFF.—(1) The Chairperson shall appoint and fix the pay of a Director.

(2) The Chairperson may appoint and fix the pay of additional personnel as the Chairperson considers appropriate.

(3) The Director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates.

(4) With the approval of the Commission, the Chairperson may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(5) Upon request of the Chairperson, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(f) REPORT.—Not later than March 1, 2002, the Commission shall transmit a report to the Congress. The report shall contain a detailed statement of the findings and conclusions of the Commission, the recommendations of the Commission for legislation or administrative action, and such other information as the Commission considers appropriate.

(g) TERMINATION.—The Commission shall terminate 30 days after submitting its report pursuant to subsection (f).

(h) FUNDING.—Funds for activities of the Commission shall be provided from amounts appropriated for the Department of Defense for operation and maintenance for Defense-wide activities. Upon receipt of a written certification from the Chairperson of the Commission specifying the funds required for the activities of the Commission, the Secretary of Defense shall promptly disburse to the Commission, from such amounts, the funds required by the Commission as stated in such certification.

### AMENDMENT NO. 22

OFFERED BY MR. GARY MILLER OF CALIFORNIA

At the end of title X (page 324, after line 11), insert the following new section:

**SEC. . SENSE OF CONGRESS REGARDING INFORMATION TECHNOLOGY SYSTEMS.**

It is the sense of Congress that—

(1) the Department of Defense must focus on upgrading information technology systems to allow seamless and interoperable communications; and

(2) each Secretary of a military department must demonstrate an unwavering commitment to achieving this goal and must ensure that communications systems within the active, reserve, and National Guard component of that military department receive equal attention and funding for information technology.

### AMENDMENT NO. 23

OFFERED BY MR. HALL OF OHIO

At the end of title XI (page 334, after line 17), insert the following new section:

**SEC. 11 . TEMPORARY AUTHORITY REGARDING VOLUNTARY SEPARATION INCENTIVES AND EARLY RETIREMENT FOR EMPLOYEES OF THE DEPARTMENT OF THE AIR FORCE.**

(a) SEPARATION PAY.—Section 5597 of title 5, United States Code, is amended by adding at the end the following new subsection:

"(i)(1) In this subsection:

"(A) the term 'agency' means the Department of the Air Force;

"(B) the term 'employee' means an employee (as defined by section 2105) who is employed by the agency, is serving under an appointment without time limitation, and has been currently employed for a continuous period of at least 3 years, but does not include—

‘‘(i) a reemployed annuitant under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

‘‘(ii) an employee having a disability on the basis of which such employee is or would be eligible for disability retirement under subchapter III of chapter 83 or chapter 84, or another retirement system for employees of the agency;

‘‘(iii) an employee who is in receipt of a specific notice of involuntary separation for misconduct or unacceptable performance;

‘‘(iv) an employee who has previously received any voluntary separation incentive payment by the Federal Government under this section or any other authority and has not repaid such payment;

‘‘(v) an employee covered by statutory reemployment rights who is on transfer to another organization; or

‘‘(vi) any employee who, during the 24-month period preceding the date of separation, has received a recruitment or relocation bonus under section 5753 or who, within the 12-month period preceding the date of separation, received a retention allowance under section 5754.

‘‘(2)(A) A voluntary separation incentive payment may be paid under this section by the agency to any employee to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals.

‘‘(B) A voluntary separation incentive payment under this subsection—

‘‘(i) shall be paid in a lump sum after the employee's separation;

‘‘(ii) shall be paid from appropriations or funds available for the payment of the basic pay of the employees;

‘‘(iii) shall be equal to the lesser of—

‘‘(I) an amount equal to the amount the employee would be entitled to receive under section 5595(c); or

‘‘(II) an amount determined by the agency head not to exceed $25,000;

‘‘(iv) may not be made except in the case of any qualifying employee who voluntarily separates (whether by retirement or resignation) before December 31, 2003;

‘‘(v) shall not be a basis for payment, and shall not be included in the computation, of any other type of Government benefit; and

‘‘(vi) shall not be taken into account in determining the amount of any severance pay to which the employee may be entitled under section 5595 based on any other separation.

‘‘(3)(A) The head of the agency, prior to obligating any resources for voluntary separation incentive payments under this subsection, shall submit to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives a strategic plan outlining the intended use of such incentive payments and a proposed organizational chart for the agency once such incentive payments have been completed.

‘‘(B) The agency's plan shall include—

‘‘(i) any positions and functions to be reduced or eliminated, identified by organizational unit, geographic location, occupational category and grade level;

‘‘(ii) the number and amounts of voluntary separation incentive payments to be offered;

‘‘(iii) the steps to be taken to maintain continuity of skills among the agency's employees or to adapt the skills of the agency's workforce to the emerging technologies critical to the agency's needs and goals; and

‘‘(iv) a description of how the agency will operate without the eliminated positions and functions.

‘‘(4) In addition to any other payments which it is required to make under subchapter III of chapter 83 the agency shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to be determined in accordance with paragraph (5).

‘‘(5)(A) The amount remitted to the Treasury shall be the sum determined as follows. First, apply the following percentages to the final basic pay of each employee who is covered under subchapter III of chapter 83 or chapter 84 to whom a voluntary separation incentive has been paid under this section and who retires on an early retirement or an immediate annuity:

‘‘(i) 19 percent in the case of an employee covered under subchapter III of chapter 83 who takes an early retirement; or

‘‘(ii) 58 percent in the case of an employee covered under subchapter III of chapter 83 who takes an immediate annuity.

‘‘(B) Second, the sum of the amounts determined under clauses (i) and (ii) of subparagraph (A) shall be reduced, but not below zero, by the sum determined by applying the following percentages to the final basic pay of each employee who is covered under chapter 84 to whom a voluntary separation incentive has been paid under this section and who resigns or retires on an early retirement or immediate annuity, or an employee covered under subchapter III of chapter 83 to whom a voluntary separation incentive has been paid under this section and who resigns:

‘‘(i) 419 percent in the case of an employee covered under subchapter III of chapter 83 who resigns;

‘‘(ii) 17 percent in the case of an employee covered under chapter 84 who takes an early retirement;

‘‘(iii) 8 percent in the case of an employee covered under chapter 84 who retires on an immediate annuity; and

‘‘(iv) 211 percent in the case of an employee covered under chapter 84 who resigns.

‘‘(6) Under regulations prescribed by the Office of Personnel Management, the agency may elect to make the remittances required under paragraph (4) in installments over a period not to exceed 3 years. In such case, the percentages to be applied under paragraph (5) shall be those determined by the Office as are necessary to equalize the net present value of retirement benefits payable to employees who retire or resign with a separation incentive under this subsection and the net present value of retirement benefits those employees would have received if they had continued to work and then retired or resigned at the standard rates observed for the workforce.’’.

(b) Retirement Under Civil Service Retirement System.—Section 8336 of such title is amended by adding at the end the following new subsection:

‘‘(o)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

‘‘(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.’’.

(c) Retirement Under Federal Employees' Retirement System.—Section 8414 of such title is amended by adding at the end the following new subsection:

‘‘(d)(1) An employee of the Department of the Air Force who is separated from the service voluntarily as a result of a determination described in paragraph (2) after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity.

‘‘(2) A determination under this paragraph is a determination by the Secretary of the Air Force that the separation described in paragraph (1) is necessary for the purpose of maintaining continuity of skills among employees of the Department of the Air Force and adapting the skills of the workforce of the Department to emerging technologies critical to the needs and goals of the Department.’’.

(d) Reports.—The Secretary of the Air Force shall submit annual reports to the House and Senate Committees on Armed Services and the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives describing the use of the authority provided in the amendments made by this section and the bases for using such authority with respect to the employees chosen.

(e) Limitation of Applicability.—The authority to provide separation pay and retirement benefits under the amendments made by this section—

(1) may be exercised with respect to not more than 1000 civilian employees of the Department of the Air Force during each calendar year; and

(2) shall expire on December 31, 2003.

### Amendment No. 24

### Offered by Mr. Hunter of California

At the end of the title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. NATO FAIR BURDENSHARING.**

(a) Report on Costs of Operation Allied Force.—The Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the costs to the United States of the 78-day air campaign known as Operation Allied Force conducted against the Federal Republic of Yugoslavia during the period from March 24 through June 9, 1999. The report shall include the following:

(1) The costs of ordnance expended, fuel consumed, and personnel.

(2) The estimated cost of the reduced service life of United States aircraft and other systems participating in the operation.

(3) Whether and how the United States is being compensated by other North Atlantic Treaty Organization member nations for the costs of Operation Allied Force, including a detailed accounting of the estimated monetary value of peacekeeping and reconstruction activities undertaken by those member nations to partially or wholly compensate the United States for the costs of such operation.

(b) Report on Cost Sharing of Future NATO Operations.—Whenever the North Atlantic Treaty Organization undertakes a military operation with the participation of the United States, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on

Armed Services of the House of Representatives a report describing—

(1) how the costs of that operation are to be equitably distributed among the North Atlantic Treaty Organization member nations; or

(2) if the costs of the operation are not equitably distributed, but are to be borne disproportionately by the United States, how the United States is to be compensated by other North Atlantic Treaty Organization member nations.

(c) TIME FOR SUBMISSION OF REPORT.—A report under subsection (b) shall be submitted not later than 30 days after the beginning of the military operation, except that the Secretary of Defense may submit the report at a later time if the Secretary determines that such a delay is necessary to avoid an undue burden to ongoing operations.

(d) APPLICABILITY.—Subsection (b) shall apply only with respect to military operations begun after the date of the enactment of this Act.

### AMENDMENT NO. 25

OFFERED BY MR. SKELTON OF MISSOURI

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. GAO STUDY ON VALUE OF UNITED STATES MILITARY ENGAGEMENT IN EUROPE.**

(a) COMPTROLLER GENERAL STUDY.—The Comptroller General shall conduct a study assessing the value to the United States and its national security interests gained from the engagement of United States forces in Europe and from military strategies used to shape the international security environment in Europe.

(b) MATTERS TO BE INCLUDED.—The study shall include an assessment of the following matters:

(1) The value to United States security interests from having forces stationed in Europe and assigned to areas of regional conflict such as Bosnia and Kosovo.

(2) The value in sharing the risks, responsibilities, and costs of deploying United States forces with the forces of European allies.

(3) The costs associated with stationing United States forces in Europe and with assigning them to areas of regional conflict.

(4) The value of the following kinds of contributions made by European allies:

(A) Financial contributions.

(B) Contributions of military personnel and units.

(C) Contributions of nonmilitary personnel, such as medical personnel, police officers, judicial officers, and other civic officials.

(D) Contributions in kind that may be used for infrastructure building or activities that contribute to regional stability, whether in lieu of or in addition to military-related contributions.

(5) The value of a forward United States military presence in compensating for existing shortfalls of air and sea lift capability in the event of further regional conflict in Europe or the Middle East.

(6) The value of humanitarian and reconstruction assistance provided by European countries and by the United States in maintaining or improving regional stability.

(c) REPORT.—The Comptroller General shall submit a report on the results of the study to the Committees on Armed Services of the Senate and House of Representatives not later than March 1, 2001.

### AMENDMENT NO. 26

OFFERED BY MRS. FOWLER OF FLORIDA

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. SENSE OF CONGRESS REGARDING NONCOMPLIANCE WITH LAW REGARDING OVERSIGHT OF COMMUNIST CHINESE MILITARY COMPANIES OPERATING IN THE UNITED STATES.**

It is the sense of Congress that the Secretary of Defense has not complied with the requirements of section 1237(b) of the Strom Thurmond National Defense Authorization for Fiscal Year 1999 (50 U.S.C. 1701 note) to publish and update a list of Communist Chinese military companies operating in the United States. Congress expects that the Secretary, working with such other executive branch officials as necessary to comply fully with such section, will immediately comply with the provisions of that section. Furthermore, Congress notes that any requirement to assess information within the purview of other Federal departments and agencies in order to comply with that section was expressly anticipated by the requirement for interagency consultation provided in paragraph (3) of that section and that such consultation process ought to have been completed well before the mid-January 1999 deadline specified for the initial publication under that section.

### AMENDMENT NO. 28

OFFERED BY MR. RYUN OF KANSAS

At the end of part I of subtitle C of title XXVIII (page 412, after line 24), insert the following new section:

**SEC.   . LAND CONVEYANCE, FORT RILEY MILITARY RESERVATION, KANSAS.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to the State of Kansas, all right, title, and interest of the United States in and to a parcel of real property, including any improvements thereon, consisting of approximately 70 acres at Fort Riley Military Reservation, Fort Riley, Kansas. The preferred site is adjacent to the Fort Riley Military Reservation boundary, along the north side of Huebner Road across from the First Territorial Capitol of Kansas Historical Site Museum.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property to be conveyed under subsection (a) shall be determined by a survey satisfactory to the Secretary of the Army and the Director of the Kansas Commission on Veterans Affairs.

(c) EXCEPTION FROM SCREENING REQUIREMENT.—The Secretary may make the conveyance required by subsection (a) without regard to the requirement under section 2696 of title 10, United States Code, that the property be screened for further Federal use in accordance with the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.).

(d) CONDITIONS OF CONVEYANCE.—The conveyance required by subsection (a) shall be subject to the conditions that—

(1) the State of Kansas use the property conveyed solely for purposes of establishing and maintaining a State-operated veterans cemetery; and

(2) all costs associated with the conveyance, including the cost of relocating water and electric utilities should such relocation be determined necessary based on the survey described in subsection (b), shall be borne by the State of Kansas.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary of the Army determines appropriate to protect the interests of the United States.

### AMENDMENT NO. 29

OFFERED BY MR. BAIRD OF WASHINGTON

At the end of subtitle A of title XXVIII (page 412, after line 24), insert the following new section:

**SEC. 2840. LAND CONVEYANCES, FORT VANCOUVER BARRACKS, VANCOUVER, WASHINGTON.**

(a) CONVEYANCE OF WEST BARRACKS.—The Secretary of the Army may convey, without consideration, to the City of Vancouver, Washington (in this section referred to as the "City"), all right, title, and interest of the United States in and to a parcel of real property encompassing 19 structures at Vancouver Barracks, Washington, which are identified by the Army using numbers between 602 and 676 and are known as the west barracks.

(b) CONVEYANCE OF EAST BARRACKS.—Upon vacation, or agreement to vacate, by the Army Reserve and the Army National Guard of the parcel of real property at Vancouver Barracks encompassing 10 structures, which are identified by the Army using numbers between 704 and 786 and the numbers 987, 989, 991, and 993, and are known as the east barracks, the Secretary may convey, without consideration, to the City all right, title, and interest of the United States in and to the parcel.

(c) MODIFICATION AND CONVEYANCE OF REVERSIONARY INTEREST.—(1) The Secretary may modify the reversionary interest that was retained by the United States when a parcel of real property at Vancouver Barracks was conveyed to the Washington State Department of Transportation to remove the condition that the real property be used only for highway-related purposes.

(2) The Secretary may convey, without consideration, to the City the reversionary interest referred to in paragraph (1), modified as provided by such paragraph. Upon conveyance, the Secretary shall execute and file in the appropriate office an amended deed or other appropriate instrument effectuating the modification and conveyance of the reversionary interest.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property authorized to be conveyed under subsections (a) and (b) shall be determined by surveys satisfactory to the Secretary of the Army. The cost of any such survey shall be borne by the City.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Army may require such additional terms and conditions in connection with a conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

### AMENDMENT NO. 30

OFFERED BY MR. HEFLEY OF COLORADO

At the end of part III of subtitle C of title XXVIII (page 430, after line 15), insert the following new section:

**SEC.   . LAND CONVEYANCE, LOWRY AIR FORCE BASE, COLORADO.**

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Air Force may convey, without consideration, or lease upon such terms as the Secretary considers appropriate, to the Lowry Redevelopment Authority (in this section referred to as the "Authority") all right, title, and interest of the United States in and to seven parcels of real property, including improvements thereon, consisting of approximately 23 acres at the former Lowry Air Force Base, Colorado, for the purpose of permitting the Authority to use the property in furtherance of economic development and other public purposes.

(b) Description of Property.—The exact acreage and legal description of real property to be conveyed or leased under subsection (a) shall be determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the Authority.

(c) Additional Terms and Conditions.—The Secretary may require such additional terms and conditions in connection with a conveyance or lease under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

Amendment No. 31

Offered by Mr. Hastings of Washington

In section 3131 of the bill (page 462, lines 4 through 6), amend the heading of such section to read as follows:

**SEC. 3131. FUNDING FOR TERMINATION COSTS FOR RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.**

In section 3131 of the bill (page 462, lines 9 through 11), strike "relating to" and all that follows through "Richland, Washington" and insert the following: "relating to the River Protection Project, Richland, Washington (as designated by section 3135)".

At the end of title XXXI (page 467, after line 11), insert the following new section:

**SEC. 3135. DESIGNATION OF RIVER PROTECTION PROJECT, RICHLAND, WASHINGTON.**

The tank waste remediation system environmental project, Richland, Washington, shall be known and designated as the "River Protection Project". Any reference to that project in any law, regulation, map, document, record, or other paper of the United States shall be considered to be a reference to the River Protection Project.

Amendment No. 32

Offered by Mr. Hayes of North Carolina

At the end of title XXXI (page 467, after line 12), insert the following new section:

**SEC. 3135. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS FOR POST-SHIPMENT VERIFICATION REPORTS ON ADVANCED SUPERCOMPUTERS SALES TO CERTAIN FOREIGN NATIONS.**

Section 3157 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended by adding at the end the following new subsection:

"(e) Adjustment of Performance Levels.—Whenever a new composite theoretical performance level is established under section 1211(d), that level shall apply for the purposes of subsection (a) of this section in lieu of the level set forth in subsection (a).".

Amendment No. 33

Offered by Mr. Udall of Colorado

At the end of title XXXI (page 467, after line 11), insert the following new section:

**SEC. ___. EMPLOYEE INCENTIVES FOR EMPLOYEES AT CLOSURE PROJECT FACILITIES.**

(a) Authority To Provide Incentives.—Notwithstanding any other provision of law, the Secretary of Energy may provide to any eligible employee of the Department of Energy one or more of the incentives described in subsection (d).

(b) Eligible Employees.—An individual is an eligible employee of the Department of Energy for purposes of this section if the individual—

(1) has worked continuously at a closure facility for at least two years;

(2) is an employee (as that term is defined in section 2105(a) of title 5, United States Code);

(3) has a fully satisfactory or equivalent performance rating during the most recent performance period and is not subject to an adverse notice regarding conduct; and

(4) meets any other requirement or condition under subsection (d) for the incentive which is provided the employee under this section.

(c) Closure Facility Defined.—For purposes of this section, the term "closure facility" means a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n).

(d) Incentives.—The incentives that the Secretary may provide under this section are the following:

(1) The right to accumulate annual leave provided by section 6303 of title 5, United States Code, for use in succeeding years until it totals not more than 90 days, or not more than 720 hours based on a standard work week, at the beginning of the first full biweekly pay period, or corresponding period for an employee who is not paid on the basis of biweekly pay periods, occurring in a year, except that—

(A) any annual leave that remains unused when an employee transfers to a position in a department or agency of the Federal Government shall be liquidated upon the transfer by payment to the employee of a lump sum for leave in excess of 30 days, or in excess of 240 hours based on a standard work week; and

(B) upon separation from service, annual leave accumulated under this paragraph shall be treated as any other accumulated annual leave is treated.

(2) The right to be paid a retention allowance in a lump sum in compliance with paragraphs (1) and (2) of section 5754(b) of title 5, United States Code, if the employee meets the requirements of section 5754(a) of that title, except that the retention allowance may exceed 25 percent, but may not be more than 30 percent, of the employee's rate of basic pay.

(e) Agreement.—An eligible employee of the Department of Energy provided an incentive under this section shall enter into an agreement with the Secretary to remain employed at the closure facility at which the employee is employed as of the date of the agreement until a specific date or for a specific period of time.

(f) Violation of Agreement.—(1) Except as provided under paragraph (3), an eligible employee of the Department of Energy who violates an agreement under subsection (e), or is dismissed for cause, shall forfeit eligibility for any incentives under this section as of the date of the violation or dismissal, as the case may be.

(2) Except as provided under paragraph (3), an eligible employee of the Department of Energy who is paid a retention allowance under subsection (d)(2) and who violates an agreement under subsection (e), or is dismissed for cause, before the end of the period or date of employment agreed upon under such agreement shall refund to the United States an amount that bears the same ratio to the aggregate amount so paid to or received by the employee as the unserved part of such employment bears to the total period of employment agreed upon under such agreement.

(3) The Secretary may waive the applicability of paragraph (1) or (2) to an employee otherwise covered by such paragraph if the Secretary determines that there is good and sufficient reason for the waiver.

(g) Report.—The Secretary shall include in each report on a closure project under section 3143(h) of the National Defense Authorization Act for Fiscal Year 1997 a report on the incentives, if any, provided under this section with respect to the project for the period covered by such report.

(h) Authority With Respect to Health Coverage.—Section 8905a(d)(5)(A) of title 5, United States Code (as added by section 1106 of the Veterans Millennium Health Care and Benefits Act (Public Law 106–117; 113 Stat. 1598)), is amended by inserting after "readjustment" the following: ", or a voluntary or involuntary separation from a Department of Energy position at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n)".

(i) Authority With Respect to Voluntary Separations.—(1) The Secretary of Energy may—

(A) separate from service any employee at a Department of Energy facility at which the Secretary is carrying out a closure project selected under section 3143 of the National Defense Authorization Act for Fiscal Year 1997 (42 U.S.C. 7274n) who volunteers to be separated under this subparagraph even though the employee is not otherwise subject to separation due to a reduction in force; and

(B) for each employee voluntarily separated under subparagraph (A), retain an employee in a similar position who would otherwise be separated due to a reduction in force.

(2) The separation of an employee under paragraph (1)(A) shall be treated as an involuntary separation due to a reduction in force.

(3) An employee with critical knowledge and skills (as defined by the Secretary) may not participate in a voluntary separation under paragraph (1)(A) if the Secretary determines that such participation would impair the performance of the mission of the Department of Energy.

Amendment No. 34

Offered by Mr. Lampson of Texas

At the end of title XXXIV (page 474, after line 8), add the following new section:

**SEC. 3404. AUTHORITY TO CONVEY OFFSHORE DRILL RIG OCEAN STAR.**

(a) Authority To Convey.—

(1) In general.—The Secretary of Transportation (referred to in this section as the "Secretary") may, without consideration, convey all right, title, and interest of the United States Government in and to the offshore drill rig OCEAN STAR, to the Offshore Rig Museum, Inc., a nonprofit corporation established under the laws of the State of Texas and doing business as the Offshore Energy Center (in this section referred to as "the recipient").

(2) Release of associated interests.—As part of the conveyance, the Secretary shall release any encumbrance and forgive any promissory note or loan held by the United States with respect to the drill rig.

(b) Conditions.—Any conveyance, release, or forgiveness under subsection (a) shall be subject to the following conditions:

(1) The recipient must have at least 3 consecutive years experience in operating a drill rig as a nonprofit museum.

(2) Before the effective date of the conveyance, release, and forgiveness, the recipient must agree—

(A) to continue to use the drill rig as part of a museum to demonstrate to the public the recovery of offshore energy resources;

(B) to make the drill rig available to the Government if the Secretary requires use of the drill rig for a national emergency;

(C) that if the recipient no longer requires the drill rig for use as a museum dedicated to demonstrating to the public the recovery of offshore energy resources, the recipient shall, at the discretion of the Secretary, convey the drill rig to the Government; and

(D) to any other conditions the Secretary considers appropriate.

(3) The drill rig may not be used for commercial transportation or commercial drilling and production of offshore energy resources.

AMENDMENT NO. 35

OFFERED BY MR. BRYANT OF TENNESSEE

Strike section 554 (page 148, line 20, and all that follows through page 149, line 12) and insert the following:

**SEC. 554. CLARIFICATION AND REAFFIRMATION OF THE INTENT OF CONGRESS REGARDING THE COURT-MARTIAL SENTENCE OF CONFINEMENT FOR LIFE WITHOUT ELIGIBILITY FOR PAROLE.**

(a) CLARIFICATION OF EFFECT OF SENTENCE.—(1) Section 856a(b) of title 10, United States Code (article 56a of the Uniform Code of Military Justice), is amended—

(1) by striking "unless—" and inserting "unless the sentence (or a portion of the sentence including that part of the sentence providing for confinement for life without eligibility for parole)—";

(2) by striking paragraph (1) and inserting the following:

"(1) is set aside or otherwise modified as a result of—

"(A) action taken under section 860 of this title (article 60) by the convening authority or another person authorized to act under that section; or

"(B) any other action taken during post-trial procedure and review under any other provision of subchapter IX;

(3) in paragraph (2), by striking "the sentence"; and

(4) by striking paragraph (3) and inserting the following:

"(3) a reprieve or pardon by the President.".

(b) OFFICERS SENTENCED TO DISMISSAL.—Subsection (b) of section 871 of such title (article 71) is amended by inserting after the second sentence the following new sentence: "However, if the sentence extends to confinement for life without eligibility for parole, that part of the sentence providing for confinement for life without eligibility for parole may not be commuted, remitted, or suspended.".

(c) ACTION BY CONVENING AUTHORITY AFTER SENTENCE ORDERED EXECUTED.—Subsection (d) of that section is amended by adding at the end the following new sentence: "In the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence extending to confinement for life without eligibility for parole may not be suspended after it is ordered executed.".

(d) SECRETARIAL AUTHORITY TO REMIT OR SUSPEND SENTENCE.—Section 874(a) of such title (article 74(a)) is amended by inserting before the period at the end the following: "or, in the case of a sentence that extends to confinement for life without eligibility for parole, that part of the sentence that extends to confinement for life without eligibility for parole".

(e) PAROLE.—Section 952 of that title is amended by adding at the end the following new subsection:

"(c) Parole may not be granted for an offender serving a sentence of confinement for life without eligibility for parole.".

(f) REMISSION OR SUSPENSION OF SENTENCE.—Section 953 of such title is amended by inserting in paragraph (1) after "selected offenders" the following: "other than offenders serving a sentence of confinement for life without eligibility for parole".

Mr. SPENCE (during the reading). Mr. Chairman, I ask unanimous consent that the modifications be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SPENCE).

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. VITTER) for the purposes of a colloquy.

Mr. VITTER. Mr. Chairman, I would like to discuss with the gentleman from Virginia (Mr. BATEMAN) whether the committee was able to consider the issue of the Information Technology Center located in New Orleans, Louisiana.

Mr. BATEMAN. Mr. Chairman, will the gentleman yield?

Mr. VITTER. I yield to the gentleman from Virginia.

Mr. BATEMAN. Mr. Chairman, the mission of the Information Technology Center has recently been brought to my attention. This Center plays an important role in the development of information technology systems for the Navy and for the Department of Defense. For the last several years, the committee has been urging the Department of Defense to move away from military service specific, or stovepipe computer systems. The Information Technology Center, or ITC, is an example of new and innovative thinking on the part of the Navy.

Currently, ITC is examining military personnel information technology systems and is bringing an enterprise-wide approach to the development of Navy Systems Integrated Personnel Systems as well as the Defense Integrated Military Human Resources Systems. These major undertakings require innovative acquisition techniques, modular contracting, commercial off-the-shelf technology, as well as the consolidation and integration of existing manpower and personnel information systems.

I understand that to assist the Navy in proceeding with this worthwhile project additional funding is required. Unfortunately, no funds were authorized in the bill before us. It is my understanding that the other body has recognized the importance of ITC and has included additional funding.

I would say to the gentleman from Louisiana that I will do everything I can to ensure that the conference committee on this bill endorses this important program.

Mr. VITTER. Reclaiming my time, Mr. Chairman, I thank the gentleman very much, and I also want to pass along the thanks of the gentleman from Louisiana (Mr. TAUZIN) and that of the gentleman from Louisiana (Mr. JEFFERSON). We all appreciate the gentleman's speaking on behalf of the Information Technology Center and pledging his support, and we all look forward to working with him and other members of the committee.

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Mr. SKELTON. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELÁZQUEZ. Mr. Chairman, I rise today to offer an amendment in cooperation with the gentleman from Missouri (Chairman TALENT) to protect and support our Nation's small businesses.

Mr. Chairman, we all talk about what a strong economy we have; and no one disputes the fact that small businesses are, in large part, responsible for this. It is almost cliche to say that small businesses are the backbone not just of our economy, but they also help to form the foundation of the cities and towns we call home.

America looks to small businesses to be the innovators and problem solvers everywhere, everywhere except in the case of the Federal Government. We are currently seeing a disturbing downward trend in the number of Federal prime contracts awarded to small businesses.

As an example, from fiscal year 1997 through fiscal year 1999 the number of prime contracts awarded to small businesses by the Department of Defense has decreased by over 34 percent; the number of contracts awarded to minority-owned firms has decreased by over 25 percent; and most dramatically, the number of contracts awarded to woman-owned businesses have decreased by over 38 percent.

These trends have been so alarming that the gentleman from Missouri (Chairman TALENT) and I have held two hearings on this issue in the first half of this Congress alone. During these hearings, we have found that the move by the Federal Government to streamline and reduce costs has resulted not in saving money, but in the unintended consequence of harming small businesses.

There is no truth, as far as businesses are concerned, that bigger is necessarily better. The Department of Defense, the largest purchaser of goods and services in the entire U.S. Government, has increasingly relied on the practice of contract bundling to the exclusion of small businesses. It has struggled with the dual roles of supporting the war fighter and awarding prime contracts to small businesses.

To solve this problem, the Velázquez-Talent amendment will direct the Secretary to conduct a comprehensive study of contract bundling and its effect on small businesses. To assist in this study, the Secretary, working with the General Accounting Office, is to develop a database containing information on all bundled contracts.

In a hearing before the Committee on Small Business in November of last year, the Department agreed to commission a study of contract bundling. Within 2 months it became evident that the Department has no data to conduct an accurate and comprehensive bundling study. This amendment helps the Department keep its promise.

Mr. Chairman, we are all aware that Federal agencies are operating in a do-more-with-less environment. We must ensure that the Federal marketplace is efficient. However, we must also provide for a Federal marketplace that includes the small business community. This amendment will go a long way to begin to level the playing field for small businesses.

I would like to thank the gentleman from South Carolina (Chairman SPENCE) and the gentleman from Missouri (Mr. SKELTON), the ranking Democratic member, for their support of this amendment and our Nation's small businesses.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to speak very briefly on an amendment that is en bloc that I have offered, No. 25, which requests a GAO study of the value of the United States' military engagement in Europe.

Mr. Chairman, much has been said about burdensharing. Much has been said about American interests and troops being stationed in Europe. In an effort to understand where we are today, were we to look back in history, and had American and allied forces formed together as we have today in the NATO alliance, the Second World War would never have come to pass.

I think that a full study explaining the definitions and all the ramifications and include our Armed Forces and our strategies and the attempt to shape the international environment, a study such as this should be included.

I urge the adoption of the en block, which, of course, includes No. 25.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER) for the purposes of a colloquy.

Mr. BUYER. Mr. Chairman, I speak in reference to Amendment No. 11 that makes technical corrections regarding the Army National Guard Selective Reserve, the Active Guard and Reserve, which are referred to as the AGR and the dual status military technicians regarding the end strengths for fiscal year 2001. Those technical corrections will be made.

I would like to enter into a colloquy with the gentleman from California (Mr. HUNTER), chairman of the Subcommittee on Military Procurement.

As co-chair of the Guard and Reserve Caucus, along with the gentleman from Mississippi (Mr. TAYLOR), the chairman of the committee, along with the ranking member and the gentleman from California (Mr. HUNTER) it permits the caucus to work with Members to put together their concerns regarding funding the Reserve excepts along with the Guard. They permit us to put together these packages and then deliver to their committee.

We extend to our colleagues great compliments for accepting the first $250 million of the NGRE list. NGRE stands for the National Guard Reserve Equipment List. We worked very hard this year, working with the committee, to address the proportionality questions.

In this amendment, we have a technical correction with regard to what came out of the full committee regarding some of the funding, whether it was $52 million that goes directly to the Air Guard or was that really meant for the Army Reserve.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank the gentleman, first for working with us here on the floor, but, secondly, for chairing this caucus, along with the gentleman from Mississippi (Mr. TAYLOR), who have put in a lot of long hours working with the Guard and the Reserve trying to develop requirements and ultimately coming up with recommendations for the Subcommittee for Military Procurement.

Let me tell my colleagues what we worked for this year. We worked for parity. We did not have a lot of money. We had right at $300 million to spend on Guard and Reserve elements. The request we got from the gentleman and lots of our colleagues was let us have parity, let us have an even distribution of this money between the Guard and the Reserve, let us not have it all for the Guard or the Reserve.

I agreed to do that. I gave my word on it. And the gentleman put together, along with the gentleman from Mississippi (Mr. TAYLOR), a package of $250 million. We added the $50 million that we had available to that. So we came to a total of about $300 million.

We split it down the middle. In fact, we gave a little bit more to the Guard, about $158 million to the Guard, $153 million to the Reserve, but right down the middle between the two.

When we were putting the elements together in putting our bill together, our office made a mistake and we put the KC-135 reengining kits on the Guard side even though we had them in the reserve side when we put the bill together. That would have made the bill very lopsided for the Guard. It would have then gone to $218 million for the Guard, only $93 million to the Reserve.

I represented to the committee and to the subcommittee and to the gentleman that we were doing an even split. I gave him my word. And, of course, when we tell somebody that we are going to do something and we have a very thick bill, the gentleman from Indiana (Mr. BUYER) relied on my giving him that representation.

So, in this technical amendment, we are moving that item, the KC-135 reengining, the $52 million, back into the air reserve account, which is where we started out.

Mr. BUYER. Mr. Chairman, reclaiming my time, as I understand, that is two KC-135 engine kits at $52 million.

Mr. HUNTER. Mr. Chairman, if the gentleman will continue to yield, that is right. It is two KC-135 reengining kits. So if some folks that thought they were going to get those and not are not going to get them, give me a phone call. Our office made a mistake on that. We put the items in the wrong column. But we fixed it now.

For people who are proponents of both the Guard and Reserve, what we did again this year was try to give parity. We tried to give an even split on the few dollars that we have. We have lots more requirements. We are going to have to wait for another budget to get to those.

Mr. BUYER. Mr. Chairman, reclaiming my time, I want to thank the gentleman from California (Mr. HUNTER) again for working with us. He is absolutely correct with regard to parity. We have enjoyed our working relationship with the Guard and Reserve components. I look forward to working with the gentleman in conference.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Chairman, I rise in support of this en block package and urge my colleagues to support it as well.

This package includes a couple of amendments that will help free up money for economic development in towns with old military installations. All communities should be able to use closed facilities as engines of economic growth. This is simply a matter of fairness.

I, too, have a closed military installation in my district. It is called the Indiana Army Ammunition Plant.

Unfortunately, under current law, some communities that lose military installations are treated differently than others.

Yesterday, I testified before the Committee on Rules about an amendment that I believe levels the playing field. My amendment would authorize the Secretary of Defense to convey former military installations in property communities free of charge. Of course, I hope that my amendment will be made in order. But I am pleased that we are helping the communities in this bill, and I urge my colleagues to support it.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. HASTINGS) for the purpose of a colloquy.

Mr. HASTINGS of Washington. Mr. Chairman, I want to thank the chairman for including my amendment regarding the Office of River Protection in the en bloc amendment.

Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding me the time.

Mr. Chairman, as the gentleman from California (Mr. HUNTER) is aware, the Office of River Protection at the Hanford site in my district is currently engaged in the world's largest and most pressing environmental cleanup project.

I would like to first thank the gentleman for his leadership on this project through the creation of the Office of River Protection in the Fiscal Year 1999 National Defense Authorization Act.

As the gentleman is aware, the Office of River Protection was created to manage the retrieval and treatment of waste at Hanford by removing the many layers of bureaucracy that impede cleanup and transfer authority back to the site. This model has proven itself to be an effective initiative because local experts have the knowledge and the authority to ensure the timely treatment of this waste.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, the gentleman is correct to point out the very excellent model that was created by his amendment to transfer authority back to the site. Since its inception, the Office of River Protection has effectively managed the complex problems without layers of bureaucracy that very often stymie what we are looking for, and that is cleanup.

I am committed to the success of the Office of River Protection and congressional intent that the manager of the Office report directly to the Assistant Secretary for Environmental Management.

I would also like to commend the gentleman from Washington (Mr. HASTINGS) on his tireless efforts on behalf of his constituents impacted by the Hanford site. The committee values his input on how best to proceed with this cleanup project.

If I might, also, I just want to thank the chairman of the full committee, too, for his support in passing the football off to us and letting us run with it and put together the best program we could. That is kind of the trademark of the gentleman from South Carolina (Mr. SPENCE), whose quiet strength has led us through this markup and floor process. But I thank the gentleman for everything he has done.

There has been a lot of confusion at Hanford with the contractor that is now leaving rather abruptly from this project. There is some confusion in the Department of Energy. But there is one guy whose steady hand on the helm of this ship has been moving it steadily forward and will continue to move the Hanford site forward to successful cleanup, and that is the gentleman from Washington (Mr. HASTINGS). I thank the gentleman for what he is doing.

Mr. HASTINGS of Washington. Mr. Chairman, I, too, want to thank the chairman for his work on this.

Mr. Chairman, as my colleagues know, under the President's fiscal year 2000 budget request, the privatization account that we were alluding to at Hanford would receive $450 million. However, due to the recent developments that the gentleman mentioned with the lead contractor, privatization, unfortunately, is no longer a viable option at this time.

In light of these developments, the Department of Energy has identified a new path forward to ensure the timely cleanup of the waste. As a result of this new path forward, the Department identified and updated funding requirement of $370 million for fiscal year 2001 to fully fund the necessary design and long-lead procurement to keep the project on schedule.

Mr. Chairman, I ask the gentleman from California (Chairman HUNTER) whether he concurs with this.

Mr. HUNTER. Mr. Chairman, if the gentleman would continue to yield, yes. Over the last 2 weeks, largely as a result of his leadership, the Department of Energy has identified a need of $370 million in required work to keep the project on schedule in fiscal year 2001.

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What the gentleman from Washington basically asked us to do was to keep this thing going and make sure that the design and engineering work continued, that the procurement that was necessary was allowed to take place and that we had a contingency fund available so that we could keep the project moving forward and keep the commitments that the Federal Government has made to Washington State. As a result of the gentleman's leadership and direction, we put those numbers together and indeed did come up with the $370 million requirement that is going to be needed to keep the project going for the next 12 months.

Mr. HASTINGS of Washington. I thank the gentleman for his remarks. This issue is not confined just to my district in central Washington. In fact it is the whole Pacific Northwest. I would like to ask the gentleman if he will continue to work on the fiscal year 2001 funding level when we go to conference with the other body for the necessary $370 million of design and long-lead procurement needs for this project.

Mr. HUNTER. If the gentleman will continue to yield, absolutely we will continue to press for that figure, make sure that that amount of money is available. As the gentleman knows, there is money that is in the first $491 million that was a tranche of money that was approved initially for the BNFL contractor and that contract is now no longer with us. So there is some question in DOE as to how much is carryover and how much is not carryover, but we do agree because of the gentleman's leadership that $370 million is needed. I will work in the conference to make sure that we get that.

As the gentleman knows, the Department is currently unable to give us a firm funding requirement for 2001 due to the fact that they have ongoing contract negotiations right now that resulted from this new path that they are taking. I just want to assure the gentleman I will continue to work with him in conference and we will make sure that we fully fund that $370 million required for this work. So under the steady leadership of the gentleman from Washington, these other problems notwithstanding, we are going to continue to move the Hanford cleanup forward.

Mr. HASTINGS of Washington. I thank the gentleman for that commitment.

Finally, Mr. Chairman, section 3131 of the legislation provides a waiver of the requirement to accumulate a reserve for termination liability funding. Will the gentleman work with my office and with the Department of Energy in conference to assure that this section is clarified to meet the needs that we are talking about within the River Protection Project in the future?

Mr. HUNTER. I will be very happy to work with the gentleman on this issue and make sure the section is carried out as intended. Again, the gentleman from Washington's guidance and advice is very important to our committee and our subcommittee. We thank him for his leadership on this issue.

Mr. HASTINGS of Washington. I thank the gentleman very much for his commitment. I thank the chairman for his commitment, also, on that. Their assurances to my constituents in central Washington and to all of us in the Pacific Northwest that the final legislation will contain full funding that has been identified for the work required this year is appreciated.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

For the benefit of those who do not understand the purpose of the en bloc amendments, I might briefly explain that we had about 101 amendments offered to our bill. Many of these were noncontroversial, did not require a vote, and so we put them into the en bloc category. Others, we offered some suggestions as to how they could amend their amendment and they were accepted and we were able then to accept these without controversy and without vote, all of this with consultation with our ranking member the gentleman from Missouri. This has been agreed upon by both sides.

Mr. HINOJOSA. Mr. Chairman, I am in strong support of the amendment to H.R. 4205 offered by the Ranking Minority Member on the Committee on Small Business, NYDIA VELÁZQUEZ. It has come to my attention, as a member of the Committee on Small Business, that the Department of Defense, to the exclusion of the growing number of small business owners in our nation, has relied on the practice of contract bundling. Furthermore, the Department has no objective criteria to justify the use of this mechanism. The result of this bundling is nothing less than devastating to small business, and additionally translates into higher costs to taxpayers due to the decreased competition.

The amendment offered by Ms. VELÁZQUEZ expands the contract bundling study proposed in H.R. 4205 to require a Department-wide study on contract bundling. It further requires the Department to develop with GAO a database to monitor the effects of contract bundling. I am confident that this amendment will assist small business in combating the many problems relating to contract bundling.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support of the enbloc amendment to H.R. 4205, and in particular thanks to the Chairman for incorporating this Member's amendment addressing the Asia-Pacific Center for Security Studies.

H.R. 4205 authorizes the Secretary of Defense to operate regional centers for security studies. Among those centers are the Marshall Center in Garmish, Germany, and the Asia-Pacific Center in Hawaii.

H.R. 4205 provides the Marshall Center with a waiver authority for reimbursement of the costs of conferences, seminars, courses or instruction, or similar educational activities for certain military officers and civilian officials within the European theater. It does not provide such a waiver authority for military officers and civilian officials in the Asia-Pacific region.

Countries in the Asia-Pacific region, even perhaps more than those in Europe, represent the entire economic spectrum. Many countries in the Asia-Pacific region that would greatly benefit from such education can not afford to send their officers or civilian officials. Bangladesh comes to mind, a country that provides peacekeepers as a major source of revenue can not afford to send their military officers or civilian officials to the Center where they would be exposed to our way of integrated security. We lose a national security objective by not being able to interact with these officers or civilian officials in an educational open forum. It is important that all our allies, regardless of their economic ability to do so, can attend and interact with not only our own forces, but with our other allies and friendly countries.

This Member would observe there is no mandated additional costs associated with this amendment. While the Secretary has the authority to waive these costs, as such, the costs must be absorbed within the Centers' budget. It provides for a management decision by the Secretary, not a budgetary burden on the American taxpayers.

It is important to stress here that countries that are prohibited by statute from receiving assistance funds will not be allowed to attend the Asia-Pacific Center. Military personnel of Cambodia and Burma, for instance, where direct government-to-government assistance of any kind is prohibited, would not be allowed to attend, much less receive any such waiver. Military personnel of the People's Republic of China, under the Tiananmen sanctions would not be allowed to attend. There are real safeguards in place to ensure such countries do not have the opportunity to attend the Center.

Mr. Chairman, this Member urges adoption of the Managers En Bloc amendment.

Mr. HALL of Ohio. Mr. Chairman, I rise in support of the Hall-Hobson amendment offered as part of the Chairman's en bloc amendment. The amendment creates a 3-year program permitting the Air Force to offer early outs and retirement incentives of up to $25,000 for as many as 1,000 civilian employees each year for the purpose of maintaining continuity of skills among employees and to hire workers with critically needed technical skills. The early out and retirement incentive authority established in this amendment is similar to the authority already in the law for personnel reductions.

As The Washington Post pointed out in a week-long series last week, the Federal work force faces a crises. In the next five years, more than 50 percent of civil servants will be eligible to retire. The situation is even worse in the Department of Defense, where that figure is almost 60 percent. Unless personnel practices are changed, the Pentagon will lurch from a predominantly senior work force to one that is largely inexperienced.

At the same time, rapid advances in defense-related technology make it more critical now than ever before to maintain a defense work force with cutting edge technological skills.

Unfortunately, existing personnel laws do not give Defense Department managers the flexibility they need to keep up with rapidly changing personnel needs, especially in the scientific and technical fields. After more than ten years of much needed draw down and virtually no new hiring, the military services have been stymied in their efforts to acquire such personnel.

This problem is particularly acute for the Air Force because of its historically heavy reliance on science and technology. The preservation and advancement of our Air Force's high tech advantage is particularly important as new and uncertain threats to our country develop. Solving this problem is the Air Force's top civilian work force priority.

Moreover, this experimental pilot program will provide valuable information that can be used to address similar work force problems in the other services and non-defense federal agencies.

The amendment I seek to offer is similar to an amendment Mr. HOBSON offered last year to the National Defense Authorization Act which was adopted by the House, but which was not accepted in conference.

It is my intention that the Air Force will use the personnel slots created under the authority of this amendment to hire new workers and that the authority will not be used to reduce overall levels of civilian employment.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, and the ranking minority member, Mr. SKELTON, for their support of my amendment. I also thank Mr. SCARBOROUGH, chairman of the Subcommittee on Civil Service, and Mr. CUMMINGS, the ranking minority member, as well as their staffs, for their assistance.

And finally, I offer a special thanks to the amendment's cosponsor, Mr. HOBSON, and to his staff, for their critical help.

Mr. RYUN of Kansas. Mr. Chairman, I rise today in support of H.R. 4205, the Fiscal Year 2001 National Defense Authorization Act.

I would like to thank Chairman SPENCE and Chairman HEFLEY for including my amendment as part of the en bloc amendments, scheduled for discussion and vote later today.

Mr. Chairman, over one thousand World War II veterans die every day. A final honor bestowed upon these veterans and their families is burial at a military or veterans cemetery.

My amendment will enable the Secretary of the Army and the Kansas Commission on Veterans Affairs to agree to a transfer of property at Fort Riley, Kansas for the purpose of establishing a State-constructed, operated and maintained veterans cemetery.

Mr. Chairman, Congress is here to work for the people of the United States. The veterans organizations of the 2nd District of Kansas have worked hard to establish support both within the state and here in Washington, D.C. to support veterans that have sacrificed for our freedoms.

I ask my colleagues to support the passage of the en bloc amendments and continued support for final passage of H.R. 4205.

Mr. GILCHREST. Mr. Chairman, I rise in support of my amendment to the H.R. 4205, The National Defense Authorization Act.

This amendment is designed to urge the Secretary of Defense to add five additional Weapons of Mass Destruction Civil Support Team (WMD–CST) to the fiscal year 2001 defense bill.

At the direction of Congress, the Department of Defense recently expanded this program to embrace a total of 27 teams, known as WMD Civil Support Teams.

The WMD Civil Support Teams were established to deploy rapidly to assist a local incident commander in determining the nature and extent of an attack or incident; provide expert technical advice on WMD response operations; and help identify and support the arrival of follow-on state and federal military response assets. Each team consists of 22 highly-skilled, full-time members of the Army and Air National Guard.

The first 10 teams have completed their individual and unit collective training and are in the process of receiving highly sophisticated equipment. Each team has two large pieces of equipment: a mobile analytical laboratory for field analysis of chemical or biological agents and a unified command suite that has the ability to provide communications interoperability among the various responders who may be on scene. The first 10 teams will be certified as fully mission-capable later this spring, with the remaining 17 expected to come on line in early 2001.

The first 10 teams are based in Colorado, Georgia, Illinois, California, Massachusetts, Missouri, New York, Pennsylvania, Texas and Washington. The remaining 17 teams, announced in January, will be based in Alaska, Arizona, Arkansas, California, Florida, Hawaii, Idaho, Iowa, Kentucky, Louisiana, Maine, Minnesota, New Mexico, Ohio, Oklahoma, South Carolina and Virginia.

Surprisingly, our Nation's capital does not currently have a National Guard civil support team. The closest team is in rural Virginia or the center of Pennsylvania. These locations are too far away to provide comfort that my state, Maryland, will have adequate protection and civil support in the event a terrorist uses poison gas or germs in the Washington, DC or Maryland area.

Having a team available to deploy rapidly, assess the situation, and coordinate assistance with local first-responders is extremely important.

The WMD Civil Support Teams are unique because of their federal-state relationship. They are federally resourced, federally trained and federally evaluated, and they operate under federal doctrine. But they will perform their mission primarily under the command and control of the governors of the states in which they are located.

They will be, first and foremost, state assets.

Operationally, they fall under the command and control of the adjutant generals of those states. As a result, they will be available to respond to an incident as part of a state response, well before federal response assets would be called upon to provide assistance.

If the situation were to evolve into an event that overwhelmed state and local response assets, the governor could request the president to issue a declaration of national disaster and to provide federal assistance. At that point, the team would continue to support local officials in their state status, but would also assist in channeling additional military and other federal assets in support of the local commander.

It is essential to note that these teams are in no way connected with counter-terrorism activities. They are involved exclusively in consequence management activities. The civil support teams will link with the consequence managers in their jurisdictions. The WMD–CST will have robust planning and command and control capabilities and the ability to mobilize a military task force quickly in support of FEMA requests. It will also have rapid access to military forces and quick reach-back capability to subject matter experts, labs and medical support.

If terrorists release bacteria, chemicals or viruses to harm Americans, we must have the ability to identify the pathogens or substances with speed and certainty. The technology to accomplish that is still evolving, and current technology is very expensive, technically challenging to maintain, and largely unaffordable to most states and localities.

In this regard, my goal is to support America's fire, police and emergency medical personnel as rapidly as possible with capabilities and tools that complement and enhance their response, not duplicate it.

It is better to have these teams be funded, fielded and idle than to have no team at all. Every Governor should, and must, have the flexibility to call on a WMD–CST Team if the situation warrants.

My amendment to this year's defense bill will increase the number of WMD–CSTs to 32, providing greater coverage to the American population.

I support the efforts Congress and the Defense Department have made to establish state-controlled WMD Civil Support Teams, which leverage the best military technology and expertise available, to achieve that goal.

I thank you for the opportunity.

Mr. HAYES. Mr. Chairman, my amendment is very simple. I offer it to ensure that Section 3157 of the National Defense Authorization Act of FY'98 is consistent with Section 1211 of that same Act. In 1998, the Congress adopted to its defense authorization legislation provisions to establish export control thresholds for computer technology to tier III countries. We established those provisions in two places of the '98 legislation, Section 1211 and Section 3157. Since then, Congress has revisited Sec. 1211 and updated the threshold level to better reflect technological advancements. In modernizing the law, however, a slight oversight has been made.

While Congress made adjustments to Section 1211 to raise export control thresholds, it did not make the same necessary adjustments to Section 3157. My amendment ensures the MTOP level (millions of theoretical operations per second) included in Section 1211 is consistent with the levels included in Section 3157.

By no means do I intend to reopen the debate on MTOP levels and verification requirements. In fact, the gentlemen from California, the Chairman of the Rules Committee has ably engaged that very policy debate in this chamber today. Instead, I only wish to correct an inconsistency in our legislation that calls for two different standards.

Mr. BRYANT. Mr. Chairman, as many of my colleagues may recall, the FY98–99 Defense Authorization bill included my provision establishing a life without parole sentencing option in the Uniform Code of Military Justice.

What prompted me to push for a life without parole sentence involved the case of Sgt. Michael Teeter. Sgt. Teeter was sentenced to life in prison on June 10, 1980, by a military court for the brutal rape and murder of Eva Hicks-Ransom. The murder occurred in my district in Clarksville, Tennessee. After serving only 15 years of his life sentence, Teeter was granted parole.

Because the only alternative to a life sentence was the death penalty, I felt a new, life without parole sentence would provide a jury with a broader range of options depending on the severity of the crime. In cases where the death penalty was too harsh, but the possibility of an offender eventually re-entering society was unconscionable, life without parole would give the jury a reasonable alternative.

Since the creation of the life without parole sentence, however, the Department of Defense has issued an Instruction which states that a person sentenced to life without parole will still be eligible for clemency. Under clemency, a prisoner sentenced to life without parole can see his sentence reduced for good behavior and/or successful treatment after only 10 years. In theory, a person sentenced to life without parole could be released after serving just 15 years.

Mr. Chairman, Section 544 of H.R. 4205 does attempt to address my concerns about clemency by increasing the time before clemency can be considered from 10 to 20 years. While I appreciate the lengths to which full committee Chairman SPENCE and subcommittee Chairman BUYER have gone to address this issue, it was always my intent that a person sentenced to life without parole would spend the rest of their life in prison unless they were pardoned by the President. Clemency was not meant to apply. I strongly believe that the Defense Department misinterpreted the language establishing a life without parole sentence, and my amendment would replace the language in Section 544 with language which would clarify and reaffirm the intent of Congress that life without parole means life and that clemency does not apply.

I urge my colleagues to support this clarifying amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GUTKNECHT). The question is on the amendments en bloc, as modified, offered by the gentleman from South Carolina (Mr. SPENCE).

The amendments en bloc, as modified, were agreed to.

Mr. SPENCE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HAYES) having assumed the chair, Mr. GUTKNECHT, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

## PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO SUDAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–237)

The SPEAKER pro tempore (Mr. GUTKNECHT) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 410(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

WILLIAMJ. CLINTON,
THE WHITE HOUSE, *May 17, 2000.*

## RESPONDING TO CHALLENGE ISSUED IN OTHER BODY

(Mr. HAYES asked and was given permission to address the House for 1 minute.)

Mr. HAYES. Mr. Speaker, I come to the floor today to respond to a challenge issued in the other body, the Senate.

Mr. Speaker, during the course of debate, the Democrat Senator from Iowa issued a challenge to Republican lawmakers. The Senator challenged any takers to a contest in trap shooting.

He said, and I quote, I take a back seat to no one in being a legitimate hunter. I hunt every year. I've hunted since I've been a kid. I'll take on anyone over there in trap shooting.

Mr. Speaker, the Congress and the Senate gathered on Monday to have a shoot-off. We had great competition. Conservation was the beneficiary.

I gladly accept the senior Senator from Iowa's challenge and will be glad to meet him for a charity shoot-off event. I look forward to coordinating this with him.

## PREVIEW OF UPCOMING SPECIAL ORDER REGARDING PNTR FOR CHINA

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, I rise to inform my colleagues that after we get through the wonderful 5-minute special orders that people are going to be delivering here, I am going to take an hour or a good part of that 1-hour to talk about the single most important vote that will be casting this year, and that is whether or not we are going to pry open the markets with 1.3 billion consumers in the People's Republic of China so that our workers can export goods and services and other great things, including American values, into that very repressive society in the People's Republic of China.

We have got a lot of very, very interesting things, so I want to encourage my colleagues who are here in the Chamber to stay because it is going to be a very, very enlightening special order that I plan to deliver.

## TRIBUTE TO HONORABLE PATRICIA A. HEMANN

(Mrs. JONES of Ohio asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. JONES of Ohio. Mr. Speaker, I rise today to honor a very special constituent and friend of mine, the Honorable Patricia A. Hemann, magistrate judge of the United States District Court for the Northern District of Ohio on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. The award is the OWBA's highest award for professional excellence.

Pat Hemann was the first woman magistrate judge of the United States District Court for the Northern District of Ohio. Previously she was in private practice for 11 years, litigating complex cases and becoming a member of the board of directors of Hahn, Loeser & Parks, LLP in Cleveland.

At the same time she actively mentored women and minorities, taking on issues that were vital to their inclusion in the legal community. In 1991, she along with Justice Alice Robie Resnick and another attorney, Pam Hultin, founded the Ohio Women's Bar Association.

It gives me great pleasure to rise today and join with the OWBA in congratulating Judge Hemann and wishing her continued success.

Mr. Speaker, I rise today to honor a very special constituent and friend of mine, The Honorable Patricia A. Hemann, magistrate judge of the United States District Court for the Northern District of Ohio, on the occasion of her receipt of the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction. This award is the OWBA's highest award for professional excellence and is bestowed annually on a deserving attorney who exhibits leadership in the areas of advancing the status and interests of women and in improving the legal profession in the state of Ohio. It gives me great pleasure to wish Judge Hemann my warmest congratulations on this truly special occasion.

Patricia Hemann was the first woman magistrate judge of the United States District Court for the Northern District of Ohio. Previously, she was in private practice for 11 years, litigating complex cases and becoming a member of the Board of Directors of Hahn, Loeser & Parks LLP in Cleveland.

At the same time, Judge Hemann actively mentored women and minorities, taking on issues that were vital to their inclusion in the legal community. In December 1991, Judge Hemann, along with The Honorable Alice Robie Resnick and Cleveland attorney Pamela Hultin, founded the Ohio Women's Bar Association. The OWBA is the only statewide bar association within Ohio solely dedicated toward advancing the interests of women attorneys while encouraging networking and the creation of statewide mentor program for women attorneys.

Judge Hemann volunteers at the Cleveland Public Schools and is also active in the Cleveland Bar Association as a trustee and as chair of the Justice for All Initiative.

Today, May 17, 2000, OWBA President Jami Oliver will be presenting Judge Hemann with the Ohio Women's Bar Association's Justice Alice Robie Resnick Award of Distinction at its annual meeting in Toledo, Ohio.

It gives me great pleasure to rise today, Mr. Speaker, and join the OWBA in congratulating Judge Hemann and wishing her continued success.

## AGAINST PNTR FOR CHINA

(Mr. TANCREDO asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. TANCREDO. Mr. Speaker, I have in front of me a letter from the Reserve Officers Association of the United States to the gentleman from Virginia (Mr. WOLF). I would like to refer to excerpts from it and then enter it into the RECORD.

DEAR CONGRESSMAN WOLF: Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just 4 years ago, China fired several live missiles in the Taiwan Strait, necessitating deployment of two American carrier groups to the area.

A report issued last month by the CIA and the FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and North Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that 79 percent of the American people oppose giving China permanent access to U.S. markets.

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RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
*Washington, DC, April 27, 2000.*

Hon. FRANK R. WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WOLF: The Reserve Officers Association ("ROA"), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations ("PNTR") to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and north Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGEL,
*Executive Director.*

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## TRIBUTE TO WAYNE SHACKELFORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. COLLINS) is recognized for 5 minutes.

Mr. COLLINS. Mr. Speaker, I rise today to pay tribute to a friend and colleague, one of the most outstanding transportation leaders in the Nation, Wayne Shackelford, Commissioner of the Georgia Department of Transportation. Commissioner Shackelford is retiring from the Georgia DOT in June, though he is a man of much energy and many talents who clearly will not retire from his involvement with the transportation community.

Wayne Shackelford has served as Commissioner of the Georgia DOT since 1991. During this time, he has guided the State, the region and the Nation through a decade which has experienced immense growth with massive demands on transportation and infrastructure requiring new and innovative solutions. Commissioner Shackelford met the challenges head-on. He is a man who chose to personally be involved in developing solutions for congestion and gridlock and exploring transportation alternatives.

Under the leadership of Commissioner Shackelford, Georgia has repeatedly been cited as having one of the most outstanding highway systems in the Nation. And as the State experienced explosive growth, the Commissioner worked to develop plans for commuter rail, light rail, increased intercity rail and improved bus service. With Georgia being one of the first States to have construction plans halted due to nonconformity with the Clean Air Act, Commissioner Shackelford worked with Federal, State and local officials to determine how best to meet both transportation and environmental demands.

As if these challenges were not enough, during his tenure the Centennial Olympic Games were held in Atlanta and under Commissioner Shackelford's leadership, the most comprehensive traffic and incident management system in the world was developed for the event.

Commissioner Shackelford also has been a leader in aviation. Well before Hartsfield Atlanta International Airport became the busiest airport in the world, he was an outspoken and vigorous supporter of the airport, recognizing its contribution to jobs and the economy of the State and entire Southeast. He has been an active supporter of general aviation and regional airport development and was involved in the development and implementation of the 1998 governors regional airport enhancement program to bolster small airports across the State of Georgia.

From Georgia to the Nation's capital and all across the country, Wayne Shackelford's involvement in transportation activities has earned him the admiration and respect of transportation officials at every level. Georgians were proud that one of their own was selected as President of the prestigious American Association of State Highway and Transportation Officials. Heading this national association, whose membership is composed of highway and transportation officials from each State, Commissioner Shackelford worked closely with his peers and colleagues, administration officials and Members of Congress to shape transportation policies for the 21st century, benefiting all States and particularly Georgia.

He also served as Chairman of the Executive Committee of the Transportation Research Board, perhaps the foremost national organization involved in transportation research, renowned for its professional and balanced approach to the issues. Commissioner Shackelford also served as National President of the Southeastern Association of State Highway and Transportation Officials as well as Chairman of the Executive Committee of the Intelligent Transportation Society of America.

As one can imagine, Commissioner Shackelford has also received innumerable citations and awards for his contributions to the transportation arena through the years. The record is clear that Commissioner Shackelford is one of the most outstanding officials in his field. However, it is the person of Wayne Shackelford that causes so many of us to hold him in such high esteem. He has always taken the time to listen and to answer. Though we have served in opposite political parties, he has always done everything possible he could to help.

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He is known for a forceful voice that booms above most others, yet his attitude is just the opposite. He is known for treating others with the highest respect and regard. He has reached out to those representing every viewpoint, to bring about cooperation and coordination in the best interests of the citizens of Georgia and beyond.

So, Mr. Speaker, today it is my great pleasure to pay tribute to Wayne Shackelford, for the outstanding job that he has done, and for the awards, the citations and the offices which he has held. But, Mr. Speaker, more importantly, I pay tribute not to just his professionalism, but to Wayne Shackelford, the person. I am proud to have worked with him on behalf of the citizens of Georgia, and I am proud to consider him a friend.

## SHOW OF FORCE WAS NOT NECESSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, a few days ago on this floor I mentioned that most polls showed that the people thought that Elian Gonzalez should be returned to his father. As a father, I could understand those feelings. I had very mixed emotions about that case.

But I said that regardless of how people thought the custody should be handled, all Americans should have been shocked and saddened by the way the excessive gestapo-like way the Justice Department handled that predawn raid at the home in Miami. I quoted Lawrence Tribe and Alan Dershowitz, two very liberal Harvard professors, who said that the way this was handled with the Justice Department taking the law into their own hands should be considered a real danger to the freedom of all Americans.

In the May 10 edition of the Conservative Chronicle, there is a column reprinted by Charley Reese, the nationally syndicated columnist, who last year was voted by C–SPAN viewers as their favorite or most popular nationally syndicated columnist. I would like to read most of the column that he wrote concerning this, because it expresses a lot of views that I think need to be expressed and people need to think about.

Mr. Reese wrote this: "The comic book raid on Elian Gonzalez's Miami family is a new low, even for the Federal Government. Pointing machine guns and screaming obscenities seem to be standard operating procedure for Federal law enforcement officers, even when the only people to scream at and point guns at are unarmed Christian men and women and small children.

"The truth is that two unarmed female officers could have gone to that home during any normal hour and removed Elian Gonzalez without any danger to the child, to themselves or to bystanders. That Miami family has never once said it would resist. It has always tried to follow the law, which I should point out is not the same as Attorney General Janet Reno's whim. Instead, the feds chose to act as if they were raiding the hideout of Colombian drug dealers.

"The U.S. action was disgraceful. You don't transfer children at gunpoint. And I, for one American," Mr. Reese continues, "I, for one American, am getting tired of Federal cops screaming profanity, pointing guns, and shoving around people who have not been convicted of any crime. This is not how a free society operates. It is how dictatorships and authoritarian governments act.

"The real message of this raid is how estranged the Federal Government is from the American people. The government apparently fears the people, and people who are feared are soon hated. The Federal Government has increasingly acted as if it has merely to speak, and all of us must lock heels and shout 'Sieg Heil.' Horse manure.

"Sovereignty in this country resides with the people. The government is our servant, not our master. The American people had better pull their heads out of that place where they cannot see and reassert their sovereignty before it is too late. There aren't any trends in Washington moving toward respect for the law and liberty. The trends are moving toward arbitrary and authoritarian government."

Mr. Reese continues in this great column and says this:

"Reno's poor decision-making notwithstanding, the issue of custody is not as clear-cut as she makes it out to be. One of the points to be settled by the Appeals Court is can someone else speak for a child when the child's interest and that of the parent is in conflict?

"The heel-clickers are now pointing to pictures of Elian as if that proves their point. It doesn't. Nobody in Miami has tried to estrange Elian from his father. Their concern all along has been to keep Elian from being forcibly returned to Cuba without having his day in court, which Reno tried to deny him.

"It is the boy's father who has refused to go to Miami, refused to meet with the boy and family at any neutral site. Whether that is his decision or his instructions from the Cuban or American or both governments, I don't know. But I do know that nobody in Miami ever suggested that Elian would not be happy to see his father. They had talked several times on the telephone while Elian was in Miami.

"Once more the Clinton administration has shown its contempt for the law and contempt for the American people, especially conservative Americans. It has, from day one, taken exactly the same position as the communist dictator Fidel Castro. Those who think that Castro really cares about Elian should ask the old greybeard why he ordered his goons to drown more than a dozen children and their parents when they tried to escape Cuba in 1994.

"This administration has slapped in the face and insulted one of the finest groups of Americans within the United States, the Cuban exile community."

I commend this column by Mr. Reese. I will place it in full in the CONGRESSIONAL RECORD. I say again that we should be very concerned when the Justice Department takes its law into its own hands and ignores very strong criticism from Federal courts of appeal.

Mr. Speaker, I include the article for the RECORD.

### SHOW OF FORCE WASN'T NECESSARY

(By Charley Reese)

MAY 1.—I had thought that there was nothing Bill Clinton could do that would make me think less of him than I already do. That was a mistake on my part.

The comic book raid on Elian Gonzalez's Miami family is a new low, even for the federal government. Pointing machine guns and screaming obscenities seem to be standard operating procedure for federal law-enforcement officers—even when the only people to scream at and point guns at are unarmed Christian men and women and small children.

The truth is that two unarmed female officers could have gone to that home during any normal hour and removed Elian Gonzalez without any danger to the child, to themselves or to bystanders. That Miami family has never once said it would resist. it has always tried to follow the law, which, I should point out, is not the same as Attorney General Janet Reno's whim. Instead, the feds chose to act as if they were raiding the hideout of Colombian drug dealers.

The U.S. action was disgraceful. You don't transfer children at gunpoint. And I, for one American, am getting tired of federal cops screaming profanity, pointing guns and shoving around people who have not been convicted of any crime. That is not how a free society operates. It's how dictatorships and authoritarian governments act.

The real message of this raid is how estranged the federal government is from the American people. The government apparently fears the people, and people who are feared are soon hated. The federal government has increasingly acted as if it has merely to speak and all of us must lock heels and shout "Sieg Heil." Horse manure.

Sovereignty in this country resides with the people. The government is our servant, not our master. The American people had better pull their heads out of that place where they can't see and reassert their sovereignty before it's too late. There aren't any trends in Washington moving toward respect for the law and liberty. The trends are moving toward arbitrary and authoritarian government.

Reno's poor decision-making notwithstanding, the issue of custody is not as clear-cut as she makes it out to be. One of the points to be settled by the appeals court is: Can someone else speak for a child when the child's interest and that of the parent is in conflict?

The heel-clickers are now pointing to pictures of Elian with his father as if that proves their point. It doesn't. Nobody in Miami has tried to estrange Elian from his father. Their concern all along has been to keep Elian from being forcibly returned to Cuba without having his day in court, which Reno tried to deny him.

It's the boy's father who has refused to go to Miami, refused to meet with the boy and the family at any neutral site. Whether that's his decision, or his instructions from the Cuban or American or both governments, I don't know. But I do know that nobody in Miami ever suggested that Elian wouldn't be happy to see his father. They had talked several times on the telephone while Elian was in Miami.

Once more the Clinton administration has shown its contempt for the law and contempt for the American people—especially conservative Americans. It has, from day one, taken exactly the same position as the communist dictator Fidel Castro. Those who think that Castro really cares about Elian should ask the old greybeard why he ordered his goons to drown more than a dozen children and their parents when they tried to escape Cuba in 1994.

This administration has slapped in the face and insulted one of the finest group of Americans within the United States, the Cuban exile community. I expect that a lot of Florida Democrats will regret that in November.

## REVISIONS TO ALLOCATION FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocation for the House Committee on Appropriations pursuant to House Report 106–617 to reflect $115,000,000 in additional new budget authority and $113,000,000 in additional outlays for emergencies. This will change the allocation to the House Committee on Appropriations to $600,410,000,000 in budget authority and $625,192,000,000 in outlays for fiscal year 2001. This will increase the aggregate total to $1,528,615,000,000 in budget authority and $1,494,413,000,000 in outlays for fiscal year 2001.

As reported to the House, H.R. 4461, the bill making fiscal year 2001 appropriations for the Department of Agriculture, includes $115,000,000 in budget authority and $113,000,000 in outlays for emergencies.

These adjustments shall apply while the legislation is under consideration and shall take effect upon final enactment of the legislation. Questions may be directed to Dan Kowalski or Jim Bates at 67270.

## GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, as I said during the one-minute speech I delivered just a few minutes ago, I am going to talk about this very important vote that we are going to be facing next week here in the Congress.

I will tell you during my nearly decade-and-a-half as a member of the minority, I often would utilize this special order time to talk about a wide range of issues, but during the past 6 years since we have been in the majority, since we have been very successful at implementing so many of those issues around here, I have not taken a lot of special order sessions to talk about public policy questions. But I think it is very important for us to talk about this one, because, as I have said, the vote that we will face next week that will decide whether or not we grant permanent normal trade relations to the People's Republic of China, which will allow the United States of America to finally gain access to that consumer market of China, is, as I said, at least, at least, the most important vote that we will cast in this session of Congress, and there are many who have come to me and said things, like Leon Panetta, the former White House Chief of Staff, the former Director of the Office of Management and Budget, the former chairman of the House Committee on the Budget, my former California colleague, said to me when I ran into him the other night, "David, I believe this will be the most important vote of the decade."

My colleague the gentleman from California (Mr. MATSUI), with whom I have been working very closely to put together bipartisan support for this vote, said that he believed that this will be probably the most important vote that will be cast during the entire Congressional careers of Members.

I, for that reason, felt it important to take some time to explain why it is that this is such an important vote and to try and clarify some of the very confusing statements and, frankly, some of the inaccurate statements that have been put forward by a number of people who are opponents.

Let me begin by saying that I share the concern that opponents have raised about a wide range of issues. In fact, I would like to say that I will take a back seat to no one when it comes to demonstrating outrage over the human rights policies that we have seen in the People's Republic of China, or anyplace in the world, for that matter.

I am very concerned about the fact that we have an imbalance of trade. I am very concerned about the continued threats that we have observed from Beijing to Taipei, the most recent one having been made today. I am very concerned about religious persecution that exists in China. I am very concerned about the people who are in Tibet and have been mistreated.

So as we go through these issues, it is important for us to realize that this is not, as many have described it, simply a desire on the part of the proponents to line the pocketbooks of the U.S. business sector of our economy and worshipping at the altar of the almighty buck. That is an absolutely preposterous claim that the opponents have made.

Those of us who have embraced this policy do so because we recognize that the single most powerful force for positive change in the 5,000 year history of Chinese civilization has been what? Economic reform, reform of the economy which began in 1972 with Deng Xiaoping's embrace of what was known as, following the Shanghai Communique, dramatic economic reforms. Those economic reforms have led to some tremendous changes that are positive in China.

Guess what? Not many people are aware of this. There are more shareholders, more shareholders, in the People's Republic of China today than there are Members of the communist party. There are in fact today in China people who have their own small businesses. So we have private property recognized, we have a entrepreneurial class that is recognized, and we have these very, very bold and dynamic reforms that Premier Zhu Rongji has put into effect which have led towards privatization, decentralization. He has closed down state-owned entities.

These reforms are things that cannot be ignored. And, guess what? These are the kinds of reforms that are based on what we in the United States of America believe in, and that is individual responsibility and initiative, pursuit of the free market, opportunity.

Now, I am not claiming that life is perfect in the People's Republic of China. In fact, life is not that great in the People's Republic of China. We need to address religious persecution, human rights violations, the threats toward Taiwan, the transfer of military weapons and technology to Pakistan and Iran and other spots. Those sorts of threats are very, very important and we need to address them. But in trying to address those, we should not consider withdrawing the one good thing that exists there, which has been the economic reform.

Now, I am one who has actually sat down and gone through the full intelligence briefing on this issue, on the national security question, and I asked myself, how is it that we can deal with the espionage problem and those other things that are out there? I say, well, suppose we have the opportunity to close off the United States of America, to prevent any opportunity for access to be gained in the United States of America. But, guess what? We live in a free society today, and that is not going to happen. We are not going to see the United States of America close itself off to the rest of the world.

So while we are concerned about things that have taken place in China, what is the best way for us to deal with those concerns? It is to do everything within our power to open it up, to get in there.

Now, what we have before us is a vote which will be coming next week that, for the first time ever, we are going to not say, as we have for the last two decades, simply that China, the People's Republic of China, will be able to gain one way access to the U.S. consumer market by selling their goods and services here at very low tariffs, being able to get into our consumer market. What we are saying is now we have the reverse situation, where we are going to, by seeing China accede to the World Trade Organization, which, of course they will be able to do anyway, so the U.S. worker and U.S. businesses will be able to gain access there, we will be, again, prying open that market, with a population that approaches five times that of the United States of America. We are the third most populous nation on the face of the Earth, behind the People's Republic of China and India, which has just now gone to a billion people. We are the third most populous. Yet the most populous nation is nearly five times the size of ours. So, think about that; the chance we have to open up that market is one which we would be foolish, foolish, to deny.

I see this vote that we are going to face as a win-win-win. It is a win for our first class U.S, workers, and it is a win for our farmers in this country.

□ 1800

Earlier today a news conference was held by members of the Committee on Agriculture in which they were pointing to the fact that an opportunity to export U.S. agricultural products into the People's Republic of China is a very important thing.

The chairman of the Committee on Agriculture, Mr. Combest, last night took some time here on the floor to talk about the importance of that. So it is a win for our workers. It is a win for businesses and farmers. I am convinced that when Americans compete, Americans win. We have proved that time and time again.

The thing that I want to talk about this evening, that I believe is very, very important, is to talk about American values and our quest to spread those American values throughout China, and frankly throughout the world. The rest of the world is embracing those American values. We know that to be the case, not universally, but it is spreading.

This building in which I am standing right now is a symbol throughout the entire world of freedom and liberty, and that kind of freedom is today taking place. I mean, we are taking bold steps forward in China.

What I would like to do is, again, point to the very serious problems that exist there, realize that there are many people who have been victims of the repressive policies in China, who have said time and time again, and just as to my colleague, the gentleman from Pennsylvania (Mr. PITTS) pointed out, that it is very, very important for the U.S. to grant permanent normal trade relations if they are going to have a chance to gain further freedom and further liberty.

The power of the United States to get those values in has been enhanced through technology. Today there are 70 million cellular telephones in the People's Republic of China. Now what does that say? It says that people are communicating. We knew that the spread of fax machines brought down the evil empire and the Iron Curtain. Similarly, we are able to get our values spread throughout China with fax machines and, of course, the World Wide Web is one of the best ways to get our values spread throughout there.

Just a few years ago there were roughly 4 million Internet users, computers in China. Today we are up to 9 million. That is going to continue to grow dramatically in the coming years.

Why? Because the proverbial genie is out of the bottle and they cannot put the cap back on it. Yes, they have tried to control the Internet, but as someone pointed out not too long ago, a kid can crack through the kind of protection and limitation that the government has tried to impose. So the genie is out of the bottle.

I believe that the leaders of China understand that. Why is it that they are embracing this? Well, there happens to be a great deal of poverty that exists in China, and they know that in dealing with the couple of hundred million people who live in poverty in China, that the best way for them to see their standard of living to improve is to continue with economic reform. That is really what has led them to do that.

A number of my colleagues have sent out letters in opposition to this, in which they have somehow described this as a gift, a gift, to the leadership in Beijing. If the people in Beijing want this, it is obviously bad for the people of China, bad for the United States of America and bad for the rest of the world.

I not only do not see this as a gift, Mr. Speaker, I see this as, again, the best way to undermine the repression that exists in China and has existed there.

Now I would like to get very specific and point to a couple of individuals who have really stepped forward and indicated that this vote will, in fact, be the best way to deal with the human rights situation that exists there.

One is a statement, and this is from a dear colleague letter which I would commend to all, that I suspect is on the Web page of the gentleman from Pennsylvania (Mr. PITTS), and I know that that would be available to our colleagues, but this is a dear colleague letter that he sent out from having met with a number of religious leaders, and I would like to share some of the quotes. This is a statement from Zhang Rong-Liang, and I will not say who he is because he describes it, and this is the statement that he has released. He said, I am a leader of a Chinese house church and a co-worker of the Unity Movement of China's church. I have been in ministry for 20 years. It will have a direct impact on China if it joins WTO and keeps its door open to the outside world.

As a result of it, Christians from overseas can enter China in great numbers, thus challenging the ideas and old thinking of the Chinese people. By keeping itself open to the outside world for over the past 10 years, the door of the gospel has already gradually opened as China undergoes its open door and reform policy. If China cannot enter WTO, that means closing the door on China and also on us Christians.

Now, that is the statement from Zhang Rong-Liang, who is one of obviously the religious leaders in China.

Now, I am happy to also state that I just received a letter that came to me last week from the Reverend Billy Graham. Many people have talked about the fact that religious leaders in this country are opposed to this because of the problems that exist in China. Well, Billy Graham is clearly one of the most respected human beings not just in the United States, but throughout the world because of the inspirational leadership that he has provided.

I would like to share the letter that he sends because he does not actually come out and say we need to vote for permanent normal trade relations because Billy Graham, and I have a great deal of respect for him, because of this, does not inject himself into political debates; but he did feel so strongly, as we head towards this, that he wanted me to share this with my colleagues.

He says, Dear Congressman DREIER, thank you for contacting me concerning the People's Republic of China. I have great respect for China's long and rich heritage and I am grateful for the opportunities I have had to visit that great country. It has been a tremendous privilege to get to know many of its leaders, and also to become familiar with the actual situation of religious believers in the People's Republic of China. The current debate about establishing permanent normal trade relations with China raises many complex and difficult questions. I do not want to become involved in the political aspects of this issue. However, I continue to be in favor of strengthening our relationship with China. I believe it is far better for us to thoughtfully strengthen positive aspects of our relationship with China than to treat it as an adversary. In my experience, nations can respond to friendship just as people do.

While I will not be releasing a formal statement on the permanent normal trade relations debate, please feel free to share my view with your colleagues. May God give you and all of your colleagues His wisdom as you debate this important issue.

I think that that is a very telling statement from Reverend Graham. He is not injecting himself into the debate, but he knows that next week we are going to be voting on this, and he does talk about the importance of having a relationship with China which does, in fact, include openness and extending a hand.

I believe that if we look at what has taken place, again, at the last decade, that Reverend Graham has said that if one goes back to 1992, there were 200,000 Bibles distributed throughout China. Mr. Speaker, last year 2 million Bibles were distributed throughout China. So this opportunity to spread the gospel, to spread our goal of western values, is one that has been dramatically enhanced since in the last couple of decades we have had this policy of openness.

I would also like to share a statement. One of the most prominent dissidents in China is a man called Tong Bao, and he lays out a very key division about the issue of human rights and that aspect of the debate. While everyone supports greater freedom and democracy in China, Bao points out that some want things in China to get as bad as possible, primarily, through the denial of commercial relations. And it is true, there are some who want things to get as horrible as possible as Tong Bao points out.

Now, I believe that since we have observed not a perfect society but improvements, we need to do everything within our power to make sure that those positive things continue.

I have lots of other thoughts on this, but I am happy to see that several of my colleagues have entered the Chamber, and at the direction of my friend from Dallas who is on the Committee on Rules, I would like to recognize my very good friend, the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding.

I want to congratulate the gentleman for having this special order. I have been somewhat disappointed, I have to say, at the way this issue has been framed, both by the opponents and by the administration. This is a very, very important vote, and unfortunately there is a misunderstanding among an awful lot of Americans that somehow we are giving up an enormous amount to the Communist Chinese under this agreement. Really, the exact opposite is true. Under this agreement, what happens is the Chinese lower their tariffs from somewhere in the neighborhood of about an average of about 27 percent down to a level more like the rest of the world deals with, for us to get into their markets.

The Chinese already have almost unlimited access to American markets, and that is part of the reason we do have a very large trade deficit with the Chinese. That is true. It is also true, there are human rights problems with China. The way they deal with Tibet, the way they deal with religious leaders in China, all of those things, there is at least a strong degree of truth to it.

I really do have to fault the President and the Vice President for not doing a better job of explaining to the American people why this is important and what is at stake.

Recently I had a chance to visit with some people from the administration, some of the highest ranking people down at the White House, and I suggested that the President give an Oval Office speech to the American people, and in that speech I really think he needs to reframe what this debate is about. I really believe it comes down to this: This is really a debate between those who believe that America can compete in a world marketplace and those who believe that we cannot. And I for one am not willing to give up on American farmers, American workers, American businesspeople, American entrepreneurs, and most importantly, I am not willing to give up on American ingenuity.

Someone that we admire greatly, jointly, Winston Churchill, said at the beginning of the last century, when he first entered the stage, how important trade was, and he said that the countries that master trade and develop the newest technologies and are willing to compete in the world marketplace, those are the countries to bet on. He was absolutely right then, and it is true today. So this is a debate between people who believe at the end of the day America cannot compete in a world marketplace and those who believe that we can.

Mr. DREIER. If I could reclaim my time, I would just say that Winston Churchill was obviously one of those on the cutting edge of the establishment of what was the initial organization that has today become the World Trade Organization. It was in 1947 and it was the general agreement on tariffs and trade, following the war, we observed an effort made by the free countries in Europe and the United States, who came to the realization that protectionist policies, in fact, played a role in the rise of the Third Reich. And if you look going back to the Smoot Hawley Tariff Act, which, I am embarrassed to say, it was a Republican initiative, but I should say it was a Republican initiative that began as a tariff reduction measure and ended up being the greatest tariff increase since 1893, but it led to the Great Depression, and I believe and most economists agree that those protectionist policies strengthened the hand of Adolph Hitler.

Well, following the defeat of Nazism, we saw the free countries come together and realize that the goal of eliminating tariff barriers was a very, very important priority. So in 1947, when the general agreement on tariffs and trade was established, that was the goal, and it has had a great deal of success over the years, and then in the middle part of the last decade, we established the WTO, which has been the follow-on organization, heavily criticized by many people in this Congress and around but, in fact, it has continued with that goal of tax reductions because we all know a tariff is a tax, so it has continued that pursuit of tax reductions.

My friend mentioned a 27 percent tariff level which exists. In fact, we export about 600 automobiles per year to the People's Republic of China. The tariff on automobiles is 45 percent. Now, under this WTO structure, with that tariff level reducing, it seems to me that we will have a greater opportunity to export more U.S. manufactured automobiles into the People's Republic of China, and in light of that, while we have the United Auto Workers and other friends of ours within organized labor adamantly opposing this measure, why are they doing it, I ask rhetorically? Because we know if the tariff barriers come down in the PRC, the chance to export more automobiles is enhanced.

□ 1815

So what I have concluded is that the pro-union member vote is for permanent normal trade relations, because the U.S. worker, which is the most competitive and dynamic and successful on the face of the Earth, will have an enhanced opportunity to get that expertly crafted vehicle or other good into the People's Republic of China.

I think we have a wonderful, wonderful opportunity to benefit the U.S. worker. I think that while a lot of us have become friends with some of the union leadership here in Washington, I think that union members are being ill-served by this call by union leadership to oppose the granting of permanent normal trade relations.

Mr. Speaker, I yield to the gentleman from Minnesota (Mr. GUTKNECHT).

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman for having this special order. I hope the people at the other end of Pennsylvania Avenue would realize this is a very important vote. If it is left to some other people to define the terms and conditions of this debate, we could lose. I do not mean just we who support PNTR. I think the American people could lose. If this vote goes down, I think this is a loss that will take literally generations to recover from.

Let me just say in closing, I think virtually every economist worth their salt has come to the conclusion that free markets, free people, ultimately lead to a much higher standard of living, and that is true literally from the days of Venice. If we look at all of the great city states and countries that have shown great economic prosperity for their times, the one thing they all had in common is that they were trading nations.

We must be a trading Nation. We must be engaged in the world market. We cannot ignore China. To try and wall it off now, as we enter the next century, it seems to me would be a mistake of historic proportions.

Winston Churchill was correct: Free markets, free people, free trade, lower tariffs, ultimately raises the standard of living of all people.

Mr. DREIER. My friend is absolutely right. I thank him very much for his very thoughtful contribution to this debate and for his strong support of this.

I am not going to argue with him, but I will make one point in slight disagreement. That is, I do not make it a pattern of standing here and praising President Clinton unless he is right.

In the 1992 campaign, he opposed George Bush, saying that a policy of engagement and trade with China was wrong. We Republicans have stood firmly as a party for free trade since the failure of the Smoot-Hawley Tariff Act in the 1930s. Guess what, President Clinton has come to our position on this.

I can criticize his trade policy, and my good friend the gentleman from Arizona (Mr. KOLBE) is here and we can talk about fast track negotiating authority, about his statements in Seattle last December, about the fact that a year ago last month when Zhu

Rongji was here with a terrific deal on WTO, better the one we ended up with, the President made a mistake in turning that down. So there is room for criticism.

But I do believe that the event that the President held, which had former President Jimmy Carter, former President Gerald Ford, former Secretaries of State from past administrations, did in fact bring together a bipartisan coalition.

Again, everyone knows that Republicans are going to be providing many more votes for this than Democrats are, because the Republican party is the party of free trade. But there are some thinking Democrats who have agreed to support this, and I congratulate and welcome their support.

I would like to continue, as my friend, the gentleman from Minnesota (Mr. GUTKNECHT) has, to encourage the President to continue his work. I think it would be great if in the next week he could go on television and make as compelling a case as he possibly can.

Today the presumptive Republican nominee for President, George W. Bush, made a spectacular speech in Seattle, Washington, in which he talked about the benefits of trade. So we do need to do this in a bipartisan way.

In many respects, if we look throughout history, trade has been a bipartisan issue. We want to do everything we can to encourage that. I welcome President Clinton to our position, even though he was dead wrong in 1992 when he was campaigning for President. I thank my friend for his contribution.

Let me just say that there is no one in this House who has done more on behalf of the cause of free trade than the gentleman from Arizona (Mr. KOLBE). He is an expert on it, has a great understanding, and has provided inspiration and leadership to many of us.

I had the privilege of attending the world economic forum at which President Clinton said in his remarks that it would be a grave mistake for the future of the United States if we did not do that. I attended that meeting, along with my friend, the gentleman from Tucson, Arizona (Mr. KOLBE), and most recently he led a great delegation for the largest congressional turnout in two decades for the Mexico-U.S. Interparliamentary Conference. On a wide range of these issues he has done a great job. I am happy to yield to the gentleman from Arizona (Mr. KOLBE), and I would compliment him on his sartorial splendor at the same time.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for taking this special order tonight, and I thank him for his statements.

As I was listening to his opening remarks, it occurred to me that those of us who have been proponents of permanent normal trade relations, of developing this relationship with China, have perhaps been falling down on the job. We have been so busy talking to our colleagues, so busy working the issue, that we have not really taken the time I think sometimes to explain not only to our colleagues but to the American people the benefits that flow from permanent normal trade relations with China.

I think those benefits are many. We have heard many of them talked about here tonight, particularly in the economic area. I thought I would just emphasize one that perhaps has not yet been talked about. That is what I believe is the importance of this vote, this decision to grant PNTR to China as it relates to what I would call a national security issue for the United States.

It is an important national security issue. In fact, I would argue that this may be the most important national security issue that any of us in this Congress will face in these 2 years, or perhaps in the last decade.

As we have seen the end of the Cold War come a decade ago, we have now struggled as the United States has tried to find exactly its role in the world. Today I think we clearly can see that the U.S.-China relationship is going to be the most significant relationship that will occupy the face of the Earth over the next 50 years.

We have an opportunity to get this right, to not find ourselves thrust into another cold war, as we did at the end of World War II, but to have the opportunity to engage China, not necessarily to agree with them, not necessarily always to be friends with them, but to have a constructive engagement so we can have a dialogue, a political dialogue, as well as an economic dialogue with China.

I believe that when we do that, that both countries will benefit and the world will benefit because the United States and China are engaged in a constructive dialogue.

We do not need to spend more of our money than we have to, than we should have to, on arms. We do not need to spend it in fearing a confrontation with this large country. We need to be engaged with them. That is why I believe this is of such importance.

I think the Chinese understand that, as well. Zhu Rongji knows very well that his opportunity to cut the cord from the State-owned industries in China depend on his joining the global forces that are at work around this Earth today. He knows becoming a member of the World Trade Organization is absolutely critical to doing that. So he is fighting his own battle within China.

Perhaps that is not well understood by some of the people here in this body or in the United States, but he has his own struggle against those who would not seek reform in China. He clearly stands on the path towards reform.

In helping China become a member of the World Trade Organization through granting permanent normal trade relations so we can have this relationship ourselves with China strengthens the hand of reformers in China. I am convinced, and I know my colleague knows as well, believes this as well, that with economic reforms, political reforms will follow.

We saw that in Taiwan, we have seen that in South Korea. We have seen it even more recently in Mexico, a neighbor directly to our south, as they are going through major political changes today. Economic reform leads to political reform. When people have choices in the economy, when they have more opportunities, more wealth, more choices of the goods they have, they will also want to have the same choices in the political realm.

I believe very strongly that this is a national security issue for the United States. Those who would vote against it because they believe that China is an adversary of ours need to think twice about that, because indeed, we have an opportunity not to let them become an adversary, but to have them on a constructive path, not always where we are going to agree with them, not always where we are going to be friends with China, but to at least engage them. I believe that is why this vote is so important.

Mr. DREIER. Mr. Speaker, I thank my friend for his very thoughtful contribution. I will say that as the gentleman was speaking, I was reminiscing in my mind about 7 years ago when we stood at this table as a team debating the question, should U.S. trade policy be used to enforce human rights.

We took the negative in one of the three Oxford-style debates that were held here in the Congress. One line that we used over and over and over again was that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression.

When my friend mentioned Taiwan and South Korea, and the fact that we are going to be seeing on July 2 a very historic election, for the first time in seven decades we may see an opposition party in fact win the election there.

It is just an incredible thing to see the kind of political pluralism that has spread throughout Mexico, but also in this hemisphere two other countries that immediately come to mind in the last decade and a half, countries in which we have had very strong economic engagement and we have brought about political reform, who can possibly forget the very repressive human rights policies that existed in Chile?

In that country we for years saw a strong economy. They were the only country during the decade of the 1970s and 1980s that was successfully servicing its debt as many other countries in South America were having a great deal of economic difficulty. We maintained strong ties there. That economic involvement I believe played a big role in bringing about political pluralism, the recognition of human rights, and an overthrow and change of the repressive policies of Augusto Pinochet.

Similarly, in Argentina we saw very repressive policies, and again, bold economic reforms there. In fact, they moved in many ways in Argentina, as we know, more boldly than the United States in the area of economic reform, and that brought about the recognition of political freedom. So the way my friend appropriately described the interdependence of economic and political freedom is right on target.

I am happy to further yield to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Very briefly, because I also have an obligation downtown, and I know there are other people waiting to speak here this evening, but I thank the gentleman for yielding to me. I also want to thank him for taking this special order tonight.

As I do, I want to thank the gentleman for his leadership. There has been nobody in this House of Representatives that over the years has been as stalwart on this issue as the gentleman has been. His leadership now in the Committee on Rules has been absolutely essential to this. I think this country owes him a tremendous debt of gratitude. I am very grateful to him. It is a great opportunity and a privilege to work with the gentleman on this issue.

Frankly, I look forward and I am confident that we will have victory next week on this issue, because I believe the American people want to see us have this permanent normal trade relations with China.

Mr. DREIER. I thank the gentleman very much. If the gentleman was to continue those sorts of kind remarks, I would hope that the gentleman would cancel that event that the gentleman is headed to downtown and continue talking that way. I understand that the gentleman has probably said all the nice things about me that he possibly could, so he should get off to his event now.

Mr. Speaker, I am happy to yield to the gentleman from Dallas, Texas (Mr. SESSIONS), my good friend and an able member of the Committee on Rules.

Mr. SESSIONS. I thank the gentleman from California (Mr. DREIER), my chairman, for yielding to me, and would like to pick up on the same comments that our colleague, the gentleman from Arizona (Mr. KOLBE) talked about.

For those who are listening to this, I would say to my chairman that we have just ended just a few minutes ago the meeting that we had, what is called a whip meeting, the permanent normal trade relations meeting. A good number of Members are around and very excited.

We had a great report today not only about the status, what we call the whip check, but we also took comments and feedback from a number of Members of not only their concerns but also their ideas about what this all entails, what this PNTR stands for, the importance not only for America, but we broke it down during this meeting. We talked about the farmers, we talked about middle America, we talked about the importance of them being able to open up markets and get markets around the globe that will be available to them; in particular, China.

How about if the people from Texas or the Midwest were able to sell an extra just one, one hamburger a day to every person in China? A billion hamburgers a day would be consumed. We talked about people who are in telecommunications and commerce in this country, the things that they develop. We know that many times it is not only goods and services, but it also includes intellectual property, the things that are developed as a result of the computer age, the technology that America has.

□ 1830

And what is put at risk by this and China becoming a member of the WTO is nothing less than as I or United States Customs officials will tell us, them being in China and going throughout the stores in China, which in some sense are just like America, they have the Wal-Marts and the Biz-Marts and the everything marts, but on their shelves are many of the same items that we would have in America by a different name, because you see they do not have to follow the trade policies of the general world community.

They can have what are called pirated software, pirated pieces of information, and that is the intellectual property that belongs to America. When they are a part of normal trade relations and WTO, they will participate with America and be trading partners. They will be interested in making sure that what is on theirselves is a relationship between the American company that makes this and the Chinese worker that will buy it.

Continuous improvement, we talked about that being at risk. We talked about what is being at risk in terms of the ability that we have in our country to ensure that our national security, as well as the freedom in China is further. I can think of no better relationship to have with the country to continue being friends then to reach out to them and offer them not only the handshake of economic opportunity and trade, but also for them to become more like America. This is how they become more like America.

Mr. DREIER. If I can reclaim my time on that point, I would say our quest to have them become more like America is one which is, as my friend, the gentleman from Texas (Mr. SESSIONS) has said very appropriately, is recognition of the rule of law, and he touched on the fact that piracy has existed, the so-called intellectual property debate, and it is an important one. The promotion of the rule of law is key to that relationship.

And we have made great strides in our quest to improve it. I know of people in this government who have been working very hard for years to try and promote that rule of law, because that, again, recognition of private property and, again, intellectual property is something that we cannot ignore and is a very important part of the debate.

And one person who I think has underscored the importance of that has been Martin Lee, who a week before last met up in our Committee on Rules office and talked with a few of our colleagues about the issue. Martin Lee is someone who some may have forgotten. If we go back nearly 3 years ago, to 1997, when we observed the handover of Hong Kong from British colonial rule to the People's Republic of China, Martin Lee has been on the cutting edge in Hong Kong as the greatest promoter of democracy and freedom and human rights.

He came to Washington as the great champion of human rights and democracy in Hong Kong to say that he believed that it is so important that we grant Permanent Normal Trade Relations. Now, this is not someone who is involved with industry and all the disparaging remarks that have been made by opponents of Permanent Normal Trade Relations. He is not a part of that camp.

He is one who simply focuses on democracy, the rule of law, freedom and opportunity, and he has made great sacrifices in the pursuit of that. And in his statement, he said that China's WTO membership, and I quote, would not only have economic and political benefits but would serve to bolster those in China who understand that the country must embrace the rule of law.

He understands that it is very key to the promotion of the rule of law for China to become a member of the World Trade Organization.

Mr. SESSIONS. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentleman from Texas.

Mr. SESSIONS. Mr. Speaker, it is this infancy that we are talking about of the idea of democracy, a fair play of world order, and what is interesting is that reformers in China are those who are asking for America to recognize them and for what they are trying to accomplish. That is why PNTR; that is why WTO.

And after watching China, and I know the gentleman from California (Chairman DREIER), not only as a Member of Congress for a longer period of time, but also just his esteemed vision of China for quite some time. We know that what happens is that when China joins this organization of world nations that what they will do is then begin to have a different agenda and instead of it being an adversarial one where, perhaps, it might manifest itself in the use of force, I believe and they believe that it will manifest itself to looking inward to China.

The changes I believe and others espouse is that foreign or outside pressure will not be that which is the catalyst for change in China. It will be what is inside that comes from the people, that comes from the heart, which comes from their own ingenuity, which comes from their own spirit for freedom. And if we are able to match our can-do attitude, American ingenuity, with Chinese desire, we can create a catalyst that will change even the coldest heart. It is these things that America needs to stand for.

Mr. DREIER. Mr. Speaker, reclaiming my time, that is why it is so important to recognize that we should not considering withdrawing the one good thing which is encouraging that reform there. It is the Chinese people who are going to in fact lift themselves up and improve their standard of living so that they are able to buy more U.S. goods and services, and if we decide that we are going to pull up the drawbridge and erect some kind of barrier, letting the rest of the world into that market but cutting the United States of America out, we would be, for lack of a better term, cutting off our nose to spite our face.

I believe that if we look at a tiny spot of 24 million people, the Island of Taiwan, known as the Republic of China, where Chiang Kai-Shek in the latter part of the 1940s, 1949 fled trying to get away from the Communism that had taken over in China. This is a wonderful, wonderful spot, and these are people who have desperately sought and have now been able to successfully obtain freedom, and they unfortunately are being targeted often by Beijing, and it is wrong.

I am a strong supporter of the Taiwan Relations Act we passed. And I voted for the Taiwan Security Act here, but it is important to note that the candidate who, according to news reports, was the least desirable candidate on the part of Beijing was elected President of Taiwan. His name is Chen Shui-bian and he had an interview with the Los Angeles Times the morning after his election, and in that interview he said that one of the most important things that needed to take place was for the People's Republic of China to become a member of the World Trade Organization.

Taiwan is, as I say, a small island with 24 million people, juxtaposed to the nearly 1.3 billion people in the People's Republic of China, but they stand for the things that we as Americans embrace, and something that I like to point to is the fact that they are playing a role just as the United States is in extending freedom throughout China, because there are 46,000 businesses on the mainland that are owned by Taiwanese nationals.

They, too, are working to pursue that, to encourage the people of China, to improve their standard of living, so they will be able to again be the beneficiaries of the U.S. manufactured goods and services which we finally achieve as they lower those tariffs and live with the rules based trading system in China by opening up their markets for us.

I think that Ronald Reagan, and I was honored to have been elected to the Congress the same day he was elected President of the United States back in 1980, and he said, if we give people a taste of freedom, they will thirst for more, and that is why when I said earlier that the genie is out of the bottle, the people of China are getting a taste of freedom, and the technological changes which have taken place here in the United States and throughout the world have eliminated so many of these barriers that existed in the past.

Thank heavens that genie is out of the bottle and so they have gotten that taste of freedom, and it is obvious that the people of China are thirsting for more. And so it would be a great disservice if we as the greatest Nation on the face of the Earth, the symbol of freedom for the world were to say you go it on your own and we are not going to stand up for the principles that make this country so great.

I thank my friend for his very thoughtful contribution. I know that he is here, and we in about 3½ hours are going to be meeting in the Committee on Rules on the Department of Defense authorization bill, and we have got lots of work ahead of us. As I said at the outset, this is the most important vote that we will cast at least in this session of Congress.

I hope very much that the American people will understand how key this is to our global leadership and the need for us to maintain our economic prosperity and will urge my colleagues to vote in support of it.

## GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4205.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## HIGH COSTS OF PRESCRIPTION DRUGS FOR SENIORS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Maine (Mr. ALLEN) is recognized for 60 minutes as the designee of the minority leader.

Mr. ALLEN. Mr. Speaker, many of my Democratic colleagues tonight are headed to Michigan to be with our colleague, the gentleman from Michigan (Mr. STUPAK) and his family in a moment of great trial for them. The Stupaks have suffered the tragedy most feared by all parents. They have lost one of their sons, and our thoughts and our prayers are with them tonight.

Mr. Speaker, I am here tonight to talk about the problem that many of our seniors are facing with the high costs of prescription drugs. This is a problem that is becoming more and more apparent to a majority of Americans.

Seniors in my home district in Maine and across the country are finding it increasingly difficult to pay for the drugs that their doctors tell them they have to take. And over the last 2 years, as I have listened to people in my district, as I have conducted studies in my district that show that seniors pay on average twice as much for their medications as the best customers, the pharmaceutical companies, that is, the big hospitals, the HMOs and the Federal Government itself through Medicaid or the VA, as those studies have rolled out first in Maine and then around the country, we have had more and more correspondence, more and more phone calls from people who say they simply cannot do it any more.

They cannot take their medication because they cannot afford their medication. I have had letters from women who tell me I do not want my husband to know, but I am not taking my prescription medication, because he is sicker than I am, and we both cannot afford to take the medicines that our doctors say we must.

I have had letters from people who describe how much they are paying, in many cases hundreds of dollars a month, when their only income is a Social Security check for $650 a month. The math does not work. They cannot make it. And I regret to say that the response in this Congress has not been fast enough. It has not been quick enough to deal with this particular problem.

Part of the answer lies in the tremendous power of the pharmaceutical industry, this industry which has done so much good in this country, developed new medicines that prolong lives, that enhance the quality of life for so many people in this country, if, and only if, they can afford to take the medication that the industry has developed.

Here in Washington, this is the industry that spends the most in campaign contributions, that spends the most in lobbying, and anyone who watches television knows this is an industry that spares no expense when it comes to advertising its products on TV or trying to influence public opinion through TV. When we watch those ads, $1.9 billion last year in direct-to-consumer advertising, all of that costs gets wrapped into the costs of the pills that our seniors and that others need to maintain their quality of life and simply to stay out of the hospital.

We need to take some action, and there are two ways to go at this problem fundamentally, two sensible ways to go at this problem. One is to update Medicare and to provide a prescription drug benefit under Medicare. When Medicare was created in 1965, over 50 percent of our seniors had absolutely no coverage at all for their hospital coverage. They had no health insurance at all.

So if they got sick and had to go to the hospital, they either had to pay out of their own pocket or they could not get the care that they needed. That is why Medicare was enacted. And today in the year 2000, no one in his right mind would create a system like Medicare and not provide prescription drug coverage.

Many employees across this country have coverage for their prescription drugs, but then they get to 65, they retire, they fall under Medicare, and they do not have coverage for their prescription drugs. Some get Medigap policies, about 8 percent get Medigap policies, but they have limits on the amount of the benefit that they provide and they are often very expensive.

Mr. Speaker, 37 percent of seniors in this country have no coverage at all for prescription drugs and when we add those who do not have any coverage to those who have Medigap insurance, to those who have some coverage of prescription drugs through an HMO plan, that group is again 50 to 60 percent of the country which really does not have adequate coverage.

Why do I say that those who are covered by Medicare Plus, Choice or other managed care plans do not have adequate coverage? Well, look at what happens with these private sector plans. What happens is that the benefits change every year. And lately the benefits have been going down. The cap on prescription drug coverage has been going down each year. And today 62 percent of all Medicare managed care plans have an annual benefit of a $1,000 or less.

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Now, people need help. We have got a couple of different approaches here that I will talk about a little later: One, an approach to create a benefit under Medicare; secondly, a bill that I have sponsored and has 153 cosponsors in the House, to provide a discount to everyone who is a Medicare beneficiary who buys prescription drugs and pays for it out of his or her own pocket, a discount for everyone. That is one approach; the benefits another.

What I wanted to start with tonight are some of the new developments that are occurring. Today, on the floor of the House we have the defense authorization bill, and this is a very important piece of legislation, $310 billion to provide for our national security. It covers a wide range of different topics. And what I want to do is to reflect on one of the provisions in that legislation. It is a provision to extend pharmaceutical benefits to military retirees over the age of 65.

Now, as I have said, prescription drug coverage is a vital issue for all seniors, and I am pleased that the Committee on Armed Services, on which I sit, has made a small but important contribution to provide affordable and meaningful coverage to a segment of the Medicare eligible population. What we need to do is go beyond providing this benefit to military retirees, which I support, to make sure that everyone on Medicare has this kind of benefit.

Now, to describe the military retiree program, the TRICARE Senior Pharmacy Program in the bill would allow all military retirees to participate in the Department of Defense pharmacy program. And under that government-run prescription drug benefit, the Defense Supply Center in Philadelphia negotiates prices for its beneficiaries that are as low or lower than those obtained by other Federal agencies.

Now, the Defense Supply Center receives some drugs off the Federal supply schedule and negotiates pricing agreements with more than 200 pharmaceutical manufacturers around the country and uses as a starting point the 24 percent mandated discount that is specified in the Veterans Administration statute. The Department of Defense estimates that these negotiated prices are 24 to 70 percent lower than the average private sector price.

Now, the bill I have does much the same, gives the same kind of discount to all Medicare beneficiaries, not just military retirees. What it does is it allows pharmacies to buy drugs for Medicare beneficiaries at the best price given to the Federal Government, and that best price is usually a price obtained through the Veterans Administration or a price obtained by Medicaid.

Now, what we have done in this defense authorization bill is very much like the Democratic Medicare prescription drug plan. The TRICARE Senior Pharmacy Program is administered by a Federal agency and basically makes good on a part of the government's promise to provide health care for life for military retirees, only, unfortunately, part of the promise, and the promise to provide health care for the over 65 population at large.

Now, the TRICARE Senior Pharmacy Program uses the government's volume purchasing power to negotiate and achieve the same drug price discounts that favored large purchasers obtain. This is very different from the Republican plan which is emerging from this Congress. This program, unlike the Republican plan, does not throw military retirees to the whims of the private insurance market, leaving them guessing about whether they can get prescription drug insurance from an industry that says it cannot offer such insurance anyway.

Let me make that point clear. What we believe will be the Republican prescription drug plan, after 2 years of talking about this issue on our side of the aisle, the Republicans are believed to be coming up with a plan that involves a government subsidy to seniors to buy private prescription drug insurance. There are a couple of problems with this approach.

Number one, there is no cost containment, no way to hold down prices, and no leverage over price, which means that probably drug prices will go up.

But there is a second problem. As the head of the Health Insurance Association of America has said, insuring seniors against prescription drugs is like covering people for haircuts. There are too many claimants. Everyone is a claimant. The industry is basically saying, we are not going to provide stand-alone prescription drug insurance, and yet that is what the Republican prescription drug plan is based on, both in the Senate and here in the House. And you cannot get there from here, as we say in Maine.

So I am arguing that military retirees deserve the kind of coverage that is set forth in this defense authorization bill that we discussed today and will vote on tomorrow, but I do ask all people in this Congress and across the country this question: If Congress can provide a government administered prescription drug benefit with the Defense Supply Center in Philadelphia negotiating lower prices, why can we not do the same thing for all of the Medicare population across the country? If Congress can give 1.4 million Medicare eligible military retirees access to the best prices that the government can negotiate, why can Congress not give the other 38 million American seniors the same access to the best prices that the government can negotiate?

I mean, this is very, very simple. Here we have a plan, a discount plan, reflected in my bill, which is H.R. 664, the Prescription Drug Fairness for Seniors Act, which involves no significant Federal expense, involves no new bureaucracy, but would provide seniors with up to a 40 percent discount on their prescription drug prices simply by organizing seniors into a block to negotiate lower prices. This is exactly what happens in the private sector. Aetna, Cigna, United, the Blue Cross plans, all of the private sector health care plans negotiate lower prices for their beneficiaries. Why should Medicare not do the same?

Well, I can tell my colleagues what is happening here. What is happening here is the pharmaceutical industry is saying this is price controls. This is price controls. And my argument is nonsense. It is not true. Because what we are talking about is a price that is negotiated and that reflects a price that is a percentage below what is called the average manufacturer's price, which is a market price. The pharmaceutical industry controls that. All we are saying is there is no reason, there is no reason why seniors in this country should pay the highest prices in the world.

This problem, in summary, is very simple. The most profitable industry in the country is charging the highest prices in the world to people who can least afford it, people without coverage for their prescription drugs. And in this country seniors are 12 percent of the population, but they buy 33 percent of all prescription medications. That is why we have a national crisis, that is why this is a national scandal, and that is why it needs to stop.

One of the recent developments besides the defense authorization bill is what has happened, I am proud to say, in my home State of Maine. The State legislature and the Governor have agreed on a bill which breaks new ground. It is very much like the bill that I have introduced here and which has 153 cosponsors, unfortunately no Republicans yet, but in Maine what the State legislature has done is basically to provide that the State of Maine will, in effect, be what is called a pharmacy benefit manager. The State will negotiate lower prices for 350,000 people in Maine who today have no prescription drug coverage.

It is very simple. Buy in bulk and save money. Very simple concept. Since these people have no insurance plan to negotiate for them, they will get something called the Maine RX card, and the State Department of Health and Human Services will negotiate lower prices with the pharmaceutical industry for those people in Maine. We are confident that we can get lower prices because the State will be representing so many different people.

Now, once again the pharmaceutical industry is saying this is a terrible step to take, but people are fed up. People are fed up in Maine and they are fed up around the country. They know that price is the problem. They know that this industry charges the highest prices in the world to people here.

Let me elaborate on that for a moment. The study that I did first in Maine and now has been replicated in probably 140 districts around the country showed that seniors, on average, pay twice as much for their medications as the drug companies' best customers. And the best customers, as I said, are the big hospitals, the HMOs, and the Federal Government itself. That study was done first in July of 1998.

In October of 1998, I released a second study, and it was the first to do these international comparisons. What it showed is that Mainers pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs in the same quantity from the same manufacturer. There is no justification for that. None.

The fact is that the industry charges whatever the market will bear. And because seniors, and more generally people who do not have prescription drug insurance, are not organized, do not have anyone to negotiate for them, they pay the highest prices in the world. It needs to stop, and Maine is doing something about that.

What is going on here in Congress is also worth noting. What the Democrats have done is come up with a plan, it was announced last week, a plan in which the Senate Democrats, the Clinton-Gore administration, and the House Democrats can agree. That plan is simple. It provides a universal but voluntary prescription drug benefit under Medicare. Enrollment is voluntary but anyone can sign up when they are ready to enroll in Medicare. The coverage basically works this way. There are two parts to the coverage. First, the basic benefit and, secondly, a catastrophic benefit.

The basic benefit works like this: At the beginning, for a small monthly fee, an individual will get a reimbursement for up to $1,000 on a 50 percent copay basis for their prescription drugs. In other words, if an individual spends $2,000 on prescription drugs in the course of a year, and many seniors do, they will be reimbursed $1,000 from the Federal Government. Not reimbursed, but the Federal Government will pick up 50 percent of the cost as they go along. If at some point they hit $3,000 in out-of-pocket expenses, at that point our plan will pick up all of the subsequent costs. Medicare will pick up all of the subsequent costs.

What we are trying to do is make sure that those who are hurt the most get the most help, but that everyone benefits. And everyone benefits in another way as well, because the discount concept, which is reflected in my legislation, has been incorporated into this Democratic Medicare Prescription Drug Act of the Year 2000.

□ 1900

Because for those people, when they are not entitled to a benefit, when they run over the price a bit, then they still get a discount, they still get the buying power of Medicare behind the price. So there will be a negotiated reduction in price.

Now, the important thing is the goal, and the goal is very simple. We would use private-sector pharmacy benefit managers to administer this particular plan. And that is what they do for Aetnas, the Cignas, the United HealthCares of the world right now. But they would be charged, very clearly, with getting the same deal for Medicare beneficiaries as they do for their own.

In other words, the goal is simple. We are going to get the best price for Medicare beneficiaries. And within 2 years, there would be a review by the GAO to see whether or not the Health and Human Services is meeting that goal. It is very important that we meet that goal. And if we do not, then we will have to go back and try another approach.

There are benefits here for employers. Because employers who are now providing drug coverage to their employees would get an incentive payment to keep continuing that coverage. And there is low-income protection, as well. Some people simply cannot afford their prescription medication at all.

So for those below 135 percent of the poverty line, what the Democratic plan does is provide all the co-pays and all of the premiums, so that at that level people would get the full coverage for their prescription drugs. Between 135 percent of the poverty level and 150 percent of the poverty level there would be a subsidy-based on a sliding scale.

But the important point is this: Everyone would get the benefit of a discount and everyone would get covered under Medicare. That is very different from the Republican plan, because the Republican plan really relies on private-sector insurance companies.. And if we know one thing about private health care insurance, it is that the premiums change every year. In fact, they almost always go up every year.

Talk to any small businessman or woman, talk to any of the self-employed around the country today and what they will say is, my premiums went up 15 percent, 20 percent, 25 percent, 30 percent this year and about the same amount the year before. They cannot afford it.

The small business community is having a terrible time affording health care and largely because of the rapid increase in the prices of prescription drugs. We have to get some control over this system, some level over the system, some ability to hold down prices so that small businessmen and women can afford their health care premiums, and seniors in this country can afford to buy the drugs that their doctors tell them they have to take.

Now, this is, as I have found, a very long struggle, a very long struggle.

What is going to happen, I suspect, over the next few months, is we will have a lot of battles back and forth over whose plan is best. But it is clear now that there is a growing consensus that we have got a problem, we have got a major problem, not a small problem, but a major problem for millions of Americans all across this country.

And their problem does not vary with their income. This is not a case where we can say, well, let us help those who are low income, because there are lots of Americans, middle-income seniors, who cannot afford their prescription drugs because their prescription drug costs are so high.

The size of their problem depends less on their income and more on the amount of prescription drugs that their doctor tells them they need to take. That is the problem. So we have to deal with price. We have to deal with price.

To contrast for a moment what appears to be the Republican plan with the Democratic plan, the Democratic plan is designed to cover everyone both with a benefit and with a discount.

The Republican plan is aimed primarily at low-income beneficiaries. The Democratic plan has a way to contain costs, to use pharmacy benefit managers contracting with Medicare as a way to negotiate lower prices with the pharmaceutical industry. The Republican plan relies on private insurance companies, which have not been successful at holding down costs. There is no real cost containment in that plan.

Thirdly, the Democratic plan is an improvement in updating of Medicare, the foundation of health care for seniors, one of the most successful programs that we have that the Federal Government has ever adopted, a plan that needs to be strengthened and reformed but not weakened. The Republican plan relies on private insurance companies.

What we need in this country for our seniors is stability and continuity and predictability. We do not want plans where every year the co-pay changes, the benefit level changes. And in many cases, as we are finding with Medicare managed care, whole areas in this country are simply dropped by the insurance industry.

That is not what we want in Medicare. We want stability and continuity and predictability and equity in this system. That is what we need and that is what we can get with the Democratic prescription drug plan.

I urge everyone who cares about this issue to make their voices known.

One of the things I found in my 4 years in this place is that what we do here depends on the amount of public energy, public concern outside these halls. This is a case where those who care about this issue need to speak up.

In the weeks and months ahead, what we will find in this debate, I believe, fundamentally is that we can find common ground, if not this year, next year. But we need to reach across the aisle and come to a conclusion about how best to approach this particular problem.

People who cannot afford their prescription drugs are Democrats, Independents, Republicans. They are people from all walks of life, all parts of the country. And this is a case where although we have partisan differences over proposed solutions, we do not have partisan differences over the problem. The problem is the same for everyone.

If we can find a way to work across the aisle to pull these two different approaches together, then I think we can find success, as others have done in this House on a Patients' Bill of Rights and in other areas. We can do it with prescription drugs, as well.

## NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to talk tonight about the vote that the House is going to make next week on extending permanent normal trade relations to China.

Capitol Hill is abuzz about this vote which we are going to make next week. It seems that everyone and their uncle has been lobbying on this issue.

Goldie Hawn, the actress, has been wandering the halls of Congress. She is against; while Jesse Ventura was in the East Room of the White House. He is for.

In my opinion, Mr. Speaker, this vote will be the most important trade vote in a long, long time, and undoubtedly, the most important agriculture vote this year.

President Clinton said last week, "If the Congress votes against it, meaning permanent normal trade relations, they will be kicking themselves in the rear 10 years from now because America will be paying the price."

The President suggested that lawmakers who oppose the measure are focusing on politics rather than its merits. The President said, "Virtually 100 percent of the people at the other end of Pennsylvania Avenue," meaning Capitol Hill, "know it is the right decision."

Well, Mr. Speaker, our country has benefitted greatly from the growing international marketplace and American efforts to reduce tariffs and trade barriers.

For example, between 1993 and 1998, my own State of Iowa had its exports increased nearly 75 percent. Export sales from the capital city of Iowa, Des Moine, alone totaled nearly half a billion dollars in 1998. And this growth was a two-way street.

My State has attracted more than $5 billion in foreign investment. International trade supports thousands of jobs in my home State and thousands, if not millions, of jobs across the country.

My State's economic growth depends on international trade. But Iowa is not unique. Iowa is right in the middle of the country. There are other States on both coasts where there is shipping and exports, where exports are even more important.

Now, my State has agriculture as an agricultural industry, but we also have a strong financial services industry and a strong manufacturing industry. I think my State is typical of States all across the country.

China very much wants to get into the World Trade Organization, the WTO. Last fall the United States completed a trade agreement by which we would welcome China into the WTO. Under that new trade agreement, China makes significant concessions that are important to American farmers and businesses.

Under this new agreement, China agreed to reduce its tariffs on American goods in order to get U.S. support for accession into the World Trade Organization. Chinese tariffs will drop from an average of 24.6 percent in 1997 to an average of 9.4 percent in the year 2005. That is a 62 percent drop in tariff rates on most of our products that we are trying to get into China.

In addition, China agreed to phase out most import quotas by the year 2005, making these new tariff rates applicable to most products regardless of quantity. China also agreed to allow American businesses to sell directly to the Chinese public.

This agreement cuts out the interference of Chinese middlemen or Chinese trading enterprises that are often corrupt. This new agreement means American companies will be allowed to provide maintenance and service for their products.

China conceded on agricultural trade matters things that are very important to our Nation's agriculture. China agreed to lower the average tariff on American agricultural products from nearly 40 percent to 17 percent. In addition, China will lower its tariffs on pork, beef, and cheese to 14.5 percent.

China also agreed to accept the U.S. Department of Agriculture's certification that American meat and poultry are safe. What this means is that China will now open its markets to U.S. pork, beef, and poultry access, which has been denied because of China's unscientific claim that our products were not safe.

This is important for many, many States, not just my own, many States, I might add, where there are some other considerations for legislators to think about in terms of voting against permanent normal trade relations.

China consumed more than 77 billion pounds of pork in 1998. And as its population of more than one billion people increases, so will its need for pork, U.S. pork.

China also agreed to eliminate oil seed quotas and gradually increase the quota for corn to 7.2 million metric tons each year. By comparison, in the last 10 years' total, China imported a mere 6 million tons of American corn. China also pledged not to provide export subsidies for its agricultural products.

□ 1915

All of these are very significant concessions on the part of the Chinese. In sum, the Chinese are opening up their market. They are easing their quota restrictions. They are reducing their tariffs. And they are agreeing not to subsidize their own products. These agricultural provisions hold the promise of significant growth for our country's farmers.

Another treaty component important to our country is insurance and financial services. We just passed a bipartisan bill on financial services reform so that our financial services industry in this country can compete in a global market. This new treaty with China will help us get our financial services industry into China. My State, for example, is a leader in insurance, not just agriculture. Currently, foreign insurance companies are allowed to operate in only two cities in China. The bilateral agreement will remove all geographic limitations for insurance companies within 3 years. Within 5 years, American insurers will be able to offer group, health and pension insurance which represents the majority of premiums paid. American firms will be allowed 50 percent ownership for life insurance and will be allowed to choose their own joint venture partners. Nonlife insurance companies will be allowed to establish local branches, hold 51 percent ownership upon accession and form wholly owned subsidiaries within 2 years.

In another area, China will lower tariffs on American automobiles to 25 percent. The current Chinese tariff on American-made automobiles ranges from 80 to 100 percent. And American financing programs for those cars will be available.

Another area is tariffs on information technology like computers and Internet-related equipment. Those will be eliminated by the year 2005 under the new agreement. And banks and financial institutions will have unprecedented access to the Chinese population.

All of these Chinese concessions are significant. They amount to a very good deal for us, a deal that will move American goods and values into China. Under this good deal, the United States is not making any concessions. All the concessions come from the Chinese. Nor will we be dropping our guard against further Chinese espionage. We will not be abandoning Taiwan, and we will not be pretending that the Communist Chinese have improved their human rights record. Altogether, a vote for this new trade treaty and for normalizing trade with China should be, as they say, "a no-brainer." And it should not be a partisan issue, either. A majority of Republicans in Congress support approval of this agreement. In addition to President Clinton and Vice President GORE, many Democratic governors, such as Iowa's Governor Tom Vilsack support the agreement, too. Governor Vilsack wrote me, saying, "There is more potential for opening up new markets in China than just about anywhere else in the world and a major step in that process was taken by reaching an agreement on the U.S.-China bilateral World Trade Organization accession. The next step is to establish permanent trade with China."

Governor Vilsack finishes by saying, "I support permanent normal trade relations for China."

So, Mr. Speaker, what is all of this controversy about? By all accounts, this is going to be a nail-biter of a vote. Every day, practically, the vote tally is reported in the Congressional Quarterly or in the newspapers. It is big news when, for instance, the gentleman from New York (Mr. RANGEL) yesterday came out and said that he would vote for permanent normal trade relations. Every Member's vote is going to count significantly next week. So what is it all about? If the treaty is so good, if the Chinese basically made all the concessions, if under current trade with China we cannot get our goods into China because they have high tariffs on our goods but under the new treaty they lower those tariffs so that we can send our American-made goods and services over to China, what should be the controversy? One would think that this would pass with 300-plus votes.

Well, in my opinion the controversy is not so much about the treaty. It is more about symbolism. For some in the labor movement, blocking permanent normal trade relations is symbolic of labor's clout, even though in my opinion their position actually hurts manufacturing jobs, such as those at the John Deere plant in Ankeny, Iowa, just north of Des Moines where cotton pickers are made. With this new treaty, that John Deere plant would have the opportunity to sell more cotton pickers in China. That would mean more United Autoworker jobs in Ankeny, Iowa.

Now, along with many, I abhor China's human rights violations. But I do not agree with those who believe that denying normal trade relations will improve the human rights situation in China. Mr. Speaker, we have had this debate for years annually. It has become pro forma. Even last year when I voted against most-favored-nation status for China, when we were dealing with the Chinese having stolen American nuclear secrets, the biggest vote count we could get to overturn that or to send a message was about 175 votes. But one of the other main reasons that I have voted in the past against most-favored-nation trade status for China is that under the current trading agreement with China, we basically get taken to the cleaners. That is why we have such a huge trade deficit with China. They can make goods over there and they can send it into the U.S. when we have very low import tariffs on their goods but then they slap high tariffs on our goods and commodities going over there. The current situation is just not fair. That has created a trade imbalance. That is why this new trade agreement is such a good thing.

As I said, I previously voted against the annual extension of normal trade relations with China. I did so because past extensions gave China open access to our markets, as I have said. This has been a one-way street right into the American market. I also voted "no" because of concern about Chinese forced abortions and other human rights violations, Chinese espionage, and Chinese arm sales to Iran and Iraq. I would point out that these same issues will remain concerns even if the United States chooses not to gain access to China's markets. However, I have come to the conclusion that the best chance we have to address those human rights violations is by actively engaging the Chinese people politically and economically. We cannot defend fair labor practices in China by staying at home, by defaulting on our obligation to stand up for the rights of workers and democratic values. What better way to improve labor conditions for the Chinese people than to introduce rule of law into their business relations. No kickbacks. No bribes. In addition, Chinese workers employed by American companies clearly enjoy better working conditions, higher pay and an improved quality of life. Now we have the opportunity to extend these opportunities to more Chinese workers, allowing them to absorb and practice our values. What better way to spark change in a closed Communist society than by introducing western technology and ideology. The elimination of tariffs on information technology will help open China to the global information highway. That highway of American enterprise and values will run right into China, right through that great wall, and it will challenge its political and social repression.

We do not need to dispatch an army to carry forth our values and market system. Our farmers, our workers and our businesspeople have the tools to do that job.

But do not just take my word for it. Listen to one of China's most prominent dissidents, Bao Tong, who has endured tapped phones, police surveillance and restrictions on everyday freedoms. Despite that treatment by the Communists, Bao Tong has this message for Congress: Pass permanent normal trade relations with China. Pull China into international agreements like WTO. Bao believes this will force China to adhere to international standards on human rights. Bao says, "It doesn't make sense to use trade as a lever. It just doesn't work." That goes back to my comments about the annual pro forma debate that we have had on this issue. Or listen to Dai Qing, perhaps China's most prominent environmentalist and independent political thinker who has served time in prison because she opposed the 1989 crackdown on student protesters in Tiananmen Square. She said, "All the fights for a better environment, labor rights and human rights, these fights we will fight in China tomorrow, but first we must break the monopoly of the state. To do that, we need a freer market and the competition mandated by the World Trade Organization." She also said, "One of the main economic and political problems in China today is our monopoly system, and a monopoly on power and business monopolies. The World Trade Organization's rules would naturally encourage competition and that's bad for both monopolies."

Mr. Speaker, what happens if next week we say no to this opportunity? Well, China will still join the World Trade Organization, but China will be trading with our competitors, not us, the European Union, Australia, other Southeast Asia countries. In addition, if we reject permanent normal trade relations, the Chinese leadership will feel the United States, the world's only superpower, with its economic, military and democratic arsenal, they will feel that we want to isolate the mainland. Remember, China has a long history of xenophobia. We do not need to play to that xenophobic tradition. That perception that the Chinese could have of our motives could do us and the world a lot of harm.

I want to return to the symbolism of this vote. While the symbolism of a defeat for permanent normal trade relations might benefit certain groups in the short run, in the long run I think it will hurt us all. Paul Krugman in the Washington Post asked us to consider the symbolism that rejecting permanent normal trade relations would send to other governments. The United States, the home of the free market, the home of the free society, would appear to be saying, "Sorry, markets and democracy work for us but we aren't letting any more countries into the club."

Mr. Speaker, a national poll last week by the Wall Street Journal/NBC News showed that Americans favor approving the trade agreement with China by a margin of 44 percent to 37 percent. So it is clear, the public is still learning about this very important issue.

□ 1930

That is why I sent a letter on permanent normal trade relations to every household in my district explaining what is at stake and why I support that agreement.

Mr. Speaker, I will vote next week for permanent normal trade relations with China on its merits. It is a good agreement for my state. It is a very good treaty for our country. It is much more fair to us than our current trade relationship. This new agreement will actually grow jobs in the United States, not lose them.

Passing permanent normal trade relations with China will send a strong symbolic message abroad, about America's commitment to democracy and market-based economics. I can think of no more important vote that any of us will make in a long time about the future of our economy and our position in a global market.

I urge all my colleagues on both sides of the aisle, do the right thing; vote for permanent normal trade relations with China, and we will continue to shine the spotlight on China's human rights violations and continue to put heat on them to act in a more responsible way.

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## WORLD BANK SHOULD NOT CONSIDER LOANS TO IRAN AT THIS TIME

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. SHERMAN) is recognized for 60 minutes.

Mr. SHERMAN. Mr. Speaker, tomorrow the World Bank meets. We will not have the huge demonstrations of a month ago. No one will be comparing this meeting here in Washington, D.C., to the events in Seattle. But they may play a more important role on whether the World Bank and its sister organization, the IMF, continue to have the support, precarious as it is, of the American people, and whether the World Bank continues to exist and foster in its present form.

Mr. Speaker, I am among the strongest advocates in this House of our foreign aid program, our involvement in the world, and, up until now, our support for the World Bank and the IMF.

Mr. Speaker, just a year-and-a-half ago over $500,000 was spent in a campaign designed exclusively to vilify me personally for supporting the IMF and the World Bank. I continue to support those organizations, yet I am not sure that that support can continue for long, because while I am a proud supporter of world development and of our foreign aid and of our efforts to try to have all of humanity live in dignity, I do not know if I can continue to be a proud supporter of the World Bank.

You see, the World Bank garners its support from the community here in America that supports human rights and the dignity of men and women, and yet it will make a decision tomorrow that will indicate whether it deserves the support of those who are concerned with human rights.

For one case, in one nation, has garnered the imagination of the world when it comes to human rights. I speak of the show trial being conducted in the City of Shiraz, Iran, in which 13 Jews face the absurd charge of being spies for the United States and Israel.

Mr. Speaker, let me first give you and the House some background. The Jewish community in Iran is 2,500 years old. It arose out of the Babylonian captivity after the destruction of the first Temple. It is the oldest Jewish community anywhere in the world except Israel itself.

For 2,500 years Jews lived in peace and in loyalty to whichever regime governed Persia, now Iran. In 1979 the Iranian revolution led to the creation of the Islamic Republic of Iran, and since then that Islamic Republic has found it necessary, or at least has decided, to oppress religious minorities. Their treatment of those who practice the Baha'i faith is well-known and is deplorable. For those who have practiced the Jewish faith, some 17 have been killed after trumped-up charges over the last 20 years, roughly one per year. It seems this is a regime that finds it necessary to keep this small Jewish community under control through terror and fear. I say a small Jewish community, because this community, which once numbered over 100,000, has now dwindled to 25,000 as people who have fled their ancestral homelands, homelands that trace their ancestors back for 2,500 years. They have left under the oppression, but 25,000 remain.

But apparently the Islamic Republic of Iran is no longer satisfied with killing one of its Jewish citizens roughly every year, and so about a year-and-a-half ago it went out and arrested 13 and charged them with espionage.

Now, why are these charges so absurd? Well, Mr. Speaker, we have grown up here in the United States, a multi-ethnic country, where people of all backgrounds and all religions are found in every part of our government, including our national security agencies. From the CIA to the Pentagon, our national security agencies look like America. So, anyone of any ethnicity, could, if things turned out wrong, grow up to be a spy.

We have British-American spies, we allegedly have Chinese-American spies, there have been Jewish-American spies, and that is because people of all ethnicities and religions are found in the agencies that contain the most sensitive national security secrets.

Iran is a very different country. No one of the Jewish faith is allowed near anything of national security significance. Now, I know the CIA occasionally makes a mistake, but to think that the CIA would, over a period of years, hire not one, but 13 individuals in Iran, each a member of a tiny group prohibited by their religion from getting anywhere near anything the CIA would want to know, it stretches all credulity to believe that the CIA would do that and that the United States could remain a superpower if that is how it pursued its national security and intelligence efforts.

These charges are not only absurd, but the trials that began less than a month ago are also absurd. They are modeled after the trials of Joseph Stalin, trials devoid of public attendance, trials in which the prosecutor is always the judge, trials in which there is virtually no information, no evidence, except the hollow conclusionary and detailless confessions of coward confessions. Nothing has been proven at trial, except that the defendants are afraid.

The information that they would have had access to would have been only information observable by anyone walking the streets of an Iranian city, and, of course, diplomats of countries, both friendly to and hostile to the Islamic Republic of Iran, walk those streets every day, every month, observing the same things, and with diplomatic immunity while they do so.

So this trial has captured the attention of those in the world who care about human rights. Maybe it is because 13 people are so obviously innocent. Maybe it is because the trials so closely resemble those of the dark ages of Joseph Stalin. Maybe it is because the defendants are a remnant of an historically significant and dwindling community.

But where does this leave the World Bank? The World Bank will consider tomorrow a package of loans to the Islamic Republic, and we are told that these loans will be used for humanitarian purposes. But let us remember that money is fungible. The money the Islamic Republic does not spend on building a sewer system in Tehran can be used to develop weapons, to field an army or to increase the reach of its forces of oppression and interrogation.

Not only that, but this nearly one-quarter of a billion dollars in contracts will go only to those contractors and organizations in Iran tied to the dominant faction of the Iranian government, so not a penny will be spent that does not inure to those who are politically connected to the same government conducting these show trials in Shiraz.

Now, we are told that the World Bank must make its decisions independent of politics, but one cannot ignore the results of a decision to be made tomorrow in Washington, especially when that decision does not have to be made tomorrow. It can and should be deferred.

But beyond the human rights concerns, there is another issue that the World Bank should focus on. It may grow out of the human rights concerns, but it is a separate issue. No financial institution should be allowed to make a loan that imperils the success of the institution itself, and the World Bank, if it makes this loan, is sowing the seeds of its own impairment. American participation in the World Bank is critical to its survival, or at least to its success, and that participation depends upon the consent and acquiescence of a restive American public.

The support for that participation comes from those who care about human rights, and to fund this loan this week is to turn to those in America who care about human rights and declare that the World Bank is on the other side; that the World Bank is happy to be an instrument, an instrument, of oppression.

Now, there are those who will disagree with what the effect of this World Bank loan will be in Iran, but they do not speak with any expertise about what effect this loan will have on America and American support for the World Bank. Those who understand how foreign policy is made in a superpower, where the people are supreme, and most of them do not care very often about foreign policy, those who are involved in foreign policy and in the political process should warn the World Bank, as I do tonight, that a loan of this type undermines and corrodes the very thin pillars of support that the World Bank and the IMF have in the American public.

□ 1945

If you say no to those Americans who care about the 13 Jews in Iran, if you say no to those Americans who care about human rights, then who will stand up for the IMF and the World Bank when the voices of isolationism and the voices of just spending less money on foreign affairs, when those voices bellow that it is time for America to reduce its commitment?

I am not saying that an approval of these loans will lead to street demonstrations reminiscent of Seattle. It will not. I am not saying that the State Department or the Treasury Department will talk about cutting back its support or participation in the IMF and the World Bank if these loans are approved tomorrow, for there will be no such immediate effect. But those who study how foreign policy is made in a democratic country, where the people are supreme but only a few of them focus on these issues, will understand that over the next 3 years or 5 years or 8 years American support for the IMF and the World Bank are subject to corrosion if this loan goes forward.

Certainly those who are voting at the World Bank tomorrow need to give the World Bank staff a chance to analyze these issues in greater depth, and certainly the loans themselves and the details of the loans need to be reviewed in greater depth than has been done to date. When the World Bank makes a loan, it tries to avoid obvious corruption, knowing that that is not only a waste of its money but a waste of its political capital.

These loans will be under a level of scrutiny beyond those that the public has imposed on any other World Bank decision. Certainly these loans need to be reviewed for efficiency and absence of corruption at a higher level than the World Bank has ever analyzed loans, because here, here, not only does the World Bank stand to see a portion of its quarter billion dollars hijacked and diverted but it has a chance to have each detail of these loans and their expenditures reviewed with the greatest possible public attention, particularly in the United States.

Certainly the board members, the shareholders at the World Bank, would be well advised, let the staff have some time. Let us see whether the details of these loans meet the higher standard than the World Bank, for its own interest, needs to impose on loans that will receive a greater level of public scrutiny than any other loans have ever faced, and let the World Bank staff review whether that institution can long endure and long survive as an organization with the active and enthusiastic support of the people of the United States if it acts precipitously. If the Bank votes tomorrow to ignore these concerns, it takes an irrevocable action or an action that appears to be irrevocable, that could eat away at the fabric of the Bank itself. If instead the Bank votes to delay considering these or if these loans are simply not on the agenda and no one puts them there, then the Bank can consider these actions in light of the concerns I have brought to the attention of this House and I hope to the attention of the Bank shareholders as well.

### PERMANENT NORMAL TRADE WITH CHINA

Mr. SHERMAN. Mr. Speaker, I was originally scheduled to address the House for only 5 minutes. The House, in its rules, in its wisdom, has instead given me a full hour. Whether that was a wise decision of this body remains to be seen, but it is an hour I plan to use to discuss some other issues, issues that I have not mapped out in detail and so I will apologize to the Speaker if my remarks are not as tightly phrased and as well organized as I would like them to be.

I would now like to address the same subject addressed by the prior speaker, the vote we will deal with on granting permanent most favored nation status to China.

Mr. Speaker, I am pro-engagement. I am against isolationism and I am against protectionism. I am against this agreement. This agreement has enough in the way of disadvantages in three different categories so that any one of those categories of disadvantage is reason enough to vote it down. If it was only for the adverse effect that this agreement will have on human rights in China, we should vote no. If it was only for the adverse impact that this agreement is going to have on American workers and on American exports and on the balance of trade of the United States, we should vote no. And if it was only for the adverse effect this agreement is going to have on our ability to deal with the national security issues that confront us when we deal with China, we should vote no.

Let us first talk about human rights, or let me first talk about human rights.

This deal has nothing in it to protect labor rights, environmental standards, but we are told that the dissidents in China are for this agreement.

Well, most of the dissidents I have heard of are against it. The overwhelming majority of those who have done time in the Chinese gulag are against this agreement, and certainly the overwhelming majority of those who have done time in the Chinese prison system and are free to speak their minds are against this agreement.

For many months, this country debated whether the father of Elian was free to speak his mind while he lived in Cuba, and so we insisted that he come here and announce, with his child and with his new wife, what their views were and what they wanted for their son. And yet, those who questioned the accuracy, the credibility of statements made by someone living under Fidel Castro seem to accept at face value the statements made by people in China today, people who have been subject to interrogation, some, a few, subject to imprisonment before, as if they could not be subject to that again.

There are those in China who have had the courage to stand up in the past who may not want to risk their freedom over this particular agreement and who may, therefore, have made statements consistent with their own freedom, notwithstanding the fact that those same individuals have in the past had the courage to risk imprisonment where they felt the issue more strongly, or where they felt they were at a time in their lives when they were willing to take such a personal risk.

So the dissidents are, for the most part, indecipherable. Some say one thing. Some say another. Some are here in the United States to speak their mind freely and some are subject to imprisonment tomorrow if they say the wrong thing today, but we are told that this agreement is not only supported by the dissidents, and sometimes the word "dissident" is confused with this second group that they refer to as the reformers. The reformers are not the dissidents. The reformers are the elements in power in China that we are told want open markets. They may want open markets. There are members of the Central Committee of the Communist Party of China that want open markets, but wanting open markets does not mean want human rights. Wanting open markets does not mean abandoning the monopoly on power enjoyed by the Communist Party of China.

There may be different factions in the Central Committee of the Communist Party. There may be different factions in the ruling circles in Beijing, but there is one thing that unites them. So-called reformers, so-called hard-liners are united. They want to see the Communist Party maintain its monopoly on power forever. Reformers just want to do it with a different flavor.

There is one group in China that is free to speak their minds. That is the members of the ruling elite, the members of the Central Committee of the Communist Party, and they have spoken with a loud voice. They have said this deal helps us achieve our objectives. This deal is good for us. It is indeed good for the ruling classes in China. It is indeed in the interest of maintaining the monopoly power of the Communist Party, because make no mistake about two facts: First, the entire ruling elite is unified, dedicated that its most important objective is maintaining a monopoly on power for themselves. They would not enter into this agreement if it, dare I say it, was for all the tea in China if they thought it would shorten for one day the monopoly on power of the Communist Party of China. So first fact, the ruling elite believes this will lengthen its hold on power. Otherwise they would not be for it.

Second, the ruling elite knows a lot more about holding on to power in China than all of the U.S. experts and all of those who have come to lobby us. There are those who say that China will unravel just like the Soviet Union. I hope that is true. Perhaps long-term it is true, but the Soviet Union did not unravel because of trade with the United States. There was very little trade with the United States. There was no WTO membership for the Soviet Union. It was not that every pair of tennis shoes, every toy and half your shirts came from the Soviet Union in 1985. So if we hold up the Soviet Union's unraveling as a model it does not compel us to accept this deal. If we believe that the Communist Party of China at the highest levels understands their own country, understands holding power in their own country, then we will understand that the agreement will help them do just that.

Second, we need to focus on the human rights of Americans. Now I am told that our economy is doing spectacularly well. Well, it is doing well for many people. Unemployment is down, but many of those people who might have been unemployed just a few years ago today are the proud owners of $6 an hour jobs and $7 an hour jobs. These people should be working in the manufacturing sector in America at $20 and $30 an hour jobs. Export jobs to make machinery and aircraft, et cetera, those are very high-paying jobs in the manufacturing sector. But what kind of jobs has the Chinese Government provided? Through their limitation of our exports, they have provided us with a market smaller than Belgium. That is right. We sell less to China than we do to Belgium, and we do not sell very much to Belgium; $13 billion.

Put another way, the trade deficit with China, $70 billion every year and rising, is six times the size of all of our exports.

□ 2000

If our exports to China doubled, we would hardly know it. Has anyone come to this floor and said, if we could just increase by a bit our exports to Belgium, that there would be dancing in American streets and a revitalization of every American town? I do not think so. But it is unlikely that there will be even a small increase in American exports to China as a result of this deal.

I know that many have come to this floor and said just the opposite, so let me explain why. We in the United States have lived our entire lives under the rule of law. If the government is going to affect anything in the economy, they had better write a law or a regulation and publish it, and in the absence of a law, in the absence of regulation, we have the right to do what we want as individuals and as companies.

We have lived our lives where published law is very important. So we should be forgiven if, for a moment, we believe that the published law in China is of great significance; that if we could just change their published tariff rates, their published quotas, then everyone in China would be free to buy American goods.

China is not a country that lives under the rule of law. China is a command and control economy. In China, you do not start your own airline just because you want to and then buy American planes just because you think they are the best deal.

In fact, when we look at what we are likely to export to China, we see an incredible level of control of the Communist party of China without any need to have published rules.

We sell airplanes. The party controls the airline. We sell telecommunications systems. The party controls all the buyers for those systems. We sell large factories. We are not going to do a large factory in China over the opposition of the ruling elite.

We do not sell little toys on the street corner to individual consumers. We sell big things, big ticket items. How are we going to sell them? We are only going to sell the quantity that the people in Beijing decide they are willing to allow their country to buy.

Two years ago we sold $14 billion worth of goods. Last year they cut us down to $13 billion. With this agreement, they can, without fear, cut us as low as they want, or at least maintain us where we are, while they increase their sales to the United States, or at least maintain them where they are so that we continue to run $70 billion trade deficits forever.

How are they going to do that? Well, there may be no tariff on American airplanes to China, but the board of the airline might vote not to buy our planes. Can that be taken to WTO court? No. Any enterprise is free to buy or not buy. The fact that the government controls the enterprise does not change that, so we sell only what they decide they want to buy. When I say "they," I mean the political elite.

We want to do telecommunications systems, the same thing. But let us imagine that there is an independent business in China. The board of directors is not dominated by the government or the party. This business wants to import $1 billion worth of American goods. They are the best goods. They are going to get them at the best price.

The published regulations say that the business is free to do so. The director of that business receives just one phone call, one phone call saying, Mr. Businessperson, we know you are planning to conclude a deal to buy $1 billion worth of American goods. But, you know, China has always wanted to restrict the quantity of American goods purchased. We have always run this huge trade surplus with America, and the Communist Party wants to continue that.

So Mr. Businessperson, we know you will decide not to buy the American goods. We know you will make the right decision. We know you will help us punish the American people for what the Communist party would call their meddling, what we would call human rights advocacy.

Mr. Businessperson, we know you will make the right decision because you are well educated. We would hate to think you need to be reeducated.

There is not a single importer in China that is not subject to arrest on trumped up charges if that importer decides to buy American goods against the advice, oral advice, of the Communist party of China. American exports to China are not dependent upon changing the published rules. Those are only for our lawyers to read.

Getting more exports to China depends upon changing the policy of the Communist party, a policy that has been discriminating against American goods for a long time, a policy which has caused them to run a $70 billion trade surplus with us and a significant trade deficit with the rest of the world as they deliberately decide to use the money that we pay them for the tennis shoes to buy goods from Europe and Japan and elsewhere.

Why would they change? Are we going to stop talking about human rights on this floor? Are we going to stop our support for Taiwan? Are we going to ignore the rape of Tibet? I hope not.

But that leads to another concern. We have seen an army, an army of businesspeople and lobbyists come to our offices asking us to give China what China wants in the expectation that these lobbyists will get from China what the lobbyists want.

Well, I do not think our businesses are going to get what they want. I think China, having had a 10- and 20-year policy of discriminating against American goods, at least a 10-year policy, will continue that policy and will do it quite well through the mechanism I have described, and does not need published regulations and tariff rates to achieve the balance of payments that they decide to have.

So if this army of lobbyists feels this year that they must do what China wants in order to have access to the Chinese markets, and they do not get that access, they will be back here next year or the year after saying, whoops, looks like American exports to China are still only $13 billion, but we hear through the grapevine that if only America would stop selling weapons to Taiwan, China will start buying our goods. If only America will stop caring about Tibet, China will start buying our goods.

The same army of lobbyists asking us to do what China wants now will find that what China is asking for now is insufficient to garner them that favored status that causes the Chinese enterprises to buy their goods. They will be back asking us to do more. I shudder to think, will we be asked to ignore Chinese proliferation of nuclear technology to countries like North Korea and Iran? Will we be asked to cut off Taiwan and to lay that island, that democratic island, open to possible invasion, or at least blockade?

I do not know, but I will say this, Mr. Speaker, the gentleman from California (Mr. BERMAN) from the adjoining district has proposed that we add a provision to this MFN deal that says that China would get its permanent most-favored-nation status, but if they blockade Taiwan or if they invade Taiwan, they lose it.

The pro-China forces have been unwilling to embrace that amendment, an amendment which might gather them the votes they need to pass this deal. I worry about a Chinese embassy or I worry about supporters of China unwilling to even say that we should deny China something if they actually invade or blockade Taiwan.

We will have to see how this develops, but if my colleagues care about Taiwan, at least hold out for this: Deny their vote to those who want to permanently open our markets to China with little real access to theirs, withhold their vote until at least we get a provision that says that Taiwan, if invaded or blockaded, that those actions would lead to an end of most-favored-nation status, also called normal trade relations, with the United States.

Now, Mr. Speaker, recently those who support this deal have come up with a couple of Band-Aids. One of those is called "antisurge" provisions. It sounds good. It sounds like at least if there was a sudden flood of Chinese goods from a particular sector, perhaps being sold at cost, dumped on our market, that we would have a special provision to deal with it.

Read the provision. The proposal is simply that the United States, if it saw its workers losing their jobs, would not be free to stop the onslaught of Chinese goods. No. But we would be allowed, look at this tremendous grant of power to us, we would be allowed to appropriate money for education programs and retraining programs for our displaced workers.

I never thought that we lacked the power to appropriate funds to provide help for American workers who are in trouble for one reason or another. I do not think we have to thank Beijing for having the power to do so. It would be nice if the importers would give us some of the money we would need for that, but that is not found in the antisurge provisions.

Second, we are given a second Band-Aid. That second Band-Aid is, more reports about human rights in China, Helsinki Commission style reports. Come to my office, I will show the Members all the reports on human rights in China. They take up a lot of room. There are more organizations issuing more reports all the time. They will turn Members' stomachs as to their content.

Since when is it a major concession to know that there will be reports issued in the future? We know there will be reports. The fact that they will be called Helsinki style, who cares? We could have Los Angeles style reports, Vienna style reports, Rome style reports. We could have semi-annual reports, we could have biannual reports. We have reports.

We will get more reports. All it will do is demonstrate the abuses of human rights happening in China, as to which we have granted the Chinese government an absolute guarantee that they will not lose a penny no matter what they do. No matter what they do to the practicing Christians, Buddhists, and Muslims; no matter what they do to the people of Tibet, they will be hit only with a report. They will not lose access to a single sale of a single pair of tennis shoes in the United States.

So, Mr. Speaker, I turn, as I have already foreshadowed it, to the third reason that we should oppose this deal. Not only does it ensure more power and more tenacity to the Communist party in China, not only does it limit our access, or does it fail to eliminate limits to our access to their market, but finally, it ties our hands when national security issues come up, because if China does something, whether it is providing nuclear weapons or their technology to Iran or blockading Taiwan, our choices will be only twofold. We can declare war, which I do not advise, or we can mail them a scathing report.

Right now we have the most valuable tool. We do not have to just eliminate most-favored-nation status, we can condition it or we can reduce it. Under most-favored-nation status, for example, and I will just use these numbers for an example, not because they are accurate, a country without most-favored-nation status might face a $10 per pair tariff on tennis shoes. China, because it has most-favored-nation status this year, is entitled to bring those tennis shoes in for a $1 tariff.

We in Congress could react to anything China does that threatens the national security of ourselves or our allies by raising that tariff from $1 to $2 or $3 or $4, or eliminating all most-favored-nation status and having it go to $10.

□ 2015

We have the tools; 43 percent of all Chinese exports come to the United States, and if we can modulate that, if we can impair slightly, or more than slightly, their access to American markets, then we have an abundance of tools to deal with whatever China might do that is offensive to our national security interests.

If, instead, we grant them Most Favored Nation status forever, we lose those tools, and our choices are either war or a scathing letter.

Mr. Speaker, there is one thing on which I agree with the proponents of this agreement; it is better than the status quo. Today we have a $70 billion trade deficit with China, and this contract, this deal makes it permanent; not a real accomplishment. It is the most lopsided trading relationship in the history of life on earth, a trade deficit six times as large as our exports.

If we were to just continue what we have been doing year after year, it would be just as bad. What we have to do instead is open new negotiations with China, negotiations based on results, not process and procedure, because China is a command and control economy where the procedures are all underground and immune from American inspection.

We need an agreement with China that sets targets that says okay, now the trade deficit is $70 billion, next year we would like it to be $60 billion instead of $80 billion, and that we will modulate our tariffs up on Chinese goods, if necessary, to achieve that goal.

We hope it is not necessary. I am not a protectionist. I am not an isolationist. I hope we do not have to raise our tariffs a single cent on a single pair of tennis shoes, instead China needs to start buying goods from the United States.

If they knew that they would suffer some loss of access to the U.S. market, they would do it. The Chinese, when confronted by real tariffs or the real threat of tariffs, will find that our goods meet their needs, but if they are confronted by a deal that asks them to do nothing more than change the irrelevant regulations that they place on the top of the table and ignores the results of what happens underneath the table, then they will be laughing all the way to even larger trade surpluses with the United States.

Mr. Speaker, let me now bring up, in the waning minutes of this brief presentation, a third topic, a topic that is very important. I have only a bit to say about it, because, frankly, it is a topic that has me stumped. Let me by way of introduction mention that this is a topic that, as far as I know, has never been addressed.

It is a topic that my staff has said, BRAD, maybe you do not want to bring that up, because you will be the only one talking about it, you will look weird. It is a topic I ought to bring up, because it is one of the seminal topics. And it is only one of several seminal topics that gets no attention; by seminal topics, I mean one of the topics that really goes to where we are going as a species and what are the dangers, not only to the prosperity of the people in my district and in the country, not only to the issues we fight about here everyday, but to where we are going as humankind.

Now, there are a number of issues that rise to that level of significance that do receive significant attention: nuclear proliferation, environmental catastrophe, overpopulation; all of these threaten humankind's continued prosperous existence on this planet.

There is a fourth issue that does, I think, rise to the level where it can be included, and it is an issue really without a name; I call it the issue of engineered intelligence.

I am going to propose to this House, I hope some of my colleagues will join me, we will have dinner, we will have a drink or two, we will think this over, not maybe a drink or two, we will think over what form this bill should take, but I am planning to introduce a bill calling for the creation of a national commission on engineered intelligence.

There are several different forces coming together or scientific technologies that come under the title of engineered intelligence: First, there is biological engineering which could give us either of two huge ethical dilemmas; one is the prospect that biological engineering will allow us to design some sort of animal, perhaps starting with human DNA and going down, perhaps starting with chimpanzees' DNA and going up, but some sort of animal that is significantly more intelligent than the domestic animals that help us do our work, sheepdogs or watchdogs or seeing eye dogs, considerably smarter than the canines that help us do work, but less intelligent, less self-aware than human beings, and one wonders whether this would be an engineered slave race or just an improvement in today's pooches, a better seeing eye dog, or a sparely self-aware cognitive entity engineered by man to serve man, arguably to be enslaved by man.

Biological engineering can engineer intelligence at a level where some will argue that that entity deserves the protection of our Constitution, and others would argue that that entity is here to serve us in the same humane way that we turn to watchdogs and seeing eye dogs. Likewise, biological engineering can go beyond.

I can see, not today, but we are within 20 years or 30 years or 50 years of when biological engineering cannot only do what I just covered, but could also engineer an intelligence well beyond that of the average person, perhaps well beyond that of any human that has ever lived, and we would have to wonder, do we want our scientists to create a new species that Darwin might think is superior to our own? I do not know.

But it raises ethical issues that are going to take longer to resolve than it will take the science to get there and present those logical issues, those ethical issues to society.

One example is that Einstein a few years before World War II, together with others, brought to the attention of Franklin Roosevelt the great power or potential power of nuclear science and the nuclear bomb, and we had only a few years to consider what that would mean. The science developed more quickly than the ethics, and we had to struggle as a species to figure out, and we are still struggling to figure out what the rules are with regard to the nuclear engineering.

We need to begin thinking now of the ethics and the international agreements and the laws that are going to apply when science gets to where only science fiction is today.

Mr. Speaker, it is not just is biological engineering capable of engineering intelligence; it is also mechanical engineering. One of my friends has said that perhaps the last decision that will be made by the human race is whether our successors are the products of biological engineering or mechanical Silicon Valley engineering; whether our replacements are carbon-based or silicon-based, because I do not know whether it will be biological engineering that engineers intelligence first, or whether intelligence rivaling our own or perhaps surpassing our own will first come from silicon chips; but the same ethical issues arise.

One can imagine a thinking machine capable of spirituality. I believe there is a book that addresses that issue by that title.

One can imagine a thinking machine smarter than any computer, almost self-aware, some would argue properly used by people, others would say properly embraced as the constitutional equal of human beings. Likewise, it is possible for us through silicon engineering, through computer engineering that some day we will invent machines considerably smarter than us who may or may not regard us as their appropriate peers or masters.

I know this is science fiction, but would it not be wise to spend a few years, and a few, in the minds of a few people a lot smarter than I am trying to figure out what we would do if science begins to offer this as an alternative for human kind?

I can only mention third, nanotechnology, the idea of engineering at the molecular level, at a level where perhaps it would be hard to decide whether what we had engineered was biological or mechanical, or maybe we will see a fusion of biological and mechanical or biological and electronic engineering where a combination of silicon chips and brain cells from human DNA or brain cells from dog DNA are fused together.

I do not want to sound unusual, but the science of the future will be a little unusual. We in this Congress will not do the science, but we in this Congress should make sure that we focus the appropriate societal attention long in advance on the ethical dilemmas that will face us as engineered intelligence either approaches or surpasses our own.

Mr. Speaker, although there would be one benefit of such marvelous engineered intelligence for, perhaps if we had an engineered intelligence massively smarter than myself, maybe we would know what the right course was for the World Bank to take or what the right course was for this Congress to take on the issues I addressed earlier in this speech.

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## RECESS

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 12 of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 8 o'clock and 28 minutes p.m.), the House stood in recess subject to the call of the Chair.

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## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 11 o'clock and 45 minutes.

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## REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–624) on the resolution (H. Res. 504) providing for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

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## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. WAMP (at the request of Mr. ARMEY) for today, on account of attending a funeral.

Mr. COBURN (at the request of Mr. ARMEY) for today, on account of attending a funeral.

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## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SKELTON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mrs. MALONEY of New York, for 5 minutes, today.

Mr. SHERMAN, for 5 minutes, today.

Mr. MINGE, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. COLLINS, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, on May 24.

Mr. DUNCAN, for 5 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. KASICH, for 5 minutes, today.

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## ADJOURNMENT

Mr. GOSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 46 minutes p.m.), the House adjourned until tomorrow, Thursday, May 18, 2000, at 10 a.m.

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## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7660. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Raisins Produced From Grapes Grown in California; Final Free and Reserve Percentages for 1999-2000 Crop Natural (Sun-Dried) Seedless and Zante Currant Raisins [Docket No. FV00–989–4 IFR] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7661. A letter from the Associate Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule—Olives Grown in California; Decreased Assessment Rate [Docket No. FV00–932–1 FIR] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7662. A letter from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—Transfer and Repurchase of Government Securities [No. 2000–13] received March 27, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7663. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Cardiovascular, Orthopedic, and Physical Medicine Diagnostic Devices; Reclassification of Cardiopulmonary Bypass Accessory Equipment, Goniometer Device, and Electrode Cable Devices [Docket No. 99N–2210] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7664. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Gastoenterology-Urology Devices; Nonimplanted, Peripheral Electrical Continence Device [Docket No. 00P–1120] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7665. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Laser Fluorescence Caries Detection Device [Docket No. 00P–1209] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7666. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Hematology and Pathology Devices; Reclassification; Restricted Devices OTC Test Sample Collection Systems for Drugs of Abuse Testing [Docket No. 97N–0135] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7667. A letter from the Director, Office of Regulatory Managment and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA095–0234; FRL–6579–3] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7668. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, Ventura County Air Pollution Control District [CA095–0234; FRL–6579–3] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7669. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Hospital/Medical/Infectious Waste Incinerators State Plan For Designated Facilities and Pollutants: Idaho [Docket No. ID–02–0001; FRL–6580–6] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7670. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Elaine, Arkansas) [MM Docket No. 99–280 RM–9672] (Ringgold, Louisiana) [MM Docket No. 99–281 RM–9684] (Hays, Kansas) [MM Docket No. 99–283 RM–9711] received March 30, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7671. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Section 73.202(b) Table of Allotments, FM Broadcast Stations (Princeville, Kapaa, and Kalaheo, Hawaii) [MM Docket No. 99–139, RM–9402, RM–9412] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7672. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

7673. A letter from the Acting President, Inter-American Foundation, transmitting the Annual Performance Report for Fiscal Year 1999; to the Committee on Government Reform.

7674. A letter from the Chairman, National Capital Planning Commission, transmitting the FY 1999 Annual Performance Report; to the Committee on Government Reform.

7675. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Rule To List as Endangered the O'ahu 'Elepaio From the Hawaiian Islands and Determination of Whether Designation of Critical Habitat Is Prudent (RIN: 1018–AE51) received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7676. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Adjustments From Cape Falcon to Humbug Mountain, OR [Docket No. 990430113–913–01; I.D. 032700C] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7677. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Trawling in Steller Sea Lion Critical Habitat in the Central Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 991223349–934901–01; I.D. 021000A] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7678. A letter from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Trip Limit Adjustments [Docket No. 99123347–9347; I.D. 032700D] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7679. A letter from the Regulations Officer, FHA, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedures; Safety Fitness Rating Methodology [Docket No. FMCSA–6789 (Formerly FHWA 97–2252)] (RIN: 2126–AA43) received March 21, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7680. A letter from the General Counsel, Government Contracting, Small Business Administration, transmitting the Administration's final rule— Government Contracting Programs—received April 3, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

7681. A letter from the Director, Office of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule—Modified Eligibility Criteria for the Montgomery G.I. Bill—Active Duty (RIN: 2900–AJ69) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

7682. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability [Rev. Proc. 2000–14] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7683. A letter from the Deputy Assistant Secretary, Congressional Liaison, Program Research and Evaluation, Economic Development Administration, transmitting the annual report on the activities of the Economic Development Administration for fiscal year 1998, pursuant to 42 U.S.C. 3217; jointly to the Committees on Transportation and Infrastructure and Banking and Financial Services.

7684. A letter from the Secretary of Transportation, transmitting a draft bill, "To provide for enhanced safety and environmental protection in pipeline transportation, and for other purposes"; jointly to the Committees on Transportation and Infrastructure and Commerce.

7685. A letter from the Secretary of Transportation, transmitting a draft bill, "To authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes."; jointly to the Committees on Transportation and Infrastructure and Armed Services.

7686. A letter from the Administrator, General Services Administration, transmitting a draft bill entitled, "Federal Property Asset Management Reform Act of 2000."; jointly to the Committees on Government Reform, Transportation and Infrastructure, Ways and Means, and Resources.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. WOLF: Committee on Appropriations. H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–622). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Florida: Committee on Appropriations. Report on the Suballocation of Budget Allocations for Fiscal Year 2001 (Rept. 106–623). Referred to the Committee of the Whole House on the State of the Union.

Mrs. MYRICK: Committee on Rules. House Resolution 504. Resolution providing for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes (Rept. 106–624). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WOLF:

H.R. 4475. A bill making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

By Mr. CLAY (for himself, Mr. Martinez, Mr. Owens, Mr. Romero-Barcelo, Mr. Pastor, Mr. Clyburn, Mr. Payne, Mr. Hinojosa, Mrs. Mink of Hawaii, and Mrs. Meek of Florida):

H.R. 4476. A bill to authorize a program of assistance for partnerships between minority-serving institutions and other institutions of higher education that enable students attending minority-serving institutions to earn dual degrees and enter fields in which students from those institutions are underrepresented, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TOWNS (for himself, Ms. Waters, Mr. Dingell, Mr. Rush, Mr. Wynn, Mr. Cummings, Ms. Kilpatrick, Ms. Jackson-Lee of Texas, Mr. Hilliard, Ms. Eddie Bernice Johnson of Texas, Mrs. Meek of Florida, Mr. Ford, Ms. Carson, and Mr. Payne):

H.R. 4477. A bill to establish a Digital Bridge Trust Fund to fund programs to improve the skills and career opportunities in information technology and related fields for individuals in underserved rural and urban communities, and for Native Americans, and for other purposes; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Education and the Workforce, Transportation and Infrastructure, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ (for himself, Mr. SANFORD, Mr. DAVIS of Illinois, Ms. WATERS, Mrs. CHRISTENSEN, Mr. WYNN, and Mr. DELAHUNT):

H.R. 4478. A bill to exempt certain small businesses from the increased tariffs and other retaliatory measures imposed against products of the European Union in response to the banana regime of the European Union and its treatment of imported bovine meat, and for other purposes; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. NADLER, Mr. PACKARD, Mr. COYNE, Mr. FROST, Mrs. MEEK of Florida, and Mr. BERMAN):

H.R. 4479. A bill to provide for coverage of augmentative communication devices under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DEGETTE:

H.R. 4480. A bill to streamline and integrate the requirements for pollution related reporting to the Environmental Protection Agency; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. JOHNSON of Connecticut (for herself, Mr. CARDIN, Mr. SHAW, Mr. LEVIN, Mr. ENGLISH, Mr. MATSUI, Mr. CAMP, and Mr. COYNE):

H.R. 4481. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Ways and Means.

By Mrs. KELLY:

H.R. 4482. A bill to establish within the Office of the Inspector General of the Nuclear Regulatory Commission a unit to be charged with auditing the safety analysis and review activities of the Commission and personnel of nuclear power plants licensed by the Commission; to the Committee on Commerce.

By Mrs. MORELLA (for herself and Mrs. MALONEY of New York):

H.R. 4483. A bill to establish an Office on Women's Health within the Department of Health and Human Services, and for other purposes; to the Committee on Commerce.

By Mrs. MORELLA (for herself, Mr. BARTLETT of Maryland, Mr. WYNN, Mr. CARDIN, Mr. GILCHREST, Mr. CUMMINGS, Mr. EHRLICH, and Mr. HOYER):

H.R. 4484. A bill to designate the facility of the United States Postal Service located at 500 North Washington Street in Rockville, Maryland, as the "Everett Alvarez, Jr. Post Office Building"; to the Committee on Government Reform.

By Mr. SENSENBRENNER:

H.R. 4485. A bill to authorize appropriations for fiscal years 2001, 2002, 2003, and 2004 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mrs. WILSON:

H.R. 4486. A bill to make scholarships available to individuals who are outstanding secondary school graduates or exceptional certified leaders and who demonstrate a commitment to and capacity for the profession of teaching, in order to enable and encourage those individuals to pursue teaching careers in education at the preschool, elementary or secondary level or improve their teaching skills through further education; to the Committee on Education and the Workforce.

By Mrs. LOWEY (for herself, Mr. CLAY, Mr. PAYNE, Mr. SANDLIN, Mr. SHOWS, Mr. BALDACCI, Mr. ETHERIDGE, Mr. HINCHEY, Mr. TOWNS, Mr. RANGEL, Mr. EVANS, Mrs. MCCARTHY of New York, Mr. FROST, Mrs. MALONEY of New York, Mr. MCGOVERN, Mr. NADLER, Mr. CROWLEY, Mr. JEFFERSON, and Ms. BROWN of Florida):

H.R. 4487. A bill to provide grants to eligible consortia to provide professional development to superintendents, principals, and prospective superintendents and principals; to the Committee on Education and the Workforce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. BERRY, Mr. WYNN, and Mr. VITTER.

H.R. 207: Mr. WYNN.

H.R. 218: Mr. GIBBONS and Mrs. MCCARTHY of New York.

H.R. 230: Ms. NORTON.

H.R. 254: Mr. BARR of Georgia and Mr. KING.

H.R. 406: Mr. DICKS.

H.R. 583: Mr. HORN.

H.R. 732: Mr. ROTHMAN.

H.R. 804: Ms. SCHAKOWSKY and Mr. EVANS.

H.R. 842: Mr. BISHOP.

H.R. 846: Ms. DELAURO.

H.R. 914: Ms. DELAURO.

H.R. 1012: Mr. VITTER, Mr. LATHAM, and Mr. ISAKSON.

H.R. 1053: Ms. WOOLSEY.

H.R. 1079: Mr. LIPINSKI and Mr. BARCIA.

H.R. 1111: Mr. KLINK.

H.R. 1227: Ms. JACKSON-LEE of Texas.

H.R. 1239: Mr. RODRIGUEZ and Ms. KAPTUR.

H.R. 1303: Mr. FROST.

H.R. 1304: Mr. ENGLISH.

H.R. 1344: Mr. DICKS.

H.R. 1399: Mr. STARK.

H.R. 1461: Mrs. MCCARTHY of New York.

H.R. 1532: Mr. LIPINSKI.

H.R. 1577: Mr. HALL of Texas.

H.R. 1592: Mr. YOUNG of Alaska, Mr. CALLAHAN, Mr. GARY MILLER of California, Mr. LEWIS of California, Mr. MANZULLO, and Mr. ROYCE.

H.R. 1644: Mr. SHERMAN and Mr. SMITH of Washington.

H.R. 2000: Mr. MILLER of Florida and Ms. RIVERS.

H.R. 2021: Mr. ANDREWS.

H.R. 2060: Ms. CARSON.

H.R. 2308: Mr. SESSIONS.

H.R. 2321: Mr. ABERCROMBIE.

H.R. 2333: Mr. FROST, Mr. PASTOR, and Mr. GONZALEZ.

H.R. 2397: Mr. BACA and Mr. OBEY.

H.R. 2441: Mr. FRANKS of New Jersey.

H.R. 2494: Mr. NEY.

H.R. 2562: Mrs. CAPPS.

H.R. 2640: Mrs. EMERSON.

H.R. 2696: Mr. FRANK of Massachusetts.

H.R. 2702: Mr. ENGEL.

H.R. 2712: Mr. SERRANO, Mr. MEEKS of New York, Mr. FALEOMAVAEGA, Mr. MCGOVERN, Mr. FROST, Mr. OWENS, Mr. BRADY of Pennsylvania, Mr. FRANK of Massachusetts, and Mr. WAXMAN.

H.R. 2722: Ms. LOFGREN.

H.R. 2814: Mr. SKEEN.

H.R. 2966: Mr. TOOMEY.

H.R. 3054: Mr. DOYLE.

H.R. 3059: Mr. BOEHLERT.

H.R. 3102: Mr. HYDE.

H.R. 3144: Mr. BARRETT of Wisconsin.

H.R. 3315: Mr. GONZALEZ and Mr. PAYNE.

H.R. 3485: Mr. CANADY of Florida.

H.R. 3500: Mrs. MORELLA.

H.R. 3573: Mr. TOOMEY.

H.R. 3655: Mr. SANDERS, Mr. BISHOP, Mr. STRICKLAND, Mr. MCGOVERN, Mrs. JONES of Ohio, Mr. OBERSTAR, Mr. UDALL of Colorado, and Ms. RIVERS.

H.R. 3680: Mr. SHERMAN, Mr. CLEMENT, Mr. SESSIONS, Mr. WALDEN of Oregon, and Mr. BOEHNER.

H.R. 3688: Mr. TANNER, Mr. HOLDEN, Mr. SISISKY, Mr. BERRY, Mr. TAYLOR of Mississippi, Mr. STENHOLM, Mrs. MCCARTHY of New York, Mr. ETHERIDGE, Mr. PRICE of North Carolina, Mr. KIND, Mr. SNYDER, Mr. DOOLEY of California, Mr. SMITH of Washington, Mr. ROEMER, Mr. HOLT, Mr. KLINK, Mr. MATSUI, Mr. JACKSON of Illinois, and Mr. GUTIERREZ.

H.R. 3710: Mr. GEORGE MILLER of California, Mr. WEYGAND, Mrs. BONO, Ms. BALDWIN, Mr. WISE, Mr. KENNEDY of Rhode Island, and Mrs. MEEK of Florida.

H.R. 3766: Mr. VISCLOSKY and Mr. LARSON.

H.R. 3798: Mr. PAYNE and Mrs. MALONEY of New York.

H.R. 3825: Mr. COBURN.

H.R. 3842: Mr. JONES of North Carolina, Mr. KIND, Mr. JEFFERSON, Mr. OBERSTAR, Mr. LAHOOD, and Mr. VISCLOSKY.

H.R. 3847: Mr. MINGE.

H.R. 3865: Mr. SUNUNU.

H.R. 3909: Mr. HASTERT.

H.R. 3916: Mr. PASCRELL, Mr. ORTIZ, Mr. QUINN, Mr. DEFAZIO, Ms. SANCHEZ, Mr. GALLEGLY, and Ms. ROYBAL-ALLARD.

H.R. 3985: Mr. SCARBOROUGH, Mr. WELDON of Florida, Mr. BILIRAKIS, and Mr. MCCOLLUM.

H.R. 4033: Mr. HALL of Ohio.

H.R. 4063: Mr. HANSEN.

H.R. 4168: Mr. TANNER.

H.R. 4184: Mr. BUYER.

H.R. 4206: Ms. CARSON and Mr. JEFFERSON.

H.R. 4209: Mr. HILL of Montana, Mr. FORBES, and Mr. WATT of North Carolina.

H.R. 4214: Mr. WHITFIELD.

H.R. 4215: Mr. CONDIT.

H.R. 4233: Mr. ISAKSON.

H.R. 4239: Mr. BONIOR, Mrs. CHRISTENSEN, Mr. PAYNE, Ms. SLAUGHTER, Mr. BAIRD, and Ms. JACKSON-LEE of Texas.

H.R. 4245: Mr. TRAFICANT, Mr. SMITH of Washington, Ms. BERKLEY, Mr. WHITFIELD, Mr. DOOLITTLE, and Mr. TIAHRT.

H.R. 4257: Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. STUMP, Mr. PAUL, Mr. HALL of Texas, and Mr. BUYER.

H.R. 4268: Mr. COOKSEY and Mr. ORTIZ.

H.R. 4277: Mr. HOYER.

H.R. 4334: Mr. BROWN of Ohio and Mr. GREEN of Texas.

H.R. 4346: Mr. SKELTON, Mrs. CHRISTENSEN, Mr. HINCHEY, Mr. WAXMAN, Mr. DINGELL, and Mr. FROST.

H.R. 4357: Ms. BALDWIN, Mr. ENGLISH, Mrs. MORELLA, and Mr. BLUMENAUER.

H.R. 4393: Mr. CUNNINGHAM, Mr. BRYANT, and Mr. MORAN of Kansas.

H.R. 4398: Ms. BERKLEY.

H.R. 4463: Mr. ABERCROMBIE.

H.R. 4468: Mr. SOUDER.

H.J. Res. 77: Mr. COOK.

H. Con. Res. 275: Mr. NEY.

H. Con. Res. 307: Mr. LATOURETTE, Mr. SAXTON, Mr. BONILLA, Ms. ROS-LEHTINEN, Mr. PALLONE, Mr. BILBRAY, Ms. BROWN of Florida, Ms. SCHAKOWSKY, Mr. HINCHEY, Mr. MCDERMOTT, Mr. HOLT, Mr. WAXMAN, and Mr. SHAYS.

H. Con. Res. 322: Ms. JACKSON-LEE of Texas.

H. Res. 203: Mr. BRYANT, MR. DUNCAN, and Mr. WAMP.

H. Res. 398: Mrs. CAPPS, Mr. GALLEGLY, Mr. GEJDENSON, Ms. RIVERS, Ms. STABENOW, Mrs. LOWEY, and Mrs. MEEK of Florida.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### H.R. 4205

### OFFERED BY: MR. STEARNS

AMENDMENT NO. 2: At the end of title VII (page 247, after line 9), insert the following new section:

**SEC. 7 . STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

# SENATE—*Wednesday, May 17, 2000*

The Senate met at 9:30 a.m. and was called to order by the Honorable Wayne ALLARD, a Senator from the State of Colorado.

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father, we thank You for Your care. We can cast all our cares on You because You have shown us that You care for all our needs. Help us emulate the depth of Your caring in our relationships and responsibilities.

In a culture that has become careless, help us to really care. Seven words help us to express this character trait of caring. May we communicate to one another in word and action, "I really care about what concerns you!" Help us to truly mean that. Show us what we can do to affirm our caring for people. Whisper in our hearts the words of encouragement those around us need to hear from us.

Help us to care for our Nation and its future. May the Senators' caring for every phase of our society be an example to America. We intercede for our Nation. May there be a great crusade of caring beginning here and spreading across this land. May children see from their parents and leaders that caring is not only crucial, it is the crux of our civilization. We dedicate ourselves to caring because You care for us so consistently. Make us courageous, caring people. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable WAYNE ALLARD led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. THURMOND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
*Washington, DC, May 17, 2000.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable WAYNE ALLARD, a Senator from the State of Colorado, to perform the duties of the Chair.

STROM THURMOND,
*President pro tempore.*

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order the leadership time is reserved.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Pennsylvania is recognized.

## SCHEDULE

Mr. SPECTER. Mr. President, I have been asked to make a statement on behalf of the leader at the outset.

Today, the Senate will resume consideration of the military construction appropriations bill. Senator SPECTER will be recognized to speak for up to 30 minutes under the previous order. Following that statement, the Senate will have approximately 3 hours and 30 minutes on the Daschle and Lott amendments to the military construction appropriations legislation. Votes on those amendments are scheduled to occur at approximately 1:30 p.m.

It is the intention of the leader to complete action on the military construction appropriations bill during today's session, with the hope of beginning consideration of the foreign operations appropriations bill no later than Thursday.

Senators can anticipate votes throughout the day and throughout the remainder of the week.

## MEASURES PLACED ON THE CALENDAR—S. 2557 and S. 2567

Mr. SPECTER. Mr. President, I understand there are two bills at the desk due for their second reading. I make that statement on behalf of the leader.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title.

The legislative clerk read as follows:

> A bill (S. 2557) to protect the energy security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.
>
> A bill (S. 2567) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

Mr. SPECTER. Mr. President, on behalf of the leader, I object to further proceedings on these bills at this time.

The ACTING PRESIDENT pro tempore. Under the rule, the bills will be placed on the calendar.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of the S. 2521, which the clerk will report by title.

The bill clerk read as follows:

> A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense, for the fiscal year ending 2001 and for other purposes.

Pending:

> Daschle amendment No. 3148, to express the sense of the Senate with regard to the Million Mom March and gun safety legislation.
>
> Lott amendment No. 3150, to express the sense of the Senate with regard to the second amendment of the U.S. Constitution, the enforcement of Federal firearms laws, and the juvenile crime conference.

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be 4 hours of debate equally divided between the two leaders or their designees for the purpose of debating the Daschle amendment No. 3148 and the Lott amendment No. 3150.

Under the previous order, the Senator from Pennsylvania, Mr. SPECTER, is recognized to speak for up to 30 minutes.

## NORMAL TRADE RELATIONS FOR THE PEOPLE'S REPUBLIC OF CHINA

Mr. SPECTER. Mr. President, I thank the leader for entering the order giving me 30 minutes for a statement this morning. I have sought that time to speak on what I believe to be one of the most important issues which will be presented to the Congress this year; that is, the issue of permanent normal trade relations for the People's Republic of China.

The Senate is scheduled to take up this issue sometime next month, depending upon what the House of Representatives does. The House of Representatives is scheduled to consider this matter next week. I thought it appropriate to make this statement at this time, to give my views on important issues of weapons of mass destruction and nuclear proliferation, insights which I gained, in large part, from serving on the Senate Intelligence Committee for some 8 years, including 2 years as chairman during 1995 and 1996, and other insights on related matters which I have seen in my capacity as chairman of the Judiciary subcommittee on oversight of the Department of Justice.

My own record has been that of a strong free trader. I have supported NAFTA, the North American Free Trade Agreement. I have supported free trade with the Caribbean nations. I supported, last week, free trade with the African nations. I believe the long tugs and pulls of the economy, both domestic and international, strongly support the notion of free trade.

But I am opposed, strongly opposed to granting permanent normal trade relations to the People's Republic of China because of their record on nuclear proliferation, of weapons of mass destruction, because of their record on human rights, and because the executive branch, the administration, has not imposed sanctions as required by law to stop or inhibit such nuclear proliferation but, in fact, has taken affirmative action to grant waivers. So it is necessary for Congress to exercise our constitutional responsibility of checks and balances and congressional oversight of the executive branch, to see to it the national interest is preserved.

The Congress has authority under the Constitution. There are some constitutional inhibitions which prohibit the Congress from delegating that authority to the executive branch. I am not necessarily saying that permanent trade with China would be such an unconstitutional delegation, but at the very minimum it is an unwise delegation, based on this state of the record, based on the necessity to impose restraints on conduct of the People's Republic of China, not only as to human rights—fundamental, important human rights—but of greater magnitude, the threat to international peace through their proliferation of weapons of mass destruction.

During my tenure on the Intelligence Committee I saw many instances of the People's Republic of China supplying rogue nations, nations which constitute a threat to world order, with weapons of mass destruction.

For example, the People's Republic of China provided M–11 missiles to Pakistan back in 1992. Those missiles, now armed with nuclear warheads, are pointed at India, creating a nuclear threat to the subcontinent, the possibility of a nuclear exchange between India and Pakistan, and threatening world peace.

The People's Republic of China has assisted North Korea's missile program by providing specialty steel, accelerometers, gyroscopes, and precision grinding machinery. The People's Republic of China is providing assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel which is useful for designing missiles and cooperating in the development of Libya's Al Fatah missile which has a range of some 600 miles, threatening peace and stability in that area.

The People's Republic of China has helped Pakistan, Iran, North Korea, and Libya in a way which is very destabilizing.

What has been the reaction of the Clinton administration to these issues? The transfer of M–11 missiles to Pakistan falls under category 1 of the Missile Technology Control Regime, which is set up to establish gradations in seriousness of violations. That is category 1.

The 1991 National Defense Authorization Act mandates the President to deny for not less than 2 years certain licenses, and we find not only has the President not taken those steps on sanctions, but has, in addition, moved ahead and granted affirmative waivers to facilitate developing China's ballistic missile capability. Those waivers were granted in a celebrated case on the application of Loral Space and Technology.

A series of events, beginning in 1992, involving both Hughes and Loral demonstrates a very serious problem on transmitting to the People's Republic of China high-level technology.

On December 21, 1992, a Chinese Long March 2E rocket carrying a Hughes manufactured satellite crashed shortly after takeoff. Without attaining the required State Department license, the Hughes personnel engaged in a series of discussions with Chinese officials, giving them very important information.

On January 26, 1995, a Chinese Long March 2E missile carrying another Hughes satellite exploded approximately 50 seconds after takeoff. A 1998 State Department assessment showed that, "Hughes directly supported the Chinese space program in the areas of [accident analysis] . . . ."

The Cox committee reviewed these matters and called for a very detailed investigation as to what had actually occurred.

On February 15, 1996, the People's Republic of China's Long March 3B missile exploded with a communications satellite on board built by Loral. Following these explosions, Loral and Hughes transmitted to the People's Republic of China their assessments of why the rockets failed. The assessments required a prior license from the Department of State which had not been obtained.

In May 1997, a classified Department of Defense report concluded that Loral and Hughes significantly enhanced the guidance and control systems of the People's Republic of China's nuclear ballistic systems. As a result of the Department of Defense report, the U.S. Department of Justice began a criminal investigation of Loral and Hughes. Then Loral applied for a waiver from the Clinton administration to launch another satellite from a Chinese rocket.

The Department of Justice weighed in and objected to a Presidential grant of a waiver on the ground that such a waiver would have "a significant adverse impact on any prosecution that might take place based on a pending investigation of export violations by Loral."

Notwithstanding the very serious issue of China having sold M–11 missiles to Pakistan creating a threat of nuclear war, notwithstanding the fact that Loral and Hughes gave an assessment to China which significantly enhanced their nuclear capability system, notwithstanding the fact that there was a criminal investigation pending by the Department of Justice, notwithstanding the fact that the Department of Justice objected to the grant of a waiver on the ground that it would have an adverse impact on their criminal investigation potential prosecution, the President on February 18 of 1998 granted the waiver.

What are we to make of all of that, and why, in fact, was the waiver granted? A preliminary investigation has shown that in an early memorandum in January of 1998 from the National Security Adviser, there was a reference to a State Department concern about transfers by the People's Republic of China to Iran of C–802 antiship cruise missiles. That was a January 1998 draft memorandum from National Security Adviser Samuel R. Berger to the President.

When the final memorandum was submitted to the President by Mr. Berger on February 12, 1998, that important warning was dropped. The earlier memorandum had contained language of the importance of an expedited waiver because Loral was in the process of losing money. Isn't it curious that emphasis is placed upon Loral's financial situation while an important factor about the PRC's furnishing key weaponry to Iran is excluded in the final memorandum?

The decision by the President to grant that waiver is further suspect because the chief executive officer of Loral, Mr. Bernard Schwartz, had made a contribution to the President's campaign of some $1.5 million, and the chief executive officer of Hughes, Mr. C. Michael Armstrong, was the chairman of the President's export council actively lobbying on these issues, raising a very serious issue of a potential conflict of interest.

In the face of activity of this sort, it is my view that it is indispensable that the Congress maintain close oversight on what the executive branch is doing. It is my view that it is indispensable for Congress to maintain close oversight on the effort by the administration now to grant permanent normal trade relations with the People's Republic of China.

The preferable course, by far, in my view, is for Congress to make a year-by-year analysis as to what is happening so we can exert the maximum pressure on the People's Republic of China and not delegate to the President broader authority to initiate action which will grant permanent trade status to China so there is no opportunity for the Congress to impose leverage to try to secure China's compliance with their international commitments.

As a result of the large campaign contribution, $1.5 million from Mr. Schwartz, the special counsel retained by the Department of Justice to evaluate the campaign finance issue, Charles LaBella, recommended to the Attorney General that an independent counsel be appointed.

One of the reasons cited by Mr. LaBella for the need for independent counsel was the contribution made by Mr. Schwartz. That reason, among many other reasons, was forwarded by Mr. LaBella to the Attorney General, along with a strong recommendation by the Director of the FBI that independent counsel be appointed. Notwithstanding those strong recommendations, the Attorney General declined to appoint independent counsel on a complex subject which has been the matter of extensive hearings by the Judiciary subcommittee, which I chair, on Department of Justice oversight.

It is an extraordinarily difficult matter to pursue the executive branch to find the facts so the Congress can exercise its constitutional responsibility and authority on oversight.

Notwithstanding a subpoena issued by the Judiciary Committee calling for the production of the LaBella report, the report by FBI Director Freeh, and other reports, and all related documents, returnable on April 20, to this day the Department of Justice has not complied with that subpoena.

A hearing was held where Mr. LaBella testified about his recommendation for the appointment of independent counsel, including his view—hypothetically stated during the course of the hearing—that there should have been an investigation of Mr. Schwartz, and that where a potential quid pro quo was involved—those were Mr. LaBella's words; and the language of a quid pro quo is the equivalent of bribe language—with the allegation of a bribe, that the President should be investigated as well. Yet no independent counsel was appointed.

The Judiciary subcommittee on oversight is pursuing the documents, is pursuing the testimony of FBI Director Freeh. It has recently been disclosed that there are other documents which the Department of Justice has not provided, notwithstanding the return date is almost 1 month old—April 20 to today, May 17—so there will be an application on tomorrow's Judiciary Executive Calendar for a contempt citation as to the Department of Justice.

The subpoena is issued; some documents are returned; other documents are not returned; the full scope of the subpoena is ignored. We are trying to find out what happened on many matters, including the grant of a waiver to Loral. It is a long, hard chase to pursue the executive branch.

On these stated facts, the question arises inevitably: Is the Clinton administration to be trusted? I am not prepared yet to respond to that question because our investigation is not complete. But I am prepared to say that it is devilishly difficult to pursue the oversight function, that the Senate, the Judiciary Committee, the Judiciary subcommittee, have been led on a merry, meandering chase trying to find answers, trying to find documents, trying to corral witnesses to find out what actually happened in these matters.

So when Congress has the authority to decide on normal trade relations as to China, on a year-by-year basis, we ought not to give up that very important, that very powerful prerogative. We ought not to give up on the recommendation of the Clinton administration that China should have it. We ought not to give it to China in the face of their flagrant record of the proliferation of weapons of mass destruction, and in the face of the flagrant record by the Clinton administration of not acting with sanctions but even granting affirmative waivers to facilitate the development of Chinese capability for ballistic projection.

I believe there is substantial evidence that the People's Republic of China will respond to pressure and to leverage. When we talk about the sanctions, we are talking about something which is really in the hands of the executive branch. But when we talk about granting permanent normal trade relations, that is a power which is in the hands of the Congress. It is very difficult—really impossible—for the Congress to legislate with sufficient specificity to compel the executive branch to impose sanctions.

Some of my colleagues are talking about additional legislation. But at the end of every line of public policy, at the end of every line of sanctions, at the end of the rainbow, every time we take up these issues, there is an inevitable grant of authority to the President, as Chief Executive Officer, to grant a waiver under certain circumstances for national security reasons.

It is not practical for the Congress to put into place—or at least we have never been able to do it—a set of circumstances which can be predetermined to anticipate every eventuality, to mandate it without giving that kind of discretion to the President. That is why, where we have independent authority, such as granting permanent normal trade relations to China, we ought not to give it up.

When we talk about the issue of trusting the administration, trusting the executive branch, I am reminded of President Reagan's comment when dealing with the Soviet Union. There was a lot of wisdom in his comment about "trust, but verify"—"trust, but verify"—deal with the Soviet Union, make arrangements with the Soviet Union, but verify to see that it is carried out.

There may well be an inherent institutional distrust built into the Constitution with the requirement of oversight and with the requirement of checks and balances. Perhaps "institutional distrust" is a little strong. But in the context of this record, with what China has done, with what Loral has done, to have a waiver granted under these circumstances certainly requires that there be a determination, at the very minimum, on the part of Congress that if we are to trust, we ought to verify, and we ought not to give up any of our powerful weapons to see to it that the People's Republic of China does not proliferate weapons of mass destruction.

In reviewing the efficacy of sanctions, in reviewing the desire of China to have normal trade relations, there was a case involving a librarian from Dickinson College in Carlisle, PA, last year which bears on this issue suggesting that China does respond to pressure, does respond to leverage.

The librarian, Yongyi Song, was within 1 month of being sworn in as a naturalized U.S. citizen, having lived in Pennsylvania for some 10 years, prior to the time that he and his wife Helen took a trip to China last August to study the Cultural Revolution. He is a very distinguished Chinese scholar.

In August, he was taken into custody by the People's Republic of China on trumped up charges. His wife similarly was taken into custody. She was released. But he remained in custody and on Christmas Eve was charged with a very serious crime.

The family came to me, the college came to me, and with a large number of Senate cosponsors, I filed a resolution seeking the immediate release of Yongyi Song on the grounds that he was being detained improperly, illegally, without regard to basic standards of decency and criminal justice protocol.

I had a meeting with the Chinese ambassador, and ultimately Yongyi Song was released. There is good reason to believe that the pressure, the leverage had some effect on what activity was taken by the People's Republic of China.

The condition of normal trade relations with the United States is an item which is very highly prized by the People's Republic of China.

And it is one which we ought to maintain in reserve to evaluate their conduct on a year-by-year basis. It is my view that when you deal with the question of weapons of mass destruction, and when China arms Pakistan, and when China arms Libya, and when China arms Iran, when China arms North Korea, those are matters of much greater consequence than the dollar profit to be gained by greater trade with China.

When people say, "If we don't sell it, somebody else will," I respond to that comment emphatically by saying we ought not to sell it. We ought to take a leadership role in the world to try to persuade our allies not to sell it either because the almighty dollar is not worth the risk we run by giving China a free hand to proliferate weapons of mass destruction. If we are to take a cost-benefit ratio relationship, taking a look at our $300 billion defense budget, and apportioning a part to what we have to do with the 7th Fleet in the Taiwan Strait when the People's Republic of China threatens Taiwan and a test missile drops there in their bullying efforts, considering what we have to do by way of defensive efforts, it is a bad deal in dollars and cents for whatever profit we may gain with our trade with the People's Republic of China.

Mr. President, the question of human rights is a very important one. The record in China has been deplorable. We have utilized the trade issue to try to impose leverage on China, to try to persuade them to improve their human rights. It is a complex conclusion as to whether, on that issue alone, the people of China might be better off with expanded trade, which would improve the quality of life and living in China, which might move them along the road to democratization which, in the long run, might have an overall beneficial affect on human rights in China. And on a year-by-year basis, I have supported granting most-favored-nation status. In light of the developments on the proliferation of weapons of mass destruction, I am not sure that even that ought to be done on a year-by-year basis. When we take a look at the violation of human rights, including religious persecution by the People's Republic of China, it is deplorable.

Last September, police instructed 12 underground Catholic Church leaders in Wenzhou to go to a hotel where they were pressured to join the official Catholic Church. On October 18, last year, police disrupted services at two of Guangzhou's most prominent house churches. One of the pastors, Li Dexian, and his wife were detained, and his church was ransacked by the police. On August 24, 1999, 40 house church members were arrested, and the church leaders were sentenced to 1 to 3 years in a reeducation-through-labor camp. Other items are cited, which I will have introduced into the RECORD at the close of my statement.

The issue of religious persecution in China is overwhelming. In 1997, I introduced S. 772, the Freedom From Religious Persecution Act, and later joined with Senator NICKLES in structuring legislation, which became law on October 27, 1997, the International Religious Freedom Act of 1998.

I make reference to that during the course of these remarks to point out the problems of violation of human rights. It happens again and again and again—repressive action taken by the People's Republic of China. That is a factor which should weigh heavily in our consideration of granting of trade relations to the People's Republic of China.

When I visited the Ambassador, talking about the case of the Dickinson librarian, I received a lecture about not meddling in internal Chinese affairs. I responded with a short lecture of my own about human rights and about the appropriate process of decency in dealing with criminal matters as a matter of balance, noting that we in the United States have great respect for the 1.2 billion people in China. The Ambassador quickly corrected me, pointing out that there are 1.250 billion people in the People's Republic of China. I overlooked 50 million, and perhaps the number had grown during the course of our conversation. There is no doubt that China is the upcoming colossus of the world, the dominant power, and that we are going to have to be very, very careful.

In conclusion—perhaps the two most popular words in any speech—I believe that we have to give very sober consideration to the totality of our relationship with the People's Republic of China. In commenting about a nation of 1.250 billion people, with their potential, it is no doubt that they are becoming a superpower, if they are not already a superpower. They may become the dominant superpower with that kind of a population. When they are throwing their weight around by selling weapons of mass destruction to the likes of North Korea, Libya, and Iran, and selling missiles to Pakistan, which threatened world peace with the nuclear exchange between Pakistan and Iran, the United States ought to retain all the leverage and pressure that it can.

The facts are that we cannot rely upon the Clinton administration to do that. It may be that, institutionally, we cannot rely upon any administration to do that and, institutionally, the Constitution gives oversight authority to the Congress, and the checks and balances in the Constitution require that we maintain leverage and see to it that the national interests of the United States are maintained. That is a constitutional responsibility of the Congress. And it is in that context, from what I have seen on proliferation as chairman of the Senate Intelligence Committee and the dereliction I have seen in my chairmanship of the oversight committee of the Department of Justice, that I urge my colleagues to vote against the granting of permanent trade relations to the People's Republic of China.

My eight years on the Senate Intelligence Committee including the chairmanship in 1995 and 1996 and my current chairmanship of the Judiciary Subcommittee on Department of Justice oversight have convinced me that the People's Republic of China (PRC) threatens world peace by flagrantly proliferating weapons of mass destruction to countries like Pakistan, North Korea, Iran and Libya.

The Clinton Administration has not only deliberately refused to impose mandated sanctions but has also granted unwarranted waivers facilitating technology transfers to enhance the PRC's missile capabilities. As noted in the New York Times article entitled "Clinton Argues for 'Flexibility' Over Sanctions" on April 28, 1998, President Clinton admitted that U.S. sanction laws have put "enormous pressure on whoever is in the Executive Branch to fudge an evaluation of the facts of whatever is going . . ."

Congress should assert its constitutional oversight and checks and balances on Executive Branch excesses by retaining annual review of trade with China to influence the PRC to honor its non-proliferation obligations and conform to fundamental standards of civility and decency in the community of nations.

With regards to the PRC and matters of proliferation, the essential facts are:

According to the unclassified extract of the classified National Intelligence Estimate of September 1999, the PRC sold M-11 missiles to Pakistan in November 1992, which are now pointed at India armed with nuclear weapons causing or contributing to the threat of nuclear war between those two countries.

The PRC has supplied Iran with ballistic and cruise missiles and technology for chemical, biological and nuclear weapons, according to a report by the Congressional Research Service entitled "Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues," dated April 13, 2000.

PRC has assisted North Korea's missile program by providing specialty steel, accelerometers, gyroscopes, and precision grinding machinery, as also noted in the "Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues" CRS report.

The PRC is providing assistance to Libya's long-range missile program by assisting in the building of a hypersonic wind tunnel which is useful for designing missiles, and cooperating in the development of Libya's Al Fatah missile, which has a range of 600 miles, according to the CRS report entitled "Chinese Proliferation of Weapons of Mass Destruction: Current Policy Issues."

The PRC's transfer of M–11 missiles to Pakistan falls under Category I of the Missile Technology Control Regime (MTCR). According to the U.S. Department of State Bureau of Nonproliferation, Category I of the MTCR applies to "complete missile systems, as well as major systems . . ." as noted in the February 8, 2000 Fact Sheet entitled "Missile Technology Control Regime (MTCR)."

Where there has been a Category I violation, the 1991 National Defense Authorization Act (Public Law 101-510) mandates the President to deny, for a period of not less than two years, licenses such as the licenses for the technology transferred to the PRC by Hughes Space and Communications, Inc. and Loral Electronics to the PRC, as specified herein.

On December 21, 1992, a Chinese Long March 2E rocket carrying the Hughes-manufactured Optus B2 Satellite crashed shortly after takeoff. Without obtaining the required State Department license, Hughes personnel engaged in a series of discussions with Chinese officials in 1993 and 1994 regarding improvements in the fairing (nose cone) of the Long March 2E rocket which resulted in changes. These events were clearly outlined in Volume II of the Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the People's Republic of China, also known as the Cox Report.

On January 26, 1995, a Chinese Long March 2E rocket carrying the Hughes Apstar 2 satellite exploded approximately 50 seconds after takeoff. A 1998 State Department assessment concluded that, in working with the Chinese to address the cause of the failure, "Hughes directly supported the Chinese space program in the areas of anomaly analysis/accident investigation, telemetry analysis, coupled load analysis, hardware design and manufacturing, testing, and weather analysis," as noted in the Cox Report.

The Cox Committee reviewed the Hughes launches and failure analysis and concluded that further inquiry should be conducted to determine: first, that the kind of information that may have been passed to the PRC beyond what has been revealed by Hughes; second, the application, if any, of coupled loads analysis to improving PRC ballistic missiles; and third, the likelihood that the PRC will in fact incorporate this know-how into their future missile and space programs.

Additionally, I was informed in a letter from Wilma Lewis, United States Attorney for the District of Columbia on May 10, 2000, that the Department of Justice, including the U.S. Attorney's Office for the District of Columbia, has undertaken a criminal investigation of the 1995 failed launch as part of an investigation of a 1996 launch failure analysis involving both Loral and Hughes, but no prosecution decisions have been made even though the statute of limitations has expired on the January 26, 1995 launch and crash.

As outlined in the Cox Report, on February 15, 1996, the PRC's Long March 3B missile exploded with a communication satellite on board which was built by Loral. Following this explosion, Loral and Hughes transmitted to the PRC their assessments of why the rockets failed which assessment required a prior license from the State Department. As noted in the Cox report, in May, 1997, a classified Department of Defense report concluded that Loral and Hughes significantly enhanced the guidance and control systems of the PRC's nuclear ballistic missiles.

Following the DoD Report, the Department of Justice began a criminal investigation of Loral and Hughes. Then, Loral applied for a waiver from the Clinton Administration to launch another satellite from a Chinese rocket.

Bernard Schwartz, Chief Executive Officer of Loral, contributed approximately $1,500,000 to President Clinton's 1996 campaign. C. Michael Armstrong, Chairman of Hughes, who lobbied the Administration against sanctions and for expansion of satellite exports to China, had a potential conflict of interest from his contemporaneous service as Chairman of the President Clinton's Export Advisory Council.

A January 1998 draft memorandum from National Security Samuel R. Berger to the President regarding the Loral waiver included the issue of the PRC transfers to Iran of C–802 anti-ship cruise missiles. The Internal State Department correspondence dated December 3, 1997 noted that: "In light of our ongoing review of China's transfers to Iran of C–802 missiles, you should be aware that if a determination were made triggering sanctions under the Iran-Iraq Nonproliferation Act, the sanctions might prohibit the export of satellites licensed but not yet exported."

The final memorandum from Mr. Berger to the President on February 12, 1998 did not include the concerns of the Department of State regarding the PRC's transfers to Iran.

As clearly noted in Maureen Tucker's memorandum for Samuel Berger, entitled "Request for Presidential National Interest Waiver for Chinasat–8 Communications Satellite Project," of January 30, 1998, the Department of Justice through a Deputy Assistant Attorney General, objected to a presidential grant of that waiver on the grounds that "a national interest waiver in this case could have a significant adverse impact on any prosecution that might take place based on a pending investigation of export violations by Loral," according to the memorandum for the President from Samuel L. Berger, Larry Stein, and Daniel K. Tarullo entitled "Request for Presidential National Interest Waiver for Chinasat 8 Communications Satellite Project," dated February 12, 1998.

As I was informed in a letter from Wilma Lewis, United States Attorney for the District of Columbia on May 10, 2000, Main Justice, in collaboration with the U.S. Attorney's Office in the District of Columbia, has been investigating the Loral/Hughes matters for three years with only two, sometimes one, attorney(s) assigned to the case.

On May 4, 2000, the Judiciary Subcommittee requested a briefing from Mr. Berger, and was later advised that he would not be available until June 13th. By letter dated May 11, 2000, the Judiciary Subcommittee requested the briefing before Mr. Berger's scheduled departure from the United States on May 16th so the briefing would occur before the Congressional votes on PNTR. The request was rejected.

Without drawing any conclusions at this stage, questions are obviously raised by the long delays in the Department of Justice investigation of Hughes and Loral, including allowing the statute of limitations to run on the January 26, 1995 explosion of the Hughes satellite, the limited resources devoted to the Hughes/Loral investigation and the issue of possible undue influence by Mr. Schwartz or Mr. Armstrong. A further question arises as to whether the delays by the Clinton Administration seek to defer answers on these sensitive issues until after the PNTR Congressional votes.

Perhaps the Department of Justice will satisfactorily answer these questions even though the Attorney General rejected the recommendation of Charles G. LaBella, Esquire, for the appointment of Independent Counsel on the President and Mr. Schwartz on Mr. Schwartz's contribution. If not, Congressional oversight should seek answers including Mr. Berger's decision to omit the Department of State concerns on the PRC transfers to Iran of C–802 anti-ship cruise missiles from the final memorandum to the President.

Even without answers to those questions, the record is clear that the PRC has been guilty of proliferation of weapons of mass destruction and the Clinton Administration has not only not acted to stop that proliferation, but has assisted with the grant of the Loral waiver.

For those who look to profits from increased trade with the PRC, what is the cost/benefit ratio of building, maintaining and sending the 7th Fleet to the Taiwan Strait with the added profits from increased China trade? As a matter of basic morality, the U.S. should not engage in such a balancing test or even consider rewarding the PRC's aggressive tactics. But to those who look to trade profits, let them draw the balance sheet and apportion the appropriate part of the $300 billion Defense budget to the PRC's threat to Taiwan. While hard to calculate, it very likely costs U.S. taxpayers a great deal more than U.S. consumers would benefit from cheaper Chinese goods. But, more importantly, it is not the right thing to do.

HUMAN RIGHTS VIOLATIONS

For decades, the PRC has violated human rights illustrated by the Tiananmen Square massacre. In voting, I have supported extending the PRC's NTR status on a year by year basis in the past. In doing so, I have weighed the potential long-range benefits to the people of China from NTR status with a view that as China prospered and moved toward democracy, there would be a concomitant improvement of human rights. That improvement, in my opinion, depends upon continuing pressure and leverage on the Chinese government.

I saw this firsthand from my experience with a constituent, Mr. Yongyi Song, a librarian at Dickinson College in Carlisle, Pennsylvania. Mr. Song had resided in Carlisle for approximately ten years and was due to be sworn in as a United States citizen in September, 1999 when he and his wife, Helen, took a trip last August to the Peoples Republic of China where he intended to pursue his studies of the cultural revolution. On August 7, 1999, Mr. and Mrs. Song were arrested and detained without cause. Mrs. Song was released on November 16, 1999. On Christmas Eve, Mr. Song was charged with "purchase and illegal provision of intelligence to persons outside China" without any foundation.

At the request of the Song family and Dickinson College officials, I filed a resolution with eight Senate co-sponsors expressing the sense of the Congress that, the Government of the People's Republic of China should immediately release from prison and drop all criminal charges against Yongyi Song, and should guarantee in their legal system fair and professional treatment of criminal defense lawyers and conduct fair and open trials. I then sought a meeting with Chinese Ambassador Li Zhaoxing which was scheduled for 11:30 am on Friday, January 28, 2000. Earlier that morning I heard a rumor that Dr. Song was being released.

My meeting with Ambassador Li Zhaoxing was pleasant and cordial although each of us expressed our views in direct blunt terms. Ambassador Li Zhaoxing objected to U.S. protests on Mr. Song and other human rights issues on the ground that we were meddling in China's internal affairs. I countered that Mr. Song was entitled to the protection of the United States government and that human rights were a universal matter so that our intervention did not constitute officious meddling in their internal affairs. When I commented that we had great respect for the power of China with 1,200,000,000 people, I was promptly corrected by Ambassador Li Zhaoxing that the correct figure was 1,250,000,000 people with the Ambassador losing no time in telling me the rapid growth of China's increasing power.

On the Senate floor, I argued that the People's Republic of China should have to observe minimal standards of decency and civility if China wished to gain the benefits of membership in the world community including permanent trade status and membership in the World Trade Organization. In my opinion, the leverage from the Senate resolution and China's interest in membership in the World Trade Organization or Normal Trade Relations status were instrumental in securing the release of Mr. Yongyi Song.

Another area of serious human rights abuse in China that has been brought to my attention in recent years is the persecution of Christians and other religious minorities. The PRC officially permits only two recognized Christian denominations—one Protestant and one Catholic—to operate openly. As a result, unapproved religious groups, including all other Protestant and Catholic groups, experience repression and persecution by the government of the PRC.

In the past year, religious services were forcibly broken up and church leaders and followers were fined, detained, and imprisoned. For instance, in September 1999, police instructed 12 underground Catholic church leaders in Wenzhou to go to a hotel, where they were pressured to join the official Catholic church. On October 18, 1999, police disrupted services at two of Guangzhou's most prominent house churches. One of the pastors, Li Dexian and his wife were detained, and his church was ransacked by the police. On August 24, 1999, 40 house church members were arrested, and the church leaders were sentenced to 1 to 3 years in a reeducation-through-labor camp.

In an effort to combat such religious persecution in China and other countries around the world, I introduced S. 772, the "Freedom from Religious Persecution Act" in May, 1997. The following Spring, I worked with Senator NICKLES to produce the text of S. 1868, the "International Religious Freedom Act of 1998" which became law in October 27, 1998 and required, among other things, that the State Department issue an annual report on religious freedom around the world. The first State Department report on religious persecution was issued in September, 1999, and it listed China as one of the "most repressive nations."

Another area of great concern to me is the Chinese system of criminal justice. Although the Chinese legal system was significantly reformed in 1997, on paper, the PRC has not fully implemented these reforms. The judicial system in many cases denies criminal defendants basic legal safeguards and due process. For example, defendants continue to be subjected to torture, forced confessions, arbitrary arrest and prolonged detention. Police often use loopholes in the law to circumvent a defendant's right to seek counsel. Furthermore, lawyers who try to defend their clients aggressively often are harassed or detained by police and prosecutors. For example, on January 6, 2000 the New York Times reported on the case of Liu Jian, a criminal defense attorney, who was detained in July 1998. After defending a local official charged with taking bribes, Liu was charged with "illegally obtaining evidence" and was detained for 5 months. He eventually pled guilty in exchange for a light sentence, but his criminal record prevents him from practicing law.

There are virtually daily media reports of additional PRC's human rights violations. For example, a front page New York Times story on May 8, 2000 reports Chinese leaders criticizing prominent academics and forbidding or punishing newspapers from running their articles. The same edition of the New York Times reports forcing changes in Princeton's language program because of a critical essay in the Beijing Social Science Journal.

CONCLUSION

The record of the Clinton Administration's winking at the PRC's flagrant proliferation violations, in conjunction with Congress's constitutional responsibility for oversight and checks & balances of Executive Branch excesses calls for our retaining annual review of trade relations with China.

Ignoring obvious facts which mandate sanctions calls into question many U.S. laws on sanctions and adherence to the rule of law generally, leaving critical questions of national security to presidential "fudging". The frequently heard plea "if we don't sell it to them, someone else will" should be forcefully met with U.S. policy not to sell and U.S. leadership to persuade other nations not to sell to rogue countries.

The record does show that the PRC responds to pressure to achieve highly-prized trade relations with the United States. Accordingly, we should use PNTR to influence the PRC to honor its international obligations not to proliferate and to conform to fundamental standards of civility and decency of the international community of nations.

Mr. President, I ask unanimous consent that a press release I issued yesterday be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SENATOR SPECTER OPPOSES PERMANENT NORMAL TRADE RELATIONS WITH CHINA

In a Senate floor statement scheduled for May 17, 2000, Senator Arlen Specter announced his intention to vote against Permanent Normal Trade Relations (PNTR) with the People's Republic of China (PRC) and urged his Congressional colleagues to do the same.

Senator Specter based his opposition to PNTR on China's flagrant proliferation of weapons of mass destruction and the Clinton Administration's (1) refusing to impose mandated sanctions and (2) granting a waiver to enhance China's missile capabilities, plus the PRC's deplorable record on human rights.

Senator Specter cited:

(1) The PRC's sales of weapons of mass destruction to Pakistan, North Korea, Iran and Libya.

(2) The PRC's sale of M–11 missiles to Pakistan, which are now pointed at India threatening nuclear war on the sub-continent, was a Category 1 infraction mandating sanctions to preclude licensing of technology such as that transferred by Loral and Hughes to the PRC.

(3) Without obtaining the required license from the State Department, Loral and Hughes provided information to the PRC on a missile explosion which the Department of Defense concluded significantly enhanced the PRC's nuclear ballistic missiles.

(4) After the Department of Justice initiated a criminal investigation of Loral and Hughes for those disclosures to the PRC, Loral applied for a Presidential waiver to launch another satellite from a Chinese rocket.

(5) Notwithstanding a DoJ objection that a presidential waiver would have a "significant adverse impact on any prosecution", President Clinton granted the waiver.

Noting President Clinton's close relationship to CEOs from Loral and Hughes and the President's admission that there was "enormous pressure * * * to fudge the facts * * *" on sanction laws, Senator Specter concluded that Congress should assert its Constitutional oversight and checks & balances on Executive Branch excesses by retaining annual review of trade with China.

Senator Specter served eight years on the Senate Intelligence Committee including the chairmanship in 1995-96 and currently chairs the Judiciary Subcommittee on Department of Justice.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001—Continued

Mrs. MURRAY. I yield 15 minutes to the Senator from California to speak on the Daschle amendment that is before the body this morning.

The PRESIDING OFFICER (Mr. L. CHAFEE). The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I want to use my 15 minutes to do three things. The first two are to debunk certain myths that the National Rifle Association has developed. The first is the myth they have developed with respect to the second amendment to the Constitution. Second is the myth that the gun laws are not being enforced. The third item I would like to discuss is the juvenile justice bill that has been awaiting conference now for about a year.

Let me begin by talking about the NRA claim that the second amendment to the Constitution gives every individual the right to own any kind of weapon, no matter how powerful or deadly:

> From the Derringer to a Bazooka. From the .22 to .50 caliber weapon. From a revolver that holds 5 bullets to weapons of war with drums of 250 rounds. From the copper jacketed bullets to the black talon that rips apart organs as it passes through a body.

The fact of the matter is that the Supreme Court has never struck down a single gun control law on second amendment grounds. Let me just quickly read to you the second amendment. It says:

> A well-regulated militia, being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

Contrary to the constant claims of the NRA, the meaning of the second amendment has been well-settled for more than 60 years —ever since the 1939 U.S. Supreme Court ruling in United States v. Miller. In that case, the defendant was charged with transporting an unregistered sawed-off shotgun across state lines.

In rejecting a motion to dismiss the case on second amendment grounds, the Court held that the "obvious purpose" of the second amendment was "to assure the continuation and render possible the effectiveness" of the State militia. Because a sawed-off shotgun was not a weapon that would be used by a state militia—like the National Guard—the second amendment was in no way applicable to that case, said the Court.

More than 40 years after the 1939 Miller case, in the 1980 case of Lewis v. United States, the Supreme Court again held that "the Second Amendment guarantees no right to keep and bear a firearm that does not have 'some reasonable relationship to the preservation or efficiency of a well regulated militia.'" Again, the Court pointed to the militia as the key to the right to keep and bear arms.

Since Miller, the Supreme Court has addressed the second amendment twice more, upholding New Jersey's strict gun control law in 1969 and upholding the Federal law banning felons from possessing guns in 1980.

Furthermore, twice—in 1965 and 1990—the Supreme Court has held that the term "well-regulated militia" refers to the National Guard.

And in the early 1980s, the Supreme Court even refused to take up a Second Amendment challenge, leaving established precedent in place. After the town of Morton Grove, Illinois, passed an ordinance banning handguns—making certain reasonable exceptions for law enforcement, the military, and collectors—the town was sued on second amendment grounds.

The Illinois Supreme Court and the U.S. Seventh Circuit Court of Appeals ruled that not only was the ordinance valid, but went further to say—explicitly—that there was no individual right to keep and bear arms under the second amendment. In October 1983, the U.S. Supreme Court declined to hear an appeal of this ruling, allowing the lower court rulings to stand.

I was mayor of San Francisco when this took place, and I put forward legislation in the early 1980s to ban possession of handguns in San Francisco since at that time the homicide rate was soaring. The legislation passed. It was subsequently preempted by State law in a case brought and carried up to the State supreme court on the basis that the State of California had preempted the areas of licensing, of registration, and of possession, but it was not struck down on second amendment rights grounds.

Perhaps this history is what led former Supreme Court Chief Justice Warren Burger in 1991 to refer to the second amendment as "the subject of one of the greatest pieces of fraud, I repeat the word 'fraud,' on the American public by special interest groups that I have ever seen in my lifetime. . .[the NRA] ha(s) misled the American people and they, I regret to say, they have had far too much influence on the Congress of the United States than as a citizen I would like to see—and I am a gun man." This was Warren Burger—a Nixon appointee to the Court.

Burger also wrote,

> The very language of the Second Amendment refutes any argument that it was intended to guarantee every citizen an unfettered right to any kind of weapon. . .[S]urely the Second Amendment does not remotely guarantee every person the constitutional right to have a 'Saturday Night Special' or a machine gun without any regulation whatever. There is no support in the Constitution for the argument that federal and state governments are powerless to regulate the purchase of such firearms . . .

Erwin Griswold, former dean of Harvard Law School and Solicitor General in the Nixon Administration said in 1990 that "It is time for the NRA and its followers in Congress to stop trying to twist the Second Amendment from a reasoned (if antiquated) empowerment for a militia into a bulletproof personal right for anyone to wield deadly weaponry beyond legislative control."

All told, since the Miller decision, lower Federal and State courts have addressed the meaning of the second amendment in more than thirty cases. In every case, up until March of 1999, the courts decided that the second amendment refers to the right to keep and bear arms only in connection with a State militia—in other words, the National Guard, not an individual.

And the NRA is clearly aware of this history. Despite all of the NRA's rhetoric and posturing on this issue, they know that the second amendment does nothing whatsoever to limit reasonable gun control measures. In fact, in its legal challenges to federal firearms laws like the Brady law and my assault weapons ban, the National Rifle Association has made no mention of the second amendment.

When the Ninth Circuit expressly rejected a second amendment challenge to California's 1989 assault weapons ban, the NRA elected to not even appeal that ruling to the Supreme Court, because they knew they would lose.

In fact, even when part of the Brady law was struck down as unconstitutional, that decision was not based on the second amendment, but on a narrow States' rights issue.

Another suit against the 1994 assault weapons ban was based on a "bill of attainder" argument, that Congress illegally targeted gun manufacturers—again, the suit is not based on the second amendment.

Elsewhere around the country, the NRA has argued that various gun control laws violate the first amendment, or the privacy rights of gun owners, or even the equal protection clause because NRA members are treated differently than others. The second amendment is never even brought up.

Nonetheless, many on the other side of the aisle may point to the one, single, lone exception to the long history of second amendment jurisprudence.

On March 30, 1999, a United States District Judge in Texas struck down a federal law making it a felony to possess a firearm while under a domestic restraining order.

In the Texas case, a man in the midst of a divorce proceeding was accused of threatening to kill his wife's lover. Although put under a restraining order and therefore barred from possessing a firearm under federal law, the man was subsequently caught with a gun and indicted for violating the ban. U.S. District Court Judge Sam Cummings dismissed the indictment, in part because the federal law, he said, had the effect of "criminalizing" a "law-abiding citizen's Second Amendment rights."

This was the first time such a decision was made by a federal judge, but it is important to note that this decision has been appealed. There is absolutely no reason to believe that the Supreme Court, if it ever got to that level, would uphold this decision.

The Texas decision clearly flies in the face of 60 years of second amendment precedent and, as Handgun Control has said, "can only be viewed as a renegade decision."

In fact, in his opinion, Judge Cummings was unable to follow usual judicial practice and cite legal precedent supporting his decision, because no such precedent exists.

This ruling is, as I have said, being appealed and since that decision, two federal courts, including a higher circuit court, have ruled that the second amendment does not guarantee an individual right to keep and bear arms.

That is the first myth.

Now let me talk about the second myth being perpetrated by the National Rifle Association. That is that our current gun laws are not being enforced. Members have heard over and over again: We have the gun laws; now go out and enforce them.

Of course we should be enforcing our gun laws. And of course we are. And the evidence clearly shows that gun prosecutions are up. In fact, since the passage of the Brady Bill just seven years ago, more than 500,000 felons, fugitives, mentally ill individuals, and stalkers have walked into a gun dealer and walked right back out again without a gun because of a background check.

The NRA argues that prosecutions are down, but they fail to correctly interpret the statistics to recognize that state and federal cooperation have actually led to an increase in combined prosecutions during the Clinton administration.

In fact, since 1992 the total number of federal and state prosecutions combined has increased sharply, and about 25 percent more criminals are sent to prison for state and federal weapons offenses than in 1992—from 20,300 prosecutions to 25,100.

Federal numbers may be down, but there is a reason for it. The federal government is now focusing its prosecutions on higher level offenders, and turning the lower level offenders over to the states for prosecution. In fact, the number of prosecutions of higher level offenders—those sentenced to 5 or more years in jail—has gone up nearly 41 percent in 7 years. And the number of inmates in federal prison on firearm or arson charges have increased 51 percent from 1993 to 1998.

Just last month, Senator KOHL of Wisconsin and I introduced an amendment which would expand Project Exile to 50 cities and provide law enforcement with ballistics technology that will make it far easier to identify and punish the perpetrators of gun violence. And I also support the President's request to fund at least 500 additional ATF agents and 1000 new prosecutors to focus on guns.

But here's the rub, and here's the contradiction of the National Rifle Association. On the one hand, they say enforce the law, and then they go out and they oppose any effort to strengthen those laws. The NRA fought the Brady Bill for 10 years. The NRA defeated all attempts to allow the consumer product safety commission to regulate the safety of firearms. The NRA in 1986 got legislation passed which restricts Alcohol, Tobacco and Firearms from inspections of gun dealers to once a year. Even dealers who are the source of hundreds of gun crimes cannot routinely be inspected more than once a year without a special court warrant.

For years, the NRA has even blocked the ATF computerization of gun sale records from gun dealers that have gone out of business. As a result, when a gun is traced as part of a criminal investigation, the files have to be retrieved manually from warehouses where old records are kept. This can add days or even weeks to an investigation. By the time the records are found, the trail may already be cold.

And most importantly, the National Rifle Association fights against funding law enforcement agencies at levels adequate to enforce our current laws.

As former New York City police commissioner William Bratten has said, "The National Rifle Association has strenuously opposed increased financing for ATF and has successfully lobbied against giving it the authority to investigate the origin of gun sales."

The result: ATF has been left underfunded, understaffed and unable to adequately enforce all the laws on the books.

And the simple fact is that even if enforced, the current laws aren't enough. There so riddled with NRA induced loopholes, that they are easy to get around. And that's why you see children killing children today. Guns left loaded without safety locks, with no responsibility in the law, civil or otherwise, for parents to keep those guns and weapons in safe storage.

Let me speak as a member of the Judiciary Committee.

Mr. President, this body passed a comprehensive bill to address the problem of juvenile crime almost exactly one year ago. The House followed suit a month later. Both bills passed by wide margins, and this Nation was given hope that some solutions to the problems of gun violence and juvenile crime were close at hand.

Yet simple fact is, the conference committee has met only once—in early August of last year. No real issues have been discussed. No progress has been made. The bills sit in legislative purgatory, apparently never to see the light of day again.

Democrats in both Houses have been ready and willing to debate these issues in conference for months now. But time continues to tick by. It now seems clear that these bills will die a quiet death at the end of this session because the NRA opposes certain targeted gun laws passed by this body to keep the guns out of the hands of children, out of the hands of juveniles, and out of the hands of criminals.

There is no one I have ever spoken to who believes a gun should not be sold without a trigger lock. There is no one I have ever spoken to who believes an assault weapon should be purchased by a juvenile. There is no one I have ever spoken to who believes we should not plug the loophole in my assault weapons legislation which permits the importation of clips, drums, or strips of more than 10 bullets—even the NRA agrees to that. And there is no one I know, outside of the National Rifle Association, who believes that two teenagers from Columbine should be able to go to a gun show and buy two assault weapons with no questions asked. That is what this is all about. As a result, all of the important issues we debated will go un-addressed: Gang violence, juvenile detention, firearm regulation reform, and a host of other problems will go unsolved.

Mr. President, this demonstrates just how deeply these bodies are dominated by this one special interest group—these people who fervently resist any regulations on weapons, no matter how mild, no matter how targeted, and no matter how much the American people want it.

The Columbine incident shocked this nation to its core and this Congress to action. But since we passed that bill one year ago, we have continued to see tragedy after tragedy, all because we live in a nation awash with guns, and we won't stand up to the NRA.

In Atlanta, we saw a distressed day trader gun down his family and colleagues. In California, a hateful bigot killed a postal worker and then wounded five others at the North Valley Jewish Community Center in Granada Hills. The pictures of those young children being led away from the scene of the tragedy were not only heartwrenching, but also clearly depicted the trickle-down of gun crimes in this country. Now the victims are young children.

We even saw one six year old child bringing a handgun to school, apparently in retaliation for a slight the day before, and use that gun to kill another 6 year old.

And every day since Columbine, another 12 children have died from gunshot wounds, in incidents of gun violence that go relatively unreported, and with outcomes not so public.

These incidents will never stop until we do something to stop them. The death rate will never be diminished unless we stand up and take action.

The Senate-passed juvenile justice bill is not an over-reaching statement with regards to gun control. Rather, the provisions in the juvenile justice bill are small, reasonable measures to make a difference in the lives of our children. None of those provisions should be controversial. Let me describe just a few of these provisions.

This bill includes four common sense provisions to address gun violence:

A ban on juvenile possession of assault weapons and high capacity ammunition magazines;

Closing the gun show loophole;

Requiring safety locks with every handgun sold in America;

And my provision to ban the importation of large capacity ammunition magazines.

Let me talk just a bit about this last amendment—my amendment to ban the importation of large capacity ammunition feeding devices.

The "Large Capacity Ammunition Magazine Import Ban Act of 1999" passed the Senate as an amendment to S. 254 by voice vote, after a motion to table failed 59-39. The same amendment, offered by Judiciary Chairman HENRY HYDE on the House floor, passed by unanimous consent in the House.

This amendment would stop further importation of large-capacity ammunition clips by eliminating the grandfather clause—as to these imported clips—that was included in the 1994 Assault Weapons Ban. Large-capacity ammunition clips are ammunition feeding devices, such as clips, magazines, drums and belts, which hold more than ten rounds of ammunition.

This legislation would not ban the sale or possession of clips already in circulation. And the domestic manufacture of these clips is already illegal for most purposes. Under current law, U.S. manufacturers are already prohibited from manufacturing large capacity clips for sale to the general public, but foreign companies continue to do so.

As the author of the 1994 provision, I can assure you that this was not our intent. We intended to ban the future manufacture of all high capacity clips, leaving only a narrow clause allowing for the importation of clips already on their way to this country. Instead, BATF has allowed millions of foreign clips into this country, with no true method of determining date of manufacture.

In fact, from July, 1996 to March, 1998, BATF approved over 2.5 million large-capacity clips for importation into the country. And recently, that number has sky-rocketed even further. Between March of 1998 and March of last year, BATF approved more than 11.4 million large-capacity clips for importation into America. Since that time, there have been millions more as well.

The clips come from at least 20 different countries, from Austria to Zimbabwe.

These clips come in sizes ranging from 15 rounds per clip to 30, 75, 90, or even 250 rounds per clip.

At least 40,000 clips of 250-rounds came from England;

Two million 15-round magazines came from Italy;

10,000 clips of 70-rounds came from the Czech Republic;

156,000 30-round clips came from Bulgaria;

And the list goes on, and on.

Mr. President, 250-round clips have no sporting purpose. They are not used for self defense. They have only one use—the purposeful killing of other men, women and children.

It is both illogical and irresponsible to permit foreign companies to sell items to the American public—particularly items that are so often used for deadly purposes—that U.S. companies are prohibited from selling.

Yet this amendment, along with the rest of the juvenile justice bill, remains stalled in conference.

And the juvenile justice bill being held hostage by the NRA is not just a gun bill. That legislation also contains countless provisions to stem the tide of youth violence in general:

A comprehensive package of measures I authored with Senator HATCH to fight criminal gangs; and

The James Guelff Body Armor Act, which contains reforms to take body armor out of the hands of criminals and put it into the hands of police;

And the Senate bill also provides for:

A new $700 million juvenile justice block grant program for states and localities, representing a significant increase in federal aid to the states for juvenile crime control programs, including:

Additional law enforcement and juvenile court personnel;

Juvenile detention facilities; and

Prevention programs to keep juveniles out of trouble before they turn to crime.

The bill contains provisions regarding the nature and amount of contact allowed between juvenile offenders and adult prisoners. These are important provisions relating to the safety of youth offenders that have been worked out through extensive negotiations for months, yet they, too, remain in limbo.

The bill encourages increased accountability for juveniles, through the implementation of graduated sanctions to ensure that subsequent offenses are treated with increasing severity

The bill reforms juvenile record systems, through improved record keeping and increased access to juvenile records by police, courts, and schools, so that a court or school dealing with a juvenile in California can know if he has committed violent offenses in Arizona; and

And the bill extends federal sentences for juveniles who commit serious violent felonies.

There are some key issues that still need to be resolved, including the issue of who gets to decide whether a young offender is tried as a juvenile or an adult. It is my hope that the conference committee will give judges greater discretion in this area. But if the conference committee never meets, this issue—like so many others—can never be resolved.

Mr. President, all of the commonsense provisions in this bill are now at risk of disappearing without a trace, and I urge the majority to proceed with the conference and come to a compromise.

Let me now turn to more recent events.

Mr. President, this past weekend, we saw a formidable gathering of people united in a common cause—750,000 at the National Mall and tens of thousands in other cities throughout America—marching in support of commonsense gun laws.

These mothers, fathers, sons and daughters gathered together for one purpose—to tell this Congress that enough is enough. These moms and others were saying that we can, should and shall put an end to the violence that is taking 80 lives a day—12 of them children—in our nation. We must pass sensible legislation to prevent gun violence.

There are those who will try to dismiss the Million Mom March as a one-shot affair, a day in the sun on the Mall, but I say such cynics do not know the power of a woman whose child is in jeopardy. Such cynics do not know the power of a million women united on behalf of the safety of their families.

There are those, such as the National Rifle Association, who have even sought to deride the Million Mom March, as "a political agenda masquerading as motherhood" in full-page newspaper ads.

While at the same time bragging about working out of the White House after November, the NRA said it was "shameful to seize a cherished holiday for political advantage."

But women throughout America have a message for the NRA—your time is up. It's a message so well articulated in a Tapestry on the Million Mom March web site. On this Tapestry, thousands of women have had their say about the senseless violence taking more than 30,000 lives a year.

I'll pick out just a couple of these messages to share with you today. Here's Kerry Foley, Chevy Chase, Maryland: "I am the mother of three and I am an emergency medicine doctor. I have seen the carnage of gun violence first hand—a high school student shot dead while mowing the lawns by a mentally ill person. A man who shot his brother to death in an argument over the TV remote. We are not safe. Our kids are not safe. I'll be at the march to add my voice to all of yours."

And Karen Farmer, from Littleton, Colorado, "The right for my child to live, far outweighs anyone's 'right' to own anything."

Mr. President, I ask approval to submit this Tapesty as part of the RECORD. It demonstrates the spirit, determination and commitment of women throughout America, the one force that I believe can finally break the gridlock that is keeping even the most commonsense gun laws from passage.

This march was the culmination of a lot of pent up grief and frustration at the inability of Congress to act.

On August 10, 1999, a hate-filled madman opened fire at a Jewish Community Center in Granada Hills, California, wounding five people, three of them children.

This was but the latest mass shooting across our great country. Who can forget the horrors of Paducah, Kentucky; Jonesboro, Arkansas, and Littleton, Colorado to name just a few. But on that day last August, the dream of the Million Mom March was born.

Mothers from New Jersey to California shared that dream and joined together this past Sunday, urging Congress to pass the four common-sense gun measures held in Conference Committee as part of the Juvenile Justice Bill since last June. And urging this Congress to approve new legislation for firearm licensing and registration.

Mr. President I have been working on this issue for months, with community groups dedicated to preventing gun violence, with law enforcement officials, other Senate offices and even individuals involved in the Million Mom March.

As Donna Dees-Thomases, organizer of the March, said "licensing and registration is the foundation of sane gun laws. Without these basic measures, even current gun laws cannot be adequately enforced."

The product of our work is the "Firearm Licensing and Record of Sale Act of 2000," a bill I introduced last week with the support of my colleagues, Senators LAUTENBERG, BOXER and SCHUMER.

I began working on this legislation after the shooting at the Jewish Community Center in Granada Hills, when I became determined to find a better way to ensure that only responsible citizens have access to firearms.

I believe that this legislation will begin to address three key problems facing our nation.

First, too many criminals are finding it easy to obtain firearms. Our system of background checks has been a success—the Brady Law has stopped more than 500,000 felons, fugitives, stalkers and mentally ill applicants from obtaining firearms.

However, under the Brady Law a background check is required only when a gun is purchased through a licensed dealer. Gun shows and private sales have long provided a safe haven for those persons who are not legally entitled to buy a gun.

Only with a comprehensive system of licensing and records of sale can we hope to limit these illegal sales. By requiring that gun owners be licensed, that every transfer be processed through a licensed gun dealer, and that gun dealers record the transfer of guns, we will begin to limit the number of gun sales that fall between the cracks.

Second is the problem of gun tracing. Gun tracing is the process through which law enforcement can take a gun found at the scene of a crime and, as the name suggests, trace it back to its owner. In this way, many crimes have been solved and many dangerous perpetrators caught.

But without a national system of licensing and sale records, and without universal background checks, law enforcement often finds it impossible to track down the perpetrators of these crimes. Guns left behind, even those with serial numbers, turn out to be no more than dead ends for criminal investigators, because they may have been sold many times—even legally—with no background checks, no records kept, and no accountability.

If we begin to record the transfers of these guns, we make it easier for law enforcement to trace a crime gun to the perpetrator of the crime.

For this same reason, Senator KOHL and I recently introduced legislation to further the efforts of law enforcement to establish so-called "gun fingerprints"—ballistics information that will allow law enforcement to trace those who use guns in crime even when the firearm itself is not found at the crime scene.

Third, and what I believe is the primary benefit of this legislation, we place a greater burden of responsibility on those persons who own dangerous firearms.

As Mike Hennessy, the Sheriff of San Francisco, recently pointed out in a letter to me, "Most importantly," this legislation "places responsibility for the tragic consequences of children having access to firearms squarely where it belongs, on the adult owner."

This legislation provides criminal penalties for those adults who knowingly or recklessly allow a child access to a firearm, if the child then uses the firearm to seriously injure or kill another person.

Mr. President, the problem of firearm injury goes beyond just criminal violence. Too many lives are lost every year simply because gun owners do not know how to use or store their firearms—particularly around children.

In fact, according to a study released early last year, in 1996 alone there were more than 1,100 unintentional shooting deaths and more than 18,000 firearm suicides—many of which could have been prevented if the person intent on suicide did not have easy access to a gun owned by somebody else.

And think of this—if a man goes into a barber shop to have his hair cut, the barber is licensed. When we women go to a beauty shop to have our hair done, the cosmetologist is licensed. If we want to fish, we get a license. If we want to hunt, we must get a license. If you're a pest control eradicator, you must have a license. If you want to drive a car—not a lethal weapon in itself—but certainly a lethal weapon if irresponsible people are driving it, you get a license. And as a matter of fact, you register the automobile.

When a 16-year-old boy wants to drive a car, we make him prove that he knows the rules of the road, and that he can operate a car safely and responsibly. But if that 16-year-old uses his hard-won new license to drive to a gun dealer, he faces no written safety test, and no demonstration of proficiency whatsoever. It is time to recognize that a firearm is at least as dangerous as an automobile.

These are the issues—keeping guns out of the hands of criminals, tracking down criminals once they have used a gun in the commission of a crime, and making sure that gun owners know how to safely use and store their weapons.

I know that no single piece of legislation can solve the problems of gun violence in America. But in order to begin addressing these issues, I have introduced a bill that will require that all future transfers of handguns or semiautomatic guns that can take detachable magazines be recorded, and their owners be licensed.

Now let me first discuss why the bill covers the guns that it does.

The bill covers handguns because statistically, these guns are used in more crime than any other. In fact, approximately 85 percent of all firearm homicides involve a handgun.

And the legislation also covers semiautomatic firearms that can accept detachable magazines, because these are the assault weapons that have the potential to destroy the largest number of lives in the shortest period of time. A gun that can take a detachable magazine generally also take a large capacity magazine. Combine that with semiautomatic, rapid fire, and you have a deadly combination—as we have seen time and again in recent years.

Put simply, this legislation will cover those firearms that represent the greatest threat to the safety of innocent men, women and children in this nation. Common hunting rifles, shotguns and other firearms that cannot accept detachable magazines will remain exempt.

Now as to those firearms that will be covered by the bill, there are two requirements placed on prospective gun owners.

Regarding the licensing requirement first, this legislation requires that every person wishing to own a firearm covered by this bill must obtain a license—either from the federal government or from a state program that has been certified by the federal government.

In order to obtain a license, a person will have to provide proof of identity, and be legally entitled under federal law to own a gun. This will entail providing several things to federal or local law enforcement:

Provide information as to date and place of birth and name and address;

Submit a thumb print;

Submit a current photograph;

Sign, under penalty of perjury, that all of the submitted information is true and that the applicant is qualified under federal law to possess a firearm;

Pass a written firearms safety test, requiring knowledge of the safe storage and handling of firearms, the legal responsibilities of firearm ownership, and other factors as determined by the state or federal authority;

Sign a pledge to keep any firearm safely stored and out of the hands of juveniles—this pledge will be backed up by criminal penalties for anyone failing to do so;

And undergo state and federal background checks.

Once an individual has received the license from the Treasury Department, that single license entitles the licensee to own or purchase any firearm covered by this bill. Only one license is required, no matter how many firearms are purchased.

Licenses will cost $25 maximum and be renewable every five years. They can be revoked anytime if the licensee becomes disqualified from owning a gun under federal law.

Right now, the United States is one of only two countries—along with the Czech Republic—that does not have a firearm licensing system. Perhaps that is one of the reasons why children under 15 in this country are 12 times more likely to die from gunfire than the children of 25 other industrialized nations combined.

Only America, so advanced in other ways, remains so backward in how we regulate guns and gun owners. I believe that it is time to listen to the American people, and to enact common sense, reasonable legislation to ensure that all gun owners become responsible gun owners, and that guns themselves can be used more effectively to track down perpetrators of gun violence.

The second requirement of this legislation is that all future transfers of firearms covered by this bill be recorded by a licensed gun dealer.

This record of sale provision means that guns that are transferred in the future will, effectively, be registered. Registration is not a complicated issue, and it is one that every American will understand. We register many things in this country that are far less dangerous than firearms.

We register cars and license drivers;

We license barbers and cosmetologists:

We register pesticides;

We register animal carriers and researchers;

We register gambling devices; and

We register a whole host of other goods and activities—even "international expositions," believe it or not, must be registered with the Bureau of International Expositions!

The American people already support national gun registration overwhelmingly, despite a concerted campaign by some to change their minds.

By requiring that firearm sales and transfers be recorded, we will establish some accountability for the use and care of those guns. Law enforcement will be able to track crime guns back to their legal owners, so owners will therefore need to be more careful about storing their guns so they are not stolen and also in reporting gun sales—nobody wants to be responsible for a crime committed by someone else.

As San Francisco Sheriff Mike Hennessy wrote to me, "By requiring every transfer of handguns and semi-automatic firearms to be made through a licensed dealer, a chain of ownership can be established that can assist law enforcement in identifying firearms used in the commission of crimes." This record requirement is not so we can target law abiding citizens, but rather so that law enforcement can quickly apprehend criminals who use guns in crime.

Firearms dealers already keep careful track of gun sales, and submit serial numbers to the ATF for later use in gun tracing. The new record of sale requirement will essentially mean that this same process will be expanded to all covered firearms.

Penalties will vary depending on the severity of the violation:

Those who fail to get a license will face fines of between $500 and $5,000.

Failing to report a change of address or the loss of a firearm will also result in penalties between $500 and $5,000;

Dealers who fail to maintain adequate records will face up to 2 years in prison—dealers know their responsibilities, and this will give law enforcement the tools necessary to root out bad dealers and prevent the straw purchases and other violations of law that allow criminals easy access to a continuing flow of guns;

And adults who recklessly or knowingly allow a child access to a firearm face up to three years in prison if the child uses the gun to kill or seriously injure another person.

Mr. President, the Million Mom March was just the beginning of a powerful movement for sensible gun laws. Like the women activists before them, mothers and others who led the fight to abolish child labor, to establish juvenile courts, to improve child care and broaden health coverage, the participants in this March are now united behind a cause that we cannot afford to ignore: Sane, common-sense gun laws; child-safety locks on handguns; a ban on minors buying assault weapons; closing the gun-show loophole that allows buyers to get around background checks; prohibiting the import of high-capacity ammunition magazines; and finally licensing gun owners and registering firearms. After all, we ask people to get licenses to drive a car and we register automobiles; why not gun-owners and firearms?

I urge the Senate to pass the juvenile justice bill, and to continue the fight against gun violence demanded by those million people this past weekend.

Mrs. MURRAY. Mr. President, I commend my colleague from California, Senator FEINSTEIN, who has done a remarkable job in presenting this issue to the Senate on behalf of not only her constituents but on behalf of many of us across the country. I thank the Senator for her leadership.

I yield myself 10 minutes.

I rise today, as well, in support of the amendment before the Senate. I pose a question to the Members of this body, a question asked by 750,000 mothers, fathers, and children who gathered in our Nation's Capital for the Million Mom March this past weekend. It is a question being asked by tens of thousands of people who took part in rallies across 70 cities in this country this last weekend. It is a question being asked after every school shooting and after every other act of gun violence.

I ask my colleagues: What will it take to get this Congress to pass commonsense gun legislation? Do we have to wait for more innocent people to lose their lives before this Congress will act? Currently, 12 children die every day from gunfire. Do we have to wait for our homes and places of worship to become crime scenes? Lord knows, we have seen enough of that. Do we have to wait for our schools, places where our children should feel safe and loved, to become war zones?

We have already had school shootings in many cities: Littleton, Deming, Jonesboro, Flint, Conyers, Pearl, Fort Gibson, Springfield, and Moses Lake in my home State of Washington. Do we have to wait for a million people to rally here in D.C. and across the country to get this Congress to act? We just had that this past weekend. Do we have to wait for a shooting to take place right here in the Nation's Capitol Building to act? We have already had that. Do we have to wait until no place is safe for this Congress to pass commonsense legislation? We are getting closer to that every day. It is not getting any better. It seems the accidents are all the more common. It seems the shock and the pain and the loss keep growing, but this Congress has not acted.

What is it going to take for this Congress to pass commonsense gun legislation? I want to give my colleagues a reason to act. I want to share with them a personal story about how gun violence is tearing our country apart. It is a story from a member of my own staff in Washington State. She is a wonderful woman named Mary Glen, who lost her son in a tragic robbery. It is something that has had a tremendous impact on her and on me. I know I cannot convey, or even imagine, the horror she has been through. But I also know that her voice must be heard by this Congress, so I want to read to you what she said in her own words at the Million Mom March in Seattle, WA, this past weekend.

I truly commend her for her courage, telling her story so openly and allowing me to share it with you today. Mary Glen said:

> On Jan. 1st 1994 I awoke to a knock at the door, two police officers were standing there with the news that my 15-year-old son, Shaun was dead. Shot in the back, robbed of his money and his clothes.
>
> As Shaun left a convenience store after purchasing a pizza early New Year's morning of 1994, two young men took him by gun point, forced him into a car, drove him a couple blocks away, made him strip out of his clothes, took his money and then ordered him out of the car. They then shot him in the back! What a cowardly act. My world was torn apart that day but all I could think of is I can't let this happen to anyone else's child.
>
> As a mother, I had been a good parent, but that wasn't enough as I found out. It didn't matter how good of a parent I was, because when Shaun was out of my sight I couldn't protect him from what happened.
>
> Sixteen days later I was speaking to other Moms who had lost loved ones due to guns.
>
> In February of 1994, just 6 weeks after I buried Shaun, I spoke before the Washington State Legislature, telling my story and asking for stricter gun laws, telling them, if they had tears in their eyes after just hearing my story, which they did, imagine how I must feel having to survive it and go on without my son.
>
> This kind of violence is preventable. In April of 1994, Senator Feinstein invited me back to Washington, DC for a press conference on the assault weapons ban, part of the 1994 Crime Bill. . . .
>
> There, I met with others who had lost loved ones and together we spoke out about gun violence to anyone who would give us the time. The effects of gun violence are very brutal and personal for me. . . .
>
> This isn't about being pro or anti gun it's about saving our children who leave our houses and are not coming home. The devastating effects don't magically stop. It's an ongoing struggle. . . .
>
> If I could have one wish answered for Mother's Day this is what it would be: That every person who screams about their 2nd amendment rights and the need to own a gun without wanting to be held accountable for the responsibilities that go with it, feel the pain of losing a child to murder for one day—because then doing the right thing wouldn't even have to be argued.

Those are the words of Mary Glen. She is a member of my staff in Washington State, and I could not agree with Mary more. She is a survivor. She is a strong and loving woman. I got to know her through her work with Mothers Against Violence in America. So, again, after sharing Mary's story with all of you I ask: What will it take for this Congress to pass commonsense gun laws?

Last year, in the juvenile justice bill, the Senate passed commonsense gun restrictions. We closed the gun show loophole; we mandated trigger locks on all handgun sales; we enacted legislation to ensure that violent juveniles cannot buy weapons; and we banned the importation of high-capacity ammunition clips. Unfortunately, this Congress has failed to make that bill law. The juvenile justice bill has languished in the conference committee for nearly a year.

Some opponents of commonsense laws say we are not doing enough to enforce the laws that are already on the books. This administration has done more to protect children from gun violence than any in our Nation's history. Gun prosecutions overall have increased nearly 30 percent in the Clinton-Gore administration. Of course, there is more we can do, and the President has proposed increasing the number of Federal gun prosecutors and helping States with their gun prosecutions and enforcement. But at the end of the day, all of the excuses and all the doubletalk from opponents will not save one life. Sensible gun laws will save lives. But first we have to get this Congress to act.

Today, with this amendment, we are asking this Congress to act in a small and symbolic way. We are asking this Congress to commend those who took part in the Million Mom March. It is the least we can do for a group of people who have suffered losses many of us cannot even imagine. They have asked: What will it take for this Congress to pass commonsense gun legislation? Let's answer them by showing we are ready to protect Americans from gun violence. I urge my colleagues to support this amendment.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I wasn't going to say anything on this subject, but after listening to several of the statements, both last night and again this morning, I am compelled to speak. Everybody is talking about a message that was conveyed to this country last Sunday. There was a message there. I walked through that crowd. There weren't too many television cameras following me because I am not one of the superstars here. I do not take this floor and do a lot of talking. But this time I think I must.

If you listened to them, there was a message. Common sense? Yes, that message was there: Do some commonsense things that will really reduce our exposure to crimes committed using firearms and enhance safety around children. They were not only talking to Congress; they were talking to America. They were saying: Americans, if you have children and young adults in your home and you also own firearms, then you have some responsibility. You, as the adult of that home, have a responsibility. You have a responsibility to your community as well as to this Nation that that child or young person or young adult knows and respects the weapon. The message was: Come to your senses, America.

We can pass laws in here. We can pass this sense-of-the-Senate measure. We can pass the juvenile crime bill. But if we as adults in our own homes and with our own neighbors do not take responsibility, it will not change a thing —not one thing.

There is a reason the second amendment was put in the Constitution. All we have to do is look around the world. We are a different society. We are a free society. Those men who shaped the Constitution and fought over it and bled over it, who walked, not the Halls of this building but in Philadelphia and New York, probably did not know exactly what they wanted in the Constitution, but they knew exactly what they did not want —tyranny by government.

We are no different from the roots from which we sprang. I go back to the words of Benjamin Franklin. I will never forget them. I think they are very true today, just as they were then:

Those who think we can pass laws that make us feel good and warm and fuzzy, who say look what we have done but do not change the circumstance any, they will say we are more secure now, but it is a false security. Those who would sacrifice freedom for security deserve neither.

Those are the words of Benjamin Franklin. They are words that ring through these Halls today. If there is no responsibility, nothing happens, and the message from the Million Mom March is for naught. Pass the laws. Those who obey the laws become the prey, and those who are willing to break the law have no fear of it and become the predator and therefore rule by fear.

Common sense, America; common sense. That is what they said. No matter what the law, the bottom line is responsibility—adult responsibility—not given to the Government, not given to the schoolteacher, not given to the babysitter; it is part of what we call parental responsibility. We should not be lulled into a false sense of security because we have passed a law that basically changes nothing.

Those who have lost children in any way, in any fashion, understand that down in their gut. How can they tell the story? Because they believe it deep down.

When I drive across this great country of ours—Washington is not the center of the universe—when I drive on the other side of the mountains and out across the prairies of America into the West and clear to the coast, I see people who are willing to take responsibility. They built a great nation, and they did not build it on false security.

Last night I played a tape called "Touch Tones in Valor." It is a 10-minute tape on the Battle of Iwo Jima in World War II. I started wondering: Why did these men and women of great courage think so much of freedom that they were willing to pay the supreme cost? Yet we cannot seem to teach that in our schools.

During this debate, there have been numbers quoted, stats quoted, and there are politics involved. Why don't we say to the organizations that have the ear of people who shoot for sport and to hunt: Instead of this adversity, why aren't we working with those folks and their programs of education and responsibility and do something to raise awareness to make communities safe?

We can do that, America. We can do that. We can work with parents, and we can work with schools, but we have to get involved. We cannot pass a law, walk away, and say look what we have done, and all at once believe that we are safer. We have to get involved with the young people. It is about time we remind ourselves to teach right from wrong and that there are consequences for wrong.

It boils down to the message I got on Sunday, which is to help us; help us, but for Heaven's sake, when you go into groups, talk about parental responsibility, talk about the way to raise our children, talk about the way to teach our young adults. Do not go through this process of pretense and then say, "Look what I have done." Do not be afraid to teach.

My good friend from Washington comes out of the education community, and I bet she was a good teacher. We all teach every day. Every one of us, every adult, teaches every day. That is where it starts. That was the message of this past Sunday: Be a leader; be a role model.

For Heaven's sake, don't do something with a paintbrush and think we have a new barn because we still have the same old one. We have to change from the inside.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, of the 10 minutes, I yield myself 8½ minutes.

I hope the American people are beginning to understand the difficulty those of us who want sensible and responsible opportunities are having in putting before the Senate proposals which we think can reduce youth violence and the availability of weapons to children in this country. We were stalled yesterday, and we have been stalled again to the point where we are acting only on a sense-of-the-Senate resolution. We are, because of what I consider an abuse of the rules of the Senate, denied an opportunity for accountability by the Members.

I hear a great deal about responsibility. I hear the speeches about how we ought to be responsible and parents ought to be responsible. I say the Senate ought to be responsible. The Senate of the United States ought to be responsible, the House of Representatives ought to be responsible, and at least have a debate about these issues rather than relying on the gymnastics of parliamentary procedures to deny us that opportunity.

When our good friends talk about responsibility, let's start right where it should begin, and that is right in the Senate.

It ought to be self-evident that children in the United States of America have the easiest access to guns of any country in the world.

We know we have more youth deaths than the next 25 industrial nations combined. Easy access to weapons has been demonstrated.

The argument is: Why aren't we doing more in terms of prosecutions? Or, Why aren't we doing more in terms of helping children? I daresay, that those of us who are in strong support of the Daschle amendment take a back seat to no one in trying to find ways to help and assist parents, schools, local communities, and church leaders in local communities to try to deal with the problems of violence in the community.

What we have also seen from Justice Department statistics is that there has been vigorous enforcement of the laws in sending people off to jail who are violating gun laws. Where the penalty is above 3 years, there is a 30-percent increase in prosecutions. In State law, there is a 25-percent increase in prosecutions for those with a penalty below 3 years. There are 25 percent more criminals going to jail today than 7 years ago in relation to gun offenses.

Let's free ourselves from the adage: we have enough laws on the books—let's just enforce them. The statistics respond to that statement.

The second question is, if we go ahead and pass these laws, that isn't the only problem. We understand it is not the only problem. But we are stalemated in trying to deal with the underlying problems, as well.

Let's think of where we are. We have a number of different proposals to try to help and assist parents and schools and local communities. For example, we have our Safe and Drug Free Schools Program that provides help and assistance to every school in this country. We have found that any effort to increase the funding for that program has been opposed by the Republicans. That is the principal instrument to try to help our schools develop their own kinds of programs to deal with the problems of violence in the schools.

The Justice Department's Safe Schools and Healthy Students Program attempts to help schools. And it too has been sidetracked by the majority.

The various prevention programs in the Juvenile Justice bill like the juvenile drug and alcohol treatment programs, school counseling, and other school-based prevention programs like the FAST Program—which is the Families and Schools Together Program—and the centers of excellence to treat children who have witnessed or suffered serious violent crimes, all of those programs are put on the back burner. We cannot get funding or support for those programs.

Let's not stand out here and say that there are other causes of violence. We understand that. We also understand that people in other countries are seeing our movies, they are viewing our games, and yet they do not have this proliferation of violence. Maybe we ought to be taking a look at some of those issues, but we are being denied now on the most basic and fundamental issue, and that is the issue of the proliferation of weapons.

With all due respect to our friends on the other side of the aisle, let's look at what their position has been in terms of the proliferation of weapons. I was here when we passed the McClure-Volkmer Act. I voted in opposition to that bill, which opened up the whole gun show loophole. The McClure-Volkmer bill effectively facilitated the sale of guns to criminals and juveniles by turning gun shows into a booming business. It severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers. It raised the burden of proof for violations of federal gun laws. That is what the NRA has supported on the McClure-Volkmer bill.

Then we had the Brady bill. They resisted it every step of the way. It took 7 years to pass the Brady Bill. And the NRA's ongoing attacks on the National Instant Check System show that their claims to support background checks are utterly specious.

Then we had the whole question about the ATF. As I have mentioned previously, the NRA and the Republicans oppose sufficient numbers of law enforcement officials in the ATF. We have the same number of law enforcement officials now as we had 25 years ago, with basically flat funding. Everyone around here knows what that means. It means a real drop in the funding by about 30 percent. So to our good friends on the other side: untie the hands of law enforcement. Their hands are tied behind their backs, and you ask: why aren't they enforcing the laws? Come on now.

We are prepared to do something in terms of these other issues, as I mentioned. We have passed the SAMSHA program, which deals with issues of mental health and tries to provide resources to local communities to work with schools, religious organizations, and law enforcement, to reduce the proliferation of weapons.

What are the radical proposals we keep hearing about that are going to basically undermine the Constitution of the United States?

We have a gun show loophole. We want to go back to where we were prior to the time of the McClure-Volkmer Act. That is where we basically want to go. It has passed the Senate and we cannot even get consideration of it.

I listened to my good friend from Montana talk about holding parents responsible. That is the proposal of the Senator from Illinois, what is called the CAP proposal. We have it in Massachusetts.

Is the Senator from Montana, or anyone on the other side, willing to sponsor that and bring it up this afternoon? Of course they are not.

Holding parents responsible is what we want and what they oppose. We listened to how we want family responsibility, parental responsibility. That is what this child access prevention legislation is all about. But we are denied even the opportunity to debate it.

So don't lecture us about it. Don't lecture us about it.

Safety locks, to try to make sure the 1,200,000 guns which are loaded and unlocked in households across America—where children will go this afternoon—have safety locks. Requiring that every new gun have a safety lock, and trying to hold parents responsible, is that so dramatic? Of course it is not.

The PRESIDING OFFICER. The Senator has used 8½ minutes.

Mr. KENNEDY. I have a minute and a half, I believe.

Mr. President, the possession of automatic weapons, to change this from the age of 18 to 21, we are opposed on that.

This morning I looked on the web to see what has been happening in the last few days.

May 15: Georgia boy 12, accused of killing a 10-year-old cousin.

May 15: Chicago sees five youths injured by gunfire in 36 hours.

May 15: Michigan boy 17, son of mayor and Congressman—one of our colleagues—dies from self-inflicted gunshot.

May 11: Mississippi, 5-year-old shoots sister, 2, with mom's unlocked gun.

May 11: Arkansas boy uses gun from home to shoot at officer.

May 10: Florida, 5-year-old takes gun to prekindergarten.

May 8: Montana, teen dies from accidental self-inflicted gunshot wound.

The list goes on. That is in the last week alone.

For how many more weeks will we have these lists? How many more weeks are we going to be denied by the Republican leadership the opportunity to do something about it?

That is what this debate is about. That is why their position is irresponsible. That is why we are going to continue to battle during the course of this Congress to protect these children in this country who need our protection.

To recap, since Columbine, the National Rifle Association and the Republican leadership in Congress have succeeded in blocking any action on new or stronger gun laws with a blunt response: "We don't need new gun laws, just enforce the laws already on the books."

We need to expose the National Rifle Association and the Republican hypocrisy. The NRA has systematically weakened federal gun laws over the past two decades and has made law enforcement's job of apprehending criminals more difficult.

There are three major components of our weak gun laws that have the fingerprints of the NRA all over them: The McClure-Volkmer Act, the Brady Law, and the funding of ATF agents.

The NRA-sponsored Firearms Owners' Protection Act of 1986, also known as the McClure-Volkmer Act, is perhaps the strongest evidence of NRA hypocrisy on gun enforcement. With its passage, the NRA accomplished the following:

It allowed unlicensed individuals to sell their personal firearms as a "hobby." The result has been the sale of massive numbers of firearms to criminals and juveniles without background checks. This provision not only created a vast secondary market —it also opened up the "gun show loophole," which many of us in Congress are now struggling to close.

It facilitated the sale of guns to criminals and juveniles by turning gun shows into a booming business.

It allowed criminals to keep or regain their rights to own guns.

It severely restricted the ability of the ATF to conduct inspections of the business premises of federally licensed firearms dealers.

It raised the burden of proof for violations of federal gun laws.

The seven-year battle to pass the Brady Bill and the NRA's ongoing attacks on the National Instant Check System show that the NRA's claims to support background checks is utterly specious.

Before the Brady Bill was passed, 32 states lacked a background check system. A criminal could walk into a gun store, sign a form stating he is not a prohibited purchaser, and walk out with a gun. The form would simply be filed away, with no follow-through to make sure that the purchaser's statements were accurate. The Brady Bill was designed to close this loophole by reducing an honest background check and waiting period, and the NRA worked tirelessly to defeat it.

Only when the NRA realized that the Brady Bill was unstoppable did it shift its efforts to weaken the law as much as possible. It attempted to push through the immediate reliance on an "instant check" system—a system that was not technically feasible at the time.

Even after embracing an "instant check" system, the NRA has continually sought to undermine the system's integrity and efficiency, by preventing law enforcement from maintaining any records on the background checks it conducts.

Most telling is the NRA's continued opposition to background checks on all gun purchasers, including all gun show sales and private sales. If the NRA supports background checks, why do they want to keep this gaping loophole open in our gun laws?

Finally, it is no secret that the NRA has tried to undermine federal law enforcement, particularly the ATF. NRA rhetoric combined with its campaign to financially cripple the ATF demonstrate the gun lobby's single-minded thoroughness in carrying out its extremist agenda. The NRA makes the gun laws weak and difficult to enforce—and it also undermines the agency that has primary responsibility for enforcing those laws.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. May I inquire how much time remains on both sides?

The PRESIDING OFFICER. The majority has 17 minutes; and the minority has 81 minutes.

Mr. CRAIG. Mr. President, I yield 15 minutes to Senator BUNNING.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I would like to return to the underlying bill, the MILCON bill.

I rise to speak in support of the Byrd-Warner Kosovo amendment that was included in this measure by a vote of 23-3 by the members of the Appropriations Committee.

The committee got it right. It is time for Congress to exercise its constitutional authority and its constitutional responsibility to address the basic policy issues involved in the deployment of U.S. ground forces in Kosovo.

More than 5,900 U.S. troops are currently participating in the NATO peacekeeping operation in Kosovo, despite the fact that Congress has never authorized—or even formally debated—U.S. involvement in Kosovo since the Senate, on March 23, 1999, authorized airstrikes against Yugoslavia.

We need a plan. We need a policy. We need an exit strategy. And, right now, we have none of these.

I remember very distinctly, back in 1995, when I was serving in the House of Representatives and we passed, with bipartisan support, a resolution calling on the President to obtain congressional authorization before deploying troops to Bosnia.

That resolution passed by a vote of 315–103.

Despite that vote, President Clinton went ahead with a large-scale and long-term deployment of tens of thousands of our troops to Bosnia without congressional approval or any meaningful debate.

Our concern then was the fact that there was no well defined mission—no exit strategy—no plan.

We were given assurances that we wouldn't be there long. Our troops would be brought home in a year or two: But now, here we are five years down the pike and our troops are still there. There is no end in sight. No plan. No exit strategy.

The same thing is happening in Kosovo.

We did our part in Kosovo. We bore the brunt of the costs and the risks involved in the air war over Kosovo. It was U.S. pilots and U.S. planes that forced the Yugoslav withdrawal from Kosovo that allowed for the deployment of the U.N. peacekeeping forces.

We have done our part.

I firmly believe that it is time for the European Community to live up to their responsibilities. Kosovo is in their back yard. Our European allies should assume more of the responsibility for peacekeeping.

I believe that there is no justification for U.S. ground forces being placed in the middle of age old feuds and animosities.

I believe we should never have sent U.S. ground forces into Kosovo. And I believe that we should bring our fighting men and women back home.

I do not believe that we should drift along without a policy—without a plan—without an exit strategy—in Kosovo as we have been doing in Bosnia.

The Byrd-Warner amendment does not really go as far as I would like to go. It does not say, "We are going Home."

It simply says that if the President of the United States can make a case for keeping troops in Kosovo—let him do it.

The Byrd-Warner amendment is much more cautious and conservative than I would like us to be.

But it would require the President to develop a plan to turn the ground combat troop element of the Kosovo peacekeeping operation over to the Europeans by July 1, in the year 2001.

It does not require the immediate withdrawal of U.S. troops. It would terminate funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, of next year, unless the President seeks and receives congressional authorization to continue that deployment.

It gives the President a year's notice. It gives the European Community a year's notice.

This amendment basically says to the President—not only our current President but whoever replaces him as well—develop a plan to get us out, or come before Congress and the American people and explain to us why it is the Nation's interest to stay in.

This amendment simply says it is time to quit drifting along, it is time to quit putting the lives of our young people on the line without any clear mission, without any clear policy, without any plan.

It is our responsibility. It is Congress' responsibility to conduct oversight of the policies that result in the deployment of U.S. troops abroad. It is time we lived up to that responsibility and the Byrd-Warner amendment does just that.

It simply says, "Drift" is not a valid substitute for a national defense policy.

And it tells the President to give us a policy, explain it, convince the American people and the U.S. Congress that it is in our national interest to keep ground troops in Kosovo—or bring our troops home.

I urge my colleagues to support this reasonable and responsible amendment.

The PRESIDING OFFICER (Mr. HUTCHINSON) The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 10 minutes.

Mr. WELLSTONE. Mr. President, first of all, I wish to thank some of my colleagues I have heard out here on the floor. I had a chance last night to listen. I had to go back home. I have a ruptured disc in my back. I was lying in bed listening to Senator BOXER. I thought she was brilliant. And when Senator KENNEDY speaks on this matter, I think he speaks with great moral authority. I say to Senator BOXER that I use the word "brilliant" carefully. It is not to try to get her to like me; we are already good friends. I just think she spoke with a lot of eloquence and a lot of feeling.

I am not going to actually go through all of the provisions we have been talking about because people who follow this debate have heard that already. I want this juvenile justice bill out of conference committee, although there are other parts of the bill to which I really object. I think it is unconscionable that it has been blocked. I think these sensible gun control measures must be passed by the Congress—the House and the Senate.

Instead, what I want to do is talk about this Million Mom March and how it affected me and how it has affected my wife Sheila. We came back from, actually, Wisconsin where I went to support Tammy Baldwin and came back to D.C. to take part in that march. We did that because we wanted to join in with a lot of mothers from Minnesota. Second of all—actually, I had a discussion with Senator BOXER about this—I thought, this is really historic; I should be there.

I don't really know how many mothers were there. I don't know whether it was 750,000 or 650,000, but it was very powerful. I really believe there were two messages to that march. One has been much discussed. The other has been less discussed. The first message was that you had mothers basically saying to the Nation—much less to the Congress—there is too much violence; there are too many of our children being killed; we can do much better as a nation.

We are all for doing everything possible on prevention. We are all for making sure the existing laws are enforced. We are all for making sure we figure out how to help children with troubled lives—some of the children who committed these crimes or a murder. But we want our Congress—if it is our Congress—to pass legislation that will make sure some of these children and other citizens who should not have these guns don't get these guns in their hands—make sure we deal with the loopholes, and make sure people with a history of violence don't have these guns. Surely, we can do better. Nobody can ever get it 100-percent right. Nobody can be sure those citizens who should not have access to guns don't get access to guns. Nobody can stand here on the floor of the Senate and say if we pass these measures, we won't have a repeat of a Columbine or what happened in many other schools. But we can certainly do everything that is humanly possible to try to reduce the violence and try to reduce the number of children that are murdered. It is reasonable.

I come from a State where Minnesotans love to hunt. They do not want their long guns taken away. They do not want their rifle hunt taken away. This has nothing to do with that. It has nothing to do with the basic constitutional rights. It is not written anywhere in the Constitution that anybody who wants to own a gun—even if they have a history of violence, are convicted of a violent crime, even if they have used guns before—should be allowed to have a gun. There is nothing in the Constitution that says that.

That is what this is all about. That is what these amendments are all about.

I think the first message on the part of mothers—I do not know. We will see. The proof will be in the pudding. We will see how history writes about this later depending upon the followup of this march. But I see that march as the beginning of a very important citizens lobby in the country. You had a lot of women who came. I know that in Minnesota we have a lot of Democrats; we have a lot of Republicans; and we have a lot of women who really do not care about either party, to tell you the truth. They do not really care. But they care fiercely about this issue. I think they came here with a lot of courage. I think they came here with a lot of hope. That is good. That is all about representative democracy. They are not afraid to take on powerful special interests. They are not afraid to hold all of us accountable. They are not afraid to speak out for their children and their grandchildren. They are not afraid to work hard, to speak up, to lobby, to write letters, to advocate for sensible legislation that would reduce some of this violence and save lives. They are not afraid to do that.

I think there was a lot of determination and a lot of indignation. I say to colleagues that I personally think indignation can be good. I would much rather women, men, and all citizens who believe we ought to do something to reduce this violence, and to get some of these guns out of the hands of children and other people who shouldn't have these guns—I think it is good that there is indignation. I think it is good that these women are saying to Senators and Representatives that we are not going to march here and have this big rally, and when the smoke clears away, you will never hear from us again. That is not going to happen. I think that makes our country work better. That is the second message.

I think what happened on Sunday was inspiring. I think the mothers provoked the hopes and aspirations of other women and men in the country that, yes, we can change legislation; yes, ordinary citizens matter; that we have a right as citizens to make demands of the Congress and to be as bold and as courageous as we can be as citizens in a democracy. I think that was a message of this march. That is a wonderful message. That is an empowering message.

Finally, there was another message, and if was a different one. The next day we had a panel discussion. There were a number of women crossing all income lines and all racial lines who lost children. I made the comment during this discussion when some of the mothers were speaking that people kept trying to get the mikes closer. But I think one of the reasons their voices were so quiet was because there is so much pain.

I pray for our family. We have children and grandchildren. I pray that we never have to ever go through that. I pray no mother, no father, no grandparent, no brother, no sister, no wife, no husband ever, ever has to go through the living hell that these women have gone through having lost a child to this violence. At that discussion I think there was a lot of personal pain and a lot of agony. God knows, I don't know how these women have done it. I really do not. I do not know that I could have done it. They have somehow been able to muster up the courage to try to do everything they can to save the lives of other children. To honor them is the least we can do.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I yield 10 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 10 minutes.

Mr. SMITH of New Hampshire. Mr. President, I thank my colleague from Idaho for yielding.

I should have known that as election season approaches we would have to be down on the floor with more debate on gun control, and, unfortunately, the hostage held here—for our service men and women who are waiting—is the military construction appropriations bill. It is now being held hostage by this debate. It is unfortunate that some of our colleagues would do this to our military who we know are very much in need of a lot of the dollars and programs that are in that budget.

Frankly, there is nothing more politically expedient or coldly opportunistic or blatantly unconstitutional, frankly, than gun control. It is pretty clear.

I do not know how our colleagues can say the first amendment is all right and the second amendment isn't.

Of course, it is an unmistakably and an unspeakably horrible tragedy when someone is killed. And it is very difficult to sometimes respond to the emotionalism of those who have lost a loved one in a tragedy such as a shooting or any other tragedy. But our response, my colleagues, should not be to disregard our oath of office and to walk away from the Constitution of the United States. We took an oath right there in the Well to "defend and support" the Constitution. The last time I looked, the second amendment was part of that Constitution. I would have more respect for my colleagues if they came down and offered an amendment to remove it. At least that would be more honest.

Our response should be to encourage gun safety, too, and to crack down on the scum, the criminals, who commit these horrible acts against us, and to take an introspective look at ourselves and our children.

We need to restore respect for all human life ourselves. We need to stop calling gratuitous and indiscriminate violence in the popular media, in TV, movies, and in videos "art" and start calling it the trash that it is because it is corrupting young people's minds, and it ruins their souls. These are the problems about gun violence—not guns.

My colleague from California, Senator FEINSTEIN, a few minutes ago on the floor, made some very interesting remarks. She said, and I am using her words:

> Debunk certain myths that the National Rifle Association has developed; the first is the myth they have developed with respect to the second amendment of the Constitution.

She said:

> "Well-regulated militia" refers to the National Guard.

She said:

> No individual right to keep and bear arms under the second amendment.

She said the second amendment is a:

> [F]raud on the American public by special interest groups.

She said:

> The second amendment refers to the right to keep and bear arms only in connection with a state militia. In other words, the National Guard, not an individual.

She also said:

> The second amendment does not guarantee an individual's right to keep and bear arms.

Those are startling, shocking statements from a colleague whom I respect immensely. She is entitled to her position. But my colleague mentioned various court rulings that supposedly decided that the right to keep and bear arms is only for the Government. It is exactly the opposite. The courts said so; so it must be right.

But let me tell you about some decisions that the courts made that weren't right.

No. 1, they said in Dred Scott in 1857 that a black man couldn't sue in Federal court because he was property. Do you know what. The courts were wrong when they said that—dead wrong.

I also point out that in Plessy v. Ferguson they said "separate but equal" public facilities for blacks and other facilities for whites. The courts said that, too, and they were wrong.

I don't think my colleagues would have argued on the floor of the Senate that the Supreme Court was right in those cases. There are plenty more cases where the courts were wrong—morally, legally, and constitutionally wrong, wrong, wrong.

So don't come down to the floor of the Senate and say just because some court said it that it is right, right, right, right, because it isn't.

My colleague also mentioned various judges. There are many judges who have upheld the individual right to keep and bear arms. There is a long list of them. I am not going to go through the list. I would rather quote instead of the judges, those fine people who wrote the Constitution, and who lived it.

They know what they meant. They said what they meant: Inalienable right to keep and bear arms.

Let's hear from a few who I think knew what they were talking about.

Thomas Jefferson: "no free man shall ever be debarred the use of arms." That was when he proposed the Virginia Constitution in 1776.

Any uncertainty about that statement?

> Laws that forbid the carrying of arms . . . disarm only those who are neither inclined nor determined to commit crimes. . . . Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.

That was Thomas Jefferson's "Commonplace Book," 1774–1776, quoting from "On Crimes and Punishment" by criminologist Cesare Beccaria, 1764.

George Mason, of Virginia:

> [W]hen the resolution of enslaving America was formed in Great Britain, the British Parliament was advised by an artful man, who was governor of Pennsylvania, to disarm the people; that it was the best and most effectual way to enslave them; but that they should not do it openly, but weaken them, and let them sink gradually . . . I ask, who are the militia? They consist now of the whole people, except a few public officers.—Virginia's U.S. Constitution ratification convention, 1788.

Further: "That the People have a right to keep and bear Arms; that a well regulated Militia, composed of the Body of the People, trained to arms, is the proper, natural, and safe Defence of a free state."—Within Mason's declaration of "the essential and unalienable Rights of the People," later adopted by the Virginia ratification convention, 1788.

Samuel Adams, of Massachusetts:

> The said Constitution [shall] be never construed to authorize Congress to infringe the just liberty of the press, or the rights of conscience; or to prevent the people of the United States, who are peaceful citizens, from keeping their own arms.—Massachusetts' U.S. Constitution ratification convention, 1788.

In other words, freedom of the press, Freedom to bear arms—yes, yes, yes.

William Grayson, of Virginia: "[A] string of amendments were presented to the lower House: these altogether respected personal liberty."—Letter to Patrick Henry, June 12, 1789, referring to the introduction of what become the Bill of Rights.

Richard Henry Lee, of Virginia:

> A militia when properly formed are in fact the people themselves . . . and include all men capable of bearing arms . . . To preserve liberty it is essential that the whole body of people always possess arms . . . The mind that aims at a select militia, must be influenced by a truly anti-republican principle.—Additional Letters From the Federal Farmer, 1788.

James Madison, of Virginia: The Constitution preserves "the advantage of being armed which Americans possess over the people of almost every other nation . . . (where) the governments are afraid to trust the people with arms."—The Federalist, No. 46.

Tench Coxe, of Pennsylvania:

> The militia, who are in fact the effective part of the people at large, will render many troops quite unnecessary. They will form a powerful check upon the regular troops, and will generally be sufficient to over-awe them.—An American Citizen, Oct. 21, 1787.

We could go on and on.

Noah Webster, of Pennsylvania:

> Before a standing army can rule, the people must be disarmed; as they are in almost every kingdom in Europe. The supreme power in America cannot enforce unjust laws by the sword . . .

Don't come down to the floor and tell me the founders meant that the second amendment didn't mean anything. They put it in because they knew the dangers of an unarmed citizenry. Just because we have these terrible acts of violence perpetrated upon innocent people in this country—by criminals, by scum who prey upon us—is not a reason to take away our rights under the second amendment. It is a reason to put them away, put them in jail and throw the key away and leave them there, and stop having sympathy for these people who do this.

I have a long list of people, founders who knew what they were talking about. They wrote the Bill of Rights. The Bill of Rights is about individual rights, not about government rights. It is about individual rights. That is why they put all 10 amendments in the Constitution.

Does my colleague mean to say that the right to free speech, the right to free expression, the right to the freedom of religion or trial by jury or freedom against cruel and unusual punishment belongs to the State? That sounds like Communist Russia.

One member of the Supreme Court, Justice Joseph Story, appointed by James Madison, in his "Commentaries on the Constitution," considered the right to keep and bear arms the "palladium of the liberties of the republic" which enables the citizenry to maintain and defend a free society.

And now let's take a look at the Thesaurus.

A synonym for infringed, as in "the right to the people to keep and bear arms shall not be infringed," is encroach.

Encroach is defined by Webster's New World College Dictionary as "in a gradual or sneaky way"; "to advance beyond the proper, original, or customary limits; make inroads on or upon."

That sure sounds like what some of my colleagues are trying to do, trying to sneak around or circumvent the second amendment. They are using terrible tragedies that we all deplore to do it. I would like to punish personally, if I could, every single one of those people who committed those atrocities, but we must not trample the Constitution of the United States while we do it. Let's remember that oath we took: Uphold the rule of law and uphold the Constitution.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

Mrs. BOXER. Mr. President, I stand in support of the Daschle amendment. I want to get back to what it says. We heard a lot of excited debate, but here is what the Daschle amendment says.

No. 1, we commend the million moms—by the way, I think there were more than a million people across this country—for exercising their rights to gather and to send a very strong message to the Congress; in this case: Save our children, stop the violence; stop the mayhem; stop the school shootings; stop the church shootings; do what we are supposed to do.

It was a very clear message. We commend them today.

Second, the Daschle amendment says bring back the five sensible gun laws that passed the Senate already, get that conference to meet, get the juvenile justice to meet, and send those laws to the President for his signature. Very, very simple.

What does the other side say? I ask with great respect the Members on the other side who are great debaters. I was here last night until quite late, listening and debating.

The other side says no laws are needed, a change in behavior is needed. They said: Laws don't change behavior. I will take that to its logical conclusion. If laws don't change behavior, why do we have laws against murder? Why do we have laws against rape? Why do we have laws that regulate products so when our kids pick up a doll, they don't choke on it? We do it to protect our citizens.

We are a government of laws, not men. That was stated by our founders. It is a basic foundation of our Nation. I believe personally that guns should not be in the hands of children. Children and guns do not mix. I believe, personally, that anyone who is mentally unbalanced should not have a weapon because they do not know what they are doing. We heard from a woman who said, "My brother is a manic schizophrenic and he has threatened my family. I do not know what to do because he could go to a gun show, get a gun, and kill my child." So I believe mentally unbalanced people should not have guns. I also believe criminals should not have access to weapons.

That is what the people on this side of the aisle are trying to do. If you are a responsible adult, yes, you can have that weapon. If you have responsibility and you understand what you are doing, that is one thing. But if you are not responsible, no way; that is it.

What is so controversial about that? My friend says, if there is a murder with a weapon, put that person away. Of course, put that person away. Enforcement is up in this Nation.

USA Today did an analysis in June 1999. They said gun laws are enforced more vigorously today than 5 years ago by any measure. Prosecutions are more frequent than ever before. The number of inmates in Federal prison on gun offenses is at a record level.

Of course, you put people away; you throw the book at them. As far as I am concerned, you can do anything to them. That is how I feel about someone who shoots and kills another person. But that doesn't stop the shooting. That doesn't stop the heartbreak. That doesn't stop the mayhem. We know that. You need to do both. We keep getting a false choice here: Enforcement or no gun law. On our side, we say enforcement and sensible gun laws.

The PRESIDING OFFICER. The 5 minutes of the Senator has expired.

Mrs. BOXER. I ask for 1 additional minute.

Mrs. MURRAY. I yield 1 additional minute to the Senator from California.

The PRESIDING OFFICER. The Senator is recognized.

Mrs. BOXER. There is a war in our streets. Here is where we stand. We lost 58,168 of our beautiful citizens in an 11-year period in the Vietnam war until President Nixon ended that war because the people marched and the people said enough is enough.

We have lost, in an 11-year period, 395,441 of our citizens. We have a war at home. It is going to take courage to stand up and say enough is enough. Let's commend the million moms.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. I yield 7 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 7 minutes.

Mr. SCHUMER. Mr. President, I thank the Senator from Washington for yielding the time and the Senator from California for, as always, her intelligent and heartfelt remarks. She is able to combine both, intelligence and direct from the heart, and it is great to listen to her.

I rise in support of the Daschle amendment. Let me make a couple of points here. I do not think we should even have to be debating whether to close the gun show loophole or these other modest measures because we all know they are the right thing to do. We all know they have the overwhelming support of the American people. We all know it is a small group of people—heartfelt, truly concerned—who hold this place in logjam on the issue of guns.

Not to close the gun show loophole? Not to have a Brady check every time a gun is passed from one hand to another? I go around my State and I ask gun owners: Has the Brady law interfered with your right to bear arms? Not one person says yes. If it does not interfere when you go to a gun shop, why will it interfere when you go to a gun show?

I had wanted to have a colloquy with my friend from New Hampshire, but he is not here now. But he is talking, with great erudition and great passion, about the Founding Fathers and what they had put in the Bill of Rights, a document we both revere. "Revere" is almost the right word. It is almost a godly document.

I would have liked to have asked him if he believes the second amendment is absolute. Nobody much does. I believe in the first amendment. I believe strongly in the first amendment. Blood is shed for it. But when Judge Oliver Wendell Holmes said you can't scream fire in a crowded theater, he was putting a limit on the first amendment.

We put limits on every amendment. What some of my colleagues seem to fail to realize is, the one amendment on which they do not want to put any limits is the second amendment. I am not one of those who belittles the second amendment. I think there is a fair argument that it deals with individuals bearing arms as opposed to just militias. But I just as strongly believe that reasonable limits can be placed on the second amendment the way we place them on the first.

Freedom of religion is sacrosanct, as it should be. But you can't avoid taxes because you say it is your religion. You can't avoid service in the Army—you can modify it but not avoid it—because you say it is against your religion. Why is it that the only amendment we hear from the other side should not have any modification whatsoever—even a modest modification such as the Brady law applying at a gun show—is the second amendment? I argue it is a misreading of the Constitution.

I argue to some of my friends on the left, when we demean the second amendment, we are not playing fair because it was put there in the Constitution by the Founding Fathers and by the Thirteen Original States just as the other nine were in the Bill of Rights. But I would argue with my friends from the other side of the aisle that when they say it is an absolute right, as they seem to be saying today because these changes are so modest, they are just as wrong as the people they oppose on the left who demean the second amendment or who want to repeal it.

I would like to make one other point. The second-degree amendment by, I believe it is the Senator from Mississippi, Mr. LOTT, talks about enforcement. Again, I challenge my colleagues to put their money where their mouth is. I believe in enforcement. I try not to let ideological barriers get in the way. I have stood shoulder to shoulder with NRA members in New York State as we have implemented Operation Exile in Buffalo, in Rochester, in Syracuse, in Albany, and it has worked. It is an enforcement proceeding, and it works. But in so many other enforcement areas we get no help. In this resolution, No. 7 says it is a Federal crime for any person to knowingly make a false statement in an attempted purchase of a firearm. It is a Federal crime for convicted felons to purchase a firearm.

Then it goes on to say that 500,000 people have tried to buy firearms at gun shops and very few have been arrested.

Do you know why very few have been arrested? Because of amendments supported by people on the other side that do not let an ATF agent stand inside a gun shop; because of amendments supported by the other side that the records must be destroyed; because there is actually a law on the books that says there can only be one unannounced visit on a gun shop a year.

You want enforcement? I would love to have enforcement. I am a tough-on-crime guy. I am for throwing the book at these folks who use guns in crimes and who have guns illegally. But you cannot enforce the law if you are going to put obstacles in the way.

We found out by a survey done by my staff that only a small number of these gun shops sell most of the crime guns. Fewer than 1 percent of the gun shops sell 50 percent of the crime guns. So if the ATF were given permission by this body to enforce the law, you could shut down those few bad gun shops and let the others flourish. I welcome the opportunity to work with the Senator from Idaho, the Senator from Montana, and the Senator from New Hampshire on an enforcement bill that would do the things we have to do. I welcome that opportunity. Enforcement is a good idea.

But as the Senator from California said, we can do both. One is not a substitute for the other. Enforcing the law is not a substitute for closing the gun show loophole. The two are not contradictory in intellectual concept or in implementation. I think it is somewhat disingenuous to put the two in contraposition, one to the other.

I thank the Senator for the time she has yielded.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 10 minutes.

Mr. KERREY. I thank the Chair. Mr. President, I thank the group of people who organized the Million Mom March on Mother's Day. Three-quarters of a million people coming to Washington, DC, is rather impressive. I suspect even opponents of what they are trying to do are impressed with citizens' willingness to come to their Nation's Capital, especially in this case, declaring their intent to organize in a peaceful, law-abiding fashion to change the law. I wish them all the good luck in the world, and I appreciate very much the effort they have made and the success they had on Mother's Day.

I also thank Senator DASCHLE for bringing the juvenile justice issue back before this body. All of us—at least I do in Nebraska—wrestle with this question of juvenile justice on almost a daily basis. Whenever I am back in the State, it quickly goes to the top of the list of things about which people are concerned. We have methamphetamine problems and other law enforcement problems, but juvenile justice is at the top of the list.

This legislation would be relatively easy to pass were it not for this gun show amendment which I will address. It has tougher enforcement provisions, but it also provides resources to States, Governors, and community organizations so we can prevent crime from happening in the first place. It is almost without controversy that the compromise provisions we reached on the law enforcement side and the prevention side will work, and the communities are asking for that bill. What is holding it up is this gun show provision. I have come to the floor to talk about it.

I listened carefully to the opposition to the original Lautenberg amendment, especially those who said there was too much paperwork, too much regulation. I played a role in it, I called Tom Nichols in Omaha, NE, who operates one of the largest gun dealerships in the Midwest to ask him if he would help me fashion something. Frankly, I worked with Mr. Nichols before trying to reduce the paperwork gun dealers face, which does not increase safety but increases paperwork without anything one can measure and say was beneficial.

He agreed, understanding he would take a little heat for participating. I shipped him the Lautenberg amendment. He made modifications and changes. Senator LAUTENBERG offered that amendment the second time. Now, what we are talking about is something that, in my view, requires a minimal amount of regulations.

As the Senator from New York said earlier, unlike most businesses, a gun dealer has a relatively small amount of regulation to face. It may feel like a lot if it is your business. I am licensed to sell alcoholic beverages in the State of Nebraska, and there is no restriction that someone can only come in once a year to inspect my premises, and if I destroy my records, it is only a misdemeanor. They can come in six times a day if they want to make certain I am obeying the law. We have a fairly light hand already in terms of regulation, given the transactions that are in place.

The Lautenberg-Kerrey—if I can be so bold as to call it that—amendment decreases in a significant way the paperwork that was required in the original amendment.

If one looks at the statistics, there are a very high number of handguns that are purchased from dealers, about 3.5 million, and about 2 million that are purchased off the books. I am not saying all those are bought at gun shows, but there are 2,000 to 5,000 gun shows every year, so a pretty big fraction of those are purchased there.

Like every licensed dealer, this is what the gun show dealer will have to do: They will have to register with ATF and pay a small fee. If someone objects to the size of the fee, let's debate that. They license themselves; they just register with ATF.

Each vendor has to show proof of identification when they check into the gun show. All they verify is that the vendor is who he or she claims to be.

The gun show promoter has to let people know every gun sold has to go through the NICS background check. That is a full 3-day background check. That is the extent of the regulation. We modified the original amendment and now have one that, in my view, will save lives. Will it save millions of lives? Probably not. Will it save hundreds of lives? Probably not. What value do we place on a human life? How do we value the number of lives that have already been saved by the Brady background checks themselves?

The State of Nebraska is a State where hunting is almost a religion; it is a way of life. Kids in Nebraska are raised to handle guns in a safe fashion at a very early age, to handle long rifles, to handle shotguns, and even handguns at a very early age. These people are not the problem. I would not be here voting for something that is going to impose a regulatory requirement upon them if I did not believe strongly that it will save lives in other parts of the country. In my view, it will. That is what this is all about.

Are we going to try to balance the needs of one group of people against the needs of another? The Senator from New York talked about that. That is exactly what we do. That is what the doctrine of relative rights says. I do have freedom of speech, unless my freedom of speech bumps up and endangers the life of somebody else. Oftentimes, that is the problem with guns.

I agree with those who say we ought to enforce the laws. I agree that law enforcement needs to be given more power. But, I don't agree that enforcing the laws alone is the answer. We must also enact reasonable measures like this.

This is a very reasonable change in the laws of the land. It imposes what I consider to be a very modest regulatory burden upon people who are organizing gun shows. It is hardly about any measurement of regulation. Go to any business in America where we regulate for safe drinking water or anything else. This is a relatively small burden for such an obvious benefit.

I hope Senators will examine—I see the Senator from New Jersey is here—what I have been calling it the Lautenberg-Kerrey amendment. It imposes a very small burden upon people who are opening up gun shows and operating gun shows. I do not want to shut down the gun shows. This, obviously, does not shut them down; this allows them to continue to operate.

In addition, there is another argument that the playing field needs to be leveled, that the regulatory playing field needs to be the same on every premise where guns are sold. Why should you give me an advantage? Why should you say if you want to be a licensed gun dealer, build a building, and hire and employ people to work in your local community, there is a set of regulations you have to go through. But if all you want to do is have a gun show once every 6 months or so, you do not have to go through the same kind of regulation.

I appreciate very much that this has become a contentious debate, but frankly, when you look at what we are asking in the regulation, it perplexes me.

This is holding up a very important piece of legislation. The Juvenile Justice Act is a piece of legislation, in my view, that will reduce crime and reduce violent crime and increase the likelihood that it will prevent them as well. It has been worked out. Republicans and Democrats came together. It was a very big vote. My guess is, it will probably be 100-0 without this one particular contentious provision.

I hope Senators will examine what this so-called gun show provision does. It is not unreasonable regulation. It is reasonable regulation that, based upon the success of Brady, we can say will produce a benefit that is worth the price.

That is what all of us, as we try to figure out whether or not we are going to support a particular regulation, regardless of who is being regulated, ought to examine. Is the cost of the regulation worth the benefit we get? In this case, I overwhelmingly, enthusiastically, and unfortunately painfully, because it is slowing down the enactment of a very good law, come to the conclusion that it will.

I hope through the course of this debate, this will become clear. A majority in the country, 80 percent of the people, favor it when it is described specifically to them. It is not something that should be slowing down the Juvenile Justice Act. Indeed, we ought to see it as not only consistent with, but strengthening the Juvenile Justice Act and pass it with all due speed.

I yield the floor.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Idaho.

Mr. CRAIG. Mr. President I have sat quietly by through the hours of last evening and listened to my colleagues debate a sense-of-the-Senate resolution with great passion, and I respect them for their passion. I think all of us enter issues wanting to believe in them and trust they are the right thing to do. We saw an awful lot of moms on The Mall this weekend marching because they thought it was the right thing to do. They marched against violence, I trust. Some of them have had violence ravaged against them and their families, and they were here to speak out about that. Interestingly enough, underlying the march was a premise of gun registration and gun control. I think most Americans recognize while that is an important issue with violence, that does not solve the violence that takes away so many of our young people. That is why we are on the floor today.

It is strange we find ourselves with such passion about something that will not count. A sense-of-the-Senate resolution is like walking outside and saying: It's pretty nice today, and tomorrow it will probably be better. But, of course, the Presiding Officer knows tomorrow it may not be better; it may be worse, weatherwise. In other words, just saying it does not make it so.

A sense-of-the-Senate resolution is in itself a political point, a political expression. It is not substantive law. It is not intended to be. It is intended to make a political point.

So what is the fuss about? The fuss is that we have already dealt with this issue, and the House rejected it. Somehow my colleagues on the other side of the aisle cannot accept the idea that the Congress of the United States has rejected something about which they feel so passionate.

So they have stopped the process in the Senate. They have chosen a tactic that most of us would choose not to use to stop the process in a nonsubstantive way. I do not dispute their passion, but I do question their motives.

Here we are dealing with a piece of legislation that has to pass this year to make our Government run. I serve on the subcommittee of appropriations that deals with military construction. The Senator from Washington serves on that committee. She was there at that committee making sure her bases in Washington and my base in Idaho got treated fairly. But we are stalled out right now. We have lost 8 hours of critical time in a very short legislative year, not out of substantive debate but a political point.

I know that may spell some degree of importance, but passing the Daschle resolution today does not the world change. Passing the Lautenberg amendment last year might have changed the world if the House had not said no to the Senate's approach. So here we are today in politics and not in legislation.

Of course, the other side wants to be reflective of what those women said on The Mall. So do I. I cannot tell you I feel their pain because I have not lost a loved one to violence. But I think I can understand just a little bit of it. You see, there were other moms marching there, too, but they did not get much attention. They, too, had lost loved ones to violence. But they also recognized that they have a right in this country; and the right is to self-defense to protect themselves and their families when law enforcement cannot make it there in time. Moms want to do that. They will put themselves in harm's way to protect their children.

Tragically enough, the other moms are saying: Let the Government do it. The Government can fix this problem. And the Government can fix this problem if it will only pass a law.

Oh, my goodness. What a hoax. What a false premise, to tell those moms, who came from all over the country, with dedicated concerns, that we will just pass a law and the world will be a better place. It has not happened.

This Congress, year after year, struggles with violence in our country; and we reshape the structure of our laws to deal with it. Yet we have not found an answer to it. We have not found an answer to it because our culture has changed dramatically over the years.

The family unit is different than it used to be. Children are reared differently than they used to be. The violence in our juvenile culture today is alarming. We all appreciate it. We are all frustrated by it and angered by it. Yet you were led to believe that all kids die because of a gun. It "ain't" so. It just "ain't" so.

In 1997, 1,700 kids died because of motor vehicles. They were killed in a car crash, a violent car crash. Sixteen hundred were killed in traffic accidents. That is violence, perpetrated on somebody 10 years of age or younger.

Mr. President, 750 died by drowning. We know we cannot outlaw drowning. Now, we can teach kids to swim, and we can teach water safety, and we can lessen the risk, but, God knows, we cannot legislate here to stop drowning because if we could, we would. But we know we cannot.

Mr. President, 575 died of suffocation—rolled over on their pillow, rolled over on a plastic mattress, got a sack over their head—some very dramatic—and, in the end, a violent act.

Residential fires, 570; struck by or on something, 89; falls, 87; cycling, 78; poisoning, 58.

Now, this is 1997. But yet on The Mall on Saturday, it was: 5,000 kids die because of guns. They were not telling the truth. That is the problem. Because the bulk of those kids were 15 to 19 years of age, and they were caught in the crossfire of a drug war on the streets of America.

That is violence and that is tragic and that is horrible. And we are going to try to fight a war on drugs. But in 1997, only 48 kids age 10 years or younger were killed by the misuse of a firearm. And the number is less today.

Those are the facts. Those are the facts that come from the National Center for Injury Prevention and Control. And doggone it, we ought to set the record straight, and we ought to be honest with those moms. That is what we ought to be. Yet today we are not.

Today, the rhetoric is not about the violence in America against America's young people; it is about a false premise of passing a law and the world will be better and the Sun will come up tomorrow. I do not think we can do that. I would like to be able to do it. I am not at all convinced we can.

Firearms, misused, killing young people, 10 years of age or younger, is 10th or 11th on the list of how young kids die 10 years of age or younger. Those are the facts. It is important we talk about them.

So we are stalled out on a critically important piece of legislation that ought to move. I hope it will move.

We dealt with guns last year, and the Congress rejected what we did. I did not support it. I voted against it. I thought it had gone too far. Pass a law; fix it; it is all over with; we have made the world a safer place.

And 20,000 gun laws that we currently have, with few of them being enforced—and most of them not, in many instances—and we pass another law and turn to the American people with a straight face, and say: The world will now be safe? I think not. And guess what. The American people understand it.

On Saturday of this past week, a candidate for President stood up and said: I am going to buy a lot of safety locks, and I am going to make them available to people who want to use them. Somebody said: That is a silly idea. I say that is a great idea. Why aren't we doing this with Government here? Why don't we voluntarily get involved in making the world safer and educating people and training them?

The Senator from Nebraska said: Kids who are trained in the use of firearms do not hurt themselves. And they know better because they know a firearm is a dangerous object misused. Kids who are not trained, kids who are not educated, are the kids who hurt themselves. Yet this Government is not involved in an educational program.

So when a candidate for President steps up and says, "Let's make the world safer, on a voluntary basis," somebody says, "Make it mandatory." We are going to set up a cop system to go into every house to check to see if every gun has a trigger lock on it? I do not think we are going to do that. Yet that is kind of what the other side is suggesting: Make it mandatory, and enforce it.

How do you enforce a law such as that? The practicality is, you don't. You don't enter every home in America to prove it; that is, unless you have licensed the gun and you know the gun is there. Then do you do random checks on private property? I don't think we get there, either. I think our Constitution, somewhere else in its text, would deny the Government of this country the right to enter that private property, for whatever reason, unless there was just cause and a court order. Those are some of the real issues.

I am frustrated—I think my colleagues on the other side of the aisle are, too—that we cannot reach out and solve these critical problems, that somehow the passion that we feel about the violence that is wrought against the young people in this country cannot be fixed by this august and powerful body called the Senate. We know we can't fix it, so let's try to politic it. Boy, have we tried.

The other side couldn't gain traction because the American people said: Something is wrong besides just laws. Something is wrong in the culture of our country. Something is wrong with all of the violence our children see, and it transfers into their minds. Somehow they begin to understand that they can act violently, and there is no consequence for that action or there is less consequence. Yes, they watch a lot of violent activities on television and, yes, they play a lot of violent games and, yes, it has an impact. Well, let's fix Hollywood.

Do you think this side of the aisle would do that? I doubt that. We are not going to fix them because that is first amendment rights. Nobody over here is saying we have to restrict first amendment rights. It is only the second amendment we fix.

That is why we are here today, stalled out, for the political point the opposition is trying to make on this issue. It is raw politics. It is not substance, and they know it, because it is a sense of the Senate. Last year, when we debated the Lautenberg amendment, that was substance. That could have become law if the Congress of the United States had agreed. But they didn't.

We are here today stalled out for the politics of the issue, not the substance of the issue. We want to say to the Million Mom March and the hundreds of thousands who were gathered on The Mall, we care, we hear you. That is what we keep hearing from some of our Senators. Well, we all heard them, and you are darned right, we care.

The issue is violence in America—all violence, not just guns. That is a minority part of the violence. It is sometimes the most visible and the most publicized, but this is the beginning of spring and into summer. This is the swimming season. Nobody today is standing on the floor suggesting hundreds of kids will drown this year from improper training and improper supervision of their parents and we ought to pass a law to save all those kids. No, we are not doing that. Why? Because we can't. That is why.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 10 minutes.

Mr. LAUTENBERG. Mr. President, we have just witnessed one of the most significant demonstrations this country has ever seen: 750,000 moms, some pops, some grandpops, some grandmas, people who love their children, people who want to protect their children, sending a message, when they gathered 750,000 strong, just in Washington, DC. There were other cities across the country where not too dissimilar demonstrations and marches were being held. There were large turnouts in lots of cities.

As a matter of fact, one in New Jersey, one mom march, was headed by people who have become my friends. Their name is LoCicero. Jake LoCicero and his wife lost their daughter on the Long Island train, killed by an assassin who took quite a few lives. They were active gun club members, NRA. They said: Enough; we are not doing this anymore. We don't want our daughter to have died in vain. She was young, about to get married, in her early twenties. They believed she had to make a contribution. Her life was so valuable, she had to leave a legacy that went beyond her short time on Earth.

Then we hear the trivialization of laws to try to protect children, as we just heard: It is just politics; it is only politics. What do you mean, you want to protect your kid when they go to school? That is politics.

When are we going to stop this nonsense here? "Nonsense," I use the word advisedly. We just heard our friend from Idaho talk about how many children die in automobile accidents and how many die falling off bikes and how many die suffocating in their cribs. I ask any of my colleagues, don't we have regulations that say put a safety belt on, put a child in a child seat? I have seven grandchildren. I watch my daughters put their children in the seats because they don't want them to get hurt. They know what the rules are. They could violate the rules and say, no, I am not going to do it, but good sense says you have to do it.

There are all kinds of warnings about different mattress covers and plastic bags and things of that nature. There are warnings about wearing helmets when you go out for a bike ride. We try to stop the mayhem in those situations. But our friend over here said: No. Don't worry about the few kids who are killed by guns. He made a statement—and I want the RECORD to be checked to be sure that that statement was what I heard, and I listened carefully—guns don't kill.

How does that lead pellet get through a kid's heart or his head if it doesn't come from a gun? It doesn't come from a knife. It is not because of a slingshot. It comes from a gun.

Mr. CRAIG. Will the Senator yield?

Mr. LAUTENBERG. Yes, I will yield.

Mr. CRAIG. I did not make that statement.

Mr. LAUTENBERG. I will check the RECORD.

Mr. CRAIG. Please, check the RECORD. I did not make that statement.

Mr. LAUTENBERG. You said guns don't kill.

Mr. CRAIG. I didn't say that.

Mr. LAUTENBERG. I have the floor, thank you very much.

Trivializing the ownership of guns, saying that if we have gun enforcement laws, guards from the Federal Government will come into every room in every house. Don't protect the children.

He wants to have a statistical debate about how many really died. Not that many. Heck, no, not so many. A few maybe, but not a lot—unless it is your kid, unless it is your friend, unless it is your niece or your nephew or your sister's kid or your brother's kid. A lot of us have not experienced it directly, but anyone who doesn't empathize or sympathize with someone who has lost a child, who doesn't understand the emotion that renders, doesn't get it, just doesn't understand it.

When 12 young people were shot in Columbine High School, those were not the only wounds. There were some who were hit by guns who also were wounded. But that wounding took place throughout the school, throughout the community, throughout the country. People had a vision of that boy hanging down from the window pleading for help: Save me. We couldn't hear the words, but we could see the gesture.

Well, we are detached from that. Why do you have to control guns? Just because a few kids got killed? That is what is being said here. I can't believe my ears. We will check the RECORD. We could be mistaken about one thing, but check the RECORD and see what it says.

Kids get killed from drowning. It is as if to say, if kids get killed from bike rides, from car rides, from suffocating in a crib or drowning, then that is kind of normal. It isn't normal because we have lifeguards and all kinds of protections. But when it comes to guns, no, you can't touch that. We hear about the second amendment.

I am always reminded, when we discuss the second amendment, it was said by the Supreme Court that the amendment guarantees the right to be armed only in service to a well regulated militia.

No one has an automatic right to own a firearm. No one has the right to own a firearm without a license. No one has the right to buy a gun without those of us in the community asking who they are. I authored the Lautenberg law, along with Senator KERREY from Nebraska. Both of us served in the military. I wasn't as heroic. He is a Medal of Honor winner, having lost a leg in Vietnam. I spent my time in World War II. I was not touched. We know something about guns. Should someone be able to buy a gun from an unlicensed dealer? That is the subject. From an unlicensed dealer, no questions asked, buyers anonymous —oh, protect the identity of that potential felon, protect the identity of someone who may be so disturbed, that if they get their hands on a gun, they will kill somebody. It has happened. We have seen it lots of times. We have seen it at Columbine, with two young boys who were too young to buy a gun. A girl testified before the Colorado Legislature that she went around with them to find a nonlicensed dealer to buy guns. She said, "If I knew then what I know now, I would have never done it." Twelve children and a teacher are now dead. There have been bombs and everything else.

We didn't have to openly say, OK, because kids get killed in swimming pools, cars, or in bike accidents, you can have guns. Why shouldn't you have guns? What does one thing have to do with the other? Heaven forbid it is a child in your family.

Talking about the second amendment, Chief Justice Warren Burger—a conservative appointed to the Supreme Court by President Nixon, and a gun owner himself—called the NRA's distortion of the second amendment "a fraud on the American public." Cases are never tested on the second amendment in court. Now, they can't prove that. But there is this mythology about what happens when it comes to guns. If you want to own them, you can. If you want to identify yourself, fine. If you don't want to, that is OK, too. What I heard proposed was that maybe every child or every person who walks this Earth should have a gun, and they can act quickly enough so if a law enforcement guy doesn't get there on time, they can stop a murder that might be taking place. I ask the manager, is there any more time available?

Mrs. MURRAY. I yield the Senator from New Jersey 3 additional minutes.

Mr. LAUTENBERG. I will wrap up, Mr. President. This is a passionate debate, and it ought to be. It ought not to be called politics. I would like to hear any of those who advocate not shutting down the unlicensed dealers tell it to the 750,000 women out there, those who were talking from experience, who lost a child. We have heard them. The Senator from California and the Senator from Illinois are on the floor. We heard them talk about the child who had a bullet go through his spine here in Washington, DC—19 years old, a promising young man just in the beginning of life.

Mr. President, I have to ask this question. If this sense-of-the-Senate resolution is so insignificant that it should have just been in law, then why not let it pass? Why not have this Senate say: Million moms, we salute you; we commend you; we understand you; and we hear you—not, oh, no, no; we don't want to do that because that only encourages, in some perverse way, violence. And you have to get guns in everybody's hands so they can protect themselves.

I fought as hard as I could to get an amendment into law—a piece of legislation that would prevent spousal abusers from getting guns. I fought tooth and nail with Senators on the floor. Some might say that is a worthless thing; why bother? Well, 150,000 times a year it is reported that a woman in this country gets a gun pointed at her head and he says, "I'm going to blow your brains out." What happens to the children who see that or the neighbors who hear that? What happens to the woman when he pulls the trigger? We know what happens. They fought me tooth and nail. But the President and I worked together and got it on a budget bill that had to pass.

Mr. President, 33,000 permits for guns have been denied when the applicant wasn't of sufficient mind or character to own a gun—33,000 times we have said no in 3½ years to those people who wanted to have guns. We had a fight over the Brady bill. Over 500,000 gun permits have been denied since the beginning of Brady. Does that help prevent lives from being lost?

The PRESIDING OFFICER. The Senator's 3 minutes have expired.

Mrs. MURRAY. I yield the Senator from New Jersey 2 additional minutes to finish his statement.

Mr. LAUTENBERG. It is time to put the rhetoric aside. Let's see if there really is an interest in doing what we want to do, and that is express ourselves and pass a sense of the Senate that we Senators agree we ought to do something about gun violence and not go into long tales about kids dying from drownings and other things. Why can't we regulate, in some form, the way guns are handled out there and make sure we know who the buyers are, make sure that we have the right kind of law enforcement? We do it because it has increased substantially since gun laws were on the books. We have reduced the number of people who are out on the streets with guns. They are in jail. But to try to minimize the value of controlling who buys a gun—how does that hurt anybody who wants to buy a gun, a legitimate gun purchaser? It doesn't hurt anybody.

I hope we can finally come together here and say, OK, this sense of the Senate doesn't hurt anything anyway. Let's do it and say we are serious. Let's say to the moms who marched out there last Sunday: We hear you and we understand what you are talking about. A million moms were marching from across the country. We hear debate about whether or not kids get killed from other sources as well. It hardly seems serious. It hardly seems real. It hardly seems possible that we could be having this kind of debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Before I yield to my colleague from Wyoming, it hardly seems important, but it is. I joined with the Senator from New Jersey to right the spousal abuse provision, and I voted for it. He didn't say that on the floor; he should have. We had some disagreements. We worked out those differences so that those who are adjudicated spousal abusers can't buy a gun. But those who were only accused but not proven can still hold their rights. Those are the facts. The Senator from New Jersey knows it; he failed to say it.

I yield 10 minutes to the Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized for 10 minutes.

Mr. ENZI. Mr. President, I want to bring to the attention of all Senators, and anyone else who might hear our words, that it is a very confusing situation here on the floor. One might think the issue up for debate is guns. The underlying issue of the entire debate process is military construction—military construction. That is where we take care of the security of this Nation. That is where we provide for military housing. That is where we provide for cleaning up the environment on bases that are having a problem. That is where we provide for the morale of our military.

But you heard guns discussed. This is an amendment that I think is not germane to the process. It is not about security, not about housing, not about the environment, not about the morale of our military people. It is not about the military. We are going to use up a day and a half debating that. The other side says, well, if it is so insignificant, why not pass it? Because we are setting a precedent for this body that we have not had before. We are setting a precedent for this body that under appropriations we are going to debate a sense of the Senate that anybody brings up, whether it applies to anything in the bill or not.

That is a very important precedent. It is very important that we do not set that precedent, that we do not get off on debating any whim that anybody in the Senate wants to do under any bill. There has to be a process—particularly a process for spending almost $2 trillion of the people's money. This is supposed to be a deliberative debate about spending the money—spending the money on military construction—just military construction. Instead we are talking about guns.

Last night, the Senator from California said we have time for this; that, after all, we have 4 months left before the new appropriations have to go into place.

I want everyone to understand that, 4 months. First of all, we will not be here for all of the 4 months. This is an election year. People will be leaving to participate in their candidacy. We will be gone during August.

Mrs. BOXER. Mr. President, will the Senator yield?

Mr. ENZI. I am sorry. Time is equally divided on this. I will not yield.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ENZI. We have 4 months. One month we will be gone for recess. That leaves 12 weeks. We have 13 appropriations bills. We seldom pass more than one appropriations bill a week.

I can tell you that if we start doing sense-of-the-Senate resolutions on appropriations bills, we will not be able to get them finished in a week. What does that do? That puts the process that the Constitution says is ours, the Congress of the United States, in the hands of the President.

I have to admit that were I the President, I might want that to happen, and that is why the other side delays and delays and delays with things such as sense-of-the-Senate resolutions.

Last year, we put rule XVI back into effect. We said we are not going to legislate on appropriations bills. That was a major move for this country. We said there will be no legislation on bills.

Now what we are talking about as the point of this whole debate is whether we are going to have sense-of-the-Senate resolutions back door. Why is that important? We said no real legislation.

Now are we going to allow any kind of a debate we want on any kind of a topic with a sense-of-the-Senate resolution? A sense-of-the-Senate resolution says it is kind of our opinion, and it would make us feel good to pass it, and perhaps with all of the publicity we can persuade America that we are right. Well, America sees through that. America knows whether we are really doing our work or whether we are trying to make people feel good. We don't know that yet. But they know that.

That is the process that we are going through. This will set a precedent. We set a precedent under the budget this year. There were dozens of sense-of-the-Senate resolutions that did not make it into the budget process. I know. I negotiated two sense-of-the-Senate resolutions dealing with OSHA. That is one of the most difficult things to reach agreement on between the Democrats and the Republicans. But it was for the safety of American workers. We agreed to two of them. We had another one on health care.

Sometimes it is difficult for Republicans and Democrats to agree. We agreed.

Then in the budget process, we said no, unless these have been fully debated. And there is a very limited time for debate. In the budget, we said we are not going to do that.

Some very good sense-of-the-Senate resolutions went down. We decided at that point in the process that we should not do sense-of-the-Senate resolutions; they really do not mean much except for people being able to stand up later and say: This sense of the Senate passed 100–0. Well, they passed it in a hurry to get it out of the way so we could get on with substantial debate that this body is charged with—the bipartisan effort that we are charged with of getting an appropriations bill finished, and then the other 12 appropriations bills that we are supposed to do.

We cannot concede 8 hours of debate on every issue that wasn't brought up through any other process. We can't give up 8 hours on every partisan issue that can come to this body.

Never mind that it was a knee-jerk, one-size-fits-all, do-it-in-Washington, make-the-people-feel-good motion. It doesn't solve problems. It just doesn't solve it. It is just a political issue. It isn't a complete reflection of even the march that happened Sunday.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from today's Washington Post by Courtland Milloy in which he talks about some of the other issues at the march. It wasn't all about guns. It was about the safety of our kids. But you can tell that the big publicity thing is guns. I ask the Senate to watch what is happening and not set a precedent.

I thank the Senator for the time.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 17, 2000]

TO BE SAFE, START WITH THE DRIVER

(By Courtland Milloy)

Lisa Sheikh, a child safety advocate, was a volunteer at the Million Mom March. She was moved by the speeches, including one praising this generation of mothers for doing so much to make children safer, like getting childproof caps on medicine bottles and better car seats for children.

But Sheikh is also director of the Partnership for Safe Driving. She knows that more children are killed in car crashes than by guns and that many of the people operating those deadly vehicles are mothers.

"A lot of others are speeding and running red lights," Sheikh said.

Sheikh, fresh from the march, had come to see me because we disagree about some of the ways being used to get people to drive safely. She favors automated enforcement—i.e., cameras—to curb red-light running; I do not. I think a driver's education program, updated to deal with the new realities of our congested roads, would work.

She thinks an education campaign by itself would take too long to make a difference. She does agree with me, though, that driver's education and safety have never really been given a fair chance.

Most of the efforts by the National Highway Traffic Safety Administration, for instance, have been on making car crashes safer, not drivers smarter.

Indeed, the NHTSA Web page is taken up largely with news about seat belts, air bags and those celebrity "crash dummies."

"It's all about how well does this or that car perform in a crash," Sheikh said. "No one is talking about the role of the driver."

The Partnership for Safe Driving, which was formed three years ago, seeks to change driving behavior through television, radio and print advertising campaigns. The Washington-based organization is seeking funds for a nationwide education effort.

To be fair, the NHTSA puts out a little "Driver's Guide to Coping With Congestion."

"You are late for work—again," it begins. "Traffic is bumper to bumper. You can feel the tension mounting. Suddenly you see an opening. You accelerate. You jerk your wheel quickly to the left. Mission accomplished.

"Welcome," the guide says, "to commuter purgatory, where heavy traffic has unleashed the 'driving demon' in all of us."

Tips to get out of this man-made hell include planning ahead, concentrating, relaxing, telecommuting or changing jobs.

I think we can do better than that.

When I was in high school, we had a real driver's education program, complete with driving simulators and a fleet of cars for real test drives. This was back in the 1960s. Surely, the technology is now available to provide even more comprehensive understanding of the rules of the road.

Moreover, my driver's education course was not just about how to maneuver a car. It was also about developing appreciation for the high level of cooperation required to keep our highways safe.

In recent years, driver's education programs have been cut from most public high schools in the country, even as crashes caused by inexperienced teenage drivers were increasing.

So, we cut funds for driver's education, then address the resulting problem with moneymaking enforcement techniques, such as red-light cameras. (Come to think of it, we do the same thing with public schools and private prisons. Cut funds in one, then clean up the resulting mess by building more of the other.)

Sheikh believes we have no choice for now, that red-light running has reached epidemic proportions. Running red lights, she notes, is the third leading cause of traffic deaths, behind speeding and drunken driving.

"People simply have more demands on their time—with two working adults struggling to get children to and from school, then going off to work, then getting them to soccer practice and other activities," she said. "They don't have time to do everything. So they are trying to make up time on the road. Of course, that's not an excuse."

But it could be part of an safe driver's education campaign: a soccer mom and her smoking gun that, in this case, could be a Volvo.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized for 10 minutes.

Mr. REED. Thank you, Mr. President. I thank the Senator from Washington for yielding the time.

I rise in support of Senator DASCHLE's resolution to commend the participants in the Million Mom March, and to also call on Congress to pass meaningful gun safety legislation. Senator DASCHLE, as we all know, has been a long-time advocate and leader on the issue of gun control. I thank him for taking this issue on. I would prefer, frankly, to be speaking about real legislation.

I find it ironic that Members of the Senate would be bemoaning the fact that we don't have real legislation before us when, in fact, legislation is bottled up in a conference committee because of a gun lobby in the NRA. We all would prefer to be speaking about real legislation that would do something.

This is a resolution that follows another resolution I sponsored just a few weeks ago on the budget that would have called for the conferees to meet and to discharge and send to us a conference report including all the provisions, including the Lautenberg-Kerrey gun show provision that we passed almost a year ago. That resolution passed 53-47 on a bipartisan basis.

It is quite clear that these measures should return to us in the form of the juvenile justice conference report that will be passed by this Senate.

What that caused is the gun lobby and the NRA to do all they can to ensure that conference report stays locked up in the conference.

We are here today because we want to move forward on an agenda of sensible gun control. We want to respond to the thousands and thousands of mothers who came to Washington last weekend and who asked us to act responsibly to protect the children of this country. A vast majority of Americans support us. They support these measures, and they, in fact, are insistent that we take action.

If there is any reason today why we are talking about another resolution on a military construction appropriations, it is because the gun lobby has dug themselves in to prevent consideration of real legislation. We have to overcome that opposition. We have to overcome it by word and by deed. Last Sunday, the mothers of America marched. Now it is our responsibility to act today at least by passing this resolution.

We also know the real sticking point in this legislative battle is the Lautenberg-Kerrey amendment with respect to gun shows. What we want to do and what I think the American people want to do is apply the same rules of the Brady background checks to all sales at gun shows. The Brady bill gives law enforcement authority up to 72 hours—brief as it is—to conduct a background check on a prospective purchaser of a firearm.

What happened was in the development of the original Brady law there was a loophole created which would allow unlicensed dealers at gun shows to avoid these background checks. Interestingly enough, three of the weapons used by the Columbine killers were acquired at a gun show because even these young men knew that they could go to a gun show and avoid a background check, and that they could, in cohort with another, purchase arms without a background check. We want to close it. I hope we can.

This is also the case throughout the country where this is not just a Democratic-Republican issue.

The Governor of Colorado, Gov. Bill Owens, a Republican, recently signed a petition to place a gun show initiative with a 3-day background check on the ballot in his home State of Colorado.

It is sensible, and it is long overdue. The opponents of this measure are suggesting that this is a mandatory waiting period—it is a 3-day waiting period—that a waiting period would destroy the gun shows. That is not the case. In fact, if you look at what is happening, it is because of technology. Because of the national instant check system, the FBI can clear 72 percent of gun buyers within 30 seconds. Another 23 percent are cleared within 2 hours. Ninety-five percent of those individuals who wish to purchase a firearm in this country have their background checks completed in 2 hours.

What about the other 5 percent?

The other 5 percent found out they are 20 times more likely to have prohibitive information in their files which will restrict their access to a firearm. Here is what is happening: The gun lobby and the NRA protect 5 percent of gun purchasers who are much more likely to be prohibited from owning firearms, are willing to sabotage the closing of this loophole, are willing to jeopardize, if you will, the safety of Americans. I don't think that is right.

What we can and should apply the Brady law across the board to all sales of gun shows. I don't think it will interfere materially in any way with the rights of a law-abiding citizen to acquire a firearm. In fact, I think it will contribute to the public safety and to the sense that the mothers in America tried so vividly to create last weekend: That this country, with all of its violence, has to do something different and has to do something better.

I hope we can move forward with real legislation, not another resolution. I hope we can recognize what hundreds of thousands of Americans were saying to their Government last Sunday: Pass sensible gun safety legislation.

I commend the mothers and all the supporters who were on The Mall. I commend Senator DASCHLE for his efforts. I hope we will, before Memorial Day, be voting on the juvenile justice bill containing these measures which will protect all Americans, and particularly the children in America.

I yield the floor.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 27 minutes; the Senator from Idaho has 30 minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, I thank the Senator from Washington for yielding. For those who have not followed this debate closely, it is true that we are not debating the passage of a law; we are debating the passage of a resolution which is more or less a message of the Senate expressing its opinion.

Why aren't we debating a law, since this is supposed to be the Senate and we pass laws? Because the law is bottled up in a committee. The gun safety law we passed in the Senate after the Columbine massacre is bottled up in a committee by the National Rifle Association. The Republicans control the Senate and the House, and they will not let the bill come out of the committee. Those who believe gun safety legislation is needed have to resort to these devices to try to at least bring the issue up for consideration by the Senate.

My colleague from the State of Wyoming said the sense-of-the-Senate resolution is nothing but delay, delay, delay. Yesterday when we presented this sense-of-the-Senate resolution, it was the Republican side that delayed it for 5 hours. When we said we wanted to commend the Million Mom March and we wanted to bring the gun safety bill out of committee, it took the Republicans 5 hours to come up with an alternative, a substitute, which, if you read it, is, first, a diatribe against the Clinton administration and, second, the reaffirmation of the principles of the National Rifle Association.

That is their right on the Republican side to offer whatever they want to offer. We believe the message that came on The Mall last Sunday and across America, in Chicago and Los Angeles, of 750,000 mothers who gave up their Mother's Day to march, is that this Senate, this Congress, should get down to the business of passing laws to make America safer.

It also said this sense-of-the-Senate resolution is similar to talking about the weather: It really doesn't do anything. It is funny it would take 5 hours for the Republican leadership to respond to it if it really doesn't do anything. What it does is put the Senators in this Chamber on record: Do you commend the Million Mom March? Do you want this legislation to come out of committee immediately? If so, vote "yes"; if you share the opposing position, vote "no." At least Members are on the record.

Senator REED of Rhode Island offered a similar question in a sense-of-the-Senate resolution a few weeks ago, and 53 Senators—more than a majority—said: Let's vote for it. Bring the bill out, and let's get on with it. It still sits in committee because the Republican leadership is blocking the effort to pass gun safety legislation.

The Senator from Idaho stands on the floor and reminds mothers across America that there are many things injuring children: Automobile crashes, trauma, poisoning—the list goes on and on. The Senator from Idaho is certainly right. I don't know that the mothers of America needed to be reminded of that. They understood that when they came to The Mall. They asked us to do something about guns and the fact that every day in America —today, tomorrow, and the day after—12 children will die because of guns. Kids are dying because of gangbangers, accidents with guns, suicides—12 kids every single day in America. We have become so used to this, it doesn't make the headlines anymore. There is not another nation on Earth with these grizzly statistics when it comes to guns. It is right here. It is America, the country of which we are so proud.

Mothers march to remind Congress we can do more and we can do better to make this world safer for their children. They are right. For the Senator from Idaho to say to the mothers across America, you know, a lot of kids get hurt in automobile accidents, it is a truism; there is no doubt about it.

I remind the Senator from Idaho, there is ample legislation, Federal and State, establishing the safety of cars we drive, establishing requirements to wear seatbelts and airbags in the cars, use of a child safety seat and restraints, legislation all over the country to make car travel more accommodating and safer for children, but there are no laws on the books, none whatever, in Washington, DC, concerning the safety of guns.

Make a toy gun to sell at Christmas and we have an agency that looks over your shoulder to say that may not be safe for kids. But make a real gun, the kind used in sport, hunting, or self-defense, and there are no—underline "no"—Federal safety standards.

When it comes to kids and cars, we write all kinds of laws about safety. When it comes to guns, the gun lobby says: Hands off; it is our constitutional right to produce any type of weapon we want.

He talked about kids who suffocate on mattress covers and plastic bags. There are warnings printed. There is a Consumer Product Safety Commission watching these products in commerce, trying to keep them safe for families, but no such standards when it comes to guns in America.

I think the amendment of the Senator from Idaho falls apart. If he wants safety for children from all the hazards, I agree with him completely. And we have passed laws to establish those standards of safety in every single area but one—the firearm industry. They can make any kind of gun they want, and they are not subject to any kind of control or supervision by the Federal Government to sell it. They can sell it without a child safety device such as a trigger lock. They can put it on the market. Look at what happens. Twelve kids in America every single day. Twelve mothers receive a phone call, a knock on the door, and are told their child has just been shot, maybe killed, by a gun.

That is why the mothers marched in Chicago. That is why they marched in Washington and in Los Angeles and across the Nation. That is why we are on the floor of the Senate today. We don't believe that march was in vain. We believe that is the best illustration of democracy in America, when people from ordinary lives come forward and say: We are giving up a special day each year for mothers to let you know how important it is that we have safety in our schools and safety in our neighborhoods. We expect the Congress, the Senate, to listen. To listen—that is what a democracy is all about. The voters, the people, speak and we listen.

Frankly, for almost a year now, this Congress has not listened. After the Columbine High School situation in Littleton, CO—12 kids were killed and a score or more were injured—America was horrified that this could happen in a "good neighborhood," a "good school." It happens all over America.

I live in Springfield, IL. We are not safe from this. There is not a town, there is not a neighborhood, there is not a community in America that is safe from gun violence. We are a nation of 200 million guns. If you have a careless gun owner who asserts his constitutional right to own a gun but refuses to accept his moral responsibility to store it safely, you know what is going to happen. Kids are going to find it. Kids are going to play with it. They may hurt themselves or an unsuspecting playmate. They may take that gun to school, as they did in Jonesboro, AR—an 11-year-old and a 15-year-old with an arsenal of weapons from the grandfather and all the ammunition, sitting in the woods, pulling the fire alarm and watching the kids come out into the playground and firing away at the kids and their teachers.

Should we do something about that? Should we require safety locks? That is part of the legislation that is bottled up in committee. That is part of the legislation Republicans will not bring to the floor.

In Littleton, CO, the guns that were used to kill the students were purchased at gun shows without background checks. Don't we want to know if the purchaser is a criminal, has a history of violent mental illness, or is a child? I would think we would want to know that. We want to keep guns out of the hands of those who would misuse them, but the National Rifle Association says: No, it is too much of an inconvenience to have a background check at a gun show. These folks need their weapons; they need them in a hurry; and they have to get out in the street.

Excuse me but walk through the airports, go through the metal detectors, subject yourself to the inconvenience, if you will, because we want safety on airplanes. If you go to a gun show, you should accept the burden and the inconvenience of a background check because we know if we do not make that background check, guns will get in the wrong hands. In the wrong hands it leads to crime and killing, pain, and suffering for mothers and fathers across America.

It is hard to understand the position of the National Rifle Association. This organization of some 3 million people has made a mockery of democracy. When the overwhelming majority of Americans want sensible gun safety laws, when sportsmen and hunters will accept the inconvenience of a background check and say that is part of it, we understand it—and this organization stands in the way of sensible gun safety legislation time and time and time again—it is disgraceful. That is why we are on the floor of the Senate. We want Democrats and Republicans to go on the record to commend the Million Mom March and to stand up for gun safety legislation.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time? The Senator from Idaho.

Mr. CRAIG. Mr. President, somehow today, if you do not believe what I believe, you are not caring nor are you compassionate. Let me suggest to anyone listening, and certainly to all Senators, no one on this side of the aisle—and I know no one on that side of the aisle—is saying that. We listen, too. Many even participated in the Million Mom March in this Nation's Capital last Saturday. I cannot tell you we felt their pain, but we heard it spoken because unless you have experienced the kind of loss that some of those mothers experienced, I doubt that you can feel it. But you can empathize with it, and all of us do.

Is that why we are bound up on the floor with this issue today? No, it is not. We have been on this floor before, for the last year, on the issue of guns, long before the Million Mom March. The reason we have been on the floor is because what some have wanted to do, the rest of the Congress has not wanted to do—largely because the American people are tremendously frustrated at this moment about violence and about laws and laws not enforced and laws that are enforced and the lack of safety or the sense of security and the obvious real violence that goes on in America today.

No, those moms, at least many of them, were sincere. Others, I am quite confident, had a political agenda. There were second amendment moms who were there. They had a political agenda. They are also sincere because they really do believe that passing gun laws does not a safer world make. It does not take the criminal who perpetrates the vast majority of the crimes off the street—who, by the way, very seldom walks into a gun shop and buys a gun but of course acquires his or her gun off the street in an illegal fashion.

"We want commonsense gun laws," is what we have heard. Yet the underlying mantra of the Million Mom March is not commonsense gun laws; it is registration and licensing. Even some of the most liberal, who believe in gun control, openly admit you cannot get there. You cannot pass licensing and registration because the Congress will not pass it and the public would not accept it, largely because it just would not work.

Cars are licensed? Yes, cars are licensed, but you don't have to have a license to own a car. You don't have to have a license to drive a car if you drive it on your private property. A car is not a right in this country, guaranteed by the Constitution. You have to have a license to drive a car if you drive on public roads. Licenses for cars did not start for safety arguments; they started as a way to tax an owner of a vehicle to gain revenue for vehicular purposes in States.

So there is that quick jump to logic: You have to have a license to own a car. Wrong. You do not need a license to own a car. It is not a right; it is a privilege. There is a very real difference.

It is important that a few of us cut through the fog of the emotion and the rhetoric here. I do believe there are constitutional rights in this country. I think we ought to be terribly careful about how we infringe upon them. That is part of the debate we are involved in today, and that is the most important part as far as I am concerned.

One of the other issues I think is most important is the question of ownership—250 million guns in this country and somehow we ought to take them all down or take a lot of them down, or register or license to deal with them.

I do not find this humorous, but I find it practical. Holland is a nation in Europe—we all know about it: dikes and tulips, a beautiful country, wonderful people. Guns are outlawed in Holland. It is against the law to own a gun, except under unique circumstances. Guns are outlawed in Holland. Now the Dutch authorities are trying to come to grips with a rash of stabbings in Amsterdam. Last year they began a "turn in your knife" campaign, to try to stop the violence in Amsterdam, ravaged upon fellow citizens of Holland by knives. In other words, violence is the issue, not guns, not knives. Now they are thinking in Holland about a "buy up the knife" campaign, something like we have done in this country, or even suggesting they prohibit knives in Holland. Politicians ought to pass a law, some are suggesting.

Is it a reflection of the weapon or is it a reflection of a human problem that is called violence? I think it is the violence issue we are here about today. I know the Senator from California wants to deal with that issue. So do I. But I do not think we all understand how to deal with violence. I believe most of the moms who marched on Sunday were expressing their frustration about the violence that their children experience.

I yield to the Senator from Idaho such time as he may consume.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAPO. Mr. President, I appreciate the opportunity to have a few moments to discuss with the American people this critical issue. The question of violence in our society is, as the Senator from Idaho, my colleague, has just stated, one we all want to address. The differences we have in this Chamber as we debate are not over whether we want to address the difficult problems of violence in our society; they are over how we believe it must best be done. The reason I wanted to stand and talk today is because I am convinced if we continue to focus our efforts on increased gun control and more strict gun control, not only will we impose burdens on law-abiding Americans that are unjustified, but we will fail to give the attention that is necessary to the true causes of the violence that we have to be addressing. I want to address my remarks in two contexts—one, what should we be focusing on and, two, why is it I believe gun control is not the answer.

I will talk about that second question first: Why is it that increased gun control is not the answer? Right here in Washington, DC, we have the best example of why we should not be looking to this as the best solution. In the past few months, there have been a lot of statements about a terrible incident of violence that took place at the National Zoo. I share my colleagues' concern about these high-profile acts of violence, but this example shows why it is that our focus on gun control is misdirected. The answer is not to enact more gun control laws but to address the root causes of violence.

The April 24 shooting at the National Zoo should shock any law-abiding American. At the same time, it dramatically demonstrates that even the more restrictive gun control laws in the Nation have little impact on the actions of violent criminals. In Washington, DC, it is illegal to possess the kind of handgun that was used in the violence at the National Zoo. It is not just illegal to carry them but one cannot even have one in one's home. Washington, DC, has the most restrictive gun control laws in the Nation, far more restrictive than the gun control laws being debated today.

Yet it is in Washington, DC, that this shooting took place—Washington, DC, which some have called the murder capital of the world, where gun violence runs rampant, from where many of the examples of gun violence come.

Yet it is Washington, DC, that has tried to solve these problems through restrictive gun control measures that we seem to debate endlessly on this floor.

Why is that the case? Some will argue the reason we do not have the solution in Washington, DC, is that we do not have restrictive gun laws everywhere and that the person who used this gun in Washington, DC, at the zoo could have gotten that gun elsewhere in the country and then brought it into Washington, DC.

The fact is, that is not what happened. This was a stolen gun that was used in Washington, DC, for this crime, and the reason is, one cannot just bring a gun into Washington, DC, under the law. For the last 32 years, under Federal law that applies to all States, one cannot buy a gun if one is a Washington, DC, resident and bring it into the District. Interstate sales of handguns have been prohibited for 32 years.

What would happen if a D.C. resident were to go to Maryland or Virginia seeking to buy a gun to bring into the District? What would happen is the gun dealer would say: I can't sell you this gun; I have to send this gun to a dealer in your State or in the District and have them deliver it to you there, and since it is illegal to do that in Washington, DC, I can't sell you this gun.

A person in Washington, DC, who wants to get a gun to use in an act of violence is, therefore, going to have to break the law, which is the point. Criminals do not obey the laws. Those who are going to use the gun in a crime do not obey these laws. They steal firearms, or they get them on the black market, or they do so illegally. That is exactly why in Washington, DC, those who carry guns do so illegally and know that the law-abiding citizens do not carry guns.

The shocking truth is that those who are involved in gun violence are going to get their guns illegally, whether they have gun control measures in place or not, and Washington, DC—right where we are conducting this debate—gives us the best example of why it is that further efforts to restrict citizens' access to guns are not going to stop the violence.

What is going to stop the violence? I had an experience, it has been 6 or 8 months ago, watching one of the talk shows on TV that helped me to understand and increased my understanding of what we need to do. We often talk about needing to address the root causes of violence rather than continuing to restrict the right to bear arms. What do we mean when we say that?

Obviously, we talk about trying to reduce the violence our children are exposed to in the media, whether it be TV, video games, and so forth, and that is valid. We also talk about needing to have programs of education so that our young people who do have access to guns to hunt or for target shooting learn to do so in a safe way.

We also talk a lot on the floor about needing to enforce the laws strictly so that those who voluntarily choose to use guns in acts of violence are punished. If you do the crime, you should do the time. That is another aspect of what we need to do to address violence in our society.

When I was watching this talk show, one of the experts who was talking on the issue raised another approach which I think is something on which we need to focus. This particular gentleman who is an expert in this area said: I personally support gun control—his position—I support more gun control, and I support reducing violence in movies, in TV games, in video games, and in the music our children listen to.

He said those things are not going to solve the problem; that we actually have the ability today to identify the large majority of our young people who are troubled and who are the most high-risk young people to engage in a crime of violence. We ought to focus our efforts as a society on identifying these young people who are in troubled circumstances and intervening in their lives at an earlier stage so we can have a positive influence in their lives and steer them back on to a better course for their lives and for the lives of others whom they will touch.

That struck me. Instead of spending the time and the resources trying to figure out a way to stop people, even law-abiding people, from owning a firearm, what we ought to be doing is spending our time focusing on intervening in the lives of those who are troubled and who face these difficult circumstances and making a positive change in their lives. It is these kinds of efforts that will make a true difference.

Again, we will have large differences among ourselves as we continue this debate, but let's let no one in America misunderstand that we all seek the same objectives. We simply have a very different opinion on how to get there. I believe if we as a nation satisfy ourselves with passing some more restrictive gun control measures, pat ourselves on the back and say we have done our job for violence in America, we will be forgetting the real solutions. We will be diverting attention away from those things we have to do as a society to address the root problems of crime and the true root problems of violence.

I thank the Chair. I yield back the remainder of my time.

Mrs. MURRAY. Mr. President, how much time is left on both sides?

The PRESIDING OFFICER. The Senator from Washington has 17 minutes, and the Senator from Idaho has 15 minutes.

Mrs. MURRAY. I thank the Chair.

I yield 10 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 10 minutes.

Mr. LEVIN. I thank the Senator from Washington for her leadership in this effort.

Last weekend, hundreds of thousands of mothers and others were in Washington, DC, for the Million Mom March, marching for sensible gun laws and safe kids. From my State of Michigan, thousands of moms came with their children, with their husbands, and with their parents to demonstrate for sensible gun safety legislation.

Those moms are distraught. They have lost children in school shootings and in drive-by shootings. They have lost their kids in accidental shootings and in murders in their homes and in the streets. They are afraid to send their kids to school or to play at another child's house. There are teachers who are afraid to go to work. They all marched last weekend to put an end to that fear. My wife Barbara and I marched along with them.

Every day, 12 of our children, on average, are killed from gunfire in America. Mothers are disheartened both by the children lost and by the unwillingness of Congress to do anything about gun safety legislation.

Of the hundreds of mothers I met this weekend, not one of them said let's do away with guns in this country, and yet that is how NRA leaders label the actions of the million moms. In reality, Michigan mothers and mothers around the country are simply calling for sensible gun safety.

The moms I met do not want to endure what a Michigan mother, Veronica McQueen, endured. Her 6-year-old daughter, Kayla Rolland, was shot by another 6-year-old at an elementary school not too far from Flint. On Sunday, she told her audience:

> Part of my heart went with her. It is so hard for me to think that I will never see her smile, laugh, or play again; I can never hold her or kiss her again, or see her grow up, get married, and have a happy life.

The mothers who marched on Sunday know that in order to reduce the level of gun violence in this country, we must do many things.

One of the things we must do is to pass stricter laws to keep guns out of the hands of those who should not have guns—children who should not have guns, criminals who should not have guns. The way to do this, in the first instance, is to pass the juvenile justice bill with the Senate gun amendments.

About a year ago this week, the Senate passed an amendment which closed the gun show loophole by applying the Brady background checks to guns sold at gun shows. The gun show loophole allows criminals and other prohibited persons to buy guns at a gun show from a private person that they could not buy from a licensed dealer.

It is a loophole which has been exploited frequently by those who deliberately do not want to undergo background checks, including the Columbine gunmen, Eric Harris and Dylan Klebold.

On April 20, 1999, Harris and Klebold opened fire on their classmates with four semiautomatic assault guns. Of those weapons, three were purchased by their friend, Robyn Anderson, at a gun show. Mr. President, 18-year-old Robyn Anderson bought her younger friends three weapons. Because she bought them at a gun show, she did not need to go through a background check.

Later she testified about this. I would think, of the various testimonies that come out of Columbine, this is some of the most memorable. This is what she said. This is the 18-year-old who bought the guns for the two killers. She said:

> Eric Harris and Dylan Klebold had gone to the Tanner gun show on Saturday and they took me back with them on Sunday . . . While we were walking around, Eric and Dylan kept asking sellers if they were private or licensed. They wanted to buy their guns from someone who was private—and not licensed—because there would be no paperwork or background check.

Robyn continues:

> I was not asked any questions at all. There was no background check. . . . Dylan got a shotgun. Eric got a shotgun and a black rifle that he bought clips for. He was able to buy clips and ammunition without me having to show any I.D. The sellers didn't write down any information.

And here is her bottom line:

> I would not have bought a gun for Eric and Dylan if I had had to give any personal information or submit any kind of check at all. I think it was clear to the sellers that the guns were for Eric and Dylan. They were the ones asking all the questions and handling all the guns.

She concluded:

> I wish a law requiring background checks had been in effect at the time. I don't know if Eric and Dylan would have been able to get guns from another source, but I would not have helped them. It was too easy. I wish it had been more difficult. I wouldn't have helped them buy the guns if I had faced a background check.

So the Columbine gunmen knew about the gun show loophole. They took full advantage of it. The result: 15 dead. Congress has a chance to close the loophole with the gun show amendment. But that amendment is part of a juvenile justice bill which is tied up because the Republican leadership in the House and the Senate will not allow a conference to meet. It is at that conference where Members are supposed to reconcile differences between the two bills.

The Brady law is not intrusive to law-abiding Americans. Mr. President, 72 percent of the checks are completed in 3 minutes, and 95 percent are cleared within 2 hours. The 5 percent of people whose background checks take more than 24 hours to complete are 20 times more likely to have a criminal record or otherwise be prohibited from buying firearms. It is just simply not unreasonable to extend the Brady background check to guns that are bought at gun shows.

Congress must act. The moms, the dads, the grandparents, the families want us to act. We must vote yes on the pending sense-of-the-Senate legislation that Senator DASCHLE and others have offered in order to clearly state to the American public that there are some of us here, yes, in the majority in the Senate—since the majority passed these amendments—the majority of us want to act. With their help—the million moms, and millions more like them—we will hopefully be able to move this legislation this year, reduce the number of killings, and save more families from the tragedies which have been too often witnessed in this country.

I thank the Chair and yield the floor.

Mr. BYRD. Mr. President, I support the amendment offered by Senator DASCHLE to S. 2521. I have come to the floor of the Senate several times to speak about failure of the Juvenile Justice conference to come to an agreement. Our nation is yearning for leadership. I vote for this amendment to once again urge the conferees to move ahead on the Juvenile Justice bill. Craft a common sense bill that will help to break this cycle of youth violence. Show the nation that the Congress can see what is happening outside of the Capitol Building, and that we are capable of working in partnership with all Americans to bring some calm to our classrooms.

This legislation does not create dramatic infringements on the right of an informed and responsible citizenry to keep and bear arms. It simply would put in place some common sense provisions to balance public safety and private gun owners' rights. Requiring trigger locks would not jeopardize anyone's Second Amendment rights to own a gun, but trigger locks might prevent children from turning guns on other children. And improving background checks is not a monumental change, either. These additional checks would only serve to prevent those people who should not have access to weapons from getting them. I believe that responsible parents and gun owners would be able to support these common sense provisions.

I also support the amendment offered by Senator LOTT to S. 2521. I agree that the government can and should do more to enforce the existing laws concerning firearms. I do not believe that we must choose between enacting common sense measures to protect public safety and protecting the rights of gun owners—we can do both. Nor do I believe that we must choose between enacting additional protections for public safety and enforcement of current gun laws. I hope that the conferees working on the Juvenile Justice bill will come to an agreement on legislation that will enhance enforcement of the laws we currently have on the books to keep guns out of the wrong hands. Further delay only increases the chance that another child may die from gun violence before the Congress acts.

Ms. MIKULSKI. Mr. President, last Sunday, I joined hundreds of thousands of Americans in marching in support of common-sense gun safety laws. Today we're trying to show that these marchers made a difference. We can either listen to the mothers and fathers who marched with their feet—or we can listen to the gun lobby—who march with their dollars.

The Daschle amendment says that we're listening to the Million Mom marchers. It merely calls on the Congress to do it's job—to convene the Juvenile Justice Conference and pass common-sense gun safety laws.

Since I've been in Congress I have fought for gun control and gun safety. We passed the Brady bill—which requires a 5-day waiting period so there can be background checks of gun purchasers. This law has stopped 242,000 felons from buying guns. We fought to ban certain types of semi-automatic assault weapons and cop killer bullets.

For ten months, our gun safety proposals have been in legislative limbo. The Senate passed the Juvenile Justice Bill in July 1999. Since then, the Republican leadership has refused to let us move the bill forward.

During this time, we've seen 3,600 children die from gun violence. We've seen twelve children die every day from gunfire. In Maryland, we've mourned the death of over 100 children a year. In Maryland we saw a crazed man steal five guns—and murder four people—before holding a family and a community hostage.

The Juvenile Justice bill includes common-sense gun safety provisions. It would close the gun show loophole—by requiring background checks for all guns bought at gun shows. It would require gun safety locks to be sold with new guns. It would close the loophole in the law that permits the importation and possession of high-capacity ammunition clips. It would keep guns out of the hands of serious juvenile offenders by banning gun sales to juveniles with violent crime records. Finally, it would ban juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

The State of Maryland is the national leader in gun safety. I commend Governor Glendenning and the Maryland General Assembly for passing path-breaking gun safety legislation. The new Maryland law will require built-in child safety locks on new hand guns; ballistics testing for new guns—to help law enforcement and safety training for new gun purchasers. This legislation is the first of its kind in the Nation. It will save lives. The United States Congress should follow Maryland's lead—and enact common-sense gun safety legislation.

Mr. President: I was so proud to join thousands of Marylanders in the Million Mom March. Let's show that the march mattered. Let's make democracy work—and pass the Daschle amendment.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, when the Senator from Michigan speaks I always listen because we work very closely together on issues that deal with kids. Most of the time, we agree. All of the time that we work together, we are very sincere.

I do not question the sincerity of the Senator from Michigan in the statement he made. I am not surprised he was on the Mall last Sunday. He is somebody who feels very deeply about the issues in which he becomes involved.

We have worked very closely on issues dealing with young people, such as in making sure that we could streamline adoptions so young people without loving families could find those families and become a member of those families. So I listen very closely when that Senator speaks.

I also listened to those at the Million Mom March over the weekend. I went to their web site. I looked at their issues. I studied their premise. I do not question their sincerity, but some of their issues do not fit common sense and will not work in America.

Here is their No. 1 issue shown on this chart, No. 1 on their web page: "License Handgun Owners and Register All Handguns." It also happens to be the No. 1 gun issue in a certain Presidential candidate's portfolio this year. Coincidence? Maybe not.

But the reality of licensing gun owners and registering firearms is something that almost all Americans have viewed as an anathema for a long while. Why? Because they really do believe that a gun, once acquired as private property, is no business of the Government that they should know about.

I supported background checks. In fact, I am probably one of the few Senators who insisted that the ATF come to the Hill years ago and work on the aggressive implementation of instant background checks. I wanted that to happen. It is now happening today. I brought appropriations bills to the floor to fund ATF to make it happen. There was great resistance downtown. They just did not want to make it work. I am not sure why.

We can instant anything today in our computers. We can instant our credit. We can instant any idea we want, in rapid response, through the tremendous telecommunications ability of our country. But somehow we just could not get this online. And the reason we could not, there was a bias. The bias was waiting periods, resistance to the acquisition of firearms.

Today we have an instant check. By the way, as we know, last weekend it malfunctioned; it went down. Gun shops, that are law-abiding gun shops, that are federally licensed gun shops, had to quit dealing for a time, quit selling, because they could not do instant background checks.

We are not opposed to background checks. We are not opposed to background checks at gun shows. Sorry to dispel the myth. What we are opposed to is unnecessary regulation, recordkeeping, the kind of thing that would create an ability of the Government to follow back and check on what most of our private citizens and 65 million law-abiding gun owners feel is a constitutional right and none of their Government's business.

The folks in Australia, Bermuda, Cuba, Germany, Great Britain, Greece, Ireland, Jamaica, and Soviet Georgia were worried about gun licensing and registration, because they were fearful it would result in gun confiscation. They were right. It did. Citizens in those countries today don't own firearms. They were confiscated by their government once their government could find where they were. Is it wrong for American citizens to be concerned? I think not.

There are, certainly, issues that those moms were marching on about which all of us are concerned: safety locks on handguns, yes, that manufacturers are producing. Should the Federal Government require them? I don't believe it should, but I would certainly have them on my handguns if I owned handguns.

If I were a single person living in a dangerous neighborhood and I bought that handgun for self-protection, I might not want a safety lock on that gun in the dark of night when my door is being crashed in by an intruder. I wouldn't want to fumble in the darkness to take the safety lock off. I would want the instant protection that the gun I acquired offered me in my right of self-protection. But because I didn't have the lock on, by what some are arguing on the other side, I would be in violation of a Federal law. Instinctively, none of us want that. None of us want to voluntarily feel we force ourselves to be in violation of a law in defense of our person and in defense of our property.

Those are some of the kinds of practical nuances that argue not against common sense but against some of what is being tried here today.

So if it doesn't work, politicize it. If you can't get your way around here, politicize it. Some got their way in the Senate a year ago. They passed the Lautenberg provisions in the juvenile justice bill. I didn't support them. I thought they had gone too far. I think the gun community of America thought they had gone too far, the law-abiding gun community of America. Criminals didn't care. They recognized what some of my colleagues in the Senate don't recognize, that by definition, they don't play by the rules so they don't care what we do. They break laws. That is why they are called criminals. But somehow we write these laws and everybody will march in step with what their Government demands. Law-abiding citizens will do so.

Anyway, we passed the Lautenberg law. The House rejected it. Somehow our colleagues on the other side can't accept that fact and won't accept it. So here we are today, holding up a very important piece of appropriations legislation, all for the sake of making a nonbinding political point. Well, it is a political body. They certainly have that right. But it is nongermane, and it doesn't fit. We ought to do something that does fit.

Most importantly, we ought not perpetrate a hoax on the millions of mothers who expressed their frustration over violent acts in this society last Sunday. I think most were sincere. I think some were very high-level organizers of certain political interests. I think their web page demonstrates that.

That is really not the issue. The issue is, can we pass laws that work and can we pass laws that are enforceable and that the American public will accept? That is the crux of this debate. That is the point of the politics.

I retain the remainder of my time.

Mr. WARNER. Mr. President, I rise today to indicate my reasons for not supporting the Daschle amendment, amendment number 3148 to S. 2521, the military construction appropriations bill.

The Daschle amendment is a sense-of-the-Senate amendment. After starting a number of findings, the amendment states that it is the sense of the Senate that "Congress should immediately pass a conference report to accompany" the juvenile justice bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the juvenile justice bill in May of 1999, I supported the Lautenburg amendment, and other amendments to close the gun show loophole in the Brady act. I also supported an amendment to require licensed firearms dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the juvenile justice bill has been locked in a House and Senate conference committee.

Let me be clear, I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the juvenile justice bill. And, I will continue to support the common-sense gun provisions that passed the Senate during the juvenile justice debate. I believe the Senate passed gun-related amendments to the juvenile justice bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens.

Despite the fact that I agree with the statement in the Daschle amendment that Congress should immediately pass a conference report on the juvenile justice bill that includes the Senate passed gun-related amendments, I do not support the Daschle amendment. The Daschle amendment is not a legislative amendment and is simply a procedural maneuver. The Daschle amendment has no force in law and no relationship to the underlying purposes of the military construction appropriation bill.

As chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important military construction appropriations bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall.

The Daschle amendment is an unrelated sense-of-the-Senate amendment to the military construction appropriation bill. Sense-of-the-Senate resolutions have no force in federal law. Voting for this amendment places vitally needed funding for our Armed Forces in peril by jeopardizing passage of the overall bill.

Again, I continue to support the commonsense gun related provisions that passed the Senate as part of the juvenile justice bill. When these matters come before the United States Senate in a substantive, rather than a procedural capacity, and on a related piece of legislation, I look forward to voting for them once again.

Mrs. FEINSTEIN. Mr. President, earlier today, Senator CRAIG spoke on the floor about licensing and registration. I just wanted to correct one statement he made.

Senator CRAIG said that "The reality of licensing gun owners and registering firearms is something that almost all Americans have viewed as an anathema for a long while. Why? Because they really do believe that a gun once acquired is private property and it is no business of the government that they should know about it."

Of course guns are private property, but the facts do not support the contention that the American people view licensing and registration as an "anathema."

According to a Wall Street Journal/NBC News poll last year, 90 percent of Democrats and 70 percent of Republicans support mandatory registration of any type of gun or firearm.

A May report by the National Opinion Research Center at the University of Chicago shows similar findings, with 70 percent favoring gun-owner licensing and training in use of their guns.

A USA Today/CNN/Gallup Poll taken at the end of April shows seventy-six percent of those surveyed favored registrations of all handguns. And 69 percent favored the federal government requiring all handgun owners to obtain a special license.

In fact, a recent Princeton Survey Research Association Poll indicated that even 66 percent of gun owners support the registration of all handguns.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 9 minutes, and the Senator from Idaho has 8 minutes.

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. I thank Senator MURRAY, and I thank the Chair.

It has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Let me repeat that. It has been more than a year since the Columbine tragedy and this Republican Congress refuses to do anything as it relates to sensible gun legislation. That is why Leader DASCHLE offered his amendment.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who died in the past year, and we will continue to do so every day that the Senate is in session. We will read those who died of gunshots. In the name of those who died, we will continue this fight.

The following are the names of some of the people who were killed by gunfire 1 year ago today. These names come from the Conference of Mayors: James Allen, 27, Houston, TX; Ladrid Austin, 21, Chicago, IL; Jeremiah Buchanan, 22, Houston, TX; Karamoh Daramy, 23, Detroit, MI; Rufus Dinuwelle, 50, Charlotte, NC; Maurice Harris, 27, St. Louis, MO; Raul Martinez, 27, Chicago, IL; Marty Owens, 31, Chicago, IL; Andre Parker, 19, Chicago, IL; George Robinson, 39, Houston, TX; Robert Simms, 30, Washington, DC; Jon Vermillion, 32, Houston, TX.

Those are some of the names. We will be here every single day until there is action. The other side is going to say: Shame on you for interfering with the Senate's business.

I say to them: There can be no more important business than protecting our children, than protecting our citizens. We are losing them at alarming rates, more than any other civilized country. Indeed, all the other civilized countries combined don't have the deaths from gunshots that we have in this country—30,000 of our good people every year.

The other side says it is not about laws; it is about community and caring and family. Of course, they are right. But I say to them that those young kids who were cut down before their prime in Columbine came from good families. They prayed to God. They got down on their knees and prayed, and they were shot.

To be scolded on the floor of the Senate for defending our children is something that will not stand. I am glad the good Senator put up the chart from the Million Mom March because when I look at that, I think to myself, there is hope.

The Senator implies that we have before us an agenda on licensing of guns. We do not have that. That is not in Senator Daschle's amendment. He is calling for the release of the five gun amendments we already voted on, simple, straightforward: trigger locks, no high-capacity clips, a study of the gun manufacturers' techniques as they sell to children, raising the age where a person can buy an assault weapon from 18 to 21. Those are simple and straightforward.

Closing the gun show loophole is another. The woman who got the guns for the deranged children who murdered those kids said if she had to go through a background check, she never, never would have, in fact, bought those guns.

So please don't chastise us. It was the other side that stalled for 5 solid hours yesterday and didn't let us have our debate. We would have been done with this debate.

I have to say, when we look at these numbers, 12 kids a day, 30,000 people a year, it is almost too much to comprehend the pain and suffering that goes along with it. Eight times as many as those people are wounded, sitting in wheelchairs for the rest of their lives, some of them vegetables for the rest of their lives. We don't even begin to touch it when we talk about only the deaths. It is the physical pain and agony of those who survive with wounds, and we have seen in Columbine children committing suicide because they can't handle the trauma. What is the answer of the other side? We don't need laws. Why don't they think about licensing?

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mrs. MURRAY. I yield the Senator 30 additional seconds.

Mrs. BOXER. You need a license to give a haircut to somebody.

Does anyone say that the Government is going to come and take the scissors? Come on. Don't be afraid of this lobby. Stand up and be counted. Join the million moms. They are Democrats; they are Republicans; they are from families; they are grandmas and grandpas. That is who showed up. I had the joy of marching with them. Let's vote for the Daschle amendment.

The PRESIDING OFFICER (Mr. ALLARD). Who yields time?

If neither side yields time, the time will be charged equally to both sides.

Mrs. MURRAY. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes; the Senator from Idaho has 7.

Mrs. MURRAY. Mr. President, I ask whether the Senator from Idaho would be willing to allow us to use some of his time. We don't want to vote until 1:30. If I may, I will yield Senator HARKIN 5 minutes.

Mr. CRAIG. I will retain 5 minutes of my time. I will yield a couple of those minutes, but we will need the rest for closing purposes.

Mrs. MURRAY. How much time would that give me for the remaining time on our side?

The PRESIDING OFFICER. Three and one-half minutes.

Mrs. MURRAY. I yield our remaining time to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for 3½ minutes.

Mr. HARKIN. Mr. President, first of all, I take a back seat to no one in being a legitimate hunter. I hunt every year. I have hunted since I have been a kid. I will take on anyone over there in trap shooting. That is not what this is about. It is not about law-abiding people who like to hunt and own guns to hunt with, or somebody who needs one for self-protection in their home. That is not what this is about.

That's why I have to take issue with those who are always misinterpreting the Constitution of the United States—misinterpreting it. When you look at the Lott amendment before us, the first thing he says is the second amendment to the U.S. Constitution protects the right of each law-abiding U.S. citizen to own a firearm for any legitimate purpose, including self-defense or recreation.

Please tell me where in the second amendment and the Constitution it says that. You can go out to the NRA building, and on the side it says, "'The right of the people to keep and bear arms shall not be infringed,' the second amendment to the Constitution." Anybody can take anything out of context, Mr. President. You can prove there is no God by reading the Bible. All I ask you is to open the Bible to Psalms 14:1. Guess what it says; ". . .there is no God." I ask my friend from Idaho if he has ever read Psalms 14:1. It says there is no God, in the Bible. But what does it say right before that? "The fool said in his heart there is no God."

What relation does that have to the second amendment to the Constitution? Everybody has this book in their desk. It is not that big a deal to read this. It says:

> A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

So what do they do? They take it out of context. I suppose somebody could take the Bible out of context, too. You have to put it into contextual framework. The framers of the Constitution knew they didn't want a standing army. They wanted a militia, like the National Guard, for people in their homes to keep arms for protection. Read your history books. These people out here who want to reinterpret the Constitution for their own ends are doing our people a great disservice.

Now, take another look at the Lott amendment. The Lott amendment has a finding in the end. Here is the sense of the Senate that—get this:

> The right of each law-abiding United States citizen to own a firearm for any legitimate purpose, including self-defense or recreation, should not be infringed.

The right of each law-abiding United States citizen. It doesn't have an age limit. Does that mean a kid 13 years old can have an Uzi for recreational purposes? It doesn't say that there. There is no age limit on it. It could be a 5-year-old kid or a 10-year-old kid. I will say one other thing. "For any legitimate purpose," it says. Does that mean—

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. I ask for 30 seconds.

Mrs. MURRAY. Mr. President, I ask unanimous consent for 2 additional minutes for the Senator from Iowa to finish his statement.

Mr. HATCH. Mr. President, I will not object if that is given to our side as well.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Is my request also granted?

The PRESIDING OFFICER. That would be part of the request. Is there objection?

Without objection, it is so ordered.

Mr. HARKIN. I thank the Senator. Read the language of the Lott amendment. "The right of each law-abiding United States citizen." No age limit; 10-year-old kids or 14-year-old kids can own any amount of guns they want.

"For any legitimate purpose, including recreation." Does that mean if I want to own 50 Uzis, the Government can't have anything to say about it? Maybe that is my recreation and I want to blow down a lot of things in my backyard. This doesn't make any sense. The sense-of-the-Senate resolution makes no sense. It misinterprets the Constitution.

Secondly, it opens the door wider than we have ever seen it before. Keep in mind, when you vote on the Lott substitute, what you are saying is that anyone in the United States who is a citizen—no age limit—can own any amount of guns that person wants. There are no restrictions. Is that what we want in this country? If so, have the guts to stand up and say so. Stand up and say that you want 10-year-old kids owning Uzis and machine guns. Go ahead and say it if that is what you want because that is what the language of the Lott amendment says.

All you have to do is read the language of what is in front of us. Look at this chart. This says what we ought to do is "start them young; there is no time like the present" for a little kid like that on this chart. This is an ad. Under the Lott amendment, that kid could be carrying 10 Uzis. Keep that in mind when you vote for it.

Mr. President, I do support Senator DASCHLE's resolution. We had one million mothers, their families and friends on Mother's Day demanding their elected lawmakers take final action on the Juvenile Justice bill and the gun measures that bill included. For ten months since we first passed the bill—despite numerous gun tragedies at schools, workplaces and even places of worship all across America—the Republican leadership has refused to move forward on these common sense provisions.

What is almost as senseless as these tragedies is the fact that Congress refuses to act on this legislation that would prevent many of these shootings.

What are the so-called controversial measures we're talking about? Measures—ironically—that would not affect law-abiding citizens who want to own a gun. Let me take a moment to list them: Requiring gun manufacturers to provide child safety locks with their guns, giving the owners the option to install them. Closing the gun show loophole that allows sales at gun shows without background checks. Right now, 40 percent of all gun show sales go without a background check. Under this provision, all potential buyers at gun shows will use the Instant Check computer system—which normally takes a few minutes. For the small percentage of potential buyers—less than 5 percent—they may have to wait up to three days so records can be checked manually on the closest business day. And the bill would ban juvenile possession of semi-automatic weapons and high-capacity ammunition clips. These are reasonable measures.

But, I also believe we need to do a better job at enforcing current laws. I support the Administration's budget request for new funding to hire more ATF agents and prosecutors. I also support their request for research funding to develop "smart-gun" technology which could limit a gun's use to its owner and authorized users to help prevent accidental shootings.

Opponents of common sense gun safety laws set up a false choice between prevention and enforcement. Any successful policy will have to have both of these elements.

Mr. KERRY. Mr. President, I rise to lend my support to the Daschle sense of the Senate, which commends the organizers and marchers of the Million Mom March and urges the juvenile justice conference include the Senate-passed gun control measures in its report and to issue its report by the Memorial Day recess. I support the gun control measures that are contained in the juvenile justice bill that was debated and passed by the Senate last July and I sincerely hope that the conference will meet to finish their work on this critically important bill.

I am deeply troubled by the numbers of people—and particularly the number of children—that are wounded or killed by gunfire each year. And, Mr. President, I know that all of America understands that the impact of gun violence on children is staggering. Listen to some of these statistics, Mr. President: The National Center for Health Statistics found that in 1997 almost 12 children died every day from gunfire. The gun homicide rate for children under 15 is sixteen times higher in the U.S. than in 25 other industrialized nations combined. Between 1979 and 1997, gunfire killed nearly 80,000 children and teens in America—25,000 more than the total number of American soldiers killed in battle in Vietnam. Firearms wounded an additional 320,000 children during this same period. In a single year 4,205 children and teens were killed by gunfire. Those 4,205 deaths are equal to the number of passengers on eight jumbo jets, 90 school buses full of children, and more than an entire high school graduating class of a school the size of Columbine every school month. Nearly three times as many children under ten died from gunfire as the number of law enforcement officers killed in the line of duty. Children are twice as likely as adults to be victims of violent crime, and more likely to be killed by adults than by other children. Homicide is the third leading cause of death among children aged five to fourteen.

Mr. President, these statistics reveal why it is of such considerable consequence that we complete work on the juvenile justice bill. We cannot ignore the violent reality that so many of our children face. The Senate has debated and passed the a very good piece of legislation that seeks to reduce gun violence among our young people. All we are asking, Mr. President—all that we have been debating here today—is that the juvenile justice conference meet, that they finish their business and issue their report, and that the Congress vote on the conference report.

The juvenile justice bill is being made controversial, Mr. President, but it does not need to be. The Senate-passed juvenile justice bill would enhance efforts to keep guns out of the hands of criminals and children, by closing the gun show loophole which currently permits sales at gun shows without a background check; by prohibiting the sale or transfer by a licensed dealer of a handgun without a secure gun storage or safety device; by closing the loophole in the law that permits the importation of large-capacity ammunition clips; by keeping guns out of the hands of serious juvenile offenders by banning gun sales to juveniles with violent crime records; by expanding the Youth Crime Gun Interdiction Initiative to 250 cities by 2003 to enhance efforts to trace guns used in crimes and identify and arrest adults who sell guns to children; by requiring the FTC and the Attorney General to study the extent to which the gun industry markets and distributes its products to juveniles; by increasing penalties on "straw purchases" to curb the transfer of firearms to individuals who cannot purchase them legally—juveniles, felons, fugitives, and stalkers; and by banning juvenile possession of semi-automatic assault weapons and high-capacity ammunition clips.

Mr. President, I don't think it is necessary to get bogged down in a protracted, partisan debate over this legislation. The Senate must come together to address the horrible number casualties caused by gun violence in this country. The juvenile justice bill that we have debated and passed will make our communities, our schools, and our cities safer for this nation's young people. And, Mr. President, I think it is a critical first step to addressing the problem of gun violence that this legislation be moved through conference and voted on.

But Mr. President, I understand that common-sense gun control measures are not a silver bullet capable—by themselves—of solving this tragic problem. We must do much more, Mr. President, than just close the gun show loophole, we must also increase enforcement of existing gun laws at the federal, state, and local levels. We must increase our investment in and commitment to early learning programs. We must also improve and reform our public schools. We must ensure that our students have meaningful after-school programs to keep young people off the streets at the times in which juvenile crime rates are highest. We must enable communities to hire full-time, school based police officers under the Community Oriented Policing Services (COPS) program to prevent and respond to disorder and violence in our schools. We must allocate funding for school counselors to assist in identifying troubled students and providing them with the necessary resources and attention to address their problems. We must support partnerships between schools, families, and law enforcement to build relationships, establish anti-truancy programs and mentoring and conflict resolution programs in schools and communities. But if we are truly committed to ending the terrible trend of gun violence in this country, than we must also implement gun control measures. It is going to take much, much more to deal with this horrendous problem than passing the juvenile justice bill, but this legislation is critical to reducing gun violence.

Mr. President, I agree with my colleagues on both sides of the aisle that another very important component of reducing gun violence is improving the enforcement of existing gun laws. I believe we should provide additional funding for ATF agents to crack down on gun dealers who violate federal laws and expand the highly-successful Project Exile program nationwide. I do not view gun control measures and enforcement provisions as mutually exclusive. I do not believe that we must choose between more gun control legislation or tougher enforcement. This is a false choice. The American people want a comprehensive approach that includes common-sense gun legislation; tougher enforcement; and closing the loopholes that exist in current law.

Increased enforcement—at the federal, state, and local levels—is a critical component of a comprehensive approach to ending gun violence. We have improved our enforcement efforts over the last few years and I think we should step-up our efforts to improve enforcement. Department of Justice statistics show a 41 percent increase in the number of federal gun felons sentenced to more than five years in prison since 1993, and a 16 percent increase in the number of gun cases filed. The number of higher-level offenders—those sentenced to five or more years—has gone up nearly 30 percent in five years. Mr. President I'd like to call your attention to an article that appeared in USA Today on June 10, 1999. This article reported that "Gun laws are enforced more vigorously today than five years ago by nearly any measure. Prosecutions are more frequent than ever before; sentences are longer; and the number of inmates in federal prison is at a record level. The number of inmates in federal prison on firearm or arson charges (the two are lumped together) increased 51% from 1993 to 1998 . . . A U.S. Sentencing Commission analysis done for USA Today shows that lying on the background check form is prosecuted in federal court far more often than acknowledged." We are on the right track and I sincerely hope that the federal government continues to improve its enforcement record. As of April 1999, there were more than 100,000 federally licensed firearm dealers in America—more licensed gun dealers than there are McDonald's franchises. Yet there were only 1,783 ATF agents to police them; many of those agents are detailed by law to only investigate crimes involving explosives. Clearly there is room for the federal government to do more than it is currently doing. I wholeheartedly support increased enforcement efforts and commit to working with my colleagues on both sides of the aisle to see that federal, state, and local enforcement efforts are increased.

The bottom line, Mr. President, is that the American people want more from us and they deserve better from us. They want an end to random and senseless violence. We have got to get past the partisan divide that exists in the Senate. It is preventing us from effectively addressing the problem of gun violence and that cannot be tolerated, Mr. President. We must come together to achieve the goal that I know each and every Senator shares: to make our society safer for our young people. This issue is too important, Mr. President, to get caught up in politics. We must find a way to work together on this issue.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I oppose Senator DASCHLE's gun control resolution on the military construction appropriations bill. Rather than move forward on this important appropriations bill, some of my colleagues are trying to breathe life into their gun control agenda.

I think it needs to be made very clear that nothing this President has proposed and nothing that the million moms have proposed would have prevented Columbine; West Paducah, KY; Jonesboro; State of Washington, or Hawaii—none of those incidents. This is being done for political purposes, not because there is any real logic behind it.

I was disturbed to learn that the Federal Bureau of Investigation's national instant criminal background check system malfunctioned last week, thereby preventing background checks of gun buyers. As a result of the Government's error, gun sales throughout the Nation were halted from last Thursday through Sunday. Meanwhile, existing Federal gun laws are not being enforced, and the Clinton administration appears to be allowing the national instant check system to fall into disrepair. As a matter of fact, they have never fully implemented it, even though we gave them that charge a number of years ago.

During the debate on the Brady bill, the Clinton administration promised the American people an instant background check system, and we all agreed with having that system to get the real criminals in our society and to keep guns away from them. Indeed, I have worked hard to make such a system a reality. Unfortunately, as we have seen all too often, the NICS system is not instant for many Americans who wish to purchase firearms. As a result, many firearms-owning Americans are suspicious of the Federal Government's attempt to regulate firearms. Last week's collapse of the NICS system, which occurred during the Million Mom March, only increases this distrust.

As the chairman of the Senate Judiciary Committee, I am announcing hearings today on the problems associated with the NICS system and how Congress can compel this administration to administer the system adequately.

We will hold hearings on this. One thing is clear about last week's collapse: had the Lautenberg amendment been enacted into law, all sales—even private sales—would have been barred at gun shows.

The Clinton Administration, and many of my Democratic colleagues, call for more gun control, but they do not administer or enforce existing laws and programs. There are literally thousands of federal, state, and local firearm laws presently in existence. President Clinton spends a great deal of time at press conferences on gun control. Meanwhile, his Administration cannot even operate the NICS system adequately.

Not only does the Clinton Administration fail to administer the NICS system adequately, it fails to prosecute existing gun crimes. For example, compare the following federal gun laws to the Clinton Administration's prosecution record:

It is a federal crime to possess a firearm on school grounds. The Clinton Justice Department prosecuted only eight cases under this law in 1998, even though more than 6,000 students brought guns to school. The Clinton Administration prosecuted only five such cases in 1997.

It is a federal crime to transfer a firearm to a juvenile. The Clinton Justice Department prosecuted only six cases under this law in 1998 and only five in 1997.

It is a federal crime to transfer or possess a semiautomatic assault weapon. The Clinton Justice Department prosecuted only four cases under this law in 1998 and only four in 1997.

It is a federal crime for a person who has been adjudicated mentally ill to possess a firearm. The Clinton Justice Department prosecuted only five cases under this law in 1998 and only four in 1997.

It is a federal crime for a person who has been dishonorably discharged to possess a firearm. The Clinton Justice Department prosecuted only two cases under this law in 1998 and no cases in 1997.

Worse yet, the Clinton Administration has failed to prosecute even the most serious gun crimes. Between 1992 and 1998, prosecutions of defendants who use a firearm in the commission of a felony dropped nearly 50 percent, from 7,045 to approximately 3,800.

Mr. President, I look forward to the upcoming hearing on the NICS system. My colleagues in the Senate should work with me to encourage this Administration to administer and enforce the existing laws before we even consider additional laws.

Additionally, we are talking about an enumerated right in the Constitution. And we should be very careful before we start playing around with the enumerated right. Unfortunately, some people think they can make political hay for this matter, and they are going to do everything they can to make that political hay. I have heard arguments here on the floor that are not justified under any terms.

It is time for us to enforce the laws that are on the books. There are some 20,000 laws, rules, and regulations against misuse of firearms, against the criminal use of firearms, against all other things I have been talking about, and this administration has not been serious about enforcing those laws. When they get serious about that, maybe they can come in less hypocritical and talk about some changes that both sides can get together on and do something about rather than having these phony approaches toward politics rather than the consideration of the rights of American citizens to keep and bear arms.

Mr. President, I yield whatever time I have remaining.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I ask unanimous consent that I be able to use 5 minutes of my leader time to explain what I am planning to do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, let me say to my colleagues that I have just put in a phone call to Senator DASCHLE and advised him of how I wish to proceed.

What is at stake here is, can we go forward and make progress with the work we do in the Senate on our appropriations bills? Can we complete the military construction appropriations bill and have debate that we want to have on the Kosovo issue and include it as a provision? And it is not partisan. Can we go on to the foreign relations appropriations bill that has the emergency money for Colombia in it? Can we go to the agriculture appropriations bill which has the emergency and disaster money in it or are we going to be faced every time we bring up appropriations bills with nongermane amendments? Under rule XVI, they can be ruled out of order only by the Chair. But if it is a sense of the Senate, the Chair has not ruled and has basically submitted it to the Senate for determination.

I am going to make a point of order that the Lott amendment—my amendment—violates rule XVI, that it is sense-of-the-Senate language on an appropriations bill, and that the Chair should rule on the germaneness question. If the Chair does not rule on that, then we will submit it to the Senate and we will have a vote on that question. Assuming a majority votes for that, then nongermane sense-of-the-Senate resolutions will be ruled out of order just as any other nongermane amendment.

I want to emphasize, germane amendments and germane sense-of-the-Senate resolutions would clearly be in order. But if we are going to deal with these emergencies, if we are going to get our work done and assist the appropriators in moving these very important, very difficult bills, we are going to have to get some clarity on this issue.

That is what I plan to do. We expect the Chair to rule, and then we will move to a vote on that.

Mr. President, I make a point of order that the pending Lott amendment violates rule XVI; that it is sense-of-the-Senate language on an appropriations bill, and that the Chair should rule on the germaneness question.

The PRESIDING OFFICER. The point of order is not well taken.

Mr. LOTT. Mr. President, I appeal the ruling of the Chair, in that the Chair has ruled it will not rule on amendments containing sense-of-the-Senate language on the question of germaneness, and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. DASCHLE. Mr. President, I suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ROBERTS). Without objection, it is so ordered.

Mr. LOTT. Mr. President, I believe we have worked out a good agreement on how to proceed on the issues before us and the time that would be used this afternoon, tonight, and into tomorrow. Let me read that, and if there are any questions, I will respond.

I ask unanimous consent that the vote now occur on the appeal of the ruling of the Chair and, immediately following that vote, the point of order be withdrawn, the Senate proceed to a vote on the Lott amendment No. 3150, to be followed by a vote on the Daschle amendment No. 3148, all without intervening action or debate.

I further ask that following those votes, Senator LEVIN be recognized to offer a strike amendment relative to Kosovo and there be 10 hours of debate equally divided in the usual form, with 75 minutes of the opponent's time under the control of Senator BYRD, and no amendments in order prior to the vote.

I also ask consent that the vote occur in relation to the Levin amendment at 2:30 p.m., Thursday, and, following that vote, Senator BURNS be recognized to offer a series of cleared amendments on behalf of the managers, and, following those, the bill be advanced to third reading and the Senate proceed to the House companion bill, H.R. 4425, and all after the enacting clause be stricken, the text of S. 2521, as amended, be inserted, the bill be immediately advanced to third reading, and a vote occur on passage, all without any intervening action or debate.

I further ask consent that the Senate insist on its amendments and request a conference with the House and the Chair be authorized to appoint conferees, which will be the subcommittee and the chairman and ranking member, if necessary, and, following the passage vote, the Senate bill be indefinitely postponed.

The PRESIDING OFFICER. Is there objection?

Several Senators addressed the Chair.

Mr. BYRD. Reserving the right to object, Mr. President, Senator WARNER and I hope we can offer an amendment to amend our amendment dealing with the commitments that are laid out in that amendment which the allies will be expected to meet. We would like to reduce those commitments. I wonder if we might be able to include such an amendment in the request.

Mr. LOTT. Mr. President, I would not have an objection to that. I don't believe there would be objection on our side.

Mr. DASCHLE. Reserving the right to object, Senator LEVIN is not presently on the floor. I know Senator MCCAIN has worked with Senator LEVIN on this. Maybe I can defer to him. In speaking with Senator LEVIN, I know he also wanted the opportunity to offer an amendment to the Byrd language. I am sure he would want to be included in any kind of unanimous consent that would allow for amendments. Perhaps we would want to include that as well. Perhaps we could revisit this question after we get the general agreement to accommodate the Senators.

Mr. LOTT. I would certainly be inclined to work with Senator BYRD on that. I hope we can clear this agreement. We will check with all interested parties. I think it is a fair request. It is Senator BYRD's amendment along with Senator WARNER. A lot of Senators are interested in it, and we want to be sure they have an opportunity to be aware of it.

Mr. WARNER. Mr. President, may I take 1 minute to state the Byrd-Warner amendment. We would simply change the date from July 1, 2001, to October 1, 2001, the date on which funds would be prohibited for continued deployment of ground combat troops. Second is one of the benchmarks the President has to certify. It would be reduced from 33 percent to 25 percent, thereby making it possible, in the judgment of this Senator, that the President would be able to make the certification as required by the amendment.

Mr. WELLSTONE. Reserving the right to object, Mr. President, I think Senator LEVIN is on the floor now. I ask the majority leader this. It is my understanding that this is the first time in 16 years such a point of order has been raised on sense-of-the-Senate resolutions to amendments to appropriations bills. I ask the majority leader why this is the case.

Mr. LOTT. Well, we have a number of very important appropriations bills we want to move through the Senate, including appropriations bills with emergency provisions. In the case of the military construction bill, we have emergency funds, needed funds, for the Defense Department to reimburse accounts, such as operation maintenance, that have already been used to pay for the additional cost of fuel. In the case of foreign operations, we have language regarding the Colombian narcodrug war situation. In agriculture, of course, we have disaster funds included in that legislation.

The rule is very clear on germaneness when it is a substantive amendment, and the germaneness point also lies against budget resolutions and, under rule XXII, cloture votes and on reconciliation bills.

All this would say is, that germaneness point of order would be ruled on by the Chair, as it is in these other instances, in the future. Germane amendments would clearly still be in order. I assume they would be offered on many of these bills. It is a clarification of the rule XVI provision.

Mr. WELLSTONE. Mr. President, reserving the right to object, pursuing this a bit further, we always have appropriations bills. We did last year. I know some of my Republican colleagues had sense-of-the-Senate amendments. We always have the business of the Senate before us. I don't think the majority leader answered my question. Why, for the first time in 16 years, has the point of order been raised?

Mr. LOTT. If it was raised 16 years ago, I guess that would be justification enough under the precedent of the Senate. Sense-of-the-Senate resolutions have been growing by leaps and bounds. You will recall that at the conclusion of the budget resolution debate, Senator BYRD rose and objected to the proliferation of these sense-of-the-Senate resolutions, and something like 35 or 40 sense-of-the-Senate resolutions fell because of the concerns he raised.

We have a lot of important work to do. We have the people's business to deal with. We need to get appropriations for agriculture. I know the Senator feels strongly about that. We need to get transportation work done. There will be plenty of germane amendments, substantive amendments, to be offered. If we don't make it clear that rule XVI applies to the appropriations bills, both on substance and on sense of the Senates, a great deal of our time will be spent on both sides of the aisle—and this is not something just on one side or the other; unfortunately, we abuse it, too.

So that is the reason, to try to clarify that and facilitate doing the people's work. We should have completed this military construction bill last Thursday.

Here we are with a lot of issues really we should not be dealing with. You could argue about even some of the language that was included in the committee. But the fact is, we have got to get it done, and I am trying to find a way to help get that work done and still allow for appropriate germane amendments.

Mr. WELLSTONE. Mr. President, this is my last question. Last year, the Senator from North Carolina, Mr. HELMS, who had every right to do so, had a sense-of-the-Senate bill expressing the sense of the Senate that the U.S. Census Bureau has willingly decided not to include marital status on census questionnaires, and so on and so forth. That passed by a 94-0 vote. I think this was on the Transportation appropriations bill. This is the first time in 16 years that this has happened.

I think the majority leader wants to run the Senate as the House of Representatives. I think it is a big mistake for this institution to be run that way. I think it is very difficult for us to be out here raising questions that are important to people's lives that we represent in our different States given the continuing challenges of raising these points of order by the majority leader. This is happening over and over again. I think the Senate is losing its capacity to have the discussions, to have debate, and to have its vitality.

I don't think I am going to object, but I would like to go on record in strong opposition to what the majority leader has done. I think it is a terrible precedent for the Senate.

The PRESIDING OFFICER. Is there further objection to the unanimous consent request of the distinguished majority leader?

Mr. LEVIN. Mr. President, reserving the right to object.

Mr. WELLSTONE. Mr. President, I am not going to object. I think the reason I will not is I want to have a vote on these two amendments because we have been trying to do it. But I hate this precedent. I am going to try to figure out, along with other colleagues, I hope, a challenge.

Mr. LEVIN. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I am sorry I was not on the floor when the Senator from West Virginia offered what I understand to be a proposed amendment to this unanimous consent proposal. Is that correct?

Pending is the proposed amendment of the Senator from West Virginia to this unanimous consent request.

Is the Senator from Michigan correct?

The PRESIDING OFFICER. The amendment by the distinguished Senator from West Virginia has not been proposed.

Mr. BYRD. Mr. President, reserving the right to object, may I explain to my friend from Michigan?

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Since the amendment, which was offered by Senator WARNER and myself, was acted upon in the committee and has reached the floor, several Senators have indicated concern with respect to the certification process set forth in that amendment. Out of respect for those who are concerned about that certification process, and in an effort to improve the legislative product, Senator WARNER and I have discussed this matter, and we are willing to reduce the numbers set forth in the certification language. We think that would improve the product and would also meet the concerns of Senators who have raised them. I was just seeking to include in the unanimous consent request a request that we might be able to include such an amendment.

Mr. LEVIN. I would object at this time to any such additions to the unanimous consent request. And that is what I was seeking. I would not object to the unanimous consent as it is printed here. But at this time, at least, I object to the amendment which has been proposed by the Senator from West Virginia.

The PRESIDING OFFICER. Is there further objection?

The majority leader is recognized.

Mr. LOTT. Mr. President, let me say that I certainly have shown my sympathy for what Senator BYRD has tried to do. I understand Senator LEVIN wanted to make sure he has thought through what is involved here. But I hope that we could go ahead and get this unanimous consent agreement and begin to make progress. Let's work with these two Senators to see if we can't find a way to accommodate each other's desires. I know that this is substantive. But I also know that the sponsors of the amendment to the language would have an opportunity to adjust it. I hope we can go ahead and get this agreement and proceed, and let's continue to work on that possibility.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I reserve the right to object. I will not further delay, except to say I hope we can work something out. The Senator from Michigan is not going to be able to let us proceed with that part of the request. We will try to work something out. In the meantime, let me say that if we are unable to work out something that will allow us to amend this bill, I want to give those Senators who are concerned in this regard my assurance that in conference I will do everything I possibly can to reduce those certification requirements. I give them my word that we will get that done in conference.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. Mr. President, I am grateful that we are going to be able have two votes. I think it is extremely important. I say to the majority leader I have had requests by three Members that following the votes on the two amendments they be allowed 15 minutes, and, of course, if they want, reciprocal time on the other side of the aisle. We would be able to agree to that. We would have 15 minutes to talk following the two votes. It will delay things perhaps up to half an hour, if the other side decides to take their 15 minutes.

Mr. LOTT. Mr. President, if we could get the request agreed to at this point, with that one addition, I think that is reasonable.

Mr. REID. That is all we have. I think if we could get that agreement we could go forward with the unanimous consent request.

Mr. LOTT. Mr. President, I ask unanimous consent that we agree to an amendment of 15 minutes on each side—before we begin the Kosovo debate. We have 10 hours of time for the Kosovo debate. This is a very important foreign policy and defense issue. We need to get engaged in this discussion.

I make that modification, and I urge my colleagues to agree to this request.

The PRESIDING OFFICER. Is there objection?

Mr. BIDEN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his parliamentary inquiry.

Mr. BIDEN. Is the Byrd request to amend his language part of this unanimous consent?

Mr. LOTT. It is not.

The PRESIDING OFFICER. It is not.

Mr. REID. Mr. President, so there is no misunderstanding, the 30 minutes would immediately follow the two votes, and I would control the 15 minutes on this side.

The PRESIDING OFFICER. That is correct. Is there objection?

Mrs. HUTCHISON. Mr. President, reserving the right to object, I have to ask a question of Senator BYRD and Senator WARNER. If they are not able to perfect their amendment, am I barred from offering the amendment that would lengthen the time?

Mr. WARNER. Mr. President, I can answer that. Senator BYRD and I discussed not having the amendment accepted. We have the assurance of Senator BYRD. I talked to Senator STEVENS. I concur that in the conference the substance of the amendments will be worked out should the provision remain in the bill. It is the best we can do.

The PRESIDING OFFICER. Is there objection to the request of the distinguished majority leader?

Mrs. HUTCHISON. I object.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues on both sides for working to understand what we are doing. I renew my unanimous consent request as stated, with the addition that was offered by Senator REID.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. President, I join the comments made by the Senator from Minnesota. This is a historic moment in this Chamber. It is not just another procedural vote. It is a decision by the majority, the Republican majority in this Senate, to reduce the opportunities that Members in the Senate have to discuss the issues of importance to this Nation. It is being offered in the name of efficiency. It is being offered in the name of saving time.

It was not that long ago, only a few years ago, when the Elementary and Secondary Education Act was debated for several weeks at a time, under both Democratic and Republican leadership, with the offering of a myriad of amendments on both sides. That was considered the deliberative process. That was what the Senate was all about. It was a battle of ideas and the best side would win. We would move forward with legislation in a bipartisan fashion.

What the majority leader is doing today with this point of order is to basically close down debate on the floor of the Senate. I think it is worthy of note that the issue that has precipitated this is gun control. This is the bone in the throat of some of the Members who cannot stand the idea of voting on this issue.

We believe this is an answer to that. Bring the bill to the floor and let's vote for it up or down, bring it out of conference. The idea we are somehow paying homage to efficiency in the name of this institution, in the name of taking away our birthright as Senators to speak to issues on behalf of the American people, I believe, is, frankly, going to penalize this institution.

Mrs. HUTCHISON. Regular order.

The PRESIDING OFFICER. The regular order is for Senators to object or not to object. Is there an objection?

Mr. SCHUMER. Reserving the right to object.

The PRESIDING OFFICER. The regular order has been called. A Senator may object or not object.

Mr. SCHUMER. I reserve the right to object.

The PRESIDING OFFICER. The Senator has no right to—the Senator has the right——

Mr. WELLSTONE. I object. I object.

Mr. SCHUMER. I object.

Mr. LOTT addressed the Chair.

Mr. WELLSTONE. I object.

Mr. LOTT. Mr. President, everybody is trying to be patient and understanding. I ask the Senator be allowed to speak under his right to object, but remind him that the rules are that it is not an opportunity to give a speech on the substance. It is a reservation to make a point or a question. I hope the Senator would accommodate that and not go into a long statement.

Mr. SCHUMER. Mr. President, I thank the Senator for his courtesy. I would have objected, but I spoke to our minority leader and I follow his leadership. I cannot state how strongly I feel about the inability to have open debate in the Senate. I simply say, with all due respect to the majority leader, a man I respect and admire, the feelings on this side, and our inability to debate issues we think are important—whether they be gun control or education—are reaching the boiling point. I fear if we are throttled any further, the whole order and comity of this body will break down.

I plead with the majority leader that we think of a better way to do things than close down debate on issues some Members think are vitally important to debate. I say that with great respect and love for this institution.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. I thank my colleagues. In the 15 minutes after the votes, I will respond to some of the comments that have been made in the way they richly deserve. For now, I believe we are ready to proceed.

The PRESIDING OFFICER. (Mr. CRAPO). The question is, shall the decision of the Chair stand as the judgment of the Senate?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessaily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 54, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—45

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
Dorgan
Durbin
Edwards
Feingold
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Torricelli
Wellstone
Wyden

NAYS—54

Abraham
Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
DeWine
Domenici
Enzi
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich
Warner

NOT VOTING—1

Dodd

The ruling of the Chair was overruled as the judgment of the Senate.

The PRESIDING OFFICER. The Senate will next consider amendment No. 3150.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to amendment No. 3150. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 69, nays 30, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—69

Abraham
Allard
Ashcroft
Baucus
Bennett
Bingaman
Bond
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
DeWine
Domenici
Dorgan
Edwards
Enzi
Feingold
Fitzgerald
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kerry
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wyden

NAYS—30

Akaka
Bayh
Biden
Boxer
Chafee, L.
Daschle
Durbin
Feinstein
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kohl
Lautenberg
Levin
Mikulski
Moynihan
Reed
Reid
Robb
Rockefeller
Sarbanes
Schumer
Thompson
Torricelli
Voinovich
Wellstone

NOT VOTING—1

Dodd

The amendment (No. 3150) was agreed to.

Mr. DASCHLE. Mr. President, we have witnessed an extraordinary political spectacle in the last 24 hours. Yesterday we spent approximately 3 hours in a quorum call because the Republican caucus could not decide how to respond to a simple Sense of the Senate amendment commending the Million Mom March and demanding that this Congress act now to pass sensible gun safety legislation.

Today, the Republicans attempted for the second time to rule our amendment out of order.

What, I ask, is so disconcerting about the Democratic amendment?

Are there really members of this Senate who do not believe that the stalling has gone on too long? Are there really members of this Senate who believe that it is not a national emergency that children are dying in this country every day from gun violence? Are there really members of this Senate who believe that this emergency is too insignificant to command time on the Senate floor?

Yesterday, after 3 hours of silence and paralysis, our Republican colleagues decided that they could not simply join us in commending the Million Moms. Instead, they decided to offer their own amendment.

Let us not be distracted. We will vote on the Republican amendment, but the vote that matters, the vote that may just prevent more kids from dying, is on the amendment I have offered.

Constitutional scholars may disagree about the meaning of the Second Amendment, but I for one believe there is nothing inconsistent about protecting the Second Amendment and closing the gun-show loophole, requiring trigger locks on handguns, or banning juvenile possession of military style assault weapons.

Moreover, I agree we should enforce our gun laws. But that is only part of the solution. It is just a basic fact that you can't enforce a loophole. We need a policy of zero loopholes, and zero tolerance.

The gun lobby keeps trying to confuse us. They say the debate is either new gun laws or education. They say it is either new gun laws or enforcement of existing laws. But this is not an either/or debate. We need a multifaceted solution to end gun violence.

Let's look at what the Republican amendment says:

They call for better enforcement of existing gun laws. But they can't resist attacking the Clinton Administration's efforts. They twist statistics to make the case they want.

The reality is that the number of firearms offenders sentenced to 5 years or more in federal prison has increased more than 41 percent since 1992. The reality is that federal authorities have worked diligently with state and local authorities, during this Administration, to reduce violent crime in a cooperative and coordinated fashion. The reality is the total number of prosecutions for weapons offenses has increased more than 22 percent since the beginning of this Administration and violent crime has dropped by 35 percent.

I think we should commend America's hard-working law enforcement officials for these successes, not vilify them. Sadly, my Republican colleagues do not agree.

Next, the Republican Sense of the Senate acknowledges the existence of the Juvenile Justice Conference Committee. And they point to provisions passed by this Senate as part of the Juvenile Justice bill that they support, such as strengthening penalties for gun crimes and illegal gun purchases and prohibiting juveniles who commit felonies from ever possessing a gun.

Democrats support these provisions, too. But these measures, by themselves, are not enough. This Senate did better. This Senate passed the Lautenberg amendment to close the gun show loophole. And just a month and a half ago, 53 Senators reaffirmed that the conference report should include this provision. Sadly, my Republican colleagues chose not to include the Lautenberg amendment on their list of priorities.

The Republican amendment, however, while it acknowledges the existence of the Juvenile Justice Conference, does not explain why that conference report has yet to come before this Senate.

The biggest problem may not be difference over which provisions are most important. The biggest problem may be the fact that special interest politics have prevented this conference from meeting at all.

Finally, the Republican amendment concludes that each U.S. Attorney's office should designate a prosecutor to pursue firearms violations, that we should update the national instant criminal background system, and that we should encourage states to impose mandatory minimum sentences for firearm offenses. Again, most Democrats support these measures. But are they enough? We know they are not.

Their amendment also concludes that law-abiding citizens have the right to own a firearm for self-defense and recreation. I agree with this statement. I myself am a hunter. But I am also a father and I feel for all the other fathers—and mothers—who have lost a child to gun violence. That is why I introduced this amendment.

On the whole, I have decided to vote against this amendment because I disagree too strongly with many of the findings in the Republican Sense of the Senate amendment, and their one-sided nature. However, I must make clear that I support the second amendment, like other constitutional provisions, and believe that the second amendment does not preclude reasonable regulation of the use of firearms. But this Republican amendment does not go far enough and will not stop the violence in our communities.

Democrats have offered an amendment that acknowledges the dreadful cost that gun violence is having on our country. We cannot forget that 12 young people are killed every day in America by gunfire. We cannot forget that American children under the age of 15 are 12 times more likely to die from gunfire than children in 25 other industrial countries combined. And we cannot forget that every day we spend in political gridlock is a day we waste solving this terrible problem—a day we do less than we should to stop the killing.

That is why the Democratic amendment, in addition to commending the mothers and fathers that gathered across the country this Mother's Day to call for meaningful, common-sense gun policy, insists that Congress act now to improve our gun safety laws.

This Senate needs to demonstrate to America's mothers and fathers that we heard their call. This Senate needs to resolve today, as the Democratic amendment demands, that the Juvenile Justice Conference must meet and must pass a conference report that includes the Lautenberg amendment and other critical provisions to limit access to firearms by juveniles, convicted felons, and other prohibited persons.

It is the least we should do, and it is long overdue.

Mr. President, I ask unanimous consent that vote No. 64 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ROLLCALL VOTE NO. 64, APRIL 6, 2000

(On agreeing to the Reed amendment (No. 2964) to express the sense of the Senate regarding the need to reduce gun violence in America)

YEAS—53

Abraham
Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith, (OR)
Torricelli
Warner
Wellstone
Wyden

NAYS—47

Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Jeffords
Kyl
Lott
Mack
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

AMENDMENT NO. 3148

Mr. CRAPO. The question is on agreeing to the Daschle amendment, No. 3148.

Mr. CRAIG. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. REID. I announce that the Senator from Connecticut (Mr. DODD) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 50, nays 49, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—50

Akaka
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Byrd
Chafee, L.
Cleland
Conrad
Daschle
DeWine
Dorgan
Durbin
Edwards
Feingold
Feinstein
Fitzgerald
Graham
Harkin
Hollings
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Torricelli
Warner
Wellstone
Wyden

NAYS—49

Abraham
Allard
Ashcroft
Baucus
Bennett
Bond
Brownback
Bunning
Burns
Campbell
Cochran
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hagel
Hatch
Helms
Hutchinson
Hutchison
Inhofe
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Voinovich

NOT VOTING—1

Dodd

The amendment (No. 3148) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mrs. BOXER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. SESSIONS). The majority leader.

Mr. LOTT. Mr. President, after an extended period of time for votes on these issues, we are ready to go to what I hope will finally be a substantive debate with regard to the Kosovo issue. Under the agreement that was worked out, I believe we have 15 minutes now to talk about this series of votes which just occurred. Therefore, I claim a part of that time for myself.

The PRESIDING OFFICER. There are 15 minutes per side.

Mr. LOTT. I yield myself 5 minutes.

Mr. President, there were a number of things said earlier today on which I just bit my lip and took it because I thought, for the greater good of the Chamber, we should get an agreement and move forward. There has been a lot of what I consider to be misinformation put out about this issue and why we were proceeding the way we were. Plus, I also feel personally maligned, and I do not appreciate it, I say to my colleagues.

I made the choice to leave the House and come to the Senate. I was on the Rules Committee. I could have stayed there. I could have been on the Rules Committee, but I chose to leave. I do not think we have any—I do not remember the term that was used earlier—God-given rights in this institution.

We all have certain rights, and I am going to work to protect those rights. When I believed Senator SCHUMER was not being treated properly, I spoke up. Last year, in a very critical moment when Senator BYRD was not being treated properly, I said: No, that is not right.

I am getting really tired of people questioning my commitment to the Senate and to the opportunity for debates and that I am trying to be a rules committee of one.

I tell you, what I am trying to do is find a way for the Senate to do its work. These charges that are leveled against me are nonsense.

One of the things I have done since I have been in the Senate and have been majority leader is I have studied the history of this institution. That is why I started the Leader's Lecture Series, because I wanted to know what previous majority leaders did. I read them on both sides. I can tell you what Senator Mansfield did. I can tell you what Senator Lyndon Johnson did. I can tell you what Senator BYRD, Senator Mitchell, Senator Dole, and Senator Baker did as majority leaders.

People talk about that civility has broken down, and there is acrimony. That is ridiculous. I think we have a very good relationship here. You may not get it the way you want it every time, but you do not have a guarantee that you get the results you want every time.

What it is really all about is getting the work of the Senate done, dealing with real bills and real issues, not playing games and saying: OK, we voted last year; we have not voted this year. OK, we voted last month; we have not voted this month.

Somebody has to be charged with the responsibility of trying to get the process to move forward. It falls to the responsibility of the majority and, therefore, the majority leader.

Am I the only guy here who thinks we ought to get the military construction appropriations bill done with the emergencies in it that the President asked for?

Am I the only guy here who thinks we ought to pass the foreign operations appropriations bill with the Colombian drug money in it, which we need to do, because there is a crisis developing down there? You talk about the situation in Kosovo. I think the situation in Colombia is a lot more dangerous for the long term. They are poisoning the minds of our children. Every day they are killing kids.

Am I the only one who thinks we ought to do the agriculture appropriations bill with the disaster money that is in it? Everybody says: We want it. We want it. When? When do you propose to do it?

The military construction appropriations bill should have been done last Thursday. It could have been done last Thursday. We could have had a debate on the Kosovo issue. I did not put that into this process. It was done at the subcommittee level. I might not have done it that way, but it is there. We have to deal with it. No, no, no, no, the word was we had to have talk about guns, driven by the Million Mom March.

You wanted debate. Yesterday at 4 o'clock, I said: OK, let's have debate. The rest of the night we will debate, tomorrow for 3 hours, and we will have a vote. No. We were told we have to have 12 hours for debate on this issue. And then, 4, 5 hours later, we wound up basically getting an agreement so people could talk for about the same time. Maybe you all were not aware I was trying to say, OK, let's have debate.

I want to go back to one other thing I said earlier. No, it is not a "rules committee of one." It is a rules committee of the majority. There has to be fairness; there has to be understanding. You have to be able to make your speeches on both sides. We want that. But to have these sense-of-the-Senate resolutions that make these great, profound statements but don't result in any substantive action, I think that is a very serious problem.

The PRESIDING OFFICER. The majority leader has used his 5 minutes.

Mr. LOTT. We had in our budget resolution provisions that stopped sense-of-the-Senate resolutions from being voted on repeatedly, over—well, 45 of them right at the end of the session.

Now, somebody said we are trying to shut down Senate debate. We had debate. We had 6 or more hours on this issue. We debated it 4. We had debate on it last week on the so-called gun issue. We had debate and votes on it last year.

As a matter of fact, we have bills in conference on a number of these issues on which we are going to act. I am working on them one by one. We have the FAA authorization conference report. We have the African trade conference report. We are working, in a bipartisan way, to see if we can get the bankruptcy conference report. We are working on e-commerce.

Nobody is trying to shut the Senate down. We are trying to get the Senate to move forward and do its work.

As far as order and comity, I support that. I am going to do everything I can to continue to support that. But I think for us to have basically 1, 2, 3, 4 days tied up having debate on gun amendments instead of having debate on Kosovo and the military construction appropriations bill is not the way we should be operating.

We have this language in conference. We voted on it last year in the juvenile justice bill. Maybe you forgot. But last year I said, with advanced notice: OK, we are going to have the juvenile justice bill. It is going to be open for amendment. We were going to finish it; start on Monday and get through on Thursday. It took another whole week. My trying to be helpful and cooperative wound up causing all kinds of problems for us.

I think it is important that we put this in perspective. We had the two votes. What has been proven here? One of them—a resolution—we agreed to by a vote of 69-30, saying: Hey, we have laws on the books. Why don't we enforce the gun laws? Why don't we arrest people who are using guns in the commission of crimes? Why don't we stop people from taking guns into schools? Why don't we take actions instead of just talking about it?

More laws on the books. Oh, that's the solution: More laws. Let's take away people's rights instead of enforcing the laws that are on the books.

But we got an overwhelming vote on that. Then again, we got a vote of 50-49 telling the conference to act before Memorial Day. Well, great. The Senate is going to tell the conference to act before Memorial Day? Do you know how much weight that really carries? Zero.

They are going to get a juvenile justice bill. Will it be to the perfect liking of me or anybody else in this Chamber? I doubt it. But they are going to get a result.

So this is a lot of sound and fury that is not going to produce results in terms of the Justice Department enforcing the laws on the books or in terms of getting the conference to provide a final action.

I have been pushing to act on that conference report. In fact, I am pushing every conference report. But I have to go on the record saying I do believe I have been maligned unfairly. I have bent over backward to try to give notice when we were going to call up a bill and to have cooperation with the Democratic leadership to make sure Senators had a chance to make their case.

But to come in here and think we have to have a right to offer nongermane amendments to every appropriations bill that comes through, and then criticize us for not getting our work done—oh, boy, that is really smart—really smart: Yes, we demand our rights to offer our issues. By the way, why aren't you guys getting these bills done?

I do not believe the American people are being fooled by all of this.

So I will end with this. I will not impugn other people's actions or integrity. I am going to try very hard to make sure we are civil in the way we act and that we have a relationship. But also I hope you will understand that I am trying to get bills done.

Some people say: You worry too much about running the railroad. Somebody has to do that. I guess it is my responsibility. Somebody has to try to see if we can get these appropriations bills done before the end of the year so we don't get to the end of the session and schools don't know what they are going to get, parks don't know what they are going to get, while we are wrangling around here to see who is going to get primacy over the other.

I am saying let's do these appropriations bills. I am going to give priority to the appropriations bills over everything else. I would like to do the defense authorization bill and the defense appropriations bill next week, but we have people who want to offer nongermane, nonrelevant amendments that are going to tie that up probably for all week. So instead, we will go to the agriculture appropriations bill.

But before we leave next week, we are going to have to do the military construction appropriations bill, the foreign operations appropriations bill, and the agriculture appropriations bill. In the process, if we could have a little cooperation, I think we could get a lot of nominations done. Hopefully, we can come to an agreement on how to complete action on the Elementary and Secondary Education Act.

I am going to offer a unanimous consent request next week or tomorrow to have more amendments on education, but let's see if we can find a way to get to a conclusion on education. I presume the Democrats are going to object because they want to offer issues that do not relate to elementary and secondary education.

Let me say I suspect there might be objections on this side, too, because people want to offer amendments that are going to do nothing but cause problems and probably defeat the Elementary and Secondary Education Act. I do not think that is good. I think we need to address this issue of education.

So I wanted to take advantage of some of this 15 minutes. I do not know how much time is left. But I had it on my chest, and I had to hold it earlier, so now I feel better. I hope maybe we all got some of this out of our system and we can move on to get our work done.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. I will use my leader time and not the time allocated to others for consideration of their remarks.

Let me just say the majority leader was able to get some things off his chest. I have not heard all of what he has unloaded this afternoon. But I look forward to reading the RECORD. I don't know if there is any possible way, in a period of a couple minutes, for us to get everything off of our chests.

I will tell you this. The way the Senate is being run is wrong. No majority leader in history has attempted to constrain Senate debate as aggressively as Senator LOTT has chosen to do. Now, that is his right. People ask, on many occasions, what my feelings are personally about that. That is his right. He has chosen the way he runs the Senate.

I think he is doing that for what many believe is a laudatory reason. He is trying to protect his members so they don't have to vote on tough issues.

Let's get it out on the table. If I am going to get everything off my chest, I think he is trying to protect his members. He sees that as his role. I understand that. But no majority leader has ever gone to the extent that he has—no one in history. I defy anybody to come to the floor and challenge that statement. No majority leader has come to the floor to say, before we take up any bill, we will have to limit the entire Senate to relevant amendments. No one has done that. So let's get that straight. I ask any of the 99 colleagues to challenge that statement. No one can. So we start from that.

Why do we want to have debate on amendments? Because that is the only ability for the minority to express itself. The majority leader has phrased it very interestingly. He said: I don't want all these amendments to cause trouble. The more they cause trouble, the more in jeopardy the bills will be.

He made reference to that regarding the education bill. He didn't want amendments to cause trouble. Cause trouble for whom? What kind of trouble? What are we talking about here? We are talking about the ability of Senators to express themselves, to offer amendments, to have debate. There is an old-fashioned way of dealing with it. It is called a tabling motion. Or you can get elaborate and offer a second-degree amendment. You can do all kinds of things. But to say, "We are going to come to the floor and do it my way or no way," is unacceptable.

Over and over and over and over again, we are told that is the way it is going to be. One of our colleagues the other day said it is like the frog sitting in a pot of water who doesn't notice that the water keeps getting hotter and ultimately the frog boils to death. Well, the water continues to heat, and we are slowly boiling to death, procedurally.

We just lost another right this afternoon, and it is outrageous—outrageous. How many more times do we have to limit ourselves to debate on the Senate floor, and how many other ways are we going to limit debate and expression and gag Senators? That is wrong. That is absolutely the wrong way to run the Senate. We hear a lot about cooperation, but I am telling you, there will not be cooperation unless we understand that the minority has to have its rights, too. Those rights have to be respected.

I hope, when we are in the majority, we understand the rights of the minority. I will admonish my colleagues to do that. But this is getting to be more and more a second House of Representatives. This is getting to be more and more a gagged body. This has nothing to do with the traditions of the Senate that I admired when I became a Senator. We have gagged Senators on the budget. We have gagged Senators on appropriations. We have gagged Senators on sense-of-the-Senate resolutions. We have gagged Senators on the right to participate in conferences. Do you know that we have not had a conference report this year come back with a kind of conference that we have always historically and traditionally organized as a result of passing legislation? We just don't have real conference committees anymore.

I just heard a report in our ranking member's lunch today, where staff reported on virtually every bill that has passed the Senate, where we are meeting at the staff level trying to work things out for the conference report, and Republican staff told Democratic staff: If you don't like it, don't come because that is the way it is going to be. That is cooperation?

So I will say to my colleagues on the other side that we are not going to tolerate it anymore. We are not going to accept that anymore. I am going to demand that every single appropriations bill that comes to the Senate before it can be completed be passed in the House first because that is regular order. Let's stay through a recess for a change. I am ready. We are going to require the regular order when it comes to appropriations bills. We are not going to do unanimous consent requests routinely as we have done so easily and quickly in the past.

It is over. If there is going to be cooperation, I want to see it on both sides. I want to see some respect for the rights of the minority when we deal with these issues, and I will not allow our members to be gagged. We will have a lot more to say about this, but I am telling you, we have drawn the line. We are not going to be conducting business as we have in the last several months. That is over. That is behind us. We can do it the Senate way, or we are not going to do it at all.

I yield the floor.

Mr. LOTT. Mr. President, I believe we have 4 minutes left on our side. I believe I have some leader time left.

The PRESIDING OFFICER. The majority leader is correct.

Mr. LOTT. I yield myself time under my leader time and leave the remaining 4 minutes for others who might want to speak on the gun issue.

If that is the way it is going to be, then that is the way it is going to be. One of the things that shocked me in the last day in talking about things that you don't appreciate is, yesterday, I had no notice at all that this issue was going to come up. I found out when I came on the floor. I had not seen the amendment to be offered. I had no notice whatsoever.

Earlier this year, when there was an incident where I took an action and the Democrats had not been notified, it was called to my attention—because I thought they had been—so I apologized and said we would correct that, and we did. But if it is over, it is over. This can go all ways. We can just draw the line and not get any work done. We can just not have cooperation if that is the way they want it to be. But it extends across the board. I don't think that is the way to proceed.

I am not going to be threatened and intimidated by the minority in trying to get our work done. If you want to go through this approach, if you want to shut down everything, then everybody loses in that process. We can cooperate and we can get these bills done.

As far as issues coming up where we don't like it—in fact, one of the Senators I have been concerned about—and one of the issues on this Elementary and Secondary Education Act is that we have a Senator who wants to offer something dealing with NCAA gaming, and there is an objection on the Democratic side. I have gone to the colleague on this side and said this is not relevant to this issue, doesn't relate to elementary and secondary education, and we ought not to do that. After a lot of back and forth, he came back and said: OK, if we can get it up some other way, I will agree to back off of that for now.

But on both sides we have Senators who want to offer things that will cause mischief and delay or kill a bill. That happens. If you have an elementary and secondary education issue that comes up and somebody offers a killer amendment, we stall out right there. It might not be on this side.

So it takes a lot of cooperation around here on both sides. I think we have had that pretty much for 4 years. Both leaders have to look after their members. You have members who want to be heard. You have to try to get them in there. In fact, every one of these issues that I hear complaints about, we voted on all those issues. We voted on all of them over the last year. Maybe not this year or last month, but they have been voted on. So I hope it doesn't come to this.

I have tried to avoid having an acrimonious relationship. Maybe it is unavoidable in this election year, but I think that would be a shame for the American people because, after all, that is about whom we should be thinking.

Regarding these conference reports, I have never seen a more bipartisan effort than what we had on the Africa and CBI trade bill. I don't know whether it was some sort of legally constituted conference or not. Sometimes the House doesn't appoint conferees, but we have an obligation to keep trying to work. Senator MOYNIHAN was there, Senator ROTH was involved, as were Chairman ARCHER and Congressman RANGEL. It was totally bipartisan.

It was one way, one side, or one party or the other trying to get the upper hand on the other.

The reason we are doing what we are doing on bankruptcy is that we are trying to find a way to move bankruptcy so we can then extract the minimum wage issue. We have people on one side or the other objecting to it. What do you propose we do? What I propose we do is to get our work done right across the board. I am willing to try to do that.

But if we are going to hold our breath, turn red in the face and threaten, then that is the way it will be. But everybody needs to understand that in that kind of relationship nobody wins; everybody loses. More importantly, this body and the American people lose because we have a lot of work we need to do together.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I am sure I have a little time remaining.

Let me just say no one wants to stomp their feet and get red in the face—certainly not me. That is not my style. If it has happened, it is only because the frustration level continues to mount.

It is ironic that the majority leader uses the word "cooperation" so frequently because that irony has struck me to be the essence of the problem. There is so little opportunity for cooperation when the majority acts in the manner it has throughout this Congress. That is the problem—no cooperation. We are prepared to work through appropriations bills and to work through the authorization bills.

He mentioned the need for cooperation. He also mentioned, I might add, the urgency of the emergency funding in these appropriations bills. The House begged the majority leader for cooperation on the emergency supplemental. The administration begged the majority leader for cooperation on the emergency supplemental. Many of us on the Democratic side urged the majority leader to cooperate on the emergency supplemental. But do you know what the majority leader said? I have decided there will not be any cooperation on the emergency supplemental. I have decided it will go piece by piece in appropriations bills, and you take it or leave it.

I am not trying to get excited here. But let me just say as softly and as sincerely as I can: That is not cooperation. That is a Senate version of dictatorship that I think is unacceptable. We work by committee. We work by consensus. We work by genuine cooperation. We work by trying to deal with these issues one by one. I could cite many other examples. We want cooperation. We are willing to work with the majority quietly and productively. But we want cooperation.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I hope I have some time left because I do need to put some things in the RECORD.

With regard to cloture votes, I have studied the masters.

First of all, we now have to file cloture on the motion to proceed because we are told it is going to be filibustered. Even the motion to go to a bill is being filibustered, and there has been a tremendous increase in that.

We are not filibustering even the substance of the bill but the motion to proceed to the bill.

Let me give you some statistics.

When Senator BYRD was majority leader, he filed 87 cloture motions. There was one cloture vote on a conference report.

The average cloture votes per Congress: 289.

Senator Mitchell filed 166 cloture motions—26 cloture motions on conference reports, and then 35 motions that were withdrawn or vitiated. That is another thing. Quite often we have to file cloture; we get an agreement, and we vitiate it.

Senator Dole—so everybody understands this is not partisan—filed 91 cloture motions: 5 cloture motions on conference reports, and 21 of them were withdrawn.

These are some interesting statistics about how we proceed around here. When we are having a filibuster, either we have amendments or we debate. That is the only option the majority leader has.

I wanted to get that in the RECORD.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, let me say for the RECORD at this moment, in response to the distinguished majority leader, that Senator BYRD and Senator Mitchell never filed cloture to prevent Members from offering amendments—never.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Nevada is recognized for 15 minutes.

Mr. REID. Mr. President, I yield 5 minutes to Senator KENNEDY, 4 minutes to Senator BOXER, 3 minutes to Senator DURBIN, 2 minutes to Senator REED of Rhode Island, and 1 minute to Senator SCHUMER.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope our majority leader understands the friendship and the personal affection that many of us feel for him personally. This really isn't a personal issue. It is about how we are defining the role of the Senate.

As I remember history, our Founding Fathers wanted this to be a place where there would be free and open discussion and the clash of ideas—not a place for a narrow, partisan agenda; not where there was going to be, as the Democratic leader pointed out, effectively, the gagging of Members from being able to represent different ideas and different positions.

We come from all different parts of the country. We represent a variety of interests. This institution is supposed to be, as I thought it was going to be, about representing various positions and having the clash of ideas.

There isn't anyone who has questioned the majority leader's leadership in asking for a delay in terms of the consideration of various pieces of legislation. That is not what this is about.

But there are many of us who believe it is a matter of importance that we deal with the availability of guns to children in this country. We don't think that this is just some simple Democratic proposal. We believe it is something that goes to the core of many families in this nation. We think we ought to be able to debate and then call the roll.

We don't think it is just a matter of some narrow interest about whether we debate and finally resolve the issue of prescription drugs. We think that this is something of major importance and consequence.

We had to go through the hoops in order to try to deal with the No. 1 issue of people in this country; that is, whether doctors are going to make the decisions in treating people or whether it is going to be insurance agents. We are being denied the opportunity to bring those up. We were denied that opportunity and we've had to go through gymnastics.

We are denied the simple opportunity to have a vote in the Senate on the issue that affects 12 million of the neediest people in this country, the minimum wage.

So the leader shouldn't take this as a personal matter. This is what we think this institution is all about. They have their agenda. They have the votes. But let us at least try to represent what we believe families in this country are all about. That is what I think our leader is attempting to make sure we do.

With all respect to our leader and all the history he has represented, I have been here for a good period of time and we have never had this kind of termination and basic denial of individuals being able to raise these issues.

We were here when Jim Abourezk, Howard Metzenbaum, and one other Senator closed down the Senate day in and day out because of their concerns on the deregulation of natural gas. People respected this. And at the end of 3 days and nights, Members of the Senate were going out and embracing and shaking hands because they respected the fact that people had strong views and that this institution responded to them.

That is all we are asking. Let's let the Senate be the Senate of the United States. That is what we are going to fight for, and that is what we are going to insist on.

I agree with my good friend, the Senator from South Dakota. This isn't about feeling threatened. No one is threatening. If you want to shut this thing down, go to it. If you are not going to let the work get done, so be it. If you want to threaten with being red in the face, so be it. No one is talking about that. We are talking about trying to advance the agenda that is of central concern to people in this country.

That is what this institution is about. I thought Senator DASCHLE spoke for the institution. I think it is an agenda that should be pursued.

Mrs. BOXER. I will take a deep breath to see where we are in this great body.

Senator DASCHLE, on behalf of many Members on this side and on behalf of 750,000 moms and their families, offered a very simple amendment to the bill. By the way, that happens all the time or should happen all the time around here. He offered a simple amendment to a bill commending the Million Mom March and simply asking that the conference committee that is taking up the juvenile justice bill release that bill, bring it back with the five sensible gun laws, and send it to the President for his signature. These five sensible gun laws are to stop the killing, the violence that is happening in our streets, in our cities, in our suburbs and our rural areas, in our schools, even in our churches, even in our Jewish community centers, a simple, straightforward amendment.

The majority leader said today he didn't see it coming. What was coming? An amendment, a simple, straightforward amendment. The majority leader acted as if he was hurt to the core that this amendment would be offered.

Let me say with great affection to the majority leader, he shut the Senate down for 5 hours yesterday because he didn't want to vote on that simple, straightforward amendment commending the Million Mom March and asking that conference committee to come back with the legislation. He shut the Senate down for 5 hours. It took 24 hours until we were able to vote. Might I just say when we thought we were ready to vote, he made a point of order that hasn't occurred in 16 years to try to do away with that vote. He wonders why those on this side felt we were being gagged.

On the bright side, we won that vote today. The Senate has gone on record for the second time—the first time with the Reed amendment, and the second time with the Daschle amendment—to bring five sensible gun laws to this body for action. The Senate has spoken. The majority leader made light of it and said, "No one really cares about it. It is a sense-of-the-Senate amendment." That isn't being respectful of the Members here, a few of whom crossed over from that side of the aisle. I thank those three or four who did so. I think the majority leader is wrong to think the conference committee would not listen. I hope it will.

One of the things the majority leader said is we want to get to the "real" bills. I close with this: Is the majority leader implying that it is not a "real" tragedy when 12 children are shot down and killed every day? Does the majority not think it is a real issue, it is a real concern, when 30,000 Americans are killed every year—300,000-plus over the last 11 years, and 8 times as many injured, many in wheelchairs, suffering posttraumatic stress.

This has been an emotional couple of days for this Senator. This is the Senate. We should not be gagged. We should be heard.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 3 minutes.

Mr. DURBIN. Mr. President, I have worked in and around legislatures in the Congress for most of my life, over 30 years. I understand what being in the minority means. That means we usually lose. That is part of the business.

I also believed when I was elected to the Senate that I had an obligation beyond my obligation to the people of the State of Illinois, an obligation to this institution. This institution represents something special in the history of this Nation. Only about 1,840 men and women have had the honor to serve in the Senate. I think we all feel an obligation to our Nation, to our Constitution but, equally, we feel an obligation to the Senate.

I have stood by for the last 4 years and watched consistently while the Republican majority has reduced the opportunity for Members of the Senate to express their point of view, reduced the opportunity to deliberate the great issues, reduced the opportunity for people to stand up and speak from the heart on the floor of the Senate. I don't believe that is consistent with the history or tradition of the Senate.

What we saw happen today I hope will be noted by the press and historians. Bringing up the controversial gun issue, the Republican leadership in the Senate decided to close down for the first time in 16 years the opportunity of any Senator, Democrat or Republican, to offer a sense-of-the-Senate resolution to an appropriations bill. They have limited, once again, the opportunity for Senators of both parties to debate. I don't believe that is in the best interest of the Senate nor is it in the best interest of the country.

It is clear evidence that this issue of gun safety, an issue which touches the hearts of so many families across America, is one that must be debated and resolved on the floor of the Senate. Instead, every obstacle possible is thrown in our path.

What we are asking for is simply this: Bring the conference report out; let Members vote on it. If we pass it, send it to the President; if we don't, take it to the people in an election. That is what this business is about.

Senator KENNEDY, who has served for over 30 years in this body, has one of the most important pieces of legislation in his control on the Democratic side, our education bill. He is asking for a chance to debate some important amendments, some controversial amendments, bring it forward and pass it, as every Congress has done, decade after decade. And he is stopped, week after week, by the Republican majority which refuses to consider amendments they find unpopular.

I understand as a Member of the Senate I will have to vote for and against unpopular issues. That is the nature of this job. I understand, as well, that we are sent here to deliberate these issues.

I close, saying I am sorry that the majority leader felt some of the comments made earlier were personal in nature. They were not. Though I disagree with him on so many issues, I do respect him. I hope he will pause and reflect on the future of this institution and believe that beyond the issue of gun control, we all have an obligation on both sides of the aisle to preserve the history and tradition of the Senate.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Mr. President, today for the second time in a month, the Senate of the United States has gone on record supporting sensible gun safety legislation. It has gone on record to say that we should close the gun show loophole; that we should ban the importation of large capacity ammunition clips; that we should require the use of child safety locks; that we should prohibit the possession of assault weapons by juveniles.

This body could not be clearer on where it stands when it comes down to the issues. What is confusing is the fact that we are unable to reach these issues in a substantive, decisive way because the legislation is not on this floor but bottled up in a conference committee.

We are responding to many things. Most recently, we were responding to hundreds of thousands of American men and women who came to this capital to ask their Senators to act. How do we act? We do it by debate and by voting. That is what we did this afternoon. It is difficult, sometimes, to achieve a vote because of the procedures of the Senate, but in consequence of that, there has always been the presumption that debate should be free ranging, should be open, and should be easy to obtain.

Today, we should celebrate not only the victory—again, within a month—of what I think is reason over unreason, of sensible safety when it comes to guns, over a fascination with the proliferation of weapons in society, but we all should celebrate the fact that finally and ultimately we have gotten a chance to speak about this issue, speak for the hundreds of thousands of mothers who came last weekend to Washington to ask us to live up to our oaths and our duty and to protect their children and all Americans by enacting sensible gun safety legislation.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I have 1 minute. I hope I am not too succinct.

The bottom line is simple: Why, for the first time in 16 years, are sense-of-the-Senate resolutions being refused? Because the other side does not want to vote on guns.

Why, for the first time, is ESEA not being debated fully? Because the other side doesn't want to vote on guns.

Guns is the issue—not the efficiency of the Senate.

I think it is a shame. Eighty percent of the American people want commonsense gun legislation. The Republican majority is afraid to vote on it and instead twists the rules, the procedures, and the beauty of this body in a knot because they do not want to vote on guns.

The issue is not about moving the Senate efficiently; the issue is the fear of voting on guns, plain and simple. I regret the inability of the other side to have the courage of their convictions to vote the way they feel and let our side vote the way we feel.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BURNS. Mr. President, did we have 3 minutes in that wrapup?

The PRESIDING OFFICER. Four minutes. Approximately 4 minutes remain.

Mr. BURNS. Mr. President, I want to take a moment and tell my good friends, especially the Senator from New York who has left the floor, make no mistake, I am proud of my vote. Make no mistake about that because I love this Constitution. We should not be out here arguing about something. We should all be working together, trying to get America working together so we can do something about this violence. This is what I said a while ago: It boils down to communities' and individuals' responsibilities. We can pass laws all day, make us all feel good and warm, but they are not going to work. They are not going to work. I feel bad about that.

I am proud of my vote today. Don't worry about me, that I did not have nerve enough to stand up here and vote my conscience. I voted my conscience.

By the way, Senator WARNER of Virginia will be handling our side of this debate, and Senator ROBERTS is here now.

The PRESIDING OFFICER. The Senator from Michigan is recognized for the purpose of offering an amendment.

AMENDMENT NO. 3154

(Purpose: To strike section 2410, relating to Kosovo)

Mr. LEVIN. Mr. President, I send an amendment to the desk on behalf of myself, Senators MCCAIN, BIDEN, LUGAR, HAGEL, LIEBERMAN, SMITH of Oregon, ROBB, VOINOVICH, REED of Rhode Island, MACK, LAUTENBERG, KERRY of Massachusetts, and DASCHLE, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself, Mr. MCCAIN, Mr. LUGAR, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. MACK, Mr. LAUTENBERG, Mr. KERRY, and Mr. DASCHLE, proposes an amendment No. 3154.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER (Mr. VOINOVICH). Without objection, it is so ordered.

The amendment is as follows:

Strike section 2410.

Mr. LEVIN. Mr. President, I yield myself 3 minutes, and then I am going to yield to the Senator from Delaware for 45 minutes.

Our amendment strikes language in the bill which requires ground troops be withdrawn from Kosovo by a fixed date next year unless Congress later changes its mind. Our amendment would strike language requiring withdrawal this year, unless the President certifies that certain specific contribution targets have been met by the Europeans.

We are attempting to strike this language for the pullout of our ground forces next year for many reasons. First and foremost, in my judgment, is that such a requirement will create a year or a year and a half of dangerous uncertainty and dangerous instability in the Balkans. Creating that year of uncertainty and instability is dangerous because it is inconsistent with what we have struggled so hard to achieve in the Balkans, which is stability in a relatively peaceful environment. Creating that uncertainty for a year or a year and a half would make us an unreliable partner in NATO.

I hope when we come to vote on this matter, we will take into account the words of General Wesley Clark, who was our commander there until a few weeks ago. He wrote a letter. I want to quote very briefly from that letter because it seems to me this captures what our problems are with this language that is in the bill. General Clark wrote:

> These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitment and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.
>
> At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their committment of forces, capabilities and resources, an apparent congressionally mandated pull-out would undercut their leadership and all parallel diplomatic efforts.

He also wrote that these provisions will place U.S. forces on the ground at increased risk.

I ask unanimous consent the full letter from General Clark dated 11 May 2000 be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 11, 2000.

DEAR SENATOR LEVIN: Thank you for your letter of 10 May and the opportunity to provide my personal views on the amendment adopted by the Senate Appropriations Committee governing the future of U.S. troops in Kosovo.

While I support efforts of the Congress and the Administration to encourage our allies to fulfill their commitments to the United Nations mission in Kosovo, I am opposed to the specific measures called for in the amendment. These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

Regional stability and peace in the Balkans are very important interests of the United States. Our allies are already providing over 85 percent of the military forces and the funding for reconstruction efforts. US leadership in Kosovo, exercised through the Supreme Allied Commander, Europe, as well as our diplomatic offices, is a bargain. It is an effective 6:1 ratio of diplomatic throw-weight to our investment. We cannot do significantly less. Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks, and shared benefits in NATO.

This action will also undermine specific plans and commitments made within the Alliance. At the time that US military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

All over Europe, nations are looking to the United States. We are their inspiration, their model, and their hope for the future. Small nations, weary of oppression, ravaged by a century of war, looking to the future, look to us. The promise of NATO enlargement, led by the United States, is the promise of the expansion of the sphere of peace and stability from Western Europe eastward. This powerful, stabilizing force would be undercut by this legislation, which would be perceived to significantly curtail US commitment and influence in Europe.

Setting a specific deadline for US pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing US forces on the ground at increased risk. Mr. Milosevic, in anticipation of the pullout and ultimate breakup of KFOR, would likely encourage civil disturbances and authorize the increased infiltration of para-military forces to raise the level of violence. He would also take other actions aimed at preparing the way for Serbian military and police reoccupation of the province.

Our servicemen and women, and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainly will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families. A US withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield.

In all of our activities in NATO, the appropriate distribution of burdens and risk remains a longstanding and legitimate issue among the nations. Increased European burden sharing is an imperative in Europe as well as the United States. European nations are endeavoring to meet this challenge in Kosovo, and in the whole KFOR and UNMIK constitute a burdensharing success story, even as we encourage Europeans to do even more. The United States must continue to act in our own best interests. This legislation, if enacted, would see its worthy intent generating consequences adverse to some of our most fundamental security interests.

Thank you again for your support of our servicemen and women.

Very respectfully,
WESLEY K. CLARK,
*General, U.S. Army.*

Mr. LEVIN. Mr. President, the issue is not whether Congress has the power to force withdrawal of ground forces. We have that power. We should have that power. We should defend that power. And we have exercised that power, recently in Haiti and Somalia before that. We have exercised that power to pull out ground forces when the power has contributed to U.S. security. So the issue is not whether we have the power to act in the way the Appropriations Committee proposes. The question is whether or not it is a wise exercise of congressional power to set a deadline for a pullout in Kosovo, thereby creating a year or two of dangerous uncertainty which would result in increased risks to our troops and to our interests.

It is not the power of Congress that is at issue; it is the wisdom of exercising that power in the way proposed under these circumstances which we will be debating today and tomorrow.

I ask that Senator COCHRAN of Mississippi be added as a cosponsor of our amendment, and I will now yield to my friend from Delaware for 45 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. Mr. President, I ask unanimous consent, immediately following Senator BIDEN, I be recognized for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, reserving the right to object, I reserve this right because I have to go to a function tonight and I would like to get 15 minutes in before I go. I am supposed to be there at 6 o'clock.

Mr. ROBERTS. If I might respond to the distinguished Senator, whose amendment I am supporting——

Mr. BYRD. Yes.

Mr. ROBERTS. I also have a commitment at 6:30.

Mr. BYRD. I knew that already.

Mr. ROBERTS. It seems we have a lot of commitments here. Obviously, I will yield to the sponsor of the amendment and the author of the amendment. I commend him for the amendment. But that will mean if the Senator from Delaware were looking at probably a quarter to 6, and then the Senator from West Virginia would take how much time?

Mr. BYRD. Ten minutes, 15.

Mr. ROBERTS. I will rephrase my unanimous consent request to be recognized following the distinguished Senator from West Virginia for 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Mr. President, may I follow these two Senators for a period of 20 minutes?

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, and I surely won't, but since we are lining up speakers, I will then ask to be recognized after Senator HOLLINGS for 30 minutes.

Mr. WARNER. Mr. President, might I be acquainted—I am sorry, I just had to step off the floor for a minute. Will the Chair kindly repeat the unanimous consent request at the moment? I believe I am going to try to manage this.

The PRESIDING OFFICER. Senator BIDEN will be recognized for 45 minutes, followed by the Senator from West Virginia for 15 minutes, followed by Senator ROBERTS for 20 minutes, Senator HOLLINGS for 20 minutes, and Senator LEVIN for 30 minutes.

Mr. WARNER. Mr. President, might I add, I then follow my distinguished colleague and ranking member for 30 minutes?

Mr. REID. Mr. President, reserving the right to object, so there is no problem, I think it appropriate that each of these parties who are asking to have time yielded to them indicate where their time is coming from. Senator LEVIN controls 5 hours, Senator WARNER controls 5 hours. Just so there is no problem tomorrow, we should determine whose time is being yielded.

It is my understanding the time Senator LEVIN has used has been his own time, Senator BIDEN's is his own time, Senator BYRD is off that of Senator WARNER, as is Senator ROBERTS and as is Senator HOLLINGS.

Mr. WARNER. The Senator is correct.

Mr. LEVIN. Mr. President, the time of Senator BIDEN is off our 5 hours.

The PRESIDING OFFICER. That is the understanding of the Chair. Is there an objection to the unanimous consent request?

Mr. WARNER. None, Mr. President, but I want to inform the Senate as a part of this colloquy that it is the distinguished majority leader's will we do at least 4-plus hours tonight. I will remain, of course, for that purpose. I do hope other Senators will indicate their availability so we can use that time properly. I believe this is one of the most important and interesting debates on a foreign policy issue we have had in the Senate this year.

The PRESIDING OFFICER. Without objection, it is so ordered. The request is agreed to.

Mr. WARNER. Mr. President, will the Senator allow me to speak for 1½ minutes?

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I commend Congressman JOHN KASICH. The House voted 264–153 to adopt the provision which I drafted and then gave to Congressman KASICH, which is approximately one-half of the matter we are now debating.

In other words, the House has already acted on one-half of the provision we are debating, and it voted in favor of it 264–153.

Mr. President, I ask unanimous consent to print the House amendment in today's RECORD for the availability of Members.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT TO H.R. 4205, AS REPORTED,
OFFERED BY MR. KASICH OF OHIO

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. ACTIVITIES IN KOSOVO.**

(a) CONTINGENT REQUIRED WITHDRAWAL OF FORCES FROM KOSOVO.—If the President does not submit to Congress a certification under subsection (c) and a report under subsection (d) before April 1, 2001, then, effective on April 1, 2001, funds appropriated or otherwise made available to the Department of Defense may not be obligated or expended for the continued deployment of United States ground combat forces in Kosovo. Such funds shall be available with respect to Kosovo only for the purpose of conducting a safe, orderly, and phased withdrawal of United States ground combat forces from Kosovo, and no other amounts appropriated for the Department of Defense in this Act or any other Act may be obligated to continue the deployment of United States ground combat forces in Kosovo. In that case, the President shall submit to Congress, not later than April 30, 2001, a report on the plan for the withdrawal.

(b) WAIVER AUTHORITY.—(1) The President may waive the provisions of subsection (a) for a period or periods of up to 90 days each in the event that—

(A) United States Armed Forces are involved in hostilities in Kosovo or imminent involvement by United States Armed forces in hostilities in Kosovo is clearly indicated by the circumstances; or

(B) the North Atlantic Treaty Organization, acting through the Supreme Allied Commander, Europe, requests emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

(2) The authority in paragraph (1) may not be exercised more than twice unless Congress by law specifically authorizes the additional exercise of that authority.

(c) CERTIFICATION.—Whenever the President determines that the Kosovo burdensharing goals set forth in paragraph (2) have been achieved, the President shall certify in writing to Congress that those goals have been achieved.

(2) The Kosovo burdensharing goals referred to in paragraph (1) are that the European Commission, the member nations of the European Union, and the European member nations of the North Atlantic Treaty Organization have, in the aggregate—

(A) obligated or contracted for at least 50 percent of the amount of the assistance that those organizations and nations committed to provide for 1999 and 2000 for reconstruction in Kosovo;

(B) obligated or contracted for at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for humanitarian assistance in Kosovo;

(C) provided at least 85 percent of the amount of the assistance that those organizations and nations committed for 1999 and 2000 for the Kosovo Consolidated Budget; and

(D) deployed at least 90 percent of the number of police, including special police, that those organizations and nations pledged for the United Nations international police force for Kosovo.

(d) REPORT ON COMMITMENTS AND PLEDGES BY OTHER NATIONS AND ORGANIZATIONS.—The President shall submit to Congress a report containing detailed information on—

(1) the commitments and pledges made by the European Commission, each of the member nations of the European Union, and each of the European member nations of the North Atlantic Treaty Organization for reconstruction assistance in Kosovo, humanitarian assistance in Kosovo, the Kosovo Consolidated Budget, and police (including special police) for the United Nations international police force for Kosovo;

(2) the amount of assistance that has been provided in each category, and the number of police that have been deployed to Kosovo, by each such organization or nation; and

(3) the full range of commitments and responsibilities that have been undertaken for Kosovo by the United Nations, the European Union, and the Organization for Security and Cooperation in Europe (OSCE), the progress made by those organizations in fulfilling those commitments and responsibilities, an assessment of the tasks that remain to be accomplished, and an anticipated schedule for completing those tasks.

(e) CONSTRUCTION OF SECTION.—Nothing in this section shall be deemed to restrict the authority of the President under the Constitution to protect the lives of United States citizens.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Mr. President, I say to my friend from Virginia, we would be 50 percent better off if we adopted the House position than the Senate position. The House position is only half as bad as the Senate position. The House position adopted today says there must be an accounting, as I understand it. The House requires that we pay our fair share, and that unless NATO meets their aid commitments, then troops would be withdrawn.

This amendment goes a lot further than that. The real damage of the Byrd-Warner amendment, in my view, is that it does something that I cannot imagine any military man wanting to do. It says that what we are going to do is announce today, tomorrow, the next day—whenever we finally vote on it—if it prevails, we are going to announce that in the summer of 2001 we are out of there, unless we affirmatively vote to stay.

I find this absolutely intriguing. We had a very spirited debate about whether to get involved in Kosovo at all. I do not remember a single, solitary person during that debate who really wanted to be involved. I suspect—as my friend from South Carolina always reminded me—there was no one more vocal about our need to make that effort than me. He would come to the floor —and I consider him one of my closest friends, not only my closest Senate friend—he would say: How is the Biden war going today?

I felt strongly it was the right thing for the United States to do. I do not remember any time during that debate—and I believe I participated in every piece of that debate—when anybody said there was any reasonable prospect there would be no American forces in Kosovo 1 year or 2 years or even 3 years from now. We had just gone through this, in my view, very wrongheaded debate about setting a time certain for troops to be withdrawn from Bosnia. We did that once already, and we finally figured out it made no sense to set a time certain to withdraw troops in Bosnia, and here we are again.

Let's peel back the first layer of this onion. We have a very legitimate, fundamental, serious disagreement among many of us on this floor, crossing party lines. I do not know anybody stronger against this amendment than the Presiding Officer. He is a Republican. And I do not know anybody stronger for the amendment than Senator BYRD, a Democrat. This division crosses party lines.

It boils down to something very basic, it seems to me, and that is, when every Senator asks himself or herself the following question, they will know how they should vote.

The question is, Does the United States have a significant interest in peace and stability in the Balkans? If it does not, then my colleagues should vote for Byrd-Warner. I respect that view. I respect the view of those who say it is not a critical U.S. interest, a vital U.S. interest, a significant U.S. interest, or it is Europe's problem. I respect that. I think they are dead wrong, but I respect their view.

What I find fascinating, though, is I do not know how anyone can intellectually reach the following conclusion; that it is in our vital interest to see to it there is peace and stability in that part of Europe, but we should announce now that we are out unless we affirmatively vote we are in. I do not get that.

My mom had an expression—it is not original to her. She said: JOEY, the road to hell is paved with good intentions.

We are paving a road to hell with this amendment. What we are doing with this amendment is saying to Slobodan Milosevic, unintentionally, but the effect is: Hang on, baby, we do not have the will to stay.

Let me ask another question rhetorically: We have 5,600 troops there. Thank God, none are being shot at. Thank God, no one has been killed. Thank God, there is peace. Thank God, they are doing their job. Thank God, there is no immediate jeopardy from an outside invading army, et cetera. Does anybody believe that if we withdraw our forces from Kosovo the Europeans will get it right? Does anybody here believe that the Europeans will say: OK, the United States is gone; no worry, we're going to take care of this matter; not a problem.

We can all sit here and say: The GDP of Europe is bigger than ours. Europe should be mature enough to be able to handle this. They don't need us. It is their backyard.

That is all well and good to say, but does anybody believe it? In a different context, Thomas Jefferson said: If a nation wishes to be both ignorant and free, it wishes for something that never was and never can be. If anybody believes there can be stability in Europe without stability in the Balkans, they are wishing for something that never was and never can be. Never in our history has it been that way.

So let's cut right to the quick. You have to be able to say the following, it seems to me, to be for Warner-Byrd, Byrd-Warner: stability in the Balkans is not important for stability in the rest of Europe; or it is important, but I believe the Europeans can handle it by themselves.

If you can conclude either of those two to be true, then have at it. But if you conclude, as Barry Goldwater used to say—and I did serve with him—in your heart you know that not to be true, then you better not vote for this amendment or you better vote to strike this amendment.

What are the likely consequences of adoption of this amendment? I will get back to some of the details about the amendment and the requirements imposed upon the administration to be able to certify that the Europeans are doing their part. I will state right now the Europeans are doing their part. We have battered them up and about the head—no one more than this Senator—to do their part.

The President will have to certify, though, on a very different standard. By the way, the reason my friends want to amend this is so it can be even remotely possible that the President would be able to certify that the Europeans are doing their part.

But regarding individual countries, the European Commission is in the process of collecting data from the 15 member states in the European Council, each of which has unique budgeting procedures in fiscal years. We are utilizing the United Nations. As we already see in the aggregate, our European partners are providing a vast majority of the assistance to Kosovo.

If we look at the troop strength, our NATO allies have 40,000 troops on the ground in Kosovo; we have 5,600. That is, the United States is providing about 13 percent of the KFOR troop strength.

If we look at UNMIK—I hate these acronyms—but UNMIK's consolidated budget—that is the U.N. piece here—the Europeans, and others, are right now funding 87 percent of that entire budget. Our part, again, compromises only 13 percent of the total.

So the benchmark laid out in the legislation has already been met.

How about international police? There are civilian police officers sent from the U.N. member states all over the world, who are to relieve KFOR troops of the nonmilitary law and order function in Kosovo. That is the plan. We all support it. Fully 88 percent of the pledges for civilian police for Kosovo have come from outside the United States of America. And 87 percent of all the police officers pledged have already been deployed.

Let's look at the so-called reconstruction funding concerning Europe's financial contributions to the reconstruction of Kosovo. Section 2410 of the Byrd-Warner amendment focuses on the speed with which it delivers that assistance.

When the United States commits funding for large-scale reconstruction initiatives, sometimes the United States itself does not hit the benchmark set here—33 percent obligated or contracted for a year or two.

Let's look at the humanitarian relief. In the spring of this year, the United Nations High Commission for Refugees announced that the humanitarian disaster in Kosovo had been averted. The much feared winter had come and gone. It was time for the international community to switch from a relief role to a reconstruction role.

Nonetheless, Senator WARNER's legislation, in section 2410, insists that Europeans continue to funnel money into humanitarian relief when the need no longer is pressing. This is what I might call counterproductive micromanagement from thousands of miles away.

The United States is not paying a disproportionate price in the international effort to secure peace in Kosovo—not in terms of the number of peacekeeping troops, not in terms of the number of civilian police, not in terms of the reconstruction and humanitarian aid.

Section 2410 is also inconsistent. It really is saying to the Europeans: Heads I win; tails you lose, Europeans. We set these benchmarks. We tell them they have to meet the benchmarks. They are meeting the benchmarks. Then we tell them: By the way, while you're meeting those benchmarks—and you do that first—we are not committing to stay anyway. As a matter of fact, we're out of there. We're out of there. We tell you now, ahead of time, hey, Europe, we're out in July 2001, unless we affirmatively change our mind and stay in.

That really is persuasive, isn't it? What do you think it would be the other way around if Europe said: I tell you what, United States, you put up 87 percent of this endeavor we're going to get involved in. Once you put it up, we are going to tell you that we're not in anyway, unless we change our mind a year and a half from now.

Let me ask you a rhetorical question: If you are sitting in Europe—and in the mood that exists in the United States today, in a country that has turned down the Comprehensive Test Ban Treaty, where the debate is about whether or not we should be involved in Africa, whether we should be involved in anything that comes up internationally—and you hear that the Senate—and hopefully not the Congress as well—passes a law that says we are affirmatively out in 1 year and 3 months, unless we change our minds and affirmatively vote to stay; what do you think that communicates to Europe? What do you think they are going to think in Berlin, in Paris, in London, in Lisbon, et cetera?

Do you think they are going to say: Oh, I tell you what: that is just the way their Constitution operates. That is just how they do that?

I chaired the Judiciary Committee for years. I have made it my business to try to understand and—most dangerously—actually teach constitutional law and the separation of powers issues, and particularly the war clause. I take a back seat to no one, including my distinguished friend, Senator BYRD, in paying attention to the congressional prerogatives that exist when it comes to the notion of what constitutionally is permissible for a President to do and what our constitutional responsibility is.

The truth of the matter is, Congress has the power to authorize deployment to Kosovo or to set limits on deployment. Congress could, as the Byrd-Warner amendment clearly contemplates, cut off funds or circumscribe the missions of the troops. But merely because the Congress has the power to do that does not mean it is wise to exercise that power or that it has the obligation to do that under the Constitution.

I would have no objection to a resolution authorizing the deployment of U.S. forces or a resolution today saying: Withdraw now. Withdraw now. At least that would end the uncertainty. It would end the fact that you would have our troops and 40,000 other troops in Kosovo somewhere other than in limbo wondering whether we are going to stay or not stay, wondering what our predisposition is likely to be.

I do not believe we should put our troops or our allies under the sword of Damocles with the threat of a funding cutoff that implies the United States is abandoning its friends and allies in Europe now. The fact is, no one is being shot at now, our troops are not being shot at. We are not in a state of war now.

There is no outside army. There are a bunch of thugs wandering the countryside who have the possibility of doing harm to our forces and others. This is as close as you are going to get to a legal definition of a police action as you are ever going to have. This is not a circumstance requiring the United States—beyond what was already done in voting for the airstrikes and the use of force—to have Congressional consent beyond what it already has. As one of our colleagues said in the caucus, I didn't hear anybody in 1973 when I was here, or in 1977, or in 1985, or in 1997, or in 2000, call for continued authority, an affirmative vote to continue to maintain 100,000 troops in Europe.

With regard to the argument that we are stretched too thin and can't afford to have 5,600 forces in Kosovo for an extended period of time, well, if we can't afford that, how are we able to afford to have 100,000 troops in Europe? I want to know that one. I don't quite get that. I don't quite get how we can afford to have 100,000 troops in Europe, stationed in Germany and elsewhere, where they are not keeping anything except our political flag raised high—and I think that is important—but we can't afford 5,600 troops in Kosovo. If my memory serves me—and I have been here longer than one of the other three Members on the Senate floor. The only person I have been here longer than is Senator WARNER, but he has more experience. The other two

Members I haven't been here longer than. I don't ever recall, since I have been here, having less than a minimum of 100,000 in Europe, and as many as 350,000. I don't remember that. But now we have this dire, urgent need to withdraw 5,600 forces from Kosovo.

Now, my friend from Virginia and my friend from North Carolina, as well as the Senator from West Virginia—but he is on Appropriations—these other two fellows spend a lot of time on the military side of the equation, and Armed Services in particular. If I am not mistaken, we spent some time in Europe fretting over what the Europeans mean by ESDI, European Security and Defense Initiative. That is something the French have been pushing a long time. They don't like the fact we are a European power. They don't like that idea. So they got this idea they were going to have this independent force—an independent force, separate from NATO. We got them to cool their jets a little bit and say what this really means is they get all that independent force with no Americans. That independent force would only be engaged in missions NATO first refused to be engaged in. But everybody knows that it is a harbinger for diminishing the power and the political efficacy of NATO.

I want to ask a rhetorical question. You know, in those movies when Clint Eastwood said, "Go ahead, make my day"—we are about to make their day for the French. We are about to make France's day. Can you hear the discussion now if we vote this amendment: I told you the United States is not reliable. I told you we need our own European defense system. I told you about NATO. Can't you hear it? Maybe I have been to too many conferences with my French friends. Can anybody stand up and say that if we pass this amendment, we are not making it exponentially more difficult for us to deal with ESDI? Come on. Come on. Does anybody think that?

By the way, some of our friends—and they are obviously extremely bright, competent Senators who truly—and I am not speaking of anybody on the floor—believe NATO's day is past and it no longer has any utility, and that we should disengage. In fact, the fellow I ran against a while ago for the Senate came to call me the "Senator from Europe" because I supported NATO. I thought it was very important that we stay involved in NATO. I respect the view. I disagree with it, but I respect the view.

But those of you who say you think NATO is important, I respectfully suggest to you that if Byrd-Warner becomes the law, we will have done more in two small paragraphs to damage the coherence of NATO than anything we have done since 1950. I truly believe that. I absolutely truly believe that. Obviously, I may be wrong, but I honest to goodness believe that.

Right now there are reports coming out of Serbia. By the way, before I say that, I came here at a time when the Vietnam war was in its final painful throes, in 1973. I used to resent it when people would say, when I opposed the war, that we were giving comfort to Ho Chi Minh. I am not suggesting anybody is intentionally or unintentionally giving anybody comfort. I want to state what I think to be the fact. Milosevic is tightening his grip now in Serbia, cutting off the alternative press available to the Serbs, cracking down on it—for example, last night, his goons occupied a station, Studio B2-92, and padlocked the doors of the other independent outlets and media offices and shut them down. An opposition leader declared the Milosevic government had imposed an informal state of emergency.

Now, why do you think he is doing that? I think he is doing that because he is desperate, because the hourglass is filling up from the bottom. He knows he doesn't have much time left. One of the reasons why he has reacted the way we wanted him to every time—that is, by backing off—is he has been convinced of our resolve. I suggest that the reason he finally capitulated at the end of that war is we started to move forces in place for deployment in Macedonia. He wasn't sure if we were going to invade and use land troops. I think most who studied that would acknowledge that is an overwhelming possibility. Now what does he do? Here he is in his last gasp, and we have gone on record saying we will pull out of Kosovo by midsummer next year. We affirmatively state that—not that we will have to have a vote next summer, or that we should consider it, but that we are out—unless we vote to stay in.

Now, say you are an opposition leader in Serbia; or you are sitting in Montenegro, which Milosevic has been leering at for the past 9 months; does that embolden you? My European colleagues will not like what I am about to say. But I have traveled the Balkan region on seven occasions. I met with every President of every frontline state, as many of us have. Does anybody know any leader in that region who is willing to place his fate in the hands of the Europeans? Can you name me one—a single solitary person who is in opposition to Milosevic, any democrat from Romania to Albania, from Bulgaria to Montenegro, who is willing?

Would I tell them: The United States is out, but don't worry, you have the French and the Germans to rely on; don't worry, they will be there? Can anybody stand up on this floor and say that you know a single leader who would say that?

I know there are certain things you shouldn't say. That is one, apparently. I will be reminded of this by my French friends and my British friends and others. But I think we have to be realistic. Everybody knows that if we are out, the game is up. That may not be fair. We shouldn't have to carry that much of a load, maybe. But they are the facts of life, and they are the facts of history.

Does anybody here believe Europe has achieved political maturation where they are going to solve their problems without the catalyst of the United States? What have we said all along? We have said: Look, as long as we are not carrying a disproportionate share, we are involved.

I remember going in to see the President when he made his speech about us being involved. He said we should not be responsible for any more than 15 percent of whatever reconstruction, peace, stability, et cetera, in that region requires. We are about 13 percent to 17 percent.

That was kind of the deal we thought we were brokering here. Sure. We provided 85 percent of the air power and 90 percent of leadership.

With this amendment, we would still require a NATO commander heading up the entire operation in Kosovo to be an American while we had no American troops there. I want to be there for that discussion.

I want to be there when we withdraw all American forces from Kosovo and then we tell our European allies abruptly: By the way, we are still in charge. We are the guys. Our general is an American general. He is in charge. He is in charge of NATO in Europe. That is where NATO is. He is in charge. That is a good one. I like that one. That will really help cohesion in NATO.

Heck, we are trying to convince the French that they had better buy an aircraft carrier before they take over the fleet in the Mediterranean. That is a big fight we are now having. The French say: We want a French admiral.

I got in trouble with the French when I said: OK, it is fine by me, if you buy some more ships. They didn't like that.

Can you imagine the argument now with a NATO operation in Kosovo led by an American general with no American troops?

Colleagues, this is not a well conceived plan unless, I respectfully suggest, unless you conclude that NATO is not vital to our interests any longer; unless you conclude that having a beefed up European defense initiative a la the French plan for the last 15 years is a good idea for the United States of America; unless you believe the Europeans can maintain stability in the Balkans, or that stability in the Balkans is not important for stability in Europe.

If you draw those conclusions, this makes sense. But if you say you think NATO is vital for American interests, if you say stability in Europe depends at least in some part upon stability in the Balkans and southern Europe, if you say you want an American in command of NATO forces when we have 100,000 left in Europe, then I don't know how you can reach this conclusion.

That is why I say here what I said at the White House when all of my friends who are sitting here, with one exception, were at that meeting 3 months ago, along with the Secretary of Defense, the Secretary of State, the National Security Advisor, and the National Security Advisor's team. I will say it again. This is about what you believe is important.

I ask again a rhetorical question. Can anyone paint a picture for me that looks like this: That 5 years from now there is not a reignition of a great ethnic cleansing in the Balkans, that there is increasing stability in economic growth in the region, and that there is becoming an integration of that part of Europe into the rest of Europe—without the United States of America having some portion of the total force structure of NATO being present? Can anybody paint that picture for me?

I will be overwhelmingly delighted if my colleagues prevail and I am wrong, because my fervent hope is, if Senator LEVIN and I and others do not succeed in striking this language, everything I said is misinformed. That would be my fervent hope and prayer, because I think this has certain-disaster written all over it. I think this is one of the most serious mistakes we can make.

Mr. WARNER. Mr. President, will the Senator yield for a question? I yield on my time.

Mr. BIDEN. I am delighted to yield to the Senator.

Mr. WARNER. I have listened very carefully. By the way, it was the Biden-Warner amendment back in the intense part of that air operation which prevailed.

Mr. BIDEN. That is correct. I acknowledge that.

Mr. WARNER. How interesting it is that two good friends and two colleagues can be on opposite side of an issue at this point in time. Circumstances have changed.

I draw the Senator's attention to page 565 of the bill where it says:

> Except as provided in paragraph (B), absent specific statutory authorization . . . the President may waive the limitation in paragraph (1)(B) for a period . . . of up to 90 days each in the event that—
>
> . . . the Armed Forces are involved in hostilities in Kosovo or that imminent involvement by the Armed Forces in hostilities in Kosovo is clearly indicated;
>
> (ii) NATO, acting through the Supreme Allied Commander —

The very person the Senator from Delaware pointed to remaining in charge—

> in Europe, requests the emergency introduction of United States ground forces into Kosovo to assist other NATO or non-NATO military forces involved in hostilities or facing imminent involvement in hostilities.

There it is. The President, seeing the actions that the Senator just pointed out, can dispatch the American troops. They can come out of that cadre of over 100,000, or thereabouts, in NATO and go right into this action.

The Senator says the 85 percent that are there now from some 32 nations are of little consequence if a portion of the U.S. forces—namely, the ground combat troops—are withdrawn and we leave the other support troops and the other types of troops there.

This is not an American cut and run. This is not an American pullout. Here is the authority for the President to step in in the types of contingencies the Senator pointed out.

If I might pose a rhetorical question, does the Senator think the case is so weak for the Balkans that the next President of the United States cannot come to the Congress and make the case for the Congress to have the troops stay after July 1?

Mr. BIDEN. No.

Mr. WARNER. I, frankly, would vote for it, if the next President were to come and ask for that and made a strong case.

I really think the sky is not falling in, I say to my distinguished friend. We have carefully provided in this piece of legislation contingencies for any such action that would jeopardize our remaining troops and/or the other nations that will come and pick up the modest numbers of combat troops.

I thank the Senator.

Mr. BIDEN. Mr. President, I will respond.

What the Senator has written in the legislation I would characterize as having tried to do something after the horse is out of the barn.

Here is the deal. I am not suggesting there will be any hostilities before the U.S. forces leave. I am not suggesting there will be hostilities as the U.S. forces leave. If I were Milosevic, the KLA, or anybody else, I would have garlands and roses strewn along the road as they were on their way out. I would be throwing them bouquets. I would be giving them chocolates and cigarettes as they left. I would not do a thing. I would wait until they were gone. That is No. 1.

No. 2, when they go, I predict to you that you will see in the councils of Europe an overwhelming discussion about whether or not the Europeans will stay, and in what numbers.

At that point, if there is hostility, if Mr. Milosevic moves on Mitrovica to annex the top of the state, or if there is a movement in Montenegro to topple the Government, is the Senator saying to me that automatically authorizes the President of the United States to send whatever forces he wishes back in?

Mr. WARNER. That is what the amendment requires. In other words, if there is a need, the President has the waiver authority.

Mr. BIDEN. Then the Senator is saying there is no damage or war, there is no American being killed now, but we are going to pull the Americans out; but if there is war and carnage, again we will put them back in?

Mr. WARNER. That power is given to the President of the United States.

Mr. BIDEN. Mr. President, I see my distinguished colleague, Senator BYRD, on the floor. I ask Senator BYRD a question, if he is willing.

Is it his understanding that if we withdraw these forces and war erupts again in Kosovo, the President needs no Congressional authorization and he is preauthorized to use whatever force is necessary to bring peace and stability back to Kosovo? Is that the Senator's understanding?

Mr. WARNER. I can answer in the affirmative to the Senator's question.

Mr. BIDEN. I understand the Senator from Virginia thinks that. I wonder whether the Senator from West Virginia thinks that.

Mr. BYRD. Mr. President, I am hoping to be able to leave the Senate after making a 15-minute speech of my own.

Mr. BIDEN. I withdraw the question.

Mr. BYRD. I think I stated that earlier.

May I say to the distinguished Senator, I will try to answer his question. First, I say to the Senator, if he will yield, he has framed it this way: We are out unless we vote to stay in; come next—we hope to make that October 1 in conference; in the bill, it is announced July 1, 2001. We will not let the Senate frame it that way: "We are out unless we vote to stay in." This bill does not say that. This amendment does not say that.

The Senator from Delaware, I say most respectfully, is leaving out one very important factor, that being the President of the United States, whoever he may be next October. The opponents of my amendment depend heavily upon the "Commander in Chief." Well, there will be a Commander in Chief at that time, and that Commander in Chief, unless he makes a case, unless he asks to be authorized to continue to deploy American ground troops after that date, and unless Congress then votes to authorize, then they would leave.

But the Senator says, "We are out unless we vote to stay in." That is not the case. There is going to be a President there asking. I assume, if he believes we ought to continue to deploy troops after that date, he will be up here asking. He will be requesting them. And then Congress will vote to authorize or not to authorize. It is not that simple, "We are out unless we vote to stay in."

Mr. BIDEN. If I may respond, unless I misunderstand still, that is a distinction with little difference. If I understand the way the legislation reads, the

President will submit a report to Congress saying, I want to stay.

Mr. BYRD. Yes, that is what the Senator is leaving out.

Mr. BIDEN. Once the President does that, then in order for the troops to stay, both the House and the Senate have to affirmatively vote to have them stay; correct?

Mr. BYRD. That is correct, but that is the other half I am trying to get into the RECORD.

I thank the Senator.

Mr. BIDEN. May I ask, if the Senate and House refuse to act one way or another, what happens?

Mr. BYRD. Of course, if they do—the Senator is assuming something I will not assume.

Mr. BIDEN. I am asking for clarification.

Mr. BYRD. I am answering the Senator. The Senator is assuming something I don't assume.

Mr. BIDEN. With all due respect, I am not assuming a thing. Assumption is the mother of all screwups.

Mr. BYRD. The Senator says, if thus and such.

Mr. BIDEN. That is not an assumption. An assumption is if I said "when the Senate fails to act." I did not say that. I said "if" the Senate fails to act. It is a question, not an assumption.

Now, if the Senate fails to act—does not vote one way or another—are the troops allowed to stay, or must they come home?

Mr. BYRD. That is half the picture.

Mr. BIDEN. I got that, Mr. President. Let me rephrase it. The President of the United States, President GORE or President Bush, and whatever operative date it ends up being, October or July, sends a report to the Congress and says: I wish the 5,600 troops to remain in Kosovo.

That is the first part. He has done that. He says: I want them to stay.

What happens if the Senate says: We are not even going to vote on it? Can the troops stay?

Mr. BYRD. I assume the Senate would certainly debate that.

Mr. BIDEN. That is not my question, with all due respect.

Mr. BYRD. With all due respect, if we are going to limit half the question, we are not really dealing with the situation. Let me answer the Senator. If the Congress refuses to authorize, of course they are going to come out.

But let us not assume that and let us not forget that the Commander in Chief will be making an effort to justify the continued deployment of those troops.

Mr. BIDEN. I thank the Senator.

Let me rephrase my assertion. The Congress, as of whatever the operative date—and right now the operative date is in July 2001—the Congress does not vote to stay in Kosovo; then the troops must be withdrawn. Now, that is a distinction with a technical, legal difference.

What I respectfully suggest is, it will fall on deaf ears in every European capital. I respectfully suggest, if my friends think it is so dangerous or imprudent for us to be there now, if there is a constitutional requirement for us to have to vote on it, then why are we shirking the responsibility of not voting right now? Because if there is a constitutional responsibility, it is not delayed for a year. It either exists or it does not exist. If it exists, the obligation exists today to vote. And my friends want the next Congress to vote in the year 2001.

It is illogical to suggest, with all due respect, that there is a constitutional requirement for Congress to vote for these troops to stay but we don't have to do it for a year. The implication is, he doesn't have the authority now. So that takes care of the constitutional argument. There is obviously no serious constitutional argument, for if there were, we have to vote now, I assume, unless someone responds to the contrary that I am correct.

Look, folks, thank God that not a single American was killed in the entire war. Thank God, an American hasn't been killed yet, although it is possible. Thank God, there are not 800,000 people displaced and they are back in their homes. Thank God, the ethnic cleansing has stopped.

I ask the rhetorical question, if the Lord Almighty came down and sat in the well and said, "I promise you all that, if you keep 5,600 troops in Kosovo for the next 10 years, there will be no carnage, there will be no death and destruction of American forces," would anybody here say that is too high a price to pay? Would anybody say that? Would anybody vote and say, Lord, no, we are stretched too thin?

I can pick an awful lot of places where I would like to take 5,600 troops out if we are stretched too thin other than Kosovo. Talk about a place where we are doing some good in what we are not allowing to happen! I think this is one heck of a gamble. The logic escapes me. I may be slow. I have not been here as long as some, but I have been here 28 years. I pay a lot of attention to this. I try my best. And the logic escapes me. If there is a constitutional requirement, it exists today. It exists tonight. It existed yesterday. It doesn't automatically click into effect in July of 2001. If we are stretched too thin, if that is the problem, let's pick 5,600 troops from a place where they are serving a function, but none nearly as important as the one they are serving now. And if we expect to be and intend to be a major force in Europe and NATO, let's understand that it will not happen without our participation to the degree of 13 percent of the forces in Europe.

We asked the Europeans to do the lion's share after Milosevic yielded. They are doing the lion's share, on average over 80 percent and as high as 87 percent in the four categories. So if anybody thinks that does not make sense, let us vote now. Can anybody seriously say that the anxiety level, at a minimum, in European capitals, the anxiety level in the frontline states, the anxiety level for our troops, the anxiety level for the total military, is not somewhat heightened by the fact that it will require, no matter how we get to it, an affirmative vote of the Congress in July of next year to have those troops stay?

I will end where I began and reserve the remainder of my time, if I have any. I will end where I began. It seems to me this is a basic, legitimate debate on what is in the naked self-interest of the United States of America. It is a fundamental foreign policy debate. Do you think stability in the Balkans can be maintained without U.S. forces there? If you do not, do you think that stability in the Balkans is necessary for stability in the rest of Europe? If you do not, do you think the United States is negatively impacted by either outcome?

While I strongly support trying to move the supplemental funding needed by our military and the important military construction projects included in this bill, Section 2410 would do damage to Kosovo and to the United States of America, despite the best intentions of its authors.

Section 2410 is premised on an inaccurate understanding of the facts, and then gets worse, as it abdicates U.S. leadership of NATO and gives comfort to Slobodan Milosevic.

There are two aspects to Section 2410. The first would require a joint Congressional resolution authorizing continued deployment of American troops in KFOR after July 1, 2001.

The second aspect would require that the Europeans are meeting certain requirements for burdensharing in Kosovo. If the President could not make that certification by July 15, 2000, then thereafter funds would only be allowed to be used for withdrawal of U.S. forces from Kosovo, unless Congress authorized their continued deployment by joint resolution.

If Congress failed to enact such a joint resolution, no funding could be obligated to continue the deployment of United States military personnel in Kosovo. In that case, the President would be required to submit to Congress, not later than August 15, 2000, a report on a plan for the withdrawal of United States military personnel from Kosovo.

Mr. President, the question of whether Congress must, as a constitutional matter, authorize the deployment of U.S. forces in the Kosovo peacekeeping mission is a close one.

I yield to no Senator in my defense of the constitutional powers of Congress on matters of war and peace. In my view, Congress has not only the power to declare war, but also to authorize all uses of force. I have consistently resisted arguments by Presidents—Democrats and Republicans alike—that the Commander-in-Chief power provides unfettered authority to use force against foreign countries.

In this circumstance, however, I would argue that Congressional authorization for the deployment of U.S. peacekeeping forces in Kosovo is unnecessary.

The deployment of peacekeepers, in a situation such as we now have, is not war, or even a use of force. It falls far short of both. Unlike the deployment of U.S. forces to Lebanon in the early 1980's, there is no significant threat of hostilities from a foreign army or from guerilla forces. Rather, the only threat to U.S. forces comes from a handful of lightly-armed thugs in both the Serbian and ethnic Albanian communities in Kosovo. In that sense, the deployment is truly a peacekeeping or police action.

Undoubtedly, Congress has the power to authorize the deployment to Kosovo—or to set limits on that deployment. Congress could, as the Byrd-Warner amendment clearly contemplates, cut off the funds, or circumscribe the mission of the troops. But merely because Congress has the power to do so, does not mean that it is wise to exercise that power in this circumstance, in this manner.

Mr. President, I would have no objection to a resolution authorizing the deployment of U.S. forces. Let us have that debate. But I do not believe we should do so under the Sword of Damocles, with the threat of a funding cutoff that implies the United States is abandoning its friends and allies in Europe.

Mr. President, as I mentioned earlier, the second aspect of Section 2410 would codify burdensharing with our allies.

The bill would decrease by twenty-five percent the aid contributions by the United States to Kosovo unless the President certified to the Congress that the European Commission, the member states of the European Union, and European members of NATO were meeting certain targets for assistance expenditures and provision of civilian police in Kosovo.

Specifically, the President would have to certify before July 15, 2000 that the Europeans have:

First, obligated or contracted at least thirty-three percent of the amount of the assistance that the aforementioned organizations and countries committed to provide for 1999 and 2000 for reconstruction in Kosovo;

Second, obligated or contracted for at least seventy-five percent of the amount of humanitarian assistance to which they committed for 1999 and 2000;

Third, provided at least seventy-five percent of the amount of assistance to which they committed for the Kosovo Consolidated Budget for 1999 and 2000; and

Fourth, deployed at least seventy-five percent of the number of police, including special police, which they pledged to the United Nations international police force for Kosovo.

Mr. President, because the United States carried the vast majority of the military burden in last year's air campaign against Yugoslavia, it is now the Europeans' turn to provide most of the peacekeepers and the reconstruction money to win the peace in Kosovo.

Our allies agree with this formulation. Furthermore, Mr. President, this is precisely what has already happened, and continues to happen.

Finally—after decades of criticizing and cajoling—we finally have before us an example of successful burden sharing in NATO and the United Nations.

What is the share of the burden that our NATO allies and other countries are currently bearing?

The European Commission has already responded to this proposed legislation by providing a considerable amount of data on assistance programs that it administers. These data show that the European Union meets or surpasses the criteria of the legislation.

Regarding individual countries, the European Commission is in the process of collecting data from the fifteen members states of the European Union, each of which has unique budgeting procedures and fiscal years.

Utilizing data from the United Nations, however, we can already see that, in the aggregate, our European partners are providing the majority of assistance to Kosovo.

If we look at troop strength, our NATO allies have 40,000 troops on the ground in Kosovo. We have 5,600. That is, the United States is providing only thirteen percent of KFOR's troop strength.

If we look at the UNMIK Consolidated Budget, the Europeans and others are right now funding about eighty-seven percent of that. Our part, again, comprises only thirteen percent of the total. So the benchmark laid out in Section 2410 has already been exceeded.

How about the International Police? They are civilian police officers, sent from U.N. member states all over the world, to relieve KFOR troops of non-military, law-and-order functions in Kosovo. That is the plan. We all support it.

Fully eighty-eight percent of the pledges for civilian police for Kosovo have come from outside the U.S., and eighty-seven percent of all police officers pledged have already been deployed.

Now let's look at Reconstruction Funding. Concerning Europe's financial contributions to the reconstruction of Kosovo, Section 2410 focuses on the speed with which it delivers its assistance. When the United States commits funding for large-scale reconstruction initiatives, sometimes the U.S. itself does not hit the benchmark set here—thirty-three percent obligated or contracted—for a year or two.

Last, let's look at Humanitarian Relief. In the spring of this year, the United Nations High Commissioner for Refugees announced that humanitarian disaster in Kosovo had been averted. The much-feared winter had come and gone. It was time for the international community to switch from a relief role to a reconstruction role.

Nevertheless, Section 2410 insists that the Europeans continue to funnel money into humanitarian relief, when the need is no longer pressing. This is counterproductive micro-managing from thousands of miles away.

Mr. President, the United States is not paying a disproportionate price in the international effort to secure the peace in Kosovo—not in terms of the number of peacekeeping troops, not in terms of the number of civilian police, not in terms of reconstruction and humanitarian aid.

Mr. President, Section 2410 also is inconsistent. It is really a "heads I win, tails you lose!" for the Europeans.

The benchmarks in the first part of Section 2410 demand that the Europeans pay more and/or faster and supply the bulk of the troops and police in Kosovo. In the second part, though, the Congress mandates—irrespective of the Europeans' performance on the benchmarks—the enactment of a joint resolution to authorize the continued deployment of U.S. ground combat troops. The message to Europe boils down to this: pay first, and then we'll see.

Aside from these internal contradictions in the legislation, Section 2410 would do serious harm to our geopolitical interests, not only in the Balkans, but in all of Europe. If the mandated burdensharing could not be certified in every detail, the legislation would have one hundred percent of ground troops in Kosovo supplied by NATO allies and other non-American powers, leaving our contribution at zero with one exception: KFOR would remain under the ultimate control of the Supreme Allied Commander Europe, U.S. General Joseph Ralston. That would be quite a deal for us, but one which I doubt that our allies would support for long.

We all know that there are elements in NATO who argue for the need for Europe to have its own "army," independent of NATO. To date, the outline of the European Security and Defense Policy, or ESDP as it is called, has conformed to our wishes. It would only go into action if the alliance as a whole chose not to be involved.

If the U.S. Congress were to compel the President of the United States to unilaterally withdraw all U.S. combat troops from the NATO force in Kosovo, you can rest assured that the Europeans would get the message that the ESDP is the wave of the future, not NATO. I can hear the grumbling all over Western Europe: "The French are right. We'd better have our own army, because we can't count on the U.S. in NATO any more."

Do we really want this happen? I don't think so.

Irrespective of these considerations, I would ask the authors of this section whether they really want to allow American military decisions to be made by other countries, in this case the Europeans? That would be an abdication of responsibility that should horrify any Member of this chamber.

Finally, Mr. President, let us consider the dynamic that Section 2410 would set in motion. First of all, let's consider what it would mean in Serbia and Kosovo, on the ground. Make no mistake about it: the result of this bill, unless Section 2410 is eliminated, will be a U.S. withdrawal from Kosovo. What Milosevic could not win on the battlefield, he would be handed by Congressional trepidation.

If the indicted war criminal Milosevic knew that the U.S. Congress was serious about abandoning Kosovo, his temptation to make mischief there would be dramatically increased.

If percentage point differences in contributions made at conference tables would be enough to force the U.S. military out of Kosovo, then imagine what would be the effect of a few U.S. soldiers wounded or killed by Serbian commandos!

Moreover, consideration of this amendment comes at a time of increasing weakness of Milosevic.

Last night his goons occupied television station Studio B and independent radio station B2-92, and padlocked the doors of other independent media offices.

An opposition leader declared that Milosevic's government had "imposed an informal state of emergency."

Is this the time that we want to give Milosevic even the slightest bit of comfort?

Does the U.S. military support Section 2410? No. Secretary of Defense Cohen has said so, directly to its authors. Those who might support the amendment in the alleged interest of staving off the "hollowing out" of our military readiness should ask of the Department of Defense: is Section 2410 a good idea for the U.S. military overall?

The answer is an unambiguous "no!" It would harm—not help—the readiness of our armed forces for the rest of this fiscal year. If the President were unable to certify the meeting of the benchmarks, most of the supplemental funding for the Department of Defense would be unavailable. That would, therefore, mean that the Military Services' accounts for maintenance and operation would not be replenished, since they are currently being used to cover essential costs in Kosovo.

More broadly, the simple fact is that establishing security in the Balkans is squarely in the national interest of the United States. This country has a web of economic, political, security, cultural, and human ties to Europe that is unmatched with any other part of the world. Thanks to the patient, sustained, bipartisan policy of stationing millions of American troops in Western Europe for more than a half-century and through our nuclear guarantee, the western half of the continent was able to democratize, heal old wounds, and eventually prosper.

But, Mr. President, the stability of Western Europe would be severely threatened if war were to re-erupt in the Balkans—as it surely would if Western forces would withdraw. A study by the General Accounting Office released yesterday made that clear.

Last year we got a taste of the massive refugee flows that war would unleash. And some of those refugees would wind up in Western Europe—in fact, many already have.

Mr. President, the United States is the unquestioned leader of NATO, and I believe it must remain the unquestioned leader. I do not think that a leader can lead from the sidelines. To restrict our future participation in KFOR, or SFOR, to providing logistical and intelligence support would indicate to our allies that we were beginning a more general withdrawal from the continent. The symbolism would be unmistakable.

Incidentally, who would try to fill the vacuum left by the departure of American troops from Kosovo?

I urge my colleagues to recall that the Russians desperately wanted their own sector of Kosovo last summer. My guess is that they would have their hand up in an instant to volunteer to replace us.

I do not want this legislation to be the first step in reversing the most successful element in American foreign policy in the last fifty-five years.

Mr. President, Section 2410 is an idea whose time not only has not yet come—it is an idea whose time, I fervently hope, will never come.

We won the war last year, and now our allies are carrying the lion's share of the burden of winning the peace. We are on the right track. To rashly withdraw would invite further aggression by the Serbian dictator and gravely undermine the North Atlantic Alliance, the lynchpin of our trans-Atlantic ties.

Instead of pursuing this self-destructive course, I urge my colleagues to consider the approach taken by my friend from Ohio, Senator VOINOVICH. His resolution, S.Res. 272, which advocates a coherent strategy for furthering American interests in the Balkans, was passed overwhelmingly by the Foreign Relations Committee last month. It was passed by the full Senate just two weeks ago, on May second.

The Voinovich resolution advocates continued involvement in Kosovo and elsewhere in the Balkans, not the precipitous disengagement called for in Section 2410. It expresses the sense of the Senate that the United States should remain actively engaged in southeastern Europe, continue to oppose Slobodan Milosevic, support the democratic opposition in Serbia, and fully implement the Stability Pact.

This is the course the United States is currently taking, and this is the course we should pursue with renewed vigor in the future.

It will not be an easy struggle; nothing worth accomplishing ever is.

We will not achieve lasting stability in the Balkans overnight—certainly we cannot expect to have achieved it less than a year after the end of the air war.

But rashly to conclude that we should no longer be part of the solution would be totally out of character for the United States of America.

We are the leader of NATO. We are the indispensable factor in the European security architecture.

We dare not sacrifice this position out of momentary frustration and impatience.

So, let's get this straight.

If you believe that stability in the Balkans is not important to the U.S. and our own naked national interest, then vote with my good friends Senators BYRD and WARNER.

But, if you think, as I do, that it is virtually impossible to have chaos in the Balkans, affecting, if not engulfing, the likes of Bosnia-Herzegovina, Montenegro, Macedonia, Albania, Romania, Bulgaria, even Greece and Turkey, while simultaneously maintaining stability in the rest of Europe, and at the same time developing a mature relationship with the countries of the former Soviet Union—then, to paraphrase Thomas Jefferson, who said "If you expect to be both ignorant and free, you are expecting what never was and never will be," I say that if you are expecting chaos in the Balkans and stability in the rest of Europe, you are expecting what never was and never will be.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired. Under the previous order, the Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, may I say to my friend from Delaware, I have a great deal of respect for him. He has had long experience on the Foreign Relations Committee. And he is my friend. I just have to differ with him on this occasion.

Mr. BIDEN. I respect that.

Mr. BYRD. He asked a question, Why don't we vote now? I have the answer to that. It would be irresponsible to vote now to take the troops out. My colleague, Senator WARNER, and I are not saying take the troops out. We are not saying we should withdraw the troops. Certainly, we would not say vote now to take the troops out. That would be very irresponsible.

What we are trying to do is establish an orderly procedure, over a period of more than a year from now, at which time the President, the new President, be it Mr. GORE or be it Mr. Bush, can come to the Congress and ask for authorization to continue the deployment of American troops, if he can make the case, if there is justification for it.

There are those of us in the Senate today who are supporting this amendment who, if that case is made, if a good case is made, a persuasive case is made—I do not assume I would vote against it. I might vote for it. But we are trying to lay down an orderly process whereby there will be plenty of time.

What we are trying to do is take back the authorities of the Congress which have been usurped by the administration. We have slept on our rights. I do not blame the administration; I blame the Congress. We have slept on our rights. So we are not saying take the troops out. But we do think it would be the wrong thing to attempt to vote to take the troops out now. We don't say that. We do not even say take the troops out, period. We are saying let the next President justify the case for leaving them in after a certain date, if that be the circumstance.

Mr. President, it has become startlingly clear over the past several days that the Clinton administration fiercely opposes the Byrd-Warner Amendment. Why does the administration fiercely oppose this amendment? The amendment does not mandate the withdrawal of U.S. ground combat troops from Kosovo. The amendment does not micromanage the Pentagon or the State Department. What is the administration afraid of? The intent of the Byrd-Warner Amendment is to restore congressional oversight to the Kosovo peacekeeping operation. Congress should have taken this step long ago, but by not doing so, Congress has allowed, by its own inaction, the administration to usurp the Constitutional authority of Congress in this matter.

The administration would much prefer that Congress not interfere at this late date with the continued usurpation of Congress' Constitutional prerogative and authority. No, the administration would much prefer Congress to keep quiet, roll over, play dead, or pretend to play dead, while the administration continues to do whatever it wants to do in Kosovo, run up the costs of the operation, prepare for a long-term stay there, and then send the bills to Congress for payment.

The position of the administration has been articulated most fervently by General Wesley Clark, the former Supreme Allied Commander of NATO troops in Europe. In a letter to Senator LEVIN, and in several meetings with Senators this week, General Clark repeatedly made the argument that the Byrd-Warner amendment would undermine the confidence that our European allies place in the U.S. commitment to NATO. Ha-ha, listen to that. How ridiculous that the Byrd-Warner amendment would undermine the confidence that our European allies place in the U.S. commitment to NATO. In less than two weeks, we will celebrate Memorial Day. We will remember, and honor, the 4,743,826 men who served in World War I. We will mark the loss of the 53,513 men who lost their lives in battle during that war, and the 63,195 uniformed men who also died, though not in battle. We will honor the 204,002 men who were wounded in that conflict, whose blood was spilled in those muddy trenches and across those snowy hills.

We will also pay tribute to the 16,353,659 men who put on a uniform and served during World War II, a conflict that also started in Europe. Some 292,131 of those 16 million men died—died in battle during that bloody war, and another 115,185 died while serving in that war. Another 671,876 were wounded in all theaters. American blood has soaked European ground—the ground cries out—and saved European lives. Then to say that the passage of this amendment would cause the Europeans to lose trust in the Americans—how silly, how perfectly ridiculous that that would be said.

That is the U.S. commitment to NATO, and to our European allies. Our commitment lies under European sod, under poppy-covered fields marked with endless rows of white crosses. Our blood is our bond. What more cane they ask? It is preposterous for General Clark or the administration to suggest that the Byrd-Warner amendment could undermine that bond. How silly, how utterly ridiculous.

Asking our European allies to meet their commitments in Kosovo, while we continue to shoulder the burden of intelligence collection, transportation, and other critical support roles for which we are uniquely equipped, is not walking away from NATO. It is not walking away from Europe. The Byrd-Warner amendment assumes that the administration can come up with a supportable case for continued U.S. involvement in Kosovo if necessary. It might be Mr. GORE. It might be Mr. Bush. But we assume that they can come up with a justifiable case if they think they have a case.

The Byrd-Warner amendment does not assume that the United States will withdraw from Kosovo. We do not assume that at all. That is simply the logical conclusion of but one path this debate might take. The other path is that the administration will present, and defend, a plan—whatever administration it is—by next year for continued U.S. involvement in Kosovo that the Congress and the American people can support. We assume they can. But let them do it. Then our troops, our military establishment, our allies, and others in the region, will understand the depth of support for this mission in the United States.

One of the primary aims of the Byrd-Warner provision is to get the administration and the next administration, be it Democratic or Republican, to focus on a policy.

I have asked this administration for an exit strategy. I cannot get an answer. I have asked for a rough estimate, within 2 years, of how long we expect ground troops to remain in Kosovo. I cannot get an answer. I have asked this administration for an estimate of the ultimate cost of this operation to the American taxpayer. I cannot get an answer.

As far as I can tell, we are on mission "Ad Hoc" in Kosovo, with nobody in the entire executive branch in Washington or elsewhere, able to give this Senator and the American people answers to the most basic questions regarding the scope, costs or foreseeable end of the mission.

I cannot even get anyone to tell me how we will know when it is time to leave? How will we know when it is time to leave?

Talk about open ended commitments! This endeavor does not even have walls, much less ceilings or floors.

Now we are being told by the Office of Management and Budget that the administration cannot provide assurances that the certification of allied effort required by the Byrd-Warner amendment will be met by the due date of July 15. The problem? I quote from the statement of administration policy. Here is the problem: "mechanical formulas and recordkeeping technicalities." I realize that this administration has had its share of recordkeeping problems, but I find it difficult to believe they cannot do the simple arithmetic—the old math or the new math—this provision requires.

The administration itself acknowledges that the allies are already exceeding their commitments for humanitarian assistance and for the Kosovo consolidated budget. Further, according to the administration's reckoning, the allies have already deployed 63 percent of the civilian police that they have promised. No, they have not yet met the 75 percent benchmark, but Spain is expected to deploy 115 additional police in June, and great Britain recently announced that it will deploy an additional 57 police by the end of May, which would boost the total to over 75 percent.

Given the allies' poor track record in the area, I think we should hold their feet to the fire on the 75 percent standard. It is achievable. If the allies balk at coming up with 158 additional policemen, Congress and the American people should know and should know the reason why. And we should know the reason before we pay out the final installment of the $2 billion in military costs funded in this bill that the U.S. has incurred in Kosovo this year.

The administration also contends that the allies will not be able to come up with 33 percent of their promised reconstruction assistance. The changes that we intend to make to this provision—Senator STEVENS and I confer if we are not allowed to make them on the floor—will take care of that problem. We will drop that requirement to 25 percent. According to the National Security Council, which apparently can do the arithmetic, the allies are currently at 23.1 percent. I have every confidence that they can come up with the remaining 1.9 percent by July 15. Mr. President, the purpose of including the certification benchmarks in this provision was to give the United States leverage to demand that our allies live up to their commitments. Our intention is for these requirements to be used as a prod, not a battering ram. We want the allies to meet these requirements. But if for some reason they cannot, we have included a safety valve—a vote under expedited procedures to release the money being held in reserve to continue the deployment of U.S. forces in Kosovo. It is not now, nor was it ever, the intention of Senator WARNER or me to force a withdrawal of U.S. troops from Kosovo in July.

Our intention is very simple: To do right by the Constitution, to do right by the American people, and to do right by the men and women in uniform that we send into harm's way in operations like the one in Kosovo.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, will the distinguished Senator from West Virginia engage in a colloquy with me because I am very interested in his remarks. I have the highest respect for his efforts in this body, and I listened closely to what he had to say.

I believe there has been a lot of misunderstanding or misinterpretation or misinformation about what is in this legislation. Perhaps this was not the best place to put this language, but certainly the timing is propitious. This issue is upon us.

Senator BYRD and Senator STEVENS, two of the most respected Senators in this body and senior members on the Appropriations Committee—Senator STEVENS is obviously very much interested in the condition of our military troops, what they are doing, and where they are, and the same is true with Senator BYRD. Maybe it is an oversimplification, but as I understand it, the Byrd-Warner language will really do two things: One, say the President should certify to the Congress by this summer—the exact day is July 15?

Mr. BYRD. We can adjust that date.

Mr. LOTT. By a reasonable date this summer that our allies are fulfilling their commitments, one. And two, that by July 1 or October 1 of next year, the Congress would have to authorize the continuation of ground combat troops in Kosovo; is that basically it?

Mr. BYRD. That is correct. We would continue our air support, our logistical support, and our intelligence support. We would merely withdraw the ground troops, but we would only withdraw them in the event the President did not ask for authorization to continue the deployment, and in the event he asked and Congress voted no. Otherwise, they will be there.

Mr. LOTT. Mr. President, if the Senator will allow me to ask another question——

Mr. BYRD. May I say further, what is wrong with that?

Mr. LOTT. I do not think there is anything wrong with that.

Mr. BYRD. What is wrong with that?

Mr. LOTT. I am going to support it.

Mr. BYRD. I am not directing the question to the majority leader. What is wrong with that? We would expect the President, Republican or Democrat, to come up here to make his case if he wants to continue, if he believes there is justification to continue the deployment. He should come here. That is what we want. We want the administration to come here and request authorization and to justify that authorization. If he does that, Congress then will vote up or down. What is wrong with that?

Mr. REID. Will the leader yield just so we keep things in order? It is my understanding he is taking time allotted to Senator ROBERTS.

Mr. LOTT. I believe Senator BYRD's time has expired. I ask to use the time designated for Senator ROBERTS.

The PRESIDING OFFICER. The time is being so charged.

Mr. LOTT. I know Senator HOLLINGS is wishing to speak on this. I do not intend to use the full time, but we have an expert on this subject.

Mr. REID. Pardon the interruption, I wanted to make sure people understood.

Mr. LOTT. For the people watching, you have made the point, and I have made the point, that what this requires is for Congress to do its job to fulfill our responsibility, that while the President clearly has a role—this is not aimed as a criticism of this President or as a halter on the next President—it is for the Congress, for the Senate to step up to its responsibilities.

I believe the responsibilities you have cited are constitutional. I also believe we have the War Powers Act on the books.

Would the Senator take a moment to talk about those constitutional and other legal requirements that suggest we should act in this area?

Mr. BYRD. Mr. President, I know that the distinguished Senator from South Carolina badly needs to make another appointment.

May I say to the distinguished majority leader that I intend, in my speech tomorrow, to lay out in full the constitutional requirements. I intend to respond to his question at that time.

Mr. LOTT. Mr. President, I will just take a few minutes to say that I thought a good bit about this issue—both Kosovo and the Byrd-Warner language. I have not been quick to make a final judgment or to make comments, but I have concluded that this is the right thing to do. I want to emphasize, again, I say that knowing full well that the President has problems with it. I think they are overreacting to what is in this language.

Mr. BYRD. They are hysterical.

Mr. LOTT. Now our candidate for the nomination, our presumptive nominee, has said he is concerned about Presidential prerogatives. I understand. All Presidential candidates and Presidents worry about that.

But we have a responsibility here, too. What about the prerogatives, what about the responsibility of the Congress? I think the American people want to know what is going on. They are unaware, really, of what is going on and not asking about it. They are not really aware of the commitment we have there. They don't really know that perhaps our allies are not fulfilling their commitments. They have not done it in terms of personnel or money. And why is because they do not have to. They know Uncle Sam will take care of this problem.

I had occasion to meet with the President of one of our ally countries. I said: Why aren't you fulfilling your commitment? Why don't you do more? Why don't you do what you said you were going to do? Only after a brief silence, he said: You are the world leader. You are the only surviving power. It is your responsibility.

That is kind of the attitude, frankly, of some of our allies—yes, you are the big guy. You have to take care of it. Yes, it is in our backyard. This is supposed to be a peacekeeping initiative. But you will handle it. We don't have to do that.

In their defense, to be honest, I think because of Senator WARNER's efforts, and others, because of complaints I made to some of our allies, they are beginning to do a better job.

I believe the President will be able to meet this certification. But I think it is important that our allies in NATO do what they say they were going to do. I am hesitant for us to even reduce the requirements of what they should have to do.

But I tell you what is really bothering me. We wonder, how long are we going to stay there? We have been in some parts of the world for 50 years. We have been sending troops now to every little place imaginable around the world. There is no end in sight in Bosnia; no end in sight in Kosovo; no plan, no end game. We do not know what is going to be the final outcome. We are just there. Then each year this administration, and the next administration—Democrat or Republican—will show up and say: Sorry, we had this problem. We had to spend the money. We spent $1 billion. We spent $1.5 billion in Kosovo, not to mention what we are spending in Bosnia. We had to take it out of other defense accounts, O&M, operation and maintenance—very important things—and now you have to give us the money, because if you don't give us the money, then we are not going to be supporting our troops.

Then we are in a bind, without any real accountability, without having input, without voting to authorize it, without knowing what the end game is—without anything. Then we just ante up the money. You are not talking chicken feed. You are talking a lot of money. We have to stop that.

I noted what Senator BYRD said. And I would say, for myself, when the vote comes to authorize it, I think we would be hard pressed not to authorize keeping troops there. Certainly we would be for the support of troops.

But if the case was made, if we knew what we were getting into, we knew how much it was going to cost, how long it was going to last, I think that a persuasive case would be made. And I have not made up my mind how I would vote. I want to see what it is.

But that is not where we are now. People are saying: You are taking action now. You are going to have these difficult problems on your hands next year. That is one of the reasons why I want to deal with it now. I want us to make sure everybody understands we have to have an accounting; we have to have a plan.

We cannot put our men, our women, our ships, our planes in every corner of this world indefinitely with no plan. We are still dealing with Iraq. We probably had sorties today. We probably bombed somebody, while we are counting on them to produce 700 million barrels of oil for us, I guess it is. The hypocrisy of it bothers me, too.

I know it is expected that the majority leader of the Senate would automatically just say: No, we can't have this out of the Appropriations Committee. We don't want to tie the hands of the next President. It could be a President from your party.

That really offends me. This is bigger than that. I believe some of the comments that have been made questions the integrity, the patriotism of the sponsors of this legislation. I think that is totally inappropriate. They would not do that.

So as for myself, unless there is something dramatic that changes, I plan to support this language. I urge my colleagues to take a look at what is really in it. Do not be misguided by incorrect information that is being put out there. Ask yourself: Are you satisfied with the situation in Kosovo? I think the answer is no.

So I thank the two sponsors of this legislation. I hope the language stays in the bill.

Mr. WARNER. Mr. President, I ask the distinguished leader, who came to this body following an earlier distinguished career in the House, is he aware of the overwhelming vote in the House today for basically the principles that are incorporated in the Byrd-Warner amendment? The vote was 264 to 140-some, something along in there.

I think that is a clear indication that the people in the United States of America want, first, participation by the coequal branch, i.e., the Congress; and, secondly, for us to address this matter in a responsible way before we shovel out $2 billion more for this type of operation.

Mr. LOTT. I certainly agree. I have found, as I have gone to my own State and other States, that when people find out what we are doing there—the commitment we have there in terms of the facilities and the troops involved, and how much it is costing; and the fact that we have never voted to authorize; we do not know where we are headed, how long it is going to take, how much it is going to cost, what the plan is—they are horrified. They basically look at me—and I can see it in their eyes—and they are thinking: What are you going to do about it?

It is our responsibility.

Mr. WARNER. That is right.

Mr. President, their voices, the people's voices, were heard through this House vote today.

Mr. LOTT. Right. I agree.

Mr. WARNER. I thank our distinguished leader for his support. I thank our dear colleague from West Virginia who, year after year after year, comes to this floor and reminds the Senate of its responsibilities in foreign affairs. This is precisely what is before us in this vote.

Mr. BYRD. Right.

Mr. LOTT. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from South Carolina is recognized for up to 20 minutes.

Mr. HOLLINGS. Mr. President, I commend our distinguished chairman of the Armed Services Committee, Senator WARNER, and my distinguished leader, Senator BYRD of West Virginia, on this initiative.

You learn through experience. We had bitter experiences, as politicians, on the floor of the Senate during the war in Vietnam.

Someone tells me that the Senator from Arizona, Mr. MCCAIN, has taken exception to this particular amendment. I could only say to my distinguished colleague from Arizona that I feel very keenly, if I knew in 1966 what I know now about Vietnam, I could have saved or participated, let's say, in the saving of at least 40,000 of the 58,000 lives we lost.

It took McNamara, the Secretary of Defense, almost 25 years to admit it was a mistake. And the question arises in my mind as to how long it is going to take us to acknowledge that this, too, is a mistake. Mind you me, I am not for withdrawal. I think this is a deliberate initiative, well considered, and deserves strong support. Otherwise, I am 100 percent for the troops wherever they are.

The record will show that the last $500 million that had to be appropriated at the request of a general for Vietnam was made on the motion from the Senator from South Carolina. But I visited with those troops. I have seen, in a very short period, certain disturbing things in Kosovo. And to watch my friend, the Senator from Delaware, dignify this mistake, and all the spurious arguments made, is almost amusing, in the sense that one of the things he says is "to wish for a nation to be both ignorant and free, wishing for a nation that never was and never can be"—quoting Thomas Jefferson. He says if you look for Europe to be both Balkan and stable, it is wishing for something that never was and never can be.

I happen to agree, Mr. President. That is what disturbs the Senator from South Carolina with the positioning of troops who are there for battle and not as a police force. We are really ruining the morale of our troops in this kind of commitment, not following through. They were supposed to have been out in a year's period, gone from any kind of military deployment, and we were supposed to have had the substitution, of course, of the police force and the allies. It is a very weak alliance that has not put up the money. The chaos grows by day and the danger is in the morning paper.

We have five sectors in Kosovo. You learn very quickly that the Russians are not supportive, and that is why we don't have the police force. You learn from the briefings that the Greeks are not for this particular deployment. The French, comme ci, comme ca. It is intimated even by the Senator from Delaware that they are not in support. I asked the Brits in London later about their withdrawal of a certain area and they said they were too stretched. But more ominously, you will find on page

A–18 of the Washington Post this morning an article entitled "Russia Strengthens Yugoslav Ties." It says:

> At the end of the two-day visit in Moscow today, Yugoslav Foreign Minister Zivadin Jovanovic praised "cooperation" between the two countries. Russia granted Belgrade a $102 million loan and announced the sale of $32 million worth of oil to Yugoslavia. The loan comes at a time when the International Monetary Fund, whose activities are underwritten by U.S. taxpayers, is considering resumption of loans to Russia.
>
> . . . Putin's policy is consistent with Russian sentiment toward Yugoslavia. Moscow opposed the war, considered the NATO bombing campaign illegal because it was initiated without the specific approval of the Security Council, where Russia holds a veto. Moscow views the war crimes accusations against Belgrade as politically motivated.

That is what the distinguished Senator from Delaware was trying to dignify. They called it the fifth column in the war with Spain. We have fifth columns, as I can see it, militarily deployed in three sectors. Russian troops take a man from Moscow, and while we can't get our own weak alliance to respond and come up with a police force to keep law and order, we find Russians can get hundreds of millions of dollars here to support Milosevic. This is a good deployment? I see a mistake. I will never forget there was a mistake in diplomacy. There isn't any question about it. I will never forget. I will quote what our friend, Henry Kissinger, said:

> Rambouillet was not a negotiation—as is often claimed—but an ultimatum. This marked an astounding departure for an administration that had entered office proclaiming its devotion to the U.N. Charter and multilateral procedures.

I could read further, but there is no question that what we have is not statecraft, but a mistake in a military plan. There isn't any question that they don't want to admit it publicly, but the Secretary of State thought Milosevic would cry uncle in 3 days. We didn't have any military plan to take over. In order to try to backstop some kind of support and say this is serious, and it is not a mistake—"ethnic cleansing, ethnic cleansing, ethnic cleansing"—they tried to equate this with the holocaust. Come, come. We got briefed at the time. There were 100,000 Albanians living peacefully in Belgrade, where Milosevic was also living. This wasn't ethnic cleansing in the sense of a holocaust—to find a person of a particular race or religion and eliminate them. They weren't getting along.

Thank heavens we didn't send Madeleine Albright to Northern Ireland; we sent Senator Mitchell. He knows that in order to get persons and populations with differences together, it takes long, hard work, and no ultimatum. If we had sent the Secretary of State, she would have said you either agree to do this by 12 o'clock tomorrow, or we are going to start bombing you. So we got caught without a military plan. There weren't any grand troops ready—even to come from Germany at the particular time.

Let's say Milosevic didn't like the majority group down in Kosovo. We had all kinds of briefings to the effect that the differences were exacerbating, as they say, and what happened was they would kill a Serb police on the corner and then Milosevic would come and burn out the entire block, and that kind of thing. But when we started the bombing, we declared this a war zone. Brother, when you have a war zone, you have a right, title, and interest to clear the enemy.

So immediately Milosevic went to work, and that is what led to the million refugees spilling over the borders into Albania, Macedonia, into Montenegro, and anywhere they could. That was another mistake. There was a mistake, of course, when they called this a "peacekeeping" because there wasn't any peace agreement.

The brass in Kosovo, including the four-star general, General Shelton told me what happened. The Joint Chiefs resent me saying this, but what happened is that both sides ran out of targets. Milosevic had already cleared the area on the one hand, and we had run out of targets down in Kosovo. So we have peacekeeping troops there when there is no peace agreement. What happens? All we have to refer to is what others have said, not just what I saw. What I saw was highly disturbing—our American military deployed and a hunkered down containment.

They took us to a little town with a population of about 67,000 people. We were in the city. But we were guarding a block with Serbs, including a few families there. We had a GI at one end, a GI at the other end, and one GI in the middle to take them to the shopping market. They had that many more Serbs. So they took convoys of them up to Belgrade to shop. Is this peacekeeping?

The columnist said:

> The war has done nothing to bring the two sides together. On the contrary, it has intensified ancient animosities.

What do they say in the Washington Post? Michael Kelly says:

> How safe is Kosovo, how secure? Safer and more secure than it was a year ago, but still, in any real terms, not safe, not secure and becoming less so all the time.
>
> Human rights abuses and serious crimes continue to be committed at an alarming rate, particularly against members of minority communities, with virtual immunity.

I was briefed to the effect that it was 95 percent Albanian.

Let me quote further:

> Meanwhile, as predicted, members of the theoretically disbanded Kosovo Liberation Army have emerged as leaders of a criminal mobocracy that is the real power on the streets.

That is who is keeping the peace—the KLA, and mobocracy rules the streets.

What did the GAO say? This past weekend, they gave the report to the Armed Services Committee.

> . . . little progress had been made toward creating peaceful, democratic governments committed to political and ethic reconciliation.
>
> . . . the former warring parties largely retain their wartime goals.

We haven't achieved peace.

Quoting further:

> . . . it also criticized the United Nations for failing to provide needed resources, particularly in Kosovo where an international police force has been slow to get off the ground.
>
> ". . . an escalation of violent incidents or armed conflict" over the next five years, not just in Bosnia and Kosovo, but also in Macedonia and in the two remaining republics of the former Yugoslavia, Montenegro as well as Serbia.

We deployed American GIs in the middle of that mess, and they don't want to even discuss it. They don't want to bring it to a head. Senator WARNER and Senator BYRD want to bring it to a head.

Let's develop some sort of policy because we have a nonpolicy situation.

We have no real support from the allies, as I pointed out. The main thing is that the Russians are all deployed all around and are giving support to Milosevic. Of course, Milosevic is strengthened in Europe.

We heard from General Clark about how the Europeans felt so safe—not at all.

They had a very interesting story in Time magazine a month ago whereby Vaclav Havel had befriended his former Czech native, Secretary Albright, our Secretary of State. He wished for her to succeed him as the President of the Czech Republic. The only problem is that 75 percent of the people in the Czech Republic are opposed to "Madeleine's War."

This has been a mistake—in diplomacy, in military deployment, in peacekeeping, in getting up the support, and everything else. It hurts the Fed's policy. It hurts foreign policy.

We have a group going to Moscow at the end of this month that will probably call on President Putin. I don't have the unmitigated gall to mention to President Putin about Chechnya. "Here, here," he would say, "Senator, your country invaded the sovereign country of Yugoslavia and Kosovo without a United Nations resolution, and on your own you just took over and started bombing because they wouldn't agree, and you are asking us about Chechnya?" What kind of foreign policy do we have?

What kind of Kosovo policy do we have? What kind of military policy do we have? When are we going to admit that this is a mistake.

Secretary Albright says we are going to rebuild the infrastructure, and after we get the churches, the roads, the airports, the schools, and the hospitals reconstructed, and the industries, people will go to work, and they will hug and love each other.

Well, we have had 30 years of that in Ireland. From the time I met Martin Agronsky in a restaurant, as he came out after a 3-week visit in London, he said they would never get together for 30 years. And he was right. I have been to Northern Ireland. They have the hospitals, the roads, the airports, and the infrastructure, and they are not hugging and loving yet.

Apparently, according to the Senator from Delaware, a stable Europe or a stable Balkans was never and never will be.

I don't think this is the proper military deployment. We have to bring this to a head and acknowledge the mistake we made, and do the best we can. The best we can is to follow the Warner-Byrd resolution whereby we have the people behind us.

I will make one political comment. Governor Bush wandered aimlessly into this debate yesterday. If I were the President of the United States, I would never want troops committed in a deliberate fashion as these were without the support of the American Congress, the American people, and the Senate.

I would not want them to give me a basket case, if I were elected President. But I would want, by gosh, some requirement that we look at it in an objective fashion, and consider my military, my foreign policy advisers, and look at what was on the ground to see if it was worsening, as it is today.

We keep saying we are going to get rid of Saddam Hussein, Milosevic is going to fall, and Castro is going to disappear. When will we ever learn?

The Warner-Byrd resolution helps us to begin to learn so we can actually discuss this in an intelligent fashion.

The arrogance of America came out markedly in the comments of the Senator from Delaware—that were it not for Americans none of this could happen; not at all. I hope they get a European defense force. I hope they take over.

I voted in 1971, before the Senator from Delaware came here, to cut the troops in Germany back to 5,000. That was the Mansfield amendment.

Let's not say we are responsible for everything and anywhere, and that it only can happen with us.

I think they are going to have to take over. I think when they take over it will be dealt with properly.

I, again, thank the Senator from Virginia and the Senator from West Virginia.

I yield the floor.

Mr. WARNER. Mr. President, while our distinguished colleague is here, and on my time, I would like to say that he has followed this matter for some time. He was on the Appropriations Committee at the time this amendment was voted into the bill. My recollection is that 23 Senators voted to put it in. Am I not correct?

Mr. HOLLINGS. That is exactly right; overwhelming majority.

Mr. WARNER. Three opposed and two abstained.

Mr. HOLLINGS. That is correct.

Mr. WARNER. Showing that the full committee of the Senate appropriations gave overwhelming support to this amendment.

Mr. HOLLINGS. That is right, though we are really debating the amendment of the Senator from Virginia. We knew, and we could see it. We went into the different parts of that debate. To get down to all of these extraneous things my friend from Delaware brings out is not the point at all. We are not trying to send a message to Milosevic. We are trying to send a message to ourselves; to our policy; send a message to the GIs out there that is not willy-nilly. General Clark said only yesterday that it could be 5 years. Come on.

Does he think we will keep America's GIs out there in Kosovo 5 years?

Mr. WARNER. That is precisely why, when I visited the region in January of this year—I try to go every 6 months or every several months. The officials told me, the U.N., the E.U., all of them said: Senator, if they just keep the money flowing and the police flowing, then eventually we can get some timetable for the withdrawal not only of U.S. forces but other military forces and turn it over to a civil society to operate itself with such security as needed along the borders.

We are not pulling out. We are 100 or so miles away for some of our troops in the NATO installations. The sky is not falling in.

The Senator raises a key point. For General Clark to come up and say, in effect, that if we take out just the U.S. combat troops—again, leaving 100,000 in NATO, just a short distance away—Milosevic would read that as a signal and come charging across the borders—what does that say to the other allies? There are 32 nations providing armed forces in the KFOR force of a total in excess of 40,000. It says "You don't count."

Mr. HOLLINGS. Exactly. And the timing of this, just when we were assuring Russia that NATO was a purely defensive force, we were admitting three new countries. We destroyed the overall policy. This was a mistake from the word go and they don't want to try to explain it; they are embarrassed to do so.

But the Senator and I can bring it to a head and we can develop a policy. They are running around politicking and traveling the world. But we have a serious commitment, and I don't want to have any GIs hunkered down there and afraid to walk on the streets, with the KLA in charge. Meanwhile, we are sitting back here thinking this is a wonderful commitment and America is keeping NATO together. No.

Mr. WARNER. Mr. President, I thank the Senator. We have got the attention of the Senate now. We have a debate that will last 10 hours, well into tonight and tomorrow.

Mr. HOLLINGS. I commend the Senator.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized for up to 30 minutes.

Mr. LEVIN. I yield my time to the Senator from Rhode Island.

Mr. WARNER. Mr. President, there is no need to yield. Following him, I think Senator HUTCHISON of Texas, and then the Senator and I will have a debate well into the evening, I expect.

Mr. LEVIN. I look forward to that.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. I thank the Senator from Michigan for yielding his time.

First, there are no more respected and trusted Members of the Senate than Senator WARNER and Senator BYRD. When one approaches their amendment and their language with respect to Kosovo, it is with a position of both, as I mentioned, trust and respect.

However, after examining the amendment, I must disagree with their conclusion and the amendment. Let me also say by way of an aside, I certainly do support the underlying provisions of the military construction appropriations bill and I commend both Senator BURNS and Senator MURRAY for all their hard work.

As I indicated, I am concerned about the amendment offered by my colleagues, Senator BYRD and Senator WARNER. The Byrd-Warner amendment provides for several things. First, section 2410 of the bill would prohibit the expenditure of funds for the continued deployment of ground troops after July 1, 2001, unless the President seeks and secures congressional authorization to continue the deployment beyond that date.

This, I think, is one of the more central parts of their amendment. Essentially, it says our troops will come out by July 2001 unless the Congress acts affirmatively to keep them there.

There has been some discussion throughout this debate about senatorial prerogative and roles of the Senate in forging policy with respect to deployment of our troops. I don't believe this debate is ultimately about, or should be about, senatorial prerogatives. It is quite clear, given the power of the purse, we can compel the extraction of our forces by simply cutting off the funds. That principle is clear. What is at stake here is the consequences of such an action, whether such an action would inure to our benefit or whether it would be a costly error. I believe it would not inure to our benefit. I believe the consequences would be detrimental not only to our position in the world, our position in NATO, but ultimately to the position of our forces within Kosovo.

Let me suggest what I believe to be the consequences of the passage of this amendment. It would signal to those forces both within the Albanian Kosovars and the Serbian Kosovars that our commitment to staying in Kosovo is limited to a year. As a result, they will, for their own protection and also to advance their own particular plans after our departure, begin to rearm, begin to become much more provocative, begin to assault each other.

Frankly, given the imbalance of population and forces within Kosovo, it is more likely that the Albanian Kosovars will try to seek a final remedy by displacement of Serbians out of Kosovo before, in their view, the departure of the summit forces, which would likely be accompanied by significant reduction, or certainly a diminution, of the international commitment to Kosovo.

With this combination, we are creating a very destabilizing situation within Kosovo. That destabilized situation would, I think, jeopardize the safety of our forces there. As a result, we would have a situation where we were injecting the kind of uncertainty, the kind of instability, that would, I think, blow up in our faces in terms of our troops.

I mention what the Albanian Kosovars might do. I think Milosevic, being shrewd, clever, and unyielding, would seek to regain through this action what he lost on the battlefield, would continue to accelerate the introduction of his forces back into Kosovo in the guise of civilians; would begin, if he could, to circumvent embargoes on weapons to bring weapons in, setting the stage for violence, for acceleration of violence, which I think inevitably would touch our troops.

Finally, if one is sitting back and watching these developments from within Kosovo, and one is expecting a vote of this Congress with respect to whether our troops will stay or they will go, one might conclude or deduce, based upon recent history, that the quickest way to accelerate our departure is to harm our troops. That is one lesson, perhaps imprecise, but one lesson of Somalia. When American forces, with overwhelming firepower, confronted basically tribal forces armed with AK-47s and RPGs, we were staying the course until tragically we lost two helicopters and a number of Army rangers and Army personnel, and then quickly we were through. We don't know if that is the lesson the leadership in Kosovo would draw, but certainly it is plausible.

As a result, as we spin out these consequences, the requirement within this amendment to withdraw, unless there is congressional approval, sets in motion a chain of events which I think will not lead to stability, will not lead to an environment of peace and tranquility, or at least minimize violence, but could very well unwittingly, unconsciously—and certainly this is not the intent of anyone here particularly—lead to more violence, more instability, which perhaps would force us to withdraw for political reasons long before we could ever sit down and have a vote in this Senate and in the other body on whether we should continue our presence in Kosovo. Essentially, what we are doing here today, as I mentioned, is not charting the prerogatives of the Senate but trying to assess the consequences of what we will do, trying to look ahead and not to the rear. One could come here, and I think should come here, and question how we got into Kosovo, how we were consulted by the White House. Many of these questions are legitimate. Many of these questions have been raised many other times on this floor. But today we should be looking ahead. As we look ahead, I think the consequences of this act would be detrimental rather than helpful to our international position and to the safety of our forces on the ground.

There is a second provision, and that provision is to develop a plan to shift responsibility for providing ground forces to European nations by July 1, 2001. Again, I do not believe there is anyone in this body who would question the central role that Europe must play in securing the peace, not just in Kosovo but in the entire Balkans. So the plan for the organized shift of responsibilities is sensible. Certainly I approve of this. I do not think anyone disapproves of it.

There is a final proviso and that is withholding 25 percent of the fiscal year 2000 supplemental funds unless the White House certifies that European allies are paying their promised share of reconstruction and humanitarian assistance. Again, no one can question or argue that the Europeans should do more, should do their share. Whether or not this amendment would prompt them to do that is another question. But this is an element of the amendment that I believe certainly engenders the kind of debate, and we hope pressure, political and otherwise, that would require the Europeans to pay their share, to carry their load, to respond to a crisis that is in their backyard and not in our backyard.

All of these elements together—but most particularly the first element, the deadline for withdrawal if there is no approving vote by the Congress of the United States—are troubling and will, as I suggested, set in motion a series of events that could not only destabilize our position but force us to pull out, not in an organized way but in quite a disorganized way.

We all are concerned about what appears to be an open-ended commitment. I do not believe this is the way to respond to that concern. Perhaps there is no good way to respond to that concern. Perhaps the only way to do so is to begin to work with our allies so, on a programmed, planned basis, we can substitute additional U.S. forces with European forces. Perhaps it is by working with the United Nations to see that they back up their words with real resources, real dollars, so they can begin the reconstruction, and also to work with the European Community so they can do the same in terms of their commitments; also to begin to work with international groups, the United Nations and others, to develop the capacity to have available real police forces, not those who have been trained to patrol the reasonably serene streets of metropolitan areas in the United States and Canada and elsewhere, but those police forces that are trained for this type of almost paramilitary operation.

Those steps take time. But that is a way to address this issue of an open-ended commitment of our military forces. It is an issue we must address because, regardless of what we do with respect to Kosovo, we have similar challenges in East Timor and other places that require the same kind of international humanitarian and reconstructive aid, as well as international police forces.

There is another issue that emanates from this amendment, and that is the message we are sending to our allies about our participation in an international effort. We are in Kosovo because, not only are we a member of NATO, we are the leader of NATO. Our allies have joined us in this effort. This is not a unilateral American response to a problem. This is an international response with our allies through the mechanism of NATO. Indeed, I believe if we are signaling our response is weakening, that signal will be taken very badly by our allies in Europe and around the world.

We did an extraordinary job with our military forces, our air power, in securing our entry into Kosovo, the entry of NATO. It would seem to me to be turning away from that great military success at this juncture by our own action, essentially signaling to our NATO allies we are no longer prepared to assist them in the efforts in Kosovo. I believe it would, in fact, trigger their parliaments to conduct the same types of debates we are conducting, and the same type of vote if this measure passes. And, as a result, the cohesion, the commitment—not just of the United States but of NATO and European forces—would be dissipated and, in fact, we would see perhaps the end of international involvement in Kosovo.

The other thing to recognize is that, of the 49,500 troops on the ground, 5,300 are American forces, about 10 percent of the total. This is not a disproportionately American-led operation today on the ground in Kosovo. Indeed, if you look at the U.N. international police forces in Kosovo, of the 1,900 police officers, 430 are Americans. In terms of reconstruction, we are scheduled to pay about 14 percent of the reconstruction, 20 percent of the humanitarian aid. These numbers are in line with a joint international effort not dominated by the United States, but our shared participation is vital to its success.

If we choose to make this judgment with respect to Kosovo, we also have to ask ourselves, reasonably: Will our participation elsewhere be questioned? What about our Australian allies who have shouldered a disproportionate burden in East Timor and have asked us repeatedly both for practical and political reasons to participate with them? Will they suddenly get nervous about our resolve there and curtail their activities in a country which desperately needs international support to make the transformation from a dependency, a captured territory, really, of Indonesia, to an independent country?

We can see many other places around the world where our resolve might be seriously questioned. So the ramifications of this vote are not just within the context of Kosovo. They would reach out across the globe literally to raise questions of our role in the world with respect to our allies and our adversaries.

Speaking of adversaries, one has to ask how would this be interpreted by Milosevic in Belgrade? I think he would see this as his salvation. After losing five wars in the Balkans, after seeing his country practically dismembered, after seeing his cities destroyed from the air, suddenly we would offer him the hope of some ultimate justification because, if we leave, the pressure on our allies to go also will be, perhaps, unstoppable. Also, if we leave, and if my worst fears come about that there is renewed interethnic violence between Serbs and Albanians within Kosovo, he will be able to stand in his figurative pulpit and claim that he is doing precisely what we did: that he is using his military forces to stop the ethnic cleansing of Kosovar Serbs by Kosovar Albanians, and that he is justified, morally and politically, on the same basis we were, to enter back into Kosovo with force, if necessary, to vindicate the same moral principles we claimed.

Would that not be a terrible irony in history? Yet that very well could happen. I believe Milosevic and his colleagues in Belgrade would embrace any slight weakening of our resolve.

The other aspect we have to look at, and it is one that is geared to all of us here but none more so than the sponsors of this amendment, is the status and the safety of our forces.

Again, one can always conjure up dangers, particularly when we have troops in as close contact as they are. The simple uncertainty of what we might do a year from now with respect to a vote would, I think, inject increased risks to our forces in the field. I do not think we should do that. I do not think it is necessary to do that.

We have heard from General Clark. He has been emphatic about his view that this course of action would not be wise or judicious. We have heard similarly from Secretary of Defense Cohen.

Our troops in the field already face a difficult task. They have combat power, but ultimately it is the resolve and the support of this Nation that stands behind them which is their greatest weapon.

They are in a very difficult and dangerous situation. They are in urban areas. Like so many of my colleagues, I traveled to Kosovo last July with Senator LEVIN, Senator SESSIONS, and Senator LANDRIEU. We traveled through Kosovo. It is and has been a violent land. It is a place where we saw as we went into Prizren, a town in the German sector, fires burning by renegades who are still trying to avenge themselves against the Serbs.

In that complicated area with cities, I do not think we want to unwittingly invite the hotheads, the terrorists, the ideologues to begin attacking our forces because that is not a place where our advantages militarily will come to the fore. In fact, we will be severely disadvantaged.

I hope we will reject this amendment. This is always very positive and productive because this body should be a place for debate and discussion. Senator WARNER and Senator BYRD have, once again, focused our attention on this issue in Kosovo, once again reminding us of how we got into the situation and also reminding us of our obligations to look ahead. In that sense, they have done a great service to this Senate, as they have done throughout their careers.

If we seize that challenge, if we look ahead, if we try to carefully measure the likely consequences, this amendment will not advance our cause, will not advance our position in the world, will not provide additional support and resolve to those forces within Kosovo that are seeking peace and reconciliation. It will, at best, create uncertainty and doubt which will generate, in my view, violence and, at worst, be a green light for those forces that want to finally eliminate their ethnic rivals or those forces that see this as an opportunity to, once again, get the upper hand on their ethnic rivals.

All these suggest we should reject this amendment and that we try, if we are concerned about the long-term status of our forces in that area, to work for an acceleration, as part of this amendment calls for, an acceleration of international assistance for reconstruction and humanitarian affairs, an acceleration of the deployment of police officers to absorb the responsibilities which now are being held by military forces, to accelerate our readiness for peacekeeping around the globe because we know, although we regret, there will be other situations such as this.

If we can do that based upon this debate, then we have accomplished a great deal, but I urge my colleagues to oppose these provisions and support Senator LEVIN's amendment to strike so we can send a message to our allies, to our soldiers, to our adversaries that we will stand behind our forces in Kosovo.

I thank the Chair. I yield back my remaining time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thank the Senator from Rhode Island for his typically thoughtful comments. He has made a truly great contribution to this Senate. We spend a lot of time with him on the Senate Armed Services Committee. He has made an extraordinary contribution not only based on his own intellectual powers but on his own experience which is invaluable to us in the Senate. I thank him for his insightful comments.

Mr. WARNER. Mr. President, I agree with my distinguished colleague from Michigan. We do have a very valued member of our committee in this distinguished Senator from Rhode Island. It is interesting that he joined Senator Chafee, while that great Senator, that tower of strength, was here, and he was always so deferential and respectful to Senator Chafee. In his own right, he proudly graduated from West Point and served his hitch in the U.S. Army. He reminds me of that when we get excessive naval funds through our committee. We thank the Senator. While I may not agree with his conclusion, his participation on this committee and this matter is of great importance to us.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I believe Senator HUTCHISON wants to be heard at this point. I have no objection whatsoever to that, even though that is a change in the order of battle.

Mr. WARNER. Mr. President, I suggest to my colleague that he go ahead and initiate his remarks, if that is his desire. She is about to arrive. We can put in a short quorum call.

Mr. LEVIN. If we can put in a short quorum call.

Mr. WARNER. In that time, we can work on the time for the rest of the evening.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, the issue before this body tomorrow—at least the principal issue—will be whether we are going to set a deadline for the withdrawal of U.S. ground forces from Kosovo by the middle of next year. I will be coming back to that issue a little bit later in my remarks. But before we directly address that question, I would like to go back a bit in time and talk about how we got here and about NATO's air campaign.

That campaign was the correct response to Milosevic's brutal repression of the Kosovo population and was the correct response to Milosevic's effort to spread instability in the region.

Now that ethnic cleansing has been reversed, for the first time in the 20th century, NATO's peacekeeping mission was the right thing to do, to give the people of Kosovo a chance to live peaceful and productive lives. And NATO's peacekeeping mission is the right thing to continue, to give that chance to live a chance to flower.

We are at a crucial point with respect to Kosovo. Ten months into the NATO-led peacekeeping phase of the operation, there are some encouraging signs. There are not such encouraging signs, I am afraid, inside the Senate.

The first and most significant fact in Kosovo is that over one and a half million people have returned to their homes, homes from which they were driven, and they have returned either from abroad or from the woods.

Mass torture, rape, and looting were the substance of daily life in Kosovo just a year ago. There is still too much violence, but the contrast is stark. When the NATO-led Kosovo force, or KFOR, arrived in Kosovo in June of 1999, there was a weekly murder rate of about 50. It is now down to an average of five—still too high, but comparable to large cities in the developed world.

The discussion taking place within the international community is now how fast, how many, to where in Kosovo the Serbs and other minorities should return. There is still a long way to go in Kosovo before Kosovo is safe for all of its former residents, but progress is being made.

Dr. Bernard Kouchner, head of the U.N. mission in Kosovo, had it right when he said that "Kosovo is emerging from 40 years of communism, 10 years of apartheid, and a year of ethnic cleansing, and that it is simply unrealistic to expect that a Switzerland would be created there in less than a year."

Some who maintain that a deadline should be set now for the pull out of U.S. combat forces point to the fact that the United States flew over 70 percent of the missions in the air campaign. The argument is that it is now the Europeans' turn to bear the peacekeeping burden. Well, that is exactly what is happening. The European nations are providing over 80 percent of the peacekeeping troops for Kosovo, and the United States is providing about 15 percent of the troops. The Europeans have responsibility for four of the five peacekeeping sectors in Kosovo. The KFOR commander is presently a Spaniard. He was preceded by a Brit, and then preceded before that by a German. The Eurocorp, a multilateral command composed of Belgium, France, Germany, Luxembourg, and Spain, took over the KFOR headquarters function last month. Last week, NATO announced that an Italian would become the KFOR commander in October.

Moreover, the European nations, either as part of the European Union, or individually, have pledged to provide more than 75 percent of the financial contributions to Kosovo. Now, that brings us to the provision that is included in the military construction appropriations bill. This provision makes the decision now that U.S. ground forces will pull out of Kosovo after July of next year. That is the heart of the matter. It is a decision in this bill now that those ground forces will pull out of Kosovo in the middle of next year.

If we leave this language in the bill, Congress will be deciding to pull our ground forces out next July. We will have an opportunity later to reverse that decision if we change our minds. But unless Congress changes its mind, the decision is made. Nothing more needs to be done. It is a self-effectuating decision. If Congress does nothing, those troops—we would be deciding now—must come out in the middle of next year.

In another part of the language, it says that if the Europeans do not meet specified percentages of their pledges for financial assistance and police contributions, the withdrawal of our forces would start in August of this year, unless Congress enacts a joint resolution providing otherwise. But if Congress does nothing, the decision is made now. This is not left to a later decision of Congress. We would be deciding now that those troops must come out, if the Europeans do not meet very specified percentages of certain pledges for financial assistance.

I have been one that has criticized the Europeans for not delivering on those financial pledges—particularly for not providing more civilian police for Kosovo. I have joined our chairman, Senator WARNER, in criticizing the Europeans very publicly, very openly. We have talked to the foreign and defense ministers from Britain, France, and Germany, as well as the Ambassador of the European Union to the United States. I have publicly said it is a little more than hypocritical for the European Union to talk about grand plans for European security and defense identity at the same time they are not appropriately living up to their pledges of financial assistance and civilian police for Kosovo.

So I believe that we should be continuing to put pressure on the Europeans to live up to our commitments, and I think we ought to live up to our own commitments as well. I have a number of concerns with the Byrd-Warner language relative to the Europeans' commitments.

First, I don't agree with the consequences that would follow if the President is unable to certify that the Europeans are meeting their precise commitment; namely, in the absence of a majority vote of both Houses of Congress, our ground forces would automatically have to withdraw from a NATO-led peacekeeping operation. I don't object to voting on that issue, but I strongly believe that the proper way to use the power of the purse is to vote directly on whether or not to cut off funding. That is what we did in Somalia in 1993 with the Byrd amendment, and in 1994 with the Defense appropriations bill, with that amendment. But that is very different from what is being proposed now, which is to require a withdrawal of U.S. forces later, unless a later vote authorizes the peacekeeping operation, or unless specific targets are met by the Europeans.

Throughout our history, while we have used the power of the purse to cut off funding for the deployment of our forces, Congress has not, to my knowledge, enacted legislation that would require the Congress to affirmatively vote at a later date to allow a deployment to continue. The provision before us basically says if Congress doesn't act in a specific way at a later date, our forces must withdraw from Kosovo, so that the fate of Kosovo may very well be determined by the impetus of Congress to act.

The power of the purse is a vital power. It is totally appropriate to seek to exercise that power. But the power, as wielded here, sets up a process by which nonaction by the Congress would lead to the withdrawal of our forces from Kosovo. The Byrd-Warner provision decides now to require the withdrawal of U.S. combat forces from Kosovo next July, unless Congress changes its mind in the interim. The issue then isn't whether Congress has the power to set deadlines. Of course we have the power. If that were the issue before us, the vote on this would be 100–0 to maintain that power. The issue before us is whether we want to force the withdrawal of ground forces from Kosovo in July of 2001. That would be an unwise exercise of a power that Congress clearly had.

So the language before us isn't about a theoretical principle that Congress has the power to set deadlines. The Byrd-Warner language exercises that power. No further action is needed later, and unless further action is taken later, our ground forces would be withdrawn next July.

Mr. WARNER. Mr. President, will my distinguished colleague yield?

Mr. LEVIN. If I may finish this one thought, I will be happy to yield. That is what it comes down to. The proponents do not want us participating—by their own words—in NATO-led ground forces, even at a junior partner level of 10 or 15 percent because, in the words of the proponents in a Dear Colleague letter they sent, "The Europeans should be responsible for the ground element of the Kosovo peacekeeping mission." That is what the proponents wrote to all of us. They don't want us participating. They want us out of there. Unless we change our mind, we will be out of there because, in their words, "The Europeans should be responsible for the ground element of the Kosovo peacekeeping mission."

By the way, I reiterate, we are supplying 15 percent of the forces. We have pleaded with the Europeans for years to become more active in their own defense, and they have now responded. They are now the senior partner, with 80 percent of the ground forces. We are 15 percent, and the other non-Europeans are 5 percent.

We are the junior partner right now. But the language in this bill says we don't want to even perform that role. That is what will unravel this mission and endanger this mission in the eyes of NATO and its leaders.

I am happy to yield to my friend.

Mr. WARNER. It is just a question to my distinguished colleague. He used the term "inaction by Congress." Indeed, I say to my colleague, Congress has been inactive on a number of occasions when we sent our troops abroad and expended our taxpayers' money. That is one of the purposes of this bill. To establish a precedent of inaction not conceived by the Founding Fathers—indeed, we are given coequal powers.

I want to go back to the bill itself, on page 71, "congressional priority procedures," and "joint resolutions, defined."

I interpret that clause in the Byrd-Warner language that only one Senator is required, I say to my distinguished colleague. One Senator can bring forth that resolution. I commit to you that I will be that Senator, if necessary. So there will not be, in my judgment, inaction by the Congress after the President sends his report up.

Mr. LEVIN. If the Congress does nothing, under this language those troops are out of there.

Mr. WARNER. The Senator is correct. But I am saying I commit to be the one Senator who requires the Congress to speak on it. So it will not be inaction. Congress will take action. The senior Senator from Virginia will be the one who will come to the floor under this provision and demand it.

Mr. LEVIN. It is limited reassurance because it doesn't answer the heart of the problem, which is that if Congress does not vote later to authorize those troops, we are deciding now that those troops must leave.

General Clark told us the problem is that in the year between now and then you have tremendous uncertainty, to put it mildly, as to whether Congress will authorize those troops to continue despite the commitment of one Senator to vote that way. It is that uncertainty which creates danger for our troops. Those aren't my words. Those are the words of General Clark's, who commanded those forces until a few weeks ago. That is the uncertainty which creates problems inside of our NATO alliance. That is the problem that creates in Milosevic the hope that he can restore himself to power for 1 year. For 1 year what is going to be the law of this land is that, unless Congress by majority vote decides to authorize those troops in Kosovo, the American forces must leave.

It is a dangerous uncertainty. It is a debilitating uncertainty in terms of NATO. It is an encouraging uncertainty in terms of Milosevic. And it is an uncertainty that we should not create. There would be a way to avoid this. There is a way that I suggested.

The way to avoid this is to guarantee the Senator from Virginia an opportunity that he could vote to pull the plug a year from now. That is a lot different. That is not this language. That was language which I suggested to my good friend from Virginia that we could guarantee a year from now that there would be an opportunity to force the withdrawal of those troops. That doesn't create the year of uncertainty which this language does because the language in this bill that my amendment would strike creates the uncertainty because if Congress does nothing a year from now, if the majority does not act a year from now to authorize these troops, the year of uncertainty between now and then will take a horrendous toll. Those are not my words. Those are the words of General Clark, the expert in the field. It seems to me that is a significant difference.

One other point, and I would be happy to yield further, but I probably want to do this on my good friend's time.

Mr. WARNER. Mr. President, I will be happy to have all of my questions on my time.

Mr. LEVIN. In the middle of the air campaign, while our fliers were putting their lives at risk over Kosovo, the House of Representatives could not even muster a majority to support our air campaign. My good friend says he will be the one to trigger this vote in the Senate. I have no doubt that he would. Once he says something, he means it. I would bet my life on it. I have bet an awful lot on his words many times, and I have never lost a bet.

But I will say this: You can't tell us what the House of Representatives will do, or what 99 other Senators will do a year from now, and the problem, General Clark tells us, is that year of dangerous uncertainty is destabilizing, discourages our allies in NATO, encourages Milosevic, and is a real morale buster for our troops. It endangers our troops. It puts them at greater risk during this year. That is what General Clark told us in his letter, which I will read in a few moments.

I would be happy to yield.

Mr. WARNER. First, the Byrd-Warner amendment is very carefully drawn so that the next President of the United States in following up with President Clinton's report with the next President's report. It is not required of him to wait until July as is now written. Indeed, Senator BYRD and I thought we would give it additional time. If the next President perceives that there is some turbulence and doubt in the minds of our allies, he can file the report. Then this Senator pledges under the bill within the 10 days to come forward with that resolution and have this body act. I will guarantee. I will draft somebody in the House to do the same thing.

Mr. LEVIN. Will the Senator guarantee a majority vote in both the House and Senate?

Mr. WARNER. I can't guarantee that.

Mr. LEVIN. That is the problem.

Mr. WARNER. I can guarantee, if the facts of the case are so strong and the turbulence so great amongst our NATO allies, then I think this Chamber will act in a responsible way in the best interests of the United States and all those involved.

Time and time again, I remind my colleagues in this debate, why are we so fearful that if the facts are there to justify the continuation of this mission this chamber will not vote in a majority to support the next President in his petition? That is underlying this whole debate.

Mr. LEVIN. I think my friend and I know from a whole lot of debates in this Chamber that, while the facts may be clear to either of us or both of us, they may not be clear to a majority of this Chamber the way we see those facts. It is that year of uncertainty. It would be about a year.

Mr. WARNER. The President could file this report in March.

Mr. LEVIN. It could go up to, let's say, 10 months of uncertainty. That is a dangerous period of time, which is, by the way, not necessary to create.

If my friend wanted a guaranteed vote on whether or not to pull the plug on our forces next year, that can be arranged—a guaranteed vote. But that is not what this is.

Let's be very clear on this. This says that unless the majority decides a year from now to authorize something, that automatically then, on automatic pilot, self-effectuating, we are deciding now, and those troops must leave. And it is that dangerous period between now and then—whether it is 10 months, 12 months, or 14 months—it is that destabilizing dangerous period which the NATO Secretary General and General Clark have told us endangers the mission and endangers our troops.

It is unheard of, I believe. There is no precedent that we can find for the Senate or the Congress ever deciding in year 1 that unless something is authorized in year 2, relative to a deployment of forces, that those forces must be withdrawn. We have pulled the plug on deployment.

I have voted to pull the plug on deployments. I have voted to end deployments in Haiti. I voted, after my dear friend from Virginia and I went to Somalia, both before and after, to set deadlines and pull our troops out of Somalia.

That is not what we are doing here. What we are doing is deciding now that if Congress doesn't authorize a deployment next year—be it May, June, or August—those troops must go. It creates between now and then a very dangerous period, and a period which is demoralizing for our troops, according to the former commander. That is what we ought to avoid. It is unnecessary for us to do that.

Some people ask, is there anything wrong with exercising the power of the purse? My answer is, I am going to defend the power of the purse. Senator BYRD is surely correct in saying we have the power to do what the Senator from Virginia and he proposed that we do. I don't doubt that. I doubt its wisdom—not the power of Congress, but whether it is wise for us to do what is being proposed.

When it comes to the constitutional power issue, if that were the issue before us, whether or not Congress has the power to do what the Senator proposed, if that were the question, I would say we have the power. I think we would have a 100–0 vote. I hope so in terms of the prerogative of this branch of Government. The question isn't power. It is wisdom.

Is this the right thing to do?

Do we want to create this year of uncertainty and instability? Do we want to put into place a self-effectuating, automatic process which would lead to the withdrawal of forces later unless something happens between now and then? I think the answer clearly is no.

I will quote from this letter I referenced, General Clark's letter, which I have printed in the RECORD. I use only a few paragraphs from the letter.

General Clark wrote that the provisions in the bill before the Senate:

> . . .would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans.

He also wrote:

> Our service men and women and their families, have made great sacrifices in bringing peace and stability to the Balkans. This amendment introduces uncertainty in the planning and funding of the Kosovo mission. This uncertainty will undermine our service members' confidence in our resolve and may call into question the sacrifices we have asked of them and their families.

General Clark continues:

> .These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

He also wrote:

> Our allies would see this as a unilateral, adverse move that splits fifty years of shared burdens, shared risks and shared benefits in NATO.
>
> This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and all parallel diplomatic efforts.

General Clark continues:

> Setting a specific deadline for U.S. pull-out would signal to the Albanians the limits of the international security guarantees providing for their protection. This, in turn, would give them cause to rearm and prepare to protect themselves from what they would view as inevitable Serbian reentry. The more radical elements of the Albanian population in Kosovo would be encouraged to increase the level of violence directed against the Serb minority, thereby increasing instability as well as placing U.S. forces on the ground at increased risk.

I repeat that one sentence because it seems to me when, up until recently, the commander reaches this conclusion, as well thought out it is, that our forces on the ground will be at increased risk while they are there if this action is taken, we should pay some very significant heed to those words.

Mr. WARNER. At some point, would the Senator allow asking questions? I find very troublesome the accusation by General Clark. I have always believed General Clark to be a very brilliant field commander, despite the fact he was reversed in his desire to do certain things in Kosovo by the Chairman of the Joint Chiefs of Staff, the Secretary of Defense, time and time again. As a matter of fact, I was a supporter with him on the ground troops issue, traveled with him the day before the hostilities ceased.

That we would do something to place in harm's way those who serve today and those who serve for the remainder of the time—I looked, as a matter of record, at the cosponsors of this resolution. I think I counted 10 persons who are veterans of previous wars and engagements. For General Clark to be pointing a finger at up to a dozen Members and saying, we veterans are taking an action endangering our people—let me ask this question.

Mr. LEVIN. That is not the issue. This is not a personal issue. This is an issue of judgment on the effect of a particular proposal. He is not saying that the intent of the proponents is to put our forces on the ground at increased risk. General Clark knows the Members of this body. He knows nobody in this body would intentionally place U.S. ground forces at increased risk.

Mr. WARNER. I could examine the record of your remarks.

Mr. LEVIN. What he is saying is, from reading the letter, this action will do that. He is not saying it is intended to do that. He is saying this is what the effect of this action will be. I don't think the persons who support the language that is in the bill can fairly believe that General Clark is aiming anything personally at them in terms of their intention because there is nothing suggesting that.

Mr. WARNER. I say to my colleague, 23 Senators have already taken an action. They voted on it in the Appropriations Committee. They have taken that action. And you go back and count among the 23 those who proudly served in uniform for this country.

Let me turn to another point. How do our allies feel, listening to this debate where we are saying they are of little consequence? If we pull out 2,000 or 3,000 ground combat troops, leaving the support troops in place, why, the sky is falling in, says General Clark. What does that say to the other 30-plus nations that have their troops there: You are ineffective; You won't hold the line; You break ranks?

I think that is a fallacious argument.

Mr. LEVIN. Let me try to answer the question of how our allies feel. We have direct evidence on that. We have a letter from Secretary General Robertson.

Mr. WARNER. I am familiar with that letter.

Mr. LEVIN. I will read now in response to the question of how our allies feel from a good friend of ours, George Robertson, whom we both know well, Secretary General of NATO.

Mr. WARNER. He is a fine naval man.

Mr. LEVIN. He says:

> The question of Congressional prerogatives is an internal matter for the U.S. Congress and the administration to resolve. I'm in no position to comment. Where I do have a concern, however, is that in the way the legislation is written, it would not just affirm the Congressional privilege, but point toward a single policy outcome—the withdrawal of U.S. forces.
>
> As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep

concern. It risks sending a dangerous signal to the Yugoslavian dictator, Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes.

That is how our NATO allies feel about this language.

Some have argued that Congress has never authorized or even formally debated U.S. involvement in Kosovo since the Senate on March 23, 1999, authorized airstrikes against Yugoslavia.

By the way, Mr. President, I ask unanimous consent the letter from the Secretary General of NATO, Mr. Robertson, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NORTH ATLANTIC
TREATY ORGANIZATION,
*Bruxelles, May 16, 2000.*

Senator TRENT LOTT,
*Majority Leader,*
*U.S. Senate, Washington, DC.*
Senator TOM DASCHLE,
*Minority Leader,*
*U.S. Senate, Washington, DC.*

DEAR SENATORS LOTT AND DASCHLE. I am writing to express my concerns about legislation currently under consideration that could result in a U.S. withdrawal from the NATO operation in Kosovo.

As I understand it, the principal authors of the Kosovo language have two concerns: to affirm the Congressional prerogative to approve or disapprove U.S. military deployments, and to insist on a proper sharing of burdens among the United States and the European Allies.

The question of Congressional prerogatives is an internal matter for the U.S. Congress and Administration to resolve. I am in no position to comment. Where I do have a concern, however, is that in the way the legislation is written, it would not just affirm the Congressional privilege, but point towards a single policy outcome—the withdrawal of U.S. forces. Unless the Congress votes otherwise in a year's time, the Administration would have to begin withdrawing forces. And regardless of any vote, the Administration would be required to produce a plan for total hand-off of the NATO operation to the European Allies.

As Secretary General, the prospect of any NATO Ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator, Milosevic—that NATO is divided, and that its biggest and most important Ally is pulling up stakes. I would hope the question of Congressional privilege being addressed could be dealt with in a way that does not presume a U.S. withdrawal.

Concerning the issue of U.S.-European burden-sharing, I agree with those who argue that the U.S. must not carry a disproportionate share of the load. But the facts on the ground today show that this is not the case. European states are providing 80 percent of the forces in KFOR. The Europcorps is providing the NATO headquarters for the operation. The single largest contributor is Italy, with 14 percent of the force. Italy will take over KFOR headquarters in October.

The European nations are also carrying by far the largest financial burden in providing assistance to Kosovo, and are providing twice the U.S. contribution of civilian police. The bottom line is that in Kosovo today, burden-sharing is working.

In my view, while ensuring proper burden-sharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

Just over one year ago, NATO aircraft—led largely by the United States—put an end to the most brutal ethnic warfare in Europe since World War II. One and a half million people had been driven from their homes but, thanks to NATO's action, they have been able to return. In a region that has suffered so much—from communism, from de facto apartheid, and then from abhorrent ethnic cleansing—NATO has meant the difference between life and death, between hope and misery.

I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

With warm good wishes
Sincerely,

GEORGE ROBERTSON,
*Secretary General.*

Mr. LEVIN. Mr. President, some have argued that the Congress has not authorized or debated United States involvement in Kosovo since the Senate, in March of 1999, authorized airstrikes against Yugoslavia. That is not correct.

On June 10, 1999, during the House of Representatives consideration of the Department of Defense authorization bill, the House approved an amendment offered by Mr. Skelton that deleted language in the bill as reported out of committee that would have prohibited any funding for combat or peacekeeping operations in Yugoslavia after September of 1999. The vote on the House floor was 270–155.

Additionally, on May 25, 1999, during the Senate's consideration of the Department of Defense authorization bill, Senator SPECTER offered an amendment that would have prohibited the use of funds for the deployment of United States ground troops in Yugoslavia, except for peacekeeping personnel, unless authorized by a joint resolution authorizing the use of military force.

Senator SPECTER's amendment was tabled by a vote of 52–48. Proponents of this bill assert that Congress has a constitutional responsibility to address policy issues involving the deployment of U.S. troops overseas in instances in which American men and women are being sent into potentially dangerous situations.

But the language singles out the involvement in Kosovo. The language relates to Kosovo, not to a general principle. The United States has been enforcing a no-fly zone in Iraq for more than 9 years. U.S. and British aircraft are being fired upon by Iraqi forces almost daily. They respond by attacking Iraqi air defense and command and control installations. Our pilots are clearly at risk. Total incremental costs for our operations in the Persian Gulf are $1.2 billion a year. It is estimated that for this fiscal year it will be about $1 billion.

The United States has been contributing forces to NATO-led peacekeeping troops in Bosnia for 5 years. The U.S. contingent in that effort is 4,600 troops. With the passage of time, the risk to our troops in Bosnia is probably less than it is in Kosovo, but they are at risk. More than $9 billion has been appropriated since fiscal year 1991 for Bosnia-related operations.

We have 3,700 troops in South Korea. In testimony before the Armed Services Committee in March of this year, the Director of the Defense Intelligence Agency said that war in the Korean peninsula could occur at any time. Our troops in South Korea are clearly at risk. It does not appear that our U.S. troop deployments in the Persian Gulf or Bosnia or Korea are going to end anytime soon. There is no fixed date for the end of these deployments. But they are important missions and our troops should remain deployed until those missions are completed.

Proponents suggest we are abdicating our responsibility by not specifically authorizing U.S. troops' participation in the NATO peacekeeping operation in Kosovo. Surely Congress is not abdicating its responsibility by not having expressly authorized deployments in the Persian Gulf, Bosnia, and Korea as a condition of their continued deployment. So the issue before the Senate is not a principle or else that principle would presumably be consistently applied.

The issue before us is not the power of Congress. We have that power. Every one of us, I hope, would vote to defend that power. I will as long as I am in the Senate of the United States. If the issue is does Congress have the power of the purse to end the deployment, I will defend that principle. But I will not defend its application every time there is an attack on the deployment of our forces or an effort made to end the deployment of our forces.

The question here is, Is it wise now to say that a year from now, unless Congress votes affirmatively and changes its mind, that we are saying now that those forces must leave Kosovo? That is the question. It is the wisdom of the application of the power in these circumstances in this way that is the issue before the Senate. It is not the abstract power of the purse or the abstract power to force the pullout of American forces because there cannot be any doubt that we have that power constitutionally. The question is, Is it wise to exercise that power now in Kosovo in this way, with the resulting year of dangerous uncertainty, as General Clark has outlined to us—endangering the NATO effort in Kosovo, endangering the morale of our forces in

Kosovo, emboldening Milosevic to return to Kosovo? That is the question. Is it wise to exercise that power now to be effective a year from now unless we change our mind? That is the only issue, not the abstract power of the Senate.

I could give many other examples of where we have forces in different places. I have talked about the Persian Gulf, Bosnia, and South Korea. We have forces in the western Sahara; we have forces in Sinai; we have forces in East Timor. We have forces in a number of places around the world—and in many ways I think we are overstretched, by the way. We have forces in so many places, but I do not believe there has been any specific congressional authorization for the deployment of U.S. military personnel to any of those deployments. We could cut off funding for those deployments; we have that power. But a failure to specifically authorize them cannot represent an abdication or the loss of constitutional power over the purse. It cannot mean that. We have not abdicated our power or abdicated the power of the purse by failing to authorize forces in East Timor or Sinai or in Bosnia or in South Korea or in Germany. We have decided as a Congress not to withdraw those forces. Any one of us at any time on any appropriations bill related to defense or on the defense authorization bill could offer an amendment saying we want those troops out of there. Then we would debate the wisdom of doing that. But the issue is the wisdom, not the power.

Finally, I hope General Clark's words and those of NATO General Secretary Robertson will be with us as we vote on this amendment. Just to pick one sentence from General Clark's letter to conclude, this language, if it stays in this bill:

> . . . would be seen as a de facto pull-out decision by the United States. Those measures are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitment and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

That is what the year of uncertainty that this language, if left in this bill, will precipitate. I hope we will avoid that. I hope we will strike this language, and I yield the floor.

Mr. WARNER. Mr. President, I wish to pick up on that last sentence of the de facto decision.

The PRESIDING OFFICER (Mr. ENZI). The Senator from Virginia.

Mr. WARNER. General Clark, again, is a Rhodes scholar, a brilliant officer, but I do not agree with him about his perception of the Congress of the United States. I believe the next President, whoever that may be—ALBERT GORE or George W. Bush—will be able to assess this situation, come to the Congress, make the case, and the Congress will act responsibly. That can be done in an accelerated fashion. It does not have to wait until next July. Indeed, we tried in the amendment to give more time.

So I close by saying to all those who want to join behind General Clark, I feel very strongly that that is a pretty severe indictment of the chain of events that are to be carefully undertaken, first, by President Clinton; second, by the next President of the United States, and then by the Congress. We must remember that we are a coequal branch. We repeat that and repeat that, but in Europe their parliamentary forms of government are quite different than ours. There is not the coequal stature with the constitution in place, with regard to their various forms of legislature, or general assemblies, whatever the case may be. They are quite different and they have to be respectful of how this situation works.

I come back to Senator BYRD's statement, which is a brilliant statement, recounting World War I, World War II, and all the participation that this great Nation has given in this century towards peace and stability in Europe.

Are they now to turn their back on that history? I say no. I say to my good friend from Michigan, and I say to General Clark, I believe they have gone just a step too far. I have more confidence in the next President and confidence that this President can make a strong case, and I have confidence in the institution of the Congress of the United States.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Alabama. Who yields time? Does the Senator from Virginia yield time?

Mr. WARNER. Mr. President, I wonder if my distinguished colleague from Alabama will forbear. With regard to time on our side, there are a number of Senators who have indicated a desire to address the Senate tomorrow. Tonight I will put in place a UC to enable them to have a specific period of time.

I point out, this is a bipartisan decision with which we are dealing in the Senate. We have our distinguished elder statesman, Mr. BYRD, leading it. We have another distinguished elder statesman, Mr. HOLLINGS. I ask unanimous consent whereby, from the other side of the aisle, Senator TORRICELLI, Senator CLELAND, and Senator FEINGOLD each have 6 minutes apiece at their disposal. On our side, we will lead off tomorrow morning at 9 o'clock with Senator ROBERTS, and he desires 15 minutes; Senator WARNER, myself, during the course of the morning, I reserve 20 minutes for myself; Senator HUTCHISON of Texas desires 7 minutes; Senator INHOFE desires 7 minutes; and Senator SNOWE desires 7 minutes.

I want to make those time commitments to guarantee that our colleagues who have indicated to me a desire to speak will have that time tomorrow. My understanding is there will be 5½ hours of debate tomorrow prior to the vote at 2:30 p.m. which is fixed by order. The leadership may, of course, in some way change that, take leadership time, and so forth. Basically, it is 5½ hours. Senator BYRD, under a previous order, still has an hour left of his time. So that should be recited. I ask that in the form of a unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I am not sure what the request is. I am sure we can work something out. We are on the same wavelength. I am not sure what the request is.

Mr. WARNER. The request is that these Senators I have enumerated be given those specific times under my control.

Mr. LEVIN. Mr. President, the Senator from Virginia has the right to control his time as he sees fit without unanimous consent. That is what is throwing me a bit. I do not know exactly for what he needs a unanimous consent relative to time under his control.

Maybe we can work at it the other way around. My good friend from Virginia and I work out these problems every day, and I am sure we can work this one out, even though it is a bit complicated on the time.

Parliamentary inquiry: How much time remains to each side?

The PRESIDING OFFICER. The Senator from Virginia has 2 hours 50 minutes.

Mr. WARNER. That is under the 10-hour agreement.

The PRESIDING OFFICER. That is under the 10-hour agreement.

Mr. WARNER. Does that include the 60 minutes allocated to the Senator from West Virginia?

The PRESIDING OFFICER. It does not. The Senator from West Virginia still has 60 minutes remaining, and the Senator from Michigan has 3 hours 4 minutes remaining.

Mr. LEVIN. Mr. President, was any of the time that was used up tonight deducted from the time of the Senator from Virginia when I was speaking?

The PRESIDING OFFICER. Whenever the Senator from Virginia was speaking, the time was charged to him.

Mr. LEVIN. I thank the Chair. What we then have is a total, it seems to me, of approximately 7 hours of time remaining that we have to fit into the period between 9 a.m. and 2:30 p.m., which is 5½ hours; is that correct?

The PRESIDING OFFICER. It is anticipated the debate will go on longer tonight or time will be yielded back.

Mr. LEVIN. Will our good friend from Alabama be speaking on this issue?

Mr. SESSIONS. I will be. I want to talk some time tonight if it is not counted against other people's time.

Mr. WARNER. The Senator can talk tonight for such time as he desires because there will be, by virtue of the time agreement by the leadership containing tomorrow from 9 a.m. to 2:30 p.m., some time yielded back by both sides tonight, in my judgment, unless the Senator from Alabama goes into extensive remarks.

Mr. LEVIN. Mr. President, it is also true on our side we have a good bipartisan group of supporters for our amendment to strike, including Senators MCCAIN, LUGAR, LIEBERMAN, HAGEL, SMITH of Oregon, ROBB, VOINOVICH, MACK, LAUTENBERG, KERRY, and DASCHLE. That is beyond the ones who have already spoken. I am not trying to allocate time for them or others who want to speak on our side tonight, other than to reassure them we are going to do as much as we possibly can with the time we have so that everybody has an opportunity to speak. While the Senator from Alabama is speaking, I wonder if the Senator from Virginia——

Mr. WARNER. I withdraw the unanimous consent request. I have stated for the record my commitment as the manager of the time to the colleagues I have enumerated. I will somehow tomorrow manage that very ably to see they are recognized. Then there will be others who will come forward. I will leave it at that.

Mr. LEVIN. If our good friend from Alabama will yield one more second, it is possible we can at least divide the time tonight after the Senator from Alabama concludes so we will know how much each side has.

Mr. WARNER. First, how much time is remaining again with the Senator from Virginia?

The PRESIDING OFFICER. The Senator from Virginia has 2 hours 50 minutes. The Senator from West Virginia has 1 hour. The Senator from Michigan has 3 hours 4 minutes; that is less 2 hours 55 seconds divided between the two Senators for this portion of the debate.

Mr. WARNER. The Senator from Virginia has 2 hours and?

The PRESIDING OFFICER. Fifty minutes.

Mr. WARNER. With the addition of the distinguished Senator from West Virginia, that is 3 hours 50 minutes. The Senator from Michigan has?

The PRESIDING OFFICER. The Senator from Virginia plus the Senator from West Virginia will have 10 minutes less than 4 hours.

Mr. WARNER. Understood.

Mr. LEVIN. We have 4 minutes more than 3 hours, if anybody at this hour can figure this out.

Mr. WARNER. Our colleague tonight will consume part of my time, and we will almost be in balance at the conclusion of this evening. The vote is going to happen at 2:30, so we are running around with fractions tonight.

Mr. LEVIN. This is my last intervention before my friend from Alabama speaks. I wonder if we can get an idea of approximately how long the Senator from Alabama expects to talk tonight.

Mr. SESSIONS. If it is not disrupting Senator WARNER's time, I want about 40 minutes, give or take 5 minutes.

Mr. WARNER. Why don't we do 30?

Mr. SESSIONS. I will do my best.

Mr. WARNER. It seems to me we are going to have 5½ hours tomorrow. We will discuss this together. I will listen to the Senator from Michigan's views.

In order to get some certainty for the opening of this debate tomorrow, which will commence immediately after the Senate is formally opened and the prayer is given, Senator ROBERTS from Kansas would be given 15 minutes to be followed by Senator LAUTENBERG of New Jersey for 15 minutes. Then I will only make known that Senator BURNS, of course—he is the chairman of the subcommittee for MILCON—will undoubtedly require some time. I assure him now that that time will likewise be given to Senator BURNS.

So the purpose of my unanimous consent is to see that those two Senators be recognized in that order for a total of not to exceed 30 minutes equally divided, 15 minutes each. I ask unanimous consent that that be the order.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. It is possible Senator LAUTENBERG will need 20 minutes. That additional 5 minutes will come out of our time.

Mr. WARNER. That is fine.

Mr. LEVIN. OK.

The PRESIDING OFFICER. Without objection it is so ordered.

The Senator from Alabama is recognized for up to 30 minutes.

Mr. SESSIONS. Mr. President, I have enjoyed hearing two great Senators tonight, Senator JOHN WARNER, who chairs our Armed Services Committee, and Senator CARL LEVIN, who is the ranking member on that committee. They are able patriots who are skilled advocates and who do a great job of presenting their viewpoints.

I have always said about Senator LEVIN that if I were in trouble, I would want him to defend me. I think we have a foreign policy situation that is in trouble, and he does a good job of defending it.

It is more than a legal question, however. It is a question of policy. It is a question of the commitment of American troops. It is a question of the wealth of the United States being committed to this area of the world.

I do believe our troops are doing a great job. Last year, I had the privilege, within 10 days of the end of the bombing in Kosovo, to travel there with Senator LEVIN and two other Senators. We toured that area.

I returned there, not too many weeks ago, for my second visit at Easter time. We had the privilege of meeting with troops and touring the area and celebrating Easter Sunrise Services with our troops there.

Our soldiers—men and women—are extraordinarily skilled. They are doing a great job for our country. They do what we ask of them. They have good morale. I will assure you that the morale of our soldiers is not going to be undermined if the Congress of the United States says: We are going to review this matter come next August or September or October—which is probably when we would do it because I think that is Senator WARNER's and Senator BYRD's commitment; it would actually be next October, 17 months from now.

They are not going to have their morale hurt because we have not forgotten them. They are not going to have their morale hurt if the Members of the Senate are discussing what is going on there and evaluating the situation. That is a matter that strikes me as really not good to be said. I would dispute that.

The intervention and the whole commencement of this exercise in Kosovo has been a colossal failure of diplomacy and a colossal failure of foreign policy. That is my view of it. I do not claim to be a thorough foreign policy expert, but I have watched this matter from the beginning. A lot of people have not done so. We have gotten confused about what has happened.

Senator JOHN WARNER, time and time and time again, since this involvement in Kosovo began, has done his best to support the President, even when he had doubts about it. He supported the Secretary of Defense; he supported the Chief of Staff; he supported General Clark because he felt it was his duty to do so. I know he was uneasy about that.

But how long do we go? It has been a year now. We are talking about having a vote a year from now again to see whether or not we want to continue there. What is so dangerous about that? Why are people so afraid to have a debate and a vote? I do not understand that.

I think it is our duty, as Members of Congress, who represent the taxpayers of this country—who pay our salaries and pay the cost of that war effort that has come out of our defense budget—to confront this question and make some decisions about it. If anything, I believe we have been too lax. We have been too unwilling to confront the challenges that have occurred and too unwise about how to go about that.

So this Warner-Byrd amendment is a bipartisan amendment. It came out of the committee 23–3. That is the kind of vote we got in the committee. It has powerful support, broad bipartisan support. It is not extreme. It is not irrational. It is not going to cause NATO to collapse.

We have done our bit in Kosovo. Make no mistake about that. We have done our bit there. So the Congress has been patient. We have supported the President. He consistently misled the people of the United States and this Congress.

I remember upstairs, in the secret room, we had our briefings. And they started talking about this bombing. They said it might be over in 3 days; it might be over in 10 days. I remember one of our Senators asked: What if it is not? What if the bombing does not work? What do we do then? And they said: We believe it is going to work. I decided then if we did not have a plan better than that, we did not need to go into this operation.

But let me share what really happened.

Basically, what happened in this area, as I see it, is Milosevic started a nationalist campaign in Serbia and Yugoslavia that was very dangerous, horrible, unwise, that destabilized this whole area and helped lead to the tragedies that we have today. There is no mistaking that.

Remember now, though, before this bombing started we had 1,000-plus peacekeepers in Kosovo. We had some violence, periodic violence. This was with KLA guerrillas fighting, ostensibly, the Serb Government.

So we had a situation there which was definitely deteriorating in some ways. The Serb and KLA forces were sparring, but it was not out of control. We had 1,000 peacekeepers there.

We made a number of efforts to negotiate a peace agreement that could have provided for an orderly transition in that area to a more just society. That was our goal and responsibility. I think it was a challenge that was difficult but could be met.

Not long ago, in the Old Senate Chamber, right off the Rotunda of this Capitol, we had Senator George Mitchell, who did the peace negotiations in Northern Ireland, as our speaker at the Majority Leader's Lecture Series.

He told us how he accomplished it in the face of the intractable forces that seemed to be at work. He said: There we kept talking. He said: I learned from the Senate that people can talk and talk and talk. And I would let them talk. They would talk and talk and talk. They would completely get everything out of their system. We would stay there into the night, day after day after day. Tensions began to go down. People began to think more clearly about the possibility they could work out their differences.

But that is not what happened here. I have often thought if we had had George Mitchell in Yugoslavia instead of the "masters of the universe" that we did have, who thought they could dictate a peace agreement and make it happen, we might have avoided this war.

The fact is, as the Economist Magazine said a few weeks ago, maybe it could not have been avoided, but it did not have to be started as soon as it did, and there was a chance it could have been avoided if we kept the negotiations going. I have no doubt about that.

Remember what happened. Our leadership demanded that the Serbs and the KLA—the Kosovars—come to Rambouillet, France, where we would begin to have a peace conference. We were just going to settle this thing, like a mama bringing two children together. We were just going to bring them together, and we were going to get together and settle this once and for all. And as time went along, the President said: You are going to reach a peace agreement, or the United States is going to bomb you. NATO is going to bomb you.

They would not agree. They kept on fussing, and they could not reach the agreement. Things were really tense. Henry Kissinger referred to that as a reckless event; it is a dangerous, high-risk operation to risk everything on a Rambouillet peace conference under those circumstances.

I asked Secretary of Defense Cohen—and I serve on the Armed Services Committee—in the history of the United States, had he ever known of a circumstance in which the United States got two contesting, contending parties together and said, if you don't agree to the peace agreement I write up, we are going to bomb you? Of course he said no. This is unprecedented, in my observation, in the history of the world.

So we did that, and we undertook this reckless gamble, and we were just going to force these people to do it. You remember, even the Kosovars would not agree. They left the agreement, and then the Serbs were going to leave the agreement. Apparently the Americans told the Kosovars: You come back and sign this thing because we really will bomb these guys. If you will sign it, we will make them sign it. So they came back and the Kosovars signed, but the Serbs would not.

By the way, the agreement we were asking them to sign basically said we can send troops throughout Yugoslavia, anywhere we want to—NATO can send troops anywhere.

It is very difficult for any nation that had any respect for its sovereignty to agree to some of the things that were in that agreement. Regardless, they would not sign it. Days went by, time went by, and people were saying: You promised, Mr. President, you were going to bomb. You are not going to bomb. You can't be trusted. Your word was not good.

He was under investigation and had his credibility questioned severely right in this body by the American people. So it was a question of would he follow through on his worldwide public commitment to start a war. Of course, eventually, he did. He started to bomb.

I want to mention how that was conducted, but I will just say this about it. The Air Force general who conducted that war testified in a postwar congressional hearing in the Armed Services Committee, and I was there. I remember asking him—he was unhappy with the fact that he was not allowed to start the bombing aggressively, that he was dictated to targets he could go after. There were only certain limited targets, and it was a slow start. He opposed that privately. He was very aggressive, and he warned that that was not the way to do a war.

If you are going to get involved, you have to go with full force, aggressively at the beginning. We have learned that over the years in this country. But, oh, no, we had to get all 17 NATO nations to sign off on every target. And somebody would object, and they would object, and you could not do this target or that target, and only these limited targets so nobody would be injured, and we started off with this slow bombing campaign.

Now, 3 days after that, the big event happened. Remember, we have been told repeatedly that the reason this war commenced—and we have almost forgotten the true facts of the situation, but we were told we were commencing and carrying out this war to stop ethnic cleansing. There had not been ethnic cleansing until the bombing started. It was 3 days after the bombing started that Milosevic sent his troops south into one of the most vicious displays of violence that I suppose anyone has ever seen against a basically defenseless people. They burned houses, ran people out, moved families and children. You saw them on TV. They were on wagons; they were walking; they were on mules and on horses, trying to survive in those camps. They ran them out.

I say to you, do not let anybody make the case that we had to bomb to stop that kind of ethnic cleansing. The ethnic cleansing started after we started the bombing—3 days. This effort with the NATO air campaign—what a blunder that was.

By the way, we also announced that in the conduct of this war we would never use ground troops. That gave Milosevic a serious basis for confidence that certain things would not happen. He would not be threatened by events by which he could otherwise have been threatened. We were unwilling to use troops. He didn't have to prepare certain defenses because we eliminated the possibility that ground troops would be used.

We were told this would be a joint air effort and we would have planes from other countries. Others did participate, but 75 percent of the actual combat missions were flown by U.S. pilots. In fact, it is a true statement to say that NATO meant to deploy the U.S. Air Force. They told our Air Force whom to bomb, when to bomb, and how to do it. They rejected our air commander's advice about how to conduct the war, and even General Clark's advice on many matters.

So I asked our Air Force commander did he oppose this and did he think it was wrong the way they started controlling the targets he thought should have been hit. He said, "Yes." I asked him, "Did this prolong the war?" He said, "Yes." I said, "Did it cost innocent lives because they didn't follow your advice?" He said, "Yes, sir." Why? Because President Clinton and Schroder and Tony Blair were conducting a political war, not a real war, in many ways.

It took 78 days to complete this thing, resulting in the complete ethnic cleansing of Kosovo and extraordinary damage in Yugoslavia and in Kosovo and in areas surrounding there—a colossal disaster. How can anybody suggest otherwise? This was not a great victory, as some have tried to portray it. It was a disaster that, Lord knows, we should have done everything to avoid. As Henry Kissinger and others told us: If we get in there and deploy, it is going to be difficult to get out. We are going to be stuck. You do not want to be committed in the midst of these hostilities to a long-term occupation in Kosovo and those areas. You will find it difficult to get out.

That is exactly what happened. In addition to this, our relationship with Russia soured. Russia is a big-time world power. Russia had the opportunity to be our ally. But our relationship with Russia over the last number of years has deteriorated. If you think this war didn't have anything to do with it, you are mistaken. They were very upset about the way this was conducted. It was basically a NATO attack on a non-NATO nation which posed no real military threat to any other NATO nation. They didn't like that. They have an identity with the Serbs. So it made the Russians very unhappy.

Another nation that was very unhappy and with whom our relationship suffered was China. We, in the course of this, hit a Chinese embassy. They didn't like this from the beginning. They didn't like the idea of NATO attacking an independent sovereign nation. They opposed that and were paranoid about that. Then we hit their embassy, and that made it worse.

We were told we had to end this war to help the economic growth and prosperity in the Balkans. Well, let me ask you, does anybody believe this war has helped the economic condition in Kosovo, Romania, Bulgaria, Slovenia, Croatia, or Macedonia? It has been a very unfortunate setback for those areas. Investment has slowed down substantially. People are nervous about investing in Yugoslavia and in those other areas. Don't forget, Yugoslavia itself has really been savaged.

The whole area has not benefited, in my view, as a result of this war. How can it be argued otherwise?

It has been a constant drain on our defense budget. I serve on the Armed Services Committee. I am very concerned about our inability to find necessary funds to take care of our soldiers' salaries and health care, and to keep our retention and recruitment up. Every day I see a need to invest in new weapons that we may need to have on the battlefield 10 or 15 years from now. We don't have the money to do it. I see $2 billion—$1.7 billion in consecutive years—going into Kosovo. That is real money that could do incredible things for our Defense Department.

We are also troubled by Operation Tempo, the OPTEMPO, and the requirements placed on our men and women in uniform to be away from home.

When you are there you see how dedicated our men and women are. When I was there this past Easter, we arrived at Camp Eagle Saturday night at 7 or 8 o'clock. I was there at 8:30 p.m., and a young officer that I knew asked me if I would be interested in speaking to a class. I said sure, I would be glad to. It was a political science class. "Come on and go with me." I was walking off. This is Easter Sunday, a weekend, on a Saturday night at 8:30. There is a class going on. Sure enough, there were 25 soldiers studying a college class after a full day at work. The hours are basically 12 hours a day, or 10 hours a day, and sometimes 14 or 15 hours a day, counting PD. They give themselves totally to it and are tremendous soldiers. They are doing what they are called upon to do.

We also were there when with the Texas National Guard. We visited them. The Texas National Guard has 700 National Guard members who were taken from their communities and sent there to operate the command center. They are doing a great job.

But with regard to all of the soldiers, guardsmen, and active duty, they have families. They know that this is not an action that is critical to the national security. They feel as if they are helping. They feel as if they may be keeping people from shooting one another. But they wonder if it is ever going to end. Is it getting any better? Are they in the long term really being successful in what they are doing? When they call their wives and family—they have young children—they wonder whether they need to reenlist because they count up how many months and weeks and days of the last 1, 2, 3, or 4 years they have been away from their home while their children are growing up. They are wondering whether or not they want to reenlist and stay in. We can't ask too much of our soldiers. We have a limited number of troops. Our active duty forces are down 40 percent, really more than 40 percent in personnel since the wall fell. That is a major reduction.

But our OPTEMPO is higher than it has been any time in recent memory. We have troops committed all over the world. It drains us financially. It drains our families and servicemen and servicewomen. It causes them to wonder about whether or not they should reenlist.

I don't think it is wise. We have to be sure what we do.

I suggest that this Congress has been supportive of our troops. We made sure they had sufficient resources to build quarters, if the Army asked for them. If you go over there and look at them, they are permanent quarters. We are talking about having our troops out shortly. We bring a police force in, and when we create a local government, our troops get out.

I was in Bosnia and Kosovo a few weeks ago. When we asked how long they would be here, and how long will it be before you can leave, they had no answer. They just would not say. They would not tell you that they saw any prospect that circumstances were such they could easily leave.

In Bosnia, after 5 years of commitment, they were just a few weeks ago having city elections.

Can you imagine that? The United Nations is supposed to create civil government. We are supposed to be able to get our troops out. It has been 5 years, and they just now are beginning to have a civil government.

Many nations committed to sending over 5,000 police to Kosovo. These are retired police officers, and police officers who took a leave from various countries. They were supposed to go into the towns and cities in Kosovo and help create law and order, create a legal system, and create a government. We wanted to have government there. It is not happening.

We have committed our police there. But many of the NATO countries have not gotten their police there. They have not been effectively led, in my opinion, by the United Nations. The government building plans of the United Nations are not being effectively carried out.

What does that mean? Does that mean we just stay there forever?

Both Senator WARNER and Senator BYRD are saying we need to talk about this thing. We represent the people of the United States of America who are putting up $2 billion a year for this operation, and we want to know what is going on.

I don't often agree with BARNEY FRANK in the House of Representatives, but he said in the debate on this issue that we are just "enabling" the Europeans and the U.N. in their bad habits. We are enabling them. We could stay there, stay there, stay there, and they don't have to complete what they promised to complete to create a civil government.

Who pays the bill? The American taxpayers pay the bill.

We have a responsibility in this Congress. We have not really had a debate in this Congress since we voted on whether or not to allow the President to proceed with the air war when it happened.

We have not discussed this issue seriously. The American people have not heard it discussed here, and neither have we debated it on the floor of this Senate.

I salute Senator WARNER and Senator BYRD for, if nothing else, causing this debate to be joined.

People ask me about it. How did this happen? I thought you had to declare war. What is the matter with you Congressmen and Senators? The President just sends troops anywhere, starts dropping bombs anywhere, and you guys are just there like a potted plant?

That is basically what has happened. We have been sitting here allowing it to go on and enabling the Europeans and the U.N. to fail to fulfill their responsibilities while the taxpayers pay the bill.

I wish it weren't so. I think the people in Kosovo and in Bosnia are wonderful people. I don't know how they got into this kind of hatred and bitterness that leads to this kind of violence. But it is reality. We have the ability to do something about it.

I recall that General MacArthur was able to create a government in Japan, and General Marshall and General Eisenhower reestablished Germany after being devastated in World War II.

We have a situation in which nobody is really in charge. Nobody is being held accountable.

At our hearings, the witnesses and even the military witnesses started talking about the international community. I asked: Who is the international community? Well, it is the groups of NGOs, private organizations, the World Bank, and NATO and all these things. I said: Do they meet somewhere? Do they vote? Do they make commitments? Do they sign agreements that they will do certain things as a group, this international community? No. Who does? NATO, U.N., and individual nations. That is who makes agreements that stick by them or don't stick by them. We have not held the U.N., NATO, and European nations accountable. We have enabled them to continue in their bad activities. We need to stop that. We have a responsibility. I am not saying we need to pull out right now.

They say: Just vote to cut off funds; that is all you have to do. Don't vote for this resolution; it is something next year. Just vote to cut off funds.

What would happen if we did that? They would say: This is horrible. You can't vote to cut off funds. We haven't made any plans for it. You just up and cut off funds; that is an unwise and risky thing.

I agree. I don't think it would be wise to vote to cut off all funds and bring troops home tomorrow. I am not sure that is a wise process.

I like the idea of this amendment that says: NATO and all the European nations, if you don't fulfill your commitments, we are getting out of there. NATO, other European nations, we expect some progress made in establishing a civil government and we will vote a year from now and debate this issue. We hope things are improving and we can continue to be phasing down our troops and getting ourselves out of there. But you need to know that we are not a rubber stamp or a potted plant. This Congress does not have to keep funding this operation. You can be sure next July we will have that vote and some progress needs to be made. We need to see something working.

The truth is, we are stuck. The question is, How do we get unstuck? Just vote to get out all at once? I think this kind of legislation is far better. I believe it is the right approach. I salute Chairman WARNER.

Somebody said a majority of the House of Representatives didn't vote to support this effort. They didn't vote to support it. They didn't support it. They didn't think it was a good idea. They allowed the President to do it, and they provided the funds to him to do it but they haven't liked it. When called on to vote, they didn't vote for it.

Mr. President, 39 out of 100 Senators in this body voted against the bombing. It has never been a universally supported activity. I don't know why we would have been afraid to have a vote. Why would it be that the Senate would be afraid to set a date to have a debate? I think that is what we should do.

Let me say one more thing as I begin to close and bring this into context. I do not believe our Nation should be isolationist. I do not believe our Nation should withdraw from the world. I do believe there may be times that we are going to have to intervene all by ourselves, perhaps to preserve humanitarian rights, to protect the lives of innocent human beings when we have no strategic interest at all. But we have to be careful about that. We provided the military force, the air force to win this war. This is a European area. It is the backdoor of Europe. Kosovo has only 2 million people. We will debate in a few days giving aid to Colombia; Colombia is a nation of 38 million. No other country will help Colombia. On a scale of 1 to 10, they are far, far more important to this country than Kosovo, an agrarian area in the backdoor of Europe where European nations have a much more important interest in it than we do.

We helped them. We did our role for NATO. We won the war. We did the bombing. We got the Kosovars home. I would never have proposed stopping that bombing after those Kosovar people had been run out of their homes. We had to see it through to the end once it started. I believe it could have been avoided. It strikes me odd that many Members on the other side of the aisle, the Democratic side of the aisle, tenaciously fought President Bush in his effort to deal with the problem in Iraq and Kuwait. That effort was clearly in the national interests of the United States.

Saddam Hussein was an expansionist. He moved, using the wealth he had and the large population and army he had—unlike little Kosovo—south into an independent nation that had even more oil and took that nation of Kuwait. Everybody knew he would be turning his attention next to the other gulf states, to Saudi Arabia, and his plan was to take over all of the Middle East and all of its oil and use that wealth to create an army that could threaten the peace of the whole region. That was a threat. It was opposed almost unanimously by the Democrats in this body. By only a few votes was President Bush able to convince us of that war, a critical act for the United States. It would have been an absolute disaster had we allowed that to happen. We had to act.

That is what the role of the United States is. This didn't meet any of those criteria. It does surprise me where we don't have a national interest, people want to involve themselves. Our resources are limited. I have been on the budget. We need the best soldiers, the best planes, and the best weapons in the world. We never want to see our soldiers be subjected to the kind of attacks of the Iraqi Army, being slaughtered by superior force. We never want to see that happen.

How do we keep it from happening? We maintain a technological edge. How do we do it? We spend money on it. But if we are spending $2 billion a year in Kosovo, spending money in Haiti, Somalia, or East Timor, time and time again, it affects our ability to modernize our military. Actually, it was that technology that allowed us to win. There are going to be other challenges. We will have other challenges. I believe we can meet them if we are not overdrawn.

Recently, the Armed Services Committee heard from Ashton Carter, now a professor at Harvard. He served for several years as a high official in the Clinton Department of Defense. He talked about what the United States ought to be doing there. He said we keep talking about being in a post-cold-war era. He said that has been 10 years. All that means is we haven't developed a foreign policy for the future. That means we don't know what we are doing. We are in a post-cold-war era. We need a new vision for America.

He suggested what we ought to do. He gave three lists of threats to this country: the A list, B list, and C list. The A list were threats from Russia, China, terrorism, and chemical warfare. This war in Kosovo has damaged our relationship with Russia and China.

He listed a B list. He said a B list threat would be serious, perhaps a war in the theater of Northeast Asia or Southeast Asia, a major war in one of those areas. That could happen. That could threaten the United States.

He listed a third list, the C list, and this is what he put on the C list: Kosovo, Bosnia, East Timor, Somalia, Haiti. His comments were that we are spending our time and our money reacting to events on the C list and not focusing our time and resources in confronting those threats that jeopardize the freedom and peace of this world.

That is what the role of the United States is to be. We have to be ready for the big threat. There is a limit to how many of these wars in which we can be involving ourselves.

Mr. President, I have great affection for the people I have gotten to know in Kosovo and Bosnia and Croatia. I am impressed with the struggles they are undergoing, and we want to help them, but we have done our bit. We have conducted this war. We have gotten the Kosovar people back home. We have done everything we could. I wish we had done it smarter, but we committed and we stayed through and we have gotten them there. Now the question is, Do we stay forever? Are we going to have an ability in this Congress to confront the future? Do we have a right to demand the President of the United States submit to us a plan for continuation there so we and the American people can evaluate it and vote yes or no? Is that unreasonable? Is that going to destroy NATO? Is that going to destroy the morale of our troops? I say no.

As a matter of fact, it will be healthy for NATO to realize we are not going to continue to enable bad policies to continue. It will be good for our troops to know we are debating and caring about them, trying to make the right decision about them. I believe the Byrd-Warner bill is a reasonable and fair bill practically. I believe it validates the historic constitutional responsibilities of the great U.S. Senate. We are not potted plants. We do have a responsibility, and we ought to perform it.

I salute Chairman WARNER. I have never seen a person I admire more. I have never seen a person with greater commitment to the good of this country. He believes it is time for us to make some decisions, enter into some debate, and involve the American people.

So I say it is the right thing to do. I have enjoyed being there, enjoyed meeting our troops. I do not want to do anything that would hurt them. But I am not one who believes we have to sit here and get a letter from General Wesley Clark and hide under the table. He did not get elected. He does not have the responsibility to make choices among health insurance, defense, and criminal justice, as we do. He does not have to go back to his voters and explain why it is in our critical national interest that their young men and women are committed around the globe, as we do.

I believe we can improve this commitment. I believe we can improve our effort in the world if we talk about these issues more openly. I believe this bill will lead us in that direction and I support it. I am proud to do so.

The PRESIDING OFFICER. The Senator from Alaska.

### MARITIME PATROL AIRCRAFT

Mr. STEVENS. Mr. President, I do not want this issue to come up tomorrow at the markup on the defense bill, so I am doing this tonight so there is no misunderstanding.

Not long after visiting Joint Interagency Task Force East an learning of the lack of readiness in the maritime patrol aircraft fleet, I made a second trip to Joint Interagency Task Force West and Coast Guard Pacific Area to determine whether this was a nationwide problem, or simply a problem of resource allocation.

Unfortunately, what I learned is that the Coast Guard is in dire need of additional maritime patrol aircraft to backfill, supplement, and expand the Coast Guard capability to meet the many defense-related, drug interdiction, maritime enforcement and protection, and other aviation related missions.

This amendment, which has been cleared on both sides of the aisle, is a first step toward addressing this glaring deficiency in our operational readiness in Coast Guard maritime patrolling capability.

This amendment provides for the acquisition of six C–130J aircraft which will provide a unit size capability and allow the better allocation of all Coast Guard maritime patrol aircraft resources nationwide.

I send the amendment to the desk and ask that it be considered as part of the managers' package when it is presented.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I applaud the Stevens/Coverdell amendment submitted tonight by the Senator from Alaska, appropriating funds for six C–130Js for the Coast Guard. Senator STEVENS knows first hand of the Coast Guard's need for additional maritime patrol aircraft to meet the multiple aviation missions with which they are tasked. Through my close work with the Coast Guard and their efforts in our nation's war on drugs, I have also seen the need for these planes.

In 1998, Senator DEWINE and I introduced the Western Hemisphere Drug Elimination Act which restored a balanced drug control strategy by renewing our nation's commitment to international drug eradication and interdiction efforts. A crucial component of this strategy is the work the Coast Guard performs in guarding America's shores from drug dealers. One of the many areas the Coast Guard identified as needing improvement to fulfill this mission was their maritime patrol aircraft fleet. Coast Guard Commandant Admiral Loy said, in reference to the demands placed on the C–130 "We've lost a full 25 percent or our availability while piling on additional mission requirements." It should also be noted that the Coast Guard flies their C–130s a third more hours than do the military services each year and the services own significantly more C–130s than the Coast Guard does.

Mr. President, the Western Hemisphere Drug Elimination Act passed the Congress just two years ago and now, through this amendment Senator DEWINE and I have cosponsored with Senator STEVENS, we are seeing the fruits of that effort. I am pleased to see that Congress is working to help the Coast Guard meet its many missions, particularly its efforts to end the scourge of illegal drugs plaguing this country.

Mr. WARNER. Mr. President, yesterday, the United States Senate took a procedural vote on Senator DASCHLE's amendment to S. 2521, the military construction appropriations bill. Senator DASCHLE lost this procedural vote by 42–54.

I did not support the Daschle amendment at that time because it was a procedural amendment to an unrelated bill. This unrelated Daschle amendment kept the Senate away all day from the important business of the military construction appropriations bill. In addition, it appeared that the Daschle amendment might indefinitely delay consideration of this important bill. As chairman of the Senate Armed Services Committee, I have a responsibility to secure passage of the important military construction appropriations bill. This bill provides critically needed funding for military construction projects, improves the quality of life for the men and women who are serving our country in the armed forces, and sustains the readiness of our armed forces. These areas are traditionally underfunded, and this bill provides the necessary funds to help make up for this shortfall. For these reasons, I did not support the Daschle amendment when it came before me on a procedural vote on May 16, 2000.

Subsequent to the procedural vote on the Daschle amendment on May 16, 2000, Senators LOTT and DASCHLE reached an agreement to have two up or down votes—one on the aforementioned Daschle amendment and another on an amendment to be offered by Senator LOTT. Under the agreement, debate on the amendments was limited by a time agreement.

Once this leadership agreement was reached, it became apparent that the Daschle amendment would no longer indefinitely delay the military construction appropriations bill. Therefore, my previous objections to this amendment were no longer relevant.

The Daschle amendment is a sense-of-the-Senate amendment. After stating a number of findings, the amendment states, among other things, that it is the sense of the Senate that "Congress should immediately pass a conference report to accompany" the juvenile justice bill that includes the Senate passed gun-related provisions.

During the Senate's debate of the juvenile justice bill in May of 1999, I supported the Lautenberg amendment, and other amendments to close the gun show loophole in the Brady act. I also supported an amendment to require licensed firearm dealers to provide a secure gun storage or safety device when a handgun is sold, delivered or transferred. Unfortunately, the juvenile justice bill has been locked in a House and Senate conference committee.

I remain firm in my stance on these issues. I certainly hope that House and Senate conferees can reach an agreement in conference on the juvenile justice bill. And I will continue to support the common sense gun provisions that passed the Senate during the juvenile justice debate. I believe the Senate passed gun-related amendments to the juvenile justice bill will help keep guns out of the hands of convicted felons and increase public safety without infringing on the rights of law-abiding citizens. Therefore, when it became clear that the Daschle amendment would not indefinitely delay consideration of the military construction appropriations bill, I supported this amendment.

## MORNING BUSINESS

Mr. SESSIONS. Mr. President, I ask unanimous consent the Senate proceed to a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## HONORING ROD DEHAVEN

Mr. DASCHLE. Mr President, it is a great honor for me to represent the people of South Dakota in the United States Senate. On occasion, I have the opportunity to recognize individual South Dakotans for their accomplishments, and, today, it brings me great pleasure to focus the attention of everyone in this chamber on one of South Dakota's most talented and determined athletes.

Rod DeHaven, a native of Huron, South Dakota, and a graduate of South Dakota State University, won the U.S. Olympic Marathon Trials last week in Pittsburgh. Braving eighty degree temperatures and high humidity, Rod fought off the sweltering weather and his competition and completed the race in just over two hours and fifteen minutes. Rod's incredible effort and inspiring victory in Pittsburgh earned him a spot on our Olympic team, and later this year he will travel to Sydney, Australia, to represent the United States in the marathon in the 2000 Olympic games.

Anyone who has ever trained for or run a marathon can tell you without equivocation that the work required to put them in a position just to finish the twenty-six mile race is exceptional. Having run my first marathon last year, I can only imagine the extraordinary effort it must take to compete and win at the national and international level. Rod DeHaven—who, in addition to training for marathons and working full-time as a computer programmer—is also raising two young children with his wife, Shelli, clearly has the work ethic it takes to be a great long-distance runner.

Last week in Pittsburgh, however, Rod proved that he had much more than just a strong work ethic. In outrunning some of this country's toughest competitors in extremely difficult conditions, he also proved that he has the heart and courage of a champion.

Rod learned what it takes to be a champion growing up in South Dakota. As a member of the Huron Tigers cross-country and track teams in the eighties, Rod was a cross country state champion in the fall of 1983, and in track, he was state champion in the mile, two-mile and two-mile relay in both 1983 and 1984. Rod attended college at South Dakota State University where he won the North Central Conference cross country championships as a freshman and the NCAA Division II indoor 1500 meter championship as a sophomore.

South Dakota has produced some tremendous long distance runners through the years, and Rod DeHaven is the latest in that great line. In 1964, another young man from South Dakota named Billy Mills stunned the world with his remarkable victory in the 10,000 meters in the Tokyo Olympics. Billy's story became legendary, and it is no surprise that in a state known for hard work, we are now sending another one of our best to compete in one of the Olympic Game's most challenging and difficult events.

All of South Dakota is pulling for Rod DeHaven as he heads to Sydney, and we wish him the best of luck as he strives to be the next gold medal winner from our great state.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, May 15, 2000, the Federal debt stood at $5,669,366,486,429.39 (Five trillion, six hundred sixty-nine billion, three hundred sixty-six million, four hundred eighty-six thousand, four hundred twenty-nine dollars and thirty-nine cents).

Five years ago, May 15, 1995, the Federal debt stood at $4,882,765,000,000 (Four trillion, eight hundred eighty-two billion, seven hundred sixty-five million).

Ten years ago, May 15, 1990, the Federal debt stood at $3,092,310,000,000 (Three trillion, ninety-two billion, three hundred ten million).

Fifteen years ago, May 15, 1985, the Federal debt stood at $1,752,019,000,000 (One trillion, seven hundred fifty-two billion, nineteen million).

Twenty-five years ago, May 15, 1975, the Federal debt stood at $520,109,000,000 (Five hundred twenty billion, one hundred nine million) which reflects a debt increase of more than $5 trillion—$5,149,257,486,429.39 (Five trillion, one hundred forty-nine billion, two hundred fifty-seven million, four hundred eighty-six thousand, four hundred twenty-nine dollars and thirty-nine cents) during the past 25 years.

## ADDITIONAL STATEMENTS

## FIRST PLACE ESSAY WINNER ADRIENNE MAXWELL

• Mr. BURNS. Mr. President, I rise today to acknowledge the achievements of an outstanding student from Somers, Montana. Each year the American Association of University Women—Montana sponsors an essay contest for high school students in grades 10–12. The subject of this essay contest is "Women in Montana." Students are to research and write about Montana women who have contributed to the quality of life of this wonderful State.

This year's top essay was written by Adrienne Maxwell, an outstanding young woman attending Flathead High School. Her essay was chosen the best of all those in Montana and received first place in the contest. She writes about her mother, an immigrant who is no stranger to sacrifice and struggles, but believes through hard work comes triumph. Her essay tells the story of a woman with the true spirit, drive, and determination to achieve her goals while making a home for her family in a new land and never failing to give generously back to her community.

I am pleased to acknowledge, on behalf of all Montanans, Adrienne Maxwell's achievement and ask that her essay "Katherine Maxwell: A Montana Immigrant" be printed in the RECORD.

### KATHERINE MAXWELL: A MONTANA IMMIGRANT

(By Adrienne Maxwell)

The first women to come to Montana were often immigrants from other lands. They left their homes, knowing they would probably never again see the friends and relatives they left behind. Once here, they worked hard every day, to make a good life for their families. My mother, Katherine Maxwell, is an immigrant as well, though she arrived in Montana in 1983 and not 1883. She did not face life on the frontier, but has shown some of the same qualities of hard work and determination to succeed shown by early Montana women.

As a child in Upper Hutt, New Zealand, Katherine developed a strong work ethic at a young age with the encouragement of her strict, yet supportive parents. The oldest of four children, she was expected to always do her best at school and to do her chores well, and with a good attitude. Her dad was the manager of Carey's department store. In fact, Carey's was where Katherine began working, at age twelve, doing small jobs in the back warehouse. As soon as she reached the legal age of fifteen, she worked during school vacations as a shop assistant. As the "boss' daughter", she had to be a model worker.

She studied at Victoria University in Wellington, New Zealand's capital city. She majored in History, and minored in English, then obtained a law degree. Part-time jobs in college included working as a nurse's aid in a geriatric hospital, test-tube cleaner in the biochemistry department ("grosser than the hospital"), receptionist in a doctor's office, waitress, and law clerk. Through her hard work, she managed to graduate debt-free. She then worked in the legal department of a government department, and later as an associate attorney with the old established law firm of Lane, Neave, and Co., in Christchurch. She didn't know before she attempted it whether or not she would be a good trial lawyer, but thrown in the proverbial deep end, she swam!

However, as a child she had had another dream, a dream of traveling the world. So she saved every penny and made plans for her overseas trip. As a final sacrifice to the travel fund, she sold her first and beloved car, the elephant-colored and shaped "Horton", a 1957 Wolsely.

Katherine globe-trotted for about four years, picking up odd jobs every now and then, to pay for her next plane ticket. Finally it was time for her to settle down and get serious about a career. Those plans were derailed when, through an odd set of circumstances, involving at least three continents, she fell in love with and married my father, and ended up in Kalispell, Montana, in a little house and their first child, me, was born.

Although her life differed markedly from that of a pioneer woman (she spoke English, and had the necessities of life) being a newcomer and far from friends and family, with a new baby to care for was lonely and difficult at first. She adapted, and like those early women, got to work, making a home for her family and becoming part of her community.

Although her first, and most important, Montana job was to raise her children, Katherine knew she wanted to help people outside her small family. She believed becoming a lawyer was impossible, as her law degree was not from an "American Bar Association Approved" law school. When she heard Montana Inter Country Adoption was looking for a part-time social worker, she thought she could do the job and applied for it. Traveling all over Western Montana, she visited the homes of hopeful adoptive parents, and assessed whether or not this would be a suitable home for a child from overseas who needed a loving family. She loved being a part of creating families, bringing together parents and children. When the agency closed she was forced to think of a new career.

As she began to consider a career in law once again, as a paralegal, she realized the fact that she couldn't use a computer or type might be a problem so she went back to school and learned how. When she thought she was qualified, applied for a paralegal position at Warden, Christiansen, Johnson and Berg, the oldest, and largest, law firm in Northwest Montana.

She enjoyed working as a paralegal, but missed the responsibility of having her own clients. With the encouragement of her employers, she petitioned the Supreme Court for the opportunity to take the bar exam. Such petitions are rarely successful, and she was shocked when hers was. The review course she took during a sweltering Montana summer, was the hardest work she had ever done. Leaving her family to live in her "little cell" of a dorm room was hardly an ideal way to spend June and July. Yet she hoped that if she studied night and day, she could reach her goal. After the three day test was over, she felt discouraged. She could just tell that, despite her efforts, it was too much to cram four years of law school into six weeks. Katherine drove home, and was prepared to take the exam again in a few months' time.

Then, in early September, the letter came. To her amazement she had passed the impossible exam and she was a lawyer again.

The work didn't stop there. To this day, she continues to get to the office early, and stay late if necessary, working her hardest to make sure her clients get the justice they deserve. Her life story so far may not be one of enduring the rigors of a life in a newly settled land, but she has shown the same qualities: having the drive inside of her, to get up each day, work her hardest, and provide for her family. The true spirit shared by all Montana women has always been that although there will be struggles, through hard work, you will triumph. Katherine Maxwell is the perfect example of this spirit.●

## YOUTH HONORED FOR VOLUNTEER EFFORTS

● Mr. DORGAN. Mr. President, allow me to tell you today about the extraordinary efforts of our youth volunteers we have across the country. Last week, there were week-long activities and ceremonies to honor over 100 young people chosen for their exceptional volunteer projects from across the nation as part of the 2000 Prudential Spirit of Community Awards program.

I specifically want to congratulate eighteen-year-old Jason Koth of Grand Forks, North Dakota, and fifteen-year-old Scot Miller of Fargo, North Dakota, both from my home state. They were named the top high school and middle level youth volunteers in North Dakota last February, and were two out of 104 youth honored out of millions of youth in the United States.

Jason was recognized for his fundraising efforts for the Make-a-Wish Foundation. Scot helped raise funds for a city library expansion project and started a community recycling program. In recognition of their community involvement, they each received a $1,000 cash award, an engraved silver medallion and an all-expense paid trip to Washington, D.C., for last week's events.

I am honored to have been a part of the 2000 Prudential Spirit of Community Awards Ceremony on May 8, where Senator SUSAN COLLINS and I had the opportunity to recognize the outstanding accomplishments of this group of youth volunteers.

The Prudential Spirit of Community Awards were created by Prudential in 1995 to encourage youth volunteerism and to identify and reward young role models. It operates in partnership with the National Association of Secondary School Principals.

We should all take a moment to feel great pride in our nation's youth. These students show exactly what type of compassion and commitment is possible at any age. With their community spirit, our future is in good hands.●

## A TRIBUTE TO THE LIFE AND LEGACY OF HARRY L. GARDNER, SR.

● Mr. BIDEN. Mr. President, today I rise with great sadness. On Monday, May 15, 2000, Harry L. Gardner, Sr.—a quiet giant in the long history of Delaware civil rights—died. He was a man whose very presence, literally, brought calm to the most difficult, seemingly intractable problems of race at the height of the civil rights movement in Delaware.

When citizens first heard that the Reverend Dr. Martin Luther King had been assassinated in April of 1968, what was once a cauldron of mounting tension between disillusioned African-Americans and Whites exploded into a series of violent and destructive acts—on both sides—reflective of unrest, resentment, and downright anger.

As you may know, of the many inner-cities ravaged by full-scale rioting and violence during this time period, Wilmington, Delaware—my hometown—was the only urban area where the National Guard occupied the city for an extended period of time. Indeed, for nine months, police officers and guardsmen patrolled the streets of Wilmington in an effort to bring order to what was seen by many in the mainstream as chaos.

As a young attorney, continually advocating for equity and social justice for African-Americans and other minorities, I saw things quite differently than many of my mainstream counterparts.

There were reasons for my own view: my Mom and Dad, who taught many lessons about the importance of equality, liberty and justice for all citizens;

the people of East Side and East Lake, predominantly African-American communities where I spent a few summers life-guarding for neighborhood children; and African-American leaders like Harry L. Gardner, who taught me to believe that if I could not change the world and the view of race relations, there was no reason that I could not set a standard by which I lived my own life and became an example for others.

This was, in fact, the beauty of Harry Gardner. For 35 years, I had the pleasure of knowing a man whose deep respect for people engendered a deep respect for him. During the period of National Guard occupation, Harry was one of a very select group of people who were allowed to talk to rioters during racial disturbances. He was depended upon by city officials and neighborhood residents both to help in diffusing threatening situations and to continue to articulate the very legitimate concerns of African-American people. Though quite a difficult tightrope to walk, Harry made it look easy. In no small part, it was his ability to touch the heart of diverse groups of people and find common ground that, in effect, saved the city.

This, however, is just a portion Harry Gardner's legacy. While a career officer at the Ferris School, a juvenile correctional facility for adolescent boys, Harry founded Northeast Civic Alliance, chaired the Wilmington Police & Community Advisory Council and the Wilmington Fire & Community Council and helped start and maintain a group home for troubled youth. Yet, having said all of this, Harry received few accolades for his many faithful years of service. He was self-effacing, and traded in recognition and reward for diligent, undaunted self sacrifice for the voiceless in our community.

We may all know a Harry Gardner in our respective communities. A man who changed the way we think through living a reality of public service that surpassed rhetoric and funadmentally changed the way people from all different backgrounds see themselves and interact with each other.

Dr. W.E.B. DuBois, the famed sociologist and civil rights scholar, once said, "peace will be my applause." Harry, today, we in the Senate—and so many others back home— are all clapping loudly for your life and for its resounding impact in Wilmington and throughout the State of Delaware. Your presence will be missed, but your lessons will remain in our hearts forever.•

## IN RECOGNITION OF THE LAO VETERANS OF AMERICA

• Mr. TORRICELLI. Mr. President, I rise today to recognize the Lao Veterans of America as they mark the 25th Annual Remembrance of the United States involvement in Laos. During the Vietnam War, many brave Laotians and their families chose to fight along side American soldiers against the North Vietnamese as part of the United States Special Forces. These brave souls took great risks, and deserve our recognition and thanks.

Those represented by the Lao Veterans of America served honorably during the conflict in Vietnam. They fought bravely to prevent the North Vietnamese from invading South Vietnam from Laos, and rescued shot down American pilots and brought them to safety. Through their actions, countless American lives were saved. These heroic deeds often placed the veterans and their families' lives in great risk as a result.

The selfless aid of the Lao Veterans of America is a true testament to the cause of freedom around the world. While the causes of this tragic conflict may continue to be debated, I believe we can all agree that the sacrifices of the Laotian veterans and their families should not be forgotten, as we owe them a great debt of gratitude.•

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO SUDAN THAT WAS DECLARED IN EXECUTIVE ORDER 13067 OF NOVEMBER 3, 1997—A MESSAGE FROM THE PRESIDENT—PM 105

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Sudan that was declared in Executive Order 13067 of November 3, 1997.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 17, 2000.*

## MESSAGES FROM THE HOUSE

At 11:09 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1291. An act to prohibit the imposition of access charges on Internet service providers, and for other purposes.

H.R. 3363. An act for the relief of Akal Security, Incorporated.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees.

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 326. Concurrent resolution expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico.

The message further announced that the House has disagreed to the amendment of the Senate to the bill, (H.R. 1654) to authorize appropriations for the National Aeronautics and Space Administration for the fiscal years 2000, 2001, and 2002, and for other purposes, and agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon; and appoints Mr. SENSENBRENNER, Mr. ROHRABACHER, Mr. WELDON of Florida, Mr. HALL of Texas, and Mr. GORDON as managers of the conference on the part of the House.

The message also announced that pursuant to section 301 of Public Law 104–1, the Chair announced on behalf of the Speaker and minority leader of the House of Representatives and the majority and minority leaders of the United States Senate their joint appointment of Ms. Susan S. Robfogel of New York, Chairman of the Board of Directors of the Office of Compliance, to fill the existing vacancy thereon.

The message further announced that pursuant to the provisions of 22 U.S.C. 276d, the Speaker has appointed the following Members of the House of Representatives to the Canada-United States Interparliamentary Group, in addition to Mr. HOUGHTON of New York, Chairman, appointed on February 16, 2000: Mr. Mr. UPTON of Michigan, Mr. STEARNS of Florida, Mr. MANZULLO of Illinois, Mr. PAYNE of New Jersey, Mr. PETERSON of Minnesota, and Ms. DANNER of Missouri.

### ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 1377. An act to designate the facility of the United States Postal Service at 13234 South Baltimore Avenue in Chicago, Illinois, as the "John J. Buchanan Post Office Building."

S. 2370. An act to designate the Federal Building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 3363. An act for the relief of Akal Security, Incorporated; to the Committee on the Judiciary.

H.R. 3646. An act for the relief of certain Persian Gulf evacuees; to the Committee on the Judiciary.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 326. Concurrent resolution expressing the sense of the Congress regarding the Federal Government's responsibility for starting a destructive fire near Los Alamos, New Mexico; to the Committee on Energy and Natural Resources.

## MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the Calendar.

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The following bills were read the second time, and placed on the calendar:

S. 2557. A bill to protect the Energy Security of the United States and decrease America's dependency on foreign oil sources to 50 percent by the year 2010 by enhancing the use of renewable energy resources, conserving energy resources, improving energy efficiencies, and increasing domestic energy supplies, mitigating the effect of increases in energy prices on the American consumer, including the poor and the elderly, and for other purposes.

S. 2567. A bill to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

## MEASURE READ THE FIRST TIME

The following bill was read the first time:

H.R. 3709. An act to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

## ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, May 17, 2000, he had presented to the President of the United States the following enrolled bill:

S. 2370. An Act to designate the Federal building located at 500 Pearl Street in New York City, New York, as the "Daniel Patrick Moynihan United States Courthouse."

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-8958. A communication from the Social Security Administration transmitting, pursuant to law, the report of a final rule entitled "Addition of Medical Criteria for Evaluating Down Syndrome in Adults" (RIN0960-AF03), received May 15, 2000; to the Committee on Finance.

EC-8959. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Extension of Port Limits of Puget Sound, WA" (T.D. 00-35), received May 15, 2000; to the Committee on Finance.

EC-8960. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Revised List of User Fee Airports" (T.D. 00-34), received May 15, 2000; to the Committee on Finance.

EC-8961. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Location of Duty-Free Stores" (RIN1515-AC53), received May 15, 2000; to the Committee on Finance.

EC-8962. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Guidance under Section 1032", received May 15, 2000; to the Committee on Finance.

EC-8963. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide—Alternative Minimum Tax for Individuals", received May 15, 2000; to the Committee on Finance.

EC-8964. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Market Segment Specialization Program Audit Techniques Guide—Child Care Providers", received May 10, 2000; to the Committee on Finance.

EC-8965. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Estate of Smith v. Commissioner", received May 10, 2000; to the Committee on Finance.

EC-8966. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Market Segment Specialization Program Audit Techniques Guide—Garden Supplies", received May 10, 2000; to the Committee on Finance.

EC-8967. A communication from the Department of Housing and Urban Development, transmitting, pursuant to law, the report of an interim rule entitled "Adoption of Revisions to OMB Circular A-110; Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations" (RIN2501-AC68) (FR-4573-I-01), received May 11, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8968. A communication from the Department of Housing and Urban Development, transmitting, pursuant to law, the report of an interim rule entitled "Supportive Housing Program—Increasing Operating Cost Percentage" (RIN2506-AC05) (FR-4576-I-01), received May 15, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8969. A communication from the Office of Federal Housing Enterprise Oversight transmitting, pursuant to law, the report of a final rule entitled "Implementation of the Equal Access to Justice Act" (RIN2550-AA08), received May 4, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-8970. A communication from the Regulatory Analysis and Development, Policy and Program Development, Animal and Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule entitled "Asian Longhorned Beetle; Addition to Quarantined Areas" (Docket #00-004-2), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8971. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Revision of Administrative Rules and Regulations Governing Issuance of Additional Allotment Base to New Producers" (Docket Number FV00-985-2 FR), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8972. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "Raisins Produced from Grapes Grown in California; Increase in Compensation Rate for Handlers' Services Performed Regarding Reserve Raisins" (Docket Number FV00-989-2 FR), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8973. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "Dried Prunes Produced in California; Undersized Regulation for the 2000-2001 Crop Year" (Docket Number FV00-993-2 FR), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8974. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "Onions Grown in South Texas; Change in Container Requirements" (Docket Number FV00-959-2 FIR), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8975. A communication from the Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "Amendments to Rules of Practice under the Perishable Agricultural Commodities Act; Correction" (Docket Number FV00-363), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-8976. A communication from the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of an interim rule entitled "Disaster Set-Aside Program—Second Distallment Set Aside" (RIN0560–AF91), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8977. A communication from the Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of an interim rule entitled "Farm Storage Facility Loan Program" (RIN0560–AG00), received May 10, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8978. A communication from Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Dicamba, Pesticide Tolerances; Technical Amendment" (FRL #6558–5), received May 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8979. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting a report entitled "Addendum to Region III 1997–2001 FIFRA Consolidated Cooperative Agreement Guidance May 2000", received April 18, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8980. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, a report entitled "Transmittal of Addendum to the 1996 Hazardous Waste Enforcement Response Policy"; to the Committee on Environment and Public Works.

EC–8981. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation Plans; State of Missouri" (FRL # 6701–3), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8982. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL # 6701–4), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8983. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Hazardous Waste Management System; Identification and Listing of Hazardous Waste Final Exclusion" (FRL # 6606–5), received May 11, 2000; to the Committee on Environment and Public Works.

EC–8984. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Revocation of Significant New Use Rule for Certain Chemical Substances" (FRL # 6555–8), received May 10, 2000; to the Committee on Environment and Public Works.

EC–8985. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL # 6701–5), received May 15, 2000; to the Committee on Environment and Public Works.

EC – 8986. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; State of Missouri" (FRL # 6701–6), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8987. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Ocean Dumping: Designation of Site" (FRL # 6702–1), received May 15, 2000; to the Committee on Environment and Public Works.

EC–8988. A communication from the Office of Environmental Information, Environmental Protection Agency, transmitting a report entitled "1998 Toxic Release Inventory (TRI) Data Summary"; to the Committee on Environment and Public Works.

EC–8989. A communication from the Army Corps of Engineers transmitting, pursuant to law, the report of a final rule entitled "Final Rule Amending Regulations on Procedures to Navigate the St. Mary's Falls Canal and Soo Locks at Sault St. Marie, Michigan", received May 15, 2000; to the Committee on Environment and Public Works.

EC–8990. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Status of the Nation's Highways, Bridges, and Transit Conditions and Performance Report"; to the Committee on Environment and Public Works.

EC–8991. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled "Reports on Traffic Flow and Safety Applications of Road Barriers"; to the Committee on Environment and Public Works.

EC–8992. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Allocation of Fiscal Year 2000 Youth and the Environmental Training and Employment Program Funds", received May 16, 2000; to the Committee on Environment and Public Works.

EC–8993. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Notice of Availability of Funds for Source Water Protection", received May 16, 2000; to the Committee on Environment and Public Works.

EC–8994. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Approval and Promulgation of Implementation Plans; State of Iowa; Correction" (FRL #6702–9), received May 16, 2000; to the Committee on Environment and Public Works.

EC–8995. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Clean Air Act Approval and Promulgation of State Implementation Plan; South Dakota; New Source Performance Standards" (FRL #6603–1), received May 16, 2000; to the Committee on Environment and Public Works.

EC–8996. A communication from the Records Management and Declassification Agency, Department of the Army, transmitting, pursuant to law, the report of a final rule entitled "32 CFR Part 581 (Army Board for Correction of Military Records)" (RIN0702–AA32), received May 15, 2000; to the Committee on Armed Services.

EC–8997. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule entitled "Prevailing Rate Systems; Abolishment of the Washington, MD, Nonappropriated Fund Wage Area" (RIN3206–AI97), received May 15, 2000; to the Committee on Governmental Affairs.

EC–8998. A communication from the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule entitled "Prevailing Rate Systems: Abolishment of the Dubuque, IA, Appropriated Fund Wage Area" (RIN3206–AI90), received May 15, 2000; to the Committee on Governmental Affairs.

EC–8999. A communication from the Federal Maritime Commission, transmitting, pursuant to law, the fiscal year 2001 Final Annual Performance Plan; to the Committee on Governmental Affairs.

EC–9000. A communication from the Executive Director, Committee for Purchase from People who are Blind or Severely Disabled, transmitting, pursuant to law, the report of a rule relative to additions to the Procurement List, received May 15, 2000; to the Committee on Governmental Affairs.

EC–9001. A communication from the United States International Trade Commission, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; to the Committee on Governmental Affairs.

EC–9002. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Mancozeb; Reestablishment of Tolerance for Emergency Exemptions" (FRL # 6556–9), received May 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9003. A communication from the American Academy of Arts and Letters transmitting, pursuant to law, the report of activities during the year ending December 31, 1999; to the Committee on the Judiciary.

EC–9004. A communication from the United States National Commission on Libraries and Information Science, transmitting a report entitled "Kids and the Internet: The Promise and Perils"; to the Committee on Health, Education, Labor, and Pensions.

EC–9005. A communication from the National Aeronautics and Space Administration transmitting, pursuant to law, the report of a final rule entitled "Contract Financing", received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9006. A communication from the National Aeronautics and Space Administration transmitting, pursuant to law, the report of a final rule entitled "Elimination of Elements as a Category in Evaluations", received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9007. A communication from the Cable Services Bureau, Federal Communications

Commission transmitting, pursuant to law, the report of a final rule entitled "Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Commission of 1996: Accessibility of Emergency Programming" (MM Docket No. 95–176, FCC 00–136), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9008. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled "Amendment of Section 73.202(b), Table of Amendments, FM Broadcast Stations, Mt. Washington and Jefferson, NH, Newry, ME" (MM Docket No. 99–8, RM–9433, RM–9642), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9009. A communication from the Mass Media Bureau, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled "Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, St Johnsbury and Barton, VT" (MM Docket No. 99–6, RM–9431, RM–9596), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9010. A communication from the Common Carrier, Federal Communications Commission transmitting, pursuant to law, the report of a final rule entitled "Implementation of the Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996; Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers" (FCC 00–135, CC Doc. 94–129), received May 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9011. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Antarctic Marine Living Resources; Harvesting and Dealer Permits, and Catch Documentation" (RIN0648–AN42), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9012. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries of the Northeastern United States; Northeast Multispecies Fishery; Amendment 12 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AK79), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9013. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Inseason Adjustment of the Dates of the Texas Closure in Accordance with the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico", received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9014. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Implement Catch Specifications for the Gulf of Mexico under the Fishery Management Plan for Coastal Migratory Pelagic Resources in the Gulf of Mexico and South Atlantic Region" (RIN0648–AM01), received May 15, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9015. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Atlantic Migratory Species (HMS) Fisheries; Vessel Monitoring Systems; Delay of Effectiveness" (RIN0648–AJ67) (I.D. 040500B), received May 10, 2000; to the Committee on Commerce, Science, and Transportation.

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## PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–522. A resolution adopted by the Board of Commissioners of the Borough of Beach Haven, New Jersey relative to the dumping of dredged material in the ocean; to the Committee on Environment and Public Works.

POM–523. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to emission standards for heavy-duty vehicles; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION 30

Whereas, the state of New Hampshire has made significant efforts to improve the state's air quality and reduce air pollutant emissions from many source categories in accordance with the Clean Air Act Amendments of 1990; and

Whereas, emissions from mobile sources now contribute a majority of anthropogenic air pollutant emissions within the state and nationwide; and

Whereas, the United States Environmental Protection Agency has recently adopted the so-called Tier 2/Gasoline Sulfur Rule which will require significantly reduced emissions from light-duty vehicles such as common passenger vehicles and from sport utility vehicles, will require sport utility vehicle emissions to be reduced to not more than those allowed for common passenger vehicles, and will require significantly decreased levels of sulfur in gasoline during the next few years; and

Whereas, the United States Environmental Protection Agency has shown the reductions to be achieved by this adopted Tier 2/Gasoline Sulfur Rule to be cost-effective; and

Whereas, the United States Environmental Protection Agency in October, 1999 proposed a strategy to significantly reduce emissions from on-highway heavy-duty vehicles (vehicles of gross vehicle weight over 8,500 pounds), including diesel and gasoline engines used in large commercial trucks, large full-size pickup trucks, passenger vans, and the largest sport utility vehicles; and

Whereas, this proposed strategy includes both a first phase of new emission standards for heavy-duty vehicles, and a second phase to be proposed soon which will treat vehicles and fuels as a combined system and introduce both significant additional emission reduction requirements for heavy-duty vehicles and, in order to enable new emissions-control technology on heavy trucks, requirements that the sulfur content of highway diesel fuel be reduced by approximately 90 percent from its current level of 500 parts per million (ppm); and

Whereas, diesel vehicle emissions control technology has advanced sufficiently that diesel vehicles can cost-effectively achieve similar emission reductions to requirements recently adopted for gasoline vehicles; and

Whereas, non-highway gasoline and diesel vehicles, including construction and farm vehicles and off-road recreational vehicles, as well as other diesel engines, can often achieve emission controls at a similar cost and with similar cost-effectiveness as highway vehicles; and

Whereas, reductions in the sulfur content of highway diesel fuel are cost-effective and necessary to enable the use of new diesel vehicle emissions-control technology; and

Whereas, changes in fuel formulation are most efficiently and equitably implemented on a nationwide or regionwide basis; and

Whereas, in the absence of appropriately stringent nationally applicable standards for heavy-duty vehicle emissions and diesel fuel sulfur, many states may adopt their own standards, resulting in a complex and inefficient regulatory system for vehicles and fuels, with negative financial effects on consumers, manufacturers, and refiners; and

Whereas, the estimated cost per ton of emissions reduced in the first phase of the United States Environmental Protection Agency's proposed strategy is less than 1/2 of the cost per ton of the recent Tier 2/Gasoline Sulfur Rule, and less than the cost of many emission reductions currently being required for electricity generation plants; and

Whereas, additional financial incentives for vehicle users and fuel suppliers to provide emission reductions beyond those mandated by these rules are likely to produce additional cost-effective emission reductions at minimal cost; and

Whereas, Governor Shaheen has written a letter dated February 2, 2000 supporting this concurrent resolution; now, therefore be it

*Resolved by the House of Representatives, the Senate concurring:*

That the United States Environmental Protection Agency is hereby commended for adopting its so-called Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should adopt the new emissions standards for on-highway heavy-duty vehicles proposed in the first phase of its proposed heavy-duty vehicle strategy, without any significant amendment that would weaken the proposed standards; and

That the United States Environmental Protection Agency should propose and adopt a second phase of integrated vehicle standards and diesel fuel sulfur rules similar to those outlined in its descriptions to date of its heavy-duty vehicle strategy, provided that they are at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar additional integrated vehicle standards and diesel fuel sulfur rules for non-highway gasoline and diesel vehicles, in addition to those for highway vehicles, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur Rule; and

That the United States Environmental Protection Agency should propose and adopt similar standards for other diesel engines, provided that they are also at least as cost-effective as the reductions contained in the Tier 2/Gasoline Sulfur rule; and

That the United States Environmental Protection Agency should investigate options for providing financial incentives for vehicle users and fuel suppliers that produce additional emission reductions beyond those mandated by these rules in order to obtain additional cost-effective emission reductions at minimal cost; and

That copies of this resolution be sent by the house clerk to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the chairpersons of committees of the United States

Congress having jurisdiction over the Clean Air Act, the Administrator of the United States Environmental Protection Agency, and each member of the New Hampshire congressional delegation.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 2001" (Rept. No. 106–296).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 345: A bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful (Rept. No. 106–297).

## EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

Mr. WARNER. Mr. President, for the Committee on Armed Services:

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. John J. Catton Jr., 1877

The following named officer for appointment to the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Robert E. Lytle, 1368

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Donald G. Cook, 6452

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Roger G. DeKok, 6795

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Robert C. Hinson, 6467

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Hal M. Hornburg, 6836

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Joseph H. Wehrle Jr., 6021

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Charles W. Fletcher Jr., 4165

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Philip M. Balisle, 3385
Rear Adm. (lh) John T. Byrd, 9943
Rear Adm. (lh) William W. Cobb Jr., 9725
Rear Adm. (lh) Christopher W. Cole, 7275
Rear Adm. (lh) David R. Ellison, 9973
Rear Adm. (lh) David T. Hart Jr., 6096
Rear Adm. (lh) Kenneth F. Heimgartner, 7295
Rear Adm. (lh) Joseph G. Henry, 8067
Rear Adm. (lh) Gerald L. Hoewing, 6618
Rear Adm. (lh) Michael L. Holmes, 7043
Rear Adm. (lh) William R. Klemm, 8633
Rear Adm. (lh) Michael D. Malone, 2917
Rear Adm. (lh) Peter W. Marzluff, 8982
Rear Adm. (lh) James D. McArthur Jr., 9260
Rear Adm. (lh) Michael J. McCabe, 0987
Rear Adm. (lh) David C. Nichols Jr., 5011
Rear Adm. (lh) Perry M. Ratliff, 5232
Rear Adm. (lh) Gary Roughead, 6126
Rear Adm. (lh) Kenneth D. Slaght, 3471
Rear Adm. (lh) Stanley R. Szemborski, 8912
Rear Adm. (lh) Henry G. Ulrich III, 2552
Rear Adm. (lh) George E. Voelker, 1271
Rear Adm. (lh) Robert F. Willard, 1564

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

*To be rear admiral*

Rear Adm. (lh) Barry C. Black, 6743

The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

*To be admiral*

Adm. Vernon E. Clark, 8489

(The above nominations were reported with the recommendation that they be confirmed.)

Mr. WARNER. Mr. President, for the Committee on Armed Services, I report favorably nomination lists which were printed in the RECORDS of the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning David C. Abruzzi and ending Michael J. Zuber, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Army nomination beginning Manester Y. Bruno and ending Manester Y. Bruno, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Navy nomination beginning Richard L. Page and ending Richard L. Page, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 11, 2000.

Navy nomination beginning Thomas B. Lee and ending Thomas B. Lee, which nomination was received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Navy nominations beginning Charles A. Armin and ending Mark D. Pyle, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

Marine Corps nominations beginning Debra A. Anderson and ending Scott C. Whitney, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on April 25, 2000.

By Mr. ROTH for the Committee on Finance.

Michelle Andrews Smith, of Texas, to be an Assistant Secretary of the Treasury.

(The above nomination was reported with the recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DOMENICI:

S. 2573. A bill to coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons, and for other purposes; to the Committee on Armed Services.

By Mr. TORRICELLI:

S. 2574. A bill to provide for principles on workers' rights for United States companies doing business in the People's Republic of China and Tibet; to the Committee on Foreign Relations.

By Mr. HELMS:

S. 2575. A bill to suspend temporarily the duty on mixtures of Bromoxynil Octanoate and Heptanoate; to the Committee on Finance.

By Mr. HELMS:

S. 2576. A bill to suspend temporarily the duty on Bromoxynil Octanoate technical; to the Committee on Finance.

By Mr. HELMS:

S. 2577. A bill to reduce temporarily the duty on Fipronil technical; to the Committee on Finance.

By Mr. HELMS:

S. 2578. A bill to supend temporarily the duty on Isoxaflutole; to the Committee on Finance.

By Mr. HELMS:

S. 2579. A bill to suspend temporarily the duty on Cyclanilide technical; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. INOUYE):

S. 2580. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mr. CLELAND, Mr. COVERDELL, Mr . THURMOND, Mr. HELMS, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 2581. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. MCCAIN, Mr.

JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. CLELAND, Mr. KERRY, Mr. TORRICELLI, Mr. KENNEDY, Mr. AKAKA, and Mr. BRYAN):

S. 2582. A bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. MCCAIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. CLELAND, Mr. KERRY, Mr. TORRICELLI, Mr. KENNEDY, Mr. AKAKA, and Mr. BRYAN):

S. 2583. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527; to the Committee on Finance.

By Mr. ROBB (for himself and Mr. WARNER):

S. 2584. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. GRASSLEY, and Mr. ROCKEFELLER):

S. 2585. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOMENICI:

S. 2573. A bill to coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons, and for other purposes; to the Committee on Armed Services.

### DIRECTED ENERGY COORDINATION AND CONSOLIDATION ACT OF 2000

• Mr. DOMENICI. Mr. President, I rise today to offer the Directed Energy Coordination and Consolidation Act of 2000. While enactment of the provisions in this bill will greatly enhance and accelerate some of the research, development, test and evaluation activities in my home state of New Mexico, I firmly believe taking this action is also in our national interest.

Last year's Defense Authorization Act required the Defense Department to convene the High Energy Laser Executive Review Panel (HELERP). This Panel was to make recommendations on a management structure for all defense high energy laser weapons programs. The authorization language also instructed the Panel to address issues in science and technology funding, the industrial base for these technologies, and possible cooperation with other agencies.

Mr. President, let me briely outline some conclusions and recommendations made by the Panel. The findings include the following:

Laser systems are ready for some of today's most challenging weapons applications, both offensive and defensive; laser weapons would offer the U.S. an asymmetric technological edge over adversaries for the foreseeable future; funding for laser Science and Technology programs should be increased to support acquisition programs and develop new technologies for future applications; the laser industrial supplier base is fragile in several critical laser technologies and lacks an adequate incentive to make investments required to support current and anticipated defense needs; DoD should leverage relevant research being supported by the Department of Energy and other agencies, as well as the private sector and academia; and, lastly, as in other critical high tech areas, it is increasingly difficult to attract and retain people with the skills necessary for directed energy technology development.

In sum, the Panel found that these technologies have matured sufficiently to offer solutions to some of the most daunting defense challenges the U.S. currently confronts. However, other findings indicated that science and technology funding is inadequate to realize these aims, the industrial base is steadily eroding, and this field cannot recruit and retain adequate talent to remain viable. We have the means, but we're not making the investments required to achieve our goals.

As requested by Congress last year, the High Energy Laser Master Plan approved by the Defense Department in March of this year proposes a different management structure. The Services all approved of this defense-wide management structure for making decisions regarding the specific technologies to pursue for specific defense applications and resource allocation.

Mr. President, this legislation echoes the findings of the High Energy Laser Executive Review Panel and codifies the proposed management structure outlined by the Panel. Furthermore, in accordance with the Panel's findings, the bill authorizes $150 million in defense-wide research and development funding for directed energy technologies. Up to $50 million of those funds can be utilized to leverage the directed energy expertise and technologies developed within our DOE laboratories. Lastly, this legislation requires that microwave technology investment decisions also be coordinated within this management structure.

The bill would relocate the Joint Technology Office (JTO) proposed in the Master Plan from the Pentagon to Albuquerque, New Mexico, by January 1, 2001. This Office is currently being established at the Pentagon. However, the Pentagon is not a focal point for technology developments in directed energy. Albuquerque offers a sensible location for the JTO.

Support for Albuquerque as a location is offered by the findings of the 912c Tri-Service Armament Panel Report. This Panel Report was an outgrowth of the July 1999 DoD "Plan to Streamline DoD's Science and Technology, Engineering, and Test and Evaluation Infrastructure." This Army, Navy and Air Force Senior Steering Group proposed that all DoD Directed Energy Science and Technology and Test and Evaluation be consolidated at Kirtland Air Force Base. The Steering Group recommended creation of a DoD Directed Energy Center of Excellence at Kirtland that would be responsible for identifying, advocating, developing, and transitioning directed energy technology to meet all DoD requirements.

Now that the High Energy Laser Master Plan has proposed an appropriate management structure, the time is right to take action. New Mexico is already a focal point for a lot of the research, development, test and evaluation activities in this field. Kirtland boasts tremendous assets to facilitate this research. White Sands is the premiere directed energy testing range. Co-locating the Joint Technology Office among a critical mass of directed energy activities—both Army and Air Force—is not only sensible, it should also serve to facilitate this work.

No doubt that the activities of the Air Force's Directed Energy Directorate at Kirtland will be enhanced by this legislation. However, each of the Services will be required to compete within this management structure.

Let me be clear. Implementation of this management structure, regardless of the location of the Joint Technology Office will have no impact on the existing laser programs, such as the Tactical High Energy Laser (THEL), Airborne Laser (ABL) or Space-based Laser (SBL). The objective is to grow all directed energy programs desired by any one of the Services, depending on specific applications pursued.

Any new programs will be competed—with one exception. The legislation includes a $20 million allocation for the Advanced Tactical Laser program under the Joint Non-Lethal Weapons Program Office in order to take a first initial step in addressing some of the industrial base concerns.

American dominance relies heavily on our technological superiority. Unlike other instances where the Department of Defense is using outsourcing or privatization to reduce costs, the attrition within the research community will require significant renewed investments over a long period of time to rebuild in the future. We are steadily approaching this situation in the field of directed energy. The lack of emphasis on and investment in revolutionary technologies, such as directed energy, unnecessarily limits the myriad possibilities for effective, surgical defense against a range of missile threats and vast potential for numerous defense applications.

Mr. President, in order to better leverage the federal Government's investment, ensure adequate stability in the industrial base, and promote educational opportunities in directed energy technologies, the Directed Energy Coordination and Consolidation Act of 2000 will take a critical first step. I ask my colleagues to join me in ensuring that we rigorously pursue directed energy solutions to our nation's defense needs.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 2573

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Directed Energy Coordination and Consolidation Act of 2000".

### SEC. 2. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

(a) Findings.—Congress makes the following findings:

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for such large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense will address these critical issues and is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) Coordination and Oversight Under High Energy Laser Master Plan.—(1) Subchapter II of Chapter 8 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 204. Joint Technology Office

"(a) Establishment.—(1) There is in the Department of Defense a Joint Technology Office (in this section referred to as the 'Office').

"(2) The Office shall be part of the National Directed Energy Center at Kirtland Air Force Base, New Mexico.

"(3) The Office shall be under the authority, direction, and control of the Deputy Under Secretary of Defense for Science and Technology.

"(b) Staff.—(1) The head of the Office shall be a civilian employee of the Department of Defense in the Senior Executive Service who is designated by the Secretary of Defense for that purpose. The head of the Office shall be known as the 'Director of the Joint Technology Office'.

"(2) The Secretary of Defense shall provide the Office such civilian and military personnel and other resources as are necessary to permit the Office to carry out its duties under this section.

"(c) Duties.—The duties of the Office shall be to—

"(1) develop and oversee the management of a Department of Defense-wide program of science and technology relating to directed energy technologies, systems, and weapons;

"(2) serve as a point of coordination for initiatives for science and technology relating to directed energy technologies, systems, and weapons from throughout the Department of Defense;

"(3) develop and manage a program (to be known as the 'National Directed Energy Technology Alliance') to foster the exchange of information and cooperative activities on directed energy technologies, systems, and weapons between and among the Department of Defense, other Federal agencies, institutions of higher education, and the private sector; and

"(4) carry out such other activities relating to directed energy technologies, systems, and weapons as the Deputy Under Secretary of Defense for Science and Technology considers appropriate.

"(d) Coordination Within Department of Defense.—(1) The Director of the Office shall assign to appropriate personnel of the Office the performance of liaison functions with the other Defense Agencies and with the military departments.

"(2) The head of each military department and Defense Agency having an interest in the activities of the Office shall assign personnel of such department or Defense Agency to assist the Office in carrying out its duties. In providing such assistance, such personnel shall be known collectively as 'Technology Area Working Groups'.

"(e) Technology Council.—(1) There is established in the Department of Defense a council to be known as the 'Technology Council' (in this section referred to as the 'Council').

"(2) The Council shall be composed of 7 members as follows:

"(A) The Deputy Under Secretary of Defense for Science and Technology, who shall be chairperson of the Council.

"(B) The senior science and technology executive of the Department of the Army.

"(C) The senior science and technology executive of the Department of the Navy.

"(D) The senior science and technology executive of the Department of the Air Force.

"(E) The senior science and technology executive of the Defense Advanced Research Projects Agency.

"(F) The senior science and technology executive of the Ballistic Missile Defense Organization.

"(G) The senior science and technology executive of the Defense Threat Reduction Agency.

"(3) The duties of the Council shall be—

"(A) to review and recommend priorities among programs, projects, and activities proposed and evaluated by the Office under this section;

"(B) to make recommendations to the Board regarding funding for such programs, projects, and activities; and

"(C) to otherwise review and oversee the activities of the Office under this section.

"(f) Technology Board of Directors.—(1) There is established in the Department of Defense a board to be known as the 'Technology Board of Directors' (in this section referred to as the 'Board').

"(2) The Board shall be composed of 8 members as follows:

"(A) The Under Secretary of Defense for Acquisition and Technology, who shall serve as chairperson of the Board.

"(B) The Director of Defense Research and Engineering, who shall serve as vice-chairperson of the Board.

"(C) The senior acquisition executive of the Department of the Army.

"(D) The senior acquisition executive of the Department of the Navy.

"(E) The senior acquisition executive of the Department of the Air Force.

"(F) The Director of the Defense Advanced Research Projects Agency.

"(G) The Director of the Ballistic Missile Defense Organization.

"(H) The Director of the Defense Threat Reduction Agency.

"(3) The duties of the Board shall be—

"(A) to review and make funding recommendations regarding the programs, projects, and activities proposed and evaluated by the Office under this section; and

"(B) to otherwise review and oversee the activities of the Office under this section.".

(2) The table of sections at the beginning of subchapter II of chapter 8 of such title is amended by adding at the end the following new section:

"204. Joint Technology Office.".

(3) The Secretary of Defense shall locate the Joint Technology Office under section 204 of title 10, United States Code (as added by this subsection), at the National Directed Energy Center at Kirtland Air Force Base, New Mexico, not later than January 1, 2001.

(c) Technology Area Working Groups under High Energy Laser Master Plan.—(1) The Secretary of Defense shall provide for the implementation of the portion of the High Energy Laser Master Plan relating to technology area working groups.

(2) In carrying out activities under this subsection, the Secretary of Defense shall require the Secretary of the military department concerned to provide within such department, with such department acting as lead agent, technology area working groups as follows:

(A) Within the Department of the Army—

(i) a technology area working group on solid state lasers; and

(ii) a technology area working group on advanced technology.

(B) Within the Department of the Navy, a technology area working group on free electron lasers.

(C) Within the Department of the Air Force—

(i) a technology area working group on chemical lasers;

(ii) a technology areas working group on beam control;

(iii) a technology area working group on lethality/vulnerability; and

(iv) a technology area working group on high power microwaves.

(d) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(3) Of the amounts authorized to be appropriated by subsection (h), $20,000,000 shall be available for the initiation of development of the Advanced Tactical Laser (L) under the direction of the Joint Non-Lethal Weapons Directorate.

(e) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—(1) The Secretary of Defense shall evaluate and implement proposals for modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(2) Of the amounts authorized to be appropriated or otherwise made available to the Department of Defense for each of fiscal years 2001 and 2002, not more than $2,000,000 shall be made available in each such fiscal year for purposes of the deployment and test at the High Energy Laser Test Facility at White Sands Missile Range of free electron laser technologies under development at Los Alamos National Laboratory, New Mexico.

(f) COOPERATIVE PROGRAMS AND ACTIVITIES.—(1) The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons.

(2) The Secretary shall enter into any cooperative program or activity determined under the evaluation under paragraph (1) to be feasible and advisable for the purpose set forth in that paragraph.

(3) Of the amounts authorized to be appropriated by subsection (h), $50,000,000 shall be available for cooperative programs and activities entered into under paragraph (2).

(g) PARTICIPATION OF JOINT TECHNOLOGY COUNCIL IN ACTIVITIES.—The Secretary of Defense shall, to the maximum extent practicable, carry out activities under subsections (c), (d), (e), and (f), through the Joint Technology Council established pursuant to section 204 of title 10, United States Code (as added by subsection (b) of this section).

(h) FUNDING FOR FISCAL YEAR 2001.—(1)(A) There is hereby authorized to be appropriated for the Department of Defense for fiscal year 2001, $150,000,000 for science and technology activities relating to directed energy technologies, systems, and weapons.

(B) Amounts authorized to be appropriated for fiscal year 2001 by subparagraph (A) are in addition to any other amounts authorized to be appropriated for such fiscal year for the activities referred to in that subparagraph.

(2) The Director of the Joint Technology Office established pursuant to section 204 of title 10, United States Code, shall allocate amounts appropriated pursuant to the authorization of appropriations in paragraph (1) among appropriate program elements of the Department of Defense in accordance with such procedures as the Director shall establish.

(3) In establishing procedures for purposes of the allocation of funds under paragraph (2), the Director shall provide for the competitive selection of programs, projects, and activities to be the recipients of such funds.

(i) DIRECTED ENERGY DEFINED.—In this section, the term "directed energy", with respect to technologies, systems, or weapons means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.•

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By Mr. HELMS:

S. 2575. A bill to suspend temporarily the duty on mixtures of Bromoxynil Octanoate and Heptanoate; to the Committee on Finance.

S. 2576. A bill to suspend temporarily the duty on Bromoxynil Octanoate technical; to the Committee on Finance.

S. 2577. A bill to reduce temporarily the duty on Fipronil technical; to the Committee on Finance.

S. 2578. A bill to suspend temporarily the duty on Isoxaflutole; to the Committee on Finance.

S. 2579. A bill to suspend temporarily the duty on Cyclanilide technical; to the Committee on Finance.

### LEGISLATION TO SUSPEND TEMPORARILY THE DUTY ON CERTAIN CHEMICALS

• Mr. HELMS. Mr. President, I ask unanimous consent that the text of five bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

### S. 2575

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TEMPORARY SUSPENSION OF DUTY.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| " | 9902.38.01 | Mixtures of 3,5-dibromo-4-hydoxybenzonitril ester and inerts (CAS No. 1689–84–5) (provided for in subheading 3808.30.15) .............. | Free ...................... | No change ............ | No change ............ | On or before 12/31/ 2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

### S. 2576

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TEMPORARY SUSPENSION OF DUTY.**

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by inserting in numerical sequence the following new heading:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| " | 9902.29.01 | 3,5-dibromo-4-hydoxybenzonitril (CAS No. 1689–99–2) (provided for in subheading 2926.90.25) .............. | Free ...................... | No change ............ | No change ............ | On or before 12/31/ 2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by this section applies with respect to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

### S. 2577

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. REDUCTION OF DUTY ON FIPRONIL TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.47 and inserting the following new heading:

| | | | | | | |
|---|---|---|---|---|---|---|
| " | 9902.29.47 | 5-amino-1-(2,6-dichloro-4-(trifluoromethyl)phynyl)-4-((1,r,s,)-trifluoromethyl)sulfinyl)-1-h-pyrazole-3-carbonitrile: fipronil 90mp. (CAS No. 120068–37–3) (provided for in subheading 2933.19.23) | 5% | No change | No change | On or before 12/31/2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies to goods entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2578

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SUSPENSION OF DUTY ON ISOXAFLUTOLE.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.70 and inserting the following new heading:

| | | | | | | |
|---|---|---|---|---|---|---|
| " | 9902.29.70 | 4-(2-methanesulphonyl-4-triflouromethylbenzoyl)-5-cyclopropyl isoxazole (CAS No. 141112–29–0) (provided for in subheading 2934.90.15) | Free | No change | No change | On or before 12/31/2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.

S. 2579

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SUSPENSION OF DUTY ON CYCLANILIDE TECHNICAL.

(a) IN GENERAL.—Subchapter II of chapter 99 of the Harmonized Tariff Schedule of the United States is amended by striking heading 9902.29.64 and inserting in numerical sequence the following new heading:

| | | | | | | |
|---|---|---|---|---|---|---|
| " | 9902.29.64 | 1-(2,4-dichlorophenylaminocarbonyl)-cyclopropanecarboxylic acid. (CAS No. 113136–77–9) (provided for in subheading 2924.29.47) | Free | No change | No change | On or before 12/31/2003. | ". |

(b) EFFECTIVE DATE.—The amendment made by subsection (a) applies with respect to articles entered, or withdrawn from warehouse for consumption, on or after the 15th day after the date of the enactment of this Act.●

By Mr. JOHNSON (for himself, Mr. BINGAMAN, Mr. DASCHLE, and Mr. INOUYE):

S. 2580. A bill to provide for the issuance of bonds to provide funding for the construction of schools of the Bureau of Indian Affairs of the Department of the Interior, and for other purposes; to the Committee on Indian Affairs.

### INDIAN SCHOOL CONSTRUCTION ACT

Mr. JOHNSON. Mr. President, I, along with Senators BINGAMAN, DASCHLE, and INOUYE, am introducing legislation to establish an innovative funding mechanism to enhance the ability of Indian tribes to construct, repair, and maintain quality educational facilities. Representatives from tribal schools in my State of South Dakota have been working with tribes nationwide to develop an initiative which I believe will be a positive first step toward addressing the serious crisis we are facing in Indian education.

Mr. President, over 50 percent of the American Indian population in this country is age 24 or younger. Consequently, the need for improved educational programs and facilities, and for training the American Indian workforce is pressing. American Indians have been, and continue to be, disproportionately affected by both poverty and low educational achievement. The high school completion rate for Indian people aged 20 to 24 was 12.5 percent below the national average. American Indian students, on average, have scored far lower on the National Assessment for Education Progress indicators than all other students.

By ignoring the most fundamental aspect of education; that is, safe, quality educational facilities, there is little hope of breaking the cycle of low educational achievement, and the unemployment and poverty that result from neglected academic potential.

The Indian School Construction Act establishes a bonding authority to use existing tribal education funds for bonds in the municipal finance market which currently serves local governments across the Nation. Instead of funding construction projects directly, these existing funds will be leveraged through bonds to fund substantially more tribal school, construction, maintenance and repair projects.

The Bureau of Indian Affairs estimates the tribal school construction and repair backlog at over $1 billion. Confounding this backlog, inflation and facility deterioration severely increases this amount. The administration's school construction request for fiscal year 2001 was over $62 million. In this budgetary climate, I believe every avenue for efficiently stretching the Federal dollar should be explored.

Tribal schools in my State and around the country address the unique learning needs and styles of Indian students, with sensitivity to Native cultures, ultimately promoting higher academic achievement. There are strong historical and moral reasons for continued support of tribal schools. In keeping with our special trust responsibility to sovereign Indian nations, we need to promote the self-determination and self-sufficiency of Indian communities. Education is absolutely vital to this effort. Allowing the continued deterioration and decay of tribal schools through lack of funding would violate the Government's commitment and responsibility to Indian nations and only slow the progress of self-sufficiency.

Mr. President, I urge my colleagues to closely examine the Indian School Construction Act and join me in working to make this innovative funding mechanism a reality. I ask unanimous consent that the text of the legislation be added at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2580

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian School Construction Act".

### SEC. 2. DEFINITIONS.

In this Act:

(1) BUREAU.—The term "Bureau" means the Bureau of Indian Affairs of the Department of the Interior.

(2) INDIAN.—The term "Indian" means any individual who is a member of a tribe.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) TRIBAL SCHOOL.—The term "tribal school" means an elementary school, secondary school, or dormitory that is operated by a tribal organization for the education of Indian children and that receives financial assistance for its operation under a contract, grant, or agreement with the Bureau under section 102, 103(a), or 208 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450f, 450h(a), and 458d).

(5) TRIBE.—The term "tribe" means any Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation, or Village Corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act), that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

### SEC. 3. ISSUANCE OF BONDS.

(a) IN GENERAL.—The Secretary shall establish a pilot program under which eligible tribes have the authority to issue tribal school modernization bonds to provide funding for the improvement, repair, and new construction of tribal schools.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to issue bonds under the program under subsection (a), a tribe shall prepare and submit to the Secretary a plan of construction that meets the requirements of paragraph (2).

(2) PLAN OF CONSTRUCTION.—A plan of construction meets the requirements of this paragraph if such plan—

(A) contains a description of the improvements, repairs, or new construction to be undertaken with funding provided under the bond;

(B) demonstrates that a comprehensive survey has been undertaken concerning the construction or renovation needs of the tribal school involved;

(C) contains assurances that funding under the bond will be used only for the activities described in the plan; and

(D) contains any other reasonable and related information determined appropriate by the Secretary.

(3) PRIORITY.—In determining whether a tribe is eligible to participate in the program under this section, the Secretary shall give priority to tribes that, as demonstrated by the relevant plans of construction, will fund projects described in the Replacement School Construction priority list of the Bureau of Indian Affairs, as maintained under the Indian Self-Determination and Education Assistance Act.

(4) APPROVAL.—Except as provided in paragraph (3), the Secretary shall approve the issuance of qualified tribal school modernization bonds by tribes with approved plans of construction on the basis of the order in which such plans were received by the Secretary. Such approval shall not be unreasonably withheld.

(c) PERMISSIBLE ACTIVITIES.—In addition to the use of funds permitted under subsection (a), a tribe may use amounts received through the issuance of a bond to—

(1) enter into contracts with architects, engineers, and construction firms in order to determine the needs of the tribal school and for the design and engineering of the school;

(2) enter into contracts with financial advisors, underwriters, attorneys, trustees, and other professionals who would be able to provide assistance to the tribe in issuing bonds; and

(3) carry out other activities determined appropriate by the Secretary.

(d) BOND TRUSTEE.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any tribal school construction bond issued by a tribe under this section shall be subject to a trust agreement between the tribe and a trustee.

(2) TRUSTEE.—Any bank or trust company that meets requirements established by the Secretary by regulation may be designated as a trustee under paragraph (1).

(3) CONTENT OF TRUST AGREEMENT.—A trust agreement entered into by a tribe under this subsection shall specify that the trustee, with respect to bonds issued under this section shall—

(A) act as a repository for the proceeds of the bond;

(B) make payments to bondholders;

(C) from any amounts in excess of the amounts necessary to make payments to bondholders, in accordance with the requirements of paragraph (4), make direct payments to contractors with the governing body of the tribe for facility improvement, repair, or new construction pursuant to this section; and

(D) invest in the tribal school modernization escrow account established under subsection (f)(2) such amounts of the proceeds as the trustee determines not to be necessary to make payments under subparagraphs (B) and (C).

(4) REQUIREMENTS FOR MAKING DIRECT PAYMENTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, only the trustee shall make the direct payments referred to in paragraph (3)(C) in accordance with requirements that the tribe shall prescribe in the agreement entered into under paragraph (3). The tribe shall require the trustee, prior to making a payment to a contractor under paragraph (3)(C), to inspect the project that is the subject of the contract, or provide for an inspection of that project by a local financial institution, to ensure the completion of the project.

(B) CONTRACTS.—Each contract referred to in paragraph (3)(C) shall specify, or be renegotiated to specify, that payments under the contract shall be made in accordance with this subsection.

(e) PAYMENTS OF PRINCIPAL AND INTEREST.—

(1) PRINCIPAL.—Qualified tribal school modernization bonds shall be issued under this section as interest only for a period of 15 years from the date of issuance. Upon the expiration of such 15-year period, the entire outstanding principal under the bond shall become due and payable.

(2) INTEREST.—Interest on a qualified tribal school modernization bond shall be in the form of a tax credit under section 1400F of the Internal Revenue Code of 1986.

(f) BOND GUARANTEES.—

(1) IN GENERAL.—Payment of the principal portion of a qualified tribal school modernization bond issued under this section shall be guaranteed by amounts deposited in the tribal school modernization escrow account established under paragraph (2).

(2) ESTABLISHMENT OF ACCOUNT.—

(A) IN GENERAL.—Notwithstanding any other provision of law, subject to the availability of amounts made available under an appropriations Act, beginning in fiscal year 2001, the Secretary may deposit not more than $30,000,000 of unobligated funds into a tribal school modernization escrow account.

(B) PAYMENTS.—The Secretary shall use any amounts deposited in the escrow account under subparagraph (A) and subsection (d)(3)(D) to make payments to holders of qualified tribal school modernization bonds issued under this section.

(g) LIMITATIONS.—

(1) OBLIGATION OF TRIBES.—Notwithstanding any other provision of law, a tribe that issues a qualified tribal school modernization bond under this section shall not be obligated to repay the principal on the bond.

(2) LAND AND FACILITIES.—Any land or facilities purchased or improved with amounts derived from qualified tribal school modernization bonds issued under this section shall not be mortgaged or used as collateral for such bonds.

### SEC. 4. EXPANSION OF INCENTIVES FOR TRIBAL SCHOOLS.

Chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subchapter:

### "Subchapter X—Tribal School Modernization Provisions

"Sec. 1400F. Credit to holders of qualified tribal school modernization bonds.

### "SEC. 1400F. CREDIT TO HOLDERS OF QUALIFIED TRIBAL SCHOOL MODERNIZATION BONDS.

"(a) ALLOWANCE OF CREDIT.—In the case of a taxpayer who holds a qualified tribal school modernization bond on a credit allowance date of such bond which occurs during the taxable year, there shall be allowed as a credit against the tax imposed by this chapter for such taxable year an amount equal to the sum of the credits determined under subsection (b) with respect to credit allowance dates during such year on which the taxpayer holds such bond.

"(b) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—The amount of the credit determined under this subsection with respect to any credit allowance date for a qualified tribal school modernization bond is 25 percent of the annual credit determined with respect to such bond.

"(2) ANNUAL CREDIT.—The annual credit determined with respect to any qualified tribal school modernization bond is the product of—

"(A) the applicable credit rate, multiplied by

"(B) the outstanding face amount of the bond.

"(3) APPLICABLE CREDIT RATE.—For purposes of paragraph (1), the applicable credit rate with respect to an issue is the rate equal to an average market yield (as of the day before the date of issuance of the issue) on outstanding long-term corporate debt obligations (determined under regulations prescribed by the Secretary).

"(4) SPECIAL RULE FOR ISSUANCE AND REDEMPTION.—In the case of a bond which is issued during the 3-month period ending on a credit allowance date, the amount of the credit determined under this subsection with respect to such credit allowance date shall be a ratable portion of the credit otherwise determined based on the portion of the 3-month period during which the bond is outstanding. A similar rule shall apply when the bond is redeemed.

"(c) LIMITATION BASED ON AMOUNT OF TAX.—

"(1) IN GENERAL.—The credit allowed under subsection (a) for any taxable year shall not exceed the excess of—

"(A) the sum of the regular tax liability (as defined in section 26(b)) plus the tax imposed by section 55, over

"(B) the sum of the credits allowable under part IV of subchapter A (other than subpart C thereof, relating to refundable credits).

"(2) CARRYOVER OF UNUSED CREDIT.—If the credit allowable under subsection (a) exceeds the limitation imposed by paragraph (1) for such taxable year, such excess shall be carried to the succeeding taxable year and added to the credit allowable under subsection (a) for such taxable year.

"(d) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND; OTHER DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED TRIBAL SCHOOL MODERNIZATION BOND.—

"(A) IN GENERAL.—The term 'qualified school modernization bond' means, subject to subparagraph (B), any bond issued as part of an issue under section 3 of the Indian School Construction Act if—

"(i) 95 percent or more of the proceeds of such issue are to be used for the construction, rehabilitation, or repair of a tribal school facility or for the acquisition of land on which such a facility is to be constructed with part of the proceeds of such issue,

"(ii) the bond is issued by an Indian tribe,

"(iii) the issuer designates such bond for purposes of this section, and

"(iv) the term of each bond which is part of such issue does not exceed 15 years.

"(B) NATIONAL LIMITATION ON AMOUNT OF BONDS DESIGNATED.—There is a national qualified tribal school modernization bond limitation for each calendar year. Such limitation is—

"(i) $200,000,000 for 2001,

"(ii) $200,000,000 for 2002, and

"(iii) zero after 2002.

"(2) CREDIT ALLOWANCE DATE.—The term 'credit allowance date' means—

"(A) March 15,

"(B) June 15,

"(C) September 15, and

"(D) December 15.

Such term includes the last day on which the bond is outstanding.

"(3) BOND.—The term 'bond' includes any obligation.

"(4) TRIBE.—The term 'tribe' has the meaning given such term by section 2 of the Indian School Construction Act.

"(e) CREDIT INCLUDED IN GROSS INCOME.—Gross income includes the amount of the credit allowed to the taxpayer under this section (determined without regard to subsection (c)) and the amount so included shall be treated as interest income.

"(f) BONDS HELD BY REGULATED INVESTMENT COMPANIES.—If any qualified tribal school modernization bond is held by a regulated investment company, the credit determined under subsection (a) shall be allowed to shareholders of such company under procedures prescribed by the Secretary.

"(g) CREDITS MAY BE STRIPPED.—Under regulations prescribed by the Secretary—

"(1) IN GENERAL.—There may be a separation (including at issuance) of the ownership of a qualified tribal school modernization bond and the entitlement to the credit under this section with respect to such bond. In case of any such separation, the credit under this section shall be allowed to the person who on the credit allowance date holds the instrument evidencing the entitlement to the credit and not to the holder of the bond.

"(2) CERTAIN RULES TO APPLY.—In the case of a separation described in paragraph (1), the rules of section 1286 shall apply to the qualified tribal school modernization bond as if it were a stripped bond and to the credit under this section as if it were a stripped coupon.

"(h) TREATMENT FOR ESTIMATED TAX PURPOSES.—Solely for purposes of sections 6654 and 6655, the credit allowed by this section to a taxpayer by reason of holding a qualified tribal school modernization bonds on a credit allowance date shall be treated as if it were a payment of estimated tax made by the taxpayer on such date.

"(i) CREDIT MAY BE TRANSFERRED.—Nothing in any law or rule of law shall be construed to limit the transferability of the credit allowed by this section through sale and repurchase agreements.

"(j) CREDIT TREATED AS ALLOWED UNDER PART IV OF SUBCHAPTER A.—For purposes of subtitle F, the credit allowed by this section shall be treated as a credit allowable under part IV of subchapter A of this chapter.

"(k) REPORTING.—Issuers of qualified tribal school modernization bonds shall submit reports similar to the reports required under section 149(e).".

**SEC. 5. SOVEREIGN IMMUNITY.**

This Act and the amendments made by this Act shall not be construed to impact, limit, or affect the sovereign immunity of the Federal Government or any State or tribal government.

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By Mr. SESSIONS (for himself, Mr. HOLLINGS, Mr. LOTT, Mr. SHELBY, Mr. COCHRAN, Mr. CLELAND, Mr. COVERDELL, Mr. THURMOND, Mr. HELMS, Mr. EDWARDS, Mr. INHOFE, and Mrs. HUTCHISON):

S. 2581. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Energy and Natural Resources.

### HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES HISTORIC BUILDING RESTORATION AND PRESERVATION ACT

• Mr. SESSIONS. Mr. President, I rise today to introduce legislation to help preserve the heritage of historic women's colleges and universities. The United States is presently at mid-point in observing the centennial of the creation of seven unique educational institutions.

There were seven historic women's public colleges or universities founded in the United States between 1884 and 1908 to provide industrial education for women. They include: the University of Montevallo in Montevallo, Alabama; the Mississippi University for Women in Columbus, Mississippi; the Georgia College and State University in Milledgeville, Georgia; the University of North Carolina at Greensboro; Winthrop University in Rock Hill, South Carolina; the Texas Woman's University in Denton, Texas; and the University of Science and Arts of Oklahoma, in Chickasha, Oklahoma.

These seven public universities all were originally created to provide industrial and vocational education for women who at the time could not attend other public academic institutions. Following the industrial revolution, the United States found it desirable to promote agricultural, mechanical, and industrial education. Unfortunately, in seven States, the public agricultural and mechanical institutions created during this period were closed to women. A number of educational advocates for women, notably Miss Julia Tutwiler, a native of Alabama, had learned extensively about European industrial and vocational education and tirelessly advocated the creation of industrial and technical educational opportunities for women. In these States, through major and extended efforts by women like Miss Tutwiler and by agrarian organizations, separate public educational institutions were created by the respective State legislatures to provide industrial and technical education for women. These schools subsequently became coeducational but retain significant historical and academic features of those pioneering efforts to educate women.

Currently these public institutions have critical capital needs related to their historic educational structures. Under this legislation, each school would receive $2 million in federal matching funding each year of the fiscal years 2001–2005. These funds, along with school funds, would be used for the preservation and restoration of historic buildings at these colleges and universities.

These historically women's public colleges and universities have contributed significantly to the effort to attain equal opportunity through postsecondary education for women, low-income individuals, and educationally disadvantaged Americans. I believe it is our duty to do all we can to preserve these historic institutions and I ask my colleagues for their support.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2581

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act".

**SEC. 2. PRESERVATION AND RESTORATION GRANTS FOR HISTORIC BUILDINGS AND STRUCTURES AT HISTORICALLY WOMEN'S PUBLIC COLLEGES OR UNIVERSITIES.**

(a) AUTHORITY TO MAKE GRANTS.—

(1) IN GENERAL.—From amounts made available under paragraph (2), the Secretary of Interior (referred to in this Act as the "Secretary") shall award grants in accordance with this section to historically women's public colleges or universities (defined as public institutions of higher learning as established in the United States between 1884 and 1908 to provide industrial education for women) for the preservation and restoration of historic buildings and structures on their campuses.

(2) SOURCE OF FUNDING.—Grants under paragraph (1) shall be awarded from amounts appropriated to carry out the National Historic Preservation Act (16 U.S.C. 470 et seq.) for fiscal years 2001 through 2005.

(b) GRANT CONDITIONS.—Grants made under subsection (a) shall be subject to the condition that the grantee agree, for the period of time specified by the Secretary, that—

(1) no alteration will be made in the property with respect to which the grant is made without the concurrence of the Secretary; and

(2) reasonable public access to the property for which the grant is made will be permitted by the grantee for interpretive and educational purposes.

(c) MATCHING REQUIREMENT.—Except as provided by paragraph (2), the Secretary may obligate funds made available under this section for a grant only if the grantee agrees to provide for activities under the grant, from funds derived from non-Federal sources, an amount equal to 20 percent of the costs of the program to be funded under the grant with the Secretary providing 80 percent of such costs under the grant.

(d) FUNDING PROVISIONS.—

(1) AMOUNTS TO BE MADE AVAILABLE.—Not more than $14,000,000 for each of the fiscal years 2001 through 2005 may be made available under this section.

(2) ALLOCATIONS FOR FISCAL YEAR 2001.—

(A) IN GENERAL.—Of the amounts made available under this section for fiscal year 2001—

(i) $2,000,000 shall be available only for grants under subsection (a) to Mississippi University for Women in Columbus, Mississippi;

(ii) $2,000,000 shall be available only for grants under subsection (a) to Georgia College and State University in Milledgeville, Georgia;

(iii) $2,000,000 shall be available only for grants under subsection (a) to the University of North Carolina at Greensboro in Greensboro, North Carolina;

(iv) $2,000,000 shall be available only for grants under subsection (a) to Winthrop University in Rock Hill, South Carolina;

(v) $2,000,000 shall be available only for grants under subsection (a) to the University of Montevallo in Montevallo, Alabama;

(vi) $2,000,000 shall be available only for grants under subsection (a) to the Texas Woman's University in Denton, Texas; and

(vii) $2,000,000 shall be available only for grants under subsection (a) to the University of Science and Arts of Oklahoma in Chickasha, Oklahoma.

(B) LESS THAN $14,000,000 AVAILABLE.—If less than $14,000,000 is made available under this section for fiscal year 2001, then the amount made available to each of the 7 institutions under subparagraph (A) shall be reduced by a uniform percentage.

(3) ALLOCATIONS FOR FISCAL YEARS 2002-2005.—Any funds which are made available during fiscal years 2002 through 2005 under subsection (a)(2) shall be distributed by the Secretary in accordance with the provisions of subparagraphs (A) and (B) of paragraph (2) to those grantees named in paragraph (2)(A) which remain eligible and desire to participate, on a uniform basis, in such fiscal years.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this Act.•

• Mr. CLELAND. Mr. President, forty-six years ago today, the U.S. Supreme Court in its Brown vs. Board of Education of Topeka decision overturned an 1896 ruling that education should be "separate but equal" thus outlawing racial segregation in the state school system. It is important to note that when the "separate but equal" ruling first went into effect in 1896, there were very few colleges and universities that women could attend. This means that "separate but equal" meant for men only.

Some forty-one years before colleges like the Georgia College and State University was founded in 1889, Elizabeth Cady Stanton, an eminent women's rights leader, drafted a Declaration of Sentiments that pointed to other areas of life where American women were not treated equally. Some of the facts at that time were:

Women were not allowed to vote;

Women had to submit to laws they had no voice in formulating;

Married women had no property rights;

Divorce and child custody laws favored men, giving no rights to women;

Most occupations were closed to women, including medicine and law; and

Women had no means to gain an education since no college or university would accept women students.

Through the efforts of Ms. Stanton and others, colleges and universities began to be established with the mission of preparing the women of our nation to become self-sufficient by affording them an opportunity for an education. Today, many of these colleges and universities are continuing to provide educational opportunities to women to enable them to continue making significant contributions to our country by becoming writers, educators, scientists, heads of state, politicians, civil rights crusaders, artists, entertainers, and business leaders. However, some of the historic buildings that were built between 1884 and 1908 as institutions of higher learning for women are beginning to crumble and decay.

I am proud to be a cosponsor of legislation introduced today by Senator SESSIONS which was crafted to allow the preservation and restoration of treasured historic school buildings. The legislation will provide seven colleges and universities with $10 million each for five years to help ensure that some historically significant buildings that were built between 1884 and 1908 at women's public colleges and universities continue to serve as national symbols of women's early civil rights and as important monuments to the power that knowledge has brought to America's women. I'd like to note that the amounts needed to fully rejuvenate the buildings to their former glory is far greater than those provided by this legislation.

The list of institutions that need this assistance is quite impressive. One of the seven universities included in this bill is the Georgia College and State University which is located in Georgia's antebellum capital, Milledgeville. The University was chartered in 1889 as the Georgia Normal and Industrial College and its early emphasis was on preparing young women for teaching or industrial careers. From the beginning of this prestigious school, the jewels of the university campus have been the former State Governor's mansion and the old Baldwin County Court House. General Sherman, while occupying the city of Milledgeville, slept in the mansion and refused to allow it to be burned because he was so impressed with its stateliness. The stately court house and former Governor's mansion, while continuing to be used by the university, are in dire need of repair. The $10 million included in the bill for the Georgia College and State University will go a long way toward helping to pay the estimated $27 million repair cost for these, and other treasured campus buildings.

Today the Georgia College and State University's enrollment has grown to an impressive 5,200 students. The institution is now offering more than 65 baccalaureate and 35 graduate degree programs and awards more than 1,100 degrees annually, of which 300 are graduate degrees.

It seems that we are living in a disposable world. We have disposable towels, disposable cameras, and disposable contact lenses. Let us not dispose of these buildings or the history they represent. I believe that the college and university campus buildings that are to be preserved and restored by this legislation will continue to serve our nation well by continuing to provide quality education for the leaders of tomorrow.•

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By Mr. LIEBERMAN (for himself, Mr. LEVIN, Mr. DASCHLE, Mr. MCCAIN, Mr. JEFFORDS, Mr. FEINGOLD, Mr. DURBIN, Mr. CLELAND, Mr. KERRY, Mr.

TORRICELLI, Mr. KENNEDY, Mr. AKAKA, and Mr. BRYAN):

S. 2582. A bill to amend section 527 of the Internal Revenue Code of 1986 to better define the term political organization; to the Committee on Finance.

S. 2583. A bill to amend the Internal Revenue Code of 1986 to increase disclosure for certain political organizations exempt from tax under section 527; to the Committee on Finance.

### LEGISLATION REGARDING SECTION 527 OF THE TAX CODE

Mr. LIEBERMAN. Mr. President, I rise today to introduce two bills aimed at curtailing the newest threat to the integrity of our nation's election process: the proliferation of so-called stealth PACs operating under Section 527 of the tax code. These groups exploit a recently discovered loophole in the tax code that allows organizations seeking to influence federal elections to fund their election work with undisclosed and unlimited contributions at the same time as they claim exemption from both federal taxation and the federal election laws.

Section 527 of the tax code offers tax exemption to organizations primarily involved in election-related activities, like campaign committees, party committees and PACs. It defines the type of organization it covers as one whose function is, among other things, "influencing or attempting to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office . . . ." Because the Federal Election Campaign Act ("FECA") uses near identical language to define the entities it regulates—organizations that spend or receive money "for the purpose of influencing any election for Federal office"—Section 527 formerly had been generally understood to apply only to those organizations that register as political committees under, and comply with, FECA, unless they focus on State or local activities or do not meet certain other specific FECA requirements).

Nevertheless, a number of groups engaged in what they term issue advocacy campaigns and other election-related activity recently began arguing that the near identical language of FECA and Section 527 actually mean two different things. In their view, they can gain freedom from taxation by claiming that they are seeking to influence the election of individuals to Federal office, but may evade regulation under FECA, by asserting that they are not seeking to influence an election for Federal office. As a result—because, unlike other tax-exempt groups like 501(c)(3)s and (c)(4)s, Section 527 groups don't even have to publicly disclose their existence—these groups gain both the public subsidy of tax exemption and the ability to shield from the American public the identity of those spending their money to try to influence our elections. Indeed, according to news reports, newly-formed 527 organizations pushing the agenda of political parties are using the ability to mask the identities of their contributors as a means of courting wealthy donors seeking anonymity in their efforts to influence our elections.

Because Section 527 organizations are not required to publicly disclose their existence, it is impossible to know the precise scope of this problem. The IRS's private letter rulings, though, make clear that organizations intent on running what they call issue ad campaigns and engaging in other election-related activity are free to assert Section 527 status, and news reports provide specific examples of groups taking advantage of these rulings. Roll Call reported the early signs of this phenomenon in late 1997, when it published an article on the decision of Citizens for Reform and Citizens for the Republic Education Fund, two Triad Management Services organizations that ran $2 million issue ad campaigns during the 1996 elections, to switch from 501(c)(4) status (which imposes limits on a group's political activity) to 527 status after the 1996 campaigns. A more recent Roll Call report recounted the efforts of a team of GOP lawyers and consultants to shop an organization called Citizens for the Republican Congress to donors as a way to bankroll up to $35 million in pro-Republican issue ads in the 30 most competitive House races. And Common Cause's recent report Under The Radar: The Attack Of The "Stealth PACs" On Our Nation's Elections offers details on 527 groups set up by politicians (Congressmen J.C. WATTS and TOM DELAY), industry groups (the pharmaceutical industry-funded Citizens for Better Medicare) and ideological groups from all sides of the political spectrum (the Wyly Brothers' Republicans for Clean Air, Ben & Jerry's Business Leaders for Sensible Priorities and a 527 set up by the Sierra Club). The advantages conferred by assuming the 527 form—the anonymity provided to both the organization and its donors, the ability to engage in unlimited political activity without losing tax-exempt status, and the exemption from the gift tax imposed on very large donors—leave no doubt that these groups will proliferate as the November election approaches.

And none of us should doubt that the proliferation of these groups—with their potential to serve as secret slush funds for candidates and parties, their ability to run difficult-to-trace attack ads, and their promise of anonymity to those seeking to spend huge amounts of money to influence our elections—poses a real and significant threat to the integrity and fairness of our elections. We all know that the identity of the messenger has a lot of influence on how we view a message. In the case of a campaign, an ad or piece of direct mail attacking one candidate or lauding another carries a lot more weight when it is run or sent by a group called "Citizens for Good Government" or "Committee for our Children" than when a candidate, party or someone with a financial stake in the election publicly acknowledges sponsorship of the ad or mailing. Without a rule requiring a group involved in elections to disclose who is behind it and where the group gets its money, the public is deprived of vital information that allows it to judge the group's credibility and its message, throwing into doubt the very integrity of our elections. With this incredibly powerful tool in their hands, can anyone doubt that come November, we will see more and more candidates, parties and groups with financial interests in the outcome of our elections taking advantage of the 527 loophole to run more and more attack ads and issue more and more negative mailings in the name of groups with innocuous-sounding names?

But the risk posed by the 527 loophole goes even farther than depriving the American people of critical information. I believe that it threatens the very heart of our democratic political process. Allowing these groups to operate in the shadows poses a real risk of corruption and makes it difficult for us to vigilantly guard against that risk. The press has reported that a growing number of 527 groups have connections to—or even have been set up by—candidates and elected officials. Allowing wealthy individuals to give to these groups—and allowing elected officials to solicit money for these groups—without ever having to disclose their dealings to the public, at a minimum, leads to an appearance of corruption and sets the conditions that would allow actual corruption to thrive. If politicians are allowed to continue secretly seeking money—particularly sums of money that exceed what the average American makes in a year—there is no telling what will be asked for in return.

In the hopes of forestalling the conversion of yet another loophole into yet another sinkhole for the integrity of our elections, I am joined today by a distinguished bipartisan coalition in introducing two bills addressing the 527 problem. Our first bill—I think of it as our aspirational bill—would completely close the Section 527 loophole, by making clear that tax exemption under Section 527 is available only to organizations regulated under FECA (unless an organization focuses exclusively on State or local elections or does not meet certain other explicit FECA requirements). If this bill were enacted, groups no longer would be able to tell one thing to the IRS to get a tax benefit and then deny the same thing to the FEC in order to evade FECA regulation.

Recognizing that a complete closing of the 527 loophole may not be possible to achieve this Congress, however, we are offering a narrower alternative—a pragmatic bill—aimed at forcing Section 527 organizations to emerge from the shadows and let the public know who they are, where they get their money and how they spend it. The bill would require 527 organizations to disclose their existence to the IRS, to file publicly available tax returns and to file with the IRS and make public reports specifying annual expenditures of at least $500 and identifying those who contribute at least $200 annually to the organization. Although this won't solve the whole problem, at least it will make sure that no group can hide in the shadows as it spends millions to influence the way we vote and who we choose to run this country.

No doubt opponents of this legislation will claim that our proposal infringes on their First Amendment rights to free speech and association. But, Mr. President, nothing in our bills infringes on those cherished freedoms in the slightest bit. Our bills do not prohibit anyone from speaking, nor do they force any group that does not currently have to comply with FECA or disclose information about itself to do either of those things. Our bills speak only to what a group must do if it wants the public subsidy of tax exemption—something the Supreme Court has made clear no one has a constitutional right to have. As the Court explained in *Regan* v. *Taxation with Representation of Washington*, 461 U.S. 540, 544, 545, 549 (1983), "[b]oth tax exemptions and tax-deductibility are a form of subsidy that is administered through the tax system," and "Congressional selection of particular entities or persons for entitlement to this sort of largesse is obviously a matter of policy and discretion . . ." Under our bills, any group not wanting to disclose information about itself or abide by the election laws would be able to continue doing whatever it is doing now—it would just have to do so without the public subsidy of tax exemption conferred by Section 527.

Mr. President, we have become so used to our campaign finance system's long, slow descent into the muck that it sometimes is hard to ignite the kind of outrage that should result when a new loophole starts to shred the spirit of yet another law aimed at protecting the integrity of our system. But this new 527 loophole should outrage us, and we must act to stop it. The bipartisan coalition joining with me today is doing just that. I hope all of our colleagues will join us in supporting these proposals, and ask unanimous consent that the text of both bills be printed in the Record.

There being no objection, the bills were ordered to be printed in the Record, as follows:

### S. 2582

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DEFINITION OF POLITICAL ORGANIZATION.**

(a) Definition of Political Organization.—Paragraph (1) of section 527(e) of the Internal Revenue Code of 1986 (relating to political organizations) is amended to read as follows:

"(1) Political organization.—

"(A) In general.—The term 'political organization' means a party, committee, association, fund, or other organization (whether or not incorporated)—

"(i) organized and operated primarily for the purpose of directly or indirectly accepting contributions or making expenditures, or both, for an exempt function, and

"(ii) which is a political committee described in section 301(4) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(4)).

"(B) Exceptions.—Subparagraph (A)(ii) shall not apply in the case of—

"(i) an organization described in subparagraph (C),

"(ii) any committee, club, association, or other group of persons (other than a separate segregated fund established under section 316 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441b)) which accepts contributions or makes expenditures (as defined in this subsection) during a calendar year in an aggregate amount of less than $1,000, or

"(iii) any local committee of a political party which is not a political committee (as so defined).

"(C) Certain organizations.—An organization is described in this subparagraph if—

"(i) the activities of the organization are for the primary purpose of influencing or attempting to influence—

"(I) the selection, nomination, election, or appointment of any individual to any State or local public office,

"(II) the appointment of any individual to any Federal public office, or

"(III) the selection, nomination, election, or appointment of any individual to any office in a political organization, and

"(ii) the organization does not engage in any activity that is for the purpose of directly or indirectly influencing or attempting to influence the selection, nomination, or election of any individual to any Federal public office or the election of Presidential or Vice Presidential electors.

The preceding sentence shall apply whether or not an individual described in subclause (I), (II), or (III) of clause (i) or in clause (ii) of such sentence is selected, nominated, elected, or appointed to such office.".

(b) Effective Date.—This section and the amendment made by this section take effect on the date that is 30 days after the date of enactment of this Act.

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### S. 2583

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. REQUIRED NOTIFICATION OF SECTION 527 STATUS.**

(a) In General.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations) is amended by adding at the end the following new subsection:

"(i) Organizations Must Notify Secretary That They Are Section 527 Organizations.—

"(1) In general.—Except as provided in paragraph (5), an organization shall not be treated as an organization described in this section—

"(A) unless it has given notice to the Secretary, electronically and in writing, that it is to be so treated, or

"(B) if the notice is given after the time required under paragraph (2), the organization shall not be so treated for any period before such notice is given.

"(2) Time to give notice.—The notice required under paragraph (1) shall be transmitted not later than 24 hours after the date on which the organization is established.

"(3) Contents of notice.—The notice required under paragraph (1) shall include information regarding—

"(A) the name and address of the organization (including any business address, if different) and its electronic mailing address,

"(B) the purpose of the organization,

"(C) the names and addresses of its officers, highly compensated employees, contact person, custodian of records, and members of its Board of Directors,

"(D) the name and address of, and relationship to, any related entities (within the meaning of section 168(h)(4)), and

"(E) such other information as the Secretary may require to carry out the internal revenue laws.

"(4) Effect of failure.—In the case of an organization failing to meet the requirements of paragraph (1) for any period, the taxable income of such organization shall be computed by taking into account any exempt function income (and any deductions directly connected with the production of such income).

"(5) Exceptions.—This subsection shall not apply to any organization—

"(A) to which this section applies solely by reason of subsection (f)(1), or

"(B) which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year.

"(6) Coordination with other requirements.—This subsection shall not apply to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee.".

(b) Disclosure Requirements.—

(1) Inspection at internal revenue service offices.—

(A) In general.—Section 6104(a)(1)(A) of the Internal Revenue Code of 1986 (relating to public inspection of applications) is amended—

(i) by inserting "or a political organization is exempt from taxation under section 527 for any taxable year" after "taxable year",

(ii) by inserting "or notice of status filed by the organization under section 527(i)" before ", together",

(iii) by inserting "or notice" after "such application" each place it appears,

(iv) by inserting "or notice" after "any application",

(v) by inserting "for exemption from taxation under section 501(a)" after "any organization" in the last sentence, and

(vi) by inserting "or 527" after "section 501" in the heading.

(B) Conforming amendment.—The heading for section 6104(a) of such Code is amended by inserting "or notice of status" before the period.

(2) Inspection of notice on internet and in person.—Section 6104(a) of such Code is amended by adding at the end the following new paragraph:

"(3) Information available on internet and in person.—

"(A) In general.—The Secretary shall make publicly available, on the Internet and at the offices of the Internal Revenue Service—

"(i) a list of all political organizations which file a notice with the Secretary under section 527(i), and

"(ii) the name, address, electronic mailing address, custodian of records, and contact person for such organization.

"(B) Time to make information available.—The Secretary shall make available the information required under subparagraph (A) not later than 5 business days after the Secretary receives a notice from a political organization under section 527(i).".

(3) Inspection by committee of Congress.—Section 6104(a)(2) of such Code is amended by inserting "or notice of status of any political organization which is exempt from taxation under section 527 for any taxable year" after "taxable year".

(4) Public inspection made available by organization.—Section 6104(d) of such Code (relating to public inspection of certain annual returns and applications for exemption) is amended—

(A) by striking "and Applications for Exemption" and inserting ", Applications for Exemption, and Notices of Status" in the heading,

(B) by inserting "or notice of status under section 527(i)" after "section 501" and by inserting "or any notice materials" after "materials" in paragraph (1)(A)(ii),

(C) by inserting or "or such notice materials" after "materials" in paragraph (1)(B), and

(D) by adding at the end the following new paragraph:

"(6) Notice materials.—For purposes of paragraph (1), the term 'notice materials' means the notice of status filed under section 527(i) and any papers submitted in support of such notice and any letter or other document issued by the Internal Revenue Service with respect to such notice.".

(c) Failure to Make Public.—Section 6652(c)(1)(D) of the Internal Revenue Code of 1986 (relating to public inspection of applications for exemption) is amended—

(1) by inserting "or notice materials (as defined in such section)" after "section)", and

(2) by inserting "and notice of status" after "exemption" in the heading.

(d) Effective Date.—

(1) In general.—Except as provided in paragraphs (2) and (3), the amendments made by this section shall take effect on the date of the enactment of this section.

(2) Organizations already in existence.—In the case of an organization established before the date of the enactment of this section, the time to file the notice under section 527(i)(2) of the Internal Revenue Code of 1986, as added by this section, shall be 30 days after the date of the enactment of this section.

(3) Information availability.—The amendment made by subsection (b)(2) shall take effect on the date that is 45 days after the date of the enactment of this section.

### SEC. 2. DISCLOSURES BY POLITICAL ORGANIZATIONS.

(a) Required Disclosure of 527 Organizations.—Section 527 of the Internal Revenue Code of 1986 (relating to political organizations), as amended by section 1(a), is amended by adding at the end the following new section:

"(j) Required Disclosure of Expenditures and Contributions.—

"(1) Denial of exemption.—An organization shall not be treated as an organization described in this section unless it makes the required disclosures under paragraph (2).

"(2) Required disclosure.—A political organization which accepts a contribution, or makes an expenditure, for an exempt function during any calendar year shall file with the Secretary either—

"(A)(i) in the case of a calendar year in which a regularly scheduled election is held—

"(I) quarterly reports, beginning with the first quarter of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 15th day after the last day of each calendar quarter, except that the report for the quarter ending on December 31 of such calendar year shall be filed not later than January 31 of the following calendar year,

"(II) a pre-election report, which shall be filed not later than the 12th day before (or posted by registered or certified mail not later than the 15th day before) any election with respect to which the organization makes a contribution or expenditure, and which shall be complete as of the 20th day before the election, and

"(III) a post-general election report, which shall be filed not later than the 30th day after the general election and which shall be complete as of the 20th day after such general election, and

"(ii) in the case of any other calendar year, a report covering the period beginning January 1 and ending June 30, which shall be filed no later than July 31 and a report covering the period beginning July 1 and ending December 31, which shall be filed no later than January 31 of the following calendar year, or

"(B) monthly reports for the calendar year, beginning with the first month of the calendar year in which a contribution is accepted or expenditure is made, which shall be filed not later than the 20th day after the last day of the month and shall be complete as if the last day of the month, except that, in lieu of filing the reports otherwise due in November and December of any year in which a regularly scheduled general election is held, a pre-general election report shall be filed in accordance with subparagraph (A)(i)(II), a post-general election report shall be filed in accordance with subparagraph (A)(i)(III), and a year end report shall be filed not later than January 31 of the following calendar year.

"(3) Contents of report.—A report required under paragraph (2) shall contain the following information:

"(A) The amount of each expenditure made to a person if the aggregate amount of expenditures to such person during the calendar year equals or exceeds $500 and the name and address of the person (in the case of an individual, include the occupation and name of employer of such individual).

"(B) The name and address (in the case of an individual, include the occupation and name of employer of such individual) of all contributors which contributed an aggregate amount of $200 or more to the organization during the calendar year and the amount of the contribution.

Any expenditure or contribution disclosed in a previous reporting period is not required to be included in the current reporting period.

"(4) Contracts to spend or contribute.—For purposes of this subsection, a person shall be treated as having made an expenditure or contribution if the person has contracted or is otherwise obligated to make the expenditure or contribution.

"(5) Coordination with other requirements.—This subsection shall not apply—

"(A) to any person required (without regard to this subsection) to report under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.) as a political committee,

"(B) to any State or local committee of a political party or political committee of a State or local candidate,

"(C) to any organization which reasonably anticipates that it will not have gross receipts of $25,000 or more for any taxable year,

"(D) to any organization to which this section applies solely by reason of subsection (f)(1), or

"(E) with respect to any expenditure which is an independent expenditure (as defined in section 301 of such Act).

"(6) Election.—For purposes of this subsection, the term 'election' means—

"(A) a general, special, primary, or runoff election for a Federal office,

"(B) a convention or caucus of a political party which has authority to nominate a candidate for Federal office,

"(C) a primary election held for the selection of delegates to a national nominating convention of a political party, or

"(D) a primary election held for the expression of a preference for the nomination of individuals for election to the office of President.".

(b) Public Disclosure of Reports.—

(1) In general.—Section 6104(d) of the Internal Revenue Code of 1986 (relating to public inspection of certain annual returns and applications for exemption), as amended by section 1(b)(4), is amended—

(A) by inserting "Reports," after "Returns," in the heading,

(B) in paragraph (1)(A), by striking "and" at the end of clause (i), by inserting "and" at the end of clause (ii), and by inserting after clause (ii) the following new clause:

"(iii) the reports filed under section 527(j) (relating to required disclosure of expenditures and contributions) by such organization,", and

(C) in paragraph (1)(B), by inserting ", reports," after "return".

(2) Disclosure of contributors allowed.—Section 6104(d)(3)(A) of such Code (relating to nondisclosure of contributors, etc.) is amended by inserting "or a political organization exempt from taxation under section 527" after "509(a))".

(3) Disclosure by internal revenue service.—Section 6104(d) of such Code is amended by adding at the end the following new paragraph:

"(6) Disclosure of reports by internal revenue service.—Any report filed by an organization under section 527(j) (relating to required disclosure of expenditures and contributions) shall be made available to the public at such times and in such places as the Secretary may prescribe.".

(c) Failure to Make Public.—Section 6652(c)(1)(C) of the Internal Revenue Code of 1986 (relating to public inspection of annual returns) is amended—

(1) by inserting "or report required under section 527(j)" after "filing)",

(2) by inserting "or report" after "1 return", and

(3) by inserting "and reports" after "returns" in the heading.

(d) Effective Date.—The amendment made by subsection (a) shall apply to expenditures made and contributions received after the date of enactment of this Act, except that such amendment shall not apply to expenditures made, or contributions received, after such date pursuant to a contract entered into on or before such date.

### SEC. 3. RETURN REQUIREMENTS RELATING TO SECTION 527 ORGANIZATIONS.

(a) Return Requirements.—

(1) Organizations required to file.—Section 6012(a)(6) of the Internal Revenue Code

of 1986 (relating to political organizations required to make returns of income) is amended by inserting "or which has gross receipts of $25,000 or more for the taxable year (other than an organization to which section 527 applies solely by reason of subsection (f)(1) of such section)" after "taxable year".

(2) INFORMATION REQUIRED TO BE INCLUDED ON RETURN.—Section 6033 of such Code (relating to returns by exempt organizations) is amended by redesignating subsection (g) as subsection (h) and inserting after subsection (f) the following new subsection:

"(g) RETURNS REQUIRED BY POLITICAL ORGANIZATIONS.—In the case of a political organization required to file a return under section 6012(a)(6)—

"(1) such organization shall file a return—

"(A) containing the information required, and complying with the other requirements, under subsection (a)(1) for organizations exempt from taxation under section 501(a), and

"(B) containing such other information as the Secretary deems necessary to carry out the provisions of this subsection, and

"(2) subsection (a)(2)(B) (relating to discretionary exceptions) shall apply with respect to such return.".

(b) PUBLIC DISCLOSURE OF RETURNS.—

(1) RETURNS MADE AVAILABLE BY SECRETARY.—

(A) IN GENERAL.—Section 6104(b) of the Internal Revenue Code of 1986 (relating to inspection of annual information returns) is amended by inserting "6012(a)(6)," before "6033".

(B) CONTRIBUTOR INFORMATION.—Section 6104(b) of such Code is amended by inserting "or a political organization exempt from taxation under section 527" after "509(a)".

(2) RETURNS MADE AVAILABLE BY ORGANIZATIONS.—

(A) IN GENERAL.—Paragraph (1)(A)(i) of section 6104(d) of such Code (relating to public inspection of certain annual returns, reports, applications for exemption, and notices of status) is amended by inserting "or section 6012(a)(6) (relating to returns by political organizations)" after "organizations)".

(B) CONFORMING AMENDMENTS.—

(i) Section 6104(d)(1) of such Code is amended in the matter preceding subparagraph (A) by inserting "or an organization exempt from taxation under section 527(a)" after "501(a)".

(ii) Section 6104(d)(2) of such Code is amended by inserting "or section 6012(a)(6)" after "section 6033".

(c) FAILURE TO FILE RETURN.—Section 6652(c)(1) of the Internal Revenue Code of 1986 (relating to annual returns under section 6033) is amended—

(1) by inserting "or section 6012(c)(6) (relating to returns by political organizations)" after "organizations)" in subparagraph (A)(i),

(2) by inserting "or section 6012(c)(6)" after "section 6033" in subparagraph (A)(ii),

(3) by inserting "or section 6012(c)(6)" after "section 6033" in the third sentence of subparagraph (A), and

(4) by inserting "OR 6012(C)(6)" after "SECTION 6033" in the heading.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to returns for taxable years beginning after June 30, 2000.

Mr. JEFFORDS. Mr. President, I would first like to thank Senator LIEBERMAN for his hard work in focusing the attention of the nation on the problems Section 527 organizations are creating in our campaign finance system. Today, I join Senator LIEBERMAN and others in introducing two legislative vehicles to address the problems these organizations are bringing to our already troubled campaign finance system.

Many years ago, James Madison said, "A popular government without popular information is but a prologue to a tragedy or a farce or perhaps both. Knowledge will forever govern ignorance and a people who mean to be their own governors must arm themselves with the power which knowledge gives."

In clearer terms, Francis Bacon conveys the same principle in the saying, "Knowledge is Power."

Mr. President, most people don't know what a section 527 organization is, and that is understandable as it is a highly complex issue. But what many people do understand is that our campaign finance system is broken and that we must do something to fix it.

I have long believed in Justice Brandeis' statement that, "Sunlight is said to be the best of disinfectants." People deserve to know before they step into the voting booth which individuals or organizations are sponsoring the advertisements, mailings, and phone banks they may see or hear from during an election. We need to shine some sunlight on these secretive Section 527 organizations so that people will know who or what is trying to influence their vote.

Mr. President, the passage of either of these important pieces of legislation would help arm the people with the knowledge they need in order to exercise their civic duty and sustain our popular government.

We must close the loophole allowing so-called "Stealth PAC's" organized under Section 527 of the tax code, to hide their donors, activities, even their very existence from public view. Doing so would be an important first step in helping restore the public's confidence in our political system.

Mr. President, passage of this legislation would be one small step in eventually achieving our ultimate goal, which is enactment of meaningful campaign finance reform that includes increasing disclosure requirements and the banning of soft money. It is time to work together. It is time to act. It is time to pass campaign finance reform.

Mr. LEVIN. Mr. President, I am pleased to be joining Senators LIEBERMAN, DASCHLE, MCCAIN, FEINGOLD, and others today in sponsoring this legislation to close the Section 527 loophole in our campaign finance and tax laws.

Section 527 of the IRS Code was originally created by Congress in the 1970's to provide a category of tax exempt organizations for political parties and political committees. While contributions to a political party or political committee are not tax deductible to the contributor, Congress did provide a tax exemption to the political organization for the money contributed. At the time Congress established the tax exemption, it assumed that since the sole stated purpose of such organizations is to influence elections, the organizations would be filing a more complete disclosure with the FEC under the campaign finance laws and consequently it wasn't necessary to require disclosure with the IRS. Once a federal court ruled in 1996 that coverage under the federal election laws required advocating the election or defeat of a specific candidate and not just seeking to influence the outcome of an election, the backbone of disclosure for Section 527 political organizations dissolved. Section 527 organizations could get the tax exemption for a political organization without having to follow the requirements—both the disclosure requirements and the contribution limits—of the federal election laws. Thus, an organization can state openly to the IRS that it is spending money for the sole purpose of influencing an election and get a tax exemption under Section 527, yet it can avoid registering with the Federal Election Commission because it can argue that its influence is not directed at a specific candidate. That's the kind of Alice-in-Wonderland logic we've got with this loophole.

Today we are offering two alternative solutions to the Section 527 problem. One bill would apply filing requirements to Section 527 organizations that are required of other tax exemption organizations in the Tax Code and add new requirements to disclose contributions to the public; the other would require a Section 527 organization to comply with the federal election laws, as was originally contemplated when Congress created Section 527 in the first place. Given the limited number of legislative days remaining, we think it wise to pass, at a minimum, the bill requiring disclosure under tax code, although as a long-term solution, we favor the bill requiring disclosure and limits under the federal campaign laws.

Mr. President, the Section 527 loophole in our federal campaign laws is a bipartisan problem that requires and deserves a bipartisan solution. Supporters of both parties have Section 527 organizations. This is a loophole in our laws that you can drive not only a truck through, but a convoy of trucks. And that's what's happening as we speak. Individuals and organizations that want to affect our federal elections but don't want to be restricted by our federal election laws are making tracks to Section 527 and establishing Section 527 organizations to run their election ads—without disclosure, without contribution limits.

Now those ads—like other sham issue ads—can't say "vote for" or "don't elect", but they can go right up to that line and make essentially the same point.

Mr. President, even if a Member of this body doesn't support campaign finance reform, he or she can support this legislation, because it is about disclosure and it eliminates an unintended consequence of the convergence of two laws—the tax laws and the campaign finance laws. Congress never intended to allow Section 527 organizations to escape both disclosure and campaign finance limits. Yet that's what's happened as a result of recent interpretations by the IRS and a U.S. District Judge. Our legislation reverses these interpretations and reinstates Congressional intent.

In late January of this year, the staff of the Joint Committee on Taxation released a study of the Disclosure Provisions Relating to Tax-Exempt Organizations. In that study, the bipartisan staff addressed Section 527 organizations and the JCT staff recommended: that 527 organizations be required to "disclose information relating to their activities to the public . . ."; and that 527 organizations "be required to file an annual return even if the organizations do not have taxable income and that the annual return should be expanded to include more information regarding the activities of the organization." [Section 527 organizations currently aren't even required to file a tax return.]

The JCT report said, "This recommendation is consistent with the recommendation that all tax returns relating to tax-exempt organizations should be disclosable."

As the 2000 campaign evolves and we get closer to November, the American public is going to be seeing the consequences—the real life consequences of this loophole in our campaign finance laws. Candidates from both parties are going to be hit with ads by groups with names that sound like responsible civic organizations but which in reality are nothing more than well financed political opponents. But the damage from such ads will be incurred well before a candidate can even catch his or her breath much the less make any headway in identifying the source of the money behind the ads. That's why we need this legislation now.

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By Mr. ROBB (for himself and Mr. WARNER):

S. 2584. A bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes; to the Committee on Energy and Natural Resources.

### COAL ACCOUNTABILITY AND RETIRED EMPLOYEE ACT

Mr. ROBB. Mr. President, I am pleased to introduce the Coal Accountability and Retired Employee Act for the 21st Century. This legislation would authorize a transfer of interest from the Abandoned Mine Reclamation Fund to the United Mine Worker Combined Benefit Fund so that we can keep our promise of paying for our retired coal miner's health benefits.

In the 1992 Coal Act, a promise was made to retired coal miners and their families that they would have health benefits. In a few short months, the available funds for these health benefits will be exhausted. We cannot allow this to happen. We made a promise—we must keep it.

Last week, Senator ROCKEFELLER introduced similar legislation to authorize a transfer from general revenues to pay for the shortfall in the retiree health benefits fund. Senator ROCKEFELLER has been a leader on this issue for many years and I strongly support his approach. Last year, thanks to the dogged determination of Senator BYRD, we were able to postpone the inevitable by getting additional funding. This funding, however, will run out in several months. The time has come to make good on the promise to the retired coal miners. This legislation will give retired coal miners and their families the health benefits they deserve.

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By Mr. GRAHAM (for himself, Mr. JEFFORDS, Mr. GRASSLEY, and Mr. ROCKEFELLER):

S. 2585. A bill to amend titles IV and XX of the Social Security Act to restore funding for the Social Services Block Grant, to restore the ability of the States to transfer up to 10 percent of TANF funds to carry out activities under such block grant, and to require an annual report on such activities by the Secretary of Health and Human Services; to the Committee on Finance.

### PROTECTING THE SOCIAL SERVICES BLOCK GRANT

Mr. GRAHAM. Mr. President, I rise today with my colleagues Senators JEFFORDS, GRASSLEY, and ROCKEFELLER to introduce a bill to restore critical funding to the Social Services Block Grant (SSBG).

Mr. President, the Social Services Block Grant, Title XX of the Social Security Act, was created in 1981 by combining funding for social services and related staff training, and was intended to be the primary source of federal funds for social services. Funds are allocated to states on a per capita basis and they can use them to address abuse and neglect and to encourage self sufficiency and independence.

Since its creation, SSBG has successfully provided states with funds to address the social service needs they see as most pressing. States have broad flexibility in determining which services meet the needs of their unique populations, who should deliver the services and which families and individuals to serve. The array of needed programs covered under this important block grant range from adoption services to adult protective services—from home delivered meals to day care—from education and training programs to residential treatment services.

In the 1996 welfare law, an agreement was made between Congress and the States to decrease the SSBG from $2.8b to $2.38b until welfare reform was firmly established. The Finance Committee guaranteed states that SSBG would be funded at $2.38 billion per year until FY03 when it would be restored to $2.8b. In order to allow them to continue to fund critical social service programs, Congress allowed states to transfer 10 percent of its Temporary Assistance for Needy Families (TANF) block grant to SSBG. This was an important promise that has been broken. This legislation allows us to return to our promise and an agreement that was critical to the success of the new welfare system.

As members of the Finance Committee, we have an acute understanding of the value of the programs over which we have oversight responsibilities. We have consistently worked, with some success, to ensure the foundation of SSBG.

This overarching commitment was exemplified during the FY 2000 budget process. The Senate showed its bipartisan support for this important program by voting 57-39 to restore Title XX funding to its authorized level of $2.38 billion. Unfortunately, in the final omnibus appropriations bill, Title XX funding was cut from its authorized level of $2.38 billion to $1.775 billion. This $600 million cut is having a direct impact on the availability of necessary services for the nation's neediest citizens.

This year, the Appropriations Subcommittee on Labor, Health, and Human Services and Education has included draconian cuts to this critical program by decreasing the funding levels from $1.7 billion to $600 million. This level of reduction is simply unacceptable and would virtually bankrupt the program.

Our bill would ensure that Title XX funds would remain available to support needed services for children and families in crisis. The block grant has also been one of the only funding sources available for community-based services for elderly and disabled persons. It is unconscionable that this critical source of funding for the most basic and necessary of social services has been cut by over $1 billion in a short five years, and that the Senate Appropriations Committee would suggest a billion dollar cut in one year alone.

If adequate funding for this program is not restored to SSBG, vulnerable children, families, elderly, and disabled persons will be without the assistance they need to live independently. Title XX provides the support necessary for families in crisis, the elderly, and many persons with both physical and mental disabilities to live independently in the community. These funds also provide support through childcare and counseling, both of which are necessary for persons with multiple barriers to employment to successfully leave the TANF rolls.

The importance of the Social Services Block Grant is not only recognized by state and local governments, but also by non profit providers across the country who have joined together with governments in support of this block grant. Congress needs to also recognize the Social Services Block Grant as the critical safety-net program that it is, and pass our bill to restore funding to the levels necessary to keep our promise to our neediest citizens.

I hope that my Senate colleagues will join us in cosponsoring this critical piece of legislation.

Mr. GRASSLEY. Mr. President, I am very pleased to join my esteemed colleagues, Senators GRAHAM and JEFFORDS, in introducing this important piece of legislation. Title XX, the Social Services Block Grant, is crucial to states. Congress needs to meet its earlier commitment to this program and restore funding to the level authorized in 1996.

The Social Services Block Grant allows states the flexibility to fill in the gaps in their human services system. Through this funding, states, local governments and non-profit organizations can supplement other federal programs and leverage additional funding and resources to support an array of social service programs that are critical to those in need.

Millions of elderly people have benefitted from Title XX as have hundreds of thousand of individuals with disabilities. States use these funds to help support crucial services such as respite care for the elderly, adult protective services, supported living and transportation for the disabled. In recent years, more than a quarter of these funds have been used to support children's services. Child protective services, foster care and adoption programs have all been supplemented with these funds.

In my home state of Iowa, Social Services Block Grant funds are used to supplement numerous service programs. One program uses these funds to help transport individuals with developmental disabilities to their jobs and so that they may receive medical treatment. Funds are also used to help people with disabilities live in their communities, saving significant amounts of money that would otherwise go to caring for them in institutions.

Congress has consistently cut this important program in order to pay for other things. It is time that we restore funding to the level we authorized in 1996. Without this funding, important services that protect children, the elderly and the disabled will not be provided. I urge my other colleagues in the Senate to support our efforts to restore this program to the necessary level of funding.

## ADDITIONAL COSPONSORS

### S. 345

At the request of Mr. ALLARD, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

### S. 861

At the request of Mr. DURBIN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 861, a bill to designate certain Federal land in the State of Utah as wilderness, and for other purposes.

### S. 1159

At the request of Mr. STEVENS, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

### S. 1291

At the request of Mr. DEWINE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 1291, a bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax for certain expenses for long-term training of employees in highly skilled small business trades.

### S. 1472

At the request of Mr. SARBANES, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1472, a bill to amend chapters 83 and 84 of title 5, United States Code, to modify employee contributions to the Civil Service Retirement System and the Federal Employees Retirement System to the percentages in effect before the statutory temporary increase in calendar year 1999, and for other purposes.

### S. 1668

At the request of Mr. KERRY, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 1668, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

### S. 1816

At the request of Mr. HAGEL, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 1816, a bill to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

### S. 1938

At the request of Mr. CRAIG, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 1938, a bill to provide for the return of fair and reasonable fees to the Federal Government for the use and occupancy of National Forest System land under the recreation residence program, and for other purposes.

### S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

### S. 2045

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

### S. 2068

At the request of Mr. GREGG, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

### S. 2083

At the request of Mr. ROBB, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2083, a bill to amend the Internal Revenue Code of 1986 to provide a uniform dollar limitation for all types of transportation fringe benefits excludable from gross income, and for other purposes.

### S. 2084

At the request of Mr. LUGAR, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

### S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2311

At the request of Mr. KENNEDY, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from North Carolina (Mr. EDWARDS) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS) and the Senator from Missouri (Mr. ASHCROFT) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2416

At the request of Mr. ASHCROFT, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 2416, a bill to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, which serves as headquarters for the Department of State, as the "Harry S. Truman Federal Building."

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2443

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2443, a bill to increase immunization funding and provide for immunization infrastructure and delivery activities.

S. 2460

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2460, a bill to authorize the payment of rewards to individuals furnishing information relating to persons subject to indictment for serious violations of international humanitarian law in Rwanda, and for other purposes.

S. 2538

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 2538, a bill to amend the Internal Revenue Code of 1986 to maintain retiree health benefits under the Coal Industry Retiree Heath Benefit Act of 1992.

S. CON. RES. 98

At the request of Mr. DEWINE, the names of the Senator from New Hampshire (Mr. SMITH) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. Con. Res. 98, a concurrent resolution urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction.

S. CON. RES. 100

At the request of Mr. HAGEL, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

AMENDMENT NO. 3146

At the request of Mr. ROBB, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of Amendment No. 3146 intended to be proposed to S. 2521, an original bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

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## AMENDMENTS SUBMITTED

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

### HUTCHISON AMENDMENT NO. 3151

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 63, line 20, strike "July 31, 2001" and insert "December 31, 2001".

On page 66, line 3, strike "July 31, 2001" and insert "December 31, 2001".

On page 67, line 3, strike "July 31, 2001" and insert "December 31, 2001".

## DISASTER MITIGATION ACT OF 1999

### SMITH AMENDMENTS NOS. 3152–3153

(Ordered to lie on the table.)

Mrs. SMITH of New Hampshire submitted two amendments intended to be proposed by him to the bill (S. 1691) to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to streamline the administration of disaster relief, to control the Federal costs of disaster assistance, and for other purposes; as follows:

AMENDMENT NO. 3152

In section 201—

(1) insert "(a) IN GENERAL.—" before "Section"; and

(2) add at the end the following:

(b) TECHNICAL AMENDMENTS.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)".

AMENDMENT NO. 3153

Section 203(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 102 of the bill, is amended—

(1) in paragraph (2), by striking "and" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) the extent to which the hazard mitigation measures to be carried out using the technical and financial assistance contribute to the mitigation goals and priorities established by the State as a condition of receipt of the annual emergency management performance grant awarded to the State by the Federal Emergency Management Agency.

Section 204(d) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as added by section 103 of the bill, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by adding "and" at the end;

(B) by striking subparagraph (B); and

(C) by redesignating subparagraph (C) as subparagraph (B); and

(2) by adding at the end the following:

"(3) CONDITIONS FOR INCENTIVES.—To be eligible for an incentive under paragraph (1), an owner of a building located in a natural disaster mitigation zone that is not subject to subsection (c) shall have obtained and be maintaining adequate levels of insurance with respect to the building (as determined by the President).

In section 201—

(1) insert "(a) IN GENERAL.—" before "Section"; and

(2) add at the end the following:

(b) TECHNICAL AMENDMENTS.—Section 311 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5154) is amended in subsections (a)(1), (b), and (c) by striking "section 803 of the Public Works and Economic Development Act of 1965" each place it appears and inserting "sections 201 and 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3141, 3149)".

Section 406(e)(1)(A)(ii) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5172), as amended by section 203(d)(1) of the bill, is amended—

(1) by striking "current applicable"; and

(2) by inserting before the period at the end the following: "applicable at the time at which the disaster occurred"

Section 323(e) of the Robert T. Stafford Disaster Relief and Emergency Assistance

Act, as added by section 204(a) of the bill, is amended—

(1) by striking "If" and inserting the following:

"(1) IN GENERAL.—If"; and

(2) by adding at the end the following:

"(2) FACTORS FOR CONSIDERATION.—In determining whether to increase the maximum percentage under paragraph (1), the President shall consider whether the State has established—

"(A) eligibility criteria for property acquisition and other types of mitigation measures;

"(B) requirements for cost effectiveness that are related to the eligibility criteria;

"(C) a system of priorities that is related to the eligibility criteria;

"(D) a process by which an assessment of the effectiveness of a mitigation action may be carried out after the mitigation action is complete; and

"(E) hazard resistant construction standards, as may be required under section 324.

In title II, add at the end the following:

**SEC. 210. TEMPORARY HOUSING ASSISTANCE.**

Section 408(c) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5174(c)) is amended—

(1) by striking "In lieu of" and inserting the following:

"(1) IN GENERAL.—In lieu of"; and

(2) by adding at the end the following:

"(2) LIMITATION ON ASSISTANCE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the amount of assistance provided to a household under this subsection shall not exceed $5,000, as adjusted annually to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

"(B) ADDITIONAL ASSISTANCE.—The President may provide additional assistance to a household that is unable to secure temporary housing through insurance proceeds or loans or other financial assistance from the Small Business Administration or another Federal agency.".

**SEC. 211. INDIVIDUAL AND FAMILY GRANT PROGRAM.**

Section 411 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5178) is amended—

(1) by striking subsection (a) and inserting the following:

"(a) IN GENERAL.—The President, in consultation and coordination with a State, may make a grant directly, or through the State, to an individual or a family that is adversely affected by a major disaster to assist the individual or family in meeting disaster-related necessary expenses or serious needs of the individual or family, if the individual or family is unable to meet the expenses or needs through—

"(1) assistance under other provisions of this Act; or

"(2) other means.";

(2) by striking subsection (d) and inserting the following:

"(d) ADMINISTRATIVE EXPENSES.—If a State determines that a grant to an individual or a family under this section shall be made through the State, the State shall pay, without reimbursement from any funds made available under this Act, the cost of all administrative expenses associated with the management of the grant by the State.";

(3) by striking subsection (e); and

(4) by redesignating subsection (f) as subsection (e).

In section 302—

(1) insert "(a) TERRITORIES.—" before "Section 102"; and

(2) add at the end the following:

(b) LOCAL GOVERNMENT.—Section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122) is amended by striking paragraph (6) and inserting the following:

"(6) LOCAL GOVERNMENT.—The term 'local government' means—

"(A) a county, municipality, city, town, township, local public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government;

"(B) an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and

"(C) a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a State or political subdivision of a State.".

(c) PRIVATE NONPROFIT FACILITY.—Section 102(9) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(9)) is amended by inserting "irrigation," after "utility,"

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

### LEVIN (AND OTHERS) AMENDMENT NO. 3154

Mr. LEVIN (for himself, Mr. MCCAIN, Mr. LUGAR, Mr. BIDEN, Mr. HAGEL, Mr. LIEBERMAN, Mr. SMITH of Oregon, Mr. ROBB, Mr. VOINOVICH, Mr. REED, Mr. MACK, Mr. LAUTENBERG, Mr. KERRY, Mr. DASCHLE, and Mr. COCHRAN) proposed an amendment to the bill, S. 2521, supra; as follows:

Strike section 2410.

### STEVENS (AND OTHERS) AMENDMENT NO. 3155

(Ordered to lie on the table.)

Mr. STEVENS (for himself, Mr. COVERDELL, and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill, S. 2521, supra; as follows:

On page 26, at line 15, strike, "$74,859,000", and insert in lieu thereof, "$542,859,000"; and

On page 27, at line 7, strike, ";", and insert in lieu thereof: "; Acquisition of six C–130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, $468,000,000."

## NOTICE OF HEARING

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Senate Committee on Energy and Natural Resources to consider the outlook for America's natural gas demand.

The hearing will take place on Thursday, May 25, 2000, beginning at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Presentation of oral testimony is by Committee invitation only. However, those who wish to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, 364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information regarding the hearing, please contact Dan Kish at (202) 224-8276.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, May 17, 2000, at 9:30 a.m. on global warming.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 17, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, May 17, 2000 at 2:00 p.m. to conduct an oversight hearing on Implementation of the Indian Arts and Crafts Act (P.L. 101-644). The hearing will take place in room 562, Dirksen Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet during the session of the Senate on Wednesday, May 17, 2000 at 2:00 p.m. to conduct a hearing on S. 1148, to provide for the Yankton Sioux Tribe and the Santee Sioux Tribe of Nebraska certain benefits of the Missouri River Pick-Sloan Project and S. 1658, to authorize the construction of a Reconciliation Place in Fort Pierre, South Dakota. The hearing will be held in the Committee room, 485 Russell Senate Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, Jay 17, 2000, for an Open Executive Session to mark up legislation extending permanent Normal Trading Relations to China.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, May 17, 2000, at 10:00 a.m., in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON RULES AND ADMINISTRATION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, May 17, 2000, at 9:30 a.m., to receive testimony on legislative remedies, including S. 1816, the Hagel-Kerrey-Abraham-Landrieu campaign finance reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be authorized to meet during the session of the Senate on Wednesday, May 17, at 9:30 a.m., to conduct a Clean Air Act Reauthorization hearing to receive testimony on an incentive-based utility emissions reduction approach in the Clean Air Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON INTERNATIONAL ECONOMIC POLICY, EXPORT AND TRADE PROMOTION

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on International Economic Policy, Export and Trade Promotion of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 17, at 2:30 p.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WATER AND POWER

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, May 17 at 2:30 p.m. to conduct an oversight hearing. The subcommittee will receive testimony on the operation, by the Bureau of Indian Affairs, of the Flathead Irrigation Project in Montana.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mrs. MURRAY. Mr. President, I ask unanimous consent that Mark Borreson, a fellow from my office, be allowed floor privileges during the remainder of the military construction debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Robert Herbert, a congressional fellow in my office, be allowed the privilege of the floor during consideration of S. 2521.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MEASURE READ THE FIRST TIME—H.R. 3709

Mr. SESSIONS. Mr. President, I understand that H.R. 3709 is at the desk. I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. SESSIONS. I ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. SESSIONS. Mr. President, on behalf of the leader, I ask unanimous consent that the Senate immediately proceed to executive session to consider en bloc all of the military nominations reported by the Armed Services Committee today. I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements relating to the nominations appear in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

### AIR FORCE

The following named officer for appointment in the United States Air Force to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. John J. Catton, Jr., 1877

The following named officer for appointment to the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Robert E. Lytle, 1368

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Donald G. Cook, 6452

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. Roger G. DeKok, 6795

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Robert C. Hinson, 6467

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be general*

Lt. Gen. Hal M. Hornburg, 6836

The following named officer for appointment in the United States Air Force to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Joseph H. Wehrle, Jr., 6021

### ARMY

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be brigadier general*

Col. Charles W. Fletcher, Jr., 4165

### NAVY

The following named officers for appointment in the United States Navy to the grade indicated under title 10, U.S.C., section 624:

*To be rear admiral*

Rear Adm. (lh) Phillip M. Balisle, 3385
Rear Adm. (lh) John T. Byrd, 9943
Rear Adm. (lh) William W. Cobb, Jr., 9725,
Rear Adm. (lh) Christopher W. Cole, 7275
Rear Adm. (lh) David R. Ellison, 9973
Rear Adm. (lh) David T. Hart, Jr., 6096
Rear Adm. (lh) Kenneth F. Heimgartner, 7295
Rear Adm. (lh) Joseph G. Henry, 8067
Rear Adm. (lh) Gerald L. Hoewing, 6618
Rear Adm. (lh) Michael L. Holmes, 7043
Rear Adm. (lh) William R. Klemm, 8633
Rear Adm. (lh) Michael D. Malone, 2917
Rear Adm. (lh) Peter W. Marzluff, 8982
Rear Adm. (lh) James D. McArthur, Jr., 9260
Rear Adm. (lh) Michael J. McCabe, 0987
Rear Adm. (lh) David C. Nichols, Jr., 5011
Rear Adm. (lh) Perry M. Ratliff, 5232
Rear Adm. (lh) Gary Roughhead, 6126
Rear Adm. (lh) Kenneth D. Slaght, 3471
Rear Adm. (lh) Stanley R. Szemborski, 8912
Rear Adm. (lh) Henry G. Ulrich III, 2552
Rear Adm. (lh) George E. Voelker, 1271
Rear Adm. (lh) Robert F. Willard, 1564

The following named officer for appointment as Chief of Chaplains, United States Navy, and appointment to the grade indicated under title 10, U.S.C., section 5142:

*To be Rear Admiral*

Rear Adm. (lh) Barry C. Black, 6743

The following named officer for appointment as Chief of Naval Operations, United States Navy, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., sections 601 and 5033:

*To be Admiral*

Adm. Vernon E. Clark, 8489

### IN THE AIR FORCE

Air Force nominations beginning DAVID C. ABRUZZI, and ending MICHAEL J.

ZUBER, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

### IN THE ARMY

Army nomination of Manester Y. Bruno, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

### IN THE MARINE CORPS

Marine Corps nominations beginning DEBRA A. ANDERSON, and ending SCOTT C. WHITNEY, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

### IN THE NAVY

Navy nomination of Richard L. Page, which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 11, 2000

Navy nomination of Thomas B. Lee, Jr., which was received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

Navy nominations beginning CHARLES A. ARMIN, and ending MARK D. PYLE, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD of April 25, 2000

## LEGISLATIVE SESSION

The **PRESIDING OFFICER**. Under the previous order, the Senate will resume legislative session.

## ORDERS FOR THURSDAY, MAY 18, 2000

Mr. **SESSIONS**. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9 a.m. on Thursday, May 18. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of the military construction appropriations bill under the previous order, with Senators LAUTENBERG and ROBERTS to be recognized for up to 20 minutes and 15 minutes, respectively, in the order just stated.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

Mr. **SESSIONS**. I ask unanimous consent that the remaining time for debate prior to the vote be as follows: Senator WARNER in control of 1 hour and 45 minutes, Senator BYRD in control of 1 hour, Senator LEVIN in control of 2 hours and 45 minutes.

The **PRESIDING OFFICER**. Without objection, it is so ordered.

## PROGRAM

Mr. **SESSIONS**. For the information of all Senators, the majority leader would like them to know that the Senate will resume consideration of the military construction appropriations legislation at 9 a.m. tomorrow. Under the order, there is approximately 5½ hours of debate remaining on the Levin amendment regarding Kosovo, with a vote scheduled to occur at 2:30 p.m. Following that vote, it is hoped the Senate can proceed to a vote on final passage of the bill.

It is the intention of the leader to begin consideration of the foreign operations appropriations bill by tomorrow afternoon. Further votes are possible during tomorrow's session of the Senate.

## ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. **SESSIONS**. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:06 p.m., adjourned until Thursday, May 18, 2000, at 9 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 17, 2000:

### OVERSEAS PRIVATE INVESTMENT CORPORATION

ROBERT MAYS LYFORD, OF ARKANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE OVERSEAS PRIVATE INVESTMENT CORPORATION FOR A TERM EXPIRING DECEMBER 17, 2002, VICE HARVEY SIGELBAUM, TERM EXPIRED.

### DEPARTMENT OF DEFENSE

ROGER W. KALLOCK, OF OHIO, TO BE DEPUTY UNDER SECRETARY OF DEFENSE FOR LOGISTICS AND MATERIAL READINESS. (NEW POSITION)

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. TOMMY R. FRANKS, 0864

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY AS DEAN OF THE ACADEMIC BOARD, UNITED STATES MILITARY ACADEMY, AND FOR APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 4335:

*To be brigadier general*

COL. DANIEL J. KAUFMAN, 3704

### IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. CARLTON W. FULFORD, JR., 5783

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

REAR ADM. JOHN J. GROSSENBACHER, 5514

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be vice admiral*

VICE ADM. GREGORY G. JOHNSON, 3052

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

RAY A. STAFF, 2035

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be captain*

PAUL B. THOMPSON, 6962

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 17, 2000:

### IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. JOHN J. CATTON JR., 1877

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ROBERT E. LYTLE, 1368

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. DONALD G. COOK, 6452

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

LT. GEN. ROGER G. DEKOK, 6795

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. ROBERT C. HINSON, 6467

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be general*

LT. GEN. HAL M. HORNBURG, 6836

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. JOSEPH H. WEHRLE JR., 6021

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be brigadier general*

COL. CHARLES W. FLETCHER JR., 4165

### IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be rear admiral*

REAR ADM. (LH) PHILLIP M. BALISLE, 3385
REAR ADM. (LH) JOHN T. BYRD, 9943
REAR ADM. (LH) WILLIAM W. COBB JR, 9725
REAR ADM. (LH) CHRISTOPHER W. COLE, 7275
REAR ADM. (LH) DAVID R. ELLISON, 9973
REAR ADM. (LH) DAVID T. HART JR, 6096
REAR ADM. (LH) KENNETH F. HEIMGARTNER, 7295
REAR ADM. (LH) JOSEPH G. HENRY, 8067
REAR ADM. (LH) GERALD L. HOEWING, 6618
REAR ADM. (LH) MICHAEL L. HOLMES, 7043
REAR ADM. (LH) WILLIAM R. KLEMM, 8633
REAR ADM. (LH) MICHAEL D. MALONE, 2917
REAR ADM. (LH) PETER W. MARZLUFF, 8982
REAR ADM. (LH) JAMES D. MCARTHUR JR, 9260
REAR ADM. (LH) MICHAEL J. MCCABE, 0987
REAR ADM. (LH) DAVID C. NICHOLS JR, 5011
REAR ADM. (LH) PERRY M. RATLIFF, 5232
REAR ADM. (LH) GARY ROUGHEAD, 6126
REAR ADM. (LH) KENNETH D. SLAGHT, 3471
REAR ADM. (LH) STANLEY R. SZEMBORSKI, 8912
REAR ADM. (LH) HENRY G. ULRICH, III, 2552
REAR ADM. (LH) GEORGE E. VOELKER, 1271
REAR ADM. (LH) ROBERT F. WILLARD, 1564

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF CHAPLAINS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 5142:

*To be rear admiral*

REAR ADM. (LH) BARRY C. BLACK, 6743

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT AS CHIEF OF NAVAL OPERATIONS, UNITED STATES NAVY, AND APPOINTMENT TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTIONS 601 AND 5033:

*To be admiral*

ADM. VERNON E. CLARK, 8489

### IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING DAVID C ABRUZZI, AND ENDING MICHAEL J ZUBER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

### IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS (MS) UNDER TITLE 10, U.S.C., SECTIONS 531, 624, AND 3064:

*To be major*

MANESTER Y. BRUNO, 6997, MS

### IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING DEBRA A ANDERSON, AND ENDING SCOTT C WHITNEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVAL RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

*To be captain*

RICHARD L. PAGE, 6640

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

*To be lieutenant commander*

THOMAS B. LEE JR., 4603

NAVY NOMINATIONS BEGINNING CHARLES A. ARMIN, AND ENDING MARK D. PYLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON APRIL 25, 2000.

# EXTENSIONS OF REMARKS

## IN HONOR OF JUDGE JULIO FUENTES' APPOINTMENT TO THE THIRD U.S. CIRCUIT COURT OF APPEALS

### HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. MENENDEZ. Mr. Speaker, today I honor Judge Julio Fuentes for his appointment to the Third U.S. Circuit Court of Appeals.

Judge Fuentes was born in Puerto Rico and raised in Toms River, New Jersey. He served in the U.S. Army from 1966 to 1969 as a military police officer. He earned his bachelors degree at Southern Illinois University and his Juris Doctor at the State University of New York at Buffalo. His hunger for knowledge never ends: while serving as a judge, Fuentes earned two master's degrees, one in Latin American Affairs at New York University and one in Liberal Arts at Rutgers University.

Throughout his career, Judge Fuentes has served with distinction and honor. For 21 years, he has proven himself to be a fair, open-minded, intelligent, and dedicated public servant. His dedicated service to New Jersey at the Municipal and Superior Court levels has well prepared him for this challenging position.

Judge Fuentes' appointment resonates with historical significance. He is the first Hispanic ever to be appointed to this prestigious court. The time has come for the judicial branch to better reflect America's rich diversity, and Judge Fuentes' appointment embraces that diversity and honors our heritage.

I ask my colleagues to join me in honoring Judge Julio Fuentes for his appointment to the Third U.S. Circuit Court of Appeals.

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## EDCNP CELEBRATES 35TH ANNIVERSARY

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to the Economic Development Council of Northeastern Pennsylvania, which recently celebrated its 35th anniversary. I am pleased and proud to have been asked to participate in this event.

In 1964, a small group of private sector leaders gathered to discuss forming a regional economic development entity, which would assist the local chambers of commerce in their work. The original group included members of the banking and business communities, colleges and universities, utilities, and others. These informal discussions led to the formation of the Economic Development Council of Northeastern Pennsylvania, or EDCNP as it is well known today.

The council hired its first executive director, expanded its board, and two years later became a private/public sector partnership with designation as a development district. In 1965, two federal acts for economic assistance were enacted. These legislative proposals, first suggested by John F. Kennedy, were signed into law by Lyndon Johnson. These landmark acts, the Appalachian Regional Development Act and the Public Works and Regional Development Act became the springboard for EDCNP to expand to seven counties under what is known as the substate regional plan.

Mr. Speaker, the EDCNP has provided numerous services to the community over the 35 years of its existence. Under the leadership of current president David Donlin and executive director Howard Grossman, the EDCNP continues to strive to promote economic development throughout our region. During my tenure in Congress, I have had the pleasure of working with the EDCNP on many economic development efforts. Working to highlight the importance of the Tobyhanna Army Depot during the last round of base closures, and getting the Susquehanna River named an American Heritage River are just two of the most recent efforts.

This organization provides many valuable services to Northeastern Pennsylvania, and I am pleased and proud to bring this distinguished organization to the attention of my colleagues. I send my very best wishes for continued success. •

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## PERSONAL EXPLANATION

### HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BECERRA. Mr. Speaker, due to a commitment in my district on Monday, May 15, 2000, I was unable to cast my floor vote on rollcall Nos. 180–182. The votes I missed include rollcall vote 180 on the Motion to Suspend the Rules and Agree to H. Res. 491, naming a room in the House of Representatives wing of the Capitol in honor of G.V. "Sonny" Montgomery; rollcall vote 181 on the Motion to Suspend the Rules and Pass, as Amended H.R. 4251, Congressional Oversight of Nuclear Transfers to North Korea Act; and rollcall 182 on the Motion to Suspend the Rules and Agree to H. Con. Res. 309, Expressing the Sense of the Congress with Regard to in-School Personal Safety Education Programs for Children.

Had I been present for the votes, I would have voted "aye" on rollcall votes 180, 181, and 182.

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## FRANK RAINES' STATEMENT ON PREDATORY LENDING

### HON. CHAKA FATTAH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. FATTAH. Mr. Speaker, I hope that all of the members of this body had the opportunity to hear Frank Raines, Chairman and Chief Executive Officer at Fannie Mae speak at the National Press Club—Newsmakers Luncheon on May 12, 2000. I was very impressed when Frank reported that, "Since 1993, Fannie Mae initiatives have boosted lending to African Americans by 31 percent, and to all minorities by 16 percent. Last year, Fannie Mae alone provided nearly $46 billion in housing finance for over 400,000 minority families."

While more needs to be done, Fannie Mae is headed in the right direction. I plan to place Frank's speech in today's RECORD.

Mr. Speaker, Fannie Mae has also established new anti-predatory lending policies for the loans it purchases from lenders. According to Frank Raines, "Predatory lending violates three basic mortgage consumer rights: the right to access suitable mortgage credit; the right to the lowest cost mortgage for which a consumer can qualify; and, the right to know the true cost of a mortgage." Mr. Raines continues, "We at Fannie Mae have an obligation to define the loans we will not buy, and practices we will not support—practices that can have the effect of encouraging predatory lending. Many of these practices such as steering, equity stripping, excessive fees, and prepayment penalties, take away affordable mortgage opportunities from those borrowers who need it the most."

Mr. Speaker, Fannie Mae's guidelines and the company's recently released Mortgage Consumer's Bill of Rights, which promote consumer advocacy in housing finance, are bold steps forward in the effort to combat predatory lending practices. I applaud Mr. Raines for his leadership.

Mr. Speaker, we need Fannie Mae to do for the so-called sub-prime market what they have done for the conventional mortgage market: establish underwriting standards that would make it harder for predatory lenders to charge consumers 25-point origination fees, pre-payment penalties and the like. Fannie Mae has begun that process by announcing the availability of their Timely Payment Rewards mortgage. This mortgage offers home buyers with slightly impaired credit a lower rate than they could hope to get from a subprime lender—plus the possibility of another percentage point decrease in the interest rate if they maintain an on-time payment history for 24 months. Consumer savings provided by the Timely Payment Rewards Mortgage, savings which could amount to as much as $230 a month on a $100,000 loan, come from the bottom lines of the predatory lenders.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Consumer groups, and many lenders, have welcomed Fannie Mae's new loan for its innovation and appeal, as well as for the expansion of homeownership opportunities it portends. But not all lenders were pleased about this initiative. I'm sure that some of my colleagues have recently been visited by a group calling themselves FM Watch. They are a collection of mortgage insurers, taxpayer-guaranteed large depository institutions and subprime lenders who want to use the legislative process to win from Fannie Mae what they've been unable to win in the marketplace. They are supporting legislation introduced by Representative RICHARD BAKER—H.R. 3703. Fannie Mae and others have dubbed FM Watch, "The Coalition for Higher Mortgage Costs," because their actions produce this result. Two of the trade associations that formed FM Watch, the National Home Equity Mortgage Association and the Consumer Mortgage Coalition, attacked Fannie Mae's announcement as an intrusion into "their market". Both organizations include many lenders who are active in the sub-prime market.

I hope that the lobbying efforts of competitors who are trying to protect their profits won't deter Fannie Mae from pushing forward with its anti-predatory lending principles and with Timely Payment Rewards.

Mr. Speaker, each of us has an obligation to understand this predatory lending issue and to examine the true motives of some of those who lobby us on this matter. We all know that to find out the truth, you have to "follow the money." Mr. Speaker, I urge my colleagues to not listen to "The Coalition for Higher Mortgage Costs" and to oppose H.R. 3703.

### REMARKS PREPARED FOR DELIVERY BY FRANKLIN D. RAINES, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, FANNIE MAE

Thank you for joining us today.

These are "interesting" times for the housing industry, and we wanted to bring you up to date since Jim Johnson gave his farewell address as Chairman of Fannie Mae from this podium in November of 1998. A year and a half may not seem like a long time, but it has been an unusually turbulent period, and much is at stake.

As some of you may recall, Jim titled his speech, "Why Homeownership Matters—Lessons Learned from a Decade in Housing Finance." He painted a very positive picture. He said the American Dream of homeownership was more alive, achievable and inclusive than ever. He said the growth in homeownership is making everything better, from the wealth of average families, to the health of older communities, to the strength of the nation's economy. The housing finance system, he declared, was the most efficient and effective ever devised.

Jim was absolutely right. And things have gotten even better. The national homeownership rate has just topped 67 percent, a new record. Even though mortgage rates have gone up, the housing market remains robust. Housing starts are strong. Home sales are vigorous. Home values are appreciating. Households are growing. Homes are getting larger. Home equity is rising. Default and foreclosure rates are at historic lows.

And the process of buying a home has never been better. Automated underwriting and other advances have made it faster, easier, less frustrating and less costly to finance a home, and reduced the bias in lending decisions. E-commerce and financial deregulation are giving consumers more power and more choices at lower costs. The mortgage industry has been breaking through the old red lines and bringing affordable housing finance to families that used to be overlooked, neglected or rejected.

Behind all of this, the secondary mortgage market—including Fannie Mae—is attracting billions of dollars of private capital from all over the world, providing lenders with a steady flow of funds in all communities at the lowest rates in the market and with zero risk to the government.

With the system we have today, and with the economic winds at our backs,

Yogi Berra warned that, "A guy ought to be very careful in making predictions, especially about the future." But I think we're on pretty solid ground in predicting that the future of homeownership in America is very positive.

But I stand before you at a moment when questions have been raised about the utility of the U.S. secondary mortgage market that is so integral to the system's functioning as a whole. Some of these inquiries are well meaning. But it is no secret that some of the questions are generated by financial competitors that would earn more if Fannie Mae and Freddie Mac were not lowering costs for consumers.

The U.S. housing finance system is strong, but it is not indestructible. Changing it significantly could have real consequences for real families. The burden of proof for anyone that wants to change the system is a simple but stringent test—does it help or hurt home buyers?

Today, let me reinforce why our system works so well and what we are up against.

To illustrate what is so good about our system, let's compare it to the other major industrialized countries. Most of the G–7 countries have a well-developed mortgage system organized around depository institutions. But the mortgages they offer are less consumer-friendly. In America we take the 30-year, fixed-rate mortgage for granted. Last year, 66 percent of the mortgages issued in the U.S. were 30-year, fixed-rate conventional mortgages.

Outside the U.S., the long-term fixed-rate mortgage is a rarity. In Canada, they have rollover mortgages, where the rate is fixed during the first one to five years, with a prepayment penalty equal to three months of interest. The fixed-rate term in Spain is usually one year. In France, 80 percent of all mortgages have variable rates. In Germany, you can get a fixed-rate for five to fifteen years, but you can't refinance during this period without paying a huge penalty.

The low down payment features of U.S. conventional mortgages are also unique. We now take for granted down payments as low as 5 and 3 percent. That's not the case in, say, Germany, France, the United Kingdom or Japan. In Germany, the down payment is typically 30 to 40 percent, and in Japan, you've had to put down effectively 50 to 60 percent.

Why are American conventional mortgages more consumer-friendly? Mainly because we have a secondary mortgage market. In other countries, the banks largely make the loans from their deposits and hold the mortgages as an investment. Our system primarily worked that way until the 1970s and 1980s. Today in America, banks, thrifts, mortgage bankers and credit unions make the loans, but they can depend on the secondary market to supply the long-term funding.

What Congress did in establishing a secondary market in the thirties and privatizing this market in the sixties made this change possible, and it has turned out to be absolutely brilliant. When it chartered Fannie Mae and then Freddie Mac as private companies, it created a system that harnesses private enterprise and private capital to deliver the public benefit of homeownership. And it maximizes this public benefit while minimizing the public risk, without a nickel of public funds.

Let's do a quick risk-benefit analysis, starting with the risk side of the equation.

There is a simple reason fixed-rate mortgages with low down payments are rare outside the U.S. Since they don't have a secondary market to buy the mortgage, the lender has to hold the loan and take on all the risk. That is, the lender has to assume the credit risk—the risk that the borrower could default—and the interest-rate risk—the risk that interest rates will change and cause the lender to pay out more to depositors than he is receiving on loans. So the lender protects himself by requiring the consumer to pay more up front and more each month if interest rates rise.

In America, the secondary market purchases the mortgage, taking most of the credit and interest rate risk on the loan off the lenders' books. But the secondary market run by Fannie Mae and Freddie Mac does not retain all the risk. We share or disperse the risk around the world.

This process is called "risk transformation." Here's how it works. Fannie Mae and our lender partners create mortgages that consumers want, like our 3 percent down Fannie 97. And we finance them with capital we raise by creating debt instruments that investors want, like our Benchmark securities. We share the credit risk on the Fannie 97 with mortgage insurance companies, and we hedge the interest rate risk by selling callable debt securities to Wall Street. We also work with Wall Street to develop even more refined strategies for hedging our interest-rate risk and credit risk. Last year, we spent about half of our gross revenues paying others to assume risk we didn't want.

Managing risk, in fact, is all we do. We manage risk on one asset—U.S. home mortgages—perhaps the safest asset in the world. All told, 96 percent of all mortgages in America are paid in a timely fashion, which goes to show just how much Americans cherish homeownership. And to help us analyze our risk precisely, we have amassed performance data on 29 million loans dating back over 20 years.

All of this helps to explain why our credit loss rate during the nineties averaged only 5 basis points—five cents on every hundred dollars—even during the recessions in California and New England. Just to compare, the bank credit loss rate on their more diverse set of assets was an average of 86 basis points, or 86 cents on every hundred dollars. Today, our loss rate is lower than ever, at just 1 basis point last year.

A strong secondary market makes the entire financial system safer and more stable. The government holds Fannie Mae and Freddie Mac to the highest financial safety and soundness standards in the financial services industry. We have to hold enough capital to survive a stress test—essentially, ten years of devastating mortgage defaults and extreme interest rate movements. Other financial institutions would not last long under the scenario spelled out in our capital requirements. Thrifts, for example, would become insolvent after five to seven years. At the end of the ten years, Fannie Mae and

Freddie Mac would be the only major holder of mortgage assets still standing. A strong secondary market puts mortgages in the safest hands.

Now let's look at the public benefit.

First, the secondary market means consumers never have to hear their lender say, "sorry—we're out of money to lend." People think this can't happen, that it's something out of the Depression era. But without Fannie Mae and Freddie Mac, this could have happened at least twice in the last 20 years. When the S&L system crashed during the eighties, the thrifts in California and Texas would have had no money to lend if we had not stepped in to back their loans. Then, in 1998 when a credit crisis shook the capital markets, conventional mortgage rates would have jumped as jumbo rates did if Fannie Mae and Freddie Mac hadn't been able to raise billions of dolars in capital, and keep it flowing to lenders. Home buyers never felt the credit crunch. In both cases, hundreds of thousands of families would have been denied a mortgage.

The secondary market also drives down mortgage costs. Last week, a mortgage backed by Fannie Mae would be $19,000 cheaper, over the term, than a jumbo mortgage that's just a dollar beyond our loan limit. Our savings over the jumbo market jumped beyond $26,000 during the credit crisis of 1998. Today, a Fannie Mae loan is about $200,000 cheaper than a subprime mortgage, and even about $18,000 cheaper than an equivalent FHA or VA loan backed by the government. During the nineties, Fannie Mae alone saved consumers at least $20 billion through lower mortgage rates.

The secondary market also expands homeownership. Under the 1992 revisions to our charter, Congress requires Fannie Mae and Freddie Mac to meet affordable housing goals, to devote a set percentage of our business to underserved families and communities. As many of you know, Fannie Mae has gone well beyond these requirements. In 1994, Jim Johnson pledged that we would provide $1 trillion in housing finance to ten million underserved families by the end of 2000. We met that goal a month ago—eight months ahead of schedule—and immediately set an even greater goal to provide $2 trillion in financing to 18 million families during this decade. We call this new pledge the American Dream Commitment.

Since 1993, these initiatives have boosted our lending to African Americans by 31 percent, and to all minorities by 16 percent. Last year, Fannie Mae alone provided nearly $46 billion in housing finance for over 400,000 minority families. That's what having a strong secondary market can do.

The success of our housing finance system is not lost on the other major industrialized countries. I just returned on Tuesday from meetings in London and Frankfurt with our debt investors—the people who buy our Benchmark securities that allow us to finance mortgages here. One of the many ironies of being Chairman of Fannie Mae is that there are countries in which investors will help finance American homeownership while their own homeownership rate is lower.

Naturally, many countries are curious about our system. Fannie Mae has responded to many requests to serve as advisors overseas, not because we will ever buy loans abroad, but because of our expertise in the unique U.S. secondary market, a market that is viewed in other countries as some kind of miracle.

So over the past few years, a team from Fannie Mae has been invited to 29 different countries from Europe, to Africa, to Latin America, to Asia to help them figure out how to build a better system like ours. These countries have asked us how to deepen their capital markets, manage risk better and expand affordable lending and fair lending. We just had a team in South Africa to help a start-up secondary market conduit develop mortgage risk modeling, which they want to use to fight redlining.

What you see in America is a dynamic web of entities—both public and private sector—delivering homeownership to citizens of all backgrounds, incomes and circumstances. We have small, medium and large mortgage originators and lenders, serving consumers from store fronts to web sites. We have home builders, Realtors, mortgage brokers, mortgage insurers and appraisers and mortgage.coms. We have consumer advocates, citizen activists and nonprofit housing organizations. The system receives wide support from local, county, state and federal agencies and elected leaders, public policies and public benefits. And behind all of it, we have a vibrant secondary market drawing capital from all over the world to finance this homebuilding, lending and purchasing.

The interaction of these entities is constantly driving the housing system to improve itself, to reward low cost and high quality, to police the bad actors and chuck out the bad apples, to search for new markets and untapped home buyers, and break down the barriers. Looking back over my years in the industry gives me confidence that the U.S. housing system, with a little nudging here and there, will continue to do the right thing for consumers. Good money will drive out the bad. A better mousetrap is always in development. Underserved families will be served. Our system is constantly evolving and innovating to make owning a home more possible for more people.

Given how great our system is, it makes you wonder: Why are some voices suggesting there is something wrong with our housing finance system, something fundamental that needs to be fixed?

Certainly, the system benefits from constructive scrutiny. It is entirely appropriate for the Congress to hold oversight hearings on the safety and soundness of the secondary mortgage market. I look forward to testifying before Mr. Baker's subcommittee next week. It is also appropriate for our regulators—HUD and OFHEO—to monitor us closely. And it is appropriate for other agencies to ask questions within their purview as well. We welcome official scrutiny.

But something less constructive is also going on here in Washington. Recently, a senior Senator asked me why Fannie Mae was suddenly in the news so much. I explained to him that some very large financial institutions have decided they are not content with the way the system works for them. They see how Fannie Mae and Freddie Mac drive down mortgage costs for consumers and serve all mortgage lenders. They see how we give small- and medium-sized mortgage lenders a chance to compete with the large institutions. So this small group of large institutions would like to eliminate the benefits that Fannie Mae and Freddie Mac provide, from low-cost financing to automated underwriting systems.

They have brought the fight to Washington under the name FM Watch. They began by defining themselves as a watchdog group, and their rhetoric was mild. But over the course of the past year, they have been unable to gain any traction. They have been unable to answer the question of how the consumer would benefit from any of their proposals regarding Fannie Mae and Freddie Mac. And or nickname for this group, the "Coalition for Higher Mortgage Costs," has stuck like a tattoo.

So this group has switched from watchdog to attack dog. Its strategy is now to create an instant crisis, to convince policymakers that Fannie Mae and Freddie Mac are a financial risk to the taxpayer, an S&L crisis waiting to happen. This is the equivalent of the owner of one movie theater going to a rival theater and shouting "fire!" A mortgage insurance industry that nearly collapsed in the 1980s and a banking industry that collapsed in the early 1990s now seek to tag the secondary mortgage industry with the word "risky."

By trying to create a crisis, FM Watch has gone beyond a watchdog role into an approach which, carried to its logical conclusion, would actually harm the housing finance system, all in an effort to create short-term advantages for its members.

Never mind that its claims collapse under scrutiny. Fannie Mae and Freddie Mac are far from the S&L problems and banking problems that bankrupted their deposit insurance funds and required federal direct and indirect bailouts.

Our safety and soundness allowed us to be the "white hats" in the S&L and banking crises as we rode in with additional capital to keep the housing system going. The risk-based capital standard that Congress gave us since the S&L and banking crises has made us even more safe and sound. What FM Watch does not mention is that if the economic stress test in our capital standard ever came to pass, the government would have to bail out their members long before Fannie Mae was in any danger.

But you can learn a lot from debating with an entity like FM Watch. They use so many facts that you just can't find anywhere else. It reminds me of a story Adlai Stevenson once told. He reminded his audience of the old lawyer addressing the jury, who closed his summation by saying: "And these, ladies and gentlemen, are the conclusions on which I base my facts." FM Watch is looking for any conclusion that will help to damage Fannie Mae and Freddie Mac. The facts will be altered to fit.

If this Coalition for Higher Mortgage Costs were successful, it would destabilize the secondary mortgage market and the related capital markets. This destabilization would undermine the entire housing industry and its progress, raise costs for consumers and stifle the advance of homeownership—harming underserved families first. Because such an outcome is unacceptable, I don't think this will happen. The American people and their elected representatives are smart. They will soon recognize another lobbyist-driven Potemkin-crisis public relations campaign for what it is. Then they and the capital markets will stop listening.

Certainly our housing system is not perfect. Minority homeownership rates are too low. There is still inequality in affordable mortgage credit. Too many families that can afford the least are being charged the most for mortgage credit. Too many borrowers are being targeted by predatory lenders or steered to subprime lending when they could, in fact, qualify for low-cost conventional financing.

One issue deserving of further study is the question of why disparities in loan approvals between white and minority borrowers continue to persist. Many have suspected overt racial discrimination. But those disparities can be found even in automated underwriting systems using racially neutral underwriting criteria.

We take this issue very seriously because in our experience, automated underwriting has in fact expanded lending to minority families. To try to understand the problem better, we have studied results from our system, Desktop Underwriter. We found that differences in credit histories account for about 50 percent of the difference in loan approvals. And when you also factor in the applicant's loan-to-value ratio and reserves, these three factors together account for over 90 percent of the difference in the approval ratings. The results of this study point to the need for public policies addressing consumer credit education and minority savings and wealth development.

The housing finance system needs more answers to questions such as this. To further explore these issues, next month Fannie Mae is hosting a conference titled "The Role of Automated Underwriting in Expanding Minority Homeownership." We're bringing together a range of advocates, academics, regulators and lenders to engage in a meaningful dialogue concerning automated underwriting systems and their role in expanding homeownership and promoting fair lending. I am personally committed to working every day to make sure that these systems are the best they can possibly be.

All in all, the housing finance system—through inspiration, perspiration and a little luck—has grown into the most successful system in the world. It is worth protecting and defending. We must never allow the system to be damaged by those who would place their narrow financial interests ahead of those of the industry as a whole and—most importantly—ahead of the consumers we serve.

This being a national election year, it is a good time to discuss and debate our national priorities, and certainly homeownership is high among them. Few ideals unite us more than owning a home to raise your family, invest your income, become part of a community and have something to show for it. There are many ways to go about improving the housing finance system to make it better, more affordable and more inclusive. As we pursue these efforts, we need to keep our eyes on the prize and ask the most important question, "does this proposal help or hurt home buyers?"

Thank you.

## CONSERVATION AND REINVESTMENT ACT OF 1999

SPEECH OF

### HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes:

Mr. HOYER Mr. Chairman, I regrettably oppose H.R. 701. I say regrettably, Mr. Chairman, because there is much in this measure that I strongly support. The Land and Water Conservation Fund, Wildlife Conservation, Urban Parks, Historic Preservation, and Conservation Easements are objectives that I have supported throughout my career.

Unfortunately, H.R. 701 funds these measures by making approximately $2.8 billion in discretionary spending mandatory spending. As mandatory spending it is not subject to the annual appropriations process. I know that for some this is a positive thing but as a member of the Appropriations Committee, I simply cannot support this.

In the past I have opposed similar efforts to make highway and aviation spending mandatory. Not necessarily because I opposed the objective, but because I disagreed with the precedent.

My friends, since coming to Congress I have seen discretionary spending squeezed harder and harder every year as the mandatory spending components of the budget have grown. Thirty years ago discretionary spending accounted for 61.5% of the budget with the remaining 38.5% reserved for mandatory spending. By 1980 discretionary spending had declined to 46.7% of the budget. By 1990 this figure fell even further to 39.9% and this year the estimate is that discretionary spending will account for only 34.5% of the budget.

The remaining 65% percent of the budget next year will be consumed by mandatory spending and interest on the national debt. And, we are here today taking about moving another $2.8 billion from discretionary spending over to the mandatory side.

If we pass this bill, we are going to squeeze Head Start, student loans, cancer research, law enforcement, defense and every other discretionary spending priority you can think of even further.

As I said at the beginning, I support the items contained in this legislation. What I cannot support is putting land acquisition and historic preservation ahead of defense, cancer research, and education. Governing is about making choices—sometimes difficult ones. This legislation is another step toward putting as county's spending decisions on autopilot. I urge all my colleagues to reject it.

## A POEM

### HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. COOKSEY. Mr. Speaker, attached is a poem by Jean McGivney Boese, Poet Laureate of Louisiana, which I would like to submit and share with my colleagues.

MILLENNIUM 2000

Our time is measured from the day that Jesus came to earth.
The thoughts we think are framed by his extraordinary birth.
He taught us how to live our lives, He taught us what is true.
If we have failed, it is because of what we failed to do.
It soon will be 2000 years since Jesus lived as Man.
As we reach this Millennium we look back on a span
Of awesome things and awful things that filled the Centuries,
And thank God that the brave and good outnumber cruelties.
For those who think there is no God, the future is a void.
Their lives are aimless as a fleeting, pointless asteroid.
We have a way to follow, and the free will to decide.
This new Millennium can be where joy and peace abide.

## LANDRUM ELEMENTARY SCHOOL

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a school in San Benito, Texas, that is beating the odds in today's public education system. At a time when our resources are terribly over-burdened, for the second year in a row Landrum Elementary School has been chosen as a winner of the "Set A Good Example" competition, sponsored by the Concerned Businessmen of America.

These awards, launched in 1982, recognize schools which have a student-oriented program to influence their peers in a positive way by promoting simple human moral values such as honesty, trustworthiness, responsibility, competence and fairness. The Concerned Businessmen of America is a not-for-profit charitable educational organization which incorporates successful business strategies to combat social ills and problems that face young people.

At a time when parents and community leaders are watching our young people with new eyes, wondering what is going on inside their minds and what motivates them, this recognition is concrete proof that the community surrounding Landrum Elementary School—educators, counselors, parents, business people, and most importantly, students themselves—is working together to ward off the problems that have plagued other schools and other young people. The winning ingredient here is the active involvement of the students; the best messenger for young people is other young people.

We have enormous challenges before us in education, and with regard to public policy in our public schools. There will never be one single answer to preparing young people to withstand the complex social issues that our children encounter each day. But the best way to prepare our children to deal with the society in which we live is to teach them, from very early on, simple moral guidelines to apply to their lives. The "Set a Good Example" program follows up as encouragement and reinforcement to these lessons.

I ask my colleagues to join me in commending Landrum Elementary School for their efforts to be part of a solution, which is the first step toward solving the problem. I thank the young people there for leading the way to better grades and healthier attitudes.

## HONORING THE HONORABLE LINDEN FORBES SAMPSON BURNHAM

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I rise to honor the memory and celebrate the achievements of the Honorable Linden Forbes Sampson Burnham, the former President of Guyana, and one of the most charismatic political personalities in the Caribbean region and in the Third World community. The Hon. Linden Forbes Sampson Burnham, like his contemporary and compatriot, Cheddie Jagan, enjoyed a political career that was unique and unparalleled.

Linden Forbes Sampson Burnham was born on February 20, 1923, in the village of Kitty, in the County of Demerara, in the nation of Guyana. He was the son of James Burnham, a Headmaster and Rachael Sampson, a housewife. From his parents, he inherited a profound love of learning and an intimate knowledge of the Bible.

Forbes Burnham was educated at Queens College in Guyana, London University and Gray's Inn in London, England. Upon his return from London, he embarked upon a political career that was nothing short of remarkable. He was a co-founder of the People's Progressive Party and was appointed Minister of Education in the first democratically elected government in Guyana. After the split with the People's Progressive Party, he founded the People's National Congress and became Leader of the Opposition in 1957. In 1966, he became Prime Minister of an independent Guyana and, in 1980, became the first President of the Republic of Guyana.

From his early years, Forbes Burnham had exhibited signs of academic brilliance. His keen intellect, sharp wit, photographic memory and awesome gift of public speaking, made Forbes Burnham a formidable political figure in Guyana, in the Caribbean and in the Third World. Forbes Burnham was in many respects a larger than life figure—a voracious reader of books, a passionate lover of the arts, a connoisseur of fine food, exotic wines and expensive cigars. He was in many respects the Caribbean Renaissance Man.

However, Forbes Burnham was more than a Renaissance Man. He was a Guyanese nationalist committed to the political and economic empowerment of his nation. He remained a dedicated advocate for the working class and remained President of the Guyan Labor Union for most of his career. He was a passionate supporter of Caribbean integration and Third World empowerment. Linden Forbes Sampson Burnham remains one of the most remarkable political personalities in the history of the Caribbean.

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## HONORING DR. JOE SAMUEL RATLIFF FOR HIS 30TH YEAR IN THE MINISTRY

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is an honor for me to rise before you today to recognize the achievements of Dr. Joe Samuel Ratliff, of Brentwood Baptist Church. Tomorrow, on Wednesday, May 17, 2000, the congregation of Brentwood Baptist Church will honor Pastor Ratliff for the many contributions he has made over the last 30 years in the name of the Lord.

Dr. Joe Samuel Ratliff, a native of Lumberton, North Carolina, received his Bachelor of Arts in History, from Morehouse College, Atlanta, Georgia. He received both the Doctorate of Ministry and Doctorate of Divinity degrees from the Interdenominational Theological Center in Atlanta, Georgia. He has done post-doctoral work at Harvard University, Cambridge, Massachusetts.

It is difficult to imagine what the Houston community would be like today had Dr. Ratliff not been called to become Pastor of Brentwood in 1980. We have been truly blessed to have a man with his sense of dedication and selflessness among us. In 1993, Dr. Ratliff coauthored the book, Church Planting in the African-American Community (Broadman Press). He was named the first African-American Moderator of the Union Baptist Association . . . the nation's largest urban Southern Baptist body, consisting of 250,000 members in 1994. In March of 1997, his portrait was hung in the Hall of Fame in the Martin Luther King, Jr. International Chapel on the Morehouse College Campus. Under Pastor Ratliff's leadership, the Brentwood family has grown to 10,000 strong over the last 30 years.

Pastor Ratliff's time with the ministry has allowed him to develop a strong support network that extends outside the church. Dr. Ratliff currently serves as Chairman of the Board of Trustees of the Morehouse School of Religion and Vice Chairman of the Board of Trustees of the Interdenominational Theological Center. Dr. Ratliff is a life member of Alpha Phi Alpha Fraternity, Inc. He is married to Mrs. Doris Gardner Ratliff.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 106th Congress to join me in saluting Pastor Joe Samuel Ratliff. Self-evident is his lifelong journey to enhancing the dignity and nurturing the spirits of all people. I am grateful that there are people like that who serve as examples of what we all should strive to be.

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## REGARDING THE PRESIDENTIAL INAUGURATION IN TAIWAN

### HON. JOE SCARBOROUGH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. SCARBOROUGH. Mr. Speaker, this coming Saturday, Taiwan will inaugurate a new democratically elected president and vice president. Mr. Chen Shuibian and his partner, Ms. Annette Lu, were elected president and vice president of Taiwan on March 18, 2000. Their historic victory marked only the second time that a direct presidential election was held on Chinese soil, and the first time in China's modern history that the opposition party candidates won. Together, Chen and Lu will relieve the ruling Nationalist party of its executive power.

This stunning victory directly resulted from Taiwan's unwavering progress toward democratization during the past fifteen years. Today, Taiwan validates itself as a mature, successful democracy. We should be proud of its political transformation, and wish Taiwan well in its future.

Mr. Speaker, it is my pleasure to send Chen and Lu our congratulations, and would like to reaffirm the United States' pledge of support for the democratic ideals bravely achieved by the Taiwanese people.

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## INTRODUCTION OF THE INTERNET TAX SIMPLIFICATION ACT OF 2000

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. CONYERS. Mr. Speaker, I am pleased to join with Chairman HYDE, Administrative and Commercial Law Subcommittee Chairman GEKAS and Ranking Member NADLER in introducing the "Internet Tax Simplification Act of 2000." We are introducing this legislation at the request of a group of Advisory Commission on Commerce Members led by Utah Governor Micahel Leavitt. Several weeks ago we introduced H.R. 4267 at the request of a group of Advisory Commissioners led by Virginia Governor James Gilmore.

This bill would amend the Internet Tax Freedom Act to extend by five years the moratorium on State and local taxes on Internet access and extend for two years the moratorium on multiple and discriminatory taxes on electronic commerce. It encourages the States to work cooperatively with the National Conference of Commissioners on Uniform State Laws to develop a simplified and uniform sales and use tax. The legislation also authorizes an interstate sales and use tax compact providing for a uniform sales and use tax system, authorizes the States to simplify their use tax rates, and authorizes those States which enter into the compact to collect use taxes on remote sales. Finally, the bill encourages States to work cooperatively with the telecommunications industry and other relevant groups to reduce the complexity of complying with State and local telecommunications taxes.

We will be holding hearings on this bill and H.R. 4460 tomorrow, and it is my hope and expectation that we can quickly move to markup and legislative action. There are few economic issues before our committee which are more important than simplifying the sales tax and failure to act on this issue will harm all interested parties—retailers (both electronic and otherwise), State and local governments and consumers.

The problems with the present system are several fold. First, the complexity of the system is daunting. There are presently over 6,500 taxing jurisdictions in the United States, when all State, county and municipal authorities are included. Needless to say, any retailer with a physical nexus to a State (and therefore subject to state tax jurisdiction under the 1992 Quill decision) is subject to a myriad of confusing and complex State and Local taxes.

Second, the current disparate tax treatment as between traditional "bricks and mortar" retailers (which are subject to state tax) and remote sellers (which are not) has the potential to cause continuing economic distortion. As the New York Times editorial board has written, "[a]n elementary principle of taxation says that taxes should distort purchasing decisions as little as possible. It is not the role of a tax code to determine whether customers shop in stores, online, or by mail order.

With regard to the impact on State and local governments, maintenance of the current system carries with it the potential for significant financial loss. Sales taxes constitute the most important State and local revenue source, far greater than income and property taxes, with the Census Bureau estimating the 47.9% of State and local revenues come from sales taxes. With projections of online sales estimated to exceed $300 billion annually by 2002, State and local governments could lose as much as $20 billion in uncollected sales taxes under the present system.

Finally, the present system could significantly harm individual consumers. This could obviously be the case if individuals faced increasing income and property taxes or declining services as a result of the loss of sales taxes from remote sales. A separate concern is the adverse impact of the present bifurcated system on poor and minorities. According to a recent Commerce Department study, wealthy individuals are 20 times more likely to have Internet access, and Hispanics and African Americans are far less likely to have such access. This means that poor and minorities who only buy locally face a greater sales tax burden than their counterparts. Maintaining the present system will only serve to perpetuate that disparity.

Time is of the essence, and I look forward to the Judiciary Committee and the full House taking up this important issue.

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## INTERNET NONDISCRIMINATION ACT OF 2000

SPEECH OF

## HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 10, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 3709) to make permanent the moratorium enacted by the Internet Tax Freedom Act as it applied to new, multiple, and discriminatory taxes on the Internet:

Ms. EDDIE BERNICE JOHNSON. Mr. Chairman, as the Internet flourished during its infant stages and development, the importance of access and accessibility is key to America. It is my belief that the Internet should not be encumbered with burdensome taxation. However, sales through the Internet without paying taxes gets into another area, an area that could seriously effect the economy of states such as Texas. The Internet, a technology where America is the unquestioned world leader, should be allowed to develop and flourish without every state and locality burdening such commerce with taxation during its growth process.

The purpose of H.R. 3709, sponsored by my colleague, Representative COX, will extend for an additional five years the current three-year moratorium on the imposition of state and local sales taxes on Internet access, as well as any multiple or discriminatory taxes imposed on the Internet. With this legislation, Members of Congress are attempting to find a fair solution for traditional business and state and local authorities, while not stifling the growth of e-commerce. Though H.R. 3709 may be attractive, the extended five-year period may be too long. I find the amendment proposed by my colleague, Representative DELAHUNT, more appealing. His amendment will provide only a two-year extension of the moratorium on state and local taxes on the Internet. This two-year period will hopefully give us time to come up with a feasible and fair solution to this troublesome problem for states that fund themselves through sales tax.

Let me end by acknowledging the work that each of you have and continue to do in order to ensure America's leadership position in the technological world. As Members of Congress and leaders, we must realize that ill-considered and disruptive new taxes could literally kill the initial growth stage of our most dynamic and innovative segment of our economy—the Internet. However, now is the opportune time to examine the relationship between taxes and the Internet. We must find ways that will allow the Internet to play its role as a valuable asset, while funding programs that will be beneficial for individual states, such as Texas, who rely on sales tax for the construction of its transportation systems and the education of our children.

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## A TRIBUTE TO PHYLLIS FULGINITI

## HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. ANDREWS. Mr. Speaker, "A teacher affects eternity. He can never tell where his influence stops."—Henry Adams.

Henry Adams may have been talking about a teacher like Phyllis Fulginiti. Phyllis Fulginiti has spent her life as a teacher, touching and molding students for nearly 40 years. She began as a high school graduate, when she began as a teacher in Catholic Schools as part of a special program designed to encourage young people to consider teaching as a career. Well, in at least this one instance, the program worked. After teaching in the Catholic schools for five years, Phyllis joined the Marlton School District and taught at Marlton Middle School for 33 years. She taught history, government and social studies to thousands of students between the second and the eighth grade. Along the way, she put her theories into practice by earning both a Bachelor of Arts degree and a Master of Arts degree at St. Joseph University. She did all of this while raising a daughter, Susan, and maintaining a 27 year marriage to her husband, Richard Fulginiti. Although she is about to commence a new phase of her life as a retired teacher, I would like to commend her for the work that she has done as a teacher. As I am certain that many of her students would agree, she has touched eternity, and our community, our state, and our nation, are better off because of her contribution.

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## GEORGE RUIZ OF CORPUS CHRISTI

## HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. ORTIZ. Mr. Speaker, I pay tribute to an extraordinary patriot and citizen of South Texas, George Ruiz of Corpus Christi, whose support and promotion of the U.S. Armed Forces is unconventional, and which is a wonderful recruiting tool unto itself.

Since 1992, after the Persian Gulf War, George Ruiz began gathering up area young people to attend an exhibition he conceived, "Dare to Dream." This exhibition includes flyovers, several Air Force planes, and booths from local law enforcement, NASA and the U.S. Border Patrol. George, a bus driver for the Calallen school district in the Corpus Christi area, does this each year out of the sheer passion he has for the military.

George knows, as I do, that if young people are introduced to an organization which demands discipline, they are far more likely to succeed in life . . . to stay in school, to stay clear of gangs, and to remain drug-free. He also knows talking alone will not get it done. The driving force behind George's philosophy is that our only limit is our imagination.

The most important thing he does is inspire young people to dream. He uses the mystery and majesty of aircraft to invoke their dreams. He uses the time he has with young people on his bus to talk about the importance of staying in school, and the possibility of the military as a career.

It is not quite enough for George to only inspire young people through an air show exhibition; this guy lives it. He plasters recruiting posters inside his bus, he volunteers weekly at Driscoll Children's Hospital, arranges visits by military personnel to area schools, and takes youngsters to area bases to see first-hand the military facilities.

Just last year, the United States Air Force showed its formal appreciation to George in the form of an award, the Air Forces Recruiting Service's most prestigious and highest form of recognition, the American Spirit Award.

While the military has always been a part of his life, surprisingly enough, George has never served in uniform. His life-long interest in the military began when he was six while his father was stationed at Naval Air Station Kingsville. George's message to young people is clear: dream what you will, then work hard to see it happen, as part of the Armed Services of the United States if possible.

Mr. Speaker, I ask my colleagues to join me in commending the best non-military recruiter in South Texas, a rare and decent patriot, George Ruiz.

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## HONORING THE HON. CHEDDIE B. JAGAN

### HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. TOWNS. Mr. Speaker, on this the 34th anniversary of the independence of Guyana, I rise to honor the memory and celebrate the achievements of the Hon. Cheddie B. Jagan, the former President of Guyana, and one of the most committed and dedicated political leaders in the Caribbean region and in the Third World community. Dr. Cheddie Jagan, like his contemporary and compatriot, Forbes Burnham, enjoyed a political career that can only be described as unique and unprecedented.

Cheddie B. Jagan was born on March 22, 1918, in the village of Port Mourant, in the County of Berbice, in the nation of Guyana. He was the son of Jagan and Bachoni, indentured plantation workers who had migrated from the state of Uttar Predesh in India. Dr. Jagan was to retain a profound commitment to the concerns of the rural sugar workers throughout his career.

Dr. Jagan was educated at Howard University and Northwestern University in the United States and returned to Guyana in 1946 to begin a remarkable political odyssey. In 1950, he founded the People's Progressive Party and, in April 1953, he headed the first democratically elected government in Guyana's history. In 1957, and again in 1961, he became Chief Minister of the Government. In 1964, he became a leader of the Parliamentary Opposition, and in October 1992, he was elected President of Guyana. On March 6, 1997, this monumental political figure passed away at the Walter Reed hospital in Washington, D.C.

Dr. Cheddie Jagan lived in a period of profound repression during the Cold War. Regrettably, the government of the United States played a significant role in destabilizing the government of Cheddie Jagan. In 1953, it persuaded the British Government to suspend the constitution; in 1955, it helped to split the national movement; and, in 1962, it helped to provoke civil disturbances. This tribute is a small attempt to atone for this gross miscarriage of justice.

Through all these political vicissitudes, Dr. Jagan maintained a constant and unwavering commitment to the cause of the Guyana working class, to the concept of working class unity and to the principles of constitutional democracy. In spite of overwhelming odds, Cheddie Jagan, like Dr. Martin Luther King, Jr., ultimately believed that "truth pressed to earth will rise again" and that "the arm of the moral universe is long, but it bends towards justice."

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## IN LOVING MEMORY OF ADOLFO RIBERA

### HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BACA. Mr. Speaker, it is with much sadness that I inform my colleagues of the passing of a great individual, a person who graced our world and our lives with so much love and compassion and family value.

Adolfo Ribera, the husband, father, grandfather, great grandfather, passed away on May 12, 2000 in Barstow, California. He was 76 years of age. Born in Walfenburg, Colorado and raised in Ribera, New Mexico and husband of Aurelia Ribera.

He was a member of the St. Joseph's Catholic Church, a WWII Veteran in the Philippines, worked for the Santa Fe Railroad for thirty one years and a former member of the Sheet Metal Workers Union. He was an avid baseball player and known as an outstanding softball fast-pitch player. He and I were teammates and the teams we played on won many league championships. We played for the City's Softball Fast Pitch League in Barstow, California.

Adolfo lived a full and a very fulfilling life, a life graced by his wife, whom they were blessed with eight children; Ralph, Veronica, Elizabeth, Adolfo, Frances (deceased), William, Tina; and also blessed with twenty-two grand children, nine great grand children. These children brought tremendous joy and inspiration into his life.

He is survived by one brother: Eddie, and his brothers who are now deceased are: Hilario, Trinidad, Joe. Survived by four sisters: Mary, Eloisa (daughter is Barbara married to Congressman JOE BACA), Piedad, Theresa and Frances who is now deceased.

Adolfo was and remains so much a tremendous person in our thoughts and in our memories. We appreciate so much and will long remember the many good and positive things he brought to his family and lives that he touched.

I join with Adolfo's friends and family members in honoring such a truly remarkable and outstanding person, a husband, father, grand father, great grandfather and to all those who loved him.

He was a strong person, the backbone to his family. He possessed honesty, strength, leadership and courage. He was considered a true friend in every sense of the word.

I join with all of those who loved Adolfo Ribera in extending our prayers to the family and hope that they find peace and comfort during this time of sorrow.

A Rosary will be cited at St. Joseph's Catholic Church, May 15, 2000, 7:00 p.m., 505 E. Mt. View, Barstow, California. The funeral will be at 9:00 a.m. also at the church.

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## TRIBUTE TO JAMES DALE WEST

### HON. JULIAN C. DIXON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. DIXON. Mr. Speaker, I am pleased to pay tribute today to Los Angeles educator James Dale West for his more than four decades of service as a teacher in the Los Angeles Unified School District. On Sunday, June 4, 2000, the Stovall Educational Uplift Foundation will honor Mr. West for his many years of dedicated service to the school children of Los Angeles. In recognition of his exemplary career, I am pleased to have this opportunity to publicly acknowledge his contributions to the school district, as well as to the Los Angeles community.

A native of Oklahoma, James Dale West graduated from Booker T. Washington High School, and attended Langston University, located in Langston, Oklahoma. He served in the United States military and after his tour of duty, entered California State Polytechnic University, where he met the woman who would become his wife, Ole Maye Daniel. The couple married in 1950, and James went on to earn two post-graduate degrees.

James Dale West began his career as an educator at Jackson High School in 1953. He remained at Jackson for fifteen years, before moving to Crenshaw High School and Manual Arts Adult School, where he still teaches today. In addition, he serves as the field representative for the Regional Occupational Program/Business Industrial School, which provides training for students at the job site. He also is president of the Association Career Education Center of Los Angeles.

Mr. West is a member of the Crenshaw United Methodist Church and is a chorister with the Crenshaw Sanctuary Choir; the Saint Mark United Methodist Sanctuary Choir; the United Methodist Men's Choir, and the Ecumenical Men's Chorus. He is also an avid traveler who has traveled to each of the fifty states, and visited forty country.

James and his lovey wife, Ole Maye, are the proud parents of three daughters: Dr. Gay West Brown, Attorney Joy West, and Joil West. The couple also are blessed with four grandchildren.

Mr. Speaker, I am pleased to acknowledge the contributions of Los Angeles public school educator James Dale West. I ask that you join me in extending best wishes to him as he continues to impart his vast knowledge to the school children of Los Angeles.

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## MS. SANDRA McGARY, PRINCIPAL, HARMONY LELAND ELEMENTARY SCHOOL

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BARR of Georgia. Mr. Speaker, I recognize Ms. Sandra McGary, principal of Harmony Leland Elementary School in Mableton, Georgia.

"Ms. McBeautiful," as she is affectionately known, challenged her students to read 10,000 books. She promised to play a fiddle and sing from the roof of the school if the students could rise to the challenge. The students reciprocated by reading not just 10,000 books, but well over 19,500 books! Ms. McGary, much to the amusement of the students and faculty, fulfilled her end of the bargain, by putting on a wedding gown and playing her violin from the roof of the school.

Since her arrival at Harmony Leland, the school has seen a "[. . .] resurgence of energy, enthusiasm, and community involvement [. . .]" She is an active member of the community, serving as an Ambassador to the 1996 Atlanta Olympics. She also designed the Academics Before Athletics program at North Cobb High School. Under her leadership, the school has been the first school in the nation to be named a Leonard Bernstein School of the Arts. Every student is given a violin as well as first rate instruction.

Ms. McGary has made education and community involvement her life's endeavor. I join the Mableton community in congratulating her for her efforts and wishing her well for many years to come.

## IN RECOGNITION OF PROVIDER APPRECIATION DAY

### HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. FRANKS of New Jersey. Mr. Speaker, today I honor child care providers across the nation on Provider Appreciation Day.

Provider Appreciation Day, which is celebrated on the Friday before Mother's Day, was spearheaded by a group of volunteers in New Jersey in 1966 who saw the need for a day to appreciate and recognize child care providers.

The contribution that child care providers make to the quality of family life in this country is immeasurable. With the changing nature of the workforce, more mothers are working than ever before. Often times, this means that more children must be placed in child care. According to recent surveys, there are approximately 13 million children in the United States under the age of six in child care at least part time. An additional 24 million school age children are in some form of child care outside of school time.

Early childhood is the most critical time of development and may have the most impact on the shape of a child's future. Child care providers largely influence these important years with their compassion, patience, encouragement, and love for young children.

Whether they work in a child care center, nursery school, family-daycare, or before-school and after-school program, it takes a special person to choose the field of child care. Provider Appreciation Day offers a unique opportunity to recognize and commend the dedication, understanding, kindness, and good example that child care providers exemplify everyday.

I would like to take this opportunity to thank Suzanne Williamson, Chairwoman of Provider Appreciation Day, for her hard work in establishing a national day of recognition for child car providers. Ms. Williamson is also the Director for Monday Morning Child Care, Inc., a network of child car providers located in Union County, New Jersey. I would also like to express my gratitude to Nelida "Nellie" Melendez-Carroll who cares for my two and a half year old daughter, Kelly.

Please join me in thanking child care providers nationwide for their hard work and self-sacrifice in committing their lives to this nation's most precious investment . . . our children.

## TRIBUTE IN HONOR OF THEODORE ROETHKE

### HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. BARCIA. Mr. Speaker, today I honor the memory of a great poet, Michigan's only Pulitzer Prize winner, and a truly great American. Though he passed away more than 35 years ago, the spirit of Theodore Roethke lives on through his poetry and leaves an impressive legacy as a prominent figure in the rich history of American literature.

To keep his memory alive, the "Friends of Theodore Roethke" was created in Saginaw to promote, preserve, and protect his legacy. By restoring his family residence and organizing a wide range of cultural and educational events, the organization does a tremendous job of honoring Theodore Roethke's memory and continuing his legacy of teaching and sharing in literary pleasures.

Theodore Roethke was born in Saginaw, Michigan in 1908 to German immigrants Otto Roethke and Helen Huebner. Otto Roethke took over the family florist business when his father passed away, and Theodore spent much of his time as a small boy following his father around the greenhouse and the fields, helping out as much as he could. This early exposure to nature would have a profound influence on his poetry later in life.

Roethke attended the University of Michigan at Ann Arbor, where he did quite well and was elected to the Phi Beta Kappa honor society during his senior year in 1929. It was at Michigan that he began writing poetry. He went on to briefly attend law school, but left after only one class to pursue a master's degree in literature, studying such poets as Elinor Wylie and E.E. Cummings. When the Great Depression hit, Roethke was forced to leave school and find a job, which he did, teaching at Lafayette College in Pennsylvania.

As the years went on, Roethke held several other teaching positions—among them jobs at Michigan State, Penn State, and the University of Washington—all the while having more and more of his poetry published. In 1945, he received a Guggenheim Fellowship and took the time to return to Saginaw to write. In 1953, Roethke married Beatrice O'Connell, and in that same year, The Waking was published, and included what many consider to be his greatest works. He continued to write and be commended for his poetry up until his death, and he receives critical praise to this day for his works. He was buried in Oakwood Cemetery in Saginaw in 1963 at the age of 55.

During his life, Theodore Roethke was awarded two Guggenheim Fellowships, the Eunice Tietjens Memorial Prize, two Ford Foundation grants, a Pulitzer Prize for The Waking, a Fulbright grant, the Bollingen Prize, a National Book Award for Words for the Wind, a Shelley Memorial Award, and he received a National Book Award for The Far Field posthumously in 1965.

Mr. Speaker, it is with great pleasure that I recognize such a distinguished and world renowned poet, who so gracefully put into words the beauty, mystery, and power of the natural world. I urge you and all of my colleagues to join me in honoring Theodore Roethke for his tremendous contributions to American literature, and the lasting impact he has had on American culture.

## RESEARCH! AMERICA'S 1999 AWARD FOR EXCEPTIONAL CONTRIBUTIONS AS VOLUNTEER ADVOCATES FOR MEDICAL RESEARCH

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Ms. DUNN. Mr. Speaker, on March 28, 2000, I presented Patty Wood and the Washington Association for Biomedical Research with the Research! America's 1999 Award for Exceptional Contributions as Volunteer Advocates for Medical Research.

Patty has been an energetic advocate, spokesperson, and volunteer for the Northwest Kidney Centers and the Washington Association for Biomedical Research. As an organ recipient herself, she understands the importance of organ donation and the value of biomedical research in giving people a second chance. I also want to acknowledge Dr. Joseph Eschbach, President of the Washington Association for Biomedical Research, and Susan Adler, the Executive Director of the Association, for their outstanding commitment in educating the public on the benefits of funding biomedical research.

On April 16–21, 2000, the Seattle Post-Intelligencer featured a five-part series on the use of animals in biomedical research. Enclosed are the first two articles of the series. Reprints of the complete five-part series can be obtained directly from Susan Adler, Executive Director of the Washington Association for Biomedical Research, at the following address: 2033 Sixth Avenue, Seattle, Washington 98121. The articles can also be viewed on the Association's website at www.wabr.org. I hope that these articles will help educate the public on this important issue.

[From the Seattle P-I.com Opinion, Sun., Apr. 16, 2000]

### ANIMALS AND RESEARCH PART 1: UNLOCKING THE SECRETS OF GENETIC DISEASE THROUGH ANIMAL RESEARCH

(By Joseph W. Eschbach)

In my office and at the hospital, I diagnose and treat a myriad of illnesses—some life-threatening, others not so serious. In performing these tasks, I need to keep up with the advances that make it possible to treat these illnesses. I also need to talk with my patients about the medical procedures, surgery and medicines I recommend and/or prescribe and the research that makes them safe and effective.

A young patient, Bobby, recently came to my office with a fever and complaints of ear pain. The diagnosis—a middle-ear infection—is common, particularly in children, and accounts for many a missed school day. While the infection can usually be cured with an antibiotic, in the future most children will not get this infection because of a recently developed vaccine.

This vaccine was first shown to be effective and safe in studies involving rats, guinea pigs and chinchillas. I told Bobby's mother that this vaccine, which immunizes infants and children against the organism that causes the infection, will soon be available—in time to protect his baby sister. Not only will this vaccine decrease the incidence of recurring infections, it also will reduce the need for taking antibiotics.

I tell Mrs. D, who once had serious chest pain, that the device used to open up the blockage in her heart arteries was first tested and perfected in dog studies. During their training, the surgeons who performed her subsequent bypass surgery were able to practice and perfect their surgical skills on dogs, before operating on humans. Growing pressure by animal rights groups has recently caused some medical schools to close their dog laboratories. For these future surgeons, their first introduction to performing complex procedures will be on patients. I am concerned about how this will affect the future of these people.

Animal models have been the key to unlocking the secrets of many genetic diseases. The genetic makeup of animals and humans is similar, which has allowed scientists to study diseases in animals with genetic defects similar to those in humans.

One day, Jim came in complaining that he spontaneously fell asleep under the most embarrassing situations: at work, with guests and while watching his favorite football team. A neurological exam confirmed that he had narcolepsy, a disease caused by a defective version of the gene called hypocretin receptor 2.

Much of what we know about narcolepsy comes from studies on a breed of dogs that has a similar genetic defect resulting in comparable symptoms.

These dogs were also used to initially test the effectiveness of certain drug therapies, including the one I prescribed to Jim. This drug alone is ultimately expected to help the 250,000 Americans with narcolepsy, as well as dogs with the disorder.

The flu has been a major cause of days lost from work and even death in young and old. Jackie recently came to the office with a fever of 102 degrees and a bad cough; she was feeling horrible. Examination and initial laboratory tests suggested she had the flu and, while waiting for confirmation of viral tests, she was prescribed a new "anti-viral" antibiotic designed specifically to combat influenza. This drug is the result of years of testing, first in rats and rabbits, and then in humans, and represents a major advance against this illness.

Sarah has diabetes. The insulin she requires allows her to live a relatively normal life; until recently, the insulin was derived solely from the pancreas glands of pigs and cows. Recent advances in recombinant molecular biology techniques have made human insulin available, as well.

Insulin-dependent diabetes was uniformly fatal before the 1920s when Drs. Frederick G. Banting and Charles H. Best, through experiments in dogs, proved that insulin corrected the disorder. On the horizon, thanks to experiments in several animal species, is the hope that the specific pancreas cells that produce insulin (islet cells) can be transplanted into any diabetic and cure the condition, eliminate the need for insulin shots and eliminate long-term complications.

There are many other stories I could tell about how my patients have benefited from animal research. The hypertension medication, the ultrasound technology and the organ transplant techniques and immunological methods were all made possible because of experiments using animals.

ANIMALS & RESEARCH, A FIVE-PART SERIES

Part 1: Unlocking the secrets of genetic disease through animal research

Part 2: Improving medical treatment for animals

Part 3: Animals are key to discovering new medicines

Part 4: The ethics of using animals in research

Part 5: How research animals live

Some patients express concern for these animals and ask why they need to be used for research. I reassure them that researchers must comply with strict federal regulations requiring care and use protocols be carefully reviewed by an animal care committee, whose membership must include an experienced scientist, a veterinarian and a member of the general public. Alternatives to animals are used whenever possible (cell and tissue cultures and computer modeling), but these findings ultimately need to be confirmed in a complex intact animal.

I also try to put the use of research animals into perspective. More than 95 percent of all animals used for research in the United States are laboratory-bred rats and mice. Contrary to popular belief, dogs, cats and primates together account for only about 1 percent of all the animals used in research. Data from October 1997 through September 1998 indicate that about 100,000 dogs and cats were used in research in that year, which compares with between 2 million to 7 million unwanted dogs and cats killed annually in the nation's pounds, as reported by the Humane Society of the United States.

Bobby and his sister; Jackie; Jim; and Sarah, as well as every American alive today, have benefited in some way from animal research. However, many other illnesses still are in need of cures, such as cancer, AIDS, Alzheimer's and others. It is the promise of animal research that provides our hopes for having longer, healthier lives.

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[From the Seattle P-I.Com Opinion, Tues, Apr. 18, 2000]

## ANIMALS AND RESEARCH, PART 2: ANIMALS BENEFIT FROM RESEARCH

(By Patrick R. Gavin)

PULLMAN—For some time now we've been caring for "Hope" at the Washington State University College of Veterinary Medicine teaching hospital. She's a mixed-breed dog whose owner shot her in the head in February and left her for dead.

Before she ever came to WSU, a good Samaritan in Montana found her at a public fishing access and got her to emergency care. Anesthetics, analgesics, antibiotics, radiographs, sutures, stomach tubes, dressings, bandages, liquefied food, intravenous lines and solutions were employed by competent veterinary care to keep her alive.

The owner eventually was arrested and convicted of a misdemeanor charge of animal cruelty and was forced to pay a $200 fine and give up Hope to the courts. After that, she was brought to our care for reconstructive surgery. Here we've employed many of the same treatments mentioned above as well as others in order to not only keep Hope alive, but to heal her to the best quality of life we can provide for her and her now adoptive owners.

One criticism often leveled at biomedical researchers is that if humans so desperately need biomedical research for advancement, they should perform the work on humans, not animals. My question is, what about the animals that need biomedical research?

ANIMALS & RESEARCH, A FIVE-PART SERIES

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Part 4: The ethics of using animals in research

Part 5: How research animals live

Almost completely ignored in animal rights debates are the benefits of humans using non-human animals in research for the exclusive benefit of other non-human animals. In Hope's case, every human intervention that has touched her had to be developed and tested on animals to ensure its safety and effectiveness before it entered general veterinary use.

From vaccines to veterinary surgical techniques; from improved behavior to better housing; in matters of nutrition, reproduction, habitat restoration and conservation as well as in public health and environmental studies, the examples of biomedical research benefitting wild and domesticated animals are overwhelmingly positive and widespread.

Many animals studies are conducted in order to discover and develop alternatives to animal use, to prove their efficacy and to advance the science.

At WSU, for example, I am a veterinary radiation oncologist who studies the best way to treat cancer in animals using radiation therapy. Our research regularly uses client-owned animals with existing cancers that need care to help advance the science for other animals that need care. Healing and research can walk hand in hand.

Currently, there is no non-living model that can help these animals or the scores of others that will follow them to our care. Were it not for the animal scientists, wildlife professionals, veterinary researchers and clinicians that have dedicated their lives to benefit non-human animals, the animals that suffer from disease, starvation, injury and illness would be left without a voice for their health and well-being.

Despite what we do, how we do it and the benefits animals derive from it, it's not enough. For the extremist, any use of animals by humans is wrong, even if it benefits other animals.

Most people, however, understand the need for animal research in many areas, in particular when it benefits animals. They also understand funding limitations and priorities that include studying sentinel species and naturally occurring animal diseases that also occur in humans.

As scientists and veterinarians, we are not above public scrutiny of our activities. We have a profound responsibility and an economic incentive to pursue optimal animal health, alternatives, non-living models, computer simulation, isolated tissue cultures, reduced animal use, optimal care and, when necessary, the quick and humane death of an animal. As these alternatives are discovered and refined, they are quickly adopted as the new standards for study.

Again, history is replete with examples where this has occurred. Kidney transplants for animals were unheard of less than a decade ago. Now, thanks to the benefits of biomedical research and clinical practice in animals and in humans, veterinary colleagues at the University of California at Davis have perfected this life-saving surgery for animals.

Equally as demanding a responsibility to the public is the assurance that the work we do with animals, for animals, is conducted in a scientifically sound, cost-effective and efficacious manner. This reduces overall the need for duplicating studies and the number of animals involved. At the same time, it requires that a sufficient number of initial test subjects be used to demonstrate statistical significance where it exists or, more important, where it doesn't.

Professionals have no vested interest in keeping costly animal colonies.

In the case of livestock, for example, doing away with experimental herds where appropriate can save thousands of dollars a day, money that can be applied toward additional findings and further advancement.

Past uses of animals often are not acceptable to the general public today. These changes come in part through researchers themselves and the non-employee public voices that sit on animal-care and -use committees required at every institution receiving federal research funding.

Changes in research also come by way of the conscientious efforts of state and federal regulators as well as private-industry agencies such as the American Association for the Accreditation of Laboratory Animal Care. AAALAC is an independent body that has requirements for animal care and use that supercede the nation's state and federal legal requirements for animal care and use.

But all of this means nothing to the vocal few who oppose all human interaction with animals and who condemn modern civilization as an unnatural aberration. It's an easy argument to make, the argument of the spoiler.

Fortunately, most people see through this facade and instead see a voiceless world of animals that need humans as much as we need them.

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## PERSONAL EXPLANATION

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. ABERCROMBIE. Mr. Speaker, earlier today, I was unavoidable detained from presence on the House Floor. Had I been present, I would have voted as follows:

House Concurrent Resolution 326, Responsibility for New Mexico fires—"yes" Passage of H.R. 4425, Military Construction Appropriations for FY 2001—"yes."

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## A TRIBUTE TO THE PEOPLE THAT ASSISTED PENNSAUKEN TOWNSHIP

### HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Mr. ANDREWS. Mr. Speaker, today I recognize the people that assisted Pennsauken Township in their goal of reducing substandard housing in the Township. I would like to recognize Matt Franklin, United States Department of Housing and Urban Development; Nancy Kay, First Preston Contract Manager; Richard Watts, First Preston Assistant Contract Manager; Nancy McConnell, First Preston Direct Sales Administrator; and Pete Spina, First Preston Governmental Technical Reporter for all of their hard work and dedication. Their combined effort has enabled Pennsauken Township to purchase and rehabilitate homes that were abandoned and/or boarded up.

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## A TRIBUTE TO RENAN BECKMAN

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Ms. SLAUGHTER. Mr. Speaker, today I commemorate the life of Dr. Renan Beckman, who on February 29, 2000, died of multiple gun shot wounds at the age of 45. I had the bittersweet pleasure of meeting Renan's mother and children, who were here in Washington, DC for the Million Mom March.

As a young woman, Renan was a model student, graduating Phi Beta Kappa from the Massachusetts Institute of Technology before receiving her medical degree from Johns Hopkins Medical School. After completing her education, Renam married Robert Wills. She was a loving mother to two children, while at the same time she worked as an anesthesiologist and primary care physician at Calkins Health Commons in Henrietta, New York.

Sadly Renan and her husband began having marital difficulties, and they moved toward divorcing. Dr. Robert Wills, who had no criminal record, purchased a 12-gauge shotgun on February 7 from a local sporting goods store. On February 29, Renan called 911 and in response to the operator's questioning said, "No, there is no gun in the house." Renan died three minutes later of multiple shot gun blasts fired at close range by her husband.

This kind of domestic violence is unfortunately not unique in my district or elsewhere in our country. However, Renan's death also highlights the fact that domestic violence can cross all class, race, and age boundaries. I hope Renan's death will serve as an inspiration to us all on why further gun control is needed in this country.

The unexpected passing of Renan Beckman has left a void in her family and the community. We will miss her greatly. My thoughts and prayers are with her family and all her friends. Mr. Speaker, and colleagues, I ask that you join me in paying tribute to the life of Renan Beckman.

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## NATIONAL PEACE OFFICERS WEEK

### HON. ERNIE FLETCHER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. FLETCHER. Mr. Speaker, today I make a few comments regarding the law enforcement officers in the 6th Congressional District of Kentucky and across America who put their lives on the line to protect our homes, streets and overall safety. They are the men and women who dedicate each and every day of their life to ensure safety in our communities, schools and lives.

It's only fitting that we reserve one week out of the year to recognize the heroic efforts of America's law enforcement officers. National Peace Officers Week provides every American man, woman and child with the unique opportunity to take a few moments out of their day to thank our peace officers for the countless hours they put in each and every week, protecting our lives and neighborhoods.

Too often we hear stories of fallen officers who have put themselves in danger to protect their fellow citizens. We must never forget the sacrifice of our fallen law enforcement officers and their families.

Specifically, I want to recognize a very important event that will be taking place in my District. Today, the Lexington-Fayette Urban County Police and surrounding community will come together to rededicate the Police Officer Memorial in downtown Lexington. This event will honor those law enforcement officers who served so bravely, falling in the line of duty—given the ultimate sacrifice to protect and serve.

Unfortunately, I am unable to be back home for this important ceremony. However, I strongly believe it is only fitting that our communities take the time to honor those lives that were taken in the line of duty. May their memories be forever strong and never forgotten.

I salute America's law enforcement officers for their dedicated service and willingness to do whatever it takes to keep America safe and free from crime, drugs and violence. It is the result of their work that allows each of us to enjoy a better quality of life.

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## NAPLES COMMUNITY SCHOOL MOCK TRIAL TEAM

### HON. PORTER J. GOSS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. GOSS. Mr. Speaker, congratulations are in order for the mock trial team from the Community School in Naples, FL, who recently represented the State of Florida at the National Mock Trial Competition.

These young constituents of mine reached this distinction after contending on the county, circuit and State levels. In their advance to the national competition, the students were tenacious, resourceful and creative. Their performance combined professionalism and dignity. By participating in mock trial, the students cooperated to reach a goal. Honing their research and debate skills, the students attained invaluable knowledge that they will use in all of their endeavors. Perhaps even more importantly, they gained a better understanding of law, which will help their growth as informed and participatory citizens.

I applaud the team for their dedication and salute them for their outstanding success.

## TRIBUTE TO MAJOR MATTHEW M. MODLESKI

### HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. WALSH. Mr. Speaker, on 31 August 2000, Maj. Matthew M. Modleski is retiring as the Air Force Advisor for the 174th Fighter Wing, New York Air National Guard in Syracuse, NY. He assumed this position in February 1998. In this capacity, he serves as the active duty personnel representative for the 9th Air Force Commander, as well as assisting the 174th Fighter Wing in preparing for mobilization, while attaining the highest possible level of combat readiness.

Major Modleski was born on 22 September 1962 in Hudson, NY. He graduated from West Seneca High School, West Seneca, NY in 1980 and enlisted in the Air Force in July of that same year. He was a Jet Engine Technician until 1983 when he crosstrained into Air Traffic Control. He served as a controller at Dover AFB, DE from April 1984 until September 1987, and was awarded Controller of the Year honors in 1986.

Major Modleski earned his Bachelor of Science degree from Wilmington College, DE in May of 1987 and went on to earn a Masters of Aeronautical Science Degree from Embry Riddle Aeronautical University in Florida. Major Modleski attended Officer Training School in 1987 and was the Honor Graduate for his class. He completed Undergraduate Pilot Training at Williams AFB, AZ and went on to fly the A–10 Warthog at RAF Bentwater/Woodbridge, UK.

He was an instructor Pilot in the 78th TFS and a Flight Examiner in the 81st TFW. Major Modleski was then assigned to the 355th Wing, 357th FS at Davis Monthan AFB, AZ as the Chief of Standardization and Evaluation and a Flight Commander. In 1993 Major Modleski was the 355th Wing Instructor Pilot of the Year and in 1995 he was selected to be a member of the United States Air Force Air Demonstration Squadron, The Thunderbirds. Major Modleski flew as the Opposing Solo during the 1996 Show Season and then as the Lead Solo during the Air Forces 50th Anniversary celebration during the 1997 Show Season. He then began his current assignment as the 174th Fighter Wing Air Force Advisor.

Major Modleski is a senior pilot with more than 2,850 flying hours in the F–16, A–10, T–38, and T–37.

His military awards and decorations include the Distinguished Flying Cross, Meritorious Service Medal, Aerial Achievement Medal with 1 device, Air Force Commendation Medal with 1 device, Joint Meritorious Unit Award, AF Outstanding Unit Award with 3 devices, Combat Readiness Medal, Air Force Good Conduct Medal with 1 device, National Defense Service Medal, Southwest Asia Service Medal with 1 device, Humanitarian Service Medal, Air Force Overseas Long Tour Ribbon, AF Longevity Service Award Ribbon with 3 devices, NCO Professional Military Education Graduation Ribbon, Small Arms Expert Marksmanship Ribbon with 1 device, and the Air Force Training Ribbon with 1 device.

Major Modleski is a member of the Air Force Association as well as the Air Force Daedalians. He is also a member of the Experimental Aircraft Association, and the Aircraft Owners and Pilots Association.

Major Modleski resides in Baldwinsville, NY, and is married to the former Dianne Reilly of Schaumburg, Illinois.

## RECOGNITION OF COBB FAMILY RESOURCES 40TH ANNIVERSARY

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. BARR of Georgia. Mr. Speaker, forty years ago Cobb County, Georgia, witnessed the beginning of an exemplary non-profit organization. The original idea, conceived by its three founders, Fred Bentley Sr., Howard Ector, and Harry Holliday, was the formation of an entity that would unite the social service efforts of six existing emergency aid agencies into one effective unit to be more cost effective and efficient.

In its humble beginnings, with a part-time director and three staff members, the organization was incorporated as Cobb County Emergency Aid Association, Inc. on May 17, 1960, and offered, as its name suggests, help of a short-term nature.

Supported by donations from the community, aided by volunteer efforts, and a board of dedicated local citizens, the organization continued to grow, expanding its assistance to the needy of Cobb County. The agency offered financial aid, food, clothing, and medical supplies to help low income people with temporary setbacks. This emergency aid allowed families and individuals to address the immediate need in their lives.

Even greater assistance was ahead for the needy of Cobb County. In the mid 1980's, Cobb Family Resources, as the organization was later renamed, was fortunate to work with the federal government on programs offering family self-sufficiency and emergency housing for homeless families. With the federal government's policy direction and funding assistance, the agency adopted an effective case-management philosophy which continues today to be the successful core for each of its many programs. Also, with the federal government's assistance in the 1980's, Cobb Family Resources was able to buy its own facility and to expand its housing program for homeless families to include transitional housing and supportive services for long-term help.

Now, after 40 years of service to the community, through the partnership of public, private, and government efforts, Cobb Family Resources is a universally-recognized leader in serving the needs of low-income and homeless individuals and families in Cobb County, and in changing dependency into self-sufficiency. The housing program, for example, requires clients to have a job or be a full-time student. Residents are required to take Life skills classes, Budget courses, and open a savings account. Tutoring programs are offered for youth, and, for adults, GED training and employment skills, such as resume writing and interviewing techniques.

Let me leave you with the words of a former Cobb Family Resources' client who received help with housing, resume writing, and employment skills; she said:

> Having an organization such as Cobb Family Resources really gives single mothers such as myself an opportunity for growth and improvement. When I came to know this agency, I really did not have any idea the relationship that was about to develop. I was simply seeking help to pay my rent due to a sudden lay-off.
>
> I am no stranger to hard work. I am no stranger to hard times. I grew up in one of Atlanta's largest public housing projects . . . but I always strived for better things in my life. Sometimes it seemed as if my hard work was in vain, and then came [Cobb Family Resources].
>
> What Cobb Family Resources has that most organizations of its kind does not, is the help you receive to become self-sufficient. My income that was once poverty level has increased dramatically in the past year. I have better transportation and I no longer receive any public assistance. I do not need it anymore because my job allows me to meet the needs of my family.

Cobb Family Resources provides the comprehensive, organized approach to working with both generations in a family to provide them the tools and skills to take responsibility for themselves, to become—and, more importantly, to remain—self-sufficient and productive members of our community.

## HONORING THE EVERETT ALVAREZ, JR. POST OFFICE

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. MORELLA. Mr. Speaker, I am introducing legislation honoring one of our Nation's heroes. This bill will designate a post office in my district the Everett Alvarez, Jr. Post Office Building.

During his life, Mr. Alvarez has faithfully served his nation as a distinguished military officer and public servant. He joined the Navy in 1960 after earning a bachelor of science in electrical engineering from the University of Santa Clara. He also holds a master's degree in operations research and systems analysis as well as juris doctorate.

He served in program management at the Naval Air Systems Command before leaving the Navy in1980. He was appointed Deputy Director of the Peace Corps in 1981 and was appointed by President Reagan to be Deputy Administrator of the Veterans Administration in 1982 where he stayed until 1986.

After leaving the Veterans Administration, Mr. Alvarez served as vice president for government services for the Hospital Corporation of America before forming his own consulting company, Conwal, Inc.

A dedicated civil servant, Mr. Alvarez is best known to the public as the first American aviator shot down over North Vietnam. He was taken prisoner of war on August 5, 1964, and held in North Vietnam for 8½ years, until the general release of prisoners on February 12, 1973.

Mr. Alvarez holds numerous military decorations for his courageous service. He has been honored with the Silver Star, two Legions of Merit (with combat "V"), two Bronze Stars (with combat "V"), the Distinguished Flying Cross, and two Purple Heart medals.

He continues to serve America and America's future by serving on the Board of Regents of the Uniformed Services University of Health Sciences [USUHS], the Board of Directors of the National Graduate University, and the Board of Fellows of Santa Clara University. He has also served on the White House Fellows Selection Committee and on the Board of Directors of the Armed Services YMCA of the USA.

Mr. Alvarez's life stands as a testament to patriotism, courage, and perseverance. His story is an inspiration and it is with humility that I introduce this bill to honor him so.

## CONGRATULATING THOMAS C. NORRIS ON HIS RETIREMENT

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. GOODLING. Mr. Speaker, in September of 1952 I began my teaching, coaching and counseling career at Kennard Dale Junior Senior High School in Fawn Grove, PA. Besides teaching and counseling, I coached basketball, football, and baseball. On my football team was a tall, skinny lad from Stewartstown. He was my quarterback on the JV Football team that trounced Red Lion 56–6. He was a forward on the basketball team and first baseman on the baseball team. He will be always considered the all-American boy—a lad every parent could wish was their own.

Of course I expected big things from this young man, because his aunt was my wonderful, wonderful teacher in grades 1, 2, 3, and 4 in a one-room setting where she was the reading, writing, and arithmetic teacher as well as the music, art, special education teacher, counselor, psychologist and yes, she was also the custodian.

When I moved into the counseling position, one of the first people I helped with their effort to get scholarship money was this same all-American young man. The scholarship that was available was the first P.H. Glatfelter Company scholarship. The winner was this same young, all-American lad.

Now as Paul Harvey would say, "That was the rest of the story." You know the story of this lad's adult life. The first P.H. Glatfelter scholarship recipient became the CEO of the P.H. Glatfelter Company and a very active member of the community.

This skinny lad, who has now filled-out quite a bit since the tenth grade, is none other than the man of the hour you are honoring this evening. He was "Tommy Norris" who is now reverently known as "Thomas C. Norris." This remarkable gentleman has come a long, long way since his days as a small town boy from Stewartstown, PA.

I wish only the best for him and his family as he enjoys his retirement years.

## WELCOME TO CHICAGO, SUE

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Ms. SCHAKOWSKY. Mr. Speaker, today, I would like to recognize and congratulate the Field Museum in Chicago on its unveiling of Sue, the 67 million-year-old Tyrannosaurus rex skeleton.

Sue's journey to the Field Museum began in South Dakota in 1990. Sue Hendrickson, a fossil hunter, discovered the bones while walking on a Cheyenne River Reservation. It took 12 scientists 30,000 hours to remove the fossilized bone from rock. She was then transported in 130 crates and boxes to a glass laboratory at the Field Museum where scientists began to meticulously reassemble her.

Paleontologists could not have known then what a magnificent scientific treasure they were uncovering. While the majority of the 22 partial T-rex skeletons in the world are only 40 to 50 percent complete, Sue is about 90 percent complete, making her by far the most complete skeleton ever recovered.

It is believed that when Sue roamed this earth, she would have weighed in at 7 tons, measured 50 feet in length, had a stride that measured about 10 to 12 feet and would have traveled at about 6.25 miles per hour.

I applaud the scientists, researchers, paleontologists, and craftsmen who went to painstaking efforts to recreate an accurate, finished skeleton for all Chicagoans and admirers around the country and world to enjoy. I also want to congratulate the Field Museum on its effort, and for continuing its extraordinary commitment to bringing the wonders of science to a broader community.

## A SALUTE TO THE POLICE OFFICERS OF ORANGE COUNTY

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Ms. SANCHEZ. Mr. Speaker, today I salute the police officers of this nation, especially those of the 46th Congressional District in Orange County.

Every day, 700,000 police officers serve our country. Most Americans probably don't know that our nation loses an average of almost one officer every other day. Those figures do not include the law enforcement personnel who are assaulted and injured each year.

More than 14,000 officers have been killed in the line of duty. The sacrifice of California officers has given our state the highest number of police deaths: 1,205.

The calling to serve in law enforcement comes with bravery and sacrifice. Those who make up the thin blue line protecting our homes, our families and our communities pay a price, and so do the loved ones they leave behind when tragedy strikes.

In particular, I rise in recognition of the jurisdictions that serve my district: The Anaheim Police Department, the Garden Grove Police Department, the Santa Ana Police Department and the Santa Ana Unified School District Police Department, the California Highway Patrol and the Orange County Sheriff.

We cannot replace the officers we've lost. We cannot bring them back to their families or departments. All we can do is grieve for their loss.

But as their federal representatives, we have a greater responsibility. We must ensure that our law enforcement agencies—and their officers and staff—have the resources they need to do their jobs safely.

And today we fulfill the most solemn part of our obligation to our America's police force: we promise that when an officer does make that sacrifice, he or she earns a place of the highest national respect with all due honor from the U.S. government.

## FINANCIAL DISCLOSURE

### HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. SENSENBRENNER. Mr. Speaker, Mr. Speaker, through the following statement, I am making my financial net worth as of March 31, 2000, a matter of public record. I have filed similar statements for each of the 20 preceding years I have served in the Congress.

ASSETS

REAL PROPERTY

| | |
|---|---|
| Single family residence at 609 Ft. Williams Parkway, City of Alexandria, Virginia, at assessed valuation. (Assessed at 600,000). Ratio of assessed to market value: 100% (Encumbered) ................ | $658,000.00 |
| Condominium at N76 W14726 North Point Drive, Village of Menomonee Falls, Waukesha County, Wisconsin, at assessor's estimated market value. (Unencumbered) ............ | 99,900.00 |
| Undivided 25/44ths interest in single family residence at N52 W32654 Maple Lane, Village of Chenequa, Waukesha County, Wisconsin, at 25/44ths of assessor's estimated market value of $675,800. ......................... | 383,977.25 |
| Total Real Property | 1,141,877.25 |

COMMON AND PREFERRED STOCK

| Company | No. of shares | $ per share | Value |
|---|---|---|---|
| Abbot Laboratories, Inc ........ | 12200 | 35.19 | 429,287.50 |

COMMON AND PREFERRED STOCK—Continued

| Company | No. of shares | $ per share | Value |
|---|---|---|---|
| Allstate Corporation | 370 | 23.81 | 8,810.63 |
| American Telephone & Telegraph | 881.795 | 56.44 | 49,766.31 |
| Bank One Corp | 3439 | 34.38 | 118,215.63 |
| Bell Atlantic Corp | 1042.703 | 61.13 | 63,735.22 |
| Bell South Corp | 1234.713 | 46.88 | 57,879.90 |
| Benton County Mining Company | 333 | 0.00 | 0.00 |
| BP Amoco | 3604 | 40.13 | 144.610.50 |
| Chenequa Country Club Realty Co | 1 | 0.00 | 0.00 |
| Cognizant Corp | 2500 | 62.50 | 156,250.00 |
| Darden Restaurants, Inc | 1440 | 17.81 | 25,650.00 |
| Delphi Automotive | 212 | 16.00 | 3,392.00 |
| Dunn & Bradstreet, Inc | 2500 | 28.63 | 71,562.50 |
| E.I. DuPont de Nemours Corp | 1200 | 52.13 | 62,550.00 |
| Eastman Chemical Co | 270 | 45.50 | 12,285.00 |
| Eastman Kodak | 1080 | 54.31 | 58,657.50 |
| El Paso Energy | 150 | 40.38 | 6,056.25 |
| Exxon Mobile Corp | 4864 | 77.81 | 378,480.00 |
| Firstar Corp | 3081 | 22.94 | 70,670.44 |
| Gartner Group | 651 | 15.75 | 10,253.25 |
| General Electric Co | 5200 | 155.44 | 808,275.00 |
| General Mills, Inc | 2280 | 36.19 | 82,507.50 |
| General Motors Corp | 304 | 82.81 | 25,175.00 |
| Halliburton Company | 2000 | 41.00 | 82,000.00 |
| Highlands Insurance Group, Inc | 100 | 8.63 | 862.50 |
| Imation Corp | 00 | 26.69 | 2.642.06 |
| IMS Health | 5000 | 16.94 | 84,687.50 |
| Kellogg Corp | 3200 | 25.75 | 82,400.00 |
| Kimberly-Clark Corp | 27478 | 56.00 | 1,538,768.00 |
| Lucent Technologies | 696 | 60.75 | 42,282.00 |
| Media One | 255 | 81.00 | 20,655.00 |
| Merck & Co., Inc | 34078 | 62.13 | 2,117,095.75 |
| Minnesota Mining & Manufacturing | 1000 | 88.56 | 88,562.50 |
| Monsanto Corporation | 8360 | 50.00 | 418,000.00 |
| Morgan Stanley/Dean Witter | 312 | 81.56 | 25,447.50 |
| NCR Corp | 68 | 40.13 | 2,728.50 |
| Newell Rubbermaid | 1676 | 24.81 | 41,585.75 |
| Newport News Shipbuilding | 165.095 | 30.25 | 4.994.12 |
| Nielsen Media | 833 | 24.69 | 20,564.69 |
| Ogden Corp | 910 | 11.93 | 10,858.58 |
| Pactive Corp | 200 | 8.69 | 1,737.50 |
| PG&E Corp | 175 | 21.00 | 3,675.00 |
| Raytheon Co | 19 | 18.81 | 357.44 |
| Reliant Energy | 300 | 26.06 | 7,818.75 |
| RR Donnelly Corp | 500 | 20.93 | 10,466.25 |
| Sandusky Voting Trust | 26 | 87.00 | 2,262.00 |
| SBC Communications | 2146.009 | 42.13 | 90,400.63 |
| Sears Roebuck & Co | 200 | 30.88 | 6.175.00 |
| Solutia | 1672 | 13.38 | 22,363.00 |
| Tenneco Automotive | 178.112 | 7.93 | 1,412.87 |
| U.S. West, Inc | 328.244 | 72.63 | 23,838.72 |
| Unisys, Inc | 167 | 25.69 | 4,289.81 |
| Vodaphone Airtouch | 370 | 55.56 | 20,558.13 |
| Warner Lambert Co | 6804 | 97.31 | 662.114.25 |
| Wisconsin Energy Corp | 1022 | 19.93 | 20,371.02 |
| Total Common and Preferred Stocks and Bonds | | | $7,676,757.43 |

LIFE INSURANCE POLICIES

| Company | Face $ | Surrender $ |
|---|---|---|
| Northwestern Mutual #4378000 | 12,000.00 | 43,994.76 |
| Northwestern Mutual #4574061 | 30,000.00 | 105,435.38 |
| Massachusetts Mutual #4116575 | 10,000.00 | 7,915.38 |
| Massachusetts Mutual #4228344 | 100,000.00 | 180,654.15 |
| Old Line Life Inc. #5–1607059L | 175,000.00 | 34,829.81 |
| Total Life Insurance Policies | | $372,829.48 |

BANK AND SAVINGS AND LOAN BALANCE ACCOUNTS

| | *Balance* |
|---|---|
| Bank One, Milwaukee, N.A., checking account | $6,138.18 |
| Bank One, Milwaukee, N.A., preferred savings | 51,555.12 |
| M&I Lake Country Bank, Hartland, WI, checking account | 2,982.30 |
| M&I Lake Country Bank, Hartland, WI, savings | 349.03 |
| Burke & Herbert Bank, Alexandria, VA, checking account | 675.84 |
| Firstar, FSB, Butler, WI, IRA accounts | 74,080.51 |
| Total Bank & Savings & Loan Accounts | 135.780.98 |

MISCELLANEOUS

| | *Value* |
|---|---|
| 1994 Cadillac Deville | $13,400.00 |
| 1991 Buick Century automobile—blue book retail value | 4,150.00 |
| Office furniture & equipment (estimated) | 1,000.00 |
| Furniture, clothing & personal property (estimated) | 160,000.00 |
| Stamp collection (estimated) | 55,000.00 |
| Interest in Wisconsin retirement fund | 261,497.93 |
| Deposits in Congressional Retirement Fund | 124,393.54 |
| Deposits in Federal Thrift Savings Plan | 122,268.19 |
| Traveler's checks | 7,418.96 |
| 20 ft. Manitou pontoon boat & 40 hp Yamaha outboard motor (estimated) | 4,500.00 |
| 17 ft Boston Whaler boat & 70 hp Johnson outboard motor (estimated) | 6,500.00 |
| Total Miscellaneous | 760,128.62 |
| Total Assets | 10,087,373.76 |

LIABILITIES

| | |
|---|---|
| Nations Bank Mortgage Company, Louisville, KY on Alexandria, VA residence Loan #39758–77 | $73,087.97 |
| Miscellaneous charge accounts (estimated) | 0.00 |
| Total Liabilities | 73,087.97 |
| Net Worth | 10,014.79 |

STATEMENT OF 1998 TAXES PAID

| | |
|---|---|
| Federal income tax | $129,158.00 |
| Wisconsin income tax | 28,286.00 |
| Menomonee Falls, WI property tax | 1,982.56 |
| Chenequa, WI property tax | 15,191.68 |
| Alexandria, VA property tax | 6,820.00 |

I further declare that I am trustee of a trust established under the will of my later father, Frank James Sensenbrenner, Sr., for the benefit of my sister, Margaret A. Sensenbrenner, and of my two sons, F. James Sensenbrenner, III, and Robert Alan Sensenbrenner. I am further the direct beneficiary of two trusts, but have no control over the assets of either trust. My wife, Cheryl Warren Sensenbrenner, and I are trustees of separate trusts established for the benefit of each son under the Uniform Gift to Minors Act. Also, I am neither an officer nor a director of any corporation organized under the laws of the State of Wisconsin or of any other state or foreign country.

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## TRIBUTE TO BRIGADIER GENERAL LEROY BARNIDGE, JR.

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. SKELTON. Mr. Speaker, today I wish to recognize a truly outstanding officer, Brigadier General Leroy Barnidge, Jr., United States Air Force. General Barnidge will soon be completing his assignment as the Commander of the 509th Bomb Wing, Whiteman Air Force Base, Missouri, located in the heart of my Congressional District.

General Barnidge distinguished himself by exceptional conduct in the performance of his duties as the commander of America's only B–2 bomber base. A natural leader, he carried America's most visible bomber from infancy to warfighting maturity and beyond. Widely recognized as a leading Air Force ambassador, he was hand-picked to host the highest levels of visitors including President Clinton and President Gorbachev, the Chairman of the Joint Chiefs of Staff, the Secretaries of the Air Force and Navy, and many of our colleagues in Congress. General Barnidge's command of one of the most inspected facilities under the START Treaty was unprecedented, resulting in five visits with no discrepancies. He also led the wing to an Excellent rating in its first-ever B–2 Nuclear Operations Readiness Inspections and two nuclear surety inspections. In addition, the wing maintained an impeccable safety record in both combat and daily operations, as General Barnidge always kept flight and ground safety at the forefront of planning and execution.

General Barnidge's unmatched communications skills resulted in worldwide coverage of the B–2 and 509th Bomb Wing during his participation in press conferences with both the White House and Pentagon Press Corps. Through his energetic support of community activities and numerous speaking engagements, he single-handedly built a relationship between the base and local community that will last for years. His visionary leadership will pay dividends to the 509th Bomb Wing and the Air Force far into the future.

In addition, General Barnidge was recently named Air Combat Command's Outstanding Wing Commander and awarded the Moller Trophy. This trophy is presented to the wing commander who demonstrates the most effective personal leadership to achieve or maintain the wing's combat effectiveness. General Barnidge led the 509th Bomb Wing into air power history and set the standard for future operations with overwhelming success during Operation Allied Force.

Mr. Speaker, General Barnidge deserves the thanks and praise of the nation that he has faithfully served for so long. Also, his wife, Sandy, deserves so much credit for her strong supportive role. I know the Members of the House will join me in paying tribute to this exceptional officer.

## A TRIBUTE TO AMY AND NEIL KATZ, BONNIE AND BRUCE KATZ, MARILYN AND STANLEY KATZ, AND PAULA AND IRA RESNICK

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. LOWEY. Mr. Speaker, on May 23d, DOROT, a New York-based organization dedicated to improving the lives of the elderly and strengthening intergenerational relationships, will honor an extraordinary extended family.

Descended from Pearl and Jack Resnick, themselves remarkably generous philanthropists and community leaders, the Resnick and Katz families have made exceptional contributions to DOROT, while also exemplifying the giving spirit of volunteerism.

Pearl and Jack's children, Marilyn and Ira, together with their spouses, Stanley and Paula, as well as Marilyn and Stanley's children, Neil and Bruce, and their wives, Amy and Bonnie, have devoted time, energy, wisdom, and financial support to DOROT's programming. Their efforts have made a striking difference in the lives of countless senior citizens.

Together, the Resnicks and Katzes have assumed responsibility for new services and special events at DOROT, helping to attract greater support from our community and bolstering DOROT's efforts to reach out to persons in need.

Whether coordinating the delivery of Passover packages, organizing black tie galas, expanding internship opportunities, arranging Thanksgiving banquests, or developing strategic plans, their contributions to DOROT have been both broad and deep. What's more, in addition to offering leadership and guidance, every member of this special family engages in hands-on volunteer work—interacting with clients and staff on a living, warm basis.

The timeless Jewish traditions of tzedaka and mitzvot have found inspiring expression in the Katzes and the Resnicks. I am delighted to join in honoring them today, and I am confident that their example will continue to guide new generations of volunteers and community leaders for many years to come.

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## WOMEN'S HEALTH

### HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. MORELLA. Mr. Speaker, in 1990, the General Accounting Office (GAO) released a report citing the historical pattern of neglect of women in health research, and particularly the failure of many clinical trials to include women as subjects. This report led to increased government action on women's health research and to the creation of women's health offices, advisors, and coordinators in many government agencies.

Today only two agencies have women's health offices in the federal government that have statutory authorization. They are the Office of Research on Women's Health (ORWH) within the National Institutes of Health, and the Office for Women's Services within the Substance Abuse and Mental Health Services Administration (SAMHSA). These women's health offices are federally authorized and protected by law, and they have performed a remarkable service to the women of this country.

The other offices of women's health, advisors, and coordinators—the Department of Health and Human Services (HHS), Agency for Health Care Research and Quality (AHRQ), Health Resource and Services Administration (HRSA), Centers for Disease Control (CDC), and Food and Drug Administration (FDA)—face the possibility that future administrations will not to continue to support them, or that future funding will be insufficient for their needs.

Currently these offices stimulate new initiative to improve women's health and are the government's champion and focal point for women's health.

With this bill, we hope to create an enduring structure within which the currently well-documented ongoing needs and gaps in research, policy, programs, and education and training in women's health will continue to be addressed. It will ensure that important initiatives—in breast cancer detection and eradication, in the promotion of health behaviors and disease prevention, in improved public information about women's health, in better informed health care professions, among others—will reach fruition.

Therefore Mr. Speaker, I along with my colleague Representative CAROLYN MALONEY, am introducing the "Women's Health Office Act of 2000" which would provide statutory authorization for women's health offices in HHS, AHRQ, HRSA, FDA, and CDC. Such authorization would ensure that these women's health offices would continue to exist under succeeding administrations. The bill includes authorization for appropriations to ensure that future funding will be adequate to support these offices' missions and programs. Through a coordinating committee, the bill also provides for integration of all HHS programs.

Providing statutory authorization for federal women's health offices is a critical step in ensuring that women's health research will continue to receive the attention it requires in the twenty-first century.

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## POLLUTION REPORTING

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Ms. DEGETTE. Mr. Speaker, we often hear from constituents frustrated by the complicated and sometimes confusing process of reporting pollutants to the Environmental Protection Agency (EPA). Some argue the solution to this problem is the widespread reduction or elimination of reporting requirements. This is not the proper response. There are very important public health, safety, and environmental reasons for these reporting requirements. These requirements have been carefully scrutinized by elected officials for decades and found to present significant benefits to the public. They allow us to better reduce and remediate pollution and identify point and non-point sources of pollution that threaten our communities, water, air and land. As result of collecting this information, we have been able to more accurately identify problems, target resources and programs, and improve public health and safety. Clearly, pollution reporting has not driven businesses to the brink of economic disaster or brought our economy to a screeching halt. But, can we find better and more efficient ways to collect this valuable information? The answer is yes.

We can collect this critical information in a manner that is more efficient and manageable for the private sector, the EPA, and State, local and tribal governments. It is time for pollution reporting to move into the twenty-first century and utilize the cost-effective technology of the information age. EPA must work with those that file pollution reports to develop a new reporting protocol. Today, I introduced legislation, the Streamlined Pollution Reporting and Technical Assistance Act, that directs the EPA to do just this.

The Streamlined Pollution Reporting and Technical Assistance Act does the following: (1) Directs the Administrator of the EPA to establish a simplified electronic reporting process for pollution; (2) directs the Administrator to establish or designate a central office that coordinates and collects reports; (3) directs the Administrator to work with State, tribal, and local governments, as well as industry, scientists, information technology experts, and environmental groups to develop the streamlined pollution reporting protocol; (4) directs the new office to conduct an active technical assistance program to assist all potential users of the reporting system; (5) directs the General Accounting Office and the Administrator to report on barriers to the implementation of this legislation; and (6) directs the Administrator, Director of the Office of Science and Technology Policy, Director of the National Science Foundation, and the Secretary of Energy to form an advisory committee comprised of appropriate representatives from industry, academia, government, and other organizations deemed appropriate. The committee shall advise Congress on the status of industrial or product life cycle analysis for reducing pollution and increasing resource use efficiency, and eliminating barriers to the increased utilization of life cycle analysis by the public and private sectors.

Mr. Speaker, this is important legislation that is good for the economy and good for the environment. This is an issue everyone can support and I look forward to working with my colleagues to pass this important legislation.

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## TRIBUTE TO COMMUNITY SCHOOL BOARD 12

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. SERRANO. Mr. Speaker, today I pay tribute and wish success to Community School Board 12 which will hold its annual scholarship dinner dance tomorrow.

For the past 24 years, Community School Board 12 has held a scholarship dinner dance in recognition of their students. The ultimate objective of the function is to raise funds in order to award savings bonds to seven outstanding students in each of the 24 elementary and secondary schools.

Over the past few years, Community School District 12 and the Community School Board have collaborated in the effort. The purpose of the scholarships is twofold. First, students who have excelled academically during the school year will be acknowledged and given praise. Second, the scholarship serve as an incentive to all students to strive for overall collegiate achievement. The worth of this event is unquestionable, and its effect can be long lasting.

Mr. Speaker, I ask my colleagues to join me in recognizing the individuals and participants who are making the Community School Board 12 Scholarship dinner a success and in congratulating this year's recipients.

## A TRIBUTE TO THE FIRST BAPTIST CHURCH OF SAN JOSE

### HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Ms. LOFGREN. Mr. Speaker, I pay tribute to the First Baptist Church of San Jose, the "Church on the Hill". The church has been a cornerstone of our community since the time of the gold miners. Even before California was established as a state, the church on the Hill was providing guidance to her citizens, under the leadership of her first pastor, the Reverend Osgood Church Wheeler.

The second oldest Baptist church in the state, the church began services on May 19, 1850. In a tent made of blue jeans in the infant city of San Jose, the church first met with 8 members, 6 of whom were women. This Friday the church will celebrate its 150th anniversary. Through each one of those 150 years the congregation has grown as the community around it grew. It has endured three separate fires which each time destroyed its building, earthquakes, floods and other natural disasters. It has flourished through 30 Presidents, two World Wars, and the Great Depression, and today the church is stronger than it has ever been.

Whether meeting in the rural setting of orchards and farmland, or in the center of the high tech world, the Church has continued to serve the people and touch the lives of the thousands who have walked through its doors. Pastor Dennis Henderson has the honor of presiding over the congregation today, and I congratulate him on his leadership. His vision will lead the congregation into its future complex, a facility befitting the modern community its serves.

As the church celebrates its sesquicentennial, it can be proud to be a shining light in the capital of Silicon Valley. The services the members of the congregation provide greatly enrich the community of San Jose. It is my honor to pay tribute to the First Baptist Church on this momentous occasion, and I am proud to represent the community in which it has thrived for so long. I wish the Church on the Hill the best of luck for another 150 years of inspiration.

## MOVEMENT FOR CHANGE

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Ms. SCHAKOWSKY. Mr. Speaker, on Sunday, May 14, 2000, Mother's Day, I was proud to join countless mothers and family members in sending a loud message to Congress. It was a message to those Members who for too long have listened to the gun lobbyists and ignored the wishes of the mothers of this country.

How many more children will be lost to gun violence before this Congress acts? How many more families, in every part of this country, will have to bury their young before the message of passing sensible gun safety laws is heard? And how long will mothers have to live in fear for their children's safety before some in Congress admit that guns are robbing families and this nation of our most precious possessions?

The Chicago Tribune, in an editorial today, wrote that over the years, the voice for gun safety has been "muted and polite." But the editorial went on to say that "On Sunday it was loud, powerful and plentiful. When that voice comes to be heard on Mother's Day, Father's Day, Election Day and every other day of the year, the political leaders propping up the gun lobby will have a new reason to tremble."

.That is true. This Sunday was the start of a movement. This is a movement that will help bring about change and save lives. It is a movement that will shape the future of this country. Mothers will continue to march until we get the job done.

WHY MOMS MUST KEEP MARCHING

Congratulations to the organizers of the Million Mom March. Whether or not they actually achieved their lofty seven-figure goal, their turnout was extremely impressive. In this debate, numbers count.

Hundreds of thousands of mothers and others turned out Sunday in Washington and in towns across the country, including Chicago. Their message was loud and clear: America needs to get a handle on guns. Even after several years of declining violent crime rates, firearms deaths in the U.S. are astonishingly high compared to much of the rest of the world.

While the moms marched, the politicians and lobbyists who have stifled gun legislation in Washington scrambled to put up a brave front.

The National Rifle Association countered with soft and fuzzy TV ads preaching gun safety. That's a fine sentiment, but it's a bogus one when it comes from the folks whose primary mission is to prop up a furious and freewheeling market in guns, including guns whose only purpose is to kill human beings.

Even in the wake of the horrendous Columbine High School shootings, a stalemate in Congress has blocked modest gun control measures. It's time to break that stalemate. Those in the Capitol who still think they can duck and dodge this one, all those moms on Sunday called them out.

There has been a frustrating political dynamic at play in this country. Support for gun legislation is widespread, but it hasn't been particularly vocal.

Those who oppose tougher gun laws are in the minority, but they are well organized, they are fervent in their cause and they have made themselves heard.

That was clear in Illinois during recent debate over Gov. George Ryan's call to reinstate a felony gun law. Skittish legislators said most of their callers opposed Ryan's position. But polling showed overwhelming support for it. That included the vast majority of voters in the districts of 12 Republican senators who did not support the tougher gun law. Ultimately, Ryan prevailed, after threatening to keep legislators in Springfield until they say things his way.

But many in Congress and the legislatures still tremble in fear of the gun lobby. That's why the moms march was so important. Heretofore that voice, the voice for gun restriction, has been muted and polite. On Sunday it was loud, powerful and plentiful. When that voice comes to be heard on Mother's Day, Father's Day, Election Day and every other day of the year, the political leaders propping up the gun lobby will have a new reason to tremble.

## A TRIBUTE TO JAMES F. AND ROBERTA T. BUESCHER

### HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. NAPOLITANO. Mr. Speaker, it is with great personal pleasure that I recognize my very dear friends Jim and Bobbi Buescher of Manhattan Beach, California on the happy occasion of their Twenty-fifth Anniversary of Marriage, today May 17, 2000.

Jim and Bobbi were married on May 17, 1975 at St. John of God Church in Norwalk, California, which is located in my Thirty-fourth district. Bobbi is the sister of my Chief of Staff, Mr. Chuck Fuentes.

Roberta Theresa Fuentes was born on November 17, 1948, the daughter of the late Robert H. "Bob" Fuentes and Theresa M. Fuentes (nee Palomares). Reared in Norwalk and later Cerritos, California, Bobbi was educated at Saint John of God Catholic Grammar School, where she graduated in 1962; Excelsior High School, where she graduated in 1966; and attended Cerritos Community College.

Bobbi Fuentes, a popular and attentive student, was elected by her High School classmates as a Varsity Song Leader and as a Princess of the Homecoming Court in 1965. At Cerritos College, she continued her student activism as a member of Delta Phi Omega Sorority, and was again selected for the College Pep Squad as a Song Leader. She was honored by the Brothers of Sigma Phi Fraternity as their "Fraternity Sweetheart" in 1967–68 and was elected a Princess of the 1968 Homecoming Court. A Journalism Major, Bobbi was also served on the staff of the student newspaper Talon Marks.

In 1970 Bobbi was named Miss Artesia-Cerritos and participated in the Miss California

Beauty Pageant. Bobbi has been employed as a Flight Attendant for Trans World Airlines for thirty years and has traveled extensively throughout the world.

James Frederick Buescher was born on June 6, 1945, the son of the late Fred M. Buescher and Elizabeth Buescher (nee Patterson). Reared in Ferguson and later Washington, Missouri, Jim was educated at Ferguson Elementary School and Ferguson High School, where he was elected by his classmates as President of the Student Council. Jim graduated from Ferguson High School in 1963.

A serious and accomplished student, Jim attended MacMurray College in Jacksonville, Illinois and transferred to the University of Kansas where he earned his Bachelors Degree in Business Administration in 1968. While at KU, Jim was an Active member of Sigma Chi Fraternity.

Following his studies at KU, Jim moved to Southern California where he assumed the position of Vice President of Hazel of California, a specialty goods manufacturing company based in Santa Fe Springs. There he rose to prominence in business and community affairs.

Within a relatively short period of time, Jim Buescher was elevated to President and Chief Operating Officer of Hazel of California. At this point, he was invited to join the very prestigious Young President's Organization, where he served a term as President. He was also active as a member of the Board of Directors of the Santa Fe Springs Chamber of Commerce and Industrial League. Jim was elected President of the Chamber in 1984.

Following his illustrious career at Hazel/Jostens, Jim assumed a partnership investment in Gift-O-Rama, a giftware supplier based in Cerritos, California. A recognized leader in the specialty goods industry, Jim reentered the business as Chief Operating Officer of Idea Man Incorporated, based in Los Angeles. He continues in his leadership position under the new ownership of Ha-Lo Industries, Incorporated, based in Chicago, Illinois.

Together Jim and Bobbi have celebrated twenty-five years of marriage, enjoy world travel and life at the beach in sunny Southern California. They will be joined by many family members and friends at a Surprise Silver Wedding Anniversary Reception, at the Museum of Flying—Santa Monica Airport, on Sunday, May 20, 2000.

Mr. Speaker, it gives me great pleasure to extend to them, on behalf of my husband Frank and my family, our heartfelt congratulations to Jim and Bobbi Buescher on this very happy occasion and to wish them every possible happiness and many more years together.

## INTERNET ACCESS CHARGE PROHIBITION ACT OF 2000

SPEECH OF

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

Ms. DEGETTE. Mr. Speaker, I rise in support of H.R. 1291, the Internet Access Charge Prohibition Act. The expansion of the Internet has been a source of incredible growth in our economy. I do not think anyone wishes to slow down this incredible growth engine by allowing multiple or discriminatory taxes. This is one of the reasons there is so much support for H.R. 1291. By the same token, Internet telephone service has the potential to grow exponentially, but only if it is not subjected to per-minute charges.

The way Internet telephony is taxed will dictate the extent to which millions of Americans will have access to this new and innovative service. It is important that consumers have a range of choices when it comes to telephone services, which is why it is incumbent upon Congress to preserve competition in this industry.

The Federal Communications Commission (FCC) should carefully consider the issue of the appropriate way to regulate new Internet applications in a way that promotes growth and provides competition to consumers. Additionally, the FCC should also study the issue of whether or not an appropriate charge needs to be imposed on Internet providers in the future for the sake of preserving universal service. The bottom line should be to make sure that all Americans have access to affordable telecommunications services.

## IN HONOR OF THE SELF-PROCLAIMED DNESTR MOLDAVIAN REPUBLIC (DMR)

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. KUCINICH. Mr. Speaker, today I speak on behalf of the people of the self-proclaimed Dnestr Moldavian Republic (DMR).

Moldova, inhabited by a Romanian majority, declared its independence of the USSR in 1992. However, Moscow did not recognize their independence. Consequently, a conflict has ensued between the ethnic Russian minority and the Romanian majority, resulting in the arrest of six Romanians who have been jailed every since.

The case of the "Tiraspol Six," as they came to be known, was taken up by many international organizations. According to a 1998 Amnesty International Report, "Their trial has apparently failed to meet international standards of fairness, and the men had allegedly been prosecuted for political reasons, because of their membership of the Christian Democratic Popular Front, a Moldovan party favoring reunification with Romania." While two of the men have been released, four others remain in jail, suffering inhumane living conditions, denial of medical treatment and of visits by international organizations. I cannot make a formal judgement on the merits of the Tiraspol Six case, but I will defer to the findings of international human rights and pro-Democracy organizations. Amnesty International urged the authorities to "conduct prompt, impartial and effective investigations into all allegations of ill-treatment by police and to bring those responsible to justice."

These four men remain in jail today awaiting a fair and open day in court and a right to defend themselves against the charges made against them. The United States should help to promote freedom and democracy in region, by advocating just and fair treatment in court of the people of Moldova.

## PERSONAL EXPLANATION

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. MCCARTHY of New York. Mr. Speaker, I was absent for rollcall vote No. 183. Had I been present, I would have voted "aye" on H. Con. Res. 326—the Sense of the House Resolution on the Responsibility of the Federal Government concerning the Los Alamos fire.

## FAIRNESS IN ASBESTOS COMPENSATION ACT

### HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. KENNEDY of Rhode Island. Mr. Speaker, today I am in opposition of H.R. 1283, the Fairness in Asbestos Compensation Act, which was recently reported out of the House Judiciary Committee. Before it comes to the House floor, I want to make clear my opposition to this bill that creates a windfall for the asbestos industry but denies fair compensation to tens of thousands of American workers and their families.

Bailing out an industry that has caused harm to millions of Americans, is the ultimate slap in the face to the millions of victims affected by the deadly hazards of asbestos. Only because our court system provides accountability for these manufacturers was this deadly threat finally stopped. Now, it is no surprise that asbestos manufacturers want to use the Federal Government to override tort statutes in various States, which have brought them to law. Even more troubling, the bill will prohibit approximately 50 percent of injured asbestos victims from compensation due to new and unreasonable medical standards.

Furthermore, punitive damages would be capped at three times compensatory damages if the victim goes through an administrative hearing. Most troubling, if the victim goes to court directly, punitive damages would be prohibited entirely.

The bill forgets all scientific and health related research that has proven the link between asbestos exposure and lung disease. The bill creates a strict burden of proof for establishing that asbestos-induced diseases were caused by asbestos exposure. There is no need for this elevated burden of proof since the medical literature by the medical community supports the current substantial level of proof now required. It is estimated that under the bill, about one-half of all asbestos cancer cases now eligible for compensation would be thrown out. For the first time, asbestos lung cancer victims will need to prove that they have no smoking history; if a victim has smoked, they can be denied compensation despite the fact that in the courts this excuse has been repeatedly rejected.

Lastly, the Republican Congress, that so heartily opposes bigger government creates a new federal bureaucracy with this bill. Instead of the 100 asbestos trials a year now moving through the courts, the bill proposes the creation of an entirely new Office of Asbestos Compensation to handle work that is Constitutionally under the purview of the Judiciary system.

We should call this bill what it really is: an Asbestos Industry Preservation and Denial of Victims Act. It is one-sided, pro-defendant, and will throw victims out of court, for the sake of protecting a dangerous industry.

## RECOGNIZING THE ANNIVERSARY OF THE ORDINATION OF THE REVEREND JOHN T. KIELB

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. HOLT. Mr. Speaker, I rise today to recognize Reverend John T. Kielb, pastor of the Church of the Precious Blood in Monmouth Beach, on the 25th Anniversary of his ordination.

Father Kielb is a native of Bayonne, New Jersey, where the seeds of his vocation were sown as an Altar server at Mt. Carmel Roman Catholic Church.

Father Kielb began his journey at Seton Hall University's Divinity Program, where he remained for two years until he was assigned by the Diocese of Trenton to serve his remaining two years at St. Vincent's Seminary.

He graduated in 1974 with a Masters of Divinity Degree and was ordained a Deacon later that year. He spent the following year working in a Pennsylvania parish. On May 17, 1975, Father Kielb was ordained a Priest at St. Mary's Cathedral in Trenton.

Father Kielb's first assignment was to the Sacred Heart Church of South Amboy. Subsequently, he was assigned to St. Robert Ballarmine, in Freehold; St. Gabriels, in Marlboro; and Our Lady of Sorrows, in Mercerville. On September 1, 1989, he was named the pastor at the Church of the Precious Blood in Monmouth Beach, where he has served ever since.

Father Kielb is a great asset to Central New Jersey. I urge all my colleagues to join me today in recognizing Father Kielb and his accomplishments.

## LOUIS CARDONI HONORED FOR COMMUNITY WORK

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. KANJORSKI. Mr. Speaker, I rise today to pay tribute to Louis Cardoni of Plains Township, Luzerne County, in my district, who will be honored by the Plains Rotarians at a dinner May 21 for his role as a community leader.

Lou Cardoni has a long history of community involvement, dating back to the 1940s, when as a youngster, he helped his father develop the Hilldale baseball diamond. Since that time, he has worked hard to make Hilldale and all of Plains Township a showplace for recreation in Northeastern Pennsylvania.

After returning from his service in the Army, Lou resumed his strong involvement in service to the community. He was a charter member of the Hilldale Community Center and is presently a member of the Plans Rotary Club, the Plains American Legion and the ITLO Club. He is a past president of the Plans Rotary and of the Hilldale Community Center and is the current secretary of the ITLO Club.

Mr. Speaker, Lou chaired the Plains Recreation Board for many years, and his accomplishments on the recreation board have been a model for the community. Among his most prominent accomplishments was helping to develop the Hilldale Baseball Park, which sent many boys on to the professional ranks, including Ed Ott, Randy Martz and Jim Farr, the current baseball coach at the College of William and Mary. Lou also spearheaded the development of the Birchwood Complex, one of Luzerne County's showplaces.

Working with other community leaders, Lou also helped to build three playgrounds, secure a grant for one of the first handicapped-accessible parks in Pennsylvania and obtain grants for roads and water lines in Birchwood Municipal Park and for filling a mine pit which has now been replaced with athletic fields.

Lou and his wife, the former Ellen Dooley of Plains, have three children, Louis Jr., Maureen Riley and Kathy Cardoni, and five grandchildren. Mr. Speaker, I am pleased to join the Plains community in honoring Louis Cardoni for his exceptional service, and I send my best wishes for continued success in all his endeavors.

## INTRODUCTION OF THE ALTERNATIVE COMMUNICATION DEVICES MEDICARE COVERAGE ACT

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce legislation that will help America's seniors take better care of themselves. This legislation will direct the Health Care Financing Administration (HCFA) to give Medicare beneficiaries coverage of Augmentative and Alternative Communication Devices ("AAC devices"). AAC devices provide individuals who are unable to speak, use sign language, or write because of cerebral palsy, muscular dystrophy, stroke or ALS, the ability to communicate—and therefore to lead safer and more productive lives.

I am joined in this effort by my colleagues from California and New York, the Honorable RON PACKARD and JERROLD NADLER, and several other colleagues. In addition, full Medicare coverage of AAC devices is urged by a broad range of the professional medical community, including the American Medical Association, the American Academy of Neurology, and 13 of America's leading disability organizations, including the United Cerebral Palsy Association.

For over a year and a half, I have been working with other Representatives and Senators in hopes of accomplishing administratively through HCFA this goal of AAC device coverage. On Dec. 30, 1999, these 13 leading disability organizations filed a formal request to HCFA for Medicare coverage of AAC devices. On April 26, 2000, the HCFA, after missing its own earlier 90-day deadline for a decision, took only an incomplete and partial step. It withdrew a prior, inexplicable national non-coverage decision of AAC devices, issued in the 1980's, which was an obstacle to granting coverage. However, HCFA failed to take the needed step of granting Medicare beneficiaries coverage of AAC devices.

The legislation we are introducing today will accomplish that goal, and secure AAC device coverage for America's seniors through their Medicare health benefits.

For many of the people who need these devices, the ability to speak and interact with society though a communications device has a profound and positive impact on their lives. One of the most prominent users of these devices is the famed physicists Dr. Stephen Hawking, who suffers from amyotrophic lateral sclerosis (ALS) or Lou Gehrig's disease. Dr. Hawking's story of how his disease forced him to communicate through an augmentative communication device is best told in his own words:

> In 1985, I had to have a tracheotomy operation. After this, I had to have 24 hour nursing care. This was made possible by grants from several foundations. Before the operation, my speech had been getting more slurred, so that only a few people who knew me well could understand me. But at least I could communicate. I wrote scientific papers by dictating to a secretary, and I gave seminars through an interpreter, who repeated my words more clearly. However, the tracheotomy operation removed my ability to speak altogether. For a time, the only way I could communicate was to spell out words letter by letter, by raising my eyebrows when someone pointed to the right letter on a spelling card. It is pretty difficult to carry on a conversation like that, let alone write a scientific paper.
>
> However, a computer expert in California, called Walt Woltosz, heard of my plight. He sent me a computer program he had written, called Equalizer. This allowed me to select words from a series of menus on the screen, by pressing a switch in my hand. The program could also be controlled by a switch, operated by head or eye movement. When I have built up what I want to say, I can send it to a speech synthesizer. At first, I just ran the Equalizer program on a desk top computer.
>
> However David Mason, of Cambridge Adaptive Communication, fitted a small portable computer and a speech synthesizer to my wheel chair. This system allowed me to communicate much better than I could before. I can manage up to 15 words a minute. I can either speak what I have written, or save it to disk. I can then print it out, or call it back and speak it sentence by sentence. Using this system, I have written a book, and dozens of scientific papers. I have also given many scientific and popular talks.

They have all been well received. I think that is in a large part due to the quality of the speech synthesizer, which is made by Speech Plus. One's voice is very important. If you have a slurred voice, people are likely to treat you as mentally deficient: Does he take sugar? This synthesizer is by far the best I have heard, because it varies the intonation, and doesn't speak like a Dalek. The only trouble is that it gives me an American accent.

I have had motor neuron disease for practically all my adult life. Yet it has not prevented me from having a very attractive family, and being successful in my work. This is thanks to the help I have received from Jane, my children, and a large number of other people and organizations. I have been lucky, that my condition has progressed more slowly than is often the case. But it shows that one need not lose hope.

Mr. Speaker, Dr. Hawking's story is one of triumph over a terrible disease. But he is not alone.

More than 30,000 Americans suffer from ALS, another 30,000 from cerebral palsy and untold others from various diseases that rob them of their ability to speak. Fortunately, modern technology is making these augmentative communication devices smaller, easier to handle and affordable for many individuals.

However, for those who cannot afford these devices, they are already covered by every state Medicaid program as well as by TRICARE, the Department of Veterans Affairs, and hundreds of commercial health providers. They are not covered by Medicare. The Medicare program remains alone among federal government health care providers in choosing not to cover AAC devices, despite numerous attempts to secure this needed coverage.

We believe that HCFA can and should grant coverage of these devices to Medicare beneficiaries. Our legislation will accomplish that goal. Further delay is a great disservice to Medicare beneficiaries—seniors who often simply cannot speak for themselves—who need access to AAC devices. The challenges suffered by the greatest physicist of our time, Dr. Hawking, made clear to us through his own words, are likewise shared by thousands of other seniors around this country, who, without these devices, cannot speak for themselves. At the most basic level, the ability to communicate with a doctor, pharmacist, or care worker could save a senior's life. Moreover, securing Medicare coverage for seniors to use AAC devices gives voice to Americans who are kept silent, improving the quality of their lives immeasurably.

Attached are letters from the United Cerebral Palsy Association and Sunrise Medical, a communications device manufacturer, supporting this legislation. I urge all my colleagues to join me by co-sponsoring this timely and important legislation to achieve Medicare coverage of AAC devices.

UNITED CEREBRAL PALSY ASSOCIATIONS,
*Washington, DC, May 9, 2000.*
Hon RANDY (DUKE) CUNNINGHAM,
*Attn: Tim Charters, Rayburn House Office Building, Washington, DC 20515.*

DEAR REP. CUNNINGHAM: UCP, the nation's largest health charity, is pleased to endorse your forthcoming bill to require the Department of Health and Human Services to issue a Medicare National Coverage Determination for augmentative and alternative communication (AAC) devices. Many people with severe speech disabilities, such as those due to cerebral palsy, need these devices to communicate, but requests by UCP and other organizations for Medicare to issue a national coverage determination have not been heeded.

Medicare has failed to act in spite of the compelling case for the efficacy of AAC devices, in spite of physicians who determine these devices are medically necessary for many Medicare beneficiaries with severe speech disabilities, and in spite of the policy of every other health insurer to pay for them. As a result, some Medicare beneficiaries are unable to communicate because they cannot afford to buy these devices themselves.

Thus we believe Congress should enact your bill at the earliest possible time. We look forward to continuing to work with you as this proposal is considered by Congress.

Sincerely,

KIRSTEN A. NYROP,
*Executive Director.*

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SUNRISE MEDICAL,
*Carlsbad, CA, May 16, 2000.*
Congressman RANDY "DUKE" CUNNINGHAM,
*Rayburn House Office Building, Washington, DC.*

DEAR CONGRESSMAN CUNNINGHAM: Sunrise Medical appreciates your leadership in introducing legislation to provide Medicare coverage for Augmentative and Alternative Communication devices ("AAC"). These devices provide individuals who are unable to speak, use sign language, or write because of cerebral palsy, muscular dystrophy, stroke or ALS, the ability to communicate and therefore lead safer and more productive lives.

Sunrise Medical designs, manufactures and markets AAC devices. These devices are covered by every state Medicaid program, as well as by Tri-Care, the Department of Veterans Affairs, and hundreds of commercial health providers. Only Medicare has to date not covered AAC devices.

Full Medicare coverage of AAC devices is urged by virtually the entire professional medical community, including the American Medical Association, the American Academy of Neurology, and the 13 leading disability organizations. These organizations, including Sunrise Medical, filed on December 30, 1999 a request with HCFA for Medicare coverage of AAC devices. On April 26, 2000 HCFA, after missing its own earlier 90-day deadline for a decision, took only an incomplete and partial step. It withdrew the prior inexplicable national non-coverage decision of AAC devices, but it failed to take the needed step granting Medicare beneficiaries coverage of AAC devices. To leave this issue only half way done is a great disservice to Medicare beneficiaries who need access to AAC devices now.

Sunrise Medical supports your sponsoring legislation to provide Medicare coverage of AAC devices to give voice to seniors who cannot speak for themselves.

Sincerely,

STEVEN A. JAYE,
*Senior Vice President.*

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## GUAM'S YOUTH ISLAND LEADERSHIP DAY

## HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. UNDERWOOD. Mr. Speaker, each year in April, Guam's Department of Education celebrates Youth Month with several activities. An oratorical contest, a student exchange program, a school showcase, and a youth showcase, and a youth conference culminates with the much-anticipated Island Leadership Day, during which students assume the roles of Guam's public, private, and military leaders for a day. In coordination with these sectors of our island community, the activity gives students from Guam's middle schools and high schools the opportunity to experience leadership roles. Island senators, corporate accountants, military colonels and, even, hospital nurses were included in the wide range of career men and women that selected students "shadowed" in order to experience an average day's work in their assigned positions.

On the morning of April 26, 2000, three high school students looking sharp, studious and ready to take on the challenge, walked into my office. William B. Jones, a senior from George Washington High School was Guam's student Washington Delegate for the day while Jonathan Pador, was a G.W. senior, took over as student District Director for my office and Madelene Marinas, a senior from the Academy of Our Lady of Guam, functioned as student Communications Director. Their eagerness was tempered by a bit of nervousness which was not surprising.

These students made me reminisce of my own high school days and the very first Island Leadership Day. Although admitting to the fact betrays my age, I still remain proud I once earned the privilege of being a senator in the Guam Legislature for a day. I remember arriving at the Guam legislative session hall that day back in 1964. I made a bee line for the desk of my hero, Senator Antonio B. Won Pat. I have always admired this man. He later worked to further advance Guam's agenda when he was elected to the office of the Guam Washington Representative in 1965. He was the first and only man to serve in this capacity until the office was replaced by the congressionally created Guam delegate's office in 1972. Mr. Won Pat served as a member of the House of Representatives from 1972 until 1984.

I did not realize it at the time but I look back to that event as the day I took my dreams a step further. I began setting my goals on that first Island Leadership Day in 1964. As Island Leadership Day is intended to introduce and inspire students to leadership positions in the community, I am proud to say I was among the ranks of many who, over the years, found inspiration and realized their goals through this program.

With the enthusiastic support of Guam's public, private and military sectors, more than 300 students from nearly every middle and high school took part in Island Leadership Day 2000. All in all, thousands of Guam's students participated in the various activities of Youth

Month, each planned and coordinated by student leaders themselves. In particular, the Youth Month Central Planning Committee, was made up of students from Southern High School, specifically Cherika Chargualaf, president; Hermaine Alerta, vice president; Erwin Agar, secretary; Joseph Cruz, treasurer; and Angela Tamayo, activities coordinator. In having planned and executed a very impressive and successful schedule of varied events, our youth genuinely embodied this year's Youth Month theme, "I Manhoben I Isla-ta, I Fuetsan I Tiempo-ta—The Youth of Our Island, the Strength of Our Time."

Today's youth embody our future. As we provide training and guidance, their performance is clear indication of the leadership they have to offer for the future. As I look at local students take roles in different career areas, I see a wonderful vision of Guam's future.

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## TRIBUTE TO DR. ROSCOE C. BROWN, JR.

### HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. SERRANO. Mr. Speaker, it is with joy that I rise today to pay tribute to and to congratulate Dr. Roscoe C. Brown, Jr., for his dedication to education and human rights, and for his many accomplishments, including his service to America during World War II. He will be honored today at Bronx Community College when the Gould Student Center is renamed the Roscoe C. Brown, Jr. Student Center.

For 16 years, from 1977 to 1993, Dr. Brown was president of Bronx Community College in New York City. During that time, he brought the college to national prominence as a model urban community college devoted to providing opportunities for educational advancement for all.

Mr. Speaker, prior to becoming president of Bronx Community College, Dr. Brown was director of the Afro-American Institute at New York University. In that capacity, he educated students and the general public about the accomplishments of the African American community. It was during that time, too, that Dr. Brown began his career in radio and television, providing a larger public with insights into African American life.

Before his academic career, Dr. Brown distinguished himself as a member of the heroic Tuskegee Airmen, who came through World War II with a commendable record of successes in combat.

Dr. Brown has also been personally involved in the struggles for human rights for all people and has fought against all forms of racism and bigotry.

Mr. Speaker, it is an honor and a privilege for me to ask my colleagues to join me in recognizing Dr. Roscoe C. Brown, Jr. for his major contributions to our country.

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## INTRODUCTION OF THE NUCLEAR POWER PLANT SAFETY ENHANCEMENT ACT

### HON. SUE W. KELLY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. KELLY. Mr. Speaker, I rise today for the purpose of introducing a proposal to enhance the safety of operations at our nation's nuclear power plants.

As a representative from a district which has three nuclear power plants. I have always held a strong interest in promoting policies which seek to the ensure the safety of communities surrounding these facilities. I became acutely aware, however, of the need to strengthen the independent analysis and review of plant safety evaluations just recently.

On the night of February 15, a leak from one of the steam generators at the Indian Point 2 facility in Buchanan, New York, resulted in the declaration of an emergency alert. The distress caused by this incident was serious from the very beginning, and was made far worse by revelations in the weeks following the incident which indicated that previous inspections of the plant's steam generators were "weak and incomplete," according to the NRC's Office of Nuclear Regulatory Research.

This is wholly unacceptable, and my purpose in offering this proposal today is to diminish the threat posed to our communities by insufficient safety evaluations. This legislation establishes within the Nuclear Regulatory Commission's (NCR) Office of the Inspector General a unit charged specifically with auditing the safety analysis and review activities of both the NRC and those entities licensed by the agency.

Given the unfortunate circumstances which have arisen with respect to Indian Point 2, it is only reasonable to question whether or not they are symptomatic of a broader problem. I believe the proposal being offered today goes a long way in taking the necessary precautions against such a possibility, and I urge my colleagues to join me in advancing this initiative.

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## PERSONAL EXPLANATION

### HON. RONNIE SHOWS

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. SHOWS. Mr. Speaker, I was away from the floor of the House on Tuesday, May 16, 2000, on official business and was unable to cast a recorded vote on rollcall 184.

Had I been present for rollcall 184, I would have voted "yea" on passage of H.R. 4425, the motion to suspend the rules and pass H.R. 1089, Military Construction Appropriations for Fiscal Year 2001.

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## COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

SPEECH OF

### HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 16, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes:

Mr. ROEMER. Mr. Chairman, since I have served in Congress, I have always supported commonsense reform proposals that improve the efficiency of Congress and make it more accountable to the American people.

While I support some of the specific proposals contained in the Comprehensive Budget Process Reform Act, such as biennial budgeting and increased congressional oversight responsibility, I voted against the bill because it failed to include these important reform measures.

I was disappointed that the bipartisan amendment to provide for biennial budgeting was defeated. This would have streamlined the budget process, enhanced the oversight of government programs and strengthened fiscal management. With the recent enactment of the other government reform measures, such as the Government Performance and Review Act, which I supported, a biennial budget process would be the next logical step in promoting long-term planning, and improving the efficiency of government and the use of taxpayer dollars.

I was also disappointed that the House adopted on voice vote the second amendment offered by Representative RYAN. This amendment would allow non-Social Security surpluses to be used for tax cuts or changes to entitlement programs. The problem with this amendment, in my opinion, is that it would repeal many of the budget rules known as "pay-as-you-go" requiring that tax cuts be offset with equal cuts in federal spending. Without these rules, critical federal programs could be sequestered, leading to across-the-board cuts in education, Medicare, and farm support programs. This is a dangerous way to change the budget process, and it is not sound fiscal policy.

Mr. Chairman, for these reasons, I voted against H.R. 853, and I am pleased that a bipartisan majority of my colleagues voted with me to defeat this legislation.

## INTRODUCTION OF LEGISLATION TO COVER AAC DEVICES UNDER MEDICARE

### HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. NADLER. Mr. Speaker, today I join Representative CUNNINGHAM in introducing an important bill to rectify a fundamental unfairness for seniors stricken with Amyotrophic Lateral Sclerosis, ALS, and other debilitating diseases that render one unable to speak. Our bill would extend Medicare coverage to Augmentative and Alternative Communication, or AAC Devices, which have been previously unavailable to seniors who cannot afford the enormous cost, so that all seniors may enjoy the benefits of communication.

AAC devices are remarkable machines that allow a severely speech-impaired person to speak through a computer. Perhaps the most famous user of these devices is physicist Stephen Hawking, who relies on this device to conduct his brilliant work. Fortunately, he is able to afford an AAC device, but countless others who are stricken with ALS, and similarly debilitating diseases, find themselves without the means to purchase these expensive, yet invaluable, devices.

Amazingly, HCFA, the Health Care Financing Administration, has refused to cover these devices, labeling them "a convenience item." Is it merely a convenience to be able to communicate with your family, your friends, or your caretaker? Is it just a luxury for people suffering with ALS to lead safe, healthy, and productive lives? That is what HCFA must believe by refusing to cover AAC devices.

HCFA's resistance toward covering AAC devices is made even more inexplicable by the fact that every other federal health care provider, like the Veterans' Administration, every state Medicaid program, as well as hundreds of commercial providers cover these unique devices, recognizing that communication is more than a convenience, it's a necessity. It is a cruelty to deny individuals the power of speech, when then devices are readily available.

I first became interested in this cause after meeting with the wife of the late actor Michael Lazlo, a constituent of mine, who first told me of HCFA's refusal to cover AAC devices. Over the last year and a half many of my colleagues, particularly Mr. CUNNINGHAM, and I have worked to reverse this short-sighted decision. I am pleased that recently they removed their non-coverage decision, allowing local carriers to cover AAC devices if they determine it is appropriate. However, this decision goes only half-way toward what is necessary. While I have no doubt that coverage is the only reasonable decision these local providers could reach, I feel we must affirmatively cover these devices.

According to HCFA itself, AAC Devices "can greatly improve the quality of life of people who either cannot speak or whose speech is unintelligible to most listeners . . . this technology gives severely speech-impaired people ways to communicate their thoughts to others." I ask them today to listen to their own words and cover AAC devices.

Mr. Speaker, I ask my collegues to join us in providing the power of speech to those who could benefit from these devices and cosponsor this important legislation.

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## LUNG CANCER RESEARCH

### HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mrs. LOWEY. Mr. Speaker, I rise today to discuss the tragedy of lung cancer, which afflicts hundreds of thousands of Americans. I especially want to pay tribute to my constituent, Vivian Feigl of Rego Park, New York, who struggles with this debilitating disease and whose longstanding commitment to helping those with lung cancer is an inspiration to us all. Rarely do I encounter people with as much passion and energy for an issue as Vivian has for finding a cure for lung cancer.

Mr. Speaker, most of us know how devastating lung cancer can be. But few Americans understand how pervasive this disease is. According to the American Cancer Society, lung cancer is the number one cancer killer of American women. More people die of lung cancer annually than colon, breast, and prostate cancers combined. In this year alone, over 164,000 new cases of lung cancer will be diagnosed, and nearly 157,000 people will die of lung cancer. Moreover, whereas early detection can prevent an overwhelming majority of deaths for some cancers, such as cervical and prostate cancer, few cases of lung cancer are caught at an early stage. Overall, the five-year survival rate for all stages of lung cancer is 14 percent. Clearly, we can and must do more to fight this terrible illness.

I have long supported increasing our investment in medical research because it can both save lives and reduce our nation's health care costs in the long run. And as a member of the Appropriations Subcommittee on Labor-HHS-Education, I have worked hard to ensure that researchers have the resources necessary to continue to make advances in the prevention and treatment of cancer.

Yet while funding for long cancer research has increased to about $160 million in 1999, our battle is far from over. With so many Americans like Vivian fighting bravely against this disease, we must continue to increase funding for lung cancer research. The Labor-HHS-Education appropriations bill that passed subcommittee last week would provide an additional $1.3 billion for the National Institutes of Health—a badly needed increase. As this bill moves forward, I hope that we'll ultimately provide a $2.7 billion increase so that we can meet our goal of doubling the NIH budget over five years.

So today, I again commend Vivian Feigl, who has devoted so much of her time and energy to the fight against lung cancer. And I promise to continue my fight to double funding for the NIH so we can find cures for lung cancer and the many of the other diseases and disorders plaguing our nation. Our friends and families depend on our unbending commitment to this critical research, and they deserve no less.

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## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 18, 2000 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

MAY 19

9:30 a.m.
Governmental Affairs
Investigations Subcommittee
To hold hearings to examine the extent to which fraud and criminal activities are affecting commerce on the internet, focusing on the widespread availability of false identification documents and credentials on the internet and the criminal uses to which such identification is put.
SD–342

MAY 22

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.
SR–253

MAY 23

9:30 a.m.
Health, Education, Labor, and Pensions
To hold hearings to examine drug safety and pricing.
SD–430

10 a.m.
Small Business
To hold hearings on Internal Revenue Service restructuring, focusing on small businesses.
SR–428A

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine the Administration's Water Resources Development Act proposal.
SD–406

10:30 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine human rights abuses in Russia.
2200, Rayburn Building

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 740, to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities.
SD–366

3 p.m.
Foreign Relations
To hold hearings on the Meltzer Commission, focusing on the future of the International Monetary Fund and world.
SD–419

MAY 24

9:30 a.m.
Indian Affairs
To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.
SR–485

Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Environment and Public Works
To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 2123, to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; and S. 2181, to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.
SD–406

10 a.m.
Foreign Relations
To hold hearings on the nomination of Marc Grossman, of Virginia, to be Director General of the Foreign Service.
SD–419

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding , storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.
SD–366

MAY 25

9:30 a.m.
Energy and Natural Resources
To hold hearings to examine the outlook for America's natural gas demand.
SD–366

10 a.m.
Health, Education, Labor, and Pensions
Public Health Subcommittee
To hold hearings to examine gene therapy issues.
SD–430

2:30 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.
SD–366

JUNE 7

9:30 a.m.
Indian Affairs
To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.
SR–485

2:30 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.
SD–366

JUNE 21

9:30 a.m.
Indian Affairs
To hold hearings on certain Indian Trust Corporation activities.
SR–485

JUNE 28

9:30 a.m.
Indian Affairs
To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.
SR–485

JULY 12

9:30 a.m.
Indian Affairs
To hold oversight hearings on risk management and tort liability relating to Indian matters.
SR–485

JULY 19

9:30 a.m.
Indian Affairs
To hold oversight hearings on activities of the National Indian Gaming Commission.
SR–485

JULY 26

9:30 a.m.
Indian Affairs
To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.
SR–485

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345 Cannon Building

# SENATE—*Thursday, May 18, 2000*

The Senate met at 9 a.m., and was called to order by the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island.

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, the Rev. Eugene F. Rivers, from Azusa Christian Community Church, Dorchester, MA.

## PRAYER

The guest Chaplain, Rev. Eugene F. Rivers, offered the following prayer:

Father, we thank You, praise You, and adore You for how You have blessed us. May we be good stewards of all the resources with which You have entrusted us. Provide the men and women of this Senate with knowledge, wisdom, and understanding that they may make decisions that are just and fair.

God of strength and love, because You care for us, we are never alone. Give us the wisdom to turn our fears into courage, so that we will have the power to make good decisions, even in bad situations. Thank You for loving us and teach us how to love ourselves.

Father, give us a love that is patient and kind; that does not envy or boast; that is not proud; that is not rude or self-seeking or easily angered and keeps no record of wrongs. Give us a love that does not delight in evil but rejoices in the truth; that always hopes and perseveres. Give us a love that never fails.—1 Corinthians 13.

Amen.

## THE GUEST CHAPLAIN

Mr. KERRY. Mr. President, it is my great privilege today to introduce to my colleagues in the Senate a very special person who is here with us, a long time friend of mine and a true leader, nationally as well as in Massachusetts, the Rev. Eugene Rivers.

Reverend Rivers is the pastor of the Azusa Christian Community in Four Corners, which is an inner-city community in Boston. He honored the Senate today by delivering our opening prayer, asking particularly that each and every one of us are bestowed with the wisdom to turn our fears into courage so that we will have the power to make good decisions even in bad situations. I think those words are particularly important to us in the context of this debate in the last few days.

Not only should we be touched by Gene Rivers' words this morning, but I emphasize to my colleagues the degree to which the words of this person of the cloth and the acts of life come from his heart. As someone who knows him and has worked with him and has been inspired by him, I can tell my colleagues that he is the living embodiment of the words he shared with us today. Those words reflect the important work that he has made his life's work—walking often in places of danger, always in places of difficulty, in order to try to bring the word of God and the spirit to our fellow citizens—in fact, the citizens of the world.

Gene Rivers comes from a place that understands some of the toughest fights in our country. He was born and raised in south Chicago and in northwest Philadelphia. He found himself in a bad situation as a gang member. He was struggling to break free from the life that he knew was either going to take him to jail or to a cemetery.

After, from that difficult life of the streets, Reverend Rivers persevered and he attended Harvard University and then did studies at the Divinity School. Ultimately, he has returned to the streets to live out his inner self in the spirit that commands his life. He has been part of what we call the Boston Miracle. As he puts it, he has let God use him to fight the gangs. Most recently, through his tremendous efforts in Boston, with Operation 2006 and the Baker House, my staff and I have seen Gene Rivers go out into the community, knocking on doors, standing on street corners to develop the services and assistance and the inspiration that so many young people need. He works very closely with the law enforcement authorities in helping to defuse the danger of the gangs.

As a consequence of his hands-on efforts, we went through, I think, almost a 2-year period in which we had not one young person killed in the city of Boston. He is consistently working to try to defuse those kinds of situations. Because of his direct hands-on action, Operation 2006 reduces juvenile violence and it brings the community together in ways that perhaps no one in public life could do without that special kind of connection.

I might add that, since then, Gene Rivers has tackled a much larger call beyond Massachusetts. The Senate this year has become particularly aware of the devastation taking place in Africa as a result of the AIDS epidemic. Gene Rivers has tackled that issue, challenging leaders in Africa, as well as leaders here, to engage in a candid discussion that tries to bring us all together in a united effort to deal with this terrible scourge. He has helped to make us all aware of the responsibility to do something about this, and he has had an impact.

Reverend Rivers was, in fact, the subject of a cover story in Newsweek magazine, I think a little over a year ago. They described him as an "intellectual burst of firecrackers spinning off ideas and energy."

He has been called an "impolitic preacher" and a man of action. Today, I simply want to thank him for always answering the call of leadership, for battling, from every day for the souls and safety of our inner-city kids to standing up to halt the spread of AIDS throughout Africa. I thank him for being a great voice of our generation, and he graces us with his wisdom and his prayers. I extend my heartfelt thanks to Rev. Eugene Rivers for his guidance, his friendship, and his leadership.

## PLEDGE OF ALLEGIANCE

The Honorable LINCOLN CHAFEE led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, May 18, 2000.*
>
> TO THE SENATE: Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LINCOLN CHAFEE, a Senator from the State of Rhode Island, to perform the duties of the Chair.
>
> STROM THURMOND,
> *President pro tempore.*

Mr. L. CHAFEE thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

## SCHEDULE

Mr. ROBERTS. Mr. President, today the Senate will resume consideration of the military construction appropriations bill. There are nearly 5½ hours of debate remaining on the Levin amendment in regard to Kosovo. Senators who have statements are encouraged to work with the amendment managers on a time to come to the floor. Following the use or yielding back of time, a vote will occur at approximately 2:30 this afternoon. After the disposition of the Levin amendment, it is hoped the Senate can proceed to a vote on final passage of the bill.

For the remainder of the day, it is the intention of the leader to begin consideration of the foreign operations appropriations bill. Senators, therefore, can anticipate votes into this evening's session.

## MEASURE PLACED ON THE CALENDAR—H.R. 3709

Mr. ROBERTS. Mr. President, I understand there is a bill at the desk due for its second reading.

The ACTING PRESIDENT pro tempore. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (H.R. 3709) to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

Mr. ROBERTS. Mr. President, I object to further proceedings on the bill at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. Under the rule, the bill will be placed on the calendar.

## RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

The ACTING PRESIDENT pro tempore. The Senate will now resume consideration of S. 2521, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

Pending:

Levin amendment No. 3154, to strike certain provisions which require ground troops be withdrawn from Kosovo by a fixed date.

The ACTING PRESIDENT pro tempore. The pending amendment is the Levin amendment No. 3154.

Under the previous order, the Senator from Kansas, Mr. ROBERTS, is recognized to speak for up to 15 minutes.

Mr. ROBERTS. Mr. President, I ask unanimous consent that I may proceed for 20 minutes.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. LEVIN. Reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, there is a time that has been allocated to each side. I ask my good friend from Kansas whether or not the additional 5 minutes will come out from the time that is allocated to his side.

Mr. ROBERTS. The Senator is correct. Last night I asked, under a unanimous consent request, for 20 minutes. I discovered this morning it was 15 minutes. I am merely asking for an additional 5 minutes. Obviously, it will come out of our time.

Mr. LEVIN. I have no objection if it comes out of their time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized for 20 minutes.

Mr. ROBERTS. Mr. President, I rise to lend my support to the proposed legislation by my colleagues, Senator BYRD and Senator WARNER, in reference to U.S. obligations and involvement in Kosovo and, in a larger sense, in NATO as well, and in opposition to the amendment to strike that has been offered by the distinguished Senator from Michigan.

In this regard, I am a cosponsor of the language introduced several weeks ago by the distinguished chairman of the Armed Services Committee, Senator WARNER. I had the privilege of being in the Presiding Officer's chair when he introduced his legislation. Senator WARNER, after many trips to Kosovo and firsthand experience, became convinced that our united efforts in the Balkans would have no chance of success unless promises made by our allies were kept—obligations for humanitarian assistance and reconstruction so crucial to any positive outcome.

Senator WARNER, in effect, issued a strong warning to our valued allies, and I believe his legislation has become a catalyst for action. Almost every contributing NATO ally and the officials within the administration, has assured the chairman, that they have been, are, or will step up to the plate and fulfill their financial obligations.

I feel with certainty that President Clinton can and will certify the Warner requirements have been met, so essential to achieving peace and stability in Kosovo. Regardless of how Members feel about this legislation or U.S. involvement in Kosovo, we owe Senator WARNER a debt of gratitude.

The second part of this legislation has been authored by Senator ROBERT BYRD. His knowledge of the U.S. Constitution has no equal in this body and his tireless efforts in defending and protecting the constitutional prerogatives of this institution will be among the many legacies he will leave us.

Senator BYRD has a not-so-unique conviction. He believes, and I believe, that we should balance the need for Presidential flexibility in foreign affairs and our constitutional power of the purse.

His legislation signals the end to open-ended—and I emphasize the word "open-ended"—U.S. peacekeeping operations in Kosovo and by periodic reporting promote actual consultation with the Congress and enable us to abide by the Constitution's directives on the separation of powers.

I certainly identify with Senator BYRD's purpose, as I authored a somewhat similar reporting requirement in 1998 during consideration of the Defense appropriations bill, as did Senators CLELAND and SNOWE. This is not new ground we are plowing. The reporting requirement was a little different. It was after the fact, and it was a foregone conclusion in terms of our involvement. We were trying to better determine the mission, the cost, the timing, et cetera. Again, this is not new ground we are plowing.

Notwithstanding the actual content of the Byrd-Warner amendment, it certainly has caused quite a fuss, so much of a fuss that the Senate of the United States is actually in the midst of a foreign policy debate, some $15 billion and 6 or 7 years into intervention in the Balkans.

We actually have Senators in both the Republican conference and the Democratic caucus involved in some very spirited debate about the U.S. policy in the Balkans, so emblematic of the so-called Clinton doctrine. Imagine that, foreign policy actually getting some attention in the middle of an election year and a Presidential campaign. That is good. That is not bad; that is good. We need this debate.

In fact, I know of two Senators, the Senator from Georgia, Mr. CLELAND, and this Senator from Kansas who have braved the morning business hours, always held in the late afternoons, to launch what we call a foreign policy dialog and discuss at length our vital national security interests, the direction of our foreign policy, and the use of force and related topics.

A few Senators have joined us, particularly Senators HUTCHINSON, HAGEL, LUGAR, and LEVIN. It was a good dialog. We will have more. But this debate is about an actual amendment calling for the Senate to meet our obligations and responsibilities to be an equal partner with the executive in determining where and why our American men and women in uniform are put in harm's way, and for what purpose, and commensurate with our commitments in regard to our allies.

This is almost beyond the hopes of Senator CLELAND and myself, who have been trying to attract attention to this topic for the better part of this session.

My colleagues, this legislation does us, our military, and the American people a big favor, it seems to me. It places the Congress into a process, a process where we already have a constitutional obligation. Simply put, if we, as a body, believe our continued presence in Kosovo is justified, then we do so by voting to stay.

Second, the provision asks the United States to provide a plan to return the peacekeeping responsibility—I emphasize that, the peacekeeping responsibility—to our allies in Europe by the first of October of next year—18 months away.

Last, it asks the President to certify that the E.U. and the European members of NATO meet the obligations for the humanitarian assistance and the reconstruction they have promised.

This legislation has created quite a fuss. Supporters have been labeled—and I am quoting here—as "isolationists," "Cassandras," and "blind to the facts."

The critics of this legislation say, if this amendment is adopted, Europe will be plunged into darkness, NATO will resemble Humpty-Dumpty, and 50 years of U.S.-Europe cooperation will be in danger, not to mention the peace and stability in the Balkans. Really?

My colleagues, to suggest that if we ask to bring our combat troops home after an orderly turnover to European peacekeepers, to ask the Congress to vote on their approval or their disapproval of continued U.S. participation in Kosovo, and to ask that the President certify that the Europeans will meet their funding obligations they promised—if that represents a lessening of our commitment to Europe, this, to me, is histrionics of amazing proportions.

Let the critics, let all of my colleagues who oppose this legislation, answer the following questions:

First: Are the Europeans capable of maintaining the peace in Kosovo? That is a very important question.

Second: Are the Europeans solvent enough to meet their promised fiscal responsibility? I think we all know the answer to that.

Does the Congress have any responsibility for foreign policy?

Have we asked the President, time and time again, with numerous reporting requirements—as I have indicated, as Senator CLELAND, Senator SNOWE, and I have over 2 years ago—to better inform and include Congress in foreign policy decisions?

Would the United States respond militarily if a conflict erupted in Europe following the passage of this legislation?

Does an ill-defined, poorly executed, and ineffective policy in the Balkans have a direct negative effect on our military and our remaining military obligations around the world?

I think the answers, my colleagues and critics, is yes to all of those questions.

In fact, I think it is a bit condescending or paternalistic, if not outright arrogant, to suggest, as some have stated, that without direct U.S. participation—we are talking about ground troops now, not logistics, not airlift, not intelligence—that the European military would be unable to maintain the peace and war will spread to neighboring nations.

Those of us who are privileged to serve on the Senate Armed Services Committee have met repeatedly with our foreign counterparts to learn repeatedly that the European Union members are developing a rapid deployment force with defensive capability—they call it the ESDI—that they say will be, or is right now, capable of maintaining the peace in the Balkans. Are they wrong? We have 17 months to really try to figure that out.

As an aside, would our peacekeepers assume a combat role? Do I recall press accounts where Americans are no longer permitted to come to the assistance of other peacekeepers in other sectors, in certain situations, following a skirmish in the German sector?

So let me get this right. We are peacekeepers, but we cannot withdraw because of a possible problem that could break out; but we are not allowed to go to other sectors to assist if a problem breaks out? Something is wrong here.

Do the opponents of this legislation actually think that because of this provision, the United States will in fact become isolationists? Do opponents think by passing this provision, it signals an end to our participation in NATO or in Europe? That argument is absurd. I think the opponents know it. That is not the issue.

Aside from fulfilling our constitutional obligations, the issue is this: The U.S. military is being deployed all over the world by this administration at rates far above that seen in regard to the cold war. We must ensure that we have the forces to be able to respond to threats to our vital national security interests.

The point is not to debate whether we should have gone to war in Kosovo—those 20–20 hindsight lessons learned are still in progress, and they should be—but rather to decide how long we will keep draining limited U.S. resources when we still cannot define what our long-term objectives in Kosovo are, or when the Europeans are fully capable of performing the peacekeeping mission again, and they have committed to providing the reconstruction resources and the resources for humanitarian relief.

This legislation is, in fact, in concert with the new Combined Joint Task Force mechanism adopted by NATO during the Washington summit. That is the summit that was held last spring. In this regard, we all left town and the NATO ambassadors stayed here. They adopted a new Strategic Concept. I doubt if many Senators have read the new Strategic Concept. I did.

I am a little concerned about our mission in that regard. I even had an amendment, that was adopted, that asked the President to certify whether we had obligations and responsibilities on all these new missions in regard to the Strategic Concept.

In that Strategic Concept, passed last fall, largely at the request of our European allies, the task force allows NATO members to utilize—listen up, my colleagues—the task force allows NATO members to utilize noncombat NATO resources in support of an operation that is conducted by a coalition of willing nations without requiring all alliance members to participate in it.

That is the concept. That is what this legislation does.

There is no reason this CJTF plan would not allow the United States to continue to provide—as the distinguished chairman of the Armed Services Committee said over and over again in this debate—airlift, logistics, intelligence, and, yes, peacekeeping support.

What is the end game here? Not only are there no clear objectives that would end our involvement in Kosovo, but there is no understanding, at least from this Senator's standpoint, of what constitutes "winning the peace." I would like somebody to tell me.

I would like somebody to tell me, after years of discussion and hearings, especially in the Intelligence Committee and Armed Services Committee, the President, Secretary Albright or National Security Adviser Berger or Gen. Wesley Clark, who is back in Washington after a very tough duty assignment that he conducted so well, or my colleagues who are so critical of this amendment: What is it that winning the peace in Kosovo means?

Is it harmonious coexistence of the Serb and the Albanian population in some yet to be defined autonomous or semiautonomous region called Kosovo? Is it when the level of violence, Serb on Albanian, Albanian on Serb, Albanian on Albanian or Serb on Serb or any combination of those, has been reduced to a point that CNN no longer covers it? Or is it when the western nations have kept the peace long enough for generations to pass and the great grandchildren of the combatants no longer remember the atrocities they inflicted on one another?

I am all for winning a peace. I don't know of anybody who is not. But I am concerned, and I am afraid the reality is that the U.S. cannot afford to wait. We are not talking about now. We are talking about October from October, 18 months. I say this not out of a lack of compassion for the inflicted innocents of Kosovo—those who I met and whose pleas I have heard and the memories of which I will carry forever—but because our U.S. military is stretched and strained and growing hollow once again, and our world commitments are too great to allow us to stay in Kosovo indefinitely.

Some time ago, June 19, 1998, Senator CLELAND and Senator SNOWE passed an amendment calling for a report from the Executive, what clear and distinct objectives guide the activities of the United States in the Balkans, what the President has identified on the basis of those objectives as the date or set of conditions that define the end point of the operation. That was 2 years ago.

There are findings here that pretty well underscore the concern and the frustration we have had, all of us, in a bipartisan way. We have a May 3, 1994, Presidential Decision Directive 25 declaring that American participation in the United Nations and other peace operations will depend in part—this was before Kosovo; this is Bosnia—on whether the role of the U.S. forces is tied to clear objectives and an end point for U.S. participation can be identified.

I think the distinguished chairman's amendment and that of Senator BYRD is commensurate with the Presidential directive. I had an amendment, as I indicated, to the Defense appropriations bill, saying: None of the funds appropriated on or otherwise made available, et cetera, could be obligated or expended for any additional deployment of forces—this is before Kosovo and the bombing, all of that—until the following questions were answered: The reasons why the deployment is in the national security interests of the United States; the number of U.S. military personnel; the mission and objectives, et cetera; the exit strategy.

About 6 months to a year later, we finally got a response. I can tell you that the mission has changed dramatically. Then we all wanted to safeguard the return of the refugees and provide a safe haven and end the fighting. Today, I am not sure if we can define "winning the peace."

A GAO report that just came says: On the eve of the Senate vote to set a deadline for withdrawing American troops from Kosovo. A GAO report released today said that prospects for lasting peace in Kosovo are bleak. It says it will take another 5 years. Maybe we should have an amendment by those opposed to this amendment simply stating that the GAO indicates there is going to be another 5 years and simply to go ahead and say that, that we tell the truth in regards to how long it is going to take.

Last week in our foreign policy dialog, Senator LUGAR asked the question: Are we committed to NATO, after the lessons hopefully learned following the isolationist policies of World War I and all we have worked to achieve in the 50 years since World War II? Are we still committed to Europe in that their security involves our security? The answer is yes. His point is well taken. That is not the issue.

I submit the conduct of foreign policy is just as important as the alleged or stated goal. And there is the rub for this Senator. Some day I hope to pull together all of the information and reports I have stacked up in my office and address the concern, the frustration, in regard to the planning, the intelligence, the conduct, the law of unintended effects of the Kosovo and Bosnia operations, but now is not the appropriate time.

Upon returning from Kosovo and talking with one of the colonels in charge, who was a member of the Airborne, I asked him what he did from the time he got up in the morning until the end of the day, other than the briefing we had. He indicated there was some progress being made.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ROBERTS. Mr. President, I ask unanimous consent I be granted another 2 minutes to close.

Mr. KERRY. Mr. President, I assume that comes off their time?

Mr. ROBERTS. That is correct.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBERTS. I asked the colonel what he was proud of, what kind of progress he had made. That was the trip that we had in February to Kosovo. He indicated that finally they had found somebody who agreed to serve as a schoolbus driver for the Serb children. Unfortunately, there were no Serb schoolchildren in Urisivic, and they would not have been allowed to attend the Kosovar school had they been there. In addition, there would have had to have been a separate curriculum and separate teachers. But they found a schoolbus driver who was willing to drive the schoolbus if, in fact, there was schoolchildren.

These troops were guarding six Serb families in what was called Serb Alley. They were escorted by armored vehicles to shop and get groceries once a week. These families are staying with the hope that their youngsters would return some day, if they are, in fact, still part of Serbia, and so they could continue their businesses.

I could go on with example after example. Basically, we asked him what he spent most of his time on. He said, Albanian violence on Albanian. The basic question is, within the next 18 months that we figure out if, in fact, Europe has the capability to conduct the peacekeeping operations. This is not a pullout. This is not an automatic retreat. All this is, is for the Congress of the United States to assume its constitutional responsibility at the end of 18 months, if the President requests it and says it is in our vital national interests, that we vote to stay. I, for one, would vote to stay if, in fact, the President looked me in the eye and said that was the case. I think under the circumstances I have made my point.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, under the standing order, the vote on this issue will occur at 2:30, give or take a few minutes on either side. Senator LEVIN has, under his control, 2 hours 45 minutes. The Senator from Virginia has roughly an hour and a half or less, of which 1 hour is reserved to our distinguished colleague, Mr. BYRD of West Virginia. Thus far, the Senator from Virginia is desirous of trying to accommodate those who wish to speak in support of the amendment. I have the names of Mr. TORRICELLI, Mr. CLELAND, Mr. FEINGOLD, Mr. GREGG, Mr. BURNS, Mr. INHOFE, Ms. SNOWE, Mr. THOMAS, and Mrs. HUTCHISON of Texas. I am going to be right here to do the very best I can to accommodate all.

Time is going to move very swiftly, and I hope Senators will contact the managers and indicate the times convenient for them to speak.

Mr. LEVIN. Mr. President, I wonder if my good friend will yield for a question as to whether we might be able to schedule——

Mr. WARNER. On your time because my clock is ticking.

Mr. LEVIN. It will be brief and on my time. Senator LAUTENBERG is scheduled to go next under the unanimous consent agreement. Can we schedule a speaker on your side, perhaps?

Mr. WARNER. Yes, Senator INHOFE will be seeking recognition, and perhaps 10 minutes would be agreeable. Would that be agreeable?

Mr. INHOFE. I would like to have 12, if I could.

Mr. WARNER. We will give the Senator 12.

Mr. LEVIN. I ask unanimous consent that Senator DEWINE be recognized for 10 minutes immediately after Senator INHOFE, and then does the Senator know who would be ready on his side?

Mr. WARNER. I reserve 8 minutes for a Senator in support of the amendment.

Mr. LEVIN. After that, Senator KERRY of Massachusetts could go on our side.

The PRESIDING OFFICER (Mr. DEWINE). Without objection, it is so ordered.

Mr. WARNER. Mr. President, I add that following Senator KERRY, I will have a speaker for about 7 minutes. I thank the Chair and my colleague.

The PRESIDING OFFICER. The Senator from New Jersey is recognized, under the previous order, to speak for up to 20 minutes.

Mr. LAUTENBERG. Mr. President, I thank Senator LEVIN for the courtesy of being able to speak at this time. I believe very strongly in the issue which is before us. I am in opposition to section 2410 in the military construction appropriations bill, which in the view of most, I think it is fair to say, effectively terminates the U.S.

military role in Kosovo. I opposed this amendment when it was offered in committee, and I am proud to join with Senator LEVIN in offering an amendment to strike it here in the full Senate.

Last year, the Armed Forces of the U.S., our NATO allies, and other countries, valiantly fought to stop the killing in Kosovo. They ended Slobodan Milosevic's brutal campaign of ethnic cleansing against the Albanians and prevented his genocidal warfare from being carried out to its full extent.

Like many of my colleagues, I have made many visits to the area. I watched with admiration and awe when I saw our fliers flying out of Aviano, Italy, to the front in Kosovo. That flight—in a fighter plane there is not much room—typically would take up to 8 or 9 hours to complete. It also needed four to five refuelings in the air to keep that pilot and that equipment going. It was an incredibly well-done campaign. Our pilots' morale and commitment was second to nothing I have ever seen. I served 3 years in World War II, so I have seen war directly before. I remember even then, when everybody was so committed, how sometimes the morale would flag after a period of time. But these pilots would get in those planes almost daily and exhaust themselves in carrying out their missions. They were at high, high risk.

Fortunately, with good planning, skilled pilots, skilled crews and ground personnel, we only had one plane go down, and the rescue of that pilot is something that will live in the annals of military history—how they scooped him up in the middle of the night in a carefully planned evacuation. They got him and brought him home safely. When I met him a couple of days later, he wanted to fly again and was ready to go back and do his duty.

In Kosovo, we watched hundreds of thousands, perhaps millions, of people being uprooted from their homes—men, women, and children. A few men they would take away.

Even before the air campaign, I met a family in Albania where they lifted grandpa up to cross the mountains along with lots of little kids—about five of them—to cross the mountains to try to protect themselves. It was a sad story they related. They got to Albania to their relatives and slept on the floor and thought they were in heaven.

This was a genocidal act, if we have ever seen one. It was a brutal massacre involving the worst crimes that one could imagine—mutilation, rape. It was a terrible situation. We were compelled sometimes by our heartstrings more perhaps than our planning to intervene, and to say to the world you can't do that kind of killing while civilized nations exist around the world. We violated that, if we look at Africa. But we had a direct interest there.

When we think now of just pulling out—and I will say arbitrarily. I hate to disagree with two very distinguished and good friends in this Senate, the distinguished Senator from Virginia, chairman of the Armed Services Committee—I don't like to argue with him. He is too smart. He has too much knowledge—and the Senator from West Virginia, not in a different category. But I disagree with them on this very important decision that is about to be made.

In my view, and in the view of the Senate in the past, the United States and our allies were right to act last year in Operation Allied Force. And we were right to stay in Kosovo to accomplish our goals in Operation Joint Guardian.

We won the war. Now we have to ensure that victory by maintaining the peace.

Mr. President, the discussion and the debate on this provision since the Appropriations Committee markup has shed considerable light on the Byrd-Warner amendment and its consequences.

Most immediately, it ties our military presence in Kosovo to burden-sharing criteria for European reconstruction and humanitarian aid. They are doing it.

It has been my belief for a long time that our allies must do more burden-sharing. I talked about it with Japan; I talked about it with Saudi Arabia; I talked about it with South Korea—that there has to be burden sharing by our allies. I believe that the European countries should fulfill their broad commitment to take the lead in the reconstruction of Kosovo, as well as their specific aid pledges.

But I don't think threatening to reduce our peacekeeping presence is a constructive way to speed up European aid disbursement.

More importantly, I don't think anyone can predict with any certainty that the President will be able to meet the burden-sharing certification requirements by July 15 as this bill requires. July 15, 2000, is not very far away. Administration people—top people at OMB—say it is unlikely that it can be done. They are saying it certainly cannot be done now, and I know some of my colleagues who supported the amendment in the committee had a different understanding about whether or not the certification of the allies meeting their obligation could be done at this time. It can't be.

If the Europeans fail to meet even one of the yardsticks, U.S. funds for military operations could only be used to withdraw U.S. forces.

This provision could force U.S. troops to withdraw from Kosovo this July, 2 months from now. I think even some of the sponsors of the measure would consider this highly undesirable.

But let us suppose the Europeans do indeed fulfill their aid pledges as is required, after the first phase, which is July of this year, 2000. What happens then?

Section 2410 in this bill is quite clear on this point: Unless the President gets explicit congressional authorization in the form of a joint resolution, the next President will have to pull our troops out of the NATO-led peacekeeping mission in Kosovo by July of next year at the latest.

Just a reminder: The Second World War ended in August of 1945. We had troops stationed in Germany and Japan. We still have troops stationed in Europe and Japan as a result of that war. After more than 50 years, we still have troops there. We still have troops in South Korea as a result of that war. Why? Because we have determined we are better off keeping the peace than fighting another war.

I believe that is the attitude that ought to dominate. We were never asked permission to keep those troops there. Two-hundred thousand Americans have been stationed around the world—in Japan and Germany, in the Pacific and European theaters. We were never asked if it was OK to continue. It is automatically thrown into the budget. Why, I ask, isn't that question raised? Why doesn't someone say, hey, if the burden-sharing falls behind—mind you, there was a time when it was way behind, and I fought very hard to get that up to date—why don't we write legislation that would say, should one of those countries—Japan, South Korea, or Germany—fall behind in fulfilling their share of the burden, pull our troops out arbitrarily? Just pull them out. One would never dare think of that.

It has been 9 years since we concluded the war in the Persian Gulf. We have 9,000 troops stationed there in harm's way. We have lost a bunch of our people during the last 2 years because of an attack on a barracks. But we still have 9,000 people there monitoring the no-fly zones and making sure we have reserve troops to move in in case Iraq gets frisky and attacks again. I do not hear anybody saying, OK, look, done with; let's get out of there. The reason we don't do it is common sense. It is military sense. It is foreign policy sense.

We are leaders because of the actions we take. That is the position America is in. This debate, I think, is a real tough one because there are two very popular Senators who are offering this amendment. I know they don't want to win this battle based on their popularity, I am sure, but the fact of the matter is this is a very important policy decision. Proponents of this measure argue that they are upholding the role of the Congress in deciding when and where to send our troops into harm's way.

I just gave you a list of some places where we have troops. We all know that South Korea is on the border with

North Korea, and our troops could very easily be in harm's way.

The President asked Congress to support his decision for U.S. Armed Forces to participate in the NATO air campaign against Yugoslavia. Unlike the House, the Senate, on March 23, 1999, on the eve of the first air strikes, adopted Senate Concurrent Resolution 21 authorizing U.S. participation in the NATO air campaign.

The issue now is not authorization for offensive military action but continued deployment of U.S. troops in a peacekeeping mission that is carried out with our NATO allies and other nations.

Congress has in the past used the constitutional power of the purse to support or to end U.S. participation in peacekeeping missions. For example, in 1993, the Senate adopted an amendment offered by the Senator from West Virginia to cut off funding for the U.S. participation in peacekeeping operations in Somalia after the tragic death of U.S. marines. The Congress has never passed a joint resolution authorizing deployment of U.S. troops in a peacekeeping mission and has never before required the President to seek one.

In fact, Congress has generally supported U.S. deployments abroad by providing funding. In my view, that is what we should do right now for Operation Joint Guardian in Kosovo.

Historically, when our armed forces have prevailed in war, we have counted on our armed forces to remain deployed to consolidate our victory, to keep the hard won peace, to ensure that our values of democracy and human rights are respected.

The distinguished Senator from Virginia knows that. He was in the military for some time. He headed one of our most important divisions of the military. He knows after a conflict is over, we don't just walk away, pack up our bags, fold the tent, and go home. That is impossible.

Remember, this whole military engagement started late because we couldn't get agreement among our NATO allies. It was in March of last year, just over a year ago. We are being asked to continue this operation. We ought not put strings on it that impair the ability of the President to make decisions.

After more than half a century, in the war in which I was honored to serve, we still have the troops in Europe. I haven't heard my colleagues demanding we withdraw from those situations unless explicitly authorized by a joint resolution in the Congress. In fact, in all of my years in this body, I have never been asked to authorize the deployment of United States forces in Germany, Japan, Korea, or many other places, other than by authorizing and appropriating funds to continue those deployments.

The alternative in this bill would not really leave it to the next President to decide whether to continue the deployment of U.S. troops in Kosovo, as the sponsors have asserted. Rather, section 2410 requires that the pullout by July 1, 2001, essentially be a done deal during President Clinton's term of office.

Do we want to do that? I have a short term remaining, and I share the same schedule as the President. I am out of office in just a few months. To say that my successor ought to do exactly what I have done, Heaven forbid, we would never consider that. Do we want to tie the hands of the next President of the United States? We don't even know which party that President will come from.

Under section 2410, this President, President Clinton, must "develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries, will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo."

This President, President Clinton, must submit "an interim plan for the achievement of the plan's objectives" to Congress by September 30, 2000. That means President Clinton has to plan for a pullout and prevail upon our allies to pick up the slack within the next few months.

I am not trying to protect President Clinton's initiatives. I am trying to protect the President's initiative, whoever that President may be. Whether it is AL GORE or George W. Bush, our next President would have to reverse course to fulfill our small share of the burden to keep the peace in Kosovo, to keep the soldiers, the brutes from attacking the men and women. By the way, that could be from the Albanians to the Serbs, or the Serbs to the Albanians.

Kosovo is a tinderbox. In my view, this part of the bill puts a fuse on that tinderbox. If we pass it, we will light that fuse.

I hope my colleagues now understand the issue posed by section 2410 of this bill.

It is not about burden-sharing. We don't need to threaten to pull our troops out to make a point that the Europeans need to fulfill their commitments to take a lead in the reconstruction effort.

This is not about the prerogatives of Congress. We can exercise our rights by providing or denying funds to continue to deploy. We have every right to do that.

This is not about presenting the next President with a decision on a national security issue, since it would instead present the next President with a fait accompli, a done deal.

The issue now before the Senate is whether to force the President, this President, to withdraw U.S. troops from Kosovo in this year, or at the latest by July of 2001, hoping our allies will go on without us. If they fail to, are we ready to bring those pilots back and assemble our armada, when we could avoid that? It is a mission that carries some danger, there is no doubt about it. Our brave men and women are there to do that. They are well trained and ready to take on the obligation.

The issue we are deciding in the Senate is about policy and about making policy. What we do is immediately strap the hands of the President and the military leaders in our country, a pretty bright group. We strap their hands behind their backs and say: Sorry, we've decided to subject this to a perhaps appropriate political or power discussion.

The policy now codified in this bill is against the national security interests of the United States.

Why should we support the continued deployment of U.S. forces in the peacekeeping mission in Kosovo? Let me give you some reasons.

First, leadership. U.S. leadership in Europe and around the world does not just mean having modern and effective armed forces backed by a nuclear deterrent. U.S. leadership does not mean just defending our territory, our citizens at home, or our supply of foreign oil. U.S. leadership means standing up for our interests and values and standing up for those who cannot themselves prevent genocide, as we have done and should continue to do in Kosovo.

The second reason is burden-sharing. United States aircraft, the best technology flown by the best pilots, flew most of the missions in the air campaign against Yugoslavia, but many of our allies were there with us providing aircraft, bases, and other critical resources.

The Europeans have agreed to bear most of the burden of peacekeeping and reconstruction in Kosovo, and while some assistance has been slow in coming they are unquestionably doing the lion's share of the tasks we now face.

The United States contributes fewer than 6,000 of more than 45,000 NATO troops deployed in Kosovo for Operation Joint Guardian. This is more than a token presence; we have accepted responsibility for security in a sector of Kosovo and have the robust force necessary to do the job right without unnecessary risk. But this limited role shows our allies that we understand the importance of doing our part to achieve a common interest.

The third reason is peace and stability in the Balkans and in Europe. Maintaining a significant U.S. presence in a robust, NATO-led force lets the Serbs and the Kosovar Albanians know that the future of Kosovo and its people will not be determined by renewed ethnic violence. Over time, and with a strengthened civilian effort, this should open the way to development of civil society and self-government in Kosovo and a negotiated solution on its international status.

Maintaining peace in Kosovo helps prevent a wider war which could otherwise draw in NATO allies as combatants. In contrast, withdrawal of U.S. forces would likely weaken Operation Joint Guardian. The Kosovar Albanians and the Serbs would instead rearm and prepare to resume fighting for control of territory once our allies join us on the sidelines. The killing we intervened to stop would eventually resume, with devastating consequences.

The fourth reason we should continue our limited role in Operation Joint Guardian is credibility.

If we show the world that we don't have the resources or the political will to stay on the ground in Kosovo, then all our potential enemies will believe they can prevail simply by waiting us out. We were far too reluctant to use ground forces or even helicopters to stop the killing in the first place. Do we really want to cut and run now?

Finally, we should maintain our forces in the peacekeeping mission in Kosovo to maintain the NATO alliance which is vital to our national security.

The nations of the European Union, in trying to deepen their unity, are developing a European Security and Defense Identity, or ESDI. We are at a critical juncture in the evolution of the NATO, as we work to give the European Union a stronger identity and more autonomy within the alliance rather than dividing it. Failing to stay on the ground to address a threat to European security would reinforce calls for Europe to make unilateral decisions on the use of military force.

We must not undermine the unity of purpose and unity of action that has been the strength of an alliance which has been a mainstay of our national security for more than half a century.

Mr. President, I hope my colleagues will look at this in the context of other decisions we have made about our military presence and its necessity. We will look at it in terms of whether or not in this Chamber, in these offices, we are making decisions that should be reserved for the military. Let's hear from them. We heard from General Clark, one of the brightest leaders we have had in the military in the history of this country. He said this could be disaster. Montenegro and other nearby countries could explode with Milosevic's ambition; he has been looking at Montenegro, salivating for the opportunity to get in that small division of Yugoslavia and absorb it.

So to maintain the strength of NATO, to preserve our own credibility, to keep the peace in the Balkans and Europe, to uphold our commitment to burden-sharing, and to demonstrate United States leadership, the United States Senate should reject Section 2410 of the Military Construction Appropriations bill. Instead we should support our Armed Forces deployed in Kosovo by voting for the Levin amendment.

I thank the Chair and yield the floor.

Mr. WARNER. I ask unanimous consent to speak for 2 minutes on my time.

The PRESIDING OFFICER (Mr. BUNNING). The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have been privileged to serve together for many years. The Senator draws on personal experience, having served in World War II in the concluding chapters of the war in Europe. The Senator's opinion, in my judgment, is to be respected. I regret we are on different sides.

As I listened very carefully to the speech, the theme time and time again was, our allies, our allies. And that is important. Senator BYRD yesterday recounted the history from World War I and World War II. Time and time again, we have always been in partnership with the allies for that portion of Europe. We will do so in the future.

We have 100,000 in NATO. Time and time again, I get the feeling that people who are trying to strike this provision have no confidence in the ability of the Congress of the United States, acting at the direction and request of the next President, to make a proper decision for national security.

Those who select a vote to take this out, think about your constituency: $2 billion of taxpayers' money expended on Kosovo; yet there is no conclusion as to how this is going to be spent over the years, how long we will be there. What we are trying to do is put some discipline in the Congress of the United States to assume its responsibilities and to involve itself in a coequal way with the President of the United States. That is not asking too much for hometown America which is supplying these dollars and supplying the men and women who proudly wear their uniform.

I yield the floor.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the Senator from Oklahoma is recognized for 12 minutes.

Mr. INHOFE. Mr. President, as our chairman, Chairman WARNER, I listened to the distinguished Senator from New Jersey talk about this issue. While I do have the utmost respect for him, I would have to say that one of the problems we had, getting into this mess to start with, was the grossly exaggerated figures that were used. I believe the Senator used the number 100,000—100,000 has been batted around quite often. I am going to read into the RECORD at this point from Robin Cook, the Foreign Secretary—this is October of 1999. He is under pressure to answer claims that ministers misled the public on the scale of deaths of civilians in Kosovo:

> At the height of the war, western officials spoke of a death toll as high as 100,000. President Bill Clinton said the NATO campaign had prevented "deliberate, systematic efforts at ethnic cleansing and genocide".

Emilio Perez Pujol, a pathologist who led the Spanish team looking for bodies in the aftermath of the fighting, said:

> I calculate that the final figure of dead in Kosovo will be 2,500 at the most.

The U.N. report came out and said the figure is closer to 2,000. There is a big difference between 2,000 dead and 100,000. I am involved in West Africa. I can assure you, as I said on the floor back during this debate, for every one killed there through ethnic cleansing and otherwise, 100 were killed in Sierra Leone. That seemed to be the excuse that was used for our intervention into that area.

Mr. LAUTENBERG. Will the Senator yield for a question?

Mr. INHOFE. No, I will not yield unless I yield on your time.

I would like to have a better solution than the solution that is in front us. Frankly, I think we should have done this some time ago, but this seems to be the only vehicle in town. There are reasons we should not have been involved in Kosovo. It is not in our vital national security interests. There is no clear mission objective or schedule to accomplish it. There is no exit strategy.

The thing that really concerns me more than anything else, as chairman of the Senate Armed Services Subcommittee on Readiness, is what this has done to our state of readiness. I have been saying since before we sent the cruise missiles into Kosovo that the United States is in the most threatened position we have been in as a nation in this Nation's history. I have been saying that for a long time. It finally was redeemed the other day—our chairman will remember this—when we had George Tenet, Director of Central Intelligence, before our committee. I made that statement. I asked him to respond live on C-SPAN. He said, yes, we are in the most threatened position we have been in as a nation in the history of this country.

Why is that? It is because of three things. First of all, we are at one-half the force strength that we were in 1991 during the Persian Gulf war. Second, we do not have a national missile defense system. We were to have one deployed by fiscal year 1998, and through the President's veto and his veto messages saying he is not going to put more money into a national missile defense system, in spite of the fact that in July of last year we passed a bill that he signed into law with a veto-proof margin saying that is our No. 1 concern, we still do not have one.

But the third reason is all these deployments that have nothing to do with our national security interests. I can remember the first one that came along. It was Bosnia. I went up to Bosnia. I knew the President was bound and determined to send our troops into Bosnia. I knew we did not have the spare troops to send in, that we could not respond to a crisis in the Middle East or North Korea if we were to continue to make these deployments, so I went up to the northeast sector. I remember this so well because I was the first American, civilian or military, up there. I went up there with a British General named Rupert Smith, a colorful guy. He and I really enjoyed that trip, going up, talking about what the President promised the American people.

If you remember, we had a resolution of disapproval to stop the President from sending troops over there and getting involved. We lost it only by three votes. We lost it because the President said all the troops they would send there, in December of 1995, would be home for Christmas 1996. This is not an approximation. This is the commitment the President made to the American people.

We knew that was not going to happen. So we tried this same thing before. We tried at that time to say let's just draw a line in the sand at June of 1996; then June of 1997. We had the same debate at that time. "No, they are going to come back, but all in good time."

There is no end in sight in Bosnia. They are still there. So here we have our people involved in an area with the Croats and Serbs and Muslims. Then you have the various other groups such as the Arkan Tigers and Black Swans. The only thing all these groups have in common is they all hate us, hate that we are over there. We lost our resolution of disapproval by three votes.

I have tried to determine how much we have spent in Bosnia alone. The most conservative figure will be $13 billion. When you consider everything that has to go with it in terms of ground logistics support, it is considerably more than that.

Then along came Kosovo. I knew the same thing was going to happen. This President has an obsession for sending our troops into places where we do not have any national security interests. So I went over to Kosovo. It is not a hard place to go across; it is only 75 miles across. I went by myself, one individual with me. As I went across Kosovo, I only saw one dead person, and that was a Serb, a Serb soldier who had been killed by an Albanian.

I rounded one corner and looked down the barrel of a rocket launcher, and it was held by an Albanian. Of some 92 mosques that are there, only 1 was burning. CNN had pictures of it from every angle. When you got back to the United States, you thought every mosque in Kosovo was burning. It was a propaganda effort deliberately to make the American people believe things were going on there that were not going on there.

What has happened since then, I might add, speaking of us, on this Senate floor I showed pictures and documented, since the Albanians are now on top, they have burned to the ground a minimum of 52—and we have pictures of all 52—Serb Christian Orthodox churches, most of them built prior to the 15th century. If you do not have any sensitivity to the religious aspect of this, look at the historic aspect. Nonetheless, this is the propaganda effort that got us over there.

I can remember one of my many trips. I have to say, I believe I have been in the Balkans, both places, more than any other Member has. Normally I am by myself, to really try to determine what is going on there. I remember being in Tirana. Tirana is where all the refugees showed up. They were all pretty well dressed, but they were all upset with us. They said to me, "When are you going to do something about this?" I said, "Why should we do it?" They said, "It's your fault we had this ethnic cleansing."

I will quote out of the Washington Post of March 31 of last year. They wrote:

> For weeks before the NATO air campaign against Yugoslavia, CIA Director Gen. Tenet had been forecasting that Serb-led Yugoslavian forces might respond by accelerating ethnic cleansing.

Then Bill Cohen said:

> 'With respect to Director Tenet testifying that the bombing could in fact accelerate Milosevic's plans, we also knew that.

This was live on Tirana television. They said: When are you—and I was the only American in the group—going to do something about our plight? Because it is your fault we had the ethnic cleansing.

Anyway, I think one of the bigger issues is the fact we are diluting our scarce resources. I will quote the comments by Henry Kissinger. He said at that time:

> Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea.

He said:

> The proposed deployment to Kosovo does not deal with any threat to American security. . . .
>
> Kosovo is no more a threat to America than Haiti was to Europe.

So I know a lot of lies got us into this thing. I remember they rewrote history, saying if we do not go in there, we are going to have another world war because that is the way World War I started and that is the way World War II started.

Again quoting from Kissinger's book:

> The Second World War did not start in the Balkans, much less as a result of its ethnic conflicts.

He wrote:

> World War I started in the Balkans not as a result of ethnic conflicts but for precisely the opposite reason: because outside powers intervened in a local conflict. The assassination of the Crown Prince of Austria—an imperial power—by a Serbian nationalist led to a world war because Russia backed Serbia and France backed Russia while Germany supported Austria.

That is exactly what we are doing. We have rubbed Russia's nose in this thing because we have gotten involved in this thing, creating another serious problem facing our Nation. We are now down to where we have diluted the forces. General Richard Hawley, who at that time, in 1999, headed the Air Combat Command, said:

> The Air Force . . . would be hard-pressed to handle a second war in the Middle East or Korea.

Hawley said that 5 weeks of bombing Yugoslavia have left the United States munitions stocks critically short, not just of air-launched cruise missiles as previously reported but also of another precision weapon, the Joint Direct Attack munition, that is JDAM, dropped by the B-2 bombers.

If my colleagues go to the 21st TACOM in Germany, right down the road from Ramstein, they will find—that is where they handle the ground logistics—that even before we went into Kosovo, we were at 100-percent capacity. I asked the question: What would happen if we had to respond to a serious problem in the Persian Gulf where we do have national security interests?

The response was: We would be 100-percent dependent upon Guard and Reserve.

What has happened to our Guard and Reserve as a result of all these deployments? We have critical MOSs, military occupational specialities, because they cannot be deployed 180 and 270 days out of a year and keep the jobs they have at home.

Finally, I want to read one paragraph of an article written by Henry Kissinger which says:

> President Clinton has justified American troop deployments in Kosovo on the grounds that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

I ask unanimous consent that at the conclusion of my remarks the article be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. INHOFE. Mr. President, I thank my colleagues for this time.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. INHOFE. I want to have a better solution, but this is the only solution there is. I urge my colleagues to support this for the state of readiness of our Nation.

EXHIBIT 1

[From the Washington Post, Feb. 22, 1999]

(By Henry Kissinger)

NO U.S. GROUND FORCES FOR KOSOVO—LEADERSHIP DOESN'T MEAN THAT WE MUST DO EVERYTHING OURSELVES.

President Clinton's announcement that some 4,000 American troops will join a NATO force of 28,000 to help police a Kosovo agreement faces all those concerned with long-range American national security policy with a quandary.

Having at once time shared responsibility for national security policy and the extrication from Vietnam, I am profoundly uneasy about the proliferation of open-ended American commitments involving the deployment of U.S. forces. American forces are in harm's way in Kosovo, Bosnia and the gulf. They lack both a definition of strategic purpose by which success can be measured and an exit strategy. In the case of Kosovo, the concern is that America's leadership would be impaired by the refusal of Congress to approve American participation in the NATO force that has come into being largely as a result of a diplomacy conceived and spurred by Washington.

Thus, in the end, Congress may feel it has little choice but to go along. In any event, its formal approval is not required. But Congress needs to put the administration on notice that it is uneasy about being repeatedly confronted with ad hoc military missions. The development and articulation of a comprehensive strategy is imperative if we are to avoid being stretched too thin in the face of other foreseeable and militarily more dangerous challenges.

Before any future deployments take place, we must be able to answer these questions: What consequences are we seeking to prevent? What goals are we seeking to achieve? In what way do they serve the national interest?

President Clinton has justified American troop deployments in Kosovo on the ground that ethnic conflict in Yugoslavia threatens "Europe's stability and future." Other administration spokesmen have compared the challenge to that of Hitler's threat to European security. Neither statement does justice to Balkan realities.

The proposed deployment in Kosovo does not deal with any threat to American security as traditionally conceived. The threatening escalations sketched by the president—to Macedonia or Greece and Turkey—are in the long run more likely to result from the emergence of a Kosovo state.

Nor is the Kosovo problem new. Ethnic conflict has been endemic in the Balkans for centuries. Waves of conquests have congealed divisions between ethnic groups and religions, between the Eastern Orthodox and Catholic faiths; between Christianity and Islam; between the heirs of the Austrian and Ottoman empires.

Through the centuries, these conflicts have been fought with unparalleled ferocity because none of the populations has any experience with—and essentially no belief in—Western concepts of toleration. Majority rule and compromise that underlie most of the proposals for a "solution" never have found an echo in the Balkans.

Moreover, the projected Kosovo agreement is unlikely to enjoy the support of the parties for a long period of time. For Serbia, acquiescing under the threat of NATO bombardment, it involves nearly unprecedented international intercession. Yugoslavia, a sovereign state, is being asked to cede control and in time sovereignty of a province containing its national shrines to foreign military force.

Though President Slobodan Milosevic has much to answer for, especially in Bosnia, he is less the cause of the conflict in Kosovo than an expression of it. On the need to retain Kosovo, Serbian leaders—including Milosevic's domestic opponents—seem united. For Serbia, current NATO policy means either dismemberment of the country or postponement of the conflict to a future date when, according to the NATO proposal, the future of the province will be decided.

The same attitude governs the Albanian side. The Kosovo Liberation Army (KLA) is fighting for independence, not autonomy. But under the projected agreement, Kosovo, now an integral part of Serbia, is to be made an autonomous and self-governing entity within Serbia, which, however, will remain responsible for external security and even exercise some unspecified internal police functions. A plebiscite at the end of three years is to determine the region's future.

The KLA is certain to try to use the cease-fire to expel the last Serbian influences from the province and drag its feet on giving up its arms. And if NATO resists, it may come under attack itself—perhaps from both sides. What is described by the administration as a "strong peace agreement" is likely to be at best the overture to another, far more complicated set of conflicts.

Ironically, the projected peace agreement increases the likelihood of the various possible escalations sketched by the president as justification for a U.S. deployment. An independent Albanian Kosovo surely would seek to incorporate the neighboring Albanian minorities—mostly in Macedonia—and perhaps even Albania itself. And a Macedonian conflict would land us precisely back in the Balkan wars of earlier in this century. Will Kosovo then become the premise for a NATO move into Macedonia, just as the deployment in Bosnia is invoked as justification for the move into Kosovo? Is NATO to be the home for a whole series of Balkan NATO protectorates?

What confuses the situation even more is that the American missions in Bosnia and Kosovo are justified by different, perhaps incompatible, objectives. In Bosnia, American deployment is being promoted as a means to unite Croats, Muslims and Serbs into a single state. Serbs and Croats prefer to practice self-determination but are being asked to subordinate their preference to the geopolitical argument that a small Muslim Bosnian state would be too precarious and irredentist. But in Kosovo, national self-determination is invoked to produce a tiny state nearly certain to be irredentist.

Since neither traditional concepts of the national interest nor U.S. security impel the deployment, the ultimate justification is the laudable and very American goal of easing human suffering. This is why, in the end, I went along with the Dayton agreement in so far as it ended the war by separating the contending forces. But I cannot bring myself to endorse American ground forces in Kosovo.

In Bosnia, the exit strategy can be described. The existing dividing lines can be made permanent. Failure to do so will require their having to be manned indefinitely unless we change our objective to self-determination and permit each ethnic group to decide its own fate.

In Kosovo, that option does not exist. There are no ethnic dividing lines, and both sides claim the entire territory. America's attitude toward the Serb's attempts to insist on their claim has been made plain enough; it is the threat of bombing. But how do we and NATO react to Albanian transgressions and irredentism? Are we prepared to fight both sides and for how long? In the face of issues such as these, the unity of the contact group of powers acting on behalf of NATO is likely to dissolve. Russia surely will increasingly emerge as the supporter of the Serbian point of view.

We must take care not to treat a humanitarian foreign policy as a magic recipe for the basic problem of establishing priorities in foreign policy. The president's statements "that we can make a difference" and that "America symbolizes hope and resolve" are exhortations, not policy prescriptions. Do they mean that America's military power is available to enable every ethnic or religious group to achieve self-determination? Is NATO to become the artillery for ethnic conflict? If Kosovo, why not East Africa or Central Asia? And would a doctrine of universal humanitarian intervention reduce or increase suffering by intensifying ethnic and religious conflict? What are the limits of such a policy and by what criteria is it established?

In my view, that line should be drawn at American ground forces for Kosovo. Europeans never tire of stressing the need for greater European autonomy. Here is an occasion to demonstrate it. If Kosovo presents a security problem, it is to Europe, largely because of the refugees the conflict might generate, as the president has pointed out. Kosovo is no more a threat to America than Haiti was to Europe—and we never asked for NATO support there. The nearly 300 million Europeans should be able to generate the ground forces to deal with 2.3 million Kosovars. To symbolize Allied unity on larger issues, we should provide logistics, intelligence and air support. But I see no need for U.S. ground forces; leadership should not be interpreted to mean that we must do everything ourselves.

Sooner or later, we must articulate the American capability to sustain a global policy. The failure to do so landed us in the Vietnam morass. Even if one stipulates an American strategic interest in Kosovo (which I do not), we must take care not to stretch ourselves too thin in the face of far less ambiguous threats in the Middle East and Northeast Asia.

Each incremental deployment into the Balkans is bound to weaken our ability to deal with Saddam Hussein and North Korea. The psychological drain may be even more grave. Each time we make a peripheral deployment, the administration is constrained to insist that the danger to American forces is minimal—the Kosovo deployment is officially described as a "peace implementation force."

Such comments have two unfortunate consequences. They increase the impression among Americans that military force can be used casualty-free, and they send a signal of weakness to potential enemies. For in the end, our forces will be judged on how adequate they are for peace imposition, not peace implementation.

I always am inclined to support the incumbent administration in a forceful assertion of the national interest. And as a passionate believer in the NATO alliance, I make the distinctions between European and American security interests in the Balkans with the utmost reluctance. But support for a strong foreign policy and a strong NATO surely will evaporate if we fail to anchor them in a clear definition of the national interest and impart a sense of direction to our foreign policy in a period of turbulent change.

The PRESIDING OFFICER. The Senator from Ohio, under a previous order, is recognized.

Mr. WARNER. Mr. President, I seek 50 seconds. I thank the Senator from Oklahoma. Underlying this is clearly the readiness issue. It is not just the Kosovo operation, but it is how our troops are spread throughout the world. We are speaking in this amendment to a discipline that could well apply to the next mission, wherever it may be, or an existing mission. It is simply the accountability of the Congress of the United States in the expenditure of these funds to exercise a voice. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized for 10 minutes under a previous order.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield 30 seconds to the Senator from New Jersey.

Mr. DEWINE. I will.

Mr. LEVIN. Parliamentary inquiry: Is the time just used by my good friend from Virginia taken from the other side?

The PRESIDING OFFICER. It is taken from the time of the Senator from Virginia.

Mr. WARNER. I advised the Chair when I arrived this morning that all my comments will be charged to the Chair.

Mr. LAUTENBERG. Mr. President, I say in response to the commentary of the Senator from Oklahoma, I talked of hundreds of thousands. If the Senator listened carefully, I talked about displacement, and I talked about movements. I did not talk about deaths. We can get the number of deaths from the records. I want to make sure that is clearly understood.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise today to express my strong support for the Levin amendment which would strike the Byrd-Warner provision regarding U.S. troop withdrawal from Kosovo. As my colleagues know, the Byrd-Warner provision includes language designed to ensure our allies in NATO provide their fair share of the peacekeeping burden in Kosovo. This certainly is an important goal, and I understand the Europeans right now are meeting the requirements outlined in the Byrd-Warner provision.

Frankly, I believe a great deal of the credit for this great accomplishment goes to my friend and colleague from Virginia, Senator WARNER. He has demonstrated unfailing dedication and commitment to this very important burdensharing issue. Senator WARNER traveled to Kosovo in January of this year and saw firsthand that the Europeans needed to share a larger portion of the burden in the Balkans. Because of his efforts in the short time since his visit to Kosovo, the proportion of European involvement has changed considerably. In fact, currently U.S. troops now make up 5,900 of the 39,000-member NATO peacekeeping force. U.S. involvement accounts for 15 percent of the overall peacekeeping effort, and the Europeans are carrying the bulk of the effort on the civilian side. This is a victory for Senator WARNER. I believe we have to pause for a moment today to congratulate him on a job very well done.

I also agree with the Senator from Virginia, Mr. WARNER, and the distinguished ranking member of the Appropriations Committee, Senator BYRD, that Congress needs to assert itself more in foreign affairs. Congress can and Congress should engage more in the kinds of debate over foreign policy issues such as the one we are having today and should work harder to shape U.S. defense and foreign policy. The last 7 years of drift in foreign affairs has demonstrated the need for Congress to reassert its constitutional role in shaping American foreign policy.

I also share the very legitimate concerns expressed by the distinguished chairman of the Appropriations Committee, Senator STEVENS, about the way the current administration funds our peacekeeping activities. We find ourselves repeatedly in a situation in which the administration draws funds and resources away from important defense activities to pay for its peacekeeping operations.

For example, the administration knew before the end of last year when we were negotiating the remaining appropriations bills that they were planning to keep our forces in Kosovo for the duration of the fiscal year. They knew it but did nothing in the budget about it, except to put a number of readiness and operational projects on hold at reduced funding levels. That practice has become the standard practice in recent years. That practice needs to change. We should debate the cost of operations before the operations. We should debate the cost before the beginning of each fiscal year and not do this back-door funding.

I do understand the motives of the proponents of this provision. I understand what they are trying to accomplish. They have good reason to be frustrated, but this is not a debate about motive but, rather, one about method. It is the method that will be employed under this language that deeply troubles me. What concerns me most about this provision is that it sets an arbitrary deadline for the withdrawal of U.S. forces from Kosovo. The deadline is not based on any goals that would make it possible for the reduction of forces in the region. This arbitrary deadline signals to the Albanians the limits to our commitment for providing for their protection. This, in turn, could give them cause to rearm and prepare to protect themselves from what they would view as an inevitable Serbian reentry. In essence, this provision would undermine our current efforts to achieve stability in the region and could give the despotic Milosevic the victory he could not achieve on the battlefield.

The fact is, in the delicate and complex world of foreign affairs, one thing should always be clear: As a nation, we should demonstrate to our allies the certainty of our resolve, and we must demonstrate that same resolve to our enemies, while at the same time making our enemies uncertain as to how and when we will exercise that resolve.

Unfortunately, what this provision does is just the opposite. It makes our allies uncertain and signals to our adversaries what we will do and what we will not do.

The proponents of this provision have argued this is really all about process. Respectfully, I disagree. This debate is about whether Congress will use sound judgment in the exercise of power. I believe the Byrd-Warner provision is not a wise use of congressional power. By voting for this provision, we will be exercising our power arbitrarily and setting ourselves on a course toward the removal of U.S. troops in Kosovo in 14 months.

The next President would be placed in the position of having to convince Congress to change the policy, to act. We have sadly found many times that to get this Congress to act is very difficult.

The current administration, for example, could not convince the House of Representatives to authorize airstrikes over Serbia. There simply are no guarantees that Congress will act in 14 months.

Congressional inaction over the next year could result in a dramatic change in policy that would create uncertainty and undermine our credibility with NATO and with our own troops. Fostering that kind of uncertainty about U.S. resolve is not what is intended but that, sadly, could be the result. That result, that uncertainty, will, I believe, create a more dangerous situation for our troops for the next 14 months.

The fact is that our credibility as a leader in the international community is predicated on a shared commitment to the stability and growth of democracy and free markets on the European continent.

We cannot reach these goals through arbitrary, unilateral deadlines. We cannot reach these goals by placing the next administration in the position of shaping foreign policy in response to a congressionally imposed deadline rather than on current and future world events. In essence, we cannot allow our foreign policy to run on autopilot.

I say to my colleagues, if they believe we should withdraw our troops, there is ample opportunity to have an up-or-down vote on that at any time. We could do it today. We could do it in 14 months. We could do it in July of the year 2001. That is the right way for us to exercise our power.

I believe this is the wrong action because what this does is, in essence, say that Congress may never directly vote on this issue. Members can vote for this language which would provide that our troops would automatically have to come out in July of the year 2001 if Congress took no action. Members could vote for this, and then Congress could take absolutely no action and we would never have a direct vote on the issue.

I believe that is the wrong way to approach this issue. I believe that if Members believe our troops should be withdrawn, they have ample opportunity to have an up-or-down vote on this at any time they wish to do it.

I believe the uncertainty that will be created over the next 14 months by the insertion of this language into law will create a very difficult and untenable position for our troops and for our country in the conduct of American foreign policy.

I thank my colleague for the time and yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. I yield myself 30 seconds.

I, again, thank my distinguished colleague for his contribution to this very important debate, and particularly to his thoughtful references to this humble Senator, but I must say that I respectfully disagree.

The time has come when we have to speak to the people of the United States who are constantly giving us this money—to expend $2 billion in this instance—to provide for the men and women in uniform, who march off in harm's way. This is simply a procedure by which to speak on behalf of this constituency and not just always our allies abroad. But I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I also yield myself 30 seconds to thank my good friend from Ohio for a very thoughtful statement. He has put his finger on the heart of the matter, which is that Congress, by acting now, putting on automatic pilot a withdrawal of forces a year from now, unless action is taken later on, creates a very dangerous year of uncertainty which threatens the success of this mission as well as our alliance.

It was an extremely thoughtful statement, which I hope all of our colleagues had an opportunity to hear. I thank the Senator.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I believe the distinguished Senator from New Jersey is to be recognized for a period on my time of 8 minutes.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 8 minutes.

Mr. TORRICELLI. Mr. President, I thank the Senator from Virginia for yielding the time. I commend the Senator from Virginia and my colleague, Senator BYRD from West Virginia, in bringing this issue before the Senate.

Before discussing Kosovo, or the provisions of the NATO treaty, there is something more paramount that should come before the Senate. It is not a treaty with a foreign nation or obligations in another land but our own Constitution and our own responsibilities in this country.

For too long, the foreign policy and military powers of the Congress have been yielded to the executive. This Congress has not been a jealous guardian of its own constitutional prerogatives.

Under our system of government and its Constitution, the military and foreign policy powers are shared between the executive and the legislative branches. By necessity, the Commander in Chief must have the ability to deploy troops and make command decisions in emergencies. Often there is not time to consult, certainly not time to receive permission. But the power remains shared because we have the responsibility for the resources of the Government.

The unfolding events in Kosovo that threaten to go not a matter of months but many years—even more than a decade—does not require emergency powers. There is no shortage of time. There is an opportunity for our Constitution to function and for the President to return to this Chamber.

We are now having the debate in this Chamber. The Bundestag had theirs in Berlin a year ago. The British Parliament gave its assent. The National Assembly in Paris and the Italian Parliament have had their debate. This Congress, unlike the great democracies in Europe, has remained silent. Is our Constitution less? Do our people exercise less powers through their elected representatives than those in Germany or Italy or France?

Many Members have risen to talk about Kosovo. I rise to talk about the United States. There has been great concern for the NATO treaty. As did my colleagues from Virginia and West Virginia, I rise because I am concerned about our Constitution.

I believe there is a legitimate role for the United States in Kosovo. I strongly believe in the NATO treaty. The United States has met its responsibilities under the NATO treaty.

Strictly defined, that treaty was for the defense of Western Europe from external threats. By necessity, it was properly expanded at the end of the cold war to include legitimate internal threats to European order.

The United States was not a participant in dealing with that threat. We were a leader. Not a single European soldier would have been in Kosovo or Bosnia but for the U.S. Air Force. None of it could have been supported but for the U.S. Army. None of it would have been viable but for the U.S. Government. Our responsibilities were met.

But expanding the NATO treaty to include internal threats to Europe was one thing—legitimate, in my judgment—but expanding the NATO treaty to deal with permanent control of order and peacekeeping is another.

I believe we have met our responsibilities. I believe it is incumbent upon a new administration, next year, to return to this Congress and make the case, if it is possible, that it is necessary on an ongoing basis to have a near-permanent presence in Kosovo—no longer a crisis—now maintaining order.

It is not too much to ask the administration to make that case or this Congress to meet its responsibilities and act affirmatively upon the judgment. It will, in truth, not be an easy case to make.

Kosovo is a nation of a mere 2 million people. This long after the war in Kosovo, it must be made in a case to this Congress that 300 million Europeans, with a gross national product larger than the United States, with combined government resources in excess of the United States, are unable to maintain these modest numbers of troops to maintain order within their own borders, on their own continent, for their own purposes. It is not a question of our unwillingness to respond to crises or threats, but to learn to separate the crisis response from the near permanent presence to maintain order.

The final point made against this amendment is the most extraordinary of all, that our credibility is at issue. Who could rise to challenge the credibility of the U.S. Government to international security or the defense of freedom—which of our NATO allies? Fifty-five years after the close of World War II, tens of millions of American young men and women have served in western Europe. Our presence remains, at an expenditure of hundreds of billions of dollars. Who among our NATO allies could rise and say that our credibility is in question? But for the United States, there would have been no operation in Bosnia or in Kosovo. It was made possible by the U.S. Government.

This Government's credibility is not at issue. Fifty years after the war in Korea, we and we alone remain on the line to defend freedom. A decade after the war in the Persian Gulf, often we and we alone remain resolute in defiance of Saddam Hussein. Twelve years after the destruction at Lockerbie, we alone have to convince our allies to remain strong against Libya. We alone often maintain vigilance against those few remaining Communist states where freedom is eclipsed. The credibility of the U.S. Government is not at issue.

What is at issue is the constitutional prerogatives of this institution. It remains a question of Europe meeting responsibilities not for crisis response, which we share under NATO, but for maintaining order on a near permanent basis. It is not an issue of credibility.

There is a fourth issue. Kosovo is not the last crisis this Government is going to deal with in international order or maintaining peace and stability.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. TORRICELLI. May I have another 30 seconds?

Mr. WARNER. I yield the Senator another minute.

Mr. TORRICELLI. A future American President is going to have to factor in, in responding to a crisis in Asia or North Africa or the Middle East, that American ships and planes are on station supporting operations in Kosovo, not dealing with a crisis but on a police patrol. The number of forces may not be great, but, indeed, our resources are very strained. Is it fair to this country, the security of the United States, that we will have to at some point forgo defending interests elsewhere because our forces are substituting what Europe should be doing in Kosovo?

No, Mr. President, our credibility is not at issue, nor our resolve. Whether or not this generation of Senators and Members of the House defend its prerogatives under the Constitution is at issue.

I commend the gentleman from Virginia for bringing this before the Senate.

Mr. WARNER. Mr. President, I yield myself 30 seconds.

I thank the distinguished Senator from New Jersey. This clearly shows this is a bipartisan issue. It is not a political issue. We are not directing anything at our President. We are directing it solely, as my distinguished colleague said, at fulfilling our duties under the Constitution. I am grateful for his pointing out that the United States, in the Korean conflict, where we have had a large number of nations, stands alone today. In Iraq, we stand alone with Great Britain containing that situation, after a dozen allies in 1991 helped us with that conflict.

I yield the floor.

Mr. LEVIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 10 minutes.

Mr. KERRY. Mr. President, I thank the Chair and the Senator from Michigan.

In the 16 years I have been here, I have debated a number of these issues with my colleague from Virginia. We have debated a number of different incursions in various countries, involvement of U.S. troops abroad. There are few people in the Senate I respect as much or have as much affection for as the Senator from Virginia, whose knowledge and patriotism are absolutely unquestionable on subjects such as this.

I, as a veteran of Vietnam and as somebody who came back from that war to argue about Congress's capacity and prerogatives to make judgments about our involvement there, have nothing but respect for the position he espouses today about congressional prerogative. It exists. We should respect it. It is a critical component of the balance of power in this country. It is entirely appropriate that Senator BYRD and Senator WARNER ask the Senate to make a judgment about our troops. We should do no less. We owe the American people that judgment. That is one of the great prerogatives of the Senate.

What they are asking the Senate to do is, in effect, to make the judgment today that we have reached our limit with respect to the current involvement in Kosovo and we are going to set up a structure for withdrawal. They argue: not at all; there is a vote down the road as to whether or not we will appropriate money. But in point of fact, the way this amendment is structured, the message is clear: The vote is now; the choice is whether or not we believe we should continue to be involved.

I do not question that there are aspects of this involvement that I think are not necessarily well thought out even today. I think there are divisions between the ethnic parties in Kosovo that we have not properly thought through as to how we resolve them in the long run. There are aspects of the risks we are asking young American troops, male and female, to bear with which I am uncomfortable.

I am not suggesting there aren't ways to strengthen our approach to this, both our responsibilities and European responsibilities. But—here is the "but"—I ask my colleagues to look at the law as it is set forth in the language of S. 2521. It says: None of the funds appropriated or otherwise made available shall be available for the continued deployment of U.S. combat troops in Kosovo after July 1, 2001, unless and until the President does something.

What does the President have to do? He has to submit a report to Congress asking for the money to be spent but, most importantly, describing the specific progress made in implementing a plan.

What is the plan the President has to describe to Congress on which he is making progress? The plan refers to a subsection (b). If we turn to it, it says very specifically:

> The President shall develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the United States, and appropriate non-NATO countries will provide, not later than July 1, 2001, any and all ground combat troops necessary to execute Operation Joint Guardian or any successor operation in Kosovo.

That means, according to the plan he must now begin to put into effect, he must report to us how far along we are in getting out. There are quarterly target dates that that plan requires us to establish, with 3-month intervals, achieving an orderly transition. There is an interim plan for achieving the objectives not later than September 30, 2000, and then there is the final plan.

We are, in effect, being asked to vote today on a plan for withdrawal. We are stating our intention that, absent a future vote at some later time, which has been met with a succession of interim stages of withdrawal, we will have a vote on appropriations.

I say to my colleagues, that is not the way to deal with foreign policy generally. It is certainly not the way to deal with this specific issue. Why is it not the way to deal with this specific issue? Well, effectively, we are being asked to vote today as to whether or not we think the investment we made in the war itself is worthwhile.

On March 23, 1999, I joined with 57 of our colleagues to vote that we thought there was something worthwhile doing in Kosovo. And we voted to support a resolution that authorized the President to conduct military operations against the Federal Republic of Yugoslavia. I did so because I believed then, as I believe now, that the U.S. national interest and stability throughout Europe is unquestionable and that the oppression and thuggery of the Milosevic regime not only threatened that stability throughout Europe, but it posed an unacceptable challenge to the humanitarian values of the American people.

Mr. President, this Nation committed 50 years and trillions of dollars to protecting the security of Europe through the Marshall Plan. Half a million American troops served in Europe to preserve the peace won by our fathers and grandfathers in World War II. I respectfully suggest that the Senate effectively decided, when we voted to do those military operations, that we were not willing to walk away from the ethnic cleansing in Kosovo because that would have been walking away from the very investment in peace and freedom for which we paid so dearly. It troubles me, then, to say that today some of the most stalwart supporters of our efforts in Kosovo only a year ago would now say that we should effectively put into gear the process of walking away from whatever responsibilities may remain in terms of how we adequately finish the job.

I share the frustration of my colleagues that our European allies, whose own stability is so closely tied to peace in the Balkans, have not met their obligations to the Kosovo peacekeeping effort as swiftly and as deftly as we would like. I want to underscore that I think the efforts of Senator BYRD and Senator WARNER have helped to place that responsibility squarely in front of them.

Let me ask a simple question of my colleagues. If restoring the peace in Kosovo was in our interest 1 year ago, isn't preserving the peace in Kosovo in our interest today? I don't believe you can separate those obligations. I think the answer is resoundingly yes, it is in our interest today. Some people may rethink their vote, and that is perfectly legitimate. Some people may believe that they misinterpreted that national interest, and they should explain it as such. But I don't understand how this country can clearly define its interest in Europe for the 50 years since World War II and maintain hundreds of thousands of troops in Europe in order to make clear our determination to stay with that peace effort and not be willing to keep 5,000-plus troops in Kosovo, which we all deem to be a component of our European interests. I don't understand that.

Are we suggesting that we are not willing to bear any of those risks? Now, I understand as well as anybody the post-Vietnam syndrome and the sort of nervousness people have about putting troops in harm's way. But I am confident that most of my colleagues who have worn the uniform will share with me the belief that that is what you put it on for, and that being in the military is not a cakewalk to get your GI bill so that you can ride on the benefits for the rest of your life; it is assuming certain risks. Sometimes in the national interest of our country—maybe not the vital security interest, but in a security interest, or some level of interest—there are sometimes risks that we have to be willing to bear to achieve our goals.

The price of leadership that we have spent so much of our treasure earning is not cheap. You can't fulfill the obligations that we have in the world on the fly. You can't do it on the cheap. I know there are certain questions of readiness and other questions, but there are many choices we make with respect to the entire military budget, national missile defense, and others that bear significantly on where we spend money and how we spend money. I believe that we won an enormously important victory in terms of the values that drive our foreign policy and on which this country is founded. I think 5,000 troops, the lack of losses, and the extraordinary accomplishments we have gained in this region over the last years say to us that even with the difficulties, this is a policy that, measured against the risk to our troops, is worth pursuing.

I ask my colleagues to measure very carefully whether or not they are prepared today to send a message to Milosevic, as well as our allies, that we are not willing to stand the test of time with respect to those obligations and responsibilities.

I thank the Chair.

Mr. WARNER. Mr. President, the next speaker will be the distinguished Senator from Montana, Mr. BURNS, for 7 minutes.

Mr. LEVIN. Mr. President, if the Senator will yield for 30 seconds, I thank the Senator from Massachusetts for the contribution he just made, pointing out with extreme accuracy that, No. 1, this is not an issue of the prerogative of the Senate—we have the prerogative to do this if we choose to exercise it—but raising the question: Is it wise this year to set a deadline for the withdrawal of troops next year and the dangers that will ensue in the interim both to the troops, the alliance, and to the cause for which they fought? His experience, both in war and in peace, has been invaluable and his contribution this morning is very clear. I thank him for that.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Mr. President, We are setting an all-time record for spending Senate time on the military construction bill this year. Never has it taken this long to pass military construction. Since this bill is under my management, I am not real happy about the precedent that we are setting.

I do want to rise in support of the Byrd-Warner amendment. This debate today is not about withdrawal, or even the continued deployment, of our troops in Kosovo. What it is about is more important: the role of Congress and its relationship with the executive branch of this Government under our Constitution.

Congress has a constitutional responsibility to vote on long-term military commitments, especially when they are offensive and not defensive in nature. Kosovo is not a defensive response to an armed attack against the United States or its allies. There is no pressing emergency requiring the President to act with dispatch. In such cases, it is very important for Congress to act on its role. It is easy to see the need for the exercise of Congressional responsibility in the case at hand since the administration has already spent $21.2 billion since 1992 in the Bosnia/Kosovo area.

Contrary to the rumors, and even as stated by my good friend from Massachusetts who has interpreted this as a step to withdraw, the Byrd-Warner amendment makes specific provisions for Congress to continue American presence beyond July 1, 2001. The process outlined is orderly but it will require planning by the administration and the type of public debate expected in a democracy.

Without the Byrd-Warner amendment, the administration is taking congressional appropriations as a tacit approval by the Congress for American involvement in Kosovo. In these circumstances, by approving emergency supplemental funding to continue our presence in that area, Congress can be seen as avoiding its responsibilities under the Constitution.

In the first place, we are not properly exercising our Constitutional responsibility for the power of the purse as vested in the Congress. United States presence in Kosovo, without congressional scrutiny and affirmative endorsement, does not meet our duties to the American people that their voices be heard through congressional representation.

Administration officials have repeatedly spent defense funds for these deployments. Afterwards, they come back to the Congress and ask us to pay bills that are improperly—and some would say illegally—incurred. This process must stop.

Our effort to uphold the Constitution will not undermine the troops in the field. There is ample time under the amendment for rational implementation while still imposing the accountability required by our laws.

Some opposed to the Byrd-Warner amendment say we should not even have this debate, and that the timing is wrong. But when is it a good time to intercede? The Congress has been patient with the administration in Kosovo. But we, too, have responsibilities under the Constitution, especially when it comes to spending money. Today is the day we step up to the plate to face those responsibilities.

The amendment shifts the responsibility for determining our future involvement in Kosovo to the next administration.

I think the American people should also understand one other thing. We are not just talking about cents or dollars. I repeat that we are talking about $21.2 billion spent in this area since 1992. In addition, we currently have over 5,000 troops there participating in peacekeeping operations in Kosovo.

The primary responsibility of the peacekeeping force is to act as escorts for Serbs and Albanians. That is not what our troops were trained for. And administration officials wonder why our recruitment and retention in our military services is lagging.

Senator TORRICELLI of New Jersey had it right when he called upon our NATO allies to provide their share of resources in this operation. That is what this amendment does. It is not because the Europeans don't have the resources or cannot get the resources. This debate has gone on, and they have been willing to let the United States of America shoulder the majority of the costs of the operation. As long as somebody in the administration stands up and says we will always do it, then we will always have to do it. But, we cannot be the police force for the world community.

It is time to give our good friends, the European allies, the opportunity to demonstrate to the world their support for true democracy in the face of a dictator that was overstepping his bounds in the region of the Balkans.

I urge my colleagues to support this amendment. It is well thought out, and needs our full support.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are alternating between those who wish to strike the provision and those who wish to retain it.

I see Senator LEVIN is prepared to accept a speaker from his side.

Mr. LEVIN. Mr. President, we would be happy for their side to go forward. We have many other speakers, but they are still on their way.

Mr. WARNER. We are trying to conduct this in an orderly debate. I hope some from their side will begin to appear.

Mr. LEVIN. We are going to have too many on our side to speak with little time to do it.

Mr. WARNER. We have the same situation. Senators FEINGOLD, THOMAS, and CLELAND are on the floor waiting to speak in support of the Byrd-Warner amendment.

I yield the floor. I yield to Senator FEINGOLD 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise in opposition to the Levin amendment and in support of the Warner-Byrd amendment to the military construction appropriations bill.

The Warner-Byrd amendment to the Military Construction Appropriations bill. The Warner-Byrd amendment, which was accepted in committee, would require Congressional authorization for the continued presence of U.S. troops in Kosovo beyond July 1, 2001. In other words, it would require this Congress, finally, to debate and to decide on the issue of U.S. troops in Kosovo, as I believe that we are required to do under the War Powers Resolution.

I am sure that some opponents of this measure will paint a picture of a power-hungry Congress, eager to wrest authorities away from the executive in an attempt to gain leverage over the White House.

But this is about more than power, Mr. President. It is about responsibility. Approximately 5,900 U.S. troops are currently serving in an apparently open-ended operation in Kosovo. Fifty-nine hundred Americans are operating in often dangerous conditions in the pursuit of a policy that this Congress has not authorized. Fifty-nine hundred families are sacrificing. We cannot continue to suggest to the American people, to our constituents, that this is none of our business. Congressional approval is essential to the commitment of U.S. troops in dangerous situations abroad.

Still other opponents of this measure paint a grim picture of the consequences that will follow should Congress insist on authorizing a large-scale deployment like that in Kosovo. Because they believe that Congress would act irresponsibly, they prefer that Congress not act at all.

Again, this is a simply unacceptable abdication of responsibility. What does it say about the state of the this body that we do not trust ourselves to make tough decisions? What kind of leadership do we exercise when we dodge accountability for a policy of such critical importance to this country?

The decision that this legislation would force upon the Congress—a decision to either remain in or withdraw from Kosovo—is exactly the kind of choice that we are here to make. It, Mr. President, is our responsibility. I urge my colleagues to shoulder it with care, as fifty-nine hundred dedicated men and women are counting on us to do our duty.

The Warner-Byrd amendment would also mandate the burden-sharing that was supposed to be at the heart of the U.S. approach to Kosovo. The U.S. bore the lion's share of the burden in NATO's military campaign of last year. I did not agree with that policy; I believed then and I believe now that the leading role was Europe's to fill. But I was heartened by the promise that Europe would take the lead when it came to securing the peace, and that Europe, and not America, would provide the vast majority of the resources required to meet Kosovo's enormous needs.

There have been a lot of suggestions that this legislation does a lot more than it actually does.

All this legislation does, Mr. President, is hold our valued friends and allies to their word. Kosovo's reconstruction and return to civil authority cannot be allowed to become a U.S.-led project. Certainly, Mr. President, while the U.S. fails to intervene in equally compelling crises around the globe, we make the case—and it is, in my view, a very strong case—for regional leadership in regional conflicts. African solutions to African problems—that is often our prescription for the conflicts and challenges of that troubled continent. In East Timor, we stood back, allowed a regional force led by Australia to take the lead, and then played a supporting role in that effort. This, Mr. President, is the most promising recipe for U.S. engagement in the world today. And it should be followed when it comes to Kosovo.

But there have been problems, Mr. President, with the timely delivery of Europe's pledges. This amendment makes the U.S. position crystal clear—our allies must fulfill their responsibilities if they are to continue to count on U.S. support. This is the right message and the right thing to do, and Mr. President, I hope that my colleagues will remember how right this is the next time the tables are turned and it is our country that is failing to honor our international commitments, be it at the U.N. or elsewhere.

So I urge my colleagues to face up to our shared responsibility when it comes to the U.S. involvement in Kosovo, and to insist that our allies do the same. The fifty-nine hundred American men and women in Kosovo cannot dodge reality or duck responsibility. Neither should our European allies, and neither should we.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, I rise in opposition to the Levin amendment on the military construction appropriations bill. Of course, the Levin amendment is designed to strike the Byrd-Warner provision, which I support.

I suspect that most of the things that could be said have been said. We find ourselves saying them again, perhaps in other ways, or simply committing ourselves to our views with regard to this issue.

Clearly, it seems to me, there are two issues involved.

One is the role of Congress. What is the responsibility? What is the obligation? What is the authority of the Congress in terms of committing troops for long terms in places around the world?

The other, of course, is a policy question of an exit strategy for Kosovo. That has been a question in a number of places where we have been recently.

It comes, I suppose, as no surprise to my colleagues that I view the Kosovo foreign policy as sort of an oxymoron—that it actually has not been a policy. We went in. Indeed, that was one of the things that concerned me the most in the beginning. There was not a strategy. We did not have a plan for where we would go. Indeed, that has proven to be the case. We didn't articulate the goals as to where we were, nor what the responsibilities would be among our allies, and, of course, the length of time to be there complicates that.

We have seen an unbridled passion for involving the United States in peacekeeping operations around the world. I believe that has begun to overtax our military capacity. We have military people deployed in many places.

There is no better or worse example of that than Bosnia and Kosovo. There we have not had a strategy as to when we complete our job and who, in fact, takes the leadership role. I agree with the Senator from Wisconsin. We had an example in East Timor where we shared the responsibility with others in the region. Indeed, in that case, Australia took the lead. We were very supportive, as we should be.

The idea we need to have a major role both in the activity as well as the financing in each of these areas is one that needs some specific examination. Certainly the European Community has done some work there. They are very capable. It is not as if we are talking about Third World countries. We are talking about two of the world's most vibrant economies.

Another reason I question the involvement, again, as a member of the Foreign Relations Committee, we asked questions when this first came up and we were told certainly we would not be in Bosnia more than 18 months. How many years have we been there? We were told we were not going to be in Kosovo.

We have to come to some decision. The question arises, What is the role of the Senate? I believe the Senate is responsible in terms of spending the money, in terms of authorizing long-term commitments. We should step up to the post and express our views. We now have the opportunity to do that. We could also question, as I mentioned, the whole idea of our level of involvement in places where we are with allies. We would certainly have the capacity to do much.

I am concerned about the constitutional implications of the President's actions. Clearly, the President should have, and does have, the authority to move when there is a case of an emergency. That is as it should be. But the fact is, in both Bosnia and Kosovo, we didn't have the opportunity. Did we vote? Yes, we voted after the troops were there. Certainly no one is going to vote against the support for troops who are already committed. I remember meetings held in Ohio and the original talk about Bosnia and Kosovo. We asked: What will we do? They said: We can't tell you yet; we have to go to Europe and have a meeting there. We asked: What is our commitment? Well, we can't tell you yet. Before the Congress had an opportunity to do anything, the troops were there. We were committed. Clearly, we were going to support them.

This idea of an exit strategy, and certainly the idea that we have a role as Congress, as a responsibility to the people of the United States, to do that, is the question. I am not concerned that we are making a judgment ahead. That is not the case at all. We are setting guidelines. We say if those guidelines are not appropriate in that time, then the President can come—whomever the President might be—to the Congress and say there have been changes; here is what I am supporting, and with the support of Congress can go forward with something different.

Byrd-Warner gives a clear plan to work with the European Community and, in fact, turn some of the full responsibility over to the European Community whenever it is appropriate. Byrd-Warner gives us that. We need to ensure that the community is not reneging on its promises regarding its share of reconstruction funds. That is important. That should be done.

Finally, it puts us on a track, a flexible track, for exit and moving our troops out of that situation. That is what we ought to do. Certainly, it was mentioned on the floor that preserving peace in Kosovo is important. That is not the issue. The issue is how do we do that. Everyone knows it is important to have peace there. I think we can do that through this system. It will solve both the constitutional question and the question of direction.

I urge my colleagues oppose the Levin amendment and support the Byrd-Warner amendment.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Georgia is recognized.

Mr. REID. If the Senator will yield, it is my understanding Senator CLELAND is taking time off the other side.

Mr. WARNER. That is correct. I say with some dismay, we have been trying to alternate. If the tactic here is to hold those in opposition until the end, I think an element of fairness in this debate may be slipping away.

Mr. REID. I say to my friend from Virginia, there is no reason to be suspect of anything. We had a speaker lined up who you persuaded not to speak. It threw us out of queue. We have Senator CLELAND ready to speak.

Mr. WARNER. I had to make that case.

Mr. LEVIN. Regarding that change, we are happy to have two or three of our speakers in a row when the Senator from Georgia is finished.

Mr. CLELAND. Mr. President, I echo the marvelous remarks of the distinguished Senator from Wyoming, and my seatmate, the great distinguished Senator from Wisconsin, and others who support the Byrd-Warner amendment.

The question is, simply put: Will the Congress of the United States step forward and help this Government articulate an exit strategy of our military might out of Kosovo and out of the Balkans ultimately or will we not?

I just got back from a trip to Western Europe, particularly to Kosovo. I visited Brussels. I talked to NATO leaders. I visited the Aviano Air Base in Italy where I met with some who flew the incredible air missions in the war. I went to Macedonia and saw the areas where more than 100,000 refugees were, and into Kosovo itself and up on the Serbian border. We then exited through London. I came back with a definite impression that unless this country articulates its own exit strategy, particularly for our military forces, there will be no exit strategy. Our allies are quite willing for us to stay there forever and ever and ever.

I met with the distinguished Deputy Secretary General of NATO in Brussels. He looked at me and said: I can't count on one hand the number of years NATO will have to be in Kosovo. People in the United States have to accept that you are a European power whether you like it or not, both in Europe and the Balkans.

I believe very strongly that we have borne the brunt of war. Seventy percent of the air missions in that war in Kosovo were ours. It was American airpower and American mobility and technology that actually won that war. I supported that. I voted on the floor of this great body for air and missile strikes against Milosevic. I have also voted for the accession of the Czech Republic, Poland, and Hungary to come into NATO. I, by no means, want to abdicate the role of the United States in filling the power vacuum in Eastern Europe left by the fall of the Soviet Union. By the same token, I came back with a couple of clear senses that I carry in my mind of what our American role should be. First, before we went in a helicopter into Kosovo, an Army colonel said: Look out the windows. There is a Roman aqueduct. I thought: I'm flying over terrain where Alexander the Great and his father, Philip II, made wars in Macedonia and that part of the world in 300 B.C. Then the Romans were there. Later the Turks were there. And now we are there.

I respectfully submit, what thousands of years of foreign occupation have failed to do to that area, we will fail to do. So I specifically support the Byrd-Warner language which allows 75 percent of the more than $2 billion contained in the supplemental appropriations title for Kosovo operations to be released immediately and unconditionally for such operations.

I do support these operations now. But the remaining 25 percent would be withheld pending a certification by the President, due by July 15 of this year, that our European allies are making significant progress in meeting their overall commitments for economic reconstruction, humanitarian assistance, administrative expenses, and police forces for Kosovo.

I understand our European allies did not have the capability, in terms of technology or maneuverability or mobility, to mass in an offensive attack against the forces of Milosevic. But I also understand they do have the ability to provide economic reconstruction aid. As a matter of fact, the European Union is stepping forward with $2.3 billion. I applaud that. They have the capability for humanitarian assistance, and that is forthcoming. They do have the ability to provide police forces for Kosovo. These are things our European allies can do and should do.

Furthermore, the amendment requires the President to develop and report to the Congress a plan to turn over all peacekeeping operations in Kosovo to those allies by July 1, 2001. This is the plan that is due by July 1, 2001, not the withdrawal of American forces. But at least this is a plan; it is an exit strategy.

How do we get to this point? The U.S. Constitution says the Congress declares war. The Congress raises money for our Army and our Navy. It is the Congress that is the ultimate, final authority on whether young men and women are committed in harm's way.

Finally, by that day, July 1, 2001, the Byrd-Warner language requires the termination of funding for the continued deployment of U.S. ground combat troops in Kosovo unless the President seeks and obtains specific congressional authorization for a continuation of such deployment.

I am open to reasoned argument by any President on our role there, but I think the Congress ought to make that decision.

As Senator WARNER said in explaining the authors' intent, the Byrd-Warner language reflects two concerns:

> the indefinite commitment of our troops into the Kosovo situation and that indefinite commitment not being backed up by the affirmative action of the Congress of the United States which has a clear responsibility to act when we send young men and women in harm's way.

I have just returned from a trip to Brussels and Kosovo where I met with key military leaders from the U.S., European nations and NATO. On that trip, I was discussing the role of the United States in Europe with the Deputy Secretary of NATO, Sergio Balanzio, when he told me that the United States is, "a European power whether you like it or not—not only in Europe but in the Balkans too." I responded that it is one thing to be on the point of the spear and to bear the heavy load in certain cases, as the U.S. did in Bosnia and Kosovo, but quite another to always be called upon to ride to the rescue, even in Europe itself.

A large portion of the military operation in Kosovo was supplied by the United States, and I believe it is now time to "Europeanize" the peace in Bosnia and Kosovo. While the soldiers I spoke with at Camp Bondsteel certainly displayed high morale, reflected in the excellent job they have done, if we stay in the Balkans indefinitely, with no clear way out, I believe we run an increasing risk of further overextending our military thus exacerbating our recruitment and retention problems and lessening our capability to respond to more serious challenges to our vital national interests. The Byrd-Warner amendment will help Europeanize the peace, unless and until a compelling and vital American interest can be identified which would justify our continued deployment of ground forces, and I will be pleased to support it.

However, I must add that, while this amendment does indeed address our military problem in Kosovo and does indeed reassert the constitutional responsibilities of Congress with respect to that problem, it does not address the underlying situation in Kosovo and is silent on the similar problem right across the border in Bosnia. From my perspective, the basic problem in the Balkans today is political, not military, and requires a political rather than military solution. And, in the same way as the United States took the lead in military operations, it is now time for the U.S. to lead in finding a political solution. Essentially, at this point in time, the various communities wish to live apart and exercise self-determination along ethnic lines. I would agree that such a development is unfortunate and not in keeping with our American view of the way the world should be. However, for any solution to the current situation to be acceptable to the parties directly involved—and thus durable—this inescapable fact must be taken into account.

On June 30 of last year, the Senate accepted by voice vote my amendment to the foreign operations appropriations bill which expressed "the sense of the Senate that the United States should call immediately for the convening of an international conference on the Balkans" to develop a final political settlement of both the Kosovo and Bosnia conflicts.

I ask unanimous consent that the full text of my amendment be printed in the RECORD.

There being no objection the material was ordered to be printed in the RECORD, as follows:

### AMENDMENT NO. 1163 TO S. 1234, FISCAL YEAR 2000 FOREIGN OPERATIONS APPROPRIATIONS

(Adopted by the Senate by unanimous consent, June 30, 1999)

At the appropriate place in the bill, insert the following:

### SEC. . SENSE OF THE SENATE REGARDING AN INTERNATIONAL CONFERENCE ON THE BALKANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States and its allies in the North Atlantic Treaty Organization (NATO) conducted large-scale military operations against the Federal Republic of Yugoslavia.

(2) At the conclusion of 78 days of these hostilities, the United States and its NATO allies suspended military operations against the Federal Republic of Yugoslavia based upon credible assurances by the latter that it would fulfill the following conditions as laid down by the so called Group of Eight (G–8):

(A) An immediate and verifiable end of violence and repression in Kosovo.

(B) Staged withdrawal of all Yugoslav military, police, and paramilitary forces from Kosovo.

(C) Deployment in Kosovo of effective international and security presences, endorsed and adopted by the United Nations Security Council, and capable of guaranteeing the achievement of the agreed objectives.

(D) Establishment of an interim administration for Kosovo, to be decided by the United Nations Security Council which will seek to ensure conditions for a peaceful and normal life for all inhabitants in Kosovo.

(E) Provision for the safe and free return of all refugees and displaced persons from Kosovo and an unimpeded access to Kosovo by humanitarian aid organizations.

(3) These objectives appear to have been fulfilled, or to be in the process of being fulfilled, which has led the United States and its NATO allies to terminate military operations against the Federal Republic of Yugoslavia.

(4) The G–8 also called for a comprehensive approach to the economic development and stabilization of the crisis region, and the European Union has announced plans for $1,500,000,000 over the next 3 years for the reconstruction of Kosovo, for the convening in July of an international donors' conference for Kosovo aid, and for subsequent provision of reconstruction aid to the other countries in the region affected by the recent hostilities followed by reconstruction aid directed at the Balkans region as a whole.

(5) The United States and some of its NATO allies oppose the provision of any aid, other than limited humanitarian assistance, to Serbia until Yugoslav President Slobodan Milosevic is out of office.

(6) The policy of providing reconstruction aid to Kosovo and other countries in the region affected by the recent hostilities while withholding such aid for Serbia presents a number of practical problems, including the absence in Kosovo of financial and other institutions independent of Yugoslavia, the difficulty in drawing clear and enforceable distinctions between humanitarian and reconstruction assistance, and the difficulty in reconstructing Montenegro in the absence of similar efforts in Serbia.

(7) In any case, the achievement of effective and durable economic reconstruction and revitalization in the countries of the Balkans is unlikely until a political settlement is reached as to the final status of Kosovo and Yugoslavia.

(8) The G–8 proposed a political process towards the establishment of an interim political framework agreement for a substantial self-government for Kosovo, taking into full account the final Interim Agreement for Peace and Self-Government in Kosovo, also known as the Rambouillet Accords, and the principles of sovereignty and territorial integrity of the Federal Republic of Yugoslavia and the other countries of the region, and the demilitarization of the UCK (Kosovo Liberation Army).

(9) The G–8 proposal contains no guidance as to a final political settlement for Kosovo and Yugoslavia, while the original position of the United States and the other participants in the so-called Contact Group on this matter, as reflected in the Rambouillet Accords, called for the convening of an international conference, after 3 years, to determine a mechanism for a final settlement of Kosovo status based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act.

(10) The current position of the United States and its NATO allies as to the final status of Kosovo and Yugoslavia calls for an autonomous, multiethnic, democratic Kosovo which would remain as part of Serbia, and such an outcome is not supported by any of the Parties directly involved, including the governments of Yugoslavia and Serbia, representatives of the Kosovar Albanians, and the people of Yugoslavia, Serbia and Kosovo.

(11) There has been no final political settlement in Bosnia-Herzegovina, where the Armed Forces of the United States, its NATO allies, and other non-Balkan nations have been enforcing an uneasy peace since 1996, at a cost to the United States alone of over $10,000,000,000, with no clear end in sight to such enforcement.

(12) The trend throughout the Balkans since 1990 has been in the direction of ethnically based particularism, as exemplified by the 1991 declarations of independence from Yugoslavia by Slovenia and Croatia, and the country in the Balkans which currently comes the closest to the goal of a democratic government which respects the human rights of its citizens is the nation of Slovenia, which was the first portion of the former Federal Republic of Yugoslavia to secede and is also the nation in the region with the greatest ethnic homogeneity, with a population which is 91 percent Slovene.

(13) The boundaries of the various national and sub-national divisions in the Balkans have been altered repeatedly throughout history, and international conferences have frequently played the decisive role in fixing such boundaries in the modern era, including the Berlin Congress of 1878, the London Conference of 1913, and the Paris Peace Conference of 1919.

(14) The development of an effective exit strategy for the withdrawal from the Balkans of foreign military forces, including the armed forces of the United States, its NATO allies, Russia, and any other nation from outside the Balkans which has such forces in the Balkans is in the best interests of all such nations.

(15) The ultimate withdrawal of foreign military forces, accompanied by the establishment of durable and peaceful relations among all of the nations and peoples of the Balkans is in the best interests of those nations and peoples.

(16) An effective exit strategy for the withdrawal from the Balkans of foreign military forces is contingent upon the achievement of a lasting political settlement for the region, and that only such a settlement, acceptable to all parties involved, can ensure the fundamental goals of the United States of peace, stability, and human rights in the Balkans;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) The United States should call immediately for the convening of an international conference on the Balkans, under the auspices of the United Nations, and based upon the principles of the Rambouillet Accords for a final settlement of Kosovo status, namely that such a settlement should be based on the will of the people, opinions of relevant authorities, each Party's efforts regarding the implementation of the agreement and the provisions of the Helsinki Final Act;

(2) The international conference on the Balkans should also be empowered to seek a final settlement for Bosnia-Herzegovina based on the same principles as specified for Kosovo in the Rambouillet Accords; and

(3) In order to produce a lasting political settlement in the Balkans acceptable to all parties, which can lead to the departure from the Balkans in timely fashion of all foreign military forces, including those of the United States, the international conference should have the authority to consider any and all of the following: political boundaries; humanitarian and reconstruction assistance for all nations in the Balkans; stationing of United Nations peacekeeping forces along international boundaries; security arrangements and guarantees for all of the nations of the Balkans; and tangible, enforceable and verifiable human rights guarantees for the individuals and peoples of the Balkans.

Mr. CLELAND. Mr. President, I truly believe that such an approach is best, if not the only, way to resolve the difficulties in Bosnia and Kosovo—allowing our troops eventually to come home but avoiding an unacceptable security vacuum in southeast Europe—and is definitely in the best interest of the United States and Europe.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague from Georgia. He is on the Senate Armed Services Committee. He just exemplifies duty, honor, and country in every respect. I hope our colleagues take to heart the message from this distinguished Senator and soldier-citizen of America.

I will yield the floor after one procedural matter. As I understand it, the distinguished Senator from Oregon, Mr. SMITH, will next address the Senate—if, after that, we could have our colleague from Texas for 6 minutes?

Mr. LEVIN. If the Senator will yield?

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. As we indicated before, we had a number of Senators on the way. If we could have, now, two of ours, since my colleague had two or three of his in a row, it would be, I think, better order.

Mr. WARNER. We were trying to rotate. Our colleague from Texas has been here about an hour.

Mrs. HUTCHISON. I make an inquiry of the distinguished Senator from Michigan how long the next two would be, so I can determine if I could stay that long.

Mr. LEVIN. I do appreciate that. Senator SMITH would be 10 minutes and Senator HAGEL 12 minutes.

Mr. WARNER. How does that convenience or inconvenience our colleague from Texas?

Mrs. HUTCHISON. After 22 minutes? If we could put that in stone?

Mr. WARNER. We will just have that understood. I put the unanimous consent request.

Mr. HAGEL. Mr. President, if it is a convenience to the distinguished Senator from Texas, I would be very happy to go after the Senator from Texas, if that helps her schedule.

Mr. LEVIN. We don't have to etch the stone, then.

Mrs. HUTCHISON. I am happy to wait beyond the Senator from Oregon for 10 minutes and the Senator from Nebraska for 12 minutes. Then if we could get a unanimous consent, I would go next?

Mr. LEVIN. Mr. President, I ask unanimous consent we go in that order: Senator SMITH for 10, Senator HAGEL for 12, and then the Senator from Texas.

Before the Senator from Georgia leaves, if I could just take 30 of my seconds to thank him for his constant contribution to the debates and to this body. While we disagree on this particular issue, it is not very easy for me; he always makes a major contribution, and we are grateful for it.

Mr. WARNER. Will the Chair act on the unanimous consent request, and now with 7 minutes for the Senator from Texas?

The PRESIDING OFFICER. The Chair, without objection, enters the unanimous consent. There will be 10 minutes for the Senator from Oregon——

Mr. WARNER. If I could take 20 seconds of my time just to advise Senators that the time remaining under the control of those proponents of keeping the amendment, namely Senators BYRD and WARNER, has now diminished to the point where the time Senator BYRD and I have allocated between ourselves—that is, the time of the Senator from Virginia has all but expired, and the distinguished Senator from West Virginia has, under a previous order, 1 hour remaining under his control. I just wish to advise the Senate of that.

The PRESIDING OFFICER. The Chair will observe there is a unanimous consent order that gives the opportunity to the Senator from Oregon to speak for 10 minutes, to be followed by the Senator from Nebraska for 12 minutes. Is someone propounding another consent to change that consent?

Mr. WARNER. I did not hear that.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, it is my understanding part of the unanimous consent request is the Senator from Texas would follow Senator HAGEL for 7 minutes. So there would be some order here, the Senator from Virginia could follow the Senator from Texas?

Mr. LEVIN. Mr. President, I will make a revised unanimous consent request, after talking with Senator ROBB who just came in, and with gratitude to Senator HAGEL. I ask unanimous consent for this order of speakers: Senator SMITH of Oregon, then Senator ROBB for 6 minutes, then Senator HUTCHISON, and then Senator HAGEL.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Oregon is recognized.

Mr. SMITH of Oregon. I thank the Chair.

Mr. President, frankly, I am pleased, as we alternate back and forth, there are Republicans and Democrats not crossing on party lines but arguing a very important issue of what they feel, what they think, and how they perceive America's interests to be best served.

I realize that many of my colleagues have spoken eloquently about the consequences that will result if the United

States Senate supports the Byrd-Warner amendment. And though I may repeat some of their arguments this morning, I think it is critical that those of us who oppose this language state loudly and clearly that this is the wrong way to go.

I spoke last week on this matter Mr. President. I said then that there may come a time when it is appropriate for the U.S. to withdraw from Kosovo—but that time is not now. We face enormous worldwide responsibilities, and I agree with those that feel the burden sometimes seems rather heavy. But that is not a reason for us to seriously jeopardize the most important and most successful Alliance in history.

We are a European power. It is in our interests to maintain American leadership in Europe. And we have seen what happens when the U.S. chooses to come home after a bitter conflict has ended. I am confident that if the U.S. pulls out of Kosovo, as this legislation requires if the Congress does not authorize continued participation, we will be forced to return—under circumstances that will certainly not be as favorable as we face today. We have managed to create a situation where our troops certainly face threats in Kosovo, but the risks are relatively limited.

By our action, by setting up the conditions under which American troops would withdraw from Kosovo next summer, we could trigger the very instability in Kosovo that we have managed to forestall thus far. I am not going to whitewash what is happening in Kosovo today. We have our work cut out for us in establishing a functioning administration there that respects the rights of minorities. But the situation is relatively stable, after over 10 years of disorder. We can only speculate, of course, as to what would transpire if we were to pull out. But there is a real possibility—one can almost say a probability—that the Kosovar Albanians would feel compelled to prepare for another assault by Serbian henchman directed by Slobodan Milosevic. Could our European allies adequately protect the Kosovar Albanians from this assault? I can not answer that definitively, but I will tell you that the Kosovars think that the answer is no. So we withdraw, the Kosovars rearm, Milosevic feels emboldened, and we are back where we started before the NATO air campaign began. Is that why we fought this war?

Why do we want to jeopardize the peace? The 5,900 American soldiers that are participating in KFOR are making a critical contribution to maintaining peace in Kosovo. Our troops comprise approximately 15% of the total of KFOR. That seems to me to be a reasonable percentage for the U.S. to contribute. The European forces are making a difference in Kosovo—they are doing their job. But we should be willing to do ours as well.

Mr. President, let me return to my principal concern with this amendment—the threat that it poses to U.S. leadership in Europe. I have met with five different Foreign Ministers from Europe over the past several weeks, and in these meetings I have emphasized the importance of maintaining the trans-Atlantic link. Our security is directly related to European security, whether we like that or not, and for us to signal to our Allies that we are unwilling to participate in securing the peace in Kosovo—when they are contributing 85% of the troops—inherently divides us from our Allies. I have criticized them for seeking to establish a separate defense structure that is not tied in with NATO at every step of the way.

We should not encourage them in these efforts by indicating that we are an unreliable ally that cannot be counted on to stay the course. I do not think this should be an endless commitment, however, there should certainly be a drawdown in our forces as circumstances warrant and as Europeans do more in Kosovo. But we should not make the determination now as to what our troops should do next year.

I realize that the supporters of this amendment say that they are not calling for the withdrawal of U.S. troops from Kosovo—that they are simply asking for an authorization. But Mr. President, with all due respect for my colleagues, their amendment forces the withdrawal of our forces unless positive action is taken by the Congress. I do not quibble with their complaints that the President did not ask for Congressional authorization for this mission. I agree with them: he should have done so. But is it in our interests to tie the hands of the next President? To force him to adopt a course of action because of a lack of Presidential leadership today? I think not.

I am reminded of the early, tragic days of the war in Bosnia. As you recall, Mr. President, European troops were on the ground in Bosnia as part of the UN mission, but no American troops were there. As a result of the dramatically different risks we faced at that time, the U.S. and our Allies supported different approaches to deal with that conflict. We lost valuable time trying to coordinate our strategy—time when Bosnians of all ethnic groups were slaughtered. A strong Alliance is one where benefits and risks are shared, and that is the direction that we should be going now.

Let me say, that I agree with my colleagues who have complained about unequal burdensharing. The Europeans were incredibly slow in approving their contributions to the Kosovo Consolidated Budget, their humanitarian and reconstruction assistance, and getting their police forces on the ground. I commend Senator WARNER for his successful efforts at ensuring they get the picture. We have the right to expect that our European allies do their fair share consolidating the peace in Kosovo, particularly given the unequal burden borne by the U.S. during the war. And I believe that thanks to the distinguished Chairman of the Armed Services Committee, the Europeans now understand this and are taking steps to correct the problem.

Mr. President, we must maintain American leadership in Europe. We should do our part in solidifying the progress we have seen in Kosovo. I urge my colleagues to support Senator LEVIN's motion to strike the Byrd-Warner language.

Mr. President, I admire Senator WARNER, the chairman of the Armed Services Committee. He is a great American and a great man. While I am not with him on this issue, it is a privilege to be with him on most issues.

Also, I believe Senator BYRD, the other author of this amendment, is a man who stands uniquely among us as a defender of the prerogatives of the Senate. I appreciate that, I admire him for that, and I thank him for that.

I believe it is Senator WARNER's desire to protect our armed services, as is his charge, and I believe it is Senator BYRD's desire to protect the prerogatives of the Senate that has motivated this. I respect that. I say to them that they have already achieved much of what they hoped to do with this amendment, so this debate, this effort, is not in vain. I tell them respectfully now why I am not with them on this issue.

I know that many Americans are weary of our involvement abroad, and I know that many would like to just go home. I actually believe the right political vote in this case would be to vote for a date certain with my colleagues on the other side to get out of Kosovo. I say to every American who cares about foreign policy or our standing in the world, this is not the right way; this is not the right instrument; this is not the right time for this branch of Government to interject itself with this kind of an amendment.

I happen to have traveled to the Balkans at the height of the Kosovo conflict. I was privileged to travel with Senator HUTCHISON of Texas in her codel where we visited many of the surrounding countries of Kosovo. I remember when we went to Hungary, we were standing on the balcony of the Foreign Ministry of Hungary, and the Foreign Minister came up to me—this is a beautiful setting, overlooking the Danube—and he said: Senator SMITH, I did not realize when we were admitted to the NATO alliance that we would be at war a few days later, but we are thrilled to be a member of NATO, and we are proud to stand with the United States of America.

I drew him out and said: Why do you say that, Mr. Foreign Minister?

He said: We are proud to stand with the United States because the United States is a nation uniquely positioned in world history; that we are unique in that we have the capacity to fight for values and not just to fight for somebody's treasure or somebody's territory.

I was proud of my country when he said that.

I found myself a few days later in Macedonia. When we were there, we were at the point where, coming out of Kosovo through a pass in the mountains, literally tens of thousands of refugees were pouring into two camps. We went to the second camp. There were 50,000 people there. It was arranged that each of the Senators would have an hour there with interpreters.

We went through the camp talking to the refugees, examining the conditions of the people, and hearing their concerns. I became aware about halfway through my visit that there were three little girls following me around as though I was from Mars. They looked at me with some degree of awe and wonder.

Before we boarded the buses, I decided to try and engage them in a conversation. I was delighted to find that one of the little girls who was 10 years old could speak reasonably good English. I said to her: Would you like to go home?

She said: I'd love to go home, but I can't; there are very scary people there.

Then I said to her: Well, if you can't go home, would you like to go to America? And her eyes lit up with sparkles.

She put her hands to her face and said: Oh, to be a little girl in America.

I will never forget that expression. I thought of my own little girl all the way home. I wonder what has happened to that little girl. She did not come to America, but she was able to go home because the United States was there.

The United States is in Europe. The world is better because after the Second World War, the United States learned from a mistake and did not repeat the mistake of the First World War. We did not go home. We stayed there as a beacon of stability that Europe has needed and I believe still needs.

The Europeans are beginning to feel a need for more security of their own. I have cautioned them: Be careful as you set up these European defense identities that you do it within the context of NATO or you will begin to decouple the United States from NATO. Be careful about this.

My concern is heightened because as they talk of setting up these new structures, they are all cutting their defense budgets. It appears to me they are setting up a paper lion.

We made a commitment to go into Yugoslavia. If anything should be criticized, it may be we should not have gone into Bosnia. We have elections for a reason. We elected a President of the United States, not of my party, but a President who decided it was in the America's interest as the leader of the NATO alliance to go into Bosnia, and we went. That job was complicated because Mr. Milosevic continued his mischievous ways, his murderous ways in a fashion that was unthinkable to the Western World that we should do nothing. In view of our own troops, we were watching people being exterminated.

In the end, I decided to support President Clinton at this next level because I did not want to have to answer why, in the face of mass murder, I did not do anything.

Lest Americans think it is all in vain, it is not. Things are not great in Kosovo, but they are much better than when we found them.

The benefit of Senator WARNER's work is in this: The Europeans were slow off the mark in meeting their commitments financially and in troops, but they are now. They are putting in the resources, and they are manning 85 percent of the burden there. We have 15 percent, a little over 5,000 troops, there. Is that in vain? Is it appropriate for us now to set an arbitrary cutoff time and, with the blunt instrument of the budget, to say we have had enough, we are going home? I say with all respect, if we do that, we will somewhat be saying to the Europeans what they are saying to us: that we are ready to delink the United States and NATO.

I do not want to do that yet. The day may come when we can say it is time to go home, and the Europeans will be in a position where they can handle it on their own. I do not believe that day has yet arrived.

I tell my colleagues and I plead with all Americans to understand that while we can take for granted the peace, the security, and the prosperity of this land, most of the world looks to us as an example and with some envy and some hope that they may someday have what we now enjoy. If America says we are going home, I believe that vacuum will be so enormous, it will be filled not with an ideology but with a whole bunch of tyrants.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SMITH of Oregon. If I may have but a few more minutes, I will conclude.

Mr. LEVIN. I yield 2 additional minutes.

Mr. SMITH of Oregon. I do not want to see that vacuum filled by people who do not share the values of Western Civilization as we know it in Western Europe and in the United States of America. I believe the Europeans are beginning to do their duty and we ought to continue to do ours.

I also would like to conclude with an anecdote from campaigning with Governor Bush on Tuesday in Oregon, in which he assured me his opposition to this was not about getting America's withdrawal from Yugoslavia but to do it in a reasoned way, in a bipartisan way, and in a way that does not compromise the long-term security interests of the United States, which is now inseparably linked to Europe.

So I plead with my colleagues to vote for the McCain-Levin amendment to strike. I believe this is in the country's interests, in the world's interests, and certainly in the interests of Kosovo.

I thank the Chair and yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia has 6 minutes.

Mr. LEVIN. Would the Senator yield?

Mr. ROBB. Of course.

Mr. LEVIN. I will take 30 seconds, on my time, to thank the Senator.

The PRESIDING OFFICER. Senator ROBB from Virginia, I believe, according to the unanimous consent agreement, has 6 minutes at this time.

Mr. ROBB. I yield to the distinguished Senator from Michigan on his time, as requested.

Mr. LEVIN. I take 30 seconds, on my time, to thank the Senator from Oregon for his very thoughtful and very heartfelt statement, based on a tremendous amount of study of Europe.

I also ask unanimous consent that Senator VOINOVICH be recognized after the conclusion of Senator HAGEL's remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I ask unanimous consent that I be given 1 minute prior to Senator ROBB.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my colleague for his kind remarks. But I want to draw the attention of the Senate to the fact that we—the U.S. taxpayers—have already spent $4.5 billion on this Kosovo operation. The President did not ask for any money for the year 2000. That is why we are faced with this supplemental of another $2 billion. So $4.5 billion plus $2 billion is $6.5 billion. Then the authorization bill, which we are now working on, and the appropriations for the next fiscal year, has another $1.6 to $1.7 billion.

Wake up, colleagues. We are shoveling money out of here as fast as we can swing our arms, without giving, I think, due consideration.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. ROBB. Mr. President, I join my distinguished colleague from Michigan in recognizing the eloquence of the statement just made, very much from the heart, by the Senator from Oregon. I concur in his remarks.

Once again we are on the floor of the Senate debating the strength of the U.S. commitment to peace and stability in the Balkans, and once again we are being asked to weigh the benefits and costs of our current commitments.

I do not like to find myself at odds, especially on national security matters, with my friend and senior colleague from Virginia. We share so many of the values that shape our view of the world and the critical role of the United States in that world. We also share an unshakeable conviction in the importance of the moral and physical leadership of the United States in a dangerous world and the belief that a strong United States is the best guarantor of peace.

Likewise, I have enormous respect for the other coauthor of the amendment which is currently incorporated in the military construction appropriations bill we are now considering. There is no other Member of this body who is more knowledgeable, when it comes to the history of our Constitution, or who has fought harder to uphold the constitutional role of the Congress and of this body in relation to the executive branch than the senior Senator from West Virginia.

I understand and share our colleagues' frustration with the costs of our commitments in the Balkans, not just in terms of dollars but also the wear and tear on our armed forces around the world.

I understand and share our colleagues' frustration with the glacial pace of progress toward reconstruction in Kosovo and the establishment of a capable civil police force. But we knew the risks going into this effort to stop the killing and give peace a chance to take hold in this troubled land. We know from experience that these types of efforts defy deadlines. We know from experience the consequences of setting conditions that let other countries control our destiny.

Each time we have debated deadlines, I have argued against them. Each time we have proposed statutorily binding deadlines, I have voted against them. I believe the provisions in this bill establishing a deadline for the withdrawal of ground troops from Kosovo undermine U.S. leadership around the world and raise understandable anxiety about our commitment to peace and stability in the Balkans. They play directly into the hands of those in the region who depend on conflict and chaos to achieve their ends.

The situation in Kosovo defies a simple calculus for withdrawal of U.S. forces. The situation in Kosovo defies a simple calculus for those whose burdens are greater or smaller, fair or unfair.

We know from experience that the requirement of our physical presence and our relative share of the burden will shift with changing conditions on the ground—either through reduced threats or improved stability.

Setting statutory deadlines now, in my judgment, will only undermine the confidence of our allies. Setting statutory deadlines now will only shake the world's confidence in our leadership. Setting statutory deadlines now will only encourage those who oppose peace and stability in the region.

The deadline framework established by this provision in the military construction bill tells our adversary what combination of actions or manipulation of conditions by which he can "control" U.S. and NATO policy.

Although the authors argue that this provision has no automatic triggers and that there are escape clauses allowing the Congress to undo what this provision would do, the advantage of knowing the limit of our commitment transfers the advantage and the leverage to our adversary.

Under this provision, July 1 becomes a magic date—either this year or next; or some other date, if it happens to be switched in conference—against which he can plan, organize, and execute efforts to pursue regional destabilization.

Under this provision, in the mind of our adversary, we trade the certainty of our commitment to stability, and our military capability to enforce it, for the certain knowledge of our limited determination and the eventual unhinging of the political and military cohesion of our coalition.

I am concerned that regardless of when the deadlines may be set in this provision, our perceived lack of will could put at risk militarily our coalition troops on the ground in Kosovo.

I have been proud to stand shoulder to shoulder with my friend and senior colleague on many issues involving our Nation's national security interests. But I cannot do so on this issue because I believe it would undermine our position of world leadership and place us in an untenable position regarding the Balkans.

In support of our men and women in uniform in the field, and of America's enduring open-ended commitment to peace and stability, I must, therefore, oppose the provision currently included in the bill and urge our colleagues to support the motion to strike offered by the ranking member of the Senate Armed Services Committee.

With that, Mr. President, I believe my time has expired. If not, I reserve any remaining time.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I thank my colleague for his kind personal references. Indeed, we have worked together as a team. On this one, we divide.

Regarding his concluding remarks on world leadership, in this debate we are constantly talking about our allies. I am concerned about the hometowns in Virginia that are shoveling out taxpayer funds, billions and billions of dollars. I have already added it up—well over $6 billion.

There has really been no debate or action in this Senate. We have an obligation in the Congress to speak before we shovel these funds out in incredible sums. It is from the towns and villages in our State and other States from whence we get these brave young men and women, who put on these uniforms, as the Senator and I have in the past, and march forth from the shores of our country into harm's way. I think Congress has to stand up and be accountable in those decisions and support the President. I have no fear that this institution will support the next President of the United States in his request, if he comes forward and says: It is my intention not to just leave this indefinitely but here is my plan to keep our troops over there.

I yield the floor.

Mr. ROBB. Mr. President, I ask unanimous consent for 15 seconds to respond to my colleague.

Mr. LEVIN. Mr. President, I am happy to yield 15 seconds to the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Mr. President, I thank my distinguished senior colleague. We agree on so many things. Sometimes we have to consider the cost of doing nothing as opposed to the cost of doing what we are doing. It is in that context that I view this particular dilemma we face. I certainly share my distinguished senior colleague's commitment to finding a way to maintain our commitments to peace in the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have been on the floor for a long time this morning. I will address two major points I keep hearing because it is important that we refute those points.

First, we are not setting a deadline. We are not withdrawing troops. The Byrd-Warner amendment says we are voting to make the decision, after plenty of time for the President and our allies, consulting with Congress, to make a plan. We are setting a timetable in which we would have the opportunity to set a plan, and that timetable will probably be October or December of next year. Then after we have a plan from the President, we will have a vote on that plan and on the long-term strategy.

Every time Congress exercises its responsibility to do what it is required to do under the Constitution, which is declare war and support the Army and the Navy, the administration and many on the other side say: What kind of signal does that send? What kind of signal does that send to our allies? What kind of signal does that send to that terrible tyrant Milosevic?

No. 2, they say setting a deadline is irresponsible. I will answer both of those questions.

We are sending a message. We are sending a message to our allies and to President Milosevic. It is a clear message, and it says, America is going to lead. America is going to come in and bring all the parties to the table, and we are going to formulate a policy. We are going to lead.

It says, our goal is a lasting peace in the Balkans, not an unending morass of indecision that wears out our troops, debilitates our own national security, and does not help our allies or the Serb people at all. It says to Milosevic, we are serious and we are going to formulate a plan. The President of the United States should take the lead and consult with our allies and consult with Congress, as is required in the Constitution.

Our policy in the Balkans has been drifting. Ever since I came to Congress 7 years ago, it has been drifting because the administration has never come to Congress and said: This is my plan; will you approve it? Instead, he spends money from the Defense budget with no authorization and then comes in and asks for emergency funds to replenish the Department of Defense. Of course, we are going to vote yes. Of course, we are going to replenish the funds that have already been spent so our troops will be paid and our equipment will be updated. Is this Senate going to allow our troops to be deployed on a mission that has never been laid out? Is that a responsible action of the Senate? The answer is no. The Byrd-Warner amendment is taking the responsible action for the Senate.

I will answer question No. 2: Setting a deadline is irresponsible. This is the bait and switch. This is what they say every time. If you set a deadline, you are irresponsible. How could you do that and cut and run from our allies? But if you say, OK, we are not setting a deadline, we are going to say, 1 year from now, we have a timetable that begins the process for a plan and then, once you have the plan on the table, you have an orderly process to implement that plan.

This is not a vote to withdraw troops. It is not a vote to cut and run. It is not a vote to even have a deadline. It is a vote to take the responsibility to approve a plan for a lasting peace in the Balkans. This is a vote to be a responsible and strong ally and a formidable enemy. It is a vote that asks the same of our allies in return, that they be strong and reliable allies.

It is a vote to take the responsibility in the Senate for our own national defense. I ask the question of my colleagues: If we do not take the responsibility for our national security, if we do not take the responsibility when we see that we cannot recruit and retain members of our armed services today, if we don't take the responsibility for addressing that problem, who will? Which of our allies will step up to the line and say, we are worried about your national security deteriorating? Which of our allies is going to step up to the line and say, I am concerned that you are not providing the nuclear umbrella that we must have and that only you can provide?

The buck stops here. The Byrd-Warner amendment says we are up to the task. We will defend our own troops in the field, to give them a mission and a timetable and a responsible plan under which they can operate. We will be a strong, reliable, and stable ally for all of our friends. We will formulate a plan that is responsible as a superpower should. We will no longer have emergency funds that refill coffers of money that have already been spent on a mission that is not spelled out. We will no longer be irresponsible. We will take the responsibility that has been put on our shoulders by the people of our States.

A vote for the Byrd-Warner amendment will do exactly what we were elected to do: that is, take the responsibility for our country and our allies.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. WARNER. Mr. President, I yield myself 20 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. I compliment my distinguished colleague from Texas. It is very important that we get the type of message she has delivered today in the debate. I thank her.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 12 minutes.

Mr. HAGEL. I thank the Chair.

Mr. President, I rise today to support the McCain-Levin amendment. Kosovo is complicated. It is frustrating, dangerous, and fragile.

But I believe Kosovo and the Balkans are very clearly in the legitimate sphere of American security. As I listened to the debate last night and this morning—good, committed, informed debate—I believe we are not debating the congressional constitutional responsibility or authority in foreign policy. I don't think that is the issue. It seems to me that the issue which, in my opinion, comes down two ways, is: Is this action a wise and correct action at this time? Two, what are the consequences of this action?

Make no mistake, there will be consequences. We are always confronted with imperfect choices. Conflict, peacekeeping, war, how you deal with these problems always represents an imprecise business. We don't know the answers. We don't know the outcomes. We don't know all the dangers and complications. These don't come in tidy little boxes, or wrapped up in easy-to-figure-out little equations. There are many unknowns. That is one of the reasons why it is very unwise and very dangerous to set arbitrary deadlines. They never work.

Now, we have heard a lot this morning and last night about what our European allies have not done. Well, in the fairness of this debate, I think we should again remind those listening that, currently, America's ground troops in Kosovo represent less than 15 percent. Less than 15 percent of all ground troops in Kosovo are American. That means 85 percent of the ground troops are European—including, by the way, the Russians.

I think something else that is relevant to this debate is the fact that we have been there in Kosovo in this capacity, a peacekeeping responsibility, for less than 1 year. If we want to take this to the logical conclusion of lack of congressional authority as to when, where, how, and how long we are going to commit our peacekeeping forces, then I suggest that we go back and have a good debate on Korea, and on Japan, and on Europe.

We did have a debate on Kosovo last year, and we had a rather significant vote on moving forward in supporting the President's military action. Now, it stands to some reason that if we made that investment and we had that vote and the American public was tuned in, informed, educated, and their representatives were representing them in this body, they had some sense of where we were going with this. Are we going to walk away from what we achieved and have been achieving? It is messy, yes; uncertain, yes; fragile, yes; complicated, yes; but that is a very relevant point to this debate. Then what is connected to that question is, what happens next?

Does anybody in this Chamber believe that the Byrd-Warner amendment, planning to plan to withdraw, is a policy? Withdrawal is not a policy. Why are we doing it now—less than 6 months before America elects a new President? We all of a sudden are quite agitated and excited about Kosovo. We have had some time to deal with this. So we will ask our new President to take office in a matter of months, at the same time forming a new national policy team, new security, foreign policy, working with new leaders, the Congress, the nuances and relationships that are all part of that, and imposed upon him, encumbering him, is this arbitrary deadline and this plan to withdraw. I don't think that is responsible. We leave this new President little latitude, little flexibility.

What about the magnitude and seriousness of this debate? If this is so important, why has it not been brought before the Foreign Relations Committee? Certainly, the Foreign Relations Committee of the Senate should have some responsibility in this debate. We have not had 1 minute of debate on this. This came up in an Appropriations Committee meeting, with no formal notice, and boom. This is responsible policymaking? I don't think so. This is not a thoughtful approach to something this serious.

We need to listen to those who have responsibility for our troops on the ground. General Clark and others have had the interest of our young men and women as their main responsibility. What do they say about this? They have said it is irresponsible, with dangerous consequences. A heavy, dark cloud of dangerous uncertainty hangs over this debate. What are the other consequences? Yes, there will be a vacuum. But there are connecting rods as well here. Does anybody doubt, if we would pass this, that this would not have an effect on Milosevic and others like him, and their interpretation, and their waiting game, and all that they would do to wait us out? Of course not.

Let's get real. Let's get real in this body. This isn't theory. Does anybody doubt that this would not have a responsible consequence to our relationship with our NATO allies, at the very time we are trying to convince our NATO allies to go with us on a national missile defense system—and we will need that concurrence and cooperation with our NATO allies if we are going to, in fact, go forward with a ground-based national missile defense system because we will need some radar sites. Does this have an effect on that? Of course. Does it have an effect on our new relationship with the President of Russia? Of course it does. Does it have an effect on how the Chinese and the Taiwanese see America's commitment to its allies? Of course it does. These are big issues out here, Mr. President. We better understand the bigger picture. There will certainly be consequences in the Balkans. Do we think if we do leave, we plan to leave the Balkans better than we found it? I don't think so.

America's word means something. America's commitment means something. I believe stability in Europe, stability in the Balkans is in the interest of America. There is legitimate debate on the other side, maybe, but I think it is in our interest. America has always represented hope, a better life, a better world. We have made the world better. Yes, we can debate all of our military conflicts, involvements, and engagements since World War II—Vietnam, Korea, Kuwait. Have we made mistakes? Yes, we have. But, generally, is the world better off, more peaceful, more prosperous, with more hope today because of America? Of course it is.

There is one other thing we tend to forget: As the leader of the world, we will always be asked and be required to carry a heavier burden than any other nation. We may not like that; it may be unfair, but it is a fact. One of the reasons America is the greatest Nation on earth, in the history of man, is because we have had the unique ability to control our own destiny. How have we done that? We have done it because we were engaged; we were vigilant; we were strong. We anchored our country and our beliefs on principles, trusts, and values. Others have responded to that.

These are all part of the dynamics of this debate.

I do not want my 9-year-old daughter and 7-year-old son to inherit a world where America does not lead, if for no other reason, the next great power in the world may not be as benevolent or judicious as America has been with its power over the last 200 years. All of these dynamics are part of this equation. This body must be very serious in understanding that.

Let Americans speak in November. Let our people speak. Elect a new President. That new President will begin a new, productive, positive relationship with the Congress. We can together work on a foreign policy that makes sense in a timely, effective way. That is the answer. That is a wiser course of action. That is a more responsible course of action than voting for the Byrd-Warner amendment.

I might say before I end that it is because of Chairman WARNER's efforts and leadership. That has been recounted last night and today. The Europeans have in fact stepped up each day, each month, to more and more responsibility to their obligations. And I thank the chairman for that. Rarely do I disagree with him, but in this case I do.

I strongly encourage my colleagues to support the Levin amendment.

I yield the floor. Thank you.

The PRESIDING OFFICER. Under the previous order, the Senator from Ohio is to be recognized.

Mr. WARNER. Mr. President, I ask for 60 seconds on my time.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. WARNER. Mr. President, I thank my distinguished colleague for his very important contribution to the debate. It has been one of the best debates on foreign policy we have had in the Senate I think this year. I appreciate his references to the Senator from Virginia.

We have accomplished much of what we set out to do in this amendment. I bring to the Senator's attention that yesterday there were 263 votes in the House of Representatives in support of the principles that are embodied in the Byrd-Warner amendment. The other body spoke just yesterday. But I say to my dear friend that I am willing to calculate we have spent close to $20 billion in Bosnia and Kosovo. I will place it in the RECORD.

This is, in a sense, handing out another blank check for $1.8 billion in this supplemental for Kosovo with no clear, decisive action for the Congress requiring a strategy as to when our troops can hopefully be considered along with others to be withdrawn.

I say to my good friend, how many of my colleagues are calling back home today to get the sentiments of hometown America and put them against——

The PRESIDING OFFICER. The Senator from Virginia has consumed 1 minute.

Mr. WARNER. The sentiments expressed so fervently by those wanting to strike on behalf of our allies? There are 350-plus years of history, going back before World War II, of our steadfast alliance to our allies, and they can anticipate another 50 years. But on this, it is time for Congress to speak.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I ask unanimous consent I be allowed to speak for 1 minute on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, first I thank Senator HAGEL for a statement which is very meaningful because of the broad picture he drew, and also the interrelationship between what we are voting on and the whole host of other issues that are connected to it and impacted by it, as well as for the life experience and the life study he has brought to these questions.

In response to the good Senator from Virginia, I can only say what was voted on in the House yesterday is dramatically different from what we will be voting on. In addition to the funds that he made reference to that we have spent to avoid a wider war, even greater expenditures of funds have been well spent, in my judgment. And, indeed, the good chairman of our committee has been very supportive of those efforts.

We should not pull back from the success which has been achieved because the American people have made a commitment to stability in the Balkans to avoid a much broader problem in Europe and around the world.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. VOINOVICH. Mr. President, we are approaching the one year anniversary of the end of the NATO air campaign in Kosovo. But just like a year ago, we find ourselves debating U.S. military involvement in Kosovo and what the U.S. mission in southeastern Europe should be.

With respect to southeastern Europe, I believe the Byrd-Warner language that has been included in this Military Construction Appropriations bill is the wrong approach at the wrong time. In addition to our direct national security interests in Europe that would be threatened by this provision, our efforts to encourage the establishment of the rule of law, universal respect for minority rights and market economies throughout southeastern Europe would be devastated by the Byrd-Warner language.

In the aftermath of the air war over Kosovo, we have an opportunity to work with the international community to integrate the nations of the region into the broader European community; an action I believe will help avoid the continuation of the bloodshed and destruction we've seen over the last decade. To effectively threaten a troop pull-out—which the Byrd-Warner language does—jeopardizes our efforts to take advantage of the worldwide interest in the region, and our ability to make an historic positive change for the future in southeastern Europe.

Mr. President, we have American military resources on the ground and in the skies in southeastern Europe with the specific intent of bringing peace and stability to the region.

Unfortunately, the Byrd-Warner amendment will be viewed by friend and foe alike in the region as a unilateral troop pull-out of Kosovo and an end to the commitment the United States of America has made to our European allies to help bring peace to the war-torn Balkans.

The Byrd-Warner language requires the next president to make a difficult determination on American presence in Kosovo soon after his election—a time when he should be working to establish and implement his foreign policy agenda for our nation with his senior management team including his National Security Advisor, Secretary of State, Secretary of Defense and Chairman of the Joint Chiefs of Staff.

It will be a period when he will need to measure his allies and become intimately familiar with a myriad of foreign policy challenges. His decisions will have a wide national security impact and must not be made hastily, but that is what the Byrd-Warner language does.

Mr. President, if we are to succeed in opposing aggression around the globe, we need to work with our allies. However, what the Byrd-Warner language would do is show our NATO allies that as far as peace and security in Europe is concerned, particularly in southeastern Europe, it is Congress' intention to extricate ourselves. I don't believe that is the message that the U.S. wants to convey.

For those of my colleagues who are interested in seeing Europe take on more responsibility in southeastern Europe, the issue is, does the Byrd-Warner language help or hurt?

I believe it would hurt, because I know that the Europeans have made the commitment, and are continuing to make the commitment, to their southeastern European neighbors.

This past February, I was in Brussels to make my feelings known on the subject of fair-share burdensharing to the leadership of the European Union. I was pleasantly surprised to learn that the Europeans basically understand that unless the Balkan region is fully integrated into the broader European community, the region will "Balkanize Europe." I was further pleased to see the Europeans taking the necessary steps that will eventually include the nations of the region in the EU and NATO.

Of the total financial support committed to Kosovo by the international community, including humanitarian, development, economic recovery and reconstruction assistance, the U.S. has pledged 15 percent, while the rest of the world has pledged 85 percent.

Of the total amount pledged for the operations of the UN Mission in Kosovo, UNMIK, the EU and its member countries have pledged 74 percent, and the U.S. 13.2 percent.

In addition, at the Stability Pact conference in Brussels this past March, four dozen countries and three dozen organizations pledged $2.3 billion—well above the $1.7 billion goal to fund regional economic development and infrastructure projects in southeast Europe over the next twelve months. I believe this commitment represents one of the first positive steps that has been taken since the end of the air war towards restoring peace and stability to the region.

What I am saying is: on the whole, the Europeans are meeting the challenge. They are supplying the funds and they understand the importance of involvement in the region. They are surpassing the thresholds established in the Byrd-Warner language.

What the U.S. needs to do is encourage them. For those nations that are responding to the challenge, pat them on the back. And for those that aren't, coax them into contributing. We should be working with our allies in a cooperative fashion and not a confrontational one.

We need to understand that while the Europeans are handling the bulk of the spending in the region, we must also be willing to come to the table to provide leadership and a little bit of a financial commitment. When I was in Brussels, the importance of the United States to provide leadership was underscored by members of NATO and the EU alike.

In addition, our leadership is absolutely desired and sought by the benefactors of the Stability Pact. Just last week, I received a letter from the Bulgarian Minister of Foreign Affairs, Nadezhda Mihailova, who reiterated the need for the United States to stay at the table. She said:

> . . . the importance of U.S. leadership in southeastern Europe during reconstruction and beyond cannot be overestimated—it is critical to the future success of the region.

It is imperative that we stay focused and interested in what happens in this region of the world.

We should try to imagine what actions Slobodan Milosevic will take if he knows that the United States has given up its commitment to restoring peace in Kosovo. Imagine the last U.S. plane, the last armored personnel carrier, the last U.S. soldier leaving Kosovo. How confident can we be that Milosevic will not renew his reign of terror against the people of Kosovo in an effort to solidify his power. What if he moves aggressively into Montenegro to quell the Djukanovic threat in the vacuum created by the American withdrawal. What will the United States do then?

We are also trying to get the Kosovo Albanian community, especially former members of the KLA, to support the rule of law and help establish a governmental framework to make it work. Can any of my colleagues imagine the psychological blow to this cause if they believe that the U.S. is pulling the plug and leaving? There is no way they will disarm. And, as a matter of fact, without U.S. support, the moderate factions could be swept-up into the arms of the zealots.

Can you also imagine what the prospect a U.S. pull-out will have on the Kosovo Serbs who have not fled; who chose to stay and try to live in peace with the Kosovo Albanians? What about those we encouraged to stay to help be a part of the interim government? With Milosevic's campaign of ethnic cleansing still fresh in the minds of many Kosovo Albanians, what will become of the Kosovo Serbs without the protection of the United States? What will become of the fragile peace and the fledgling government that we are trying to establish? It is my belief that even the possibility of departure will destroy any chance for stability in Kosovo, as well as end the prospect of reconciliation in Kosovo.

And what about extremist factions throughout the region, in Bosnia, Macedonia, Croatia, etc.—factions that have remained relatively dormant due to the U.S. presence? I think about Mr. Arber Xhaferi in Macedonia, one of the key leaders of the Albanian community there, who's working with President Boris Trajkovski to create a truly multi-ethnic Macedonia. President Trajkovski's democratically elected government has made it clear that the ethnic Albanian community, which makes up roughly 25 percent to 30 percent of the population, is an integral and respected component of society.

However, there is evidence of an extremist element within the ethnic Albanian community. These individuals are willing to resort to violence in order to destabilize the government of Macedonia, and put in its place a government run by Albanians, for Albanians. There is genuine concern in Macedonia, as well as other nations, that if the United States leaves southeastern Europe, the deterrent factor on the extremist elements will have been removed, allowing for further regional instability.

Mr. President, I have the greatest respect for my distinguished colleagues, Senators WARNER and BYRD, but their amendment to this bill puts us on a course that will unravel the prospect of a peaceful integration of southeastern Europe into the whole of Europe.

We have the ability to help keep the peace in southeastern Europe, and I believe we should continue to provide our leadership and our fair share of the costs during the next several years as we deal with the transition in Kosovo and the fall from power of Slobodan Milosevic. We should ensure the countries of the region that we do care about their future, and that we understand how fragile the political situation is in countries like Bulgaria, Macedonia, Romania and Croatia. We need to let them know that we understand how important it is to support their new democratic leadership as they transition to multi-ethnic societies that respect human rights, the rule of law and which embrace market economies.

A commitment on the part of the United States to the Balkans on all of these items will help ensure stability for generations to come. I believe by working together—Congress and the White House—we can come up with a solution that will allow for the United States to continue to live up to such a commitment in southeastern Europe.

Our allies are willing to stay the course; they have made a commitment to southeastern Europe and have put their money where their mouth is. It's no time for us to leave them high and dry. It is not in the interest of our national security, our economic interests or the cause of peace in the world.

I urge my colleagues to support the Levin amendment.

Thank you, Mr. President. I yield the floor.

Mr. WARNER. Mr. President, I will speak for a minute awaiting Senator LEVIN's appearance on the floor.

As we approach the desk for this historic vote, and it will be a historic vote, I point out to my colleagues we have in the past contributed, in fiscal year 1999, $4.5 billion for this action in Kosovo. We are about to vote on, in a sense, another blank check, for $1.85 billion. In the bill I am working on and will bring to the floor hopefully next week and pass on to the appropriators, there is authorization for another $1.65 billion for a total of up to $8 billion for Kosovo.

I think we have an obligation to the people of our Nation in hometown America who are paying this through their taxes, who are sending forth the young men and women into harm's way beyond our shores. We have an obligation to them. If we are going to vote to strike the Byrd-Warner amendment, in essence we are saying Congress is out of it. It is another blank check. Add up Bosnia; it is about $11 billion to $12 billion. We are approaching $20 billion for U.S. participation in this critical part of the world.

I certainly agree it is in our security interests to have been with NATO in Bosnia, then with NATO in Kosovo. We did the bulk of the fighting in the 78-day war. How proud we are of the men and women of the Armed Forces. Now we have an obligation to those serving today. For an indefinite commitment, there is no one who can come forth in this Chamber—and I ask anyone to come forth in this Chamber—and give any time expectation as to when this commitment terminates.

The Byrd-Warner amendment, within the confines of the constitutional responsibility of the Congress, is trying to lay down a strategy and some information for the American people who are paying the bills and sending forth the troops. To strike this language is back to business as usual, blank checks which will total, just in Kosovo alone, $8 billion.

Then the section about our allies. They fought bravely with us to the extent they had the air assets, the lift assets, the highly technical guided ammunitions. They fought bravely. This is no disrespect to any soldier, sailor, airman, or marine of any nation that fought in that the 78-day war.

In a sense, we are fighting for their own interest in knowing how long they are going to be there. No one can come to this floor and controvert the Senator from Virginia saying in January and February and March of this year they were falling behind in their commitments they made following that war to provide economic assistance, humanitarian assistance, police.

We got their attention. I thank Senator STEVENS, Senator INOUYE. It was a bipartisan effort. Many Members came to the floor and laid in the RECORD the intention to bring this issue on the first legislative vehicle we could. That is before the Senate today, the requirement for our allies to fulfill their commitments. They are doing that. I am confident that the President can make the certification as required in a section of this amendment and certify that the allies have at long last met their commitments.

This is a historic vote. It affects not only our commitments in this worldwide and important place in the Balkan region but all the other commitments. It will set a standard by which the Congress will have said that we are going to enter our decision power under the Constitution as we send forth men and women of the Armed Forces into harm's way and expend the taxpayers' money in such enormous sums.

Mr. LEVIN. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Michigan has 69 minutes and there is a total of 63 minutes for Senators BYRD and WARNER.

Mr. LEVIN. I yield myself 1 minute.

I happen to agree with the Senator and fought very hard with him to get the Europeans to do more. We have succeeded. They are not up to 85 percent of the combat forces, which is exactly what we wanted them to do. They are coming across with more police because of the pressure we put on them. Senator WARNER, I, and others put pressure on the Europeans to do more to carry through with their commitments. I think that pressure is useful.

The language before the Senate has two parts. The first part says if they don't meet specified targets in a certain date, we are out of there—unless, of course, Congress decides to change its mind. What we are putting in place on automatic pilot, we are out of there unless certain, specific, commitments can be kept.

The head of the Office of Management and Budget, by the way, has gone through the items and has said those specific items at this moment can't be certified, at least three out of four, for some very technical reason. But there is a second part to this. Even if the Europeans do all that is required by this amendment in the first half of it —or in half of it—we are pulling out anyway. The second part of the amendment says unless Congress changes its mind by next July, we are pulling our forces out of there.

This is a totally inconsistent message in the language before us. Half the message is: You have to do certain things by certain dates, Europeans. The second half of the message is: Even if you do that, we are out of there. We need a plan, and unless the President requests and Congress authorizes, our troops are out of there. Those are inconsistent directions. It seems to me wrong for many reasons which have been outlined.

I notice the Senator from Connecticut and the Senator from West Virginia are on the floor. I do not know if the Senator from Connecticut is ready, and I do not know if the Senator from West Virginia is ready. But I inquire, perhaps of both of them, if I could, whether or not they both wish to proceed at this time. Could I ask the Senator from West Virginia?

Mr. BYRD. Yes, I hope the distinguished Senator from Connecticut, Mr. LIEBERMAN, will proceed.

I have a question, if I might ask the Senator.

Mr. LEVIN. Would this be on the Senator's time?

Mr. BYRD. No, it will be on the time of the Senator from Michigan. It is a very brief question. I am alluding to something the Senator said.

Is the Senator under an impression that there has been no previous occasion when Congress has laid down a certain date and said after that date there would be no further moneys unless the President comes back and requests them and Congress authorizes?

Mr. LEVIN. My guess is, and I could be wrong on this, that happened on two recent occasions at least. We properly, in my judgment, said troops must be out of Somalia by a certain date; troops must be out of Haiti by a certain date, period. We approved that and I supported that. This language is very different from that.

Mr. BYRD. In what respect?

Mr. LEVIN. This language says that we are deciding now that next year the troops must leave, unless—unless—later on Congress changes its mind. It is on automatic pilot. If the President does not request in a year, and unless the Congress authorizes in a year—in other words if the Congress does nothing, if the Congress does not change its mind—we are saying now that the troops are out of there in a year. That creates a year of very dangerous uncertainty, according to our recent commander, according to the head of NATO, according to the Secretary of Defense. It is that year of dangerous uncertainty which is being created here.

This is not a question, if I may say on my time, of the power of Congress. I could not agree with the Senator from West Virginia more. We have the power to do what is being proposed. There is no doubt about it. We can set deadlines. We can set conditional deadlines. We can set deadlines which are going to take place unless something else happens.

The question here is the wisdom—the wisdom of doing what is being proposed here, of deciding now that troops are going to come out of Kosovo, that they must be withdrawn unless, a year from now, the Congress changes its mind and decides to authorize it following a request from the President. What that precipitates is a year of very dangerous uncertainty, of wavering commitment to an alliance, and this is what both General Clark, the head of NATO, and our Secretary of Defense have outlined for us.

Again, the question is not the power of the Congress to do what is being suggested by my good friend from West Virginia. That is indisputable. If that were the issue—does Congress have the power to do this—this vote I hope would be 100–0, that we have the power to do this. The question is its wisdom. What is the impact of the uncertainty, the trumpet that is unclear and uncertain, when we have just been successful in Kosovo with NATO allies? We are now asking NATO allies to do more—and they are doing more; now up to 85 percent of the ground forces. The question is the wisdom then to put into place language which says unless Congress changes its mind a year from now we are out of this?

And if I can quote, since I am on my time, this is the main objective of the language. According to the sponsors' Dear Colleague letter, the provision has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives congressional authorization to keep troops in Kosovo. In other words, a year from now something happens automatically unless we reverse ourselves.

Mr. BYRD. Mr. President, will the Senator yield?

Mr. LEVIN. I will be happy to yield.

Mr. BYRD. Mr. President, we said the same thing on October 14, 1993, with reference to Somalia. Let me read what the language said:

> . . . Provided further, That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994—

Remember, we are talking on October 14, 1993—

> . . . That funds appropriated, or otherwise made available, in this or any other Act to the Department of Defense may be obligated for expenses incurred only through March 31, 1994,—

Several months away—

> for the operations of United States Armed Forces in Somalia: Provided further, That such date may be extended if so requested by the President and authorized by the Congress. . . .

That is what we are doing here exactly, precisely. So what is so new about it?

I thank the Senator for yielding.

Mr. LEVIN. The question is whether it is wise to do this when we have just been successful in Kosovo. In Somalia, we had determined to withdraw. The sponsors of this language suggest we are not exactly determining to withdraw; we are sort of planning to withdraw and we can change our mind. That was not the case in Somalia. In Somalia, we had decided—and I very strongly supported the decision—to withdraw. It was time to withdraw and we made that decision. It was the right one. It was wise in the circumstances. We decided to pull our forces out.

Here it seems to me that is the question: Do we want to pull our forces out now? To say now that a year from now our forces are out of there? It seems to me that is the question, not the power of Congress.

The constitutional question, if put to this body, I hope would have a 100–0 vote that we have the power to do what is being proposed. But on whether it is wise when we have just been successful—part of a coalition fighting together for the first time, putting pressure on our allies to do more; succeeding in that pressure, they responded with now up to 85 percent of the ground forces—in that same language to say we are planning now on getting out a year from now, that is the question. It is the wisdom of this language, not the power of Congress to pass it.

I thank my good friend from West Virginia and yield up to 20 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair and my friend from Michigan and my friend from West Virginia for his courtesy allowing me to go forward.

Mr. President, I rise to support the motion to strike, and in doing so I join colleagues before me who have expressed what is clearly our very sincere respect for the two cosponsors of the part of the underlying bill which we seek to strike with our motion. There honestly are two no more distinguished Members of this body. May I say there are no more patriotic citizens that I have ever met than the Senator from West Virginia and the Senator from Virginia. So I go forward with a certain sense of awkwardness but certainly with a profound sense of respect for the two of them, even as I disagree with the provision regarding Kosovo that they have added to this appropriations bill before us.

Much has been said on both sides. I will try to either say it quickly or add a few new thoughts. It seems to me we have to begin here by looking backwards; in some senses, way backwards. By coincidence, last night I was reading a new biography of President Woodrow Wilson.

One of the chapters begins with a description of the election of 1912. The opening line says that as people were going to vote in the United States in 1912—and the great choices were Wilson, Teddy Roosevelt, and Taft—no one had in mind or could have imagined that 2 years later an event would occur in the Balkans that would eventually draw almost 2 million people into combat in that far away quarter—World War I.

We have struggled with, been affected by, lost lives as a result of conflict in the Balkans which spread throughout Europe and which has always eventually engaged us because of our intimate relationship with Europe. We are a nation that, at the outset, was formed by children of Europe, by people who left Europe to come to these shores. We, of course, are much broader and more multicultural than that now, but that was our origin.

Today our military and economic ties, our security and cultural ties with Europe are deep and they are broad. We may in the push and pull of the moment be drawn to other parts of the world. We are a global power today. But the base of our strength and the most comprehensive economic relationships we have and the heart of our international security posture has always been in Europe and is today. What happens in Europe matters to us today as it did in the second decade of this century, bloody as it was, which began with conflict in the Balkans.

Again, as the "third world war" of the last century concluded—and I say that referring to the cold war—and new alliances began the movement of people, conflict broke out in the Balkans and threatened to go further and engage our European allies and threatened the stability of that region so important to us.

I begin this way because what I want to suggest, and I hope I can convince people, is that what happened in Kosovo—the outbreak, again, of barbarism, aggression against the people by force and what became cosmetically described as ethnic cleansing—was a singling out of people because of their ethnicity, coincidentally their religion, and they were subjected to mass forced movement, exile from their country, murder, rape, and torture.

The fires were burning again in the Balkans, and this time, having more recently confronted a similar threat in Bosnia, we waited, in my opinion, too long to get involved. We and our NATO allies acted on an immensely successful air campaign a little more than a year ago which stopped the barbarism, stopped the aggression, stopped the killing, and allowed more than a million refugees to return to the homes from which they had been brutally forced.

All of this is by way of saying that what happened in Kosovo that led to the peacekeeping in which we are involved—and which is threatened by the underlying amendment offered by the Senators from West Virginia and Virginia—was a great victory. It was a great victory.

General Clark recently returned from his position as SACEUR, our Supreme Allied Commander in Europe, a historic position, a position of great importance. He has been quoted frequently on the floor. In conversation with him, one of the things he said to me a week ago was that the reaction to what happened in Kosovo from the European public and the American public, including particularly the American political elite, was so remarkably different. In Europe, there was a sense of extraordinary pride about the course of events as they concluded last year in Kosovo, that stability, that freedom, that human rights had won a victory in Kosovo. Here General Clark worried the reaction was not so clear, that there was not the sense of pride that should have been felt because of a pivotal leadership role the United States of America played in ending the barbarism and aggression in Kosovo.

I mention this today because it is perhaps that differing attitude that leads us in the Senate to consider the Byrd-Warner amendment to this Appropriations Committee bill, and also now we have witnessed the House take similar action on the question of whether our European allies are doing enough. Maybe we in this country never appreciated the significance of what we did.

I believe history will show, when historians look back at the 1990s and judge what occurred, the United States and NATO interventions in Bosnia and Kosovo was a turning point, as an example that we and our allies had learned the lessons of the 20th century, the most bloody in history, unfortunately. One of the lessons is, if you turn your back on aggression and genocide, in the end it will find you; it will force you to turn your face to it; and you will face carnage and will be drawn into it at a cost that is ultimately so much greater.

We achieved a great victory. I support this amendment to strike because the language in the underlying bill that it would strike I fear, I say respectfully, will snatch defeat from the jaws of victory. It will shake our alliance. It will send a message to Mr. Milosevic, as has been said over and over: Just wait it out; the United States is not a resolute power; it doesn't understand what it did in Europe.

It would encourage, unfortunately, those in Kosovo, particularly the Albanians I fear, to a certain extent the Serbs, to worry we are about to leave and to begin to take up arms again, the very arms, as part of this peace we are helping to enforce, they gave up. The Kosovo Liberation Army turned over its arms to the peacekeeping authorities.

I know those who have sponsored the underlying amendment have said it is not their intention to cut and run, to undercut NATO, to encourage Milosevic, but I fear that will be the effect of this proposal, notwithstanding the intentions of its distinguished sponsors.

If, as has been said by proponents of the underlying provision, this is just a message to our allies in Europe to meet their commitments, if it is just giving an opportunity to the incoming President next year, whomever it may be, whichever candidate it may be, to offer a plan to make a decision, then let's do that. Let's not put America on a course to withdraw, which is what this underlying proposal does, to literally cut and run. Let's leave it to the next President to make those decisions.

I was quite struck and appreciative of the statement Governor Bush has made on this. It is a statement that is made in the national interest. I hope all of us will heed it because it means the two major party candidates, Vice President GORE and Governor Bush, both have said they feel the underlying amendment would not only be bad for America's national security interests but is something they do not want because it will hamstring whomever is privileged to occupy the White House in January of next year.

Much has been said about the effects of this amendment. I want to just add this in addition to the way in which it will encourage Milosevic. Europe is stable now and yet not fully stable. A new Government has come to power in Russia. It is a Government that we are hopeful about and yet uncertain.

The people of Central and Eastern Europe, who lived under Soviet domination for, oh, those four and more decades, in some cases, are now beginning to stretch, to be free, to develop market-based economies, self-government, national independence. Some of them—three—now have joined NATO; a whole other group—I believe it is nine—have been put in line. This is a historic development and the most extraordinary and enormous victory for the forces of victory and freedom that won the cold war.

I want to suggest to my colleagues that putting us on a course to withdraw our forces from Kosovo, from the peacekeeping effort, to withdraw our financial support for the economic and humanitarian reconstruction, will send a message of faithlessness, if I can say that, of irresoluteness, of lack of concern by the world's superpower—the beacon of hope for those who yearn for freedom and now have achieved it post-cold war in Central and Eastern Europe—that perhaps our commitment there is not firm, and that as they begin to enjoy the sunlight of liberty, we may be pulling back and not worried if the clouds begin to come over them again.

Our presence in Kosovo, important as it is to keeping the peace in Kosovo, is clearly more broadly important to the ongoing march of freedom for which we fought and won the cold war. In that sense, too, we would begin to be snatching defeat from the jaws of the great victory we won in the cold war.

The same is true for places of conflict throughout the world where this kind of American irresoluteness—what will appear to be, whether it is intended or not, a cut-and-run approach—will encourage the enemies of freedom, the enemies of the United States, to take action, with the hope that the United States does not care anymore, that we have grown either so comfortable or so isolationist that we have taken a shorter range of view and are not prepared to exercise the political, strategic, and moral leadership on which I continue to believe the world depends.

Much has been said here about the question of what our European allies have done or not done. I was at the annual security conference in Munich in

February. We were battling with our European allies about whether they kept this $35 million commitment they made. They had not kept it then. They have done it now.

But as has been said over and over again—I will not belabor it—the Europeans are paying more than their fair share, which is to say they are paying the overwhelming majority of the costs of the military and the humanitarian operation.

Although the numbers are very difficult to be totally comfortable about as to who has given what—and I have tried very hard, working with the Congressional Research Service, the World Bank, the European Commission, and the Department of Defense, to pin these down—it does seem to me that, overall, an argument could be made not just that the Europeans are paying 80 or 85 percent of the costs of these operations in Kosovo but that they have met the terms thereby of the Warner part of the Byrd-Warner amendment. But the accounting can be difficult.

I think the amendment, if it is put in place, becomes meddlesome and troublesome because it sends a message of doubt about our support and, on a technical accounting basis, actually could put us in a position where the President could find it difficult, on the technicalities, to certify that the Europeans have done what this amendment requires them to do. Therefore, we would be on the road to withdrawal, with all the consequences I have described.

Surely there are better ways for us to express to our allies in Europe that we believe they are not meeting their commitments than this blunt instrument, putting this amendment on this appropriations bill. It is for that reason I support so strongly this motion to strike.

I will just add two general points. The first is from a very interesting column from the Washington Times by Mr. Tod Lindberg on Tuesday, May 16, in which he, quite correctly, points to the ambivalence Congress has expressed regarding Kosovo, an ambivalence which is so inconsistent; it reminds us that although Congress has the power of the purse, that is why we elect Presidents and we call them Commanders in Chief and why we expect them to make the foreign and military policy of our country, because with 535 of us, it would be hard for us to get together and do what we need to do to protect our national interests with the kind of authority a Commander in Chief can have.

Of course, we have the power of the purse, and we can exercise it. But we have tended, too often, to go in different directions. As Mr. Lindberg points out:

> Kosovo, more or less from the moment the issues there became critical in the fall of 1998, has not exactly been Congress' finest hour. The nadir, perhaps, came a year ago during NATO's air campaign itself, [while our pilots' flying actions endangered themselves over the Balkans] when the House of Representatives voted within a short span not to support the campaign and to double funding for it.

Remember the words from the Bible: If the sound of the trumpet is not clear, who will follow into battle? And 535 voices often find it hard not to sound a clear trumpet. I think that has been the case here. It will be the case if we do not strike this provision from this bill.

Mr. Lindbergh finally, at the end of the column, makes a few points which I also would like to quote. He thinks what is expressed in this underlying amendment that we now seek to strike is not just concern about whether the Europeans are keeping their financial commitments, but I believe a strong argument could be made that they are; clearly, we are paying only a minority of the costs of this operation. That is undeniable.

What is at work here, Mr. Lindberg says—I think, correctly—is not just the constitutional question that we have an obligation to exercise our judgment and decide whether we should stay or not—and, again, I say the way to do that is not to put us on a march to withdrawal when we are succeeding—but, he says, this amendment "also serves for some as a false flag flying over isolationist sentiment—an opportunity to vent discontent with a whole range of American commitments without openly stating the general case. For some, setting a deadline for the withdrawal of U.S. troops from Kosovo has nothing whatsoever to do with Kosovo; it's just the opportune application of a general principle of disengagement to a particular case."

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Mr. LIEBERMAN. I ask unanimous consent to have 2 more minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I do think we have to ask ourselves—I do not make any accusations here, of course, with respect to all my colleagues. Lingering behind some sentiments is not just specific concern about Kosovo but what Mr. Lindberg calls, in the Washington Times, "the opportune application of a general principle of disengagement. . . ."

If it is that, it is extremely consequential. We have been tempted over our history and have fought the impulse of isolationism and disengagement from the world, and every time we have succumbed it has come back to cost us dearly.

I sat with our colleague from Nebraska, Senator KERREY, a week or two ago, discussing this very issue. Perhaps he has told this story on the floor. But he reminded me, on the 25th anniversary of the end of the Vietnam war, a newspaper asked him, because he is a distinguished and honored veteran of that conflict, whether he would write his thoughts about it. He said one of the thoughts that came to his mind is that 25 years after the end of the first war—which I referred to at the opening of my remarks—in 1943, the sons and some of the daughters of those who fought in the First World War, which ended in 1918, in 1943, were training for and beginning to go to war in Europe.

The PRESIDING OFFICER. The Senator's additional 2 minutes have expired.

Mr. LIEBERMAN. Mr. President, I ask the Chair for up to 5 more minutes. I hope not to use them.

The PRESIDING OFFICER. The Senator from Michigan controls the time.

Mr. LEVIN. I ask the Chair how much time remains on our side.

The PRESIDING OFFICER. Thirty-seven minutes.

Mr. LEVIN. I yield 3 additional minutes.

Mr. LIEBERMAN. The powerful point of the Senator from Nebraska, Mr. KERREY, our distinguished colleague, was that, because the world and America did not learn the lesson of engagement after World War I, 25 years later the sons and daughters of those who fought in World War I were again entering an even bloodier conflict, World War II. Twenty-five years after the end of Vietnam, because America had learned the lesson, had not turned isolationist, had been engaged, the sons and daughters of those who fought in Vietnam were not heading in massive numbers into a bloody world conflict. The price of that difference is involvement in potential conflicts which can grow into conflagrations, such as those in Kosovo.

Mr. Lindberg closes his op-ed piece by saying:

> The deadline in the Byrd-Warner amendment seems clear enough. But a deadline for withdrawal is not a policy. It's an anti-policy. It says that as of the date specified, we don't care what happens. If that sentiment is ever powerful enough to override a presidential veto, we are going to have a world of trouble on our hands.

With all respect, this is a momentous vote the Senate will cast today. I urge my colleagues to vote for the motion to strike. I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 61 minutes.

Mr. BYRD. I thank the Chair. I ask unanimous consent that the last 15 minutes of my remarks be reserved until just prior to the vote.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Reserving the right to object, I wonder if the Senator from West Virginia would allow the proponents to conclude, since we have to carry the burden here. Senator DASCHLE also wants to speak. If the Senator could speak his last 15 minutes, say, from 2 to 2:15, allowing the proponents to wind up, I think that would be the fair way to break this down.

Mr. BYRD. Well, I don't know. I think as good an argument could be made for those who have established an amendment here and who want to defend it at the end. I would like 10 minutes. I certainly understand Mr. DASCHLE's situation. He has time of his own. He has leader time he can use.

Mr. LEVIN. I wonder if the Senator from West Virginia might then reserve the last 10 minutes of his remarks from 2:10 to 2:20, allowing Senator DASCHLE to conclude by 2:30, so we could have the vote at 2:30.

Mr. BYRD. Yes, that is fine.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, the distinguished Senator from Michigan says this vote is not about power. He says it is about the wisdom of taking a vote on this matter. I hope I am not mischaracterizing his statement.

I say to him that this matter is about power. It is about the arrogance of power and a White House that insists on putting our men and women in harm's way and spending their tax dollars without the consent of their elected representatives. Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy and no clearly defined goal?

We have heard a great deal of impassioned, occasionally inflammatory, debate over Kosovo in recent hours, the first such debate we have had since U.S. ground troops entered Kosovo 11 months ago as part of a NATO peacekeeping operation.

I welcome this debate. It's about time. And I am glad that so many Senators are engaged in this debate. But before we bring this discussion to a head, I think that we need to address some of the more outrageous claims that have been made about the Byrd-Warner provision. To hear some speak, this amendment will mean the end of civilization as we know it. Hardly. Hardly. I appreciate the usefulness of hyperbole in speech making as much as anyone, but it is time to bring this debate back to the realm of reality.

I have also heard, over and over again, that this provision is a slap in the face of our allies; that they are already shouldering the lion's share of the peacekeeping and reconstruction burden in Kosovo, and that what we are doing is tantamount to abandoning NATO. I simply don't buy that. I believe that Congress has every right to demand an accounting from the President on the level of effort that all the participants are expending in Kosovo. That to me is not a slap in the face of the allies; that is basic bookkeeping.

I read carefully the letter that General Wesley Clark, former Supreme Allied Commander of NATO forces in Europe, sent to Senator LEVIN. I was frankly shocked at his conclusions. Gen. Clark wrote: "In fact, these measures"—referring to the Byrd-Warner provision—"would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide"—how ridiculous—"and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans."

The Byrd-Warner provision is directed squarely at the institutional and constitutional responsibilities of Congress. Contrary to so much of the rhetoric that we have been hearing, the Byrd-Warner provision does not establish, as General Clark suggested, "a de facto deadline for a U.S. pullout" from Kosovo.

Those are strong words. Unfortunately, they wrongly characterize the Byrd-Warner provision. Our language does not establish a "de facto deadline for U.S. pullout" from Kosovo. The only deadlines our amendment establishes are directed at the President.—who may be Mr. Bush or Mr. GORE—and require him to seek congressional authorization to continue the deployment of U.S. ground combat troops in Kosovo.

Yes, I believe that U.S. ground combat troops should be withdrawn from Kosovo, in a safe, orderly, and phased withdrawal.

Our provision gives the administration a year to come up with an exit strategy. We don't have one. Is it too much to ask that we have one? It requires that two plans outlining a withdrawal be submitted to Congress—an interim plan to be submitted by the current President, Mr. Clinton, and a final plan to be submitted by the next President, be it Mr. Bush or Mr. GORE.

Moreover, our provision explicitly directs this President and the next President to develop their plans in consultation with our NATO allies, and to ensure that the plans provide for an orderly transition to an all-European ground troop element in Kosovo. We are not pulling the rug out from under our NATO allies. We are not discouraging them from seeing the job through. We are encouraging them to take full responsibility, in terms of ground combat troops, for the security of the Balkans. We are encouraging our allies to meet their commitments in Kosovo. We are encouraging them to demonstrate that the United States does not always have to be the lead dog in a NATO operation.

I have heard it said that the Byrd-Warner provision could deal a death blow to NATO; that the alliance will crumble if the United States brings a few thousand men and women home from Kosovo. That kind of talk is reckless; it is demoralizing to our allies. The NATO alliance will not collapse if the United States does not have ground combat troops in Kosovo. And if by some chance the allies are so shaky that the Byrd-Warner Kosovo provision would cause it to disintegrate, then I think we need to give some thought as to why we are lending such a major amount of support to such a paper tiger. I believe the United States is the strongest member of NATO, but I do not believe for a moment the United States has to prop up NATO at every step of the way.

Let me return for a moment to the notion that the Byrd-Warner provision sets a de facto deadline for a pullout of troops from Kosovo. Let me assure you that if Senator WARNER and I wanted to set a deadline for a pullout of forces from Kosovo, we would set it, and we would set it in stone. We do not do that. The Byrd-Warner provision does not mandate a troop withdrawal from Kosovo. Yes, it anticipates such a possible outcome, but it does not mandate it. If, in the wisdom of the next President, it is necessary to continue the deployment of U.S. ground combat troops in Kosovo, or if events in that troubled region of the world so dictate, our provision provides explicit direction for the consideration, under expedited procedures, of a joint resolution authorizing the continued deployment of U.S. ground combat troops in Kosovo.

The intent of our provision is not to micromanage the Pentagon or the State Department. The intent of the provision is to restore congressional oversight—restore congressional oversight—to the Kosovo peacekeeping operation. By its inaction, Congress has allowed the executive branch to usurp Congress' constitutional authority in this matter. That is our fault, but it need not be our fault. We need not continue to let that happen.

The Founding Fathers vested in Congress alone the power of the purse. The Constitution is very clear on this matter. Article I, section 9 of the Constitution states:

> No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law. . . .

Yet what are we seeing? We are seeing in Kosovo, as we have seen in so many other peacekeeping operations, a bastardization of that process. Instead of Congress appropriating funds for expenditure by the executive branch, the executive branch has adopted the practice—arrogant practice—of spending the money first. That is what they have done here—spending the money first and then asking Congress after the fact to pay the bills.

I wonder if my colleagues can see the pattern here: Buy now, pay later.

Spend the money first, borrow from the military readiness accounts, and then give Congress no alternative but to reimburse the money. That is what has happened here. Trust me, this is not what the Founding Fathers had in mind when they created the Constitution of this Nation.

As heir to that wisdom, every Senator has a duty to guard vigilantly the rights bestowed on Congress by the Constitution, and no such right is more central to the separation of powers on which our system of Government is built than the vesting in Congress alone the power of the purse.

The issue is not only what policy the United States should be following in Kosovo; the issue is also whether the Congress is upholding its authority, its powers, its rights and responsibilities under the Constitution. I submit that by allowing the executive branch to de facto determine the expenditure of appropriated funds, we are not.

It was reported some months ago that the United States is building—hear this—semipermanent military buildings at Camp Bondsteel in Kosovo. These so-called C-huts are designed to last 5 years before major repairs are required. According to a report in the Washington Times on March 1, the Army is putting up 300 of these structures at a cost of about $175,000 each. Well, you can do the math yourself. It adds up to a $52.5 million investment in military construction in Kosovo. This sounds to me like the U.S. military is putting down serious roots, long-time roots, deep roots, in Kosovo.

The fiscal year 2001 military construction appropriations bill is the matter pending before the Senate today. Scores of needed infrastructure projects that must be funded by this bill have gone begging because there is not enough military construction funding to go around. The $52.5 million being spent to construct those C-huts in Kosovo would go a long way toward funding some of the backlog of projects that we have in this country. Mind you, I believe that if the United States chooses to send its men and women in uniform on missions to far-flung parts of the world, they deserve a decent standard of living.

My question is: Why is the administration planning for a 5-year or more stay in Kosovo without bringing the matter to Congress? That is my question. Why are you, down there at the White House, and at the Pentagon—why are you, in the executive branch, planning for a 5-year stay or more in Kosovo without bringing the matter to Congress and getting Congress to authorize this? Should Congress not have a voice in the expenditure of the people's money? Should Congress not have a say in such deployments? Should the American people not have a voice in whether they support such a deployment, such a long-term deployment? I have read where some generals in NATO say it will be 5 years or it will be 10 years. Others have said it will be a generation. I believe Congress and the American people should—no, not should, but must—have a say in how the United States is deploying its increasingly scarce military resources.

We hear they have recruitment problems in the services, in all of the services, except perhaps for the Marines. They are having recruitment problems, we are spreading our forces thin all over the globe.

Time after weary time, we have had the same gambit from Administrations, both Democratic and Republican. Send the troops in, and Congress will not have the fortitude to pull the plug. Once we get the men in harms way, so the argument always goes, it is dangerous to talk about pulling them out. It is especially dangerous to set a date certain for them to leave. Heaven help us. Never do that. Don't set a date certain. How many times have we heard that same old tune? It turns logic on its head. Just as we went into Bosnia, they said we will just be there about a year. Now we are in the fifth year. That is the administration leading us in and then believing that Congress won't have the fortitude to pull the men and the women out. That kind of logic asks us to believe that pulling troops out of harm's way is potentially more dangerous than leaving them in harm's way.

The Executive Branch is much more inclined to use our military might to accomplish various policy objectives, such as nation building—policy objectives which may not be supported by the American people or their elected Representatives in the Congress. We have lately seen the use of American boys and girls to enforce objectives authorized only by U.N. Resolution, which raises a serious question of national sovereignty in the mind of this Senator. I have perused the Constitution very carefully over the years, and I see no reference to conflict by U.N. Resolution or NATO Resolution. It is the Congress and the Congress alone which the Framers entrusted with the awesome decisions to send America's sons, and now her daughters as well, into situations which might mean their death.

No armed conflict can succeed without the support of the American people. It didn't succeed in Vietnam because it didn't have the support of the American people. It is their sons and daughters which we send to fight and to possibly die. It is their tax dollars which pay for the missiles and the tanks and the bullets. We enter into armed conflict at our peril if there is no consensus among the people to take that course. And the best way that this Senator knows to achieve such a consensus is for such matters to be debated and debated thoroughly on the Floors of the Senate and the House of Representatives, and then for a vote to be taken that reflects the people's will. The most solemn duty which we have as legislators and as sworn representatives of the people who sent us here is to decide whether to ask young Americans to put their lives at risk. To abdicate that duty to a President—to any President, a Democrat President or a Republican—to abdicate that duty to any chief executive is wrong. It circumvents the Constitution, it bypasses the people, and it short changes the nation because the people's will is never even known, never even known much less considered until the body bags start coming home. There are those who will say that this Kosovo provision sets up a process which is too cumbersome. Some will say that Congress cannot be asked to declare war every time there is a skirmish in the world. Well, of course, Congress should not have to frame an official declaration of war for each and every conflict. But, it should have to authorize in some way the conflict, and agree or disagree with its objectives.

Of course, the Administration will not like it. They never like it. They do not want to see the Congress exercise its constitutional duty in matters of this kind. They don't want Congress to lift a hand. They do not want Congress to say a word. Congress needs to be quiet. They want a free hand. The administration wants a free hand to participate in military adventurism whenever and wherever they please. And they do not brook interference by the Congress, the elected representatives of the people, the directly elected representatives of people, unlike the President who is indirectly elected by the people. Presidents are elected by the electors who are elected by the people. If they can avoid it, they don't want the Congress to even whimper—just do not hear a peep, not a peep, out of Congress. But this is not the way it ought to be.

The military is not a plaything or toy, subject to the whim and caprice of a chief executive. The title "Commander in Chief" does not make any President a king, free to send America's men and women in uniform wherever he may bid them to go, free to commit America's resources to battle or to police actions or to peacekeeping without brooking any interference by Congress. Congress is not just the place that pays the bills although the executive branch would like that. They would like the Congress to be only the place to pay the bills. That is all. But Congress is not just a place to pay the bills. The legislative department is an equal and coordinate department with the executive, even though it is sometimes hard for the executive branch to fully understand that.

As to the war powers, these are meant to be shared between the President and the people's elected Representatives in Congress. Let there be no doubt: The Framers intended for the Congress, in the final analysis, to hold the upper hand and have the final say.

That is why the framers vested the power over the purse in Congress. Let us take a look at the Constitution. I hold it in my hand.

These are the powers of Congress. Congress shall have the power "To declare War." Congress shall have the power to "grant Letters of Marque and Reprisal." Congress shall have the power to "make Rules concerning Captures on Land and Water."

Hear me. This is the Constitution speaking.

Congress also has the general power "To raise and support Armies."

Congress shall have the power "To provide and maintain a Navy."

Congress has the power "To make Rules for the Government and Regulation of the land and naval Forces."

Congress shall have the power "To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repeal Invasions."

Congress shall have the power "To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States." Add to these powers contained in this Constitution the power "to exercise exclusive legislation . . . over all places . . . for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings . . .".

Congress has the power "To lay and collect Taxes" to defend this country.

Congress shall have the power to "provide for the common Defense."

That is what this Constitution says.

Congress shall have the power "To borrow money on the credit of the United States."

That is what the Constitution says.

Congress shall have the power "To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers."

And finally, this Constitution says, Congress has the greatest power of all. Congress is given the power in section 9, article I: "No money shall be drawn from the Treasury, but in Consequence of Appropriations made by law." Thus, the scope of the warpower granted to Congress is, indeed, remarkable. The intent of the framers is clear.

Now let us examine the war powers that flow from the Constitution to the President of the United States. In section 2, article II, the Constitution states: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States."

That is it. That is it, lock, stock, and barrel, except the Constitution says that the President "shall Commission all the Officers of the United States." But that is it.

So compare what the Constitution says with respect to the powers of the Congress when it comes to warmaking, when it comes to the military, with the powers the Constitution gives to the President:

The title, Commander in Chief, was given by the Framers to the President for a number of reasons. As Hamilton said in Federalist #74, the direction of war "most peculiarly demands those qualities which distinguish the exercise of power by a single head." The power of directing war and emphasizing the common strength "forms a usual and essential part in the definition of the executive authority." That has to be by a single head. This clause of the Constitution also protects the principle of civilian supremacy.

It says that the person who leads the Armed Forces will be a civilian president, not a military officer.

Consider the language in the Constitution: "The President shall be Commander in Chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States." With respect to the Army, the Congress, not the President, does the raising and the supporting; with respect to the Navy the Congress, not the President, does the providing and maintaining; with respect to the militia, when called into the actual service of the United States, Congress, not the President, does the calling.

So, the President is Commander in Chief of the Army and Navy, but without the power of Congress, there can be no Army and Navy to command, and the President's title would be but an empty title.

Thus, we should clearly see that the Constitutional Framers took Blackstone's royal prerogatives and gave them either to Congress exclusively or assigned them on a shared basis to Congress and President. This Administration and most of the recent Administrations that have immediately preceded it seem never to have understood this salient fact that the President's warmaking powers are not omnipotent as were those of the King of Great Britain. The Framers gave the political compass a 180 degree turn. The delegates at the Philadelphia Convention repeatedly emphasized that the power of peace and war associated with the monarchy would not be given to a President of the United States. Charles Pinckney, one of the delegates to the convention from South Carolina, supported a vigorous executive. Pinckney was afraid Executive powers of [the existing] might extend to peace and war &c which will Render the Executive and Monarchy, of the worst kind, to wit an elective one.' John Rutledge endorsed a single executive, 'tho' he was not for giving him the power of war and peace.' Roger Sherman looked upon the President as an agent of Congress, and considered 'the Executive majesty as nothing more than an institution for carrying the will of the Legislature into effect, that the person or persons ought to be appointed by and accountable to the Legislature only, which was the depositary of the supreme will of the Society.'

What about James Wilson of Pennsylvania?

> James Wilson endorsed a single executive, but did not consider 'the Prerogatives of the British Monarch as a proper guide in defining the Executive powers. Some of these prerogatives were of a Legislative nature. Among others that of war & peace &c.'

How about Alexander Hamilton from the great State of New York?

Alexander Hamilton, in Federalist #69, differentiated between the power of the monarchy and the power of the American President. Hamilton stated that the President, under the Constitution, has "concurrent power with a branch of the legislature in the formation of treaties," whereas the British King "is the sole possessor of the power of making treaties."

Control over the deployment of military forces was vested in Congress, as we can see from reading the Constitution. Madison emphasized that the Constitution "supposes, what the History of all governments demonstrates, that the Executive is the branch of power most interested in war, and most prone to it." We have seen that to be the case. "It has accordingly with studied care, vested the question of war in the legislature."

On the power of declaring war, from Madison's notes, an incisive colloquy occurred at the Constitutional Convention on August 17, 1787. I now read from Madison's notes: "Mr. Madison and Mr. Gerry moved to insert 'declare,' striking out 'make' war; leaving to the Executive the power to repel sudden attacks.

"Mr. Sherman thought it stood very well. The Executive should be able to repel and not to commence war. 'Make' better than 'declare' the latter narrowing the power too much.

"Mr. Gerry never expected to hear in a Republic a motion to empower the Executive alone to declare war.

"Mr. Ellsworth. There is a material difference between the cases of making war and making peace. It should be more easy to get out of war, than into it. War also is a simple and overt declaration. Peace attended with intricate and secret negotiations."

What about George Mason?

"Mr. Mason was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred 'declare' to 'make.'

"On the motion to insert declare - - in place of make, it was agreed to."

Louis Fisher comments on the reaction taken at the Philadelphia Convention: "The Framers empowered the President to repel sudden attacks in an emergency when Congress was not in session. That power covered attacks against the mainland of the United States and on the seas. The President never received a general power to deploy troops whenever and wherever he thought best. When Congress came back in session, it could reassert whatever control on military activity it considered necessary.

James Wilson expressed the prevailing sentiment that the system of checks and balances "will not hurry us into war; it is calculated to guard against it. It will not be in the power of a single man, or a single body of men, to involve us in such distress; for the important power of declaring war is vested in the legislature at large."

Madison insisted that the Constitutional liberties could be preserved only by reserving the power of war to Congress. Madison stated: "Those who are to conduct a war cannot in the nature of things, be proper or safe judges, whether a war ought to be commenced, continued, or concluded. They are barred from the latter functions by a great principle in free government, analogous to that which separate the sword from the purse, or the power of executing from the power of enacting laws."

When Jefferson saw the draft Constitution, he praised the decision to transfer the war power "from the executive to the Legislative body, from those who are to spend to those who are to pay." The Administration, and all Senators who may be prone to advocate an all-powerful executive, should take note.

I have already referred to General Clark's letter, to which our attention was called by Senator LEVIN last week. That letter brings to mind another letter to which I shall refer. Presidents, of course, are in a position to deploy forces in military environments before Congress has a chance to deliberate and decide what policies should be followed, and Presidents often do that. The potential for engaging the country in war was demonstrated by President Polk's actions in 1846, when he ordered General Zachary Taylor to occupy disputed territory on the Texas-Mexico border. His initiative provoked a clash between American and Mexican soldiers, allowing Polk to tell Congress a few weeks later that "war exists." Although Congress formally declared war on Mexico, Polk's actions were censured in 1848 by the House of Representatives because the war had been "unnecessarily and unconstitutionally begun by the President of the United States." One of the members of the House of Representatives who voted against Polk was Representative Abraham Lincoln, who later wrote to William H. Herndon:

Much ado has been made of General Clark's letter to Senator LEVIN. Let's read Abraham Lincoln's letter to William H. Herndon:

> Allow the President to invade a neighboring nation, whenever he shall deem it necessary to repel an invasion, and you allow him to do so, whenever he may choose to say he deems it necessary for such purpose—and you allow him to make war at pleasure. Study to see if you can fix any limit to his power in this respect, after you have given him so much as you propose. If, today, he should choose to say he thinks it necessary to invade Canada, to prevent the British from invading us, how could you stop him? You may say to him, "I see no probability of the British invading us" but he will say to you "be silent; I see it, if you don't." The provision of the Constitution giving the war-making power to Congress, was dictated, as I understand it, by the following reasons. Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing this oppression upon us.

I wonder what Lincoln's advice would be to us today as we reflect upon the Administration's actions in Kosovo? Now that Congress has spent many months of complacent quietude before mounting a challenge to the Administration's continued usurpation of Congress' share in the war powers, we learn that the Administration fiercely opposes the Byrd-Warner Amendment. Why so? Is it too much to ask of the Administration that it come up with an exit strategy over the next year? Is it too much to ask of the Administration that it develop plans, in consultation with our NATO allies, for an orderly transition to an all-European ground troop element in Kosovo? Is it too much to ask that, if there is a necessity for the continued deployment of U.S. ground troops in Kosovo after July 1, 2001—or October 1, 2001 which we hope to make the date and will make it in conference—the President must request specific authorization for such continued deployment of U.S. ground combat troops in Kosovo, and that Congress must enact a joint resolution specifically authorizing the continued deployment of United States ground combat troops in Kosovo?

Is it too much to ask that the peoples Representative—people out there, their Representatives—be allowed to speak? What is wrong with that? Why is the Administration so suddenly very hysterical about this amendment? Very hysterical? They are panic stricken. They sent their big guns to Congress. They have even sent General Clark up to address the Democratic conference. What business does he have in the Democratic conference? Here we have in this Constitution, we have civilian control over the military, but here we find General Clark in the Democratic conference, trying to tell Senators what the intent of the Byrd-Warner amendment is, trying to tell Members of Congress what their constitutional duty in this institution is.

Does the Administration believe that the possible justification for the continued deployment of U.S. ground combat troops in Kosovo after July 1 of next year would be so weak that the Administration dare not face the risk of a vote by Congress in this regard?

I say to my colleagues in the Senate: Each of us has taken an oath to support and defend the Constitution of the United States and we take that oath because this Constitution requires Senators and Members of the House of Representatives to take that oath. Now is the time to live up to that oath. We must insist that the war powers that devolve upon Congress, under the Constitution, be preserved and protected against usurpation by this or any other administration. Nobody is talking about a declaration of war in references made to the powers and responsibilities of Congress in this situation. Nonetheless, any careful reading of the Constitution should make it as clear as the noonday sun in a cloudless sky that when American combat troops are deployed in a foreign country under circumstances where the lives of those troops are put in jeopardy by possible combat in a potential battlefield situation, the Congress is not required to remain silent. Remaining silent can become a habit. Congress can sleep on its rights until it can no longer claim those rights. And let us remember that it is also the people's rights on which we sleep.

As the late Justice of the Supreme Court, George Sutherland said in Associated Press vs. NRIB:

> For the saddest epitaph which can be carved in memory of a vanished liberty is that it was lost because its possessors failed to stretch forth a saving hand while yet there was time.

The supporters of the Byrd-Warner amendment are stretching forth a saving hand while yet there is time. I hope that all Senators will take this occasion to assert the rights and powers of the legislative branch to which you belong, to which I belong, in respect to the conduct and use of the American military while there is yet time. If we allow the continued encroachment of these powers, which were meant by the Framers to be shared by the legislative branch, future generations of Americans will not rise up and call us blessed.

Whether the next President comes up with a strategy to turn the ground troop element of the Kosovo peacekeeping operation entirely over to the Europeans, or whether Congress authorizes the continued deployment of

U.S. ground troops in Kosovo, we will have taken affirmative action. We will have protected the people's rights—the people's rights—and exercised our responsibilities under the Constitution. We will have done our duty, as we have all solemnly sworn before God and man to do.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 8 minutes remaining, plus the 10 minutes that has been reserved at 2:10.

Mr. BYRD. I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, the Senator has no more time under his control. The Senator from Michigan, Mr. LEVIN, has control. If there is not another speaker, I see no other recourse but to put in a quorum call.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I thought we agreed on a schedule—perhaps I am mistaken—that Senator BYRD would be going from 2:10 p.m. to 2:20 p.m.; that then Senator DASCHLE would go from 2:20 p.m. to 2:30 p.m. Am I correct there are 22 minutes remaining?

The PRESIDING OFFICER. That is correct.

Mr. LEVIN. We would precede Senator BYRD with our 22 minutes. That means Senator BYRD has 8 minutes left. I thought that was going to be used at this time. If Senator BYRD does not use that time now—at least my understanding was we either go to Senator WARNER or Senator BYRD before Senator MCCAIN and I use our 22 minutes.

Mr. WARNER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, we have had an orderly debate. We started last night at 5 o'clock. We have moved along. This will be the first quorum call in the 10 hours scheduled for this debate. We have tried to be as cooperative as we could all the way along. I have no more control of the time. I suggest there be a quorum call placed, since no one seeks recognition, and it be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. BYRD. Mr. President, I have 8 minutes remaining?

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD. I yield 2 minutes of my 8 minutes to Mr. WARNER, I yield 4 minutes of my 8 minutes to Mr. LEVIN, and that leaves me 2 minutes of the 8 to add to the 8 that I will have later.

Mr. WARNER. Mr. President, it had been my hope as cosponsor of the bill to have the opportunity to make some rebuttal arguments to those who are about to speak. Since that will not be possible, I will take my 2 minutes to sum up the manner in which I view this entire debate of those who have come to strike the Byrd-Warner inclusion in this appropriations bill.

I am reminded of the immortal words of a great President, Franklin Roosevelt, when he said: The only thing this Nation has to fear is fear itself. Underlying the debate of those who are considering striking this language is the fear that the next President will be unable to convince the Congress to do what is right for America. That is what it is—fear.

I say to those who have fear, if there is not a simple majority, but 51 votes, to support the next President, then logic says to me that the continuation of those deployments in Kosovo are not in the public interest or the national security interest of this country. It is as simple as that. If there are not 51 votes for it, we should not be there, and we may as well stand up and face the world and say that this body, with coequal responsibility, has exercised its voice.

I committed earlier in this debate and I commit now that if the next President makes a strong case, he will have the Senator of Virginia voting and supporting him. I have confidence in this institution to make the right decision, and in this Senator's heart, he has no fear. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I yield 15 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank my colleague from Michigan, Senator LEVIN, for his leadership on this issue. This has been an excellent debate, probably what we should have a lot more of in this body on a variety of issues that confront the Nation and, therefore, call us to our duties as the Senate and the Congress.

I agree with Senator BYRD when he quoted Congress should not remain silent. Unfortunately, we passed a law some years ago called the War Powers Act. That act—and I believe Senator BYRD was here at the time of its passage—has been largely ignored, both by the executive branch and by the legislative branch.

On numerous occasions, I have approached leaders on both sides and said we are violating the law called the War Powers Act, and we blithely ignore that law. Yet when we pass laws that affect our fellow citizens, we do not allow them to ignore the laws we pass.

It is a bit disgraceful, really, that we have a law on the books which we fail to address, particularly since this law is concerning an issue of no small importance; in fact one can argue, I think persuasively, of the most importance, and that is when and under what circumstances we send young men and women into harm's way.

Since we ignore the War Powers Act, the power that the Congress has, which I respect, revere, and believe is entirely appropriate under our constitutional responsibilities, is the ability to cut off funding for any military enterprise in which this Nation enters. I think that is clear. I do not think there is any argument about that.

If the Byrd-Warner amendment was about cutting off funds for further deployment of U.S. military forces in Kosovo, I would be much more comfortable about this debate and what it is all about, but what we are doing is very unusual. I have not been here as long as some of the other Members of this body, but I have never seen an issue of this import placed on a military construction appropriations bill which generally is a routine piece of legislation, except for a few of us who come over and complain about the pork-laden aspects of it. But it is a routine piece of legislation.

Now it is a vehicle for debate and decision over an issue of grave importance, in the view of certainly General Clark, certainly Secretary Cohen, certainly the Secretary General of the North Atlantic Treaty Organization. We are talking about an issue that can impact the issue of war or peace in the center of Europe. And what have we done in the Senate? We have placed it on the military construction appropriations bill. This legislation should have been the subject of hearings in the Foreign Relations Committee and the Armed Services Committee. It should have had a legislative vehicle that proceeded through both committees and then came to the floor of the Senate. In an incredibly bizarre fashion, both committee chairmen and ranking members, in my view, have abrogated their responsibilities as committee chairmen and the oversight of issues of this grave importance.

What is more bothersome is the fact that we are conditioning this vote on another vote that will take place sometime—which may be changed by the sponsors of the bill. On what are we voting? We are voting to propose a situation which would then require another vote.

As I have said, I have not been here a long time, but I have not seen anything quite like this. Our responsibility is not to have a vote on an issue that at a time certain requires another vote which, if affirmative, would allow the President of the United States to carry out his duties as President of the United States. What this vote should be about is funding, yes or no. Do we want to fund further operations in Kosovo or do we not? We have enough information to make that decision. Members of this body have been informed.

When the distinguished Senator from West Virginia, for whom I have the greatest respect and admiration, says Congress should not remain silent, my answer is, Congress should not speak in this fashion. Congress should not be speaking in this fashion. Congress should be speaking, as is its constitutional responsibility, to fund this operation or not to fund it.

I am concerned about burden sharing. I have been concerned about it all my days here in the Senate and before that in the other body. I am concerned about what are the rules of engagement. I am concerned about the role of our European allies. All of those things should be taken into a context in which Members should make a decision as to whether we stay or go.

With all due respect, we are taking a vote to put off a vote which would have profound consequences. The Congress, in my view, is not fulfilling its responsibilities when it addresses this issue in this fashion.

In the 1980s, I was in the minority and my party held the Presidency of the United States. All through the 1980s, there were attempts at micromanagement of U.S. foreign policy, particularly in Central America. Some of the bitterest debates I ever observed in the House of Representatives and here in the Senate concerned our involvement, our support for certain elements, our support for freedom and democracy in Central America.

I, as did many of my colleagues on this side of the aisle—who I understand are now supporting this resolution—opposed that very same kind of micromanagement on the part of Congress when the other party was in control of the White House.

I am very pleased to see the nominee of my party, Gov. George Bush, with whom I had a very spirited contest over the previous year, step forward forthrightly and say this is an "overreach of congressional authority."

Governor Bush has it right. President Clinton has it right. Secretary Cohen has it right. And every objective observer that I know has it right.

The Washington Post of May 11, 2000, states:

> But the Senate measure is the wrong answer to these legitimate concerns.

We did not have to get into Kosovo. It was through the ineptitude of this administration where they tried to impose an agreement, called the Rambouillet agreement, which Mr. Milosevic could not accept. Then we carried out, in my view, one of the more immoral military actions in the history of this country. I say that because of the tactical way we conducted it: Flying our airplanes around at such high altitudes that our planes would not be shot down but we needlessly inflicted civilian casualties. That is a shameful kind of operation on the part of the U.S. military.

The Washington Post says:

> But the Senate measure is the wrong answer to these legitimate concerns. By establishing a de facto deadline for a U.S. pullout, it would actually discourage U.S. allies—who are, after all, providing the lion's share of the ground forces already—from seeing the job through as Sen. WARNER and others wish. It tells the enemies of a democratic, multiethnic state in Kosovo—Serb and Albanian—that they can wait out the Americans.

That is really what the message, if we adopt this resolution over a clear Presidential veto, would be: We can wait you out. We can wait you out, Americans, because we know you're going home.

The Secretary General of NATO, a man who is respected by all of us, sent us a letter.

I quote from that letter:

> In my view, while ensuring proper burdensharing is important, we should not let that issue distract us from our larger policy objectives. The NATO presence in Kosovo needs to be decided on the merits of our being there—the job that we are doing and that we need to finish.

That is the key. As critical as the burdensharing issue is, we should be deciding this issue solely on the basis of whether or not it is in the U.S. national security interests to have a military presence in the middle of Europe in Kosovo.

Burden sharing is an important issue. We now hear, even from the cosponsor of the legislation, Senator WARNER, that he is pleased with the increase in the burdensharing responsibility that has been taken up by our European allies. But this issue should not be based on burden sharing; it should be based on where our national security interests lie.

The Secretary General of the North Atlantic Treaty Organization goes on to say:

> I believe that we owe it to ourselves, if not the people of that region, to finish the job we began. As Secretary General of NATO, I will pursue that goal with the utmost vigour. I hope I can count on continued U.S. support, even recognizing that the European Allies must continue carrying the largest share of the load at this stage.

The Secretary General of NATO does not just speak for himself, and even the NATO alliance, but I think he speaks for all of Europe when he says: "I hope I can count on continued U.S. support."

Since 1945, the United States has had a military presence in Europe. Any objective observer will tell you, our victory in the cold war was due to our steadfast presence.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McCAIN. I ask unanimous consent for an additional 30 seconds.

Mr. LEVIN. I yield an additional minute to the Senator.

Mr. McCAIN. It is an important debate. It is an important issue. Will the forces of isolationism and withdrawal prevail or will the United States continue to hold its rightful position as the military and economic leader of the world?

The language currently in the bill represents not just bad policy, but bad law. Its inclusion in the Military Construction Appropriations Bill is highly inappropriate. The Congressional committees that oversee the Armed Forces and our nation's foreign relations should have the opportunity to review and debate national security matters of such consequence. The Kosovo withdrawal language in the Military Construction Appropriations bill is unprecedented and will certainly prompt a veto by the President. For these reasons, it is imperative that we move to strike Section 2410 by voting in favor of the Levin-McCain amendment.

The requirement in the bill for a withdrawal of ground forces unless Congress passes a joint resolution authorizing their continued deployment is precisely the kind of provision that Congress should never impose upon any Chief Executive. Congress has within its constitutional authorities the power of the purse—the legislative means to terminate funding for an ongoing military operation. It is historically reluctant to exercising that authority, even when the majority oppose the operation in question. But we should never impose the kind of statutory burden on any President that this bill seeks to impose.

Clearly, this Administration could have—and most definitely should have—dealt more forthrightly with Congress and the American public from the beginning. Had it done so, it likely could have avoided this kind of exercise. As with Bosnia, however, its arrogance and ineptitude left many in Congress with a sense of having to act lest its rightful place in the debate over the U.S. role abroad would be completely ignored. The result is the damaging language currently in the bill.

Congress has been down this road many times before. The propensity of the Administration to deploy American military forces with seemingly wanton abandon on ill-defined missions of indeterminate duration is repeatedly met with efforts by Members of Congress to legislate the terms of those deployments. We can, and most assuredly will, revisit the question of separation of powers on national security again and again. The Founding Fathers built into our system of constitutional government certain tensions designed to prevent a potentially dangerous shift in the balance of power between branches of government.

We last debated the issue of war powers and the U.S. role in Kosovo in March 1999. The War Powers Resolution, which many view as unconstitutional, ironically proved to be the vehicle by which both Houses of Congress finally consented to debate the issue in its totality, including my failed effort to authorize the use of ground forces in Kosovo during Operation Allied Force. That debate was illuminating for the degree to which it illustrated the depth of opposition on the part of many senators to the military operation. That opposition, of course, is what lies behind the language on Kosovo in the bill before us today.

I am fully supportive of measures designed to improve the burden-sharing arrangements under which we operate alongside other nations, especially in contingencies that should never have required U.S. military involvement in the beginning. For this reason, I am not opposed to the burden-sharing language in the bill, although the frequency of the reporting requirements are somewhat excessive. I take issue, however, with the draconian measures the bill mandates should the answers we receive from the President not meet our expectations.

And make no mistake. When I refer here to the President, I refer to the Office of the Presidency, for the language in this bill will have far-reaching and damaging consequences for all future occupants of the Oval Office. Funding cutoffs and mandatory troop withdrawals that must occur based on future circumstances absent congressional action, such as are reflected in this legislation, represent Congress at its worst. By requiring enactment of a congressional joint resolution authorizing the continuation of our current role in Kosovo, we are establishing a very dangerous precedent that will seriously weaken this nation's ability to conduct foreign policy long after many of us have left this most august of bodies.

I would ask supporters of Section 2410 what they believe would be accomplished by the provisions limiting funding pending presidential certification with regard to allied burden-sharing. Burden-sharing is a legitimate issue for discussion. To threaten funding cutoffs for troops in the field in the middle of an ongoing operation over the issues of equitable distribution of workload and financial commitment, however, is irresponsible in the extreme.

The strategic ramifications of Section 2410 should not be underestimated. The United States has important national security and economic interests around the world that are affected by what we do here in Congress. By mandating a troop withdrawal from an ongoing operation, we threaten those interests by emboldening our adversaries. Slobodan Milosevic is a calculating and ruthless individual with a record of responding to outside pressures and inducements, retreating when necessary; conducting brutal campaigns when the opportunity avails itself. A precipitious withdrawal of U.S. ground forces while Kosovo remains unstable and the potential threat to Montenegro looms over the horizon will undermine our interests in Europe and around the world. That is a path down which we do not want to go.

Additionally, the implications for NATO must be considered. The United States has a very definite stake in the evolution of a European Security and Defense Identity, as manifested in the efforts by our allies to establish the so-called Eurocorps. It is not in our interests for such a unit, should it take shape and mature into a viable force, to act independent of U.S. influence—influence that would be severely undermined by a unilateral action of the kind contemplated in this bill.

Clearly, the failure of our European allies to deploy the numbers of police officers necessary to accomplish the mission of pacifying the region without the continued use of military personnel untrained in such activities has been very troubling. And I would be hard-pressed to defend the conduct of the operation in light of internal U.S. military disagreements regarding the deployability of U.S. troops from their sector to areas like Mitrovica where tensions and the propensity for violence remain high. This has not been a well-conceived mission. But there are worse alternatives, and the approach represented in this bill is one such example.

A far better approach, I would suggest, would dispense with the automatic funding cut-offs currently in the bill. Rather than automatic cut-offs in the event presidential certifications fall short, Congress would still be free to offer legislation terminating the U.S. role in this operation. A vote by Congress to act affirmatively to cut off funding, while I would oppose it, is less damaging to U.S. foreign policy than is a triggering mechanism written into law—the object of the authors of the current language. And we would avoid establishing a very dangerous precedent that I would like to think few among us actually wish to see materialize.

Mr. President, you do not have to be a supporter of the manner in which the operation in Kosovo has been conducted in order to have serious problems with this language. It is a peacekeeping operation in a region where the commitment to peace remains tenuous.

Many in Congress and the public we represent want out of Kosovo. We should never have had to go there to begin with, but for the unwillingness of our European friends and allies to act swiftly and decisively to prevent a brushfire from becoming a raging inferno. But we should not willingly commit untold damage to our future ability to conduct foreign policy when alternatives may exist. And we should never undercut our forces in the field out of pique that other countries are failing to shoulder their share of the load—especially when the burden-sharing issue has devolved primarily to one centering around the deployment of police officers.

We had every right to be angered by what Generals Clark and Reinhardt referred to as the hollowing-out of allied force contingents. The quiet, almost surreptitious withdrawal of soldiers by key allies was not their finest hour. But forceful diplomacy, not congressionally-mandated troop withdrawals, is the answer to such problems. The language in this bill is counterproductive and damaging to U.S. foreign policy. We should not compliment a questionable policy with even worse legislation. I urge my colleagues to support the removal of Section 2410 from the bill and vote yes on the Levin-McCain amendment.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wonder if I might ask Senator BYRD for 50 seconds.

Mr. BYRD. I yield the Senator 2 minutes.

Mr. WARNER. I say to my good friend from Arizona, we respect his judgment, his long association with the U.S. military, and indeed his depth of knowledge as it relates to security and foreign affairs. While I respectfully differ, I nevertheless think it has been a constructive and important part of this debate.

May I also, at this time, congratulate the Senator on 20 years of a great marriage, which he celebrated last night.

Mr. McCAIN. I thank the Senator.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my good friend from Arizona for his statement and for the clarity and passion he brings to this issue, as he does on so many important issues confronting this Nation, including our security, and thank him for his longstanding involvement and contribution to this Nation's well-being. His voice in this debate is an exceedingly important one. I hope all Members have had a chance to listen to his remarks today.

Mr. President, I wonder if I could ask what the time situation is. How many minutes do I have remaining?

The PRESIDING OFFICER. The Senator from Michigan has until 2:10.

Mr. WARNER. I yield 3 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I have gone back and forth on this question. Let me start by making a couple of quick points.

First of all, I would be more than pleased to test this question about whether or not we should have a peacekeeping force in Kosovo. I would be more than pleased to have an up-or-down vote on the Kosovo peacekeeping operation today or this week. Frankly, I think that is the way we should do it. That would be a true test of accountability.

I have a high doctrine of War Powers and have always insisted on appropriate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that is required by our Constitution and by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation and this peacekeeping operation in Kosovo. Kosovo is a peacekeeping and peace enforcement effort. Our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course, we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what is at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay and to do their jobs as they have been asked to do, without the prospect of their funding from the United States getting cut off if our European allies do not meet the somewhat arbitrary standards set out in this bill, some of which many in the administration say may not be able to be met in terms of the current timetable.

Mr. President, it is with some regret that I oppose this provision to effectively impose a deadline for Kosovo peacekeeping efforts, and to support efforts by Senator LEVIN to strike it from the bill. While I support many of the foreign policy goals which Senators BYRD and WARNER have identified in this debate, I believe the amendment itself would likely put at serious practical risk the peacekeeping operation in Kosovo which, while not without its flaws, is one which I support.

I regret that I am not able to support this effort not only because of the respect and admiration I have for these two men, but also because I do share some of their concerns, most especially about ensuring our appropriate and constitutionally-mandated congressional role in decisions regarding war and peace. But while it is clear that we need to intensify the dialogue between the Administration and Congress on the larger questions about the circumstances under which we enter into peacekeeping commitments, and the criteria by which we decide that issue, this set of complex foreign policy questions should not be decided in this way, on this bill, in a way which potentially undercuts our peacekeeping efforts on the ground in Kosovo.

I support what I believe are the key underlying goals of the amendment: prompting a comprehensive debate on the Kosovo peacekeeping operation, its successes and failures; ensuring fair burden-sharing by our European allies, including on civilian police; and intensifying executive-congressional consultation on future decisions made regarding peacekeeping and peace enforcement operations in the region.

Of course we in Congress must continue to keep a close watch on the situation there, and intervene—forcefully and directly, if necessary, through the power of the purse or otherwise—if we believe the administration is going in the wrong direction. And I know that both Senator WARNER and Senator BYRD have pressed the administration on the burdensharing issue for many months, and have had some real success in helping to ensure a fairer proportion of U.S. to European assistance.

The fact is that we have about 5,900 of the approximately 39,000 troops in the region now; overall we are providing, according to the Administration, only about 15 percent of the troops and reconstruction aid for this effort. While it is important to continue to press to make sure the Europeans follow through on their commitments of resources and police personnel, I do not think fifteen percent is too much for us to bear to help our allies keep the peace in this troubled region. International peacekeeping must be a joint effort, with shared burdens, shared responsibilities and shared risks.

That is why I think it would be in a way more honest, more responsible, for those who wish to test the question, to simply prompt a debate by calling for a vote up or down on the Kosovo peacekeeping operation. If there are those who want to press that question, that would be a test of true accountability. We could vote on that this week. But I think most of us suspect that if the question were posed that starkly, many who might end up supporting this resolution, with its elaborate formula and framework for a potential withdrawal, would not vote to pull out our troops. They would not want to so grossly and suddenly undercut our troops, our allies, and those in Kosovo, Albania, and elsewhere in the region whom we have labored so mightily to protect in the past two years.

On the whole, our peacekeepers, and those of our allies, have done a remarkable job of enforcing, in a difficult and tense environment, an uncertain peace. Their presence has clearly helped to avoid a return to the horrendous violence that we all witnessed in Kosovo, and that NATO fought so hard to stem. Let's not forget that the ethnic cleansing that prompted our presence in the first place has been stopped, and that a return to the fighting has been prevented by the peacekeeping forces on the ground. Given the fragility of the current peace, it seems to me a likely result of our withdrawal would be a withdrawal by our allies, followed by a return to such fighting.

I share some of the frustration expressed about the Kosovo operation. While it is clear that some functions of this force could have been handled better, and that all parties involved could strengthen efforts—by the administration, by civilian police on the ground, by the UN bureaucracy, by those nations who have sent sometimes inadequate aid, or who have failed to live up completely and a timely way to their commitments—the peacekeeping forces have done a good job, under harrowing circumstances, and we should not undercut them, directly or indirectly, by passing this amendment. The fact that there has been less long-term progress than had been hoped for toward the development of a multi-ethnic state in Kosovo is not the fault of these peacekeepers.

I have a high doctrine of War Powers, and have always insisted on appropriate congressional authorization of the use of troops in situations where they might face hostilities or imminent hostilities. I think that's required by our Constitution, by our system of checks and balances.

But I think there is a subtle difference here between that kind of situation of imminent or real hostilities and the current peacekeeping operation in Kosovo. Kosovo is a peacekeeping and peace enforcement effort; our troops are playing a security role there, but they are not now, nor do I expect them to be, involved in combat with organized hostile Serb or other forces in Kosovo. If that changes, of course we in Congress would likely reconsider the role of these peacekeepers in light of the risks, what's at stake, and make a judgment then.

But in the current situation, these peacekeepers deserve a chance to stay, and to do their jobs as they've been asked to do, without the prospect of their funding from the U.S. getting cut if our European allies don't meet the somewhat arbitrary standards set out in this bill, some of which the Administration says aren't likely to be met under this particular timetable.

Some oppose the Kosovo peacekeeping operation outright, and would simply turn it over completely to the Europeans. That's a legitimate view, but not one I share. We cannot send a signal to our allies that we will help out in difficult and complex situations like this, but only if they bear all the risks of peacekeeping.

Others have raised the issue of the U.S. looking irresolute to our allies within NATO, and to Milosevic. Or the concern that Milosevic might, if he knows there's an almost certain date set for our withdrawal, he'll likely instruct his troops to simply wait us out—or worse, instruct his radical Serb allies to foment violence to influence

Western opinion, and even future votes in Congress, on whether to keep the peacekeepers there. These are legitimate concerns, but I think a more fundamental question is posed.

Will we shoulder our responsibilities, along with our NATO allies, to continue to help bolster and build a stable peace in Kosovo, to give them a chance at reconstruction, or will we start to scale back our effort now, and then pull out down the road, even after all the blood and treasure that's been spent to secure that peace, signaling to our allies and adversaries in the region alike that we're not firmly committed to seeing through the job that we started? I hope not. And I hope that we'll not start down that road by voting for a year of questions and uncertainty about our commitment in Kosovo.

That is not to say the administration must not push harder our European allies to accelerate their assistance to the reconstruction effort. It is not to say the President should not intensify his consultations with Congress on his plans and intentions regarding the peacekeeping force. He absolutely must do those things. But I do not think that this amendment is the way to ensure those results. And so I will vote for Senator LEVIN'S amendment to strike this language from the bill, and I hope my colleagues will join me in voting to support our peacekeeping efforts in Kosovo, and against this provision which, in its current form, could do that effort real harm.

Mr. President, again, I have great respect for my colleagues on the other side of this question. I would be pleased to have an up-or-down vote on the peacekeeping operation. I would be pleased to be held accountable. I would love for the Senate to deal with this question right now and vote up or down on the peacekeeping operation. To me, that is checks and balances. I would vote for the peacekeeping operation, and that is why I will support Senator LEVIN'S initiative.

I yield the floor.

Mr. DODD. Mr. President, a little over a year ago, I rose in this Chamber to address the crisis in Kosovo. At that time, I had just recently returned from a trip to the refugee camps of Macedonia, where I witnessed firsthand the pain and suffering of displaced people in the troubled Balkan peninsula. During that visit, I was struck by the sight of 45,000 people living in tents in an area half the size of The Mall. Families were lined up for food and medicine and used ditches as latrines. Some individuals told me stories of being brutalized by the Serbian military and police in Kosovo and others of being evicted from their homes and separated from their families. Mr. President, I have seen a lot of hardship in my time, but nothing I have ever seen comes close to what I saw in the Balkans.

I returned from that trip determined to convince my colleagues that the United States had an integral role to play in the alleviation of suffering that the people of Kosovo had been subjected to by Serbian President Milosevic. At that time many in this body agreed that the United States had a moral obligation to join with our European allies in stopping Serbian aggression and creating the conditions to allow Kosovars to return to their homes.

Now it is a year later. Some things have changed. The international community stood up to the bully—Milosevic, and like most bullies he backed down and withdrew his forces from Kosovo. However, he left the province in total devastation—both physically and psychologically. Many of those displaced by the conflict returned to find their homes and livelihoods in ashes. Rebuilding from the rubble has been difficult. Particularly as just across the provincial border, President Milosevic still rules, a million people are still displaced from their homes and families, and lasting peace has not been achieved.

The United States, in partnership with our friends and allies, has attempted to assist Kosovars in picking up the pieces and restoring some semblance of law and order to the province. There has been some progress in that direction, but much remains to be done. Yet, despite the unfinished business that remains the legislation before us today, if it becomes law, would establish a date certain—next July—for ending United States participation in restoring democracy in Kosovo.

I remember well, that prior to the commencement of NATO bombing in March of last year many in this body criticized the President for sitting on his hands while ethnic Albanian Kosovars were being subjected to gross human rights violations under the direction of President Milosevic and Serbian security forces. I hope that those individuals are not now going to turn around and support an effort to mandate the full and complete withdrawal of U.S. ground troops from Kosovo.

Even if the United States were to decide to withdraw from the region, which, let me state, is not what I believe we should do, it is incredibly foolhardy to announce the exact date to the enemy. Knowing of imminent United States withdrawal from the Balkans, President Milosevic will have no incentive to step down or improve his human rights record at all, and the timing of the withdrawal, July 2001, follows far too quickly the inauguration of a new President here in the United States.

If there is any doubt in anyone's mind about whether U.S. presence is warranted in Kosovo, I promise my colleagues that had they been with me in Kosovo last year and seen what I saw, there would be absolutely no debate in this Chamber about whether or not we are taking the right course of action. Our efforts to restore people to their homes, bring an end to conflict, and save the lives of thousands are assuredly the right things to do.

Rather than send out more mixed signals, I hope that Slobodan Milosevic will hear from this Chamber—That we are not going to second guess the President or Secretary of Defense in deciding when the appropriate time has come for the United States to withdraw its forces from the Balkans—That the United States is determined to remain in Kosovo until the wounds have healed and civil society is strong enough to support democratic governance of all the people of Kosovo, including its Serbian minority—And that we are proud of the American service men and women who are deployed in Kosovo and who are committed to getting the job done. They know why they are there and understand the seriousness and importance of their mission. We do them a disservice by suggesting otherwise.

Mr. President, the Senate will be acting irresponsibly if it approves legislation mandating an end to our participation in Kosovo. I would urge my colleagues to support an amendment to strike this provision from the bill and renew our commitment to assist the people of Kosovo in the months ahead as they try to rebuild their lives and those of their loved ones.

Mr. ROTH. Mr. President, I am going to vote for the Levin amendment to the military construction appropriations bill, which would strike the Byrd-Warner amendment concerning Kosovo.

As a strong supporter of NATO, I have long advocated efforts to strengthen the European pillar of the alliance. The air war in Kosovo highlighted a great technical disparity in U.S. and European capabilities, and reopened long-standing debates of burden sharing within the Alliance.

I fully understand and support the motivation behind the authors and supporters of this provision. While it is true the Europeans are contributing over 80 percent of the peacekeeping forces that make up K-For, they have yet to fully live up to their commitments to NATO Peacekeeping, UNMIK, and the funds that make up the civilian and military dimensions of the peace effort.

However, this provision undercuts our incentives to the Europeans to meet those goals because it contains a "de facto" withdrawal date of July 1, 2001. It signals to our allies that the United States will withdraw regardless of any improved European efforts to meet their commitments.

This bill will effectively constitute a decision to withdraw forces at a given date. That is not the authors' stated intent, but that is how this amendment will be viewed. That is a message that will embolden Milosevic. That is a message that we will communicate an absence of commitment to our NATO allies.

American General Wes Clark, the former Supreme Allied Commander Europe and the former highest ranking military officer in NATO, has warned,

> These measures, if adopted, would be seen as a de facto pull-out decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans. Furthermore, they would, if enacted, invalidate the dedication and commitment of our Soldiers, Sailors, Airmen, and Marines, disregarding the sacrifices they and their families have made to help bring peace to the Balkans. In fact, these measures would invalidate the policies, commitments and trust of our allies in NATO, undercut US leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans.

While I, and many others, have had concerns about how the Kosovo operation has been conducted by the current administration, the solution to these concerns are not a withdrawal, or another debate on whether or not to withdraw. The solution is to establish a definition of goals we hoe to achieve with regard to Kosovo, how we intend to accomplish our goals, and work more effectively with our European allies in achieving those goals. When our next President takes office in January, under the Byrd-Warner provision he would be burdened not only with addressing the current administration's shortcomings in establishing a Kosovo policy, but also with a congressionally-imposed fixed date for United States withdrawal from Kosovo.

So for these reasons, while I support the goals of this provision, I cannot support the means used to achieve that goal and I will vote for the Levin amendment.

Mrs. FEINSTEIN. Mr. President, I rise today to address the Levin amendment to the military construction appropriations bill, which strikes the provisions of the Byrd-Warner amendment on Kosovo which was attached to the bill in committee.

Unfortunately, for an issue of such importance, this amendment came up very quickly in committee without, I think, due consideration and study.

Since the committee markup last week I have had a chance to further consider and study this issue and I have had the opportunity to discuss this issue, at length, with senior members of the Administration, with Secretary Cohen, with Jack Lew, Director of the OMB, and with General Wesley Clark, the former supreme NATO commander. As a result of these discussions, I have some serious concerns about the potential impact of the Byrd-Warner amendment

During the committee markup, proponents of this amendment asserted that the certifications called for by the amendment could be made "tomorrow" without delay. According to Mr. Lew, however, the certifications can not be met by July 15 of this year. The reason why these certifications can not be made, he has stated, is not because our European allies are not making efforts to meet their commitments—they are and in many cases they have—but for technical reasons.

So we could very well find ourselves in a position whereby we have accomplished the policy goals of the Byrd-Warner amendment but, because technical reasons prevent Presidential certifications, we are forced to withdraw U.S. forces from Kosovo.

Both Senator BYRD and Senator WARNER have given assurances that these shortcomings will be fixed in conference. I very much appreciate these assurances. But I have reason to believe that it is not a simple fix, but that a number of issues needs to be addressed, and this may well prove difficult to accomplish.

In addition, as General Clark has made clear, by setting in motion an automatic mechanism for complete withdrawal by 2001 that will telegraph our troop deployments and our policy, and which ties the hand of the next President, the Byrd-Warner amendment has an impact far beyond that originally anticipated in that it complicates and makes more difficult the U.S. role in Kosovo. I cannot ignore the conviction of General Clark that passage of this amendment would run the risk of destroying the NATO mission in Kosovo.

As General Clark stated in his May 11 letter to Senator LEVIN, "This action will also undermine specific plans and commitments made within the Alliance. At the time that U.S. military and diplomatic personnel are pressing other nations to fulfill and expand their commitment of forces, capabilities and resources, an apparent congressionally mandated pullout would undercut their leadership and parallel diplomatic efforts.".

Or, as Secretary Cohen said in a discussion I had with him just a short time ago, "if the Senate passes this, it will weaken the allies' resolve rather than strengthen it."

As General Clark concludes in his May 11 letter, "A U.S. withdrawal could give Mr. Milosevic the victory he could not achieve on the battlefield."

Because of these concerns, I find that I must vote in favor of the Levin motion to strike the Byrd amendment, and urge my colleagues to do the same.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the Byrd-Warner provision would make the decision that U.S. ground troops must pull out of Kosovo starting in August of this year if the Europeans don't meet certain specified percentages of their financial and civilian police commitment, unless the Congress changes its mind and decides otherwise.

It did decide, in any event, that even if the Europeans do meet their commitments, even if they do meet the commitments we have been urging them to meet—and they have been making progress—even if they meet those commitments, next year, in any event, our troops are coming out of Kosovo, unless Congress changes its mind. It is all self-executing. If Congress does nothing from this point on, if we adopt the Byrd-Warner language, next year, in the middle of the year, our troops must come out of Kosovo.

Now, the issue here isn't whether we have the power to set a withdrawal date and to enforce it with the power of the purse. That is not the issue. I think all of us would support the right of this Senate and this Congress to set a withdrawal date for our forces from anywhere. We have exercised that power. We exercised it in Somalia and in Haiti. The issue before us is the wisdom of setting a withdrawal date today, putting it on automatic pilot, and saying that a year from now, unless Congress reverses its position, those troops must come out. That creates a dangerous period of uncertainty, a destabilizing period of uncertainty, which we have been urged not to set in motion by our Secretary of Defense, by the Secretary General of NATO, and by the recent commander of our forces in Kosovo.

First, Secretary Cohen, on May 11, said:

> I strongly believe the Kosovo language in the supplemental is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies.

I ask unanimous consent that Secretary Cohen's letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
*Washington, DC, May 11, 2000.*

Hon. TED STEVENS,
*Chairman, Committee on Appropriations, United States Senate, Washington, DC.*

DEAR TED: I appreciate your efforts to secure as quickly as possible the Supplemental appropriations for our peace-keeping operations in Kosovo. As you know, however, I am deeply troubled by the Kosovo provision in the bill. While I appreciated the opportunity to discuss this provision with Senator Byrd and Senator Warner prior to the mark up, I feel compelled to express in writing my concerns with this amendment.

I have worked hard to reinforce the message to our European allies that they must carry the lion's share in winning the peace in Kosovo. While certainly more could be done, we should not lose sight of the fact that the Europeans are in fact carrying this burden. The U.S. accounts for only about 15 percent of peacekeeping forces in Kosovo. The Europeans are also carrying the bulk of the effort on the civilian side, as appropriate.

> While strong messages from Congress on the importance of burden-sharing can be helpful, I strongly believe the Kosovo language in the Supplemental is counterproductive to peace in Kosovo and will seriously jeopardize the relationship between the U.S. and our NATO allies. For instance, unilateral actions by the U.S. regarding Kosovo will seriously undermine our efforts to discourage unilateral action by our NATO allies with regard to the European Strategic Defense Initiative (ESDI).
>
> I believe that the Kosovo provision, as presently written, will force me to recommend that the President veto this legislation. Such an outcome will only further delay a badly needed infusion of funds for the DoD budget and most particularly the Army.
>
> Finally, I once again urge you to fully fund the supplemental appropriations request for International Affairs (Function 150) Kosovo. The requested funds support essential civilian infrastructure that would facilitate a prudent exit strategy for Kosovo and achievement of long-term stability in the Balkans.
>
> I look forward to discussing this critical matter with you further.
>
> Sincerely,
>
> BILL COHEN.

Mr. LEVIN. The Secretary General of NATO, on May 16, in a letter that has been referred to by Senator MCCAIN, said the following in a different paragraph—one that he didn't read, but which I think is also significant:

> If this language is adopted, it would point toward a single policy outcome to the withdrawal of U.S. forces.

Then he went on to say:

> As Secretary General, the prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me deep concern. It risks sending a dangerous signal to the Yugoslav dictator Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

This is the Secretary General of the greatest alliance in world history—one that we have been a leader of—who is saying the adoption of this language risks sending a dangerous signal to Milosevic that NATO is divided and that its biggest and most important ally is pulling up stakes.

General Clark, recently the commander of our forces in Kosovo, wrote the following:

> These measures, if adopted, would be seen as a de facto pullout decision by the United States. They are unlikely to encourage European allies to do more. In fact, these measures would invalidate the policies, commitments, and trust of our allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting, and instability in the Balkans.

So the issue here isn't our power. We have it. Everyone in this body will protect it—I hope. As long as I am here, I will be fighting for the same power Senator BYRD so eloquently talks about that the Congress must have—the power of the purse, the power to set a deadline, should we choose, such as the power we exercised in Somalia to set a deadline and to force our troops out.

We have, at times, exercised that power. At times, we have shown, in my judgment, the wisdom not to exercise that power. We have not exercised it in Iraq. We are not exercising it in Korea. We are not exercising it in Bosnia at this point. We have not authorized those engagements to continue. We have not determined that we are going to put an end to them. So we have exercised judgment both ways, in our wisdom. We have the power to put an end to our presence in Iraq, or in Bosnia, or in South Korea. We have the power, but we have decided, in our wisdom, not to exercise that power.

I hope that today, in our wisdom, for the reasons set forth by Mr. Cohen, General Clark, and the Secretary General of NATO, we will not create this period of dangerous uncertainty if we today decide that a year from now we are going to withdraw troops unless Congress changes its mind. It is the wrong message for our troops, for the reasons General Clark gives. It is a terrible message to our European allies because in one part of this amendment it says we want you to meet certain standards, but in the other part of the Byrd-Warner language it says even if the Europeans meet their standards and their commitments, nonetheless, unless Congress changes its mind in the next year, our troops are going to be withdrawn. It is on automatic pilot. It is self-effectuating. If no action is taken further by the Congress, our troops must be withdrawn.

Mr. GORTON. Mr. President, on March 23, 1999, I voted against the initial Senate resolution to authorize air attacks in Yugoslavia. More than 420 days have passed since I cast that vote, and I could not be more confident in my initial decision.

I argued in 1999 that the United States was foolishly injecting and engaging the brave men and women of our Armed Forces into a civil war that I dare say may never be resolved. Furthermore, the Administration had then not proposed, and to date has not yet recommended an exit strategy for the occupation of Kosovo. In reaching my decision, I questioned the mission's objectives, the implication of a long-term U.S. commitment in Yugoslavia, and most importantly I argued that our vital national interests did not warrant a full scale war in the Balkans.

In less than two months after the Administration was authorized to enter the war in the Balkans, Congress faced an $11 billion taxpayer commitment to the endeavor. Once again I voted against the U.S. commitment to the civil war in Kosovo, citing the same concerns.

And what has resulted from the U.S. and NATO engagement in Kosovo? NATO's thrust into the Balkans has fostered the creation of an entirely new class of refugees; the U.S. military has been required to police the region for an undetermined and unspecified amount of time; our own NATO allies' financial and military obligation to the endeavor remains questionable; ethnic related violent incidents in the region have increased; commitment by the region's leaders to embrace reconciliation efforts are conspicuous by their absence; and now Americans and Congress are being asked to provide nearly $2 billion in additional funding for contingency operations in Kosovo.

Just this week, the Government Accounting Office (GAO) released its report on the U.S. involvement in the Balkans. The report is critical of not only the U.S. and NATO participation in the region, but provides further doubt about the long-term prospect for peace in Kosovo. The report points out that the security situation remains highly volatile, that political and social reconciliation efforts are unsuccessful, that the wartime goals of the factions remain intact, and that NATO has failed to prepare for the transition of security responsibilities to the United Nations.

In addition, the GAO reports that between 1992 and 2000, U.S. military and civilian costs for operations in Bosnia and Kosovo have cost the American taxpayer more than $18 billion. This figure includes commitments by the State Department, DoD, the U.S. Agency for International Development, U.S. participation in UN peacekeeping missions, the Department of Transportation, and the U.S. Treasury.

GAO also concluded that between 1991 and 1999, more than 4.4 million people have been displaced as a result of the wars in Kosovo, Bosnia, and Croatia. A large share of these people remain in refugee camps. These displaced, war torn individuals have lost their homes, and have few prospects to regain them.

In spite of such a massive financial and political commitment, the report also concludes that should NATO withdraw, unrest is inevitable. Political leaders have not embraced change, people who have tried to return to their homes have been attacked, the peace process has been continuously obstructed by ethnic groups, the economy remains flat, and efforts to advance the formulation of a multiethnic society have failed.

Our asserted goals are a multiethnic Kosovo as a part of Yugoslavia; the Kosovars want independence and the expulsion of all Serbs.

With all of these negative forces at play against the peace process, how long does the United States intend to police the region? How many more taxpayer dollars will be spent on security issues in Kosovo that appear to have little or no possibility of reformation? What is the price for peace, if peace is even attainable?

One of the reasons that I opposed the war in Kosovo from the beginning was not the risk that we were going to lose the war but the consequences of winning. We now have "won", we have won most of what we asked for in the beginning, but the consequences of winning is that we are putting thousands of our troops into Kosovo without any thought of when they will return.

I am convinced that a U.S. presence may continue in Kosovo for a generation or so. We have, and most likely will expend billions of dollars in an out of the way place that has never been important to our national security, and we are doing it in a way in which most of the destruction that we are going to pay for in the future was caused by us. Most Americans are going to find that Kosovo was much easier to get into than it was to get out of.

I intend to vote against the Fiscal Year 2001 Military Construction Appropriations bill because of my deep concern over the U.S. commitment and participation in the Balkan conflict. It is time to leave it to the Europeans. Even though the State of Washington, home to the most efficient, strategically positioned, and significant Army, Navy and Air Force bases stand to inherit valuable military construction funds by the passage of this legislation, I cannot in good conscience support another financial commitment to an unresolvable conflict in the Balkans.

Those brave and courageous men and women of the U.S. military who have been tasked with implementing this Kosovo intervention, and those serving in the Armed Forces in the State of Washington, have my admiration and support. But in the goal of attaining peace in the Balkans, of the Administration's questionable leadership in this endeavor, and the long-term commitment that is expected of the American taxpayer, I have no confidence at all.

Ms. SNOWE. Mr. President, I rise today in strong support of the Fiscal Year 2001 military construction appropriations bill and to commend my colleagues Senator STEVENS, Senator BYRD, Senator BURNS, and Senator MURRAY for their leadership in bringing this most important spending bill before the Senate. This bill provides critical funding for military construction projects as well as Department of Defense related emergency supplemental funding for fiscal year 2000.

Other colleagues have already spoken on the merits of the military construction aspect of this bill and the importance of those projects to the men and women of our armed forces and their families. So today, I am going to focus my remarks on the critical provisions contained in the Byrd-Warner amendment and why I believe those provisions are as important to these same men and women and their families.

By including emergency supplemental funding in this bill, and fast tracking its passage, the Congress will be supporting the loyal men and women of our armed forces who are participating in contingency operations overseas. But, Mr. President, support of our troops is not always "sending money," sometimes we support them best by ensuring that they are not overextended in missions that appear to have no end. And that is why I commend Senator BYRD and Senator WARNER for their leadership by including these provisions that will force the debate about open-ended obligations.

For example, on May 1, 2000, the top U.S. commander in Kosovo, Brigadier General Ricardo Sanchez told reporters that he predicts that NATO peacekeepers will have to remain in the Balkans for "at least a generation."

In testimony before the Senate just this last April, Secretary of Defense Bill Cohen acknowledged that U.S. troops may not be pulled out during his final months in his cabinet position, and possibly not during the time of his predecessor. Our airmen performed superbly during the 78-day air war. Now, a year has passed and we have more than 5,500 troops on the ground in Kosovo, having spent more than $2 billion on the air campaign, and by September of this year estimates are that the U.S. will spend upwards of $5.9 billion in support of stabilizing the peace in Kosovo. And, as the policy currently stands, there is no end in sight.

We have learned through our experience in Bosnia that rhetoric alone will not expedite mission accomplishment and bring our troops home. In 1996, the U.S. sent 22,500 soldiers to the Balkans, in support of the Dayton Accords for an operation that was to last until December 16th of that year. We have made great progress there, but, four years later, the U.S. still has a significant force there and no deadline for withdrawal. So here we are Mr. President, four and one half years since the signing of the Dayton Accords in Bosnia, we have more than 4,300 troops in Bosnia and another 3,000 support personnel committed in the region and no deadline for withdrawal, no end in sight.

In Kosovo we won the peace in June 1999 with our air campaign and a year later we are providing more then 5,500 troops to support an operation that is becoming increasingly more threatening.

In this bill, Mr. President, with the leadership of Senator BYRD and Senator WARNER, the Senate is taking action to establish some way of getting to an end in Kosovo. Provisions in this bill provide a limitation of funds for U.S. ground combat troops in Kosovo. Section 2410 of this bill terminates funding for the U.S. presence in Kosovo after July 1, 2001, unless and until the President submits a report to Congress containing a request to specifically authorize continued U.S. ground troop deployment and Congress enacts a joint resolution specifically authorizing such continued deployment. I must note, that this provision does continue the support of non-combat troops in Kosovo who can provide limited support to the continued NATO peacekeeping operation.

The provision further requires the President to develop a plan, in consultation with appropriate foreign governments, by which NATO member countries, with the exception of the U.S., and other non-NATO countries will provide all ground combat troops necessary to execute peacekeeping operations in Kosovo. Again, we are looking for a plan—something that this Administration has not been able to do. The plan is to establish a schedule or target dates, at three month intervals, for achieving an orderly transition to a non-U.S. force in Kosovo.

Mr. President, it is also in this spirit that I must express my disappointment in the lack of support for operations in Kosovo by the European Commission, the European Union, and the European member nations of NATO and why I strongly support the provisions of the Byrd-Warner amendment.

In Kosovo, the U.S. has taken the lead toward ending the ethnic violence and establishing civil law with the intention of turning the responsibility for long term development and revitalization over to the European community. However, the European community has not stepped forward as a unified body to assume this responsibility, and appears unwilling to take a leadership role.

In testimony before the Senate Armed Services Committee on February 29th, General Clark, then Commander-In-Chief of the U.S. European Command stated that "despite our progress in missions assigned to the military, civil implementation has been slow and in Kosovo today, civil government structures are lacking." He further stated that "the pace of contributions to the manning and resources of UNMIK [United Nations Mission in Kosovo] have resulted in sporadic and uneven progress toward civil implementation goals" and concluded his testimony by saying "the hardest part of securing peace in Kosovo lies ahead."

A well-publicized area where the lack of European support for civil implementation is readily apparent is the European's lack of support for the Kosovo Police Force. The United Nations has stated the requirement for 4,718 police and at this point the United States has provided 97% of the 550 police we have pledged, yet our European partners have only mustered 63% of the 1288 police they had pledged. Mr. President, I call on the leadership of our allies to meet their commitments!

Let me remind my colleagues that in the last decade we anticipated reaping the benefits of the peace dividend. Many touted that the end of the Cold War would allow us to draw down our military forces and spend less money on defense. Well we have drawn our forces down, and they are deployed more now than ever anticipated in the post-cold-war era, and we are paying for it. In the period 1999 through 1999, U.S. taxpayers will have spent more than $23.6 billion for contingency operations. Mr. President, we just cannot afford to unilaterally deploy troops and provide monetary support to each global hot spot for an indefinite period of time, with tepid and inconsistent support from the UN, NATO, and our other allies.

In the four years of the Bosnia Operation, more Army reservists have been activated than in the entire Vietnam War, and I am concerned that our involvement in Kosovo will mirror our involvement in Bosnia. I tell you this first hand, because these reservists include men and women of the 112th Medical Company from the Army National Guard and members of the 101st Air Refueling Wing from my home state of Maine who were called up or volunteered to serve in Bosnia.

And we are paying for these extended deployments in more than just dollars. At a time when the Department of Defense is meeting only 92 percent of its active duty recruiting goal, 88 percent of its Reserve recruiting goal and is struggling to retain the highly trained people that are currently serving, we in Congress and in the Administration need to be mindful of the message that we are sending to the American people. They need to know that we are aware that we are closely watching, and that we are ready to step in to protect the best interests of the U.S. and our men and women in uniform.

Although military members reference the high operational tempo as a consideration for leaving the military, it is difficult to quantify the exact effect those contingency operations have had on the recruiting and retention of personnel. It is, however, easy to determine the monetary effect. As we marked-up the Fiscal Year 2001 Defense Authorization Act, we were forced to look for ways to find money to fund new equipment to modernize our forces, money to improve housing and the quality of life, and money to improve healthcare for our men and women in uniform, as well as their families and our often forgotten retirees. We continue to uphold our commitments, just as we are upholding our commitment to this operation in Kosovo—to the detriment of our readiness to fight and win if there was a major theater war—while our European allies remain in the shadows.

Now this Senate is considering the addition of $1.85 billion in supplemental appropriations to support overseas contingency operations. But this bill is different in that the Byrd-Warner amendment limits the amount that can be obligated to 75 percent of the total Kosovo appropriation until the President certifies that four specific conditions have been met; at which time the remaining 25 percent would be released. These conditions stipulate that the European Commission, the European Union and the European member nations of NATO must provide a third of the assistance for reconstruction that they pledged, 75 percent of the funds promised for humanitarian assistance, 75 percent of the amount pledged for the Kosovo consolidated budget, and 75 percent of the personnel pledged for the Kosovo Police Force.

These provisions provide specific, tangible steps toward the fulfillment of the commitment promised by these countries. This does not require these countries to provide something that they do not have or something that they are not capable of supporting. It is merely a means of holding them accountable for that to which they have already committed.

If, however, our allies continue to go back on their pledged commitment, and the President cannot certify that those four conditions have been met by July 15th of this year, then the remaining funds must be used for the planned, phased, and safe withdrawal of U.S. troops from Kosovo. The details and time line for this withdrawal will be left to the President and his advisers, with these plans to be fully developed by the 30th of September.

So, as our troops in Kosovo valiantly conduct 1,321 security patrols each week and provide around the clock security at 48 checkpoints and 62 key facilities, we must support them in every way, beginning with holding our allies in Europe to the fiscal and personnel support they pledged to provide when the U.S. decided to support the air offensive in Kosovo.

I know, that as a result of the leadership of Senators STEVENS, BYRD, BURNS, and MURRAY, the FY2001 military construction appropriations bill is good legislation that provides our men and women in the armed forces the support they need as they go about their business of protecting our long-term national interests.

Mr. SMITH of New Hampshire. Mr. President, new revelations from "Newsweek" and "Inside the Pentagon" show that the air war against Serbia was inaccurately portrayed. These reports allege hyper-inflating of reports of damage done by allied bombing.

Now we are awakening to the realization that we expended a small fortune in precision munitions with very little effect—but the administration felt it necessary to exaggerate grossly the results of the air campaign in an attempt to buy public support for the war.

This is shameful—and the individuals involved in this deceit ought to be reprimanded.

The bombing triggered a refugee crisis—that was its main result. There was never any threat to NATO from the conflict in the Balkans.

In fact, the real threat to NATO is that it has abandoned its traditional role of being a defensive alliance, and under this administration has blundered and contorted into a post-cold war crisis management agency with a lost sense of mission.

NATO's bombing killed innocent civilians and raised regional tensions.

Like Haiti and Somalia before, the war in Kosovo has cost the taxpayers billions, exhausted and demoralized our men and women in the armed forces, and accomplished nothing, yet damaged our image in the region as a nation that believes in democracy and justice.

As a result of demonizing Milosevic in Serbia, we have become tacit allies with the Kosovo Liberation Army, a group in the recent past acknowledged to be an organization which commits terrorist acts and which appears to be supported by the Albanian mafia, which is said to be a major supplier of heroin in the European market.

In our zeal to "stop the killing" in the Balkans, we, as a result, aligned ourselves with a terrorist mob with links to drug traffickers and killed a lot of innocent people. This is peacekeeping run amok, and it has to be brought to an end as quickly as possible.

I support the Byrd-Warner amendment, not that it goes far enough. It does not. We should have never gotten involved in the Balkans, and we should have gotten out long ago recognizing that our intervention was damaging, and like too many other missions from which we have failed to learn any lessons, open-ended, and lacking any clear objectives.

We are using our young men and women in uniform as police officers, something which they are not trained to be and which they understandably resent.

They are not policemen, they are soldiers. If they had wanted to be police, they could have signed up in their local towns and at least have been home with their families at night.

I want to make one thing perfectly clear. I am tired of hearing those who support the Balkan blunder say that we are "undercutting" our troops by seeking authorization for the mission's continuation.

I believe that sending our armed forces into harm's way into a conflict in which we have no identifiable national security objectives undercuts our troops.

I believe that wasting our precious military resources in a futile peacekeeping mission undercuts the troops.

I believe that we undercut the troops when we plunge into a conflict without Congress making a declaration of war. Did we learn anything from Vietnam?

Finally, I warn my colleagues that rather than admitting to a colossal mistake in Kosovo, which this administration would never be willing to do, it is likely that it will blunder more deeply, possibly into Montenegro, even if the Byrd-Warner amendment were to pass the Congress.

General Wesley Clark's latest comments, as well as a reading of Agence France Press and some of the other foreign news sources, including comments by some of Europe's war hawks, reveal that Montenegro and the Presovo Valley might be the next jumping off point.

In fact, the KLA can read between the lines. If they create yet another provocation, and force the Serbs to respond, creating an atmosphere charged with allegations of atrocities or another humanitarian crisis, it will give NATO the excuse it needs to blunder more deeply into the Balkan quagmire.

We need to start pulling down our forces in Kosovo and winding down this operation. We need to be able to admit to a mistake when we make it.

Our military forces are stretched as thin as they have ever been. This year, the services' unfunded requirements list was in the realm of $15 billion.

We cannot afford to squander our limited military dollars in Kosovo.

The PRESIDING OFFICER. The hour of 2:10 has arrived, and Senator BYRD is to be recognized. The Senator from West Virginia.

Mr. BYRD. I thank the Chair.

Mr. President, the Senator from Michigan says this vote is not about power.

I say to the distinguished Senator that this matter is about power. It is about the arrogance of power in a White House that insists on putting our men and our women in harm's way, and spending their tax dollars without the consent of their elected representatives.

Where is the wisdom in that course? Where is the wisdom in allowing a policy of indefinite drift in the Balkans with no end strategy, no exit strategy, and no clearly defined goals?

We keep hearing it said that we are endangering our men and women. I say we are endangering the lives of our men and women in the military by failing to make the case up front for putting them in harm's way. We are endangering the lives of our men and women in the military when we neglect to be sure that the American people support taking those risks before we put those men and women in harm's way. We are endangering the lives of our men and women in the military when we budget for dangerous missions in emergency bills after the fact that cannot provide for a long-term investment in those missions. We are endangering the lives of our men and women in the military when we have no clear-cut achievable goals and when we have no exit strategy. No ground has been plowed for this mission, with no explanation of our goals and objectives, except some vague nebulous shibboleths.

Let me say this in closing. We are hearing from everybody but the people who pay the bills; the people who send their sons and daughters off to foreign lands to shed their blood. We hear from General Clark. We hear from the Secretary General of the United Nations. We hear from Secretary Cohen. We hear from everybody but the people.

I know what it is. I have been in Congress 48 years. I have seen a lot of these things happen before.

When we come here we have our picture taken with the Commander in Chief. My first picture that was taken after I came to Congress 48 years ago was with General Eisenhower, President Eisenhower. We go down to the White House. We get wined and dined. We have pictures taken with the brass over at the Pentagon. And we hear the people who live in the white towers, the political pundits, the media, and we forget about the people who send us here. We get all swollen up by virtue of these contacts that we have, and the people who are telling us what they think, the so-called commanders in chief, Presidents of the United States, and so on. We forget about the people, and we forget about the Constitution.

They may say this Constitution was all right for yesterday. They may say it is old, that it was all right 200 years ago, or that it was all right 100 years ago.

I say to you, my colleagues, if it were not for this Constitution, you wouldn't be here. There wouldn't be a Senate of the United States. There wouldn't be a Senate in which the small States of the Union have the same voice that the largest States have in this Union if it were not for this Constitution. If it were not for this Constitution, we wouldn't have the United States of America. We would probably have a "Balkanized States of America."

So let's remember this Constitution. We take an oath to support and defend this Constitution.

That is what Senator WARNER and I and the supporters of this amendment are trying to do. We believe that the main warpowers are concentrated in the Congress, and that the main absolute top warpower, the power of appropriating the money, is vested here.

Let's stop listening to these dreamings of distempered fancies—by the great generals, the Secretaries General, Defense Secretaries, and Presidents of the United States. Let's listen to the people of the United States. What do they think? They send their men and women to foreign fields to shed their blood. The people of the United States, the people who are listening in through that electronic eye up there, are the people we should be talking about. They are the people whom we should be listening to—not some far away Secretary General, not some Secretary of Defense, not some Commander in Chief. They are only here for a day, or for a term, or 4 years. But the people are out there yesterday, today, and forever. And we are their elected representatives.

Let's regain our voices and no longer be standing in awe of someone who wears the title of Commander in Chief. He is here only temporarily. He will be gone in a short time. There will be a new Commander in Chief. What does he think? We want to give the new Commander in Chief a voice.

Oh, they say: Why not vote today? That would be highly irresponsible. Vote today to take them out is not what Senator WARNER and I are saying. We are not saying take them out. We are not saying take them out today. We are not saying take them out tomorrow. We are saying, lay down a plan in consultation with the allies, whereby in due time the allies will take over the ground troop responsibility. We will leave our air support. We will leave our intelligence support.

But let's regain our senses here. Let's just try to remind ourselves that we are not here to represent the Commander in Chief. I am not. I am not here to represent a Commander in Chief. I am here to represent the people of West Virginia. I am not here to represent the Secretary General of NATO. I am not here to represent the Secretary of Defense. I respect these people. I respect them. But they cannot tell me what this Constitution means. They cannot tell me what the intent of the Constitution is. I have my own eyes. I have my own ears. I have my own conscience, and I will be driven by my conscience and by this Constitution as long as I stay here.

May God continue to bless this country—one nation, one Constitution, one destiny.

I yield the floor.

Mr. WARNER. Mr. President, I am proud to come to the floor once again to defend and explain the Kosovo amendment which I have sponsored with the distinguished senior Senator from West Virginia, Senator BYRD, and other, well-respected, conscientious colleagues—despite the accusations of some to the contrary. That amendment is now part of the bill before the Senate.

Several weeks ago, Senator BYRD and I joined forces to draft a plan of action that would lead to a vote or votes on the continued deployment of U.S. troops in Kosovo. For almost a year now, thousands of U.S. troops have been patrolling the streets of Kosovo as part of a NATO-led peacekeeping operation—with no end in sight. The Congress has been silent; that must end. Congress is about to appropriate, pursuant to a request by our President, almost 2 billion U.S. taxpayer dollars for military operations in Kosovo without any knowledge of when our troops will come home.

The purpose of our legislation is twofold. First, it requires the Congress to fulfill its co-equal constitutional responsibility, with the President, to make decisions—by vote—that are in the best interest of the nation, and particularly the men and women of the Armed Forces deployed in the Kosovo operation. This is a responsibility that the Congress has consistently failed to exercise for many years with respect to other military operations. Second, the legislation sends the message that other nations and organizations must follow through on their commitments of assistance for Kosovo if U.S. troops are to remain a part of the military force in Kosovo.

The legislation that is before the Senate today has three main objectives. First, it terminates funding for the continued deployment of U.S. ground combat troops in Kosovo after July 1, 2001, unless the President seeks and receives Congressional authorization to keep troops in Kosovo. Second, the legislation requires the President to develop a plan, in consultation with our allies, to turn the ground combat troop element of the Kosovo peacekeeping operation entirely over to other nations by July 1, 2001. Third, related to today's operations in Kosovo, and to signal to the Europeans the need for them to fulfill their commitments for implementing peace and stability in Kosovo, the legislation withholds 25 percent of the emergency supplemental funding for military operations in Kosovo until the President certifies that our allies are making adequate progress in meeting the commitments they made to the Kosovo peacekeeping process. If the President does not make that certification by July 15 of this year, the funding held in reserve can only be used for the safe, orderly and phased withdrawal of U.S. troops from Kosovo, unless Congress votes otherwise.

While I expected opposition to this legislation, I am, quite frankly, surprised by the misleading statements which are being used to describe our effort. Those of us who support this legislation are being accused of endangering the lives of U.S. troops, providing aid and comfort to the enemy—Milosevic, and sounding the "death knell" of NATO. According to General Clark, the measures contained in this legislation, "are unlikely to encourage our European allies to do more. In fact, these measures would invalidate the policies, commitments and trust of our Allies in NATO, undercut U.S. leadership worldwide, and encourage renewed ethnic tension, fighting and instability in the Balkans." There is simply no basis in fact for making such statements. Why is the Administration so afraid of letting the Congress have a voice, by vote, on our continued military presence in Kosovo? We are elected by the people of our nation to speak and vote in their best interests.

Have the opponents really looked at this legislation? It is not a "cut and run" from Kosovo. We are not deserting our allies. Nowhere in this legislation is there an automatic, mandated withdrawal of U.S. troops from Kosovo on a date certain. In every case, what we have done is make the continued U.S. ground combat troop presence in Kosovo subject to a vote by the Congress. We are requiring a Congressional affirmation of a Presidential decision that affects the security of our nation and the welfare of the men and women of the Armed Forces deployed overseas and their families here at home. That was the intention of the Framers of the Constitution in giving the Congress co-equal power for such decisions.

I point out to our critics that this legislation was carefully crafted to impact only the ground combat element of our presence in Kosovo. Even if the Congress decides, over a year hence, not to support our continued military presence in Kosovo, the U.S. would still be able to provide support elements to the NATO-led mission in Kosovo, and would be able to respond to an emergency situation with combat units.

General Clark has pointed out that other nations—primarily our NATO allies—contribute 85 percent of the troops that make up the Kosovo operation. To now say that the possible elimination of only part of the remaining 15 percent U.S. forces would mean that "the sky is falling" calls into question the importance of the allied contribution to this effort. Is General Clark really saying that the 85 percent of the troops in Kosovo are of such little consequence, little effectiveness, in the effort to achieve peace and stability in that troubled region? I would hope that is not his message to our allies.

One of the main reasons we are proceeding with this legislation is out of a deep sense of concern for the safety and security of our men and women in uniform in Kosovo. They are making sacrifices, they are facing daily risk to their personal safety. We, as their elected representatives, with co-equal responsibility under the Constitution for deploying troops into harm's way, must fully examine and debate this issue and—ultimately—vote on whether or not U.S. troops should remain in Kosovo. That is our responsibility, and we owe our brave servicemembers no less. We cannot—we must not—allow the situation in Kosovo to drift on endlessly, as we stand idly by, unwilling to act.

Over the past decade, as our military has been reduced by a third, U.S. troops have been involved in overseas deployments at an unprecedented rate. According to General Hugh Shelton, the Chairman of the Joint Chiefs, "Two factors that erode military readiness are the pace of operations and funding shortfalls. There is no doubt that the force is much smaller than it was a decade ago, but also much busier." The increasing frequency of these contingency operations—which involve extensive, repeated separation from family and home—is one of the major causes for the problems the military is having in recruiting and retaining quality personnel. The United States has far too many commitments around the world, our military is stretched too thin; we cannot have an open-ended, decades-long military deployment to the Balkans. It is time for Congress to act.

I was very troubled by what I discovered during my January trip to Kosovo. I was a supporter of our military involvement in Kosovo; in fact, I was a principal sponsor of the resolution for authorization by the Congress of the air war. But I was disturbed by what I saw in January.

I found U.S. troops running towns and villages—acting as mayors, police, and jailers; I found U.S. troops—in groups of 2 or 3—guarding individual houses and churches, escorting Serb families to market; I found U.S. troops concerned with the slow pace of the UN's effort to rebuild the region, and frustrated by the seemingly endless and mindless cycle of ethnic violence in Kosovo—Albanian on Serb, Serb on Albanian, and Albanian on Albanian.

When I visited Bernard Kouchner, the UN Administrator in Kosovo, I found a man frustrated with the level of progress he had been able to achieve; I found a man pleading for help from the international community. "I have no money" was a phrase I heard over and over as we sat in KFOR Headquarters in Pristina, in one of the few buildings in the city with power—but no running water—as most of Kosovo was cold and dark during the winter. He told me that many pledges and commitments of assistance had been made at international conferences, but he could not pay the government workers or fix the power supply with pledges. He needed money.

Until he, and others, are able to make progress, our troops will continue to be policemen and mayors and mediators—targets of the frustration of the people of Kosovo, and increasingly at risk. We saw some of the danger that our troops face during the violence in Mitrovica. That will only increase if an adequate economic and security infrastructure does not quickly materialize in Kosovo.

I returned from that trip in January determined to do something to change the situation I found in that troubled region. I could not turn a blind eye to what I had seen. The legislation before the Senate is the result. Some may not agree with the approach, but I strongly believe that it is the proper course of action.

Let me address some of the charges that have been leveled against the proponents of this legislation. The one that most troubles me is the charge that we are putting U.S. troops at risk because of this legislation. Who among us really believes that Senator ROBERT BYRD, Senator TED STEVENS, Senator DANIEL INOUYE, and the many others who have either cosponsored or voted for this amendment—15 of whom are veterans—would do anything to put U.S. troops at risk? We have devoted our careers to fighting for the well-being or our troops. I say to those who make this charge, we are trying to take action to address the risks our troops in Kosovo face everyday—which we must no longer ignore.

My office recently received a communication from a soldier in Kosovo describing a recent confrontation with local citizens. I would like to quote parts of this e-mail so that my colleagues can understand the day-to-day reality of our troops in Kosovo:

> The entire village went out into the street, erected a barricade and as the squad (of my soldiers) came out they were pelted with rocks and other debris . . . As we moved in people were hitting us with sticks and actually hitting us with their fists . . . By the time of the linkup I was punched in the face, hit with a stick and got in a wrestling match. . . . Several hundred moved up the hill and started throwing rocks, tree limbs, fire wood, and everything else they could get their hands on. After getting hit in the head by a large rock and getting smashed across the back with a tree limb I gave the order for the soldiers to open fire with nonlethal munitions.

How long will it take until one of these incidents turns deadly? Those who vote against this amendment vote to leave our troops in these situations indefinitely.

I would like to address a particular issue raised in the letter which General Clark sent to Senator LEVIN concerning this legislation; that is, General Clark's contention that this legislation "is unlikely to encourage European allies to do more." On this, General Clark, there is already evidence to the contrary. In the several months since I first began discussing my original amendment—which is now incorporated in the Byrd-Warner amendment—there has been progress. I quote from a March 18, 2000, letter from Dr. Kouchner, in which he details results: "I very much appreciate the efforts that you have made so far which have been instrumental in improving our budget situation. Existing donor pledges have now been honored. The next challenge will be to get new donor pledges and to ensure that the pledges for the reconstruction budget of 17 November 1999 do materialize." Dr. Kouchner, we are continuing our efforts to help.

I would like to address one other issue, one that was raised in a recent editorial by the Ranking Member of the Foreign Relations Committee—an editorial in which he accused the supporters of this legislation of being isolationists, a new charge for most of us. In this editorial, Senator BIDEN states, "Some would even condition U.S. assistance on actions of the European Union, an abdication of our prerogatives in decision-making that ought to horrify conservatives." Since that is directly aimed at the certification requirement which I contributed to this legislation, I will respond. I point out to my colleagues that our President has already conditioned "U.S. assistance"—that is, U.S. troops—on the actions of others. I remind my good friend from Delaware that the exit strategy for our troops in Kosovo—as it is for our troops in Bosnia—is directly linked to the actions of the UN, the EU, the OSCE, and others in achieving civil implementation goals. As Secretary Cohen stated in an October 15, 1999 letter to the Congress, "The duration of the requirement for U.S. military presence (in Kosovo) will depend on the course of events . . . The military force will be progressively reduced based on an assessment of progress in civil implementation and the security situation." This legislation uses the same link—the same tie to the actions of others—already adopted by the Administration. If this logic is good for one side in this debate, I say to my good friend, then it is good for the other side as well.

I encourage my colleagues to read this legislation carefully; examine it for what it does, and especially for what it does not do. Consider the well-respected, conscientious group of supporters. And judge for yourself what is the best course of action.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I make a parliamentary inquiry: As I understand it, Senator DASCHLE will be recognized at 2:20. Is that correct?

The PRESIDING OFFICER. That is correct. The time between now and 2:20 is under the control of the Senator from West Virginia.

Mr. LEVIN. I thank the Chair.

Mr. BYRD. Mr. President, would the distinguished majority leader like to go ahead? I have 3 minutes. Do I?

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. DASCHLE. Mr. President, was it the intention of the distinguished senior Senator from West Virginia to yield back his time?

Mr. BYRD. Mr. President, I have no desire to take any more time. I am very happy to listen to the distinguished minority leader. I have said all I intended to say. I am ready to vote.

Mr. DASCHLE. I thank the distinguished Senator from West Virginia for his graciousness, as is so often the case.

I begin by commenting on our two colleagues, Senators WARNER and BYRD. Some of the finest security thinkers this Senate has ever produced have chaired the Senate Armed Services Committee.

I think of the names Russell, Stennis, Nunn, STROM THURMOND. They have all made significant contributions to this Nation's debate on national security. Although he has chaired the Armed Services Committee for less than 2 years, Senator WARNER has demonstrated many of the traits that made his predecessors so successful. I have great respect for him.

What can one say about Senator ROBERT C. BYRD? This is a rare and unique occasion for me. I can't remember the last time I was on the opposite side of an issue with Senator BYRD. I admire him immensely.

No Member, past or present, has ever displayed a greater love or respect for this institution than has ROBERT C. BYRD. No Member enjoys greater respect and admiration from his colleagues. No Member is more reluctant than this Member to come to the floor and disagree with ROBERT C. BYRD.

There is another reason this is difficult, besides the high regard I hold for him. The other reason I find this difficult is that I share many of the concerns that led Senators WARNER and BYRD to draft this resolution in the first place.

As we close this debate, I compliment our extraordinary member, the ranking member of the Armed Services Committee, Senator LEVIN, for the outstanding job he has done in presenting the arguments over the course of this debate and providing us his leadership. We owe him a major debt of gratitude.

I think he shares my view that this debate is not about a number of things. It is not about whether the U.S. military commitment to Kosovo or any region of the world should be open-ended. Supporters of this amendment agree with the supporters of the Byrd-Warner amendment. Every U.S. commitment should be examined regularly by Congress and the President to ensure that it remains in our national interest. This debate is not about whether the U.S. commitment to Kosovo or any other region of the world should be open ended.

This debate is not about whether our NATO allies should pay a fair share of any joint operation. We all agree. We have great difficulty reaching unanimity in many areas these days, but we are not in disagreement over that fact. Our allies should be sharing the burden, and, in fact, they are.

As my colleagues have already noted in several of their excellent presentations to this body, they are supplying 85 percent of the peacekeeping forces in Kosovo today. They are shouldering the vast majority of the effort on the civilian side. That is not the debate either.

We agree that they should pay more than we are paying, and they are. Eighty-seven percent of their pledge to

Kosovo's budget has been made by our NATO allies; 63 percent of the pledge to the civilian police force has now been fulfilled by our NATO allies; 75 percent of their pledge on humanitarian assistance has been fulfilled by our NATO allies. They have begun to step up their commitment on reconstruction assistance.

Third, this debate is not about whether Congress has a responsibility to exercise its constitutional duties over the power of the purse. I heard the eloquence once more of ROBERT C. BYRD. We all understand the importance of this responsibility. No one is more adamant and eloquent in pointing out that responsibility than is he. Anyone who does not understand the significance of this responsibility should simply spend a moment or two, an hour or two, a day or two, with Senator BYRD to discuss our founders' deliberations over the importance of vesting the power of the purse in the people's representatives, and all doubts will disappear.

This debate is not about whether the Byrd-Warner amendment is constitutionally permissible. This debate is about whether the course of action it espouses is in our Nation's best interest. As much as I respect the two authors of the provisions incorporated in this bill, I join Senator LEVIN, our Secretary of Defense, our senior military leaders, this administration, and many others who have concluded that it is not.

I am deeply concerned about the effect this amendment would have. First and foremost, it would increase the risk to U.S. forces. There is a fragile peace in Kosovo today and no one has spoken more powerfully, eloquently, or compellingly about the ramifications of setting a date certain for a withdrawal of U.S. forces from Kosovo than Wesley Clark. General Clark has said that setting a date certain for withdrawal would trigger instability throughout the region and increase violence in the area.

I hope everyone will listen, regardless of whether or not he is a constituent of ours; he is the expert. If we do anything as we make these decisions, I think we need to listen to those who are expert in their fields. Triggering instability throughout the region and increasing violence in the area is something about which all Members ought to be concerned.

Second, this action rewards Slobodan Milosevic for his ethnic cleansing campaigns and would greatly strengthen him and his supporters in the region. Again, according to General Clark:

> A U.S. withdrawal would give Mr. Milosevic the victory he could not achieve on the battlefield.

What a remarkable statement, that a U.S. withdrawal would give Mr. Milosevic a victory he could not achieve on the battlefield.

Third, this would rupture NATO. Passing this amendment would jeopardize the strength and the cohesion of our NATO alliance by casting doubt about the reliability of the United States as a partner. Again, according to General Clark:

> Our allies would see this as a universal, adverse move that splits 50 years of shared burdens, shared risks, and shared benefits in NATO.

Don't just listen to General Clark. NATO Secretary General Lord Robertson put it more directly:

> The prospect of any NATO ally deciding unilaterally not to take part in a NATO operation causes me great concern. It risks sending a dangerous signal to the Yugoslavian dictator —Milosevic—that NATO is divided and that its biggest and most important ally is pulling up stake.

Finally, this action would undermine the U.S. position as a global leader. Unilaterally withdrawing our troops from Kosovo would call into question our relations with Europe and the world. Many will question the willingness of the United States to play a role in bringing democracy and prosperity to troubled regions of the world.

I know Senator BYRD and Senator WARNER share some of these concerns because they tried to modify their language yesterday. Under other conditions, these concerns would not be insurmountable. Unfortunately, this amendment comes to the Senate in such a way that they are just that. Why? Because Members, under the rules now established by the majority, are prohibited from trying to offer any amendments, alternatives, or substitutes. All we can do is accept this amendment in whole, or reject it in whole. This is not the proper way for the Senate to deal with such an important issue.

Supporters of this amendment say it will not force withdrawal of U.S. troops from Kosovo. They argue that the President can prevent a withdrawal by simply certifying by July 15—roughly 8 weeks from now—that our allies have met a series of rigid, numeric burden-sharing tests.

Unfortunately, the Director of the OMB disagrees. Yesterday, in a letter to me he said:

> Despite progress, the targets are not yet met, nor can I provide assurances that they will be met by July 15th . . . Certification required by the amendment . . . is currently not possible.

Listen to the Director of the OMB. He has indicated certification today, tomorrow, or for the foreseeable future is not possible.

And even if the burden-sharing requirement of this amendment does not force immediate withdrawal of troops, it sets the stage for withdrawal.

Make no mistake, if we pass this amendment, we are lighting a fuse. We may be able to extinguish it in time, but no one in this Senate can guarantee that. Why would we create such a crisis at this point? History shows that lighting a fuse in this region can produce an explosion that engulfs the entire world. That is not ancient history; that is recent history.

Even if we are somehow able to extinguish the fuse, in the meantime our troops and our allies are left with the uncertainty about whether we are going to keep our commitment. History also shows that winning the peace can often take some time.

Peace is a fragile plant whose roots need time to take hold. Mr. President, 55 years after the end of World War II, 100,000 troops remain in Europe. Never once in 55 years has Congress felt it necessary to ratify that decision. What would have happened had we pulled our troops out of Europe less than 1 year after that war—as this amendment would have us do today in Kosovo? We know Europe would look significantly different today. The probability is the second half of the 20th century would have looked like the first half—in which we fought two World Wars.

NATO, the most successful military alliance in the history of the world, would not exist. The emerging new democracies of Eastern Europe would still be behind the Iron Curtain. Congress did not even approve the Marshall Plan until 1947. Why should we be so impatient now? Why should we be so unwilling to give peace and democracy time to take firm root in Kosovo.

For 50 years we fought a cold war to bring peace, stability, and democracy in all of Europe. We have finally won that peace. It seems to me that 5,900 troops in Kosovo is a small price to pay to keep it.

Just over 1 year ago, leaders from 18 countries came to Washington to celebrate the 50th anniversary of NATO. On that occasion, Senator WARNER eloquently said:

> [NATO] must remain. It must be strong, and U.S. leadership in NATO is absolutely essential.

Senator WARNER's words were right then and they are right now. If we are to achieve these worthy ends we must strike the Byrd-Warner language.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, I yield myself time under my leader time.

Mr. President, I know Senators expect to vote at 2:30. I know there are meetings that are going to be occurring momentarily. I will not delay that, but I do just want to make three or four points.

No. 1, I want to say what an instructive and constructive debate I think this has been. I listened to a good bit of it last night. Some of it I came and sat on the floor and listened to; I engaged in some of that discussion; I watched some more of it later on on television; and I listened to various parts of it this morning. I think it has been a very healthy debate. I congratulate all who have been involved on both sides of the issue on both sides of the aisle.

I also want to pay a particular tribute to Senator BYRD—it is always an education when he speaks about the Constitution, about why he believes that Congress should step in to deal with an issue such as this—and, of course, Senator WARNER. They have both done an outstanding job. They have been convincing to me.

Also, I think it should be noted that as sponsors of the language that is in the bill, they have indicated a willingness to compromise in the conference, to make some changes if Members think that is necessary, on dates, or to see if the administration could work with them on language that could be acceptable. I think that is the way to approach it.

Those things have really made the difference for me. We have no long-term plan for Kosovo. We do not know how long we are going to be there. We do not know how much it is going to cost. We do know our allies have not been meeting their commitments. Progress is being made in that regard, but I give credit to Senator WARNER and Senator STEVENS and others, talking about this amendment and pointing out that those commitments were not being fulfilled in terms of people, troops, police—or in terms of money. That is unacceptable. But I think there is a little bit of an attitude: If we don't do it, the United States, the sole remaining world power, will take care of it. That is not right for the American people. It is not right for the taxpayers of America. So I think we need to have a better understanding about fulfillment of commitments and what is the long-term plan. How long are we going to be there? Under what conditions would we ever get out?

It should be noted, even with these amendments, the Byrd-Warner package being adopted, we would still be able to provide logistics support, intelligence—a number of other facets. We are dealing with war troops on the ground who would be affected by this.

Here is the most important point of all. For years we have been through this debate about constitutional requirements—what the Congresses do, the President's prerogatives. Clearly we have been abdicating ours. The language under the Warner provision says to our NATO allies No. 1: Fulfill your commitments. And, No. 2, we in the Congress should vote to authorize this action.

For those who say Congress would not authorize this involvement next year, the presence of combat troops in Kosovo, I do not believe that. I do not think we know yet. I certainly would listen to the debate. I voted to use U.S. combat troops in various parts around the world, in Republican administrations and in Democrat administrations, and, quite frankly, against it sometimes in both of them. I do not think this is risky. I think there has been a lot of exaggeration as to the result. I am prepared to vote for keeping the language in the bill, and I think we can go forward from there. But whatever happens, Congress needs to fulfill its responsibility.

I ask for the yeas and nays, Mr. President.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment (No. 3154).

The clerk will call the roll.

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 53, nays 47, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—53

Abraham
Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Breaux
Bryan
Chafee, L.
Cochran
Conrad
Daschle
DeWine
Dodd
Dorgan
Durbin
Edwards
Feinstein
Frist
Graham
Hagel
Harkin
Hatch
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lugar
Mack
McCain
Mikulski
Moynihan
Murray
Reed
Reid
Robb
Rockefeller
Roth
Sarbanes
Schumer
Smith (OR)
Thompson
Voinovich
Wellstone
Wyden

NAYS—47

Allard
Ashcroft
Bennett
Bond
Brownback
Bunning
Burns
Byrd
Campbell
Cleland
Collins
Coverdell
Craig
Crapo
Domenici
Enzi
Feingold
Fitzgerald
Gorton
Gramm
Grams
Grassley
Gregg
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Kohl
Kyl
Lott
McConnell
Murkowski
Nickles
Roberts
Santorum
Sessions
Shelby
Smith (NH)
Snowe
Specter
Stevens
Thomas
Thurmond
Torricelli
Warner

The amendment (No. 3154) was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LAUTENBERG. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I say to my colleagues, Mr. WARNER and all those who supported the amendment, in the words of the Apostle Paul; we fought a good fight; we finished the course; we kept the faith. Thank you.

Mr. WARNER. Mr. President, I wish to join my distinguished colleague in thanking the Senate for one of the finest debates we have had on this floor this year on an issue that affects every one of us and our constituents back home. The vote was rendered by the Senate, and the Senate spoke. Now we must continue to lead.

I yield the floor.

AMENDMENTS NOS. 3146, 3156 THROUGH 3163, EN BLOC

Mr. BURNS. Mr. President, I send a series of amendments to the desk. They have been cleared on both sides.

The VICE PRESIDENT. The clerk will report.

The legislative clerk read as follows:

The Senator from Montana [Mr. BURNS] proposes amendments numbered 3146, 3156 through 3163, en bloc.

The amendments are as follows:

AMENDMENT NO. 3146

(Purpose: To make available $220,000,000 for the Navy for fiscal year 2000 for ship depot maintenance)

At the appropriate place, insert the following:

OPERATION AND MAINTENANCE, NAVY

Out of any money in the Treasury not otherwise appropriated, there is appropriated for the fiscal year ending September 30, 2000, for expenses, not otherwise provided for, necessary for the operation and maintenance of the Navy and the Marine Corps, as authorized by law, $220,000,000: *Provided*, That the amount made available by this heading shall be available for ship depot maintenance; *Provided further*, That the entire amount made available by this heading is designated as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

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AMENDMENT NO. 3156

(Purpose: To provide emergency resources to address needs resulting from the catastrophic wildfire at Los Alamos National Laboratory, New Mexico)

On page 44 line 6, strike "$136,000,000" and replace with "$221,000,000"; and on page 44 line 12, strike "$136,000,000" and replace with "$221,000,000".

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AMENDMENT NO. 3157

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

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AMENDMENT NO. 3158

On page 26, at line 15, strike, "$74,859,000", and insert in lieu thereof, "$542,859,000"; and

On page 27, at line 7 and 8, strike, ": *Provided*", and insert in lieu thereof, "; Acquisition of six C–130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, $468,000,000: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project: *Provided further*".

### AMENDMENT NO. 3159

(Purpose: To provide $5,700,000 for testing under the Tactical High Energy Laser (THEL) program of the Army)

On page 35, between lines 17 and 18, insert the following:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test, and Evaluation, Army", $5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

### AMENDMENT NO. 3160

(Purpose: To allow the designation and use of Department of Defense facilities as polling places for local, State, and Federal elections)

At the appropriate place, insert the following:

**SEC. . USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

### AMENDMENT NO. 3161

(Purpose: To postpone the effective date of certain enforcement provisions until 6 months after the publication of final electronic and information technology standards)

At the appropriate place, insert the following:

**SEC. . ELECTRONIC AND INFORMATION TECHNOLOGY.**

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),"; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

### AMENDMENT NO. 3162

At the appropriate place, insert the following:

**SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.**

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-596), is amended by adding at the end the following:

"(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

"(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

"(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in affect on October 20, 1998.".

### AMENDMENT NO. 3163

At the appropriate place in the bill, insert:

"SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262) is amended—

"And other SOFA claims" to be inserted following "'. . . the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . .'."

### AMENDMENT NO. 3146

Mr. ROBB. Mr. President, the Navy's ship maintenance problem is large—and growing larger. Scheduled heavy maintenance for fifteen ships has already been canceled this fiscal year. Without the funds provided by this amendment, the Navy will either cancel or drastically reduce work scheduled for eighteen more. The individual cases are striking:

The amphibious assault ship *Bataan* should be undergoing $17 million of work at Norfolk Naval Shipyard. Instead she is deployed to Puerto Rico.

The amphibious transport dock ship *Shreveport* ran aground recently and was repaired overseas for $1.5 million just to get her home. Her subsequent $6 million shipyard availability has been canceled.

The backlog of work for the fast combat support ship *Detroit*—declared "unsafe for underway operations" by Navy inspectors last August—climbed to $68 million, nearly twice previous estimates.

All of this unprogrammed funding must come out of this fiscal year's budget.

The Pacific Fleet canceled $20.6 million of work on the amphibious assault ship *Bonhomme Richard* and $13 million on the amphibious transport dock ship *Denver*. They may have to skip availabilities for three aircraft carriers—two of which, the *Kitty Hawk* and the *Constellation*, are nearly 40 years old.

Mr. President, we should not be surprised. Since the end of the Cold War we have reduced the size of the fleet, yet we are running our Navy at unprecedented levels in support of worldwide national security requirements—over eighty contingencies just since 1990.

Ship maintenance challenges have a direct and adverse impact on Navy retention rates. Admiral Vernon Clark, Commander of the Atlantic Fleet and nominee for next Chief of Naval Operations, routinely points out that retention is all about our sailors' quality of life and quality of work. Sailors spend valuable time chipping paint; time that should be spent training, going to school or enjoying their families.

Consider this example, just to provide a sense of this retention relationship. The anchor and chains of the destroyer USS *Briscoe* were refurbished in 1995 and supposed to last twelve years. Within three years, rust was bleeding through. A ten sailor detail was mustered from the ship's crew to redo the job. The chains were lowered to the pier one link at a time, dragged to a barge, then scraped by sailors with vibrating wire needle guns—a total of 1,530 feet of chain. The job took ten sailors working six weeks to finish, a job that should not have been needed until 2007. Clearly, time-consuming and spirit-sapping work. Clearly, the Navy is not getting all the tools, time and parts to do the job right.

Mr. President, there is no question, we are at a crisis point in keeping our magnificent fleet safe and ready. The $220 million in this amendment will provide some immediate relief for the Navy and our sailors around the fleet. The Senate Armed Services Committee, under the capable leadership of Senator WARNER, and the Seapower Subcommittee under Senator SNOWE's leadership, have committed to fully fund all of the Navy's fiscal year 2001 projected maintenance requirements.

It is important to recognize, however, that additional funds are only a part of controlling our ship maintenance problems.

The Administration, the Navy and the Congress must address the larger issues that will continue to erode our fleet's readiness. Aging ships, more deployments, chronic underfunding of maintenance accounts, inefficiencies in the maintenance management system, reductions at our public and private shipyards, and lower retention rates for sailors with maintenance ratings—all compound this situation.

Mr. President, we have a lot of work ahead of us if we are to set the conditions that will ensure the capability and readiness of our Navy today and in the years ahead.

Our shipbuilding rates are too low to sustain the size of the fleet necessary to meet our security requirements.

We need to accelerate the insertion of new and improved ship technologies that will reduce maintenance requirements.

The Navy's maintenance management system needs modernization, arguably a new way of thinking of why, how and when ship maintenance is scheduled.

Modern sailors work too hard and are too valuable to waste time chipping paint—we need to protect them from mind-numbing heavy maintenance that should be done right the first time in the nation's shipyards.

This amendment is only part of what should become a comprehensive approach to the challenges of Navy ship maintenance—but it is a critical part. We cannot afford to allow the backlog to grow.

With this amendment and the resources we provide for fiscal year 2001, we make a national commitment to fully fund our ship maintenance requirements, and to keeping our fleet safe and ready.

### AMENDMENT NO. 3156

Mr. DOMENICI. Mr. President, I rise for the purpose of describing the nature of this very important amendment to provide $85 million on an emergency basis to begin the process of reopening and restarting the Los Alamos National Laboratory in the aftermath of the worst wildfire in the history of New Mexico.

The cost of restoring the laboratory to full operations will undoubtably grow as the Lab discovers further conditions upon reopening and restarting facilities and buildings. But this amendment is designed to provide the first installment of resources to assist the laboratory on its road to recovery. The funds will be used for:

Restart of laboratory operations (including replacement of lost scientific equipment, computers, and government vehicles)

Fire protection (including the replacement of broken or worn fire fighting equipment, replacement of destroyed or malfunctioning fire alarms, and the expansion of fire alarm coverage)

Environmental protection (including extension erosion control efforts to prevent mud slides; expanded air monitoring and equipment replacement; expanded water monitoring of run-off and groundwater)

Cean-up and infrastructure repair (including clean-up of smoke and fire damage, replacement of electrical power lines and transformers, repair of water and gas infrastructure, and repair of communications systems)

### AMENDMENT NO. 3157

Mr. GREGG. Mr. President, I want to thank Chairman BURNS and the ranking member, Senator MURRAY, for their support of my amendment combating the illicit trade in diamonds. I also want to acknowledge the assistance of the staff of the Treasury-General Government Subcommittee and the U.S. Customs Service.

As the op-ed in today's Washington Post, "Diamonds Are For Killers," by Sebastian Mallaby, correctly points out, diamonds are fueling the violence in Sierra Leone. The Revolutionary United Front (RUF), responsible for so many horrors, is not fighting for a belief, a cause, or an idea. They are a criminal gang brutalizing the people of Sierra Leone simply to maintain their grip on diamond rich lands. Diamonds from Sierra Leone are unusually large and clear, much prized by a jewelry industry prepared to pay top dollar with no questions asked. The diamonds buy weapons and narcotics, RUF staples. The diamonds are transshipped through Liberia and the Ivory Coast, the leaders of each taking their cut of the profits. From Africa, the diamonds are transported to Amsterdam or London before, in many cases, being shipped here.

My amendment is a simple one. It bans the use of funds for the processing of paperwork associated with the importation of diamonds from Sierra Leone, Liberia, the Ivory Coast, the Democratic Republic of the Congo, or Angola. I have chosen to include the Congo and Angola because so-called "conflict diamonds" have fueled the bloody civil wars in those countries as well.

Having choked off the RUF's source of revenue, it is my hope that forces loyal to the legitimate government of Sierra Leone, fighting even now in the outskirts of Freetown, can begin to gain the upper hand on the battlefield. Ultimately, it will take more, far more, than cutting off the diamond trade to crush the RUF, but the road to victory has to begin somewhere. Let it begin here.

Fellow Senators may not realize that my amendment is based on legislation championed by Representatives HALL and WOLF. Clearly, there is bipartisan, bicameral support for banning this bloody trade. Few would treasure a diamond torn at such terrible cost from the blood-soaked soil of Sierra Leone. I look forward to working with colleagues in both houses to bring the trade in "conflict diamonds" to an end.

I ask unanimous consent that Mr. Mallaby's op-ed piece be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### DIAMONDS ARE FOR KILLERS

(By Sebastian Mallaby)

The agony of Sierra Leone demonstrates not only that the West has failed to decide when military intervention is justified. It shows its failure to come to grips with the role of natural resources in provoking conflict. Clausewitz called war "the pursuit of politics by other means." But war is just as often a device for the pursuit of business.

In Sierra Leone, war is caused by diamonds. The limb-chopping rebels of the Revolutionary United Front (RUF) started out in 1991 as a small band. Then they captured the diamond region, got rich and became a very big band. They send the gems to Liberia and other obliging neighbors in exchange for cash and guns. They fight not to win but to keep hold of the diamond trade. They are like the drug warlords who terrorize Colombia.

The latest outbreak of fighting has shown this yet again: It was provoked when U.N. peacekeepers moved to disarm rebels who control the diamond region. The RUF, which had been content to play its role as part of the government since last year's peace deal, was suddenly content no more. It killed four U.N. soldiers, took a few hundred hostage, and the civil war began again. If Sierra Leone had no diamonds, there might well be no rebels, and certainly not such lethal ones. This goes for Angola too, where Jonas Savimbi's election-flouting guerrillas smuggle diamonds to pay for weapons. In Congo, a shifting cast of armies has overrun bits of the country in hope of gold and diamond loot. In Mozambique, by contrast, there are no gem or other resources to speak of. As a result, the civil war that had been fostered by white South Africa's regime fizzled out when apartheid ended.

Mozambique is especially telling, because the country has done well out of a peace deal that resembles last year's arrangement in Sierra Leone—an arrangement widely called unworkable. As in Sierra Leone, Mozambique's rebels were notoriously brutal. But after years of serving apartheid's goals, they were brought into the government and proceeded to behave responsibly. Because it has no diamonds, Mozambique became what Sierra Leone can only hope to be: an apparently failed state that confounds the pessimists by attaining a measure of stability.

This is worth noting in itself, because people tend to pair the term "failed states" with a desperate throwing up of hands, as if failure were an inevitable feature of the modern order. But states fail for a reason: gems in Sierra Leone and Angola, cocaine in Colombia.

It makes no sense trying to broker peace in resource-cursed countries unless the resources are brought under control. The U.N. force in Sierra Leone was given no mandate to halt mining or even gather information about it. Its first step should have been to take over the diamond fields. Instead, it waited nearly a year and then sent a force that was not up to the challenge.

The international diamond trade needs to be better regulated. Yes, easier said than done. Cocaine traffickers face the ultimate sanction—their product is illegal—and yet they carry on in business. But two peculiar features of the diamond business make regulation seem workable. First, around two-thirds of the market for freshly mined uncut diamonds is controlled by one company, De Beers, which therefore has enormous power to reform the conduct of the industry. Second, diamonds have no intrinsic value; they are all advertising and image.

These two peculiarities could be mutually reinforcing. The diamond firms know what happened to the fur industry when consumers started worrying about cruelty to animals. Their nightmares feature pictures of girls with stumps instead of arms, captioned with the suggestion that diamonds are not a girl's best friend in certain circumstances. Lovers won't buy gifts that profit psychopaths, and De Beers knows that. So it is desperate to clean up its image.

Sure enough, De Beers recently promised to buy no more diamonds from conflict regions. Antwerp's powerful diamond exchanges, which are said to buy most of Sierra Leone's gems, have also made reformist noises. The American diamond industry is trying to sound polite about a bill introduced by Rep. Tony Hall this week, which would require diamonds to come with certificates stating their country of origin.

There is movement, in other words; but not yet enough of it. De Beers has not opened itself to outside inspectors who could vouch for its sincerity. Antwerp has yet to promise to stop buying from Sierra Leone and the countries like Liberia that act as its agents. The industry resists what ought to be the ultimate goal of its reforms: an auditable trail from the mine to the consumer.

Better accountability is not too much to ask of an industry with annual retail sales worth $56 billion. Western governments can't carry on financing peacekeeping missions while their consumers finance mayhem.

AMENDMENT NO. 3164

Mr. BAUCUS. Mr. President, I rise today on behalf of myself and Senator ROBERTS to include an amendment to the foreign operations appropriations bill which will benefit both the United States and China.

In particular, Mr. President, our amendment allows United States business to include China in the United States-Asia Environmental Partnership. The time is ripe for such action, particularly as China prepares to enter the rules-based trading system we know as the World Trade Organization. China's participation is good news for China and better news for United States business.

Mr. President, the Senate has already shown its support for including China in the Asian Environmental Partnership through passage of an identical amendment in the 105th Congress. However, such efforts were stifled in conference. Now is the opportune time to take up and pass this amendment and I urge my colleagues to join Senator ROBERTS and me in this endeavor.

AMENDMENT NO. 3160

Mr. MCCONNELL. Mr. President, I rise today to make some brief remarks about an amendment I offered along with Senator STEVENS and Senator WARNER to the Military Construction Appropriations Bill. This amendment temporarily suspends enforcement of a Department of Defense regulation prohibiting State and local election officials from operating polling places at Department of Defense facilities.

A few weeks ago, my staff at the Rules Committee began receiving calls from elections officials in several states complaining that the Department of Defense had directed them to stop using polling places on military facilities that had, in some instances, been used for decades. Senator GRAMS, Senator WARNER and Senator STEVENS also received letters and calls from their State election officials expressing concern about the impact of the Department of Defense regulation on upcoming elections.

Mr. President, let me spell out some of the real hardships that would occur in the absence of our amendment. The Clerk of Franklin County, Kentucky, Guy R. Zeigler, wrote saying that the DOD directive prohibited voting at an Army Reserve facility that the county had used as a polling place for "15 years." He went on to explain: "[c]hanging the polling sites for these precincts creates confusion for voters trying to locate the new polling place." The Franklin County Clerk concluded that the "timing of this directive could not be worse . . . a Presidential Election Year."

I would also like to share a letter from Minnesota Secretary of State Mary Kiffmeyer. Ms. Kiffmeyer wrote that the DOD directive prevented voting at military and reserve bases that Minnesota precincts have used as polling places "for several decades." She concluded that if these traditional polling places were changed this late in an election year, then "many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places."

The impact of the DOD regulation on the State of Alaska was so great that the State legislature passed a resolution declaring "Alaska has a tradition since statehood of public voting on military installations and proposed changes will cause confusion and extra financial costs."

Working with Senator WARNER's personal and committee staff, my staff was able to elicit a memorandum dated April 19, 2000 from Douglas A. Dworkin, Acting General Counsel for the Department of Defense, clarifying that DOD's regulation "does not apply to National Guard installations." I ask that a copy of this memorandum be printed in the RECORD after my statement.

Despite this clarification, it is still clear that the McConnell-Stevens-Warner amendment is necessary to prevent the disenfranchisement of men and women in the armed forces as well as citizens residing in communities with facilities under DOD's control. The purpose of this amendment is to stay enforcement of the Department of Defense regulation until after this November's election so that State and local election officials who have already designated DOD facilities as polling places or have used DOD facilities as polling places since January 1, 1996 may do so for this year's primary and general elections and not be forced to scramble for alternative sites at this late date. The purpose of this amendment is not to allow election officials who have not yet designated or recently utilized Department of Defense facilities as polling places to suddenly do so now.

After this year's elections are over, elections officials and the Department of Defense can discuss how to address DOD's concerns about operating polling places on military facilities in a manner and at a time that does not risk the disenfranchisement of voters through the confusion entailed in altering traditional polling places shortly before local, State and Federal elections. I would again like to thank Senator STEVENS, Senator WARNER, Senator GRAMS and their staffs for their assistance on this issue, and I am pleased that the Senate is protecting the franchise of our men and women in the military and in communities near military facilities by delaying enforcement of DOD's directive until after this year's election.

I ask that the letters from Mr. Zeigler and Ms. Kiffmeyer and the Resolution passed by the Alaska Legislature be included in the RECORD.

There being no objections the letters and the Resolution were ordered to be printed in the RECORD as follows:

FRANKLIN COUNTY CLERK,
*Frankfort, KY, March 24, 2000.*

Hon. JOHN WARNER,
*Chairman, Armed Services Committee, Washington, DC.*

DEAR SENATOR WARNER: I'm writing to seek your help in a matter pertaining to the use of military facilities as polling sites.

As the Chairman of the Franklin County Board of Elections, I recently received notification that I would be unable to use the local Army Reserve building as a polling place due to a recent Department of Defense directive. Specifically, DTG171731Z DEC 99 from SECDEF Washington DC//OASD-PA/DPL// Subsection E1. This directive causes a serious disruption of our election process as two precincts vote in this facility.

Locations as suitable as the Reserve building are hard to find. We have used this facility for over 15 years and voters are accustomed to voting there. Changing the polling sites for these precincts creates confusion for voters trying to locate the new polling place.

Finally, the timing of this directive could not be worse. As you know, this is a Presidential Election year. Turnout is expected to be high and voters all over the United States will be affected.

Any help that you can give in this matter would be greatly appreciated.

Sincerely,

GUY R. ZEIGLER.

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MINNESOTA SECRETARY OF STATE,
*March 14, 2000.*

Senator ROD GRAMS,
*Washington, DC.*

DEAR SENATOR GRAMS: I am writing to alert you to a recent action by the Department of Defense that will prevent the use of military base and reserve facilities as polling sites for elections. I ask for your assistance in urging Secretary of Defense William Cohen to rescind this directive.

A DOD directive captioned "DTG 171731Z", issued by Secretary Cohen's office in December 1999 contains a provision that prohibits the use of bases and reserve facilities as polling sites or voting places (Subdivision E(1)). This action appears to have been taken to prevent the use of such sites for partisan campaigning, a concern that I understand and share. However, those issuing this directive were apparently unaware that for several decades local jurisdictions have been using military bases and reserve facilities as polling places. As a result, many voters, including military personnel, will be inconvenienced at best, and deterred from voting at worst, due to the loss of these accessible traditional polling places.

I therefore urge you to contact Secretary Cohen to urge that subdivision E(1) of this directive be rescinded immediately, so that this long-standing use of military facilities as sites for nonpartisan official Election Day activity can continue. I feel certain that when Secretary Cohen is fully informed regarding this matter, this well-intentioned, but misguided policy will be overturned. Please advise me of Secretary Cohen's response.

Sincerely,

MARY KIFFMEYER,
*Secretary of State.*

THE DEPARTMENT OF DEFENSE,
1600 DEFENSE PENTAGON,
*Washington, DC, April 19, 2000.*

MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (PUBLIC AFFAIRS) PRINCIPAL DEPUTY ASSISTANT SECRETARY OF DEFENSE (RESERVE AFFAIRS)

SUBJECT: POLITICAL ACTIVITIES GUIDANCE

This memorandum is in response to questions that have been raised regarding the scope of the Department's policy on political activities on military installations. That policy, reissued each election year, provides among other things that "installation commanders are advised not to allow their installation facilities to be used for polling or voting sites."

The "installations" to which this policy refers are all active duty and reserve installations under the jurisdiction of the Department of Defense, including the Military Departments. The policy does not apply to national guard installations that are subject to the jurisdiction and oversight of the governors of the states and territories and the adjutants general in those states and territories, so long as the guard forces remain in state status. Regulation of political activities on guard installations, including the question whether such installations may be used as polling or voting sites, is within the province of the cognizant authorities in each state or territory.

DOUGLAS A. DWORKIN,
*Acting General Counsel.*

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HOUSE CONCURRENT RESOLUTION NO. 29

Whereas the United States Department of Defense has issued a directive to prohibit election voting sites at military installations; and

Whereas this directive would impede the voting process for citizens who live and work at military installations; and

Whereas the cumulative factors of time, distance, and potentially hostile climate conditions in arctic and subarctic locations increase the risk of accidents; and

Whereas forcing residents at military installations to go off the installations to vote will tend to lower voter turnout; and

Whereas elimination of election sites at military installations will exacerbate crowding and waiting at election sites that are outside of military installations; and

Whereas base commanders may be able to exercise discretion to allow election sites based on local circumstances; and

Whereas some election sites on military installations are in non-federal facilities such as schools and armories, that are operated by state or local governments; and

Whereas Alaska has a tradition since statehood of public voting on military installations, and proposed changes will cause confusion and extra financial costs to the state; and

Whereas the State of Alaska seeks to be a supportive host to our military facilities, and this directive is counterproductive to mutual support between the state and the United States Department of Defense; and

Whereas the imposition of impediments to the exercise of civil rights for the same people who are sworn to uphold, defend, and sacrifice their lives for those rights is an absurdity and an affront to all Americans; be it

*Resolved*, That the Twenty-First Alaska State Legislature respectfully requests the President of the United States and the United States Secretary of Defense to countermand any directive that impedes the rights and practices of American citizens to vote at election sites at military installations.

Copies of this resolution shall be sent to the Honorable Bill Clinton, President of the United States; the Honorable William S. Cohen, Secretary of Defense; Lieutenant General Thomas R. Case, Commander, Alaskan Command, United States Air Force; Lieutenant General E.P. Smith, Commanding General, U.S. Army Pacific; Major General Dean W. Cash, Commanding General, United States Army Alaska; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.

### AMENDMENT NO. 3162—FLOOD MITIGATION IN PIERRE AND FT. PIERRE, SOUTH DAKOTA

Mr. DASCHLE. Mr. President, up and down the Missouri River in South Dakota, silt is building up on the river bottom as a result of the operation of federal dams on the river. Water levels are rising as a result, flooding hundreds of homes in the cities of Pierre and Ft. Pierre and causing considerable anguish for these families. Two years ago, Congress enacted legislation authorizing the Corps to conduct a $35 million buyout of affected property to provide much-needed relief to these homeowners.

Today, that project is at a standstill. We could start buying homes tomorrow, but the Corps of Engineers is contending that the price of moving forward is releasing more water through the Oahe dam, thereby generating electricity and revenue that will provide an economic justification for the project. City officials in Pierre and Fort Pierre have rejected this idea because raising water levels will cause new flooding in their towns.

This problem has been caused because the relocation legislation requires that this project be economically justified. I support that provision. Some might question why a project intended to provide relief to homeowners for damages caused by the federal government must earn more than it pays out. Nonetheless, I believe it is important that all Corps projects should be justified, and I agreed to language requiring an economic justification for this relief project.

Nonetheless, I am deeply concerned with the way this language has been interpreted. The only option considered by the Corps for providing an economic justification is raising hydropower revenues. It has ignored a far more appropriate way to justify the project: by relieving the government of potential liability it faces for damage to these homes. In Pierre and Ft. Pierre, groundwater elevations track closely with the elevation of the Missouri River. City officials and homeowners tell me that sometimes just minutes after the Corps begins releasing water from the dam, raising water levels in the river, water begins seeping into basements. For that reason, I am offering an amendment directing the Corps to take into account its responsibility for this damage as part of its economic analysis.

It flies in the face of common sense to provide an economic justification for a flood relief project by flooding new parts of these communities. My amendment will put an end to the Corps' insistence that it raise water levels, and allow the project to move forward. I am continuing to work with the Corps on the language for this amendment, and hope that we can reach an agreement that is acceptable to all.

Time is running short. In April, I hosted a meeting of over 150 homeowners in Ft. Pierre to discuss this project. They were angry and frustrated. One young mother stood before me in tears, at her wit's end because she must stay with her home in Pierre while her children grow up in another city. She's depending on this buyout to allow her to join her children.

Other families have already placed downpayments on new property based upon the Corps' word that this project would begin in April. They now risk losing that money unless the project moves forward. And all residents are watching the construction season slowly slip away, raising the specter that they will be forced to live another year in their flood-damaged homes.

The facts make it clear why we need to start this project immediately. My amendment will allow it to move forward. I hope my colleagues will give it their support.

Mr. President, I ask unanimous consent that three letters describing the link between the Missouri River and groundwater flooding be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

CITY OF FORT PIERRE,
*Fort Pierre, SD, May 5, 2000.*

Re: Water Table Levels.

PETER HANSON,
*509 Hart Senate Office Building,*
*Washington, DC.*

DEAR PETER: I have compiled the enclosed information about the water table levels in the Fort Pierre area. The information clearly shows the direct relationship of the water table and the water surface profiles in the river. There a couple of other observations that I made during my own investigation.

First, the time lag between a rise in the river and a rise in the water table varied along the river. It varied with distance from the river and with geographic area. Some locations received an immediate increase, while others took nearly 12 hours to see a change.

Secondly, the time required to reduce the level of the water table was much longer than the time it took to increase it. This results in a perched water table. This does make sense when looking at the forces that drive the changes. The photos of the Dunes Golf Course show this.

I sincerely hope this information is useful and produces a quick conclusion to the quagmire we currently are in. If you have any questions please do not hesitate to call me.

Sincerely,

BRAD LAWRENCE,
*Director of Public Works.*

—

DUNES GOLF COURSE,
CITY OF FORT PIERRE,
*Fort Pierre, SD.*

DEAR SIRS: This letter is in regards to the water table elevations and its effects on our property.

I live at 1271 Hamilton Court in Fort Pierre, South Dakota. My home is located approximately 750 feet from the west bank of the Missouri River. I have lived here since the Fall of 1995.

I have two small ponds located on my property that extends below the level of the Missouri River during normal discharges. We irrigate our golf course from a pond located approximately 1500 feet from the river bank. We draw approximately 1200 gallons per minute from the half acre lake. With normal river flow, I cannot drain this pond below the intake. The water in the pond completely recharges in about six hours. The second pond is approximately 2,300 feet from the river. I have noticed that the levels in both ponds vary due to the changing levels in the river. The level changes occur approximately two hours after a corresponding change in river elevation. I can pretty much tell what kind of discharge there is just by looking at the water level of the ponds

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some lag time before the levels are equal, but they do correspond.

Thank you for your consideration of this matter.

Sincerely,

CULLAN DEIS.

—

CITY OF FORT PIERRE,
*Fort Pierre, SD.*

Re: Water Table Elevations.

TO WHOM IT MAY CONCERN: I live at 123 E 5th Ave in Fort Pierre, SD. My property is located approximately 350 feet from the west bank of the Missouri River. I have lived there since 1995.

In 1995 I had only one sump pump in the basement of my home. In 1996 I had to put another sump pump in the west end of my basement due to flooding and had water damage to the carpet and walls of the basement. After several periods of flooding I had to add an additional sump pump in the east end of my basement in an attempt to stop the damage to the basement.

In 1997 the Corps of Engineers erroneously allowed the reservoir to get too full, putting both Pierre and Fort Pierre in danger of flooding. At this time it became necessary for the Corps of Engineers to sand bag Pierre and Fort Pierre. By running high levels of water, once again my basement was flooded. At that time my sump pumps were running every 60 seconds and water was still coming in the cracks of my basement.

Today when the Missouri River water level is low my sump holes are empty. When the Corps of Engineers raise the water level my sump pumps run. I can tell you when there is more discharge on the Missouri River by the pumps running more often.

In my opinion, the level of the water table is directly related to the level of the water in the river. There is some time lag before the levels are equal, but they do correspond.

Sincerely,

JAMES HURST.

Mr. BURNS. Mr. President, I urge adoption of the amendments.

The VICE PRESIDENT. The question is on agreeing to the amendments, en bloc.

The amendments (Nos. 3146, 3156 through 3163), en bloc, were agreed to.

Mr. BURNS. Mr. President, I thank the ranking member, Senator MURRAY of Washington State, and her staff, and, of course, my staff for putting this bill together. It has been a longer than usual military construction bill. It goes a long way towards supporting the infrastructure of our Armed Forces.

Mr. REID. Will the Senator yield?

Mr. BURNS. Yes.

Mr. REID. Mr. President, the Judiciary Committee will meet immediately after this vote right behind us.

Mr. BURNS. Mr. President, I yield to my friend from Washington.

Mrs. MURRAY. Mr. President, I thank Senator BURNS and all of our staff for doing an excellent job on this bill. I urge its passage. I thank you all for your support.

Mr. BURNS. Mr. President, I ask for the third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

Mr. BURNS. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 4425, Calendar No. 554.

The VICE PRESIDENT. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

> A bill (H.R. 4425) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The VICE PRESIDENT. Without objection, the Senate will proceed immediately to consider the bill.

Mr. BURNS. Mr. President, I move to strike all after the enacting clause of H.R. 4425 and to substitute therefor the text of S. 2521, as reported and as amended.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to.

The VICE PRESIDENT. The question is on the engrossment of the amendment and the third reading of the bill.

The amendment was ordered to be engrossed and the bill to be read the third time.

The bill was read the third time.

Mr. DOMENICI. Mr. President, the pending Military Construction Appropriations bill provides $8.6 billion in new budget authority and $5.1 billion in outlays for Military Construction and Family Housing programs and other purposes for the Department of Defense for fiscal year 2001.

A major aspect of this bill is that it is the vehicle for emergency supplemental appropriations for fiscal year 2000 for U.S. military operations in Kosovo, East Timor, and Mozambique and for other purposes. Those other purposes include the repeal of "pay shifts" and obligation delays enacted last year, based on agreements with the Office of Management and the Budget.

Because these obligations, amounting to $3.6 billion, will be moved from fiscal year 2001 to 2000, there is a resulting negative impact on 2001 outlays in this bill. The net outlay impact of the bill is reduced from $8.6 billion to $5.1 billion.

This legislation provides for construction by the Department of Defense for U.S. military facilities throughout the world, and it provides for family housing for the active forces of each of the U.S. military services. Accordingly, it provides for important readiness and quality of life programs for our service men and women.

The fiscal year 2000 supplemental provisions of this bill support ongoing peacekeeping operations of U.S. Armed Forces, permit the payment of past due health care obligations of active duty military personnel and their dependents, and provide compensation to the Department of Defense for unforeseen increases in fuel costs.

The bill is within the revised section 302(b) allocation for the Military Construction Subcommittee. I commend the distinguished subcommittee Chairman, the Senator from Montana, and the Chairman of the full committee, the Senator from Alaska, for bringing this bill to the floor within the subcommittee's allocation.

The bill provides an important and necessary increase in budget authority above the President's request for military construction in 2001. Most of the $601 million increase in budget authority funds high priority projects that the President's request failed to address. The bill also reimburses the military services for the costs already incurred for their peacekeeping operations, and it permits these operations to continue to the end of the fiscal year. It also fully funds healthcare needs and fuel costs that have been left unaddressed by the President but must be funded. Because the bill makes important additions to the President's requests, supports appropriate full funding budgeting practices, and funds highly important programs for our armed services, I urge the adoption of the bill.

Mr. President, I ask unanimous consent that a table showing the relationship of the bill to the subcommittee's section 302(b) allocation be printed in the RECORD.

S. 2521, MILITARY CONSTRUCTION APPROPRIATIONS SPENDING COMPARISONS

[Fiscal Year 2001, dollars in millions]

| Category | General purpose | Mandatory | Total |
|---|---|---|---|
| Senate-reported bill: | | | |
| Budget authority | 8,634 | .............. | 8,634 |
| Outlays | 5,063 | .............. | 5,063 |
| Senate 302(b) allocation: | | | |
| Budget authority | 8,634 | .............. | 8,634 |
| Outlays | 5,067 | .............. | 5,067 |
| 2000 level: | | | |
| Budget authority | 8,352 | .............. | 8,352 |
| Outlays | 8,595 | .............. | 8,595 |
| President's request: | | | |
| Budget authority | 8,033 | .............. | 8,033 |
| Outlays | 8,588 | .............. | 8,588 |
| House-passed bill: | | | |
| Budget authority | .............. | .............. | .............. |
| Outlays | .............. | .............. | .............. |
| Senate-reported bill compared to: | | | |
| Senate 302(b) allocation: | | | |
| Budget authority | .............. | .............. | .............. |
| Outlays | −4 | .............. | −4 |
| 2000 level: | | | |
| Budget authority | 282 | .............. | 282 |
| Outlays | −3,532 | .............. | −3,532 |
| President's request: | | | |
| Budget authority | 601 | .............. | 601 |
| Outlays | −3,525 | .............. | −3,525 |
| House-passed bill: | | | |
| Budget authority | 8,634 | .............. | 8,634 |
| Outlays | 5,063 | .............. | 5,063 |

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with scorekeeping conventions.

Mr. EDWARDS. Mr. President, we are about to pass the $8.6 billion military construction appropriations bill. While I am pleased that this bill contains a significant amount of funding for projects in North Carolina, I continue to be concerned that despite repeated assurances, emergency relief for victims of Hurricane Floyd is still in a holding pattern.

Before we began the appropriations process, we were assured that much-needed emergency money for Hurricane Floyd victims would be attached to the first—and fastest—moving appropriation bill. Obviously, Hurricane Floyd relief is not in this bill, and now, thousands of hurricane victims are still waiting on the Federal Government to do what's right.

These people are hurting like they have never hurt before. And I guarantee you that the Hurricane Floyd victims spread across the 13 affected states don't care about the politics that go along with the appropriations process. The victims of Hurricane Floyd did nothing wrong. They paid their taxes for years, voted in the elections and believed us when we told them that this is a government for the people. The victims aren't looking for a handout. Most of these people have never asked for the government's help, and now that they need it desperately, they are caught in a frustrating waiting game.

I sincerely hope that we can work through the Agriculture appropriations request as quickly and fairly as we did with the military construction appropriations bill.

Mr. GRAMS. Mr. President, I am pleased that two important Minnesota projects are being funded in this bill, Phase II of Camp Ripley's Combined Support Maintenance Shop (CSMS) and a new Army National Guard Training and Community Center (TACC) in Mankato, Both of these projects were included in the Department of Defense Future Years Defense Program. They are recognized as being good for the Nation, as well as good for Minnesota.

First, in regard to Camp Ripley, the existing CSMS was constructed in 1949 and has been expanded to three additional warehouse-type facilities. All four facilities are undersized and fail to comply with modern construction criteria. The configuration and site restrictions of the current facilities make it difficult for the personnel to produce the quality and volume of work expected at Camp Ripley.

Due to budget pressures, Congress divided the new CSMS project into two phases. Phase I received 1993 authorization and appropriation of $7,100,000 and includes administration, storage and allied trade shops. Phase II will provide general maintenance workbays, specialty workbays, military vehicle parking, service and access areas, and flammable materials storage. Without the completion of Phase II, the Minnesota Army National Guard's equipment readiness will be degraded and the costs of operating multiple facilities will overwhelm Camp Ripley's operating budget. Funding Phase II of the CSMA at a level of $10,368,000 will allow this project to be completed. I have championed this project from the outset, and I am pleased it is coming to fruition.

Second, a new Army National Guard Training and Community Center (TACC) in Makato, MN is certainly needed. The 2/135th Infantry's current facility was originally built in 1914, although it was torn down and rebuilt in 1922. Since that time, the only major modifications have been the replacement of the windows and the roof. The condition of the facility has deteriorated to such an extent there is approximately $246,200 in backlogged maintenance and another $80,000 in construction would have been needed just to bring the building up to code. Due to health and safety concerns, the Guard currently cannot park its military vehicles on location; most are parked at the nearest National Guard facility 60 miles away. The current facility's limitations are so great the only practical course of action is to build a new TACC. The $4,681,000 for the Mankato Training and Community Center (TACC) will enable this to happen, and I have no doubt it will increase the recruiting and retention abilities of the local Guard unit. Congressman GIL BUTKNECHT has shown leadership on this project, and did a stellar job sheparding it through the House.

Mr. President, once again, I am proud to have worked to gain the support necessary to fund these projects. I have no doubt the funding the Camp Ripley and the Mankato TACC will be good for the readiness of the National Guard, and that means it will be good for the people of Minnesota and our Nation as a whole.

Mr. DODD. Mr. President, I rise in support of the $8.6 billion that this bill provides for military construction accounts. This much needed funding will ensure that our armed forces have adequate facilities to support them in their missions, from training reservists stateside to deploying active duty personnel overseas. Additionally, this bill finances the construction, improvement, and maintenance of military family housing in the United States and abroad. In a time when it is becoming increasingly difficult for the armed services to recruit and retain qualified personnel, the importance of providing for proper housing cannot be overstated.

Thousands of men and women in uniform report for duty each morning in my home state of Connecticut, and this bill will fund improvements where they work as well as where they live. First, this bill will fund the building of a pier at the New London Submarine Base that will greatly contribute to safe and efficient operations at the base's drydock. The single pier that presently serves the drydock is overburdened and cluttered to such a degree that it unnecessarily complicates maintenance work and extends the time required to conduct ship repairs. Once the new pier is built, the Navy estimates that it will pay for itself in under six years.

Additionally, this bill provides for the reconstruction of the Air National Guard Complex in Orange, CT. The current structure, in which the soldiers of the 103rd Air Control Squadron train to control aircraft, was built in the 1950s and suffers from several shortcomings in terms of fire, health, and safety guidelines. Last year, many of the soldiers in this squadron were deployed to Bosnia for 120 days, and they did an outstanding job. Today, they continue to train in order to be ready to deploy to the corners of the earth in defense of this nation's interests. They deserve to work and train in a safe, modern facility.

Also, this bill funds badly needed improvements to 295 homes at the New London Submarine Base. The improvements to these nearly forty-year-old homes include electrical and plumbing upgrades, installation of natural gas heating systems, and replacing roofs, windows, and exterior siding. The time has come to accomplish these projects, and they help fulfill our responsibility to ensure that our armed services personnel and their families live in well-maintained homes. I can think of few better ways to show our men and women in uniform that we appreciate their service and sacrifice on behalf of this nation.

Finally, I thank the chairman and ranking member of the Military Construction Subcommittee, Senators

Burns and Murray. They have accomplished the important work of prioritizing the military construction projects and bringing this bill to the floor. I encourage my colleagues to join me in support of these priorities.

The VICE PRESIDENT. The bill having been read the third time, the question is, Shall it pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 96, nays 4, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—96

Abraham
Akaka
Allard
Ashcroft
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Breaux
Brownback
Bryan
Bunning
Burns
Byrd
Campbell
Chafee, L.
Cleland
Cochran
Collins
Conrad
Coverdell
Craig
Crapo
Daschle
DeWine
Dodd
Domenici
Dorgan
Durbin
Edwards
Enzi
Feinstein
Fitzgerald
Frist
Graham
Gramm
Grams
Grassley
Gregg
Hagel
Harkin
Hatch
Helms
Hollings
Hutchinson
Hutchison
Inhofe
Inouye
Jeffords
Johnson
Kennedy
Kerrey
Kerry
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Reed
Reid
Robb
Roberts
Rockefeller
Roth
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thompson
Thurmond
Torricelli
Voinovich
Warner
Wellstone
Wyden

NAYS—4

Feingold
Gorton
McCain
Thomas

The bill (H.R. 4425), as amended, was passed.

Mr. LOTT. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. Smith of Oregon). Under the previous order, the Senate insists on its amendment and requests a conference with the House.

The Presiding Officer (Mr. Smith of Oregon) appointed Mr. Burns, Mrs. Hutchison, Mr. Craig, Mr. Kyl, Mr. Stevens, Mrs. Murray, Mr. Reid, Mr. Inouye, and Mr. Byrd conferees on the part of the Senate.

The PRESIDING OFFICER. The majority leader.

## ORDER OF BUSINESS

Mr. LOTT. Mr. President, we have been discussing with our colleagues the procedure for the remainder of the day.

At this time, I am going to ask unanimous consent to go to the foreign ops appropriations bill. I understand there will be objection to that. If there is objection, then I would move to proceed to it. That, of course, would be debatable. I understand there is at least a couple of Senators who would want to be heard on this matter.

While that is being debated, we will be working to see if we can get a time agreement and the ability to complete action on legislation by Senator Brownback, Senator Wellstone, and others dealing with sex trafficking. We also will be working to see what kind of agreement we might work out on the Elementary and Secondary Education Act while we are doing the sex trafficking bill, if we can get agreement on that.

After this series of three different things are worked through, then we will see if there is a possibility under that arrangement or even a likelihood that we could have a vote later on this afternoon. At this time, I couldn't say what time, but I presume 5:30 or 6:00. At that point, we could announce what would occur next.

With regard to next week, I might go ahead and say that we are still discussing the possibility of clearing some nominations and having some debate time on those on Monday, and going to Agriculture appropriations on Tuesday with an understanding that there is a need for the House to act on that before we complete it. The Senate doesn't want to give up any of its rights. It has emergency funds in it, in addition to the regular appropriations bill.

If we don't get started on the Agriculture appropriations bill early in the week on Tuesday, it is going to be very hard to finish that bill next week. But it would be our intent to stay on it until we complete it. That could be Thursday night, it could be Friday, or it could be Saturday. But it is emergency Agriculture as well as regular Agriculture appropriations items.

I think it is essential that we find a way to commit ourselves to get that legislation through before we leave.

## UNANIMOUS CONSENT REQUEST—S. 2522

Mr. LOTT. Mr. President, having said that, I ask unanimous consent that the Senate now turn to S. 2522, the foreign ops appropriations bill, which includes the emergency funding for efforts to aid Colombia and that country's war on drugs, in addition to funding our foreign policy initiatives throughout the world.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

Mr. LOTT. Mr. President, I move to proceed to S. 2522, the foreign ops appropriations bill.

The PRESIDING OFFICER. The question is on agreeing to the motion.

Mr. LOTT. Mr. President, under that debate time, I would say again that I believe Senator Gorton wishes to make a statement at this time. I see Senator McConnell is here, and I presume Senator Leahy, who is also here, may want to talk about the content of this legislation and discuss how we are going to find a way to get it completed.

I know we have a problem in that the House has not acted on this legislation. But we also need to go ahead and move forward on it. It has emergency funding in it for the counternarcotics program in Colombia. It has the Israeli peace process funds in it and debt relief dealing with Iraqi opposition, and a lot of other very important items.

I think we need to discuss that and decide how we are going to be able to proceed in an emergency way on this legislation.

Having said that, while that debate is taking place, we will be working to see if we can work out an agreement on the next bill that will be called up relatively shortly.

I yield the floor.

The PRESIDING OFFICER. The Democrat leader.

Mr. DASCHLE. Mr. President, I objected, as I noted I would do yesterday, to taking up a bill that has yet to be acted upon in the House. The regular order is the bill must be approved in the House prior to the time we finish our work on the legislation. I see no need to deal with the same bill twice, to deal with it now and to deal with it again later once the bill is acted upon in the House of Representatives.

The distinguished majority leader had noted that there is emergency funding incorporated in this bill. I am sympathetic to that. I won't ask him at this point, but I note I could ask unanimous consent—which I will not do—to take up H.R. 3908, the emergency supplemental bill for the year 2000. The House passed it and urged the Senate to take it up and pass it. The Appropriations Committee had hoped they could take it up and pass it. It was the majority leader's determination not to take it up, not to pass it, but to leave it in committee. I am not as sympathetic as I wish I could be about his desire to deal with these emergency matters when we could easily and quickly and very efficiently deal with emergency funding by simply taking up the bill that is right now on the calendar. Again, that is H.R. 3908.

That is, of course, the right of the majority and the right of the majority leader, especially, to make that decision. I am disappointed. Until that House bill comes before the Senate, it is not my intention to have to require the Senate to go through a debate on the same issue twice. That was the reason the rules were written as they were. Constitutionally, appropriations bills must begin in the House of Representatives. We are, in a sense, circumventing the rules of the Congress by allowing these bills to be debated and considered prior to the time the bill comes before the Senate.

We will certainly object. We will look forward to the House acting, as we hope they will soon, and not only on this bill but on others. Senator LOTT is absolutely right. This legislation should have been reported out it should have been passed in the House by now. It hasn't been. It is disappointing that it hasn't been. That is the only reason we are not taking it up this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, I ask unanimous consent I be permitted to speak as in morning business for not to exceed 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRESCRIPTION DRUG PRICE DISCRIMINATION

Mr. GORTON. Mr. President, all of us have read accounts of Americans crossing our borders in order to buy vital prescription drugs at deeply discounted prices. Every day seniors and other Americans can save 50 percent, 60 percent, or even 70 percent on their drug bill simply by going to Canada or Mexico. A busload of seniors from Seattle recently saved $12,000 just by driving two hours north to buy their medications at a Canadian pharmacy.

The reason drugs are so much less expensive in Canada, Mexico, and other countries? American manufacturers sell products that were discovered, developed and manufactured in the United States for far lower prices in virtually every other country in the world than the prices they charge American customers.

Why? Every other country imposes some form of a price control on prescription drugs. As long as we let our drug companies impose all of their research and development costs on American consumers, our drug manufacturers agree to this arrangement because they can recoup their manufacturing costs and still make some profit. But the price other countries pay in no way compensates for the expensive research and development costs for new drugs. American consumers end up subsidizing the research and development for the rest of the world.

When Americans pay higher prices at the drug store cash register, that is not the first time they subsidize the research and development of new drugs. Taxpayer dollars are used to fund the research conducted by the National Institutes of Health; much of the basic science conducted with NIH grants is then transferred to the private sector. Taxpayer money is also the major source of funds for training scientific personnel, scientists hired by the drug industry in large numbers.

According to a 1993 report by the Office of Technology, in addition to general research and training support, there are 13 programs specifically targeted to fund pharmaceutical research and development. That same report noted: "Of all U.S. industries, innovation within the pharmaceutical industry is the most dependent on academic research and the Federal funds that support it."

Finally there are the tax breaks: for research and development, for orphan drug development; and possession tax credits for manufacturing drugs in Puerto Rico.

Let me be clear. I understand and support the need to invest in research and development. I have supported all of the programs I just spoke about including the National Institutes of Health and the Research and Development tax credit. I also agree that drug companies should be able to recoup costs associated with research and development. But I do not think that American consumers should be the only ones to foot that bill. American consumers who already strongly support R&D efforts through their tax dollars should not have to pay for R&D costs again in the form of higher prices at the drug store. All users, domestic and foreign, should pay a fair share of those costs.

But drug companies are satisfied with the status quo. They know that they can simply raise prices in the U.S., if other countries negotiate or regulate to win lower prices. American consumers should not be subject to this kind of price discrimination—especially for products that are vitally important to preserving our health.

My idea is to borrow from a law that has applied to interstate commerce within the United States for the last 60 years—the Robinson-Patman Anti-discrimination Act. It simply says that manufacturers may not use price to discriminate among like buyers. My bill, the Prescription Drug Fairness Act, takes these same principles and applies them to prescription drug sales overseas. Drug manufacturers would not be able to offer lower prices at the wholesale level in Canada, Mexico or any other country than they charge inside the United States.

Since 1936, the Robinson-Patman Act has established as a legal norm the concept of fair dealing in pricing by prohibiting unjustified price discrimination. The same principle of fair dealing should be applied to prescription drug sales to wholesale buyers in different countries.

The drug companies have demonized my idea by labeling it "price control." If this is a price control then we have had price controls on every product sold in the United States for the last 60 years. My bill in no way tells drug companies what they can or can not charge for a prescription drug. It simply says that they cannot discriminate against Americans.

I asked the pharmaceutical companies for their ideas to ensure that Americans are treated fairly and have access to affordable prescription drugs. Their response? They simply want to expand Medicare by adding drug coverage for its recipients. While I do think coverage is one important part of the solution for seniors—it is only a partial answer.

It does nothing to address the cost for the uninsured American and does nothing to address the growing concerns of employers, health plans, and hospitals about rising costs associated with prescription drugs. As more and more people use prescription drugs, drug costs take up more of overall health care spending. But drugs are also costing Americans more. Last week, Families USA released a study that showed the average cost of the 50 drugs most commonly used by seniors rose by 3.9 percent, outpacing the inflation rate of 2.2 percent. A study from the University of Maryland's Center on Drugs and Public Policy projects prescription drug expenditures will rise 15–18 percent annually. Total prescription drug expenditures could double between 1999 and 2004 from $105 billion to $121 billion.

I do think the Medicare program should be modernized to include a prescription drug benefit. If we expand the program, however, it must be done responsibly and must not jeopardize the benefits seniors currently have. CBO estimates that the program will be insolvent by 2023. While there are a number of ideas for how to structure a benefit, the sticking point always seems to be how to pay for it. CBO recently revised its estimate of the President's proposal. It is expected to cost $160 billion between 2003 and 2010. And that is for minimal coverage up to $1,000 (with seniors paying a second $1,000 out-of-pocket), relatively high premiums, and no protection for those seniors with exceptionally high drug bills.

My skepticism about the industry's support for simply expanding Medicare is increased by reports in the Wall Street Journal last week that Medicare and Medicaid have overpaid the drug industry by as much as $1 billion a year for the few drugs these programs do cover. My idea would save Medicare beneficiaries money on their drug bills and would in no way jeopardize the solvency of the fiscally ailing Medicare program.

I am convinced that we need to address the issue of price discrimination this year, not only for Medicare patients but for the health system overall. I am pleased to note that Senator JEFFORDS will hold a hearing on the issue of drug pricing and safety in the next few weeks and I hope that the Senate Judiciary Committee, to which my bill has been referred, will also take a look at this issue.

In the meantime, while seniors and health plans, employers, hospitals and others struggle with the growing cost of prescription drugs, the pharmaceutical industry has been among the most profitable U.S. Industries in the last five years, with year to year earnings growing by more than 10 percent and for some companies 20 percent. So far, they have refused to engage in this debate.

I hope they will change their minds. Right now the current system leaves the drug companies' best customers feeling like they've been ripped off. Bob Elmer from University Place, Washington recently wrote:

> I am a recently retired pharmacist . . . and have always been proud of the American pharmaceutical manufacturers and the role that they play in . . . the search for new and innovative entities that help us live not only longer, but better. As a matter of fact, I worked for a major manufacturer for some time.
>
> I, like you, am outraged at the manufacturers' practices of charging the American public more than the Mexican public or the Canadian public. What is their rationale for the price differences?
>
> This overcharging is a black mark on this industry.

Mr. President, I couldn't agree more. Drug companies should no longer be allowed to discriminate against Americans by charging higher prices here than they do elsewhere in the world. My bill will end that discrimination.

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## FOREIGN OPERATIONS, EXPORT FINANCING AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I rise to speak with regard to the MOTION TO PROCEED and share my concerns that we should not be moving to an "S" numbered appropriations bill at this time. In fact, it is a practice simply we should not be involved in at all. For this reason I rise to speak for a bit about care for the Senate in general.

The Senate is a special place. It is a place steeped in history. Around this chamber stand the desks of Daniel Webster and Robert LaFollette, of Robert Taft and Richard Russell, of Everett Dirksen and Hubert Humphrey. The drawers of these desks still bear their names, etched in the wood. The polished mahogany still reflects their memory. Their voices still echo from these marble walls.

I am honored to have been able to serve with some of the Senate's living legends. It is with pride that I will tell my grandchildren that I worked with the likes of TED KENNEDY, Bob Dole, and ROBERT BYRD. No honest history of the Senate will omit their names.

It is in a modest attempt to follow in the tradition of remarks by Senator BYRD that I rise today. All Senators are aware of Senator BYRD's encyclopedic four-volume treatise on the Senate. And none can forget the series of addresses that Senator BYRD gave on the history of the Roman Senate, which have been reprinted in another volume. His discussions of the special nature of the Senate inspire us all to hold this institution more dearly.

The Senate is an almost sacred place, consecrated by the will of the people, hallowed by the expression of the people in free elections. In this room, our 50 separate States each find expression. Every region of our vast continental nation here finds voice.

In a country as large and as diverse as ours, disputes will naturally arise. The Senate, almost like a court of law, provides a means for our society to resolve those disputes in peace. Courts allow private parties to resolve their disputes without resort to fist fights. And the Senate allows significant sections of our society to resolve their disputes without resort to the battlefield or the street.

For the Senate, as for a court of law, to work this magic, it must do justice. As with a court, as Gordon Hewart, the Lord Chief Justice of Great Britain, wrote, it is:

> Of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.

For the Senate, as for a court of law, to advance the perception of justice and the fair resolution of disputes, it must air disagreements fully. It must give opposing parties their day. It must allow all to approach on an equal footing and make their case.

Justice is not cursory. Justice is not offhand. Doing justice can take time. That is how the Founders wanted this great system to work.

In the debates of the Constitutional Convention, James Madison said of the Senate:

> In order to judge of the form to be given to this institution, it will be proper to take a view of the ends to be served by it. These were first to protect the people against their rulers: secondly to protect the people against the transient impressions into which they themselves might be led.

Madison warned that the people's representatives might be "liable to err also, from fickleness and passion." Madison's answer was that Senators, because of their "limited number, and firmness[,] might seasonably interpose against impetuous counsels." He thus called the Senate: "A necessary fence against this danger."

Time and again, in the history of our country, the Senate has served as that "necessary fence." And the firm pillars and posts supporting that fence have been the Senate Rules. The Senate Rules have helped the Senate to do justice. It is because of the Senate Rules that the British Prime Minister William Gladstone is said to have called the Senate:

> That remarkable body, the most remarkable of all the inventions of modern politics.

The Senate Rules make it one of the few places in government where disagreements can be fully aired. The Senate Rules give opposing parties their day. And the Senate Rules allow every Senator to make his or her case.

As Senator Dole said in his speech in the Leader's Lecture Series March 28:

> We all continue to learn that this institution can only survive if it operates by rules.

The two fundamental pillars of those rules are the right to debate and the right to amend. It is these rights that distinguish the Senate from the House of Representatives and from other parliaments. It is these rights of Senators that allow the Senate as a body to preserve the rights of minorities.

Rule XIX of the Standing Rules of the Senate provides that "the Presiding Officer shall recognize the Senator who shall first address him." Precedent, of course, gives priority of recognition to the Leaders. Once the Presiding Officer has recognized a Senator, Senate rule XXII allows that Senator to speak for as long as humanly possible, unless 60 Senators vote to cut off debate. As my Colleagues well know, the mere threat of extended debate—called a "hold"—can detain legislation.

As well, the Senate Rules give Senators the right to offer amendments. The Senate Rules do not require Senators to go hat-in-hand to a leadership-dominated Rules Committee to ask permission to offer an amendment, as Members of Congress must do in the House of Representatives. This ability to bring up a subject with which the majority does not want to deal provides a check and balance on the agenda-setting power that is vested in the majority leader.

These powers to debate and amend make every single Senator a force to be reckoned with. Every Senator—whether a member of the majority or the minority—can be a player. And Leadership cannot neglect or exclude any single Senator without substantial risk. As a result, Senators do well never to burn bridges with any other Senator. Because any one Senator can disrupt the Senate, every Senator has good reason to show comity for every other Senator.

These rules honor the sentiments of committed minorities. They give dedicated groups of Senators substantial power. And they give any group of 41 Senators the absolute right to kill a bill.

The Senate Rules thereby force consensus. When these rules are honored, no major change in our government's laws may come about without the concurrence of a three-fifths majority. When these rules are honored, policy changes are likely to be more moderate and more incremental.

As Nobel Prize-winning economist James Buchanan has argued, societal efficiency may be served by a Congress that has a hard time enacting laws. Under such circumstances, laws change less often—less frequently disrupting peoples' lives, less often intruding into them. If you agree with Thoreau that the best government is that which governs least, then the most efficient government for society is the one with the most checks and balances.

Unfortunately, the Senate is not honoring its rules. The Senate is breaching its longstanding traditions of comity and respect for the minority. Too often, in the name of expediency, today's Senate is cutting corners on the Senate rules. When we give in to expediency it can be disappointing. When we indulge in expediency in this, the place where deliberation is most sacred, it can be deplorable.

Although some of the trends of which I speak have, of course, their roots in past Senates and other majorities, the Senate's current majority has brought the level of honor for the Senate's unique ideals to a new low.

The current majority has diminished the Senate by abusing and overusing cloture. The application of the rules of cloture have changed dramatically since President Woodrow Wilson, infuriated by an 11-Senator filibuster that blocked the rearming of merchant ships during World War I, complained of "[a] little group of willful men, representing no opinion but their own," who he said "have rendered the great government of the United States helpless and contemptible."

Cloture used to be a rarity. The Senate conducted only 45 rollcall votes on cloture in the entire half century from 1919 to 1969.

In 1975, the Senate changed the filibuster rule, reducing the two-thirds vote requirement to a vote of 60 Senators, although one still needs two-thirds to cut off debate on changes to Senate rules. With that change in the rules, the leadership began invoking cloture more frequently.

As the chart behind me shows, the process of invoking cloture has now reached what I call a fevered pitch. The Senate conducted 99 rollcall votes on cloture in the 1970s. It conducted 138 in the entire decade of the 1980s, and it conducted fully 234 in the 1990s.

As this next chart shows, the number of cloture votes has increased in every year of the current majority, nearly doubling, from roughly 20 in 1995 to nearly 40 in 1999.

Even by 1984, a select committee on procedure chaired by then-Senator Dan Quayle concluded: "Cloture is not only invoked too often, it is invoked too soon." Senator Quayle's criticism is all the more true today. In the Congress when Senator Quayle made his remark, the 98th Congress, there had by this time been 10 rollcall votes on cloture motions. In the comparable time period in this 106th Congress, we have held more than four times as many—43 rollcall votes on cloture. Add to that another 11 cloture motions that were withdrawn, vitiated, or otherwise disposed of without a vote.

As Senator Quayle noted, the problem with cloture is not just how often, but when. The form of a motion to invoke cloture reads: "We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close the debate" upon the bill.

But on bill after bill, from tax cuts to trade bills to constitutional amendments, the majority no longer tolerates even a day's worth of debate before moving "to bring to a close the debate" upon the bill. Indeed, filing cloture without any debate has now become the norm. We proceed to the bill and the cloture motion is filed in the time that it takes the majority leader to draw one breath and make the request.

As an example, I have a chart that shows the entire verbatim transcript of the debate on the motion to proceed to S. 2285, the gas tax bill, prior to the filing of cloture. The "debate"—if you would call it that—was the 11 words the majority leader uttered to make the motion to proceed. In the same breath, the cloture motion was upon us.

The practice of filing cloture without any debate at all has made a mockery of the motion.

Beyond limiting debate, the majority is also using the blunt instrument of cloture to bludgeon the minority into forgoing its right to offer amendments. All too often, the majority leader now makes a take-it-or-leave-it offer to the minority leader: Either muzzle your right to amendment or we will paint you as obstructionist. Either clear your amendments with us in advance, or have no amendments at all.

I am afraid too often, the minority's leadership can get caught up in the business of helping the majority make the trains run on time, in a sense, playing the role of Alec Guinness's Colonel Nicholson in "The Bridge on the River Kwai," building bridges that should not be built.

This is not how the Senate was meant to act.

Recall that the Senate has often addressed a number of amendments on a single piece of legislation. The Senate conducted 121 rollcall votes on amendments to the Civil Rights Act of 1964. It conducted 127 rollcall votes on the Natural Gas Policy Act in 1977. Now the idea that a bill might elicit more than ten amendments appears to be anathema to the majority.

The current majority has also diminished the Senate by changing the rule that limits what can be incorporated into a conference report. Late in 1996, to secure last-minute passage of a version of the Federal Aviation Authorization Act that included a special provision for the Federal Express Corporation, the Senate voted 56–39 to overturn the Chair and nullify the rule. At the time, Senator SPECTER called the change "a very, very serious perversion of Senate procedures."

As conference reports are privileged, Senators cannot engage in extended debate to block getting to them. As well, conference reports are not open to amendment. And after the 1996 precedent, Senators have no recourse if a conference committee exceeds the scope of what the Senate committed to it.

The majority in a conference committee need not work with the minority, and the majority often does not. Conference committees usually work in secret. Senate rules require no open meetings. House practice has generally required one such meeting, but that tends to be a photo opportunity. Thereafter, Senators' signatures on the conference report constitute their votes, and nothing further need be done in public.

Last July, the Democratic leader offered an amendment to restore the rule with regard to conference reports, but the majority would not allow it. The majority voted it down 51–47 in a nearly party-line vote.

The current majority has also diminished the Senate by extending and contorting the congressional budget process far beyond any expectations that its drafters may have had.

Once again, of course, the roots of the current abuse of the budget process lie in earlier Congresses. Participants in the Federal budget process initially underestimated the power of the budget process. They failed completely, however, to foresee the power of reconciliation bills.

The Congressional Budget Act of 1974 originally provided for two budget resolutions: The first would advise, and the second, passed closer to the start of the fiscal year, would bind. The Budget Act provided that the second budget resolution could instruct committees of Congress to reconcile substantive laws passed within their jurisdiction over the summer to the new priorities of the second budget resolution.

Of course, the reconciliation process has not turned out that modestly.

Rather, in 1981, in an effort to expedite President Reagan's first budget, the budget resolution included instructions for years beyond the first fiscal year covered by the resolution, extending the reach of reconciliation bills to more permanent changes in law.

Since then, reconciliation has become a regular feature of most budget resolutions. Since then, Congress has accomplished most significant deficit reduction through the reconciliation process.

Because reconciliation bills limit debate, Senators cannot filibuster them. A simple majority can pass their policies. Because reconciliation limits amendments, Senators must stick to only the narrow subjects chosen by the majority in the committee process.

The reconciliation process is so powerful that the Senate chose in the mid-1980s to adopt the Byrd Rule, named after Senator ROBERT BYRD, to limit reconciliation solely to deficit reduction.

But the current majority dramatically extended reconciliation in 1996. The new Republican Congress sought to move three reconciliation bills—on welfare, Medicare, and tax cuts. And in a marked departure from past practice, the budget that year devoted one of the three reconciliation bills—the one to cut taxes—solely to worsening the deficit, not cutting the deficit but making it worse.

The Democratic leader formally challenged the procedure, but to no avail. Through a series of exchanges with the Presiding Officer, the Democratic leader demonstrated that the new reconciliation procedure has few limits. After the Democratic leader appealed the ruling of the Chair, the Senate sustained the procedure on a straight party-line vote.

In the wake of that precedent, the majority party has repeatedly created reconciliation bills to worsen the deficit or spend the surplus by cutting taxes, and the same logic would allow fast-track reconciliation bills to increase spending. The majority has taken to using the reconciliation process to move its fiscal legislative agenda through the Senate with simple majority votes and few distractions. The result is plain to see: Congress passes extravagant tax bills that do not command a national consensus and that cannot become law.

As well, in this most recently-adopted budget resolution, the majority has even chosen by majority vote to require 60 votes to offer sense-of-the-Senate amendments to future budget resolutions. Though by no means an earth-shaking change in and of itself, it shows yet another instance of how the majority abuses majority-vote vehicles to create yet another variance from the Standing Rules of the Senate. Once again, the current majority seeks to muzzle debate.

The current majority has also diminished the Senate by bringing S.-numbered appropriations bills to the floor.

That is what is happening right now. That is what prompted, in part, these remarks. The majority wants to go to these S.-numbered appropriations bills. They want to do it on the foreign ops bill.

The Senate just considered the military construction appropriations bill as a Senate-numbered bill, not—as is usually the case with appropriations bills—a House bill with Senate Committee-reported amendments. And what does this do? It has a purpose. This posture deprives Senators of the ability to offer legislative amendments. It is yet another way to deny the duly elected Members of this body a chance to offer amendments—an absolutely basic right of every Senator.

Not infrequently, the House chooses to attach legislation to an appropriations measure. In that case, if as is usually done, the Senate considers the House bill with Senate amendments, a Senator can also offer amendments with legislative language. If another Senator raises a point of order under rule XVI against legislating on the appropriation bill, the amendment's proponent can raise the defense of germaneness. The idea is that the House opened the door to legislation on this appropriations bill, and the Senate must be able to respond with germane amendments.

If, on the other hand, as is being attempted here, the Senate takes up a Senate-numbered appropriations bill, as it did with the military construction bill, then there is no House bill to provide a basis for the defense of germaneness. Under this circumstance, if a Senator offers a legislative amendment and another Senator raises a point of order against legislating on an appropriation bill, then the Chair simply rules the amendment out of order and the amendment falls. The Senator does not have a chance, again, to offer an amendment.

Through this device, the majority once again deprives the minority of opportunities to legislate. As well, the majority deprives the full Senate of its ability to respond to riders that the House attaches to appropriations bills. Once again, the majority has diminished the deliberation of the Senate.

And now, we see the spectacle of the majority standing ready to shut down the Senate for over 4 hours, as they did, on Tuesday, just to prevent a sense-of-the-Senate vote on gun safety.

And now, we see the majority leader appealing the ruling of the Chair, and by a majority vote, changing the Standing Rules of the Senate, so as to have the Presiding Officer rule out of order nongermane amendments to appropriations bills.

This in itself was a remarkable thing. Rule XVI, which creates the prohibition against nongermane amendments, states in part:

> [A]ll questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate.

And as my colleagues know, it takes a two-thirds vote to invoke cloture on a change to the Senate rules. But by a party-line, majority vote Wednesday, the Senate just erased those words from the Standing Rules of the Senate. And why? For the same reason all these other things were done—all to make it more difficult for Senators to offer amendments on appropriations bills.

What has become of our right to debate? What has become of our right to amend?

The traditional Senate, I am afraid, is becoming a thing of the past. I have seen this change just from the time I got here in 1993 to now. Some may say, "Good riddance." After all, as a Democratic Member of Congress once said, "In the Senate, you can't go to the bathroom without 60 votes."

But the character of this Senate, I am afraid, has been unmistakably altered. The majority's actions are transforming the Senate into a much more majoritarian institution. And that is not how the founders wanted it.

Recall that the Constitution itself manifests a belief in supermajorities. Supermajority requirements are evident in the veto power, in the ratification of treaties, in the constitutional amendment process, and in a number of other places.

Recall, as well, that the founders who created this Senate also expressed a healthy distrust of simple majority rule.

James Madison said that:

> [i]n Republics, the great danger is, that the majority may not sufficiently respect the rights of the minority.

In a letter to James Monroe, Madison also wrote:

> There is no maxim, in my opinion, which is more liable to be misapplied, and which, therefore, more needs elucidation, than the current one, that the interest of the majority is the political standard of right and wrong.

In his first inaugural address, Thomas Jefferson said:

> Though the will of the majority is . . . to prevail, that will, to be rightful, must be reasonable. . . . The Minority possess their equal rights, which equal laws must protect, and to violate which would be oppression.

And John Adams wrote:

> That the desires of the majority of the people are often for injustice and inhumanity against the minority, is demonstrated by every page of the history of the whole world.

More recently, Senator J. William Fulbright said:

> The greatest single virtue of a strong legislature is not what it can do but what it can prevent.

In 1984, retiring Congressman Barber Conable told Time Magazine: "Congress is 'functioning the way the founding fathers intended—not very well.' He explain[ed], 'They understood that if you move too quickly, our democracy will be less responsible to the majority. I don't think it's the function of Congress to function well. It should drag its heels on the way to decision.'"

And Senator BYRD, who has stood on both the giving and receiving end of many a filibuster, writes in his Senate history:

> The Senate is the only forum in the government where the perfection of laws may be unhurried and where controversial decisions may be hammered out on the anvil of lengthy debate. The liberties of a free people will always be safe where a forum exists in which open and unlimited debate is allowed.

For all their inconvenience, the Senate traditions of deliberation and amendment serve our Nation. It is through those traditions that the Senate protects liberty. It is through those traditions that the Senate can effect justice.

When we stand and look back at the Senate's glorious history, we can be forgiven when we do not measure up to the standards of our greatest predecessors. We cannot be forgiven—and we should not be forgiven—when so often we do not even care to try.

We can be forgiven if, after considering the traditions of the Senate's hallowed past, we choose to depart from those traditions. We can not be forgiven—and we should not be forgiven—if we depart from those traditions unaware or oblivious of what we leave behind.

I invite my colleagues to look around this Senate Chamber, to read the inscriptions in the marble reliefs over the doors. To the east is written "Patriotism." To the west is inscribed "Courage." And to the south is carved "Wisdom."

These are the icons under which we walk whenever we come into this Chamber and whenever we leave it. These walls do not speak of "ease." The marble does not memorialize "rapidity." These sculptures do not enshrine "convenience."

This Senate advances the love of country that is patriotism when it struggles to deliver justice. The Senate serves the people not when it avoids difficult issues but when it acts with courage to address them fully. And it is only through the crucible of debate and amendment that this Senate can come, as come it must, to wisdom.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ENZI). The Chair recognizes the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me thank my colleague and my neighbor from Wisconsin, Senator FEINGOLD. I have a very strong feeling and belief that this speech, which has been given at 5 o'clock this Thursday afternoon, will end up being one of the more memorable speeches given on the floor of the Senate. I think the speech was eloquent and powerful. It went way beyond political party. I thank my colleague from Wisconsin.

Mr. FEINGOLD. Mr. President, I thank my friend from Minnesota for his efforts on each and every issue I tried to raise to try to constantly point out that this place is supposed to be where we can deliberate and actually talk about these issues and offer amendments. He is probably the best example of a person who understands the need to do that.

Mr. WELLSTONE. Mr. President, I won't be—I can't be—as eloquent, but I actually thought I would come to the floor and try to basically speak to what I think are some important questions for the Senate.

This is, in part, the discussion we had yesterday; and especially with the majority leader not on the floor, I will make sure that what I say, I say in such a way that if he wants to respond later, he can. In any case, I intend to say it at least in the best possible way I can.

I know the majority leader today, in a couple of interviews—it has come my way from several journalists—has said that yesterday he sort of believed that I was responsible for this exchange that we had on the floor—in getting it started. I believe he also mentioned Senator DURBIN.

I want to say that, actually, if that is the case, I would be proud to accept the blame. I think it is a discussion we needed to have, albeit what I hope is that something positive will come out of it. That is to say—and this is what Senator FEINGOLD was trying to say—I came here to do my very best to represent the people in Minnesota. I think when you are a Senator, and also when you pass amendments or bills, it can have implications for people all across the country.

What I have always loved about the Senate in the time I have been here is that individual Senators can matter and can make a difference. We are really much more of an amendment body. I think the Senate is at its best when bills come to the floor and Senators bring amendments out and we start early in the morning and—we don't need to go until midnight; that is not good for families. But we can go until 7 or 8 o'clock at night.

We are about the work of democracy. That is what we are doing. We have votes up or down, and we are all held accountable; we are able to come out here and introduce amendments that speak to the concerns and circumstances, in our view, of the people we represent. That is why I came here.

Yesterday, on the floor of the Senate, in response to some of what the majority leader said—I will make sure I do not make the response personal—I said I felt that we have had a pattern here—and Senator FEINGOLD has spoken about this—over and over and over again where bills are considered and the majority leader and others make it clear that only certain amendments are acceptable—not very many—for debate. If there is no agreement on the minority side, then the majority leader files cloture and usually doesn't get it. The bill is pulled and no legislation is passed. This has been happening over and over and over again.

From my point of view, a point of order challenge for the first time in 16 years, or thereabouts, which prevented Senators from introducing even sense-of-the-Senate resolutions to appropriations bills—the argument that was made was, well, hey, we have to do business and we have to get going. You know what. Every year we have appropriations bills—last year and the year before that and the year before that. Never before—at least in the last 16 or 17 years—has this been done.

My view was that all of this added up to an effort to basically run the Senate like the House of Representatives. That is what I have said, and that is what I believe. I have said it many times. I think that is detrimental to the Senate. I think it takes away the vitality that we have and robs us of some of the capacity for debate, for deliberation, for honest differences of opinion, which need to be expressed out here on the floor of the Senate, and for individual Senators to be able to speak to their priorities.

Now, some of my colleagues on the other side may want to talk about tax cuts or about this or that and the other. I may want to talk about the poverty of children and the need to have affordable child care and the need to make sure we have food and nutrition programs so children don't go hungry. We all have things about which we care the most. Nobody is better than anybody else. But do you know what. I want the right to be able to do that. What I was trying to say yesterday—and I will say it, given what the majority leader said to several journalists—was I actually didn't intend to be silenced.

So I will continue to issue challenges and speak out. I think that Senator DASCHLE spoke probably for every single Democrat yesterday. I think it is going to be important for us to move forward, and I hope we will. Sometimes what happens on the floor of the Senate is that people speak with some indignation because that is what they feel, and they may feel very strongly. So the words are uttered in that way, and some of the discussion takes place that way. Do you know what? I think there comes a time when that is necessary.

Frankly, I think it is important that the minority party makes sure we maintain our rights. It is important that the minority maintains its voice. It is important that Senators have opportunities to bring amendments out here and do their very best to legislate for people back home, to introduce amendments, have debate, to win or to lose, but to be at the work of democracy. I just think that the Senate doesn't do the work of democracy when we basically go through bills that are laid out, and then cloture is filed and the bills are pulled, and that is about it. And we really aren't about doing the work I think we ought to be doing. That is my own view.

Again, in responding to some of what has been said today, listen, if the majority leader feels that I am the blame for getting this debate started yesterday, I am proud to accept that. I think we needed to have the debate. But the most important thing is that we all figure out a way we can move forward from it.

I will tell you that I feel very strongly that we have to get back to some debate out here on the floor of the Senate. We have to get back to the deliberation.

I would be interested in the Senator's response, frankly, if he can help me a moment.

To me, the work of democracy is when Senators come out here with amendments. As I said earlier, we should start early in the morning, go to 8 or 9 at night, and have at it. We would have good deliberations and good debate, and we would vote amendments up or down. Senators would be able to raise the kinds of questions they want to raise and speak to the kinds of issues they think are so important to the people they represent; we are all accountable. But it is substantive. It is real. It is about issues, and nobody is gagged; nobody is blocked. That is the Senate and the vitality of the Senate.

I wonder what my colleague thinks about that.

Mr. FEINGOLD. Mr. President, I couldn't agree more.

First, I thank the Senator from Minnesota for his discussion of the problems we are having in the Senate, and for that important statement. But I also certainly will not accept his apology for what he did yesterday, for what he did was right.

Mr. WELLSTONE. I wasn't trying to apologize.

Mr. FEINGOLD. I understand. What the Senator did was absolutely essential. We need to get out here and talk about what is happening.

I remember when I first came here. The Senator from Minnesota was here several years before I was—I believe two. But I remember when we were in the majority, Senators on the other side were allowed to freely amend bills.

I learned a great deal from my colleagues, the Senators on the other side. When they offered an amendment, I sometimes agreed with them. Usually I wouldn't. I learned a great deal about what they were thinking, and about what my constituents might think. I, in particular, give credit to the Senator from Texas, Senator GRAMM. He is a superb Senator in terms of his ability. For us to be deprived because of this kind of a process of benefiting from the knowledge and thinking and sentiments of our colleagues on the other side is a terrible loss to the Senate. I have not been here that long, but I remember when it used to be different that it was better.

Mr. WELLSTONE. I will ask my colleague another question. It is interesting that he mentioned Senator GRAMM from Texas because I remember that several years ago, we were in the majority. We were in the office because I know it was July 21. It was my birthday, and we had the cake and candles. Somebody said: Senator GRAMM is out there with an amendment on legal services that you don't agree with. You have to go out there and debate him.

I didn't know he was going to bring that amendment up. I had to end the birthday party, get the notes, and run down here. There was a 2- or 3-hour debate on it.

But that is what I love about being a Senator. It is not a game. He was serious about what he was doing, and I was serious in opposition.

Mr. FEINGOLD. Mr. President, I find it hard to believe in these few years that the nature of what we do out here has changed this much. I wonder if there is any way that the number of Senators on both sides of the aisle, who remember, who valued that, could sort of come together and talk about restoring this institution to what it was.

Mr. WELLSTONE. I would like to ask the Senator from Wisconsin another question. This has not been brought up. I think the Senator gave a speech that, as I said, will be memorable for many years to come. This is a little bit away from the framework. The Senator can respond in any way, of course, that is appropriate from the Senator's point of view.

One of the things that I think in part caused me to raise these questions with the majority leader yesterday was that I was little worried. Back home, people meet with you, and they believe because of the chance of meeting with you that something positive can happen, that it will make a difference in lives, that it will help them.

I get worried that if you can't offer amendments and you are shut out, you are not able to respond to people.

For example, take agriculture and dairy farmers in Wisconsin and in Minnesota, much less other farmers. For them, time is not mutual. They really believe when I meet with them that I can do something right now about the abysmally low prices, whether it is the livestock producers, or whether it is the corn growers. You meet with people. With what is going on in farm country with crops, people are in such pain. They still come out to meetings because they still believe you are their Senator, and by meeting with you and talking about what is happening to them, somehow since you are their Senator you can do something to help. But I can't do anything to help right now.

Mr. FEINGOLD. Again, Mr. President, looking back over the last several years, I have worked a great deal on agriculture issues, as well, and I remember these kinds of meetings and being able to honestly say to a group of farmers I didn't know if we were going to be able to pass a bill. But I could say there was a decent chance to be able to bring it up on the floor, either as a bill or as an amendment. Maybe we would win; maybe we would lose.

It is an odd feeling now to tell a bunch of farmers that we are not allowed to offer amendments anymore. They look at you as if you have lost your mind. But that is what we have to tell them. We aren't allowed anymore in the Senate to bring up ideas and have amendments and have bills because they have to be cleared with the majority leader. We have to show him the amendment first. If he doesn't like it, we can't offer it. I try to be candid with people. That is a candid comment. That is truly different from the way things were. And I have served both in the majority and in the minority in the short years that I have been here.

Mr. WELLSTONE. Mr. President, I wonder what the response of the Senator from Wisconsin would be. I even found myself saying to people—I can think of different meetings, but I will stay with agriculture. I want to talk about some of the other issues where I literally sometimes slip into, if you will, I guess, what I call "Washington language," and say to people I don't know if there will be a vehicle. People are thinking: Wait a minute; we are losing our farms.

They do not know what you are talking about. They have no health care coverage, and can't there be more support for child care, teachers talk about what will make a difference in the schools—pick your issue. And you are at a meeting with people, you are moved by people, and you want to do something to help.

Other Senators might have a very different viewpoint, in which case we can have the debate. I find myself saying I just hope there will be a vehicle. People do not know what you are talking about. What do you mean, there is no vehicle? Don't you have an opportunity as a Senator to try to legislate and to be out there representing people and fighting for people?

That is what I am worried about. That is what yesterday was about.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. I asked the Senator from Wisconsin whether or not he has been in a similar experience. I have the floor.

The PRESIDING OFFICER. The Senator from Minnesota may accept questions when he has the floor.

Mr. FEINGOLD. Mr. President, I wonder if the Senator from Minnesota would respond to a question.

Mr. WELLSTONE. I would be pleased to.

Mr. FEINGOLD. If he will yield for a question, I suggest to the Senator that if I tell a group of my constituents that I cannot find a vehicle, they would offer me a ride. They would say: Do your job; here is your ride. That is the problem.

I ask the Senator if he would agree, if we are forced to talk to our constituents about the minutia of Senate procedure, and if that is the kind of conversation we have to have with our dairy farmers in Wisconsin instead of talking to them about what we should be talking about, the substance of the legislation—let us worry about the Senate procedure—then really the opponents of any kind of change have won because that is not something they should have to concern themselves with. It is very interesting; great. But that is not what dairy farmers in Wisconsin need. They have some great ideas about how to do things differently, and we should be able to come out here and have an amendment or a bill.

In fact, I ask the Senator from Minnesota if he would agree with this. We are not used to getting a lot of votes sometimes. Sometimes we don't get many votes on our amendments. Sometimes there is a little laughter about how WELLSTONE and FEINGOLD only got 10 or 12 votes. But at least we got a chance to get some votes.

Mr. WELLSTONE. The Senator should speak for himself.

Mr. FEINGOLD. That is right. I would ask the Senator how he would react to that.

Mr. WELLSTONE. I would say to my colleague from Wisconsin that I have two answers. The first answer is part of what I have been trying to say, which is I am really in a debate with the majority leader. I think other Democrats are with me. I hope some Republicans are. It is not a debate for the sake of debate because what I worry about the most is to go back home all the time and to have people meet with you to talk about their lives and have the hope that you as a Senator can make a difference, and you can't make a difference. If there is this effort basically to silence you and if there is this effort basically to block amendments and block debate, Senator FEINGOLD is right. Sometimes you win; sometimes you lose. But you have to have that opportunity to be out here advocating and legislating and fighting for people. That is important to me.

Second, this didn't come up in yesterday's debate. I ask my colleague in the form of a question, part of what is going on I think is whether or not the Senate becomes just a nondecision-making body. Whether that is good or bad very much depends on one's view about government. If one thinks there is no positive role that government or public policy can play in the lives of people and in improving the lives of people, it would not bother Members that Senators cannot introduce amendments and that we don't debate these issues.

I ask my colleague whether or not he thinks that is in part what is going on. If one believes there is nothing the government can or should do to respond to dairy farmers, family farmers, by way of making health care more affordable, or improving educational opportunities for children, then denying Senators the opportunity to debate and offer amendments and moving forward is not a problem. If one believes there is a role for government to be doing this, I think it is a problem.

I ask my colleague whether he thinks there is a philosophical debate.

Mr. FEINGOLD. Mr. President, I suggest that is one way that a person can come to the conclusion that the Senate should operate this way. However, there are others who would believe that government sometimes has to stop things that are bad that other levels of government or perhaps the other body would want done.

I ask the Senator if he does not agree that the Senate has a role from another philosophical point of view; I think it is called the "saucer" that THOMAS Jefferson spoke of, the saucer that goes with the cup in order to cool the Senate.

Whether this reflects a belief that government does not have a function, or whether it reflects a fundamental misunderstanding of what the Senate is supposed to be, I wonder if the Senator would react.

Mr. WELLSTONE. I thank my colleague from Wisconsin. I am a political scientist and taught American politics classes, but I think the Senator from Wisconsin is my teacher.

I talked about it from the point of view we ought to be about the business of legislating and deciding, not about the business of not deciding and not moving forward.

I think what my colleague from Wisconsin is saying is, but also, Senator WELLSTONE, the other critical role of the Senate is by definition, two Senators from every State, regardless of population of State. It is not straight majority or majoritarian principles. The Senate is there to defend the rights of minorities, sometimes to represent unpopular causes, and sometimes to make sure that if there is a rush to pass a piece of legislation which has cataclysmic consequences in people's lives, such as the bankruptcy bill, there is an opportunity for Senator or Senators to say: Wait a minute; I insist this not move through. I will be out here fighting, even if it is an unpopular cause. I want the public and the country to know. Sometimes there is much to be said for deliberation. Sometimes there is much to be said for the Senate as a deliberative body, and therefore there is much to be said for a Senator's rights or a group of Senators' rights to represent this viewpoint.

I thank my colleague from Wisconsin for his comments, and I yield the floor.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. This was a useful opportunity to discuss very serious problems in the Senate.

## CRISIS FACING THE ADMINISTRATION OF THE DEATH PENALTY

Mr. FEINGOLD. Mr. President, I rise today to talk about the crisis facing our criminal justice system. For the first time since the reinstatement of the modern death penalty almost a quarter century ago, there is an increasing recognition, from both death penalty supporters and opponents, that the administration of capital punishment in our country has reached a crisis stage.

Our criminal justice system is fraught with errors and the risk that an innocent person may be condemned to die. Since 1976, there have been over 600 executions in the United States. But during this same period, 87 people who were sentenced to death were later proven innocent. That means for every seven persons executed, our criminal justice system has found an innocent person was wrongly condemned to die. The system by which we impose the sentence of death is rife with errors, inadequate legal representation of defendants and racial disparities. At the same time, Congress, state legislatures and the courts have curtailed appellate review of capital convictions.

With declining crime rates and a world where our closest allies have increasingly shunned capital punishment, a growing number of Americans—both opponents and supporters of the death penalty—are realizing that something must be done. Indeed, momentum for a moratorium on executions has been building for some time. In 1997, the American Bar Association called for a moratorium on executions. Numerous city and local governments have followed the ABA's lead by passing resolutions urging a moratorium on executions. Governor George Ryan, a death penalty proponent, has acknowledged that fatal flaws exist in the criminal justice system in Illinois and earlier this year effectively put a halt to executions in his state while a blue ribbon panel reviews his state's criminal justice system. Christian Coalition founder and death penalty supporter, the Reverend Pat Robertson, also recently proclaimed his support for a moratorium.

Today, on the heels of this activity, the New Hampshire state legislature earlier today took a historic step that is indicative of the deepening public concern about the accuracy and fairness of the use of the death penalty. New Hampshire has had a provision for the death penalty on its books for almost ten years. Over two months ago, the lower chamber of the New Hampshire legislature passed a bill that would repeal the death penalty. Earlier today, the New Hampshire Senate followed the House's lead and passed a bill to abolish the death penalty. This marks the first time since the late 1970's that a state legislature has passed legislation to abolish the death penalty, and I urge Governor Shaheen to let the will of the legislature stand. The New Hampshire legislature's action is particularly remarkable because it comes at the same time that the pace of executions has been accelerating in this country. Last year, we hit an all-time high for executions in any one year since 1976, 98 executions. This year, we are on track to execute at least 100 people.

The action of the New Hampshire legislature and long-time death penalty supporters like Governor Ryan and Reverend Pat Robertson indicates that our nation is beginning to re-think its longstanding support for capital punishment. When an auto manufacturer produces a vehicle with a bad fuel tank or malfunctioning airbags that risks injury or death to passengers, we push to have that product recalled, thoroughly review the problem and don't allow the vehicle back on the road until the problem is solved. Like a defective automobile, it is time for a recall on the death penalty. It is time to suspend executions nationwide while we review our criminal justice system to understand why so many innocents have been condemned to death row and to ensure that our justice system is a truly just system.

A bill I introduced just a few weeks ago does just that. The National Death Penalty moratorium Act would place a moratorium on executions nationwide while a national, blue ribbon commission reviews the administration of capital punishment. When Americans, both death penalty supporters and opponents, take a moment to consider the flaws in our criminal justice system, they can reasonably reach only one conclusion: the system is broken and must be fixed. I encourage my colleagues to join me in calling for a nationwide moratorium.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative assistant proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are on a motion to proceed on an appropriations bill.

## BLOCKING CONSIDERATION OF BUSINESS

Mr. THOMAS. Mr. President, I would like to visit just a little bit, maybe express some frustration about what we are doing here on the floor and mostly what we are not doing here on the floor. It seems to me, we, of course, are here for a reason and that is to move bills forward. There is not going to be unanimous understanding or agreement on all these bills, but we have a system. We can have a reasonable debate and vote on them. But the idea that each time we bring up some issue that then we are going to bring back again, issues that are clearly raised for political purposes only and hold up the progress of this entire body, hour after hour and day after day, that begins to be a bit trite. It seems to me that is the direction we are taking. Our friends on the other side of the aisle seem to be perfecting this procedure, and we move forward at our own risk, knowing we are going to have a blocking activity going on.

Republicans are trying to move forward with some issues for the American people that are very important: marriage penalty, tax relief, farm assistance, education, critical needs of the men and women in the armed services, and all of the 13 bills we have on appropriations that are before us. What we have had and what we are continuing to have is Senate Democrats trying to tie up the Senate by changing the subject, by attaching irrelevant amendments to every bill that comes to the Senate floor.

It took five votes before Republicans could break the Democrat filibuster and pass the Ed-Flex bill in 1999. It took five votes in order to deal with an issue that said local school boards, local governments could have more flexibility in what they do with Federal money. Is that something to hold up? I don't think so.

When Republicans offered the lockbox legislation in 1999 to protect the Social Security trust fund, Democrats opposed it six times. Senate Democrats even opposed a measure that passed the House last year by a vote of 416–12, when we were talking about taking Social Security money and insulating it from expenditures on non-Social Security matters. Tell me that is a reasonable thing to do.

On April 13, Senate Democrats blocked a marriage penalty relief bill from continuing through the legislative process, a bill that is based largely on fairness. It is based on the notion that a man and woman, each working singly, earning a certain amount of money, when married earn the same amount of money and pay more taxes. This was a way to resolve that. However, Democrats were rejecting a discussion of the marriage penalty tax. In the House, the Democrats joined the Republicans 268–158 to pass relief. President Clinton pledged his support of the marriage tax penalty relief in his State of the Union. But still they block this because they want to bring up some amendments that are irrelevant to this issue, bring them up totally for political purposes. Unfortunately, we find ourselves in a position of being more interested in raising issues than seeking solutions. That is too bad. That is a shame. It is terribly frustrating, frankly.

I just came from a meeting. We could not have a hearing this afternoon because our friends objected to having a hearing. We had people who came all the way from Alaska to testify. So I can tell you we went ahead and had a meeting and listened to what they had to say. I do not think that is the way we intended for this body to function. We disagree? Of course, we disagree. Different views? Of course, we have different views.

On May 4, Rollcall recounted that one of our friends on the other side promised to work with his colleagues on an education bill if we could do it. Unfortunately, he decided to change in the middle of the stream and we did not go forward.

Now we have 13 appropriations bills that must be passed. Really, our destination, our purpose, was to pass those before the August recess so we would have that out of the way and could deal with other things that are important. By the looks of it, we will not be able to move forward in that important area.

It is very difficult. We just spent 2 days working on military construction. I do not think anybody would argue that we need to move forward on the military; we need to strengthen the military; we need to do something about strengthening the opportunity for people to belong to the military and at least not to be on food stamps. We could do that. But, no, we have to get off on something totally irrelevant, an issue—whether it is gun control or whatever—that we have already dealt with. It keeps coming up on every issue.

I do not argue with the difference of view on it, but to use those things to keep us from moving forward and do the things we ought to be doing is disruptive and is not the intended purpose of what we do here.

There are only 65 legislative days remaining for the Senate to finish its work. Yet we continue to find obstruction; we continue to find delay.

Military construction finally got through. We spent all that time talking about something totally irrelevant to it. We had to get off on the thing. Yesterday we did nothing all afternoon, basically. We finally got it passed. I am pleased with that. I, frankly, voted against it. I voted against it because I did not agree with the process. I do not have any argument with what was in it.

Education had to be pulled, the Elementary and Secondary Education Act, probably the broadest issue with which we will deal. It touches almost everyone. Almost everyone agrees we need to do something with that. Could we finish it? No, we sure couldn't. Sure, there is a little different view. We wanted to let the local people have more flexibility. Our friends over there wanted the rules to come from here. OK, we have a difference. We have a difference in philosophy. I don't argue with that. We have an honest difference. Let's vote. But, no, that is not what happened. What we did was have introduced all kinds of irrelevant, nongermane amendments. I don't know how long we can do that.

The marriage penalty—I have already mentioned it. That is something that certainly ought to be done. As far as I know, it is agreed to by nearly everyone, including the President. It is a fairness issue. We ought to be doing it.

Agriculture, crop insurance, that is one of the things we need to strengthen, since we are moving away from the old farm program. Agriculture is out there; farmers are running some risks and crop insurance is part of it. We were not able to do that. Things that were not pertinent were there.

The juvenile justice bill, we passed juvenile justice. It is still in the committee. We are trying to get some agreement. It is being held up by nongermane kinds of things.

I respect fully the difference of view. I respect fully the differences in philosophy. That is why we are here. That is what elections are about. I understand that. But we simply have to find a way to put aside this business of stalling, just put aside this business of delay, put aside this business of constantly seeking to bring to the floor issues that are totally political and have nothing to do with the topic we are on and talk about them at the time to talk about them. But talk about them once. Don't talk about them every other day. That is what we do. That is wrong. We ought to change it.

We have a chance to take a look at where we are and where we want to go. I have thought more recently, I don't know quite why, about the concept that each of us has goals for ourselves, whether they be personal goals, whether they be professional goals, whether they be spiritual goals, whether they be family goals, and seek to identify those and then decide what our goal is and what we have to do to reach it.

Frankly, I wish it applied a little more to Government. As we enter into these, we ought to not only be looking at the daily issues with which we deal, but we should also be looking at, having set goals and identified where we want to be, whether what we are doing now is contributing to the attainment of those goals.

It is my view we have not done enough of that. If we have a goal of accomplishment in the Senate, a goal of doing the things the people sent us here to do, and then find ourselves caught up in business which does not move toward the attainment of that goal, it is frustrating.

I hope we can move forward. I believe we will. I appreciate the Presiding Officer's efforts. I look forward to next week to accomplish more than we did this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant bill clerk proceeded to call the roll.

Mr. ENZI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

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## PROCEEDING TO DEBATE

Mr. ENZI. Mr. President, I just finished presiding, and the last 15 minutes I presided was a quorum call. It occurred to me there are probably people watching the quorum call who wonder why there was a quorum call. Since I had to listen to some of the previous discussion that I don't think gave a full explanation of why there is a quorum call, or why we are not proceeding on the business of this country, I feel compelled to give a brief explanation.

In the Senate, we have to get permission to proceed to debate a bill. That is where we are right now. We are trying to get permission to proceed to debate an appropriations bill. It is a foreign operations appropriations bill. The Democrats have decided, because of a procedural motion on which they lost yesterday, which will have an effect on the debate of the Senate for years to come perhaps, that we are not going to debate anything for a while.

Let me explain a little more about what that is. What we are having is a filibuster. It is being done rather silently, and sometimes in a whining way. We are having a filibuster over whether we are going to debate any of the appropriations bills. What you heard earlier was them saying that if we can't debate extraneous, nongermane items on any one of the appropriations bills, we are going to see that the business of this country does not go forward. I want to tell you, I think that is wrong and I think the American people need to know about it.

We can do a lot of finger-pointing over why things aren't happening around here, and that isn't going to get anything done except allow the voters in November to make a decision. But the voters need to know what it is that is happening. We are talking about whether a Senator ought to be able to run down here to the floor on any measure that comes up under appropriations—we have 13 appropriations bills to pass, and it usually takes a week to pass each one, and we have about 13 weeks left of the session this year. We are debating now whether or not you can come down here and just stick in any amendment you want, on any issue you want, and call it "deliberative debate."

You can't have an appropriations amendment that legislates. Nobody questions that. That has been determined. We have a Senate rule that says you can't legislate on an appropriations bill. But there is a loophole there. It isn't clear whether you can pontificate on an appropriations bill, whether you can't stick in something that is your pet project and talk ad infinitum on it. That is what this is about. That is what the silence is about. That is what the inability to go forward is about. It is about whether we ought to be able to pontificate on anything we want to, whether or not it is relevant to the item that is up.

Why is that important? I guess it is because this Chamber has television in it now and what we say can be carried to people all across this country. It is cheaper than buying a campaign ad. But it doesn't make it right.

You can't legislate on an appropriations bill, so should you be able to do a sense of the Senate? I say you should not be able to. We should be at the business of taking the appropriations bills we have and deciding on each and every issue that is in that appropriations bill to see if it is the right thing to do. If it is some other issue we want to debate, we should not get to do it then. When we finish up the 13 appropriations bills, we can go back to the regular legislation of this body. On those, there is no requirement on what can be added to them. You can debate and put in an amendment whether it has anything to do with the bill or not. My personal opinion is that you should not be able to do that either. We would get more business done. But there isn't a rule that keeps you from doing nongermane amendments on the regular legislative business; it is only on the appropriations.

Why would we do that? Why would there be requirements on what can be debated when we are talking about appropriations? Well, the bill on which we are trying to get permission to debate right now is one of the smaller ones. A lot of people probably don't think it is very important to this country. In fact, if this bill didn't pass, a lot of people in Wyoming would probably be overjoyed. But it is our business to make sure we deliberate and pass this bill before October 1. What bill is it? The permission that has been requested is to debate the foreign operations appropriations bill.

Earlier, a couple of my colleagues mentioned that if people come to see them in their office and they want to talk about the dairy business, they expect them to be able to come over here to the floor and solve their problem. Well, I want to tell you, that isn't how it happens. You can't talk to somebody in your office, leave your office, come over here, and solve their problem. There are days I wish it were that easy and that fast. But it is designed not to be that easy and that fast. You really have to be able to put it with something that will convince enough Senators it is a good idea that you can do it.

If we happen to be debating a bill that has that dairy problem in it and the funding allocated for it, you can make a difference at that point in time. That is what we are talking about—how to spend the money of this country. As I said, this is a very small bill. This is a $13 billion bill—$13 billion that we are going to spend partly in the United States and partly around the world. It has some interesting provisions in it that are probably worthy of debate—funds for university development assistance programs across the United States. On page 23, they go into a whole bunch of countries that we help. In the report on the bill on page 34, we talk about physician exchanges, so we can have better health around the world. We have vitamins for at-risk women. On page 35, we have violence against women. One of the items that will undoubtedly be debated at some length in this bill is whether there ought to be some bilateral economic assistance to Colombia for narcotics control and law enforcement. But we are not going to get to debate those because perhaps we ought to be able to debate a sense of the Senate on this bill that has nothing to do with it. Patients' Bill of Rights is very important.

I am one of the people on the Senate team negotiating between the Republicans and Democrats in the House and Senate for a Patients' Bill of Rights. We passed that bill. It is an important bill. We are trying to get resolution on that bill.

As a Senator, if we don't have the rule about how peripheral and how nongermane you can get, I could offer an amendment that says I have this sense of the Senate that everyone will agree with me on, and I would like that Patients' Bill of Rights finished by next week. It isn't going to happen because there are too many details that need to be worked out.

I would have had the right day before yesterday to do that. That is what we are talking about. I could have demanded debate time.

It is very difficult to bring debate to a close in this body. As you saw with the gun amendment which was a sense of the Senate, it was a nonbinding sort of thing that said they wanted the juvenile justice bill resolved between the House and the Senate, and they wanted it done by May 24, sometime next week. And it had to be done.

Well, it isn't going to be done. It can't be done. They demanded 12 hours of debate on that issue—12 hours of debate holding up the Senate. That issue is important to a lot of Members. We already debated it and sent it to the conference committee. It is being resolved in the conference committee.

Does it deserve another 12 hours of debate when we are on appropriations? The appropriations bill that we are trying to get done now is on foreign ops. The one we finished when that came up was military construction, building the things that our military needs at home and abroad to do the right job for our national security.

Deliberation is different than publicizing.

These desks down here on the floor were built two per State as the States came into the Nation. They are the same desks that all of the Senators have used through the years. If you have an opportunity to be on the floor, you can take out the bottom drawer of these desks. Senators, as they were leaving this deliberative body, carved their names in that drawer as a tradition. Those are now preserved in Plexiglass. That is taken out, and Members can add their names as they leave.

There is a list in each desk that shows each and every Senator who sat at that desk in the history of the United States. It is fascinating to come down here at night and sit at these desks, look at those lists, and see the names of Senator after Senator whom you have read about in your history book who has been here and debated. You can read about some of the great debates they gave.

For a long time there was not even a sense-of-the-Senate amendment. We didn't have this pontificating, saying I really think we will feel better if we debate and do a sense of the Senate on this nongermane issue. But if you sit here at night and read those names, it is like a walk through history. It is also an opportunity for you to get the feeling that they are still in this Chamber debating whether we are doing the job that we ought to be doing.

In my opinion, the job that we ought to be doing is getting the appropriations bills of this country done as fast as we possibly can, as deliberately as we possibly can, as carefully as we possibly can but getting it done and sticking to the issue of what is in that appropriations bill, or what we think ought to be in that appropriations bill, or what we think ought to be disappearing from that appropriations bill.

Those are the amendments that we ought to be debating, turning in, and turning over. Those are the ones that we ought to be giving grand consideration to in the style that used to in this Chamber—not bringing in peripheral amendments and saying I think I can delay this whole bill so that the President can negotiate it when the new year begins.

It is even possible to delay the whole thing by doing genuine amendments to a genuine bill. It is important for Senators to be able to express themselves on all issues. I daresay if you watch television evenings and weekends you can see Senators debating absolutely every issue. You can't see them making progress on every issue. That is a very prized thing and very difficult to do around here.

I have to tell you that a sense-of-the-Senate amendment doesn't do that. A sense of the Senate delays the actual amendments that change appropriations.

I suspect that if we don't get some agreement to proceed on this bill, we will check and see if there are other appropriations bills they believe are maybe important enough that we ought to be getting on with the business of and debating. We have 13 of them.

I think another one that has now cleared the committee is agriculture. I have to tell you that I think the farmers across this country are going to be pretty livid if this appropriations bill is being held up because somebody has a sense of the Senate where they kind of want to see if all of the Senators kind of feel good about something that doesn't have to do with agriculture. They ought to be livid about it.

I know when I go home, they say: How come you guys put other nonrelated stuff in bills you are talking about? How come some of those get in there? They really want the stuff to be germane to the bill that we are working on and they want it debated. They want it debated in a timely fashion. They think we ought to be getting on with the business.

We can finish appropriations. We can talk about other bills. We talked about a lot of them. They just need to be resolved. But we can talk about those other bills. On the other bills of the Senate, you can still add anything you want, including a sense-of-the-Senate amendment, or including a motion, or legislation that has nothing to do with anything.

The debate should be moving on. The debate should not be held up over whether we can do feel-good motions on appropriations. The debate should center around whether an appropriations bill is justified or not justified, whether we ought to spend the money or we ought not to spend the money, whether the program is good or whether the program is bad.

That is the appropriations process. We have plenty of it to do as we spend close to $2 trillion in this United States.

For those of you who have family budgets and scrimp and save and worry and force that into your capability to buy things, you can recognize how important it would be for us even on something as small as $13 billion to get started on the debate, to look at the items that are included to decide whether or not they are justified and make a decision and move forward so that we can get to the bigger bills that amount to billions more dollars than this one. This should be a bill that is done in about 1 day. But it isn't going to be 1 day. It isn't even going to be started in 1 day. I suspect we may not be started on it next weekend, unless the American people get upset with the way their Government is being run. I am sure they will express their opinion that we ought to be debating every dollar that is involved, and when the debate on the dollars is over, get to the other business of passing laws in this country.

I thank the President. I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

## PARLIAMENTARY ELECTIONS IN HAITI

Mr. DEWINE. Mr. President, as we prepare to begin the debate concerning the provisions within the fiscal year 2001 foreign ops appropriations bill, I would like to call my colleagues' attention to an event scheduled to take place this Sunday, May 21, referring to the parliamentary elections of Haiti.

The openness, the fairness, the transparency of these elections that will be held on Sunday are critical to Haiti, and really place the country and its people at a crossroads. These are the elections that have been postponed, postponed, postponed, and postponed. Finally, it appears as if they will actually take place this Sunday.

The world is watching to see how Haiti conducts these elections. The international community and the United States will be judging Haiti based on these elections. I think it is a fair statement to say that future assistance, future aid from the international community, from the private sector, private organizations, as well as governments, as well as the United States, will depend certainly to some extent on how these elections are conducted. Not how they turn out but how they are conducted. The world will be looking on Sunday to see the amount of violence connected with these elections; to see whether or not the elections are fair, transparent, and open; to see what kind of participation takes place among Haitian people.

We have every right to be concerned about these elections. We have a right to be concerned because of the investment the United States has made in Haiti, which I will discuss in a moment. We have a right to be concerned because these elections have been postponed, postponed, and postponed. We have a right to be concerned because we want to see whether or not this fledgling democracy is, in fact, making progress.

So, yes, the world will be watching. We are concerned, quite candidly, about these elections because of the action and because of the inaction of Haiti's political elite, its upper class, what they have not done and what they have done during the past 5 years.

We all had high expectations for Haiti when the United States sent 20,000 U.S. troops to that island in 1995 to restore President Aristide to power. At that time, we understood it would take time for Haiti to become politically stable. We understood it would take time to establish a free and open market system in that country. We understood it would take time to invoke the rule of law and privatization of government-run-and-owned industries. And we understood it would take a while to establish a fair and impartial and functioning judicial system.

Quite tragically, time has passed and very little, if anything, has changed. The phrase "Haitian Government" is an oxymoron, given President Preval has been ruling by decree without a democratically elected Parliament since January 1999. Political intimidation is rampant, with violence and killings increasing as the elections approach. Furthermore, the Haitian economy is, at best, stagnant. Haiti remains the poorest nation by far in our entire hemisphere, with a per capita income estimated at $330 per year per person, where 70 percent of the people are either without jobs or certainly underemployed.

When we deal with Haiti, the statistics don't matter. We are not even sure how reliable they are. Anyone who has visited Haiti—and I have had occasion to visit Haiti nine different times in the last 5½ years—sees where that economy is and sees the years of wrenching, unbelievable poverty in Haiti, a country that is just a short trip from Miami.

Absent a stable and democratic government, Haiti has no hope of achieving real and lasting economic nor political nor judicial reforms. That is why Haiti is finding itself stuck in a vicious cycle of despair. It is a cycle in which political stalemate threatens the government and judicial reforms, which, in turn, discourages investment and privatization.

Caught in this cycle, the economy stands to shrink further and further until there is no economic investment to speak of at all. With no viable law enforcement institutions in place, and given the island's weak political and economic situation, drug traffickers operate with impunity.

I have talked about this on this floor on several different occasions in the last few years. I predicted several years ago that we would see the amount of drug transportation in Haiti, the amount of drugs flowing through that country, go up and up and our own Government has estimated today that prediction has, tragically, come true. Our Government estimates Haiti accounts for 14 percent of all cocaine entering the United States today. Haiti is now the major drug transshipment country in the entire Caribbean. We estimate 75 tons of cocaine moved through Haiti in 1999. That represents a 24-percent increase over the previous year.

Quite frankly, Haiti has become a great human tragedy. While the decade of the 1980s witnessed unbelievable changes in Central America, with countries moving from totalitarian regimes to democracies, that was the great success story of the 1980s. Many of us hoped in the 1990s, and into the next century, we would see that same progress made in Haiti. Tragically, that has not taken place. Haiti now stands as a missed opportunity for reform, a missed opportunity for progress, for growth, and for development. The true casualties, the real victims of all the turmoil and instability are the children. They are the victims because the small band of political elite in Haiti has not moved forward and taken seriously the need for reform. They have missed their opportunity.

The economy is worse, human rights are being violated, and there is very little optimism today in Haiti. These dire conditions are every day killing children. Haiti's infant mortality rate is approximately 15 times that of the United States. Because Haiti lacks the means to produce enough food to feed its population, the children who are born suffer from malnutrition, malnourishment. They rely heavily on humanitarian food aid. Additionally, because of the lack of clean water and sanitation, only 39 percent of the population has access to clean water. It is estimated only 26 percent have access to sanitation. Diseases such as measles and tuberculosis are epidemic.

Given this human tragedy, we can't turn our backs on these children as mad as we may get at the political leaders of that country, as frustrated as we may become with the political leaders of that country. Haiti is part of our hemisphere, and what happens in our hemisphere, what happens in our own backyard, is very much our concern. If we ignore the situation, we risk another massive refugee exodus for our shores, and drug trafficking through Haiti will continue to increase and increase and increase.

We must seek ways to foster democracy building in Haiti and promote free markets in the rule of law. We also must fight drug trafficking through Haiti and expand agricultural assistance through nongovernmental organizations. Let me say there are good nongovernment organizations that are in Haiti working to make a difference in spite of the Haitian Government. I must also say I have personally seen and visited a number of Americans in church groups who are down in Haiti risking their lives, making a difference every day to save the lives of children.

Finally, most important, I believe we must ensure that humanitarian and food assistance continues to reach the Haitian people, especially the children. We cannot just sit back and let the political elite in Haiti starve these orphan children as well as the elderly and the destitute.

Ultimately, though, Haiti will not really progress until its political leaders and the elite of the country take responsibility for the situation and commit to turning things around. The tragedy of the last 5 years is that the elite in Haiti has not made a decision that it is in their interests and in the interests of their country to change things. Until the elite of Haiti decides to make these changes, it is going to be very difficult, no matter what we do, to have any significant progress made in that very poor country.

Haiti can succeed as a democracy if, and only if, the elite has the resolve to hold open elections, create free markets, reduce corruption, improve its judicial system, respect human rights, and learn how to sustain an agricultural system that can feed its people. Nothing the United States does with regard to Haiti can provide long-term permanent solutions unless and until the Haitians take democratic and societal reforms seriously and work in earnest to create a stable political system in a free and democratic market economy. That is why the world is watching to see how these elections are conducted this Sunday.

Let me turn to another portion of the foreign operations appropriations bill. There is language, as I have just talked about, in regard to Haiti in this bill. I wanted to speak about Haiti this evening on the Senate floor because of that language in the bill but also because of the upcoming elections.

There is another provision in the foreign operations appropriations bill we hope we will be taking up shortly. This provision has to do with our neighbor to the south, Colombia.

Let me first commend the chairman and ranking member on the subcommittee, Senator MCCONNELL and Senator LEAHY, and also the chairman and ranking member of the full committee, Senator STEVENS and Senator BYRD, for working with me, for working with Senator COVERDELL, Senator GRASSLEY, Senator GRAHAM of Florida, and so many others on the Colombia/Andean emergency antidrug assistance package which is now part of this bill.

This assistance to Colombia would provide approximately $934 million to support Colombian efforts to eliminate drugs at the source, to improve human rights programs, to improve rule of law programs, and to increase economic development—$934 million is what is contained in this bill. Passage of this assistance package is crucial to helping keep drugs off our streets here at home and to bring stability to our hemisphere.

No one questions there is a real emergency that currently exist in Colombia. Colombia is a democratic success story that is now in crisis. Thanks largely to the growing profits from illicit drug trafficking, Colombia is embroiled in a destabilizing and brutal civil war, a civil war that has gone on for decades with a death toll that continues to rise and that we estimate is at least 35,000 people. We have seen and continue to see the tragedy of Colombia unfold in our newspapers; we see the violence that is occurring there. Members of the army, members of the police are killed on a daily basis at an unbelievably alarming rate.

Just this week we saw a graphic, horrible picture in our newspapers of a bomb necklacing, where one of the terrorist groups, one of the guerrilla groups, placed a bomb around a woman's neck, asked her family for money, locked the bomb so it could not be removed, and told the family the bomb would go off at 3 in the afternoon. The bomb squad came in, the army. For 8 hours they tried to get the bomb off. Tragically, the bomb went off. The bomb killed the woman and killed the young man who was working to try to free her. That is just a graphic example of what is occurring, in one form or the another, in Colombia every single day.

Many of us on the floor were in Congress in the 1980s when we worked so hard to give assistance to the countries in this hemisphere, particularly in Central America, to drive communism out to allow these countries to become democratic. The 1980s are a true success story for this hemisphere. We paid a very heavy price, but I think most of us believe that was a price worth paying. We brought democracy, we brought opportunity to our hemisphere.

Today the drug trade has emerged as the dominant threat to peace and freedom in the Americas. Communism was the threat in the 1980s. Today the drug trade is the threat. It threatens the sovereignty of the Colombian democracy and the continued prosperity and security of our hemisphere.

We have devoted a good portion of this week to discussing the threat that is involved in the whole situation in the Balkans, specifically in regard to Kosovo. I think we should have; it is very important. But I believe what we are seeing right here in our own hemisphere, what is happening in Colombia, is certainly equally important and maybe more important than what is going on in the Balkans.

Tragically, it is America's own drug habit that is fueling this threat in our hemisphere. It is our own drug habit that is causing the instability and violence in Colombia and in the region. Let's just look at what is happening in my own home State of Ohio, in Cincinnati, OH. In 1990, there were 19 heroin-related arrests in Cincinnati—1990, 19 heroin-related arrests. Last year, there were 464 arrests. Law enforcement officers in Cincinnati understand the reason for this surge. Colombia produces low-cost, high-purity heroin, making it more and more the drug of choice. And because of our Government's inadequate emphasis on drug interdiction and eradication efforts, that Colombian heroin is making its way across our borders and in my case, to the State of Ohio.

We may say, sure, Cincinnati is just one urban area, one metropolitan area. But if there is a heroin problem in Cincinnati, you can bet there is a heroin problem in New York City and Chicago and Los Angeles and throughout our country. The fact is that drugs from Colombia are cheap and plentiful in this country, so our children across America are using them. In fact, more children today are using and experimenting with drugs than 10 years ago—many more than did 10 years ago. The facts and statistics are startling. According to the 1999 Monitoring the Future Study, since 1992 overall drug use among tenth graders has increased 55 percent, heroin use among tenth graders has increased 92 percent, and cocaine use among tenth graders has increased 133 percent.

The ability of our law enforcement officers to succeed in keeping drugs off our streets and away from our children is clearly, directly linked to our ability to keep drugs produced in places such as Colombia from ever reaching our shores. To be effective, our drug control strategy needs to be a coordinated effort that directs and balances resources and support among three key areas: Domestic law enforcement, international eradication and interdiction efforts, and demand reduction. This means we must balance the allocation of resources towards efforts to stop those who produce drugs, those who transport illegal drugs into this country, and those who deal drugs on our streets and in our schools.

The sad fact is, the cultivation of coca in Colombia has skyrocketed, doubling from over 126,000 acres in 1995 to 300,000 in 1999. Poppy cultivation has grown to such an extent that it is now the source of the majority of heroin consumed in the United States. Not surprisingly, as drug availability has increased in the United States, drug use among adolescents also has increased.

To make matters worse, these Colombian insurgents see the drug traffic as a financial partner to sustain their illicit cause, only making the FARC and ELN grow stronger. The sale of drugs today not only fuels the drug business, but also the antidemocratic insurgents in Colombia.

Why does Colombia matter? It matters to us, first of all, because of what I just talked about, and that is the drugs Colombia ships into the United States.

Why else does it matter? The drug trade in Colombia is a source of rampant lawlessness and violence in Colombia. It has destabilized that country and stands to threaten the entire Andean region. Fortunately, in the last few years, Congress has had the foresight to recognize the escalating threats, and we have taken the lead to restore our drug-fighting capability beyond our borders off our shores.

Many of my colleagues who have worked so hard on this Colombia assistance package also worked with me just a few short years ago to pass the Western Hemisphere Drug Elimination Act, a $2.7 billion, 3-year authorization initiative aimed at restoring international eradication, interdiction, and crop alternative development funding.

With this law, we already have made an $800 million downpayment. We have appropriated and spent $800 million, $200 million of which represented the first substantial investment in Colombia to counternarcotics activities.

I stress to my colleagues that the emergency assistance package before us is based on a blueprint that Senator COVERDELL and I developed and introduced last October, 3 months before the administration unveiled its proposal.

Like our plan, the emergency assistance package before us this evening goes beyond counternarcotics assistance and crop alternative development programs in Colombia. This plan targets Latin American countries, including Bolivia, Peru, Panama, and Ecuador.

This is a regional approach, and a regional approach is crucial. Peru and Bolivia have made enormous progress to reduce drug cultivation in their countries, and they have done it with our assistance. What has taken place in those two countries has been a success story.

An emphasis only on the Colombian drug problems risks the spillover effect of Colombia's drug trade shifting to other countries in the region. That is why resources are needed and provided in this bill for countries such as Bolivia, Panama, Ecuador, and Peru.

I also note the positive contributions to our antidrug activities made by the chairman and ranking member, Senator BURNS and Senator MURRAY, of the Military Construction Subcommittee. We passed today the military construction bill which includes investments in equipment and support activities as part of our Colombia-Andean region antidrug strategy.

That bill also includes funding for the Coast Guard to provide supplies, reduce the maintenance backlog, and for pay and benefits for Coast Guard personnel.

Funding in that bill also was provided for six C–130J aircraft, which give critical support to our counternarcotics efforts.

That bill also contains funding for forward operating locations which will provide the logistic support needed for our aircraft to conduct detection and monitoring flights over the source countries. The closure of Howard Air Force Base in Panama, as part of the Panama Canal transfer treaty, severely diminished this capability. That is why we need these forward operating locations, and that is why the money provided in this bill is so important.

As I stated a moment ago, a balanced approach is critical to the success of our counterdrug policy. We must continue to invest resources in our law enforcement agencies—Coast Guard, Customs, and the Drug Enforcement Agency. They are our front line of defense against drugs coming into the United States. They also work with law enforcement agencies of other countries to eradicate and interdict drugs. These agencies need additional resources to ensure the increase in illicit drug production in Colombia does not result in a corresponding increase in drugs on the streets and in the schools of our country.

Addressing the crisis in Colombia is timely and necessary. It is in the national security interest of Colombia and the United States to work together and with our other partners in the hemisphere to curb the corroding effects of illicit drug trafficking. The bottom line is that an investment in the Andean region to help stop the drug trade and preserve democracy is a direct investment in the peaceful future of our entire hemisphere. It is in our national interest.

I know there are some of my colleagues on this side of the aisle who have expressed some hesitancy and reluctance about the provision in this bill concerning Colombia. I want to take a moment to direct my comments specifically to them.

The Western Hemisphere Drug Elimination Act that Congress passed several years ago was an attempt to change the direction of our drug policy. What do I mean? I consistently said during this speech and other speeches on the floor that we need a balanced drug policy. We have to have treatment, education, domestic law enforcement, and we have to have international law enforcement and interdiction. We have to do all these things. We have to have a balanced approach.

We found 3 years ago when we looked at what had happened in our antidrug effort over the last decade that beginning with the Clinton administration, that administration began to reduce the percentage of the money we were spending on international drug interdiction.

When George Bush left the White House, we were spending approximately one-third of our total Federal antidrug budget on international drug interdiction, basically on stopping drugs from ever getting inside the United States—spending it either on law enforcement in other countries, on Customs, on DEA, on crop eradication, stopping drugs from ever reaching our shores. That was about one-third of our budget. That is what we were spending when George Bush left the White House.

As of 2 years ago, after 6 years of the Clinton administration, that one-third has been reduced to approximately 8 to 10 percent, a dramatic reduction in the amount of money we were spending on international drug interdiction.

Some of us in this body—Senator COVERDELL, myself, and others—decided we had to change that, so we introduced the Western Hemisphere Drug Elimination Act. A corresponding bill was introduced in the House of Representatives. Then Congressman HASTERT, now Speaker HASTERT, played a major role in working on that bill, as did others.

The bottom line is, we passed the bill, it became law, and we have begun to change that direction. The initiative for that came from this side of the aisle. We saw what the administration was doing. We said the policy has to change; we need to put more money into interdiction, and we need to begin to do that. We did do that.

Fast forward a couple more years as the crisis in Colombia continued to get worse and worse. Again, Senator COVERDELL, Senator GRASSLEY, myself, and others put together a new package. It was a package aimed specifically at dealing with the crisis in Colombia. We introduced that package last October. After we introduced that package, a few months later the administration finally came forward and said: Yes, we have to do something about Colombia. But it was our initiative that started it.

It brings us now to where we are today. The initiative that Senator COVERDELL, Senator GRASSLEY, and others introduced has now been wrapped into this bill. The good news is that the administration is on board.

The administration also came forward with a proposal to deal with Colombia and has stated their understanding of the severity of this problem. So that is where we are today.

I ask my colleagues to look at the big picture and to think about what is in the best interests of the United States. This package is not put together for Colombia. It is not put together for the Colombians. It is put together for us. It is put together because Colombia is our neighbor, and what happens to our neighbor, in our neighbor's country, affects us.

Why? Trade. Colombia is a major trading partner of the United States. What happens in that country affects our trade. The drugs that come into this country, as I have already demonstrated in this speech, come from Colombia to a great extent. The drugs that are killing our young people come from Colombia.

So we have a very real interest in stabilizing that country, keeping that country democratic, keeping that country a trading partner of the United States, and to help that democratically elected government in Colombia help themselves to beat back the drug dealers, to beat back the guerrillas.

They face a crisis that is different than any crisis that any other country has probably ever faced. Many countries have faced guerrilla movements throughout history. But I do not know any other country that ever faced a guerrilla movement that was fueled with so much money. There is this synergistic relationship now that has been created between the drug dealers and the guerrillas. Each one benefits the other. Each one takes care of the other. The end result is that the guerrillas are emboldened and enriched by the drug dealers' money. So it is a crisis that Colombia faces, but it is a crisis that directly impacts the United States.

I ask my colleagues to remember how we got here, to remember what role this side of the aisle played in trying to deal with the Colombia problem and deal with the problem in Central America, South America, what role we played in trying to increase the money that we are spending and resources we are spending on stopping drugs from coming into this country.

If we recall that history, and recall what the situation is in Colombia today, we will be persuaded that this is the right thing to do and that this provision in this bill that deals with an aid package for the Colombia-Andean region is clearly in the best interests of the United States and is something that we have to do.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECOGNITION OF JUDGE RHESA HAWKINS BARKSDALE'S TEN YEARS OF SERVICE TO THE UNITED STATES COURT OF APPEALS, FIFTH CIRCUIT

Mr. LOTT. Mr. President, I rise today to congratulate my good friend, Rhesa Hawkins Barksdale. Last month marked the tenth anniversary of Judge Barksdale's investiture as a United States Circuit Judge for the Fifth Circuit. On April 1, 1990, Judge Barksdale was sworn into office by Justice Byron White, for whom Judge Barksdale clerked following his graduation from the University of Mississippi School of Law. Throughout the past ten years Judge Barksdale has faithfully fulfilled his sworn duty to enforce the Constitution and laws of the United States. Needless to say, his service to the Fifth Circuit has brought distinction to his family, our State, and the Nation.

I might add that this country is indebted to Judge Barksdale for more than his zealous commitment to justice. His service as a Circuit Judge continues a lifetime of dedication and sacrifice to protect the freedoms and liberties of all Americans, as exemplified by his valiant and decorated service to his country during the Vietnam War. Judge Barksdale served in combat in Vietnam as an officer in the United States Army, and he was awarded a number of medals, including the Silver Star, Purple Heart, Bronze Star for Valor, and Bronze Star for Meritorious Service.

Mr. President, Mississippians and Americans are grateful for Judge Barksdale's public service, and I congratulate and honor him on the tenth anniversary of his service on the bench.

## READING THE NAMES OF GUN VICTIMS

Mr. LAUTENBERG. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is session.

These names come from a report prepared by the United States Conference of Mayors. The report includes data from 100 U.S. cities between April 20, 1999 and March 20, 2000. The 100 cities covered range in size from Chicago, Illinois, which has a population of more than 2.7 million to Bedford Heights, Ohio with a population of about 11,800. But the list does not include gun deaths from some major cities like New York and Los Angeles.

The following are the names of some of the people who were killed by gunfire one year ago today—on May 18th, 1999: Gregory Babb, 24, Philadelphia, PA; Clifford Clark, 54, Detroit, MI; James Courtney, 20, Providence, RI; Julius Ford, 32, San Antonio, TX; Derrick Hall, 24, Chicago, IL; Jason Horsley, 25, Denver, CO; Keith Mitchell, 21, Detroit, MI; Laredo Schetop, 48, Dallas, TX; Jamaar Wynn, 15, Nashville, TN.

In the name of those who died, we will continue the fight to pass gun safety measures.

## THE MILLION MOM MARCH

Mr. FRIST. Mr. President, on Mother's Day 2000, half a million mothers and others marched on Washington to demonstrate their fury at the number of children killed by gun violence last year. Their goal: to convince Congress to pass even more laws restricting citizen access to handguns. All in all, it was quite a spectacle. But while it reflects the modern American view that every ill can be remedied through the power of law, it seems to me the real—and only—question to be answered is will more laws actually produce the result we all seek?

Before we can answer that question, Mr. President, we must examine this one: is the recent spate of gun violence involving children the result of rising levels of crime and escalating gun ownership, or something else?

Let's look at the facts:

During the 1060s, 1970s, and 1980s, gun violence increased dramatically. During the 1990s, however, the numbers actually began to decline, with school violence of the type exhibited at Columbine falling precipitously to the point where kids today are probably the safest they've been in decades.

In 1996 (the last year for which statistics are available), 1,134 Americans died in accidental shootings—the lowest level ever recorded. Only 42 were under the age of 10. Yet more than 2,400 10-year-olds died that year in motor vehicle accidents, another 800 were drowned, and well over 700 died from fire. As for the danger of guns in homes, only about 30 people each year are accidently killed by homeowners who believe they are shooting an intruder, as opposed to 330 who are accidentally killed by police.

So why are the numbers declining? While there could be lots of reasons—tougher judges, stiffer penalties, and little mercy for repeat offenders—it's also interesting to note that the decline in murder and violent crime has paralleled an increase in gun ownership.

Mr. President, today about 80 millions Americans, or 40 percent of the population, own almost 250 million firearms, as compared with about 27 percent in 1988. And in states like Texas where citizens are allowed to carry concealed weapons, the number of murders, assaults, and burglaries has dropped dramatically. Significantly, in 15 states with tough gun control measures including the trigger locks and "safe storage" laws moms on the Mall were rallying for, there were—accordingly to Mr. LOTT—3,600 more rapes, 22,500 more robberies, and 64,000 more burglaries. Could it be that criminals are smart enough to know where they're likely to encounter resistance and where it's easiest to operate?

Mr. President, there is nothing more tragic than losing a child. And nothing more wonderful than mothers fighting to keep their children safe from harm. But before any war can be won, we must understand the enemy and develop a strategy to defeat him. In the war against gun violence, the enemy is not the weapon, but the criminal who uses it. Making it easier for him to win by restricting those who could thwart his evil act, or deter it in the first place, is not the answer.

Marching on the Mall is stirring spectacle, but ending the tragedy of gun violence requires a much more serious solution.

Mr. President, I thank the Chair and yield the floor.

Mr. DODD. Mr. President, I rise today to bring to the Senate's attention an excellent report on the state of child care in the U.S. military and the implications for improving civilian child care. "Be All That We Can Be: Lessons from the Military for Improving Our Nation's Child Care System" documents the Department of Defense's impressive turn-around of its troubled child care system and its emergence as a model of affordable and quality child care for the civilian world. As recently as ten years ago, military child care was in crisis—changing demographics in the military workforce had led to a surge in demand for child care that the Department was unprepared to meet. Child care waiting lists soared and quality plummeted. Prodded by a GAO report, Congressional hearings, and the recognition that child care is a fundamental issue for military readiness, the Department of Defense turned its child care system the gold standard for the Nation.

The experience of the Department of Defense offers important lessons for the civilian world and offers great hope for improving child care across the Nation. Parents should not have to join the service to receive good child care. High quality, affordable care is a basic necessity for all working families. It is my hope that we will take these lessons to heart and commit to ensuring that all children are given opportunities for the right start in life.

I would like to express my gratitude to Nancy Duff Campbell and Judith Appelbaum of the National Women's Law Center for their hard work on producing this valuable report and I would ask that a summary of the important "lessons learned" from their report be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### SIX LESSONS LEARNED

First, those seeking to make improvements in civilian child care should not be daunted by the task: the military has shown by its example that it is possible to take a woefully inadequate child care system and dramatically improve it over a relatively short period of time. If even a tradition-bound institution like the military can turn its child care system around, similar progress should be achievable in other settings.

Second, to achieve progress, it is necessary to acknowledge the seriousness of the child care problem and the consequences of inaction. Policy makers in Congress and the Department of Defense acted to reform military child care after extensive Congressional hearings and GAO reports not only exposed the poor state of military child care, but also documented two results: because the child care system was failing to meet the needs of a changing workforce it was jeopardizing workforce performance (and thus military readiness), and it was affecting the welfare of the children. Similar concerns about the unavailability of high-quality, affordable child care across the U.S. today—its impact on workforce performance, and the effects on the healthy development and learning of children—should prompt action to improve civilian child care.

Third, the quality of child care can be improved by focusing on establishing and enforcing comprehensive standards, assisting providers in becoming accredited, and enhancing provider compensation and training. The military has developed comprehensive standards that providers must meet in order to be certified to operate, and it ensures that these standards are met through a system of unannounced inspections and serious sanctions for failure to comply. It also assists providers in meeting the additional requirements necessary to become accredited by a nationally recognized program. It encourages parental involvement through parent boards, an "open door" policy, and an anonymous hotline for reporting problems. And it has increased provider compensation and training, and linked compensation increases to the achievement of training milestones. While some states have taken steps forward in one or more of these areas, on the whole the states have been far less effective in addressing these issues, and could benefit substantially from emulating the military's formula for success.

Fourth, child care affordability should be addressed through a system of subsidies. The military child care system keeps care affordable for parents through the use of a sliding schedule of fees based on parent income, as well as other subsidies. As a result, the average weekly fee paid by military families for center-based care is significantly lower than the average weekly fee paid by civilian families for such care. In the civilian world, a patchwork array of government measures assists some families in meeting their child care expenses, but these policies are inadequate. Policy makers at both the federal and state levels should follow the military's example in making more resources available-as well as using the mechanisms it has used to distribute these resources—to help subsidize care for families who cannot afford to pay the full cost of good child care.

Fifth, the availability of care should be expanded. Although demand still far exceeds supply in the military system, the military has made significant progress in this regard by continually assessing unmet need and taking steps to address it through a comprehensive approach that includes all kinds of care: child care centers, family child care, and before and after-school programs, as well as resource and referral agencies to assist parents in locating care. Some states and localities have taken a variety of steps to expand the supply of child care, but the military's experience demonstrates, among other things, that it is essential to measure unmet demand and then develop a plan for meeting it with specific goals and timetables.

Sixth, improving the quality, affordability, and availability of child care is a costly proposition, and will succeed only if policy makers commit the resources necessary to get the job done. Through increased Congressional appropriations and allocations from within DoD resources, the funds provided for military child care have been climbing dramatically in recent years, making the turnaround in military child care possible. The same commitment of resources on the civilian side is not yet evident. An increased public investment is critical if the same progress is to be achieved in civilian child care. The military's experience shows, in short, that policy makers can be prodded into action by the acknowledgment of a serious child care problem, and that once they make child care a top priority and allocate the resources that are needed to address it, a seriously deficient system can be turned around. Those faced with the challenge of expanding access to affordable, high-quality child care across the United States today—policy makers, child care administrators, advocates, providers, parents, and others—should find encouragement in this conclusion. Inspired by the military's example, and armed with knowledge of the tools it used to achieve its successes, they need only to apply the lessons learned to make child care for all working families, like the child care provided to military families—to echo the Army's familiar jingle—"be all that it can be."

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## VIOLENCE AGAINST WOMEN ACT REAUTHORIZATION

Mr. FEINGOLD. Mr. President, I rise today to call for Senate action on reauthorization of the Violence Against Women Act. Earlier this week, the Supreme Court in its decision in United States versus Morrison struck a specific provision from the Violence

Against Women Act of 1994. But that decision leaves intact the bulk of this landmark law. For the past five years, VAWA has funded and promoted significant innovations in federal, state and local programs to assist victims of violence, enhance prosecution of domestic violence and sexual assault crimes, and prevent violence against women and children in their homes and on our streets. This support has enabled shelters, rape crisis centers, health care professionals, schools, police forces and communities across the country to address and prevent violence against women. I commend my distinguished colleague from Delaware, Senator BIDEN, for his authorship of the original Violence Against Women Act and for his commitment to ensuring that this important legislation is re-authorized.

Women across the nation, including in my home state of Wisconsin, have benefitted from this important legislation. Women's lives have been saved. Countless victims of domestic violence or sexual assault are receiving the services they need. Police are participating in training programs to arrest and bring abusers to justice. Both men and women are learning about the problem of domestic violence and sexual assault. In short, women are safer today because of this legislation.

Our nation's progress in preventing violence against women, however, is now in serious jeopardy. Authorization for the Violence Against Women Act ends this year. I understand that Senators BIDEN and HATCH have been working closely to craft a compromise re-authorization bill. I commend both of my colleagues for their commitment to this issue. But with only weeks remaining in this abbreviated session, I urge the Senate leadership to take action on this legislation without further delay.

## EXPLANATION OF VOTES

Mr. DODD. Mr. President, yesterday, May 17, 2000, I was necessarily absent during rollcall votes 102, 103, and 104 in order to accompany the President of the United States to the United States Coast Guard Academy in New London, Connecticut, and to meet with several mayors representing cities in southeastern Connecticut. Had I been present, I would have voted as follows: yes on rollcall vote 102; yes on rollcall vote 103; yes on rollcall vote 104.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 17, 2000, the Federal debt stood at $5,671,580,132,464.01 (Five trillion, six hundred seventy-one billion, five hundred eighty million, one hundred thirty-two thousand, four hundred sixty-four dollars and one cent).

One year ago, May 17, 1999, the Federal debt stood at $5,587,730,000,000 (Five trillion, five hundred eighty-seven billion, seven hundred thirty million).

Five years ago, May 17, 1995, the Federal debt stood at $4,884,247,000,000 (Four trillion, eight hundred eighty-four billion, two hundred forty-seven million).

Ten years ago, May 17, 1990, the Federal debt stood at $3,093,688,000,000 (Three trillion, ninety-three billion, six hundred eighty-eight million).

Fifteen years ago, May 17, 1985, the Federal debt stood at $1,751,773,000,000 (One trillion, seven hundred fifty-one billion, seven hundred seventy-three million) which reflects a debt increase of almost $4 trillion—$3,919,807,132,464.01 (Three trillion, nine hundred nineteen billion, eight hundred seven million, one hundred thirty-two thousand, four hundred sixty-four dollars and one cent) during the past 15 years.

## ADDITIONAL STATEMENTS

## RETIREMENT OF COLONEL WILLIAM "DAVE" MILLER

● Mr. ROBB. Mr. President, today I rise to honor Col. William "Dave" Miller upon his retirement from the U.S. Army and to thank him for his 27 years of faithful and honorable service to the Army and the Nation.

Serving in positions of increasing responsibility, Colonel Miller has displayed remarkable leadership and superb knowledge throughout his entire career. Colonel Miller's exceptional abilities were notably acknowledged when he was selected as Commander of the Data Systems Unit, White House Communications Agency. As the Commander, he was the driving force behind the development of a host of automation modernization programs, which significantly improved the crisis management decision process of the Nation and placed the Command upon the cutting edge of the information revolution. Colonel Miller routinely interacted with the National Security Council, White House Military Office, and the White House Staff. The consummate professional, he demonstrated the ability to work successfully with each of these offices and build consensus thereby ensuring mission success.

Upon completion of the Program Manager's Course, Colonel Miller served as the Commander of the U.S. Army Research, Development and Acquisition Information Systems Activity, where he directly supported the Assistant Secretary of the Army for Research, Development and Acquisition. Colonel Miller introduced a myriad of initiatives that resulted in dramatic improvements in the daily operation of his organization. Chief among these was his ability to reduce base operations costs by 38 percent which translated into a yearly savings of over three hundred thousand dollars.

Colonel Miller culminated his career as the Commander of the United States Army Information Systems Software Center, a centrally selected Command with over 900 military and civilian personnel supported by over 400 contractors. He managed a budget of over $115 million. Colonel Miller, a recognized leader in the acquisition and automation communities, did an exceptional job of leading his command through a difficult period of downsizing and budget cuts while continuing to improve automation support to the Warfighter.

Colonel Miller is one of the Army's most outstanding automation officers. His selfless dedication, consummate professionalism, and visionary leadership have enabled him to lead his Command to unprecedented heights, eliciting praise from field commanders Army wide. He personifies the very best character attributes of the Officers' Corps. The Army will be greatly diminished the day that he retires.

I am honoring Colonel Miller today as a way of thanking him for his faithful and honorable service to the Army and to the citizens of the United States.●

## KIDS DAY AMERICA/ INTERNATIONAL

● Mr. SANTORUM. Mr. President, I rise today to join Stefanou Chiropractic Centers in supporting the sixth annual Kids Day America/International event in Philadelphia on May 20, 2000. Stefanou Chiropractic is the official chiropractic office representing Kids Day America/International at the event, which will benefit the World Children's Wellness Foundation.

Kids Day America/International is a special day set aside to address health, safety and environmental issues. It was founded for the purpose of educating families and communities about important social concerns that affect us as individuals and as a community.

Our children represent the promise of a bright future, and we must uphold our obligation to nurture and protect them, providing them with the opportunity to learn, achieve, grow and succeed in a healthy and safe environment. Kids Day America/International is an opportunity to teach our children positive principles which will benefit them for a lifetime.

I would like to offer my best wishes to Stefanou Chiropractic Centers for a successful and educational event to be enjoyed by all. To honor this event, I put forward the following proclamation:

Whereas, the health and well-being of children is our responsibility; and

Whereas, the safety of our children is a significant concern for parents, community leaders and health care givers; and

Whereas, environmental welfare is of universal concern and deserves the utmost attention; and

Whereas, if started in childhood, proper health, safety and environmental habits can be maintained for a lifetime, producing a valued member of society, and enhancing our community;

Now, therefore, I urge my Senate colleagues to join me in proclaiming the 20th of May, 2000 as "Kids Day America/International."•

## IN MEMORY OF JO-ANN MOLNAR

• Mr. KERRY. Mr. President, I would like to share just a few words about a good friend we recently lost, someone I have known since I first ran for Lieutenant Governor in Massachusetts in 1982, a good hearted and selfless individual who was always an inspiration, Jo-Ann Molnar. Jo-Ann recently passed away after bravely battling cancer, and I know that I am not alone in saying that as someone whose life was touched by Jo-Ann Molnar's service, activism, and warmth, there is today a deep and profound sense of loss. In Jo-Ann many of us have lost—and today I would like to honor—a committed activist, a person of enormous courage and character and, most simply, a great friend.

I first met Jo-Ann Molnar when I became involved in politics in the 1970s. Jo-Ann approached me at one of our earliest events and offered to help in any way she could. Jo-Ann was one of those individuals who—through her commitment to do what is right, through her belief in politics not as sport but as a fight for principle—could reaffirm precisely why politics matters and why public service is worthwhile.

Jo-Ann and I remained in touch ever since that first involvement, and I looked forward to and always appreciated Jo-Ann's warm cards and greetings. Always a loyal friend, Jo-Ann would share with me her thoughts on issues of importance, keep me abreast of her accomplishments, and offer me words of encouragement as I worked through the challenges of the United States Senate.

It was through her frequent cards and letters—and the occasional happy meeting either in Massachusetts or at political gatherings around the Maryland area—that I learned of the many ways in which Jo-Ann continued to dedicate herself to public service. Her determination to make a difference led her to remarkable achievements. In 1977, Jo-Ann graduated magna cum laude from Fairleigh Dickinson University, with a degree in history and political science. She went on to earn a master's degree in political science from American University. Jo-Ann selflessly offered her leadership to her fellow Democrats, serving admirably as President of the Montgomery County, Maryland Young Democrats, as Vice Chair of the Handicapped Commission in Montgomery County, and on the Board of Directors of the Montgomery County public libraries. In addition to her help with my campaigns, Jo-Ann served as a legislative intern to U.S. Senator Donald Reigle, U.S. Representative Gene Andrew Maguire, and Montgomery County Council member Michael L. Gudis. She also worked as a Congressional Liaison Assistant for the U.S. Department of Health and Human Services. For almost a decade, Jo-Ann served as a legal researcher for the Human Relations Commission. She gave of herself as a Sunday School teacher and a confirmation teacher at the Foundary United Methodist Church in Washington, D.C, as well as an instructor at Colesville United Methodist Church in Silver Spring, Maryland.

Mr. President, Jo-Ann lived a life true to her ideals of service—service to community, service to faith. I would add, though, that none of these achievements would have been possible if Jo-Ann had not worked so hard to overcome cerebral palsy. Jo-Ann refused to be slowed by her disability—and in fact rejected the notion that she should in any way lower her expectations for herself or expect different expectations from those to whom she so selflessly offered her best efforts. Jo-Ann was a fighter, and I continually marveled at her drive to rise above what some would view as limitations.

For that reason, Jo-Ann served as one of the best possible advocates and activists for the Americans with Disabilities Act. Honored as a teenager for her activism on the Education for All Handicapped Children Act, Jo-Ann kept pushing as an adult to break down barriers in our society that she believed kept disabled Americans from maximizing their contributions to their communities and our nation. Jo-Ann was not just an advocate for legislation to protect and empower disabled Americans—she was the living embodiment of those efforts.

Mr. President, it is difficult to accept that we have all lost a friend in Jo-Ann Molnar, but it is particularly difficult, I know, for Jo-Ann's family—her mother, Helen, and her two sisters, Dorothy and Ilona. They are in our thoughts and prayers.

I was comforted, though, to learn that Jo-Ann was able to enjoy life as she had always done, up until her last days. Jo-Ann's mother, Helen, let me know that she had a wonderful Christmas with her family and was able to attend a New Millennium New Year's Eve celebration, complete with the 60's rock music she loved. Just as she did throughout her life, even in her most difficult days, Jo-Ann kept on doing the things that she loved—and she moved forward in so many remarkable efforts driven by a real sense of social conscience.

Mr. President, today I remember Jo-Ann for her service, her friendship, and her kindness. All of us who knew her continue to draw strength from her courage and her faith, and Jo-Ann's life continues to inspire.•

## COMMEMORATING SAMUEL JAMES TOBIAS

• Mr. DOMENICI. Mr. President, I rise today to join the community of Ruidoso, New Mexico in mourning the loss of Samuel James Tobias. Sam, a twenty-four-year veteran of the U.S. Forest Service, lost his life this week battling the Scott Able Fire in southern New Mexico when the spotter plane he was in crashed shortly after takeoff. His loss leaves a tremendous void for his wife, Jackie, the Forest Service, and the entire community of Ruidoso.

Sam joined the Forest Service in 1977 and worked in Recreation Management his whole career because of his love for the National Forest and the public. Preserving the land was his passion, and although fire fighting was the most dangerous aspect of his job, it was the part he especially enjoyed. Sam joined many local and regional fire teams and became trained as an Air Attack Coordinator. His skills in coordinating air tankers, helicopters and fire crews became well known and he gained the respect of all throughout the fire fighting community.

Sam was also deeply respected as a person. A big man with a soft voice, he was known as always having a smile on his face. One of his coworkers remembered him as "the peacemaker with that big smile, always helping and giving good advice." Others have talked about the "twinkle in his eyes" and his big "bear hugs." His lifelong friend, Dale Mance, recalled how Sam helped him find his way out of the steel mills of Pennsylvania and into a career with the Forest Service. There are so many examples of Sam's goodness; obviously, he had a heart that matched the size of his physical stature.

The many testimonals about Sam that his friends and family have offered carry a common theme: his willingness to help others, his selflessness, his concern for others. Often, such character is uncommon in men. For Sam Tobias it was natural, because he held genuine love for his family, his neighbors, and the land. Mr. President, I share the grief of the community of Ruidoso and my heartfelt condolences go out to the Tobias family.•

## TRIBUTE TO ALICE FULLER

• Mr. MOYNIHAN. Mr. President, I rise today to pay tribute to a remarkable woman, Alice Fuller. At the age of 81, she has two adult daughters, six grandchildren, and nine great grandchildren. She manages a thirteen-acre farm and garden, and still spoils her family with homemade rolls and baked goods at every family dinner. Her stamina and good-nature should be an inspiration to all Americans. A native of Missouri, she moved with her family to California in 1936, and in 1941, she married and moved to Oregon. Irrespective of her southern and western roots, she is an enthusiastic and loyal fan of the New York Yankees. On Mother's Day, The Register-Guard of Eugene, Oregon included the following story on this, "One Tough Mom."

Mr. President, I ask that this statement and the following article be printed in the RECORD.

### A FARMER'S INSTINCT

(By Kimber Williams, The Register-Guard)

VENETA.—Seated on a stack of newspapers astride her John Deere tractor, dragging a brush cutter around her 13-acre farm, she looks no bigger than a child.

At 81, Alice Fuller is small—her slim, delicate limbs whittled by the inevitable bending and shrinkage that come with the years.

Steadied by a wooden cane, she stands at 4 feet 6 inches and weighs maybe 91 pounds.

Don't be fooled. She's still got plenty of horsepower.

Fuller has lived alone since her husband's death, tending her beloved garden and fruit trees, hauling in wood to heat her home—she prefers wood heat—cooking and baking her famous from-scratch dinner rolls. As always, keeping her place up.

Hard work is the essential rhythm to her life—as sure and steady as her own heartbeat.

As the daughter of Missouri sharecroppers, Fuller grew up working the land.

Corn and wheat and oats, watermelon and canteloupe. She quit school early to help her brothers, the baby of the family intent on carrying her own weight.

It was a good life, an honest life. But she would never tell you that it's been hard.

Like many children of the Depression—like mothers everywhere—she simply did what had to be done.

As a wife and mother in rural Oregon, Fuller learned to run a chicken ranch—raising up to 75,000 chickens five times a year. She could clean and dress 100 chickens, dissect a chicken and tell you what killed it, then turn around and fry up a batch for dinner.

Once, when Fuller left to visit her own ailing mother, she returned to find that someone had left a chicken house door unlatched. Cows had wandered in among the 15,000 maturing broilers, sending terrified chickens scrambling. Smothered chickens were stacked in every corner of the chicken house.

Without complaint, she went to work slaughtering and dressing a couple of hundred chickens.

Fuller's Poultry Farm is behind her now, but the will to work remains, a siren song even in her waning years.

Work is the call that propels her out of bed each morning. It gives her purpose and keeps her moving. Call it a farmer's instinct. It is the only life she has known.

She is blessed with both extraordinary drive and internal blinders that allow her to ignore many barriers of age—much to the consternation of her grown daughters, Evelyn McIntyre and Judy Bicknell, who view their tiny, determined mother with love, gratitude and amazement.

If there is a problem, Fuller tackles it. That simple.

"When a water pipe broke earlier this year, Mom went out in the rain, muck and mud, and dug the hole for the plumber to be able to fix the pipe," McIntyre recalled. "She falls often, and in fact, fell into the hole, but climbed back out and went right back to digging.

"I don't think Mom ever, ever thought there was anything she couldn't do."

At this, Fuller can't keep quiet.

"Well there's one thing that I can't do, much to my daughters' delight," she said with a good-natured grumble. "There are four chain saws out in the shop, and I can't start one of them. It's been so frustrating to me, and I don't think anything could make them happier."

It might be hard to imagine a 91-pound woman with arms as slight as a 10-year-old's waving around a roaring chain saw. But you don't know Fuller.

There's still a touch of flame in her once-auburn hair, and a bit of fire in her belly.

"Oh, I'm pretty reckless," she jokes with a wave of her hand. "I stalled the John Deere yesterday—tried to put it between two trees. The tractor would make it, but the brush cutter wouldn't. Had to get out the Oliver, the big tractor, to get her out."

It's like her. Over the years, she has developed a habit of depending on herself.

Once, while climbing a metal ladder to check a feed bin on a rainy day, she discovered a short in the electric auger that moved chicken feed into the bin. Her hand froze to the ladder, fixed with an electrical current. It wouldn't budge.

"Well, the girls had gone to school, my husband had gone to work and there I stood. I could not let loose of this ladder," she chuckled. "It was about 9 in the morning, and I decided I couldn't possibly stand there all day."

With her left hand, Fuller grabbed the fingers of her right hand, carefully prying each one off the metal.

"They just stayed stiff until they were all off," she smiled. "I was kind of lucky that time."

Other times, she wasn't so lucky. A cow kick that led to knee surgery. A broken ankle. A torn rib cartilage from a fall off a ladder. The rigors of farm life.

"Once she rode her riding mower under a sign, but was looking behind her and forgot to duck," McIntyre recalled. "She hurt her neck quite a bit, but at the hospital the doctors couldn't read the X-rays of the bones in her neck to tell if anything had been broken because of so many arthritic changes in her bones.

Fuller wasn't one to complain.

"Mom always gave us the feeling that we could and should accomplish the next challenge before us," McIntyre added. "She demanded absolute honesty—always counted her change and checked the clerk's math, but would just as readily return an error in her favor as point out when she was shortchanged.

"One tough mom," she added. "She's ours and we love her."

Ask Fuller where she finds strength, and she shrugs.

She doesn't give advice to others. She knows what she knows. And what she knows is work.

She'll tell you that she's slowed down. "Not nearly as active as I once was," Fuller insisted, a wistful note in her voice. But in the same breath, she talks about the tasks before her.

It's spring out at her place, with calla lilies unfurling and bleeding hearts and sword ferns awakening in the shade of towering fir trees. Tall grass stretches upward beneath gentle spring rain, a yard demanding to be mown.

There is a garden to plant, nearly an acre of raspberry bushes to tend, fruit trees in flower and a grape arbor that promises 40 to 50 quarts of grape juice this summer.

There are jobs to be done. And that's enough.●

## TRIBUTE TO MR. JOHN C. GARDNER

● Mr. GRASSLEY. Mr. President, it is my distinct pleasure to pay tribute to John C. Gardner, an exceptionally dedicated public servant. Mr. Gardner is retiring after ten years of service as the President of the Quad City Development Group, a public/private not-for-profit corporation. This organization promotes economic growth in and around the cities of Davenport and Bettendorf, Iowa, and Moline and Rock Island, Illinois. The Development Group markets these communities as locations for companies seeking to expand or relocate. It also works with Quad City communities to improve their climate for job creation.

Under his leadership, the Quad City Development Group has been the driving force behind the retention and addition of more than 14,000 jobs and the investment of over $1 billion in the Quad Cities area. John's leadership style, which was developed and honed in the private sector, was ideal for his position as the President of this vital community and business-based group.

I would like to take a moment to highlight John's career. Immediately before joining the Quad City Development Group, John was the director of economic development for Lee Enterprises, Inc., the owner of the Quad City Times and the Southern Illinoisan newspapers. Before that assignment, John was publisher of the Quad City Times for five years. He learned the newspaper business in a 23-year career as a reporter, editor and eventually publisher of The Southern Illinoisan newspaper in Carbondale, Illinois. He is active in a number of professional and community organizations, and has been involved in various statewide projects in both Iowa and Illinois. He is a member of the Iowa Group for Economic Development and was chairman of the Iowa Future project, a statewide strategic planning effort.

It gives me great pleasure to present the credentials of John C. Gardner to the Senate today. It is clear that the Iowa and Illinois communities he has served so well are losing a great talent. They will miss his leadership, his winning smile, and his personal and professional dedication. I would like to wish both John and his wife, Ann, the best in their retirement and continued success in all their future endeavors.●

## CONGRATULATIONS TO MR. THOMAS PILKINGTON

● Mr. ASHCROFT. Mr. President, I rise today to pay tribute to Thomas

Pilkington as he retires from over thirty-six years of service to General Motors.

Tom began his career with General Motors in 1964 as a Suggestion Plan Investigator at the Chevrolet Motor Division Plant in Framingham, Massachusetts. Through hard work and determination, Tom achieved numerous promotions, including Interviewer and later Safety Inspector. In 1970, Tom was appointed Supervisor of Labor Relations at the Chevrolet Assembly Plant at Ypsilanti, Michigan, Supervisor of Salaried Personnel Administration in 1972, and later that year, he became Supervisor of Labor Relations. In 1973, Tom became General Supervisor of Labor Relations followed by General Supervisor of Industrial Relations in 1976. The following year, he was named Administrator of Labor Relations at the GMAD-Central office in Warren, Michigan. Within a month, he became Administrator of Salaried Personnel.

In October of 1977, Tom was named Personnel Director at the GMAD-Tarrytown plant in Tarrytown, New York, until his transfer in 1982 to Wentzville, Missouri, as Personnel Director.

Tom Pilkington's long tenure of service demonstrates his perseverance, hard work and dedication. His outstanding service to General Motors over the years is truly admirable.

I urge the Senate to join me in congratulating Thomas Pilkington and wishing him, his wife, Marilee, and their family the very best as they move on to face new challenges, opportunities, and rewards.●

## MESSAGE FROM THE PRESIDENT

A treaty from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

### TREATY REFERRED

As in executive session the Presiding Officer laid before the Senate a treaty from the President of the United States which was referred to the Committee on Foreign Relations.

## A NOTICE CONTINUING THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—A MESSAGE FROM THE PRESIDENT—PM 106

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the *Federal Register* for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2000.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 18, 2000.*

## A 6-MONTH PERIODIC REPORT ON THE NATIONAL EMERGENCY WITH RESPECT TO BURMA THAT WAS DECLARED IN EXECUTIVE ORDER 13047 OF MAY 20, 1997—A MESSAGE FROM THE PRESIDENT—PM 107

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 18, 2000.*

## MEASURE PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar.

H.R. 3709. An act to extend for 5 years the moratorium enacted by the Internet Tax Freedom Act, and for other purposes.

## EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–9016. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–329, "Choice in Drug Treatment Act of 2000"; to the Committee on Governmental Affairs.

EC–9017. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–327, "Alcoholic Beverage Control New Grocery Store Development Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9018. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–326, "Elimination of Unlicensed Group Residential Facilities Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC–9019. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–325, "Moratorium on Conversion of Existing Public Schools into Charter Schools Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9020. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–321, "Tobacco Settlement Model Act of 2000"; to the Committee on Governmental Affairs.

EC–9021. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–323, "Closing of Public Alleys in Square 252, S.O. 98–144 Act of 2000"; to the Committee on Governmental Affairs.

EC–9022. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–324, "Approval of the Extension of the Term of District Cablevision Limited Partnership Franchise Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC–9023. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–322, "Money Transmitters Act of 2000"; to the Committee on Governmental Affairs.

EC–9024. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–320, "John Wilson Campaign Fund Transfer Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9025. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–338, "Attendance and School Safety Temporary Act of 2000"; to the Committee on Governmental Affairs.

EC–9026. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–339, "District of Columbia Emancipation Day Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9027. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–337, "Workforce Investment Implementation Act of 2000"; to the Committee on Governmental Affairs.

EC–9028. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–333, "Long-Term Care Insurance Temporary Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9029. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–335, "Electricity Tax Act of 2000"; to the Committee on Governmental Affairs.

EC–9030. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–334, "Omnibus Police Reform Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9031. A communication from the Council of the District of Columbia, transmitting, pursuant to law, a report on D.C. Act 13–336, "School Governance Companion Amendment Act of 2000"; to the Committee on Governmental Affairs.

EC–9032. A communication from the Attorney General, transmitting, pursuant to law, a report relative to the Foreign Intelligence Surveillance Act of 1978; to the Committee on the Judiciary.

EC–9033. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Interest on Underpayments and Overpayments of Customs Duties, Taxes, Fees and Interest" (RIN1515–AB76), received May 15, 2000; to the Committee on the Judiciary.

EC–9034. A communication from the Department of Education, transmitting , pursuant to law, the report of a final rule entitled "NIDRR–NFP-Rehabilitation Research and Training Centers" (84.133), received May 16, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–9035. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Prohibition of Nonpelagic Trawl Gear in the Bering Sea and Aleutian Islands Pollock Fishery" (RIN0648–AL30), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9036. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Final Rule-Amends the Regulations Implementing the Transfer Provisions of the License Limitation Program" (RIN0648–AO01), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9037. A communication from the National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a final rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; 2000 Management Measures" (RIN0648–AN81), received May 16, 2000; to the Committee on Commerce, Science, and Transportation.

EC–9038. A communication from the Food and Nutrition Service, Department of Agriculture transmitting, pursuant to law, the report of a final rule entitled "National School Lunch Program and School Breakfast Program: Additional Menu Planning Approaches" (RIN0584–AC38), received May, 16, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9039. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Reorganizations; Nonqualified Preferred Stock" (RIN1545–AV86) (TD 8882), received May 16, 2000; to the Committee on Finance.

EC–9040. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Announcement 2000–48" (OGI 108637–00), received May 16, 2000; to the Committee on Finance.

EC–9041. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule entitled "Changes to Regulation Section 1441 Effective 2001" (RIN1545–AX53; RIN1545–AV27; RIN1545–AV41), received May 16, 2000; to the Committee on Finance.

EC–9042. A communication from the Office of Legislative Liaison, Department of the Air Force, transmitting, a report relative to a cost comparison conducted at Youngstown-Warren Regional Airport-Air Reserve Station, OH; to the Committee on Armed Services.

EC–9043. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a final rule entitled "OMB Circular A–73, Audit of Federal Operations and Programs" (DFARS Case 2000–D007), received May 16, 2000; to the Committee on Armed Services.

EC–9044. A communication from the Office of Defense Procurement, Department of Defense, transmitting, pursuant to law, the report of a final rule entitled "Research, Development, Test, and Evaluation Budget Category Definition" (DFARS Case 2000–D410), received May 16, 2000; to the Committee on Armed Services.

EC–9045. A communication from the Office for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties; to the Committee on Foreign Relations.

EC–9046. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–9047. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to the United Kingdom; to the Committee on Foreign Relations.

EC–9048. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Israel; to the Committee on Foreign Relations.

EC–9049. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Saudi Arabia; to the Committee on Foreign Relations.

EC–9050. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Turkey; to the Committee on Foreign Relations.

EC–9051. A communication from the Office of Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, a report relative to certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Korea; to the Committee on Foreign Relations.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. STEVENS, from the Committee on Appropriations, without amendment:

S. 2593: An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–298).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

H.R. 371: A bill to expedite the naturalization of aliens who served with special guerrilla units in Laos.

By Mr. CAMPBELL, from the Committee on Indian Affairs, without amendment:

H.R. 1953: A bill to authorize leases for terms not to exceed 99 years on land held in trust for the Torres Martinez Desert Cahuilla Indians and the Guidiville Band of Pomo Indians of the Guidiville Indian Rancheria.

H.R. 2484: A bill to provide that land which is owned by the Lower Sioux Indian Community in the State of Minnesota but which is not held in trust by the United States for the Community may be leased or transferred by the Community without further approval by the United States.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment and an amendment to the title and with a preamble:

S. Res. 296: A resolution designating the first Sunday in June of each calendar year as "National Child's Day."

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 484: A bill to provide for the granting of refugee status in the United States to nationals of certain foreign countries in which American Vietnam War POW/MIAs or American Korean War POW/MIAs may be present, if those nationals assist in the return to the United States of those POW/MIAs alive.

By Mr. HATCH, from the Committee on the Judiciary, with an amendment:

S. 1902: A bill to require disclosure under the Freedom of Information Act regarding certain persons and records of the Japanese Imperial Army in a manner that does not impair any investigation or prosecution conducted by the Department of Justice or certain intelligence matters, and for other purposes.

## EXECUTIVE REPORTS OF COMMITTEE

The following executive reports of committee were submitted:

Mr. HATCH. Mr. President, for the Committee on the Judiciary.

James J. Brady, of Louisiana, to be United States District Judge for the Middle District of Louisiana.

Mary A. McLaughlin, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Berle M. Schiller, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Richard Barclay Surrick, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania.

Petrese B. Tucker, of Pennsylvania, to be United States District Judge for the Eastern District of Pennsylvania retired.

(The above nominations were reported with the recommendation that they be confirmed.)

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

By Mr. NICKLES (for himself, and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

By Mr. JOHNSON (for himself, and Mr. TORRICELLI):

S. 2589. A bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under the Act, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. VOINOVICH:

S. 2590. A bill to reauthorize and amend the Comprehensive Environment Response, Compensation, and Liability Act of 1980; to the Committee on Environment and Public Works.

By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. STEVENS:

S. 2593. An original bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ALLARD:

S. 2594. A bill to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the purpose of irrigation, domestic, municipal, industrial, and any other beneficial purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMPSON (for himself and Mr. LIEBERMAN):

S. 2595. A bill to amend chapter 7 of title 31, United States Code, to authorize the General Accounting Office to take certain personnel actions, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 2596. A bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system; to the Committee on Finance.

By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUYE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER):

S. Res. 308. A resolution congratulating the International House on the occasion of its 75th anniversary; to the Committee on the Judiciary.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. FEINSTEIN (for herself, Mr. ABRAHAM, Mr. LEAHY, Mr. JEFFORDS, Mr. REID, Mr. MOYNIHAN, Ms. MIKULSKI, Mr. GRAHAM, Mr. DURBIN, and Mr. DEWINE):

S. 2586. A bill to reduce the backlog in the processing of immigration benefit applications and to make improvements to infrastructure necessary for the effective provision of immigration services, and for other purposes; to the Committee on the Judiciary.

### IMMIGRATION SERVICES AND INFRASTRUCTURE IMPROVEMENTS ACT OF 2000

Mrs. FEINSTEIN. Mr. President, today I am introducing bipartisan legislation that, if enacted, will enable the Immigration and Naturalization Service (INS) to cut through and eventually eliminate the unacceptably long backlogs in its processing of applications for naturalization, adjustment of status, and other immigration benefits.

I am pleased that Senators ABRAHAM, JEFFORDS, DEWINE, LEAHY, REID, MOYNIHAN, MIKULSKI, GRAHAM, and DURBIN have joined me as original cosponsors of this important bill.

All of us have heard the horror stories of the long delays in processing naturalization and immigration applications. What was once a 6-month process has now become a 3- to 4-year ordeal.

The "Immigration Services and Infrastructure Improvement Act of 2000," which I am introducing today, would provide the Immigration and Naturalization Service with the direction and resources it needs to reduce the current immigration backlogs and hold it accountable to get the job done.

It is unacceptable that millions of people who have followed our nation's laws, made outstanding contributions to our nation, and paid the requisite fees have had to wait months—and in too many cases, years—to obtain the immigration services they need. The enormous delays in processing have had a negative impact on the reunification of spouses and minor children, and on businesses seeking to employ essential workers to help keep them globally competitive.

The fact is, there are many victims of an agency that is in dire need of a change in the way it does business. Today, it has become all too clear that the INS needs to re-engineer its adjudication process, which will require both additional resources and strong congressional direction and oversight.

The "Immigration Services and Infrastructure Improvement Act" would enable millions of law-abiding residents, immigrants, and businesses, who have played by the rules and paid fees to the INS, to have their applications processed in a timely manner.

This bill evolved from discussions with immigration advocates, the business community, State and local leaders, and the Administration. Specifically, this legislation would do three things.

First, it would create a separate "Immigration Services and Infrastructure Improvement Account" ("Account") and authorize such sums as may be necessary to fund it.

This account would permit the INS to fund across several fiscal years infrastructure improvements, including additional staff, computer records management, fingerprinting, and nationwide computer integration. Moreover, it would pay for these infrastructure improvements through direct appropriations rather than through increased application fees.

Second, the "Immigration Services and Infrastructure Improvement Act of 2000" would require the INS to put together a plan on how it will eliminate existing backlogs and report on this plan before it could access any of the funds.

In its report, the INS would be required to describe its current processing capabilities and detail its plans to eliminate existing backlogs in immigration benefit applications and petitions.

And third, it would require the Department of Justice to submit an annual, detailed report to Congress, including data on the number of naturalization applications and immigration petitions processed and adjudicated in each of the fiscal years following enactment of the act.

The act would also require the INS to report on the number of cases still pending in the naturalization, immigrant and nonimmigrant visa categories. In some cases this would involve a state-by-state or regional analysis of INS's progress in processing applications in a timely fashion.

In the past 7 years, 6.4 million people applied for U.S. citizenship—more than the previous 37 years combined. Today, INS faces a backlog of 1.3 million naturalization applications. Although the INS has put more resources into processing naturalization applications, this has come at the expense of processing other immigration-related applications, such as those for lawful permanent residence. At the beginning of this year, the INS had a pending caseload of 951,350 adjustment of status applications—an eightfold increase since 1994.

As a result, major cities continue to face tremendous delays in the processing of INS naturalization and immigrant applications. Five cities—Los Angeles, New York, San Francisco, Miami, and Chicago—handle 65 percent of the nation's naturalization workload.

By now, most of us are familiar with the numbers. Indeed, it would be easy for one to look at and decry the statistics reflecting the enormous number of backlogged applications. Instead, I come to floor of the Senate today to talk about the human cost of these backlogs and what I intend to do through legislation to help the INS put itself on its proper course.

As one who represents California, a State that is number one among immigrant-receiving States, I have seen firsthand how families and businesses can be disproportionately affected by the smallest fluctuations in INS resources and services.

One out of every four Californians—about 8.5 million people—is foreign born. The average number of new immigrants to the State is more than 300,000 annually. Population growth of this magnitude is like adding a city the size of Anaheim, California each year.

The constant processing delays at the INS have had a tremendous impact on the ability of immigrants to naturalize, and seek services related to their application for green cards, work authorization, and family reunification.

On almost a daily basis, my office fields calls from people who have been waiting three or four years to naturalize or to adjust their status to that of lawful permanent resident. And this is after having paid a fee of $225 per naturalization application, and $220 for an adjustment of status application—per person. Imagine how much of an investment a family makes in order to play by the rules.

Applicants for these services are never really sure if their application is still in the process or lost, especially when the expected time for a fingerprint or interview notice comes and goes.

I have received numerous letters from constituents that vividly portray the human toil these backlogs have taken.

For example, one person wrote that he and his family have been in the country legally for more than 10 years. They filed their request for permanent residency at the right time. Their file, however, has moved so slowly within the INS that one of their sons is now about to "age out" of qualifying for permanent residence because he will turn 21 soon.

Just recently, I received a letter from a young student at Berkeley who filed a citizenship application in October 1996. She is still waiting to receive word from the INS on the correct status of her file.

She was told by the INS in January this year that it had closed her case in June 1999 without her knowledge or ability to address any concerns they might have had with her case. In fact, she was never told there were problems with her case.

Up until January, she had been told by the INS that she would be receiving her interview notice within six weeks. Unfortunately, six weeks became three years. Now, almost four years later, she has come to my office for assistance, wondering what she might have done to create this situation.

The fact is, like millions of others throughout the country, she is a victim of an agency that is in dire need of a change in the way it does business.

Millions of people are being prevented from participating in American civic life because of the inability of INS to process their naturalization applications in a timely fashion (e.g., they cannot vote, run for public office, assume certain government positions). U.S. citizens are unable to be reunited with their spouses and minor children because of the delays in INS processing.

And thousands of American businesses, such as high tech companies like Sun Microsystems and others, have been prevented from getting qualified workers because of the INS's inability to provide access to a critical portion of their workforce. Lengthy delays and inconsistencies in INS processing have taken a toll on company projects, planning and goals.

How does this legislation help Congress hold the INS accountable for the prompt delivery of services? If INS does not met the goals of set out in this legislation, it would have to explain to Congress why the backlogs persist and what the agency is doing to fix them. This legislation would also require the INS to describe the additional mechanisms and resources needed to meet Congress's mandate that backlogs be eliminated and that the processing of applications take place in an acceptable time frame.

While funds devoted to enforcing our immigration laws have rightfully been increased in recent years, until very recently, Congress had not provided increases in funding to the INS specifically to deal with the increased missions that Congress has imposed on it. Nor has Congress provided adequate funding to deal with the increased number of naturalization and other immigration benefits applications that have been submitted in recent years and continue to be submitted.

The business community, immigration community, and the Administration have indicated their support for mechanisms such as those included in my legislation. I wish to thank the following organizations whose valuable input and ideas helped shaped this important legislation:

American Business for Legal Immigration; American Council on International Personnel; American Immigration Lawyers Association; Hebrew Immigration Aid Society; Mexican American Legal Defense and Education Fund; National Association of Latino Elected Officials; National Asian Pacific American Legal Consortium; National Council of La Raza; United Jewish Communities; and United States Catholic Conference.

Mr. President, the "Immigration Services and Infrastructure Improvement Act of 2000" would provide direction and accountability on how the INS uses appropriated funds. Passage of this legislation would send a strong congressional directive to the INS that timely and efficient service is not merely goal, but a mandate.

I urge the Senate to act swiftly and pass this urgently needed legislation.

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By Mr. NICKLES (for himself and Mr. VOINOVICH):

S. 2587. A bill to amend the Internal Revenue Code of 1986 to simplify the excise tax on heavy truck tires; to the Committee on Finance.

SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES

• Mr. NICKLES. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2587

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SIMPLIFICATION OF EXCISE TAX ON HEAVY TRUCK TIRES.**

(a) TAX BASED ON TIRE LOAD CAPACITY NOT WEIGHT.—Subsection (a) of section 4071 of the Internal Revenue Code of 1986 (relating to imposition of tax on tires) is amended to read as follows:

"(a) IMPOSITION AND RATE OF TAX.—There is hereby imposed on tires of the type used on highway vehicles, if wholly or in part made of rubber, sold by the manufacturer, producer, or importer a tax equal to 8 cents for each 10 pounds of the tire load capacity in excess of 3500 pounds.".

(b) TIRE LOAD CAPACITY.—Subsection (c) of section 4071 of such Code is amended to read as follows:

"(c) TIRE LOAD CAPACITY.—For purposes of this section, tire load capacity is the maximum load rating labeled on the tire pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations. In the case of any tire that is marked for both single and dual loads, the higher of the 2 shall be used for purposes of this section.".

(c) TIRES TO WHICH TAX APPLIES.—Subsection (b) of section 4072 of such Code (defining tires of the type used on highway vehicles) is amended by striking "tires of the type" the second place it appears and all that follows and inserting "tires—

"(1) of the type used on—

"(A) motor vehicles which are highway vehicles, or

"(B) vehicles of the type used in connection with motor vehicles which are highway vehicles, and

"(2) marked for highway use pursuant to section 571.109 or 571.119 of title 49, Code of Federal Regulations.".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1 of the first calendar year which begins more than 30 days after the date of the enactment of this Act.•

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By Mr. BENNETT:

S. 2588. A bill to assist the economic development of the Ute Indian Tribe by authorizing the transfer to the Tribe of Oil Shale Reserve Numbered 2, to protect the Colorado River by providing for the removal of the tailings from the Atlas uranium milling site near Moab, Utah, and for other purposes; to the Committee on Armed Services.

UTE-MOAB LAND RESTORATION ACT

• Mr. BENNETT. Mr. President, I take the floor today to introduce the Ute-Moab Land Restoration Act, a proposal that enjoys great support from the State of Utah and many of my constituents. This legislation contains two major components that will enable the restoration of Ute Indian Tribal lands and the remediation of a uranium mill tailings site near Moab, Utah.

The first component is the transfer of the Naval Oil Shale Reserve Numbered 2 (NOSR 2) lands east of the Green River to the Ute Indian Tribe. The lands that contain the NOSR 2 were taken from the Ute tribe in 1916 by the government to provide the Navy with a source of petroleum for oil-burning ships. This transfer will return these traditional homelands to the Ute tribe. Additionally, the return of these lands will spur economic development on the Uintah and Ouray Indian Reservation, home of the Ute Tribe. The increased economic development will include oil and gas production. It should be noted that the Ute Tribe has a history of environmentally responsible petroleum development on one of Utah's largest oil and gas fields. The bill also incorporates a provision whereby a nine percent royalty will be returned to the Secretary of Energy for the purposes of offsetting the cost of removing the Atlas tailings pile as I shall describe in a moment. I expect the tribe will give all future petroleum developments the same amount of care they have demonstrated in the past.

The economy of the Uintah Basin will not be the sole beneficiary of the land transfer. There are numerous conservation provisions incorporated into the transfer. These provisions include the establishment of a quarter mile corridor along 75 miles of the Green River to conserve its scenic qualities and protections for wild horses and threatened and endangered plants life.

The second component will facilitate the removal of the tailings from the Atlas uranium milling site across the Colorado River from Moab, Utah. It should be noted that the determination to locate the Atlas milling facility at MOAB was driven by encouragement from the former Atomic Energy Commission. Further, the Department of Energy (DOE) bears responsibility for approximately 56 percent of the 10.5 million tons of mildly radioactive debris left as a residue from the Cold War and our nation's effort to maintain its nuclear weapons stockpile. These tailings, produced from 156 to 1988, are currently leaching ammonia into the waters of the Colorado River. Additionally, the pile is a significant source of airborne radon. Both of these pollutants need to be addressed.

In January of this year, Secretary of Energy Bill Richardson announced the intention of DOE to move the Atlas tailings pile to a remote location where this waste could be contained in a sealed cell. This proposal follows work done previously by DOE on 22 former uranium mill tailings sites. The legislation I am introducing today amends the Uranium Mill Tailings Radiation Control Act (UMTRCA) by adding the Atlas tailings site as the 23rd site for DOE remediation.

I note that the U.S. Nuclear Regulatory Commission conducted a lengthy five-year environmental impact statement on the Atlas site. Its conclusion held that the site could be remediated in place by dewatering the pile, treating the ground water, and capping the tailings. Indeed, the NRC has appointed a trustee that is moving forward with this remediation process today. However, given the interests of the State of Utah and the people of Grand County, I am introducing this legislation so the tailings can be removed and treated in a more secure manner.

I am concerned that securing the funding for this clean-up may be difficult. Therefore, I have a included a provision which will enable the NRC trustee to continue on-site remediation up to the point that DOE obtains the necessary appropriations to step up and take over the process. I believe this is the responsible approach to ensure that public health and the environment are protected regardless of the outcome of future appropriations.

I look forward to working with my colleagues in moving this legislation forward and restoring these Utah lands.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2588

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Ute-Moab Land Restoration Act".

**SEC. 2. TRANSFER OF OIL SHALE RESERVE.**

Section 3405 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note; Public Law 105–261) is amended to read as follows:

**"SEC. 3405. TRANSFER OF OIL SHALE RESERVE NUMBERED 2.**

"(a) DEFINITIONS.—In this section:

"(1) MAP.—The term "map" means the map entitled 'Boundary Map, .............', numbered and dated , to be kept on file and available for public inspection in the offices of the Department of the Interior.

"(2) MOAB SITE.—The term 'Moab site' means the Moab uranium milling site located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917.

"(3) NOSR–2.—The term 'NOSR–2' means Oil Shale Reserve Numbered 2, as identified on a map on file in the Office of the Secretary of the Interior.

"(4) TRIBE.—The term 'Tribe' means the Ute Indian Tribe of the Uintah and Ouray Indian Reservation.

"(b) CONVEYANCE.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the United States conveys to the Tribe, subject to valid existing rights in effect on the day before the date of enactment of this section, all Federal land within the exterior boundaries of NOSR–2 in fee simple (including surface and mineral rights).

"(2) Reservations.—The conveyance under paragraph (1) shall not include the following reservations of the United States:

"(A) A 9 percent royalty interest in the value of any oil, gas, other hydrocarbons, and all other minerals from the conveyed land that are produced, saved, and sold, the payments for which shall be made by the Tribe or its designee to the Secretary of Energy during the period that the oil, gas, hydrocarbons, or minerals are being produced, saved, sold, or extracted.

"(B) The portion of the bed of Green River contained entirely within NOSR–2, as depicted on the map.

"(C) The land (including surface and mineral rights) to the west of the Green River within NOSR–2, as depicted on the map.

"(D) A ¼ mile scenic easement on the east side of the Green River within NOSR–2.

"(3) Conditions.—

"(A) Management authority.—On completion of the conveyance under paragraph (1), the United States relinquishes all management authority over the conveyed land (including tribal activities conducted on the land).

"(B) No reversion.—The land conveyed to the Tribe under this subsection shall not revert to the United States for management in trust status.

"(C) Use of easement.—The reservation of the easement under paragraph (2)(D) shall not affect the right of the Tribe to obtain, use, and maintain access to, the Green River through the use of the road within the easement, as depicted on the map.

"(c) Withdrawals.—All withdrawals in effect on NOSR–2 on the date of enactment of this section are revoked.

"(d) Administration of Reserved land, Interests in land.—

"(1) In general.—The Secretary shall administer the land and interests in land reserved from conveyance under subparagraphs (B) and (C) of subsection (b)(2) in accordance with the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.).

"(2) Management plan.—Not later than 3 years after the date of enactment of this section, the Secretary shall submit to Congress a land use plan for the management of the land and interests in land referred to in paragraph (1).

"(3) Authorization of appropriations.—There are authorized to be appropriated to the Secretary such sums as are necessary to carry out this subsection.

"(e) Royalty.—

"(1) Payment of royalty.—

"(A) In general.—The royalty interest reserved from conveyance in subsection (b)(2)(A) that is required to be paid by the Tribe shall not include any development, production, marketing, and operating expenses.

"(B) Federal tax responsibility.—The United States shall bear responsibility for and pay—

"(i) gross production taxes;

"(ii) pipeline taxes; and

"(iii) allocation taxes assessed against the gross production.

"(2) Report.—The Tribe shall submit to the Secretary of Energy and to Congress an annual report on resource development and other activities of the Tribe concerning the conveyance under subsection (b).

"(3) Financial audit.—

"(A) In general.—Not later than 5 years after the date of enactment of this section, and every 5 years thereafter, the Tribe shall obtain an audit of all resource development activities of the Tribe concerning the conveyance under subsection (b), as provided under chapter 75 of title 31, United States Code.

"(B) Inclusion of results.—The results of each audit under this paragraph shall be included in the next annual report submitted after the date of completion of the audit.

"(f) River Management.—

"(1) In general.—The Tribe shall manage, under Tribal jurisdiction and in accordance with ordinances adopted by the Tribe, land of the Tribe that is adjacent to, and within ¼ mile of, the Green River in a manner that—

"(A) maintains the protected status of the land; and

"(B) is consistent with the government-to-government agreement and in the memorandum of understanding dated February 11, 2000, as agreed to by the Tribe and the Secretary.

"(2) No management restrictions.—An ordinance referred to in paragraph (1) shall not impair, limit, or otherwise restrict the management and use of any land that is not owned, controlled, or subject to the jurisdiction of the Tribe.

"(3) Repeal or amendment.—An ordinance adopted by the Tribe and referenced in the government-to-government agreement may not be repealed or amended without the written approval of—

"(A) the Tribe; and

"(B) the Secretary.

"(g) Plant Species.—

"(1) In general.—In accordance with a government-to-government agreement between the Tribe and the Secretary, in a manner consistent with levels of legal protection in effect on the date of enactment of this section, the Tribe shall protect, under ordinances adopted by the Tribe, any plant species that is—

"(A) listed as an endangered species or threatened species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

"(B) located or found on the NOSR–2 land conveyed to the Tribe.

"(2) Tribal jurisdiction.—The protection described in paragraph (1) shall be performed solely under tribal jurisdiction

"(h) Horses.—

"(1) In general.—The Tribe shall manage, protect, and assert control over any horse not owned by the Tribe or tribal members that is located or found on the NOSR–2 land conveyed to the Tribe in a manner that is consistent with Federal law governing the management, protection, and control of horses in effect on the date of enactment of this section.

"(2) Tribal jurisdiction.—The management, control, and protection of horses described in paragraph (1) shall be performed solely—

"(A) under tribal jurisdiction; and

"(B) in accordance with a government-to-government agreement between the Tribe and the Secretary.

"(i) Remedial Action at Moab Site.—

"(1) In general.—Not later than 1 year after the date of enactment of this subsection, the Secretary of Energy shall prepare a plan for the commencement, not later than 1 year after the date of completion of the plan, of remedial action (including groundwater restoration) at the Moab site in accordance with section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)).

"(2) Limit on expenditures.—The Secretary shall limit the amounts expended in carrying out the remedial action under paragraph (1) to—

"(A) amounts specifically appropriated for the remedial action in an Act of appropriation; and

"(B) other amounts made available for the remedial action under this subsection.

"(3) Retention of royalties.—

"(A) In general.—The Secretary of Energy shall retain the amounts received as royalties under subsection (e)(1).

"(B) Availability.—Amounts referred to in subparagraph (A) shall be available, without further Act of appropriation, to carry out the remedial action under paragraph (1).

"(C) Excess amounts.—On completion of the remedial action under paragraph (1), all remaining royalty amounts shall be deposited in the General Fund of the Treasury.

"(D) Authorization of appropriations.—

"(i) In general.—There are authorized to be appropriated to the Secretary of Energy to carry out the remedial action under paragraph (1) such sums as are necessary.

"(ii) Continuation of NRC trustee remediation activities.—After the date of enactment of this section and until such date as funds are made available under clause (i), the Secretary, using funds available to the Secretary that are not otherwise appropriated, shall carry out—

"(I) this subsection; and

"(II) any remediation activity being carried out at the Moab site by the trustee appointed by the Nuclear Regulatory Commission for the Moab site on the date of enactment of this section.

"(4) Sale of Moab site.—

"(A) In general.—If the Moab site is sold after the date on which the Secretary of Energy completes the remedial action under paragraph (1), the seller shall pay to the Secretary of Energy, for deposit in the miscellaneous receipts account of the Treasury, the portion of the sale price that the Secretary determines resulted from the enhancement of the value of the Moab site that is attributable to the completion of the remedial action, as determined in accordance with subparagraph (B).

"(B) Determination of enhanced value.—The enhanced value of the Moab site referred to in subparagraph (A) shall be equal to the difference between—

"(i) the fair market value of the Moab site on the date of enactment of this section, based on information available on that date; and

"(ii) the fair market value of the Moab site, as appraised on completion of the remedial action.".

**SEC. 3. URANIUM MILL TAILINGS.**

Section 102(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (42 U.S.C. 7912(a)) is amended by inserting after paragraph (3) the following:

"(4) Designation as processing site.—

"(A) In general.—Notwithstanding any other provision of law, the Moab uranium milling site (referred to in this paragraph as the 'Moab Site') located approximately 3 miles northwest of Moab, Utah, and identified in the Final Environmental Impact Statement issued by the Nuclear Regulatory Commission in March 1996, in conjunction with Source Material License No. SUA 917, is designated as a processing site.

"(B) Applicability.—This title applies to the Moab Site in the same manner and to the same extent as to other processing sites designated under this subsection, except that—

"(i) sections 103, 107(a), 112(a), and 115(a) of this title shall not apply;

"(ii) a reference in this title to the date of the enactment of this Act shall be treated as a reference to the date of enactment of this paragraph; and

"(iii) the Secretary, subject to the availability of appropriations and without regard to section 104(b), shall conduct remediation at the Moab site in a safe and environmentally sound manner, including—

"(I) groundwater restoration; and

"(II) the removal, to at a site in the State of Utah, for permanent disposition and any necessary stabilization, of residual radioactive material and other contaminated material from the Moab Site and the floodplain of the Colorado River.".

**SEC. 4. CONFORMING AMENDMENT.**

Section 3406 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (10 U.S.C. 7420 note) is amended by inserting after subsection (e) the following:

"(f) OIL SHALE RESERVE NUMBERED 2.—This section does not apply to the transfer of Oil Shale Reserve Numbered 2 under section 3405.".●

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By Mr. VOINOVICH:

S. 2590. A bill to reauthoize and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980; to the Committee on Environmental and Public Works.

BROWNFIELDS REVITALIZATION ACT OF 2000

● Mr. VOINOVICH. Mr. President, I rise today to introduce legislation that will provide incentives to clean up abandoned industrial sites—or brownfields—across the country and put them back into productive use and preserve our greenspaces.

It is time to create more certainty in the brownfields cleanup process. Parties that clean up non-Superfund sites under state cleanup laws need certainty about the rules that apply to them, particularly that their actions terminate the risk of future liability under the federal Superfund program.

The bill that I introduce today, the Brownfield Revitalization Act of 2000, creates that certainty by allowing states to release parties that have cleaned up sites under state laws and programs from federal liability. This bill has strong bipartisan support from our nation's Governors who have written to me expressing their support for this legislation.

I strongly believe that there should be no requirement that the U.S. Environmental Protection Agency (EPA) pre-approve state laws and programs. State brownfields programs address sites that are not on the National Priorities List (NPL) and where the federal government has played little or no role.

States are leading the way in cleaning up sites more efficiently and cost-effectively. According to state solid waste management officials, states average more than 1,400 cleanups per year. And they are addressing approximately 4,700 sites at any given time.

This is helping to recycle our urban wastelands, prevent urban sprawl and preserve our farmland and greenspaces. These programs are cleaning up eyesores in our inner cities, making them more desirable places to live. Because they are putting abandoned sites back into productive use, they are the key to providing economic rebirth to our urban areas, and good-paying jobs to local residents. This bill makes sense for our environment and it makes sense for our economy.

The bill I am introducing today is similar to the brownfields provisions in S. 1090, the Superfund Program Completion Act of 1999, by Senator BOB SMITH and the late-Senator John Chafee. The purpose of my bill is to build upon the success of state programs by providing even more incentives to clean up brownfield sites in order to provide better protection for the health and safety of our citizens and the environment. What we don't need are delays caused by the U.S. EPA's second-guessing of state decisions.

A good example of second-guessing occurred in my own state of Ohio. One company, TRW completed a cleanup at its site in Minerva under Ohio's enforcement program in 1986. Despite these cleanup efforts, the U.S. EPA placed the site on the NPL in 1989. However, after listing the site, the U.S. EPA took no aggressive steps for additional cleanup. The site has been untouched for years. In fact, it is now likely that the site will be delisted.

To enhance and encourage further cleanup efforts, Ohio has implemented a private sector-based program to clean up brownfields sites. When I was Governor, Ohio EPA, Republicans and Democrats in the Ohio Legislature and I worked hard to implement a program that we believe works for Ohio. Our program is already successful in improving Ohio's environment and economy.

In almost 20 years under the federal Superfund program, the U.S. EPA has only cleaned up 18 sites in Ohio. In contrast, 103 sites have been cleaned up under Ohio's voluntary cleanup program in 5 years. And many more cleanups are underway.

States clearly have been the innovators in developing voluntary cleanup programs, and Ohio's program has been very successful in getting cleanups done more quickly and cost effectively. For example, the first cleanup conducted under our program—the Kessler Products facility, near Canton—was estimated to cost $2 million and take 3 to 5 years to complete if it had been cleaned under Superfund. However, under Ohio's voluntary program, the cost was $600,000 and took 6 months to complete. These cleanups are good for the environment and good for the economy.

Mr. President, Ohio and other states have very successful programs that clean up sites more efficiently and cost effectively. This bill would help build on their success by providing assurances to parties that when they clean up a site correctly, they will not be held liable under Superfund down the road. The bill precludes the federal government from taking action at a site where cleanup is being conducted under a state program except under certain circumstances, such as when a state requests federal action, when the U.S. EPA determines that a state is unwilling or unable to take appropriate action, or when contamination has migrated across state lines. The bill does not take away the U.S. EPA's authority to conduct emergency removals or their authority to conduct tests at a site to determine if a site should be listed on the NPL.

This legislation also ensures that Federal facilities are subject to the same environmental cleanup requirements as private sites. In 1992, Congress enacted the Federal Facilities Compliance Act (FFCA), which holds Federal facilities accountable to meet State and Federal environmental laws regulating hazardous waste. However, subsequent Federal court decisions have undermined the intent of FFCA and similar language in other statutes. We should be reminded that contamination problems at Federal facilities are largely the result of years of self-regulation by Federal agencies. It is essential that States have the authority to oversee cleanup and enforce their own laws and standards. My bill merely ensures that Federal agencies are held accountable to the same state and federal regulations that govern private entities.

This bill is just plain commonsense. It provides more protection for the environment by providing incentives to clean up hazardous waste sites. It helps preserve our greenspaces. And it helps our economy by putting abandoned sites back into productive use, providing jobs and better places to live in our urban areas.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 2590

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Brownfields Revitalization Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—BROWNFIELDS REVITALIZATION

Sec. 101. Brownfields.

TITLE II—STATE RESPONSE PROGRAMS

Sec. 201. State response programs.
Sec. 202. State cost share.

TITLE III—PROPERTY CONSIDERATIONS

Sec. 301. Contiguous properties.
Sec. 302. Prospective purchasers and windfall liens.
Sec. 303. Safe harbor innocent landholders.

TITLE IV—FEDERAL ENTITIES AND FACILITIES

Sec. 401. Applicability of law; immunity.

### TITLE I—BROWNFIELDS REVITALIZATION

**SEC. 101. BROWNFIELDS.**

Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) is amended by adding at the end the following:

**"SEC. 127. BROWNFIELDS.**

"(a) Definitions.—In this section:

"(1) Brownfield facility.—

"(A) In general.—The term 'brownfield facility' means real property, the expansion or redevelopment of which is complicated by the presence or potential presence of a hazardous substance.

"(B) Exclusions.—The term 'brownfield facility' does not include—

"(i) any portion of real property that, as of the date of submission of an application for assistance under this section, is the subject of an ongoing removal under this title;

"(ii) any portion of real property that has been listed on the National Priorities List or is proposed for listing as of the date of the submission of an application for assistance under this section;

"(iii) any portion of real property with respect to which cleanup work is proceeding in substantial compliance with the requirements of an administrative order on consent, or judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), section 311 of the Federal Water Pollution Control Act (33 U.S.C. 1321), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.);

"(iv) a land disposal unit with respect to which—

"(I) a closure notification under subtitle C of the Solid Waste Disposal Act (42 U.S.C. 6921 et seq.) has been submitted; and

"(II) closure requirements have been specified in a closure plan or permit; or

"(v) a portion of a facility, for which portion assistance for response activity has been obtained under subtitle I of the Solid Waste Disposal Act (42 U.S.C. 6991 et seq.) from the Leaking Underground Storage Tank Trust Fund established under section 9508 of the Internal Revenue Code of 1986.

"(C) Facilities other than brownfield facilities.—That a facility may not be a brownfield facility within the meaning of subparagraph (A) has no effect on the eligibility of the facility for assistance under any provision of Federal law other than this section.

"(2) Eligible entity.—

"(A) In general.—The term 'eligible entity' means—

"(i) a general purpose unit of local government;

"(ii) a land clearance authority or other quasi-governmental entity that operates under the supervision and control of or as an agent of a general purpose unit of local government;

"(iii) a government entity created by a State legislature;

"(iv) a regional council or group of general purpose units of local government;

"(v) a redevelopment agency that is chartered or otherwise sanctioned by a State;

"(vi) a State; and

"(vii) an Indian Tribe.

"(B) Exclusion.—The term 'eligible entity' does not include any entity that is not in substantial compliance with the requirements of an administrative order on consent, judicial consent decree that has been entered into, or a permit issued by, the United States or a duly authorized State under this Act, the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.), the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), or the Safe Drinking Water Act (42 U.S.C. 300f et seq.) with respect to any portion of real property that is the subject of the administrative order on consent, judicial consent decree, or permit.

"(3) Secretary.—The term 'Secretary' means the Secretary of Housing and Urban Development.

"(b) Brownfield Site Characterization and Assessment Grant Program.—

"(1) Establishment of program.—The Administrator shall establish a program to provide grants for the site characterization and assessment of brownfield facilities.

"(2) Assistance for site characterization and assessment and response actions.—

"(A) In general.—On approval of an application made by an eligible entity, the Administrator may make grants to the eligible entity to be used for the site characterization and assessment of 1 or more brownfield facilities.

"(B) Site characterization and assessment.—A site characterization and assessment carried out with the use of a grant under subparagraph (A)—

"(i) shall be performed in accordance with section 101(35)(B); and

"(ii) may include a process to identify or inventory potential brownfield facilities.

"(c) Brownfield Remediation Grant Program.—

"(1) Establishment of program.—In consultation with the Secretary, the Administrator shall establish a program to provide grants to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

"(2) Assistance for response actions.—On approval of an application made by an eligible entity, the Administrator, in consultation with the Secretary, may make grants to the eligible entity to be used for response actions (excluding site characterization and assessment) at 1 or more brownfield facilities.

"(d) General Provisions.—

"(1) Maximum grant amount.—

"(A) In general.—The total of all grants under subsections (b) and (c) shall not exceed, with respect to any individual brownfield facility covered by the grants, $350,000.

"(B) Waiver.—The Administrator may waive the $350,000 limitation under subparagraph (A) based on the anticipated level of contamination, size, or status of ownership of the facility.

"(2) Prohibition.—

"(A) In general.—No part of a grant under this section may be used for payment of penalties, fines, or administrative costs.

"(B) Exclusions.—For the purposes of subparagraph (A), the term 'administrative cost' does not include the cost of—

"(i) investigation and identification of the extent of contamination;

"(ii) design and performance of a response action; or

"(iii) monitoring of natural resources.

"(3) Audits.—The Inspector General of the Environmental Protection Agency shall conduct such reviews or audits of grants under this section as the Inspector General considers necessary to carry out the objectives of this section. Audits shall be conducted in accordance with the auditing procedures of the General Accounting Office, including chapter 75 of title 31, United States Code.

"(4) Leveraging.—An eligible entity that receives a grant under this section may use the funds for part of a project at a brownfield facility for which funding is received from other sources, but the grant shall be used only for the purposes described in subsection (b) or (c).

"(5) Agreements.—Each grant made under this section shall be subject to an agreement that—

"(A) requires the eligible entity to comply with all applicable State laws (including regulations);

"(B) requires that the eligible entity shall use the grant exclusively for purposes specified in subsection (b) or (c);

"(C) in the case of an application by an eligible entity under subsection (c), requires payment by the eligible entity of a matching share (which may be in the form of a contribution of labor, material, or services) of at least 20 percent of the costs of the response action for which the grant is made, is from non-Federal sources of funding.

"(D) contains such other terms and conditions as the Administrator determines to be necessary to carry out this section.

"(e) Grant Applications.—

"(1) Submission.—

"(A) In general.—Any eligible entity may submit an application to the Administrator, through a regional office of the Environmental Protection Agency and in such form as the Administrator may require, for a grant under this section for 1 or more brownfield facilities.

"(B) Coordination.—In developing application requirements, the Administrator shall coordinate with the Secretary and other Federal agencies and departments, such that eligible entities under this section are made aware of other available Federal resources.

"(C) Guidance.—The Administrator shall publish guidance to assist eligible entities in obtaining grants under this section.

"(2) Approval.—The Administrator, in consultation with the Secretary, shall make an annual evaluation of each application received during the prior fiscal year and make grants under this section to eligible entities that submit applications during the prior year and that the Administrator, in consultation with the Secretary, determines have the highest rankings under the ranking criteria established under paragraph (3).

"(3) Ranking criteria.—The Administrator, in consultation with the Secretary, shall establish a system for ranking grant applications that includes the following criteria:

"(A) The extent to which a grant will stimulate the availability of other funds for environmental remediation and subsequent redevelopment of the area in which the brownfield facilities are located.

"(B) The potential of the development plan for the area in which the brownfield facilities are located to stimulate economic development of the area on completion of the cleanup, such as the following:

"(i) The relative increase in the estimated fair market value of the area as a result of any necessary response action.

"(ii) The demonstration by applicants of the intent and ability to create new or expand existing business, employment, recreation, or conservation opportunities on completion of any necessary response action.

"(iii) If commercial redevelopment is planned, the estimated additional full-time employment opportunities and tax revenues expected to be generated by economic redevelopment in the area in which a brownfield facility is located.

"(iv) The estimated extent to which a grant would facilitate the identification of or facilitate a reduction of health and environmental risks.

"(v) The financial involvement of the State and local government in any response action planned for a brownfield facility and the extent to which the response action and the proposed redevelopment is consistent with any applicable State or local community economic development plan.

"(vi) The extent to which the site characterization and assessment or response action and subsequent development of a brownfield facility involves the active participation and support of the local community.

"(vii) The extent to which the applicant coordinated with the State agency.

"(viii) Such other factors as the Administrator considers appropriate to carry out the purposes of this section.

"(C) The extent to which a grant will enable the creation of or addition to parks, greenways, or other recreational property.

"(D) The extent to which a grant will meet the needs of a community that has an inability to draw on other sources of funding for environmental remediation and subsequent redevelopment of the area in which a brownfield facility is located because of the small population or low income of the community.".

## TITLE II—STATE RESPONSE PROGRAMS

### SEC. 201. STATE RESPONSE PROGRAMS.

(a) DEFINITIONS.—Section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601) is amended by adding at the end the following:

"(39) BONA FIDE PROSPECTIVE PURCHASER.—The term 'bona fide prospective purchaser' means a person that acquires ownership of a facility after the date of enactment of this paragraph, or a tenant of such a person, that establishes each of the following by a preponderance of the evidence:

"(A) DISPOSAL PRIOR TO ACQUISITION.—All deposition of hazardous substances at the facility occurred before the person acquired the facility.

"(B) INQUIRIES.—

"(i) IN GENERAL.—The person made all appropriate inquiries into the previous ownership and uses of the facility and the facility's real property in accordance with generally accepted good commercial and customary standards and practices.

"(ii) STANDARDS AND PRACTICES.—The standards and practices referred to in paragraph (35)(B)(ii) or those issued or adopted by the Administrator under that paragraph shall be considered to satisfy the requirements of this subparagraph.

"(iii) RESIDENTIAL USE.—In the case of property for residential or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.

"(C) NOTICES.—The person provided all legally required notices with respect to the discovery or release of any hazardous substances at the facility.

"(D) CARE.—The person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

"(E) COOPERATION, ASSISTANCE, AND ACCESS.—The person has not failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

"(F) NO AFFILIATION.—The person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility.

"(40) FACILITY SUBJECT TO STATE CLEANUP.—The term 'facility subject to State cleanup' means a facility other than a facility—

"(A) that is listed on the National Priorities List;

"(B) that is proposed for listing on the National Priorities List, based on a determination by the Administrator published in the Federal Register that the facility qualifies for listing under section 105; or

"(C) for which an administrative order on consent or judicial consent decree requiring response action has been entered into by the United States with respect to the facility under—

"(i) this Act;

"(ii) the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.);

"(iii) the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

"(iv) the Toxic Substances Control Act (15 U.S.C. 2601 et seq.); or

"(v) the Safe Drinking Water Act (42 U.S.C. 300f et seq.).

"(41) QUALIFYING STATE RESPONSE PROGRAM.—The term 'qualifying State response program' means a State program that includes the elements described in section 128(b).".

(b) QUALIFYING STATE RESPONSE PROGRAMS.—Title I of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) (as amended by section 101(a)) is amended by adding at the end the following:

### "SEC. 128. QUALIFYING STATE RESPONSE PROGRAMS.

"(a) ASSISTANCE TO STATES.—The Administrator shall provide grants to States to establish and expand qualifying State response programs that include the elements listed in subsection (b).

"(b) ELEMENTS.—The elements of a qualifying State response program are the following:

"(1) Oversight and enforcement authorities or other mechanisms that are adequate to ensure that—

"(A) response actions will protect human health and the environment and be conducted in accordance with applicable Federal and State law; and

"(B) in the case of a voluntary response action, if the person conducting the voluntary response action fails to complete the necessary response activities, including operation and maintenance or long-term monitoring activities, the response activities will be completed as necessary to protect human health and the environment.

"(2) Adequate opportunities for public participation, including prior notice and opportunity for comment in appropriate circumstances, in selecting response actions.

"(3) Mechanisms for approval of a response action plan, or a requirement for certification or similar documentation from the State to the person conducting a response action indicating that the response is complete.

"(c) ENFORCEMENT IN CASES OF A RELEASE SUBJECT TO A STATE PLAN.—

"(1) ENFORCEMENT.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a release or threatened release of a hazardous substance at a facility subject to State cleanup, neither the President nor any other person, except the State, may use any authority under this Act to take an administrative or enforcement action against any person regarding any matter that is within the scope of a response action—

"(i) that is being conducted or has been completed under State law; or

"(ii) at a site, the cleanup of which shall be subject to State oversight.

"(B) EXCEPTIONS.—The President may bring an enforcement action under this Act with respect to a facility described in subparagraph (A) if—

"(i) the enforcement action is authorized under section 104;

"(ii) the State requests that the President provide assistance in the performance of a response action and that the enforcement bar in subparagraph (A) be lifted;

"(iii) at a facility at which response activities are ongoing the Administrator—

"(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

"(II) the Administrator determines that the release or threat of release constitutes a public health or environmental emergency under section 104(a)(4);

"(iv) the Administrator determines that contamination has migrated across a State line, resulting in the need for further response action to protect human health or the environment; or

"(v) in the case of a facility at which all response actions have been completed, the Administrator—

"(I) makes a written determination that the State is unwilling or unable to take appropriate action, after the Administrator has provided the Governor notice and an opportunity to cure; and

"(II) makes a written determination that the facility presents a substantial risk that requires further remediation to protect human health or the environment, as evidenced by—

"(aa) newly discovered information regarding contamination at the facility;

"(bb) the discovery that fraud was committed in demonstrating attainment of standards at the facility;

"(cc) the failure of the remedy to prepare a site for the intended use of the site;

"(dd) a structural failure of the remedy; or

"(ee) a change in land use giving rise to a clear threat of exposure to which a State is unwilling to respond.

"(C) EPA NOTIFICATION.—

"(i) IN GENERAL.—In the case of a facility at which there is a release or threatened release of a hazardous substance, pollutant, or contaminant and for which the Administrator intends to undertake an administrative or enforcement action, the Administrator, prior to taking the administrative or enforcement action, shall notify the State of the action the Administrator intends to take and wait a for a period of 30 days for an acknowledgment from the State under clause (ii).

"(ii) STATE RESPONSE.—Not later than 30 days after receiving a notice from the Administrator under clause (i), the State shall notify the Administrator if the facility contains a site, the cleanup of which—

"(I) is being conducted or has been completed under State law; or

"(II) shall be subject to State oversight.

"(iii) Public health or environmental emergency.—If the Administrator finds that a release or threatened release constitutes a public health or environmental emergency under section 104(a)(4), the Administrator may take appropriate action immediately after giving notification under clause (i) without waiting for State acknowledgment.

"(2) Cost or damage recovery actions.—Paragraph (1) shall not apply to an action brought by a State, Indian Tribe, or general purpose unit of local government for the recovery of costs or damages under this Act.

"(3) Savings provision.—

"(A) Existing agreements.—A memorandum of agreement, memorandum of understanding, or similar agreement between the President and a State or Indian tribe defining Federal and State or tribal response action responsibilities that was in effect as of the date of enactment of this section with respect to a facility to which paragraph (1)(C) does not apply shall remain effective until the agreement expires in accordance with the terms of the agreement.

"(B) New agreements.—Nothing in this subsection precludes the President from entering into an agreement with a State or Indian tribe regarding responsibility at a facility to which paragraph (1)(C) does not apply.".

### SEC. 202. STATE COST SHARE.

Section 104(c) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9604(c)) is amended—

(1) by striking "(c)(1) Unless" and inserting the following:

"(c) Miscellaneous Limitations and Requirements.—

"(1) Continuance of obligations from fund.—Unless";

(2) in paragraph (1), by striking "taken obligations" and inserting "taken, obligations";

(3) by striking "(2) The President" and inserting the following:

"(2) Consultation.—The President"; and

(4) by striking paragraph (3) and inserting the following:

"(3) State cost share.—

"(A) In general.—The Administrator shall not provide any funding for remedial action under this section unless the State in which the release occurs first enters into a contract or cooperative agreement with the Administrator that provides assurances that the State will pay, in cash or through in-kind contributions, 10 percent of—

"(i) the remedial action costs; and

"(ii) operation and maintenance costs.

"(B) Activities with respect to which state cost share is required.—No State cost share shall be required except for remedial actions under this section.

"(C) Indian tribes.—The requirements of this paragraph shall not apply in the case of remedial action to be taken on land or water—

"(i) held by an Indian Tribe;

"(ii) held by the United States in trust for an Indian Tribe;

"(iii) held by a member of an Indian Tribe (if the land or water is subject to a trust restriction on alienation); or

"(iv) within the borders of an Indian reservation.

## TITLE III—PROPERTY CONSIDERATIONS

### SEC. 301. CONTIGUOUS PROPERTIES.

(a) In General.—Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by adding at the end the following:

"(o) Contiguous Properties.—

"(1) Not considered to be an owner or operator.—

"(A) In general.—A person that owns or operates real property that is contiguous to or otherwise similarly situated with respect to real property on which there has been a release or threatened release of a hazardous substance and that is or may be contaminated by the release shall not be considered to be an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) solely by reason of the contamination if—

"(i) the person did not cause, contribute, or consent to the release or threatened release;

"(ii) the person is not affiliated through any familial or corporate relationship with any person that is or was a party potentially responsible for response costs at the facility; and

"(iii) the person exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

"(B) Ground water.—With respect to hazardous substances in ground water beneath a person's property solely as a result of subsurface migration in an aquifer from a source or sources outside the property, appropriate care shall not require the person to conduct ground water investigations or to install ground water remediation systems.

"(2) Cooperation, assistance, and access.—A party described in paragraph (1) may be considered an owner or operator of a vessel or facility under paragraph (1) or (2) of subsection (a) if the party has failed to substantially comply with the requirement stated in section 122(p)(2)(H) with respect to the facility.

:"(3) Assurances.—The Administrator may—

"(A) issue an assurance that no enforcement action under this Act will be initiated against a person described in paragraph (1); and

"(B) grant a person described in paragraph (1) protection against a cost recovery or contribution action under section 113(f).".

(b) National Priorities List.—

(1) In general.—Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605) is amended—

(A) in subsection (a)(8)—

(i) in subparagraph (B), by inserting "and" after the semicolon at the end; and

(ii) by adding at the end the following:

"(C) provision that in listing a facility on the National Priorities List, the Administrator shall not—

"(i) list the facility unless the Administrator first obtains concurrence for the listing from the Governor of the State in which the facility is located; and

"(ii) include in a listing any parcel of real property at which no release has actually occurred, but to which a released hazardous substance, pollutant, or contaminant has migrated in ground water that has moved through subsurface strata from another parcel of real estate at which the release actually occurred, unless—

"(I) the ground water is in use as a public drinking water supply or was in such use at the time of the release; and

"(II) the owner or operator of the facility is liable, or is affiliated with any other person that is liable, for any response costs at the facility, through any direct or indirect familial relationship, or any contractual, corporate, or financial relationship other than that created by the instruments by which title to the facility is conveyed or financed."; and

(B) by adding at the end the following:

"(h) Listing of Particular Parcels.—

"(1) Definition.—In subsection (a)(8)(C) and paragraph (2) of this subsection, the term 'parcel of real property' means a parcel, lot, or tract of land that has a separate legal description from that of any other parcel, lot, or tract of land the legal description and ownership of which has been recorded in accordance with the law of the State in which it is located.

"(2) Statutory construction.—Nothing in subsection (a)(8)(C) limits the Administrator's authority under section 104 to obtain access to and undertake response actions at any parcel of real property to which a released hazardous substance, pollutant, or contaminant has migrated in the ground water.".

(2) Revision of National Priorities List.—Not later than 180 days after the date of enactment of this Act, the President shall revise the National Priorities List to conform with the amendments made by paragraph (1).

(c) Conforming Amendment.—Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) is amended by striking "of this section" and inserting "and the exemptions and limitations stated in this section".

### SEC. 302. PROSPECTIVE PURCHASERS AND WINDFALL LIENS.

Section 107 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9607) (as amended by section 301(a)) is amended by adding at the end the following:

"(p) Prospective Purchaser and Windfall Lien.—

"(1) Limitation on liability.—Notwithstanding subsection (a), a bona fide prospective purchaser whose potential liability for a release or threatened release is based solely on the purchaser's being considered to be an owner or operator of a facility shall not be liable as long as the bona fide prospective purchaser does not impede the performance of a response action or natural resource restoration.

"(2) Lien.—If there are unrecovered response costs at a facility for which an owner of the facility is not liable by reason of subsection (n)(1) and each of the conditions described in paragraph (3) is met, the United States shall have a lien on the facility, or may obtain from appropriate responsible party a lien on any other property or other assurances of payment satisfactory to the Administrator, for such unrecovered costs.

"(3) Conditions.—The conditions referred to in paragraph (1) are the following:

"(A) Response action.—A response action for which there are unrecovered costs is carried out at the facility.

"(B) Fair market value.—The response action increases the fair market value of the facility above the fair market value of the facility that existed 180 days before the response action was initiated.

"(C) Sale.—A sale or other disposition of all or a portion of the facility has occurred.

"(4) Amount.—A lien under paragraph (2)—

"(A) shall not exceed the increase in fair market value of the property attributable to the response action at the time of a subsequent sale or other disposition of the property;

"(B) shall arise at the time at which costs are first incurred by the United States with respect to a response action at the facility;

"(C) shall be subject to the requirements of subsection (l)(3); and

"(D) shall continue until the earlier of satisfaction of the lien or recovery of all response costs incurred at the facility.".

### SEC. 303. SAFE HARBOR INNOCENT LANDHOLDERS.

(a) AMENDMENT.—Section 101(35) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601(35)) is amended—

(1) in subparagraph (A)—

(A) in the matter that precedes clause (i), by striking "deeds or" and inserting "deeds, easements, leases, or"; and

(B) in the matter that follows clause (iii)—

(i) by striking "he" and inserting "the defendant"; and

(ii) by striking the period at the end and inserting ", has provided full cooperation, assistance, and facility access to the persons that are responsible for response actions at the facility, including the cooperation and access necessary for the installation, integrity, operation, and maintenance of any complete or partial response action at the facility, and has taken no action that impeded the effectiveness or integrity of any institutional control employed under section 121 at the facility."; and

(2) by striking subparagraph (B) and inserting the following:

"(B) REASON TO KNOW.—

"(i) ALL APPROPRIATE INQUIRIES.—To establish that the defendant had no reason to know of the matter described in subparagraph (A)(i), the defendant must show that—

"(I) at or prior to the date on which the defendant acquired the facility, the defendant undertook all appropriate inquiries into the previous ownership and uses of the facility in accordance with generally accepted good commercial and customary standards and practices; and

"(II) the defendant exercised appropriate care with respect to each hazardous substance found at the facility by taking reasonable steps to stop any continuing release, prevent any threatened future release and prevent or limit human or natural resource exposure to any previously released hazardous substance.

"(ii) STANDARDS AND PRACTICES.—The Administrator shall by regulation establish as standards and practices for the purpose of clause (i)—

"(I) the American Society for Testing and Materials (ASTM) Standard E1527-94, entitled 'Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process'; or

"(II) alternative standards and practices under clause (iii).

"(iii) ALTERNATIVE STANDARDS AND PRACTICES.—

"(I) IN GENERAL.—The Administrator may by regulation issue alternative standards and practices or designate standards developed by other organizations than the American Society for Testing and Materials after conducting a study of commercial and industrial practices concerning the transfer of real property in the United States.

"(II) CONSIDERATIONS.—In issuing or designating alternative standards and practices under subclause (I), the Administrator shall consider including each of the following:

"(aa) The results of an inquiry by an environmental professional.

"(bb) Interviews with past and present owners, operators, and occupants of the facility and the facility's real property for the purpose of gathering information regarding the potential for contamination at the facility and the facility's real property.

"(cc) Reviews of historical sources, such as chain of title documents, aerial photographs, building department records, and land use records to determine previous uses and occupancies of the real property since the property was first developed.

"(dd) Searches for recorded environmental cleanup liens, filed under Federal, State, or local law, against the facility or the facility's real property.

"(ee) Reviews of Federal, State, and local government records (such as waste disposal records), underground storage tank records, and hazardous waste handling, generation, treatment, disposal, and spill records, concerning contamination at or near the facility or the facility's real property.

"(ff) Visual inspections of the facility and facility's real property and of adjoining properties.

"(gg) Specialized knowledge or experience on the part of the defendant.

"(hh) The relationship of the purchase price to the value of the property if the property was uncontaminated.

"(ii) Commonly known or reasonably ascertainable information about the property.

"(jj) The degree of obviousness of the presence or likely presence of contamination at the property, and the ability to detect such contamination by appropriate investigation.

"(iv) SITE INSPECTION AND TITLE SEARCH.—In the case of property for residential use or other similar use purchased by a nongovernmental or noncommercial entity, a facility inspection and title search that reveal no basis for further investigation shall be considered to satisfy the requirements of this subparagraph.".

(b) STANDARDS AND PRACTICES.—

(1) ESTABLISHMENT BY REGULATION.—The Administrator of the Environmental Protection Agency shall issue the regulation required by section 101(35)(B)(ii) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)) not later than 1 year after the date of enactment of this Act.

(2) INTERIM STANDARDS AND PRACTICES.—Until the Administrator issues the regulation described in paragraph (1), in making a determination under section 101(35)(B)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (as added by subsection (a)), there shall be taken into account—

(A) any specialized knowledge or experience on the part of the defendant;

(B) the relationship of the purchase price to the value of the property if the property was uncontaminated;

(C) commonly known or reasonably ascertainable information about the property;

(D) the degree of obviousness of the presence or likely presence of contamination at the property; and

(E) the ability to detect the contamination by appropriate investigation.

## TITLE IV—FEDERAL ENTITIES AND FACILITIES

### SEC. 401. APPLICABILITY OF LAW; IMMUNITY.

Section 120 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620) is amended—

(1) by striking the section heading and inserting the following:

**"SEC. 120. FEDERAL ENTITIES AND FACILITIES.";**

(2) in subsection (a)—

(A) by striking paragraph (1) and inserting the following:

"(1) IN GENERAL.—

"(A) DEFINITION OF SERVICE CHARGES.—In this paragraph, the term 'service charge' includes—

"(i) a fee or charge assessed in connection with—

"(I) the processing or issuance of a permit, renewal of a permit, or amendment of a permit;

"(II) review of a plan, study, or other document; or

"(III) inspection or monitoring of a facility; and

"(ii) any other charge that is assessed in connection with a State, interstate, or local response program.

"(B) APPLICATION OF FEDERAL, STATE, INTERSTATE, AND LOCAL LAW.—

"(i) IN GENERAL.—Each department, agency, and instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to and shall comply with this Act and all other Federal, State, interstate, and local substantive and procedural requirements and other provisions of law relating to a response action or restoration action or the management of a hazardous waste, pollutant, or contaminant in the same manner, and to the same extent, as any nongovernmental entity is subject to those provisions of law.

"(ii) PROVISIONS INCLUDED.—The provisions of law referred to in clause (i) include—

"(I) a permit requirement;

"(II) a reporting requirement;

"(III) a provision authorizing injunctive relief (including such sanctions as a court may impose to enforce injunctive relief);

"(IV) sections 106 and 107 and similar provisions of Federal, State, or local law relating to enforcement and liability for cleanup, reimbursement of response costs, contribution, and payment of damages;

"(V) a requirement to pay reasonable service charges; and

"(VI) all administrative orders and all civil and administrative penalties and fines, regardless of whether the penalties or fines are punitive or coercive in nature or are imposed for an isolated, intermittent, or continuing violation.

"(C) WAIVER OF IMMUNITY.—

"(i) IN GENERAL.—The United States waives any immunity applicable to the United States with respect to any provision of law described in subparagraph (B).

"(ii) LIMITATION.—The waiver of sovereign immunity under clause (i) does not apply to the extent that a State law would apply any standard or requirement to the Federal department, agency, or instrumentality in a manner that is more stringent than the manner in which the standard or requirement would apply to any other person.

"(D) CIVIL AND CRIMINAL LIABILITY.—

"(i) INJUNCTIVE RELIEF.—Neither the United States nor any agent, employee, or officer of the United States shall be immune or exempt from any process or sanction of any Federal or State court with respect to the enforcement of injunctive relief referred to in subparagraph (B)(ii)(III).

"(ii) NO PERSONAL LIABILITY FOR CIVIL PENALTY.—No agent, employee, or officer of the United States shall be personally liable for any civil penalty under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant with respect to any act or omission within the scope of the official duties of the agent, employee, or officer.

"(iii) CRIMINAL LIABILITY.—An agent, employee, or officer of the United States shall be subject to any criminal sanction (including a fine or imprisonment) under any Federal or State law relating to a response action or to management of a hazardous substance, pollutant, or contaminant, but no department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States shall be subject to any such sanction.

"(E) ENFORCEMENT.—

"(i) ABATEMENT ACTIONS.—The Administrator may issue an order under section 106 to any department, agency, or instrumentality of the executive, legislative, or judicial branch of the United States. The Administrator shall initiate an administrative enforcement action against such a department, agency, or instrumentality in the same manner and under the same circumstances as an action would be initiated against any other person.

"(ii) CONSULTATION.—No administrative order issued to a department, agency, or instrumentality of the United States shall become final until the department, agency, or instrumentality has had the opportunity to confer with the Administrator.

"(iii) USE OF PENALTIES AND FINES.—Unless a State law in effect on the date of enactment of this clause requires the funds to be used in a different manner, all funds collected by a State from the Federal Government as penalties or fines imposed for violation of a provision of law referred to in subparagraph (B) shall be used by the State only for projects designed to improve or protect the environment or to defray the costs of environmental protection or enforcement.

"(F) CONTRIBUTION.—A department, agency, or instrumentality of the United States shall have the right to contribution under section 113 if the department, agency, or instrumentality resolves its liability under this Act.";

(B) in the second sentence of paragraph (3), by inserting "(other than the indemnification requirements of section 119)" after "responsibility"; and

(C) by striking paragraph (4); and

(2) in subsection (e), by adding at the end the following:

"(7) STATE REQUIREMENTS.—Notwithstanding any other provision of this Act, an interagency agreement under this section shall not impair or diminish the authority of a State, political subdivision of a State, or any other person or the jurisdiction of any court to enforce compliance with requirements of State or Federal law, unless those requirements have been specifically addressed in the agreement or waived without objection after notice to the State before or on the date on which the response action is selected.".

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NATIONAL GOVERNORS ASSOCIATION,
*Washington, DC, May 16, 2000.*

Hon. GEORGE V. VOINOVICH,
*U.S. Senate, Washington, DC.*

DEAR SENATOR VOINOVICH: On behalf of the National Governors' Association (NGA), we are pleased with the introduction of the Brownfields Revitalization Act of 2000. NGA has reviewed the bill and believe that it addresses key issues raised by the nation's Governors to facilitate the speedy cleanup of brownfields sites and make some important corrections to the Superfund statute. We hope that all Senators will work with you to ensure passage of legislation that the President can sign this year.

We would like to briefly comment on four provisions in the bill. We applaud the inclusion of a provision dealing with certainty at state brownfields sites. The bill's finality provision would improve the effectiveness and pace of hazardous waste cleanups by allowing state voluntary cleanup programs to provide assurance to landowners who wish to develop their property without fear of being engulfed in the federal liability scheme. There is no question that voluntary cleanup programs and brownfields redevelopment are currently hindered by the pervasive fear of federal liability under the Superfund law. Your bill addresses this problem by precluding enforcement by the federal government at sites where cleanup has occurred or is being conducted under a state program. In instances when a state is unwilling or unable to take appropriate action, or if contamination has migrated across state lines, your bill contains reasonable exceptions to this preclusion of enforcement.

In addition, the Governors greatly appreciate the inclusion of a provision requiring gubernatorial concurrence before a site is listed on the National Priorities List. Such a requirement will help avoid duplication of effort when a state can take the lead in restoring a site to productive use. As you know, states are currently overseeing most cleanups; listing a site on the NPL when a state is prepared to apply its own authority is not only wasteful of federal resources, it is often counterproductive, resulting in increased delays and greater costs.

We also support the provision in the bill that clarifies that the state cost-share at Superfund sites is limited to ten percent for both remedial activities and operations and maintenance (O & M). This provision has been interpreted to require states to be responsible for 100 percent of the O & M expenses at a site. Your provision will correct this inequitable situation, and at the same time, help ensure that there is no financial bias toward remedies that involve more intensive O & M than necessary.

The funding provisions in the bill that provide grants to states and local governments for both response actions as well as site assessments are very positive steps in assuring that financial assistance is available so that sites can actually move toward final cleanups.

Lastly, we applaud you for adding a provision that makes all federal facilities subject to CERCLA and state hazardous waste laws to the same extent as other nongovernmental entities. There is no legitimate rationale for exempting the federal government from the same environmental protection laws that apply to businesses, individuals and state and local government.

We look forward to continuing our strong working relationship with you on these issues. The nation's Governors believe that brownfields revitalization and some reasonable Superfund "fixes" can be accomplished if done in a bipartisan manner and we believe that your bill will go a long way toward accomplishing that goal. We will work with you to ensure that this bill has bipartisan support as it begins to move. If we can be of any assistance, please contact us directly or have your staff contact Diane S. Shea at 202/624-5389.

Sincerely,

Governor KENNY C. GUINN,
*Chair,*
*Committee on Natural Resources.*
Gov. THOMAS J. VILSACK,
*Vice Chair,*
*Committee on Natural Resources.*•

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By Mr. JEFFORDS (for himself, Mr. HATCH, Mr. ROCKEFELLER, Mr. ROBB, Mr. L. CHAFEE, Mr. BRYAN, and Mr. KERRY):

S. 2591. A bill to amend the Internal Revenue Code of 1986 to allow tax credits for alternative fuel vehicles and retail sale of alternative fuels, and for other purposes; to the Committee on Finance.

### ALTERNATIVE FUELS TAX INCENTIVES ACT

• Mr. JEFFORDS. Mr. President, today, Senator HATCH and I, together with Senators ROCKEFELLER, CHAFEE, BRYAN, and KERRY are introducing a bill which we believe will serve two important national interests: air quality and energy security. We call it the "Alternative Fuels Tax Incentives Act," and it consists of a series of temporary tax provisions to encourage purchases of cars and trucks operating on alternative fuels, and to promote the retail sale of these fuels.

The sharp gasoline price spikes earlier this year were a reminder of what can happen when the United States is not in control of the source of the energy it consumes. Some of us remember the long lines in the mid-1970s, when the Middle East pipeline was shut down, when service stations rationed the amount of gas you could buy, and when fistfights broke out over gasoline purchases. Science is now taking us to a point where we can develop other sources of energy and free ourselves from this over-reliance on foreign oil.

Imports of foreign oil now exceed 50 percent of our oil consumption. Most of the oil that we use—more than two-thirds—is used for transportation. But there's some good news: cars and trucks that operate with alternative fuels are rapidly becoming a fact of life. Each of the major automobile manufacturers offers alternative fuel vehicles, but low production volume and high initial costs have impeded their widespread use and adoption. Consumers and businesses are receptive to alternative fuel vehicles and electric vehicles, but are often reluctant to pay the additional costs manufacturers charge for them.

This bill's tax incentives will make those vehicles more cost competitive. With their environmentally-friendly fuels, these vehicles will mean significant benefits to the air we breathe. The levels of pollutants emitted by these alternative fuels vehicles are a tiny fraction of those released from a conventional gasoline or diesel engine. Some of these cars don't even have tail-pipes. To assure that owners of alternative fuel vehicles can find fuels for their cars, the bill also provides for two incentives to encourage the retail sales of alternative fuels: a tax credit for retailers for each gasoline gallon-equivalent of alternative fuel sold, and a provision allowing retailers to immediately expense up to $100,000 of the costs of alternative fuel refueling infrastructure.

Passing this bill would mean cleaner air, energy independence, and more jobs in a developing sector of the auto industry. We have the technology and the resources to accomplish these goals. And we have manufacturers ready to deliver. It shouldn't take another oil crisis for us to get moving on this.●

Mr. HATCH. Mr. President, I rise today with my friend and colleague, Senator JEFFORDS, to introduce the Alternative Fuels Tax Incentives Act. I am pleased that we are being joined by Senators ROCKEFELLER, ROBB, CHAFEE, and BRYAN as original cosponsors.

This bill is an outgrowth of S. 1003, the Alternative Fuels Promotion Act of 1999, which was sponsored by many of the same sponsors of this year's bill. And, like S. 1003, the bill we are introducing today is designed to achieve two vital goals—reduce our dependency on foreign oil and reduce air pollution from motor vehicles.

While the goals of both of these bills are the same, Mr. President, the Alternative Fuels Incentive Act takes a similar, but more comprehensive approach to achieving them.

There is a little dispute that our growing dependency on imported oil is dangerous, not only to our continued economic growth, but also to our national security. We are witnessing again this year just how volatile the price of gasoline and other motor fuels are and how decisions made by oil producers far from our shores affect the everyday lives of all Americans. As we increase our dependence of energy from others nations, we are literally placing our future in the hands of foreign entities. Yet, we are stymied at every turn in trying to significantly increase the discovery and development of new domestic sources of oil.

At the same time, we continue to face serious air quality challenges from our almost exclusive use of conventional fuels for motor vehicles. Just in my home state of Utah, transportation vehicles account for 87 percent of carbon monoxide emissions, 52 percent of nitrogen oxide emissions, 34 percent of hydrocarbon emissions, and 22 percent of coarse particulate matter in the air. All of these emissions can be harmful to individuals suffering from chronic respiratory illnesses, heart disease, asthma, and other ailments.

More than just harming our health, however, these emissions detract from the natural beauty of our country. Furthermore, as the United States grows in population and dependency on automobile transportation, these problems will only become worse unless something is done to turn the tide.

Fortunately, Mr. President, answers to both problems exist. Vehicle technology using domestically plentiful and clean-burning alternative fuels have advanced to the point that, if widely adapted by Americans, we could reverse the course on both foreign dependence and clean air. The challenge is in getting over the hurdle of initial acceptance of the new technologies by the American public.

In essence, there are currently three market barriers to this initial acceptance of alternative fuels vehicles by Americans—the incremental cost of the vehicles over conventionally-fueled vehicles, the cost of the fuel, and the lack of convenient fueling stations. Providing incentives—not mandates—to overcome all three of these barriers is what this bill is all about.

Mr. President, the bill addresses the first barrier—the extra cost of the alternative fuels vehicles—by providing a tax credit for a portion of the difference in cost. This is key component of the bill that was lacking in S. 1003. By bringing the cost of these vehicles within the range where savings on the cost of the alternative fuel will make owning these vehicles economically viable over the life of the vehicle, public acceptance of the technology should rapidly increase. Once this occurs, production economies of scale will bring the price of the vehicles down further.

The bill addresses the second and third market barriers, that of fuel cost and availability, by providing tax credits for the alternative fuels and tax benefits for suppliers who decide to sell it to the public. This is important because the ready availability of the fuel in all geographic locations where the public needs to go or to send goods is key to their acceptance of alternative fuels vehicles. These tax benefits, when combined with the market effect caused by the demand for more fueling stations created by the purchase of more vehicles, will help ensure that such stations will appear where people need them.

Mr. President, the incentive approach taken by this bill is meant to provide a temporary bridge over these barriers. If this approach works, the tax incentives will not be needed in the long run. This is why we have placed a seven-year sunset on these provisions. At the end of this period, Congress should take a close look at how well these incentives worked and how the market has developed.

There is little doubt that sooner or later this Nation will have to turn to alternative fuels to help solve the two problems I mentioned earlier. I believe it should be sooner and the move should be incentive-based and market-driven. The bill we are introducing today can create the momentum to get us to a cleaner and more secure America much sooner. I urge my colleagues to support this legislation.

Mr. ROCKEFELLER. Mr. President, today I gladly lend my support to the Alternative Fuels Tax Incentives Act being introduced by Senator JEFFORDS, along with Senators HATCH, ROBB, KERRY, BRYAN, and CHAFEE. I join with my colleagues because of my long-standing dedication to increasing the use of alternative fuels for transportation, and my understanding that to do so we must stimulate interest in the still fledgling alternative fuel vehicle industry. The success of this industry, and the acceptance of these vehicles in the market place, is critical to lowering our dependence on imported oil, improving the quality of the air we breathe, and reducing the greenhouse gases our nation emits.

Let me take a few moments to relate some of the reasons why it is so important that we reduce our consumption of petroleum and use alternative sources of energy. The first and most tangible reason is the need to reduce our nation's dependence on foreign oil. Currently, we import more than half of the oil consumed in this nation. That translates to $180,000 per minute that is being spent to purchase foreign oil. That's bad for our balance of trade, but more important, none of us want to continue to have our energy costs fluctuate and spike at the whim of OPEC or any other foreign organization. The recent price increase shows just how important this is, and how vulnerable we are.

A second reason is that it is critical that we reduce the transportation sector's negative impact on air quality. While the automobile industry has made great strides in reducing the emissions of cars and trucks, the improvement has been largely offset by the dramatically increasing number of miles these vehicles are driven each year, and by our increasing desire for larger, more powerful vehicles. In 1980, light trucks, a category that includes minivans and SUVs, accounted for only 19.9 percent of the U.S. automobile market. Traditionally, these vehicles have been exempted from corporate average fuel economy (CAFE) standards. In the past couple of years, some in Congress have been successful in blocking any adjustment to CAFE standards, including the inclusion of SUVs and minivans. Now the reason for including them is even more obvious. By 1998, these larger vehicles accounted for 47.5 percent of the automobile market, with SUVs alone accounting for 18.1 percent. Clearly, doing something to cut air pollution and to reduce greenhouse gas emissions will require an enormous change in our transportation sector.

Because I believe it is the right thing to do for the people of West Virginia, and for the nation as a whole, I have been a long-time supporter of research into, incentives for, and commercial implementation of alternative fuel technologies. During my first term in the United States Senate, I introduced the Alternative Motor Vehicle Act of 1988. That legislation has been credited with a dramatic increase in the production of alternatively fueled vehicles, notably the so-called flexibly-fueled vehicles, which run on either alternative fuels or gasoline. In fact, 500,000 of the 17 million cars sold in the United States in 1999 were flexible-fuel vehicles. In 1992, when Congress passed the Energy Policy Act (EPAct), I authored and supported a number of provisions in that law to promote the use of alternatively-fueled and electric vehicles through tax credits for vehicle purchase and installation of supporting infrastructure.

Finally, just over a year ago, along with my colleagues Senators HATCH, CRAPO, and BRYAN, I introduced the Alternative Fuels Promotion Act, S. 1003. Both the Alternative Fuels Tax Incentives Act introduced today, and the Alternative Fuels Promotion Act introduced last year, would provide the alternative fuel vehicle industry some of the help it needs to begin to get a sustainable foothold in the market place. While these bills differ in the size and type of tax incentives, I strongly believe that both bills are appropriate steps toward a cleaner environment and a more energy independent nation.

As I have stated on the Floor of the Senate before, the options for bringing about change in the transportation sector are somewhat limited. Congress could impose new taxes, mandates, or regulations. However, these approaches are sometimes unpopular with both the American people and our colleagues in Congress. I believe the best way to bring about the change we need is to provide incentives for manufacturers to develop and sell clean technology and for consumers to buy and use this technology. I believe that the Alternative Fuels Tax Incentives Act being introduced today offers manufacturers and consumers these necessary incentives.

Our domestic automobile manufacturers have developed a number of clean-running and efficient vehicles. These vehicles are virtually indistinguishable from their gasoline-powered counterparts in terms of performance, safety, and comfort. However, there are still two major barriers to widespread acceptance. The first is cost. Though manufacturers have made great strides in reducing the cost of these vehicles, most, including those powered by natural gas, propane, methanol, and electricity, are still significantly more expensive than their gasoline-powered counterparts.

A second critical roadblock impeding acceptance of alternatively fueled vehicles is the lack of an adequate refueling infrastructure. I received a call a few months ago from a woman who had just purchased a compressed natural gas-powered car made by a domestic manufacturer. Her entire car pool loved the car, especially the absence of any "exhaust smell" when you stood behind the car. She was calling to find out if we could help her locate more places to fuel it. She lives in Boston, and knew of only three fueling stations within a reasonable driving area. If this is the case in a major metropolitan area—which has a significant number of compressed natural gas-powered fleets in operation—it is clear that we have a long way to go. The Alternative Fuels Promotion Act offers strong incentives aimed at minimizing these roadblocks.

We know that when national policy supports the creative energies and potential of the private sector, progress is made at a faster rate. The private sector is leading the way in developing alternative fuel vehicle technology. We need to provide consumers with a strong financial incentive to use this technology. Certainly, our continued dependence on foreign oil and the contribution of conventionally-powered vehicles to air pollution—including greenhouse gases—compels us to try. I encourage my colleagues to take a hard look at our environment and our national energy security, and to pass the Alternative Fuels Tax Incentives Act during this Congress.

I ask unanimous consent that this statement be inserted in the RECORD immediately after Senator JEFFORDS' statement introducing the Alternative Fuels Tax Incentives Act.

Mr. ROBB. Mr. President, I am pleased to be an original co-sponsor of the Alternative Fuels Tax Incentive Act. This legislation will help accomplish two things. First, it will promote the production and use of cars that use clean fuels, and will consequently improve air quality. Secondly, the tax credit will improve our energy independence. I honestly believe that one of the best things we can do for this country is to find a way to fuel transportation that is cleaner, and more reliable. Our automobile emissions get cleaner every year. But there are more of us on the road every year, and we drive more miles every year. So we have to keep increasing our efforts in the direction of more efficient vehicles and cleaner fuels.

Earlier this year, we experienced a sharp spike in fuel prices, courtesy of OPEC. It wasn't the first time and it won't be the last. It is imperative for our country to keep moving in the direction of energy independence, and I am convinced that it can be done without sacrificing convenience, mobility, or the environment. But we need to find a substitute for gasoline, and we need to combine the most efficient technologies in a way that provides convenient transportation.

New automotive technologies are being developed by automobile companies, in concert with some of our fine engineering schools. All these technologies show promise, but after the pilot stage and before achieving mass appeal, there is a critical phase at which we can help a new idea grow, or we can ignore it and perhaps let it fail. This tax credit is a tool that can be used to bridge the gap between an experimental vehicle and a commercially available vehicle. It encompasses the kind of creative thinking that we need to employ if we are going to reach a new standard of efficiency in automotive technology.

I look forward to a full discussion of the benefits of this bill, and hope my colleagues will join me in supporting this bill, and move for quick passage.

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By Mr. SARBANES (for himself, Mr. DASCHLE, Mr. DODD, Mr. KERRY, Mr. BRYAN, Mr. JOHNSON, Mr. REED, Mr. SCHUMER, Mr. BAYH, and Mr. EDWARDS):

S. 2592. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

### FIRST ACCOUNTS ACT OF 2000

• Mr. SARBANES. Mr. President, I rise today to address a very serious problem facing our nation: millions of low- and moderate-income Americans lack adequate access to basic financial services. I am pleased to introduce the First Accounts Act of 2000 ("FAA"). This bill, which has been proposed by the Administration, establishes a pilot program within the Department of the Treasury designed to promote access to financial services for the millions of low- and moderate income persons currently facing barriers to affordable and convenient banking services. Joining as original co-sponsors in the introduction of this legislation are the Senate Democratic leader, Senator DASCHLE, and my fellow Democratic members of the Banking Committee—Senators DODD, KERRY, BRYAN, JOHNSON, REED, SCHUMER, EDWARDS, and BAYH.

Access to basic banking services is essential for Americans seeking to participate fully in our increasingly complex financial and economic system. Unfortunately, recent studies show that millions of families lack access to affordable banking accounts and safe and secure ATMs, and do not have adequate knowledge of beneficial financial services and products. The lack of information and access to such financial services limits economic opportunities for low- and moderate-income persons, steers them toward high cost services offered by fringe operators in the financial services industry, reduces their ability to manage their finances and plan for the future, and may even place these individuals at a risk to their personal safety. Under the bill, the Treasury Department is authorized to partner with financial institutions, community organizations, and financial services electronic networks to improve access to mainstream financial services in four ways: affordable banking accounts, safe and secure ATMs, extensive financial literacy, and research and development efforts.

### AFFORDABLE BANKING ACCOUNTS

First, the bill would promote access to financial services by helping write-down the cost to depository institutions of establishing low-cost accounts for low- and moderate-income consumers. According to the Federal Reserve, approximately 8.4 million low- and moderate-income families did not have a bank account in 1998. This represents 22% of such households. The high cost of banking services—particularly high minimum opening balances and monthly fee—remains a major obstacle to many families establishing a relationship with a federally-insured depository institution. According to the Federal Reserve Board, the average minimum opening balance requirement was $115 in 1997. Moreover, a 1999 U.S. Public Interest Research Group study revealed that consumers who could not meet account minimum balances at banks paid an average of $217 annually.

Althoguh seven states currently require banks to offer some form of low-cost banking accounts, there is a growing recognition that banks would voluntarily expand access to affordable accounts with appropriate encouragement. For instance, Treasury currently provides incentives under the Electronic Funds Transfer ("EFT") program to banks that provide low-cost accounts for recipients of government checks. More than 538 federally-insured institutions signed up to offer the low-cost account during the first nine months of the EFT program.

I am pleased to have worked closely with Treasury in developing the EFT program to extend its benefits to the "unbanked" who receive government checks. This legislation would build on that experience to extend the benefits of direct deposit accounts to those who receive private sector checks.

The lack of access to basic banking services creates numerous difficulties for the "unbanked." First, it increases the cost of financial transactions for law- and moderate-income persons. These individuals pay high service fees to check cashing outlets and other nonbanks when cashing checks and purchasing money orders. A 1998 study by the Organization for a New Equality showed that over a lifetime, a low-income family could pay over $15,000 in fees for cashing checks and paying bills outside the financial services mainstream.

Moreover, the lack of a banking account often makes it difficult for low- and moderate-income individuals to establish traditional credit and limits their ability to access other financial products. First-time homeowner programs, rental property managers, utility companies, and credit card companies are increasingly requiring applicants to have bank accounts. In the absence of a relationship with banks, low- and moderate-income individuals often end up as customers of fringe bankers who charge them exorbitant fees to access credit.

### SAFE AND SECURE ATMS

Second, Treasury would provide assistance to banks and financial services automated networks that expand the availability of ATMs in safe, secure, and convenient locations in low-income neighborhoods. The availability of convenient and safe ATMs and point-of-sale terminals is taken for granted by most Americans. However, a substantial number of Americans live in communities where there are either no ATMs or the ATMs are located in unsafe and insecure environments. A recent Treasury analysis of census tracts in Los Angeles and New York showed that there were nearly twice as many ATMs in middle-income census tracts than there were in low-income areas. The absence of safe and secure ATMs in many neighborhoods places residents in situations that risk their personal safety. Every day many low- and moderate-income Americans decide between the risk of carrying large sums of money on their persons and going to an ATM at night. The FAA would increase the number of safe and secure access points into the financial mainstream by working with financial institutions and financial services networks to install ATMs in secure locations such as U.S. post offices. A pilot program between Treasury and a major financial institution has already placed ATMs in post offices in underserved communities in Baltimore and Tallahassee, and there are plans to expand the program to post offices across the country.

### FINANCIAL LITERACY

Third, FAA would support financial education for low- and moderate-income Americans. Proponents of affordable banking services and products have come to recognize that the creation and design of these services only represents an initial step to improving access for this segment of the population. States such as New York have discovered that despite the existence of affordable banking accounts targeted towards underserved communities, many people do not take advantage of such services because they either do not know that such services are available or do not believe that they would benefit. This lack of information remains one of the greatest obstacles to bringing "unbanked" Americans into the economic mainstream. Through partnerships with community organizations and a public awareness campaign, Treasury will educate low- and moderate-income Americans about the availability of affordable financial services and the usefulness of having a bank account, managing household finances and building assets.

### RESEARCH AND DEVELOPMENT

Finally, the FAA authorizes the Treasury to conduct research and development in order to expand access to financial services for low- and moderate-income communities.

The Administration has strongly supported expanding access to financial services for all Americans. The FAA would build upon and expand current initiatives by the Administration. The Administration's FY 2001 budget seeks an appropriation of $30 million in fiscal year 2001 for this program.

The First Accounts Act will help millions of low- and moderate-income Americans who lack access to affordable and convenient financial services to become part of the economic mainstream. This will be to their benefit, the benefit of the financial institutions with which they do business, and the benefit of our society as a whole. This modest legislation can make an enormous contribution to giving all Americans the opportunity to participate fully in our current economic prosperity. I urge its support by all of my colleagues.●

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By Mr. GORTON (for himself, Mr. DEWINE, Mr. VOINOVICH, Mrs. MURRAY, Mr. CRAPO, and Mr. CRAIG):

S. 2597. A bill to clarify that environmental protection, safety, and health provisions continue to apply to the functions of the National Nuclear Security Administration to the same extent as those provisions applied to those functions before transfer to the Administration; to the Committee on Armed Services.

### LEGISLATION ASSURING CLEANUP OF DEFENSE SITES

● Mr. GORTON. Mr. President, in 1989, the Department of Energy signed an historic agreement with the State of Washington and the Environmental Protection Agency, committing to clean up the Hanford Nuclear Reservation in the South-Central part of the State of Washington. This pact, known as "The Tri-Party Agreement" has, for the most part, worked well to assure that the federal government keeps its commitment to the citizens of the state of Washington to keep the by-products of nuclear materials production from harming the people who live and work in that area.

Last year, responding to different pressures, Congress created the National Nuclear Security Administration (NNSA). Some officials, including my own state Attorney General, are concerned that the creation of the NNSA may create some uncertainty as to the Department of Energy's continued legal obligation to clean up the site. The NNSA was never intended to disrupt the enforceability of legal agreements that assure sites such as Hanford are to be cleaned up under specific timelines.

The purpose of this legislation is to clarify that environmental, safety and health provisions continue to apply to the functions of the recently created NNSA to the same extent as they applied to those functions before transfer to the NNSA.

While the legislative history of the legislation creating the National Nuclear Security Administration demonstrated clear Congressional intent that the NNSA remain subject to state, federal and local environment, safety and health requirements, some have raised concern that the legislation could be construed as narrowing the existing waivers of federal sovereign immunity with respect to these requirements.

The Department of Energy hosts some of the most challenging environmental contamination sites in the country. Although the Hanford site is perhaps the biggest challenge, there are sites in several other states as well.

It is critical to the preservation of the environment and the protection of human health that states maintain their existing authority to enforce environmental, safety, and health requirements with respect to Department of Energy facilities under the NNSA's control.

A wide range of support exists for this legislation clarifying that the earlier legislation creating the NNSA was not intended to impair state regulatory authority over facilities under the NNSA's jurisdiction. Organizations supporting this legislation include the National Governors Association, the National Conference of State Legislatures, and the National Association of Attorneys General.

Just as this bill will clarify that the NNSA does not impair state regulatory authority over facilities under the NNSA's jurisdiction, the bill is carefully worded so as not to expand the states' authority in this regard. This bill simply reaffirms the ability of states to use the enforcement measures that are contained in cleanup agreements made with the federal government, such as the Tri-Party Agreement.•

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By Mr. BINGAMAN (for himself, Mr. MURKOWSKI, Mr. HATCH, Mr. DASCHLE, Mr. ABRAHAM, Mr. SARBANES, Mr. MOYNIHAN, Mrs. BOXER, Mr. SCHUMER, Mr. LAUTENBERG, Mr. SMITH of Oregon, Mr. KOHL, Mr. LEVIN, Mr. WYDEN, Mr. FEINGOLD, Mr. ROBB, Mr. WELLSTONE, Mr. LIEBERMAN, and Mr. INOUYE):

S. 2598. A bill to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes; to the Committee on Energy and Natural Resources.

### UNITED STATES HOLOCAUST MEMORIAL MUSEUM REAUTHORIZATION

• Mr. BINGAMAN. Mr. President, today I am introducing legislation which reauthorizes appropriations for the United States Holocaust Memorial Museum. In addition to extending the authorization for the museum and the United States Holocaust Memorial Council, the bill makes several clarifying and conforming changes to the 1980 enabling legislation to incorporate the recommendations of a recently completed review of the museum and the council by the National Academy of Public Administration.

As described in the museum's mission statement, the United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of Holocaust history, and serves as this country's memorial to the millions of people murdered during the Holocaust. The Museum's primary mission is to advance and disseminate knowledge about this unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral and spiritual questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

Since the museum was opened to the public in 1993, it has been one of the most heavily visited sites in our nation's capital, with more than 2 million visitors last year. Previous bills authorizing appropriations for the museum have enjoyed broad bipartisan support, and I am pleased that this bill is no exception, with over 17 original cosponsors on both sides of the aisle.

Mr. President, identical legislation has already been introduced in the other body. Given the broad support for the museum and the memorial council, it is my hope that the Senate will approve this legislation expeditiously. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2598

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. AMENDMENT.**

Chapter 23 of title 36, United States Code, is amended to read as follows:

"CHAPTER 23—UNITED STATES HOLOCAUST MEMORIAL MUSEUM

"Sec. 2301. Establishment of the United States Holocaust Memorial Museum; functions.
"Sec. 2302. Functions of the Council; membership.
"Sec. 2303. Compensation; travel expenses; full-time officers or employees of United States or Members of Congress.
"Sec. 2304. Administrative provisions.
"Sec. 2305. Staff.
"Sec. 2306. Memorial museum.
"Sec. 2307. Gifts, bequests, and devises of property; tax treatment.
"Sec. 2308. Annual report.
"Sec. 2309. Audit of financial transactions.
"Sec. 2310. Authorization of appropriations.

**"SEC. 2301. ESTABLISHMENT OF THE UNITED STATES HOLOCAUST MEMORIAL MUSEUM; FUNCTIONS.**

"The United States Holocaust Memorial Museum (hereinafter in this chapter referred to as the 'Museum') is an independent establishment of the United States Government. The Museum shall—

"(1) provide for appropriate ways for the Nation to commemorate the Days of Remembrance, as an annual, national, civic commemoration of the Holocaust, and encourage and sponsor appropriate observances of such Days of Remembrance throughout the United States;

"(2) operate and maintain a permanent living memorial museum to the victims of the Holocaust, in cooperation with the Secretary of the Interior and other Federal agencies as provided in section 2306 of this title; and

"(3) carry out the recommendations of the President's Commission on the Holocaust in its report to the President of September 27, 1979, to the extent such recommendations are not otherwise provided for in this chapter.

**"SEC. 2302. FUNCTIONS OF THE COUNCIL; MEMBERSHIP.**

"(a) IN GENERAL.—The United States Holocaust Memorial Council (hereinafter in this chapter referred to as the 'Council') shall be the board of trustees of the Museum and shall have overall governance responsibility for the Museum, including policy guidance and strategic direction, general oversight of Museum operations, and fiduciary responsibility. The Council shall establish an Executive Committee which shall exercise ongoing governance responsibility when the Council is not in session.

"(b) COMPOSITION OF COUNCIL; APPOINTMENT; VACANCIES.—The Council shall consist of 65 voting members appointed (except as otherwise provided in this section) by the President and the following ex officio nonvoting members:

"(1) 1 appointed by the Secretary of the Interior.

"(2) 1 appointed by the Secretary of State.

"(3) 1 appointed by the Secretary of Education. Of the 65 voting members, 5 shall be appointed by the Speaker of the United States House of Representatives from among Members of the United States House of Representatives and 5 shall be appointed by the President pro tempore of the United States Senate upon the recommendation of the majority and minority leaders from among Members of the United States Senate. Any vacancy in the Council shall be filled in the same manner as the original appointment was made.

"(c) TERM OF OFFICE.—

"(1) Except as otherwise provided in this subsection, Council members shall serve for 5-year terms.

"(2) The terms of the 5 Members of the United States House of Representatives and the 5 Members of the United States Senate appointed during any term of Congress shall expire at the end of such term of Congress.

"(3) Any member appointed to fill a vacancy occurring before the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. A member, other than a Member of Congress appointed by the Speaker of the United States House of Representatives or the President pro tempore of the United States Senate, may serve after the expiration of his term until his successor has taken office.

"(d) CHAIRPERSON AND VICE CHAIRPERSON; TERM OF OFFICE.—The Chairperson and Vice Chairperson of the Council shall be appointed by the President from among the members of the Council and such Chairperson and Vice Chairperson shall each serve for terms of 5 years.

"(e) Reappointment.—Members whose terms expire may be reappointed, and the Chairperson and Vice Chairperson may be appointed to those offices.

"(f) Bylaws.—The Council shall adopt bylaws to carry out its functions under this chapter. The Chairperson may waive a bylaw when the Chairperson decides that waiver is in the best interest of the Council. Immediately after waiving a bylaw, the Chairperson shall send written notice of the waiver to every voting member of the Council. The waiver becomes final 30 days after the notice is sent unless a majority of Council members disagree in writing before the end of the 30-day period.

"(g) Quorum.—One-third of the members of the Council shall constitute a quorum, and any vacancy in the Council shall not affect its powers to function.

"(h) Associated Committees.—Subject to appointment by the Chairperson, an individual who is not a member of the Council may be designated as a member of a committee associated with the Council. Such an individual shall serve without cost to the Federal Government.

**"SEC. 2303. COMPENSATION; TRAVEL EXPENSES; FULL-TIME OFFICERS OR EMPLOYEES OF UNITED STATES OR MEMBERS OF CONGRESS.**

"(a) In General.—Except as provided in subsection (b) of this section, members of the Council are each authorized to be paid the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5, for each day (including travel time) during which they are engaged in the actual performance of duties of the Council. While away from their homes or regular places of business in the performance of services for the Council, members of the Council shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in Government service are allowed expenses under section 5703 of title 5.

"(b) Exception.—Members of the Council who are full-time officers or employees of the United States or Members of Congress shall receive no additional pay by reason of their service on the Council.

**"SEC. 2304. ADMINISTRATIVE PROVISIONS.**

"(a) Experts and Consultants.—The Museum may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, at rates not to exceed the daily equivalent of the annual rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5.

"(b) Authority To Contract.—The Museum may, in accordance with applicable law, enter into contracts and other arrangements with public agencies and with private organizations and persons and may make such payments as may be necessary to carry out its functions under this chapter.

"(c) Assistance From Other Federal Departments and Agencies.—The Secretary of the Smithsonian Institution, the Library of Congress, and the heads of all executive branch departments, agencies, and establishments of the United States may assist the Museum in the performance of its functions under this chapter.

"(d) Administrative Services and Support.—The Secretary of the Interior may provide administrative services and support to the Museum on a reimbursable basis.

**"SEC. 2305. STAFF.**

"(a) Establishment of the Museum Director as Chief Executive Officer.—There shall be a director of the Museum (hereinafter in this chapter referred to as the 'Director') who shall serve as chief executive officer of the Museum and exercise day-to-day authority for the Museum. The Director shall be appointed by the Chairperson of the Council, subject to confirmation of the Council. The Director may be paid with nonappropriated funds, and, if paid with appropriated funds shall be paid the rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5. The Director shall report to the Council and its Executive Committee through the Chairperson. The Director shall serve at the pleasure of the Council.

"(b) Appointment of Employees.—The Director shall have authority to—

"(1) appoint employees in the competitive service subject to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, relating to classification and general schedule pay rates;

"(2) appoint and fix the compensation (at a rate not to exceed the rate of basic pay in effect for positions at level IV of the Executive Schedule under section 5315 of title 5) of us to 3 employees not-withstanding any other provision of law; and

"(3) implement the decisions and strategic plan for the Museum, as approved by the Council, and perform such other functions as may be assigned from time to time by the Council, the Executive Committee of the Council, or the Chairperson of the Council, consistent with this legislation.

**"SEC. 2306. MEMORIAL MUSEUM.**

"(a) Architectural Design Approval.—The architectural design for the memorial museum shall be subject to the approval of the Secretary of the Interior, in consultation with the Commission of Fine Arts and the National Capital Planning Commission.

"(b) Insurance.—The Museum shall maintain insurance on the memorial museum to cover such risks, in such amount, and containing such terms and conditions as the Museum deems necessary.

**"SEC. 2307. GIFTS, BEQUESTS, AND DEVISES OF PROPERTY: TAX TREATMENT.**

"The Museum may solicit, and the Museum may accept, hold, administer, invest, and use gifts, bequests, and devises of property, both real and personal, and all revenues received or generated by the Museum to aid or facilitate the operation and maintenance of the memorial museum. Property may be accepted pursuant to this section, and the property and the proceeds thereof used as nearly as possible in accordance with the terms of the gift, bequest, or devise donating such property. Funds donated to and accepted by the Museum pursuant to this section or otherwise received or generated by the Museum are not to be regarded as appropriated funds and are not subject to any requirements or restrictions applicable to appropriated funds. For the purposes of Federal income, estate, and gift taxes, property accepted under this section shall be considered as a gift, bequest, or devise to the United States.

**"SEC. 2308. ANNUAL REPORT.**

"The Director shall transmit to Congress an annual report on the Director's stewardship of the authority to operate and maintain the memorial museum. Such report shall include the following:

"(1) An accounting of all financial transactions involving donated funds.

"(2) A description of the extent to which the objectives of this chapter are being met.

"(3) An examination of future major endeavors, initiatives, programs, or activities that the Museum proposes to undertake to better fulfill the objectives of this chapter.

"(4) An examination of the Federal role in the funding of the Museum and its activities, and any changes that may be warranted.

**"SEC. 2309. AUDIT OF FINANCIAL TRANSACTIONS.**

"Financial transactions of the Museum, including those involving donated funds, shall be audited by the Comptroller General as requested by Congress, in accordance with generally accepted auditing standards. In conducting any audit pursuant to this section, appropriate representatives of the Comptroller General shall have access to all books, accounts, financial records, reports, files and other papers, items or property in use by the Museum, as necessary to facilitate such audit, and such representatives shall be afforded full facilities for verifying transactions with the balances.

**"SEC. 2310. AUTHORIZATION OF APPROPRIATIONS.**

"To carry out the purposes of this chapter, there are authorized to be appropriated such sums as may be necessary. Notwithstanding any other provision of law, none of the funds authorized to carry out this chapter may be made available for construction. Authority to enter into contracts and to make payments under this chapter, using funds authorized to be appropriated under this chapter, shall be effective only to the extent, and in such amounts, as provided in advance in appropriations Acts.".•

• Mr. MURKOWSKI. Mr. President, I rise today to introduce a bill with my good friend, Senator Bingaman that will reauthorize the United States Holocaust Memorial Museum.

The United States Holocaust Memorial Museum is America's national institution for the documentation, study, and interpretation of the history of the Holocaust and serves as this country's memorial to the millions of people murdered during the Holocaust.

The Museum's primary mission is to advance and disseminate knowledge about the unprecedented tragedy; to preserve the memory of those who suffered; and to encourage its visitors to reflect upon the moral questions raised by the events of the Holocaust as well as their own responsibilities as citizens of a democracy.

The work of the Museum is not limited to the building which overlooks the tidal basin here in Washington, D.C. I and my constituents in Alaska have benefitted from the work of the Museum. Through a system of very well designed traveling exhibits the Museum has been able to bring the story of the Holocaust, and its related history to millions of Americans nationwide. I know my constituents in Anchorage and Fairbanks will never forget their opportunity to view the traveling programs.

The legislation makes some changes in the management authorities for the Museum and streamlines the procedures to appoint the Museum's Director. The legislation also provides the United States Holocaust Memorial Museum with the same permanent authorization as we have previously provided for the Smithsonian Institution.

Mr. President, I urge my colleagues to support this bipartisan legislation.•

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By Mr. ABRAHAM (for himself, Mr. LEAHY, Mr. GRAMS, Mr. KENNEDY, Ms. SNOWE, Mr. CRAIG, Ms. COLLINS, Mr. GORTON, Mr. JEFFORDS, Mr. SCHUMER, Mr. GRAHAM, Mr. LEVIN, Mr. DEWINE, and Mrs. MURRAY):

S. 2599. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

### IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. ABRAHAM. Mr. President, I rise today to introduce the Immigration and Naturalization Service Data Management Improvement Act of 2000. This bill is designed to save jobs in Michigan and other states and prevent potentially enormous, hours-long traffic delays on the U.S.-Canadian border. That is achieved by amending Section 110 of the 1996 immigration law.

Mr. President, Section 110 of the 1996 Immigration Act mandated that an automated system be established to record the entry and exit of all aliens as a means to provide more information on individuals who "over stay" their visas. In the opinion of many it became clear that this well-intentioned measured, if implemented, could have an unforeseen impact. Today, when INS or Customs officials inspect people at land borders, they examine papers as necessary and make quick determinations, using their discretion on when to solicit more information. According to Dan Stamper, President of the Detroit International Bridge Company, if every single passenger of every single vehicle were required to provide detailed information in a form that could be entered into a computer—even assuming an incredibly quick 30 seconds per individual—the traffic delays could exceed 20 hours in numerous jurisdictions at the Northern border. This would obviously create significant economic and even environmental harm. Moreover, it would divert scarce law enforcement resources away from more effective measures.

Out of concern for its harmful impact on Michigan and law enforcement, I passed legislation in 1998 to delay implementation of Section 110 from its original start date of Sept. 30, 1998, until March 30, 2001. But it remained clear that a delay could not sufficiently satisfy concerns that the INS might develop a system that would prove harmful to the people of Michigan and other states.

Mr. President, FRED UPTON showed great leadership in the House on this issue and served his constituents extraordinarily well in helping to forge this compromise. LAMAR SMITH deserves great credit for working closely with us and his other House colleagues in making an agreement that meets the economic and security interests of all sides on this issue.

This is a great victory for the people of Michigan. This agreement strikes the right balance in enhancing our security and immigration enforcement needs while ensuring that we preserve the jobs and the other economic benefits Michigan receives from our close relationship with Canada.

This bill, the product of the agreement with the House, replaces the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a more achievable requirement that the Immigration and Naturalization Service develop an "integrated entry and exit data system" that focuses on data INS already regularly collects at ports of entry.

The goal of Section 110 has been to track individuals who overstay their allowable stay in the United States. That goal is redirected into a more achievable direction. INS will be directed to put in electronic and retrievable form the information already collected at ports of entry and pursue other measures steps to improve enforcement of U.S. immigration laws. In addition, a task force chaired by the Attorney General that will include representatives of other government agencies and the private sector is established to examine the need for and costs of any additional measures, including additional security measures, at our borders. The bill also calls for increased international cooperation in securing the land borders.

In essence, the agreement substitutes this approach in place of a mandate that a system be developed that would have required that all foreign travelers or U.S. permanent residents be individually recorded into a system at ports of entry and exit, thereby likely bringing traffic to a halt on the northern border for miles, trapping U.S. travelers in the process and costing potentially tens, of thousands of jobs in manufacturing, tourism and other industries. The agreement also maintains the status quo in preventing new documentary requirements on Canadian travelers.

Mr. President, the bottom line is that we will have a system that enhances law enforcement capabilities and will not impose new or onerous requirements on travelers that would damage Americans or the American economy.

I would like to thank the cosponsors of this legislation who have been so important in achieving success in this long three-year effort: Senators LEAHY, GRAMS, KENNEDY, SNOWE, COLLINS, CRAIG, GORTON, JEFFORDS, SCHUMER, GRAHAM, LEVIN, DEWINE, and MURRAY.

Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2599

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Immigration and Naturalization Service Data Management Improvement Act of 2000".

**SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.**

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

**"SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.**

"(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

"(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

"(1) provides access to, and integrates, alien arrival and departure data that are—

"(A) authorized or required to be created or collected under law;

"(B) in an electronic format; and

"(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

"(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

"(3) matches an alien's available arrival data with the alien's available departure data;

"(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

"(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

"(c) CONSTRUCTION.—

"(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

"(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

"(B) requirements that are inconsistent with the North American Free Trade Agreement.

"(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

"(d) DEADLINES.—

"(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

"(2) High-traffic land border ports of entry.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

"(3) Remaining data.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

"(e) Reports.—

"(1) In general.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

"(2) Information.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

"(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

"(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

"(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

"(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

"(f) Authority to Provide Access to System.—

"(1) In general.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

"(2) Other law enforcement officials.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

"(g) Use of Task Force Recommendations.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

"(h) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.".

(b) Clerical Amendment.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

"Sec. 110. Integrated entry and exit data system.".

**SEC. 3. TASK FORCE.**

(a) Establishment.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the "Task Force").

(b) Membership.—

(1) Chairperson; appointment of members.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) Appointment requirements.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in—

(i) immigration and naturalization;

(ii) travel and tourism;

(iii) transportation;

(iv) trade;

(v) law enforcement;

(vi) national security; or

(vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) Terms.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) Compensation.—

(A) In general.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) Travel expenses.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) Duties.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) Staff and Support Services.—

(1) In general.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) Compensation.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) Detail of government employees.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) Procurement of temporary and intermittent services.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) Administrative support services.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) Hearings and Sessions.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

**SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.**

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Mr. LEAHY. Mr. President, I am pleased to cosponsor this bill, which will help protect both America's economy and our relationship with Canada. In particular, citizens of states all across our Northern Border should breathe a sigh of relief that we appear to be close to finding a legislative solution to a potentially serious problem brewing along our border with Canada.

This bill will replace section 110 of the Illegal Immigration Reform and Responsibility Act (IIRIRA). Section 110 would mandate that the Immigration and Naturalization Service (INS) establish an automated system to record the entry and exit of all aliens in order to track their movements within the United States and to determine those who "overstay" their visas. the system has not yet been implemented.

By requiring an automated system for monitoring the entry and exit of "all aliens," this provision requires that INS and Customs agents stop each vehicle or individual entering or exiting the United States at all ports of entry. Canadians, U.S. permanent residents and many others who are not currently required to show documentation of their status would likely either have to carry some form of identification or fill out paperwork at the points of entry.

This sort of tracking system would be costly to implement along the Northern Border, especially since there is no current system or infrastructure to track the departure of citizens and others leaving the United States.

Section 110 would also lead to excessive and costly traffic delays for those living and working near the border. These delays would surely have a negative impact on the $2.4 billion in goods and services shipped annually from Vermont to Canada and would likely reduce the $120 million per year which Canadians spend in Vermont.

The Immigration and Naturalization Service Data Management Improvement Act will replace the existing Section 110 with a new provision that requires the Attorney General to implement an "integrated entry and exit data system." This system would simply integrate the arrival and departure data which already is authorized or required to be collected under current law, and which is in electronic format within databases held by the Justice and State Departments. The INS would not be required to take new steps to collect information from those entering and leaving the country, meaning that Canadians will have the same ability to enter the United States as they do today.

This bill will ensure that tourists and trade continue to freely cross the border, without additional documentation requirements. This bill will also guarantee that more than $1 billion daily cross-border trade is not hindered in any way. Just as importantly, Vermonters and others who cross our nation's land borders on a daily basis to work or visit with family or friends should be able to continue to do so without additional border delays.

This is an issue that I have worked on ever since section 110 was originally adopted in 1996. In 1997, along with Senator ABRAHAM and others, I introduced the "Border Improvement and Immigration Act of 1997." Among other things, that legislation would have (1) specifically exempted Canadians from any new documentation or paperwork requirements when crossing the border into the United States; (2) required the Attorney General to discuss the development of "reciprocal agreements" with the Secretary of State and the governments of contiguous countries to collect the data on visa overstayers; and (3) required the Attorney General to increase the number of INS inspectors by 300 per year and the number of Customs inspectors by 150 per year for the next three years, with at least half of those inspectors being assigned to the Northern Border.

I also worked with Senator ABRAHAM, Senator KENNEDY, and other Senators to obtain postponements in the implementation date for the automated system mandated by section 110. We were successful in those attempts, delaying implementation until March 30, 2001. But delays are by nature only a temporary solution; in the legislation we introduce today, I believe we have found a permanent solution that allows us to keep track of the flow of foreign nationals entering and leaving the United States without crippling commerce or our important relationship with Canada. That is why I am proud to support this legislation, and why I urge prompt action.

## ADDITIONAL COSPONSORS

### S. 74

At the request of Mr. DASCHLE, the name of the Senator from Maryland (Mr. SARBANES) was added as a cosponsor of S. 74, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

### S. 345

At the request of Mr. ALLARD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

### S. 801

At the request of Mr. SANTORUM, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 801, a bill to amend the Internal Revenue Code of 1986 to reduce the tax on beer to its pre-1991 level.

### S. 890

At the request of Mr. WELLSTONE, the names of the Senator from California (Mrs. BOXER) and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 890, a bill to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

### S. 1159

At the request of Mr. STEVENS, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

### S. 1459

At the request of Mr. MACK, the name of the Senator from Massachusetts

(Mr. KERRY) was added as a cosponsor of S. 1459, a bill to amend title XVIII of the Social Security Act to protect the right of a medicare beneficiary enrolled in a Medicare+Choice plan to receive services at a skilled nursing facility selected by that individual.

S. 1594

At the request of Mr. BOND, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 1594, a bill to amend the Small Business Act and Small Business Investment Act of 1958.

S. 1921

At the request of Mr. CAMPBELL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 1921, a bill to authorize the placement within the site of the Vietnam Veterans Memorial of a plaque to honor Vietnam veterans who died after their service in the Vietnam war, but as a direct result of that service.

S. 2018

At the request of Mrs. HUTCHISON, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2045

At the request of Mr. HATCH, the name of the Senator from North Carolina (Mr. EDWARDS) was added as a cosponsor of S. 2045, a bill to amend the Immigration and Nationality Act with respect to H-1B nonimmigrant aliens.

S. 2060

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2060, a bill to authorize the President to award a gold medal on behalf of the Congress to Charles M. Schulz in recognition of his lasting artistic contributions to the Nation and the world, and for other purposes.

S. 2123

At the request of Mr. LEVIN, his name was added as a cosponsor of S. 2123, a bill to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

At the request of Ms. LANDRIEU, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2123, supra.

S. 2297

At the request of Mr. CRAPO, the name of the Senator from South Dakota (Mr. DASCHLE) was added as a cosponsor of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2407

At the request of Mr. REID, the names of the Senator from South Dakota (Mr. DASCHLE) and the Senator from Florida (Mr. GRAHAM) were added as cosponsors of S. 2407, a bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from Alaska (Mr. MURKOWSKI) and the Senator from Rhode Island (Mr. L. CHAFEE) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2417

At the request of Mr. CRAPO, the name of the Senator from Missouri (Mr. ASHCROFT) was added as a cosponsor of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2486

At the request of Mr. WARNER, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. 2486, a bill to amend title 10, United States Code, to improve access to benefits under the TRICARE program; to extend and improve certain demonstration programs under the Defense Health Program; and for other purposes.

S. CON. RES. 60

At the request of Mr. FEINGOLD, the names of the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. BAYH), the Senator from Maine (Ms. COLLINS), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S.Con.Res. 60, a concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the U.S.S. *Wisconsin* and all those who served aboard her.

S.J. RES. 44

At the request of Mr. HATCH, his name was added as a cosponsor of S.J. Res. 44, a joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

## SENATE RESOLUTION 308—CONGRATULATING THE INTERNATIONAL HOUSE ON THE OCCASION OF ITS 75TH ANNIVERSARY

Mr. GORTON (for himself, Mr. MOYNIHAN, and Mr. ROCKEFELLER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 308

Whereas International House at 500 Riverside Drive, New York City, was founded in 1924 as a residence and program center for graduate students and trainees from all nations;

Whereas International House was created to allow diverse peoples from around the world the opportunity to live together in a shared cultural and intellectual environment, and enable its residents and members to understand and better appreciate people of divergent backgrounds; and

Whereas in the last 75 years International House has grown from this fundamental concept to become an internationally recognized institution, serving as a vital resource for the global academic, business, professional, and artistic communities: Now, therefore, be it

*Resolved*, That the Senate commends International House for its distinguished service to the people of the United States and all citizens of the world in the promotion of global understanding and world peace and extends congratulations to International House on the occasion of its 75th anniversary.

## AMENDMENTS SUBMITTED

## MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

### DOMENICI AMENDMENT NO. 3156

Mr. BURNS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill (S. 2521) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 44 line 6, strike "$136,000,000" and replace with "$221,000,000"; and on page 44 line 12, strike "$136,000,000" and replace with "$221,000,000".

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### GREGG AMENDMENT NO. 3157

Mr. BURNS (for Mr. GREGG) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . Notwithstanding any other provision of law, none of the funds appropriated or otherwise made available by this or any other Act may be used to allow for the entry into, or withdrawal from warehouse for consumption in the United States of diamonds if the country of origin in which such diamonds were mined (as evidenced by a legible certificate of origin) is the Republic of Sierra Leone, the Republic of Liberia, the Republic of Cote d'Ivoire, the Democratic Republic of the Congo, or the Republic of Angola.

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### STEVENS (AND OTHERS) AMENDMENT NO. 3158

Mr. BURNS (for Mr. STEVENS (for himself, Mr. COVERDELL, and Mr. DEWINE)) proposed an amendment to the bill, S. 2521, supra; as follows:

On page 26, at line 15, strike, "$74,859,000", and insert in lieu thereof, "$542,859,000";

On page 27, at line 7 and 8, strike ": *Provided*", and insert in lieu thereof "; Acquisition of six C-130J long-range maritime patrol aircraft authorized under section 812(G) of the Western Hemisphere Drug Elimination Act that are capable of meeting defense-related and other elements of the Coast Guard's multi-mission requirements, $468,000,000: *Provided*, That the procurement of maritime patrol aircraft funded under this heading shall not, in any way, influence the procurement strategy, program requirements, or down-select decision pertaining to the Coast Guard's Deepwater Capability Replacement Project; *Provided further*".

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### DOMENICI (AND BINGAMAN) AMENDMENT NO. 3159

Mr. BURNS (for Mr. DOMENICI (for himself and Mr. BINGAMAN)) proposed an amendment to the bill, S. 2521, supra; as follows:

On page 35, between lines 17 and 18, insert the following:

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test, and Evaluation, Army", $5,700,000 for continued test activities under the Tactical High Energy Laser (THEL) program of the Army: *Provided*, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985.

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### McCONNELL (AND OTHERS) AMENDMENT NO. 3160

Mr. BURNS (for Mr. MCCONNELL (for himself, Mr. STEVENS, and Mr. WARNER)) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

**SEC. . USE OF DEPARTMENT OF DEFENSE FACILITIES AS POLLING PLACES.**

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Defense shall not prohibit the designation or use of any Department of Defense facility, currently designated by a State or local election official, or used since January 1, 1996, as an official polling place in connection with a local, State, or Federal election, as such official polling place.

(b) EFFECTIVE DATE.—The prohibition under subsection (a) shall apply to any election occurring on or after the date of enactment of this section and before December 31, 2000.

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### JEFFORDS AMENDMENT NO. 3161

Mr. BURNS (for Mr. JEFFORDS) proposed an amendment to the bill, S. 2521, supra; as follows:

At the appropriate place, insert the following:

**SEC. . ELECTRONIC AND INFORMATION TECHNOLOGY.**

Section 508(f)(1) of the Rehabilitation Act of 1973 (29 U.S.C. 794d(f)(1)) is amended—

(1) in subparagraph (A), by striking "Effective" and all that follows through "1998," and inserting "Effective 6 months after the date of publication by the Access Board of final standards described in subsection (a)(2),"; and

(2) in subparagraph (B), by striking "2 years" and all that follows and inserting "6 months after the date of publication by the Access Board of final standards described in subsection (a)(2).".

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### DASCHLE AMENDMENT NO. 3162

Mrs. MURRAY (for Mr. DASCHLE) proposed an amendment to the bill S. 2521, supra; as follows:

At the appropriate place, insert the following:

**SEC. . FLOOD MITIGATION NEAR PIERRE, SOUTH DAKOTA.**

Section 136(a)(3) of title I of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (112 Stat. 2681-596), is amended by adding at the end the following:

"(C) DETERMINATION OF ECONOMIC JUSTIFICATION.—

"(i) IN GENERAL.—A determination of economic justification under subparagraph (A) shall be based on an assumption that the Federal Government is liable for ground water damage to land or property described in paragraph (1).

"(ii) EFFECT OF CLAUSE.—Clause (i) does not impose on the Federal Government any liability in addition to any liability that the Federal Government may have under law in effect on October 20, 1998.".

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### STEVENS (AND INOUYE) AMENDMENT NO. 3163

Mr. BURNS (for Mr. STEVENS (for himself and Mr. INOUYE)) proposed an amendment to the bill, S. 2521, supra; as follows:

AMENDMENT NO. 3163

At the appropriate place in the bill, insert:

"SEC. . Section 8114 of the Department of Defense Appropriations Act, 1999 (Public Law 105-262) is amended—

"And other SOFA claims" to be inserted following "'. . . the funds made available for payments to persons, communities, or other entities in Italy for reimbursement property damages . . .'"

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## FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

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### BAUCUS (AND OTHERS) AMENDMENT NO. 3164

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. ROBERTS, and Mrs. MURRAY) submitted an amendment intended to be proposed by them to the bill (S. 2522) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes.

On page 140, between lines 19 and 20, insert the following:

**SEC. . USE OF FUNDS FOR THE UNITED STATES-ASIA ENVIRONMENTAL PARTNERSHIP.**

Notwithstanding any other provision of law that restricts assistance to foreign countries, funds appropriated by this or any other Act making appropriations pursuant to part I of the Foreign Assistance Act of 1961 that are made available for the United States-Asia Environmental Partnership may be made available for activities for the People's Republic of China.

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## FREEDOM TO E-FILE ACT

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### FITZGERALD AMENDMENT NO. 3165

Mr. BROWNBACK (for Mr. FITZGERALD) proposed an amendment to the bill (S. 777) requiring the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies; as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Freedom to E-File Act".

**SEC. 2. ELECTRONIC FILING AND RETRIEVAL.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the "Department") specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) Implementation.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) Progress Reports.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

### SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.

(a) In General.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) Implementation.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer, all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

### SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.

(a) Reservation of Funds.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) Time for Reservation.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) Use of Funds.—

(1) Establishment.—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) Maintenance.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) Return of Funds.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

### SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.

(a) In General.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) Administration.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) Implementation.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

### SEC. 6. CONFIDENTIALITY.

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

## NOTICE OF HEARINGS

### COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet during the session of the Senate on Wednesday, May 24, 2000, at 9:30 a.m. to conduct a hearing on S. 611, the Indian Federal Recognition Administrative Procedures Act of 1999. The hearing will be held in room 485, Russell Senate Building.

Note: This hearing was originally scheduled for 9:30 a.m., May 17.

Those wishing additional information may contact committee staff at 202/224-2251.

## THE CONFIRMATION OF JUDGES

Mr. LEAHY. Mr. President, I know the distinguished leader has been working on trying to find a way to confirm some more judges. I hope we do.

I remind the Senate, and the American public, that there is a mistaken belief that in a Presidential election year we stop confirming judges. That is not so.

As one who has been here for 25 years, I note that there is an informal procedure called the Thurmond rule, named after our beloved President pro tempore, the Senator from South Carolina, Strom Thurmond. This rule basically says that as we get close to the Presidential election time—July, August, and into the fall—we slow down and nearly stop the confirmation of judges to lifetime appointments to see how the Presidential election comes out, because the next President will be able to nominate judges.

But having said that, I point out what happened in the last year of President Bush's term. Democrats controlled the Senate, and we confirmed 66 judges—66 judges nominated by President Bush—more than have been confirmed in any year of President Clinton's term in which there has been a Republican majority, even when he was not facing reelection. In 1996 they confirmed only 17 judges all year.

With a Democratic Senate in the last year of President Reagan's term, we did not have this kind of a slowdown and stoppage. Democrats confirmed more than 40 judges.

I hope we will look, first and foremost, not at some kind of partisan game but at what is best for the judiciary.

We are seen throughout the world as having the most independent federal judiciary anywhere. Look at what happens in other parts of the world where the President or Prime Minister or leader of a country can tell the judiciary exactly what to do, and they do it. Look at what happened in Peru. President Fujimori got the Supreme Court to allow him to run unconstitutionally for a third term.

Look at a number of other countries around the world where dictators, and those who seize power, get the courts to bend to their will. That is not done here in the United States. Our Federal judiciary truly is independent. We should protect their independence by not making judges a partisan pawn in a political program. We should make sure they remain independent.

Democrats have given an enormous amount of flexibility to Republican Presidents. I hope—it may be a vain hope—that a Democratic President would get at least a goodly percentage of that same kind of flexibility from a Republican-controlled Senate. If we were to confirm all 16 of the judges on the Senate Executive Calendar today, we still would only have confirmed 23 judges so far this year. That is about half the total from 1988 and only one-third of the 66 judges confirmed in 1992.

We will not accomplish anything tonight on this. But I urge—as I did last night when I was speaking to the Capitol Historical Society, speaking of the history of the Judiciary Committee, when I praised a number of Republican chairmen of that committee, from the past and present, and Democratic chairmen—and if I might, just for a moment, reflect on my 25 years here—we should lower our decibel level, especially in this area. I urge that the distinguished Republican leader and the distinguished Democratic leader, both of whom are dear friends of mine—and I have enjoyed the friendship and serving with them—might try once again. And the distinguished chairman of the committee, the senior Senator from Utah, Mr. HATCH, and I will do that, too, because whatever momentary political advantage either party might have, it does not begin to equate with our responsibility to the independence of the finest judiciary in the world. We should make that try.

It will not happen tonight, but over the weekend maybe calmer heads will prevail. I see my good friend from Kansas on the floor. He and I have joined on legislation. We are certainly not seen as political and philosophical allies, but we have reached across the aisle on significant legislation; one of the most significant is the collegiate gambling legislation. The distinguished Presiding Officer, the Senator from Alabama, and I have also joined together and voted together oftentimes in the Judiciary Committee. We know that, eventually, if something is going to work it has to have the support of Democrats and Republicans. I mention this because I hope that maybe the temperatures will lower. Let us realize that we have more things to unite us than to divide us and we can work together. I thank my two colleagues for their forbearance and letting me take these few minutes.

I yield the floor.

Mr. BROWNBACK. Mr. President, I thank the Senator from Vermont for his thoughtful comments on the need to work together, which I think is critically important. As I understood it, the distinguished Democratic leader and the majority leader were getting pretty close to getting something done and then it fell apart at the end. So I am hopeful that maybe come tomorrow, or the first of next week, those can move forward. I agree that we ought to work together in a calmness for the betterment of the country. I think we can get that done. This has been a tough week, and I have enjoyed working with my colleague.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–24

Mr. BROWNBACK. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaty transmitted to the Senate on May 18, 2000, by the President, that being the Extradition Treaty with South Africa, Treaty Document No. 106–24. I further ask that the treaty be considered as having been read the first time, that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message of the President is as follows:

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Extradition Treaty Between the Government of the United States of America and the Government of the Republic of South Africa, signed at Washington on September 16, 1999.

In addition, I transmit, for the information of the Senate, the report of the Department of State with respect to the Treaty. As the report explains, the Treaty will not require implementing legislation.

The provisions in this Treaty follow generally the form and content of extradition treaties recently concluded by the United States.

The Treaty is one of a series of modern extradition treaties being negotiated by the United States to counter criminal activities more effectively. Upon entry into force, the Treaty will replace the outdated Treaty Relating to the Reciprocal Extradition of Criminals signed at Washington, December 18, 1947, and in force between the two countries since April 30, 1951. Together with the Treaty Between the Government of the United States of America and the Government of the Republic of South Africa on Mutual Legal Assistance in Criminal Matters, also signed September 16, 1999, this Treaty will, upon entry into force, enhance cooperation between the law enforcement communities of the two countries. It will thereby make a significant contribution to international law enforcement efforts against serious offenses, including terrorism, organized crime, and drug-trafficking offenses.

I recommend that the Senate give early and favorable consideration to the Treaty and give its advice and consent to ratification.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 18, 2000.*

## EXECUTIVE SESSION

## EXECUTIVE CALENDAR

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following Department of Defense nominations reported by the Armed Services Committee: Nos. 474 and 475.

I further ask unanimous consent that the nominations be confirmed, the motion to reconsider be laid upon the table, any statements related to the nominations be printed in the RECORD, that the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed, as follows:

### DEPARTMENT OF DEFENSE

Gregory Robert Dahlberg, of Virginia, to be Under Secretary of the Army.

Bernard Daniel Rostker, of Virginia, to be Under Secretary of Defense for Personnel and Readiness.

## LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

## HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 562, H.R. 371.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on the Judiciary, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

### H.R. 371

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Hmong Veterans' Naturalization Act of 2000".

**SEC. 2. EXEMPTION FROM ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.**

The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(1)) shall not apply to the naturalization of any person—

(1) who—

(A) was admitted into the United States as a refugee from Laos pursuant to section 207 of the Immigration and Nationality Act (8 U.S.C. 1157); and

(B) served with a special guerrilla unit, or irregular forces, operating from a base in Laos in support of the United States military at any time during the period beginning February 28, 1961, and ending September 18, 1978; or

(2) who—

(A) satisfies the requirement of paragraph (1)(A); and

(B) was the spouse of a person described in paragraph (1) on the day on which such described person applied for admission into the United States as a refugee.

### SEC. 3. SPECIAL CONSIDERATION CONCERNING CIVICS REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS OR IRREGULAR FORCES IN LAOS.

The Attorney General shall provide for special consideration, as determined by the Attorney General, concerning the requirement of paragraph (2) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)(2)) with respect to the naturalization of any person described in paragraph (1) or (2) of section 2 of this Act.

### SEC. 4. DOCUMENTATION OF QUALIFYING SERVICE.

A person seeking an exemption under section 2 or special consideration under section 3 shall submit to the Attorney General documentation of their, or their spouse's, service with a special guerrilla unit, or irregular forces, described in section 2(1)(B), in the form of—

(1) original documents;

(2) an affidavit of the serving person's superior officer;

(3) two affidavits from other individuals who also were serving with such a special guerrilla unit, or irregular forces, and who personally knew of the person's service; or

(4) other appropriate proof.

### SEC. 5. DETERMINATION OF ELIGIBILITY FOR EXEMPTION AND SPECIAL CONSIDERATION.

In determining a person's eligibility for an exemption under section 2 or special consideration under section 3, the Attorney General—

(1) shall review the refugee processing documentation for the person, or, in an appropriate case, for the person and the person's spouse, to verify that the requirements of section 2 relating to refugee applications and admissions have been satisfied;

(2) shall consider the documentation submitted by the person under section 4;

❚(3) shall request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B) and shall take into account that opinion; and

❚(4) may consider any certification prepared by the organization known as "Lao Veterans of America, Inc.", or any similar organization maintaining records with respect to Hmong veterans or their families.❚

*(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and*

*(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.*

*The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.*

### SEC. 6. DEADLINE FOR APPLICATION AND PAYMENT OF FEES.

This Act shall apply to a person only if the person's application for naturalization is filed, as provided in section 334 of the Immigration and Nationality Act (8 U.S.C. 1445), with appropriate fees not later than 18 months after the date of the enactment of this Act.

### SEC. 7. LIMITATION ON NUMBER OF BENEFICIARIES.

Notwithstanding any other provision of this Act, the total number of aliens who may be granted an exemption under section 2 or special consideration under section 3, or both, may not exceed 45,000.

Mr. HATCH. Mr. President, I thank my distinguished colleague from Wisconsin, Senator FEINGOLD, as well as my distinguished colleagues Senators WELLSTONE, GRAMS, KOHL and GRASSLEY, for their leadership and effort on behalf of the Hmong veterans and in support of this legislation. Also, I would like to make special mention of Senator KOHL's critical role in bringing all parties together and in negotiating this compromise. Senator KOHL's role truly was pivotal.

With respect to Senator GRAMS, I would like to point out my appreciation for all that he has done to assist the Hmong veterans and their families in Minnesota.

I also appreciate very much the efforts of the Lao Veterans of America with their national recognition ceremonies for the Hmong and Lao veterans of the U.S. Secret Army and the monument that they dedicated at Arlington National Cemetery.

Mr. President, it is important to state that a negative inference should not be drawn from the fact that in moving this legislation through the Senate today, the Senate has amended the bill to eliminate specific mention of any one organization. In fact, the distinguished organization mentioned in the original House legislation was cited because of its role in developing, organizing and keeping records regarding the service of Hmong and Lao veterans who served with U.S. military and covert forces in Laos during the Vietnam War. It, along with other such organizations, may be helpful in providing input for the naturalization of the Hmong veterans and their families.

Mr. FEINGOLD. Mr. President, I thank the distinguished chairman of the Judiciary Committee, Senator HATCH, for his assistance in getting this legislation to the floor. I concur with Senator HATCH that a negative inference should not be drawn from the fact that the bill was amended to remove reference to a specific organization. Given that there is reason to believe that the federal government has little, if any, remaining records of which Lao and Hmong participated in the U.S. Secret Army, I think it is entirely reasonable for the Attorney General to consider documentation provided by the Lao Veterans of America or other Lao or Hmong veterans' organizations. In fact, I understand that the Lao Veterans of America was named in the House legislation because it has maintained extensive records of the Hmong and Lao veterans of the U.S. Secret Army.

Mr. WELLSTONE. Mr. President, I thank Chairman HATCH, Senator FEINGOLD and Senator KOHL for their work in passing the Hmong Veterans Naturalization Act through the Judiciary Committee today. I am proud to be its sponsor in the Senate. In particular, I would like to commend Rep. Bruce Vento for his efforts on this legislation and his extraordinary courage and selfless devotion to the important cause of the Hmong veterans.

I would like to affirm my colleagues' remarks and thank the Lao Veterans of America, the nation's largest Hmong veterans organization, for its leadership in helping to bring long-overdue national recognition to the Hmong and Lao veterans of the U.S. Secret Army, as well as pushing for the passage of this legislation in the House and Senate. Lao Veterans of America is the nation's first non-profit veterans organization representing Hmong and Lao veterans of the U.S. Secret Army. These veterans and their families served with U.S. military and clandestine forces in Laos during the Vietnam War. Starting in 1990, the group established and began maintaining the nation's largest repository of records relating to the Hmong and Lao veterans who served with U.S. clandestine and military forces.

Mr. President, the Lao Veterans of America's second largest chapter is headquartered in Minnesota. I have heard from hundreds of Hmong Americans in support of this bill over the years. I want to thank them, as well as all the Hmong people from Minnesota and around the country who made the passage of this bill possible.

Mr. KOHL. Mr. President, I would also like to add my comments. Thank you Chairman HATCH for your kind words and all your help and the help of your staff in moving this important legislation forward. Thank you as well to my fellow Senator from Wisconsin and Senators WELLSTONE and GRAMS from Minnesota. I am pleased that we were able to work together to reach a compromise and help give the Hmong veterans and their families the chance to become citizens. The Hmong community, particularly the Lao Veterans of America, have worked tirelessly to bring us to this point. As my colleagues have mentioned, no negative inference should be drawn from the compromise language. Last week, I was proud to participate in the Lao Veterans of America National Recognition Ceremonies with so many Hmong veterans from Wisconsin. With this bill, we are attempting to repay them for their tremendous sacrifices and courage. I hope that we can achieve the final steps and send this bill to the President's desk for signature as soon as possible.

Mr. LEAHY. I rise today in support of the Hmong Veterans' Naturalization Act of 2000, which has passed the House and deserves our support as well. The beneficiaries of this bill are guerrilla soldiers—and their spouses and widows—who were our allies in Laos during the Vietnam War. Many of these soldiers came to the United States with their families after the war and have contributed to the American economy through their labor and by paying taxes. Now many of them seek to become citizens of this country, but find it difficult to meet the prerequisites for naturalization due to the unique characteristics of their native culture.

Until quite recently, the Hmong people had no written language. This lack of experience with written language has made it more difficult for Hmong people who have moved to the United States to learn English, which in turn makes it more difficult for them to obtain citizenship. This bill would waive the English language requirement and provide special consideration for the civics requirement for Hmong veterans and their spouses and widows. It is a small concession to make in return for the great sacrifices that these men made in fighting for the American cause in Southeast Asia.

I would like to commend Senators WELLSTONE and FEINGOLD for the efforts they have made to draw attention to this issue and this bill, and to thank Representative VENTO whose persistence has made this bill possible. I would also note that this is a bipartisan bill that Senators HAGEL and MCCAIN have cosponsored. My only disappointment is that the majority made it impossible to report this bill from the Judiciary Committee last week, when we were joined at the hearing by many of the brave soldiers whom this bill would benefit. Instead of working out its concerns with the bill's sponsors in advance, the majority insisted upon an 11th-hour amendment, an amendment that—in violation of normal practice—was not distributed to members of this Committee. This conduct came only a week after the majority objected to an attempt to pass the House bill on the floor—an attempt that was cleared by every Senator on my side of the aisle.

But it is better to pass this bill after a delay than not at all. I am grateful for the opportunity to have helped bring this bill to the floor today, and I look forward to the day when these brave veterans become American citizens. It is a privilege that they have more than earned.

Mr. WELLSTONE. Mr. President, I will take a moment to thank my colleagues for passing S. 890, the Hmong Veterans Naturalization Act. Frankly, this bill is long overdue.

As the Senator from Minnesota, I am proud to represent the largest Hmong population in America. There are nearly 70,000 Hmong people living in the twin cities. My experience as a Senator has become so much greater as a result of coming to know the nobel history and rich culture of the Hmong people in Minnesota. I am in awe of their sacrifice for the American people.

Hmong soldiers died at ten times the rate of American soldiers in the Vietnam War. As many as 20,000 Hmong fell on the mountains in Laos. Hmong soldiers were paid $3 a month and often lived off of rice alone. Where American pilots were sent home after a year or after their one hundredth mission, Hmong soldiers never stopped fighting. "Fly till you die" was what the Hmong soldiers said. And, as adults died, children as young as twelve were called up to take their place. In exchange for their service, the Hmong were given a promise of protection by the United States Government.

Yet the promise made on the battlefield was abandoned. When the United States military fled South East Asia, the Hmong Geurillas were left to fight alone. A trail of 100,000 refugees were left to fend for themselves. Many were slaughtered as they waited for evacuation planes that never came.

Because America's war effort in Laos was covert, perhaps the largest covert action in our history, the sacrifices and service of the Hmong and Lao veterans is still largely untold. As a result, many of these brave people are still suffering from poverty, discrimination, and persecution.

The legislation we passed today is a tribute to this sacrifice. It is a small but meaningful step in honoring and fulfilling our promise to the Hmong people. This legislation will simply waive the literacy requirement to all Hmong Veterans and their spouses to become citizens of the United States—a nation for which so many of them spilled their blood and a nation that has long ignored their unique struggle.

The need for this legislation is acute because the Hmong had no written language until recently, and because so many Hmong children were fighting for America when they should have been in school.

I want to thank my colleagues for their support. In particular, I also want to take a moment to thank and honor Congressman BRUCE VENTO. He, more than anyone in the Congress, has dedicated himself to ensure that Hmong and Lao veterans receive the honor and respect that has been so long deserved and too long delayed. I also want to thank Chairman HATCH, for guiding this bill through the Judiciary Committee and Senator RUSS FEINGOLD who, with Senator HERB KOHL, has worked so hard to see that this bill is passed. Mostly, I thank the Hmong people. You gave us your lives and your families. You are American heroes.

Mr. FEINGOLD. Mr. President, I am very pleased that the Senate today will pass H.R. 371, the Hmong Veterans' Naturalization Act. I was proud to join my colleague from Minnesota, Senator WELLSTONE, as an original co-sponsor of S. 890, which was companion legislation to H.R. 371. I commend Senator WELLSTONE for his leadership on this issue and for his persistence in pressing for the Judiciary Committee and the full Senate to consider the bill.

By passing this legislation today, the Senate recognizes the contribution of Hmong and Lao immigrants who risked their lives to support U.S. interests in Southeast Asia. The Senate not only recognizes the valor of Hmong and Lao veterans, but also helps them achieve their goal of citizenship.

Mr. President, Wisconsin is home to the third largest Hmong community in the United States. We are proud of the Hmong veterans and their families who sacrificed so much for U.S. national security during the Vietnam War and have done so much to enrich Wisconsin and the United States. I have had the opportunity to meet many Lao and Hmong veterans and their families as I travel throughout Wisconsin. I am struck by the profound importance they place on becoming citizens of the United States. The most important thing to many of these individuals is to become legal citizens of the country they risked their lives to help and that they now call home. This bill is the least we can do to help repay the huge debt we owe these brave individuals

This legislation is truly long overdue. The Hmong and Lao veterans of the U.S. Secret Army should not have had to suffer for so long in obscurity after the end of the Vietnam War. It should not have taken so long for the United States to finally dedicate a monument in Arlington National Cemetery to the Hmong and Lao veterans of the U.S. Secret Army, when it did so in May 1997.

Mr. President, the monument at Arlington National Cemetery to the Hmong veterans contains important language for us to remember as we pass this legislation today in the Senate. The monument in Arlington Cemetery, dedicated by many of the Hmong veterans and their families from Wisconsin and across the United States, reads as follows:

> DEDICATED TO THE U.S. SECRET ARMY IN LAOS
> 1961–1973
>
> In memory of the Hmong and Lao combat veterans and their American Advisors who served freedom's cause in Southeast Asia. Their patriotic valor and loyalty in the defense of liberty and democracy will never be forgotten "You will never be forgotten. (in Laotian and Hmong)—Lao Veterans of America, May 15, 1997."

Mr. President, I am particularly proud of the Lao Veterans of America chapters throughout the state of Wisconsin—in Milwaukee, Green Bay, Madison, Wausau, Stevens Point, Sheboygan, Oshkosh, Eau Claire and elsewhere. They played a positive role in helping to establish this monument as well as pressing the Congress to enact this legislation. They have also worked with the national headquarters of the

Lao Veterans of America and its chapters across the United States to reconstruct many of the records of the veterans, which were destroyed in Laos at the end of the Vietnam War.

More than a thousand Hmong veterans from Wisconsin were in Washington, D.C. last week to commemorate the 25th anniversary of the end of the Vietnam War in Laos and the passage of this legislation in the House of Representatives. Over four thousand Hmong veterans marched down Pennsylvania Avenue and attended ceremonies at the Vietnam War Memorial, the U.S. Capitol and Arlington National Cemetery.

Mr. President, during the course of our consideration of this bill in Committee, an objection was raised to a provision of the bill that specifically mentions the Lao Veterans of America as an organization whose certification of the eligibility of an individual veteran as eligible for the benefits of this bill could be considered by the Attorney General. Given that there is reason to believe that the federal government has few remaining records of which Lao and Hmong participated in the U.S. Secret Army, I think it is entirely reasonable for the Attorney General to consider documentation provided by the Lao Veterans of America or other Lao or Hmong veterans' organizations. In fact, I understand that the Lao Veterans of America was named in the House legislation because it has maintained extensive records of the Hmong and Lao veterans of the U.S. Secret Army. Frankly, I do not understand why this provision became such a sticking point, but in order to move this bill along and get it to the President's desk as quickly as possible, I agreed to a modification of this provision.

I am pleased that we reached agreement that this provision should not be removed in its entirety. And I emphasize, and I know that the Chairman of the Judiciary Committee agrees, that a negative inference should not be drawn from the fact that the name of this specific organization, the Lao Veterans of America, was removed from the bill. Even though its name was removed from the bill, the Lao Veterans of America can still provide documentation to the Attorney General, and the Attorney General may consider it.

Mr. President, I again want to thank Senator WELLSTONE, Senator KOHL, and Senator HATCH for their work to facilitate passage of this important legislation that will help Hmong veterans finally attain their well-deserved goal of U.S. citizenship.

Thank you, Mr. President. I yield the floor.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill, as amended, be read the third time and passed, and the motion to reconsider be laid upon the table, and that any statements relating thereto be placed in the RECORD at the appropriate place as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 371), as amended, was read the third time and passed.

Mr. LEAHY. Mr. President, if the Senator will yield a moment, I thank the Senator from Kansas and others for passing this bill. I know this has been a major cause of our retiring colleague from the other body, BRUCE VENTO. We had this before the Judiciary Committee this morning. I thank Senator HATCH and the others who helped make it possible to bring it out. It rights a grievous wrong, and it is a good piece of legislation.

Mr. BROWNBACK. I thank my colleague for mentioning that. It is important that we are getting this bill passed. It is right to bring attention to this matter. These are people who have done great things for us and for our country. It should be taken care of. I am glad it cleared through committee so well.

## APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, in consultation with the Democratic Leader, pursuant to Public Law 105–389, announces the appointment of Sylvia Stewart of Mississippi to serve as a member of the First Flight Centennial Federal Advisory Board, vice Wilkinson Wright of Ohio.

## INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT AMENDMENTS OF 1999

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 526, S. 1509.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1509) to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs, with amendments; as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets)

S. 1509

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Indian Employment, Training and Related Services Demonstration Act Amendments of 1999".

**SEC. 2. FINDINGS, PURPOSES.**

(a) FINDINGS.—The Congress finds that—

(1) Indian tribes and Alaska Native organizations that have participated in carrying out programs under the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3401 et seq.) have—

(A) improved the effectiveness of employment-related services provided by those tribes and organizations to their members;

(B) enabled more Indian and Alaska Native people to prepare for and secure employment;

(C) assisted in transitioning tribal members from welfare to work; and

(D) otherwise demonstrated the value of integrating employment, training, education and related services.

(E) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should be strengthened by ensuring that all Federal programs that emphasize the value of work may be included within a demonstration program of an Indian or Alaska Native organization;

(F) the initiatives under the Indian Employment, Training, and Related Services Demonstration Act of 1992 should have the benefit of the support and attention of the officials with policymaking authority of—

(i) the Department of the Interior;

(ii) other Federal agencies that administer programs covered by the Indian Employment, Training, and Related Services Demonstration Act of 1992.

(b) PURPOSES.—The purposes of this Act are to demonstrate how Indian tribal governments can integrate the employment, training and related services they provide in order to improve the effectiveness of those services, reduce joblessness in Indian communities, foster economic development on Indian lands, and serve tribally-determined goals consistent with the policies of self-determination and self-governance.

**SEC. 3. AMENDMENTS TO THE INDIAN EMPLOYMENT, TRAINING AND RELATED SERVICES DEMONSTRATION ACT OF 1992.**

(a) DEFINITIONS.—Section 3 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3402) is amended—

(1) by redesignating paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) by inserting before paragraph (2) the following:

"(1) FEDERAL AGENCY.—The term 'federal agency' has the same meaning given the term 'agency' in section 551(1) of title 5, United States Code.".

(b) PROGRAMS AFFECTED.—Section 5 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3404) is amended by striking "job training, tribal work experience, employment opportunities, or skill development, or any program designed for the enhancement of job opportunities or employment training" and inserting the following: "assisting Indian youth and adults to succeed in the workforce, encouraging self-sufficiency, familiarizing Indian Youth and adults with the world of work, facilitating the creation of job opportunities and any services related to these activities".

(c) PLAN REVIEW.—Section 7 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3406) is amended—

(1) by striking "Federal department" and inserting "Federal agency";

(2) by striking "Federal departmental" and inserting "Federal agency";

(3) by striking "department" each place it appears and inserting "agency"; and

(4) in the third sentence, by inserting "statutory requirement,", after "to waive any".

(d) PLAN APPROVAL.—Section 8 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) in the first sentence, by inserting before the period at the end the following: ", including any request for a waiver that is made as part of the plan submitted by the tribal government";

(2) in the second sentence, by inserting before the period at the end the following: ", including reconsidering the disapproval of any waiver requested by the Indian tribe".

(e) JOB CREATION ACTIVITIES AUTHORIZED.—Section 9 of the Indian Employment, Training, and Related Services Demonstration Act of 1992 (25 U.S.C. 3407) is amended—

(1) by inserting "(a) IN GENERAL.—" before "The plan submitted"; and

(2) by adding at the end the following:

"(b) JOB CREATION OPPORTUNITIES.—

"(1) IN GENERAL.—Notwithstanding any other provisions of law, including any requirement of a program that is integrated under a plan under this Act, a tribal government may use a percentage of the funds made available under this Act (as determined under paragraph (2)) for the creation of employment opportunities, including providing private sector training placement under section 10.

"(2) DETERMINATION OF PERCENTAGE.—The percentage of funds that a tribal government may use under this subsection is the greater of—

"(A) the rate of unemployment in the service area of the tribe up to a maximum of 25 percent; or

"(B) 10 percent.

"(c) LIMITATION.—The funds used for an expenditure described in subsection (a) may only include funds made available to the Indian tribe by a Federal agency under a statutory or administrative formula.".

**[SEC. 4. ALASKA REGIONAL CONSORTIA.**

[The Indian Employment, Training, and Related Services Demonstration Act of 1992 is amended by adding at the end the following:

**["SEC. 19. ALASKA REGIONAL CONSORTIA.**

["(a) IN GENERAL.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary shall permit a regional consortium of Alaska Native villages or regional or village corporations (as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) to carry out a project under a plan that meets the requirements of this Act through a resolution adopted by the governing body of that consortium or corporation.

["(b) WITHDRAWAL.—Nothing in subsection (a) is intended to prohibit an Alaska Native village from withdrawing from participation in any portion of a program conducted pursuant to this Act.".]

**SEC. [5.] *4.* REPORT ON EXPANDING THE OPPORTUNITIES FOR PROGRAM INTEGRATION.**

Not later than one year after the date of enactment of this Act, the Secretary, the Secretary of Health and Human Services, the Secretary of Labor, and the tribes and organizations participating in the integration initiative under this Act shall submit a report to the Committee on Indian Affairs of the Senate and the Committee on Resources of the House of Representatives on the opportunities for expanding the integration of human resource development and economic development programs under this Act, and the feasibility of establishing Joint Funding Agreements to authorize tribes to access and coordinated funds and resources from various agencies for purposes of human resources development, physical infrastructure development, and economic development assistance in general. Such report shall identify programs or activities which might be integrated and make recommendations for the removal of any statutory or other barriers to such integration.

**SEC. [6.] *5.* EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect on the date of enactment of this Act.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the committee amendments be agreed to, the bill be read a third time and passed, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendments were agreed to.

The bill (S. 1509), as amended, was passed.

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## AMERICAN INDIAN TRIBAL COLLEGES AND UNIVERSITIES IMPROVEMENT ACT

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 3629 just received from the House.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3629) to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

There being no objection, the Senate proceeded to consider the bill.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 3629) was read the third time and passed.

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## DAY OF HONOR 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S.J. Res. 44, and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 44) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

There being no objection, the Senate proceeded to consider the joint resolution.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that Senator HATCH be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the joint resolution be read a third time and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the joint resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 44) was read the third time and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 44

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, "E Pluribus Unum" (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian, Pacific Islanders, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the "Day of Honor 2000" in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these

minority veterans with appropriate programs and activities.

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## FREEDOM TO E-FILE ACT

Mr. BROWNBACK. Mr. President, I ask the Chair lay before the Senate a message from the House of Representatives on the bill (S. 777) to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

*Resolved*, That the bill from the Senate (S. 777) entitled "An Act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information", do pass with the following amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "Freedom to E-File Act".*

***SEC. 2. ELECTRONIC FILING AND RETRIEVAL.***

*(a) ESTABLISHMENT OF INTERNET-BASED SYSTEM.—The Secretary of Agriculture shall establish an electronic filing and retrieval system that uses the telecommunications medium known as the Internet to enable farmers and other persons—*

*(1) to file electronically all paperwork required by the agencies of the Department of Agriculture specified in subsection (b); and*

*(2) to have access electronically to information, readily available to the public in published form, regarding farm programs, quarterly trade, economic, and production reports, price and supply information, and other similar information related to production agriculture.*

*(b) COVERED AGENCIES.—Subsection (a) shall apply to the following agencies of the Department of Agriculture:*

*(1) The Farm Service Agency.*

*(2) The Risk Management Agency.*

*(3) The Natural Resources Conservation Service.*

*(4) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).*

*(c) TIME-TABLE FOR IMPLEMENTATION.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall—*

*(1) to the maximum extent practicable, complete the establishment of the electronic filing and retrieval system required by subsection (a) to the extent necessary to permit the electronic information access required by paragraph (2) of such subsection;*

*(2) initiate implementation of the electronic filing required by paragraph (1) of such subsection by allowing farmers and other persons to download forms from the Internet and submit completed forms via facsimile, mail, or related means; and*

*(3) modify forms used by the agencies specified in subsection (b) into a more user-friendly format, with self-help guidance materials.*

*(d) INTEROPERABILITY.—In carrying out this section, the Secretary shall ensure that the agencies specified in subsection (b)—*

*(1) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and*

*(2) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.*

*(e) COMPLETION OF IMPLEMENTATION.—Not later than 2 years after the date of the enactment of this Act, the Secretary shall complete the establishment of the electronic filing and retrieval system required by subsection (a) to permit the electronic filing required by paragraph (1) of such subsection.*

*(f) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to Congress a report describing the progress made toward establishing the electronic filing and retrieval system required by subsection (a).*

***SEC. 3. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.***

*(a) RESERVATION OF FUNDS.—From funds made available for each agency of the Department of Agriculture specified in section 2(b) for information technology or information resource management, the Secretary of Agriculture shall reserve an amount equal to not more than the following:*

*(1) For fiscal year 2001, $3,000,000.*

*(2) For each subsequent fiscal year, $2,000,000.*

*(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.*

*(c) USE OF FUNDS.—Funds reserved under subsection (a) shall be used to establish the electronic filing and retrieval system required by section 2(a). Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.*

*(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, and such funds shall remain available until expended.*

***SEC. 4. CONFIDENTIALITY.***

*In carrying out this Act, the Secretary of Agriculture—*

*(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and*

*(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.*

Amend the title so as to read "An Act to require the Secretary of Agriculture to establish an electronic filing and retrieval system to enable farmers and other persons to file paperwork electronically with selected agencies of the Department of Agriculture and to access public information regarding the programs administered by these agencies.".

Mr. BROWNBACK. Mr. President, I move that the Senate concur in the House amendment to the text with a further amendment which is at the desk.

AMENDMENT NO. 3165

(Purpose: To provide a substitute amendment)

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas (Mr. BROWNBACK), for Mr. FITZGERALD, proposes an amendment numbered 3165.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Freedom to E-File Act".

**SEC. 2. ELECTRONIC FILING AND RETRIEVAL.**

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, in accordance with subsection (c), the Secretary of Agriculture (referred to in this Act as the "Secretary") shall, to the maximum extent practicable, establish an Internet-based system that enables agricultural producers to access all forms of the agencies of the Department of Agriculture (referred to in this Act as the "Department") specified in subsection (b).

(b) APPLICABILITY.—The agencies referred to in subsection (a) are the following:

(1) The Farm Service Agency.

(2) The Natural Resources Conservation Service.

(3) The rural development components of the Department included in the Secretary's service center initiative regarding State and field office collocation implemented pursuant to section 215 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6915).

(4) The agricultural producer programs component of the Commodity Credit Corporation administered by the Farm Service Agency and the Natural Resources Conservation Service.

(c) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall—

(1) provide a method by which agricultural producers may—

(A) download from the Internet the forms of the agencies specified in subsection (b); and

(B) submit completed forms via electronic facsimile, mail, or similar means;

(2) redesign the forms by incorporating into the forms user-friendly formats and self-help guidance materials; and

(3) ensure that the agencies specified in subsection (b)—

(A) use computer hardware and software that is compatible among the agencies and will operate in a common computing environment; and

(B) develop common Internet user-interface locations and applications to consolidate the agencies' news, information, and program materials.

(d) PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to Congress a report that describes the progress made toward implementing the Internet-based system required under this section.

**SEC. 3. ACCESSING INFORMATION AND FILING OVER THE INTERNET.**

(a) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, in accordance with subsection (b), the Secretary shall expand implementation of the Internet-based system established under section 2 by enabling agricultural producers to access and file all forms and, at the option of the Secretary, selected records and information of the agencies of the Department specified in section 2(b).

(b) IMPLEMENTATION.—In carrying out subsection (a), the Secretary shall ensure that an agricultural producer is able—

(1) to file electronically or in paper form, at the option of the agricultural producer,

all forms required by agencies of the Department specified in section 2(b);

(2) to file electronically or in paper form, at the option of the agricultural producer, all documentation required by agencies of the Department specified in section 2(b) and determined appropriate by the Secretary; and

(3) to access information of the Department concerning farm programs, quarterly trade, economic, and production reports, and other similar production agriculture information that is readily available to the public in paper form.

**SEC. 4. AVAILABILITY OF AGENCY INFORMATION TECHNOLOGY FUNDS.**

(a) RESERVATION OF FUNDS.—From funds made available for agencies of the Department specified in section 2(b) for information technology or information resource management, the Secretary shall reserve from those agencies' applicable accounts a total amount equal to not more than the following:

(1) For fiscal year 2001, $3,000,000.

(2) For each subsequent fiscal year, $2,000,000.

(b) TIME FOR RESERVATION.—The Secretary shall notify Congress of the amount to be reserved under subsection (a) for a fiscal year not later than December 1 of that fiscal year.

(c) USE OF FUNDS.—

(1) ESTABLISHMENT.—Funds reserved under subsection (a) shall be used to establish the Internet-based system required under section 2 and to expand the system as required by section 3.

(2) MAINTENANCE.—Once the system is established and operational, reserved amounts shall be used for maintenance and improvement of the system.

(d) RETURN OF FUNDS.—Funds reserved under subsection (a) and unobligated at the end of the fiscal year shall be returned to the agency from which the funds were reserved, to remain available until expended.

**SEC. 5. FEDERAL CROP INSURANCE CORPORATION AND RISK MANAGEMENT AGENCY.**

(a) IN GENERAL.—Not later than December 1, 2000, the Federal Crop Insurance Corporation and the Risk Management Agency shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a plan, that is consistent with this Act, to allow agricultural producers to—

(1) obtain, over the Internet, from approved insurance providers all forms and other information concerning the program under the jurisdiction of the Corporation and Agency in which the agricultural producer is a participant; and

(2) file electronically all paperwork required for participation in the program.

(b) ADMINISTRATION.—The plan shall—

(1) conform to sections 2(c) and 3(b); and

(2) prescribe—

(A) the location and type of data to be made available to agricultural producers;

(B) the location where agricultural producers can electronically file their paperwork; and

(C) the responsibilities of the applicable parties, including agricultural producers, the Risk Management Agency, the Federal Crop Insurance Corporation, approved insurance providers, crop insurance agents, and brokers.

(c) IMPLEMENTATION.—Not later than December 1, 2001, the Federal Crop Insurance Corporation and the Risk Management Agency shall complete implementation of the plan submitted under subsection (a).

**SEC. 6. CONFIDENTIALITY.**

In carrying out this Act, the Secretary—

(1) may not make available any information over the Internet that would otherwise not be available for release under section 552 or 552a of title 5, United States Code; and

(2) shall ensure, to the maximum extent practicable, that the confidentiality of persons is maintained.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the title.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDERS FOR MONDAY, MAY 22, 2000

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 11 a.m. on Monday, May 22. I further ask consent that on Monday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and the Senate begin a period of morning business with Senators speaking for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 11 a.m. until noon; Senator THOMAS, or his designee, from noon to 1 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. BROWNBACK. Mr. President, for the information of all Senators, the Senate will be in a period of morning business on Monday. It is anticipated that the Senate will proceed to executive session to begin debate on three judicial nominees. If those judges are debated, any votes ordered on Monday will be scheduled to occur on Tuesday, May 23, at 9:30 a.m. Therefore, all Senators should be prepared to vote early on Tuesday. Also on Tuesday, it is hoped that the Senate can begin consideration of the Agriculture appropriations bill. A vote on final passage of this important appropriations bill is expected prior to the Memorial Day recess.

## ADJOURNMENT UNTIL 11 A.M. MONDAY, MAY 22, 2000

Mr. BROWNBACK. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:11 p.m., adjourned until Monday, May 22, 2000, at 11 a.m.

## CONFIRMATIONS

Executive nominations confirmed by the Senate May 18, 2000:

### DEPARTMENT OF DEFENSE

GREGORY ROBERT DAHLBERG, OF VIRGINIA, TO BE UNDER SECRETARY OF THE ARMY.

BERNARD DANIEL ROSTKER, OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READIN

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTIT

MITTEE OF THE SENATE.

# HOUSE OF REPRESENTATIVES—*Thursday, May 18, 2000*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. BURR of North Carolina).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 18, 2000.*

I hereby appoint the Honorable RICHARD BURR of North Carolina to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Heavenly Father, in this our new day, reinforce the lines of our minds and set our hopes completely on the power that comes only from You and Your revelation.

Like obedient children, do not allow us to act in compliance that comes from former ignorance. Rather, redirect our minds and hearts to You and the architects of this Nation, for You have called us to serve Your people.

As our calling comes from One who loves us and is holy, so let us become holy in every aspect of our conduct. For it is written, "Be holy because I am holy."

You speak and we respond to You who lives now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New York (Mr. CROWLEY) come forward and lead the House in the Pledge of Allegiance.

Mr. CROWLEY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. It is the Chair's intention to take up to 10 one-minute speeches on each side.

## THE U.S. IS NOT THE WORLD'S POLICEMAN

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I was pleased to learn earlier this week that the United Nations diplomats for the first time in 30 years, three decades, will finally reconsider the allocation of peacekeeping costs.

Mr. Speaker, it is about time. Currently 30 countries pay 98 percent of the U.N.'s peacekeeping budget, while 158 countries pay only 2 percent, regardless of their economic performance. In addition, it is the United States' share of nearly one-third of that cost of the United Nations peacekeeping overall budget that bothers most of us.

Since 1973, when payment proportions were established, the economies of many of the member nations have improved tremendously. Now these nations can afford to pay their fair share, but unfortunately they just do not want to.

Mr. Speaker, it is about time that the member nations pay their fair share of U.N. peacekeeping costs. The United States cannot afford nor should it be called upon to be the world's policeman and its banker.

I yield back once and for all the unfair U.N. peacekeeping payment system that has punished the U.S. and our taxpayers for too long.

## CONDEMNING TREATMENT OF 13 IRANIAN JEWS

(Mr. CROWLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CROWLEY. Mr. Speaker, I rise today to condemn the actions of the Iranian government for their treatment of the 13 Iranian Jews they now hold. Numerous Members of this body and the international community have come forward to express their outrage at this travesty of justice, and I join them in their anger.

Mr. Speaker, these 13 Jews have been wrongly imprisoned. Some have even been forced to confess to imagined crimes.

When President Katami was elected in Iran, it was on a platform of moderation and reform supported by all the Iranian people. In response to his election, the United States made good will overtures toward Iran, including the lifting of sanctions on the import of Iranian foodstuffs like pistachios and carpets, as well as the easing of travel restrictions.

Yet, despite the rejection of hard-liners in the last election, the leaders in Iran are still on the wrong track. At a time when the United States has sought to improve relations with the Iranian people, the government of Iran must reciprocate and respect fundamental human rights and act as a responsible member of the world community. When travesties such as this trial continue, it should concern us about our policy towards Iran. The Iranian government must put an end to this travesty, free the 13 and leave them and their families to live in peace.

I urge my colleagues to speak out on this issue and cosponsor H. Con. Res. 307, expressing the sense of Congress regarding the ongoing prosecution and persecution of 13 members of the Iranian Jewish community.

## IN SUPPORT OF PNTR WITH CHINA

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, there is no doubt in my mind that a negative vote on permanent normal trade relations will hinder the further democratization and human rights in China. We have a moral imperative to make China's trade permanent with us. If we truly care about improving human rights, the U.S. cannot seal off one-fourth of the world's population. To do so would ignore the ills we seek to remedy.

PNTR will not only benefit commerce between our two countries. It will also allow for cultural and religious exchanges. Ignoring China will not bring freedom for religious expression. It will not end China's cruel policy of limiting family size. It will not stop their horrific policy of forced abortions. Ignoring China will not bring about democracy. Isolating China will only separate our two countries even further and close off avenues necessary to improve human rights or establish religious freedom.

## VOTE AGAINST ANTIMISSILE SYSTEM WILL SAVE TAXPAYERS BILLIONS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. KUCINICH. Mr. Speaker, today's edition of the New York Times on page A-21 has an article which I think would be very interesting to the Members of this House. The headline is "Antimissile Systems Flaw Was Covered Up, Critic Says."

Now, this House is due to vote on a defense authorization bill today, $2.2 billion of which will go for an antimissile defense system. This report in the New York Times claims that the Pentagon and its contractors have tried to hide failures that have shown up in the testing of this system where the system cannot distinguish between decoys and the real thing.

Now, this New York Times article points out there are allegations of fraud, there are allegations of a company faking antimissile tests and evaluations of computer programs, and that there is an elaborate hoax involved here.

Save the taxpayers $2.2 billion. Recommit this legislation. Do not vote for a hoax. Do not vote for fraud.

## SSI FRAUGHT WITH WASTE, FRAUD AND ABUSE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in the 1970s, the Federal Government created the SSI program to assist the elderly, the blind and the disabled. Since the 1970s, the program has become fraught with waste, fraud and abuse. Prisoners, illegal aliens and drug addicts all drain resources from this program. Saddest of all, parents are getting their children to lie in order to bilk SSI benefits from the government.

For example, two parents in Michigan had their children lie to doctors about their medical condition so they could receive $42,639 in SSI benefits per year. Meanwhile, they locked their children in the basement of their home, physically abused them and forced them to steal for them.

The Federal Government should not be subsidizing child abusers, especially with taxpayer moneys reserved for the elderly and the disabled. As we decide spending levels in our budget, let us also focus on eliminating waste, fraud and abuse from the Federal Government.

## AMERICAN BORDERS WIDE OPEN

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, there is no war on drugs or terrorism in America. There is a war on kids. There are more prisons, more police, more Federal agents, more drugs than ever. It is unbelievable.

The reason is very simple. Our borders are wide open. Wide open, ladies and gentlemen. Heroin and cocaine coming in by the ton, and a nuclear warhead can literally be smuggled across the border.

Beam me up. A nation that does not secure their borders is a nation without security. Today we can pass the Traficant amendment that does not mandate but allows the use of troops on the border.

I yield back Osama bin Laden someday perhaps at our border, and that is no joke.

## INTERNATIONAL ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, we can no longer sit back and watch as American children are being kept apart from their parents. As a father and a grandfather, I cannot imagine the pain these parents and families go through on a daily basis. Today I will tell the story of Montasir Imran Khan, who was abducted to Saudi Arabia by his father Imran Mohammed Khan.

Montasir was born in 1992, and when he was 5 years old he was taken by his father. His mother has had no contact with him and is not sure of his exact whereabouts. Montasir was issued a U.S. passport and it was used for travel on August 23, 1997. He and his father were confirmed on a flight from Seattle to London, and it is believed they traveled from there to Saudi Arabia. The father has a temporary residence there and had threatened to take Montasir to that country.

Unfortunately, international child abduction can happen to anyone's child, and this is the biggest reason why we all need to work together rather than bury our heads in the sand and ignore this issue.

Keeping children safe has become my mission while serving in the House of Representatives. Mr. Speaker, I challenge every one of my colleagues to join me and help bring our children home.

## PRESCRIPTION DRUG COVERAGE FOR SENIORS

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, America is the most prosperous Nation on Earth and yet some seniors are forced to choose between putting food on the table and the prescription drugs they need to lead healthy and productive lives. That is just not right.

Republicans are working to make sure that is a choice seniors no longer have to make. While I share the goal of President Clinton and Democrats in Congress, their proposal may endanger existing drug coverage that some seniors already have.

□ 1015

It could give the Federal government too heavy a hand in controlling drug benefits and deny seniors the right to select the coverage that best fits their needs.

Republicans have a voluntary plan to make prescription drug coverage affordable and available to American seniors. Republicans are working to protect seniors from runaway drug costs so that their retirement remains secure and they have greater peace of mind. That is a brighter future for every American.

## IRAN MUST END ABUSES OF HUMAN, CIVIL AND RELIGIOUS RIGHTS

(Mr. MENENDEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Speaker, I rise today on behalf of the 13 innocent individuals who were arbitrarily arrested by the Iranian regime over one year ago solely because of their religious beliefs. The 13 are Jewish. In Iran that means you can be arrested and detained without formal charges, denied bail and presumed guilty of spying, despite the absence of evidence or motive.

As some Members of Congress seek to engage the Iranian regime to permit business arrangements, I urge all of us to consider the fate of these 13 people. We need to send a message to the mullahs in Tehran that only when Iran honors the will of the majority of its people, stops building weapons of mass destruction and ends abuses of human civil and religious rights, will the United States again consider engaging Iran as a legitimate member of the diplomatic community and the global economy.

## PROVIDING AFFORDABLE PRESCRIPTION DRUG COVERAGE FOR ALL AMERICANS

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, Republicans believe that no Medicare beneficiary should have to choose between putting food on the table or purchasing the prescription drugs they need to live. Yet that is just what the poorest of American seniors are forced to do.

According to a 1996 study, there are 9.6 million Medicare recipients who do not have prescription drug coverage. Many of these individuals have incomes below $15,000 a year. They are struggling on fixed incomes and cannot afford pharmacy bills that can run several hundred dollars a month.

Republicans and Democrats need to set aside partisan politics and do the moral thing. We must work together to help the millions of Medicare recipients who cannot pay for their medication. By providing affordable prescription drug coverage for everyone, we want to make sure that no senior citizen or disabled American falls through the cracks.

## ODE TO EARL

(Mr. PRICE of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PRICE of North Carolina. Mr. Speaker, I was proud to note yesterday the quick thinking and bold action of our colleague, the gentleman from North Dakota (Mr. EARL POMEROY) when a threatening situation arose in the Committee on Agriculture, so I would like to this morning dedicate this Ode to EARL.

With a fellow named Earl in the room
You had better not act like a loon
Break bottles and cry
I'd much rather die
Burly Earl, he'll subdue you real soon.

In the hearing he caused quite a scene
This lunatic, he vented his spleen
Threatened cabinet and staff
Earl had him down like a calf
So the committee could then reconvene.

So if agriculture's your place
And danger you ever should face
Just throw caution to the wind
Burly Earl we will send
Let Pomeroy return you to grace.

## PROTESTING WRONGFUL IMPRISONMENT OF 13 JEWS BY IRAN

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I rise to add my voice to the many in protest of the wrongful imprisonment of the 13 Jews by the government of Iran on bogus charges of spying for the United States and Israel. The world community has unilaterally condemned this action by Iran, and our government and that of Israel have denied that these men were spies. Not only are the charges at best ludicrous, but should the 12 men and one teenager be found guilty, they will be executed.

Only yesterday, 8 of the 10 accused appeared before an Iranian judge and were coerced into a "confession." They have been denied their own legal representation. However, the only crime that these brave souls are guilty of is their faith in the face of a regime that allows no practice of religion that runs counter to their's. These men of faith have held true to their religious beliefs in the face of threats against them by the Iranian government.

Mr. Speaker, I urge the government of Iran to release them, and further, I urge our government to apply serious pressure on this repressive government and to work with the Iranian opposition to help bring about real reform and democracy in Iran.

## PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Mr. Speaker, someone at the Department of Education has a lot of explaining to do. A contract employee, who was hired by the department to take care of its telephone and computer needs, recently admitted to carrying out a criminal plot that cost the government more than $1 million.

The contractor illegally steered more than $300,000 worth of equipment to an Education Department employee who was overseeing his work. The supervisor got a 61-inch television, cordless telephones, compact disk players, walkie-talkies, desktop and laptop computers, printers, digital cameras, computer scanners and Palm Pilots.

In addition to diverting the merchandise, the contractor routinely performed errands for the employee, such as picking up her granddaughter from school, all on government time. In exchange for his work, the contractor and his coworker walked off with more than $600,000 in bogus overtime pay.

Good grief. Who is minding the store? The Department of Education gets my "Porker of the Week" Award.

## MAKING SURE SENIORS GET AFFORDABLE PRESCRIPTION DRUG COVERAGE

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, prescription drug coverage is an important issue for American seniors, and Republicans have a plan for those that need coverage to keep it and those who need it to get it.

This is in stark contrast to the President's plan. Democrats and the President willingly admit their plan will drive employers out of the market. To stop this, the Democrats bribe employers to keep the coverage they already offer. This just does not make sense. Rather than pay employers to do something they are already doing, I suggest we set the funds aside to actually get drug coverage to America's seniors. The Republican plan accomplishes that task.

Medicare beneficiaries deserve choices, not a one-size-fits-all program that wastes money. This Congress must take its responsibility seriously and make sure that seniors can get affordable prescription drugs when they need them. Now is the time.

## CONGRATULATING SHERIFF CANTRELL OF SPALDING COUNTY, GEORGIA

(Mr. COLLINS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLLINS. Mr. Speaker, if you look in the gallery, you will see a number of students from Spalding County, Georgia. They are part of the Junior Deputy Program, which has brought students to Washington since the 1960s. Leading this delegation is Richard Cantrell, Sheriff of Spalding County.

Sheriff Cantrell has not only worked hard to uphold the law in Spalding County, he has also worked to make the county a better place to live by working with the Boy Scouts, the Girl Scouts, Junior Deputy Program, and assisting handicapped youth through the American business club.

Sheriff Cantrell's father was confined to a wheelchair because of wounds suffered in World War II. Nonetheless, his father played an active role in his son's life. Sheriff Cantrell calls him "the most significant person in his life."

Mr. Speaker, it is people like Sheriff Cantrell and his father who are true role models for our youth.

Sheriff Cantrell is retiring at the end of this year after 30 years in law enforcement. The people of Spaulding County will miss the services of Richard Cantrell as Sheriff, but I am sure he will continue aiding those who need help and serving as a leader for our young people.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. COLLINS). Pursuant to House Resolution 503 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1024

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, May 7, 2000, amendments en bloc printed in House Report 106–621 offered by the gentleman from South Carolina (Mr. SPENCE) had been disposed of.

It is now in order to consider Amendment No. 10 printed in House Report 106–621.

### AMENDMENT NO. 10 OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. SANFORD:

At the end of title III (page 82, after line 14), insert the following new section:

**SEC. . REPEAL OF AUTHORITY FOR LESS-THAN-FAIR-MARKET-VALUE TRANSFERS OF PROPERTY FOR LAW ENFORCEMENT ACTIVITIES.**

(a) PROVISIONS REPEALED.—Sections 381 and 2576a of title 10, United States Code, are repealed.

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 18 of such title is amended by striking the item relating to section 381.

(2) The table of sections at the beginning of chapter 153 of such title is amended by striking the item relating to section 2576a.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

Mr. SANFORD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have an amendment that I think is in the best interests of the United States military, and I say that for many different reasons. But one of the reasons I would say that is that when the American taxpayer buys this helicopter, not this helicopter, but the model that it represents, this is a UH–68 Blackhawk Helicopter, is it runs somewhere between $8- and $10 million a copy. That is when they buy them.

Now, at the end of the cycle, when the Army is through using them, rather than selling the wheels or selling the motor or selling the frame or selling the whole thing, it is given away. It is given away to other pieces of the Federal Government, it is given away to State or local governments. I think that in this era, which has been talked about through the course of this debate, of scarce military dollars, the military needs every dollar they can have. Rather than continuing to give these dollars away, why does the military not keep it?

The origins ever the program behind giving this helicopter and other things away made a lot of sense 50 years ago, because in the wake of World War II we had all kinds of things out there. So the idea was let us give some of this stuff away.

What is interesting is by the Department of Defense's own estimates, roughly, approximately, $350 million a year gets given away through this program. Now, that is, if you assume that this helicopter is worth $1. If it is, in fact, worth $10, we are talking about $3.5 billion a year that is given away out of the back door of DOD to other agencies, State, local or Federal.

Now, to give you an idea of scale, the Law Enforcement Support Program takes 5,000 orders a day. It gives away, as I said, that amount of money. Over the last two years, they have given away, given away, 253 aircraft, including 6 and 7 passenger airplanes, Blackhawks, Hueys, MD–500s and Bell Jet Rangers. They have given away 7,800 M–16s, they have given away 181 grenade launchers, they have given away 1,161 pair of night vision goggles. That is a lot of things, and that is just part of the list.

To give you another idea of scale, the State and Local Law Enforcement Equipment Procurement Program sells at reduced prices a number of things within the DOD inventory. I went down their Web page. If you look on the Web page, you will find things like wristwatches, stopwatches, compasses, lubricating oil, commercial automobile oil, camping and hiking equipment.

The point of all that is to say this is not used stuff. It is not used, like the helicopter. It is brand new stuff that is still sitting in its case. It has market value. It could be sold at an open auction, and those dollars could be used by DOD for procurement and they could be used for training.

So I offer this amendment because it stops money from being siphoned off from defense. It, secondly, helps to create a clear budget. If we are to make good decisions in government, they rest on reality. Budgets have to show reality. Unfortunately, current budgets do not. What they do is they overstate the cost of defense, and they understate the cost of other Federal agencies, and understate the cost of state and local government.

The third reason I offer this amendment is because it is in the best interest of the taxpayer. That is why it is supported by the National Taxpayers Union, that is why it is supported by Citizens Against Government Waste. They do so because if something is given to you, you oftentimes treat it very differently than if you have to pay dearly for it.

To give you an idea of the kind of excesses that occur in this program, for instance, 60 Minutes did a special about 2 years ago about a small rural county in central Florida that, through this program, among other things, had been given 23 helicopters, an armored personnel carrier, and two C–12 airplanes. As it turned out, that county was using it as a revenue source.

□ 1030

They would keep the stuff for a couple of years and then they would sell it on the open market, making hundreds of thousands of dollars for that county.

If it is not used that way, frankly, it is used strangely. I went to a county in South Carolina where the chief of police was taking helicopter lessons in a helicopter that would run $1,500 an hour. It did not cost the county that much because they had been given the helicopter, but it did cost the taxpayer that much.

Another reason I offer this is if it is not used that way, the equipment sits idly by. I flew into a small county airport in South Carolina surrounded with a number of large Air Force and Navy airplanes, and I said to my brother, what is the trouble with these airplanes?

They were given to the county through this Federal program and, as he explained it, the county accepted it not because they had any use for it, the equipment had been sitting there for years, but because they could not afford not to take it since it was given away.

I think this amendment makes common sense. I would urge its adoption. It is about priorities.

Mr. Chairman, I reserve the balance of my time.

Mr. BATEMAN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The gentleman from Virginia (Mr. BATEMAN) is recognized for 5 minutes.

Mr. BATEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I appreciate the fact that any program that any agency of government runs may have some abuses in it, and certainly the Committee on Armed Services would like to know where there are abuses and to be able to correct them.

Basically what this amendment does is to repeal two sections of the code which have proven extremely useful to law enforcement throughout America. One section of the code that would be eliminated is a provision which allows local law enforcement agencies to buy equipment from the catalog list that is available to the Department of Defense and buy it at the prices that the Federal Government or the Department of Defense, through their purchasing power, can obtain at lower prices.

I, frankly, see no reason why we should deprive law enforcement agencies of the opportunity to acquire equipment that they need to fight crime at the lowest price and to have the Federal Government being involved in cooperating and making that possible.

The second aspect of the amendment would repeal a provision of the law that says that the Department of Defense can give to local law enforcement agencies surplus equipment that is no longer needed by the Department of Defense.

This has been a source for a great deal of equipment moving to law enforcement agencies, has been very helpful to them, and this provision has the strong support of law enforcement agencies and associations throughout the country, and certainly the amendment has the resounding opposition of those agencies.

Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. McCOLLUM).

Mr. McCOLLUM. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding 2 minutes to me.

Mr. Chairman, I am very strongly committed to the proposition that we need to rebuild our defenses, that they have been built down way too far, and I am sympathetic to the concerns about saving money and doing that that the gentleman who offered this amendment proposes.

I also chair the Subcommittee on Crime in the House and I know that the programs he is trying to strike here are vital to the efforts of local law enforcement to be able to fight the drug war, to be able to do what they have to do in antiterrorism. I have been personally out in the field in numerous jurisdictions looking at things where the surplus properties were properties purchased because of the buying program that allows the volume to be purchased the gentleman from Virginia (Mr. BATEMAN) talked about that are in full use.

Principally, they are helicopters that they are acquiring in the excess surplus program so they can fly around and deal with the issue of locating marijuana growing areas or finding the bad guys or whatever.

The oil that the gentleman referred to is used to be able to have the oil for the airplanes for the most part. Maybe occasionally it is oil for their vehicles that they would not otherwise be able to do.

Sadly but truthfully, local law enforcement does not have the kind of resources allocated to it from the counties and the local government or the States that are required to be able to have this larger item, the helicopters in particular, and if they had to go out and buy that from scratch there simply would not be the kind of protection to the citizenry we need in law enforcement in the local communities. There would not be the helicopters flying around at night that many people see helping to deter crime and locating these narcotraffickers and others that are out there.

So I have to reluctantly, severely, oppose this amendment. Counties like Hernando and Lake in Florida, in particular, I think have recently acquired such products as this. Bulletproof vests, helmets, computers, other critically items when they are in surplus, should go to the local law enforcement community first.

I think they should go the right way at a lower cost or at no cost in certain cases, such as the helicopters, where they are in excess and we need them for the protection of our folks.

So I strongly oppose the amendment, and I urge my colleagues to vote no on it.

Mr. BATEMAN. Mr. Chairman, I yield the remaining minute of the time to the gentleman from Mississippi (Mr. TAYLOR).

The CHAIRMAN pro tempore. The gentleman from Mississippi (Mr. TAYLOR) is recognized for 1½ minutes.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding me this time.

Mr. Chairman, I take this opportunity to say that the National Sheriffs Association, the International Association of Chiefs of Police, the Airborne Law Enforcement Association all oppose the Sanford amendment, but I would also remind him that Charleston County is the beneficiary of this. They have received a helicopter, as has Greenville County, South Carolina; as has Lexington County, South Carolina; as has Saluda County; as has the South Carolina Law Enforcement Divisions.

Actually, this is a very good program. The taxpayers paid for these things. It makes sense that our underfunded cities and counties should be able to use them before some foreign country gets them. That is why we changed the law about 8 years ago to give the American taxpayer preference for these things. We should leave the law as it is.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would not dispute any of the things about this program of having great value to local law enforcement. The simple question I would ask is one of priorities.

It is one that I am trying to teach my young boys, and that is right now given what we have talked about in this debate, which is the scarcity of dollars in the Department of Defense, we simply have to set priorities. We cannot do both, and that is why I think these dollars ought to be retained within DOD.

Mr. TAYLOR of Mississippi. Mr. Chairman, reclaiming my time, we are talking about surplus equipment. The military has made the decision to surplus these things. I am not telling them to surplus it. Once they make that decision, the question is then should the American taxpayers get the benefit through their counties, through their cities, or should someone else?

The gentleman would deprive them of those benefits. I think that is a bad idea.

Mr. GOSS. Mr. Chairman, my concern with this amendment is quite simple: while well intentioned, I think it undermines our efforts in the war on drugs. This amendment would end the ability of State law enforcement agencies to purchase equipment needed specifically for the war on drugs and the fight against terrorism. While the phrase "war on drugs" tends to bring to mind images of jungles in Latin America, the reality is that it is fought everyday on our streets, in our schoolyards and playgrounds. Vivid proof of this came a few years ago in my southwest Florida district—the regional office of the Drug Enforcement Agency was blown up by individuals involved in drug trafficking. Allowing the Defense Department to sell appropriate surplus equipment to law enforcement agencies ensures they have the tools they need to counter this very real threat. I encourage my colleagues to reject the Sanford amendment.

Mr. KUCINICH. Mr. Chairman, I rise today in strong opposition to the Sanford Amendment to H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. This amendment proposes to eliminate an important element of a federal cooperative purchasing program which allows state and local police departments to purchase supplies and services at superdiscounted federal prices.

In 1997, I worked with police departments in my own congressional district to promote participation in cooperative purchasing. Twelve of my district's sixteen police chiefs attended a workshop that I sponsored on the cooperative purchasing process. I sponsored this workshop because I view cooperative purchasing as an invaluable resource for police departments seeking to maximize their operations budgets. The ability to purchase supplies and services at superdiscounted federal prices makes for better equipped and more efficient police forces.

The elimination of cooperative purchasing would clearly be contrary to the interests of the tax payers not just in my own district, but across the country. Created in 1994, as a provision in the Federal Acquisition Streamlining Act (FASA), cooperative purchasing takes advantage of the federal government's purchasing power. As a large consumer of all kinds of goods and services, the federal government's procurement agency—the General Services Administration (GSA)—negotiates superdiscounted prices with the suppliers of these goods and services. Cooperative purchasing simply allows state and local police departments to purchase surplus items directly from the federal government at these superdiscounted prices. The result is millions and millions of dollars in savings for our nation's taxpayers. To eliminate cooperative purchasing would be to eliminate these savings.

Cooperative purchasing has allowed state and local police departments around the nation to make meaningful cuts in their supply budgets. Some police departments have been able to cut their supply costs by 10 percent. Should we vote to eliminate cooperative purchasing, the American tax payer will be forced to pay a premium in order to properly equip the men and women who keep our nation's neighborhoods safe. The elimination of cooperative purchasing powers would represent yet another instance of special interests being promoted over the public interest.

I urge my fellow Members of Congress to vote against the Sanford Amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

Mr. SPENCE. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oklahoma (Mr. LARGENT) for a colloquy.

Mr. LARGENT. Mr. Chairman, I had an amendment at the desk regarding section 2813 that I was going to offer, but after working with the Committee on Armed Services I have decided not to offer it.

My concern with section 2813 was the possibility that it could alter current law with respect to the military's ability to control utilities distribution facilities located on military bases.

The committee-adopted bill appeared to eliminate the Department of Defense's discretion to award privatization contracts based on competitive merit and instead shift the discretion to the State regulatory bodies.

I feared that the State regulatory authorities would have the opportunity to veto the Department of Defense's procurement decisions and direct DOD to award contracts to local incumbent utilities instead, thus opening the door for an unprecedented relinquishment of Federal contracting authority.

I also had concerns that this language might overly restrict the list of eligible bidders. The purpose of my amendment was to ensure that the Federal Government receives the maximum number of bids for those privatized facilities with a corresponding maximum amount of revenue to the Federal Government.

Mr. Chairman, I had an amendment at the desk that I was going to offer, but after working with the Committee on Armed Services I decided not to offer it.

I would like to enter into a colloquy, if I might, about section 2813, with the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, will the gentleman yield?

Mr. SPENCE. I yield to the gentleman from Colorado for a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. HEFLEY. Mr. Chairman, I would be happy to enter into a colloquy with the gentleman from Oklahoma (Mr. LARGENT).

Mr. LARGENT. I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

The gentleman from Colorado has been very gracious in agreeing to work with the interested Members, including members of the Committee on Commerce, on this provision as the bill proceeds through the legislative process. I am concerned that this provision, which allows for the privatization of utility systems on military bases as it is currently drafted, is overly broad in requiring compliance not only with State laws but also with State rulings and policies.

It is unclear to me how someone would comply with a State policy, and there is the strong possibility that some State agencies could use that language to develop policies that are not consistent with State law. I hope we can work together to fix this problem.

Mr. HEFLEY. I would say to the gentleman from Oklahoma (Mr. LARGENT), I have committed to work with him to make sure that the language is not overly broad. We do not intend for it to be overly broad. We do not intend for it to create inconsistencies with State law and regulation. I am happy to work with the gentleman on that.

Mr. LARGENT. I also am concerned that the provision only mentions State law and does not mention Federal law, and I hope that the provision can be modified to make it clear that purchasers of these systems have to comply with relevant Federal law, such as the Federal Power Act, as well as State law.

Mr. HEFLEY. I agree, and I would not want that unintended consequence either.

Mr. LARGENT. Finally, as the gentleman knows, we are very close to passing a bill to increase competition in the electric utility industry. I and several members of the Committee on Commerce are concerned that this language would have the unintended consequence of increasing the monopoly power of incumbent utilities in these areas. I hope the gentleman will work with concerned Members to make sure that these provisions are not used in a manner contrary to what we are trying to do with electricity restructuring legislation.

Mr. HEFLEY. I will work with the gentleman and other interested Members to make sure that we do not inadvertently put in place policies that may be contrary to what might be accomplished with the comprehensive electrical utility restructuring legislation.

I want to reiterate to the gentleman from Oklahoma (Mr. LARGENT) that it is the intent of the provision to level the playing field in the acquisition and maintenance of military utility infrastructure.

Section 2813 would require DOD's privatization initiative in this area to be conducted consistent with the Competition in Contracting Act. Moreover, we would require any awardee to conform to State regulations solely for the terms of that specific contract so that the same standards apply to infrastructure on both sides of the fence and that all parties to the competition for the contract are judged by the same standards.

I agree that competition will get the best result for DOD and for the taxpayer.

Mr. LARGENT. I appreciate the gentleman's willingness to work with me on this issue, and I thank my friend, the gentleman from Colorado (Mr. HEFLEY).

Mr. RODRIGUEZ. Mr. Chairman, I oppose the intent of the Largent amendment.

The existing utility privatization statute is unclear and needs the clarification we added in Committee with bi-partisan support.

The Committee language ensures fair competition and helps guarantee the reliability of energy distribution to our military bases.

The amendment would create unregulated monopolies, with unprecedented bargaining power that could hold bases and taxpayers hostage in contract renegotiations.

Default, abandonment or early termination by the unregulated entities could imperil reliability and impose huge costs on our bases.

The amendment would upset the process of utility deregulation; no state has deregulated distribution services.

As approved in Committee, unregulated utilities could still compete. They would simply be expected to comply with the same health, safety, reliability, and system standards which apply to every other energy distribution system in that state.

I urge my colleagues to reject this amendment and maintain the carefully drafted language approved by the Armed Services Committee.

### SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 503, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: Amendment No. 2 by the gentleman from Massachusetts (Mr. FRANK); amendment No. 3 by the gentleman from California (Mr. DREIER); amendment No. 4 by the gentleman from Minnesota (Mr. LUTHER); amendment No. 20 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 13 by the gentleman from Florida (Mr. STEARNS); and amendment No. 10 by the gentleman from South Carolina (Mr. SANFORD).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 2 OFFERED BY MR. FRANK OF MASSACHUSETTS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from Massachusetts (Mr. FRANK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. FRANK of Massachusetts:

At the end of subtitle A of title X (page 302, after line 11), insert the following new section:

**SEC. 1006. ONE PERCENT REDUCTION IN FUNDING.**

The total amount obligated from amounts appropriated pursuant to authorizations of appropriations in this Act may not exceed the amount equal to the sum of such authorizations reduced by one percent. In carrying out reductions required by the preceding sentence, no reduction may be made from amounts appropriated for operation and maintenance or from amounts appropriated for military personnel.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 88, noes 331, not voting 15, as follows:

[Roll No. 194]

AYES—88

Baldwin
Barrett (WI)
Becerra
Berman
Blumenauer
Bonior
Brown (OH)
Capuano
Clay
Conyers
Coyne
Crowley
Davis (IL)
DeFazio
DeGette
Delahunt
Dingell
Doggett
Duncan
Ehlers
Engel
Eshoo
Filner
Frank (MA)
Ganske
Gephardt
Green (TX)
Gutierrez
Hinchey
Hoekstra
Holt
Hooley
Jackson (IL)
Jackson-Lee (TX)
Jones (OH)
Kilpatrick
Kind (WI)
Kleczka
Kucinich
Lee
Lewis (GA)
Lofgren
Lowey
Luther
McDermott
McGovern
McKinney
Meehan
Millender-McDonald
Miller, George
Minge
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Petri
Ramstad
Rangel
Rivers
Roybal-Allard
Royce
Rush
Sanchez
Sanders
Sanford
Schakowsky
Sensenbrenner
Shays
Smith (MI)
Stark
Tierney
Towns
Udall (CO)
Upton
Velázquez
Vento
Waters
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—331

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Ford
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meeks (NY)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryan (WI)
Ryun (KS)
Sabo
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—15

Barton
Campbell
Fattah
Fossella
Hoyer
Kaptur
Leach
Markey
Meek (FL)
Mollohan
Salmon
Slaughter
Stupak
Udall (NM)
Young (AK)

□ 1105

Mrs. CUBIN, and Messrs. BEREUTER, GORDON, DAVIS of Virginia and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. SHAYS, PAYNE, ENGEL, CONYERS and OBERSTAR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 194 I was unable to vote. Had I been present, I would have voted "no."

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). Pursuant to House Resolution 503, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on each additional amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. DREIER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. DREIER) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. DREIER:

At the end of title XII (page 338, after line 13), add the following:

**SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.**

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note)is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "60"; and

(2) by adding at the end the following:

"(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 8, not voting 11, as follows:

[Roll No. 195]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia

Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—8

Ganske
Green (WI)
Hayworth
Hostettler
Hunter
Payne
Rothman
Taylor (MS)

NOT VOTING—11

Barton
Campbell
Hoyer
Kaptur
Leach
Meek (FL)
Mollohan
Salmon
Stupak
Udall (NM)
Young (AK)

□ 1113

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 195, I was unable to vote. Had I been present, I would have voted "aye."

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## PERSONAL EXPLANATION

Mr. HOYER. Mr. Chairman, earlier today I attended a ceremony in Annapolis, Maryland, at which Governor Parris Glendening signed into law a bill creating the "Judith P. Hoyer Early Child Care and Education Enhancement Program." Because of my attendance at that ceremony, I was unable to vote on two amendments to H.R. 4205, the Defense authorization bill for fiscal year 2001. Had I had been present, I would have voted "no" on the amendment numbered 2 offered by the gentleman from Massachusetts (Mr. FRANK) (Roll No. 194). I would have voted "aye" on the amendment numbered 3 offered by the gentleman from California (Mr. DREIER) (Roll No. 195).

### AMENDMENT NO. 4 OFFERED BY MR. LUTHER

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on Amendment No. 4 offered by the gentleman from Minnesota (Mr. LUTHER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. LUTHER:

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE LUTHER OF MINNESOTA

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

**SEC. . DISCONTINUATION OF PRODUCTION OF TRIDENT II (D-5) MISSILES**

(a) PRODUCTION TERMINATION.—Funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D-5) missiles.

(b) AUTHORIZED SCOPE OF TRIDENT II (D-5) PROGRAM.—Amounts appropriated for the Department of Defense may be expended for the Trident II (D-5) missile program only for the completion of production of those Trident II (D-5) missiles which were commenced with funds appropriated for a fiscal year 2002.

(c) FUNDING REDUCTION.—The amount provided in section 102 for weapons procurement for the Navy is hereby reduced by $472,900,000.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 112, noes 313, not voting 9, as follows:

[Roll No. 196]

AYES—112

Allen
Baird
Baldwin
Barrett (WI)
Becerra
Bentsen
Berman
Blumenauer
Bonior
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Conyers
Cummings
Cunningham
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Duncan
Ehlers
Eshoo
Evans
Farr
Fattah
Filner
Frank (MA)
Gephardt
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hinchey
Hoekstra
Holt
Hooley
Jackson (IL)
Jones (OH)
Kind (WI)
Klink
Kucinich
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Miller, George
Minge
Mink
Morella
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Owens
Pallone
Paul
Payne
Pelosi
Peterson (MN)
Petri
Pomeroy
Porter
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Rush
Sabo
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Sensenbrenner
Serrano
Shays
Sherman
Slaughter
Stabenow
Stark
Strickland
Thompson (CA)
Tierney
Towns
Udall (CO)
Upton
Velázquez
Vento
Watt (NC)
Waxman
Weiner
Woolsey
Wu

NOES—313

Abercrombie
Ackerman
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Berry
Biggert

Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Olver
Ortiz
Ose
Oxley
Packard
Pascrell
Pastor
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Saxton
Scarborough
Schaffer
Scott
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (FL)

NOT VOTING—9

Barton
Campbell
Hutchinson
Leach
Salmon
Stupak
Udall (NM)
Waters
Young (AK)

☐ 1123

Mr. EVANS and Mr. BERMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 196 I was unable to vote. Had I been present, I would have voted "no."

AMENDMENT NO. 20 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on Amendment No. 20 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 20 offered by Mr. TRAFICANT:

At the end of subtitle C of title X (page 324, after line 11), insert the following new section:

**SEC. ——. ASSIGNMENT OF MEMBERS TO ASSIST IMMIGRATION AND NATURALIZATION SERVICE AND CUSTOMS SERVICE.**

(a) ASSIGNMENT AUTHORITY OF SECRETARY OF DEFENSE.—chapter 18 of title 10, United States Code, is amended by inserting after section 374 the following new section:

**"§ 374a. Assignment of members to assist border patrol and control**

"(a) ASSIGNMENT AUTHORIZED.—Upon submission of a request consistent with subsection (b), the Secretary of Defense may assign members of the Army, Navy, Air Force, and Marine Corps to assist—

"(1) the Immigration and Naturalization Service in preventing the entry of terrorists and drug traffickers into the United States; and

"(2) the United States Customs Service in the inspection of cargo, vehicles, and aircraft at points of entry into the United States to prevent the entry of weapons of mass destruction, components of weapons of mass destruction, prohibited narcotics or drugs, or other terrorist or drug trafficking items.

"(b) REQUEST FOR ASSIGNMENT.—The assignment of members under subsection (a) may occur only if—

"(1) the assignment is at the request of the Attorney General, in the case of an assignment to the Immigration and Naturalization Service, or the Secretary of the Treasury, in the case of an assignment to the United States Customs Service; and

"(2) the request of the Attorney General or the Secretary of the Treasury (as the case may be) is accompanied by a certification by the President that the assignment of members pursuant to the request is necessary to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

"(c) TRAINING PROGRAM REQUIRED.—The Attorney General or the Secretary of the Treasury (as the case may be), together with the Secretary of Defense, shall establish a training program to ensure that members receive general instruction regarding issues affecting law enforcement in the border areas in which the members may perform duties under an assignment under subsection (a). A member may not be deployed at a border location pursuant to an assignment under subsection (a) until the member has successfully completed the training program.

"(d) CONDITIONS ON USE.—(1) Whenever a member who is assigned under subsection (a) to assist the Immigration and Naturalization Service or the United States Customs Service is performing duties at a border location pursuant to the assignment, a civilian law enforcement officer from the agency concerned shall accompany the member.

"(2) Nothing in this section shall be construed to—

"(A) authorize a member assigned under subsection (a) to conduct a search, seizure, or other similar law enforcement activity or to make an arrest; and

"(B) supersede section 1385 of title 18 (popularly known as the 'Posse Comitatus Act').

"(e) NOTIFICATION REQUIREMENTS.—The Attorney General or the Secretary of the Treasury (as the case may be) shall notify the Governor of the State in which members are to be deployed pursuant to an assignment under subsection (a), and local governments in the deployment area, of the deployment of the members to assist the Immigration and Naturalization Service or the United States Customs Service (as the case may be) and the types of tasks to be performed by the members.

"(f) REIMBURSEMENT REQUIREMENT.—Section 377 of this title shall apply in the case of members assigned under subsection (a).

"(g) TERMINATION OF AUTHORITY.—No assignment may be made or continued under subsection (a) after September 30, 2002.".

(b) COMMENCEMENT OF TRAINING PROGRAM.—The training program required by subsection (b) of section 374a of title 10, United States Code, shall be established as soon as practicable after the date of the enactment of this Act.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 374 the following new item:

"374a. Assignment of members to assist border patrol and control.".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 243, noes 183, not voting 8, as follows:

[Roll No. 197]

AYES—243

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Bono
Boswell
Boucher
Boyd
Brady (TX)
Bryant
Burton
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cramer
Crane
Cunningham
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey

Doyle
Duncan
Dunn
Emerson
Engel
English
Etheridge
Everett
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hobson
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink

Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Miller, Gary
Moakley
Moran (KS)
Moran (VA)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pallone
Pascrell
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad

Regula
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Stabenow
Stearns
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thune
Thurman
Tiahrt
Traficant
Upton
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

### NOES—183

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Blagojevich
Blumenauer
Boehner
Bonilla
Bonior
Borski
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Capps
Capuano
Cardin

Carson
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Cox
Coyne
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Edwards
Ehlers
Ehrlich
Eshoo

Evans
Ewing
Farr
Fattah
Filner
Frank (MA)
Frost
Ganske
Gejdenson
Gonzalez
Green (TX)
Gutierrez
Hastings (FL)
Hayes
Hayworth
Hill (IN)
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson

Jenkins
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy
Kleczka
Kolbe
Lampson
Lantos
Larson
Lee
Lewis (GA)
Linder
Lofgren
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Mollohan
Moore

Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Pastor
Paul
Payne
Pelosi
Pickett
Pomeroy
Rangel
Reyes
Rodriguez
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman

Skelton
Slaughter
Smith (MI)
Snyder
Spratt
Stark
Stenholm
Stump
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Toomey
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Vitter
Waters
Watt (NC)
Waxman
Weiner
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

### NOT VOTING—8

Barton
Buyer
Campbell

Doolittle
Leach
Salmon

Stupak
Udall (NM)

□ 1132

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. BARTON of Texas. Mr. Chairman, on rollcall No. 197 I was unable to vote. Had I been present, I would have voted "aye."

### AMENDMENT NO. 13 OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida (Mr. STEARNS) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 13 offered by Mr. STEARNS:

At the end of title VII (page 247, after line 9), insert the following new section:

**SEC. 7 . STUDY ON COMPARABILITY OF COVERAGE FOR PHYSICAL, SPEECH, AND OCCUPATIONAL THERAPIES.**

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study comparing coverage and reimbursement for covered beneficiaries under chapter 55 of title 10, United States Code, for physical, speech, and occupational therapies under the TRICARE program and the Civilian Health and Medical Program of the Uniformed Services to coverage and reimbursement for such therapies by insurers under medicare and the Federal Employees Health Benefits Program. The study shall examine the following:

(1) Types of services covered.

(2) Whether prior authorization is required to receive such services.

(3) Reimbursement limits for services covered.

(4) Whether services are covered on both an inpatient and outpatient basis.

(b) REPORT.—Not later than March 31, 2001, the Secretary shall submit a report on the findings of the study conducted under this section to the Committees on Armed Services of the Senate and the House of Representatives.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 198]

### AYES—426

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers

Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)

Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)

Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—8

Campbell
Delahunt
Leach
Pickett
Salmon
Slaughter
Stupak
Udall (NM)

☐ 1140

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 10 OFFERED BY MR. SANFORD

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 56, noes 368, not voting 10, as follows:

[Roll No. 199]

AYES—56

Archer
Armey
Barrett (WI)
Cannon
Capuano
Chabot
Chenoweth-Hage
Coburn
Conyers
Cox
Crane
DeLay
DeMint
Ehlers
Foley
Ganske
Goodlatte
Greenwood
Hoekstra
Horn
Hostettler
Hunter
Johnson, Sam
Kasich
Kind (WI)
Kingston
Linder
McGovern
Miller (FL)
Minge
Northup
Obey
Packard
Paul
Ramstad
Rogan
Rohrabacher
Royce
Ryan (WI)
Sanford
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherman
Smith (MI)
Stark
Stearns
Sununu
Tancredo
Tiahrt
Toomey
Upton
Vento
Vitter
Wu

NOES—368

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Mica
Millender-McDonald
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Serrano
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Towns
Traficant
Turner
Udall (CO)
Velázquez
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—10

Campbell
Delahunt
Leach
Maloney (NY)
Metcalf
Peterson (MN)
Salmon
Stupak
Udall (NM)
Weller

☐ 1149

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). All amendments made in order under House Resolution 503 have been disposed of.

Pursuant to the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. BURR of North Carolina, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, had come to no resolution thereon.

## PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mrs. MYRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 504 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 504

*Resolved,* That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

SEC. 2. (a) No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, yesterday the Committee on Rules met and granted a rule to provide for further consideration of H.R. 4205, the fiscal year 2001 Department of Defense Authorization Act. The rule provides that no further amendment to the committee amendment in the nature of a substitute be in order, except those printed in the Committee on Rules report accompanying the resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

The rule provides that, except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read and shall not be subject to a demand for division of the question in the House or Committee of the Whole.

The rule provides that each amendment printed in the report shall be debatable for the time specified and equally divided and controlled by the proponent and opponent, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services may each offer one pro forma amendment for the purpose of debate on any pending amendment.

The rule waives all points of order against the amendments printed in the report.

The rule allows the chairman of the Committee of the Whole to postpone votes on amendments during consideration of the bill and to reduce voting time to 5 minutes on a postponed question if the vote follows a 15-minute vote.

The rule allows the chairman of the Committee of the Whole to recognize for the consideration of any amendment printed in the report out of the order printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, this is rule number 2 for H.R. 4205. Yesterday and this morning, under rule number 1, we debated 35 amendments to the bill. Today we will consider another seven. In the end, out of 102 amendments submitted to the Committee on Rules, the House will consider 42.

Today's rule provides for a full and fair debate on several controversial issues. I will vote against many of these amendments, but it is important that the House is able to work its will on issues such as abortion on military bases, the School of the Americas, and health care for our military retirees.

Mr. Speaker, H.R. 4205 is a good bill, it is a bipartisan bill. At long last, we are taking care of our men and women in uniform, we are getting them off of food stamps and out of substandard housing, and we are giving them tools to win on the battlefield, and I believe this is the right thing for America.

I urge my colleagues to support this rule and to support the underlying bill. Now, more than ever, we must provide for our national security.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in reluctant opposition to this rule. The authorization for the programs and activities of the Department of Defense is one of the most important legislative proposals we will have under consideration during the course of this year.

This legislation dictates the policies we as a Congress want to set for the defense of our great Nation and authorizes $309 billion to carry them out. A bill of this scope and magnitude deserves to be fully debated so that all points of view can be expressed and heard. Yet, Mr. Speaker, the Republican majority in the House has denied the Members of this body just that opportunity. A total of 102 amendments were submitted to the Committee on Rules, yet, with this rule now under consideration, less than one-half of that number will be heard.

□ 1200

In addition, one of the most important policy issues relating to medical care for military retirees has not been fully addressed and a new amendment on the issue, an amendment that was not even filed with the committee, as was required of every other amendment, has been made in order in this rule.

Mr. Speaker, shortchanging our military retirees to achieve short-term political gain is nothing more than a cheap trick. The committee went part of the way to solving this issue by making in order the Taylor amendment, but it did not make in order the more comprehensive Shows amendment.

Mr. Speaker, the gentleman from Mississippi (Mr. SHOWS) has, since he came to Congress, been working diligently to fashion legislation that will provide meaningful healthcare for our military retirees. He has introduced legislation that would fulfill a promise that has been made to every member of the armed services: Stay in 20 years and they will receive healthcare for the rest of their life.

Mr. Speaker, 298 Members of this body have cosponsored the gentleman's bill. Yet the Committee on Rules on a straight party line vote last night denied the gentleman from Mississippi (Mr. SHOWS) the opportunity to offer his amendment.

Fortunately, the Committee on Rules has allowed the gentleman from Mississippi (Mr. TAYLOR) to offer his amendment, which expands and makes permanent the TRICARE senior prime program, or Medicare subvention. The Taylor amendment would make permanent a program which allows Medicare eligible retirees to use military hospitals for their Medicare care and would extend the program nationwide.

The Taylor amendment is a very good amendment and should be adopted by the House. The Taylor amendment has been endorsed by a number of organizations, including the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

Yet the Republican majority has made in order a substitute to the Taylor amendment, a substitute that can be described as nothing more than a poison pill. The Republican majority has deliberately set out to deny the House the right to fulfill a promise made long ago to those men and women who served faithfully and honorably for 20 years or more in our Nation's armed services.

Mr. Speaker, it is a sad day when the Republican leadership in this House will not allow its Members to do the right thing. It is a sad day when the Republican leadership denies the House the right to vote on a proposal, which has overwhelming support of Members of both parties, for purely politically partisan reason. It is a sad day when the Republican leadership knows its own position is so politically indefensible that it will not even allow an up or down vote on a valuable and worthy proposal like the Taylor amendment.

Mr. Speaker, this rule is deficient also because it has failed to make in order an amendment by the gentlewoman from New York (Mrs. MCCARTHY). The McCarthy amendment strikes a provision in the bill which allows the Department of Defense to do business with firearms manufacturers and vendors who have not been party to a code of conduct agreement.

This is an amendment that is worthy of consideration in the House and it should be made a part of this rule.

Mr. Speaker, it is my intention to oppose ordering the previous question on this resolution. The fact that the Shows amendment has not been made in order in the rule and the fact that the rule makes in order a poison pill substitute to the Taylor amendment, the fact that a number of other worthy amendments, such as the McCarthy amendment, were not even given the time of day by the Republican majority, are reasons enough to oppose the previous question and the rule.

Mr. Speaker, the Republican majority is shortchanging this bill by limiting debate on issues it addresses. The authorization for the Department of Defense is the single largest authorization we will consider this year. Yet the majority has seen fit to address less than half of the amendments offered to be considered by this House.

Mr. Speaker, Members should reject this rule and allow the House to debate fully the many important policy issues that the Republican leadership will not allow us to consider.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey (Mr. SAXTON).

Mr. SAXTON. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me this time.

Mr. Speaker, I rise in strong support of the rule and wish to take this time to engage the gentleman from Pennsylvania (Mr. WELDON) in a colloquy.

I would say to the gentleman from Pennsylvania (Mr. WELDON), the Navy theater-wide missile defense program is an important component of our Nation's defense against the threat of ballistic missiles targeted against the United States and against our Armed Forces and allies overseas.

Last year the Congress provided an additional $50 million for a continuation of Navy's competitive development of the advanced radars for theater missile defense, as well as providing funds for the development of the multiyear, multifunction radar and volume search radar for fleet air defense and surveillance.

The committee's report on the fiscal year 2001 national defense authorization notes that the Navy is considering an X-band radar high power discriminator and modifications to the current SPY-1 radar to meet ballistic missile defense radar needs for Navy theater-wide and recommends an additional $10 million for development of an alternative advanced radar technology for the 2010 time frame.

The report also expresses the committee's concern that the Navy theater-wide defense deployment schedule is inadequate to meet the expected threats and is inadequately funded.

In addition, the Senate Committee on Armed Services report on the fiscal year 2001 defense authorization does not add funds for additional radar development and if adopted by the Senate in its present form will establish an issue that will need to be resolved in this year's House-Senate conference on the Fiscal Year 2001 National Defense Authorization Act.

Mr. WELDON of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SAXTON. I yield to the gentleman from Pennsylvania, the chairman of the Subcommittee on Military Research and Development.

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman is correct. The House committee's report states that major ballistic missile defense programs such as Navy theater-wide are not adequately funded throughout the future years' defense program to achieve timely operational capability.

The committee places a high priority on the ballistic missile defense program and urges the Department of Defense to commit the funds necessary to achieving timely deployment of systems that will defeat current and future ballistic missile defense threats.

The committee also notes that the interim report on the surface Navy radar road map' study recently submitted to the Congress states that a series of time-phased radar development decisions must be made to support varying surface ship acquisitions, including requirements for SPY-1 radar upgrades for the near-term Navy theater-wide Block I and investment in technologies for mid- and long-term needs for Navy theater-wide Block II.

The committee report states that a clearly defined and funded radar road map is necessary to ensure the necessary upgrade to Legacy radar systems and the development of new radar systems and also states that the expectation of the Navy's approved radar program will be incorporated in the fiscal year 2002 budget requirement.

Having said that, I will be happy to work with the gentleman during the defense authorization conference to ensure development of advanced technologies and specifically fight for $15 million in additional funding for Navy theater-wide missile defense programs.

Mr. SAXTON. I thank the gentleman and look forward to working with him to provide the ballistic missile defense required to protect our armed services and our Nation.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Mississippi (Mr. SHOWS).

Mr. SHOWS. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) for yielding me this time, and I thank him so much and appreciate him taking up for my bill.

Mr. Speaker, I rise today to express my strong opposition to this rule and, frankly, my concern about our military retirees. Today, millions of Americans are prisoners of war, POWs right here in America. These POWs are our American military retirees and their families, and they are being held prisoners by politics.

I have offered an amendment to the defense bill that is identical to the Shows-Norwood Keep Our Promise to America's Military Retirees bill, H.R. 3573, which has 298 cosponsors in this House; 298 Members of the United States Congress have cosponsored this bill because thousands upon thousands of military retirees have mobilized in an effort in saying their healthcare is inadequate, saying they served their country faithfully; they earned their healthcare that was promised them; and saying H.R. 3573 is the answer.

Now legislative rules and decisions are failing our military retirees. It harms our military and continues to break the promise of earned healthcare for those who have committed their lives to the defense of this country.

It can be called whatever it will, bipartisanship, nonpartisanship, but I call it America doing the right thing.

Our military retirees stood for democracy during World War II. My father was one of them. Korea, Vietnam, Desert Storm and Bosnia. Now they suffer under poor healthcare and today they are prisoners of war being held hostage by the political games.

These men and women deserve not political games but, rather, nonpartisan courage.

The large number of cosponsors are a reflection of the tremendous grassroots support for Keep Our Promise Act.

Mr. Speaker, military retirees do not need more test programs or commissions to tell them what they already know. The military healthcare system does not work. We do not need to establish a road map, Mr. Speaker, because military retirees have been down that road for years. Thousands of military retirees and veterans die every month while Congress spins its wheels agonizing over the problem. Extending test programs and establishing yet another commission for 4 years will not get healthcare to retirees who need it.

Mr. Speaker, I know many of my colleagues have suffered what we call sticker shock over the projected cost of my bill, but we have bent over backwards to make Keep Our Promise Act cost effective by adding language that cuts the projected cost by more than half. So surely the cost of the bill cannot be the problem.

Mr. Speaker, some of my colleagues believe we just do not have the funds to pay for the Promise bill, but just last week our own CBO office identified a $40 billion super surplus, money under the mattress. So it cannot be the funding issue that troubles the committee.

Oppose the rule. Let us be honest with the American people. Let us do the honorable thing for our military heroes. Our military retirees deserve nothing less. Our military retirees should never be prisoners of war due to political games in their own country.

Oppose this rule. Any of my colleagues who are one of the 298 cosponsors of H.R. 3573, a vote for the rule would not make sense, and I will include in the RECORD, following my remarks, a list of the cosponsors of H.R. 3573.

Mr. Speaker, let us move forward and vote on the Keep Our Promise Act.

### H.R. 3573 COSPONSORS

AUTHOR

Shows, Ronnie—D–MS

296 COSPONSORS THRU 5–16–00

Norwood, Charlie—R–GA, coauth
Aderholt, Robert B.—R–AL
Allen, Thomas H.—D–ME
Andrews, Robert E.—D–NJ
Baca, Joe—D–CA
Bachus, Spencer—R–AL
Baird, Brian—D–WA
Baldacci, John Elias—D–ME
Baldwin, Tammy—D–WI
Barcia, James A.—D–MI
Barr, Bob—R–GA
Bass, Charles F.—R–NH
Becerra, Xavier—D–CA
Berkley, Shelley—D–NV
Berman, Howard L.—D–CA
Berry, Marion—D–AR
Biggert, Judy—R–IL
Bilbray, Brian, P.—R–CA
Bilirakis, Michael—R–FL
Bishop, Sanford D., Jr.—D–GA
Blagojevich, Rod R.—D–IL
Blunt, Roy—R–MO
Boehlert, Sherwood L.—R–NY
Bonilla, Henry—R–TX
Bonior, David E.—D–MI
Bono, Mary—R–CA
Boucher, Rick—D–VA
Brady, Robert A.—D–PA
Brown, Corrine—D–FL
Brown, Sherrod—D–OH
Bryant, Ed—R–TN
Burr, Richard—R–NC
Burton, Dan—R–IN
Callahan, Sonny—R–AL
Calvert, Ken—R–CA
Camp, Dave—R–MI
Canady, Charles T.—R–FL
Cannon, Chris—R–UT
Capps, Lois—D–CA
Capuano, Michael E.—D–MA
Carson, Julia—D–IN
Chambliss, Saxby—R–GA
Chenoweth-Hage, Helen—R–ID
Christensen, Donna M.C.—D–VI
Clayton, Eva M.—D–NC
Clement, Bob—D–TN
Clyburn, James E—D–SC
Coburn, Tom A.—R–OK
Collins, Mac—R–GA
Condit, Gary A.—D–CA
Conyers, John, Jr.—D–MI
Cook, Merrill—R–UT
Cooksey, John—R–LA
Costello, Jerry F.—D–IL
Coyne, William J.—D–PA
Cramer, Robert (Bud), Jr.—D–AL
Cummings, Elijah E.—D–MD
Cunningham, Randy Duke—R–CA
Danner, Pat—D–MO
Davis, Danny K.—D–IL
Davis, Thomas M.—R–VA
Deal, Nathan—R–GA
DeFazio, Peter A.—D–OR
DeGette, Diana—D–CO
Delahunt, William D.—D–MA
DeLauro, Rosa L.—D–CT
Deutsch, Peter—D–FL
Diaz-Balart, Lincoln—R–FL
Dickey, Jay—R–AR
Dicks, Norman D.—D–WA
Dingell, John D.—D–MI
Dixon, Julian C.—D–CA
Doolittle, John T.—R–CA
Doyle, Michael F.—D–PA
Duncan, John J., Jr.—R–TN
Dunn, Jennifer—R–WA
Edwards, Chet—D–TX
Ehrlich, Robert L., Jr.—R–MD
Emerson, Jo Ann—R–MO
Engel, Eliot L.—R–NY
English, Phil—R–PA
Eshoo, Anna G.—D–CA
Etheridge, Bob—D–NC
Evans, Lane—D–IL
Everett, Terry—R–AL
Faleomavaega, Eni F.H.—D–AS
Farr, Sam—D–CA
Fattah, Chaka—D–PA
Filner, Bob—D–CA
Fletcher, Ernie—R–KY
Foley, Mark—R–FL
Forbes, Michael P.—D–NY
Ford, Harold E., Jr.—D–TN
Fowler, Tillie K.—R–FL
Frank, Barney—D–MA
Franks, Bob—R–NJ
Frost, Martin—D–TX
Gallegly, Elton—R–CA
Gejdenson, Sam—D–CT
Gephardt, Richard A.—D–MO
Gibbons, Jim—R–NV
Gilchrest, Wayne T.—R–MD
Gillmor, Paul E.—R–OH
Gilman, Benjamin A.—R–NY
Gonzalez, Charles A.—D–TX
Goode, Virgil H., Jr.—I–VA
Goodling, William F.—R–PA
Gordon, Bart—D–TN
Graham, Lindsey O.—R–SC
Granger, Kay—R–TX
Green, Gene—D–TX
Green, Mark—R–WI
Greenwood, James C.—R–PA
Gutierrez, Luis V.—D–IL
Hall, Tony P.—D–OH
Hall, Ralph M.—D–TX
Hansen, James V.—R–UT
Hastings, Alcee L.—D–FL
Hastings, Doc—R–WA
Hayes, Robin—R–NC
Hayworth, J.D.—R–AZ
Herger, Wally—R–CA
Hill, Rick—R–MT
Hilleary, Van—R–TN
Hilliard, Earl F.—D–AL
Hinchey, Maurice D.—D–NY
Hinojosa, Ruben—D–TX
Hoeffel, Joseph M.—D–PA
Holden, Tim—D.–PA
Holt, Rush D.—D–NJ
Hooley, Darlene—D–OR
Horn, Stephen—R–CA
Hoyer, Steny H.—D–MD
Hunter, Duncan—R–CA
Hutchinson, Asa—R–AR
Hyde, Henry J.—R–IL
Inslee, Jay—D–WA
Isakson, Johnny—R–GA
Istook, Ernest J., Jr.—R–OK
Jackson, Jesse L., Jr.—D–IL
Jackson-Lee, Sheila—D–TX

Jefferson, William J.—D-LA
Jenkins, William L.—R-TN
John, Christopher—D-LA
Johnson, Eddie Bernice—D-TX
Johnson, Sam—R-TX
Jones, Stephanie Tubbs—D-OH
Jones, Walter B.—R-NC
Kanjorski, Paul E.—D-PA
Kaptur, Marcy—D-OH
Kelly, Sue—R-NY
Kennedy, Patrick J.—D-RI
Kildee, Dale E.—D-MI
Kilpatrick, Carolyn C.—D-MI
Kind, Ron—D-WI
Kingston, Jack—R-GA
Klink, Ron—D-PA
Kucinich, Dennis J.—D-OH
Kuykendall, Steven T.—R-CA
LaFalce, John J.—D-NY
LaHood, Ray—R-IL
Lampson, Nick—D-TX
Lantos, Tom—D-CA
LaTourette, Steven C.—R-OH
Lee, Barbara—D-CA
Lewis, John—D-GA
Lewis, Ron—R-KY
Linder, John—R-GA
Lipinski, William O.—D-IL
LoBiondo, Frank A.—R-NJ
Lofgren, Zoe—D-CA
Lucas, Frank D.—R-OK
Lucas, Ken—D-KY
Maloney, Carolyn B.—D-NY
Manzullo, Donald A.—R-IL
Martinez, Matthew G.—D-CA
Mascara, Frank—D-PA
Matsui, Robert T.—D-CA
McCarthy, Carolyn—D-NY
McCollum, Bill—R-FL
McDermott, Jim—D-WA
McGovern, James P.—D-MA
McHugh, John M.—R-NY
McIntosh, David M.—R-IN
McIntyre, Mike—D-NC
McKeon, Howard "Buck"—R-CA
McKinney, Cynthia A.—D-GA
McNulty, Michael R.—D-NY
Meehan, Martin T.—D-MA
Meek, Carrie P.—D-FL
Meeks, Gregory W.—D-NY
Metcalf, Jack—R-WA
Mica, John L.—R-FL
Millender-McDonald, J.—D-CA
Miller, George—D-CA
Moakley, John Joseph—D-MA
Mollohan, Alan B.—D-WV
Moran, James P.—D-VA
Moran, Jerry—R-KS
Morella, Constance A.—R-MD
Murtha, John P.—D-PA
Napolitano, Grace F.—D-CA
Neal, Richard E.—D-MA
Nethercutt, George R., Jr.—R-WA
Ney, Robert W.—R-OH
Norton, Eleanor Holmes—D-DC
Oberstar, James L.—D-MN
Olver, John W.—D-MA
Ortiz, Solomon P.—D-TX
Owens, Major R.—D-NY
Oxley, Michael G.—R-OH
Pallone, Frank, Jr.—D-NJ
Pascrell, Bill, Jr.—D-NJ
Pastor, Ed—D-AZ
Paul, Ron—R-TX
Payne, Donald M.—D-NJ
Pelosi, Nancy—D-CA
Peterson, Collin C.—D-MN
Peterson, John E.—R-PA
Phelps, David D.—D-IL
Pickering, Charles "Chip"—R-MS
Pombo, Richard W.—R-CA
Pomeroy, Earl—D-ND
Price, David E.—D-NC
Quinn, Jack—R-NY
Radanovich, George—R-CA
Rahall, Nick, J. II—D-WV
Riley, Bob—R-AL
Rivers, Lynn N.—D-MI
Rodriguez, Ciro D.—D-TX
Rogan, James E.—R-CA
Rohrabacher, Dana—R-CA
Romero-Barcelo, Carlos—D-PR
Rothman, Steven R.—D-NJ
Roukema, Marge—R-NJ
Roybal-Allard, Lucille—D-CA
Rush, Bobby L.—D-IL
Ryan, Paul—R-WI
Sanchez, Loretta—D-CA
Sanders, Bernard—I-VT
Sandlin, Max—D-TX
Saxton, Jim—R-NJ
Scarborough, Joe—R-FL
Schaffer, Bob—R-CO
Schakowsky, Janice D.—D-IL
Scott, Robert C.—D-VA
Sessions, Pete—R-TX
Shaw, E. Clay, Jr.—R-FL
Sherwood, Don—R-PA
Slaughter, Louise M.—D-NY
Smith, Adam—D-WA
Smith, Christopher H.—R-NJ
Smith, Lamar S.—R-TX
Souder, Mark E.—R-IN
Spence, Floyd—R-SC
Stabenow, Debbie—D-MI
Stearns, Cliff—R-FL
Strickland, Ted—D-OH
Stupak, Bart—D-MI
Sununu, John E.—R-NH
Sweeney, John E.—R-NY
Talent, James M.—R-MO
Tanner, John S.—D-TN
Taylor, Charles H.—R-NC
Taylor, Gene—D-MS
Terry, Lee—R-NE
Thompson, Bennie G.—D-MS
Thompson, Mike—D-CA
Thune, John R.—R-SD
Thurman, Karen L.—D-FL
Tierney, John F.—D-MA
Toomey, Patrick J.—R-PA
Towns, Edolphus—D-NY
Traficant, James A., Jr.—D-OH
Udall, Mark—D-CO
Udall, Tom—D-NM
Upton, Fred—R-MI
Vitter, David—R-LA
Walden, Greg—R-OR
Walsh, James T.—R-NY
Wamp, Zach—T-TN
Watkins, Wes—R-OK
Watt, Melvin L.—D-NC
Watts, J. C., Jr.—R-OK
Weiner, Anthony D.—D-NY
Weldon, Dave—R-FL
Wexler, Robert—D-FL
Weygand, Robert A.—D-RI
Whitfield, Ed—R-KY
Wicker, Roger F.—R-MS
Wilson, Heather—R-NM
Wise, Robert E., Jr.—D-WV
Wolf, Frank R.—R-VA
Woolsey, Lynn C.—D-CA
Wu, David—D-OR
Wynn, Albert Russell—D-MD
Young, Don—R-AK

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, what I would like to do is politely respond to the gentleman from Mississippi (Mr. SHOWS) and agree with him that we must provide adequate healthcare for our Nation's retirees. However, the Committee on Rules with this rule has worked to ensure that our Nation adequately takes care of and lives up to its promises to the service men and women.

We have allowed the House to consider amendments that would both expand the current Medicare pilot program and to create a permanent program, and those votes will be allowed today.

This is about the rule, the rule to make sure that we have dealt fairly with everyone to allow this debate, and that is what this is for and that is why I am proud of what we are doing.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, I rise in strong support of this rule. It is well crafted and well focused and will bring about much important debate on our national security.

Mr. Speaker, when we talk about our national defense, we must all remember that our national security is multifaceted. It is not solely built and maintained by our military soldiers, sailors, airmen and Marines. We must also recognize those citizen veterans of the Cold War who served our country by building and testing the American strategic arsenal of democracy.

Although we cannot give these individuals a Purple Heart for their injuries, I, along with some of my colleagues, have been diligently working on a comprehensive compensation program for these injured workers.

During our committee markup of this bill, I offered just such an amendment to establish such a comprehensive worker's compensation program but, unfortunately, the complex committee jurisdictional programs forced its withdrawal. I did, however, get commitments of support from the chairman of the full committee and the Subcommittee on Military Procurement for introduction of such a piece of legislation.

In light of this support I, along with my colleagues, the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the gentleman from Tennessee (Mr. WAMP) and the gentleman from Colorado (Mr. UDALL) have offered our bipartisan sense of Congress amendment, and I want to thank the Republican leadership and my friend, the gentleman from Texas (Mr. SESSIONS), as well as the gentleman from California (Mr. DREIER), the distinguished chairman of the Committee on Rules, for this rule, which makes this amendment in order and allows for that much-needed debate on the issue.

Mr. Speaker, contrary to the arguments of those who simply want to jump on the bandwagon and then immediately demand to steer, this sense of Congress amendment will provide the necessary momentum to get this vital compensation program actually enacted into law.

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Again, I support this rule, and I urge all Members to support the rule and our amendment, which issues a clarion call for swift action on a comprehensive Department of Energy injured worker compensation program.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I would like to engage the distinguished gentleman from South Carolina (Mr. SPENCE), the chairman of the committee, in a colloquy.

Mr. Speaker, I thank the chairman for his leadership in bringing this legislation to the House floor once again, H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001. It is a good bill, and all the better because of the title it bears. I supported it in the committee, and I am proud to support it here on the floor.

I would like to take just a moment and ask the chairman about a provision in the bill on which we have collaborated in the past and which the gentleman helped reauthorize this year. That is Section 807 in title VIII of the bill.

It is my understanding that this section simply removes the sunset date of October 1, 2000, for existing statutory rules that apply to the procurement of ball and roller bearings.

Mr. Speaker, I ask the gentleman, do the changes made to existing U.S. law by H.R. 4205 mean that the limits on procurement of non-U.S. bearings will continue to have the effect of law?

Mr. SPENCE. Mr. Speaker, will the gentleman yield?

Mr. SPRATT. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I would tell the gentleman, yes, that is correct. H.R. 4205 simply removes the sunset date for the rules on the procurement of non-U.S. ball and roller bearings. Bearings remain among the items specified in title X, section 2534, as being subject to the requirements of that section.

Mr. SPRATT. I thank the gentleman for that clarification.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in opposition to this rule. This rule is unfair because it prohibits floor debate on my amendment that would strike Section 810 of the defense authorization bill. This section singles out firearms and ammunition manufacturers, but it may extend to other contractors.

It says that the Department of Defense cannot give procurement preferences to companies that enter into the agreements with the Federal government. Currently, one firearms manufacturer has entered into an agreement with the Department of Housing and Urban Development that establishes a code of conduct.

This is precedent-setting language that would prevent the armed services from getting the best equipment.

This language says to Smith & Wesson and other contractors that if you have an agreement that seeks to accomplish one goal, then that limits you from doing business with the Department of Defense.

If Smith and Wesson and the armed services lose, then who wins? The NRA, according to today's Wall Street Journal. Mr. Speaker, I include for the RECORD this article from the Wall Street Journal.

The article referred to is as follows:

[From the Wall Street Journal, May 18, 2000]

GOP FIGHTS FAVORS FOR SMITH & WESSON

(By Jim VandeHei and Paul M. Barrett)

WASHINGTON—House Republicans, as part of an effort to undermine President Clinton's weapons pact with Smith & Wesson Corp., are trying to prevent the government from favoring the company with new gun contracts.

Rep. John Hostettler, a pro-gun conservative from Indiana, inserted language into the Defense Department authorization bill forbidding the administration from requiring the department to buy Smith & Wesson guns.

With the blessing of GOP leaders, Mr. Hostettler and his pro-gun allies now want to stamp similar restrictions on three more federal agencies: the Departments of Treasury, Justice and Housing and Urban Development.

They are also working to suspend funding for a federal commission Mr. Clinton created to implement his landmark agreement with the gun maker.

"We don't want agencies playing politics more than they already are," says Oklahoma Rep. J.C. Watts, the fourth-ranking GOP leader. "This should be a fair and open competition."

"This is the gun lobby flexing its muscle on Capitol Hill," says Dennis Henigan, the top lawyer with Handgun Control Inc., a Washington advocacy group.

Smith & Wesson, a unit of Britain's Tomkins PLC, has agreed to go far beyond existing law in requiring new restrictions on how retailers sell its guns and to develop a high-tech "smart" weapon that can only be fired by its owner, among other steps. In return, the Clinton administration and some states and municipalities have agreed to drop Smith & Wesson from threatened or pending lawsuits.

The Clinton administration is also trying to organize a drive by government at all levels to give Smith & Wesson favorable treatment when deciding which company will supply handguns to police and other agencies.

While Mr. Clinton hopes this carrot will entice other gun manufacturers to impose new safety measures voluntarily, at the federal level, it isn't clear whether existing contracting rules would allow the administration to force agencies to favor Smith & Wesson.

The Federal Government spends millions of dollars a year on new handguns—a tiny fraction of the federal budget, but a significant amount to gun manufacturers, which are all relatively small companies. The vast bulk of handgun purchasing is done by local police departments across the country.

The concessions by Smith & Wesson provoked an outcry from the National Rifle Association and gun retailers, some of whom vowed to quit selling the company's products. Republican leaders believe the deal will "unravel" if the Federal Government is prevented from favoring Smith & Wesson with contracts, according to a top GOP aide.

A Smith & Wesson official says the Republican campaign will do nothing to discourage the company from moving ahead with the pact. Talk of preferential treatment is "mostly rhetoric," company spokesman Ken Jorgensen says. "It is not something we asked for, it is nothing we anticipated, and it has not happened."

But two gun lobbyists said the Republicans' campaign will dissuade other gun manufacturers from joining Mr. Clinton's program. "This eliminates the incentive," says a program lobbyist close to several manufacturers.

Mr. Hostettler persuaded two-thirds of Armed Services Committee lawmakers to vote for his amendment, which doesn't mention Smith & Wesson by name but clearly targets the company. Gun Owners of America, an aggressive branch of the pro-gun movement, urged its members to lobby lawmakers to apply the restriction to other departments. "It's abhorrent that our tax dollars are being used to push Clinton's antigun agenda," says John Velleco, the group's spokesman.

Rep. Carolyn McCarthy, an antigun Democrat from New York whose husband was killed by gunfire, is leading a counter-attack against attempts to gut the pact. "I think they are trying to destroy Smith & Wesson for coming out with a good code of conduct," she says.

A greater potential threat to the gun industry than the attempt to manipulate government gun-buying practices are lawsuits filed against the industry by 30 cities and counties around the country.

In the latest development in the litigation, a Michigan state-court judge allowed parts of lawsuits filed against the industry by Detroit and Wayne County, MI, to proceed toward trial.

Wayne County Circuit Court Judge Jeanne Stempien said in a ruling Tuesday that the municipalities could move forward with the allegation that "willful blindness" by handgun manufacturers, wholesalers and retailers contributes to the diversion of guns to criminals, creating a "public nuisance." The judge threw out the municipalities' claim that industry actions constitute "negligence."

Mr. Speaker, the article states that the gun lobby sponsored the language my amendment would strike and additional legislation efforts are likely by the NRA that will cripple Smith & Wesson.

This language sets a bad precedent. What if a company has an agreement to hire more veterans? What if a company has an agreement to use more subcontractors? Congress should not micromanage how procurement is conducted. The result would be substandard products for our men and women who have to defend our Nation.

I strongly support the agreement that Smith & Wesson has reached with HUD. The code of conduct will reduce gun violence in our communities. It contains many provisions that are under review by the House and Senate: child safety locks, background checks on all sales, safe storage for guns, establishing a DNA ballistic network that aids the ATF in solving crimes.

I urge my colleagues to oppose this rule.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HILL).

Mr. HILL of Indiana. Mr. Speaker, I rise in opposition to this rule because it prevents consideration of an amendment which I offered that would bring fundamental fairness to the way we convey property from closed military facilities.

Last year's defense authorization bill included language to forgive debts and allow communities to reclaim property from installations closed under the Base Realignment and Closure Act.

The amendment which I offered that was not included in the rule would have extended this same opportunity to communities with military facilities outside the BRAC process.

Mr. Speaker, this Congress has already decided that communities with BRAC facilities should receive property at no cost so they can more easily transform closed bases into engines of economic growth. Yet, many other communities in the same exact situation are still expected to bear the burden of paying for transferred property merely because their facilities happen to be closed outside the BRAC process. This is not right.

It is equally not right that while this bill and several amendments already adopted allow for no-cost conveyances of several facilities across the country, this House is denied the ability to consider an amendment that would simply treat all closed facilities the same.

I have a special interest in this issue because a community in my district is working hard to transform the Indiana Army Ammunition Plant into a center for economic development. A no-cost conveyance of this property would make their job much easier. But I want all communities to be able to benefit from the fair deal we already have given BRAC communities. That is why I regret that this rule does not make my amendment in order.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Speaker, I thank the gentleman for yielding time to me.

I urge my colleagues to oppose this rule and stand up for the men and women who dedicated their lives to this great country, and as a result are now suffering debilitating diseases.

Earlier this week, I appeared before the Committee on Rules to speak in favor of justice and fair play for former Department of Energy workers who have suffered serious diseases due to radiation, beryllium, silica, and other toxic chemical exposure related to their jobs.

From 1951 to 1992, the Federal government tested nuclear weapons above and below ground in southern Nevada at the Nevada test site, among other sites around the country.

Growing up in southern Nevada, I was friends with many of the children of Nevada test site workers and knew these people well. These former workers are now suffering debilitating diseases, and many have died as a result of their service to their country.

These workers were never made aware of the potential danger exposure to radiation, beryllium, silica, and other toxic chemicals might pose to their health, but we now know the hazards that were faced and we now have the responsibility to do the right thing.

The Federal government is already spending millions of dollars of taxpayers' money reimbursing contractors for the legal expenses contractors incur fighting claims from radiation victims. The Federal government is also already compensating atomic veterans and down winders.

I know that there is a sense of Congress that is going to be introduced, and I support it, because that is the right thing to do. But I am also well aware of the fact that that is too little and it will not be getting the job done for these people who are looking to the Federal government to get compensation for their illnesses.

It is the right thing to do, it is the appropriate thing to do. I want to state my strong opposition to the rule and my strong support for compensating former site workers who suffered work-related illnesses or lost wages due to radiation exposure and other toxic exposure.

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding time to me. I would like to compliment the Committee on Rules for a very inclusive rule.

What I would like to do at this moment is I would like to read into the RECORD the letters of support we have from many different organizations and associations representing millions of Americans, not only veterans but Americans who support the bill:

The Veterans of Foreign Wars of the United States; the Association of the United States Army; the National Military Family Association; American Shipbuilding Association; the Enlisted Association of the National Guard of the United States; the Navy League of the United States; the National Association of Uniformed Services; the Fleet Reserve Association; the Retired Enlisted Association; Noncommissioned Officers Association; Commissioned Officers Association of U.S. Public Health Service; the Armed Forces Marketing Council; National Guard Association of the United States; the National Military and Veterans Alliance, which include the following organizations: The Air Force Sergeants Association; the American Military Retirees Association; the American Military Society; the American Retirees Association; Class Act Group; Catholic War Veterans; Korean Veterans Association; the Legion of Valor Association; the Military Order of the World Wars; the Naval Enlisted Reserve Association; the Society of Medical Consultants; the TREA Senior Citizens League; Tragedy Assistance Program for Survivors; the Vietnam Veterans of America; Women in Search of Equity, were also supported by the military coalition, which includes the following organizations:

The Air Force Association, the Army Aviation Association of America; the Association of Military Surgeons of the United States; the CWO & WO Associations of the U.S. Coast Guard; the Gold Star Wives of America, Incorporated; Jewish War Veterans of the United States; the Marine Corps League; Marine Corps Reserve Officers Association; the Military Order of the Purple Heart; the National Order of Battlefield Commissions; the Naval Reserve Association; the Society of Medical Consultants in the Armed Forces; the Military Chaplains Associations of the United States Army; the United Armed Forces Association; the United States Coast Guard Chief Petty Officers Association; the United States Army Warrant Officers Association; and the Veterans Widows International Network, Incorporated; to also end with the United States Chamber of Commerce.

Mr. Speaker, this list is very extensive. It represents millions of Americans that support the base bill that came out of the Committee on Armed Services, the Floyd Spence bill. They are all lined up also in honor of the gentleman from South Carolina (Mr. SPENCE) for his years of service, for his principles, for his commitment to national security.

When we hear some perhaps bickering about what was not included, what was included, let us pause for a moment and all Members recognize that this base bill is supported by many different organizations and associations.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I rise in support of the rule.

For those who followed it yesterday, I was very concerned that an amendment that would have fulfilled the promise of lifetime health care for our Nation's military retirees was not included in the rule yesterday. It is today.

We will have an opportunity to vote on this amendment, which would make Medicare subvention the law of the land permanently. This amendment has been endorsed by the military coalition, the 24 organizations that the gentleman from Indiana (Mr. BUYER) just made reference to, the National Military Veterans Alliance, the Retired Officers Association, and the Retired Enlisted Association.

I am very pleased that the Committee on Rules has seen to it that Members will have an opportunity to vote for it. I would also ask my fellow colleagues to support it without being amended.

I think it is important that we fulfill the promise that was made. Retirees, quite frankly, have been getting jacked around for a long time. They do not need any more demonstrations, more promises, they do not need any more half-hearted efforts. They need the promise that was made to them on the day that they enlisted to be fulfilled. The promise was free lifetime health care for them and their spouse at a military facility for the rest of their lives. That is what we are trying to do.

I am going to vote in support of this rule so this amendment can be voted on. I am going to ask all of my colleagues to vote for it. I would remind my colleagues that this amendment has five Republican cosponsors, five Democratic cosponsors, and I sure as heck would like to see every Member of this body vote for it.

☐ 1230

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Mississippi (Mr. TAYLOR) for his support of this rule. The rule is fair. The rule allows debate. The gentleman from Mississippi (Mr. TAYLOR) came before the Committee on Rules and asked that we consider what he was doing, and he today is supporting us.

Mr. Speaker, we also have people who not only represent veterans across this country, as many of us do, but we also have those who are veterans who serve in Congress. I serve next to the gentleman from Texas (Mr. SAM JOHNSON), from the Third Congressional District, a man who served as a prisoner of war for 7 years in North Vietnam.

I am pleased also to have a young man who serves with us, a colleague who has been instrumental with the gentleman from South Carolina (Chairman SPENCE), in making sure that the veterans of this country and active duty men and women are not only protected but receive the very best of assurances that we will never put our Armed Forces in harm's way without the best ability that they have, and I am speaking about the gentleman from Indiana (Mr. BUYER). The gentleman served as a captain in the United States Army, in the Gulf War and now serves as a lieutenant colonel in the Reserves.

Mr. Speaker, I yield such time as he may consume to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Speaker, I thank the gentleman for yielding me the time, and I also want to thank my colleague, the gentleman from Mississippi (Mr. TAYLOR).

As most of the body knows and understands, the gentleman from Mississippi (Mr. TAYLOR) and I serve as cochair of the Guard and Reserve Caucus. And we do many things on behalf of the Congress, on behalf of many, many Members as we move that process through the subcommittees of procurement and the full committee, and on as we move into conference.

The gentleman from Mississippi (Mr. TAYLOR) and I stand side by side in many of the different fights and battles that we do with regard to national security. This may be one of those moments where we can agree to disagree.

Let us do a little review of history, as America paid great tribute in recognition to the World War II veteran and to the Korean War veteran and we turned to them, and Congress created the GI bill. And we also in 1956 created the space availability care for medical treatment; but in the 1960s, when Congress created Medicare, it was the Congress at that time that took the military retiree and triggered them into the general population. That is what happened in this body. Now, I do not want to get into the politics of this thing, but that was a Democrat controlled Congress triggered the military retiree to be treated the same.

Now, many did not recognize or feel that. Why? Because many of the military retirees, they lived next to military medical treatment facilities. Then as we go through the BRAC process, many of them find out and discovered then for the first time that, oh, my gosh, the military can actually close that military hospital and I have to drive so far for my health care. I thought that I was promised health care for life.

Then the Congress responds by creating many different types of pilot programs, whether it is Medicare. subvention or FEHBP or a BRAC pharmacy program. We have such a hodgepodge military health care system right now. Why? Because really we as a body are trying to struggle with how do we get our arms around this military health care system and deliver care to the military retiree without saying to the military retiree, you have to live next to a medical treatment facility.

Mr. Speaker, with regard to Mr. TAYLOR's amendment seeking to make Medicare subvention permanent, the gentleman is basically saying to the military retiree if you want that care, you better live next to a medical treatment facility, because if you do not live next to one, it is not going to apply to you.

Now, what concerns me is that the medical subvention is a pilot. See, we create these pilot programs so we can then analyze the data so we can make competent judgments. Often, we create these pilot programs and we do not have the patience to analyze the data and quickly we move into the permanency of these programs.

This is a moment when I analyze this one, I said, enough of all the rhetoric; any Member can come to the floor and make a great speech about throwing their arm around the veteran. It is 101 when it comes to political speeches, but let us stop the rhetoric.

We take the pilot programs that are out there in this base bill and we extend the demos, that was negotiated through the Committee on Commerce and the Committee on Ways and Means. The administration supports the base tax of this bill to extend the demos. We extend them and they end December 31 of 2003.

Now, what happens? Why do you end them? You end them because we are going to analyze them. We do several things. We create this independent advisory council nominated by the Secretary of Defense to analyze this complex health care system and to give recommendations to the Congress in July of 2002. You then have the input from Congress. You have the independent advisory council. You have OMB as a player. You have DOD as a player, and you have the United States Senate.

I believe as we work in the fall of 2002, after having properly analyzed all of these pilot programs, that we can actually then deliver and the next administration will know that since we created this road map of methodology to properly analyze what will be the best health delivery system for the military retiree, the next administration knows the bill is coming in the 2004 cycle. So the bill is crafted in the fall of 2002 on what is the best method; it is introduced before the Committee on Armed Services in April of 2003 in the 2004 cycle; and in October 1 of 2004, it happens. It happens.

It is not just that it happens, it happens in a manner that is based on a methodology for the most competent decision.

Medicare subvention; what we have learned as a pilot program is it is running $100 million a year in arrears to DOD, and it was meant to be a cost-neutral program. So if it is running $100 million in arrears to DOD at 6 sites, if we expand it to over 60 sites and make it permanent, we are taking a crippled program that has not been fixed and putting it on the road to financial disaster, and that is what the letter that we received from the Air Force, Michael Ryan, the General, the Chief of Staff of the United States Air Force, he said "I urge that we heed the lessons already learned from Medicare subvention demonstration projects. The current TRICARE senior prime program, though popular with retirees, is not fiscally sustainable over the long term.''

Mr. Speaker, what I ask of Members is that in this base tax, we have the methodology for us to analyze the data to make the competent decisions, and we deliver.

In good faith, negotiating with the gentleman from Mississippi (Mr. TAYLOR) yesterday, we agreed to offer a substitute to his amendment that would expand to all major medical centers as we then begin to work to help and urge the renegotiation of the rate between HCFA and the Department of Defense as we also work on the utilization issue. That is what the substitute is that I bring to the Members to vote on this afternoon. It is extremely important.

The question is, do we want to continue a pilot program, work to make it better so we can get a good test or do we just say, oh, the heck with it. Let us just make it permanent. The money does not matter. I do not believe that is our responsibility as Members of Congress.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise in opposition to this rule.

Mr. Speaker, I am deeply disappointed that the amendment offered by my good friend, the gentlewoman from New York (Mrs. MCCARTHY), was not made in order by the rule. The amendment would have stripped section 810 from this bill, an egregious provision barring the Department of Defense from giving preference in procurement to companies that enter into agreements with the Federal Government. It is clear that this language is an attack on Smith and Wesson, which recently signed a code of conduct with the Department of Housing and Urban Development.

The Department of Defense, responsible for our Nation's security, should be free to purchase the best quality, most cost effective and safest products available today. It is preposterous to penalize a manufacturer solely because it has pledged to produce safe, quality merchandise and to go to great lengths to cooperate with Federal, state and local law enforcement. We should encourage such courageous initiatives, not punish them.

Codes of conduct by firearms manufacturers will make our communities and streets safer. They will protect our children from accidental shootings, and they will strengthen law enforcement's efforts to enforce our Nation's firearms laws by ensuring that background checks are performed and improving ballistic technology.

The American people support efforts to make firearms safer and to keep them out of the hands of children and criminals. Congress should have had the chance to demonstrate its support for these goals by considering the McCarthy amendment.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise with great concern about the omissions that are found in this rule, in particular, the lack of allowing the amendment of the gentlewoman from New York (Mrs. MCCARTHY) to make fair the process of procurement in the Federal Government.

We rarely do this in other instances. Why would we try to penalize a good neighbor and a good corporate citizen like Smith and Wesson, which has committed itself to safer guns to protect the lives of our children? I do not know.

I am saddened by the fact that that has occurred, and I would hope that my colleagues would see the wisdom in allowing us to debate such issues. I am gratified, however, with the Sanchez-Morella amendment, which restores equal access to equal services of overseas military hospitals to servicemen and women and their dependents.

I rise today to salute the gentleman from Mississippi (Mr. TAYLOR) for his persistence and for where we are in being allowed to debate a vital issue, and I ask my colleagues to support the Taylor amendment, which provides lifetime health care for military retirees. I want to put a face on military retirees. They are the everyman. They are in rural America. They are in urban America. They are the bus drivers, many of them, they are the day workers and laborers across the Nation. They are the teachers, yes, the doctors and lawyers, but they are the everyday American. I have many of them in my constituency.

It bothers me when I begin to hear the balancing or the nonbalancing of the numbers. We know that this program, if put in place, will merely cost us an additional $20 million. Yes, we have arrears of $100 million, but might I say to the American people, there is a distinction between arrears and debt. Arrears is we have not been paying, and we have a problem with HCFA. We have a problem with HCFA, my small health care businesses, who tell me every single day, I am being closed down. I cannot care for the elderly because HCFA is not paying.

The real issue is not debt to Medicare, it is the question that HCFA is not paying its bills. I want my military retirees, those who were in Korea, those who were in Vietnam, those who were in the Persian Gulf, those who were in Kosovo, I want them to have the dignity and the respect of being called their title and the kind of treatment they get at military hospitals on base if they so desire.

I am going to roll up my sleeves, and I do not know about the rest of my colleagues. I encourage them to rise to their feet, and support the Taylor amendment, because those people are our neighbors, and they have been committed to, they have been told that this would be a lifetime provision and benefit. And I do not know why we would deny it. I think it is important to not misuse the figures and the dollars, and I am gratified that we have been able to have this opportunity.

Mr. Speaker, I certainly would not take that away from the Committee on Rules, and I do thank them. I hope that as we debate this issue, that as we move toward honoring our men and women who gave the ultimate sacrifice this Memorial Day that we will say to the living veterans, we thank you, we thank you, we thank you, because the ability to debate on the floor of the House, the freedom of all of us in the United States of America, is because our men and women have been willing to put themselves on the line for freedom.

I am going to put myself on the line to vote for the Taylor amendment to ensure that they have the dignity of full-time military health benefits throughout their entire lifetime. I would ask my colleagues to do so.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let us be clear as to what is at issue for our military retirees. We have a very good approach by the gentleman from Mississippi (Mr. TAYLOR). The gentleman from Indiana (Mr. BUYER) is saying do not rush into anything, do not vote for the Taylor amendment in its original form. Our military retirees have been waiting patiently for quite a while for resolution of this issue.

What the Taylor amendment, of course, does is apply to those military retirees who have already reached the age of 65 and permits them to be treated at military hospitals and to have those hospitals reimbursed by Medicare.

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What the Shows amendment does is to not only address those military retirees that are already 65, but the large number of military retirees who have not yet reached the age of 65. And it would permit those retirees, those men and women who have served at least 20 years for their country, to participate in the Federal Employees Health Benefits Program, the exact same program that we as Members of Congress and our staffs participate in, and every other Federal civilian employee participates in.

The Shows amendment is a comprehensive approach. It is the amendment that has a very large number of supporters in this House and it is an amendment that we are not being permitted to vote on today. That is regrettable. That is a comprehensive approach which would address the concerns of military retirees once and for all. We are not going to have that opportunity today under the rule as crafted.

The Taylor amendment does provide some relief because it does provide an opportunity for those retirees who have already reached the age of 65 to be treated at military hospitals and have that treatment reimbursed by Medicare. The rule that we have before us today is an improvement over the rule yesterday, but it does not go as far as some people would like, which is to see the House have the opportunity to voice its views on the question of military retirees.

Now, Mr. Speaker, I urge Members to vote "no" on the previous question. If the previous question is defeated, I will offer an amendment to the rule to make in order an additional 37 amendments, including the Shows amendment, which provides additional health care benefits for veterans.

The McCarthy amendment, which removes provisions in the bill that punish gun manufacturers for abiding by voluntary gun safety agreements, and the Allen amendment, that deals with retiring or dismantling excess strategic nuclear delivery systems.

If the previous question is defeated, Members will have the opportunity to vote up or down on all of those proposals.

Mr. Speaker, I ask unanimous consent to insert the text of the previous question and extraneous materials into the CONGRESSIONAL RECORD immediately prior to the vote.

The SPEAKER pro tempore (Mr. BURR of North Carolina). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. FROST. Mr. Speaker, I ask my colleagues to vote "no" on the previous question so we can debate all of these issues, and I yield back the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

What we are talking about today is the rule, Mr. Speaker, the rule for the fiscal year 2001 Department of Defense authorization bill. It is a bill that has been not only worked on very diligently by the brightest and best Members of Congress that we have, led by our chairman, the gentleman from South Carolina (Mr. SPENCE), but also by a great number of other people who have spoken today; not only the gentleman from Indiana (Mr. BUYER) but also the gentleman from Nevada (Mr. GIBBONS), who are both veterans of high stature.

Mr. Speaker, today's rule allows for a full and fair consideration of all the controversial defense authorization issues. We are getting our military families off food stamps and we are going to provide a 3.7 percent pay increase. We are helping them by creating an Armed Services Thrift Savings Plan. We are doing those things that will improve military housing. We are doing things, I believe, that rearm our military to make sure that the young men and young women who represent America have not only the best fighting equipment, but also the circumstances and the will of a grateful Nation.

Mr. FROST. Mr. Speaker, I submit for the RECORD the materials I referred to earlier.

### PREVIOUS QUESTION FOR H. RES. 504, H.R. 4205, NATIONAL DEFENSE AUTHORIZATION ACT

At the end of the resolution add the following new section:

"SEC. 6. Notwithstanding any other provision of the resolution, it shall be in order to consider, without intervention of any points of order, the amendments offered to the committee amendment in the nature of a substitute printed in section 7 of this resolution. Each amendment may be offered only by the proponent specified in section 7 or a designee, shall be considered as read, and shall be debatable for 30 minutes, equally divided between the proponent and an opponent.

SEC. 7. The amendments described in section 6 are as follows:

### AMENDMENT TO H.R. 4205, AS REPORTED

### OFFERED BY MR. SHOWS OF MISSISSIPPI

Strike section 723 (page 229, line 1, and all that follows through page 230, line 19).

At the end of title VII (page 247, after line 9), insert the following new subtitle:

## Subtitle E—Additional Provisions Regarding Department of Defense Beneficiaries

**SEC. 741. SHORT TITLE.**

This subtitle may be cited as the "Keep Our Promise to America's Military Retirees Act".

**SEC. 742. FINDINGS.**

Congress finds the following:

(1) No statutory health care program existed for members of the uniformed services who entered service prior to June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability.

(2) Recruiters for the uniformed services are agents of the United States government and employed recruiting tactics that allowed members who entered the uniformed services prior to June 7, 1956, to believe they would be entitled to fully-paid lifetime health care upon retirement.

(3) Statutes enacted in 1956 entitled those who entered service on or after June 7, 1956, and retired after serving a minimum of 20 years or by reason of a service-connected disability, to medical and dental care in any facility of the uniformed services, subject to the availability of space and facilities and the capabilities of the medical and dental staff.

(4) After 4 rounds of base closures between 1988 and 1995 and further drawdowns of remaining military medical treatment facilities, access to "space available" health care in a military medical treatment facility is virtually nonexistent for many military retirees.

(5) The military health care benefit of "space available" services and Medicare is no longer a fair and equitable benefit as compared to benefits for other retired Federal employees.

(6) The failure to provide adequate health care upon retirement is preventing the retired members of the uniformed services from recommending, without reservation, that young men and women make a career of any military service.

(7) The United States should establish health care that is fully paid by the sponsoring agency under the Federal Employees Health Benefits program for members who entered active duty on or prior to June 7, 1956, and who subsequently earned retirement.

(8) The United States should reestablish adequate health care for all retired members of the uniformed services that is at least equivalent to that provided to other retired Federal employees by extending to such retired members of the uniformed services the option of coverage under the Federal Employees Health Benefits program, the Civilian Health and Medical Program of the uniformed services, or the TRICARE Program.

**SEC. 743. COVERAGE OF MILITARY RETIREES UNDER THE FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM.**

(a) EARNED COVERAGE FOR CERTAIN RETIREES AND DEPENDENTS.—Chapter 89 of title 5, United States Code, is amended—

(1) in section 8905, by adding at the end the following new subsection:

"(h) For purposes of this section, the term 'employee' includes a retired member of the uniformed services (as defined in section 101(a)(5) of title 10) who began service before June 7, 1956. A surviving widow or widower of such a retired member may also enroll in an approved health benefits plan described by section 8903 or 8903a of this title as an individual."; and

(2) in section 8906(b)—

(A) in paragraph (1), by striking "paragraphs (2) and (3)" and inserting "paragraphs (2) through (5)"; and

(B) by adding at the end the following new paragraph:

"(5) In the case of an employee described in section 8905(h) or the surviving widow or widower of such an employee, the Government contribution for health benefits shall be 100 percent, payable by the department from which the employee retired.".

(b) COVERAGE FOR OTHER RETIREES AND DEPENDENTS.—(1) Section 1108 of title 10, United States Code, is amended to read as follows:

**"§ 1108. Health care coverage through Federal Employees Health Benefits program**

"(a) FEHBP OPTION.—The Secretary of Defense, after consulting with the other administering Secretaries, shall enter into an agreement with the Office of Personnel Management to provide coverage to eligible beneficiaries described in subsection (b) under the health benefits plans offered through the Federal Employees Health Benefits program under chapter 89 of title 5.

"(b) ELIGIBLE BENEFICIARIES; COVERAGE.—(1) An eligible beneficiary under this subsection is—

"(A) a member or former member of the uniformed services described in section 1074(b) of this title;

"(B) an individual who is an unremarried former spouse of a member or former member described in section 1072(2)(F) or 1072(2)(G);

"(C) an individual who is—

"(i) a dependent of a deceased member or former member described in section 1076(b) or 1076(a)(2)(B) of this title or of a member who died while on active duty for a period of more than 30 days; and "(ii) a member of family as defined in section 8901(5) of title 5; or

"(D) an individual who is—

"(i) a dependent of a living member or former member described in section 1076(b)(1) of this title; and

"(ii) a member of family as defined in section 8901(5) of title 5.

"(2) Eligible beneficiaries may enroll in a Federal Employees Health Benefit plan under chapter 89 of title 5 under this section for self-only coverage or for self and family coverage which includes any dependent of the member or former member who is a family member for purposes of such chapter.

"(3) A person eligible for coverage under this subsection shall not be required to satisfy any eligibility criteria specified in chapter 89 of title 5 (except as provided in paragraph (1)(C) or (1)(D)) as a condition for enrollment in health benefits plans offered through the Federal Employees Health Benefits program under this section.

"(4) For purposes of determining whether an individual is a member of family under paragraph (5) of section 8901 of title 5 for purposes of paragraph (1)(C) or (1)(D), a member or former member described in section 1076(b) or 1076(a)(2)(B) of this title shall be deemed to be an employee under such section.

"(5) An eligible beneficiary who is eligible to enroll in the Federal Employees Health Benefits program as an employee under chapter 89 of title 5 is not eligible to enroll in a Federal Employees Health Benefits plan under this section.

"(6) An eligible beneficiary who enrolls in the Federal Employees Health Benefits program under this section shall not be eligible to receive health care under section 1086 or section 1097. Such a beneficiary may continue to receive health care in a military medical treatment facility, in which case the treatment facility shall be reimbursed by the Federal Employees Health Benefits program for health care services or drugs received by the beneficiary.

"(c) CHANGE OF HEALTH BENEFITS PLAN.—An eligible beneficiary enrolled in a Federal Employees Health Benefits plan under this section may change health benefits plans and coverage in the same manner as any other Federal Employees Health Benefits program beneficiary may change such plans.

"(d) GOVERNMENT CONTRIBUTIONS.—The amount of the Government contribution for an eligible beneficiary who enrolls in a health benefits plan under chapter 89 of title 5 in accordance with this section may not exceed the amount of the Government contribution which would be payable if the electing beneficiary were an employee (as defined for purposes of such chapter) enrolled in the same health benefits plan and level of benefits.

"(e) SEPARATE RISK POOLS.—The Director of the Office of Personnel Management shall require health benefits plans under chapter 89 of title 5 to maintain a separate risk pool for purposes of establishing premium rates for eligible beneficiaries who enroll in such a plan in accordance with this section.

"(f) LIMITATION ON NUMBER OF ENROLLEES.—The number of eligible individuals enrolled in the Federal Employees Health Benefit plan under this section and pursuant to section 8905(h) of title 5 shall not exceed 300,000. In implementing this subsection, priority shall be given to medicare eligible covered beneficiaries entitled to retired or retainer pay.".

(2) The item relating to section 1108 at the beginning of such chapter is amended to read as follows:

"1108. Health care coverage through Federal Employees Health Benefits program.".

(3) The amendments made by this subsection shall take effect on January 1, 2001.

### SEC. 744. EXTENSION OF COVERAGE OF CIVILIAN HEALTH AND MEDICAL PROGRAM OF THE UNIFORMED SERVICES.

Section 1086 of title 10, United States Code, is amended—

(1) in subsection (c), by striking "Except as provided in subsection (d), the", and inserting "The";

(2) by striking subsection (d); and

(3) by redesignating subsections (e) through (h) as subsections (d) through (g), respectively.

### SEC. 745. RESERVE FUND.

The allocation of new budget authority and outlays to the Committees on Armed Services of the House of Representatives and the Senate shall be increased by $4,000,000,000 for fiscal years 2001 through 2005 for the purpose of carrying out the provisions in this Act if such increase will not cause an on-budget deficit for such fiscal years.

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AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MRS. MCCARTHY OF NEW YORK

Strike section 810 (page 262, lines 1 through 16).

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AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ALLEN OF MAINE, MR. MCGOVERN OF MASSACHUSETTS AND MR. GEJDENSON OF CONNECTICUT

At the end of title X (page 324, after line 11), insert the following new section:

### SEC. 1038. REVISION TO LIMITATION RESPECTING STRATEGIC SYSTEMS IN ORDER TO COMPLY WITH START II TREATY.

(a) LIMITATION.—Subsection (a)(2) of section 1302 of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85) is amended —

(1) in the matter preceding subparagraph (A), by striking "in paragraph (1)(B) shall be modified in accordance with paragraph (3)" and inserting "in paragraph (1) shall cease to apply";

(2) in subparagraph (C), by striking "ratify the START II treaty" and inserting "continue reductions in its own strategic nuclear arsenal"; and

(3) by adding at the end the following new subparagraph:

"(E) That reductions in the strategic nuclear delivery systems of the United States are to be carried out in a verifiable, symmetrical, and reciprocal manner with Russia to ensure that the level of strategic nuclear delivery systems deployed by the United States does not fall below the level of strategic nuclear delivery systems deployed by the Russia.".

(b) WAIVER AUTHORITY.—Subsection (b) of such section is amended by striking "the limitation in effect under paragraph (1)(B) or (3) of subsection (a), as the case may be," and inserting "the limitations in effect under subsection (a)".

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AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. BERKLEY OF NEVADA

At the end of title XXXI (page , after line ), insert the following new section:

### SEC. . ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM.

(a) IN GENERAL.—The Energy Policy Act of 1992 is amended by adding after title XXX the following new title:

## "TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

### "Subtitle A—General Definitions and Administrative Office

### "SEC. 3101. DEFINITIONS.

"For the purpose of this title—

"(1) the term 'Department of Energy' includes the predecessor agencies of the Department of Energy, including the Manhattan Engineering District;

"(2) the term 'Department of Energy facility' means any building, structure, or premises, including the grounds upon which they are or were located, in which operations are or were conducted by, or on behalf of, the Department of Energy and with regard to which the Department of Energy has or had a proprietary interest or has or had entered into a contract with an entity to provide management and operating, management and integration, or environmental remediation;

"(3) the term 'Director' means the Director of the Occupational Illness Compensation Office appointed under section 3102;

"(4) the term 'Fund' means the Energy Employees Occupational Illness Compensation Fund established under section 3156;

"(5) the term 'Office' means the Occupational Illness Compensation Office established under section 3102; and

"(6) the term 'radiation' means ionizing radiation in the form of alpha or beta particles or gamma rays.

### "SEC. 3102. OCCUPATIONAL ILLNESS COMPENSATION OFFICE.

"(a) OFFICE.—There is created within the Department of Energy the Occupational Illness Compensation Office.

"(b) DIRECTOR.—The Office shall be headed by a Director who shall be appointed by the Secretary of Energy and who shall be compensated at the rate provided for in level IV of the Executive Schedule under section 5315 of title 5, United States Code.

"(c) DUTIES OF THE DIRECTOR.—The Director shall administer this title and carry out the duties assigned to the Director.

"(d) CONSULTATION WITH THE SURGEON GENERAL.—The Director may consult the Surgeon General, and the Surgeon General may consult with the Director, concerning administration of this title.

"(e) REPORTS.—(1) Beginning one year after the date of enactment of this title, and each year thereafter, the Director shall prepare a concise report concerning the status of the operation of the programs under this title and shall, through the Secretary of Energy, submit the report to Congress and publish it in the Federal Register. This report shall include information such as the number of claims filed under each subtitle, the action taken regarding these claims, the total and average value of the benefits furnished to claimants, administrative expenses of the Office, and amounts available in the Fund. The information shall be compiled in a statistical format in a manner so that personal information on individuals is not revealed.

"(2) Four years after the date of enactment of this title, the Director shall prepare a report on the administration of this title and the effectiveness of the program in meeting the compensation needs of Department of Energy workers with regard to occupational illnesses.

### "Subtitle B—Beryllium, Silicosis, and Radiation

### "SEC. 3111. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'atomic weapons employee' means an individual employed by an atomic weapons employer during a time when the employer was processing or producing for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d));

“(2) the term ‘atomic weapons employer’ means an entity that—

“(A) processed or produced for the use of the United States material that emitted radiation and was used in the production of an atomic weapon, as that term is defined in section 11(d) of the Atomic Energy Act of 1954 (42 U.S.C. 2014(d)); and

“(B) is designated as an atomic weapons employer for the purpose of this subtitle in regulations issued by the Director;

“(3) the term ‘beryllium illness’ means any of the following conditions:

“(A) Beryllium Sensitivity, established by an abnormal beryllium lymphocyte proliferation test performed on either blood or lung lavage cells;

“(B) Chronic Beryllium Disease, established by—

“(i) beryllium sensitivity, as defined in subparagraph (A); and

“(ii) lung pathology consistent with Chronic Beryllium Disease, such as—

“(I) a lung biopsy showing granulomas or a lymphocytic process consistent with Chronic Beryllium Disease;

“(II) a computerized axial tomography scan showing changes consistent with Chronic Beryllium Disease; or

“(III) pulmonary function or exercise testing showing pulmonary deficits consistent with Chronic Beryllium Disease; or

“(C) any injury or illness sustained as a consequence of a beryllium illness as defined in subparagraph (A) or (B) of this paragraph;

“(4) the term ‘beryllium vendor’ means:

“(A) Atomics International;

“(B) Brush Wellman, Inc.;

“(C) General Atomics;

“(D) General Electric Company;

“(E) NGK Metals Corporation and its predecessors: Kawecki-Berylco, Cabot Corporation, BerylCo, and Beryllium Corporation of America;

“(F) Nuclear Materials and Equipment Corporation;

“(G) StarMet Corporation, and its predecessor, Nuclear Metals, Inc.;

“(H) Wyman Gordan, Inc.; or

“(I) any other vendor, processor, or producer of beryllium or related products designated as a beryllium vendor for the purposes of this subtitle in regulations issued by the Director under section 3112(d);

“(5) the term ‘beryllium vendor employee’ means an individual employed by a beryllium vendor or a contractor or a subcontractor of a beryllium vendor when the vendor, contractor, or subcontractor was engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy;

“(6) the term ‘Department of Energy contractor employee’ means an individual who is or was employed at a Department of Energy facility by—

“(A) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; or

“(B) a subcontractor that provided services, including construction, at the facility;

“(7) the term ‘Federal employee’ means an individual defined as an employee in section 8101(1) of title 5, United States Code, who may have been exposed to beryllium or silica at a Department of Energy facility or at a facility owned, operated, or occupied by a beryllium vendor;

“(8) the term ‘monthly pay’ means the monthly pay at the time of injury, or the monthly pay at the time disability begins, or the monthly pay at the time compensable disability recurs, if the recurrence begins more than six months after the employee resumes regular full-time employment, whichever is greater, except when otherwise determined under section 8113 of title 5, United States Code;

“(9) the term ‘silicosis’ means an illness that is established by—

“(A) a chest radiograph or other imaging technique consistent with silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

“(B) pathologic findings characteristic of silicosis under criteria set forth in Surveillance Case Definition for Silicosis published by the National Institute for Occupational Safety and Health; and

“(10) the term ‘time of injury’, when used in sections of title 5, United States Code, referenced in this subtitle, means the last date on which—

“(A) a Department of Energy contractor employee, a Federal employee, or a beryllium vendor employee was exposed to beryllium or silica in the performance of duty as specified in section 3112, if the claim or award is made under section 3112; or

“(B) a Department of Energy contractor employee or an atomic weapons employee was exposed to radiation as determined by rules issued under section 3113, if the claim or award is made under section 3113.

### “SEC. 3112. ELIGIBILITY OF WORKERS EXPOSED TO BERYLLIUM AND SILICA.

“(a) In General.—

“(1) To be eligible under this section for benefits under section 3114—

“‘(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee must have—

“(i) suffered disability or death from a beryllium illness; and

“(ii) been exposed to beryllium in the performance of duty; or

“(B) a Federal employee or Department of Energy contractor employee must have—

“(i) suffered disability or death from silicosis; and

“(ii) been exposed to silica in the performance of duty.

“(2) Notwithstanding paragraph (1)—

“(A) a Federal employee, Department of Energy contractor employee, or beryllium vendor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from a beryllium illness and has been exposed to beryllium in the performance of duty; and

“(B) a Federal employee or Department of Energy contractor employee is eligible for medical benefits under section 3114(a)(3) if the employee has suffered from silicosis and has been exposed to silica in the performance of duty,

but was not disabled or did not die because of the beryllium illness or silicosis.

“(b) Federal and Contractor Employee.—

“(1) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to beryllium in the performance of duty if—

“(A) the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment when beryllium dust particles or vapor may have been present at that facility; or

“(B) the employee was present at a facility owned by a beryllium vendor because of the employee's employment when dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the facility.

“(2) In the absence of substantial evidence to the contrary, a Federal employee or Department of Energy contractor employee shall be considered to have been exposed to silica in the performance of duty if the employee was employed at a Department of Energy facility or present at a Department of Energy facility because of the employee's employment in an area where airborne silica dust was present.

“(c) Beryllium Vendor Employee.—In absence of substantial evidence to the contrary, a beryllium vendor employee shall be considered to have been exposed to beryllium in the performance of duty if the employee was employed by a beryllium vendor, or a contractor or subcontractor of a beryllium vendor, and was present at that employer's site because of the employment when silica or beryllium dust particles or vapor of beryllium produced or processed for sale to, or use by, the Department of Energy may have been present at the site.

“(d) Additional Vendors.—The Director may designate, in regulations, an additional vendor, processor, or producer of beryllium or related products as a beryllium vendor for the purposes of this subtitle upon the Director's finding that the entity engaged in activities related to beryllium that was produced or processed for sale to, or use by, the Department of Energy in a manner similar to the entities listed in section 3111(4).

“(e) Additional Illness Criteria.—The Director may specify, in regulations, additional criteria by which a claimant may establish the existence of a beryllium illness, as defined in section 3111(3)(A) or (B), or silicosis, as defined in section 3111(9).

### “SEC. 3113. ELIGIBILITY OF WORKERS EXPOSED TO RADIATION.

“(a) In General.—

“(1) To be eligible under this section for benefits under section 3114, a Department of Energy contractor employee or atomic weapons employee must—

“(A) have suffered disability or death from cancer;

“(B) have contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

“(C) fall within guidelines that—

“(i) are established by the Director by rule for determining whether the cancer the employee contracted was at least as likely as not related to employment at the facility;

“(ii) are based on the employee's exposure to radiation at the facility;

“(iii) incorporate the methods established under subsection (b)(1)(A); and

“(iv) take into consideration the type of cancer; past health-related activities, such as smoking; information on the risk of developing a radiation-related cancer from workplace exposure; and other relevant factors.

“(2) Notwithstanding paragraph (1), a Department of Energy contractor employee or atomic weapons employee is eligible for medical benefits under section 3114(a)(3) if the employee meets the requirements of paragraph (1)(B) and (C), but was not disabled or did not die because of the cancer.

"(b) RADIATION DOSE.—

"(1) The Director shall—

"(A) establish, by rule, methods for arriving at reasonable estimates of the radiation doses Department of Energy contractor employees received at a Department of Energy facility and an atomic weapons employee received at a facility operated by an atomic weapons employer if the employee were not monitored for exposure to radiation at the facility or were monitored inadequately, or if the employees exposure records are missing or incomplete; and

"(B) provide to an employee who meets the requirements of subsection (a)(1)(B) an estimate of the radiation dose the employee received based on dosimetry reading, a method established under subparagraph (A), or a combination of both.

"(2) The Director shall establish an independent review process to review the methods established under subsection (b)(1)(A) and the application of those methods and to verify a reasonable sample of individual dose reconstructions provided under subsection (b)(1)(B).

"(c) RESOLUTION OF REASONABLE DOUBT.—In determining whether an employee meets the requirements of this section, the Director shall resolve any reasonable doubt in favor of the employee.

"(d) NAVAL NUCLEAR PROPULSION PROGRAM.—A Department of Energy contractor employee or atomic weapons employee who is or was employed at a facility or in an activity covered by Executive Order No. 12344, dated February 1, 1982, pertaining to the Naval nuclear propulsion program, is not eligible under this section for benefits under section 3114.

### "SEC. 3114. COMPENSATION FOR DISABILITY OR DEATH, MEDICAL SERVICES, AND VOCATIONAL REHABILITATION.

"(a) IN GENERAL.—

"(1) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, unless the disability or death was caused by one of the circumstances set forth in subsection (a)(1)–(2) of section 8102 of title 5, United States Code, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(1) or 3113(a)(1)—

"(A) pay the compensation specified in sections 8105–8110, 8111(a), 8112–13, 8115, 8117, 8133–8135, and 8146a(a)–(b) of title 5, United States Code;

"(B) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

"(C) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

"(2) The Director may direct a permanently disabled employee whose disability is compensable under this section to undergo vocational rehabilitation as a condition for receiving benefits under paragraph (1) and shall provide for furnishing vocational rehabilitation services pursuant to sections 8104 and 8111(b) of title 5, United States Code.

"(3) Except as otherwise provided in this subtitle and subject to the availability of amounts in the Fund, the Director shall, for an employee the Director determines meets the requirements of section 3112(a)(2) or 3113(a)(2)—

"(A) furnish the medical services and other benefits specified in section 8103(a) of title 5, United States Code; and

"(B) reimburse medical expenses incurred by an employee or employee's survivor before the Director's determination is made and that have not been or will not be reimbursed by any source.

"(4) An employee or the employee's survivor shall not receive compensation under paragraph (1)(A) for more than one disability.

"(b) FUND.—All compensation provided and services paid for under this section shall be paid from the Fund and shall be limited to amounts available in the Fund.

"(c) COMPUTATION OF PAY.—Computation of pay under this subtitle shall be determined in accordance with section 8114 of title 5, United States Code.

### "SEC. 3115. LUMP SUM COMPENSATION.

"(a) BERYLLIUM.—A Federal employee, Department of Energy contractor employee, or beryllium vendor employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

"(1) was exposed to beryllium in the performance of duty, as set forth in section 3112;

"(2) was diagnosed before the date of enactment of this subtitle as having—

"(A) Chronic Beryllium Disease as defined in section 3111(1)(B), or

"(B) a beryllium-related pulmonary condition that does not meet the criteria necessary to establish the existence of a beryllium illness under section 3111(1) but that was determined, either contemporaneously or later, to be consistent with Chronic Beryllium Disease as defined in section 3111(1)(B); and

"(3) demonstrates the existence of a beryllium illness or beryllium-related pulmonary condition and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

"(b) SILICOSIS.—A Federal employee or Department of Energy contractor employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

"(1) was exposed to silica in the performance of duty, as set forth in section 3112,

"(2) was diagnosed before the date of enactment of this subtitle as having silicosis; and

"(3) demonstrates the existence of silicosis and its diagnosis by medical documentation created during the employee's lifetime or at the time of death or autopsy.

"(c) RADIATION.—A Department of Energy contractor employee or atomic weapon employee may elect to receive compensation in the amount of $100,000 in place of any other compensation or services under this subtitle to which the employee might otherwise be entitled, if the Director determines the employee—

"(1) developed a cancer before the date of enactment of this subtitle;

"(2) contracted cancer after beginning employment at a Department of Energy facility for a Department of Energy contractor employee or at an atomic weapons employer facility for an atomic weapons employee; and

"(3) falls within guidelines the Director established under section 3113(a)(1)(C).

"(d) DEATH BEFORE ELECTION.—If an employee who would be eligible to make an election provided by this section dies before the date of enactment of this subtitle, or before making the election, whether or not the death is the result of a beryllium-related condition, silicosis, or a cancer, the employee's survivor may make the election and receive the compensation under this section. The right to make an election and receive compensation under this section shall be afforded to survivors in the order of precedence set forth in section 8109 of title 5, United States Code.

"(e) TIME LIMIT.—The election under this section shall be made within 60 days after the date the Director informs the employee or the employee's survivor of a determination on awarding benefits made by the Director under section 3114. The election when made by an employee or survivor is irrevocable and binding on the employee and all survivors.

"(f) CONDITION AND ILLNESS.—A determination that an employee, or a survivor on behalf of an employee, has established a beryllium-related pulmonary condition under subsection (a)(2)(B) does not constitute a determination that the existence of a beryllium illness has been established.

"(g) COST OF LIVING ADJUSTMENT.—The compensation payable under this section is not subject to the cost-of-living adjustment set forth in section 8146a (a) of title 5, United States Code.

### "SEC. 3116. ADJUDICATION.

"Except to the extent specified otherwise in this subtitle, the Director shall determine and adjudicate issues under this subtitle in accordance with sections 8123–8127 and 8129 of title 5, United States Code.

## "Subtitle C—Gaseous Diffusion Employees Exposure Compensation

### "SEC. 3121. DEFINITIONS.

"For purposes of this subtitle—

"(1) the term 'gaseous diffusion employee' means an individual who is or was employed at the Paducah, Kentucky; Portsmouth, Ohio; or Oak Ridge, Tennessee; gaseous diffusion plant by—

"(A) the Department of Energy; or

"(B) an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the plant; and

"(2) the term 'specified disease' means—

"(A) leukemia (other than chronic lymphocytic leukemia);

"(B) multiple myeloma;

"(C) lymphomas (other than Hodgkin's disease);

"(D) primary liver cancer; and

"(E) cancer of the—

"(i) thyroid;

"(ii) male or female breast;

"(iii) pharynx;

"(iv) esophagus;

"(v) stomach;

"(vi) small intestine;

"(vii) pancreas;

"(viii) bile ducts;

"(ix) gall bladder;

"(x) salivary gland;

"(xi) urinary tract;

"(xii) lung, provided not a heavy smoker;

"(xiii) bone; and

"(xii) bronchiolo-alveolae.

### "SEC. 3122. ELIGIBLE EMPLOYEES.

"(a) IN GENERAL.—A gaseous diffusion employee who—

"(1) was employed at a gaseous diffusion plant for at least one year during the period beginning on January 1, 1953, and ending on February 1, 1992;

"(2) during that period—

"(A) was monitored through the use of dosimetry badges for exposure at the plant of the external parts of the employee's body to radiation; or

"(B) worked in a job that had exposures comparable to a job that was monitored through the use of dosimetry badges; and

"(3) contracted a specified disease after employment under conditions specified in subparagraphs (1) and (2),

shall receive $100,000, if a claim for payment is filed with the Director by or on behalf of the gaseous diffusion employee and the Director determines, in accordance with section 3123, that the claim meets the requirements of this subtitle.

"(b) PAYMENT LIMITATIONS.—

"(1) Payments under this section shall be limited to amounts available in the Fund.

"(2) An employee or the employee's survivor shall not receive more than one payment under this subtitle.

### "SEC. 3123. DETERMINATION AND PAYMENT OF CLAIMS.

"(a) DETERMINATION.—The Director shall establish, under regulations the Director issues, procedures for filing a claim and for determining whether a claim filed under this subtitle meets the requirements of this subtitle.

"(b) PAYMENT.—

"(1) The Director shall pay, from the Fund and limited to amounts available in the Fund, claims filed under this subtitle that the Director determines meet the requirements of this subtitle.

"(2)(A) In the case of a gaseous diffusion employee who is deceased at the time of payment under this section, a payment shall be made only as follows—

"(i) if the gaseous diffusion employee is survived by a spouse who is living at the time of payment, the payment shall be made to the surviving spouse;

"(ii) if there is no spouse living at the time of payment, the payment shall be made in equal shares to all children of the gaseous diffusion employee who are living at the time of payment; or

"(iii) if there are no spouse or children living at the time of payment, the payment shall be made in equal shares to the parents of the gaseous diffusion employee who are living at the time of payment.

"(B) If a gaseous diffusion employee eligible for payment under this subtitle dies before filing a claim under this subtitle, a survivor of that employee who may receive payment under subparagraph (A) may file a claim for payment under this subtitle.

"(C) For purposes of this section—

"(i) the spouse of a gaseous diffusion employee is a wife or husband of that employee who was married to that employee for at least one year immediately before the death of the employee;

"(ii) a child includes stepchildren, adopted children, and posthumous children; and

"(iii) a parent includes step-parents and parents by adoption.

## "Subtitle D—Energy Workers Exposed to Other Hazardous Materials

### "SEC. 3131. WORKERS EXPOSED TO OTHER HAZARDOUS MATERIALS.

"(a) DEFINITIONS.—For purposes of this section—

"(1) the term 'Department of Energy contractor employee' means an individual who is or was employed at a Department of Energy facility by an entity that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation at the facility; and

"(2) the term 'panel' means a physicians panel established under subsection (d).

"(b) DIRECTOR REVIEW.—The Director shall—

"(1) establish procedures under which an individual may submit an application for review and assistance under this section, and

"(2) review an application submitted under this section and determine whether the applicant submitted reasonable evidence that—

"(A) the application was filed by or on behalf of a Department of Energy contractor employee or employee's estate; and

"(B) the illness or death of the Department of Energy contractor employee may have been related to employment at a Department of Energy facility.

"(c) DIRECTOR DETERMINATION.—If the Director determines that the applicant submitted reasonable evidence under subsection (b)(2), the Director shall submit the application to a physicians panel established under subsection (d). The Director shall assist the employee in obtaining additional evidence within the control of the Department of Energy and relevant to the panel's deliberations.

"(d) PANEL.—

"(1) The Director shall inform the Secretary of Health and Human Services of the number of physicians panels the Director has determined to be appropriate to administer this section, the number of physicians needed for each panel, and the area of jurisdiction of each panel. The Director may determine to have only one panel.

"(2) The Secretary of Health and Human Services shall compile a list of physicians with experience and competency in diagnosing occupational illnesses for each panel and provide the list to the Director. The Director shall appoint panel members from the list under section 3109 of title 5, United States Code. Each member of a panel shall be paid at the rate of pay payable for level III of the Executive Schedule for each day (including travel time) the member is engaged in the work of a panel.

"(3) A panel shall review an application submitted to it by the Director and determine, under guidelines established by the Director, by rule, whether—

"(A) the illness or death that is the subject of the application arose out of and in the course of employment by the Department of Energy and exposure to a hazardous material at a Department of Energy facility; and

"(B) the Department of Energy contractor employee who is the subject of the application would be ineligible to receive benefits under section 3114, 3115, 3123, or 3132.

"(4) At the request of a panel, the Director and a contractor who employed a Department of Energy contractor employee shall provide additional information relevant to the panel's deliberations. A panel may consult specialists in relevant fields as it determines necessary.

"(5) Once a panel has made a determination under paragraph (3), it shall report to the Director its determination and the basis for the determination.

"(e) ASSISTANCE.

"(1) The Director shall review a panel's determination made under subsection (d), information the panel considered in reaching its determination, any relevant new information not reasonably available at the time of the panel's deliberations, and the basis for the panel's determination. The Director shall accept the panel's determination in the absence of compelling evidence to the contrary.

"(2) If the panel has made a positive determination under subsection (d) and the Director accepts the determination, or the panel has made a negative determination under subsection (d) and the Director finds compelling evidence to the contrary, the Director shall—

"(A) assist the applicant to file a claim under the appropriate State workers compensation system based on the health condition that was the subject of the determination;

"(B) recommend to the Secretary of Energy that the Department of Energy not contest a claim filed under a State workers compensation system based on the health condition that was the subject of the determination and not contest an award made under a State workers compensation system regarding that claim; and

"(C) recommend to the Secretary of Energy that the Secretary direct, as permitted by law, the contractor who employed the Department of Energy contractor employee who is the subject of the claim not to contest the claim or an award regarding the claim.

"(f) INFORMATION.—At the request of the Director, a contractor who employed a Department of Energy contractor employee shall make available to the Director or the employee, information relevant to deliberations under this section.

### "SEC. 3132. PANEL-EXAMINED OAK RIDGE WORKERS.

"(a) PHYSICIANS PANEL REPORT.—A panel of physicians who specialize in diseases and health conditions related to occupational exposure to radiation, hazardous materials, or both selected by the contractor that managed the Department of Energy's East Tennessee Technology Park (referred to in this section as the 'facility') shall prepare a report concerning medical examinations of not more than 55 current and former employees of the facility. This panel is separate and apart from a panel appointed by the Director under section 3131(d). The report shall address whether each of these employees may have sustained any illness or other adverse health condition as a result of their employment at the facility.

"(b) DIRECTOR FINDING.—The contractor shall provide the report of the panel completed under subsection (a) to the Director. The Director shall make a finding as to whether an employee covered by the report sustained an illness or other adverse health condition as a result of exposure to radiation, hazardous materials, or both as part of employment at the facility.

"(c) AWARD.—If the Director makes a positive finding under subsection (b) regarding an employee, the Director shall make an award to the employee of $100,000 from the Fund, limited to amounts available in the Fund. An employee shall not receive more than one award under this subtitle.

## "Subtitle E—General Provisions

### "SEC. 3141. DUAL BENEFITS.

"(a) BENEFITS UNDER MORE THAN ONE SECTION.—

"(1) An individual may not receive benefits, because of the same illness or death or because of more than one illness or death, under more than one of the following sections: 3114, 3115, 3123, or 3132. An individual who is eligible to receive benefits under more than one of those sections because shall elect one section under which to receive benefits.

"(2) A widow or widower who is eligible for benefits under this title derived from more than one husband or wife shall elect one benefit to receive.

"(b) BENEFITS UNDER THIS TITLE AND OTHER FEDERAL ILLNESS OR DEATH BENEFITS.—

"(1) An individual who is eligible to receive benefits under this title because of an illness or death of a Federal employee and who also is entitled to receive from the United States under a statute other than this title payments or benefits for that same illness or death, including payments and other benefits under another Federal workers compensation system but not including proceeds of an insurance policy, shall elect which benefits to receive.

“(2) An individual who has been awarded benefits under this title, and who also has received benefits from another Federal workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the Federal workers compensation system as a result of the illness or death, after deducting—

“(A) payments received under the Federal workers compensation system for medical expenses that are not reimbursed under section 3114; and

“(B) the reasonable costs, as determined by the Director, of obtaining benefits under the Federal workers compensation system.

“(c) Benefits Under This Title and State Workers Compensation Benefits.—

“(1) An individual who is eligible to receive benefits under this title because of an illness or death and who also is entitled to receive benefits because of the same illness or death from a State workers compensation system shall elect which benefits to receive, unless:

“(A) at the time of injury, workers compensation coverage for the employee was secured by a policy or contract of insurance; and

“(B) the Director waives, because of the substantial financial benefit to the United States, the requirement to make such an election.

“(2) Except as specified in paragraph (3), an individual who has been awarded benefits under this title and who also has received benefits from a State workers compensation system because of the same illness or death, shall receive compensation under this title reduced by the amount of any workers compensation benefits that the individual has received under the State workers compensation system as a result of the illness or death, after deducting—

“(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

“(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

“(3) An individual described in paragraph (2) who also has received, under paragraph (1)(B), a waiver of the requirement to elect between benefits under this title and benefits under a State workers compensation system, shall receive compensation under this title reduced by eighty percent of the net amount of any workers compensation benefits that the individual has received under a State workers compensation system because of the same illness, after deducting—

“(A) payments received under the State workers compensation system for medical expenses that are not reimbursed under section 3114; and

“(B) the reasonable costs, as determined by the Director, of obtaining benefits under the State workers compensation system.

“(d) Other Statutes.—An individual may not receive compensation under this title for a radiation-related cancer and also receive compensation under the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) or under the Radiation-Exposed Veterans Compensation Act (38 U.S.C. 1112(c)).

“(e) Subtitle B Benefits and Retirement Benefits.—

“(1) If an employee or employee's survivor who is awarded payments for lost wages under section 3114 receives a retirement payment from any source, the Director shall adjust, if necessary, the amount of the lost wages paid under section 3114 so that the combination of lost wages under section 3114 and retirement benefits from any source to be paid in a year does not exceed the employee's last annual salary.

“(2) An employee or employee's survivor shall inform the Director at the time of filing an application for benefits under subtitle B if the employee or employee's survivor is receiving retirement payments. An employee or employee's survivor who is not receiving retirement benefits when filing an application for benefits under subtitle B and who is awarded benefits for lost wages under subtitle B shall inform the Director of receipt of retirement payments no later than 30 days before receiving the first retirement payment.

“(f) Election.—

“(1) If an individual is required to make an election under this section, the individual shall make the election within a reasonable time, as determined by the Director.

“(2) An election when made by an individual is irrevocable and binding on the employee and all survivors.

### “SEC. 3142. EXCLUSIVE REMEDY UNDER SUBTITLE B AGAINST THE UNITED STATES, CONTRACTORS, AND SUBCONTRACTORS.

“(a) In General.—The liability of the United States or an instrumentality of the United States under subtitle B with respect to a cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death of an employee is exclusive and instead of all other liability—

“(1) of—

“(A) the United States;

“(B) any instrumentality of the United States;

“(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

“(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

“(E) an employee, agent, or assign of an entity specified in subparagraphs (A)–(D),

“(2) to—

“(A) the employee;

“(B) the employee's legal representative, spouse, dependents, survivors, and next of kin; and

“(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from the United States, the instrumentality, the contractor, the subcontractor, or the employee, agent, or assign of one of them,

because of that cancer, silicosis, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

“(b) Final Judgment.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this subtitle.

“(c) Workers Compensation.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

### “SEC. 3143. ELECTION OF REMEDY.

“(a) Beryllium Vendors and Atomic Weapons Employers.—

“(1) If an individual elects to accept compensation under subtitle B with respect to a cancer, beryllium illness, beryllium-related pulmonary condition, or death of an employee, that acceptance of payment shall be in full settlement of all claims—

“(A) against—

“(i) a beryllium vendor or a contractor or a subcontractor of a beryllium vendor;

“(ii) an atomic weapons employer; and

“(iii) an employee, agent, or assign of a beryllium vendor, of a contractor or a subcontractor of a beryllium vendor, or of an atomic weapons employer,

“(B) by—

“(i) that individual;

“(ii) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

“(iii) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death, otherwise entitled to recover damages from the beryllium vendor, the contractor or the subcontractor of the beryllium vendor, the atomic weapons employer, or the employee, agent, or assign of the beryllium vendor, of the contractor or the subcontractor of the beryllium vendor, or of the atomic weapons employer,

that arise out of that cancer, beryllium illness, beryllium-related pulmonary condition, or death in any proceeding or action, including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

“(2) For purposes of this subsection, atomic weapons employer has the meaning given that term in section 3111(2) and beryllium vendor has the meaning given that term in section 3111(4).

“(b) Payment under Subtitle C and Section 3132 of Subtitle D.—If an individual elects to accept payment under subtitle C or section 3132 of subtitle D, that acceptance of payment shall be in full settlement of all claims—

“(1) against—

“(A) the United States;

“(B) any instrumentality of the United States;

“(C) a contractor that contracted with the Department of Energy to provide management and operating, management and integration, or environmental remediation of a Department of Energy facility;

“(D) a subcontractor that provided services, including construction, at a Department of Energy facility; and

“(E) an employee, agent, or assign of an entity or individual specified in clauses (A)-(D),

“(2) by—

“(A) that individual;

“(B) that individual's legal representative, spouse, dependents, survivors, and next of kin; and

“(C) any other person, including any third party as to whom the employee has a cause of action relating to the illness or death for which the payment was made, otherwise entitled to recover damages from an entity or individual specified in subparagraph (1),

that arise out of that illness or death for which the payment was made, in any proceeding or action including a direct judicial proceeding, a civil action, a proceeding in admiralty, or a proceeding under a tort liability statute or the common law.

"(c) WORKERS COMPENSATION.—This section does not apply to an administrative or judicial proceeding under a State or Federal workers compensation statute, subject to section 3141.

"(d) FINAL JUDGMENT.—This section applies to all cases in which a final judgment that is not subject to any further judicial review has not been entered on or before the date of enactment of this title.

### "SEC. 3144. SUBROGATION OF THE UNITED STATES.

"(a) IN GENERAL.—If an illness, disability, or death for which compensation under this title is payable is caused under circumstances creating a legal liability in a person other than the United States to pay damages, sections 8131 and 8132 of title 5, United States Code, apply, except to the extent specified in this title.

"(b) FUND.—For purposes of this section, references in section 8131 and 8132 of title 5, United States Code, to the Employees Compensation Fund mean the Energy Employees Occupational Illness Compensation Fund.

"(c) APPEARANCE OF EMPLOYEE.—For the purposes of this subtitle, the part of section 8131 of title 5, United States Code, that provides that an employee required to appear as a party or witness in the prosecution of an action described in that section is in an active duty status while so engaged applies only to a Federal employee.

### "SEC. 3145. TIME LIMITATION ON FILING A CLAIM.

"(a) IN GENERAL.—A claim under this title must be filed within the later of seven years after the effective date of this title; or—

"(1) for claims under section 3112, seven years after the date the claimant first becomes aware of—

"(A) a diagnosis of a beryllium illness or a beryllium-related pulmonary condition; and

"(B) the causal connection of the claimant's illness or condition to exposure to beryllium in the performance of duty; and

"(2) for claims under other provisions of this title, seven years after the date the claimant first becomes aware of—

"(A) a diagnosis of the illness that is the subject of the claim; and

"(B) the causal connection of the claimant's illness to exposure at a Department of Energy facility or at an atomic weapons employer facility.

"(b) NEW PERIOD.—A new limitations period commences with each later diagnosis of an illness or condition mentioned in subsection (a) different from that previously diagnosed.

"(c) DEATH CLAIM.—If a claim filed for disability under this title meets the requirements of this section, the claim meets the requirements of this section regarding death benefits under this title.

### "SEC. 3146. ASSIGNMENT OF CLAIM.

"An assignment of a claim for compensation under this title is void. Compensation and claims for compensation under this title are exempt from claims of creditors.

### "SEC. 3147. REVIEW OF AWARD.

"The action of the Director or of the Panel under section 3148 in allowing or denying a payment under this title is not subject to judicial review by mandamus or otherwise.

### "SEC. 3148. OCCUPATIONAL ILLNESS COMPENSATION APPEALS PANEL.

"(a) Regulations issued by the Director under this title shall provide for an Occupational Illness Compensation Appeals Panel of three individuals with authority to hear and, subject to applicable law and the regulations of the Director, make final decisions on appeals taken from determinations and awards with respect to claims of employees. Under an agreement between the Director and another Federal agency, a panel appointed by the other Federal agency may provide these appellate decision-making services.

"(b) An individual may appeal to the panel a negative determination of the Director made under section 3114, 3115, 3123, 3131, or 3132.

### "SEC. 3149. RECONSIDERATION.

"(a) NEW GUIDELINES.—An employee or employee's survivor may obtain reconsideration of a decision denying coverage under this title if the Director issues new criteria for a beryllium illness or silicosis under section 3112(e), new guidelines for radiation-related cancer under section 3113(a)(1)(C), or new guidelines for other occupational illnesses under section 3131(d)(3). In order to obtain reconsideration, an employee or employee's survivor must submit evidence that is directly relevant to the change in the new criteria or guidelines.

"(b) NEW EVIDENCE.—An employee or employee's survivor may obtain reconsideration of a decision denying an application for benefits or assistance under this title if the employee or employee's survivor has additional medical or other information relevant to the claim that was not reasonably available at the time of the decision and that likely would lead to the reversal of the decision.

"(c) ACTION ON RECONSIDERATION.—The Director, in accordance with the facts found on reconsideration, may—

"(1) end, decrease, or increase the compensation previously awarded; or

"(2) award compensation or assistance previously refused or discontinued.

### "SEC. 3150. ATTORNEY FEES.

"Notwithstanding any contract, the representative of an employee or employee's survivor may not receive, for services rendered in connection with the claim of the employee or employee's survivor under this title, more than 10 per centum of a payment made under this title on the claim. A representative who violates this section shall be fined not more than $5,000.

### "SEC. 3151. CERTAIN CLAIMS OR PAYMENTS NOT AFFECTED BY AWARDS OF DAMAGES OR FILING A CLAIM.

"A payment made under this title shall not be considered as any form of compensation or reimbursement for a loss for purposes of imposing liability on the individual receiving the payment, on the basis of this receipt, to repay any insurance carrier for insurance payments. A payment under this title does not affect a claim against an insurance carrier with respect to insurance. Filing a claim for benefits under this title shall not be considered grounds for termination of insurance payments.

### "SEC. 3152. TREATMENT OF PAYMENTS UNDER OTHER LAWS.

"An amount paid to an individual under this title—

"(1) shall not be subject to Federal income tax under the internal revenue laws of the United States;

"(2) shall not be included as income or resources for purposes of determining eligibility to receive benefits described in section 3803(c)(2)(C) of title 31, United States Code or the amount of those benefits; and

"(3) shall not be subject to offset under section 3701 et seq. of title 31, United States Code.

### "SEC. 3153. FORFEITURE OF BENEFITS BY CONVICTED FELONS.

"(a) FORFEIT COMPENSATION.—An individual convicted of a violation of section 1920 of title 18, or any other Federal or State criminal statute relating to fraud in the application for or receipt of any benefit under this title or under any other Federal or State workers compensation law, shall forfeit (as of the date of the conviction) any compensation under this title that individual would otherwise be awarded for any illness for which the time of injury was on or before the date of the conviction. This forfeiture shall be in addition to any action the Director takes under sections 8106 or 8129 of title 5, United States Code.

"(b) DEPENDENTS.—

"(1) Notwithstanding any other law, except as provided under paragraph (2), compensation under this title shall not be paid or provided to an individual while the individual is confined in a jail, prison, or other penal institution or correctional facility, pursuant to conviction of a felony. After this period of incarceration ends, the individual shall not receive compensation forfeited during the period of incarceration.

"(2) If an individual has one or more dependents as defined under section 8110(a) of title 5, United States Code, the Director may, during the period of incarceration, pay to these dependents a percentage of the compensation under section 3114 that would have been payable to the individual computed according to the percentages set forth in section 8133(a)(1) through (5) of title 5, United States Code.

"(c) INFORMATION.—Notwithstanding section 552a of title 5, United States Code, or any other Federal or State law, an agency of the United States, a State, or a political subdivision of a State shall make available to the Director, upon written request from the Director and if the Director requires the information to carry out this section, the names and Social Security account numbers of individuals confined, for conviction of a felony, in a jail, prison, or other penal institution or correctional facility under the jurisdiction of that agency.

### "SEC. 3154. CIVIL SERVICE RETENTION RIGHTS.

"If a Federal employee found to be disabled under subtitle B resumes employment with the Federal Government, the employee shall be entitled to the rights set forth in section 8151 of title 5, United States Code.

### "SEC. 3155. CONSTRUCTION.

"(a) AUTHORITY OF THE DIRECTOR UNDER OTHER LAWS.—For purposes of this title, the Director has the same authority or obligation, if any, under a law referenced in this title as the Secretary of Labor has under that law.

"(b) REGULATIONS.—After the Director issues regulations to implement this title, a regulation under a law referenced in this title applies to the Office and the Director as it applies to the Department of Labor and the Secretary of Labor, unless in the implementing regulations the Director modifies or disavows that regulation for the purposes of this title.

### "SEC. 3156. ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION FUND.

"(a) FUND.—To carry out this title, there is hereby created in the Treasury of the United States the Energy Employees Occupational Illness Compensation Fund, which shall consist of—

"(1) sums that are appropriated for it;

"(2) amounts that are transferred to it from other Department of Energy accounts pursuant to section 3157(a); and

"(3) amounts that would otherwise accrue to it under this title.

"(b) USE OF FUND.—Amounts in the Fund may be used for the payment of compensation under this title and other benefits and expenses authorized by this title and for payment of all expenses incurred in administering this title. These funds may be appropriated to remain available until expended.

"(c) COST DETERMINATIONS.—

"(1) Within 45 days of the end of every quarter of every fiscal year, the Director shall determine the total costs of compensation, benefits, administrative expenses, and other payments made from the Fund during the quarter just ended; the end-of-quarter balance in the Fund; and the amount anticipated to be needed during the immediately succeeding two quarters for the payment of compensation, benefits, and administrative expenses under this title.

"(2) Each cost determination made in the last quarter of the fiscal year under paragraph (1) shall show, in addition, the total costs of compensation, benefits, administrative expenses, and other payments from the Fund during the preceding twelve-month expense period and an estimate of the expenditures from the Fund for the payment of compensation, benefits, administrative expenses, and other payments for each of the immediately succeeding two fiscal years.

### "SEC. 3157. AUTHORIZATION OF APPROPRIATIONS.

"(a) AUTHORIZATION.—There is hereby authorized to be appropriated to the Department of Energy for deposit into the Fund such sums as are necessary to carry out the purposes of this title. In addition, the Secretary of Energy may, to the extent provided in advance in appropriations Acts, transfer amounts to the Fund from other Department of Energy appropriations accounts, to be merged with amounts in the Fund and available for the same purposes.

"(b) LIMITS ON COMPENSATION.—In any fiscal year, the Director shall limit the amount of the compensation under this title, benefits payments, and payment of administrative expenses to an amount not in excess of the sum of the appropriations to the Fund and amounts made available by transfer to the Fund.

"(c) TIME FOR REGULATIONS.—The Director shall promulgate regulations to implement subsection (b) within 180 days of the date of the enactment of this title.

### "SEC. 3158. EFFECTIVE DATE.

"This title is effective upon enactment, and applies to all claims, civil actions, and proceedings pending on, or filed on or after, the date of the enactment of this title.".

(b) WHISTLEBLOWERS.—Section 211(a)(1) of the Energy Reorganization Act of 1974 (42 U.S.C. 5851(a)(1)) is amended—

(1) in subparagraph (E), by striking "or;" and inserting a semicolon;

(2) in subparagraph (F), by striking the period and inserting "; or"; and

(3) after subparagraph (F), by inserting the following new subparagraph:

"(G) filed an application for benefits or assistance under title XXXI of the Energy Policy Act of 1992.".

(c) FALSE STATEMENT OR FRAUD.—(1) Section 1920 of title 18, United States Code, is amended by inserting after "title 5" the following: "or title XXXI of the Energy Policy Act of 1992".

(2) The heading of such section is amended to read as follows:

**"§ 1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation".**

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

"1920. False statement or fraud to obtain Federal employee's or Energy employee's compensation.".

(d) RECEIVING COMPENSATION AFTER MARRIAGE.—(1) Section 1921 of title 18, United States Code, is amended by inserting after "title 5" the following: "or title XXXI of the Energy Policy Act of 1992".

(2) The heading of such section is amended to read as follows:

**"§ 1921. Receiving Federal employees' or Energy employees' compensation after marriage".**

(3) The item relating to such section in the table of sections at the beginning of chapter 93 of such title is amended to read as follows:

"1921. Receiving Federal employees' or Energy employees' compensation after marriage.".

(e) TABLE OF CONTENTS.—The Table of Contents in section 1(b) of the Energy Policy Act of 1992 is amended by inserting after the items related to title XXX the following new items:

"TITLE XXXI—ENERGY EMPLOYEES OCCUPATIONAL ILLNESS COMPENSATION PROGRAM

"Subtitle A—General Definitions and Administrative Office

"Sec. 3101. Definitions.
"Sec. 3102. Occupational Illness Compensation Office.

"Subtitle B—Beryllium, Silicosis, and Radiation

"Sec. 3111. Definitions.
"Sec. 3112. Eligibility of workers exposed to beryllium or silica.
"Sec. 3113. Eligibility of workers exposed to radiation.
"Sec. 3114. Compensation for disability or death, medical services, and vocational rehabilitation.
"Sec. 3115. Lump sum compensation.
"Sec. 3116. Adjudication.

"Subtitle C—Gaseous Diffusion Employees Exposure Compensation

"Sec. 3121. Definitions.
"Sec. 3122. Eligible employees.
"Sec. 3123. Determination and payment of claims.

"Subtitle D—Energy Workers Exposed to Other Hazardous Materials

"Sec. 3131. Workers exposed to other hazardous materials.
"Sec. 3132. Panel-examined Oak Ridge workers.

"Subtitle E—General Provisions

"Sec. 3141. Dual benefits.
"Sec. 3142. Exclusive remedy under subtitle B against the United States, contractors, and subcontractors.
"Sec. 3143. Election of remedy.
"Sec. 3144. Subrogation of the United States.
"Sec. 3145. Time limitation on filing a claim.
"Sec. 3146. Assignment of claim.
"Sec. 3147. Review of award.
"Sec. 3148. Occupational Illness Compensation Appeals Panel.
"Sec. 3149. Reconsideration.
"Sec. 3150. Attorney fees.
"Sec. 3151. Certain claims not affected by awards of damages or filing a claim.
"Sec. 3152. Treatment of payments under other laws.
"Sec. 3153. Forfeiture of benefits by convicted felons.
"Sec. 3154. Civil Service retention rights.
"Sec. 3155. Construction.
"Sec. 3156. Occupational Illness Compensation Fund.
"Sec. 3157. Authorization of appropriations.
"Sec. 3158. Effective date.".

## AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. HILL OF INDIANA

At the end of title XXVIII (page , after line ), insert the following new section:

### SEC. . ECONOMIC DEVELOPMENT CONVEYANCES OF BASE CLOSURE PROPERTY AVAILABLE OUTSIDE OF BASE CLOSURE PROCESS.

(a) AUTHORITY TO MAKE CONVEYANCES.—Section 2391 of title 10, United States Code, is amended—

(1) by redesignating subsections (c), (d), and (e) as subsections (d), (e), and (f), respectively; and

(2) by inserting after subsection (b) the following new subsection:

"(c) ECONOMIC DEVELOPMENT CONVEYANCES.—(1) In the case of a military installation to be closed or realigned pursuant to a law or authority other than a base closure law, the Secretary of Defense may transfer real property and personal property located at the military installation to the recognized redevelopment or reuse authority for the installation for purposes of job generation on the installation.

"(2) The transfer of property of a military installation under paragraph (1) shall be without consideration if the redevelopment or reuse authority with respect to the installation—

"(A) agrees that the proceeds from any sale or lease of the property (or any portion thereof) received by the redevelopment or reuse authority during at least the first seven years after the date of the transfer under paragraph (1) shall be used to support the economic redevelopment of, or related to, the installation; and

"(B) executes the agreement for transfer of the property and accepts control of the property within a reasonable time after the date of the property disposal record of decision or finding of no significant impact under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

"(3) For purposes of paragraph (2), the use of proceeds from a sale or lease described in such paragraph to pay for, or offset the costs of, public investment on or related to the installation for any of the following purposes shall be considered a use to support the economic redevelopment of, or related to, the installation:

"(A) Road construction.

"(B) Transportation management facilities.

"(C) Storm and sanitary sewer construction.

"(D) Police and fire protection facilities and other public facilities.

"(E) Utility construction.

"(F) Building rehabilitation.

"(G) Historic property preservation.

"(H) Pollution prevention equipment or facilities.

"(I) Demolition.

"(J) Disposal of hazardous materials generated by demolition.

"(K) Landscaping, grading, and other site or public improvements.

"(L) Planning for or the marketing of the development and reuse of the installation.

"(4) The Secretary may recoup from a redevelopment or reuse authority such portion of the proceeds from a sale or lease described in paragraph (2) as the Secretary determines appropriate if the redevelopment authority does not use the proceeds to support economic redevelopment of, or related to, the installation for the period specified in paragraph (2).".

(b) BASE CLOSURE LAWS.—Subsection (e) of section 2391 of title 10, United States Code, as redesignated by subsection (a)(1), is amended by adding at the end the following new paragraph:

"(4) The term 'base closure law' means—

"(A) title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100–526; 10 U.S.C. 2687 note); or

"(B) the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note).".

(c) Retroactive Application.—Notwithstanding section 2843 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 112 Stat. 2216), the authority provided in section 2391(c) of title 10, United States Code, as added by subsection (a)(2), shall apply with respect to the conveyance of the Indiana Army Ammunition Plant in Charlestown, Indiana, authorized by such section 2843.

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Amendment to H.R. 4205, as Reported
Offered by Mr. Hoeffel of Pennsylvania

At the end of title II (page , after line ), insert the following new section:

**SEC. . DARPA STUDY AND REPORT ON FEASIBILITY OF ADAPTING DEFENSE TECHNOLOGIES TO IMPROVE THE MOBILITY AND QUALITY OF LIFE OF ELDERLY INDIVIDUALS AND INDIVIDUALS WITH DISABILITIES.**

(a) Study Required.—The Secretary of Defense, acting through the Director of the Defense Advanced Research Projects Agency, shall conduct a study on the feasibility of adapting defense technologies to improve the mobility and quality of life of elderly individuals and individuals of all ages with disabilities. In carrying out the study, the Secretary, acting through the Director, shall draw upon and build upon the existing knowledge base, including public and private reports and expertise.

(b) Report Required.—Not later than one year after the date of the enactment of this Act, the Secretary, acting through the Director, shall submit to the congressional committees specified in subsection (d) a report containing the results of the study.

(c) Contents of Report.—The report submitted under subsection (b) shall—

(1) identify each defense technology that could, with appropriate adaptations, be transferred to the private sector and incorporated into commercially available products for use by the individuals referred to in subsection (a) to improve their quality of life; and

(2) include, for each technology identified under paragraph (1)—

(A) a description of the capabilities of the technology to improve the quality of life of such individuals;

(B) an estimate of the costs of the adaptation, transfer, and incorporation referred to in paragraph (1);

(C) information identifying the Federal officer responsible for responding to inquiries about any such adaptation, transfer, and incorporation; and

(D) an assessment of the various alternatives available to provide for such adaptation, transfer, and incorporation, including alternatives such as cooperative research and development agreements, aid to startup companies, and Small Business Innovation Research programs.

(d) Specified Congressional Committees.—The congressional committees referred to in subsection (b) are—

(1) the Committee on Armed Services and the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services and the Committee on Science of the House of Representatives.

(e) Defense Technology Defined.—For purposes of this section, the term "defense technology" means a technology the research and development of which is funded by the Department of Defense and carried out, in whole or in part, by—

(1) the Department of Defense;

(2) any other Federal department or agency; or

(3) a laboratory (as that term is defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

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Amendment to H.R. 4205, as Reported
Offered by Mr. Rodriguez of Texas

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

**SEC. 343. ASSISTANCE FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) Grants Authorized.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

**"§ 2199. Quality of life education facilities grants**

"(a) Repair and Renovation Assistance.—(1) The Secretary of Defense may make a grant to an eligible local educational agency to assist the agency to repair and renovate—

"(A) an impacted school facility that is used by significant numbers of military dependent students; or

"(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

"(2) Authorized repair and renovation projects may include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

"(3) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

"(b) Maintenance Assistance.—(1) The Secretary of Defense may make a grant to an eligible local educational agency whose boundaries are the same as a military installation to assist the agency to maintain an impacted school facility, including the grounds of such a facility.

"(2) The total amount of assistance provided under this subsection to an eligible local educational agency may not exceed $250,000 during any fiscal year.

"(c) Determination of Eligible Local Educational Agencies.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

"(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

"(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

"(2) The additional eligibility requirements referred to in paragraph (1) are the following:

"(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

"(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

"(C) The State education system and the local educational agency are one and the same.

"(d) Notification of Eligibility.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for a grant under subsection (a), subsection (b), or both subsections.

"(e) Relation to Impact Aid Construction Assistance.—A local education agency that receives a grant under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

"(f) Grant Considerations.—In determining which eligible local educational agencies will receive a grant under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

"(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

"(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

"(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

"(4) The repair or renovation of facilities is needed to address any of the following conditions:

"(A) The condition of the facility poses a threat to the safety and well-being of students.

"(B) The requirements of the Americans with Disabilities Act.

"(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

"(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

"(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

"(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

"(7) The age of facility to be repaired or renovated.

"(g) DEFINITIONS.—In this section:

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

"(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

"(A) that is used to provide elementary or secondary education at or near a military installation; and

"(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

"(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

"(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.

"(h) FUNDING SOURCE.—Grants under this section shall be made using funds made available to carry out this section.".

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

"2199. Quality of life education facilities grants.
"2199a. Definitions.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

**"111. Support of Education ................ 2191".**

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. GONZALEZ OF TEXAS

At the end of subtitle E of title III (page 66, after line 23), insert the following new section:

**SEC. 343. LOAN GUARANTEE PROGRAM FOR MAINTENANCE, REPAIR, AND RENOVATION OF SCHOOL FACILITIES THAT SERVE DEPENDENTS OF MEMBERS OF THE ARMED FORCES AND DEPARTMENT OF DEFENSE CIVILIAN EMPLOYEES.**

(a) LOAN GUARANTEE PROGRAM.—Chapter 111 of title 10, United States Code, is amended—

(1) by redesignating section 2199 as section 2199a; and

(2) by inserting after section 2198 the following new section:

**"§ 2199. Quality of life education facilities loan guarantees**

"(a) MAINTENANCE, REPAIR AND RENOVATION.—(1) The Secretary of Defense may carry out a loan guarantee program to assist an eligible local educational agency to maintain, repair, and renovate—

"(A) an impacted school facility that is used by significant numbers of military dependent students; or

"(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school.

"(2) Authorized purposes for which loans guaranteed under the program may be used include repairs and improvements to an impacted school facility (including the grounds of the facility) designed to ensure compliance with the requirements of the Americans with Disabilities Act or local health and safety ordinances, to meet classroom size requirements, or to accommodate school population increases.

"(b) LOAN GUARANTEES.—Under the loan guarantee program, the Secretary may guarantee the repayment of any loan made to an eligible local educational agency to fund, in whole or in part, activities described in subsection (a).

"(2) Loan guarantees under this section may not be committed except to the extent that appropriations of budget authority to cover their costs are made in advance, as required by section 504 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c).

"(3) The total loan amount guaranteed under subsection (a) for an eligible local educational agency may not exceed $5,000,000 during any period of two fiscal years.

"(c) DETERMINATION OF ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—(1) A local educational agency is an eligible local educational agency under this section only if the Secretary of Defense determines that the local educational agency has—

"(A) one or more federally impacted school facilities and satisfies at least one of the additional eligibility requirements specified in paragraph (2); or

"(B) a school facility that was a former Department of Defense domestic dependent elementary or secondary school, but assistance provided under this subparagraph may only be used to repair and renovate that facility.

"(2) The additional eligibility requirements referred to in paragraph (1) are the following:

"(A) The local educational agency is eligible to receive assistance under subsection (f) of section 8003 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703) and at least 10 percent of the students who were in average daily attendance in the schools of such agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

"(B) At least 35 percent of the students who were in average daily attendance in the schools of the local educational agency during the preceding school year were students described under paragraph (1)(A) or (1)(B) of section 8003(a) of the Elementary and Secondary Education Act of 1965.

"(C) The State education system and the local educational agency are one and the same.

"(d) NOTIFICATION OF ELIGIBILITY.—Not later than June 30 of each fiscal year, the Secretary of Defense shall notify each local educational agency identified under subsection (c) that the local educational agency is eligible during that fiscal year to apply for loan guarantees under subsection (a).

"(e) RELATION TO IMPACT AID CONSTRUCTION ASSISTANCE.—A local education agency that receives a loan guarantee under subsection (a) to repair and renovate a school facility may not also receive a payment for school construction under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for the same fiscal year.

"(f) CONSIDERATIONS.—In determining which eligible local educational agencies will receive a loan guarantee under this section for a fiscal year, the Secretary of Defense shall take into consideration the following conditions and needs at impacted school facilities of eligible local educational agencies:

"(1) The repair or renovation of facilities is needed to meet State mandated class size requirements, including student-teacher ratios and instructional space size requirements.

"(2) There is a increase in the number of military dependent students in facilities of the agency due to increases in unit strength as part of military readiness.

"(3) There are unhoused students on a military installation due to other strength adjustments at military installations.

"(4) The repair or renovation of facilities is needed to address any of the following conditions:

"(A) The condition of the facility poses a threat to the safety and well-being of students.

"(B) The requirements of the Americans with Disabilities Act.

"(C) The cost associated with asbestos removal, energy conservation, or technology upgrades.

"(D) Overcrowding conditions as evidenced by the use of trailers and portable buildings and the potential for future overcrowding because of increased enrollment.

"(5) The repair or renovation of facilities is needed to meet any other Federal or State mandate.

"(6) The number of military dependent students as a percentage of the total student population in the particular school facility.

"(7) The age of facility to be repaired or renovated.

"(g) DEFINITIONS.—In this section:

"(1) LOCAL EDUCATIONAL AGENCY.—The term 'local educational agency' has the meaning given that term in section 8013(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(9)).

"(2) IMPACTED SCHOOL FACILITY.—The term 'impacted school facility' means a facility of a local educational agency—

"(A) that is used to provide elementary or secondary education at or near a military installation; and

"(B) at which the average annual enrollment of military dependent students is a high percentage of the total student enrollment at the facility, as determined by the Secretary of Defense.

"(3) MILITARY DEPENDENT STUDENTS.—The term 'military dependent students' means students who are dependents of members of the armed forces or Department of Defense civilian employees.

"(4) MILITARY INSTALLATION.—The term 'military installation' has the meaning given that term in section 2687(e) of this title.".

(b) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 111 of title 10, United States Code, is amended by striking the item relating to section 2199 and inserting the following new items:

"2199. Quality of life education facilities loan guarantees.
"2199a. Definitions.".

(2) The tables of chapters at the beginning of subtitle A, and at the beginning of part III of subtitle A, of such title are amended by striking the item relating to chapter 111 and inserting the following:

**"111. Support of Education ................ 2191".**

(c) REPORT REQUIRED.—The Secretary of Defense and the Secretary of Education shall jointly submit to Congress a report evaluating the need for a loan guarantee program of the type established by section 2199 of title 10, United States Code, as added by subsection (a), for all federally impacted school districts.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BERMAN OF CALIFORNIA

At the end of title XII (page , after line ), insert the following new section:

### SEC. 1205. SUPPORT FOR PROGRAMS TO PROMOTE INFORMAL REGION-WIDE DIALOGUES ON ARMS CONTROL AND REGIONAL SECURITY ISSUES FOR ARAB, ISRAELI, AND UNITED STATES OFFICIALS AND EXPERTS.

(a) Support for Regional Dialogues.—The amount provided in section 301(5) for Defense-wide activities is hereby increased by $1,000,000, to be available, through the Office of the Assistant Secretary of Defense for International Security Affairs, only to support current and established programs, conducted since 1993, to promote informal region-wide dialogues on arms control and regional security issues for Arab, Israeli, and United States officials and experts.

(b) Offset.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby reduced by $1,000,000.

Amendment to H.R. 4205, as Reported

Offered by Mr. Andrews of New Jersey or Mr. Weldon of Pennsylvania

At the end of division A (page , after line ), insert the following new title:

## TITLE XVI—PROVISIONS RELATING TO CYBERTERRORISM PREVENTION

### SEC. 1601. MODIFICATION OF AUTHORITIES RELATING TO USE OF PEN REGISTERS AND TRAP AND TRACE DEVICES.

(a) General Limitation on Use by Governmental Agencies.—Section 3121(c) of title 18, United States Code, is amended—

(1) by inserting "or trap and trace device" after "pen register";

(2) by inserting ", routing, addressing," after "dialing"; and

(3) by striking "call processing" and inserting "the processing and transmitting of wire and electronic communications".

(b) Issuance of Orders.—

(1) In general.—Subsection (a) of section 3123 of that title is amended to read as follows:

"(a) In General.—(1) Upon an application made under section 3122(a)(1) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device if the court finds that the attorney for the Government has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation. The order shall, upon service of the order, apply to any entity providing wire or electronic communication service in the United States whose assistance is required to effectuate the order.

"(2) Upon an application made under section 3122(a)(2) of this title, the court shall enter an ex parte order authorizing the installation and use of a pen register or trap and trace device within the jurisdiction of the court if the court finds that the State law enforcement or investigative officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.".

(2) Contents of order.—Subsection (b)(1) of that section is amended—

(A) in subparagraph (A)—

(i) by inserting "or other facility" after "telephone line"; and

(ii) by inserting before the semicolon at the end "or applied"; and

(B) by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) a description of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied, and, in the case of an order authorizing installation and use of a trap and trace device under subsection (a)(2), the geographic limits of the order; and".

(3) Nondisclosure requirements.—Subsection (d)(2) of that section is amended—

(A) by inserting "or other facility" after "the line"; and

(B) by striking "or who has been ordered by the court" and inserting "or applied or who is obligated by the order".

(c) Emergency Installation.—Section 3125(a)(1) of that title is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the comma at the end and inserting a semicolon; and

(3) by inserting after subparagraph (B) the following new subparagraphs:

"(C) immediate threat to the national security interests of the United States;

"(D) immediate threat to public health or safety; or

"(E) an attack on the integrity or availability of a protected computer which attack would be an offense punishable under section 1030(c)(2)(C) of this title,".

(d) Definitions.—

(1) Court of competent jurisdiction.—Paragraph (2) of section 3127 of that title is amended by striking subparagraph (A) and inserting the following new subparagraph (A):

"(A) any district court of the United States (including a magistrate judge of such a court) or any United States Court of Appeals having jurisdiction over the offense being investigated; or".

(2) Pen register.—Paragraph (3) of that section is amended—

(A) by striking "electronic or other impulses" and all that follows through "is attached" and inserting "dialing, routing, addressing, or signalling information transmitted by an instrument or facility from which a wire or electronic communication is transmitted"; and

(B) by inserting "or process" after "device" each place it appears.

(3) Trap and trace device.—Paragraph (4) of that section is amended—

(A) by inserting "or process" after "a device"; and

(B) by striking "of an instrument" and all that follows through the end and inserting "or other dialing, routing, addressing, and signalling information relevant to identifying the source of a wire or electronic communication;".

### SEC. 1602. MODIFICATION OF PROVISIONS RELATING TO FRAUD AND RELATED ACTIVITY IN CONNECTION WITH COMPUTERS.

(a) Penalties.—Subsection (c) of section 1030 of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)—

(i) by inserting "except as provided in subparagraphs (B) and (C)," before "a fine";

(ii) by striking "(a)(5)(C)," and inserting "(a)(5),"; and

(iii) by striking "and" at the end;

(B) in subparagraph (B)—

(i) by inserting "or an attempt to commit an offense punishable under this subparagraph," after "subsection (a)(2)," in the matter preceding clause (i); and

(ii) by adding "and" at the end; and

(C) by striking subparagraph (C) and inserting the following new subparagraph (C):

"(C) a fine under this title or imprisonment for not more than 10 years, or both, in the case of an offense under subsection (a)(5)(A) or (a)(5)(B), or an attempt to commit an offense punishable under this subparagraph, if the offense caused (or, in the case of an attempted offense, would, if completed, have caused)—

"(i) loss to one or more persons during any one-year period (including loss resulting from a related course of conduct affecting one or more other protected computers) aggregating at least $5,000 in value;

"(ii) the modification or impairment, or potential modification or impairment, of the medical examination, diagnosis, treatment, or care of one or more individuals;

"(iii) physical injury to any person;

"(iv) a threat to public health or safety; or

"(v) damage affecting a computer system used by or for a government entity in furtherance of the administration of justice, national defense, or national security; and";

(2) by redesignating subparagraph (B) of paragraph (3) as paragraph (4);

(3) in paragraph (3)—

(A) by striking "(A)" at the beginning; and

(B) by striking ", (a)(5)(A), (a)(5)(B),"; and

(4) in paragraph (4), as designated by paragraph (2) of this subsection, by striking "(a)(4), (a)(5)(A), (a)(5)(B), (a)(5)(C)," and inserting "(a)(2), (a)(3), (a)(4), (a)(6),".

(b) Definitions.—Subsection (e) of that section is amended—

(1) in paragraph (2)(B), by inserting ", including a computer located outside the United States" before the semicolon;

(2) in paragraph (7), by striking "and" at the end;

(3) by striking paragraph (8) and inserting the following new paragraph (8):

"(8) the term 'damage' means any impairment to the integrity, availability, or confidentiality of data, a program, a system, or information;";

(4) in paragraph (9), by striking the period at the end and inserting "; and"; and

(5) by adding at the end the following new paragraphs:

"(10) the term 'conviction' shall include an adjudication of juvenile delinquency for a violation of this section; and

"(11) the term 'loss' means any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost or cost incurred because of interruption of service.".

(c) Damages in Civil Actions.—Subsection (g) of that section is amended in the second sentence by striking "involving damage" and all that follows through the period and inserting "of subsection (a)(5) shall be limited to loss unless such action includes one of the elements set forth in clauses (ii) through (v) of subsection (c)(2)(C).".

(d) Criminal Forfeiture.—That section is further amended by adding at the end the following new subsection:

"(i)(1) The court, in imposing sentence on any person convicted of a violation of this section, may order, in addition to any other sentence imposed and irrespective of any provision of State law, that such person forfeit to the United States—

"(A) the interest of such person in any property, whether real or personal, that was used or intended to be used to commit or to facilitate the commission of such violation; and

"(B) any property, whether real or personal, constituting or derived from any proceeds that such person obtained, whether directly or indirectly, as a result of such violation.

"(2) The criminal forfeiture of property under this subsection, any seizure and disposition thereof, and any administrative or judicial proceeding relating thereto, shall be governed by the provisions of section 413 of the Controlled Substances Act (21 U.S.C. 853), except subsection (d) of that section.".

(e) CIVIL FORFEITURE.—That section, as amended by subsection (d) of this section, is further amended by adding at the end the following new subsection:

"(j)(1) The following shall be subject to forfeiture to the United States, and no property right shall exist in them:

"(A) Any property, whether real or personal, that is used or intended to be used to commit or to facilitate the commission of any violation of this section.

"(B) Any property, whether real or personal, that constitutes or is derived from proceeds traceable to any violation of this section.

"(2) The provisions of chapter 46 of this title relating to civil forfeiture shall apply to any seizure or civil forfeiture under this subsection.".

### SEC. 1603. JUVENILE DELINQUENCY.

Clause (3) of the first paragraph of section 5032 of title 18, United States Code, is amended—

(1) by striking "or" before "section 1002(a)";

(2) by striking "or" before "section 924(b)"; and

(3) by inserting after "or (h) of this title," the following: "or section 1030(a)(1), (a)(2)(B), or (a)(3) of this title, or is a felony violation of section 1030(a)(5) of this title where such violation of such section 1030(a)(5) is punishable under clauses (ii) through (v) of section 1030(c)(2)(C) of this title,".

### SEC. 1604. AMENDMENT TO SENTENCING GUIDELINES.

Section 805(c) of the Antiterrorism and Effective Death Penalty Act of 1996 (Public Law 104–132; 28 U.S.C. 994 note) is amended by striking "paragraph (4) or (5)" and inserting "paragraph (4) or a felony violation of paragraph (5)(A)".

AMENDMENT TO H.R. 4205, AS REPORTED.

OFFERED BY MR. BACA OF CALIFORNIA

At the end of title X (page , after line ), insert the following new section:

### SEC. 1038. GOLD CONTENT FOR MEDAL OF HONOR.

(a) REQUIREMENT FOR GOLD CONTENT.—Sections 3741, 6241, and 8741 of title 10, United States Code, and section 491 of title 14, United States Code, are each amended by inserting "the metal content of which is 90 percent gold and 10 percent alloy and" after "appropriate design,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any award of the Medal of Honor after the date of the enactment of this Act.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. FRANK OF MASSACHUSETTS

At the end of title XII (page , after line ), insert the following new section:

### SEC. 1205. SENSE OF CONGRESS CONCERNING BURDEN SHARING BY EUROPEAN ALLIES OF THE UNITED STATES.

It is the sense of Congress that—

(1) the United States continues to carry a disproportionate share of military responsibilities in Europe and worldwide;

(2) Congress welcomes the initiative of the European allies of the United States to create an integrated military force that would be capable of responding to threats within Europe in cases in which the North Atlantic Treaty Organization as such is not engaged; and

(3) whenever there is a military operation in Europe involving those allies and the United States, those allies should have primary responsibility for providing the ground forces for the operation.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. ABERCROMBIE OF HAWAII

At the end of title X (page 324, after line 11), insert the following new section:

### SEC. 1038. UNUSED PORTION OF LOW-INCOME HOUSING CREDIT FINANCED WITH TAX EXEMPT BONDS USED FOR CONSTRUCTION OF MILITARY HOUSING.

(a) IN GENERAL.—Section 42 of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (m) the following new subsection:

"(n) QUALIFIED MILITARY HOUSING BUILDING.—For purposes of this section—

"(1) IN GENERAL.—A qualified military housing building shall be treated as a new qualified low-income housing building.

"(2) APPLICABLE PERCENTAGE AND QUALIFIED BASIS.—The applicable percentage for the qualified military housing building shall be determined under subsection (b)(2) in a manner to yield the credit amount described in subsection (b)(2)(B)(ii). The qualified basis of such building shall be the basis determined under subsection (d)(1).

"(3) QUALIFIED MILITARY HOUSING BUILDING.—The term 'qualified military housing building' means military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the compliance period.

"(4) MILITARY FAMILY HOUSING AND MILITARY UNACCOMPANIED HOUSING.—The terms 'military family housing' and 'military unaccompanied housing' have the same meanings as when used in subchapter IV of chapter 169 of title 10, United States Code.".

(b) USE OF TAX EXEMPT BONDS FOR MILITARY HOUSING PROJECTS.—

(1) IN GENERAL.—Subsection (d) of section 142 of such Code (relating to exempt facility bonds) is amended by redesignating paragraph (7) as paragraph (8) and by inserting after paragraph (6) the following new paragraph:

"(7) SPECIAL RULE FOR QUALIFIED MILITARY HOUSING PROJECTS.—For purposes of paragraph (1)—

"(A) IN GENERAL.—A qualified military housing project shall be treated as a qualified residential rental project.

"(B) QUALIFIED MILITARY HOUSING PROJECT DEFINED.—The term 'qualified military housing project' means a project for military family housing or military unaccompanied housing located in the United States which is constructed and used exclusively as military housing (within the meaning of chapter 169 of title 10, United States Code) at all times during the qualified project period.".

(2) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—Section 146 of such Code (relating to the volume cap) is amended by adding at the end the following new subsection:

"(n) PRIORITY AMONG RESIDENTIAL RENTAL HOUSING PROJECTS.—An issuer shall not allocate an amount for a qualified military housing project (within the meaning of section 142(d)(7)) for a year unless the issuer certifies that such amount is not needed for residential rental projects that are not qualified military housing projects for that year.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service and bonds issued after December 31, 1999.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. BLAGOJEVICH OF ILLINOIS

Strike title XV and insert the following:

### SEC. 1501. CONVEYANCE OF FEDERAL LAND IN AND AROUND VIEQUES ISLAND, PUERTO RICO, TO THE COMMONWEALTH OF PUERTO RICO.

Section 8 of the Puerto Rican Federal Relations Act (48 U.S.C. 749) is amended by adding at the end the following: "In addition, 60 days after the Governor submits to the President, the Senate, and the House of Representatives a plan for the use for public purposes of all Federal property that is on or within one mile surrounding Vieques Island and not transferred to the control of the Government of Puerto Rico before the date of the enactment of this sentence, all such property shall be conveyed to the Government of Puerto Rico to be maintained and administered in accordance with such plan without consideration. For the purposes of such plan, public purpose shall include public benefit uses applicable to Guam under the Guam Excess Lands Act (Public Law 103–339; 108 Stat. 3116). Any Federal agency using or exercising control over any lands or facilities so conveyed shall be responsible for the removal and cleanup of any toxic or hazard material related to such lands or facilities.".

### SEC. 1502. ECONOMIC ASSISTANCE FOR RESIDENTS OF VIEQUES ISLAND.

(a) ASSISTANCE AUTHORIZED.—Of the amounts appropriated pursuant to the 2000 Emergency Supplemental Appropriations Act referred to in section 1003, $40,000,000 shall be available to the Secretary of Defense to provide assistance to the residents of Vieques Island, Puerto Rico, in such manner and for such purposes as the Secretary considers appropriate.

(b) TRANSFER AUTHORITY.—The Secretary of Defense may expend amounts available under subsection (a) directly or by appropriate transfer for the provision of assistance to the residents of Vieques Island. The transfer authority provided under this subsection is in addition to any other transfer authority available to the Department of Defense.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. CONDIT OF CALIFORNIA

At the end of title V (page , after line ), insert the following new section:

### SEC. . ENTITLEMENT OF MILITARY RETIREES TO BENEFITS PROMISED UPON ACCESSION.

(a) IN GENERAL.—Chapter 34 of title 10, United States Code, is amended by inserting after section 1031 the following new section:

**"§ 1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section**

"(a) EXPLANATION OF RETIREMENT BENEFITS.—In the case of any person who first becomes a member of the armed forces on or after the date of the enactment of this section, the Secretary concerned shall ensure that the person, upon first becoming a member of the armed forces, is provided a written statement describing the benefits that, under then-current laws and regulations, will be provided to that person if that person is subsequently retired from the armed forces. Such statement shall be in clear and concise language and shall explain any limitation or qualification on the receipt of those benefits (such as, in the case of medical and dental care, the availability of staff and facilities). However, any such limitation or qualification may not include a statement of reservation of the right to change any such benefit (either by law or regulation).

"(b) Entitlement to Retirement Benefits.—Any person who receives a statement of retirement benefits under subsection (a) and who subsequently retires from the armed forces shall be entitled, upon that retirement, to the benefits as described in that statement.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1031 the following new item:

"1031a. Entitlement to retirement benefits: persons first becoming members of the armed forces on or after date of enactment of section.".

### Amendment to H.R. 4205, as Reported
### Offered by Mr. Cox of California or Mr. Dicks of Washington

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. END-USE VERIFICATION FOR USE BY CERTAIN COUNTRIES OF HIGH-PERFORMANCE COMPUTERS.**

(a) Revised HPC Verification System.—The President shall seek to enter into an agreement with each country described in subsection (c) to revise the existing verification system with that country with respect to end-use verification for high-performance computers exported or to be exported to that country so as to provide for an open and transparent system providing for effective end-use verification for such computers and, at a minimum, providing for on-site inspection of the end-use and end-user of such computers, without notice, by United States nationals designated by the United States Government. The President shall transmit a copy of the agreement to Congress.

(b) Consequence of Failure To Establish Revised Verification System.—If a revised verification system described in subsection (a) is not agreed to by a country described in subsection (c) by September 1, 2001, then until such a system is agreed to by that country—

(1) each license for the export of a high-performance computer to that country shall include a requirement for on-site inspection of the end-use and the end-user, without notice, by United States nationals designated by the United States Government and, in the absence of this requirement, the license shall be denied; or

(2) the President may certify to the congressional committees designated in section 1215 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) that other appropriate measures, similar to and of equal or greater effectiveness as the system described in subsection (a), have been taken to establish an open and transparent system for effective end-use verification for high-performance computers exported to that country, or to protect the national security in the absence of such a system.

(c) Countries Described.—A country referred to in subsections (a) and (b) is a country—

(1) to which exports of high-performance computers are subject to section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note); and

(2) that has denied more than 50 percent of the requests for post-shipment verifications under section 1213 of that Act.

(d) Definition.—As used in this section, the term "high-performance computer" means a computer which, by virtue of its composite theoretical performance level, would be subject to section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note).

(e) Adjustment of Composite Theoretical Performance Levels.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended in the second sentence by inserting before the period the following: ", with reference both to the utility of computers of particular performance levels for nuclear weapons, other weapons of mass destruction, and other military applications, and to the commercial availability of computers and components from sources outside the jurisdiction of the United States".

### Amendment to H.R. 4205, as Reported
### Offered by Mr. DeFazio of Oregon

At the end of title XII (page      , after line      ), insert the following new section:

**SEC. 1205. PERSIAN GULF SECURITY COST FAIRNESS.**

(a) Sense of Congress.—It is the sense of Congress that—

(1) the several key oil-producing countries that relied on the United States for their military protection in 1990 and 1991, including during the Persian Gulf conflict, and continue to depend on the United States for their security and stability, should share in the responsibility for that stability and security commensurate with their national capabilities; and

(2) the countries of the Gulf Cooperation Council (Bahrain, Kuwait, Oman, Qatar, Saudi Arabia, and the United Arab Emirates) have the economic capability to contribute more toward their own security and stability and therefore these countries should contribute commensurate with that capability.

(b) Efforts To Increase Burdensharing by Countries in the Persian Gulf Region Benefitting From United States Military Presence.—The President shall seek to have each country in the Persian Gulf region to which the United States extends military protection (either through security agreements, basing arrangements, or mutual participation in multinational military organizations or operations) take one or more of the following actions:

(1) For any country in which United States military personnel are assigned to permanent duty ashore, increase its financial contributions to the payment of the nonpersonnel costs incurred by the United States for stationing United States military personnel in that country, with the goal of achieving by September 30, 2003, 75 percent of such costs. An increase in financial contributions by any country under this paragraph may include the elimination of taxes, fees, or other charges levied on the United States military personnel, equipment, or facilities stationed in that country.

(2) Increase its annual budgetary outlays for national defense as a percentage of its gross domestic product by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(3) Increase its annual budgetary outlays for foreign assistance (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights) by 10 percent or at least to a level commensurate to that of the United States by September 30, 2001.

(4) Increase the amount of military assets (including personnel, equipment, logistics, support and other resources) that it contributes, or would be prepared to contribute, to military activities in the Persian Gulf region.

(c) Authorities To Encourage Actions by United States Allies.—In seeking the actions described in subsection (b) with respect to any country, or in response to a failure by any country to undertake one or more of such actions, the President may take any of the following measures to the extent otherwise authorized by law:

(1) Reduce the end strength level of members of the Armed Forces assigned to permanent or part-time duty in the Persian Gulf region.

(2) Impose on those countries fees or other charges similar to those that such countries impose on United States forces stationed in such countries.

(3) Suspend, modify, or terminate any bilateral security agreement the United States has with that country, consistent with the terms of such agreement.

(4) Reduce (through rescission, impoundment, or other appropriate procedures as authorized by law) any United States bilateral assistance appropriated for that country.

(5) Take any other action the President determines to be appropriate as authorized by law.

(d) Report on Progress in Increasing Allied Burdensharing.—Not later than March 1, 2001, the Secretary of Defense shall submit to Congress a report on—

(1) steps taken by other countries to complete the actions described in subsection (b);

(2) all measures taken by the President, including those authorized in section subsection (c), to achieve the actions described in subsection (b);

(3) the difference between the amount allocated by other countries for each of the actions described in subsection (b) during the period beginning on October 1, 2000, and ending on September 30, 2001, and during the period beginning on October 1, 2001, and ending on September 30, 2002; and

(4) the budgetary savings to the United States that are expected to accrue as a result of the steps described under paragraph (1).

(e) Review and Report on National Security Bases for Forward Deployment and Burdensharing Relationships.—

(1) Review.—In order to ensure the best allocation of budgetary resources, the President shall undertake a review of the status of elements of the Armed Forces that are permanently stationed outside the United States. The review shall include an assessment of the following:

(A) The requirements that are to be found in agreements between the United States and the allies of the United States in the Persian Gulf region.

(B) The national security interests that support permanent stationing of elements of the Armed Forces outside the United States.

(C) The stationing costs associated with forward deployment of elements of the Armed Forces.

(D) The alternatives available to forward deployment (such as material prepositioning, enhanced airlift and sealift, or joint training operations) to meet such requirements or national security interests, with such alternatives identified and described in detail.

(E) The costs and force structure configurations associated with such alternatives to forward deployment.

(F) The financial contributions that allies of the United States in the Persian Gulf region make to common defense efforts (to promote democratization, economic stabilization, transparency arrangements, defense economic conversion, respect for the rule of law, and internationally recognized human rights).

(G) The contributions that allies of the United States in the Persian Gulf region make to meeting the stationing costs associated with the forward deployment of elements of the Armed Forces.

(H) The annual expenditures of the United States and its allies in the Persian Gulf region on national defense, and the relative percentages of each country's gross domestic product constituted by those expenditures.

(2) REPORT.—The President shall submit to Congress a report on the review under paragraph (1). The report shall be submitted not later than March 1, 2001, in classified and unclassified form.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

At the end of subtitle D of title I (page , after line ), insert the following new section:

**SEC. 132. REDUCTION IN FUNDS FOR F-22 PROGRAM.**

The amount provided in section 103(1) for procurement of aircraft for the Air Force is hereby reduced by $1,038,050,000, to be derived from the F-22 aircraft program, of which—

(1) $840,000,000 shall be derived from amounts for low-rate initial production; and

(2) $198,050,000 shall be derived from amounts for advance procurement.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following:

**SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State, and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representatives to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

"(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may scrap a vessel in a foreign country under subsection (c) only if—

"(1) such Secretary removes all transformers and large and low voltage capacitors that contain dielectric fluids with PCBs in any concentrations and all hydraulic and heat transfer fluids containing PCBs;

"(2) such Secretary removes all solid items containing PCBs, to the extent that the solid items are readily removable and their removal does not jeopardize the structural integrity of the ship or the ability of the vessel to be operated in a seaworthy manner for delivery to the location where it will be scraped;

"(3) such Secretary or the purchaser of the vessel notifies the Administrator of the Environmental Protection Agency at least 45 days before the vessel is exported for scrapping, stating—

"(A) the name and contact information for the person arranging for the export of the vessel;

"(B) the country to which the vessel is being exported;

"(C) the name and contact information of the person conducting any PCB removal activities;

"(D) the vessel name and official number; and

"(E) the estimated date of export;

"(4) such Secretary certifies that the place in which the vessel is scraped has adequate measures to ensure that the environment is not degraded and the health and livelihood of nearby communities are not put at risk;

"(5) such Secretary certifies that shipbreaking workers are given adequate workplace protections and the conditions of work minimize the risk of occupational injury and disease to the workers; and

"(6) such Secretary certifies that shipbreaking workers' living facilities are hygenic and not contaminated by the shipbreaking activities; and

"(7) such Secretary certifies that removal and disposal of all hazardous materials from the vessel in the foreign country are done in a safe and environmentally sound manner.".

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402 and insert the following (and redesignate accordingly):

**SEC. . ESTABLISHMENT OF NATIONAL DEFENSE RESERVE FLEET VESSEL SCRAPPING PILOT PROGRAM.**

(a) IN GENERAL.—The Secretary of Transportation shall carry out a National Defense Reserve Fleet vessel scrapping and processing pilot program in the United States during fiscal years 2001 through 2003. The scope of the program shall be that which the Secretary determines is sufficient to—

(1) gather data on the cost of scrapping and scrap processing, in the United States, of National Defense Reserve Fleet vessels; and

(2) demonstrate cost effective technologies and techniques to scrap and process such vessels in a manner that is protective of worker safety and health and the environment.

(b) CONTRACT AWARD.—(1) The Secretary, subject to the availability of appropriations—

(A) shall award a contract under subsection (a) for scrapping service to any person that the Secretary determines will provide the best value to the United States Government, taking into account any factors that the Secretary considers appropriate; and

(B) may award, as appropriate, a contract to manage the monitoring, inspection, and reporting process of any scrapping facility that will perform a contract under subparagraph (A).

(2) In making a best value determination under paragraph (1)(A), the Secretary shall give a greater weight to technical and performance-related factors than to cost and price-related factors.

(3) In selecting any contractor under this subsection, the Secretary shall give significant consideration to the technical and management qualifications and past performance of the contractor and the major subcontractors or team members of the contractor in complying with applicable Federal, State,

and local laws and regulations for environmental and worker protection. In accordance with the requirements of the Federal Acquisition Regulation, in the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

(4) The Secretary shall ensure regional diversity in awarding contracts under this section.

(c) CONTRACT TERMS AND CONDITIONS.—Each contract awarded by the Secretary pursuant to subsection (b) shall, at a minimum, provide for—

(1) the sharing, by any appropriate contracting method, of the costs of scrapping the vessel or vessels between the Government and the contractor;

(2) a performance incentive for a successful record of environmental and worker protection in performance of the contract;

(3) Government rights for access to facilities, inspection of work, and monitoring of facilities by Government personnel or an authorized representatives to determine compliance with this Act and the laws of the United States; and

(4) any other terms that the Secretary considers appropriate.

(d) REPORTS.—(1) Not later than June 30, 2001, the Secretary of Transportation shall submit an interim report on the pilot program to the Committee on Armed Services of the House of Representatives and of the Senate. The report shall contain the following:

(A) The procedures used for the solicitation and award of a contract or contracts under the pilot program.

(B) The contract or contracts awarded under the pilot program.

(2) Not later than September 30, 2004, the Secretary shall submit a final report on the pilot program to the committees specified in paragraph (1). The report shall contain the following:

(A) The results of the pilot program and the performance of the contractors under such program.

(B) The Secretary's recommended strategy to carry out future ship scrapping activities, including funding and personnel requirements.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary $40,000,000 for each of fiscal years 2001, 2002, and 2003 to carry out this section.

### SEC. . REPEAL OF NATIONAL DEFENSE RESERVE FLEET SCRAPPING RETURN REQUIREMENT.

Section 6(c)(1) of the National Maritime Heritage Act of 1994 (16 U.S.C. 5405(c)(1)) is amended—

(1) in subparagraph (A) by adding "and" after the semicolon;

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 471, after line 17, insert the following:

(d) REQUIREMENTS APPLICABLE TO FOREIGN SCRAPPING.—Section 6 of such Act (16 U.S.C. 5405) is amended by adding at the end the following:

"(e) APPLICATION TO FOREIGN SCRAPPING OF LAWS RELATING TO ENVIRONMENTAL PROTECTION, LABOR, AND SAFETY.—The Secretary of Transportation may not scrap a vessel outside of the United States under subsection (c) except in compliance with all Federal laws relating to environmental protection, labor, and safety that would apply to scrapping of the vessel inside the United States.".

AMENDMENT TO H.R. 4205, 1AS REPORTED

OFFERED BY MR. DEFAZIO OF OREGON

Page 470, beginning at line 12, strike section 3402.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MS. DEGETTE OF COLORADO

At the end of title II (page ___, after line ), insert the following new section:

### SEC. . AMOUNTS FOR ENVIRONMENTAL TECHNOLOGY.

Of amounts made available pursuant to an authorization of appropriations in section 201, amounts shall be available for environmental technology projects as follows:

(1) Of the amount for the Army pursuant to section 201(1), not less than $25,000,000 and not more than $94,000,000.

(2) Of the amount for the Navy pursuant to section 201(2), not less than $86,000,000 and not more than $105,800,000.

(3) Of the amount for the Air Force pursuant to section 201(3), not less than $6,000,000 and not more than $8,200,000.

(4) Of the amount for Defense-wide activities pursuant to section 201(4), not less than $77,000,000 and not more than $80,400,000.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. KUCINICH OF OHIO

At the end of title XII (page 338, after line 13), insert the following new section:

### SEC. 1205. REPORT ON USE OF CLUSTER MUNITIONS DURING KOSOVO CONFLICT.

(a) REPORT.—Not later than one year after the date of the enactment of this Act, the Inspector General of the Department of Defense shall submit to Oongress a report on the use by the United States Armed Forces of cluster munitions during the Kosovo conflict beginning on March 26, 1999.

(b) MATTERS TO BE INCLUDED.—The report under subsection (a) shall include the following:

(1) An inventory of all kinds of cluster munitions that were used and expended throughout the Kosovo conflict.

(2) Specific criteria for targets selected.

(3) A time line of the use of those munitions.

(4) An assessment of the effectiveness of different types of targets.

(5) Any reported incidents of cluster munitions malfunctions.

(6) A list of incidents reported involving unexploded munitions.

(7) An estimate of the number of civilians maimed or killed by such munitions.

(8) Specific deficiencies in cluster munitions.

(9) Specific advantages of cluster munitions.

(10) An estimate of the effectiveness of different munitions.

(11) The dud rate for each munition used, shown both for the usage of that munition in Kosovo and for the general usage of that munition.

(12) A comparison of the use of cluster munitions by the United States with the use of such munitions by forces of the United Kingdom.

(13) A cost-benefit analysis of reducing the dud rate of cluster munitions.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "cluster munition" means an air-launched submunition dispensing system.

(2) The term "dud rate" means the rate of failure.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY REPRESENTATIVE ZOE LOFGREN

At the end of title X (page 324, after line 11), insert the following new section:

### SEC. 1038. SATELLITE CONTROLS UNDER THE UNITED STATES MUNITIONS LIST.

Section 1513(a) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 22 U.S.C. 2778 note) is amended—

(1) by inserting "(1)" before "Notwithstanding"; and

(2) by adding at the end the following new paragraph:

"(2) Paragraph (1) does not apply to a satellite or related item if the Secretary of Commerce determines that—

"(A) the satellite or related item is intended for basic or applied research in science and engineering; and

"(B) the resulting information is ordinarily published and shared broadly within the scientific community.".

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. MARKEY OF MASSACHUSETTS

At the end of section 232 (page 40, after line 2), insert the following new subsection:

(d) STRATEGIC STABILITY WITH TRADING PARTNERS.—It is the policy of the United States that a national missile defense system should not be deployed against ballistic missiles from any nation that is a member of the World Trade Organization or that has permanent normal trade relations with the United States.

AMENDMENT TO H.R. 4205, AS REPORTED

OFFERED BY MR. PETERSON OF MINNESOTA

At the end of title V (page ___, after line ), insert the following new section:

### SEC. 557. SEPARATION AND RETIREMENT OF NATIONAL GUARD MILITARY TECHNICIANS ON SAME BASIS ON RESERVE TECHNICIANS.

(a) IN GENERAL.—(1) Chapter 1007 of title 10, United States Code, is amended by adding at the end the following new section:

**"§ 10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws**

"(a) SEPARATION AND RETIREMENT OF MILITARY TECHNICIANS (DUAL STATUS).—(1) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a military technician (dual status) who after the date of the enactment of this section loses dual status is subject to paragraph (2) or (3), as the case may be.

"(2) If a technician described in paragraph (1) is eligible at the time dual status is lost for an unreduced annuity, the technician shall be separated not later than 30 days after the date on which dual status is lost.

"(3)(A) If a technician described in paragraph (1) is not eligible at the time dual status is lost for an unreduced annuity, the technician shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

"(ii) shall be separated or retired—

"(I) in the case of a technician first hired as a military technician (dual status) on or before February 10, 1996, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a military technician (dual status) after February 10, 1996, not later than one year after the date on which dual status is lost.

"(4) For purposes of this subsection, a military technician is considered to lose dual status upon—

"(A) being separated from the Selected Reserve; or

"(B) ceasing to hold the military grade specified by the Secretary concerned for the position held by the technician.

"(b) Non-Dual Status Technicians.—(1) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is eligible for an unreduced annuity shall be separated not later than six months after the date of the enactment of this section.

"(2)(A) An individual who on the date of the enactment of this section is employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician and who on that date is not eligible for an unreduced annuity shall be offered the opportunity to—

"(i) reapply for, and if qualified be appointed to, a position as a military technician (dual status); or

"(ii) apply for a civil service position that is not a technician position.

"(B) If such a technician continues employment with the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician, the technician—

"(i) shall not be permitted, after the end of the one-year period beginning on the date of the enactment of this section, to apply for any voluntary personnel action; and

"(ii) shall be separated or retired—

"(I) in the case of a technician first hired as a technician on or before February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than 30 days after becoming eligible for an unreduced annuity; and

"(II) in the case of a technician first hired as a technician after February 10, 1996, and who on the date of the enactment of this section is a non-dual status technician, not later than one year after the date on which dual status is lost.

"(3) An individual employed by the Department of the Army or the Department of the Air Force under section 709 of title 32 as a non-dual status technician who is ineligible for appointment to a military technician (dual status) position, or who decides not to apply for appointment to such a position, or who, within six months of the date of the enactment of this section is not appointed to such a position, shall for reduction-in-force purposes be in a separate competitive category from employees who are military technicians (dual status).

"(c) Unreduced Annuity Defined.—For purposes of this section, a technician shall be considered to be eligible for an unreduced annuity if the technician is eligible for an annuity under section 8336, 8412, or 8414 of title 5 that is not subject to a reduction by reason of the age or years of service of the technician.

"(d) Voluntary Personnel Action Defined.—In this section, the term 'voluntary personnel action', with respect to a non-dual status technician, means any of the following:

"(1) The hiring, entry, appointment, reassignment, promotion, or transfer of the technician into a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).

"(2) Promotion to a higher grade if the technician is in a position for which the Secretary concerned has established a requirement that the person occupying the position be a military technician (dual status).".

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"10219. National Guard technicians: conditions for retention; mandatory retirement under civil service laws.".

(3) During the six-month period beginning on the date of the enactment of this Act, the provisions of subsections (a)(3)(B)(ii)(I) and (b)(2)(B)(ii)(I) of section 10219 of title 10, United States Code, as added by paragraph (1), shall be applied by substituting "six months" for "30 days".

(b) Early Retirement.—Section 8414(c)(1) of title 5, United States Code, is amended by striking "reserve" after "as a military".

Amendment to H.R. 4205, as Reported

Offered by Ms. Schakowsky of Illinois

At the end of subtitle C of title II (page 42, after line 19), insert the following new section:

### SEC. 236. DIPLOMATIC INITIATIVE WITH NORTH KOREA FOR NEGOTIATION OF END TO ITS BALLISTIC MISSILE PROGRAM.

Of the amount available for the Ballistic Missile Defense Organization pursuant to the authorization of appropriations in section 201(4), not less than $1,000,000 shall be available for the development of a diplomatic initiative with North Korea for negotiation of end to its ballistic missile program.

Amendment to H.R. 4205, as Reported

Offered by Ms. Schakowsky of Illinois

At the end of title III (page 82, after line 14), insert the following new section:

### SEC. 366. DEPARTMENT OF DEFENSE SUPPORT FOR COMBATTING AIDS IN AFRICA AND AROUND THE WORLD.

(a) AIDS Program.—The Secretary of Defense shall carry out a program to support activities to combat the acquired immune deficiency syndrome (AIDS) in Africa and around the world. Such support may include the purchase of medicines, provision of transportation, furnishing personnel to dispense medications, and assistance in the development of public health infrastructure.

(b) Funds.—The amount provided in section 301(19) for Overseas Humanitarian, Disaster, and Civic Aid programs is hereby increased by $283,000,000.

(c) Offset.—The amount provided in section 201(4), and the amount provided in section 231, are each reduced by $283,000,000.

Amendment to H.R. 4205, as Reported

Offered by Ms. Schakowsky of Illinois

At the end of section 231 (page 39, after line 10), insert the following new sentence: "The amount provided in section 201(4), and the amount provided in the preceding sentence, are each reduced by $283,000,000.".

Amendment to H.R. 4205, as Reported

Offered by Mr. Skelton of Missouri

At the end of title XII (page 338, after line 13), add the following:

### SEC. 1205. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) Layover Period for New Performance Levels.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking "180" and inserting "45"; and

(2) by adding at the end the following:

"(g) Calculation of 45-Day Period.—The 45-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of more than 3 days to a day certain or an adjournment of the Congress sine die.".

(b) Effective Date.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

Amendment to H.R. 4205, as Reported

Offered by Mr. Stark of California

At the end of title X (page 324, after line 11), insert the following new section:

### SEC. 10 ˆ. CODIFICATION AND EXTENSION OF LIMITATIONS ON DEPARTMENT OF DEFENSE PARTICIPATION IN AND SUPPORT FOR OVERSEAS AIR SHOWS AND TRADE EXHIBITIONS.

(a) Codification and Strengthening of Limitations.—(1) Chapter 152 of title 10, United States Code, is amended by adding at the end the following new section:

### "§ 2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors

"(a) Prohibition on Military Participation.—The Secretary of Defense and the Secretary of a military department may not—

"(1) authorize the participation by the armed forces in an airshow or trade exhibition held outside the United States (other than the support authorized in subsection (b)); or

"(2) use the training or readiness requirements of the armed forces in order to provide support indirectly for any such airshow or trade exhibition.

"(b) Limitation on Support for Contractor Participation.—The Secretary of Defense, and the Secretaries of the military departments with respect to their respective departments, may, upon the request of a business firm or industrial association, provide support to that firm or association at an airshow or trade exhibition to be held outside the United States in the form of the display or demonstration of military equipment if the firm or association agrees to reimburse the United States for all incremental costs of the Department of Defense for that support.

"(c) Incremental Costs.—Incremental costs for purposes of subsection (b) are the following:

"(1) All incremental costs of military personnel accompanying the equipment or assisting the firm or association in the display or demonstration of the equipment, including costs of food, lodging, and local transportation.

"(2) All incremental transportation costs incurred in moving the equipment from its normally assigned location to the airshow or trade exhibition and return.

"(3) Any other miscellaneous incremental cost (such as insurance costs or ramp fees) not covered by paragraph (1) or (2) that is incurred by the United States but would not have been incurred had the Department of Defense not provided support to the firm or industrial association under subsection (b).''.

(2) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

``2555. Overseas airshows and trade exhibitions: participation prohibited; limitations on support for contractors.''.

(b) Repeal of Existing Limitations.—Section 1082 of the National Defense Authorization Act for Fiscal Year 1993 (Public Law 102–484; 10 U.S.C. 113 note) is repealed.

Amendment to H.R. 4205, as Reported

Offered by Mrs. Tauscher of California

At the end of title XII (page , after line ), insert the following new section:

**SEC. . ADJUSTMENT OF CONGRESSIONAL REVIEW PERIOD FOR CHANGE IN COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS SUBJECT TO EXPORT CONTROLS.**

(a) Reduction in Congressional Review Period.—Section 1211(d) of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. app. 2404 note) is amended in the second sentence by striking ``180'' and inserting ``30''.

(b) Effective Date.—The amendment made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after January 1, 2000.

Amendment to H.R. 4205, as Reported

Offered by Mr. Vitter of Louisiana, Mr. Tauzin of Louisiana, or Mr. Jefferson of Louisiana

At the end of title II (page , after line ), insert the following new section:

**SEC. . NAVY SINGLE INTEGRATED HUMAN RESOURCE STRATEGY.**

Notwithstanding any other provision of this Act, of the funds provided for Research, Development, Test, and Evaluation, Navy, $10,792,000 shall be made available for the Navy Single Integrated Human Resource Strategy, business process re-engineering of Navy and Navy Reserve legacy systems and software and technology interoperability and reliability. These funds shall be made available by a reduction of $10,792,000 in Program Element 0604231N, Tactical Command System, Research, Development, Test, and Evaluation, Navy.

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Amendment to H.R. 4205, as Reported

Offered by Mr. Dicks of Washington

At the end of subtitle C of title I (page 27, after line 24), insert the following new section:

**SEC. . WAIVER AUTHORITY FOR DISCONTINUATION OF PRODUCTION OF D–5 MISSILE.**

(a) Waiver Authority for D–5 Program Termination.—The Secretary of Defense may waive the provisions of this Act specified in subsection (b) upon submitting to the congressional defense committees a certification in writing that such a waiver is in the national security interests of the United States.

(b) Provisions Subject to Waiver.—Subsection (a) applies to provisions of this Act providing the following:

(1) That funds appropriated for the Department of Defense for fiscal years after fiscal year 2001 may not be obligated or expended to commence production of additional Trident II (D–5) missiles.

(2) That amounts appropriated for the Department of Defense may be expended for the Trident II (D–5) missile program only for the completion of production of those Trident II (D–5) missiles which were commenced with funds appropriated for a fiscal year before fiscal year 2002.

(c) Funding.—The amount provided in section 102 for weapons procurement for the Navy is hereby increased by $472,900,000, to be available for procurement of Trident II (D–5) missile only upon submission of a certification under subsection (a).

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 9 of rule XX, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 226, nays 200, not voting 8, as follows:

[Roll No. 200]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
Martinez
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—200

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky

Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—8

Campbell
Dixon
Oberstar
Owens
Pomeroy
Salmon
Stupak
Udall (NM)

□ 1310

Mrs. CLAYTON changed her vote from "aye" to "no."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BURR of North Carolina). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 254, noes 169, not voting 11, as follows:

[Roll No. 201]

AYES—254

Aderholt
Archer
Armey
Baca
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Pastor
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reyes
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stearns
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—169

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Brady (PA)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Condit
Conyers
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
John
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lee
Levin
Lewis (GA)
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Moakley
Mollohan
Nadler
Napolitano
Neal
Obey
Olver
Ortiz
Pallone
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Smith (WA)
Snyder
Stabenow
Stark
Stenholm
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu

NOT VOTING—11

Campbell
Dixon
Franks (NJ)
Jefferson
Oberstar
Owens
Salmon
Stupak
Udall (NM)
Weller
Wynn

□ 1320

Mr. ORTIZ and Mr. HALL of Texas changed their vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MESSAGES FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Pursuant to House Resolution 504 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4205.

□ 1322

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, with Mr. BURR of North Carolina (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, proceedings pursuant to House Resolution 503 had been completed.

Pursuant to House Resolution 504, no further amendment to the committee amendment in the nature of a substitute is in order except amendments printed in House Report 106-624 and pro forma amendments offered by the chairman and ranking minority member.

Except as specified in section 4 of the resolution, each amendment printed in the report shall be considered only in the order printed, may be offered only by a Member designated in the report, shall be considered read, and shall not be subject to a demand for a division of the question.

Each amendment shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, and shall not be subject to amendment, except as specified in the report and except that the chairman and ranking minority member each may offer one pro forma amendment for the purpose of further debate on any pending amendment.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Chairman of the Committee of the Whole may recognize for consideration of amendments printed in the report out of the order in which they are printed, but not sooner than 1 hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

It is now in order to consider amendment No. 1 printed in House Report 106–624.

### AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

Ms. SANCHEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Ms. SANCHEZ: At the end of title VII (page 247, after line 9), insert the following new section:

**SEC. 7 . RESTORATION OF PRIOR POLICY REGARDING RESTRICTIONS ON USE OF DEPARTMENT OF DEFENSE MEDICAL FACILITIES.**

Section 1093 of title 10, United States Code, is amended—

(1) by striking out "(a) RESTRICTION ON USE OF FUNDS.—"; and

(2) by striking out subsection (b).

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentlewoman from California (Ms. SANCHEZ) and the gentleman from Indiana (Mr. BUYER) each will control 10 minutes.

The Chair recognizes the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I yield myself such time as I may consume.

Today, I join the gentlewoman from Maryland (Mrs. MORELLA) and the gentlewoman from New York (Mrs. LOWEY) to offer this amendment. This amendment repeals a provision of the fiscal year 1996 defense bill which bars women serving overseas in the U.S. military from using their own funds to obtain legal abortion services in military hospitals. Women who volunteer to serve in our Armed Forces already give up many freedoms and they risk their lives to defend our country. They should not have to sacrifice their privacy, their health and their basic constitutional rights because of a policy that has no valid military purpose.

This is a health care concern. Local facilities in foreign nations are often not equipped to handle procedures, and medical standards may be far lower than those in the United States. In other words, we are putting our soldiers at risk.

This is a matter of fairness. Servicewomen and military dependents stationed abroad do not expect special treatment. They only expect the right to receive the same services guaranteed to American women under Roe v. Wade at their own expense.

My amendment does not allow taxpayer-funded abortions at military hospitals nor does it compel any doctor who opposes abortions on principle or as a matter of conscience to perform an abortion. My amendment reinstates the same policy that we had as a Nation from 1973 until 1988, and again from 1993 until 1996.

This has received bipartisan support from the House and from the House Committee on Armed Services. It also has strong support from the health care community; namely, the American Public Health Association, the American Medical Women's Association and the American College of Obstetricians and Gynecologists. And my amendment is supported by the Department of Defense.

If the professionals who are responsible for our Nation's armed services support this policy change, then why would Congress not? I urge my fellow colleagues to vote for the Sanchez-Morella-Lowey amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the last 30 years, the availability of abortion services at military medical facilities has been subjected to numerous changes and interpretations. In January of 1993, President Clinton signed an executive order directing the Department of Defense to permit privately funded abortions in military treatment facilities. The changes ordered by the President, however, did not greatly increase the access to abortion services as may be claimed here on the House floor. Few abortions were performed at military treatment facilities overseas for a number of reasons. First, the United States military follows the prevailing laws and rules of host nations regarding abortions. Second, the military has had a difficult time finding health care professionals in uniform willing to perform such procedures, even though we then enacted a conscience clause.

The House has voted several times to ban abortions at overseas military hospitals. This language was defeated previously. It almost feels as though it is political theater year in and year out as we go through these abortion amendments.

I would note that in overseas locations where safe, legal abortions are not available, the beneficiaries have options of using space available travel for returning to the United States or traveling to another overseas location for the purpose of obtaining an abortion. But if we are going to subject our military facilities by military doctors who have taken a pledge and focus all of their energies toward military medical readiness, which means the saving of life, that is what our military doctors do. Military medical readiness is that they focus the performance of their duties to take care of soldiers who are wounded in accidents and, more particular, in battlefield injuries. Now to say, "Well, we're going to take that same doctor and, oh, by the way, now we're going to say it's okay to let him perform abortions," I think not. The House has been heard on this issue.

Mr. Chairman, I reserve the balance of my time.

□ 1330

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY), a cosponsor of this amendment.

Mrs. LOWEY. Mr. Chairman, I rise in strong support of the Sanchez-Morella-Lowey amendment, which would allow military women and dependents stationed overseas to obtain abortion services with their own money. I want to thank the gentlewoman from California (Ms. SANCHEZ) for her fine work on this important issue.

Over 100,000 women live on American military bases abroad. These women risk their lives and security to protect our great and powerful Nation. These women work to protect the freedoms of our country, and yet these women, for the past 4 years, have been denied the very constitutional rights they fight to protect.

Mr. Chairman, this restriction is un-American, undemocratic, and would be unconstitutional on United States soil. How can this body deny constitutional liberties to the very women who toil to preserve them?

Mr. Chairman, especially as we work to promote and ensure democracy worldwide, we have an obligation to ensure that our own citizens are free while serving abroad. Our military bases should serve as a model of democracy at work, rather than an example of freedom suppressed.

This amendment is not about taxpayer dollars funding abortions, because no Federal funds would be used for these services. This amendment is not about health care professionals performing procedures they are opposed to, because they are protected by a conscience clause. This amendment is about ensuring that all American women have the ability to exercise their constitutional right to privacy and access to safe and legal abortion services.

In the past, I have expressed my exhaustion with the anti-choice majority's continued attempts to strip women of their right to choose. Well, yes, I am tired of revisiting these now familiar battles, and so, too, are the American people.

Their message is clear: Do not make abortion more difficult and dangerous. Instead, they have asked this body to find ways to prevent unintended pregnancies and the need for abortion by encouraging responsibility and making contraception affordable and accessible to all women. That is why in the 105th Congress I worked tirelessly to secure passage of my provision.

Mr. Chairman, not one of these restrictions does anything to make abortion less necessary. I urge Members to support the Sanchez amendment and join me in my effort to make abortion less necessary.

Mr. BUYER. Mr. Chairman, I would respond to the gentlewoman by saying if she is fatigued in these types of battles, then join in the cause of the celebration for life.

Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Chairman, I thank the distinguished chairman for yielding me time.

Mr. Chairman, the purpose of the Sanchez amendment is to facilitate the destruction of unborn babies by dismemberment and chemical poisoning. Of course, my friend and colleague from California does not present her case to us in this way, my friend instead sanitizes a terrible reality. The difficult unavoidable consequence of enactment of her amendment is to facilitate the violent death of babies.

Mr. Chairman, with each passing day, more Americans in their heart of hearts know that abortion is violence against children. The stark, horrific reality of partial-birth abortion has shattered forever the unsustainable myth that abortion procedures are somehow benign and benevolent acts. The scrutiny that partial-birth abortion has received has helped peel away the layers upon layers of euphemisms, disinformation and lies to show abortion for what it is, child abuse and violence against children.

Mr. Chairman, the most commonly procured method of abortion in America today and most likely to be facilitated by this amendment is the dismemberment of babies. The Sanchez amendment will prevent razor blade tipped suction devices 20 to 30 times more powerful than the average household vacuum cleaner to be used in military health facilities to pulverize the child's arms, legs, torso and head. The baby who gets killed in the hideous fashion is turned into a bloody pulp. This is the uncensored reality of what choice is all about and a vote in favor of Sanchez will result in more kids being murdered in this way.

Abortion methods also include injecting deadly poisons, including high concentrated salt solutions, into the child's amniotic fluid or into the baby. That too would be facilitated by Sanchez. This barbaric type of child abuse usually takes 2 hours for the baby to die, and anybody who has ever seen a picture of a child killed by a saline abortion quickly takes note of the red/black badly burned skin of the victim child. The whole baby's body is badly burned from the corrosive action of the high dose of salt, but the palms of the child's hands are white, because the baby grips and clenches his or her fist because of the pain. That's not child abuse? That's not violence against children?

I strongly urge Members to vote no on the Sanchez amendment. Don't turn our medical facilities overseas into abortion mills. Make them places of healing and nurture.

Ms. SANCHEZ. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland (Mrs. MORELLA), a cosponsor of this amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding me time, and I am certainly pleased to be a cosponsor of the Sanchez-Morella-Lowey amendment.

Actually, I did not recognize the amendment when I heard my good friend from New Jersey speak about it, because actually what the amendment would do would be to restore a provision, a regulation that had been there earlier, to allow U.S. servicewomen stationed overseas access to the Department of Defense health facilities and allowing them to use their own funds to obtain legal abortion services in military hospitals.

Women serving in the military overseas depend on their base hospitals for medical care. They may be stationed in areas where local health care facilities are inadequate, and this ban that we currently have might cause a woman who needs an abortion to delay the procedure while she looks for a safe provider or may force a woman to seek an illegal unsafe procedure locally.

I want to point out that women who volunteer to serve in our Armed Forces already give up many of their freedoms and risk their lives to defend our country, and they should not have to sacrifice their privacy, their health and their basic constitutional rights to a policy with no valid military purpose.

The amendment is about women's health, it is about fairness, and it is also about economic fairness. An officer may be able to fly home or fly one's wife or daughter home to seek abortion services, if necessary, but for an enlisted personnel, the burden of the ban may not be possible to overcome.

The amendment does not allow taxpayer funded abortions at military hospitals, I emphasize that, nor does it compel any doctor who opposes abortion on principle or as a matter of conscience to perform an abortion. The amendment merely reinstates the policy that was in effect from 1973 until 1988, and again from 1993 to 1996.

So I urge my colleagues to join me in restoring servicewomen's constitutional rights by supporting the Sanchez-Morella-Lowey amendment.

Mr. BUYER. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. PITTS).

Mr. PITTS. Mr. Chairman, on February 10, 1996, the National Defense Authorization Act was signed into law by President Clinton with the provision to prevent DOD medical treatment facilities from being used to perform abortions, except where the life of the mother was in danger or in the case of rape or incest. The provision reversed a Clinton Administration policy that was instituted on January 22, 1993, permitting abortions to be performed at military facilities. The Sanchez amendment, which would repeal the pro-life provision, reopens this issue and attempts to turn DOD medical treatment facilities into abortion clinics.

The House rejected this same amendment last year. We rejected it in committee this year. We should reject it again today.

When the 1993 policy permitting abortions in military facilities was first promulgated, all military physicians refused to perform or assist in elective abortions. In response, the administration sought to hire civilians to do abortions. Therefore, if the Sanchez amendment were adopted, not only would taxpayer-funded facilities be used to support abortion on demand, resources would be used to search for, hire and transport new personnel simply so that abortions could be performed.

Military treatment facilities, which are dedicated to healing and nurturing life, should not be forced to facilitate the taking of the most innocent of human life, the child in the womb. I urge Members to maintain current law and vote "no" on the Sanchez amendment.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Mrs. TAUSCHER), a member of the Committee on Armed Services.

Mrs. TAUSCHER. Mr. Chairman, I thank the gentlewoman for yielding me time.

Mr. Chairman, I would like to express my support for the Sanchez-Morella-Lowey amendment. This amendment, strongly supported by the Department of Defense, would provide fairness to female service members of the military assigned to duty overseas.

Mr. Chairman, the facts of this amendment are simple. First, no Federal funds would be used to perform these service. Individuals who decide to have these procedures would use their own money. Second, health care professionals who object to performing abortions as a matter of conscience or moral principle would not be required to do so. Finally, the amendment simply repeals the statutory prohibition on abortions in overseas military hospitals.

I urge my colleagues to support this amendment.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the well-respected gentleman from Illinois (Mr. HYDE).

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, it always is a mystery to me why so many good people, and the advocates of this amendment are as good as they get, can support such a hollow cause as killing an unborn child. That is the what an abortion is.

Do you ever hear the saying, get real? Well, they talk about euphemisms, about choice. We are all for choice, but there is only one choice, whether it is in a military hospital or in an abortion clinic; it is a live baby, or a dead baby. That is the choice they are opting for.

Mr. Chairman, military facilities are paid for by taxpayers, and they do not want the facilities used to kill unborn children.

The phrase "terminate a pregnancy," that is fraudulent. You exterminate a pregnancy. Every pregnancy terminates at the end of 9 months.

No, our military is to defend life, not to exterminate defenseless, powerless, unborn life. I know lots of tough situations occur where a pregnancy is terribly awkward. It can even threaten your health. Those are serious and we cannot minimize them. But I will tell you what is serious; taking a little life that has a future and exterminating it for any reason other than to save another life.

So if abortion is just another procedure, and getting rid of the child is no big deal because it is really not a member of the human family, it is a thing, it is expendable, then, fine, this is probably a good idea. But if you think human life is something that is special, something that is sacred, if you think that all people are possessed of inalienable rights, the first of which is life, then it would seem to me, do not use taxpayer facilities.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Sanchez-Morella-Lowey amendment, and I want to thank them for their leadership. Together they consistently fight for equal treatment for women in the military.

Mr. Chairman, make no mistake about it, that is what this issue is all about, equal treatment for servicewomen stationed overseas. This amendment is about giving women who have volunteered to serve their country abroad the same constitutional protections that women have here at home.

In 1995 the Republicans told servicewomen stationed overseas that they could not spend their own money on abortion services in military hospitals. This message is loud and clear to each American servicewoman, that a political agenda here in the House of Representatives is more important than a woman's health and safety.

Mr. Chairman, these brave military women serve overseas to safeguard our freedom. They deserve the right to choose how to safeguard their own health. These women stand up for our freedom every day. Let us not take away their freedom. Vote for the Sanchez amendment.

☐ 1345

Mr. BUYER. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. HUNTER), the chairman of the Subcommittee on Military Procurement of the House Committee on Armed Services.

Mr. HUNTER. Mr. Chairman, I thank my friend, the gentleman from Indiana (Mr. BUYER) for yielding me this time.

Mr. Chairman, it has been stated in this debate by the proponents that somehow there is a different standard in the military than there is in the rest of society. I think that is true. I think, in fact, it is a higher standard, and interestingly, when polls are taken among the American people about which institutions they respect the most, the American military is number one, because the American military does have higher standards in a number of areas and this is one of those areas.

It is absolutely true, if one listened to the gentleman from Florida (Mr. WELDON), a former military physician, that military physicians come in with a sense of honor to serve their country, to save lives, and it is an enormous imposition on them to ask them to carry out the social dictates of a few folks who would devalue, in my estimation, devalue human life. So let us keep that high standard, duty, honor, country, for the American military. Let us not drag them down into the abortion mess.

Ms. SANCHEZ. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. BROWN).

Ms. BROWN of Florida. Mr. Chairman, I rise in support of this amendment and I urge my colleagues to think about the double standard that we are imposing on these women. How can we expect women to serve their country if their country strips them of their rights of healthcare.

Mr. Chairman, this issue is an issue of fairness. We have more than 100,000 women serving our country overseas and these women are entitled to the same freedom as all other American women.

The Department of Defense supports this amendment and I urge my colleagues to do the same.

Let me just make one point. I serve on the House Committee on Veterans' Affairs, and the same problems that the women in the military are having are the same ones that the veterans' women have. This is why we cannot have comprehensive healthcare because of the same controlling, narrow-minded, one-sided philosophy of we are going to control what happens to women, and the healthcare of women, and the veterans' women, that is the problem that the military women are having and the veteran women are having.

Let me say I am hoping that women take control of what happens in this Congress.

The CHAIRMAN pro tempore (Mr. BURR of North Carolina). The Chair would notify Members that the gentlewoman from California (Ms. SANCHEZ) has one-half minute remaining and the gentleman from Indiana (Mr. BUYER) has 1½ minutes remaining. The gentleman from Indiana has the right to close.

Mr. BUYER. Mr. Chairman, I reserve the right to close.

Ms. SANCHEZ. Mr. Chairman, I yield one-half minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I would say to my colleague, the gentleman from Illinois (Mr. HYDE), do not question our reverence for life, including the lives of women and including the lives of the 100,000 women active service members, spouses and dependents of military personnel who live on military bases overseas and rely on military hospitals for their healthcare.

The current ban on privately-funded abortions discriminates against these women who have volunteered to serve their country by prohibiting them from exercising their legally protected right to choose, simply because they are stationed overseas. The bottom line is, prohibiting women from using their own funds to obtain services at overseas military services endangers women's health and lives. Vote yes on Sanchez-Morella-Lowey.

Mr. BUYER. Mr. Chairman, since the name of the gentleman from Illinois (Mr. HYDE) was brought up in the well of the House, I yield 1 minute to him to respond.

Mr. HYDE. Mr. Chairman, I would just say to the gentlewoman from Illinois (Ms. SCHAKOWSKY), no one attacks anyone's reverence for life. I attack killing unborn children, however, and I will defend them. Secondly, no one is stopping a woman from exercising her constitutional right to have an abortion because of Roe versus Wade. Under the law, women have that right but they do not have the right to have the government pay for any part of it.

We have a right of free speech. That does not mean the government has to buy someone a megaphone or a typewriter. People can exercise it. Taxpayers' funds are expended when military facilities are used and there is no constitutional right to that, and so that is the difference.

Mr. BUYER. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I have heard the words fairness, double standard, discrimination, narrow-minded. I mean, we could go down the list.

I suppose to articulate debates one can choose these types of words. One thing that is real that one cannot get away from is the Supreme Court over there permits Congress to set the rules for the military, and we discriminate all the time: How tall one can be; how short; how heavy; how light; one cannot even be color blind.

We discriminate all the time, so that argument is rather foolish.

Narrow-minded? Guilty. So narrow that the interests for which we seek to protect are twofold. Number one, life. If we in this country cannot be the defenders of life, then what are we as a society? If that is narrow-minded, guilty.

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Sanchez amendment and thank the gentlewoman for her hard work in support of the women who serve our Nation overseas.

This amendment would extend to the more than 100,000 women who live on American military bases abroad the right to make health decisions and access available care as they would be able to do here at home.

This amendment would not commit public funds, not one taxpayer dollar, for abortion. It would simply allow servicewomen—or the spouses or dependents of servicemen—to use their own funds to pay for an abortion which would be legal if they were stationed in the United States.

We all have our own views on the issue of abortion. But the fact remains that it remains a legal option for American women. Unarguably, women serving in our armed forces are entitled to all the constitutional rights they work each day to defend and protect.

To deny them the right to use their own money to obtain health care on their base if it is available is unfair to those committed service women. Many times these women are stationed in hostile nations where they may not know the language and have few or no civil rights. Denying our female soldiers or the wives of make soldiers the safe and quality health care they could have on base could in fact be putting them in danger.

This amendment is about preserving the rights of American soldiers and their families serving abroad. It is not about promoting or considering the legality of abortion. A vote for the Sanchez amendment is a vote to support these servicewomen stationed far from home.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of the Sanchez amendment, but with deep disappointment that this issue must be subject to debate.

Today, we must debate whether or not the women serving this country overseas will fall into the same category as female prisoners as a class of women who cannot exercise the same right as free women in this country to access a safe and legal abortion. This amendment simply restores access to privately funded abortion services for U.S. servicewomen and military dependents abroad. We are not even debating funding this medical service with taxpayer dollars, and still this is subject to debate.

As much as the other side would like to make this debate about the practice of abortion, this debate is about equal treatment for women who put their lives on the line for this country all across the globe. I support the Sanchez amendment because current law jeopardizes the health of the 100,000 U.S. servicewomen and military dependents who live on military bases overseas. It denies a woman her constitutional right to choose and punishes her for her military service. This amendment ensures that our servicewomen are not forced into dangerous back alley abortions in unsafe, unsanitary, inhospitable locales. Abortion is a legal medical procedure in this country, and it should be legal for an American woman serving her country overseas.

Mr. FARR of California. Mr. Chairman, I urge my colleagues to support the Sanchez amendment to the Fiscal 2001 Department of Defense authorization which would restore equal access to health services for servicewomen stationed overseas by reversing the ban on privately funded abortion services at U.S. military bases.

More than 100,000 women—some active service members, some the wives of military personnel—live on American military bases overseas. These brave women risk their lives to protect our freedom, often in lands with laws and customs very different from those we know and cherish in the United States. The availability of abortion services in their host countries varies widely according to many factors—location, individual physician practices, command interpretations and practices, and that nation's rules and laws. Our soldiers and their families deserve equal access to the same spectrum and quality of health care procedures that we enjoy in the United States. Under current law, however, these women are denied this access, effectively putting their lives and health in harm's way.

The Sanchez amendment would rectify this grievous inequity by allowing women stationed overseas and their dependents to use their own funds to pay for abortion services at U.S. military bases, thereby providing them with access to constitutionally protected health care.

The facts of this amendment are clear—Roe v. Wade guarantees the right to choose, and if abortion is legal for women on the American mainland, it should be legal for women living on American bases abroad. No federal funds would be used, and health care professionals who are opposed to performing abortions as a matter of conscience or moral principle are not required to do so.

This is a health issue, and we should be making sure that this procedure is safe, legal and available for our military women and dependents. I urge my colleagues to support this amendment.

Mrs. MALONEY of New York. Mr. Chairman, I rise in support of the Sanchez amendment.

Mr. Chairman, here we go again. This is the 145th vote on choice since the beginning of the 104th Congress. I have documented each of these votes in my choice scorecard, which is available on my website: www.house.gov/maloney.

This common-sense amendment offered by Ms. SANCHEZ, lifts the ban on privately funded abortions at U.S. military facilities overseas.

It is bad enough that current law prohibits a woman from using her own funds at all military facilities overseas to get an abortion. But I want to point out although there is an exception when a woman's life is in danger, abortion is not even covered for cases of rape and incest.

How can anyone interfere with a woman's right to choose under these extreme circumstances? Just this week, the Supreme Court ruled that a woman who is raped is not entitled to sue in Federal court for civil damages.

Too often in our society, women who are raped are victimized a second time by the judicial system. Failure to pass this amendment doubly victimizes a women who is raped.

Why doesn't this Republican majority take rape seriously? I believe that the underlying law is discriminatory. While a woman may serve overseas defending our Constitutional rights, and defending our freedom, this Republican-led Congress is busily working to undermine hers. I cannot think of a men's medical procedure that is not covered. I cannot imagine a situation where a man would be told that a certain medical procedure was prohibited at overseas military hospitals.

In fact, when the drug Viagra came on the market, DoD quickly decided to cover it. This amendment is simple. This amendment will not cost the Federal Government one dime.

This amendment is about fairness. This amendment simply allows privately funded abortions at U.S. military facilities overseas. This amendment protects women's rights.

I urge a "yes" vote on the Sanchez amendment.

The CHAIRMAN pro tempore. All time has expired on this amendment.

The question is on the amendment offered by the gentlewoman from California (Ms. SANCHEZ).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Ms. SANCHEZ. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentlewoman from California (Ms. SANCHEZ) will be postponed.

It is now in order to consider amendment No. 2 printed in House Report 106–624.

AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY.

Mr. MOAKLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. MOAKLEY: Strike section 908 (page 285, line 6 through page 289, line 8) and insert the following:

**SEC. 908. REPEAL OF AUTHORITY FOR UNITED STATES ARMY SCHOOL OF THE AMERICAS.**

(a) CLOSURE OF SCHOOL OF THE AMERICAS.—The Secretary of the Army shall close the United States Army School of the Americas.

(b) REPEAL.—(1) Section 4415 of title 10, United States Code, is repealed.

(2) The table of sections at the beginning of chapter 407 of such title is amended by striking the item relating to section 4415.

(c) LIMITATION ON ESTABLISHMENT OF NEW EDUCATION AND TRAINING FACILITY.—No training or education facility may be established in the Department of Defense for Latin American military personnel (as a successor to the United States Army School of the Americas or otherwise) until the end of the ten-month period beginning on the date of the enactment of this Act.

(d) TASK FORCE.—(1) There is established a task force to conduct an assessment of the kind of education and training that is appropriate for the Department of Defense to provide to military personnel of Latin American nations.

(2) The task force shall be composed of eight Members of Congress, of whom two each shall be designated by the Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate.

(3) Not later than six months after the date of the enactment of this Act, the task force shall submit to Congress a report on its assessment as specified in paragraph (1). The report shall include—

(A) a critical assessment of courses, curriculum and procedures appropriate for such education and training; and

(B) an evaluation of the effect of such education and training on the performance of Latin American military personnel in the areas of human rights and adherence to democratic principles and the rule of law.

(4) In this subsection, the term "Member" includes a Delegate to, or Resident Commissioner, in the Congress.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Massachusetts (Mr. MOAKLEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to begin by thanking my colleagues, both Democrat and Republican, for their tremendous support of this bill last year. Last year, 230 Members of this body joined me in voting against the School of the Americas and today, Mr. Chairman, I am asking them to do the same again. A lot of people are surprised to see a Boston Congressman working to close a school, a military school, in Fort Benning, Georgia, but, Mr. Chairman, I have my reasons.

Ten years ago, Speaker Foley asked me to head up a congressional investigation of the Jesuit murders in El Salvador and what I learned during the course of that investigation I will never forget. On November 6, 1989, at the University of Central America in San Salvador, six Jesuit priests, their housekeeper and her 15-year-old daughter were pulled from their beds in the middle of the night, armed only with Bibles and their rosary beads, forced to lie on the ground and they were executed in cold blood by a military cabal.

These murders shocked the entire country, the entire world, and at that point the United States Government had sent the Salvador military a total of $6 billion, with a "B," and Congress wanted to get to the bottom of this killing.

So my top staffer at the time, who is now the gentleman from Massachusetts (Mr. MCGOVERN), and I traveled to El Salvador dozens of times over the next 2 years to get to the bottom of those very, very heinous murders. After these 2 years, we learned an awful lot. We learned that 26 Salvadoran soldiers committed the massacre and 19 of the 26 were graduates of the School of the Americas.

Mr. Chairman, up until that point I had never heard of the School of the Americas, but what I learned quickly convinced me that the school had no place as part of the United States Army.

The School of the Americas is an Army-run school at Fort Benning, Georgia, that every year trains about 1,000 Latin American soldiers in commando tactics, military intelligence, combat arms, and all this, Mr. Chairman, to the tune of about $20 million of the United States taxpayers' dollars.

I am not saying that everyone who graduates from the School of the Americas has gone on to murder civilians and I do not want to let anybody in this place believe that for one moment, but, Mr. Chairman, after investigation, many of them have. It is those who bring disgrace to the school. Panamanian dictator and drug trafficker Manuel Noriega went to the School of the Americas, along with one-third of General Pinochet's officials.

The architect of the genocide campaign in Guatemala, General Hector Gramaho, went to the School of the Americas. As so did the murderers of 900 unarmed Salvadorans who were killed in El Mozote and then buried in a big, huge ditch, and also the perpetrators of the chainsaw massacre at El Trujillo.

The rapists and murderers of the four American church women killed in El Salvador also went to the School of the Americas.

The crimes are not just in the past, Mr. Chairman. As recently as March of 1999, Colombian School of the America graduates Major Rojas and Captain Rodriguez were cited for murdering a peace activist and two others as they tried to deliver ransom money for a kidnapping victim.

The fact is, Mr. Chairman, the School of the Americas has been associated with some of the most heinous crimes that this hemisphere has ever endured. These crimes are so awful, Mr. Chairman, that approximately 10,000 people every year march on the school in protest.

Mr. Chairman, it is time for the United States to remove this blemish on our human rights record. It is time once again, Mr. Chairman, for the House to pass the Moakley-Scarborough-Campbell-McGovern amendment. Our amendment will close the School of the Americas as it exists today, and create a Congressional task force to determine what sort of training we should provide to our Latin American neighbors.

My colleagues who support the School of the Americas may say that the school got the message last year and made some changes. Unfortunately, Mr. Chairman, those changes do not amount to much more than a new coat of paint. It will still be at Fort Benning, Georgia. It will still inadequately screen soldiers who attend. It will still not monitor graduates for human rights abuses and it will still train Latin American soldiers in commando tactics and combat arms.

These changes that they made, Mr. Chairman, are like putting a perfume factory on top of a toxic waste dump. We believe that any school with such an infamous list of graduates needs more than a few cosmetic changes.

Mr. Chairman, Latin America needs us. They need us to help shore up their judicial systems. They need us to strengthen their electoral system. They need us to work with their police. They do not need the School of the Americas teaching their militaries how to wage war more effectively, especially when the vast majority of Latin America wars are conflicts with their own peoples.

It is time to move in a new direction. It is time to close the School of the Americas and start over. So I urge my colleagues to continue what we began last year and support the Moakley-Scarborough-Campbell-McGovern amendment to close the School of the Americas and create a Congressional task force to determine what should take its place.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from South Carolina (Mr. SPENCE) is recognized for 20 minutes in opposition.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, times have not changed in so much of this debate. Our Nation cannot walk away from its obligation to lead our hemisphere in preserving regional stability, conducting counternarcotics operations, providing disaster relief and promoting democratic values and respect for human rights. Our military and the School of the Americas, in particular, have been a forefront of these efforts.

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Ironically, the amendment before us would actually strike a provision of H.R. 4205 that would reform the School of the Americas and address key concerns that have been raised over the years by the school's critics.

Specifically, transitioning the school into the Defense Institute for Hemispheric Security Cooperation, it requires a minimum of 8 hours of instruction per student in human rights, the rule of law, due process, civilian control of the military, and the role of the military in a democratic society, and creating a board of visitors with a broad mandate to oversee the activities and curriculum of the Institute, and requires the board to submit a report to the Secretary of Defense and to Congress.

These are fundamental changes to the program that are intended to ensure continued education and training of the military, law enforcement, and civilian personnel from Latin America while enhancing transparency.

Passage of this amendment would undo the important reforms contained in this bill, and would eliminate the School of the Americas altogether. This would be a regrettable step backwards and would disregard the significant contributions of our military in fostering democracy throughout America.

Mr. Chairman, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. VENTO).

Mr. VENTO. Mr. Chairman, I rise in support of the Moakley amendment.

Today, U.S. foreign policy in Latin America is in focus. History teaches us that graduates from the School of the Americas have returned to their home countries and committed some of the worst atrocities this hemisphere has ever seen.

Finally Congress responded accordingly and reasonably in cutting funds for the School of the Americas during the debate of the defense authorization bill last summer. Unfortunately, the will of the House was disregarded in conference.

No doubt the U.S. military has good intentions and regrets the behavior of those trained at the School of the Americas. But we have many higher education institutions that do not have such a bad track record. Let us utilize them, and let us eliminate the School of the Americas.

Now, in the face of pressure, of course, the Army has attempted to add new language that would simply rename the School of the Americas the Defense Institute for Hemispheric Security Cooperation. It has a nice ring to it. That idea provides no substantive reform or constructive policy path that would address the real problems of this institution's troubled history.

This would be really a victory of symbolism over substance. Last year when they talked about course work, they offered all these courses, but unfortunately, nobody was taking them, the human rights courses specifically. Mr. Chairman, as I said, this would be a victory of symbolism over substance. The reality is that the day after the name is changed, the school would continue to operate and it would be business as usual.

Most would agree we need to engage in a comprehensive approach to military training and aid for Latin America, but the U.S. military training for Latin America must go far beyond the School of the Americas, and certainly in a different direction. It is time that we fully reassess our military engagement policies and take a closer look at results.

The Moakley amendment would address the question, first, of closing the School of the Americas and placing any new training institute on hold until a bipartisan task force reviews and make recommendations for U.S. military training and relations in Latin America.

This is a reasonable approach, a policy path that our constituents could understand and support.

The Army's attempts at reform are too little, too late. This existing initiative in the bill at best reflects cosmetic changes. Real reform in my judgment would encompass alternatives to military aid, such as economic assistance, microcredit loans, and the other alternatives that my colleague, the gentleman from Massachusetts, outlined.

I would urge my colleagues to support the Moakley amendment and implement this new approach, real reform. Let us not let the Army buy off on an unworkable, easy route. Vote for the Moakley amendment.

Mr. SPENCE. Mr. Chairman, I yield 4 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in support of H.R. 4205, the National Defense Authorization Act for Fiscal Year 2001. I commend the gentleman from South Carolina (Mr. SPENCE), the distinguished chairman of our Committee on Armed Services, for his good work on this important legislation.

Mr. Chairman, this bill includes an important bipartisan proposal that squarely addresses the concerns of critics of the United States Army School of the Americas. This bill will create the Defense Institute for Hemispheric Security Cooperation to replace the United States Army School of the Americas. This modern institution will have a new charter and a mission that is fully consistent with the U.S. military training efforts worldwide.

Like many of my colleagues, I was concerned by a number of the allegations that were leveled at the School of the Americas. I believe, however, based on repeated staff visits to Fort Benning, that the school now has bent over backwards to resolve those issues.

I cannot support the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY), my good friend. However, we should note that the language in the bill before the House today addresses a major concern behind the Moakley amendment. A new board of visitors, including Members of Congress, will be established to conduct the oversight and pragmatic review that the gentleman from Massachusetts has advocated in his amendment.

H.R. 4205 differs, however, in one fundamental respect, from the Moakley amendment. It reaffirms that the U.S. Army is a force for good in the world, and it recognizes that our men and women in uniform can make a difference by helping other militaries undertake an important professional reform.

The Moakley amendment would force an unwelcome hiatus in our U.S. Army's efforts to help Latin American armies become more professional and to respect human rights and civilian control of the military. The creation of the Defense Institute for Hemispheric Security Cooperation addresses the criticisms leveled at the School of the Americas. The Moakley amendment would unnecessarily be disruptive of our Armed Forces training programs.

I have met with a number of good people from my own congressional district who have urged that the School of the Americas should be closed. As I understood their views, they believe that Latin American countries do not need and should not have armies. For better or worse, most Latin American countries do have armies, and we are not in a position to dictate that they should abolish those institutions.

As long as those nations choose to keep their military, their people and our Nation will be far better served if our decent, honorable soldiers are able to exercise a positive influence on their soldiers. It is abundantly clear that there are nefarious forces, including narcotics trafficking syndicates, that are waiting in the wings to fill the void if we decide here today to end our efforts to influence these armies for the good.

In closing, Mr. Chairman, we must not forget to take this opportunity to thank the men and women who have loyally served our Nation with honor and distinction in the U.S. Army School of the Americas. I invite my colleagues on both sides of the aisle to support H.R. 4205 and to oppose the Moakley amendment.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

If the School of the Americas closed tomorrow, there would still be 9,000 Latin American soldiers getting some kind of training in this country from the U.S. Army, so it is not the only school.

Mr. Chairman, I yield 2½ minutes to the gentleman from Massachusetts (Mr. McGOVERN), a gentleman who was my chief investigator into the killings in El Salvador.

Mr. McGOVERN. Mr. Chairman, I rise in strong support of the Moakley amendment to close the School of the Americas and initiate a bipartisan review of U.S. military education and training for our Latin American partners.

This amendment is a reasonable solution to the longstanding questions regarding the School of the Americas. This is a sensible solution to identifying our priorities in education and training and determining how best we can achieve these goals, and whether that requires a school or an institute.

I am sure that my colleagues are aware that the School of the Americas has provided less than 10 percent of the education and training the U.S. provides Latin American military personnel; let me repeat that, less than 10 percent. But the school has certainly provided most of the scandal, most of the debate, most of the horror stories, most of the controversy.

That history will not go away by hanging a sign with a new name over the same entry gate to the School of the Americas. The stains of blood will not fade away when we train Latin American military officers on the very same ground where we trained the people who murdered Archbishop Romero, Bishop Gerardi, the six Jesuit priests of El Salvador, and massacred literally thousands of Salvadorans, Guatemalans, Colombians, and other Latin Americans.

Those scandals will not disappear with a few minor changes in the curriculum. The controversy will continue. There has to be a clean break with the past, not cosmetic changes, although some of the changes are interesting in what they reveal. The U.S. Army has now finally and openly admitted that human rights, rule of law, civilian control of the military, and the role of the military were not part of the school's curriculum.

But do we need a newly-named school, the so-called Defense Institute for Hemispheric Security Cooperation, to teach those courses? I do not think so. That training is covered under our extended IMET program. We do not need to subsidize junkets to Georgia for this training. Well-established, well-funded programs at scores of U.S. institutions are already available to our Latin American partners on these subjects. We do not need to send them to a scandal-ridden school with no history or expertise in teaching these courses.

The new School of the Americas will continue to emphasize counterdrug operations, military education, and leadership development, all areas of the curriculum that helped develop some of the worst human rights violators of the hemisphere in the past. Why should we believe it will be any different now?

Mr. Chairman, the Pentagon already has a huge budget for training Latin American military in counterdrug operations. I was looking at a list of over 100 counterdrug programs we did last year for 1,200 Mexican military personnel. We do not need redundant counterdrug programs at the old or new School of the Americas.

Not even the Pentagon knows fully what military education and training programs it is engaged in. What information the Pentagon does have comes from policy groups that took the time to go through the programs and add up the numbers. What information the Pentagon does have also comes from a congressionally mandated report on foreign military training. Support the Moakley amendment. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. BALLENGER).

Mr. BALLENGER. Mr. Chairman, I am in opposition to the Moakley amendment. I have visited El Salvador 40 or 50 times. The School of the Americas is something we need.

Mr. Chairman, I rise in opposition to the Moakley amendment.

As you should know, the School of the Americas has trained over 54,000 graduates, including ten presidents, 38 ministers of defense and state, 71 commanders of armed forces, and 25 service chiefs of staff in Latin America. Since the school began training national leaders of South and Central American countries, military or totalitarian regimes in that region have declined and have been replaced with democracies. Right now, Cuba remains as the sole dictatorship in the Western Hemisphere. Not so ironically, Cuba does not participate in the School of the Americas program.

This amendment attempts to close the school based on 10–20-year-old assumptions about the school. Although there may have been questionable practices taught at the school in the past, these have all been corrected years ago.

Without the training from the School of the Americas, there never would have been peace in El Salvador. The FMLN rebels demanded that the military leadership resign before they would negotiate for a peace settlement. Armed with the lessons taught at the school, these leaders decided to resign. This was not because they were losing, but because President Christiani had urged them to do it. And with that resignation, the peace process began. You see, yielding to civilian leadership is a principle taught at the School of the Americas, as has occurred just lately in the county of Columbia.

Students from our southern neighbors are learning about democracy and becoming our friends of the future. I urge my colleagues to support the democratic education of these officers provided by the school by defeating this amendment.

By the way, the former commanding general of the Salvadoran Army is now running a filling station in San Salvador.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. BISHOP), whose district includes the School of the Americas.

Mr. BISHOP. Mr. Chairman, for many years we have been engaged in a debate over whether or not the School of the Americas has faithfully carried out its mission of teaching human rights and principles of democracy to visiting students from Latin America in addition to their military training.

Opponents have accused the school of all kinds of misdeeds, and those of us supporting the school and its mission have presented documented evidence which we believe thoroughly refutes these allegations. Nevertheless, the same old charges and countercharges are revived year after year, time and again.

I am not interested in rehashing the same old debate. What I am interested in is focusing on the substantive changes that are proposed today, changes that opponents have called for and which the supporters of the school also believe can be helpful.

Opponents wanted to change the name, claiming the existing one has been tainted. The plan before us would do that.

Opponents want stronger oversight, and the plan proposed shifts the oversight responsibility to the Cabinet level by placing it in the hands of the Secretary of Defense, rather than the Secretary of the Army, and by establishing the Independent Board of Visitors, which includes prominent human rights activists as part of this law.

Opponents wanted more emphasis on human rights, and the plan makes instruction in human rights and democratic principles mandatory by law for every student.

Anyone who supports the long-standing U.S. policy of both Democratic and Republican administrations, the policy of helping Latin American democracies develop professional military forces that are committed to serving under civilian authority, should be for these changes.

The leaders of the School of the Americas Watch oppose this policy, so it is not surprising that this movement does not support the proposed reorganization of the school. The opponents of the School of the Americas have publicly stated that they want weak military forces in Latin America, even for democracies.

The real issue we are debating today is whether the U.S. should promote weaker military forces for emerging democracies which the Moakley Amendment does, or whether we should help these democracies become more secure—and whether we should sustain an instrument like the school at Fort Benning to actively carry out this policy.

A vote for this program is a vote for sound policy—and a vote for truth.

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Mr. MOAKLEY. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, last year, the House voted overwhelmingly 230 to 197 to stop funding the Army School of the Americas. We voted that way because this House finally decided that the record of atrocities of murders and mayhem committed by graduates of that school can no longer be ignored or condoned. Does the Pentagon believe that renaming the school will fool those of us who voted against funding it last year?

Mr. Chairman, if it walks like a duck and talks like a duck, it probably is a duck. This new school proposed by the Pentagon would have the same mission, the same grounds, the same commanders, the same purpose but a different name.

The Army claims it would teach human rights, but there is no credibility to that school teaching human rights. If the Army thinks that the Latin American officers being trained by the United States should be trained in human rights, they should require all students to take courses sponsored by nongovernmental organizations that are qualified to do that.

The gross violations of human rights and the murders perpetrated by graduates of this school argue convincingly that we must not be fooled, we should again vote to remove funds for this school from the budget, to close it down once and for all, so that the American role of Latin America can once again be an honorable role and the shameful record of some of the graduates of this school can no longer besmirch the honor of the United States.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I come to the floor today because I think we need to refute some of the slander that is being perpetuated by some of the opponents of the School of the Americas, and that is that the United States Army systematically teaches its foreign students how to violate human rights. Nothing could be further from the truth.

Our Army and this school has never taught torture techniques. Yes, some graduates of the School of America have subsequently been guilty of human rights abuses. So have some graduates from schools like Harvard. In those cases, the training did not take. But only 100 or 200 out of 58,000 graduates have documented human rights abuses.

Let us not forget the other 57,800 plus graduates. Over 100 School of Americas graduates serve or served their Nation and its people from the highest levels of civilian and military office, from chief executive to commander of major military units.

Furthermore, hundreds of School of America graduates currently occupy positions of leadership and command at all levels in their military and support democratically elected national leaders all over Latin America.

The fact of the matter is that in the last 20 years, democracy, respect for the rule of law, sensitivity to human rights have greatly increased in Latin America. This progress would have been impossible had these countries' military not received training in how a military operates in a democratic society at the School of the Americas.

Every year, soldiers from Argentina, Bolivia, Chile, Colombia, Costa Rica, the Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Mexico, Paraguay, Peru, Uruguay, Venezuela and the United States attend the School of the Americas. No other school with such a small operational budget brings together future civilian and military leaders of 16 countries in the purposeful effort to prepare for the future, to strengthen alliances within a hemispheric region and increase mutual understanding, cooperation and reinforcement of the principles of democracy among neighboring countries.

We need to keep this school because it keeps us active in the human rights affairs of Latin America. We should support the School of America, and I urge rejection of this amendment.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, just to correct the gentleman from Arizona (Mr. KOLBE), who was at the microphone, we have a manual from the 1990s of the School of Americas that did teach torture, and the Pentagon admitted that those manuals did teach torture. They said they were unauthorized. So the gentleman was not correct in his statement.

Mr. Chairman, I yield 1 minute to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Chairman, I rise in strong support of the Moakley amendment. Even School of the Americas supporter Senator PAUL COVERDELL characterized the Department of Defense's proposal as cosmetic changes that would ensure that the old SOA would continue its mission and operation.

Just like the SOA, the new school will still be located in Fort Benning; still train Latin American soldiers in commando tactics, military intelligence, psychological operations and combat arms; still have no independent outside oversight; still not monitor graduates for human rights abuses; still have inadequate screening of soldiers who attend; still tout fancy human rights courses that nobody takes or take for just a few hours. And this is not just rehashing of old news.

Since last year when 230 Members of this body voted against the SOA, new revelations have come to light about the SOA's connection with human rights abuses.

In January of this year, SOA graduate Colonel Lima Estrada was arrested in Guatemala for the brutal assassination of human rights champion Bishop Juan Gerardi just 2 years ago, and on and on.

Mr. Chairman, I agree with the Chicago Tribune that says it is time for lights out at the SOA.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama (Mr. CALLAHAN).

Mr. CALLAHAN. Mr. Chairman, the gentleman from Massachusetts (Mr. MOAKLEY) is one of the most respected men in this House, especially by me. No one can doubt that he is a champion of human rights wherever they may be violated any place in the world. We just happen to think that the solution to this problem will take two different routes. The gentleman from Massachusetts (Mr. MOAKLEY) thinks we ought to go totally to the left, and totally abolish the good that the school is delivering. I think we ought to go to the right.

The irony of this, I say to the gentleman, is that we are both trying to get to the same corner of the room. The Commander-in-Chief of our Armed Forces, President Clinton, brought this message to us and asked for this authority and for the money to perform this. I am sorry that the gentleman has so little confidence in the Commander-in-Chief.

I am sorry he does not trust the President to do what is right, but I would assure him that any time anyone can bring to me, not only from this body but any place in the world, some evidence of proof that this school is doing harm and contributing to the violation of human rights, they will not receive one penny of appropriation to continue that.

While I respect the theory of the gentleman from Massachusetts (Mr. MOAKLEY), while I certainly regret the atrocities that took place decades ago, I cannot accept your philosophy that a graduate of this school is automatically going to do something that some former graduates did. The Unabomber went to Harvard and we are not talking about closing down Harvard because he created these atrocities.

Mr. Chairman, I plead with my colleagues to listen to the Commander-in-Chief, to listen to the Secretary of Defense that your Commander-in-Chief, your President named to this position, who says this is vital towards the peace process and future human rights activities in these areas.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, before my dear friend, the gentleman from Alabama (Mr. CALLAHAN) leaves the room, the gentleman is my dear friend, too, I just wanted to inform him that these atrocities, some have occurred decades ago, but most recent ones have just occurred last March in Colombia by two graduates, the general and the major. So the atrocities are still going on, and we did not teach the Unabomber how to make bombs at Harvard.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. BARRETT).

Mr. BARRETT of Wisconsin. Mr. Chairman, I rise in strong support of the amendment that has been put forth by the gentleman from Massachusetts (Mr. MOAKLEY), and I commend him for the effort that he has made in this area.

Mr. Chairman, I have had the opportunity to visit the School of Americas and, frankly, I was impressed by many of the people that I met there. I felt that they were good people, that they were trying to do what they thought was best for this country. But I also, Mr. Chairman, cannot ignore the history of this school.

While I was impressed by those people at the school and their integrity, I have to also look at the track record of the graduates of this school, and whether it has occurred in the last 2 years, the last 5 years or the last 15 years, what we have seen is we have seen, unfortunately, and frankly too many graduates who have been involved in violence in ways that are not acceptable to the American people and not acceptable to the people in Central America.

Mr. Chairman, to put it quite bluntly, this school has lost its credibility with the American people. The American people do not accept the function that this school performs. They do not accept the function that we should be training military leaders in Central America because our track record has been so poor, and we have had so many failures of people who have graduated from this school and have been involved in atrocities that no longer do the American people believe that this is a function that should be performed by the United States Government.

Mr. Chairman, I have been struck in my own district by the number of people from wide ranges, the faith community, the peace community, people who stopped me at schools and simply say this school must be closed down. And they go a step further, because they are aware of what is going on in this legislation. They are aware that there are cosmetic changes that are being taken to try to make this school more presentable, but at the end of the day, when the analysis is finished, those changes are simply cosmetic and the functions that have been performed by the schools historically are continuing to be performed now.

Unfortunately, I think that the time has come where we must simply conclude as a Congress that the school must be closed.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. CHAMBLISS).

Mr. CHAMBLISS. Mr. Chairman, I urge my colleagues to oppose the Moakley amendment and support the provisions of the Defense Authorization bill to transition the School of Americas to the Defense Institute for Hemispheric Security Cooperation.

Military-to-military exchanges are an integral component of American foreign policy and provide valuable education and training to both military and civilian leaders alike. These exchanges increase cooperation, help professionalize militaries and teach them the role of military in democratic, civilian societies.

While the School of the Americas has played a vital role in our foreign policy over the last several decades, it is time that we modernize and update the approach of the school for the 21st century.

The House Committee on Armed Services has taken a bold step in replacing the School of the Americas. This bill would provide professional education and training to military, law enforcement and civilian leaders in Latin America.

Our bill requires that each student get a minimum of 8 hours instruction in human rights, the rule of law, due process, and civilian control of the military.

Finally, our bill creates an independent board of visitors with broad mandates to oversee the activities and curriculum of the institute. The board may include Members of Congress, as well as representatives from human rights and religious organizations.

These changes are important steps toward improving our military education and training programs and enriching relations between the United States of America and our Latin America neighbors.

The U.S. military has been and remains a strong force for positive change in Latin America, transmitting our Nation's military values there. I urge my colleagues to oppose the Moakley amendment that would strike these important initiatives and withdraw the United States from constructive engagement in Latin America.

Mr. MOAKLEY. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman from Massachusetts (Mr. MOAKLEY) for yielding me the time, and I thank him for his leadership on this important amendment. He has been a leader in trying to educate the Congress on what has been happening in Latin America over the past decade, indeed, generation.

We are all deeply in his debt for making certain events there known to us so we could change and improve our policy. The issue before us today is one that we have visited over and over again. The chairman of my subcommittee, the gentleman from Alabama (Mr. CALLAHAN), which I am ranking member, has spoken in opposition to the gentleman from Massachusetts (Mr. MOAKLEY), and I want to speak in favor of him, because on our bill, the subcommittee on Foreign Operations, Export Financing and Related Programs bill, an amendment by the gentleman from Massachusetts (Mr. MOAKLEY) passed this House overwhelmingly by 230 to 197 to cut the funding for the School of the Americas.

This amendment is an improvement on that because what it says is there should be a bipartisan Congressional task force which will address military training of Latin American soldiers by the U.S. Department of Defense. This task force will critically assess course curriculum and procedures for training in order to ensure that we do not repeat the mistakes of the past.

□ 1430

Mr. Chairman, there is a tremendous need by this Congress to oversee the military training being done by the Department of Defense. With the highest regard for the Secretary of Defense and the Secretary of the Army, I have to rise and say that I strenuously object to the cavalier approach taken by the military to continue training violators of human rights not only in Latin America, but throughout the world.

We trained the Kopassus, the most vicious human rights violators; part of the Indonesian military. Indonesia is going to bring some of those people to justice, and we trained them. We trained them, and it is current and recent. This is not about a long time ago. That is not about the School of the

Americas, it is about the U.S. military training people overseas with the idea that we were going to teach them to have a military in a civilian population.

We all share the goal of sharing the expertise and the idealism of the U.S. military in training foreign militaries on how to exist in a civilian society without military dictatorships, and some of them have to get used to that. We all share the view that there should be human rights training at these schools. Let us really deal with this School of the Americas once and for all instead of every single year by addressing it completely; by having a study, a congressional task force to study it, to say what kind of school and what kind of curriculum should be there and to rid ourselves of the past, of the dreaded history of the School of the Americas and some of the people that it has trained.

So while we have a difference of opinion of approach here, I am sure all my colleagues would want to be very proud of whatever training we have done of foreign militaries, be they in Latin America or Indonesia. Unfortunately, the message of 230 to 197 on the appropriations bill was not a clear enough message to the military. We must send a clearer one. We can do it today under the leadership of the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Florida (Mr. SCARBOROUGH), the gentleman from California, (Mr. CAMPBELL) and the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. Chairman, I urge my colleagues to support this amendment.

Mr. SPENCE. Mr. Chairman, I yield 1 minutes to the gentleman from California (Mr. MARTINEZ).

Mr. MARTINEZ. Mr. Chairman, I rise in opposition to the amendment.

I have the greatest respect for the gentleman from Massachusetts, but I believe his amendment in this matter is based on old concepts and old ideas. Certainly, we must change as times change and as situations change.

Mr. Chairman, it is being ignored that this defense authorization includes a provision closing the U.S. Army School of the Americas, which is what they want to do, and establishes in its place a new school for international military education and training. The bill puts the new school under the direct responsibility of the Secretary of Defense.

I do not think we could ask for anymore than that. It requires every student of the school to undergo at least 8 hours of curricula related to human rights, democratic sustainment, and civilian patrol.

Mr. Chairman, it is clearly in our national interest to ensure that if our neighbors in the Western Hemisphere are going to maintain military forces, which they are, that we help to install a degree of professionalism and respect for human rights and civilian authority, values that guide our own military.

In closing, let us stop fighting the old battles of Cold War and let us move forward by supporting the bill and opposing the amendment.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Some of my colleagues are alluding to things that happened many years ago. We are talking about some atrocities that happened as recently as March of 1999 by two major generals; other atrocities in 1998 in Colombia. So some of the graduates are still doing these things.

This is a bipartisan amendment, Mr. Chairman. It is authored by both Democrats and Republicans. And I think if we close the school once and for all, we are not stopping all military training for Latin America, we are only stopping 10 percent of it. There are 10,000 people from Latin America trained by the United States Army, only 1,000 in the School of the Americas.

But I think where the School of the Americas has been so symbolic in Central America to some of the people down there, and it attracts thousands of people every year to picket it, I think that we should close it and start anew. So I hope my amendment is adopted.

Mr. Chairman, I yield back the balance of my time.

Mr. COLLINS. Mr. Chairman, I thank the gentleman for yielding me this time.

It has been said that the vote last year in the Congress, in the House, was not heard. I assure my colleagues it was heard. It was heard by the President of the United States and the Secretary of Defense. That is the reason they sent up these new legislative procedures so that we could make some changes at the School of the Americas.

But it also has been said that no good deed goes unpunished, and the gentleman's amendment seems to bear that out. In response to concerns raised by the gentleman and other Members of this body and their constituents, and I respect their constituents, the United States Army School of the Americas has undergone extensive changes, extensive reform in the interest of meeting the changes needed by U.S. foreign policy in the post-Cold War era.

This Defense Authorization Act includes major reform provisions, ensuring that course work at the new training facility will fully comply with U.S. law, doctrine and policy. Unfortunately, Members are still seeking to close the School of the Americas. I ask all to oppose the amendment of the gentleman from Massachusetts.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, it is the passionate and sincere leadership of the gentleman from Massachusetts (Mr. MOAKLEY) that has forced the Pentagon and the Army to seriously rethink their approach to military and Democratic education for Latin America. However, I would hope that this House would respect the bipartisan plan that has been written into this bill to close the School of the Americas and to open a new institute, a Defense Institute for Hemispheric Security Cooperation. This is why I must oppose the Moakley amendment.

The Institute's management would be significantly different from the management of the School of the Americas in several ways.

First, it would be under the direct control of the Secretary of Defense, not the Secretary of the Army.

Second, Congress would have a direct oversight role at the Institute. Surely, even the cynics among us can trust the Congress not to endorse, year by year, terrorist training in Latin America.

Thirdly, a statutory board of visitors would be created with recommendations of House and Senate leaders from both parties, and with leaders from academic, human rights and religious organizations.

Fourth, the law would require the institute to teach human rights, due process, rule of law, and civilian control of the military. That is good for Latin America and for the United States.

And, fifth, the bill requires an annual report to Congress on the institute's education and training program.

I have to believe that with oversight from the United States Congress, with us here in this House, that more American engagement with Latin American military and civilian leaders is good. Less engagement is not wise.

Let us thank the gentleman from Massachusetts (Mr. MOAKLEY) for his leadership for change. He has truly made a significant difference. But now is a time for us to move forward in a new day, with new relationships with our allies and friends in Latin America.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

Mr. SOUDER. Mr. Chairman, I thank the gentleman for yielding me this time.

One thing that has not been pointed out enough is this training center is the only one where it teaches in Spanish. Our other courses around the country reach the other echelons of leadership. This has tried to take our message of training, as well as human rights training, down to the lower levels of the military, to spread it through newly-democratic countries in Spanish, with instructors from those countries to build that credibility.

We also lost some message here as to why we have this school. In Colombia, yesterday's Los Angeles Times: Elvia Cortes had a bomb put around her neck and was told that it would explode the next day. It did. She is dead. The person who attempted to remove this bomb had his hands blown off and he bled to death in a helicopter.

Because of our drug crisis and the amount of drugs we are purchasing in this country, we have threatened democracies throughout the world. We need to teach human rights, but we also need to work with those militaries and those democratic governments to do what they did in Guatemala, which is, graduates of the School of the Americas went after another graduate because the behavior he exhibited was intolerable to us.

So I praise this school for the advances they have allowed throughout the world.

Mr. SPENCE. Mr. Chairman, I yield myself the balance of my time.

I think many of us over the years have paid a lot of attention to South America, our friends and neighbors down there, but not as much as we should have. I remember the time when South America had many countries controlled by the military, had military dictatorships, and they did not do things according to the way we do business. With the training a lot of these people have gotten from our School of the Americas, we now have a different situation in South America.

I just got back from a trip. The climate is entirely different. Most of these countries now are democracies. We do not have military dictatorships now. We have people there who go by the rule of law; people who want to be friendlier to us, and they keep wondering why we are not friendlier to them in trying to help them enter into the new millennium.

We have tried to teach them these important lessons at the School of the Americas and it has made a significant differences in fostering stronger bilateral relations and observance of the rule of law.

Mr. KUCINICH. Mr. Chairman, I rise in support of the Moakley amendment to the Defense Authorization bill. This amendment will officially close down the School of the Americas until a report to Congress is submitted assessing the training procedures and their effect in Latin America.

Without this amendment, this bill would merely change the name of the School of the Americas to the Defense Institute for Hemispheric Security Cooperation and make other cosmetic changes.

The School of the Americas needs more than superficial changes.

I would like to take a moment to provide a roster of human rights violators who graduated from the School of Americas.

Nineteen of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits were graduates of the School of the Americas.

Ten of twelve cited for the El Mozote massacre graduated from the school of the Americas.

Two of the three officers cited in Archbishop Romero's assassination were School of the Americas graduates.

And four churchwomen—including Dorthy Kazel, a nun from Cleveland and a friend of mine—were raped and brutally murdered in El Salvador. The UN Truth Commission investigating the murders verified that the School of the Americas trained three of the five officers responsible for the churchwomen's deaths.

Dorthy Kazel was more than a friend to me. She was a friend to humanity. She went to El Salvador to bring about peace and justice for those who most desperately needed it. And she was brutally murdered for her efforts.

The bill fails to make necessary changes to the School of the Americas. It does not address the crimes committed in the past, it does not provide any comfort to the families who were impacted by these human rights violators which I listed. The New School will not establish adequate screening of incoming soldiers and it will not monitor graduates of this school.

I urge my colleagues to support the Moakley amendment, and if this amendment does not pass, I urge my colleagues to vote against this bill.

Mr. BEREUTER. Mr. Chairman, the amendment would strike section 908 which changes the School of the Americas to the Defense Institute for Hemispheric Security.

It is certainly correct to point out that several of the School of the America's graduates have been implicated in crimes, corruption, and human rights violations. Press reports have accurately noted that former Panamanian dictator Manuel Noriega was a former student, as was one of the Salvadoran officers responsible for the 1989 assassination of six Jesuit priests.

.However, more than 60,000 young Latin American Officers have graduated from the SOA since its creation in 1946, the vast majority of whom have served their nations honorably and responsibly. Graduates of the SOA are personally responsible for the return of democracy in Latin American nations such as Bolivia and Argentina. Many of the school's graduates have lost their lives while combating the narco-guerillas and drug lords in Colombia and Peru. These counterdrug operations are of vital interest to the safety and security. of our Nation as the efforts of these brave Latin American soldiers are aimed at reducing the flow of drugs into the United States of America. It would be a disservice to brand all the school's graduates as criminals because of the misdeeds of a very few.

There have been many false allegations in the past regarding the School of the Americas, such as the alleged existence of SOA torture manuals. There are no such manuals. The SOA does not in any way engage in or endorse such heinous activities. Nor does the SOA trains death squads and assassins. The SOA is run by officers of the United States Army who must operate the school in accordance with governing regulations of the U.S. Army, the Department of Defense, and U.S. Public Law. This type of an amendment is resulting in a smear of the reputation of the fine men and women of the U.S. Army and specifically the officers and non-commitioned officers who have led the SOA. The repeated, unfounded and destorted allegations about the school are outrageous.

One very positive result of the recent focus of attention on the School has been a much greater emphasis on human rights. Every student at the school is now exposed to a rigorous formal and informal training program on basic human rights. Specific classes and case studies are used to enhance the training and to make U.S. concerns unambiguously clear. The roles and rights of civilians, clergy, human rights observers, and UN personnel are integrated into the training program.

H.R. 4205 as reported provides even greater assurances that training for our Latin American allies will continue to stress democracy, human rights, etc.

Mr. Chairman, the Moakley amendment provides for a Congressional Commission to review and recommend whether to reopen a successor to the School of the Americas. This just isn't necessary. We have reviewed, studied and debated the School of the Americas repeatedly. H.R. 4205 is the right course, right now. This member strongly urges opposition to the Moakley amendment.

Mr. BALDACCI. Mr. Chairman, I rise today in strong support of the amendment offered by Mr. MOAKLEY to truly close the School of the Americas.

The School of the Americas was designed to educate and train Latin American military personnel in order to foster and bring about democracy and freedom in typically totalitarian governments. However, far from achieving these noble goals, SOA graduates have instead been linked repeatedly to massacres, assassinations and other atrocities in Latin America.

The United States should not be providing training in how to limit or abuse human rights. We need instead to be leaders in ensuring human rights and fair treatment for all people worldwide.

I have long been a supporter of legislation to close the SOA. It is both a waste of taxpayer money and an affront to our common principles of freedom, democracy and respect for human rights at home and around the world.

H.R. 4205 purports to close the School of the Americas. It does not. Instead, it simply makes a few cosmetic changes in the School's operation, gives it a fancy new name and then turns a blind eye to the repeated human rights violations committed by SOA graduates.

Cosmetic changes are not enough. We must truly close the School of the Americas. I strongly urge my colleagues to support the Moakley amendment to prohibit opening of a follow-on school for at least 10 months and to authorize a congressional task force to critically assess training of Latin American soldiers by the United States and report its findings to Congress within six months. This action is long overdue.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of the Moakley Amendment.

This body has already had this fight and we have won. Last August, the House voted to finally stop funding School of the Americas, and I quote, "None of the funds appropriated or otherwise made available by this Act may be used for programs at the United States Army School of the Americas located at Fort Benning, Georgia."

The effort to rename the school without changing its essential role is nothing more than a public relations scheme. Remember, this is an organization whose roster of graduates reads like a Who's Who of human rights violators: 19 of 26 Salvadoran officers accused of the 1989 massacre of the Jesuits, 10 of 12 cited for the El Mozote massacre, 2 of 3 officers cited in the assassination of Archbishop Romero, and the list goes on and on.

More importantly, we have heard from the people. Their voices are smaller and their speeches are not as polished, but these are the people who have suffered from this scandalous school and they deserve to be heard. A name change will do nothing to improve the human rights record of this misguided institution.

I urge my colleagues resist this obvious scheme and support the Moakley amendment.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. GILLMOR). The question is on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. MOAKLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) will be postponed.

It is now in order to consider amendment No. 3 printed in House Report 106–624.

### AMENDMENT NO. 3 OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COX:

At the end of title XII (page 338, after line 13), insert the following new section:

**SEC. 1205. PROHIBITION ON ASSUMPTION BY UNITED STATES GOVERNMENT OF LIABILITY FOR NUCLEAR ACCIDENTS IN NORTH KOREA.**

Neither the President nor any department, agency, or instrumentality of the United States Government may use the authority of Public Law 85–804 (50 U.S.C. 1431) or any other provision of law to enter into any contract or other arrangement, or into any amendment or modification of a contract or other arrangement, the purpose or effect of which would be to impose liability on the United States Government, or otherwise require an indemnity by the United States Government, for nuclear accidents occurring in North Korea.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from California (Mr. COX) and a Member opposed each will control 15 minutes.

Mr. GEJDENSON. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Connecticut (Mr. GEJDENSON) claims the time in opposition.

The Chair now recognizes the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Just a few weeks ago, Mr. Chairman, the Los Angeles Times published an article with the lead, "Warning to American Taxpayers: Without knowing it, you may soon take on responsibility for what could be billions of dollars in liability stemming from nuclear accidents in, of all places, North Korea."

The article continued: "The Clinton administration is quietly weighing a policy change that would make the United States Government the insurer of last resort for any disasters at the civilian nuclear plants being built for the North Korean regime. But the Clinton administration is reluctant to seek a new law from the Republican Congress. That roadblock has sent administration lawyers scurrying through the United States Code, and they have found an obscure law that might be used in a new way."

The article concludes: "Presto, one little legal reinterpretation by the administration, and one huge new legal liability for American taxpayers." That according to the Los Angeles Times, April 12, 2000.

Perhaps not all of our colleagues are yet aware of how the administration has embarked upon a policy of subsidies to the Stalinist regime of Kim Jong Il in North Korea. From the founding of the Communist State in North Korea until the very last day of the Bush administration, North Korea received not a penny of U.S. foreign aid or U.S. taxpayer support. But that has all changed under the Clinton administration.

Today, the Stalinist government of North Korea is the number one recipient of U.S. foreign aid in the Asia Pacific region. Our aid is now totaling some two-thirds of a billion dollars. That aid is being used by Kim Jong Il's repressive government, to feed his million-man army, to use fuel oil for military industries, and, most improbably of all, to construct nuclear power plants; which, when they are completed, will produce enough plutonium for Kim Jong Il's army to build 65 nuclear weapons a year.

□ 1445

Now, this is the same government that has recently launched a three-stage ballistic missile over Japan. The proliferation risks of this venture are, obviously, the most frightening. But there are additional risks to the proposal to build nuclear plants for Kim Jong-Il as well, enormous risks to taxpayers from a nuclear accident at one of these plants if it were ever the case that the United States taxpayer would be on the line.

According to these published accounts not only in the Los Angeles Times but in industry publications as well, that is just what the administration is setting out to do.

I want to remind every Member that when the Clinton administration has advocated its North Korea policy before the Congress, they have always emphasized how limited our financial involvement would be and how limited our involvement in the nuclear reactor component of the KEDO program would be.

The administration's plans to put U.S. taxpayers on the line for the cost of nuclear accidents in North Korea and the administration's stated opposition to this amendment makes a mockery of those plans.

This amendment which I am offering, together with my Democratic colleague the gentleman from Massachusetts (Mr. MARKEY), prohibits the United States Government from making American taxpayers liable if the nuclear reactors that the Clinton administration is giving to North Korea are involved in a catastrophic nuclear accident.

If U.S. taxpayers are ever to be made liable in this unprecedented way for the costs of nuclear catastrophes in a foreign country, least of all North Korea, then it should be by the act of this Congress. That is the purpose of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 50 years ago when the Korean War started, few of us could have foreseen the kind of regime that would control North Korea for half a century.

This June, after half a century of almost complete isolation, the leaders of North and South Korea will meet directly for the first time. The agreements that have been worked out by the United States that have stopped the two attempts at a nuclear fissionable plant in North Korea and their missile program have been the first major gains in diplomatic efforts in that 50-year period as well.

We come here to the floor today basically arguing that 435 Members of Congress ought to negotiate the liability issues surrounding the building of the two plants that we have guaranteed would be built in North Korea in order for them to stop their own nuclear program and their own missile program.

Now, some on this floor are ready to spend $60 billion to stop the possibility of a North Korean missile aimed at the United States coming here and doing damage to our citizenry, something we ought to be worried about. They are ready to spend $60 billion. Maybe it might violate ABM, could cause all kinds of other problems, still has technical feasibility problems, but that they are ready to rush off to do.

But when we have a chance, and we have a successful program at this point that is led by Dr. Perry, the former Secretary of Defense, which has led to the cessation of their missile program and their nuclear problem at the two facilities that had an active program to create fissionable material, we are going to rush to this floor and we are going to say, wait a minute, the administration has not yet decided how they are going to be able to keep the contractors in this business. GE and others will leave if they end up with a liability.

The United States is working with the Japanese and the other coalition partners trying to work out a solution to the liability issue. But we are going to come to the floor today because we do not think there is a danger that North Korea will go back to building nuclear weapons, we do not think there is a danger they will go back to building their own missiles, because we want to rush to the floor and say, oh, no, no liability under any conditions.

Fifty years of the most isolated regime, for the first time, because of the work of Dr. Perry, we have the two sides sitting down and having a conversation. We have monitors and ways to check the North Korean missile and nuclear program, but now we have got to come to the floor and tell our contractors to go home because, yes, there might be some cost here.

There is some cost if North Korea spins out of control. Aside from the tens of thousands of people that starve to death, what about the North Koreans going back to trying to build nuclear weapons and nuclear missile programs? Is that not some danger for Americans?

I think we are imprudent by acting today. I ask my colleagues to reject this amendment, as well-intentioned as it is.

Mr. Chairman, I reserve the balance of my time.

Mr. COX. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, North Korea, lest we forget, is one of the most anti-American and potentially dangerous countries in the world. The administration's efforts to contain North Korea's nuclear weapons ambitions by providing modern nuclear reactors for its energy needs have done little to dissuade North Korea from pursuing a nuclear weapons program.

In fact, contrary to the conventional wisdom, the reactors being provided would not eliminate North Korea's ability to produce sufficient quantities of fissile material that could be used to build nuclear weapons.

Incredibly, it now appears that the administration may indemnify companies involved in the construction of these reactors and actually they would leave American taxpayers footing the bill for nuclear accidents in North Korea.

I cannot believe it. This would, essentially, hold the United States taxpayer hostage to the operation of nuclear reactors over which we have no control in a Stalinist country hostile to the United States and which is developing ballistic missiles capable of striking our country with weapons of mass destruction.

The Cox-Markey amendment would prevent this from happening. The costs of a future nuclear reactor accident in North Korea could be astronomical and ought not to be paid for by our taxpayers.

Mr. Chairman, the amendment makes good common sense. I support it. I urge my colleagues to do the same thing.

Mr. COX. Mr. Chairman, I reserve the balance of my time.

Mr. GEJDENSON. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. HALL).

Mr. HALL of Ohio. Mr. Chairman, I rise today to express my opposition to the Cox-Markey amendment.

I think this bill sounds good on its face, and it might make us feel like we are striking a blow against North Korea, but I believe its passage today is certainly a mistake.

My friend the gentleman from Connecticut (Mr. GEJDENSON) and others have made the argument very well, and I agree with them on that and on their concerns, that this is an end-run on the committee. On subjects as tricky as nuclear energy and North Korea, Members of this House need the committee process to vet the complex issues this amendment raises.

But I want to make a different point, though, and that is our timing is terrible. This debate comes at the worst possible time at what might be a turning point in history.

For the first time since the Korean nation was split in two, a summit has been scheduled between the leaders of the North and South. Hopes are high that they will make progress towards peace or, at least, a more permanent end to the tense standoff that has blighted Korea's history for 50 years and kept tens of thousands of American troops stationed in a dangerous place far from home.

In less than a month, South Korea's elected president, a national hero known for his courage and pressing for human rights, will meet with North Korea's new leader.

This North-South summit is an historic initiative that our country should support. Instead, by this vote, we risk sending a signal to Koreans in both nations that they cannot trust the United States to keep our solemn commitments.

The agreed framework is controversial, but it is also working. Now is not the time to chip away at it, and this amendment would do just that.

With 37,000 Americans stationed along one of the world's most dangerous borders, ending the Korean War or even lessening the hostile situation should be our country's highest priority.

This amendment needlessly antagonizes South Korea, our long-time ally, and North Korea, the well-armed neighbor that it is trying to bring into the international community.

Every time I go to that region, every time I visit with our military officers and people, they always say, "what are you guys in Congress doing?" They cannot believe that here in Washington we are rattling sabers while they are posted on one of the world's most dangerous front lines.

Few of us expect this amendment to win Senate passage. If it does, I doubt the President will sign it.

I urge my colleagues to restrain themselves, to resist the temptation to lash out at an administration and a country they disagree with. I urge them to put peace and American troops ahead of other considerations. Vote no on the Cox-Markey amendment.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman from Ohio (Mr. HALL), I would simply point out that there is no provision in the KEDO agreement for U.S. taxpayer liability for nuclear accidents in North Korea, nor is there any existing Federal statute that permits the administration to do this by fiat.

If taxpayers are to assume this liability in a remarkable expansion of the U.S. financial commitment to KEDO, then it should be by decision of this Congress. That is the only purpose of this amendment.

Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I am pleased to support the amendment that has been offered jointly by the gentleman from California (Mr. COX) and the gentleman from Massachusetts (Mr. MARKEY).

The amendment before us today is derived from the legislation I introduced on April 13 of this year entitled the "Prohibition on United States Government Liability for Nuclear Accidents in North Korea Act of 2000."

This legislation, H.R. 4266, was cosponsored by the two authors of today's amendment, as well as by the gentleman from South Carolina (Mr. SPENCE), chairman of the Committee on Armed Services, the gentleman from Nebraska (Mr. BEREUTER), the distinguished chairman of our Subcommittee on Asia and the Pacific, and others.

Our bill and today's amendment are a response to recent disclosure of efforts within the Clinton administration to offer what amounts to U.S. Government insurance against whatever liability claims might be made if nuclear reactors that the administration is trying to give to North Korea are involved in a catastrophic nuclear accident.

Apparently, the administration is considering doing this, in effect exposing the U.S. taxpayer to potentially tens or even hundreds of billions of dollars in liability claims without the approval of Congress. They propose instead to reinterpret a law enacted in 1958 in a transparent effort to avoid Congressional participation in the decision that may have profound consequences for our Nation's financial solvency.

This effort within the administration was disclosed not in briefings to the Congress, nor in testimony before Congress by administration officials, but, rather, in an article in the Los Angeles Times dated April 12 of this year.

Among those who fear a possible nuclear catastrophe are the very contractors who the administration thought would be eager to participate in the $5 billion construction project in North Korea. Those contractors apparently are concerned that if there is a catastrophe they might be sued and the potential liability could bring down their companies.

I was surprised and alarmed to learn that the administration is considering offering an indemnity to contractors participating in the North Korean nuclear projects without the approval of Congress. Our staff had to ferret out that information through the conduct of Congressional oversight, and most Members of Congress first learned about it when they read about it in the Los Angeles Times.

Mr. Chairman, if the administration wants the U.S. Government to provide such insurance, then they should come to the Congress and make their case for it. Then, in accordance with the Constitution, we could consider that request and decide whether or not to approve it.

Mr. Chairman, the Cox-Markey amendment does nothing more than force the administration to respect the prerogatives of the Congress. Accordingly, I commend the sponsors of the amendment. I request our colleagues to fully support this measure.

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Mr. GEJDENSON. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from California (Mr. BERMAN), a senior member of the committee.

Mr. BERMAN. Mr. Chairman, the scare is unlimited indemnification by the United States in the case of a North Korean light-water nuclear reactor. But the amendment does not address the scare. The amendment sweepingly prohibits any and all indemnification or liability agreements without regard to how limited, how widespread, who is participating and what is happening.

Some people in this House do not like to see nuclear energy. Probably everyone in this House looks at North Korea as an adversary who has undertaken and engaged in irresponsible conduct domestically and in foreign policy. But everyone who votes for the amendment should think first about the fact that they could be torpedoing the agreed framework and the ability to get meaningful inspections about what the North Koreans have done with the plutonium that is not even reached yet by the present freeze in the North Korean nuclear program. That is a very high price to pay for the pleasure of voting for an amendment which, on its surface, seems very attractive.

I think for purposes of making sure that we rid North Korea of any nuclear program whatsoever, of getting it in compliance with the nuclear nonproliferation treaty, of making it certified by the IAEA and of finally getting an account and disposing of the plutonium that we all know they have, it is a terrible mistake to vote for this amendment, and I urge the body to reject it.

Mr. COX. Mr. Chairman, I yield myself such time as I may consume.

I would just say to the gentleman that the KEDO program has never contemplated U.S. taxpayer liability for nuclear accidents in North Korea. Second, if the purpose is to rid North Korea of a nuclear program, it seems an odd way to do it, to build them nuclear reactors. If our object is to give them electricity, certainly a coal-fired plant or a hydro plant would make a great deal of sense.

Mr. Chairman, I yield 4 minutes to the gentleman from Massachusetts (Mr. MARKEY).

Mr. MARKEY. Mr. Chairman, we have so many red herrings floating around in the well down here today, we are going to have to build an aquarium. This has nothing to do with American nonproliferation policy. It has nothing to do with the agreed framework which everyone is talking about here. It has nothing to do with Star Wars, which I oppose, I think it is the stupidest idea of all time, but this is not what this debate is all about. It has nothing to do with Korean reunification, as much as we all sincerely hope that they will reunify. It has nothing to do with any of that. It has to do with a single company, General Electric, coming to this Congress and saying, we would like to be indemnified against wanton, reckless misconduct in the construction of our product if an accident occurs in North Korea. And if an accident occurs, we want the American taxpayer to shoulder the burden.

All we are saying is that General Electric should go into the private marketplace and get some insurance. Now, they are boasting in their puffing of this plant that they are going to make $30 million. Now, if with their $30 million worth of profit they cannot afford an insurance policy on this plant, then this is a pretty dangerous product. Now, my feeling is that out of the $30 million, they could probably spend a half a million or a million and get a good insurance policy, and then that insurance company should bear the risk. But it should not be the American taxpayer.

Generally speaking, what is going on here is that Adam Smith is spinning in his grave. General Electric wants us to socialize the risk but privatize the profit for them. But all of the American taxpayers are going to shoulder the burden. No other company, by the way, that is part of this project, it is not just General Electric, there are many other companies who are part of this project, none of them are asking for indemnification, only one company who does not want to go into the private insurance marketplace. It has nothing to do with Star Wars, nothing to do with the agreed framework, nothing to do with nonproliferation, nothing to do with anything.

Now, I believe that the American government, our negotiators, should have pushed them toward LNG, should have pushed them toward natural gas, should have pushed them toward clean coal. China would have been glad to sell it to them. By the way, Frank von Hippel at Princeton is quite convinced that a light-water reactor is not proliferation immune, that is, you can still build nuclear weapons out of a light-water reactor. We should have pushed them totally away from the nuclear technology. All of that is a separate issue. We do not have to debate that right now, only whether or not we should be giving one company American-taxpayer insurance protection when they should go out into the private marketplace, and everything else that we are debating here right now has no business being insinuated into this debate.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MARKEY. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I am sure we would have had a better deal from the North Koreans if the gentleman from Massachusetts had done the negotiation. But since we are lucky to have the gentleman staying in Congress and not going off to work for any administration and to negotiate, we are stuck with the deals that administrations, as incapable as they are, work out.

Would the gentleman not agree that if this framework falls apart and the North Koreans go back to trying to build their own reactors, we are less safe than under this program?

Mr. MARKEY. I would agree with the gentleman on that. I do not agree with the gentleman that it is going to fall apart over whether or not an insurance company is picking up the risk or the American taxpayer. All we are arguing right here is if General Electric cannot get a private insurance company to assume the risk for this nuclear power plant, then we are going to encourage them to engage in reckless, wanton behavior in the construction of the materials, and as a result, have the American taxpayer pick up the cost of the accident which will invariably occur.

Mr. GEJDENSON. Mr. Chairman, I yield myself such time as I may consume.

I would say the red herrings might be that if we do not allow our administration to negotiate an insurance policy that might have America financing that insurance policy, that that will make General Electric be wantonly irresponsible. That might just be a red herring.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. ACKERMAN).

Mr. ACKERMAN. There are a lot of things fishy going on on the floor today, Mr. Chairman.

The gentleman from Connecticut I think might know that I personally did go to North Korea, and I did begin the negotiation with the then dictator of North Korea, Kim Il Song, and it was a very difficult conversation, believe me. It was at a time when they were fully active with their heavy water nuclear reactor, when they were refusing to let the IAEA in to do the inspections and we had those constant standoffs at the airport and they did not want to budge.

To get them finally to agree that they would build down and take away and do away with their heavy-water reactor and switch to a light-water reactor, which we wanted them to do which would reduce the possibility of nuclear risk was a very difficult thing. The only thing that they wanted from us in return is to have the face, to be able to save face and not be able to say, well, the South Koreans and the Japanese of who they are not enamored with were bailing them out.

They wanted it to look like an international effort. So our contribution is basically funding the oil to heat their country while one reactor is turned off and the other one is turned on.

This is really about trying to embarrass the Clinton administration. This is really about establishing a strawman, a bogeyman to have an enemy to rally around and the North Koreans are very, very easy suspects to fill that role. What is going on here is basically to tear down the framework agreement. If we did not have the framework agreement, Mr. Chairman, this would be a much more dangerous world in which we live. This is critical that we go through with this. If this fails and they go back to their heavy-water reactor, where will we be? We will really need every bit of that $60 billion for Star Wars and all of those other things that we are talking about. This is the ounce of prevention that will save us megatons of cure.

Mr. GEJDENSON. Mr. Chairman, I yield 2½ minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding me this time and would assert in direct refutation to my friend from Massachusetts that this has everything, everything to do about the larger issues of peace on the Korean peninsula. I am rather astounded that this amendment would be before us. We have come, since 1994, from the brink of military conflict to now the eve of a historic summit between leaders in that area. Lasting peace is a long ways away, but this summit is a historic opportunity for an advance, and here we are acting as though there has been nothing successful achieved under the nuclear framework.

This framework was negotiated because of the concern that the nuclear facility at Yongbyon could produce weapons grade material, and in fact, that they were moving plans to do that very kind of processing. The agreement to move to a light-water nuclear electricity capacity for North Korea deprives them of this material which is so very dangerous in light of its potential application for weapons grade plutonium.

We asked Secretary Perry, who negotiated this initial agreement, to go back and take a look at whether the framework was working. He reported to the Committee on International Relations, and I quote, "The nuclear facilities remain frozen, a result that is critical for security on the peninsula since during the last 5 years those facilities could have produced enough plutonium to make a substantial number of nuclear weapons."

Now, earlier this week, just days earlier, the gentleman from Massachusetts (Mr. MARKEY) was part of another legislative initiative along with the gentleman from New York (Mr. GILMAN), the Gilman-Markey amendment which would require House prior approval before the United States would enter nuclear cooperative agreements or provide key components, restricted components on the A-10 list as part of a nuclear agreement.

This prior House approval resolution passed 374-6. We have established the oversight opportunity to carefully watch this. Let us not pass this resolution which reflects the worst kind of armchair quarterbacking, coming in without being a party to the discussions at all despite their successful 5-year record so far and try to pick apart and undermine their future prospects for success even while the leaders prepare for the historic summit in Korea.

Reject this amendment. It is well intended but wrongheaded. Stick with the Gilman-Markey approval we earlier passed. We have all the oversight we need.

Mr. GEJDENSON. Mr. Chairman, I yield the balance of my time to the gentleman from Maine (Mr. ALLEN) who has done such fine work in this area.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Maine is recognized for 2½ minutes.

Mr. ALLEN. Mr. Chairman, I rise in opposition to the Cox-Markey amendment. All of us agree that North Korea is a dangerous rogue state, but this amendment is about whether or not we can promote policies to make North Korea less of a threat or we just sit by and let the threat develop. We all agree we want to make North Korea less dangerous, and that is why we should reject this amendment. In 1994, the closed North Korean government opened up just enough to sign an agreement with us to eliminate its nuclear weapons program. The agreed framework has given us a great opportunity to reduce the threat from that country. The Cox-Markey amendment could jeopardize that opportunity by causing the United States to renege on its end of the bargain, which was to work with South Korea and Japan to build civilian nuclear reactors in North Korea. The amendment would, in effect, construct an insurmountable barrier to our cooperation in the framework.

Now any businessperson knows the importance of dealing with liability issues before the deal goes forward.

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If we block the possibility of the U.S. Government assuming some, and certainly not all, of the liability for the reactors, we likely sink this deal.

The proponents are claiming to speak for the American taxpayer, but the rush to deploy a national missile defense is premised on defending against the North Korean missile threat, and that system's price tag is $60 billion. Those are real dollars to the American taxpayer. But the proponents of this amendment are rejecting a sensible effort to reduce the North Korean threat before it becomes a problem. The agreed framework is far from perfect, but it gives us the opportunity to eliminate North Korea's nuclear weapons program and to make their missile program less threatening, and it is far, far cheaper than $60 billion. Our national security policy is not served by a policy that says let us sit idle while they build it, and hope that some untested, unproven antimissile shield will work after the missiles are launched.

I urge my colleagues to think of the consequences of this vote, to think of the long-term security interests in Korea, and vote against the Cox-Markey amendment.

Mr. COX. Mr. Chairman, I yield the balance of my time. The gentleman from Michigan (Mr. KNOLLENBERG), a senior Member of the Committee on Appropriations, who has done a substantial amount of work on KEDO over the years.

The CHAIRMAN pro tempore (Mr. GILLMOR). The gentleman from Michigan is recognized for 1 minute.

Mr. KNOLLENBERG. Mr. Chairman, I thank the gentleman for yielding me time, and thank the gentleman from Massachusetts (Mr. MARKEY) for his cosponsorship.

As the chairman has just stated, I have been a Member of the Committee on Appropriations, and I believe I am very familiar with this framework, with KEDO and the substance of this amendment and why we have this amendment.

Under KEDO and the administration's current policy with North Korea, as everybody knows, the U.S. is leading an effort to finance and build these two nuclear reactors. For whom? For North Korea, perhaps the most regressive regime in the world. It is not only illogical, but it is dangerous to the national security of this country.

But let us talk about the thing that I think may have been overlooked here, experience. The North Koreans clearly do not have the expertise to safely operate two nuclear reactors. Who are the operators going to be? Who will handle the plant management? One cannot create a nuclear industry infrastructure by administrative fiat. It requires the time to educate, to train all the necessary people and to develop the required supply chain.

The CHAIRMAN pro tempore. All time has expired.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. KNOLLENBERG).

Mr. KNOLLENBERG. Mr. Chairman, I thank the chairman for yielding.

The North Koreans simply do not have the equipment, they do not have the capability to handle this method of producing electricity. Now, the companies that are involved here realize this. They know what the dilemma is, and, therefore, do not want to accept the billions of dollars of risk associated with building nuclear reactors in such a dangerous rogue nation. There is nothing that the U.S. can do to assure companies that the inexperienced North Koreans will not improperly operate these plants, and, thus create radioactive mishaps or accidents.

If there is anything that we have learned from our experience with North Korea, it is that there is no way that you can predict what they are going to do.

Now, faced with this dilemma, the administration is now looking for a way to put the U.S. taxpayers on the hook for this enormous liability. I think that is simply unacceptable, and this amendment is necessary to prevent it from happening.

Once again, I thank the sponsors, and strongly urge my colleagues to support this amendment.

Mr. SPENCE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to say one thing in this respect. I said something earlier, but if my friends on the other side who oppose this amendment think, as I have heard them say, that North Korea has changed for the better and they are less hostile to our country, I want to let them know they are living in a fantasy world. The real world is that North Korea takes all we have to offer and give them to buy them off, and at the same time, they continue to develop weapons destructive toward us, aimed at us, and they also export to other rogue nations technologies to help them oppose us in the world.

Mr. Chairman, I yield the balance of my time to the gentleman from California (Mr. COX).

Mr. COX. Mr. Chairman, we must keep our focus on the narrow purpose of this amendment, which is to keep Congress in control over any decision whether the U.S. taxpayer should be put on the hook for a multi-billion dollar liability for nuclear accidents in North Korea.

It is, to say the least, a surprising policy that this administration, the Clinton-Gore administration, with the author of Earth in the Balance complicit in the decision, has decided to use taxpayer resources to build nuclear power plants, nuclear power plants not for U.S. consumers, but for a repressive regime that has armed itself to the teeth. They are maintaining a 1 million-man army while the people of North Korea are so impoverished they are eating the bark off of trees.

But leaving aside our warranted astonishment with this policy of building nuclear power plants for Kim Jong Il, which will produce plutonium which could be used to make nuclear weapons and be fitted on the missiles that he will continue to develop while we are giving them this aid, the new question that is put before us now is whether or not the agreed framework between the United States and Japan and South Korea and North Korea is going to be distorted in a way not contemplated by this Congress or by the administration, that the liability of the U.S. taxpayers will be enormously increased without any consultation with Congress, and, most importantly, without any legal authorization for doing so.

Earlier today I discussed this with Ambassador Sherman from the Department of State. She told me that the Republic of Korea National Assembly may soon be considering legislation to accept some part of the liability for nuclear accidents in North Korea. That would be a good policy for the U.S. Congress to follow.

Just as the ROK, we are also parties to this agreement. Let us not change the agreement and the financial commitment of the United States by fiat of the State Department. Let us not stretch a statute beyond all recognition in an unprecedented way to impose billions of dollars of liability on U.S. taxpayers.

It is precisely because the potential damages here are so great that the Clinton administration is considering an unprecedented use of a defense contracting provision in Title 50 of the United States Code, Section 1431, to impose unlimited nuclear liability on U.S. taxpayers. The Congressional Research Service has been unable to find any precedent for this. They have been unable to find any precedent for such use of this provision or for the assumption of unlimited foreign nuclear liability by U.S. taxpayers under any provision of U.S. law.

If we are to do this, then we should do it after debate on the merits in this Congress. That is the way that multibillion dollar commitments of U.S. taxpayer resources should be made in our government, with legal authority, not by fiat.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong support for the Cox-Markey amendment to prohibit U.S. Government agencies from assuming liability for nuclear accidents that might occur in North Korea.

The amendment of the distinguished gentleman from California, Mr. COX, and the distinguished gentleman from Massachusetts, Mr. MARKEY, is made necessary by the willingness of the Executive branch to become the insurer of last resort for the two light-water nuclear reactors being constructed in the Democratic People's Republic of Korea (DPRK). American companies are understandably reluctant to shoulder the liability themselves, for they understand the risk of accident associated with this project is unacceptably high.

In the event of a Chernobyl-type catastrophe in North Korea, the United States could be held liable for legal claims. Such claims could be massive—reaching into the hundreds of billions of dollars! And, because North Korea is to operate and administer the light-water reactors, we are essentially trusting that North Korean technicians will keep the reactors operating in a safe manner. This Member would warn his colleagues that North Korea is not a nation that historically pays close attention to safety. Quite the reverse, what little contact we have had with the DPRK suggests that safety is the last thing on their mind. This body must assume that North Korea will willingly cut safety corners to extract as much profit as possible.

Mr. Chairman, the Korean light-water nuclear reactor project (KEDO) is a highly controversial initiative, and opinions differ on its wisdom. However, this amendment is not an attempt to undermine U.S. participation in North Korea's light-water nuclear reactor project (KEDO). Rather, the Executive Branch is artificially, and inappropriately, attempting to "prop up" the KEDO agreement that may be collapsing under its own weight. The problem before this body is that this nuclear development project could result in countless billions of dollars in liability claims.

Mr. Chairman, if the marketplace is not willing to assume the risks associated with possible North Korean nuclear disaster, perhaps the body should pause before allowing the Federal Government to assume the liability. The amendment of the distinguished gentleman from California and the distinguished gentleman from Massachusetts is a commonsense response to a very real problem. This Member would note his intention to offer a companion amendment to the appropriate appropriations bill, prohibit U.S. funds from being spent for the assumption of nuclear liability related to North Korea.

This Member commends his colleagues for offering the amendment, and urges approval of the Cox/Markey amendment.

Mrs. TAUSCHER. Mr. Chairman, I urge Members to vote against the Cox-Markey amendment to the Defense Authorization bill. This amendment would undermine the framework agreed to by the United States and North Korea in 1994, and would have the effect of preventing continued progress in the critical area of nuclear non-proliferation.

The Cox-Markey legislation would forbid the United States from indemnifying the technology provided by an American contractor for civilian nuclear reactors in North Korea. The United States agreed to help build these reactors in exchange for North Korea's freezing of its nuclear-related activities at two sites. In the interim, these reactors are necessary to provide sufficient energy for parts of North Korea. If this amendment were to pass, the contractor will be forced to pull out of the project, leaving the U.S. unable to fulfill its part of the agreement. North Korea would then lack any reason for not resuming work at its nuclear sites.

We have a good agreement with North Korea. It effectively limits the nuclear threat posed by that country, and it does so in an intelligent way. The agreement is good for the U.S., and it commits us to building several reactors, which we will finance in concert with two of our Pacific allies, Japan and South Korea. This is a small price to pay for the dangers we can reduce in North Korea. If the Cox-Markey amendment passes, we will undermine the agreement, which will have two consequences. First, it will provoke North Korea to continue its production of nuclear warheads. Second, it will cause the U.S. to renege on its share of the duty, making us look unreliable to our allies.

For these two reasons, I urge my colleagues to oppose this amendment.

Mr. SPENCE. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from California (Mr. COX).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. COX. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, further proceedings on the amendment offered by the gentleman from California (Mr. COX) will be postponed.

It is now in order to consider Amendment No. 4 printed in House Report 106-624.

### AMENDMENT NO. 4 OFFERED BY MR. SKELTON

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. SKELTON:

Strike title XV (page 354, line 6, through page 359, line 16) and insert the following:

## TITLE XV—LAND CONVEYANCE REGARDING VIEQUES ISLAND, PUERTO RICO

### SEC. 1501. CONVEYANCE OF NAVAL AMMUNITION SUPPORT DETACHMENT, VIEQUES ISLAND.

(a) CONVEYANCE REQUIRED.—

(1) PROPERTY TO BE CONVEYED.—(1) Subject to subsection (b), the Secretary of the Navy shall convey, without consideration, to the Commonwealth of Puerto Rico all right, title, and interest of the United States in and to the land constituting the Naval Ammunition Support detachment located on the western end of Vieques Island, Puerto Rico.

(2) TIME FOR CONVEYANCE.—The Secretary of the Navy shall complete the conveyance required by paragraph (1) not later than December 31, 2000.

(3) PURPOSE OF CONVEYANCE.—The conveyance under paragraph (1) is being made for the benefit of the Municipality of Vieques, Puerto Rico, as determined by the Planning Board of the Commonwealth of Puerto Rico.

(b) RESERVED PROPERTY NOT SUBJECT TO CONVEYANCE.—

(1) RADAR AND COMMUNICATIONS FACILITIES.—The conveyance required by subsection (a) shall not include that portion of the Naval Ammunition Support detachment consisting of the following:

(A) Approximately 100 acres on which is located the Relocatable Over-the-Horizon Radar and the Mount Pirata telecommunications facilities.

(B) Such easements, rights-of-way, and other interests retained by the Secretary of the Navy as the Secretary considers necessary—

(i) to provide access to the property retained under subparagraph (A);

(ii) for the provision of utilities and security for the retained property; and

(iii) for the effective maintenance and operation of the retained property.

(2) OTHER SITES.—The United States may retain such other interests in the property conveyed under subsection (a) as—

(A) the Secretary of the Navy considers necessary, in the discharge of responsibilities under subsection (d), to protect human health and the environment; and

(B) the Secretary of the Interior considers necessary to discharge responsibilities under subsection (f), as provided in the co-management agreement referred to in such subsection.

(c) DESCRIPTION OF PROPERTY.—The Secretary of the Navy, in consultation with the Secretary of the Interior on issues relating to natural resource protection under subsection (f), shall determine the exact acreage and legal description of the property required to be conveyed pursuant to subsection (a), including the legal description of any easements, rights of way, and other interests that are retained pursuant to subsection (b).

(d) ENVIRONMENTAL RESTORATION.—

(1) OBJECTIVE OF CONVEYANCE.—An important objective of the conveyance required by this section is to promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment, consistent with all applicable environmental requirements and in full consultation with the Governor of Puerto Rico, for the benefit of the residents of Vieques Island.

(2) CONVEYANCE DESPITE RESPONSE NEED.—If the Secretary of the Navy, by December 31, 2000, is unable to provide the covenant required by section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (42 U.S.C. 9620(h)(3)(A)(ii)(I)) with respect to the property to be conveyed, the Secretary shall still complete the conveyance by that date, as required by subsection (a)(2). The Secretary shall remain responsible for completing all response actions required under such Act. The completion of the response actions shall not be delayed on account of the conveyance.

(3) CONTINUED NAVY RESPONSIBILITY.—The Secretary of the Navy shall remain responsible for the environmental condition of the property, and the Commonwealth of Puerto Rico shall not be responsible for any condition existing at the time of the conveyance.

(4) SAVINGS CLAUSE.—All response actions with respect to the property to be conveyed shall take place in compliance with current law.

(e) INDEMNIFICATION.—

(1) ENTITIES AND PERSONS COVERED; EXTENT.—(A) Except as provided in subparagraph (C), and subject to paragraph (2), the Secretary of Defense shall hold harmless, defend, and indemnify in full the persons and entities described in subparagraph (B) from and against any suit, claim, demand or action, liability, judgment, cost or other fee arising out of any claim for personal injury or property damage (including death, illness, or loss of or damage to property or economic loss) that results from, or is in any manner predicated upon, the release or threatened release of any hazardous substance or pollutant or contaminant as a result of Department of Defense activities at those parts of the Naval Ammunition Support detachment conveyed pursuant to subsection (a).

(B) The persons and entities described in this paragraph are the following:

(i) The Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico), once Puerto Rico acquires ownership or control of the Naval Ammunition Support Detachment by the conveyance under subsection (a).

(ii) Any political subdivision of the Commonwealth of Puerto Rico (including any officer, agent, or employee of the Commonwealth of Puerto Rico) that acquires such ownership or control.

(iii) Any other person or entity that acquires such ownership or control.

(iv) Any successor, assignee, transferee, lender, or lessee of a person or entity described in clauses (i) through (iii).

(C) To the extent the persons and entities described in subparagraph (B) contributed to any such release or threatened release, subparagraph (A) shall not apply.

(2) CONDITIONS ON INDEMNIFICATION.—No indemnification may be afforded under this

subsection unless the person or entity making a claim for indemnification—

(A) notifies the Secretary of Defense in writing within two years after such claim accrues or begins action within six months after the date of mailing, by certified or registered mail, of notice of final denial of the claim by the Secretary of Defense;

(B) furnishes to the Secretary of Defense copies of pertinent papers the entity receives;

(C) furnishes evidence of proof of any claim, loss, or damage covered by this subsection; and

(D) provides, upon request by the Secretary of Defense, access to the records and personnel of the entity for purposes of defending or settling the claim or action.

(3) Responsibilities of Secretary of Defense.—(A) In any case in which the Secretary of Defense determines that the Department of Defense may be required to make indemnification payments to a person under this subsection for any suit, claim, demand or action, liability, judgment, cost or other fee arising our of any claim for personal injury or property damage referred to in paragraph (1)(A), the Secretary may settle or defend, on behalf of that person, the claim for personal injury or property damage.

(B) In any case described in subparagraph (A), if the person to whom the Department of Defense may be required to make indemnification payments does not allow the Secretary of Defense to settle or defend the claim, the person may not be afforded indemnification with respect to that claim under this subsection.

(4) Accrual of action.—For purposes of paragraph (2)(A), the date on which a claim accrues is the date on which the plaintiff knew (or reasonably should have known) that the personal injury or property damage referred to in paragraph (1) was caused or contributed to by the release or threatened release of a hazardous substance or pollutant or contaminant as a result of Department of Defense activities at any part of the Naval Ammunition Support Detachment conveyed pursuant to subsection (a).

(5) Relationship to other laws.—Nothing in this subsection shall be construed as affecting or modifying in any way subsection 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)).

(6) Definitions.—In this subsection, the terms "hazardous substance", "release", and "pollutant or contaminant" have the meanings given such terms under paragraphs (9), (14), (22), and (33) of section 101 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601).

(f) Management.—

(1) Co-management of conservation zones.—Those areas on the western end of the Vieques Island designated as Conservation Zones in section IV of the 1983 Memorandum of Understanding between the Commonwealth of Puerto Rico and the Secretary of the Navy shall be subject to a co-management agreement among the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust and the Secretary of the Interior. Areas adjacent to these Conservation Zones shall also be considered for inclusion under the co-management agreement. Adjacent areas to be included under the co-management agreement shall be mutually agreed to by the Commonwealth of Puerto Rico and the Secretary of the Interior. This determination of inclusion of lands shall be incorporated into the co-management agreement process as set forth in paragraph (2). In addition, the Sea Grass Area west of Mosquito Pier, as identified in the 1983 Memorandum of Understanding, shall be included in the co-management plan to be protected under the laws of the Commonwealth of Puerto Rico.

(2) Co-management purposes.—All lands covered by the co-management agreement shall be managed to protect and preserve the natural resources of these lands in perpetuity. The Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior shall follow all applicable Federal environmental laws during the creation and any subsequent amendment of the co-management agreement, including the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the National Historic Preservation Act. The co-management agreement shall be completed prior to any conveyance of the property under subsection (a), but not later than December 31, 2000. The Commonwealth of Puerto Rico shall implement the terms and conditions of the co-management agreement, which can only be amended by agreement of the Commonwealth of Puerto Rico, the Puerto Rico Conservation Trust, and the Secretary of the Interior.

(3) Role of national fish and wildlife foundation.—Contingent on funds being available specifically for the preservation and protection of natural resources on Vieques Island, amounts necessary to carry out the co-management agreement may be made available to the National Fish and Wildlife Foundation to establish and manage an endowment for the management of lands transferred to the Commonwealth of Puerto Rico and subject to the co-management agreement. The proceeds from investment of the endowment shall be available on an annual basis. The Foundation shall strive to leverage annual proceeds with non-Federal funds to the fullest extent possible.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 15 minutes. Does the gentleman from South Carolina wish to claim the time in opposition?

Mr. SPENCE. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from South Carolina will control 15 minutes.

The Chair recognizes the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I speak in favor of a strong national security. This amendment is for just that. My amendment is the only way we can get back the range at Vieques permanently. My amendment would strike language that is in the bill that guts the negotiated agreement between the administration and the Navy on the one hand, and the Governor of Puerto Rico on the other.

My amendment would put in place the first piece of the conveyance, the conveyance of the excess land on the western end of the island, to the people of Vieques. During the debates we have heard much of the island of Vieques, a lot about what the Navy needs and why it is important to the Navy. Well, that is an excellent point.

If we really want to know what the Navy needs, let us listen and find out from the Navy itself, the Secretary of Defense and the President. The Secretary of the Navy, the Secretary of Defense and the President all vigorously opposed the language in the bill regarding Vieques. The Secretary of the Navy states that the committee bill "would establish conditions on disposal of the Naval Ammunition Support Detachment that are contrary to presidential directives on that subject."

The Secretary of Defense, William Cohen, says that "any legislative proposal that unilaterally undermines that agreement will reverse the positive momentum that has been accomplished to date."

The administration policy is "the title of the bill regarding the Navy's facilities in Vieques, Puerto Rico, is unacceptable. If enacted, key provisions would make it likely that our Navy and Marine Corps personnel would not be able to get the training they need on the island."

Departments of the Navy and Defense and the administration as a whole strongly support this language. It strikes this title and replaces it with language regarding the first part of the agreement, and that is the transfer of excess land to the people of Vieques.

Mr. Chairman, I reserve the balance of my time.

Mr. SPENCE. Mr. Chairman I rise in opposition to this amendment, and I yield myself such time as I may consume.

Mr. Chairman, I appreciate the position my good friend from Missouri is in in having to offer this amendment. He is one of the strongest supporters we have of our troops and the training they must get. He is always talking about this being the year of the troops, and he is called upon by his administration to offer an amendment that would do harm to the training that our troops receive.

Mr. Chairman, the gentleman's amendment would strike the provisions contained in our bill. I support our bill, the Committee on Armed Services bill, the provisions that deal with Vieques. This amendment seeks to replace them with the administration's flawed approach, as established by the agreement between the President and the Governor of Puerto Rico on January 31, 2000.

Since the Navy ceased training on Vieques in April of 1999, East Coast-based Naval forces have experienced a decline in combat readiness. The ranges on Vieques island are the only place where our forces can conduct joint combined live fire training in conjunction with the actual amphibious landings by our troops ashore. When I was on active duty with the Navy, I remember back in those days being involved in training in Vieques myself. I know how valuable it is.

Vieques is, in the words of Vice Admiral William Fallon, the Commander of the Second Fleet, "an irreplaceable national asset." And it is a national asset. People do not realize we own that island. We bought it. It belongs to the United States Government. Where else in this country and overseas do we have referendums to allow us to use our own bases for live firing?

□ 1530

Without live-fire training at Vieques, carrier battle groups and amphibious ready groups will continue to deploy overseas without the necessary training for combat. Therefore, access to Vieques for live-fire training must be retained. Anything less endangers the lives of American sailors and Marines and others who train there. We are putting our own people in jeopardy by what we are doing. We are not looking out for their welfare, and we are not looking out for the welfare of this country.

By endorsing the agreement between the President and the Governor, the amendment undermines the provisions in the bill that would ensure proper access to Vieques. Further, the amendment endorses the troublesome precedent of allowing the future of military training on Vieques to be determined by a referendum.

By allowing local communities to decide where the military can train, this amendment places in jeopardy current access to other critical military installations, as I have said before, both in this country and overseas.

The Vieques provision in this bill is fair and equitable. They allow for the conveyance of the land on the west end of Vieques to the Puerto Ricans and authorize $40 million in economic assistance for local citizens once live-fire training has resumed.

At the same time, they restrict live-fire training to 90 days a year and direct the Navy to take measures to ensure the safety of the local populace.

The bill protects the readiness of our military forces by ensuring that they have access to the best training facilities available, a facility that will allow them to train to protect their lives and the lives of other Americans the next time they are called up to take up arms in defense of this country.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds to point out the actual facts that are before us. There is nothing in my amendment that talks about remuneration. There is nothing in my amendment that talks about a referendum. What it does, it strikes the killing language and transfers the excess western part of the island. That is all it does.

Mr. Chairman, I yield 3 minutes to the Resident Commissioner, the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ).

Mr. ROMERO-BARCELÓ. Mr. Chairman, I rise on this occasion to express my solid support for the amendment of the gentleman from Missouri (Mr. SKELTON) on Vieques. I speak as the only elected representative of the 4 million U.S. citizens in Puerto Rico and Vieques and on behalf of the Governor of Puerto Rico and the Mayor of Vieques, to reinforce the importance of approving the Vieques land conveyance component of the presidential directives.

Both the presidential candidates also support this amendment. They support the presidential directives. First of all, I want to clarify that this land conveyance is limited to the western lands of Vieques and will have no impact on the eastern end of the island where the Navy's bombing range is located.

Looking at a map of Vieques, the eastern part of the island is where the range is located, in the easternmost part, and the western part, which are the lands that we are considering here, have nothing to do with the maneuvers and the training in Vieques now and they have been declared, the Navy itself does not need the western lands that make up the Naval ammunition depot.

In fact, the Secretary of the Navy indicated by letter to Speaker HASTERT that there has been little use of the property in recent years and that it is no longer needed for Federal purposes.

Parts of the agreement reached by the Secretary of the Navy, the Secretary of Defense, the President and the Governor of Puerto Rico are already implemented. After the Navy peacefully removed the protestors from the live impact range on the eastern end of Vieques, with the help of the police department in Puerto Rico, they immediately renewed military exercises with inert ordnance on May 10th. The people in Vieques did not even realize that inert ordnance was being used and that the bombing was going on. So everyone is peaceful now and satisfied.

We in Puerto Rico have done our part with the agreement. We have carried out our part of the agreement. Now it is the Navy's and the administration's turn to do their part of the agreement.

What is the issue here? Is it to prove that the Navy can beat the little Island of Vieques, a 20 square mile Island of Vieques with 9,300 people; the Navy is more powerful than Vieques? We concede that argument.

The Navy is much more powerful than Vieques. Of course it is, and it could carry out the bombing if it wanted to. But is that the Navy of the 21st century that wants to represent the Nation? Is that what we want?

This Nation was born out of a cry that no taxation without representation. Actually, in Vieques what the people are saying is no more bombing without some representation, or at least a referendum. That is what we are saying. This is a very, very valid statement, because they have no representation.

I represent them here but I cannot vote. We have no representation in the Senate. So they feel that they are by themselves, and they are asking for justice. They are asking that after all these years, after the land was taken over by the Navy in 1941, during the Second World War, where everyone in Puerto Rico, U.S. citizens in a patriotic sense of duty, they never contested the condemnation. This was going to be used for the Second World War, but the war never ended for Vieques and now they are asking let us put the presidential directives in place.

They are reinforced by the President, by the presidential candidates, by the Secretary of the Navy, by the Secretary of Defense, by the Naval Operations officers and we have those letters to confirm that.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I think the gentleman from South Carolina (Mr. SPENCE) said it right. What we are talking about is the troops. Who is going to take care of the troops in this thing or who cares about political things? That is what we are talking about here if we want to be gut honest about this.

What is the history on this thing, anyway? This thing was turned over to the United States Navy in the 1940s. They put $3 billion into that area. What is it? It is a test and training range, and that is what it is used for.

Now we talk about all of these letters from the President and the Secretary and that, and they are all political people. Let us talk about the people who have stars on their shoulders. Here are two letters that just came to me just yesterday, and what do they say?

General Jones, the Commandant of the Marine Corps, talks about the idea that the curtailment of Vieques would, in effect, curtail the work we are doing there and people would perish.

Let us talk about the CNO of the Navy, the chief Naval officer, what does he say? The same thing. The people will perish if they have the right to do that.

Are there other test and training ranges? Of course there are. They are all over America, and there are people bombed right next to them. I have one right in my district called the Utah Test and Training Range. And guess what? Every month or so somebody goes onto that range, and it is called trespass. If they do it and will not leave, they are prosecuted, and that is what should have happened here. But, no, they did not prosecute these people. Janet Reno elected not to do it.

I ask my colleagues to ask themselves this question: Why, oh, why, does the President of the United States get involved in a trespass on a thing that is Navy property? He gets involved and strikes a deal that does absolutely nothing for us. If that is the case, we have them every day. I was checking with the one at China Lake, with Eglin, with the Utah Test and Training Range, with Nellis, with Mountain Home. Trespasses every day.

Well, why do we not get involved in them also? There must be something here besides the training of our troops.

The George Washington is going out. The George Washington is a carrier battle group, and on that carrier battle group, do we know what the CNO of the Navy had just said yesterday? He has made the statement that this is not prepared for battle and we are turning these guys into harm's way because of that.

Now does that bother anybody besides me here? I am really kind of concerned about this. It was pointed out that this does not make any difference. It does make a difference because it strikes the language that we have.

Mr. SKELTON. Mr. Chairman, I yield myself another 15 seconds.

Mr. Chairman, quoting from General James Jones, the Commandant of the Marine Corps, his letter goes on to say additional information. It says, "Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential."

We should read the entire letter to this body.

Mr. Chairman, I yield 2 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member from our committee, the Committee on Armed Services, the Subcommittee on Military Personnel.

Mr. ABERCROMBIE. Mr. Chairman, I rise on this occasion to reiterate my support for the agreement reached by the President, the Secretary of Defense, the Navy, the Governor of Puerto Rico, to resolve the impasse over the Navy's training at Vieques.

As a witness to the experience of Kaho'olawe, a small island in Hawaii which was bombed for many years and on which significant progress has been made, I feel I am uniquely qualified to speak on the issue of Vieques.

The agreement between the Department of Defense and the Governor of Puerto Rico was thoughtfully crafted and the product of tireless effort. The agreement addresses the concerns of American citizens of Vieques and assures that our training needs are met. This agreement was reached not with the protestors but with the lawful authorities in Puerto Rico.

Because of the agreement, the Federal and local government enforcement officers removed the demonstrators blocking access to the training facility and the Navy is conducting training on Vieques as we speak.

Now last week, the Committee on Armed Services approved language that disrupts this carefully-crafted agreement and I want to discourage my colleagues from further jeopardizing the outcome they wish to obtain regarding the Navy's presence in Vieques.

Disruption would require the Vieques issue to go back to the drawing board. We should respect the hard work that has been done, and the national security interests representing the people of Vieques will be served.

Further, this effort by the Congress could very well end up backfiring. Disruption of the process will inevitably bring negative consequences for the Navy, and in that ill-fated effort it kills the possibility of building a relationship between the Navy and the people of Vieques.

The resolution is best accomplished by moving forward with the agreement. The Skelton amendment takes the first step towards living up to the negotiated agreement. I urge all my colleagues, particularly those on the Committee on Armed Services, to support the agreement reached by the Department of Defense and the Governor and support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana (Mr. BUYER), the chairman of our Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding me this time.

Mr. Chairman, I also would agree it is important to keep the record clean. When the former Governor of Puerto Rico stands in the well and says that this land was taken by condemnation, that is completely false and I believe he knows that. The land was purchased at fair value between 1941 and 1950 for the use as a live-firing range. So I want the record clean.

Mr. Chairman, I rise in strong opposition to this amendment offered by Mr. SKELTON. The agreement on Vieques range that the administration has reached with the Government of Puerto Rico, I believe, is fundamentally flawed in several respects, including the terrible precedent that the President's provision for a referendum sets.

Allowing the local communities to vote on the type of training that can be conducted at a military range endangers our military's access to other critical facilities both in the United States and overseas.

Even more importantly, the agreement permits the Navy and the Marine Corps to return to Vieques but only using inert munitions, which do not provide the type of combat arms training that our Navy and Marine Corps teams require.

The Commandant of the Marine Corps, James Jones, whose name is being thrown around a lot here today, and I would say to the gentleman from Missouri (Mr. SKELTON) I will also read from part of his quotes, he said, "Inert training cannot replace the experience gained from training with live-fire ordnance. Employing live ordnance will allow us to train as we intend to fight."

He goes on to say that the curtailment of training operations would have, quote, a significant detrimental effect on Navy and Marine Corps readiness.

When asked what the impact on Navy readiness would be if the Vieques range is restricted to inert ordnance only, the Chief of Naval Operations, Admiral Jay Johnson stated, "The proficiency obtained by the personnel involved would be less than optimum."

Significant detrimental effect on readiness and less than optimum? What these statements mean are longer, more costly wars and pictures on CNN of flag-draped coffins at Dover Air Force Base.

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Is that what America really expects of us, those of us here in Congress that have the ultimate responsibility to ensure that the men and women who serve in the Nation's military are adequately trained? I think not. Vote down the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Chairman, I rise in support of the Skelton amendment, which eliminates the offensive and onerous language in this bill regarding Puerto Rico and Vieques.

The current language of the bill allows the U.S. military to resume bombing of the island of Vieques with live ammunition. This is an abomination to the people of Vieques and all of Puerto Rico. Instead of returning the island to a state of siege, the Skelton amendment would return the land to the people of Vieques, who have generously and patiently allowed live ammunition to strike closer to their homes, and for a longer period of time, than any other group of United States citizens.

This land transfer is one small step towards justice for the people of Vieques, but an important one. My support for the Skelton amendment in no way suggests my support for President Clinton's directive regarding Vieques, to which I am vigorously opposed.

President Clinton as Commander in Chief of our Armed Forces should listen to the Puerto Rican people and end the bombing of Vieques. I remind my colleagues that President Bush showed this courage when he stopped the bombing of a Hawaiian island. How sad that President Clinton refuses to show the same vision on behalf of the people of Puerto Rico.

In the absence of President Clinton's commitment to do the right thing, to immediately and permanently end the bombing in Vieques, I strongly support the Skelton amendment.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Chairman, I rise today in strong opposition to the amendment offered by the gentleman from Missouri (Mr. SKELTON), a friend that I usually find myself in agreement with, but not today, not on this amendment.

If adopted, the amendment of the gentleman from Missouri (Mr. SKELTON) would codify the President's fundamentally flawed agreement with the Governor of Puerto Rico concerning an irreplaceable training area.

Under the President's agreement, the Navy and Marine Corps are only allowed to use inert ammunition, ammunition that does not provide the type of combined arms training required to ensure combat readiness.

In fact, the Chief of Naval Operations, Admiral Jay Johnson, has stated that due to the moratorium of training with live ordnance, the Battle Group and Amphibious Ready Group will not be assessed by the Commander in Chief of the Atlantic Fleet as fully combat ready, as previous Battle Groups that have had the use of Vieques for integrated training.

Additionally, Mr. Chairman, voting in favor of the Skelton amendment is an endorsement of a referendum on Vieques, as outlined in the President's agreement. This referendum sets a bad precedent. Allowing a local community to vote on the type of training that can be conducted on our military ranges endangers our military's access to other critical facilities, both in the United States and overseas.

What are we going to do? Are we going to have a referendum at Fort Carson, Colorado, and say we cannot use live fire anymore; a referendum at Fort Sill, Oklahoma, or any innumerable sites across the United States and say we cannot do it anymore? Where are we going to train?

H.R. 4205 protects U.S. national security by ensuring our military's access to this vital facility, while at the same time taking into account the concerns of the citizens of Vieques. It allows the transfer of the western ammunition area and the $40 million in economic assistance, once uninterrupted live fire training resumes. It denies the transfer of any portion of the eastern maneuver area, where the critical ranges are located, and places restrictions on the amount and type of training that the Navy can conduct on Vieques.

I oppose the Skelton amendment. I ask my colleagues to oppose the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I rise in strong support of the Skelton amendment. Some in this Chamber are claiming that Vieques is vital to our national security, and that those who oppose this are somehow less American than others. That is why I am so pleased that the gentleman from Missouri (Mr. SKELTON) is the lead on this important amendment. I cannot think of a better messenger for such an important message.

No one in this Chamber questions the dedication of the gentleman from Missouri (Mr. SKELTON) to our armed forces and our national defense. I am pleased to stand behind him and support his amendment.

With the gentleman from Puerto Rico (Mr. ROMERO-BARCELÓ), the gentleman from New York (Mr. SERRANO), the gentleman from Illinois (Mr. BLAGOJEVICH), the gentlewoman from New York (Ms. VELÁZQUEZ), and the gentleman from Illinois (Mr. GUTIERREZ), I sponsored the original House legislation to return the Navy-owned lands on the island of Vieques back to the people of Puerto Rico.

This past January an agreement was reached between the Navy and the government of Puerto Rico to handle this delicate situation. The compromise allows for the resumption of training on the island temporarily, while the U.S. Navy can find another training location.

The Navy supports this agreement, the government of Puerto Rico supports this agreement. Unfortunately, the Committee on Armed Services is ready to overturn the hard won compromises in the Clinton-Barceló agreement.

The committee produced a good bill to strengthen our national security, but there are some problems in this bill. The Skelton amendment will correct one of the biggest flaws in this overall good bill.

Mr. SPENCE. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, I have trained on these kinds of ranges. I have taken that same training. I have employed it in war. I currently represent one of these ranges that is the West Coast version of Vieques. That training is invaluable. We could not be effective in that kind of action without it.

Our obligation to the young men and women that we employ in our armed forces is to give them the best possible training before they go in harm's way, and today we routinely deploy, routinely deploy our carrier battle groups and amphibious ready groups where they immediately are put in harm's way in many cases, whether it is bombing Iraq, flying over the Balkans, or some embassy-saving they have to do.

This range must remain available for our forces' live fire combat training, period. I will say it again, it must remain available. We have adequate safeguards to protect the people of Puerto Rico.

Mr. Chairman, I urge all Members to vote no on this amendment.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. SANCHEZ).

Ms. SANCHEZ. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise today in strong support of the amendment offered by my distinguished colleague. In accordance with the presidential directives concerning Vieques, Puerto Rico, Federal and local law enforcement officers have now removed the peaceful civil demonstrators who had been blocking the Navy's access to that bombing range.

As a result of this removal, the Navy has regained control and has access to the range. In fact, the U.S. Navy warplanes recently resumed training on the Atlantic fleet bombing range in Vieques using air-to-ground inert ordnance. Now it is up to Congress to guarantee further fulfillment of the presidential directives.

The Skelton amendment will facilitate a key component of the directives. In addition, the directives have the support of Hispanic-American leaders and Puerto Rico's top elected officials. As the Secretary of Defense told the Committee on Armed Services in a letter dated May 10, 2000, this is in the best interests of our national security. Any action by this Congress to amend the directives or to short-circuit the processes already underway would further polarize all the parties involved. These directives ensure the safety of the disenfranchised U.S. citizens of Vieques, and provide a sensible framework that allows the Navy to continue its training operations.

The President, the Navy, and the Governor of Puerto Rico have all stood by the presidential directives. It is now in the hands of Congress to protect our national security and to protect the 9,300 people, Hispanic-Americans, in Puerto Rico.

I urge my colleagues to vote yes on the Skelton amendment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentlewoman from New York (Ms. VELÁZQUEZ).

Ms. VELAZQUEZ. Mr. Chairman, I rise today to express my outrage at the arrogance displayed by the language in this bill that deals with the island of Vieques.

Let me paint a picture of what it is like to live on the island of Vieques. They are sandwiched in a small area in the middle of the island. Ammunition is stored on the western portion of the island. Live ammunition fire takes place on the eastern part. The cancer rate on Vieques is 26 percent above the rate for the rest of the people of Puerto Rico.

The people on Vieques live in horror. They never know when a pilot may miss his target and kill another citizen. It seems that the lives of the people of the island of Vieques are dispensable.

It is ironic that in 1990, when an uninhabited island in the Pacific was being used for military maneuvers, it was deemed unacceptable because it was close in proximity to Hawaii. It is interesting to note that the patriotism of those opposed to the bombing was never questioned.

Let me remind Members that more people from Puerto Rico died in the Korean and Vietnam War than most of the 50 States. If this were to take place anywhere else in this Nation, do Members think people would not protest?

The voices of the people of Vieques deserve to be heard just as loudly as those of every American. The language contained in this bill is shameful, mean-spirited. It is a slap in the face of our own people.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Chairman, I thank my friend for yielding time to me.

Mr. Chairman, I rise as a strong and an unapologetic supporter of the mission of our Department of Defense, and even more, of the United States Navy. I have two of the Navy's most outstanding facilities in my district, the Naval Air Facility and the Naval Ordnance Facility at Indian Head. I support the United States Navy.

But Mr. Chairman, I also support the Commander in Chief of the Armed Forces of America. I support giving him the ability to resolve crises with the confidence that the Congress of the United States will support that resolution. If we do not do so, Mr. Chairman, he will lose that ability, whoever that President might be, if the other side in a crisis situation, in a conflict situation, in a situation difficult to resolve, believes that the President of the United States, the Commander in Chief of the Armed Forces of the United States, cannot be counted on to make a resolution which will stick.

Mr. Chairman, it showed a great deal of courage, I will say, for Governor Rossello to stand and say, this we will agree to, not because it is what we would choose, but because it is a way out of a difficult situation. It was a difficult and courageous task when the gentleman who represents Puerto Rico, the former Governor of Puerto Rico, stood and said, we need to resolve this issue.

Mr. Chairman, my friend, the gentlewoman from New York (Ms. VELÁZQUEZ), who was born in Puerto Rico, who worked in Puerto Rico, who was handcuffed in Puerto Rico, for her to stand up for her principles, it was a courageous thing she did as well, and for the gentleman from New York (Mr. SERRANO).

Mr. Chairman, let us adopt the Skelton amendment and support the Commander in Chief under our Constitution of the Armed Forces of the United States. It is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentlewoman from Jacksonville, Florida (Mrs. FOWLER).

Mrs. FOWLER. Mr. Chairman, I rise in strong opposition to the Skelton amendment. Let me make five critical points.

First, our sailors and Marines have no substitute for live fire training on Vieques. There is no substitute on the East Coast, as there was on the West Coast, where now our sailors and Marines do their training on San Clemente. We need to resume this training today.

When the George Washington Battle Group and the Saipan Amphibious Ready Group deploy next month, over 10,000 of our young sailors' and Marines' lives will now be more at risk because they will not be fully combat ready.

Second, the people of Vieques do not bear a unique burden. There are 33 major United States live fire ranges in 14 States and two territories. On Vieques, the civilian population is 9 miles from the live impact area. At Fort Sill, Oklahoma, an incorporated area of 90,000 people, they are only 1.9 miles away from the live impact area.

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Third, American taxpayers have already invested over $3 billion for the training infrastructure in the Puerto Rico Operating Area.

Fourth, the bill's provisions differ considerably from the Fowler-Hansen amendment we voted on in March. And I want my colleagues to listen carefully, the bill places limits on the resumption of live-fire training on Vieques, including restricting live fire to 90 days per year, requiring notification prior to exercises and restricting ship placements to minimize noise impacts. It would also establish a permanent civilian military committee to review Vieques training plans.

In addition, the bill would convey the western third of the island from the Navy to the people of Puerto Rico for use as a conservation area. And finally the proponents of the Skelton amendment would tell us that the referendum prescribed by the President is the best way to resume live-fire training.

They are waiving all manner of letters from the administration officials to that effect. I would respond that, notwithstanding the broader question of whether America should determine its military requirements by public referenda, that a survey of Vieques residents conducted by the Puerto Rican newspaper just this past February indicated that only 4 percent of those on Vieques support resuming live-fire training.

It is evident that under the Skelton amendment, we will never resume live-fire training on Vieques. I urge defeat of the Skelton amendment, our young sailors and Marines' lives depend on it.

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

Mr. SKELTON. Mr. Chairman, I move to strike the last word, and I yield 1½ minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, there is no Member of this body who understands our military more than the gentleman from Missouri (Mr. SKELTON). His expertise and commitment to our national security is unquestioned. So I urge Members to listen to and support him on this issue.

I have been to Vieques, and I have seen the devastating impact of the Navy's live bombing activities on the island. I was appalled by the Navy's indifference to the impact it has had on the island and its residents. The Navy's bombing has destroyed the island's once vibrant fishing economy, prohibited development of tourism.

The higher incidence of cancer and infant mortality rates suggest that the large quantities of explosives, including radioactivity of depleted uranium shells, have harmed the health of the island's residents.

After years of deplorable conduct by the Navy, including violating all agreements with the government of Puerto Rico, the majority would now seek to violate the latest agreement between our respective governments. If what was done in Vieques was done anywhere else in the country, the Navy's operations would have been shut down a long time ago.

Requiring the resumption of live bombing ignores the devastating impact of the Navy's activities on this group of Americans, and it is an indication of the second-class citizenship that some apparently assign to the residents of Vieques. Puerto Ricans have for a century donned the uniform of the United States, they have given their lives and their limbs in defense of this country in disproportionate numbers.

Mr. Chairman, I urge Members to support of the Skelton amendment and to support the American citizens who live on Vieques.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. REYES), a member of our committee.

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me the time. I rise in strong support of the amendment offered by my good friend, the gentleman from Missouri (Mr. SKELTON). I do not want to stand here today and rehash all of the problems that have occurred over this issue, the Island of Vieques. I would rather focus, and I ask this body to focus, on moving forward in a democratic and fair manner to implement the agreement which was reached between the President, the Secretary of Defense and the Governor of Puerto Rico.

The language in the bill undermines the agreement and guarantees that we will continue to fight over Vieques instead of using it to train. The agreement that was reached strikes the necessary balance between our military readiness, national security needs and the needs of the people of Vieques.

As Secretary of State Bill Cohen has said, the continued cooperation of the government of Puerto Rico is critical to achieving the resumption of the full range of training exercises at Vieques. If legislation which abrogates the agreement is adopted, the opportunity to achieve that goal will be set back, if not lost altogether.

Mr. Chairman, I urge all of my colleagues to stand behind this agreement and to support the amendment.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from New York (Mr. SERRANO).

Mr. SERRANO. Mr. Chairman, I rise in strong support of the amendment offered by the gentleman from Missouri (Mr. SKELTON). The language that was put in this bill really is just more punishment for the people of Vieques and a lot of disregard for the people of Puerto Rico.

Let me answer the question of my colleague from Colorado why we do not have a referendum in there in Fort Sill or Fort Carson, simply we have Senators, we have Members of Congress to debate those issues. Puerto Rico is a colony of the United States. They have no representation here, so it is proper to question the people after 60 years of harassment and pain.

The people in Vieques have paid a price for 60 years, and now the Navy and some folks on the other side tell us that we cannot find another place in the world, another place to hold these maneuvers. Then how come on many occasions during the past 60 years we rented out Vieques to foreign governments to come and do their practice there?

If Vieques was so essential to us, why did we have free time for other nations to come and harm the population, harm the economy, harm the coral reef and harm the people? It is time to do the right thing.

While many of us are not even speaking about the agreement, we might not agree with, to think that we would come now and add more harsh language is just unfair.

Mr. SKELTON. Mr. Chairman, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

Mr. UNDERWOOD. Mr. Chairman, I rise in strong support of the Skelton amendment in fairness for Puerto Rico in support of the amendment.

Mr. Chairman, I rise in support today of the amendment offered by my good friend, the Ranking Member of the Armed Services Committee, Mr. SKELTON.

This amendment will strike the underlying language in Title 15 and H.R. 4205 that prohibits the Navy from transferring land on Vieques, Puerto Rico, until live-fire training has resumed on the island's bombing range facility.

This amendment, instead, authorizes the conveyance of land at the western end of the island, with certain exceptions and in accordance with the President's. negotiated agreement with the government of Puerto Rico.

The Vieques Agreement was accepted by all parties—including the Department of Defense, the U.S. Navy, the Government of Puerto Rico, the people of Vieques, and the White House. The underlying bill language is nothing short of Congressional meddling within the context of a long overdue solution to a local grievance.

Assuaging the fears of the naysayers, currently, the range is open to inert ordinance training on the eastern end of the island. The western end of the island is in excess to the needs of the Navy, as indicated by the Agreement. The Clinton administration reached this agreement to provide $40 million in immediate economic assistance to the island and requires a referendum on the island to decide whether the facility should remain. If the residents vote against the facility, the navy would have to leave the island by May 2003. If the referendum results in continued Navy use, the United States would provide the island with an additional $50 million and would have to limit live-fire training to 90 days a year.

I would like my colleagues to consider this important point: The initial agreement, in concert with the Navy's renewed commitment of improving military-civilian relations in Puerto Rico, is necessary because it will redress past wrongs and open the way toward a renewed mutual political relationship.

The Puerto Rican people are patriots in the highest order, having some of the highest enlistment rates of any location in the U.S. Yet despite this, because of their disenfranchised status, they have been at a distinct disadvantaged within the American political family. They are 3.6 million U.S. citizens who are represented ably by a single non-voting Resident Commissioner. This Constitutional injustice makes it extremely difficult to negotiate on par with the federal government. As a fellow citizen of another U.S. territory, I know this constitutional limitation only too well.

I urge my colleagues to support the Skelton amendment and restore the sanctity of the initial Presidential agreement with the people of Puerto Rico. It is the right and noble thing to do.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), a member of our committee.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Skelton amendment. This fervent patriot has been an ardent supporter of our military and the men and women who wear the uniform. I understand the strategic value and the importance of training. But I also understand that we train our military to preserve the democratic values that the Skelton amendment will allow for the citizens of Vieques. That is why this amendment is so important. That is why I associate myself with the remarks of my colleagues that have stood here.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I consume.

Mr. Chairman, let me reiterate again the words of Marine Corps General James L. Jones, when he wrote "Positive resolution of the Vieques referendum regarding live-fire training will restore Vieques training to its fullest potential."

Mr. Chairman, this wording in the bill is contrary to what is desired by the Secretary of the Navy. It is contrary to what is desired by the Secretary of Defense. It is contrary to what is desired by the administration. It is contrary to what is desired by the Governor of Puerto Rico. It is contrary to what is supported by the Resident Commissioner of Puerto Rico.

We should adopt this amendment and do what is right. It does not deal with remuneration. It does not deal with the referendum. It merely voids the gutting language and attaches the land transfer only.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, it has been said today, and it needs saying again, people are talking about different things, the most important point that is being missed in all of this debate is the flaw contained in this agreement that does not permit live firing. I emphasize that word live firing. I wonder if my colleagues understand what that means.

I remember during World War II, just the other night there was a movie about it, up into the war, our submarines were firing torpedoes at the enemy, and they were not detonating. They were going out and firing torpedoes that were not detonating. Why? Because they were not allowed to have live firing of those weapons before for whatever reason. We not only lost lives, but it prevented us from taking advantage of the enemy because of this flaw.

Now, I want people to get on the right side of this thing. Are they for protecting our own troops, men and women, who are fighting for this country and by extension protecting this country or in pursuit of different goals?

Mr. Chairman, I yield 2 minutes to gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I would first, by the way of opening, say that we need a little truth in advocacy. It is very easy to create a strawman in advocacy that we then get to knock down. So the allegations of those of us who oppose the Skelton amendment that making some form of allegation that those of whom only support inert and support the President are less patriotic was one of the allegations, that is false.

As a matter of fact, I have great pride and I believe every Member of Congress has great pride in the contribution of the citizens of Puerto Rico to freedom, and some of the Puerto Ricans that I served with in the United States Army, they were the sharpest dressed. They had the best looking shoes, the best looking brass, and I would stand side by side with them at any time, because I know they would be with me, or if they told me go left, I know that they would cover me. So stop creating this false advocacy that we have in here, let us have a little truth in advocacy.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Chairman, I appreciate the comments of the chairman of the full committee, the gentleman from South Carolina (Mr. SPENCE), when he said they have lost sight of what we are talking about.

Now, where else on the East Coast can we do this? Is there any other place that this can be done? And when you talk to these people that have been in the military, and I am past Navy myself, you get down to the idea there comes a time when you have to learn a few things, and one of those is the final test is live fire.

This is where the Marines hit the beach and people are shooting over the top of them. This is where ships are shooting. This is where bombs are dropped, and this is when they are saying we are ready to go in harm's way.

Now, why would we want to gamble with the lives of our young women and our young men and send them out without this opportunity? I cannot understand why anyone would want to gamble. I keep hearing this thing no one else would put up with this. Sure, a lot of us have been to Vieques. I have been there twice myself. Well, come on, do Members want to come out and see some other ranges? I will show them some that are beat up more than that one is by a long shut. One is called Dougway Proving Ground since back in the 1930s. It is bigger than three States back here. You do not dare walk across it, because something will go off and you will kill yourself.

The people of Utah feel okay about that, the people of Nevada feel okay about that, the people of California, Colorado, and those areas, they are able to put up with it. Why can we not here?

Mr. Chairman, the thing that keeps bothering me is why, oh, why did the President of the United States get involved in this action? Why is this one important? All we are asking is we continue what we were doing since 1940, that we continue to train our guys and gals when they go out to fight that they will be prepared. What is wrong with that? That makes a lot of sense to me.

Knowing that a lot of these people, especially those who were the trespassers, believe in total independence, maybe that is what they should have is total independence. When it comes down to it, they have to carry their share just like everybody else.

And I would just like to thank the chairman for his leadership on this and the great comments that he has made. Please vote no on the Skelton amendment and let us train our troops and let us keep them safe.

Mr. BEREUTER. Mr. Chairman, the amendment offered by the gentleman from Missouri, Mr. SKELTON, would replace Title XV which restores full integrated training on Vieques with the agreement between the Clinton administration and the Governor of Puerto Rico.

The United States Navy has been using the range on Vieques since prior to World War II. Our Forces are much more capable because we conduct live fire training in as nearly real world environment as possible. Our Navy used to be able to train at Bloodsworth Island in the Chesapeake Bay and Culebra (very near Vieques) in Puerto Rico. These ranges have been lost to the Navy's use, leaving Vieques the only remaining live fire training range on the East Coast. Live fire training is the only way we can ensure our forces are capable of meeting the challenges to our freedoms they face every day. During February of this year this Member visited with Navy and Air Force units in the Mediterranean area and they explained the loss of what they considered to be coordinated live fire exercises at Vieques before they are deployed in rotations to the Mediterranean.

The Clinton Administration agreement allows the United States Navy to continue to use the range, on a reduced basis of 90 days per year, and then only with inert ordnance. The agreement also calls for a referendum of the citizens of Vieques to express their views on the future use of Vieques. The options will be to continue the limited use of Vieques, or cease all such training on the island. With the decision by the Clinton Administration, the outcome has already effectively been determined, and that as a result, the United States forces will not deploy with 100 percent of the combat qualifications needed to meet national security requirements. We will be asking our forces to defend us without a vital element of the necessary training to do so.

The amendment would allow certain parts of Western Vieques, namely the Naval Ammunition Support Detachment, to be transferred to the Commonwealth of Puerto Rico, without consideration, to benefit the Municipality of Vieques. The amendment would also promote timely redevelopment of the conveyed property in a manner that enhances employment opportunities and economic redevelopment. The return of Culebra to the people of Puerto Rico in a similar fashion has been an abject failure. It was supposed to be returned to the local fishermen and island people, instead, it has been gobbled up by big developers who have built homes most Puerto Ricans can not afford. It is more than likely that the same will happen at Vieques if the amendment is accepted. Passage of this amendment would be a loss not only for our Navy but also for the people of Puerto Rico and Vieques in particular who would no longer be able to afford to live there. H.R. 4205 as reported would convey the property only to a conservation zone.

Mr. Chairman, this Member strongly urges opposition to the Skelton amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I support the amendment offered by the gentleman from Missouri, Mr. SKELTON, the Ranking Member of the House Armed Services Committee. This amendment, would authorize the conveyance of over 8,000 acres of the land at the western end of the island of Vieques for conservation and economic development to improve the lives of Vieques residents.

Vieques is a small island of Puerto Rico comprising approximately 52 square miles, two thirds of which is controlled by the US Navy. The Naval Ammunition Facility covers the western end of the island and the Inner Range of the Atlantic Fleet Weapons Training Facility controls the eastern side. Sandwiched between the two facilities, over 9,300 American citizens have resided for twenty five years in extremely close proximity to frequent military live-fire weapons testing.

From the beginning, relationships between the US Navy and the residents of Vieques and Puerto Rico have been strained. Numerous times the Navy has made promises to assist with local economic development, work to improve the welfare of the people of Vieques, assure the protection of the environment, and utilize the absolute minimum necessary of explosive ordnance. By all accounts the Navy has not lived up to its commitment.

The Navy has made it clear that they do not need the western side of Vieques and support transferring it to the people of Puerto Rico who in turn can use it to protect the environment and benefit the expansion of their economy. As is the case with all US insular areas, isolation and limited resources are stumbling blocks to economic development. Freeing up land, which is key to economic development, is one of the best gestures we can offer to Vieques.

It is hard to fathom that if Puerto Rico had full voting representation in Congress we would be debating this issue today. The current language in this legislation is a bribe and a slap in the face to the residents of Vieques. It forces them to continue putting their families at risk in order to receive a small portion of land from which they might be able to better their lives. It is an offering that we would not demand of any other community in the US.

Mr. Chairman, clearly we all understand the need for a strong military. Communities which give up so much to ensure readiness should be commended and not threatened or bullied into submission. I encourage all my colleagues to support the Skelton amendment.

Mr. BURTON of Indiana. Mr. Chairman, after months of negotiations, an agreement was finally reached between the President of the United States and the Governor of Puerto Rico, with the full endorsement of the Department of Defense and Department of the Navy, which provides the best opportunity to resume essential live-fire training in Vieques. I, too, had concerns about the provisions expressed in the agreement and the precedent it could set. Yet, the unfortunate situation in Vieques is complicated by the fact that we are dealing with a territory that is neither a state nor an independent country, and that, as such, lacks the congressional representation that every State in the Union currently enjoys.

I support Congressman Skelton's amendment to the FY 2001 National Defense Authorization Act (H.R. 4205) after being assured by the Secretary of the Navy and the Secretary of Defense, in a memorandum sent by the Deputy Chief of Legislative Affairs, that the Navy "strongly supports Representative Skelton's proposed amendment as a substitute for the Vieques provisions of the bill." The Navy has already resumed inert bombing in Vieques; a vote for this amendment is a vote in support of the agreement between the U.S. Navy and the Administration.

Mr. ORTIZ. Mr. Chairman, I rise in support of the Skelton amendment, reinstating a critical element of the Directives issued by President Clinton regarding the Navy's presence in Vieques, Puerto Rico.

We are harming our national security by modifying the carefully crafted agreement between President Clinton and Puerto Rico's Governor to resolve the impasse over United States armed forces training in Vieques.

The President made a promise to millions of Puerto Ricans—both here on the mainland and in Puerto Rico—which calls for a referendum by the voters of Vieques to determine the future of Navy training on the island.

The people of Vieques will have a referendum regardless of the actions taken in Congress.

But this is a commitment of the President of the United States of America, our commander in chief, to a group of U.S. citizens.

The House Armed Services Committee included language disrupting President Clinton's and Governor Rossello's agreement.

By interfering and not honoring the Presidential directives as issued, this Congress is not helping the Navy to build a relationship with the people of Vieques, nor are they helping to keep Navy operations in Vieques beyond 2003.

We are simply not helping the Navy at all.

Let us stand in support of the agreement reached by the President, the Secretary of Defense, the Secretary of the Navy and the Governor of Puerto Rico—which illustrates the most effective way to protect our national security—and at the same time responds to the legitimate concerns of the American citizens in Vieques, Puerto Rico.

□ 1615

The CHAIRMAN pro tempore (Mr. GILLMOR). All time has expired.

The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SKELTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. The Chair announces that proceedings will now resume on the three amendments postponed from earlier today immediately following this vote, and that the Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

The vote was taken by electronic device, and there were—ayes 218, noes 201, not voting 15, as follows:

[Roll No. 202]

AYES—218

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burton
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Frank (MA)
Frost
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Green (WI)
Gutierrez
Hall (OH)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
Lampson
Lantos
Larson
Lazio
Lee
Levin
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Rahall
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Sherman
Shuster
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Velázquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wicker
Wise
Woolsey
Wu
Wynn
Young (AK)

NOES—201

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kingston
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wilson
Wolf
Young (FL)

NOT VOTING—15

Campbell
Ford
Franks (NJ)
Hastings (FL)
Lewis (GA)
Lipinski
Pickett
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento

□ 1637

Messrs. HORN, BRADY of Texas, ARMEY, SCARBOROUGH, CRANE, ROHRABACHER, and GARY MILLER of California changed their vote from "aye" to "no."

Messrs. HALL of Ohio, DOGGETT, RYAN of Wisconsin, and YOUNG of Alaska changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 1 OFFERED BY MS. SANCHEZ

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on Amendment No. 1 offered by the gentlewoman from California (Ms. SANCHEZ) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 221, not voting 18, as follows:

[Roll No. 203]

### AYES—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Dunn
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Foley
Fowler
Frank (MA)
Frelinghuysen
Frost
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hfll (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Horn
Hoyer
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Jones (OH)
Kelly
Kennedy
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kuykendall
Lampson
Lantos
Larson
Leach
Lee
Levin
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ose
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thomas
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Udall (CO)
Velázquez
Visclosky
Walden
Waters
Watt (NC)
Waxman
Weiner
Wexler
Wise
Woolsey
Wu
Wynn

### NOES—221

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Borski
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Crane
Crowley
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Ehlers
Emerson
English
Everett
Ewing
Fletcher
Forbes
Fossella
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kildee
King (NY)
Kingston
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Metcalf
Mica
Miller, Gary
Moakley
Mollohan
Moran (KS)
Murtha
Myrick
Nethercutt
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Radanovich
Rahall
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

### NOT VOTING—18

Campbell
Ford
Franks (NJ)
Hastings (FL)
Jefferson
Kaptur
Lewis (GA)
Lipinski
Ney
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Turner
Udall (NM)
Vento

□ 1644

So the amendment was rejected.

The result of the vote was announced as above recorded.

### AMENDMENT NO. 2 OFFERED BY MR. MOAKLEY

The CHAIRMAN pro tempore (Mr. LAHOOD). The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts (Mr. MOAKLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 204, noes 214, not voting 16, as follows:

[Roll No. 204]

### AYES—204

Abercrombie
Ackerman
Allen
Andrews
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Biggert
Blagojevich
Blumenauer
Boehlert
Boehner
Bonior
Borski
Boucher
Brady (PA)
Brown (OH)
Camp
Capps
Capuano
Cardin
Carson
Chabot
Clay
Clement
Coble
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Doggett
Dooley
Doyle
Duncan
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Frank (MA)
Gejdenson
Gephardt
Goode
Gordon
Green (TX)
Gutknecht
Hall (OH)
Hefley
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Jones (OH)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaHood
Lampson
Lantos
Larson
LaTourette
Lazio
Leach
Lee
Levin
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McInnis
McKinney
McNulty
Meehan
Meeks (NY)
Menendez
Metcalf
Miller (FL)
Miller, George
Minge
Mink
Moakley
Moore
Moran (VA)
Morella
Nadler
Neal
Ney
Nussle
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Regula
Rivers
Roemer
Rothman
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherman
Sherwood
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Stabenow
Stark
Strickland
Talent
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Traficant
Udall (CO)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Woolsey
Wu
Wynn

### NOES—214

Aderholt
Archer
Armey
Baca
Bachus
Baker

Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Bonilla
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Castle
Chambliss
Chenoweth-Hage
Clayton
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Doolittle
Dreier
Dunn
Edwards
Ehrlich
Emerson
Everett
Ewing
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaFalce
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McIntosh
McIntyre
McKeon
Meek (FL)
Mica
Millender-McDonald
Miller, Gary
Mollohan
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Northup
Norwood
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Portman
Radanovich
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun (KS)
Sandlin
Saxton
Sessions
Shaw
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (TX)
Snyder
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Sweeney
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Turner
Vitter
Walden
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

### NOT VOTING—16

Campbell
Ford
Franks (NJ)
Gutierrez
Hastings (FL)
Lewis (GA)
Lipinski
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Wilson

□ 1653

Mr. TANCREDO changed his vote from "aye" to "no."

Mr. MATSUI changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

### PERSONAL EXPLANATION

Mr. HASTINGS of Florida. Mr. Chairman, I was unavoidably detained at the White House and I missed rollcall votes numbered 202, 203 and 204. Had I been present, I would have voted yes on rollcall vote number 202, I would have voted yes on rollcall vote number 203, and I would have voted no on rollcall vote number 204.

### AMENDMENT NO. 3 OFFERED BY MR. COX

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. COX) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 334, noes 85, not voting 15, as follows:

[Roll No. 205]

### AYES—334

Abercrombie
Aderholt
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLay
DeMint
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Evans
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moakley
Moore
Moran (KS)
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velázquez
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

### NOES—85

Ackerman
Allen
Baldwin
Bateman
Becerra
Berman
Berry
Blumenauer
Borski
Brady (PA)
Brown (OH)
Clay
Conyers
Coyne
Crowley
Davis (IL)
Delahunt
DeLauro
Deutsch
Dicks
Dixon
Dooley
Edwards
Engel
Eshoo
Etheridge
Farr
Filner
Frank (MA)
Gejdenson
Gephardt
Gonzalez
Hall (OH)
Hastings (FL)
Hill (IN)
Holt
Inslee
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick
Kleczka
LaFalce
Lampson
Lantos
Larson
Lofgren
Lowey
Maloney (CT)
Matsui
McDermott
McGovern
Meehan
Meeks (NY)
Millender-McDonald
Miller, George
Minge
Mollohan
Moran (VA)
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rush
Sabo
Sawyer
Schakowsky
Serrano
Smith (WA)
Snyder
Tauscher
Thurman
Visclosky
Watt (NC)
Waxman
Weiner
Wexler

### NOT VOTING—15

Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Morella
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Wilson

□ 1703

Messrs. DOOLEY of California, MEEHAN, HASTINGS of Florida and OLVER and Mrs. TAUSCHER changed their vote from "aye" to "no."

Messrs. BARRETT of Wisconsin, BAIRD and ROTHMAN and Mrs. CLAYTON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 5 printed in House Report 106–624.

AMENDMENT NO. 5 OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. WHITFIELD:

At the end of title XXXI (page 467, after line 11), insert the following new section:

**SEC. ___. SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.**

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultrahazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional review this year.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Kentucky (Mr. WHITFIELD) and a Member opposed each will control 10 minutes.

MODIFICATION TO AMENDMENT OFFERED BY MR. WHITFIELD

Mr. WHITFIELD. Mr. Chairman, I ask unanimous consent to modify the amendment just offered. This modification has been approved by the minority.

The CHAIRMAN pro tempore. The Clerk will report the amendment, as modified.

The Clerk read as follows:

Amendment, as modified, offered by Mr. WHITFIELD:

The amendment as modified is as follows:

At the end of title XXXI (page 467, after line 11), insert the following new section:

**SEC. ___. SENSE OF CONGRESS REGARDING COMPENSATION AND HEALTH CARE FOR PERSONNEL OF THE DEPARTMENT OF ENERGY AND ITS CONTRACTORS AND VENDORS WHO HAVE SUSTAINED BERYLLIUM, SILICA, AND RADIATION-RELATED INJURY.**

It is the sense of Congress that—

(1) Since World War II Federal nuclear activities have been explicitly recognized by the United States Government as an a ultrahazardous activity under Federal law. Nuclear weapons production and testing involved unique dangers, including potential catastrophic nuclear accidents that private insurance carriers would not cover, as well as chronic exposures to radioactive and hazardous substances, such as beryllium and silica, that even in small amounts could cause medical harm.

(2) Since the inception of the nuclear weapons program and for several decades afterwards, large numbers of nuclear weapons workers at Department of Energy and at vendor sites who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay.

(3) Numerous previous secret records documented unmonitored radiation, beryllium, silica, heavy metals, and toxic substances' exposures and continuing problems at the Department of Energy and vendor sites across the country, where since World War II the Department of Energy and its predecessors have been self-regulating with respect to nuclear safety and occupational safety and health. No other hazardous Federal activity has been permitted to have such sweeping self-regulatory powers.

(4) The Department of Energy policy to litigate occupational illness claims has deterred workers from filing workers compensation claims and imposed major financial burdens for workers who sought compensation. Department of Energy contractors have been held harmless and the Department of Energy workers were denied workers compensation coverage for occupational disease.

(5) Over the past 20 years more than two dozen scientific findings have emerged that indicate that certain Department of Energy workers are experiencing increased risks of dying from cancer and non-malignant diseases at numerous facilities that provided for the nation's nuclear deterrent. Several of these studies also establish a correlation between excess diseases and exposure to radiation, beryllium, and silica.

(6) While linking exposure to occupational hazards with the development of occupational disease is sometimes difficult, scientific evidence supports the conclusion that occupational exposure to dust particles or vapor of beryllium, even where there was compliance with the standards in place at the time, can cause beryllium sensitivity and chronic beryllium disease. Furthermore, studies indicate than 98 percent of radiation induced cancers within the Department of Energy complex occur at dose levels below existing maximum safe thresholds. Further, that workers at Department of Energy sites were exposed to silica, heavy metals, and toxic substances at levels that will lead or contribute to illness and diseases.

(7) Existing information indicates that State workers' compensation programs are not a uniform means to provide adequate compensation for the types of occupational illnesses and diseases related to the prosecution of the Cold War effort.

(8) The civilian men and women who performed duties uniquely related to the Department of Energy's nuclear weapons production and testing programs over the last 50 years should have efficient, uniform, and adequate compensation for beryllium-related health conditions, radiation-related health conditions, and silica-related health conditions in order to assure fairness and equity.

(9) This situation is sufficiently unique to the Department of Energy's nuclear weapons production and testing programs that it is appropriate for Congressional action this year.

Mr. WHITFIELD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment, as modified, be considered as read and printed in the RECORD.

Mr. SKELTON. Mr. Chairman, reserving the right to object, I will not object. I would just merely ask for a clarification of the correction that was made thereon.

Mr. WHITFIELD. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman from Kentucky.

Mr. WHITFIELD. Mr. Chairman, the modification, and I will give the gentleman a copy, which I should have done earlier, changes one word. In the original amendment that was at the desk, on the last page, paragraph 9, line 19, which is the last time we used word "action," that it is appropriate for Congressional action this year, that is what the amendment shows. The original word was "review."

The gentleman who had asked for the term "review" to be in the original amendment was the gentleman from Pennsylvania (Mr. GOODLING), and this came about after our negotiations with the gentleman from Pennsylvania.

Mr. SKELTON. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. Without objection, the modification is agreed to, and the gentleman from Kentucky (Mr. WHITFIELD) is recognized for 10 minutes.

There was no objection.

Mr. WHITFIELD. Mr. Chairman, I yield myself 2 minutes in support of the amendment.

Mr. Chairman, I welcome the opportunity today to speak in support of this bipartisan amendment to the FY 2001 Department of Defense authorization bill on behalf of workers throughout the Department of Energy complex. I want to thank the gentleman from South Carolina (Chairman SPENCE) and the ranking member, the gentleman from Missouri (Mr. SKELTON) for their help to ensure that this amendment would be considered.

Last week, the gentleman from Ohio (Mr. STRICKLAND) and I, along with several others, introduced H.R. 4398. Our bill would establish a comprehensive Federal compensation program for Department of Energy contract and vender employees who have contracted illnesses from exposure to beryllium, radiation, silica and other hazardous materials. The legislation is patterned after the Federal Employees Compensation Act, which provides compensation to Federal employees and/or their survivors.

I represent the workers at the Paducah Gaseous Diffusion Plant in Paducah, Kentucky. We have a chart down there that shows there are 200 other DOE facilities around the country in 37 states. For nearly a year, the plant at Paducah has been the focus of extensive national and local press reports about workers who were exposed to radiation and other hazardous substances without their knowledge. The same thing occurred in these 200 other facilities around the country.

The employees at these plants are Cold War veterans who manufactured and tested weapons systems that kept this Nation safe. They may not have worn military uniforms and they may not have been shot at by the enemy, but the increased incidences of illnesses and deaths that they are experiencing are every bit as dangerous. In my judgment, these workers did their duty, and they deserve to be compensated in a fair and timely manner by the government that put them in danger.

This amendment is simply a sense of Congress resolution which states that Congress should move forward on a comprehensive program to compensate these workers. I would urge support of the amendment.

Mr. STRICKLAND. Mr. Chairman, in view of the fact that no Member has risen in opposition to the amendment, I ask unanimous consent to claim the time in opposition, even though I support the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. STRICKLAND) is recognized for 10 minutes.

Mr. STRICKLAND. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support this sense of the Congress resolution and urge my colleagues to do the same.

This past Monday, Senator DEWINE held a hearing in Columbus, Ohio, on the need for a Federal compensation program for our Cold War veterans who were exposed to radiation, beryllium, and other heavy metals and toxic substances while working for the Department of Energy and its contractors.

At that hearing, we were told of Governor Taft's support "for a federal program to compensate the workers at Federal nuclear sites." The state of Ohio made it clear that it would not see a federal workers' compensation program for DOE employees as an incursion on States' rights.

It was pointed out that many individuals worked at numerous sites under multiple employers across the complex. This creates jurisdictional questions and calls for separate State workers' compensation systems to pay the injured workers. In other words, the unique circumstances faced by these DOE workers warrant Federal intervention.

We also heard that altered, falsified or missing medical records deny us adequate scientific evidence on which to base a compensation program. At some sites, correction factors were invented and some workers were given a negative radiation dose. Mr. Chairman, a negative radiation dose does not exist in nature.

At last year's hearing of the Committee on Commerce Subcommittee on Oversight and Investigations, we learned that contractors made conscious decisions not to test certain workers. We must not establish a program that makes it impossible for workers to receive compensation. We must not deny workers' compensation simply because we lack certain medical documentation or because records were destroyed. If there is any doubt, the benefit of the doubt must go to the workers who were put in harm's way. We must pass and fund comprehensive workers' compensation legislation this year.

Mr. Chairman, I reserve the balance of my time.

□ 1715

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee (Mr. WAMP).

Mr. WAMP. Mr. Chairman, I thank the gentleman from Kentucky (Mr. WHITFIELD) for yielding me this time.

Mr. Chairman, as the representative for the Oak Ridge operations of the Department of Energy, I rise in support of this resolution, a sense of the Congress resolution, but also in support of further action that is going to be required in order to bring some benefits to the House's acknowledgment that there has been a disaffect from certain workers who were exposed through our nuclear buildup to radiation and beryllium and other sources that have caused these health problems.

The Department of Energy has now recognized that these problems exist and need to be addressed. The Congress needs to come along. We need to move quickly with the hearings and move quickly with the legislation.

There are four committees of jurisdiction. This is a problem that we need to unify on quickly and move forward. We need these committees to come together. I came to the floor today to appeal to all the committees of jurisdiction to try to waive as much of their jurisdiction as possible so we can get legislation through this year to get benefits.

We have to be careful that we do not create such a broad benefits package, but we have to get help to these workers.

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Chairman, I rise, of course, in support of this resolution. I just want to point out to my colleagues that this is one of the most bipartisan pieces of legislation that we have been working on for several years. I initially got involved in this because of the berylliosis problem at the Department of Energy plant in my district. I have since discovered, in working with various Members of Congress, that they have similar problems from beryllium, radiation, and other hazardous exposures that occurred in Department of Energy and Department of Defense installations in this country.

For more than 50 years now, people have been dying and suffering from horrible injuries without compensation. The opportunity we have today is to take advantage of at least four pieces of well thought out and previously introduced legislation, to have the committees of jurisdiction come together and take these pieces of legislation, hold hearings, and construct a bill that this Congress can pass, probably with unanimous consent, in the next several months.

Fifty years is too long to wait to assist these workers dying from horrible diseases when we know they have only suffered as a result of their exposure as Cold War warriors. To deny compensation any further is foolish because the Department of Defense and the medical establishment of this country have established, without question, that these diseases are directly related to their employment and that exposure. If we can enact other legislation in several weeks, this Congress, in a bipartisan way in the next month, should come together and pass a compensation bill to compensate the Cold War warriors of this country.

Mr. WHITFIELD. Mr. Chairman, I yield 1 minute to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Chairman, as we all learned in basic first aid, some wounds heal faster than others. The wounds of war, of course, can be the worst of all to heal.

As a representative of the Nevada Test Site, I rise in strong support of this amendment. Today, the bipartisan sponsors of this amendment and I are calling for long overdue first aid to protect and help our constituents: Those forgotten, wounded, citizen veterans of the Cold War. Their injuries and their wounds, for which no Purple Heart can ever be awarded, were received in Cold War battles waged in our laboratories and weapons plants all across America.

The culmination of these atomic laborers lit the skies and ripped the grounds in the deserts of the Nevada Test Site. They left poisoned workers in their wake, poisoned with radiation from the test and with silica from the dangerous underground tunneling the test required.

This amendment calls for action to address these wounds and to regain the trust and faith of these ill Cold War workers, and I call on all my colleagues to support this amendment.

Mr. STRICKLAND. Mr. Chairman, I yield 1 minute to the gentleman from Colorado (Mr. UDALL).

Mr. UDALL of Colorado. Mr. Chairman, I am proud to stand here today with my colleagues on both sides of the aisle in support of this important resolution. I want the listeners to know that I represent the Rocky Flats facility, which was a key part of the nuclear weapons complex in the great State of Colorado.

We need to pass this resolution today and, as so many of my colleagues have called for, we need to put a bill together. In my opinion, we could do it by July 4. That would be fitting because these Americans were warriors in the Cold War, and they were no less deserving of support for the illnesses and injuries that occurred to them than those members of our society who were in the hot war that we fought in the Second World War.

So let us get this done for these Americans. I am proud to stand here with my colleagues.

Mr. WHITFIELD. Mr. Chairman, I yield 5½ minutes to the gentleman South Carolina (Mr. GRAHAM), for the purpose of a colloquy.

Mr. GRAHAM. Mr. Chairman, I rise today in support of the Whitfield amendment and enter into a colloquy with the gentleman from Tennessee (Mr. HILLEARY), the gentleman from California (Mr. HUNTER), the gentleman from Virginia (Mr. SISISKY), the gentleman from South Carolina (Mr. SPENCE) and the gentleman from Missouri (Mr. SKELTON) about the need for comprehensive legislation to address worker exposures at Department of Energy facilities during the Cold War.

Mr. Chairman, I along with the gentleman from South Carolina (Mr. SPENCE) represent a large number of Cold War veterans at the Savannah River Site in South Carolina who helped this great Nation win the Cold War through their dedication and hard work. We have heard the last several speakers talk about DOE workers across the Nation who were exposed to levels of radiation greater than they should have been, and other DOE workers who were exposed to other substances, including beryllium, which have had an adverse effect on their health.

I think that all Members will agree that if through the course of producing nuclear weapons for this great Nation, Department of Energy or Department of Energy contract employees were caused physical harm, we owe it to them to seek a remedy for their lost wages and medical treatment.

Mr. Chairman, I know that as of late there has been a concerted effort on the part of the gentleman from Kentucky (Mr. WHITFIELD), the gentleman from Nevada (Mr. GIBBONS), the gentleman from Ohio (Mr. STRICKLAND), the gentleman from Pennsylvania (Mr. KANJORSKI), the Department of Energy and others to come up with a plan to offer these workers compensation.

I believe the smart and responsible thing for us to do is to take a look at this situation and make sure we do the right thing for the workers.

Mr. Chairman, I have a letter from the gentleman from Texas (Chairman SMITH) of the Committee on the Judiciary's Subcommittee on Immigration and Claims in which he states, "I hope to work with you and other Members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold hearings on this subject in the coming months."

I appreciate the willingness of the gentleman from Texas (Mr. SMITH) to hold a hearing on this issue.

Mr. Chairman, I believe that the gentleman from Tennessee (Mr. HILLEARY) has a similar letter from the chairman of the Committee on Education and the Workforce.

Mr. HILLEARY. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Tennessee.

Mr. HILLEARY. Mr. Chairman, I thank the gentleman from South Carolina (Mr. GRAHAM) for yielding, and I rise in strong support of the Whitfield amendment.

Mr. Chairman, I want to make sure we do the right thing for these workers. Many Tennesseans, in my opinion, are Cold War heroes and they deserve to be compensated if, through the course of their work, their health was adversely affected by exposure to radiation or other harmful effects.

I do have a letter from the gentleman from Pennsylvania (Mr. GOODLING) addressed to myself and the gentleman from South Carolina (Mr. GRAHAM) in which he too commits to hold a hearing this year on this important matter.

In this letter, the gentleman from Pennsylvania (Mr. GOODLING) states, and I quote, "I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE-contract employees where concrete documentation proves they were adversely affected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War."

I want to thank the gentleman from Pennsylvania (Mr. GOODLING) for his willingness to work on this matter, and as a member of the Committee on Armed Services and the Committee on Education and the Workforce, I look forward to participating and finding a real solution that benefits these injured workers and also look forward to assisting the gentleman from Tennessee (Mr. WAMP), who represents Oak Ridge, and other Congressmen from the surrounding area around Oak Ridge in their efforts to help these workers.

CONGRESS OF THE UNITED STATES,
*Washington, DC, May 17, 2000.*

Hon. LINDSEY GRAHAM.

Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely effected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
*Member of Congress.*

Mr. GRAHAM. Mr. Chairman, I would ask the gentleman from California (Mr. HUNTER) and the gentleman from Virginia (Mr. SISISKY) if they will agree to assist us in holding a hearing on this matter this year and make serious efforts to pass comprehensive workers compensation legislation?

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I agree to work with this gentleman and with all the Members who have shown so much concern for these folks who are Cold War warriors and veterans in practically every sense of the term. I think we realize three things on the committee. One is that we do have a duty to take care of our Cold War veterans, including people who experienced exposure in trying to develop the strategic systems of this country that even today keep this country safe.

Number two, science has shown that there has been exposure, fairly major exposure, to a lot of our workers.

Number three, the fact that we do have a responsibility to take actions and perhaps to abandon this position that we have taken, which has been a presumption against the worker in the past.

So let me just thank all of my friends who have worked on this, and I support totally the Whitfield amendment and I want to let everybody know that we will be holding hearings. We will be working in cooperation with the gentleman, and we did put a couple of million dollars in the bill already to direct DOE to start to construct a program. So let us all work together and put this thing together and we will work with the gentleman.

Mr. SISISKY. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Virginia.

Mr. SISISKY. Mr. Chairman, I appreciate the work of Members of both sides of the aisle on this issue and look forward to working with the gentleman from California (Mr. HUNTER) in doing what is right for these workers, and I support this amendment and urge the House to accept it.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I appreciate the effort of all the Members involved in this issue and thank them for bringing it to the attention of the House. We need to do the right thing for these people who through the course of providing for the defense of our Nation received injury due to exposure to hazardous materials.

I support the amendment and I certainly encourage its adoption.

Mr. SPENCE. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Chairman, I also want to acknowledge the hard work of the gentleman from Kentucky (Mr. WHITFIELD) and others who have brought this resolution forth, and I agree to work with them and with the gentleman from California (Mr. HUNTER) in the days ahead. I support the amendment and urge its adoption.

Mr. GRAHAM. Mr. Chairman, I include the following for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, May 15, 2000.*

Hon. LINDSEY O. GRAHAM,
*House of Representatives,*
*Washington, DC.*

DEAR LINDSEY: I appreciate your interest in resolving the issue of compensating Department of Energy (DOE) workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapons production facilities during the Cold War.

It is my understanding that Congressman Whitfield, Congressman Wamp, Congressman Kanjorski, Congressman Strickland and others have introduced legislation to compensate these workers for their injuries. I'm also aware that the Department of Energy has proposed legislation to address the problem. These bills have been referred to the Subcommittee on Immigration and Claims for consideration.

I hope to work with you and other members to address the need to compensate workers at DOE weapons production facilities whose health has suffered as a result of their employment. Furthermore, I expect to hold a hearing on this subject in the coming months.

Thank you for bringing this issue to my attention.

Sincerely,

LAMAR SMITH,
*Chairman, Subcommittee on*
*Immigration and Claims.*

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CONGRESS OF THE UNITED STATES,
*Washington, DC, May 17, 2000.*

Hon. LINDSEY GRAHAM,
Hon. VAN HILLEARY.

DEAR LINDSEY AND VAN: I appreciate your interest in resolving the issue of compensating Department of Energy workers for damage done to their health due to exposure to radiation and other substances during their employment at DOE weapon's production facilities during the Cold War.

I understand that Mr. Whitfield, Mr. Wamp, Mr. Kanjorski, Mr. Strickland and others have introduced legislation to address the problem. These bills have been referred to the Education and Workforce committee for consideration.

I will work with you and the other Members interested in this issue by holding hearings this year and by otherwise helping them in whatever capacity I can to help them pass reasonable workers' compensation for DOE and DOE contract employees where concrete documentation proves they were adversely effected by their exposure to either radiation or other substances through the course of their work at DOE weapons facilities during the Cold War.

I appreciate you bringing this matter to my attention.

Sincerely,

BILL GOODLING,
*Member of Congress.*

Mr. STRICKLAND. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Chairman, I rise in strong support of the Whitfield-Strickland-Udall-Gibbons-Kanjorski sense of Congress resolution in the form of an amendment to cover workers from the Department of Energy and its contractors and vendors.

I would just say to my colleagues that as this legislation moves forward, there is one important category that is not covered and that is those workers, like those at Brush Wellman in Elmore, Ohio, who worked for the Department of Defense as contractors, vendors, subcontractors. I stand today in memory of Gaylen Lemke, a gentleman who died of chronic beryllium illness last year who first came to see me in 1994. It was an absolutely cruel illness. He was as much a veteran of this country as anyone who ever flew an airplane or served on a submarine. I would just hope that as these hearings are held that true compensation could be found for these individuals and their families who have suffered so greatly, actually through no one's fault but through our lack of knowledge about how these metals actually react with the human body.

When one's lungs turn to crystalline over a period of 10 to 15 years, it is among the cruelest of ways to die.

I just want to thank the Members of the Committee on Armed Services here today, my good friend, the gentleman from California (Mr. HUNTER), the gentleman from Missouri (Mr. SKELTON), the gentleman from Virginia (Mr. SISISKY), for looking really seriously at this. I would say in my region of Ohio we have upwards of 200 people who have died or will die of this illness. Please do not forget those who have worked on contract to the Department of Defense, especially providing the material that was processed for the interiors of our missiles and our guided missile systems.

Mr. STRICKLAND. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Chairman, I thank the gentleman from Ohio (Mr. STRICKLAND) for his help and his leadership on this issue and also the gentleman from Kentucky (Mr. WHITFIELD). It has been a pleasure to work with them on this.

I really want to say that we are seeing the best of Congress here; Republicans in the House and Democrats in the House and the administration coming together to do what is correct.

□ 1730

We need to help people like Clara Harding and Al Matusick. Clara's husband Joe worked for 18 and a half years at the Paducah Gaseous Diffusion Plant in Kentucky which the gentleman from Kentucky (Mr. WHITFIELD) now represents. He worked without any radiation protection in air that was thick with uranium dust and plutonium, neptunium, and possibly ruthenium.

Mr. Harding died in 1980 at the age of 58. Two years ago, Mrs. Harding received only $12,000 in compensation. It is inexcusable. When we stop and think about the problems health-wise that these workers have experienced, it is unbelievable.

My friend, the gentleman from Pennsylvania (Mr. KANJORSKI) and his staff, just doing good casework, they worked with Al Matusick and discovered through him that there were this whole group of Cold War warriors who were suffering. That really began this ball rolling.

I want to thank the gentleman from Nanticoke, Pennsylvania (Mr. KANJORSKI) for having the foresight and compassion to introduce H.R. 675. I am proud to be a cosponsor of his bill, and want to continue to work with him on H.R. 3418, and work with the gentleman from Kentucky (Mr. WHITFIELD), and thank him for introducing H.R. 4398.

I want to thank Secretary Richardson for agreeing that the administration would work with us to see that the right thing is done on this issue. I think everybody is working together, and I am so happy to hear the dialogue on the floor today that we are going to have hearings and that something is going to be done. Fifty years is so long for people to wait.

We have heard about some of the things in the hearings we have held in the Committee on Commerce, and in fact that people were put at risk. They knew there was a danger there. These workers, many have died. Their families and workers need to be compensated. This Congress can act. It is the right, the correct, the ethical, and the moral thing to do.

Mr. STRICKLAND. Mr. Chairman, I yield myself such time as I may consume.

In conclusion, I would like to say a couple of personal words.

Mr. Chairman, I want to thank my good and dear friend, the gentleman from Kentucky (Mr. WHITFIELD), for the work we have been able to do together.

I want to thank the gentleman from South Carolina (Chairman SPENCE), the gentleman from Virginia (Mr. SISISKY), the gentleman from California (Mr. HUNTER), and the gentleman from Missouri (Mr. SKELTON).

This is the right thing to do. This is one of the joys that I have experienced in this House, working together on this particular issue. I just have a heart full of thanks for these Members.

Mr. WHITFIELD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I also want to thank everyone. We cannot solve this problem without the efforts of everyone.

If someone worked in a DOE facility during the Cold War and he is a Federal employee, he is covered under the Federal Employee Compensation Act. If he worked as an agent of a contractor and was exposed to one of these diseases, he did not have any coverage. We need to correct that problem. This is the first step.

Mrs. BIGGERT. Mr. Chairman, I rise today in strong support of this amendment. Congress must act as soon as possible to provide compensation and health care for the forgotten soldiers of the Cold War—those who constructed America's nuclear weapons.

More than 50 years ago, hundreds of Manhattan Project staff inhaled tiny particles of beryllium while helping develop the atomic bomb at a University of Chicago lab. That lab later became Argonne National Laboratory, a national energy laboratory operated for the Department of Energy by the University of Chicago, and located in the district I represent.

The Department of Energy estimates that as many as 2,300 people in Illinois were exposed to beryllium during the two decades ending in 1963 when the toxic metal was used in the atomic program at Argonne. Inhalation of beryllium dust causes Chronic Beryllium Disease (CBD)—a chronic, often disabling and sometimes fatal lung condition. It also causes beryllium sensitization, wherein a worker's immune system becomes allergic to the presence of beryllium in the body.

People who work at Argonne and other national labs are technically employed by the contractors hired to run the labs, so they don't qualify for federal employee health benefits. Meanwhile, state workers compensation laws often fail to provide benefits for occupational illnesses, which—in the case of nuclear weapons workers—can develop years after exposure to beryllium, radiation, or hazardous chemicals and long after a worker's eligibility for compensation has lapsed. Beryllium dust, for example, can cause Chronic Beryllium Disease up to forty years after exposure.

Mr. Chairman, compensating these workers for the suffering endured in service to our country is the right thing to do. This issue deserves our attention, which is why I urge my colleagues to support this amendment.

Mr. UDALL of Colorado. Mr. Chairman, I am pleased to give my strong support for this amendment. It represents an overall bipartisan effort that I believe must move forward in order to provide fair and just compensation for those who worked long and hard to win the Cold War: the Atomic Veterans. Many of these Atomic Veterans are ill or dying from diseases due to their exposures to hazardous materials at Department of Energy facilities.

New Mexico has a long and valued tradition of service to our Nation. New Mexico's workers at Los Alamos National Laboratory, the birthplace of the atomic bomb, have suffered from illness due to their exposures to radiation, beryllium, and other hazardous materials used in the production of nuclear weapons. It is right that we compensate the Atomic Veterans from all over this great nation who have sacrificed so courageously for their country. We spend billions of dollars on cleanup of nuclear waste sites; we now take responsibility for the human cost of the Cold War.

Congress must act, first to support this amendment, and then to pass legislation that is just and fair. When I introduced legislation to compensate Atomic Veterans from Los Alamos National Laboratory, I urged my colleagues from around the country, Democrats and Republicans, who also have victims in their districts, to work together to craft a solution to this problem at the national level. This amendment is a step in that direction.

Compensation is important because these workers are true patriots. They loved their country, they worked for their country, and now we need to do what is right and compensate them fairly for their illnesses.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment, as modified, offered by the gentleman from Kentucky (Mr. WHITFIELD).

The amendment, as modified, was agreed to.

The CHAIRMAN pro tempore. It is now in order to consider amendment No. 6 printed in House Report 106–624.

### AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. TAYLOR of Mississippi. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

### SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.

(a) Future Repeal of Limitation on Number of Sites.—Effective January 1, 2001, paragraph (2) of section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended to read as follows:

"(2) Location of sites; facilities.—Subject to annual appropriations, the program shall be conducted in any site that provides a full range of comprehensive health care and that is designated jointly by the administering Secretaries. The program shall be conducted nationwide by January 1, 2006.".

(b) Authority to Modify Agreement.—Such section is further amended in paragraph (1)(A) by inserting ", which may be modified if necessary" before the closing parenthesis.

(c) Making Project Permanent; Changes in Project References.—

(1) Elimination of time limitation.—Paragraph (4) of section 1896(b) of such Act is repealed.

(2) Treatment of caps.—Subsection (i)(4) of section 1896 of such Act is amended by adding at the end the following:

"This paragraph shall not apply after calendar year 2001.".

(3) Conforming changes of references to demonstration project.—Section 1896 of such Act is further amended—

(A) in the heading, by striking "DEMONSTRATION PROJECT" and inserting "PROGRAM";

(B) by amending subsection (a)(2) to read as follows:

"(2) Program.—The term 'program' means the program carried out under this section.";

(C) in the heading to subsection (b), by striking "Demonstration Project" and inserting "Program";

(D) by striking "demonstration project" or "project" each place either appears and inserting "program";

(E) in subsection (k)(2)—

(i) by striking "EXTENSION AND EXPANSION OF DEMONSTRATION PROJECT" and inserting "PROGRAM"; and

(ii) by striking subparagraphs (A) through (C) and inserting the following:

"(A) whether there is a cost to the health care program under this title in conducting the program under this section; and

"(B) whether the terms and conditions of the program should be modified.".

(4) Reports.—Subsection (k)(1) of such section 1896 is amended in the second sentence—

(A) by striking "the demonstration project" and inserting "the program";

(B) by striking ", and the" and all that follows through "date";

(C) by redesignating subparagraph (O) as subparagraph (S); and

(D) by inserting after subparagraph (N) the following new subparagraphs:

"(O) Patient satisfaction with the program.

"(P) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

"(Q) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

"(R) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the program.".

(5) Additional conforming amendments.—Section 1896(b) of such Act is further amended—

(A) by redesignating paragraph (5) as paragraph (4); and

(B) in such paragraph, by striking "At least 60 days" and all that follows through "agreement" and inserting "The administering Secretaries shall also submit on an annual basis the most current agreement".

(6) Continuation of provision of care.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

"(5) Continuation of provision of care.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'medicare-eligible military retiree or dependent' (as defined in subsection (a)).".

(d) Payments.—

(1) Permitting payments on a fee-for-service basis.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(l) Payment on a Fee-for-Service Basis.—Instead of the payment method described in subsection (i)(1) and in the case of individuals who are not enrolled in the program in the manner described in subsection (d)(1), the Secretary may reimburse the Secretary of Defense for services provided under the program at a rate that does not exceed the rate of payment that would otherwise be made under this title for such services if sections 1814(c) and 1835(d), and paragraphs (2) and (3) of section 1862(a), did not apply.".

(2) Payments to military treatment facilities.—Such section is further amended by adding at the end the following new subsection:

"(m) Payments to Military Treatment Facilities.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.".

(3) Conforming amendments.—Such section is further amended—

(A) in subsections (b)(1)(B)(v) and (b)(1)(B)(viii)(I), by inserting "or subsection (l)" after "subsection (i)";

(B) in subsection (b)(2), by adding at the end the following: "If feasible, at least one of the sites shall be conducted using the fee-for-service reimbursement method described in subsection (l).";

(C) in subsection (d)(1)(A), by inserting "(insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i))" before "shall meet";

(D) in subsection (d)(1)(A), by inserting "and the program (insofar as it provides for payment for facility services on the basis described in subsection (l)) shall meet all requirements for such facilities under this title" after "medicare payments";

(E) in subsection (d)(2), by inserting ", insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i)," before "shall comply";

(F) in subsection (g)(1), by inserting ", insofar as it provides for the enrollment of individuals and payment on the basis described in subsection (i)," before "the Secretary of Defense";

(G) in subsection (i)(1), by inserting "and subsection (l)" after "of this subsection"; and

(H) in subsection (j)(2)(B)(ii), by inserting "or subsection (l)" after "subsection (i)(1)".

(3) Effective date.—The amendments made by this subsection take effect on January 1, 2001, and apply to services furnished on or after such date.

(e) Elimination of Restriction on Eligibility.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

"(C) Elimination of restrictive policy.—If the enrollment capacity in the program has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (as defined for purposes of chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the program by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.".

(f) Medigap Protection for Enrollees.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) Medigap Protection for Enrollees.—(1) Subject to paragraph (2), effective January 1, 2001, the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the program (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

"(2) In applying paragraph (1)—

"(A) in the case of enrollments occurring before January 1, 2001, any reference in clause (v)(III) or (vi) of section 1882(s)(3)(B) of such Act to 'within the first 12 months of such enrollment' or 'by not later than 12 months after the effective date of such enrollment' is deemed a reference to during calendar year 2001; and

"(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.".

(g) Implementation of Utilization Review Procedures.—Subsection (b) of such section is further amended by adding at the end the following:

"(6) Utilization review procedures.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.".

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Mississippi (Mr. TAYLOR) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the past half of a century people wearing the uniform of the United States of America in federally-owned buildings have been telling young 18-, 17-, 19-, and 20-year-old enlistees that if they served their country honorably for 20 years, that upon retirement they would receive free health care for them and their spouse in a military facility for the rest of their lives.

By and large, our Nation did a pretty good job of honoring that promise until about a decade ago. Then, with the demise of the Soviet Union, the subsequent drawdown, the subsequent reductions in the defense budget, the military health care system started telling these military retirees when they hit 65, we are sorry, we cannot see you anymore. Go see a doctor out in Medicare.

They justifiably feel betrayed, and betrayed is the proper word. They were made a promise. They kept their end of the promise, and their Nation let them down.

Today I am going to ask my colleagues, Democrats and Republicans, to honor that promise. After all, great nations keep their word. I am asking us to take a major step that would allow these military retirees to continue to go to the base hospital, and upon reaching their 65th birthday, Medicare would reimburse that base hospital. It would make this program nationwide, available at every military medical facility, and it would make this program permanent.

Why is this program important? Today in America, people will be retiring from the Armed Forces. When they retire and choose their retirement home, in many instances they do so near a military facility because they want to be able to use that hospital. I want those people who choose a house, who choose a retirement home, to know that this is going to be the law of the land forever, and that our Nation has failed them, but we will fail them no more.

Mr. Chairman, I urge my colleagues to support the Taylor amendment. This is the beginning of what is going to be an hour-long debate. My colleague, the gentleman from Indiana (Mr. BUYER), is going to try to gut the Taylor amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Indiana (Mr. BUYER) seek the time in opposition?

Mr. BUYER. Mr. Chairman, I rise in opposition to the gentleman's amendment.

The CHAIRMAN pro tempore. The gentleman from Indiana (Mr. BUYER) is recognized for 15 minutes.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would change the vocabulary a bit, I say to my friend, the gentleman from Mississippi (Mr. TAYLOR). I seek to improve the amendment, not gut it.

To improve the amendment, what I mean is what we have done in the base text of this bill is stop the rhetoric. By speech, it is 101, any Member can go to the well and give a great speech and throw their arms around the military veteran. It is the easiest speech to give. It is 101 in speech.

Delivering the right preparation on the commitment and obligation of the retiree is a little more difficult. I will never, ever create an unreal expectancy. I caution Members who will speak on this issue, because I will be quick on my feet. I want truth in advocacy.

When it comes to "the Medicare subvention," let me bring the stark reality into question. If we were to draw a pie of the 1.4 million military retirees, half of that pie, they live next to medical treatment facilities all around the country. Then, of that pie, I take 20 percent of the half, and that is all that could ever be treated in Medicare subvention. Why? Because there is a capacity question, capacity.

So be very cautious and tempered in words to say, and I throw this warning out in the debate, that Medicare subvention, if we make it permanent, delivers on the promise, because it does not.

The painful reality to the military retirees came into being not in the 1960s, when we created Medicare as a program, and we then triggered the retiree into the Medicare system, to be treated like everyone else in the country, senior citizens who had never worn the uniform. The painful reality really came when we went through the BRAC process and closed a lot of military bases, to include those base hospitals.

Congress responded in search of an answer. The reason this is so difficult, and it is a complex health system, is that the purpose of the military health systems are to treat combat casualties and accidents, and those active duty service personnel who are sick. Second comes the dependents and retirees. The real purpose is combat casualties, so military medical readiness is set up a little bit differently.

So when Congress is in search of "the answer" of how we take care of the commitment to the military retiree, we created some demo programs. We created Medicare subvention, whether it is the FEHBP, we have BRAC pharmacies, we have many different things.

What we do in the base text of this bill, which I compliment the bipartisan support of, that came out of the Committee on Armed Services, is, and it is supported by the administration, we put our arms around all of these demonstration projects. We expand them, and then we end them on December 31 of 2003.

Why do we end them? Because we want to analyze all these programs and say, all right, what is best to deliver the care to the military retiree? I would say that we do not have the competency to make that judgment today, so we create a methodology that says, all right, we create an independent advisory board, nominated by the Secretary of Defense. They will examine these. They have a report due to Congress in July of 2002.

We will have our ideas. The advisory group has theirs. DOD has theirs. The Senate will have theirs. OMB I am sure is a player. Then what we do is we come in and then make a judgment in the fall of 2002 of what is the best to deliver.

In the meantime, what can we do? Because that is the spirit of what my colleague, the gentleman from Mississippi (Mr. TAYLOR), is trying to say: In the meantime, what can we do?

I have been a good listener to him. I will have an amendment that comes up that says that we will expand the scope to the major medical centers, but it is not timely for us to make permanent Medicare subvention. Why? Because it is a crippled program. It was meant to be cost-neutral when it was negotiated with the Committee on Ways and Means and the Committee on Commerce. Today it is costing over $100 million to DOD, in excess of $3,000 per beneficiary.

Mr. Chairman, if we have a pilot program that is crippled fiscally, is it the right thing to do by the taxpayers to say, well, we will just go ahead and make it permanent? I believe that is not the proper and prudent thing for us to do. Let us follow the methodology. Let us do what is right for the military retiree.

In the meantime, we can do something. I will agree, I concur with the gentleman, we will extend the scope. We will work with HCFA and DOD to renegotiate these reimbursement rates. We will work on the utilization question.

One glorious thing we did do in this bill is we said to the military retiree, we said, we will create a pharmacy benefit, a pharmacy benefit that is so rich that it is not going to be treated like Grandma and Grandpa that never had served in the military. We are going to say to the military retiree, you are entitled to this pharmacy benefit.

So there are some things that we can do while we are waiting for the methodology, the analytical process of the data. Then we step forward, working with the next administration, for the cost of this program.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from California.

Mr. HUNTER. I thank the gentleman for yielding to me, Mr. Chairman.

Mr. Chairman, I think it would be good for the gentleman to tell us a little bit about the pharmacy benefit and what the retirees can expect. It has not been talked about a lot in the base bill.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the TRICARE senior pharmacy, what we do is reinstate access. We do not create new entitlements for the military retiree. It is an earned benefit. What we do is we preserve access to the military pharmacies at the medical treatment facilities.

We create a mail order pharmacy with an $8 co-pay, so if someone has diabetes or needs a drug that they know that have to have, they can. We also create a network, retail, with a 20 percent co-pay. Then also we have added an out of-network retail with a 25 percent co-pay and a $150 deductible.

What we are doing is giving the widest array of choices to that military retiree. I think that is extremely important, because most do not live next to medical treatment facilities.

Mr. HUNTER. If the gentleman will continue to yield, I just want to thank the gentleman for the great work that he did, along with his colleagues on the Subcommittee on Military Personnel, in developing this good program for our veterans and for our retirees.

I appreciate the fact that he is walking down through this road, these problems, which are fairly complex and which have a lot of potential options, and trying to put together a responsible program for our veterans and our retirees.

Mr. BUYER. Reclaiming my time, Mr. Chairman, the key word that I believe the gentleman used is "options." This methodology preserves a wide array of options from which we can then choose.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, keeping our word to our Nation's military retirees is not an option. Ten Members of Congress have cosponsored this amendment.

They are the gentleman from Mississippi (Mr. PICKERING), the gentleman from Maryland (Mr. BARTLETT), the gentleman from Florida (Mr. SCARBOROUGH), the gentlemen from North Carolina, Mr. JONES and Mr. HEFLEY, on the Republican side; the gentlewoman from California (Ms. SANCHEZ), the gentleman from Hawaii (Mr. ABERCROMBIE), the gentleman from California (Mr. FARR), and the gentleman from Tennessee (Mr. TANNER) on the Democratic side.

We believe, Democrats and Republicans, that it is time we keep our word.

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Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Missouri (Mr. SKELTON), the ranking member of the House Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I urge my colleagues to support the amendment offered by the gentleman from Mississippi (Mr. TAYLOR), which expands and makes permanent the TRICARE Senior Prime program, more commonly known as Medicare subvention.

I focused on the need to improve access to health care services to the men and women in uniform in the past and particularly for our Medicare eligible retirees. This is truly the year of military health care. The expansion and permanent authority for Medicare subvention which the Taylor amendment will provide will begin to fulfill the commitment made to our men and women in uniform who were promised access to health care services for life if they served 20 years or more in the Armed Forces.

We made that promise to take care of the career men and women and their families and me must, Mr. Chairman, keep that promise. The Taylor amendment improves access to medical care for Medicare-eligible military retirees by expanding TRICARE Senior Prime to military hospitals and making the program permanent. It is an important step toward ensuring access to care for retirees and their dependents over the age of 65 who live near military facilities.

Mr. TAYLOR of Mississippi. Mr. Chairman, since we have the luxury of so many cosponsors, I will be recognizing them in the order of seniority on the committee, Democrat, Republican.

Mr. Chairman, I yield 2½ minutes to the gentleman from Colorado (Mr. HEFLEY), chairman of the Subcommittee on Military Installations and Facilities.

Mr. HEFLEY. Mr. Chairman, I am really torn on this. There is nobody that has worked harder on this subject than the gentleman from Indiana (Mr. BUYER). The gentleman has struggled, he has negotiated with the Committee on Ways and Means, and unless you have negotiated with the Committee on Ways and Means you do not know what he has been through. He has worked diligently and hard and not only that, his heart is in this subject. He wants this problem solved, and he has come up with a plan to solve it.

On the other hand, I have worked for so many years on this subvention program. I can remember years ago, and I say to the gentleman from Mississippi (Mr. TAYLOR), I do not know if the gentleman remembers this or not, because we did not know each other well at that time, when we were before the committee and we were saying that we had made promises to these people that we were not keeping, and at that time the Pentagon was saying we did not really promise; that was overzealous recruiters that made those promises.

And I say to the gentleman, remember, we waved in front of them recruiting brochures to show, back from the 1950s I think they were, to show that we had made those promises. We made promises and we need to keep those promises, and one way to do that was that we passed the subvention program, to give it a try.

I sponsored that when it was not popular. There was no other sponsor in the House, there was no other sponsor in the Senate when that first started, but now it is a popular program. The retirees like that program, but it is not working like we planned, as the gentleman from Indiana (Mr. BUYER) has well pointed out.

Mr. Chairman, we made a bad deal on the payment schedule, and we need to correct that bad deal. The amendment of the gentleman from Indiana (Mr. BUYER) will kick the ball down the field, and I think that is good. And if that is all we can get, I think that is good, but I think it has one flaw, I say to the gentleman from Indiana (Mr. BUYER), and that is that it has to be cost neutral, and I am not sure it ever happens to expand it to those 12 or 13 if it is cost neutral unless we correct the problem with HCFA.

Let me just say in closing real quickly, there are three things that I would like to come out of this whole deal, and it may have to come out in conference, I would like for us to make HCFA pay like they are supposed to pay. I would like that to happen, and I think we are going to have to write that in in conference.

I would like the program extended nationwide, and I do not mind at all putting the sunset on it to take another look at it, and that is what the gentleman from Indiana (Mr. BUYER) is trying to do there. So I think there is a way to compromise, do not make it permanent like the gentleman from Mississippi (Mr. TAYLOR) wants it and I would like it, but have a time to reexamine it, but extend it nationwide.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. THORNBERRY).

Mr. THORNBERRY. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I think the first thing that one ought to say when looking at this issue is that the government did make a promise, and it is important to keep that promise, not just for the retirees, but also for the young folks who are in the military now or are thinking about getting into the military.

Like many of my colleagues, I have had the experience of talking with the young 22-year-old single male in the military and asking why he is staying or whether he is going to stay in the military and the subject of health care comes up from someone that we would not think would be particularly concerned about health care.

I think all of us feel the frustration that the gentleman from Colorado (Mr. HEFLEY) talked about of trying to get greater attention to this issue and trying to find a way to solve this problem, to keep that promise when there are not the base hospitals to keep the promise. So it certainly has been a difficult thing.

Mr. Chairman, I heard the gentleman from Mississippi (Mr. TAYLOR) say in front of the Committee on Rules that he wished he had a magic wand to wave over the country to solve it for everybody. Subvention is not a magic wand. As a matter of fact, I think there is no such thing as a magic wand, which is why we have to look at a number of options.

The underlying bill that the gentleman from Indiana (Chairman BUYER) has put together gives us, I think, for the first time since I have been in Congress a path towards a solution. It is not mere rhetoric, but it moves us in a direction by extending the various pilot programs and by expanding them to help make sure that it is a fair test.

My district is one of those that includes part of the subvention pilot program test, and I can give my colleagues a number of concerns that folks in my region have why it is not a true test. In my district, I also have people who live in a city that has a base that has been closed, and they are hundreds of miles away from the base where the subvention test is going on.

In my district, I also have military retirees that live many miles from any significant city, and around the country there are a variety of circumstances, and no one approach, including subvention, or FEHBP, is going to solve them all. We have to have a multilayered approach in order to come as close as we possibly can to keeping that promise that we made to retirees. I think that is the essential point.

What this bill does is gives us several options, tries to collect the information on what is needed but also moves us towards a time certain to make that decision, and we have never had that time certain before, but the essential point that has to be included in this or any other approach is that kind of choice; that is in the pharmacy benefit, which is in this bill.

We can have the mail order choice, if that is what best meets your needs, or we can a pharmacy that is inside this organization, or an outside one. You pay a little different copay, but you have the choice to make the decision that best meets your need. That is the only way we will come close to meeting the commitment that we made to military retirees, giving them those options.

The path that has been laid out by the chairman is the way to get to that point, and I thank the gentleman for offering it.

Mr. TAYLOR of Mississippi. Mr. Chairman, if a politician breaks his promise, shame on him. If a Nation breaks its promise, shame on all of us.

Mr. Chairman, I yield 3 minutes to the gentleman from Hawaii (Mr. ABERCROMBIE), the ranking member on the Subcommittee on Military Personnel, another member of this committee who is trying to see to it that our Nation keeps its promise.

Mr. ABERCROMBIE. Mr. Chairman, let me state that I do not think anyone has worked harder on this issue than the gentleman from Indiana (Mr. BUYER). No one has worked with more diligence to try and put together a package that we can present to the body, some of which has already been mentioned, as the gentleman from California (Mr. HUNTER) indicated about the prescription benefit.

We do not want the good work that has been put together to get lost in this particular argument, and I do not even want to say it is an argument. As a matter of fact, that is one of the points I want to make. I do not think, and I hope that everyone on the committee would certainly recognize, that no one has tried to work harder than with the gentleman from Indiana (Mr. BUYER) than myself. This has been a bipartisan effort.

And I really believe, I honestly believe, my friends, that we may be having a dispute over something which really we have no argument about. I was quite content with the bill the way it was in the sense that we were trying to work the Medicare subvention thing, something which I support and many people have supported right straight through.

The question, though, for us now is the Committee on Rules has made this in order. And in my conversations with the gentleman from Indiana (Mr. BUYER), I indicated if they made it in order, I thought that perhaps the best role for us to take was to go to the full expansion and see where we win out.

Let me tell my colleagues why. The difference between what the gentleman from Indiana (Mr. BUYER) has and what the gentleman from Mississippi (Mr. TAYLOR) has again may be a distinction without a real difference if we work this right. The amendment to the amendment or the substitute that the chairman has extends it to some additional sites, the Taylor amendment makes it nationwide.

Here is the implementation idea, because I think in the end, we want to go to subvention, Medicare subvention. The Taylor amendment now reads beginning next January, but full implementation does not take place till 2005. And the amendment of the gentleman from Indiana (Mr. BUYER) now has beginning in 2002 and could be limited at least in terms of the experimental time for about 15 months.

In other words, we are talking about a difference in time. There is not a difference in principle here. There is a position versus our interests. And I think our interests are to try and extend it now, not because there is a victory or a defeat in this, but rather that inasmuch as we are going to expand the program anyway, let us expand it nationwide, let us give the House the opportunity to work its will on this, and then we will move; as General Ryan has indicated in his letter, that we need to have a more equitable arrangement than is now possible on cost effectiveness between the HCFA and the DOD.

Certainly, the Armed Forces will work with us. In fact, he says "I ask your support in working with the DOD, HCFA and the Congress to develop cost-effective solutions." I think virtually everything that the gentleman from Indiana (Mr. BUYER) has said with respect to the difficulties is absolutely correct. I do not think anybody in any honesty can argue with it, but if we give this a chance to work nationwide, I think that we will all be the winners in the end. And I hope that we can come together on that resolution.

I want to thank the gentleman from Indiana (Mr. BUYER) for all of his help.

Mr. BUYER. Mr. Chairman, I yield myself 30 seconds to respond. I enjoyed working with the gentleman from Hawaii (Mr. ABERCROMBIE), and I would say that in the letter from the Air Force Chief of Staff, it also reads, "I urge that we heed the lessons already learned from the Medicare subvention demonstration projects. The current TRICARE Senior Prime demonstration, though popular with retirees, is not fiscally sustainable over the long term."

The real difficulty I say to the gentleman from Hawaii (Mr. ABERCROMBIE) between these two proposals is that the gentleman from Mississippi (Mr. TAYLOR) seeks permanency of a crippled program.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the testimony of the DOD before the House Committee on Armed Services on March 15 of this year, and I am quoting, "We believe that TRICARE Senior Prime is the key component of keeping health care commitments to our 65-year-old retirees and family Members who have sacrificed so much in the service to their country." That is Rudy de Leone, the Under Secretary of Defense.

Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT), another key player on this, a member of the House Committee on Armed Services.

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of the Taylor-Jones-Bartlett amendment. I have seen the recruiting brochures. We did promise lifetime health care in a military facility for those who honorably served their country for 20 years or more. For a decade now, we have broken that promise and we are paying a high cost for having broken that promise.

It hurts us in recruitment. When their father, their uncle, their grandfather tells them that the military did not keep their promise to them, why should they think we are going to keep our promises to them?

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Three of our services are failing to meet their recruitment totals, and this is part of the problem.

It is hurting retention. When they look ahead to what will happen to them when they retire, they wonder if they can trust us, and so they are not staying in. They will not retire. They are leaving the service.

Properly administered, this program should cost no more than what we are now doing. As a matter of fact, the Medicare reimbursement is only 95 percent of what it is in the other hospitals. This means it actually ought to cost the taxpayers less. If the program is crippled now, it is only because it is not being administered correctly and we need to change that.

It is very important that we keep our promises to our veterans, not just because we made them and that is what honorable people do, it is important because it is hurting us now in recruitment and it is hurting us now in retention.

Mr. Chairman, I strongly urge a positive vote on this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, what is the time that remains?

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman from Mississippi has 3 minutes remaining, and the gentleman from Indiana (Mr. BUYER) has 3½ minutes remaining.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Connecticut (Mr. LARSON), another sponsor of this measure and a member of the Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise in strong support of the Taylor amendment.

What is at stake here is a fundamental commitment to the men and women who wear the uniform. This is not a time to go slow. That is not what we have asked our veterans to do. This is not a time for incremental gain. We need the comprehensive approach that the Taylor amendment calls for.

I join with my colleagues in recognizing the efforts of the gentleman from Indiana (Mr. BUYER) on this committee, but I would like to point out that what we need here is the will to move forward. As we go through midtime review and see the surpluses that this Nation will have achieved because of our economic strength, we have the ability to carry out the options necessitated to make sure that we live up to the commitment that we made to these veterans.

Mr. Chairman, my father used to say to my mother Pauline, sitting across the dinner table, "Who won the war?" It is to the bewilderment of many of our veterans these days, thinking that their Nation has forgotten about them, that it has reneged on their promise. I do not question the patriotism or the fervor on the part of the gentleman from Indiana (Mr. BUYER) or anyone here who has served on our committee to do the very best for veterans. I simply believe that we can do more and we should do more. This is not a time to pull back. This is a time to move forward because we have the resources and the will to accomplish this on behalf of our veterans.

Memorial Day is around the corner. I agree with the gentleman, too many times we hear semantical speeches and plaudits given to veterans. We have an opportunity here today to act on their behalf. I urge support of the Taylor amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield the balance of my time, 1½ minutes, to the gentleman from North Carolina (Mr. JONES), another key member of the House Committee on Armed Services.

Mr. JONES of North Carolina. Mr. Chairman, I rise in strong support of this Taylor amendment, and I must say I have enjoyed this debate. I have great respect for the gentleman from Indiana (Mr. BUYER) and great respect for the gentleman from Mississippi (Mr. TAYLOR) because what we are all trying to do is to do what is right for our retirees.

I have 12,000 retirees in my district, the Third District of North Carolina, and I have to say that the first thing on their mind is health care; secondly is will they have adequate health care when they get to be 65. They also say to me that we here all seem to be able to send $13 billion to Kosovo, and they want to know why we cannot help them with their health care.

So I am delighted that we are having this debate today because it is extremely important, and this Taylor amendment will help our retirees understand that we are willing to do what is necessary. I commend the gentleman from Indiana (Mr. BUYER), and I think that his plan is good, but I think this plan is much better because what we are saying to those retirees is we are going to make an investment.

It is my understanding that 5 years of the Taylor plan would cost $250 million. That is my understanding. If I am wrong a few million dollars, still look at what we are spending in Kosovo. We can find the money to help these retirees, and I think, quite frankly, Mr. Chairman, that those of us who have the privilege to serve I hope will look seriously at supporting the Taylor amendment tonight. We are saying to our retirees that we are willing to roll up our sleeves, we are willing to do what is necessary to give them the health care that they deserve and that they need when they hit 65.

Mr. BUYER. Mr. Chairman, I yield the balance of my time, 3½ minutes, to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I do not often find myself facing a tragic situation, but what I see occurring tonight here on the floor is a tragic situation.

Everyone in this House wants to honor military retirees and veterans. And those are two different groups. We have worked tirelessly to try to assist military retirees, through the Department of Defense's program called TRICARE, as we have worked diligently to try to help veterans under the Veterans Administration program called Vision.

Now, what is at stake here is not helping Americans who turn 65. That is not at issue. A military retiree turning 65, a veteran turning 65 has the Medicare benefits available to them. No one is being deprived of the full Medicare services, even though the hospital portion is a payroll tax, paid for by some Americans into a payroll tax and not paid by others.

No one turning 65 does not get Medicare. That is not the issue in front of us. Please, do not try to make that the issue. It is not. The issue is should military retirees be able to go to military hospitals to get their Medicare benefits.

Now, as my colleagues might imagine, the military hospitals were not exactly structured to handle geriatrics. They did not have as their history the ability to deal with old-age infirmities. That is not what they were designed to do. By what we are trying to do is take the Medicare funding, the taxpayers' money, and utilize it in Department of Defense institutions. It is not an easy thing to do. They do not have doctors that necessarily deal with old age. They deal more with wounds than arthritis. But what we have tried to do is meet the request; merge the Medicare monies into the DOD hospital structure. And we have been moving forward.

In 1997, under the new majority, we said let us try this program. Here was the first General Accounting Office evaluation in May of 1999. "DOD Data Limitations May Require Adjustments and Raise Broader Concerns." We knew that it was going to be difficult getting started.

Here is the September 1999 report. "DOD Start-up Overcame Obstacles, Yields Lessons and Raises Issues." That is progress. Here is the January 2000 report. "Enrollment in DOD Pilot Reflects Retiree Experiences and Local Markets." We are making progress.

If I asked members of the Committee on Armed Services if they wanted to issue a rifle that they knew jammed on every fifth shot, just so they could say that they met some deadline in giving them new equipment, when they knew the equipment would not work; is that really what they would want to do? If we make this program permanent, it will fail.

There is no question it will fail on the basis of the ability of the DOD to account for the costs of seniors who are military retirees in their hospitals. It will overwhelm them. We will be paying out billions of dollars. Instead of receiving money, we will be paying money. We do not want that.

My colleagues do not want what they are asking for. This program is moving forward. It is responsible. Support the Buyer amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from Missouri (Mr. SKELTON) is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, all we have to do is go out here at Bethesda Naval Hospital, or Walter Reed Hospital, or Fort Leonard Wood Hospital and we will see those military physicians and technicians and nurses doing their very best to take care of geriatrics, the senior citizen who served his or her country for over 20 years.

So I wish to correct my friend from California.

Mr. Chairman, I yield 2½ minutes to the gentleman from Oklahoma (Mr. COBURN).

Mr. COBURN. Mr. Chairman, I thank the gentleman for yielding me this time, and I listened with great care to what the gentleman from Indiana (Mr. BUYER) had to say to warn us about the emotional side of being inaccurate in this, but I am not running for reelection. This speech gives me nothing.

I want to tell my colleagues what I learned when I first ran for office 6 years ago, and that is that we have lied and cheated our veterans and our retired military in terms of their health care. It is too common a complaint. It is too real. I saw it. I saw it at Tinker Hospital in Oklahoma City. They cannot even handle the people that are there now that are active duty. They send the people off.

So the question is, yes, have we met our need? We all agree we are trying to do that whether we do the Buyer amendment to this amendment or not.

The question that was raised is, is it cost effective? I do not care if it is cost effective. Because if it is cost effective or not, if the first principle of not keeping our word is not met, it does not matter. It does not matter.

We will not be able to ever man an army when we need to man a geared-up army if that population believes that we will not keep our word. And that is exactly what they believe today.

The final thing is that it is a crippled program. The only reason it is crippled is because we have not thought outside of the box. If we make the commitment to retired military that we are going to promise them health care, then give them a card, a new card, that lets them get it at a military hospital, at a VA hospital, at any hospital they want. But, by dingy, keep that commitment.

Mr. SKELTON. Mr. Chairman, I yield 1½ minutes to the gentleman from Texas (Mr. REYES).

Mr. REYES. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in support of this amendment.

I believe that H.R. 4205 laid the groundwork to address the continuing health care problems that are plaguing our service members. This amendment is crucial to our military retirees because it expands the Medicare subvention demonstration program for our Medicare eligible military retirees and their dependents.

Mr. Chairman, I just spent a week in my district visiting high schools, and working with each of our services on their recruiting efforts. What is really great is the amount of young people that are out there who have a sincere interest in serving their country. What is unfortunate is that there are retirees who discourage them because of their intense disappointment and anger in how we are addressing their health care needs. They simply feel betrayed.

I want all my colleagues to know that this issue is real and that we are feeling the effects at our recruiting stations in our recruiting efforts. This amendment ensures that service members who served their country honorably have access to Medicare subvention, and not just in 8 locations, but across the country.

I was concerned about subvention because of reimbursement costs, however, this amendment also ensures that the Health Care Financing Administration would reimburse the Pentagon for most of the program's cost.

I urge my colleagues to support this amendment. We owe this to the men and women who have served and continue to serve our country.

Mr. SKELTON. Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. PICKERING).

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Mr. PICKERING. Mr. Chairman, I rise in support of the Taylor amendment and as a cosponsor.

In my great State of Mississippi, we have the legacy of leaders like Stennis and Montgomery, who have built a strong defense. We believe in a strong military in Mississippi. But more important than our leaders has been the men and women, the veterans and the retirees who have honored our country by serving it.

How do we honor them? We honor our word. How do we keep recruitment and retention? We honor our word. If we say "cost," they say "commitment." The question is will we keep our commitment, will we find at least a part of the solution tonight?

I believe the Taylor amendment does that. I ask my colleagues to support the Taylor amendment. I am pleased to join with him.

I commend the gentleman from Indiana (Mr. BUYER) for all of his efforts, from the pharmacy benefit to TRICARE reform to all of the things in the underlying bill that help us keep our commitment as well, but I believe the Taylor amendment is the right thing to do.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, now we are beginning to make some progress. I thank my colleague the gentleman from Oklahoma (Mr. COBURN) because, as we heard him say, he is not coming back so he wanted to speak from his heart. What we heard from his heart was that we ought to give military retirees and in fact we ought to give veterans a card, as he said, to go anywhere to get the health care they deserve.

That is not the Taylor amendment. The Taylor amendment says they have got to go to a military hospital on a military reservation.

Now, I tell my friend the gentleman from Missouri (Mr. SKELTON) that I am quite sure that Bethesda Naval Hospital, in the middle of this military area called Washington, does a pretty good job with military retirees. He ought to come out to China Lake in the middle of the Mojave Desert, he ought to go to Edwards Air Force Base and take a look at their military hospitals. They are not Bethesda, believe me.

Those people deserve to get the best health care they can. They do not deserve to be forced to get it on a military base. That is what this Taylor amendment does.

What we did was to set up some programs to figure out how we could merge the private sector assisting the military through the public sector.

The Taylor amendment may be well-intentioned, but what they are trying to do is guarantee that every military retiree gets their Medicare benefits at a military hospital. That is the wrong service to provide to our military retirees.

I agree with the gentleman from Oklahoma (Mr. COBURN), let them go anywhere. But that is not the amendment. I ask them to understand what they are trying to do. They are going to guarantee that the military retirees are going to fail in their effort to get Medicare services at military hospitals.

The amendment of the gentleman from Indiana (Mr. BUYER) is a definite step forward in making sure that this plan continues to show progress.

The gentleman from Mississippi (Mr. TAYLOR) is bound and determined to give the military retirees a rifle that will jamb. Why does he think a shiny new rifle that will not work is somehow benefiting military retirees?

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER), the chairman of our Armed Services Subcommittee on Military Personnel.

Mr. BUYER. Mr. Chairman, I thank the chairman for the leadership that he has given me as I put this together and also worked with the gentleman from Hawaii (Mr. ABERCROMBIE).

I needed to address several points earlier when I talked about making sure our advocacy is very correct. Let me address, number one, with regard to the comments of the gentleman from North Carolina (Mr. JONES) that this will only cost $250 million. The actual scoring from CBO is that it is $285 million. I just want to be very accurate.

The other is that what worries me is that if we are at six sites and it is costing DOD $100 million when, in fact, it was supposed to be cost neutral, and then we are going to expand nationwide, over 40 sites nationwide, it boggles my mind the impact that is going have upon DOD that has not even been budgeted.

With regard to my colleague, who I have great respect for and have been in Oklahoma with him in saying that whether it is cost effective or not does not matter, I believe that being cost effective in the efficiencies of governmental operations does matter.

In this bill, for example, we even said, for every claim that TRICARE files, we have learned that it costs $78 per claim. For Medicare, I say to the gentleman from Oklahoma (Mr. COBURN), when he goes back to Oklahoma and does his Medicare, it costs 85 cents to a dollar to file it. So we are forcing TRICARE to do best business practices and on-line billing.

We are going to save over $500 million over 5 years. That is like a touchdown and extra point for the American taxpayer. Asking government systems to exercise business practices and principles should not be a radical concept of the Federal Government.

I understand the gentleman saying these are men and women who put on the uniform who were not only willing to risk their life but their earning power, also.

Should we meet the commitment and obligation? Absolutely. How we get there with the right method is what this debate is all about.

So I have to stand here, as hard as it is, to agree to disagree with my colleague the gentleman from Mississippi (Mr. TAYLOR). We should not be going to as permanent a system, not yet.

I do not want to, but I will bring my opinion into the matter. My opinion is that I do not believe something magically should happen to a military retiree when they turn 65. When they retire from the military at age 46 or 42 or 50, whatever it is, or they are in TRICARE Senior Prime or Standard, nothing magically should happen when they turn 65. Keep them in the same system. It works for all.

I say to the gentleman from Connecticut (Mr. LARSON) that is comprehensive. To say that what is being offered is comprehensive I would respectfully disagree, because Medicare Subvention is only going to apply to 20 percent of the 50 percent that live next to a military medical treatment facility.

Mr. STARK. Mr. Chairman, having served in our nation's military, I am aware of the hardships that our military men and women, and their families, undergo on a daily basis. When they enlist in our nation's armed forces, they know they are volunteering for a very hard life, not only difficult physically, but also difficult financially and emotionally. Even in peacetime, their jobs are among the most dangerous in all of society, with injury or even death a constant threat.

In addition to the dangers they face defending America and its interests and keeping the peace throughout the world, they also know that their private lives will be very, very hard. Throughout their military careers they accept reduced pay and the deep emotional strain that inadequate finances places on their families. They face the additional emotional strain caused by poor living conditions they must endure. They face the emotional pain of constant uprooting of their lives as they are moved from one military installation to another. Mr. Chairman, the military life is a deeply difficult and painful life.

To be able to cope with the day-to-day difficulties in military life, our military men and women and their families must cling to hope for a better life when their military careers are over. One of the glimmers of hope is that upon retirement, their medical costs, which can be severe, will be paid. In retirement, they will finally have peace of mind, free from the fear of financial ruin brought on by a debilitating illness.

Mr. Chairman, when our military retirees are sick, they feel more comfortable receiving their medical care in a military facility. That is understandable. And because they feel more comfortable there, their stay in the health care facility is less traumatic, less emotionally painful, than in a civilian health care facility. Studies have shown repeatedly that people experience fewer side effects from an illness—and recover faster from it—when they experience less emotional stress. And that is the fundamental reason that we need to find ways to help our military retirees get their medical care in military health care facilities.

That is why, in the Balanced Budget Act of 1997, we authorized a demonstration project under which military retirees in six sites who are also entitled to Medicare would be able to get their medical care in military facilities and have Medicare contribute to the costs of that care. Because we did not know the answers to many questions about controlling costs, the Congress decided to place certain restrictions on this demonstration. Just as we needed to provide a means for military retirees who are entitled to Medicare to get their medical care in military facilities, the Congress also had to protect the Medicare trust funds from going bankrupt, thus jeopardizing medical care for 39 million other Americans who depend on Medicare.

As an example, one of the key issues concerned the form of the Medicare payment for services in military facilities. Because medical personnel in military facilities are paid a salary, unlike private sector medical professionals, who are paid on a fee-for-service basis, the Congress decided that payment for services in military facilities should be on a "capitated" basis; that is, payment should be based on the average amount that Medicare would normally pay for services for a Medicare beneficiary living in the area where the service was provided. The Congress also placed other limitations on the demonstration to protect Medicare.

Because the Congress did not want to delay any longer than necessary in providing this important benefit to military retirees, the demonstration was limited to three years. The Congress asked the General Accounting Office (GAO) to evaluate the demonstration and advise us on how to expand the program and make it permanent. In January of this year, the GAO issued its first report on the demonstration. The GAO found that in the first year of the demonstration, over one-fifth of Medicare-eligible military retirees in the six demonstration areas had enrolled in the demonstration. Enrollment was highest in sites where other Medicare managed care plans were not present; it was lowest where such plans were widespread. GAO will continue to monitor the demonstration and report to Congress annually.

Mr. Chairman, the amendments that we are considering today would either abandon the demonstration, and the knowledge to be gained from it, and proceed immediately to a permanent unlimited program, or expand the demonstration to eight additional sites, again without the benefit of the knowledge gained from the demonstration already underway. This is not the prudent way to proceed. This is not the way to help our military retirees and also protect the 39 million other Americans who depend on Medicare. The demonstration we have underway will give us information on which both to help military retirees and to protect Medicare. And we would know these answers in only two more years.

Mr. Chairman, the Administration has informed us that their position on these amendments is that the current demonstration should be extended for only one or two additional years, and that an independent evaluator should review the demonstration before we proceed further. That is the prudent course of action.

Mr. Chairman, I rise in enthusiastic support of the Taylor Amendment, which will expand and make permanent the existing TRICARE "Medicare Subvention" demonstration program for Medicare-eligible military retirees and their dependents. The Health Care Financing Administration would reimburse the Pentagon for most of the program's cost. Under the Taylor amendment, TRICARE's "Senior Prime" program would become a permanent program and would be available nationwide by Jan. 1, 2006.

Mr. Chairman, I cannot think of a more worthy amendment that would have a more wide reaching effect on the healthcare of our honored Veterans and retirees. For many years, thousands of our military retirees were promised by their recruiters a lifetime of affordable healthcare if they served their nation for at least 20 years. The Taylor Amendment will restore the covenant between a grateful nation and those who faithfully served it in the Armed Services.

Medicare Subvention improves the military healthcare system and has without a doubt been an unmitigated success. Under the Taylor Amendment retirees will have access to the healthcare they need more expeditiously than under the current "space available" standard. The physicians at the military facilities where the pilot programs have been implemented, have welcomed the introduction of retirees as these patients have enabled a greater practice of medicine, which adds to the recruitment and retention of doctors and nurses.

The Taylor Amendment is an important step towards fulfilling the promise to our nation's military retirees. I urge its passage and I urge a defeat to the Buyer substitute.

The CHAIRMAN pro tempore (Mr. LAHOOD). It is now in order to consider Amendment No. 7 printed in House Report 106–624.

### AMENDMENT NO. 7 OFFERED BY MR. BUYER AS A SUBSTITUTE FOR AMENDMENT NO. 6 OFFERED BY MR. TAYLOR OF MISSISSIPPI

Mr. BUYER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment offered as a substitute for the amendment.

The text of the amendment offered as a substitute for the amendment is as follows:

Amendment No. 7 offered by Mr. BUYER as a substitute for Amendment No. 6 offered by Mr. TAYLOR of Mississippi:

Amend section 725 (page 231, line 3, and all that follows through page 232, line 21) to read as follows:

**SEC. 725. MEDICARE SUBVENTION PROJECT FOR MILITARY RETIREES AND DEPENDENTS.**

(a) EXPANSION OF PROJECT.—Section 1896(b) of the Social Security Act (42 U.S.C. 1395ggg(b)) is amended—

(1) by amending paragraph (2), to read as follows:

"(2) EXPANSION; LOCATION OF SITES.—Not later than December 31, 2002, in addition to the sites at which the project is already being conducted before the date of the enactment of this paragraph and subject to annual appropriations, the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center and that is designated jointly by the administering Secretaries. The total number of sites at which the project may be carried out shall not exceed 14, and the total number of military treatment facilities at which the project may be carried out shall not exceed 24.";

(2) in paragraph (4), by striking "3-year period beginning on January 1, 1998" and inserting "period beginning on January 1, 1998, and ending on December 31, 2003"; and

(3) by adding at the end the following new paragraph:

"(6) ADMINISTRATION OF PROJECT.—Not later than September 30, 2002, the administering Secretaries shall undertake measures to ensure that the project under this section is being conducted, and reimbursements are being made, in accordance with subsection (i), including discussions regarding renegotiation of the agreement authorized under subsection (b)(1)(A).".

(b) AUTHORITY TO MODIFY AGREEMENT.—Such section is further amended—

(1) in paragraph (1)(A), by inserting ", which may be modified if necessary" before the closing parenthesis; and

(2) in paragraph (5), by striking "At least 60 days" and all that follows through "agreement" and inserting "The administering Secretaries shall also submit on an annual basis the most current agreement".

(c) CONTINUATION OF PROVISION OF CARE.—Section 1896(b) of such Act is further amended by adding at the end the following new paragraph:

"(7) CONTINUATION OF PROVISION OF CARE.—With respect to any individual who receives health care benefits under this section before the date of the enactment of this paragraph, the administering Secretaries shall not terminate such benefits unless the individual ceases to fall within the definition of the term 'medicare-eligible military retiree or dependent' (as defined in subsection (a)). Notwithstanding paragraph (2), the administering Secretaries shall continue to provide health care under the project at any military treatment center at which such care was provided before the date of the enactment of this paragraph.".

(d) PAYMENTS.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) PAYMENTS TO MILITARY TREATMENT FACILITIES.—The Secretary of Defense shall reimburse military treatment facilities for the provision of health care under this section.".

(e) ELIMINATION OF RESTRICTION ON ELIGIBILITY.—Section 1896(b)(1) of such Act is amended by adding at the end the following new subparagraph:

"(C) ELIMINATION OF RESTRICTIVE POLICY.—If the enrollment capacity in the project has been reached at a particular site designated under paragraph (2) and the Secretary therefore limits enrollment at the site to medicare-eligible military retirees and dependents who are enrolled in TRICARE Prime (within the meaning of that term as used in chapter 55 of title 10, United States Code) at the site immediately before attaining 65 years of age, participation in the project by a retiree or dependent at such site shall not be restricted based on whether the retiree or dependent has a civilian primary care manager instead of a military primary care manager.".

(f) MEDIGAP PROTECTION FOR ENROLLEES.—Section 1896 of such Act is further amended by adding at the end the following new subsection:

"(m) MEDIGAP PROTECTION FOR ENROLLEES.—(1) Subject to paragraph (2), the provisions of section 1882(s)(3) (other than clauses (i) through (iv) of subparagraph (B)) and 1882(s)(4) of the Social Security Act shall apply to any enrollment (and termination of enrollment) in the project (for which payment is made on the basis described in subsection (i)) in the same manner as they apply to enrollment (and termination of enrollment) with a Medicare+Choice organization in a Medicare+Choice plan.

"(2) In applying paragraph (1)—

"(A) in the case of an enrollment that occurred before the date of the enactment of this subsection, the enrollment (or effective date of the enrollment) is deemed to have occurred on such date of enactment for purposes of applying clauses (v)(III) and (vi) of section 1882(s)(3)(B) of such Act; and

"(B) the notification required under section 1882(s)(3)(D) of such Act shall be provided in a manner specified by the Secretary of Defense in consultation with the Secretary of Health and Human Services.".

(g) IMPLEMENTATION OF UTILIZATION REVIEW PROCEDURES.—Subsection (b) of such section is further amended by adding at the end the following:

"(8) UTILIZATION REVIEW PROCEDURES.—The Secretary of Defense shall develop and implement procedures to review utilization of health care services by medicare-eligible military retirees and dependents under this section in order to enable the Secretary of Defense to more effectively manage the use of military medical treatment facilities by such retirees and dependents.".

(h) REPORTS.—(1) Subsection (k)(1) of such section 1896 is amended—

(A) in the second sentence, by striking "3½ years" and inserting "4½ years"; and

(B) by redesignating subparagraph (O) as subparagraph (T); and

(C) by inserting after subparagraph (N) the following new subparagraphs:

"(O) Patient satisfaction with the project.

"(P) Which interagency funding mechanisms would be most appropriate if the project under this section is made permanent.

"(Q) The ability of the Department of Defense to operate an effective and efficient managed care system for medicare beneficiaries.

"(R) The ability of the Department of Defense to meet the managed care access and quality of care standards under medicare.

"(S) The adequacy of the data systems of the Department of Defense for providing timely, necessary, and accurate information required to properly manage the demonstration project.".

(2) Section 724 of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105-261; 10 U.S.C. 1108 note) is amended by inserting "the demonstration project conducted under section 1896 of the Social Security Act (42 U.S.C. 1395ggg)," after "section 722,".

(3) Not later than July 1, 2002, the Secretary of Defense shall submit to the independent advisory committee established in section 722(c) a report on the actions taken to provide that the project established under section 1896 of the Social Security Act (42 U.S.C. 1395ggg) is being conducted on a cost-neutral basis for the Department of Defense.

(4) Not later than December 31, 2002—

(A) the Secretary of Defense shall submit to Congress a report on such actions; and

(B) the General Accounting Office shall submit to Congress a report assessing the efforts of the Department regarding such actions.

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### H. RES. 504

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for further consideration of the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

SEC. 2. (a) No further amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution and pro forma amendments offered by the chairman or ranking minority member of the Committee on Armed Services for the purpose of debate.

(b) Except as specified in section 4 of this resolution, each amendment printed in the report of the Committee on Rules shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Each amendment printed in the report shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent and shall not be subject to amendment (except as specified in the report and except that the chairman and ranking minority member of the Committee on Armed Services each may offer one pro forma amendment for the purpose of further debate on any pending amendment).

(c) All points of order against amendments printed in the report of the Committee on Rules are waived.

SEC. 3. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes.

SEC. 4. The Chairman of the Committee of the Whole may recognize for consideration of any amendment printed in the report of the Committee on Rules out of the order printed, but not sooner than one hour after the chairman of the Committee on Armed Services or a designee announces from the floor a request to that effect.

SEC. 5. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The CHAIRMAN pro tempore. Pursuant to House Resolution 504, the gentleman from Indiana (Mr. BUYER) and the gentleman from Mississippi (Mr. TAYLOR) each will control 15 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BUYER) is recognized.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I offer would require the expansion of Medicare Subvention, TRICARE Senior Prime Program, by the end of 2002 up to 13 more hospitals, bringing the total number of hospitals offering enrollment in Medicare Subvention to 24, and making an additional 140,000 retiree eligibles for enrollment.

We seek to extend Medicare Subvention, TRICARE Senior Prime demonstration project, through December 31, 2003. We require the Secretaries of Defense and Health and Human Services to take measures necessary to ensure the program is being administered in a fiscally sound manner and in accordance with the original legislation.

We also require GAO to oversee the efforts of both Secretaries. We ensure that the current subvention sites continue and care for the current participants is not interrupted.

We also ask that direct payments go directly to medical treatment facilities where the program is being offered.

We also seek to eliminate discrimination among enrollees allowed to "age into" the program by removing the requirement that their care be managed by a military treatment facility prior to enrollment.

We also seek to provide Medigap insurance protection to enrollees as if they were enrolled in the Medicare+Choice Plan.

We will also seek to implement the utilization management controls to keep the program within the budget caps as set by the budget resolution.

We also seek to require several reports on the efficacy of the demonstration project to be considered by the Congress in making the final decision in the year 2003 about the type of care we seek to extend to the Medicare eligible military retirees.

Mr. Chairman, I reserve the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Buyer plan calls for a very limited program that would end in 2003. The Taylor plan calls for a nationwide program that would begin now and remain as long as we are a republic.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FARR), one of the sponsors of the Taylor amendment.

Mr. FARR of California. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for yielding me the time.

Mr. Chairman, I have a great deal of respect for all the members of the committee that are dealing with this issue. I am not a member of that committee, but I do have some experience in this issue. I represent the largest base closure in the United States where they closed the military hospital. Out of that developed a veterans health clinic.

What I am seeing in this debate and I think our problem here in Congress is that we know about the promises and promises and promises that were made, but when we get down to trying to implement the promises, we find we have excuses, excuses, excuses. Those excuses are sort of promises dependent upon multi-layered solutions, promises dependent upon studies, promises dependent on delays on pilot programs and so on.

I mean, the fact of the matter is that we have military hospitals and we have veterans clinics. I know that there is a different jurisdictional issue here, but to the people outside of this building, they do not understand that.

Most hospitals in America are having a problem of being filled because our delivery of medicine is being more adequate. We have enough facilities out there. And what we have is a process that does this, they say they can go to a military clinic and they can get care and there is where their records are, those are where their identities are with their professional staff, but when they get to the age of 65, they are out, to go out in the private sector and, for the first time in their life perhaps, a doctor that will provide service for them and accept Medicare payments.

This is a whole new series. Think if they are a widow who has been in the military service and has not been able to understand the private sector. So we kick people out at a very vulnerable time, they lose that rapport, their records are not in one place.

What we are saying here is why not have, and this is where I think we are crazy on our budgeting of this stuff, why not allow a continuum of care at age 65 in the very same place they have been getting it, whether it is a veterans clinic or a hospital.

This amendment should be defeated.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPENCE), the chairman of the Committee on Armed Services.

Mr. SPENCE. Mr. Chairman, I rise in support of the Buyer amendment.

Mr. Chairman, the Buyer amendment provides a reasonable expansion of Medicare Subvention by adding up to 13 more hospitals to the 11 already participating today. It also provides 146,000 more retirees the eligibility to enroll in the program, where today we only have 30,000.

What the gentleman from Indiana (Mr. BUYER) proposes fully complements the superb health care reforms contained in the base text of our bill. In addition to restoring the access of 1.4 million retirees to the prescription drug benefit they have earned, this bill provides a process by which a permanent, comprehensive health care benefit can be provided to Medicare-eligible military retirees. The Buyer amendment substantially advances that process.

I am also swayed to support the Buyer amendment by the cautions raised by General Mike Ryan, the Chief of Staff of the Air Force. He does not believe that the current Medicare Subvention program is sustainable fiscally over the long term. In my view, that serious caution must not be disregarded as we make decisions with regard to changes in the level and scope of medical benefits for our military retirees.

I urge my colleagues to support the Buyer amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me point out that General Ryan is a four-star general. When he retires, the private sector will be beating his door down to offer him outstanding opportunities.

I am more concerned with the sergeants and chief petty officers who do not have that financial security, and that is why we are trying to make Medicare Subvention on a nationwide basis for all military retirees.

Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking Democrat on the Committee on the Budget and the senior member of the House Committee on Armed Services.

Mr. SPRATT. Mr. Chairman, I represent a lot of military retirees; and I can speak to the sentiments others have voiced that they feel betrayed.

This bill is an effort to try to make them feel that we are keeping the promises we made about military health care for life when we induced them to serve the better part of their adult lives in the armed services of the United States.

The base bill here is basic. What it simply says is that, when they turn 65, if they are a military retiree, they can keep on going to a military treatment facility for medical care and the care they receive, if they have the space available, the resources available, will be paid for by Medicare, by HCFA.

□ 1830

If the military treatment facility is not able to provide that care, then the retiree would continue to receive benefits that he had been receiving under the TRICARE program. Basically if the resources are not there, if the treatment facility cannot accommodate the military retiree, then that person will go back into the private network that he has always used if he has been a subscriber to TRICARE. This provides among other things for continuity of care. It will help us get military retirees to join TRICARE because they know when they get to be 65, they will not have to start all over again with a new battery of doctors and new treatment facilities.

The Republican-passed budget, when it came to the floor, initially did not provide enough money for this, nor did it provide enough money for a pharmacy benefit. When it came back to us from conference, the conference report, however, provided $400 million, anticipating it might be used for something like this. And so that is exactly what we are doing. We are saying, let us use the money that is provided in the budget resolution to extend the Medicare program, extend the benefits of the Medicare program to military retirees so that they can go to those military treatment facilities they have always used. It is fair, it is sensible, it is affordable, it is not a token, it is substantial. We ought to do it.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I rise today in support of the Buyer amendment, and I believe that that amendment and frankly the underlying goal of the underlying amendment are both well-intentioned. However, I believe that subvention does not do it all for all the people we need to help. We are not keeping the commitment that we must keep to the retirees. When you come from a district like mine where we have no base to argue about a clinic, whether it is great for geriatric patients or not, they end up having to drive 640 miles round trip to McClellan from Oregon just so they can get their prescriptions filled.

So I am not ready to write a blank check here on subvention. I think the Buyer approach is the best approach, take this a step at a time while we do what my colleague from Oklahoma recommended about getting a card for everybody, so that my veterans and retirees do not have to make this trip.

I commend the gentleman and the chairman for their work so that they can get prescription drug coverage, because right now these people are boarding buses once a month to go to McClellan so that they can establish their ability to get prescription drugs. Do you want them to drive over mountain passes in the middle of the winter 300 miles each way to do that? This legislation fixes that problem. I commend both of the gentlemen and all the members of this committee for taking care of that. I support the Buyer amendment so we do the right thing here and not write a complete blank check.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Let me point out a couple of things. The Taylor amendment does not deprive any single program of one cent. It is an expansion of health care made permanent in military installations. The Buyer bill, throughout the entirety of the bill, says "may be carried out at a limited number of places" and it expires in 2003.

Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. NORWOOD).

Mr. NORWOOD. I thank the gentleman for yielding me this time.

Mr. Chairman, let me say that with some difficulty I am going to vote against the gentleman from Indiana and for the gentleman from Mississippi's amendment. But I want to make it very clear that I have no greater respect for anybody in the world than the chairman of this committee and the gentleman from Indiana in their efforts to improve the defense of this Nation and in their concern for caring for our veterans and our retirees.

They do not have to take a back seat to anybody on that. The wonder of this debate is, however, that we are really here today, all of us, trying to find a solution to a problem that we have known about a long time, and it started some years ago as a little low roar and now, by golly, we are in here fighting it out how who can do the best for our particular veterans. Medicare subvention, in my view, and in the gentleman from Mississippi's view is probably the better way to go. It does not fulfill our commitment totally, nor does it force our veterans to go to military treatment facilities. They do not have to do that. They can continue to go to civilian facilities if they like.

Now, I am concerned about the difference in the cost. However, there is something badly wrong there. HCFA pays the same thing for an MRI, whether they go to Eisenhower Army Hospital or whether they go to a civilian community. The question is what is causing that cost and that is exactly what we need to do. We need to fix that and make sure it is cost neutral. I believe that we can do that if we put sort of the wheel to the grindstone. When we get through passing this today and giving our retirees part of what we owe them, Medicare subvention, we need to continue pushing, we need to continue to have this debate, and there is a bill for us all that will allow all of our retirees to be able to use the very health plan we have, the Federal employees' plan. That is what they want to do. They just want the same thing that we get, and there is absolutely no reason that you can justify that we should not do that and do that this year, do it immediately and keep our word.

Mr. BUYER. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. CUNNINGHAM).

Mr. CUNNINGHAM. Mr. Chairman, I take a back seat to no one as far as veterans and trying to help them, whether it is FEHBP, subvention, or other programs. I fought for their COLAs and I fought for their funding. I am a veteran. I am a combat veteran. I have health care needs because of that combat. And I understand the need. I have gone into hospitals where a general running a military hospital said, "Duke, I'm losing two or three veterans a week from World War II, and they're not getting the health care that they need." And I understand what the gentleman is doing probably more than anybody in this room.

My veterans in San Diego wrote the subvention bill, the original one. I fought it through this body and through the Senate, and the White House limited it to a pilot program.

And the whole idea of it was that you could use Medicare at a hospital, a military hospital where you do not have large overheads. I am giving you the other side of your position, which is good, because I am trying to show you where my heart is. That because you do not have to pay for illegal aliens and children born out of wedlock and all of those things at a military hospital, you actually save Medicare dollars. I do not think they take that into account when they talk about, my side, talking about the expanded cost of it. We save Medicare dollars. It costs the military, but there needs to be a change in that.

But I want to tell you something. TRICARE, when you talk to the veterans is a Band-Aid. Subvention is a Band-Aid, even if it is expanded. Because instead of having to drive hundreds of miles just to fill a prescription, if you have a military hospital close to you, then it is okay, it is good, in the advancement of subvention. But if you live in a rural area, then you are left out.

What I want to do is work with the gentleman from Indiana and the gentleman from Mississippi and the rest of you to bring about a program of FEHBP where if you have a civilian working along with a lieutenant, the civilian at the end of the 20 years will get FEHBP supplement to Medicare and the military does not. If we will provide subvention along with that, but I do not know what that mix is.

Mr. SKELTON. Mr. Chairman, if the gentleman will yield, the bill does provide very properly and excellently, I think, for other ways to obtain prescription as opposed to just going to military hospitals.

Mr. CUNNINGHAM. I understand that. But I want to tell you, if we jump off into this, we may prevent in the future with this commission looking at what we could do to help everybody, not just the people that live next to a hospital. And that is my goal. I want to fight for that, and I want to work with the gentleman. But we cannot on this basis.

Mr. TAYLOR of Mississippi. Mr. Chairman, in addition to the broad base of congressional support, the Taylor amendment has been endorsed by the Military Coalition, a group of 24 veterans groups; the National Military Veterans Alliance; the Retired Officers Association; and the Retired Enlisted Association. It has also been endorsed by the gentleman from New Jersey (Mr. ANDREWS) to whom I yield 2 minutes.

Mr. ANDREWS. Mr. Chairman, I thank the gentleman from Mississippi for yielding me this time. I rise in opposition to the amendment and in strong support of his proposal. This country made a promise to its veterans of lifetime quality health care. I know both of the contestants in this debate are honorable people that want to meet that objective. I believe that the gentleman from Mississippi's approach is absolutely the right way to do it. That promise did not say that you get lifetime quality health care on conditions.

There are veterans in this country that are about to turn 65 who want to continue their care at a veterans health facility and have Medicare pay for it. That is the way they have chosen to have that promise honored. But the promise did not say that it will be honored if you are lucky enough to live near one of those 14 places. The promise did not say that the promise would be honored if one of those 14 places has a major medical center. The promise did not say you would have to wait for over 2 years if you live in one of the new places, and it did not say that the promise expires in 2003. It says it for keeps and forever.

At a time when the country is bringing in about $1.05 in revenue for every $1 we spend, I believe the money is here. I think this is a question of will, not fiscal ability. I believe that there is both Republicans and Democrats that will be supportive of the gentleman from Mississippi's approach. I think the right way to do that is to reject the amendment before us and strongly support the gentleman from Mississippi's approach which I do.

Mr. BUYER. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HUNTER).

Mr. HUNTER. Mr. Chairman, I thank the gentleman for yielding me this time. I want to thank all my colleagues, the gentleman from Mississippi, the gentleman from Indiana, all of the folks that have spoken on this important issue, because I think together you are all a great team and we have come a long ways.

With respect to the gentleman from Maryland (Mr. BARTLETT) talking about the promises that were made and the brochures that were distributed, I just want to let my colleagues know that when I went down to the post office and signed up to go to Vietnam, all they told me was "get on the bus," but I know that promises were made and extended to American veterans and retirees deserve that reciprocity and that trust.

Mr. Chairman, I yield to the gentleman from California (Mr. CUNNINGHAM) so he can finish his statement. He is the father, at least in my mind, of subvention, and he did a lot of great work on it in the early times.

Mr. CUNNINGHAM. I thank the gentleman from California for yielding.

Mr. Chairman, if anybody should know the merit of this bill, it is the originator of the bill and what it stands for and what we can and cannot do with it. I want to use part of the subvention in whatever we go forward with. But my fear is if we go ahead with this, we may prevent an overall support for a bill that is going to help all veterans.

I want to tell you something. We told you that when you voted to go into Somalia, we have spent $2.4 billion into Haiti. We went to Iraq, we went to Sudan and bombed an aspirin factory with the White House, and all of these things, $200 billion. We could have more than paid for all of this. But yet, your liberal left on the Democrat side, oh, we need to go into Haiti, we need to go into Somalia, we need to go into all these other places. We said there would be a cost. I do not care so much about the cost of this that I want to take care of the veterans, but there is limited dollars in what you do.

Mr. HUNTER. I thank the gentleman. We have a limited amount of time. I thank him for his championing of the subvention system. Let me just say to my colleagues that we have the three options, FEHBP and supplemental and subvention. Let us give them all a chance. Let us go with Buyer.

Mr. TAYLOR of Mississippi. Mr. Chairman, again in addition to the Military Coalition, the National Military Veterans Alliance, the Retired Officers Association, the Retired Enlisted Association who have all come out in favor of the Taylor amendment is the Colonel from the Tennessee National Guard, the gentleman from Tennessee (Mr. TANNER) to whom I yield 2 minutes.

Mr. TANNER. Mr. Chairman, I want to thank the gentleman from Mississippi for yielding me this time and I want to urge the defeat of this amendment. This is not hard. We have made promises to people who have given their productive lives to the uniformed service of this country. This is an attempt to partially fulfill that. The money we are talking about is within the caps. There is absolutely, in my mind, no good reason that we cannot at least partially fulfill what we told people that we would do as a Nation, as a grateful Nation for their service to this country.

Now, you talk about the liberal left, somebody said, about limited dollars. Yes, there are limited dollars around here.

□ 1845

But it is not too limited that we cannot vote for a $800 billion tax cut. This is about priorities. Are you for a tax cut, or are you for doing what we told veterans who gave their productive lives to this country we would do for them when they got through? It is not hard, it is not complicated; it is within the budget caps, it ought to be done, and this amendment ought to be defeated.

Mr. BUYER. Mr. Chairman, I wondered how long it would take before we get a little politics involved in the issue. I thank the gentleman from Mississippi (Mr. TAYLOR).

Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. SAM JOHNSON), one of our true American heroes.

Mr. SAM JOHNSON of Texas. Mr. Chairman, I appreciate the position on both sides, and I thank the gentleman from Indiana (Mr. BUYER) for offering this amendment.

As a veteran and former prisoner of war, I support ensuring veterans have access to the best health care our Nation has to offer. The amendment before us would extend Medicare subvention through 2003 and allow Medicare to pay for military retirees to get the health care they need at veterans hospitals.

To suggest that we are abrogating our responsibilities to America's veterans is just plain wrong. Before we make any program permanent, we ought to make sure that all the health care needs of our veterans are being met.

We have got to do the right things by our veterans. TRICARE is not working. We are committed to this Nation's veterans and our promise of lifetime health care. Let us make sure it is right when we do it.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have the greatest respect for the gentleman from Texas (Mr. SAM JOHNSON), but if the gentleman from Texas had read the Buyer amendment, he would notice that it limits the number of sites where Medicare subvention will be allowed; it says it may be carried out, it does not say it shall be carried out, and it expires in 2003.

Quite frankly, our Nation's military retirees are tired of being told maybe, sort of, kind of, if we get around to it. The Taylor amendment says we are going to do it, we are going to fulfill the promise. The Buyer amendment says we might. It is that simple.

Mr. Chairman, I yield 1 minute to the gentleman from Mississippi (Mr. SHOWS), the champion in the United States Congress as far as health care for military veterans and military retirees.

Mr. SHOWS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I appreciate the opportunity to be here to talk about something that means a lot to me and I think millions of Americans across this country, and that is being fair to our military retirees.

I have actually talked to men and women who were recruiters, who are retirees, and they hang their head in shame because they promised these other young men and women when they joined the service they would have health care for the rest of their lives if they stayed 20 years.

Mr. Chairman, just imagine yourself in a foxhole, or out fighting a war or a conflict or something like that, and trying to help this country survive to keep us free where we can participate today, thinking when you get out, you are going to have free health care for the rest of your life, or health care access. TRICARE does not work, CHAMPUS did not work, we are trying to get subvention and what Congressman TAYLOR is trying to do now.

This is something that is important. It meets the 4 R's, as far as I am concerned. It meets the recruitment, retention, military readiness, and it is the right thing to do.

Let us think about our military retirees. I ask Members to support the Taylor amendment.

Mr. BUYER. Mr. Chairman, I have no more speakers.

Mr. TAYLOR of Mississippi. Mr. Chairman, I would say to the gentleman from Indiana (Mr. BUYER), I have the luxury of a team that is going to win on this.

Mr. Chairman, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), another key member of that team, and a member of the House Committee on Armed Services.

Mr. LARSON. Mr. Chairman, I rise to oppose this amendment. I have great respect and admiration for the gentleman from Indiana (Mr. BUYER) and his efforts on this committee, and I applaud those efforts.

As has been said by many of the people that have risen today, we worked very hard as a committee to come to solutions. I believe, however well intended the gentleman's solution is, that it only goes part of the way, and that the wisdom behind the amendment of the gentleman from Mississippi (Mr. TAYLOR) and the time that it allows from its inception to its fulfillment, will provide us the remedies, whether the gun has been jammed, whether the program has been crippled, to correct those problems within the system, so that we can provide for our veterans what they richly deserve, the fulfillment of the commitment and the pledge that we made to them.

Mr. BUYER. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. LAHOOD). The gentleman is recognized for 3 minutes.

Mr. BUYER. Mr. Chairman, I welcome the gentleman from Mississippi (Mr. TAYLOR). When you look at the amendment itself, when the gentleman said "what Buyer offers is a 'might,' it might happen," no. In the amendment we say in here "the project shall be conducted at any site that includes a military treatment facility that is considered by the Secretary of Defense to be a major medical center."

So what is that? That is the National Capital region, which is Walter Reed, it is Bethesda, it is Malcolm Grow, it is Fort Belvoir. Then we also go down to the Tidewater area, that is, Portsmouth. It is Naval Hospital, it is Langley Air Force Base, it is Fort Eustis. Then we drop down to North Carolina, it is Fort Bragg. In Georgia, it is Eisenhower Medical Center. In Ohio it is Wright-Patterson Air Force Base. In Texas it is William Beaumont. In California it is Travis Air Force Base. In Hawaii it is Tripler.

Now let me address this, "Oh, this only does it part of the way, and, gee, is this really going to take care of everyone?"

Mr. Chairman, I tried to do this pie and tried to explain it to everybody. Now I am going to grab the back of the chart and I am going to do another what I say is truth in advocacy. Let me just define this for everyone. Let me show you this really quick.

When you draw the whole of the pie, cut it in half, because this half over here represents how many military Members actually live in close proximity to a medical treatment facility. Now, of that half, of the 1.4 million, Medicare subvention, if we go permanent, it only addresses 20 percent of the half, which is only 10 percent of the 1.4 million. That is only 140,000 of the military retirees that we actually take care of. Why? Because of the capacity question.

So, even in my amendment, when we expand it to the major medical centers, it makes eligible 146,000 military retirees, but we only have room at the facilities that I listed for 30,000.

Then I had the list of all the other medical treatment facilities that the gentleman from Mississippi (Mr. TAYLOR) would add. What would it add? It would then make 195,800 eligible to enroll, but, at most, there is only room for 39,000. See, we have to be very, very careful between our rhetoric and demagoguery and what this really does.

Now, I have great respect, and I will say it again, with the gentleman from Mississippi (Mr. TAYLOR), because we are going to continue to work, whatever the outcome here, as we move to conference. But I think what is extremely important for us to do as a body is all these demonstration projects, we get our arms around them all; we get our arms around them, we actually have good analysis of the data so we can deliver the plan. In the meantime, we get the pharmacy benefit and we try to make sense out of this very complex military health system that we have. That is our pursuit.

Mr. Chairman, I ask all Members to vote for the Buyer amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. TAYLOR of Mississippi. Mr. Chairman, the Taylor amendment tells the Department of Defense to do it and we tell HCFA to pay for it. Our Nation's military retirees kept their word; we want our Nation to keep its word.

Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr.

CLEMENT), a recently-retired Colonel from the Army National Guard.

Mr. CLEMENT. Mr. Chairman, I thank the gentleman from Mississippi (Mr. TAYLOR) for standing up for so many military retirees that need help, deserve help. Let us, once and for all, keep those promises.

The Taylor amendment corrects the inequity for military retirees dropped from TRICARE at age 65, to now enable them to continue to access the TRICARE benefits at the military treatment facilities. That is what it does, and that is what we are trying to accomplish here. That is not asking too much.

I served 2 years in the regular army, and then I joined the National Guard, and I am around military people, like many of you, on a daily basis. Being a Member of Congress, I have fought, ever since I have been here for the military retirees, to stay on track and do what we said we would do and keep our promises.

The gentleman from the great State of Mississippi (Mr. TAYLOR) has stepped forward, a great champion for the military retirees, and for the defense budget and all that, and he knows the issues, and he is offering some legislation that will, once and for all, correct a lot of these problems. What it offers, more than anything, is peace of mind, and peace of mind means a lot to our military people, when they do not know about what options are available to them anymore and they see so much deterioration in veterans affairs programs.

I used to be on the Committee on Veterans Affairs, just like the gentleman from Indiana (Mr. BUYER) and others have served on it, and I know the issues.

Let us stand and support the Taylor amendment, because it is the right thing to do.

Mr. TAYLOR of Mississippi. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HASTINGS).

Mr. HASTINGS of Florida. Mr. Speaker, I rise in strong support of the Taylor amendment and against the Buyer amendment.

Mr. SKELTON. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman is recognized for 5 minutes.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to the gentleman from Mississippi (Mr. TAYLOR), the sponsor of this amendment.

Mr. TAYLOR of Mississippi. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, I would again like to remind everyone that the Taylor amendment has been endorsed by the Military Coalition, the National Military and Veterans Alliance, the Retired Officers Association and the Retired Enlisted Association.

A week from Monday we will all be honoring our veterans at Memorial Day. We are going to honor them for what they have done, the many who died, the so many who were away from their families, who lost their sight, their limbs, their loved ones. What better way to honor our veterans than to finally say to them we are going to keep our word, we are going to fulfill the promise that was made to you the day you enlisted?

Mr. Chairman, I attended Walter Jones Sr.'s funeral, and I remember the preacher saying a quote by a man named Everett Hale, he was using it to describe Walter, Sr. He said "I am but one, but I am one; I can't do everything, but I can do something; and those things that I can do, I should do, and, with the help of God, I will do."

We are 435 Members of Congress, given the awesome opportunity to do what is right for our Nation's veterans. I am asking Members to step forward. We are not going to solve every problem in the world, there will still be other things. But we have the opportunity to do what is right for our Nation's military retirees, to say to them we are going to fulfill the promise at every base hospital in America, for every one of you, and it is forever. We are not going to cut you off in 4 years. We are going to keep our word.

Let us do what we can to make the world a better place. Let us fulfill our promise to our military retirees.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are charged to do our best for the people that we represent, for the people of our country. In this particular case, by voting for the Taylor amendment, unamended, we will be doing our best.

Mr. Chairman, I yield back the balance of my time.

Mr. SPENCE. Mr. Chairman, I move to strike the last word.

The CHAIRMAN pro tempore. The gentleman from South Carolina is recognized for 5 minutes.

Mr. SPENCE. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. THOMAS).

Mr. THOMAS. Mr. Chairman, I think what we owe the American people, the veterans, the military retirees, is the truth, and I have not heard much of that here tonight. The idea that military retirees, if the Taylor amendment passes, can now go to military hospitals, and if you are Medicare-eligible, receive care, is simply not true.

□ 1900

It was not true yesterday. It is not true today. It is not going to be true tomorrow.

I heard a lot of people saying we promised the military and that we ought to deliver on the promise. What is being proposed does not deliver on the promise.

If we heard the gentleman from Oklahoma, if we really truly want to provide healthcare to all Americans and most especially veterans and military retirees, we ought to make sure they have the ability to get it where they are able to get it, as close to them as possible; not at isolated locations called military hospitals.

The whole approach of trying to say one does not have to change, notwithstanding the fact that they are a widow and they have moved away from the area that their husband served his military service in, that they have to locate a particular physical place for them to get the benefit that we promised, is 19th Century thinking. It is worse than 19th Century thinking. It is telling people we are going to deliver a hope and a promise and, in fact, shatter a belief once again.

Now I do believe there has been some enlightenment in the understanding that there needs to be a change in the way in which we honestly meet a commitment to our veterans and to our military retirees. It frankly is not the Buyer amendment. It most certainly is not the Taylor amendment, because it makes permanent a flawed system which guarantees it fails.

Now, I didn't have to speak on this. I could have sat on the sidelines but what I do not want to be done is what has been done repeatedly, and that is make a promise that cannot be delivered, because the Taylor amendment does not do it. At least we are moving forward with the Buyer amendment, and I would ask my colleagues to be responsible in moving forward.

Mr. SPENCE. Mr. Chairman, I yield the balance of my time to the gentleman from Indiana (Mr. BUYER).

Mr. BUYER. Mr. Chairman, I thank the gentleman from South Carolina (Mr. SPENCE) for yielding the balance of his time.

Mr. Chairman, I do not believe that any of the Members who have spoken here today or those of whom served dutifully on the Committee on Armed Services can claim the cornerstone of fulfilling the promise, because I believe in fact we are all working in that direction.

I also will concur with the gentleman from Missouri (Mr. SKELTON) in that we are all charged to do our best, honor the commitment. Those are all the words that all of us will use, but let us be very careful.

I am always extra cautious not to create unrealistic expectancies among populations, and here in particular the military retiree. Let us say that today we even voted to make Medicare subvention permanent. Okay. Let us do a hypothetical. We vote to make it permanent right now. None of us can go back to our districts, pound the chest and say we have now fulfilled the promise and all the military retirees are taken care of.

The reason I drew out the pie and tried to show the map is the total eligibility of military retirees next to the medical treatment facilities is about 350,000. Of that 350,000, because of the limited capacity, we can only do about 69,000, which means out of 1.4 million military retirees we are only talking about 69,000. So let us be very honest with ourselves about what we are doing here today.

It is a pilot program that is flawed at the moment. It is running a deficit to the Department of Defense of $100 million. One says, well, money does not matter. Oh, really? Go back home and say that again.

Money does matter. We have to make sure that we make the right decision, and what we have done is laid forth the methodology to deliver the care.

In 2002, when we get that report from the independent advisory council, Congress will work with OMB, work with the Department of Defense; in 2002, put together the program, make sure the $9 billion to $10 billion will be in the budget; it comes over here; in October of 2003, this question is done. It is done, but what we have done is made sure that what we do is the right thing.

We do not have the capacity today to say, well, I already know the answer; we are going to do it; we are just going to make Medicare subvention permanent. Permanent when it only addresses a small minority of individuals who are located next to a medical treatment facility?

Let us do the right thing. Let us take the time and do the analysis.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Indiana (Mr. BUYER) as a substitute for the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. Pursuant to clause 6(f) of rule XVIII, the minimum time for electronic voting on the underlying Taylor amendment, if ordered, will be 5 minutes.

The vote was taken by electronic device, and there were—ayes 95, noes 323, not voting 16, as follows:

[Roll No. 206]

AYES—95

Archer
Armey
Ballenger
Barrett (NE)
Bateman
Blunt
Boehner
Bonilla
Brady (TX)
Bryant
Burton
Buyer
Cannon
Castle
Chabot
Chenoweth-Hage
Combest
Cook
Cox
Crane
Cunningham
DeLay
DeMint
Doolittle
Dreier
Dunn
Ehlers
Ehrlich
Everett
Ewing
Fowler
Gekas
Gilchrest
Gillmor
Goodling
Goss
Graham
Granger
Greenwood
Hansen
Herger
Hobson
Hoekstra
Hostettler
Houghton
Hunter
Hutchinson
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kingston
Knollenberg
Largent
LaTourette
Lewis (CA)
Martinez
McCollum
McKeon
Metcalf
Mica
Miller, Gary
Ose
Oxley
Packard
Pease
Pitts
Portman
Pryce (OH)
Radanovich
Regula
Reynolds
Ryun (KS)
Sanford
Sensenbrenner
Shays
Sherwood
Shuster
Simpson
Souder
Spence
Stark
Stearns
Stump
Sununu
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Toomey
Vitter
Walden
Weldon (PA)

NOES—323

Abercrombie
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Barcia
Barr
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Burr
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Condit
Conyers
Cooksey
Costello
Coyne
Cramer
Crowley
Cubin
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Edwards
Emerson
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Green (TX)
Green (WI)
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Hoyer
Hulshof
Hyde
Inslee
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E.B.
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller (FL)
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pombo
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Reyes
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Shimkus
Shows
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spratt
Stabenow
Stenholm
Strickland
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tierney
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—16

Ackerman
Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Meehan
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento

☐ 1927

Ms. ROS-LEHTINEN, Mrs. NORTHUP, Mrs. BIGGERT, and Messrs. SWEENEY, YOUNG of Alaska, TANCREDO, CONYERS, LAHOOD, NUSSLE, BASS, ROGERS, HYDE, MILLER of Florida, ROGAN, WELLER, CALVERT, RUSH, DIAZ-BALART, DICKEY, TERRY, WELDON of Florida, PETERSON of Pennsylvania, and HORN changed their vote from "aye" to "no."

Messrs. HOBSON, STARK, and CHABOT changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the amendment offered by the gentleman from Mississippi (Mr. TAYLOR).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 406, noes 10, not voting 18, as follows:

[Roll No. 207]

AYES—406

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—10

Archer
Buyer
Houghton
Packard
Sanford
Sensenbrenner
Shays
Stark
Stump
Thomas

NOT VOTING—18

Ackerman
Campbell
Ford
Franks (NJ)
Lewis (GA)
Lipinski
Meehan
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Waters
Woolsey

□ 1934

Mr. NADLER changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SPENCE. Mr. Chairman, I include the following exchange of letters for inclusion in the RECORD.

COMMITTEE ON EDUCATION
AND THE WORKFORCE,
*Washington, DC, May 11, 2000.*
Hon. FLOYD SPENCE,
*Chairman, Committee on Armed Services, Rayburn HOB, Washington, DC.*

DEAR CHAIRMAN SPENCE: Thank you for working with me in your development of H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, specifically:

1. Section 341, Assistance to Local Educational Agencies that Benefit dependents of Members of the Armed Forces and Department of Defense Civilian Employees.

2. Section 342, Eligibility for Attendance at Department of Defense Domestic Dependent Elementary and Secondary Schools.

3. Section 504, "Extension to end of calendar year of expiration date for certain force drawdown transition authorities."

4. Section 1106, "Pilot Program For Reengineering the Equal Employment Opportunity Complaint Process."

As you know, these provisions are within the jurisdiction of the Education and the Workforce Committee. While I do not intend to seek sequential referral of H.R. 4205, the Committee does hold an interest in preserving its future jurisdiction with respect to issues raised in the aforementioned provisions and its jurisdictional prerogatives should the provisions of this bill or any Senate amendments thereto be considered in a conference with the Senate. We would expect to be appointed as conferees on these provisions should a conference with the Senate arise.

Again, I thank you for working with me in developing the amendments to H.R. 4205 and look forward to working with you on these issues in the future.

Sincerely,

BILL GOODLING,
*Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, DC, May 12, 2000.*
Hon. FLOYD D. SPENCE,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you regarding H.R. 4205, legislation that was ordered reported by the Committee on Armed Services on May 10, 2000.

As reported, H.R. 4205 contains language within the Rule X jurisdiction of the Committee on the Judiciary, specifically sections 543, 906, and 1101.

The Judiciary Committee staff was consulted on these provisions of the bill to the satisfaction of this Committee. For this reason, the Committee does not object to the terms of this provision, and will not request a sequential referral. However, this does not in any way waive this Committee's jurisdiction over those portions of the bill which fall within this Committee's jurisdiction, nor does it waive the Committee's jurisdiction over any matters within its jurisdiction which might be included in H.R. 4205 during conference discussions with the Senate.

Sincerely,

HENRY J. HYDE, *Chairman.*

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HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
*Washington, DC, May 12, 2000.*
Hon. FLOYD SPENCE,
*Chairman, Committee on Armed Services, House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: In the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over the following sections of FY 2001 Defense Authorization Bill, H.R. 4205.

Section 518: Extension of Involuntary Civil Service Retirement Data for Certain Reserve Technicians.

Section 651: Participation in the Thrift Savings Program.

Section 723: Extended Coverage under Federal Employee Health Benefits Program.

Section 801: Extension of Authority for the Defense of Defense Acquisition Pilot Program: Reports Required.

Section 906: Organization and Management of Civil Air Patrol.

Section 1101: Employment and Compensation Provisions for Employees of Temporary Organizations Established by Law or Executive Order.

Section 1102: Restructuring the Restriction on Degree Training.

Section 1104: Extension of Authority for Civilian Employees of the Department of Defense to Participate Voluntarily in Reductions in Force.

Section 1106: Pilot Program for Reengineering the Equal Employment Opportunity Complaint Process.

Section 2939: Land Conveyance, Charles Melvin Price Support Center, Illinois.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction over government management issues including matters related to Federal civil service, procurement policy, and property disposal. This action should not, however, be construed as waiving the Committee's jurisdiction over future legislation of a similar nature.

Mr. Chairman, we appreciate your consultation with the Government Reform Committee to ensure that these provisions address the legislative goals of both Committees as well as the American taxpayer.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON,
*Chairman.*

Mr. LEVIN. Mr. Chairman, I support most of the provisions of the Defense Authorization Act; at the same time, I have grave concerns about the Kasich amendment that the House adopted yesterday. In my judgement, the Kasich amendment does serious harm to U.S. policy in Kosovo.

If possible, this amendment is even more misguided than a similar proposal the House rejected earlier this year when we debated the Supplemental Appropriation. The Kasich amendment conditions U.S. participation in Kosovo on whether or not our European allies meet a specified percentage of their aid pledges. All of these so-called burdensharing amendments contain the same fundamental flaw: They seek to abdicate control of U.S. policy in Kosovo to Europe. If the Kasich amendment becomes the law of the land, the decision on whether U.S. forces remain in Kosovo will not be made on the basis of whether doing so is in the best interest of our national security. Instead, the decision will be put on automatic pilot on the basis of what Europe does.

I know some Members of the House honestly disagree with U.S. policy in Kosovo. They feel we should not be there. I disagree with them, but if that's the way they feel, let's debate U.S. participation in Kosovo directly and have an up-or-down vote. Don't try to dress this up as a burdensharing amendment. The fact of the matter is that Europe is already providing 80 percent of the 46,000 NATO troops in Kosovo, Macedonia and Albania. There is no legitimate burdensharing argument that would dictate the withdrawal of U.S forces from Kosovo.

I agree with NATO Secretary-General Robinson who recently wrote that an American withdrawal from Kosovo "risks sending a dangerous signal to the Yugoslav dictator—Slobodan Milosevic—that NATO is divided, and that its biggest and most important ally is pulling up stakes." Having prevailed in Operation Allied Force, we should not now hand Milosevic the victory he could not win on the battlefield.

The Kasich amendment would undermine peace in Kosovo and jeopardize the relationship between the United States and our NATO allies. While I will vote for the Defense Authorization today, I do with the expectation that the Kasich language will be modified in conference with the Senate.

Mr. UDALL of Colorado. Mr. Chairman, I have some serious concerns about aspects of this bill. But I will vote for it because it includes many provisions that are important for our country and for Colorado.

For one thing, today the House adopted the amendment that added a strong statement of the need for the Congress to promptly pass legislation to provide compensation and fairer treatment for workers at DOE nuclear-weapons sites who were exposed to beryllium, radiation, and other hazards. I joined with colleagues from both sides of the aisle in proposing that amendment, which is very important for the nation and especially for the many Coloradans who have worked at Rocky Flats.

Earlier, the House also approved my amendment to assist federal employees at Rocky Flats to make successful transitions to retirement or new careers as we move toward expedited cleanup and closure of the site.

In addition, the House approved the amendment by Representative KASICH and others to condition further U.S. military involvement in Kosovo on more equitable burden-sharing by our NATO allies. I voted for that amendment because I believe our allies should keep their commitment to help us bear the load of peacekeeping in Kosovo. The United States is a great power, and as such must continue to play a leading role in global affairs. That doesn't mean, however, that we should have to carry the weight of the world on our own.

I am also glad that the House adopted the amendment by Mr. DREIER and others to reduce the current six-month waiting period for new computer export controls to a more realistic time period. I believe this is an important step toward developing an effective export control policy that protects our national security at the same time that it ensures continued U.S. technological leadership and competitiveness.

The bill would also make TRICARE's "senior prime" a permanent, nationwide program—a change of great importance to veterans.

However, as I said earlier, I do have serious concerns about some provisions in the bill.

First, the bill's authorized levels exceed last year's appropriated levels by $21 billion, and are $4.5 billion more than the Pentagon requested. I remain concerned that too much defense spending means not enough investment in education, health care, and the needs of our children.

Second, the bill authorizes $2.2 billion for the initial phases of a national missile defense system. I am concerned that the authorization of these funds could encourage a premature decision on the deployment of a national missile defense system. I don't believe that it is an accurate statement to say—as the bill does—that the National Missile Defense Act of 1999 entails a commitment by the President to deploy such a system. In fact, this was conditional on feasibility and on whether we are able to deploy in the context of other arms agreements. I am convinced it would be irresponsible—as well as strategically disadvantageous—for us to make a unilateral move toward an inadequately tested defensive system. Earlier this year I wrote to the President urging that he not make a deployment decision based on politics instead of on diplomacy and technical feasibility, and without weighing considerations of cost. The same holds true for Congress.

The House rejected a proposal to simply close the School of the Americas. Instead, the bill will replace it with a new military training institute that is not substantively different than the current one. I am deeply concerned that this cosmetic change is being viewed as the best we can do to clean up the School of the Americas.

I was also disappointed that the amendment Ms. SANCHEZ proposed did not pass. The amendment would have ensured equal access to comprehensive reproductive health care for all U.S. servicewomen and military dependents.

These are not trivial defects. They are real shortcomings.

Nonetheless, on balance, I think the merits of this bill as it stands outweigh its shortcomings and I will vote for its passage. It is my hope that the bill can be further improved as it moves through the legislative process.

Mr. STARK. Mr. Chairman, I oppose H.R. 4205, the Defense Authorization for Fiscal Year 2001 bill for a number of reasons. This bill spends too much for a national missile defense system that the President hasn't even determined to deploy and it seeks to keep defense contractor coffers plentiful.

H.R. 4205 authorizes $2.2 billion for national missile defense (NMD) systems when President Clinton hasn't made a decision on whether or not to deploy such a system. The President had indicated that he will make his decision later this year. But the longer he waits, the more evidence indicates that deployment is unwise.

Last month, the Congressional Budget Office (CBO) delivered a devastating blow to NMD proponents when they calculated the costs of building and operating the Administration's defenses system at almost $60 billion. For months now, the Pentagon has insisted that the cost of the Administration's system over the next six years was a modest $12.7 billion.

The Pentagon was shocked once again when a recent poll was released that national missile defense is an extremely low priority for Americans. Improving education, protecting Social Security and Medicare, and improving health care coverage are all significantly higher priorities than defense-related matters. I would much rather spend $12 billion to cover 11 million uninsured children—the cost of my MediKids bill.

While GOP feels at liberty to throw more money at the defense industry for deployment of a national missile defense, they considered my amendment unworthy of floor consideration.

I offered an amendment to H.R. 4025 that prevents the use of taxpayer funds at international air and trade shows. Unfortunately, my amendment, along with other amendments that would have saved millions of taxpayer dollars, were not made in order. This is especially egregious because the Defense Appropriations managers on the floor of the House accepted the same amendments last fall.

Currently, the Pentagon pays for incremental costs to advertise sophisticated weaponry and aircraft at international air shows and trade exhibitions. Last year, industry leaders such as Boeing, Lockheed Martin and Raytheon pawned off their wears to developing countries in Rio de Janeiro, Brazil. Lockheed pushed their high-ticket items such as the F–16, while Boeing advertised their FA/18 Super Hornet Fighter. These companies peddle their wares to countries that cannot even afford to feed their own citizens. And the U.S. government helps them to do so by subsidizing the expense at the shows.

The aircraft used during these shows and weapons exhibitions is paid for with American taxpayer dollars. The taxpayer subsidizes the cost of insurance, ramp fees, transportation to and from the show, and payment for government personnel needed to attend and monitor the show.

A conservative estimate of the total cost of taxpayer subsides is $34.2 million per year. This is a blatant form of corporate welfare and wasteful spending by the government.

My amendment prevents any further direct participation of Defense personnel and equipment at air shows unless the defense industry pays for the advertising and use of the DoD wares. The amendment prohibits sending planes, equipment, weapons, or any other related material to any overseas air show unless the contractor pays for all related expenses. If a contractor is making a profit by showing the aircraft, they will also be required to pay for the advertisement and use of the aircraft. In addition, my amendment prevents military and government personnel from lending their expertise at the show unless the contractor pays for their services during the show.

This amendment in no way prohibits the use of U.S. aircraft or other equipment in trade exhibitions. The bill simply takes the financial burden off of the American taxpayer and puts it on the defense contractor.

This is a wasteful practice that must end. It is a shame that my GOP colleagues did not agree that this was a waste of taxpayer dollars and make my amendment in order.

I urge my colleagues to stop throwing money at the defense industry and oppose H.R. 4205.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in support of section 535 of H.R. 4205.

At the National Memorial Cemetery of the Pacific there are 647 nameless remains of soldiers and sailors who died on December 7, 1941 as a result of the attack on Pearl Harbor. They are buried in graves marked simply "unknown."

H.R. 3806, which I introduced on March 1, 2000, would require that the Department of Veterans Affairs add information to the gravestones identifying the ship and the date of the death of those gallant servicemen.

I thank the Chairman of the Armed Services Committee, Mr. SPENCE, for being a cosponsor of the legislation. I appreciate his efforts, and the efforts of the ranking minority member of the Committee, Mr. SKELTON, to include language in H.R. 4205 to recognize these gallant men who gave their lives for their country.

Section 535 of the bill provides that the 74 graves containing the remains of 124 unknowns from the U.S.S. *Arizona* be marked with the name of the ship on which they served. The section is based on the validation of the research of Mrs. Lorraine Marks-Haislip of the U.S.S. *Arizona* Reunion Association and Mr. Ray Emory of the Pearl Harbor Survivors Association by the Director of Naval History. The two historians worked hard using the records of the Army and the Navy to identify the ship from which each set of unknown remains was recovered. The Director of Naval History reviewed the research and confirmed its accuracy.

I look forward to the validation of the remainder of the research of Mrs. Marks-Haislip and Mr. Emory so that the remaining graves of the unknown dead of the attack on Pearl Harbor may be properly marked as well.

Mr. BLUMENAUER. Mr. Chairman, the priorities in this bill are misplaced. For years we made commitments to military retirees that they and their families were entitled to lifetime health care. Some may argue it is too expensive but the commitment was made and people relied upon it.

We can afford to honor our commitments. We are spending too much in this bill on too many unproven technologies, duplicative systems, and Congressional add-ons. We are not spending enough on our people or on environmental remediation of past actions.

We are making a down payment totaling $2.2 billion on a national missile defense system that CBO estimated last month will cost $60 billion over the next 15 years. Many describe our current approach to national missile defense as a "rush to failure" that is resulting in excessive spending on a system that has only a spotty record of success.

We don't need three brand-new advanced fighter jets. We will have military air superiority over all potential adversaries for years to come with our current planes. The combined cost of the Air Force's F–22, the Navy's F–18 E/F, and the Joint Strike Fighter will be well over $350 billion. This bill adds over $3 billion this year for weapons systems that were not requested by the Pentagon and no funds were added to the personnel account for our troops.

Before we embark on new projects, we must address our primary responsibilities of taking care of our people who serve and have served in uniform and cleaning up our environment. If in the name of politics, we can give the military money it cannot afford for projects it does not need or want, then in the name of taking care of people, we can pay the bill and do it right. In the name of national security, we must not shortchange our people or the environment.

I regret that we did not have the opportunity to consider Congressman ALLEN's amendment giving the Pentagon the flexibility to dismantle strategic nuclear missiles it no longer wants or needs. We could save billions if we were not forced to maintain our nuclear arsenal at the START I level of 6,000 strategic nuclear weapons while Russia's forces continue to decline due to aging and funding shortfalls.

I am also disappointed that the McCarthy amendment was not allowed. It eliminated language that discriminates against gun manufacturers that have entered into common-sense agreements with our government to add child safety locks to their product. The McCarthy amendment would have allowed our government to lead by example by giving our business to gun manufacturers who want to bear some part of the responsibility for the end use of their products. The fact that the leadership does not want members to vote on this issue is a sure signal that we would have prevailed. I hope the offending language will be removed in conference before the president signs this bill.

We have to ask ourselves, what is truly important? Should we spend more money on a military that is unrivaled anywhere in the world, while ignoring commitments to our military retirees and family's health care? I think not.

Mr. STUMP. Mr. Chairman, rear (now Vice) Admiral Michael Mullen, Director of Surface Warfare, testified in March before the SASC Sea Power Subcommittee that, in effect, the present absence of naval surface fire support places the lives of Marines "at high risk." Commandant General James Jones testified that "we [Marines] have been at considerable risk in naval surface fire support since the retirement of the Iowa-class battleships." The Navy retired these ships in 1992 even though during the Gulf War they were the only warships we had which could, and did, provide our soldiers and Marines with effective fire support. This left us with zero-capability in this critical area. As the Senate Armed Services Committee declared on July 8, 1995, our decommissioned battleships represent the Navy's "only remaining potential source of around-the-clock, accurate high volume, heavy fire support . . . ." This will remain true for many years to come. As we learned again from Kosovo, bad weather can effectively eliminate air support for our troops in coastal region conflicts. Without surface fire support, they could needlessly suffer heavy casualties. We simply cannot continue taking this risk. It is, therefore, imperative that two battleships be returned to active service as soon as possible to bridge this dangerous fire support gap.

Two battleships, Iowa and Wisconsin, could be reactivated and modernized for about the cost of one new destroyer. The Navy stated that they can be reactivated in 14 months. Measured against their capabilities, they are the most cost effective and least manpower intensive warships we have. The Navy solution, however, is the near term five inch ERGM program and the long term DD–21 and 155mm advanced gun programs. The Navy's unrealistic requirements for this small gun have made the intrinsically flawed ERGM an engineers' nightmare. Moreover, as Lt. General Michael Williams recently testified, ERGM will not have the lethality the Marines need. The complex, still largely notional DD–21 and AGS programs face many challenges and it could well be 12 or more years before they could be fielded. In the meantime, two reactivated battleships could buy time essential for the deliberate and ultimately successful development of the DD–21 concept. General James Jones testified that the absence of naval surface fire support would "continue until the DD–21 . . . joins the fleet in strength." Probably 2020. He earlier had testified that "DD–21 will not be able to match the Iowa-class battleships in firepower and shock effect." He did, however, express positive hopes for the DD–21, but later stated that "the Corps still requires more options." Could any option surpass the already available battleships? It should also be noted that only the battleship is survivable enough for a close-to-shore peacekeeping forward presence, the Navy's main peacetime mission. It alone can provide us a truly menacing visual show-of-force in coastal crisis areas.

Mr. WATTS of Oklahoma. Mr. Chairman, I want to add my support to the FY 2001 National Defense Authorization Act. This legislation applies virtually all of the additional $4.5 billion above the President's request to unfunded requirements identified by the military service chiefs and defense agencies. Unfortunately, this bill cannot solve the fundamental problems facing the U.S. military with a single year's authorization bill. It will take a substantiated effort over a number of years to bring our military forces to the level needed to maintain our national security.

We in Congress must fund the military based on the fact that the first priority of the federal government is national defense. As we look at the defense budget and the U.S. military in general, we need to remember the quote attributed to George Washington, "Those who love peace prepare for war" is as true today as its ever been.

Frankly, I sometimes worry that many people have forgotten the real mission of the military. I firmly believe the U.S. Armed Forces exist for only one reason—to win the nation's wars when told to do so by the elected representatives of American people. To accomplish this mission, we must ensure that our military remains focused on war fighting and readiness. We have done much in this bill that allow our Armed Forces to be prepared to fight not only today, but also tomorrow. First, we have given a well deserved increase in military pay of 3.7 percent. Next, we included increasing funding for National Missile Defense development by $85 million, increasing procurement accounts by $2 billion, and increasing research and development accounts by $1.4 billion.

Finally, we must keep the faith with our veterans and military retirees so that our present and future service members know that the American people, through their elected officials, can be trusted. Toward that end, this bill removes barriers to an effective TRICARE system and generates significant savings that will be redirected to pay for future benefits. It restores pharmacy access to all Medicare-eligible military retirees, and establishes a road map toward implementation of a permanent health care program for military retirees over age 65.

I know some do not believe that a strong defense is necessary today. I believe just the opposite. We must strengthen the Armed Forces by increasing funding of defense and we must insure that our foreign policy makes sense.

I strongly urge my fellow members of Congress to support the Floyd D. Spence National Defense Authorization Act Fiscal Year 2001.

Mr. COSTELLO. Mr. Chairman, I rise today in support of H.R. 4205, the Defense Authorization for FY 2001.

I would like to thank the Chairman and the Ranking Member of the Armed Services Committee for including language I requested to be included to convey the Charles Melvin Price Support Center to the Tri-City Port District located in my congressional district in Southwestern Illinois. The passage of this language will reduce the financial burden on the Army by entering into an interim lease with the Port District. It is in the best interest of the military and the local community. By downsizing the military to convey this property we are setting a good example of peacetime benefits which will also aid in lessening future costs to the Army. I am pleased an agreement was reached to keep the military housing in the area protected. I am confident the Port District will be a good landlord as long as the military has a presence. I am hopeful an interim lease can be entered into expeditiously. While there are several small areas that will need to be worked out in conference, I strongly encourage the passage of this legislation.

However, Mr. Chairman, I was disappointed to learn this morning that Congressman SANFORD will be offering an amendment jeopardizing such conveyances. This is an amendment opposed by the committee. Not only will passage of such an amendment continue to cost the military more money on land they wish to excess, it goes against Congress' best efforts to convey such land to local governmental agencies. Many times these land conveyances offer better resources from local governments than the military may be interested in providing. In many cases the Armed Services Committee has conveyed excess property to local law enforcement agencies—property that is desperately needed in many areas.

Mr. Chairman, I strongly urge my colleagues to oppose the Sanford amendment and support final passage of the Defense Authorization bill.

Mr. LAMPSON. Mr. Speaker, I rise today in support of my amendment to H.R. 4205, the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, to provide assistance to a small but important museum in my district of Galveston, Texas.

The Offshore Rig Museum was opened to the public in April 1997. It is unique among museums in the United States and probably around the world because the Museum was literally created out of a jack-up drill rig, the Ocean Star. The Ocean Star was acquired by the Offshore Rig Museum, a nonprofit corporation established under the laws of Texas, and doing business as the Offshore Energy Center, in 1995. The Ocean Star was a Mobile Offshore Drilling Unit (MODU), built in 1969 at the Bethlehem Steelyard in Beaumont, Texas. The Ocean Star was designed to work primarily in the Gulf of Mexico. During its working life, the Ocean Star drilled about 200 wells. After its working life was over, the Ocean Star was acquired by the Offshore Energy Center and moved to Pier 19 in Galveston and jacked into place for its new assignment as a museum.

Since its opening in April 1997, the Ocean Star has proudly seen close to 100,000 visitors tour this glorious old rig and learn how energy resources are recovered from the world's oceans. The mission of the Museum is to chronicle the unique heritage and technological accomplishments of an industry that discovers, produces, and delivers energy resources to mankind in safe and environmentally responsible ways.

The Museum has educational programs for children as well as for adults. School children regularly tour the Museum to learn about their world's resources and special programs are offered for scouts and other groups. In addition, the Museum offers safety training for offshore workers. I commend the Executive Director of the Museum, Ms. Carol Fleming, for all her hard work in bringing the Museum to life and building its educational and outreach programs.

As a result of acquiring the Ocean Star, the founders of the Museum were forced to assume some financial obligations on an earlier drill rig they had originally acquired from a private party. The earlier drill rig, the Marine 7, was encumbered with a promissory note to the Maritime Administration (MARAD). As a non-profit organization and public Museum, the Offshore Rig Museum has not been able to raise sufficient revenues to make the payments on this note. I have consulted with the Maritime Administration, and they are agreeable to my amendment that will convey full title to the Ocean Star to the Museum and release the note under certain conditions. The Museum has agreed to all these conditions, including the agreement to return the rig to MARAD should the Museum ever stop using the Ocean Star as a museum open to the public. These conditions were worked out with Marad and I appreciate their assistance on this project.

As MARAD understands, this is probably the best use of this obsolete drill rig. The cost to MARAD of foreclosing on the note and having to store and maintain the rig in its defense reserve fleet are certainly outweighed by the benefits of keeping the rig where it is and open to the public as a museum. Numerous other obsolete vessels are proudly serving as maritime museums these days, having being conveyed with special legislation similar to my amendment. The OCEAN STAR is one more proud testament to our merchant marine and offshore energy fleet.

The Offshore Rig Museum is an important part of the Galveston skyline and community. It brings many visitors every year to Galveston and is recognized for its important contributions to education and awareness of our Gulf of Mexico resources. With this amendment, the Museum will continue to do this job proudly and enable future generations of school children to see how we recover energy from the ocean and bring it to our shores.

I thank my colleagues for their support, and especially thank Mr. BATEMAN and Mr. TAYLOR for their assistance.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of section 536 of H.R. 4205.

This section expresses the sense of Congress that the commander of the U.S.S. *Indianapolis*, Admiral (then Captain) Charles Butler McVay III was not culpable for the sinking of the heavy cruiser by a submarine on July 30, 1945. The ship sunk in 12 minutes. Of the 1,196 crew members, only 316 survived the attack and a five day ordeal being adrift at sea before being rescued.

Captain McVay was court-martialed in 1946 for the loss of his ship despite the opposition of Fleet Admiral Chester Nimitz and Admiral

Raymond Spruance. The hurried court of inquiry and subsequent court marital did not provide adequate opportunity for a defense. Furthermore, information which would have exonerated Captain McVay was withheld from him.

Admiral Nimitz recognized the injustice done to Captain McVay and when he became Chief of Naval Operations, he remitted Captain McVay's sentence and restored him to active duty. Captain McVay went on to complete 30 years of active naval service and was promoted to the rank of Rear Admiral effective upon the date of his retirement.

The survivors of the U.S.S. *Indianapolis* still living today have remained steadfast in their support of the exoneration of Captain McVay.

A special word of thanks is due to Hunter Scott for pursuing the vindication of Captain McVay. Three years ago then-12 year old Hunter began his campaign to clear Captain McVay's name. He had thoroughly researched the case and concluded that the Captain was unjustly convicted. Hunter Scott should be proud of his successful effort on behalf of Captain McVay.

I support this long overdue recognition of the Congress that the court martial charges against Captain McVay were not morally sustainable and that his conviction was a miscarriage of justice.

The CHAIRMAN pro tempore (Mr. LAHOOD). The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore, Mr. PEASE, having assumed the Chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes, pursuant to House Resolution 504, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

### MOTION TO RECOMMIT OFFERED BY MR. KUCINICH

Mr. KUCINICH. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KUCINICH. I am, Mr. Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. KUCINICH moves to recommit the bill H.R. 4205 to the Committee on Armed Services with instructions to report the same back to the House forthwith with the following amendment:

At the end of title II, add the following new section:

**SEC. . NMD SYSTEM REDUCTION.**

The amount provided in section 201(4) is hereby reduced by $2,200,000,000, to be derived from funds for the National Missile Defense Program.

Mr. SPENCE. Mr. Speaker, I reserve a point of order against the motion, because we do not even have a copy of it yet. I ask that we get a copy.

The SPEAKER pro tempore. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH) for 5 minutes.

Mr. KUCINICH. Mr. Speaker, my fellow colleagues, today's New York Times reports that Dr. Theodore Postol, a prominent scientist at the Massachusetts Institute of Technology, says that the National Missile Defense Plan that we are considering authorizing at this moment is a hoax. He says that the Missile Defense System cannot distinguish incoming weapons from decoys.

He says in this article, in today's New York Times, that the contractors and the Department of Defense have deceptively planted the data of the tests. I want to repeat that, this article in today's New York Times says from a prominent scientist at Massachusetts Institute of Technology that contractors and the Department of Defense have deceptively manipulated the data of tests for this National Missile Defense System, which this bill will authorize $2.2 billion.

This time we know about the scandal before we vote on the money. Dr. Postol is calling on the administration to appoint an independent high-level scientific panel to investigate alleged efforts to cover up these flaws.

Why would Congress authorize $2.2 billion for more fraudulent tests on the same day that The New York Times carries this story?

I urge my colleagues to vote yes on the motion to recommit in order to give us a chance to take account of the fraud in past tests of the National Missile Defense System and to save the taxpayers billions of dollars in tests. When you have the credibility of the Pentagon and of defense contractors being called into question by a prominent scientist at the Massachusetts Institute of Technology, when this report says they are covering up flaws in data, this makes it a national security matter, because if this system cannot work, then we are telling the American people to pay $2.2 billion in the hope that somehow a system will work when there is data that has been according to this scientist when there is data that has been phonied up.

Now, this is a matter for the taxpayers, and it is a matter for national security. And if we care about national security, if we care about the taxpayers, we will vote to recommit this bill, straighten out this thing in committee and put forth a bill which is good and solid. I know a lot of good Members have done great work on this bill. It is a shame to have the bill clouded up with deception by the Pentagon and by defense contractors.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Does the gentleman from South Carolina (Mr. SPENCE) insist on his point of order?

Mr. SPENCE. Mr. Speaker, I withdraw my point of order.

The SPEAKER pro tempore. The gentleman withdraws his point of order.

Is there a Member opposed?

Mr. WELDON of Pennsylvania. Mr. Speaker, I am opposed.

The SPEAKER pro tempore. The gentleman from Pennsylvania is recognized for 5 minutes in opposition.

□ 1945

Mr. WELDON of Pennsylvania. Mr. Speaker, the gentleman from Ohio (Mr. KUCINICH) is a friend of mine. He and I traveled to Vienna last year to try to write an end to the Kosovo conflict. I have respect for him. I also have respect for the members that sit on the Committee on Armed Services; the gentleman from Missouri (Mr. SKELTON); my friend, the gentleman from Virginia (Mr. PICKETT); the gentleman from Virginia (Mr. SISISKY). We went through this bill after literally hundreds of hearings over the course of the last several months and came up with a solidly bipartisan bill that passed out of committee 51 to 1. The only member that opposed the bill was a Republican who objected to the bill because of the nuclear waste provisions and the impact on his own State. In this subcommittee there were no amendments raised of this type. In fact, our effort on missile defense has continually been bipartisan.

Mr. Speaker, I know Ted Postol. I do not know whether my colleague does. I know what his feelings are on missile defense. The article in today's paper is not new. He has been arguing against missile defense since I have been in Congress. I work with Ted Postol. I try to convince him and work with him. We should not vote on a motion to recommit and end years of research and technology development because of one article in one paper that no one else, my good friend, agrees with.

There is no member of the committee that offered this amendment, and the gentleman has to respect the members of the committee that sit with us on a day-to-day basis. They are all solid members of the minority party. They are all talented people; the gentleman from South Carolina (Mr. SPRATT), the gentleman from Virginia (Mr. PICKETT), the gentleman from Mississippi (Mr. TAYLOR), the gentleman from Texas (Mr. REYES). These are people who work these issues.

We should not overturn all of the hard work of the committee because of an article in The New York Times based on a report by a scientist who has an axe to grind, who has his own initiative that he would like us to fund, by the way, in case the gentleman did not know that, called boost phase intercept.

I would suggest to my colleagues, and I would hope they would believe this as well, that this is an easy vote for all of us. I would hope all of us would join together, my Democrat friends, like the gentleman from Hawaii (Mr. ABERCROMBIE), and all of us who work together, and rousingly oppose this motion to recommit.

The SPEAKER pro tempore (Mr. PEASE). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

### RECORDED VOTE

Mr. SPENCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 353, noes 63, not voting 19, as follows:

[Roll No. 208]

### AYES—353

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kingston
Kleczka
Klink
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Maloney (NY)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Ryun (KS)
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

### NOES—63

Baldwin
Barrett (WI)
Blumenauer
Brown (OH)
Capuano
Carson
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
Doggett
Ehlers
Engel
Eshoo
Fattah
Filner
Frank (MA)
Gibbons
Holt
Hooley
Jackson (IL)
Kind (WI)
Kucinich
Lee
Lofgren
Lowey
Luther
Markey
McDermott
McGovern
McKinney
Meeks (NY)
Miller, George
Minge
Moakley
Nadler
Neal
Oberstar
Obey
Olver
Owens
Paul
Payne
Pelosi
Rivers
Rush
Sabo
Sanders
Sanford
Schakowsky
Sensenbrenner
Shays
Slaughter
Stark
Tierney
Velázquez
Waters
Watt (NC)
Waxman
Weiner
Wu

### NOT VOTING—19

Ackerman
Campbell
Cannon
Ford
Franks (NJ)
Kasich
Knollenberg
Lewis (GA)
Lipinski
Murtha
Quinn
Rangel
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Woolsey

□ 2003

So the bill was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read:

“A bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.”.

A motion to reconsider was laid on the table.

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## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN THE ENGROSSMENT OF H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4205, the Clerk be authorized to correct section numbers, punctuation, cross-references, and the table of contents, and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

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## GENERAL LEAVE

Mr. SPENCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4205.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

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## PERSONAL EXPLANATION

Mr. CROWLEY. Mr. Speaker, on May 17, 2000, I was unavoidably detained in

New York. Therefore, I missed roll call votes 190, 191, 192 and 193. I would like the Record to reflect that had I been here, I would have voted "nay" on rollcall Vote 190, "aye" on rollcall votes 191 and 192, and "nay" on rollcall vote 193.

## AMERICAN INSTITUTE IN TAIWAN FACILITIES ENHANCEMENT ACT

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

*Senate Amendment:*

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "American Institute in Taiwan Facilities Enhancement Act".*

***SEC. 2. FINDINGS.***

*The Congress finds that—*

*(1) in the Taiwan Relations Act of 1979 (22 U.S.C. 3301 et seq.), the Congress established the American Institute in Taiwan (hereafter in this Act referred to as "AIT"), a nonprofit corporation incorporated in the District of Columbia, to carry out on behalf of the United States Government any and all programs, transactions, and other relations with Taiwan;*

*(2) the Congress has recognized AIT for the successful role it has played in sustaining and enhancing United States relations with Taiwan;*

*(3) the Taipei office of AIT is housed in buildings which were not originally designed for the important functions that AIT performs, whose location does not provide adequate security for its employees, and which, because they are almost 50 years old, have become increasingly expensive to maintain;*

*(4) the aging state of the AIT office building in Taipei is neither conducive to the safety and welfare of AIT's American and local employees nor commensurate with the level of contact that exists between the United States and Taiwan;*

*(5) AIT has made a good faith effort to set aside funds for the construction of a new office building, but these funds will be insufficient to construct a building that is large and secure enough to meet AIT's current and future needs; and*

*(6) because the Congress established AIT and has a strong interest in United States relations with Taiwan, the Congress has a special responsibility to ensure that AIT's requirements for safe and appropriate office quarters are met.*

***SEC. 3. AUTHORIZATION OF APPROPRIATIONS.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated the sum of $75,000,000 to AIT—*

*(1) for plans for a new facility and, if necessary, residences or other structures located in close physical proximity to such facility, in Taipei, Taiwan, for AIT to carry out its purposes under the Taiwan Relations Act; and*

*(2) for acquisition by purchase or construction of such facility, residences, or other structures.*

*(b) LIMITATIONS.—Funds appropriated pursuant to subsection (a) may only be used if the new facility described in that subsection meets all requirements applicable to the security of United States diplomatic facilities, including the requirements in the Omnibus Diplomatic Security and Anti-Terrorism Act of 1986 (22 U.S.C. 4801 et seq.) and the Secure Embassy Construction and Counterterrorism Act of 1999 (as enacted by section 1000(a)(7) of Public Law 106–113; 113 Stat 1501A–451), except for those requirements which the Director of AIT certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate are not applicable on account of the special status of AIT. In making such certification, the Director shall also certify that security considerations permit the exercise of the waiver of such requirements.*

*(c) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) are authorized to remain available until expended.*

Mr. BEREUTER (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendment be considered as read and printed in the Record.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

The SPEAKER pro tempore. The gentleman from Nebraska (Mr. Bereuter) is recognized for 1 hour.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 3707, which this Member introduced, is an important measure that enjoys wide bipartisan support. It was considered and approved without objection by this body on March 28 of this year. The other body subsequently approved the legislation on May 2, with two modifications.

The amendments to H.R. 3707 approved by the other body are minor in nature. One unnecessary introductory paragraph that refers to the "unofficial" nature of U.S. relations with Taiwan is deleted. In addition, the other body added a sentence to Section 3(b) noting that if the Director of AIT certifies that certain security requirements related to construction of a new facility are not applicable on account of the special status of AIT, that he shall also certify that security considerations permit the exercise of the waiver of such requirements.

Mr. Speaker, as a newly-elected freshman Member of this body, one of the first votes this Member cast was on passage of the Taiwan Relations Acts of 1979 (TRA). For over 20 years, the TRA has guided U.S. foreign policy and demonstrated our commitment to the security and well-being of Taiwan. And, after 20 years, our unofficial relations with the people of Taiwan are stronger, more robust, and more important than ever.

The Taiwan Relations Act established the American Institute in Taiwan, AIT, as a nonprofit corporation to conduct any and all U.S. Government programs, transactions, and other relations with Taiwan; in other words, to function as America's unofficial embassy.

The current AIT facilities, which consist largely of aging quonset huts, are grossly inadequate and were not designed for the important functions of AIT. They were built as temporary facilities almost 50 years ago and are increasingly difficult and expensive to maintain.

From the perspective of security, AIT fails miserably in its structure. AIT is surrounded by taller buildings and lacking adequate setback. Major cost-ineffective enhancements would be required to bring it into compliance with security requirements.

Because of the unique status of Taiwan, the State Department is not able under routine authority to proceed with the planning and the construction of a new facility for AIT. The legislative branch, this Congress, must specifically authorize and appropriate the necessary funds.

AIT has made a good-faith effort to set aside funds for the construction of a new office building or complex. However, this effort, while significant, will never be sufficient to meet AIT's needs. Therefore, H.R. 3707 authorizes the appropriation of $75 million for planning, acquisition and construction of a new facility for the American Institute in Taiwan (AIT).

Mr. Speaker, this body has been seized with issues involving our relations with Taiwan and the People's Republic of China. Taiwan is a shining example of political and economic development in Asia. It has made the transition to a fully functioning democracy.

Recently, Taiwan celebrated the successful conclusion of elections that, for the first time in its history, in fact the first time in Chinese history, saw the Democratic transfer of power to the opposition party. This weekend Taiwan's newly-elected president and vice president will be inaugurated.

In view of these developments, now is the appropriate time to send the message of our unshakeable, long-term commitment to America's critically important relations with Taiwan. With a new AIT facility, the United States is delivering the message that its presence will remain as long as it takes to assure that any reunification with the mainland is voluntary and as a result of peaceful means.

In the next few days, this body is likely to approve permanent normal trade relations with the People's Republic of China as part of our support for its accession into the World Trade Organization (WTO).

Similarly, this Member is confident that this body will support simultaneous accession of Taiwan to the WTO, an action that has been too long delayed. We will support the accession of the PRC to the WTO because it is in our clear national interest to do so. But, at the same time, we will be making it clear that Taiwan merits similar consideration in the WTO and must have membership in it. I would hope it will come at the same session of the WTO.

This Member wishes to express his sincere appreciation to the gentleman from Illinois (Speaker HASTERT); the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Missouri (Mr. GEPHARDT), the Democratic leader; the gentleman from New York (Mr. GILMAN), the committee chairman; the gentleman from Connecticut (Mr. GEJDENSON), the ranking Democratic member, and all of those in the House and the Senate who have contributed to moving this important bill forward under unanimous consent.

Mr. Speaker, this Member supports these changes to H.R. 3707 and urges all of his colleagues to join in supporting this important legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Nebraska?

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. BEREUTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3707.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

## PERIODIC REPORT ON NATIONAL EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–241)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

As required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c) and section 204(c) of the International Emergency Economic Powers Act (IEEPA), 50 U.S.C. 1703(c), I transmit herewith a 6-month periodic report on the national emergency with respect to Burma that was declared in Executive Order 13047 of May 20, 1997.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 18, 2000.*

## CONTINUATION OF EMERGENCY WITH RESPECT TO BURMA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–242)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

*To the Congress of the United States:*

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622 (d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the Federal Register and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent the enclosed notice to the Federal Register for publication, stating that the emergency declared with respect to Burma is to continue in effect beyond May 20, 2000.

As long as the Government of Burma continues its policies of committing large-scale repression of the democratic opposition in Burma, this situation continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. For this reason, I have determined that it is necessary to maintain in force these emergency authorities beyond May 20, 2000.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 18, 2000.*

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 632

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 632, the Safe Seniors Assurance Study Act of 1999.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

## VOTE AGAINST PNTR

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. WOLF. Mr. Speaker, I rise today to share with my colleagues William Safire's editorial from today's New York Times. Today, Mr. Safire writes that before Richard Nixon died, Mr. Safire had a conversation with Nixon about China. Safire asked Nixon if he had gone a bit overboard on selling the American public on the political benefits of the China deal. Nixon replied that he was not as hopeful as he had once been, saying, "We may have created a Frankenstein."

They are telling words from Richard Nixon, the person responsible for the so-called engagement, which has resulted in more espionage against our government, the arrest of Catholic bishops and persecution of people of faith. On his deathbed, Nixon, the architect for our present China policy said, "We may have created a Frankenstein."

The passage of PNTR will feed this Frankenstein that will come to haunt this country and haunt this House.

Mr. Speaker, I rise today to share with you William Safire's editorial from today's New York Times.

Today, Mr. Safire writes that before Richard Nixon died, Mr. Safire had a conversation with Nixon about China. Safire asked Nixon if they had gone a bit overboard on selling the American public on the political benefits of their China deal. Nixon replied that he was not as hopeful as he had once been, saying "We may have created a Frankenstein."

We may have created a Frankenstein. These are telling words coming from Nixon, the person most responsible for supposed American "engagement" with China . . . an engagement that over the past 30 years has refused to engage the Chinese with their gross human rights abuses, its espionage against the U.S., its proliferation of weapons of mass destruction, its plundering of Tibet.

On his deathbed, Nixon, the architect for our present China policy said "We may have created a Frankenstein."

Congress can prevent this Frankenstein from further atrocities and bad actions by voting against giving China permanent normal trade relations.

### THE BIGGEST VOTE

(By William Safire)

WASHINGTON.—The most far-reaching vote any representative will cast this year will take place next week. It will be on the bill to permanently guarantee that Congress will have no economic leverage to restrain China's internal repression of dissidents or external aggression against Taiwan.

Bill Clinton, architect of the discredited "strategic partnership" with Beijing, is lobbying for H.R. 4444 as part of his legacy thing. His strange bedfellow is the G.O.P. leadership, fairly slavering at the prospect of heavy contributions from U.S. companies that want to profit from building up China's industrial and electronic strength.

Clinton has been purchasing Democratic votes one by one. The latest convert to pulling the U.S. teeth is Charles Rangel of New York, who was seduced by last week's legislation to benefit African workers at the expense of Chinese laborers in sweatshops at slave wages. He is the ranking Democrat on Ways and Means, which yesterday voted to send the any-behavior-goes bill to the House floor.

The president's tactics include frightening Americans with "dangerous confrontation and constant insecurity" from angry China if his appeasement is not passed.

He also divides American farmers from workers with his mantra, "exports mean jobs." Of course they do; in the past decade, our trade deficit with China has ballooned from $7 billion to $70 billion. That means China's exports to the U.S. have created hundreds of thousands of jobs—in China. Clinton's trade deficit is certainly not creating net jobs for Americans.

His trade negotiator, Charlene Barshefsky, has become increasingly shrill, turning truth on its head this week by telling Lally Weymounth of The Washington Post that "organized labor, human rights advocates and some environmentalists have aligned themselves with the Chinese army and hardliners in Beijing who do not want accession for China."

Not to be outdone in twisting the truth and kowtowing to Communists, Republican investors and the Asia establishment assure us that only by abandoning yearly review of China's rights abuses and diplomatic conduct can we encourage democracy there.

I confess to writing speeches for Richard Nixon assuring conservatives that trade with China would lead to the evolution of democratic principles in Beijing. But we've been trading for 30 years now, financing its military-industrial base, enabling it to buy M-11 missiles from the Russians and advanced computer technology from us.

Has our strengthening of their regime brought political freedom? Ask the Falun Gong, jailed by the thousands for daring to organize; as the Tibetans, their ancient culture destroyed and nation colonized; ask the Taiwanese, who face an escalation of the military threat against them after the U.S. Congress spikes its cannon of economic retaliation.

Before Nixon died, I asked him—on the record—if perhaps we had gone a bit overboard on selling the American public on the political benefits of increased trade. That old realist, who had played the China card to exploit the split in the Communist world, replied with some sadness that he was not as hopeful as he had once been: "We may have created a Frankenstein."

(I was on the verge of correcting him that Dr. Frankenstein was the creator, and that he meant "Frankenstein's monster," but I bit my tongue.)

To provide a face-saver for Democrats uncomfortable with forever removing Scoop Jackson's economic pressure, Clinton's bipartisan allies have cooked up a toothless substitute: a committee to cluck-cluck loudly when China cracks down and acts up. We already have a State Department annual report that does that, to no effect on a China whose transgressions have always been waived.

Human rights advocates know the smart money in Washington is betting on the appeasers. Our only hope is that the undecideds in Congress consider that unemployment in their districts will not always be under 4 percent, and that when recession or aggression bites, voters will not forget who threw away economic restraints on China.

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## SPECIAL ORDERS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IN SUPPORT OF PNTR FOR CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FRELINGHUYSEN) is recognized for 5 minutes.

Mr. FRELINGHUYSEN. Mr. Speaker, American business men and women have eyed China for years, knowing that the sky is the limit when it comes to selling American-made goods and services to the world's largest market. But Americans have found it difficult to trade with China since complete access to this vast market has been vastly restricted.

In today's global marketplace, we can no longer afford any restrictions on trade with the world's largest population. We must engage China to ensure that American companies and American workers have the tools to compete with other nations now already in these markets. Remember, when America competes, we win.

Over the past year, Mr. Speaker, I have worked with the gentleman from California (Mr. DREIER), chairman of the Committee on Rules, and a number of colleagues in support of extending permanent normal trading relations with China. Back home in New Jersey, I have met with hundreds of people from the business community to encourage them to organize and help spread the word about the benefits of increased trade with China that will bring benefits to the Garden State, and I would like to discuss for a few minutes a few of these items.

First, extending permanent normal trade relations with China is a win for fairness. This agreement forces China to adhere to our rules-based trading system. Without an agreement, there are no rules and we have no say whatsoever in how China conducts its business with the rest of the world.

Secondly, it is a win for U.S. workers and businesses, Mr. Speaker. China is an incredibly important emerging market with more than a billion consumers.

Thirdly, trade with China is a win for American values inside China. Through free and fair trade, America will not only export many products and services, but we will deliver a good old-fashioned dose of our democratic values and free market ideas.

Fourthly, international trade whether it be with China or any other Nation means jobs for my State of New Jersey, and that is the bottom line, continued prosperity for all of us. Out of New Jersey's 4.1 million member workforce, almost 600,000 people statewide from main street to Fortune 500 companies are employed because of exports, imports and foreign direct investment. Currently, China ranked as New Jersey's ninth largest export destination in 1998, an increase from 13th in 1993. Our Garden State has exported $668 million in merchandise to China in 1998, more than double what was exported 5 years earlier.

With a formal trade agreement in practice, imagine the potential as access to China's vast markets is improved. Enormous opportunities exist for our State's telecommunications, our environmental technology, our health care industry, our agriculture and food processing industries.

Fifth and finally, in the interest of world peace, it is absolutely a mistake to isolate China, a nation with the world's largest standing army, an estimated 2.6 million member force.

America's democratic allies in Asia support China's entry into the World Trade Organization because they know that a constructive relationship with China and a stable Asia offers the best chance for reducing regional tensions along the Taiwan Strait and for avoiding a new arms race elsewhere in Asia and throughout the world.

As I work to pass PNTR for China, I am fully aware of the controversies surrounding this vote. Indeed, humanitarian and environmental issues remain important to me in our dealings with China, but I refuse to believe that if we walk away from China our national interest would be better served. In fact, I am positive to do so would greatly deter from our ability and our credibility to push reform in China and around the globe.

Mr. Speaker, as General Colin Powell has said, and I quote, from every standpoint, from a strategic standpoint, from the standpoint of our national interest, from the standpoint of our trading interest and our economic interest, it serves all of our purposes to grant China this status.

## INTRODUCTION OF LIVE LONG AND PROSPER ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, May is Older Americans Month, a time for Americans to celebrate the many contributions our seniors have made to this country. It is also a time to reflect upon the changing look of our society and to advance policies that meet the needs of this and future generations of older Americans. By the year 2030, the number of older Americans is expected to be more than double, to 70 million, representing one-fifth of our total population. As the number of elderly Americans increases, the need for long-term home or institutional care will become even more pressing.

Are we now prepared to meet this future need? The sad fact is that neither the public nor the private sectors have adequately planned to meet this demand. In most cases, they are not aware that Medicaid requires divesting of assets and they do not understand that Medicare provides only minimal long-term care coverage. As for private insurance, it currently finances only an estimated 7 percent of long-term care expenditures.

Given America's ticking demographic time bomb, it is imperative that Congress address this issue now. That is why I rise today to introduce the Live Long and Prosper Act, which directly addresses what we must do now to help meet the needs of older

Americans of the future. This comprehensive legislation builds upon the long-term care financing provisions created by the Health Insurance Portability and Accountability Act of 1996.

To better prepare the public for long-term care expenses, first the bill provides for an above-the-line income tax deduction for the cost of long-term care insurance premiums for the taxpayer, his or her spouse and dependents. It also allows employers to provide long-term care insurance coverage as part of a cafeteria plan. Surprisingly, long-term care insurance currently is not allowed under these types of employer-employee arrangements.

Third, the bill would provide a personal exemption to the more than 7 million Americans who provide long-term custodial care for a relative in their home. Together, these provisions represent a market-based solution to the ever-growing demand for long-term care services and financing. But financial incentives alone will not advance the public's understanding of the need to plan for long-term care nor will they spur public debate on what more must be done.

The Live Long and Prosper Act calls for a biannual national White House summit on long-term care. The summit will bring together experts in the fields of long-term care insurance, retirement savings, care givers and others and will be cohosted by the President and congressional leaders. Its goal is to design and develop recommendations for additional research, reforms in public policy and improvements required in the field of long-term care insurance.

The bill also directs the Department of Labor to create and maintain an outreach program, to include public service announcements, forums, educational materials, and long-term care Internet sites. The Department of Health and Human Services will conduct studies focusing on the future demand for long-term care services and public and private options to finance them.

Finally, the bill contains several other provisions designed to improve awareness of and to strengthen the process for long-term care information delivery.

Mr. Speaker, in closing, the Center for Long-term Care and Financing describes long-term care as the sleeping giant of all U.S. social problems. Demographic changes, quality of care concerns, the rising cost of nursing home care and limited public finances all cry out for action in this area and call on this body to make long-term care a top policy priority.

I believe that the Live Long and Prosper Act is a comprehensive first step in what should be a bipartisan effort to address this vital issue. I urge my colleagues to cosponsor the bill and join me in this effort.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–626) on the resolution (H. Res. 505) providing for consideration of the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. REYNOLDS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–627) on the resolution (H. Res. 506) providing for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, which was referred to the House Calendar and ordered to be printed.

## IN SUPPORT OF TOUGH GUN LEGISLATION AFTER THE MILLION MOMS MARCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. RUSH) is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today a week after the Million Mom March to remind the Congress that even though the march is over, the cause is not. On the eve of the march, some argued that we were being rabble-rousers and troublemakers. They argued then and they still argue that we are too emotional in pulling for tough gun control legislation, common sense gun control legislation. The National Rifle Association argues that we need, and I quote, gun education and not gun legislation, end of quote.

Well, as we all know, you cannot teach a child not to be a child. We all know that children often lash out in anger, without thinking, and they later wish that the things done and said can be taken back. But once a trigger is pulled, that bullet cannot be brought back. And those who, approximately 1 year after Columbine, still think that it is not their problem, I am here to tell you that once a bullet leaves the barrel of a gun, it does not care whether the child pulling it is rich, poor, black or white, they do not care where the child firing that gun is from, it does not care what sort of car that child's parents drive. A bullet does not care whether that child lives inside or outside of the Beltway, and a bullet does not care whether that child's mother or father is a bus driver, a lawyer or a Member of Congress.

So to the millions of mothers from all across this country who either attended or supported the Million Mom March, continue to raise your voices in support of tough common sense gun laws.

And to our critics who say that we are too emotional, I say yes, we are emotional over the gun control issue. The emotion we feel is sorrow over the senseless killing of our youth. And the emotion that I feel is frustration that we have not passed common sense gun legislation. The frustration that I feel is that we have not closed the gun show loophole, frustration that we have not required child safety locks for handguns, frustration that we have not banned the importation of large capacity ammunition magazines, and frustration that we have not encouraged the development of smart gun technology.

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In short, Mr. Speaker, I feel frustration and shame that we as a body have not heard the pleas of millions of mothers and fathers who want us to help stop the destruction of America's families.

## PRESCRIPTION DRUG COVERAGE FOR SENIORS NEEDED NOW

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under a previous order of the House, the gentlewoman from Michigan (Ms. STABENOW) is recognized for 5 minutes.

Ms. STABENOW. Mr. Speaker, I rise this evening again to talk about a critical issue facing all families in the United States, and particularly seniors, and that is the high cost of prescription drugs and the lack of coverage by Medicare. This is a critical issue that faces Michigan families. I hear from seniors every day about their struggles, choosing between the cost of food, being able to pay the utility bill, being able to get their medications.

Last summer I set up a hot line in Michigan asking those who had stories to tell to call and share those with me, and also for individuals to write me letters and send me copies of their prescription drug bills. I have received hundreds of those from across the state. I have begun sharing those each week on the floor of this House.

It is critical that we pass prescription drug coverage under Medicare, to modernize Medicare to cover the way health care is provided today, and do it as soon as possible, and I intend to be here and share stories every week until that happens.

We know that there are 12 percent of the population that are seniors, but seniors purchase 33 percent of all prescription drugs. Over one-third of the 39 million Medicare beneficiaries, 15.5 million people, have no prescription drug coverage at all, and millions have insufficient coverage or must pay expensive copays. So you are talking about individuals, many of whom are living on Social Security, with a small pension, who are now finding themselves in a situation where they are needing to use medications, and the costs are going up and up. What do they do? Too many of them decide, do I buy my groceries today, or can I stretch it just a little bit longer and be able to afford my medications?

On top of that, according to the Bureau of Labor Statistics, drug prices rose by 306 percent between 1981 and 1999, while the consumer price index rose 99 percent during the same period, so we are seeing drug prices going up three times as fast as the consumer price index or other kinds of products.

The price for prescription drugs is expected to be 12 to 15 percent higher than in 1999. Not only are costs rising, but the volume of prescription drug use is also increasing. The number of prescriptions is expected to increase from 3 billion today to 4 billion prescriptions by 2004.

So what we are seeing is, as more and more people are using prescription drugs, it is wonderful that we have the new discoveries and the fact we have that available, and the fact that people can live longer and healthier lives is wonderful, but we are seeing a product going up three times as fast as the consumer price index in the pricing structure, and we see too many seniors that do not have any help at all for covering the costs, even though seniors are the ones that use the most prescription drugs. It makes no sense.

We also see that prescription drug coverage now is very much a part of the way health care is provided today. When Medicare was set up in 1965, it was in-patient care, operations and prescription drugs in the hospital. Now we see most of the care being done on an outpatient basis, being done through home care or prescription drugs that allow people to avoid having surgery and to be able to live at home with their family.

This is a good thing, but only if we make sure that Medicare is modernized to cover the new way health care is provided. It is time for that to happen. It is past time for that to happen.

I would like to share now a letter from Louise Jarnac of Cheboygan, Michigan. I am very grateful that she wrote to me and shared her comments and thoughts.

> Dear Congresswoman STABENOW, I am sending three of my prescription drug bills and one of my brother's. I sure hope you can get some help for the elderly. It seems everything is more important than our health. I am 80 years old and my brother is 78 years old. These prescription drug prices take a big chunk out of our Social Security, since that is our full income. I am a widow and live alone, therefore, I have all the expenses all by myself. The last time I got my prescriptions it was $99.99 for Prevacid, this time it is $130.49. Most of the time I can't afford it and I go without until I can get it again. I think Social Security should be used for our security and not for other things.
>
> Thank you,
>
> LOUISE JARNAC.

Mr. Speaker, Prevacid, like another commonly known drug—Prilosec, is prescribed to inhibit gastric secretions. It is used to treat heartburn or other symptoms associated with GERD (Gastroesophageal reflux disease), ulcers, or other acid related disorders.

Without treating these symptoms, Mrs. Jarnac's condition could develop into cancer.

Furthermore, these diseases are extremely painful, and Mrs. Jarnac is unable to afford the medication on a regular basis to control the pain.

Mr. Speaker, it is time we do something about this, and make sure our seniors are not put in this position.

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## COMMEMORATING THE 20TH ANNIVERSARY OF THE ERUPTION OF MOUNT ST. HELENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I rise today to commemorate one of the most significant geological events in the history of our country and in my home state, the eruption of Mount St. Helens.

Twenty years ago today, on May 18, 1980, the peaceful northwest sky was rocked by an explosion comparable to that of 500 atomic bombs. The blast transformed more than 200 square miles of Pacific Northwest forest into a gray, lifeless landscape, and it triggered the largest known landslide in history, completely burying Spirit Lake and the Toutle River. Fifty-seven men and women lost their lives, hundreds of homes and cabins were destroyed, and our region incurred more than $3 billion in damage.

If you ask folks today in the Pacific Northwest for a list of the most memorable events in their lifetime, there is no question that the eruption of Mount St. Helens would rank right at the top of many lists. For that reason, I am deeply honored to come before this body today to pass on this message and to participate in today's events commemorating the 20th anniversary of the eruption of what is now a national treasure.

Mount St. Helens has always played a significant role in our region. Before the eruption, many families spent their summers at the recreation areas surrounding the mountain, where they would camp, hike and fish. In the year before the eruption, the Forest Service estimated more than half a million people visited the Mount St. Helens/Spirit Lake area. Few people at the time realized or could have predicted the awesome, majestic, primal and dreadful power that the eruption would soon provide.

After the eruption of 1980, in 1982 the U.S. Congress created the 110,000 acre National Volcanic Monument to serve as a center for research, education and recreation. Inside the Mount St. Helens monument, the environment is left to respond naturally to the disturbance brought about by the eruption.

Now, 20 years later, the land around the mountain is slowly healing itself. Nature is covering the scars of the eruption and the native plants and animals are beginning to thrive again. Mount St. Helens is now a place where tens of thousands of visitors flock every year from across the country and from around the world to witness both the destructive power and the healing power of nature. Local residents and businesses in Clark, Skamania, Lewis and Cowlitz Counties are all present and available for visitors to enjoy this wonderful facility, and they have really responded well and transformed this region to celebrate what is now, as I mentioned earlier, a treasure.

People often ask me, what did we learn from the eruption of Mount St. Helens? Clearly, we have learned many scientific things, but I also think the eruption of Mount St. Helens has taught us two lessons that humankind too often forgets, the lessons of humility and of cooperation.

No one that remembers the sight of 400 million tons of earth and rock being thrown into the sky can fail to understand man's small place in the universe, and everyone who visits Mount St. Helens Monument today soon realizes the level of dedication, hard work and cooperation it has taken to rebuild the area and the communities.

Much of our State's growth and history, from its early exploration and settlement to the construction of the northern railroad and the massive hydroelectric system, to the creation of the national monument built on the blast site of volcanoes, are the result of a farsighted, courageous and cooperative thinking and working people.

Citizens of the Pacific Northwest, who, in the words of Captain George Vancouver, "Attempt to enrich nature by the industry of man," have set aside their differences and joined forces to make our region one of the most beautiful and welcoming places in America. I am confident that those who visit Mount St. Helens this year and all of those who visit the mountain in the next 20 years will make even greater strides in reawakening the beauty of

Mount St. Helens, and will make Washington State an even greater place to live, work and visit.

I invite people from throughout this country to come see what is an amazing geological marvel. You will find friendly, helpful local natives, willing to assist you, to make sure your visit is pleasurable and enjoyable, and you will see one of the most incredible sites in North America, Mount St. Helens National Volcanic Monument.

## CONDEMNING THE ACTIONS OF IRAN REGARDING THIRTEEN JEWISH CITIZENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ENGEL) is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, before I speak about what I want to speak about, listening to my colleague talk about 20 years to the day of the eruption of Mount St. Helens, that was May 18, 1980, and people are always amazed when they mention Mount St. Helens, and I say, "Oh, yes, that was May 18, 1980," and they cannot understand how I can remember the exact date. I was married on May 18, 1980, so today is the 20th anniversary of my marriage.

I do not know if there is some kind of lesson there, but I am glad the gentleman spoke about it, because it has been a good 20 years.

Mr. Speaker, I rise today to talk about the plight of 13 Iranian Jews who are on trial in Iran in a phony trial, in a show trial, in a disgraceful trial. These people are charged with supposedly spying for the United States and Israel, and were arrested on Passover of 1999. They have been imprisoned for a year without legal representation, and they are denied the right to choose their lawyer. Their trials are going on now.

Mr. Speaker, Iran must know that it cannot hope to normalize relations with the United States, certainly, and with most of the world, as long as these phony show trials are going on. These 13 people are innocent, even though some of them have been forced to supposedly confess. The trials are closed. No one is permitted to observe, not the diplomatic community, not the Jewish community, not human rights activists, and they are being tried in revolutionary courts which are not under the control of the reformist-minded President, Khatami. In fact, it is quite apparent that these 13 Iranian Jews are pawns, pawns in a power struggle between hard-liners and moderates in Iran. Unfortunately, these people are pawns, and no one knows how this trial, this staged trial, will turn out.

We have a resolution in this House, H. Con. Res. 307, sponsored by the gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON), and this House would do well to pass it very quickly, condemning these trials and exposing them for what they are.

Today, unfortunately, the World Bank loaned Iran $232 million. Our government, the President and Madeleine Albright, the Secretary of State, rightfully said this was not the thing to do at the very time that these show trials are going on, and shame on the World Bank for doing this.

I think that Iran ought to understand that there is a price to pay for what they are doing, and only if the world community expresses outrage, only if we in the United States keep the focus on this trial, then perhaps, and only perhaps, these 13 innocent Iranian Jews who are being used as pawns will be ultimately set free.

□ 2045

So I think it is very, very important that we in the Congress keep the focus on this trial; that we not allow Iran to continue this sham, and that they understand again that there is a price to pay for doing these kinds of phony trials.

Jews have lived in Iran for 2,700 years. In 1979, before the so-called Iranian revolution, there were 80,000 Jews in Iran. Today there are anywhere from 25,000 to 30,000. Seventeen Jews have been executed since 1979, and the community is very much threatened. They are allowed to travel somewhat, but not allowed to travel to Israel.

So I think it is, again, very appropriate at this time that we continue to focus on this trial; that we not rest until these innocent people are set free and that the world community collectively let Iran know that there is a price to pay and there will be a price to pay if these people are harmed.

## SOCIAL SECURITY AND RETIREMENT FOR WOMEN

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentlewoman from Connecticut (Ms. DELAURO) is recognized for 60 minutes as the designee of the minority leader.

Ms. DELAURO. Mr. Speaker, what I want to do tonight is take a little bit of time to talk about, I think, an issue that is so critically important and vital to women in the United States, and that is Social Security reform.

There is a very, very important debate that is going on about the future of Social Security right now, and I think it is important that women are included in this discussion. All of America's seniors have a stake in the conversation and the debate and the discourse about Social Security, but women have the biggest stake of all in the future of the program. We need to make sure that we undertake the right kind of Social Security reform for America's women.

Since 1935, America's women have been able to count on the guaranteed income of Social Security. I make a point here, because the bedrock and fundamental principle of Social Security is that in the retirement years there is a guaranteed income on a monthly basis for the duration of an individual's lifetime, based on the amount of work and income one made during their working years.

Since 1935, as I said, women have been able to count on that guaranteed income of Social Security. No matter what the stock market does, no matter what the state of the economy, Social Security has been there giving America's seniors the ability to live with independence and with dignity. It is, in fact, one of America's greatest success stories.

Times do change and it is clear that we need to look at how we strengthen Social Security and make sure that it is safe and secure today for America's seniors but as well for the next generations of retirees.

In 1999, there were 3.4 workers for each Social Security beneficiary, but in the year 2035 there will be only 2 workers per beneficiary. It has to be the right reform for everyone, and particularly, as I have said, for women.

Social Security is uniquely important to women because retirement is especially hard on women. My mother, who is 86 years old, once said to me, Rosa, these are supposed to be the golden years but somehow they are often the lead years. My mother was essentially expressing, I think, and giving voice to the expression of the frustration and the fear that many elderly women have.

In old age, women face all sorts of obstacles, stability and security, and without Social Security these obstacles would be even larger. Women account for 60 percent of Social Security beneficiaries even though they only make up roughly one half of the population. Three-quarters of widowed and unmarried elderly women rely on Social Security for over half of their income, and because women spend less time in the workforce than men, they are less likely to have pensions or to have been able to save and invest for their future.

So that Social Security is their bedrock. It provides women with a dignified retirement that they can rely on.

Women live longer than men. Women make less money than men in our society today; as a matter of fact, about 75 cents on the dollar. Women are also more likely to be dependents of workers and are dependent on their Social Security in their retirement years. As I said a minute ago, that women oftentimes outlive their spouses.

In my State of Connecticut alone Social Security lowers the poverty rate among elderly women from 46 percent to 8 percent, 46 percent to 8 percent. That means that Social Security lifts over 100,000 Connecticut women out of poverty through Social Security. As I have just mentioned, during their years in the workforce women earn an average of about 75 cents for every dollar that men earn. In fact, the average female college graduate earns little more than the average male high school graduate. Again, for all of these reasons, strengthening and preserving Social Security is essential to the financial stability of America's hard working women. Again, it has to be the right reform for women.

This week George W. Bush, the governor of Texas, presented us with an example of what, in my view, is the wrong kind of reform for Social Security, the wrong kind of reform which introduces risk, takes money away from Social Security, undermines the guaranteed minimum Social Security benefit, undermines the guaranteed minimum Social Security income, and leaves the retirement of America's seniors in the hands of the stock market.

In fact, when George Bush was asked whether or not, under his program, seniors could expect a guaranteed minimum income, George Bush told America's seniors, and I quote, "maybe; maybe not."

That is not a risk that America's seniors should be forced to take. Just let me say, because I said at the outset, one of the bedrock principles of Social Security has been this guaranteed annual income. We turn Social Security on its head if we can no longer guarantee an annual income to seniors, so that this proposal, in fact, turns that principle on its head; does not make that guarantee and in addition to that increases individual risk.

Now, the reason, one of the principal reasons, why Mr. Bush is forced to gamble with the retirement of America's seniors is because instead of using the historic budget surplus that we have, and it is historic, we have not seen a budget surplus in the last several decades, Governor Bush proposes to spend the bulk of that surplus on a trillion dollar tax cut that by all accounts, not my account, by economists, by some of the leading conservative publications, by the Wall Street Journal and others, is that its primary beneficiaries are those who are at the upper levels of the income scale, some of the wealthiest people in the United States.

Now it is all right to think about giving people a tax cut, and I am a big supporter of tax cuts, but tax cuts that focus on working middle class families and not those who are doing well. That is not to say that they should not do well or they should not receive some acknowledgment or benefit from that wealth, but at this particular moment in the history of our country that is not where we ought to direct our attention.

What we ought to do with the surplus is take this opportunity to strengthen Social Security, to strengthen Medicare, to build on Medicare with a prescription drug benefit, pay down our debt, thereby helping to lower the interest rates in this country, which directly benefits families who are struggling with mounting bills and credit cards and education loans and car loans. That is how we ought to utilize that surplus, in my view.

It is the wrong kind of reform to take this surplus and focus it in on a trillion dollar tax cut. It is wrong for America's seniors and it is especially wrong for women.

A more prudent plan would be to invest that surplus in Social Security. Let us not gamble with it, with the ups and downs of the stock market.

We have seen in recent weeks and months about the fluctuation of the stock market. If we act now to use this historic opportunity, we can use the budget surplus to pay down that debt; to use the interest to strength Social Security; to protect its solvency through the year 2050. This is a sure bet. It is a sound investment for America's future and for America's seniors.

There are two visions of Social Security's future. One of the plans strengthens Social Security by using the budget surplus to pay down the national debt, using the savings from the interest to strengthen Social Security and extend its life. The other, in my view, jeopardizes the Social Security system by using the budget surplus for a tax cut.

We are at a critical moment in a debate and dialogue, and I encourage people around the country to think about this issue, to make their voices heard on this issue.

I want to try to provide a few specifics with regard to women and Social Security. I talked about women earning an average of 75 cents for every dollar that men earn, and women earn an average of $250,000 less per lifetime than men. Three-quarters of widowed or unmarried elderly women rely on Social Security for over half of their income. Women spend less time in the workplace because they take an average of 11.5 years out of their careers to care for their families. Social Security helps to compensate for this in the following ways: Social Security provides retirement benefits that equal half of a husband's benefit. Divorced homemakers who are married for at least 10 years can also receive these benefits. For widows, Social Security provides benefits equal to 100 percent of their husband's benefits. By working parttime, women reduce the amount of funds they can put away for retirement or their eligibility for employee-provided pensions. In 1996, 49 percent of women between 25 and 44 were employed full-time, compared to 74 percent of men. That information is taken from the Institute for Women's Policy Research in a publication called the Impact of Social Security Reform on Women.

□ 2100

In 1996, almost one-third of women between 25 and 44 were employed parttime compared to less than one out of five for men. Because women do take time out to care for their families, and because they only earn 75 cents for every $1 that men earn, women will have much less to invest in private retirement accounts.

Privatization, as has been suggested by George Bush, would cut spousal benefits by one-third, leaving many wives at near poverty level and penalizing them for taking time out of the labor force to care for their families.

This notion of privatization is very dangerous for women. While it is suggested today that there only be 2 percent of the benefits invested in private accounts, there is some information that George Bush talked about with reporters over the last couple of days that in fact could lead, that his plan could lead to complete privatization of social security. Let me just mention some of this information.

On May 17, George Bush said it was possible that workers would eventually be allowed to invest their entire social security tax, not just a portion. The Houston Chronicle reported, "Bush on Tuesday said his plan to create private savings accounts could be the first step toward a complete privatization of social security."

The New York Times reported, answering a question about his plan, that Mr. Bush said, "The government could not go from one regime to another overnight. It is going to take a while to transition to a system where personal savings accounts are the predominant part of the investment vehicle. So this is a step toward a completely different world, and an important step." That was reported in the New York Times on May 15.

The other information here that I think, when asked the question about whether or not Americans could lose money through the plan that he proposed, he said that it was "conceivable that a worker taking advantage of the investment accounts would get a lower guaranteed income from social security."

The New York Times reported that, and I quote, "Bush also refused to say how much benefits might be reduced for workers who created private investment accounts. 'That is all up for discussion,' Mr. Bush said." That was reported in the New York Times on May 17.

As I said earlier, as reported in the Dallas Morning News, "Asked whether he envisions a system in which future beneficiaries will receive no less than they would have under the current system, Mr. Bush said, 'Maybe, maybe not.' "

He has also admitted that he has not accounted for trillion dollar costs in making a transition to this new program. He acknowledged that he has not fully accounted for the cost of moving from the current system to his proposed one, costs that Vice President GORE pegs at $900 billion.

It is not only the Vice President that has pegged these costs at a high rate, but we can again look to conservative publications, economists, people who understand what the transition would mean, and the millions of dollars that it would cost and billions of dollars that it would cost to make that transition.

The Washington Post reported on May 11 that, "The plan laid out by George Bush leaves out one of the most important factors, the cost. According to a new report published by the Center for Budget and Policy Priorities, Bush's privatization plan would cost $900 billion over the first 10 years. These costs occur because the social security system must simultaneously pay out current benefits while privatization drains over 16 percent of the amount of money coming into the system. Combine this with the costs of George Bush's nearly $2 trillion tax cut, and the Bush plan will leave multitrillion dollar debts as far as the eye can see."

The essential issue here is that there is not any question that we must do something to make sure that we strengthen and protect the social security system in the future because of what it has meant in the lives of working Americans.

Today, two-thirds of seniors rely on social security for over one-half of their income. We cannot play fast and loose with reform of the social security system. At a time when we need to make the reforms, we have a clear opportunity, given the historic surplus that we have.

In a prudent society and in a commonsense society, it makes all the sense in the world to say, let us take this opportunity to put the twin pillars of retirement security, social security and Medicare, on the path to real stability for today's people who need to take advantage of these systems and are eligible for them, and for those who come along in the future.

That is what I am trying to suggest here this evening, as well as to make the point that, particularly for women in our society, if we play fast and loose with the social security system, we will increase the ranks of poor older women.

Today one of the largest groups of our society who in their later years find themselves in poverty are older women. We should not compound that problem at this moment in our history, not when we have worked so hard and diligently to try to put our fiscal house in order.

Mr. Speaker, I call on my colleagues and I call on the American people to engage in this debate and in this discussion, and pay particular attention to what happens to women in our society as we go about trying to reform our social security system.

## THE SOLVENCY OF SOCIAL SECURITY AND THE ISSUE OF HEALTH CARE AND PRESCRIPTION DRUGS

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes as the designee of the majority leader.

Mr. GANSKE. Mr. Speaker, I wonder if the gentlewoman from Connecticut (Ms. DELAURO) would like to enter into a discussion, if she has some time for a little bit.

I yield to the gentlewoman from Connecticut.

Ms. DELAURO. I would be happy to, Mr. Speaker.

Mr. GANSKE. I think we could have a very unusual discussion tonight.

I had originally thought about talking about a case of HMO abuse that was highlighted today in the Los Angeles Times about a 74-year-old woman who died of a ruptured aortic aneurysm, and maybe if I have some time after a while I will do that.

I was very moved by your presentation on social security. I think it is a very, very important issue. There is no doubt about it, that elderly women depend on social security in order to stay out of poverty. The statistics of the gentlewoman from Connecticut are very similar to Iowa, and maybe even more so in Iowa, because Iowa has the largest number of people over the age of 85 percentage-wise of any State in the country, and the majority of those people are women and widows.

Some of them have to choose. They live on that social security check, and they are now in the situation where they have to choose between their rent and some of their medications, so prescription drugs are involved in this. I think we could agree on some facts, and so I would like to get the gentlewoman's feedback on some of this.

The Social Security Advisory Committee's report says that as the baby boomers move into retirement in about 25 years, or the baby boomers start to retire about the year 2011, at which time my group and the gentlewoman's group will be retiring at one every 8 seconds, by about the year 2025, the trust funds are empty, and we will be faced with a couple of choices based on current projected income from the social security tax, which is 12.4 percent combined for individual and from their employer.

That is, we would either need to reduce benefits by about 25 percent at that time, because of such a large number of baby boomers in retirement, or, because, as the gentlewoman pointed out I think very correctly, we will have significantly reduced numbers of workers, maybe even at the point of two workers for every retiree, then another option would be to raise the withholding, their work tax, their payroll tax. We might have to do that by as much as 50 percent.

The third option that the Social Security Advisory Committee talked about, and about a year ago offered three different scenarios, was whether in fact we could increase the rate of return on the funds that are going in.

Senator KERRY and Senator MOYNIHAN have proposed, and I have gone around my district for the last couple of years talking about Senator KERRY's proposal and actually utilizing some of his computer programs, they have proposed essentially a payroll tax cut of 2 percent of that 12.4 percent, so that would be about a 16 to 18 percent payroll tax cut.

Part of the reason that they have done that is because, for the average working person, not the person who has invested in the tech stocks, the most taxes they pay are their payroll tax. The people that the gentlewoman and I represent that are the average workers out there, they pay more in payroll tax than they do in income tax or any other taxes.

So there is an appeal, I think a bipartisan appeal if we are looking at a tax cut, in order to direct that toward those who need it the most, and those who need it the most are the ones where the biggest part of their taxes are coming from their payroll tax.

I am just interested if the gentlewoman from Connecticut is in agreement with me so far.

Ms. DELAURO. Mr. Speaker, the gentleman's assertions at the outset about where we are going and what is important about when the baby boomers retire is accurate. I agree with that.

What I think we have to deal with is how in fact we use the issue of, again, the surplus to assist this process. And we cannot count on this, but the fact of the matter is if we continue the rate of growth that we have been at in the last several years, which has been pretty sustained, and I understand that we cannot totally rely on that, one could project that in fact that rate of growth over the next number of years could allow us to really correct the social security problem that we have with the baby boomers moving into retirement.

So there are a number of scenarios, without talking about cutting people's benefits or raising the eligible age. I think there is merit to thinking and talking about the payroll tax and cutting that back. It is up for discussion.

Maybe we are in the same mode. This notion of this 2 percent that we put in these retirement accounts, my view ultimately, this winds up increasing a deficit situation that we have. It also means that at some point we have to draw on general revenues and so forth.

□ 2115

So the current proposal that is being made I find to be troubling in this sense that I have expressed on that, and I think that there is room to have a discussion on what we want to do and where we want to go on this issue.

Mr. GANSKE. I agree with the gentlewoman, let us say that you did set up personal accounts, and how you do that is open to debate, but let us say that you did that, you reduced the average payroll tax for a worker; let us, say, number one that we are not going to change the benefits for anyone over the age of 50 or 55, but let us say you set up personal accounts with 2 percent, with that 2 percent of the 12.4 percent, my point would be that that is in their name, and as Senator KERREY says, my goal is to help everyone in this country become richer.

That is an automatic increase in wealth for them, but the gentlewoman is absolutely correct. If you take 2 percent out of that 12.4 percent, that is about $1 in $6 of current revenues going into Social Security that is not in that trust fund.

Ms. DELAURO. That is right.

Mr. GANSKE. And we are in agreement on that. I think that there is a way to do a compromise on this issue, because I think Members of the Democratic side, your side and my side, would both like to see all Americans be wealthier. We probably both would like to see especially the people who are paying the most portion of their taxes in the payroll tax have some tax abatement.

The question then becomes, and this is where you are talking about the transition costs on this, and this is the $1 out of $6, that if you did this 2 percent, where would you make that up? I would suggest that the compromise on this between the parties, and we are certainly not going to work out this issue tonight, but it is something I think for people to think about, is if the economy continues to do so well and we have the surplus, then I would use part of that surplus to cover that transition costs of the payroll tax cut, so that for every dollar that you are providing for a payroll out of the $6, to go into a personal account, you replace in that trust fund with part of the surplus.

I am just curious as to what the gentlewoman would think about that.

Ms. DELAURO. Again, you can, over a certain period of time, deal with funding the credit with the budget surplus, and the gentleman could get it. There are reports out there about that, the gentleman could probably get yourself between now and 2015 where the gentleman might be able to do that, and again, the Center for Budget Priorities talks about 2015 to 2030 where the credit would be financed through spending cuts or larger deficits.

And, again, this is a proposal, a similar kind of a proposal that Martin Feldstein has made in terms of partially privatizing Social Security; by his own, estimate, the credit would be financed with higher tax revenues, which would have to be generated by higher tax rates of national savings and investment translated in terms of corporate profits, so that you are then dealing with a situation, if you will, in what we call the outyears here of either dealing with higher tax revenues or, again, some rate of national savings which there is not a guarantee of.

Mr. GANSKE. As the gentlewoman I think rightly pointed out, those outyears, the farther we get out, a lot of that will depend on exactly whether our economy continues to be as strong, what kind of economic growth, what, in essence, I am suggesting is that if we are, I think the gentlewoman, as she said, is in favor of some tax cuts, if we are looking at devoting some funds for tax cuts, why do we not devote those tax cut funds or a large portion of it to relief on the payroll tax, which is the tax which hits the average American the hardest?

I am not speaking for anyone else on the Republican side.

Ms. DELAURO. I understand that.

Mr. GANSKE. This is just purely an idea I have been tossing around in my mind and how do you do this.

Ms. DELAURO. Well, if you are going to deal with cutting back, where does the gentleman continue to be able to finance the effort, which is what is ultimately, in my mind, and when we start to talk about other proposals on Social Security, is that if the gentleman then looks at the utilization of the surplus, or the gentleman wants to do it in one way by bringing down the payroll tax.

Mr. GANSKE. I would use part of the surplus for a payroll tax.

Ms. DELAURO. That is right. But if the gentleman utilizes this in terms of where is the greater gain, I do not know, because I do not know the intricacies and where it comes out with what the gentleman is suggesting. But if you are paying down the debt and thereby reducing interest rates and costs and then utilizing, I mean, it just seems to me that in terms of overall fiscal policy, I am not an economist, that the gentleman is then dealing with a much greater financial stability by being able to pay down that debt over a period of time which has a whole variety of different ripple effects in the economy when that interest rate comes down and what people can do and what business can do, et cetera, and the whole litany of the multiplier effect on all of that. So that seems to me to be a better direction for us to head than to look at personal accounts, which, again, I think leaves people at the mercy of a stock market and whether or not they are proficient in being able to invest.

I cannot imagine, I do not know what the percentage is, but I do not know that there is a very large percentage of people who are so familiar with the stock market that they can do that, and there are those that do and those that cannot, and those that cannot will wind up dragging down those that can in terms of what they will have to make up in terms of lost dollars.

The gentleman is suggesting another alternative here, which I think reasonable people can take a look at and sort out and begin to ask some questions about.

Mr. GANSKE. My constituents back in Iowa tell me that as we look at the surplus, the number 1 thing that they want us to do with it right now is to pay down the debt, number one; number 2, to secure Medicare and Social Security; and number 3, in the context of the surplus, to do some tax relief. And I am just suggesting tonight that there might be a solution between the Republicans and the Democrats that could come about on Social Security, too, where we focus on trying to increase the net worth of every American by letting them keep a little bit of that payroll tax, making up the difference from the surplus, as part of a tax cut, or focused on a payroll tax cut.

This, I think, gets around a lot of the debate that we have seen on where do you put that tax cut, and how the numbers exactly would work out neither the gentlewoman nor I have that data right now, because there are lots of variables that the Congressional Budget Office and others would have to look at in terms of projections for economic growth, and exactly what the dollars would be coming into the Social Security trust fund or not be there if you had that 2 percent reduction.

I am just saying that I think that Republicans and Democrats on both sides of the aisle that have some shared goals, and the number one shared goal I think is Social Security solvency; number 2, maintaining the safety net for those elderly women; number 3, helping every American become richer. I would like to see every American become a lot more wealthy; and number 4, making sure that the younger people who are coming up, the two out of which we will be supporting every one retiree in about 25 years, that we somehow or another figure this out so that we do not leave them with an overwhelming payroll tax to be supporting the gentlewoman from Connecticut and me when we are in our retirement.

I very much appreciate the gentlewoman from Connecticut for just entering into a brief colloquy with me on this. And I would be happy to yield again to the gentlewoman if she has any further remarks.

Ms. DELAURO. Well, I am pleased as well that the gentleman asked to be able to do this, because I think that there is room for discussion of the issues. Again, it is worrisome that we are, again, in two proposals that have been made in the last several days, which have captured the national attention that I think it is well worth pointing out, and again, in my view, I think one is terribly risky in this sense, as I started out my commentary, is that to somehow turn on its head the notion of this guaranteed annual income, which has been so important to people in their lives. It was not meant to be just that, the only income, but for some people, about a third of the beneficiaries of Social Security, that is the only income that they have, and to somehow tamper with that seems to be moving away from that guarantee that people have believed in.

Then the notion of the savings accounts deals with increasing individual risk, which I think, again, threatens the system. Now, are there alternate proposals that we might consider to get where we want to go in order to make sure that there is that guarantee that does not put people at risk, in which case then you can try to look at how, in fact, we can as the gentleman pointed out increase people's financial wherewithal; certainly, we ought to take a look at that.

I will tell the gentleman that in all of this, in terms of its effect on women and older women in our society, and if we do not go down this road in a very careful way about the unique situation that women find themselves in, then we are going to compound their vulnerability and increase their rate of poverty, and that is not where we want to go and what I see at the moment, in terms of a public policy direction, which has been espoused by Governor Bush, is that that, in fact, is where it leads. And I am not suggesting that is where you are and that there is not room for conversation and debate and discussion on this issue in a way that the gentleman has proposed, and there may be other ways, but it scares me.

Mr. GANSKE. I agree with the gentlewoman that we need to be very careful. And I think it will be, I hope that our parties' respective presidential candidates have a chance to be as civil to each other during a presidential debate on this important issue as we have been.

I also want to thank the gentlewoman for working so vigorously on the children's clothing issue as it relates to whether clothing can catch on fire. She has worked very diligently on trying to make sure that we have safe standards for children's clothing, and I look forward to joining the gentlewoman on this.

I would just close with this, and that is, that I think it is going to be important to talk in a reasoned fashion about where does Social Security go, with the baby boomers coming down the line, I think it is also true, though, that we will need to seek solutions and not just be reactionary and say that no change is the only way to go.

Ms. DELAURO. There has to be change.

Mr. GANSKE. I know the gentlewoman is not proposing that.

Ms. DELAURO. I thank the gentleman from Iowa, and I thank the gentleman, if I just might for one second, and I do not want to take any more of the gentleman's time, is for the gentleman's diligence, your commitment to the health of people in our country and in our society, both in your own profession as a doctor in which the gentleman has really made his own personal commitment, but the role that the gentleman has played in trying to bring us to some understanding and conclusion about patients and the decisions, medical decisions that affect their lives and your hard work on the patients' bill of rights. And I thank the gentleman.

□ 2130

Mr. GANSKE. I thank the gentlewoman from Connecticut.

Mr. Speaker, I am going to save my comments on HMOs for another night, because I am going to yield the balance of my time to my colleague from Colorado, who has important things to say, as he usually does, and so I will yield to the gentleman from Colorado.

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## SOCIAL SECURITY REFORM

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 30 minutes as the designee of the majority leader.

### POINT OF ORDER

Mr. MCINNIS. Point of order, Mr. Speaker. The gentleman, I think, yielded me the balance of his time, which I think would give me an additional 7 minutes. So I would request 37 minutes for the special order.

The SPEAKER pro tempore. Under the Speaker's guidelines, the gentleman from Iowa (Mr. GANSKE) is not allowed to yield to the gentleman, so the Chair recognizes the gentleman from Colorado (Mr. MCINNIS) for 30 minutes.

Mr. MCINNIS. I thank the Speaker for the clarification.

Good evening, colleagues. I have been listening to the discussions. I think we had a healthy discussion, where the gentleman from Iowa and the gentlewoman from Connecticut were having a discussion. But previous to that I was not quite as inspired as some might have been in regards to her attack on the policies of the Governor of the State of Texas, the Republican candidate for the Presidency, in regards to Social Security.

Now, my purpose here this evening with my colleagues is not to talk to them necessarily about partisan politics. That is not the purpose of this podium. My purpose this evening is to talk about an issue that is important and, by the way, not just important for women, it is very important for women but it is very important for young people, regardless of their sex, regardless of their ethnic background.

I tell my colleagues, we are not going to accomplish a solution for Social Security by using fear tactics. Standing up and implying that the women of this country, apart from any other segment of this country, are endangered by Social Security ignores problems that go across the sexes. These are fear tactics that are being launched against senior citizens.

The reality of it is that every one of us in these chambers, every one of us in these chambers knows that today every senior citizen, or every beneficiary of Social Security benefits who is picking up the check today will have the check next month, will have the check next year, and will have the check as long as they are entitled to that benefit. There is not, under anybody's, under anybody's study of Social Security, there is not one beneficiary today who is receiving Social Security funds, whose funds are endangered during the period of time that they are to receive those funds.

It is nothing but pure and simple fear tactics to come out here and somehow try to defend the status quo of a system that is not running well and by doing that implying that people who are on the system today are somehow going to be cut off. Imagine being a senior citizen and hearing from a person in these great halls of Congress the implication that either because they are a woman or because they are a senior citizen that somehow their benefits are somehow going to be canceled because a Republican, the Governor of the State of Texas, has come up with something that changes the status quo.

The recommendation to change the status quo comes because of one reason: Everybody in these chambers, everybody in our country admits that Social Security needs to be improved. How interesting that during the conversation of the gentlewoman from Connecticut she speaks consistently of privatization. Maybe she should speak, maybe we should all speak of personalization. Maybe we ought to look at this Social Security System and, number one, admit that it is not working right and quit being stuck on the status quo.

And by the way, this argument that, well, we are reducing the national debt. How nice, after 40 years of Democrat leadership, 40 years of Democratic leadership which drove that debt to record highs, which gave us that annual deficit. All of a sudden they have turned a new leaf: Oh, let us reduce the national debt.

Let me tell my colleagues that in my opinion what we need to do is to not look at the fear factor of Social Security. Forget the fear factor of Social Security. Play fair on this. Look at the business factor of Social Security. Let us get down with our pencils and get down there with our pads of paper and figure out how we can improve the system.

I want to give my colleagues a suggestion, a suggestion that everybody in this Chamber, every Federal employee gets to enjoy, and then I want my colleagues to ask after I bring this system out, I want my colleagues to ask why only Federal employees? Why only Congressmen and Congresswomen? Why do they get this benefit and the rest of America does not? Why are we a special class, as Federal employees? We get to choose personalization. The gentleman from Connecticut who spoke up here previously gets to choose personalization. All of us have that option as Federal employees. As Congressmen we have that option to personalize our account. Why can we not look at Social Security and compare it to the system we have?

By the way, the system we have works very well. It is not broken. My guess would be that every one of my colleagues on this floor who is eligible for what we call Thrift Savings is in it. We are in the program. And my bet is that every one of our employees are in that program. Now, it is an option to go into that program. It is also my bet that most Federal employees are in that program. Why are they in that program? Because it works. They had a choice. It works and they get some choice in the program. They get to personalize it.

That is what George W. Bush is talking about. Frankly, I compliment him. We need somebody to stand up. Social Security in an election year is one hot potato to deal with. It is tough. And here we had somebody who had the courage to stand up and put out a plan that I think is pretty bold, a plan that I think has a lot of inspiration and initiative to it.

So let me tell my colleagues a little about the kind of plan that we have here on the floor, our Federal Thrift Savings Plan. It is really broken down into two parts. As a Federal employee, and let me speak more specifically, as a United States Congressman, we get every month a certain amount of money taken out of our pay that is put in for retirement. We have no choice where that money is invested. We have no choice how that money is invested. We cannot put our hands on that money. That is the safety net. But the second option we have is what is called Thrift Savings, and that is the kind of direction that is being proposed to look at for Social Security.

Now, what does the Thrift Savings do? A Federal employee, or a Congressman, let us take myself for an example, I, SCOTT MCINNIS, have the option every month of taking a certain percentage of my salary and putting it into the Thrift Savings program. Now, once it goes into the program, my personalization really begins. At that point I get to make a choice. No one else chooses for me. My employees do not choose for me. The bureaucracy does not choose for me. I get to have a personalized account.

And I have three basic options. I can take a high-risk speculative stock investment, and in the last several years that has made an enormous return, sometimes 24 to 48 percent. I do not have the exact figure, but it is a tremendous return. I can go into a little bit lower risk with the second option, which are bonds; or I can go into a guaranteed fund, which has a low interest.

Remember, interest is based on risk. The higher the risk, the higher the rate. The lower the risk, the lower the rate. So I can go into the most conservative of the three options, and it is guaranteed, but it does not return a lot of interest.

Now, when we take a look at what we have, and what has been suggested here, I am frankly surprised that the Vice President, under his policies, although 6 months ago he was in favor of something like this, in the last week and a half, frankly because of the politics, that his policy is stick with the status quo.

My good friend, the doctor here, the gentleman from Iowa (Mr. GANSKE), and I compliment him, as being a doctor, I admire him for that background.

Mr. GANSKE. And if the gentleman, when he gets a chance, would yield for just a minute.

Mr. MCINNIS. I will in just a moment, but let me go over a few statistics that the gentleman brought up.

The gentleman before me talked about what are some of the difficulties that we face with Social Security today. What are causing some of the problems? It is pretty simple. It is demographics. In 1935, when our Social Security System was put into place, we had 42 workers for every retired person over 65. Today, as the gentleman highlighted earlier, we have three workers for every retired person.

Now, as a compliment to the health care system of this country, when Social Security was first put into place, a man could expect to live to be 61 years old, a woman could expect to be 65. But because of health care and taking better care of ourselves and so on and so forth, that has gone up tremendously. So now people are living longer. The result of this has been that throughout this period of time we have had people who have refused to make those kind of adjustments. We had elected officials who continued to defend the status quo and shove it on to the next administration.

Well, I think it is time we take a stand and say we are not going to stand for the status quo. This Social Security System owes something to the women, absolutely, but we owe it to the women and we owe it to every citizen in the United States to stand up now while the system still has a positive cash flow and make commitments to move off the status quo and improve our system. And the beauty of it is we do not have to invent something brand new. This is a trail that has been traveled. The snow has been plowed. We have this system, the Thrift Savings system currently used by every Federal employee, or at least given as an option for every Federal employee, and that system works.

In just one minute I will yield to the gentleman from Iowa, but let me ask my colleagues, and I wish I had the time to go around individually to every Member and ask them, since they get the Thrift Savings option, what is so wrong with us at least having good discussion about the people who are on Social Security or the people who will be on Social Security, our young people or now the generation behind me who is in the working place, what is wrong with asking that generation if perhaps they would not like to personalize their account? Tough answer.

I would be happy to yield to the gentleman.

Mr. GANSKE. I appreciate the gentleman's comments, and I agree with him totally that Governor Bush, to his credit, has had the courage to talk about the future retirement of the baby boomers. This is, I think, going to be a significant debate, and it should be.

In the past, any politician that would touch Social Security, it has always been called the third rail of politics, Governor Bush deserves an awful lot of credit for the courage to talk about what are the options.

As we know from the Social Security Advisory Commission, the options are, with all the baby boomers coming down the road, we either, for those baby boomers, and we are not talking about current beneficiaries. The gentleman made that point clearly, but I want to emphasize it. We are not talking about current beneficiaries, we are talking about when the baby boomers retire.

But for the baby boomers, with our huge numbers coming down the road, the Social Security Advisory Commission has said that our options are one of three: We are either going to have to reduce benefits by 25 percent for the baby boomers, not for current beneficiaries; we are going to have to increase payroll taxes for those workers at that time, these are our children that we are talking about; or we somehow or other work to help every American in retirement be wealthier, to have some type of increased return on investment.

□ 2145

Now, that Social Security advisory commission was made up of people representing labor unions, accountants, businesses, leaders from all across the spectrum. They had three separate proposals for how you would increase the return, and they vary in some details. But all of them agreed, all three of the solutions agreed that the first two solutions were not so great, and that was to either reduce benefits or to increase taxes. And so I commend the gentleman for giving an analogy, because our thrift, the Congressional Thrift Savings Plan is equivalent to a 401(k) in the private community. And it is something that we can elect to do. And if you are wise and you are looking at your future pension requirements, you will take some of your current salary and put it into that 401(k), just like people in businesses, corporations, employees do.

But the analogy is very apt in terms of the choices that we have, because that is one of the ways in which you could set up these personal accounts in Social Security, and, that is, that, number one, the government does not own those accounts, individuals do, and that is important because you do not want the government to own half or three-fourths of the stock market. Then the government can control investment. I do not think that the government necessarily makes wise decisions in investments.

So that is important. But there are mechanisms whereby through certification of funds that can help keep the administrative costs low. That has been something that people have criticized these accounts about. There are choices that can be offered to individuals. Let us say that you are younger, maybe you want to put that account into a growth fund for a while but then as you grow older you want to be more conservative so you switch it into a bond fund. Those are things that Americans have learned to do. And I think it is correct that over extended periods of time, you gain about twice or three times the return through the market. We are just talking about, though, a small percent and we are still talking about maintaining that safety net that is very important.

Mr. McINNIS. The gentleman made a very clear point at the very end, and, that is, on the thrift savings, there is an amount of money that goes into our retirement every month we cannot touch. That money is guaranteed. So even if on our personalized account we mess up, we still have a safety net. I would ask every one of my colleagues in here, for example, if the gentleman or I won a million dollars in the lottery and we decided consciously that we wanted to take that $1 million and invest it for our future retirement, how many of us would take that $1 million and turn it over to Social Security and say, "Hey, why don't you take the million dollars I just won and why don't you invest it because I've got confidence that when I get 65 you're going to have that million dollars and you will have taken good care in the investment of it." There is not a person in this country that is going to do it.

That is why when I listened to the previous speaker, let me say with all due respect to my colleague, that you cannot maintain the status quo. The Vice President has been very clear in his position. He wants the status quo. Now, look, things have changed. We have got a new economy out there. Take a look at the State of Florida last week. The State of Florida took 650,000 State employees and said, hey, we are going to let you go into your own, essentially what is a 401(k) program. We are letting you come out. You can come out to a Corporate Life 401(k) system. They get up to eight mutual funds to invest in. Ohio and Kansas are right behind them.

The States realize this. The employees realize this. The women, the children, the workers, they realize this. It is time to take a bold move. When we speak of bold move, as the gentleman stated, we are not talking about taking all of your Social Security money and putting it in, bulk, into this. We are only allowing a transfer of 2 percent. But that is considered bold when you are dealing with the status quo.

Let me mention a couple of other things because my good friend brought them up. The program that the Governor of Texas, Mr. Bush, has proposed had several principles. You hit on a few of them but that is what that Social Security panel said was necessary. Number one, modernization must not change existing benefits for retirees or near retirees. The current retirees are not going to be impacted by this. Their future is secure. And so are the expected retirees.

Mr. GANSKE. If the gentleman will yield, the retirees, for instance, people who are 50 or 55 years or older, because we all recognize that you cannot change the system for them. They would not have sufficient time to build up additional reserves.

Mr. McINNIS. Reclaiming my time, the window of opportunity is too narrow. That is acknowledged.

It is kind of common sense, the next thing, that the Social Security surplus must be locked away for Social Security only. As you know, when these Democrats, frankly, the leadership, had control of this budget for 40 years, they used the Social Security money for other purposes. It is the Republican bills that changed the status quo and said, wait a minute, let us put Social Security money for the purpose of Social Security. Social Security payroll taxes must not be increased. That is another condition. The government must not invest Social Security funds in the stock market, the very point the gentleman made 3 or 4 minutes ago.

Modernization must preserve the disability and survivor components. Modernization must include individually controlled personalized voluntary, and "voluntary" is the key word, personal retirement accounts which will augment, supplement the Social Security safety net.

I wish my colleague were here. I would say what is wrong with any one of those elements. But let me say, if we adopt any one of those single elements, we move off the status quo. You have got to be willing to save Social Security, and to improve that system you have got to put your stubbornness aside, Democrats, and be prepared to accept some of these principles. And what is wrong with any one of them? There is not one of those principles I mentioned that they would disagree with.

Let me say that I am not attempting up here to throw out partisan warfare but I am saying, there is a clear difference, and as my colleague who is a Democrat who spoke earlier, she also said there is a clear difference between the two, and I think it is important for us to distinguish between these two plans. One supports the status quo and the second says we have got to make some type of improvement. The improvement is based on those conditions I mentioned.

Again, just recapping, how many Members in here are not in thrift savings? We all enjoy thrift savings. It is a voluntary program, it is a personalized program. Likewise, how many of us in these chambers would be willing to give Social Security a million dollars of our own money to invest and plan for our retirement?

Mr. GANSKE. I think it is important to note that 6 months or so ago, President Clinton and Vice President GORE talked about a plan to utilize a portion of that payroll tax to go into personal accounts. There were some differences in terms of the mechanics that they were talking about, but I think it is clear as we look at the demographics coming down the road that the status quo, doing nothing, just is not going to work.

Now, when we look at, let us say taking 2 percent out of that 12.4 percent and moving it into a personal account, that means that there are going to be some decreased dollars going into the Social Security trust fund for that transition. I have a hard time understanding why the Democrats who constantly talk about trying to direct tax cuts to those who need it most do not seize on this. Look, the people that we, Republicans and Democrats, both would agree need that tax cut the most, the working Americans where their payroll tax is the biggest chunk of tax they ever pay, why not give them, as Senator BOB KERREY has said, a payroll tax cut.

Mr. MCINNIS. A Democrat, by the way.

Mr. GANSKE. A Democrat. And then use part of that surplus that we all want to keep coming in, use part of that projected surplus to make up the difference. That is a tax cut. That is a tax cut for the people who need it the most. That is also helping every American who is working and paying payroll taxes become richer. As Senator BOB KERREY says, my goal is to help every American in this country become wealthier. And the way to do that is to set up these personal accounts while at the same time preserving that safety net for those who are currently in the program and for those who are coming into the program in, say, the next 10 or 15 years. And I think that you can do it. If we look at the surplus that is coming along, if we look at the projections that have been done already through CBO on plans that are like this. I just do not buy this, quote, this risky language that we hear all the time.

As the gentleman said earlier, those are scare tactics. We need to have a civil, calm discussion and try to achieve goals that are common to both sides. But I think simply saying that the status quo is the only way is not recognizing what the experts from the Social Security advisory commission are telling us. They are warning us this.

Mr. MCINNIS. One thing we should discuss with our colleagues before they join on with the Vice President and talk about how reckless and how fearful it is, remember, it is a little hypocritical for any Federal employee to talk about the Bush proposal or the committee's proposal as reckless when in fact we enjoy the benefits of the thrift savings program which does exactly what we are posing in a smaller fashion Social Security head towards.

In other words, I am not sure I have heard any complaint from any of our colleagues, and I certainly have not heard any of our colleagues calling our own thrift savings which is exactly what the gentleman is talking about but as the gentleman knows we have it in place, I have not heard any of them say this is a reckless, terrible deal. In fact, my colleagues keep asking, why can I not contribute more? We would all like to put a little more into this. This is a good idea. That is the direction that I think we are headed.

I read the Wall Street Journal, they had an editorial yesterday, and it is called Grabbing the Third Rail. The reason I reference grabbing the third rail is it talks about the hot potato. It talks about the fact it is time somebody who wants to be the leader of this country, the President of this country, step forward and take a leadership role and say, "Look, we have got a storm out there, we can't sit at home in the harbor. Somebody's got to take their ship out there and get to the other side."

Now, what is interesting in this particular editorial is they talked about the fact that there has been some criticism, no details, not enough details. They give four or five websites that you can go to on your computer and these websites even have a calculator built in on them, so that you can figure out what would happen to you as an individual person. I will not go through all of them although I intend to next week because I plan on giving another speech in regard to Social Security because as the gentleman and I previously discussed, it is important. But let me give one of them: socialsecurity.org/index.html. That provides a lot of the detailed information that we are talking about this evening.

I can tell the gentleman that when I mention the Vice President's policy, that policy parallels the policy of the Democratic leadership. Fortunately, not all the Democrats are agreeing with the Democratic leadership. We have a number of Democrats, including as my colleague mentioned Senator KERREY who are saying, "Wait a minute, you can't stick with the status quo." Come on, let us get off these fear tactics. Let us talk about business tactics. We have to change the business model, just the same as businesses throughout our country are changing the business model to deal with the Internet. We have got to do it. This system is 65 years old. Although it is in a cash flow right now, positive cash flow, as we both know, on an actuarial basis, this deal is in trouble.

□ 2200

But we got time to save it. The beauty of what we are doing right now, our conversation today is we are not worried about a fund that is going bankrupt tomorrow. For a change, finally, for a change, you have got elected political government officials in this country talking in advance of the crisis about what to do to avert the crisis.

A lot of times the government responds after the crisis occurs. Here at least we have had the foresight for you to look at your children, myself to look at my children, and say hey, we better do some planning for these people.

The SPEAKER pro tempore (Mr. WALDEN of Oregon). Under the guidance given to the Chair by the majority leader, the Chair now recognizes the gentleman from Colorado (Mr. MCINNIS) for an additional 7 minutes, which is the remainder of the hour reserved for the leadership.

Mr. MCINNIS. Mr. Speaker, I yield to the gentleman from Iowa (Mr. GANSKE).

Mr. GANSKE. Mr. Speaker, I thank the gentleman for yielding.

As I mentioned earlier this evening, for the last several years, as I have done my town hall meetings around my district, I have actually taken a computer program, run a laserpoint off it, the program I borrowed from Senator BOB KERREY, who is a Democrat, who talks about the impending age wave and the Social Security Advisory Commission's recommendations. We have had discussions across the 4th Congressional District in Iowa about this.

For 2 years at least I have been arguing that we need a presidential candidate of courage who would bring this up, who would be willing to take a risk, to have a full and public debate on where we go with probably the biggest issue that is facing our country, as well as all of the other developed countries, and that is how do we deal with the pension requirements of the babyboomers in the next 20 to 30 years?

So we finally get a candidate like this. Governor Bush should be given a huge accolade for being willing to bring this to the forefront of the presidential debate. There is no question about it, they knew fully down in Austin, Texas, that they were taking a risk by bringing this important issue up, because this has been an issue that politicians have been afraid of.

Well, we finally have a presidential candidate who has been willing to take that risk, because this is the biggest issue facing our country in the next 25 to 30 years, and, as the gentleman from Colorado pointed out, you need time, time, to effect changes, to bring up the wealth of the average American, to make sure that the system is solvent. You cannot just take care of it when it is all of a sudden bankrupt, or else you are going to have huge shifts and significant pain, both on the part of the beneficiaries and on the part of the payees at that time.

Now is the time. This is the election to make a determination and have a debate on this issue, that we can then take into the year 2001 and say we have had this debate, and, if Governor Bush would become President, then we will have an opportunity to effect the type of changes that will be very important in order to make sure that the elderly continue to receive their benefits, in order to make sure that the young are not going to be faced with 50 percent payroll tax increases at that time.

This is hugely important, and I am immensely proud of Governor Bush for having taken this risk, because the easiest thing to have done with his lead in the polls would be to play it safe, to just ride it out, to take into account "Clinton fatigue" or whatever else might enter into this election, and to bring honesty to the White House. But, instead, he has taken a bold step on this, and I am really proud that we have a candidate who has brought this to the debate, because I am sure this is going to be a major focus of debate in every presidential debate.

Mr. MCINNIS. Mr. Speaker, the gentleman is absolutely correct. The first step we have to take is, I used to practice law, and when you put on a defense, I did not do any criminal law, but even when you put on any kind of defense, it has to have some credibility. How can you stand up and credibly defend the current system that we have? How can you look at the young workers and how can the vice president and his policies and his policy for Social Security, how can he look at the women of the country or young workers and say I am going to defend the status quo, I am going to defend the current system?

You know what, it does not sell. It is not credible. I urge both sides of the aisle to get together and at least have enough courage to say, because we are beneficiaries of it, we get to use the Thrift Savings Program, that we at least have enough courage to stand out there and say, you know, what is wrong with looking at change? What is wrong with trying to suggest some improvements for the Social Security system? What is wrong with doing like Federal employees, all the Federal employees get to do, and that is personalize their accounts? What is wrong with standing up and figuring out, hey, there is a better way to do it?

We are not saying dump this system. We are saying improve this system. We are certainly not saying, as the gentleman has said, we are not saying threaten anybody currently on the system. Not at all. In fact, I think most people we talk to out there want us to improve the system. They want a system like every one of us sitting in this hall tonight are benefits of, a Thrift Savings Program. We get personalized choices, and yet we have a safety net back there. We have an obligation I think to offer this across the country. Every Federal employee gets it. What is wrong with offering it to other people?

In conclusion, I would first of all thank the gentleman for joining me this evening and look forward to further discussions with him. Number two, I think this is a very good topic for the presidential debates, because I think our next President has got to take a leadership role and put this system on a track that improves it, that puts it on a system that our young people, and even people our age, are not talking or have a fear that Social Security will not be there for them. We want a President that will give those people the comfort that that system will be there for them.

So far, frankly, so far the only candidate that has stepped out there and said "I think I have got the system different than the status quo" is Governor George Bush of the State of Texas.

Again, I thank my colleague for his participation this evening.

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## TOLERANCE OF TORTURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, if a bill were to come before this Congress asking for the legalization of rape, torture, murder and religious persecution, it would be voted down without question. If our President were to lower the working age to 15 years old and call for 14 hour workdays, 6 days a week, the people of the United States would be outraged.

Why then do so many in this Congress seek to allow trade practices with a country that allows and encourages such atrocities? In the People's Republic of China, these types of events occur every day. This behavior is not punished by the Chinese Communist Party, but it is condoned and encouraged by this Chinese government.

Although the government of the United States obviously has no authority to stop directly this abusive behavior, we do have the ability to check on the human rights practices of the Chinese through our current trade agreement.

The U.S. State Department reports on human rights violations in China, "Beijing's poor human rights record deteriorated markedly throughout the year, as the government intensified efforts to suppress dissent." Even with our investigations into the human rights issue, China has not changed. Even if we do not consider the $70 billion trade deficit or the threat of jobs going overseas to China, we should deny China permanent normal trade relations based on these human rights violations done and allowed by the Chinese government.

Many of the victims of government oppression in China are young children. Two of the main concerns of many U.S. citizens regarding trade with China are child labor and working conditions for all Chinese, especially young women. Chinese are used as cheap labor, often forced to work in awful conditions for abnormally long hours. They are often punished cruelly. Many are tortured brutally, some are raped by their employers.

The Chinese government acknowledges the use of child labor, and while the exact number of child workers is unknown, the number of minors out of school and in the workforce exceeds by far 10 million young people. Companies looking for cheap labor attract apprehensive students with promises of money and success. These children are forced to work in cramped spaces for long hours. Fourteen-year-olds often faint from exhaustion and heat, often working 6 days a week, 16 hours a day.

Not only do the Chinese practice and allow child labor, slave labor is also common in labor camps throughout China. Chinese citizens are kidnapped, they are forced to work, often without wages or food. These workers, often very young, often 40 of them or more, are forced to stay in makeshift houses of less than 20 square meters, with leaking roofs and rat infestation.

If the U.S. allows China to obtain PNTR, then we are accepting the outrageous treatment of laborers in China. Can we in good conscience allow this to happen in this Congress?

One of the founding principles of the United States is freedom from religious persecution. Under communist rule in China, all religious activity must be approved and registered by the government. Religious sects not approved by the government include the Falun Gong and Tibetan Buddhism. The Chinese government has fought hard to restrict both these sects. According to the Students for a Free Tibet Organization, 6,000 Tibetan monasteries and shrines have been destroyed, 600 Tibetan Buddhists are presently in jail for practicing their religion. The Chinese government banned the Falun Gong in July and put tens of thousands of its members in psychiatric hospitals and in prisons for long, long terms. Prisoners are endlessly harassed, beaten and tortured. Often the Chinese government uses hospital and prisons to silence the spiritual leaders of their country.

Not only are the spiritual leaders detained and imprisoned, but so are political party leaders. China continues to harass Taiwan with threats of bombing, simply because they held free elections and are now a Democratic Nation.

The Chinese government attempts to squelch freedom and democracy, the two basic ideals on which our country was founded. Why are we willing to throw away these ideals because of corporate greed by U.S. CEOs? If the U.S. allows China to have permanent normal trade relations, we are condoning China's outrageous denial of human rights. We would not ignore this type of criminal behavior in our own country; we should not ignore these atrocities in China.

We cannot turn our backs on the Chinese people simply because they do not inhabit our shores. We should expect no less from the countries with whom we trade than we do from ourselves. If we want to have a global economy, we should have a global morality. Can we allow the trafficking of women and children in the name of western corporate profit? Can we condone discrimination and abuse against women and minorities for profit?

Mr. Speaker, free trade with China will prove to be very costly for our values, for democracy and for our Nation.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VENTO (at the request of Mr. GEPHARDT) for today and the balance of the month, on account of illness.

Mr. SHADEGG (at the request of Mr. ARMEY) for today after 1:30 p.m. and May 19, on account of attending daughter's high school graduation.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. RUSH, for 5 minutes, today.

Ms. STABENOW, for 5 minutes, today.

Mr. BAIRD, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. ENGEL, for 5 minutes, today.

(The following Members (at the request of Mr. FRELINGHUYSEN) to revise and extend their remarks and include extraneous material:)

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mrs. BIGGERT, for 5 minutes, today.

Mrs. CHENOWETH-HAGE, for 5 minutes, on May 23.

## ADJOURNMENT

Mr. BROWN of Ohio. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 12 minutes p.m.), the House adjourned until tomorrow, Friday, May 19, 2000, at 9 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7687. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for programs designed to strengthen the Nation's counterterrorism efforts; (H. Doc. No. 106–239); to the Committee on Appropriations and ordered to be printed.

7688. A communication from the President of the United States, transmitting requests for Fiscal Year 2001 budget amendments for the Department of Defense; (H. Doc. No. 106–240); to the Committee on Appropriations and ordered to be printed.

7689. A letter from the Acting Assistant Secretary, Pension and Welfare Benefits Administration, Department of Labor, transmitting the Department's final rule—Annual Reporting and Disclosure Requirements (RIN: 1210–AA52) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7690. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits—received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7691. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Delegations of Authority and Organization—received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7692. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Effective Date of Requirement for Premarket Approval for Three Preamendment Class III Devices [Docket No. 98N–0564] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7693. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Reclassification and Codification of the Stainless Steel Suture [Docket No. 86P–0087] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7694. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Gastroenterology-Urology Devices; Effective Date of Requirement for Premarket Approval of the Penile Inflatable Implant [Docket No. 92N–0445] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7695. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lancaster, Groveton and Milan, New Hampshire) [MM Docket No. 99–9 RM–9434 RM–9597] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7696. A letter from the Division Chief, Telecommunications Consumers Division, Enforcement Bureau, Federal Communications Commission and Federal Trade Commission, transmitting the Commission's final rule—Joint FCC/FTC Policy Statement For the Advertising of Dial-Around And Other Long-Distance Services To Consumers [File No. 00–EB–TCD–1(PS)] received March 23, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7697. A letter from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting the Department's final rule—West Virginia Regulatory Program [WV–080–FOR] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7698. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Antidrug and Alcohol Misuse Prevention Programs for Personnel Engaged in Specialized Aviation Activities [Docket No. 27065, 25148 and 26620; Amendment No. 121–273] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7699. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Special Local Regulations: Annual Suncoast Kilo Run, Sarasota Bay, Sarasota, FL [CGD07–00–029] (RIN: 2115–AE46) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7700. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Regulation; San Francisco Bay, California [CGD11–99–009] (RIN: 2115–AA98) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7701. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Ortega River, Jacksonville, FL [CGD 07–00–023] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7702. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: West Bay, MA [CGD01–00–018] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7703. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Regulations: Harlem River, Newtown Creek, NY [CGD01–00–121] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7704. A letter from the Chief, Office of Regulations and Adminstrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Temporary Drawbridge Regulations; Mississippi River, Iowa and Illinois [CGD 08–99–069] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7705. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Anchorage Ground; Safety Zone; Speed Limit; Tongass Narrows and Ketchikan, AK [CGD17–99–002] (RIN: 2115–AF81) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7706. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulation; Mississippi River, Iowa and Illinois [CGD08–99–071] (RIN: 2115–AE47) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7707. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Monticello, IA [Airspace Docket No. 00–ACE–5] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7708. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Arrius 1A Series Turboshaft Engines [Docket No. 99–NE–42–AD; Amendment 39–11650; AD 2000–06–09] (RIN: 2120–AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7709. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Grand Island, NE [Airspace Docket No. 99–ACE–56] received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7710. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations: Merrimack River, MA [CGD01–99–029] (RIN: 2115–AE47) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7711. A letter from the Chief, Office of Regulation and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Safety Zone: Sunken Vessel JESSICA ANN, Cape Elizabeth, ME [CGD01–00–120] (RIN: 2115–AA97) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7712. A letter from the the Legislative Special Assistant, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 100th National Convention of the Veterans of Foreign Wars of the United States, held in Kansas City, Missouri, August 15–20, 1999, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 106—238); to the Committee on Veterans' Affairs and ordered to be printed.

7713. A letter from the Chief, Regulations Branch, Department of the Treasury, transmitting the Department's final rule—Technical Correction; Description of Gramercy, Louisiana, Boundaries [T.D. 00–27] received April 14, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7714. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in accounting periods and in methods of accounting [Rev. Proc. 2000–22] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7715. A letter from the Deputy Executive Secretary, Center for Health Plans and Providers, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Coverage of, and Payment for, Paramedic Intercept Ambulance Services [HCFA–1813–F] (RIN: 0938–AJ87) received March 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 1304. A bill to ensure and foster continued patient safety and quality of care by making the antitrust laws apply to negotiations between groups of health care professionals and health plans and health insurance issuers in the same manner as such laws apply to collective bargaining by labor organizations under the National Labor Relations Act; with an amendment (Rept. 106–625). Referred to the Committee of the Whole on the State of the Union.

Mr. REYNOLDS: Committee on Rules. House Resolution 505. Resolution providing for consideration of the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–626). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 506. Resolution providing for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes (Rept. 106–627). Referred to the House Calendar.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. EVANS (for himself, Mr. Filner, Ms. Brown of Florida, Ms. Carson, Mr. Reyes, Mr. Rodriguez, Ms. Berkley, Ms. Baldwin, Mrs. Meek of Florida, Ms. Pelosi, Mr. Abercrombie, Mr. Baird, Mr. Green of Texas, Mr. Holden, Mr. Kennedy of Rhode Island, Mr. Rangel, Mr. Sanders, Ms. Lofgren, and Mr. Gonzalez):

H.R. 4488. A bill to amend title 38, United States Code, to provide benefits for children of women Vietnam veterans who suffer from certain types of birth defects, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. Reynolds, Mr. Upton, Mr. DeLay, Mr. Bonilla, Mr. Conyers, Ms. Jackson-Lee of Texas, Mr. Quinn, Mr. McHugh, Mr. LaFalce, Mr. Houghton, Mr. Sam Johnson of Texas, Mr. Reyes, Mr. Metcalf, and Mr. Young of Alaska):

H.R. 4489. A bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes; to the Committee on the Judiciary.

By Mr. LaFALCE (for himself, Mr. Leach, Ms. Waters, Mr. Frank of Massachusetts, Mr. Vento, Mr. Kanjorski, Mrs. Maloney of New York, Mr. Sanders, Mr. Gutierrez, Mr. Bentsen, Ms. Hooley of Oregon, Ms. Carson, Ms. Lee, Mr. Mascara, Mr. Inslee, Mrs. Jones of Ohio, Mr. Gonzalez, Mr. Capuano, Mr. Frost, Ms. Roybal-Allard, Ms. Rivers, Mr. Jefferson, Ms. Millender-McDonald, Mr. Hinchey, and Mr. Weygand):

H.R. 4490. A bill to establish a program to promote access to financial services, in particular for low- and moderate-income persons who lack access to such services, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SMITH of Michigan:

H.R. 4491. A bill to authorize appropriations for fiscal years 2001 and 2002 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Ms. LOFGREN (for herself, Mr. Hyde, Ms. Kaptur, Mr. Stump, Mr. Evans, Mr. Houghton, Mr. Dingell, Mr. Ballenger, Mr. Moakley, Mr. Regula, Mr. Hall of Texas, Mr. Skeen, Mr. Doyle, Mr. Sisisky, Mr. Filner, Mr. Gilman, and Mr. Shays):

H.R. 4492. A bill to amend title 39, United States Code, to provide for the issuance of a semipostal in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial; to the Committee on Government Reform.

By Mr. MICA (for himself, Mr. Ballenger, Mr. Gilman, Mr. Goss, Ms. Granger, Mr. Hutchinson, Mr. Kingston, Mr. Latham, Mr. McCollum, Mr. Portman, Mr. Wamp, and Mr. Wolf):

H.R. 4493. A bill to establish grants for drug treatment alternative to prison programs administered by State or local prosecutors; to the Committee on the Judiciary.

By Mr. MOLLOHAN:

H.R. 4494. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of West Virginia; to the Committee on Commerce.

By Mr. NETHERCUTT (for himself, Mrs. Capps, Mr. Porter, and Mr. LaFalce):

H.R. 4495. A bill to provide for coverage of all medically necessary pancreas transplantation procedures under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself, Mr. Hansen, Mr. Lipinski, Mr. Weldon of Pennsylvania, Mr. Lewis of Georgia, Mr. English, Mr. Salmon, Mr. Pastor, Mr. Cannon, Mr. Radanovich, Mr. Young of Alaska, Mr. Herger, Mr. Gibbons, Mr. Stump, Mr. Schaffer, Mr. Hayworth, and Mr. Walden of Oregon):

H.R. 4496. A bill to provide for the reintroduction of the Eastern Timber Wolf in the Catskill Mountains, New York, and to authorize the Secretary of the Interior to acquire lands through the Bureau of Land Management to facilitate that reintroduction; to the Committee on Resources.

By Mr. TALENT (for himself and Mr. Thune):

H.R. 4497. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for investment by farmers in value-added agricultural property; to the Committee on Ways and Means.

By Mrs. BIGGERT (for herself, Mr. Baker, Mr. Kuykendall, Mr. Porter, Mr. Fletcher, and Mr. Shimkus):

H.R. 4498. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to enhance long-term care and to convene a National Summit on Long-Term Care, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, Commerce, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 113: Mr. MILLER of Florida.

H.R. 148: Mr. CROWLEY and Mr. RILEY.

H.R. 220: Mr. DUNCAN.

H.R. 353: Mr. MARTINEZ, Mr. PAYNE, and Mr. BRADY of Pennsylvania.

H.R. 363: Ms. SANCHEZ and Ms. LOFGREN.

H.R. 460: Mr. KOLBE, Mr. DEAL of Georgia, Mr. CONDIT, Ms. RIVERS, Mr. DICKS, Mr. CONYERS, MR. GILMAN, Mr. TERRY, Mr. SCHAFFER, and Mr. ABERCROMBIE.

H.R. 488: Mr. WYNN.

H.R. 531: Mr. TAUZIN.

H.R. 632: Mr. GILMAN.

H.R. 1187: Mr. UDALL of New Mexico.

H.R. 1228: Mr. NEY and Mr. HOSTETTLER.

H.R. 1248: Mr. BOSWELL, Mr. HORN, Mr. OWENS, Mr. DEAL of Georgia, and Ms. LEE.

H.R. 1322: Mr. LAMPSON, Mr. CROWLEY, Mr. PETRI, Mr. COOK, Mr. OXLEY, Mr. SHAW, MR. WOLF, and Ms. MCKINNEY.

H.R. 1351: Mr. MILLER of Florida

H.R. 1388: Mrs. MCCARTHY of New York, Ms. BROWN of Florida, Mr. CLYBURN, and Ms. JACKSON-LEE of Texas.

H.R. 1488: Mr. BLILEY.

H.R. 1592: Mr. BURR of North Carolina.

H.R. 1621: Mr. MOAKLEY.

H.R. 1824: Mr. HOSTETTLER.

H.R. 1899: Mr. BLUMENAUER.

H.R. 2002: Mr. DIXON and Ms. LEE.

H.R. 2316: Ms. LEE.

H.R. 2340: Mr. EVANS, Mr. HORN, and Mr. LANTOS.

H.R. 2419: Mr. GALLEGLY.

H.R. 2764: Mr. FATTAH.

H.R. 2801: Mr. LAMPSON.

H.R. 2909: Mr. BENTSEN.

H.R. 2919: Ms. KAPTUR.

H.R. 3059: Mr. GREENWOOD.

H.R. 3091: Mrs. LOWEY.

H.R. 3142: Ms. JACKSON-LEE of Texas.

H.R. 3144: Ms. DANNER.

H.R. 3180: Mr. DICKEY and Mr. COOK.

H.R. 3240: Mr. LINDER and Mr. MURTHA.

H.R. 3315: Ms. DELAURO and Mr. FROST.

H.R. 3405: Mr. ABERCROMBIE, Mr. JEFFERSON, Mr. RANGEL, and Mr. BRADY of Pennsylvania.

H.R. 3455: Ms. VELÁZQUEZ and Ms. RIVERS.

H.R. 3463: Mr. PASCRELL.

H.R. 3609: Mr. DICKEY.

H.R. 3625: Mr. QUINN, Mr. ROYCE, Mr. LUCAS of Oklahoma, Ms. DANNER, Mr. DREIER, Ms. DUNN, Mr. EVERETT, Mr. KING, Mr. LEWIS of California, Mr. MCHUGH, Mr. MCINNIS, Mr. METCALF, Mr. MILLER of Florida, Mr. NEY, Mr. OXLEY, Mr. REYNOLDS, Mr. THOMAS, Mr. WICKER, and Mr. SMITH of Texas.

H.R. 3634: Mr. BACA.

H.R. 3655: Mr. EDWARDS.

H.R. 3661: Mr. SWEENEY, Mr. SIMPSON, and Mr. ISAKSON.

H.R. 3669: Mr. CRAMER, Mr. PICKETT, Mr. HALL of Texas, and Mrs. BIGGERT.

H.R. 3688: Mr. INSLEE, Mr. JEFFERSON, Ms. JACKSON-LEE of Texas, Mrs. LOWEY, Mr. RANGEL, Mr. SERRANO, Ms. KAPTUR, Mr. WYNN, Mr. DICKS, Mr. ORTIZ, Mr. RODRIGUEZ, Mr. OWENS, Mr. SHERMAN, Mr. PASTOR, Mr. GORDON, Mr. WEXLER, Mr. LAMPSON, Mr. SKELTON, Mr. MOAKLEY, and Mr. MORAN of Virginia.

H.R. 3692: Mr. GOODE.

H.R. 3694: Mr. HOLT.

H.R. 3766: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. THOMPSON of California, Mr. FALEOMAVAEGA, and Ms. LEE.

H.R. 3825: Ms. LEE and Mr. KUCINICH.

H.R. 3826: Ms. MCKINNEY.

H.R. 3871: Mr. DICKEY.

H.R. 3872: Mr. WEYGAND and Mr. ABERCROMBIE.

H.R. 3891: Mrs. NAPOLITANO and Mr. JEFFERSON.

H.R. 3895: Mr. LATOURETTE.

H.R. 3916: Ms. JACKSON-LEE of Texas, Mr. HOEFFEL, Mrs. BIGGERT, Mr. CROWLEY, Mr. EVANS, Mr. GREENWOOD, Mr. SENSENBRENNER, Mr. BOEHLERT, Mr. CRAMER, Mr. ETHERIDGE, Mrs. JONES of Ohio, Mr. WICKER, Mr. HILLEARY, Mr. THUNE, Mr. WISE, Mr. FALEOMAVAEGA, and Mr. BARRETT of Wisconsin.

H.R. 4013: Mr. ETHERIDGE and Mr. HOYER.

H.R. 4033: Mr. COBLE and Mr. KANJORSKI.

H.R. 4049: Mr. BILBRAY and Ms. RIVERS.

H.R. 4054: Mrs. KELLY.

H.R. 4069: Mr. LAHOOD and Mr. HORN.

H.R. 4076: Mr. DICKEY.

H.R. 4094: Mr. DICKS, Mr. GEORGE MILLER of California, Ms. BALDWIN, Mr. CLEMENT, Mr. JACKSON of Illinois, Mr. THOMPSON of Mississippi, Mr. PRICE of North Carolina, Mr. SERRANO, Mr. BENTSEN, and Mr. SANDERS.

H.R. 4144: Mr. ADERHOLT and Mr. LUCAS of Kentucky.

H.R. 4149: Mr. OSE and Mr. CALVERT.

H.R. 4170: Mr. SCHAFFER.

H.R. 4210: Mr. EWING, Mr. FOLEY, Mr. GRAHAM, Mr. BURR of North Carolina, Mr. MICA, Mr. THURMAN, Ms. BROWN of Florida, and Ms. ROS-LEHTINEN.

H.R. 4215: Mr. COOKSEY and Mr. HERGER.

H.R. 4222: Mr. MOORE, Ms. MCKINNEY, Mr. JEFFERSON, Ms. LEE, Mr. CONYERS, Mrs. CHRISTENSEN, Mr. RANGEL, and Ms. CARSON.

H.R. 4239: Mr. EVANS and Ms. LEE.

H.R. 4259: Mr. MCINTYRE, Mrs. MEEK of Florida, Mr. SKELTON, Mr. FROST, Mr. FALEOMAVAEGA, Ms. LEE, Mrs. THURMAN, Mr. PETERSON of Minnesota, Mr. GONZALEZ, Mr. JEFFERSON, Mr. MCNULTY, Mr. ENGLISH, Mr. STUPAK, Ms. DELAURO, Mr. METCALF, Mr. BACA, Mr. PASTOR, Mr. HAYWORTH, Mr. KILDEE, Mr. MEEKS of New York, and Mr. WATTS of Oklahoma.

H.R. 4271: Mr. GREEN of Wisconsin, Mr. WALSH, and Mr. LARSON.

H.R. 4272: Mr. WALSH, Mr. LARSON, and Ms. JACKSON-LEE of Texas.

H.R. 4273: Mr. WALSH, Mr. LARSON, and Ms. JACKSON-LEE of Texas.

H.R. 4274: Mr. TANCREDO, Mr. VITTER, Mr. DOOLITTLE, Mr. GARY MILLER of California, Mrs. BONO, Mr. HAYES, Mr. PRICE of North Carolina, Mr. WELDON of Florida, Mr. BASS, Mr. RILEY, Mr. MCINTOSH, Mr. DAVIS of Virginia, Mr. WICKER, Mr. HILLEARY, Mr. NORWOOD, Mr. TALENT, Mr. BILIRAKIS, Mr. REYNOLDS, Mr. PITTS, Mrs. MORELLA, Mr. JONES of North Carolina, Mr. ISAKSON, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. HASTINGS of Washington, Mr. HUNTER, Mr. GEKAS, Mr. GIBBONS, Mrs. BIGGERT, Mr. WAMP, Mr. WOLF, Mr. SAXTON, Mr. COOKSEY, Mr. LEACH, Mr. GOSS, Mr. ROHRABACHER, Mr. BACHUS, and Mr. WALDEN of Oregon.

H.R. 4289: Mr. MCGOVERN, Mr. MICA, Mr. CLYBURN, Mr. WEYGAND, Mr. ENGEL, MRS. THURMAN, Mr. PAYNE, Mr. NEY, Mr. DIXON, Mr. DELAHUNT, and Mrs. NAPOLITANO.

H.R. 4292: Mr. HYDE, Mr. BURTON of Indiana, Mr. SOUDER, Mr. HOEKSTRA, and Mr. TERRY.

H.R. 4301: Mr. EHRLICH, Mr. WHITFIELD, and Mr. PAUL.

H.R. 4320: Mr. TIERNEY, Ms. PELOSI, Mr. MCGOVERN, Mrs. MEEK of Florida, Mr. FALEOMAVAEGA, Mr. KENNEDY of Rhode Island, Mr. GEJDENSON, Mr. LANTOS, and Mr. HINCHEY.

H.R. 4374: Mr. GONZALEZ.

H.R. 4380: Mr. HOEFFEL and Mr. GEPHARDT.

H.R. 4395: Mr. CARDIN and Mrs. KELLY.

H.R. 4421: Mr. STUMP, Mr. LUCAS of Oklahoma, Mr. HULSHOF, Mr. HEFLEY, Mr. HALL of Texas, Mrs. EMERSON, Mr. THUNE, Mr. POMBO, Mr. BERRY, Mr. COOKSEY, Mr. GOODE, Mrs. CUBIN, Mr. HILL of Montana, Mr. PETERSON of Minnesota, Mr. BOYD, Mr. TRAFICANT, Mr. ROGAN, Mr. WATTS of Oklahoma, Mr. KINGSTON, Mr. GIBBONS, Mr. MORAN of Kansas, Mr. COMBEST, Mr. GREEN of Wisconsin, Mr. THORNBERRY, Ms. GRANGER, Mr. SAM JOHNSON of Texas, Mr. COBURN, Mr. ISAKSON, Mr. TERRY, Mr. MCCOLLUM, Mr. LARGENT, Mr. RYAN of Wisconsin, Mr. SKEEN, Mr. LEWIS of Kentucky, Mr. HUTCHINSON, Mrs. CHENOWETH-HAGE, Mr. JONES of North Carolina, Ms. DANNER, Mr. BRYANT, Mr. WAMP, Mr. BEREUTER, Mr. BOSWELL, Mr. HALL of Ohio, Mr. JENKINS, Mr. RILEY, Mr. COBLE, Mr. FLETCHER, Mr. DEMINT, Mr. EWING, Mr. TANNER, Mr. HYDE, and Mr. TALENT.

H.R. 4427: Mrs. JONES of Ohio and Ms. CARSON.

H.J. Res. 55: Mr. COOK.

H.J. Res. 56: Mr. LANTOS and Mr. WEINER.

H.J. Res. 98: Mr. STUMP and Ms. CARSON.

H. Res. 414: Mrs. FOWLER and Mr. DAVIS of Illinois.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 632: Mr. DAVIS of Illinois.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4392

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 1: At the end of the bill, add the following new section:

SEC. . The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

H.R. 4461

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: Page 13, line 17, insert "(reduced by $200,000)" before ", of which".

Page 13, line 24, insert "(reduced by $200,000)" before "; for".

H.R. 4461

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 2: Page 37, line 10, insert "(reduced by $2,000,000)" before ", to remain available".

Page 37, line 11, insert "(reduced by $2,000,000)" before ", shall be for".

Page 38, line 3, insert "(reduced by $2,000,000)" before "shall".

H.R. 4475

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 1: Page 49, line 14, strike "$980,000" and insert "$450,000".

H.R. 4475

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 2: Page 49, line 14, strike "$980,000" and insert "$750,000".

H.R. 4475

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 3: After section 340 of the bill insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses.

H.R. 4475

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 4: Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses, except those buses powered by engines which have emission levels comparable to, or lower than, emission levels from buses powered by low-polluting fuels, including methanol, ethanol, propane, and natural gas.

H.R. 4475

OFFERED BY: MRS. MALONEY OF NEW YORK

AMENDMENT NO. 5: Page 30, line 2, after "Long Island Railroad East Side access project" insert "and the 2nd Avenue Subway with the determination of allocation of such funds being made by the New York Metropolitan Transportation Authority".

H.R. 4475

OFFERED BY: MR. MANZULLO

AMENDMENT NO. 6: At the end of the bill, add the following new section:

SEC. 341. Notwithstanding any other provision of this Act, no funds may be made available to the Administrator of the Federal Aviation Administration under this Act before the Administrator—

(1) reclassifies the pay classification of each air traffic controller who, after August 31, 1997, left employment at an interim incentive pay facility for other employment as an air traffic controller and who returned after October 1, 1998, to employment as a reentrant at such a facility, such that the controller's pay classification is equal to the pay classification the controller would have if the controller had never left such facility; and

(2) pays to each such controller the amount of any difference between the salary that the controller earned after leaving the interim incentive pay facility and the salary the controller would have earned if the controller had never left such facility.

H.R. 4475

OFFERED BY: MR. OLVER

AMENDMENT NO. 7: In title III of the bill, strike section 318 and redesignate subsequent sections accordingly.

H.R. 4475

OFFERED BY: MR. ROGAN

AMENDMENT NO. 8: Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.

H.R. 4475

OFFERED BY: MR. TERRY

AMENDMENT NO. 9: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . None of the funds made available in this Act may be used to finalize or implement the proposed rule entitled "Hours of Service of Drivers" published by the Federal Motor Carrier Safety Administration in the Federal Register on May 2, 2000 (65 Fed. Reg. 25539 et seq.).

# EXTENSIONS OF REMARKS

## HONORING AMERICAN VETERANS' GROUPS WHO HAVE VOICED THEIR OPPOSITION TO PNTR FOR CHINA

### HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. WOLF. Mr. Speaker, I would like to take this opportunity to thank all of the veterans' groups which have courageously voiced their opposition to granting Permanent Normal Trade Relations for China.

These organizations represent over 5.1 million members, who have fought for the freedoms we enjoy today. They have the national security of the United States at heart. I want to enter into the RECORD their letters, which explain why granting PNTR to China could ultimately place American men and women in uniform in harm's way.

CHINA TRADE OPPOSED BY THE AMERICAN LEGION

INDIANAPOLIS (Wednesday, May 10, 2000).—Taking into account nuclear espionage charges, human rights abuses, saber rattling against Taiwan, and influence-peddling indictments, the 2.8-million member American Legion today demanded the U.S. government withhold Permanent Normalized Trade Relations with the People's Republic of China and oppose its entry into the World Trade Organization.

The American Legion's board of directors, during its annual spring meeting here, recommended Congress and the Clinton administration force China to meet four preconditions both for entry into the WTO and for ending the annual congressional review of its trade status:

Recognition of Taiwan's right to self-determination;

Full cooperation on the accounting of American servicemen missing from the Korean War and the Cold War;

Abandonment of policies aimed at military dominance in Asia; and

Encouragement and promotion of human rights and religious freedom among the Chinese people.

"China should embrace democratic values before it benefits from unfettered American investment," American Legion National Commander Al Lance said. "The American Legion sets forth the prerequisites for peace and stability, without which Communist China will become economically and militarily more formidable even as it embarks on policies pursuant to regional instability. A something-for-nothing trade arrangement with China—one that severs trade from national security and human rights—threatens stability, rewards antagonism, and strengthens a potential foe of American sons and daughters in the U.S. armed forces."

Founded in 1919, The American legion is the nation's largest veterans organization.

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VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
*Washington, DC, May 17, 2000.*

To: All Members of the United States House of Representatives, 106th U.S. Congress:

The Veterans of Foreign Wars of the United States opposes Permanent Normal Trade Relations with China. China's policies and actions over the past several years have not demonstrated that it is ready to become a permanent-trading partner of the United States.

Passage of the China Trade Bill would end annual congressional review of China's access to U.S. markets and give it permanent trade relations with the United States. While this bill might provide certain economic benefits and advantages to some American companies, it could hurt other American industries and may cost many Americans their jobs. Permanent Normal Trade relations with the United States should be earned by China, not given away. Essentially this bill rewards China for mistreating its citizens, violating its current trade agreements, threatening its neighbors and the United States with military action, proliferating weapons of mass destruction, stealing nuclear, military and industrial secrets from the United States, increasing espionage against the U.S., and practicing religious oppression. We believe this bill sends the wrong message to China and the rest of the world.

Now is not the proper time to grant China Permanent Normal Trade Relations. The United States should maintain its current annual congressional review of China's trade status until such time as China changes its policy and demonstrates that it is ready to treat its people according to the basic human rights standards of other modern industrial nations.

A vote against Permanent Normal Trade Relations with China will send a clear message that the United States does not tolerate China's persistent human rights violations, and will not agree with its proliferation of missile technology and weapons of mass destruction, its military threats against the United States and other countries in the Pacific region including repeated threats made against Taiwan.

Respectfully,

JOHN W. SMART,
*Commander-in-Chief.*

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AMVETS,
*Lanham, MD, May 16, 2000.*

Hon. FRANK R. WOLF,
*Member of Congress, House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE WOLF: AMVETS, the nation's fourth largest veterans organization, represents more than 200,000 veterans who honorably served in the Armed Forces of the United States, and opposes Permanent Normal Trade Relations (PNTR) for China.

While the U.S. relationship with China is important, AMVETS believes that national security issues take precedence over the trade relations with foreign countries. We concur in your belief that our nation cannot afford to give leverage to the Republic of China—which exports weapons of mass destruction and missiles, maintains spy presence in the U.S. and continues to threaten Taiwan with military force.

When Congress votes in the House during the week of May 22, let is be known that AMVETS says "no" to the Permanent Normal Trade Relations for China.

Sincerely,

CHARLES L. TAYLOR,
*National Commander, 1999–2000.*

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FLEET RESERVE ASSOCIATION,
*Alexandria, VA, April 21, 2000.*

Hon. CHRISTOPHER H. SMITH, M.C.,
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR REPRESENTATIVE SMITH: Please be advised that the Fleet Reserve Association (FRA), representing its 151,000 members, all career and retired Sailors, Marines, and Coast Guardsmen of the United States Armed Forces, joins you and your colleagues in opposing Permanent Normal Trade Relations (PNTR) for China.

FRA shares your concern that weapons of mass destruction exported by that country can be used against U.S. military personnel, and also our Nation's citizens. Further, China already has obtained considerable knowledge of our Nation's weapons technology without normal trade relations. Should the United States open its door to normal trade relations, it is worrisome that China will discover even more of that sensitive information.

One of the most important goals of this Association is to protect its members as well as every active duty and reserve uniformed member of the Navy, Marine Corps, and Coast Guard. To fulfill that commitment, FRA must do all that it can to oppose any move that could possibly send those brave men and women into harms way without "rhyme or reason." With the possibility that the future will hand dark shadows over open trading with a yet unproven China, FRA is sensitive to the harm that country may inflict upon our Nation.

Loyalty, Protection, and Service,

CHARLES L. CALKINS,
*National Executive Secretary.*

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RESERVE OFFICERS ASSOCIATION
OF THE UNITED STATES,
*Washington, DC, April 27, 2000.*

Hon. FRANK R. WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WOLF: The Reserve Officers Association ("ROA"), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations ("PNTR") to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago, the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and north Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGE,
*Executive Director.*

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NAVAL RESERVE ASSOCIATION,
*Alexandria, VA, May 9, 2000.*

Hon. FRANK R. WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR REPRESENTATIVE WOLF: The Naval Reserve Association and the Naval Enlisted Reserve Association work together as affiliates to represent 37,000 officers and enlisted members from the Naval Reserve services. They are representative of the 89,000 Selected Reservists, the 4,500 non-pay Drilling Reservists (VTU), and the 91,000 Individual Ready Reservists (IRR), as well as the Retired Reserve community.

As a resource to the U.S. Military, our membership is concerned with our relationship with China. Decisions made today will be affecting the political-military balance in the Pacific for the next 50 years. The Peoples Republic of China may well be a rival.

Building its economy on the backs of its People, China is also willing to risk world stability. To generate hard currency, the PRC is selling weapons systems to Third World nations, including many considered rogue states in nature.

China is aggressively building its military. The PRC's ambitions include reunification by force with Taiwan, and territorial claim over the energy resources in the international waters of the South China Sea.

The process of reviewing trade relations with China each year is an opportunity for Congress to influence the behavior of China on matters of national security and human rights.

China is the largest of four surviving Communist governments in the world today. Human Rights of its citizens continue to be violated. Evidence exists of Chinese espionage within the U.S. Government and Industry. The PCR has effected political influence to manipulate U.S. policy. An annual trade review provides an element of counter balance.

Trade between nations helps maintain diplomatic dialogue and exposes a country's citizenry to outside ideas as well as products. Commerce with China is growing in importance for a number of U.S. Corporations. As a nation, we should continue to expand the marketplace, but not carte blanche. Now is not the time to offer Permanent Normal Trade Relationships (PNTR) for China.

MARSHALL HANSON,
*Director of Legislation.*
DENNIS F. PIERMAN,
*Executive Director.*

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MILITARY ORDER OF
THE PURPLE HEART,
*May 15, 2000.*

Hon. FRANK R. WOLF,
*House of Representatives,*
*Washington, DC.*

DEAR CONGRESSMAN WOLF: The Military Order of the Purple Heart (MOPH), representing the patriotic interests of its 30,000 members and the 600,000 living recipients of the Purple Heart, is seriously concerned with the Administration's proposal to grant Permanent Normal Trade Relations (PNTR) status to the Peoples Republic of China.

The MOPH is familiar with the current series of U.S. Government reports concerning China to include: the Cox Committee Report, the Rumsfield Commission Report, the 1999 Intelligence Community Report on Arms Proliferation, and Chairman Spence's May 2000 HASC National Security Report on China. These and other similar security assessments clearly indicate that China, as an international actor, continues to behave in a manner that is threatening to international stability and U.S. national security interests.

Given the broad consensus that has formed about this issue, to include the recent Harris Poll indicating 79% of all Americans are against granting PNTR status to China, the MOPH believes it both prudent and reasonable to delay the granting of PNTR status to China at this time. Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual Congressional review of their trade status. Clearly, Congressional review has caused China to improve its dismal human rights record and to modify to some extent its proliferation of dangerous arms on the world market. Yet these modifications must be seen as the beginning not the end.

Today, China represents the most dangerous of the emerging threats to U.S. national security. Her designs on Western Pacific dominance, her extreme belligerence towards Taiwan, and her persistent espionage and theft of U.S. advanced technologies are behaviors that must be checked before any reasonable consideration of PNTR status can be undertaken.

Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean Conflict. Fifty years after that war China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the Administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the MOPH this objective must be reached before PNTR status should be granted to China.

Yours in Patriotism,

FRANK G. WICKERSHAM III,
*National Legislative Director.*

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WARRANT OFFICERS ASSOCIATION,
*Herndon, VA, May 9, 2000.*

Hon. FRANK R. WOLF,
*Member of Congress, House of Representatives,*
*Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE WOLF: On behalf of the membership of this Association I write to express support and appreciation of your actions, and that of several of your colleagues, in opposing Permanent Normal Trade Relations with China.

The USAWOA represents nearly 20,000 warrant officers of the Active Army, the Army Guard, and the Army Reserve. These highly-skilled men and women serve as helicopter pilots, special forces team leaders, intelligence analysts, command and control computer and communications managers, armament and equipment repair technicians, and in other technical fields critical to success of the modern battlefield. Daily, many of them are in harm's way.

From our perspective, it appears that China has done little to deserve such consideration. Of more concern is the fact that China shows few of the peaceful, democratic traits evidenced by our Nation's other major trading partners. Indeed, China appears to be striving to achieve not only economic dominance of the Pacific Rim but also a significant military advantage over her neighbors, and quite possibly, the United States.

In this instance, trade and economic considerations cannot take precedence over the safety of our Nation and that of our allies and friends. Until fundamental, lasting changes take place in China, normalization of trade relations should not take place.

Respectfully,

RAYMOND A. BELL,
*Executive Director.*

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## SUPPORTING MEMBERSHIP FOR TURKEY IN THE EUROPEAN UNION

### HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. HOUGHTON. Mr. Speaker, last December I sponsored a "Dear Colleague" letter to the EU term President, Martti Ahtisaari, President of Finland, in support of Turkey as a EU candidate. Twenty-six of my colleagues from both sides of the aisle joined me in sending that message to President Ahtisaari. Thankfully, Turkey became the European Union's first candidate for full membership with a predominantly Muslim population later in the month.

I strongly supported Turkey's EU membership became membership would anchor a country who's population has long aspired to be part of Europe. It would also further strengthen the Turkish-U.S. relationship, and help foster a stronger Turkish-Greek relationship.

Turkey is a secular Muslim country with a democratic tradition, whose recent presidential election underscores those ideals. Ahmet Sezer, former Chief Justice of the Constitutional Court, who has devoted his career to democratic principles, the rule of law, and freedom of expression received broad parliamentary support to become Turkey's tenth President. This development was favorably received in European capitals, the European press, and within Turkey.

Turkey is one of the U.S. strongest and most reliable allies. For over fifty years Turkey and the United States have fought for shared principles through the Korean War, the Cold War, the crisis in Iraq, the Balkans, Kosovo, and elsewhere. In addition, Turkey is a major ally in combating terrorism, Islamic fundamentalism, and injustice around the world. In Kosovo, Turkey not only was instrumental in the NATO operations, but its humanitarian assistance to refugees was key to helping ease the suffering of the victims.

EU candidacy has also fueled the rapprochement between Turkey and Greece. While the respective foreign ministers had started to meet, the tragic earthquake in both countries provided the much-needed impetus. In recent months the two countries signed a series of cooperation agreements covering areas as diverse as terrorism, the environment, tourism, cultural cooperation, investment protection, customs, and scientific and technological issues.

Recent press reports indicate that Turkish Armed Forces will take part in NATO maneuvers which will be carried out in Greek territory in May, and that last week, Greece allowed Turkish four F–16 planes to use its air space for the first time, while they were flying to Germany to attend "Elite 2000" maneuvers. These improved relations will not only benefit Greece and Turkey, but also the United States, NATO, and Europe at large.

Mr. Speaker, as a long time observer of Turkey, I continue to support that country's further western integration, and congratulate my friends in Turkey on the election of their new President.

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## HAYDEN HISTORICAL MUSEUM NAMED THE CENTER OF GRAVITY

### HON. BARON P. HILL

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

Mr. HILL of Indiana. Mr. Speaker, I am pleased to announce the dedication of the Hayden Historical Museum's "Center of Gravity" marker in Hayden, Indiana. On Saturday, May 20, 2000, I will attend the ribbon-cutting ceremony in Hayden to commemorate nearly 150 years of a phenomenon that has relocated two major transportation systems and caused other unusual events in Hayden's history.

Town historians say the first train rolled into Hardenburg (now Hayden) on July 4, 1854. Allegedly, the train crew reported that the usual amount of steam power needed to "pull out of Hardenburg" would not suffice. Similar reports continued over the years, but no apparent conclusions or solutions were identified as to what "pulled things down" in Hayden. Years later, the railroad relocated to the south side of town where this mysterious force seemed to disappear.

However, the story doesn't end there. In the 1920s, U.S. Hwy. 50 came through town on the road now running in front of the Hayden Historical Museum. Once again, motorists complained of a strange force that slowed them down, caused their engines to misfire, and made it hard to start again if they stopped. After a few years, authorities relocated the highway farther south of town than the railroad and again the problems ended.

Hayden High School teacher and coach Charles "Chuck" Hurley coined the popular phrase "the Hayden Spirit" for a similar phenomenon that seemed to "pull back " people to Hayden just as the trains and cars seemed to be "pulled down" by the infamous force. The "Center of Gravity" is not the only force that attracts people to Hayden, Indiana. Hayden is a great place to live and raise your family. The citizens of Hayden take great pride in their community and work hard to keep their churches, schools and civic organizations strong. The "Hayden Spirit" represents what is best about Hoosier small town life. I am honored the citizens of Hayden have asked me to join them on Saturday when they mark the point from which this mysterious power emanates—the "Center of Gravity."

The Hayden Historical Museum keeps the Hayden community strong. The museum commemorates Hayden's past accomplishments and helps build its strong future. Elementary school members of Hayden's Little Hoosier Historians and middle school members of Whitcomb's Winners use the Museum every day to study the history of their town and state. The Museum library contains books, authentic letters, and a pictorial history of the town where Hayden's children can learn about the people and history of their small town of 250 people.

Mr. Speaker, I am proud to represent the people of Hayden in Congress. I applaud their enthusiastic commitment to education, arts, family, and community. The dedication celebration this weekend honors not only the Hayden Historical Museum's status as the "Center of Gravity," but also the illustrious past and promising future of a remarkable Indiana community.

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## HONORING LAW ENFORCEMENT OFFICERS

### HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. COSTELLO. Mr. Speaker, I rise today in honor of National Law Enforcement Week and to honor the men and women who serve our Nation as Law Enforcement Officers.

America's law enforcement officers are one of our most valuable resources. Almost one million individuals nationwide perform an incredibly important task as they put their lives in danger on a daily basis to protect and serve the people. As a former police officer, and the father to a former police officer, I know the inherent risk involved in the profession and salute these men and women for their efforts.

Mr. Speaker, I am pleased that since 1993, the 12th District of Illinois has received funding for 272 new law enforcement officers under the COPS grant funding program. These additional officers have worked to increase the safety and well being of my constituents.

I urge my colleagues to join me in honor of Law Enforcement Week and our courageous law enforcement officers. These men and women deserve this praise and recognition.

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## HONORING THE BIRTHDAY OF DICK DOUGHERTY ON MAY 9TH, 2000

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. SLAUGHTER. Mr. Speaker, today I would like to take a moment to recognize the 80th birthday of Dick Dougherty, a man who has spent over 50 years of his life involved in journalism in New York State. Currently, he is widely known by the people of Rochester, New York for his editorials in the Democrat and Chronicle, our hometown paper. I consider him to be a national treasure and without the dose of sanity and humor his column provides me five days a week I would be lost.

According to his wife Pat, Dick's family was not certain about his future success after he flunked out of his first year of engineering school at Duke University. After this, he went on to serve in the military as a soldier on the European front during WWII. When he came home, his perseverance led him to complete a journalism degree at Syracuse University. On June 15, 1948 he began his 50 year career with his first journalism job at the Binghamton Press. After two years with the Binghamton paper Dick came to Rochester as a reporter for the morning Democrat and Chronicle and has remained in our city ever since. In 1975 he was assigned by the Times-Union, a Rochester afternoon paper until 1997, to report on a transcontinental bicycle trip. It was on this trip that he discovered his unique talent and love for reaching out and touching the lives of others with his words.

At the age of 56 when most people are beginning to look forward to retirement Dick began his career as a columnist by writing an editorial three times a week for the Times-Union paper. This column now runs daily in the Democrat and Chronicle as Dick continues to captivate the people of Rochester with his unique point of view and perspective on life. Personally, I love to share his columns with my friends, family, colleagues and I have been known to send them to the President.

It is my distinct privilege to recognize Dick Dougherty as a resident of my home district in Rochester, New York. I offer him my heartfelt congratulations on the celebration of his 80th birthday on May 9th, 2000 and I invite my colleagues to do the same as we acknowledge this significant and important man.

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## TERRACE COMMUNITY CHARTER SCHOOL

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. SCHAFFER. Mr. Speaker, today I pay tribute to an outstanding charter school in Tampa, Florida. The reason a Member of

Congress from the great state of Colorado would recognize and congratulate the Terrace Community School in Florida is because I have visited the school and heard its principal, Mr. David Lourie, speak eloquently about its successes.

On March 27, 2000, the Education Subcommittee on Oversight and investigations held a hearing at TCS entitled, "Putting Performance First: Academic Accountability and School Choice in Florida." Chairman Pete Hoekstra of Michigan conducted this hearing as part of his Crossroads 2000 project, a continuation and expansion of his ground-breaking education investigation, which culminated in the Education at a Crossroads report. As a member of the Oversight and Investigations Subcommittee and a passionate education reform advocate, I have attended several Crossroads hearings to find out what is working and what isn't in education across the country.

The latest installment of this important examination of American education took us to Florida, where we heard about the exciting efforts to raise the academic achievement for all students, implement school choice, increase school accountability, empower parents and improve the Florida education system. At the forefront of education reform in Florida are the state's charter schools. Specifically, the Terrance Community School (TCS) is an outstanding example of what education can, and should, be.

Mr. Speaker, I want to share with you a few facts about TCS and its successes. First, TCS bills itself as a "public school of choice." To some, that may be a contradiction in terms, to others, a threat, but to me, it represents the first step toward a free-market education system whereby parents can choose the best school for their child. TCS will only remain a "public school of choice" if it remains free of federal government intrusion and regulation, and if it satisfies its customers—parents and students.

To date, these two criteria are being met. In terms of freedom to educate, Florida Governor Jeb Bush and Lt. Governor Frank Brogan have been national leaders in liberating education from the shackles of government regulation. In addition, Members of Congress like Chairman HOEKSTRA and me have worked tirelessly to ensure charter schools remain free from the tangled web of federal government involvement. And, TCS is clearly meeting the needs of its customers. According to its 1998–1999 annual shareholder report, or education prospectus, of the 118 students who completed the 1998–1999 school year, 112 have re-enrolled for 1999–2000, a return rate of 95 percent. This is an unequivocal demonstration of value. Further, when surveyed by TCS, the parents clearly endorsed the education taking place there. Ninety-five percent of parents are very satisfied with their child's experience at TCS, while ninety-three percent felt the teachers and administration are fulfilling the mission of the school.

Second, the mission of TCS is crucial to its success. The very first objective of TCS is to provide a foundation of knowledge which will allow students to have successful academic careers. Elaborating on that point, TCS states, "We believe that all children can learn and that children will rise to the high expectations of their parents and teachers." And what does TCS teach? "We offer the students the opportunity to be challenged by a rigorous, classic core curriculum taught in a planned progression by teachers who stress abundant practice and careful feedback." Finally, recognizing that education involves more than just books, the TCS "founders believe that, in addition to a strong academic program, a school should help guide each child to develop his or her character." This is clearly a blueprint and commitment to effective, excellent education.

Third, I am pleased to report TCS has been successful in meeting its stated goals. For example, the class of 2002 raised their median national percentile on CTB/McGraw-Hill's "Terra Nova Multiple Assessments Test" in every category tested—reading, language, math, science and social studies. In math, TCS students jumped a remarkable 13 percentage points. The class of 2001 also achieved exceptional results on Terra Nova, showing gains in all subject areas, and an 11 point increase in science. Finally, the class of 2000 demonstrated growth in all but one subject area, and improved its overall Terra Nova score by 10 percentage points. On another measure of student performance, the math FCAT (Florida Comprehensive Achievement Test), TCS fifth-graders outperformed a majority of their peers in the county and across the state.

Charter schools must prove they are fulfilling their educational goals and that their students are, in fact, learning. They must do so, first and foremost, to meet their responsibility to educate children, to satisfy the terms of their charters, and to keep their customers, the parents, satisfied and willing to reinvest their most precious resource, their children, in the school. There can be no question TCS is achieving its goals and meeting its customers' needs.

As catalysts for positive change in children's learning, parents' options, school system quality and state reform efforts, charter schools are the vanguard. As exemplified by the Terrace Community School in Tampa, Florida, or the Liberty Common School in Fort Collins, Colorado, charter schools provide a desperately needed alternative to the failing government-owned monopoly schools. However, we must guard against overzealousness at the federal level. Charter schools have been successful because they have been free of the U.S. Department of Education and federal bureaucrats. Charter schools succeed and thrive today because of the strength of state charter school laws and because of the leaders in these schools.

Mr. Speaker, I applaud the efforts of Mr. Laurie, the teachers, parents and students of TCS, and hope their achievement, optimism, and freedom continue unabated for many years to come.

## THE NEW MEXICO FIRES

### HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. SKEEN. Mr. Speaker, as most of you know New Mexico has had a series of terrible fires sweeping throughout forests in the past few weeks. My good friends and Members of Congress from New Mexico, HEATHER WILSON and TOM UDALL, have done an excellent job of informing us of the impact the Los Alamos fire has had on the citizens of northern New Mexico. As the fires continue to burn, we hear stories that make the New Mexico Congressional delegation proud and honored to represent and serve the citizens of the Land of Enchantment. In the days and weeks to come, many stories will surface regarding the efforts of the citizens of New Mexico and we will be relaying them to our good friends in the U.S. Congress.

Today I'd like to talk about the United States Post Office and the work and sacrifice they made to help keep our New Mexico communities together. Following the evacuation of Los Alamos and the surrounding area, thousands of residents were displaced to shelters, hotels, motels and homes across northern New Mexico. They were separated from their neighbors, their friends, their pastors and priests. They were separated from their children's teachers, coaches, scout leaders and den moms. They did not know what they would find when they would be allowed to return home.

However, something wonderful happened. Congress was not involved, an Executive Order was not issued, and no declaration was made by a public official. Instead, the United States Post Office decided to begin operating an outdoor Post Office where these refugees from the fire could come each day and collect their mail. They could meet their neighbors, their friends, their ministers, and the countless numbers who had been displaced. They could share information, they could console those who have lost their homes and they could provide support to each other. This temporary outdoor Post Office became the heart and soul of a city in exile.

Each day the Postal Service Letter Carriers, their supervisors, the window clerks and the leadership of the US Postal Service stepped up to the plate for New Mexico. I think all the citizens of New Mexico support me when I say thanks to the United States Postal Service for insuring that the mail got through and thank you for your help in holding a community together.

## PERSONAL EXPLANATION

### HON. JOHN ELIAS BALDACCI

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. BALDACCI. Mr. Speaker, on Wednesday, May 17, 2000, I traveled to Michigan to be with my friend and colleague, BART STUPAK and attend the funeral of his son, BJ. Over the past few years, I had the opportunity to meet BJ and play some baseball with him. He was a fine young man, and his death comes as a great shock to all of us. My thoughts and prayers continue to be with BART and his family as they struggle to cope with this tragedy.

As a result of my travel, I missed four votes. Had I been present, I would have voted in the following ways.

Rollcall vote No. 190—"no"; rollcall vote No. 191—"aye"; rollcall vote No. 192—"aye"; and rollcall vote No. 193—"no."

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## A CELEBRATION OF NORTH BAY VILLAGE 55TH BIRTHDAY

### HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. SHAW. Mr. Speaker, today, I recognize a special birthday celebration within Florida's 22nd congressional district. On Sunday, May 21st, 2000, residents and friends of North Bay Village will celebrate its 55th birthday.

For my colleagues unfamiliar with North Bay Village, it is a wonderful little community in Miami-Dade County consisting of three islands, North Bay Island, Harbor Island and Treasure Island. Incorporated in 1945, North Bay Village is the home to 5,650 Floridians.

Mr. Speaker, North Bay Village was home to the Shaw family for many years. In 1943, two years prior to incorporation, I along with my parents, Dr. E. Clay Shaw, Sr. and Rita Walker Shaw called this community home. We settled in North Bay Village before two of the islands had yet been created, and we lived in one of the 10 original homes built on the island. At that time, the bridges connecting the island to the mainland were made of wood and we had many vacant lots on which to play ball.

After incorporation in 1945, North Bay Village began rapid growth; yet one could still stand on high ground and count the houses.

Today, under the leadership of Mayor Ignacio Diaz, City Manager Rafael Casals, and the North Bay Village Council, I am proud to call North Bay Village the home of Clay and Rita Shaw.

Mr. Speaker, my congratulations to the 5,650 residents and Mayor Diaz on this wonderful day.

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## TRIBUTE TO VERNA LEE CLARK OF MADISON COUNTY, ALABAMA

### HON. ROBERT E. (BUD) CRAMER, JR.

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. CRAMER. Mr. Speaker, I pay tribute to Verna Lee Clark, Director of the Retired Senior Volunteer Program of Madison County. Ms. Clark is being honored today at a retirement reception and I wanted to express my gratitude for her 24 years of dedicated service to the senior citizens of Madison County, Alabama.

Through her work with each senior at the Huntsville-Madison County Seniors Center, she has given to her community tenfold. By providing service opportunities for senior citizens, she gives them a sense of accomplishment and self-worth. She allows them to remain connected to their community and other parts of society. By finding the right match for their individual talents and skills, she has reaffirmed countless seniors in North Alabama.

For nearly a quarter of a century, she has recognized the individual assets of each person before her and matched him or her with a service need in our community. I wish to take this opportunity to thank her for her exemplary role with the Senior Center. For her hard work, loyalty and kind heart, I feel that this is an apt honor.

On behalf of the Congress of the United States, I pay homage to Ms. Clark and thank her for a job well done. I know her seven children and fourteen grandchildren will relish the extra time with Ms. Clark. I congratulate Ms. Clark on her retirement and wish her a well-deserved rest.

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## INTRODUCTION OF THE FIRST ACCOUNTS ACT OF 2000 (H.R. 4490)

### HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. LAFALCE. Mr. Speaker, today I'm proud to introduce legislation to bring more low-income Americans, those who remain "unbanked," into America's financial mainstream. This legislation reflects an initiative proposed by President Clinton in his FY 2001 budget, which is referred to as the "First Accounts" initiative. I am pleased to note that a number of my colleagues, including JIM LEACH, MAXINE WATERS, and BARNEY FRANK, have joined me as original co-sponsors of this legislation. With their support, I look forward to enacting this important initiative into law in this session of Congress.

The bill I am introducing today, the First Accounts Act of 2000 (H.R. 4490), will help bridge the financial divide in America through the implementation of innovative strategies by the Department of the Treasury. This initiative complements the Treasury's Electronic Transfer Accounts, or ETAs, which are low-cost electronic accounts offered to recipients of Federal benefits. President Clinton proposed $30 million from the FY 2001 budget for the First Accounts initiative, which unlike ETA, applies to non-recipients of Federal benefits. The First Accounts Act of 2000 consists of the following three basic elements: (1) Providing financial incentives to depository institutions to create low-cost bank accounts for low- and moderate-income individuals; (2) expanding access to ATMs in safe, secure and convenient locations, including U.S. Post Offices in low-income neighborhoods; and (3) implementing a financial literacy campaign to educate low- and moderate-income Americans about the benefits of a bank account for managing household finances and building assets over time.

Mr. Speaker, we often take for granted the significance to our daily lives of being part of the financial mainstream—that is, having the ability to direct-deposit our paychecks, write checks to pay our bills, and withdraw cash from ATMs. Unfortunately, roughly 8.4 million low-income Americans, according to the Federal Reserve, do not enjoy the simple privilege of a low-cost transaction or savings account that the rest of us enjoy. As a consequence, their financial condition, and ability to fully participate in the nation's current economic prosperity, suffers greatly.

The First Accounts Act of 2000 represents a meaningful effort to redress the imbalance between those of us who can afford and enjoy the convenience of readily available basic financial services, and those less fortunate American families who can't. Providing low-cost access to bank accounts would help save the scarce resources of America's less fortunate working families, many of whom pay more than $15,000 over a lifetime for check-cashing and bill-paying services from less-regulated financial institutions, such as check-cashers and payday lenders.

The First Accounts initiative also represents sound economic policy. Research indicates that once "unbanked" families enter the doors of depository institutions as regular account holders, they are likely to become savers and begin to accumulate assets. Mainstream depository institutions will also benefit from the First Accounts initiative. A Federal Reserve study indicates that many low-income families with bank accounts also routinely used other bank products, including credit cards, automobile loans, first mortgages and certificates of deposits.

Mr. Speaker, the First Accounts Act of 2000 is good policy and makes good sense. I urge my colleagues on both sides of the aisle to support this bill.

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## FIRE FIGHTER DIES

### HON. JOE SKEEN

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. SKEEN. Mr. Speaker, New Mexico suffered an even greater tragedy on Monday, May 15. As much of the attention of the nation has been on the fire that burned portions of Los Alamos, New Mexico, a blaze was sweeping across the Sacramento Mountains in the south central portion of my state. Two men died in a spotter plane that was being used to help fight the Scott Able fire. The following story by Diane Stallings, a staff writer with the Ruidoso News, captures the essence of what the life of Sam Tobias, a career employee with the United States Forest Service was all about:

[From the Ruidoso News, Wed., May 17, 2000]

TOBIAS REMEMBERED

(By Dianne Stallings)

When local forester Sam Tobias died Monday, he was doing a part of his job he especially enjoyed.

"Going on (fire) spotter planes was something that he loved," said longtime friend Ron Hannan with the U.S. Forest Service in Alamogordo.

Tobias, 47, was a passenger on a fire-spotting airplane that went down two miles northeast of the Alamogordo-White Sands airport at about 12:30 p.m. Monday. The pilot, who was from Columbia, Calif, also died in the crash. The two men were scheduled to fly over the Scott Able Fire in the Sacramento District southeast of Cloudcroft, according to authorities.

"He always had a smile on his face," said wildlife biologist Larry Cordova, who worked with Tobias on the Smokey Bear Ranger District with headquarters on Mechem Drive in Ruidoso.

District Ranger Jerry Hawkes said, "We're just in shock that we won't have Sam here with us anymore. He was here 12 years and everyone has grown so close. This is pretty hard for us."

"He was such a strong part of our district and the Forest Service. He was the peacemaker with that big smile, always helping and giving good advice. He had a lot of wisdom, enjoyed helping the community and trying to make things work out."

Tobias grew up in southwestern Pennsylvania, earning a bachelor of science degree from Pennsylvania State University.

He worked in recreation management his entire career, starting in the Tonto Basin Ranger District form 1975 to 1988 and then joining the Smokey Bear District.

"Sam helped out fighting fires and through the years, he was trained as an air attack coordinator," Hannan said. "He assisted many people fighting fires with his skill in coordinating air tankers, helicopters and fire crews."

Tobias knew every corner and cave of the Lincoln National Forest in Lincoln County. He loved the outdoors and enjoyed hiking, fishing and hunting.

His mark can be found on many of the decisions regarding use of forest land.

He's credited with improving the ski area, campgrounds and picnic areas that are considered models of design, district officials said.

He also worked with summer cabin owners, miners, outfitter guides and telecommunication specialists.

"Life-long friends of his have been calling in," Hannan said. "My wife worked for him in 1988. She can't even talk right now. Sam was the kind of guy who helped out whenever and wherever he could. He'd show up with his tools to lay bricks—whatever you needed."

"We're certainly going to miss him."

Tobias and his wife, Jackie, who is a Ruidoso High School teacher, recently built a home in Ranches of Sonterra.

She traveled to the site of the crash Tuesday and was unavailable to arrange details of a memorial service tentatively planned for Friday, said Danny Sisson of La Grone Funeral Chapel in Ruidoso.

Tobias' younger brother and sister are expected to attend from Pennsylvania, where his mother still lives.

Dale Mance with the Forest Service on the Tonto National Forest in Arizona, said Tobias changed his life when they were young men.

"I grew up with him in Pennsylvania from the sixth grade on," Mance said. "He went to college and I went to the steel mills. I came out to visit him (when he was with the Forest Service in Arizona) in 1975 and I moved out the following year."

The two roomed together for several years and worked on the same forest.

They still occasionally hunted and fished together, said Mance, who was in recreation, but now is in the engineering division of the Forest Service.

"He was just an all-around great person," he said of Tobias. "He would do anything for you whether he knew you or not. He loved his work, he loved his family and was devoted to both."

Mance said representatives from several national forests plan to attend the memorial service, "just because he was how he was." Mance will come to New Mexico later when things settle down.

Tobias was proud of the home the couple built and brought photographs to a spring training session to show his friends, Mance said.

"He's done it to me twice—changed my priorities," Mance said. "The first time was for the better (joining the Forest Service) and now again, I'm reassessing things."

"You could just meet him once and be a friend with his big smile and that twinkle in his eye and the bear hugs. Those bear hugs. That's what I'll miss."

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## MISSILE DEFENSE, DIRECTION AND DEVELOPMENT

### HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. SCHAFFER. Mr. Speaker, America's national missile defense dominates policy issues. The question of how best to proceed seems to elude our country's security leaders. I am 100 percent convinced the United States must develop a reliable national missile defense (NMD) system. The question for me is not if, but what kind.

Regarding the technical aspects of NMD technology, I have drafted a few questions concerning various options, missile defense systems, and scenarios. I have addressed the questions to Dr. Hans Mark, Director of Defense Research and Engineering at the Pentagon. Dr. Mark has briefed me before on the intricacies of missile defense technology and his counsel is greatly appreciated.

A recent letter I posted to Dr. Mark follows. I urge our colleagues to review it and contact my office if interested in pursuing this topic in the House. I intend to submit Dr. Mark's reply in the RECORD at a later date.

APRIL 27, 2000.

Dr. HANS MARK,
*Director of Defense Research and Engineering, Washington, DC.*

DEAR DR. MARK: You have proved yourself a friend of advanced technology and space. You were extremely helpful last year with your letter of March 2, 1999 and its attachments. You were kind enough to meet with me, members of my staff, friends, and other Members of Congress.

I would value again the benefit of your expertise on the subjects of ballistic-missile defense, space, and advanced technology in the following areas. I trust the questions posed will help develop issues involved, and prove beneficial for public discussion.

#### BALLISTIC MISSILE DEFENSE

Under the Strategic Defense Initiative (SDI) development was completed on the Brilliant Pebbles Space Based Interceptor. In 1992, Brilliant Pebbles was ready to move into its acquisition phase having undergone its hover tests and having been approved by the Defense Acquisition Board.

To re-start Brilliant Pebbles, would it be advisable for the United States to go back to the leading aerospace contractors that were involved in its development back in the early 1990's, and should we develop an independent, second effort that would be less visible to Communist Chinese military intelligence?

In addition, would it be advisable to restart Brilliant Pebbles under streamlined acquisition procedures to avoid unnecessary overhead, and costly and ineffective program delays?

SDI studied the possibilities of using Neutral Particle Beams, which were regarded as a potent weapon for ballistic missile defense applications. Under GPALS, Neutral Particle Beams received de-emphasis because of a program focus on near-term technologies (hit-to-kill and high energy lasers) rather than future technologies.

Allowing for a revived interest in ballistic missile defense programs, how would you structure a Neutral Particle Beam ballistic missile defense program, and what key areas of research would you emphasize?

#### SURVIVABILITY

Space-based ballistic missile defense can provide continuous, global coverage, and boost phase interception, which are characteristics not generally available with ground based defenses. Space based defenses can be built that are hardened against electromagnetic pulse from nuclear explosions or chemical emp warheads. In our meeting a year ago, you showed great enthusiasm for computer chips inherently resistant to emp.

Space-based defenses may also be built with passive countermeasures (detection and maneuver), redundancy, and hardening against high-energy lasers. Nonetheless, a critical area of survivability of space-based defenses will be their defense against high energy lasers on the ground. Beyond passive countermeasures or preemptive raids against high-energy laser facilities or platforms, what active defenses would you recommend?

Ostensibly, these active defenses could include kinetic energy weapons (tungsten rods) directed against ground based laser facilities, or a variant kinetic energy weapon using a maneuverable reentry vehicle. These active defenses may also include Space-Based Lasers of such a wavelength to enable them to reach into the atmosphere and counterattack a ground based laser. A review of the active defensive options we could develop in the near-term (four years under active program management) would be helpful.

#### ACCESS TO SPACE

Rapid, low-cost access to space remains an active concern for defense applications in spite of over two decades of discussion. Without going into a full blown discussion of reusable launch vehicles, two-stage reusable rockets, and Single Stage To Orbit (SSTO), your ideas would be welcome on how the United States can best develop the Rocket Based Combined Cycle (RBCC) engine and implement it in several innovative designs.

In particular, your input is sought as to whether the United States should run a parallel development program for the RBCC using several private firms without NASA, which has proved disappointing in its handling of the SSTO. Your advice is sought as to the use of the RBCC in a HyperSoar configuration (proposed by Lawrence Livermore's Preston H. Carter II) compared to other possible configurations and flight plans. In addition, your advice is sought on the development of a military "spaceplane" capability, whether it should use a rocket booster or an RBCC design.

#### DEVELOPMENT OF THE MOON

Your reference material in 1999 included plans for developing the moon, which were drawn up in the early 1990's before we knew the results of Project Clementine (1994) and Lunar Prospector (1998) firmly establishing the presence of water on the moon. The discovery of water on the moon is monumental, holding promise for the exploration of space we have yet to grasp. Plans can be made for the mining of water on the moon and its processing into rocket fuel. Your advice is sought on the best type of lunar development and rocket program that can take advantage of the discovery of water on the moon.

For example, a lunar development program could encompass the parallel development of: a) the mining and processing of water at the lunar poles, b) a lunar observatory on the backside of the moon, c) the development of an earth-moon transportation system going from the moon's surface to Low Earth Orbit for the transport of water, rocket fuel (hydrogen and oxygen), and other items. Of course, other facilities and operations could be added later, once this basic infrastructure is established. Your thoughts on this subject would be most welcomed.

### NUCLEAR ENERGY

The commercial use of nuclear energy on earth has received less than enthusiastic support in some quarters as the use of nuclear energy brings with it legitimate safety and environmental concerns. The use of nuclear energy in space, however, appears to mark an appropriate and beneficial application for nuclear energy.

Most space systems will be closed environments where nuclear reactors will have a natural, physical detachment, softening safety and environmental issues. In many circumstances nuclear waste products can be shipped to the sun without excessive effort. Your advice is sought on the types of nuclear reactors we should develop for use in space and their potential application with a lunar base.

Your advice is also sought on how we can achieve controlled fusion energy. The continuation of existing programs and appropriations will, apparently, not get the job done. The promise of fusion energy remains unfulfilled. What types of programs do we need to bring this hope to fulfillment? Please bear in mind that the potential use of fusion energy may also find its application in space. It has been pointed out how a lunar economy could mine Helium-3 for fusion energy.

### NAVAL WARFARE

The efforts of the United States in developing new aspects of naval warfare appear to be constricted. Your advice is sought on an expansion of the vision and imagination we have for naval warfare to include new concepts (in some cases, old concepts with new technology).

Your advice is sought, for example, on the development of diesel powered and AIP (Air Independent Propulsion) submarines, in addition to nuclear powered submarines, that would be used for anti-submarine warfare, and for training of U.S. nuclear attack submarines in anti-submarine warfare.

Your advice is also sought on the development of submarines equipped with UAVs for reconnaissance, changing the Cold War vision of a submarine as a permanently submerged vessel to a vessel taking advantage of both the acoustic environment found underwater and aerial reconnaissance independent of an aircraft carrier.

Your advice is also sought on the development of a "quick fix" anti-aircraft defense against the supersonic cruise missiles that attack a surface vessel by very low flight above the water or by a last minute maneuver putting the cruise missile above the surface vessel, attacking at an angle of 90° beyond the reach of Phalanx.

In addition, your advice is sought on the development of naval vessels equipped with high energy lasers or particle beams capable of intercepting cruise missiles or bombs much like the Nautilus laser being developed for Israel.

Advanced technology can play a pivotal role in our ballistic missile defense program and space program. It can also provide spinoff applications to private industry. I look forward to your response with genuine anticipation.

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## PERSONAL EXPLANATION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on business and unable to be present for rollcall vote No. 192. Had I been present, I would have voted "yes".

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## IN RECOGNITION OF THE STATE CHAMPIONSHIP WRESTLING TEAM OF FARMINGTON HIGH SCHOOL

### HON. JO ANN EMERSON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mrs. EMERSON. Mr. Speaker, today I congratulate the Farmington High School Wrestling Team for winning the Missouri state championship on February 19, 2000. The Farmington Knights earned their first place position early in the tournament and held this lead to the end. This early lead allowed the four finalists to relax and focus on their final bouts.

Although only one of those finalists won his match for first place, the team sealed the victory against tough odds. You see, the Knights did not have the numbers of wrestlers that some of the other teams had going into the tournament, and they did not have the first place finishes many thought they would need to win a state championship. Because the team was successful as a whole, they were able to take the overall victory.

In addition to the team, I wish special recognition for senior Doug Wiles, who was able to win his first place match for an individual state championship in his weight class. Doug was also the only participant of the tournament with an undefeated season.

Congratulations to Mark Krause, head coach for the Knights, and the members of the Farmington High School Wrestling team as follows:

Cory Husher (finished 2nd in state)
Justin Peppers
Nathan McKinney
James Faulkner (State Qualifier)
Josh Krause
Caleb Smith
Josh Hoehn (finished 3rd in state)
Darin Johnson
Barry Watson
Dustin Wiles (finished 2nd in state)
Michael Hahn (finished 2nd in state)
Doug Wiles (finished 1st in state)
Jared Bornell (finished 5th in state)
Ryan Todd (finished 5th in state)

Congratulations to all the wrestlers at Farmington High School for these outstanding accomplishments. Each individual on this team played a key part of the success they had as a whole.

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## HONORING THE THUNDERBOLT ELEMENTARY SCHOOL IN THUNDERBOLT, GEORGIA

### HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. KINGSTON. Mr. Speaker, today I recognize Thunderbolt Elementary School in Thunderbolt, Georgia. Thunderbolt Elementary has been chosen by the Annual American Set a Good Example Competition to receive one of three national 3rd place awards for the best project completed by students to influence their own peers in a positive way: away from drug abuse, crime and violence while focusing on moral virtues such as honesty, trustworthiness and competence.

Students at Thunderbolt Elementary, under the careful instruction of their teacher, Beverly Small, did a series of projects based on setting good examples over the school year. Some of the accomplishments included weekly reading competitions, planting trees and flowers around campus, holding a canned food drive, essay writings on setting good examples, and establishing Parents are Terrific awards for assisting children with their homework.

The students have worked hard to demonstrate good will and respect for others, and because of these kinds of efforts they are not experiencing drug problems, crime, cheating, or violence in this school. It has become a family school, and parents tell me their children feel loved because the teachers take the time to listen. It is with my utmost admiration and commendation that I recognize Thunderbolt Elementary School students, teachers, and administration for achieving the national honor by setting a good example for all of us.

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## HONORING DR. LOVELL A. JONES, PhD, WINNER OF THE LEGACY OF LEADERSHIP AWARD

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. BENTSEN. Mr. Speaker, I rise to honor Dr. Lovell A. Jones, for winning Howard University Hospital's Legacy of Leadership Award for Distinguished Health Care Advocate. This award is a fitting tribute to Dr. Jones, who has made outstanding contributions in quality health care and advocacy for the medically underserved and the socio-economically disadvantaged for more than two decades.

Dr. Jones has been a true visionary in Houston's medical community and throughout the nation. I am particularly proud that it was in my Congressional District that Dr. Jones first began his ground-breaking work to address the unequal science and unequal treatment affecting health care for minorities and the medically underserved.

It was almost 15 years ago that Dr. Jones began planning the first Biennial Symposium on Minorities and Cancer. As a Biochemist and Professor of Experimental Gynecology and Endocrinology at the UT M.D. Anderson Cancer Center, Dr. Jones rolled up his sleeves to research why it was that minorities and the socio-economically disadvantaged were experiencing disproportionately high mortality rates from the diseases. He discovered a variety of reasons why certain communities have to bear the unequal burden of cancer, including the fact that these underserved communities are often diagnosed in later stages of the disease; are provided with only limited access to health care, and are without financial resources. Dr. Jones already understood that poor people, no matter what their ethnic background, place less emphasis on health care when having to deal with the harsh realities of poverty on a daily basis.

Dr. Jones has been on the forefront of activities to address the obstacles that ethnic minorities and medically underserved individuals face in seeking effective treatments for their illnesses. He inspires those of us in Congress to remain committed to helping our medical institutions continue their life-saving cutting-edge research.

Dr. Jones' efforts to help those with cancer in medically underserved and socioeconomically disadvantaged communities have gone beyond study and into heartfelt activism, transforming him into a leading health care advocate. He is establishing a Center of Excellence for Research on Minority Health at the University of Texas M.D. Anderson Cancer Center, and Dr. Jones co-founded the Intercultural Cancer Center (ICC), which has become the largest multicultural and multidisciplinary coalition addressing the unequal burden of cancer in minority and medically underserved areas in the United States. Leading cancer and community experts from academia, federal and state government representatives, clinicians, researchers, public health researchers, survivors and advocates hold Biennial Symposium to address cancer in minority and medically underserved communities throughout the nation. The symposia eventually grew so big that they had to move them from Houston to Washington, DC. This year's symposium, which emphasized the problem of cancer in all ethnic minority communities—African-American, Hispanic, Native-American, Alaskan native, Pacific Islander and Asian-American—attracted more than 1200 people, and marked the largest participation ever.

Mr. Speaker, Howard University Hospital could not have chosen a better candidate to honor for the Distinguished Health Care Advocate Award. Lovell Jones inspires us all to strive to truly live up to the ICC's motto of "Speaking with One Voice," because we believe that the burden of cancer rests with all of us. Throughout his career, Dr. Jones has stressed that in this country, as a united community of Americans, the working poor and minority populations should not have to suffer disproportionately.

Dr. Lovell Jones has said that it is his dream that we will finally "become a society where we will not tie people's value to their skin color and/or status in life." His hope is that one day we will address the needs of all Americans, so that our efforts to address the special needs of minorities and the medically underserved will no longer be necessary.

But until that day, we can all be grateful that we have Dr. Lovell A. Jones.

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## INTRODUCTION OF THE INSULIN-FREE WORLD MEDICARE PANCREAS TRANSPLANTATION COVERAGE ACT OF 2000

### HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. NETHERCUTT. Mr. Speaker, I am pleased to introduce the Insulin-Free World Medicare Pancreas Transplantation Coverage Act of 2000, to provide Medicare coverage for pancreas transplants. I introduce this legislation with my colleagues Mrs. CAPPS, Mr. PORTER and Mr. LAFALCE.

On July 1, 1999, the Health Care Financing Administration (HCFA) announced that the agency would provide coverage for pancreas transplants performed in people who also require kidney transplants. However, the agency continues to deny coverage for transplants in people who have reached kidney failure. Several studies, including one published in the New England Journal of Medicine in July 1998, indicate that a pancreas transplant performed before kidney disease is significant, can eliminate the need for a kidney transplant. My legislation would reverse this shortsighted policy.

While HCFA provides coverage for segmented/split liver transplants, the agency does not provide coverage for a pancreas that is segmented/split. This position should be reversed particularly in light of the profound and well-publicized organ shortage. In practice, Medicare's existing pancreas transplant coverage policy means that a pancreas may not be divided and used for more than one person. In addition, if part of the donor pancreas is found to be damaged, Medicare would not cover transplanting the useable portion. Medicare also would not cover a transplant for a person who has been offered the ultimate gift of life of part of a pancreas from a living relative.

Pancreas transplantation represents the first significant advance toward curing diabetes since the discovery of insulin. I urge my colleague to join me in supporting this legislation designed to give years of life and health back to people with long-standing diabetes.

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## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes:

Ms. JACKSON-LEE of Texas. Mr. Chairman, this amendment authorizes the Department of Defense to assign members of our Armed Forces to assist the Immigration and Naturalization Service and the Customs Service in monitoring and patrolling U.S. borders. I urge my colleagues to vote against this amendment.

At the request of the Congress, the Department of Defense issued a report earlier this week on this very issue. After meeting with senior leadership of the Immigration and Naturalization Service and the U.S. Customs Service to determine a scenario where U.S. military personnel would be assigned to either agency, the report states, in the end, neither the Immigration and Naturalization Service nor the United States Customs Service could envision a scenario which would require such assignments. Instead, both agencies expected that they would use the existing system of plans and procedures to increase the level of support from DoD personnel who would report through existing military chains of command.

This is not necessary because the DoD already have plans in place detailing how DoD supports Federal law enforcement agencies during declared emergency situations. The President of the United States has the authority to declare emergencies and use military personnel to protect our borders. This is already implied in the powers of the Executive Office of the President.

We are a nation of immigrants and a nation of laws. The men and women of the U.S. Border Patrol put their lives on the line every day of their lives. The present force of 8,000 members is responsible for protecting more than 8,000 miles of international land and water boundaries, and work in the dangerous deserts of Arizona and Texas. They are empowered to do this job. We do not need Federal troops at the border just yet. I urge my colleagues to vote "no" on this amendment.

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## HONORING THE LATE DR. CLIFFORD H. KEENE

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. FARR of California. Mr. Speaker, today I honor a man who helped usher in the age of the health maintenance organization. Dr. Clifford H. Keene passed away at the age of 89.

Born in Buffalo, NY on January 28, 1910, Clifford later on went to earn his medical degree from the University of Michigan Medical School in 1934 and was a surgical instructor there until 1939. During World War II Clifford rose to the rank of lieutenant colonel as the surgeon and medical administrator for the 24th Corps in the Pacific Theater. His career with the Kaiser-Permanente Medical Care Program began in 1954 when industrialist Henry Kaiser asked him to join the then-struggling Kaiser health care system. Under Clifford's leadership, Kaiser Permanente grew into the largest nonprofit health care system in the United States. Over the years, he held a number of various positions including the Regional Manager of Kaiser Foundation Hospitals and Health Plan in Northern California, the Medical Program Coordinator for Kaiser Industries Corporation and the director, vice president and general manager of Kaiser Foundation Hospitals, Inc., and the Kaiser Foundation Health Plan. Clifford was also elected President of various Kaiser Foundation Medical Care Entities including the Kaiser hospitals and the Kaiser Research Institute and International Foundation. Clifford retired from active administration in 1970 and from the Kaiser Board of Directors in 1980.

Clifford will be forever remembered by his dear family and friends. He will be sorely missed by the many people who were privileged to know him personally and professionally. Clifford is survived by his wife, Mary; three daughters, Patricia Ann Kneedler of Forth Worth, TX, Martha Jane Sproule of Palos Park, IL, and Diane Eve Simonds of St. Helena; a sister Harriet Krueger of Sarasota, FL; seven grandchildren and six great grandchildren.

## TRIBUTE TO THE OLIVIERA MIDDLE SCHOOL

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. ORTIZ. Mr. Speaker, today I pay tribute to a school in Brownsville, Texas, that is beating the odds in today's public education system. At a time when our resources are terribly over-burdened, Oliviera Middle School won one of three national first-place awards in the "Set A Good Example" competition that is sponsored by the Concerned Businessmen of America.

These awards, launched in 1982, recognize schools which have a student-oriented program to influence their peers in a positive way by forwarding the simple human moral values such as honesty, trustworthiness, responsibility, competence and fairness. The Concerned Businessmen of America is a not-for-profit charitable education organization which incorporates successful business strategies to combat social ills and problems that face young people.

At a time when parents and community leaders are watching our young people with new eyes, wondering what is going on inside their minds and what motivates them, this recognition is concrete proof that the community surrounding Oliviera Middle School—educators, counselors, parents, business people, and most importantly, students themselves—is working together to ward off the problems that have plagued other schools and other young people. The winning ingredient here is the active involvement of the students. The best messenger for young people is other young people.

We have enormous challenges before us in education, and with regard to the public policy in our public schools. There will never be one single answer to preparing young people to withstand the complex social issues that our children encounter each day. But the best way to prepare our children to deal with the society in which we live is to teach them, from very early on, simple moral guidelines to apply to their lives. The "Set a Good Example" program follows up as encouragement and reinforcement to these lessons.

I ask my colleagues to join me in commending Oliviera Middle School for their efforts to be part of a solution, which is the first step to solving the problem. I thank the young people there for leading the way to better grades and healthier attitudes.

## PERSONAL EXPLANATION

### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. SLAUGHTER. Mr. Speaker, I was unavoidably detained on business and unable to be present for rollcall vote No. 187. Had I been present, I would have voted "no."

## HONORING OUTSTANDING NATIONAL HISPANIC YOUTH

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, today I am honored to recognize six students from San Diego County, California, who have been selected as finalists competing for National Hispanic Youth Awards. These students are among sixty finalists nationally. One of the six is a student in my 51st Congressional District, Milenka V. Meneses of San Marcos High School.

These outstanding Hispanic young people have been identified for their superior academic achievement, their leadership in their schools and their communities, and for their promise as positive role models for us all. If we believe that in America, every young person, from every ethnic background, deserves a fighting chance to achieve the American Dream, we need young people from every ethnic background to take the initiative to lead the way.

Young people like Milenka Meneses are such leaders. They deserve our recognition, our honor, and our encouragement.

I commend to my colleagues to read the following article from the San Diego Union-Tribune describing the recognition given to these fine young men and women. They are more than promising young leaders to the Hispanic community; they are young leaders for us all. They represent the best of America.

#### SIX LOCAL STUDENTS CHOSEN AS LATINO LEADER FINALISTS

Six San Diego County high school students have been selected as finalists in a nationwide search for top Latino youth leaders.

They will be among 60 students from across the nation competing for six National Hispanic Youth awards. The winners will be recognized at the Hispanic Heritage Awards annual gala Sept. 7 at the John F. Kennedy Center for the Performing Arts in Washington, D.C.

The six county residents selected to compete for the national awards are: Seidy Gaytan of Sweetwater Union High School; Laura Dawn Berumen of Montgomery High School; Abel Aramburo of El Cajon Valley High School; Milenka V. Meneses of San Marcos High School; Jose Barraza Jr. of Hilltop High School; and Danika Marie Lacarra Markey of Helix High School.

Because they were named regional finalists, each student received a $1,000 educational grant, a personal computer from CompUSA and a $500 donation to a community service organization of their choice.

The Hispanic Heritage Awards Foundation was established 14 years ago to provide a greater understanding of the contributions of Hispanic Americans in the United States and to recognize and honor role models who inspire Latino youth.

# HOUSE OF REPRESENTATIVES—*Friday, May 19, 2000*

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

## DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 19, 2000.*

I hereby appoint the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

To invoke You, O God, as Father of us all, is to imply that you guide all impartially. You look upon each one's works with singular and penetrating gaze, rooted in unconditional love.

Help us conduct ourselves with true dignity that we prove ourselves worthy of Your attention. May we show such reverence for each other that Your unifying power may be seen at work in our midst.

All our actions are futile today unless they are substantiated in the vision of the founders of this great Nation. We thank You, Lord, for the freedom of Your people purchased not with perishable things like silver and gold but with the precious blood of others.

Let each of us do our part to preserve this Union and to foster the growth of freedom in the world, for our faith and hope are in You, our God, now and forever. Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WOLF) come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

The message also announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 371. An act to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos.

H.R. 4425. An act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4425) "An Act making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 2001, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints: Mr. BURNS, Mrs. HUTCHISON, Mr. CRAIG, Mr. KYL, Mr. STEVENS, Mrs. MURRAY, Mr. REID, Mr. INOUYE, and Mr. BYRD to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill and a joint resolution of the following titles in which concurrence of the House is requested:

S. 1509. An act to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes.

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

The message also announced that the Senate has passed with an amendment a bill of the following title in which concurrence of the House is requested:

S. 777. An act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information.

The message also announced That pursuant to Public Law 105–389, the Chair, on behalf of the Majority Leader, in consultation with the Democratic Leader, announces the appointment of Sylvia Stewart of Mississippi, to serve as a member of the First Flight Centennial Federal Advisory Board, vice Wilkinson Wright of Ohio.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minutes at the conclusion of today's business.

## ANNOUNCEMENT BY COMMITTEE ON RULES REGARDING AMENDMENT PROCESS FOR H.R. 1304, QUALITY HEALTH-CARE COALITION ACT OF 1999

Mr. REYNOLDS. Mr. Speaker, today a Dear Colleague letter will be sent to all Members informing them that the Committee on Rules is planning to meet the week of May 22 to grant a rule which may limit the amendment process on H.R. 1304, the Quality Health-Care Coalition Act of 1999.

Any Member who wishes to offer an amendment should submit 55 copies and a brief explanation of the amendment by 2 p.m. on Tuesday, May 23, to the Committee on Rules in room H-312 in the Capitol. Amendments should be drafted to the text of the bill as reported by the Committee on the Judiciary, which is available on their website.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

## PROVIDING FOR CONSIDERATION OF H.R. 4475, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

Mr. REYNOLDS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 505 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 505

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

year ending September 30, 2001, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendments printed in the report of the Committee on Rules accompanying this resolution shall be considered as adopted in the House and in the Committee of the Whole. Points of order against provisions in the bill, as amended, for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with "Provided further" on page 8, line 17, through line 20; beginning with "Provided further" on page 13, line 24, through page 14, line 8; "Notwithstanding any other provision of law," on page 20, line 18; "Notwithstanding any other provision of law," on page 26, line 15; "Notwithstanding any other provision of law," on page 27, lines 15 and 16; "Notwithstanding any other provision of law," on page 33, line 24; beginning with "Provided" on page 36, line 15, through line 20; page 51, line 13, through page 52, line 18. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for further amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill, as amended, to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Ohio (Mr. HALL), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 505 is an open rule providing for consideration of H.R. 4475, the Department of Transportation and Related Agencies Appropriations Act for fiscal year 2001. The rule waives all points of order against consideration of the bill and provides for 1 hour of general debate to be equally divided between the chairman and the ranking minority member of the Committee on Appropriations. The rule further provides that amendments printed in the Committee on Rules report accompanying this resolution shall be considered as adopted.

In addition, the rule waives clause 2 of rule XXI prohibiting unauthorized or legislative provisions in an appropriations bill against provisions in the bill, as amended, except as otherwise specified in the rule. Additionally, the rule authorizes the Chair to accord priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD. The rule also allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote. Finally, the rule provides one motion to recommit, with or without instructions.

Mr. Speaker, H.R. 4475 continues the Republican Congress' focus on safety for all modes of transportation. Whether cross-town or cross-country, by car, train or plane, ensuring the safety and efficiency of our transportation networks is one of the Federal Government's highest responsibilities. The underlying bill is the product of the Committee on Appropriations Subcommittee on Transportation's extensive hearings and careful consideration of each section of the Department of Transportation and related agencies.

The bill seeks to improve and enhance the safety and capacity of the aviation system and highway and rail networks. It makes runway prevention systems and devices eligible for airport improvement funds and directs the FAA to grant such requests for discretionary funding the highest priority.

Additionally, the bill provides nearly $700 million for airline regulation and certification activities, an increase of over $28 million from the fiscal year 2000 enacted levels. The bill also includes $28 million to address effects of hazardous weather on aviation, an increase of over 44 percent. To further advances made to aircraft safety technology, the bill includes an increase of over $14 million from fiscal year 2000 levels.

□ 0915

Additionally, the bill provides a $72 million increase for motor carrier safety grants, consistent with truck safety reforms enacted as part of the Motor Carrier Safety Act of 1999, and increases investment to critical highway safety research and development of smart vehicle technologies.

The bill meets the funding obligations for the highway and aviation accounts as prescribed by the recent TEA–21 and AIR–21 reauthorization bills. These programs are critical to improvements and modernization of our roadways and our airways, providing desperately needed funds across the Nation.

Additionally, I am pleased that the underlying bill makes available $2 million in continuing appropriations for the Rochester Genesee Regional Transportation Authority bus terminal project. This type of project reinforces our commitment to safe and adequate public transportation.

Mr. Speaker, safety should remain the Federal Government's highest responsibility in the transportation area, and, clearly, this bill addresses those needs and concerns.

In conclusion, I would like to commend the gentleman from Florida (Mr. YOUNG), chairman of the Committee on Appropriations, and the gentleman from Wisconsin (Mr. OBEY), the ranking member, for bringing this measure before the House today.

I would also like to commend the chairman of the Subcommittee on Transportation, the gentleman from Virginia (Mr. WOLF), and the ranking member, the gentleman from Minnesota (Mr. SABO), for their hard work and leadership on this measure.

Mr. Speaker, I urge my colleagues to support this completely fair and open rule and the underlying measure.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentleman from New York (Mr. REYNOLDS) for yielding me the time. This is an open rule. It will allow for the bill that makes appropriations for the Department of Transportation and related agencies.

As my colleague from New York has explained, this rule provides for one hour of general debate, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. Under this rule, amendments will be allowed under the 5-minute rule, which is the normal amending process in the House. All Members on both sides of the aisle will have their chance, their opportunity, to offer amendments which are germane and which follow the rules for appropriation bills.

This bill funds construction of highways and airport facilities and transit systems. It supports Amtrak, Federal rail programs, the air traffic control system, and transportation safety and research for all modes.

It is no exaggeration to say that the transportation appropriation bill keeps the country moving. I am very pleased with the generous amounts of funding for public transit provided in this bill. This demonstrates the commitment of the Federal Government to provide transportation options for all Americans, including those in the urban core.

I am also pleased with the bill's support for the Centennial of Flight Commission. This is a national commission assisting the country's celebration of the centennial of the Wright Brothers' first flight, an anniversary which will take place in the year 2003.

I want to commend the chairman of the subcommittee, the gentleman from Virginia (Mr. WOLF) and ranking minority member, the gentleman from Minnesota (Mr. SABO), for their work in crafting this bill and bringing it to the floor. The bill was approved by the Committee on Appropriations by a voice vote and it has support on both sides of the aisle.

Finally, I draw to the attention of my colleagues that this is the last transportation appropriation bill under the gentleman from Virginia (Mr. WOLF) as chairman of the Subcommittee on Transportation of the Committee on Appropriations. The gentleman will be stepping down from the position in the next Congress. He has been an outstanding chairman, who led his committee in a bipartisan fashion. During his tenure, he has successfully guided it through dramatic changes in our Federal transportation laws. The gentleman from Virginia (Mr. WOLF) has balanced his role as chairman of the subcommittee with his other roles as a protector of his Virginia constituents and as fighter for humanitarian rights around the world. It is a difficult balancing act, but he has carried it off with grace and ability.

Mr. Speaker, this rule is an open rule, and it was adopted by a voice vote of the Committee on Rules. I support the rule and the bill. I urge its adoption.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. REYNOLDS. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

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## GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4475, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from Virginia?

There was no objection.

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## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. REYNOLDS). Pursuant to House Resolution 505 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4475.

□ 0921

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, with Mr. BARRETT of Nebraska in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) each will control 30 minutes.

The Chair recognizes the gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, today the Committee on Appropriations presents the second fiscal year 2001 appropriations bill to the House. H.R. 4475 provides appropriations for the fiscal year 2000 for the Department of Transportation and related agencies appropriations.

The bill that the committee presents to the House is a good and balanced bill. The committee has increased funding for some agencies which have been hard hit over the past few years, like the Coast Guard, while cutting out areas of unnecessary spending.

The bill meets fully the Congressional commitment to highway, transit and aviation spending in TEA–21 and AIR–21, and fully funds Amtrak's Congressionally-mandated glidepath to operational self-sufficiency.

Briefly, the bill includes $30.7 billion for highways, an increase of nearly $2 billion; $12 billion for the FAA, an increase of 25 percent, including $3.2 billion for airport grants programs; $6.3 billion for transit programs, an increase of almost $500 million; $521 million for Amtrak; and $4.6 billion for the Coast Guard, an increase of almost $600 million over last year, including almost $560 million for drug interdiction.

I might just say, this is an opportunity for the Coast Guard with this money to really deal with the issue of drug interdiction and open fire on the drug runners coming out of South America. When we see a fast boat coming, heading out, and we know it is containing drugs, the opportunity is for the Coast Guard to hover over and give a warning, and, if it does not stop, to fire on the boat and to sink the boat, because there is basically a war on drugs, if you want to call it that. Now the Coast Guard has the capability to do this, and next year we will see how successful they have been.

This bill has been developed in consultation with the gentleman from Minnesota (Mr. SABO) and the minority staff, and was passed in subcommittee and full committee unanimously with only a few amendments. The committee has worked carefully with all Members on both sides of the aisle to address specific concerns, and I believe we have achieved strong bipartisan support.

Let me just say a word with regard to the gentleman from Minnesota (Mr. SABO). We could not have worked in a better way. I have great respect for the gentleman from Minnesota (Mr. SABO) and his knowledge of budgetary matters, having been chairman of the Committee on the Budget and then ranking member of the Committee on the Budget. I think it is an indication that the two parties can sit down and work together.

So I just want to publicly thank the gentleman from Minnesota (Mr. SABO) for that effort, and look forward to working with him for many, many more years to come on these and other issues.

Correspondence from the Department of Transportation and the Office of Management and Budget suggest this bill, as reported by the committee, is acceptable to the administration. The bill deserves the House's widespread support.

I want to close by thanking the following staff for their help in preparing the bill. From the committee staff, John Blazey, who would make a great administrator of the Federal Transit Administration in the next administration; Rich Efford, who would make a great FAA deputy administrator; Stephanie Gupta, who would do a great job on the Safety Board; Linda Muir, who could run the whole agency down there; Chris Porter and Ken Marx have done a great job; Jeff Gleason from my staff; Cheryl Smith, who could run the whole process if she were given the opportunity; and Marjorie Duske of the staff of the gentleman from Minnesota (Mr. SABO), who would, again, do a great job.

The point I am trying to make is the staff, and I know sometimes this is a pro forma comment, has done a remarkable job over the past 6 years, and this year, and I want to personally thank them. Everything I said about what they could be doing in the next year is true and valid, and I do not want anyone to strike it, because I want it to stand.

Mr. Chairman, I include the following for the RECORD:

# TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4475)
## (Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| TITLE I - DEPARTMENT OF TRANSPORTATION | | | | | |
| Office of the Secretary | | | | | |
| Salaries and expenses: | | | | | |
| Immediate Office of the Secretary | 1,887 | 2,031 | 1,756 | -111 | -275 |
| Immediate Office of the Deputy Secretary | 600 | 587 | 587 | -13 | |
| Office of the General Counsel | 9,000 | 11,172 | 9,760 | +760 | -1,412 |
| Office of the Assistant Secretary for Policy | 2,824 | 3,132 | 3,132 | +308 | |
| Office of the Assistant Secretary for Aviation and International Affairs | 7,650 | 7,702 | 7,182 | -468 | -520 |
| Office of the Assistant Secretary for Budget and Programs | 6,870 | 7,241 | 7,241 | +371 | |
| Office of the Assistant Secretary for Governmental Affairs | 2,039 | 2,176 | 2,000 | -39 | -176 |
| Office of the Assistant Secretary for Administration | 17,767 | 20,139 | 18,359 | +592 | -1,780 |
| Office of Public Affairs | 1,800 | 1,714 | 1,454 | -346 | -260 |
| Executive Secretariat | 1,102 | 1,181 | 1,181 | +79 | |
| Board of Contract Appeals | 520 | 496 | 496 | -24 | |
| Office of Small and Disadvantaged Business Utilization | 1,222 | 1,192 | 1,192 | -30 | |
| Office of Intelligence and Security | 1,454 | 3,494 | 1,490 | +36 | -2,004 |
| Office of the Chief Information Officer | 5,075 | 6,929 | 6,279 | +1,204 | -650 |
| Office of Intermodalism | 1,062 | | | -1,062 | |
| Subtotal | 60,852 | 69,186 | 62,109 | +1,257 | -7,077 |
| Office of civil rights | 7,200 | 8,726 | 8,140 | +940 | -586 |
| Transportation planning, research, and development | 3,300 | 5,258 | 3,300 | | -1,958 |
| Across the board (0.38%) rescission | -10 | | | +10 | |
| Net subtotal | 3,290 | 5,258 | 3,300 | +10 | -1,958 |
| Transportation Administrative Service Center | (148,673) | (163,811) | (119,387) | (-29,286) | (-44,424) |
| Minority business resource center program | 1,900 | 1,900 | 1,900 | | |
| (Limitation on guaranteed loans) | (13,775) | (13,775) | (13,775) | | |
| Minority business outreach | 2,900 | 3,000 | 3,000 | +100 | |
| Across the board (0.38%) rescission | -18 | | | +18 | |
| Net subtotal | 2,882 | 3,000 | 3,000 | +118 | |
| Total, Office of the Secretary | 76,152 | 88,070 | 78,449 | +2,297 | -9,621 |
| ATB rescissions | -28 | | | +28 | |
| Net total | 76,124 | 88,070 | 78,449 | +2,325 | -9,621 |
| Coast Guard | | | | | |
| Operating expenses | 2,481,000 | 2,858,000 | 2,851,000 | +370,000 | -7,000 |
| Defense function | 300,000 | 341,000 | 341,000 | +41,000 | |
| Subtotal | 2,781,000 | 3,199,000 | 3,192,000 | +411,000 | -7,000 |
| Acquisition, construction, and improvements: | | | | | |
| Vessels | 134,560 | 257,180 | 252,640 | +118,080 | -4,540 |
| Across the board (0.38%) rescission | -1,478 | | | +1,478 | |
| Net subtotal | 133,082 | 257,180 | 252,640 | +119,558 | -4,540 |
| Integrated Deepwater Systems | 44,200 | 42,300 | 42,300 | -1,900 | |
| Aircraft | 44,210 | 43,650 | 43,650 | -560 | |
| Other equipment | 51,626 | 60,313 | 60,113 | +8,487 | -200 |
| Shore facilities & aids to navigation facilities | 63,800 | 61,606 | 61,606 | -2,194 | |
| Personnel and related support | 50,930 | 55,151 | 54,691 | +3,761 | -460 |
| Subtotal, A C & I (excluding rescissions) | 389,326 | 520,200 | 515,000 | +125,674 | -5,200 |
| Environmental compliance and restoration | 17,000 | 16,700 | 16,700 | -300 | |
| Across the board (0.38%) rescission | -65 | | | +65 | |
| Net subtotal | 16,935 | 16,700 | 16,700 | -235 | |
| Alteration of bridges | 15,000 | | 14,740 | -260 | +14,740 |
| Across the board (0.38%) rescission | -57 | | | +57 | |
| Net subtotal | 14,943 | | 14,740 | -203 | +14,740 |
| Retired pay | 730,327 | 778,000 | 778,000 | +47,673 | |
| Reserve training | 72,000 | 73,371 | 80,375 | +8,375 | +7,004 |
| Research, development, test, and evaluation | 19,000 | 21,320 | 19,691 | +691 | -1,629 |
| Total, Coast Guard | 4,023,653 | 4,608,591 | 4,616,506 | +592,853 | +7,915 |
| ATB rescissions | -1,600 | | | +1,600 | |
| Net total | 4,022,053 | 4,608,591 | 4,616,506 | +594,453 | +7,915 |
| Federal Aviation Administration | | | | | |
| Operations | 5,900,000 | 6,592,235 | 6,544,235 | +644,235 | -48,000 |
| Facilities and equipment (Airport and Airway Trust Fund) | 2,075,000 | 2,495,000 | 2,656,765 | +581,765 | +161,765 |
| Rescission | (-30,000) | | | (+30,000) | |
| Research, engineering, and development (Airport and Airway Trust Fund) | 156,495 | 184,366 | 184,366 | +27,871 | |
| Grants-in-aid for airports (Airport and Airway Trust Fund): | | | | | |
| (Liquidation of contract authorization) | (1,750,000) | (1,960,000) | (3,200,000) | (+1,450,000) | (+1,240,000) |
| (Limitation on obligations) | (1,950,000) | (1,950,000) | (3,200,000) | (+1,250,000) | (+1,250,000) |
| Across the board (0.38%) rescission | (-54,362) | | | (+54,362) | |
| Rescission of contract authority | | | -579,000 | -579,000 | -579,000 |
| Net subtotal | (1,895,638) | (1,950,000) | (2,621,000) | (+725,362) | (+671,000) |

## TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4475)—Continued
(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Total, Federal Aviation Administration | 8,131,495 | 9,271,601 | 9,385,366 | +1,253,871 | +113,765 |
| (Limitations on obligations) | (1,950,000) | (1,950,000) | (3,200,000) | (+1,250,000) | (+1,250,000) |
| Total budgetary resources | (10,081,495) | (11,221,601) | (12,585,366) | (+2,503,871) | (+1,363,765) |
| ATB rescissions | (-54,362) | | | (+54,362) | |
| Rescission | -30,000 | | -579,000 | -549,000 | -579,000 |
| Net total | (9,997,133) | (11,221,601) | (12,006,366) | (+2,009,233) | (+784,765) |
| **Federal Highway Administration** | | | | | |
| Limitation on administrative expenses 1/ | (376,072) | (315,834) | (290,115) | (-85,957) | (-25,719) |
| Limitation on transportation research | | | (437,250) | (+437,250) | (+437,250) |
| Federal-aid highways (Highway Trust Fund): | | | | | |
| (Limitation on obligations) | (26,245,000) | (26,603,806) | (26,603,806) | (+358,806) | |
| Across the board (0.38%) rescission | (-105,260) | | | (+105,260) | |
| Net subtotal | (26,139,740) | (26,603,806) | (26,603,806) | (+464,066) | |
| (Revenue aligned budget authority) (RABA) | (1,456,350) | (3,058,000) | (3,058,000) | (+1,601,650) | |
| (RABA transfer under Title III) | | (-598,000) | | | (+598,000) |
| (Adjustment) | | (255,000) | | | (-255,000) |
| Subtotal, limitation on obligations | (27,701,350) | (29,318,806) | (29,661,806) | (+1,960,456) | (+343,000) |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (-167,126) | |
| (Liquidation of contract authorization) | (26,000,000) | (28,000,000) | (28,000,000) | (+2,000,000) | |
| Total, Federal Highway Administration | | | | | |
| (Limitations on obligations) | (27,701,350) | (29,318,806) | (29,661,806) | (+1,960,456) | (+343,000) |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (-167,126) | |
| Total budgetary resources | (28,908,052) | (30,358,382) | (30,701,382) | (+1,793,330) | (+343,000) |
| ATB rescissions | (-105,260) | | | (+105,260) | |
| Net total | (28,802,792) | (30,358,382) | (30,701,382) | (+1,898,590) | (+343,000) |
| **Federal Motor Carrier Safety Administration** | | | | | |
| Motor carrier safety (limitation on administrative expenses) 2/ | | (92,194) | (92,194) | (+92,194) | |
| National motor carrier safety program (Highway Trust Fund): | | | | | |
| (Liquidation of contract authorization) | (105,000) | (187,000) | (177,000) | (+72,000) | (-10,000) |
| (Limitation on obligations) | (105,000) | (177,000) | (177,000) | (+72,000) | |
| (RABA transfer under Title III) | | (10,000) | | | (-10,000) |
| Subtotal, limitation on obligations | (105,000) | (187,000) | (177,000) | (+72,000) | (-10,000) |
| Total, Federal Motor Carrier Safety Administration | | | | | |
| (Limitations on obligations) | (105,000) | (279,194) | (269,194) | (+164,194) | (-10,000) |
| Total budgetary resources | (105,000) | (279,194) | (269,194) | (+164,194) | (-10,000) |
| **National Highway Traffic Safety Administration** | | | | | |
| Operations and research | 87,400 | 142,475 | 107,876 | +20,476 | -34,599 |
| Operations and research (Highway trust fund): | | | | | |
| (Limitation on obligations) | (72,000) | (72,000) | (72,000) | | |
| (RABA transfer under Title III) | | (70,000) | | | (-70,000) |
| (Liquidation of contract authorization) | (72,000) | (142,000) | (72,000) | | (-70,000) |
| National Driver Register (Highway trust fund) | 2,000 | 2,000 | 2,000 | | |
| Subtotal, Operations and research | (161,400) | (286,475) | (181,876) | (+20,476) | (-104,599) |
| Highway traffic safety grants (Highway Trust Fund): | | | | | |
| (Liquidation of contract authorization) | (206,800) | (213,000) | (213,000) | (+6,200) | |
| (Limitation on obligations): | | | | | |
| Highway safety programs (Sec. 402) | (152,800) | (155,000) | (155,000) | (+2,200) | |
| Occupant protection incentive grants (Sec. 405) | (10,000) | (13,000) | (13,000) | (+3,000) | |
| Alcohol-impaired driving countermeasures grants (Sec. 410) | (36,000) | (36,000) | (36,000) | | |
| State Highway safety data grants (Sec. 411) | (8,000) | (9,000) | (9,000) | (+1,000) | |
| Total, National Highway Traffic Safety Administration | 89,400 | 144,475 | 109,876 | +20,476 | -34,599 |
| (Limitations on obligations) | (278,800) | (355,000) | (285,000) | (+6,200) | (-70,000) |
| Total budgetary resources | (368,200) | (499,475) | (394,876) | (+26,676) | (-104,599) |
| **Federal Railroad Administration** | | | | | |
| Safety and operations | 94,288 | 103,211 | 102,487 | +8,199 | -724 |
| Offsetting collections (user fees) | | -77,300 | | | +77,300 |
| Railroad research and development | 22,464 | 26,800 | 26,300 | +3,836 | -500 |
| Offsetting collections (user fees) | | -25,500 | | | +25,500 |
| Rhode Island Rail Development | 10,000 | 17,000 | 17,000 | +7,000 | |
| Across the board (0.38%) rescission | -38 | | | +38 | |
| Net subtotal | 9,962 | 17,000 | 17,000 | +7,038 | |
| Pennsylvania Station Redevelopment project (advance appropriation, FY 2001, 2002, 2003) 3/ | (60,000) | | | (-60,000) | |

1/ FY 2000 enacted includes $76,058 for motor carrier safety, limitation on administrative expenses.

2/ Provided under FHWA limitation on administrative expenses in FY 2000.

3/ Provided in Title II - Other Appropriations Matters in P.L. 106-113.

## TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4475)—Continued
(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Next generation high-speed rail | 27,200 | 22,000 | 22,000 | -5,200 | |
| Across the board (0.38%) rescission | -103 | | | +103 | |
| Net subtotal | 27,097 | 22,000 | 22,000 | -5,097 | |
| Alaska Railroad rehabilitation | 10,000 | | | -10,000 | |
| Across the board (0.38%) rescission | -38 | | | +38 | |
| Net subtotal | 9,962 | | | -9,962 | |
| Capital grants to the National Railroad Passenger Corporation | 571,000 | 521,476 | 521,476 | -49,524 | |
| Expended intercity rail passenger service fund (RABA transfer under Title III): | | | | | |
| (Liquidation of contract authorization) | | (468,000) | | | (-468,000) |
| (Limitation on obligations) | | (468,000) | | | (-468,000) |
| Total, Federal Railroad Administration | 734,952 | 587,687 | 689,263 | -45,689 | +101,576 |
| (Limitations on obligations) | | (468,000) | | | (-468,000) |
| Total budgetary resources | (734,952) | (1,055,687) | (689,263) | (-45,689) | (-366,424) |
| ATB rescissions | -179 | | | +179 | |
| Net total | (734,773) | (1,055,687) | (689,263) | (-45,510) | (-366,424) |
| Federal Transit Administration | | | | | |
| Administrative expenses | 12,000 | 12,800 | 12,800 | +800 | |
| Administrative expenses (Highway Trust Fund, Mass Transit Account) (limitation on obligations) | (48,000) | (51,200) | (51,200) | (+3,200) | |
| Subtotal, Administrative expenses | (60,000) | (64,000) | (64,000) | (+4,000) | |
| Formula grants | 619,600 | 669,000 | 669,000 | +49,400 | |
| Formula grants (Highway Trust Fund): (Limitation on obligations) | (2,478,400) | (2,676,000) | (2,676,000) | (+197,600) | |
| Subtotal, Formula grants | (3,098,000) | (3,345,000) | (3,345,000) | (+247,000) | |
| University transportation research | 1,200 | 1,200 | 1,200 | | |
| University transportation research (Highway Trust Fund, Mass Transit Account) (limitation on obligations) | (4,800) | (4,800) | (4,800) | | |
| Subtotal, University transportation research | (6,000) | (6,000) | (6,000) | | |
| Transit planning and research (general fund) | 21,000 | 22,200 | 22,200 | +1,200 | |
| Transit planning and research (Highway Trust Fund, Mass Transit Account): (Limitation on obligations) | (86,000) | (87,800) | (87,800) | (+1,800) | |
| Subtotal, Transit planning and research | (107,000) | (110,000) | (110,000) | (+3,000) | |
| Rural transportation assistance | (5,250) | (5,250) | (5,250) | | |
| National transit institute | (4,000) | (4,000) | (4,000) | | |
| Transit cooperative research | (8,250) | (8,250) | (8,250) | | |
| Metropolitan planning | (49,632) | (52,114) | (52,114) | (+2,482) | |
| State planning and research | (10,368) | (10,886) | (10,886) | (+518) | |
| National planning and research | (29,500) | (29,500) | (29,500) | | |
| Subtotal | (107,000) | (110,000) | (110,000) | (+3,000) | |
| Across the board (0.38%) rescission | (-243) | | | (+243) | |
| Net subtotal | (106,757) | (110,000) | (110,000) | (+3,243) | |
| Capital investment grants (Highway Trust Fund, Mass Transit Account) (limitation on obligations) 1/ | (1,966,800) | (2,116,800) | (2,116,800) | (+150,000) | |
| Subtotal, Capital investment grants | (2,457,000) | (2,646,000) | (2,646,000) | (+189,000) | |
| Fixed guideway modernization | (980,400) | (1,058,400) | (1,058,400) | (+78,000) | |
| Buses and bus-related facilities 1/ | (496,200) | (529,200) | (529,200) | (+33,000) | |
| New starts | (980,400) | (1,058,400) | (1,058,400) | (+78,000) | |
| Subtotal | (2,457,000) | (2,646,000) | (2,646,000) | (+189,000) | |
| Across the board (0.38%) rescission | (-17,404) | | | (+17,404) | |
| Net subtotal | (2,439,596) | (2,646,000) | (2,646,000) | (+206,404) | |
| Discretionary grants (Highway Trust Fund, Mass Transit Account) (liquidation of contract authorization) | (1,500,000) | (350,000) | (350,000) | (-1,150,000) | |
| Job access and reverse commute grants (general fund) | 15,000 | 20,000 | 20,000 | +5,000 | |
| (Highway Trust Fund, Mass Transit Account) (limitation on obligations) | (60,000) | (80,000) | (80,000) | (+20,000) | |
| (RABA transfer under Title III) | | (50,000) | | | (-50,000) |
| Subtotal, Job access and reverse commute grants | (75,000) | (150,000) | (100,000) | (+25,000) | (-50,000) |
| Total, Federal Transit Administration | 1,159,000 | 1,254,400 | 1,254,400 | +95,400 | |
| (Limitations on obligations) | (4,644,000) | (5,066,600) | (5,016,600) | (+372,600) | (-50,000) |
| Total budgetary resources | (5,803,000) | (6,321,000) | (6,271,000) | (+468,000) | (-50,000) |
| ATB rescissions | (-17,647) | | | (+17,647) | |
| Net total | (5,785,353) | (6,321,000) | (6,271,000) | (+485,647) | (-50,000) |

1/ $6 million provided in Title II - Other Appropriations Matters in P.L. 106-113.

## TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4475)—Continued
(Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Saint Lawrence Seaway Development Corporation | | | | | |
| Operations and maintenance (Harbor Maintenance Trust Fund) | 12,042 | | 13,004 | +962 | +13,004 |
| Across the board (0.38%) rescission | -46 | | | +46 | |
| Mandatory proposal | | (13,004) | | | (-13,004) |
| Net total | 11,996 | (13,004) | 13,004 | +1,008 | |
| Research and Special Programs Administration | | | | | |
| Research and special programs: | | | | | |
| Hazardous materials safety | 17,710 | 18,773 | 18,773 | +1,063 | |
| Emergency transportation | 1,378 | 2,375 | 1,866 | +488 | -509 |
| Research and technology | 3,397 | 9,416 | 4,516 | +1,119 | -4,900 |
| Program and administrative support | 9,576 | 11,967 | 11,297 | +1,721 | -670 |
| Subtotal, research and special programs | 32,061 | 42,531 | 36,452 | +4,391 | -6,079 |
| Offsetting collections (user fees) | | -4,722 | | | +4,722 |
| Pipeline safety: | | | | | |
| Pipeline Safety Fund | 30,000 | 42,874 | 35,874 | +5,874 | -7,000 |
| Oil Spill Liability Trust Fund | 5,479 | 4,263 | 4,263 | -1,216 | |
| Pipeline safety reserve | (1,400) | | (2,500) | (+1,100) | (+2,500) |
| Subtotal, Pipeline safety program (including reserve) | (36,879) | (47,137) | (42,637) | (+5,758) | (-4,500) |
| Emergency preparedness grants: Emergency preparedness fund | 200 | 200 | 200 | | |
| Total, Research and Special Programs Administration | 67,740 | 85,146 | 76,789 | +9,049 | -8,357 |
| Office of Inspector General | | | | | |
| Salaries and expenses | 44,840 | 48,050 | 48,050 | +3,210 | |
| Across the board (0.38%) rescission | -170 | | | +170 | |
| Net total | 44,670 | 48,050 | 48,050 | +3,380 | |
| Surface Transportation Board | | | | | |
| Salaries and expenses | 17,000 | 17,954 | 17,954 | +954 | |
| Offsetting collections | -1,600 | -17,954 | -900 | +700 | +17,054 |
| Across the board (0.38%) rescission | -58 | | | +58 | |
| Net total | 15,342 | | 17,054 | +1,712 | +17,054 |
| General Provisions | | | | | |
| Transportation Administrative Service Center reduction (Sec. 323) | -15,000 | | -4,000 | +11,000 | -4,000 |
| Amtrak Reform Council (Sec. 326) | 750 | 980 | 980 | +230 | |
| Net total, title I, Department of Transportation | 14,368,343 | 16,089,000 | 15,706,737 | +1,338,394 | -382,263 |
| Current year, FY 2001 | (14,308,343) | (16,089,000) | (15,706,737) | (+1,398,394) | (-382,263) |
| Appropriations | (14,340,424) | (16,089,000) | (16,285,737) | (+1,945,313) | (+196,737) |
| Rescissions | (-32,081) | | (-579,000) | (-546,919) | (-579,000) |
| Advance appropriations | (60,000) | | | (-60,000) | |
| (Limitations on obligations) | (34,679,150) | (37,437,600) | (38,432,600) | (+3,753,450) | (+995,000) |
| (Rescissions of limitations on obligations) | (-177,269) | | | (+177,269) | |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (-167,126) | |
| Net total budgetary resources | (50,076,926) | (54,566,176) | (55,178,913) | (+5,101,987) | (+612,737) |
| TITLE II - RELATED AGENCIES | | | | | |
| Architectural and Transportation Barriers Compliance Board | | | | | |
| Salaries and expenses | 4,633 | 4,795 | 4,795 | +162 | |
| National Transportation Safety Board | | | | | |
| Salaries and expenses | 57,000 | 62,942 | 62,942 | +5,942 | |
| Offsetting collections | | 10,000 | | | +10,000 |
| Total, title II, Related Agencies | 61,633 | 57,737 | 67,737 | +6,104 | +10,000 |
| Grand total | 14,429,976 | 16,146,737 | 15,774,474 | +1,344,498 | -372,263 |
| Current year, FY 2001 | (14,369,976) | (16,146,737) | (15,774,474) | (+1,404,498) | (-372,263) |
| Appropriations | (14,402,057) | (16,146,737) | (16,353,474) | (+1,951,417) | (+206,737) |
| Rescissions | (-32,081) | | (-579,000) | (-546,919) | (-579,000) |
| Advance appropriations | (60,000) | | | (-60,000) | |
| (Limitation on obligations) | (34,679,150) | (37,437,600) | (38,432,600) | (+3,753,450) | (+995,000) |
| (Rescissions of limitation on obligations) | (-177,269) | | | (+177,269) | |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (-167,126) | |
| Net total budgetary resources | (64,508,535) | (70,770,650) | (71,021,124) | (+6,512,589) | (+250,474) |

## TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS BILL, 2001 (H.R. 4475)—Continued (Amounts in thousands)

| | FY 2000 Enacted | FY 2001 Request | Bill | Bill vs. Enacted | Bill vs. Request |
|---|---|---|---|---|---|
| Scorekeeping adjustments: | | | | | |
| Pipeline safety (OSLTF) | -3,000 | -13,000 | -10,000 | -7,000 | +3,000 |
| Advance appropriations | -60,000 | 20,000 | 20,000 | +80,000 | |
| Rescission of advance | | | -20,000 | -20,000 | -20,000 |
| FTA: Capital invest grants (Title II PL 106-113) | 6,000 | | | -6,000 | |
| FTA: Capital investment grants (limitation on obligations) | (-6,000) | | | (+6,000) | |
| Across the board cut (0.38%) | -50,000 | | | +50,000 | |
| CBO/OMB adjustment | 2,081 | | | -2,081 | |
| Total, adjustments | -104,919 | 7,000 | -10,000 | +94,919 | -17,000 |
| Net grand total (including scorekeeping) | 14,325,057 | 16,153,737 | 15,764,474 | +1,439,417 | -389,263 |
| Appropriations | (14,357,138) | (16,133,737) | (16,343,474) | (+1,986,336) | (+209,737) |
| Rescissions | (-32,081) | | (-599,000) | (-566,919) | (-599,000) |
| Advance appropriations | | (20,000) | (20,000) | (+20,000) | |
| (Limitations on obligations) | (34,673,150) | (37,437,600) | (38,432,600) | (+3,759,450) | (+995,000) |
| (Rescissions of limitations on obligations) | (-177,269) | | | (+177,269) | |
| (Exempt obligations) | (1,206,702) | (1,039,576) | (1,039,576) | (-167,126) | |
| Net grand total budgetary resources | (50,027,640) | (54,630,913) | (55,236,650) | (+5,209,010) | (+605,737) |
| RECAP BY FUNCTION | | | | | |
| Mandatory | 730,327 | 778,000 | 778,000 | +47,673 | |
| Discretionary: | | | | | |
| Highway category: (Limitation on obligations) | (28,085,150) | (29,953,000) | (30,216,000) | (+2,130,850) | (+263,000) |
| Mass Transit category | 1,159,000 | 1,254,400 | 1,254,400 | +95,400 | |
| (Limitation on obligations) | (4,638,000) | (5,066,600) | (5,016,600) | (+378,600) | (-50,000) |
| General purpose discretionary: | | | | | |
| Defense discretionary | 300,000 | 341,000 | 341,000 | +41,000 | |
| Nondefense discretionary | 12,135,730 | 13,780,337 | 13,391,074 | +1,255,344 | -389,263 |
| Total, General purpose discretionary | 12,435,730 | 14,121,337 | 13,732,074 | +1,296,344 | -389,263 |
| Total, Discretionary | 13,594,730 | 15,375,737 | 14,986,474 | +1,391,744 | -389,263 |
| Total, mandatory and discretionary | 14,325,057 | 16,153,737 | 15,764,474 | +1,439,417 | -389,263 |

NOTE: FY00 rescissions included in Net total lines.

Mr. Chairman, I reserve the balance of my time.

Mr. SABO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a good bill and it should be passed. Let me commend the Chair, the gentleman from Virginia (Mr. WOLF) on his 6 years of chairing this subcommittee. He has done an outstanding job in that role, and I have enjoyed working with him these last 4 years as ranking member. He has been fair. On the other hand, he has been thoughtful and tough when he needs to be, he asks appropriate tough questions, and it has been a privilege to work with the gentleman these last 4 years as ranking member, and as a member of the subcommittee for the 6 years he has chaired as subcommittee chair. This is the last bill he brings to the House floor, and it is another good, fair bill, and we should pass it.

Let me join my friend the gentleman from Virginia (Mr. WOLF) in thanking all the staff that has worked on this bill. It is a complicated bill, many decisions to be made, and both majority and minority staff do an outstanding job. I thank them for it.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. JACKSON).

Mr. JACKSON of Illinois. Mr. Chairman, I rise along with my colleague, the gentleman from Illinois (Mr. HYDE) to engage the distinguished chairman of the Subcommittee on Transportation, the gentleman from Virginia (Mr. WOLF), in a colloquy.

Mr. Chairman, the transportation appropriations report includes language that I offered during the full committee markup. This language urges the FAA to expeditiously conclude negotiations with state aviation officials regarding forecasts for a proposed third airport in the Chicago metropolitan area and initiate promptly an environmental impact statement on the proposal.

Mr. WOLF. If the gentleman will yield, that is correct.

Mr. HYDE. If the gentleman from Illinois will yield, I would ask the gentleman from Virginia (Mr. WOLF), is it his understanding that the intent of the language is to urge the FAA, which has delayed action for approximately 2 years, to begin promptly to process an environmental impact statement which will finally review Illinois' proposal to build a third airport on 23,845 acres in Peotone, Illinois, not in a piecemeal or partial fashion, but rather in a comprehensive and thorough manner?

Mr. WOLF. That is correct.

Mr. HYDE. Mr. Chairman, I thank the gentleman from Virginia (Mr. WOLF) for his efforts and responsiveness on this very important issue to the residents of my district and throughout the State of Illinois.

Mr. JACKSON of Illinois. Mr. Chairman, I want to thank the gentleman too for his support and his leadership on this issue. I look forward to working with the gentleman and our colleagues on the committee to ensure that the FAA fulfills its obligations to meet the national aviation needs of our country.

Mr. SABO. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana (Mr. VISCLOSKY).

□ 0930

Mr. VISCLOSKY. Mr. Chairman, I thank the gentleman from Minnesota (Mr. SABO) for yielding me this time.

Mr. Chairman, I first of all want to congratulate and thank the gentleman from Virginia (Mr. WOLF), and the gentleman from Minnesota (Mr. SABO), ranking member, for their very good work on this bill which I fully support, and I would be remiss if I did not also thank all of the staff involved for their professional work, consideration and hard work.

Mr. Chairman, there is report language that accompanies the bill, and just previous to my statement there was a colloquy on the floor. Singular pronouns were used in terms of the word "State," and the word "Illinois" as far as reference to a State was used, and I must indicate that I do take exception to the report language. There is no question that in the Chicago metropolitan area, in the Midwest portion of the United States of America, there is a problem as far as capacity. I would agree with all of my colleagues, and I think it is a regional concern, that that issue be studied on a regional basis and that the State of Indiana, as well as the State of Illinois, be consulted and considered.

The second thing that I would point out to my colleagues in the House, if a commitment has been made by an agency of this government, in this case the Federal Aviation Administration, that particular commitment should be made but again in consultation with all interested parties. In this case, the State of Illinois that apparently asked for the study, the State of Indiana, the citizens in the community affected, the gentleman from Illinois (Mr. HYDE) referred to a site near the community of Peotone, but I would also suggest the City of Chicago and the City of Gary because where I disagree with my colleagues and where I disagree with the report language is the solution to the problem, which site, which combinations of actions, is best suited to solve the problem asked to be studied. So I did want to make sure that my perspective was heard.

Mr. SABO. Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. PASTOR), a distinguished member of our subcommittee.

Mr. PASTOR. Mr. Chairman, I want to congratulate both the chairman of the committee and the ranking member for bringing forth to this House a fair bill, a bipartisan bill, and I ask my colleagues to support it.

I would like to take a few minutes to thank the gentleman from Virginia (Mr. WOLF) for the leadership he has taken and the advocacy he has taken in terms of safety. I know that he started with truck safety and he worked very hard to ensure that we had a reasonable and sensible solution in the manner in which we had oversight over truck safety, and I want to congratulate him and thank him for the leadership.

Lately he has been concerned and been an advocate to increase the safety at our airports and, again, he has found a reasonable and sensible solution and I want to thank him. I know that this is the last bill that he will bring to the floor on transportation. I want to commend him for the fine work he has done.

I also want to congratulate the ranking member for the work he has done on behalf of the minority.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I rise in support of this legislation. It is a good bill and I would like to commend the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for their work on this bill. I think it is very significant to note that this legislation honors the funding guarantees in TEA–21 and AIR–21 and still sufficiently funds other important transportation programs such as the Coast Guard and Amtrak.

I have long believed that we could honor the principle of dedicated trust fund revenues for their intended purposes while maintaining sufficient funding for other important transportation programs, and this bill proves that point.

I also want to commend the gentleman from Virginia (Mr. WOLF) for, with only a very few exceptions, reporting a bill with fewer authorizing provisions than in past years. While there are many technical violations of the rules, we have no problem with that at all; there are about 30 substantive violations of the rules. Had we been consulted on them, we perhaps might have been able to work out more of them but as it is we have only decided to reserve the right to object to nine of them and, indeed, I believe in colloquy with the gentleman from Virginia (Mr. WOLF) on two of those rules it is my hope that while I will reserve the right to object that I may well withdraw that right.

So I think this is a good piece of legislation. It shows that we can make the increased investments so crucial to transportation, and I commend the gentleman from Virginia (Mr. WOLF), the gentleman from Minnesota (Mr. SABO) and all of the members of the

Committee on Appropriations Subcommittee on Transportation for bringing this appropriation to the floor.

Mr. SABO. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Michigan (Ms. KILPATRICK), who is serving her first term on this subcommittee and doing a great job.

Ms. KILPATRICK. Mr. Chairman, to our chairman, the gentleman from Virginia (Mr. WOLF), I want to thank him for his leadership. What a joy it has been to work with him over this first term as a member of the Committee on Appropriations. I commend him for his leadership; and I want to also thank the gentleman from Minnesota (Mr. SABO), who is also our ranking member and a fine gentleman, for the bipartisan way that this bill was put together.

It is a wonderful bill. I urge my colleagues to support it. It has funding levels that meet the needs of the citizens of this country, both in highway, transit, airport, Coast Guard.

It has really been a joy to work on this committee in the bipartisan fashion that the gentleman from Virginia (Chairman WOLF) and the gentleman from Minnesota (Mr. SABO) let the committee operate. I commend them. I have been on other committees in this House and this transportation bill is head and shoulders above those other processes I have been involved in.

The funding levels, as I mentioned, will meet the needs of our country; the first of the 21st century this bill is. I just want to say as a new member in this appropriations process, if all the bills could be worked together in a bipartisan fashion as this transportation bill has been with the leadership of the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO), this Congress and the country would be a better one.

As the gentleman from Virginia (Mr. WOLF) leaves to his next assignment, may God be with him and take his leadership skills and abilities forward as we rebuild and shape America for all of its citizens.

Mrs. CAPPS. Mr. Chairman, the Transportation Appropriations bill will make critical investments that are needed throughout our country to improve our transportation infrastructure, promote economic development and ensure safe travel. In particular, Mr. Speaker, I would like to highlight two vital projects contained in the legislation for which I was able to obtain funding.

The bill contains $250,000 to help the county of Santa Barbara to build a bicycle/pedestrian bridge in Goleta. CA. This will provide safe passage for pedestrians and bicyclists over a major county road, U.S. Highway 101 and a railroad, connecting a large residential community with a major shopping center, a 25-acre community park and coastal access.

The bill also contains $240,000 to allow the Santa Maria Organization of Transportation Helpers, Inc. [SMOOTH] to purchase a second set of three new 21-passenger, wheelchair-lift-equipped minibuses. SMOOTH is a nonprofit organization that for 23 years has been providing transportation services for seniors, disabled, economically disadvantaged and geographically isolated persons. In response to my request last year for $480,000 for six new minibuses, Congress appropriated $240,000 in fiscal year 2000. These new funds would allow SMOOTH to complete their bus expansion and replacement program.

Mr. WU. Mr. Chairman, today I support H.R. 4475, the Transportation Appropriations bill and commend Chairman WOLF and ranking member SABO for their hard work on bringing this bipartisan bill to the floor so quickly. I am especially pleased today to support the bill because it includes a common sense project for Washington and Clackamas Counties in Oregon to assist Oregonians in their commute. The Wilsonville to Beaverton Commuter Rail line is an innovative project that utilizes existing infrastructure to create a commuter rail line. This line will run from Wilsonville, which is to the south of Portland to Beaverton, which is to the west of Portland.

I had the opportunity to participate in a demonstration ride last spring. I look forward to riding the full length of the track when this project is complete and working with the committee to fulfill that goal.

The million dollars that is included in this bill is important to complete preliminary engineering and builds upon the Federal commitment last year of $500,000 for alternative analysis. Computer rail is a regional priority and will make the Portland area, a long-time leader in smart transportation, even a better place to live.

Mr. Chairman, I am looking forward to working with Senators SMITH and WYDEN in ensuring that this funding is included in the other body's bill. Again, Mr. Chairman, I would like to thank Mr. WOLF and Mr. SABO for their hard work and urge my colleagues to support this important and responsible bill.

Mr. STARK. Mr. Chairman, I rise today in opposition to H.R. 4475, the fiscal year 2001 Transportation Appropriations bill. This bill contains a rider which prevents the Department of Transportation from examining the need to increase CAFE standards. This CAFE Freeze rider allows sports utility vehicles and light trucks to meet lower fuel economy standards than cars. The result is vehicles that use more gasoline and produce more emissions harmful to our environment.

This rider will prevent the CAFE standard of sports utility vehicles, currently set a 20.7 miles per gallon, from being raised to that of passenger cars. Current passenger cars standards are set at 27.5 miles per gallon. This difference results in millions of greenhouse gases being needlessly released into the atmosphere. By improving fuel efficiency standards we can reduce the threat of global warming while saving consumers money at the gas pump.

By slipping this damaging provision into H.R. 4475, we are preventing one of the most effective laws Congress has ever passed from achieving further reductions in greenhouse gases. This will result in millions of inefficient vehicles on our roads that get lower gas mileage, thereby leading to increased pollution. CAFE standards reduce oil consumption, keeping 500,000 tons of hydrocarbon emissions each year from being released into our atmosphere. In addition, CAFE standards reduce the amount of carbon dioxide released into the atmosphere by 600 million tons.

CAFE standards helps local and State governments to achieve Clean Air Act requirements for reducing hydrocarbon air pollution. These emissions, which can be reduced by increased CAFE standards, not only contribute to smog and global warming they are potentially carcinogenic. This rider places not only the future of our planet at risk, it places the health of all Americans at risk.

With sports utility vehicles now commanding such a significant market share, we must reduce their disproportionate contribution to global warming. By including this harmful rider Congress has taken a step backward in protecting the long-term health of our planet. This rider is bad environmental policy and for that reason I urge my colleagues to join me in voting against H.R. 4475, the Transportation Appropriations bill.

Mr. LANTOS. Mr. Chairman, I am pleased to rise in strong support of H.R. 4475, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, which is now under consideration by the House.

First, Mr. Chairman, I want to commend my dear friend, Congressman FRANK WOLF, the distinguished gentleman from Virginia who is the chairman of the Transportation Appropriations Subcommittee, for his truly outstanding leadership in crafting a transportation spending bill that deals effectively with critically needed infrastructure improvements for our Nation's highways and airports, as well as dealing with important transportation safety concerns.

In particular, Mr. Chairman, I want to thank the chairman and his colleagues on the Appropriations Committee for including in this bill the full administration request of $80 million for the BART San Francisco International Airport [SFO] extension in fiscal year 2001. This amount is commensurate with the full funding grant agreement reached between the Department of Transportation and BART. This critical funding will enable BART to meet its current substantial construction cash flow needs and minimize unplanned financing costs.

The BART SFO Extension has been a top transit priority in the San Francisco Bay Area for more than a decade because people have long recognized the value of bringing reliable and convenient train service directly to the San Francisco International Airport, which is now the fifth busiest airport in the entire country. The extension will provide an additional 8.7 miles of track and four additional stations. The project will link the existing 95-mile, 39-station BART system, which serves four counties on both sides of San Francisco Bay, with the expanding San Francisco International Airport.

At present, Mr. Chairman, the Bay area is beset with growing traffic congestion, which threatens the economic health of our area, which is one of the fastest growing and strongest regional economies in the United States. The BART SFO Extension is a major step toward alleviating this traffic congestion. Forecasts regarding usage of the future BART line support this finding. Ridership is projected to reach nearly 70,000 passenger trips per week day by the year 2010, and it is estimated that some 18,000 to 20,000 of these riders will be going to or from the airport. This will make this new line one of the most heavily used lines in the entire BART system.

I am delighted to report, Mr. Chairman, that 60 percent of the construction of this project has already been completed along the main line of the extension, and construction is more than 85 percent complete inside the airport. More than 4 miles of subway have already been completed and construction is moving ahead rapidly at each of the four stations on this line.

Mr. Chairman, it is truly gratifying to see this important rail-airport link take shape. Again, I sincerely thank Chairman WOLF for his continued support of this worthy project. Thanks to the timely and appropriate Federal funding for this project included in this bill, we can all look forward soon to celebrating the historic opening of the long-awaited BART SFO Extension.

Mr. WELLER. Mr. Chairman, I rise today in strong support of H.R. 4475, the fiscal year 2001 Transportation Appropriations bill.

Mr. Chairman, this legislation addresses key transportation priorities including two projects critical to my district: Metra expansion and the EJ&E Railroad bridge. This legislation funds Metra at $35 million for fiscal year 2001, allowing Metra to continue work on the North Central Service Line, the Union Pacific West Line, and the South West Service to Manhattan. One of my top legislative priorities continues to be the expansion of the South West Service line which greatly benefits the residents of the 11th Congressional District. These funds ensure that the South West Service line will continue to be developed to meet the region's growing needs. I continue to support a further extension of the Metra system to the Midewin National Tallgrass Prairie and the planned Deer Run Industrial Park.

Metra operates over 12 rail lines in the Chicago Metropolitan Area and serves more than 120 communities with 240 stations and a stop at O'Hare International Airport. The Metra system covers a territory the size of Connecticut with a population of 7.5 million, providing 4,000 revenue trains and carrying 1.5 million riders. On-time performance continues to be well above 96 percent since every year of Metra's existence.

Mr. Chairman, the legislation also provides $3 million for completion of design and engineering work of the EJ&E Railroad bridge. The EJ&E Railroad bridge crosses over the Illinois River near my hometown of Morris, IL. Unfortunately, it is the most hit bridge throughout the inland river system, being hit over 200 times in 2 years. This project will ultimately widen the width between the piers of the bridge. Funding for this project will make the Illinois River safer for maritime traffic by reducing accidents while helping the flow of commerce. In addition, this is a cost-effective project; according to the Coast Guard, modifications made to this bridge will save $1.1 million in damage each year.

Mr. Chairman, I commend Chairman WOLF and Chairman YOUNG for their hard work on this good piece of legislation. I ask all of my colleagues to support its passage.

Mr. CROWLEY. Mr. Chairman, I would like to thank Subcommittee Chairman WOLF and Ranking Member SABO for including critical funding in this legislation for the Long Island Railroad's East Side access project.

The LIRR's East Side access project is critical to the future of New York City and the surrounding region's economy and mobility, particularly for Manhattan, Queens, Nassau and Suffolk Counties.

East Side access is one of the most important transportation "new start" projects in the country today. It will benefit 50,000 customers the very day it opens in 2010, saving each commuter who uses it nearly 40 minutes a day roundtrip. That's 3 hours a week and about 18 days of productive work time a year.

Ultimately, the project will serve about 179,000 commuters daily.

Over the past 3 years the project has received some $46 million in Federal "new start" earmarks and over $150 million in local funding. This year's $10 million appropriation will help move the project forward toward initial construction elements late this fall.

The project also includes a new station in Sunnyside Queens, in my district, which will allow my constituents to travel more quickly in to and out of Penn Station in Manhattan. It will also provide a link from other parts of Queens and Long Island to the growing Long Island City business district.

In addition, East Side access will bring with it many thousands of direct construction jobs to the district over the life of the project as well as many thousands of additional supporting jobs throughout the borough's and the region's economy.

I would also like to thank Senators MOYNIHAN and SCHUMER and Representatives KING, MCCARTHY and MEEKS, as well as former Congressman Thomas Manton, for helping to navigate this critical project.

Although we are a long way from our goal, this funding will help keep this important project on track for 2010. I look forward to working with the subcommittee on the future of this project.

Mr. WELDON of Florida. Mr. Chairman, today I rise in support of the fiscal year 2001 House transportation budget. Among the myriad of budget priorities supported in the measure, one is especially beneficial to my constituents in Indian River County. This bill will provide much needed funding for a state-of-the-art air traffic control tower at the Vero Beach Airport.

The need for a new air traffic control tower at the Vero Beach Municipal Airport has been recognized as a safety-related need since 1988 by the FAA. A combination of factors, including traffic growth, line of sight problems, and tower structural and technical obsolescence problems, as well as a lack of radar at the airport, all point to an urgent need to replace the original tower, which was completed in 1973.

I am pleased that the FAA is a partner in moving this project forward. It was first included in an FAA budget request in 1995, funding began in 1996, and construction was supposed to start in 1998 with completion in early 2001. All tasks, including the engineering, design, site work and environmental review phase, have been completed. Since then, however, the agency has repeatedly delayed funding the $5.2 million construction project. Most recently Vero Beach was informed that construction would not begin until 2002 with a completion date of 2005.

This is unacceptable for an airport that is the second busiest general aviation airport in Florida and ranked in about the top 15 percent of towered airports in the country. Traffic has grown to nearly 240,000 operations annually and we'll see in only a few years that number increase to 270,000. And, in addition to regular airport operations, Flight Safety International operates a fleet of more than 90 aircraft and conducts about 90,000 hours of flight training annually.

I have fought for the air traffic control tower at the Vero Beach Airport since my election to this office. I appreciate the dedication of former Vero Beach Mayor Arthur Neuberger, who has diligently worked and lobbied these very halls in search of the funds necessary for the upgrades at the facility.

I would also like to thank the gentleman from Virginia Mr. FRANK WOLF, and Chairman YOUNG on there leadership on the transportation budget, and his understanding of the importance of this air traffic control tower to the people who fly in and out of Vero Beach Airport.

Mr. MATSUI. Mr. Chairman, I rise to extend my most sincere thanks to Chairman WOLF and the Ranking Member, Mr. SABO, and the members of the committee, for their willingness to provide funding for Sacramento's transportation priorities contained in the Department of Transportation and related agencies appropriations bill for fiscal year 2001.

Funding in this legislation will allow Sacramento to make significant advancements on projects that are urgently needed to address the population growth and transportation inadequacies confronting the region. Specifically, I am grateful for $35.2 million for the Sacramento light rail extension project and the $2 million allocation for the Sacramento compressed natural gas bus and bus facilities program. Both projects are needed to assist efforts to ease traffic congestion and provide efficient, affordable, and environmentally sound modes of transportation to our region.

I also thank the committee for the $2.75 million in funds for Sacramento Transportation Intelligent Transportation Systems allocated between the city and County of Sacramento. The Regional ITS Program will maximize efficiency of existing infrastructure and rolling stock through improved system information gathering capabilities, coordinated facilities operations, and facilities maintenance by employing new technologies. Local agencies have committed $4.3 million to this program. The Regional ITS Program is composed of the Smart Corridor projects on the Sunrise/Greenback and Watt Avenue Corridors, the Transit Management Center Project for Sacramento Regional Transit, and the North and West Lake Tahoe Traffic Management Project, assisting Placer County in implementing traveler information systems in North Tahoe/Truckee.

Finally, I also thank the committee's willingness to provide a $1 million earmark under the Access to Jobs Program to enhance regional funding for the Sacramento Regional Employment Access Transit Project. Several communities in the Sacramento region still suffer from double-digit unemployment and low income, high unemployment areas are geographically distant from job centers, and traditional transit service hours often do not correspond with available jobs. Sacramento transit operators will use funding to successfully implement a program serving a significant portion of the region's high unemployment areas, giving job opportunities to the unemployed and providing a dedicated employment pool to area businesses. Additional Federal funding is needed this year to continue and enhance the Employment Access Transit Project and fill Sacramento's transportation gaps.

Again, on behalf of the Sacramento community, I thank the committee for its recognition of these transportation priorities so vital to the stability and growth of our region.

Mrs. McCARTHY of New York. Mr. Chairman, I rise today in support of the Transportation appropriations bill for fiscal year 2001. This legislation addresses many of the infrastructure needs and concerns confronting New York State.

I thank Chairman WOLF and Congressman SABO for crafting a bill that benefits thousands of commuters on Long Island, NY. Of particular importance is a provision allowing for the continued development of the East Side Access Project [ESA].

The East Side Access Project, which will create approximately 72,000 jobs, connects the Long Island Rail Road with Grand Central Terminal. This project will make the commute for 172,000 customers a day significantly faster and easier.

It is estimated that 46,000 commuters will save approximately 36 minutes a day—time otherwise spent with their families. In addition, the MTA predicts that they will add at least 30,000 customers a day as a result of this project.

The MTA is poised to spend Federal appropriated funds, and quickly move to construction this year. Early construction will save money, and permit the project to benefit from the momentum of the nearly completed Connector Project at the 63rd Street Tunnel.

I believe the East Side Access Project will be beneficial, not only to the commuters on the Long Island Railroad, but to transit riders and all other commuters throughout the New York City metropolitan region.

By making use of the surplus capacity available at Grand Central Terminal, ESA will reduce congestion and train movement at and into Penn Station. Just as important, it will reduce overcrowding on all Long Island Railroads trains and crosstown subways in Manhattan.

Finally, East Side Access will also reduce vehicular traffic and pollution in the NYC region.

I urge my colleagues to support this measure.

Mrs. MALONEY of New York. Mr. Chairman, I am truly displeased to have to rise in opposition to this bill.

As the managers have stated, this legislation carries great importance for the transportation funding needs for the country going into the future.

Nowhere is there a greater need for basic improvements in the transportation infrastructure than in the State of New York.

The New York City region is operating with a transit network laid out in the 1930's, one that desperately needs to be modernized to serve the needs of a 21st century metropolis that is one of America's major assets in competing in the global economy.

Unfortunately, this bill fails to provide adequate funding for two desperately needed projects in New York and rescinds funding for another important project. This continues a trend that the great Senator from New York, DANIEL PATRICK MOYNIHAN, has documented for many years in his Fisc Reports, of New York State losing out on its share of Federal money.

Mr. Chairman, the entire country knows that the benefits of the new economy have spurred a revival of New York in the last decade. The country knows this because tourism in New York City and New York State is exceeding all expectations.

In the city itself, a booming high-tech sector has developed, known as Silicon Alley, which complements the city's many other highly attractive employment sectors.

The end result of all this tourism generated by my colleagues' constituents and the booming New York economy is that an already antiquated transportation system is bursting at the seams.

The State of New York has recognized this problem and is devoted to two critical transportation projects—the building of a full length 2d Avenue subway in Manhattan and the construction of the East Side connector that will benefit commuters entering the city from the East to Grand Central Station.

One of the primary reasons for the building of these projects is to relieve crowding brought on by my colleagues' constituents as they come into the city to visit the East Side and attractions like St. Patrick's Cathedral, Rockefeller Center, and the many museums, such as the Met, Guggenheim, and the Museum of Modern Art—all which will be directly served by these needed infrastructure projects.

The Lexington Avenue subway line on the East Side of Manhattan is already dangerously overburdened.

The line is well beyond capacity during rush hour, to a point where overcrowding delays have reduced the hourly throughput on the Lexington line from a possible 30 to an actual 23 trains per hour.

Furthermore it is vital that the 2d Avenue subway and East Side Access be funded in tandem.

Without a full length 2d Avenue subway, much of the benefit to Long Island of the East Side Access Project will be lost and conditions for hundreds of thousands of New York City riders and Westchester commuters will actually be made worse.

Without a full length 2d Avenue subway, both urban and suburban users will continue to be subjected to stultifying levels of elbow-to-rib crowding, often miserable or non-existent connections between services, and unreliable and unnecessarily long commuting times that burden both employers, commuters, and tourists.

Leaders in New York like Assembly Speaker Sheldon Silver have recognized the importance of improving this basic infrastructure and have included over $1 billion in the State budget for the 2d Avenue subway.

Unfortunately, this bill severely underfunds both, granting only $10 million for the East Side Connector, which is not enough money to even build a fence around its construction site.

Let me stress that these are smart mass transit projects. There is no more room for cars in the area. These projects will get people on trains and not add additional car pollution to the environment.

As I said, this underfunding is the continuation of a trend that Senator MOYNIHAN has well documented. In his most recent Fisc Report documenting 1998, he concluded that each citizen of New York pays $835 more into the Federal Government than she receives back in benefits. Our total statewide deficit is $15 billion.

This bill exacerbates this imbalance by actually rescinding $60 million for the Farley Penn Station project in New York City. The Farley Station is critical to the development of Amtrak's high speed rail system, which is being perfected on the east coast. Eventually, this system is intended to benefit the entire country when fully deployed.

Mr. Chairman I believe this bill does a disservice to New York State and New York City and I will oppose it.

Mr. SABO. Mr. Chairman, I support the fiscal year 2001 Transportation appropriations bill.

Mr. Chairman, the transportation bill historically has been developed in a bipartisan manner, and this year is no different. This year is the last year that the gentleman from Virginia, Mr. WOLF, will manage the Transportation appropriations bill. I want to congratulate him on a job well done on this bill, and previous 5 transportation bills. He has devoted considerable attention to transportation safety issues and asked the hard questions. I want to thank him for the job he has done and the fair manner in which he has managed the work for the Transportation Subcommittee.

I also want to thank the subcommittee staff for the tremendous job that they have done—John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, Chris Porter, and Geoff Gleason for helping to produce a bill that both sides of the aisle can support.

The bill provides $14.9 billion in new budget authority and $55.2 billion in total resources, including obligation limitations, for fiscal year 2001. This provides a respective 10 percent increase over last year.

Mr. Chairman, this body should know that much of the new spending in the bill is for Transportation infrastructure programs and is spending mandated under TEA21 and AIR21. Funding for airport construction is up 64 percent or $1.3 billion over last year. Funding for highways and transit is up $2.6 billion or 8 percent over last year. Nearly three-fourths of the outlays in this bill are now guaranteed. As a result, the Appropriations Committee had no choice but to provide these funds.

These TEA21 and AIR21 mandates have made it more difficult to allocate resources in a balanced fashion among competing aviation, Coast Guard, highway, rail and transit needs.

This year, as a result of the AIR21 and TEA21 guarantees, the Transportation Subcommittee needed a generous 302(b) allocation in order to avoid squeezing the Coast Guard and to protect vital air traffic control and safety operations. We were able to address these operating needs, but only at the expense of other subcommittees whose 302(b) allocations were not as generous.

This bill also provides Amtrak with its full capital appropriation of $521 million—an amount that is $70 million below last year, but essential if Amtrak is to remain on a path toward operational self sufficiency by 2003.

The bill does not include a number of legislative authorizations that were requested by the administration that proposed to divert excess gas tax revenue—or revenue aligned budget authority—to a variety of other purposes. Thus, the bill does not include the $468 million requested for new infrastructure investments in high speed rail corridors across the county.

As many Members are aware, there is tremendous interest among the Governors in expanding Amtrak high speed rail service—Minnesota, Wisconsin, Illinois, Michigan and others have formed the Midwest Regional Rail Coalition, and there are other high speed rail corridors in California, New York, in the southeast, and in other parts of the county. To try to address the great interest in this area, the bill includes provisions to provide greater flexibility for governors, at their option, to use CMAQ and Surface Transportation Program funding to help finance these rail projects. We believed this would be a small, but important step forward.

This year, the committee received a tremendous number of requests from Members to help with grade crossing removal projects. To help address this need, the bill includes provisions eliminating the State and local matching requirements so that States can more quickly use the $142 million in outstanding Federal funds available, but unspent for this purpose. I would urge your support for these provisions.

Finally, I want to mention my concerns about one aspect of the bill dealing with funding for the large transit projects we call "new starts." This year, the committee received more than $2.7 billion in funding requests for discretionary section 5309 New Starts projects. Even though the program is funded at an historical high of $1.058 billion, the amount available to fund new starts projects is a fraction of the current demand, and this problem will only grow worse in coming years.

The new starts pipeline is huge and growing. The Federal Transit Administration has already committed the federal government to multiyear section 5309 funding of $2.9 billion over the remaining life of TEA21 for 16 transit systems, and the costs for another 47 projects in the pipeline will reach a staggering $25 billion. Still more projects are in the planning stage. The allowable Federal share of these projects under TEA–21 is 80 percent—clearly more than we can afford in the near future. In fact, the President's proposals for this fiscal year, if the committee had adopted them, would have completely exhausted all available discretionary Federal support for new transit systems through 2003.

That is why I have advocated that we should move toward requiring communities to foot at least 50 percent of the bill for these projects, rather than the minimum 20 percent local share required under TEA21. I acknowledge that this is not a popular point of view, but I believe that it will become necessary to fairly provide Federal assistance to new start projects across the country. If we don't move in this direction, many communities with worthy transit projects simply will be left out in the cold.

This bill does not include a 50 percent cost share requirement. But, far from serving as a disincentive to build transit as some have suggested, I believe that sending a clear message that more robust local and State financial participation is expected will help to address the new starts funding logjam—and more fairly distribute new starts assistance to communities in need.

In closing, Mr. Chairman, I support this bill and I urge its adoption.

Mr. CRANE. Mr. Chairman, I just wanted to take this opportunity to congratulate and thank the Appropriations Committee in general, and the chairman and members of the Transportation Appropriations Subcommittee in particular, for their efforts on the legislation that is before us today.

As reported, H.R. 4475 is a well conceived piece of legislation. Not only does it keep faith with the principle that revenues raised for specific purposes, such as highway and airport improvements, should be devoted to those purposes, but it will be of immense benefit to the traveling public. By helping to ease the transportation bottlenecks that impede commerce and by mitigating the traffic congestion that plagues so many of our cities and suburbs, it will be of great benefit to millions of Americans who have to commute to work, drive their children to and from school, deliver shipments, shop for necessities and travel on business or in case of an emergency.

How can I be so sure of that? Because I have the privilege of representing an area that is indicative of both the problems H.R. 4475 seeks to address and remedies that it is intended to provide. As many of my colleagues know, the north and northwest suburbs of Chicago are very busy places. Not only can commuting to or from downtown Chicago by car be very time consuming at rush hour, but traveling from suburb to suburb is no easy or quick matter when traffic is heavy.

To be sure, the Chicagoland is blessed with an excellent commuter rail system and a large number of light rail and bus routes. But, it also has a population that is expected to exceed nine million by the year 2020, which means that the pressures on the area's transportation systems will only get worse unless substantial steps are taken to relieve them. Which is where H.R. 4475 comes in.

If enacted into law, this bill will facilitate the double tracking a portion of METRA's North Central line through northern Cook and central Lake counties, enabling 22 commuter trains a day to serve many of Chicago's northwest suburbs—plus Chicago's O'Hare Airport—instead of the current 10. In addition, the bill will lead to an expansion of METRA service to a number of communities west and southwest of Chicago as well. Also, H.R. 4475 will help reduce traffic congestion in the area serveral other ways. One is that it will help finance the development of intelligent transportation systems in both Lake County, north of Chicago, and DuPage County, west of the city. Another is that it will contribute to the rehabilitation of two important light rail lines—the Ravenswood Line and the Douglas line—in the city itself.

Inasmuch as the aforementioned population growth is expected to occur within the City of Chicago as well as in its suburbs, I cannot emphasize enough how important these improvements are, not just to the people of my district, but to the entire Chicago metropolitan area. In addition to giving us more ways to get around, they will ease traffic congestion and make it easier for us to drive around. Moreover, they will lay the foundation for additional commuter rail service expansions and other transportation improvements in the future. In short, they promise real relief, not just to those who live in or near Chicago, but also to the millions of people who travel to the city while on vacation or to do business.

For all those reasons, Mr. Chairman, I wish to thank my colleagues on the Transportation Appropriations Subcommittee and the full Appropriations Committee for including those items, the METRA projects and the ITS project in Lake County in particular, in the fiscal 2001 Transportation appropriations bill. You have done my constituents and their Chicagoland neighbors a considerable service, one I am sure they will appreciate every bit as much as will the residents of many other cities and suburbs who likewise stand to benefit from its provisions. Which brings to mind one last thought, it being that the projects and benefits associated with H.R. 4475 stretch far beyond the city limits of Chicago and the State of Illinois. One way or another every State in the country will profit from enactment of H.R. 4475, as will many of their communities and residents. That being the case, I urge my colleagues to vote for the bill today so that we can begin to realize its potential before to many tomorrows come to pass.

Mr. KUYKENDALL. Mr. Chairman, I rise in support of H.R. 4475, the fiscal year 2001 Department of Transportation appropriations bill. This legislation contains funding for a number of important programs, including several in my own district. These projects are designed to reduce reliance on single-passenger vehicles. By encouraging alternatives to the car, such as mass transit and other commuter opportunities, we reduce air emissions and conserve other important renewable resources. We enhance the quality of life in communities by reducing congestion and preserving air quality. Both are admirable objectives.

The base bill also contains a provision that preserves the current corporate average fuel economy [CAFE] standards. An amendment to strip this provision out of the bill may be offered, and, if approved, will permit the National Highway Traffic Safety Administration to impose stricter standards. While I strongly support the need to reduce air emissions and promote fuel efficiency, a restrictive approach mandated by the government, unresponsive to consumer demands and production realities, is not the wisest approach.

CAFE is the result of the 1970's energy shortage. It was a proposal to diminish our reliance on foreign oil by mandating to auto manufacturers that their vehicles achieve at least minimum mileage standards. When oil prices again rose sharply in the early 1980's, smaller cars were selling well, and it was expected that manufacturers would have no difficulty complying with the standards. As oil prices began to decline during the latter part of the 1980's, small car sales began to taper. Consumers placed a lower value on fuel economy and gas prices as a factor in deciding which car to purchase. One consequence has been the rise in popularity of sport utility vehicles [SUVs]. Because SUVs rely on large cylinder engines requiring more fuel to power, they have been cited as the reason to revisit CAFE standards.

Since CAFE standards were introduced, manufacturers have increased fuel economy for passenger vehicles by 113 percent and light trucks by almost 60 percent. With new technologies, such as fuel cells, hybrid vehicles, and boosting capabilities, vehicles that were once only able to achieve 18.7 miles per gallon are now able to achieve 70 miles per gallon. Boosting technologies allow a smaller, more fuel efficient engine to be used in a SUV without compromising performance. As important, it is technology that is relatively inexpensive to incorporate into vehicle design. In short, these types of technologies achieve the same end result as the CAFE objectives without increasing vehicle cost or constraining consumer choice.

These technological improvements have resulted, not from the mandates of the CAFE standards, but from voluntary research and development efforts. Many of these technologies are adaptable right now. Others need additional time to fully develop and implement. In either scenario, the focus should be on encouraging technological innovation, development, and implementation. We can achieve this goal, not by commanding and controlling new technologies through the CAFE program, but by creating incentives to undertake expensive research projects. Incentives may include tax breaks for new automotive or fuel technologies. It might include the creation of a demonstration project or providing funding for private/public research efforts such as the Partnership for a New Generation of Vehicles. In the end, it is because we do have alternative technologies and better ways to encourage innovation that makes the debate to increase the CAFE standards largely academic.

I urge my colleagues to defeat this amendment and to support H.R. 4475.

Mr. GILMAN. Mr. Chairman, permit me to take this opportunity to express my thanks to my friend and colleague, the gentleman from Virginia, Chairman WOLF, for his diligence and dedication in bringing this measure before the House today.

This legislation fully meets the highways, transit, rail, and aviation needs of our Nation.

Specifically, the measure allocates $30.7 billion for the Federal Highway Administration, a $1.6 billion increase; $12 billion for the Federal Aviation Administration, a $2 billion increase; $6.2 billion for the Federal Transit Administration, $485 million more than last year; $689 million for the Federal Railroad Administration, a $45 million decrease from the fiscal year 2000 level; and $4.6 billion for the U.S. Coast Guard, a $594 million increase.

Furthermore, I would express my gratitude to Chairman WOLF for his cooperation in providing assistance to the rural communities of Sullivan County, NY. The degradation of the Tappan Zee Bridge, our efforts to restore service to the west shoreline, our recent privatization of Stewart International Airport, the citizens of my district, from Tappan to Wurtsboro, are continuously facing the transportation challenges of increased growth and development. This funding will play a vital role in our commitment to provide a safe and reliable transportation infrastructure for our Nation.

Once again, I thank Chairmen YOUNG and WOLF for their continued support and commitment and look forward to working with them in the future on the challenges facing to our Nation's transportation system.

Mr. KING. Mr. Chairman, I rise in support of the bill now before the House, H.R. 4475, the fiscal year 2001 appropriations bill for the Department of Transportation and related agencies. This bill contains $10,000,000 in Federal transit capital investment grant funding for the New York State Metropolitan Transportation Authority's Long Island Rail Road East Side Access [ESA] project. While the ESA project could obligate much more Federal new start funding this year, with construction anticipated to begin this fall, I am very grateful for the committee's support. Federal taxpayers can rest assured that the ESA project will quickly put all Federal transit appropriations to good use for the public.

I am pleased to mention that the NYS MTA's 2000–04 capital plan was just approved in the State legislature and provides the necessary local matching funds, $1,500,000,000, to enable ESA to move rapidly into heavy construction this year. Daily LIRR riders, 50,000 of whom will save nearly 3 hours a week now wasted backtracking from Penn Station on Manhattan's west side to jobs on the east side, are eager to see this project become a reality. Many of these harried commuters are hard-working mothers and fathers who should have these hours to spend with their families. Transit riders throughout the MTA system will benefit from better distribution of passengers made possible by the ESA project. Planned new entranceways into the Grand Central Station complex will enhance the station's flow of LIRR, Metro North, and subway transit passengers. In Queens, passengers also will benefit from a new station to be built in Sunnyside.

This project, which will provide major transportation benefits for the entire New York City Metropolitan region, has received Federal transit new start funding for the last three fiscal years. In addition, a major portion of its overall length was constructed throughout the 1980's with nearly $900 million in Federal dollars (plus an equal amount of State/local dollars) as part of the MTA's 63d Street tunnel and connector project. The ESA project will complete the unfinished elements of these federally aided projects by allowing LIRR commuter trains to use the already constructed lower level of the tunnel and proceed into Grand Central Station. The busy upper level of the 63d Street tunnel now carries subway trains.

In addition to maximizing passenger circulation throughout the transit system, ESA will enhance the environment by taking over 12,000 cars per day off the East River bridges that bring commuters from Queens, Brooklyn, Nassau, and Suffolk to jobs in the Nation's largest central business district. It will also allow for reverse commuters to leave the west side of Manhattan from the same location that Metro North Railroad customers now enjoy.

The ESA project, which I anticipate will be completed by 2011, is moving ahead steadily. The project is prepared for actual construction to begin during this calendar year, and to go into high gear in early fiscal year 2001.

Local and State support for ESA are strong. It is Governor Pataki's No. 1 transit priority. The mayor and the county executives of Nassau and Suffolk, as well as the business community support the project.

Nearly $192 million in State and Federal funds already have been invested in the ESA project, including $46 million in Federal new starts appropriations. With the MTA's suggested overmatch of 50 percent, similar to what it had provided for its previous new start project, the 63d Street Connector, the ESA is a solid Federal investment that will maximize the use of facilities already built with Federal dollars and awaiting use by the taxpayers.

A number of my colleagues including Congresswoman CAROLYN MCCARTHY, Congressman GREGORY MEEKS, Congressman JOSEPH CROWLEY have worked together to support including fiscal year 2001 funds for the ESA project in the Appropriations Committee's reported-bill. It has been a tough effort because there are dozens of transit new starts projects competing for a limited amount of Federal funds. This has been a difficult process for Chairman WOLF, whom I thank for all his support and leadership, and I extend my gratitude to Ranking Member SABO as well.

Mr. SABO. Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered for amendment under the 5-minute rule. The amendments printed in House Report 106–626 are adopted.

During consideration of the bill for further amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

The Clerk will read.

The Clerk read as follows:

H.R. 4475

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, namely:

## TITLE I

## DEPARTMENT OF TRANSPORTATION

## OFFICE OF THE SECRETARY

### Salaries and Expenses

### Immediate Office of the Secretary

For necessary expenses of the Immediate Office of the Secretary, $1,756,000.

### Immediate Office of the Deputy Secretary

For necessary expenses of the Immediate Office of the Deputy Secretary, $587,000.

### Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $9,760,000.

### Office of the Assistant Secretary for Policy

For necessary expenses of the Office of the Assistant Secretary for Policy, $3,131,500.

### Office of the Assistant Secretary for Aviation and International Affairs

For necessary expenses of the Office of the Assistant Secretary for Aviation and International Affairs, $7,182,000: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,250,000 in funds received in user fees.

### Office of the Assistant Secretary for Budget and Programs

For necessary expenses of the Office of the Assistant Secretary for Budget and Programs, $7,241,000, including not to exceed $60,000 for allocation within the Department for official reception and representation expenses as the Secretary may determine.

### Office of the Assistant Secretary for Governmental Affairs

For necessary expenses of the Office of the Assistant Secretary for Governmental Affairs, $2,000,000.

### Office of the Assistant Secretary for Administration

For necessary expenses of the Office of the Assistant Secretary for Administration, $18,359,000.

### Office of Public Affairs

For necessary expenses of the Office of Public Affairs, $1,454,000.

### Executive Secretariat

For necessary expenses of the Executive Secretariat, $1,181,000.

### Board of Contract Appeals

For necessary expenses of the Board of Contract Appeals, $496,000.

### Office of Small and Disadvantaged Business Utilization

For necessary expenses of the Office of Small and Disadvantaged Business Utilization, $1,192,000.

### Office of Intelligence and Security

For necessary expenses of the Office of Intelligence and Security, $1,490,000.

### Office of the Chief Information Officer

For necessary expenses of the Office of the Chief Information Officer, $6,279,000.

### Office of Civil Rights

For necessary expenses of the Office of Civil Rights, $8,140,000.

### Transportation Planning, Research, and Development

For necessary expenses for conducting transportation planning, research, systems development, development activities, and making grants, to remain available until expended, $3,300,000.

### Transportation Administrative Service Center

Necessary expenses for operating costs and capital outlays of the Transportation Administrative Service Center, not to exceed $119,387,000, shall be paid from appropriations made available to the Department of Transportation: *Provided*, That such services shall be provided on a competitive basis to entities within the Department of Transportation: *Provided further*, That the above limitation on operating expenses shall not apply to non-DOT entities: *Provided further*, That no funds appropriated in this Act to an agency of the Department shall be transferred to the Transportation Administrative Service Center without the approval of the agency modal administrator: *Provided further*, That no assessments may be levied against any program, budget activity, subactivity or project funded by this Act unless notice of such assessments and the basis therefor are presented to the House and Senate Committees on Appropriations and are approved by such Committees.

### Minority Business Resource Center Program

For the cost of guaranteed loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $13,775,000. In addition, for administrative expenses to carry out the guaranteed loan program, $400,000.

### Minority Business Outreach

For necessary expenses of Minority Business Resource Center outreach activities, $3,000,000, of which $2,635,000 shall remain available until September 30, 2002: *Provided*, That notwithstanding 49 U.S.C. 332, these funds may be used for business opportunities related to any mode of transportation.

## COAST GUARD

### Operating Expenses

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $3,192,000,000, of which $341,000,000 shall be available for defense-related activities; and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That none of the funds appropriated in this or any other Act shall be available for pay for administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That none of the funds in this Act shall be available for the Coast Guard to plan, finalize, or implement any regulation that would promulgate new maritime user fees not specifically authorized by law after the date of the enactment of this Act.

### Acquisition, Construction, and Improvements

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $515,000,000, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund; of which $252,640,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2005; $42,300,000 shall be available for the Integrated Deepwater Systems program, to remain available until September 30, 2003; $43,650,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 2003; $60,113,000 shall be available for other equipment, to remain available until September 30, 2003; $61,606,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 2003; and $54,691,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 2002: *Provided*, That the Commandant of the Coast Guard is authorized to dispose of surplus real property, by sale or lease, and the proceeds shall be credited to this appropriation as offsetting collections and made available only for the National Distress and Response System Modernization program, to remain available for obligation until September 30, 2003: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the United States Coast Guard which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress.

### POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I reserve a point of order against the proviso on page 8, lines 17 through 20 on the ground that it is legislation on appropriations in violation of clause 2 of rule XXI of the Rules of the House.

The CHAIRMAN. Does the gentleman make the point of order at this point?

Mr. SHUSTER. I reserve it.

Mr. WOLF. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The gentleman should make the point of order since it comes against a provision in the bill before the Chair asks for amendments to that paragraph.

Mr. SHUSTER. I will make the point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. SHUSTER. Let me withdraw that. It is my intention to reserve a point of order and to hear the gentleman's argument, and it is my hope once I hear it I will withdraw my point of order.

Mr. WOLF. Hope springs eternal.

The CHAIRMAN. The gentleman may withdraw his point of order after the gentleman from Virginia (Mr. WOLF) has argued the point of order, but at this point he is making a point of order.

Mr. SHUSTER. So if I understand the Chair, I can make my point of order and I still have the right to withdraw it after the gentleman makes his argument?

The CHAIRMAN. That is correct.

Mr. SHUSTER. Then I will make my point of order.

Mr. WOLF. Mr. Chairman, I would like to speak on the point of order.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) is recognized.

Mr. WOLF. Mr. Chairman, the fiscal year 2000 DOT Appropriation Act required the Secretary of Transportation to submit along with the 2001 budget request the capital investment plan for the FAA and the Coast Guard. It might surprise many Members to know that although these agencies spend close to $3 billion, "B" billion, a year on the capital investments, they do not produce a comprehensive multiyear plan which shows how they plan to achieve their goals over time. They only submit an annual budget which simply does not give us enough information to make good decisions on these substantial investments. Any business this size or, frankly, a lot smaller would hammer out an investment plan as a matter of normal business practice, so we felt it was certainly reasonable for the FAA and the Coast Guard to do the same. So we required the development of these plans in last year's bill.

The problem is, the Secretary has ignored the law. None of these plans has ever been submitted. The chairman of the committee, Mr. Chairman, does not ask for reports on a casual basis and it is rare for the committee to put reporting requirements in the bill, but we did in this case because they are important and we intend to ensure that one way or the other the committee's directives are not ignored, not by the FAA or the Coast Guard, and particularly by the Office of the Secretary, and not by the Office of Management and Budget.

This should not be controversial. I do not believe that anyone would really have a substantive objection to compelling DOT to follow the law that the Congress has passed.

The CHAIRMAN. Does the gentleman insist upon his point of order?

Mr. SHUSTER. Mr. Chairman, while I believe it is subject to a point of order, I agree with the substance of the arguments made by the gentleman and therefore withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

The Clerk will read.

The Clerk read as follows:

### Environmental Compliance and Restoration

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $16,700,000, to remain available until expended.

### Alteration of Bridges

For necessary expenses for alteration or removal of obstructive bridges, $14,740,000, to remain available until expended.

### Retired Pay

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, payments for 15-year career status bonuses under the National Defense Authorization Act for fiscal year 2000, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $778,000,000.

### Reserve Training

(INCLUDING TRANSFER OF FUNDS)

For all necessary expenses of the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $80,375,000: *Provided*, That no more than $21,500,000 of funds made available under this heading may be transferred to Coast Guard "Operating expenses" or otherwise made available to reimburse the Coast Guard for financial support of the Coast Guard Reserve: *Provided further*, That none of the funds in this Act may be used by the Coast Guard to assess direct charges on the Coast Guard Reserves for items or activities which were not so charged during fiscal year 1997.

### Research, Development, Test, and Evaluation

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $19,691,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to and used for the purposes of this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

## FEDERAL AVIATION ADMINISTRATION

### Operations

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities, the operation (including leasing) and maintenance of aircraft, subsidizing the cost of aeronautical charts and maps sold to the public, and lease or purchase of passenger motor vehicles for replacement only, in addition to amounts made available by Public Law 104-264, $6,544,235,000, including $4,414,869,000 to be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of agency services, including receipts for the maintenance and operation of air navigation facilities, and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That of the funds appropriated under this heading, $5,000,000 shall be for the contract tower cost-sharing program and $750,000 shall be for the Centennial of Flight Commission: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard-setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay: *Provided further*, That none of the funds in this Act may be obligated or expended to operate a manned auxiliary flight service station in the contiguous United States: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a multiyear lease greater than 5 years in length or greater than $100,000,000 in value unless such lease is specifically authorized by the Congress and appropriations have been provided to fully cover the Federal Government's contingent liabilities: *Provided further*, That none of the funds in this Act for aeronautical charting and cartography are available for activities conducted by, or coordinated through, the Transportation Administrative Service Center.

### Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, United States Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,656,765,000 of which $2,334,112,400 shall remain available until September 30, 2003, and of which $322,652,600 shall remain available until September 30, 2001: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities: *Provided further*, That upon initial submission to the Congress of the fiscal year 2002 President's budget, the Secretary of Transportation shall transmit to the Congress a comprehensive capital investment plan for the Federal Aviation Administration which includes funding for each budget line item for fiscal years 2002 through 2006, with total funding for each year of the plan constrained to the funding targets for those years as estimated and approved by the Office of Management and Budget: *Provided further*, That the amount herein appropriated shall be reduced by $100,000 per day for each day after initial submission of the President's budget that the plan has not been submitted to the Congress: *Provided further*, That none of the funds in this Act may be used for the Federal Aviation Administration to enter into a capital lease agreement unless appropriations have been provided to fully cover the Federal Government's contingent liabilities at the time the lease agreement is signed.

### RESEARCH, ENGINEERING, AND DEVELOPMENT

### (AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, United States Code, including construction of experimental facilities and acquisition of necessary sites by lease or grant, $184,366,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 2003: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

### GRANTS-IN-AID FOR AIRPORTS

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, United States Code, and under other law authorizing such obligations; for administration of such programs; for administration of programs under section 40117; for procurement, installation, and commissioning of runway incursion prevention devices and systems at airports; and for inspection activities and administration of airport safety programs, including those related to airport operating certificates under section 44706 of title 49, United States Code, $3,200,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds under this heading shall be available for the planning or execution of programs the obligations for which are in excess of $3,200,000,000 in fiscal year 2001, notwithstanding section 47117(h) of title 49, United States Code: *Provided further*, That notwithstanding any other provision of law, not more than $53,000,000 of funds limited under this heading shall be obligated for administration.

### GRANTS-IN-AID FOR AIRPORTS

### (AIRPORT AND AIRWAY TRUST FUND)

### (RESCISSION OF CONTRACT AUTHORIZATION)

Of the unobligated balances authorized under 49 U.S.C. 48103, as amended, $579,000,000 are rescinded.

### AVIATION INSURANCE REVOLVING FUND

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, United States Code.

## FEDERAL HIGHWAY ADMINISTRATION

### LIMITATION ON ADMINISTRATIVE EXPENSES

Necessary expenses for administration and operation of the Federal Highway Administration, not to exceed $290,115,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration.

### LIMITATION ON TRANSPORTATION RESEARCH

Necessary expenses for transportation research of the Federal Highway Administration, not to exceed $437,250,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration: *Provided*, That this limitation shall not apply to any authority previously made available for obligation.

### FEDERAL-AID HIGHWAYS

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs, the obligations for which are in excess of $29,661,806,000 for Federal-aid highways and highway safety construction programs for fiscal year 2001.

### FEDERAL-AID HIGHWAYS

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursement for sums expended pursuant to the provisions of 23 U.S.C. 308, $28,000,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

## FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

### MOTOR CARRIER SAFETY

### LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses for administration of motor carrier safety programs and motor carrier safety research, pursuant to section 104(a) of title 23, United States Code, not to exceed $92,194,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Motor Carrier Safety Administration, together with advances and reimbursements received by the Federal Motor Carrier Safety Administration: *Provided*, That such amounts shall be available to carry out the functions and operations of the Federal Motor Carrier Safety Administration.

### NATIONAL MOTOR CARRIER SAFETY PROGRAM

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $177,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $177,000,000 for the National Motor Carrier Safety Program.

## NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

### OPERATIONS AND RESEARCH

For expenses necessary to discharge the functions of the Secretary, with respect to traffic and highway safety under chapter 301 of title 49, United States Code, and part C of subtitle VI of title 49, United States Code, $107,876,000, of which $77,671,000 shall remain available until September 30, 2003: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

### OPERATIONS AND RESEARCH

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out the provisions of 23 U.S.C. 403, to remain available until expended, $72,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $72,000,000 for programs authorized under 23 U.S.C. 403.

### NATIONAL DRIVER REGISTER

### (HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to the National Driver Register under chapter 303 of title 49, United States Code, $2,000,000, to be derived from the Highway Trust Fund, and to remain available until expended.

### HIGHWAY TRAFFIC SAFETY GRANTS

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (LIMITATION ON OBLIGATIONS)

### (HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out the provisions of 23 U.S.C. 402, 405, 410, and 411, to remain available until expended, $213,000,000, to be derived from the Highway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 2001, are in excess of $213,000,000 for programs authorized under 23 U.S.C. 402, 405, 410, and 411, of which $155,000,000 shall be for "Highway Safety Programs" under 23 U.S.C. 402, $13,000,000 shall be for "Occupant Protection Incentive Grants" under 23 U.S.C. 405, $36,000,000 shall be for "Alcohol-Impaired Driving Countermeasures Grants" under 23 U.S.C. 410, and $9,000,000 shall be for the "State Highway Safety Data Grants" under 23 U.S.C. 411: *Provided further*, That none of these funds shall be used for construction, rehabilitation, or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That not to exceed $7,750,000 of the funds made available for section 402, not to exceed $650,000 of the funds made available for section 405, not to exceed $1,800,000 of the funds made available for section 410, and not to exceed $450,000 of the funds made available for section 411 shall be available to NHTSA for administering highway safety grants under chapter 4 of title 23, United States Code: *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-Impaired Driving Countermeasures Grants" shall be available for technical assistance to the States.

## FEDERAL RAILROAD ADMINISTRATION

### SAFETY AND OPERATIONS

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $102,487,000, of which $5,249,000 shall remain available until expended: *Provided*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

### Railroad Research and Development

For necessary expenses for railroad research and development, $26,300,000, to remain available until expended.

### Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That pursuant to section 502 of such Act, as amended, no new direct loans or loan guarantee commitments shall be made using Federal funds for the credit risk premium during fiscal year 2001.

### Rhode Island Rail Development

For the costs associated with construction of a third track on the Northeast Corridor between Davisville and Central Falls, Rhode Island, with sufficient clearance to accommodate double stack freight cars, $17,000,000 to be matched by the State of Rhode Island or its designee on a dollar-for-dollar basis and to remain available until expended.

### Next Generation High-Speed Rail

For necessary expenses for the Next Generation High-Speed Rail program as authorized under 49 U.S.C. 26101 and 26102, $22,000,000, to remain available until expended.

### Capital Grants to the National Railroad Passenger Corporation

For necessary expenses of capital improvements of the National Railroad Passenger Corporation as authorized by 49 U.S.C. 24104(a), $521,476,000, to remain available until expended: *Provided*, That the Secretary shall not obligate more than $208,590,000 prior to September 30, 2001.

## FEDERAL TRANSIT ADMINISTRATION

### Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $12,800,000: *Provided*, That no more than $64,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds in this Act available for the execution of contracts under section 5327(c) of title 49, United States Code, $1,000,000 shall be transferred to the Department of Transportation's Office of Inspector General for costs associated with the audit and review of new fixed guideway systems.

### Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5308, 5310, 5311, 5327, and section 3038 of Public Law 105–178, $669,000,000, to remain available until expended: *Provided*, That no more than $3,345,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head, $40,000,000 shall be available for grants for the costs of planning, delivery, and temporary use of transit vehicles for special transportation needs and construction of temporary transportation facilities for the XIX Winter Olympiad and the VIII Paralympiad for the Disabled, to be held in Salt Lake City, Utah: *Provided further*, That in allocating the funds designated in the preceding proviso, the Secretary shall make grants only to the Utah Department of Transportation, and such grants shall not be subject to any local share requirement or limitation on operating assistance under this Act or the Federal Transit Act, as amended.

### University Transportation Research

For necessary expenses to carry out 49 U.S.C. 5505, $1,200,000, to remain available until expended: *Provided*, That no more than $6,000,000 of budget authority shall be available for these purposes.

### Transit Planning and Research

For necessary expenses to carry out 49 U.S.C. 5303, 5304, 5305, 5311(b)(2), 5312, 5313(a), 5314, 5315, and 5322, $22,200,000, to remain available until expended: *Provided*, That no more than $110,000,000 of budget authority shall be available for these purposes: *Provided further*, That $5,250,000 is available to provide rural transportation assistance (49 U.S.C. 5311(b)(2)); $4,000,000 is available to carry out programs under the National Transit Institute (49 U.S.C. 5315); $8,250,000 is available to carry out transit cooperative research programs (49 U.S.C. 5313(a)); $52,113,600 is available for metropolitan planning (49 U.S.C. 5303, 5304, and 5305); $10,886,400 is available for State planning (49 U.S.C. 5313(b)); and $29,500,000 is available for the national planning and research program (49 U.S.C. 5314).

### Trust Fund Share of Expenses

### (LIQUIDATION OF CONTRACT AUTHORIZATION)

### (HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of obligations incurred in carrying out 49 U.S.C. 5303–5308, 5310–5315, 5317(b), 5322, 5327, 5334, 5505, and sections 3037 and 3038 of Public Law 105–178, $5,016,600,000, to remain available until expended, and to be derived from the Mass Transit Account of the Highway Trust Fund: *Provided*, That $2,676,000,000 shall be paid to the Federal Transit Administration's formula grants account: *Provided further*, That $87,800,000 shall be paid to the Federal Transit Administration's transit planning and research account: *Provided further*, That $51,200,000 shall be paid to the Federal Transit Administration's administrative expenses account: *Provided further*, That $4,800,000 shall be paid to the Federal Transit Administration's university transportation research account: *Provided further*, That $80,000,000 shall be paid to the Federal Transit Administration's job access and reverse commute grants program: *Provided further*, That $2,116,800,000 shall be paid to the Federal Transit Administration's capital investment grants account.

### Capital Investment Grants

For necessary expenses to carry out 49 U.S.C. 5308, 5309, 5318, and 5327, $529,200,000, to remain available until expended: *Provided*, That no more than $2,646,000,000 of budget authority shall be available for these purposes: *Provided further*, That notwithstanding any other provision of law, there shall be available for fixed guideway modernization, $1,058,400,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $529,200,000, and there shall be available for new fixed guideway systems $1,058,400,000, together with $4,983,828 made available for the Pittsburgh airport busway project under Public Law 105–66; together with $496,280 made available for the Colorado-North Front Range corridor feasibility study under Public Law 105–277, together with $4,910,000 made available for the Orlando Lynx light rail project (phase 1) under Public Law 106–69; to be available as follows:

$10,322,000 for Alaska or Hawaii ferry projects;

$25,000,000 for the Atlanta, Georgia, North line extension project;

$3,000,000 for the Baltimore central LRT double track project;

$1,000,000 for the Boston Urban Ring project;

$36,000,000 for the South Boston piers transitway;

$6,000,000 for the Canton-Akron-Cleveland commuter rail project;

$5,000,000 for the Charlotte, North Carolina, north-south corridor transitway project;

$35,000,000 for the Chicago METRA commuter rail projects;

$15,000,000 for the Chicago Transit Authority Ravenswood and Douglas branch reconstruction projects;

$3,000,000 for the Cleveland Euclid corridor improvement project;

$2,000,000 for the Colorado Roaring Fork Valley project;

$70,000,000 for the Dallas north central light rail extension project;

$3,000,000 for the Denver Southeast corridor project;

$20,200,000 for the Denver Southwest corridor project;

$50,000,000 for the Dulles corridor project;

$20,000,000 for the Fort Lauderdale, Florida Tri-County commuter rail project;

$500,000 for the Harrisburg-Lancaster capital area transit corridor 1 commuter rail project;

$1,000,000 for the Hollister/Gilroy branch line rail extension project;

$5,000,000 for the Houston advanced transit program;

$10,750,000 for the Houston regional bus project;

$2,000,000 for the Indianapolis, Indiana Northeast Downtown corridor project;

$1,000,000 for the Johnson County, Kansas, I–35 commuter rail project;

$2,000,000 for the Kenosha-Racine-Milwaukee rail extension project;

$2,000,000 for the Little Rock, Arkansas river rail project;

$10,000,000 for the Long Island Railroad East Side access project;

$4,000,000 for the Los Angeles Mid-City and East Side corridors projects;

$50,000,000 for the Los Angeles North Hollywood extension project;

$3,000,000 for the Los Angeles-San Diego LOSSAN corridor project;

$1,000,000 for the Lowell, Massachusetts-Nashua, New Hampshire commuter rail project;

$1,000,000 for the Massachusetts North Shore corridor project;

$4,000,000 for the Memphis, Tennessee, Medical Center rail extension project;

$6,000,000 for the Nashville, Tennessee, regional commuter rail project;

$121,000,000 for the New Jersey Hudson Bergen project;

$4,000,000 for the Newark-Elizabeth rail link project;

$2,000,000 for the Northern Indiana south shore commuter rail project;

$10,000,000 for the Oceanside-Escondido, California light rail system;

$10,000,000 for temporary and permanent Olympic transportation infrastructure investments: *Provided*, That these funds shall be allocated by the Secretary based on the approved transportation management plan for the Salt Lake City 2002 Winter Olympic Games: *Provided further*, That none of these funds shall be available for rail extensions;

$3,000,000 for the Orange County, California, transitway project;

$5,000,000 for the Philadelphia-Reading SETPA Schuylkill Valley and Cross County metro projects;

$13,000,000 for the Phoenix metropolitan area transit project;

$5,000,000 for the Pittsburgh North Shore-central business district corridor project;

$5,000,000 for the Pittsburgh stage II light rail project;

$5,000,000 for the Portland interstate MAX light rail transit extension project;

$8,500,000 for the Puget Sound RTA Sounder commuter rail project;

$10,000,000 for the Raleigh-Durham-Chapel Hill Triangle transit project;

$35,200,000 for the Sacramento, California, south corridor LRT project;

$2,000,000 for the San Bernardino, California Metrolink project;

$45,000,000 for the San Diego Mission Valley East light rail project;

$80,000,000 for the San Francisco BART extension to the airport project;

$12,250,000 for the San Jose Tasman West light rail project;

$100,000,000 for the San Juan Tren Urbano project;

$30,000,000 for the Seattle, Washington, central link light rail transit project;

$7,000,000 for the Spokane, Washington, South Valley corridor light rail project;

$2,000,000 for the St. Louis, Missouri, MetroLink cross county connector project;

$60,000,000 for the St. Louis-St. Clair MetroLink extension project;

$8,000,000 for the Stamford, Connecticut fixed guideway corridor;

$3,000,000 for the Stockton, California Altamont commuter rail project;

$5,000,000 for the Twin Cities Transitways projects;

$55,000,000 for the Twin Cities Transitways—Hiawatha corridor project;

$3,000,000 for the Virginia Railway Express commuter rail project;

$2,000,000 for the Washington Metro-Blue Line extension-Addison Road (Largo) project;

$4,000,000 for the West Trenton, New Jersey, rail project;

$5,000,000 for the Whitehall ferry terminal project; and

$1,000,000 for the Wilsonville to Washington County, Oregon commuter rail project: *Provided further*, That funds made available for the Miami-Dade Transit east-west multimodal corridor project under Public Laws 105–277 and 106–69 and funds made available for Miami Metro-Dade North 27th Avenue corridor project under Public Law 105–277 shall be available for the Miami-Dade busway project.

#### DISCRETIONARY GRANTS

#### (LIQUIDATION OF CONTRACT AUTHORIZATION)

#### (HIGHWAY TRUST FUND)

Notwithstanding any other provision of law, for payment of previous obligations incurred in carrying out 49 U.S.C. 5338(b), $350,000,000, to remain available until expended and to be derived from the Mass Transit Account of the Highway Trust Fund.

#### JOB ACCESS AND REVERSE COMMUTE GRANTS

For necessary expenses to carry out section 3037 of the Federal Transit Act of 1998, $20,000,000 to remain available until expended: *Provided*, That no more than $100,000,000 of budget authority shall be available for these purposes.

### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

#### SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

#### OPERATIONS AND MAINTENANCE

#### (HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operations and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $13,004,000, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99–662.

### RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

#### RESEARCH AND SPECIAL PROGRAMS

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $36,452,000, of which $645,000 shall be derived from the Pipeline Safety Fund, and of which $4,707,000 shall remain available until September 30, 2003: *Provided*, That up to $1,200,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation, to be available until expended, funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination, and for travel expenses incurred in performance of hazardous materials exemptions and approvals functions.

#### PIPELINE SAFETY

#### (PIPELINE SAFETY FUND)

#### (OIL SPILL LIABILITY TRUST FUND)

For expenses necessary to conduct the functions of the pipeline safety program, for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $40,137,000, of which $4,263,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 2003; and $35,874,000 shall be derived from the Pipeline Safety Fund, of which $20,713,000 shall remain available until September 30, 2003; *Provided*, That in addition to amounts made available for the Pipeline Safety Fund, $2,500,000 shall be derived from amounts previously collected under 49 U.S.C. 60301: *Provided further*, That amounts previously collected under 49 U.S.C. 60301 shall be available for damage prevention grants.

#### EMERGENCY PREPAREDNESS GRANTS

#### (EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $200,000, to be derived from the Emergency Preparedness Fund, to remain available until September 30, 2003: *Provided*, That none of the funds made available by 49 U.S.C. 5116(i) and 5127(d) shall be made available for obligation by individuals other than the Secretary of Transportation, or his designee.

### OFFICE OF INSPECTOR GENERAL

#### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $48,050,000: *Provided*, That the Inspector General shall have all necessary authority, in carrying out the duties specified in the Inspector General Act, as amended (5 U.S.C. App. 3) to investigate allegations of fraud, including false statements to the government (18 U.S.C. 1001), by any person or entity that is subject to regulation by the Department: *Provided further*, That the funds made available under this heading shall be used to investigate, pursuant to section 41712 of title 49, United States Code: (1) unfair or deceptive practices and unfair methods of competition by domestic and foreign air carriers and ticket agents; and (2) the compliance of domestic and foreign air carriers with respect to item (1) of this proviso.

### SURFACE TRANSPORTATION BOARD

#### SALARIES AND EXPENSES

For necessary expenses of the Surface Transportation Board, including services authorized by 5 U.S.C. 3109, $17,954,000: *Provided*, That notwithstanding any other provision of law, not to exceed $900,000 from fees established by the Chairman of the Surface Transportation Board shall be credited to this appropriation as offsetting collections and used for necessary and authorized expenses under this heading: *Provided further*, That the sum herein appropriated from the general fund shall be reduced on a dollar-for-dollar basis as such offsetting collections are received during fiscal year 2001, to result in a final appropriation from the general fund estimated at no more than $17,054,000.

## TITLE II

## RELATED AGENCIES

### ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

#### SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $4,795,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

### NATIONAL TRANSPORTATION SAFETY BOARD

#### SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS–15; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902) $62,942,000, of which not to exceed $2,000 may be used for official reception and representation expenses.

Mr. WOLF (during the reading). Mr. Chairman, I ask unanimous consent that the bill through page 39, line 13 be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 0945

POINT OF ORDER

The CHAIRMAN. Are there any points of order against this portion?

Mr. SHUSTER. Mr. Chairman, I make the point of order against the proviso on page 13, line 24, through page 14, line 3, on the grounds that it is legislation on an appropriations bill and in violation of clause 2 of rule XXI.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, yes, we would ask that the point of order would not be granted.

We would make the same argument on this one as we did the previous one.

The CHAIRMAN. Does the gentleman from Pennsylvania wish to be heard?

Mr. SHUSTER. Mr. Chairman, I believe clearly a point of order could be made against this, as with the first item we discussed a few moments ago.

In substance, I agree with the gentleman from Virginia, and therefore, I withdraw my point of order.

The CHAIRMAN. The point of order is withdrawn.

Are there further points of order?

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the proviso on page 14, lines 3 through 8, on the grounds that it is legislation on an appropriation bill and in violation of clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to speak against the point of order?

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and is sustained.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to a point of order against the phrase "notwithstanding any other provision of law" on page 20, line 18, on the grounds that it is legislation on an appropriations bill, in violation of clause 2 of rule XXI.

The CHAIRMAN. Does any Member wish to speak to the point of order?

Mr. WOLF. Mr. Chairman, we would not want to put any legislation on, so we would concede that.

The CHAIRMAN. The point of order is conceded and sustained.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 26, line 15, on the ground that it is legislation on an appropriations bill and in violation of clause 2 of rule XXI.

Mr. WOLF. Mr. Chairman, we concede that.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF) concedes and the point of order is sustained.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 27, line 15 through 16, on the ground that it is legislation on an appropriations bill and in violation of clause 2 of rule XXI.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF).

Mr. WOLF. Mr. Chairman, we concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the phrase "notwithstanding any other provision of law" on page 33, line 24, on the grounds that it is legislation on an appropriations bill and in violation of clause 2 of rule XXI.

The CHAIRMAN. The gentleman from Virginia (Mr. WOLF).

Mr. WOLF. We concede, Mr. Chairman.

The CHAIRMAN. The point of order is conceded and sustained.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against the provisions on page 36, line 15 through 20, on the grounds that it is legislation on an appropriations bill, in violation of clause 2 of rule XXI.

The CHAIRMAN. Does the gentleman from Virginia (Mr. WOLF) wish to speak to the point of order?

Mr. WOLF. Mr. Chairman, we concede.

The CHAIRMAN. The point of order is conceded and sustained.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the remainder of the bill through page 51 line 12 be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The text of the remainder of the bill from page 39, line 14, through page 51, line 12, is as follows:

TITLE III—GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 302. Such sums as may be necessary for fiscal year 2001 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available: (1) except as otherwise authorized by title VIII of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701 et seq.), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents; and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds in this Act shall be available for salaries and expenses of more than 104 political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision or political and Presidential appointees in an independent agency funded in this Act may be assigned on temporary detail outside the Department of Transportation or such independent agency.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 309. The limitations on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation.

SEC. 310. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 311. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 312. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport-aid program, airport development aid program or airport improvement program grant.

The Federal Aviation Administration shall accept such equipment, which shall thereafter be operated and maintained by FAA in accordance with agency criteria.

SEC. 313. None of the funds in this Act shall be available to award a multiyear contract for production end items that: (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any 1 year of the contract; (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the Government's liability; or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 314. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Capital investment grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 2003, and other recoveries, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 315. Notwithstanding any other provision of law, any funds appropriated before October 1, 2000, under any section of chapter 53 of title 49, United States Code, that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 316. None of the funds in this Act may be used to compensate in excess of 320 technical staff-years under the federally funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 2001.

SEC. 317. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Federal-Aid Highways" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Safety and Operations" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 318. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901 et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to the enactment of this section.

SEC. 319. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to 49 U.S.C. 111 may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 320. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

SEC. 321. None of the funds in this Act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegraph, telephone, letter, printed or written material, radio, television, video presentation, electronic communications, or other device, intended or designed to influence in any manner a Member of Congress or of a State legislature to favor or oppose by vote or otherwise, any legislation or appropriation by Congress or a State legislature after the introduction of any bill or resolution in Congress proposing such legislation or appropriation, or after the introduction of any bill or resolution in a State legislature proposing such legislation or appropriation: *Provided*, That this shall not prevent officers or employees of the Department of Transportation or related agencies funded in this Act from communicating to Members of Congress or to Congress, on the request of any Member, or to members of State legislature, or to a State legislature, through the proper official channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of business.

SEC. 322. (a) IN GENERAL.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF THE CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products to the greatest extent practicable.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 323. Funds provided in this Act for the Transportation Administrative Service Center (TASC) shall be reduced by $4,000,000, which limits fiscal year 2001 TASC obligational authority for elements of the Department of Transportation funded in this Act to no more than $115,387,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the Transportation Administrative Service Center.

SEC. 324. Rebates, refunds, incentive payments, minor fees and other funds received by the Department from travel management centers, charge card programs, the subleasing of building space, and miscellaneous sources are to be credited to appropriations of the Department and allocated to elements of the Department using fair and equitable criteria and such funds shall be available until December 31, 2001.

SEC. 325. Notwithstanding any other provision of law, rule or regulation, the Secretary of Transportation is authorized to allow the issuer of any preferred stock heretofore sold to the Department to redeem or repurchase such stock upon the payment to the Department of an amount determined by the Secretary.

SEC. 326. For necessary expenses of the Amtrak Reform Council authorized under section 203 of Public Law 105–134, $980,000, to remain available until September 30, 2002: *Provided*, That the duties of the Amtrak Reform Council described in section 203(g)(1) of Public Law 105–134 shall include the identification of Amtrak routes which are candidates for closure or realignment, based on performance rankings developed by Amtrak which incorporate information on each route's fully allocated costs and ridership on core intercity passenger service, and which assume, for purposes of closure or realignment candidate identification, that Federal subsidies for Amtrak will decline over the 4-year period from fiscal year 1999 to fiscal year 2002: *Provided further*, That these closure or realignment recommendations shall be included in the Amtrak Reform Council's annual report to the Congress required by section 203(h) of Public Law 105–134.

SEC. 327. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to any other office of the Office of the Secretary: *Provided*, That no appropriation shall be increased or decreased by more than 12 percent by all such transfers: *Provided further*, That any such transfer shall be submitted for approval to the House and Senate Committees on Appropriations.

SEC. 328. None of the funds in this Act shall be available for activities under the Aircraft Purchase Loan Guarantee Program during fiscal year 2001.

SEC. 329. None of the funds in this Act may be used to make a grant unless the Secretary of Transportation notifies the House and Senate Committees on Appropriations not less than three full business days before any discretionary grant award, letter of intent, or full funding grant agreement totaling

$1,000,000 or more is announced by the department or its modal administrations from: (1) any discretionary grant program of the Federal Highway Administration other than the emergency relief program; (2) the airport improvement program of the Federal Aviation Administrtion; or (3) any program of the Federal Transit Administration other than the formula grants and fixed guideway modernization programs: *Provided*, That no notification shall involve funds that are not available for obligation.

SEC. 330. Section 232 of the Miscellaneous Appropriations Act, 2000, as enacted by section 1000(a)(5) of the Consolidated Appropriations Act, 2000, is repealed.

SEC. 331. None of the funds in this Act shall be available for planning, design, or construction of a light rail system in Houston, Texas.

SEC. 332. Section 3038(e) of Public Law 105–178 is amended by striking "50" and inserting "90".

The CHAIRMAN. Are there points of order or amendments to that portion of the bill?

Mr. SHUSTER. Mr. Chairman, I have a point of order against section 333 beginning on line 13, p. 51.

The CHAIRMAN. The Clerk must first read that section. That Clerk will read.

The Clerk read as follows:

SEC. 333. Notwithstanding any other provision of law, for fiscal year 2001, funds apportioned under section 104(b)(3) of title 23 which are applied to projects involving the elimination of hazards of railway-highway crossings, including the separation or protection of grades at crossings, the reconstruction of existing railroad grade crossing structures, and the relocation of highways to eliminate grade crossings, may have a federal share up to 100 percent of the cost of construction.

The CHAIRMAN. Does the gentleman from Pennsylvania (Mr. SHUSTER) make a point of order against that section?

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to a point of order against section 333 on page 51, lines 13 through 21, on the ground that it is legislation on an appropriations bill, in violation of clause 2 of rule XXI.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia (Mr. WOLF) on the point of order.

Mr. WOLF. Mr. Chairman, I contest the point of order. Mr. Chairman, I am very disappointed that the chairman of the authorizing committee has raised a point of order against section 333 of this bill. This provision deletes the non-Federal match for the section 130 grade crossing programs.

In 1999, the unobligated national balance, which was a disgrace, totaled $142 million. That means there was $142 million just lying out there for States to use for rail crossings to save lives.

Many States have had difficulty expanding the section 130 funds, and as a result, some States have a few years of unobligated balances that should be used to eliminate grade crossing hazards.

For example, Mr. Chairman, the State of Georgia has $9,630,879 in unobligated balances, and the State of North Carolina has $7,451,146 in unobligated balances.

Deleting the non-Federal match would permit States to reduce those unobligated balances and eliminate a greater number of grade crossing hazards than previously planned, and improve safety for American families.

In fact, it is in some of the rural areas, in the gentleman's area out in Nebraska, for $100,000 we could literally make the rural crossing safe. In some of the rural areas, the legislatures think in terms of the urban areas and forget some of these areas.

The committee has received letters of support for this provision. The common theme contained in these letters is because State funds compete for a variety of highway uses, many of which have no local or State match requirement, highway planners fail to allocate funding to eliminate grade crossing hazards. This failure is occurring as a record amount of freight is being moved by rail and highway traffic is growing, creating an increasingly dangerous situation.

Each year there are about 3,500 collisions at grade crossings with nearly 1,500 injuries and 500 deaths, sometimes school buses and different things like that, where a lot of people are traveling in the buses. The tragic accident earlier this year along the Tennessee-Georgia border that killed a number of schoolchildren, and the accident last year in Illinois that killed 11 Amtrak riders certainly demonstrates that more needs to be done to upgrade safety at grade crossings.

Mr. Chairman, I note that the chairman of the authorizing committee insists on a point of order. I would hope he would not do this. I think by allowing this thing to stay in the bill, and I am disappointed that the Committee on Rules did not actually protect this, we would actually save a lot of lives.

Mr. Chairman, I would concede the point of order, but I would appeal to the gentleman, who I know has a strong interest in safety, and I want to commend him for the efforts last year on the Motor Carrier Safety Administration, that we could have a one-time flushing out whereby this money could be used for particularly poor areas, rural areas, for $100,000 a pop, where we could take care of the problem, where we would not have some of these accidents. We could save a lot of lives.

Mr. Chairman, I would concede it. The gentleman has every right, but I appeal to the gentleman as a former resident of the State of Pennsylvania and a graduate of Penn State, that he would allow us to move ahead with this.

Mr. SHUSTER. Mr. Chairman, I would like to be heard on the point of order.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, we are very sensitive to this issue. That is why we increased the Federal share in this program from 80 percent to 90 percent. But we do believe that there is a State interest here. The Federal government does not have all the responsibility, even though we have increased the responsibility from 80 percent to 90 percent.

Beyond that, in TEA–21, we increased the funds for safety by 44 percent. It is the States which are making the decisions as to where they get the most bang for the buck in safety.

Mr. Chairman, there are over 40,000 people killed on our highways every year. We think it is quite appropriate for the States to decide whether they want to put their money. In terms of the efficiency of saving lives, the bang for the buck in saving lives, it is very clear that lighting, straightening curves, guard rails, do provide more bang for the buck.

Nevertheless, we recognize this problem as one of many problems, and that is why we have increased it from 80 percent to 90 percent. I insist upon my point of order.

Mr. WOLF. Mr. Chairman, if I may speak further on the point of order, what we were trying to do, I would tell the chairman, is just have a 1-year period to flush it out. I commend the gentleman for all these safety things, but I think for 1 year, I would ask him for that.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman, and I insist upon my point of order.

The Chairman. The point of order is conceded and is sustained. The section is stricken.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 334. Notwithstanding any other provision of law, for fiscal year 2001, funds made available under section 110 of title 23, United States Code—

(1) for the congestion mitigation and air quality improvement program, may be used for capital costs for vehicles and facilities, whether publicly owned or privately owned, in accordance with section 149(e), that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation), if the project or program will contribute to attainment or maintenance of a national ambient air quality standard within a nonattainment or maintenance areas, and

(2) for the surface transportation program, may be used for capital costs for vehicles and facilities, whether publicly owned or privately owned, that are used to provide intercity passenger service by rail (including vehicles and facilities that are used to provide transportation systems using magnetic levitation).

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against section 334 on page 51, line 22, through page 52, line 18.

Mr. Chairman, I rise on a point of order against this section on the grounds that it is legislation on an appropriations bill and in violation of clause 2 of rule XXI.

The CHAIRMAN. The point of order is made. Does any Member wish to be heard on the point of order?

Mr. WOLF. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

### PARLIAMENTARY INQUIRY

Mr. SABO. Parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Minnesota (Mr. SABO) will state his parliamentary inquiry.

Mr. SABO. Mr. Chairman, I am not sure where we are in the bill right now. We moved ahead by unanimous consent. I thought we were moving forward simply for points of order.

The CHAIRMAN. The committee has been moving forward for points of order and for amendments.

Mr. SABO. In that case, Mr. Chairman, I would ask unanimous consent that we revert for a potential amendment back to section 331.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. WOLF. Reserving the right to object, Mr. Chairman, I would ask, what would this basically mean, that the gentlewoman from Texas (Ms. JACKSON LEE) would have an opportunity to speak on the amendment?

Mr. SABO. To offer her amendment, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I withdraw my reservation of objection. We will permit the gentlewoman to go back and offer her amendment.

The CHAIRMAN. Without objection, the gentlewoman from Texas (Ms. JACKSON-LEE) may offer her amendment.

There was no objection.

### AMENDMENT OFFERED BY MS. JACKSON-LEE OF TEXAS

Ms. JACKSON-LEE of Texas. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. JACKSON-LEE of Texas:

Page 51, strike lines 8 through 10 (section 331). Redesignate subsequent sections of the bill accordingly.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is an amendment offered by myself and the gentleman from Texas (Mr. BENTSEN), and I believe that eventually and we hope that eventually this will see the beginning of a resolution that really deals with community-based efforts.

Mr. Chairman, I rise this morning to strike the language that limits the use of funding, of Federal transportation dollars for the planning, design, or construction of a light rail system in Houston, Texas.

Mr. Chairman, this is an effort to speak on this floor and to ask for collaborative support on community-based efforts dealing with the great needs of regional mobility in an area that is working to comply with clean air requirements.

As a representative of the area that would see the benefits of this light rail project, and as a representative from Houston that would see the larger benefits, I want this floor to know that this is a collective and collaborative effort.

Houston Metro simply wants to transfer $65 million in Federal funds earmarked for construction of a light rail project in my home city of Houston. The rest of the monies would come from other local sources. What better collaborative Federal-local government collaboration than to see the matching funds, the effort that the community is making.

The light rail project, Mr. Chairman, has been vetted extensively in our community. It has been vetted by the Metro board, the city council, the mayor of Houston, who is, of course, a supporter.

I have received support from the local surrounding congressional Members, the gentlemen from Texas, Mr. GREEN, Mr. LAMPSON, Mr. DOGGETT, and Mr. TURNER; the mayor of the city of Houston, the county judge of the city of Houston, the Houston Partnership, the Medical Center, the Astrodome area, of which this connector would connect.

If we just envision a straight line going through a myriad of areas in a city, some high, some low, this light rail connector is in fact a dream effort to ensure a working laboratory to give further data and insight into the idea of regional mobility.

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It connects the large Astrodome, where the Republican National Convention was held, along through some depressed areas, along through our museum area, the Rice University, Main Street, as most of our towns have their Main Street, which have fallen upon hard times, then into our vibrant downtown area, and connecting the University of Houston Downtown that serves a high population of Hispanics and African Americans.

This light rail is a win/win circumstance. It is a system that has been frugal in its analysis. No comment or criticism has come from the Department of Transportation that this is not a good system. No criticism has come that they are overrun with the new executive director and CEO of the Metro, Shirley Delibero, we brought in a very fine rail professional.

We know for sure that this rail system will help to generate feeder lines if the community so desires in parts west, north, south and east, reaching to all parts of this Metroplex.

Mr. Chairman, as we have seen the proposal of the light rail, we have seen a light come into the area. We have seen the beginning of a 27-story high-rise office building. We have seen the work of Trammell Crow residential, which is evaluating from 250 unit multiservice or multifamily housing complex in midtown Houston. We have seen Camden Development complete a 337-unit apartment project in midtown, and McCord Development, which has two high-rise office redevelopment projects underway.

Frankly, Mr. Chairman, what I am hoping that as we evidence to this body, both Democrats and Republicans alike, although this does not rise to the level of a point of order, it is a limitation. We ask that this body give respect and credence to a collective group of individuals who have sought only to see a return on their tax dollars and to match the work that has gone on in Washington, D.C. that has moved people from place to place; Seattle, Washington, our sister city; Dallas, Texas, and many other parts of this Nation that have had rail and have seen the pollution come down and people being moved efficiently.

This city is seeking to have their Olympics in 2012, and I know by saying that I might rise the ire of some of the other competing cities, but we are working very hard to bring that Olympics to the United States, of course, and certainly to Texas and certainly to Houston. This is a real key component to doing that, an economic engine.

And I do believe that those who may find fault with what has happened in the past in 1991 will come to the realization that they can find no fault in what is going on right now.

There have been meetings and hearings, and there are stakeholders and people are concerned. I would ask my colleagues to consider this as we proceed. I would have liked to see this amendment come to the end. I intend, at the conclusion, of the debate to withdraw this amendment, because I am hoping that we can enter into an abbreviated colloquy to say that we will work together.

I see the gentleman from Texas (Mr. DELAY) on the floor of the House. I want to work with him, but I do want us, as a community, to be able to move into the 21st century. I look forward to my colleagues working with me and the gentleman from Texas (Mr. BENTSEN) on this very important issue.

Mr. Speaker, I rise with my colleague Mr. BENTSEN to offer an amendment to section 331 of this bill, H.R. 4475 that would only prevent funding for the planning, design, or construction of a community supported light rail system in Houston, Texas.

As a representative for the 18th Congressional District in Houston, I fully support the transit funding that was appropriated for Houston and approved by the Department of Transportation for the light rail project.

The Houston METRO was to transfer $65 million in federal funds earmarked for construction of a light rail project in my home city of Houston. The rest of the $235 million needed would come from local funds slated to build Park and Ride centers and other projects.

Mr. Speaker, the light rail project is supported by the Houston METRO, the surrounding congressional districts of Congressmen BENTSEN who is a cosponsor of this amendment, GENE GREEN, LAMPSON, DOGGETT and TURNER, the business community, the Mayor of Houston, Lee P. Brown and the Harris County presiding elected official Judge Robert Eckels.

This light rail project is a Win-Win situation for everyone in Houston as well as the millions of people who visit every year in that it would attract and focus new development and an economic boom around the station areas and to the economically depressed areas within the City of Houston and the 18th Congressional District which I represent.

In fact, an independent overview written by the Greater Houston Partnership which includes the Houston Chamber of Commerce, Houston Economic Development organization and Houston World Trade stated that the economic impact of the Light Rail Project in Houston would have an estimated incremental development over the 2001–2020 period ranging from 0 percent to 40 percent.

The light rail project would also reinvigorate retail sales in Downtown Houston as well as link the two principal employment centers of Houston which is made up of 200,000 employees.

Some of the local businesses that began to plan for the economic boom that the light rail project would bring are Century Development, which started plans to build a 27-story high rise office building with a 1,500 space parking garage and 50,000 square feet of retail space; Trammel Crow Residential, which is evaluating two 250–300 unit multi-family housing complex in midtown Houston; Camden Development, which recently completed a 337 unit apartment project in midtown; and McCord Development, which has two (2) high-rise office redevelopment projects underway totaling over $50 million in renovation fees.

These are only some of the redevelopment that is being implemented as a result of the light rail project in Houston which was to receive federal funding.

Houston has also been hit with major concerns about air quality and requirements for improving its air quality through better mobility plans. Therefore, the light rail project for Houston is of urgent need to the community. The Main Street light project is welcomed by the residents of Houston. Light rail will help alleviate Houston's traffic congestion problem and significantly reduce the number of motorists that presently pollute the air with exhaust.

The light rail project will play a pivotal role in regional transportation. Among other benefits, the light rail project will service all day transit demand, including peak hours.

It will relieve bus congestion in the urban core as buses from throughout the region currently converge on downtown. This project will offer a transportation choice to many area residents who will choose to leave their vehicles at home.

I will be absolutely opposed to any efforts in the appropriations committee that would hinder or prohibit the timely funding of this urgently needed project.

Mr. Speaker, I urge my colleagues to support this amendment.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Texas (Ms. JACKSON-LEE). And before I comment, let me just say two things: I want to commend the gentleman from Texas (Mr. DELAY), the time had gone by and this amendment would have been ruled out of order, and the gentleman could have blocked it and he did not.

Secondly, having been on the Committee on Transportation and Infrastructure for these many, many years, no one has done more with regard to mass transit in the Houston area than the gentleman from Texas (Mr. DELAY). In fact, years ago he asked me to go down to Houston and to look at it, and the rapid bus transit and the concept he has, has really been adopted by the FTA in many, many areas.

The gentleman from Texas (Mr. DELAY) has been the advocate and the champion every time we have begun going through this with regard to protecting and gaining the necessary funding from the Federal Transit Administration and the Federal Government with regard to funding for the Houston system.

The amendment strikes a prohibition in the bill that prohibits the planning, design and construction of light rail in Houston, Texas. This prohibition is necessary as proponents of light rail in Houston seek to alter an existing full funding grant agreement for a bus program.

They would like to replace bus elements with the light rail program, and the whole country is actually moving more towards the bus than the light rail. The committee cannot support the amendment of full funding grant agreements which seeks to replace the bus program with rail elements, particularly when the light rail project is still very early in the planning phase.

We cannot support the use of commitment authority for such projects so early in the design phase. This too has been the long-term policy of the Federal transmit administration. With that, we would strongly oppose the amendment.

Mr. BENTSEN. Mr. Chairman, I rise in support of the amendment offered this morning by the gentlewoman from Texas (Ms. JACKSON-LEE) and I am cosponsoring it.

Mr. Chairman, let me say at the outset that I have the greatest respect for the majority whip, and the gentleman from Texas (Mr. DELAY) is well within his rights as a Member of the Subcommittee on Transportation, but the gentleman is simply wrong in this amendment. And this issue has gone far beyond whether or not there will be a light rail project in Houston.

There will be a light rail project in Houston; I now am convinced of that. The issue today is not whether it will happen, the issue is whether the taxpayers in my district that I am honored to represent and the district of the gentlewoman from (Ms. JACKSON-LEE), where this project will run, will get to get any of their Federal money back to fund it, or whether they will have to fund it all out of local money.

Now, that would be all right, except for the fact when we look at the bill before us today, and there are hundreds of millions of dollars going to light rail projects all over the country, and they are not just projects in New York, in Los Angeles, in Chicago, but they are all over the map. They are in cities much smaller than the city of Houston, which is the fourth largest city, Atlanta; Dallas is receiving $70 million. Galveston has received money for a trolley line; Fort Worth is receiving money for a trolley line; Johnson County, Kansas, I am not even sure where that is; Little Rock, Arkansas; Lowell, Massachusetts; Pittsburgh Northshore Central Business District is receiving $10 million in this bill to study whether or not to set up a light rail project to run from a new football stadium to a baseball stadium through a business artery. That is equivalent to what the Houston Metro folks are trying to do.

It is more than just sports facilities. It is the main artery in the central part of downtown Houston that runs through the Texas Medical Center, which is the largest medical center in the world. There are 160,000 cars that move through that medical center complex everyday. And there is a huge congestion problem that is occurring there. If we do not build this rail project, we do nothing for that, because we cannot continue to build parking lots, and there is not enough room to build enough roads. So it is not a question, and I know the question from Sugar Land is very concerned about this, it is not a question of taking monies that might be built on roads in other parts of the greater Houston area and helping fund part of this light rail project, because if that were the case, we are already doing that with money that we are putting in Fort Worth or Dallas or Lowell, Massachusetts or Johnson County, Kansas.

This is a question of equity for the people of Houston. Now, my colleague, the gentlewoman from Houston, Texas (Ms. JACKSON-LEE) has already spoke about the community support for this project. This project is fully supported by the Metro board. It is supported by the Republican county judge. It is supported by the mayor who is a well-known Democrat. It is fully supported by the Greater Houston Partnership, which is the Chamber of Commerce for the City of Houston; certainly, not a left-leaning group in any sense of the word.

It is a project that has broad support. And I know that my colleague, and we have talked about this, has concerns about where this project leads and whether or not the citizens have a right to vote on it, but I would argue that I doubt of the multitude of light rail projects that are funded in this bill that many elections were held. And the fact is, this is something where we have broad-based community support. And this is something now, in talking with the folks at Metro in Houston, is going to happen.

And this is not, this is not what happened in Houston 10 years ago where there was division in the Metro board, there was division in the business community, there was division in the political community. This is where the City of Houston Metro area folks are unified in support of this project.

This language is going to stay in this bill today. This debate will be had another day, but inequity which will occur to the citizens of the greater Houston area will be in this bill, because we will be paying our tax dollars to fund other rail projects in other parts of the country.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I say to the gentleman that is really unfair to say, though. Metro, your system in Houston, has received over $500 million, any one of those localities would gladly trade places. Some of them are getting mere pittances. And I have been there. The gentleman from Texas (Mr. DELAY) has been the advocate for this from the very, very beginning with regard to the money. So when there is mention of a place in Kansas that is getting a sum, that is really not fair. Houston is getting $500 million.

Mr. BENTSEN. Reclaiming my time, all we asked was for a reprogramming.

Mr. GREEN of Texas. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I find myself in kind of a unique position on this issue, one, because 10 years ago, I was at the same place my colleague, the gentleman from Texas (Mr. DELAY) is in; I was a State senator, and Metro in Houston was proposing a heavy rail system that would take so many dollars into such a small geographic and community area for the service. And it would have meant that the rest of our area, including the Congressional district that I have now, and my State Senate district at that time, would not have had revenue for either expansion of the bus or even heavy, light rail or anything at that time.

And as the State senator, I introduced a bill opposing it, and along with some other colleagues from Houston of mine, who is currently still in the legislature, because we needed to get the attention of the local community, because they were not being responsive. And as my colleague, the gentleman from Texas (Mr. BENTSEN) said, it was not so much support for it as it was at least along a corridor that wanted it at that time. But I have watched the Houston Metro over the last 10 years, and with the help of my colleague, the gentleman from Texas (Mr. DELAY) to where they have literally the state-of-the-art bus system, the park-and-rides in the country. And it would not have been done for this last 10 years without the support of this Congress.

I also noticed over the last few years in watching these other cities, and granted, we cannot compare Houston to someone in Kansas or even Pittsburgh, because Houston is the 4th largest city in the country. And I say that all the time, because I think a lot of people think, well, wait a minute, why does Houston need this; the fourth largest city, New York, Chicago, LA, and then Houston.

If we look at the top 10 cities in the country, every one of them are looking at, planning, or having in place some type of rail system. And, again, if this were a heavy rail, I would oppose it, because I do not think that is possible in Houston. I do not think we can do that, it costs too much. But I think a light rail, particularly this proposal that serves a central business district, the University of Houston downtown that has grown in the last 10 years, to be such an educational facility, to serve the south part of the City of Houston around the Astrodome complex which is also in the district of the gentleman from Texas (Mr. BENTSEN); this is not in my district.

I represent still the north and east part of Houston. But I can see that this would be a benefit to the whole community; one, because we have clean air problems. We need to look at every alternative, more than just buses and rubber tires. We need to look at every alternative.

I have seen the success of Enron Field this year, the state-of-the-art baseball stadium, the number of people. I used to think Houstonians would not get out of their cars and take a bus, much less a train, because so many of us have so many cars. Some of them do not run, but we still have the cars.

I watched as people will take the park and rides down to a baseball game in the evenings and the growth in the park-and-rides for the central business district. And that is why I think just the reprogramming of this money is something important.

Now, I cannot fault my colleague from Sugar Land for what he is doing, because, and he knows, having been in the legislature, I oftentimes tried to provide guidance to my local elected officials, because this was tax money that we have to vote on here on this floor, and so I do not fault that. In fact, even though, the gentleman from Texas (Mr. DELAY), we probably only vote together about 20 percent of the time, believe me, the gentleman is a good friend for many years, a personal friend. I do not fault that.

□ 1015

I just hope that the seven members of the Harris County delegation, all of us who share Harris County in the metro area, could sit down and say, okay, what can we do to make it work? I do not want to give them a blank check because I do not want that and I would oppose it. But I think on a short scale, and watching what our neighbor in Dallas has done with the light rail and the success they have had that started out as a very small line that it is actually going to serve more people in the Dallas County area, I think we can learn from that.

I have learned, in the last few years, Houstonians will get out of their cars and take a fixed guide rail to go somewhere. That is why, on a small scale, I think we can do this.

I know we are not going to vote on this today. My colleague is going to withdraw the amendment. But, hopefully the seven of us in Harris County can sit down and work this out so we can make sure that our air quality benefits, that we literally go into the next century and look at what we are doing with the redevelopment of the central business district and, also, even with the growth and, hopefully, with Houston's bid for the Olympics in 2012.

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I have to apologize to our colleagues that we are taking up the time of the House for something that should be settled in Houston, Texas. But I rise and feel the need to rise to explain what is going on here.

Mr. Chairman, I have been involved in mobility around Houston for 20 years. I have been involved in the regional mobility plan and in developing that plan in the 1980s that we are now finishing.

I am very proud of the fact that the city of Houston, as my colleague says, the fourth largest city in the country, just does not do things like everybody else does. We are a major city and a great city in this country because we do not just do it the same way. We are the city that built the Astrodome. We are the city that has a port that is off the shores of Texas and the second largest port in the Nation.

We are a city that does not say that they are not a great city unless they have rail. And the reason is, and I might point out to my colleagues, if they had been involved in all the rail systems as I have, and the chairman has for over 15 years, they would understand why L.A. is getting out of the rail business, because it is a boondoggle and a black hole for a city that is spread out like L.A.

I might say that Houston has stepped outside of the box and developed a regional bus plan that is the model for major cities in America. This bill has over $20 million in it, finishing the last part of $500 million in building one of the best bus systems in the world. Because we did not grab ahold of the notion that, in order to be a great city, they have to have a rail system.

Every line that the gentleman from Texas (Mr. BENTSEN) talked about, every one of those lines, loses huge amounts of money and takes money away from mobility systems for those cities. But they do get to take a picture of a nice train and put it in their brochures, and it makes everybody feel good.

The problem here in this particular dispute is that the Houston Metro, following the design of many other cities, and the gentleman says no elections were held in those other cities, it is because the other cities did not pay attention to the voters in those cities and developed the same strategy that is going on here in Houston. They developed the strategy of starting a little starter line; and when it does not make money and becomes a huge hole for transit funds, they go to the people and say, we made this great investment, but it does not work only because we do not have this other line.

And when that does not work they say, well, we are just going to build another line. And then they wake up and develop what Dallas now has. Dallas now has a rail line, but now has surpassed Houston in congestion because Dallas is more concentrated on rail than they are for the mobility in Dallas.

I do not want to see that happen in Houston. It is my responsibility as a member of this committee to make sure that the full funding grant by the FTA, the $500 million, is finished.

What Houston Metro wanted to do is take money from the regional bus plan, from our regional mobility plan, and move it to a rail line that makes no sense whatsoever, transportation-wise.

My good colleague and friend the gentlewoman from Texas (Ms. JACKSON-LEE) says no criticism. There is all kinds of criticism, including Houston Metro's own study that says, this does not help mobility, this does not help transportation, and this does not help the environment.

This is an economic development project to build a signature main street in Houston, Texas, a very worthwhile project. But this is not a transit system. This will not carry anybody. This will not get anybody off our freeways. This will not get Bubba, I say to the gentleman from Texas (Mr. GREEN) out of his pickup and put him on a rail system. This is an economic development project.

My position is, if they are going to build a huge rail system in the Houston region, then the people of the Houston region ought to vote on it and decide whether they want a rail system or not, instead of doing the back doorway that was done in Dallas, that was done in Portland, that was done in Miami, that was done in many other cities that I described. There is no transit benefit here.

Mr. Chairman, major transportation decisions like the proposal to build this system in Houston should be decided by the whole community. As things stand today, Houstonians cannot make an informed decision because Metro does not have a comprehensive light rail system to take to the voters. The people of Houston cannot make an informed decision about what the role of this project would play in reducing congestion.

The CHAIRMAN pro tempore (Mr. UPTON). The time of the gentleman from Texas (Mr. DELAY) has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, that is why I took the action to suspend the diversion of Federal funds previously approved for in other transportation improvements to fund this light rail project.

As I said when I announced my opposition to this process, three things have to happen before the light rail goes anywhere. First, Houston must gather all the facts. They need to commission a regional congestion study that will identify the problems that are hampering mobility in the region today. Then Houston needs to develop a comprehensive regional mobility plan that provides solutions to our current problems. We are at the end of this full funding contract. It is time to redo a regional mobility plan.

Before taxpayers pay $300 million to develop light rail along the Main Street corridor, should they not have a comprehensive plan that shows how the light rail proposal would fit into the regional transportation plan? The mobility plan must also anticipate further transportation needs.

After all the facts are assembled, the taxpayers need to have a final say. Houston must be given a referendum on the decision to build the Main Street line.

The CHAIRMAN pro tempore. The time of the gentleman from Texas (Mr. DELAY) has again expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, decisions like this ought to be decided by the voters, not through bureaucratic end fighting. The excuses that supporters have given just do not hold water.

In 1998, the city held a similar referendum under the same laws. What is disturbing about this whole process, Mr. Chairman, is the full and open discussion of the transportation needs and costs associated with this project. The people of Houston need to know not only what exactly it is they are getting on Main Street, but also what they have to give up elsewhere to get it.

Now, my fundamental reservation about this project remains. How would investing enormous amounts of their tax dollars in the light rail project for Main Street help my constituents, the constituents of the gentleman from Texas (Mr. GREEN), the constituents of the gentleman from Texas (Mr. ARCHER), the constituents of the gentlewoman from Texas (Ms. JACKSON-LEE) and all other Houstonians?

I believe Houstonians deserve all the information on this huge investment. Houstonian have a right to make the decision for themselves.

Mr. Chairman, I ask the Members to oppose this amendment.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of what the gentleman from Virginia (Mr. WOLF) and the gentleman from Florida (Chairman YOUNG) are doing in providing transportation for all of us.

Mr. SABO. Mr. Chairman, I yield to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the ranking member for yielding.

Mr. Chairman, I would like to extend an invitation to the members of the Appropriations Subcommittee on Transportation to come and visit Houston again.

I want to acknowledge and appreciate the gentleman from Texas (Mr. DELAY) for his collegiality in allowing us to debate this. I agree with him. I would rather not have my colleagues engaged in this dialogue.

I was not here in 1991. I was a member of the Houston City Council when we thought we had done everything that we could have as a local community to indicate that rail was something we thought would work very well.

I cite Dallas. I do not know the procedural process which they use. But I do not think if we were to query the mayor of the city of Dallas and constituents of Dallas that they would not acknowledge that they like their DART, it is working, and they want more of it.

Frankly, I am applauding this appropriations bill. I think they have done a great job. I do not want to take away from the cities like Atlanta, Boston and Baltimore. But the gentleman from Texas (Mr. DeLay) does not realize that he has really helped Metro and they are using the procedure that he, even though he is not on the authorization committee, certainly conceded to in TEA-21, which language was put in to allow Metro to take one project out and substitute another. So we are not really violating either the letter of the law or the spirit of the law.

Mr. DeLAY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Texas.

Mr. DeLAY. Mr. Chairman, the gentlewoman obviously knows that that procedure includes the Appropriations Subcommittee on Transportation, and that can approve or disapprove reprogramming; and Metro failed to tell the people of Houston that very fact.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for that.

Mr. Chairman, I think that they were operating under the procedural point that it could be done. But I think that really the real point here is that I solicit my good friend, we have chatted, we have had meetings with local officials, that we sit in the room and get whatever documentation, whatever review process, whatever vetting the gentleman needs to have to be had.

But I think it is important. And I take little different perspective. Yes, this light rail can be done. But I think that it is sinful for Houston, among other national and international cities, to be denied their rightful Federal dollars on transit.

This is a transit line. Transit lines are connectors. They are people movers. This is a people mover. This moves a major center from one end to the next. The Medical Center has been crying for some sort of rail system so that their individual people do not have to drive their cars into that already overpopulated area. They can actually park at the Astrodome and take the connector in. This is a center where people come for all kinds of international medical services.

Mr. Chairman, I say to the gentleman from Texas (Mr. DeLay) that I realize his distaste, if you will, for the rail system. I am only saying I, too, apologize to my colleagues that we are here on the floor of the House bringing a totally local-base issue to the floor of the House. I saw another one of my colleagues, the gentleman from Ohio (Mr. Traficant) do it the other day. And he won. He had Republicans and Democratic support.

My colleagues all need to understand that the people who are involved in this light rate connector are having the support of the entire community. We have had town hall meetings. We have had hearings on this issue. But if the gentleman wants more, I am willing to do so.

I think the question has to be that we have to look at these inner city areas where those of us who represent inner city urban areas that can allow those populations that live in those inner city areas to, as well, be treated to a fair and adequate mobility system.

Mr. Chairman, let me read this into the Record: "For the most part, even the top executives interviewed did not have a clear understanding of what 'enhanced bus' really meant. But even after a fairly thorough description was provided, they did not perceive any significant difference between an enhanced bus and conventional bus. A typical statement was 'enhanced bus is still a bus.' They believe light rail would be far superior."

That is what people perceive, that light rail works. I only plea to this floor and I plea to others as this bill makes its way through, applauding the work of the ranking member and the chairman that this is a good bill. But I am saying to my colleagues that they are doing us a disservice.

The CHAIRMAN pro tempore. The time of the gentleman from Minnesota (Mr. Sabo) has expired.

(By unanimous consent, Mr. Sabo was allowed to proceed for 1 additional minute.)

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Chairman, as the gentleman from Texas (Mr. Bentsen) rose to the floor, as the gentleman from Texas (Mr. Green) rose to the floor, I simply ask, accept my invitation to visit Houston so that they can see the work that we have done, realize that we are not trying to chastise the committee for any funds that they have given elsewhere. We appreciate the hard work.

But how can they deny the fourth largest city in the Nation, a city that is wonderfully diverse, African-Americans, Hispanics. We speak some 98 languages. As I said, we have the west, the east, the north, and the south. But we have a collective, cohesive committee that is led by a mayor now who is in charge of the confined area in the city limits in which this light rail would find itself who is enthusiastically for it, but he has collaborated with the county judge, which is a much larger region; and I believe that my colleagues are well aware that our business community is supporting it, as well as our constituency.

I will go home on Monday to hold a hearing on this subject, along with the gentleman from Texas (Mr. Lampson) who is on the committee; and I believe that we will find everyone who will come and testify will come and testify to say that we want light rail. We hope this body listens to us.

Mr. Chairman, I ask unanimous consent to withdraw this amendment because I do believe that we can work with the gentleman from Texas (Mr. DeLay) and I hope he will let us work with him and ensure that we come to the best results as we move forward in this process.

□ 1030

The CHAIRMAN pro tempore (Mr. Upton). Without objection, the gentlewoman's amendment is withdrawn.

There was no objection.

### ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Members are reminded to address the Chair and not to address other Members by their first names.

The Clerk will read.

The Clerk read as follows:

Sec. 335. Item number 273 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by striking "Reconstruct I–235 and improve the interchange for access to the MLKing Parkway." and inserting "Construction of the north-south segments of the Martin Luther King Jr. Parkway in Des Moines.".

Sec. 336. Item number 328 in the table contained in section 1602 of the Transportation Equity Act for the 21st Century (Public Law 105–178) is amended by inserting before "of" the following: "or construction".

Sec. 337. Section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 256) is amended—

(1) by striking item number 63, relating to Ohio; and

(2) in item number 186, relating to Ohio, by striking "3.75" and inserting "7.5".

Sec. 338. None of the funds in this Act shall be used to pay the salaries or expenses of any departmental official to authorize project approvals or advance construction authority for the Central Artery/Third Harbor Tunnel project in Boston, Massachusetts.

Sec. 339. Section 3027(c)(3) of the Transportation Equity Act for the 21st Century (49 U.S.C. 5307 note; 112 Stat. 2681–477), relating to services for elderly and persons with disabilities, is amended by striking "$1,000,000" and inserting "$1,444,000".

Sec. 340. Notwithstanding any other provision of law, unobligated balances from section 149(a)(45) and section 149(a)(63) of Public Law 100–17 and the Ebensburg Bypass Demonstration Project of Public Law 101–164 may be used for improvements along Route 56 in Cambria County, Pennsylvania, including the construction of a parking facility in the vicinity.

### AMENDMENT OFFERED BY MR. COX

Mr. COX. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Cox:

Page 54, after line 2, insert the following:

Sec. 341. None of the funds in this Act shall be used for the planning, development, or construction of California State Route 710 freeway extension project through South Pasadena, California.

Mr. COX. Mr. Chairman, I rise today to offer the Rogan amendment that will facilitate effective traffic mitigation at reasonable cost for the citizens of South Pasadena and the surrounding communities of Pasadena, Altadena, La Canada, and East Los Angeles. The reason that I am offering the Rogan amendment, and the gentleman from

California (Mr. ROGAN) himself is not here to offer it, is that in addition to being a dedicated Member of this House, he is also a dedicated parent. He and his wife Christine at this moment are attending to the urgent medical needs of their daughters. He would very much himself have wanted to be here to offer this amendment, and I am happy to do it in his stead.

This amendment is supported by the National Trust for Historic Preservation as well as environmental organizations, including Friends of the Earth and the Sierra Club. It is identical to a measure passed with bipartisan support in the last Congress. It will reduce the cost to taxpayers of freeway construction in southern California and free Federal funds for traffic mitigation and infrastructure support projects.

Mr. WOLF. Mr. Chairman, if the gentleman will yield, we accept the amendment and support the amendment. It is the same language as last year.

Mr. SABO. Mr. Chairman, in a sense I rise to oppose the amendment, but I will not. I do not like these kind of amendments coming on the floor where we really do not have background on what they are all about. However, we faced the same amendment a year ago, I opposed it, the House voted to adopt it by a significant margin as I recall, so it is not totally new and was in the bill this last year. While I do not think it is a good idea, I also understand that it is going to happen.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I thank the gentleman for yielding. I join him. I think the reality is that the votes are there to support this amendment but I think it is misguided. This project, from my knowledge and my personal view of it, is it is a missing link to the interstate system in California. For 20 years, projects have been reviewed appropriately and met the environmental reviews necessary to advance the project.

The Federal Highway Administration has supported the review and public involvement in the project. Federal funds have been made available for construction. The State supports the project and is willing to advance it. But I think the reality is that there are the votes marshaled already on the floor, as my colleague from Minnesota said, in the last session, the previous session of Congress, to support this amendment. It is unfortunate, and I agree that amendments of that kind should not be presented here. We will make the case but not make the vote.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. COX).

The amendment was agreed to.

### AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ANDREWS:

Page 54, after line 2, insert the following new section:

SEC. . The amount otherwise provided in section 326 for the Amtrak Review Council is hereby reduced by $530,000.

Mr. ANDREWS. Mr. Chairman, let me first begin by thanking the gentleman from Virginia (Mr. WOLF) and the gentleman from Minnesota (Mr. SABO) for the excellent piece of legislation they have produced, which I am happy to support. Let me also acknowledge that the chairman of the committee is acceding to the wishes of the administration in the present funding level. Therefore, our quarrel is not with him, it is with the administration that supported the funding level. I appreciate his fairness on this issue over the years.

This issue is about micromanagement and second-guessing. I believe that the management of Amtrak has made excellent and positive strides in improving the fiscal health and performance of the rail line. I believe that they will continue to be moving in that direction. I also believe that they should move in that direction and that we as a Congress should evaluate from time to time their progress and the best next step. I do not believe that we need another body standing in between the will of this body and the management and directors of Amtrak. I think that the Amtrak Review Council is frankly an unnecessary appendage and I believe that more money simply invites more mischief. This House last year overwhelmingly sent a message that funding should be limited to the level of $450,000. That is what this amendment does this time.

Mr. NEY. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Ohio, the coauthor of this amendment.

Mr. NEY. Mr. Chairman, also I want to praise the chairman of the committee for what I think is a fine bill. I do rise today to support the gentleman from New Jersey's amendment. During the debate on the last two transportation appropriation bills, I have worked closely with the gentleman from New Jersey to both reduce funding for the Amtrak Reform Council, ARC, and to ensure their funds were used properly. In both years we were successful in passing amendments to keep the ARC Council's budget in check. Unfortunately, after last year's successful effort to reduce the funding for what I think is an arguably misguided situation with the council, an increase in funding was restored in the final version of the bill. As a result, of course, as has been mentioned, we are again here to take our case to the House floor to again contain an ever increasing reform council budget.

The gentleman from New Jersey's amendment, which reduces the budget from $980,000 to $450,000, is an attempt to place a necessary constraint on an organization that really I do not think does seek the reform of Amtrak. As was mentioned previously, also, the budget has doubled in the past 2 years and I know that we had an overwhelming vote on this. It had tremendous support. I urge my colleagues today to support the Andrews amendment as they have previously done and to reject the increase and give the ARC a fair and certainly adequate budget.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, because of the compelling arguments and also because every time this issue has come up, the gentleman has won overwhelmingly, we accept the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. ANDREWS. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I rise in support of the gentleman's amendment. I would have supported striking funds altogether. From the very inception of this council it is clear that many of its members have already made up their mind that Amtrak will not meet its goal of self-sufficiency and are devising their own plans that in effect assure failure; for example, holding closed conferences where the statute requires open meetings; their empire building by hiring consultants and contractors. In their preliminary assessment of Amtrak they set out a plan calculating operating expenses that Congress never intended to include in the Amtrak reform.

Mr. CHAIRMAN. I rise in support of the gentleman's amendment.

The Amtrak Reform Council was authorized by section 203 of the Reform and Accountability Act of 1997 for the purpose of evaluating Amtrak's performance and making recommendation for cost containment, productivity improvements, and financial reforms. The council is comprised of 11 members. The council is supposed to take into consideration the need to provide service to all regions of the nation. If the council concludes that Amtrak will not reach the goal of operating self-sufficiency by 2003, it is supposed to inform the Congress and submit plans for a complete restructuring of a national system of intercity rail passenger service and a plan for liquidating Amtrak.

From its inception, it has been clear that many members of the council have already decided that Amtrak will never meet its goal of operating self-sufficiency and are already devising their own plans for what a restructured system would look like. The council's history has been replete with evidence that it is pursuing its own, anti-Amtrak, agenda. They have conducted closed conferences despite the fact that their statute requires open meetings. They have sought to "empire build" through hiring consultants and contractors.

In January 2000, the council revealed its true colors with the issuance of its report, A Preliminary Assessment of Amtrak. In that report the ARC measured Amtrak's progress toward operating self-sufficiency using a definition of operating expenses that the Congress never meant to be applied to Amtrak for the purposes of measuring Amtrak's progress. The council elected to include depreciation expenses and progressive overhaul expenses in calculating the total operating expenses that Amtrak would have to cover through operating revenues. This was clearly not what the Congress had intended. Indeed, if the Congress had intended that Amtrak cover these expenses it would have been clear at the outset that Congress intended for Amtrak to fail. It would have been setting an impossible standard. It has always been clear that Congress did not intend these costs to be included in the operating expense category.

The council chose to ignore the congressional intent and measure Amtrak by its own standard. Interestingly, as soon as it was challenged at hearings before the Senate, the council's chairman immediately backed off from the position. While we agree that he should have backed off, this is not the first time that the chairman has acted on his own on behalf of the rest of the council.

The council does not deserve an increase in its funding based on its dismal record in providing an unbiased, independent assessment of Amtrak.

### MODIFICATION TO AMENDMENT OFFERED BY MR. ANDREWS

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the amendment pending be changed by taking out "Review" and inserting the word "Reform" so that it is in compliance.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment offered by Mr. ANDREWS:

On line 2, strike "Review" and insert "Reform".

The CHAIRMAN pro tempore. Without objection, the modification is agreed to.

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment, as modified, offered by the gentleman from New Jersey (Mr. ANDREWS).

The amendment, as modified, was agreed to.

### AMENDMENT OFFERED BY MR. LINDER

Mr. LINDER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LINDER:

At the end of the bill, add the following:

SEC. 341. None of the funds made available in this Act may be used by the Secretary of Transportation to require any State or local government to alter a zoning or land use plan for the purposes of a national ambient air quality conformity determination.

Mr. LINDER. Mr. Chairman, this also is an amendment that deals with the Federal bureaucracy micromanaging, in this case how counties run their business. Mr. Chairman, in 1998 we passed the Transportation Equity Act for the 21st century, otherwise known as TEA–21. Under this bill almost every region in the Nation was able to benefit from the additional transportation dollars made available through the Highway Trust Fund, every region, that is, except my own.

The Atlanta metro area has not been able to spend a dime of its Federal highway allotment for more than a year and a half. This is because Atlanta has not met Federal clean air standards since 1996 and the Clean Air Act prohibits further road and transit construction until a plan is presented that will bring the city back into conformity.

For over a year, the Atlanta Regional Commission, which is tasked with drawing up the plan worked with local leaders and Federal officials to craft a plan that complied with the law and met the needs of Atlanta's residents. However, in a suspicious move on the day before the ARC was slated to approve the plan, two Federal agencies, the Federal Highway Administration and the Federal Transit Administration stepped in the way. In a letter to then ARC Director Harry West, these agencies cited five serious concerns with the plan that ARC officials had resolved months before. Unless these requirements were met, the Federal Government said, Atlanta would not get its money.

Aside from the obvious concerns that this raises about the tactics used by this administration to work with local governments, all of the three remaining requirements that must be addressed have never been demanded of another metro area in America. They are demanding that the counties comply with their new zoning ideas, their ideas on mass transit funds and environmental justice.

We looked in the statutes for the definition of environmental justice. It appears in Executive Order 1289. It has to do with disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations or low-income areas. It further goes on to say that we must not only not do that but we must prove we do not, prove a negative.

No other metro area has been asked to do this yet. This is unacceptable, and I present this amendment and others today in an effort to demand equity and fairness for all Americans who are facing down out-of-control bureaucrats wielding environmental regulations. If we are to believe the Federal Government's demands before Atlanta will be able to get the gas tax money that TEA–21 grants it, county commissioners and State regulators will have to sign sworn documents saying that they will change the way they zone the land in their jurisdictions. In other words, they are accountable to Federal officials, not the voters when they zone the land my constituents live on.

□ 1045

Last week's supporters of CARA said it was outrageous for opponents to claim that the Federal Government wants to get in the land use business. It already is. The FHWA and FTA in Atlanta have already said they will require counties and cities to build more apartments, put houses closer together and build rail lines into downtown districts. If they do not, they will take away our highway funds again. In fact, they may even rely on another State agency appointed by the Governor, the Georgia Regional Transit Authority, to enforce their standards for them.

For the record, there is no title, no section of the Clean Air Act that requires regions to sign over the zoning authority to Federal agencies. This is a standard made up completely by the Clinton Administration, a standard that no other city in America has had to meet. However, we have heard on multiple occasions from Federal officials and environmentalists that Atlanta "will be a model for the Nation."

If you like what you see in Atlanta, do not worry, it will be coming to a city near you.

No local official should ever be bound by Federal officials to conduct the basic job they have been asked to perform. It is an affront to a constitutional republic itself when an elected official takes his marching orders from anyone other than the voters who elected him. That standard applies for government bureaucrats as much as it does interest groups.

My amendment would prohibit the FHWA and FTA from requiring any local or State official to be legally bound to alter their zoning or land use plans to satisfy the Federal bureaucrats. I ask Members to support this amendment, protect local governments from this outrageous assumption that Washington knows your neighborhoods best.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, we regret that we must oppose the amendment. The committee was not notified about these amendments until 9:00 this morning. The amendments may have significant implications for the Clean Air Act's policies and enforcement. The ramifications, quite frankly, are not even known by the committee, and we really have not had time. I understand what the gentleman is saying, but, regretfully, I must oppose the amendment.

Mr. LINDER. Mr. Chairman will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Chairman, our lateness will cause me to withdraw the amendment. Part of the problem came because it was just this past week in a meeting when the Georgia Regional Transportation Authority was talking about the need for smart growth and was asked during the meeting what is the definition of "smart growth," and nobody on the commission knew what it was, so they appointed, in their way, a committee to determine what it is. These are late developing things in Atlanta. I will be dealing with you further.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

AMENDMENT OFFERED BY MR. VITTER

Mr. VITTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VITTER:

Page 54, after line 2, insert the following:

SEC. 341. None of the funds made available in this Act may be used for engineering work related to an additional runway at New Orleans International Airport.

Mr. VITTER. Mr. Chairman, the gentleman from Louisiana (Mr. TAUZIN) and I offer this amendment to prohibit any funds under this act from being used for engineering work on an additional runway at New Orleans International Airport. We offer this because we want that airport to be properly developed into the powerful economic development engine it could be, and we know that this will never happen without fundamental reform in the areas of regional governance and professional management.

The City of New Orleans runs New Orleans International Airport, but the facility lies well outside the city, surrounded by other communities, most of which the gentleman from Louisiana (Mr. TAUZIN) and I represent.

For too long, the city has made unilateral decisions that have a major impact on these surrounding communities, creating real and growing tensions. Our citizens continue to be dramatically affected, and they have no real governance voice, no real seat at the table.

Now the city wants to build a new runway, wholly within Saint Charles Parish, which the gentleman from Louisiana (Mr. TAUZIN) represents, and still not address the governance issue. They want to do this with about 70 percent Federal and State money, almost $500 million. This is not only unfair, it just will not work. It is doomed to failure, particularly since the airport is without appropriation power.

Regional governance is the key. Recently an independent study by the Bureau of Governmental Research recommended the transfer of airport control to a broader-based regional entity that would facilitate regional governance cooperation and expansion. Another outside study conducted by Mitchell & Titus recommended that "The airport's future vitality depends on gaining cooperation from Kenner, Saint Charles and Jefferson Parish," all areas that my colleague, the gentleman from Louisiana (Mr. TAUZIN), or I represent.

Another need is professional management. New Orleans Airport continues to be poorly managed, spending virtually the same amount of money as Charlotte Airport annually, but offering service to half the number of cities, with one-third the takeoffs and landings.

Mr. Chairman, we would also request that the committee pursue a Federal Inspector General study of the current management practices at New Orleans International Airport to underscore this need.

Regional governance, professional management, let us address these needs on the front end, so that local concerns, very legitimate ones, do not hopelessly stall progress until it is too late to recover. This is essential to make our airport the powerful economic development engine it could be.

This amendment should serve as a wake-up call to the city administration that we must address these needs. I look forward to continuing to address these needs through the conference committee on this bill.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I rise in support of the amendment offered by my colleague from Louisiana. I believe the project should not move forward until there is regional consensus reached by all the affected parties.

We had a similar situation in my region when we transferred National Airport and Dulles Airport from the Federal Government, one person operating it. We set up a regional authority, whereby there are now people from Virginia, Maryland and the District of Columbia that operate both National and Dulles Airports.

My understanding is that the proposed runway will be completely located in the district of the gentleman from Louisiana (Mr. TAUZIN). That, again, has been a major controversy in this region with regard to noise. The gentleman's cosponsorship of the amendment this morning indicates his consensus has not been achieved. I also believe the DOT Inspector General should examine current management practices at the airport.

Mr. Chairman, I support the amendment, and look forward to working with my colleagues on this crucial economic development issue for the citizens of Louisiana.

Mr. JEFFERSON. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, this is a very disappointing development. The economy of the City of New Orleans and the entire region is built upon tourism and conventions. The city and the region have invested in this mightily over the years, and it has made New Orleans the second most important destination city in this country. It is vital to our economy that the airport continue forward with its plans to build and construct this runway. Otherwise, the city will not be in a competitive position.

The gentleman from Louisiana (Mr. VITTER), my colleague from the area, who is recently now sharing a part of the City of New Orleans representation with me, has taken the place of Bob Livingston who I shared this with for many years. Bob Livingston, every year, in and out, worked with me on all of these issues, in the quiet of our offices and in a very congenial way, and we supported jointly the airport's expansion and all the rest all these years. Why suddenly is it some sort of issue that needs to be dealt with because we are concerned about management of the airport, when these issues have not come up? This is not the place and this is not the time. This forum is inappropriate for us to deal with local issues of how local people get together about regional governance.

I should say to you there is reasonable governance at the airport now already. There are members on the airport board who represent the City of Kenner, which is part of the district of the gentleman from Louisiana (Mr. VITTER), who represents Saint Charles Parish, and part of the district of the gentleman from Louisiana (Mr. TAUZIN), already there.

What configuration does the gentleman want? Does the gentleman want to dictate exactly the terms of the regional governance, or can the local people get together and work on these matters?

What is important here is that we not interfere with the plan that is going on, which in the next 5 years is going to mean if we do not do this in the next 5 years, we are going to lose competitive position. So there are no management studies that say we need to do something here drastic in this Congress, or otherwise we will run the risk of ruining Federal money and not doing the right thing by the people of our country.

There are no divides back home about this. Our local Chamber of Commerce supports the runway projects, our local tourism commission supports the runway project. I do not know of anyone who doesn't support it except the folks over here say, and really run by my colleague, the gentleman from Louisiana (Mr. VITTER), who says we need to have a regional governance structure in place acceptable to him before we move this forward.

I think it is just wrong. I do not think we ought to place in jeopardy jobs in New Orleans, the economy of our city, because someone here wants to see a certain governance structure in New Orleans. The local people can work these problems out, as they have over all the years. New Orleans built its airport in Jefferson Parish when there were not any people there. That is why it was built there. Over time that area has grown up, there are residences there and there are businesses, all of which now must be taken into account. But it is a painful process that is best sorted out in a local forum, in a local environment. That is the only way this can be done.

This is the equivalent of a shotgun wedding. I think somehow or the other somebody believes you can have regional cooperation by forcing people together. That is an absurdity. It is an oxymoron. It makes no sense. People have to get together and work on matters cooperatively. We cannot force it in this Congress.

So I would ask this House not to agree with the gentleman from Louisiana (Mr. VITTER), because this airport is in my district, it belongs to my city. It must expand in other areas, but it is just wrong to slow this progress down, and I say it would ruin our airport's prospects and ruin our economy, have us lose jobs. It is simply to please the idea that we ought to have a different regional governing structure, which I submit to you this Congress ought not be involved in.

So I would ask Members not to approve this amendment today, because it is just wrong for our city, it is wrong policy for the Congress, it is wrongheaded action altogether.

Mr. TAUZIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we need to put this issue in perspective. The New Orleans Airport is indeed owned by the City of New Orleans, but it is not located in the City of New Orleans. It is located principally in Jefferson Parish, principally in the area represented by the gentleman from Louisiana (Mr. VITTER). It is partially located in a Parish of Saint Charles. We do not have counties, we have parishes in Louisiana, so I apologize for some of the confusion. The County or Parish of Saint Charles, it is one of the counties or parishes in my district.

Now, the proposal by the New Orleans Airport Authority is to extend the airport with a new runway into Saint Charles Parish, a significant change in the location of flight patterns and aircraft movements and a difference in literally noise and safety concerns for the people of Saint Charles Parish.

Unfortunately, Saint Charles Parish is allowed one representative on the New Orleans International Airport Board, appointed by the mayor, not selected by the people of Saint Charles Parish, and that is all they have on this board. There is no real local input in the governance of the airport, no local input into the decisions that are made with regard to takeoffs and landings and all the issues that are important when communities are affected by airport extensions into their rural, and, in this case, suburban communities.

So what the gentleman from Louisiana (Mr. VITTER) is proposing is a very simple thing. It simply gets us into the conference committee, where hopefully we can begin the discussions with the City of New Orleans on how in fact to move towards some reasonable regional governance of this facility before it extends into another county, another parish, like Saint Charles Parish, another Congressional District even such as my own.

I want to point out to my good friend, the gentleman from Louisiana (Mr. JEFFERSON) that indeed we have always talked and cooperated on these issues, and I think we will again on this issue, once we get past this point. But last year the New Orleans Airport Authority, without consulting my office, without talking to the gentleman from Louisiana (Mr. VITTER), tried to get language into the TEA–21 bill that would have, in fact, appropriated $30 million for property purchases in the Parish of Saint Charles to move this extension forward without ever talking to us. We found out about it almost by accident, that it was being added to the bill with the help of some lobbying group here in Washington, D.C. hired by the City of New Orleans. Now, that is not the way to cooperate either.

I think we can reach a point of cooperation and agreement if we simply get to the place where I hope we can get in the conference committee where we can talk.

I just want to make this one point. If we could amend this bill today, to say that the airport extension could go forward if, in fact, we move significantly to regional governance, that is the amendment we would have offered today. We cannot do that under the rules. All we can offer is some sort of prohibition on spending. So what we have chosen in this amendment to do is to prohibit engineering payments. We understand that not likely are there going to be any engineering studies done anyhow.

This amendment simply gets us into the conference where we can talk with our two Senators, and the three of us, hopefully with the City of New Orleans, can perhaps work this out. That is why I hope we adopt this amendment today, and put us all in a position where everybody sort of has to talk, whether they like it or not.

Mr. JEFFERSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Louisiana.

□ 1100

Mr. JEFFERSON. Is it not true that the airport authority has no appropriation authority and that it cannot go into St. Charles Parish and appropriate the property of St. Charles Parish? Is that not true?

Mr. TAUZIN. Reclaiming my time, that is exactly true. That is the point the gentleman from Louisiana (Mr. VITTER) made, and let me answer it. It is true, and that is all the more reason why we need to talk. This extension will not occur until the community of St. Charles has an agreement with the City of New Orleans and the community of Jefferson Parish has an agreement with the City of New Orleans. It is not going to happen by sneaking changes or amendments into the law to provide for $30 million to go out and buy property in the district I represent.

It is only going to happen when we have the conversations I think this amendment will lead us to.

Mr. JEFFERSON. Mr. Chairman, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, the gentleman paints a pernicious picture of actions that have taken place in the heat of the night without the gentleman knowing about it. As a matter of fact, the runway project, as the gentleman knows, has been in progress here for many, many years. This is not something new that happened this year.

Mr. TAUZIN. Reclaiming my time, the gentleman indeed knew, this gentleman and the gentleman from Louisiana (Mr. VITTER) knew, of New Orleans' interest in extending that runway. We have been supportive of the airport doing so.

We have always, however, reserved our support upon conditional conversations about regional governance, conversations leading to some real say-so from the parishes, the counties, affected. We have not gotten to that point. This amendment gets us there.

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. JEFFERSON. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, it is quite obvious here that this whole effort is being made to bludgeon the City of New Orleans' leadership into some sort of a forced meeting because the proponents are unhappy with the progress of these meetings. These are painful discussions that must take place on regional governance. These are not things that can happen overnight and it cannot be forced to happen; nor can the city force any runway into St. Charles Parish.

So if money is appropriated here for a study to take place and for engineering to go forward, in the end there is going to have to be some meetings and agreements between the New Orleans people and St. Charles people. There is no need for this. This is simply overstepping, overreaching, as far as I am concerned.

Now if we want to talk about Members doing things in the middle of the night without my knowing about it, there were amendments offered by the gentleman from Louisiana (Mr. VITTER) that I was not apprised of, and the airport is in my district. I did not know they were even offering them.

This is a shameful fight that we ought not be involved in. We ought to be saying to each other, how can we go to the Federal authority and get as much money as we can to help to make New Orleans as competitive as it can be and make our airport as vital as it can be so we can stay in the hunt for convention and tourism business? And then go home and let the local people, with our help and guidance and support if we can give to them, to work out the hard details of how they govern the whole matter and how they work out the issues. If there are management issues, and I just heard this today, I have not heard this from anybody else who has any authority, who have done any management studies to find things that are sharply wrong with the airport, that we need to worry about holding up Federal money because of management issues. This is all made up. That does not exist.

There are no management issues, I want to make it clear, because it besmirches the whole reputation of the board at the airport and of those who are involved in management. There is no mismanagement at the New Orleans airport.

There are some folks who would like to see things go a different way, of course, as there always are, but there is no evidence of mismanagement. I think to bring it on to this House floor is absolutely dead wrong.

So I would urge this House, in the strongest terms possible, to give us a chance back home to work our own matters out and let our city have the leadership it deserves on this issue, and to not hold up a vital project for the City of New Orleans airport. That cannot be justified on the basis of we need governance, a better governance structure or any other such thing as that because New Orleans cannot impose its will on the local and surrounding area. It cannot at all do that without the cooperation of those areas, and we cannot impose regional cooperation in the region unless the region itself gets together to work with it.

So I would urge my colleagues to rethink their position on this, to let us continue as a delegation to work together on these important matters and not to create walls here that are going to prevent our cooperation in the future on matters very important to all of us.

This is important to my region. It is vitally important to us and I would urge this body not to let the gentleman from Louisiana (Mr. VITTER) and the gentleman from Louisiana (Mr. TAUZIN) step in now in a matter which is unnecessary to protect the integrity of their districts or their peoples or any such thing as that. They have admitted it does not do that. They have admitted that New Orleans cannot reach over and take any property from Jefferson Parish. They even admit it does not do anything, according to them. They say, well, it does not do much. If it does not do much, it is not much worth our time to do anything here.

So what I would urge is just to leave this matter alone, and I really wish my colleague would withdraw this whole effort and let us move on to something where we can find a way to help move our city forward, our airport, our region forward, together, as we have in the past.

I have always worked with the gentleman from Louisiana (Mr. TAUZIN) and I have always worked with the predecessor of the gentleman from Louisiana (Mr. VITTER). I am hopeful I will be able to work with the gentleman from Louisiana (Mr. VITTER) as well, but we cannot work together if we do not honor each other's commitments on these areas.

I just think it is dead wrong what is happening here today, and I hope this House will reject it.

Mr. SABO. Mr. Chairman, I would just say I find this amendment inappropriate. I do not know how Louisiana governs. I do not know how the city governs. In our area we call them counties. I guess the gentleman calls them parishes.

Twenty-five, thirty years ago we went through the same type of situation in our State; center cities owning an airport, eventually a regional structure to govern, but that was created by the State legislature, not by local units of government. As a matter of history, at the point of time that it required local property taxes to start the airport, those were only levied in the center city. By the time we made it regional, all local property taxes had disappeared.

Now I suspect the gentleman's situation is different. We are not the legislature of Louisiana, and so I think it is just totally inappropriate for us to start interjecting ourselves into this governing structure of the airport in New Orleans. I am sure it is a controversial issue. It, however, has to be worked out in whatever local fashion they are worked out in Louisiana, whether it is negotiation between the affected communities or by action in the State legislature, but we cannot be second-guessing that.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. VITTER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Louisiana.

Mr. VITTER. Mr. Chairman, I just wanted to make four points quickly in response to some of the comments from my colleague, the gentleman from Louisiana (Mr. JEFFERSON). I believe he said he had no notice of this amendment. If he said that, I certainly want to make the record clear that I informed him of this amendment.

Mr. JEFFERSON. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. I did not say that. I was referring to amendments the gentleman made in committee some time ago, not to the amendment the gentleman is making today.

Mr. VITTER. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Louisiana.

Mr. VITTER. Okay. I appreciate the clarification because, in fact, I gave him notice yesterday of this amendment within 5 minutes of deciding to move forward with it.

Secondly, I want to underscore why the gentleman from Louisiana (Mr. TAUZIN) and I are doing this. It is because we want progress; we want to move forward and build toward a great airport which can be an economic development engine, and this will never happen without starting these discussions about regional governance and professional management.

Thirdly, I want to address the comments of the gentleman from Louisiana (Mr. JEFFERSON) about a local discussion. I would love a local discussion. We have been asking the mayor for a local discussion and the mayor has specifically refused to be a part of any meeting where the term "regional governance" is on the agenda.

So the whole purpose of this exercise is to begin that absolutely essential local discussion which the mayor of New Orleans has absolutely refused to participate in.

Finally, with regard to the suggestion that this is not the place to bring up this issue, if this is not the place to talk about these needs then presumably this is not the place to look for half a billion dollars for this runway work because my constituents pay into that fund and the constituents of the gentleman from Louisiana (Mr. TAUZIN) pay into that fund and they deserve to be heard on these important related issues. So if this is not the place, then fine. Perhaps the airport and the city should go back to the drawing board and look for a half a billion dollars somewhere else.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Chairman, I just want to point out again what occurred last year was an amendment to the FAA authorization bill that provided $30 million, instructing the FAA to give priority consideration to land acquisition in St. Charles Parish, and we had received no notice of this. We discovered the amendment after it had, in fact, entered into the bill.

It is for that reason that we need this amendment. We are not asking that the regional governance issues be settled. All we are saying is give us this amendment and that will compel the parties indeed to talk about regional governance.

We met with our Governor in Louisiana and the Governor is prepared to help us achieve this result. We simply do not think this extension ought to go forward. Until we have had those discussions, that is what this amendment will help us do.

I want to say to my friend, the gentleman from Louisiana (Mr. JEFFERSON), we have worked together many, many years in the State legislature and here in Washington, D.C. He knows of my close friendship and my effort over all of these years to work with him. I can give him my assurance that if we get this thing into conference we will have those discussions; we will get back to a position where the mayor and the Governor and we and our two Senators can begin to reach for common solutions.

I simply have to make sure that the folks in St. Charles Parish I represent, just as the gentleman has to make sure that the folks in New Orleans that he represents, are properly represented in these discussions. They are currently not. They want to make sure, as their representative, and I am sure the gentleman from Louisiana (Mr. VITTER) has the same situation in Jefferson Parish, that those discussions actually happen.

There is no promise of discussions. There is no refusal to meet, but they actually have to happen before we go forward. Why? Because we all want to go forward. We all want to see the airport completed. We want to see new runways created. We want to see regional governance and regional cooperation around that airport, and I give the gentleman my word I am going to work with him to that end.

Mr. JEFFERSON. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I thank the gentleman for yielding to me. I have no problem with the assurances of the gentleman from Louisiana (Mr. TAUZIN) on any matter. I have worked with him for many, many years. I simply beg to differ, to say that that is not the issue that we are dealing with here.

I have had many years of cooperation with him and I would hope we would have a day of cooperation on this matter because it is very, very important to us. It is important to us that we do not slow down this project, that we do not jeopardize our economy and jeopardize jobs and jeopardize where we are going down there, and jeopardize the future of our airport over the question of whether if we get a matter in conference we can somehow force a meeting with the mayor. That is an absurdity.

What are we going to accomplish in conference, a governance structure or something that is going to fix the whole issue? No. It is going to take many months of painful discussion by local people, no matter what we do here.

The suggestion by my colleague, the gentleman from Louisiana (Mr. VITTER), that if this is not the right place, this is not the right place to seek for money, is an absurdity because the FAA and the Federal Government are deeply involved in building airports all over the country and local governance structure is being imposed by State and local governments all over the place as well. So these things are going in parity and they ought to go here in parity.

The CHAIRMAN pro tempore (Mr. UPTON). The time of the gentleman from Virginia (Mr. WOLF) has expired.

(By unanimous consent, Mr. WOLF was allowed to proceed for 1 additional minute.)

Mr. WOLF. Mr. Chairman, I yield to the gentleman from Louisiana (Mr. VITTER).

Mr. VITTER. Mr. Chairman, I wanted to respond to the remarks of the gentleman from Louisiana (Mr. JEFFERSON). We do not want to slow anything down. That is specifically why the gentleman from Louisiana (Mr. TAUZIN) and I chose a spending item that is virtually certain not to occur under the normal timeline this next fiscal year anyway.

So we specifically chose that spending item with that in mind, and I certainly want to pledge my active cooperation to work on this issue. Again, all we are trying to do is begin the discussions which, quite frankly, the mayor of the City of New Orleans, going back to our efforts last year, has refused to initiate. He will not attend a meeting with regional governance on the agenda, and that is the heart of the problem.

Certainly I pledge my cooperation to work with the gentleman from Louisiana (Mr. JEFFERSON) and the gentleman from Louisiana (Mr. TAUZIN), and we look forward to doing that in a timely way so we do not slow anything down and, of course, we fashioned our amendment with that in mind.

Ms. KILPATRICK. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, coming from the State of Michigan, we have our problems and we know exactly how hard it is to regionally come to this Congress with a solution and we are working very hard on that, not without obstacles and not without many of them, but we continue to work locally to see that we bring to the Congress, during its precious times of negotiations, not only the proper match that the projects will require but that the region will agree on what we come to the Congress with.

This is very much a local issue and I believe that it ought to be settled locally before it comes to this Congress, Mr. Chairman. With that, I would like to yield to my good friend from New Orleans, the gentleman from Louisiana (Mr. JEFFERSON), in whose district the airport lies.

Mr. JEFFERSON. Mr. Chairman, will the gentlewoman yield?

Ms. KILPATRICK. I yield to the gentleman from Louisiana.

Mr. JEFFERSON. Mr. Chairman, I thank the gentlewoman from Michigan (Ms. KILPATRICK) for yielding.

Mr. Chairman, may I say in response to what has been said by my colleague, the gentleman from Louisiana (Mr. VITTER), he has on two occasions said the mayor has been unwilling to meet. That is inaccurate.

We had a New Orleans delegation meeting up here and invited the gentleman from Louisiana (Mr. VITTER). He came to the meeting and we talked at that point about the issues. He has met with local people about this matter over many, many months. It is just a hard process. There is no slam dunk answer to this. It is going to take time. People have to work it out.

When I say this is not the place to do it, it is not the place to do it, as the gentlewoman has pointed out. The place to do this is in the halls of local government, where people can decide these issues after negotiation.

□ 1115

To come up here and try in some sort of a prophylactic way to kind of prevent any kind of differences from occurring back home about these issues, we cannot do it. They are going to have to take place. People are going to have to have discussions. There is nothing that can be merited by this, except setting a precedent for getting this Committee and this Congress involved in dictating local government structures.

That should not be what we should be doing here. We should be working on larger issues of how the FAA relates to our local communities, how they support our local airports or not, but not the issues of local government. That is too hard for us or anybody else to do.

To use this forum to kind of beat the city of New Orleans, the Mayor and other folks, into a meeting with us is a misuse of it, a misuse and an abuse of the process, I suggest.

In the name of cooperation between us, the best way to do that is to work on these issues collegially here today, and not to have it said that somewhere down the road one of these days, after we get this passed, we are going to work cooperatively. We cannot. This is going to make it more difficult for us to work cooperatively and for the local folks to work cooperatively, rather than the other way around. It is not going to do anything but make matters more difficult to resolve back home.

I have talked to the gentlemen from Louisiana, Mr. VITTER and Mr. TAUZIN, about this ad nauseam. They are hell-bent on this course, for reasons that are hard for me to understand, except that they have the power to do it. I believe that is the wrong reason. It ought to be done because it is the right thing to do, not because they think they can do it.

I hope that out of all this that we will find a way down the road one day to think better of each other and be more tolerant of each other, and respect the city of New Orleans more in its desire and plans to get things done.

I think we have a very competent mayor, a very competent council, a very competent board at the airport. I would like to see their work upheld and given a chance to succeed, and not have these Members of Congress getting in the way of having that done.

Mr. OBERSTAR. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I also want to commend the Chair and express my appreciation to the Chair for his earlier admonition that Members address the Chair and not refer to each other by name; to observe the rules of the House, a practice that is becoming observed more in the breach than in the respect.

Mr. Chairman, this debate is a good example, an object lesson, for the reason the Committee on Transportation and Infrastructure and the Subcommittee on Aviation, both Democratic and Republican leadership, has always resisted individual designations of airports or runways in the authorization bill. Those are not issues for this body to resolve.

I take no position on the merits of the issue being debated this morning, but I do take a position on the initiative offered by the gentleman from Louisiana (Mr. VITTER) to have this body interfere as a matter of national law in what is essentially a local decision-making process.

The gentleman from Virginia (Mr. WOLF), chairman of the Subcommittee on Transportation of the Committee on Appropriations, appropriately referred to the process that Congress established for the resolution of the management of airport capacity at both national and Dulles.

The reason Congress acted is that those are the only two airports the national government owns in the United States, of 17,000 airports. In the national plan of integrated airport system, only two airports are owned by the Federal government. They were turned over in fact, in a management sense, although the Federal government continues to retain the ownership of those airports, to a regional council.

Whether the airport in New Orleans should be expanded or retracted, whether it should be managed in this or that manner, is a matter not for this body to resolve but for the people of New Orleans and the surrounding communities, be they parishes or cities. All should be done in accordance with the national plan of integrated airports established by the FAA which establishes a national system.

If we improve a highway in Duluth, if improvements are made to Interstate 35 in Duluth, that has virtually zero effect on I–35 in Dallas-Fort Worth, Texas. But if the airport in Duluth is improved, it does have an impact on the national airport system. If the airport in Louisiana is improved, it has a beneficial, or if it is not improved, it has a negative effect on the National Airport system. Airports are vastly different from highways.

For the Congress to take the initiative proposed by the amendment of the gentleman from Louisiana is to insert ourselves into essentially a local decision-making process which is going to be reviewed at an appropriate time in its developmental stage by the FAA. We should let that process run its course.

The debate we have heard unfold this morning is a replica on the national scene of a debate in the city council of New Orleans. We are not at city council. We are not the governing council for parishes. The gentlemen from Louisiana, the respective gentlemen from Louisiana, are having a fine debate that they ought to have back home, not on this floor. This floor ought not to resolve this matter. This amendment ought to be defeated.

In accepting such an amendment, we set the stage for innumerable debates. The discussion about New Orleans airport, MSY, will be picayune compared to the debate that will unfold on this floor if we get into a third airport for Chicago, of which we saw only a minuscule discussion earlier today.

I say to my colleagues, the gentlemen from Louisiana, please take their issue back home and get the local governments to resolve it. Bring the FAA in to help. I am sure the chairman of the Subcommittee on Aviation, the gentleman from Tennessee (Mr. DUNCAN) would be willing to help in that process. I would be willing to help. But this floor ought not to resolve this issue. We ought to defeat the amendment.

The CHAIRMAN pro tempore (Mr. UPTON). The question is on the amendment offered by the gentleman from Louisiana (Mr. VITTER).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. TAUZIN. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 505, further proceedings on the amendment offered by the gentleman from Louisiana (Mr. VITTER) will be postponed.

The point of no quorum is considered withdrawn.

### AMENDMENT OFFERED BY MR. WEINER

Mr. WEINER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WEINER:

At the end of the bill insert the following new section:

SEC. 342. None of the funds in this Act may be used for the Federal Aviation Administration to install a Terminal Doppler Weather Radar at the site of the former United States Coast Guard Air Station Brooklyn at Floyd Bennett Field within Gateway National Recreation Area in King's County, New York.

Mr. WEINER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. WEINER. Mr. Chairman, I first want to thank my colleagues, the chairman of the subcommittee and the ranking member, the gentleman from Virginia (Mr. WOLF) and my coach, the gentleman from Minnesota (Mr. SABO), for their great leadership on this issue. No two people work harder on aviation concerns than they do.

Mr. Chairman, I offer an amendment to address what is a policy that is included in the FAA that is contrary not only to common sense, but is contrary to congressional mandate, it is contrary to environmental policies, and it is contrary to sane and safe aviation policy.

Right now the Federal Aviation Administration is attempting to erect a 130-foot Doppler radar tower that would help to detect wind shear at Kennedy and LaGuardia Airports, something that I support. They are proposing to do it in the heart of a national park, of Gateway National Recreation Area in my district in Brooklyn that borders on Queens.

This is a policy that is contrary, first, to congressional mandate. In 1976 when this park became the possession of the National Park Service and it was turned over, Congress wanted to make sure that this type of installation was not put there, so language was put in the bill that said, "Nothing in this section shall authorize the expansion of air facilities at Floyd Bennett Field," exactly where this radar tower is going.

It is also contrary to congressional mandate in terms of our national parks. That is where it also runs afoul of our environmental policies.

I would ask my colleagues to think about any other National Park facility that has an FAA radar tower on it. Members can think as long as they want, because there is not a single one. We would shudder to think of putting a radar tower in Grand Tetons Park or in Grand Canyon Park or in Redwood Forest. We would never think to do it.

But because this National Park is one that is a little different, it, we do not see it on flyers for the National Park, though it is someplace where hundreds of thousands of visitors from an urban area that covers frankly a very big footprint in three States come to visit. It is not the most beautiful, the most sensational, but it is a National Park that people come to commune with nature. It is contrary to environmental policies, according to the Department of the Interior, to put such facilities in a National Park.

Finally, and this is the point that I think will be most salient to members of the committee considering this bill, it is contrary to aviation safety. Members do not have to ask me, they do not have to trust me. We have to read the EIS produced by the FAA when they were pushing this plan. They say that it has big blind spots that prevent this radar from seeing Kennedy and LaGuardia Airports.

Why? It is at the very southern tip, far from where they had suggested this thing be placed. It says there are blind spots because of the topography and geography of Queens, so they cannot see the busiest part of the busiest airport in LaGuardia.

It also says in the same EIS that they are not crazy about this site, but Congress said they could not do their first choice. In fact, it is not even as good as the suggestion that the Members from New York have suggested, which is to put it on an island, a Potters Field off the water of the airport that would have a clear vision. It is not even as good as that site. "We want to do this site, well, because we are in a hurry. We want to hurry up and move along with it."

Frankly, we hear testimony all the time in the Committee on Science and in the Committee on Transportation and Infrastructure that shortly this technology that they are going to be erecting is going to be outdated and obsolete.

Do Members know how many more of these radar towers there are on God's Earth? None. Why? They are not being built. The technology has passed it by. There will shortly be technology available to put right in the nose of planes that will obviate the need for this.

Finally, Mr. Chairman, this has been a debate that has been clouded by a certain amount of hyperbole. The supporters of this initiative in the FAA said, if we do not hurry up, God forbid, there will be a crash, a disaster, and planes are going to fall from the sky.

So we have put aside all of the evidence to the contrary. We have put aside a more thoughtful process. We have allowed ourselves to be scared into installing a Doppler radar tower that is contrary to congressional mandate, contrary to environmental policy, and contrary to aviation safety.

There are places to put this radar tower that I support and the community supports. This is not it. This is against the law to do this. I believe the courts will rule that way if this Congress does not. It simply is contrary to common sense.

I thank my colleagues for giving me the opportunity to bring this issue, but let me remind them, this is not the only National Park. This is not the only time the FAA is going to want to encroach on our National Parks, but this should be an opportunity for us to say, let us stop it here. It is bad policy, and my amendment would make sure that no FAA funds go to supporting that policy.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to this amendment.

Mr. Chairman, this amendment would be a killer amendment. Talk about killer amendments, this would be a real killer amendment.

This issue has been going on for so long. We have put language in the bill over and over and over, and to say that it is hyperbole when we have the Charlotte Airport, and if they had been able to locate a terminal Doppler down in Charlotte, that accident may not have happened. We had the Little Rock situation.

This has been going on. This was a Coast Guard helicopter station and not some serene National Park. For people, anybody who flies into LaGuardia or Kennedy, this is a major, a major safety issue. If this amendment would be adopted, Congress would just be flying in the face of all the aircraft safety.

Mr. Chairman, I strongly, if this were to come to a vote, urge Members to just vote against it, or put a big sign up outside of LaGuardia and Kennedy saying, we could have done something to make these airports safer, but because Congress did not act, they are no longer that safe.

□ 1130

Mr. SABO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from New York, if he wishes to withdraw the amendment.

Mr. WEINER. Mr. Chairman, I thank the gentleman for yielding, and let me just say I have a great deal of respect for the chairman, but if this becomes law, I will tell my colleagues what would happen, they would build it at a place that was smarter, they would build it at a place that is consistent with environmental policy, and they would build it much quicker, because the lawsuit that is going on is not going to stop simply because we like it to. This is contrary to government policy.

However, in the interest of the opposition of the chairman of whom I respect, I move to withdraw the amendment at this time with every intention to pursue this in the future.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. The amendment was withdrawn.

AMENDMENT NO. 6 OFFERED BY MR. MANZULLO

Mr. MANZULLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. MANZULLO:

At the end of the bill, add the following new section:

SEC. 341. Notwithstanding any other provision of this Act, no funds may be made available to the Administrator of the Federal Aviation Administration under this Act before the Administrator—

(1) reclassifies the pay classification of each air traffic controller who, after August 31, 1997, left employment at an interim incentive pay facility for other employment as an air traffic controller and who returned after October 1, 1998, to employment as a reentrant at such a facility, such that the controller's pay classification is equal to the pay classification the controller would have if the controller had never left such facility; and

(2) pays to each such controller the amount of any difference between the salary that the controller earned after leaving the interim incentive pay facility and the salary the controller would have earned if the controller had never left such facility.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

Mr. MANZULLO. Mr. Chairman, I intend to ask unanimous consent to withdraw the amendment, but I would like to speak on it for just a couple of minutes.

We have all had casework matter that hits a dead-end, and most of the time we can help our constituents. However, there are times when you know something is wrong with the system and you have to take the extraordinary step to get some action.

Today I am offering an amendment that I intend to withdraw for procedural purposes, for the purpose of giving support to those air traffic controllers across the country who have been hurt financially by the resulting agreement between the Federal Aviation Administration and the National Air Traffic Controllers Association.

In accordance with two laws passed in the 104th Congress, the FAA was directed to consult with a bargaining unit, in this case, the NATCA, to develop a pay plan to set compensation for air traffic controllers. The resulting agreement was a Memorandum of Understanding With Respect to Reclassification and Association Payrolls Between the National Air Traffic Controllers Association and the FAA dated 8 January 1998, and has since been amended with subsequent Memorandums of Understanding.

The resulting agreement and subsequent MOUs provided certain dates whereby pay reclassification was set depending on where an individual was based one day, October 1 of 1998. The Manzullo amendment seeks to correct this pay discrepancy for those air traffic controllers who did not receive commensurate pay increases upon their reentrance to one of the Interim Incentive Pay facilities, that is the high volume control facilities, such as Chicago.

The FAA, by its own admission, urged employees to take certain career moves in order to advance an individual through the supervisory ranks. In a particular case with my constituents, Carlos Contreras, the FAA claims he was promoted. Because of the timing of the so-called promotion in relation to the agreement between the FAA and the NATCA, this air traffic controller realized he would lose quite a bit of money per year.

Upon his realization, he requested to go back to the Interim Incentive Pay facility where he had been for 15 years. Again, because of timing and bureaucratic delays, he could not make the change soon enough. He apparently is not alone.

I have attempted to get a meeting with Jane Garvey, the head of the FAA, and though I have not been denied an opportunity to meet with her, there have been enough delays to make me want to proceed today. My office has been in touch with the FAA several times about the matter. We know that there are about 12 individuals nationwide impacted by this agreement.

The FAA says that it does not have the authority to be fair to Mr. Contreras and to the 11 or so others so situated. My amendment simply seeks to provide the FAA with that authority. It prohibits the FAA from spending any money until such time as they have treated these air traffic controllers who are responsible for safety in the sky with justification and judicial reasoning.

The resulting move to Mr. Contreras hurt him financially. He was requested by his boss to go to another area. He was promoted but he got caught in a web that resulted in a substantial decrease in his pay.

We have reason to believe there are only a dozen or so individuals. This amendment is for justice for these hard-working air traffic controllers. My understanding is that the gentleman from Virginia (Mr. WOLF) is willing to work with me in setting a quick meeting with Ms. Garvey to see if there is a way that we can compensate these air traffic controllers.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. MANZULLO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I say to the gentleman, yes, that is correct. We will be glad to work with the gentleman in setting up a meeting with Ms. Garvey.

Mr. MANZULLO. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

### AMENDMENT OFFERED BY MR. INSLEE

Mr. INSLEE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. INSLEE:

At the end of the bill, add the following:

SEC. 341. None of the funds in this Act shall be used to fund the Office of Research and Special Programs of the Department of Transportation until the operator of the 16-inch oil pipeline running from Allen, Washington, to Renton, Washington, has completed hydrostatic testing of the entire pipeline at 125 percent maximum operational pressure and has submitted the results of the tests to the Secretary of Transportation.

Mr. INSLEE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. WOLF. Mr. Chairman, we reserve a point of order.

The CHAIRMAN pro tempore. A point of order is reserved.

Mr. INSLEE. Mr. Chairman, colleagues last June in Bellingham, Washington, an oil and gas pipeline exploded and the ensuing fireball killed three young men; that pipeline company now seeks to reopen that pipeline. It is a 16-inch pipeline that runs right through the heart of East King County in my district without properly testing this line. They seek to reopen this line which suffered not only this failure that killed three people, but suffered a subsequent failure disclosed under water pressure testing.

This company seeks to reopen this line without doing that same water pressure testing and exposing my constituents to that risk; that is wrong. This amendment would simply require that company to do what it ought to do as a good neighbor and hydrostatically test this line, a common sense, well-recognized test that will prevent a recurrence of the type of tragedy that we experienced.

Mr. Chairman, we have a lot of work to do nationally on our oil and gas pipeline safety, and I am very hopeful that the appropriate committees will have hearings on this subject. I have a bill. The gentleman from Washington (Mr. METCALF) has a bill. We have worked together; we hope that we can nationally revise our oil and gas line pipeline safety standards.

I have to tell my colleagues that those standards are the consistency of Swiss cheese right now, and we need to do it nationally, but a start is to do it in my district. This amendment would take care of that issue.

Mr. Chairman, I yield to the gentleman from Washington (Mr. T4Smith) who has been joining me in this effort.

Mr. SMITH of Washington. Mr. Chairman, I want to thank my colleague, the gentleman from Washington (Mr. INSLEE) for bringing this issue forward. The issue of pipeline safety is one that touches the entire country. Those of us in the State of Washington experienced it in the worst way possible a year ago, but it is by no means isolated to our State.

Pipelines run throughout this country and have been very loosely regulated for a number of years. The system of regulating pipelines quite simply does not work. As the gentleman from Washington (Mr. INSLEE) mentioned, there are a variety of different ideas for how to change that. But I rise today to make it clear to my colleagues how important it is that those changes are made, first of all; and, second of all, how important the issue of hydrostatic testing is doing that, the idea of testing the pipes to see if they can withstand the pressure that they have to withstand in order to protect our communities. It is of critical importance.

I applaud the efforts of the gentleman from Washington (Mr. INSLEE) to bring this issue up in the transportation bill and any other place that we can do it. This is a threat to our entire country. As I said, in the State of Washington, several children tragically died as a result of this.

It is also an environmental hazard that has struck many different parts of our country. We need to do something to improve pipeline safety in this country. This amendment is a great first step, and I look forward to working with the gentleman from Washington (Mr. INSLEE) and the rest of the body to hopefully give us a sound pipeline safety policy in this country that will protect all of our citizens.

Mr. INSLEE. Mr. Chairman, reclaiming my time, I thank the gentleman from Washington (Mr. SMITH) for that comment. Just so the Members will understand why this type of testing is so important, after this pipeline blew up, the City of Bellingham required this pipeline company to do this hydrostatic test, and when they did this test, the pipeline blew up again, but, fortunately, because the pipeline had water in it instead of gasoline, it leaked water rather than gasoline.

I have a constituent who has a real common sense approach. If we do not trust these pipelines to hold water, we ought not to put gasoline in them, and that is why we have to have hydrostatic testing and will.

Mr. Chairman, I hope the gentleman from Virginia (Mr. WOLF) will join us in hoping to have hearings on this subject this year. The other Chamber has had a hearing on this. We are ready to have hearings on this and go. I really hope that the gentleman can accommodate us in this regard. I understand this will be subject to a point of order, but we do want to get this issue front of center.

### POINT OF ORDER

The CHAIRMAN pro tempore. Does the gentleman from Virginia insist on his point of order?

Mr. WOLF. Yes, Mr. Chairman. I make a point of order against the amendment because it proposes to change existing law and constitute legislation on the appropriations bill; therefore, it violates clause 2 of rule XXI.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on the point of order?

The Chair is prepared to rule. Although drafted in the form of a limitation, the amendment does not merely place a negative restriction on funds in the bill, rather it prescribes a contingency concerning the conduct and reporting of certain tests. Thus, the amendment proposes to change existing law. The point of order is sustained.

### AMENDMENT NO. 4 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. BILBRAY:

Page 54, after line 2, insert the following:

SEC. 341. None of the funds in this Act shall be used for acquisition of diesel buses except those buses, powered by engines which have emission levels comparable to, or lower than, emission levels from buses powered by low-polluting fuels, including methanol, ethanol, propane, and natural gas.

Mr. WOLF. Mr. Chairman, we reserve a point of order.

The CHAIRMAN pro tempore. The gentleman from Virginia reserves a point of order.

Mr. BILBRAY. Mr. Chairman, as an individual who had the pleasure of working on mass transit, but also on clean air strategy, it has always been a frustration for many of us in the environmental community to see while the Federal Government and government as a whole demands that the private sector leave dirty polluting technology behind and move towards cleaner technologies, the Federal Government itself continues to allows its money both directly and indirectly to be used in purchase of the polluting technologies that ruin our environment, are totally counter to our Federal clean air strategies.

Now, let me say at this time, Mr. Chairman, that I greatly appreciate the work of the gentleman from Virginia (Chairman WOLF) in moving this issue forward and moving away from the old concept that pollution is okay if it is a government agency, and towards the new concept that government needs to participate in cleaning up our environment.

The gentleman has been a strong, strong supporter in the concept that we need to move this issue along, and I appreciate his long support on the issue.

In the last Congress, Mr. Chairman, I offered a similar amendment in TEA–21, in 1998, but because there were some concerns in Congress that the technology had not caught up with this amendment, we basically withdrew it, and, instead, implemented a GAO study to see if the technology was available to replace dirty technology.

That study was released in 1999 and shows that while diesel technology has gotten better, the alternative technologies are already available and have been used by local governments for over a decade. Since TEA–21 became law, there has been a lot that has happened with science of technology and clean environmental approaches.

Now, while we have got these new technologies, we have also gotten information about diesel, that diesel engines contain cancer-causing substances, such as arsenic, benzene, formaldehyde and nickel, these are emissions coming out of vehicles being purchased with American tax dollars. Diesel contains over 40 substances listed by the EPA as hazardous, and the Air Resources Board has identified those 40 substances as toxic air contaminants.

In November of 1999, I introduced a bill to say it is time we stop this hypocrisy, the Federal Government, and government as a whole, should be cleaning up our act, not continuing to pollute, while the private sector is being mandated to clean up.

Mr. Chairman, I have learned many things while working with my colleagues on this issue in focusing on trying to get our technology in line with our strategies, the gentlewoman from California (Ms. BONO), the gentleman from Tennessee (Mr. WAMP), and the gentleman from California (Mr. HORN), many others have been working on this issue.

I intend not to call for recorded vote, and I am going to ask for consent to withdraw this amendment.

Mr. Chairman, I yield to the gentleman from California (Mr. HORN), who has raised this issue before.

Mr. HORN. Mr. Chairman, I thank the gentleman from California. He has made a real contribution to focusing on this issue, and I have great respect for the chairman of the subcommittee. And I just like some of urban America to be as green as his beautiful country and district that he represents. And we should not be funding diesel equipment in any of these bills anywhere, be it the Nation or the State or the county, and what we need to concentrate on are the natural gas technology and particularly the battery technology.

Since the appropriations subcommittee here puts in $190 million for the aviation situation, I would hope that we could, in the future, get millions more to really bring this clean technology into all of the areas of the United States. The CAFE situation now, the Corporation Average Fuel Economy, my heavens, we saved 3 million barrels a day by having that kind of economy.

□ 1145

So I thank the gentleman and I hope that we will get an investment in batteries and, if there can be, clean diesel, which I am dubious about. I just do not like the smoke that gets in my eyes in Washington, D.C., where it is Federal money; at Dulles, where it is Federal money, and we ought to stop that.

Mr. GILCHREST. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Chairman, I want to support the gentleman's effort in this area, and all of our colleagues' efforts, including the chairman of the committee, to work vigorously to avail ourselves of these new technologies, not only for the private sector but for the public sector.

Cleaner fuel and better gas mileage is good for the economy. It lessens our dependence on foreign oil, it improves the balance of trade, saves consumers dollars, it is good for the environment, increases energy security, new technology, and creates jobs. This is an overall good effort, and I am sure in the next Congress we will find a way to make this happen.

Mr. BILBRAY. Mr. Chairman, reclaiming my time, I am just asking that as we ask the private sector to invest in cleaner, more environmentally friendly technology that we finally stand up and say that the United States Government will not set aside just a portion of its transportation money for clean air and good environment, we are going to now say that all of our transportation funds should be aimed at clean technology and good environment and clean air; that the

Clean Air Act is just as important and that the public health is just as important, and that is going to be implemented here.

Mr. Chairman, I have always been frustrated by the spending of federal dollars on polluting technologies, which runs absolutely counter to our other federal clean air strategies.

Let me say, however, that I greatly appreciate the work which has been done over the years by Chairman WOLF, to move away from this old concept and to encourage the use of cleaner technologies. He should be commended for his work, and I appreciate his long-time support on this important issue.

In the last Congress, I offered a similar proposal as part TEA–21, which became law in June of 1998. Due to concern over the proposal, this became a GAO study of the availability of alternative technologies.

That study was released in December of 1999, and shows that while diesel technology has in fact gotten cleaner, alternative technologies are readily available for fleet use, and are being used in many locations (for many years in my own county of San Diego, for example).

Since TEA–21 became law, we have seen a great deal of new science on diesel emissions, and increased public concern over their health effects, especially on children.

While the technology has gotten cleaner, we know that emissions from diesel engines contain potential cancer-causing substances such as: arsenic; benzene; formaldehyde; nickel, and polycyclic aromatic hydrocarbons.

Diesel also contains over 40 substances listed by the EPA as hazardous air pollutants (HAPs) and by the California Air Resources Board as toxic air contaminants (TACs).

In California, the ARB has been working to reduce the risks from all sources of diesel.

In November of 1999, I introduced legislation which would achieve the goals being discussed here today—H.R. 3376, the Cleaner Technologies in Transit Act. I hope to be able to work with many of my colleagues together on this legislation.

Mr. Chairman, I've learned many things from my colleagues since I started focusing on this process here in Congress. I know that there are a number of cleaner, alternative technologies which are not only available, but in use in many of my colleagues' districts.

MARY BONO, ZACH WAMP, STEVE HORN, and many others have told me about the work they've done to encourage alternative fleets in their districts, and I greatly appreciate their leadership on this issue.

Mr. Chairman, I do not intend to call for a recorded vote, and will ask unanimous consent to withdraw my amendment.

Before I do this, however, I want to thank my colleagues for their interest in this important issue, and for taking the time to work with me and inform me of their experience.

It is my hope that this discussion today will help move us closer to the goals of my amendment, and my bill, to benefit the public health and the air quality of all our constituents.

Mr. BILBRAY. Mr. Chairman, I provide for the RECORD an article from the Los Angeles Times relating to the topic of my amendment.

[From the Los Angeles Times, Nov. 18, 1999]

### STUDY CRITICAL OF EXHAUST FROM SCHOOL BUSES

(By Marla Cone)

California's children are breathing unhealthful exhaust spewed by diesel school buses that are among the oldest and highest-polluting in the nation, according to a report to be released today by a Los Angeles environmental group.

The report, by the Coalition for Clean Air, urges Gov. Gray Davis' administration to set tough emission standards for school buses and to provide tens of millions of dollars to help school districts replace their fleets with new buses powered by cleaner-burning alternative fuels.

About 17,000 diesel buses deliver children to school, including some 20-year-old models that spew dark clouds of noxious smoke. Diesel exhaust, a mix of soot and toxic gases, has been linked in health studies to lung cancer, asthma attacks, allergies and other respiratory illnesses.

Officials of the state Air Resources board and the state's largest school district agreed Wednesday that the current school bus fleet poses an environmental threat to children but have yet to decide on a strategy to deal with the problem. Diesel manufacturers said they are improving their engines and see no need for schools to switch to alternative technologies.

No one knows how much of a danger bus exhaust poses to schoolchildren—the amounts they breathe have not been measured and no studies have calculated their disease rates. In fact, for Californians on average, heavy-duty trucks pose a far greater health risk, with buses blamed for less than 1% of total diesel emissions, according to the California Air Resources Board.

Nevertheless, Air Resources Board Chairman Alan Lloyd, appointed this year by Davis, said the emissions, while relatively small, could be posing a serious health danger because tens of thousands of children come into direct contact with the bus exhaust every school day.

"We would agree with the coalition that the risk from diesel, particularly from school buses, should be reduced," Lloyd said. "We're trying to crack down on all sources of diesel."

The report comes as the air board is preparing to unveil a controversial proposal in December that would set new state pollution standards for transit buses next year. That proposal, however, will exempt school buses because of the financial burden it would put on California's already struggling school districts. Instead, Lloyd said the board's staff in January will outline a separate strategy for getting cleaner buses at schools.

Buses powered by alternative technologies, predominantly compressed natural gas, are already available and are substantially cleaner than diesel buses. The price tag, however, for converting all of California's school fleet to natural gas would exceed $1 billion, according to the environmental group's calculations.

Antonio Rodriquez, transportation director at the Los Angeles Unified School District, said the district has been trying to clean up its fleet—it has gotten rid of its oldest buses and the rest meet current emission standards. Also, the district operates a small number powered by cleaner natural gas and hopes to buy more, but Rodriquez said money is the main obstacle because each one costs about 35% more than a diesel bus.

"We're always interested in making sure our buses are as clean as possible," he said. "We all breath the same air in this basin, and whatever we can do to clear the air helps our kids."

Last year, the state air board declared diesel soot a cancer-causing air pollutant that could be causing 14,000 Californians alive today to contract cancer.

Medical experts say that children are especially vulnerable to the effects of diesel exhaust because they inhale large volumes of pollutants for with their body weight and because their immune systems are still developing. Also, half million asthmatic children live in California, and some medical experts say diesel exhaust can trigger attacks.

The environmental group reports that California ranks among the worst states—47th out of 50—in terms of the percentage of buses built before 1977. Pre-1977 diesel buses emit four times more particle soot and three times more smog-forming fumes than new natural gas buses, according to the air board.

About 69% of the state's 24,372 buses are fueled by diesel and nearly 1,000, or 4%, predate 1977, according to data in the report compiled from three state agencies.

"Everyday, our children step aboard and ride a school bus that may intensify their exposure to diesel exhaust, a known human carcinogen," the Coalition for Clean Air report says. "This exposure does not end with the bus ride, however. Exposure also occurs in and around the school grounds when school buses park and idle nearby or load and unload students."

While other vehicles on California's roads are the cleanest in the nation, school buses lag far behind.

Last year, the state air board resolved to promote alternative technologies for school buses and eliminate pre-1977 models. But little has been done to accomplish those goals. One of every five urban transit buses run on natural gas, compared with only 3% of school buses.

In its report, the Coalition for Clean Air urges the state to apply a new bus emission standard to schools. It also wants Davis and the Legislature to provide funds "exclusively earmarked" for nondiesel school buses. School districts, the group says, should adopt policies that phase out diesel buses, and parents should lobby for action.

The future of diesel—long considered the workhorse of America because it powers heavy-duty vehicles from trucks to trains—has been a recent focus of intense debate, especially in California.

Engine manufacturers, who oppose any efforts favoring alternative fuels over diesel, have spent millions of dollars researching ways to reduce emissions from diesel engines. They also question the reliability of health studies that find an increased cancer rate among workers exposed to high amounts of exhaust, and say there is no evidence that school children are breathing inordinate amounts.

"We're very concerned about the health and safety of the people who use our products and of the environment, but there's significant controversy at every level about the health effects," said William Bunn, medical director of Navistar International, the largest manufacturer of bus engines in North America. "As we continue to determine what, if any, health effects there are, we are committed to the 'green' diesel approach."

Mr. SABO. Mr. Chairman, I rise in opposition to the amendment.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SABO. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding to me.

The gentleman's amendment is well intentioned but mal-aimed. It should be an initiative on this floor to fully fund the Clean Fuels Formula Grant Program that was established in 1998 under our TEA-21 bill. If that were fully funded, California would benefit enormously by vastly cleaner air.

Mr. Chairman, by offering this amendment, the gentleman makes a good point. I include the following article as further explanation.

### HOW CONGRESS IS KEEPING LA FROM CLEANING UP ITS AIR

(By Rep. James L. Oberstar)

Los Angeles and other urban areas around the country are being robbed, and Congressional appropriators are holding the gun.

The City of Angels is famous for its smog. Every day, the exhaust gases emitted by cars, trucks, buses and industry hang over the city like a dirty brown blanket. But LA is not alone. Denver, Detroit, Chicago, Atlanta, even Duluth in my home district in Minnesota and many other cities large and small across this country are fighting the smog each and every day. Federal and state programs have been put in place to help Los Angeles and these other cities address their air quality problems. One such federal program would help reduce pollution through the purchase of transit buses that burn cleaner fuels, but not all the money allocated for that purpose is reaching those cities in greatest need.

Buses make ideal candidates for alternative fuels and technology programs. They are operated predominantly by government agencies and use centralized fueling stations. Transit agencies spend about $1 billion annually to purchase buses, and this provides a tremendous opportunity to purchase alternative fuel buses and facilities. Furthermore, the U.S. Department of Energy is considering a regulation to require transit systems to switch to vehicles that burn alternative fuels.

California has already moved in this direction. In January, the California Air Resources Board (CARB) issued regulations requiring transit operators to switch to alternatives to conventional diesel-fueled buses. The regulation affects about 8,500 buses at 75 transit agencies in California, including an estimated 3,300 buses in the South Coast Air Basin. The regulation moves forward in several steps over the next 10 years, and allows transit agencies to choose a clean diesel or alternative fuels path to lower air emissions.

On an average day, transit buses throughout the state emit some 24 tons of nitrogen oxide and 1,000 pounds of particulate matter, according to CARB estimates. In contrast, natural gas engines have significantly lower emissions of these pollutants than comparable diesel engines. (Some of these engines also emit slightly higher levels of carbon monoxide and carbon dioxide, but the increase is small compared to the reduction of nitrous oxide and particulate matter.)

On federal initiative, the Clean Fuels Formula Grant Program (CFFGP), commonly called the Clean Fuels Bus Program, can play an important role in cleaning the air. The program was established in 1998 under the Transportation Equity Act for the 21st Century (TEA 21). It authorizes $200 million per year over five years to help transit agencies purchase low emission buses and related equipment and construct alternative fuel fueling facilities. Eligible technologies include compressed natural gas, liquefied natural gas, biodiesel fuel, battery, alcohol-based fuel, hybrid electric, fuel cell, clean diesel, and other low or zero emissions technologies.

Under this program, transit authorities would buy clean fuel buses for areas that are working to address their air quality problems (nonattainment areas under the Clean Air Act). Funds would be distributed each year to local transit systems who apply, using a formula based on the area's air quality non-attainment rating, number of buses operated, and bus passenger-miles of service. The formula directs funds to areas of greatest need for clean fuels technology and provides an opportunity to improve air quality in areas such as the South Coast Air Basin, where air quality problems are the most severe.

This worthwhile program has never been implemented. The appropriators in Congress continue to ignore the law establishing the Clean Fuels Bus Program. In crafting the annual spending bills, the Appropriations Committees in the House and Senate have been earmarking all of the Clean Fuels Bus Program funds for pet projects, instead of distributing funds in accordance with the formula. Money is being appropriated for conventional diesel fuel projects without regard to the program's focus of improving air quality. This practice has eviscerated the clean fuels grant program, slowed the pace of urban air quality improvements, and robbed cities of federal funds to which they are entitled.

Los Angeles, for example, will lose $20 to $25 million in Clean Fuels Bus Program funding in Fiscal Year 2001 alone, an amount that could have easily covered the federal cost of 100 new clean fuel buses. Los Angeles will probably continue losing $20 to $25 million a year as long as the program continues to be implemented this way.

The solution is to put an end to the egregious earmarking practice by the appropriations committees and let the program operate as the law provides.

The case for full-scale implementation of the Clean Fuels Bus Program is clear. The program will reduce harmful emissions in cities that have the greatest air quality problems, marginally reduce the demand for conventional diesel fuel, and help reduce the price of conventional diesel fuel for industries such as interstate trucking. The program will go a long way toward helping Los Angeles make the switch to alternative fuel transit buses.

The time is ripe to invigorate the Clean Fuels Formula Grant Program.

The CHAIRMAN pro tempore (Mr. UPTON). Does the gentleman from Virginia (Mr. WOLF) still insist on his point of order?

Mr. WOLF. I do, Mr. Chairman.

Mr. BILBRAY. Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time, and I just ask that we not just look at throwing money at this problem but make sure what we spend for transit is consistent with our federal laws.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN pro tempore. The amendment is withdrawn.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, earlier there was an interesting discussion on the floor and an amendment that was offered but subsequently withdrawn by the gentleman from Georgia. I listened carefully to his comments, and I respect his concerns, but I feel that he is absolutely taking the wrong approach, and his region of Atlanta is a good reason why.

The region of Atlanta has been characterized by some as the urban area whose growth has been the most rapid in the history of human settlement. A more than 25 percent increase in population has occurred since 1990. The city's region in that time frame has grown north to south from 65 miles to 110 miles. And, frankly, the results have been devastating.

The average Atlanta commuter drives 36.5 miles a day, the longest work-trip commute in the world. And this has had serious problems in terms of air pollution, to the point that the Federal transportation authorities have withheld resources from the Atlanta metropolitan area due to its inability or unwillingness to meet air quality standards.

This has had business implications. The Hewlett-Packard Company decided not to expand its Atlanta facilities. The city lost its 1997 top rank as the city's best real estate market and is now number 15 among 18 cities that are monitored.

It has health implications. The Centers for Disease Control has found that there is an alarming increase in obesity, and some experts have linked this to the potential of the bad air that discourages exercise, and poor urban design that makes it hard for people to walk, bike and otherwise exercise. Asthma is the number one reason for childhood hospitalization in Atlanta.

The clean air policy conformity provisions were designed to ensure that areas with air quality problems take into account the pollution impacts of proposed transportation projects. The Clean Air Act states that no transportation activity can be funded unless that activity conforms to the State's clean air plan. The State of Georgia, the Regional Atlanta Commission, and the U.S. DOT were finally sued by a coalition of environment and civic groups because of the inability to comply with the law.

Last March, the Federal Court of Appeals ruled that the EPA regulations violated the Clean Air Act and the EPA and the U.S. DOT were forced to revise their guidelines surrounding grandfathering. Now we have had the Federal Government and the environmental groups agree that the current policy is in fact appropriate, but because the State was able to turn things around so quickly, not a single dollar of Federal funding was lost in the process.

During the conformity lapse, money was redirected from polluting projects to projects already in the plan that either had no negative impact, like bridge reconstruction and safety improvements, or showed air quality benefits, such as transit and high occupant vehicle lanes. The proposed amendment that was discussed would have undermined the conformity provisions and make it easier for regions to ignore air quality in their transportation plans, speeding the march towards gridlock and away from clean air.

But Georgia has been making progress under the current program. The coalition of citizens, business, homebuyers, and environmental groups have formed a coalition to address the air quality and traffic congestion concerns. Governor Barnes, with the support of the business community, created the Georgia Regional Transportation Authority to coordinate and oversee for the first time metropolitan Atlanta's fight against pollution, traffic and unplanned growth.

There is an exciting 130-acre redevelopment in the old Atlanta Steel site that is combining residential, retail office and entertainment space in a transit-oriented development on a brownfield site in midtown Atlanta.

Mr. Chairman, I am a cosponsor of legislation introduced by the gentleman from Georgia (Mr. LEWIS), The Road Back to Clean Air Act, which would put into law the EPA and DOT conformity and transportation planning guidelines that were key to addressing the air quality problems in Atlanta, Georgia. The bill would increase the flexibility so other areas of the country could continue to receive Federal funds for transit, safety improvements, road rehabilitation, and other projects, even during a lapse in the conformity of their transportation plans.

It is decidedly misdirected for us to retreat from our commitment to clean air and to try and use this legislation to do so. We would be far better served to try and make the system work, and in Atlanta it is working and is a model for the country.

### AMENDMENT OFFERED BY MR. VITTER

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana (Mr. VITTER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 218, noes 187, not voting 29, as follows:

[Roll No. 209]

### AYES—218

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Manzullo
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

### NOES—187

Abercrombie
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Boswell
Boyd
Brown (FL)
Brown (OH)
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Turner
Udall (CO)
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Wu
Wynn

### NOT VOTING—29

Ackerman
Borski
Brady (PA)
Campbell
Cannon
Capps
Fattah
Gephardt
Holden
Jones (OH)
Klink
Lipinski
Lofgren
McIntosh
Miller, George
Murtha
Nethercutt
Norwood
Owens
Quinn
Rogan
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Weldon (PA)
Woolsey

□ 1213

Messrs. DOOLEY of California, MARTINEZ, JEFFERSON and BISHOP changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Mr. SHADEGG. Mr. Chairman, I was attending my daughter's high school graduation and was unable to vote on rollcall No. 209. Had I been present, I would have voted "yes."

The CHAIRMAN pro tempore (Mr. UPTON). Are there further amendments?

Pursuant to House Resolution 505, the following amendment is considered adopted:

Page 54, after line 2, insert the following:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 2001."

The CHAIRMAN pro tempore (Mr. UPTON). If there are no further amendments, under the rule the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. THORNBERRY) having assumed the chair, Mr. UPTON, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 505, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 13, not voting 27, as follows:

[Roll No. 210]

YEAS—395

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jenkins
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Upton
Velázquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Bentsen
Chenoweth-Hage
Doggett
Jackson-Lee (TX)
Jefferson
Maloney (NY)
Paul
Royce
Sanford
Scarborough
Sensenbrenner
Stark
Stearns

NOT VOTING—27

Ackerman
Barton
Borski
Brady (PA)
Campbell
Capps
Dicks
Fattah
Jones (OH)
Klink
Lipinski
Lofgren
McIntosh
Miller, George
Murtha
Nethercutt
Norwood
Owens
Quinn
Rogan
Salmon
Shadegg
Stupak
Towns
Udall (NM)
Vento
Woolsey

□ 1232

Mr. MOAKLEY changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Mr. Speaker, I was attending my daughter's high school graduation and was unable to vote on rollcall No. 210. Had I been present, I would have voted "yes."

## PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained during rollcall vote 209 and 210. I request that the RECORD reflect that had I been present I would have voted "aye" on both votes.

## PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Chairman, today the House considered H.R. 4475, the Transportation Appropriations bill for FY2001. Due to an important family event, I was unable to vote on the measure. Had I been here, I would have voted "yes" on rollcall No. 210 and "no" on rollcall No. 209.

## LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I take this time for the purpose of inquiring from the majority leader the schedule for the remainder of the day and next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. Mr. Speaker, I am pleased to announce that the House has completed its legislative business for the week.

The House will next meet on Monday, May 22, at 12:30 p.m. for morning hour and 2:00 p.m. for legislative business. We will consider a number of bills under suspension of the rules, a list of which will be distributed to Members' offices later today. On Monday, no recorded votes are expected before 6:00 p.m.

Mr. Speaker, it should be noted that there will be continuing work for a short period of time in this Chamber today on the Intelligence reauthorization, but no votes will be ordered.

On Tuesday, May 23, and the balance of the week, the House will consider the following measures, all of which will be subject to rules:

H.R. 4461, agriculture appropriations for fiscal year 2001;

Legislative branch appropriations for fiscal year 2001;

H.R. 4444, authorizing the extension of nondiscriminatory treatment to the People's Republic of China;

H.R. 3916, the Telephone Excise Tax Repeal Act; and

H.R. 1304, the Quality Health-Care Coalition Act of 1999.

Mr. Speaker, conferees are also working very hard to wrap up their work on S. 761, the Millennium Digital Commerce Act, and H.R. 2559, the Agricultural Risk Protection Act. I am hopeful that we will be able to schedule both of these conference reports for consideration in the House next week.

Mr. Speaker, I thank the gentleman for yielding, and I wish all my colleagues a good weekend back in their districts.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for the information, and would ask him what days he expects the two appropriation bills, the agriculture bill and the legislative branch bill, to come to the floor?

Mr. ARMEY. I thank the gentleman for his request. It is our hope and expectation we will do agriculture appropriations on Tuesday, and expect then also to follow up with the other appropriation bill as quickly as possible.

Mr. BONIOR. Mr. Speaker, on the China debate, the Speaker has indicated to me that he expects that to occur on Wednesday. Is that the gentleman's understanding on the debate and vote on China?

Mr. ARMEY. Again, if the gentleman will continue to yield, I think it is probably better to say Wednesday or Thursday. We want it as soon as possible, but, as the gentleman knows, on votes of this magnitude any number of things can come along. So it will be Wednesday or Thursday; hopefully Wednesday.

Mr. BONIOR. So it is possible that it may slip until Thursday?

Mr. ARMEY. It is possible. I do not anticipate that, but I think it is only prudent to say that.

Mr. BONIOR. I guess it is possible it might slip altogether.

Mr. ARMEY. If the gentleman will continue to yield, the gentleman's optimism is not contagious in that regard.

Mr. BONIOR. Let me request of my colleague and the distinguished Committee on Rules chairman that adequate time be reserved on this issue for all Members to have a chance to express themselves. If it is indeed, as some on your side have said, one of the biggest votes, not only of this Congress but in a generation, then it seems to me that all Members on all different sides of this issue ought to have a chance to express themselves. So I would hope that the majority would err on the side of generosity with respect to time here, as opposed to trying to cram this into a short afternoon or a morning.

Mr. ARMEY. I thank the gentleman for that observation. If the gentleman would continue to yield, let me just say we will work with both sides of the aisle on both sides of the issue to try to get ample time for all Members.

Mr. BONIOR. I gather from the gentleman's comments that the majority has not decided yet on how to treat the Bereuter-Levin proposal in terms of whether it will be grafted on to the main issue at hand, or it will come out separately. Has there been a decision made on that that we could apprise people of?

Mr. ARMEY. If the gentleman will continue to yield, first of all, I should like to take a moment to thank both the gentleman from Nebraska (Mr. BEREUTER) and the gentleman from Michigan (Mr. LEVIN) for their hard work and willingness to work with everybody concerned with this. We will do everything we can to find a way to make sure they can be assured their work will be managed throughout the entire process.

Mr. BONIOR. Mr. Speaker, I thank the gentleman.

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## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 506 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 506

*Resolved*, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 4(a) of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence now printed in the bill. The committee amendment in the nature of a substitute shall be considered by title rather than by section. Each title shall be considered as read. Points of order against the committee amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI are waived. No amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII and except pro forma amendments for the purpose of debate. Each amendment so printed may be offered only by the Member who caused it to be printed or his designee and shall be considered as read. The Chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. THORNBERRY). The gentleman from Florida (Mr. GOSS) is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my friend, the distinguished gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 506 is a modified open rule providing for the consideration of H.R. 4392, the Intelligence Authorization Act. The most notable provision in this modified open rule is the requirement that Members wishing to offer amendments were asked to have them preprinted in the CONGRESSIONAL RECORD prior to their consideration. Notice of this requirement was provided on Monday of this week.

This provision does make sense, given the unique nature of the matters covered in this particular bill. In the past, we have found it works well to allow the Permanent Select Committee on Intelligence the opportunity to review potential amendments ahead of time in order to work with Members to ensure that no classified information is inadvertently disclosed or discussed during our floor debate. By no means is it our intent to shut out any debate on the bill in any way; we simply want to use extra caution in terms of making sure sensitive material is properly protected.

As is customary, the rule provides 1 hour of general debate, equally divided between the chairman and ranking member of the Permanent Select Committee on Intelligence. The rule makes in order the amendment in the nature of a substitute recommended by the Permanent Select Committee on Intelligence as an original bill for the purpose of amendment.

The rule further waives points of order against the amendment in the nature of a substitute for failure to comply with clause 7 of rule XVI, which prohibits nongermane amendments. This is necessary because the introduced bill was more narrow in scope, as it usually is, than the product reported out by the committee.

Finally, the rule provides the traditional motion to recommit, with or without instruction.

Mr. Speaker, this is a fair rule, given the nature of this bill, and, as far as I am aware, it is without controversy and it is the traditional rule.

That said, I encourage Members to vote for this fair rule. Furthermore, I encourage support for the underlying legislation, which I believe is well prepared and an excellent bipartisan product that will continue our joint efforts to reform and revitalize our intelligence capabilities on behalf of our country and its citizens.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this rule providing for the consideration of H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001. H.R. 506 is a modified open rule requiring that amendments be preprinted in the CONGRESSIONAL RECORD. However, Mr. Speaker, the preprinting requirement has been the accepted practice for a number of years because of the sensitive nature of much of the bill and the need to protect its classified documents.

The bill is not controversial, and was reported from the Permanent Select Committee on Intelligence by a vote of 12 to 0.

□ 1245

Members who wish to do so can go to the Permanent Select Committee on Intelligence office to examine the classified schedule of authorizations for the programs and activities of the intelligence and intelligence-related activities of the National Intelligence Program, which includes the CIA as well as the Foreign Intelligence and Counterintelligence Programs, within, among others, the Department of Defense, the National Security Agency, the Departments of State, Treasury and Energy, and the FBI. Also included in the classified documents are the authorizations for the Tactical Intelligence and Related Activities and Joint Military Intelligence Program of the Department of Defense.

Mr. Speaker, yesterday the House considered and passed the authorization for the Department of Defense for fiscal year 2001. This bill and the activities it funds is another key and critical component in our national defense. The end of the Cold War has brought us a new set of threats, among them global terrorist operations, narcoterrorism and threats to computer security, in addition to threats against our military, our State Department representatives around the world and our citizens at home.

Mr. Speaker, this is a noncontroversial bill, providing authorizations for important national security programs. I urge my colleagues to support this rule so that we may consider H.R. 4392.

Mr. Speaker, I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I urge adoption of the rule. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LEWIS of California). Pursuant to House Resolution 506 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for consideration of the bill H.R. 4392.

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today in support of H.R. 4392, the Intelligence Authorization Act for fiscal year 2001. H.R. 4392 authorizes for fiscal year 2001 the budgets of the 11 agencies and 13 programs of our Nation's Intelligence Community.

Our bill authorizes the expenditure of what our country needs to keep its eyes and ears on the rogue states, the terrorist nets, the drug cartels overseas that threaten our well-being. It puts our satellites up and over our adversaries, our agents in their meetings and our linguists on their communications.

Mr. Chairman, our committee has examined every line of the President's budget request for the Intelligence Community. We have had over 200 briefings and have held 11 hearings on the particulars of the request. Members of the committee have personally visited a number of places throughout the world to ensure that the men and women of our Intelligence Community, many of whom must work in anonymity and obscurity, have what they need to do their critical jobs.

Through this long and painstaking process, the members of our committee have had to work through some troublesome and complicated issues to come to the unanimous bipartisan recommendations that are in this bill.

Every member of our committee contributed to this effort and I must mention the gentleman from California (Mr. DIXON), my ranking member, for his outstanding work in helping us to shape this bill.

Also the gentleman from California (Mr. LEWIS), the vice chairman of the committee, who is also the chairman of the Committee on Appropriations Subcommittee on Defense, which appropriates the intelligence funds, deserves full commendation for the outstanding work that has meant that this bill and his appropriations bill are indeed coordinated in lock-step.

Finally, let me thank the staff of the committee. Yet again they have worked together in a way that has greatly assisted the members in what would otherwise have been an impossible task in reviewing so many programs in so much depth.

I would note also that this bill represents the swan song for a senior committee staffer, Tom Newcomb, who is leaving the legislative branch where he has helped to make laws, to go to the Department of Justice where he will now have to help enforce those laws. Let us hope they were good laws. Tom has my personal thanks for his help these last 3 years on the committee and I wish him the best of luck.

I hope he is listening.

Mr. Chairman, those who have read the unclassified, public bill or the press accounts of it know that we have made many criticisms of the current state of intelligence in our Nation. This is constructive criticism. The vast majority of these criticisms derive from the weakened condition that intelligence, our first line of defense, is in after years of underinvesting and making do. The men and women of the Intelligence Community and its leaders deserve commendation for what their ingenuity and perseverance have done to hold together a vastly complicated set of programs with some proverbial chewing gum and bailing wire. As with our military, our intelligence resources are stretched to the breaking point. Indeed, it has this last year tragically unraveled and even broken more than once.

For example, a few months ago at NSA's headquarters we went deaf for 3 days, largely due to inadequate resources for maintaining their computer systems. Fortunately, again, other elements of our community kicked in and picked up what slack they could and we did okay. But let me say clearly, had we been actively engaged at that time in hostilities in the Balkans or the Middle East or elsewhere it could have been a disaster of very high degree with American lives gravely threatened and possibly lost.

Elsewhere, the problems are just as serious. In some places our agents do not have resources to recruit and run clandestine sources to penetrate hostile threats to our Nation. We soon will not have the funds to process and actually make full use of extraordinary pictures taken by our satellites. I could go on and on.

We cannot expect our Intelligence Community to do more and more without giving them the resources to do what we ask of them. I wish I could say that this bill dramatically reverses the situation. It does not. Unfortunately, the way intelligence is funded, paid from the same budgetary pot as our military forces, the military would have to make do with even less. This is obviously a Hobbesian choice we should not have to make, sacrificing intelligence to pay for defense or vice versa. But it is the only choice we have, given the way the administration has presented the budget.

We tried to address the critical problems that we have uncovered. We cannot go all the way but we at least are going down the road in the proper direction. We do increase funding for our intelligence disciplines of human intelligence, HUMINT as it is called, and signals intelligence, SIGINT; that is, espionage and foreign communications interception. These two activities give us our most sensitive information on the plans and intentions of our adversaries.

As last year, in the area of imagery intelligence, the use of photographs, we are moving closer towards funding and planning adequately for the tasking of systems and the processing, exploitation and dissemination of the imagery derived from them. Nevertheless, our efforts do not sufficiently meet identified needs even with these efforts.

This bill also addresses some of the most urgent concerns that we have with inadequate security and counterintelligence practices within the Department of State, which we have been reading about, and other agencies as well.

Mr. Chairman, none of these issues should be a surprise to anyone. We have been telling the Intelligence Community and the administration and the public, when we can, about them and other issues for quite some time, sounding, I think, a bit like a tree falling in an empty forest.

What we have done, Mr. Chairman, is to do the best we could with the available resources. Two years ago, we started rebuilding. Since then we have made steady but agonizingly slow process to provide capabilities to enable us to confront the world as it is today, with its new threats and its new technologies.

I can only hope that some day we can accelerate the rebuild rate. I can also hope that future administrations will approach intelligence funding differently and with more commitment.

That day is not here, though, and knowing that lives can hang in the balance and do because intelligence can be very risky business, indeed we have tried to balance critically important competing priorities properly.

Mr. Chairman, as much as I wish I could have done more I believe that as a committee working in a bipartisan, or rather I should say nonpartisan manner, we put before the House the best intelligence authorization act possible. I am proud of this legislation and the people who worked on it. I strongly encourage my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. DIXON. Mr. Chairman, I yield 6 minutes to the gentleman from Georgia (Mr. BISHOP), a member of the committee that is very valuable to us, in the interest of accommodating him.

Mr. BISHOP. Mr. Chairman, I thank the ranking member, the gentleman from California (Mr. DIXON), for his accommodation.

Let me join my colleagues in wishing Mr. Newcomb well in his future endeavors.

Mr. Chairman, this is a good bill. It is a bipartisan bill. The gentleman from Florida (Mr. GOSS), and the gentleman from California (Mr. DIXON), have achieved an exceptional level of cooperation in the work of the committee.

The bill provides the resources to ensure that the President, the National Security Council, cabinet secretaries and our military forces get the intelligence they need to protect our national security.

This bill seeks to redress some of the important problems revealed by the campaign in Kosovo, especially in the area of airborne reconnaissance. These actions include investments beyond those in the President's budget request for the Department of Defense tactical intelligence programs. In all cases, these recommendations were coordinated with the Committee on Armed Services. Our bill in this area reflects the views of the Committee on Armed Services and vice versa.

The bill also recommends actions in a number of critical areas in the so-called national intelligence budget. One of these areas is the exploitation of imagery taken from satellites and aircraft, an issue of great concern to the committee for several years. It is clear to all that our ability to exploit is going to fall far behind our capacity to collect, and this is unacceptable. The administration has taken a very positive first step by asking and planning for more funds in this and subsequent budgets, but the amounts remain well short of requirements.

The committee added substantial funds to enable the National Imagery and Mapping Agency to begin a major upgrade of its information management capabilities, the necessity for which was specifically emphasized in the Department of Defense Kosovo lessons learned study.

Another important problem area concerns the National Security Agency. The telecommunications and information technology industry appears as a whirlwind with NSA, at the moment, trailing in its wake. NSA's new director, General Hayden, is a committed reformer who deserves our support. He has asked the committee to help him by closing down some of the ongoing activities and shifting resources to solving the future problems.

The committee has tried to do that in a responsible manner. This bill would give NSA substantially larger resources for modernization. At the same time, the bill would require NSA to expend more time and energy to ensure that its plans are sound.

Similarly, we think it is prudent to ensure that the executive branch apply systematic oversight of NSA's complex and expensive modernization program.

I am particularly concerned about the impact of launch failures on our intelligence activities. The committee has examined current arrangements by which the Air Force and the NRO procure launch vehicles and manage launch vehicle contracts. The committee proposed that the NRO, in the future, manage its own procurements. It is my hope that this measure will improve accountability and launch reliability, while preserving the very positive partnership between the NRO and the Air Force.

Mr. Chairman, this bill would accomplish much and I certainly urge my colleagues to support it.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

☐ 1300

Mr. Chairman, one of the most enjoyable aspects of serving on the Permanent Select Committee on Intelligence is that most issues which come before the committee are considered and resolved in a bipartisan way. That has been the committee's history, and each of its chairmen has worked hard to keep to a minimum those issues which might divide the committee along party lines.

The gentleman from Florida (Chairman GOSS) has been particularly tenacious in this regard. I want to thank him for that, and for the sense of fairness which he brings to the committee's work, especially with respect to the drafting of this bill.

Reliable and timely intelligence is an essential component of national security. The United States is without peer in its ability to provide high quality intelligence to policymakers and military commanders. Lives of Americans and people in countries throughout the world are saved as a result.

Maintaining that capability in intelligence, though, is expensive. It relies not only on recruiting human intelligence sources, but on the development of systems which are at the forefront of complex technology. Keeping pace with change in that technological environment requires a substantial commitment of resources.

That fact is not lost on the President and his national security team. This year the administration's budget request for the national intelligence programs, which include the programs of the Central Intelligence Agency, the Defense Intelligence Agency, and the National Security Agency, among others, was 6.6 percent above the appropriation last year.

That is a healthy increase by any standard. It clearly reflects a commitment by the administration to intelligence, and a willingness to make meeting important intelligence needs a national priority.

I support the total amount of money requested by the President for the national intelligence programs in part because of the persuasive justifications made by the Director of Central Intelligence, George Tenet, and other witnesses who appeared before the committee.

As a result of information provided during the committee's budget review, some of which was not available to the administration when the budget was submitted, the committee has made changes to the allocations of fund within the budget request. We have also made a very small increase, one-tenth of 1 percent, to the total amount in the President's request. In my judgment, the changes and the increase are necessary, and I support them.

Mr. Chairman, I spoke earlier of technological challenges facing our intelligence agencies. Nowhere are the challenges more daunting and the need to successfully address them more acute, than at the National Security Agency. Our ability to continue to collect and process signals intelligence needs to be better ensured. To do so will require new approaches to many aspects of the signals intelligence business.

The NSA director, General Hayden, has proposed changes, some of which have already been implemented. He has asked for support from Congress in resources and in other forms. I believe that this bill by and large provides that support. The Director has an important task, and the committee wants him to succeed. Given the consequences if General Hayden's modernization effort is not successful, and the significant amounts of money invested in it, the committee needs, and will, keep a critical eye focused on the NSA.

The gentleman from Indiana (Mr. ROEMER), a member of the committee, will be offering at the appropriate time an important amendment which I will support. Currently, the aggregate amount appropriated for intelligence programs and activities is classified on the grounds that to make it public would threaten national security.

The amendment offered by the gentleman from Indiana (Mr. ROEMER) would require the declassification of the aggregate appropriated amount, not for the current fiscal year but for the preceding one.

The administration has, on two occasions within the past few years, chosen to disclose amounts appropriated for intelligence. By definition, national security was not threatened by these actions. Extending and regularizing declassification, as advocated by the gentleman from Indiana (Mr. ROEMER), in my judgment would provide no information which would constitute a national security threat.

On the other hand, this limited look at how much is being spent on intelligence would enable U.S. taxpayers to be better informed about the uses to which tax dollars are being put.

Mr. Chairman, H.R. 4392 is an appropriate response to the needs of our intelligence agencies. In some cases, it begins work which we will need to sustain in the future if its promises are to be realized. I urge the adoption of the bill.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations, for a colloquy.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me, and I want to commend the distinguished chairman, the gentleman from Florida (Mr. GOSS), and the ranking minority member (Mr. DIXON), for bringing this measure to the floor at this time.

Mr. Chairman, I rise to engage in a colloquy with the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. Chairman, as indicated in the unclassified report accompanying H.R. 4392, the gentleman's committee is taking steps to reorganize the management, operations, and security of diplomatic telecommunications. That effort will affect the State Department, and the Committee on International Relations would like the opportunity to assess the impact of the Permanent Select Committee on Intelligence's recommendations.

Accordingly, Mr. Chairman, I am asking if the chairman would agree that as this bill moves forward, the two committees can discuss the best approach to deal with the concerns that are reflected in the report to H.R. 4392.

Mr. GOSS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Chairman, I believe that the chairman of the Committee on International Relations has spoken correctly about this situation. The bill does address the issue of the diplomatic communications system.

As the gentleman is well aware, there will be ample time and opportunity prior to conference on this bill to address the matters of concern to the gentleman and his committee. I appreciate the chairman's willingness to support the Permanent Select Committee on Intelligence on this issue, and I am happy that he has previously expressed his support for the general direction taken by the Permanent Select Committee on Intelligence on this matter.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for responding to me.

Mr. HASTINGS of Florida. Mr. Chairman, will the gentleman yield?

Mr. GOSS. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Mr. Chairman, the telecommunications issue is a serious one. Obviously, we need to look seriously at the implications of the Permanent Select Committee on Intelligence's approach for the State Department.

I want to thank the distinguished chairman, the gentleman from Florida (Mr. GOSS), for his willingness to work with the Committee on International Relations on this matter. I look forward to the two committees working out a resolution on this matter on a bipartisan basis.

Since I am the only Member on both committees, I hope to be in the mix; I thank the gentleman for yielding.

Mr. GOSS. Reclaiming my time, Mr. Chairman, I can assure the gentleman he will be in the mix.

Mr. Chairman, with the understanding that the ranking member is in agreement, I yield such time as he may consume to the distinguished gentleman from Florida (Mr. MCCOLLUM), my colleague who is the chairman of our subcommittee that makes makes a lot of good things happen on the committee.

Mr. MCCOLLUM. Mr. Chairman, I thank the gentleman for yielding time to me, and I appreciate the graciousness of the ranking minority member.

Mr. Chairman, today I rise in support of H.R. 4392, the Intelligence Authoqrization Act for Fiscal Year 2001. I want to again congratulate both the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) for the product out here. It has been a bipartisan product, as it usually is. The staff have done a great job of researching and developing very complex and important legislation.

As the chairman of the Subcommittee on Human Intelligence, Analysis, and Counterintelligence, I am satisfied that the committee has achieved its goal of providing necessary support towards rebuilding our Nation's human intelligence capability.

As noted in the committee's unclassified report, we remain quite concerned that unexpected contingency operations, extended requirements for military force protection, poor planning, and community infrastructure problems have all conspired to take desperately needed funds from our front line intelligence officers in the field.

These management and budgetary limitations have substantially undermined the committee's multi-year initiative to help rebuilding our eyes and ears throughout the world. I expect that DCI Tenet will fulfill his recent commitment to the committee that resources allocated by Congress for human intelligence activities in the field will be made available to our field officers serving in harm's way.

On a more positive note, I want to recognize some impressive achievements of the intelligence community during the past year. In the counternarcotics realm, the U.S. intelligence and law enforcement communities have shown an ever-increasing capacity to work together effectively against growing threats posed by narcotics trafficking and money laundering.

In 1999, the intelligence community played a key role in several major takedowns of narcotics kingpins in Latin America, the Caribbean, and Asia; the destruction of a major Colombian cocaine organization in Operation Millenium meant that some 30 tons of cocaine no longer arrives in the U.S. every month.

Improved analytical research by the intelligence community now provides us with a sobering and more accurate baseline of the volume of cocaine being produced in the Andean region and of the total narcotics tonnage reaching the United States.

I remain very concerned that the delay in approving the Colombia supplemental is undermining our national security objectives in that key South American ally, particularly with respect to urgent intelligence and military support needs against the growing threats posed by Colombian narco-trafficking and terrorist groups.

In the counterterrorism realm, the intelligence community also achieved some singular successes in 1999. What did not occur in that year and at the turn of the millenium gives some indication of the effectiveness of our counterterrorism efforts.

Cooperation between intelligence and law enforcement communities resulted in several significant arrests of individuals linked to Islamic Jihad and other terrorist groups associated with Usama Bin Ladin and any number of other incidences, but it does show we need to improve our border strength with Canada, and a number of other things that still remain deficient.

I do also want to express my deep concerns about the serious security failures of the State Department. There are a lot of procedures and systems that still need to be addressed there. I am not going to take the time today to discuss all of those.

There are a lengthy series of recommendations to both the Secretary of State and the DCI in the unclassified portions of the report of this committee. I certainly hope that the DCI will take the steps that have not yet been taken to exercise his authority in regard to enforcing these procedures, and to make sure that all security regulations concerning information security, personnel security, and counterintelligence measures are fully taken by the State Department.

I last want to comment on the pending receipt of the DCI's report, including the results of his review and recommendations, as well as the receipt of certification of States' full compliance with the security regulations.

The committee has recommended the fencing of a sizeable portion of those funds authorized to be appropriated through this bill for State's Intelligence Research Bureau. I wholeheartedly support the committee's action, and look forward to working with DCI Tenet and Secretary Albright to overhaul and rebuild those structures.

I, too, because he has worked so much with this subcommittee that I chair, want to commend Mr. Tom Newcomb, who is now leaving, as the chairman had indicated, to go to the executive branch of government. He has been a valuable aid in this endeavor of the committee, and we will all miss him.

What is more, I want to join the chairman and the gentleman from California (Mr. DIXON) for this bill that they have produced, and urge my colleagues to support H.R. 4392.

Mr. DIXON. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. SISISKY), a member of the Committee.

Mr. SISISKY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong support of H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001.

First, let me take this opportunity to congratulate the chairman, the gentleman from Florida (Mr. GOSS) for his efforts in producing a bipartisan bill that addresses the intelligence needs of policymakers and our military.

Additionally, praise must be also extended to the ranking minority member, the gentleman from California (Mr. DIXON), for his work in helping to craft this important piece of legislation, and for his leadership in the Permanent Select Committee on Intelligence.

The bill is very consistent with the request submitted by the President. The committee recommends additional funding in several areas resulting in modest increases over the President's request. Improvements to our intelligence, surveillance, and reconnaissance airborne platforms account for the largest portion of the increased funding.

These increases are crucial for overall military operational readiness. The bill funds additional training aircraft, eliminating the need to use some of our operational aircraft for training, effectively increasing the number of platforms available for operations. We cannot decrease the number of training aircraft because we also have a shortage of pilots.

The committee's Support to Military Operations hearing highlighted the need for more airborne platforms. During Operation Allied Force, the European Command found it necessary not only to dedicate all of its own airborne platforms to the campaign, leaving forces in Bosnia and Saudi Arabia vulnerable, but platforms also had to be borrowed from other theaters, with similar consequences to other missions. These aircraft were critical, providing threat warnings for our pilots, enabling the identification of targets, and finding downed pilots.

Even with these additional reconnaissance platforms, the European theater could not satisfy all of its intelligence, reconnaissance, and surveillance requirements. It is unacceptable to have significantly decreased readiness in theaters where our troops are deployed, and I, for one, am not willing to risk the lives of our deployed forces.

Mr. Chairman, this bill is a responsible and prudent measure. I am pleased to support it, and urge my colleagues to support it as well.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California (Mr. LEWIS), the Vice-Chair of the Permanent Select Committee on Intelligence.

Mr. LEWIS of California. Mr. Chairman, I rise to express very strong support for this very fine product as produced by the committee.

Further, I, too, want to express my deep appreciation, as well as my compliments, to both the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) for creating an atmosphere within our committee on the floor that is totally nonpartisan, a very important element to have the kind of support we need for this product that is so important to the future of our country.

Mr. Chairman, I rise in support of H.R. 4392.

Mr. Chairman, I have a unique responsibility when it comes to the Intelligence Community and the intelligence functions of the United States. I have the pleasure of serving as an authorizer on the Intelligence Committee as its Vice Chairman under Chairman GOSS. And, as Chairman of the Defense Appropriations Subcommittee I have the responsibility for the appropriations for our intelligence systems, people and missions. In these two capacities, I am privileged to have an excellent vantage point from which to understand the U.S. Intelligence Community. Mr. Chairman, I have looked at this year's intelligence budget request from many angles, and I can tell you the bill before us today is a good one. Chairman GOSS, and the Ranking Member, Mr. DIXON have done a thorough and responsible job of looking at the capabilities of the intelligence community, its needs, and moreover, its problems that must be addressed and corrected.

This bill makes major recommendations for improving the ability of the individual Intelligence Community agencies to communicate and collaborate virtually anywhere in the world. This bill will also improve, and better secure the information technology infrastructures at the National Security Agency. Further, it makes a clear down-payment on improving the real-time tactical reconnaissance assets for the military services. Mr. Chairman, what this bill does is focus the limited funds that we are able to muster on the critical needs of the nation's intelligence functions.

Lastly, Mr. Chairman, I would like to note the close working relationship between the Intelligence Committee and the Defense Appropriations Subcommittee. In my many years as a Member of Congress, I have rarely seen, let alone been able to be part of, such a great working relationship between committees. This working relationship allows both committees to focus on the real problems and priority issues within the Intelligence Community.

That, Mr. Chairman, is what this bill does, and I recommend all my colleagues to vote for H.R. 4392.

Mr. DIXON. Mr. Chairman, I yield 7 minutes to the gentleman from Indiana (Mr. ROEMER), a member of the committee.

□ 1315

Mr. ROEMER. Mr. Chairman, I thank my good friend from California, our ranking member (Mr. DIXON), for yielding me the time.

I guess I would start by extending my compliments and best wishes to Tom Newcomb as well, too. I wish him the best in his new endeavors, and also would be remiss if I did not compliment the entire staff on the Democratic and Republican side, which I think is extraordinary and gives just great help to us as Members with very complicated issues and a very, very important budget.

Mr. Chairman, I rise in strong bipartisan support of the fiscal year 2001 Intelligence Authorization Act. I believe this bill sets about the right level of overall funding for intelligence activities next year. The President requested 6.6 percent more in funding for national programs over last year's appropriated level.

Some have complained that the administration fails to request sufficient funding for intelligence activities. The testimony I heard during our budget hearings did not convince me that we needed to go beyond the relatively robust top-line increase in this request. Nevertheless, there was room for concern about some aspects of this request and the allocation of those resources.

I have been extremely critical of one highly-classified program of great cost and exceedingly doubtful impact. I have also been extremely concerned that the heightened pace of U.S. government counterterrorism efforts arising out of the threat identified over the new millennium could not be sustained to the end of the fiscal year and into fiscal year 2001.

Finally, through oversight and legislative hearings, the compiled evidence significantly increased my concern about the state of language capabilities of intelligence community personnel. I have found that not only are there too few people speaking the language in the country, but too often the ones who do are not sufficiently proficient.

I addressed these three concerns with an amendment to transfer some of the funding from the highly questionable classified program to areas of greater need involving terrorism and language proficiency. This was a bipartisan effort, and I thank our chairman, the gentleman from Florida (Mr. GOSS), and our ranking member, the gentleman from California (Mr. DIXON) for their strong assistance and help in crafting that legislation.

Mr. Chairman, later in the debate, probably next week, I will offer an amendment to require a yearly unclassified statement of the aggregate amount appropriated for the previous fiscal year.

It is my understanding that one of the reasons offered for why the intelligence budget should remain classified is that its disclosure may provide foreign governments with the United States Government's own assessment of its intelligence capabilities and weaknesses. This to me is not persuasive.

The fact of the matter is that in our great democratic country, there is considerable unclassified information openly published containing official assessments of intelligence capabilities and shortcomings.

The intelligence community has, in fact, published the 1997 and 1998 aggregate level of spending. There are legitimate concerns about protecting, through counterintelligence measures and enhanced security, our sensitive and classified information. An accurate report of the aggregate number appropriated for intelligence each year would cause no harm to national security and would clearly be a welcome addition to the public's understanding of the roles and missions of the intelligence community.

In addition, it could also provide some measure of accountability for the agencies themselves. I urge my colleagues to support my amendment next week.

We will have, I think, a healthy and vigorous and robust discussion about that amendment, and I want to reiterate that some have, in fact, recommended going further than my amendment on several occasions.

I would remind the body that the Aspin-Brown commission which took a very serious look at whether or not to disclose an aggregate level of funding for the intelligence community, actually went much further in their recommendation than what I will propose in my amendment; the Aspin-Brown commission recommended that we publish the current year and the request.

I am simply recommending through the amendment that we publish the previous year's aggregate funding, and that we do so to make sure that we strive hard to protect our Nation's secrets, although suspected aggregate funding levels have been published many times in many publications.

Secondly, we must make sure that we have accountability from the agencies themselves. We conduct most of our hearings in a classified room, in top secret conditions, this is one small way of disclosure, of good government, of public accountability, especially in light of a 6.6 percent increase. Third, I think the general public deserves to know.

They know item by item in our defense budget that we just passed last night, what we spend on helicopters, personnel, submarines, Humvees, ships, everything we can imagine is boldly enumerated in our defense bill. We are not saying we want to do that in the intelligence bill. Although, we have item-by-item disclosure on joint intelligence and defense matters in our intelligence report, all I am simply saying is one aggregate disclosure level of what all the agencies were appropriated for the previous year.

I look forward to the debate, and I certainly respect the other side of this argument.

Mr. GOSS. Mr. Chairman, I yield such time as he may consume to the distinguished chairman of our subcommittee, the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I rise also in very strong support of H.R. 4392, which is the Intelligence Authorization Act for Fiscal Year 2001. The gentleman from Florida (Chairman GOSS) and the ranking member, the gentleman from California (Mr. DIXON) are to be commended for the outstanding leadership they have provided for the intelligence community during these difficult times.

In a strong decisive and bipartisan sense, they have, I think, been wonderful leaders and supported by a staff which exhibits the exact same characteristics, and those who also serve on it also appreciate it. As chairman of the Subcommittee on Technical and Tactical Intelligence, I understand the critical need to invest in and modernize our technical intelligence and intelligence-related systems. Unfortunately, investment in our infrastructure has declined over the years, and we have reached the point where the strains are showing through.

Over the past year, news headlines have told us the story over and over again, reminding us of the grave consequences of reduced funding to our intelligence capabilities. Here are a few that made it into the press: Outdated databases at the Defense Intelligence Agency led to the accidental bombing of the Chinese Embassy; major computer systems failures at the National Security Agency; and outdated systems at the National Imagery and Mapping Agency reduced the levels of support to key consumers of intelligence.

These events are stark indications of the condition of the community's basic infrastructure and testimony to the need for revitalization.

This year's Authorization Act begins to address these substantial problems, but we understand providing the country with the capabilities it deserves and needs will take years and will require continued and unwavering support from Congress.

Simply fixing today's headline problems of outdated and broken systems does not position our Nation well to manage the diverse challenges of the future.

Our President must have sufficient capabilities and tools to support his policies to enable strong leadership and proactive diplomacy and to assure our military maintains a significant advantage over its adversaries, if, and when, needed.

In order to continue to provide this country the intelligence required, the intelligence community must modernize its infrastructure, and this year's Authorization Act appropriately supports several community initiatives to address this very important issue.

I am also pleased that we have incorporated a provision into this year's act to address an ongoing concern within the National Reconnaissance Office and their launch program. This was the outcome of a number of hearings and briefings in my subcommittee. Specifically, the NRO has a long history of overestimating the costs of launches.

Our committee has been challenged to bring about appropriate discipline in this process in the past because of the confusing morass of contracts and relationships used by the NRO. A recently completed NRO Inspectors General report confirmed and intensified our concerns.

This provision will improve our ability to hold the NRO accountable for their activities and lead to significant savings for the government and American people.

Mr. Chairman, the Intelligence Authorization Act for Fiscal Year 2001 is a responsible, reasonable and appropriate request to fund our Nation's national security needs. Our President, our policymakers, our military and the People of the United States deserve nothing less, and I ask the Members of the House to give it their full support.

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, when this bill comes back from conference, the gentleman from Florida (Mr. GOSS) and I will have ample opportunity to thank not only the Members of the committee, but the staff for their outstanding work. Today, I would like to join the chairman of the committee and other Members who say that they will miss Tom Newcomb. The Department of Justice is certainly getting another good asset there, and we wish him well in his new endeavors there.

I would like to take just a minute, Mr. Chairman, to single out someone who I have not given enough credit to, and that is the staff assistant Ilene Romack. She keeps the minority going and on schedule. It is not the most exciting job in the intelligence community, but it is a very important job. And I just want her to know, although, she does not come to the floor, that I appreciate her hard work and the efforts on behalf of the committee.

Mr. Chairman, I yield back the balance of my time.

Mr. GOSS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to associate myself with the remarks with the distinguished ranking member about Ilene Romack. In fact, I would like to associate myself with all remarks about our staff today. I do that at some peril. We may have heard too many good things about staff today, but they do deserve it.

I also want to thank those who spoke for the kind words about myself and the gentleman from California (Mr. DIXON). It is very nice to have a committee that is working as smoothly as it does, and I will tell my colleagues, it has a lot to do with the membership of those committees. And we have wonderful Members on our committee.

Speaking from my side of the aisle, I know that everybody brings a contribution, we have heard some of them speak, various talents, various bridges to other committees, and I think that is the essence of why this is a permanent select committee that does so well. I congratulate the gentleman from California (Mr. DIXON) for his Members as well for the same reason, that we bridge to the committees we need to. We do not always agree on everything.

The gentleman from Indiana (Mr. ROEMER) has brought up one of the areas where we have a slight disagreement. We will have a little debate on that, but we do it in the best of deliberative debate forum trying to make the points, and then Members taking the positions they think are the appropriate ones.

Mr. Chairman, this is, I think, the right kind of assurance to provide to the United States of America and its people that there is good oversight of our intelligence communities. It works, and it is effective. The result is, I think we can stand here and assure the American people that our intelligence community are operating effectively and within the rules, but there is so much more to do in the world we face today with the type of challenges, which are very difficult, and the type of technology which is obviously very different. And this authorization tries to move us in that direction.

I am not suggesting we are going to get all things done that need to be done for the community in terms of this authorization, but we are certainly doing, I think, a human part of the job. For all involved, I want to say thank you. We will do the amendments, I understand, next week.

Mr. GIBBONS. Mr. Chairman, I strongly support H.R. 4392, the Intelligence Authorization Act for fiscal year 2001.

But, Mr. Chairman, before I speak to the issue of the bill before us, I would like to take a moment to recognize the great bipartisan leadership that Chairman GOSS and the ranking member, Mr. DIXON, have brought to the Intelligence Committee and, moreover, to the creation of this bill. I have had the privilege of serving on the Intelligence Committee for the past 3 years, and I can attest to the commitment these two leaders make to the committee, our intelligence community, and the security of our country. Chairman GOSS, thank you for your leadership. And, thank you, Mr. DIXON, for your service to our intelligence community.

Mr. Chairman, as one of only 16 members of the Intelligence Committee, I fully recognize the trust placed on us by all Members of the House to ensure that the highly classified work we do is in the proper interests of the United States of America. I take the responsibilities of that trust very seriously. That said, I can tell you that the Intelligence authorization bill before us today is one that I strongly support, and one that I urge all Members to support.

Is it a perfect bill? No, it's not perfect. Truth is, I would rather that the bill were proposing a larger increase in spending for the national intelligence functions. It is not hyperbole to tell this body that the world is a much more volatile and unpredictable place than it was during the cold war. Crises around the world pop up literally overnight and are stretching our limited intelligence assets to the breaking point. These crises require a great deal of intelligence effort. Just because a hot spot doesn't threaten the very existence of the United States, doesn't mean that we can provide any less intelligence support if even one U.S. life is at stake.

A single nuclear, chemical or biological weapon can still do tremendous damage, as can one large truck bomb. Usama Bin Laden and his cohorts continue to terrorize parts of the world. These asymmetric threats to our national security are real and we must have the intelligence means to know as much about them as we can. To properly respond to these threats we need more human sources around the world, we need more and better technologies to help our intelligence analysts interpret the vast amounts of data they must work through, and we need better collaboration among the various intelligence disciplines. All this takes money.

Unfortunately, the budget requests we have been provided have not adequately addressed the proper funding necessary to ensure we have a strong "first line of defense"—our intelligence community. And, the small increase that we've made to the national intelligence effort does not do all we need to do. In that respect, Mr. Chairman, this is not a perfect bill.

However, is this a good bill? Yes, Mr. Chairman it is. We have made specific and, in some respects, dramatic recommendations to improve intelligence system modernization, collaboration, and communication. On the tactical intelligence side, we focused a great deal of attention on the testimonies of the theater commanders in chief and have provided significant funding for critically needed tactical intelligence systems.

They told us often and loud that they required more intelligence, surveillance and reconnaissance assets. To that end we have made recommendations for providing the military with badly needed reconnaissance aircraft and training systems. We have made recommendations for funding spare equipment and for providing commercial satellite imagery support. We have also recommended funding for improved imagery and signals intelligence systems.

In short Mr. Chairman, this is a good bill that addresses the most critical intelligence needs of our military and our national leadership. And, it does it with a modest increase to the overall request.

I encourage my colleagues to support H.R. 4392.

Mr. BOEHLERT. Mr. Chairman, I rise today in support of H.R. 4392, the Intelligence Authorization Act for fiscal year 2001. The intelligence agencies has been struggling to meet the many demands for information arising from chaos that reigns in much of the world, the conflicts that flare up in far flung corners, the unprecedented level of diverse U.S. military deployments, and a foreign policy that is often unclear. For the national agencies, this bill provides only a small amount above the President's request, to help our intelligence agencies meet these challenges.

One of the prime beneficiaries in the bill is the CIA. The CIA, contrary to popular belief, claims only a small percentage of the overall intelligence budget. I have become particularly interested in the challenges faced by Human Intelligence, or "HUMINT," as we on the Intelligence Committee call it. Although human beings—spies, if you prefer—are expensive, studies have shown that the money devoted to them is well spent, and that their productivity holds up well against that of the expensive technical systems receiving the lion's share of the intelligence budget. It may be old-fashioned, but it works. We may constantly be pushing for sophisticated and expensive new technology, but there is no substitute for the eyes and ears of human beings on the ground.

I have made a point to speak and more importantly to listen, to our operatives abroad. Like others on the committee, I have heard the consistent theme that there are very limited operational funds. If you want to recruit people to your cause, you need to get out there and meet them, earn their trust and then entice them into the fold.

Unfortunately, as our committee report states "contingency operations" have taken money from CIA espionage "limiting our efforts to rebuild our eyes and ears around the world."

Last year, the committee made sizable increases to operational funds, only to find that these were taxed within CIA to support other underfunded but, from our perspective, low priority, activities. When we checked this spring, the committee found a lot more "tail" but little more "tooth." We let it be known that we were most displeased. This year, we are trying again. To say the least, we will be watching the ledgers with an eagle eye. And committee members will be double checking out in the field as well.

Out there in the trenches, they also need a lot more language training. Indeed, this is a chronic deficiency throughout most of the Intelligence Community. This year, I was most pleased to work with my colleague across the aisle, Representative ROEMER, to increase funds for language training. Our people in the field need to be able to communicate and interpret accurately. This also is an area I intend to pursue in the future.

The Intelligence Committee provides very vigorous oversight and has a good track record for finding deficiencies, excesses and problems. We will continue to do our job, and we ask your support for our bill.

Mr. BASS. Mr. Chairman, as a member of both the Budget and Intelligence committees, I have been especially sensitive to what we call top line issues—how much money is available overall, and whether it is generally adequate.

Pressures to keep down the allocations for defense have also had an adverse "trickle down" effect on intelligence, since intelligence is funded within the defense top line. For the last decade, intelligence lost a large part of its buying power, after absorbing reductions both indirectly from inflation and directly from budget resolutions.

In this regard, we recently suffered several particularly bad years. The administration's request this year increased somewhat, providing partial relief from the decline. Striving to remain within established financial boundaries, the committee gave the national intelligence agencies only slightly more than the request. The service portion of the budget, where we share jurisdiction with Armed Services, enjoyed greater increases. This willingness to sacrifice a share of the hard-pressed military budget acknowledges the heavy service dependence on tactical intelligence, and the need to improve it.

The situation among the national agencies is also problematic. Most of them have been squeezed for a decade and are showing the effects. Personnel numbers have been reduced significantly, but even if reductions continue, it is a struggle to keep personnel costs at the same budget percentage, because the costs per individual are climbing steeply. Personnel are used mainly to process and report the large amounts of collected information; but there are many fewer available to do this, even as much more data pours in from sensors that must become increasingly sophisticated in order to keep up with the targets. As a result, this "downstream" part of the business, and our overall efficiency, are suffering greatly.

Among the major intelligence agencies, the National Security Agency is particularly hard pressed, since targets and their communications, radar and telemetry technology have been changing at a dramatic pace. NSA requires nearly complete re-tooling to catch up and keep up, but this costs a lot of money. NSA's budget has been in steady decline.

On the imagery side, the struggle to pay for exploitation and dissemination of the large volume of imagery required especially by military customers is pretty well know. This is another "downstream" problem exacerbated by declining numbers of human photo-interpreters.

Five years ago, the House Intelligence Committee warned the administration that we must find a way to make our satellite collectors much less expensive, or the NRO would take a growing portion of the declining intelligence budget, and we be unable to use effectively what they collect. We lost that budget battle. However, it is now clear that our predictions were accurate. And the situation is getting even worse because of cost overruns in NRO programs.

We realize that everyone wants a "peace dividend" that shifts money from national security programs to domestic priorities. We want one ourselves. However, the breakup of empires historically is accompanied by regional confusion and conflict such as we witness today. Continued U.S. involvement in regional stabilization efforts comes at a price, often a high price. In addition, the breadth and unacceptability of terrorism, narcotics trafficking, proliferation and other cross-border challenges present unique challenges at this particular time.

We are striving to make the Intelligence Community more efficient. We have done this within agencies and are suggesting a few precedent-shattering initiatives that cross agency boundaries, in both the communications and analyst areas. But there is only so much we can do, especially within the patchwork of compromises that makes up the congressional process. In several important areas, we are in trouble.

Mr. GOSS. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

□ 1330

Mr. GOSS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr.

DICKEY) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

## GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE RESOLUTION 396

Mr. DICKEY. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of House Resolution 396?

The SPEAKER pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## ADJOURNMENT TO MONDAY, MAY 22, 2000

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DICKEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## WHO IS TO BLAME

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, yesterday the White House announced that it would work to compensate the victims of the Los Alamos wildfire. Well, Mr. Speaker, how generous of the administration to compensate the victims of a wildfire which its own agency, the National Park Service, is responsible for starting.

Of course, neither the administration or the Park Service accepts responsibility for the environmental disaster that has left hundreds of people stranded, over 400 homes destroyed, and has burned almost 50,000 acres. Instead, they have pledged compensation, which will ultimately cost the American taxpayers millions of dollars.

Meanwhile, the local superintendent who has acknowledged responsibility for igniting the blaze, in spite of adverse weather warnings, was given a paid vacation. They might as well have said congratulations. Mr. Speaker, the National Park Service and its personnel need to be held responsible for their actions, especially when those actions result in such extensive environmental devastation.

I yield back the administration's disgraceful inability to accept responsibility for its own negligence.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## MOST FAVORED NATION TRADE STATUS FOR PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Michigan (Mr. BONIOR) is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, I apologize for delaying the Chair, and I thank the Chair for its patience.

Mr. Speaker, I would like to take to the floor this afternoon to continue our discussion on most favored nation trade status with the People's Republic of China.

As I have said before, the problem that we are faced with, the challenges and the choices that confront us here, are support for our basic cherished values; the right to practice one's religion; the right to assemble and organize and collectively bargain for a decent wage and benefits and health care, and all the things that many of our citizens enjoy; the right to form political organizations so that ideas, such as good wages, decent working conditions, health care, good educational opportunities, can flow from political participation. All of these rights are kind of central to this debate on China, because in China today they do not enjoy what we enjoy here, and that is the ability to do these things.

China is a brutal, authoritarian police state. If the government is disagreed with, if one tries to form a political organization, if an individual tries to form a religious organization, if someone tries to form a trade union, they will end up in jail. And that is where, my colleagues, literally tens of thousands of Chinese dissidents, freedom fighters, people who care about democracy are languishing today in prison, because they dared to try to speak out to better their human condition in these areas.

Why is it so important for us to stand with them and not with the government of China and their partners in this trade deal, the multinational corporations, most of whom are American? Why is it important to stand with these heroes? It is important to stand with them because those values that we cherish, those first principles of our government, the right to be able to express ourselves in the God that we believe in, in the political organization that we want to affiliate with, in the worker organization that we want to band with in order to improve our economic lives, these are central tenets of what democracy is all about.

The State Department's Country Report on Human Rights, in their last report, said that China's poor human rights record deteriorated markedly throughout the year as the government intensified efforts to suppress dissent, particularly organized dissent; the government continued to commit widespread and well-documented human rights abuses in violation of internationally accepted norms.

Permanent Favored Nation Trading Status supporters can claim that the Internet and technology will help unshackle the Chinese people, but the evidence shows the opposite is happening. According to the State Department, and I quote,

> Authorities have blocked, at various times, politically sensitive Web sites, including those of dissident groups and some major foreign news organizations, such as Voice of America, The Washington Post, The New York Times, and the British Broadcasting system.

Just yesterday, outside these chambers on the lawn of the Capitol, we had approximately 100 dissidents from China who are now in exile, many of whom have spent 3, 4, 5, 10, 13 years in jail. They were here with us, and we formed a line with a linked chain threading us as we marched around the Capitol grounds. And then we had them come and speak to people who were interested in hearing what they had to say, and they all spoke about the need not to reward China with this Most Favored Nation status by taking away an annual attempt to review their human rights record, their dismal record on human rights.

They asked us not to do it, because every time that we continue to have this debate, every time that we raise these issues, the Chinese are placed in a very hard, difficult position, a position they cannot defend, and we make progress each time we have this debate.

Wei Jingsheng, the great dissident and leader at Tiananmen Square and other activities in China, who is here now in exile in the United States, who spent years and years and years in prison, said do not grant permanent trade status to China right now. He said to continue to trade, continue to engage, continue to dialogue, but do not give them most favored trade status permanently; have the annual review. Because he knows how important it is for those who are still in the gulags, still in the prisons, still fighting for justice and freedom and liberty in China today.

So I would say to my colleagues, the news is always not good for workers in China. The government continued to tightly restrict workers' rights, and forced labor in prison facilities remains a very serious problem, according to the State Department, and they give us some examples in the State Department report.

For instance, there is the case of Guo Yunqiao. He led a protest march of 10,000 workers to local government offices following the 1989 massacre. He is currently serving a life term in prison for doing that on charges of hooliganism. Imagine that: Protesting on behalf of 10,000 workers of local government offices following the massacre at Tiananmen Square, and this man is facing a life in prison.

In the case of Guo Qiqing, who was detained in Shayang County on charges of disrupting public order, he has organized a sit-in to demand money owed to the workforce.

Or the case of Hu Shigen, an activist with the Federation Labor Union of China, in prison in Beijing No. 2 prison, and has 12 years remaining on his sentence. He is seriously ill. He has been charged with counterrevolutionary activities.

And the cases go on and on and on.

Despite the considerable leverage that we have, with 40 percent of China's exports coming to the United States, our negotiators did not lift a finger to help on human rights or labor rights or religious freedoms. We can do much better than what we have done.

□ 1345

I would say on the religious front, there is widespread religious persecution in China today against Buddhists, against Christians, against Muslims, against people who want to practice their faith.

If you do, if they indeed do, you cannot belong to the military, you cannot belong as a worker in the government, you cannot belong to the ruling party if you practice your religion in China; and to practice it in an organized way will often get you a long jail prison sentence.

Recently two Catholic bishops and archbishops have spent over 30 years in prison because of their leadership in our church.

Mr. Speaker, the list goes on and on and on and the repression goes on and on and on.

The distinguished gentleman from Northern Virginia (Mr. WOLF), a friend and colleague of ours, was successful, very successful, in getting a commission established. It is called the U.S. Commission on Religious Freedoms. And it was established in order to look specifically at the issue of whether people can practice their faith in China.

Seven of the nine people who were appointed to that commission were appointed by people who share the view that we should have unfettered free trade, most favored nation trade status with the Chinese. So the people on the Commission, for the most part, came there with the blessing of these kinds of leaders, the President, the leaders of the respective bodies in the House and the Senate.

So it was a surprise when the last couple weeks ago the U.S. Commission on Religious Freedom issued its annual report. The Commission, as I said, is independent. Seven of its nine members were appointed by supporters of permanent MFN. The Commission opposes permanent most favored nation trade status for China without substantial human rights improvements. They came out opposed to this deal because they understand the political and religious repressions that are ongoing at this very minute in China today.

Their leader, Rabbi David Saperstein, a highly respected religious leader, is chairman of the Commission. Excerpts from the Commission's findings and recommendations read as follows: "The Chinese Government's violations of religious freedom increased markedly during the past year."

Another quote: "Roman Catholic and Protestant underground house churches suffered increased repression. The crackdown included the arrest of bishops, priests, and pastors, one of whom was found dead in the street soon afterward. Several Catholic bishops were ordained by the Government without the Vatican's participation or approval."

Another quote in the report: "The repression of the Tibetan Buddhists expanded. The Government authorities in Tibet, in defiance of the Dalai Lama, Reting Lama, another important religious leader, Karmapa Lama, he had to flee to India." And it goes on and on and on. And it says at the end of the report, "While many of the commissioners support free trade, the Commission believes that the U.S. Congress should grant China permanent normal trade relation status only after China makes substantial improvements in respect for religious freedom."

Michael Young, Dean of the George Washington University Law School, who describes himself as a passionate believer in free trade, said, "The extraordinary deterioration of religious freedoms in China is close to unprecedented since the days of Mao." Mr. Young cited cases of women beaten to death by police for trying to practice their religion.

The conditions the Commission laid out are reasonable, and they include the following: Requiring China to provide unhindered access to religious leaders including those in prison detained or are under house arrest in China. Secondly, release from prison all religious prisoners in China. And third, requiring China to ratify the International Convention of Civil and Political Rights.

So you have the State Department's Country Report on Human Rights Practices, which I outlined, which is very, very critical of China. You have the Religious Commission which says, do not do what we will be voting on this next week, giving them permanent trade status, because they have not respected religious freedoms and liberties. And now because the votes are not there and this issue is in jeopardy, we perhaps will have grafted onto the China deal a concept or an idea to create another commission.

We do not need another commission, Mr. Speaker. We have enough commissions. We have enough reports. And the reports are the quite clear. This is a brutal, suppressive dictatorship that says to its people, you organize, you actively engage in religious freedom, political freedom, human rights issues, you challenge us on the environment and you can very easily expect that you will end up in prison.

You cannot maintain free markets, unfettered free markets, without free trade, without free people. You can have unfettered markets and you have can free trade. But unless you have free people, you will not be able to maintain that which you seek to do. Because at some point in your society things will come apart, as they did in Chile when they had so-called economic reforms under Pinochet, as they did in Nazi Germany under Hitler, as they did with Mussolini, as they did with Suharto in Indonesia recently.

Governments that are corrupt, that are repressive, and who just take advantage of their people in terms of slave labor in the end have immense problems and difficulties and eventually fall.

My friend the gentleman from Ohio (Mr. BROWN) who has been most eloquent and passionate on these issues has joined us. I will yield to him for a remark. Then I want to talk about, if I could, we can share some thoughts on the economic piece of this and the sweatshops where the Chinese people work.

Because the other part of the freedom piece of this trade deal, as he well knows, is that there are people working in shoe factories, in textile mills, you name it, by the millions in China today who are making anywhere between 3 and 20 cents an hour, working 6 days, 7 days a week, 12 hours a day, putting together $135 pairs of Nike shoes with toxic glue without wearing anything to cover their hands.

It is a repressive type of atmosphere outlined in this very well put together book "Made in China" by Charlie Kernigan of the National Labor Committee, which I encourage everyone to pick up and read. These people are really indentured servants in many ways. They work for a whole month for wages that are not adequate for them to even buy one of the pair of shoes that they make.

So it seems to me that when you have a situation economically internationally where corporations here in America can go over abroad, whether it is Mexico or China, to manufacture products that were made here, whether they are shoes or bicycles, Huffy is a good example that used to make bikes in the State of Ohio and now is in China and Mexico. When they move their facilities to these different countries, they do it for a reason. They do it because they do not have to deal with benefits, they do not have to deal with laws protecting workers, they do not have to pay decent wages.

And, of course, they cannot sell these products in China or in Mexico because the workers there, as I have just mentioned, do not make enough to purchase that which they make. So Mexico and China then become what are known as export platforms and these products are shipped right back here for sale. And, of course, we lose good-paying manufacturing jobs in this country and the multinationals make out and workers on both sides of the border do not.

Mr. Speaker, I yield to my friend the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Speaker, before we talk about the "Made in China" report and the literally slave labor conditions under which literally millions of young women in China, almost all young and mostly women, I want to follow up on some things that the Democratic Whip talked about in terms of human rights.

We have, for 10 years, been engaging with China. We have traded with China. We have opened our markets to China. During that entire 10-year period, the Bush administration, even the Reagan administration before the Bush administration, the Clinton administration have told us over and over that China would be freer, that engaging with China would really help.

You can look in these last 10 years and see how things are growing worse, they are continuing to go downhill. The gentleman from Michigan (Mr. BONIOR) mentioned the State Department's Country Report outlining the conditions in China actually were worse this past year. As China has tried to woo us to get into the World Trade Organization, conditions were worse last year than the year before.

In fact, if we look at last year's Country Reports, the language that describes China's behavior towards Tibet and towards other outlying areas from the central government and towards minorities, in the language that the Country Reports describes Serbia's treatment of Kosovo, the language was almost identical. We bomb Kosovo, yet we give trade advantages to China.

The National Religious Commission that the gentleman from Michigan (Mr. BONIOR) mentioned talked about religious persecution in China. The animosity and the hostility of the central government of China towards religion in China is worse than at any time since the cultural revolution in the mid 1960s. The United Nations Commission on Human Rights the Chinese continue to ignore.

So some in this body want to put faith in this congressional commission that has been suggested as some way to deal with problems of labor rights and human rights.

The Chinese do not pay attention to our official Department of State Country Reports. The Chinese has not paid any attention to the Religion Commission. The Chinese have not paid any attention to the United Nations Commission on Human Rights. Why would they pay any attention to a congressional task force that this body might pass in tandem with permanent most favored nation status trading privileges for China?

As William Saffire, a generally conservative columnist in the New York Times, said in the paper yesterday after conversing, interestingly, with Richard Nixon, who told him that this engagement and trade and probably right before Nixon died had probably gone too far, Nixon said, I think, we may have created a Frankenstein, talking about human rights abuses, talking about all the child labor and all of that in these countries. Safire said that we in this country have continued to feed the military machine in China.

That is really what we are doing with engagement. We are feeding the suppressive regime, not just their military, but their police state, feeding of the police statement machine, too. And that is why the crackdown on religion, the crackdown on human rights, the oppression of workers, all of that have continued to get worse in China because the state apparatus is getting wealthier and wealthier, has better and better technology as they continue to get technology from American business and western business in China, as they continue to upgrade their oppressive regime and that regime is fed by all the investment and all the dollars that we send to China through our business investments.

One more point I would like to make. The gentleman from Michigan (Mr. BONIOR) mentioned the "Made in China" report that really does outline the behavior of several U.S. businesses: The Kathie Lee, Wal-Mart, Alpine, Huffy, which permanently laid off 850 Ohio workers making $17 an hour about a year ago, replacing them with Chinese workers, all young, almost all female, all under 25, many of them 16 and 17, making literally less than 2 percent of what they were making in China.

□ 1400

But this report underscores one other thing about why engagement with China is not working, and, that is, that investors from the West, investors from the United States and other western nations have begun to shift in the last 5 years, have massively shifted their investments in the developing world from democracies to authoritarian countries. They are less interested in India, a democracy, and more interested in China, an authoritarian government. They are less interested in Taiwan, a democracy, and more interested in Indonesia, a police state. Investor dollars from the West have been attracted to these kind of regimes because they can hire people at 20 and 30 and 40 cents an hour. Any time these workers have even complained about working conditions, they are fined or penalized or jailed in some cases and sometimes even worse. This workforce in China is young, it is female, it is inexperienced, it is docile, it does not talk back, and it does not fight back. That is the kind of workforce that investment dollars from the United States seems to be attracted to.

That is why passing permanent most-favored-nation status trading privileges for China will lock in that oppressive regime, will cost American jobs, will hurt the Chinese, will lock into this life-style, this slave labor lifestyle that too many Chinese workers already are subjected to and will make things worse.

Mr. Speaker, if I could add one more point. One other thing that seems to be happening is that the United States, Federal law from the 1931 Trade Act and from the 1992 agreement with China says that in this country we are not allowed to accept into the country products produced by slave labor. When we have documented that workers are making between three and 35 cents an hour and in many cases those workers are charged for their room and their board and their clothing from that three to 35 cents an hour, it is pretty clear that an awful lot of these products, Kathy Lee handbags at Wal-Mart, shoes from Nike and Keds, all kinds of other products at Wal-Mart, bicycles from Huffy, that these products are made by slave labor when somebody is making only cents an hour and much of that is taken back from them by charging them for the clothes and the food they eat, the clothes they wear and the beds they sleep in. When that is happening, our government should say we are not going to accept those products made by slave labor. That has only happened once in the last 10 years, in 1991, did our government say you cannot let a product into the country that was made by slave labor. But we are aware as Harry Wu, a very courageous Chinese man that lives now in the United States who spent 20 years in prisons went back to China and documented case after case after case of products that were made under slave labor conditions and sold into the United States, our administration, the Republican leadership in this Congress and the administration should say, we are not going to vote on Chinese most-favored-nation status trading privileges until we investigate whether these slave labor products are being brought into the United States. It is illegal, and we ought to get to the bottom of it. We have no business voting on this until we really do find out if these are slave labor products.

Mr. BONIOR. I think the gentleman is right on target and absolutely correct in his assessment. I want to thank him for his eloquence and for his passion and for coming to the floor night after night to express his concerns on the questions of basic human rights and political and religious freedoms. They are very important parts of our international trade debate. They need to be a part of that debate. People tend to forget often in our country as the gentleman from Ohio well knows that the market by itself will not bring about these political, religious and labor reforms that are needed for workers and families. What brings that about is the ability of people to come together, to form civic organizations, and to fight these repressive laws and practices. It is what happened in the United States of America 100 years ago during the progressive era in our country. The free market did not provide the benefits that we often take for granted today. What provided the good wages, the health care, the pensions, the safe working conditions, the right to vote, the right to form political organizations, the right to freely practice your religion, the right to speak out like I am speaking out now and you can speak out when you walk out of this building, what made all of that happen were courageous people like Wei Jingsheng and Harry Wu who are now trying to bring that about for the people of China. People in this country had to fight corporate conglomerates, trusts and power in order for workers to have the benefits we enjoy today. It did not just happen. People protested, they marched, they picketed, they were beaten, they went to jail and some, yes, even died in order that we could enjoy today many of the things that we have. Those same struggles are happening in China and other parts of the developing world.

A central question in this debate, certainly one of the central questions is whose side are we on? Are we on the side of those people who are trying to organize in China for a better life for the Chinese people? Are we on the side of the multinational corporations who promise us that this will help our economy and create jobs when the reality is it does just the opposite?

Let me demonstrate that point, if I could. This is a confusing looking chart, and I will try if I can to simplify it. The chart says U.S. goods trade balance with China, tariff cuts, agreements, 20 years of most favored trade status and accelerating collapse. What this chart shows is that our trade deficit, our trade account with China, has mushroomed, has exploded over the past 20 years. We now have a trade imbalance with China, they send us much more than we send them, of about $70 billion. Just this morning, the March trade figures came out and showed that we were running a $5.1 billion trade deficit. Last March we were running a $4.1 billion trade deficit. That is just for 1 month. So it has increased by $1 billion just over a year ago for the month of March. Much of that is with China. Not quite but almost 40 percent of the goods that are made in China are shipped to the United States of America. Two percent of our goods manufactured here go to China. So they are sending much more to us than we are sending to them. As a result, we have this trade deficit with the Chinese.

You might say, why is that? There are many reasons for that. One reason that we cannot get into the Chinese markets is because they do not live up to any of their trade agreements. On this chart, this is the deficit, swelling from almost zero out this far to $70 billion. What is written in here are the agreements that were done over the last 20 years to try to get us into their market, allow us to sell textiles and space materials and all other types of agreements dealing with intellectual property and software, you name it, a whole series of agreements worked out with the Chinese. You would think after each agreement we would have more access to their market and this number would diminish. Just the opposite. It has expanded. It has increased. The reason is they do not live up to their word. They have no compliance or no enforcement mechanisms in China to implement their agreements. And so we have this ballooning $70 billion deficit.

The people who are promoting this trade deal say, "Well, this is another trade piece. This is one of many agreements. This one is really going to work because it is going to reduce our tariffs, so we will be able to send more into China and it will cost less and people will buy it there."

If you look at this chart, you can see that we had two tariff reduction agreements with the Chinese. China lowers its average import tariffs from 42 percent to 23 percent. What happened? The deficit continued to grow, even after they lowered the tariff. Then they lowered it to 17 percent from 23, and it continued to grow even more. The reason is, they just do not let our stuff into their country. They find a way to keep it out. In this latest agreement, Ms. Barshefsky, our trade representative, went there and did a deal on wheat. Now, the first thing people should understand is China is awash in food. They have a lot of food, a lot of food goods. They have a lot of food in storage. Keep that in the back of your mind when you are told that you will be able to ship fruits and vegetables and grains and meats and all these other agricultural products. Right after she did the wheat deal, one of the top Chinese people in the government who deals with agriculture and wheat said the deal that would allow X amount of imported grain, wheat in this case into China, is a deal "in theory only." Those were his words. In theory only. So already they are backing away from that opportunity.

In the area of intellectual property, and by that I mean software, digitalware, tapes and those kinds of things, 95 percent of all intellectual property sold in China today is pirated material, in other words, copied and pirated. We get very little benefit as a result of that. In fact, it is so egregious that the ministries that are supposed to write the laws against pirating materials use pirated software. I could go on and on and on. It is quite tragic and it is quite sad.

The other part of this trade agreement that I think people need to be cognizant of is the proponents of it will say, yes, but it will open up their markets, it will allow us to sell more goods to China. What it will do is require our multinational corporations to establish their facilities in China. It will take our jobs and export them to China. Those facilities will be built, people will be hired for three cents to 35 cents an hour, slave wages, indentured servitude, products will be put together and they will be shipped back here to the tune of about 40 percent of all of China's exports and sold here to the best market in the world, certainly China's best market, the United States of America. So what we get out of this is compliance, and compliance is not the right word but working together with the Chinese to undermine these basic fundamental human rights, what we get out of this as well is our manufacturing capabilities moving offshore to China, China becomes an export platform because people making three to 35 cents an hour cannot buy the Nike shoes that they are making or the Motorola cell phones that they are making or the television sets that they are making because they do not make enough money, so they are put together and they are shipped right back here and sold to our people.

Yes, our people get other jobs. They lose their good manufacturing jobs here, and they get other jobs, but they get jobs that pay a half to two-thirds of the amount that they were making before. As a result of that, people end up often working two jobs, sometimes three jobs, and you have got America on this treadmill. We are doing very well economically but people's lives have changed radically. They do not have enough time for their families or for themselves. I saw this figure recently, and I am loath to quote it because I am not quite sure, but over the last generation or maybe generation and a half, Americans are working I think something like 31 days longer a year, something like that, if you add up all the extra hours.

□ 1415

So there is no time or no adequate time for family often, and then what happens when that occurs is the parents are not home for their children when they get home from school, and then you have all the maladies that flow from that, with alcohol, teen pregnancy and drugs, and we get ourselves into a vicious cycle and a breakdown in the whole social structure of our country.

I have come a long way in winding this down to our own problems, but it is all related, and it all comes back to treating people decently and with some sense of civility, and paying them a good wage, allowing them to organize, allowing them to worship freely, allowing them to express themselves politically.

When you do not do that, you shut people out from the really basic first principles of democratization. As I said earlier, you can have free trade and free markets, but they are not going to work very well unless you have free people. Without free people, they will explode, they will implode, and your society will come apart at the seams, as it did in Chile, as it did in Europe, as it did in Indonesia, as it undoubtedly will in China at some point.

You cannot repress and hold in the basic instincts of mankind, which is a yearning to be free, a yearning to be able to express yourself at those various fundamental levels of religion, politics and the worksite.

So I would just say, Mr. Speaker, that this is a terribly, terribly important debate that we are engaged in, and I want to congratulate all of the courageous people in China and the dissidents who have been exiled for standing with us. I want to congratulate the working men and women of this country. Seventy-nine percent of the American people think Congress should not give China more access to our products until it improves its human rights; 79 percent. Yet we are on the precipice, we are right there, of going ahead next week with a vote on this most critical issue, without addressing in a fundamentally strong way the issues of human rights and labor rights and civil rights and political rights.

These are universal rights we are talking about. We are not talking about American rights, we are talking about rights that have been adopted not only in the United States of America, but since our crusade in this area, in Latin America, our brothers and sisters in Europe, and the revolution on human rights and civil rights and political rights is spreading abroad and around the world in other areas as well.

This is a very important issue for this country. It is a very important issue in terms of the choices we make as a society. Is the market piece of this so overwhelming? Is the promise of gold at the end of the rainbow of this market of 1.2 billion people in China so enticing, so captivating, so tempting that it will blind us to the real nature of who we are as a people, what we stand for as a people, what we have been the beacon of light for people around the world? Will we just give that up in order to provide a few multinationals the opportunity to set up shop and export back to this country, and abuse, as they have constantly abused, the workers in China?

I do not think anything could be more fundamental. That is why these debates, whether they were on NAFTA or fast track or now China, are so vigorously fought, so heartfelt, so passionate and so encompassing.

Seattle was not an aberration. Seattle happened because the rules of the game in a global world are now changing. What the proponents of China most-favored-nation trade status are about, it seems to me, is masquerading the past as the future. They have not been able to make the transition to the realization that we live in a global society, and, as a result of that, we affect each other more fundamentally, more immediately, and, as a result of that, the rules have to change.

Let me, for example, take the environmental issue. You could say well, why does the environment have anything to do with trade? It has to do with trade because it is a lever on conducting trade in a clean, green way.

China is one of the most, if not the most, polluted places on the face of the Earth. Five of the ten most polluted cities in the world are in China. Two million people die in China each year from air and water diseases. Eighty percent of the rivers in China have no fish because of pollutants and toxics.

China produces more fluorocarbons than any other nation on Earth, which eats away at the ozone layer and causes the problems that we are all familiar with, including skin cancer. So that is important, because the ozone layer does not just affect the spot above China, the rivers that are polluted do not only run through China. The waters and lakes and oceans that are polluted affect people in other countries, so we are all interconnected here in a way we have never been before.

So that is why we argue that we need to discuss these issues in the context of our broader international agreements.

I am joined today by really one of the great champions of human rights and worker rights and trade, my friend and dear colleague, the gentlewoman from Toledo, Ohio (Ms. KAPTUR), who has just been magnificent in her effort to wage an understanding of this issue for the American people. I yield to her now for any comments she might want to share with us.

Ms. KAPTUR. I thank the gentleman from Michigan (Mr. BONIOR), our great leader from the State of Michigan, our Wolverine State, a few moments to talk about our proposal for permanent normal trade relations for China. One certainly could not say anything about our trade relations with China being "normal." In fact, they are very abnormal, with more exports coming into our market from China for over 12 years now than our exports being able to get in there, even when tariffs have been lowered.

I wanted to say to the gentleman that I think that his fortitude on this as the days go on is magnificent. I just wish every American could see the hours and hours that the gentleman has put into this personally and all the Members of Congress on both sides of the aisle enjoy working with the gentleman so very much.

I wanted to make sure to come down here during this time as we attempt to inform the American people and our colleagues about this upcoming vote next week on extending permanent trade relations with China, that every major veterans organization in this country has come out in opposition to granting permanent normal trade relations with China.

I wanted to say a word about that, because I know many of our Post Commanders, our State Commanders, our

Auxiliary Leaders across this Nation, are phoning their Members of Congress. They have been doing it this week, they are going to continue over the weekend and into next week, and I thought I would read into the RECORD and provide for the RECORD some of what these organizations have said, starting with the Veterans of Foreign Wars, an organization of 1.9 million Members.

I have been on the Committee on Veterans' Affairs of this Congress for my entire tenure here, and I was just so elated to see their letter this week, which said that we should not approve permanent relations with China. They asked that the current situation where we have an annual review here in this Congress be maintained until such time as China changes its policies and demonstrates that it is ready to treat its own people according to basic human rights standards of other modern industrialized nations.

They oppose China's proliferation of missile technology and weapons of mass destruction. They oppose their threats against this country and other countries in the Pacific, including the democratic Nation of Taiwan. The VFW basically says passage of the China trade bill essentially rewards China for mistreating its citizens.

I want to thank all of the members of the Veterans of Foreign Wars, all the Post Commanders, all the Ladies Auxiliary Presidents and members, for engaging in this issue and letting their voices be heard from coast to coast, especially where it matters most, and that is back at home, in the home district with the home Member of Congress.

Also the American Legion, 2.8 million members strong, this week came out against permanent trade relations with China. In its formal letter they say that they want to force China to meet four preconditions before any permanent trade relations with China are extended or for any entry into the WTO by China. Those four conditions are recognition of the Taiwanese right to self-determination; full cooperation on the accounting of American servicemen missing from the Korean War and the Cold War; abandonment of policies aimed at military dominance in Asia; and encouragement and promotion of human rights and religious freedom among the Chinese people themselves.

The National Commander of the American Legion Al Lance said in his letter, "China should embrace Democratic values before it benefits from unfettered American investment."

The Military Order of the Purple Heart, again, calling their Members of Congress around the country, I wish to extend the appreciation of this Member of Congress for their activism on this. Over 30,000 members of the Military Order of the Purple Heart and 600,000 living recipients of the Purple Heart. In their letter they say "China as an international actor continues to behave in a manner that is threatening to international stability and U.S. security interests." They say this Congress should delay the granting of permanent normal trade status to China at this time because it would remove China from the review and the openness that occurs here on this floor of Congress, which does not even happen inside China itself. They are very worried about the proliferation of weapons from China to other places, and certainly their dismal human rights record.

Then the Military Order of Purple Heart goes on to say, "Today China represents the most dangerous of the emerging threats to U.S. national security. Her designs on Western Pacific dominance, her extreme belligerence toward Taiwan and her persistent espionage and theft of U.S. advanced technologies are behaviors that must be checked before any reasonable consideration of permanent normal trade status can be undertaken."

It says, "Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean conflict, and now, 50 years after that war, China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcome participant on the world stage."

Mr. Leader, I know that I want to yield back most of the remaining time, but I would want to place on the record the official letter from the Fleet Reserve Association, representing 151,000 members, all career and retired Sailors, Marines and Coast Guardsmen of the United States opposing permanent normal trade relations with China.

In addition to that, the Warrant Officers Association, representing nearly 20,000 warrant officers of active Army, Army Guard and the Army Reserve, in their letter saying "China shows few of the peaceful democratic traits evidenced by our Nation's other major trading partners." "In this instance," they say, "trade and economic considerations cannot take precedence over the safety of our Nation and that of our allies and friends."

A letter from the Reserve Officers Association, which we will place on the record, representing over 80,000 officers in all uniformed services, indicating opposition to permanent normal trade relations with China. They want the annual review here. They are very concerned about China's military threats against Taiwan, and threatened military action against the United States if we defend Taiwan.

Finally, from AMVETS, 200,000 veterans opposed in this organization to permanent normal trade relations with China, saying the security issues take precedence over trade relations with foreign nations.

I would just say, finally, and again to thank all the veterans Commanders, the Ladies Auxiliaries, the Post leaders, the membership in all these organizations across the country that are weighing in, phoning their Members of Congress, I know we have gotten many calls in our community and that is happening across the country, to thank them for their activism, to encourage them this weekend and the coming week.

I want to place in the RECORD finally the request made by one of our valued colleagues from the State of California (Mr. BERMAN), who tried to get a provision as we voted on this agreement that would provide that in the event that this permanent normal trade status would be granted, that in the event that China would attack, invade, or blockade Taiwan, that permanent normal trade relations would be revoked.

□ 1430

The administration was not willing to include that in the measure that they have sent up to this Congress.

AMVETS,
*Lanham, MD, May 16, 2000.*

Hon. FRANK R. WOLF,
*Member of Congress, House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE WOLF: AMVETS, the nation's fourth largest organization, represents more than 200,000 veterans who honorably served in the Armed Forces of the United States, and opposes Permanent Normal Trade Relations (PNTR) for China.

While the U.S. relationship with China is important, AMVETS believes that national security issues take precedence over the trade relations with foreign countries. We concur in your belief that our nation cannot afford to give leverage to the Republic of China—which exports weapons of mass destruction and missiles, maintains spy presence in the U.S. and continues to threaten Taiwan with military force.

When Congress votes in the House during the week of May 22, let it be known that AMVETS says "no" to the Permanent Trade Relations with China.

Sincerely,

CHARLES L. TAYLOR,
*National Commander, 1999–2000, AMVETS.*

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RESERVE OFFICERS ASSOCIATION OF
THE UNITED STATES,
*Washington, DC, April 27, 2000.*

Hon. FRANK R. WOLF,
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WOLF: The Reserve Officers Association ("ROA"), representing 80,000 officers in all seven Uniformed Services, is concerned about the proposal to grant Permanent Normal Trade Relations ("PNTR") to China.

ROA acknowledges the importance of our relationship with China, including our growing economic ties to China. Nevertheless, ROA believes that it would be a mistake to grant PNTR to China at this time. The annual process of reviewing trade relations with China provides Congress with leverage over Chinese behavior on national security and human rights matters. Granting PNTR would deprive Congress of the opportunity to influence China to improve its human rights record and behave as a more responsible actor on the national security stage.

Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the United States if we defend Taiwan. Just four years ago, China fired several live missiles in the Taiwan Strait, necessitating a deployment of two American carrier battle groups to the area.

A report issued last month by the CIA and FBI indicates that Beijing has increased its military spying against the United States. Less than a year ago the Cox Committee reported that China stole classified information regarding advanced American thermonuclear weapons.

Additionally, Beijing has exported weapons of mass destruction to Iran and north Korea, in violation of treaty commitments. Finally, China's record of human rights abuses is well documented.

A recent Harris Poll revealed that fully 79% of the American people oppose giving China permanent access to U.S. markets until China meets human rights and labor standards. On this issue, Congress should respect the wisdom of the American people. Now is not the time to grant Permanent Normal Trade Relations to China.

Sincerely,

JAYSON L. SPIEGEL,
*Executive Director.*

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UNITED STATES ARMY
WARRANT OFFICERS ASSOCIATION,
*Herndon, VA, May 9, 2000.*

Hon. FRANK R. WOLF,
*Member of Congress, U.S. House of Representatives, Cannon House Office Building, Washington, DC.*

DEAR REPRESENTATIVE WOLF. On behalf of the membership of this Association I write to express support and appreciation of your actions, and that of several of your colleagues, in opposing Permanent Normal Trade Relations with China.

The USAWOA represents nearly 20,000 warrant officers of the Active Army, the Army Guard, and the Army Reserve. These highly-skilled men and women serve as helicopter pilots, special forces team leaders, intelligence analysts, command and control computer and communications managers, armament and equipment repair technicians, and in other technical fields critical to success of the modern battlefield. Daily, many of them are in harm's way.

From our perspective, it appears that China has done little to deserve such consideration. Of more concern is the fact that China shows few of the peaceful, democratic traits evidenced by our Nation's other major trading partners. Indeed, China appears to striving to achieve not only economic dominance of the Pacific Rim but also a significant military advantage over her neighbors, and quite possibly, the United States.

In this instance, trade and economic considerations cannot take precedence over the safety of our Nation and that of our allies and friends. Until fundamental, lasting changes take place in China, normalization of trade relations should not take place.

Respectively,

RAYMOND A BELL,
*Executive Director.*

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FLEET RESERVE ASSOCIATION,
*Alexandria, VA, April 21, 2000.*

Hon. CHRISTOPHER H. SMITH,
*House of Representatives, Rayburn House Office Building, Washington, DC.*

DEAR REPRESENTATIVE SMITH: Please be advised that the Fleet Reserve Association (FRA), representing its 151,000 members, all career and retired Sailors, Marines, and Coast Guardsmen of the United States Armed Forces, joins you and your colleagues in opposing Permanent Normal Trade Relations (PNTR) for China.

FRA shares your concern that weapons of mass destruction exported by that country can be used against U.S. military personnel, and also our Nation's citizens. Further, China already has obtained considerable knowledge of our Nation's weapons technology without normal trade relations. Should the United States open its doors to normal trade relations, it is worrisome that China will discover even more of that sensitive information.

One of the most important goals of this Association is to protect its members as well as every active duty and reserve uniformed member of the Navy, Marine Corps, and Coast Guard. To fulfill that commitment, FRA must do all that it can to oppose any move that could possibly send those brave men and women into harms way without 'rhyme or reason.' With the possibility that the future will hang dark shadows over open trading with a yet unproven China, FRA is sensitive to the harm that country may inflict upon our Nation.

Loyalty, Protection, and Service,

CHARLES L. CALKINS,
*National Executive Secretary.*

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MILITARY ORDER OF THE PURPLE HEART,
*May 15, 2000.*

Hon. FRANK R. WOLF,
*U.S. House of Representatives, Washington, DC.*

DEAR CONGRESSMAN WOLF: The Military Order of the Purple Heart (MOPH), representing the patriotic interests of its 30,000 members and the 600,000 living recipients of the Purple Heart, is seriously concerned with the Administration's proposal to grant Permanent Normal Trade Relations (PNTR) status to the Peoples Republic of China.

The MOPH is familiar with the current series of U.S. Government reports concerning China to include: the Cox Committee Report, the Rumsfeld Commission Report, the 1999 Intelligence Community Report on Arms Proliferation, and Chairman Spence's May 2000 HASC National Security Report on China. These and other similar security assessments clearly indicate that China, as an international actor, continues to behave in a manner that is threatening to international stability and U.S. national security interests.

Given the broad consensus that has formed about this issue, to include the recent Harris Poll indicating 79% of all Americans are against granting PNTR status to China, the MOPH believes it both prudent and reasonable to delay the granting of PNTR status to China at this time. Speaking as patriots and combat wounded veterans, we believe that granting PNTR status to China would relieve them from the current pressure caused by annual Congressional review of their trade status. Clearly, Congressional review has caused China to improve its dismal human rights record and to modify to some extent its proliferation of dangerous arms on the world market. Yet these modifications must be seen as the beginning not the end.

Today, China represents the most dangerous of the emerging threats to U.S. national security. Her designs on Western Pacific dominance, her extreme belligerence towards Taiwan, and her persistent espionage and theft of U.S. advanced technologies are behaviors that must be checked before any reasonable consideration of PNTR status can be undertaken.

Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korean Conflict. Fifty years after that war China remains an unabashedly communistic regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the Administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy. In the view of the MOPH this objective must be reached before PNTR status should be granted to China.

Yours in Patriotism,

FRANK G. WICKERSHAM III,
*National Legislative Director.*

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THE AMERICAN LEGION,
*Washington, DC.*

For immediate release

CHINA TRADE OPPOSED BY THE AMERICAN LEGION

INDIANAPOLIS (WEDNESDAY, MAY 10, 2000).—Taking into account nuclear espionage charges, human rights abuses, saber rattling against Taiwan, and influence-peddling indictments, the 2.8-million member American Legion today demanded the U.S. government withhold Permanent Normalized Trade Relations with the People's Republic of China and oppose its entry into the World Trade Organization.

The American Legion's board of directors, during its annual spring meeting here recommended Congress and the Clinton administration force China to meet four preconditions both for entry into the WTO and for ending the annual congressional review of its trade status:

Recognition of the Taiwan's right to self-determination;

Full cooperation on the accounting of American servicemen missing from the Korean War and the Cold War;

Abandonment of policies aimed at military dominance in Asia; and

Encouragement and promotion of human rights and religious freedom among the Chinese people.

"China should embrace democratic values before it benefits from unfettered American investment," American Legion National Commander Al Lance said: "The American Legion sets forth the prerequisites for peace and stability, without which Communist China will become economically and militarily more formidable even as it embarks on policies pursuant to regional instability. A something-for-nothing trade arrangement with China—one that severs trade from national security and human rights—threatens stability, rewards antagonism, and strengthens a potential foe of American sons and daughters in the U.S. armed forces."

Founded in 1919, The American Legion is the nation's largest veterans organization.

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[Veterans of Foreign Wars News Release]

VFW URGES CONGRESS TO REJECT PERMANENT TRADE RELATIONS WITH CHINA

WASHINGTON, D.C., MAY 17.—The Veterans of Foreign Wars of the United States today urged Congress not to grant Permanent Normal Trade Relations with China.

Citing the need for a change in China's human rights standards, the 1.9-million member VFW said. "The United States should maintain its current annual congressional review of China's trade status until such time as China changes it's policy and demonstrates that it is ready to treat its people according to the basic human rights standards of other modern industrial nations.”

In a letter to all members of Congress, VFW Commander in Chief John W. Smart said, “A vote against Permanent Normal Trade Relations with China will send a clear message that the United States does not tolerate China's persistent human rights violations, and will not agree with it's proliferation of missile technology and weapons of mass destruction, it's military threats against the United States and other countries in the Pacific region including repeated threats made against Taiwan.

“Passage of the China Trade Bill, essentially rewards China for mistreating its citizens, violating its current trade agreements, threatening its neighbors and the United States with military action, proliferating weapons of mass destruction, stealing nuclear, military and industrial secrets from the United States, increasing espionage against the U.S., and practicing religious oppression. We believe this bill sends the wrong message to China and the rest of the world,” Smart said.

The VFW was founded in 1899. As an organization of former servicemen and women, the VFW remains committed to a strong national security and the well being of those serving on active duty, in the National Guard and the Reserves.

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Congress of the United States,
House of Representatives,
*Washington, DC, May 17, 2000.*

### VFW, AMVETS, and Purple Heart Veterans Join the Ranks of Veterans' Organizations in Opposition to PNTR for China

Dear Colleague: VFW, the second largest veterans' organization, AMVETS, the fourth largest veterans organization, and the Military Order of the Purple Heart, have added their forceful voices in opposition to Permanent Normal Trade Relations for China. Veterans groups representing over 5.1 million members have now voiced their objection to this critical trade legislation.

VFW, representing 1.9 million members, states: “Passage of the China Trade Bill, essentially rewards China for mistreating its citizens, violating current trade agreements, threatening its neighbors and the United States with military action, proliferating weapons of mass destruction, stealing nuclear, military and industrial secrets from the United States, increasing espionage against the U.S., and practicing religious oppression. We believe this bill sends the wrong message to China and the rest of the world.”

AMVETS, representing more than 200,000 veterans, states: “We concur in your belief that our nation cannot afford to give leverage to the Republic of China—which exports weapons of mass destruction and missiles, maintains spy presence in the U.S. and continues to threaten Taiwan with military force. When Congress votes in the House during the week of May 22, let it be known that AMVETS say ‘no’ to the Permanent Normal Trade Relations for China.”

Military Order of the Purple Heart, chartered by Congress, and representing 30,000 members and the 600,000 living recipients of the Purple Heart, states: “Today, China represents the most dangerous of the emerging threats to U.S. national security . . . Many of America's combat wounded veterans sacrificed life and blood to repel Chinese aggression during the Korea Conflict. Fifty years after that war China remains an unabashedly communist regime. It is time for China to change if she wishes to be a truly welcomed participant on the world's stage. It is also time for Congress and the Administration to reflect upon the sacrifices of its combat wounded veterans and ensure that China will not once again become our enemy.”

National Commander Al Lance of the American Legion, representing 2.8 million, states: “China should embrace democratic values before it benefits from unfettered American investment. The American Legion sets forth the prerequisites for peace and stability, without which Communist China will become economically and militarily more formidable even as it embarks on policies pursuant to regional instability. A something-for-nothing trade arrangement with China—one that severs trade from national security and human rights—threatens stability, rewards antagonism, and strengthens a potential foe of American sons and daughters in the U.S. armed forces.”

The Fleet Reserve Officers Association, representing 151,000 members, career and retired Sailors, Marines, and Coast Guardsmen, states: “One of the most important goals of this Association is to protect its members as well as every active duty and reserve uniformed member of the Navy, Marine Corps, and Coast Guard. The Fleet Reserve opposes Permanent Normal Trade Relations for China.”

The Naval Reserve Association, representing 37,000 officers and enlisted members from the Naval Reserve Services, states: “China is aggressively building its military. The PRC's ambitions include reunification by force with Taiwan, and territorial claim over the energy resources in the international waters of the South China Sea.” They conclude by stressing, “Now is not the time to offer Permanent Normal Trade Relationships (PNTR) for China.”

The Warrant Officers Association, representing nearly 20,000 warrant officers of the Active Army, the Army Guard, and the Army Reserve, states: “In this instance, trade and economic considerations cannot take precedence over the safety of our Nation and that of our allies and friends. Until fundamental, lasting changes take place in China, normalization of trade relations should not take place.”

The Reserve Officers Association, representing 80,000 officers in all seven uniformed services, states, “Just within the past few weeks, China has made military threats against Taiwan and threatened military action against the U.S. if we defend Taiwan. Now is not the time to grant Permanent Normal Trade Relations to China.”

Sincerely,

Frank R. Wolf,
*Member of Congress.*
Chris Smith,
*Member of Congress.*
David Bonior,
*Member of Congress.*

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Congress of the United States,
*House of Representatives, May 17, 2000.*

### Vote With America's Veterans on Memorial Day—Vote No on PNTR for China

Dear Colleague: This week the VFW, the Military Order of the Purple Hearts and AMVETS, joined the American Legion and several other veterans organizations in opposition to PNTR for China.

VETERANS OF FOREIGN WARS, United States Army Warrant Officers Association, Reserve Officers Association, The American Legion, Naval Reserve, Military Order of the Purple Heart, Fleet Reserve.

This vote is scheduled just a few days before Memorial Day, a day which honors our armed forces personnel who have given their lives for our freedom. We should heed the voices of our men and women in uniform and America's veterans who are asking us to vote no on PNTR for China.

Sincerely,

Frank Wolf,
*Member of Congress.*

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Congress of the United States,
House of Representatives,
*Washington, DC, May 18, 2000.*

### If Congress Passes PNTR, China Can Export Cheap, Semi-Automatic Weapons to the U.S.

Dear Colleague: Upon approving the annual Most Favored Nation status for China in 1994, President Clinton issued an embargo on the imports of assault weapons from China. This complete prohibition was issued because Chinese gun manufacturers had exported almost one million Chinese rifles to the United States—more than made by all U.S. manufacturers combined in 1992 according to the BATF.

The most popular import was the SKS semi-automatic rifle, once a standard weapon among East Bloc forces and used against U.S. troops in Vietnam. The SKS was the fourth most frequently traced firearm in America—surprising since handguns, not rifles, tend to be the guns that criminals use most. They were particularly popular among neo-nazi's, white supremacists and street gangs. What made them attractive was their power and inexpensive price, only $55.95.

If Congress approves permanent NTR, World Trade Organization regulations will apply to the U.S. ban of gun imports from China. Under WTO regulations, the U.S. is required to treat foreign and domestic goods identically. Since these weapons are legal in the U.S., China will be able to challenge our embargo on these dangerous firearms. The U.S. would have to lift the import ban on China or prohibit the manufacture of those assault weapons domestically.

Is the U.S. prepared to lift the import ban on assault weapons from China?

Or is the U.S. prepared to ban the manufacture of those weapons in the U.S.?

Don't give China the power to decide gun policy in the United States.

Don't allow China to sell these cheap, dangerous assault weapons on the streets of America.

Oppose PNTR for China.

Sincerely,

Pete Stark,
*Member of Congress.*
Carolyn McCarthy,
*Member of Congress.*
Nancy Pelosi,
*Member of Congress.*

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Congress of the United States,
House of Representatives,
*Washington, DC, May 18, 2000.*

### China Threatens War Over Taiwan

Dear Colleague: BEIJING (AP).—An official Chinese newspaper threatened war today if Taiwan's president-elect refuses to recognize that the island is part of China.

Stepping up pressure ahead of this weekend's inauguration, Beijing wants Chen Shuibian, who was elected March 18, to recognize the “one China principle” to allay its fears over his previous pro-independence stance.

China's government and entirely state-run media have for weeks demanded that Taiwan accept that it is part of China as a precondition for talks. But the China Business Times went further, threatening war if Chen fails during his inauguration Saturday to heed Beijing's demands.

"If Taiwan's new leader refuses in his inaugural speech to recognize the one China principle and even makes a speech that inclines toward Taiwan independence, then relations between the two sides will certainly take a turn. War in the Taiwan Strait will be difficult to avoid," the newspaper said in a front-page article alongside photos of a tank, a warplane and military exercises.

**SEC. 2. WITHDRAWAL OF NORMAL TRADE RELATIONS.**

Pursuant to Article XXI of the GATT 1994, nondiscriminatory treatment (normal trade relations treatment) shall be withdrawn from the products of the People's Republic of China if that country attacks, invades, or imposes a blockade on Taiwan.

Sincerely,

HOWARD L. BERMAN,
*Member of Congress.*

A BILL

Providing for the revocation of normal trade relations treatment from the products of the People's Republic of China if that country attacks, invades, or imposes a blockade on Taiwan.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. FINDINGS**

The Congress finds that—

(1) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501 (1)(B)) allows a member of the World Trade Organization to take "any action which it considers necessary for the protection of its essential security interests," particularly "in time of war or other emergency in international relations"; and

(2) an attack on, invasion of, or blockade of Taiwan by the People's Republic of China would constitute a threat to the essential security interests of the United States and an emergency in international relations.

**SEC. 2. WITHDRAWAL OF NORMAL TRADE RELATIONS.**

Pursuant to Article XXI of the GATT 1994, non-discriminatory treatment (normal trade relations treatment) shall be withdrawn from the products of the People's Republic of China if that country attacks, invades, or imposes a blockade on Taiwan.

**SEC. 3. APPLICABILITY TO EXISTING CONTRACTS.**

The President shall have the authority to determine the extent to which the withdrawal under section 2 of normal trade relations treatment applies to products imported pursuant to contracts entered into before the date on which the withdrawal of such treatment is announced. The President shall issue regulations to carry out such determination.

Mr. BONIOR. Mr. Speaker, I thank my colleague for raising these issues and I commend her and I commend the Veterans Administration, the Legion, the VFW and the others that she mentioned for stepping out and standing up, and we appreciate her leadership on this.

Mr. Speaker, I yield to my friend, the gentleman from New Jersey (Mr. SMITH), who has been a great leader on this issue.

Mr. SMITH of New Jersey. Mr. Speaker, I just want to say two things. I think the gentlewoman from Ohio (Ms. KAPTUR) stated it very well when she pointed out how the VFW and the other veterans groups are very much opposed to PNTR. I think what came across in our press conference, I would say to my good friend from Michigan, and he chaired that, was the intensity factor on the part of the veterans. They were very, very strong and bold about the security implications of conveying, without the annual review, permanent normal trading relations and the human rights issues.

I have had 18 hearings in my Subcommittee on International Operations and Human Rights. I have been there three times. It does not make me an expert but I think I have some insights and they are shared by so many who have done likewise. Torture is commonplace in the PRC. If one is arrested as a religious believer or a democracy promoter, they get tortured and we are doing business with their torturers.

I think when we look at every area in human rights they have gone from bad to worse over the last 10 years, and I think we need to say enough is enough, and I thank my friend, the gentleman from Michigan (Mr. BONIOR), for having this special order.

Mr. BONIOR. I thank my friend for his leadership and his passion and his courage to take on these human rights issues in his committee as the Chair. We enjoy working with him and we look forward to continuing to work on these issues that we share common values and beliefs in.

Mr. Speaker, I yield now to my friend, the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Michigan (Mr. BONIOR), the distinguished Democratic whip, for yielding and for his extraordinary leadership on this important issue.

I am pleased to join my colleague, the gentlewoman from Ohio (Ms. KAPTUR), and commend her for her leadership as well.

This next week this House of Representatives will have a vote and decide how we will honor the pillars of our own foreign policy, promoting democratic values, stopping the proliferation of weapons of mass destruction and growing our own economy by promoting our exports abroad. A vote for permanent NTR does not advance any of those goals, and I wish to associate myself with the remarks that have been made in that regard.

I wanted to emphasize a point made by our colleague, the gentlewoman from Ohio (Ms. KAPTUR) earlier. This weekend in Taiwan, the second democratically-elected President will be inaugurated. It is cause for celebration in the heart of every person in the world who cares about freedom and democracy. At a time when we should all in this body be celebrating that great triumph of democracy, we are instead rejecting a very simple amendment, and that is the Berman amendment that the majority has refused to put in the bill, and that the administration has refused to accept.

That simple amendment would say that PNTR would be lifted for China if China invades Taiwan. What could be simpler than associating one's self with the idea that if a country invades another place then they would not get special privileges in the United States? Not only have we ignored China's activity to proliferate weapons of mass destruction such as chemical, biological and nuclear technology to rogue states, not only have we ignored that, we have certified that they are not doing it when we know full well that they are.

If the President wants to make this a national security issue, let us do that. In terms of national security, instead of appeasing the Chinese Government every step of the way on their misbehavior internationally we are missing an opportunity to say to them do not even think about invading Taiwan. If they do not think China is going to invade, there is no problem here. Right? Clearly, they do not trust the Chinese, or else they would let this amendment pass.

Again, instead of saluting the democracy in Taiwan, we are rewarding the unsafe behavior of the Chinese. So I urge all of my colleagues to sign on to a letter to the Committee on Rules to make this amendment in order that if China invades Taiwan, we lift PNTR.

Our relationship with every country should make the world safer, the trade fairer and people freer. Permanent NTR at this time does not do that. I thank the gentleman from Michigan (Mr. BONIOR) for his leadership.

Mr. BONIOR. Mr. Speaker, I thank my colleague for raising that very important security issue and freedom issue and as my friend, the gentlewoman from Ohio (Ms. KAPTUR), did, I want to thank the veterans of this country for coming out in opposition based on basic security grounds and human rights grounds and encourage them to continue to call their Members of Congress as we enter this vote at the end of the week, the American Legion and the VFW and the AMVETS and the many organizations that we talked about. I thank my colleagues for joining me today.

## RECOGNIZING THE FIELD MUSEUM OF CHICAGO'S PUBLIC UNVEILING OF SUE

The SPEAKER pro tempore (Mr. GARY MILLER of California). Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I had the opportunity to observe and listen to a profound discussion lead by the distinguished minority whip and I happen to agree with the views expressed by all of those speakers, and I want to commend them for the leadership that they have displayed on this issue and I too would hope that next week, when we cast a vote, that we would not be rewarding China; we would not be rewarding those who do not provide equal rights and equal treatment to us all.

So I too shall be voting no on the establishment of permanent normal trade relationships with China.

Mr. Speaker, I am pleased to come to the floor at this time to recognize the Field Museum of Chicago as it celebrates the much awaited public unveiling of Sue, its world-famous 67-million-year-old Tyrannosaurus Rex.

In case any of us are not familiar with this colossal fossil, Sue is the largest and most complete Tyrannosaurus Rex ever found and was named after the fossil hunter who found the remains in South Dakota's Black Hills in 1990.

After 2½ years of cleaning, restoring and preserving her more than 250 fossilized bones, Sue is now ready to meet the public.

When fully erected in Stanley Field Hall, Sue stands 13 feet high at the hips and 42 feet long from head to tail. Her five foot long skull is so heavy that the museum will install a replica on the skeleton and place the real skull on display for visitors. As a result, visitors will be able to get an up-close view of the predator's massive head. They can also view animated CT scans of the skull and touch a variety of casts of Sue's bones, including a rib, forelimb and tooth.

The Field Museum plans to use Sue's massive appeal to bring the wonders of science to school children and other audiences throughout Illinois and the Nation. Sue will be installed in the new Hall of Paleontology and Earth Sciences Research with related exhibitry, research and educational programming, including a fossil prep lab where visitors can observe museum staff at work on real bones.

The new hall will not only illustrate the history of Sue and other dinosaurs but will also serve as a springboard to interest visitors in related questions such as mass extinction events, plant and animal evolution, plate tectonics, biodiversity through time and women in science. The museum plans to develop related curriculum and teacher training and offer 2 electronic field trips in which students can see and talk to scientists in the field as they are conducting excavation and research.

To celebrate Sue's unveiling, the Field Museum will be hosting a number of special dinosaur-related programs from May 17 through May 21, including a day of family entertainment, a family festival, a lecture by the lead researcher and a concert performance featuring the Chicago Chamber musicians about the life and times of Sue.

Mr. Speaker, while gleaning scientific data from Sue is a key aim, Sue is also an extraordinary tool for teaching visitors about paleontology, the geologic forces that shape our planet, verebrate fossils and other scientific work. Sue has only just started to reveal her educational potential and will no doubt continue to yield new information about dinosaurs and the world in which they lived for many years to come. Please join me in recognizing the Field Museum as they share Sue with the world.

I also invite my colleagues, their staff and families, as well as other Americans, to join in the fun at the June 6 opening reception for a sneak peak at the national tour of a T. Rex named Sue at Union Station in Chicago.

Mr. Speaker, while we have seen seven wonders of the world, eight wonders, this is truly another wonder of the world and we invite the world to come and see it.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CAPPS (at the request of Mr. GEPHARDT) for today, on account of family business.

Mr. ETHERIDGE (at the request of Mr. GEPHARDT) for today after 12:30 p.m., on account of family business.

Ms. LOFGREN (at the request of Mr. GEPHARDT) for today, on account of a family engagement.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DIXON) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Member (at the request of Mr. DICKEY) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, May 22.

## SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 777. An act to require the Department of Agriculture to establish an electronic filing and retrieval system to enable the public to file all required paperwork electronically with the Department and to have access to public information on farm programs, quarterly trade, economic, and production reports, and other similar information; to the Committee on Agriculture.

S. 1509. An act to amend the Indian Employment, Training, and Related Services Demonstration Act of 1992, to emphasize the need for job creation on Indian reservations, and for other purposes; to the Committee on Resources.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

## BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title:

On Wednesday, May 17, 2000:

H.R. 1377. To designate the facility of the United States Postal Service located at 9308 South Chicago Avenue, Chicago, Illinois, as the "John J. Buchanan Post Office Building."

## ADJOURNMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Monday, May 22, 2000, at 12:30 p.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7716. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Importation of Wood Chips From Chile [Docket No. 96-031-2] (RIN: 0579-AA82) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7717. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Public Notification Rule [FRL-6580-2] (RIN: 2040-AD06) received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7718. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and

Promulgation of Air Quality Implementation Plans; Virginia; Revised Format for Materials Being Incorporated by References; Approval of Recodification of the Virginia Administrative Code [VA084/101-5045a; FRL-6562-9] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7719. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Revisions to the California State Implementation Plan, San Joaquin Valley Unified Air Pollution Control District, Sacramento Metropolitan Air Quality Management District [CA 214-0232; FRL-6578-6] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7720. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; New York; Nitrogen Oxides Budget and Allowance Trading Program [Region II Docket No. NY40-2-209, FRL-6573-1] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7721. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; New York; Approval of Carbon Monoxide State Implementation Plan Revision; Removal of the Oxygenated Gasoline Program [Region 2 Docket No. NY41-210 FRL-6572-9] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7722. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Maine; RACT for VOC Sources [ME-003-01-7004a; A-1-FRL-6572-8] received April 12, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7723. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Lampasas and Leander, Texas) [MM Docket No. 99-344 RM-9709] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7724. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Air Force's Proposed Letter(s) of Offer and Acceptance (LOA) to the United Arab Emirates for defense articles and services (Transmittal No. 98-45), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

7725. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List: Additions, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7726. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule—Endangered and Threatened Wildlife and Plants; Final Designation of Critical Habitat for the Spikedace and the Loach Minnow (RIN: 1018-AF76) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

7727. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 050 Series Airplanes [Docket No. 99-NM-315-AD; Amendment 39-11461; AD 99-26-01] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7728. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-200B, -300, -400, -400D, and -400F Series Airplanes [Docket No. 2000-NM-87-AD; Amendment 39-11664; AD 2000-07-10] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7729. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-600, -700, and -800 Series Airplanes [Docket No. 2000-NM-84-AD; Amendment 39-11663; AD 2000-07-09] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7730. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 99-NM-40-AD; Amendment 39-11658; AD 2000-07-04] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7731. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 727 Series Airplanes [Docket No. 99-NM-53-AD; Amendment 39-11666; AD 2000-07-12] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7732. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes [Docket No. 99-NM-205-AD; Amendment 39-11661; AD 2000-07-07] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7733. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777 Series Airplanes [Docket No. 99-NM-232-AD; Amendment 39-11662; AD 2000-07-08] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7734. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 and -200PF Series Airplanes [Docket No. 99-NM-57-AD; Amendment 39-11667; AD 2000-07-13] (RIN: 2120-AA64) received April 17, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7735. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendments to Streamline the National Pollutant Discharge Elimination System Program Regulations: Round Two; Final Rule [FRL-6561-5] (RIN: 2040-AC70) received April 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STUMP: Committee on Veterans' Affairs. H.R. 4268. A bill to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI Bill and to enhance programs providing educational benefits under that title; and for other purposes; with an amendment (Rept. 106-628). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3852. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama (Rept. 106-629). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho; with an amendment (Rept. 106-630). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GOODLING (for himself, Mrs. Johnson of Connecticut, Ms. Dunn, and Mr. Stenholm):

H.R. 4499. A bill to amend the Family and Medical Leave Act of 1993; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of Michigan:

H.R. 4500. A bill to authorize appropriations for fiscal years 2001 and 2002 for the National Science Foundation, and for other purposes; to the Committee on Science.

By Mr. BILBRAY:

H.R. 4501. A bill to amend the Clean Air Act to require States to revise their implementation plans for ozone nonattainment areas to reduce ozone concentrations and fuel consumption associated with automobile commuting by removing State constraints against employers offering flextime to their employees, and for other purposes; to the Committee on Commerce.

By Mr. COMBEST (for himself, Mr. Stenholm, Mr. Goodlatte, Mrs. Clayton, Mr. Barrett of Nebraska, Mr. Berry, Mr. Bishop, Mr. Boyd, Mr. Cooksey, Mr. Cramer, Mr. Dickey, Ms. Dunn, Mrs. Emerson, Mr. Etheridge, Mr. Ewing, Mr. Goode, Mr. Hastings of Washington, Mr. Hayes, Mr. Herger, Mr. Hutchinson, Mr. Jones of North Carolina, Mr. Ryun of Kansas, Mr. Sandlin, Mr. Sanford, Mr. Shows, Mr. Spratt, Mr. Sununu, Mr. Turner, Mr. Chambliss, and Mr. Riley):

H.R. 4502. A bill to improve the implementation of the Federal Water Pollution Control Act, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PICKERING:

H.R. 4503. A bill to provide for the preservation and restoration of historic buildings at historically women's public colleges or universities; to the Committee on Resources.

By Mr. McKEON (for himself, Mr. Goodling, Mr. Clay, and Mr. Martinez):

H.R. 4504. A bill to make technical amendments to the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. BASS:

H.R. 4505. A bill to require the Secretary of the Treasury to retire publicly held debt each fiscal year, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS (for herself, Mr. Foley, Mr. Coburn, and Mr. Brown of Ohio):

H.R. 4506. A bill to provide grants for cardiopulmonary resuscitation (CPR) training in public schools; to the Committee on Education and the Workforce.

By Mr. CLEMENT (for himself, Mr. Mica, Mrs. Tauscher, Mr. Regula, and Mr. Blumenauer):

H.R. 4507. A bill to designate the Surface Transportation Board as a forum for resolution of disagreements between mass transportation authorities and freight railroads regarding access to freight track and rights-of-way for fixed guideway transportation in consideration for just and reasonable compensation to freight railroads; to the Committee on Transportation and Infrastructure.

By Mr. POMEROY (for himself, Mr. LaHood, and Mr. Baldacci):

H.R. 4508. A bill to extend programs and activities under the Elementary and Secondary Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. STEARNS:

H.R. 4509. A bill to require any authorization of extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China to be effective only after a vote is taken by the World Trade Organization (WTO) Ministerial Conference regarding the Decision and Protocol of Accession for Chinese Taipei (Taiwan) and after China's accession to the WTO; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina:

H.R. 4510. A bill to designate the Blue Ridge Parkway headquarters building located at 199 Hemphill Knob in Asheville, North Carolina, as the "Gary E. Everhardt Headquarters Building"; to the Committee on Resources.

By Mr. TERRY (for himself, Mr. Bereuter, Mr. Stump, and Mr. Gary Miller of California):

H.R. 4511. A bill to prohibit the Secretary of Transportation and the Administrator of the Federal Motor Carrier Administration from taking action to finalize, implement, or enforce a rule related to the hours of service of drivers for motor carriers, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. BENTSEN (for himself and Mr. Forbes):

H. Con. Res. 329. Concurrent resolution urging the detention and extradition to the United States by the appropriate foreign governments of Mohammed Abbas for the murder of Leon Klinghoffer; to the Committee on International Relations.

By Mr. STEARNS:

H. Con. Res. 330. Concurrent resolution expressing the sense of Congress regarding the accession of Taiwan to the World Trade Organization (WTO); to the Committee on Ways and Means.

By Mr. McKEON:

H. Res. 507. A resolution urging the House of Representatives to support events such as the "Increase the Peace Day"; to the Committee on Education and the Workforce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 49: Mr. Tierney.

H.R. 73: Mr. LaHood.

H.R. 303: Mr. Thornberry.

H.R. 474: Mr. Abercrombie.

H.R. 740: Ms. McKinney.

H.R. 783: Mr. Houghton.

H.R. 860: Mr. Moakley.

H.R. 1063: Mrs. Thurman.

H.R. 1103: Mr. Oberstar.

H.R. 1194: Mrs. Clayton.

H.R. 1785: Mr. Oberstar.

H.R. 1795: Mrs. Jones of Ohio, Mr. Cardin, Mr. Camp, Ms. Waters, and Ms. Lofgren.

H.R. 1850: Mr. Frank of Massachusetts.

H.R. 1917: Ms. Waters.

H.R. 2100: Mrs. Meek of Florida.

H.R. 2124: Mr. Royce.

H.R. 2129: Mr. Bateman, Ms. Dunn, Mr. Stenholm, and Mr. Moran of Kansas.

H.R. 2341: Mr. Spratt, Mr. Conyers, Mr. Ehlers, Mr. Pascrell and Mr. Brown of Ohio.

H.R. 2512: Mr. Weygand and Ms. Waters.

H.R. 2741: Ms. Brown of Florida.

H.R. 2892: Mr. Baca.

H.R. 3006: Mr. Filner, Mr. Frost, and Mr. McGovern.

H.R. 3113: Mr. Frost and Ms. Carson.

H.R. 3125: Mr. Lewis of Kentucky, Mr. Rogers, Mr. Maloney of Connecticut, Mrs. Thurman, and Mr. Riley.

H.R. 3192: Ms. McKinney, Mr. Kind, Mr. Moore, Mr. Forbes, and Mr. Gonzalez.

H.R. 3193: Mr. Maloney of Connecticut and Mr. Young of Florida.

H.R. 3249: Mr. Davis of Illinois.

H.R. 3256: Mrs. Roukema.

H.R. 3404: Mr. Shays.

H.R. 3561: Mr. Davis of Illinois.

H.R. 3614: Mr. Inslee, Mr. Frank of Massachusetts, Mr. Aderholt, Mr. Shays, and Mr. Lampson.

H.R. 3650: Mr. Ackerman, Ms. Woolsey, Ms. Rivers, and Ms. Eshoo.

H.R. 3688: Mr. Turner, Ms. Norton, Mr. Spratt, Mrs. Capps, and Mr. Kildee.

H.R. 3700: Ms. Carson, Mr. Ford, Ms. Berkley, Mr. Becerra, Mr. Pallone, Mr. Menendez, Mr. Boucher, Mr. Mascara, Mr. Pascrell, Ms. Baldwin, and Mr. Moran of Virginia.

H.R. 3826: Mr. McNulty and Ms. Carson.

H.R. 3887: Mr. Udall of Colorado.

H.R. 3915: Mrs. Emerson, Mr. Hefley, and Mr. Clement.

H.R. 3916: Mr. Walsh, Mr. Pickett, Mr. Hill of Indiana, Mr. Kuykendall, Mr. Ose, Mrs. Roukema, Mr. Barr of Georgia, and Mr. Graham.

H.R. 4079: Mr. Thornberry, Mr. Salmon, Mr. Pombo, Mr. Ryun of Kansas, and Mr. Cook.

H.R. 4082: Mr. Gordon, Mr. Pickett, and Mr. Istook.

H.R. 4108: Mr. McCollum.

H.R. 4132: Mr. Pomeroy, Mrs. Chenoweth-Hage, Mr. Pickett, Mr. George Miller of California, and Mrs. Napolitano.

H.R. 4176: Mr. Sandlin and Mr. Faleomavaega.

H.R. 4248: Mr. Hastings of Washington, Mr. Green of Texas, Ms. Stabenow, Mr. Rangel, Mr. Boehner, Mr. Saxton, Mr. Diaz-Balart, Mr. Sensenbrenner, and Mr. Cox.

H.R. 4257: Mr. Weldon of Florida and Mr. Goode.

H.R. 4259: Mr. Canady of Florida, Mr. Gibbons, Mr. Pombo, Mr. Watkins, Mr. Herger, Mr. Hill of Montana, Mr. Hutchinson, Mrs. Kelly, and Mr. Clement.

H.R. 4281: Mr. Kucinich, Ms. Pelosi, and Mr. Cook.

H.R. 4330: Mr. Hinchey, Mr. Romero-Barcelo, Mr. Sanders, Mrs. Christensen, Mr. Gejdenson, Mr. LaFalce, Mr. McHugh, Mr. Evans, and Mr. Maloney of Connecticut.

H.R. 4357: Ms. Lofgren.

H.R. 4434: Mrs. Kelly, Mr. Fossella, Mr. Frost, and Mr. Rahall.

H.R. 4468: Ms. Dunn.

H.R. 4488: Mr. Gutierrez.

H.J. Res. 98: Mr. Hayworth, Mrs. Kelly, and Mr. Bilirakis.

H. Con. Res. 58: Mr. Miller of Florida.

H. Con. Res. 252: Mr. Pitts, Mr. Wolf, Mr. Mascara, and Mr. Miller of Florida.

H. Con. Res. 297: Mr. Klink.

H. Con. Res. 302: Mr. Rahall, Mr. Frost, Mr. Hill of Montana, Mr. Evans, Mr. Sanders, Ms. Berkley, Mr. Faleomavaega, Mr. Sherwood, Mr. Ehrlich, Ms. Jackson-Lee of Texas, Ms. Lofgren, and Mr. Barrett of Nebraska.

H. Con. Res. 305: Mr. Blunt, Mr. Fletcher, Mr. Gary Miller of California, Mr. Hyde, Mr. Lipinski, Mr. Collins, and Mr. Latham.

H. Con. Res. 308: Mr. Manzullo and Mr. McGovern.

H. Con. Res. 315: Mr. McIntosh.

H. Con. Res. 321: Mr. Pallone, Mr. Towns, Mr. Brown of Ohio, Mr. Lantos, Mr. Barrett of Wisconsin, Mr. Payne, Mr. Callahan, Mr. Abercrombie, Ms. Kilpatrick, Mrs. Biggert, Mr. Wamp, Mr. Deutsch, Mr. Stark, Ms. Jackson-Lee of Texas, Mr. LaHood, Mr. Walsh, Mr. Tancredo, Mr. Diaz-Balart, and Mr. Snyder.

H. Res. 481: Mr. Levin, Mr. Conyers, Mr. Hoekstra, Mr. Dingell, Mr. Barcia, Mr. Kildee, Ms. Rivers, Ms. Kilpatrick, and Mr. Bonior.

H. Res. 494: Mr. Duncan, Mr. DeLay, Mr. Burton of Indiana, Mr. Hostettler, Mr. Kolbe, Mr. Buyer, Mr. Riley, Mr. Burr of North Carolina, Mr. Shimkus, Mr. Hefley, Mr. Faleomavaega, Mr. Bliley, Mr. Cook, and Mr. Armey.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H. Res. 396: Mr. Dickey.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mr. Knollenberg

Amendment No. 3: Page 72, strike lines 5 through 9 and insert the following new section:

SEC. 734. None of the funds appropriated by this Act shall be used to propose or issue rules, regulations, decrees, or orders for the purpose of implementation, or in preparation for implementation, of the Kyoto Protocol, which was adopted on December 11, 1997, in Kyoto, Japan, at the Third Conference of the Parties of the United States Framework Convention on Climate Change, which has not been submitted to the Senate for advice and consent to ratification pursuant to article II, section 2, clause 2, of the United States Constitution, and which has not entered into force pursuant to article 25 of the Protocol.

# EXTENSIONS OF REMARKS

## CAPITAL MARKETS

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### HON. MAX SANDLIN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. SANDLIN. Mr. Speaker, Frank Raines, Chairman and CEO of Fannie Mae, testified this week before the House Banking and Financial Services Subcommittee on Capital Markets. His testimony was interesting and informative, and I appreciated hearing from him. So that those who will not receive a copy of his testimony may understand more about what Fannie Mae does, and what Mr. Raines' views are, I include for the CONGRESSIONAL RECORD a copy of his speech before The National Press Club on May 12.

REMARKS PREPARED FOR DELIVERY BY FRANKLIN D. RAINES, CHAIRMAN AND CHIEF EXECUTIVE OFFICER, FANNIE MAE

Thank you for joining us today.

These are "interesting" times for the housing industry, and we wanted to bring you up to date since Jim Johnson gave his farewell address as Chairman of Fannie Mae from this podium in November of 1998. A year and a half may not seem like a long time, but it has been an unusually turbulent period, and much is at stake.

As some of you may recall, Jim titled his speech, "Why Homeownership Matters—Lessons Learned from a Decade in Housing Finance." He painted a very positive picture. He said the American Dream of homeownership was more alive, achievable and inclusive than ever. He said the growth in homeownership is making everything better, from the wealth of average families, to the health of older communities, to the strength of the nation's economy. The housing finance system, he declared, was the most efficient and effective ever devised.

Jim was absolutely right. And things have gotten even better. The national homeownership rate has just topped 67 percent, a new record. Even though mortgage rates have gone up, the housing market remains robust. Housing starts are strong. Home sales are vigorous. Home values are appreciating. Households are growing. Homes are getting larger. Home equity is rising. Default and foreclosure rates are at historic lows.

And the process of buying a home has never been better. Automated underwriting and other advances have made it faster, easier, less frustrating and less costly to finance a home, and reduced the bias in lending decisions. E-commerce and financial deregulation are giving consumers more power and more choices at lower costs. The mortgage industry has been breaking through the old red lines and bringing affordable housing finance to families that used to be overlooked, neglected or rejected.

Behind all of this, the secondary mortgage market—including Fannie Mae—is attracting billions of dollars of private capital from all over the world, providing lenders with a steady flow of funds in all communities at the lowest rates in the market and with zero risk to the government.

With the system we have today, and with the economic winds at our backs, the national homeownership rate could rise as high as 70 percent in this decade, with ten million new homeowners and growth especially among minorities, new Americans and other historically underrepresented consumers.

Yogi Berra warned that, "A guy ought to be very careful in making predictions, especially about the future." But I think we're on pretty solid

But I stand before you at a moment when questions have been raised about the utility of the U.S. secondary mortgage market that is so integral to the system's functioning as a whole. Some of these inquiries are well meaning. But it is no secret that some of the questions are generated by financial competitors that would earn more if Fannie Mae and Freddie Mac were not lowering costs for consumers.

The U.S. housing finance system is strong, but it is not indestructible. Changing it significantly could have real consequences for real families. The burden of proof for anyone that wants to change the system is a simple but stringent test—does it help or hurt home buyers?

Today, let me reinforce why our system works so well and what we are up against.

To illustrate what is so good about our system, let's compare it to the other major industrialized countries. Most of the G–7 countries have a well-developed mortgage system organized around depository institutions. But the mortgages they offer are less consumer-friendly. In America we take the 30-year, fixed-rate mortgage for granted. Last year, 66 percent of the mortgages issued in the U.S. were 30-year, fixed-rate conventional mortgages.

Outside the U.S., the long-term fixed-rate mortgage is a rarity. In Canada, they have rollover mortgages, where the rate is fixed during the first one to five years, with a prepayment penalty equal to three months of interest. The fixed-rate term in Spain is usually one year. In France, 80 percent of all mortgages have variable rates. In Germany, you can get a fixed-rate for five to fifteen years, but you can't refinance during this period without paying a huge penalty.

The low down payment features of U.S. conventional mortgages are also unique. We now take for granted down payments as low as 5 and 3 percent. That's not the case in, say, Germany, France, the United Kingdom or Japan. In Germany, the down payment is typically 30 to 40 percent, and in Japan, you've had to put down effectively 50 to 60 percent.

Why are American conventional mortgages more consumer-friendly? Mainly because we have a secondary mortgage market. In other countries, the banks largely make the loans from their deposits and hold the mortgages as an investment. Our system primarily worked that way until the 1970s and 1980s. Today in America, banks, thrifts, mortgage bankers and credit unions make the loans, but they can depend on the secondary market to supply the long-term funding.

What Congress did in establishing a secondary market in the thirties and privatizing this market in the sixties made this change possible, and it has turned out to be absolutely brilliant. When it chartered Fannie Mae and then Freddie Mac as private companies, it created a system that harnesses private enterprise and private capital to deliver the public benefit of homeownership. And it maximizes this public benefit while minimizing the public risk, without a nickel of public funds.

Let's do a quick risk-benefit analysis, starting with the risk side of the equation.

There is a simple reason fixed-rate mortgages with low down payments are rare outside the U.S. Since they don't have a secondary market to buy the mortgage, the lender has to hold the loan and take on all the risk. That is, the lender has to assume the credit risk—the risk that the borrower could default—and the interest-rate risk—the risk that interest rates will change and cause the lender to pay out more to depositors than he is receiving on loans. So the lender protects himself by requiring the consumer to pay more up front and more each month if interest rates rise.

In America, the secondary market purchases the mortgage, taking most of

This process is called "risk transformation." Here's how it works. Fannie Mae and our lender partners create mortgages that consumers want, like our 3 percent down Fannie 97. And we finance them with capital we raise by creating debt instruments that investors want, like our Benchmark securities. We share the credit risk on the Fannie 97 with mortgage insurance companies, and we hedge the interest rate risk by selling callable debt securities to Wall Street. We also work with Wall Street to develop even more refined strategies for hedging our interest-rate risk and credit risk. Last year, we spent about half of our gross revenues paying others to assume risk we didn't want.

Managing risk, in fact, is all we do. We manage risk on one asset—U.S. home mortgages—perhaps the safest asset in the world. All told, 96 percent of all mortgages in America are paid in a timely fashion, which goes to show just how much Americans cherish homeownership. And to help us analyze our risk precisely, we have amassed performance data on 29 million loans dating back over 20 years.

All of this helps to explain why our credit loss rate during the nineties averaged only 5 basis points—five cents on every hundred dollars—even during the recessions in California and New England. Just to compare, the bank credit loss rate on their more diverse set of assets was an average of 86 basis points, or 86 cents on every hundred dollars. Today, our loss rate is lower than ever, at just 1 basis point last year.

A strong secondary market makes the entire financial system safer and more stable. The government holds Fannie Mae and Freddie Mac to the highest financial safety and soundness standards in the financial services industry. We have to hold enough capital to survive a stress test—essentially, ten years of devastating mortgage defaults and extreme interest rate movements. Other financial institutions would not last long under the scenario spelled out in our capital

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

requirements. Thrifts, for example, would become insolvent after five to seven years. At the end of the ten years, Fannie Mae and Freddie Mac would be the only major holder of mortgage assets still standing. A strong secondary market puts mortgages in the safest hands.

Now let's look at the public benefit.

First, the secondary market means consumers never have to hear their lender say, "sorry—we're out of money to lend." People think this can't happen, that it's something out of the Depression era. But without Fannie Mae and Freddie Mac, this could have happened at least twice in the last 20 years. When the S&L system crashed during the eighties, the thrifts in California and Texas would have had no money to lend if we had not stepped in to back their loans. Then, in 1998 when a credit crisis shook the capital markets, conventional mortgage rates would have jumped as jumbo rates did if Fannie Mae and Freddie Mac hadn't been able to raise billions of dollars in capital, and keep it flowing to lenders. Home buyers never felt the credit crunch. In both cases, hundreds of thousands of families would have been denied a mortgage.

The secondary market also drives down mortgage costs. Last week, a mortgage backed by Fannie Mae would be $19,000 cheaper, over the term, than a jumbo mortgage that's just a dollar beyond our loan limit. Our savings over the jumbo market jumped beyond $26,000 during the credit crisis of 1998. Today, a Fannie Mae loan is about $200,000 cheaper than a subprime mortgage, and even about $18,000 cheaper than an equivalent FHA or VA loan backed by the government. During the nineties, Fannie Mae alone saved consumers at least $20 billion through lower mortgage rates.

The secondary market also expands homeownership. Under the 1992 revisions to our charter, Congress requires Fannie Mae and Freddie Mac to meet affordable housing goals, to devote a set percentage of our business to underserved families and communities. As many of you know, Fannie Mae

Since 1993, these initiatives have boosted our lending to African Americans by 31 percent, and to all minorities by 16 percent. Last year, Fannie Mae alone provided nearly $46 billion in housing finance for over 400,000 minority families. That's what having a strong secondary market can do.

The success of our housing finance system is not lost on the other major industrialized countries. I just returned on Tuesday from meetings in London and Frankfurt with our debt investors—the people who buy our Benchmark securities that allow us to finance mortgages here. One of the major ironies of being Chairman of Fannie Mae is that there are countries in which investors will help finance American homeownership while their own homeownership rate is lower.

Naturally, many countries are curious about our system. Fannie Mae has responded to many requests to serve as advisors overseas, not because we will ever buy loans abroad, but because of our expertise in the unique U.S. secondary market, a market that is viewed in other countries as some kind of miracle.

So over the past few years, a team from Fannie Mae has been invited to 29 different countries from Europe, to Africa, to Latin America, to Asia to help them figure out how to build a better system like ours. These countries have asked us how to deepen their capital markets, manage risk better and expand affordable lending and fair lending. We just had a team in South Africa to help a start-up secondary market conduit develop mortgage risk modeling, which they want to use to fight redlining.

What you see in America is a dynamic web of entities—both public and private sector—delivering homeownership to citizens of all backgrounds, incomes and circumstances. We have small, medium and large mortgage originators and lenders, serving consumers from store fronts to web sites. We have home builders, Realtors, mortgage brokers, mortgage insurers and appraisers and mortgage.coms. We have consumer advocates, citizen activists and nonprofit housing organizations. The system receives wide support from local, county, state and federal agencies and elected leaders, public policies and public benefits. And behind all of it, we have a vibrant secondary market drawing capital from all over the world to finance this home-building, lending and purchasing.

The interaction of these entities is constantly driving the housing system to improve itself, to reward low cost and high quality, to police the bad actors and chuck out the bad apples, to search for new markets and untapped home buyers, and break down the barriers. Looking back over my years in the industry gives me confidence that the U.S. housing system, with a little nudging here and there, will continue to do the right thing for consumers. Good money will drive out the bad. A better mousetrap is always in development. Underserved families will be served. Our system is constantly evolving and innovating to make owning a home more possible for more people.

Given how great our system is, it makes you wonder: Why are some voices suggesting there is something wrong with our housing finance system, something fundamental that needs to be fixed?

Certainly, the system benefits from constructive scrutiny. It is entirely appropriate for the Congress to hold oversight hearings on the safety and soundness of the secondary mortgage market. I look forward to testifying before Mr. Baker's subcommittee next week. It is also appropriate for our regulators—HUD and OFHEO—to monitor us closely. And it is appropriate for other agencies to ask questions within their purview as well. We welcome official scrutiny.

But something less constructive is also going on here in Washington. Recently, a senior Senator asked me why Fannie Mae was suddenly in the news so much. I explained to him that some very large financial institutions have decided they are not content with the way the system works for them. They see how Fannie Mae and Freddie Mac drive down mortgage costs for consumers and serve all mortgage lenders. They see how we give small- and medium-sized mortgage lenders a chance to compete with the large institutions. So this small group of large institutions would like to eliminate the benefits that Fannie Mae and Freddie Mac provide, from low-cost financing to automated underwriting systems.

They have brought the fight to Washington under the name FM Watch. They began by defining themselves as a watchdog group, and their rhetoric was mild. But over the course of the past year, they have been unable to gain any traction. They have been unable to answer the question of how the consumer would benefit from any of their proposals regarding Fannie Mae and Freddie Mac. And our nickname for this group, the "Coalition for Higher Mortgage Costs," has stuck like a tattoo.

So this group has switched from watchdog to attack dog. Its strategy is now to create an instant crisis, to convince policymakers that Fannie Mae and Freddie Mac are a financial risk to the taxpayer, an S&L crisis waiting to happen. This is the equivalent of the owner of one movie theater going to a rival theater and shouting "fire!" A mortgage insurance industry that nearly collapsed in the 1980s and a banking industry that collapsed in the early 1990s now seek to tag the secondary mortgage industry with the word "risky."

By trying to create a crisis, FM Watch has gone beyond a watchdog role into an approach which, carried to its logical conclusion, would actually harm the housing finance system, all in an effort to create short-term advantages for its members.

Never mind that its claims collapse under scrutiny. Fannie Mae and Freddie Mac are far from the S&L problems and banking problems that bankrupted their deposit insurance funds and required federal direct and indirect bailouts. To the contrary, if the failed S&Ls and banks had stuck to safe mortgage investments like we do instead of all their speculative non-mortgage investments, they might not have failed.

Our safety and soundness allowed us to be the "white hats" in the S&L and banking crises as we rode in with additional capital to keep the housing system going. The risk-based capital standard that Congress gave us since the S&L and banking crises has made us even more safe and sound. What FM Watch does not mention is that if the economic stress test in our capital standard ever came to pass, the government would have to bail out their members long before Fannie Mae was in any danger.

But you can learn a lot from debating with an entity like FM Watch. They use so many facts that you just can't find anywhere else. It reminds me of a story Adlai Stevenson once told. He reminded his audience of the old lawyer addressing the jury, who closed his summation by saying: "And these, ladies and gentlemen, are the conclusions on which I base my facts." FM Watch is looking for any conclusion that will help to damage Fannie Mae and Freddie Mac. The facts will be altered to fit.

If this Coalition for Higher Mortgage Costs were successful, it would destabilize the secondary mortgage market and the related capital markets. This destabilization would undermine the entire housing industry and its progress, raise costs for consumers and stifle the advance of homeownership—harming underserved families first. Because such an outcome is unacceptable, I don't think this will happen. The American people and their elected representatives are smart. They will soon recognize another lobbyist-driven Potemkin-crisis public relations campaign for what it is. Then they and the capital markets will stop listening.

Certainly our housing system is not perfect. Minority homeownership rates are too low. There is still inequality in affordable mortgage credit. Too many families that can afford the least are being charged the most for mortgage

One issue deserving of further study is the question of why disparities in loan approvals between white and minority borrowers continue to persist. Many have suspected overt racial discrimination. But those disparities can be found even in automated underwriting systems using racially neutral underwriting criteria.

We take this issue very seriously because in our experience, automated underwriting has in fact expanded lending to minority families. To try to understand the problem better, we have studied results from our system, Desktop Underwriter. We found that differences in credit histories account for about 50 percent of the difference in loan approvals. And when you also factor in the applicant's loan-to-value ratio and reserves, these three factors together account for over 90 percent of the difference in the approval ratings. The results of this study point to the need for public policies addressing consumer credit education and minority savings and wealth development.

The housing finance system needs more answers to questions such as this. To further explore these issues, next month Fannie Mae is hosting a conference titled "The Role of Automated Underwriting in Expanding Minority Homeownership." We're bringing together a range of advocates, academics, regulators and lenders to engage in a meaningful dialogue concerning automated underwriting systems and their role in expanding homeownership and promoting fair lending. I am personally committed to working every day to make sure that these systems are the best they can possibly be.

All in all, the housing finance system—through inspiration, perspiration and a little luck—has grown into the most successful system in the world. It is worth protecting and defending. We must never allow the system to be damaged by those who would place their narrow financial interests ahead of those of the industry as a whole and—most importantly—ahead of the consumers we serve.

This being a national election year, it is a good time to discuss and debate our national priorities, and certainly homeownership is high among them. Few ideals unite us more than owning a home to raise your family, invest your income, become part of a community and have something to show for it. There are many ways to go about improving the housing finance system to make it better, more affordable and more inclusive. As we pursue these efforts, we need to keep our eyes on the prize and ask the most important question, "does this proposal help or hurt home buyers?"

Thank you.

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## HONORING AMBASSADOR STEPHEN CHEN

### HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. ORTIZ. Mr. Speaker, today I pay homage to an outstanding diplomat who is leaving Washington with two years of distinguished service in the United States Diplomatic Corps, Ambassador Stephen Chen.

Ambassador Chen has been a wealth of information for me and my staff about the intriguing diplomacy of the Pacific Rim. He leaves Washington with the satisfaction of having represented the interests of his country well while in the United States, and he strengthened the all-important relationship between the United States and Taiwan.

Ambassador Chen is a career officer, serving Taiwan's foreign ministry for nearly 50 years now. He is the consummate diplomat, with a rare gift of persuasion without the appearance of appearing to be inflexible. He has charmed many Washington officials, guests and other diplomats during his time here with insightful knowledge about trade, international relations, and a variety of other topics.

At Twin Oaks, a historic landmark in central Washington, Ambassador Stephen Chen and his lovely wife Rosa have hosted many gatherings. Ambassador Chen is always generous in regaling his guests with self-deprecating jokes, as well as stories about Taiwan and her people. He brought all of us closer to Taiwan and to his native culture.

I ask my colleagues to join me in wishing Stephen and Rosa Chen well as they retire from the foreign service and return to their beloved Taiwan.

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## HONORING THE LATE EVANGELINE C. MILLS

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. FARR of California. Mr. Speaker, today I honor a woman who supported countless local charities in the community. Mrs. Evangeline C. Mills passed away at the age of 69.

Born in Holtville on November 22, 1930, Eve lived in Salinas for 46 years. She played a very active role in the community including her membership on the advisory board of the Foundation for Monterey County Free Libraries, on the board of the Western Stage and also as past president of PEO, a women's philanthropic organization. In 1996 Eve and her husband were named Volunteers of the Year by the United Way of Salinas Valley where they served as co-chairs of the Alexis de Tocqueville Society. In the same year, the Development Executives Network and the National Society of Fund-rasing Executives, Monterey Bay chapter, honored the couple as Philanthropists of the Year. Eve was also a volunteer driver for Meals on Wheels of the Salinas Valley for over 20 years.

Eve will be forever remembered by dear family and friends. She will be sorely missed by the many people who were privileged to know her. Eve is survived by her husband; two sons, David and Jim Mills, both of Salinas; two daughters, Susan Mills of Salinas and Kathy Mills of Pacific Grove; her parents, Ted and Loreen Todd of San Jose; and eight grandchildren.

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## HONORING GEORGIA GULF CHEMICALS & VINYLS, L.L.C.

### HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. BENTSEN. Mr. Speaker, I rise to congratulate Georgia Gulf Chemicals & Vinyls, L.L.C. and its employees for selection by the Pasadena Chamber of Commerce as the Industry of the Year.

Georgia Gulf and its employees have been responsible members of the Pasadena community, and have had a significant impact on the local business community. In addition to making sizable expenditures on supplies and raw materials in the Pasadena area, Georgia Gulf has shown a commitment to reducing the amount and/or toxicity of hazardous and non-hazardous wastes generated. Though not required by any state or federal regulations, Georgia gulf operates a vapor recovery system for acetone loading, resulting in reducing emissions to the atmosphere.

Georgia Gulf received recognition from Pasadena's Local Emergency Planning Committee for their support and involvement with the Household Hazardous Material Collection Day. Georgia Gulf employees also volunteer with the Bay Day Celebration to provide information to the public on pollution prevention, water quality, and the Galveston Bay ecosystem.

In addition to environmental efforts, Georgia Gulf has shown a commitment to safety. The company received the Texas Chemical Council's "Caring for Texas" Award for outstanding performance in pollution prevention, community awareness, and safety awareness. The Council also recognized Georgia Gulf for going a year without a recordable accident in 1999.

A true connection exists between Georgia Gulf and the Pasadena community. Most of the 80 employees make their homes in Pasadena area neighborhoods. Demonstrating their generosity and connection to community, the company's employees have logged thousands of volunteer hours on local projects.

Georgia Gulf's active involvement in the Pasadena community can be traced through its participation in a wide variety of civic organizations, including the Pasadena Chamber of Commerce, the Pasadena Citizens Advisory Panel, the Clean Channel Association and several community-based nonprofit organizations. The Pasadena Livestock Show and Rodeo and area Little Leagues also benefit from the active support of Georgia Gulf. The employees' participation in the American Heart Association's Heartwalk, United Way fundraising, and the Bridge to help battered women, add to the list of reasons why Georgia Gulf has earned this year's Industry of the Year Award.

Georgia Gulf has contributed to efforts to provide a first-rate education for the young people of Pasadena. Georgia Gulf and its employees: serve on the East Harris County Manufacturers Association Schools Outreach Subcommittee to provide Pasadena schools with supplies, mentoring, and monetary donations; host industry tours for ninth graders from area high schools; participate in a mentoring program with fifth graders called the Pen Pal program; and donate computer equipment to the Pasadena school district.

Mr. Speaker, I congratulate the employees of Georgia Gulf on being named the Pasadena Chamber of Commerce Industry of the Year. This honor is well-deserved for their work in expanding business and job opportunities, establishing safer conditions for workers, and instituting initiatives to protect the environment. This award indicates that Georgia Gulf has demonstrated a commitment to strengthening community relations by supporting employees volunteer activities and making contributions to deserving sectors of the community.

## 10TH PRESIDENT OF THE TURKISH REPUBLIC

### HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. NETHERCUTT. Mr. Speaker, Turkey is undergoing a peaceful transition of power, which has received little attention in this country. Last Friday, the Turkish parliament secured the necessary support to vote Ahmet Necdet Sezer, a former top judge as the 10th President of the Turkish Republic. He will officially assume his post on May 16th.

This development was viewed positively by the European Union and western circles. President-elect Sezer is known as an outspoken advocate of democratic reforms and a staunch defender of secularism.

His accession to the presidency was also well received at home. According to a public opinion poll, he enjoys 81 percent popular support. According to the same poll, 75 percent of those polled believe that he would be a successful President.

Mr. Speaker, Turkey is well known as a dependable and strategically located NATO ally, but the State Department's 1999 report on global terrorism, which was recently released, highlights Turkey's contributions to curtail terrorism, perhaps one of the biggest threats to our security in this new millennium.

In 1999 Turkey not only captured Abdullah Ocalan, the leader of the vicious PKK which was responsible for the death of tens of thousands of people, but also was successful in thwarting the activities of the leftwing Revolutionary People's Liberation Party/Front (DHKP/C) as they prepared to inflict damage on U.S. targets.

The report details the Turkish police's successful operation against the terrorist group in a shootout on 4 June as the terrorists prepared unsuccessfully to fire a light antitank weapon at the U.S. Consulate in Istanbul from a nearby construction site. Authorities also arrested some 160 DHKP/C members and supporters in Turkey and confiscated numerous weapons, ammunition, bombs, and bomb making materials over the course of the year, dealing a harsh blow to the organization.

According to the report, Turkey also made significant progress against Islamic terrorism, as Turkish authorities continued to arrest and try Islamic terrorists vigorously in 1999. The report states that militants from the two major groups—Turkish Hizballah, a Kurdish group not affiliated with Lebanese Hizballah, and the Islamic Great Eastern Raiders-Front—managed to conduct low-level attacks.

There were at least two attempted bombings against Russian interests in Turkey during 1999. On 10 December authorities discovered a bomb outside a building housing the offices of the Russian airline Aero-Flot in Istanbul. The bomb weighed approximately 14 kilograms, was concealed in a suitcase, and was similar to a bomb found on the grounds of the Russian Consulate in Istanbul in mid-November. Turkish officials suspect that Chechen sympathizers were responsible.

While most of our NATO allies have benefited from the end of Cold War, experts maintain that since 13 of the 16 possible conflicts in the world are in Turkey's neighborhood, Turkey has not benefited from a peace dividend. We must continue to support and nurture the friendship we have with the Republic of Turkey, a close ally that continues to shoulder a heavy burden for regional peace and security.

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## HONORING DR. JOE SAMUEL RATLIFF FOR HIS 30TH YEAR IN THE MINISTRY

### HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. JACKSON-LEE. Mr. Speaker, it is an honor for me to recognize the achievements of Dr. Joe Samuel Ratliff, of Brentwood Baptist Church. On Wednesday, May 17, 2000, the congregation of Brentwood Baptist Church honored Pastor Ratliff for the many contributions he has made over the last 30 years in the name of the Lord.

Dr. Joe Samuel Ratliff of Lumberton, NC, received his Bachelor of Arts in History, from Morehouse College, Atlanta, GA. He received both the Doctorate of Ministry and Doctorate of Divinity degrees from the Interdenominational Theological Center in Atlanta, GA. He has done post-doctoral work at Harvard University, Cambridge, MA.

It is difficult to imagine what the Houston community would be like today had Dr. Ratliff not been called to become Pastor of Brentwood in 1980. We have been truly blessed to have a man with his sense of dedication and selflessness among us. In 1993, Dr. Ratliff co-authored the book, Church Planting in the African-American Community (Broadman Press). He was named the first African-American Moderator of the Union Baptist Association . . . the nation's largest urban Southern Baptist body, consisting of 250,000 members in 1994. In March of 1997, his portrait was hung in the Hall of Fame in the Martin Luther King, Jr. International Chapel on the Morehouse College Campus. Under Pastor Ratliff's leadership, the Brentwood family has grown to 10,000 strong.

Pastor Ratliff's time with the ministry has allowed him to develop a strong support network that extends outside the church. Dr. Ratliff currently serves as Chairman of the Board of Trustees of the Morehouse School of Religion and Vice Chairman of the Board of Trustees of the Interdenominational Theological Center. Dr. Ratliff is a life member of Alpha Phi Alpha Fraternity, Inc., and is married to Mrs. Doris Gardner Ratliff.

Mr. Speaker, it is with great pride that I ask you and my fellow members of the 106th Congress to join me in saluting Pastor Joe Samuel Ratliff. Self-evident is his lifelong journey to enhancing the dignity and nurturing the spirits of all people. I am grateful that there are people like Dr. Ratliff who serve as examples of what we should all strive to be.

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## THE UCSD CANCER CENTER: WORLD-CLASS RESEARCH, GAINING WORLD-CLASS PRIVATE SUPPORT

### HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. CUNNINGHAM. Mr. Speaker, I want to bring to the attention of my colleagues the exciting, new research opportunities being pursued by the UCSD Cancer Center in La Jolla, California, and to recognize some very generous families and organizations for the extraordinary private support they have recently pledged to provide to the Center.

The UCSD Cancer Center is now undergoing a tremendous period of growth and resurgence. Directed by the distinguished Dr. David Tarin, the goal of the Center is to research and help deploy the many new treatments and protocols now being developed to fight and prevent cancer. Through the leadership of people like Labor Appropriations Chairman JOHN PORTER, the Republican majority in Congress has successfully raised the bar of investment in health research and cancer research as a major national priority of the people of the United States. Now this research, in many cases, requires a next step: the testing and evaluation of treatments and medicines through clinical trials. Such trials are a major focus of the UCSD Cancer Center, so that we can bring together medical professionals, researchers and patients to the benefit of everyone. By consolidating research and treatment at the UCSD Cancer Center, we will learn more about treating and preventing this horrible scourge of cancer, in a way that preserves and enhances the dignity and peace of cancer patients, their families and their loved ones.

Such cancer is not inexpensive. Conversely, though, I believe that we cannot afford not to invest in such a center. It gaining increasing recognition from the National Institutes of Health's National Cancer Institute, directed by my friend Dr. Rick Klausner. It is the focus of a regional effort by the San Diego County Board of Supervisors, to apply local tobacco settlement funds to combat and prevent cancer.

I want to pay particular attention to several families who have put forth their own treasure to the improvement of this vital Center. Within the past several months, private gifts totalling $47 million have been pledged for this purpose.

In thanksgiving for a gift of $20 million by San Diego Padres majority owner John Moores and his wife Rebecca, the center will be named the John and Rebecca Moores UCSD Cancer Center.

Longtime investment banker and attorney Jerome Katzin and his wife Miriam have pledged another $15 million.

And many more gifts large and small, by San Diego's leading families and by people whose lives have been touched by cancer, have been pledged to this Center.

Mr. Speaker, this Center is gaining national recognition in its field. As a strong supporter of cancer research and of this Center, I want to bring both the Center and its private family supporters to the attention of my colleagues in Congress and to the country.

I commend my colleagues to read the attached article from the San Diego Union-Tribune, describing both the Center and the gifts of its supporters in greater detail.

[From the San Diego Union-Tribune, May 5, 2000]

### WORLD-CLASS CANCER CENTER PLANNED AT UCSD

(By Cheryl Clark)

A regional cancer center financed by gifts of $47 million from local families is to be built in La Jolla, consolidating research and treatment in what UCSD officials hope will become one of the nation's best places for care.

The plan is to bring researchers, clinicians, prevention specialists and educators under one roof in an effort that UCSD Chancellor Robert Dynes called a "bench-to-bedside approach to conquering cancer."

"San Diego deserves a cancer center that ranks among the world's best, and UCSD is the logical place," Dynes said yesterday.

University officials hope the coordinated center eventually will receive the higher level and prestigious "comprehensive" designation from the National Cancer Institute.

That label would not only attract more qualified scientists and clinicians, it would be a magnet for funding for clinical trials of cancer compounds from the federal government, private foundations and pharmaceutical companies.

The announcement follows several ambitious and far-reaching developments recently in the San Diego medical community focusing on cancer research and treatment.

"We can now see on the horizon the realization of a dream," said Dr. David Tarin, associate dean for cancer affairs and the new center's director. "At the moment, we are scattered at 24 sites and at two hospitals."

The largest of the gifts was $20 million pledged by Padres majority owner John Moores and his wife, Rebecca. The center will be named the John and Rebecca Moores UCSD Cancer Center.

The Moores were unavailable for comment, but in a written statement they said, "When we lived in Houston, we observed the profound impact of a vigorous, highly regarded cancer center equally dedicated to research and patient care."

Another large contributor was Jerome Katzin, an attorney and former investment banker with Kuhn, Loeb & Co./Lehman Brothers for 35 years. He and his wife, Miriam, pledged $15 million.

Officials hope to start construction next year, following approval by the University of California Board of Regents.

The facility will be built on 2.4 acres southeast of Thornton Hospital near the Shiley Eye Center and the Perlman Ambulatory Care Center.

The five-story structure would house laboratories, outpatient treatment areas and conference and office space for teaching. Patients requiring acute care would be treated at other area hospitals such as Thornton or UCSD Medical Center in Hillcrest.

Dynes, Tarin and David Bailey, dean of UCSD's School of Medicine, said they are halfway to their fund-raising goal. They anticipate the project will cost $75 million to build and an additional $25 million to support clinical trials and treatment programs. They said they are confident they will raise the remaining $53 million.

Numerous physicians and patients have criticized the region's existing cancer treatment resources, saying some patients who want to try certain experimental chemotherapies have to travel to larger programs in Los Angeles, Houston, Seattle, Boston or New York.

UCSD officials said they have long wanted to enhance their cancer program. Two years ago their application for National Cancer Institute funding received poor marks and was rejected, in part because evaluators said UCSD lacked a coordinated system by which UCSD and regional molecular biology research is translated to clinical care.

UCSD also was criticized for its lack of a formal vehicle for treating cancer in children. Plans to merge UCSD's pediatric program with that at Children's Hospital have fallen apart several times.

"It was mandated by the NCI that children should be included in clinical trials," Tarin said. "We want to make that a major component."

Bailey said he is having conversations with Children's Hospital and hopes to finally have an agreement.

Blair, Sadler, Children's president and chief executive officer, said such a collaboration would be "an ideal marriage" because Children's now has about 200 pediatric cancer patients enrolled in clinical trials and is following

UCSD is in a unique position to work on all sorts of common cancers, Tarin said, especially those that are not more prevalent in the San Diego area, such as uterine and cervical cancer and melanoma, which can be caused by overexposure to the sun.

"By assembling everything in one place, in a single building, we hope that the whole of our endeavor will become more than the sum of several parts, and that delivery of care will be a model for other communities to build upon," Tarin said.

"We need to understand the scale of this venture," he said. "Fifteen hundred people every day will die of this disease. That may not sound like a great number, but it represents about five jumbo jet planes crashing, and that would be big news."

UCSD is not the only major medical system trying to develop a cancer center. Seven months ago, cancer experts with the Scripps organization announced plans to build one and to apply for the NCI's "comprehensive" designation.

But UCSD appears to be the furthest along. Last week, NCI awarded UCSD's Dr. Thomas Kipps, a cancer immunologist, $16.5 million to direct a coordinated attack against chronic lymphocytic leukemia, the most common blood cancer among adults, at nine institutions around the country.

Also under way is an effort, spearheaded by Tarin, to use $100 million of the $1 billion in settlement money from tobacco litigation to organize a regional collaboration of all cancer centers.

That effort, advocated by county Supervisors Ron Roberts and Dianne Jacob, is in the planning stages, and a consultant was hired for $500,000 to write a report about what would be required to make that happen.

Roberts, who attended the news conference yesterday where architectural plans for the cancer building were unveiled, said: "I don't think we ever assumed there wouldn't be rivalry between the institutions (Scripps and UCSD). But our dream was that we could link them regionally in a way they'd never been before.

"Our dream was that we could compete with the Boston, Houston and New York cancer centers in providing services. But we have a long way to go."

Dr. Ernest Beutler, head of the Scripps molecular and experimental medicine department and chairman of the new Scripps cancer center's board of governors, said he doesn't see the two cancer center efforts "as a competitive thing."

"I don't think there could be too many people trying to make a dent in the cancer problem," he said.

Beutler declined to say how much Scripps has received in donations or whether Scripps and UCSD might be competing for the same philanthropic dollars.

"There will be areas where we certainly want to work with UCSD, which has some very good people," he said.

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## WORLD BANK PROTESTS

## HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. VENTO. Mr. Speaker, I would like to share with my colleagues this recent editorial in the Star Tribune regarding the protests of the spring meetings of the World Bank and IMF in Washington, D.C. This intriguing perspective is an insightful analysis of the scope of the debt relief issue and role of the World Bank in combating this humanitarian challenge. Congress must move forward and address the growing problem of third world debt and follow a policy path that seeks to break the chains of debt for the world's most impoverished nations.

[From the Star Tribune]

### WORLD BANK PROTESTS: WHAT, EXACTLY, IS THE POINT?

Anyone who has marched for justice or signed a petition can find some sympathy for the demonstrators who have swarmed into Washington, D.C., to disrupt spring meetings of the World Bank and International Monetary Fund. The question is: Why aren't they on the other side?

The World Bank, whose Pennsylvania Avenue headquarters has become an emblem of evil and conspiracy, is arguably the biggest antipoverty agency in the world today. In 1998 it made loans of $28.6 billion—mostly to very poor countries and mostly to build schools, improve roads, buy fertilizer, equip medical clinics and promote population planning.

Has the World Bank sponsored some destructive and ill-conceived projects? Certainly. But Americans who want less poverty in the world, more schools, cleaner water and better nutrition should be in the streets seeking more money for the World Bank, not less.

Some protesters would say their target is not the World Bank, per se, but the trend it represents—a process known as globalization, variously defined as the sweatshop production of Gap clothing or the ceaseless expansion of McDonald's.

But this is a narrow and shabby definition of what has happened in the world's since 1970. Three decades of rapid economic integration and massive capital flows have been accompanied not by the immiseration of the world's workers, but by the most rapid reduction in world poverty in a century. In Asia alone, 1 billion people have been lifted out of poverty since 1980, and the world's overall poverty rate has been cut in half, from 34 percent to 17 percent.

Global capitalism can't take all the credit for these developments. But it has played an important role, according to a new report by the consulting firm A.T. Kearney. Kearney studied 34 countries representing three-fourths of the World's economic output. It found that countries that opened themselves to world trade most rapidly—countries such as China, Poland, Chile, Portugal and the Philippines—also posted the fastest economic growth and, despite widening income gaps, also made the best progress in reducing poverty and increasing government spending on social ills.

Some share of the demonstrators would say they are not trying to halt world trade or shut down the World Bank, but steer both toward a path of social and environmental sustainability. That message makes for demonstrations genuinely useful. Of course, it's not terribly different from the message coming from inside the targeted buildings. The International Monetary Fund is now a leading advocate for debt relief in poor nations, while the World Bank incorporates environmental and labor groups into about half of its lending projects.

Now that they have the world's attention, the demonstrators should say, specifically, how they would improve upon those useful developments.

## TRIBUTE TO THE PILGRIM BAPTIST CHURCH OF SAN MATEO

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. LANTOS. Mr. Speaker, I would like to urge my colleagues to join me in recognizing the proud history and social contributions of the Pilgrim Baptist Church of San Mateo, California. Since its founding over seventy-three years ago, this house of worship has grown not only in numbers but also in its commitment to community service.

During the 1920's, the Peninsula south of San Francisco was dotted with small towns, neighborhoods filled with people of many colors and creeds who were drawn to the beauty and promise of the Bay Area. In this era of change the Pilgrim Baptist Church was born. On New Year's Eve 1925, A.J. Lucas of San Mateo hosted a prayer and watch meeting in his North Fremont Street residence. These gatherings became regular occurrences in the months to follow, as Mr. Lucas and his fellow believers convened on Sunday and Thursday evenings at the Lucas' home. On April 4, 1926, the church was formally organized and named the Abyssinia Missionary Baptist Church.

During the decades to come, as America waged a world war and the City of San Mateo grew into a vibrant community of culture and commerce, the Pilgrim Baptist Church continued to thrive. In 1962, when it constructed its present sanctuary at a cost of over $100,000, Pilgrim had over four hundred members. The church's outstanding reputation inspired the formation of new congregations throughout the Peninsula, many of them guided by former Pilgrim members.

In addition to educating its congregation and community about religious principles, the Pilgrim Baptist family offers a network of support that reflects the finest of its Christian values. Men and women with problems can turn to the church for spiritual guidance, emotional strength, and peer support. Others turn to Pilgrim Baptist Church in times of joy, among them the many Peninsula students who celebrate their high school graduations at the church's annual festivities to honor the accomplishments of African-American youth in the Bay Area. Some of these young people have received college scholarships from The Dukes and Duchesses, a group of Pilgrim congregants who work together to encourage minority educational advancement.

Mr. Speaker, chronicling every one of Pilgrim's religious and cultural contributions would be an arduous task. From the Home Bible Study Ministry to the annual concerts of the Mass Choir in honor of Black History Month, the Pilgrim Baptist Church offers extraordinary blessings to so many Bay Area residents.

Today, more than three-quarters of a century after A.J. Lucas began holding prayer meetings in his home, Pilgrim Baptist Church remains a beacon for the San Mateo community. Under the able leadership of its current pastor, Rev. Larry Wayne Ellis, membership is now approaching 600 people, and the congregation prepares to dedicate a new Education and Fellowship Building addition this July.

Mr. Speaker, the contributions of Pilgrim Baptist Church truly reflect the Biblical injunction to love and serve one another. I urge all of my colleagues in the Congress to join me in commending the values and public service of this exceptional San Mateo institution.

## PERSONAL EXPLANATION

### HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. BATEMAN. Mr. Speaker, I was regrettably absent during the evening of May 10, 2000, and missed six recorded votes on amendments to H.R. 701. Had I been present, I would have voted as follows: Regula—vote No. 160—"nay"; Radanovich—vote No. 161—"yea"; Tancredo—vote No. 162—"nay"; Shadegg—vote No. 163—"yea"; Chenoweth-Hage—vote No. 164—"yea"; Pombo—vote No. 165—"nay".

I was also absent on Monday, May 15, 2000, and consequently missed three recorded votes. All three were conducted under suspension of the rules. Had I been present, I would have voted as follows: H. Res. 491—vote No. 180—"yea"; H.R. 4251—vote No. 181—"Yea"; H. Con. Res. 309—vote No. 182—"yea".

## HONORING THE THOMASVILLE HIGH SCHOOL, LEDFORD SENIOR HIGH SCHOOL, AND WESTCHESTER ACADEMY BASKETBALL TEAMS

### HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. COBLE. Mr. Speaker, with the 2000 NCAA basketball season having drawn to a close and the NBA season in playoff fever, I would like to recognize three schools from the Sixth District of North Carolina that captured state basketball championships recently. Thomasville High School, Ledford Senior High School, and Westchester Academy, have all been crowned 2000 North Carolina high school basketball champions.

Thomasville High School captured the boys 1–A state title. Champions for the second time in three years, the Bulldogs had an impressive season. We congratulate Wingate Smith, Brandon Jefferies, Leandor Poole, Justin Fordham, Derrick Peake, Michael Christian, Roy Peake, Jeremy Tillman, Brandon Setzer, Anthony Harris, and Josh Cockman. Other people who contributed to Thomasville's state title were Head Coach Woody Huneycutt, Assistant Coach Lacardo Means, manager Josh Winnex, as well as Tracy Quick, Shalonda Long, and Matthew Mathis.

Ledford Senior High School claimed the girl's 2–A state championship, their third title in six years. For the first time in school history, the Panthers won 30 games in a single season, ending with a spectacular 30–2 record. We congratulate Leslie Hinkle, Kara Mendenhall, Pam Oast, Kristen Ferrell, Kristal Robbins, Katie Ralls, Jennifer McCarthy, Britt Krull, Casie Thomas, Nancy Hinson, Lindsay Smith, and Alicia Stokes. The Panthers achieved their success with the help of Head Coach John Ralls, and Assistant Coaches Alan Patterson, Joe Davis, and David Sands. They were ably assisted by managers Jennifer Shuskey, Michael Scheuerman, Tim Bass, and Hunter Morris.

Westchester Academy won the boy's state independent school championship for the first time since 1976, dethroning five-time state champions Victory Christian. The Wildcats completed their season with an amazing 28–2 record. We congratulate Martin Rosenthal, Scott Craven, Brooks Weller, Jim Swaringen, Doug Esleeck, Kellie Jones, Tyler Hustrulid, Joel Foster, Matt McInnis, T.C. Crouch, Chad Habeeb, Lorenz Manthey, Johnston Spillers, Dwon Clifton, and Peter Tsampas. Head Coach Pat Kahny, Assistant Coach Jason Hailey guided the Wildcats to their state title, along with managers Jeff Finch, Rebecca Cochran, Trey Jones, and scorekeeper Lindsay Sams.

The Sixth District of North Carolina is proud of these three teams from Davidson County for their hard work and dedication. Congratulations to the boys from Thomasville High School and Westchester Academy, and the girls from Ledford Senior High School. Congratulations to all three teams for a job well done.

## PERSONAL EXPLANATION

### HON. ROBERT E. WISE, JR.

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. WISE. Mr. Speaker, on rollcall No. 193, I was meeting with constituents and did not realize a vote was taking place. Had I been present, I would have voted "no."

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## CONGRATULATING ROBERT STINE UPON HIS RETIREMENT

### HON. C.W. BILL YOUNG

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. YOUNG of Florida. Mr. Speaker, today I wish to recognize Mr. Robert Stine, as he plans for his retirement from the Prince William County School System and Woodbridge Middle School. Mr. Stine has devoted 35 years of his life to the field of education. For the past 17 years he has been the principal of Woodbridge Middle School in Woodbridge, Virginia.

Mr. Stine was born in 1944 in Meadville, Pennsylvania. It was at an early stage of life that Principal Robert Stine first distinguished his extraordinary leadership skills. During his youth, he was actively involved in school organizations and rose to serve as President of both the Key Club and the Letterman's Club. He also excelled in several high school sports serving as the captain of the baseball and basketball teams.

Following this impressive High School career, Mr. Stine went on to Alliance College where he received his Bachelor's degree in biology in 1966. Five years later he obtained his Masters Degree in Guidance and Counseling from the prestigious University of Virginia.

In August of 1970, Mr. Stine began his career in the Prince William County School System. Starting out as a high school guidance counselor and J.V. basketball coach, he quickly moved up the administrative ladder. Mr. Stine took the position of Assistant Principal in 1974. Two years later he became the Principal of Stonewall Jackson Middle School, and later of Godwin Middle School, before accepting his current position as Principal of Woodbridge Middle. For almost two decades he has tirelessly devoted his time and efforts to serving the students, teachers and parents of the Woodbridge community.

During his years at Woodbridge Middle School, he and the school have been recognized throughout the state of Virginia for the new and innovative programs the middle school has initiated for its students. The school was one of the first to utilize the proactive disciplinary technique P.A.T.S., which teaches the concepts of rights, responsibilities, behaviors, and consequences to students who attend the school. Under the direction of Mr. Stine, Woodbridge Middle was the first school in Prince William County and one of the few middle schools in the entire state to adopt a school uniform policy. Another important plan developed during Mr. Stine's administration was the school's advisory program. This program, which promotes successful teaming exercises and fairness among all students, has earned national recognition and was featured at a national Middle School Conference several years ago.

Mr. Stine was also instrumental in the institution's receipt of numerous awards of excellence, including recognition by the State Department of Education as a Vanguard School. This prestigious designation recognizes Woodbridge Middle as one of the 25 finest learning institutions in the State. Woodbridge Middle School is also a V-Quest School, a distinction given to schools that use creative math and science curricula.

With the guidance and direction of Mr. Robert Stine, Woodbridge Middle School has become an outstanding place for adolescents to learn and grow. The teachers are dedicated to the academic, social and athletic development of each student. Parent and community involvement is encouraged in every aspect of the school's operation, and every student is appreciated for their unique background, abilities and talents. Today, I rise to honor Mr. Stine not only as a member of the House of Representatives, but as a proud father who has watched his three sons mature, develop and become better students and people while attending Mr. Stine's school. For that I am very thankful. We will miss him greatly and wish him the best as he moves on to new challenges in the next exciting chapter of his life.

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## NATIVE HAWAIIAN HOUSING

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. ABERCROMBIE. Mr. Speaker, I express my support for the inclusion of the Hawaiian Homelands Homeownership Act, in the American Homeownership and Economic Opportunity Act, H.R. 1776. I appreciate the leadership of Representative RICK LAZIO on this bill. The Native Hawaiian housing provisions that were a part of the manager's amendment are similar to legislation that I introduced in the 105th Congress. I am hopeful that we can continue to work together to assure these important initiatives are signed by President Clinton this year.

The purpose of the Hawaiian Homelands Homeownership Act is to allow access to federal housing assistance programs to Native Hawaiians who are eligible to reside on Hawaiian Home Lands but do not qualify for private mortgage loans.

Although Federal housing assistance programs in Hawaii have been administered on a racially neutral basis, Native Hawaiians continue to have the greatest unmet need for housing and the highest rates of overcrowding in the United States. Forty-nine percent of Native Hawaiians experience housing problems as compared to 44 percent for American Indian and Alaska Native households and 27 percent for all other households in the United States.

These troubling statistics are not recent news. In 1920, Congress enacted the Hawaiian Homes Commission Act to address Congressional findings that Native Hawaiians were a landless and distressed population. Under the Act, approximately 200,000 acres of public land that had been ceded to the United States in what was then the Territory of Hawaii would be set aside for the native people of Hawaii.

When Hawaii was admitted into the Union of States in 1959, title to the 200,000 acres of land was transferred to the State of Hawaii with the requirement that the lands be held in public trust for the betterment of the conditions of Native Hawaiians. The Hawaii Admissions Act also required that the Hawaii State Constitution provide for the assumption of a trust responsibility for the lands. The lands are now administered by a State agency, the Department of Hawaiian Home Lands.

The Hawaiian Homes Commission Act authorized general leases of land set aside under the Act. Congress anticipated that revenues derived from general leases would be sufficient to develop the necessary infrastructure and housing on the home lands. However, general lease revenue has not proven sufficient to address infrastructure and housing needs. There are approximately 60,000 Native Hawaiians who are eligible to lease and reside on the home lands. However, due to the lack of resources to develop infrastructure (roads, access to water and sewer and electricity), hundreds of Native Hawaiians have been put on a waiting list and died before receiving an assignment of home lands.

In 1995, the Department of Hawaiian Home Lands published a Beneficiary Needs Study as a result of research conducted by an independent research group. This study found that among the Native Hawaiian population, the needs of those eligible to reside on the Hawaiian home lands are the most severe—with 95 percent of home lands applicants (16,000) in need of housing. Additionally, one-half of those applicant households face overcrowding and one-third pay more than 30 percent of their income for shelter.

The Hawaiian Homelands Homeownership Act will help move Hawaiians into their own homes. People have spent decades on the Hawaiian waiting list. One of the obstacles that has kept people from getting homesteads has been their inability to qualify for home lands. Once this bill becomes law, they'll have access to the loans they need to attain the dream of homeownership.

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## HOOSIERS SPEAK OUT ON EDUCATION

### HON. DAVID M. McINTOSH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. MCINTOSH. Mr. Speaker, over the past few months I have heard a great deal about education reform from my constituents. The correspondence I received is so insightful that I want to share some of these thoughts and ideas with my colleagues in the House of Representatives.

Pamela Rolfs, a research administrator at Ball State University in my home town of Muncie, Indiana wrote, "In talking with K–12 teachers I find that most of them feel that two of their biggest challenges are inadequate classroom funding and student discipline problems. More and more excellent teachers are leaving their field due to the stress brought on by school violence and discipline problems."

Henry Young of Muncie, Indiana made this point: "Proximity generally facilitates perception of needs. Accordingly, states may well be better informed of regional exigencies than federal management. However, local management of public schools . . . is the better level of government to direct public schools."

From Anderson, Indiana, Sandra Wilson wrote, "One recruiter, which contracted one of my children, took his red pen out and corrected the letter of reference the high school English teacher had written. I had not pre-read this letter and obviously that was my mistake assuming an English teacher would be grammatically correct as well as being able to spell correctly . . . Teachers need to be accountable. They need an end product accountability. If a teacher is teaching English, should not the students be learning English?"

Mrs. Ann Weldy of Markleville, Indiana asked two insightful questions: "How can teachers discipline well when they are not allowed to teach character building? How can we effectively discipline children, in order to create a better society, when the system is poor at disciplining itself?"

David Shepard, Professor Emeritus at Ball State University in Muncie stated, "The present program of aid to education certainly does not put money into the classroom but into the education bureaucracy and into more and more methods courses at the expense of content courses."

Said David Webster of Hope, Indiana, "I am an elementary teacher in a public school. For 26 years, I have been entrusted with the lives of fifth graders. There are many individuals and groups continually striving to help children have the best education possible; however, I am becoming increasingly concerned about upper elementary class sizes."

Mr. Rufus Cochran states, "If you truly care about the state of education, consult classroom and special education teachers . . . Disruptive children and their parents are running our schools, because schools have been either stripped of their authorities or strongly discouraged from discipline for fear of lawsuits."

Mr. Speaker, although these suggestions come from different areas of the district, they focus on similar themes. To be successful, education reform should drive more dollars to the classroom, strengthen school safety and discipline, enhance local control, and enact accountability measures. I am proud to say that I and my colleagues on the Committee on Education and the Workforce have made great strides in these areas.

To empower teachers to maintain classroom discipline, I introduced legislation to provide limited civil litigation immunity for educators who engage in reasonable actions to maintain an orderly, safe, and positive education environment. As an amendment to the Elementary and Secondary Education Act, the provision passed overwhelmingly.

To strengthen state and local involvement in education, Congress passed the Education Flexibility Act which allows eligible states and school districts greater flexibility in trying innovative education reforms using federal funds. This bill was signed into law on April 29, 1999.

Building on the success of this law, the House of Representatives also passed the Academic Achievement for All Act which allows even greater state and local flexibility in exchange for greater academic achievement.

On October 12, 1999, the House of Representatives passed the Dollars to the Classroom Resolution which calls for at least 95 percent of federal funds to go directly to classroom expenditures. Currently, as little as 65 cents of every federal tax dollar actually makes it to the classroom!

In the Teacher Empowerment Act and the Student Results Act which fund teacher training and services for disadvantaged children respectively, we successfully included provisions which will ensure greater quality and accountability in our schools. These bills, which passed in the House of Representatives await consideratioan in the Senate.

Mr. Speaker, as you know, we have worked hard to pass an impressive package of education bills which will empower parents, teachers, administrators, and communities to make needed changes to our education system. We have heard from our constituents whose ideas form the foundation of our legislative agenda. I would like to thank these constituents and others who have written and given me insight into the classroom.

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## IN RECOGNITION OF GREGORY PLAGEMAN, JR., OF DAVIE, FLORIDA

### HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. DEUTSCH. Mr. Speaker, I rise today in recognition of Gregory Plageman, Jr., of Davie, Florida. Gregory was recently honored by the Carnegie Hero Fund Commission after risking his own life to save the life of Pearl Steinberg. Indeed, Gregory committed a tremendous act of heroism of which he should be extremely proud.

The Carnegie Hero Fund Commission awards a bronze medal to individuals throughout the United States and Canada who risk their lives to an extraordinary degree while saving or attempting to save the lives of others. Since the program's inception in 1904 by philanthropist Andrew Carnegie, the Commission has recognized acts of outstanding civilian heroism, providing financial assistance to the awardees and the dependents of those awardees who are killed or disabled by their heroic actions. Gregory's story of bravery truly exemplifies the tenets espoused by the Carnegie Hero Fund Commission.

On June 24, 1999, 85-year-old Pearl Steinberg remained in her car after it had knocked over a gasoline pump at a local service station. Immediately engulfing the car, flames entered the rear of her car through a broken-out window. Upon witnessing this, Gregory forced open the car door, partially entered the automobile, and released Pearl's safety belt, pulling her out of the car and leading her to safety. The flames grew to 18 feet above the gas pumps within minutes, completely devouring the vehicle. Without Gregory's selfless act of bravery, Pearl Steinberg would likely have sustained fatal injuries.

Mr. Speaker, I would like to congratulate Gregory Plageman, Jr., for his heroic efforts in risking his own life to save another's. This was a truly selfless act of courage—an act that Gregory and the entire southern Florida community can be proud of.

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## PERSONAL EXPLANATION

### HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. OWENS. Mr. Speaker, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the amendment to H.R. 853, to amend the Congressional Budget Act of 1974, introduced by the gentleman from California, Mr. DREIER, I would have voted "nay."

On the amendment to H.R. 853, to amend the Congressional Budget Act of 1974, introduced by the gentleman from Pennsylvania, Mr. GEKAS, I would have voted "nay."

On the amendment to H.R. 853, to amend the Congressional Budget Act of 1974, introduced by the gentlelady from Texas, Mrs. JACKSON-LEE, I would have voted "yea."

On passage of H.R. 853, to amend the Congressional Budget Act of 1974, introduced by the gentleman from Iowa, Mr. NUSSLE, I would have voted "nay."

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## IN HONOR OF THE GEORGE K. ALMIROUDIS CHIAN GERIATRIC FOUNDATION, LTD. AND HIS EMINENCE METROPOLITAN DIONYSIOS OF CHIOS, PSARA, AND OINOUSSES

### HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mrs. MALONEY of New York. Mr. Speaker, today I pay special tribute to the George K. Almiroudis Chian Geriatric Foundation, Ltd. on the occasion of their first honoree dinner. I also salute their guest of honor, His Eminence Metropolitan Dianysios of Chios, Psara and Oinousses.

The mission of the George Almiroudis Chian Geriatric Foundation, Ltd. is to provide emotional, physical, financial and psychological, support to Hellenic American senior citizens residing in senior residencies and nursing homes in the United States. This foundation will also support the residents of the Zorzis Mihalinos Nursing Home of Chios.

This year, at their first annual dinner, the Foundation will honor Metropolitan Dionysios of Chios, Psara and Oinousses, born in Kalimeriani in Evoia. In 1952 he was ordained deacon and in 1956 he received his Bachelors Degree in Theology from the Theological University of Athens. For eight years he served as Archdeacon at the Metropolis of Athens and in 1960 was ordained a priest.

His Eminence Metropolitan Dionysios chose an eclectic education and mission within the priesthood. He attended Athens Law School and from 1960 to 1978 served in the Navy, teaching at the Training School of Non-Commissioned Officers of Poros and Naustathmos, and Salamina. He also served as the General Director of the Directorate of Religion of the Armed Forces of Greece.

On November 6, 1979 Archbishop Serafim of Greece ordained him Metropolitan of Chios, Psara and Oinousses at the Metropolis of Athens.

Metropolitan Dionysios has participated in various ecclesiastical missions and conferences in Greece and abroad, and was recognized for his services with many awards and medals of honor. He also served as a Supervisor at the Metropolises of Mytilini, Eressos, Plomaria, Samos, Ikaria and Korsei where he developed many diverse activities in the pastoral and philanthropic areas. He has also authored many books on ethic/religious, spiritual and ecclesiastical topics.

Mr. Speaker, I salute the life and work of Metropolitan Dionysios and ask my fellow Members of Congress to join me in recognizing his contributions to humanity.

## LUZERNE COUNTY HEAD START CELEBRATES ITS 35TH ANNIVERSARY

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to Luzerne County Head Start, Inc., on the occasion of its 35th anniversary, which will be celebrated May 22.

Luzerne County Head Start opened in 1965 and was one of the first such programs in the nation.

The program has grown from initially serving 90 children in one community, Wilkes-Barre, to serving a total of 692 children today at 11 locations in Luzerne and Wyoming counties.

Mr. Speaker, Luzerne County Head Start's accomplishments are truly impressive. Over the past 35 years, the program has prepared more than 12,000 children to enter kindergarten excited about learning and ready to succeed in school.

Further, four of Luzerne County Head Start's classrooms were accredited in 1999 by the National Association for the Education of Young Children, and other classrooms are being reviewed.

To put that in perspective, only 7 percent of early childhood programs nationwide have received this accreditation.

Head Start provides a high quality education program to children and their families. In addition, the program ensures that children receive nutrition and social services and needed medical services, including immunizations, health check-ups and preventive screenings.

Mr. Speaker, studies have shown that one-third more at-risk children who attended a quality early childhood program such as Head Start graduated from high school compared to those who did not attend.

Studies also show that at-risk children who have been enrolled in Head Start or other quality early childhood programs are 25 percent less likely to repeat a grade.

Since the current cost of public education averages $5,200 per student, per year nationally, programs like Luzerne County Head Start save taxpayers a significant amount of money in the long run.

Head Start is a proven program that helps to give children a strong beginning in life. I am proud to support it and proud of the good work of the Head Start centers throughout my district.

Under the Clinton-Gore Administration, funding for Head Start has doubled and I strongly support President Clinton's goal of increasing the number of children served nationally by Head Start from 793,807 in 1997 to 1 million in 2002.

Lynn Evans Biga is the very capable director of Luzerne County Head Start. She is aided by the board, including the executive committee of President John Hogan, Vice President Carl Goeringer Jr., Secretary Joanne Coolbaugh and Treasurer Gene Caprio, all of whom volunteer their time for this fine program, as does every member of the board.

Mr. Speaker, I am pleased to honor Luzerne County Head Start on the occasion of its 35th anniversary, and I send my best wishes for continued success to the employees and the many children and families whom they serve so well.

## THE IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

### HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. CONYERS. Mr. Speaker, I am proud to be an original cosponsor of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

This bill would eliminate the present provisions of section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which requires the establishment of a new entry-exit data collection system at land, sea, and air borders to our country. The bill replaces the requirement for the implementation of a new data collection system with the implementation of an "integrated entry and exit data system" using currently available data.

I welcome this important change in the provisions of section 110. This is an issue of great concern to the people and businesses of Michigan and other border states. Studies have revealed that carrying out the mandate of section 110 to create a new entry-exit data collection system would cause massive traffic congestion along our borders, bringing personal and business travel at many border points to a halt. This would have a crippling effect on trade and tourism.

I also would like to note for the record my understanding of a technical issue. The bill includes an implementation deadline for high-traffic land border ports of entry. With regard to land border crossings, I have been assured that the implementation provision in the deadline only refers to the "Arrival-Departure Records" (Form I–94) that already are issued to some foreign nationals when they enter the United States and that the deadline provision does not in any way impose a requirement on the Attorney General to develop a new system for collecting exit data at land borders.

The Immigration and Naturalization Service Data Management Improvement Act of 2000 is a far preferable alternative to the onerous data collection requirements of the existing version of section 110 of IIRIRA. I look forward to working with Representative LAMAR SMITH in seeing that this important change is passed into law this Congress.

## IN HONOR OF MRS. H. BERT (RUTH) MACK

### HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. ACKERMAN. Mr. Speaker, today I pay tribute to Mrs. H. Bert Mack, who will be honored by The Hillcrest Jewish Center at their 60th Anniversary dinner dance on Sunday, May 21st, 2000.

Ruth Mack has devoted over 50 years of her life to maintaining the high standards of excellence for which The Hillcrest Jewish Center is known throughout the Jewish communities of Queens County and New York. Ruth and her late husband, H. Bert Mack, have both been major benefactors to The Hillcrest Jewish Center. In fact, Mr. Mack was a guarantor of the original mortgage to construct The Hillcrest Jewish Center youth building. It comes as no surprise that The Hillcrest Jewish Center's main building has been named after H. Bert and Ruth Mack.

Mr. Speaker, Ruth Mack continues to carry on the philanthropic legacy that she and her husband valued so greatly. She is a generous contributor to many Jewish organizations including: The Eldridge Street Synagogue and the Museum of Jewish Heritage in Battery Park. She is also a benefactor of the esteemed Long Island Jewish Hospital. In addition, Ruth Mack has given generously of her own time, and she has spent many years teaching Hebrew to adults.

Growing up in the community, I can personally attest to the high esteem in which Ruth and her entire family are held by the multitudes who know and love her. On this special day it is also a privilege to be able to acknowledge Ruth Mack's four children: William, David, Earle and Frederick, as well as her six grandchildren: Steven, Richard, Andrew, Beatrice, Jason and Haley.

During my eighteen years of service in the U.S. Congress, I have been honored to speak and attend services at The Hillcrest Jewish Center on numerous occasions. The friendly and spiritual environment that I associate with The Hillcrest Jewish Center could not be possible were it not for the charitable contributions provided unselfishly by Ruth Mack.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me today in honoring Mrs. H. Bert (Ruth) Mack for her loyalty and dedication to The Hillcrest Jewish Center.

## TRIBUTE TO HOUSTON COUNTY LEGISLATOR JOSEPH SHERRILL STAFFORD

### HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. CHAMBLISS. Mr. Speaker, I want to pay tribute to a great American and Georgian, Joseph Sherrill Stafford, who died Tuesday, May 9, 2000.

Mr. Stafford was an inspiration to all of us. As a leader and public servant, he believed strongly in doing what's right, and always gave 100 percent of himself to the people of Houston County, placing his faith in the Lord, his family, and his country. He will be greatly missed by the people of Georgia and his accomplishments will be long remembered.

Mr. Stafford was a graduate of Perry High School and married the former Ann Hallman of Bibb County, Georgia, in 1961. He served in the Army, from 1954–1956, and retired from Robins Air Force Base in 1989 after 30 years. He began his political career more than four decades ago as the mayor of Centerville, Georgia. Mr. Stafford was the first full-time chairman of the Houston County Commission, beginning in 1991, served as Chairman of the 21st Century Partnership, the community support group for Robins Air Force Base, taught Sunday school at First Baptist Church of Centerville, and just recently was named president of the Association of County Commissioners of Georgia.

Mr. Speaker, I had the distinct pleasure of working very closely with Mr. Stafford on many projects. During his long and enduring career, Mr. Stafford always remembered the ones he represented in a smooth, soothing and effective manner. Mr. Stafford was proud of the new courthouse and jail under construction near Perry, Georgia and will long be remembered in my mind, and the people of Georgia as an honest, hard working, servant of his constituents and his country.

I will miss Sherrill Stafford as a public servant, but I will miss him even more as a good friend.

## PERSONAL EXPLANATION

### HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. BROWN of Florida. Mr. Speaker, on rollcall nos. 180, 181, 182, and 183 I was unavoidably detained and missed these votes. Had I been present, I would have voted "yes" on all four votes.

## HONORING THE CAREER OF LINDA N. CLARK

### HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. DAVIS of Virginia. Mr. Speaker, today I honor Mrs. Linda Clark, principal of Flint Hill Elementary School in Vienna, Virginia. She has been the principal of Flint Hill Elementary for the past 25 years and will be retiring this week. From her humble start as a Third Grade teacher in Illinois to her being named the principal of Flint Hill Elementary in 1975, she has exemplified all that is good about the educational profession.

As principal of Flint Hill Elementary, Linda demonstrated and encouraged creativity and innovation in the classroom. She continually encouraged the staff, students and parents to stretch their talents and strengths and attempt new goals and endeavors, while always respecting the personality, teaching, and learning styles of staff, students, and parents.

Linda has always tried to foster cooperation between her school and her students' community. She held monthly parent coffees in various Flint Hill neighborhoods, and she created "Curriculum Nights" for various grade levels to share with parents. Linda also created "Highlights," a quarterly newsletter sent to all Flint Hill Elementary School families, which provides information on grade level curriculum activities for the upcoming school quarter. While strengthening ties between the school and the community, Linda also was an integral part of maintaining continuing dialogue between the faculty and staff in Flint Hill Elementary. Linda met regularly with staff members to discuss their professional growth and concerns. She always participated in morning and afternoon Flint Hill news programs, and she enjoyed meeting with individual and groups of students to discuss various issues, all-the-while encouraging feedback from students and staff regarding school programs and procedures.

While making Flint Hill Elementary School a friendlier place to learn, Linda took steps to keep herself, her staff, and faculty abreast of new developments in the field of education. To do this, she solicited feedback from many areas of expertise in formulating the school's curriculum. She shared reading material with the staff dealing with educational issues in particular child development: learning styles and brain development. Linda and Flint Elementary are also the proud hosts of the Area III Technology Expo, where Fairfax County School staff and students share and learn about the latest developments in the fields of computer and technological instruction related to POS and SOL objectives. I have had the opportunity to attend this expo on several occasions and can attest to its depth and substance.

Mr. Speaker, in closing, I wish to thank Principal Clark for all she has done for Flint Hill Elementary School over the past 25 years. She has been a role model for her students and colleagues, and she exemplifies the ideal of being a "lifelong learner." Her obvious curiosity about the world, its cultures, its people and her love of learning and sharing of knowledge are contagious. I know my colleagues join me in honoring Linda for her 25 years of dedicated service to educating our children and improving our community.

## PERSONAL EXPLANATION

### HON. THOMAS M. BARRETT

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. BARRETT of Wisconsin. Mr. Speaker, I was unable to vote Monday, due to family obligations requiring my presence in Milwaukee. I was also present for a vote on Tuesday evening and believe I voted, but my vote was not recorded.

On rollcall No. 187, concerning an amendment (H. Amdt. 709) offered by Representative GEKAS to the Comprehensive Budget Process Reform Act (H.R. 853), I was present but my vote was not recorded. I was present but my vote was not recorded. I had intended to vote "nay."

On rollcall No. 182, Expressing the Sense of the Congress with Regard to In-School Personal Safety Education Programs for Children (H. Con. Res. 309), had I been present, I would have voted "aye."

On rollcall No. 181, regarding the Congressional Oversight of Nuclear Transfers to North Korea Act (H.R. 4251), had I been present, I would have voted "aye."

On rollcall No. 180, regarding Naming a room in the House of Representatives wing of the Capitol in honor of G.V. "Sonny" Montgomery (H. Res. 491), had I been present, I would have voted "aye."

## HONORING ROBERT C. McGANN, ACTING JUSTICE OF THE NEW YORK STATE SUPREME COURT

### HON. JOSEPH CROWLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. CROWLEY. Mr. Speaker, today I honor Judge Robert McGann for his long career of service to the city and state of New York. Judge McGann will be the Guest of Honor at this year's Catholic Lawyers Guild annual dinner on May 24th.

Born on June 11th, 1948, Judge McGann is a native of Queens County. He is a 1969 graduate of Fordham University, where he received a degree in Political Philosophy. He served on the Editorial Board of the Law Review at New York Law School where he was awarded a Juris Doctor degree in 1972.

Upon graduation from law school, Judge McGann was appointed as an Assistant District Attorney in Queens County in 1972, serving under Thomas Mackell, Michael Armstrong and Nicholas Ferraro. In 1976, he was appointed Special Assistant Attorney General in the office of Special Prosecutor John F. Keenan. From 1981 to 1986, he was an Inspector General in the administration of New York City Mayor Edward Koch.

Mayor Koch appointed him to the New York City Criminal Court in 1986. He has served as

Justice of the Supreme Court by Designation since 1995.

Judge McGann has been an Adjunct Associate Professor of Criminal Justice at St. John's University since 1977. He has lectured nationally on arson and other Fire Service related issues. He attended the National College of District Attorneys and the Cornell Organized Crime School.

He is a member of the Queens County Bar and the Association of the Bar of the City of New York. Judge McGann is also a member of the Catholic Lawyers Guild and is active in his parish, St. Andrew Avellino.

Judge McGann and his wife, Jane, are the proud parents of two daughters, Laura and Elizabeth.

Mr. Speaker, please join me recognizing Judge Robert C. McGann on a distinguished career, and his lifetime of commitment to Queens County and New York City.

## RECOGNIZING NATIONAL BIKE TO WORK WEEK AND THE CONTRIBUTION OF THE LONG BEACH BIKESTATION

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. HORN. Mr. Speaker, May 14–20 is National Bike to Work Week. As a longtime supporter of bicycling, I encourage Americans to participate in this week of safe cycling as an alternative way to commute. As concerns rise about congestion on our roads and more air pollution, many workers forget about an alternative that is good for the soul and the environment.

Many commuters must rely on cars or public transit to get to work or school. However, for many, biking to work represents an often overlooked alternative. The bicycle represents a clean and convenient method of travel that more Americans are utilizing to stay fit, avoid traffic jams, parking hassles and expense, and promote clean air.

One development that is helping to make biking more attractive to commuters is located in the district I represent. The Long Beach Bikestation offers a public bike/transit center strategically located in downtown Long Beach to help people ride their bikes to work. Fifty thousand bikes have been used by satisfied customers. This facility won the Federal Highway Administration's Environmental Excellence award for Excellence in Community Livability in 1999. The Bikestation connects to more than 30 miles of suburban bike paths, downtown employment, shopping and a dining district. Modeled after facilities in Europe and Japan, the Long Beach Bike Station is considered the first of its kind in the United States and has inspired many similar facilities across the nation.

The Bikestation was launched primarily with Congestion Mitigation Air Quality funds as part of the Intermodal Surface Transportation Efficiency Act of 1991, or ISTEA. Since its opening in 1996, the facility has offered access to Metro Rail and bus/shuttle services, free secure "valet" bicycle parking, rental bikes for tourists and local businesses, a changing room, repairs and accessories shop, bike/transit information and a small café for refreshments.

Building upon the gains in ISTEA, Congress broadened its support for bicyclists in 1998 with the passage of the Transportation Equity for the 21st Century Act, or TEA–21. This law explicitly made bike paths and facilities eligible for federal funding. It also mandates that bicyclists and pedestrians will be included in long range transportation plans and that bicyclist access and safety must be addressed in transportation projects.

I comment those who are promoting bike safety and awareness by participating in Bike to Work Week. More information on bicycle safety can be found on the National Highway Traffic Safety Administration's website at www.nhtsa.dot.gov/people/injury/pedbimot/bike.

## HONORING ANDREW U. AMWAY FOR FORTY-ONE YEARS OF TEACHING

### HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. PITTS. Mr. Speaker, as the school year draws to a close, I would like to take this opportunity to recognize a teacher who has spent the last forty-one years educating students in my district.

Mr. Andrew U. Amway is a history teacher, the head of the social studies department, a coach, a club advisor and a mentor to countless Hempfield High School students. After spending one year teaching elementary students in a different school district, Mr. Amway came to Hempfield where he spent the rest of his career. Many students learned not only American history in his classroom, but also to take pride in being an American. He is an old-fashioned teacher that believes that hard work is the key to success. And he has certainly been successful in teaching and leading his students. The accomplishments of his students both in academics and in life speak for themselves.

Not only is Mr. Amway a dedicated teacher, but he served as the coach for several athletic teams at the high school—boys and girls tennis, boys and girls swimming, and cross country. During his thirty-nine years of coaching his combined record is an astonishing 1397–254–4. His teams have captured numerous district and league titles.

It is safe to say that Mr. Amway knows how to get the best out of his students both in class and on the playing field.

Forty-one years is a long time to work in any job, but it is particularly unusual in this day and age to find a teacher that has been in the classroom that long. At Hempfield High School, it is the end of an era. Thank you, Mr. Amway for your many years of service.

## HILLEL ACADEMY OF PITTSBURGH'S RECOGNITION OF SOPHIE MASLOFF AND ZVI AND RINA SHULDINER

### HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. COYNE. Mr. Speaker, today I acknowledge an upcoming event in my district. The Hillel Academy of Pittsburgh will recognize three individuals who have made significant contributions to the quality of life in our community.

Former Mayor of Pittsburgh Sophie Masloff will be honored for her many years of public service. Under her leadership the City weathered some difficult challenges and laid the groundwork for the prosperity that it is enjoying today. I had the honor and pleasure of working with Mayor Masloff during that time, and I was always impressed by her energy and her dedication to the people of the City of Pittsburgh.

Hillel Academy will also honor Zvi and Rina Shuldiner, who have served Hillel in a number of capacities, including their work as faculty members and as volunteer chairpersons for major school events. They have been involved in a number of activities that have benefited the Jewish community in Pittsburgh. The Shuldiners, it should be noted, are also the proud parents of three Hillel alumni.

I congratulate Mayor Masloff and Zvi and Rina Shuldiner, and I want to thank both them and the Hillel Academy for their efforts to improve the quality of life in Pittsburgh.

## CONSERVATION AND REINVESTMENT ACT OF 1999

SPEECH OF

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 11, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 701) to provide Outer Continental Shelf Impact Assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes;

Ms. STABENOW. Mr. Chairman, I rise today in support of H.R. 701, the Conservation and Reinvestment Act of 1999, and in support of the motion to recommit the bill to guarantee that any expenditure of funds will not jeopardize Social Security and Medicare. I strongly believe that eliminating the national debt and securing the financial future of Social Security and Medicare should be our top priorities. We must take advantage of our economic good times to secure these successful programs and rid this nation of its public debt.

During consideration of H.R. 701, Congressman Shadegg offered an amendment that purported to accomplish these goals. While I strongly supported the spirit of my colleague's amendment, it appears that its real intent was to prevent the strong conservation programs in the bill from being funded. The amendment stated that the Congressional Budget Office (CBO) must provide "certification" that the public debt will be fully paid by 2013, that there will not be an on-budget deficit, and that the Social Security and Medicare trust funds will not fall into a deficit in the next five years before any CARA funding could be dispersed. As the CBO has asserted, it is not able to make such certifications, but can only provide estimates. Because of these technical imperfections in the Shadegg proposal, I believe his amendment would permanently block all CARA funding. For this reason, I joined 207 of my colleagues in voting against this amendment, and supported the motion to recommit the bill to ensure that Social Security and Medicare would truly be protected.

I am a cosponsor of the Conservation and Reinvestment Act CARA, because I strongly support increasing the federal investment in conservation. This bill will make an important, dramatic change in the funding of conservation programs. It establishes a permanent funding source for these programs by setting aside royalties earned from off-shore oil and gas drilling. This funding will be directed toward, coastal conservation, land acquisition through the Land and Water Conservation Fund, wildlife conservation, urban parks and recreation, historic preservation, federal and Indian land restoration, and endangered species recovery. Additional funds are also designated to increase federal payments for the Payment in Lieu of Taxes payments and the Refuge Revenue Sharing programs. I urge my colleagues to support his bipartisan legislation.

## IN RECOGNITION OF SAVE THE CHILDREN'S WORK TO STAVE OFF A LOOMING FAMINE IN ETHIOPIA

SPEECH OF

### HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. GEJDENSON. Mr. Speaker, today I call attention to the exemplary work of Save the Children, a relief organization based in my home state of Connecticut. For nearly seventy years, Save the Children has worked to relieve the suffering of millions of men, women and children worldwide. Save the Children has been on the front lines of humanitarian crises in Africa, Asia and Latin America, delivering humanitarian assistance to millions in need. In the United States, and specifically in Connecticut, Save the Children's relief workers have lent their assistance to both adults and children in underprivileged communities.

Save the Children represents the best of what America has to offer. Today, Gary Shaye, Vice President of International Programs for Save the Children International, testified before the House International Relations Committee on the organization's efforts to stave off a looming famine in Ethiopia. Save the Children's relief workers were among the first on the ground in Ethiopia, helping to deliver critical food and humanitarian assistance to victims in the hardest-hit areas. The organization has spearheaded education, public health and food distribution programs in the region to meet the needs of a people on the brink of starvation.

Ethiopia today faces a crisis not unlike the famine of 1984. Sustained periods of drought have led to high rates of malnutrition, severe water shortages and a significant loss of livestock. Save the Children has developed a program to address each of these issues, by aiding in the distribution of food and water to the poorest areas and by vaccinating livestock to prevent death and improve the food security of families who depend on livestock for their livelihood. The organization has prepared and initiated food distribution programs for some 135,600 children and adult family members in the Liben, Afdheer, and Borena regions, with plans to distribute 9,200 metric tons of wheat, vegetable oil, and corn soya blend.

Over 10 million people face severe food shortages in Ethiopia alone. Nearly 16 million in the Greater Horn of Africa risk imminent starvation. We cannot afford to turn our backs to their outstretched arms or turn a deaf ear to their anguished cries. Instead, we must continue to provide humanitarian assistance to these victims. I am particularly proud that Save the Children of Connecticut is helping to lead this effort, both within Africa and our own country.

## PERSONAL EXPLANATION

### HON. MICHAEL F. DOYLE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. DOYLE. Mr. Speaker, during the day on Wednesday, May 17, 2000, I attended the funeral services for Representative STUPAK's son. As a result, I was unavoidably absent from rollcall votes 190 through 193.

Had I been present, I would have voted "no" on rollcall 190, "yes" on rollcall 191, "yes" on rollcall 192, and "yes" on rollcall 193.

## IN CELEBRATION OF THE GRAND OPENING OF THE OVER 60 HEALTH CENTER, CENTER FOR ELDERS INDEPENDENCE AND MABLE HOWARD APARTMENTS IN BERKELEY, CALIFORNIA

### HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. LEE. Mr. Speaker, I rise in celebration of the Grand Opening of the Over 60 Health Center, Center for Elders Independence and the Mable Howard Apartments located in the new Over 60 Building in Berkeley, California. This event will take place on Sunday, May 21, 2000, and include public tours, food and entertainment.

The Over 60 Building is a unique collaboration of three local non-profit organizations. Over 60, a division of LifeLong Medical Care, is the oldest community health center serving seniors in the United States; the Center for Elders Independence is one of 13 nationally-acclaimed "Programs of All-Inclusive Care for the Elderly" (PACE); and Resources for Community Development is a developer of low-income housing in Alameda County. This partnership will offer a full continuum of medical and community-based long term care services for low-income elders that will allow them to remain independent, socially active and live in a community throughout their life span.

In addition to the health care component of this new facility is the Mable Howard Apartments, named posthumously for one of Berkeley's most active, committed and influential residents. This site includes forty affordable studios and one-bedroom apartments for seniors with health care services just an elevator ride away.

The opening will showcase the building, introduce the local community and media outlets to these services, and unveil a community mosaic art project featuring beautiful tiles handmade by over 600 elders and children that are installed throughout the building. This art project was funded in part by the National Endowment for the Arts.

The Over 60 Building is truly an innovative model of care for seniors, quickly becoming a source of civic pride and a valuable resource for the citizens of Berkeley. I am excited to join in this grand opening and look forward to the possibility of similar facilities being established throughout the country.

## IN HONOR OF JULIANA TEXLEY, RETIRING SUPERINTENDENT OF ANCHOR BAY SCHOOLS

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. BONIOR. Mr. Speaker, today I rise to honor the distinguished career of retiring Superintendent of Anchor Bay Schools, Juliana Texley. Administrator, educator, author and mother, Dr. Texley has dedicated her life to sharing knowledge and bringing it to others in multiple formats and settings.

Dr. Texley has been with the Anchor Bay Community Schools since 1990, but has been educating all her life. Beginning her career as a science and math teacher at Richmond High School, as her education increased, so did her responsibilities as an educator. She held instructor positions at Macomb Community College, St. Clair County Community College, Wayne State University, and Central Michigan University. Dr. Texley's influence on students has transcended the traditional classroom. She has contributed to many of the most respected scientific journals, studies and forums in the sciences.

Mr. Texley's toughness and determination were just what the Anchor Bay schools needed when she took over as Superintendent in 1993. She oversaw the rebuilding of a district ready to burst due to urban sprawl and new development. Thanks to her vision and resolve the Anchor Bay School system will soon see a brand new high school in addition to plans to renovated and modernized the elementary schools and junior high.

The presence of Dr. Juliana Texley will surely be missed throughout Anchor Bay Schools. But her legacy as a leader will be seen in every modernized classroom and every successful student that walks the halls of an Anchor Bay school. Please join me in wishing Dr. Texley and her family all the best as she begins her new life.

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## HONORING THE SILVER BELL CLUB, LODGE 2365 OF THE POLISH NATIONAL ALLIANCE OF THE UNITED STATES

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. VISCLOSKY. Mr. Speaker, I am pleased to announce that the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, will be hosting the 27th Annual Hank Stram-Tony Zale Sports Award Banquet on May 22, 2000. Nineteen Northwest Indiana High School athletes will be honored at this event for their outstanding dedication and hard work. These exceptional students were chosen to receive the award by their respective schools on the basis of academic and athletic achievement. All proceeds from this event will go toward a scholarship fund to be awarded to local students.

This year's Hank Stram-Tony Zale Award recipients include: Christopher Bruszewski of Wheeler High School; Sara Butterworth of Andrean High School; Doug Dybzinski of Boone Grove High School; Julie Hoover of Merrillville High School; Tim Kacmar of Crown Point High School; Jeannie Knish of Munster High School; Michelle Kobli of Whiting High School; Adam Kowalczyk of Hanover Central High School; Vanessa Krysa of Valparaiso High School; Tom Kubon of Bishop Noll High School; Kari Lukasik of Lake Central High School; Daniel Matusik of Highland High School; Greg Mytyk of Hobart High School; Gary Ray of Lake Station High School; Jonathan Siminski of Hebron High School; David Taborski of Calumet High School; Mark Wachowski of Lowell High School; Kevin Wlazlo of Griffith High School; and Natalie Yudt of Portage High School.

The featured speaker at this gala event will be Mr. Len Dawson. Mr. Dawson was a quarterback for Purdue University as well as the Kansas City Chiefs. With Dawson's leadership, the Chiefs won the AFL Championship in 1962, 1966, and 1969. Dawson quarterbacked for the Chiefs in both of their Super Bowl games, and was selected as Most Valuable Player in Super Bowl IV when the Chiefs upset Minnesota 23–7.

Hank Stram, one of the most successful coaches in professional football history, will also be in attendance at this memorable event. Hank was raised in Gary, Indiana, and graduated from Lew Wallace High School, where he played football, basketball, baseball, and ran track. While attending college at Purdue University in West Lafayette, Hank won four letters in baseball and three letters in football. During his senior year he received the Big Ten Medal, which is awarded to the conference athlete who best combines athletic and academic success. After college, Hank began coaching in the NFL, where he became best noted for coaching the Kansas City Chiefs to a Super Bowl victory in 1970.

Mr. Speaker, I ask you and my distinguished colleagues to join me in commending the Silver Bell Club, Lodge 2365 of the Polish National Alliance of the United States, for hosting this celebration of success in sports and academics. The effort of all those involved in planning this worthwhile event is indicative of their devotion to the very gifted young people in Indiana's First Congressional District.

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## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

**HON. JIM SAXTON**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes:

Mr. SAXTON. Mr. Chairman, I rise in strong support of the Gilchrest amendment to H.R. 4205. The amendment allows the Department of Defense to activate 5 more crucial emergency response teams designated as Weapons of Mass Destruction Civil Support Teams, formerly called RAID teams, to address an emergency event caused by a weapon of mass destruction. As Chairman of the Special Oversight Panel On Terrorism, facts have been revealed to show that an event caused by a terrorist is becoming much more likely. It has also been revealed that first responders to such an event are not currently equipped to handle an incident that includes nuclear, biological, or chemical materials.

There are many adversaries of the United States who are becoming increasingly sophisticated and well financed. So it is not a matter of . . . “if” . . we are attacked by a weapon of mass destruction but . . . “when” . . we are attacked. Our nation needs to be ready with well-trained teams that can help local first responders in managing such an event. These response teams, as trained and equipped by the Army, are a valuable resource for respective state governors.

Some parts of the country, such as my own area in New Jersey, are densely populated and have a great need for a response team. The New Jersey National Guard and the State of New Jersey needs to have a team that can easily reach the populated areas of its state and the surrounding region. Cities like Philadelphia and Atlantic City just to name two are far from the reach of even the closest response teams currently scattered throughout the country.

It is important that we have enough response teams to be able to work in concert with various agencies such as the Federal Bureau of Investigation, Department of Justice, Federal Emergency Management Agency, State Police, local law enforcement agencies, fire departments, hospitals, and emergency medical technicians to respond to WMD events all over the country. It is equally imperative that the response team have the means for being mobile so that a team may expeditiously deploy to a region that otherwise would be inaccessible by normal transportation mechanisms.

Mr. Chairman, I applaud the decision by the Secretary of Defense to create an organization that is immediately available to him for that expeditiously deploying resources in the event of a WMD incident. I also urge the Secretary to evaluate methods for enhancing prevention measures to complement the consequence management efforts. As individuals and groups gain an easier time to acquire information, materials, and resources, the need for our senior officials and citizens to have a sense of urgency becomes more evident.

Mr. Chairman, our nation has yet to face a WMD event involving nuclear, biological, or chemical weapons and we owe it to ourselves to be prepared. Some of the nation's most populated region are currently unprepared and unprotected. This amendment will provide a valuable resource that may be applied some of those regions.

I urge other members to emphatically support this measure.

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## PERSONAL EXPLANATION

**HON. ZOE LOFGREN**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Ms. LOFGREN. Mr. Speaker, there are times when the obligation we have to be a good parent conflicts with the schedule of the House of Representatives. Tomorrow is such a day for me. Accordingly, I would like to note for the record that, were I able to be present tomorrow, I would vote in favor of the Transportation Appropriations bill the House will consider. I appreciate the assistance my district will receive because of this important appropriations bill as well as the courtesy that has been extended to me by both the Chairman and Ranking Member in considering funding requests important to Silicon Valley.

In addition, I have been informed that there will likely be an amendment offered to strike the provisions in this bill that would freeze CAFE standards at their current level. I would also like to note for the record that I would vote in favor of this amendment.

## CELEBRATING THE 80TH BIRTHDAY OF HIS HOLINESS POPE JOHN PAUL II

### HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. KUCINICH. Mr. Speaker, today I speak in celebration of the 80th birthday of His Holiness Pope John Paul II.

Pope John Paul II was born Karol Wojtyla in Wadowice, Poland in 1920. He studied secretly during the German occupation of Poland. His experience during the Nazi occupation of Poland changed his path. Karol Wojtyla was active during the war in the Christian democratic underground group and helped Jews escape Nazis. Before the end of World War II, he decided to become a priest.

In 1946, he was ordained and spent eight years as a professor of social ethics at the Catholic University of Lublin, Poland. In 1964, he was named the archbishop of Krakow and only three years later he was appointed cardinal by Pope Paul VI. On October 16, 1978, Cardinal Wojtyla was elected Pope. He took the name of this predecessors, and became the first Polish leader of the Roman Catholic Church and the youngest pope in this century.

John Paul II has been the most traveled, popular and political pope. He has visited over 100 countries and almost every country that would receive him. He was a strong critic of the Communist regimes in Eastern Europe, especially in his native Poland and Soviet Union. In addition, he has opposed economic sanctions against Cuba, Iran and Iraq. Pope John Paul II is determined in promoting liberty and equality for all the people. Pope John Paul II stays determined to lead Catholics into the third millennium.

Mr. Speaker, I know my colleagues will join me in sending His Holiness Pope John Paul II the best wishes for his birthday and many years of healthy and productive work. Stolat!

## RECOGNIZING MAY 2000 AS NATIONAL ARTHRITIS AWARENESS MONTH

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

Mr. GONZALEZ. Mr. Speaker, today I bring to the attention of my colleagues an illness that affects millions of Americans. I am speaking of Arthritis. Today I recognize May 2000 as "National Arthritis Awareness Month." You may be surprised to learn that arthritis affects children and adults and is not limited to senior citizens.

Arthritis affects the lives of 43 million Americans or one out of every six of us, including 285,000 children. This number will grow to over 60 million individuals by 2020. Unfortunately, this crippling disease remains the leading cause of disability in the United States and it costs our economy $65 billion annually.

What many of us do not know is that Arthritis also is more common among women—for whom it is the leading chronic condition and cause of activity limitation.

Despite these compelling facts, for generations, our nation has labored under the many myths surrounding Arthritis. It is still widely believed that arthritis is an inevitable part of the aging process. It is also widely believed that there are few effective treatment options for Arthritis apart from taking a few aspirin. Finally, yet another falsehood is that individuals with arthritis should refrain from physical activity.

Despite these misunderstandings and myths, however, we can do something to combat Arthritis in America.

Thanks to the work of voluntary organizations like the Arthritis Foundation, we are spreading the message that there is help and hope for Americans living with this painful and debilitating disease. In the past year, we have reached several milestones in our battle against Arthritis. Whether it involves the new and exciting treatment options arising from our investments in research or our first steps in implementing the National Arthritis Action Plan, we have been provided new tools to aid us in our fight against the disease.

In early 1998, the Arthritis Foundation joined forces with the Centers for Disease Control and Prevention to develop the National Arthritis Action Plan—an innovative public health strategy that will forcefully confront the burden of Arthritis. Among our goals are improving the scientific information base on arthritis, increasing awareness that arthritis is a national health problem, and encouraging more individuals with arthritis to seek early intervention and treatment to reduce pain and disability.

As we take stock of these accomplishments, it is important to remember the challenges we still face in improving the quality of life for Americans living with arthritis and, ultimately, finding a cure. Thus, as we mark National Arthritis Month, I call on the American public to apply our vast talents, energy, and unbending resolve to continue to find the means and measures to combat arthritis. Through this combined effort, we will find a cure.

## THE ADDITION OF COSPONSORS OF H.R. 3615, THE RURAL LOCAL BROADCAST SIGNAL ACT

### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. GOODLATTE. Mr. Speaker, all relevant committees have filed their reports on H.R. 3615, the Rural Local Broadcast Signal Act, and I was unable to add Congressman JOHN SPRATT of South Carolina as a cosponsor. However, Congressman SPRATT is a strong supporter of the legislation and agrees that rural citizens deserve to have the benefits provided by the legislation, which passed the House on April 13. I regret that he was not able to be included as an official cosponsor.

## TRIBUTE TO NEIL K. BORTZ

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. PORTMAN. Mr. Speaker, I honor Neil K. Bortz, a friend and community leader, who will receive the Distinguished Service Citation from the National Conference for Community Justice (NCCJ) on May 25. Neil was selected for this prestigious award for distinguishing himself personally and professionally and for furthering the cause of inter-group understanding in our community.

Neil is a Cincinnati native. He earned a Bachelor of Arts from Harvard University, and continued his studies at the Harvard Graduate School of Business, where he received an M.B.A. Neil also served our nation as a Lieutenant in naval aviation.

Neil has been very active in our community. He is one of the founding partners of Towne Properties, a real estate development and management company that specializes in mixed use projects and suburban residential developments. He has served on the boards of the Harvard Business School Club of Cincinnati, where he served as Chairman; the Playhouse in the Park; Cincinnati Chamber of Commerce; the Harvard Club of Cincinnati; Cincinnati 2000 Planning Committee; Cincinnati Country Day School; and the Greater Cincinnati Convention and Visitors Bureau. He also was a member of the Young Presidents Organization.

Neil currently serves on the boards of many local organizations, including the Walnut Hills High School Alumni Foundation, where he is Chairman, and where I recently had the opportunity to join him at an event to celebrate an extraordinarily successful private fundraising effort for this top-ranked public high school. He is also on the board of United Jewish Appeal, where he is Co-Chairman; Cincinnati Equity Fund; Cincinnati Olympic 2012 Committee; and the National Multi-Housing Council. He is a member of the Urban Land Institute Multi-Family Committee and the Presidents Organization.

All of us in Cincinnati are grateful to him for his full devotion and service to our community.

## RON SAATHOFF: LABOR LEADER OF THE YEAR AWARD

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. FILNER. Mr. Speaker, and colleagues today I recognize Ron Saathoff, as he is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, at its 12th annual Worker's Memorial Dinner with its Labor leader of the Year Award.

As President of International Association of Fire Fighters Local 145, Ron has been a committed labor leader for many years. He has been a determined advocate for decent wages and benefits for firefighters, and has led the fight to ensure that safety is the Fire Department's highest priority.

Ron has displayed a commitment not only to firefighters, but to the entire labor movement. He serves as a member of the Labor Council Executive Board, and as Chair of the Labor Council's Finance Committee, Ron has helped the Council grow and become a stronger organization.

Through his dedication, Ron has done much to advance the cause of the labor movement in our area. My congratulations go to Ron Saathoff for these significant contributions. I believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL–CIO Labor Leader of the Year Award.

## CENTRAL NEW JERSEY RECOGNIZES RAYMOND P. FARLEY

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. HOLT. Mr. Speaker, today I recognize the accomplishments of Raymond P. Farley and his contributions to central New Jersey. Over the course of the last thirty-six years, Mr. Farley has worked as a teacher, district supervisor, principal, adjunct college professor, and superintendent.

Mr. Farley has been the Superintendent of the Hunterdon Central Regional High School District since 1990. During his tenure, Hunterdon Central Regional has won a state record three "New Jersey Star School Awards" and nine "New Jersey Best Practices Awards." It was the first ever Malcolm Baldrige Finalist in Education, and it received the Governor's Award for Performance Excellence. Mr. Farley himself was honored as an Earl Murphy Outstanding Educator/Administrator for 1994.

A constant theme in the accomplishments of Mr. Farley is technology. Hunterdon Central Regional High School has been deemed "One of America's Top 100 Wired High Schools" by Family PC magazine. Hunterdon Central Regional has also won the National School Boards Association's "Technology Leadership Award." The Courier News, in its "1997 People to Watch," remarked, "Hunterdon Central Regional High School Superintendent Raymond Farley revamped the school to make it the most technologically advanced public school in the state." Industry is also aware of the accomplishments of Mr. Farley. The President and CEO of Bellcore has said, "Ray is one of our state's leaders in educational telecommunications."

Mr. Farley has not limited his hard work to the halls of the Hunterdon Central Regional High School District. He has traveled as far away as Singapore, and here to the Capitol to lecture about school reform. Throughout his career, Mr. Farley has worked to spread his talents across many geographic and political boundaries.

Mr. Farley has also found time to share his talents with the community. To name a few, Mr. Farley has served on the Board of Directors of the Hunterdon County Chamber of Commerce, and is on the Board of Regents of St. Peter's College in Jersey City, New Jersey.

Mr. Raymond P. Farley has demonstrated dedication to his goals and to the community. Friends, colleagues, and family of Mr. Farley are honoring his exemplary career this week. I urge all of my colleagues to join me in recognizing Mr. Farley's accomplishments.

## SALUTE TO MAXINE ALEXANDER

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. HALL of Ohio. Mr. Speaker, today I salute Maxine I. Alexander who will celebrate her 80th birthday on May 24, 2000. Maxine is an outstanding example of an individual who successfully balanced career and family by working hard, caring for loved ones, and serving others.

Maxine was born in Aurora, Nebraska, where she put the values of caring and serving into action early, becoming a schoolteacher for the Aurora public schools at the age of 17. She continued to serve her community as clerk of the Draft board during the 50's, before going to work for the Bureau of Reclamation with assignments in Kansas, Nebraska and Colorado.

Maxine retired in 1987 after a 50-year career and settled in Oakhurst, California where she has spent her retirement traveling and spending time with her family that she loves very much. She is the Mother of 5 children, Grandmother to 13, and Great grandmother to 18. I know that all of her family joins me in congratulating her on her 80th birthday and thanking her for her life of service and caring. Happy Birthday Maxine.

## TRIBUTE TO THE HONORABLE NATHANIEL R. JONES

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. PORTMAN. Mr. Speaker, today I pay tribute to a friend and distinguished constituent, the Honorable Nathaniel R. Jones, who will receive the Distinguished Service Citation from the National Conference for Community Justice (NCCJ) on May 25. Judge Jones was selected for this esteemed award for his outstanding work, personally and professionally, that has promoted the cause of inter-group understanding in our community.

Judge Jones was born and raised in Youngstown, Ohio. He served our nation in the Air Force during World War II. Following the war, he attended Youngstown State University, graduating with degrees of Bachelor of Arts in 1951 and Juris Doctor in 1956. In 1957, he was admitted to the Ohio Bar.

In 1961, Attorney General Robert F. Kennedy named Judge Jones an Assistant U.S. Attorney for the Northern District of Ohio, where he served for nearly 7 years. He continued his service as Assistant General Counsel to the Kerner Commission, studying the causes of urban riots in the 1960s. In 1969, Judge Jones was asked to serve as General Counsel for the National Association for the Advancement of Colored People (NAACP). For 10 years, he worked tirelessly for the NAACP, organizing and arguing a number of cases before the U.S. Supreme Court. In 1979, he came to the Cincinnati area after President Carter appointed him to serve on the U.S. Court of Appeals, Sixth Circuit.

Judge Jones is deeply involved in legal education, having taught at the University of Cincinnati College of Law and a number of other law schools. He recently was chosen to deliver the inaugural Judge A. Leon Higginbotham Distinguished Memorial Lecture at Harvard Law School. He also regularly writes and lectures on a wide range of legal and social issues.

Judge Jones played a role in helping to end apartheid in South Africa; monitored the election process leading to Namibia's independence; participated in a U.S.-Egypt Judicial Exchange program; and went to the Soviet Union in 1986 to meet with officials in connection with human rights.

Judge Jones has received numerous awards and distinctions, including the Millennium International Volunteer Award from the State Department. In addition, Congress recently named the new federal courthouse in Youngstown, Ohio after Judge Jones.

Among his extensive list of civic activities locally and nationally, Judge Jones serves as a Co-Chair of the Board of Trustees for the National Underground Railroad Freedom Center, and as Co-Chairman of the Roundtable, which works to broaden the involvement of minorities in the legal profession.

Judge Jones and his wife currently live in Mt. Lookout. They have four children and six grandchildren. One of his children, a former law colleague of mine, Stephanie Jones, currently serves as a Chief of Staff to a Member of Congress. We are most fortunate for his service and commitment to our nation and local community, and I congratulate him on this well deserved honor.

## BILL TWEET: LABOR TO NEIGHBOR AWARD

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. FILNER. Mr. Speaker, and colleagues, today I recognize Bill Tweet, as he is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, at its 12th annual Worker's Memorial Dinner with its Labor to Neighbor Award.

As Business Manager of Ironworkers Local 229, Bill has been one of Labor to Neighbor's strongest supporters. This vital program educates and involves union members and their families in the campaign to protect jobs and the future of working people in San Diego and Imperial Counties. By sponsoring the annual Labor to Neighbor Golf Tournament, Bill has helped to raise funds for member education and voter registration programs. Ironworkers Local 229 has also been a leader in staffing phone banks, walking precincts, and registering union members.

Bill's dedication to strengthening the Labor to Neighbor Program and the San Diego area's labor unions is an inspiration and example for us all. My congratulations go to Bill Tweet for these significant contributions.

## CENTRAL NEW JERSEY RECOGNIZES AMY B. MANSUE

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. HOLT. Mr. Speaker, today I recognize Amy Mansue, who is being honored by Planned Parenthood of Central New Jersey on Tuesday, May 23, 2000.

Ms. Mansue will receive Planned Parenthood's Fred Forrest Community Service Award. This award recognizes people who view their passion for Planned Parenthood in the context of a fundamental commitment to improving their community in many ways.

Amy Mansue has served as a Policy Advisor in the Governor's Office of Management and Policy on health, human services and women's issues. Also, she served as the Deputy Commissioner of the Department of Human Services, where she oversaw the Divisions of Youth and Family Services, Developmental Disabilities, Mental Health and Hospitals, Medical Assistance and Health Services, and the Office of Education.

Currently, Ms. Mansue is the Senior Vice President of Corporate Business Development of HIP Plans. Prior to this she served as President and CEO of HIP Plan of New Jersey, a not-for-profit health plan.

Amy Mansue's commitment to her community is evident by the multitude of boards she has served on, including St. David's Vestry, the University of Alabama School of Social Work Advisory Committee, PAM's List, New Jersey Center for Public Analysis, and the New Jersey Community Development Corporation.

Ms. Mansue's peers have recognized her efforts through the years. She has been honored for her achievements by the New Jersey National Association of Social Workers as Social Worker of the Year, Modern Health Care's 1998 Up and Coming Healthcare Executive, the United Cerebral Palsy Association's Boggs Award and the New Jersey State Nurses Association's President's Award.

Mr. Speaker, the dedication of Amy Mansue serves as an excellent example to the citizens of New Jersey. I ask my colleagues to join me in recognizing Amy Mansue.

## INCREASE THE PEACE DAY

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. MCKEON. Mr. Speaker, today I am introducing an important resolution which urges the House of Representatives to support "Increase the Peace Day" events throughout the country.

On April 20, 2000, on the one-year anniversary of the tragedy at Columbine High School, students, teachers, parents, and community leaders from Challenger Middle School in Lake Los Angeles, California hosted an "Increase the Peace Day".

The program featured the formation of a human peace sign and a presentation by a former skinhead who turned his life around and now works with the Simon Wiesenthal Center's Museum of Tolerance.

The highlight of the day was when the 650 students of Challenger signed an "Increase the Peace Pledge" in order to avoid any similar acts of school violence. Among the promises in the Pledge were to find a peaceful solution to conflicts, to not hit another person, to not threaten another person, to report all rumors of violence to an adult, to celebrate diversity, and to seek help when feeling lonely or confused.

I was proud to join the other supporters of "Increase the Peace Day" and be a part of this incredible event. I would like to take a moment to recognize the outstanding efforts of teacher Bruce Galler who came up with the original idea for "Increase the Peace Day" because he believes that something can be done.

Bruce uses a quote by Edward Everett Hale on all literature to promote the event and I believe it illustrates what each of those students accomplished last month. The quote is as follows, "I am only one, but I am one. I cannot do everything, but I can do something. And I will not let what I cannot do interfere with what I can do."

That day, I promised to introduce this resolution in order to show that as one Member of Congress, I can do something to highlight this important event and encourage all Americans to reject anger and hate and instead to promote peace and community.

I urge all my colleagues to support this resolution and to encourage their local communities to institute a similar program.

## SHARING AN ARTICLE FROM MARTIN RAPAPORT: "GUILT TRIP"

### HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. HALL of Ohio. Mr. Speaker, today I share with our colleagues a moving plea written by one of the most respected experts in the diamond industry to other members of the industry.

Martin Rapaport, publisher of one of the top trade publications, traveled to Sierra Leone in the weeks before United Nations peacekeepers were captured. His article, "Guilt Trip," was written to propose a solution to the mayhem war diamonds fuel. It needs no embellishing, and I excerpt it here for my colleagues' review:

> I don't know how to tell this story. There are no words to describe what I have seen in Sierra Leone. My mind tells me to block out the really bad stuff, to deny the impossible reality. But the images of the amputee camp haunt me and the voices of the victims cry out. 'Tell them what has happened to us,' say the survivors. 'Show them what the diamonds have done to us.'
>
> "I am angry. I am upset. I am afraid that my words will not be strong enough to convey the suffering and injustice I have witnessed. How do I tell you about Maria, a pretty eight-month-old baby whose arm has been hacked off by the rebels? How can I fully describe the amputee camp with 1,400 people living in huts made of plastic sheets, babies in cardboard boxes, food cooked in open fires on the ground, no electricity or plumbing—everywhere you look someone is missing an arm, a leg or both. What can I say about the tens of thousands that live in displaced persons camps without adequate medicine, food, clothing and shelter.
>
> Friends, members of the diamond trade. Please, stop and think for a minute. Read my words. Perhaps what is happening in Sierra Leone is our problem. Perhaps it is our business.
>
> Sierra Leone is a beautiful country. It has a cornucopia of natural resources and a population that includes many well educated, highly intelligent people. In spite of the wars, which have decimated the population and destroyed the basic infrastructure of the country, the people of Sierra Leone are industrious and kind-hearted. During my visit last week, the capital, Freetown, was bustling with people trying to rebuild their lives and their country.
>
> While there is much to be hopeful and optimistic about, the peace process is moving too slowly. The diamonds are holding up the peace process. The war in Sierra Leone is about power. It is about who controls the country, how they control it and what they do with their control. There is a strong perception that he who controls the diamonds will control the country.
>
> Simply put, Sierra Leone's diamond industry is totally black market, underground, illegal and corrupt. Hundreds of millions of dollars of Sierra Leone diamonds are being traded on the world markets without any benefit going to the government, or people, of Sierra Leone.
>
> The bastards are not just stealing Sierra Leone's diamonds, they are trading them for guns. Guns which are used to kill people to keep the war going, which assures that the government will not be able to control the illegal trade, assuring that the bad guys can continue to steal the diamonds. The real challenge facing Sierra Leone and the world diamond trade, is how to stop this horrific murderous cycle of illegal diamond activity.
>
> The problems of Sierra Leone are so great and discouraging that one hesitates to suggest solutions. . . [but] the situation in Africa is such that we must adopt a pro-active attitude towards the resolution of problems. We cannot sit back and write off the problems of Africa as unsolvable—the human suffering is simply too great.
>
> The diamond industry must address the fact that illegal diamonds from Sierra Leone and other war zones are in fact finding their way into the diamond marketplace. While the industry in general cannot solve Sierra Leone's problems it can, and must, take realistic measures to assure that illegal diamonds are excluded from the marketplace.
>
> The bottom line is that our industry must stop dealing with questionable diamonds. Consider the market for stolen diamonds and jewelry. Now we all know that these markets exist in a limited way, but no decent, legitimate or even semi-honest diamond dealer would ever consider buying stolen diamonds. When you buy a stolen diamond you encourage the thieves to go out and steal another diamond. You endanger your own life and you destroy the security of your business.

Would we walk around saying there is no way to tell if a diamond is stolen and just let the thieves market prosper? By the way—how is it that our industry is able to self-regulate in a reasonable manner against thieves, but not against conflict diamonds? Is the life of a black in Sierra Leone worth less than the life of a diamond dealer or jeweler in the U.S.?

Mr. Speaker, I met Mr. Rapaport before I went to Sierra Leone last year, and I have heard the industry's admiration for him. He and his colleagues are savvy, clever business people. I am confident they not only can figure out how to stop war diamonds from enriching butchers—but, more importantly, how to turn diamonds' economic potential into a positive force for the African people who so need that.

I applaud Mr. Rapaport for making his trip to Sierra Leone and for eloquently appealing to the diamond industry to find a solution to this urgent problem. And I urge my colleagues to join me in pressing for a targeted solution to the diamond smuggling that is destroying Sierra Leone's democracy and its people.

Please join Sierra Leone's democratic government, the U.S. diamond industry, and some of our most thoughtful colleagues in supporting H. Con. Res. 323.

## IN RECOGNITION OF THE EXCELLENCE OF MARIEMONT HIGH SCHOOL'S DESTINATION IMAGINATION TEAM

### HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. PORTMAN. Mr. Speaker, today I honor Mariemont High School's Destination ImagiNation Team. The team has seven students: Carrie Badanes, Lizzy Anthony, Bobby Zepf, Juli Newton, Ben Cober, John Rutherford and Kate Young. They are coached by Anne Badanes and Sue Cober, and will compete in the 2000 Destination ImagiNation world championships. The competition will be held in Ames, Iowa on May 24–27.

During the event, the Mariemont team will compete using its creativity, teamwork, and wits to solve difficult problems. The teams are judged by their ability to integrate a myriad of elements into a performance, which draws upon their knowledge of history, their acting skills, and their ability to improvise. Since last December, the Mariemont High School team has trained extensively. They have spent many hours working with their coaches, learning new skills, researching history, and attending live performances of a professional improvisation group at the Aronoff Center in Cincinnati. In addition, they continue to work with their teacher, Carrie Dattillo, honing their acting skills.

In 1999, the Mariemont High School team placed first at the regional competition and second at the state competition in Columbus. In previous years, the team has always placed second or third in the region and has won an unprecedented three Renatra Fusca awards for outstanding creativity. This year, they took first place in the regional and state competitions. At the regional competition, in March, they were awarded the prestigious DaVinci Award for outstanding creativity and teamwork. They are the first team from the Mariemont School District to compete in the world championships, and they are the sole team representing the Greater Cincinnati area.

We are very proud of the Mariemont team's accomplishments, and all of us in the Cincinnati area wish its members the very best in their upcoming competition.

## NATIONAL ASSOCIATION OF LETTER CARRIERS, BRANCH 70, BRANCH 1100, BRANCH 2525: COMMUNITY SERVICE AWARD

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. FILNER. Mr. Speaker and colleagues, today I recognize the National Association of Letter Carriers Branches 70, 1100, and 2525, as they are honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, at its 12th annual Worker's Memorial Dinner with its Community Service Award.

Some eight years ago the National Association of Letter Carriers began its annual food drive and has collected millions of pounds of food every year since. In 1999, more than 1,500 local National Association of Letter Carriers branches in more than 10,000 cities and towns across the country collected a total of over 50 million pounds of food for the needy.

NALC Branch 70, Branch 1100, and Branch 2525 annually collect large amounts of food that directly benefit families in need in our community. Their food drive provides local food banks and pantries with food to serve to needy families throughout the year.

The NALC's commitment to serving the community and especially those members of our community who are most in need is exemplary and worthy of our highest praise. My congratulations go to National Association of Letter Carriers Branch 70, Branch 1100, and Branch 2525 for these significant contributions.

## CENTRAL NEW JERSEY RECOGNIZES SUSAN N. WILSON

### HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. HOLT. Mr. Speaker, today I recognize Susan Wilson of Princeton, who is being honored by Planned Parenthood of Central New Jersey on Tuesday, May 23, 2000.

Ms. Wilson will receive Planned Parenthood's Vivian Aaron Leadership Award. This award, created by the children of Vivian Aaron, recognizes individuals who have demonstrated leadership within their community in the areas of education and family communication.

Susan Wilson served on the New Jersey State Board of Education from 1977 to 1982. It was there that she championed the effort to establish a statewide mandate for family education in all New Jersey schools.

Since 1983, Ms. Wilson has served as the executive coordinator for the Network for Family Life Education at Rutgers University's School of Social Work. In her present capacity she has become a leader in the fight for effective family life/sexuality education and prevention of adolescent pregnancy.

In 1998, Susan Wilson received the Richard J. Cross Award for Distinguished Contribution to the Field of Human Sexuality from the Robert Wood Johnson Medical School. In past years, she has also been the recipient of a Children's Defense Fund Leadership Award and a New Jersey Woman of Achievement Award from Douglas College.

Susan Wilson is a great asset to Central New Jersey. I urge all my colleagues to join me today in recognizing Susan Wilson's dedication to her community.

## INTRODUCTION OF THE HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2000

### HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. McKEON. Mr. Speaker, today, my colleague, Mr. GOODLING, and I are introducing the Higher Education Technical Amendments of 2000. Many of my colleagues will remember that in the last Congress we enacted the Higher Education Amendments of 1998 on a bipartisan basis. The passage of that Act was one of the most important pieces of legislation we enacted for students and their parents. I want to again thank Chairman GOODLING for his leadership on that bill. Throughout that process he kept members focused on our goal of improving our student financial aid system. Additionally, I want to acknowledge his leadership in crafting this technical package, which will improve the implementation of the 1998 Amendments. I also want to thank the Committee Ranking Member, Mr. CLAY, the former Ranking Member of the Subcommittee, Mr. KILDEE, and the current Ranking Member of the Subcommittee, Mr. MARTINEZ. The 1998 amendments, which we crafted together, have been a great success, and our continued efforts on this legislation will only improve on those results.

As Chairman GOODLING noted in his statement, the legislation introduced today is technical in nature, but also makes policy adjustments that we believe are necessary to ensure that the Act is implemented in the way Congress intended. We worked with many organizations and individuals who put forth proposals for our consideration. We included those which are bipartisan in nature, benefit students and their parents, and are paid for. Our goal is to pass a bill that can be acted upon by the other body and enacted into law in the near future.

The legislation we are introducing today will improve our national early outreach efforts by making modifications to the TRIO and GEAR UP programs. The bill allows participating organizations to provide grant aid to students and, in the case of GEAR UP, to serve students from seventh grade through high school graduation.

It will improve the operation of our student loan programs by making minor adjustments to streamline some loan forbearances and to conform the law to reflect current practices for perfecting security interests. This bill will also improve the Perkins Loan program by allowing borrowers to rehabilitate loans by making a single lump sum payment and by clarifying that loans in deferment for a student that performs service resulting in their cancellation are reimbursed for interest as well.

Additionally, this legislation will improve the regulatory process for schools and other program participants. This is important, because we continue to hear reports that the Department does not give the public enough time to comment on or to implement complex student aid regulations. First, the bill will require the Department of Education to allow a minimum of 45 days for comment after the publication of a Notice of Proposed Rule Making (NPRM). Second, it prevents disclosure or reporting requirements from becoming effective for at least 180 days after the publication of final regulations.

Finally, the bill we are introducing will clarify and strengthen provisions in the Higher Education Act regarding the return of federal funds when students withdraw from school. Specifically, it will correct a Department interpretation so that students will never be required to return more than 50 percent of the grant funds they received. In addition, the bill will provide students with a limited grace period for repayment to help students who are unable to repay immediately upon their withdrawal, and it will set a minimum threshold for grant repayment of $50. All of these steps will aid students who postpone or withdraw for emergency or financial reasons.

Mr. Speaker, the legislation we are introducing is bipartisan. It has no cost, and it will improve the implementation of the Higher Education Amendments of 1998 which we worked so hard to enact in the last Congress. I urge every member of this body to support its passage.

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## TRIBUTE TO SUSAN AND JOSEPH PICHLER

## HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. PORTMAN. Mr. Speaker, I pay tribute to Joseph and Susan Pichler, good friends and recipients of the Distinguished Service Citation from the National Conference for Community Justice (NCCJ) on May 25. They were selected for this award for their personal and professional qualities that have furthered the cause of inter-group understanding in our community.

Susan attended St. Mary's College, where she received a Bachelor of Arts in English. A dedicated volunteer for many years, she has done a great deal to improve inner-city education. She is a strong supporter of the Junior Great Books reading enrichment program, and locally, she initiated this program at Washington Park School and St. Francis Seraph School. While in Kansas, she worked with Junior Great Books at St. John the Evangelist Grade School; taught CCD (Confraternity of Christian Doctrine) at Our Lady of Guadalupe; initiated Junior Great Books at Avenue A School; chaired the Hutchinson High School Evaluation Committee for the School Board; and served on the Parent Teacher Association.

Currently, Susan is active with the National Underground Railroad Freedom Center, serving as a member of the National Advisory Board and the Board of Trustees. She also serves on the Board of Trustees for St. Mary's College in Notre Dame, Indiana, and has spent 10 years as a volunteer librarian at St. Francis Seraph School.

Joe is Chairman of the Board and Chief Executive Officer at the Kroger Company, one of America's largest companies, and a company that gives much to our community. He graduated magna cum laude from Notre Dame University, and went on to obtain his M.B.A. and Ph.D. from the University of Chicago.

From 1968–1970, Joe served in the U.S. Department of Labor. He also taught at the University of Kansas School of Business for 15 years, and served as Dean from 1974–1980.

Joe has been involved in a number of civic and charitable activities. He is a former member of the Board of Advisors with the Salvation Army School for Officers Training. He is an Honorary Lifetime Member of the University of Kansas School of Fine Arts; a member of the Catholic Commission on Intellectual and Cultural Affairs; and a member of the Board of Trustees of Tougaloo College in Mississippi.

Locally, Joe is Co-Chairman of the Greater Cincinnati Scholarship Association; a member of the Xavier University Board of Trustees; an Advisory Member of the Cincinnati Opera; and a member of the Advisory Board of the Cincinnati Chapter of the Salvation Army.

Joe also is active as a member of the Board of Directors of Federated Department Stores, Inc., and Milacron, Inc. He is a member of the Board at Catalyst; a member of the Business Council; past Chairman of the National Alliance of Business; and a member of the Cincinnati Business Committee.

All of us in the Cincinnati area are grateful to Susan and Joe for their numerous contributions to our community, and congratulate them on receiving this prestigious NCCJ award.

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## A.O. REED & COMPANY: SPIRIT OF COOPERATION AWARD

## HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. FILNER. Mr. Speaker and colleagues, today I recognize A.O. Reed & Company, as it is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, at its 12th annual Worker's Memorial Dinner with its Spirit of Cooperation Award.

A.O. Reed, founded in 1914, is one of the largest and most respected locally owned construction companies. The company has been in continuous business in San Diego for over eighty years, and it is responsible for some of the largest, most complex projects in the San Diego area, including the East Terminal at Lindbergh Field, Hyatt Regency San Diego, San Diego Marriott Hotel, Kaiser Hospital, Salk Cancer Research Facility, Scripps Institute of Oceanography and Marine Biology, California State Prison, Idec Pharmaceutical, and Callaway Golf Ball Facility. With this Labor Council Spirit of Cooperation award, we honor their long-standing support for the trade union movement.

A.O. Reed employees are compensated with wages and benefits that lead the industry. Their employees receive the best training available through state-approved apprenticeship and journeyman training programs. A.O. Reed management has demonstrated an admirable commitment to the collective bargaining process.

A.O. Reed is also a consistent leader in charitable giving. They donate labor and materials to those in the San Diego community who are in need of plumbing and mechanical services.

This award recognizes their contribution to San Diego and honors their partnership with Plumbers and Pipefitter Local 230 and Sheetmetal Workers Local 206. My congratulations go to A.O. Reed & Company for these significant contributions.

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## INTRODUCTION OF THE HIGHER EDUCATION TECHNICAL AMENDMENTS OF 2000

## HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. GOODLING. Mr. Speaker, I rise today to introduce the Higher Education Technical Amendments of 2000. On May 8, 1998, the House passed the Higher Education Amendments of 1998 on a bipartisan basis. That legislation was subsequently enacted on October 7, 1998, and greatly benefited students by providing the lowest student loan interest rates in almost 20 years, as well as by making needed improvements to important student aid programs like Work-Study, Pell Grants, and TRIO.

At that time I congratulated the Subcommittee Chairman, Mr. MCKEON, the Ranking Member, Mr. CLAY, and the former Ranking Member of the Subcommittee, Mr. KILDEE, for a job well done. The past year and a half has shown that praise was well placed. Millions of students have since benefited from their efforts, and the minimal number of technical amendments that are needed is testimony to the fact that the bill was well crafted.

Since that time, the Department of Education has concluded its first round of negotiated rule making, and issued final regulations to reflect the changes. We have had a chance to analyze the implementation of the law with respect to congressional intent. In most cases our intent was adhered to, but in a few important instances it was not.

The legislation we are introducing today makes necessary technical changes as well as a few policy changes that we believe are necessary to implement the Act as intended. There are also a number of policy changes that were recommended to us that have not been included in this bill, and I expect that some will be disappointed at their exclusion. However, in crafting this legislation, we have worked to ensure that the bill is bipartisan, that it is fully paid for, that it will benefit students, and that it will be signed into law.

For example, I feel very strongly that the Department is not following our intent with respect to direct loan origination fees. Now, before this is taken out of context, let me be clear; I support better terms and conditions for students. The 1998 amendments were designed to provide students with the best possible deal under very tight budget constraints, and I believe we succeeded in doing that. However, the law is very clear in directing the Secretary to collect a four percent origination fee on direct student loans.

This is confirmed in legal opinions from the Congressional Research Service and the Comptroller General. It was not our intent to change that, and in my view the Department's action sets a very dangerous precedent. The fact that this legislation does not address this issue should not be taken as an endorsement of the Department's actions.

The legislation we are introducing today does make a needed change to the "return of federal funds" provisions in the Higher Education Act to help students who withdraw before the end of a term. Specifically, it corrects the Department's interpretation and clarifies that students are never required to return more than 50 percent of the grant funds they received. Again, I know there are those who would like us to go further. However, doing so would have mandatory spending implications that we have no way to pay for, and in many instances would result in students leaving school with increased student loan debt.

This bill will also modify the campus crime reporting provisions of the Act to provide parents and students with information on schools' policies regarding the handling of reports on missing students. Specifically, information will be provided on a school's policy on parental notification as well as its policy for investigating such reports and cooperating with local police. I have a long history of trying to ensure that parents have the information they need to make sure that their children are safe on campus, and I have worked closely with my colleague, Mr. Andrews, to craft this version of "Bryan's Law" so that it gives parents this information without overly burdening schools.

Finally, I would also note that we have included the provisions of H.R. 3629, the Tribal College Amendments, which we marked up last month and which passed the House under suspension of the rules. These provisions will streamline grant applications for Tribal Colleges under Title III and allow institutions to apply for a new grant without waiting for two years. We have included them again here because we are uncertain whether the other body will act on H.R. 3629 in a timely manner. I also note that this bill contains similar treatment for Hispanic Serving Institutions under Title V, and I thank our colleague, MARK GREEN of Wisconsin, for bringing this issue to our attention.

I also want to thank Mr. CLAY, Mr. MCKEON, and Mr. MARTINEZ for their efforts in crafting this bipartisan legislation. This bill will not satisfy everyone completely. But it does make necessary technical and policy changes that will improve the implementation of the Higher Education Amendments of 1998, and it does so in a way that will benefit students and that is likely to be enacted. I urge my colleagues from both sides of the aisle to support this legislation.

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## COMMENDING MASTER CHIEF ANDE HARTLEY

### HON. ROY BLUNT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. BLUNT. Mr. Speaker, today I commend Master Chief Ande Hartley of the United States Navy upon his retirement after twenty-one years of service and duty to our country. Ande carried out that duty as a submariner.

Being a member of a submarine crew for two decades is no small accomplishment. It is well known among members of our armed forces that submarine duty may be among the toughest and most challenging assignments in the Navy. After all, in most other assignments in the Navy, there is usually an opportunity to leave your station for a few hours and have time alone. When you are aboard a submarine there is no opportunity for retreat from one's responsibilities.

Ande's specific duties as a Machinist Mate aboard a nuclear submarine were to make sure that the mechanical systems of the submarine ran properly. All though I am not aware of all those responsibilities, I want to be sure and mention the importance of running the propulsion plant spacers and ensuring that all mechanics associated with the reactor plant were in proper working order. If a qualified member of the crew had not carried out these duties correctly, then this ship would be unable to perform its covert operations for the Navy that are so vital to the freedom of this nation.

Without reservation Mr. Speaker, I can say that Master Chief Ande Hartley has performed his duties well. I am sure there were days he realized he could pursue other employment opportunities and earn better pay, and benefits as well as enjoy more time with his family and friends. For Ande though, true commitment is more than pay and benefits, it is about the preservation of the freedom we enjoy so that our family and friends will have the opportunities they now have in the future.

Ande's sacrifices are without doubt noteworthy and commendable. His commitment is an example that his family, friends and fellow sailors can follow as a pattern in their own lives. Thank you Ande fro serving your country so faithfully, for so many years. It is an example we can all follow.

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## CONCERN FOR 13 MEMBERS OF THE JEWISH COMMUNITY WHO ARE ON TRIAL

### HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Ms. SCHAKOWSKY. Mr. Speaker, I want to share with my colleagues the deep concern that I have for 13 members of the Jewish community in Iran who are on trial for a crime I do not believe they have committed. Iran's arbitrary charges against these thirteen individuals endangers that country's entire Jewish community and is an offense to world Jewry. The trial takes place at the same time when the world honors those who were lost to the Holocaust and vows never to let such atrocities of hate recur.

I am encouraged by the fact that so many of my colleagues have taken a role of moral leadership on this issue, and have expressed their outrage to the Administration and to Iranian authorities. This past week, members of Congress took further steps to emphasize how seriously this trial can affect Iran's status. We wrote to the World Bank and contacted nations on the bank's loan approval board to urge postponement of pending loans for development projects in Iran. Unfortunately, those loans were approved. I am grateful that representatives of numerous nations that were present expressed concern over the trial. The outcome of this trial will not be overlooked by members of Congress or the Jewish and human rights communities.

The future for these thirteen individuals does not look promising. No matter what the outcome of this trial is, I will never forget Iran's behavior and will take this matter into account as I make foreign policy decisions that affect that country. I commend to my colleagues an article written by Douglas Bloomfield for the Chicago Jewish Star. Mr. Bloomfield's column is usually full of great information and insight, this one is particularly compelling and is worthy of members' attention.

#### SHOA TRIAL

(By Douglas M. Bloomfield)

There was something deeply troubling and yet fitting that as Jews around the world last week remembered the Six Million who perished in the Holocaust, the Ayatollahs began the trial of 13 Jews accused of spying for Israel. It was a dramatic reminder that Jews remain endangered in some parts of the world.

The time and place were appropriate. Iran is where a long-ago Hitler once concocted genocidal plans for the Jews of the Persian Empire. Just a few weeks ago, Haman's modern descendants declared the ancient vizier was really an Egyptian, not unlike the Austrians trying to convince the world Hitler was really a German.

The trial of 13 men accused on trumped up espionage charges opened on a dramatic note with the televised confessions, outside the courtroom, of first, one man and then two more and other followed, all dutifully denying coercion.

It was an alarming development unabashedly offered by a regime that wanted the world to see the confessions but not the trial.

Naturally, the "confessed " spies declared that their admissions were voluntary; what would one expect from a man who'd been in an Iranian jail for some 15 months, never allowed to see his lawyer?

It was reminiscent of Iran's Lebanese allies distributing videotapes of their American hostages pleading guilty to sundry offenses, and North Vietnam staging televised war crime confessions by American POW's.

No court in any civilized country would consider such confessions to be valid, but then again few would call Iran "civilized."

If the Iranian charges were true and the confessions freely given, there would be no reason to keep the evidence and the trial secret.

The defense attorney for one of the three said that under Islamic law and international norms, a confession given by a prisoner after more than a year in jail is invalid.

International attention is focused on the courtroom in the southern city of Shiraz. President Clinton has repeatedly spoken out, as have Members of Congress, the nation's governors and many mayors and other public officials.

Secretary of State Madeleine Albright last week warned Iranian leaders the trial "will have repercussions everywhere" on that country's efforts to "earn international respect." That came in the same week that her department officially reaffirmed Iran's status as a leading state sponsor of international terrorism.

Other leaders have made serious and personal efforts to help: the Pope, UN Secretary General Kofi Anan, Egyptian President Hosni Mubarak, Prime

More than 60 journalists, human rights activists and diplomats from the around the globe stood vigil outside the locked doors of a legal system controlled by the most extreme factions in that country. Inside, the lives of 13 Jews were in the hands of a single man who sits as prosecutor, judge and jury.

Israel has privately assured the United States the men are innocent and it is unaware of any links between the accused and Israeli officials. Charges that they also spied for the United States have apparently been dropped.

Some of the international pressure is apparently getting attention in Tehran. That's why the prisoners were presented on television confessing. It may also explain why the trial was adjourned for Passover, not exactly a national holiday in the fervently Islamic state, and why the three youngest defendants were released on bail. Trials in Iran usually last hours, not weeks as this one is expected to. The court could have declared them guilty and quickly hanged them, as happened three years ago with two other Jews similarly charged.

But will those gestures, aimed at the international community, be enough to save the lives of these men? What do these gestures mean?

The hard-liners have never shown much sensitivity to world opinion. In fact, they seem to revel in sticking their thumbs in the eyes of public opinion, especially American and Israeli eyes.

Just before the trial began, a leading cleric delivered a sermon over state radio declaring, "These people are spies . . . they are Jews and are . . . by nature enemies of Muslims."

These 13 Jews are pawns in a battle between the hard-line Islamic extremists and the reformers, who scored another important victory in last Friday's runoff elections, for control of an ancient land whose chief exports of late have been religious bigotry and terrorism. One thing the ruling ayatollahs and the reformers led by President Khatemi seem to agree on is their hatred of Israel.

If the verdicts are guilty, which carries a death penalty, some fear the ayatollahs declare that all Jews are Zionists, and the Zionist state is the mortal enemy of Islam and Iran, and thus all Jews are enemies and spies.

Iran wages daily war against Israel through proxies such as Hezbollah. Supreme leader Ayatollah Ali Khamenei said again recently the only way to solve the problems of the Middle East is to annihilate Israel.

As the trial in Shiraz opened, there was an event worth noting in another country with a long and bitter history of anti-Semitism: Poland. Some 5,000 young Jews from around the world, led by the presidents of Israel and Poland, took part in the annual March of the Living from Auschwitz to Birkenau to honor those who perished solely for the crime of being Jews.

Just weeks earlier, a British judge struck an important blow for the cause of truth and morality, a blow in an ongoing battle against Holocaust denial that should never have been necessary.

Other nations are at long last beginning to come to terms with their Holocaust guilt and with Holocaust denial; throughout the Arab world, however, denial is a surging companion to rising anti-Semitism, often officially encouraged as in Egypt and Syria.

In this country, too, we have made tremendous progress in confronting the scourge of anti-Semitism, but there are counter-forces, including a presidential candidate who admires Hitler, belittles the Holocaust and blames the Jews for dragging America into World War II.

The trial of the Iran 13 is an alarming reminder that for all the lessons learned from the tragic past, there remain places where Hitler's work is commended, not condemned. It is a clarion warning of our responsibility to stand guard on the legacy of Hitler's victims in Iran and around the world.

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## VIEJAS BAND OF KUMEYAAY INDIANS: SPIRIT OF COOPERATION AWARD

### HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES,

*Friday, May 19, 2000*

Mr. FILNER. Mr. Speaker and colleagues, today I recognize the Viejas Band of Kumeyaay Indians, as it is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, at its 12th annual Worker's Memorial Dinner with its Spirit of Cooperation Award.

The Viejas Indian Casino recently signed a contract with the Communications Workers of America Local 9400, in what is possibly the first ever union contract with any Tribal Casino in the United States. Not only did Viejas sign an agreement with the union allowing it to organize workers at the casino, but they also gave the union space for a temporary organizing office on the property and allowed the union easy access to the employees.

After the representation election, Viejas and the union successfully negotiated a contract that provides good wages, benefits, and union representation to employees. Viejas has been model of employer attitude and has forced a truly special relationship with the union.

Viejas has also been a leader in supporting community efforts through their charitable giving programs and active participation in community and business associations.

My congratulations go to the Viejas Bank of Kumeyaay Indians for these significant contributions.

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## FAMILY AND MEDICAL LEAVE CLARIFICATION ACT

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. GOODLING. Mr. Speaker, today I introduce a bill that would make reasonable, and much needed change to the Family and Medical Leave Act (FMLA) of 1993. The Family and Medical Leave Clarification Act will help implement and enforce the FMLA in a manner consistent with Congress' original intent.

I do not think anyone would dispute that the FMLA has helped those with serious family and medical crisis. However, some of the troublesome results are difficult to ignore. There is compelling evidence of problems with the implementation and the FMLA, problems affecting both employers and employees. The FMLA is still a relatively young law. In fact, the final rule implementing the Act was not published until 1995. As with any new law, there are some growing pains that need to be sorted out.

Testimony before the Committee on Education and the Workforce has established evidence of myriad problems in the workplace caused by the FMLA. These problems include: the administrative burden of allowing leave to be taken in increments of as little as six minutes; the additional burdens from overly broad and confusing regulations of the FMLA, not the least of which is the Department of Labor's ever-expanding definition of "serious health condition;" and inequities stemming from employers with generous leave policies in effect being penalized under the FMLA for having those policies.

Mr. Speaker, the FMLA created a Commission on Leave, which was charged with reporting the FMLA's impact. Upon release of the Commission's report in April 1996, we were told that all was well with the FMLA. But contrary to these assertions, the report was not a complete picture. In fact the Family and Medical Leave Act Commission admitted its report was only an "initial assessment." Its two year study began in November of 1993, just three months after the Act even applied to most employers and more than a year before the release of final FMLA regulations in January of 1995.

Simply put, the Commission's report was based on old and incomplete data studies long before employers or employees could have been fully aware of the FMLA's many requirements and responsibilities.

Mr. Speaker, the first area the FMLA Clarification Act addresses is the Department of Labor's overly broad interpretation of the term "serious health condition." In passing the FMLA, Congress stated that the term "serious health condition" was not intended to cover short-term conditions for which treatment and recovery were very brief, recognizing specifically in Committee report language that "it is expected that such conditions will fall within the most modest sick leave policies."

Despite Congressional intent, the Department of Labor's current regulations are extremely expansive, defining the term "serious health condition" as including, among other things, any absence of more than three days in which the employee sees any health care provider and receives any type of continuing treatment, including a second doctor's visit, or a prescription, or a referral to a physical therapist. Such a broad definition potentially mandates FMLA leave where an employee sees a health care provider once, receives a prescription drug, and is instructed to call the health care provider back if the symptoms do not improve.

The FMLA Clarification Act elects Congress' original intent for the meaning of the term "serious health condition," by taking word-for-word from the Democrat Committee report, and adding to the status, the then-Majority's explanation of what types of conditions it intended the Act to cover. It also repeals the Department's current regulations on the issue and directs the agency to go back to the drawing board and issue regulations consistent with the new definition.

My bill also minimizes tracking and administrative burdens while maintaining the original intent of the law, by permitting employers to require employees to take "intermittent" leave, which is FMLA leave taken in separate blocks of time due to a single qualifying reason, in increments of up to one-half of a work day.

Congress drafted the FMLA to allow employees to take leave less than full-day increments. Congress also intended to address situations where an employee needed to take leave for intermittent treatments, e.g., for chemotherapy or radiation treatments, or other medical appointments. Granting leave for these conditions has not been a significant problem.

However, the regulations provide that an employer "may limit leave increments to the shortest period of time that the employer's payroll system uses to account for absences or use of leave, provided it is one hour or less." Since some employers track in increments as small as six or eight minutes, the regulations have resulted in a host of problems related to tracking the leave and in maintaining attendance control policies. In many situations, it is difficult to know when the employee will be at work.

In many positions, employees with frequent, unpredictable absences can severely impact an employer's productivity and overburden their co-workers when employers do not know if certain employees will be at work. Allowing an employer to require an employee to take intermittent leave in increments of up to one-half of a work day would ease the burden significantly for employers, both in terms of necessary paperwork and with respect to being able to provide effective coverage for absent employees.

Where the employer does not exercise the right to require the employee to substitute other employer-provided leave under the FMLA, the FMLA Clarification Act shifts to the employee the requirement to request leave to be designated as FMLA leave. In addition, the Act requires the employee to provide written application of foreseeable leave within five working days, and within a time period extended as necessary for unforeseeable leave, if the employee is physically or mentally incapable of providing notice or submitting the application.

Requiring the employee to request that leave be designated as FMLA leave eliminates the need for the employer to question the employee and pry into the employee's private and family matters, as required under current law. This requirement helps eliminate personal liability for employer supervisors who should not be expected to be experts in the vague and complex regulations which even attorneys have a difficult time understanding.

With respect to leave taken because of the employee's own serious health condition, the FMLA Clarification Act permits an employer to require the employee to choose between taking unpaid leave provided by the FMLA or paid absence under an employer's collective bargaining agreement or other sick leave, sick pay, or disability plan, program, or policy of the employer.

This change provides incentive for employers to continue their generous sick leave policies while providing a disincentive to employers considering discontinuing such employee-friendly plans, including those negotiated by the employer and the employees' union representative. Paid leave would be subject to the employer's normal work rules and procedures for taking such leave, including work rules and procedures dealing with attendance requirements.

Despite the common belief that leave under the FMLA is necessarily unpaid, employers having generous sick leave policies, or that have worked out employee-friendly sick leave programs with unions in collective bargaining agreements, are being penalized by the FMLA. In fact, for many companies, most FMLA leave has become paid leave because the regulations state that an employer must observe any employment benefit program or plan that provides rights greater than the FMLA.

Because employers cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions, nor can they count FMLA leave under "no fault" attendance policies, the regulations prohibit employers from using disciplinary attendance policies to manage employees' absences.

Mr. Speaker, the Family and Medical Leave Clarification Act relieves many of the unnecessary and unreasonable burdens imposed on employers and employees by the Department of Labor's implementing regulations, without rolling back the rights of employees under the FMLA. Finally, my bill encourages employers to continue to provide generous paid leave policies to their employees.

I urge my colleagues in joining me in cosponsoring this measured and necessary mid-course correction to providing effective FMLA processes.

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# HONORING THE LATE STATE SENATOR DONALD L. GRUNSKY

## HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. FARR of California. Mr. Speaker, today I honor an outstanding legislator and trial lawyer who was a long time resident of Santa Cruz County. Former State Senator Donald L. Grunsky passed away at the age of 84.

Born in San Francisco, Donald received a bachelor's degree from the University of California, Berkeley, in 1936 and a law degree from Boalt Hall in 1939. He practiced law in the Bay Area for two years before entering the U.S. Navy during World War II. After being released from the service as a Lieutenant Commander in 1945, Grunsky established his law practice in Watsonville. He was the founder of Grunsky, Ebey, Farrar & Howell, one of the largest and most highly respected law firms in the Central Coast counties. Donald began his political career at age 32, serving as an Assemblyman from 1947 to 1952 and a Senator from 1953 to 1976. During his tenure Donald authored important legislation including measures to revise the state's divorce laws, the prohibition of off-shore drilling, a master plan for education and important water conservation measures. Donald also served as a chairman of seven Senate committees, some of which included the Finance and Judiciary committees.

Donald will be sorely missed by the many people who were privileged to know him both personally and professionally. He will forever be remembered by dear family and friends. Donald is survived by his wife Mary Lou Grunsky of Watsonville; brother-in-laws, Al Rushton and Joe Meidi; and several nieces and nephews.

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# STATEMENT ON PERMANENT NORMAL TRADE RELATIONS BY REVEREND RICHARD CIZIK, VICE PRESIDENT FOR GOVERNMENTAL AFFAIRS, NATIONAL ASSOCIATION OF EVANGELICALS

## HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. PITTS. Mr. Speaker, I would like to draw to the attention of the House the following statement from Reverend Richard Cizik, Vice President for Governmental Affairs at the National Association of Evangelicals. Reverend Cizik, who has 30 years of experience on religious issues in China, believes that granting permanent normal trade relations with China will ultimately result in greater religious freedom for the Chinese people.

NATIONAL ASSOCIATION OF EVANGELICALS,
*Azusa, CA, May 16, 2000.*

Re: Permanent Normal Trade Relations with China

Hon. J. DENNIS HASTERT,
*Speaker of the House, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: The National Association of Evangelicals is officially neutral on the topic of permanent normal trade relations with China. Evangelicals are not of one mind on how best to encourage China to move toward greater religious freedom. However, I write to express my own concerns.

The NAE has been vocal about the religious persecution of Christians and others around the world. Its 1996 "Statement of Conscience Concerning Worldwide Religious Persecution," was the touchstone of a movement culminating in the passage of the International Religious Freedom Act. (I helped draft that statement and have been involved with China for more than twenty-five years, most recently participating as a staff member to President Clinton's "Religious Leaders' Delegation To the People's Republic of China.")

Millions of evangelicals, many within our 51 denominations and 43,000 churches, are convinced that we need to end the fractious debate over China trade policy which is damaging confidence in the United States among the Chinese people and elsewhere. Moreover, to have an effective policy that can actually achieve several goals—including gains in human rights and cooperative rather than hostile relations—requires a consistent policy that can only come from bipartisan consensus based on public support.

I respectively suggest the following might help to create that new consensus.

Send clear signals to the government of the PRC of its primary responsibility to protect human rights and bring about social justice in China. For example, officials in Beijing and in Henan Province should immediately grant full freedom to Pastor and evangelist Peter Xu Yongzhe. Freeing Xu and other prisoners of conscience who have been unjustly detained or imprisoned would be an important step by China in terms of improving human rights, strengthening the rule of law, and building better relations with the United States. (The persecution of people of faith was raised by the members of the Religious Delegation in all of our meetings with government officials—including President Jiang Zemin.)

Recognize that there are no instant solutions but that progress is being made. China's cultural legacy of authoritarianism, the complexity of change, and the lagging of political reform behind economic developments requires a long-term struggle for human dignity and social justice. We should affirm the far-reaching improvements in personal freedoms and social-economic livelihood achieved over the past twenty years by the Chinese people in their attempt to leave behind the horrors of Maoism and to create a more democratic society.

Keep in mind that the key agents of change in China are Chinese citizens whose opinions will have growing impact on government action. We must ensure that our actions support rather than damage their efforts. In recent years, our annual debate over trade and human rights, while drawing attention to the religious liberty violations that should concern all Americans, has fueled hostility between Chinese and Americans rather than bringing about positive change in China. Additionally, it has served to strengthen the hand of Communist hardliners who oppose economic and political reform, as well as an improvement in US-Sino relations.

Listen carefully to the views of Chinese citizens, Americans living and working in China, and citizens of Hong Kong and Taiwan, all whom will be the most affected by the outcome. Many Chinese Christians, including those in the unregistered house churches and those in the US, call for expanded trade through the World Trade Organization because it helps create acceptance of international norms and keeps the door open to religious exchanges and cooperation. Trade sanctions increase social discrimination and government pressure against these believers.

Pay more attention to the real impact of our actions inside China. Using trade restrictions to send a signal of disapproval to the PRC government is likely to fuel widespread public resentment of the United States. Restrictions on trade will be interpreted as an effort to block China's membership in the World Trade Organization and thus to stymie progress or even destabilize China. This will inevitably arouse anti-American sentiment, especially among younger generations.

Recognize that the United States government is only one actor and that many American institutions exert great influence in China, especially on moral and social issues. Religious groups, businesses, nonprofit institutions, academic, and medical organizations, as they interact with their Chinese counterparts, need to raise our concerns about human rights abuses. They also need to find constructive ways to assist efforts to speed up the restructuring of social and political institutions necessary to underpin the rule of law.

Let me make some specific suggestions on what should be done next.

(1) This administration and the next should make greater efforts to work multilaterally, especially with Asian nations, both to enforce China's compliance with WTO standards over the next decade and to create regional support for human rights. This will help create internal pressures for government conformity with international standards.

(2) Congress should work to establish good working relations with the National People's Congress of China in order to encourage good legislative practices. Congress should fully fund all the functions it has mandated to the Department of State and other government agencies.

(3) The Commission on International Religious Freedom (CIRF) should organize and fund a cooperative government-nongovernmental effort to improve the accuracy of reporting on the religious situation in China. It should encourage reporting by province and major city to highlight the responsibilities of local officials.

(4) The formation of a new bipartisan commission to coordinate all the goals (including religious freedom) of a consistent long-term policy toward China would be most effective if it focuses not on a single set of issues or short-term aims, but on effective strategy and tactics, and fosters dialogue with representatives of all the diverse sectors in our society that are involved with China.

(5) Congress should demonstrate the strength of its resolve on matters of human rights and religious freedom by enacting—not broad and blanket sanctions—but targeted and measured sanctions designed to accomplish their intended objective. For example, firm action against China National Petroleum Company's role in financing genocide in Sudan would send an indirect signal to China about our commitment to deal with religious persecution.

It is especially disturbing to me that during the past year there has been an escalation of harassment, intimidation, and persecution of people of faith. However, in my opinion (and that of organizations such as China Source, which represents dozens of Christian organizations working in China), granting permanent normal trade relations with China will ultimately result in greater religious freedom for the Chinese people, not less.

Sincerely Yours,
REV. RICHARD CIZIK,
*Vice President for Governmental Affairs.*

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## WILLIE PELOTE: FRIEND OF THE LABOR COUNCIL AWARD

## HON. BOB FILNER

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
*Friday, May 19, 2000*

Mr. FILNER. Mr. Speaker and colleagues, today I recognize Willie Pelote, as he is honored by the San Diego-Imperial Counties Labor Council, AFL–CIO, at its 12th annual Worker's Memorial dinner with its Friend of the Labor Council Award.

As the California Political and Legislative Director of the American Federation of State, County, and Municipal Employees, Willie oversees statewide political and legislative affairs for the nation's largest union of public employees and health care workers. He is responsible for developing and implementing the union's political strategy for campaigns at all levels of public office.

Through his work at AFSCME, Willie has been a strong supporter of and partner with the Labor Council. Willie helped AFSCME local unions in San Diego build strong member education and involvement programs, and he supported the development of the very successful Labor to Neighbor Program.

Willie's leadership has helped advance labor priorities across the state, as well as locally and for that he deserves our highest praise and admiration. My congratulations go to Willie Pelote for these significant contributions. I believe him to be highly deserving of the San Diego-Imperial Counties Labor Council, AFL–CIO Friend of the Labor Council Award.

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## COMPREHENSIVE BUDGET PROCESS REFORM ACT OF 1999

SPEECH OF

## HON. WALTER B. JONES

OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
*Tuesday, May 16, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 853) to amend the Congressional Budget Act of 1974 to provide for joint resolutions on the budget, reserve funds for emergency spending, strengthened enforcement of budgetary decisions, increased accountability for Federal spending, accrual budgeting for Federal insurance programs, mitigation of the bias in the budget process toward higher spending, modifications in paygo requirements when there is an on-budget surplus, and for other purposes:

Mr. JONES of North Carolina. Mr. Chairman, I rise today in support of the Comprehensive Budget Process Reform Act and I thank Congressman NUSSLE for bringing this important budgetary reform to the floor.

I also came to the floor this afternoon in support of an Amendment that my colleagues, Representatives DREIER, LUTHER, REGULA, and HALL will be debating shortly that would provide for a two-year federal budget process.

Mr. Chairman, like many of my friends on both sides of the aisle, I served in the state legislature before my election to the House in 1994. The North Carolina General Assembly, like many other states, operates under a two-year, biennial budget process.

That is what brings me to the floor today. Like many of my colleagues, I am frustrated with the annual budget system.

We spend months of every year debating the same issues. That leaves very little time for Members to explore many of the issues that directly affect the citizens of this nation.

A biennial budget would allow Members to devote the first session of any Congress to the budget resolution and appropriations decisions. The second session would be dedicated to program oversight in order to help eliminate wasteful government spending.

This process would provide Congress time to better address issues of important national interest, like the state of our military readiness, how to protect our nation's seniors and improve the current health care system, and how to best provide an effective safety net for our nation's farmers.

A biennial budget would also allow Congress to better manage unforeseen emergency budget situations that face our nation like the forest fires New Mexico is currently battling, or the hurricanes that have devastated North Carolina's coastline for the last few years.

When hurricanes have hit North Carolina, the General Assembly has been able to successfully help the State meet its unmet needs without creating undue hardship on the State or on our communities.

Mr. Chairman, Congress has a constitutional responsibility to oversee government spending and to improve the way government works. When we dedicate such a significant amount of time each year to appropriate funds for government programs, we lose out on needed opportunities to evaluate the performance of those programs and make necessary changes. A biennial budget would allow a full year of oversight to determine what is working and what is not so that the appropriations process can move more smoothly and the government can run more efficiently and effectively.

Mr. Chairman, I urge my colleagues to support the Comprehensive Budget Process reform. I also hope my colleagues will join me in voting for the biennial budget amendment to ensure American taxpayer dollars are being spent wisely.

## HONORING TOPSFIELD, MASSACHUSETTS

### HON. JOHN F. TIERNEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. TIERNEY. Mr. Speaker, Topsfield, Massachusetts is observing a year-long celebration of the 350th anniversary of its founding as a town by the General Court of the Commonwealth in 1650. The observance will not only reflect upon the town's proud history, but will look with optimism toward the future.

When Governor John Winthrop arrived in Salem harbor in 1630, Masconomet, the sagamore of the Agawam tribe, who lived in the Topsfield area, welcomed him. The regional high school is named for Masconomet, who always lived peacefully with his new neighbors.

The early settlers of Topsfield, named after Toppesfield, England, were mostly farmers. But as British encroachment on their liberty through passage of various taxes escalated through the late 1600s and the 1700s, they became more and more concerned about defending against attack. On April 19, 1775, 110 of Topsfield's citizenry in two companies joined with other towns in a march to Lexington and Concord to fight the redcoats at the very beginning of the Revolutionary War. Topsfield citizens have served with distinction in every war since.

While the town's character has changed through the years from farming to light manufacture and small business, it has retained its rural character. It is home each autumn to the Topsfield Fair, the Nation's oldest agricultural exposition. Its Ipswich River Wildlife Sanctuary is the largest sanctuary in the Massachusetts Audubon system.

A number of famous people have called Topsfield home. The Stanley family of the Stanley Steamer automobile arrived in 1659 and lived in the town until 1778. The ancestors of two leaders of the Mormon Church, Joseph Smith, its founder, and Brigham Young, its second president, were near neighbors in Topsfield.

Today, Mr. Speaker, Topsfield stands at the beginning of this new century looking optimistically toward a bright future while celebrating its long and proud heritage. A time capsule is being assembled that will include essays by fourth graders about what life was like in the year 2000, as well as recollections of seniors about the century just past. To those residents of Topsfield in the year 2100, as well as to the town's current citizens, may I add my sincere congratulations and best wishes.

## HONORING ST. FRANCIS PRAYER CENTER

### HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. KILDEE. Mr. Speaker, I am pleased to speak on behalf of a group of people who have made the community a truly joyous place to live. On Saturday, May 20, the St. Francis Prayer Center in Flint, Michigan, will celebrate their 25th Anniversary.

For many years, Father Phil Schmitter and Sister Joanne Chiaverini have worked diligently to do the Lord's work throughout the Flint community. Their selfless nature is tremendous and the compassion they show is indescribable. When creating the St. Francis Prayer Center in 1975, they were committed to simple goals: they wanted a central location where even the poor could walk, where they could provide guidance and promote spirituality regardless of denomination, and work to help bridge the gap between racial and religious lines. As a lifelong Flint resident, I am happy to say that their efforts have indeed improved understanding, acceptance, and genuine positive regard within the city of Flint, and the surrounding communities. They have provided a resource that we all can be very proud of. They have helped people come closer to God and to one another.

Also, the accomplishments of St. Francis would not be as strong if not for the work of the members of the Prayer Center Board and the many volunteers who are always there to lend a helping hand. These people also give much of themselves to further the impact that the center makes.

Mr. Speaker, our community would not be the same without the presence of Father Phil Schmitter, Sister Joanne Chiaverini, and the St. Francis Prayer Center. Just as I consider it an honor and a pleasure to serve here as a Member of Congress, they also understand the joy of serving. I am pleased to ask my colleagues in the 106th Congress to join me in congratulating them on 25 wonderful years, and wish them success toward the next 25.

## CONGRATULATIONS TO THE VERSAILLES CHAMBER OF COMMERCE LIFETIME ACHIEVEMENT AWARD RECIPIENTS NONA AND BILL CAINE

### HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. SKELTON. Mr. Speaker, I was recently informed that the Versailles Chamber of Commerce will present Nona and Bill Caine with the Lifetime Achievement Award on May 26, 2000, in a ceremony at the Morgan County Historical Society Heritage Garden in Versailles, Missouri.

Bill owned and operated Versailles Furniture for over 30 years. In addition to running his business, he served as the First Sergeant of the Army Reserve Unit and as the Mayor of the City of Versailles for six years. During his term in office, he oversaw installation of the airport, construction of the water tower and server for the southwestern part of the city and development of the parks system. Bill is also responsible for reviving the Versailles Chamber of Commerce and served as both Chamber President and Board Member. He shared responsibility, along with Rufus Harms, for organizing the Versailles Industrial Trust. Additionally, Bill served as President of the Versailles Lions Club and was twice the Fair Board Chairman for the Morgan County Fair.

Bill led three major community fund drives for the Brown Shoe Company, the Sheltered Workshop and the railroad spur. He was involved in the acquisition of Brown Shoe Company, Dixon Ticonderoga Pencil Company and Gates Rubber Company in Versailles. He presently serves on the Versailles Cemetery Board, Good Shepherd Nursing Home District Board and Bank of Versailles Board of Directors.

Nona worked for ten years at Wini's Fashions. She was a charter member of the Junior Sorosis, the WIN Investment Club and is a member of the Versailles Women's Civic Club. Nona was very active in organizations that benefit the children of Versailles. She was involved in Girl Scout and Boy Scout activities, was a member of the Parent Teacher Association and participated in numerous door-to-door solicitations for community fund drives.

Nona and Bill are both members of the Morgan County Historical Society and the Versailles United Methodist Church, where Nona has served as a Sunday School teacher and President and member of the Young Mother's Circle. They also are Charter Members of the Rolling Hills Country Club and have served several years on the Long Range Planning Committee. Nona served as President and Board Member, President and Golf Chair of the Ladies' Rolling Hills Organization and is Treasurer of the Fifty Plus Women's Golf Association of Central Missouri.

Mr. Speaker, Nona and Bill have set an example in the Versailles community for all Missourians to follow. I know that my colleagues in the House will be pleased to join me in congratulating them for their outstanding work.

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## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

### HON. SHERROD BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

Mr. BROWN of Ohio. Mr. Chairman, I rise in support of the Whitfield/Strickland amendment. Workers in the nuclear weapons complex serve in our nation's defense, and it is time to make amends to those who have fallen ill in the line of duty.

In the 1940s, the City of Lorain, Ohio in my district was home to a beryllium plant that produced nuclear weapons components. Exposure to beryllium dust can cause chronic beryllium disease, which is incurable and results in a lingering death.

Although the Lorain plant burned down in 1948, the effects of beryllium have not been forgotten, and I continue to hear many tragic stories of the deaths of loved ones from beryllium disease. A few former workers are fighting for their lives even today.

Non-workers in Lorain also fell ill. The Ohio health department identified 16 cases of beryllium disease in people who did not work in the plant, but lived across the street or washed their husbands' dusty clothes. These individuals or their survivors should also be eligible for compensation.

Mr. Chairman, I strongly support this amendment. I also urge prompt hearings and committee action on H.R. 2398, the Energy Employees Occupational Illness and Compensation Act.

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## CONGRATULATING JEFFERSON ELEMENTARY SCHOOL

### HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate Jefferson Elementary School in Bergenfield, New Jersey, on the dedication of its new Garden of Love, Hope and Friendship. This peaceful, serene garden has been created as a place of meditation and reflection intended to help prevent a repeat of the horrible tragedies of gun violence that have plagued our nation's schools in recent years.

The focal point of the 30-by-70-foot garden is three dogwood trees, one each to symbolize the themes of love, hope and friendship. Azaleas ring the perimeter of the garden to represent each of the students killed in school shootings, while six rose bushes have been planted in memory of school faculty members who have died. Each Jefferson student will be involved by planting impatiens around the dogwoods. Plaques will be placed in memory of victims of the shootings. Gravel paths and wooden benches complete the setting.

The garden could not have been created without the help of the community. The project was headed by a 19-member committee of parents and other supporters, some of them former students at Jefferson. Grimm Landscaping and Standish and Sons Landscaping Inc. both contributed material and labor.

The garden is typical of Jefferson Elementary, an innovative and progressive school led by Principal Joseph Miceli. A cooperative effort between students, parents, faculty and administration focuses on connecting learning to life through activities such as Family Fun Night, Community Education Day, Author's Day, Celebrity Reader Day or Volunteer Appreciation Day. The school's mission is "to promote a lifelong love of learning."

We face a terrible problem in our communities—the alarming number of children dying from gun violence. Jonesboro. Springfield. Columbine. These cities and schools have become symbolic of troubled children bringing guns to school and killing other children or teachers. Firearm deaths among children under age 15 are 12 times higher in the United States than the 25 other industrialized nations combined. Our schools face enough problems today without becoming a combat zone.

We in Congress have come forth with many proposals for fighting school violence. I support closing the gunshow loophole, trigger locks, smart guns when the technology becomes available, mental health screening for youthful offenders and other steps. But legislation alone is not enough. We need more of these community-based activities, where teachers and other role models work with young people to change attitudes about violence and provide alternatives for troubled youth.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in congratulating the students, parents, faculty and staff of Jefferson Elementary School on this exemplary project. If it is successful in keeping only one young boy or girl from going astray, it will have been well worth the effort.

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## SUPPORT OF THE SAFE PIPELINES ACT OF 2000

### HON. JENNIFER DUNN

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Ms. DUNN. Mr. Speaker, earlier this year, I joined Representative METCALF in support of H.R. 3558, the Safe Pipelines Act of 2000, to improve safety and provide states greater discretion to review and inspect interstate liquid pipelines. This vital legislation requires pipeline companies to inspect the pipelines both internally and with hydrostatic tests. To improve access to information, this legislation requires the U.S. Department of Transportation to post the location of all pipelines on the Internet and inform the public of accidents, leaks, and spills.

While the June 10th accident in Bellingham, Washington, has caught our attention, we must examine how to improve the integrity of the pipeline and instill public confidence that we are adequately protecting those who live near a pipeline. I remain supportive of hydrostatic testing as a method to ensure the integrity of the pipelines. However, we must also review the regulatory, maintenance, and day-to-day operations of the pipelines comprehensively to better serve our communities.

On May 13th, I held a public meeting to discuss efforts to improve the pipelines. With a panel of experts, we discussed the need for better communication between local elected officials and the pipeline companies servicing the Puget Sound area. We must remain vigilant in protecting our neighborhoods not only today but also in the future. Congress can help in this process by passing meaningful pipeline legislation this year.

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## HONORING HOWARD J. MORGENS

### HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. FARR of California. Mr. Speaker, today I honor Mr. Howard J. Morgens, a retired chief executive officer of the Procter and Gamble Co. and also a donor of property that made the construction of the Hospice of the Central Coast possible. Mr. Morgens passed away at the age of 89.

Born in St. Louis, Howard was a graudate of Washington University and Harvard Business School. Howard then moved to Carmel Valley with his wife Anne in 1962. The couple moved permanently to Pebble Beach in 1990. Beginning in 1933, Howard worked for Procter and Gamble serving as chief executive officer from 1957 to 1974. He retired as chairman emeritus in 1977. In addition to his work in Procter and Gamble, Howard served on the boards of directors of several corporations including General Motors, Morgan Guaranty Trust Co., and Exxon. Howard was also dedicated to various civic, educational and charitable organizations, some of which include the American Museum of Natural History and the American National Red Cross and the Cincinnati Children's Hospital. On the Monterey Peninsula, Howard was a trustee of the Community Hospital of the Monterey Peninsula Foundation and the Monterey Institute of International Studies.

Howard will be sorely missed by the many people who were privileged to know him both personally and professionally. He will be forever remembered by dear family and friends. Howard is survived by his wife of 64 years, Anne; two sons, Edwin of South Norwalk, Conn., and James of Atlanta; six grandchildren and four great-grandchildren.

## RECOGNITION OF THE 50TH ANNIVERSARY OF THE ROSEVILLE FEDERATION OF TEACHERS

### HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. BONIOR. Mr. Speaker, today I recognize the 50th anniversary of the Roseville Federation of Teachers. For fifty years the men and women of the RFT have been educating the young people of the Roseville Community School district. I have been working side by side with Roseville teachers since I first came to Congress, and I have always had the utmost respect and admiration for their dedication to their students and to the community where they work.

From kindergarten at schools like Eastland, Kaiser and Alumni through the halls of Roseville High School and the once bustling Brablec High . . . the Roseville Federal of Teachers has come together to ensure the best possible education for the students entrusted to their care.

While the current state administration has mounted an assault on teacher unions through attacks on collective bargaining, the right to strike and the current school voucher proposal, organization such as the RFT remind us that teachers are democracy's most valuable resource. Teachers have taken on the responsibilities of mentors, counselors and role models to young people. As your responsibilities have increased over the years, your benefits have not always grown at the same speed. Organizations such as the Roseville Federation of Teachers insure that teachers are fully represented and properly respected.

I ask you each to join me in congratulating the Roseville Federal of Teachers for their 50 years and wish them the very best as they continue to help our children meet the future challenges of this Nation.

## PERSONAL EXPLANATION

### HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. SHADEGG. Mr. Speaker, I was attending my daughter's high school graduation and was absent for a series of votes on May 18. Had I been present, I would have voted "no" on No. 202, "no" on No. 203, "no" on No. 204, "yes" on No. 205, "yes" on No. 206, "yes" on No. 207 and "yes" on No. 208.

## HONORING SANDRA ELLEN BARRY

### HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Ms. SANCHEZ. Mr. Speaker, today I recognize a superb educator in my district. In July, Sandra Ellen Barry will become the superintendent of the Anaheim City School District.

The district's current superintendent, Dr. Roberta Thompson, leaves the district this summer after many years of service. Sandy Barry will take her place.

And no one is better qualified to lead the district's 21,000 students and 1,900 employees, in 22 elementary schools. Ms. Barry comes with an extensive educational background.

She has served as the deputy superintendent for three years, a role in which she has prepared for her new position. She comes to the job equipped with the many challenges she will undoubtedly face.

But Sandy's experience is not limited to one district. She has served Orange County schools, children and families well through her work in many capacities. She came to her administrative career only after a decade of teaching, working with children from the ages of 7 to 14.

The Anaheim City School District will miss Superintendent Thompson. But I know that I join the community and her colleagues when I say that Sandy Barry is equal to the task.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

### HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes:

Mr. BOYD. Mr. Chairman, military retirees were promised a "lifetime of free medical care" in exchange for serving honorably in the U.S. Armed Forces for a minimum of 20 years. Although used by the services for decades as an effective recruitment and retention tool, this promise has no basis in law. Regrettably, our nation's failure to honor the "promise of health care" is a contributing factor to the critical retention and recruiting problems our armed services currently face.

In 1956, after the Korean War, only 11 percent of the eligible military medical beneficiaries were either retirees, their dependents, or survivors of former service men and women. At that time, existing military medical facilities were capable of serving these individuals. However, today, 52 percent of military medical beneficiaries are retirees and their family members. This growth in the military retiree population, along with recent base closures, has severely limited the ability of our government to provide them with direct care.

The Federal Government has fallen short of its commitment to the men and women who have served our Nation in the armed services Demographic changes over the last several decades have led to an explosion in the number of military retirees, dramatically increasing the cost of providing health care to these individuals. While our Government could not have anticipated the factors which produced this problem, we must take action to ensure our military retirees receive the adequate care they deserve.

The Taylor amendment would expand and make permanent an existing Department of Defense (DoD) TRICARE Senior Prime demonstration program, more commonly known as Medical Subvention. Under Medicare Subvention, the costs of providing health care to Medicare-eligible military retirees who receive treatment at military medical facilities are reimbursed to the DoD by the Health Care Financing Administration.

As many of my colleagues know, the Balanced Budget Act of 1997 created a Medicare Subvention demonstration project under which six military treatment sites were organized as Medicare+Choice plans and have enrolled and treated military retirees and their dependents 65 and over. This Demonstration will end December 31, 2000.

The Demonstration Project has been a success. There are long waiting lists to enroll at several of the sites. The number of retirees enrolling when they turn 65 is much higher than DoD expected. GAO reported that some retirees joined Tricare Prime at age 64 to be eligible to age-in to Tricare Senior Prime. The disenrollment rate is much lower than those of almost all Medicare managed care plans.

Enrollees in Tricare Senior Prime are guaranteed continuity of care at military health facilities. The current "Space Available" care cannot ensure that a retiree can see his cardiologist or other physician when he needs an appointment. The health needs of the over 65 population cannot wait for "space available." Medicare Subvention is needed to replace the Space Available policy as soon as possible.

Our men and women in uniform have earned and deserve quality health care for themselves and their families. Congress must take immediate action to live up to the medical care commitment the government made to our service men and women and their families. Though the Taylor Amendment does not take care of the entire military retiree population, it is a good first step to addressing this duty we have to take care of our nation's career service men and women. I urge your strong support of this important amendment.

## RECOGNIZING DR. SPENCER PRICE FOR RECEIVING THE GENERAL DOUGLAS A. MACARTHUR LEADERSHIP AWARD

### HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. CHAMBLISS. Mr. Speaker, I would like to recognize a distinguished gentleman from Georgia's 8th District who is visiting Washington this week as one of six outstanding National Guard officers in the country, Dr. Spencer Price.

Dr. Price has been awarded the prestigious General Douglas MacArthur Leadership Award for his dedication to both the medical and military community. Dr. Price is a respected internal medicine specialist at The Medical Center of Central Georgia in Macon and is also a member of the Georgia Army National Guard. In addition, Dr. Price serves as a surgeon for the Georgia Guard's 121st Infantry Battalion.

Dr. Price has made a career of serving people and saving lives, and we all know this world needs more people who are willing to put selfishness aside and dedicate themselves to serving their community and their country. As a Member of Congress from Georgia and a member of the House Armed Services Committee, I have been fortunate to know Dr. Price and have had several opportunities to speak with him about issues facing both the Georgia Guard and America's military. His insight is always respected.

Mr. Speaker, Georgia is rich in military heritage and we have always been home to incredible leaders and public servants. Dr. Spencer Price is one of those people. He is an outstanding American, and it is an honor to know him.

## HONORING THE 75TH ANNIVERSARY OF THE VFW NATIONAL HOME FOR CHILDREN

### HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Ms. STABENOW. Mr. Speaker, today I recognize the Veterans of Foreign Wars National Home for Children during their 75th Anniversary Gala Celebration. The VFW National Home for Children, located in Onondaga Township in rural Ingham County, has been serving our country, our state, our families and our children for 75 years. Through the initial efforts and determination of Amy Ross, a young woman from Detroit, this unique and cherished place has grown in the last several decades to include over 70 buildings on 629 acres nicely situated on the Grand River.

The VFW National Home for Children has created an inclusive community to assist families of those who served our country who can benefit from the assistance of a caring family environment. The National Home provides a variety of structural programs to help children develop the many skills that will enable them to succeed as young adults. Each of these programs, such as family living environment for orphans, single parent programs and preschool education and day care, provide essential assistance for our veterans and their loved ones. In addition, the Home's Education Department has a library, media center and computers that allow everyone to hone useful skills in our information-age connected economy. Tutoring is provided for students as well.

Mr. Speaker, the National Home also provides a dynamic roster of extra-curricular events throughout the year. These diverse activities include trips to cultural destinations throughout the state and beyond, such as the Detroit Zoo, fishing on Lake Erie, watching hockey games in Kalamazoo, canoeing on the Grand River, cross-county skiing and spending a day at Cedar Point in Ohio.

I was proud to support the VFW National Home for Children as a state legislator, and I am proud to rise today to commend the VFW National Home for Children on their 75th anniversary. This is a milestone which highlights many decades of service and commitment to the betterment of our future leaders.

## IN MEMORY OF VICKI LEE GREEN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the life of a friend of mine, Vicki Lee Green. Vicki was a wonderful woman who was loved by many. She will be greatly missed by friends, relatives, business associates, and acquaintances.

Vicki was a Colorado native born in Palisade, Colorado on a peach farm on April 1, 1949. She was active in athletics and cheerleading throughout her high school and college. Vicki went to Mesa State College in Grand Junction, Colorado where she met her husband Lee Green. In 1970 they were married and in 1971 they moved to Glenwood Springs where they gave birth to their daughter Tonya.

In Glenwood Springs, Vicki worked as an exercise and ski instructor at Ski Sunlight. Vicki later took a real estate class and discovered her abilities as a salesperson, leading her to become a real estate agent. Vicki went on to create the latest real estate firm in the area and soon she was recognized as one of the top realtors in Colorado. Vicki earned a strong reputation for her business ability. Along with her business affairs, she provided many contributions to the community and the local college (CML).

Vicki was very dedicated to her family: her husband Lee, her brother Bill, her daughter Tonya, and her sister-in-law Jeannie. Vicki was so proud of her daughter in that among other things Tonya decided to follow her mom's footsteps as a realtor. Vicki considered her friends as family and on any occasion would assist them as only family could.

In the very broadest of terms, Vicki was a beautiful person who showed her compassion and love in many ways. Despite a battle of many years, her disease ravaged body finally surrendered, though Vicki's mind fought the good fight until the end. Memories of Vicki will remain solidified in the minds of many, many people for years to come. Vicki will be deeply missed by those of us who were fortunate enough to know her.

## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

### HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes.

Mr. REYES. Mr. Chairman, I insert the following materials for the RECORD.

ASSISTANT SECRETARY OF DEFENSE,
*Washington, DC, May 17, 2000.*

Hon. FLOYD D. SPENCE,
*Chairman, Committee on Armed Services, House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: Pursuant to Section 1027(b) of the National Defense Authorization Act for fiscal year 2000 (Public Law 106–65, Oct. 5, 1999), please find the enclosed report on the use of military personnel to support civilian law enforcement. The report addresses:

1. The plan described in Section 1027(a);
2. A discussion of the risks and benefits associated with using military personnel to support civilian law enforcement;
3. Recommendations; and
4. The total number of active and reserve members, and members of the National Guard whose activities were supported using funds provided under section 112 of Title 32, United States Code, who participated in drug interdiction activities or otherwise provided support for civilian law enforcement during fiscal year 1999.

Thank you for your continued support of the Department's counterdrug efforts. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

(For Brian E. Sheridan).

Enclosure: As stated.

CC: The Honorable Ike Skelton, Ranking Minority Member.

REPORT PURSUANT TO §1027 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2000, PUBLIC LAW 106–65, OCTOBER 5, 1999

Pursuant to §1027(b) of the National Defense Authorization Act for Fiscal Year 2000, Public Law 106–65, the Department of Defense is required to report to Congress on use of military personnel to support civilian law enforcement. The report is set out below.

Subsection (b)(1)

Section 1027(a)(1) plan to assign members of the Army, Navy, Air Force, or Marine

Corps to assist the Immigration and Naturalization Service or the United States Customs Service should the President determine, and the Attorney General or the Secretary of the Treasury, as the case may be, certify, that military personnel are required to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers.

As a first step towards compliance with Section 1027(a), Department of Defense (DoD) representatives met with the senior leadership of the Immigration and Naturalization Service and the United States Customs Service on several occasions, to identify any requirements that either agency had that would necessitate actually assigning members of the Army, Navy, Air Force, or Marine Corps to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers. In the end, neither the Immigration and Naturalization Service or the United States Customs Service could envision a scenario which would require such assignments. Instead, both agencies expected that they would use the existing system of plans and procedures to increase the level of support from DoD personnel who would report through the existing military chain of command. Both the Immigration and Naturalization Service and the United States Customs Service agreed that the current level of counterdrug support that DoD provides in the form of Title 1004 Domestic support through Joint Task Force (JTF) 6 and Title 32 State Plans National Guard support is adequate to meet their current requirements. The fact that neither agency envisioned requirements to assign military members to their agencies precluded DoD's development of a plan.

### Subsections (b)(2) & (3)

In light of the forgoing, DoD could not assess the risk and benefits and could not make recommendations regarding the functions outlined in the plan associated with using military personnel to provide law enforcement support described in subsection (A)(2).

### Subsection (b)(4)

The total number of active and reserve members, and members of the National Guard whose activities were supported using funds provided under section 112 of title 32, United States Code, who participated in drug interdiction activities or otherwise provided support for civilian law enforcement during fiscal year 1999.

Section 112 of Title 32, United States Code authorizes the Secretary of Defense to fund the Governors use of National Guardsmen, acting in state status, for drug interdiction and counter drug activities. Consequently, there were no active and reserve members, who participated in drug interdiction activities or otherwise provided support for civilian law enforcement during fiscal year 1999, whose activities were supported using funds provided under section 112 of Title 32. There were 3,429 National Guardsmen, who participated in drug interdiction activities or otherwise provided support for civilian law enforcement during fiscal year 1999, whose activities were supported using funds provided under section 112 of Title 32, United States Code.

### CONCLUSION

During informal discussions with the Immigration and Naturalization Service and the United States Customs Service, both agencies responded that they could manage normal traffic flow at the border and accordingly, they could not envision any requirements that would require assigning members of the Army, Navy, Air Force, or Marine Corps to their respective agencies to respond to a threat to national security posed by the entry into the United States of terrorists or drug traffickers. In emergencies the DoD will respond to requests for support as required. This type of support request does not necessitate assigning members of the Army, Navy, Air Force, or Marine Corps to the requesting agency. Instead, DoD develops plans to support other federal agencies in cases of an emergency situation such as, operation "Graphic Hand" which is implemented in case of a postal service strike, and operation "Garden Plot" which is implemented in the event of civil disturbances that exceed the capabilities of civilian law enforcement. Of particular interest for the purpose of this report is operation "Distant Shores" which is implemented to support the Immigration and Naturalization Service in immigration emergencies. Within DoD, the Director of Military Support is the executive agent for the DoD for domestic support. Director of Military Support manages plans and directives to facilitate support requests from other agencies. These and other plans are updated annually to meet new requirements that arise or to address changes requested by the supported agencies. To execute a plan, the agency requests support through the Executive branch and a request is sent to the Secretary of Defense for possible tasking to the Director of Military Support. The Director then coordinates the DoD response required by the emergency situation.

Outside the terrorist and drug trafficker support there exist a good example of DoD support and planning. The following is a short synopsis from a letter signed by Attorney General Janet Reno of how DoD supports Federal law enforcement agencies during declared emergency situations using the Mass Immigration Emergency Plan (attached), referred to as "Distance Shores" by DoD: "The purpose of the Mass Immigration Emergency Plan is to protect the national security and facilitate the coordination of all types of Federal emergency response activities to deal with emerging or ongoing mass illegal immigration to the United States. The Plan outlines the planning assumptions, policies, concept of operations, organizational structures, and specific assignments of responsibility of the departments and agencies in working together to enforce Federal laws to protect the sovereignty and security for the United States."

Additional factors that should be considered in the context of assigning members of the armed forces to the Immigration and Naturalization Service and the United States Customs Service are that doing so harms military readiness, and that the risk of potential confrontation between civilians and military members far out weighs the benefit.

Section 1027 requires that the members that are assigned to assist the federal law enforcement agencies receive law enforcement training. It is not in DoD's military interest to require training in search and seizure arrests, use of force against civilians, criminal processing techniques, preservation of evidence, and court testimony. This type of training has minimal military value and detracts from training with warfighting equipment for warfighting missions. Furthermore, this type of training competes with military training for the member's time. It will lead to decreased military training, which reduces unit readiness levels, military preparedness, and overall combat effectiveness of the Armed Forces.

Any expansion in the potential for armed confrontation between military and civilians in the United States increases the risk of a serious incident involving the loss of life. DoD's experience with the incident near Marfa, Texas illustrates graphically that risk.

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### MASS IMMIGRATION EMERGENCY PLAN

### FOREWORD

The Mass Immigration Emergency Plan presents guidelines for a coordinated effort by the Federal government, at the national, regional, and local level, to enforce Federal laws to deter, interdict, and control massive illegal immigration to the United States. The Plan draws on the unique resources, authorities, and capabilities of a large number of Federal departments and agencies, with the support of State and local government and voluntary agencies, to work together to maintain the integrity of our national borders, protect public health, and control the admission of immigrants and refugees.

The Mass Immigration Emergency Plan was developed through the efforts of 37 departments and agencies, and the special work of the Immigration and Naturalization Service (INS) Intelligence Division at the national level, and INS regional and district offices and Border Patrol sectors. The INS has worked to ensure that departments and agencies with identified responsibilities in the Plan have fully participated in planning and exercise activities in order to develop, maintain, and enhance the concerted Federal emergency response capability.

The purpose of the Mass Immigration Emergency Plan is to protect the national security and facilitate the coordination of all types of Federal emergency response activities to deal with an emerging or ongoing mass illegal immigration to the United States. The plan outlines the planning assumptions, policies, concept of operations, organizational, structures, and specific assignments of responsibility of the departments and agencies in working together to enforce Federal laws to protect the sovereignty and security of the United States.

The Department of Justice appreciates the cooperation and support of those departments and agencies which have contributed to the development and publication of this plan.

JANET RENO,
*Attorney General.*

### BASIC PLAN

### OVERVIEW

The Immigration and Nationality Act (8 U.S.C. 1101 et seq.) establishes authority and procedures for controlling immigration to the United States. The Act charges the Attorney General with the administration and enforcement of all laws relating to immigration and naturalization of aliens.

During 1981, the President of the United States directed the Attorney General to coordinate the development of a contingency plan for a government-wide response to a mass illegal immigration emergency. In January 1983, the Department of Justice completed the preparation of the Mass Immigration Emergency Plan, hereafter referred to as the Plan, which outlined requirements and procedures for a coordinated Federal effort utilizing the resources of appropriate agencies to control an attempted illegal mass immigration.

In 1992 the Attorney General directed the Immigration and Naturalization Service to coordinate the review of the Plan to address changes in Federal resources which would be available to respond to an immigration emergency, and deal with the recent and emerging problems relating to mass illegal immigration. The Plan, as updated in this edition, is designed to address the sudden or rapidly escalating arrival of large numbers of aliens attempting to enter illegally or being smuggled to the United States.

The Plan describes the basic mechanisms and structures by which the Federal government will deploy resources and coordinates multi-agency law enforcement and other operations to address the emergency situation. In following the model of the Federal Emergency Management Agency's (FEMA) Federal Response Plan for natural and technological disasters, the Plan uses a functional approach to group types of operational and support activities under 10 Emergency Response Functions (ERF) which are most likely to be conducted during a mass immigration emergency. Each ERF is headed by a primary agency, which has been selected based on its authorities, resources, and capabilities in the particular functional area. Other agencies are designated as support agencies for one or more ERF based on their authorities, resources, and capabilities in the particular functional area. Law enforcement and other functions of the Plan

The Plan serves as a foundation for the further development of detailed headquarters, regional, and local plans and procedures to implement Federal and State responsibilities in a timely and efficient manner.

### PURPOSE

The Plan establishes an architecture for a systematic, coordinated, and effective Federal response. The purpose of the Plan is to:

Establish fundamental assumptions and policies.

Establish a concept of operations that provides an interagency coordination mechanism to facilitate the implementation of the Plan.

Incorporate the coordination mechanisms and structure of other appropriate Federal plans and responsibilities.

Assign specific functional responsibilities to appropriate Federal departments and agencies.

Identify actions that participating Federal departments and agencies will take in the overall Federal response, in coordination with affected States.

### SCOPE OF THE PLAN

The Plan applies to all Federal departments and agencies which are tasked to provide resources and conduct activities in an immigration emergency situation.

Under the Plan, a State means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam.

The Plan describes Federal actions to be taken in immediate and ongoing emergency response operations. The identified actions in the Plan, carried out under the ERFs, are based on existing Federal agency statutory authorities and resources.

In some instances, an immigration emergency may result in a situation which affects the national security of the United States. For those instances, appropriate national security authorities and procedures will be used to address the national security requirements of the situation.

### ORGANIZATION OF THE PLAN

The Plan is organized in four sections:

The Basic Plan describes purpose, scope, situation, policies and concept of operations of Federal response activity.

The Emergency Response Functions Annex describes the planning assumptions, concept of operations, and responsibilities of each ERF.

The Support Annex describes the areas of Financial Management, Public Information, Congressional Relations, and International Relations.

The Appendix to the Plan includes a list of acronyms and abbreviations, definitions of terms, a list of authorities and directives, and indexes of agency references and key Plan terms.

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## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, May 18, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes:

**Ms. KAPTUR.** Mr. Chairman, I include the following GAO report for the RECORD.

United States General Accounting Office, Report to Congressional Requesters

OCCUPATIONAL SAFETY AND HEALTH.—GOVERNMENT RESPONSES TO BERYLLIUM USES AND RISKS

May 19, 2000

Congressional Requesters

Over the last 50 years, federal policymakers and scientists have attempted to both capitalize on the advantages of beryllium and address health and environmental risks. Beryllium is a strong and lightweight metal that generates and reflects neutrons, resists corrosion, is transparent to X rays, and conducts electricity. It is also a hazardous substance.

Among the organizations that have played key roles in responding to the risks associated with beryllium are the Departments of Defense, Energy, and Labor. The Departments of Defense and Energy are the federal agencies that have most commonly used beryllium. Defense procures components containing beryllium for a variety of weapon systems from private contractors. Energy operates federal facilities (including nuclear weapons production facilities) that use beryllium, and it has responsibility for protecting federal and contract workers at these facilities. Energy has identified at least 17 facilities that use or have used beryllium, and it estimates that about 20,000 current and former workers at these facilities were exposed or potentially exposed to beryllium from the 1940s to the present. The Department of Labor's Occupational Safety and Health Administration has overall responsibility for protecting the health and safety of workers in most workplaces throughout the United States, including those that use beryllium.

This report responds to your request for information on beryllium as a hazardous material and on the health and safety controls over its use. As agreed with your offices, this report (1) provides information on beryllium's uses and risks and (2) describes selected key events that illustrate the evolution of the federal government's response to risks posed by beryllium. To respond to the second question, we identified and summarized key events from the 1960s through the 1990s involving actions by the Departments of Defense and Energy and the Occupational Safety and Health Administration. Appendix I describes the objectives, scope, and methodology for this review.

### RESULTS IN BRIEF

Lightness, strength, and other attributes have made beryllium useful in a wide array of products, such as aircraft, spacecraft, X-ray equipment, and nuclear weapons. However, beryllium is considered hazardous. Health effects from high exposure to beryllium particles were first noted in the early 20th century. Beginning in the 1940s, scientists linked exposure

From the 1960s to the 1990s, Defense, Energy, and the Occupational Safety and Health Administration took a number of actions to assess and to respond to risks associated with exposure to beryllium. In reviewing selected key events, we noted that the agencies took the following steps to reduce risks from exposure to beryllium: discontinued testing of rocket propellant containing beryllium, assessed beryllium exposure standards, limited worker exposure to beryllium, established health surveillance measures, and proposed compensation for workers who have chronic beryllium disease. The key events are as follows:

Defense discontinued testing beryllium in rocket fuel by 1970, due in part to concerns about meeting air quality requirements.

The Occupational Safety and Health Administration proposed a more stringent worker exposure standard for beryllium in 1975 based on evidence that it was carcinogenic in laboratory animals. The proposal generated concerns about the technical feasibility of the proposal, impact on national security, and the scientific evidence supporting the proposed change. According to Occupational Safety and Health Administration officials, the agency discontinued its work on the proposal in the early 1980s in response to other regulatory priorities such as lead, electrical hazards, and occupational noise. In 1998, the agency announced that it would develop a comprehensive standard for beryllium by 2001

Energy improved working conditions at its facilities and implemented medical testing for its current and former workers during the 1980s and 1990s after new cases of chronic beryllium disease were identified during the 1980s. From 1984 through 1999, 149 Energy workers have been diagnosed with definite or possible chronic beryllium disease.

In 1999, Energy issued a rule that established new worker safety controls, such as increased use of respirators and assessing hazards associated with work tasks, for its facilities that use beryllium. Energy also proposed a compensation program for Energy workers affected by chronic beryllium disease, which has been introduced as legislation in the Congress.

The Departments of Defense, Energy, and Labor provided written or oral comments on our report and generally concurred with the information presented. They suggested technical changes, and Labor officials also emphasized that the hazard information bulletin on beryllium cited in the body of this report was a significant effort to protect worker health.

## BERYLLIUM USES AND RISKS

In the 1920s and 1930s, beryllium was used for a variety of purposes, including as an additive for alloying with copper and other metals in manufacturing, as an ingredient in fluorescent lamps, and for other purposes. Today, beryllium is used in nuclear reactor and weapons parts; aircraft, spacecraft, and missile structures and parts; military vehicle structures and parts; electronics; auto parts; lasers; X-ray equipment; dental prosthetics; and other consumer products. In some of these products, substitutes for beryllium can be used (e.g., titanium, stainless steel, and some forms of bronze and aluminum). However, Energy and Defense officials state there is no substitute for beryllium in key nuclear components or in weapons for which lightweight and strength are critical.

According to U.S. Public Health Service reports, people are exposed to extremely low levels of naturally occurring beryllium in the air, in many foods, in water, and in soil. The highest exposures to beryllium tend to occur in the workplace. Occupational exposure to beryllium occurs when it is extracted from ore; when the ore is processed into beryllium metal; and when this metal is made into parts (e.g., machined, welded, cut, or ground). Today, beryllium is used in many applications outside of the Defense and Energy industries.

Health effects from high exposure to beryllium particles were first noted in the early 20th century. Beginning in the 1940s, scientists linked exposure to beryllium with an inflammatory lung condition now called chronic beryllium disease, which is often debilitating and, in some cases, fatal.

Research on the biomedical and environmental aspects of beryllium is extensive.[3] According to the National Jewish Medical and Research Center (a nonprofit institution devoted to respiratory, allergic, and immune system diseases), beryllium primarily affects the lungs. The disease occurs when people inhale beryllium dust, and it can develop even after workers have been out of the beryllium industry for many years. There are three main types of adverse health effects associated with beryllium exposure:

Chronic beryllium disease is caused by an allergic-like reaction to beryllium. Even brief exposure to very low levels can lead to this disease, which often has a slow onset and involves changes to lung tissue that reduce lung function. The first evidence of what was to be called chronic beryllium disease was identified in 1946. More recent studies indicate that reaction to beryllium depends on the type of beryllium and the work task.[4] According to the National Jewish Medical and Research Center, the disease occurs in 1 to 16 percent of exposed people, with the level of exposure that poses risk and the precise mechanisms of disease not yet well characterized.

Acute beryllium disease (symptoms lasting less than 1 year) results from relatively high exposure to soluble beryllium compounds (i.e., compounds that can be at least partially dissolved). This disease usually has a quick onset and resembles pneumonia

National and international organizations have identified beryllium metal and compounds as carcinogenic to humans. Studies involving workers in plants with high exposure during the 1940s showed subsequent increases in mortality. The magnitude of the risk from current occupational exposure levels is not known, but may be minimal.

## KEY EVENTS IN THE FEDERAL RESPONSE TO BERYLLIUM RISKS

The following illustrative key events involving Defense, Energy, and the Occupational Safety and Health Administration (OSHA) document concerns and actions taken regarding beryllium exposure risks. The events include (1) Defense's decision to discontinue testing beryllium in rocket fuel by 1970, (2) OSHA's efforts in the 1970s and since 1998 to lower the exposure limits, (3) Energy's steps to improve working conditions and medical screening in the 1980s and 1990s, and (4) Energy's 1999 rule on beryllium worker safety.

### *Defense discontinued testing of beryllium rocket propellant*

Defense discontinued testing of rocket propellant containing beryllium by 1970 due to the potential risk of public exposure to hazardous levels of beryllium particles released in rocket exhaust. According to an August 1969 Air Force report, the Air Force and Advanced Research Projects Agency began development of beryllium rocket propellant in 1959. Experiments in the 1960s showed that rocket payloads could be increased 10 to 30 percent by using beryllium powder in propellant. Research and development efforts later expanded to include other Defense agencies and the National Aeronautics and Space Administration.

As military and civilian agencies experimented with beryllium in rocket fuel, they also pursued concerns about beryllium's potential risks. For example, an August 1962 manufacturer's internal memorandum stated that officials planned a visit from the Navy propellant plant at Indian Head, Maryland, to discuss health and safety concerns in handling beryllium powders at a test facility for solids fuel propellants. When testing began to involve firing large rocket motors that would release potentially hazardous levels of beryllium particles into the air, concerns expanded to include the general population in the vicinity of test facilities.

In 1966, the U.S. Public Health Service requested the National Academy of Sciences-National Research Council to study the toxicity and hazards of beryllium propellant and its compounds and to recommend air quality criteria. The resulting March 1966 council report recommended a range of less stringent limits for atmospheric contamination. The U.S. Public Health Service concluded that release of any form of beryllium above 75 micrograms per cubic meter of air could be hazardous, and it did not adopt the council's recommendation to change the release limit.

According to a 1985 Air Force report, as a result of the U.S. Public Health Service decision, all beryllium propellant and motor testing has been discontinued since 1970. Following the U.S. Public Health Service decision, Defense issued a directive in 1967 that in effect curtailed open-air firing of beryllium-fueled rocket motors. The directive required that the release of beryllium in all open-air firings fall within the 75 microgram contamination limit, that exhaust from rocket motors be filtered to meet the 75 microgram limit, or that firings be conducted outside the continental limits of the United States. According to the August 1969 Air Force report, this directive severely limited development of beryllium-fueled rocket motors. The report also indicated that the 75 microgram contamination limit could not be met, the equipment needed to filter exhaust to meet the 75 microgram limit was not available, and firing at remote locations was expensive. The Environmental Protection Agency, which is today responsible for air quality standards, continues to limit such releases to the 75 microgram level.

### *OSHA actions to revise exposure standards*

In 1971, OSHA adopted a beryllium standard developed by the American National Standards Institute to control exposure to beryllium in the workplace. OSHA subsequently began efforts to determine whether this standard should be revised.

In a 1975 Federal Register notice outlining its proposal, OSHA cited several issues raised by the revised standard, including OSHA's decision to treat beryllium as a substance that posed a carcinogenic risk to humans based on laboratory animal data, the technical feasibility of achieving the proposed exposure limits, and the methods of monitoring airborne concentrations of beryllium. It solicited comments from the public and received about 150 written comments and 40 requests for a public hearing. As a result, from August through September 1977, OSHA held an informal rulemaking hearing and heard testimony from 46 individuals representing business, government, labor, and academia. Some commenters questioned whether there was sufficient scientific evidence to support a revision, whether employers (particularly beryllium producers) could comply with lower exposure limits with existing technology, and whether the cost of complying with the proposed standard was excessive.

In 1978, while government panels were considering the sufficiency of scientific evidence, the Secretaries of Energy and Defense questioned the impact of the proposed standard on the continued production of beryllium, which was important for national defense. August 30, 1978, letters from the Secretary of Energy to the Secretary of Labor and the Secretary of Health, Education, and Welfare noted that the proposed standard would place a heavy burden on the two primary beryllium producers in the United States, who might stop producing beryllium. Specifically, the letter stated that "Clearly, cessation of beryllium metal and/or beryllium oxide production is unacceptable and would significantly degrade our national defense effort." The Secretary agreed that workers' health was paramount, but believed that the scientific questions warranted an independent peer review. The Secretary of Defense—in November 1978 letters to the Secretary of Labor and the Secretary of Health, Education, and Welfare—echoed the Energy Secretary's concerns about national security and the scientific evidence.

The first government panel reviewed human cancer studies, but documents did not show whether or how the panel's review was concluded. The Secretary of Health, Education, and Welfare formed a second panel in 1978 to address three questions. The questions were as follows: (1) Are the animal studies credible in showing beryllium carcinogenicity

The second panel's consultants generally agreed that (1) beryllium was an animal carcinogen, (2) no good information existed on cancer involving beryllium-copper alloy, and (3) epidemiological evidence was suggestive of an association between beryllium exposure in the workplace and human lung cancer (however, the data were only suggestive because of alternative explanations for this association). In a 1978 report to the Secretary of Health, Education, and Welfare, the U.S. Surgeon General and the Assistant Surgeon General, who oversaw the panel and reviewed the scientific evidence, stated that the conclusion that beryllium was an animal carcinogen required the Department of Health, Education, and Welfare to recommend standard setting and that more definitive answers were needed regarding the last two questions.

Representatives from Defense, Energy, and OSHA met to discuss the proposed OSHA standard in 1979. Concerns included national security, technical feasibility, and the scientific evidence. OSHA continued its efforts to finalize the standard and prepare a draft rule at least through July 1980. According to OSHA officials, work was discontinued in the early 1980s because of other regulatory priorities such as lead, electrical hazards, and occupational noise.

In 1998, OSHA announced that it was developing a comprehensive standard on occupational exposure to beryllium. In its announcement, the agency cited evidence of chronic beryllium disease associated with beryllium exposure below the 2 microgram limit, a new beryllium sensitivity test, and conclusions that beryllium is a human carcinogen. Officials from OSHA expect to propose a standard in 2001.

To develop information for this standard, OSHA contracted with a private firm and has obtained preliminary data on industries that use beryllium. It also issued a hazard information bulletin on beryllium exposure in September 1999 to alert employers and employees about the potential hazards of beryllium and to provide guidance on work practices needed to control exposure.

### *Energy improved working conditions and medical screening following new disease cases in the 1980s*

Two Energy facilities that have large numbers of beryllium-related workers are Rocky Flats Environmental Technology Site in Golden, Colorado, and the Oak Ridge Y–12 Plant in Oak Ridge, Tennessee. Rocky Flats produced beryllium metal parts for nuclear weapons from 1958 through 1998, but no longer has any production role and is expected to be closed. Some workers at Rocky Flats may encounter beryllium during the environmental cleanup process at the facility. The Y–12 Plant produces nuclear weapons parts from beryllium powder and has other roles in the nuclear weapons program that may expose workers to beryllium. Overall, as of March 2000, Energy had identified at least 17 facilities that use or have used beryllium. Energy's preliminary estimate is that

According to Energy documents, from the 1970s through 1984, the incidence of chronic beryllium disease appeared to significantly decline at Energy facilities. This apparent reduction, along with the long latency period for the disease, led Energy to assume that chronic beryllium disease was occurring only among workers who had been exposed to high levels of beryllium decades earlier, such as in the 1940s. However, in 1984 a new case of chronic beryllium disease was diagnosed in a worker employed in 1970 at Energy's Rocky Flats facility. Several additional cases were diagnosed among Rocky Flats workers in the following years, raising questions about the adequacy of worker protection measures. In response, Energy investigated the working conditions at Rocky Flats and made improvements to ventilation in 1986 and also improved working practices. Energy also instituted medical screening programs for beryllium workers at risk of developing chronic beryllium disease, making use of new medical advances such as a new blood test. In addition, Energy improved its practices for monitoring worker exposure.

### *Energy's Actions at Rocky Flats*

After the new case of chronic beryllium disease was diagnosed in June 1984, Energy's Albuquerque Operations Office, which oversaw Rocky Flats, conducted an investigation of working conditions at the plant's beryllium machine shop to identify factors contributing to the disease case. The investigation, reported in October 1984, identified ventilation problems in the beryllium machine shop and hazards from performing certain operations outside of ventilation hoods, which are designed to collect and filter out airborne beryllium particles. The investigation also found that the affected worker had repeatedly been exposed to beryllium at levels greater than the permissible exposure limit of 2 micrograms per cubic meter of air (averaged over an 8-hour period).

During the 1984 investigation, the Rocky Flats facility began taking air samples from workers' "breathing zones" for the first time, using sampling devices placed on workers' shirts or lapels. Previously, the facility had used "area monitoring," in which sampling devices were placed on beryllium machines or other fixed locations in the work area. Exposed levels measured by personal breathing zone sampling were generally found to be higher than those measured by area samplers. Several reasons could account for the differing monitoring results, according to a 1996 research study and Energy officials. Fixed area monitors were not always well-placed to represent breathing zones.[18] Also, fixed area monitors placed on or near machines may not capture exposures resulting from the use of hand-held tools or poor practices, such as shaking out cloths used to clean machines.

Following the investigation, Rocky Flats remodeled the ventilation system, eliminated most operations outside ventilation hoods, imposed procedures for cleaning tools and

A second evaluation at Rocky Flats was conducted by the National Institute for Occupational Safety and Health, at the request of a union's local chapter. This evaluation, which was completed in May 1986 before the ventilation remodeling was completed, concluded that a health hazard existed from over-exposure to beryllium in the beryllium machine shop. The Institute recommended that Rocky Flats routinely use personal breathing zone sampling, conduct all beryllium machining under exhaust ventilation, and conduct medical monitoring of beryllium-exposed workers.

### *Improved Medical Testing*

During the late 1980s, medical advances allowed for earlier and easier detection of chronic beryllium disease and sensitivity to beryllium. Beryllium sensitivity is an immune system reaction, similar to an allergic reaction, which can occur in some persons exposed to beryllium and that indicates an increased risk of developing chronic beryllium disease. A blood test for sensitivity, known as the beryllium lymphocyte proliferation test, was refined during the late 1980s. Another new diagnostic device, the flexible bronchoscope (a tubular lighted device), provided a less invasive means for examining the lungs for signs of chronic beryllium disease.

Energy and the National Jewish Medical and Research Center first began using the newly-developed blood test on a trial basis to identify workers sensitivity to beryllium at rocky flats in 1987. Beginning in 1991, Energy established medical screening programs for many additional current and former Energy employees, using this blood text. For those identified as having sensitivity to beryllium, Energy offered follow-up medical exams to determine whether chronic beryllium disease was present. Medical testing was provided in phases, due to the funding levels available, according to an official in Energy's Office of Occupational Medicine and Medical Surveillance. Specifically, blood testing for current and former Rocky Flats workers began on a routine basis in 1991, for current Oak Ridge workers in 1991, for former Oak Ridge workers in 1993, and for former workers at several other facilities where workers could have been exposed to beryllium in 1996 and 1997.

From 1984 through December 31, 1999, a total of 13,770 current and former workers (or about 69 percent of the estimated 20,000 workers who may have been exposed to beryllium) had been screened for definite or possible chronic beryllium disease. Through this testing, 149 Energy workers have been diagnosed with chronic beryllium disease. The Assistant Secretary for Environment, Safety, and Health states that of the 149 workers, 89 have been diagnosed with chronic beryllium disease and another 60 have

### *Improved exposure monitoring*

During the 1990s, Energy also expanded the use of personal breathing zone monitoring at its facilities. For instance, the Y–12 Plant at Oak Ridge took only 148 personal breathing zone samples prior to 1990, but took 1,448 personal breathing zone samples from 1990 through 1996. According to plant officials, beginning in January 1998 and continuing through fiscal year 1999, the Y–12 Plant sampled every beryllium worker on every shift and reported the results back to the workers the following day. More than 7,900 personal breathing zone samples were collected during this period, according to the plant's Industrial Hygiene Manager. The purposes of this monitoring effort were to make workers more aware of safety practices through immediate feedback, to identify any practices needing improvement, and to address the monitoring requirements states in a 1997 Energy notice on chronic beryllium disease prevention (described below). The Industrial Hygiene Manager for the Y–12 Plant told us that the plant plans to continue using personal breathing zone sampling routinely, sampling every worker in some locations and using a statistically based sampling approach in locations where more extensive data have already been gathered.

### *Energy established a rule on beryllium worker safety in 1999 and proposed a beryllium worker compensation program*

Energy issued a rule in December 1999 establishing regulations to reduce beryllium exposure levels among its workforce, to reduce the number of workers exposed to beryllium, and to provide medical testing for exposed and potentially exposed workers. This rule on chronic beryllium disease prevention applied to federal, contractor, and subcontractor employees at Energy facilities where there is actual or potential exposure to beryllium. Energy has identified 17 facilities affected by the rule. These facilities have a total of about 8,100 workers who currently are associated with beryllium activities. According to officials in Energy's Office of Environment, Safety, and Health, each Energy facility is currently evaluating how it is affected by the new requirements in the rule. This review may result in identifying additional facilities that are affected by the rule. Several actions by Energy, such as a survey of its facilities to identify those with beryllium uses, preceded development of the final rule. In addition, in November 1999, the Secretary of Energy announced a legislative proposal to provide compensation for Energy workers who have contracted chronic beryllium disease or beryllium sensitivity.

### *Steps preceding issuance of DOE's rule*

In 1996, Energy surveyed the contractors that manage and operate its facilities concerning the extent of beryllium usage and the estimated numbers of workers exposed to beryllium. Following the survey, in July 1997, Energy issued a notice to its offices

*Energy's rule on chronic beryllium disease prevention*

Energy's December 1999 rule on chronic beryllium disease prevention includes a number of provisions designed to reduce beryllium exposure among its workers. First, the rule adopts OSHA's permissible exposure limit (currently 2 micrograms per cubic meter averaged over an 8-hour period) or a more stringent limit that may be promulgated by OSHA in the future. Second, the rule establishes an action level that is one-tenth of the permissible exposure limit, at which level certain controls must be implemented. Controls required when exposure reaches the action level include using respirators and protective clothing, periodically monitoring beryllium levels, setting annual goals for exposure reduction, and limiting work area access to authorized personnel. The rule requires that periodic monitoring occur at least quarterly and that facilities use personal breathing zone monitoring. In addition, some controls are required for any beryllium work, regardless of the exposure level. These include assessing hazards before beginning work tasks involving beryllium, providing safety training to workers, and providing respirators to any beryllium worker who requests one.

Energy's rule includes two other types of beryllium limits. First, the rule establishes limits for beryllium particles on surfaces such as floors, tables, and the exterior of machinery. Surface sampling must be conducted routinely, and specified housekeeping methods must be used to keep beryllium dust below the limits. Second, the rule sets limits called release criteria for beryllium-contaminated equipment or items. One limit is set for releasing equipment and items to other facilities that perform beryllium work. A second, more stringent level is set for releasing equipment and items for re-use outside of Energy facilities or in non-beryllium areas of Energy facilities.

Energy's rule requires that medical surveillance be provided, on a voluntary basis, to all current workers with known or potential exposure to beryllium. Beryllium workers' annual health evaluations are to include blood tests for beryllium sensitivity and a physical examination emphasizing the respiratory system. These health evaluations are to be provided at no cost to workers. If medical opinions so indicate, employers at Energy facilities must offer to remove workers from beryllium work and exposure. Individuals removed from beryllium work must be provided the opportunity to transfer to other work for which they are qualified or can be trained in a short period. If a position is not available, employers must provide such workers with their normal earnings, benefits, and seniority for up to 2 years.

*Worker compensation proposal*

In November 1999, the Administration transmitted a legislative proposal to the Congress to provide compensation for current and former Energy workers with chronic beryllium disease. The proposal covers employees of Energy and its predecessor agencies, Energy contractors and subcontractors, and beryllium vendors who sold beryllium to Energy. According to Energy officials who helped develop the proposal, employees of beryllium vendors were included because (1) Energy's contracts with vendors through the early 1960s generally required them to apply the same worker safety provisions that Energy used in its own facilities and (2) the vendors manufactured beryllium parts to government specifications and for the sole use of the government. Affected workers would be eligible to receive reimbursement for medical costs, assistance for impairment or vocational rehabilitation, and compensation for lost wages. Workers with sensitivity to beryllium could also be reimbursed for medical costs involved in tracking their condition. In an announcement regarding this proposal, the Secretary of Energy noted that the proposal would reverse Energy's past practice of opposing and litigating most worker health compensation claims. The Administration's proposed legislation was introduced in the House and the Senate in November 1999. Two other bills concerning compensation for beryllium workers have also been introduced in the House and are pending.

*Agency comments and our evaluation*

We provided the Departments of Energy, Labor, and Defense with a draft of this report for their review and comment. They generally agreed with the information in the report and provided technical changes, which we incorporated as appropriate. Energy's written comments are in appendix II. An official of the Office of the Deputy Under Secretary of Defense for Environmental Security orally concurred with the information in our report and suggested changes to clarify data on air monitoring and medical testing. An official of Labor's Occupational Safety and Health Administration orally concurred with the information in our report and suggested changes to clarify terminology and to expand data on beryllium as a human carcinogen.

We will provide copies of this report to the Honorable William S. Cohen, Secretary of Defense; the Honorable Bill Richardson, the Secretary of Energy; the Honorable Alexis Herman, the Secretary of Labor; and other interested parties.

If you have any questions about this report, please call the contacts listed in appendix III.

David R. Warren, Director, Defense Management Issues.

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List of Requesters

The Honorable Robert F. Bennett.
The Honorable Mike DeWine.
The Honorable John McCain.
United States Senate.
The Honorable Christopher Shays, Chairman, Subcommittee on National Security, Veterans' Affairs, and International Relations.
Committee on Government Reform..
The Honorable Tim Holden
The Honorable Paul E. Kanjorski.
The Honorable Marcy Kaptur.
The Honorable Jim Kolbe.
House of Representatives.

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### Appendix I

### OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives were (1) to provide information on beryllium uses and risks and (2) to describe selected key events that illustrate the evolution of federal government responses to risks. More specifically, we were asked to examine key events at the Departments of Energy and Defense and at Labor's Occupational Safety and Health Administration.

To obtain information on beryllium uses and risks, we reviewed documentation such as agency studies and reports and interviewed officials at Energy, Defense, Labor, and the Occupational Safety and Health Administration headquarters. We reviewed current and archived data and reports from the U.S. Public Health Service; the National Jewish Medical and Research Center, Denver, Colorado; Brush Wellman, Inc. (one of two producers of beryllium in the United States) headquartered in Cleveland, Ohio; and the Lovelace Respiratory Research Institute, Albuquerque, New Mexico.

We selected key events during the 1960s through 1990s involving Energy, Defense, and Labor to illustrate agency responses to beryllium uses and risks. For each event, we screened current and archived records for documentation such as agency hearing records, studies, correspondence, and reports; we interviewed agency officials to identify agency positions; and we followed up on agency officials' interviews with other parties, to ensure the accuracy of our report.

For Energy, we contacted headquarters staff in the Offices of Environment, Safety and Health; the General Counsel; Defense Programs; Science; and Nuclear Energy, Science and Technology; and field staff from Defense facilities, including Rocky Flats, Colorado; Oak Ridge Y-12 Plant, Tennessee; Los Alamos National Laboratory, New Mexico; and Lawrence Livermore National Laboratory, California. We obtained data on exposure sampling; working conditions; medical screening efforts; workplace controls; policy, practices, and procedures; and the rule, proposed legislation, and associated history.

For Defense overview information, we contacted staff from the Deputy Under Secretary of Defense for Environmental Security; the military service headquarters; the U.S. Army Center for health Promotion and Preventive Medicine, Aberdeen Proving Ground, Maryland; the Navy Environmental Health Center, Norfolk, Virginia; the Air Force Institute for Environment, Safety, and Occupational Health Risk Analysis, Brooks Air Force Base, Texas; and selected subordinate commands. Regarding beryllium rocket fuel, we also visited the Air Force Research Laboratory, Edwards Air Force Base, California. We obtained background information from the headquarters of the National Aeronautics and Space Administration, its Langley Research Center, and the Chemical Propulsion Information Agency, Columbia, Maryland.

For Labor, we interviewed current and former staff from the Department of Labor's Occupational Safety and health Administration and the Department of Health and Human Services' National Institute for Occupational Safety and Health. We obtained and examined the complete transcript of the August–September 1977 informal hearing on beryllium, as well as key documents available from hearing records and related archive files.

This report was reviewed for classification by an authorized derivative classifier at Energy and was determined to be unclassified. We conducted our review from June 1999 through April 2000 in accordance with generally accepted government auditing standards.

### Appendix II

### COMMENTS FROM THE DEPARTMENT OF ENERGY

DEPARTMENT OF ENERGY
*Washington, DC, April 27, 2000.*

David R. Warren,
*Director, Defense Management Issues, National Security and International Affairs Division, United States General Accounting Office, Washington, DC.*

DEAR MR. WARREN: In response to your April 7, 2000, request to the Secretary of Energy, the Office of Environment, Safety and Health has reviewed the draft General Accounting Office report, RCED–HEHS–00–92, "OCCUPATIONAL SAFETY AND HEALTH: Government Responses to Beryllium Uses and Risks" (GAO Code 709457.) The Office of Environment, Safety and Health has no essential comments requiring a reply from the General Accounting Office prior to the publication of the report. We found the report to be accurate. However, we are enclosing suggested comments for your considerations.

If you have any questions, please contact Ms. Lesley Gasperow, Director, Office of Budget and Administration, on 301–903–5577.

Sincerely,

DAVID MICHAELS, PH.D, MPH,
*Assistant Secretary, Environment, Safety and Health.*

### Appendix III

### GAO CONTACTS AND STAFF ACKNOWLEDGMENTS

*GAO Contacts*

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*Acknowledgments*

In addition to those named above, Bruce Brown, Rachel Hesselink, Arturo Holguin, Robert Kigerl, Lori Rectanus, Ronni Schwartz, George Shelton, and Glen Trochelman made key contributions to this report.

# SENATE—*Monday, May 22, 2000*

The Senate met at 11 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we praise You for new beginnings and fresh starts. Things never need remain the same. Because of Your grace, we need not perpetuate the problems of the past. Last week was a week of conflict, sharp disagreements, and acrimonious differences over the procedures and methods of managing the work of the Senate. Here we are, at the beginning of a new week. We know that we cannot remain deadlocked and debilitated by differences. Grant the Senators the willingness to listen to one another. May both parties be willing to place the highest priority and value on finding a way to move forward together. Remind them that there is nowhere else to go, no escape from the responsibility of leading the Nation together. Help all of the Senators to discern what is needed for the parties to function effectively together and then to commit themselves to doing everything they can do, not to defend a position but to discover Your plan for unity and oneness in the spirit of patriotism. Father, we need You. Our efforts have not worked. We need Your intervention, Your vision for a solution, and Your power to make things work. Extricate us from being part of the problem to becoming part of Your solution. You are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable JON KYL, a Senator from the State of Arizona, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Arizona is recognized.

Mr. KYL. I thank the Chair.

## SCHEDULE

Mr. KYL. Mr. President, today the Senate will be in a period of morning business with Senators DURBIN and THOMAS in control of the first 2 hours. For the information of all Senators, it is the intention of the majority leader to begin consideration of the agricultural appropriations bill during Tuesday's session. The leader has announced that the Senate will remain in session notwithstanding the Memorial Day recess in order to complete this important spending bill. Therefore, Senators can expect votes throughout the week and into the weekend if necessary.

Mr. President, I observe the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. KYL). Without objection, it is so ordered.

## RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order the leadership time is reserved.

## MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction for morning business with Senators permitted to speak therein for up to 5 minutes each. Under the previous order, the time until 12 noon will be under control of the Senator from Illinois, Mr. DURBIN, or his designee.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I ask consent to use as much of the time allocated to Senator DURBIN as I may use.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SUGAR PROGRAM

Mr. DORGAN. I noticed in the Washington Post this morning an editorial I wanted to comment on briefly. Those noted experts on agriculture and the farm program who write editorials for the Washington Post have written an editorial today entitled "A Deal Too Sweet" about the sugar program. I can just see them sitting out there in their Big Ben coveralls dumping sugar into their coffee, cogitating about America's sugar program and America's farm program. I want to suggest to them to look in a different direction.

They see a program in this country where sugar prices are kept far too high, in their judgment. They believe the market for sugar would produce prices at just a fraction of what the sugar program currently provides sugar producers. I fear the Washington Post just does not understand the sugar program or the market.

Most sugar in this world is traded contract to contract between countries. Very little is traded in the open market. What is traded in the open market is the surplus or the dumped sugar. This dumped sugar is traded at very low prices, but that does not reflect the cost of sugar that is traded between countries.

For a number of reasons, the sugar program is not working as well as it had in the past. For a long period of time the sugar program provided both stable prices for consumers and also stable income, or stable support for sugar producers. Is this a worthwhile goal? I think it is.

We have seen times in this country when the sugar prices spiked up, up, way up, which was a terrible disadvantage to America's consumers. We have seen circumstances as well where farm income has dipped way down. That was devastating to producers. At least with respect to this commodity, sugar, we developed a program that provides stability for both consumers and producers. This makes sense to me.

The sugar program has not worked as well in recent months and years. The reason, in my judgment, is because the current underlying farm program has not worked. As prices have collapsed for most other commodities, and as we have pulled the rug out from under producers with a farm program called Freedom to Farm, we have had more acreage put into sugar production in this country.

In addition to that, we have had molasses stuffed with sugar coming in from Canada, which is just another method of transporting sugar into this country in excess of the amount agreed to by our trade agreements. We have a significant threat from Mexico, despite what we thought was an agreement on sugar, so we have a whole series of threats to those who produce sugar—cane and beet—in this country.

The Washington Post would make the case: Let's just get rid of the sugar program. Others will probably make the same case. It would be interesting to ask the following question, and perhaps get an answer from the Washington Post and others who believe this. The question would be: While sugar prices have fallen by a fourth since 1996, has anyone seen a reduction in the price of sugar at the grocery store? Let me repeat, prices to the producer have fallen by one-fourth; has anyone seen a reduction in the price of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

sugar at the store? What about candy bars, cereal, ice cream, cookies?

The answer is no. In fact, during that same period of time, while the price of sugar to the producer has fallen by a fourth, those prices—candy, cereal, ice cream, cookies, and cake—are up 7 to 10 percent.

The point is this. This program has worked and can work again if we have a decent farm bill. But it will not work in the long term unless we amend and change the Freedom to Farm legislation which is the underlying problem with all farm commodity prices.

This is not the time, and we should not allow those who preach it to decide the sugar program ought to be repealed. The sugar program has worked, and it is good for sugar producers and consumers in this country.

I wanted to make the case that those who editorialize about it, including this morning's editorial, in my judgment, are wrong. I respect their opinion, but I think they are wrong. It is, once again, a question not just for those who produce sugar—in my part of the country, there are family farmers who raise sugar beets—it is a question of do we want to have family farmers in this country's future.

Some say family farmers are a little old diner that got left behind when the interstate came through. Yes, it is nostalgic, yesterday's news, let's just get on with big corporate farms. I do not believe that. I believe family farmers contribute to the value and culture of this country in a significant way. If we decide there is no virtue between the crevices of mathematics and concentration—if we decide family farms do not matter—this country will have lost something significant, in my opinion.

One part of needed farm policy change, but an important part for those who produce sugar beets in our country, is the retention of a decent sugar program that provides some stability of income for producers. I hope my colleagues will understand this in the coming weeks and months as we begin discussing the farm program and related issues such as the sugar program.

## TRADE DEFICIT

Mr. DORGAN. Mr. President, what piqued my interest last Friday and this morning was the announcement of the trade deficit. It is interesting to me, the deafening silence that occurs in this Chamber and around this town especially regarding the monthly announcement of our trade deficit.

I prepared a chart that shows our growing and alarming bilateral merchandise trade deficits. This is last year, 1999. As announced on Friday, our monthly merchandise trade deficit rose to $37 billion. We have a surplus in our services trade balance, so if services are included the net effect is a $30 billion merchandise and services deficit. In other words, we buy $1 billion a day more from other countries than we sell to other countries—$1 billion a day.

What does that mean? It means that is the debt we have and the liability we incur.

Does it matter? We had people doing handstands and having apoplectic seizures on the floor of the Senate for years and years about the fiscal policy deficit. They would come and talk about the Federal budget deficit, what a god-awful thing it was—and it was—$300 billion a year and rising out of sight.

With respect to this merchandise and services deficit—$30 billion a month net, $37 billion with respect to merchandise or manufactured goods, over $1 billion a day—one cannot find anybody who pays any attention to it or cares much about it. Why? Because the institutional thinkers in this country, once again on Friday, were genuflecting, as they always do when this news comes out, about how the deficit is not such a bad deal. This trade deficit means America is growing faster than other countries. If we are growing faster than other countries, then naturally we will be buying more from abroad and perhaps selling less to them. We will therefore have this trade deficit.

These are the same economists, the same "thinkers," who told us in 1994: Why do we have a trade deficit? Because we have a fiscal policy deficit. If we get rid of the budget deficit, we will get rid of the trade deficit.

I can give names, but they are embarrassed when I read their quotes with their names. They are the same economists who said we have a trade deficit because we have a budget deficit. They said the trade deficit will be gone once the budget deficit is gone. No, that is not the reason at all. We do not have a trade deficit because we are growing faster than other countries. That is an absurd contention, just absurd.

We have a trade deficit with China because our country is growing faster than China? No, China has an economy which is growing very rapidly. Our trade deficit with China, which is very close to $70 billion a year, is because we are buying more from China than they are buying from us. Is that because they do not need things? No, it is because they are buying from other countries instead of us.

Why do we allow that to happen? Because we are weak-kneed and do not have a backbone. Our country has never had the backbone to say to other countries: You must have a reciprocal trade relationship with us. If we are going to treat you in a certain way and we welcome you into our marketplace, then we must be welcome in your marketplace. We have never had the backbone to do that.

On Friday, the merchandise trade deficit with Japan increased from $6.7 billion to $6.8 billion. That means, with Japan, we have a merchandise trade deficit approaching $80 billion. How many years do you have to have $50 billion, $60 billion, $70 billion, $80 billion trade deficits with the same country before someone will stand up and say: There is something wrong here. They keep selling us all of their goods, but they buy what they need from others.

I represent, for example, ranchers. I know I mentioned this before. I represent farmers and ranchers and others. Every pound of American beef going into Japan today has a 38.5-percent tariff on it. This is a country that has a nearly $80 billion trade surplus with us, or we have a deficit with them. Send a T-bone steak from Dickinson, ND, to Tokyo, Japan, and there is going to be a 38.5-percent tariff on the T-bone steak. What is that about? Does one think we would be considered a massive failure in international trade as a country if we had 38.5-percent tariffs on products imported into our country? Of course we would.

Yet we have a trade relationship with Japan that allows them to have a 38.5-percent tariff on beef—this is after we reached an agreement with them, by the way. We had a big trade agreement for beef producers about 10 years ago. At the end, one would have thought these folks just won the Olympics. They celebrated and had a day of feasting and rejoicing because this country had this great trade agreement with Japan. Yes, we have gotten more beef into Japan, but every pound of beef today that goes into Japan has a 38.5-percent tariff on it. That is outrageous.

I will go through a couple of other countries to close the loop.

Mexico. We have a trade agreement with Mexico called NAFTA, the North American Free Trade Agreement. I remember the two economists, Hufbauer and Schott. They said if we do this trade agreement with Mexico and Canada, this country will have 300,000 or so new jobs.

At the time, we had a trade surplus with Mexico. That trade surplus with Mexico is now over a $20 billion trade deficit. Immediately after we passed NAFTA, signed a new trade agreement with Mexico, and reduced tariffs on United States goods going into Mexico, Mexico devalued its currency and washed out any gains. In fact, the devaluation was much higher in terms of its effect on the tariffs, so it more than washed out any gains. A trade surplus with Mexico was turned into a very large trade deficit. The trade deficit with Mexico in March was $1.9 billion—for just a month.

What about Canada? Canada had a modest trade surplus with us, or we had a modest trade deficit with Canada, and then we passed NAFTA, the North American Free Trade Agreement. The announcement Friday said the goods deficit with Canada is now $3.9 billion, almost $4 billion. Our annual deficit with Canada is somewhere in the neighborhood of $30 billion to $40 billion.

With respect to the European Union, Friday the announcement was that the merchandise trade deficit with the European Union rose from $3.5 billion in February to $5.7 billion in March, the most recent month for which data has been reported.

I will comment on our trade deficits with Japan and Mexico a little later.

I taught economics briefly in college. I understand about economists. It is much less a discipline than it is some psychology pumped up with helium. It is just being able to say anything at any time about almost any subject.

This is what the economists say.

In today's Wall Street Journal, Mr. Wiegand says:

> This deficit will start to shrink as the Federal Reserve continues to raise interest rates to slow the U.S. economy.

Oh, yes, that is probably a pretty good solution: Drive the economy into the ditch. That will probably take care of it. I do not dispute them. If Alan Greenspan continues to choke the neck of the American economy and drives this economy into the ditch, yes, I suspect we will probably be buying less from abroad. It is probably not very good medicine to kill what ails us, in my judgment.

The person who wrote this article in today's Wall Street Journal did not provide the name of the analyst. These are just anonymous analysts:

> Analysts say they remain sanguine because the underlying fundamentals that fuel the deficit remain unchanged. America's economy is stronger than the economies of trading partners, and that's why we have these trade deficits.

That is absurd, just absurd. Why do we have a big trade deficit with Japan? It is because we lack a backbone. For 15 years, we have allowed Japan to throw their goods into our marketplace and keep their marketplace relatively closed to American goods. The same is true with China. The same is true with many other countries.

This country needs to have the backbone to say to other countries: Here is a mirror. Look closely because what you see in that mirror is what you will get. You are welcome to come into our country with your goods and services. Our consumers welcome them, and we welcome them. But you should understand, the price for admission to the American marketplace is that your markets be open to our producers, to the products of our workers and our production plants. If it is not, then you are going to pay a price for that.

About 30 to 40 percent of Chinese exports are sent to the United States. We are a "cash cow" for China's hard currency needs. There is no substitute on Earth for the American marketplace. China needs this marketplace. The closing of this marketplace would lead China to collapse immediately. Mr. President, 30 to 40 percent of their exports are to the U.S. economy.

So we say to China: That's all right. You keep shipping all your products here. Ship us your shirts and your shoes and your trousers and your trinkets. You keep shipping all the merchandise you want to the United States, and that's fine if you want to prevent us from accessing your marketplace.

We just negotiated a bilateral trade agreement with China. We had folks up all night over in Beijing and here. They were working back and forth and trading and doing the things you do when you negotiate a trade agreement. They finished a trade agreement. The vote we are going to have in the House this week, and subsequently, perhaps a week or two later in the Senate, is not about this trade agreement. We do not get the opportunity to vote on the bilateral trade agreement with China. The vote is going to be: Do we accord China permanent normal trade relations?

I have voted for normal trade relations in the past. The only difference in this vote is: Shall it be permanent? But it is not a vote on the bilateral trade agreement with China. Frankly, I do not know how I am going to vote on permanent NTR. At this point, I am leaning, perhaps, to vote in favor of it, but only if it includes a commission to monitor trade compliance—because China has made other agreements with us and has not complied with them at all—and only if it provides some responsible monitoring of human rights in China.

But having said all that, these votes are not about the bilateral trade agreement. We do not need PNTR to do what we should do with China. In Washington, DC, because there are so many interests here that are working on this PNTR issue, you can't turn on the television without seeing another ad by big interest groups that are saying: You must vote for China PNTR.

Regrettably, they misstate it. They say: If we don't vote for PNTR, the Chinese marketplace will not be open. That is absurd. It does not make any sense at all.

The vote on China PNTR isn't about whether the Chinese marketplace is open; it is a vote on whether normal trade relations with China will be made permanent—just that; and only that. It is not even a vote on the bilateral trade agreement we reached with China last year.

Having said all that, as I said, I voted for normal trade relations previously. I think China is going to be a significant influence in our lives, and I prefer it be a good influence rather than a bad one. I happen to think that involvement is preferable to noninvolvement. But that does not excuse the relationship that exists between China and the United States in which our trade negotiators come so far short of reaching an agreement that is in our interest. I will give you an example.

China has 1.2 billion people. On the issue of automobiles in the recently negotiated agreement with China, after a phase-in period, there will remain in China a 25-percent tariff on any automobiles the U.S. would send to China. Any automobiles that China would send to the U.S. would have a 2.5-percent tariff. So China will retain a tariff that is 10 times higher than the U.S. on vehicles moving back and forth. This is a country that has a nearly $70 billion surplus with us.

I ask the question: Why? Why would a negotiator sit across the table and agree to a proposition that China can have a tariff that is 10 times higher on automobiles than we can?

The answer? The answer is: It is so much better than it was. The old tariff on automobiles was so much higher. We brought it down so far.

I said: Why don't you sit down at the table, and hitch up your belt, and say, All right, let's begin negotiating reciprocal policies and the same tariff. Why can't our negotiators do that?

Our trade negotiators would say: Oh, you can't do that because we are starting from different points.

It is time we start from the same point. It is time we demand that our trade negotiators begin dealing with this trade deficit with respect to what is really causing it.

These economists are wrong when they say the problem is that our country is growing too fast, other countries are growing too slow, and therefore we have a big deficit. The reason we have a big deficit is that when China wants to buy airplanes China says: We are going to manufacture the airplanes in China. That is not the way you do business. If they are going to sell us all their commodities, then they have a responsibility to buy from us what we have to sell. If they need airplanes, they ought to buy airplanes built in the United States of America. If they need wheat, they ought to buy wheat from the United States. In other words, trade relationships ought to be reciprocal. But our trade negotiators never require that.

Is this a criticism of the current administration? You bet—the past administration, and every administration for the last 20 years. None of them have had any backbone.

I stand here and talk about this because the trade deficit report came out last Friday, and it said that the merchandise and services trade deficit was $30 billion in a month. That is roughly $340 billion a year more in manufactured goods that the United States bought than it sold.

I know I will have people listening to this who will say: That guy is just a protectionist. They are wrong. I am not a protectionist in the definition of the word used pejoratively. One who seeks protection is somebody who wants to build a wall around the country and keep everybody out. That is not my view of it at all. We have a global economy. We have an expanding reach of opportunities around the world.

But this country has to understand that times have changed. After the end of the Second World War, for the first 25 years, our trade policy was almost universally foreign policy. We would engage with another country with one hand tied behind our back, and say: Do you want some help? Here is a trade policy that is concessional to you because you're struggling, you're flat on your back, your economy is devastated because of the Second World War. We want to help you get back on your feet. Therefore, our trade policy was largely foreign policy. That was fine because we could beat anybody with one hand tied behind our back.

But the second 25 years post-Second World War have been different. We have shrewd, tough, economic competitors. We have still tied the hands of America's producers and America's workers, and have provided concessional terms in trade negotiations to virtually every other country.

That is the only basis that you could excuse a recurring trade deficit with Japan that is $50 and $60 and, now, $70 billion a year—year after year after year after year. The only thing you can call that is neglect—yes, by Republican administrations and Democratic administrations. That is neglect.

People who hear this will say: That guy just doesn't understand that you can't see over the horizon. He does not understand all this. The problem is, I think I do understand it.

In the budget deficit debates, we used to have people come to the floor and say: Think of it in terms of your own family. If you're running up a deficit, you have to pay it sometime, don't you?

Think of the trade deficit in terms of your own family unit. If the country is your family, and you are buying much more than you are selling and, therefore, incurring a deficit that continues to grow, is that a problem? Will it at some point come back and bite you? Will that be a problem for this country? Will it inhibit America's economic growth? Will the fact that the current accounts' deficit—measured by recurring trade deficits—allows foreigners to hold American dollars with which they can make decisions about whether to invest in this country, and how to invest in this country, be a problem for this country?

I think it is. My only point is that last Friday should not pass without notice—a Friday in which we say the merchandise and services trade deficit is now $30 billion this month alone. That news occurs at the same time the Chairman of the Federal Reserve Board says our country is growing too rapidly and we need to slow it down with another one-half of 1 percent interest rate increase.

Well, I am telling you, I think the combination of those two pieces of economic news ought to be very sobering to all Americans. Yet, as I said when I started, there is this deafening silence in the Chamber. Almost nobody will come and talk about the trade deficit because they will be branded by especially the corporate world as people who don't understand, who want to build a wall around this country, people who are protectionists. Yes, I want to protect America's economic interests. Of course, I do. I am an American and, of course, I want to do that.

But I believe the protection of our interests involves understanding that the economy has changed. This is a global economy but we must have fair trade rules. If we decide as a country that nothing matters that we fought about for the last 100 years, and that the globalization of our economy somehow should pole-vault over all of those issues, then we will, in my judgment, have lost substantial ground. We had people die in the streets in this country. They were shot and clubbed to death because they fought for the basic principle of workers being able to organize. People died for that right in this country.

Some companies will say: I know was a problem in America because you have all these collective bargaining issues. The way to get rid of that issue is we will take our manufacturing plant and close it. We will move to a country where workers can't organize, and we will not have those problems. People in this country fought so long for a minimum wage and a livable wage. A company might say: We can solve that issue. We don't have to deal with minimum wages. We will move this plant from the United States to Bangladesh, and we won't have to pay minimum wages. People fought a long time over the issue of child labor. They may say: Well, we can solve that. We will move our plant overseas and we will put 12-year-olds in the plant and we will pay them 12 cents an hour. We will work them 14 hours a day, and we won't have to meet plant safety standards. That is an easy way to pole-vault over those issues.

How about dumping chemicals into the streams or into the air? A company can say: We can solve those issues. You know that plant where we are going to hire kids to work, and pay them 12 cents an hour, and work them 14 hours a day, and not worry about safety? We can also dump the raw chemicals into the water and into the air.

Well, that raises the question, I am afraid: Should there be an admission price to the American marketplace? Should the admission price be at least that there are fair rules of trade? I have asked folks, and one honestly said to me he thought it was fine. If the marketplace decided that you can amass the capital and employ kids in unsafe conditions and pay them pennies, if you can produce a product the consumer wants, it is fine for that product to be in our marketplace. I respectfully disagree with that perspective. Globalization requires the attendance of rules, in my judgment, that relate to the kinds of issues we fought over for 100 years in this country.

Others would say, well, you are trying to export American values. There you have it. That is exactly what is necessary in the global economy—exporting the values of saying that fair competition is not competition with 12-year-old kids being paid 12 cents an hour. Fair competition is not competition between a plant in Pittsburgh that has to meet air pollution standards and water pollution standards, competing with a plant owned by the same company somewhere that can dump all of their chemicals into the streams and into the air.

Those are our range of issues with which we have to deal. All of those issues, incidentally, relate to a very significant and unhealthy growth in this country's trade deficit.

Let me come back for a moment to the vote that will be very controversial on China's permanent normal trade relations. Last week—and I know I digress here—I was thinking of coming to the floor and submitting in a bill that says the Federal Reserve Board cannot go into a room and lock the door in something called the "Open Market Committee" and continue to call it open. I was thinking of putting in a bill that requires them to call this a "closed market committee." If they are going to lock the American people out, they should not call it an open committee. Just as I was thinking of doing that—and I decided against it for the moment—we ought not to call it normal trade relations with China, or Japan, or, for that matter, Europe; we ought not to call normal trade relations a circumstance that give us a $50 billion, $60 billion, $70 billion, or $80 billion trade deficit. There is nothing normal about our trade relations with Japan. There is nothing normal about having a $50 billion, $60 billion, or $70 billion trade deficit every single year. That is abnormal. Now, I could not get the votes, perhaps, to rename that "abnormal trade relations," but it is not normal, and we ought not to consider it normal to have this sort of circumstance exist.

In the last decade, it has gotten worse, not better. The mantra of so-called "thinkers" who are quoted—incidentally, they are the same people because when reporters write the stories, they call the same people, "thinkers". These same people have put the same quotes in the stories every month for 10 years. Even though the times have changed and the thinkers were demonstrated to not be accurate, they just change their story. That is why the story has changed now from their original saying that when we had a budget deficit you are therefore going to have a trade deficit. They say now that wasn't it; now it is because we are growing too fast. There must be some familial relationship here with the Chairman of the Fed because he also thinks we are growing too fast. It must be the same group of thinkers. There must be a genetic code that exists between these folks.

Again, I digress. I came to the floor to simply say I don't want Friday's notice of this dramatic increase in the trade deficit to not be discussed at least at some length in the Senate. It is important that we discuss it and begin to provide remedies for it.

Mr. President, how much time remains?

The PRESIDING OFFICER. There are 2 minutes remaining.

## ISSUES FOR THE SENATE TO CONSIDER

Mr. DORGAN. Mr. President, there are a lot of issues in the Senate with which we ought to be dealing. Most of the important issues we are avoiding. Now, there exists in this Congress something called a Patients' Bill of Rights. It is in conference and we can't get it back. Why? Because big money interests have decided they want to block it; they don't want a Patients' Bill of Rights. We ought to have that on the floor of the Senate and the House, out of this conference, and we should pass a decent Patients' Bill of Rights.

We ought to be able to employ the opportunities to offer amendments on the Elementary and Secondary Education Act when it is here and strengthen this country's education system. But are we able to do that? No.

We also have a juvenile justice bill that is trying to close a loophole in gun shows. When you buy a gun, you have to run your name through an instant check to see whether you are a felon. If you are a felon, you don't have the right to own a gun. It would close the gun show loophole. Now you can go to a gun show and buy a gun and you don't have to run your name against anything. A felon can buy a gun, regrettably. That is not anti-gun; it is a moderate, thoughtful step to extend the instant check. That is in the juvenile justice bill. That is not on the floor of the Senate.

This Senate has been at parade rest for some long while. It is time to take action on the things the American people want us to act on. We ought to deal with a Patients' Bill of Rights, and we ought to bring to the floor of the Senate the legislation that deals with the gun show loophole in the juvenile justice bill. We ought to have an opportunity to debate the Elementary and Secondary Education Act without somebody hovering and saying: Before you do that, I have to approve the amendments you offer. There are no gatekeepers here. The rules of the Senate don't provide for gatekeepers.

In the coming months, we have the opportunity to address health care, education, juvenile justice, and things that matter in this country. The only reason they are not on the floor of the Senate with extended debate, or out of conference which exists now, is because the leadership doesn't want them on the floor of the Senate. I must say that in the coming weeks and months we intend to do everything we can possibly do within the rules of this Senate to make sure those are the issues we debate in the Senate this year.

The PRESIDING OFFICER. Under the previous order, the time until 1 p.m. shall be under the control of the Senator from Wyoming, or his designee.

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

## A RECORD OF OBSTRUCTIONISM

Mr. THOMAS. Mr. President, this morning I listened to my friend, the Senator from North Dakota, talk about what we ought to be doing in the Senate. I must tell you I couldn't agree more that we need to be moving forward. I also must tell you I have a totally different view as to why we are not.

We have actually been seeking to move forward for some time. The Republicans have had a number of critical issues out here that the American people are interested in—marriage tax penalty relief, tax relief in other areas, farming, education, and critical needs of the men and women in the armed services. But, unfortunately, as each of these things has come up, we found ourselves being stopped from moving forward either by unrelated amendments or objections to moving forward. I really think we should analyze where we are and what we are seeking to do.

In my view, in general terms, what is happening is that there is more of an interest, particularly on that side of the aisle, in simply trying to create issues rather than create solutions. Each time we bring up a basic bill, we come back to amendments that have already been dealt with, and they insist on dealing with them again.

The majority leader is trying to deal with a number of issues. One of them, of course, is education. We are dealing with the whole question of elementary and secondary education. We are blocked by that side of the aisle from meaningful educational reform. We are trying to deal with the idea of moving forward with the kind of funding the Federal Government can provide for elementary and secondary education.

There is a difference of view. Yes, indeed, we have a difference of view. The basic difference of view is to the extent the Federal Government is involved in the funding of local schools. Those local schools, their leaders, the school boards, and the counties and States ought to have the basic right to make the decisions as to how that money is used. I think it is pretty clear that the needs are quite different.

Yesterday, I spoke at the commencement of a small school in Chugwater, WY. The sign on Main Street said "Population 197." There were 12 graduates at this school. They come from, of course, the surrounding agricultural area. I can tell you that the educatioonal needs in Chugwater, WY, are likely to be quite different from those in Pittsburgh. The notion that in Washington you set down the rules for expending the funds that are made available in Federal programs we do not think is useful. I understand there are differences of view.

But I guess my entire point is that we are always going to have different points of view and we should have an opportunity to discuss those and opportunities to offer alternatives. But we have to find solutions, and we have to move forward. That is why we vote. That is why there is a majority that has a vote on issues. But the idea that you have a difference of view and, because you don't get your view in, it is going to stop the process is not what we are talking about.

Education, of course, is just one of the areas. There is the question of the marriage tax penalty and the question of tax relief and tax reform. But, quite frankly, more than anything, there is the question of fairness—where a man and woman can work at two jobs before they are married, earn a certain amount of money, and continue to work on those jobs and earn the same amount of money, but after they are married they pay more taxes. The penalty is approximately $1,500 a year. We have been fighting to change this for a very long time. President Clinton pledged in his State of the Union Address in January to reduce those taxes. It would be a very large tax reduction for American families. However, we still have the playing of politics on the floor and that bill has not yet passed.

We will be seeking to do some things in agriculture. I agree with the Senator from North Dakota on some of the agricultural issues. We have been trying to deal with crop insurance. We have been trying to get that done. It is certainly something that ought to be done as we move forward towards more of the marketplace in agriculture. It has not been done because we have had objections on the floor.

I have to tell you we have had, and continue to have, a record of obstructionism that I think really needs to be reviewed and resolved. It took five votes before we could break the Democrat filibuster and pass the Ed-Flexibility bill in 1999.

Do you remember when the Republicans offered the lockbox idea where we were seeking to ensure that money which comes in for Social Security would be in the Social Security fund and not be expended on non-Social Security ideas? It was opposed six times by Senator Democrats, even after it had been passed in the House the year before by a vote of 416 12. In Roll Call, which is the House paper, in May of 2000, the Senator from Massachusetts promised to eventually work with his colleagues on the education plan. But then he was quoted as saying: We will do that when AL GORE is elected President. We will all sit down next year and have a consensus.

I don't think we are here to seek to establish those kinds of issues for Presidential elections and ignore what we can do here. We are sent here to resolve problems, to deal with them, and come to solutions. They have been out there on the floor. But, unfortunately, the whole idea of obstructionist tactics seems to be where we are, and we need to change that.

There are a number of issues, of course, that are of particular concern to people from the West, including myself. We have had a great deal of activity in the administration with regard to public land management. All of it seems to be oriented towards the effort on the part of this administration, on the part of the President, and on the part of the Secretary of the Interior to develop for themselves some kind of a legacy—a little like Theodore Roosevelt, apparently.

There are a number of things that have to do with access to public lands. Here again, it is quite different, depending on where you live in this country. In Wyoming, for example, 50 percent of the land is owned by the Federal Government and is managed by the BLM or by the Forest Service or by the Park Service, and it is a good operation. In some States federally-owned land is as high as 86 percent.

It is quite different when we start to deal with the public land issue, of course. It is sometimes dealt with quite differently in the West than the East. That is proper. We have been faced with a number of things that make it very difficult to have access available for the people who own these public lands. We are dealing, for instance, with the operation of the Forest Service and 40 million acres of road lands. I have no particular objection to taking the road lands. We don't need roads everywhere, but we need to do it on an area-by-area basis to see what needs access. Sometimes the accusations suggest we help timber producers or grazers.

The fact is, we have heard from veterans who can't walk 17 miles with a pack on their back. If we don't have road access, they are not able to use the forests. We have heard from children, as well.

The administration puts out a block pronouncement that we will have 40 million acres of wilderness, without knowing what the plans are, without including Congress in the process, without holding hearings or providing an opportunity for people to respond. There was nothing there to respond to. Hopefully, that will be changed.

The Antiquities Act provides an opportunity for the President to declare large amounts of land for different uses and restricts uses exercised readily by this administration over the past year and a half. The BLM has a plan not to allow off-road use of BLM lands. We have bills before the Congress setting aside a billion dollars a year for the additional purchase of Federal lands on a mandatory basis as opposed to going through the appropriations. These are all designed, it seems to some, to reduce access to lands which are not only there for recreation, not only there for the use of everyone, but certainly there is a large impact on the economic future of States in the west.

We plan to have a hearing this week after a pronouncement from the Park Service that all parks will no longer allow the use of snow machines by winter visitors. Yellowstone Park and Grand Teton Park are in Wyoming. Many people in the winter enjoy these unique scenes on snowmobiles. The Park Service, without hearings, without input by the Congress or by anyone else, has announced there will be a total cancellation of the opportunity of people to visit their parks in the wintertime.

Again, I have no objection to taking a look and changing some rules. Some of the machines have been too noisy, some machines have excessive exhaust. But they can be changed. Rather than finding an alternative for people visiting the parks, which belong to them, this administration simply says we are not going to allow their use anymore and ignores alternative techniques. Also, it ignores the fact it has been going on for 20 years in most parks.

We could separate cross-country skiers from snow machine operators and require through EPA that the machines be quieter and less polluting. Instead of seeking to manage them, we have been ignoring this for 20 years, and suddenly they abolish their use. I hope we have a hearing this week to take a look at how that might be resolved so people will still have the opportunity to visit facilities that belong to them, facilities that are unique, facilities that should be available to be used by whomever wishes to use them properly, hopefully, year round.

My friend from North Dakota mentioned the sugar program, one that needs to be examined and discussed. We have had large newspapers, including editorials, that have not told the story fairly. They talk about a program that has caused consumers to pay more for sugar than they would otherwise. I don't believe that is factual. The fact is the world price for sugar is not a world price established by the market but is a dump price from countries that have subsidies for sugar. When they have an excess, it goes in at a lower price. If we are going to talk about the program, we ought to be discussing facts. That information ought to be mentioned.

The sugar program has not been subsidized. The costs to consumers have not gone up but have gone down. The costs to producers have not gone up but, indeed, have gone down. We have a program that has worked.

My point is it is necessary to understand the purpose of the program, what it is designed to accomplish, and then do what is necessary in the interim to ensure that purpose is nurtured.

I think there are many issues we must cover. We have 13 appropriations bills with which to deal. We have approximately 60 legislative days remaining for the Senate to complete its work. We have 13 bills with which to deal. The appropriations, of course, are very much the basis for what we do in the Federal Government. There are all kinds of issues. But the amount of money provided and the way it is spent has a great deal to do with what we are doing in the Congress, what kinds of programs we are involved in, how much the programs cost, how much we want to invest in the programs. Right now, it has a great deal to do with what we do with overall revenues that come into the Federal Government.

Indeed, as it appears, we have a surplus. We have to make some tough decisions as to how much government we want. How do we divide the government between the responsibilities accepted and taken on at the Federal level as opposed to those taken on at the local level. The fact that there is money certainly is an encouragement to again expand the role of the Federal Government. Many believe that is not the proper way to proceed; We ought to do the essential things.

Clearly, there is a difference of view about that. There is a difference of philosophy. There are those who genuinely believe the more money that can be spent through the Federal Government, the more it helps people, and that is what we ought to do—continue to always increase the size and activity of the Government.

Others, including myself, believe there are essential finances for the Federal Government to carry forth, but the best way to do it is to limit that Federal Government to allow local governments to participate more fully, to allow people to continue to have their own tax dollars.

The longer I am in Washington, the more I am persuaded the real strength of this country does not lie with the Federal Government. Obviously, it is essential. Obviously, it is important. Functions such as defense can only be performed by the Federal Government.

Communities are shaped by things people do through local government or voluntarily. These mean so much to the strength of communities. We have a program called the Congressional Award Program in which young people are urged to take on community activities. We give out medals. It is wonderful to see the activities in which the young people become involved. It is wonderful to see themselves in the future as doing volunteer things, as becoming leaders, taking the risk of leadership, and spending their personal time to strengthen that community.

We do have real differences of opinion. That is why we are here. We have a system for resolving those differences. Not everybody wins these debates. Some lose and some win. It is not a winning proposition to obstruct progress. I think that is where we find ourselves.

I hope the leaders and Members on both sides of the aisle will take a long look at our position. We need to have a system where everyone with different ideas gets to present their ideas, but we have to do it in an organized way, where the amendments are germane to the issue. Now we find ourselves with some amendments—gun control amendments, for example, as important as they may be—that come up on every issue. It stalls what we are doing in terms of the basic generic purpose of that discussion, invariably coming up with the same kinds of amendments over and over. I think we can find a way to resolve that. I think we should. We have a great opportunity to move forward on a number of things, whether it be education, whether it be Social Security, whether it be tax relief, whether it be strengthening the military. These are the kinds of things that are so important.

I yield the floor.

## CLOTURE

Mr. CRAIG. Mr. President, I was sitting in my office watching the floor on C-SPAN and I heard my colleague from Wyoming speak out about some of his concerns as they relate to conduct of priority business on the floor of the Senate. I am pleased he would come this early afternoon to discuss what I think is really a very important and necessary issue for all of us to understand but, more importantly, for the public that pays close attention to what we do to understand.

During debate last week, after the vote concerning the Byrd-Warner amendment on the President's open-ended mission in Kosovo, several things were said by the minority leader that I feel need to be corrected. If you were to take the minority leader at face value last week, I think you would have gotten a distorted view of what we did in the Senate and what was an appropriate and necessary approach.

The day before the vote on the Byrd-Warner amendment, the Senate passed a rule that said only germane amendments could be offered to appropriations bills. "Germane" is a technical term for relevant. The following day, the minority leader stated before us:

> No majority leader has ever come to the floor to say that, before we take up a bill, we have to limit the entire Senate to relevant amendments.

Those are the minority leader's words, straight out of the CONGRESSIONAL RECORD. When I heard that, I was surprised, and I began to think about past Senates, past Congresses. I began to do some research. I must tell you I was surprised that the minority leader would, in fact, make that statement. The minority leader also said that he would defy anybody to come to the floor and challenge the statement. I am here today, I did my research over the weekend, and I challenge the statement of the minority leader. I think it is time the American people understand exactly what he meant and why he meant it.

We have important and critical legislation that needs to be passed in a timely manner to deal with all that is important for the millions and millions of Americans whose lives are impacted by what we do here.

In the appropriations bills there is money for education, health services, agriculture, for the environment, for national defense, and for other essential Government services on which so many people rely. I want to take a few minutes to explain what the majority leader said last week and, more importantly, I want to spend more time saying why what the minority leader said last week was wrong.

The majority leader was clearly trying to expedite the activities of the Senate when he asked those of us on each side of the aisle, Democrat and Republican, to agree to unanimous consent requests that would cause the Senate to move along in a timely fashion. When the minority leader came to the floor and suggested that irrelevant amendments should be debated in full and this was an inappropriate thing and had never been done before, then what he was saying simply was not an accurate statement.

The rules of the Senate are very easy to understand and fairly straightforward. For instance, a cloture vote, as far as its dictionary definition, is a petition to limit debate. The petition must be signed by 16 Senators. It is then voted on by the entire Senate, and it takes 60 votes to invoke cloture; in other words, to move on. Cloture is a formal way of ending a filibuster, or ending intentional debate that prolongs the proceedings of the Senate. A filibuster, of course, is a time-delaying tactic, a strategy used to extend debate, as I just mentioned, and ultimately to prevent a vote from being taken by Senators.

By the way, the term "filibuster" comes from the early 19th century Spanish or Portuguese pirates' term "filibusteros," meaning those who held ships hostage for ransom. Therefore, in order to stop a filibuster, a tactic used to hold the Senate hostage, a cloture motion must be filed. It is the formal beginning of the process to end a filibuster.

Let me go back to what the minority leader said last week. He said that "No majority leader has ever come to the floor to say that"—meaning we ought to limit debate and move to the relevant issues of the day. He said that—"before we take up a bill, we will have to limit the entire Senate to relevant amendments." In other words, shaping the debate, moving it along in a timely fashion.

That statement caused me to take a short walk down memory lane. Let me take us all back to the 103d Congress. The Senate was controlled by Democrats, not Republicans, under the watchful eye of the majority leader, George Mitchell. During the same Congress, almost 300 legislative measures were enacted into law. Of those 300 measures, Senator Mitchell considered 15 of them to be the object of a filibuster. In other words, Senator Mitchell feared that there would be a filibuster on a particular piece of legislation. Senator Mitchell's response to this imaginary threat was to file 43 cloture motions on these 15 measures.

Let me repeat: Senator Mitchell filed 43 cloture motions on 15 legislative measures he thought might be filibustered. Of these 43 cloture motions, 21 of them—almost half—were filed on the same day the Senate actually began debating a bill. In his attempt to break a filibuster, he filed cloture on bills 21 times before debate had even begun.

If there was any intent to intentionally limit debate—and once you have a cloture motion in place, and once you have proceeded to the bill postcloture, then only relevant amendments should apply—then, of course, George Mitchell was doing exactly what he intended to do as majority leader, Democrat majority leader of the Senate: Limit debate, shape debate to the particular bill involved.

Did Senator Mitchell say before a bill was even offered that the Senate would be limited to relevant amendments? He did not have to say it. His actions said it, and they were very clear, loud actions. He did 21 filings of cloture the same day the Senate actually debated a bill. He took a procedural step that would make the threat a reality. In other words, he did not come to the floor to suggest he might have to do something to limit debate to relevant amendments; he just did it. And that is the prerogative of a majority leader.

Clearly, Senator Mitchell went much further than the rule we passed last week. As the minority leader well knows, Senator Mitchell perfected the art of confrontational legislating. Not only would Senator Mitchell not allow nonrelevant amendments, he filed cloture on bills 43 times in the 103d Congress.

That is the record. That is setting the record straight. I say to Minority Leader DASCHLE, I took up your challenge. I did my research. I believe those are the facts. But Senator Mitchell's tactics of the past pale in comparison to the strategy of the minority leader in the Senate today. Again last week, the minority leader said on the floor in reference to an appropriations bill that:

> Constitutionally, appropriations bills must begin in the House of Representatives. We are, in a sense, circumventing the rules of the Congress by allowing these bills to be debated and considered prior to the time the bill comes before the Senate.

I did some simple research, such as picking up a copy of the U.S. Constitution and turning to article I, section 7, clause 1, and reading it, just reading it:

> All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Let me also turn to another provision, "Riddick's Senate Procedure, Precedents and Practices." This is, of course, one of the procedural booklets we follow:

> Bills originate in the House:
>
> In 1935, the Chair ruled that there is no Constitutional limitation upon the Senate to initiate an appropriation bill.

Obviously, the intent of what I am suggesting is that we can initiate appropriations bills, and we have, and we have held them at the desk. As the House sends its appropriations bills across, we attach a House number or we move through that process in a way that accommodates.

Why would the minority leader propose such an idea? I think it is really quite clear. It is to obstruct the action and the movement of the Senate.

Maybe there is another reason. Maybe there is a reason that is subliminal, that is not so clear. Maybe the reason was talked about this morning in the Washington Times: "CBO now predicts a $40 billion surplus"—even a greater surplus of monies than the kind that was predicted earlier that the Budget Committee analyzed when it proposed its budget resolution.

Maybe it is why he wants to drag the feet of the Senate through June, July, August, and into September, so at the very end, a lame duck President, with his veto, can hold a Senate hostage and gain the spending of billions more dollars than were proposed in this present budget when he proposed total discretionary appropriations of about $223 billion where our budget discretionary spending is around $600 billion. Maybe he really wants to make good on not giving American citizens some tax relief by returning some of these surplus dollars to them. Maybe he really wants to make good on the idea that expanding Government and spending more money is really the mantra, the very foundation and the basics of the Democratic Party that he represents.

I am not sure, but what I am sure of is that what the minority leader said on the floor of the Senate last week does not ring true to past Senate actions practiced by Democrat and Republican majorities.

We operate on the rules of the Senate. We operate on past precedent. We also operate on a consistency that assures a motion of activity here that produces 13 appropriations bills in a timely fashion to fund our Government in a way that I think our American citizens and taxpayers expect us to perform.

What the minority leader said last week was we would not perform; he was going to draw a line and stop us, and he drew that line in the sand. He said, for example: We do not need to deal with the same bill twice; let's wait until the House gets its bill here. Yet he was saying that in the backdrop of a gun debate that had been dealt with numerous times on the floor of the Senate over the last year; in fact, a debate in which his side had won and passed legislation that moved to the House, and the House rejected it.

I am not quite sure I understand even that argument because it not only is inconsistent with the very actions that were taking place at the time, and that was, we were redebating for the fourth or fifth time an idea or a piece of legislation in which the Senate itself had been involved throughout the 106th Congress.

The reason I have come to the floor this early afternoon is to set the record straight. I think it is important for the Senate and for the United States as a whole to understand how we operate and that what we were doing and what we were proposing were clearly consistent within the rules. No rules had been bent. There was not a rules committee of a single individual but the action of a Congress and a Senate operating under unanimous consent and doing so in an appropriate and responsible way.

If there was a bad precedent set last week, it was not bad in the sense that it was one majority leader simply following the actions of another majority leader some sessions ago, recognizing the timely need to move legislation along and to be able to do so by limiting certain types of amendments that were irrelevant to the fundamental debate and the consideration of a given appropriations bill.

I hope this clears the air. I hope what we experienced last week was but a thunderstorm, and now the clouds have cleared and the air is a bit fresher. I hope we can move on in a timely fashion, as we must, because if that does not happen, I and others will be coming to the floor on a very regular basis and I will not mind pointing a finger at those who object and those who obstruct.

We have a responsibility to cause our Senate to operate in an appropriate fashion, and certainly debate on one and all issues is important and can happen, but I do believe the citizens of this country expect us to get our work done; they expect us to balance our budget; they expect us to be fiscally responsible; and, most importantly, they expect and anticipate a limited Government that does the right things for its citizenry. That is what we are intent upon accomplishing. I hope we can move forward, and I hope we can do so in a timely fashion.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

Mr. BENNETT. Mr. President, I, like other Members of the body, read this morning's paper and read the comments of the Democratic leader. I have heard the comments on the floor of some of our colleagues, including the current occupant of the chair, and the Senator from Idaho. Since it is somewhat of a slow day, I decided to add my voice to the voices that have been raised here, perhaps from a slightly different perspective.

I know, in Senate terms, I am a relative newcomer. I am only in my second term. And around here, that counts for little more than being in your first term, but it does not put you in the rank of Senate historians or the old Senate "bulls," as they used to be called.

Nonetheless, if I might, I would like to go back and quote a little personal history because my first exposure to the Senate, up close and personal, came in the early 1950s.

If I may reminisce with you, I remember sitting in the family gallery, night after night, when the Senate would be debating, listening to the oratory that went on and the clashes of opinion that would occur, and falling in love with the place. I was a teenager.

My father had been elected in the election of 1950. I was here in the summer of 1953. Dwight Eisenhower was the President—the first time a Republican President had been in office since 1932. The Democrats were apoplectic about the idea that there was a Republican President, and carrying on with great frustration.

I remember the towering debates—and they were debates. They were not speeches given to empty Chambers. They were debates between the two protagonists on the Finance Committee.

Paul Douglas, the Senator from Illinois, would come down here and thunder against the terrors of the Eisenhower administration. I would listen, in the family gallery, as a Republican, and wonder if anybody could respond. Then Eugene Millikin would enter the Chamber, bad back and all. He sat there in that seat in front of me. It was very difficult for him to move because of his back. So when he would turn, he would turn his entire body, and it would be slow. I remember, clearly, Senator Douglas recognizing what had happened when Senator Millikin had come on the floor. Senator Millikin was the chairman of the Finance Committee.

Senator Douglas said: The Republicans have brought up their heavy artillery in bringing in Senator Millikin. He said: In fact, I would even say they have brought their nuclear cannon.

I sat in the family gallery and listened to this, and thought: What is going to happen now?

Senator Millikin, with a few well-placed barbs, proceeded to destroy Senator Douglas' argument. And Senator Douglas got mad. He started complaining about the fact that the Senator from Colorado—because that is where Millikin was from—had as much authority in this body as he did, the Senator from Illinois. He pointed out how many people there were in Illinois and how few people there were in Colorado, and he got very indignant about it.

I remember Millikin's response. He said: Mr. President, the Senator from Illinois is no longer opposed to the bill before us, he is now opposed to the Constitution. I must say, I am not surprised.

With that, he turned on his heels and walked out, leaving Senator Douglas sputtering a bit.

So I go back that far with my experiences with the Senate. I served in the Nixon administration as a lobbyist for one of the Departments. We did not call it that because under the law you are not allowed to lobby as a member of the executive branch; you conduct congressional liaison.

Again, because my father was still a Member of the Senate, I had access to the family gallery. When my Department had a bill before the Senate, I would come and sit in the family gallery and watch the debate as the bills would pass—or not pass—and I remember very clearly the pattern of debate in those days. This is now in the late 1960s because I served in the Nixon administration, and President Nixon took office in 1969.

Votes would be scheduled in advance, with a specific time. The time that sticks in my memory is that 11 o'clock was a fairly normal time for votes. We would get into the gallery around 10, because the debate would be winding up in anticipation of the 11 o'clock vote.

Senators would start coming into the Chamber by 10:15. I would say, there would be 30 Senators in the Chamber listening to the final debate.

By 10:30, the Chamber would be almost full, because at 10:30, Everett Dirksen, as the Republican leader, would stand up to give the Republican position, the final speaker prior to the vote. Everyone wanted to hear Everett Dirksen. He would go on for 15 minutes, until a quarter to 11. By this time, the Chamber would be completely filled—every Senator in his or her seat.

Then Mike Mansfield would stand up, with the tremendous respect and dignity that he had. If I may say so, without diminishing that respect, Mike Mansfield, as an orator, was no match for Everett Dirksen. He was not as fun to listen to, but he had an earnestness and a determination about him that made him a towering giant of this body.

Then at 11 o'clock, when Mike Mansfield would be through, whoever was presiding would bang the gavel, and the Senate would proceed to vote, with every Senator sitting at his desk.

I remember watching my father, who sat on the front row to the right, go up to the table and get a copy of the names of all of the Senators, and keep track of how they were voting himself. He would mark it off, as did all of the other Senators, just the way the clerk marks it off.

The only time I have seen that happen since I have been in the Senate is when, during the impeachment trial, I went down and got one of those records, and I sat and made my own record of every Senator's vote in impeachment. I thought it was a significant enough event to revive that custom.

Why am I going through this history? For one reason. Because I read in this morning's paper the accusation made by the Democratic leader that what the Republican majority leader has been doing these last few days is leading to the erosion of the history and sanctity of the Senate, leading to a destruction of this institution.

I give you this history as my credentials, as one who wants to comment on this institution, who wants to talk about what is going on and what has gone on. No, I will not engage in a debate with the Democratic leader as to whether there was or was not precedent of what he has done. My friend from Idaho has done that, and that is appropriate.

But I am not here to do that. I am here to talk about this institution and what has happened to it in the roughly 50 years since I sat as a teenager in the family gallery and fell in love with it.

It is a little startling to me I can talk about that being nearly 50 years ago, but it was. As I say, I was a teenager. Now I am beginning to look forward to the time when I will be 70. I assure my constituents it is a long way away, but in fact it is in about 3 years.

What has happened to the institution in a half a century of my observations of it? If I go back to the old institution—that is, the institution that I knew in those years—appropriations bills were the least controversial of any bills. Appropriations bills passed without discussion, debate, or confusion. The institution assumed that the Appropriations Committee knew what it was doing. The major debates were over authorization bills. Once something was authorized, it was the duty of the appropriators to come up with a legitimate amount of money, and there was no attempt to saddle appropriations bills with controversial riders or amendments. It simply was not done.

The appropriations process was considered the most routine of any process that was carried on around here. Oh, there was partisanship in those days. There were bitter speeches, as the kind I have just described between Senator Douglas and Senator Millikin, but there was no attempt to use the rules of the institution to slow down the appropriations process for political benefit. It simply wasn't done. It was simply not considered acceptable in this institution. Now we do it. Now it happens. I can't put my finger on the turning point at which it happened, but I think I can identify one important point along the road, and it happened while I was in the Senate.

In 1995, a gentleman for whom I have utmost respect as a political tactician and strategist, Newt Gingrich, made a serious miscalculation. I remember discussing it with him sitting over in what is now the Lyndon Johnson Room, as he came over from the House to tell us in the Senate what they were going to do in the House.

They were going to deliver the coup de grace to the Clinton administration by forcing the President to accept a balanced budget agreement, and the reason they would force the President to do that is that they would use the appropriations process to put leverage on him.

I remember a number of us saying to him, "Well, Newt, what happens if the

President doesn't cave?" He said, "What do you mean, if the President doesn't cave? This President not caving in? Are you kidding me?" He went down example after example where President Clinton had caved under pressure from the Congress. He said, "This will be the final example that we have taken control in the Congress, we have seized it from the executive branch, and we will make him a lame duck for the last 2 years of his term. This is the crucial moment at which the Congress demonstrates its power."

I asked, and a number of others asked, "Wonderful, Newt, but what if it doesn't work?" He said, "What do you mean, what if it doesn't work? Of course, it will work. What do you mean, what if he doesn't cave? Of course, he will cave."

Speaker Gingrich, in a massive miscalculation, set in motion a series of actions that ultimately ended up in a partial shutdown of the Federal Government. As the shutdown went on, we Republicans did our best to try to explain that it was all Bill Clinton's fault. We did our best to say it was all the responsibility of the administration. And the press did its best to tell everybody it was all our fault.

Ultimately, the Republican leader on this side, Bob Dole, stood here and said, "Enough is enough, we are going to put the Government back to work." Senator Dole's instincts were right, and Speaker Gingrich's instincts were wrong, and the Republicans paid an enormous electoral price for Newt Gingrich's mistake in the 1996 election. We frittered away our opportunity to win back the Presidency, and we saw our margins in the House of Representatives go down in that election.

I think that was a watershed event because I think the people in the White House discovered that if they could use the appropriations process to create a crisis that would be seen as a Government shutdown by the Republicans, they could get political advantage. The appropriations process has never been the same. The White House negotiators have been much tougher since that happened. The demands coming out of the White House have been much more significant, and the threat is: We will veto, we will veto, we will veto; the Government will shut down, and you Republicans will get blamed for it. You have to give us what we want.

We have seen the appropriations power move from the legislative branch to the executive branch, under the threat of a veto and the threat of a Government shutdown. That is a sea change in constitutional structure and a sea change in politics that has happened while I have been in the Senate. That is part of what is going on right now. Right now, under instructions from the White House, the Democrats are saying: Let us do whatever we can to get ourselves in a situation where we can rerun the movie of 1995 in the fall of 2000. Look at how it helped us in the election of 1996 to keep Bill Clinton in office. Look at how it will help us in 2000 to get AL GORE into office.

So an appropriations bill comes along: Let's do everything we can to slow it down. An appropriations bill comes on the floor: Let's do everything we can to increase the amount of debate time. We may end up voting for the appropriations bill, but that is not the point. It isn't a question of, do we vote for it or do we vote against it? It is a question of, how much can we slow it down so as to create the opportunity to rerun 1995 one more time? That is part of what is going on.

Another thing that is going on that you never would find in the old Senate—again, by "old Senate," I mean that time I saw during my father's 24 years here. It used to be that when the Senate voted on an issue, it passed or it failed, and it was done with. If it came back to be voted on again on the part of those who had lost, it came back in a new Congress when there had been an election and, presumably, people changed their minds. It never was the case that something was voted on again, and again, and again, and again, and again, and again, and again, and again, and again in the same Congress. They never used to do that. Certainly, they never used to do it with rollcall votes.

I remember when Lyndon Johnson was the majority leader—this story has been told many times, but it is worth recounting here—a Senator came to him with an amendment, and Johnson said, "Fine, we will accept it." The Senator said, "I want a vote." Johnson said, "No, you don't want a vote. We will accept it." "No, let's debate it and have a vote." So they debated it, and it was defeated, with Johnson voting against it and using his power as the majority leader to kill it. The Senator came to him and said, "You said you would accept this." Johnson said, "Yes, but you didn't let me. You insisted on wasting the time of the Senate to have a debate and a vote, and I am telling you, you don't do that anymore. You don't do that ever again." The Senator learned.

We have rollcall votes around here on everything. We will have a resolution to memorialize Mother's Day, and someone will ask for the yeas and nays, and we will spend a half hour voting, 100–0, and it slows everything down. Why do we do that? Well, maybe on Mother's Day we all want to be on record saying we are for Mother's Day. I will tell you why we do it—and, again, it is something that never would have been done 30 years ago. We do it to build a record for campaign purposes, not for legislative purposes.

The Senate has become a campaign-focused organization rather than a legislative-focused organization. I will give you my own experience with this. When I ran in 1998, my opponent stood up before the crowds, on television, whatever, and said, "Senator Bennett is pro-tobacco." Pardon me? "Absolutely. Look at his record. He voted with the tobacco interests 12 different times." I did? I was there. I didn't remember voting with the tobacco interests once. "No, he is lying about his record. Here it is."

Then we go into the web site where he has all of this listed under the fetching title, "What Senator Bennett Doesn't Want You To Know," and here is the list of all of my "pro-tobacco" votes. What were they? They were procedural votes, votes on motions to table, votes in support of the leader moving legislation forward.

On the one tobacco vote that counted, which was a cloture vote on Senator MCCAIN's bill, I was in the antitobacco forces; and, indeed, I had and used, during the campaign, letters thanking me for my strong antitobacco stand from the American College of Pediatric Surgeons, et cetera, et cetera. All of the people who were involved in the tobacco fight knew I was on their side. They knew the process around here well enough to know these 12 votes about which my opponent was talking were meaningless as far as the real issue was concerned.

I will tell you what I said to him. We checked his FEC report, and I said to my opponent: You paid $20,000 to a computer firm to research my voting record and come up with this list. I recommend you call them and get your money back because you wasted it. They gave you wrong information.

He said I was pro-liquor. He had a voting record that said I was in favor of alcohol. Pardon me? We got into it. We found out what the vote was that I supposedly cast that made me pro-alcohol. It had to do with Federal highway funds and the rights of the States to set their own levels of alcohol tolerance, and because I am in favor of States controlling that and voted against having the Federal Government dictate it, suddenly I had cast a pro-alcohol vote. He went on and on and on in this same vein.

I understand what is going on here. Amendments are not being offered for legislative purposes. Bills are not being called up for legislative purposes. Recorded votes are not being called for because someone wants to improve the legislation. Records are being built on issues that can be misrepresented as serious challenges to incumbents. They are being brought up again and again and again so that people can stand up in a campaign and say that the incumbent voted wrong 17 times. Lyndon Johnson would not have stood for it. Everett Dirksen would have had a quip about it that would make everybody laugh. But it is now the way things are done in this institution.

I said that I am responding to the suggestion of the Democratic leader that somehow what is going on here is destructive of the institution. I agree that what is going on is destructive of the institution. But I do not put it at the feet of the majority leader. I think it has historic roots that go back beyond this majority leader and that go back before the previous majority leaders. I don't know when it started happening, but we have come a long way from the day when the Senate would vote with a rollcall vote about 50 times in a session—that is how often my father voted on rollcall votes—a day when the Chamber would fill up to hear the debate because it was a significant vote. We have come a long way from that.

The institution has become primarily a campaign platform. Let us make no mistake about it. What is going on right now in the Chamber is all geared to November and not in any sense geared toward legislation. It is not geared toward solving problems. It is not geared toward moving the Republic forward. It is all geared toward getting those multiple votes that a computer can find and then put it on a web site that can be used in a campaign speech on the part of the challenger.

I agree with the Democratic leader that this cheapens the institution. I agree with the Democratic leader that it threatens the institution. But I disagree with him as to the solution.

I think all Senators need to back away from the idea that the primary purpose of being in the Senate is to give campaign speeches, and back away from the idea that the primary function of coming to the floor is to do things that will give you an advantage in November and so you can misrepresent and attack an incumbent. There is a time for partisanship, and there is a time to be very firm about the position that you take. But there is also a time to recognize that the institution is threatened if you let partisanship get out of hand.

It reminds me of the signature comment that comes to us out of the Vietnam War where, I believe, a captain was quoted as saying after a particular battle that it was "necessary to destroy the village in order to pacify it." If it is necessary to destroy the institution of the Senate in order to make it part of my party's control, I want no part of that activity. In my own campaign, I have refused to engage in negative advertising. I want no part of what I call "Carville-ism"; that is, the politics of personal destruction that has become so prevalent in the last 8 years. I want no part of it.

I remember a man saying to me: If you do not go negative, you will not win the nomination.

I said to him: The nomination is not worth it. I would rather retain my self-respect than gain a seat in the Senate. Fortunately, I have both.

I say to all of my colleagues on both sides of the aisle—because Republicans campaign just as vigorously as Democrats—let's stop using the Senate as an institution solely for campaign purposes. Let's stop using the rules of the Senate that can allow votes and that can call up amendments solely for the purpose of creating campaign records. Let's recognize that the purpose of the Senate is for legislation, not campaigning.

If we can do that, we will not get back to the days that I have described, but we will at least get towards them in the sense that this institution will survive, as we like to call it, "the greatest deliberative body in the world" and not "the greatest campaign forum in the world."

I thank the Chair for his patience. I thank my colleagues for their indulgence as I have taken this memory trip. But I hope that all of us will recognize that we have something to learn from the past and from the kind of institution this once was, and we have a responsibility to see to it that it does not degenerate into what it could be.

I yield the floor.

Mr. DASCHLE. Mr. President, I listened to Senator CRAIG's remarks about Senator Mitchell's use of cloture in the 103d Congress. As to the cloture numbers the Senator mentioned, yes Senator Mitchell filed cloture 23 times on the first day of an item's consideration but what he failed to mention was that only one of those instances was on a bill. Let me repeat that—in only one instance in the entire 103d Congress did Senator Mitchell file cloture on the first day a bill was considered, and in that instance it was with the bill sponsor's permission. It was Senator ROCKEFELLER and the bill was product liability. In all but four of the other instances the Senate was not in an amendable situation, they were on motions to proceed, conference reports, or attempts to go to conference.

There were two instances where Senator Mitchell filed on amendments on their first day, the first was on Senator KENNEDY's substitute amendment to the national community service bill and the other was on the Mitchell-Dole Brady gun amendment, in each case a true filibuster was going to be waged. In other words members of the minority had indicated a willingness to try and kill the legislation by extended debate. This has not been the case this Congress', cloture is filed in attempt to stifle the ability of individual Senators to offer amendments and that is the crucial difference that I pointed out last week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BUNNING). Without objection, it is so ordered.

## ORDER OF BUSINESS

Mr. LOTT. Mr. President, before we do the closing remarks, we are waiting to see if Senator DASCHLE has any remarks he would like to make at this point.

Just so Senators will be aware of the likely schedule this week, of course this is the week before the Memorial Day recess. We have a number of conferences that are completed or nearing completion, so we could have votes on a number of conference reports this week, including but not necessarily limited to bankruptcy reform, crop insurance, the satellite loan conference report, and the e-commerce digital signature conference report. Not all of those have been wrapped up, but we are hopeful that one or all four of those will be available during the process of the week's schedule.

We also are expecting to receive from the House early in the week the Agriculture appropriations bill. We had hoped to go to that bill tomorrow and then, of course, as soon as it was received from the House we would go to the House-passed bill. If the House is not able to complete action on the Agriculture appropriations bill on Tuesday, then we will need to confer with the leadership on both sides of the aisle and decide exactly how we can go to that bill and have its consideration completed before the week is out. But I want to emphasize before we go home for Memorial Day, we must complete the Agriculture appropriations bill.

We are still hoping that the House will be able to act on the legislative appropriations bill and we will be able to complete action on it also before we leave.

So we will be having votes possibly into the night on Tuesday. We could very likely have a late session Thursday. Members should expect a session on Friday. If we are not through with the Agriculture appropriations bill, then we will keep going until we complete it. We could be in session Friday night or Saturday. This is work that has to be done. For reasons which I need not repeat at this point, we are behind schedule in getting that done. We need to complete it.

I am not going to propound a unanimous consent request at this time on nominations, but so everybody will know, we have now been discussing the possibility of an agreement to take up as many as 72 nominations. There may still be some objections to one, two, or three of those. Somewhere between 65 and 72 nominations have been offered by the majority that we could take up and consider. Most of them would be confirmed, without the need for debate, in wrapup or on a unanimous voice vote. In at least four or five cases, some time would be required, with regard to the FEC nominees and at least a couple judges, with recorded votes necessary on somewhere between four and six at the most.

We could complete up to as many as 72 nominations in the next 24 hours, including 16 new Federal judicial nominations. Again, three or four of those nominations for judgeships could require recorded votes, but I believe we could get them all done.

There has been objection from the minority. I discussed the situation with Senator DASCHLE this morning, and he is still working on it. We hope we can get this resolved shortly without having to spend the whole week just on nominations. This really should be done in 5 or 6 hours with five or six votes and the rest of them done without any objections. There are a variety of nominations: U.S. marshals, U.S. attorneys, IRS oversight board members; Administrator, drug enforcement; two National Transportation Safety Board members; one Nuclear Regulatory Commission member; eight various Department of State positions, including the special negotiator for chemical and biological arms control issues, and a number of other nominees.

I want it on the record that we are prepared to go to those at this point.

## THE LATE CLARENCE HOLLAND "ICKY" ALBRIGHT

Mr. THURMOND. Mr. President, I rise today to pay tribute to an old friend and one of South Carolina's most public minded citizens, Clarence Holland "Icky" Albright, who recently passed away at the age of 93.

To those who knew him, Icky Albright was synonymous with the town of Rock Hill, a small and charming city in the Olde English District of South Carolina. Though a native of Laurens, Icky Albright moved to Rock Hill in 1929, shortly after graduating from Clemson Agricultural College, and became Rock Hill's leading citizen and cheerleader. He essentially spent his entire adult life working tirelessly, as both a private citizen and a public official, to promote what is a quintessential southern and American town.

Icky Albright was fiercely proud of his adopted hometown and set his roots deep there, starting with his 1934 marriage to Rock Hill native, the former Sophie Marshall. Mr. Albright was one of the Rock Hill business community's leading citizens, for years, he was part owner of a hardware store established by his father-in-law and he later started his own business, "Albright Reality Incorporated". Furthermore, he was active in any number of civic and service organizations. His passion for making Rock Hill the best place possible to live prompted him to get involved in public service, running for and serving on the City Council from 1940–1944, as Mayor from 1948–1954, and as South Carolina State Senator from 1966–1968.

Beyond the many votes he cast as a public servant, the funds he raised for charity, or enthusiastically promoting commerce, Icky Albright's most enduring legacy was the creation of the "Come-See-Me Festival" held every April and timed to coincide with the blooming of the azaleas in the city's Glencairn Garden. A modest man, Icky Albright protested that this successful festival was the idea of many, though everyone knew that he was the one who was truly responsible for this popular event that draws more than 100,000 people each year.

Though it sounds a tad cliche, it is true to say that Icky Albright lived a long, full, and rewarding life, and that through his efforts he touched the lives of many and made a significant difference in his community and our state. All that knew him mourn his passing and our condolences go out to his widow, their two sons "Bud" and Ned, three grandchildren, and three great-grandchildren.

## BRIGADIER GENERAL MITCHELL M. ZAIS

Mr. THURMOND. Mr. President. I am pleased to have this opportunity to recognize the service of Brigadier General Mitchell M. Zais, who has dedicated the past three-decades to protecting the security and people of our nation as a soldier and officer in the United States Army.

General Zais began his career when he graduated from the United States Military Academy in 1969 and accepted a commission in the Infantry. It was at this point in time that the American involvement in Vietnam was at its apex, and the newly minted officer quickly had the opportunity to put to the test the martial skills he had learned at West Point and Fort Benning. Heading to Southeast Asia, then Second Lieutenant Zais assumed command of an infantry platoon in the 101st Airborne Division and began what has been a long and distinguished career.

After emerging from the jungles of Vietnam, this officer held a variety of positions which were progressively more responsible and moved him up the Army's hierarchy. He has served in Asia, Europe, Central America, and the United States, has held command at the platoon, company, battalion, and brigade levels, and has held vital staff assignments including on the Joint Staff.

General Zais is currently serving as Chief of Staff, United States Army Reserve Command, but this will be his last assignment as he is due to retire from the military shortly, ending what has been an impressive career. Commendably, General Zais has decided to seek a second career which will allow him to continue to make a difference, that of an educator. I am pleased to report that this man will assume the duties of President of Newberry College in Newberry, South Carolina. I am confident that the General will enjoy his new hometown and his new job. As a former educator, I can assure him that there are few things more rewarding than working with young people.

I commend General Mitchell Zais on his many years of dedicated and selfless service to the nation and the Army, I welcome him to South Carolina, and I wish him the best of health, happiness, and success in the years to come.

## ADDITIONAL STATEMENTS

### RECOGNITION OF THE AMERICAN RED CROSS FOUNDING

• Mr. GRAMS. Mr. President, I rise today to celebrate the anniversary of the founding of the American Red Cross by Clara Barton 119 years ago. This year's theme, "We Touch the World," describes the compassionate direction the Red Cross is taking locally, nationally, and internationally.

After the brutal battle of Solferino near Verona, Italy, Jean Henry Durant, a Swiss citizen, formed the International Red Cross in 1863 with the intent to alleviate suffering and promote public health. The first Geneva Convention was signed by 16 nations a year later, adopting the red cross as a symbol of neutral aid. Clara Barton recognized the importance of the humanitarian efforts of the International Red Cross in Europe, and cultivated the fundamental principles of humanity, impartiality, neutrality, independence, voluntary service, unity, and universality into what we know today as the American Red Cross. In addition to alleviating suffering and promoting public health, Ms. Barton also envisioned a need for disaster relief and battlefield assistance.

Founded on May 21, 1881, in Washington, DC, the American Red Cross was able to lobby the U.S. Congress to ratify the Geneva Convention, providing an official basis to associate with the International Red Cross. The U.S. was the 32nd nation to sign the document, agreeing to protect the wounded during wartime. Ms. Barton then continued to serve the Red Cross as its volunteer president until 1904. Over the last 119 years, the American Red Cross has not only served Americans and our allies during wartime, but has brought help to anyone in need of aid.

Its thousands of volunteers provide the American Red Cross with the tools to carry out its vitally important task in times of need. Behind the scenes, in preparation for disaster situations, local Red Cross chapters provide their communities with CPR and First Aid classes and information on health issues, and promote blood donations to provide the medical field with an adequate supply should a crisis arise.

Just a few years ago, in my home state of Minnesota, the Red Cross left its mark by touching the lives of those affected by the floods of 1997 and the tornadoes that tore through towns in the southern part of the state. And during it all, the Minneapolis chapter was without a permanent home to help in the disaster relief. Last month, they opened their doors, the first permanent location since 1996, to a new facility that includes a blood-donor center, space to shelter and feed people in case of a disaster, and an emergency operations center with its own communications and power systems.

Mr. President, ninety-one cents of every dollar spent by the American Red Cross goes directly to programs and services that help people in need. All of the disaster assistance is free, thanks to the generosity of donors and volunteers alike. The ratio of volunteer Red Cross workers to paid staff is nearly 41 to one. I am honored to have this opportunity to commemorate the dedicated work of the late Clara Barton and the contributions of all those who continue to carry out her legacy in the American Red Cross.•

## 50TH ANNIVERSARY OF THE UNIVERSITY OF MARYLAND UNIVERSITY COLLEGE OVERSEAS MILITARY PROGRAM

• Mr. SARBANES. Mr. President, I want to offer my congratulations and very best wishes to all those gathered at the 50th Anniversary celebration of the University of Maryland University College (UMUC) serving the United States military in Europe. I am pleased to take part in recognizing the longstanding tradition that this institution continues to uphold in ensuring quality higher education for our servicemembers overseas.

It has always been my firm belief that a democracy cannot prosper and grow without an educated populace, and therefore the education of the individual is one of the most important tasks in our society. The success and growth of UMUC is a critical testament to the importance of educational opportunities for our military personnel in Europe. From its inception, this institution has viewed higher education from a global perspective, an approach which has put UMUC at the forefront of the larger higher education community.

Following World War II, when the United States military invited American universities to provide higher educational programs to servicemembers at military installations throughout Europe, UMUC was the only institution to respond. This began a historic 50 year partnership with the military in Europe and starting in 1956, in Asia as well. The noted British scholar Arnold Toynbee wrote that the UMUC program in Europe is "an American achievement from which the rest of the world has much to learn."

Since the first year, UMUC has offered educational opportunities to hundreds of thousands of our men and women overseas. Even now, it is wonderful to hear that this tradition continues in many locations at long established military installations in Germany, Britain, Italy, and Spain including temporary facilities in Kosovo and Bosnia.

I commend the University of Maryland University College for its 50 year history of unparalleled service and success in the field of education and I look forward to a continued close association with this exemplary institution.•

## TRIBUTE TO CHARLES ORAN LITTLE

• Mr. McCONNELL. Mr. President, I rise today to honor my good friend and fellow Kentuckian Oran Little on the occasion of his retirement as dean of the University of Kentucky's College of Agriculture.

Oran taught at UK for 25 years, and served as a highly-respected and well-liked leader for UK's students and faculty for 12 years as Dean of the College of Agriculture. Under his tenure, new facilities were built, old facilities were renovated, and innovative educational programs were launched. An Agricultural Engineering Building, Regulatory Services Building, Animal Research Center, and Plant Science Building all took root during Oran's 12 years as dean. He also facilitated the creation of international exchange programs, faculty and student councils, and numerous agricultural development programs. Oran may be leaving UK in body, but the school will benefit from his enterprising spirit and the tangible improvements he made as the College of Agriculture's dean for years to come.

Oran's long list of awards is as impressive as his lengthy list of accomplishments. His knowledge and experience have not gone unnoticed by other Kentucky agricultural institutions. Oran has received awards from the Kentucky Seed Improvement Association, Bowling Green/Warren County Chamber of Commerce, Greater Lexington Convention & Visitors Bureau, Soil and Water Conservation Society, UK Alumni Association, Kentucky 4–H, Kentucky Pork Producers Association, and the Kentucky Cattlemen's Association.

Oran has a long history with UK, serving as assistant professor, associate professor, professor, coordinator of animal nutrition research and teaching, associate dean for research, director of the Kentucky agricultural experiment station, coordinator of graduate programs in agriculture, and finally as dean of the College of Agriculture. Oran earned respect the old-fashioned way, through years of hard-work and a sincere concern for students, teachers and faculty at the University of Kentucky.

Over the years, Oran and I have worked together on many projects at UK. With Oran's wealth of knowledge about the University, he has been an essential resource in targeting the needs of UK and communicating how Congress can help meet those needs. It has always been a pleasure to work with Oran and I will miss him a great deal. I have no doubt, however, that he will stay involved with UK's College of Agriculture and that we will continue to hear from him in the future.

Oran, on behalf of myself and my colleagues, I wish you all the best as you enter retirement and I thank you for your many successful efforts to make UK a better place to work and learn.•

## VICTIMS OF GUN VIOLENCE

• Mr. REED. Mr. President, it has been more than a year since the Columbine tragedy, and still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight.

Following are the names of just some of the people who were killed by gunfire one year ago on May 19, 20, and 21.

May 19, 1999:

Clarence Arnold, 32, Knoxville, TN

Troy Blando, 39, Houston, TX

Don T. Huey, 32, Houston, TX

David Johnson, 31, Houston, TX

Booker Miles, 27, Louisville, KY

James Nash, 40, Atlanta, GA

Leon Pickett, Detroit, MI

Mark Thompson, 31, Baltimore, MD

Willie D. Watts, 39, Gary, IN

Cedric White, 19, Atlanta, GA

May 20, 1999:

Eric Michael Allen, 30, Detroit, MI

Roderick R. Brown, 27, Memphis, TN

John Cosgrove, 71, Miami-Dade County, FL

Paul Davis, 28, Chicago, IL

Stephen Entsminger, 49, Davenport, IA

Maria Josefina Eslava, 23, Houston, TX

Curtis O. Green, 17, Chicago, IL

Travis Johnson, 20, Rockford, IL

Demarcus Kelly, 26, Atlanta, GA

Aaron Murphy, Jr., 40, Macon, GA

Kevin Stokes, 27, Atlanta, GA
Male, 56, Honolulu, HI
May 21, 1999:
James Alberts, 35, Bridgeport, CT
Quan Bell, 28, Detroit, MI
Edward Belton, 18, St. Louis, MO
Richard Daniels, 27, Fort Worth, TX
Anthony Houston, 21, Detroit, MI
Michelle Jackson, 21, St. Louis, MO
Steven Jupiter, 19, Baltimore MD
Werner Muense, 81, Minneapolis, MN
John Minaya, 19, Providence, RI
Karl Paul Pitts, 22, Detroit, MI
Michael Marion Raymond, 22, Washington, DC
Osualdo Rodriquez, 23, Houston, TX
Sheri Thielen, 40, Minneapolis, MN

May 19, 1999 (Houston, Texas):

Police Officer Troy Blando was fatally shot while attempting to arrest an auto theft suspect. Jeffery Demond Williams pulled into a parking lot in a stolen Lexus, and the 39-year-old Blando, working on the auto theft task force, was undercover in an unmarked vehicle. Blando approached Williams after he had run a check on the license plate and discovered the vehicle had been stolen.

A struggle ensued, and Blando put away his gun as he tried to handcuff the suspect's wrists. At that point, Williams pulled out a gun and shot the police officer, who was pronounced dead later that evening after doctors were unable to save him.

Police Officer Troy Blando is survived by his widow who suffers from multiple sclerosis, and his 14-year-old son. Williams has been convicted and sentenced to die.

May 20, 1999 (Conyers, Georgia):

As students mingled before class at Heritage High School in Conyers, Georgia, on May 20, 1999, fifteen-year-old Thomas Solomon pulled out a rifle and a handgun and began to open fire. Six students were injured and an assistant principal had to talk Solomon out of killing himself after he put a gun in his mouth. This incident took place exactly one month after Littleton, Colorado.

May 21, 1999 (Providence, Rhode Island):

Twenty-four-year-old John Minaya was accosted and fatally shot outside a busy Dairy Queen ice cream shop in Providence's West End early on the evening of May 21, 1999. Officers found Minaya lying on the pavement in the parking lot shortly after 7:00 p.m. He had been hit more than once, and people were ministering to him. He was taken to Rhode Island Hospital, but he died within minutes.

Though it was still springtime, Minaya was Providence's 13th homicide victim of 1999, a year in which there were ultimately 26 murders in the city, up from 15 in 1998 and 13 in 1997. The majority of these killings were committed with firearms, and most of these were handguns.

The children and families who witnessed the shooting of John Minaya in broad daylight at a Dairy Queen in Providence will carry the horrific memory of that day with them for as long as they live. We should do our part to ensure that fewer Americans experience gun violence by passing common sense gun legislation without further delay.●

## A TRIBUTE TO OUR MEN AND WOMEN IN UNIFORM

● Mr. ALLARD. Mr. President, Saturday, May 20th was Armed Forces Day and I can think of no better time to honor those who serve this great county in the United States military. The millions of active duty personnel who have so unselfishly dedicated their lives to protecting freedom deserve the highest degree of respect and a day of honor.

I recently had the privilege of being invited to tour the U.S.S. *Enterprise* during a training mission off the Florida cost. My experience abroad the *Enterprise* reminded me of the awesome power and strength of the United States military. But more importantly, it reminded me of the hard work and sacrifice of the men and women serving in our armed forces.

The U.S.S. *Enterprise* was commissioned on Sept. 24, 1960 and was the world's first nuclear-powered aircraft carrier. This incredible ship is the largest carrier in the Naval fleet at 1,123 feet long and 250 feet high. While walking along the 4.47 acre flight deck with Captain James A. Winnefeld, Jr., Commanding Officer, it was amazing to learn that "The Big E" remains the fastest combatant in the world.

Spending two days touring the *Enterprise* showed me what a hard working and knowledgeable military force we have. As I moved through the ship I was greeted with enthusiasm, as sailors explained the ship's equipment and their role as part of the *Enterprise* crew. At full staff, the "Big E," as it is affectionately known, has over 5,000 crew members from every state of the Union, most of whom are between 18 and 24 years old. These young adults are charged with maintaining and operating the largest air craft carrier in the world and guiding multimillion-dollar airplanes as they land on a floating runway. I was in awe of these men and women who work harder and have more responsibility than many people do in a lifetime.

"The Big E" is a ship that never sleeps, it operates twenty four hours a day, seven days a week. I watched as a handful of tired pilots sat down for 'dinner' at 10:30 p.m. on a Sunday night. Hungry and tired, they wanted it no other way. I had the privilege of joining Captain Winnefeld in honoring the 'Sailor of the Day' for spending three consecutive days repairing broken machinery, taking only a few 30 minute breaks to sleep. I witnessed the same degree of commitment in a separate part of the ship as an eager technician showed me how the cables on the flight deck operate and are maintained below. His task for the past two days was to create the metal attachment which holds one of the four arresting tailhook cables together and his voice was filled with pride as he explained the entire 8 hour process. Between giving orders to his crew, he pointed out a few tiny air bubbles that formed during the cooling process of the metal attachment. Although he started his shift at 4:30 a.m. and probably won't sleep for the next 24 hours, he smiles and tells me it will be redone, that it must be perfect—the lives of our pilots are at risk if it is not. The amazing thing is, they all do it with a smile.

When I think about Armed Forces Day, I think about two events I experienced on the *Enterprise*. First, are the sailors from across Colorado who sat down for breakfast with me in the enlisted mess hall, who gleamed with pride for the job they do and the important role they play in our nation's defense. Second, was the "Town Hall meeting" I held, where I responded to questions and concerns ranging from military health care to Social Security, from members of the crew. These one on one interactions were extremely valuable to me and I learned as much from these events as the crew did.

I have never witnessed a more dedicated or hard working group of people than the crew of the U.S.S. *Enterprise*. It makes me proud when I realize that the "Big E" crew is representative of the millions of American military personnel throughout the world. Nevermind that many of them could be paid more money for less work in a civilian job, may not get eight hours sleep each night or see their families for weeks at a time—they make those sacrifices for the country they love.

I hope that Coloradans will join me in using Armed Forces Day to thank those who are serving in the best military force in the world.●

## S. 2581

● Mr. HOLLINGS. Mr. President, I am pleased to cosponsor legislation introduced by Senator SESSIONS, S. 2581, the Historically Women's Public Colleges or Universities Historic Building Restoration and Preservation Act.

There were seven historic women's public colleges or universities founded in the United States between 1884 and 1908 to provide industrial and vocational education for women who at the time, could not attend other public academic institutions. These schools are now coeducational but retain some of the significant historical and academic features of those pioneering efforts to educate women.

Let me take this time to tell you about one of these schools, Winthrop

University, located in South Carolina. Winthrop's history dates back to 1886 when 21 students gathered in a borrowed one-room building in Columbia, S.C. David Bancroft Johnson, a dedicated and gifted superintendent of schools, headed up the fledgling institution whose mission was the education of teachers. Winthrop has changed considerably since moving to its permanent Rock Hill, S.C. home in 1895, growing from a single classroom to a comprehensive university of distinction. The institution became coeducational in 1974 and assumed university designation in 1992.

Like similar institutions founded as historically women's colleges and universities, the Winthrop University campus hosts numerous historic buildings—buildings that are expensive to adapt and/or maintain for modern-day uses essential to public higher education in the 21st century. Also, like similar institutions, many of Winthrop's alumni were women of modest means who were unable to make the kind of substantial private donations that would have enabled the University to build a strong endowment throughout its history. Nonetheless, this campus is significant and is worthy of federal support to assure that its distinctive role in U.S. history is not lost.•

## NATIONAL SMALL BUSINESS WEEK

• Mr. GRAMS. Mr. President, today I pay tribute to America's small businesses—the backbone of our Nation's vibrant economy. As my colleagues may know, the week of May 21–27 is recognized as "National Small Business Week."

Small businesses have always been one of the leading providers of jobs in our country. According to the Small Business Administration, small businesses employ 52 percent of the private workforce and account for 35 percent of federal contract dollars. Small businesses produce 38 percent of jobs in high-technology industries, and small- and medium-sized companies comprise 96 percent of all exporters and 30 percent of all exports. These statistics underscore the important role the small business community will have toward developing a 21st century economy that is global and technologically driven.

In particular, I am very pleased with the tremendous growth in women-owned businesses over the last several years. According to the National Foundation for Women Business Owners, there are more than 9.1 million women-owned businesses in the United States, employing more than 27.5 million people and generating $3.6 billion in sales. Between 1987 and 1999, the number of women-owned firms increased dramatically, by more than 103 percent.

During "National Small Business Week," I am proud to share with my colleagues the special recognition granted by the Small Business Administration to two of Minnesota's small business persons: the 1999 Minnesota Small Business Person of the Year, Nancy L. Fogelberg, President of American Artstone in New Ulm, Minnesota; and the Financial Services Advocate of the Year, Iric Nathanson, Project Coordinator for the Minneapolis Community Development Agency.

To be named a recipient of the Small Business Person of the Year award is not an easy task. The Small Business Administration has selected Nancy for this unique recognition based on her personal achievements and important contributions to our economy. Nancy has demonstrated growth in the total number of company employees; innovative products and services; growth in sales and financial position; an ability to effectively address problems confronting the company; and community service.

In 1993, Nancy Fogelberg became President of American Artstone, an 86-year-old manufacturer of architectural stone castings. Nancy quickly modernized her plant through financing provided by the Small Business Administration, and quickly made American Artstone more competitive and profitable. I also congratulate Nancy on recently being named president of the National Cast Stone Institute.

I am also proud to recognize the important achievements of Iric Nathanson, who has worked to provide financing opportunities for small businesses. Among his many achievements, Iric developed a capital-loan program that uses city-backed guarantees to help small businesses access revolving credit lines and working capital loans. Iric also coordinated the development of a micro-enterprise loan program in Minneapolis though the establishment of a partnership between the Minneapolis Community Development Agency and the Minneapolis Consortium of Community Developers. Small businesses in Minneapolis have been well served by Iric's efforts on their behalf.

I again congratulate the National Small Business Week winners from Minnesota and every small business owner who helps make our communities better places to work and live. I look forward to working with them on small business public policy issues during the 106th Congress.•

## TRIBUTE TO FRANK A. AUKOFER

• Mr. FEINGOLD. Mr. President I rise today to honor the dean of the congressional print reporters here in Congress. Frank A. Aukofer has worked in the Washington Bureau of the Milwaukee Journal-Sentinel and its predecessor, the Milwaukee Journal, since 1970. Frank has also served in other capacities for the paper since 1960. Sadly, for those of us who have read his stories through the years, Frank has decided to retire at the beginning of next month.

During his long and distinguished career, Frank has reported on the issues that have defined the last 40 years in America and around the world. He was the civil rights reporter for the Journal at the height of the civil rights movement in the 1960s. Since arriving in Washington, Frank's coverage of State, national, and international issues has included stories on six Presidents, 15 Congresses, and the nomination hearings of 11 Supreme Court justices, including every member of the current Court.

Coverage of these important events has not kept Frank tied to his desk here in the press gallery. In the 1980s, he traveled to Mexico, Colombia, Cuba, and Central America to cover such stories as the trial of Eugene Hasenfus in Nicaragua which led to a nomination for a Pulitzer Prize. He was also one of the first journalists to report from Saudi Arabia in 1990 when U.S. troops were deployed after Iraq invaded Kuwait. On top of all this he has still found time to write a weekly automobile review column entitled, "DriveWays."

I thank Frank Aukofer for his years of service to the Milwaukee Journal-Sentinel, and the people of Wisconsin and I wish him all the best in his well-deserved retirement.•

## TRIBUTE TO FATHER EDWARD RANDALL

• Mr. McCONNELL. Mr. President, I rise today to honor Father Edward Randall on the occasion of his Golden Jubilee and in recognition of 20 years of priesthood in Letcher County.

During Father Randall's 20 years in Letcher County, he has served at both St. George Catholic Church in Jenkins and Holy Angels Catholic Church in McRoberts. People throughout the community have come to know Father Randall for his dedication to parishioners and generosity to everyone, both inside and outside the Church walls.

The Letcher County community also boasts of Father Randall's artistic talent, which he graciously uses to enhance church buildings and to teach free art classes open for all to attend. Father Randall also helped establish, along with the late Mother Teresa, an order of the Sisters of Charity in Jenkins, which will endure as an honor to his philanthropic contributions.

Father Randall continues to display an unswerving commitment to his parishioners and possesses the love and respect of many in the community. Those who know him in Letcher County describe him as a man with great strength of character who demonstrates honesty and integrity, and who serves as a role-model to young and old alike.

I am certain that the legacy of commitment to faith that Father Randall has left will continue on, and will encourage and inspire those who follow. Congratulations, Father Randall, on 50 years of priesthood and 20 years of service to Letcher County. Best wishes for many more years of service, and know that your efforts to better the lives of your parishioners and those in Letcher County will be felt for years to come. On behalf of myself and my colleagues in the United States Senate, thank you for giving so much of yourself for so many others.•

## THE VERY BAD DEBT BOXSCORE

• Mr. HELMS. Mr. President, at the close of business Friday, May 19, 2000, the Federal debt stood at $5,673,912,681,580.44 (Five trillion, six hundred seventy-three billion, nine hundred twelve million, six hundred eighty-one thousand, five hundred eighty dollars and forty-four cents).

One year ago, May 19, 1999, the Federal debt stood at $5,593,798,000,000 (Five trillion, five hundred ninety-three billion, seven hundred ninety-eight million).

Five years ago, May 19, 1995, the Federal debt stood at $4,883,152,000,000 (Four trillion, eight hundred eighty-three billion, one hundred fifty-two million).

Twenty-five years ago, May 19, 1975, the Federal debt stood at $520,328,000,000 (Five hundred twenty billion, three hundred twenty-eight million) which reflects a debt increase of more than $5 trillion—$5,153,584,681,580.44 (Five trillion, one hundred fifty-three billion, five hundred eighty-four million, six hundred eighty-one thousand, five hundred eighty dollars and forty-four cents) during the past 25 years.•

## TRIBUTE TO TODD ROSSETTI

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Todd Rossetti for receiving his high school diploma from Concord High School.

For some, a high school diploma is taken for granted. For Todd Rossetti, it is a celebration of the trials and tribulations that he has endured his entire life.

Although Todd was born with cerebral palsy, his illness has not prohibited him from accomplishing anything that he has set his mind to. In the Concord School System, Todd was immersed in a new "inclusion" program, allowing him to participate in the mainstream curriculum.

Though Todd's illness hinders his ability to communicate, his peers, teachers and administrators have grown to love him and take pride in ensuring that he is able to remain in mainstream classes. This support web has enabled Todd to attend school, follow through with scholarly activities, and find employment.

When it was believed that Todd might not be able to receive his diploma with his class, it was that support network that spoke out. Because of the love and efforts of his peers, Todd will be able to graduate.

As a former teacher, I feel great compassion for his struggle. He is a courageous and dedicated student, and it is an honor to represent him in the United States Senate.•

## TRIBUTE TO GEORGINA LELAND

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Mrs. Georgina Leland for being honored with Ossipee's Citizen of the Year Award for 2000. This award recognizes one who is dedicated to reaching out to his or her community. Georgina Leland is just such a person. She is noted for her gregarious nature, her gritty honesty and her love of her community.

Georgina has been a pillar of Ossipee's community for fourteen years. Over the course of these years, Georgina has made her name made known among both the young and the old. She is a member of both her church choir and her Bible study group, and she is a regular volunteer at church functions. Allowing elderly residents to experience life to its fullest, Georgina volunteers as a driver for the Clipper Home in Wolfeboro, for R.S.V.P. and for Families Matter. When this vibrant woman isn't in her car driving around the state of New Hampshire, she is consumed with her work at the Public Library and at the Mountain View Nursing Home.

Georgina, too, takes a special interest in her community's governmental affairs. She is a noteworthy volunteer at Ossipee's Concerned Citizens events where she never fails to make herself noticed with her efforts or her words. Acting as the Past President of the Ossipee Valley Women's Club for four years, Georgina was charged with bringing to life the scholarship program. In addition, Georgina volunteers her summers to the Chamber of Commerce's information booth.

Her efforts as a volunteer and as a citizen have earned Georgina numerous commendations. In 1998, she was named the Volunteer of the Year by the Clipper Home. She also received recognition from both R.S.V.P., Families Matter, VFW Post 8270 and Auxilary for her efforts as a volunteer.

Georgina is a role model for us all. It is certain that she has set an example for those of her community, for all of us and for her seven children and fourteen grandchildren. Though her family is quite large, Georgina has made efforts to invite the entire community into her family fold. Her efforts and achievements are to be commended.

It is an honor to represent Georgina Leland in the United States Senate. Mary Jo and I wish you the best of luck in your future endeavors. May you always continue to inspire those around you with your dedication to the community.•

## TRIBUTE TO LAKES REGION GENERAL HOSPITAL

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Lakes Region General Hospital for their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, under the leadership of President Thomas Clairmont, the Lakes Region General Hospital has become known for encouraging area agencies and organizations to work together, combining resources and taking risks in order to meet not only the health care needs of the Lakes Region, but of the entire state.

Mr. Clairmont has gone above and beyond the call of duty to give back to the group. In fact, he was recently honored with the American Hospital Association's PAC Award for outstanding service in the area of public policy, as well as the NH Hospital Association's Leslie A. Smith's President's Award. Mary Jo and I commend and congratulate him on his hard work and dedication to the Lakes Region General Hospital.

A key player in the Rural Health Coalition of New Hampshire, their HealthLink program has received national recognition as a model program that allows people to take charge of their own health, and provides health care for those individuals without health insurance. The efforts of the management and staff at Lakes Region General Hospital, in conjunction with this program, earned them recognition by the American Hospital Association through its 1994 NOVA Award.

Lakes Region General Hospital is a true community leader and a friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

## TRIBUTE TO TYCO INTERNATIONAL LTD.

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Tyco International Ltd. for their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, under the leadership of Chairman Dennis Kozolowski and Senior Vice President Dave Brownell, Tyco has effectively continued their tradition of growth through increased efficiency and technology. With more than 100 acquisitions worldwide, they have truly become dominant on the international market as well as within the United States.

For all its growth, Tyco has not forgotten its role in the surrounding community. Tyco has donated money and time to United Way of the Greater Seacoast and the Greater Piscataqua Community Foundation's Jeffery Gutin Fund for Young Adults. Furthermore, Tyco's contribution of $500,000 was critical in the transformation of the Strawberry Banke Museum into a year-round educational and community resource.

Their commitment to community does not end with donating money to worthy causes. Tyco's employees, from senior staffers to entry-level workers, volunteer their time and energy to many non-profit organizations across the state. Perhaps more important, Tyco makes this commitment to service possible by allowing its employees to incorporate volunteerism into their busy schedules.

Tyco's success is irrefutable proof that a company can give back to its community while improving its "bottom line." I commend the employees of Tyco for their efforts. It is an honor to serve them in the United States Senate.•

## TRIBUTE TO THE H.L. TURNER GROUP

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor The H.L. Turner Group for their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, under the leadership of President Harold Turner, Jr., the Turner Group has truly struck a balance between business success and social responsibility. Incorporated in 1990, they have made significant inroads into the community and will surely continue to do so in the future.

The Turner Group has won national recognition for their commitment to the environment, a commitment that I echo as Chairman of the Environment and Public Works Committee of the Senate. They have been recognized for their Indoor Air Quality standards, and received the 1996 United States Environmental Protection Agency's Environmental Merit Award in "recognition of demonstrated commitment and significant contributions to the environment" for their design of the Boscawen Elementary School. The Turner Group has pledged itself to achieving environmentally friendly designs at the same cost as less efficient designs with questionable air quality.

Employees of the Turner Group have donated countless hours to the Audobon Society as board members, the Silk Farm Center Building Committee as members, Concord's Conference and Trade Center as visionaries for planning and design, and as "educational consultants" for New Hampshire's Junior Achievement's collaboration with U.S. FIRST, the LEGO Corporation and three Manchester schools for the first-in-the-nation business and robotics program.

The H.L. Turner Group is a true community leader and a friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

## TRIBUTE TO WILLIAM T. FRAIN, JR.

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor William T. Frain, Jr., upon his recognition by Business New Hampshire Magazine as the "Business Leader of the Decade" in the state of New Hampshire.

William, or "Bill" Frain, is the President and CEO of a company that has seen New Hampshire through many of its most difficult economic periods, Public Service of New Hampshire. Although faced with adversity throughout his tenure with the company, Frain successfully pulled them through near bankruptcy, an acquisition by Northeast Utilities, and industry deregulation.

Bill is an extraordinary leader, the type that does not always manifest itself, but who motivates and encourages those around them to give above and beyond one hundred percent of themselves. As a result, over 150 of his employees sit on boards throughout the state, and many more volunteer their time to give back to communities throughout the state. In addition, employees at PSNH have contributed more than 1.3 million to the United Way since 1990.

Bill's most notable achievements include winning the Yankee Chapter of the Public Relations Society of America Yankee Award for demonstrating leadership during a crisis, earning the Special New Hampshire District Advocacy Award from the United States Small Business Administration, acting as a key facilitator in forming the Amoskeag Fishways Partnership in order to bring life back into the Merrimack River, and being a co-founder of the Junior Achievement of New Hampshire Advisory Council in 1995. A member of too many organizations to list, he has truly exemplified the qualities of strong leadership.

It has been a pleasure and a privilege of mine, during my time in office, to have worked with a leader as extraordinary as Bill Frain. His hard work, determination, and ability to motivate those around him to reach greater heights are truly commendable. Bill, it is an honor to represent you in the United States Senate.•

## TRIBUTE TO EASTER SEALS

• Mr. SMITH, of New Hampshire. Mr. President, I rise today to honor Easter Seals upon their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, under the guidance of President Larry Gammon, Easter Seals has selflessly and steadfastly serviced individuals with a wide range of disabilities across the state. Perhaps their most notable achievement to date is their work to ensure that students with emotional and learning disabilities receive excellent schooling, housing and another chance to grow and become active community members.

Easter Seals services an average of 125 children a day through programs such as "Support to Families in Need," family mediation, parenting workshops and 24-hour emergency support access. They currently provide ninety percent of special needs transportation for Manchester and one hundred percent for the town of Londonderry, New Hampshire.

Although their hardest workers are often volunteers, Easter Seals has never wavered in the quality of the services they provide, and should be commended for their continued quality and caring in the state.

The accomplishments of this organization are simply too numerous to list. They founded Camp Sno-Mo, a program for children with physical and cognitive disabilities which has grown to include day camps as well as adult vacation programs. They also opened an Alzheimer's Day Program, allowing many family members a respite from caring for loved ones afflicted with the disease.

Easter Seals is a true community leader and a friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

## TRIBUTE TO CENTRAL PAPER PRODUCTS

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Central Paper Products for their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, and for many before that, under the direction and guidance of President Fred Kfoury Jr., Central Paper has donated time and experience to economic development and civic improvement projects across the state. They were actively involved in many of the major projects in the state, namely the Airport Initiative, the Civic Center, the Manchester Housing Authority, United Way, Easter

Seals and the Manchester School System.

Central Paper, because of their ability to be flexible in the technological field, is often working at a rate more efficient than companies three times their size. Their dedication to technological advancement has brought them to the forefront of their field, and I commend them for it.

Employees of Central Paper Products helped to found the Science Enrichment Encounter and FIRST, and continue to work with these programs on a national scale. In 1991 and 1992, Central Paper Products was named "Best of the Best" by the National Paper Trade Association for their commitment to community service, and President Fred Kfoury, Jr., was named "Greater Manchester Chamber of Commerce Citizen of the Year" in 1998.

Central Paper Products is a true community leader and a friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

### TRIBUTE TO BELL ATLANTIC

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Bell Atlantic for their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, under current President and CEO Michael Hickey, Bell Atlantic has faithfully upheld the cornerstones of their company: corporate responsibility, good citizenship, and core values. It has instilled this sense of giving back to the surrounding community not only in their management, but to their employees on every level.

Bell Atlantic's commitment to the surrounding community is evident through their participation in Kids Voting, their Adopt-A-School relationship with Beech Street School and their participation in Manchester's School-to-Work Program for electrical workers. They also worked with Cabletron and Project WINGS to ensure that schools throughout the state were wired to the Internet, sponsored the Smithsonian Folklife exhibit from New Hampshire and worked closely with various other community groups to educate and guide youths and adults throughout the state.

Additionally, Bell Atlantic has worked tirelessly over the past ten years to achieve the newest technological links for both businesses and homes across the state. Over the past five years, Bell Atlantic has invested nearly $100 million in technological upgrades, and will continue to do so well into the future.

Bell Atlantic is a true community leader and a friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

### TRIBUTE TO FLEET BANK

• Mr. SMITH of New Hampshire. Mr. President, I rise today to honor Fleet Bank upon their designation as one of the "Businesses of the Decade" by Business New Hampshire Magazine.

For the past ten years, under the leadership of President Michael Whitney, Fleet Bank has made phenomenal inroads to assisting the surrounding community, and I applaud the hard work and dedication of each and every employee of the company.

The greatest examples of this are "Team Fleet," a group of more than 200 staff members who have donated thousands of hours to over 375 nonprofit organizations and efforts within the state from Special Olympics to NH Public Television, and their financing of one of the largest community development projects undertaken by the City of Manchester in order to rehabilitate one hundred low-income rentals on Elm Street.

Fleet Bank gives back to the community on a continual basis, forming the "Fleet All-Stars" in 1996, a company-funded, community-wide, public/private partnership developed in order to revitalize neighborhoods in various communities through volunteerism in youth organizations and other civic groups. In 1999 alone, they were able to reach out to over 30 youth programs and approximately 2,381 children throughout the state.

Fleet Bank is a true community leader and a friend to the people of New Hampshire. Their efforts over the past ten years are truly commendable, and it is an honor to represent them in the United States Senate.•

### MESSAGE FROM THE HOUSE

At 12:47 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H.R. 3707) to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

#### ENROLLED BILLS SIGNED

The message further announced that the Speaker has signed the following enrolled bills:

H.R. 3629. An act to amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges and Universities under part A of title III.

H.R. 3707. An act to authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute in Taiwan.

### MEASURE REFERRED

The following bill was read the first and second times by unanimous consent, and referred as indicated:

H.R. 4475. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes; to the Committee on Appropriations.

### MEASURE PLACED ON THE CALENDAR

The following bill was read the first and second times, and placed on the calendar:

H.R. 4205. An act to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9052. A communication from the National Highway Traffic Safety Administration, Department of Transportation transmitting, pursuant to law, a report entitled "Motor Vehicle Trunk Entrapment"; to the Committee on Commerce, Science, and Transportation.

EC-9053. A communication from the National Credit Union Administration transmitting, pursuant to law, the report of a rule entitled "21 CFR Part 790", received May 16, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9054. A communication from the Secretary of Agriculture, transmitting, pursuant to law, a report entitled "Preparing for Drought in the 21st Century"; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9055. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Consolidation of Certain Food and Feed Additive Tolerance Regulations" (FRL # 6041-9), received May 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9056. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule entitled "Consolidation of Certain Food and Feed Additive Tolerance Regulations" (FRL # 6043-1), received May 17, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9057. A communication from the General Services Administration transmitting, pursuant to law, a report relative to building project surveys for courts in Mobile, AL; Cedar Rapids, IA; Rockford, IL; Las Cruces, NM; Buffalo, NY; Nashville, TN; El Paso, TX and Norfolk, VA; to the Committee on Environment and Public Works.

EC-9058. A communication from the General Services Administration transmitting, pursuant to law, a report relative to a building project survey for San Francisco Bay Area, CA; to the Committee on Environment and Public Works.

EC-9059. A communication from the General Services Administration transmitting, pursuant to law, a report relative to an amended lease prospectus for the National Park Service, San Francisco or Oakland, CA; to the Committee on Environment and Public Works.

EC-9060. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; State of New Mexico; Approval of Revised Maintenance Plan and Motor Vehicle Emissions Budgets; Albuquerque/Bernillo County, New Mexico; Carbon Monoxide" (FRL # 6703-8), received May 17, 2000; to the Committee on Environment and Public Works.

EC-9061. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Extension of Operating Permits Program Interim Approval Expiration Dates" (FRL # 6703-3), received May 17, 2000; to the Committee on Environment and Public Works.

EC-9062. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revision to the California State Implementation Plan, South Coast Air Quality Management District" (FRL # 6704-1), received May 17, 2000; to the Committee on Environment and Public Works.

EC-9063. A communication from the Federal Emergency Management Agency, transmitting a draft of proposed legislation amending the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to the Committee on Environment and Public Works.

EC-9064. A communication from the Office of Regulations and Administrative Law, U.S. Coast Guard, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety/Security Zone Regulations; OPSAIL 2000, Delaware River, Philadelphia, PA (CGD05-00-002)" (RIN2115-AA97) (2000-0016), received May 18, 2000; to the Committee on Commerce, Science, and Transportation.

EC-9065. A communication from the Office of Regulatory Management and Information, Office of Policy, Planning and Evaluation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Final Authorization of State Hazardous Waste Management Program Revisions" (FRL # 6704-7), received May 18, 2000; to the Committee on Environment and Public Works.

EC-9066. Assistant Secretary of the Army, Civil Works, transmitting a revision to a previously submitted draft of proposed legislation entitled "Water Resources Development Act of 2000"; to the Committee on Environment and Public Works.

EC-9067. A communication from the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "June 2000 Applicable Federal Rates" (Rev. Rul. 2000-28), received May 19, 2000; to the Committee on Finance.

EC-9068. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Summary Forfeiture of Controlled Substances" (RIN1515-AC60), received May 18, 2000; to the Committee on Finance.

EC-9069. A communication from the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Entry of Softwood Lumber Shipments from Canada" (RIN1515-AC62), received May 18, 2000; to the Committee on Finance.

EC-9070. A communication from the Secretary of Agriculture, transmitting a draft of proposed legislation amending the Richard B. Russell National School Lunch Act; to the Committee on Agriculture, Nutrition, and Forestry.

EC-9071. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report of the Office of Inspector General for the period October 1, 1999, through March 31, 2000; to the Committee on Governmental Affairs.

EC-9072. A communication from the Office of Personnel Management, transmitting a draft of proposed legislation relative to the physicians comparability allowance program; to the Committee on Governmental Affairs.

EC-9073. A communication from the Department of the Interior, transmitting a draft of proposed legislation relative to the use and distribution of the Western Shoshone Judgment Funds; to the Committee on Indian Affairs.

EC-9074. A communication from the Corporate Policy and Research Department, Pension Benefit Guaranty Corporation transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and paying Benefits", received May 18, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC-9075. A communication from the Patent and Trademark Office, Department of Commerce transmitting, pursuant to law, the report of a rule entitled "Changes to Permit Payment of Patent and Trademark Office Fees by Credit Card" (RIN0651-AB07), received May 18, 2000; to the Committee on the Judiciary.

EC-9076. A communication from the Board of Governors of the Federal Reserve System transmitting, pursuant to law, the report of a rule entitled "Regulation P-Privacy of Consumer Financial Information" (Docket No. R-1058), received May 18, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9077. A communication from the Office of Thrift Supervision, department of the Treasury transmitting, pursuant to law, the report of a rule entitled "Privacy of Consumer Financial Information" (RIN1550-AB36), received May 18, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC-9078. A communication from the Federal Railroad Administration, Department of Transportation, transmitting a report entitled "Implementation of Positive Train Control Systems"; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE:

S. 2600. A bill to amend title XVIII of the Social Security Act to make enhancements to the critical access hospital program under the medicare program; to the Committee on Finance.

By Mr. ASHCROFT:

S. 2601. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access; to the Committee on Finance.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE:

S. 2600. A bill to amend title XVIII of the Social Security Act to make enhancements to the critical access hospital program under the Medicare Program; to the Committee on Finance.

### CRITICAL ACCESS HOSPITAL ENHANCEMENT ACT

• Ms. SNOWE. Mr. President, I rise today to introduce the Critical Access Hospital Enhancement Act of 2000. This bill provides some much-needed program flexibility and refinements to the Medicare Critical Access Hospital Program.

Congress created the Critical Access Hospital Program three years ago when we passed the Balanced Budget Act of 1997 (P.L. 105-33). Under current law, a Critical Access Hospital must be located at a distance of over 35 miles from the nearest hospital; have emergency room and inpatient services provided by physicians, physician assistants and nurse practitioners; have fifteen or fewer inpatient beds; and inpatient stays must be limited to an average of 96 hours (four days).

The Critical Access Hospital program enables eligible rural hospitals to receive higher reimbursement rates for acute medical care. Through special allowances for staffing and reimbursements, designation as a Critical Access Hospital means that a community may be able to maintain local health care access which would otherwise be lost.

Many rural patients are Medicare and Medicaid participants and reduced reimbursements hit hospitals and medical centers hard: for example, two-thirds of the patients at Blue Hill Memorial Hospital in my home state of Maine are enrolled in Medicare or Medicaid. Designation as a Critical Access

Hospital is especially important to these small, rural hospitals because it provides higher reimbursement rates

To date, there are 165 hospitals across the country that have been designated as Critical Access Hospitals, and three in Maine: Blue Hill Memorial in Blue Hill, St. Andrews Hospital in Boothbay Harbor, and C.A. Dean Memorial Hospital in Greenville. Without the Critical Access Hospital program many small, rural hospitals—many of which are often the only point of care for miles—will be lost. My bill seeks to strengthen this program; it is my hope that with passage of the legislation I introduce today, more of our nation's small, rural hospitals will be able to participate in this valuable program.

This bill will bring increased flexibility and programmatic refinements to the Critical Access Hospital Program through the restoration of bad debt payments, extending cost-based reimbursement to ambulance and home health services associated with Critical Access Hospitals, and modifying the provisions related to swing bed and laboratory services. In addition, I propose including a seasonality adjustment for hospitals that are based in communities that experience large seasonal population fluctuations.

Rural residents are often poorer and more likely to lack private health insurance when compared with their urban neighbors. As a result, rural hospitals disproportionately incur bad debt expenses. The BBA reduced bad debt payments for hospitals and the Health Care Financing Administration has interpreted this provision to apply to Critical Access Hospitals. My bill restores bad debt payments as a way to improve participation rates in the Critical Access Hospital program.

Emergency medical care is a crucial component in the Critical Access Hospital health care delivery system. Congress clearly stated that all outpatient departmental services furnished by Critical Access Hospitals should be reimbursed on the basis of reasonable costs, but HCFA has carved out ambulance services. My bill extends cost-based reimbursement to ambulance services associated with Critical Access Hospitals as it follows Congress's original legislative intent.

Critical Access Hospitals are often the sole sponsor of home health services in remote areas. If a Critical Access Hospital is the only home health provider in a rural community, then it would be useful to reimburse those services on the basis of reasonable costs. This bill will extend cost-based reimbursement to home health services associated with Critical Access Hospitals and will help maintain access to post-acute medical care for Medicare beneficiaries.

Critical Access Hospitals are currently required to comply with extensive minimum data set standards under the skilled nursing facility (SNF) prospective payment system (PPS). This bill will provide cost based reimbursement to swing bed services furnished by Critical Access Hospitals to help alleviate some of the administrative expenses associated with SNF PPS.

Laboratory services furnished by Critical Access Hospitals have historically been reimbursed on the basis of reasonable costs. In an attempt to clarify the statute and eliminate the collection of beneficiary coinsurance, the Balanced Budget Refinement Act (P.L. 106-113) that we passed last November inadvertently referenced the fee schedule. Consequently, HCFA has interpreted the provision to mean laboratory services now will be reimbursed at the fee schedule rate. Correcting this provision is critical to ensuring that Medicare beneficiaries have access to important laboratory tests, and my bill does just that.

Seasonal fluctuations can occur in places likes coastal Maine where tourism swells the population in an area or in a small town near a ski resort. This seasonal population increase makes many otherwise tiny hospitals ineligible for the Critical Access Hospital Program. We must ensure that hospitals are available year round for a community's permanent population. It seems to me that if a hospital generally serves a community with a population of 2,000 but is seasonally faced with substantially much larger population, it should not de facto be made ineligible for the benefits of the Critical Access Hospital Program.

The final provision in The Critical Access Hospital Enhancement Act will allow a state flexibility in designating a hospital with more than 15 beds as a Critical Access Hospital if those additional beds are used only for seasonal fluctuations in admissions, and if the average annual occupancy is not more than 15.

Mr. President, small hospitals across the country are facing an increasingly uncertain future, and we must lend additional support to our rural health care providers. Refining the Critical Access Hospital program will ensure that the Critical Access Hospital designation is flexible enough for most rural areas. Expanding the Critical Access Hospital Program is critical to these small hospitals and the communities they serve.●

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By Mr. ASHCROFT:

S. 2601. A bill to amend the Internal Revenue Code of 1986 to exclude from the gross income of an employee any employer provided home computer and Internet access; to the Committee on Finance.

### BRIDGING THE DIGITAL DIVIDE ACT OF 2000

● Mr. ASHCROFT. Mr. President, I rise today to introduce the Bridging the Digital Divide Act of 2000, a bill to make it easier for working Americans to obtain computers and computer equipment so that no one is left behind in the new Internet economy. This legislation makes it possible for employees to accept computers offered by their employers without having to pay the IRS taxes on the value of the computer.

Mr. President, the high-tech sector is an increasingly important part of our economy, creating new synergies and opportunities for Americans of all ages. The more we can do to encourage every American to participate in the Internet revolution, the more productive we as a nation will be.

But the benefits of the high-tech revolution, while lucrative, must not be limited to only some of our citizens. The great promise of the Internet revolution is that the benefits and rewards are accessed at the individual level; not just reserved for big businesses or multinational corporations. Our government should facilitate, not hinder, bringing that promise to each American.

In the long term, I believe that being hooked up to the Internet will be as universal as television. It is important to remember that the Internet is a new technology, one that few people had heard of ten years ago. We have gone from 5.8 million U.S. households online in 1994 to almost 40 million in 1999. By 2003, it is projected that 60 million households will be hooked up to the Internet.

In the short term, however, it is important to facilitate the availability of the Internet to all Americans. While many citizens have been taking advantage of the opportunities the Internet has to offer, too many Americans and Missourians have been left behind. Too many people are opting out or being left behind by the Internet economy.

According to Forrester Research, income is the main driver of Internet adoption. Americans who earn more, participate more, and thereby develop the ability to earn even more. According to a 1998 study by the Department of Commerce, households with income of $75,000 and more are over 20 times more likely to have Internet access than those at the lowest income levels.

This divide among income levels also indicates a divide along racial lines as well. According to the same Department of Commerce report, black and Hispanic households are roughly two-fifths as likely to have Internet access as white households. Overall, according to Forrester Research, only 33 percent of African American households are online, ten percent fewer than the national average.

In my home state of Missouri, great progress has been made toward the goal of bringing the state on-line. Since 1989, during my tenure as Governor, Missouri has managed a statewide network that connects state government departments and transmits voice, data, and video between them. The state Department of Administration runs the network, which connects government offices statewide over 14 nodes. In addition, according to the Department of Commerce, 42 percent of Missouri households have computers.

Despite this progress, there is still more to do. In terms of Internet usage, Missouri ranks 32nd out of the 50 states, with only 24.3 percent of households connected to the Internet in 1998. Clearly, it is in Missouri's interest to promote increased connectedness.

Across the nation, those who appreciate the power and opportunities inherent in the Internet continue to increase their involvement in the high-tech world. 60 percent of computer sales are being made to households that have already purchased a computer, demonstrating that these households recognize the importance of remaining current and up to date with their computer equipment. At the same time, only 40 percent of computer sales are being made to households purchasing a computer for the first time. If we want more Americans to experience the high-tech economy, we should encourage first time computer purchases and find ways to make computer ownership easier for families who are currently without.

According to Dr. Mark Dean, a specialist in advanced technology development for IBM, the solution to the digital divide is to put computers in as many homes as possible. Unfortunately, when employers have tried to help bridge this gap by providing their employees with computers and Internet access, the Internet Revenue Service has widened the digital divide by treating the new equipment as a "taxable event," or in other words, requiring the employee to pay income tax on the value of the computer.

Recently, the Ford Motor Company began a laudale effort to increase involvement of its employees in the high-tech economy. In February, Ford announced that it would give all of its 350,000 employees free computers for their homes. Ford is doing this because they recognize the value of having a workforce that is computer literate and internet savvy. Ford understands that in the digital economy, on-line workers are more productive workers—whatever their responsibilities are with the company.

Unfortunately, the IRS does not see things the same way. The IRS approach is to tax everything it can get its hands on, including the computers Ford is providing to employees to help bridge the digital divide. According to the IRS, the employees who receive these computers from their employer are liable for tax on the value of the computers.

Mr. President, this is wrong. When companies make the move to bring all of their employees into the 21st century, the government should not make it harder on the workers to accept the technology by increasing their taxes. Ford's employees should not be penalized for having an employer that understands the importance of a computer-literate workforce. The fact is that computers are a vital business tool, for all employees, and Ford has demonstrated its understanding of this fact by providing these computers for every employee, from the newest worker to the CEO.

Ford's employees should not have to suffer as a result of the IRS's 19th century approach to tax policy. It is for this reason that my bill, the Bridging the Digital Divide Act of 2000, instructs the IRS not to treat computers provided to all employees by an employer as taxable income to the employee. This measure is in the interest of employees and employers alike. And because computers in the home will help increase our economic productivity and hence our output, we can expect that the long term impact of this provision will prove beneficial not just to workers and their families but to the nation's economy as well.

Mr. President, many politicians stand up and complain about the problem of the "digital divide." The Ford Motor Company has actually found a solution—a private sector solution—for its employees. The response of the government should be to thank Ford and encourage other companies to do what Ford has done—to take action that is in the best interest of its workers, not just for today, but for the future as well. But instead, the government response is to tax the recipients. I hope that other companies will follow Ford's example. By enacting this legislation, we may be making it possible for the private sector to help solve the digital divide, and will at least be ensuring that the government will not put the taxman in the way of the bridge-builders of the new economy.●

## ADDITIONAL COSPONSORS

S. 534

At the request of Mr. TORRICELLI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 534, a bill to expand the powers of the Secretary of the Treasury to regulate the manufacture, distribution, and sale of firearms and ammunition, and to expand the jurisdiction of the Secretary to include firearm products and nonpowder firearms.

S. 569

At the request of Mr. GRASSLEY, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 569, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 1495

At the request of Mr. MACK, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 1495, a bill to establish, wherever feasible, guidelines, recommendations, and regulations that promote the regulatory acceptance of new and revised toxicological tests that protect human and animal health and the environment while reducing, refining, or replacing animal tests and ensuring human safety and product effectiveness.

S. 1909

At the request of Mr. TORRICELLI, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 1909, a bill to provide for the preparation of a Governmental report detailing injustices suffered by Italian Americans during World War II, and a formal acknowledgement of such injustices by the President.

S. 2084

At the request of Mr. LUGAR, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 2084, a bill to amend the Internal Revenue Code of 1986 to increase the amount of the charitable deduction allowable for contributions of food inventory, and for other purposes.

S. 2099

At the request of Mr. REED, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 2099, a bill to amend the Internal Revenue Code of 1986 to require the registration of handguns, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from South Dakota (Mr. DASCHLE), and the Senator from North Carolina (Mr. HELMS) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2297

At the request of Mr. CRAPO, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 2297, a bill to reauthorize the Water Resources Research Act of 1984.

S. 2330

At the request of Mr. ROTH, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2419

At the request of Mr. JOHNSON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. CON. RES. 100

At the request of Mr. HAGEL, the names of the Senator from Alaska (Mr. MURKOWSKI), the Senator from Arizona (Mr. MCCAIN), the Senator from Oklahoma (Mr. INHOFE), the Senator from Michigan (Mr. ABRAHAM), the Senator from Illinois (Mr. FITZGERALD), the Senator from Iowa (Mr. GRASSLEY), the Senator from Ohio (Mr. DEWINE), the Senator from Kentucky (Mr. BUNNING), the Senator from California (Mrs. BOXER), and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. Con. Res. 100, a concurrent resolution expressing support of Congress for a National Moment of Remembrance to be observed at 3:00 p.m. eastern standard time on each Memorial Day.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the names of the Senator from New Jersey (Mr. TORRICELLI) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Con. Res. 113, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. RES. 304

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. ROTH) was added as a cosponsor of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as "National Veterans Awareness Week" for the presentation of such educational programs.

## ORDERS FOR TUESDAY, MAY 23, 2000

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Tuesday, May 23. I further ask unanimous consent that on Tuesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period for morning business, with Senators permitted to speak for up to 10 minutes each, with the following exceptions: Senator GRAMS, or his designee, from 9:30 a.m. to 10 a.m.; Senator THOMAS, or his designee, from 10 a.m. to 10:30 a.m.; Senator DURBIN, or his designee, from 11 a.m. to 11:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask unanimous consent that the Senate stand in recess from the hours of 12:30 p.m. to 2:15 p.m. for the weekly policy luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR RECORD TO REMAIN OPEN

Mr. LOTT. Mr. President, I ask unanimous consent that the RECORD remain open until 4 p.m. for the submission of statements by Members.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. LOTT. Mr. President, for the information of all Senators, the Senate will be in a period for morning business until 11:30 tomorrow morning. Following morning business, it is hoped the Senate can begin consideration of S. 2536, the Agriculture appropriations bill. It is my intention to complete action on this important spending bill and the legislative appropriations bill, if it is available from the House. Senators can expect votes throughout the week.

## ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LOTT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 1:34 p.m., adjourned until Tuesday, May 23, 2000, at 9:30 a.m.

# HOUSE OF REPRESENTATIVES—*Monday, May 22, 2000*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. KUYKENDALL).

## DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
*May 22, 2000.*

I hereby appoint the Honorable STEVEN T. KUYKENDALL to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
*Speaker of the House of Representatives.*

## MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

## NEW ECONOMY IS IMPORTANT FOR EVERY AMERICAN

Mr. WELLER. Mr. Speaker, I appreciate so much this opportunity to take a few minutes today to talk about something many of us call the new economy, some call the digital economy, the high-tech economy. But let me begin by just sharing some statistics, statistics that really illustrate how important the new economy is for every American.

Today over 100 million United States adults are using the Internet. In fact, seven new people are on the Internet every second. As elected officials, we should note that 78 percent of Internet users almost always vote in national, State, and local elections, compared with only 64 percent of non-Internet users.

It took just 5 years for the Internet to reach 50 million users. It took 38 years for the radio to reach that same audience, 13 years for television. In 1998, the Internet economy employed 4.8 million workers, more workers than steel and auto and petrochemical industries combined.

I would note that, with the economic growth we are enjoying today, the average high-tech wage is 77 percent higher than the average U.S. private sector wage and that Alan Greenspan, Chairman of the Federal Reserve, indicates that one-third of the economic growth that we have enjoyed today is resulting from the high-tech, new economy.

I am proud to be from a State that is a high-tech State. Illinois is a State which ranks fourth today in high-technology employment. We also rank third in high-technology exports. So clearly, this new economy, this technology economy that we are enjoying today is providing tremendous opportunity for every American family.

We often wonder who is really taking advantage of the opportunities that are there, how is the Internet and digital or new economy available to the average American. Statistics also show that if a family makes $75,000 or more, they are 20 times more likely than families with less income to have Internet access at home.

And when you think about it, our educators, our school teachers, the school board members, and school administrators back home in Illinois and Chicago and the south suburbs that I represent have told me they notice a difference in the classroom between those students who have a computer and Internet access at home and students who do not.

Children with computers and Internet access at home have an advantage when it comes to doing their homework as well as using the Internet to contact the Library of Congress to do research on school papers.

If my colleagues talk with lower-income families who do not have computer and Internet access, they tell us that the main reason is the cost; the cost of Internet access is really the barrier to digital opportunities for that family.

As Republicans, of course, our goal is to reduce that cost. We believe in a tax-free, regulation-free trade barrier, free new economy; and we want to ensure that the information superhighway is a freeway and not a tollway. We are looking for ways to remove those toll booths and make sure the Internet is free or at minimal cost to families.

I am proud of what we have been accomplishing. Just over the last few weeks, we passed legislation which says no new taxes on e-commerce, extending for 5 years the current Internet tax moratorium on e-commerce. I am proud to say that we passed legislation just 2 weeks ago which prohibits the Federal Communications Commission from using the authority they have had for a long time to impose new fees and taxes on Internet access.

This week the House is going to vote on legislation to eliminate the 3 percent excise tax on telephone calls, which really is a 3 percent excise tax on Internet access, because 96 percent of Americans who use the Internet and go on-line use their telephone service. So clearly, when this House votes this week to eliminate that 3 percent tax on telephone calls, we will be removing one more toll on the information superhighway.

Clearly, as Republicans, our goal is simple. We want the information superhighway to be a freeway and not a tollway.

I also want to mention two other proposals I am proud to sponsor, legislation which is designed to ensure the information highway is a freeway not a toll-way. I talked earlier about lower-income families not having computer and Internet access at home. I am proud to say that major employers in the State that I represent in Illinois have stepped forward, the private sector stepping forward to provide Internet and computer access as an employee benefit so the children of their janitors and laborers and assembly line workers of companies like Ford, Intel, American Airlines, and Delta Airlines have those computers.

Well, those computers should be tax free. Right now the IRS would like to tax them. That act would ensure they are treated the same as an employee benefit, such as pensions and retirement, as well as health care. I ask bipartisan support, and I look forward to working with my colleagues on these proposals.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 2 p.m.

Accordingly (at 12 o'clock and 37 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MILLER of Florida) at 2 p.m.

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"All flesh is like grass and all its glory like the flower of the field; the grass withers and the flower wilts; but the Word of the Lord remains forever."

Creator of nature's beauty and Redeemer of all humanity, we have been born anew, not from perishable but from imperishable seed.

Your Word, O Lord, has created grateful hearts amid the wonders of this land and the rich progress of this Nation. May we never be weeded into discontent.

In all peoples You plant the seed of justice. Bring forth a springtime of peace among nations.

May the actions of this assembly nurture obedience to truth which produces sincerity of heart and mutual trust.

This is the Word we have accepted and now proclaim to the world: "All flesh is like grass and all its glory like the flower of the field; the grass withers and the flower wilts; but the Word of the Lord remains forever." Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## SCANDALS OF THE ADMINISTRATION

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, well, it took almost 2 years, but memos from FBI Director Louis Freeh regarding the Democratic fund-raising scandal have finally been turned over to Congress.

Perhaps the Clinton administration was hoping that the memos would never turn up, especially since they state that key administration officials were under a lot of pressure not to go forward with the investigation because the Attorney General's job might hang in the balance.

The American people have a right to expect the Department of Justice to investigate wrongdoing, no matter where it may occur.

Mr. Speaker, the Clinton administration is not exempt from the laws of our Nation. It is my hope that the ongoing congressional hearings and investigations into these scandals will reveal the truth once and for all.

I yield back the continuing scandals and illegal cover-ups that have become an unfortunate characteristic of this administration.

## CHINA SAYS AMERICAN SHIPS ARE DEAD MEAT

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, military experts say that China just bought 24 cruise missiles from Russia. They now say American ships are now, quote/unquote, dead meat, dead meat. Think about it. We give Russia foreign aid. Russia builds missiles. Russia sells the missiles to China, built with American cash. China threatens Taiwan and Uncle Sam. Unbelievable.

I think it is time for Congress to tell China to keep their Communist hands off of Taiwan.

In addition, this sweetheart trade deal bothers me. It is very dangerous. If Uncle Sam will turn the other cheek on Taiwan, China will laugh all the way to the bank on this trade deal. Beam me up. We have gone from better dead than red to dead meat.

I yield back America's Naval fleet being called dead meat by Naval experts.

## IT IS TIME TO ABOLISH THE SPANISH AMERICAN WAR TAX

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, one of the top movies in America today is "Gladiator," a story of a young upstart struggling against an outdated and cruel dictatorship.

This week, the House will witness a similar struggle, Americans with phone lines versus the Internal Revenue Service.

More than 252 million businesses and families use phone lines, allowing them access to telephones, faxes, computers, and cellular phones. They are beneficiaries of modern technological advances that have changed our society, and yet every time Americans use this technology, the IRS financially penalizes them with the outdated Spanish-American War phone tax.

This tax was used to fund the Spanish-American War, a conflict which began and ended in 1898, 102 years ago. It is yet another case of a greedy and overbearing government using any means to tax hard-working Americans and this must end.

This week, let us disconnect Americans from the Spanish-American War phone tax.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules but not before 6 p.m. today.

## NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS OF 2000

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 834) to extend the authorization for the National Historic Preservation Fund, and for other purposes.

The Clerk read as follows:

Senate Amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. SHORT TITLE.***

*This Act may be cited as the "National Historic Preservation Act Amendments of 2000".*

***SEC. 2. REAUTHORIZATION OF HISTORIC PRESERVATION FUND.***

*Section 108 of the National Historic Preservation Act (16 U.S.C. 470h) is amended by striking "1997" and inserting "2005".*

***SEC. 3. REAUTHORIZATION OF ADVISORY COUNCIL ON HISTORIC PRESERVATION.***

*Section 212(a) of the National Historic Preservation Act (16 U.S.C. 470t(a)) is amended by striking "2000" and inserting "2005".*

***SEC. 4. LOCATION OF FEDERAL FACILITIES ON HISTORIC PROPERTIES.***

*Section 110(a)(1) of the National Historic Preservation Act (16 U.S.C. 470h–2(a)(1)) is amended in the second sentence by striking "agency." and inserting "agency, in accordance with Executive Order 13006, issued May 21, 1996 (61 F.R. 26071).".*

***SEC. 5. TECHNICAL AND CONFORMING AMENDMENTS.***

*(a) The National Historic Preservation Act (16 U.S.C. 470 et seq.) is amended as follows—*

*(1) in section 101(d)(2)(D)(ii) (16 U.S.C. 470a(d)(2)(D)(ii)) by striking "Officer;" and inserting "Officer; and";*

*(2) by amending section 101(e)(2) (16 U.S.C. 470a(e)(2)) to read as follows:*

*"(2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by an Act of Congress approved October 26, 1949 (63 Stat. 947) consistent with the purposes of its charter and this Act.";*

*(3) in section 101(e)(3)(A)(iii) (16 U.S.C. 470a(e)(3)(A)(iii)) by striking "preservation; and" and inserting "preservation, and";*

*(4) in section 101(j)(2)(C) (16 U.S.C. 470a(j)(2)(C)) by striking "programs;" and inserting "programs; and";*

*(5) in section 102(a)(3) (16 U.S.C. 470b(a)(3)) by striking "year." and inserting "year;";*

*(6) in section 103(a) (16 U.S.C. 470c(a))—*

*(A) by striking "purposes this Act" and inserting "purposes of this Act"; and*

*(B) by striking "him:." and inserting "him.";*

*(7) in section 108 (16 U.S.C. 470h)) by striking "(43 U.S.C. 338)" and inserting "(43 U.S.C. 1338)";*

*(8) in section 110(1) (16 U.S.C. 470h–2(1)) by striking "with the Council" and inserting "pursuant to regulations issued by the Council";*

*(9) in section 112(b)(3) (16 U.S.C. 470h–4(b)(3)) by striking "(25 U.S.C. 3001(3) and (9))" and inserting "(25 U.S.C. 3001 (3) and (9)))";*

*(10) in section 301(12)(C)(iii) (16 U.S.C. 470w(12)(C)(iii)) by striking "Officer, and" and inserting "Officer; and";*

*(11) in section 307(a) (16 U.S.C. 470w–6(a)) by striking "Except as provided in subsection (b) of this section, no" and inserting "No";*

*(12) in section 307(c) (16 U.S.C. 470w–6(c)) by striking "Except as provided in subsection (b) of this section, the" and inserting "The";*

*(13) in section 307 (16 U.S.C. 470w–6) by redesignating subsections (c) through (f), as amended, as subsections (b) through (e), respectively; and*

*(14) in subsection 404(c)(2) (16 U.S.C. 470x–3(c)(2)) by striking "organizations, and" and inserting "organizations; and".*

*(b) Section 114 of Public Law 96–199 (94 Stat. 71) is amended by striking "subsection 6(c)" and inserting "subsection 206(c)".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it seems to me that one of the basic purposes of government is to preserve the cultural fabric of the Nation. Since 1966, one way this Nation has tried to accomplish that goal is through the National Historic Preservation Act.

The bill before us reauthorizes that act through 2000 at its present level of $150 million a year.

It is a tribute to the program that it has achieved the success it has despite the fact that it has seldom received more than $40 million a year in appropriations.

State historic preservation agencies have used these Federal funds to attract three times that amount in State and private investment.

The bill also reaffirms the Nation's commitment to the use of historic properties by Federal agencies.

It also provides an authorization by which the Interior Department may administer grants to the National Trust for Historic Preservation. This does not mean we are putting the trust back on the public payroll. Instead, it will allow Interior to respond quickly to emergency situations such as hurricanes or flooding.

There were some things left undone in this bill. While we retained the exemptions for the Capitol, the Supreme Court building, and the White House from historic preservation law, we were unable to agree on language that aimed at making the Architect of the Capitol more responsive to local preservation concerns.

This was largely due to the fact that the architect is not a government agency.

I believe this is an issue that needs to be revisited in the future. We have gotten a lot of mileage out of the Defense Department's record in historic preservation, particularly at some old cavalry posts out West.

If these facilities can honor their heritage and yet serve an evolving role in today's warfighting, I fail to see why the homes of the three branches of government need special treatment.

This bill is already 3 years overdue, and we must move ahead.

In conclusion, this is the bill that makes no sweeping changes, only incremental changes to what has become a mature and successful program. It works and for those reasons, I move the bill and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 834 reauthorizes funding for the National Historic Preservation Fund and the Advisory Council on Historic Preservation. The bill also makes several minor changes to the National Historic Preservation Act. The legislation was originally considered by the House in September of last year and passed by voice vote. Subsequently, the Senate took up the legislation on April 13, 2000 and returned it to the House with an amendment.

The Senate amendment makes several technical and conforming changes to the bill. In addition, the bill deletes a provision that was in the original bill dealing with historic properties under the jurisdiction of the Architect of the Capitol.

Mr. Speaker, the extension of funds for the Historic Preservation Fund and the reauthorization of the Advisory Council on National Preservation are important matters that need to be acted on now. As such, we support H.R. 834, as amended, and would encourage our colleagues to do likewise.

Just as a personal note, the very first public service appointment I had was to the Guam Review Board on Historic Preservation. These are very vital programs, very important programs, for communities and have an impact upon communities in ways that many people sometimes even in this body are not familiar with.

Mr. Speaker, I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 834.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The title of the bill was amended so as to read:

> "An Act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.".

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include therein extraneous material on the Senate amendments to H.R. 834.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## ESTABLISHING A FEE SYSTEM FOR COMMERCIAL FILMING ACTIVITIES ON FEDERAL LAND

Mr. HEFLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 154) to provide for the collection of fees for the making of motion pictures, television productions, and sound tracks in National Park System and National Wildlife Refuge System units, and for other purposes.

The Clerk read as follows:

Senate amendments:

Strike out all after the enacting clause and insert:

***SECTION 1. COMMERCIAL FILMING.***

*(a) COMMERCIAL FILMING FEE.—The Secretary of the Interior and the Secretary of Agriculture (hereinafter individually referred to as the "Secretary" with respect to lands under their respective jurisdiction) shall require a permit and shall establish a reasonable fee for commercial filming activities or similar projects on Federal lands administered by the Secretary. Such fee shall provide a fair return to the United States and shall be based upon the following criteria:*

*(1) The number of days the filming activity or similar project takes place on Federal land under the Secretary's jurisdiction.*

*(2) The size of the film crew present on Federal land under the Secretary's jurisdiction.*

*(3) The amount and type of equipment present.*

*The Secretary may include other factors in determining an appropriate fee as the Secretary deems necessary.*

*(b) RECOVERY OF COSTS.—The Secretary shall also collect any costs incurred as a result of filming activities or similar project, including but not limited to administrative and personnel costs. All costs recovered shall be in addition to the fee assessed in subsection (a).*

*(c) STILL PHOTOGRAPHY.—(1) Except as provided in paragraph (2), the Secretary shall not require a permit nor assess a fee for still photography on lands administered by the Secretary if such photography takes place where members of the public are generally allowed. The Secretary may require a permit, fee, or both, if such photography takes place at other locations where*

*members of the public are generally not allowed, or where additional administrative costs are likely.*

*(2) The Secretary shall require and shall establish a reasonable fee for still photography that uses models or props which are not a part of the site's natural or cultural resources or administrative facilities.*

*(d) PROTECTION OF RESOURCES.—The Secretary shall not permit any filming, still photography or other related activity if the Secretary determines—*

*(1) there is a likelihood of resource damage;*

*(2) there would be an unreasonable disruption of the public's use and enjoyment of the site; or*

*(3) that the activity poses health or safety risks to the public.*

*(e) USE OF PROCEEDS.—(1) All fees collected under this Act shall be available for expenditure by the Secretary, without further appropriation, in accordance with the formula and purposes established for the Recreational Fee Demonstration Program (Public Law 104–134). All fees collected shall remain available until expended.*

*(2) All costs recovered under this Act shall be available for expenditure by the Secretary, without further appropriation, at the site where collected. All costs recovered shall remain available until expended.*

*(f) PROCESSING OF PERMIT APPLICATIONS.—The Secretary shall establish a process to ensure that permit applicants for commercial filming, still photography, or other activity are responded to in a timely manner.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado (Mr. HEFLEY) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Colorado (Mr. HEFLEY).

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the bill before us, H.R. 154, would establish a uniform Federal policy for the collection of fees for commercial film work on America's public lands.

This bill is the result of some real grass-roots interest. Before I introduced this bill 3 years ago, a lady in Englewood, Colorado, contacted my office and wanted to know why Hollywood directors could film on Park Service land for free.

To the surprise of virtually everyone, we found that the Park Service and the Fish and Wildlife Service had been forbidden by regulation to collect such film fees since 1948.

No one knows why. We have tried to find out. No one knows why. This bill is our attempt to remedy this situation.

The bill directs the Secretaries of Interior and Agriculture to establish a reasonable fee for commercial filming activities on lands under their jurisdiction.

The fees collected would then be divided according to the formula set down in the recreational fee demonstration program, with 70 percent remaining in the unit where it was collected and 30 percent systemwide use.

These fees would be used to cover all costs associated with giving film, video, and photography professionals access to the land.

The bill also prohibits filming, taping, and photography in areas where such activity could cause environmental damage, disrupt public use of the land, or cause health or safety concerns.

Finally, the bill requires that the Secretaries create a process that will ensure timely responses to permit requests.

The bill before us incorporates the Senate's language which, by and large, has the effect of recognizing that one of the Nation's land management agencies, the U.S. Forest Service, is part of the Department of Agriculture, not Interior, but should also have a film policy.

In fact, the Forest Service already has such a policy, and this legislation would serve as a floor for that existing program.

H.R. 154 is the result of an unusual degree of cooperation between my office, the Department of Interior, and the Motion Picture Association of America. Its passage is supported by the Interior Department, the National Parks and Conservation Association, the MPAA and commercial still photographers.

It is indeed rare when a measure is endorsed by those who will be paying its fees. Its passage is one of Fish and Wildlife Service's top four legislative priorities.

In conclusion, this bill presents a win/win situation. We want people to film in our national parks. After all, many people were probably first exposed to our public lands through the classic westerns of John Ford, which were filmed on public lands near Moab, Utah.

At the same time, we do not want our public lands turned into sound stages. If permitting filming allows us to recoup its costs and to deal with some of the other needs of our land management agencies, then that is a desired result.

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H.R. 154 strikes the proper balance between use and preservation. It is the right thing to do. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 154, as passed by the House in April 1999, provided for the collection of fees for the making of motion pictures, television production, sound tracks, and still photography on lands within the administrative jurisdiction of the Department of Interior.

The Senate subsequently took up the legislation in November of last year and has returned the bill to the House with an amendment in the nature of a substitute. The Senate amendment makes numerous changes to the House bill. While a number of these changes are minor and technical in nature, others were substantive, and there was little or no legislative history developed to determine the basis for the Senate changes.

The most substantive change involves adding the Forest Service to the legislation. As the Forest Service testified in the Senate, the agency already has the authority to collect film fees and, in fact, does collect such fees. Concerns have been raised that the Senate language may be inconsistent with the existing Forest Service regulations. It should be noted that the language of H.R. 154 is intended to be supplemental to the existing authorities that the Forest Service and other agencies possess to regulate commercial filming and photography.

In fact, all of the Federal agencies covered by H.R. 154 do have regulations on this matter. The purpose of H.R. 154 is to close a loophole that has prevented the National Park Service and Fish and Wildlife Service from charging fees for the use of public land for commercial filming and photography purposes and to allow all of the land management agencies to retain and expend such fees for authorized purposes.

As supplemental authority, we do not believe it is necessary for the agencies to issue all new regulations since such regulations are already on the books. This is especially important with regard to fees. New regulations could delay the collection and distribution of fees for a significant period of time, thus delaying the underlying purpose of this bill. Rather, the agencies should publish a schedule of such fees if they have not previously done so, allowing appropriate public review and comment before implementation.

We have been assured that the other changes made by the Senate can also be addressed through the existing regulatory authorities that the agencies possess. We expect those agencies to use their regulatory authority to address such matters as bonding insurance and enforcement.

Mr. Speaker, everyone agrees that there should be fair and reasonable fees for the use of public resources for commercial filming and photography. With the understanding that the concerns raised today can be dealt with by the agencies involved, we will not object to the passage of H.R. 154, as amended.

I congratulate the gentleman from Colorado (Mr. HEFLEY) for this measure.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. HEFLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to express my appreciation to the gentleman from Guam (Mr. UNDERWOOD), to the minority and the majority and our committee, the Committee on Resources, for their help on this legislation. It has taken a lot longer than it should have. I think it will be very meaningful.

We are happy to try to work to encourage, if there are any problems in implementation, to encourage that to be taken care of. But I think we are making a major step.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Colorado (Mr. HEFLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 154.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

The title of the bill was amended so as to read:

"An Act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.".

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. HEFLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 154.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Colorado?

There was no objection.

## KAKE TRIBAL CORPORATION LAND TRANSFER ACT

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 430) to amend the Alaska Native Claims Settlement Act to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes, as amended.

The Clerk read as follows:

S. 430

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Kake Tribal Corporation Land Transfer Act".

**SEC. 2. DECLARATION OF PURPOSE.**

The purpose of this Act is to authorize the reallocation of lands and selection rights between the State of Alaska, Kake Tribal Corporation, and the City of Kake, Alaska, in order to provide for the protection and management of the municipal watershed.

**SEC. 3. AMENDMENT OF ALASKA NATIVE CLAIMS SETTLEMENT ACT.**

The Alaska Native Claims Settlement Act (43 U.S.C. 1601 note) is amended by adding at the end the following new section:

"KAKE TRIBAL CORPORATION LAND TRANSFER

"SEC. 42. (a) IN GENERAL.—If—

"(1) the State of Alaska relinquishes its selection rights under the Alaska Statehood Act (Public Law 85–508) to lands described in subsection (c)(2) of this section; and

"(2) Kake Tribal Corporation and Sealaska Corporation convey all right, title, and interest to lands described in subsection (c)(1) to the City of Kake, Alaska,

then the Secretary of Agriculture (hereinafter referred to as 'Secretary') shall, not later than 180 days thereafter, convey to Kake Tribal Corporation title to the surface estate in the land identified in subsection (c)(2) of this section, and convey to Sealaska Corporation title to the subsurface estate in such land.

"(b). EFFECT ON SELECTION TOTALS.—(1) Of the lands to which the State of Alaska relinquishes selection rights and which are conveyed to the City of Kake pursuant to subsection (a), 694.5 acres shall be charged against lands to be selected by the State of Alaska under section 6(a) of the Alaska Statehood Act and 694.5 acres against lands to be selected by the State of Alaska under section 6(b) of the Alaska Statehood Act.

"(2) The land conveyed to Kake Tribal Corporation and to Sealaska Corporation under this section is, for all purposes, considered to be land conveyed under this Act. However, the conveyance of such land to Kake Tribal Corporation shall not count against or otherwise affect the Corporation's remaining entitlement under section 16(b).

"(c) LANDS SUBJECT TO EXCHANGE.—(1) The lands to be transferred to the City of Kake under subsection (a) are the surface and subsurface estate to approximately 1,430 acres of land owned by Kake Tribal Corporation and Sealaska Corporation, and depicted as 'KTC Land to City of Kake' on the map entitled 'Kake Land Exchange-2000', dated May 2000.

"(2) The lands subject to relinquishment by the State of Alaska and to conveyance to Kake Tribal Corporation and Sealaska Corporation under subsection (a) are the surface and subsurface estate to approximately 1389 acres of Federal lands depicted as 'Jenny Creek-Land Selected by the State of Alaska to KTC' on the map entitled 'Kake Land Exchange-2000', dated May 2000.

"(3) In addition to the transfers authorized under subsection (a), the Secretary may acquire from Sealaska Corporation the subsurface estate to approximately 1,127 acres of land depicted as 'KTC Land-Conservation Easement to SEAL Trust' on the map entitled 'Kake Land Exchange-2000', dated May 2000, through a land exchange for the subsurface estate to approximately 1,168 acres of Federal land in southeast Alaska that is under the administrative jurisdiction of the Secretary. Any exchange under this paragraph shall be subject to the mutual consent of the United States Forest Service and Sealaska Corporation.

"(d) WITHDRAWAL.—Subject to valid existing rights, the lands described in subsection (c)(2) are withdrawn from all forms of location, entry, and selection under the mining and public land laws of the United States and from leasing under the mineral and geothermal leasing laws. This withdrawal expires 18 months after the effective date of this section.

"(e) MAPS.—The maps referred to in this Act shall be maintained on file in the Office of the Chief, United States Forest Service, the Office of the Secretary of the Interior, and the Office of the Petersburg Ranger District, Alaska.

"(f) WATERSHED MANAGEMENT.—The United States Forest Service may cooperate with Kake Tribal Corporation and the City of Kake in developing a watershed management plan that provides for the protection of the watershed in the public interest. Grants may be made, and contracts and cooperative agreements may be entered into, to the extent necessary to assist the City of Kake and Kake Tribal Corporation in the preparation and implementation of a watershed management plan for the land within the City of Kake's municipal watershed.

"(g) EFFECTIVE DATE.—This section is effective upon the execution of one or more conservation easements that, subject to valid existing rights of third parties—

"(1) encumber all lands depicted as 'KTC Land to City of Kake' and 'KTC Land-Conservation Easement to SEAL Trust' on a map entitled 'Kake Land Exchange-2000' dated May 2000;

"(2) provide for the relinquishment by Kake Tribal Corporation of the Corporation's development rights on lands described in paragraph (1); and

"(3) provide for perpetual protection and management of lands depicted as 'KTC Land to City of Kake' and 'KTC Land-Conservation Easement to SEAL Trust' on the map described in paragraph (1) as—

"(A) a watershed;

"(B) a municipal drinking water source in accordance with the laws of the State of Alaska;

"(C) a source of fresh water for the Gunnuk Creek Hatchery; and

"(D) habitat for black bear, deer, birds, and other wildlife.

"(h) TIMBER MANUFACTURING; EXPORT RESTRICTION.—Notwithstanding any other provision of law, timber harvested from lands conveyed to Kake Tribal Corporation under this section shall not be available for export as unprocessed logs from Alaska, nor may Kake Tribal Corporation sell, trade, exchange, substitute, or otherwise convey such timber to any person for the purpose of exporting that timber from the State of Alaska.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized such sums as may be necessary to carry out this Act, including to compensate Kake Tribal Corporation for relinquishing its development rights pursuant to subsection (g)(2) and to provide assistance to Kake Tribal Corporation to meet the requirements of subsection (h). No funds authorized under this section may be paid to Kake Tribal Corporation unless Kake Tribal Corporation is a party to the conservation easements described in subsection (g).".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska (Mr. YOUNG) and the gentleman from Guam (Mr. UNDERWOOD) each will control 20 minutes.

The Chair recognizes the gentleman from Alaska (Mr. YOUNG).

### GENERAL LEAVE

Mr. YOUNG of Alaska. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 430.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 430 provides for a land exchange to resolve a problem faced by a town in Tongass National Forest. The Committee on Resources favorably reported S. 430 with an amendment. The bill under consideration today contains further changes to the reported bill.

The purpose of S. 430 is to protect the watershed of the City of Kake, Alaska, and to maintain the value of private native lands that form this watershed. The watershed lands are owned by the Kake Tribal Corporation, an Alaska Native Corporation.

Kake Tribal owns about 2,500 acres of land forming the watershed for a creek that supplies the city residents a fish hatchery with clean, fresh water.

The property has valuable timber, but its location on the watershed has persuaded the corporation's board of directors not to authorize logging it, in keeping with the wishes of the city residents.

Last year, the Kake Tribal Corporation filed for bankruptcy, the victim of a controversial lawsuit. As a result, the board may have to log the watershed to pay anxious creditors.

Alaska strongly supports timber harvest, but only when it makes sense. While the city of Kake has made it clear that logging should not occur on the municipal watershed, the corporation finds itself in a no-win situation and may have to log the property because of the bankruptcy.

S. 430, as supported by the Committee on Resources, offers a reasonable solution. The bill authorizes a land exchange, in combination with a conservation easement, to fulfill three basic purposes: protect the watershed lands from harmful development, maintain the full value of the Kake Natives' lands and interest, and enable them to generate revenues in a way that should satisfy its creditors.

This bill is the product of lengthy negotiation and the gentleman from California (Mr. GEORGE MILLER), ranking Democrat, and his staff; and I would commend all of them for their sound advice and assistance.

S. 430 is a practical solution to a present problem affecting a small town in the Nation's largest national forest. I urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. UNDERWOOD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the legislation as amended by the Committee on Resources. At issue here is a bankrupt Alaska Native village corporation which is unable to log 2,500 acres of its lands which are adjacent to the community of Kake in southeast Alaska. Most of the corporation's 23,000-plus acres of lands have already been intensely logged, and the remaining uncut lands provide the watershed for the Kake residents and habitat for salmon and black bears.

In settlement of the 1984 lawsuit brought because logging operations were polluting the community's drinking water, the Kake Corporation and the city of Kake agreed not to allow additional logging in the watershed lands.

As passed by the Senate, S. 430 would have forced the Forest Service to exchange additional lands from the Tongass National Forest to the Kake Corporation. The administration has opposed this legislation. We share their concerns and do not think that the national forest should serve as a land bank to be drawn upon whenever Native corporations face financial problems and want new Federal lands containing old-growth timber.

But this bill has been greatly improved by the committee amendment and working closely together.

Instead of Tongass National Forest lands being conveyed out of public ownership as set forth in the Senate bill, the State of Alaska will now participate in the resolution of a local problem by exchanging State selected lands with the Kake Corporation.

The 1,430 acres obtained from Kake Corporation will, in turn, be transferred by the State of Alaska to the city of Kake to protect the municipal watershed. The amended bill also authorizes the purchase using funds to be appropriated by Congress of a conservation easement for an additional 1,127 acres of Kake Corporation-owned lands within the municipal watershed.

Under the conservation easement, these lands would be managed by the Southeast Alaska Land Trust to assure clean drinking water for the residents of Kake and to provide a fish and wildlife reserve for black bear and salmon.

Mr. Speaker, I especially want to recognize the gentleman from Alaska (Mr. YOUNG), the chairman of the Committee on Resources, for his pragmatic approach in this legislation.

The Kake Tribal Corporation, the U.S. Forest Service, Alaska Governor Tony Knowles, and the Southeast Alaska Conservation Council all deserve credit for their efforts to negotiate a constructive resolution in this matter.

I urge all Members to support S. 430, as amended.

Mr. Speaker, I have no requests for time, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska (Mr. YOUNG) that the House suspend the rules and pass the Senate bill, S. 430, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

A motion to reconsider was laid on the table.

## FEDERAL COURTS IMPROVEMENT ACT OF 2000

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1752) to make improvements in the operation and administration of the Federal courts, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1752

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

(a) SHORT TITLE.—This Act may be cited as the "Federal Courts Improvement Act of 2000".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

Sec. 101. Transfer of retirement funds.
Sec. 102. Judiciary Information Technology Fund.
Sec. 103. Bankruptcy fees.
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TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS
Sec. 401. Maximum amounts of compensation for attorneys.
Sec. 402. Maximum amounts of compensation for services other than counsel.
Sec. 403. Tort Claims Act amendments relating to liability of Federal public defenders.

## TITLE I—JUDICIAL FINANCIAL ADMINISTRATION

### SEC. 101. TRANSFER OF RETIREMENT FUNDS.

Section 377 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(p) TRANSFER OF RETIREMENT FUNDS.—Upon election by a bankruptcy judge or a magistrate judge under subsection (f) of this section, all of the accrued employer contributions and accrued interest on those contributions made on behalf of the bankruptcy judge or magistrate judge to the Civil Service Retirement and Disability Fund under section 8348 of title 5 shall be transferred to the fund established under section 1931 of this title, except that if the bankruptcy judge or magistrate judge elects, under section 2(c) of the Retirement and Survivors' Annuities for Bankruptcy Judges and Magistrates Act of 1988 (Public Law 100-659), to receive a retirement annuity under both this section and title 5, only the accrued employer contributions and accrued interest on such contributions made on behalf of the bankruptcy judge or magistrate judge for service credited under this section may be transferred.".

### SEC. 102. JUDICIARY INFORMATION TECHNOLOGY FUND.

Section 612 of title 28, United States Code, is amended—

(1) by striking "equipment" each place it appears and inserting "resources";

(2) by striking subsection (f) and redesignating subsequent subsections accordingly;

(3) in subsection (g), as so redesignated, by striking paragraph (3); and

(4) in subsection (i), as so redesignated—

(A) by striking "Judiciary" and inserting "judiciary";

(B) by striking "subparagraph (c)(1)(B)" and inserting "subsection (c)(1)(B)"; and

(C) by striking "under (c)(1)(B)" and inserting "under subsection (c)(1)(B)".

### SEC. 103. BANKRUPTCY FEES.

Subsection (a) of section 1930 of title 28, United States Code, is amended by inserting after paragraph (6) the following new paragraph:

"(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6). Such fees shall be deposited into the fund established under section 1931.".

### SEC. 104. DISPOSITION OF MISCELLANEOUS FEES.

For fiscal year 2000 and thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States pursuant to sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees established on the date of the enactment of this Act shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

### SEC. 105. REPEAL OF STATUTE SETTING COURT OF FEDERAL CLAIMS FILING FEE.

Section 2520 of title 28, United States Code, and the item relating to such section in the table of contents for chapter 165 of such title, are repealed.

### SEC. 106. TECHNICAL AMENDMENT RELATING TO THE TREATMENT OF CERTAIN BANKRUPTCY FEES COLLECTED.

(a) AMENDMENT.—The first sentence of section 406(b) of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1990 (Public Law 101-162; 103 Stat. 1016) is amended by striking "service enumerated after item 18" and inserting "service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989, (and not of a kind described in items enumerated as items 8.1, 8.2, and 23, as in effect on January 1, 1998)".

(b) APPLICATION OF AMENDMENT.—The amendment made by subsection (a) shall not apply with respect to fees collected before the date of the enactment of this Act.

### SEC. 107. INCREASE IN FEE FOR CONVERTING A CHAPTER 7 OR CHAPTER 13 BANKRUPTCY CASE TO A CHAPTER 11 BANKRUPTCY CASE.

The flush paragraph at the end of section 1930(a) of title 28, United States Code, is amended by striking "of $400" and inserting "which is the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)".

### SEC. 108. INCREASE IN CHAPTER 9 BANKRUPTCY FILING FEE.

Section 1930(a)(2) of title 28, United States Code, is amended by striking "$300" and inserting "an amount equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds $300 shall be deposited in the fund established under section 1931 of this title".

### SEC. 109. CREATION OF CERTIFYING OFFICERS IN THE JUDICIAL BRANCH.

(a) APPOINTMENT OF DISBURSING AND CERTIFYING OFFICERS.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following new section:

**"§ 613. Disbursing and certifying officers**

"(a) DISBURSING OFFICERS.—The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to be disbursing officers in such numbers and locations as the Director considers necessary. Such dispersing officers shall—

"(1) disburse moneys appropriated to the judicial branch and other funds only in strict accordance with payment requests certified by the Director or in accordance with subsection (b);

"(2) examine payment requests as necessary to ascertain whether they are in proper form, certified, and approved; and

"(3) be held accountable for their actions as provided by law, except such a disbursing officer shall not be held accountable or responsible for any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificate for which a certifying officer is responsible under subsection (b).

"(b) CERTIFYING OFFICERS.—(1) The Director may designate in writing officers and employees of the judicial branch of the Government, including the courts as defined in section 610 other than the Supreme Court, to certify payment requests payable from appropriations and funds. These certifying officers shall be responsible and accountable for—

"(A) the existence and correctness of the facts recited in the certificate or other request for payment or its supporting papers;

"(B) the legality of the proposed payment under the appropriation or fund involved; and

"(C) the correctness of the computations of certified payment requests.

"(2) The liability of a certifying officer shall be enforced in the same manner and to the same extent as provided by law with respect to the enforcement of the liability of disbursing and other accountable officers. A certifying officer shall be required to make restitution to the United States for the amount of any illegal, improper, or incorrect payment resulting from any false, inaccurate, or misleading certificates made by the certifying officer, as well as for any payment prohibited by law or which did not represent a legal obligation under the appropriation or fund involved.

"(c) RIGHTS.—A certifying or disbursing officer—

"(1) has the right to apply for and obtain a decision by the Comptroller General on any question of law involved in a payment request presented for certification; and

"(2) is entitled to relief from liability arising under this section in accordance with title 31.

"(d) OTHER AUTHORITY NOT AFFECTED.—Nothing in this section affects the authority of the courts with respect to moneys deposited with the courts under chapter 129 of this title.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

"613. Disbursing and certifying officers.".

(c) DUTIES OF DIRECTOR.—Paragraph (8) of subsection (a) of section 604 of title 28, United States Code, is amended to read as follows:

"(8) Disburse appropriations and other funds for the maintenance and operation of the courts;".

### SEC. 110. FEE AUTHORITY FOR TECHNOLOGY RESOURCES IN THE COURTS.

(a) IN GENERAL.—Chapter 41 of title 28, United States Code, is amended by adding at the end the following:

**"§614. Authority to prescribe fees for technology resources in the courts**

"The Judicial Conference is authorized to prescribe reasonable fees pursuant to sections 1913, 1914, 1926, 1930, and 1932, for use of information technology resources provided by the judiciary to improve the efficiency of and access to the courts. Fees collected pursuant to this section are to be deposited in the Judiciary Information Technology Fund to be available to the Director without fiscal year limitation for reinvestment in information technology resources which will advance the purposes of this section.".

(b) Conforming Amendment.—The table of sections for chapter 41 of title 28, United States Code, is amended by adding at the end the following new item:

"614. Authority to prescribe fees for technology resources in the courts.".

## TITLE II—JUDICIAL PROCESS IMPROVEMENTS

### SEC. 201. EXTENSION OF STATUTORY AUTHORITY FOR MAGISTRATE JUDGE POSITIONS TO BE ESTABLISHED IN THE DISTRICT COURTS OF GUAM AND THE NORTHERN MARIANA ISLANDS.

Section 631 of title 28, United States Code, is amended—

(1) by striking the first two sentences of subsection (a) and inserting the following: "The judges of each United States district court and the district courts of the Virgin Islands, Guam, and the Northern Mariana Islands shall appoint United States magistrate judges in such numbers and to serve at such locations within the judicial districts as the Conference may determine under this chapter. In the case of a magistrate judge appointed by the district court of the Virgin Islands, Guam, or the Northern Mariana Islands, this chapter shall apply as though the court appointing such a magistrate judge were a United States district court."; and

(2) in the first sentence of subsection (b)(1), by inserting "the Territory of Guam, the Commonwealth of the Northern Mariana Islands," after "Commonwealth of Puerto Rico,".

### SEC. 202. MAGISTRATE JUDGE CONTEMPT AUTHORITY.

Section 636(e) of title 28, United States Code, is amended to read as follows:

"(e) Contempt Authority.—

"(1) Contempt authority.—A United States magistrate judge serving under this chapter shall have within the territorial jurisdiction prescribed by his or her appointment the power to exercise contempt authority as set forth in this subsection.

"(2) Summary criminal contempt authority.—A magistrate judge shall have the power to punish summarily by fine or imprisonment such contempt of his or her authority constituting misbehavior of any person in the magistrate judge's presence so as to obstruct the administration of justice. The order of contempt shall be issued pursuant to Federal Rules of Criminal Procedure.

"(3) Additional criminal contempt authority in civil consent and misdemeanor cases.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge shall have the power to punish by fine or imprisonment such criminal contempt constituting disobedience or resistance to the magistrate judge's lawful writ, process, order, rule, decree, or command. Disposition of such contempt shall be conducted upon notice and hearing pursuant to the Federal Rules of Criminal Procedure.

"(4) Civil contempt authority in civil consent and misdemeanor cases.—In any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, and in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, the magistrate judge may exercise the civil contempt authority of the district court. This paragraph shall not be construed to limit the authority of a magistrate judge to order sanctions pursuant to any other statute, the Federal Rules of Civil Procedure, or the Federal Rules of Criminal Procedure.

"(5) Criminal contempt penalties.—The sentence imposed by a magistrate judge for any criminal contempt set forth in paragraphs (2) and (3) of this subsection shall not exceed the penalties for a Class C misdemeanor as set forth in sections 3581(b)(8) and 3571(b)(6) of title 18.

"(6) Certification of other contempts to the district court.—Upon the commission of any act—

"(A) in any case in which a United States magistrate judge presides with the consent of the parties under subsection (c) of this section, or in any misdemeanor case proceeding before a magistrate judge under section 3401 of title 18, that may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection, or

"(B) in any other case or proceeding under subsection (a) or (b) of this section, or any other statute, where—

"(i) the act committed in the magistrate judge's presence may, in the opinion of the magistrate judge, constitute a serious criminal contempt punishable by penalties exceeding those set forth in paragraph (5) of this subsection,

"(ii) the act that constitutes a criminal contempt occurs outside the presence of the magistrate judge, or

"(iii) the act constitutes a civil contempt,

the magistrate judge shall forthwith certify the facts to a district judge and may serve or cause to be served upon any person whose behavior is brought into question under this paragraph an order requiring such person to appear before a district judge upon a day certain to show cause why he or she should not be adjudged in contempt by reason of the facts so certified. The district judge shall thereupon hear the evidence as to the act of conduct complained of and, if it is such as to warrant punishment, punish such person in the same manner and to the same extent as for a contempt committed before a district judge.

"(7) Appeals of magistrate judge contempt orders.—The appeal of an order of contempt issued pursuant to this subsection shall be made to the court of appeals in cases proceeding under subsection (c) of this section. The appeal of any other order to contempt issued pursuant to this subsection shall be made to the district court.".

### SEC. 203. CONSENT TO MAGISTRATE JUDGE AUTHORITY IN PETTY OFFENSE CASES AND MAGISTRATE JUDGE AUTHORITY IN MISDEMEANOR CASES INVOLVING JUVENILE DEFENDANTS.

(a) Amendments to Title 18.—

(1) Petty offense cases.—Section 3401(b) of title 18, United States Code, is amended by striking "that is a class B misdemeanor charging a motor vehicle offense, a class C misdemeanor, or an infraction" after "petty offense".

(2) Cases involving juveniles.—Section 3401(g) of title 18, United States Code, is amended—

(A) by striking the first sentence and inserting the following: "The magistrate judge may, in a petty offense case involving a juvenile, exercise all powers granted to the district court under chapter 403 of this title.";

(B) in the second sentence by striking "any other class B or C misdemeanor case" and inserting "the case of any misdemeanor, other than a petty offense,"; and

(C) by striking the last sentence.

(b) Amendments to Title 28.—Section 636(a) of title 28, United States Code, is amended by striking paragraphs (4) and (5) and inserting the following:

"(4) the power to enter a sentence for a petty offense; and

"(5) the power to enter a sentence for a class A misdemeanor in a case in which the parties have consented.".

### SEC. 204. SAVINGS AND LOAN DATA REPORTING REQUIREMENTS.

Section 604 of title 28, United States Code, is amended in subsection (a) by striking the second paragraph designated (24) (relating to the savings and loan crisis).

### SEC. 205. PLACE OF HOLDING COURT IN THE EASTERN DISTRICT OF TEXAS.

(a) Texas.—Section 124(c) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "Denton, and Grayson" and inserting "Delta, Denton, Fannin, Grayson, Hopkins, and Lamar"; and

(B) by inserting "and Plano" after "held at Sherman";

(2) by striking paragraph (4) and redesignating paragraphs (5) through (7) as paragraphs (4) through (6), respectively; and

(3) in paragraph (5), as so redesignated, by inserting "Red River," after "Franklin,".

(b) Texarkana.—Sections 83(b)(1) and 124(c)(5) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting after "held at Texarkana" the following: ", and may be held anywhere within the Federal courthouse in Texarkana that is located astride the State line between Texas and Arkansas".

### SEC. 206. FEDERAL SUBSTANCE ABUSE TREATMENT PROGRAM REAUTHORIZATION.

Section 4(a) of the Contract Services for Drug Dependent Federal Offenders Treatment Act of 1978 (Public Law 95–537; 92 Stat. 2038) is amended by striking all that follows "there are authorized to be appropriated" and inserting "for fiscal year 2000 and each fiscal year thereafter such sums as may be necessary to carry out this Act.".

### SEC. 207. MEMBERSHIP IN CIRCUIT JUDICIAL COUNCILS.

Section 332 of title 28, United States Code, is amended in subsection (a)—

(1) by striking paragraph (3) and inserting the following:

"(3) Except for the chief judge of the circuit, either judges in regular active service or judges retired from regular active service under section 371(b) of this title may serve as members of the council."; and

(2) by striking "retirement," in paragraph (5) and inserting "retirement pursuant to section 371(a) or section 372(a) of this title,".

### SEC. 208. SUNSET OF CIVIL JUSTICE EXPENSE AND DELAY REDUCTION PLANS.

Section 103(b)(2)(A) of the Civil Justice Reform Act of 1990 (Public Law 101–650; 104 Stat. 5096; 28 U.S.C. 471 note), as amended by Public Law 105–53 (111 Stat. 1173), is amended by inserting "471," after "sections".

### SEC. 209. TECHNICAL BANKRUPTCY CORRECTION.

Section 1228 of title 11, United States Code, is amended by striking "1222(b)(10)" each place it appears and inserting "1222(b)(9).".

### SEC. 210. AUTHORITY OF PRESIDING JUDGE TO ALLOW MEDIA COVERAGE OF COURT PROCEEDINGS.

(a) AUTHORITY OF APPELLATE COURTS.—Notwithstanding any other provision of law, the presiding judge of an appellate court of the United States may, in his or her discretion, with the consent of all named parties, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(b) AUTHORITY OF DISTRICT COURTS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, any presiding judge of a district court of the United States may, in his or her discretion, with the consent of all named parties, permit the photographing, electronic recording, broadcasting, or televising to the public of court proceedings over which that judge presides.

(2) OBSCURING OF WITNESSES.—(A) Upon the request of any witness in a trial proceeding other than a party, the court shall order the face and voice of the witness to be disguised or otherwise obscured in such manner as to render the witness unrecognizable to the broadcast audience of the trial proceeding.

(B) The presiding judge in a trial proceeding shall inform each witness who is not a party that the witness has the right to request that his or her image and voice be obscured during the witness' testimony.

(c) ADVISORY GUIDELINES.—The Judicial Conference of the United States is authorized to promulgate advisory guidelines to which a presiding judge shall refer in making decisions with respect to consistent criteria to be applied in the exercise of the discretion of the presiding judge, and to the management and administration of photographing, recording, broadcasting, and televising described in subsections (a) and (b).

(d) DEFINITIONS.—As used in this section:

(1) PRESIDING JUDGE.—The term "presiding judge" means the judge presiding over the court proceeding concerned. In proceedings in which more than one judge participates, the presiding judge shall be the senior active judge so participating or, in the case of a circuit court of appeals, the senior active circuit judge so participating, except that—

(A) in en banc sittings of any United States circuit court of appeals, the presiding judge shall be the chief judge of the circuit whenever the chief judge participates; and

(B) in en banc sittings of the Supreme Court of the United States, the presiding judge shall be the Chief Justice whenever the Chief Justice participates.

(2) APPELLATE COURT OF THE UNITED STATES.—The term "appellate court of the United States" means any United States circuit court of appeals and the Supreme Court of the United States.

(e) SUNSET.—The authority under subsection (b) shall terminate on the date that is 3 years after the date of the enactment of this Act.

## TITLE III—JUDICIAL PERSONNEL ADMINISTRATION, BENEFITS, AND PROTECTIONS

### SEC. 301. DISABILITY RETIREMENT AND COST-OF-LIVING ADJUSTMENTS OF ANNUITIES FOR TERRITORIAL JUDGES.

Section 373 of title 28, is amended—

(1) by amending subsection (c)(4) to read as follows:

"(4) Any senior judge performing judicial duties pursuant to recall under paragraph (2) of this subsection shall be paid, while performing such duties, the same compensation (in lieu of the annuity payable under this section) and the same allowances for travel and other expenses as a judge on active duty with the court being served.";

(2) by amending subsection (e) to read as follows:

"(e)(1) any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who is not reappointed (as judge of such court) shall be entitled, upon attaining the age of 65 years or upon relinquishing office if the judge is then beyond the age of 65 years—

"(A) if the judicial service of such judge, continuous or otherwise, aggregates 15 years or more, to receive during the remainder of such judge's life an annuity equal to the salary received when the judge left office; or

"(B) if such judicial service, continuous or otherwise, aggregated less then 15 years, to receive during the remainder of such judge's life an annuity equal to that proportion of such salary which the aggregate number of such judge's years of service bears to 15.

"(2) Any judge of the District Court of Guam, the District Court of the Northern Mariana Islands, or the District Court of the Virgin Islands who has served at least 5 years, continuously or otherwise, and who retires or is removed upon the sole ground of mental or physical disability, shall be entitled to receive during the remainder of such judge's life an annuity equal to 40 percent of the salary received when the judge left office or, in the case of a judge who has served at least 10 years, continuously or otherwise, an annuity equal to that proportion of such salary which the aggregate number of such judge's years of judicial service bears to 15."; and

(3) by amending subsection (g) to read as follows:

"(g) Any retired judge who is entitled to receive an annuity under this section shall be entitled to a cost-of-living adjustment in the amount computed as specified in section 8340(b) of title 5, except that in no case may the annuity payable to such retired judge, as increased under this subsection, exceed the salary of a judge in regular active service with the court on which the retired judge served before retiring.".

### SEC. 302. FEDERAL JUDICIAL CENTER PERSONNEL MATTERS.

Section 625 of title 28, United States Code, is amended—

(1) in subsection (b)—

(A) by striking ", United States Code, governing appointments in" and inserting "governing appointments in the";

(B) by striking "such title, relating" and inserting "such title relating";

(C) by striking "pay rates, section 5316, title 5, United States Code" and inserting "under section 5316 of title 5, except that the Director may fix the compensation of 4 positions of the Center at a level not to exceed the annual rate of pay in effect for level IV of the Executive Schedule under section 5315 of title 5"; and

(D) by striking "the Civil Servive" and all that follows through "Code" and inserting "subchapter III of chapter 83 of title 5 shall be adjusted pursuant to the provisions of section 8344 of such title, and the salary of a reemployed annuitant under chapter 84 of title 5 shall be adjusted pursuant to the provisions of section 8468 of such title";

(2) in subsection (c)—

(A) by striking ", United States Code, governing appointments in competitive service" and inserting "governing appointments in the competitive service,"; and

(B) by striking "such title, relating" and inserting "such title relating"; and

(3) in subsection (d)—

(A) by striking ", United States Code,"; and

(B) by striking ", section 5332, title 5, United States Code" and inserting "under section 5332 of title 5".

### SEC. 303. JUDICIAL ADMINISTRATIVE OFFICIALS RETIREMENT MATTERS.

(a) ELIMINATION OF MANDATORY RETIREMENT AGE FOR DIRECTOR OF FEDERAL JUDICIAL CENTER.—Section 627 of title 28, United States Code, is amended—

(1) by striking subsection (a); and

(2) by redesignating subsections (b) through (f) as subsections (a) through (e), respectively.

(b) CREDITABLE SERVICE FOR CERTAIN JUDICIAL ADMINISTRATIVE OFFICIALS.—

(1) Sections 611(d) and 627(d) (as redesignated by subsection (a) of this section) of title 28, United States Code, are each amended by inserting "a congressional employee in the capacity of primary administrative assistant to a Member of Congress or in the capacity of staff director or chief counsel for the majority or the minority of a committee or subcommittee of the Senate or House of Representatives," after "Congress,"; and

(2) Sections 611(b) and 627(b) (as redesignated by subsection (a) of this section) of such title are each amended—

(A) by striking "who has served at least fifteen years and" and inserting "who has at least fifteen years of service and has"; and

(B) in the first undesignated paragraph, by striking "who has served at least ten years," and inserting "who has at least ten years of service,".

(3) Sections 611(c) and 627(c) (as redesignated by subsection (a) of this section) of such title are each amended—

(A) by striking "served at least fifteen years," and inserting "at least fifteen years of service,"; and

(B) by striking "served less than fifteen years," and inserting "less than fifteen years of service,".

### SEC. 304. JUDGES' FIREARMS TRAINING.

(a) IN GENERAL.—Chapter 21 of title 28, United States Code, is amended by adding at the end the following new section:

**"§ 464. Carrying of firearms by judicial officers**

"(a) AUTHORITY.—A judicial officer of the United States is authorized to carry a firearm, whether concealed or not, under regulations promulgated by the Judicial Conference of the United States. The authority granted by this section shall extend only—

"(1) to those States in which the carrying of firearms by judicial officers of the State is permitted by State law, or

"(2) regardless of State law, to any State in which the judicial officer of the United States sits, resides, or is present on official travel status.

"(b) IMPLEMENTATION.—

"(1) REGULATIONS.—The regulations promulgated by the Judicial Conference under subsection (a) shall—

"(A) require a demonstration of a judicial officer's proficiency in the use and safety of firearms as a prerequisite to carrying of firearms under the authority of this section; and

"(B) ensure that the carrying of a firearm by a judicial officer under the protection of the United States Marshals Service while away from United States courthouses is consistent with Marshals Service policy on carrying of firearms by persons receiving such protection.

"(2) ASSISTANCE BY OTHER AGENCIES.—At the request of the Judicial Conference, the Attorney General and appropriate law enforcement components of the Department of Justice shall assist the Judicial Conference in developing and providing training to assist judicial officers in securing the proficiency referred to in paragraph (1).

"(c) DEFINITION.—For purposes of this section, the term 'judicial officer of the United States' means—

"(1) a justice or judge of the United States as defined in section 451 in regular active service or retired from regular active service;

"(2) a justice or judge of the United States who has been retired from the judicial office under section 371(a) for—

"(A) no longer than a 1-year period following such justice's or judge's retirement; or

"(B) a longer period of time if approved by the Judicial Conference of the United States when exceptional circumstances warrant;

"(3) a United States bankruptcy judge;

"(4) a full-time or part-time United States magistrate judge;

"(5) a judge of the United States Court of Federal Claims;

"(6) a judge of the United States District Court of Guam;

"(7) a judge of the United States District Court for the Northern Mariana Islands;

"(8) a judge of the United States District Court of the Virgin Islands; or

"(9) an individual who is retired from one of the judicial positions described under paragraphs (3) through (8) to the extent provided for in regulations of the Judicial Conference of the United States.

"(d) EXCEPTION.—Notwithstanding section 46303(c)(1) of title 49, nothing in this section authorizes a judicial officer of the United States to carry a dangerous weapon on an aircraft or other common carrier.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 21 of title 28, United States Code, is amended—

(A) in the item relating to section 452, by striking "power" and inserting "powers"; and

(B) by adding at the end the following:

"464. Carrying of firearms by judicial officers.".

(2) The section heading for section 453 of title 28, United States Code, is amended to read as follows:

**"§ 453. Oath of justices and judges".**

(c) EFFECTIVE DATE.—The amendments made by subsection (a) and subsection (b)(1)(B) of this section shall take effect upon the earlier of the promulgation of regulations by the Judicial Conference under this section or one year after the date of the enactment of this Act.

### SEC. 305. REMOVAL OF AUTOMATIC EXCUSE FROM JURY SERVICE FOR MEMBERS OF THE ARMED SERVICES, MEMBERS OF FIRE AND POLICE DEPARTMENTS, AND PUBLIC OFFICERS.

(a) REMOVAL OF AUTOMATIC EXCUSE.—Section 1863(b) of title 28, United States Code, is amended by striking paragraph (6) and redesignating subsequent paragraphs accordingly.

(b) CONFORMING AMENDMENTS.—Section 1869 of title 28, United States Code, is amended—

(1) by striking subsections (i) and (k);

(2) by redesignating subsection (j) as subsection (i) and by striking the semicolon at the end and inserting "; and"; and

(3) by redesignating subsection (l) as subsection (k).

(c) SERVICE BY MEMBERS OF ARMED FORCES.—(1) Section 982 of title 10, United States Code, is amended—

(A) by amending the section heading to read as follows:

**"§ 982. Members: service on Federal, State, and local juries"; and**

(B) in subsection (a) by striking "State or" and inserting "Federal, State, or".

(2) The item relating to section 982 in the table of sections for chapter 49 of title 10, United States Code, is amended to read as follows:

"982. Members: service on Federal, State, and local juries.".

### SEC. 306. EXPANDED WORKERS' COMPENSATION COVERAGE FOR JURORS.

Paragraph (2) of section 1877(b) of title 28, United States Code, is amended—

(1) by striking "or" at the end of clause (C); and

(2) by inserting before the period at the end of clause (D) ", or (E) traveling to or from the courthouse pursuant to a jury summons or sequestration order, or as otherwise necessitated by order of the court".

### SEC. 307. PROPERTY DAMAGE, THEFT, AND LOSS CLAIMS OF JURORS.

Section 604 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(i) The Director may pay a claim by a person summoned to serve or serving as a grand juror or petit juror for loss of, or damage to, personal property that occurs incident to that person's performance of duties in response to the summons or at the direction of an officer of the court. With respect to claims, the Director shall have the authority granted to the head of an agency by section 3721 of title 31 for consideration of employees' personal property claims. The Director shall prescribe guidelines for the consideration of claims under this subsection.".

### SEC. 308. ELIMINATION OF THE PUBLIC DRAWING REQUIREMENTS FOR SELECTION OF JUROR WHEELS.

(a) DRAWING OF NAMES FROM MASTER WHEEL.—Section 1864(a) of title 28, United States Code, is amended—

(1) by striking "publicly" in the first sentence; and

(2) by inserting after the first sentence the following: "The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.".

(b) SELECTION AND SUMMONING OF JURY PANELS.—Section 1866(a) of title 28, United States Code, is amended—

(1) by striking "publicly" in the second sentence; and

(2) by inserting after the second sentence the following: "The clerk or jury commission shall post a general notice for public review in the clerk's office explaining the process by which names are periodically and randomly drawn.".

### SEC. 309. ANNUAL LEAVE LIMIT FOR COURT UNIT EXECUTIVES.

Section 6304(f)(1) of title 5, United States Code, is amended—

(1) in subparagraph (D), by striking "or" after the semicolon;

(2) in subparagraph (E), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(F) the judicial branch designated as a court unit executive position by the Judicial Conference of the United States.".

### SEC. 310. PAYMENTS TO MILITARY SURVIVOR BENEFIT PLAN.

Section 371(e) of title 28, United States Code, is amended by inserting after "such retired or retainer pay" the following: ", except such pay as is deductible from the retired or retainer pay as a result of participation in any survivor's benefits plan in connection with the retired pay,".

### SEC. 311. AUTHORIZATION OF A CIRCUIT EXECUTIVE FOR THE FEDERAL CIRCUIT.

Section 332 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h)(1) The United States Court of Appeals for the Federal Circuit may appoint a circuit executive, who shall serve at the pleasure of the court. In appointing a circuit executive, the court shall take into account experience in administrative and executive positions, familiarity with court procedures, and special training. The circuit executive shall exercise such administrative powers and perform such duties as may be delegated by the court. The duties delegated to the circuit executive may include but need not be limited to the duties specified in subsection (e) of this section, insofar as they are applicable to the Court of Appeals for the Federal Circuit.

"(2) The circuit executive shall be paid the salary for circuit executives established under subsection (f) of this section.

"(3) The circuit executive may appoint, with the approval of the court, necessary employees in such number as may be approved by the Director of the Administrative Office of the United States Courts.

"(4) The circuit executive and staff shall be deemed to be officers and employees of the United States within the meaning of the statutes specified in subsection (f)(4).

"(5) The court may appoint either a circuit executive under this subsection or a clerk under section 711 of this title, but not both, or may appoint a combined circuit executive/clerk who shall be paid the salary of a circuit executive.".

### SEC. 312. AMENDMENT TO THE JURY SELECTION PROCESS.

Section 1865 of title 28, United States Code, is amended—

(1) in subsection (a) by inserting "or the clerk under supervision of the court if the court's jury selection plan so authorizes," after "jury commission,"; and

(2) in subsection (b) by inserting "or the clerk if the court's jury selection plan so provides," after "may provide,".

### SEC. 313. SUPPLEMENTAL ATTENDANCE FEE FOR PETIT JURORS SERVING ON LENGTHY TRIALS.

Section 1871(b)(2) of title 28, United States Code, is amended by striking "thirty" each place it appears and inserting "five".

### SEC. 314. SERVICE ON TERRITORIAL COURTS.

Section 174 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c) Upon request by or on behalf of a territorial court, and with the concurrence of the chief judge of the Court of Federal Claims and the chief judge of the judicial circuit involved based upon a finding of need, judges of the Court of Federal Claims shall have the authority to conduct proceedings in the district courts of territories to the same extent as duly appointed judges of those courts.".

### SEC. 315. RESIDENCE OF RETIRED JUDGES.

Section 175 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(c) Retired judges of the Court of Federal Claims are not subject to restrictions as to residence. The place where a retired judge maintains the actual abode in which such judge customarily lives shall be deemed to be the judge's official duty station for the purposes of section 456 of this title.".

### SEC. 316. COURT OF FEDERAL CLAIMS JUDICIAL CONFERENCE.

(a) In General.—Chapter 15 of title 28, United States Code, is amended by adding at the end the following new section:

**"§ 336. Judicial Conference of the Court of Federal Claims**

"(a) Annual Conference.—The chief judge of the Court of Federal Claims is authorized to summon annually the judges of that court to a judicial conference, at a time and place that the chief judge designates, for the purpose of considering the business of the Court of Federal Claims and improvements in the administration of justice in that court.

"(b) Representation and Participation by Members of the Bar.—The Court of Federal Claims shall provide by its rules or by general order for representation and active participation by members of the bar at the judicial conference summoned under subsection (a).".

(b) Conforming Amendment.—The table of sections of chapter 15 of title 28, United States Code, is amended by adding at the end the following new item:

"336. Judicial Conference of the Court of Federal Claims.".

### SEC. 317. RECALL OF JUDGES ON DISABILITY STATUS.

Section 797(a) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) Any judge of the Court of Federal Claims receiving an annuity pursuant to section 178(c) of this title (pertaining to disability) who, in the estimation of the chief judge, has recovered sufficiently to render judicial service, shall be known and designated as a senior judge and may perform duties as a judge when recalled pursuant to subsection (b) of this section.".

### SEC. 318. SENIOR STATUS PROVISION.

(a) In General.—Section 178 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(m) For purposes of section 3121(i)(5) of the Internal Revenue Act of 1986 (26 U.S.C. 3121(i)(5)) and section 209(h) of the Social Security Act (42 U.S.C. 409(h)), the annuity of a judge of the Court of Federal Claims who is on senior status after attaining age 65 shall be deemed to be an amount paid under section 371(b) of this title for performing services under the provisions of section 294 of this title.".

(b) Clerical Amendment.—Section 178(k)(2) of title 28, United States Code, is amended by inserting "the" after "Director of".

### SEC. 319. MISCELLANEOUS PROVISION.

Chapter 7 of title 28, United States Code, is amended by adding after section 178 the following new section:

**"§ 179. Insurance and annuities programs**

"(a) Judges Deemed to be Officers for Purposes of Title 5.—For purposes of construing title 5, a judge of the United States Court of Federal Claims shall be deemed to be an 'officer' under section 2104(a) of such title.

"(b) Health Insurance Benefits.—For purposes of construing chapter 89 of title 5, a judge of the United States Court of Federal Claims who—

"(1) is retired under section 178(a) or (b) of this title and performs recall service under section 178(d) of this title, and

"(2) was enrolled in a health benefits plan under chapter 89 of title 5 at the time the judge became a retired judge,

shall be deemed to be an annuitant meeting the requirements of section 8905(b)(1) of title 5, notwithstanding the length of enrollment prior to the date of retirement.".

## TITLE IV—CRIMINAL JUSTICE ACT AMENDMENTS

### SEC. 401. MAXIMUM AMOUNTS OF COMPENSATION FOR ATTORNEYS.

Paragraph (2) of subsection (d) of section 3006A of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by striking "$3,500" and inserting "$5,400";

(B) by striking "$1,000" and inserting "$1,600";

(2) in the second sentence by striking "$2,500" and inserting "$3,900";

(3) in the third sentence—

(A) by striking "$750" and inserting "$1,200"; and

(B) by striking "$2,500" and inserting "$3,900";

(4) by inserting after the second sentence the following new sentence: "For representation of a petitioner in a non-capital habeas corpus proceeding, the compensation for each attorney shall not exceed the amount applicable to a felony in this paragraph for representation of a defendant before a judicial officer of the district court. For representation of such petitioner in an appellate court, the compensation for each attorney shall not exceed the amount applicable for representation of a defendant in an appellate court."; and

(5) in the last sentence by striking "$750" and inserting "$1,200".

### SEC. 402. MAXIMUM AMOUNTS OF COMPENSATION FOR SERVICES OTHER THAN COUNSEL.

Section 3006A(e) of title 18, United States Code, is amended—

(1) in paragraph (2)—

(A) in subparagraph (A) by striking "$300" and inserting "$500"; and

(B) in subparagraph (B) by striking "$300" and inserting "$500"; and

(2) in paragraph (3) in the first sentence by striking "$1,000" and inserting "$1,600".

### SEC. 403. TORT CLAIMS ACT AMENDMENTS RELATING TO LIABILITY OF FEDERAL PUBLIC DEFENDERS.

Section 2671 of title 28, United States Code, is amended in the second paragraph—

(1) by inserting "(1)" after "includes"; and

(2) by striking the period at the end and inserting the following: ", and (2) any officer or employee of a Federal Public Defender Organization, except when such officer or employee performs professional services in the course of providing representation under section 3006A of title 18.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from North Carolina (Mr. Coble) and the gentleman from Virginia (Mr. Boucher) each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina (Mr. Coble).

### GENERAL LEAVE

Mr. COBLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1752.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1752 contains several provisions that are needed to improve the Federal court system. It is designed to improve administration and procedures, eliminate operational inefficiencies, and reduce operating expenses.

The provisions contained in H.R. 1752 address administrative, financial, personnel, organizational, and technical changes that are needed by the Article III Federal courts and their supporting agencies. These provisions are designed to have a positive effect on the operations of the Federal courts and enhance the delivery of justice in the Federal system.

The manager's amendment makes no substantive changes. However, on the advice of legislative counsel, certain technical and conforming changes have been made to H.R. 1752. Furthermore, after consultation with the Committee on the Budget, it became clear that the provision regarding the civil asset forfeiture would require unanticipated expenditures. Therefore, it was taken out of H.R. 1752 and will be reconsidered in the future.

H.R. 1752, Mr. Speaker, is necessary legislation for the proper functioning of our United States courts. It is nonpartisan and noncontroversial, and I urge the House to pass H.R. 1752.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today in support of this measure, which has been well described and characterized by the gentleman from North Carolina (Mr. Coble), the chairman of the Subcommittee on Courts and Intellectual Property; and I commend him for his leadership in bringing this measure to the floor today.

The Federal Courts Improvement Act makes a variety of changes requested by the Judicial Conference to improve administration and operation of the United States courts. Among other measures, the bill harmonizes a variety of court fees, grants magistrate judges the power to exercise contempt authority in several instances, gives presiding judges the authority to allow media coverage of court proceedings in appropriate cases, and removes the automatic excuse from jury service for certain State and local employees and officials.

These changes will improve the operation of the United States courts, and I am pleased to endorse them this afternoon and to encourage our colleagues to pass this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Virginia (Mr. Boucher) for his generous words. I thank the gentleman from California (Mr. Berman), ranking member, and all Members of the subcommittee for their assistance in formulating this bill and moving it forward to the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from North Carolina (Mr. COBLE) that the House suspend the rules and pass the bill, H.R. 1752, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1430

## EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ALABAMA

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3852) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The Clerk read as follows:

H.R. 3852

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.**

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

The SPEAKER pro tempore (Mr. MILLER of Florida). Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

H.R. 3852 extends the construction period for a hydroelectric project in the State of Alabama. Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not yet begun, FERC cannot extend the deadline and must terminate the license. H.R. 3852 grants the project developer up to 6 additional years to commence construction if it pursues the commencement of construction in good faith and with due diligence.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards, but merely extends the construction deadline.

There is a need to act, Mr. Speaker, since the construction deadline for the George Andrews project expires in September. If Congress does not act, FERC will terminate the license, the project owner will lose its investment in the project, and the local community will lose jobs and revenues.

Mr. Speaker, I urge support of H.R. 3852.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this measure. I want to congratulate our colleague, the gentleman from South Carolina (Mr. DEMINT), for his efforts on this measure. He has made an excellent case to the House for its approval, and I am pleased to urge its approval today.

The legislation directs the Federal Energy Regulatory Commission to extend the deadline for commencement of construction on the Andrews project, which is a 24 megawatt hydroelectric facility to be located on the Chattahoochee River in Houston County, Alabama and Early County, Georgia. The construction deadline for the project expires on September 21 of this year, and it is the purpose of this legislation to extend that deadline. The legislation will extend the deadline for up to 3 additional 2-year periods.

Congress has enacted similar legislation in past years extending construction deadlines on projects of this nature, and this particular legislation was reported unanimously by the Subcommittee on Energy and Power and by the full Committee on Commerce. I know of no objection to this legislation, either from any of our colleagues or from any States that have an interest in the project; and I am, therefore, pleased to urge its passage by the House.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3852.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF ARROWROCK DAM HYDROELECTRIC PROJECT IN STATE OF IDAHO

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1236) to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho, as amended.

The Clerk read as follows:

S. 1236

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.***

*(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive two-year periods.*

*(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).*

*(c) REINSTATEMENT OF EXPIRED LICENSE.—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 1236 extends the construction period for the Arrowrock Dam Hydroelectric Project in the State of Idaho. Under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of the license. If construction has not begun by that time, FERC cannot extend the deadline and must terminate the license. S. 1236 authorizes the FERC to grant the project owner up to 6 additional years to commence construction in accordance with the good faith, due diligence, and public interest requirements of section 13 of the Federal Power Act.

These types of bills have not been controversial in the past. The bill does not change the license requirements in any way and does not change environmental standards but merely extends the construction deadline. The construction deadline for the project expired in March 1999; and, unless Congress acts, FERC will terminate the license, the project owner will lose its investment, and the local community will lose jobs and revenues.

I note this project already received a legislative extension in 1992. For that reason, the committee expects that FERC will vigorously apply the good faith, due diligence, and public interest requirements of the Federal Power Act. If FERC determines that the owner is no longer pursuing project construction in good faith and with due diligence, the agency should refuse to issue further extensions in the construction deadline.

Mr. Speaker, I urge support of S. 1236.

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support today of S. 1236 as reported by the Committee on Commerce. In its original form, this legislation would have authorized the Federal Energy Regulatory Commission to extend for 6 more years the deadline for commencing construction of the Arrowrock Dam Project in the State of Idaho.

In his testimony before the subcommittee on the legislation, the chairman of the Federal Energy Regulatory Commission stated his opposition to the bill in the form in which it was then pending before the committee because it would have extended the construction deadline on the Arrowrock Project for a total of up to 16 years.

Traditionally, Congress extends these licenses for a total of only 10 years; and in those instances in which FERC does not object, licenses have been extended for up to that period. I am only aware of one instance in recent memory in which a license has been extended for as much as 16 years.

When an entity holds a license but fails to develop a project, it is potentially preventing others from developing and exploiting that site for hydropower or for other uses. Sometimes a licensee who is not developing a site may be purposefully using license extensions for the very purpose of preventing other potential applicants from developing the site, and that is a process that is known as site banking.

When those rare instances occur in which we extend the license beyond the traditional period of 10 years, it is crucial that we ensure that the Federal Energy Regulatory Commission has the authority and the direction from Congress to prevent site banking.

The reported legislation of the Committee on Commerce, which was drafted with the full participation of the minority, ensures that the FERC has the authority to guard against site banking in this instance. The report is well drafted, and I want to thank the chairman of the subcommittee, my colleague and friend, the gentleman from Texas (Mr. BARTON), for ensuring that the committee report on the measure provides clear direction to FERC to be vigilant in this area. I had requested that treatment during subcommittee consideration; and, in fact, it was provided.

The report clearly states that if the Federal Energy Regulatory Commission determines that the licensee is not pursuing construction in accordance with the good faith, due diligence, and public interest requirements that are contained in section 13 of the Federal Power Act, then the committee expects the agency to refuse to grant a request for an additional license extension, and in that instance to terminate the license.

The subcommittee also corrects an oversight by the other body which failed to provide for the reinstatement of the license in the event that it lapses. And I would note that in this case the license has in fact lapsed and that correction is contained in the substitute that we are considering today.

Mr. Speaker, I support this measure as reported from the committee; and I am pleased to urge our colleagues to approve it this afternoon.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 1236, as amended.

The question was taken.

Mr. OXLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## MUHAMMAD ALI BOXING REFORM ACT

Mr. OXLEY. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 1832) to reform unfair and anti-competitive practices in the professional boxing industry.

The Clerk read as follows:

Senate amendments:

Page 6, after line 17, insert:

*"(c) PROTECTION FROM COERCIVE CONTRACTS WITH BROADCASTERS.—Subsection (a) of this section applies to any contract between a commercial broadcaster and a boxer, or granting any rights with respect to that boxer, involving a broadcast in or affecting interstate commerce, regardless of the broadcast medium. For the purpose of this subsection, any reference in subsection (a)(1)(B) to 'promoter' shall be considered a reference to 'commercial broadcaster'.*

*Page 17, after line 24, insert:*

*(1) in paragraph (9) by inserting after "match." the following: "The term 'promoter' does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—*

*"(A) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and*

*"(B) there is no other person primarily responsible for organizing, promoting, and producing the match.";*

*Page 18, line 1, strike out "(1)" and insert "(2)"*

*Page 18, line 4, strike out "(2)" and insert: "(3)".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from Virginia (Mr. BOUCHER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

### GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. OXLEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am proud to sponsor H.R. 1832, the Muhammad Ali Act, to enact anti-bribery safeguards for the sport of boxing.

Four years ago, I sponsored another piece of legislation, the Professional Boxing Safety Act of 1996. This act established the first-ever uniform licensing and health and safety system to protect professional boxers, and prohibited conflicts of interest by boxing's State regulatory commissions. This legislation was a great success, but the State boxing commissions and attorneys general have now asked us to go the next step to clean up the corruption among boxing's promoters, managers, and sanctioning bodies.

Ironically, the Professional Boxing Safety Act took effect on the same weekend as the now infamous fight between Mike Tyson and Evander Holyfield, where Tyson bit off a piece of Holyfield's ear. Before this act took effect, there was no uniform safety laws governing boxers, and States were unable to effectively regulate the sport. Because of the Professional Boxing Safety Act, the suspension of Mike Tyson by the Nevada Boxing Commission was recognized nationwide, preventing Tyson from fighting again until his suspension was completed.

The Muhammad Ali Boxing Reform Act, which we consider today, amends the Professional Boxing Safety Act to expand the consumer protections and anti-bribery provisions. It prevents promoters, sanctioning bodies, and networks from forcing boxers into coercive contracts as a condition of participating in a mandatory bout. No longer will promoters be able to abuse boxers and monopolize the sport by requiring boxers to sign away all their rights in order to get a big break or keep their ranking.

The bill also cleans up the arbitrary ranking systems of sanctioning bodies. In the past, promoters and sanctioning bodies have been able to rig the sport by placing favored boxers who have signed away promotional rights in the top rankings. Boxers who do not grant appropriate favors are arbitrarily dropped from the ranking or prevented from moving up. This bill requires the sanctioning bodies to publish written criteria for ranking boxers and requires sanctioning bodies and promoters to disclose all revenues and other compensation received in connection with the boxers to minimize the opportunities for bribery and back-room dealing.

This new system will force sanctioning bodies to rank boxers based on merit not subservience. It will mean new opportunities for honest boxers who are trying to fight their way up the rankings and more integrity and respect for the sport since boxing fans will know that championship matches are being fought by true champions.

□ 1445

Judges and referees are also required to clean up their act under this legislation. They must be certified and approved by a State boxing commission, and they are required to disclose their sources of compensation in order to prevent any impropriety. No longer will sanctioning bodies and promoters be able to influence judges or hire uncertified referees.

The State boxing commissions are directed to develop and approve guidelines for uniform rating criteria for boxers. Boxing has long suffered from the lack of standardized rankings. This legislation maintains flexibility but directs the establishment of uniform guidelines to increase public confidence in the sport.

H.R. 1832 finishes the job started several years ago by weeding out corruption from boxing. It passed the House last November by voice vote. The only change today is the addition by the Senate of a provision stating that commercial broadcasters cannot coerce boxers into coercive contracts, parallel to the same restrictions already in the bill for promoters.

I do not believe that broadcasters have any interest in forcing boxers into exclusive long-term contracts as a condition of being able to fight in a broadcast event, so I view the amendment as a supplemental safeguard.

This legislation is good for boxing and good for the fans. It has been endorsed by almost every major boxing magazine, numerous high-profile boxers, promoters, managers, and almost half of the U.S. State attorneys general.

In the words of one of boxing's greatest, Muhammad Ali, "The day this bill is signed into law cannot come soon enough. I pray justice will be done and somehow, along the way, honor can be restored to this sport."

Mr. Speaker, I reserve the balance of my time.

Mr. BOUCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to begin this afternoon by commending our colleague, the gentleman from Ohio (Mr. OXLEY), for his truly excellent work in bringing this measure forward. I think he has performed an important public service. I am pleased to lend my support to the passage of this legislation.

Mr. Speaker, the Muhammad Ali Boxing Reform Act is cosponsored by 11 Democratic Members, including three Democratic members of the Committee on Commerce: the gentleman from New York (Mr. ENGEL), the gentleman from New Jersey (Mr. PALLONE), and the gentleman from Texas (Mr. HALL).

The bill was reported from the Committee on Commerce and was passed by the full House by voice vote. It also was approved by the Senate with an amendment by unanimous consent. And today we consider that Senate amendment, which I am pleased to endorse and with regard to which I am pleased to urge approval.

In 1996, the Committee on Commerce reported legislation which became law establishing minimum health and safety standards for professional boxing. The bill that we are considering today addresses abuses that occur on the business side of boxing. The bill contains protections for professional boxers against coercive contracts they may be pressured to sign by nonscrupulous promoters. The amendment to the bill added by the other body applies this same protection against coercive contracts that may be presented by broadcasters.

In addition, the bill requires sanctioning organizations and promoters to disclose to the State boxing commissions any agreement that they may have with the boxer and any fees they charge the boxer in the case of a fight of 10 rounds or more. These, I think, are helpful provisions.

Mr. Speaker, this bill has enjoyed broad support throughout the entire process, and I am pleased today to urge our colleagues to adopt the Senate amendment and give approval to this measure.

Mr. Speaker, I am pleased to yield 4 minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I thank the gentleman from Ohio (Chairman OXLEY) and the gentleman from Virginia (Mr. BOUCHER) for their hard work on this bill.

My colleagues may wonder why this feminist Member is coming to the floor on this bill to strongly support it. I note that my name was not read off as a cosponsor. I have to ask my staff, in light of a bill I introduced, H.R. 2354, how they missed this one.

After the heavyweight match between Mike Tyson and Evander Holyfield in Las Vegas, I was so stunned and shamed by the incident that I decided to learn a little bit about this sport, which, I confess, I do not favor but accept as a reality will be with us for some time, and discovered the loophole that is closed by this bill today.

I introduced the State Reciprocity and Professional Boxing Act of 1997 since I saw I had no assurance that Mike Tyson could not, when suspended in Nevada, go off and fight in some other State. That seemed to me to be unprofessional and not what either the Congress intended in the Professional Boxing Safety Act of 1996 or, for that matter, anybody who watched that disgraceful performance would have wanted.

Now this bill has come forward to do precisely what my bill would have done and to go somewhat further in adopting the Senate amendments to ensure that no boxer is permitted to box while under suspension by any other State.

Wherever one stands on whether or not grown men should get in a ring and go at one another, we certainly know that they ought to do so governed by sportsman-like conduct.

I think it is most appropriate that this bill is named for Muhammad Ali. I am sure that if he were inclined to speak, as he often spoke out as a young man, he would find that this bill does the sport proud and helps elevate the sport once again.

I believe that the House, in making sure that it is vigilant whenever it sees amendments that should be made to the Professional Boxing Safety Act of 1996, does a great service to the sport, to reclaiming its good name, and especially to those honorable men and women, the great majority of them who continue to exercise this sport.

In light of my own concern and my own bill right after the Tyson-Holyfield fight, I wanted to be sure to come forward to thank the chairman and the ranking member for their diligence in seeing to it that this loophole is closed.

Mr. OXLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me thank the gentlewoman from the District of Columbia (Ms. NORTON) for her words and for her support of this legislation, as well as my good friend, the gentleman from Virginia (Mr. BOUCHER).

I would be remiss, also, without mentioning our good friend, Senator JOHN MCCAIN, who had been a real leader on this issue, the chairman of the Committee on Commerce in the Senate and the driving force behind this bill and the one we previously passed 2 years ago. So we want to thank him for his leadership.

Mr. TAUZIN. Mr. Speaker, I rise in support of H.R. 1832, the Muhammad Ali Boxing Reform Act.

I grew up as a young boy living in south Louisiana. The first television set in our community came to my grandfather's house, and some of my earliest bonding memories with my dad and grandfather were when we got together with our friends from the whole community and gathered around that only television set in our area to watch the great boxing fights of our day.

Perhaps the greatest fighter in all of boxing history is Muhammad Ali. Muhammad Ali gave his name to this legislation because he believes it is absolutely critical to help protect boxers and clean up the sport from the occasional unscrupulous individuals who have recently given it a bad name.

Last June, my Commerce Subcommittee on Telecommunications, Trade, and Consumer Protection held a hearing on this legislation to get input from various State boxing commissioners, promoters, managers, boxing fans, and boxers. Coincidentally, the hearing took place just after an extremely controversial decision in a fight between Evander Holyfield and Lennox Lewis, in which an International Boxing Federation judge awarded the title to Mr. Holyfield, the IBF champion, instead of to Mr. Lewis, the World Boxing Council champion and clear apparent winner according to most boxing commentators. At our hearing, one witness said the decision by the IBF judge was dishonest, two said it was incompetent, the third called it "highly influenced", and Middleweight Boxer Alfonzo Daniels simply replied, "Lewis was robbed".

We are all robbed when this kind of corruption and incompetence touches on this great sport. Since that time there have continued to be indictments and allegations of corruption in the sport. The Miami Herald reported that over 30 prize fights have been fixed or tainted with fraud in the last dozen years. A Los Angeles Times investigation found that boxing ranking were sometimes sold by sanctioning bodies and that boxing promoters and managers make thinly disguised bribes to improve their boxers' standings and to get them more lucrative fights.

In fact, the week before the House passed an earlier version of this legislation last November, a Federal grand jury issued a 32-count indictment against the President and three officials of the International Boxing Federation on charges of taking bribes from promoters and managers to manipulate rankings, as well as racketeering and money laundering. According to the Federal prosecutor, "In the IBF, ranking were bought, not earned . . . completely corrupt[ing] the . . . ranking system."

This legislation will remove the few rotten actors that have been giving a bad name to the numerous honest and hardworking individuals that have made this sport so great. It is good for boxing and good for boxing fans. We will now all be able to trust in the integrity of the sport, and enjoy without suspicion boxing's championship fights, just like I did with my father and grandfather many years ago.

In conclusion, I would like to thank some of the people who have worked so hard on this legislation to make it a reality, including ABC President Greg Sirb, promoter Tony Holden, Senate Commerce Committee staff Paul Feeney, George Otto with the Quarry Foundation, and of course the Great One, Muhammad Ali, without whose persistence and support we would not be able to achieve what we are about to accomplish here today.

Mr. OXLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BOUCHER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 1832.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

## NATIONAL MOMENT OF REMEMBRANCE TO HONOR MEN AND WOMEN WHO DIED IN PURSUIT OF FREEDOM AND PEACE

Mrs. BIGGERT. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 302) calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace.

The Clerk read as follows:

H. CON. RES. 302

Whereas the preservation of basic freedoms and world peace has always been a valued objective of this nation;

Whereas thousands of American men and women have selflessly given their lives in service as peacemakers and peacekeepers;

Whereas greater strides should be made to demonstrate appreciation for these loyal Americans and the ultimate sacrifice they each made;

Whereas Memorial Day is an appropriate day to remember American heroes by inviting the people of the United States to honor these heroes at a designated time;

Whereas Memorial Day needs to be made relevant to both present and future generations of Americans; and

Whereas a National Moment of Remembrance each Memorial Day at 3:00 p.m., local time, would provide the people of the United States an opportunity to participate in a symbolic act of American unity: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That the Congress—

(1) calls on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; and

(2) requests that the President issue a proclamation calling on the people of the United States to observe such a National Moment of Remembrance.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Illinois (Mrs. BIGGERT) and the gentlewoman from the District of Columbia (Ms. NORTON) each will control 20 minutes.

The Chair recognizes the gentlewoman from Illinois (Mrs. BIGGERT).

## GENERAL LEAVE

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 302.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

Mrs. BIGGERT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, President Calvin Coolidge once said, "The nation which forgets its defenders will be itself forgotten."

President Coolidge's words highlight the reason we must never forget those who have sacrificed everything for the defense of this country. They are also one of the main reasons why I rise today in strong support of House Concurrent Resolution 302, sponsored by our colleagues, the gentleman from California (Mr. ROHRABACHER) and the gentleman from Pennsylvania (Mr. MURTHA).

This bipartisan resolution calls upon the American people this Memorial Day to join together and observe a National Moment of Remembrance to honor the men and women who died in the pursuit of freedom and peace. The resolution also asks the President to issue a proclamation calling on the people of the United States to observe at 3 p.m. local time a National Moment of Remembrance for all those who fought for our country.

To put it succinctly, Mr. Speaker, the purpose of this resolution is to put the "memorial" back in "Memorial Day." It is intended to serve as a reminder that a day has been set aside for us to formally recognize and give thanks for the efforts of those who have served in uniform.

Unfortunately, the meaning of this special day is slowly fading from our national conscience. In May 1996, children touring Lafayette Park here in our Nation's capital were asked about the meaning of Memorial Day. Their answer was "That's the day the pools open."

That exchange, which occurred right across the street from the White House, sparked the idea of a Moment of Remembrance to remind us all why we celebrate Memorial Day. This movement has been led by one of America's premier humanitarian organizations, No Greater Love.

Thanks to the efforts of this dedicated organization, 1997 was the first day in our history that "Taps" was played at 3 p.m. on Memorial Day in locations throughout the country. This simple but meaningful remembrance continued in 1998 and 1999. And how appropriate that dignified ceremony is.

No one can hear that solitary bugle's music without reflecting on the many fallen heroes at whose funerals it has been played over the years. These heroes were men and women who, in this century alone, saw us through two world wars, conflicts in Korea and Vietnam, and more, recently, the victory in the Persian Gulf. Their strength also led us through a Cold War and laid the groundwork for democracy and freedom to flourish worldwide.

Mr. Speaker, in an article entitled "Freedom's Worth," Marine Lt. Col. Jeff Douglass described an incident that he experienced while waiting for a flight in Sarajevo while serving on assignment with NATO forces in Bosnia and Herzegovina.

I want to quote from this article to give us all a better understanding of what is behind this resolution.

> While waiting for the flight from Sarajevo to Vienna, I found myself in a conversation with a gentleman named Peter. Peter was departing Sarajevo after gathering research for a book he was writing. As we stood waiting for the flight, Peter pointed to my passport and said, "Do you know what that is worth?" I looked at him, then at my passport. "I'm afraid I don't understand," I replied.
>
> He glanced at me with a puzzled look, then laughed. "Of course," he said. "Forgive me, I forgot. You Americans do not realize the blessings you have. So many in this world envy you, and you do not know what you have."
>
> Peter pointed to the people who filled the terminal and waited for the same flight. There in the fog of tobacco smoke and the physical evidence of damage caused by the recent war, many travelers looked sad, saying good-bye to loved ones and friends.
>
> As we watched, Peter continued his comments. "You see, freedom is what these people cherish. It is such a dream for many. Here, as in the case for many countries, families are willing to send their young away to freedom, in spite of the pain. You Americans are a lighthouse beacon for freedom and I wonder if you realize this."

□ 1500

Mr. Speaker, this resolution invites all Americans to keep in mind how blessed we are to live in this land of the free. But more important, by encouraging all of us to take one minute this Memorial Day to remember the thousands of young men and women who have given their lives to defend this Nation, it will give us a better understanding of the high price of the liberties we enjoy.

And our children will learn that there is much more, much more to Memorial Day than a day at the beach or the pool. They will also better understand the meaning of these words President Lincoln penned to Mrs. Bixby upon learning of the death of her five sons who died on Civil War battlefields.

> I feel how weak and fruitless must be my word of mine which should attempt to beguile from the grief of a loss so overwhelming. But I cannot refrain from tendering to you the consolation that may be found in the thanks of the Republic they died to serve.

Mr. Speaker, I am proud to offer this legislation for consideration, and I encourage all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. NORTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the absence of the ranking member of the subcommittee, I am pleased to offer these remarks in support of H. Con. Res. 302, calling on the people of the United States to observe a national moment of remembrance to honor the men and women of the United States who died in pursuit of freedom and peace.

Mr. Speaker, 3 years ago, No Greater Love, a nonprofit organization providing annual programs for those who lost loved ones in service to our country, initiated the national moment of remembrance. No Greater Love is committed to freedom, human dignity, and the idea that the beginning of the end of war lies in remembrance. It is because of this commitment that No Greater Love sought to remind Americans of the true meaning of Memorial Day, which began in 1865 in Waterloo, New York.

Henry C. Wells, a druggist in the village of Waterloo, mentioned at a social gathering that honor should be shown to the patriotic dead of the Civil War by decorating their graves. In the spring of 1866, the townspeople adopted the idea and placed wreaths, crosses, and bouquets on each Union veteran's grave. The village is decorated with flags at half mast and draped with greenery and black streamers.

In May 1968, General John A. Logan, First Commander of the Grand Army of the Republic, issued General Order Number 11, establishing Decoration Day, now commonly referred to as Memorial Day. Waterloo joined other communities in celebrating the first official recognition of Memorial Day on May 30.

On the second of this month, President Clinton adopted No Greater Love's cause and issued a memorandum to all heads of executive departments and agencies directing them to promote and provide resources to support a national moment of remembrance on Memorial Day. This great institution can act by supporting H. Con. Res. 302.

This resolution introduced by the gentleman from California (Mr. ROHRABACHER) calls on the people of the United States to observe a national moment of remembrance to honor the men and women of the United States who died in pursuit of freedom and peace. The moment of remembrance would take place at 3 p.m. each Memorial Day to provide Americans with an opportunity to participate in a symbolic act of American unity.

Let us reclaim the vision of Henry Wells and the townspeople of Waterloo by passing this resolution and recommitting ourselves to truly honor the men and women who died for the freedom and peace we enjoy.

Today, I congratulate the sponsor and cosponsors of this resolution.

Mr. Speaker, I yield back the balance of my time.

Mrs. BIGGERT. Mr. Speaker, I yield myself the balance of my time.

I commend the gentleman from California (Mr. ROHRABACHER) and the gentleman from Pennsylvania (Mr. MURTHA) for introducing this resolution. And I thank the gentleman from Indiana (Mr. BURTON), chairman of the Committee on Government Reform; the gentleman from Florida (Mr. SCARBOROUGH), chairman of the Subcommittee on Civil Service; and the gentleman from California (Mr. WAXMAN); and the gentleman from Maryland (Mr. CUMMINGS), the ranking members, respectively, of the Government Reform Committee and the Subcommittee on Civil Service, for expediting passage of this resolution. I thank the gentlewoman from the District of Columbia (Ms. Norton) for bringing this to the floor as well and for her strong support of it.

To close, Mr. Speaker, let me quote from a poem that captures perhaps more than any other, those emotions and realities that are symbolized by Memorial Day. This poem entitled "In Flanders Fields" serves as a lasting legacy to the terrible battles of World War I and to all the servicemen and women who have dedicated themselves to defending the freedoms we enjoy today.

"In Flanders fields the poppies blow
Between the crosses, row on row,
That mark our place; and in the sky
The larks, still bravely singing, fly
Scarce heard amid the guns below.
We are the Dead. Short days ago
We lived, felt dawn, saw sunset glow,
Loved and were loved, and now we lie,
In Flanders fields.

Take up our quarrel with the foe:
To you from failing hands we throw
The torch; be yours to hold it high.
If ye break faith with us who die
We shall not sleep, though poppies grow
In Flanders fields.

Mr. ROHRABACHER. Mr. Speaker, I wish to express my sincere appreciation to Committee Chairman DAN BURTON, Subcommittee Chairman JOE SCARBOROUGH, Ms. JUDY BIGGERT, Ms. ELEANOR HOLMES-NORTON, and other Members and staff of the House Government Reform Committee supporting this bipartisan resolution that honors the brave American men and women who have died defending freedom and peace. H. Con. Res. 302 calls on the people of the United States to observe a National Moment of Remembrance on Memorial Day.

The voluntary moment of silence at 3 p.m. local time in the various time zones that span our great nation, will offer all Americans the opportunity to participate in a symbolic act of national unity. In addition, this effort will reinforce the true meaning of Memorial Day and call attention to the high price that has been paid by Americans of all walks of life to win and defend our freedom, from George Washington's revolutionary forces to those heroes who have perished in more recent military actions from the Persian Gulf to Somalia to the Balkans.

In my personal experience, I grew up in a military family during the Cold War. My father, Colonel Donald Rohrabacher, a Marine Corps aviator, was a veteran of World War II and the Korean War. He was also among thousands of Americans who participated in dangerous experimental military missions to develop the weapons systems that led to our technological advantage and ultimate Cold War victory. In particular, he commanded aviators participating in developing the methods of delivering nuclear weapons from tactical aircraft.

I recall my mother and father making Commander's condolence calls on the wives and children of members of his unit who perished in developing the dangerous aviation maneuvers. It was tragic that, because of the then-secret nature of this critical national security mission, the families never knew the true nature and importance of their sacrifices. They were told only that their loved ones perished in "training" exercises. I will never forget the faces of those widows and their children who were my playmates.

This resolution asks all Americans to recall and honor the sacrifices of these men and all of the others who made the ultimate sacrifice for our freedom. I extend gratitude to Carmella LaSpada, the director of the non-profit No Greater Love organization, who originated the idea for the National Moment of Silence. From the middle of the Vietnam War, No Greater Love has worked with the families of deceased service members and those missing in action, organized celebrities to conduct hospital visits for wounded veterans and has conducted Memorial Day remembrance ceremonies at Arlington National Cemetery.

I urge my colleagues on both sides of the aisle to support this resolution for a National Moment of Remembrance.

Mr. GILMAN. Mr. Speaker, I rise today in strong support of H. Con. Res. 302, legislation calling for a National moment of remembrance to honor the men and women who died in the pursuit of freedom and peace. I urge my colleagues to join in supporting this timely and appropriate measure.

This bill provides for a minute of remembrance to occur on each Memorial Day at 3 p.m., local time, for the population to pause and remember all those who selflessly gave their lives in defending the cause of freedom. It further calls on the President to issue a proclamation calling for the same.

Mr. Speaker, Memorial Day is a solemn occasion, that all too often in recent years, has become simply the unofficial start of summer or another excuse for a retail sale. Perhaps this is the result of the past near 30 years of relative peace.

Whatever the reason, it is important that we not forget the original reason for the founding of Memorial Day. This legislation will help to prevent this. We need to honor the memories of those who died to secure the blessings of liberty that we enjoy today. For this reason, I urge my colleagues to give their support to this worthy measure.

Mrs. BIGGERT. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 302.

The question was taken.

Mrs. BIGGERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 6 p.m.

Accordingly (at 3 o'clock and 6 minutes p.m.), the House stood in recess until approximately 6 p.m.

□ 1800

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOSSELLA) at 6 p.m.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 3852, the yeas and nays;

S. 1236, the yeas and nays; and

H. Con. Res. 302, the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF HYDROELECTRIC PROJECT IN STATE OF ALABAMA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3852.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the bill, H.R. 3852, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 354, nays 0, not voting 80, as follows:

[Roll No. 211]

YEAS—354

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood

Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—80

Ackerman
Baker
Ballenger
Barton
Bilirakis
Brown (FL)
Brown (OH)
Bryant
Callahan
Capuano
Chenoweth-Hage
Coburn
Collins
Cooksey
Coyne
Deal
DeGette
DeLay
Forbes
Ford
Frank (MA)
Franks (NJ)
Gillmor
Goodling
Gutierrez
Gutknecht
Hansen
Hilleary
Hobson
Hooley
Houghton
Jones (OH)
Kaptur
Kind (WI)
Kingston
Klink
Lampson
Lazio
Lucas (OK)
Markey
Martinez
McCarthy (NY)
McIntosh
McKinney
McNulty
Meehan
Minge
Moakley
Paul
Peterson (PA)
Pomeroy
Pryce (OH)
Ramstad
Rangel
Reynolds
Riley
Rodriguez
Rogers
Rush
Ryun (KS)
Sanders
Scarborough
Schakowsky
Shadegg
Shays
Shows
Souder
Stupak
Sweeney
Taylor (MS)
Thompson (MS)
Tierney
Toomey
Towns
Turner
Walden
Watkins
Weiner
Wicker
Wise

□ 1823

Mr. TAUZIN changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Mr. Speaker, I was unavoidably detained in Arizona and was unable to vote on rollcall No. 211. Had I been present, I would have voted "yes."

Mr. WALDEN of Oregon. Mr. Speaker, on rollcall No. 211, due to airline problems, I missed the vote. Had I been present, I would have voted "yes."

Mr. KIND. Mr. Speaker, on rollcall No. 211, unfortunately, due to an unavoidable weather delay I missed today's rollcall vote. Had I been present, I would have vote "yea."

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that the Committee on Commerce be discharged from further consideration of the Senate bill (S. 1836) to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Mr. FOSSELLA). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1836

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. EXTENSION OF DEADLINE AND REINSTATEMENT OF LICENSE.**

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 7115, the Commission shall, at the request of the licensee for the project, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend for 3 consecutive 2-year periods, the time period during which the licensee is required to commence construction of the project.

(b) APPLICABILITY.—Subsection (a) shall take effect on the expiration of the period required for commencement of construction of the project described in subsection (a).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project described in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the projects for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of expiration of the license.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 3852) was laid on the table.

## EXTENDING DEADLINE FOR COMMENCEMENT OF CONSTRUCTION OF ARROWROCK DAM HYDROELECTRIC PROJECT IN STATE OF IDAHO

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1236, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. OXLEY) that the House suspend the rules and pass the Senate bill, S. 1236, as amended, on which the yeas and nays are ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 0, not voting 78, as follows:

[Roll No. 212]

YEAS—356

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger

Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Rahall
Regula
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—78

Ackerman
Baker
Ballenger
Barton
Bilirakis
Brown (FL)
Brown (OH)
Bryant
Callahan
Capuano
Chenoweth-Hage
Coburn
Collins
Cooksey
Coyne
Deal
DeLay
Forbes
Ford
Frank (MA)
Franks (NJ)
Gillmor
Goodling
Gutierrez
Gutknecht
Hansen
Hilleary
Hobson
Hooley
Houghton
Jones (OH)
Kaptur
Kingston
Klink
Lampson
Lazio
Lucas (OK)
Markey
Martinez
McCarthy (NY)
McIntosh
McKinney
McNulty
Meehan
Minge
Moakley
Paul
Peterson (PA)
Pomeroy
Pryce (OH)
Radanovich
Ramstad
Rangel
Reynolds
Riley
Rodriguez
Rogers
Rush
Ryun (KS)
Sanders
Scarborough
Schakowsky
Shadegg
Shays
Sherwood
Shows
Souder
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Toomey
Towns
Turner
Watkins
Weiner
Wicker
Wise

□ 1833

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Mr. Speaker, I was unavoidably detained in Arizona and was unable to vote on rollcall No. 212. Had I been present, I would have voted "yea."

## NATIONAL MOMENT OF REMEMBRANCE TO HONOR MEN AND WOMEN WHO DIED IN PURSUIT OF FREEDOM AND PEACE

The SPEAKER pro tempore (Mr. FOSSELLA). The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 302.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Illinois (Mrs. BIGGERT) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 302, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 362, nays 0, not voting 72, as follows:

[Roll No. 213]

YEAS—362

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Burr
Burton
Buyer
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Fossella
Fowler
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Regula
Reyes
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryan (WI)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Scott
Sensenbrenner
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wilson
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—72

Ackerman
Baker
Barton
Bilirakis
Brown (FL)
Brown (OH)
Bryant
Callahan
Capuano
Chenoweth-Hage
Coburn
Collins
Cooksey
Coyne
DeLay
Forbes
Ford
Frank (MA)
Franks (NJ)
Gillmor
Goodling

Gutierrez
Gutknecht
Hansen
Hilleary
Hobson
Houghton
Jones (OH)
Kaptur
Kingston
Klink
Lampson
Lazio
Markey
Martinez
McCarthy (NY)
McIntosh
McKinney
McNulty
Meehan
Minge
Moakley
Obey
Paul
Peterson (PA)
Pomeroy
Pryce (OH)
Ramstad
Rangel
Reynolds
Riley
Rodriguez
Rogers
Rush
Ryun (KS)
Sanders
Scarborough
Schakowsky
Shadegg
Shays
Shows
Souder
Stupak
Taylor (MS)
Thompson (MS)
Tierney
Toomey
Turner
Watkins
Weiner
Wicker
Wise

□ 1841

So (two-thirds having voted in favor thereof), the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SHADEGG. Mr. Speaker, I was unavoidably detained in Arizona and was unable to vote on rollcall No. 213. Had I been present, I would have voted "aye."

## PERSONAL EXPLANATION

Mr. MINGE. Mr. Speaker, on rollcall Nos. 211, 212, and 213 my flight was delayed for 2 hours and 15 minutes. As a consequence, I was unable to be present for said votes. Had I been present, I would have voted "aye" on all three.

## PERSONAL EXPLANATION

Mr. BILIRAKIS. Mr. Speaker, my return flight to Washington was delayed due to bad weather and mechanical problems. Consequently, I was not able to vote on H.R. 3852, S. 1236 or H. Con. Res. 302. However, had I been present, I would have voted in favor of all three bills.

## PERSONAL EXPLANATION

Mr. RAMSTAD. Mr. Speaker, severe weather today seriously delayed several flights into Reagan National Airport, including my own. Due to this inclement weather, I missed rollcall votes 211, 212, and 213. Had I been present, I would have voted "yes" on all three.

## PERSONAL EXPLANATION

Mr. RILEY. Mr. Speaker, I was unavoidably detained for rollcall votes 211, 212, and 213. Had I been present I would have voted "aye" on H.R. 3852. I would also have voted "aye" on S. 1236. Lastly, I would have voted "aye" on H. Con. Res. 302.

## PERSONAL EXPLANATION

Mr. CAPUANO. Mr. Speaker, due to inclement weather, which forced the cancellation of flights from my district, I was unavoidably detained in Massachusetts this afternoon. I was therefore unable to cast a vote on rollcall Votes 211, 212, and 213. Had I been present, I would have voted "yea" on rollcall 211, "yea" on rollcall 212, and "yea" on rollcall 213.

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
*Washington, DC, May 22, 2000.*

Hon. J. DENNIS HASTERT,
*The Speaker, U.S. House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 22, 2000 at 3:35 p.m. and said to contain a message from the President whereby he transmits an agreement with the Republic of Korea concerning Social Security.

With best wishes, I am
Sincerely,
JEFF TRANDAHL,
*Clerk of the House.*

## AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–243)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)) (the "Act"), I transmit herewith the Agreement Between the United States of America and the Republic of Korea on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Washington on March 13, 2000.

The United States-Korean Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Korean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000.*

## COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

HOUSE OF REPRESENTATIVES,
*Washington, DC, May 22, 2000.*

Hon. J. DENNIS HASTERT,
*The Speaker, House of Representatives, Washington, DC.*

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on May 22, 2000 at 3:35 p.m. and said to contain a message from the President whereby he transmits an agreement with the Republic of Chile concerning Social Security.

With best wishes, I am:
Sincerely,
JEFF TRANDAHL,
*Clerk of the House.*

□ 1845

## AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 106–244)

The SPEAKER pro tempore (Mr. FOSSELLA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)) (the "Act"), I transmit herewith the Agreement Between the United States of America and the Republic of Chile on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Santiago on February 16, 2000.

The United States-Chilean Agreement is similar in objective to the social security agreements already in force between the United States and Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Chilean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 22, 2000.*

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## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore. Pursuant to House Resolution 506 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4392.

☐ 1846

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. THORNBERRY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, May 19, 2000, all time for general debate had expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule by title, and each title shall be considered read.

No amendment to that amendment shall be in order except those printed in the portion of the CONGRESSIONAL RECORD designated for that purpose and pro forma amendments for the purpose of debate. Amendments printed in the RECORD may be offered only by the Member who caused it to be printed or his designee and shall be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The Clerk will designate section 1.

The text of section 1 is as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

***SECTION 1. SHORT TITLE; TABLE OF CONTENTS.***

*(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2001".*

*(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*TITLE I—INTELLIGENCE ACTIVITIES*

*Sec. 101. Authorization of appropriations.*
*Sec. 102. Classified schedule of authorizations.*
*Sec. 103. Personnel ceiling adjustments.*
*Sec. 104. Intelligence community management account.*
*Sec. 105. Transfer authority of the Director of Central Intelligence.*

*TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM*

*Sec. 201. Authorization of appropriations.*

*TITLE III—GENERAL PROVISIONS*

*Sec. 301. Increase in employee compensation and benefits authorized by law.*
*Sec. 302. Restriction on conduct of intelligence activities.*
*Sec. 303. Sense of the Congress on intelligence community contracting.*
*Sec. 304. Authorization for travel on any common carrier for certain intelligence collection personnel.*
*Sec. 305. Reports on acquisition of technology relating to weapons of mass destruction and advanced conventional munitions.*

*TITLE IV—CENTRAL INTELLIGENCE AGENCY*

*Sec. 401. Modifications to Central Intelligence Agency's central services program.*
*Sec. 402. Technical corrections.*

*TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES*

*Sec. 501. Three-year extension of authority to engage in commercial activities as security for intelligence collection activities.*
*Sec. 502. Contracting authority for the National Reconnaissance Office.*

The CHAIRMAN. Are there any amendments to section 1?

If not, the Clerk will designate title I. The text of title I is as follows:

### *TITLE I—INTELLIGENCE ACTIVITIES*

***SEC. 101. AUTHORIZATION OF APPROPRIATIONS.***

*Funds are hereby authorized to be appropriated for fiscal year 2001 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:*

*(1) The Central Intelligence Agency.*

*(2) The Department of Defense.*

*(3) The Defense Intelligence Agency.*

*(4) The National Security Agency.*

*(5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.*

*(6) The Department of State.*

*(7) The Department of the Treasury.*

*(8) The Department of Energy.*

*(9) The Federal Bureau of Investigation.*

*(10) The National Reconnaissance Office.*

*(11) The National Imagery and Mapping Agency.*

***SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.***

*(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2001, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the bill H.R. 4392 of the One Hundred Sixth Congress.*

*(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.*

***SEC. 103. PERSONNEL CEILING ADJUSTMENTS.***

*(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of Central Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2001 under section 102 when the Director of Central Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed two percent of the number of civilian personnel authorized under such section for such element.*

*(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of Central Intelligence shall promptly notify the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate whenever the Director exercises the authority granted by this section.*

***SEC. 104. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.***

*(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of Central Intelligence for fiscal*

*year 2001 the sum of $144,231,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for the Advanced Research and Development Committee shall remain available until September 30, 2002.*

*(b) Authorized Personnel Levels.—The elements within the Intelligence Community Management Account of the Director of Central Intelligence are authorized 356 full-time personnel as of September 30, 2001. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.*

*(c) Classified Authorizations.—*

*(1) Authorization of appropriations.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2001 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts shall remain available until September 30, 2002.*

*(2) Authorization of personnel.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2001, there are hereby authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.*

*(d) Reimbursement.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2001, any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.*

*(e) National Drug Intelligence Center.—*

*(1) In general.—Of the amount authorized to be appropriated in subsection (a), $28,000,000 shall be available for the National Drug Intelligence Center. Within such amount, funds provided for research, development, test, and evaluation purposes shall remain available until September 30, 2002, and funds provided for procurement purposes shall remain available until September 30, 2003.*

*(2) Transfer of funds.—The Director of Central Intelligence shall transfer to the Attorney General funds available for the National Drug Intelligence Center under paragraph (1). The Attorney General shall utilize funds so transferred for the activities of the National Drug Intelligence Center.*

*(3) Limitation.—Amounts available for the National Drug Intelligence Center may not be used in contravention of the provisions of section 103(d)(1) of the National Security Act of 1947 (50 U.S.C. 403–3(d)(1)).*

*(4) Authority.—Notwithstanding any other provision of law, the Attorney General shall retain full authority over the operations of the National Drug Intelligence Center.*

### ***SEC. 105. TRANSFER AUTHORITY OF THE DIRECTOR OF CENTRAL INTELLIGENCE.***

*(a) Limitation on Delegation of Authority of Departments To Object to Transfers.—Section 104(d)(2) of the National Security Act of 1947 (50 U.S.C. 403–4(d)(2)) is amended—*

*(1) by inserting "(A)" after "(2)";*

*(2) by redesignating subparagraphs (A), (B), (C), (D), and (E) as clauses (i), (ii), (iii), (iv), and (v), respectively;*

*(3) in clause (v), as so redesignated, by striking "the Secretary or head" and inserting "subject to subparagraph (B), the Secretary or head"; and*

*(4) by adding at the end the following new subparagraph:*

*"(B)(i) Except as provided in clause (ii), the authority to object to a transfer under subparagraph (A)(v) may not be delegated by the Secretary or head of the department involved.*

*"(ii) With respect to the Department of Defense, the authority to object to such a transfer may be delegated by the Secretary of Defense, but only to the Deputy Secretary of Defense.*

*"(iii) An objection to a transfer under subparagraph (A)(v) shall have no effect unless submitted to the Director of Central Intelligence in writing.".*

*(b) Limitation on Delegation of Duties of Director of Central Intelligence.—Section 104(d)(1) of such Act (50 U.S.C. 403–4(d)(1)) is amended—*

*(1) by inserting "(A)" after "(1)"; and*

*(2) by adding at the end the following new subparagraph:*

*"(B) The Director may only delegate any duty or authority given the Director under this subsection to the Deputy Director of Central Intelligence for Community Management.".*

Mr. GOSS. Mr. Chairman, I ask unanimous consent that the remainder of the bill be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the bill is as follows:

## ***TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM***

### ***SEC. 201. AUTHORIZATION OF APPROPRIATIONS.***

*There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2001 the sum of $216,000,000.*

## ***TITLE III—GENERAL PROVISIONS***

### ***SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.***

*Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.*

### ***SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.***

*The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.*

### ***SEC. 303. SENSE OF THE CONGRESS ON INTELLIGENCE COMMUNITY CONTRACTING.***

*It is the sense of the Congress that the Director of Central Intelligence should continue to direct that elements of the intelligence community, whenever compatible with the national security interests of the United States and consistent with operational and security concerns related to the conduct of intelligence activities, and where fiscally sound, should competitively award contracts in a manner that maximizes the procurement of products properly designated as having been made in the United States.*

### ***SEC. 304. AUTHORIZATION FOR TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL.***

*(a) In General.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by adding at the end the following new section:*

*"TRAVEL ON ANY COMMON CARRIER FOR CERTAIN INTELLIGENCE COLLECTION PERSONNEL*

*"Sec. 116. (a) In General.—Notwithstanding any other provision of law, the Director of Central Intelligence may authorize travel on any common carrier that, in the discretion of the Director, would by its use maintain or enhance the protection of sources or methods of intelligence collection or maintain or enhance the security of personnel of the intelligence community carrying out intelligence collection activities.*

*"(b) Authorized Delegation of Duty.—The Director may only delegate the authority granted by this section to the Deputy Director of Central Intelligence, or with respect to employees of the Central Intelligence Agency the Director may delegate such authority to the Deputy Director for Operations.".*

*(b) Clerical Amendment.—The table of contents for the National Security Act of 1947 is amended by inserting after the item relating to section 115 the following new item:*

*"Sec. 116. Travel on any common carrier for certain intelligence collection personnel.".*

### ***SEC. 305. REPORTS ON ACQUISITION OF TECHNOLOGY RELATING TO WEAPONS OF MASS DESTRUCTION AND ADVANCED CONVENTIONAL MUNITIONS.***

*Section 721(a) of the Intelligence Authorization Act for Fiscal Year 1997 (50 U.S.C. 2366) (Public Law 104–293, 110 Stat. 3474) is amended—*

*(1) by striking "Not later than 6 months after the date of the enactment of this Act, and every 6 months thereafter," and inserting "Not later than March 1, 2001, and every March 1 thereafter,"; and*

*(2) in paragraph (1), by striking "6 months" and inserting "year".*

## ***TITLE IV—CENTRAL INTELLIGENCE AGENCY***

### ***SEC. 401. MODIFICATIONS TO CENTRAL INTELLIGENCE AGENCY'S CENTRAL SERVICES PROGRAM.***

*Section 21(c)(2) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403u(c)(2)) is amended—*

*(1) by redesignating subparagraph (F) as subparagraph (G); and*

*(2) by inserting after subparagraph (E) the following new subparagraph:*

*"(F) Receipts from miscellaneous reimbursements from individuals and receipts from the rental of property and equipment to employees and detailees.".*

### ***SEC. 402. TECHNICAL CORRECTIONS.***

*(a) Reporting Requirement.—Section 17(d)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(d)(1)) is amended—*

*(1) by adding "and" at the end of subparagraph (D);*

*(2) by striking subparagraph (E); and*

*(3) by redesignating subparagraph (F) as subparagraph (E).*

*(b) Terminology With Respect to Government Agencies.—Section 17(e)(8) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403q(e)(8)) is amended by striking "Federal" each place it appears and inserting "Government".*

## ***TITLE V—DEPARTMENT OF DEFENSE INTELLIGENCE ACTIVITIES***

### ***SEC. 501. THREE-YEAR EXTENSION OF AUTHORITY TO ENGAGE IN COMMERCIAL ACTIVITIES AS SECURITY FOR INTELLIGENCE COLLECTION ACTIVITIES.***

*Section 431(a) of title 10, United States Code, is amended by striking "December 31, 2000" and inserting "December 31, 2003".*

### *SEC. 502. CONTRACTING AUTHORITY FOR THE NATIONAL RECONNAISSANCE OFFICE.*

*(a) IN GENERAL.—The National Reconnaissance Office ("NRO") shall negotiate, write, and manage vehicle acquisition or launch contracts that affect or bind the NRO and to which the United States is a party.*

*(b) EFFECTIVE DATE.—This section shall apply to any contract for NRO vehicle acquisition or launch, as described in subsection (a), that is negotiated, written, or executed after the date of the enactment of this Act.*

*(c) RETROACTIVITY.—This section shall not apply to any contracts, as described in subsection (a), in effect as of the date of the enactment of this Act.*

### AMENDMENT NO. 1 OFFERED BY MR. ROEMER

Mr. ROEMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROEMER.

At the end of title III add the following new section (and conform the table of contents accordingly):

### SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.

Section 14 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—Not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress a report containing an unclassified statement of the aggregate appropriations for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and Joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.".

Mr. ROEMER. Mr. Chairman, I look forward to the debate on this particular issue.

First of all, I want to reiterate to the gentleman from Florida (Mr. GOSS) and the gentleman from California (Mr. DIXON) that I rise in strong support and bipartisan support of this bill overall. I do, however, bring up one consideration as amendment on this bill, and that is we do not want to reveal agency operations, we do not want to reveal any individual agency budgets, and we do not want to reveal spending on any kind of specific programs.

Given those parameters, what this amendment argues is for one ray of sunshine, one simple disclosure of the aggregate funding of all intelligence activities for fiscal year 1999. Not this year's request, not this year's budget, but 1999's budget.

We do that in light of the fact, and I stress to my colleagues, that the intelligence community has voluntarily disclosed the 1998 and the 1997 budgets, so we are simply saying that this one ray of sunlight comes down for the taxpayer to have some kind of sense of what the overall budget is for our intelligence community.

Now, this amendment is cosponsored by my good friend the gentleman from Virginia (Mr. MORAN), it is cosponsored by my friend the gentleman from Oregon (Mr. BLUMENAUER), it is cosponsored by my friend the gentleman from Washington (Mr. SMITH), and, I think most importantly, it is supported by my ranking member, who I have the deepest respect for, the gentleman from California (Mr. DIXON).

The organizations that are for this ray of sunshine, for a little bit of accountability in disclosure, the organizations that have written us letters on this, include the Taxpayers for Common Sense, Citizens Against Government Waste, the Council for a Livable World, the Center for Defense Information, the Center for International Policy, and the list goes on and on.

But I think one of the most compelling, one of the most compelling reasons to do this, Mr. Chairman, is a report that came out in 1996 by people who go over these individual budget levels throughout the intelligence community, line-by-line, program by program, SAP by SAP, special access program by special access program, and they have analyzed this. And they are such people as the former Defense Secretaries, Mr. Brown and Mr. Aspin. They recommended that we disclose not just the current year, but the next year's budget. This was in the Aspin-Brown report in 1996. So they asked for a few rays of sunshine on this report, when all I am simply asking for is one on the 1999 budget funding level.

I think this is common sense, I think this will help us get a little bit more accountability with the intelligence community. I think this informs the taxpayer of an overall budget, what might be going on in terms of our intelligence operations. And I think one of the most really convincing arguments for this, Mr. Chairman, is that we have right here the Intelligence Authorization Act for Fiscal Year 2001. And in this we have listed, which is a public document, Mr. Chairman, this is an unclassified document, they go through here and list Rivet Joint Mission Trainer, $15.5 million plus-up; the Manned Reconnaissance Systems, $8 million plus-up; the F–18 Shared Airborne Reconnaissance Pod, $18 million plus-up; and on down, over page after page after page, a public document.

We are not even asking for that. We already disclose that in this report. We are asking for the aggregate level, not broken down by agency, for 1999. Not individual reports, not individual line items, like we do in the Defense Department budget, like we did last week, item by item, of helicopters and ships and personnel and operations and maintenance in our Defense budget. We are not calling for any of that in this budget; simply for an aggregate level.

Finally, Mr. Chairman, let me say that there are books out there that talk in explicit and sensitive detail about some of our very sensitive operations.

The CHAIRMAN. The time of the gentleman from Indiana (Mr. ROEMER) has expired.

(By unanimous consent, Mr. ROEMER was allowed to proceed for 1 additional minute.)

Mr. ROEMER. Mr. Chairman, there are books out there that you can pick up on the best seller list. I am not confirming, I am not denying what they say and what accuracy they have in a book written by Tom Clancy, or a book written called Blind Man's Bluff on submarines. But certainly some of these books that are written by former CIA people or are written by journalists and reporters, that talk in intimate detail about some of these programs, I do not support the release of that kind of information. But we are simply saying, Mr. Chairman, one ray of sunshine for disclosure, for public accountability and for information for the taxpayer, so that they have one grain of information to look at as they assess what our priorities should be with the intelligence budget as it relates to the overall budget.

Mr. SISISKY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Indiana (Mr. ROEMER).

Mr. Chairman, I regret really having to oppose this amendment offered by my three very good friends and colleagues, but I do not believe it makes sense to force, and the word is "force," the executive branch to declassify the aggregate amount appropriated for intelligence activities each year. If there is one item of information a country should not disclose to its adversaries, it is the amount of effort being made each year to discover those adversaries' plans and intentions, their secrets and vulnerabilities.

Much of the business of intelligence is expensive, especially when it comes to our government's amazing technical activities. Yet those capabilities can sometimes be defeated by comparatively simple countermeasures. If our adversaries can track the ups and downs of our intelligence budget over time, they may be able to figure out when new capabilities are coming on line and develop techniques to make the system less capable. We should keep our intelligence budget secret so we do not provide information to our adversaries about what we are working on and when.

Furthermore, I do not believe disclosure of the aggregate appropriations amount will improve the debates on intelligence in this body. Every Member of the House of Representatives may have access to this information, and considerably more, by taking advantage of the opportunity to read the classified schedule incorporated in the intelligence authorization bill each year. Disclosure of the appropriations total will not provide more information about intelligence activities to Members of the House and Senate than is now available.

Since disclosure of the aggregate intelligence budget will not provide more information to Members of Congress but could assist those who seek advantages over the United States of America, I urge the defeat of this amendment.

Mr. MORAN of Virginia. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, the sponsors of this amendment are not being subversive, and I do not think we are being naive. I think we are being responsible to the taxpayers, to the extent that it is responsible.

Now, I would certainly agree with my good friend who just spoke that we ought not disclose any kind of information that would jeopardize our ability to protect American citizens. But this does not do that.

When my good friend, the gentleman from Indiana (Mr. ROEMER), said he was offering the amendment and would I like to be a cosponsor, I said, "Of course. Why not?" That is still my reaction. Of course, we will not disclose the cumulative amount. Why not? It is not an astronomical amount; it is a very reasonable portion of the Federal budget. In fact, when you compare it to anyone that might be considered a potential threat, it is a very minimal amount to protect this country.

But we have a responsibility to the taxpayers. It is their money; it is not ours. It is one thing not to give the taxpayers a receipt or an accounting of how we might spend the money; it is quite another to ask for a blank check. Just sign the bottom line, we will fill in the amount.

I do not think that is the way we do things, that we ought to do things in a democracy. We ought to have as much transparency as possible. We ought to do everything that we can to restore trust in government. This is not a totalitarian society. I could see it if we were operating under a fascist or certainly a communist system. You would never imagine disclosing these kinds of amounts. But we have nothing to hide. We have very responsible members of the Committee on Appropriations on both sides of the aisle, and certainly the Senate Select Committee on Intelligence, and the gentleman from California (Mr. DIXON) is an extraordinarily responsible leader on our side, and the gentleman from Florida (Mr. GOSS) as well.

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Now, the gentleman from California (Mr. DIXON) is supporting, but so is Warren Rudman, a former Senator, certainly not a subversive, certainly not someone that does anything in a radical kind of manner. General Harold Brown; we have the former CIA director Turner; we have any number of people that looked at this and decided this is not an irresponsible thing to do. In fact, this is a responsible thing to do in light of the requirement that we have to be responsive to the American taxpayer.

So I would suggest, Mr. Chairman, that this amendment ought to be included, and it probably ought to be included as a matter of course in each successive year. It is nice that the CIA or our intelligence agencies chose to disclose the amount in 1997 and 1998, and probably will be disclosed this year; but I think we ought to say as well that the legislative branch recognizes that this is an appropriate thing to do in light of the fact that it is not our money, it is the taxpayers' money.

It was a recommendation, as the gentleman from Indiana (Mr. ROEMER) said, of the commission that was put together to look at these types of national security issues. They came up with a recommendation that the amount be disclosed to the public, the overall amount for the intelligence budget on a current basis. This is not on a current basis, this is the previous fiscal year. I think it is a very moderate piece of legislation, it is a reasonable thing to do, and I would hope that we would not have much controversy over something like this and deal with more difficult, complex matters.

Mrs. WILSON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, there is something that I think we are forgetting in this debate and that is that every Member of Congress can go up to the Select Committee on Intelligence room and see the entire content of the intelligence authorization bill. There is nothing that is kept from us as elected representatives, but there are things that are kept in every detail from our opponents and our potential enemies.

That puts the responsibility on a small number of shoulders, and most of them are sitting in this room here now, the members of the House Permanent Select Committee on Intelligence. It is our job to review the budgets and the sources and the methods and to provide oversight of all of the intelligence agencies, and we have to do this job in a way that is kind of uncommon for politicians. We have to do it quietly, without a lot of public hooha, in a closed room where the press is not there. Most of us are used to putting out press releases on everything and arguing about things in the media, but we do not have that privilege on this committee, and we should not, because this is a matter of national security.

Declassifying the intelligence budget, whether as an overall number, or in smaller pieces, only helps our enemies to track trends in our spending and figure out what we are doing. My colleague from Indiana talks about books that have been published or articles that have been written, and none of us on this committee ever confirm or deny or say anything about what is right and what is wrong; and he well knows that a lot of it is complete wildness. But we do not comment on it, because it is our job not to.

The problem with declassifying the whole number is that one cannot talk about the details, so it makes no sense in context with other parts of the budget. We cannot explain it, we cannot defend it, we cannot talk about the details and what it means and what we are buying; but we can refer our colleagues up to the intelligence room to look at those details, even though we cannot talk about it publicly. Even the gentleman from Virginia (Mr. MORAN) seemed to find it difficult to talk about comparisons here on the floor because this is a public forum. We would have that difficulty again and again and again if we try to justify a declassified total number without being able to talk about the specifics that make it up.

I am also concerned that there are no exceptions in this amendment for time of war or national emergencies, and we are directing the President and the CIA to declassify numbers that, frankly, they already have the authority to do without direction of this Congress; and it concerns me when, as elected representatives, we tell the executive branch to declassify things and get proscriptive about how exactly that should be done. It is my view that that generally should be left up to the executive branch of government.

Sometimes I think that we get a little bit complacent. The Cold War is over. We are all focused on things at home, on Social Security and taxes and education, and things that our constituents are facing every day. But just because the Cold War is over does not mean that there are not people out there that would take advantage of the United States and whose interests are contrary to our own, and I am ever mindful of what Churchill once said. The truth must be protected by a bodyguard of lies, and it is sometimes in the interests of the United States of America to deceive our enemies about what we are actually doing in order to protect our national security.

My colleague from Indiana talks about one ray of sunshine. I see it a little differently. I think it is one piece of a puzzle, a piece of a puzzle that our enemies would very much like to have, and which I think is the obligation of this body to deny them.

Mr. ROEMER. Mr. Chairman, will the gentlewoman yield?

Mrs. WILSON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Chairman, I thank the gentlewoman, who is a very valuable member of the Committee on Intelligence, and I certainly respect her opinions on a host of different issues.

However, as she started out the debate on this issue, she said, we as members of the committee have access, the 16 of us, and all 435 members, have access if they want. This amendment is not about that access of Members of Congress. Sometimes we think we are pretty smart; we think we know and have a lot of the answers. This is about providing one simple piece of information to the people that work hard every day to fund the overall budget, and then they get one ray of sunshine to know how the intelligence budget fits into the overall budget.

The CHAIRMAN. The time of the gentlewoman from New Mexico (Mrs. WILSON) has expired.

(By unanimous consent, Mrs. WILSON was allowed to proceed for 1 additional minute.)

Mrs. WILSON. Mr. Chairman, that really was not my point. My point was that there are times when we as elected representatives have to take on and shoulder tremendous responsibility, and that responsibility may include access to information that we cannot share with our constituents. That is the responsibility we have been given as members of this committee, and it is one that I think that we should continue, including this one piece of information.

Mr. BLUMENAUER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the point, as my colleague from Indiana was making, was what the public has a right to know. The fiscal year 1997 budget was revealed to the American public as $26.6 billion. That was not something that was probably a shock to our adversaries, who have pretty good estimates of what we are doing in this arena. There are experts that speculate on this. The Republic's foundations have not been shattered. The next year when it was revealed that it was $26.7 billion, life went on, and if we were to give the American public what the figure is for this year and what is recommended in the aggregate for the following year, life as we know it will continue.

I think that we in this body and in the Federal Government generally tend to draw a curtain of secrecy over things that are not going to be secret from our adversaries; but they are going to keep, and this happens time and time again, information that we do not want revealed to the American public for whatever reason.

We are starting to see the history of what has happened with the FBI under J. Edgar Hoover under the guise of national security. We have seen the things that have been perpetrated by that agency under Mr. Hoover's regime.

Mr. Chairman, I think that it is time for us to take a step back and look at this amendment, which gives the American public an opportunity to evaluate some of the trending. It is not going to be a great mystery to our adversaries who have access to some information from their sources. It is speculated upon in the academic community, but it will give the American public a little more information.

I think it is appropriate for us to ask hard questions as a people about the resources that are being invested. How, given the tens of billions of dollars that were invested in our security apparatus, we could not predict the collapse of the former Soviet Union; that we somehow could not identify the Chinese embassy, which resulted in a tragic bombing, the impact of the repercussions we are still dealing with.

Mr. Chairman, I think that we ought to be honest about the public realm and stop the charade here. There is an adequate amount of information that is available for very sophisticated people to be able to allow some tracking of this. I think taking an additional step so that the American public has it makes sense. I hope that we will be more rational about what we keep secret and what we do not. I am all in favor of trying to protect things that are truly important for national security, but not to protect people from embarrassment about things years after the fact, and not to protect the American public from knowing how their tax dollars were spent.

Rumor has it that in about 1987 we had a peak of about $36 billion that were invested in all of these intelligence activities. Yet, today, 13 years later, with a less sophisticated array of allied forces that we are contending with, we are still investing huge sums of money that ought to give us all an opportunity for a constructive national debate.

I think the approval of this amendment, with the recommendations of the commission that we had of other informed sources who want to pull this out into the light of day, as my friend, the gentleman from Indiana (Mr. ROEMER) has indicated, would be an important step forward.

Mr. Chairman, I hope that we as a body will be consistent in terms of wanting to make sure that the public has access to all of the positions that they have a right to have knowledge of and that does not compromise our security. We can start by at least going back and giving a third year's subject for what the total disclosure is.

Mr. Chairman, I urge the adoption of this amendment.

Ms. PELOSI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the gentleman's amendment, and I thank him for his courage and his leadership in offering it here. He is a very serious member of the committee, as has been noted, and all of us on the committee take our responsibilities very seriously.

When a Member of the House receives the honor of serving on the House Permanent Select Committee on Intelligence, we assume a greater responsibility for our national security in that we have to be trusted with a great deal of information. We also take a responsibility to protect the sources and methods by which we obtain that information. That responsibility is a grave one for us, because lives are at stake.

We also want our President and the administration to have the best possible information in the interest of our national security and to make the decisions and judgments that a President must make, regardless of what party he belongs to, or what opinions he has. We want him to have the best possible information.

So we need to have, and again, as we are in a new world where it is not bipolar, but it is many serpents, as DCI Woolsey described it at one time, we need to have intelligence, but we ought to be careful enough to move in that direction with fiscal responsibility as well as responsibility for intelligence.

□ 1915

We are a very special country. The confidence that people have in our government is our strength. So it is hard to understand why, in this body, the House of the people, we would want to deprive the public of knowing what proportion of our budget is spent on intelligence.

I happen to think that we are good enough at that, that the intelligence community is good enough at releasing that figure and at the same time having our adversaries not have access to what that figure is spent on or what any increase in spending would be spent on.

I am certain that our intelligence community can meet that challenge.

The accountability that the intelligence community must have is one of the main reasons that I am supporting the amendment of the gentleman from Indiana (Mr. ROEMER). Some have said if we go through releasing this aggregate number, it starts us down a road to releasing other information. No, no, it does not have to be that way. We can say it is the aggregate number and that is that. We can make a decision, Congress can act, and that can be what the decision is.

It does not mean we are starting down the road to anything, except better accountability to the American people, again for how this fits into our total budget. Our budget is what we spend most of our time working on here, whether it is in the authorizing committees to prepare the policy or the Committee on the Budget to do the allocations or the Committee on Appropriations to do the final appropriating. So it is what we spend most of our time on, and this amount of money, whatever it is, is a large percentage of that discretionary spending, a very large percentage of it.

So as we have to make decisions about cuts here and there, I think it is perfectly appropriate that the public knows how this intelligence budget fits into the entire budget.

It is difficult to believe that the aggregate budget figure for fiscal years 1997 and 1998 could be made public by DCI Tenet with no impact on national security and the figure for fiscal year 1999 could not be because national security would be harmed if it were disclosed.

It is so sad, it is almost ludicrous, it is almost ludicrous, when what we are trying to do is to protect the community so that there is respect for the job that they do, but what we are trying to do is protect their sources and methods.

By the way, I want to add here that there is much else that should be declassified that is in the realm of classified now, and that is a whole other subject and one that hopefully we will go into in a more serious way as declassification is taking place, but this one simple matter, which says to the American people we are not afraid for them to know the aggregate number that we spend on intelligence.

The gentleman from Indiana (Mr. ROEMER) is doing a service to our country and to this Congress by proposing this amendment. Again, I commend him for his courage, his leadership and urge our colleagues to support his amendment.

Mr. LEWIS of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as most of my colleagues know, for a reasonably short time I have had the privilege of chairing the Committee on Appropriations Subcommittee on Defense that deals with national security. As some of my colleagues have mentioned, there are some of our individual military items that are in what we call the black world. They are kept secret.

They are kept secret for a reason, and that is beyond just their technological potential and capability. There are a lot of things about those systems we would not want our enemies to know. I realize that this amendment has little to do with that, for we are not being asked to peel back the onion, even though the gentlewoman just suggested there are many things that are classified that she would prefer to be unclassified.

Ms. PELOSI. Mr. Chairman, would the gentleman yield?

Mr. LEWIS of California. Let me continue my statement. I would like to continue my statement.

Ms. PELOSI. I appreciate that, but that is not what I said. I am talking about information, and the gentleman knows I am respectful of his position.

Mr. LEWIS of California. I understand what the gentlewoman from California (Ms. PELOSI) was saying, but I am just making a suggestion that there is a parallel here.

One of the pieces of information that is largely public at this point has to do with our submarine force. There are people who would suggest that we do not need very many more submarines. There are others who suggest we ought to have at least as many as we have, and one of the reasons is because they go under the water and nobody really necessarily knows where they are.

In the straits near China, it might be interesting to have leaders wonder whether we are there or not.

Well, I make that point because there is a parallel here. Our intelligence effort is considerably smaller than some of us would like it to be and revealing that number might suggest to many as to why many of us are so concerned. On the other side of that, there is reason and value in suggesting that maybe our enemies or potential enemies think that we spend a lot more money than we do. I would like them to think that, frankly, and there is value in having them think that.

Now, the point that I am making is that this fabulous democracy that we have the privilege of representing here involves the people sending us to this great forum, to sit in committees, to sit on this floor, argue pro and con, develop the information that leads to logical policy conclusions. The public sends us here because they cannot come here to do that detail work. They send us here also knowing full well that there are items relative to the national interest, that not only are they not able to participate day in and day out about but indeed they think we should do it with competence and sometimes in confidence.

The fact is that there is not a ground swell of public outcry out there saying we have to have this number. It has been debated here on the floor for several years, but the numbers of people who are really interested perhaps are reflected by the numbers of Members who have gone to our committee room to read these bills.

Outside of our committee, I believe the number last year where someone came in was seven Members actually went in to read the bill, and I frankly wonder if they read the whole bill. The first page on there shows them what the number is. There are four so far this year.

So there is this huge ground swell out there suggesting that the public has no confidence in us in this very delicate area. I would suggest that the public that actually studies this area knows there is value in not having our enemies or our potential enemies know how little we spend or how much we spend. Therefore, Mr. Chairman, I strongly oppose this amendment

Ms. PELOSI. Mr. Chairman, will the gentleman yield?

Mr. LEWIS of California. I yield to the gentlewoman from California.

Ms. PELOSI. I just want to make sure it is clear that I completely agree with everything the gentleman said except for the aggregate number.

Mr. LEWIS of California. I am making the point about the aggregate number.

Ms. PELOSI. I understand that. The gentleman said I said there should be more things. What I am talking about is the Hinchey amendment, which talked about our U.S. involvement in Chile and Guatemala and those things.

Mr. LEWIS of California. Reclaiming my time, Mr. Chairman.

Ms. PELOSI. Not the gentleman's budget, the gentleman is right.

The CHAIRMAN. The gentleman from California has the time.

Mr. LEWIS of California. Mr. Chairman, with that I believe I made the point that I do not want our enemies to know how much we are not spending as well as how much we are spending, and I think that is in the national interest, in the security of our country's interest and perhaps, well not perhaps but very much in the interest of peace.

Mr. DEFAZIO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, those who are watching have to be extraordinarily puzzled by this debate. Now since the year I was born, and as everyone can all see I am getting a little long in the tooth, that has been quite a few years, 1947, the United States has kept secret the amount of money that is spent well and the amount of money that is not spent so well on the intelligence services and agencies of the United States.

This certainly could have been a rationale in 1947, the year I was born with the closing of the Iron Curtain, the fear of the Soviet Union and their growth across Europe and around the world; threats that we perceived, but that is history. The Soviet Union has collapsed. We are now confronted with rogue nations and others.

Our defense budget, and the gentleman waxed eloquent about how few go to read it, I do not go to read it. Does anyone know why? It is a Catch 22. If I go and read it, I cannot talk about it but if I do not read it then I can talk about it. I will say we are spending $30 billion, $30 billion of hard-earned taxpayer dollars on the intelligence services.

Now we had one agency a few years ago that lost $4 billion in bookkeeping. They did not know they had it. Well, they found it again after they were audited; and that money has been reallocated, I guess. I do not know. I have not gone up to check out the secret report.

The only reason it is kept secret is to keep it secret from the American people, not from our enemies. This amount of money is more than the gross domestic product of virtually all of our enemies combined. They would be frightened to death if they knew we were spending $30 billion to sneak around in their countries or to look at them from satellites or however else it is we are monitoring their activities. But they do not know that and the gentleman says, well, we would not want them to know how little we are spending. Only $30 billion, only $30 billion? This is extraordinary.

The gentleman has not even proposed that we would tell them how much we are going to spend this year, which is more secret. It might be an increase of X percent of X which might be Y. Those who took math can follow that. But we do not know. We really do not know, and they would not know. They would only know what we spent last year.

This is an incredibly modest amendment. It will let the taxpayers know how much money we spent last year. We are not going to audit how they spent it. We are not going to audit if they lost billions again like that agency unnamed did a few years ago. We are not going to audit to see if it was well spent, if it was spent on satellites or human information or other secret technologies to monitor every communication around the earth that I am getting a lot of e-mails about in my office. No. We would just know how much money we spent last year on this aggregate budget.

I think it would scare the bejesus out of all of our enemies if they knew how much we were spending. They would be really scared. They cannot come near 1/100th of 1 percent of that for their intelligence budget. So let us reveal it.

Like the gentleman has proposed, we are only going to reveal it for last year. I would go further. I would actually reveal it for this year. I do not think that would be a problem. In fact, we do have a report which came out, which I left over there, but a report in 1996 where in fact, chaired by the Secretary of Defense and others, the commission said that there would be no harm, no threat possible to our national security to publish this year's and even projected years' numbers. In fact, I believe it would scare our enemies into submission.

Mr. DIXON. Mr. Chairman, I move to strike the requisite number of words.

I support the Roemer amendment. This is an amendment that I think the American people are owed today. Perhaps at one time it would not have been appropriate to disclose the aggregate amount of the past year's intelligence budget, but I think the time has come to do so.

The first argument that we hear, it is either expressed or implied, is that if the American people knew the aggregate amount spent on intelligence they would demand that the amount be cut. The problem with this argument is that, even if that were true, that is not a reason to classify the amount.

Executive Order 12958 makes clear that information may only be classified to protect national security and not hinder discussion or debate.

The second argument we hear in one form or another is that making the aggregate figure public would provide no useful information, because a context for spending can only be provided at the program level. Because the public would be dissatisfied with this useless information, irresistible pressure would be brought to declassify more of the intelligence budget. This is called the slippery slope argument, and I disagree with it.

I for one will oppose declassification even at the agency level. Moreover, fear of what might happen in the future plainly does not meet the classification standard in the executive order.

The third argument is that America's enemies, by comparing year-to-year aggregate intelligence budgets, and this is the argument we have heard mostly tonight, could figure out what specific new programs were being funded and the deficiencies these programs were meant to remedy.

□ 1930

It is difficult to believe that an adversary, no matter how strong its analytical skills, could use the top line number to determine program specifics. Several nations disclose their intelligence budgets, and I doubt if our analysts use solely those figures as a basis for a judgment on the specific programs in those budgets.

Additionally, as the report accompanying this year's authorization makes clear, a great deal of information is already made public on the shortcomings of the intelligence community.

Some of us will argue that this year's budget is at an appropriate level; others will argue that the administration has not provided enough money. The administration's budget request is 6.6 percent above last year's appropriation level. Others will argue that, in fact, we should cut it.

If we are to make these arguments on the floor, the American public should know what that inclusive figure is. It is entirely fighting with one's hands behind one's back to say that the President has offered up too much or too little, or we have provided too much or too little without the public knowing and being able to make the judgment on the aggregate number.

Mr. Chairman, I believe this amendment will make an important contribution to the debate on the resources necessary to support our national security, and I would urge the Members of the House to reflect on this overnight and give the public the opportunity to know last year's aggregate number. I pledge support to resist opening up the budget further. But as we argue too much or too little, the public should know what that reference is.

Mr. GOSS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I am very pleased that we are having this debate again. We had it in committee. It was voted down in committee 11–5. In an abundance of fairness, the Committee on Rules has given us an open rule and done all these things, and we are getting to the point.

I think there are a couple of points that need to be said. First of all, accountability is very important, and I believe our committee does a fabulous job on accountability. The point that has been made by several who have spoken on this, any Member can come upstairs and satisfy themselves on any aspect. The American people look to us for that accountability. We are pleased to invite our colleagues to come up to the committee to make sure we are doing our job properly. So far, it seems we are because, as the gentleman from California (Mr. DIXON) pointed out, there is not a huge groundswell on this subject.

The second point that has been made as well it would be great to have some information out there. It might be confidence building. Well, it is true that the President of the United States who does have the authority to disclose this number, it does lie with the President of the United States to reveal it, chose to reveal it through the Director of Central Intelligence in 1997 and 1998. I do not believe there has been an uptick in confidence in the intelligence community because of that.

But something else did happen that caused us a problem. When they got to 1999, they discovered, whoops, we are getting into a trend-line situation. And the President said, "I do not think it is in the national security interest to create these trend lines that our enemies can follow," and he chose not to disclose the number.

In fact, the DCI was taken to court over the number, over the issue. When the DCI got through making his defense, at the appropriate time I will put this in the record, he came to the conclusion that the trend-line fashion could be reasonably expected to damage national security. Judge Hogan for the Federal District Court for the District of Columbia sustained the DCI's conclusions and dismissed the lawsuit on the summary judgment.

So I have the President of the United States, head of the intelligence community, and the courts all agreeing we have got something new, and it is different here.

Now, some point has been made by the Aspin/Brown Commission. I do not claim infallibility for the Aspin/Brown Commission. I was on it. I can ensure the distinguished gentleman from Indiana (Mr. ROEMER), who has made the amendment, that we thought a consensus report was very important. We had quite a debate in Aspin/Brown. And rather than make a big issue over this, we said, let us have a unanimous report, and we put it out.

I would not read too much in it. What I would read into it is that other reports done at the same time, the IC–21 report and the CFR report, does not exactly come to the same conclusions. I think what we found is that, of the many recommendations that came out of Aspin/Brown, this one did not prove to be particularly useful. In fact, because of this trend-line problem, which we did not debate, incidentally, it did not turn out to be helpful.

Another point that has been made tonight is sunshine. We need just one ray of sunshine. Here is 48 pages of sunshine with lots of numbers, disclosure of the things that will not damage our national security. That is important. We make the decisions, if we think it can be disclosed, it should be disclosed, and we try and do that. Of course the President has the final word on the question of classification. It lies with the executive.

The final point I would make, I think, is this; and, again, I do not want this to be contentious, we have had the debate, and there are different views, and they are entirely legitimate, and I accept them. We work in a nonpartisan way upstairs, and we have come to a conclusion that this is not an amendment we wanted on our authorization, but we are bringing it to the Members because one of our Members did.

I honestly believe that the President trusts Americans. We trust Americans. Our committee trusts Americans. Trusting Americans is not what this is about. I do not trust our enemies. I do not know whether they can get anything useful, but I do not want to take the chance if the President of the United States feels that we should not. I do not want to give to any terrorist, to any drug dealer, to any weapons proliferator any information that could be used against us.

So perhaps it is an abundance of caution on my part. But those who have the first line of responsibility on this said, no, let us not reveal it. I think they have made the right judgment. I do not think we should override that judgment.

It is for that reason that I think that we should not approve this amendment, and I will urge our colleagues to vote against the Roemer amendment.

Mr. Chairman, I include the following materials for printing in the RECORD.

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Steven Aftergood, on behalf of the Federation of American Scientists, Plaintiff, v. Central Intelligence Agency, Defendant.

Civ. No. 98–2107 (TFH)

DECLARATION OF GEORGE J. TENET

INTRODUCTION

I, GEORGE J. TENET, hereby declare:

1. I am the Director of Central Intelligence (DCI). I was appointed DCI on 11 July 1997. As DCI, I serve as head of the United States intelligence community, act as the principal adviser to the President for intelligence matters related to the national security, and serve as head of the Central Intelligence Agency (CIA).

2. Through the exercise of my official duties, I am generally familiar with plaintiff's civil action. I make the following statements based upon my personal knowledge, upon information made available to me in my official capacity, and upon the advice and counsel of the CIA's Office of General Counsel.

3. I understand that plaintiff has submitted Freedom of Information Act (FOIA) requests for "a copy of documents that indicate the amount of the total budget request for intelligence and intelligence-related activities for fiscal year 1999" and "a copy of documents that indicate the total budget appropriation for intelligence and intelligence-related activities for fiscal year 1999, updated to reflect the recent additional appropriation of 'emergency supplemental' funding for intelligence." I also understand that plaintiff alleges that the CIA has improperly withheld such documents. I shall refer to the requested information as the "budget request" and "the total appropriation," respectively.

4. As head of the intelligence community, my responsibilities include developing and presenting to the President an annual budget request for the National Foreign Intelligence Program (NFIP), and participating in the development by the Secretary of Defense of the annual budget requests for the Joint Military Intelligence Program (JMIP) and Tactical Intelligence and Related Activities (TIARA). The budgets for the NFIP, JMIP, and TIARA jointly comprise the budget of the United States for intelligence and intelligence-related activities.

5. The CIA has withheld the budget request and the total appropriation on the basis of FOIA Exemption (b)(1) because they are currently and properly classified under Executive Order 12958, and on the basis of FOIA Exemption (b)(3) because they are exempted from disclosure by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. The purpose of this declaration, and the accompanying classified declaration, is to describe my bases for determining that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

6. I previously executed declarations in this case that were filed with the CIA's motion for summary judgment on 11 December 1998. Those two declarations described my bases for withholding the budget request only. Since the CIA filed its motion for summary judgment, plaintiff has filed an amended complaint seeking release of the total appropriation also. For the Court's convenience, the justifications contained in my earlier declarations are repeated and supplemented in this declaration and the accompanying classified declaration and describe my bases for withholding both the budget request and the total appropriation for fiscal year 1999.

PRIOR RELEASES

7. In October 1997, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1997 was $26.6 billion. At the time of this disclosure, I issued a public statement that included the following two points:

First, disclosure of future aggregate figures will be considered only after determining whether such disclosure could cause harm to the national security by showing trends over time.

Second, we will continue to protect from disclosure any and all subsidiary information concerning the intelligence budget: whether the information concerns particular intelligence programs. In other words, the Administration intends to draw the line at the top-line, aggregate figure. Beyond this figure, there will be no other disclosures of currently classified budget information because such disclosures could harm national security.

8. In March 1998, I publicly disclosed that the aggregate amount appropriated for intelligence and intelligence-related activities for fiscal year 1998 was $26.7 billion. I did so only after evaluating whether the 1998 appropriation, when compared with the 1997 appropriation, could cause damage to the national security by showing trends over time, or otherwise tend to reveal intelligence methods. Because the 1998 appropriation represented approximately a $0.1 billion increase—or less than a 0.4 percent change—over the 1997 appropriation, and because published reports did not contain information that if coupled with the appropriation, would be likely to allow the correlation of specific spending figures with particular intelligence programs, I concluded that release of the 1998 appropriation could not reasonably be expected to cause damage to the national security, and so I released the 1998 appropriation.

9. Since the enactment of the intelligence appropriation for fiscal year 1998, the budget process has produced: 1) the fiscal year 1998 supplemental appropriations; 2) the Administration's budget request for fiscal year 1999 (a subject of this litigation); 3) the fiscal year 1999 regular appropriation (a subject of this litigation); and 4) the fiscal year 1999 emergency supplemental appropriation (a subject of this litigation). Information about each of these figures—some of it accurate, some not—has been reported in the media. In evaluating whether to release the Administration's budget request or total appropriation for fiscal year 1999, I cannot review these possible releases in isolation. Instead, I have to consider whether release of the requested information could add to the mosaic of other public and clandestine information acquired by our adversaries about the intelligence budget in a way that could reasonably be expected to damage the national security. If release of the requested information adds a piece to the intelligence jigsaw puzzle—even if it does not complete the picture—such that the picture is more identifiable, then damage to the national security could reasonably be expected. After conducting such a review, I have determined that release of the Administration's intelligence budget request or total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security, or otherwise tend to reveal intelligence methods. In the paragraphs that follow, I will provide a description of some of the information that I reviewed and how I reached this conclusion. I am unable to describe all of the information I reviewed without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

10. At the creation of the modern national security establishment in 1947, national policymakers had to address a paradox of intelligence appropriations: the more they publicly disclosed about the amount of appropriations, the less they could publicly debate about the object of such appropriations without causing damage to the national security. They struck the balance in favor of withholding the amount of appropriations. For over fifty years, the Congress has acted in executive session when approving intelligence appropriations to prevent the identification of trends in intelligence spending and any correlations between specific spending figures with particular intelligence programs. Now is an especially critical and turbulent period for the intelligence budget, and the continued secrecy of the fiscal year 1999 budget request and total appropriation is necessary for the protection of vulnerable intelligence capabilities.

### CLASSIFIED INFORMATION FOIA EXEMPTION (b)(1)

11. The authority to classify information is derived from a succession of Executive orders, the most recent of which is Executive Order 12958, "Classified National Security Information." Section 1.1(c) of the Order defines "classified information" as "information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure." The CIA has withheld the budget request and the total appropriation as classified information under the criteria established in Executive Order 12958.

### CLASSIFICATION AUTHORITY

12. Information may be originally classified under the Order only if it: (1) is owned by, produced by or for, or is under the control of the United States Government; (2) falls within one or more of the categories of information set forth in section 1.5 of the Order; and (3) is classified by an original classification authority who determines that its unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe. The classification of the budget request and the total appropriation meet these requirements.

13. The Administration's budget request and the total appropriation are information clearly owned, produced by, and under the control of the United States Government. Additionally, the budget request and the total appropriation fall within the category of information listed at section 1.5(c) of the Order: "intelligence activities (including special activities), intelligence sources or methods, or cryptology."

14. Finally, I have made the determination required under the Order to classify the budget request and the total appropriation. By Presidential Order of 13 October 1995, "National Security Information", 3 C.F.R. 513 (1996), reprinted in 50 U.S.C. §435 note (Supp. I 1995), and pursuant to section 1.4(a)(2) of Executive Order 12958, the President designated me as an official authorized to exercise original TOP SECRET classification authority. I have determined that the unauthorized disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. Consequently, I have classified the budget request and the total appropriation at the CONFIDENTIAL level. In the paragraphs below, I will identify and describe the foreseeable damage to national security that reasonably could be expected to result from disclosure of the budget request or the total appropriation.

### DAMAGE TO NATIONAL SECURITY

15. Disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security in several ways. First, disclosure of the budget request reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weakness. The difference between the appropriation for one year and the Administration's budget request for the next provides a measure of the Administration's unique, critical assessment of its own intelligence programs. A requested budget decrease reflects a decision that existing intelligence programs are more than adequate to meet the national security needs of the United States. A requested budget increase reflects a decision that existing intelligence programs are insufficient to meet our national security needs. A budget request with no change in spending reflects a decision that existing programs are just adequate to meet our needs.

16. Similar insights can be gained by analyzing the difference between the total appropriation by Congress for one year and the total appropriation for the next year. The difference between the appropriation for one year and the appropriation for the next year provides a measure of the Congress' assessment of the nation's intelligence programs. Not only does an increased, decreased, or unchanged appropriation reflect a congressional determination that existing intelligence programs are less than adequate, more than adequate, or just adequate, respectively, to meet the national security needs of the United States, but an actual figure indicates the degree of change.

17. Disclosure of the budget request or the total appropriation would provide foreign governments with the United States' own overall assessment of its intelligence weaknesses and priorities and assist them in redirecting their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Because I have determined it to be in our national security interest to deny foreign governments information that would assist them in assessing the strength of United States intelligence capabilities, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

18. Second, disclosure of the budget request or the total appropriation reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs. Foreign governments are keenly interested in the United States' intelligence collection priorities. Nowhere are those priorities better reflected than in the level of spending on particular intelligence activities. That is why foreign intelligence services, to varying degrees, devote resources to learning the amount and objects of intelligence spending by other foreign governments. The CIA's own intelligence analysts conduct just such analyses of intelligence spending by foreign governments.

19. However, no intelligence service, U.S. or foreign, ever has complete information. They are always revising their intelligence estimates based on new information. Moreover, the United States does not have complete information about how much foreign intelligence services know about U.S. intelligence programs and funding. Foreign governments collect information about U.S. intelligence activities from their human intelligence sources; that is, "spies." While the United States will never know exactly how much our adversaries know about U.S. intelligence activities, we do know that all foreign intelligence services know at least as much about U.S. intelligence programs and funding as has been disclosed by the Congress or reported by the media. Therefore, congressional statements and media reporting of the fiscal year 1999 budget cycle provide the minimum knowledge that can be attributed to all foreign governments, and serve as a baseline for predictive judgments of the possible damage to national security that could reasonably be expected to result from release of the budget request or the total appropriation.

20. Budget figures provide useful benchmarks that, when combined with other public and clandestinely-acquired information, assist experienced intelligence analysts in reaching accurate estimates of the nature and extent of all sorts of foreign intelligence activities, including covert operations, scientific and technical research and development, and analytic capabilities. I expect foreign intelligence services to do no less if armed with the same information. While other sources may publish information about the amounts and objects of intelligence spending that damages the national security, I cannot add to that damage by officially releasing information, such as the budget request or the total appropriation, that would tend to confirm or deny these public accounts. Such intelligence would permit foreign governments to learn about United States' intelligence collection priorities and redirect their own resources to frustrate the United States' intelligence collection efforts, with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security. I am unable to elaborate further on the basis for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

21. In addition, release of both the budget request and the total appropriation would permit one to calculate the exact difference between the Administration's request and Congress' appropriation. It is during the congressional debate over the Administration's budget request that many disclosures of specific intelligence programs are reported in the media. Release of the budget request and total appropriation together would assist our adversaries in correlating the added or subtracted intelligence programs with the exact amount of spending devoted to them.

22. And third, disclosure of the budget request or the total appropriation reasonably could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States. No government has unlimited intelligence resources. Resources devoted to targeting the nature and extent of the United States' intelligence spending are resources that cannot be devoted to other efforts targeted against the United States. Disclosure of the budget request or the total appropriation would free those foreign resources for other intelligence collection activities directed against the United States,

with the resulting damage to our national security. Therefore, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to cause damage to the national security.

23. In summary, I have determined that disclosure of the budget request or the total appropriation reasonably could be expected to provide foreign intelligence services with a valuable benchmark for identifying and frustrating United States' intelligence programs. For all of the above reasons, singularly and collectively, I have determined that disclosure of the budget request or the total appropriation for fiscal year 1999 reasonably could be expected to cause damage to the national security. Therefore, I have determined that the budget request and the total appropriation are currently and properly classified CONFIDENTIAL.

### Intelligence Methods—FOIA Exemption (b)(3)

24. Section 103(c)(6) of the National Security Act of 1947, as amended, provides that the DCI, as head of the intelligence community, "shall protect intelligence sources and methods from unauthorized disclosure." Disclosure of the budget request or the total appropriation would jeopardize intelligence methods because disclosure would tend to reveal how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies.

25. There is no single, separate appropriation for the CIA. The appropriations for the CIA and other agencies in the intelligence community are hidden in the various annual appropriations acts. The specific locations of the intelligence appropriations in those acts are not publicly identified, both to protect the classified nature of the intelligence programs themselves and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies.

26. Because there are a finite number of places where intelligence funds may be hidden in the federal budget, a skilled budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations. Release of the budget request or the total appropriation would provide a benchmark to test and refine such a hypothesis. Repeated disclosures of either the budget request or total appropriation could provide more data with which to test and refine a hypothesis. Confirmation of the hypothetical budget could disclose the actual locations in the appropriations acts where the intelligence funds are hidden, which is the intelligence method used to transfer funds to and between intelligence agencies.

27. Sections 5(a) and 8(b) of the CIA Act of 1949 constitute the legal authorization for the secret transfer and spending of intelligence funds. Together, these two sections implement Congress' intent that intelligence appropriations and expenditures, respectively, be shielded from public view. Simply stated, the means of providing money to the CIA is itself an intelligence method. Disclosure of the budget request or the total appropriation could assist in finding the locations of secret intelligence appropriations, and thus defeat these congressionally-approved secret funding mechanism. Therefore I have determined that disclosure of the budget request or the total appropriation would tend to reveal intelligence methods that are protected from disclosure. I am unable to elaborate further on the bases for my determination without disclosing classified information. Additional information in support of my determination is included in my classified declaration.

### Conclusion

28. In fulfillment of my statutory responsibility as head of the United States intelligence community, as the principal adviser to the President for intelligence matters related to the national security, and as head of the CIA, to protect classified information and intelligence methods from unauthorized disclosure, I have determined for the reasons set forth above and in my classified declaration that the Administration's intelligence budget request and the total appropriation for fiscal year 1999 must be withheld because their disclosure reasonably could be expected to cause damage to the national security and would tend to reveal intelligence methods.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Executed this 6th day of April, 1999.

George J. Tenet,
*Director of Central Intelligence.*

### Memorandum Opinion

Pending before the Court is Defendant Central Intelligence Agency ("CIA")'s Motion for Summary Judgment. After careful consideration of Defendant's Motion, Plaintiff's Memorandum in Opposition, Defendant's reply, the arguments presented at the November 1 hearing, and upon a second review of both classified affidavits as well as the unclassified affidavit filed by Defendant in this case, the Court will grant Defendant's Motion for Summary Judgment.

### BACKGROUND

Plaintiff Steven Aftergood, on behalf of the Federation of American Scientists, seeks disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. §552, of the Administration's total budget request for fiscal year 1999 for all intelligence and intelligence-related activities. Defendant, the United States Central Intelligence Agency ("CIA"), denied plaintiff's request on the basis that the information is exempt from FOIA's disclosure requirements because it is properly classified under Executive Order 12958 in the interest of national defense or foreign policy (Exemption 1) and because release of this figure would tend to reveal intelligence sources and methods that are specifically exempted from disclosure by statute (Exemption 3). On December 11, 1998, the Defendant moved for summary judgment on the basis of three declarations from George J. Tenet, Director of Central Intelligence ("DCI"), one unclassified filed as an exhibit to Defendant's Motion for Summary Judgment, and two classified which were filed under seal and ex parte for the Court's in camera review. These declarations explain why DCI Tenet believes the release of the figure requested by Plaintiff could reasonably be expected to cause damage to the national security and would tend to reveal intelligence methods and sources.

### DISCUSSION

#### *I. FOIA Exemption 1*

Exemption 1 of FOIA exempts from mandatory disclosure records that are: (A) specifically authorized under criteria established by Executive Order to be kept secret in the interest of national defense or foreign policy, and (B) are in fact properly classified pursuant to such Executive Order. 5 U.S.C. §552(b)(1). The Executive Order currently in effect is Executive Order ("E.O.") 12958, "Classified National Security Information."

Courts have prescribed a two-part test, part substantive and part procedural, to be applied in determining whether material has been properly withheld under Exemption 1. Substantively, the agency must show that the records at issue logically fall within the exemption, *i.e.*, that an Executive Order authorizes that the particular information sought be kept secret in the interest of national defense or foreign policy. Procedurally, the agency must show that it followed the proper procedures in classifying the information. *Salisbury* v. *United States*, 690 F.2d 966, 970–72 (D.C. Cir. 1982). If the agency meets both tests, it is then entitled to summary judgment. See, e.g., *Abbotts* v. *NRC*, 766 f.2d 604, 606 (D.C. Cir. 1985); *Miller* v. *Casey*, 730 F.2d 773, 776 (D.C. Cir. 1984).

##### *a. The Procedural Requirements of Exemption 1*

Based on the unclassified Declaration of DCI Tenet, the CIA has demonstrated that it has followed the proper procedures in classifying the total budget request for intelligence activities. Proper classification must be made by an original classification authority who determines that the information is owned by, produced by or for, or is under the control of the United States Government; that it falls within one or more categories of information set forth in section 1.5 of the Executive Order; and that the information's unauthorized disclosure reasonably could be expected to result in damage to the national security that the original classification authority can identify or describe. See E.O. 12958, §1.2(a); see also 32 C.F.R. §2001.10(b) (Information Security Oversight Office directive explaining that agency classifier must be able to identify and describe damage to national security potentially caused by unauthorized disclosure).

DCI Tenet is an official authorized to exercise original TOP SECRET classification authority. Tenet Declaration ¶13; see Presidential Order of 13 October 1995, "National Security Information," 3 C.F.R. §513 (1996); E.O. 12958 §1.4(a)(2). Further DCI Tenet has determined that the amount of the budget request for all intelligence activities is owned by the United States Government, see Tenet Declaration, ¶12; that it falls within the category of information listed at section 1.5(c) of the Executive Order, described as "intelligence activities (including special activities), intelligence sources or methods, or cryptology," see *Id.*; and that its disclosure reasonably could be expected to cause damage to the national security, see Id. at ¶¶13 et seq.

Plaintiff contends that DCI's determination is at odds with that of the President of the United States and that this conflict renders DCI determination invalid. However, although the President clearly has the authority to do so, the President has never released or ordered the release of, the Administration's budget request or the total appropriated amount for intelligence activities for fiscal year 1999. Therefore, the statement of a Presidential spokesman, made three years earlier, that, as a general matter, the President believed "that.disclosure of the annual amount appropriated for intelligence purposes will not, in itself, harm intelligence activities," is neither on point nor in any way legally binding. Plaintiff has offered this Court no evidence that the President has ever addressed the impact of disclosure of the Administration's budget request or the total amount appropriated for intelligence activities for fiscal year 1999. The fact that the President encouraged release of similar information in earlier years is not determinative here. Unless or until the President explicitly orders the release of this information or withdraws his authorization of DCI Tenet to make these classified determinations, and absent a finding by this

Court that DCI Tenet was somehow acting in bad faith in refusing to release this information, the Court finds that TCI Tenet is authorized to make this highly fact-dependent classification determination at issue in this case, and that he has properly done so here.

### *b. The Substantive Requirements of Exemption I*

To demonstrate that the budget request for intelligence falls within Exemption 1, the CIA must also explain why the information at issue properly falls within one or more of the categories of classifiable information, in this case "intelligence sources or methods," see E.O. 12958 §1.5(c), and why its unauthorized disclosure could reasonably be expected to result in damage to the national security.

When determining whether the records at issue are properly within the scope of the exemption; this Court must "determine the matter *de novo*." 5 U.S.C. §552(a)(4)(B). In Exemption 1 cases, Congress has indicated and courts have consistently recognized, that an agency's determination as to potential adverse effects resulting from public disclosure of a classified record should be accorded substantial weight. See, e.g., *Bowers* v. *Department of Justice*, 930 F.2d 350, 357 (4th Cir. 1991) ("What fact or bit of information may compromise national security is best left to the intelligence experts."); *Taylor* v. *Department of the Army*, 684 F.2d 99, 109 (D.C. Cir. 1982) (the agency's determination should be accorded "utmost deference"); *Washington Post* v. *DOD*, 766 F.Supp. 1, 6–7 (D.D.C. 1991) (judicial review of agency classification decision should be "quite deferential"). The agency's determination merits this deference because "[e]xecutive departments responsible for national defense and foreign policy matters have unique insights into what adverse affects [sic] might occur as a result of public disclosure of a particular classified record." *Salisbury*, 690 F.2d at 970 (quoting S. Rep. No. 1200, 93rd Cong., 2d Sess. 12 (1974)). Thus, summary judgment for the government in an Exemption 1 FOIA action should be granted on the basis of agency affidavits if they simply contain "reasonable specificity" and if they are not called into question by contradictory evidence in the record or by evidence of agency bad faith. *Halperin* v. *CIA*, 629 F.2d 144, 148 (D.C. Cir. 1980).

DCI Tenet's Declarations meet this deferential standard. Essentially, DCI Tenet explains that disclosure of the budget request reasonably could be expected to cause damage to national security in several ways: (1) disclosure "reasonably could be expected to provide foreign governments with the United States' own assessment of its intelligence capabilities and weaknesses," Tenet Declaration ¶ 14; (2) disclosure "reasonably could be expected to assist foreign governments in correlating specific spending figures with particular intelligence programs," Tenet Declaration ¶ 16; and (3) official disclosure could be expected to free foreign governments' limited collection and analysis resources for other efforts targeted against the United States, Tenet Declaration ¶ 18.

Obviously, DCI Tenet cannot be certain that damage to our national security would result from release of the total budget request for 1999, but the law does not require certainty or a showing of harm before allowing an agency to withhold classified information. Courts have recognized that an agency's articulation of the threatened harm must always be speculative to some extent, and that to require an actual showing of harm would be judicial "overstepping." See *Halperin*, 629 F.2d at 149. In the area of intelligence sources and methods, the D.C. Circuit has ruled that substantial deference is due to an agency's determination regarding threats to national security interests because this is "necessarily a region for forecasts in which the CIA's informed judgment as to potential future harm should be respected." *Gardels* v. *CIA*, 689 F.2d 1100, 1106 (D.C. Cir. 1982). Further, the Court noted that "the CIA has the right to assume that foreign intelligence agencies are zealous ferret." Id.

In this case, plaintiff has offered no contrary record evidence undermining the validity of DCI Tenet's highly fact-dependent determination. First, the Brown Commission's 1996 recommendations in favor of disclosure are not binding on this Court. The Brown Commission was a congressionally-charted commission made up of private citizens who lacked classification authority and who made non-binding recommendations to Congress and the President on intelligence matters. Neither Congress nor the President ever enacted the Brown Commission's recommendation on public disclosure of the intelligence budget. Nor did the Brown Commission ever consider the precise issue of classification presented here: whether, in 1999, and under the circumstances described in DCI Tenet's unclassified and classified declarations, it would recommend disclosure of the budget figures for that particular year.

Second, the fact that DCI Tenet disclosed the total intelligence budget in prior years is not necessarily adverse record evidence. On the contrary, this Court finds that it indicates DCI Tenet's careful, case-by-case analysis of the impact of each disclosure and his willingness to accommodate budget requests whenever possible. When he made these prior disclosures, DCI Tenet emphasized that he would continue to make that case-by-case determination in future year. Tenet Declaration ¶ 7. Here, DCI Tenet has explained, in both his classified and unclassified declarations, the rationale underlying his predictive judgment that release of the figures for fiscal year 1999 could reasonably be expected to cause damage to national security. Therefore, the Court must defer to DCI Tenet's decision that release of a third consecutive year, amidst the information already publicly-available, provides too much trend information and too great a basis for comparison and analysis for our adversaries.

### *II. FOIA Exemption 3*

The CIA is also entitled to summary judgment on the basis that the budget request is exempt from disclosure under FOIA Exemption 3. Exemption 3 excludes from mandatory disclosure information that is "specifically exempted from disclosure by statute . . . provided that such statute requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue, or establishes particular criteria for withholding or refers to particular types of matters to be withheld." 5 U.S.C. §552(b)(3)(A) & (B).

In examining an Exemption 3 claim, a court must determine, first, whether the claimed statute is a statute of exemption under FOIA, and, second, whether the withheld material satisfied the criteria of the exemption statute. *CIA* v. *Sims*, 471 U.S. 159, 167 (1985); *Fitzgibbon* v. *CIA*, 911 F.2d 755, 761 (D.C. Cir. 1990). In this case, the CIA has withheld information from plaintiff because DCI Tenet has determined that the budget request falls within Section 103(c)(6) of the National Security Act of 1947, as amended, 50 U.S.C. §403-3(c)(6) (formerly section 403(d)(3)), which requires the DCI to "protect intelligence sources and methods from unauthorized disclosure." It is well settled that section 403-3(c)(6) falls within Exemption 3. *Sims*, 471 U.S. at 167. Thus, the Court need only consider whether the Administration's budget request falls within that statute. Id.

There is no doubt that the scope of the statute is broad; as the Supreme Court has commented, "[p]lainly the broad sweep of this statutory language comports with the nature of the [CIA's] unique responsibilities." Sims, 471 U.S. at 169. The legislative history of §403-3(c)(6) also makes clear that Congress intended to give the [DCI] broad authority to protect the secrecy and integrity of the intelligence process." Id. at 170. To establish that the budget request is exempt under FOIA, therefore, the CIA need only demonstrate that the information "relates" to intelligence sources and methods. Fitzgibbon, 911 F.2d at 762. Like the DCI's determination under Exemption 1, the DCI's determination under Exemption 3 is entitled to "substantial weight and due consideration." Id.

One nexus between the Administration's budget request and "disclosure of intelligence sources and methods" is found in the special appropriations process used for intelligence activities. Disclosure of the budget request would tend to reveal "how and for what purposes intelligence appropriations are secretly transferred to and expended by intelligence agencies." Tenet Declaration ¶ 20.

There is no single, separate appropriation for the CIA. Appropriations for the CIA and other agencies in the intelligence community are hidden in the various appropriation acts. Id. ¶ 21. The locations are not publicly identified, both to protect the classified nature of the intelligence programs that are funded and to protect the classified intelligence methods used to transfer funds to and between intelligence agencies. Id. Sections 5(a) and 8(b) of the CIA Act of 1949, 50 U.S.C. §§403f, 403j, provide the legal authorizations for the secret transfer and spending of intelligence funds. Id. ¶ 23. DCI Tenet has asserted that since there are a finite number of places where intelligence funds may be hidden in the federal budget, a budget analyst could construct a hypothetical intelligence budget by aggregating suspected intelligence line items from the publicly-disclosed appropriations and that repeated disclosures of either the budget request or the budget appropriation would provide more data with which to test and refine the hypothesis. Id. Plaintiff denies the viability of this argument but provides no conclusive evidence of its implausibility.

Several courts have held that information tending to reveal the secret transfer and spending of intelligence funds is exempt from disclosure under FOIA as an "intelligence method." See e.g., *Military Audit Project* v. *Casey*, 656 F.2d 724, 745 (D.C. Cir. 1981). Therefore, because DCI Tenet has determined that release of the total budget request would tend to reveal secret budgeting mechanisms constituting "intelligence methods," it is also exempt from disclosure under FOIA Exemption 3.

### CONCLUSION

The Declarations of DCI Tenet logically establish that release of the Administration's budget request for fiscal year 1999 could reasonably be expected to result in harm to the national security and to reveal intelligence "sources and methods." On the basis of these declarations and the entire record in this case as well as the discussion above, this Court will grant the CIA's Motion for Summary Judgment. An order will accompany this Memorandum Opinion.

November 12, 1999.

THOMAS F. HOGAN,
*United States District Judge.*

ORDER

In accordance with the accompanying memorandum opinion, it is hereby

ORDERED that Defendant Central Intelligence Agency's Motion for Summary Judgment is granted. It is further hereby

ORDERED that this case is dismissed with prejudice.

November 12, 1999.

THOMAS F. HOGAN,
*United States District Judge.*

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. ROEMER).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ROEMER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 506, further proceedings on the amendment offered by the gentleman from Indiana (Mr. ROEMER) will be postponed.

The point of no quorum is considered withdrawn.

### AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

At the end of title III, insert the following new section (and conform the table of contents accordingly):

**SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS.**

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates, and revises as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120, 113 Stat. 1613) (relating to a description of the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development).

Mr. TRAFICANT. Mr. Chairman, this amendment calls for an update from our intelligence community on the effects of foreign espionage on United States trade secrets, on, in fact, our patents, our technology development, our industrial complex, our military industrial complex, and the basic elements that fuel our economy and is our national security.

It is straightforward. It makes sense. I urge its approval.

Mr. Chairman, I yield to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I thank the gentleman from Ohio (Mr. TRAFICANT) for yielding. I want to thank the gentleman from Ohio for his interest and his work with the committee and his support for our men and women of our intelligence community. I appreciate his efforts on behalf of the economy of the United States of America, which he is very outspoken on and very forthright.

This amendment is eminently reasonable, and I would accept the amendment on behalf of the committee. I appreciate the consideration of the gentleman from Ohio of the best interest of the intelligence community and his willingness to cooperate with the committee on that amendment.

Mr. DIXON. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I am proud to yield to the gentleman from California.

Mr. DIXON. Mr. Chairman, the minority has no problem with the amendment, and I will be glad to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 506, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

### AMENDMENT NO. 4 OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. —. The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

Mr. TRAFICANT. Mr. Chairman, this is a straightforward amendment. I just listened to the last debate. I have a tendency to agree with the gentleman from Florida (Chairman GOSS). The numbers to me are not important. I look at what I consider to be results.

I believe if America would have investigated allegations in the Chinese meddling into our political system and to buying and spying on our military secrets and technology, if we would have spent as much money on that as we spent on investigating Microsoft, I think our Nation would be safer.

But I have a question here today to the Congress. I wonder if the Central Intelligence Agency or if our intelligence community has basically said to Congress, "be careful about China." I do not know. We are going to take up a big vote here later this week, and I believe we are going to go ahead and ratify and approve a massive trade agreement with China.

I do not know how much we are spending. But, quite frankly, what do they advise us? What has our intelligence community taken the time to educate us about where we are going when I read that China just purchased 24 cruise missiles from Russia, and the Pentagon spokesman, on conditions of anonymity said, any American Naval vessel without the protection of a carrier fleet is "dead meat." This is the first shipment of the cruise missiles. Now, look, a second shipment they said is expected in several months.

For the first time in history, China, which is showing an aggressive posture to Taiwan, for the first time in history, our administration is not willing to, in fact, help Taiwan. Now we are embarking on a massive trade agreement. I think the trade agreement bothers me on the surface with an $80 billion surplus now surpassing Japan, and Japan has never opened their markets, and every President from Nixon to Clinton threatening to open the markets. So, evidently, they have not abided by any agreement we have ever signed.

I am concerned about the national security implications with China. The Traficant amendment says tell us what are the goals and policies of the People's Republic of China, a communist nation, and if in fact they constitute a threat to our national security.

Now, if I am off base with that, then God save the Republic, because we should all have been briefed in our office by the CIA telling us what is going on over there. Otherwise, we make this suggestion, give $1 billion to CNN, $1 billion. Save a lot of money. Help our people with the balance. Because they told us about the fall of the Soviet Union, the Berlin Wall, the invasion of Kuwait. We did not hear it from CIA. We heard it on CNN. So I think we should know that.

The Traficant amendment says tell us and go put it down on paper. The intelligence community cannot have it both ways and say, Aw shucks, look what happened. Tell us if it is a good deal or a bad deal and if we have got a problem. They have got to put it on paper, and history can reflect it.

With that, I urge an aye vote that would require our intelligence community to advise us if there is this powerful threat.

Mr. Chairman, I yield to the gentleman from Florida (Mr. GOSS).

Mr. GOSS. Mr. Chairman, I thank the distinguished gentleman from Ohio (Mr. TRAFICANT) for yielding to me again. I appreciate his efforts to raise the consciousness of the House to the risk we face from the People's Republic of China. He has obviously done it very well.

I certainly believe the DCI can operate within the 60-day timeframe that we have talked about. In fact, I think he can do it more speedily than that, given the other matters going on of interest to this body. I would be prepared to accept the amendment and thank the gentleman again for his contribution.

Mr. DIXON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to accept the amendment, and I rise to support the amendment. I think the gentleman from Ohio (Mr. TRAFICANT) has an excellent amendment. But I also think it is fair to point out that the gentleman from Virginia (Mr. WOLF), the chairman of the Subcommittee on Transportation of the Committee on Appropriations, has been encouraging Members of this House to get two briefings from the Central Intelligence Agency.

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In fact, I received those briefings with staff on Friday. So I cannot say that the Central Intelligence Agency does not have information available. Perhaps this will better organize it and have a date certain for it to come, but any Member can request those two briefings and I think it is only fair to point that out.

Mr. TRAFICANT. Mr. Chairman, will the gentleman yield?

Mr. DIXON. I yield to the gentleman from Ohio.

Mr. TRAFICANT. I appreciate the gentleman yielding, and I would simply ask, does the Central Intelligence Agency, under the milieu of events occurring around the world, do they support our efforts in moving forward with the trade agreement? And does the Central Intelligence Agency believe that the behavior of China poses a significant threat?

I think just having people coming in and talking to us, I want them to put it down on paper, and I think that is what Congress should require. We may be, without a doubt, dealing with the most serious threat in our Nation's history, and our children and their children, God forbid, may some day realize that. I hope that does not occur.

So with that, I appreciate the time the gentleman has afforded me and appreciate the gentleman's statement.

Mr. DIXON. Reclaiming my time, Mr. Chairman, the Central Intelligence Agency made it clear from the very beginning of the briefing that they had obtained certain information and analyzed it; it was up to the Member of Congress receiving that briefing to make a judgment on it.

So I do not think that we will find the Central Intelligence Agency making a judgment. In this particular case, as it relates to China and whether they have permanent normal trade relations, that is up to each Member of Congress based in part on what the analysis is. But as far as whether they are a threat or a nonthreat, the CIA made it very clear that they were not taking a position in this debate and that they were presenting what they felt was sound information and that we should, in fact, make our own judgment.

Mr. TRAFICANT. Mr. Chairman, if the gentleman will continue to yield, the amendment says the CIA shall let us know whether or not the policies and goals of the People's Republic of China constitutes a threat to our national security. That is all in writing.

Mr. DIXON. I realize the amendment says that, but the threat is in the eye of the beholder. And one agency may think it is a threat and another agency may think that it is a nonthreat.

But in the final analysis, we have to take intelligence information, that every Member of this House has been encouraged over and over by the gentleman from Virginia (Mr. WOLF) to receive, and make a judgment call Wednesday or some time in the future.

The CHAIRMAN. The question on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT).

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. TRAFICANT. Mr. Speaker, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to House Resolution 506, further proceedings on the amendment offered by the gentleman from Ohio (Mr. TRAFICANT) will be postponed.

The point of no quorum is considered withdrawn.

Mr. ROEMER. Mr. Chairman, I rise in strong bipartisan support of the fiscal year 2001 intelligence authorization.

I believe this bill sets about the right level of overall funding for intelligence activities next year. The President requested 6.6 percent more in funding for national programs over last year's appropriated level. While some have complained that the administration failed to request sufficient funding for intelligence activities, the testimony we heard during our budget hearings did not convince me we needed to go beyond the relatively robust topline increase in the request.

Nevertheless, there was room for concern about some aspects of the request and the allocation of those resources. I have been very critical of one classified program of great cost and exceedingly doubtful impact. I have also been extremely concerned that the heightened pace of U.S. Government counterterrorism efforts arising out of the threat identified over the Millennium could not be sustained through the end of this fiscal year and into FY 2001. Finally, through oversight and legislative hearings, the compiled evidence significantly increased my concerns about the state of language capabilities of intelligence community personnel. I have found that not only are there too few people speaking the language in country, but too often the ones who do are not sufficiently proficient. I addressed these three concerns with an amendment to transfer some of the funding from the highly questionable classified program to areas of greater need involving terrorism and language proficiency. This was a bipartisan effort and I thank Chairman Goss and Ranking Member DIXON for their help.

Mr. Chairman, later in the debate I will offer an amendment to require an annual unclassified statement of the aggregate amount appropriate for the previous fiscal year. It is my understanding that one of the reasons offered for why the intelligence budget total should remain classified is that its disclosure may provide foreign governments with the U.S. Government's own assessment of its intelligence capabilities and weaknesses. This is not persuasive. The fact of the matter is that in our great democratic country, there is considerable unclassified information openly published containing official assessments of intelligence capabilities and shortcomings. The intelligence community has, in fact, published the 1997 and 1998 aggregate level of spending. There are legitimate concerns about protecting through counter intelligence measures and enhanced security our sensitive information. An accurate report of the aggregate number appropriated for intelligence each year would cause no harm to national security and would clearly be a welcome addition to the public's understanding of the roles and mission of the intelligence community. It could also provide some measure of accountability from the agencies. I urge my colleagues to support my amendment later this week.

Mr. GOSS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCINNIS) having assumed the chair, Mr. THORNBERRY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, had come to no resolution thereon.

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## GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, and that I may include tabular and other extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IN MEMORY OF VICKI LEE GREEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. MCINNIS) is recognized for 5 minutes.

Mr. MCINNIS. Mr. Speaker, I rise today in great sadness. I lost a friend of mine but, more importantly than my loss, is the loss to the entire community of Glenwood Springs, Colorado, one of their leading and most outstanding citizens, Vicki Lee Green.

Vicki is survived by her husband Lee, a tremendous individual; by her daughter Tanya, of whom Vicki was always so proud of, and especially proud of Tanya who is now following in her mother's business that Vicki set up; by her brother Bill, who showed so much compassion and care over the last several years during Vicki's battle with a terrible disease; and, of course, Bill's wife, Jeannie, and numerous other relatives.

Mr. Chairman, I wanted to visit with my colleagues to tell them about this wonderful, wonderful person who represented the standard of strength. Vicki did not inherit her strength. She worked for it. And she built her foundation of strength with several different pillars, and those pillars have really on one end family, which she truly loved and devoted her life to, and on the other end friends. Those were the two main pillars that held up that structure of strength that Vicki Lee Green demonstrated to all of us who knew her.

Between those two great pillars of family and friends were several other smaller pillars, but nonetheless important for the maintenance of the structure, and they were, first of all, integrity. No one ever questioned Vicki Lee's integrity. I dealt with her on a number of business transactions, and I have never known anyone in my professional career, ever, not anyone, who questioned Vicki Lee Green's word or her integrity. It was impeccable.

Her character. She was an enjoyable person to be around. She was all business, make no mistake about that, but she was just an enjoyable person to do business with. She was an enjoyable person to be a friend of, and she was an enjoyable person in the community.

She was very bright, and that in itself is a pillar. In the kind of business that she was in, real estate, she was very competitive but she was bright, and that is an asset. It is important for strength.

I can tell my colleagues that she was very determined, one of the most determined people I have ever known. And I think that was most clearly demonstrated not only by the success of Vicki's business accomplishments but by her very, very brave battle against this terrible disease which unfairly took my friend and the community's friend, and a mother, and a sister, and a wife at age 51.

Today, they had Vicki's service in Glenwood Springs. I regret the fact that I could not attend, but my duties required that I be here with my colleagues. But I do want my colleagues to know that a lot of times we can tell by the outpouring of a community just how much they love somebody, and there is no question that today the outpouring of that community for the services of Vicki Lee Green was tremendous, probably one of the largest attended services in the history of that community.

In so many ways Vicki Lee Green was a beautiful, beautiful person; and I can tell all of my colleagues that many of us in Colorado and many of her friends throughout the country, as well as her family, will miss her deeply.

## PERMANENT NORMAL TRADE RELATIONS FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 60 minutes as the designee of the minority leader.

Mr. DEFAZIO. Mr. Speaker, I rise this evening to speak on the proposed legislation that will be before this House in 2 days on the so-called permanent normal trade relations for China, that is once and for all the United States surrendering any right for the Congress to review the actions of the Government of China in terms of its compliance with past, existing agreements on trade, no matter how unfair; any right to review their actions in the area of human rights; any right to review their actions in the area of nuclear proliferation in dealing with terrorist nations. In fact, we would be writing a blank check for the government of China, a government which has broken every past agreement with the United States.

But let us go back a little further. I quote. "If it seems increasingly likely China embraces a trade regime that permits American firms to enjoy what our Secretary of State terms a fair field and no favor, how much does the United States stand to gain? According to the editorial pages of our most respected newspapers, senior government officials, captains of industry, and numerous other opinion makers, the answer to that question appears to be much more than we can possibly imagine. The chairman of a prominent U.S.-China business group, for example, contends that an accord will incalculably strengthen and stimulate our trade ties. A commercial roundtable claims no other market in the world offers such vast and varied opportunities for the further increase of American exports. Echoing these appraisals, The New York Times declares that it is not our present trade with all Chinese exports, but the right to all that trade with its future increase for which America will become a source of great profit."

Unfortunately, they were all wrong. The President was McKinley, the year was 1899, and the policy was open door toward China.

But let us move ahead to more recent actions in the closed Chinese market. The Chinese are the most unfair trading nation on earth. My colleagues do not have to take that from me. We can go to one of the biggest cheerleaders for this accord, the President's special trade representative, Charlene Barshefsky, whose annual report has detailed that, in fact, the Chinese have a plethora of nonmarket-based exclusions to U.S. and other goods around the world.

The President proclaims they will lower their tariffs. Well, guess what, the tariffs are meaningless. That is not how the Chinese keep the goods out of their country. They keep them out with nontariff barriers. So they have given away something that is meaningless. They will no longer levy on tariffs the goods they do not allow to be imported; and the U.S., of course, will lower all its barriers.

Now, we are a market-based economy. Lowering our tariffs does mean more Chinese goods will flow into the United States. This is what has happened under the past agreements with China. Perhaps I should turn it over. This is the growth in our trade deficit, the growth in red ink with China. It reached a record last year, and it is projected that if the Chinese live up to the current agreement, which is pending, that in fact this trend will accelerate. And if they do not live up to it, it will grow even more quickly. The loss of jobs will be palpable here in the United States of America.

□ 2000

If we use the U.S. International Trade Commission's own model, they say that our trade deficit with China will continue to grow for the next half a century, reaching a peak of $649 billion in 2048, our trade deficit with China would not fall below its current level until 2060. Now, that is if they live up to the agreement. Remember, they have broken every agreement.

Now, well, maybe this is different. Well, let us go to a good source, quotes from the Chinese official who negotiated these trade agreements. He is talking about a couple of specific things. He says, in fact, and he is talking about the import of meat and he says, this is a change of wording. This has created a fuss in the United States. People think that China has opened its door wide for import of meat. In fact, this is only a theoretical market opportunity. During diplomatic negotiations, it is imperative to use beautiful words for this to lead to success, the same kind of success that the Chinese have had in the past, every time beautiful words, signing agreements, every time violating the agreements and a dramatic acceleration in the U.S. trade deficit.

Now, I have had the farmers from my State, I have had the cattlemen, I have had the wheat farmers, they say, Congressman, what an opportunity for us. The U.S. market is not so great. We need help. We need access to the Chinese market. I said to them, What if you thought that, in fact, the tables were going to be turned, if wheat produced cheaply in China was going to be imported into the United States? They said, Well, no one talked about that.

Well, they did not tell the tomato growers in Florida about that when we entered into the NAFTA agreement, either; and they have been wiped out by the cheap tomatoes from Mexico. And, in fact, there is no huge opportunity to import meat into China, as we heard. These are beautiful words to get success in negotiations according to the chief Chinese negotiator.

He went on to talk about wheat. "Some people think there will be a massive amount of smut going into China," he is talking about something that grows on wheat, not pornography, "if we promise to import 7.3 million tons of wheat annually from the United States. This is absolutely wrong. Commitment is just an opportunity for market accession in terms of theory. We may or may not import such an amount of wheat as 7.3 million tons."

He went on elsewhere to talk about how, in fact, the Chinese have made vast strides in producing and stockpiling wheat and that they fully intend to be major exporters of wheat and other agricultural commodities. And by the U.S. dropping all of its tariff barriers while the command and control, centralized communist economy of China has given us meaningless concessions on trade, those goods will be flooding into the U.S., further hurting our farmers and further impacting other sectors of our economy.

What other sectors? Well, we have been told this is a vast opportunity. Remember, a hundred years ago we heard the same thing. We heard it a mere less than a decade ago about Mexico, how Americans were going to get wealthy, they were going to get wealthy by exporting goods to Mexico.

No one talked about the fact that the total buying power of the nation of Mexico was less than the State of New Jersey. And in this case no one is talking about the fact that China is less important than Belgium to the United States in terms of exports. And the Chinese have no intention of opening that market because they are a command and control, communist, top-down dictated economy. They are not a market economy, and they will not become; and they are not required to become a market economy under this agreement.

Most economists say everything but the military telecommunications, energy industries, along with some parts of the transportation sector will be opened to private competition. State-run monopolies and exports, imports and manufacturing, for example, will be dismantled. That is the promise.

The reality is, headline: "China Car Makers Expect Continued Protection After WTO Entry." Beijing Dow Jones. "China Will Continue to Protect Its Agricultural Industry After Its Expected Entry Into The World Trade Organization." And the list goes on.

Telecommunications, automobiles, transportation. The Chinese have a huge labor surplus. They are not about to risk the stability of their country by putting those people out of work by more efficient manufacturers here in the United States.

This is not about exporting U.S. manufactured goods to China. It is exactly about the same thing that happened in Mexico. It is about making it safe for U.S. manufacturers to move huge sums of capital and manufacturing equipment in the past to Mexico and now to an even cheaper source of labor.

Just think of it. They work for one-fifth of the dollar an hour that the Mexicans get paid. There will be endless threats of moving the company to China if they do not get wage concessions here at home.

This is not about the buying power of the Chinese people at 20 cents an hour. A person who works in the plant manufacturing Nikes at 20 cents an hour, 6½ days a week, 12 hours a day could, yeah, it is true, if they took 3 months' wages and got an employee discount, they could buy a pair of Air Maxes. Not too likely, and not even Nike says that.

In fact, many multinationals are not mentioning selling. If you go visit their Web sites, it is very instructive. We have all heard talk about this, from their American-based factories to China, which might benefit American workers. Instead, they are carrying on about turning the People's Republic into a low-wage production base. That is what this is all about.

Procter & Gamble, they want the low wages. Motorola, they want the low wages. Westinghouse, they are all saying, and they say this openly on their Web sites, they plan to substitute Chinese parts and materials steadily for American-made ones, the ones that they still send to China to put into finished goods.

The predictable result is the loss of high-wage American manufacturing jobs. A trend that started with Mexico is going to dramatically accelerate with China.

I see a couple of other Members have joined me, and let me go to them in a moment. But let me just go back to can we trust the government of China.

We have outstanding numerous trade agreements with the Chinese, most importantly the 1979 Bilateral Accord signed by the government of China and the Government of the United States: Where the contracting parties shall accord each other most favored nation treatment with respect to products originating in or destined for the other country, any advantage, favor, privilege, or immunity they grant to like products originating from any other country or region in all matters regarding.

It goes on and on and on. We have this agreement. We do not need to give them these extraordinary new concessions. We do not have to give them a permanent blank check. All we have to do is demand that they live up to an agreement they signed 21 years ago, which they have not lived up to in 21 years, and they have no intention of living up to in the future in addition to the newly phrased, nicely worded, beautifully worded, as the Chinese negotiator says, and successful negotiations they have just had with the United States, which is about to be or they are going to attempt to jam down the throats of this Congress and the American people.

Mr. Speaker, I yield to the gentleman from Michigan (Mr. BONIOR).

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding. I want to compliment him for his statements and his explaining to the American people and to our colleagues here that what we are talking about in this trade agreement with China is quite similar to what we had as a result of the North American Free Trade Agreement, that is, creating another export platform for products.

Businesses in this country move to low-wage, often authoritarian governments, countries, establish their business there and they do not have to deal with the question of paying decent wages or decent benefits, where there is no rule of law that allows people in those countries to form independent labor organizations, where there is oftentimes no chance to even provide a political voice in opposition.

So that is kind of the strategy here for many of the multinationals that are locating in Asia and oftentimes in other underdeveloped or developing world countries. And I think you can tell from the chart that the gentleman has how clearly this policy that we have had for the last decade, well, actually it is more than the last decade, the chart indicates right there from

1983 to 1999 we have granted China all these trade concessions.

All those arrows that are pointing at the red part of that graph are trade agreements we have reached with China. By the way, none of which were ever complied with. The result of that is the red that you see on that chart. And the red, of course, is the growing deficit from $6 billion in trade deficit back in 1983 to now approaching $70 billion annually.

The tragedy, of course, is because these countries, China in this instance, has such regressive, repressive laws about organizing politically, religiously, trade union-wise, their workers cannot earn enough money to purchase anything we might want to sell them. Even if we could get it into their country, which we cannot get, anyway, but assuming we could get it in, they have not the wherewithal to purchase the products we want.

The United States Business and Industry's Council's Globalization fact sheet, China Trade, came out in July of 1999, one of their fact sheets, and it states "What Will They Use for Money?"

What they do is outline the cost of an automobile made in China. The price of a Buick is about $40,000. The price of a GM minivan planned to be made in China is about $48,000. The price of a small Volkswagen planned to be made in China is $12,000. The price of a Honda Accord planned to be made in China is $36,000.

The point here is the average Chinese urban worker's annual income is about $600, and if you look at the Chinese manufacturing worker, they labor for about 13 cents an hour; and, as a result, one of the fastest growing export sectors to China is already parts for reassembly and export back to the United States. And this has grown at 349 percent over the past 5 years, exactly what they do in Mexico.

Our corporations will go to the workers in this country and their representative unions and they will say to them, listen, if you do not take a cut in salary, if you do not take a freeze in benefits, we are out of here, we are leaving, we are going to Mexico, or we are going, in this case, to China. And they go and they hire people, as they have in many of the sweatshops in China, to put together handbags and clothing and shoes, athletic shoes, for anywhere between 3 cents an hour and 30 cents an hour.

And the people that put those things together, they work long hours, oftentimes 30 out of 31 days a month, 12 hours a day, and they are working for literally pennies. So much so that the women who make shoes in some of these factories live in dormitories, the size of which in a 1020 room there are nine or 12 women with bunk beds living in these cramped quarters.

And so after they get done working these incredibly horrendous hours, 12 hours a day almost every day of the month, they do not make enough at the end of the month to buy even one of the athletic shoes that they are making; and oftentimes what they make is taken from them to pay for their food and their dormitory use, which are really tragic.

In fact, I think we have a shot of one that if the camera could put that up on the easel. This is the iron bars covering the dormitories where these women work. Not unusual. They work without gloves. They use toxic glues and all the horrors that you could imagine exist. Not unlike the maquiladora along the U.S.-Mexican border where often women young women in their teens, in their twenties work these long hours for very, very little pay.

So when we are up here arguing, as the gentleman from Oregon (Mr. DEFAZIO) has so eloquently done this evening, about standards, when we talk about working conditions, when we talk about living up to their trade agreements, which the Chinese have not done, when we talk about meshing this together into a policy that makes sense for workers both here and in China, we are talking about really where the future is in trade.

The policies that we have now are the past masquerading as the future. They are the same trade policies we have had for a hundred years in this country.

What has changed, of course, is the globalized nature of the world that we live in today. Because everyone is more interconnected. We are interconnected by the work that we do. We are interconnected by the air that we breathe and the water that we drink.

□ 2015

Some people say, well, why are you so opposed to this environmental grounds. I do not get the Chinese environmental piece, what is that all about? Well, it clearly is this. China has a policy, and they will tell you this openly and they will be very clear to you that you cannot have environmentalism and economic growth at the same time. That is what the Chinese Government maintains. So as a result, five of the 10 most polluted cities in the world are in China.

The air and the water in China is terrible, 2 million die each year of air-related or water-related illnesses in China. The rivers in China, 80 percent of them, do not have fish in them because of the toxics and the pollutants that are dumped in them. And, of course, the ozone layer is being eaten away.

China produces more fluorocarbons than any other place on the face of the Earth. Now, why this is important to us or to China's neighbors is because that water flows not only in China. It flows into other bodies of water that border on other nations, the air, the ozone layer. The problem that causes is a result of the fluorocarbon production that affects all of us on the face of the Earth.

The air that they pollute moves about the universe, so we are all interrelated; and that is why people who have a voice, need a voice, and want a voice at the table, whether it is the WTO or these trade agreements we do bilaterally or the IMF or the World Bank, we need to have people in the discussions at the table making policies that represent these views on the environment, on labor standards, and on human rights.

There is kind of a mindset in this debate that I would like to kind of challenge, if I could for a second; and I encourage my colleagues to join me in this part of the debate, because it is a really critical piece to how we confront this issue.

The proponents of this Chinese deal will argue to you, and they will argue vociferously, and I believe many of them believe this, they will say if we invest, engage with China, and I want to invest and I want to engage, but I want to do so under conditions, 15 percent of the American people in the Business Week poll said the best way to improve human rights and worker rights in China is not to restrict trade, but to engage China and include it in the World Trade Organization and give it permanent access to the U.S. market. Seventy-nine percent said, Congress should only give China permanent access to the U.S. market when it agrees to meet human rights and labor standards.

The American people believe, by a large margin, that we should engage them, but only when they agree to meet human rights and labor standards. So their argument on the other side goes something like that that if we engage in trade, it will open up their economy, people will be on the Internet, they will be talking to each other, da da, da, da, and democracy will flourish.

Mr. Speaker, of course, we have had now over 10 years of that, and the repression in China has only gotten worse. You can use these technologies in an Orwellian way to stifle peoples' rights to speak, to restrict their abilities to communicate or to organize.

Technology can be used both ways, and if you have a government that forces the negative as opposed to accentuating the positive, it sounds like a song, then you have a very bad situation; and that is what we have in China. Religiously, if you challenge the government, whether you are a Buddhist or a Catholic or a Muslim, or what have you, you will end up in jail where tens of thousands of religious activists, political activists and labor activists now reside.

I say to that argument that by trading, you can only open up the government, not through just the free market. The free market by itself did not open up anything. It did not open up our country. What opened up our country was people banning together democratically to form political organizations, labor organizations, religious organizations, human rights organizations that then came together and changed the laws of our country so more people could vote and participate. They were empowered politically, so that more people could have a right to organize in a union and collectively bargain; and they were empowered economically, so people could come together and form religions and express themselves through their faith in a religious way.

And that is what changes people. Free market by itself, we had the free market in Chile during Pinochet's time. We had the free market in Indonesia during Suharto's time. If the government is there repressing the people, the things that my friends, the proponents of this trade agreement, want, will not happen. It is only through the people's courage and determination and fight that you could bring change.

We need to stand on the side of those people who are trying to do that, the tens of thousands who have been locked up in prison, the other dissidents who are still there on the street, some who are in exile. The human rights advocates for China today, Harry Wu, Wei Jingsheng and many others like them, say do not do this trade deal, because the Chinese Government has not agreed to open up their labor rights and environmental and other issues to the general public.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Speaker, I think that is an extraordinarily important point, because I remember sitting in your office with Wei Jingsheng and he said, when I was locked up in prison in China with no communication with the outside world, he said, I could assess the state of affairs between the United States of America and the dictators in China. He said, At times I was treated much better in prison, and at other times I was treated much worse.

And, of course, my immediate assumption was, well, I guess when we made concessions to the Chinese they treated him better. He said no. He said, in fact, when the United States was confronting the dictators in China, when the United States was taking a stand for the few months that President Clinton said that we were going to link human rights and labor rights to our trade concessions to China, he was treated better, as were other prisoners. But as soon as the U.S. caves in, every time the U.S. caves in, the oppression washes this back.

Mr. BONIOR. This is permanent what we are talking about. This is permanent caving in. This is like we do not get to have this debate any more, the annual debate. Even though we debate this every year, we raise the consciousness of the country and the Chinese people and the world community who care about human rights, even though we are unwilling as a country to enact the laws that we need to really send a message to the Chinese. At least we have debate. Now, they even want to take the debate away from us, and that is how convoluted and how twisted this has all become.

Mr. DEFAZIO. If I could reclaim my time, there are some who claim, well, in fact, we have to do this so they can accede to the WTO. In fact, that is patently false. The 1979 agreement guarantees the U.S. and China reciprocity in trade. Of course, they have not followed that agreement, and the WTO would allow under their rules China to accede, if the U.S. supported them, and continue to annually review their performance on a number of issues. To give that up, which we are doing here for all time. I mean, we are giving them everything they could have ever wanted, they could have ever dreamed of. They violated all past agreements, but the beautiful words are that they will do better in the future as their negotiators said.

I think it should be performance based. The European Union set an example when Greece and Portugal wanted to accede to the European Union. They did not say, oh, sure come on right in and please, you know, we have some concerns, but if you will promise to fix those things, we will let you in right now full membership. They said, no, we want you to deal with labor conditions, environmental problems and other concerns, low wages in your country, because we are worried about a flood of our manufacturers into your countries. And, in fact, they conditioned their accession, and they said we are going to set benchmarks. You meet the benchmarks; we will bring you along. You meet another benchmark; we will bring you along. And when you finally reach the goal, we will give you full rights. Why could we not do that with China? Will the gentleman tell me?

Mr. BONIOR. Of course, we could do that with China. We could do that with Mexico. We could do that with other Latin American countries, and we do not. We gave that away under the North America Free Trade Agreement, that was the time to set the pattern. We set this terrible pattern of no responsibility; and as a result of no responsibility, we got no accountability.

And we have walked this path of no return it seems, unless people decide to stand up and say, no, we are not going on this path. We want to make people responsible so that standards rise; they do not fall for working people in the country.

And the other side, and I will just conclude with this, and I know the gentlewoman from California (Ms. PELOSI) is here and the gentleman from New Jersey (Mr. PASCRELL) is here, the real champions on this issue, the other side will also argue, they will say, well, you know, I saw the President on TV just a while ago. He was being interviewed by Tom Brokaw on NBC; he was saying this is a win for us, because we get all this access to the Chinese market, all our stuff is going to be able to come in, because their tariffs are going to come down. But what he fails to tells you is that they do not have any compliance or enforcement, and they do not let our stuff in, even though they say they can come in.

Let me give you a couple of quick examples. In the area of wheat, China will establish large and increasing tariff rate quotas for wheat with a substantial share reserved for private trade. This is the USTR agreement with China. After that was agreed to, Mr. Long also said that although Beijing had agreed to allow 7.3 million tons of wheat from the United States to be exported to the mainland each year, it is a "complete misunderstanding" to expect this grain to enter the country. In its agreements with the U.S., Beijing only conceded a theoretical opportunity for the export of grain.

Let me move to another commodity: meat. China has also agreed to the elimination of sanitary, phytosanitary barriers that are not based on scientific evidence, USTR, in other words, breaking down this barrier of allowing our meat into their country. Here is what the Chinese said right after that was agreed to: "Diplomatic negotiations involve finding new expressions. If you find a new expression, this means you have achieved a diplomatic result. In terms of meat imports, we have not actually made any material concessions," China trade envoy Long Yongtu, China's chief WTO negotiator.

I could just go on and on and on: telecommunications, insurance. Insurance industry is running all of these ads on the radio; you hear them everywhere you go. You turn on your radio, they are spending all of these hundreds of millions of dollars in this campaign to convince the American people that we will be able to sell the Chinese insurance products. Agreements: "China agrees to award licenses to U.S. insurance firms solely on the basis of prudential criteria, with no economic needs tests or quantitative limits."

It sounds pretty good, pretty strong, USTR negotiated in November. Ma Yongwei, chairman of China's Insurance Regulatory Communication, top person, she says, that "even after China's accession to the WTO, Beijing reserved the right to block licenses for foreign insurance companies if their approval seemed to threaten stability of economic policy."

Now, come on, you do not have to be a rocket scientist to figure this stuff out. I mean, this is the same game they played since 1983, which has allowed our deficit to mushroom and go out of control, and here we are with these basic commodities, meat, wheat, insurance, telecommunications, and they are playing the same game.

And I say to my friends in the agricultural sector especially who are, you know, trying to persuade us, China is awash in food today. They are not going to be importing all of this food.

Mr. DEFAZIO. If I could reclaim my time, just to finish the statement by the chief negotiator, and I thought this was very telling, too, he said during diplomatic negotiations, it is imperative to use beautiful words, for this will lead to success. That is success in negotiations, not success in U.S. access.

I sit as the ranking member on the Coast Guard and Maritime Affairs subcommittee, our maritime commission has come to us and said U.S. ships cannot access Chinese ports. It is not tariffs. It is not phytosanitary barriers. It is not environmental concerns. They have a constantly set of mutating unwritten rules for port access.

We have ships dispatched from the United States, the few that carry goods back that way, because most all of their deadheading back just to bring Chinese goods here, when they get to a Chinese port, they are told, we are sorry, you must leave, and they say, why, and they say, well, the rules have changed since you left the United States. And they said, could we see the rules, and they said, well, we are we sorry, the rules are not written, but we can assure that those rules do not lie. None of that will change under this agreement.

□ 2030

The tariff barriers are meaningless, meaningless, in a command and control Communist Chinese top down state-dominated economy.

Mr. BONIOR. The gentleman forgot one other adjective, corrupt. The Chinese government is a corrupt government. It functions based upon, to a large extent, on bribery. It is a very corrupt government.

Now, I have been through this before. In fact, the gentleman from California (Mr. DREIER), who has just risen, and I were debating this issue a little bit. And I remember him getting up and arguing that the Salinas government in Mexico was such an outstanding government and Salinas was such an outstanding individual, and things would change, things would get better in Mexico as a result of this.

Well, of course, Salinas now is in exile, having been scorned by his own countrymen for the corruption of him and his family. And, as a result, what we find in Mexico are people whose standard of living has dropped appreciably, and it was not just because of the devaluation of the peso, by the way, which could very easily happen to the currency in China if this goes through. Do not be surprised if the same thing happens in China, because it probably will.

But the people in Mexico, in Maquiladora, in real wages are earning anywhere from 20 to 30 percent less than they were prior to NAFTA. Of course, we have lost many of our jobs there as well.

Mr. DREIER. Mr. Speaker, will the gentleman yield, in light of the fact that the gentleman mentioned my name?

Mr. DEFAZIO. Mr. Speaker, I have other Members to recognize first.

The SPEAKER pro tempore (Mr. COOK). The gentleman from Oregon (Mr. DEFAZIO) controls the time.

Mr. DEFAZIO. Mr. Speaker, if I could add, just to go back to the argument that the gentleman made, after the NAFTA agreement, after they devalued, after the people of Mexico were impoverished, the economists who promoted this and talked about the huge market and the jobs said, "How could we have predicted this?" I remember that the gentleman from Michigan predicted it. I predicted it. I only have a bachelor's degree in economics. What is wrong with these people? The same thing could happen with the RMB, so the 20 cents an hour buying power, which is going to be an incredible boon for American industry, is going to drop to 10 cents an hour wages. That is not going to buy a heck of a lot from here.

Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PASCRELL), who has been very patient.

Mr. PASCRELL. I would like to start by thanking my colleague, the gentleman from Oregon (Mr. DEFAZIO) for his leadership in this area.

Frankly, I have seen enough ads and watched enough of them, so I do not need any retort or debate at this point. Our argument is not with the Chinese people, and we need to be very clear about this, but I had a horrible dream the other evening. I dreamt after standing with those dissidents in front of the Capitol, I dreamt that there was an uprising in China against the authoritarian dictatorship, and that we in America sided with a government which we have helped prop up. That is a nightmare.

Have we lost our moral compass altogether? The New York Times can try to anesthetize this all it wants in its editorials and its big ads, but it does not change.

This vote is not a referendum on one billion people who are forced to live under communist tyranny; this vote is about America's relationship with the Chinese government.

We have lost our moral compass to listen to the administration and to leadership in this House about where we are to go on this vote. There is a reason that the proponents of this flawed deal have been touting the national security and theoretical reform benefits they see in this package. They know that the argument that this bill is good for our working families is plain wrong.

As China seeks entry into the World Trade Organization and as our trade deficit with China soars to record heights, our manufacturing jobs are being sucked from our shores, away from our workers. Those jobs are going to places like China, where there is very little regard for working people, very little regard for their safety, very little regard for the environmental conditions within which people work, very little regard for health standards.

When dealing with issues such as this, I find it is best to step back and look at exactly what we are doing. What does this vote mean? Granting PNTR to China would strip America's ability to keep check on the communist regime in China. Granting PNTR to China says that China has gained our trust and approval, and I would be saying I believe this trade deal is the best thing for working folks in my district, in your district, the gentleman from Oregon, in your district, the gentlewoman from California.

I will not do that, because this is a bad deal. The numbers do not lie. In New Jersey, we will lose 23,000 jobs. In the United States as a whole, we will suffer a net job loss of 872,000 jobs over the same 10 years. We are not creating jobs in America, we are creating jobs in China. And why are we creating jobs in China? Proponents like to talk about job creation, although lately they have quieted that message, but they do not like publicizing the job loss on our side.

The real job creation is in China, where United States businesses will flock with their factories. Do you remember the words, in May of 1999, by the former Chief Economic Adviser to President Clinton, when she wrote in Business Week Magazine the following. Think of American workers reading this, hearing this, whether they are in machine shops, whether they are in the textile industries, whether they are making shows, whether they are farmers. Think of them hearing these words that she wrote: "The only big change to American markets with China trade would be in the textile industry, which is currently protected by quotas slated for elimination under the WTO rules. China is among the world's lowest-cost producers of textiles, and one of the great benefits of WTO membership would be the elimination of U.S. quotas."

For an addendum, "lowest cost producers." There is the rub, because we could talk about every one of those industries that I have just mentioned. What we are going to see is corporate America, part of corporate America, move offshore more jobs into China. Why? Let us listen to what Ms. Tyson said: "Because China is among the world's lowest cost producers of textiles."

Yet, and here is the second rub, when my wife goes into a department store to buy a Liz Claiborne dress, she is paying exactly the same amount of money most of the time as if that dress was made in the United States; and we know it is made for from $7 to $15 in China, Korea, Honduras, in Mexico, you name it. Well, where did this money go? Whose pockets are enhanced?

How can we stand before the American people and argue moral principles are involved here and that is why we should vote for WTO, that is why we should vote for permanent recognition of trade with China? What a sad day. It is pathetic, and I do not care whether it is coming from that side of the aisle or in my own party. It is not acceptable. I have not lost my moral compass, and I will tell that to the President, I will tell that to the folks on the other side who are in the leadership. You know the movie, you know the movie, it was a very nice movie, it was a very interesting movie, Sleeping With the Enemy. It was a great movie. I guess we missed the point.

They will go there, these corporations, and pay, as the gentleman from Michigan pointed out, they will pay 33, 13, even 3 cents an hour in sweatshops. We are condoning this by our actions. We are propping up a dictatorship that has sold to countries military secrets, missile secrets, missiles aimed at us. The report is clear. We have all been briefed, and when we have been briefed that means it is in The New York Times. Nothing special ever goes to a Congressman. It is there. It is part of the record, and there is no two ways about it.

So I say to Ms. Tyson, come to Patterson, come to Pittsburgh, come to Toledo and tell the folks who work hard to make ends meet in America, to bring food home to their families, tell them they will be better off when their jobs shut down.

Today we had a press conference. Little did I know that one of the factories right in back of where I had the press conference is shutting down, 110 more jobs. While we do little patterning here, the manufacturing is moving offshore. We have lost our moral compass.

This is not normal trade relations by any stretch of the imagination. Our trade deficit with China grows from $7 billion 10 years ago to $70 billion; and if NAFTA is any model, and the administration will tell you there is a big difference, and while I hope there is a big difference, everything you told us about NAFTA did not come true.

It had better be different. What is the difference, if you export the jobs to Mexico or if you export the jobs to China? We say "give us your tired, your weary." We say "come to America" to immigrants. We say "our doors are open." Then the very jobs that immigrant is working in are the very jobs that we are shipping to the very places they came from. The irony of it all.

We do not need permanent trade relationships with China right now. It is bogus. What we need to do is make a commitment to the Chinese people that we will never surrender our moral compass, and that the only thing we want to be permanent is their commitment to freedom. When the Chinese government begins to change, not just by innuendo, but by reality, then, then we can talk about PNTR for this great democracy of the United States.

Mr. DeFAZIO. Mr. Speaker, the gentleman has been most eloquent. I would note that the gentleman from California came on the floor during the debate and asked for time, and I would hope that we could arrange actually a time where Members could share an hour, equally, half an hour or so on either side, to debate, and would hope that can be arranged. I had a number of Members previously waiting on the floor, so I was unable to yield to him. Tomorrow night I would hope that perhaps we might do that, or even some other special procedure. Since the gentleman is Chair of the Committee on Rules, he could make some time available for us to do that.

Mr. Speaker, I yield to the gentlewoman from California (Ms. PELOSI).

□ 2045

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and for calling this Special Order, and I would like to associate myself with his remarks that we should have an exchange. I think the American people would benefit from that. I have no fear that in the discussion our point of view that Permanent Normal Trade Relations for China are not appropriate at this time.

Mr. Speaker, I come to this group, and I commend my colleagues for the depth of their knowledge and commitment on this issue, but I come as one who supported NAFTA, who has supported almost every trade agreement that I have had to vote on. Having said that, I say that some of the Members of Congress who did support NAFTA, who now do not support this, do so for a very good reason. This is not right, it is not ready, it is not fully negotiated. What is the rush?

Let me just say this. As my colleagues know, over time, there have been three areas of concern in this Congress about U.S.-China relations; and over the past decade, the situation has not improved. Those areas include proliferation of weapons of mass destruction; indeed, three pillars of our foreign policy are to stop the proliferation of weapons of mass destruction, to promote democratic values, and to grow our economy by promoting exports. In all three of those areas, this proposal falls very, very short.

In terms of proliferation of weapons of mass destruction, despite administration statements to the contrary, China still continues to proliferate weapons, biological, chemical and nuclear weapons technology and their delivery systems, the missiles to deliver them, to rogue states like Pakistan, Iran, and now Libya. Libya, I might add, and this is recent, it is current, it is this spring, it is as we speak, the Chinese are improving the technology for Libya's missile capability. In a February speech, Secretary of Defense William Cohen explained the danger that Libya poses. Libya has chemical capabilities and is trying to buy long-range missiles. Rogue states like Libya, Iraq and Iran are not trying to build the missiles for regional conflict, they want long-range missiles to coerce and threaten us.

So while China is engaged in this dangerous proliferation to Libya, who has been established as a threat publicly by Secretary Cohen, we are not overlooking that proliferation; we, this administration, is certifying that it is not happening. This country is in such denial about China's proliferation activities that it is appalling, and it is not in our national security interest for us to proceed in this fashion.

Then we come to the issue of human rights. The administration has told us over time that if we engage with China in the manner they propose, and by the way, I certainly believe that we should engage with China in a sustainable way, but if we kowtow to the whim of the regime at every turn, that human rights will improve. Well, right now, today, there are more people in prison for their religious and political beliefs than at any time since the cultural revolution. The State Department's own Country Report documents that and the Congressional Commission on Religious Freedom also says that China should not get PNTR until there is improvement there.

But that is about human rights and that is about proliferation, and others say to us, well, for those reasons you want to sacrifice U.S. jobs, the opportunity for U.S. jobs; and that, I say to my colleagues, is the grand hoax. The very idea that proponents of PNTR would say that for promoting human rights and stopping proliferation, we would sacrifice U.S. jobs is ridiculous.

In fact, as my colleague pointed out, in the past 10 years, the trade deficit with China has gone from $7 billion to $70 billion, and it will be over $80 billion for the year 2000. Our colleagues who promote this say that for every $1 billion of exports produces 20,000 jobs in the U.S. Well, by their standard, the

$70 billion, just taking this year's figure, would cost us 1,400,000 jobs to China with a $70 billion trade deficit. Now, they say, oh it does not work in reverse, it just works this way. Well, tell that to people who are losing their jobs.

Now, again, I come to this floor as a free and fair trader, and I come from a city built on trade and many people there are not in support of my position. But I will tell my colleagues this: they can advocate all they want. We have the facts here, and we have a responsibility to the public interest, and we must talk about the jobs issue.

People talk, and my colleague from New Jersey has mentioned the textile issue. We have already said, textiles are low tech, they will go offshore; but that is not all that is going offshore. Many of these circuit boards, there is so much that is being done offshore in the high-tech industry. Let us take an example: aerospace. Boeing, Boeing, Boeing sets our China policy, we know that. But in aerospace, do my colleagues know that there is a province in China called Tian Province. You probably know it from the clay soldiers that are there, but there are also there 20,000 workers who make $60 a month making parts of the Boeing airplanes, 20,000 workers. There is a book called Job on the Wing, and it describes this transfer of technology and production of jobs in the aerospace industry, which is one of the leading advocates for the PNTR. No wonder. Philip Condit, the head of Boeing, said when a plane flies to China, it is as if it is going home, so much of it has been made there.

So do not talk to us about this being about U.S. jobs. It is largely about U.S. investment in China; it is on platforms for cheap labor to export back to the U.S. But let us say, let us say it is about what they say it is about, that we really are going to have this good deal and it is going to create jobs, if the Chinese government complies with the terms of the agreement, which as our distinguished whip earlier spelled out, their reinterpretation already at the 1999 China-U.S. trade agreement, not to mention the fact that they have never honored any trade agreement all along the way.

Workers' rights and what workers make. Today, there was a press conference our colleagues had and a worker had just come from China. He worked in a group that made $40 a day. Divide that up among 24 workers for this particular product. I know the product, but it is up to him to say, that worker to divulge that. Mr. Speaker, $40 a day divided up among 24 workers for a full day's work. So workers' rights, well, they are a competitiveness issue, and although it is a human right as well, it is about jobs.

The environment is a competitiveness issue as well. I was pleased to join our colleagues in sending a letter all around talking about the disappointment we had that this bilateral agreement, the U.S.-China bilateral agreement negotiated by the Clinton administration did not prioritize transfer and export of clean energy technology to China. It could have, but it did not. Also, it did not obtain a commitment from China that it would not use the World Trade Organization to challenge invasive species controls under the CITES, and that any trade investment agreement with China should place basic environmental obligations on U.S. corporations so that they do not escape the regulations that are in the U.S. That is a competitiveness issue.

So here we have a situation where we are helping to despoil the environment of China, where we are helping to abuse the workers' rights and, by the way, the workers in China whom I have met with have said, you are throwing us into the sea when you go down this path. Do not salve your own conscience by having some code of conduct or some other camouflage, because only we can speak for ourselves; and until we, the workers of China, can speak for ourselves and can organize, only then can you talk about trade with China lifting up workers in China.

So here we have this situation where we do not even know if the Chinese will agree to it; it is not completely negotiated. The trade representative has said the mechanism for compliance has not been negotiated yet, and for this we are squandering our values and our national security and 1,400,000 U.S. jobs.

Mr. DEFAZIO. Mr. Speaker, the gentleman from Ohio has been very patient. There is only a couple of minutes left, but I understand that the gentleman from California (Mr. DREIER) would like to yield to him during the next hour. I have another commitment, and I have to leave, but he wants to yield time to someone to debate.

Mr. DREIER. Mr. Speaker, I said I will yield to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Speaker, I thought the gentleman from California might yield to the gentleman from Ohio.

Mr. Speaker, I yield to the gentleman from Ohio.

Mr. KUCINICH. Mr. Speaker, may I inquire as to how much time there is?

The SPEAKER pro tempore (Mr. COOK). The gentleman from Oregon has 1 minute remaining.

Mr. KUCINICH. Mr. Speaker, this is the beginning of a lively debate that will take place over the next few days.

The administration is attempting to inject this idea of this being a national security vote. Well, look at the kinds of high technology which we are buying now from China as a result of a $70 billion trade deficit where we have forgotten the commitment that we should have to this country's security first.

We are buying now from China, not shipping there. We are buying turbojet aircraft engines, turbo propeller aircraft engines, radar designed for boat and ship installation, reception apparatus for radio, prison binoculars which are military issue, rifles that eject missiles by release of air and gas, parts for military airplanes and helicopters, parascopes designed to form parts of machines, turbojet aircraft engines, transmitters, bombs, grenades, torpedoes, and similar munitions of war.

They are making this now and selling it back to us. What is happening with this country? We are forgetting about our own strategic industrial base.

## ONE-MAN TRUTH SQUAD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. DREIER) is recognized for 60 minutes as the designee of the majority leader.

Mr. DREIER. Mr. Speaker, I have taken out this Special Order to lead at this point what will be a one-man truth squad to try and respond to some of the things that have been said over the past hour about this issue. During that time, I am happy to yield to my friend from Oregon who refused to, I guess like the Chinese leadership, refused to yield to me when I was simply going to ask a question in response to the fact that the gentleman from Michigan referred to me.

So let me just take a few minutes to respond to a couple of those points that were made that come to mind and then talk about this general issue, and then I should inform my friends that I would love to do this over the hour, but because of the fact that my colleagues would not yield to me and because of time constraints, I have to be upstairs for another commitment in about 12 minutes. There are two television programs. I am going to be debating, in fact, the minority whip on one of the television programs where he and I will discuss this, but it was a previous commitment that my office made for me. So I hope my friends will understand. But I will try within the 12-minute period that I have to, unlike my friends from the other side of the aisle, yield to them for a question or a comment, and I will do it just as generously as I possibly can. It will certainly be more generous than my democratic colleagues did.

Let me say this: this vote that we are going to be casting the day after tomorrow is the single most important vote that we will cast, clearly, in this session of the Congress. I believe that as we look at this question, it really transcends simply the issue of job creation and economic growth. It has to do with whether the United States of America is going to maintain its role as the paramount global leader.

Why is that so important? It is very important because this building in which we are all seated or standing, happens to be the symbol throughout the world for freedom, and one of the most important freedoms that exists happens to be economic freedom.

Now, my colleagues were talking about the fact that over the past 2 decades, we have seen the United States grant Most Favored Nation status to the People's Republic of China, and look how bad the situation is. Well, Mr. Speaker, they are not going to get an argument from me about many of the problems that exist in China today. I am the first to admit that we have very serious human rights problems. In fact, I will take a back seat to no one in this Congress or anywhere in demonstrating concern about human rights. I have adopted Refuseniks, I brought wounded Mujahadine in from Afghanistan during that war, I have worked for human rights, I marched to the Chinese embassy the week after the Tiananmen Square massacre in June of 1989.

So anyone who tries to claim that those of us who believe passionately in economic freedom and want to expand that throughout China are somehow placing American business interests above the interests of our very precious American values are wrong. They are wrong in making that claim. They fail to realize the interdependence of political and economic freedom, and they fail to recognize that while over the last couple of decades we have dealt with a situation which has provided China one-way access to the U.S. consumer market, this is a vote that is unlike any in the past. This vote does, in fact, pry open that market with 1.3 billion consumers, nearly five times the population of the United States. Do they have a standard of living or a wage rate that is anything like that of the United States? Absolutely not.

□ 2100

Mr. Speaker, I want them to. I want them to. I aspire to seeing economic strength throughout the world and even for the impoverished hundreds of millions in China.

Now the minority whip talked earlier about some quotes that came from Chinese leaders stating that if in the area of insurance, for example, they do not like a decision that is made, they will ignore it. They talked about the area of agriculture and some leader in China saying if they do not like exactly what is taking place in some deal that is put together, that they will just null and void it. That is the whole point of what it is we are trying to do here, Mr. Speaker.

We are trying to put into place a structure whereby the People's Republic of China, a country that, yes, has violated agreements in the past, a country that has not been forthright, a country that has been very repressive, they will, under this agreement, be forced to live with a rules-based trading system; and, as I said, for the first time they will be forced to open up their markets.

What happens if they decide to thumb their nose at an agreement that is made? We have for the first time, Mr. Speaker, an opportunity with 134 other nations, this international organization known as the WTO, and I know many people like to criticize it, but do they know what the goal of the WTO going right back to when it was the general agreement on tariffs and trade in 1947, established following the Second World War, do they know what the goal of it was? To cut taxes; to cut taxes. That is the raison d'etre for what was the GATT and now the WTO, because, Mr. Speaker, a tariff is a tax. A tax, unfortunately, creates a situation whereby we do not allow for the free flow of goods and services.

Let us talk about the issue of automobiles, and I will say that on the issue of automobiles we have a situation where we export about 600 cars a year into China. That tariff is 45 percent. It drops under this agreement. I cannot say that every one of the 1.3 billion Chinese will be able to buy a sport utility vehicle at $50,000, but I will say this, that there will be an opportunity to sell more U.S.-manufactured automobiles in China.

I will say another thing. They keep saying on the other side of the aisle that we are trying to do everything that we possibly can to make sure that companies have a chance to move to China, set up operations there. Well, Mr. Speaker, they can do that today.

Guess what? They have to do it today because of domestic content requirements that exist in China. But under this agreement, those domestic content requirements are thrown out. So the incentive that many companies have to open up their plants in China today will not be as great.

I do not want to stop any company from making a business decision if they want to move to China. I do not think it is my responsibility. I do not think it is government's responsibility to block the free flow of goods, services, ideas, or businesses, but I do think that anything we can do to provide an incentive for a level playing field, whereby these companies can stay in the United States and still sell their products there, is the right thing for us to do.

Mr. Speaker, I would be happy to yield if there is a question or two to my friend from Oregon (Mr. DEFAZIO), if he would like to pose a question to me.

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding. That is generous of him, and I regret again that earlier, because of the number of Members I had here, I could not yield to him.

The gentleman seems to be mixing the issue of the WTO and rules and enforceability with the permanent normal trade relations accession by the United States. There is nothing in the WTO that says that permanent normal trade relations status must be granted before a country can accede. We can recommend and vote for their accession without giving up our right to annually review the actions of the Chinese Government in a host of areas, including conformance with trade agreements, which the gentleman admits they have violated in the past.

Mr. DREIER. If I can reclaim my time, I will explain this. Let me explain the situation as it exists. Last Friday, we saw an agreement that was struck between the European Union and the People's Republic of China. That agreement will basically seal the deal whereby, as I said, the other 134 nations that are members of the WTO will be able to have access to the Chinese consumer market, and it is absolutely essential that the United States of America, if we as a nation are going to have that same access to the Chinese market, that we grant permanent normal trade relations.

Why? Because under the Jackson-Vanik provision that exists, the constant review would, in fact, prevent us from having the consistent access that all the other countries have into the Chinese market. It seems to me that as we look at that, it is very important for us, as the world's paramount leader, to be not behind the 8-ball but, in fact, we are the ones who should be providing the leadership, and that is exactly what we have done to date. We have been encouraging the other member nations of the WTO to proceed with their negotiations with the People's Republic of China.

We had, actually, what I thought was a very good arrangement a year ago this past April; and unfortunately it was not accepted. But negotiations continued and our great U.S. Trade Representative, Ms. Barshefsky was able to put together a very good deal last November when she sealed that package, and the contingency is that we must grant permanent normal trade relations to make that happen.

Now I believe that we should continue to have some review. We do need to do everything that we possibly can to make sure that we raise tough questions about human rights policies, about other provisions. That is why we have included what is referred to as the Bereuter-Levin proposal. That proposal will allow us the opportunity to, through a Helsinki-type commission, have 14 representatives, 9 Members of Congress and 5 appointees from the executive branch, who will meet and make recommendations and observe the human rights policies that exist in China.

So when my friend said that he believes it is important that we continue to review it, we are going to have a delegation of Members of Congress who will be part of this.

I see my friend from New Jersey (Mr. FRELINGHUYSEN) has just arrived, and I would be happy to yield to him.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I have yielded to my friend, the gentleman from Oregon (Mr. DEFAZIO), and I think it is only fair, since I have to leave in 3 minutes.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield on that issue? I have a particular question on that issue.

Mr. DREIER. I am happy to yield to my friend, the gentleman from Oregon.

Mr. DEFAZIO. The gentleman mentioned we needed this agreement for regular relations and access to the Chinese market, but has the gentleman read the agreement signed in Beijing July 7, 1979 which says, and I quote, any advantage, favor, privilege or immunity that either of the parties grants to like products originating in or destined for any other country or region in all matters regarding shall be granted to each of the signers of this agreement?

We already have an agreement which says they must do that and we must do that with them, and they are violating it.

Mr. DREIER. I agree there have been violations of agreements. That is why we have a retaliation mechanism within the WTO. We have not had a means by which we could retaliate. That is what the WTO is all about.

Mr. Speaker, at this point I am happy to yield to my friend from New Jersey (Mr. FRELINGHUYSEN). Mr. Speaker, at this juncture I have to go upstairs. I ask unanimous consent to yield the balance of my time to the gentleman from New Jersey (Mr. FRELINGHUYSEN), and if I can come back in just a few minutes I will try to do that.

The SPEAKER pro tempore (Mr. PEASE). Is there objection to the request of the gentleman from California.

There was no objection.

The SPEAKER pro tempore. The gentleman from New Jersey (Mr. FRELINGHUYSEN) will control the time of the gentleman from California (Mr. DREIER).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding, and I thank the gentleman from Georgia (Mr. NORWOOD) for his assistance in allowing me to precede him.

The SPEAKER pro tempore. The RECORD should reflect that the decision to yield was also with the acquiescence of the majority leader. The gentleman may proceed.

Mr. FRELINGHUYSEN. Mr. Speaker, I rise in support of extending permanent normal trade relations with China and to talk for a few minutes about how this agreement will benefit my State, New Jersey and, of course, the Nation.

Mr. Speaker, international trade, whether with China or any other Nation, means jobs for New Jersians and the continued prosperity for our State. That is the bottom line.

Out of New Jersey's 4.1 million member workforce, about 600,000 people Statewide from Main Street to Fortune 500 companies are employed because of exports, imports, and direct foreign investment. Currently, China ranked as New Jersey's ninth largest export destination in 1998, an increase from 13 in 1993.

Our Garden State has exported $668 million in merchandise to China in 1998, more than double what was exported 5 years earlier.

Mr. Speaker, for many months now I have been actively spreading the positive word about the benefits trade with China will bring to my home State of New Jersey. I found many companies that are being just as active in educating their own employees, customers, and the public about the benefits to their business and to our national economy that permanent trade with China brings about. I congratulate these firms, particularly American International Group based in Madison, New Jersey.

In Livingston, New Jersey, AIG, for example, has devoted a public policy Web site for AIG employees to learn more about the importance of trade with China. They should be commended.

. Mr. Speaker, I have also written many of the large and small businesses in my congressional district to get their reaction to the need for permanent trading relations with China, and I would like to report back on what some of these companies are saying about PNTR and why it is important to them.

Bill Donnelly, President of the Morris County Chamber of Commerce said, and I quote, "This, meaning trade with China, is about more than just a transfer of products. It is a transfer of values," end of quotation.

Tommy Thomsen, president and CEO of the shipping giant Maersk, based in Madison, said, and I quote, "Our experience is that artificial trade barriers hurt all shipping companies, from the largest global carrier to the smallest niche player. Our own business and that of the U.S. exporters have excelled when companies are allowed unencumbered access and are given a chance to compete. American exporters have and will respond with ingenuity, with creative ideas and technology to make them competitive," end of quotations.

Armand J. Visioli, President of Automatic Switch Company in Florham Park, New Jersey, believes, and I quote, "The failure to provide PNTR for China would mean our global competitors would enjoy significant advantages in the China market while American companies and farmers would see no change to the status quo." End of quotations.

The New Jersey State Chamber of Commerce, quote, "Recognizes the importance of economic engagement with China in order to not only enjoy the vastly improved trading relations with an emerging economy but also to position itself for continuing input on human rights conditions as well." End of quotation.

The New Jersey Farm Bureau said, and I quote, "Expanding agricultural trade opportunities is a solid weapon to combat the low commodity prices plaguing farmers and driving down the domestic farm economy." End of quotation.

Joe Gonzalez, Jr., President of the New Jersey Business and Industry Association, said to me in a letter, "Annual reviews of China's trade status over the past 20 years have had a negative impact on the United States-China relations by restricting opportunities for U.S. workers to compete in the global market. U.S. exports to China currently support hundreds of thousands of jobs and the Chinese market represents the most important growth market for American agriculture. U.S. firms need to be part of China's development to remain competitive and to encourage private market development." End of quotations.

The governor of my State, Christine Todd Whitman, has urged support for PNTR and said, "Because international trade and investments are integral to New Jersey's economic vitality, the outcome of debate of whether to extend PNTR to China will have unquestionable ramifications for New Jersey. We anticipate substantial export growth for both goods and services from New Jersey in the Chinese market. Continued export growth in the region will lead to increased business for our ports as well." End of quotations.

Richard Swift, chairman and president and CEO of the Foster Wheeler Corporation in Clinton, New Jersey, said, "Foster Wheeler Corporation is one of the largest exporters of power generation equipment to China. One typical Foster Wheeler boiler export adds $10 million to $12 million to New Jersey's economy each year. These expenditures support 1,200 jobs at our New Jersey-based suppliers, many of which are small- and medium-sized businesses." End of quotations.

Mr. Speaker, as we are aware, New Jersey is a medicine cabinet of the Nation, home to the world's major pharmaceutical companies, providing both the medicines and research that save lives around the globe.

Jack Stafford, chairman, president and CEO of American Home Products in Madison, had this to say about the

China agreement, and I quote, "The United States is the world's leader in pharmaceutical innovation, reflecting our long-standing support for a business environment that rewards competitive strength and scientific research, medical innovation and biotechnology. The United States' pharmaceutical industry first entered China 20 years ago. Today there are 19 major research-based pharmaceutical companies in China. These leading U.S. companies have about $750 million in annual sales and 12 percent of its $6.1 billion Chinese market."

□ 2115

"The market is growing nearly 10 percent annually. U.S. research pharmaceutical companies have helped introduce innovative world class medicines greatly improving the lives of millions of Chinese patients.

"American home products investment in the Chinese market is significant, and the opportunity for growth for our company and our industry is tremendous.

"As with all foreign direct investments of U.S.-based multinational companies, this creates more jobs in our U.S.-based operations and greater resources to invest in research and development for new medication for the U.S. market and around the world."

Michael Bonsignore, CEO of Honeywell in Morristown, New Jersey, who has been a true leader through his work at Honeywell and as chairman of the U.S.-China Business Council said, "Beyond the commercial benefits that will come from this agreement, China's accession to the World Trade Organization constitutes a very positive development in the overall U.S.-China bilateral relationship. It will enhance the stability of the overall relationship by reinforcing the mutual interests and benefits. And, as the World Trade Organization is based on rule of law, China's commitment to adopt the terms of this vital multilateral organization is a powerful signal of China's desire to operate as a full member of the global community."

Richard McGinn, chairman and CEO of Lucent Technologies in Murray Hill, also wrote me and said the following, "China represents the largest single emerging market opportunity for telecommunications products and services" that we produce "in the world. Today, less than 10 percent of the 1.2 billion people in China have telephone service, and one person in 400 has access to the Internet. It is estimated that China will account for 20 percent of the global telecommunications market by the year 2010.

"Lucent's success in China means continued investment in research and development, and increased production here in the United States. It is very clear that Lucent Technologies, its employees, customers and shareholders have a tremendous stake in making sure that our company is afforded the same trading rights with China as our foreign competitors. The only viable way", he says, "to guarantee this is through the granting of permanent normal trade relations with China."

Mr. Speaker, I urge my colleagues to vote in support of this agreement and in support of America's continued economic prosperity and our Nation's continued democratic influence on global affairs.

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## PERMANENT NORMAL TRADE RELATIONS FOR CHINA

The SPEAKER pro tempore (Mr. PEASE). Under the Speaker's announced policy of January 6, 1999, the gentleman from Georgia (Mr. NORWOOD) is recognized for 60 minutes.

Mr. NORWOOOD. Mr. Speaker, I am grateful for this time tonight to talk about what I think all of us have in our heart today and knowing that the China vote, the trade issues will come up this week, as early, perhaps, as Wednesday. My colleagues that have preceded me and all of us have been very thoughtful, I hope, and very concerned. I hope that we all realize that there are good people on both sides of this issue, people who are trying their best to understand what is right, people from both parties that are for and people from both parties that are against.

Now, Mr. Speaker, the President has called on us to approve trade with China, based on a philosophy that we should be, and I would quote the President "reaching out a hand, not shaking a clenched fist." Well, I agree with that philosophy. The problem is I believe that for the last 5 years, we have been reaching out a hand, while Beijing continues to shake their fist at us.

Before we even begin discussing why we should not extend new trade privileges to China, the American people need to be made aware that we are not talking about stopping trade with China. The gentleman from New Jersey (Mr. FRELINGHUYSEN) listed CEO after CEO that presently is doing business with China. If we do not approve the PNTR, it does not mean at all that we will not continue doing business with China just as they are today.

Far too many factions in this debate have attempted, I believe, to build a strawman argument by insisting that a vote against PNTR is a vote to block trade with China or isolate China or even the United States from world trade. That is simply not the case.

Here is the truth about a "no" vote on PNTR. If we vote no, China and the U.S. continue trading just as they are today with China receiving most favored nation's status, or normal trade relations, whichever way one prefers to call it. Nothing necessarily changes. Later this year, Congress will need to approve, then, a normal trade relations for another year, just as we have done every year since I have been here, after we examine China's progress on human rights, on trade practices, and on our national defense concerns. That is the same process that we have used every year since 1979.

Supporters of PNTR claim that a "no" vote by Congress will upset the entire World Trade Organization movement with America blocked from participation. But according to Professor Mark Barenberg of Columbia University, that is just nonsense. I would like to quote the learned profession: "If China grants market-opening concessions to WTO members, then existing bilateral trade agreements between China and the United States require that China grant those same concessions to the United States, even if Congress does not grant PNTR to China." That is through our existing bilateral trade agreements.

Mr. Speaker, I will offer Professor Mark Barenberg's statement for the RECORD.

So if we vote no, nothing about our existing or future trade with China really changes. The only thing that really changes will be the monitoring of Communist China's records on human rights, fair trade, and military expansion. It stops.

These, then, bring up for me three powerful reasons that we should oppose bringing China into the WTO and extending permanent normal trade relations at this time. Many people are going to vote no Wednesday who might, under different circumstances, be very ready to vote yes a year from now. But at this time we should not extend permanent normal trade relations. We have normal trade relations with China. We are asked to do it permanently.

The first reason is trade itself. China has normal trade relations with us today, and they simply do not keep their agreements with us at all. For instance, they do not let us sell tobacco to them under the false pretense that our tobacco has blue mold spores. Now, we know that the Chinese Government simply made that up to keep us from exporting tobacco.

They agree to ship a limited amount of textiles to America each year, and we agree with that, with that bilateral trade agreement. Yet they still tranship millions of dollars of textiles beyond that agreement through Africa.

They can currently, today, buy all the cotton and chickens that they want from America. But they do not do it. Why should they do that? They have a surplus of cotton, cheap cotton that they produce with slave labor. Why would they buy ours?

They currently export chickens to America, probably not to my home State of Georgia. We grow a few, too. But we are not going to send them any chickens, at least any more than we presently do.

We have agreements with them not to steal our technology, military or otherwise, but they do. They have a larger espionage operation going on in our country for these purposes today than any time in our history.

We have agreements that they are not to steal our intellectual property, but they do. We have agreements that they are not to force American companies to turn over technology in order to just do business in China, but they do. They are not supposed to attempt to corrupt our political system, but they do.

Chinese military leaders have and are contributing to Federal election campaigns in an attempt to sway this very vote. They do not keep their word. They totally ignore agreements.

How do we respond to that? We offer them permanent trade relations for all of their good deeds. Why? Well, we say, if only they were in the WTO, we could make them behave. To enter the WTO, they once again enter into an agreement.

Why does anyone believe, all of a sudden, they are going to keep their word with agreements that are not enforceable, particularly when China would then have a vote on what was enforced? The WTO would enforce only what it wants enforced, not what America needs to have enforced.

Supporters of PNTR say if China would only lower their tariffs, we could sell to them. Well, Mr. Speaker, the "them" is the Chinese Government, not private Chinese businesses or even the people, but the government alone.

We have normal trade relations with China today. Why does the Chinese government not buy from us now? They set the tariffs. They could lower the tariffs if they are so anxious to buy from America. There is no reason to believe that they will improve after being in the WTO. They can buy cotton or chicken or Coca-colas or beef from us today. We are glad to sell it to them. Why do they not?

Well, the answer in one case is that they grow cotton, cheap cotton because of slave labor and/or low wages, no regulations from the EPA or OSHA. They export this cheap cotton. Do my colleagues know why? Our textile mills need cheap cotton in order to compete globally. It is understandable they are sending us their cotton. That is not going to help our cotton farmers.

We say over and over again this agreement will help the American farmer. How? China is trying to do the same thing we are, that is, to feed themselves and furnish their own fiber. Why will they buy cotton from us when they have a surplus which they gained after we taught them how to grow cotton more efficiently, for goodness sakes.

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Yes, they are going to buy some of our products, particularly those that they cannot currently produce for themselves, and they are going to continue to do that whether we make this permanent or not. But before we count on those sales, we need to remind ourselves of the Chinese doctrine. It mandates that if we sell any product there, we also have to provide the technology for China to produce the products themselves. And where did they learn to gin cotton? From us.

This situation occurs between the Chinese Government and American companies who are forced to enter into joint ventures in order to sell product in China. WTO rules say China cannot do that. We say that if we could only get them into the WTO, the WTO would enforce this agreement. How? If a big sale to China is dependent on giving them technology, some American companies, or their international competitors, will do it. How do I know that? They already have done it.

Chinese business is government business. It is run with the same goals in mind as private business, as we know it in this country, with one critical twist. Instead of profiting stockholders or individual entrepreneurs, it profits only the Chinese Government.

Instead of failing or succeeding based on profits in global competition, it succeeds entirely on whether specific operations meet the needs of the Chinese Government. Chinese export successes help China's Communist government and no one else, unless we want to count the $1 a day discretionary allowance granted the workers by the Communist party.

I want to remind my colleagues that the Chinese Government can buy from America today if they want to. If we have normal trade relations with China now, why do they simply not lower their tariffs now and buy from us, if that indeed is what this agreement is all about, us exporting to China?

Bringing China into the WTO helps China and it hurts America, in my opinion. It will encourage American companies to move their factories to China to take advantage of cheap labor, no health or safety regulations, and low cost of production. These goods will then be imported back to America to compete against our companies; that is our companies that have not already been put out of business under our existing trade agreements with our high cost of production, including, I might add, the high cost of a justice system and a lawsuit-happy Nation.

Today, Wal-Mart is the single largest importer in the United States. Half of their imports come from China. Does Wal-Mart have factories in China? Who has the majority interest and control of those factories? The Chinese Government, not private Chinese business interests. These imports are not promoting Chinese capitalism, they are funding the Chinese Communist government.

If we approve PNTR and China's entry into the WTO, we will witness the total and complete collapse of the textile industry in America, along with some other industries.

Reason number two that I oppose PNTR is national security. I have attended over the last 2 weeks two top-secret briefings from the CIA. What I have learned, that I can tell, is this: The Chinese military considers us to be their main enemy that they must fight one day. They are building missiles with Russian cooperation just as fast as they can go. These missiles are aimed at our friend Taiwan and U.S. carrier forces. Does anybody remember the Taiwan Relations Act?

They are preparing to attack our satellites. They are working on long-range missiles aimed at the American heartland. Remember Los Alamos, where they stole our secrets on nuclear warhead technology? They are buying military hardware anywhere in the world as fast they can, including AWACS from Israel.

They are doing this to the tune of $40 billion a year. They are using our own money because we believe that we must have $2 hammers. Remember, they receive $70 billion U.S. dollars per year because of the trade deficit we have with them today. They are buying weapons with cash, our cash, not credit. On top of this, they are selling military hardware to Pakistan, Iran, North Korea, and others.

Reason number three for me is human rights. I voted for MFN in 1995, and I did so because I was told that we would be able to sell more goods to this great nation called China with her population of 1.2 billion consumers. I was asked to believe that if China just had enough blue jeans to wear they would turn into this kind, friendly nation. Slave labor would go away, human rights would be better, and the Chinese people would have the freedom to worship God as they saw fit, if I would just vote for MFN in 1995.

The fact is the opposite has occurred over the last 5 years. All of these things are worse after 5 years of normal trade relations with America. So I am not just a "no" on this vote, I am a "hell no." But only for this year. We must look at this year by year and reserve the right to reward China for proven progress in human rights and in fair trade and in peaceful relations. But this year, of all years, is not the year to help China.

Are we going to reward them? Do we allow China to profit from trying to corrupt our system of free elections with illegal campaign money? Do they profit from stealing our technology, including nuclear weapons secrets? Do they profit from violating our existing trade agreements and throwing hard-working Americans out of their manufacturing jobs? Or do they profit because they threaten an invasion of our friend and ally, Taiwan? Or do they profit from threatening a nuclear attack on American cities? Do they profit from invading islands belonging to the Philippines, Indonesia, and Vietnam? Do they profit from holding those Tiananmen Square protesters at gun point and forcing them to make shoes to export to America? Do they profit from forcing young Chinese mothers to endure forced abortions and sterilizations and watch government doctors kill their own child as it is being born? Do they profit from throwing Christians in jail just for having a Bible, or crushing the right of the people of Tibet to worship as they see fit?

I am for free trade, but I am also for fair trade and smart trade. Permanent normal trade with China, while these conditions exist, is not free and it is not fair and it is not smart.

There are many who support PNTR because they honestly believe that all-out global trade with no restrictions or oversight has a chance of simply overwhelming China's corrupt political and economic system. Although I disagree with that, I respect their position and do not doubt their honest motives.

But there is a seamier side of the PNTR lobby that has successfully spread false information to America's business leaders and, frankly, many of our colleagues, and have taken advantage of those honest motives. This side of the China lobby has but one motive: Profit for a few at the expense of many. They do not care about the people of America or Taiwan or Europe or China. They only care about the bottom line of corporations that are really no longer American businesses.

This new breed of corporation recognizes no border, no nation and no law, just the ability to sell their goods and services produced in the cheapest possible manner on Earth, anywhere they choose, with no restrictions and no concern for the national security or sovereignty of the United States or of any nation.

We have a choice here in this House. Our collective voice will be heard by billions of people around the world, people who are yearning and struggling against tyranny, hoping, fighting and praying for democracy, human rights, and peace. Our choice will determine whether those masses of humanity locked in the darkness and our own citizens continue to believe in America as the great beacon of human decency and divine providence, a Nation by whose light all mankind can see that liberty still shines brighter than gold. The choice is between freedom and greed. I choose freedom and I urge my colleagues to do the same.

I ask my colleagues to vote this year "no" on permanent normal trade with China, knowing that we do have normal trade with China, and let us review that again next year.

Mr. Speaker, I include for the RECORD the article I referred to earlier:

### THE DEBATE ON PNTR FOR CHINA: A RESPONSE TO BARSHEFSKY AND JACKSON

(By Mark Barenberg)

#### INTRODUCTION

On March 1, 2000, I issued a statement analyzing the legal implications of the Congressional vote on PNTR for China. That analysis reached the following conclusion: "If China, in acceding to the WTO, grants market-opening concessions to WTO members other than the United States, then existing bilateral trade agreements between China and the United States require that China grant those same concessions to the United States, even if Congress does not grant PNTR to China."

Subsequently, in a March 8, 2000 letter advocating enactment of the sPNTR legislation, Ms. Charlene Barshefsky asserted that the 1979 Bilateral Agreement between China and the United States will not legally obligate China to grant to the United States all market-opening benefits that our competitors will gain, if China enters the WTO while the United States Congress votes against the PNTR legislation.

In a March 28, 2000, letter responding to a query from several Congressmen, Professor John Jackson explicitly declined to undertake a full legal analysis of Ms. Barshefsky's claim. Jackson nonetheless ventured an opinion that the US-China bilateral trade relationship will face 'many interpretive controversies' if the Congress votes against the PNTR legislation. While Professor Jackson concedes that 'such interpretive problems' will still arise if Congress votes in favor of the PNTR legislation, he predicts that the WTO multilateral settlement procedures applicable to those interpretive disputes would provide a better 'juridical institutional framework' than would bilateral procedures. On this basis, Jackson supports PNTR.

In this paper, I respond to the arguments made by Ms. Barshefsky and Professor Jackson:

#### EXECUTIVE SUMMARY: A RESPONSE TO MS. BARSHEFSKY'S AND MR. JACKSON'S ARGUMENTS

Ms. Barshefsky's claim, summarized above in the Introduction, is legally incorrect. That simple fact is that China is obligated by binding international law to grant the United States substantially all the economic benefits it grants to our competitors, even if Congress declines to enact PNTR.

If Congress does not enact PNTR, our trade relationship with China will be governed by the international law contained in the bilateral trade agreements between China and the United States. Article III(A) of the 1979 bilateral Agreement states in full and without exception or qualification:

"For the purpose of promoting economic and trade relations between their two countries, the Contracting Parties [the U.S. and China] agree to accord firms, companies and corporations, and trading organizations of the other Party treatment no less favorable than is afforded to any third country or region."

Therefore, if China grants our competitors any economic concessions in order to join the WTO, this clear, sweeping provision of the 1979 Bilateral Agreement requires that China grant the same benefits to United States businesses. That provision, on its face, applies to all U.S. businesses in all areas of economic and trade relations, without exception or qualification.

It is striking that none of the proponents of PNTR—neither Barshefsky, Jackson, nor any China Lobbyist—quotes Article III(A) in full and without qualification in their written statements. As a matter of law, the plain language of that provision is manifestly devastating to their position. It is not surprising that the only "arguments" on this point by commentators are bald assertions unsupported by an reasoning or legal principles, let alone analysis of the actual language of Article III(A). Mr. Gary Hufbauer, for example, says simply that Article III(A) can indeed be read as broadly as its plain meaning, but that it is "doubtful" that it should be so read. See G. Hufbauer, "American Access to China's Market" (April, 2000). Professor Jackson's letter explicitly disavows undertaking a careful legal analysis of the question, but then asserts that the words of the Bilateral must be "stretched" to mean what they plainly say.

In straining to give the narrowest possible interpretation to China's obligations to the United States, Ms. Barshefsky directs attention toward irrelevant, ancillary legislation and treaties, and away from the plain meaning of Article III(A), the central, broadly worded provision of the 1979 bilateral Agreement. This legal exercise runs directly contrary to the Vienna Convention on the Law of Treaties, which provides the authoritative rules for the interpretation of international agreements.

Indeed, in advancing a narrow, strained interpretation of the commitments made by China to the United States in the 1979 Bilateral Agreement, the USTR contradicts her own and president Clinton's pledge—often repeated, prior to their current all-out lobbying campaign—to interpret and enforce our trading partners' obligations aggressively for the benefit of American businesses, farmers, and workers. This is especially remarkable, in light of the fact that even zealous proponents of PNTR concede that Article III(A) of the 1979 bilateral Agreement is indeed open to the broader interpretation which would give effect—and properly so under the international law of treaty interpretation—to the plain meaning of that provision. See, for example, G. Hufbauer, supra.

John Jackson's argument—that Congress should enact PNTR because the WTO's multilateral dispute procedure is juridically superior to bilateral dispute procedures—simply fails to address the two most serious "procedural" concerns raised by opponents of PNTR.

The first concern is that a Congressional vote in favor of PNTR would commit the United States to use the WTO dispute procedure, and only the WTO dispute procedure, to enforce our trade-related interests vis-a-vis China. Such a U.S. commitment to WTO procedures in our trade relationship with China would allow the U.S. to bring complaints only against those Chinese unfair practices that are narrowly defined in WTO rules. Further, such a U.S. commitment would render illegal any and all trade-related dispute resolution and enforcement by the United States, whether multilateral or bilateral, in response to China's human-rights, labor-rights, and environmental abuses and, indeed, purely commercial abuses that fall outside WTO-defined unfair practices, no matter how horrendous those abuses may be.

Through such disarmament, the United States would give up the bilateral enforcement tools (such as Section 301 of the 1974

Trade Act, or similar future Congressional enactments) that enforced the GATT agreements for decades before the establishment of the WTO, and that managed the U.S.-China bilateral trade relation for the last 21 years. Those tools, if retained by a Congressional vote against PNTR and implemented consistently, will provide the basis for adequately disciplining China in its bilateral trade relationship with the United States.

Indeed, prior to the Clinton Administration's current campaign to enact PNTR, Charlene Barshefsky repeatedly testified to Congress that the credible threat of United States unilateral sanctions were indispensable to ensure that China implemented any trade concessions it might make. Such testimony based on actual experience weakens Jackson's prediction that abandonment of bilateral disciplines will serve U.S. interests in its future trade relations with China. Today, China remains heavily dependent on access to United States markets, in order to maintain the economic growth that is the single most important prop to the current Chinese regime. Chinese exports into the U.S. market are vital to the Chinese regime, while U.S. exports and investment into the Chinese market are trivial relative to U.S. domestic and international economic activity. China is therefore quite susceptible to the kind of United States bilateral tools that enforced the GATT system and U.S.-China bilateral trade deals for decades, if those tools are effectively and consistently deployed.

In fact, if China joins the WTO and Congress votes against PNTR, China will be subject both to bilateral disciplines by the United States and to WTO multilateral disciplines by Europe, Japan, and other WTO members. Furthermore, if the WTO resolves any disputes against China in a way that affords economic benefits to our competitors, the United States is also entitled to receive those benefits, since the 1979 Bilateral Agreement requires China to grant to the United States any benefits it grants to third countries.

The first "procedural" concern ignored by Jackson—unilateral disarmament by the United States—is compounded by a second. The WTO is an intergovernmental organization that operates by negotiated consensus. The world's most powerful countries play a disproportionate role in shaping that consensus. Upon joining the WTO, China—the world's largest Police State—will therefore have a powerful vote, and an effective veto, in any future WTO efforts to reform the ground rules of global markets.

In other words, China will be authorized to block any proposals—of the kind supported in Seattle by the Clinton Administration itself—to add basic human, labor, and environmental rights to the WTO system. This would mark a significant set-back for all those individuals, governments, and non-governmental organizations who aspire to ensure that the rules of the global economy protect not only commercial rights but fundamental personal and social rights.

In sum: At a minimum, Ms. Barshefsky greatly understates the economic concessions which China will remain legally obligated to grant the United States if Congress votes against PNTR; and Professor Jackson greatly overstates the net benefits to the United States, in terms of capacity to enforce United States interests, if Congress votes for PNTR and the United States enters a "binding WTO relationship" with China.

Equally important, Ms. Barshefsky and Professor Jackson both examine only one side of the scale—namely, the potential benefits to United States commercial interests. They do not examine the costs of U.S. abandonment of all trade-related enforcement measures—multilateral or unilateral—aimed toward ensuring that the global regime protects fundamental individual rights of autonomy and associated, and safeguards distributive justice and social wellbeing of a sort that cannot be measured by maximization of corporate shareholder returns or aggregate monetary wealth.

The "cost" side of the scale is all the weightier, relatively speaking, once Ms. Barshefsky's and Professor Jackson's overstatement of the commercial "benefits" of PNTR is fully recognized.

In deciding which way to vote on PNTR, our Representatives should at least have an accurate understanding of the costs and benefits they must weigh.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. McNULTY (at the request of Mr. GEPHARDT) for today on account of personal business.

Mr. STUPAK (at the request of Mr. GEPHARDT) for today and May 23 on account of family matters.

Mr. WEINER (at the request of Mr. GEPHARDT) for today and May 23 on account of a death in the family.

Mr. SCARBOROUGH (at the request of Mr. ARMEY) for today on account of canceled flights due to inclement weather.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DEFAZIO) to revise and extend their remarks and include extraneous material:)

Mr. HINCHEY, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

(The following Members (at the request of Mr. McINNIS) to revise and extend their remarks and include extraneous material:)

Mr. McINNIS, for 5 minutes, today.

Mr. NETHERCUTT, for 5 minutes, today.

Mr. FRELINGHUYSEN, for 5 minutes, today.

Mr. HULSHOF, for 5 minutes, today.

Mr. PAUL, for 5 minutes, today.

## ADJOURNMENT

Mr. NORWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 44 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 23, 2000, at 9 a.m., for morning hour debates.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7736. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Minimum Financial Requirements for Futures Commission Merchants and Introducing Brokers (RIN: 3038–AB51) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7737. A letter from the Congressional Review Coordinator, Department of Agriculture, transmitting the Department's final rule—Change in Disease Status of the Republic of South Africa Because of Foot-and-Mouth Disease and Rinderpest [Docket No. 98–029–2] received April 19, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7738. A letter from the Director, Office of Regulatory, Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pyridate; Pesticide Tolerance [OPP–300989; FRL–6550–9] (RIN: 2070–AB78) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7739. A letter from the Senior Banking Counsel, Office of the General Counsel, Departmental Offices, Department of the Treasury, transmitting the Department's final rule—Financial Subsidaries (RIN: 1505–AA80) received March 22, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7740. A letter from the Executive Director, Emergency Steel Guarantee Loan Board, transmitting the Board's final rule—Emergency Steel Guarantee Loan Program; Conforming Changes (RIN: 3003–ZA00) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7741. A letter from the General Counsel, Federal Emergency Management, transmitting the Agency's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA–7309] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7742. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Changes in Flood Elevation Determinations—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7743. A letter from the General Counsel, Federal Emergency Management Agency, transmitting the Agency's final rule—Final Flood Elevation Determinations—received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7744. A letter from the Assistant General Counsel for Regulations, Office of Post Secondary Education, Department of Education, transmitting the Department's final rule—Gaining Early Awareness and Readiness for Undergraduate Programs (RIN: 1840–AC82) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7745. A letter from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Lump Sum Payment Assumptions (RIN: 1212–AA92) received April 24, 2000, pursuant to 5 U.S.C.

801(a)(1)(A); to the Committee on Education and the Workforce.

7746. A letter from the Director, Coporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Valuation of Benefits; Use of Single Set of Assumptions for all Benefits (RIN: 1212–AA91) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7747. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Oklahoma [OK–19–1–7453a; FRL–6582–1] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7748. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans ; Reasonably Available Control Technology for Oxides of Nitrogen for the State of New York [Region II Docket No. NY42–21–1; FRL–6583–8] received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7749. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Protection of Stratospheric Ozone; Listing of Substitutes for Ozone-Depleting Substances [FRL–6585–3] (RIN: 2060–AG12) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7750. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production; Synthetic Organic Chemical Manufacturing Industry; Epoxy Resins Production and Non-Nylon Polyamides Production; and Petroleum Refineries [AD-FRL–6585–5] (RIN: 2060–AE86) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7751. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Spencer and Webster, Massachusetts) [MM Docket No. 00–8 RM–9788] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7752. A letter from the Chief, Network Services Division, Common Carrier Bureau, Federal Communications Commission, transmitting the Commission's final rule—Numbering Resource Optimization [CC Docket No. 99–200] received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7753. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Agency Retaliation Against Contractors Appearing Before or Providing Information to the Council," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

7754. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Analysis of the FY 2001 Proposed Revenue Forecast and FY 2000 Revised Revenue Forecast," pursuant to D.C. Code section 47—117(d); to the Committee on Government Reform.

7755. A letter from the Acting General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting the Department's final rule—Executive Office for Immigration Review; Board of Immigration Appeals; 21 Board Members [EOIR No. 126F; AG Order No. 2297–2000] (RIN: 1125–AA28) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7756. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Antitrust Guidelines for Collaborations Among Competitors—received April 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7757. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Orange City, IA [Airspace Docket No. 00–ACE–9] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7758. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Sheldon, IA [Airspace Docket No. 00–ACE–8] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Saginaw, MI [Airspace Docket No. 99–AGL–58] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Coldwater, MI [Airspace Docket No. 99–AGL–59] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Watertown, SD, and Britton, SD [Airspace Docket No. 99–AGL–60] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; McMinnville, TN [Airspace Docket No. 00–ASO–05] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Dayton, TN [Airspace Docket No. 00–ASO–06] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Revision of the Legal Description of the Houston Class B Airspace Area; TX [Airspace Docket No. 00–AWA–1] (RIN: 2120–AA66) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7765. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Creston, IA [Airspace Docket No. 00–ACE–1] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7766. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Ord, NE [Airspace Docket No. 00–ACE–2] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; O'Neill, NE [Airspace Docket No. 99–ACE–55] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7768. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes [Docket No. 99–NM–40–AD; Amendment 39–11658; AD 2000–0704] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7769. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Makila 1 Series Turboshaft Engines [Docket No. 99–NE–11–AD; Amendment 39–11652; AD 2000–06–11] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7770. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Turbomeca Artouste III Series Turboshaft Engines [Docket No. 99–NE–33–AD; Amendment 39–11653; AD 2000–06–12] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7771. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–34, Section 1417, Related to the Use of Additional Ameliorating Material In Certain Wines [T.D. ATF–403] (RIN: 1512–AB78) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7772. A letter from the Chief, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–33, Section 9302, Relating to Tobacco Importation Restrictions, Markings, Minimum Manufacturing Requirements, and Penalty Provisions (98R–369P) [T.D. ATF–421] (RIN: 1512–AB99) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7773. A letter from the Regulatory Policy Officer, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Implementation of Public Law 105–33, Section 9302, Requiring the Qualification of Tobacco Product Importers (98R–316P) And Miscellaneous Technical Amendments [T.D. ATF–422; RE: Notice No. 888] (RIN: 1512–AC07) received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

7774. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human

Services, transmitting the Department's final rule—Medicare and Medicaid Programs; Religious Nonmedical Health Care Institutions and Advance Directives [HCFA–1909–IFC] (RIN: 0938–AI93) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 3916. A bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services; with an amendment (Rept. 106–631). Referred to the Committee of the Whole House on the State of the Union.

Mr. ARCHER: Committee on Ways and Means. H.R. 4444. A bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; with an amendment (Rept. 106–632). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ABERCROMBIE (for himself and Mrs. McCARTHY of New York):

H.R. 4512. A bill to amend the Internal Revenue Code of 1986 to provide an extension of time for payment of estate tax for estates with closely held businesses, and for other purposes; to the Committee on Ways and Means.

By Ms. NORTON:

H.R. 4513. A bill to require the Secretary of the Treasury to mint coins in commemoration of the African-American Civil War veterans who served with Union forces; to the Committee on Banking and Financial Services.

By Mr. POMEROY:

H.R. 4514. A bill to strengthen the standards by which the Surface Transportation Board reviews railroad mergers, and to apply the Federal antitrust laws to rail carriers and railroad transportation; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY (for himself, Mr. GEPHARDT, Mr. GILMAN, and Mr. GEJDENSON):

H. Con. Res. 331. Concurrent resolution commending Israel's redeployment from southern Lebanon; to the Committee on International Relations.

By Mr. CAMPBELL:

H. Con. Res. 332. Concurrent resolution expressing the sense of the Congress with regard to providing humanitarian aid to cyclone victims in the Indian State of Orissa; to the Committee on International Relations.

By Mr. MOORE (for himself, Mr. DOGGETT, and Mr. STENHOLM):

H. Res. 508. A resolution providing for consideration of the bill (H.R. 3688) to amend the Internal Revenue Code of 1986 to require certain political organizations under such Code to report information to the Federal Election Commission, and for other purposes; to the Committee on Rules.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mr. TAUZIN.

H.R. 329: Mr. GANSKE.

H.R. 353: Mr. HINCHEY, Mr. GEJDENSON, Mr. CROWLEY, Mr. DEUTSCH, Mr. HOLT, Mr. MORAN of Kansas, Ms. McKINNEY, Mr. DICKS, Ms. ROS-LEHTINEN, Mrs. BONO, Mr. FRANKS of New Jersey, Mr. MEEKS of New York, Mr. BACA, and Mr. HAYES.

H.R. 372: Mr. KLINK and Ms. BERKLEY.

H.R. 531: Mr. FLETCHER.

H.R. 534: Mr. WELLER and Mr. BACA.

H.R. 632: Mr. BALLENGER.

H.R. 997: Mr. REYNOLDS.

H.R. 1217: Mr. VENTO.

H.R. 1456: Ms. SCHAKOWSKY, Mr. GILCHREST, Mr. CARDIN, and Mr. DELAHUNT.

H.R. 1690: Mr. ROHRABACHER and Mr. BOUCHER.

H.R. 1707: Mr. UPTON.

H.R. 1732: Mr. LoBIONDO.

H.R. 2059: Ms. KILPATRICK and Mr. FRANK of Massachusetts.

H.R. 2120: Mr. GUTIERREZ and Mr. EVANS.

H.R. 2713: Mr. FATTAH.

H.R. 3059: Mr. OBERSTAR.

H.R. 3091: Mr. BOUCHER and Mr. TIERNEY.

H.R. 3113: Mr. BURR of North Carolina.

H.R. 3433: Mr. BONILLA, Mr. MALONEY of Connecticut, Mr. NEY, Mr. DAVIS of Illinois, Mr. PASCRELL, Mr. DEUTSCH, and Ms. SCHAKOWSKY.

H.R. 3514: Mr. HALL of Texas, Mr. EVANS, Mr. WYNN, Mr. PRICE of North Carolina, and Mr. GOODLING.

H.R. 3518: Mr. WALDEN of Oregon and Mr. OXLEY.

H.R. 3544: Mr. HASTINGS of Washington, Mr. DeFAZIO, Mr. GANSKE, and Mr. MARTINEZ.

H.R. 3580: Mr. WISE, Mr. GALLEGLY, Mr. LIPINSKI, Mr. HALL of Texas, Mr. BOYD, Mrs. MYRICK, Mr. WATTS of Oklahoma, Mrs. MEEK of Florida, Mr. THOMPSON of California, Mr. ORTIZ, Mr. DIAZ-BALART, Mr. RADANOVICH, Mr. BLUMENAUER, Mr. RYAN of Wisconsin, Ms. ROS-LEHTINEN, Ms. BALDWIN, Mr. LAZIO, Mr. BERMAN, Mr. ISTOOK, Mr. DeFAZIO, Mr. TRAFICANT, Mr. DICKS, Mrs. ROUKEMA, and Ms. KAPTUR.

H.R. 3594: Mr. BARRETT of Wisconsin.

H.R. 3610: Mr. NEY, Mrs. CLAYTON, and Mr. PAYNE.

H.R. 3625: Mrs. WILSON and Mr. CLEMENT.

H.R. 3916: Mr. BARTLETT of Maryland, Mr. MORAN of Kansas, Mr. TOOMEY, Mr. GOSS, and Mr. HINOJOSA.

H.R. 4042: Mr. OBERSTAR.

H.R. 4064: Mr. GEKAS.

H.R. 4071: Mr. NETHERCUTT.

H.R. 4132: Mr. HINCHEY and Mr. JOHN.

H.R. 4140: Mrs. CLAYTON, Ms. WOOLSEY, Ms. BROWN of Florida, and Mr. JEFFERSON.

H.R. 4162: Mr. CUMMINGS and Mr. RAHALL.

H.R. 4168: Mr. TAYLOR of Mississippi and Mr. KILDEE.

H.R. 4211: Mr. SANDERS, Ms. RIVERS, Mr. CUMMINGS, Ms. CARSON, Ms. SCHAKOWSKY, and Mr. LANTOS.

H.R. 4242: Mr. OXLEY.

H.R. 4274: Mr. ARMEY, Mr. SHIMKUS, Mrs. EMERSON, Mr. BAKER, and Mr. WATTS of Oklahoma.

H.R. 4277: Mrs. EMERSON, Mr. PAUL, and Mr. FROST.

H.R. 4314: Mr. WALSH.

H.R. 4328: Mr. DICKEY and Mr. CAMPBELL.

H.R. 4334: Ms. LOFGREN.

H.R. 4383: Mr. WATKINS.

H.R. 4447: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4448: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4449: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4450: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4451: Mr. WYNN, Mrs. MORELLA, Mr. EHRLICH, and Mr. CARDIN.

H.R. 4488: Ms. SCHAKOWSKY.

H.R. 4489: Mr. SENSENBRENNER, Mr. BONIOR, Mr. McCOLLUM, Mr. DELAHUNT, Mr. DINGELL, Mr. ORTIZ, Mr. BALDACCI, Mr. HINOJOSA, Mr. EHRLICH, Mr. KOLBE, Mr. GREENWOOD, Mr. GIBBONS, Mr. SWEENEY, Mr. CAMP, and Ms. STABENOW.

H.J. Res. 55: Mr. COX.

H.J. Res. 98: Mr. BENTSEN, Mr. NADLER, Mr. HANSEN, and Mr. GONZALEZ.

H. Con. Res. 302: Mr. TURNER, Mr. ROMERO-BARCELO, and Mr. KOLBE.

H. Con. Res. 308: Mr. FILNER.

H. Res. 398: Mr. BILBRAY, Mr. CONDIT, Ms. SANCHEZ, and Mr. BENTSEN.

H. Res. 452: Mr. WAXMAN, Mr. DAVIS of Illinois, and Mr. McHUGH.

## DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

*[Omitted from the Record of May 19, 2000]*

Petition 9 by Mr. MINGE on House Resolution 478: Brian Baird, Earl Blumenauer, and Bart Gordon.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

### LEGISLATIVE BRANCH APPROPRIATIONS, FY 2001

OFFERED BY: MR. NEY

AMENDMENT NO. 1: Page 8, line 24, insert after the first dollar figure the following: "(increased by $7,000,000)".

Page 8, line 24, insert after the second dollar figure the following: "(increased by $3,290,000)".

Page 9, line 2, insert after the dollar figure the following: "(increased by $3,710,000)".

Page 22, line 11, insert after the first dollar figure the following: "(reduced by $5,000,000)".

Page 23, line 14, insert after the first dollar figure the following: "(reduced by $500,000)".

Page 24, line 16, insert after the dollar figure the following: "(reduced by $500,000)".

Page 28, line 15, insert after the dollar figure the following: "(reduced by $1,000,000)".

### LEGISLATIVE BRANCH APPROPRIATIONS, FY 2001

OFFERED BY: MR. NEY

AMENDMENT NO. 2: Page 22, line 11, insert after the first dollar figure the following: "(reduced by $3,000,000)".

Page 23, line 14, insert after the first dollar figure the following: "(reduced by $500,000)".

Page 24, line 1, insert after the dollar figure the following: "(increased by $5,000,000)".

Page 24, line 16, insert after the dollar figure the following: "(reduced by $1,000,000)".

Page 28, line 15, insert after the dollar figure the following: "(reduced by $1,000,000)".

H.R. 4461

Offered By: Mr. Andrews

Amendment No. 4: At the end of title VII of the bill, add the following new section:

Sec. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) Guarantees for refinancing loans.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) Interest rate.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) Security.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) Amount.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

"(D) Payment status.—The borrower shall not be more than 2 months delinquent in payments on the loan being refinanced.

"(E) Term.—The term of the refinancing loan may not exceed the original term of the loan being refinanced by more than 10 years.".

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.".

H.R. 4461

Offered By: Mr. Andrews

Amendment No. 5: At the end of title VII of the bill, add the following new section:

Sec. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) Guarantees for refinancing loans.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) Interest rate.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) Security.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) Amount.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

"(D) Payment status.—The borrower shall not be more than 2 months delinquent in payments on the loan being refinanced.

H.R. 4461

Offered By: Mr. Coburn

Amendment No. 6: Insert before the short title the following title:

### TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. None of the funds made available in this Act may be used by the Food and Drug Administration for the testing, development, or approval (including approval of production, manufacturing, or distribution) of any drug solely intended for the chemical inducement of abortion.

H.R. 4461

Offered By: Mr. DeFazio

Amendment No. 7: Insert before the short title the following:

### TITLE IX—ADDITIONAL GENERAL PROVISIONS

Sec. 901. Notwithstanding any other provision of this Act, not more than $28,684,000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading "Animal and Plant Health Inspection Service", and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting livestock.

H.R. 4461

Offered By: Mrs. Kelly

Amendment No. 8: Page 32, line 20, strike "or" through "the American heritage rivers initiative" on line 21.

H.R. 4461

Offered By: Mr. Kucinich

Amendment No. 9: Page 96, after line 7, insert the following new title:

### TITLE IX—GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

#### SEC. 901. SHORT TITLE.

(a) Short Title.—This title may be cited as the "Genetically Engineered Food Right to Know Act".

#### SEC. 902. FINDINGS.

The Congress finds as follows:

(1) The process of genetically engineering foods results in the material change of such foods.

(2) The Congress has previously required that all foods bear labels that reveal material facts to consumers.

(3) Federal agencies have failed to uphold Congressional intent by allowing genetically engineered foods to be marketed, sold and otherwise used without labeling that reveals material facts to the public.

(4) Consumers wish to know whether the food they purchase and consume contains or is produced with a genetically engineered material for a variety of reasons, including the potential transfer of allergens into food and other health risks, concerns about potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions.

(5) Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material.

(6) Reasonably available technology permits the detection in food of genetically engineered material, generally acknowledged to be as low as 0.1 percent.

#### SEC. 903. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) In General.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following paragraph:

"(t)(1) If it contains a genetically engineered material, or was produced with a genetically engineered material, unless it bears a label (or labeling, in the case of a raw agricultural commodity, other than the sale of such a commodity at retail) that provides notices in accordance with the following:

"(A) A notice as follows: 'GENETICALLY ENGINEERED'.

"(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and is not less than twice the size of the notice required in clause (B).

"(D) The notice required in clause (B) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

"(E) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

"(2) For purposes of subparagraph (1):

"(A) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material.

"(B) The term 'genetically engineered organism' means—

"(i) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture, and

"(ii) an organism made through sexual or asexual reproduction (or both) involving an organism described in subclause (i), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(3) For purposes of subparagraph (1), a food shall be considered to have been produced with a genetically engineered material if—

"(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to mean that such commodities are produced with a genetically engineered material);

"(B) the animal from which the food is derived has been fed genetically engineered material, or

"(C) the food contains an ingredient that is a food to which clause (A) or (B) applies.

"(4) This paragraph does not apply to food that—

"(A) is served in restaurants or other establishments in which food is served for immediate human consumption, "(B) is processed and prepared primarily in a retail establishment, is ready for human consumption, which is of the type described in clause (A), and is offered for sale to consumers but not for immediate human consumption in such establishment and is not offered for sale outside such establishment, or

"(C) is a medical food as defined in section 5(b) of the Orphan Drug Act.".

(b) Civil Penalties.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

"(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

"(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).".

(c) Guaranty.—

(1) In general.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(A) by striking "(d)" and inserting "(d)(1)"; and

(B) by adding at the end the following paragraph:

"(2)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food (including the receipt of seeds to grow raw agricultural commodities), to the effect that (within the meaning of section 403(t)) the food does not contain a genetically engineered material or was not produced with a genetically engineered material.

"(B) In the case of a recipient who with respect to a food establishes a guaranty or undertaking in accordance with subparagraph (A), the exclusion under such subparagraph from being subject to penalties applies to the recipient without regard to the use of the food by the recipient, including—

"(i) processing the food,

"(ii) using the food as an ingredient in a food product,

"(iii) repacking the food, or

"(iv) growing, raising, or otherwise producing the food.".

(2) False guaranty.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting "or 303(d)(2)" after "303(c)(2)".

(d) Unintended Contamination.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (c)(1) of this section, is amended by adding at the end the following paragraph:

"(3)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if—

"(i) such person is an agricultural producer and the violation occurs because food that is grown, raised, or otherwise produced by such producer, which food does not contain a genetically engineered material and was not produced with a genetically engineered material, is contaminated with a food that contains a genetically engineered material or was produced with a genetically engineered material (including contamination by mingling the two), and

"(ii) such contamination is not intended by the agricultural producer.

"(B) Subparagraph (A) does not apply to an agricultural producer to the extent that the contamination occurs as a result of the negligence of the producer.".

**SEC. 904. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL MEAT INSPECTION ACT.**

(a) Requirements.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following section:

**"SEC. 7A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.**

"(a) Definitions.—In this section:

"(1) The term 'meat food' means a carcass, part of a carcass, meat, or meat food product that is derived from cattle, sheep, swine, goats, horses, mules, or other equines and is capable of use as human food.

"(2) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

"(3) The term 'genetically engineered organism' means—

"(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

"(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

"(b) Labeling Requirement.—

"(1) Required labeling to avoid misbranding.—For purposes of sections 1(n) and 10, a meat food is misbranded if it—

"(A) contains a genetically engineered material or was produced with a genetically engineered material; and

"(B) does not bear a label (or include labeling, in the case of a meat food that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

"(2) Rule of construction.—For purposes of paragraph (1)(A), a meat food shall be considered to have been produced with a genetically engineered material if—

"(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material;

"(B) the animal from which the food is derived has been fed genetically engineered material; or

"(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

"(c) Specifics of Label Notices.—

"(1) Required notices.—The notices referred to in subsection (b)(1)(B) are the following:

"(A) A notice as follows: 'GENETICALLY ENGINEERED'.

"(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

"(2) Location and size.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

"(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

"(d) Exceptions to Requirements.—Subsection (a) does not apply to any meat food that—

"(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

"(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

"(e) Guaranty.—

"(1) In general.—A packer, processor, or other person shall not be considered to have violated the requirements of this section with respect to the labeling of meat food if the packer, processor, or other person (referred to in this subsection as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food or the animal from which the meat food was derived, or received in good faith food intended to be fed to such animal, to the effect that the meat food, or such animal, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

"(2) Scope of guaranty.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the meat food by the recipient (or the use by the recipient of the animal from which the meat food was derived, or of food intended to be fed to such animal), including—

"(A) processing the meat food;

"(B) using the meat food as an ingredient in another food product;

"(C) packing or repacking the meat food; or

"(D) raising the animal from which the meat food was derived.

"(3) False guaranty.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

"(f) Civil Penalties.—

"(1) In general.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed $100,000 for each such violation.

"(2) Notice and opportunity for hearing.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

‘‘(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

‘‘(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

‘‘(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

‘‘(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

‘‘(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

‘‘(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.’’.

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) by striking ‘‘or’’ at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ‘‘; or’’; and

(3) by adding at the end the following paragraph:

‘‘(13) if it fails to bear a label or labeling as required by section 7A.’’.

### SEC. 905. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT.

The Poultry Products Inspection Act is amended by inserting after section 8 (21 U.S.C. 457) the following section:

### ‘‘SEC. 8A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

‘‘(a) DEFINITIONS.—In this section:

‘‘(1) The term ‘genetically engineered material’ means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

‘‘(2) The term ‘genetically engineered organism’ means—

‘‘(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macroencapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

‘‘(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

‘‘(b) LABELING REQUIREMENT.—

‘‘(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 4(h) and 9(a), a poultry product is misbranded if it—

‘‘(A) contains a genetically engineered material or was produced with a genetically engineered material; and

‘‘(B) does not bear a label (or include labeling, in the case of a poultry product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

‘‘(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a poultry product shall be considered to have been produced with a genetically engineered material if—

‘‘(A) the poultry from which the food is derived has been injected or otherwise treated with a genetically engineered material;

‘‘(B) the poultry from which the food is derived has been fed genetically engineered material; or

‘‘(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

‘‘(c) SPECIFICS OF LABEL NOTICES.—

‘‘(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

‘‘(A) A notice as follows: ‘GENETICALLY ENGINEERED’.

‘‘(B) A notice as follows: ‘UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL’.

‘‘(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

‘‘(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

‘‘(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any poultry product that—

‘‘(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

‘‘(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

‘‘(e) GUARANTY.—

‘‘(1) IN GENERAL.—An official establishment or other person shall not be considered to have violated the requirements of this section with respect to the labeling of a poultry product if the official establishment or other person (referred to in this subsection as the ‘recipient’) establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the poultry product or the poultry from which the poultry product was derived, or received in good faith food intended to be fed to poultry, to the effect that the poultry product, poultry, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

‘‘(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the poultry product by the recipient (or the use by the recipient of the poultry from which the poultry product was derived, or of food intended to be fed to such poultry), including—

‘‘(A) processing the poultry;

‘‘(B) using the poultry product as an ingredient in another food product;

‘‘(C) packing or repacking the poultry product; or

‘‘(D) raising the poultry from which the poultry product was derived.

‘‘(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

‘‘(f) CIVIL PENALTIES.—

‘‘(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed $100,000 for each such violation.

‘‘(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

‘‘(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

"(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

"(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

"(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

"(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

"(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.".

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) by striking "or" at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting "; or"; and

(3) by adding at the end the following paragraph:

"(13) if it fails to bear a label or labeling as required by section 8A.".

**SEC. 906. EFFECTIVE DATE.**

This title and the amendments made by this title take effect upon the expiration of the 180-day period beginning on the date of the enactment of this title.

H.R. 4461

OFFERED BY: MR. NEY

AMENDMENT NO. 10: Page 6, line 16, insert "(reduced by $34,000)" after "$34,708,000".

Page 8, line 3, insert "(reduced by $33,000)" after "$8,138,000".

Page 9, line 3, insert "(reduced by $33,000)" after "$29,194,000".

Page 10, line 23, insert "(increased by $100,000)" after "$850,384,000".

H.R. 4461

OFFERED BY: MR. ROYCE

AMENDMENT NO. 11: Page 96, after line 7, insert the following:

## TITLE IX—ADDITIONAL GENERAL PROVISIONS

**SEC. 901. ACROSS-THE-BOARD PERCENTAGE REDUCTION.**

Each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is hereby reduced by one percent.

# EXTENSIONS OF REMARKS

## COMMENDING THE TOWNSHIP OF BERNARDS

### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to commemorate the 240th Anniversary of the founding of the Township of Bernards, County of Somerset, New Jersey.

Allow me to recount the history of the town. Its earliest inhabitants were the Lenape Indians. It was the Chief of the Lenape, named Nowenoik, who in 1717, sold the first 3,000 acres of the land which would become Bernards Township to an agent of King George I of England for $50. William Penn also purchased some of the land in this area later that same year.

In 1733 the name Basking Ridge first appeared in the ecclesiastic records of the Presbyterian Church and is recorded as being derived from the fact that the "wild animals of the adjacent lowlands were accustomed to bask in the warm sun of this beautiful ridge."

In 1760 King George II of England created Bernardston Township by charter. This was in honor of Sir Francis Bernard, provincial governor of New Jersey from 1758–1760, who created the first Indian Reservation at Brotherton, New Jersey at the close of the French and Indian Wars.

During the American Revolution, Bernardston provided over 100 soldiers to the war effort. It was in the Widow's White Tavern at the corner of Colonial Drive and South Finley Avenue that General Charles Lee, second in command only to General George Washington, was captured by British Troops. Years later, during the Civil War, Bernards Township was a production center for Union uniforms and for axles and wagons in its hub and spokes factory.

Bernards Township has continued to be a location for significant events into the 20th century. The Basking Ridge village green was the site for a speech given by Woodrow Wilson just before the first World War.

Bernards Township is now home to the headquarters of the American Telephone and Telegraph Company, the Bonnie Brae Educational Center, Lord Stirling School, Hooper Holmes, Ingersoll Rand, Fellowship Deaconry, and the United States Golf Association.

Mr. Speaker, for the past 240 years, Bernards Township has played a significant role in creating the cultural fabric of our state and nation's history and will most certainly continue to do so in the years to come.

Mr. Speaker, I ask you and my colleagues to congratulate the citizens of the Township of Bernards on this special anniversary year.

## LEGGZ DANCE'S TAP 2000: TAP INTO AMERICA'S HEARTS TO KEEP OUR CHILDREN SAFE

### HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mrs. McCARTHY of New York. Mr. Speaker, on May 25th National Missing Children's Day, the National Center for Missing and Exploited Children (NCMEC) and Leggz Dance will coordinate Tap 2000: Tap into America's Hearts to Keep Our Children Safe in Rockville Centre, in my home district of Long Island. NCMEC is teaming up with performers and studios across the country in a grassroots effort to raise awareness about child safety.

The average victim of abduction and murder is an 11-year-old girl, a child with a stable family, and frighteningly, she had initial contact with an abductor within a quarter mile of her home. This is exactly the audience that TAP 2000 reaches by having local dance teachers "tapping for safety."

The goal of TAP 2000 is to entertain through Leggz Dance while educating via valuable child safety literature provided by NCMEC. Tap 2000 is one of the many vehicles that the NCMEC uses to emphasize the importance of children's photographs. One out of six missing children is found as a result of someone recognizing a photo. Tap 2000 will begin May 25 and will continue throughout Nassau County when participating studios hold their showcases and tap festivals.

I commend this important public safety workshop sponsored by both the National Center for Missing and Exploited Children and Leggz Dance. It is important that we take every step possible to prevent child abductions in our communities.

## JOHN RIGAS BIRTHDAY MESSAGE

### HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. BILIRAKIS. Mr. Speaker, Mr. John Rigas, of Coudersport, Pennsylvania, recently celebrated his 75th birthday and 48th year in the cable business. I have come to know him well over the years—unfortunately not seeing enough of him.

The son of Greek immigrants, he was born in an apartment above his parents' restaurant in a small town in rural western New York. After receiving a degree in management engineering, he returned home to help out with the family business. However, John Rigas had other aspirations and he accepted a position as a Sylvania plant engineer in Emporium, Pennsylvania. After borrowing from family and friends, he purchased the local movie theater in nearby Coudersport.

To protect his movie theater business, he invested $100 in a cable television franchise to provide signals to a rural community with little or no off-air reception. Flash forward several decades. This fledgling enterprise became Adelphia, the Greek word for brother, which John Rigas and his family have turned into one of the nation's largest telecommunications providers, serving more than 5 million customers in 30 states, including a significant presence in Florida.

John kept the company headquarters in Coudersport, a community of about 2,500 where he purchased the old high school on Main Street and converted it into Adelphia's corporate headquarters. John's love of Coudersport and its residents transcends almost everything in his life except for his family. That's why he has chosen to remain in that community. Now, they have added Adelphia Business Solutions, a telephone subsidiary and the company provides high speed cable modem connections to the Internet, digital programming tiers, and long distance telephone service.

This year marks the fourth anniversary of the 1996 Telecommunications Act. It is fitting that the exciting new services made possible by this act are being developed and delivered by the entrepreneurship of people like John Rigas. Happy birthday, John, and thanks for fulfilling the American dream in a way that provides exciting new telecommunications services throughout our country.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

### HON. DIANA DeGETTE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4475 making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Ms. DEGETTE. Mr. Chairman, I rise in support of H.R. 4475, the Fiscal Year 2001 appropriations bill for the Department of Transportation and Related Agencies. This important legislation contains federal transit capital funds that are vital to the success of the Denver Regional Transportation District's new light rail transit corridors projects, the nearly completed South West Corridor, and the new South East Corridor.

I want to thank Transportation Subcommittee Chairman WOLF, Ranking Member

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SABO and the rest of the Committee for including $20,200,000 to help complete the SW Corridor project, which opens for revenue service this July. In addition, I appreciate the Committee's support for our new SE Corridor extension, which received an earmark for $3,000,000. These funds are derived from the Federal Transit Administration's Capital Investment Grants program which finances transit new starts projects.

Transportation is a key issue in the First Congressional District of the State of Colorado. I am proud that Denver's light rail and multi-modal corridors are a growing local success story and that the efforts of the Colorado delegation to win support for these projects have been fruitful. The SW Corridor project will be completed in the coming months with this year's appropriation of the final federal installment of its full funding grant agreement. The new SE Corridor multi-modal project, combining highway and light rail elements, is anticipated to complete all the steps necessary to receive a full funding grant agreement as early as this year.

I have supported a robust FY 2001 appropriation of $63,000,000 for the SE Corridor project. As I mentioned, the bill before us contains just $3,000,000 for the new corridor, which I hope will grow as the bill progresses through the many steps of the congressional appropriations process. This request, while large, is amply justified because Denver residents have voted overwhelmingly—66 percent supported the initiative—on last year's ballot issue to approve local funding for this multi-modal approach to improving Denver's transportation system. Their support has been strong because our needs are strong.

The rapidly growing transit needs in the Denver region are clear. The Regional Transportation District (RTD) provides public transit service to over 2 million residents of the six counties and 41 municipalities in its 2,400 square mile district—one of the nation's largest transit districts. RTD's fleet of 933 buses and 17 light rail vehicles carried over 74 million passengers in 1999, its thirteenth consecutive year of increased ridership.

The RTD has continued its progress in developing rapid transit by extending construction of light rail from the successful Central Corridor light rail line to the SW Corridor. The 8.7 mile SW Corridor light rail extension will serve three major activity centers: the Denver central business district, a regional retail and commercial center in Englewood, and the Littleton Central Business District.

Not only has Denver RTD demonstrated a strong commitment to keep the SW Corridor project on schedule by advancing its own local funds, but it also has a proven record of building light rail projects. Through its efficient handling of the construction of its existing Central Corridor line, and now the SW Corridor line, RTD has demonstrated its ability to successfully manage light rail projects. Building on this experience, RTD together with the Colorado Department of Transportation (CDOT) are now poised to implement the SE multi-modal project. This project will include 19 miles of light rail line which will run alongside Interstate 25 (for 15 miles) from Broadway in Denver to Lincoln Avenue in Douglas County and within the median of 1–255 (for miles) from I–25 to Parker Road.

The SE Corridor connects the two largest employment centers in the region—the Denver Central Business District and the SE business district, together these two employment centers account for 18 percent of the metro region's employment. The SE Corridor project is a joint effort of four agencies (for which interagency agreements are already in place): The Federal Transit Administration; the Federal Highway Administration; the CDOT; and the RTD. These agencies working together in a "One Dot" approach will insure the efficient delivery of this project.

In conclusion, completion of our SW Corridor light rail project is vital to our region's ability to meet the challenges of rapid growth responsibly. Moving ahead quickly with the multi-modal SE Corridor will demonstrate the federal government's support for communities that are willing to invest in cost-effective transportation solutions to traffic congestion.

Mr. Chairman, I support this bill and I thank the Committee for the critical funding it contains for transportation needs in my district.

## DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

## HON. ADAM SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Friday, May 19, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4475) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

Mr. SMITH of Washington. Mr. Chairman, I stand in support of the FY01 Transportation Appropriations bill, and in strong support of the funds allocated for Washington State's Sound Transit Program. The funding provided in this legislation will help Sound Transit deliver a regional high-capacity transit system to the citizens of urban King, Pierce and Snohomish counties.

As anyone who has traveled to my home state knows, bad traffic is the one thing that can make even the beautiful Puget Sound area seem less inviting. In fact, the Central Puget Sound Region has the 4th worst traffic in the country. It is estimated that bottlenecks on both the highways and on the train tracks costs our local economy billions of dollars every year. That's why this investment in our infrastructure is so crucial. The Sound Transit system—which employs a combination of commuter rail, electric light rail, HOV Expressways, and regional express bus service—will go a long way toward relieving congestion and, importantly, improving quality of life for citizens throughout the Puget Sound.

On behalf of the citizens of my district, I also want to thank the Chair, the Ranking Member and the Members of the committee for their support of Sound Transit. This program will truly be one of the crown jewels of America's public system and I'm proud to stand in support of this program.

## MAY SCHOOL OF THE MONTH

## HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mrs. McCARTHY of New York. Mr. Speaker, I have named W. Tresper Clarke Middle School in Westbury as the School of the Month in the Fourth Congressional District for May 2000. It was one of 34 middle schools and 32 high schools to be named a National Service-Learning Leader School, and will be honored by the White House in June.

I want to congratulate the Clarke Middle School community on receiving this national honor, Nassau has noticed the difference Clarke students make in our community as a result of their education.They deserve recognition on a national level, not just on a local one.

Ivy Diton is the Principal of Clarke, and Dr. Robert Dillon is the Superintendent of Schools in the East Meadow School District. The school teaches children in grades six through eight.

The educational initiative of service-learning is on the rise in the United States. More and more schools are beginning to incorporate community service into standard subjects. Clarke Middle School was recently recognized as one of 34 middle schools in the nation who have shown excellence in service-learning. Clarke was the only school selected from the Long Island-New York City geographical area.

The pre-teen and teen years are crucial for our kids. We know how capable they are, and Clarke Middle School has used this to teach their students the importance of giving back to our community. They are sending future generations of Long Islanders into their adult world as better citizens.

Service-learning is the term Clarke and other schools use to describe their way of teaching. It involves a healthy combination of academics and community service, and is based on the joint efforts of teachers and students to make a difference. Students benefit from this approach because standard course material is supported by lessons of civic responsibility. By teaching teens the importance of volunteering and helping others, they learn invaluable lessons that will strengthen our communities.

One hundred percent of Clarke's student body and faculty participate in service-learning. Ten subjects, including English, science, math, social studies, music, and art, feature a blend of community service and normal academics.

Clarke teachers have noticed a significant increase in their students' discipline, academic performance, and level of responsibility. They have become more involved in the Long Island community by mentoring elementary school students, reading to preschool children, and teaching senior citizens about computers.

There are so many opportunities for our teens to get involved in the community. Everyone can use some help now and then. Whoever Clarke students are helping, they are giving something back to Long Island, to the people that have helped them before or need help now.

## SHOVALS HONORED BY B'NAI B'RITH

### HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. KANJORSKI. Mr. Speaker, today I pay tribute to my very good friends, Susan and Judd Shoval, from my district in Pennsylvania. The Shovals will be honored at the prestigious S.J. Strauss Lodge of the B'nai B'rith Lincoln Day Dinner on May 24 as this year's recipients for the distinguished Community Service Award. I am pleased and proud to have been asked to participate in this event.

Judd and Susan Shoval are among the most entrepreneurial and community-minded business leaders in my district. As partners in the Guard Insurance Company, specializing in workers' compensation insurance, the Shovals have expanded the company from its founding in the early 1980s to a sophisticated insuring organization with more than 20,000 customers in 16 states, with three subsidiaries. Just last fall, the couple opened Guard Security Bank, which uses electronic banking procedures, offering select financial products to both individuals and business.

Susan is a native of Northeastern Pennsylvania. She graduated magna cum laude from Cornell University and graduated with highest honors from the College of Insurance in New York City. In 1993, she was honored as the recipient of the Greater Wilkes-Barre Chamber of Commerce Athena Award and was named among Pennsylvania's Best 50 Women in Business in 1997. She is a member of the Committee of 200, a select group of women who head successful firms.

Susan has served the community on the United Way Board and local university boards, but I am especially appreciative of the tremendous amount of time and leadership Susan provided as a director on the board of the Earth Conservancy, a non-profit organization dedicated to reclaiming 16,000 acres of former coal mine land. Among the couple's proudest accomplishments are their four children, Ben, Deborah, Karyn and Rebecca.

Judd Shoval is Susan's life partner and business partner, serving also as chief executive officer and a director of Guard Insurance, its subsidiaries and the Guard Security Bank. He is a past chairperson of Associated Risk Managers International and has been a member of the Young Presidents Organization, comprised of presidents and chief executive officers of medium- to large-sized companies.

He is also very involved in the community, serving on boards of the local universities, the Jewish Community Center and United Jewish Campaign. Born in Austria, Judd was raised in Israel and received his law degree from the Hebrew University in Jerusalem. He came to the United States in the early 1970s, finally settling in Northeastern Pennsylvania.

Mr. Speaker, the Shovals are dedicated professionals and community leaders. I applaud the S.J. Strauss Lodge's choice of this year's recipients for the distinguished Community Service Award. I am pleased and proud to join with the Lodge and the community in congratulating them and sending my sincere best wishes for continued success.

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## HONORING MR. JOSEPH BALCHUNAS AS FLORIDA'S TEACHER OF THE YEAR

### HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. HASTINGS of Florida. Mr. Speaker, today I pay tribute to a phenomenal teacher, Mr. Joseph Balchunas, recently named Florida's Teacher of the Year. A teacher who realizes the sky is the limit, who understands that knowledge is power, and who enriches the lives of those around him distinguishes Mr. Balchunas. Mr. B, as his friends and family call him, insist that his students raise their ideals, broaden their horizons, but most importantly learn to demand more of themselves. His students regularly test above average standards, a testimony to his tireless efforts and commitment to education. This is the first time in twelve years that a teacher from Broward County has been honored with this achievement.

Joseph Balchunas inspires his students to dream, and not to let anyone get in the way of those dreams. In his five years as a teacher, Mr. B has proven that teaching is not only a job, but a personal commitment, and expects his students to make the same commitment to their future. He is loved by many, but most fortunate are those who have the pleasure of being one of his students. His devotion encourages his students to imagine and create.

Mr. Speaker, I am proud to salute Joseph Balchunas for being named Florida's Teacher of the Year. He is truly a great educator, one that all of us should be proud to commend.

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## NATIONAL MARITIME DAY

### HON. PAT DANNER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Ms. DANNER. Mr. Speaker, today I pay tribute to the hundreds of thousands of United States Merchant Mariners who have courageously served our country during times of peace and war. Congress established National Maritime Day in 1933 to recognize the vital contributions of all American seamen throughout our nation's rich maritime history. This day would soon come to hold special meaning in honor of those merchant mariners who served in defense of American freedoms during WWII. On behalf of Kansas City resident Marshall Garry, I feel privileged to honor their accomplishments today.

As legendary Navy Admiral Chester A. Nimitz wrote following the Allied victory in 1945, "Not one of us who fought in the late war can forget—nor should any citizen be allowed to forget—that the national resource which enabled us to carry the war to the enemy and fight in his territory and not our own was our Merchant Marine." The Merchant Marine played a vital role in our nation's greatest victory, indeed almost 7,000 mariners—or one in 32 personnel—would make the ultimate sacrifice in honor of our country.

Once again, Mr. Speaker, I encourage my colleagues to join with me in commemorating the extraordinary, yet often forgotten, accomplishments of these brave individuals. Our nation is forever indebted to their service and I honor them today on this, America's 67th celebration of National Maritime Day.

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## PERSONAL EXPLANATION

### HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. GUTIERREZ. Mr. Speaker, I was unavoidably absent from the House floor when a vote was taken on amendment number 204 regarding the School of the Americas. I have always voted in support of any amendment to eliminate and/or drastically change the way this school functions and had I been present in this Chamber when this vote was cast, I would have voted "yes."

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## HONORING JENNIE SLEGERS ON HER 100TH BIRTHDAY

### HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. HORN. Mr. Speaker, today I want to extend congratulations and best wishes to Mrs. Jennie Slegers of Artesia, California, who celebrates her 100th birthday later this week.

Mrs. Slegers was born May 26, 1900, in the Netherlands and came to the United States in 1922. Celebrating this occasion with her are her five children, 20 grandchildren, 34 great-grandchildren and seven great-great-grandchildren. By my count that is 66 Americans—many of them my constituents—who are living, working, playing, learning, paying taxes, contributing to our economy, helping build our communities—all because Jennie Slegers decided long ago that she wanted to be an American.

Mr. Speaker, this remarkable woman now enjoys life at the Artesia Christian Home, where she spends her spare time in knitting and what she called "socializing." And, she remains very involved in doing all she can to help fellow residents of the home. I join her family and many friends in wishing Mrs. Slegers a happy 100th birthday and many more to come.

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## PERSONAL EXPLANATION

### HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. BALLENGER. Mr. Speaker, on Wednesday, May 17, 2000, I missed rollcall vote 193 (H.R. 4205) because I was conducting a Subcommittee on the Western Hemisphere hearing in the absence of the Chairman. Had I been present I would have voted "yea".

## INTRODUCTION OF THE RAIL MERGER REFORM AND CUSTOMER PROTECTION ACT

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. POMEROY. Mr. Speaker, I am pleased to introduce the Rail Merger Reform and Customer Protection Act. This legislation would extend the reach of the antitrust laws to the railroad industry while providing the Surface Transportation Board (STB) with additional criteria on which to evaluate future railroad mergers.

For virtually every business in the United States, mergers and acquisitions in excess of $10 million are subject to Antitrust Division of the Department of Justice. Railroads, however, are treated differently. Under current law, the STB has exclusive jurisdiction over most matters concerning rail transportation including mergers and acquisitions. In exercising that authority, the STB has approved a series of mergers over the past twenty years since passage of the Staggers Act which has resulted in widespread consolidation in the rail industry. This consolidation has reduced the number of rail carriers from 40 Class I railroads to just 7, resulting in significant service disruptions, negative impacts on shippers and a reduction in competition.

Mr. Speaker, believe it or not, the railroad industry is the only industry, except for America's favorite pastime, baseball, that is almost entirely exempt from the substance of the antitrust laws. With the rail industry now consolidated to seven major railroads, and the stage set for a possible final consolidation, there is an increased potential for the rail industry to exercise market power and monopoly abuse against shippers. In order to protect shippers and promote true competition, it makes sense to treat the railroads like other industries and subject them to the jurisdiction of the Department of Justice and full application of antitrust laws.

Currently, the Department of Justice can only comment on proposed mergers. In previous mergers the recommendations of DOJ were ignored. For example the Department of Justice pegged the Union Pacific-Southern Pacific merger "the most anti-competitive rail merger in history." In that merger, the STB ignored not only the concerns expressed by Department of Justice, but also the concerns of rail customers, organized labor and the United States Department of Agriculture. I believe that the Department of Justice, an agency that can objectively evaluate the impact of mergers and protect shippers from the continual decrease in competition, needs to have a strong voice in mergers reviewed by the Surface Transportation Board.

My legislation would require both the Department of Justice and the STB to review and approve future rail mergers. Under this proposed regulatory framework, the DOJ would approve a merger unless it substantially restrains commerce in any section of the country or tends to create a monopoly in any line of commerce. The STB would still be required to review and approve a merger under a similar standard but it would also judge the proposed merger by a broader public interest standard. However, my legislation would not allow a merger to move forward without approval from both Department of Justice and Surface Transportation Board.

Under my legislation, the STB would also be required to examine several additional criteria before approving a merger. The merger (1) cannot eliminate transportation alternatives; (2) must improve transportation alternatives; (3) must improve competition among rail carriers; (4) must improve service to customers. Additionally, the legislation ensures that relief can be sought under the current regulatory framework or through the antitrust laws.

In light of the recent decision by the Surface Transportation Board to place a 15-month moratorium on mergers and its solicitation on how merger rules can and should be revised, we have an unprecedented opportunity to reshape railroad policy for the 21st Century. In this day and age, there is no public policy reason to justify the industry's special treatment, particularly since the railroads have enjoyed considerable deregulation under both the Staggers Act and the Interstate Commerce Commission (ICC) Termination Act. The passage of these laws which reduced the scope and effectiveness of the regulatory agency, makes it more necessary than ever for shippers to have the full panoply of remedies available against monopolistic activities.

I am pleased that the Alliance for Rail Competition, the Consumers United for Rail Equity, National Farmers Union, American Farm Bureau Federation, National Association of Wheat Growers, Northern States Power, the American Forests and Paper Association and the National Association of Chemical Distributors have endorsed this legislation.

I urge my colleagues to join me in this effort to ensure that the railroad industry is subject to the same laws as every other industry. It is in the public interest to raise the bar for review of the last few remaining mergers and to have oversight by the Department of Justice of the actions of the railroads.

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## IN HONOR OF BOB MOLINA

**HON. JOE BACA**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. BACA. Mr. Speaker, on Saturday, May 27th at 10 a.m. we will be dedicating the new Bob Molina Memorial Park and Fountain in Rialto.

Bob Molina passed away on July 7, 1998, after battling an illness. Those of us who knew him were moved by his incredible determination, positive attitude, and cheerfully optimistic disposition.

Bob distinguished himself as a member of the International Brotherhood of Teamsters for 36 years, serving as Shop Steward, Business Agent, and President, as well as on the Executive Boards, grievance committees, and negotiation teams.

He was a tenacious fighter for the members he represented; he battled for higher wages, improved pensions, and the highest quality medical benefits; and he struggled for contract language providing for a safe workplace and decent working conditions.

As we dedicate the Park and Fountain, it is fitting to note that Bob Molina demonstrated his commitment to the community through his service as a Little League Coach, Pop Warner Coach, and Girls' Softball Coach, as well as the Cub Scouts. He also served our nation in the United States Navy.

He was a devoted husband, father, and grandfather. During his 32 year marriage, he and his wife Barbara had 9 children and 14 grandchildren.

This Park and Fountain honor Bob Molina's lifetime of service to his nation, community, cherished Teamsters Union, and beloved family. It is a symbol of his outstanding qualities that included hard work, concern, and dedication that enhanced the lives of the many people who had the pleasure of being touched by his life.

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## FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

SPEECH OF

**HON. TIM ROEMER**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, May 17, 2000*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4205) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, and for other purposes:

Mr. ROEMER. Mr. Chairman, I strongly support the Defense Authorization bill for fiscal year 2001. This legislation has placed great emphasis on expanding quality of life initiatives, addressing readiness shortfalls, and enhancing modernization programs. I am particularly supportive of the procurement budget in this legislation for the High Mobility Multipurpose Wheeled Vehicle (HMMWV) or Hummer.

The Congress and especially the Armed Services Committee have strongly supported sustained Hummer production. The hard-working people of Indiana's Third Congressional district have responded by providing a vehicle that has met, and in many cases, exceeded the needs of our brave troops in the field.

Moreover, both the Army and the Marine Corps have identified the Hummer among their unfunded modernization priorities. This defense authorization bill meets those priorities by increasing the budget by $28 million, thereby allowing the Army and the Marines to buy more Hummers to replace their aging fleet and provide technology insertion. This will go a long way toward protecting our brave men and women in uniform deployed in Kosovo and Bosnia.

I am excited by the growing capabilities of the Hummer. Earlier this year, I went home to visit the Hummer plant and saw a prototype of the commercial Hummer II which is being developed by a joint effort between AM General and General Motors. The Hummer's expansion into the commercial marketplace will result in the sharing of leading technologies for commercial and military vehicles while maintaining a highly skilled technological workforce in Indiana who I am very proud to represent.

Mr. Chairman, I wish to express my gratitude to the members of the Armed Services Committee who have reported a defense authorization bill that will ensure continued Hummer production. I urge my colleagues to support this legislation.

## INTRODUCTION OF LEGISLATION TO PROVIDE EXTENDED PAYMENT OF ESTATE TAX FOR ESTATES WITH CLOSELY HELD BUSINESSES

### HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Monday, May 22, 2000*

Mr. ABERCROMBIE. Mr. Speaker, Mrs. MCCARTHY from New York joins me today in introducing a bill to provide estate tax relief for closely held, family-owned businesses. Both Mrs. MCCARTHY and I support repeal of the estate tax and we have co-sponsored legislation in this Congress, H.R. 8, to effect repeal. The Ways and Means Committee will soon mark up H.R. 8 and report the measure for floor action.

The estate tax threatens the survival of family businesses. Mrs. MCCARTHY has heard this in her Small Business Committee, just as I have heard from my constituents. Economists and tax experts confirm that the estate tax creates a true impediment in passing the family business to the next generation. The Congressional Budget Resolution, however, prevents an immediate repeal of the estate tax, and the anticipated committee recommendation will provide rate reduction with a gradual, extended phase down of the tax.

I support that recommendation as do many of my colleagues. But family-owned businesses need immediate relief if they are to survive as family enterprises. Any business owner who dies during that phase-down period, will face the problem of having to sell the business to pay the tax. Active, family-owned businesses are inherently illiquid. The owners have invested most, if not all, of their assets in the business. Where a business constitutes the major part of a person's estate, the estate must sell off the business assets, or in many cases the business itself, to pay the federal estate tax within 9 months of the owner's death.

Now, sale of the business or sale of the business assets is hard to complete within 9 months. The seller is not going to get the full value of the property in a forced sale. Instead of this losing proposition, an aging parent while still living will often sell the family business even though the children want to retain the enterprise.

Even the tax scholars, who argue in favor of the estate tax, agree that family businesses face a true hardship to raise cash for the estate tax. They recommend that family businesses should have an extended period to pay off the tax so that the business will not have to be sold.

Trying to deal with this problem, Congress in 1958 and again in 1976 enacted the deferral and installment payment provisions in current law. Under section 6166 of the tax code, an executor of an estate can elect to defer payment of the federal estate tax for 4 years and pay the tax in annual installments over the next 10 years. The decedent's estate must pay the Treasury a discounted rate of interest on the amount of deferred tax outstanding. The 4-year deferral and 10-year installment payment apply as to the estate tax on a closely held business.

This relief covers ownership of a sole proprietorship, a corporation, or a partnership. But the relief is restricted under an obsolete definition of eligibility. Back in 1948, the tax code defined a small business as having 10 or less shareholders or owners for Subchapter S treatment. In the estate tax area, relief was geared to the same definition under Subchapter S. In 1976, when Congress re-visited the estate tax, it extended the deferral and installment payment relief to businesses with 15 or less owners in keeping with the revised Subchapter S definition of small business. In 1996, Congress modified the definition of a small business under Subchapter S to mean a business with less than 75 owners, but Congress failed to make the comparable change in the estate tax. Consequently estate tax relief for closely held businesses is now based on an antiquated definition.

The proposal in the bill Mrs. MCCARTHY and I are introducing, raises the number of permissible shareholders and partners in a qualifying business from 15 to 75 for purposes of section 6166 relief. Again, our proposal is consistent with the definition of a small business corporation in section 1361 of the tax code. Congress, in the Small Business Jobs Protection Act of 1996, had raised the permissible number of shareholders from 35 to 75 for small business corporations under section 1361, and Congress in that same bill should have made the same change for estate tax relief back in 1996.

As I stated earlier, owners of closely held, family businesses have to sell their business to meet their estate tax liability. The proposed relief gives family-owned businesses as well as other closely held businesses, additional time to pay the tax. Business earnings could then be used to pay the decedent's estate tax liability without having to sell business assets or the business itself. The children could continue to own and run the family business. I commend this bill to my colleagues.

## SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 23, 2000 may be found in the Daily Digest of today's RECORD.

### MEETINGS SCHEDULED

#### MAY 24

9 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold oversight hearings to examine the 1996 campaign finance investigations.

SD–226

9:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

Environment and Public Works

To hold hearings on S. 25, to provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; S. 2123, to provide Outer Continental Shelf Impact assistance to State and local governments, to amend the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act of 1978, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people; and S. 2181, to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

SD–406

10 a.m.

Foreign Relations

To hold hearings on the nomination of Marc Grossman, of Virginia, to be Director General of the Foreign Service, Department of State.

SD–419

Banking, Housing, and Urban Affairs

Business meeting to markup S. 2107, to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to reduce securities fees in excess of those required to fund the operations of the Securities and Exchange Commission, to adjust compensation provisions for employees of the Commission; S. 2382, to authorize appropriations for technical assistance for fiscal year 2001, to promote trade anti-corruption measures; S. 2266, to provide for the minting of commemorative coins to support the 2002 Salt Lake Olympic Winter Games and the programs of the United States Olympic Committee; S. 2453, to authorize the President to award a gold medal on behalf of Congress to Pope John Paul II in recognition of his outstanding and enduring contributions to humanity; the nomination of Richard Court Houseworth, of Arizona, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for the remainder of the term expiring December 25, 2001; and the nomination of Nuria I. Fernandez, of Illinois, to be Federal Transit Administrator.

SD-538

2:30 p.m.

Energy and Natural Resources

Water and Power Subcommittee

To hold hearings on S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; S. 2396, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2248, to assist in the development and implementation of projects to provide for the control of drainage water, storm water, flood water, and other water as part of water-related integrated resource management, environmental infrastructure, and resource protection and development projects in the Colusa Basin Watershed, California; S. 2410, to increase the authorization of appropriations for the Reclamation Safety of Dams Act of 1978; and S. 2425, to authorize the Bureau of Reclamation to participate in the planning, design, and construction of the Bend Feed Canal Pipeline Project, Oregon.

SD-366

Indian Affairs

To hold hearings on S. 611, to provide for administrative procedures to extend Federal recognition to certain Indian groups.

SR-485

MAY 25

9:30 a.m.

Energy and Natural Resources

To hold hearings to examine the outlook for America's natural gas demand.

SD-366

Commerce, Science, and Transportation

To hold hearings to examine a Federal Trade Commission survey of Internet privacy policies.

SR-253

10 a.m.

Health, Education, Labor, and Pensions

Public Health Subcommittee

To hold hearings to examine gene therapy issues.

SD-430

Banking, Housing, and Urban Affairs

Financial Institutions Subcommittee

To hold hearings on the competition and innovation in the credit card industry, focusing on the consumer and network level.

SD-538

Governmental Affairs

International Security, Proliferation and Federal Services Subcommittee

To hold hearings to examine the issuance of semipostal stamps by the U.S. Postal Service.

SD-342

2 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

Commission on Security and Cooperation in Europe

To hold hearings to examine elections, democratization and human rights in Azerbaijan.

2255 Rayburn Building

2:30 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings on the potential ban on snowmobiles in Yellowstone and Grand Teton National Parks and the recent decision by the Department of the Interior to prohibit snowmobile activities in other units of the National Park System.

SD-366

MAY 26

10 a.m.

Governmental Affairs

To hold hearings to examine export control implementation issues with respect to high performance computers.

SD-342

JUNE 7

9:30 a.m.

Indian Affairs

To hold hearings on S. 2282, to encourage the efficient use of existing resources and assets related to Indian agricultural research, development and exports within the United States Department of Agriculture.

SR-485

2:30 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 2300, to amend the Mineral Leasing Act to increase the maximum acreage of Federal leases for coal that may be held by an entity in any 1 State; S. 2069, to permit the conveyance of certain land in Powell, Wyoming; and S. 1331, to give Lincoln County, Nevada, the right to purchase at fair market value certain public land in the county.

SD-366

Foreign Relations

International Economic Policy, Export and Trade Promotion Subcommittee

To hold oversight hearings to examine satellite export controls.

SD-419

JUNE 21

9:30 a.m.

Indian Affairs

To hold hearings on certain Indian Trust Corporation activities.

SR-485

JUNE 22

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine issues dealing with aviation and the internet, focusing on purchasing airline tickets through the internet, and whether or not this benefits the consumer.

SR-253

JUNE 28

9:30 a.m.

Indian Affairs

To hold hearings on S. 2283, to amend the Transportation Equity Act for the 21st Century to make certain amendments with respect to Indian tribes.

SR-485

JULY 12

9:30 a.m.

Indian Affairs

To hold oversight hearings on risk management and tort liability relating to Indian matters.

SR-485

JULY 19

9:30 a.m.

Indian Affairs

To hold oversight hearings on activities of the National Indian Gaming Commission.

SR-485

JULY 26

9:30 a.m.

Indian Affairs

To hold hearings on authorizing funds for programs of the Indian Health Care Improvement Act.

SR-485

SEPTEMBER 26

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.

345 Cannon Building

# SENATE—*Tuesday, May 23, 2000*

The Senate met at 9:31 a.m. and was called to order by the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania.

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## PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, as we begin this day of work here in the Senate our minds are focused on the people of New Mexico who have suffered the loss of their homes and personal property in the tragedy of the forest fires in both the northern and southern parts of the State. Especially, our hearts go out in profound sympathy for fire fighter Samuel James Tobias who lost his life while flying a spotter plane over the forest fires. Comfort his family and continue to give courage to his fellow fire fighters.

Father, we are profoundly grateful for the heroic service of fire fighters, police and emergency personnel who face danger and possible loss of life to preserve our forests, natural resources, homes, and our very lives.

Now, as we turn to the responsibilities of this day we ask You to fill the wells of our souls with Your strength and our intellects with fresh inspiration. Here are our minds, enlighten them; here are our wills, quicken them; here are our bodies, infuse them with energy. For You, Dear God, are our Lord and Saviour. Amen.

## PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore [Mr. THURMOND].

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
*Washington, DC, May 23, 2000.*

*To the Senate:*

Under the provisions of rule I, section 3, of the Standing Rules of the Senate, I hereby appoint the Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, to perform the duties of the Chair.

STROM THURMOND,  
*President pro tempore.*

Mr. SANTORUM thereupon assumed the chair as Acting President pro tempore.

## RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader.

## SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business, with Senators GRAMS and DURBIN in control of the time until 11:30 a.m. Momentarily, I intend to propound a unanimous consent request that provides for debate on two FEC nominations, beginning at 11:30 a.m., and consuming the remainder of the day. There will also be debate time on several judicial nominations, with any votes ordered during today's session to occur on Wednesday.

For the information of all Senators, it is my intention to begin consideration of the legislative branch appropriations bill, as well as the Agriculture appropriations bill, later this week. It is hoped that the Senate can complete action on both of these very important spending bills prior to the Memorial Day recess.

Now, again, for the information of Senators, we will have this debate on the nominations throughout the day. Beginning tomorrow, in the morning, I presume, right after the opening activities, we will go to the legislative branch appropriations bill. We hope to be able to finish that in a reasonable period of time. But regardless of that, sometime in midafternoon—I presume, 3:30, 4:00, 4:30; we will have to look at the time and work out that exact time—we will begin a series of votes that will probably mean votes on either four or five or six—I hope it is five or four and not the full six, but we could still have as many as six votes in a row Wednesday afternoon. Then we hope to turn to the Agriculture appropriations bill.

## UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LOTT. In executive session, I ask unanimous consent that at 11:30 a.m., Tuesday, May 23, the Senate proceed to executive session to consider Executive Calendar No. 436, the nomination of Bradley Smith to be a member of the FEC. I further ask consent that debate be limited on the nomination as follows: Senator MCCONNELL, 2 hours; Senator DODD, or his designee, 2 hours; Senator WELLSTONE, 2 hours; Senator MCCAIN, 2 hours; Senator FEINGOLD, 2 hours.

I further ask consent that following the use or yielding back of time, the nomination be laid aside, with a vote to occur on the confirmation of the nomination during Wednesday's session of the Senate at a time to be determined by the two leaders, with 20 minutes for closing remarks, equally divided, just prior to the vote. If we need a few more minutes than that, we will work with the interested parties to see if that can be achieved.

I also ask consent that immediately following that vote, the Senate proceed to a confirmation vote on the nomination of Danny McDonald, Calendar No. 435.

I further ask consent that also on Tuesday, May 23, the Senate then proceed to the nomination of Timothy Dyk to be a U.S. circuit judge, Calendar No. 291, and the debate be limited to the following: Senator SESSIONS, 30 minutes; Senator HATCH, 15 minutes; and Senator LEAHY, 15 minutes.

I further ask consent that on Tuesday, the Senate proceed to Calendar No. 498, the nomination of Gerard Lynch, and there be 40 minutes of debate, equally divided, between the opponents and proponents. I also ask consent that all debate time on the nominations be consumed or considered yielded back during Tuesday's session of the Senate.

I further ask consent that the vote occur on or in relation to the Dyk nomination third in the voting sequence on Wednesday, to be followed by votes on Executive Calendar No. 498, No. 519, and No. 520.

I ask unanimous consent that immediately following those votes, the Senate immediately proceed to the consideration of the following nominations on the Executive Calendar:

Nos. 206, 334, 424, 433, 434, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 452, 453, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 472, 476, 477, 478, 479, 480, 481, 482, 483, 496, 497, 499, 500, 501, 502, 503, 504, 505, 506, 518, 521, 522, 523, and all nominations on the Secretary's desk.

I further ask unanimous consent that the nominations be confirmed, the motions to reconsider be laid upon the table, any statements relating to the nominations be printed at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The ACTING PRESIDENT pro tempore. Is there objection?

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Mr. McCAIN. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. LOTT. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LOTT. I amend the unanimous consent request which stated there would be 20 minutes for closing remarks, equally divided, just prior to the vote. I amend that to say, 20 minutes for closing remarks, equally divided, plus an additional 10 minutes for Senator MCCAIN and 10 minutes for Senator FEINGOLD.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. DASCHLE. Reserving the right to object, let me just say that there are 19 nominations still pending on the calendar if we are able to adopt this unanimous consent request today. Some of those nominations have been on the calendar for well over a year. I think it is the view of virtually every member of the caucus on our side that to hold nominations that long is cruel. It is wrong. It should not be tolerated. We are in a position to clear all nominations, including those 19.

I ask whether the majority leader might be able to clear those as well?

Mr. LOTT. Mr. President, I will respond. I know that at least one appointment is waiting on a companion appointment from the administration, where you have a Democratic nominee for a commission or a board, and we usually try to move them together. That is one case. Then we have seven IRS members who can be cleared if—I understand there is opposition to at least one of those from the Democratic side.

But my goal in working to get this large package done is so we can continue to work to get companion nominations and move more nominations. I discussed this with Senator DASCHLE yesterday. It is not easy, but we hope to continue to work together to get the nominations in a position where they can be cleared, or where we have debate time and a vote and arrange for that to occur. We will keep working on it. It has been reduced by some 70 or more nominations if this entire package is completed, and if all of them—well, it will either be voted on and approved or defeated, leaving only 19. So that is a major step toward getting nominations confirmed.

Mr. DASCHLE. Reserving the right to object, and I will not, obviously, I hope the majority leader will work with us to work through these 19 names. As I say, some of them have put their lives on hold now for over a year. It is just intolerable to them, and it should be intolerable to us that we would accept that kind of a practice. I will work with the majority leader and, hopefully, resolve these outstanding problems. I will not object to this request.

Mr. FEINGOLD. Mr. President, reserving the right to object, I simply thank both the leaders for their patience in working out this very difficult agreement. I appreciate the majority leader extending us time prior to the vote to summarize our arguments.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we now in morning business?

## MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

## ORDER OF PROCEDURE

Mr. GREGG. Mr. PRESIDENT, I ask unanimous consent that I be allowed to speak for 5 minutes without having that time come off of the time allocated to the Senator from Minnesota, who, I understand, has time reserved during this period of morning business.

The ACTING PRESIDENT pro tempore. The Senator has time until 10 o'clock. The Senator from Minnesota has time until 10 o'clock.

Mr. GREGG. I ask unanimous consent that I be allowed to speak for 5 minutes and that his time be extended to reflect the time that I will take.

The ACTING PRESIDENT pro tempore. There are sequential times after that. The Senator from Wyoming has until 10:30, and the Senator from Illinois has until 11:30.

Mr. GREGG. I ask unanimous consent that my 5 minutes come off of the time of the Senator from Wyoming.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

## SIERRA LEONE

Mr. GREGG. Mr. President, I wanted to speak about Sierra Leone and especially about the attempts I have made to address this issue as chairman of the Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary.

The New York Times and a number of other daily papers have reported that I have limited the ability of the State Department to spend money on behalf of the United Nations, or send money to the U.N. for the purpose of peacekeeping in Sierra Leone, and that is correct. However, the numbers that the New York Times, at least, used were incorrect.

I think the record needs to be corrected. I presume this story came from a momentum within the U.N. to try to put pressure on the Congress to spend money on U.N. initiatives. Obviously, the U.N. feels that by using our media sources in this country, they can influence the activity of the Congress, specifically of the Senate. However, I would have hoped that the New York Times reporter would have reviewed the actual facts and determined the facts before reporting them as facts. Obviously, this reporter got his information from somebody, I presume, at the U.N., or maybe the State Department, and did not bother to check the facts.

It was represented in the story, for example, that the amount of money that was owed to the U.N. in the area of peacekeeping was somewhere in the vicinity of $1.7 billion. This number is inaccurate and the story was, therefore, inaccurate.

Let me review the numbers specifically. In accounting for the amount of money that the U.N. is owed, there is a regular budget assessment of approximately $300 million. This is included in the $1.7 billion, which I presume they got from the U.N., or they could not have gotten to that number. However, that $300 million is not owed. We paid that money on a 9-month delay. We have always paid it on a 9-month delay because of the budgeting process of the Federal Government. So you can reduce that number by the $300 million figure because that money will be paid on October 1, as it always is.

Second, the Times must have been counting as a U.N. assessment the peacekeeping moneys of $500 million. Well, the $500 million is the amount we have allocated for peacekeeping in our budgets for the benefit of the U.N. But that $500 million has not yet been called upon by the U.N. In fact, of that $500 million, we have received requests for approximately $300 million. We have not received requests for the full $500 million. We have received requests for about $300 million. We have paid—of that $300 million requested—approximately $55 million. The balance is in issue, but it is being worked out. So that number is inaccurate, and you can reduce that $1.7 billion by at least $200 million that we have not received a request for, and the $55 million we have paid and, in my opinion, by significant other numbers also.

Third, the Times must have been counting the $926 million which is an arrearage payment. The arrearage issue was settled last year. It had been delayed for 3 years because of the Mexico City language, which did not need to be delayed. But the administration put such a hard line on obscure language dealing with Mexico City Planned Parenthood that they ended up tying up the arrears that we as the Senate were willing to pay. We appropriated that money every year, by the way. There was an agreement reached between ourselves and the State Department and the White House, known as the Helms-Biden agreement, which said we would pay that money. So that money is in the pipeline to be paid, subject to the U.N. meeting certain conditions. That is not in issue.

So when you take all the numbers, there is no $1.7 billion at issue. Actually, it is closer to $100 million than $1.7 billion. So the exaggeration in the story was inaccurate. It reflects, I think, shoddy journalism.

Secondly, the story implied that my position was basically an isolationist position and that I am opposing peacekeeping everywhere in the world.

No, I am not. In fact, we have approved peacekeeping in my committee in a number of areas. We have approved peacekeeping in the Golan Heights for $4 million, Lebanon for $15 million, Cyprus for $3 million, Georgia for over $3 million, in Tajikistan for $2 million, and the Yugoslavia and Rwanda War Crime Tribunal for $22 million. The list goes on and on.

So we have approved a significant amount of peacekeeping dollars for a variety of different missions that have been undertaken by the U.N. However, the problem I have is that in Sierra Leone, what we ended up doing was endorsing a policy that brought into power parties who had committed rape, murder, and atrocities against the people of Sierra Leone. And instead of having these people brought to justice under the War Crimes Tribunal, as they should have been, what we have done is endorsed these people in the Lome Accord and said they should be brought into the Government. That policy makes no sense.

We are seeing a deterioration of that policy by what is happening to the peacekeepers in Sierra Leone today. Instead of taking weapons from the rebels who are basically killing people arbitrarily and, as part of the policy, hacking limbs off of people—instead of taking their weapons, the U.N. has given up more weapons than it has taken in Sierra Leone.

Right now, we still have actually hundreds of U.N. peacekeepers who have been taken hostage over there. Why? Because the policy being pursued in Sierra Leone was misdirected from the start. We should not have been making peace. We should not have been bringing into the Government people who acted in such a barbaric way toward their own people. We should have been taking a harder line. We should have been sending in U.N. peacekeepers—in Sierra Leone honoraria we may not want to—people who had the capacity and the equipment to defend themselves, and had the portfolio and the directions so they could defend themselves and use force.

Unfortunately, we didn't send those types of troops in there—or the U.N. didn't. America is complicit in this. American taxpayers have to ask themselves, why are we spending this money? Why would we want to spend money to support, encourage, and endorse people who are essentially criminals and moving those criminals into the Government of Sierra Leone and giving them the authority to act? Well, that was my reason for putting a hold, as we call it, on this. It was actually a denial of the funds for Sierra Leone.

It appears, having said that, I guess, that suddenly people have awakened and are saying, hey, maybe that is right. In fact, as of yesterday, the State Department changed its position as to the rebel leader over there. Instead of him being a conciliatory, positive force for the basis on which they might base the peace accord over there, this person—or people—should be brought before an international tribunal when they have committed crimes against humanity, which this individual clearly has. Maybe there is a shift of attitude occurring within the State Department. I hope there is because that would move us down the road towards resolving this issue. But the representation that the committee I chair, and in which the ranking member, Senator HOLLINGS, participates in very aggressively, has in some way opposed peacekeeping is inaccurate. The numbers used in the article are inaccurate. The fact is, we have raised legitimate concerns to protect the taxpayers of this country, which is our job. I believe we are doing it effectively.

I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, time until 10:05 a.m. is under the control of the Senator from Minnesota.

Mr. GRAMS. Thank you very much, Mr. President. I understand Senator THOMAS is to control the time from 10 a.m. until 10:30 a.m. He will not be to the floor right away. I ask unanimous consent to have 15 minutes of additional time from Senator THOMAS' time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

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## SOCIAL SECURITY REFORM

Mr. GRAMS. Thank you very much. Mr. President, I have a lot to go through in a very short period of time. But I wanted to come to the floor this morning to make a few remarks on a vitally important issue facing our Nation, which is how we are going to strengthen and save Social Security.

But, first, I would like to commend George W. Bush for bringing Social Security reform to the forefront by proposing to allow workers to invest a portion of their Social Security payroll taxes in personal retirement accounts. I believe this is the best solution to the fast approaching insolvency of Social Security.

Governor Bush's vision of courage and leadership is greatly appreciated by all of us who are concerned about saving this Nation's retirement programs, including the Senator from Pennsylvania, who is in the chair this morning, who has also worked very hard and tirelessly to find a way to save Social Security in the future.

In contrast to the efforts by Governor Bush to explore solutions to fix our retirement system, his opponent, Vice President AL GORE, offers no workable plan and only politicizes the issue. He accuses Governor Bush of being too willing to take risks with the nation's retirement program. He also believes that younger workers should not be allowed to invest some of their payroll taxes because they would not be capable of managing their own investments.

Besides the usual scare tactics, Vice President GORE has taken the same approach as President Clinton in dealing with Social Security problems—basically, they refuse to make hard choices and use double counting and other budget gimmicks to mask the threat to Social Security.

Under current law, Social Security will begin running a deficit by 2015. The Clinton/Gore proposal would not extend this date by a single year.

They simply put more IOUs in the Social Security trust fund which will significantly increase the national debt, and then claim they have saved Social Security.

But their numbers simply do not add up. Between 2015 and 2036, the government will have to come up with $11.3 trillion from general revenues to make up the annual shortfall in the Social Security system. This is nearly three times the amount the government will save from paying down the publicly held debt during that period.

Worse still, the Clinton/Gore plan does not trust the American people to manage their own money, and they instead propose government investment of Americans'. Social Security surplus—this despite Vice President GORE's recent denial that their plan called for the government to invest payroll taxes in the stock market. "We didn't really propose it. We talked about the idea," he said.

Vice President GORE obviously has a short memory. He forgot their government investment proposal was included in their budgets for FY 1999, FY 2000 and FY 2001.

I remember that when the Clinton administration first proposed the government investment scheme, I asked Federal Reserve Chairman Alan Greenspan whether we should allow the government to invest the Social Security Trust Funds in the markets, and whether or not this was the right approach. Here are his exact words:

> No, I think it's very dangerous . . . I don't know of any way that you can essentially insulate government decision-makers from having access to what will amount to very large investments in American private industry. . . .
>
> I am fearful that we are taking on a position here, at least in conjecture, that has very far-reaching, potential danger for a free American economy and a free American society. It is a wholly different phenomenon of having private investment in the market, where individuals own the stock and vote the claims on management (from) having government (doing so).
>
> I know there are those who believe it can be insulated from the political process, they go a long way to try to do that. I have been around long enough to realize that that is just not credible and not possible. Somewhere along the line, that breach will be broken.

Mr. President, Chairman Greenspan was among the first to raise the issue of Social Security's unfunded liabilities and warned Congress a few years ago about the consequences if we fail to fix Social Security.

Mr. President, we should never venture out onto what Chairman Greenspan calls "a slippery slope of extraordinary magnitude." We must move from a pay-as-you-go system to a fully funded retirement system, which he supports. This is the only way to save Social Security.

The recently released annual report of the Social Security Trust Fund's Board of Trustees shows it is even more urgent for us to find a solution to Social Security's approaching insolvency. The report shows some short-term improvement but continued long-term deterioration. The inflation-adjusted cumulative deficit between 2015 and 2075 is not projected to be $21.6 trillion, up nearly 7 percent from last year's projection. If the economy takes a turn for the worse, or if the demographic assumptions are too optimistic, the Trust Fund could go bankrupt much sooner.

Clearly, Vice President GORE is just plain wrong about Social Security, about government investment, and the ability of working Americans to manage their own money. His use of scare tactics dodges the real issue: that we must solve the insolvency problem. Americans' retirement should be above politics, and we should have an honest debate on the best way to avoid the fast approaching Social Security crisis, and to ensure retirement security for all Americans.

Mr. President, to achieve this goal, we must understand how we got here, what problems we are facing and what options we have to save our retirement system. Now, Mr. President, let us take a look back in time to see what we can learn and also what I believe is the best plan to achieve retirement security.

Clearly, Vice President AL GORE is just plain wrong about Social Security, and I am glad that he and Governor Bush have framed the debate in what we are going to be talking about as far as Social Security over the next 5 months of a very important campaign and into the 107th Congress.

I have been doing a series of town meetings in Minnesota, trying to outline the problems that we find with Social Security. Social Security has done the job we have asked it to do over the last 65 years; that is, to provide minimum retirement benefits to millions of Americans. But a public Social Security system was even questioned by Franklin Roosevelt back in 1935. He thought at one time during part of the debate that we should have included a private retirement account as part of the options. He even said when the Social Security program was created that he wanted the feature of a private sector component to build retirement income. It was not included. In fact, it was taken out in conference after being approved here on this Senate floor with the promise that a private investment concept would be brought back the next year to be debated as part of the Social Security program. That never happened. It was one of the first big lies dealing with Social Security.

Why are we having problems today? Social Security is now a system being stretched to its limits. Seventy-eight million baby boomers will begin retiring in the year 2008. Social Security spending will exceed tax revenues by the year 2015. In other words, the surpluses we hear about today will not exist past 2015. In fact, at that time the system will be bringing in less money than the demand will be for those benefits, and the Social Security trust funds would go broke in 2037; that is, if we could turn the IOUs between now and the year 2015 into cash and be able to use them to supplement the system. Without it, the American taxpayer is going to be asked as early as 2015 to begin paying higher taxes to redeem those IOUs which exist today with the pay-as-you-go system.

Why are we in trouble? Why is it being stretched to the limit?

In 1940, there were about 100 workers for every person on retirement. You remember the old Ponzi system, the pyramid scheme, where you had a lot of people at the bottom and you could support a few at the top. That is the way the system was. It worked then because of the pyramid style of 100 workers and 1 retiree. Today there are about three workers for every retiree. By the year 2050, there will be about two workers for every retiree.

So you can see the strain that we are going to put on the system. But what is the system? That system is going to be your children, your grandchildren, and your great-grandchildren. They are going to be put under a tremendous financial strain in order to support an outdated system.

As I mentioned, right now we are in a surplus mode. But by the year 2015, we are going to begin accumulating deficits, and this is going to continue on a very downward pattern over the next 70 years. This is what we are going to accumulate. The Government is coming up short with more than a $20 trillion shortfall between the year 2015 and the year 2070. That means these are the benefits the Government has promised to pay and this is what we are going to come up with, and we will be short of revenues from the current FICA tax or withholding tax in order to pay these benefits.

From where is this $20 trillion-plus going to come? As I said, it will come from paying back the IOUs that have already gone out. It is the American taxpayer who is going to see tax increases of at least twentyfold in order to do this.

My plan, which is a totally funded retirement system, is going to cost—our estimate—at least $13 trillion, and it is going to take a little bit shorter curve in over to attain by the year 2050. We need to solve this problem, and we will be in the black in a system that will pay for itself by the year 2015. But if you look at the current system, in the year 2070, it is $20 trillion in debt, and it is heading downhill at an ever increasing rate.

I am going through these a little fast because we don't have a lot of time this morning. But I will try to get in all of this information.

The biggest risk we have facing Social Security today is doing nothing at all.

Again, this is the way Vice President AL GORE has framed the debate. Let's do nothing. Let's just put our arms around this. Let's put a Band-Aid over the real problem dealing with Social Security or our retirement future. Let's put a Band-Aid over it and do nothing, despite the fact there is over $20 trillion in unfunded liabilities.

The Social Security trust fund is nothing but IOUs. If this is how the system will remain solvent, I say why not write an IOU to yourself? Make it for $1 million; put it in your checking account. How many banks will allow you to write a check? Not one, until you redeem the IOU.

To pay promised Social Security benefits, the payroll tax paid today, which is one-eighth of everything taxpayers make, will have to be increased by at least 50 percent or benefits will have to be reduced. We are leaving our kids and grandchildren a future of paying more for retirement, getting less, and they are talking of raising the retirement age further. Is that the kind of system we want to leave our children? I don't think so.

Payroll taxes keep rising. Today, in the year 2000, 15.4 percent of your income is deducted in FICA taxes to pay for Social Security and Medicare. By the year 2030, that will be about 23 percent, according to low estimates; it will be about 28 percent according to even higher projections. Somewhere in between there is what we are going to see our children paying in FICA taxes. If they are paying nearly 30 percent in FICA taxes, and thrown on top of that is an average of 28-percent Federal taxes, we are now up to 48 percent. My home State of Minnesota has an 8½ percent State tax, so now we are 57 percent. Add in your sales tax, estate tax, property taxes, and everything, and our children are going to be paying taxes that could be in the range of 65 to 70 percent of their income. Again, is this the future we want to leave our children?

Diminishing returns of Social Security is another problem. Right now, Social Security is paying less than a 2 percent return. If someone retired in 1950 or 1960, they got back all the money paid into Social Security within 18 months. Today's workers are getting back less than 2 percent on their investment. Many of the minority groups in our society are now getting a negative return. In other words, they are supporting Social Security with their dollars because they are receiving less because of life expectancy. For those today under 50 years old, when they retire they will actually receive a zero return or less, a negative return. I don't know how many people will stand in front of a window to invest their money when they are promising to pay you 2 percent and, in the future, less than 0 percent on the investment. I don't think many people want to do that.

I compare this with the market return over the last 75 years. The markets have paid back better than 7 percent real return. This is after inflation adjusted. And this is 75 years, including the crash of 1929, the Great Depression and everything else. The markets have been a better source of revenue than what we can expect from Social Security in the future.

There is no Social Security account with your name on it. I know a lot of people think: I have paid into Social Security all my working life; surely, there has to be an account in Washington in my name.

There is not. There is not an account in your name. There is not one dollar set aside for your retirement. It is a pay-as-you-go system. All one can hope is when retiring there are people working yet so we can take money from their check and give it to you as a benefit in retirement. The money we collected the first of May will go out in benefits at the end of May. It is a pay-as-you-go system. No investments, no cash, no accumulation of wealth, no assets—nothing for your retirement, just the hope there will be workers.

When they talk about solvency and Social Security until 2037, because of the IOUs, the President has actually had to put into his budget certain words so he is legally correct in dealing with the IOUs. The statement begins "These [trust fund]"—and the Senator from South Carolina, Mr. HOLLINGS, says there is no "trust" and there is no "funds" in trust funds.

> These [trust fund] balances are available to finance future benefit payments and other trust fund expenditures—but only in a bookkeeping sense. They are claims on the Treasury, that, when redeemed, will have to be financed by raising taxes, borrowing from the public, or reducing benefits or other expenditures.

In their own budget, they had to very clearly spell out that the IOUs we are talking about in the Social Security trust fund are nothing but paper.

The Social Security lockbox is very important. The moneys we are taking in now, the surplus in Social Security, needs to be locked away. We need to save the Social Security trust fund dollars for Social Security and keep Washington's big spenders from using trust fund dollars for other Government functions. I introduced a Grams Social Security lockbox concept that takes care of this.

The Grams lockbox offers a double lock on Social Security. It triggers an automatic reduction in all Government discretionary spending, including Congressional Members' pay, if any of the Social Security surplus is spent, returning it to the Social Security trust fund. In other words, in Washington, we are always at "best guess" estimates. We have an estimate on what our revenues will be, we have a best guess on estimates on what spending will be. My lockbox says we have promised not to take one dime from Social Security. If the estimates are off, even if only off a million dollars, all other spending would be reduced so Social Security would not pay one dime.

Right now, any deficit spending has to come out of the surplus, and that is out of Social Security funds. If we are honest about not taking a dime out of Social Security, we should do that.

My plan, the six principles for saving Social Security, protects current and future beneficiaries. Anyone on Social Security today or planning on retiring and staying with this system—that is your option—we guarantee protection of future benefits. That is a guarantee we have to make. Seniors today and those who want to retire should not be afraid of allowing their children or grandchildren to have options. We guarantee your benefits today. This is an agreement I believe the Government has made with you. Taxpayers have said: I will pay into the system, and I expect a retirement benefit in return. That is the agreement. I think we need to make sure that happens.

Allow freedom of choice—your kids, your grandchildren to have the chance to have a private retirement account.

Preserve the safety nets for disability and survivor benefits as the system today. Make sure that is included.

Make Americans better off, not worse. My plan says you cannot retire with less than 150 percent of poverty. That is your income. Today, nearly 20 percent of Americans retire into poverty because Social Security is so low. The majority of those are women. Social Security is a system that discriminates against women.

Create a fully funded system. And no tax increases in the future.

The Grams plan, the Personal Security and Wealth in Retirement Act I introduced in September last year, and in the 105th Congress, my staff says, is the third rail of politics. Members cannot talk about retirement or Social Security or they will never get reelected. I thought it was so important we had to talk about it I said then it would become an important issue of this Presidential campaign. As I mentioned earlier, Governor Bush and Vice President AL GORE have now framed this debate and it will be an important part of the elections in 2000.

Right now, 12.4 percent of workers' income goes into Social Security, one-eighth of everything they make. My plan says you can take 10 percent of your income and put that into a personal retirement account. That would be managed by Government-approved private investment companies. Safe and sound. We hear the scare tactics; we will invest your money and lose it. Some do better than others. They say you are too dumb to manage your own money. You don't know how to save for your future.

Our plan says we have faith in you. Under Government-approved guidelines as those used in your IRAs and the FDIC account at your banks, provisions are made for safety. These plans are the same. Your retirement would be safe, sound, and secure. The only difference is it would accumulate and grow much faster, and taxpayers receive much better returns than Social Security.

For those who say: I have paid into Social Security for so long, first, if your wage is $30,000, under Social Security today, $3,720 is put into the Social Security account. Under my plan, $3,000 goes into your account. A passbook shows assets of $3,000 plus interest at the end of the first year. The other $720 is part of our financing plan, to make sure there are benefits for those who stay in Social Security. The $720 goes into that system. Hopefully, that would be absolved in 20 years and would then be a tax cut. Ten percent of your salary would go into your account to begin to grow assets for you and your family.

If you make an average of $36,000 a year, after your lifetime of work, $1,280 a month is your maximum benefit from Social Security. Take 10 percent, put it into an average return market account, and your retirement would be $6,514 a month, a much better return for your retirement than the $1,280. These are average returns, nothing spectacular, as we have seen in the markets as of late. Based on an income of $36,000—we have heard of everything from taking just 2 percent of the 12.4, maybe taking 6 percent or about half of the Social Security. My plan would put it all into private accounts, and these are what we could expect as the differences.

After 20 years at 2 percent, you would only have $33,000 in a separate account. Under our plan, you would have, after 20 years, $168,000. But after a lifetime at an average income of $36,000, if you could take 10 percent of your wages and put it into a personal retirement account, you would have, not $171,000 but $855,000 cash money in an account for you and your family for your retirement benefits and part of your estate as well. That is for a single worker.

An average family in the United States right now has an income of about $58,500. If we could take these same scenarios, after a lifetime of work, under 2 percent, you would set aside an additional $278,000 for your retirement—better than Social Security, granted, because this will be a supplement to that. But if you could put 10 percent away, you would have nearly $1.4 million put away for your retirement—$1.4 million put away for your retirement. That is after 40 years at 10 percent, with an average salary of $58,000 a year: $1.4 million on which you can retire.

We look at Galveston County, TX. When Social Security was implemented in 1936, one part of the law said if you were a public worker and had a private retirement account, you did not have to go into Social Security. We have something like 5 million Americans who are public employees today who have their own private retirement accounts and are not in Social Security. Galveston County, TX, was one of those. They just entered in 1980, by the way, because an administrator found a loophole in the law. Of course, that was closed after Galveston County got out.

But this is a comparison between Social Security and what Galveston County pays. They are very conservative, investing only in annuities, not necessarily in the market. This is what they paid:

Social Security death benefit? My father passed away at 61 and received zero from Social Security, except for a $253 death benefit after a lifetime of work, investing in Social Security—$253. In Galveston County: A minimum death benefit of $7,500.

Disability benefits under Social Security—maximum $1,280; for Galveston it is now $2,800 dollars.

In retirement benefits per month: Social Security, $1,280 maximum; in Galveston, $4,790—much better returns.

One lady's husband was 42; she was 44. He passed away suddenly from a heart attack. All she could say was, "Thank God that some wise men privatized Social Security here. If I had had regular Social Security, I'd be broke." She would have been in poverty with her three children. After her husband died, Wendy Colehill was able to use her death benefit check of $126,000 to pay for his funeral and enter college. Under Social Security, she would have received $255. So she got a death benefit of $126,000 plus a survivors benefit to which Social Security never would have come close. She said, "Thank God for Galveston."

In San Diego, a 30-year-old employee who earns a salary of $30,000 for 35 years, contributing—in San Diego they only contribute 6 percent, not 12.4—6 percent, so they pay less than half into their retirement system than you do—would receive about $3,000 a month in their retirement compared to $1,077 under Social Security. They pay in less than half and get three times more.

The difference between San Diego's system of PRAs and Social Security is more than three times better under their private plan. Even those who oppose PRAs—and there are many in this Senate who say, as Vice President GORE says, you just cannot handle your own retirement—agree that the system in San Diego is better.

This is a letter written from Senators BARBARA BOXER, DIANNE FEINSTEIN, and TED KENNEDY, among others, to President Clinton. Under the President's plan for privatizing any part of Social Security, he wanted to take all these employees and bring them into Social Security. Take Galveston County, San Diego, take all of them, and they would have had to become part of Social Security. But Senators BOXER, FEINSTEIN, and KENNEDY, among others, wrote to the President and said:

> Millions of our constituents will receive higher retirement benefits from their current public pensions than they would under Social Security.

So they said leave San Diego alone.

My question is, If Social Security is so much better, why don't the residents of San Diego, or the workers, get to enjoy that? But if private retirement accounts are better, why don't you and I get to enjoy the same thing as these three Senators speak of for San Diego?

The United States trails other countries in saving its retirement system. For nearly 19 years Chile offered PRAs; 95 percent have opted into the system, and their average return last year was 11.3 percent. They have had much higher than that, but last year it averaged 11.3 percent. Among other countries that are going to private retirement accounts—and I am talking totally private retirement accounts—are Australia, Britain, Switzerland, and there are 11 others. Thirty countries today are considering doing that.

We like to think we are ahead of the game on a lot of things here in the United States, which we are in most cases, but when it comes to Social Security, we are behind the curve of what other countries are doing.

British workers chose PRAs with 10-percent returns. The question is, Who could blame them? Two out of three British workers are now enrolled in the second-tier; that is, private parts of their social security system. They chose to enroll in PRAs. British workers have enjoyed a 10-percent return on their pension investments over the last 5 years—a 10-percent return. I said our numbers are based on a conservative 7 percent. The pool of PRAs in Britain exceeds nearly $1.4 trillion today. That is how much they have accumulated in that account. That is larger than the entire economy of Britain, and it is larger than the private pensions of all other European countries combined. This is what the British workers have set away for their retirement.

Say you are 45 year old. You say: I have worked 20 years; I paid into the system; How am I going to let that go?

A lot of young people who are 45 say: If you just let me out of the system, you can keep everything I paid in. But we said, again, it is a contract with the Government.

We need to have a recognition bond. This is a sample. But if you have paid in $47,000 or $91,000, we should recognize that in a bond—put that into your private account as seed money and pay you interest on it, due and payable when you reach the age of 65. If you choose to remain within the current system, the Government will guarantee your benefits—again, part of that contract. If you stay with Social Security, we are going to guarantee your benefits. If you are on retirement today, we are going to guarantee those benefits, preserve the safety net so no American will be retiring into poverty.

Again, the poverty level today is $8,240 a year. That means in the United States, you would have to retire with at least $12,400 a year. This is again for a single individual. But you would not retire into poverty—providing safety and soundness. Again, they say this is risky. This is not risky. We have similar rules that apply to IRAs, and they would apply to the PRAs. A Federal Personal Retirement Investment Board, an independent agency, will oversee the PRAs. Investment companies that manage it would have to have an insurance plan to have survivors benefits, disability benefits, and also a floor that says you would never get less than 2.5 percent of your investment that year. By the way, you choose the company with which you want to put your money. If it is better somewhere else, you can move your money.

Chile has 16 companies that do this with a population of under 20 million people. In our country, we would probably have 100 firms. Just look at the numbers of mutual funds you can choose from today.

You also decide when to retire. This is an important part. Under the current system, the Government tells you how much you are going to pay into the system; the Government tells you when you are going to retire; you have no choice, and the Government tells you what you are going to get as a benefit. They determine everything. You have nothing to say about it. You are being led along like sheep into this system.

Ours says when you reach this 150 percent of poverty, if you can buy an annuity that will pay you the rest of your life at that, you can stop paying into the system. You can retire at that time. I don't care if you are 40 years old. Once you have met that requirement, you can get out of this system. You will no longer be considered a ward of the State; you will have enough to provide for your retirement. Some choices: In divorce cases, PRAs are treated as community property. Upon death, a PRA benefit will go to the heirs without estate taxes.

Think, if you had that $1.4 million in your account when you die—not like my father who got $253, but whatever you had accumulated in your account, up to $1.4 million or more, that would be your money that would go to your heirs without estate taxes, without capital gains. Workers could arrange PRAs for nonworking children. They could put $1,000 in their account, and when they reached the age of 65, it would be $250,000.

There will be no new taxes for this system. Retirement income would be there for everybody, whether you stayed within Social Security or chose to build a personal retirement account. In Minnesota, workers can decide when to retire and which options work best for them. With PRA, average returns would be at least three to five times better.

This is the system. I hope when we continue these debates, and when people hear these scare tactics, remember, that is all they are, rhetoric and scare tactics. We can develop a system that will be safe, sound, and will preserve better retirement benefits than we have today.

We should have that chance for our children, just as other countries. When hearing this debate, set aside the rhetoric and scare tactics and look at the numbers. I hope we can continue this debate because this is a very important part of America's future.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The time of the Senator has expired. The Senator from Maine.

Ms. COLLINS. Mr. President, I ask unanimous consent that I be permitted to proceed under the time reserved for the Senator from Wyoming, Mr. THOMAS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. I thank the Chair.

(The remarks of Ms. COLLINS pertaining to the introduction of S. 2605 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. COLLINS. I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mrs. BOXER. Point of order: Is the Democratic side supposed to take over at 10:30?

The PRESIDING OFFICER. At 10:30, that is correct. There remains about 3 minutes.

## PERSONAL RETIREMENT ACCOUNTS

Mr. SANTORUM. Mr. President, I wish to briefly continue the discussion started by Senator GRAMS from Minnesota. I commend him for his fine work on the issue of Social Security and moving forward on personal retirement accounts.

I also commend Gov. George W. Bush for his bold and, I think, prescient decision to move forward on the issue of personal retirement accounts for Social Security. This is the kind of leadership this country is looking for, someone who is going to tell the truth to the country, let them know what the decisions to be made are with the most important social program in this country, Social Security.

The Governor laid out very clearly the options before us: We can either raise taxes, we can cut benefits, or one can invest some of the current Social Security revenue stream into stocks and bonds. He came out and said: I am for investment. That is the way we are going to solve this problem and create opportunities for every working American, with every working American sharing a piece of the American dream, the free spirit of America.

I commend him for that, thank him for his leadership, and look forward to talking about this issue over the next several months to move this issue forward for America.

The PRESIDING OFFICER. The Senator's time has expired.

All the time of the Senator from Wyoming has expired.

The Senator from California.

## SOCIAL SECURITY

Mrs. BOXER. Mr. President, it is interesting that Senator GRAMS and Senator SANTORUM came to the floor to praise Governor Bush's Social Security plan. I come here to express my deep alarm over this plan and to place into the RECORD the reasons I believe it is very dangerous to the future of this country, to our senior citizens, and to those who really depend on Social Security for themselves or for their aging parents.

I think the first question to ask is, What is Social Security? Why is it called security?

I used to be a stockbroker. I can tell you that I have seen the smiles when the market goes up, and I have seen the tears when the market goes down. At the time I was a broker, there was a very traumatic period in our history. It was the tragic assassination of our great President John Kennedy. I will never forget, the market was just crashing that day. It went down so much that there was a halt in the trading. Anyone who retired that day, and had an annuity plan, would have been in the deepest trouble.

I believe in investments in the stock market. I believe in investments in the bond market. I think it is very important that we let our people know Social Security is not meant to be your full retirement. What it is meant to be—and what it has worked so well as—is a basic foundation, a safety net, not guesswork but a basic return you can expect every month with a check you will get which will meet your basic needs.

Let me describe it this way: You have a house. It is very modest, but it is good. It has a roof. It protects you. It is a place where you can be comfortable, warm. It works for you.

Maybe you want to add a room to that house. That is wonderful. That is an amenity. That is something additional you could use—a family room, an extra bedroom. But you do not mess with the foundation of the house. You keep that a solid house—that Social Security. Anyone who challenges this idea is making a huge mistake. I will explain why.

You do not have to go that far to look at the ultimate result if we just said: People can just have individual accounts and forget Social Security. Because we know that happened in Texas. I will show you what happened in Texas when three counties left Social Security and went into the market and said to their people: We will allow you to deal with your accounts. This isn't theoretical; it has actually happened in Texas. Let me tell you about the Texas example where every single family lost out.

It was the same idea Governor Bush has. He started off talking about 2 percent of your Social Security being diverted. As I understand it, last week he said he could foresee a time when everybody has private accounts—100 percent. We know what happened in this experiment. The source here is the U.S.

General Accounting Office, February 1999.

They did a study of the Texas experiment. This is what happened. Those counties went off Social Security, instead of saying: We will have a supplemental plan, like a 401(k). Keep your Social Security. Let's do a supplemental plan.

By the way, around here, a lot of us have a supplemental plan. We have our basic Social Security, and then we have what we call thrift savings, which is added on. That is fine. But we do not mess with Social Security.

These counties messed with Social Security. They walked away. This is what happened: The bottom 10 percent of earners, had they stayed in Social Security, would be getting a monthly benefit of $1,125. But in their retirement plan—where they just said forget Social Security, we will have an individual account—they are getting $542 a month. That is utter poverty. If they are in the median, the moderate income, instead of getting $1,488 a month from Social Security, they are getting $810 a month. If they are in the highest income, instead of getting $1,984 a month, they are getting $1,621 a month.

So when Senator SANTORUM and Senator GRAMS come to the floor—I say to my friend from Illinois, they have been lauding the Bush plan—I think we have to note that if you took the Bush plan to its ultimate, which he in fact said he could foresee, abandoning Social Security for individual accounts, every family lost, regardless of their income bracket.

I do not want to see this for America's families. I do not want to see it. I ask the next question: What happens if we go this route, and people are living in poverty instead of having a social safety net because of this? Do you think Congress would turn its back on the families of America? You know we would not. What would we do? We would say: Oh, my God, we had better bail them out. We have done it before for the savings and loans. We do not want to see people go destitute.

Then you have to ask yourself a question: If George Bush is President and he gets this huge tax cut for the wealthy but has used up all the money for that tax cut, where is he going to find the money to do this bailout? Are we going to go back to the days of printing money? We just finally got out of that situation—thank God—where we were running these deficits; we finally got it under control.

Let me tell you, this election is a watershed election. This is a risky plan.

The women Democratic Senators held a press conference just a few days ago. We decided to look at what this plan would do to women in our Nation. We went to the experts and asked them how they felt about it. This is what one of them said. I want to put his credentials into the mix. This is John Mueller, of Lehrman Bell Mueller Cannon, Inc., a former adviser not to AL GORE, not to BARBARA BOXER, not to DICK DURBIN, but an adviser to Representative Jack Kemp, an adviser to Republican Jack Kemp. This is what John Mueller said:

> . . . the largest group of losers from "privatizing" Social Security would be women. This is true for women in all birth-years, all kinds of marital status, all kinds of labor-market behavior, and all income levels.

Why does he say this? We went into this in the press conference we women Senators held. I want to try to find that clip so I can share with you why it is a fact that women will suffer.

First of all, there is no question that private accounts will lead to the reduction of benefits. Why do I say that? I want to make sure people understand that, because when you divert money away from Social Security into private accounts, what happens? The Social Security fund drops, and we do not have enough money to keep paying those benefits. So benefits would have to be cut. Women live longer, and they count on those benefits, so they would lose more; they would suffer more.

Now, here is an irrefutable fact, and the group that analyzed this was the Center on Budget and Policy Priorities. With just a 2-percent privatization—in other words, taking 2 percent of your taxes and putting it into an individual account—the trust fund will go broke in the year 2023. That may sound like a long way off, but trust me when I tell you it is not; 20 years is not a lot of time. I remember back to 1980, and it doesn't seem that long ago. Twenty years from now, with the 2-percent privatization that George Bush is calling for, assuming he does nothing to cut the benefits—and he won't admit to that—the trust fund goes broke.

Right now, without doing anything, the trust fund is solvent until 2037, so we make this trust fund go broke by many years. That is 14 years sooner that the trust fund is broke. AL GORE has a plan to take the interest payments on the debt he is going to save because he is much more conservative than George Bush in paying down the private debt, which is the bonds. He is going to absolutely make sure we don't have to keep issuing more bonds and we will pay down that debt. His plan keeps the funds solvent until 2050.

So let's take a look at the three scenarios. If you do nothing, the fund is solvent until 2037. If you follow the Gore plan, the fund is solvent until 2050. If you do the Bush plan and you don't cut benefits or raise taxes—which he will not tell us what he is going to do—you go bust in 2023. This is from a conservative. We know if you carry this plan to the ultimate extreme and go beyond 2 percent, you essentially know, from looking at what has happened before, people will suffer. You set up a real problem and you may have to do an S&L-type bailout. That is not good.

So the women Democratic Members are very clear on all of this. Let me say, in closing—and I know my friend, Senator DURBIN, is anxious to address this issue—I think a robust debate over Social Security is right on target. I think encouraging people to save and put money into the stock market and have a nest egg there is good because I believe that is a good idea. But don't mess with Social Security. If you want to have a supplemental plan, your basic Social Security plus a 401(k), a thrift savings plan, and IRA, added on to the basic safety net, that is just fine. I believe in that. I think it is smart and good. But if you mess with the foundation, you are in a lot of trouble.

Senator SCHUMER was talking about this earlier today. He made the point that he is saving for his kids' college education. He decided he needed to have that money, no ifs, ands, or buts. He took that money and put it into the safest Government bond-type of investment because he can't gamble. What happens if on the day he has to start paying those bills the market goes down? We have seen the volatility of these markets. He says: My kids have to go to college. I am not going to tell them they can't go. So, yes, for other types of savings; it is a good idea to invest in markets; but for your basic retirement, don't gamble as they did in Texas. Don't gamble as the candidate for President, George Bush, wants to do. There are a number of us who are sending a letter—and I hope Senator DURBIN will describe it—to Governor Bush asking him to come clean on the details of his plan.

I ask unanimous consent to have this document on solvency printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### PRIVATIZING SOCIAL SECURITY: A RIVERBOAT GAMBLE

Social Security Trust Fund Solvent Until: 2037.

With 2% Privatization, Trust Fund Solvent Until: 2023.

(Source: Center on Budget and Policy Priorities.)

Mrs. BOXER. Mr. President, his plan will take us into the red. Combined with his risky tax scheme, he won't be able to bail out the people. So it is a dangerous idea. Stock market investments are good, but not as a foundation of an insurance plan, which is what Social Security is.

You will be hearing a lot more from the women Senators on our side of the aisle on this question because, under the leadership of Senator MIKULSKI, we have set up a checklist where we are going to judge every plan against this checklist that women should be able to count on. We should be able to count on several things: Preserving the Social Security guaranteed lifetime inflation and protecting the benefit; preserving Social Security protections to workers when they are disabled, as well as when they retire, and for workers, spouses, and children, and when workers are disabled, retired or die; three, protect against impoverishment of women by maintaining Social Security's progressive benefit structure; four, strengthen the financing of the Social Security system while ensuring that women and other economically disadvantaged groups are protected to the greatest degree possible.

Look at that plan. Does it further reduce poverty among older women? I told you that his plan does not. We certainly want to see if it includes retirement savings options. Are these options something that will work for women? That is where we are.

I will close by repeating a quote from an expert, John Mueller, a former adviser to Representative Jack Kemp, who said:

> The largest group of losers from "privatizing" Social Security would be women. This is true for women in all birth-years, all kinds of marital status, all kinds of labor-market behavior, and all income levels.

If you look at this experiment in Texas, everyone lost—all families, women, everyone. Let's not go down this path. We can't afford to do that.

## TRIBUTE TO FRANK AUKOFER

Mr. KOHL. Mr. President, I rise today in recognition of 40 years of outstanding reporting by my friend, Frank Aukofer, who is retiring from the Milwaukee Journal Sentinel next week. With his retirement, the Capitol loses one of its finest journalists and Wisconsin loses one of its keenest eyes on Washington. I lose a reporter I admire and trust.

Frank is regarded as among the best in his profession, by both his peers and by those he covers. He is respected as a straight-shooter, valued for his integrity and admired as an honorable man. As a journalist, he has reported on virtually every event of consequence in our country over more than three decades. He has an impressive working knowledge of Congress, of policy, and of politics. Frank is usually three steps ahead of the story.

He is a journalist who didn't lose sight of the responsibilities of reporting, a professional who is a credit to his occupation.

Frank's love of his profession is evident in his long reach beyond the newspaper. He will be honored later this month by the Freedom Forum, a foundation dedicated to free press and free speech throughout the world. He is recognized as a national expert on the media, and has testified before Congress to promote access to government information. He was a visiting professor at Vanderbilt University. He was an early and strong supporter of the Newseum, our country's premier news museum.

Frank is also an active member and former President of the National Press Club, and an enthusiastic, if not particularly gifted, performer for the Gridiron Club. Earning the envy of his colleagues and sports car enthusiasts everywhere, Frank has even managed to peddle a legitimate weekly auto column to newspapers around the country.

As Frank closes this chapter of his career, I know he looks forward to new adventures and more time to spend with his grandkids. Frank has many more years of ideas and ambitions ahead of him. While I am saddened by his departure from the Capitol, I'm convinced that no one will enjoy a busier retirement than Frank Aukofer. I wish him well, I wish him continued good health, and I will miss him.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I ask the Chair to advise me of the time remaining on the Democratic side?

The PRESIDING OFFICER. The Democratic side has until 11:30 a.m.

## SOCIAL SECURITY

Mr. DURBIN. Thank you. I come to the floor this morning to talk about an issue which is dominating the Presidential race across the United States. It is the issue about the future of Social Security.

It is interesting when you ask Americans how important it is. As an issue in this Presidential campaign, 71 percent of Americans say it is very important. It is understandable, because, at least since the era of the New Deal and Franklin Roosevelt, Social Security has really been there as an insurance policy against the devastating impact of age and retirement of people before its creation.

There was a time in America before Social Security when, if you were lucky enough to have saved some money, or if you were among the fortunate few with a pension, retirement was kind of an easy experience. But for the vast majority of Americans who didn't have that good fortune, retirement was a very troubling and dangerous experience.

It is no surprise that before Franklin Roosevelt conceived of the notion of creating Social Security, one of the highest ranking groups of poor people in America was parents and grandparents who were elderly. In his era, President Franklin Roosevelt changed the thinking in America to say: we are going to create, basically, a safety net to say to everyone, if you will give the Social Security fund some money as you work during the course of your employment, we will put that aside and guarantee to you that there will be a safety net waiting for you; that you will have a nest egg; that the Federal Government will be watching; and it will be there.

Over the years, of course, because of medical science and other things, we have gotten to the point where we live longer and more and more people are taking advantage of Social Security. Over the years, the amount of payroll tax for Social Security went up so you could take care of those senior citizens. But Social Security in America, for 70 years, has been that basic insurance policy.

When political leaders of either political party—Democrats or Republicans—start talking about changing Social Security, a lot of American families start listening—not only those who are receiving it but many who are near retirement. Certainly, a lot of younger workers ask very important questions, such as: Will it ever be there when I need it? I think for the last three or four decades in America that question from younger workers has been very common. It is natural to be skeptical—when you are 20 years old or 25 years old—that the money you are putting into the payroll tax for Social Security will ever help you.

Yet if you take a look at the record in America, Social Security has always been there. Payments have always been made. We have kept up with the cost-of-living adjustments to try to improve and increase those payments over the years. But we have kept our promise. A program created almost 70 years ago has been an insurance policy for every American family.

There are warnings, of course, for people: Do not count on Social Security for a living because it is a very spartan existence. It doesn't provide a lavish lifestyle once you have retired. But you are not going to starve. You are going to have some basic health and necessities of life. Americans have built this into their thinking about their future. What will happen to us at the age of 65? We would like to think we are prepared with savings and retirement, but we always know that we have worked for a sufficient number of quarters for our lives so that we will qualify for Social Security.

It is interesting. In the year 2000, in this Presidential campaign, there is a brand new debate, and the debate suggests that we ought to take a brand new look at Social Security. On one side, George Bush has suggested we ought to change it rather dramatically; that we ought to take at least 2 percent of the payroll savings taxes that are taken out for Social Security and put that into a private account in which individuals can invest.

There is some appeal to that because a lot of people say maybe that will be a better idea—maybe I can make more money by investing it personally and directing my investments than if the Federal Government buys a very conservative investment plan with the whole Social Security trust fund. It is not uncommon to think that people across America are feeling good about directing their own future.

I say at the outset that—I think I speak for everyone in the Senate, both Democrat and Republican—we believe in encouraging people to save for their future. We believe in giving them options for investment. That is why we have created IRAs and 401(k)s, and all sorts of vehicles under the Tax Code so people can make plans for their future. But George Bush raises a more important question, and one that I would like to address for a few minutes.

What would happen if George Bush had his way? If we took 2 percent of the proceeds going into the Social Security trust fund and said they will no longer go into the trust fund but people will be allowed to invest them individually, what impact would that have? Frankly, it could have a very serious and, I think, a very negative impact.

Keep in mind that the money being taken out of the payroll taxes each week in America goes to pay the current benefits of Social Security retirees. There is not some huge savings account that is blossoming. But basically we are talking about a pay-as-you-go system. If you take 2 percent away, you are still going to have the retirees needing their Social Security check. You are going to have to figure out some way to plug this gap.

If you say that 2 percent of payroll taxes will stop going into the Social Security trust fund, who will make up the difference? How big is that difference? Some estimate that the difference is $1 trillion. If you think about that, you have to ask George Bush and others who support this: Where is that money coming from? How will we make up the difference if we start saying to people they don't have to put it all in the trust fund, keep 2 percent and invest it personally? That $1 trillion transition has to be taken in the context of George Bush's other suggestion of a $2 trillion tax cut primarily for the wealthiest people in America.

I will concede that we are in good times in America for most families. The economy is strong. For the first time in decades, we are seeing surpluses in the Federal accounts. You can attribute that to leadership in Washington, leadership in business, and leadership in families. It has all come together in the last 8 years. America is moving forward. We are in a surplus situation. Who would have thought we would be talking about this on the floor of Congress just a few years after we debated a balanced budget amendment?

But many of us believe that even in a surplus situation we should be cautious because we are not certain what is going to be around the bend. We want to make certain that the decisions we make now about investing surplus funds makes sense for ourselves, for our children, and for our grandchildren.

To come up with an idea for taking this surplus and putting it into a massive tax cut for wealthy people or putting it into a Social Security change that could cost us another trillion dollars, in my mind, is not fiscally conservative. Yes. That is right—fiscally conservative.

The conservative approach being proposed by President Clinton and Vice President GORE says take the surplus and instead of putting it into something of great risk, such as a tax cut or some privatization of Social Security, let us buy down parts of the national debt. The national debt costs taxpayers in America $1 billion a day in interest. That is right. You are paying taxes now—payroll taxes and income taxes—to the tune of $1 billion a day for interest payments on old debt.

If you think about it, what is a better gift to our children and their children than to reduce this debt, and to say to them that we are going to take care of our mortgage, the one that we were going to leave to you, by paying down the national debt? That is Vice President GORE's suggestion. He says, in the Social Security program, pay down the debt in the trust funds. Pay down all of the bonds that have accumulated. When you do it, incidentally, you can extend the life of Social Security and make it stronger to the year 2050. It is a twofer—reducing the national debt and reducing the interest payment on it, and at the same time strengthening Social Security. That is the Gore approach. It a conservative approach. I will concede that. But I think it is the fiscally responsible approach.

On the other side, George Bush has said don't worry about paying down debt; Let's talk about a tax cut of $2 trillion for wealthy people, and let's talk about a new Social Security privatization idea that will cost at least $1 trillion in transition. That is not conservative, nor do I think it is prudent. I think you can appropriately call it a risky idea.

I joined with Senator BYRON DORGAN of North Dakota and Senator CHARLES SCHUMER of New York and my friend and colleague Senator BOXER of California in sending a letter to George Bush saying to him: If you want to talk about one of the most important programs to America's families, Social Security, and you want to talk about dramatic changes in Social Security, then we want you to come forward with an idea about what this means. What impact will this have on families?

We are anxious to receive a reply because, you see, George Bush, in the last few weeks, has gone beyond the 2-percent suggestion—that we can take 2 percent and invest it in the stock market—and now he says he can envision a day when we invest all of our Social Security in the stock market.

I readily concede that over the last 8 years, during President Clinton's administration, the stock market has done very well. It doesn't from day-to-day for those who follow it, but over the long term it has. The Dow Jones Industrial Average of 3,000 back in 1993 is now up to 10,000. That suggests a lot of wealth has been created in America. Those that were smart enough, and could, invested in the stock market and have seen their savings grow.

It is naive to believe this will go on indefinitely. We have certainly seen in the last 6 months the roller coaster of the NASDAQ and the roller coaster of the New York Stock Exchange, to suggest there have been good days and bad days. To take your life savings, or take 2 percent of your payroll tax and Social Security, and put it in the stock exchange, you understand there are risks. I think most Americans appreciate that fact.

As I said earlier, for those who want to invest their savings, that is their business. When it comes to Social Security, we have always said this is a part of our system that should be protected. If we go forward with George Bush's plan to privatize Social Security, it would truly give to individuals some power to invest. However, it also raises questions about the future of this Social Security system. Where will we come up with the $1 trillion in transition payments?

There are only so many ways to achieve that: We can tax Social Security to come up with more revenue; we can reduce benefits, for those who are currently receiving Social Security; or we can raise the retirement age under Social Security.

Frankly, I reject all three of those. I don't think America's families who are looking forward to enjoying their retirement years and counting on Social Security will sign up for George Bush's deal when they understand it could jeopardize Social Security as we know it and as we count on it. That is truly one of the serious problems we face.

Second, if we accept the George Bush approach on privatizing Social Security, we don't have the money that Vice President GORE wants to invest in paying off the national debt and paying off the debt of the Social Security trust fund. So we leave that interest payment out there for future generations. We don't stabilize Social Security. We don't give it a longer life.

A point made earlier by my colleague from the State of California, Senator BOXER: What if George Bush guesses wrong? What if people invest some part of their Social Security into the stock market and the market goes down and they are losing money? What will the response be of the elected officials across this country? We don't know because we have never faced it.

History tells us it is likely that Democrats and Republicans will say: Wait a minute; we cannot let a sizable number of Americans fail. People cannot be in a position where they don't have enough money to live on in retirement.

We are then likely, on a political basis, to ride to the rescue. Anyone remember not too long ago we did that with the savings and loan bailout? Too many institutions had lost money across America, and a lot of people lost their savings accounts. We bailed out the savings and loans. I didn't like voting for that, but I didn't see any alternative. The economy was at stake and we did it.

I happen to believe if the Bush privatization scheme goes through and it doesn't work, this Congress will be called on to come up with the money to bail out the families who guessed wrong in the stock market. Think about where this leads. From the dark days of deep red ink and deficits, we are now in a surplus. George Bush is saying let's try something that is a little new and a little innovative and hasn't been tried. He is suggesting changes which could jeopardize the strength of this economy, the strength of our recovery, and what we envision as a strong American economy for decades to come. He is taking what I consider to be a leap of faith that some scheme which someone has come up with will work.

Vice President GORE is urging a more conservative approach: Put the surplus into bringing down the substantial debt, into strengthening the Social Security trust fund; put the surplus into making certain that Medicare is there for years to come; reduce the national debt so our children and their children don't continue to pay $1 billion in interest a day on old debt that we have accumulated.

That is the fundamental choice. It is not a question of whether people should have the right to invest their savings in the stock market—that is their right in America; 50 percent of families are doing that now. Our family is one of them—but whether or not you take the Social Security system, and after 70 years, turn it upside down and say we are now going to make this a much different system.

In the words of George Bush: We will privatize Social Security. I think there is a great amount of risk to that. I can understand the skepticism of a lot of American families about this proposal.

Mrs. BOXER. Will the Senator yield for a couple of questions?

Mr. DURBIN. I am happy to yield to the Senator.

Mrs. BOXER. I thank my colleague. Once again, he has explained quite clearly what the risks are to this Bush plan.

I was reading some of the quotes that appeared in the press surrounding the Bush plan. I ask my colleague to comment on some of them.

Bush's top economic adviser, Lawrence Lindsey, acknowledged somewhat sheepishly he bailed out of the market years ago. He said: That was because of my personal situation. I don't take risks. I hate losing money.

That was from the Philadelphia Inquirer: I don't take risks; I hate losing money.

I think that reflects certain people are more conservative. Others are willing to take a risk.

The point my colleague and I have tried to make is that we think it is fine if you want to take a risk with certain accounts you have, but you don't want to risk the foundation of your retirement, the safety net of your retirement. You want to count on that.

Bush's top economic adviser is saying he hates losing money, and yet the person he advises is essentially putting money at risk for other people.

I want to mention something else. The word "privatization" is a good word. I like it. It is similar to the word "deregulation." It is a nice word. Everybody likes "privatization." It is a nice word that indicates individual control. Of course, much of what we do in our life is privatization. We have our own accounts, whether they are savings accounts, or we own bonds, and we direct them. However, Social Security is a little bit different. It is the foundation.

The Houston Chronicle reported that Bush said on Tuesday, his plan to create private savings accounts could be the first step toward a complete privatization of Social Security. That would be the end of a program that has worked for 70 years. There is more at stake than a 2-percent diversion of funds.

Finally, the New York Times reports, when answering the question about his plan, Mr. Bush said the Government could not go from one regime to another overnight. It is going to take a while to transition to a system where personal savings accounts are the predominant part of the investment vehicle. When he is asked by the Dallas Morning News, would beneficiaries receive less money, he says: Maybe; maybe not.

I ask my friend for his comments on the volatility of the stock market expressed by Bush's own top economic adviser, the fact that this could be the first step toward the end of Social Security, and the fact that George Bush cannot answer today whether anyone would have to take a cut in your benefits.

Mr. DURBIN. I thank the Senator from California. Quoting George Bush on this issue tells me more than anything else that he has not thought this through. In the 18 years I have served on Capitol Hill, when the issue of Social Security has come up, I have had a tendency to step back and wait. I want to hear both sides.

This is complicated. We are literally talking about a Social Security system that benefits tens of millions of Americans today and that many more Americans are counting on for the future. When people start talking about change in Social Security, I am very cautious. I think the people of Illinois who have sent me here expect me to be cautious.

I recall when the Senator from California and I were serving in the House of Representatives many years ago when there was a debate on the floor about the so-called "pickled-pepper" amendment. Jake Pickle of Texas and Claude Pepper of Florida had a fight over the future of Social Security and whether to raise the retirement age from 65 to 67. I voted against that. I really think the retirement age is an important milestone in people's lives, particularly if they have jobs involving manual labor and physical work. So when people start talking about changing Social Security—"We will change a little bit here and a little bit there"—I am very skeptical because I don't want to see us put in a position where someone's great campaign promise in the year 2000 means someone trying to retire in just a few years from now finds out that the window is closed at Social Security:

"No, you have to wait a few more years."

"Why?"

"We wanted to try a new approach to Social Security."

The Senator from California is right. When George Bush says—and this is a quote from the Houston Chronicle—"creating private savings accounts in Social Security could be the first step toward a complete privatization of Social Security," that is a frightening idea. Let me explain to you why.

If we ever privatize Social Security, we will still have millions of Americans who worked their whole lives, paid their taxes, obeyed the laws, and counted on Social Security, who need to receive their benefits. If you are going to have that requirement out there, you have to figure out a way to keep Social Security moving while George Bush creates a brand new system, his new idea, whatever it is. That is a massive investment. When we talk about keeping America's economy moving forward, not increasing our deficit, creating more surpluses, keeping job creation online and businesses thriving, I think this is a risky venture by George Bush when it comes to Social Security.

Frankly, I think the American people should ask of George Bush what several Members of the Senate have asked: Sit down and explain this to us; put it on paper. Before you start messing with

Social Security, explain to us what you have in mind because a lot of us—a lot of families across America—are counting on this system.

Mrs. BOXER. If my friend will yield further, I understand Senator GRAMS came down and quoted me as saying I like the idea of people investing in the market. I do. But not taking it away from the foundation of Social Security. Social Security is that foundation. As my friend pointed out, this is really serious.

Since Governor Bush is now saying he envisions the day when we don't have any more Social Security, when it would all be private accounts—that is not Social Security. He is right to point out: What happens to those of us who have worked our 40 quarters? There would be nothing going into the Social Security fund to pay those benefits. What does that mean? We are not going to let those people go poor; everyone knows that. The pressure will be on us. We will bail out the system.

If you take it a step further and look at his $2 trillion tax cut, where is he going to get the money? He will print it. We will go back to those days his father oversaw, with $300 billion deficits which added to the national debt. As my friend well knows, we had more debt in the Reagan-Bush years than we had from George Washington to Ronald Reagan.

We do not want to go back to those days. We don't want to go back to those days when our President had to go visit another country to find out how to run the economy. Those were bad days for this Nation—bad, bad days. It took us a long time to get out of it. A lot of people lost their seats around here because they had the courage to vote to balance this budget. It did not take courage to vote for a balanced budget amendment to the Constitution. It did take courage, however, to vote to actually balance the budget. It meant some tough stuff.

I want to ask my friend, we have a colleague on this side of the aisle who says: Yes, we ought to go into privatizing Social Security. But he is one of the most courageous and straightforward colleagues, Senator BOB KERREY. What does he say about it? He says if you are going to go that route, this is what you have to do: Raise the retirement age.

My friend has already pointed out we have raised it to 67 over time. What is it going to be, 75? People will die long before they get their checks or they will be too old to really appreciate it. We don't want to see that happen, raising the retirement age after people worked so hard, and then make them work longer, or raise taxes on the Social Security that you get, or on your interest from these personal accounts. Raise taxes, raise their retirement age, lower benefits—you have to do a combination of those things.

I have to say, there are a lot of things we do around here that are not very good. But would my friend not agree we have a good system here that has lasted through time—70 years, as he points out? It is a basic retirement, a basic safety net.

One last point I would make for my friend to comment on. Around here we are like everybody else; we want to make sure we can take care of our families. I think what we do around here is a good system. We have had Social Security since the 1980s. We decided to make sure we paid in. We have Social Security retirement as our basic foundation, and then, if we want, we can add a thrift savings plan. So, yes, we can pick out investing in the market—or, by the way, Government bonds, or corporate bonds—in addition to our Social Security.

That will be my last question to my friend. We know it is good to not put all your eggs in one basket, but we also think it is important to have a basic account, No. 1; No. 2, don't go back to the bad old days of these yearly deficits that were dragging our economy down. Yes, you want to add something to sweeten your retirement pie, take a little risk with it. We know some people who have taken some risks and didn't do too well; others have done very well. That is fine. Don't mess with the foundation of the house. If you want to add a room, fix it up. That is great. But don't mess with the foundation.

Mr. DURBIN. I thank my friend, the Senator from California.

It is interesting in this debate how the roles have been switched. It used to be not that long ago the Democrats were faulted for being fiscally irresponsible, too liberal when it came to tax and spend. In this debate over the future of Social Security, the fiscally conservative and, I think, from my point of view, the prudent approach is being pushed on the Democratic side. That is, make certain before we take the surplus economy for granted, and make certain before we talk about any changes for Social Security, that we have thought them through.

Here we are in the middle of the Presidential campaign, with George Bush, the Republican candidate, suggesting sweeping changes in Social Security, changes which could literally affect millions of American families.

The concept that we would somehow privatize Social Security would have been laughable not that many years ago. Now it is being said with a straight face during the course of this Presidential campaign. Unfortunately, the candidate, George Bush, who is making these statements, refuses to come forward and explain how he would achieve it.

I think it is natural for those of us on the other side, those supporting Vice President GORE, to ask of him to be specific. If you are going to start talking about Social Security, start telling us in specific terms how you are going to change it and what it is going to cost us.

I think the plan on the other side, from Vice President GORE, is a conservative, sensible approach that does not assume this economic boom which we have seen over the last 8 or 9 years will continue indefinitely. What Vice President GORE has said is take the surplus we have coming into the Federal Government and invest it back to pay off the debt of our Nation.

We in Illinois, I think, represent kind of a microcosm. I represent a microcosm of this Nation—rural, urban, liberal, conservative, and you name it—across our great State. When I go back and talk to business leaders about what to do with our surplus, they universally agree with Vice President GORE's position: Be prudent, be sensible, take the surplus and invest it in such a way so if 6 months from now we are in a recession or a downturn, we will not regret decisions we have made.

Take a look at what has happened to us in just a short period of time. Because we have had fiscal discipline for the last several years, the Nation's debt is already $1.7 trillion lower than it would have been. In other words, if we had not made this decision a few years ago to balance the budget and to make certain that Social Security trust funds were not spent for other reasons, we could be $1.7 trillion deeper in debt, meaning we would have bondholders in the United States and around the world asking every month for their interest payment and being paid with taxes coming out of families, businesses, and individuals across America.

We are on the right track. I think we in Washington got the message. Under the Clinton-Gore administration, we have started bringing down this debt and the economy has flourished for most people. There are exceptions: In the farm belt, exceptions in the inner city, exceptions in small towns. But by and large, most people believe America is moving in the right direction.

Along comes a Presidential campaign. Really, this is a referendum on our future. I am not going to question the motives of George Bush on the Republican side, and I hope he would not question the motives of Vice President GORE.

The American people basically have a crucial choice this November. In a time of prosperity, what should America's future look like? What should we be doing for the young people across America to say to them: We want to create at least as good an opportunity for you as we have had in this country.

Frankly, the Democratic approach, Vice President GORE's approach, is the sensible one. It basically says: Don't assume prosperity forever; pay down the debt so we don't have to collect more in taxes to pay interest on this debt. Reduce the debt of the Social Security program so that it will be stronger for a long period of time.

In fact, under Vice President GORE's proposal, for another 50 years, it will be solvent, so we can even say to those who are just getting their driver's license this year: Social Security is going to be there when you show up at the window 50 years from now. That is a good thing to say to the future of America.

Also, we are saying when it comes to Medicare—this is a program often overlooked by this Congress; it is not overlooked by tens of millions of elderly and disabled who count on Medicare for their health insurance—we believe we should take part of this surplus and invest it in Medicare as well to make sure it is stronger and is affordable. This is the Gore approach.

The other side is a much different view of our future. What George Bush has proposed for America's future is let's try something new and untried. First, let's talk about a $2 billion tax cut, and it is a tax cut that is not targeted to families who need it. It is a tax cut that, frankly, goes to a lot of people who are already wealthy.

I am joined on the floor by my colleague from New York, Senator SCHUMER. Senator SCHUMER has a proposal most American families would applaud. He has suggested targeting the tax cuts where they are really needed. One of Senator SCHUMER's proposals is to allow families to deduct up to $10,000 a year in college expenses for their children. That means about $2,800 in the bank for a lot of families to help pay college education expenses. That is a smart investment. That is a targeted tax cut that does not go to the wealthiest in America but prepares the next generation of Americans to compete in a global economy.

This election is coming down to: Do you want the Bush tax cut for primarily wealthy people, and do you want to target the tax cuts and invest in paying down the debt? Do you want to keep Social Security strong for decades to come, or try a privatization approach which Governor Bush proposes which has never been tested and will cost us a trillion dollars and runs the risk of more red ink, more deficits, and problems in the future?

We are taking the Gore and Democratic side, fiscally prudent approach which says: Let's look to the future in real uncertain terms.

I know we only have until 11:30 for morning business. My colleague from New York is here. I yield the floor to Senator SCHUMER.

The PRESIDING OFFICER. The Chair recognizes the Senator from New York.

Mr. SCHUMER. I thank the Chair. Mr. President, I also thank the Senator from Illinois for his, once again, enthusiastic, as well as erudite, presentation on our fiscal policy and on Social Security. Maybe after I finish what I have to say I will say a few words on that. I do not know the time situation.

## GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but this Republican Congress still refuses to act on sensible gun legislation. Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year and will continue to do so every day the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some people who were killed by gunfire 1 year ago today. Before I read the names, these are names, just letters in black and white, but every one represents a life living and breathing, loving and was loved. Every one leaves a family and friends who will never be the same, as well as the tragedy for all of us that someone is untimely taken from us:

Rodney Autry, 30 years old, Dallas, TX; Aaron Baskin, 28 years old, Chicago, IL; Shawn Blake, 24 years old, Detroit, MI; Eddie Espinosa, 17 years old, Miami-Dade County, FL; Keith Gales, 19 years old, Pittsburgh, PA; Rodney J. Graham, 25 years old, Chicago, IL; Gaberiel Herrea, 22 years old, Detroit, MI; Francisco Horta, 33 years old, Miami-Dade County, FL; Eddie JOHNSON, 17 years old, New Orleans, LA; Goodman Jones, 55 years old, Concord, NC; Brian Sentelle Hill, 20 years old, Macon, GA; Harvey Meyers, 23 years old, Philadelphia, PA; Tarvis E. Miller, 25 years old, Chicago, IL; Cleophis Ramsey, 41 years old, Miami-Dade County, FL; Jesus Rodriquez, 22 years old, Houston, TX; Luther Faye SMITH, 45 years old, Tulsa, OK; Thomas Tyler, 20 years old, New Orleans, LA; Frederick Williams, 19 years old, Detroit, MI; Jamal Williams, 18 years old, Philadelphia, PA; unidentified female, 12 years old, Chicago, IL; an unidentified male, 24 years old, Norfolk, VA; an unidentified male, 60 years old, Portland, OR.

I hope and pray the reading of these names importunes us to act. Would all of these deaths be prevented with better laws on the books? Maybe not. Would some of them have been prevented with better laws on the books? Most likely. But even if there is a chance that one of the lives I have mentioned might be living, breathing, living under God's sunshine on this Earth, being the kind of person we can all be just by the gift of life, then there is no reason not to act.

I hope the understanding that every day, every year, there are names such as these from every part of this country who are killed by gun violence will finally move this body to act.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask unanimous consent to proceed for 5 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

## EDUCATION

Mr. KENNEDY. Mr. President, I once again bring the attention of the Senate to the importance of completing action on an issue that is of fundamental importance to families all across this country, and that is the role of the Congress in addressing the elementary and secondary education challenge which exists across our Nation in which local communities and States are taking action and in which the Federal Government is also a partner.

We have had a total of 6 days debate. Of the 6 days, 2 were debate only. We were not permitted to have votes on 2 of those 6 days, so we had 4 days of debate and votes. We had a total of 8 amendments. One was a voice amendment. There were 7 rollcalls. Of the 7 rollcalls, 2 of those rollcalls were on amendments we had indicated we were prepared to accept. Essentially, we have had 4 days of debate and 5 votes on this legislation.

This is what our good Republican friends have indicated to us about the priority of education.

In January 6, we have our majority leader saying:

> Education is going to be a central issue this year. For starters, we must reauthorize the Elementary and Secondary Education Act. That is important.

These are his remarks to the U.S. Conference of Mayors luncheon on January 29:

> But education is going to have a lot of attention, and it's not going to be just words.

On June 22, he said:

> Education is No. 1 on the agenda of Republicans in the Congress this year.

In remarks to the U.S. Chamber of Commerce on February 1, 2000, he said:

> We're going to work very hard on education. I have emphasized that every year I have been majority leader, and Republicans are committed to doing that.

On February 3, in a speech to the National Conference of State Legislatures, he said:

> We must reauthorize the Elementary and Secondary Education Act. Education will be a high priority in this Congress.

Congress Daily, on April 20, said this:

> Lott said last week that his top priorities in May include an agriculture sanctions bill, ESEA reauthorization, and passage of four appropriations bills.

May 1:

> This is very important legislation. I hope we can debate it seriously and have amendments in the education area. Let's talk education.

On May 2, I asked Senator LOTT:

> On ESEA, have you scheduled a cloture vote on that? Senator Lott said:
>
> No, I have not. . . . But education is No. 1 in the minds of the American people all across the country, in every State, including my own State. For us to have a good, healthy, and even a protracted debate and amendments on education I think is the way to go.

On May 9, at the time when the legislation was pulled down, I asked the majority leader:

> As I understand, we will have an opportunity to come back to ESEA next week. Is that the leader's plan?

He said:

> That is my hope and intent.

We are about to go out for a period of 10 days. We are reaching the end of May. We have no end in sight for the completion of legislation dealing with the Elementary and Secondary Education Act. We have been prepared to enter into short time agreements on the various proposals. I don't know of a single amendment on this side on which we could not enter into a time agreement of 1 hour equally divided. We put that forward and we have outlined in detail the various education amendments that we had intended to offer. But we are not getting focus, attention, and priority on this legislation.

I don't believe the American people want us to stonewall on the issue of education. I don't think they want the Senate gagged from having a full debate, discussion and action. We have had other legislation, such as the bankruptcy bill, that went for 15 or 16 days of debate before completion. We can take the time that is necessary and also complete the work on the appropriations bills. But we are serious about bringing this matter to the floor. We are going to raise it continuously. We want to take action. We think families across this country know appropriations are important, but those appropriations are not going to actually be expended until the fall. Families want to know, as we go on into this year, what we are going to do on education and education policy. We owe it to the families, and we have every intention of pursuing it on this side of the aisle.

I yield the floor.

## INTERNET PRIVACY

Mr. KERRY. Mr. President, last night, the FTC released its report on Internet privacy. We are, all of us, in the midst of an Internet revolution in this country. It is extraordinary, when we think about it, to take note of the fact that the Internet has only been in existence about 6 or 7 years now. During that time, it has had a profound impact on everybody's life, particularly on business, and increasingly on consumer opportunity.

I have tremendous respect for the work the FTC has done on this issue. Its monitoring of web sites and the convening of working groups have been very helpful in educating all of us on a very complicated new arena. The FTC plays an important role in oversight and regulating our economy, and I think it is fair to say that its Commissioners have navigated admirably through the complexity of the new economy.

But—and here is the "but," Mr. President—at this particular moment in time, I very respectfully disagree with the regulatory approach to Internet privacy proposed by the FTC. Let me be clear. Yes, consumers have a legitimate expectation of privacy on the Internet, and they will demand it, and I personally want that right of privacy protected. But I also believe that they want an Internet that is free and that gives them more choices rather than fewer. I believe that a regulatory approach mandated by in-depth, detailed congressional legislation at this particular point in time could actually harm consumers in the long run by limiting their choices on the Internet.

On the Internet today, we can buy and sell anything. We can research everything from health information to sports scores to movie reviews. We can keep track of our stock portfolios, tomorrow's weather, and the news throughout the world. And we do most of that free of charge. The reason we can surf from page to page for free is because the Internet, like television, is supported by advertising—or is struggling to be supported by advertising. Obviously, access is by subscription in most cases; but the point is that advertising is increasingly growing. Business spent more than $1.9 billion to advertise on the web in 1998, with spending on electronic advertising expected to climb to $6.7 billion by 2001.

It is this advertising that is the reason we don't have a subscription-based Internet—at least at this point in time. That would clearly limit a lot of people's online activities, and it would contribute to the so-called digital divide. Instead, we have an Internet that we can freely explore. It is my sense that people like this model of the Internet, and they understand that the banner ads they see on their screens are necessary in order to try to keep the Internet free.

What I don't think people understand is that, at least for now, the model for Internet advertising is going to include ads that are narrowly targeted to particular customers. The jury is still out on whether a targeted model is going to work. Currently, the click-through rates—the average percentage of web surfers who click on any single banner ad have fallen below the 1-percent mark, compared with about 2 percent in 1998. Some see that as a sign that the advertising model on the Internet has failed. Others say the percentages are lower, but that is because more and more ads are being placed. What it tells me is that it is simply too soon for the Congress of the United States to step in and prevent that model from running its course. If, for the time being, we allow or acknowledge that the economy of the Internet calls for targeted advertising, we must also recognize that it won't attract customers if they believe their privacy is being violated.

Finding the fine balance of permitting enough free flow of information to allow ads to work and protecting consumers' privacy is going to be critical if the Internet is going to reach its full potential. I believe that we in Congress have a role to play in finding that balance, although we should tread very lightly in doing so.

In the past, I have argued that self-regulation was the best answer for consumers and the high-tech industry itself in relation to privacy. I hope we can continue to focus on self-regulation because Congress will, frankly, never be light-footed enough—nor fast-footed enough—to keep up with the technological changes that are taking place in the online world.

However, poll after poll shows that consumers are anxious that their privacy is not being protected when they go on line.

For example, a 1999 survey by the National Consumers League found 73 percent of online users are not comfortable providing credit card or financial information online and 70 percent are uncomfortable giving out personal information to businesses online. Moreover, due to privacy concerns, 42 percent of those who use the Internet are using it solely to gather information rather than to make purchases online.

Likewise, a Business Week survey in March 2000 noted that concern over privacy on the Internet is rising. A clear majority—57 percent—favor some sort of law regulating how personal information is collected and used. According to Business Week, regulation may become essential to the continued growth of e-commerce, since 41 percent of online shoppers say they are very concerned over the use of personal information, up from 31 percent two year ago. Perhaps more telling, among people who go online but have not shopped there, 63 percent are very concerned, up from 52 percent two years ago.

In addition to it being too early in the process for Congress to embark on sweeping legislation, I believe there are still a number of fundamental questions that we need to answer. The first is whether there is a difference between privacy in the offline and online worlds.

I think polls like that are the result of the failure, so far, of industry to take the necessary initiative to protect consumers' privacy. But we should not neglect to notice that industry is making progress. When the Federal Trade Commission testified before the Commerce Committee about this time last year, it cited studies showing that roughly two-thirds of some of the busiest Web sites had some form of disclosure of privacy policies. This year, the FTC reports that 90 percent of sites have disclosure policies. Likewise, last year the FTC found that only 10 percent of sites implemented the four core privacy principles of notice, choice, access and security. This year the FTC reports that figure at 20 percent. That is still not high enough, but this is a five-year-old industry. We've seen significant improvements without the need for intrusive congressional intervention. It is simply too soon to write off a market driven approach to privacy.

Most of us don't think about it. But I want to make a point about the distinction between the offline and online world. When you go to the supermarket and you walk into any store and swish your card through the checkout scanner, that scanner has a record of precisely what you bought. In effect, today in the offline world, people are getting extraordinarily detailed information about what you are purchasing. The question, therefore, is to be asked: Is there some kind of preference about what happens at the supermarket, or any other kind of store, and is that somehow less protected than the choice you make online? Likewise, catalog companies compile and use offline information to make marketing decisions. These companies rent lists compiled by list brokers. The list brokers obtain marketing data and names from the public domain and governments, credit bureaus, financial institutions, credit card companies, retail establishments, and other catalogers and mass mailers.

I have been collecting the catalogs that I have received just in the last few weeks from not one online purchase, and I have been targeted by about 50 catalogs just on the basis of offline purchases that have been made and not because of an online existence.

Even in politics, off-line privacy protections may be less than those we are already seeing online. For example, we all know that campaigns can and do get voter registration lists from their states and can screen based on how often individuals vote. They will take this data and add names from magazines—Democrats could use the New Republic and Republicans might choose the National Review—and advocacy groups, and target all of them. With those combined lists, campaigns decide which potential voters to target for which mailings. The campaigns will also often share lists with each other and with party committees. All of this goes on offline.

On the other hand, when I go to the shopping mall and I walk into a store and look at five different items, five sweaters, or five pairs of pants, whatever it may be, and I don't buy any of them, there is no record of them at all. But there is a record of that kind of traveling or perusal, if you will, with respect to the web.

There are clearly questions that we have to resolve with respect to what kind of anonymity can be protected with respect to the online transaction.

I just do not think this is the moment for us to legislate. I think we need to study the issue of access very significantly.

There is a general agreement that consumers should have access to information that they provided to a web site. We still don't know whether it is necessary or proper to have consumers have access to all of the information that is gathered about an individual.

Should consumers have access to click-stream data or so-called derived data by which a company uses compiled information to make a marketing decision about the consumer? And if we decide that consumers need some access for this type of information, is it technologically feasible? Will there be unforeseen or unintended consequences such as an increased risk of security breaches? Will there be less rather than more privacy due to the necessary coupling of names and data?

Again, I don't believe we have the answers, and I don't believe we are in a position to regulate until we have thoroughly examined and experienced the work on those issues.

I disagree with those who think that this is the time for heavy-handed legislation from the Congress. Nevertheless, I believe we can legislate the outlines of a structure in which we provide some consumer protections and in which we set certain goals with which we encourage the consumer to familiarize themselves while we encourage the companies to develop the technology and the capacity to do it.

Clearly, opting in is a principle that most people believe ought to be maximized. Anonymity is a principle that most people believe can help cure most of the ills of targeted sales. For instance, you don't need to know if it is John Smith living on Myrtle Street. You simply need to know how many times a particular kind of purchase may have been made in a particular demographic. And it may be possible to maintain the anonymity and provide the kind of protection without major legislation. It seems to me that most companies will opt for that.

In addition to that, we need to resolve the question of how much access an individual will have to their own information, and what rights they will have with respect to that.

Finally, we need to deal with the question of enforcement, which will be particularly important. It is one that we need to examine further. I believe that there is much for us to examine. We should not, in a sense, intervene in a way that will have a negative impact on the extraordinary growth of the Internet, even as we protect privacy and establish some principles by which we should guide ourselves. I believe that the FTC proposal reaches too far in that regard.

I hope my colleagues in the Senate will join me in an effort to embrace goals without the kind of detailed intrusion that has been suggested.

I thank the Chair.

## CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

## EXECUTIVE SESSION

### NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 a.m. having arrived, the Senate will proceed to executive session.

The legislative clerk read the nomination of Bradley A. Smith, of Ohio, to be a member of the Federal Election Commission.

Mr. McCONNELL. Mr. President, based on the caricatures of Professor Bradley Smith, one would think he must have horns and a tail. I unveil a picture of Brad Smith and his family in the hopes of putting to rest some of these rumors.

Let me quote Professor Smith himself on this point, talking about the experience he has had over the last 10 months. He said: In the last 10 months since my name first surfaced as a candidate, certain outside groups and editorial writers opposed to this nomination have relied on invective and ridicule to try to discredit me. Among other things, some have likened nominating me to nominating Larry Flynt, a pornographer, to high office. Nominating me has been likened to nominating David Duke, one-time leader in the Ku Klux Klan, to high office. Nominating me has been likened to nominating Theodore Kaczynski, the Unabomber, a murderer, to high office.

Professor Smith went on and said: Just this week I saw a new one. I was compared to nominating Jerry Springer, which is probably not a good comparison since Springer is a Democrat. Other critics have attempted ridicule, labeling me a "flat Earth Society poobah," and more.

He says: I say all this not by way of complaint because I'm sure that Members—he is referring to Members of the

Senate—have probably been called similar or worse things in the course of their public lives.

I thought it might be appropriate to begin with a photograph of Professor Smith and his family, which bears little resemblance to Larry Flynt, David Duke, or Theodore Kaczynski.

It is my distinct honor today to rise in support of the nomination of Professor Bradley A. Smith to fill the open Republican seat on the bipartisan Federal Election Commission.

In considering the two FEC nominees, Professor Brad Smith and Commissioner Danny McDonald, the Senate must answer two fundamental questions: Is each nominee experienced, principled, and ethical? And: Will the FEC continue to be a balanced, bipartisan commission?

I might state this is a different kind of commission. It is a commission set up on purpose to have three members of one party and three members of another party so that neither party can take advantage of the other in these electoral matters that come before the Commission. The Federal Election Commission is charged with regulating the political speech of individuals, groups, and parties without violating the first amendment guarantee of freedom of speech and association—obviously, a delicate task.

Over the past quarter century, the FEC has had difficulty maintaining this all-important balance and has been chastised, even sanctioned, by the Federal courts for overzealous prosecution and enforcement that treated the Constitution with contempt and trampled the rights of ordinary citizens.

In light of the FEC's congressionally mandated balancing act and the fundamental constitutional freedoms at stake, Congress established the balanced, bipartisan, six-member Federal Election Commission. The law and practice behind the FEC nominations process has been to allow each party to select its FEC nominees. The Republicans pick the Republicans; the Democrats pick the Democrats. As President Clinton said recently, this is, "the plain intent of the law, which requires that it be bipartisan and by all tradition, that the majority make the nomination" to fill the Republican seat on the Commission.

Professor Bradley Smith was a Republican choice agreed to by the Republicans in the House and the Republicans in the Senate and put forward by the Republicans to the President of the United States, who has nominated him.

Typically, Republicans complain that the Democratic nominees prefer too much regulation and too little freedom, while Democrats complain that the Republican nominees prefer too little regulation and too much freedom.

Ultimately both sides bluster and delay a bit, create a little free media attention, and then move the nominees forward. In fact, the Senate has never voted down another party's FEC nominee in a floor vote or even staged a filibuster on the Senate floor.

At the end of the day, however, the bipartisan nature of the FEC serves the country well. The FEC gets a few commissioners that naturally lean toward regulation and a few commissioners that naturally lean toward constitutionally-protected freedoms. And the country gets a six-member bipartisan Federal Election Commission to walk the critical fine line between regulation and freedom.

The Dean of Stanford Law School, Kathleen Sullivan, has summed up the balance as well as anyone. Specifically, she praised Professor Smith for the instrumental role he would play in upholding constitutional values and establishing a bipartisan equilibrium:

> I do think Mr. Smith's views are in the mainstream of constitutional opinion. . . . I think it is a good thing, not a bad thing, to have people who are very attuned to constitutional values in Government positions, just as we would think it is a good thing to have a prosecutor who thinks very highly of the Fourth Amendment and wants to make sure searches are always reasonable, maybe more so than some of his colleagues. It is certainly good to have one of those prosecutors in the shop, and it certainly would be a good thing to have one Commissioner at least who has those views.

Let me say that I sincerely hope that we can uphold this bipartisan law and tradition that President Clinton invoked when he sent these two nominees to the Senate.

After all, Professor Smith's views are similar to the Republicans who have gone before him. And, Commissioner McDonald's views are similar to those he himself has held for the past 18 years as one of the Democrats' commissioners at the FEC. In fact, Commissioner McDonald's views are so consistent with and helpful to the Democratic Party that former Congressman and current Gore campaign chairman Tony Coelho has hailed Commissioner McDonald as "the best strategic appointment" the Democrats ever made. So, notwithstanding the bluster and delay, these two nominees largely represent their parties' long line of past FEC Commissioners. One could argue that the only thing new in this debate is the opportunity for new headlines.

Again, let me restate the questions before the Senate on these two FEC nominees?

Is each nominee experienced, principled and ethical?

Will the FEC continue to be a balanced, bipartisan commission?

I dedicate the remainder of my opening comments this morning to reading a few excerpts from the flood of letters I have received in support of Professor Smith since he was nominated. These letters from those who agree and those who disagree with Professor Smith clearly establish that: (1) Professor Smith is experienced, principled and ethical, and (2) his service would help the FEC to be balanced and bipartisan.

Even staunch advocates of reform, including two past board members of Common Cause, have written in support of Professor Smith's nomination. These many letters attest to the central role that Professor Smith's scholarship has played in mainstream thought about campaign finance regulation. Equally important, these letters make clear that no one who knows Brad Smith personally or professionally, including self-avowed reformers, believes that he will fail to enforce the election laws as enacted by Congress or to fulfill his duties in a fair and even-handed manner.

All of the scholars that have written urging the confirmation of Professor Smith believe that his scholarly work is not radical but rather well-grounded in mainstream First Amendment doctrines and case law. Let me share with you a few examples of what these experts say.

I ask unanimous consent the full text of these letters that I am going to be reading be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McCONNELL. First, Professor Daniel Kobil, Capital Law School, Reform Advocate and Past Director of Common Cause, Ohio:

> Groups seeking to expand campaign regulations dramatically might have misgivings about Brad's nomination. However, I believe that much of that opposition is based not on what Brad has said or written about campaign finance regulations, but on crude caricatures of his ideas that have been circulated. . . . I think that the FEC and the country in general will benefit from Brad's diligence, expertise, and solid principles if he is confirmed to serve on the Commission.

Second, Professor Larry Sabato, Director of the University of Virginia Center for Governmental Studies, appointed by Senator George Mitchell to the Senate's 1990 Campaign Finance Reform Panel:

> Contrary to some of the misinformed commentary about Professor Smith's work and views, his research and opinions in the field of campaign finance are mainstream and completely acceptable. For example, Professor Smith has argued in several of his academic papers for a kind of deregulation of the election rules in exchange for stronger disclosure of political giving and spending. This is precisely what I have written about and supported in a number of publications as well. Bradley certainly supports much of the work of the Federal Election Commission and understands its importance to public confidence in our system of elections. I have been greatly disturbed to see that some are not satisfied to disagree with Professor Smith and make those objections known, but believe it necessary to vilify the professor in an almost McCarthyite way. I do not use that historically hyper-charged word lightly, but it applies in this case. Any academic with a wide ranging portfolio of views on a

controversial subject could be similarly tarred by groups on the right or left.

Third, Professor John Copeland Nagle of Notre Dame Law School:

> Professor Smith's view is shared by numerous leading academics from across the political and ideological spectrum, including Dean Kathleen Sullivan of the Stanford Law School and Professor Lillian BeVier of the University of Virginia School of Law. His understanding of the First Amendment has been adopted by the courts in sustaining state campaign finance laws.

Fourth, Professor Burt Neuborne of the Brennan Center at New York University. There is no group in America that disagrees more passionately with Professor Smith on campaign finance than the Brennan Center. Yet, listen to what Burt Neuborne, the Legal Director of the Brennan Center had to say about Smith's scholarship.

Neuborne considers Professor Smith's writings to be "thoughtful discussions of topics of extreme importance" and concludes that Smith has done "excellent work in debunking the status quo." He goes on to say of Professor Smith's scholarship:

> I learned from it and altered aspects of my own approach as a result of his argument. It is, in my opinion, thoughtful scholarship that helps us move toward a better understanding of an immensely important national issue. Higher praise than that I cannot give.

It also speaks well of Professor Smith that constitutional scholars and election law experts that know him personally and are familiar with his work, including some who have served on the board of Common Cause, are confident that he will faithfully enforce the law as enacted by Congress and upheld by the courts. Here are just a few examples of the confidence these experts have in Brad Smith's integrity and commitment to the rule of law.

Fifth, Professor Daniel Lowenstein of UCLA Law School, served six years on Common Cause National Governing Board:

> Anyone who compares his writings on campaign finance regulation with mine will find that our views diverge sharply. Despite these differences, I believe Smith is highly qualified to serve on the FEC. . . . Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it. . . . In my opinion, although my views on the subject are not the same as theirs, [the Senate Republican Leadership] deserves considerable credit for having picked a distinguished individual rather than a hack. . . . Although many people, including myself, can find much to disagree with in Bradley Smith's views, I doubt if anyone can credibly deny that he is an individual of high intelligence and energy and unquestioned integrity. When such an individual is nominated for the FEC, he or she should be enthusiastically and quickly confirmed by the Senate.

Sixth, Professor Daniel Kobil of Capital Law School, former governing board member of Common Cause, Ohio:

> Knowing Brad personally, I have no doubt that his critics are wrong in suggesting that as a FEC Commissioner, Brad would refuse to enforce federal campaign regulations because he disagrees with them. I have observed Brad's election law class on several occasions and he always took the task of educating his students about the meaning and scope of election laws very seriously. I have never heard him denigrating or advocating skirting state and federal laws, even though he may have personally disagreed with some of those laws. Indeed, several times in class he admonished students who seemed to be suggesting ignoring what they considered overly harsh election laws. Brad is an ethical attorney who cares deeply about the rule of law. I am confidant that he will fairly administer the laws he is charged with enforcing as a Commissioner.

Seventh, Professor Randy Barnett of Boston University Law School:

> I . . . can tell you and your colleagues that [Professor Smith] is a person of the highest character and integrity. If confirmed, Brad will faithfully execute the election laws which the Commission is charged to enforce—including those with which he disagrees . . . . Brad's critics need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Let me close my opening comments by sharing with you Brad Smith's own closing remarks in his statement before the Senate Rules Committee:

> [S]hould you confirm my nomination to this seat, which I hope that you will, here is my pledge to you. First, I will defer to Congress to make law, and not seek to usurp that function to the unelected bureaucracy. Second, when the Commission must choose under the law, whether to act or not to act, or how to shape rules necessary for the law's enforcement, faithfulness to congressional intent and the Constitution, as interpreted by the courts, will always be central to my decision making. Third, I will act to enforce the law as it is, even when I disagree with the law. . . . Finally, I pledge that I will strive at all times to maintain the humility that I believe is necessary for any person entrusted with the public welfare to successfully carry out his or her duties.

I think, with all due respect to current and past members of the FEC, this is clearly the most outstanding individual ever nominated for that commission. We all regret that this nomination has taken on some level of controversy because of Professor Smith's views, which are similar to those of 95 percent of the Republicans in the Senate. But that happens occasionally.

I am confident that well-meaning Senators on both sides of the aisle will remember that this is a bipartisan agency. It is supposed to have three Democrats, picked by the Democrats, and three Republicans, picked by the Republicans. It is important for us to honor each others' choices if the FEC is to work. So I am hopeful and confident that Professor Smith's nomination will be confirmed tomorrow when the roll is called.

With that, I yield the floor.

EXHIBIT 1

UNIVERSITY OF CALIFORNIA
SCHOOL OF LAW,
*Los Angeles, CA, February 17, 2000.*

Re Bradley Smith nomination.

(Attn: Andrew Siff)

Senator MICTH MCCONNELL,
*Senate Rules Committee, Senate Office Building,*
*U.S. Senate, Washington, DC*

DEAR SENATOR MCCONNELL: I write in support of the nomination of Bradley Smith to serve on the Federal Election Commission. My support is not based on either partisan or ideological grounds. To the contrary, I have been an active Democrat since 1970, whereas, as is well known, Smith's appointment to the FEC was proposed by Republicans. Anyone who compares Smith's writings on campaign finance regulation with mine will find that our views diverge sharply. Despite these differences, I believe Smith is highly qualified to serve on the FEC.

The difficulties that have affected the performance of the FEC since its creation have not been caused by the ideological views of its members, but by excessive partisanship and, sometimes, by mediocrity. Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it.

That the Senate Republican leaders should have proposed an individual who matches their ideological views on campaign finance regulations should not have surprised anyone. Law and custom assume that the members of the FEC will have different partisan and ideological backgrounds. In my opinion, though my views on the subject are not the same as theirs, these leaders deserve considerable credit for having picked a distinguished individual rather than a hack.

That Smith is indeed distinguished can hardly be doubted. He has published numerous articles on campaign finance regulation in distinguished law journals. These articles are widely recognized as leading statements of one of the major positions in the campaign finance debate. In 1995 I published the first American textbook of the twentieth century on election law (Election Law, Carolina Academic Press). Not long after the book was published, Smith published his first major article on campaign finance in the Yale Law Journal. With his permission, I included extended excerpts from that article in the supplements that have been published for my textbook. I certainly would not have done so unless I regarded his article as intellectually distinguished.

It is understandable that in an area such as campaign finance regulation, whose effects are so far-reaching for all competitors in American politics, appointments should be highly contested. However, as I mentioned above, the system contemplates that individuals with different backgrounds and beliefs will serve on the FEC. Although many people, including myself, can find much to disagree with in Bradley Smith's views, I doubt if anyone can credibly deny that he is an individual of high intelligence and energy and unquestioned integrity. When such an individual is nominated for the FEC, he or she should be enthusiastically and quickly confirmed by the Senate. If such an individual is denied confirmation, the result inevitably will be to compound the already prevalent gridlock in this difficult area of public policy.

If I can provide any additional information I should be happy to do so. I can be reached at 310-825-5148, and at <lowenste@mail.law.ucla.edu>

Sincerely,

DANIEL H. LOWENSTEIN,
*Professor of Law.*

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CAPITAL UNIVERSITY
LAW SCHOOL, COLUMBUS OH,
*February 15, 2000.*

Re nomination of Professor Bradley A. Smith for Commissioner on Federal Election Commission.

Hon. MITCH MCCONNELL,
*Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, U.S. Senate, Washington, DC.*

DEAR SENATOR MCCONNELL: I am writing in support of Professor Bradley A. Smith's nomination for a position as a Commissioner on the Federal Election Commission. I have known Brad since he joined the faculty of Capital Law School in the Fall of 1993 as a visiting professor, and have served as the chair of his committee for purposes of considering his tenure and promotion, most recently to Full Professor. He is, in my view, an outstanding candidate for the position and should certainly be confirmed.

As a friend and colleague of Brad's, I am of course aware of the controversy surrounding his nomination to a position on the FEC. Indeed, as a former governing board member for Common Cause, Ohio, I can understand why groups seeking to expand campaign regulations dramatically might have misgivings about Brad's nomination. However, I believe that much of that opposition is based not on what Brad has written or said about campaign finance regulations, but on crude caricatures of his ideas that have been circulated.

Although I do not agree with all of Brad's views on campaign finance regulations, I believe that his scholarly critique of these laws is cogent and largely within the mainstream of current constitutional thought. I have taught Constitutional Law at Capital Law School for nearly thirteen years. I was also counsel for amicus curiae, the ACLU of Ohio, in a significant case dealing with the intersection of the First Amendment and election law, Pestrak v. Ohio Elections Commission, 926 F2d 573 (6th Cir. 1991).

Brad's central premise, that limits on political contributions burden expression and should only be upheld for the most compelling reasons, is hardly radical. It has long been a basic tenet of the Supreme Court's First Amendment jurisprudence that the amount and content of speech cannot be limited except for the most important reasons. Brad's writings do question the Supreme Court's conclusion in Buckley v. Valeo that the government's interest in preventing the appearance of corruption is sufficient to outweigh the burden campaign finance regulations place on speech. However, this critique is not outlandish, but calls attention to the one of the obvious tensions in Buckley that in my view ought to be continuously reexamined by courts and scholars if the basic values underlying the First Amendment are to be adequately protected.

Moreover, having come to knowing Brad personally, I have no doubt that his critics are wrong in suggesting that as a FEC Commissioner, Brad would refuse to enforce federal campaign regulations because he disagrees with the laws. I have observed Brad's Election Law class on several occasions and he always took the task of educating his students about the meaning and scope of election laws very seriously. I have never observed him denigrating or advocating skirting state and federal election laws, even though he may have personally disagreed with some of those laws. Indeed, several times in class he admonished students who seemed to be suggesting ignoring what they considered overly harsh election laws. Brad is an ethical attorney who cares deeply about the rule of law. I am confident that he will fairly administer the laws he is charged with enforcing as a Commissioner.

In conclusion, I think that the FEC and the country in general will benefit from Brad's diligence, expertise, and solid principles if he is confirmed to serve on the Commission. Please contact me if I can provide additional information or assist the Committee in any way regarding Brad's nomination.

Very Truly Yours,

DANIEL T. KOBIL,
*Professsor of Law.*

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UNIVERSITY OF VIRGINIA,
WOODROW WILSON DEPARTMENT,
*Charlottesville, VA, March 1, 2000.*

Senator MITCH MCCONNELL,
*Chairman, Senate Rules Committee, Russell Building, U.S. Senate, Washington, DC.*

(Attention Andrew Siff)

DEAR SENATOR MCCONNELL: I am pleased to write this letter in support of Professor Bradley Smith's nomination to the Federal Election Commission. I believe Professor Smith is a solid and informed choice for the vital federal agency at a critical moment in its history. I am pleased to be able to add my voice to many who support Professor Smith.

My own credentials in this field are outlined in the attached vita. I have published several books and many articles in the field, including Pac Power: Inside the World of Political Action Committees, Paying for Elections, and Dirty Little Secrets. In addition, I was honored and privileged to serve on the U.S. Senate's campaign finance reform panel back in 1990, having being jointly appointed by then-majority leader George Mitchell and minority leader Robert J. Dole.

Contrary to some of the misinformed commentary about Professor Smith's work and views, his research and opinions in the field of campaign finance are mainstream and completely acceptable. For example, Professor Smith has argued in several of his academic papers for a kind of deregulation of the election rules in exchange for stronger disclosure of political giving and spending. This is precisely what I have written about and supported in a number of publications as well. Bradley certainly supports much of the work of the Federal Election Commission and understands its importance to public confidence in our system of elections. I have been greatly disturbed to see that some are not satisfied to disagree with Professor Smith and make those objections known, but believe it is necessary to vilify the professor in almost a McCarthyite way. I do not use that historically hyper-charged word lightly, but it applies in this case. Any academic with a wide-ranging portfolio of views on a controversial subject could be similarly tarred by groups on the right or left. I hope and trust that under your able leadership, the Senate Rules Committee will not give in to this kind of vicious sloganeering and character assassination.

I should note that I don't completely agree with Professor Smith's views and opinions in all respects. Even though we have our differences, I fully respect his scholarship and the clear argumentation and documentation that undergirds it. I have not been a long acquaintance of Professor Smith so I cannot be accused of simply backing an old chum! Instead, I am supporting Bradley Smith because he is fully qualified for the Federal Election Commission and I believe that he will do an outstanding job, putting in long hours and thoroughly analyzing the complicated subjects that come before the Commission. I trust him to fulfill his public responsibilities with great care and a determination to be fair and honest. That is all one can reasonably ask from a nominee.

Thank you for permitting me the opportunity to offer these observations. Please let me know if I can be of any additional help as Professor Smith's nomination moves forward, as it should.

With every good wish,

Yours respectfully,

DR. LARRY J. SABATO.
ROBERT KENT GOOCH,
*Professor Of Government and Foreign Affairs, and Director of the University of Virginia Center for Governmental Studies.*

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NOTRE DAME LAW SCHOOL,
*Notre Dame, IN, February 18, 2000.*

Hon. MITCH MCCONNELL,
*U.S. Senate, Russell Senate Office Building, Washington, DC.*

(Att'n: Andrew Siff)

DEAR SENATOR MCCONNELL: It is my privilege to recommend Bradley A. Smith for appointment to the Federal Election Commission (FEC).

Professor Smith is a leading scholar in election law. His work—which has appeared in such prestigious publications as the Yale Law Journal and the Georgetown Law Journal—is innovative, academically rigorous, and an exciting contribution to the existing literature in the field of campaign finance legislation. He is one of the few scholars who has investigated how campaigns were financed before the second half of the twentieth century, see Bradley A. Smith, Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform, 105 Yale L.J. 1049, 1053–56 (1996), and his scholarship builds upon the lessons that history teaches. For example, he dispels a common perception by observing that "the role of the small contributor in financing campaigns . . . has increased, rather than declined, over the years." Id. at 1056. He has closely examined the way in which money affects both political campaigns and the legislative process, concluding that the precise relationship between campaign spending and corruption is far more complicated than many commonly assume. See id. at 1057–71; Bradley A. Smith, Money Talks: Speech, Corruption, Equality, and Campaign Finance, 86 GEO.L.J. 45, 58–60 (1997). Yet that is exactly the kind of analysis that should be performed when considering what legal regulation is merited, especially in light of the frequent laments that the federal campaign finance laws enacted in the 1970's have not performed as Congress hoped or expected.

Professor Smith questions the compatibility of campaign restrictions with the first amendment. In doing so, he gives voice to the many organizations across the political and idelolgical spectrum who fear the impact of some of the proposed legal regulation on the ability of citizens and groups of communicate their message to the public. Professor Smith's view is shared by numerous leading academics, again from across the political and ideological spectrum, including

Dean Kathleen Sullivan of the Stanford law School and Professor Lillian BeVier of the University of Virginia School of Law. His understanding of the first amendment has been adopted by the courts in sustaining state campaign finance regulations. See Toledo Area AFL–CIO v. Pizza, 154 F.3d 307, 319 (6th Cir. 1998) (quoting Professor Smith's description of the first amendment). But Professor Smith sees the first amendment in an affirmative light rather than a negative one. As he has so eloquently explained:

> "By assuring freedom of speech and of the press, the First Amendment allows for exposure of government corruption and improper favors and provides voters with information on sources of financial support. There is no shortage of newspaper articles reporting on candidate spending and campaign contributions, and candidates frequently make such information an issue in campaigns. By keeping the government out of the electoral arena, the First Amendment allows for a full interplay of political ideas and prohibits the type of incumbent self-dealing that has so vexed the reform movement. It allows challengers to raise the funds necessary for a successful campaign and keeps channels of political change open. By prohibiting excessive regulation of political speech and the political process, the First Amendment, properly interpreted, frees individuals wishing to engage in political discourse from the regulation that now restrains grassroots political activity. And because the First Amendment, properly applied to protect contributions and spending, makes no distinctions between the power bases of different political actors, it helps to keep any particular faction or interest from permanently gaining the upper hand. In each respect, it promotes true political equality."

Smith, 105 YALE L.J AT 1090. This positive explanation far better serves the first amendment than the frightening prospect that the meaning of the Constitution's protections might soon depend upon the perceived majority desire for the stringent regulation of political campaigns. See Nixon v. Shrink Missouri Government PAC, 120 S. Ct. 897 (2000) (Breyer, J., concurring)(suggesting that the Supreme Court's interpretation of the first amendment should change if it "denies the political branches sufficient leeway to enact comprehensive solutions to the problems posed by campaign finance").

Yet Professor Smith understands the problems evidence in our current system. He recognizes the need for "radical" reform, see Bradley A. Smith, A Most Uncommon Cause: Some Thoughts on Campaign Reform and a Response to Professor Paul, 30 CONN. L. REV. 831, 837 N.37 (1998) , a sympathy that I share. See John Copeland Nagle, The Recusal Alternative to Campaign Finance Reform, 37 HARV. J. LEGIS. (forthcoming February 2000). What impresses me most about Professor Smith is his insistence that the problems evident in our existing system be addressed in a manner that protects constitutional rights. It is far too easy to assume that the first amendment must be discarded when it is inconvenient to adhere to its teachings. Moreover, apart from the commands of the Constitution, Professor Smith has questioned whether the same kinds of proposed solutions that have been tried and failed for nearly thirty years are best suited for the kinds of problems that we face today. Indeed, he has identified a number of unintended effects of the standard restrictions on campaign contributions and expenditures, including the entrenchment of the status quo, the promotion of influence peddling, the favoritism of select elites and special interests, and perhaps most obviously, the encouragement of wealthy candidates. See Smith, 105 YALE L.J. at 1072–84. Instead, Professor Smith had advocated other actions that could be taken to solve the problem, including increased disclosure requirements. See Smith, 45 GEO. L.J. at 62–62. But Professor Smith has clearly stated his preferred remedy: "I believe strongly that the best solution to any ills in our political system lies in the American voter." Smith, 30 CONN. L. REV. at 862. I cannot imagine a more attractive view to be possessed by a member of the Federal Election Commission.

Perhaps most importantly, Professor Smith has displayed a fidelity to the law. His writing about the first amendment shows that the he abides by the Constitution regardless of the consequences. Professor Smith is also faithful to the laws enacted by Congress. He has counseled that both the statues enacted by Congress and the constitutional decisions of the courts are entitled to respect whether or not one agrees or disagrees with them. See Bradley A. Smith, Soft Money, Hard Realities: The Constitutional Prohibition on a Soft Money Ban, 24 J. LEGIS, 170, 200 (1998), In sort, he possesses the "experience, integrity, impartiality, and good judgment," 2 U.S.C. §437c(a)(3), necessary to serve on the FEC.

Please contact me at (219) 631-9407 or at john.c.nagle.8@nd.edu if you have any further questions about Professor Smith's nomination to the FEC. He will be an excellent commissioner.

Sincerely,

JOHN COPELAND NAGLE,
*Associate Professor.*

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BOSTON UNIVERSITY,
SCHOOL OF LAW,
*Boston, MA, February 13, 2000.*

Senator MITCH MCCONNELL,
*Chair, Senate Committee on Rules and Administration, Russell Senate Office Building, U.S. Senate, Washington, DC.*

DEAR SENATOR MCCONNELL: I am writing to strongly urge the Senate to confirm the nomination of Brad Smith as a commissioner on the Federal Communications Commission. I have known Brad well since he was a student at Harvard Law School, and have followed his academic career closely, and can tell you and your colleagues that he is a person of the highest character and integrity. If confirmed, Brad will faithfully execute the election laws which the Commission is charged to enforce—including those with which he disagrees—and he will also take seriously the rights guaranteed by the Constitution.

Though election law is not my specialty, I am generally familiar with Brad's writings in the field and I have written extensively on the Constitution and, in particular, the constitutional protection of liberty. I believe that Brad's positions on federal election laws in general, and campaign finance laws in particular, are far more consonant with the requirements of both the First Amendment and the Supreme Court's first amendment jurisprudence than are the views of his critics. These critics would deny public office to anyone who disagrees with their views of good policy, or to anyone who believes in reforming existing law in a manner with which they disagree.

I share Brad's policy view that the goal of free, fair, and competitive elections would be better served with less rather than more regulation of elections. But I have no doubt whatsoever that he will vigorously enforce current law. Indeed, in recent years, we have seen wholesale and flagrant violations of current election laws which have gone largely unenforced by the FEC and the Justice Department. Brad's critics need not fear that he will ignore current law, but those who violate it may have reason to be apprehensive.

Sincerely,

RANDY E. BARNETT,
*Austin B. Fletcher Professor.*

The PRESIDING OFFICER. The Chair recognizes the Senator from Connecticut.

Mr. DODD. Mr. President, I begin by thanking the distinguished chairman of the Rules Committee for his leadership and for bringing these matters to the floor. We will have roughly 6 hours of debate on this matter. A number of my colleagues have some very strong views about this nomination and will take the time to express them at the appropriate time.

I begin by apologizing to Danny Lee McDonald, the Democratic nominee for the Federal Election Commission, and his family. I do not have a picture of Danny Lee McDonald. I do not know if he has a dog or not, or two dogs. I will try to correct that before the next 6 hours and see if I can come up with a nice picture of Mr. McDonald to show to our colleagues and the public.

Mr. MCCONNELL. Will my friend yield?

Mr. DODD. I will be happy to yield.

Mr. MCCONNELL. Had Commissioner McDonald been subjected to the same things to which the Republican nominee has been subjected, my colleague might have needed a picture with children and dogs. In any event, we are going to be voting on him as well after we vote on Professor Smith.

Mr. DODD. If he does not have a dog, maybe he can rent one. This is a fine looking dog here. Maybe we can borrow that fine looking red dog for our picture. I apologize to Mr. McDonald, we do not have a similar photograph of him and his family and dog before us.

I want to take our colleagues who are monitoring this back in time for a historical framework before I get to the issue of the nominees before us because it might be helpful for people to understand the legislative background as well as the historical background of these nominees and how the process has proceeded over this past quarter of a century. It has been 25 years since we created these positions. It might be worthwhile to understand how this process has worked and how nominees have historically been handled.

My colleague from Kentucky has already alluded to that in his opening comments. I thought it might be helpful to take a few minutes and give a history lesson about the Federal Election Commission and about the people who have been nominated to fill these positions.

We are here to consider two Presidential nominations. That is the first lesson. We are considering Presidential nominations. The Republican Party may have promoted Brad Smith and the Democrats may have promoted Danny McDonald, but, in fact, these are two nominations that have been sent to us by President Clinton, as every other President has done during the consideration of nominees for the Federal Election Commission.

The two nominees are Danny McDonald of Oklahoma to fill the Democratic seat and Brad Smith of Ohio to fill the Republican seat on the Commission. Rollcall votes, as we know, will be conducted later this week.

It is somewhat unusual, although not unprecedented, for the Senate to take a significant amount of time to debate Presidential nominees to the Federal Election Commission. I know some of my colleagues have planned extensive remarks, and they are not out of order at all in doing that. It has been done on other occasions.

It is even more unusual for the Senate to conduct a rollcall vote, however, on such nominees. It might be instructive to briefly review Senate action of FEC nominees over the past 25 years since the creation of the Commission.

Approximately 43 nominees, including reappointments, have been submitted to the Senate for consideration to this Commission. Of that total, only three nominations have required a rollcall vote by this body in the past quarter of a century. In each of those three instances, the nominees were confirmed by the Senate. The Senate has never voted to reject a nominee to the Federal Election Commission submitted by respective Presidents.

Of the remaining 40 or so nominees, 3 were withdrawn by Presidents for various reasons, 1 was returned to the President without action under rule XXXI of the Senate, 3 were recess appointments, 2 of which were confirmed by the Senate by unanimous consent; and the remainder, some 33 nominees, were all confirmed by unanimous consent without recorded votes in the Senate.

In the last 10 years, pairs of nominees, one Democrat paired with one Republican, have been considered by the Senate Rules Committee, reported to the Senate, and confirmed en bloc by unanimous consent. In the most recent action by the Senate in 1997, four nominees, or two pairs, were considered and confirmed in this manner and confirmed by unanimous consent, again en bloc.

How is it possible so many nominees, to what is considered by some to be a controversial agency, have received the nearly unanimous support of this body throughout the past 25 years? I suggest the answer lies in the very statute that created this Commission.

Chapter 14 of title 2 of the United States Code governs Federal campaigns. Section 437c establishes the Federal Election Commission and provides for the appointment of Commissioners. The statute provides for—and I apologize for going through this laboriously, but it may help to understand the background of all of this—the statute provides for the appointment by the President, with the advice and consent of the Senate, of six members to the Commission. Further, the statute provides that no more than three members of the Commission be affiliated with the same political party; and that members shall serve for 6 years, with the requirement that the initial six members serve staggered terms, with two members not affiliated with the same political party being paired for each of the staggered terms. These requirements were adopted by the Congress in the 1976 amendments to the Federal Election Campaign Act.

The Supreme Court struck down the original membership provision of this act in the landmark case of Buckley v. Valeo. The original provisions of the 1971 act provided that the six members of the Commission be appointed by the President, the President pro tempore of the Senate, and the Speaker of the House, with confirmation by a majority of both Houses of Congress. The Buckley Court struck that process down.

What is obvious, however, is it has always been the intent of Congress that these nominees be appointed with regard to their party affiliation. That part has been quite clear.

Moreover, these nominees are appointed and considered in pairs—one Democratic nominee paired with a Republican nominee —and that is how the Committee on Rules and Administration has also traditionally considered FEC nominees. The committee has similarly paired their consideration so that no hearings are held, nor are the nominees reported, except in strict pairs.

In recent history, the Rules Committee has reported pairs of nominees, voting to report the pair en bloc to the Senate as a full body. That is the case with the two nominees before the Senate today. The Rules Committee held a confirmation hearing in which both nominees appeared, presented testimony, and answered questions of members of the committee. On March 8, the committee, by a voice vote, reported these nominations en bloc to the full body. That is also why the overwhelming majority of these FEC nominees have moved through the Senate over the past 25 years by unanimous consent, often, again, confirmed en bloc.

The statute creates a presumption that the views of each of the two major political parties will be represented by the three members of the Commission. And the practice that has developed that the leadership of the Congress, both Republican and Democratic leadership, communicate to the President their preferences for the nominees.

Presidents have rejected these preferences in the past. I noted that earlier. This practice may be a holdover from the original provisions in which the President of the Senate and the Speaker of the House actually chose the nominees under the 1971 statute. Now the recommendations are made to the President, and the President makes the nomination. He can reject the recommendations, which Presidents have. Ronald Reagan rejected a nominee, and I recall Jimmy Carter also. Others may have a better recollection historically of that.

This practice may be a holdover from the original provisions in which the President pro tempore of the Senate and the Speaker of the House actually chose the nominees. Or it may reflect the reality that such nominees, because they are intended to reflect the relative views of the political parties, must be confirmed by members of those parties in the Senate. In either event, these nominees are accepted as somewhat partisan in their views and consequently are paired in their consideration.

So why does the Senate find itself in the somewhat unusual position of taking the time of the body to fully debate and conduct rollcall votes on these nominees? Not surprisingly, each of these nominees is very closely associated with the majority views of their party on issues of campaign finance reform. Commissioner McDonald has been a member of the FEC since 1982. He is currently Vice Chairman of the Commission. He has been reaffirmed to a seat on the Commission twice since his original appointment. During his tenure, he served as Chairman of the Commission three times, and as Vice Chairman four times.

Professor Bradley Smith is a distinguished professor of law at Capital University Law School in Columbus, OH. He is the author of numerous scholarly articles on campaign finance and his views are well-published and widely known on this subject matter.

In testimony before the Rules Committee, Mr. Smith acknowledged that, notwithstanding the decision of the Supreme Court in Buckley and the long line of cases that follow, he happens to believe the first amendment should be read to prohibit restrictions on campaign contributions.

Mr. Smith has similarly argued that Congress needs to reverse course and loosen campaign finance regulations. He has argued that contrary to the belief of a majority in Congress, and a majority of the American people, that there is too much money in politics today, Mr. Smith argues that money increases speech and therefore we need more speech—and more money, I argue, from his point of view—in our campaigns. He also argues that campaigns funded by small donors are not more democratic and that, in fact, large donors are healthier for the system. Mr. Smith has also argued that the perception that money buys elections is incorrect and that rather than corrupting the system, limiting money corrupts the system by entrenching the status quo, favoring wealthy individuals, and making the electoral process less responsive to public opinion.

Let me categorically state for the record that I could not disagree more with Mr. Smith's positions and his writings when it comes to campaign finance. It is clear to me that money plays far too great a role in campaigns today. I could not disagree more that limits on contributions are not only constitutional but necessary for our form of democracy to survive.

There is no doubt in my mind that money corrupts, or has the appearance of corrupting our system, and this perception threatens to undermine our electoral system and jeopardize the confidence in our form of democracy.

I could not disagree more with Mr. Smith's conclusion that Congress needs to reverse course and loosen campaign finance regulations. It is past time for this Congress to pass comprehensive campaign finance reform, which I have consistently supported and will continue to support.

That is what the debate in the Senate is about today—whether or not this Congress will act on the will of the people and bring this system of campaign finance loopholes and the money chase to a close. My support for such action could not be more clear.

Notwithstanding my strong disagreement with his views, I am not going to oppose this nomination of Mr. Smith for the following reasons: Traditionally, there is a heightened level of deference given to the President's nominees, particularly when the position is designated to be filled by one party. That is particularly the case with nominees to the FEC, who by statute are to be the representatives of their political parties on that commission. Moreover, in performing our constitutional responsibility to provide advice and consent to the President's nominations, the Senate should determine whether a nominee is qualified to hold the office to which he or she has been nominated.

Mr. President, it is clear to me that Mr. Smith is qualified to hold this office. He is clearly intellectually qualified for the position. He is a recognized, although controversial, scholar on election law and the Constitution. He is bright, articulate, and anxious to serve. Again, I could not disagree with him more, but to say he is not qualified to serve is not to have spent time reading his writings or listening to him. You can disagree with him—and I do vehemently—but he is certainly qualified to sit on the FEC. Most importantly, he has appeared before the Senate Rules Committee and testified under oath that if confirmed, he will uphold the Constitution of the United States and the election laws of the land.

During Rules Committee consideration of this nominee, I asked Mr. Smith if, notwithstanding his personal views, was he prepared to enforce the election laws founded on the congressional belief that political contributions can corrupt elections and need to be limited, as allowed by law and the Constitution. Mr. Smith responded that he would "proudly and without reservations" take that oath of office.

Finally, this Senate, and the Rules Committee in particular, have an obligation, in my view, to fill vacancies on the Federal Election Commission. Otherwise, we face gridlock and inaction by our agencies. The FEC is simply far too important, in my view, to be hamstrung by refusing to confirm a controversial but otherwise well-qualified nominee.

My vote in favor of this nomination should not be read as an endorsement of his views. Nothing could be further from the truth. It is an endorsement of the process that allows our political parties to choose nominees who hold views consistent with their own. I regret that the majority party here—at least a majority of the majority party—embraces the views they do, and nobody holds them more strongly than my friend and colleague from Kentucky. I think he is dead wrong in his views on these issues, but he represents the views of the majority party on this issue. They have made a choice that Bradley Smith reflects their views well on this issue. Therefore, they have the right, in my view, to have him confirmed to the seat, assuming that he is otherwise qualified to sit on the Commission. I would not vote for him if it were strictly a case of endorsing his views as opposed to mine. But the FEC has never been a body where that has been a litmus test applied to Presidential nominees.

Whether or not this nominee is confirmed will not determine the real issue for Congress—and that is whether we will pass meaningful campaign finance reform laws to restore the public's faith in our elected system of Government.

The fundamental problem we face is not whether Bradley Smith is on the FEC, but whether or not this body, before we adjourn this Congress, is ever going to address the fundamental campaign laws that some of us would like to see modified, including the McCain-Feingold legislation, which has been before this body in the past.

It is time, in my view, to confirm these nominees to ensure that this agency has a full complement of dedicated, talented Commissioners sworn to uphold the laws on the books.

It is time to get on with the work of the Senate to reform our campaign finance laws and give the FEC the resources it needs —both financially and statutorily—to restore the public's confidence in our electoral system.

I yield the floor at this time.

The PRESIDING OFFICER. The Chair recognizes the Senator from Kentucky.

Mr. McCONNELL. Mr. President, let me say briefly to the ranking member of the Rules Committee, I listened carefully to his statement. I thank him very much for respecting the process by which we have selected our nominees for the Federal Election Commission. He made it clear that, had the choice been his, he would not have picked Professor Smith. I will make it clear a little later that had the choice been mine, I would not have picked Commissioner McDonald. This is the way the FEC is supposed to work. I thank my colleague for honoring that tradition.

The PRESIDING OFFICER. Under the previous order, the Senate is to recess at 12:30.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that I be recognized at that point to use such time as I am allotted.

The PRESIDING OFFICER. Without objection, it is so ordered.

## RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, at 12:49 p.m., the Senate recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

## NOMINATION OF BRADLEY A. SMITH, OF OHIO, TO BE A MEMBER OF THE FEDERAL ELECTION COMMISSION—Continued

The PRESIDING OFFICER. Under the previous order, the distinguished Senator from Wisconsin is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

Today we are debating a nomination that may be just as important to the cause of campaign finance reform as any bill that has been considered by the Senate in recent years. Tomorrow's vote on the nomination of Brad Smith may be just as significant for campaign finance reform as any of the votes we had on those bills.

The issue here is the nomination of Brad Smith to a 6-year term on the Federal Election Commission, and I oppose that nomination.

Like other speakers, I take note of the photograph of Brad Smith's family shown today on the floor only to make a point that this nomination is certainly not analogous to treatment that has been given to judicial appointments, where we have had to wait for years and years for a confirmation vote. Mr. Smith was just nominated a couple of months ago. So this has not been a long drawn out delay of his nomination that would do harm to him, his family, or anybody else. In fact, I rejected that kind of approach to his nomination because, as far as I know, Professor Smith is a perfectly reasonable man in terms of his integrity and his academic ability and the like. He deserved a vote on the floor and he is going to get it, a lot faster than many judicial nominees that President has sent to us.

The problem is that Professor Smith's views on Federal election laws as expressed in Law Review articles, interviews, op-eds, and speeches over the past half decade are startling. He should not be on the regulatory body charged with enforcing and interpreting those laws.

So when words are used on the floor such as "vilification," or questioning his integrity, or any other excuse not to get to the real issue, I have to strongly object. This debate is simply on the merits of what Professor Smith's views are of what the election laws are or should be.

Over the course of the debate—and I note that a number of my colleagues will be joining me on the floor to set out the case against Professor Smith—we will explain, and I hope convince, our colleagues and the public that this nomination has to be defeated.

Let me again make it clear, because I think there was some attempt to suggest the opposite, that I hold no personal animus towards Professor Smith. It is not a matter of personality. I am sure he is a good person. I do not question his right to criticize the laws from his outside perch as a law professor and commentator. But his views on the very laws he will be called upon to enforce give rise to grave doubt as to whether he can carry out the responsibilities of a Commissioner on the FEC. It just isn't possible for us to ignore the views he has repeatedly and stridently expressed simply because he now says he will faithfully execute the laws if he is confirmed.

We would not accept, nor should we accept, such disclaimers from individuals nominated to head other agencies of government. Sometimes a cliche is the best way to express an idea. Professor Smith on the FEC would really be the classic case of the fox guarding the hen house.

Let me illustrate this by pointing out the views of Bradley Smith that caused me and many others who care about campaign finance reform to have a lot of concern about his being on the FEC.

Professor Smith has been a prolific scholar on the first amendment and the Federal election laws, so there is a rich written record to review. Let's start with one of his most bold statements. In a 1997 opinion in the Wall Street Journal, Professor Smith wrote the following:

> When a law is in need of continual revision to close a series of ever changing "loopholes," it is probably the law and not the people that is in error. The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

That is right. The man who we may be about to confirm for a seat on the Federal Election Commission believes the very laws he is supposed to enforce should be repealed. Thomas Jefferson said we should have a revolution in this country every 20 years. He believed laws should constantly be revised and revisited to make sure they are responsive to the needs of citizens at any given time. Yet Professor Smith sees the need for closing a loophole in the Federal elections laws as evidence that the whole system, the whole idea of campaign finance reform laws, should be completely scrapped. In other words, what would be the purpose of the Federal Elections Commission under his view of the world?

A majority of both the House and the Senate have voted to close the loophole in the law known as soft money. We know that loophole is undermining public confidence in our elections and our legislative process. We have seen that loophole grow until it threatens to swallow the entire system. Many Members think it already has. A majority of the Congress wants to fix that problem. We are willing to legislate to improve an imperfect system. But Brad Smith wants to junk the system entirely and let the big money flow, without limit.

So what are we doing? We are about to put somebody with that view on the body charged with enforcing laws we pass. I don't think this makes any sense.

Another statement by Professor Smith that I think should give us pause, in a policy paper published by the Cato Institute, for whom Professor Smith has written extensively, he says the following:

> The Federal Election Campaign Act and its various State counterparts are profoundly undemocratic and profoundly at odds with the First Amendment.

Of course, this is consistent with his views that the Federal Election Campaign Act should be repealed. The FEC has loopholes and doesn't work. Not only that, it is profoundly undemocratic and profoundly at odds with the first amendment.

How can a member of the FEC, how can Brad Smith, reconcile those views with his new position as one of six individuals responsible for enforcing and implementing the statute and any future reforms that Congress may pass? He has shown such extreme disdain in his writings and public statements for the very law he would be charged to enforce that I just don't think he should be entrusted with this important responsibility.

Let me repeat, this nominee says that the Federal Election Campaign Act is profoundly undemocratic and profoundly at odds with the first amendment. Every bit of it. I am sure this body doesn't agree. Is it profoundly undemocratic to believe that the tobacco companies, the pharmaceutical companies, and the trial lawyers shouldn't be pouring money into campaigns through the parties, while they seek to influence legislation that affects their bottom lines? Is it profoundly undemocratic to believe that $20,000 per year is enough for a wealthy person to be able to contribute to a political party? Is it profoundly undemocratic to argue that the spending of outside groups to attack candidates should be reported? That the public has a right to know the identities and financial backers of groups that run vicious, negative ads against candidates just weeks before an election?

I, for one, take great pride in being a strong defender of the first amendment. I wouldn't vote for a bill that was "profoundly at odds with the first amendment," and I don't think my colleagues, who form a majority of the Senate in support of campaign finance reform, would either. But we are being asked to confirm to a seat on the body that will implement these laws someone who views these laws and our views as totally illegitimate.

Professor Smith does believe, apparently, that disclosure is a good thing, but that is all the regulation he wants to see in our elections.

In another article, Professor Smith writes: I do think that Buckley is probably wrong in allowing contribution limits. He believes and he reaffirmed this belief in the hearings on his nomination held by the Rules Committee that contribution limits are unconstitutional. Professor Smith's view, as quoted by the Columbus Dispatch, is that people should be allowed to spend whatever they want on politics. Whatever they want. He thinks there is no problem with unlimited contributions, none. Congress need not concern itself with that issue at all, apparently. In an interview at MSNBC he said: I think we should deregulate and just let it go. That is how our politics was run for over 100 years.

Think about what this is. We are asking somebody to enforce our election laws who says, literally, "just let it go." That is some enforcement. Professor Smith would have us go back to the late 19th century before Theodore Roosevelt pushed through the 1907 Tillman Act and prohibits corporate contributions to Federal elections.

The limits on contributions from individuals to candidates—the very core of the campaign finance law that the

Supreme Court upheld in Buckley v. Valeo and again in Nixon v. Shrink Missouri Government PAC—Brad Smith would junk these provisions along with the very statute that created the FEC, the body on which he now seeks to serve.

Professor Smith thinks that contribution limits are expendable because, in his view, the concerns about corruption are just overblown.

Let's look at what Mr. Smith has to say about that: He wrote in a 1997 law review article:

> Whatever the particulars of reform proposals, it is increasingly clear that reformers have overstated the government interest in the anticorruption rationale. Money's alleged corrupting influence are far from proven.

Well it just so happens, Mr. President, that the U.S. Supreme Court doesn't agree. Just a few months ago, the Supreme Court issued a ringing reaffirmation of the core holding of the Buckley decision that forms the basis for the reform effort. The Court once again held that Congress has the constitutional power to limit contributions to political campaigns in order to protect the integrity of the political process from corruption or the appearance of corruption. In upholding contribution limits imposed by the Missouri Legislature, Justice Souter wrote for the Court:

> [T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

Mr. Smith thinks the dangers of corruption are overblown. The Supreme Court says they are obvious. Professor Smith's disdain for campaign finance reform is so great that he won't even admit the most basic fact about our political life. That at some point, in some amount, contributions can corrupt. Or at least they look like they corrupt, which the Supreme Court recognized is just as good a reason to limit contributions to politicians. The appearance of corruption, Mr. President. We all know it's there. We hear it from our constituents regularly. We see it in the press, we hear about it on the news. But Brad Smith says the corrupting effect of money on the legislative process is far from proven.

Back home if I said that at any town meeting that is a laugh line. Americans scoff at the notion that big money is not corrupting our system.

The Supreme Court held, and by the way, this wasn't a narrowly divided Supreme Court decision in the Shrink Missouri case. This was a 6–3 decision, with a majority containing four Justices appointed by Republican Presidents including Chief Justice Rehnquist. The Supreme Court held as follows:

> Buckley demonstrates that the dangers or large, corrupt contributions and the suspicion that large contributions are corrupt are neither novel nor implausible. The opinion noted that the deeply disturbing examples surfacing after the 1972 election demonstrate that the problem of corruption is not an illusory one.

"The problem of corruption is not an illusory one," said the Court. The Supreme Court got it 25 years ago. Brad Smith still doesn't believe it. Professor Smith says: "Money's alleged corrupting influence are far from proven." That's what this debate is all about, Mr. President. If someone can't even see the danger in unlimited contributions, how can he adequately fulfill his duties as an FEC commissioner?

The campaign finance laws are not undemocratic. They are not unconstitutional. They are essential to the functioning of our democratic process and to the faith of the people in their government. As the Supreme Court said in the Shrink Missouri case:

> Leave the perception of impropriety unanswered, and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance. Democracy works 'only if the people have faith in those who govern, and that faith is bound to be shattered when high officials and their appointees engage in activities which arouse suspicions of malfeasance and corruption.

Now, in the wake of that clear declaration by the Court, how can Bradley Smith continue to rationalize the gutting of the Federal Election Campaign Act? And how can we allow him the chance to carry it out as a member of the FEC?

We need FEC Commissioners who understand and accept the simple and basic precepts about the influence of money on our political system that the Court reemphasized in the Shrink Missouri case. We need FEC Commissioners who believe in the laws they are sworn to uphold. We need FEC Commissioners who will be vigilant for efforts to evade the law, to avoid the clear will of the Congress. We need FEC Commissioners who will be alert to the development of new and more clever loopholes, tricks by candidates or parties or advocacy groups to avoid constitutionally valid limits on their activities or requirements that they operate in the light of day. We do not need FEC Commissioners who have an ideological agenda contrary to the core rationale of the laws they must administer.

As any American who has been watching "The West Wing" in recent weeks knows, nominees to the FEC come in pairs, one Democratic, one Republican. And the members of the Commission by tradition are suggested by the congressional leadership to the President. Now it would be a pipe dream to think that the President would actually nominate two Commissioners at once who favor campaign finance reform, as has happened on TV. No, for reality to imitate art to that extent that would be too much to hope for. But at least we shouldn't put the foremost academic critic of the election laws on the Commission. Surely the Republican leadership can suggest another qualified individual for this post who doesn't believe the election laws should be repealed.

We all know this nomination was made as part of an agreement to get a vote on the confirmation of another presidential nominee last year. I am sorry that the Senate's great responsibility to advise and consent to nominations has become a game of political horse trading. In the end, I think the country suffers when these kind of games are played, but I know it goes on, and I did not stand in the way of this most recent agreement to bring Mr. Smith to a vote as part of a larger package of nominations. But we still have a duty of advise and consent on each nomination, and I ask my colleagues to take a very hard look at this particular nomination and after doing so I hope you come to the conclusion to vote no.

The public is entitled to FEC Commissioners who they can be confident will not work to gut the efforts of Congress to provide fair and democratic rules to govern our political campaigns. The time has come for the Senate to say no. The nomination of Brad Smith should not be approved.

I reserve the remainder of my time and I yield the floor.

Mr. WELLSTONE. Mr. President, I rise today to join my colleague, Senator FEINGOLD, and strongly oppose the nomination of Bradley A. Smith to the Federal Election Commission. Mr. Smith has no confidence in federal election law, indeed he believes it to be "undemocratic" and "unconstitutional." As a member of the FEC he will have the opportunity to put those views into practice and actually shape election law through rulemaking. But worst of all, Mr. Smith doesn't just disagree with the law, he disagrees with the express purpose of the law—limiting the corrupting influence of money in politic. An FEC nominee who's own personal beliefs and philosophies are so at odds with the purposes and authority of the Federal Election Campaign Act should be rejected by a pro-reform Congress.

I oppose the Smith nomination not only because his philosophies are antithetical to present law, but because I believe they are antithetical to broad political participation, to lowering the price of access to the legislative process, restoring Americans faith in our system, and they are antithetical to everything that is necessary for a functioning democracy.

But before I make my case that the Senate should reject this nomination, let me say this. I have met Mr. Smith and found him to be an earnest and learned advocate of his point of view. I have no reason to question Mr. Smith's honor or his intentions and even his harshest critics do not make the claim that Mr. Smith does not have a strong technical understanding of the law. He seems to be a good guy, so this is not personal and I hope that he does not take my criticisms personally. But I do feel that given Mr. Smith's views, he is a poor fit for this job.

Mr. Smith is a very vocal and articulate critic of current election law—to say nothing of the various reform proposals introduced by members of this body. In fact, Mr. Smith is widely regarded as one of the foremost critics of the current campaign finance system. He has written numerous articles on the subject, he has frequently appeared before Congressional Committees, sat on panels and has appeared on television. Throughout the body of his writings and public appearances he has been consistent: He believes the Federal Election Campaign Act is unworkable, unconstitutional, and undemocratic.

Mr Smith takes the argument one step further: he is an aggressive proponent of near complete deregulation of the campaign finance system and believes that nearly any attempts to regulate the relationship between money and elections is folly. For example, in a 1997 Georgetown Law review article Mr. Smith states quote:

> I have previously argued at length that campaign finance regulation generally makes for bad public policy. Campaign finance regulation tends to reduce the flow of information to the public, to favor select elites, to hinder grass roots political activity, to favor special interests, to promote influence peddling, and to entrench incumbents in office.

I don't want to belabor this point. Other colleagues are speaking to this issue and in all honesty it's the least of my objections to the nomination. But in all I would simply say this to my colleagues: I cannot remember a time when this body confirmed a nominee—for any executive position—who's own views were so completely at odds with the law he was meant to uphold. Mr. Smith claims that his own strong opinions notwithstanding he can and will enforce the law. Still, I don't see how he can be true to both the law and his convictions. He will be responsible for administering a law that in his view that pose a threat to "political liberty." He will be appointed to perpetuate a system that he feels was made "more corrupt and unequal" by the Federal Elections Campaign Act. Speaking for myself, I would not want to be charged with enforcing a law that is antithetical to everything I know about politics, democracy, and good government—as Smith feels about current law. But the Senate is being asked to confirm a nominee with just that perspective.

If the FEC were simply an empty vessel, mindlessly executing the will of the Congress as stated in the Federal Election Campaign Act, Mr. Smith's extreme views would be trouble enough. But that isn't how the system works. And, in fact, the FEC has considerable leeway in interpreting FECA when it issues rules. The following are three examples of how a person with Smith's attitudes about the law could do a lot of damage to the integrity of the system of regulations that govern election spending:

No. 1. Redefining "coordination"—Under current law, contributions to candidates are limited, but independent spending is unlimited. In order to avoid evasion of the contribution limits, the law specifies that any spending that is done in coordination with a candidate counts as a contribution to the campaign. However, the FEC currently is considering a proposed rulemaking that would define "coordination" so narrowly as to make it meaningless. Under the proposed rule, there would be no coordination unless the FEC could prove that a candidate specifically requested an expenditure, actually exercised control over the expenditure, or reached an actual agreement with the candidate concerning the expenditure. This rulemaking, if approved, would open a massive loophole that would enable a spender to maintain high level contacts with a campaign and still claim to be acting independently. This is a prime example of how a Commissioner can eviscerate the law while claiming to enforce it.

No. 2. Neglecting to close the "soft money" loophole—Soft money—which the Senate has spent years trying to ban—was basically "created" by an FEC interpretation of the law. Recently, a complaint filed by five members of Congress and a separate complaint filed by President Clinton have urged the FEC to close the "soft money" loophole administratively. The FEC's Office of General Counsel has submitted a notice of proposed rulemaking which outlines the steps that the Commission can take to close the "soft money" loophole if it so chooses. Brad Smith's view that it is unconstitutional to prohibit "soft money" makes it likely that he would reject a recommendation from the General Counsel to close the "soft money" loophole.

No. 3. Regulation of election-related activity over the internet—The FEC is currently considering the whole range of issues raised by the use of the internet to conduct political activity. This is a largely uncharted area, and the current and future FEC Commissioners will play an important role in determining how internet communications will be treated under the law. Brad Smith's view that the federal government should scrap all of its campaign finance reform efforts can be expected to strongly color his policy judgment about what regulations the FEC ultimately should issue in this area of the law.

I want my colleagues to be clear on this point: This nominee is no empty vessel. He will have the opportunity to actually shape election law through rulemaking—colleagues shouldn't kid themselves that FEC commissioners can just "follow the law" and that their personal biases don't matter. An anti-campaign finance law Commission, can promote anti-campaign finance law rules.

Mr. President, I do want to take some time to get to the heart of my objection to the Smith nomination: He doesn't just disagree with the law, he disagrees with the express purpose of the law. The express purpose of the Federal Election Campaign Act is to limit the disproportionate influence of wealthy individuals and special interest groups on the outcome of federal elections; regulate spending in campaigns for federal office; and deter abuses by mandating public disclosure of campaign finances. Mr. Smith doesn't just quibble with how the law achieves those goals, he disagrees with those goals completely! Mr. Smith believes that money—regardless of how much or where it comes from—has no corrupting or disenfranchising influence on elections.

For example lets look at what Smith wrote on the effect of money on how the Congress conducts its business, on what gets considered and what doesn't, on who has power and who does not. This is from "The Sirens' Song: Campaign Finance Regulation and the First Amendment." Smith argues:

> If campaign contributions have any meaningful effect on legislative voting behavior, it appears to be on a limited number of votes that are generally related to technical issues arousing little public interest. On such issues, prior contributions may provide the contributor with access to the legislator of legislative staff. The contributor may then be able to shape legislation to the extent that such efforts are not incompatible with the dominant legislative motives of ideology, party affiliation and agenda, and constituent views. Whether the influence of campaign contributions on these limited issues is good or bad depends on one's views of the legislation. The exclusion of knowledgeable contributors from the legislative process can just as easily lead to poor legislation with unintended consequences as their inclusion. But in any case, it must be stressed that such votes are few.

Let me explain what I find so chilling about this statement. It would be one thing if Mr. Smith argued that money had no effect on policy. That regardless of the endless anecdotes and personal testimonials of members of Congress past and present, that having lots of money on your side buys you no extra influence in Congress. Some members of this body take that position. I think it's wrong, I think it's naive, I think the American people see through it. In other words, it would be bad enough if that was Smith's view. But isn't. He asserts that money plays a role but only on "technical issues that arouse little public interest"—but worse, doesn't seem to be concerned about it!

It does not appear to matter to Brad Smith that money affects the process on those issues that outside of the public attention! Well with all due respect, most of what we do takes place below the surface here! We pass bills with scores of obscure provisions, hundred of pages long. No one knows what they all do, we can't know. We vote on them without knowing. It is there that the system is most ripe for abuse, where the greatest potential exists for those with the money, the clout, the access to game the system, but Mr. Smith isn't much worried about it.

I agree with Smith that it is the small, stealth provisions which are most likely to appear or disappear because of money. But where I strongly disagree with Smith is that I believe that this is a problem. It should be aberrational, not typical. I think it's outrageous that because a person is in a position to donate $200,000 to the NRSC or the DSCC that person is in a position to dictate policy—regardless of how obscure. I think it's wrong that a line in a bill can be bought and paid for with a campaign contribution. I think it's wrong that a patent extension or favorable tariff treatment is up for sale. Because the matters are obscure, they are even more ripe for abuse. I won't speak for my colleagues, but I'd like the Commissioners on the FEC to be concerned with these abuses.

For example, I point my colleagues to an excellent article in the February 7 issue of Time magazine entitled "How to Become a Top Banana" by Donald Barlett and James Steele. This article details how it came to pass that the U.S. government imposed 100% tariffs on obscure European imports in an ongoing attempt to force the European Union to allow market access for Chiquita Bananas. As the article notes, the U.S. Trade Representative imposed tariff rates on products essential to the economic health of several U.S. small businesses to promote the interests of a firm who does not even grow its bananas in the United States. As it turns out, campaign contributions may have played a big role. The article concludes:

> So what does the battlefield look like as the Great Banana War's tariffs approach their first anniversary? Well, the operators of some small businesses, like Reinert, are limping along from month to month. Other small-business people are filing fraudulent Customs documents to escape payment. Other businesses are doing just fine because their suppliers in Europe agreed to pick up the tariff or it applies to just a small percentage of the goods they sell. In Europe as in America, small businesses have been harmed by the U.S. tariffs. Larger companies have been mostly unaffected. And the European Union has kept in place its system of quotas and licenses to limit Chiquita bananas. Who, then, is the winner in this war?
>
> That's easy. It's the President, many members of Congress and the Democratic and Republican parties—all of whom have milked the war for millions of dollars in campaign contributions—along with the lobbyists who abetted the process. A final note. While Lindner (owner of Chiquita banana) had many areas of political interest beyond his battle with the European Union, a partial accounting of the flow of his dollars during the Great Banana War—as measured by contributions of $1,000 or more—as well as lobbying expenditures on the war, shows: Republicans—$4.2 million, Democrats—$1.4 million Washington lobbyists—$1.5 million.

Just look at the bankruptcy bills passed by the House and the Senate. I'm told Committee staff refer to the provisions based on which industry "paid" for them. This provision is for the credit card companies, this one for the real estate industry, and so on it goes. As the Wall Street Journal noted on April 20 in an article entitled "Bankruptcy Reform Pits Industries Against Each Other":

> Lawmakers like to portray the battle over bankruptcy reform as a clash of principles: stopping debtors from shirking their obligations or creditors from fleecing the needy. But in the back rooms of Capital Hill, the nature of the fight changes. Industry lobbyists, many ostensibly allied in favor of bankruptcy overhaul legislation, vie to carve out as many favors for their clients as possible at the expense other business groups. These contests pit auto companies against credit card issuérs, retailers against Realtors and the Delaware bar against lawyers from the rest of the U.S.

Again, the major political parties seem to be the major winners in all of this (well, aside from the lenders)—and certainly not low and moderate income debtors. Contributions from the lending industry to both parties since 1997 tops $20 million.

But that doesn't much concern Mr. Smith, the man who would be in charge of enforcing our campaign finance laws.

Smith even argues even more explicitly that tying legislation to campaign contributions is not necessarily a bad thing. Or at least that being attentive to campaign contribution will make politicians more attentive to the public. He argues in "A Most Uncommon Cause":

> What reformers mean by corruption is that legislators react to the wishes of certain constituents, or what, in other circumstances, might be called 'responsiveness.' The reformist position is that legislators shape their votes and other activities based on campaign contributions. They call this corruption. Money dominates the policy making process, they argue, unfairly frustrating the popular will. . . . For one this, it is proper, to some extent, for a legislator to vote in ways that will please constituents, which may, from the legislators viewpoint, have the beneficial effect of making those constituents more likely to donate to the legislators re-election campaign."

But who does it make them more attentive to? The wealthy, the heavier hitters, the tiny proportion of the population who can make substantial contributions to candidates. Again, the fact that Smith admits this is the case is not surprising. Many critics of private money in politics draw the same conclusion. What colleagues should find outrageous is that Smith, again, sees nothing wrong with this relationship.

It is the money in politics which has stripped away from many Americans the capacity to have one's vote weigh as much as the person in the next polling booth, to have a vote in the South Central, LA to be worth as much as a vote in Beverly Hills. The vote is undermined by the dollar. The vote may be equally distributed, but dollars are not. As long as elections are privately financed, those who can afford to give more will always have a leg up—in supporting candidates, in running for office themselves, and in gaining access and influence with those who get elected. We all know this is the way it works. And the American people know it, too.

Bizarrely, though, Smith argues that wealth, and therefore the ability to affect elections is distributed equitably enough through out our society that the inordinate influence of money is not inordinately concentrated among a small subset of the population. In a 1997 piece entitled "Money Talks: Speech, Equality, and Campaign Finance" Smith states:

> Very few citizens have the talent, physical and personal attributes, luck of time and place, or wealth to influence political affairs substantially. Thus a relatively small number of individuals will always have political influence far exceeding that of their neighbors. However, to the extent that wealth (however that might be defined) than there are citizens capable of running a political campaign, producing quality political advertising, writing newspaper editorials, coaching voice, and so on. In other words, it may be true that more people are "good looking" than rich, it may be true that more people are "educated" than rich. However, the number of people capable of meaningful nonmonetary contributions to a political campaign—that is the type of contribution that will give the individual some extra say in policy-making—is much smaller than the group of monied people.

I frankly think this argument is ridiculous and insulting. It suggests that if you're not a $500 an hour consultant telling the candidate to wear earth tones, if you're not a big name pollster you can't make a meaningful nonmonetary contribution to a political campaign. No one who has actually run for office would hold this view. Taken to a logical extreme its effect would be to limit participation by those other than the monied elite—the hundred of folks who volunteer at a phone bank, put up yard signs, or write letters to the editor. My point is that almost everyone has something to offer regardless of how wealthy they are.

But there is a larger point here; the fact that Brad Smith believes that there are more people in America capable of donating $1000 than there are people who can take a few afternoons to lick envelopes. I'm not sure where Smith comes by this view but it obviously falls on its face.

Of course, it does explain where Smith is coming from. I mean, if you believe that money is speech and that campaign contributions profoundly impacts the legislative process, you are one of two things: You are either a defender of a political oligarchy of the wealthy and well-heeled or you believe that this money, this power, is distributed equally throughout society. To be fair to Smith, he genuinely seems to hold the latter view. But while this might be a less cynical reason to be comfortable with money influencing politics, he's still flat out wrong. In fact, he has it completely backward.

The picture of those who contribute the vast majority of money to candidates under the current contribution limits does not look like America, it is overwhelmingly white, male, and wealthy. A study conducted of donors in the '96 election found the following characteristics of such donors: 95 percent were white, 80 percent were male, 50 percent were over 60 years of age and 81 percent had annual incomes of over $100,000. The population at large in the United States had the following characteristics at that time: 17 percent was non-white, 51 percent were women, 12.8 percent were over 60, and only 4.8 percent had incomes over $100,000.

For example, the organization Public Campaign found that during the 1996 elections, just one zip code—10021, in New York City—contributed $9.3 million. There are only 107,000 people in that exclusive slice of Manhattan real estate and the vast majority (91 percent) are white. On the other side of the lop-sided equation are 9.5 million residents of the 483 U.S. communities that are more than 90 percent people of color. They gave $5.5 million. Are these groups equal before the law?

Additionally, Only a spectacularly small portion of U.S. citizens contribute more than $200 to political campaigns. In the first half of 1999:

> Only 4 out of every 10,000 Americans (.037%) has made a contribution greater than $200.
>
> As of June 30, 1999 only .022% of all Americans had given $1000 to a presidential candidate.
>
> In the '98 election, .06% of all Americans gave $1000, or 1 in 5000.

So again, Smith has the argument precisely backward, because so few can effectively participate through campaign contributions it is inherently unequal means of political participation. The fact that a few actors—big corporations, Unions, the truly wealthy—have nearly limitless funds to pour into races exacerbates the disparity between the average citizen and the monied citizen. But other means of political participation are inherently limited—no matter who you are, there are still no more than 24 hours in a day or seven days in a week—do no one has that much of an advantage.

But Smith goes further than simply arguing that campaign contributions can buy legislative favors, he argues in "Money Talks" that money is speech—not in the sense that it buys speech or allows for getting out the candidates message—but in the sense that making a campaign contribution is an act of symbolic, political speech in of itself. This argument, I should point out to colleagues, goes way beyond the Supreme Court's linkage between speech and money in Buckley. Smith argues:

> The Court's rationale that contribution limits only "marginally" burden First amendment rights is suspect on its own and at odds with the traditional First Amendment right of association. The Court was correct that the size of a contribution does not express the underlying basis of support, but wrong when it held that it involved "little direct restraint on political communication." Is not a substantially different message communicated when a local merchant pledges $10,000 to one charity (or political campaign) and just $25 to another? In such an instance, is it not the size of the donation, rather than the act of donating, that sends the strongest message to the community? It is true that the basis of support for the cause (or candidate) remains vague, yet the message in each gift is substantially different.

Combined with the fact that only a tiny percentage of voting citizens are making large hard money contributions (much less truly massive soft money contributions) Smith is advocating for a system where much political speech is effectively closed to most Americans because they can't muster the means to make a send a loud "message."

If money equals speech, we can clearly see who we are letting do all the talking—or at least those are the folks that we're listening to. The hopes, dreams, concerns, and problems of the vast majority of the American people are going unheard because the bullhorn of the $1,000 contribution drowns them out. Why would be want to make that bullhorn bigger and louder? Why would we want to give greater access and more control to those who already have it locked up? But that is the direction that this FEC nominee would see us go in.

Like Smith, I too am a critic of our mechanism for financing of elections. This current system of funding congressional campaigns is inherently anti-democratic and unfair. It creates untenable conflicts of interests and screens out many good candidates. By favoring the deep pockets of special interest groups, it tilts the playing field in a way that sidelines the vast majority of Americans. But unlike Smith, I support reforms that would expand political participation. Unlike Smith I have no illusions that inequities in wealth—in a system where wealth rules—do not result in a distorted product.

In 1966 in the case of Harper versus Virginia State Board of Elections, the Supreme Court struck down a poll tax of $1.50 in Virginia state elections. The Court stated in its decision that, quote, the "State violates the Equal Protection Clause of the Fourteenth Amendment whenever it makes the affluence of the voter or payment of any fee an electoral standard. Voter qualifications have no relation to wealth."

In 1972 in Bullock versus Carter, the Court again faced the issue of wealth in the electoral process and again stated that such a barrier was unconstitutional. This time, the question concerned a system of high filing fees that the state of Texas required candidates to pay, in order to appear on the primary ballot. The fees ranged from $150 to $8,900.

The Court invalidated the system on Equal Protection grounds. It found that, with the high filing fees, quote: "potential office seekers lacking both personal wealth and affluent backers are in every practical sense precluded from seeking the nomination of their chosen party, no matter how qualified they might be and no matter how enthusiastic their popular support."

The "exclusionary character" of the system also violated the constitutional rights of non-affluent voters. "We would ignore reality," the Court stated, "were we not to find that this system falls with unequal weight on voters, as well as candidates, according to their economic status." unquote. These cases may have no literal legal implications for our system, where deep pockets—either one's own or one's political friends—are a prerequisite for success. But they do have a moral implication.

I do believe that in America's elections today we have a wealth primary, a barrier to participation to those who are not themselves wealthy or who refuse to buy in to monied interests. Is it an absolute barrier? No. Does it mean that every candidate for federal office is corrupt? No. However, the price we pay is what the economists would call the "opportunity cost." It is a cost represented by lost opportunities, by settling for those who are most electable rather than those who are the best representatives of the American people. And I do not believe that in a system where money equals power, inequality of wealth can be reconciled with equality of participation.

That, I say to my colleagues, is why I cannot support Mr. Smith's nomination. And it isn't that he is a critic of the present system. Indeed I agree with Smith that fixing the system is not fundamentally an issue of tightening already existing campaign financing laws, no longer a question of what's legal and what's illegal. The real problem is that most of what's wrong with the current system is perfectly legal.

Many people believe our political system is corrupted by special interest money. I agree with them. It is not a matter of individual corruption. I think it is probably extremely rare that a particular contribution causes a member to cast a particular vote. But the special interest money is always there, and I believe that we do suffer under what I have repeatedly called a systemic corruption. Unfortunately, this is no longer a shocking announcement, even if it is a shocking fact. Money does shape what is considered do-able and realistic here in Washington. It does buy access. We have both the appearance and the reality of systemic corruption.

I wonder if anyone would bother to argue that the way we are moving toward a balanced federal budget is unaffected by the connection of big special-interest money to politics? The cuts we are imposing most deeply affect those who are least well off. That is well-documented. The tax breaks we offer benefit not only the most affluent as a group, but numerous very narrow wealthy special interests. Does anyone wonder why we retain massive subsidies and tax expenditures for oil and pharmaceutical companies? What about tobacco? Are they curious why we promote a health care system dominated by insurance companies? Or why we promote a version of "free trade" which disregards the need for fair labor and environmental standards, for democracy and human rights, and for lifting the standard of living of American workers, as well as workers in the countries we trade with? How is it that we pass major legislation that directly promotes the concentration of ownership and power in the telecommunications industry, in the agriculture and food business, and in banking and securities? For the American people, how this happens, I think, is no mystery.

For this reason, I support public financing of elections. It is a matter of common sense, not to mention plain observation, that to whatever extent campaigns are financed with private money, people with more of it have an advantage and people with less of it are disadvantaged.

I think most citizens believe there is a connection between big special interest money and outcomes in American politics. People realize what is "on the table" or what is considered realistic here in Washington often has much to do with the flow of money to parties and to candidates. We must act to change this, but a vote for Smith is to move the FEC, and the debate over campaign finance reform, in the opposite direction.

Despite his obvious command of the law, Brad Smith has shown himself through his writings to be completely insensitive to the realities of political participation in America. He is smart enough to know better. The Senate should send a message that it is smart enough to know better too. I urge a no vote.

Recently, a complaint was filed by five Members of Congress and a separate complaint filed by President Clinton which urged the FEC to close the soft money loophole. Brad Smith's view that it is unconstitutional to prohibit soft money makes it likely he will reject any recommendation from general counsel to close the soft money loophole.

Regulation of election-related activity on the Internet—the FEC is looking at a whole range of issues that are based upon or deal with the use of the Internet to conduct political activities. Again, I do not know the potential for all the abuses and the ways in which people can attack and people can raise money for the attack and what they can do on the Internet. I do know Brad Smith's view that the Federal Government should scrap all of its campaign finance reform efforts can be expected to strongly color his policy judgment about what regulations the FEC ultimately should issue in this area of law.

For other colleagues who are thinking of coming to the floor, I will not take a lot more time. I will reserve the remainder of my time. I want to put forth a couple of points.

First of all, Senator **FEINGOLD** and I have been in opposition. We were part of an agreement this nomination would come to the floor, but that has to do also with the ability to get a number of judges considered. We certainly need to start voting on judges.

I do not believe, I say to my colleagues, that these votes are independent of one another. I do not think colleagues ought to be voting for Brad Smith, the argument being that only if he is so confirmed will judges pass. I do not believe that is part of any formal agreement, and it should not be a part of any informal agreement. We ought to vote on these candidates on the basis of their qualifications. We ought to be voting on them on the basis of what it is we ask them to do in Government.

While I respect Brad Smith's intellectual ability and while I like him as a person—and I am not just saying that—I believe it would be a terrible mistake for the Senate to confirm him. It sends a terrible message of our viewpoint of the mix of money in politics and whether or not we are serious about any reform.

In many ways, this is the core problem—the mix of money in politics. I believe we have moved dangerously close to a system of democracy for the few. Money has hijacked politics in this country. It is no wonder we see a decline in the participation of people in public life and politics. Most people believe money dominates politics, and it does.

I am in disagreement with Brad Smith. Money—other Senators can come to the floor and disagree and debate—determines all too often who gets to run. All too often it determines who wins the election or who loses the election. All too often it determines what issues we even put on the table and consider. All too often it determines the outcome of specific votes on amendments or bills. All too often on a lot of the details of legislation, special interests are able to get their way. All too often it is on the basis of some people, some organizations, some groups having way too much wealth and power and the majority of the people left out.

It is incredible to me. We have all become so used to this system that we have forgotten the ways in which it can be so corrupting, not in terms of individual Senators doing wrong because someone offers them a contribution and, therefore, a Senator votes this way or that way. I do not think that happens. I hope it does not happen. I pray it does not happen.

I will say this. We have the worst kind of corruption of all. It is systemic, and it is an imbalance between those people who have all the financial resources and the majority of people in the country who do not. It is when too few of those people have way too much of the power and the majority of the people feel left out. When that happens, there is such an imbalance of access, influence, say, and power in the country that the basic standard in a democracy that each person should count as one, and no more than one, is seriously violated.

It is interesting, I point out for colleagues, in the first half of 1999, just looking at the contributions, only 4 out of every 10,000 Americans, .03 percent, made a contribution greater than $200. As of June 30, 1999, .022 percent of all Americans had given $1,000 to a Presidential candidate. In the 1998 election, .06 percent of all Americans gave $1,000, and that was 1 in 5,000.

This does not even take into account all the soft money contributions. This does not take into account the $500,000 and the $1 million contributions. What happens is that the vast majority of people in the country—I am sorry, not just poor people who do not have financial resources—the vast majority of people in the United States of America believe their concerns—for themselves, their families, and their communities—are of little concern in the corridors of power in Washington, DC, where they see a political system and a politics dominated by big money and, therefore, really believe they are shut out. We have given them entirely too much justification for that point of view.

I do not see how in the world we can vote for Brad Smith, given how clear he is in his opposition to reform. Given the positions he has taken which go in the exact opposite direction of believing that money in any way, shape, or form can be corrupting of this political system and corrupting of democracy, we send a terrible message to people in this country if we vote for this nominee.

Again, I am not all that excited about coming here and making these arguments, especially when it is about an individual person. I am not talking about Brad Smith; I am talking about his viewpoint. I think he is wrong. I would love to be in a debate with him. I probably would have a tough time in a debate with him. He has a tremendous amount of ability. It would be a fun debate. I would enjoy it.

The point is, you can respect someone; you can say you would love to debate somebody; you appreciate their writing; you appreciate the speech they have given; you appreciate the lecture they have given—I was a college professor—but to see them on the Federal Election Commission is a different story when he is asked to implement the very laws he says he does not believe in, when he is asked to be there to make decisions—FEC is not an empty vessel, and he certainly is not an empty vessel—where key decisions are going to be made about coordination, soft money, and a whole set of issues that are dramatically important to whether we have a democracy or not.

I cannot vote for him. I believe Senators should oppose this nomination. I do not know what the final vote will be. Maybe there will be a majority vote for him, maybe there will not. His nomination is put forth at precisely the wrong time in the history of American politics in the country.

I say that because I believe people in this country yearn for change. Senator McCAIN is on the floor. He will be speaking later. His campaign certainly tapped into that. His campaign brought that out in people. That is but one powerful example.

People would love to have a Government they believe is their Government. They would love to have a Senate and a House of Representatives they believe belong to them. People right now—I have said it before in the Senate—believe that if you pay, you play, and if you don't pay, you don't play.

Above and beyond this debate, I want us to get to the point where we make some significant change. What is at stake on this whole reform question is basically whether or not we will continue to have a vibrant representative democracy. If your standard is that each person should count for no more than one, we have moved so far away from that standard, it is frightening.

This may be a terrible thing to say on the floor of the Senate because I love being a Senator. I will thank Minnesota for the rest of my life for giving me this chance. In many ways I think we have a pseudodemocracy, a minidemocracy. We have participation, we have government of, by and for maybe about 20 percent or less of the people.

There are many things that need to be done which can lead to democratic renewal. One of them is to get serious about the ways in which money has come to dominate politics, the ways in which we now have the most severe imbalance of power we could imagine, which is dangerous to the very idea of representative democracy.

I want to see us move to a clean money-clean election. I love what Massachusetts has done; I love what Arizona has done; I love what Maine has done; and I love what Vermont has done. I know other States want to do it. If I ever get the chance, I am going to offer a bill or an amendment that will say that every State should apply clean money-clean election campaigns not only to their State races but to Federal races, give the right to the States as to whether or not they want to have essentially a fund people can draw from—maybe everybody contributes a few dollars a year—which enables people to say: By God, these are our elections; our voice counts; no one person and no one interest is dominant.

There will be the McCain-Feingold bill. I will be pushing hard for the clean money-clean election effort. There are other people who have had ideas. I want us to come out here and get serious about passing reform legislation. We are not there yet; I know that. I think the mode of power for change is going to have to come from a citizen politics; a citizen politics will have to be the money politics. You will have to have an engaged, energized, excited, empowered, determined citizen politics that is going to force us to pass this reform legislation.

In the meantime, I urge colleagues not to vote for Brad Smith's nomination—not because he isn't a good person; he is—because of the basic philosophy he holds, the basic viewpoint he holds which is so antithetical to reform. I think this is a test case as to whether or not we are serious about the business of reform. I hope we vote no.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Arizona.

Mr. McCAIN. Mr. President, I rise in opposition to the nomination of Mr. Smith to the Federal Election Commission. I intend no personal aspersions toward Mr. Smith, and I am sure he is a fine man. However, he should not serve in the position to which he has been nominated. Sending Brad Smith to the FEC is akin to confirming a conscientious objector to be Secretary of Defense.

It would be well to put the debate we are having today and for a short period tomorrow in the context of what is going on as we speak. Tuesday, May 23, from an LA Times article, "Democratic Fund-Raising King Has 26 Million Reasons to Gloat".

> Brash, unapologetic Terry McAuliffe helps party raise "greatest amount of money ever." Critics decry "political extortion."
>
> Even on an average day, Terry McAuliffe is exuberant. But these days, the Democrats' fund-raising master can barely contain himself.
>
> After six weeks of making 200 telephone calls a day, attending happy-hour rallies with small time fund-raisers and wooing new high-dollar givers at intimate dinners, McAuliffe is on track to raise $26 million at a blue-jeans-and-barbecue event at a downtown sports arena Wednesday night—"the greatest amount of money ever in the history of American politics."
>
> Then, turning to leave for another dinner where he would woo a likely big-money contributor, McAuliffe added: "Get those checkbooks out!"
>
> Although a $100,000 contribution was a benchmark in the last presidential election, this time around fund-raisers are collecting scores of checks for $250,000 and more from those who want to qualify as political players.
>
> For Wednesday night's event at Washington's MCI Center, no fewer than 25 people raised or donated at least $500,000, McAuliffe said.
>
> By March, unregulated "soft money" donations to both parties were soaring, with Democratic totals nearly matching Republicans for the first time.
>
> Officials of both parties say that the record-setting inflow reflects enthusiasm for their candidates and their platforms, but the reality is more complicated.
>
> "There is just raw greed on the part of the solicitors, and it is corrupting," said Fred Wertheimer, a longtime leader in the effort to reform the nation's campaign finance laws.
>
> "When you're dealing with $250,000 and $500,000 campaign contributions you are flatly dealing with influence -buying and -selling and with political extortion."
>
> Faced with what many would consider a daunting task, the callers appeared driven by a mix of humor, commitment, swagger and chutzpah.
>
> "I want to ask you a question," McAuliffe told one donor on the phone. "If the world blew up tomorrow would you do 500?" meaning $500,000.
>
> "We should have gone for RFK," McAuliffe bellowed, referring to the 50,000-seat stadium that once housed the NFL's Washington Redskins.
>
> But when one top DNC donor inquired about getting a second table at the event, McAuliffe said, "For 500 grand, I think we could give him two tables.
>
> In the few in-depth conversations . . . donors seem more interested in talking about pet legislative issues than about the merits of the Democrats' presidential nominee, AL GORE.

Mr. President, that is the context in which we are considering the nomination of a man who has written extensively and spoken, not very persuasively, on the fact of no regulation whatsoever concerning the role of money in American politics. We know that the role of the FEC is to "administer, seek to obtain compliance with, and formulate policy with respect to" the Federal Election Campaign Act.

The FEC has the exclusive authority with respect to civil enforcement of the act. Clearly, then, it is obvious that FEC Commissioners should be dedicated to the proposition of Federal election regulation. Each Commissioner must be committed to ensuring a fair and open election process which is not tainted by the appearance of impropriety. Each Commissioner must be prepared to—I emphasize—uphold the law and preserve its intent by prohibiting the use and proliferation of loopholes.

I do not believe Mr. Smith has a philosophical commitment to upholding the intent of the law necessary to perform the duties of an FEC Commissioner. In fact, Mr. Smith has been highly critical of campaign reform. It is not that Mr. Smith simply disagrees with particular details of campaign finance reform. He disagrees with the basic premise that campaigns should be regulated at all—a distinctly and unique minority position in America—or that campaign contributions play any part in public cynicism of our political system.

I read from a March 17, 1997, article that Mr. Smith wrote, published in the Wall Street Journal. It is entitled "Why Campaign Finance Reform Never Works." The title says it all in terms of his philosophy. Apparently, Mr. Smith never heard of Theodore Roosevelt.

I quote from his article, Mr. President:

> In fact, constitutional or not, campaign finance reform has turned out to be bad policy. For most of our history, campaigns were essentially unregulated, yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar State laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge. . . .

Apparently, Mr. Smith lived in some other nation during the Watergate scandal, when unlimited amounts of money would be carried around this town in valises, when corporations and companies and individuals were literally being extorted for money which was unaccounted for. Apparently, Mr. Smith missed the widespread, nationwide revulsion at these abuses, which brought about the campaign finance reform laws of 1974. Apparently, Mr. Smith was not seeking public office, as I was in 1982, when there was no such thing as soft money, where we had to go out and raise small amounts of money from many, many donors, where we had to conduct the kind of grassroots campaign to which Americans have grown accustomed. Perhaps Mr. Smith was not aware that, until late into the 1980s, campaigns were conducted in a very different fashion than today.

Not recognizing any role that creative evasion of the laws has played in these results, Mr. Smith concludes his article by writing:

> When a law is in continual revision to close a series of everchanging "loopholes," it is probably the law, and not the people, that is in error. The most sensible reform is a simple one—

I am quoting from Mr. Smith's article in the Wall Street Journal:

> The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

That is a remarkable statement, a remarkable statement, from one who is required in his new position to enforce the very law that he wants repealed. Remarkable, Mr. President, remarkable.

Is someone who advocates a total repeal of the very law he would be enforcing as a Commissioner the right person for this job? Additionally, what job, over time, does not need revision or reauthorization? I am pleased to be the chairman of the Commerce Committee. We spend a great deal of time reauthorizing agencies of Government. That is an important part of our duties because time and circumstances and technology and issues change. For Mr. Smith to somehow condemn a law that is as important as the Federal Election Campaign Act because it needs to be reviewed, revised, and renewed, is, of course, showing incredible ignorance of the way that Congress functions.

Unfortunately, this is not an isolated example. In January 1998, Mr. Smith authored an article for USA Today. In that article, he said:

> The First Amendment was based on the belief that political speech was too important to be regulated by the government. Campaign finance laws operate on the directly contrary assumption that campaigns are so important that speech must be regulated. . . . The solution to the campaign finance dilemma is to recognize the flawed assumptions of the campaign finance reformers, dismantle the Federal Elections Campaign Act, and the FEC bureaucracy, and take seriously the system of campaign finance "regulation" that the Founding Fathers wrote into the Bill of Rights: "Congress shall make no law abridging the freedom of speech."

Is Mr. Smith ignoring the fact that President Theodore Roosevelt led the fight to enact meaningful reform in 1907? Is Mr. Smith ignoring the fact that Republican majorities in Congress led the fight to prohibit union campaigns and corporate contributions to American political campaigns? Is Mr. Smith ignorant of the fact that the overwhelming majority of both Houses of Congress enacted comprehensive campaign finance reform in 1974? I stand proudly by Theodore Roosevelt in believing the 1907 reforms were valid. Mr. Smith does not.

Apparently, Mr. Smith missed, or has not heard of, the recent decision of the U.S. Supreme Court which directly repudiates Mr. Smith's assertions. I also find it curious that a person would hold views that have been directly repudiated by the U.S. Supreme Court—not holding their views as to the validity or his commitment to them, but certainly it is hard for me to understand how he would hold views that the U.S. Supreme Court, in their appointed duties, has ruled as constitutional.

In one of the comments made by the U.S. Supreme Court, in U.S. Supreme Court decisions, at the end of part B, the U.S. Supreme Court goes out of its way to even mention Mr. Smith:

> There might, of course, be need for a more extensive evidentiary documentation if petitioners had made any showing of their own to cast doubt on the apparent implications of Buckley's evidence and the record here, but the closest respondents come to challenging these conclusions is their invocation of academic studies said to indicate that large contributions to public officials or candidates do not actually result in changes in candidate's positions. Brief for Respondents Shrink Missouri Government PAC: Smith, Money Talks: Speech, Corruption, Equality, and Campaign Finance: Smith, Faulty Assumptions and Undemocratic Consequences of Campaign Finance Reform. Other studies, however, point the other way.

Obviously, the U.S. Supreme Court did not agree with Mr. Smith's conclusions. If Mr. Smith were intellectually honest, he would note in his next upholding of his view that his view has been directly repudiated by the U.S. Supreme Court.

Another example. In light of Senator THOMPSON's investigation in the 1996 finance scandal, the unfettered buying and selling of influence, which the Clinton-Gore campaign practiced, such as overnight stays at the White House, selling seats on foreign trade missions, and receiving money from foreign governments, what Mr. Smith wrote in USA Today on July 8, 1997, was this:

> Campaign reform is not about good government. It's about silencing people whose views are inconvenient to those with power. . . . The real campaign-finance scandal has little to do with Senator Fred Thompson's investigation. The real scandal is the brazen effort of reformers to silence the American people.

I have been around here a lot of years. An allegation of that nature, even though I have been here for some period of time, I find very offensive. I repeat what Mr. Smith said:

> The real scandal is the brazen effort of reformers to silence the American people.

I think the record is clear of not only my advocacy but my service to this Nation on behalf of free speech, and certainly to argue that those of us who have a different opinion than Mr. Smith are conducting a brazen effort to silence the American people is obviously something that not only do I find offensive, but something that I find disqualifying in Mr. Smith.

It is clear that Mr. Smith believes there is no such thing as appropriate campaign finance reform. He believes that all campaign contributions, spending, and influence peddling are protected without limitation. He has advocated time and again the repeal of the very law he would be sworn to uphold and enforce. How can we seriously consider confirming his nomination to serve as a Commissioner?

I would like to say a word about his really inappropriate remarks about Senator FRED THOMPSON's advice. Senator FRED THOMPSON's investigation got into some very serious issues, such as breach of national security, such as foreign influence peddling, such as unlimited amounts of money coming in from foreign nations to influence our political process. Whether most Americans believe Senator THOMPSON's conclusions were correct, I think they certainly agreed it was an appropriate action. In fact, it was agreed to by both Republicans and Democrats that Senator THOMPSON's investigative hearings take place.

Mr. Smith says, "The real scandal is the brazen effort of reformers to silence the American people." That is a remarkable statement among many remarkable statements Mr. Smith has made.

Others are equally concerned about Mr. Smith's suitability to serve on the FEC. The Brennan Center for Justice at the New York University School of Law has this to say. This is the Brennan Center for Justice at the New York University School of Law:

> Imagine the President nominating an Attorney General who believes that most of our criminal laws are 'profoundly undemocratic' and unconstitutional. Or an SEC Commissioner who has publicly called for the repeal of all securities laws with the plea, 'We should deregulate and just let it go.' Or a nominee for EPA Administrator who believes that the agency he aspires to head and 'its various state counterparts' should be abolished. It would be unthinkable. In a society rooted in the rule of law, we would never tolerate the appointment of a law enforcement officer who has vocally and repeatedly denounced the very laws he would be called upon to enforce, much less one who has called for the repeal of those laws and the abolition of the very agency he aspires to head.
>
> 'Unthinkable. Yet, President Clinton, at the urging of Senator Lott and Senator McConnell, has nominated Bradley A. Smith to fill one of the vacancies on the Federal Election Commission. Brad Smith, a law professor at Capital University Law School, has devoted his career to denouncing the FEC and the laws it is entrusted to enforce in precisely those strident terms. He believes that virtually the entire body of the nation's campaign finance law is fundamentally flawed and unworkable-indeed, unconstitutional. He has forcefully advocated deregulation of the system. And if the James Watt of campaign finance had his way, the FEC and its state counterparts, would do little more than serve as a file drawer for disclosure reports . . .
>
> Brad Smith's sponsors and supporters are floating the myth that it is campaign finance reformers, rather than Smith, who are the radicals on these issues. However, the Supreme Court only last month in Shrink Missouri cited two of Smith's academic articles by name in its opinion and then repudiated his view that there is no danger of corruption or the appearance of corruption from large campaign contributions. However, we do not need the U.S. Supreme Court to tell us that Brad Smith is a radical, who is out of step with the mainstream. In his own words, when he was approached about serving on the FEC, Smith stated: 'My first thought was "they've got to be just looking at me put my name on the list so that whoever they really want will look less radical." Even Smith did not believe, at first, that the Republicans would seriously put forward his name for this position because his views are so extreme. . .
>
> Brad Smith and his supporters have asserted that, although Smith personally disagrees with much of the law, he can nevertheless be counted on to faithfully enforce it. One is forced to ask, however, why an academic who has made his career by criticizing the nation's election laws would want the job of stoically enforcing those laws? The answer, of course, is that Brad Smith recognizes that federal election law, like any complex regulatory regime, is open to interpretation and it is the prooess of interpretation that gives the law its meaning. Brad Smith's goal, whenever there is any room for interpretation, will doubtless be to allow federal campaign finance law to whither on the vine. And any member of Congress that supports additional campaign finance regulations—such as McCain-Feingold or Shays-Meehan, should be very troubled by the prospect that the rules and regulations governing their implementation might be drafted by such an arch-nemesis of those reforms.

I think there are a couple of additional points to be made here. One is, how can the President of the United States be committed to finance reform and submit Mr. Smith's name? That nominating process comes from the President of the United States. The next time you hear the President of the United States reiterate his commitment to meaningful campaign finance reform, remember the type of person who was nominated by the President of the United States for this position.

In deference to the President of the United States, we have a little unwritten rule that the President gets to appoint some and the majority—in this case, the Republicans—appoint others. The President still had the ability and the authority to reject this most extreme nominee for any position that I have seen in my years here since 1987.

There is another point that I think is important. Why would someone who disagrees with campaign finance laws, who believes they should be scrapped, and who believes fundamentally they are unconstitutional—not just the personal dislike but a firmly held tenet that all campaign finance laws should be scrapped and are unconstitutional—how in the world could you then expect someone to face a fundamental contradiction of their basic beliefs that a law is unconstitutional and yet seek the position where his sole duties are to enforce those laws? How Mr. Smith could even take an oath to uphold the same laws of which he has time and again rejected and advocated their repeal is a mystery.

What does that say? Either he is willing and able to cast aside lifelong beliefs and principles in order to hold a prestigious position or he is less than sincere in undertaking enforcement of campaign reforms or enforcing existing law.

President Reagan once said no to a Democrat whose name was submitted. President Clinton could have done the same. I say, shame on you, Mr. President, for not rejecting this name.

Let me be perfectly clear that I do not oppose Mr. Smith simply because he disagrees with my proposed legislation. Many of my closest friends take issue with aspects of McCain-Feingold. I respect the opinion of others, and I respect the right of Mr. Smith to hold a view contrary to mine. It is because he objects to any form of campaign finance regulation that I oppose him.

If you took a poll of the 100 Members of this body, I don't think you would find more than perhaps 1 who would hold the view that Mr. Smith does. My friends on both sides of the aisle at least say we need some form of campaign finance reform. Most are offended by this latest loophole called 527. Most find it egregious that we now have $500,000 contributors. Most of them believe the money chase has lurched out of control to the point where, by actual acts of commission and omission, young Americans have become cynical and alienated from the political process. The 1996 election had the lowest voter turnout of 18- to 26-year-olds than at any time in the history of this country.

There was recently a poll taken by the Pugh Research Center—which I will submit for the RECORD at a later time—which showed that 67 percent of young Americans say they are disconnected from government. And the reason given is the influence of special interests and big money in Washington. The system cries out for reform, if not for McCain-Feingold, then some other vision of reform.

Mr. Smith believes campaign finance reform is not about good government. It is about silencing people whose views are inconvenient to those with power. The real scandal, Mr. Smith says, is the brazen effort of reformers to silence the American people.

A statement such as this impugns the motives of many millions of good and decent Americans who believe this reform is necessary in a remarkable way. I do not impugn the motives of Mr. Smith. I disagree with him. I do not believe Mr. Smith is trying to silence the American people. I do believe he is wrong in his positions and he is wrong for this job.

It is because he objects to any form of campaign regulation that I oppose him, because he can acknowledge all the examples of campaign abuse witnesses in the 1996 election, as he did in an article published by the American Jewish Committee in December 1997, and still he contends that the only reform necessary is deregulation. So those kinds of abuses become the norm.

In that article he cited the many unsavory examples of fundraising by the Clinton-Gore campaign. He goes on to say:

> Yet, we now see, on videotape and in White House photos, shots of the President of the

> United States meeting with arms merchants and drug dealers; we learn of money being laundered through Buddhist nuns and Indonesian gardeners; we read that the acquaintance of the President are fleeing the country or threatening to assert Fifth Amendment privileges to avoid testifying before Congress. . . .

What troubles me most abut Mr. Smith is that, after acknowledging all of these incidents, he concludes that since campaign reform has not eliminated those abuses, we should simply give up and allow a free for all. That's like saying, "Since the laws against murder haven't eliminated murders, we should simply legalize murders." Or, "Since the country's drug laws haven't been enforced sufficiently to eliminate illegal drug deals, we should simply legalize drug use."

Is someone with that kind of attitude the right person for the job? I don't think so, and I cannot believe that my colleagues can in good faith and with a straight face assert that he is.

It should be a grave concern to my colleagues that Brad Smith concedes all of the facts of the 1966 campaign scandal, but apparently sees nothing wrong with perpetuating and legalizing those wrongs. I do not believe the American public concurs.

Mr. Smith advocates anything goes in election campaigns and says no tactic is too unseemly, too corrupt to be protected by the first amendment of the Constitution. By the way, I believe it was Justice Stevens who said in his opinion in the Shrink Missouri decision that money is property, money is not free speech.

I do not agree that our Founding Fathers could have intended such a result any more than prosecuting someone yelling "fire" in a crowded theater. The Supreme Court has concurred in the recent Shrink Missouri decision in upholding the State of Missouri's campaign contribution limits. The Court reiterated its determination from their earlier Buckley v. Valeo decision that the prevention of corruption and the appearance of corruption is a constitutionally sufficient justification for limiting contributions as a form of speech.

Mr. Smith's position is in direct contradiction to what the U.S. Supreme Court stated in Shrink Missouri. I repeat, the U.S. Supreme Court said the prevention of corruption and the appearance of corruption is a constitutionally sufficient justification for limiting contributions as a form of speech.

> In speaking of "improper influence" and "opportunities for abuse" in addition to "quid pro quo" arrangements, we recognized a concern not confined to bribery of public officials, but extending to the broader threat from politicians too compliant with the wishes of large contributors. These were the obvious points behind our recognition that the Congress could constitutionally address the power of money "to influence governmental action" in ways less "blatant and specific" than bribery.

As Justice Stevens said in his concurring opinion in the *Shrink* case, responding to the arguments raised by Justice Kennedy in his dissent:

> Justice Kennedy suggests that the misuse of soft money tolerated by this Court's misguided decision in *Colorado Republican Federal Campaign Committee* v. *Federal Election Commission*, demonstrates the need for a fresh examination of the constitutional issues raised by Congress' enactment of the Federal Election Campaign Acts of 1971 and 1974 and this Court's resolution of those issues in *Buckley* v. *Valeo*. In response to his call for a new beginning, therefore, I make one simple point. Money is property; it is not speech.
>
> Speech has the power to inspire volunteers to perform a multitude of tasks on a campaign trail, on a battleground, or even on a football field. Money, meanwhile, has the power to pay hired laborers to perform the same tasks. It does not follow, however, that the First Amendment provides the same measure of protection to the use of money to accomplish such goals as it provides to the use of ideas to achieve the same results.

I find it incredible that a law professor speaking on the topic of constitutionality of campaign finance reform would not cite the most recent Supreme Court ruling and opinion pertinent to the topic. Yet, notwithstanding the fact that the Supreme Court issued its ruling in the *Shrink* case in January of this year, in Mr. Smith's testimony during his confirmation hearing before the Senate Rules Committee in March offered no recognition that the Supreme Court had most recently upheld campaign contribution limitations. He made no attempt to renounce his earlier writings or opinions based upon the opinion. He made no acknowledgment that the Supreme Court had recently reached a conclusion as to the constitutionality of contribution limitations at odds with his views. Instead, he focused his presentation on the uncertainty of the law, and in particular the confusion surrounding the Buckley opinion. This, even though the Supreme Court had in *Shrink* reiterated and clarified the state of the law. Perhaps it was because he had not read the *Shrink* opinion, a disturbing omission for a law school professor—or perhaps simply because he disagrees with it. In either case, I find the omission troubling and indicative of why Mr. Smith would be unsuitable as an FEC Commissioner.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMON CAUSE,
*Washington, DC, March 8, 2000.*

Hon. MITCH MCCONNELL,
Hon. CHRISTOPHER DODD,
*Senate Committee on Rules, U.S. Senate, Washington, DC.*

DEAR CHAIRMAN MCCONNELL AND SENATOR DODD: While Common Cause believes the Committee and the Senate would have been better served with full and open hearings regarding the nomination of Bradley A. Smith to be commissioner to the Federal Election Committee (FEC), I request that this letter be made part of the record.

Common Cause strongly urges the Committee to reject the nomination of Bradley A. Smith, Professor of Law at Capital University in Ohio, to serve on the Federal Election Commission. Mr. Smith has written extensively about the need to deregulate the campaign finance system, has stated that the FEC should be abolished, and has written that the Federal Election Campaign Act (FECA) is unconstitutional. Clearly, as someone who strongly opposes the law he would be duty-bound to uphold and administer impartially, Mr. Smith should not be confirmed.

The FEC was created for the sole purpose of upholding and enforcing the FECA. Mr. Smith, however, strongly believes that the Act should be repealed. In a 1997 op-ed published in The Wall Street Journal, Smith stated: "When a law is in need of continual revision to close a series of ever-changing 'loopholes,' it is probably the law, and not the people, that is in error. The most sensible reform is a simple one: repeal of the Federal Election Campaign Act."

Elimination of FECA would repeal, among other provisions, the ban on corporate and labor union contributions to federal candidates, the limits on individual and PAC contributions to federal candidates, the ban on foreign contributions to federal candidates, the ban on cash contributions of more than $100 to federal candidates, and the prohibition on federal officeholders converting campaign contributions to personal use.

In short, repeal of the Federal Election Campaign Act would return this country to the days before Watergate when hundreds of thousands of dollars in cash were being given directly to candidates from undisclosed wealthy contributors.

Any member of a federal regulatory agency should, at a minimum, believe in the mission of that agency, and the constitutionality of those laws. Not only does Mr. Smith demonstrate utter contempt for the agency, he also demonstrates his comprehensive hostility to the federal campaign finance laws—laws which he believes are wrong, burdensome, and unconstitutional.

Mr. Smith is on record stating that federal campaign finance laws are, in their entirety, unconstitutional. He has written that "FECA and its various state counterparts are profoundly undemocratic and profoundly at odds with the First Amendment."

Smith also wrote: "The solution is to recognize the flawed assumptions of the campaign finance reformers, dismantle FECA and the FEC bureaucracy, and take seriously the system of campaign finance regulation that the Founders wrote into the Bill of Rights: 'Congress shall make no law . . . abridging the freedom of speech.'"

Any individual who believes that an agency's organic statute is unconstitutional and should be repealed in toto, is not fit to serve as a Commissioner of the agency charged with administering and enforcing that statute.

No one, for example, would conceive of appointing to head the Drug Enforcement Agency an individual who believes all federal anti-drug laws are unconstitutional and should be repealed. Such an appointment would be viewed as an act of utter disdain and disrespect for the laws to be administered by the agency involved.

Mr. Smith believes the federal campaign finance laws are not only unconstitutional, but misguided in their very purpose. In supporting repeal of the campaign finance laws, he has written that the country "would best be served by deregulating the electoral process."

Mr. Smith's ideas are not simply a matter of whether one takes a liberal or conservative view of the existing campaign finance laws. What is at stake here is whether the law will be administered and enforced to its full extent. While Mr. Smith's ideas may be appropriate for an academic participating in public debate, they are wholly unacceptable for a Commissioner charged with administering and enforcing the nation's anti-corruption laws enacted by Congress and upheld by the Supreme Court. The purpose of the FEC is not to be a debating society. The role of a FEC Commissioner is not to be an advocate.

Indeed, Mr. Smith fails even to accept the fundamental anti-corruption rationale for the campaign finance laws—the rationale that was at the very heart of the Supreme Court's decision in Buckley v. Valeo, upholding the constitutionality of the existing campaign finance laws, and which was reaffirmed this year by the Supreme Court in Nixon v. Shrink Missouri Government PAC. In that case, Justice David Souter, writing for the majority, stated "There is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters."

Mr. Smith dismisses the rationale by writing that "money's alleged corrupting effects are far from proven . . . that portion of Buckley that relies on the anti-corruption rationale is itself the weakest portion of the Buckley opinion—both in its doctrinal foundations and in its empirical ramifications."

The FECA requires the members of the Federal Election Commission shall be chosen "on the basis of their experience, integrity, impartiality, and good judgment." 2 U.S.C. 437c(a)(3). While we believe President Clinton would have been within precedent to reject the recommendation from Senate Majority Leader Trent Lott (R–MS) of Mr. Smith's nomination (President Reagan rejected a proposed FEC nominee in 1985), the Committee now has the responsibility to judge whether Mr. Smith meets these criteria.

Mr. Smith is in no way "impartial" about the campaign finance laws. He simply does not believe in them.

Mr. Smith's extreme opposition to the existence of the federal campaign finance laws, and his clearly stated views that they are unconstitutional, make him unfit to serve as a Commissioner of the FEC.

Common Cause strongly urges the Committee to vote against Mr. Smith's nomination. A vote to confirm Mr. Smith is a vote against campaign finance reform.

Sincerely,

SCOTT HARSHBARGER,
*President.*

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### THE WRONG MAN FOR THE JOB

(By Fred Wertheimer, President, Democracy 21)

Would an individual who believes the nation's drug laws should be repealed and are unconstitutional be appointed to head the Drug Enforcement Agency?

No way.

Would the United States Senate confirm an individual with these views to be the nation's chief drug law enforcement official?

Absolutely not.

Then, what in the world is Bradley Smith's name doing pending before the Senate for confirmation to serve as a Commissioner on the Federal Election Commission (FEC)?

Mr. Smith—who has stated that the nation's campaign finance laws should be repealed and are unconstitutional—was nominated by President Clinton earlier this month to serve on the FEC, the agency responsible for enforcing the nation's campaign finance laws.

That's the same President Clinton who is a self-proclaimed supporter of campaign finance laws and campaign finance reform.

The Smith nomination was dictated by Senate Republican Majority Leader Trent Lott and Senator Mitch McConnell, the leading Senate defenders of the corrupt campaign finance status quo in Washington, and Smith's two leading advocates for the Commission job.

President Clinton lamely explained his nomination of Smith, a strong opponent of federal campaign finance laws, on the grounds that he was just following custom in ceding to the other major party the ability to name three of the six FEC Commissioners. In fact, however, when the Republicans held the White House, President Reagan had no problem rejecting the appointment of an FEC nominee of the Democrats that he found to be objectionable.

So what are the potential consequences of Clinton's campaign finance betrayal if the Senate confirms Smith to serve on the Commission?

Here is what Bradley Smith has said about the nation's campaign finance laws: "[T]he most sensible reform is a simple one: repeal of the Federal Election Campaign Act (FECA)."

And, here is what Mr. Smith's "reform" would accomplish: repeal of the ban on corporate contributions to federal candidates; repeal of the ban on labor union contributions to federal candidates, and repeal of the limits on contributions from individuals and PACs to federal candidates.

Mr. Smith's "reform" also would repeal the system for financing our presidential elections, the ban on officeholders and candidates pocketing campaign contributions for their personal use, the ban on cash contributions of more than $100, and various other provisions enacted to protect the integrity of our democracy.

Mr. Smith also has stated that the federal campaign finance law, known as the FECA, is "profoundly undemocratic and profoundly at odds with the First Amendment."

Mr. Smith's position that the FECA, and its contribution limits, are unconstitutional, however, is directly contradicted by numerous Supreme Court decisions.

Just last month, for example, the Supreme Court reaffirmed in Nixon v. Shrink Missouri Government PAC that contribution limits are constitutional.

The Court cited "the prevention of corruption and the appearance of corruption" as the rationale for upholding contribution limits, a rationale that Smith firmly rejects.

Justice Souter, writing for six of the nine Justices including Chief Justice Rehnquist, stated, "Leave the perception of impropriety unanswered and the cynical assumption that large donors call the tune could jeopardize the willingness of voters to take part in democratic governance."

Mr. Smith, it goes without saying, is entitled to hold and express whatever views and philosophy he may have about campaign finance laws.

It should also go without saying, however, that the American people are entitled to have law enforcement officials who believe in the validity and constitutionality of the laws they are charged to enforce, and who do not view these laws with total disdain and hostility.

As The Washington Post noted in an editorial, Smith's premises "are contrary to the founding premises of the commission on which he would serve. He simply does not believe in the federal election law."

And, The New York Times wrote in an editorial that Smith's stated positions "make plain that his agenda as a commission member would be a further dismantling of reasonable campaign limits intended to curb the corrupting influence of big money rather than serious enforcement of current campaign finance laws."

Mr. Smith's nomination is a classic symbol of the breakdown in law enforcement that has occurred when it comes to the nation's campaign finance laws. Mr. Smith's confirmation to be an FEC Commissioner would be an insult to the American people.

United States Senators should not allow this to happen.

Mr. McCAIN. Mr. President, I see my friend and comrade in arms, Senator FEINGOLD. Let me mention what is going on not only as far as the fundraiser is concerned, but recently we received information there will be a hearing tomorrow before the Senate Judiciary subcommittee and on Thursday before the House Government Reform Committee.

> According to a December 9, 1996, memo by FBI Director Louis J. Freeh, Mr. Radek [head of Justice Office of Public Integrity] told Mr. Esposito [who was a deputy director of the FBI] he was "under a lot of pressure not to go forward with the investigation," and that Ms. Reno's job "might hang in the balance." The memo said Mr. Freeh met with Ms. Reno and personally suggested she and Mr. Radek recuse themselves from the probe.

What we are talking about here is a situation that, if campaign finance laws had been obeyed and enforced, we would not be subjected to as a nation; that is, disturbing allegations that information was brought by the FBI, the Director of the FBI, Mr. Louis Freeh, and by Mr. Charles LaBella, who was appointed as the head of the task force to investigate these very allegations by the Attorney General herself—those recommendations were ignored by the Attorney General. The recommendation for the appointment of an independent counsel was ignored by the Attorney General of the United States. A recommendation by Mr. Freeh was not accepted by the Attorney General of the United States and, according to the Deputy Director of the FBI, Mr. Radek, whose office is described as the Office of Public Integrity in the Justice Department, he said he was "under a lot of pressure not to go forward with the investigation"—I wonder who from—and that Ms. Reno's job "might hang in the balance."

This is the pernicious effect of a campaign finance system which has run amok. That is not confined to the Democratic Party. There have been abuses on my side as well because this system knows no party identification. This system knows only the increasing avariciousness of a system that has run amok.

We are now about to confirm as one of those whose appointment is to enforce the law someone who is adamantly opposed to the law, believes the law is unconstitutional. And we are in a situation in America today that, in the view of more objective observers than I, can only be compared to the turn of the century when the robber barons of this Nation, through huge input of contributions to political campaigns, had basically bought the American Congress. Thanks to the brave and courageous efforts of one Theodore Roosevelt, joined by millions of other like-minded reformers, we brought an end to that corruption.

Now we are about to appoint to that body an individual who will not only not be opposed, who will not only not support trying to clean up this system, but will try to remove the last vestiges of campaign finance reform law as it exists today. All I can say is it is a 5-year appointment. He will not be there forever. We will have campaign finance reform.

As my colleagues know, I recently completed an unsuccessful campaign for the nomination of my party for the Presidency of the United States. It was one of the most rewarding and uplifting experiences of my life. I learned many things during that campaign. I will not clutter the RECORD with the lessons I learned.

When I began the campaign, I said the theme of my campaign would be reform. Every political pundit said there was no room for reform in the political agenda. In hundreds of townhall meetings and thousands of speeches, I said: Campaign finance reform is the linchpin; if we want to reform education, if we want to reform the military, if we want to reform the Tax Code, if we want to reform the institutions of government, we must get this Government out of the hands of the special interests and back to the people. I believe that message resonated then and resonates to this day.

We are about to appoint an individual now in complete contradiction to what I believe is strongly the will of the people, not only that existing laws be enforced but new laws be enacted in order to close the loopholes that have been created since the passage of the 1974 law.

We, in our wisdom, are about to appoint an individual who flies in the face of everything I learned in my campaign, despite a clear voice from the American people, particularly from our young, particularly from our young citizens to whom, sooner rather than later, we will pass the torch of leadership of this Nation, who have become cynical and even alienated from the political process—not without good reason.

Mr. President, I note the presence of the Senator from Vermont. I might say to the Senator from Vermont, I had a wonderful day in his State long ago, where he is well respected and well loved by the citizens of his State. I appreciate the opportunity, always, to be in lovely Montpelier. I thank him and his fellow citizens for all their hospitality.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent I be allowed to take 7 minutes of the 15 minutes that is reserved to the Senator from Vermont on the Timothy Dyk nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCAIN. Mr. President, I reserve the remainder of my time.

Mr. LEAHY. Mr. President, while the Senator from Arizona is still on the floor, I was going to say at the beginning of my remarks, the Vermont press showed very clearly how well respected the Senator from Arizona is in Vermont and how well received he was. He was one of the biggest vote getters our State has ever had. He did an extremely good job. He won his party's primary overwhelmingly. In Vermont his victory was declared within, I think, 5 minutes after the polls closed on primary day because the number was so overwhelming.

I say this because, while I was not at the convention where he spoke, as he can imagine—it was the Republican State convention—many of my dear friends and supporters were there. They told me also how much they respected what the Senator from Arizona said, as they had when he had been in Burlington earlier in his campaign and spoke to an overflow crowd. Montpelier is where I was born, so I always watch what happens there. I say to my friend from Arizona, the calls and e-mails I got after his appearance about him were all positive.

Mr. MCCAIN. I thank my colleague.

### NOMINATION OF TIMOTHY B. DYK

Mr. LEAHY. Mr. President, I am pleased that the Senate is finally going to vote this week on the confirmation of Timothy Dyk.

A vote on this nominee has been a long time coming. He was first nominated to a vacancy on the Federal Circuit Court of Appeals in April of 1998—over 2 years ago—by some reckonings, in the last century. He had a hearing. He was reported favorably by the Judiciary Committee of the Senate in September of 1998. His nomination was left on the Senate calendar that year without any action and eventually was returned to the President, 2 years ago as the 105th Congress adjourned.

Then Mr. Dyk was renominated in January of 1999. He was favorably reported to the Senate floor, again, in October of 1999. For the last 7 months, this nomination has been waiting on the Executive Calendar for Senate action.

Let me just tell you a little bit about Timothy Dyk. He has distinguished himself with a long career of private practice in the District of Columbia. From 1964 to 1999, he worked with Wilmer, Cutler, and Pickering as an associate and then as a partner. Since 1990 he has been with Jones, Day, Reavis, and Pogue as a partner. He has been the chair of its issues and appeals section.

He received his undergraduate degree in 1958 from Harvard College; his law degree from Harvard Law School in 1961. Following law school, he clerked for three U.S. Supreme Court Justices: Justices Reed and Burton, and Chief Justice Warren. He was also a special assistant to the Assistant Attorney General in the Tax Division.

His is a distinguished career. He represented a wide array of clients, including the U.S. Chamber of Commerce, the National Association of Manufacturers, the National Association of Broadcasters, the National Trucking Association, and he has the support of a wide variety of these organizations. We have received strong letters of support for him. Here are some of those who sent in letters saying let's get this man confirmed:

The U.S. Chamber of Commerce, the American Trucking Association, the National Association of Manufacturers, the National Association of Broadcasters, IBM, Gannett, Eastman Kodak, Brush Wellman, Rockwell, LTV Corporation, SkyTel Telecommunications, the Lubrizol Corporation, Ingersoll-Rand, the American Jewish Congress, the Anti-Defamation League, the American Center for Law and Justice, and Trinity Broadcasting Network.

I said many times on the floor that we take far too long to confirm good people. We are wrong and irresponsible to hold people up basically on a whim until we feel like bringing up their names. Nominees deserve to be treated with dignity and dispatch, not delayed for 2 or 3 years. Of course, any Senator can vote as he or she wants, but let's understand the human aspect.

When somebody has gone for their hearings, when they have been voted out of committee, when they are pending in the Senate, their life is on hold until we act. It is unfair, it is unreasonable to tell somebody in a law practice: The good news is the President has nominated you to the Court of Appeals. You will be congratulated by your partners, by your clients, and then they will say: When are you going to be confirmed? If you have to respond: When the Senate gets around to it, that is not a good answer. Vote somebody up or vote somebody down.

This is a man who should have broad, strong bipartisan support, just as the letters of support show broad, strong bipartisan support.

I am glad that Tim Dyk will be voted on for the Federal Circuit. We have worked long and hard to get him the vote to which he is entitled. I worked to have him confirmed in 1998. I worked to have him confirmed in 1999. I am glad that finally, he will be accorded a vote on this long pending nomination.

He and his entire family have much of which to be proud. His legal career has been exemplary. He will make a superb judge.

I know Timothy Dyk. I know him and his wife, both of whom have had long, distinguished careers in the private sector and the public sector. Let's give the country the opportunity to have him join the Federal Circuit Court of Appeals, just as we did late last year with his colleague, Richard Linn. It is time for the Senate to confirm Timothy Dyk to the Federal Circuit.

Mr. President, not seeing anybody on the floor, I suggest the absence of a quorum and ask unanimous consent that it not run against the time of either side.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Mr. President, I yield to myself as much time as I may consume from Senator LEAHY's time on the nomination of Mr. Gerard Lynch to become a district court judge for the Southern District of New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

### NOMINATION OF GERARD LYNCH

Mr. SCHUMER. Mr. President, I thank the majority leader and the minority leader for coming together on an agreement that allows for a number of vital votes on judicial nominees. I also thank Chairman HATCH for, again, tending to our judicial needs in my State and in so many States, and for the fairness with which he has tried to move this process forward.

It is with great pride and pleasure that I rise in support of the nomination of Gerard Lynch to be district court judge for the Southern District of New York. At my recommendation, President Clinton nominated Professor Lynch to fill a vacant Federal judgeship in the Southern District.

Professor Lynch's experiences and accomplishments as a prosecutor, as a private lawyer, as a professor of law, and as a public servant make him a superb candidate to be a Federal judge. I have never, in my days, seen such high recommendations from people from all parts of the political spectrum simply about this man's intellect and accomplishments.

Professor Lynch's background and career accomplishments are, frankly, staggering. He was born and raised in Brooklyn, a place near and dear to my heart. He then attended Columbia College, where he graduated first in his class—a highly competitive school—followed by Columbia Law School, where he also was No. 1 in his class.

After law school, he accepted two judicial clerkships— first, with one of New York's great jurists, Judge Wilfred Feinberg of the Second Circuit, and then with Justice William Brennan on the Supreme Court. He was at the top of the legal profession as he went through his education and his clerkships. You could not have a better record.

Since that time, he has had a multifaceted career, mostly as a prosecutor and professor, and that is as impressive as any judicial candidate I have seen in years.

Since 1977, he has served as the Paul K. Kellner Professor of Law at Columbia Law School, where he teaches criminal law and criminal procedure, as well as constitutional law and other courses.

He is a leading expert on the Federal racketeering laws and has written numerous articles on the subject. He has also published articles on other aspects of criminal law, constitutional theory, and legal ethics.

Maybe most importantly, he is considered one of Columbia Law School's outstanding professors, winning a number of awards for excellence in teaching and serving as a guide and mentor to countless students over the years.

Professor Lynch, however, has not only been a professor, he also spent many years as a Federal prosecutor in the Southern District of New York, one of the premier U.S. Attorney's Offices in the country. He tried numerous cases, including white collar and political corruption cases, and eventually rose to be the chief of the appellate division.

In 1990, after a stint as a professor, he was asked to return to that office as chief of the Criminal Division under U.S. Attorney Otto Obermaier. In that capacity, he supervised more than 135 prosecutors and oversaw all of the office's criminal cases. Mr. Obermaier, a Republican appointee, handpicked Professor Lynch to serve as his lead criminal prosecutor. I know he has been outspoken in support of this nomination, and Mr. Obermaier was known as a hardnosed, rather conservative prosecutor in the Southern District.

Professor Lynch has also served as counsel to numerous city, State, and Federal commissions, and has worked with a number of special prosecutors investigating public corruption. Moreover, from 1988 to 1990, he served as a part-time associate counsel for the Office of Independent Counsel.

More recently, Professor Lynch has been counsel to a top New York law firm, primarily handling white collar criminal matters and regulatory matters, while still maintaining a full courseload teaching at Columbia.

So, intellectually, he is at the top of the list. Experience-wise, he has done it all. He is also a wonderful, wonderful person. He loves Latin and Greek and he knows them well. He loves theater, art, and ballet.

Just to let my colleagues know what a fine man he is and what an honorable man he is, when Gerry went to Columbia College, the Vietnam war was waging. He came from a working-class background and he knew that many of his classmates in high school would be drafted. He, by being a college student, was not eligible for the draft, but he thought that was unfair. He thought it was unfair that those lucky enough to get into college should have special advantages over working-class young men being called for the front line. So he refused to pursue an exemption. He was not called. But that shows you the mettle of the man.

I will close by admitting that I am very excited about the prospect of Professor Lynch becoming the next member of the Southern District bench. I know his wife and his son are proud of him, and rightfully so.

He meets the criteria I have set for myself in choosing judges, which are:

No. 1, excellence. There is no doubt;

No. 2, moderation. I try to avoid judges who are extreme in either case;

And, No. 3, diversity. While Gerard doesn't quite qualify in that, I think I fulfill that in some other nominations.

Gerard Lynch has the rare combination of intelligence, practical experience, judicious temperament, fairness, and devotion to hard work that makes for truly great judges. He is just what the Founding Fathers and all others throughout have wanted for a Federal judge. All too many people of his qualification don't ask for and don't aspire to the bench. He does. We should take this opportunity and support him wholeheartedly.

I yield to my senior colleague and friend from the State of New York, Senator MOYNIHAN. Is that the proper procedure, Mr. President? Should I yield to Senator MOYNIHAN, or should I yield my time?

The PRESIDING OFFICER. Senator MOYNIHAN is recognized in his own right.

Mr. MOYNIHAN. How very generous of you, Mr. President.

How kind of my beloved colleague and friend.

I rise with a measure of animus, if I may do, sir, this afternoon. I was one of those who, with my colleague, introduced Mr. Lynch to the Committee on the Judiciary with such very considerable pride to have that opportunity.

My colleague remarked about the founders of the Constitution. I will speak in just a moment about the Columbia Law School, which precedes the

Constitution, which Constitution was written in very large measure by a graduate of that law school, Alexander Hamilton, and whose first large treatise of explanation was written by Chancellor Kent, as he is known, having been chancellor of New York State, with his commentaries on the laws of the United States.

It is not a small thing to become a member of that law faculty. It is a large honor carefully reserved for lawyers of successive generations who note history and demand its importance to this time.

We have before us, sir, the nomination of a great lawyer—I use that carefully—who will be a superb judge.

I think he might have been surprised—we would not have been surprised—that early in life and at another time he might not have chosen criminal law as his specialty. But he came of age in the bar when that was the first problem, singularly so, of the Southern District of New York. And he went to work at it.

He was a serious prosecutor, sir, a successful one—a relentless one and a successful one. I want to say that, sir—a successful one. None came into his compass charged with a crime that he did not prosecute fairly, rigorously, relentlessly, and, in the end, sir, with an extraordinary range of success—and I defer to my revered colleague—with an extraordinary range of success.

This is a man of whom criminals had never heard but, when they appeared in court with him, will never forget. This man understood that the principles of a free society require adherence to law with a reverence and respect and, if necessary, a measure of fear: Do not appear before this judge with the burden of guilt or you shall be found guilty.

He has a range of intellectual pursuits. Ought not a member of the school of law that taught Alexander Hamilton and graced by Chancellor Kent and his great success—ought not there be such a range? Ought he not be able to entertain alternative ideas, examine them, and consider the possibilities?

We have, sir, a wonderful symbol—I do not know in my ignorance whether it is from Greece or Rome—of Justice blindfolded, holding up a scale and weighing the evidence. He has done that in a great range of professional articles. He has done that in a long career of prosecution. And he has considered alternatives and made judgments because he is by nature a judge. He has been in the pits where judges have to make determinations from whatever is presented to them as evidence. And he knows the process.

He graduated summa cum laude from Columbia Law School. He clerked for Judge Feinberg on the Second Circuit Court of Appeals —the Second Circuit, sir, the mother court, we should say—and for Justice Brennan on the Supreme Court. Over the past 23 years, he has won award upon award, including the University-wide President's Award for Outstanding Teaching in 1997. He is nationally known as a criminal law expert, for his writings, and particularly his writings on racketeering law.

I come before the Senate to say there has not been a finer judge proposed by the Senate Committee on the Judiciary. We are honored to have him before the Senate. I prayerfully hope none of us ever appear before him.

Mr. SESSIONS. Mr. President, I ask unanimous consent that I be allowed to use my time on two judicial nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, I have great respect for Senator MOYNIHAN and Senator SCHUMER. I know they have great affection and admiration for Mr. Lynch. In no way do I question his integrity. I do not question his legal ability. He is certainly a scholar and a person of intellect.

Except for two leaves of absence, he has been a law professor. The old rule must apply: The A students become professors; B students, judges; and C students make the money. Regardless, he has been a professor, worked on a few cases, and spent several years with the U.S. Attorney's Office prosecuting cases. By all accounts, he is a man of good personal character.

The problem I have with this nomination is that I have come to believe from his writing that he is, indeed, a judge who is an activist. There is only one opportunity for the people of this country to confront the question as to whether or not an individual nominated to be a judge will obtain a lifetime appointment. That is our role under the Constitution, to advise and consent to nominations of the President. The President has nominated Mr. Lynch. I think it is our duty, if we are not to be a potted plant or rubber stamp his record, his skill, his background, his philosophy, and see if we want to authorize him, for the rest of his life, to preside over cases, to interpret the law, to interpret the Constitution, and make major decisions in that regard. That is our question: Do we want to do that?

It would be bad to impose upon the people of New York or any other State any person who is not clearly committed to the judicial role. The judicial role is that a judge should require himself to follow the Constitution of the United States and the laws duly passed by the Congress of the United States. The Constitution is a contract. It was an instrument of agreement between the American people and the government when they formed it. They gave to the government certain limited powers. They reserved for themselves and for the States other powers. That is a fundamental principle.

I think our courts in recent years have done a little better. At one point, they were exceedingly activist. The leader of that activism crusade in the Federal courts was none other than Justice Brennan for whom Mr. Lynch clerked. Subsequent to that, he has written in the Columbia Law Review on two separate occasions. The Columbia Law Review is a prestigious law review and the Columbia Law School is a prestigious law school. One does not write for the Columbia Law Review without giving careful thought to each and every word he utilizes in that law review, even more so if he is a professor at that school.

In the course of writing these articles, Mr. Lynch made some statements that I think represent very serious indications of his philosophy and his willingness to be bound by the law and the Constitution as a judge. Take, for example, this 1984 article, "Constitutional Law as Moral Philosophy":

> The Supreme Court, because it is free of immediate political pressures of the sort that press on those who must face the voters, is better placed to decide whether a proposed course of action that meets short-term political objectives is consistent with the fundamental moral values to which our society considers itself pledged.

That is a very risky, dangerous statement, a carefully written statement, words Mr. Lynch chose carefully. He says the Supreme Court, because it doesn't have to answer to the American people in elections, is better placed to decide a proposed course of action that meets short-term political objectives and is consistent with moral values which our society considers itself bound.

Our Constitution is deeply rooted in our moral order and heritage, but our Constitution is a contract; our Constitution is an agreement with the people. It has specific ideas and requirements in it that I expect a judge to abide by.

To show the danger in this philosophy, let me share the example of the death penalty. The eighth amendment prohibits cruel and unusual punishment. Justice Brennan, for whom Mr. Lynch clerked, declared that the death penalty was cruel and unusual and therefore it violates the eighth amendment to the Constitution.

I suggest that is bizarre because at the time the Constitution was adopted, every State had a death penalty. There are six or more references within the very document itself, the Constitution, to a death penalty. Yet he feels it violates some sort of contemporary standards of morality. Justice Brennan used his lifetime appointment as a judge to dissent on every single death penalty case, saying it violates the Constitution, while the Constitution contemplates and says you can take life with due process in several different places.

That is judicial activism.

Mr. SCHUMER. Will the Senator yield? I am happy to yield to him some of my time.

I ask my colleague if he was aware that Professor Lynch is for the death penalty. In fact, he was questioned by Senator THURMOND, on our committee. I will read the question for the RECORD:

> Do you have any personal objection to the death penalty that would cause you to be reluctant to oppose or uphold the death sentence?

And Professor Lynch answered:

> No, Mr. Chairman.

So I submit to my friend that, while Justice Brennan may have had a more broad—I tend to agree with my colleague. I am for the death penalty myself, but I tend to agree with my colleague on that issue. That is not Professor Lynch's philosophy. In fact, when one becomes a Clerk for the Supreme Court, high honor that it is, you are chosen simply on your scholastic ability, not on your ideology. I thank the Senator for yielding and letting me add that to the record.

Mr. SESSIONS. Mr. President, I think Senator SCHUMER raises a good point. I never said he opposed the death penalty. What I was trying to point out is that judges, if they desire to impose their fundamental moral values on people when they don't get elected, can end up doing things like Justice Brennan did, for which, certainly, Mr. Lynch admires him.

I have another quote I think is even more clear, a more clear indication of Mr. Lynch's willingness to utilize personal opinions—justifying judges who want to use personal opinions instead of interpreting the law. He was talking about Justice Brennan. This was in 1997, just a few years ago:

> Justice Brennan's belief that the Constitution must be given meaning for the present seems to me a simple necessity; his long and untiring labor to articulate the principles of fairness, liberty, and equality found in the Constitution—

Fairness, liberty, and equality sound a little bit like the French Revolution, words they used to chop off a lot of people's heads. Our Constitution is a document of restraint. But:

> . . . in the way that he believed made most sense today.

Justice Brennan's belief that the Constitution must be given:

> . . . meaning for the present in the way he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in 18th- or 19th-century dictionaries.

In the course of my time on the Judiciary Committee, I have voted for well over 90 percent of the nominees, I suppose, that the President has submitted. This Senate has confirmed a large number of them. I suggest that this may be the most dramatic example of any nominee that we have had, that they have explicitly stated that a judge has the ability to ignore the meaning of the words that were put in the Constitution. In other words, he doesn't have to use the dictionary definition of words. He doesn't have to use dictionary definitions of words. He just goes to whatever the meaning of "is," is, I suppose.

In other words, there is no constraint on a judge who will not adhere to the words himself and admit that he needs to be bound by the plain words in a statute or our Constitution. He puts down the philosophy that a judge has to show restraint. Even if he did not like the constitutional provision, even if he or she did not like the statute involved, he would be bound to enforce it. It is a fundamental matter of great importance.

Just as Professor VanAlstyn, speaking at a Federal court conference a number of years ago, said:

> It is absolutely critical that we enforce this Constitution, the one that we have, the good and bad parts of it.

That is what law is all about, enforcement of law that is written. Without it, we do not have justice. Professor VanAlstyn says you do not respect the Constitution if you don't enforce its plain meaning. You say the Constitution is great; it is a living document. It is not; it is on paper. It is not living; it doesn't breathe. It is a contract with the people of America about how they are going to give power to people who govern them. It is a limited grant of power to the people who govern them.

I will say this. That is another dramatic statement of a judge's ability, according to Mr. Lynch, to redefine meanings of words and to line up contemporary events, as of today, so he can impose a ruling on the people that he believes is just and fitting with community standards and moral decencies and things of that nature. That is a very dangerous philosophy. It is not the philosophy of the mainstream law in America today.

It was advocated by and probably reached its high-water mark under Justice Brennan when he tried to declare the death penalty to be in violation of the U.S. Constitution, when the Constitution provided for the death penalty. That is big-time stuff, when a Justice on the Supreme Court is prepared to say something like that and dissented on every single death penalty case based on that theory.

I suggest Mr. Lynch is a brilliant lawyer, a man of great skill, a lawyer/professor, and he knows what he means and he said what he meant when he wrote that. What else can we think? If that is so, then I believe we cannot be sure, Members of this Senate, that he would consider himself bound by the plain meaning of words, of statutes passed by this body or even more significant, not consider himself bound by the Constitution itself that was ratified by the American people to protect their liberties.

Remember, when we have a judge who believes in activism, it is at its most fundamental an antidemocratic act. It is an act that goes against democracy because we have a lifetime-appointed judge whose salary cannot be cut so long as he lives. He can stay on that bench as long as he lives. He is asserting for himself or herself the right to declare what he or she thinks is appropriate today. "It may not have been what they thought when they wrote that old Constitution, but things have changed today. I think today the death penalty is unconstitutional." That kind of philosophy is a danger. It disrespects the Constitution. It undermines the Constitution and undermines democracy.

I wish I would be able to support Mr. Lynch. I supported the overwhelming majority of the nominees, some of them maybe even more liberal than Mr. Lynch, but I haven't had anything to indicate that or I would have probably opposed them. Some I have.

This document, these law review articles are extraordinarily troubling to me. I do not think it is a minor point. I think it is a big point. I know the Senator from New York, both Senators from New York, think highly of Mr. Lynch and I respect that. But based on what I have observed, I believe his written remarks indicate he is unwilling to be bound by the law. Therefore we should not impose him on the people of New York and the United States.

I see the Senator from New York might want to comment on that before I go to the next nominee? I have one more nominee I would like to comment on.

Mr. SCHUMER. Yes, Mr. President.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I thank my friend from Alabama for his heartfelt remarks. I understand the passion from which he comes and, while I do not agree with him completely, as those on my judicial panel will tell him, one of the things I always cross-examine them about is, Is this person going to go off and make their own law? Because I do not like that either. As I said, my three watchwords in appointing judges in my first year, and I think I have lived up to them with every nominee, are: Excellence, moderation, and diversity.

Let me just say I think Judge Lynch is clearly a moderate and he clearly is not the kind of activist that my good friend from Alabama is saying. In fact, he has criticized Justice Brennan for being "activist" in some of his interviews. Judge Posner noted the same about Judge lynch. Judge Posner is someone who probably agrees with the Senator from Alabama more than he agrees with the Senator from New York.

But the two quotes there that my friend from Alabama cited are snippets of articles. Two paragraphs later Professor Lynch expostulates further and greatly narrows what he has said here. Let me read a quote from the first article. I think it is important the record have it for the edification of my good friend from Alabama.

Admittedly, Professor Lynch is a professor. He has written a lot more than a lot of the other judges and, given as many writings as he has, I guess you could take two paragraphs and say: This man is a judicial activist.

If you look at the entire warp and woof of his work, as well as what he actually meant even in the two paragraphs my good friend from Alabama has mentioned, I think the Senator is not correctly stating Professor Lynch's view.

I will read a paragraph from the same article from which the previous quote the Senator from Alabama had mentioned appears. This is what Professor Lynch says a few paragraphs later:

> It is the text itself that embodies and defines what has been agreed on. What survived the rigorous ratification process to become fundamental law, after all, was not what Madison or Bingham believed in his heart, or even what they said on the floor of the Convention or the House, but rather what was contained in the text of the ratified provision. Thus, the text is not merely evidence from which the mind of the (perhaps partly mythological) lawgiver should be deduced; rather, the text is the definitive expression of what was legislated.

I will repeat that again for my colleague from Alabama:

> . . . the text is the definitive expression of what was legislated.

That is hardly the writing of somebody who wants to go far, far afield. As I mentioned, the example my good friend from Alabama keeps hearkening back to is the death penalty and the way Justice Brennan interpreted it. If Professor Lynch agreed with that, I would say the Senator from Alabama had a point, but he explicitly disagrees and has criticized Justice Brennan as being too active.

The second quote Senator SESSIONS focuses on, the quote before us on the chart, comes from a tribute to the memory of Justice Brennan that Professor Lynch, who clerked for Justice Brennan after graduating from law school, wrote in 1997. Again, in the context of the whole essay, Professor Lynch's point is noncontroversial. He is writing here about what a judge is to do when the broad language in the Constitution does not speak to a modern-day issue. We are not talking about expanding but interpreting the spirit of the Constitution.

I say to my colleague from Alabama, when the fourth amendment speaks of unreasonable searches and seizures and says nothing about wiretaps of telephones or the Internet, it does not mean the judges are unable to interpret what search and seizure means in the context of telephones or wiretaps. That is all Professor Lynch is saying.

He is saying judges must look at the text and the values underlying the text and interpret both in light of developments of the present. Do not expand what unreasonable searches and seizures are, rather interpret them in light of new changes in technologies, such as telephones. Otherwise, the Constitution—and I am sure my colleague from Alabama can admit this—would be largely irrelevant to today's legal problems.

Moreover, Professor Lynch was asked at his nomination hearing about this article by Senator THURMOND. Here is what he said. His response was unequivocal:

> I believe, Mr. Chairman, that the starting place in interpreting the Constitution is with the language of the document. As with the legislation passed by the Congress, it is the wording of the Constitution that was ratified by the people and that constitutes the binding contract under which our government is created.
>
> In attempting to understand that language, it is most important to look to the original intent of those who wrote it and the context in which it was written.

It seems to me, and I did not realize it until I read this paragraph again, those are the exact words my good friend from Alabama mentioned as his views of what the Constitution is all about: Not some document that expands at the whim, wishes, or ideology of the judge but rather a written contract, words, black and white with the American people. Judge Lynch—I do not want to presume anything here, particularly in this Chamber—Professor Lynch makes, in fact, the same point that my good friend from Alabama did.

The PRESIDING OFFICER. The time of the proponents of the nomination has expired.

Mr. SCHUMER. Mr. President, I ask unanimous consent that 1 additional minute of Senator LEAHY's time on another judge where there is not going to be any contest or discussion be given to me. I am not expanding the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. I thank Senator LEAHY in absentia for allowing me to do that. I hope he is not upset.

It is certainly the prerogative of my good friend from Alabama to interpret snatches of text from book reviews and tributes to conclude that maybe Professor Lynch has a judicial philosophy with which he disagrees, but this is the definitive and current statement on the issue by the nominee, and I think it prevails.

In conclusion, if Professor Lynch is confirmed, I believe Senator SESSIONS and I—and I have enjoyed working with him on so many issues—will look back 5 or 10 years and both approve of the work Judge Lynch has done, admire his faithfulness to the words of a document we both regard as sacred—and I believe he does as well—the Constitution, a document we are all sworn to uphold. I yield back any time and thank my colleague for the dialog and for making us think and explore as he always does.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. What is the time left on the Lynch nomination?

The PRESIDING OFFICER. The Senator from Alabama has 4 minutes.

Mr. SESSIONS. Mr. President, I note that Mr. Lynch's words are pretty explicit and leave little doubt. I am pleased to see before his hearing—talk about a death-bed conversion. His testimony sounds somewhat improved over the language here, but it does concern me when he dismisses concepts such as actually looking at dictionaries that refer to the time of the people who wrote the document and review words to see what they actually were intended to mean.

That is what a judge really ought to do, and Mr. Lynch dismisses that almost with contempt. We have to consider it awfully dangerous when a judge feels the principles of the Constitution of liberty, equality, and fairness are in the Constitution when that phrase is really not in the Constitution, and the danger of those words are they are great ideals, but they are general; they have no definitiveness, and they give a platform for a judge to leap off into different issues about which he may personally feel deeply and simply do so on the basis that it is fair or it is a question of equality: This is fairness so I will just rule this way.

We have preserved our Nation well by insisting that our judiciary remain faithful to the plain and simple words of the Constitution and the statutes involved.

### NOMINATION OF TIMOTHY B. DYK

Mr. SESSIONS. Mr. President, I will use what time I have remaining on the Lynch nomination for the Dyk nomination, and I will yield the floor to Senator SMITH who wants to speak.

Mr. Dyk has been nominated to the Federal circuit here in Washington. Mr. Dyk is a good lawyer, apparently with a good academic background, and has certain skills and abilities that I certainly do not dispute. I do not have anything against him personally, but I do have serious concerns about this court. I do not believe we need another judge on this court.

The Federal circuit is a court of limited jurisdiction. It handles patent cases and Merit Systems Protection Board cases, certain international trade cases, and certain interlocutory orders from district courts. It is a specialized court and does not get involved in too many generalized cases.

We have analyzed the caseload of this circuit. I serve on the Administrative Oversight and Courts Subcommittee of the Senate Judiciary Committee with

Senator CHUCK GRASSLEY, who is chairman. I have been a practicing prosecutor for 15 years in Federal court before Federal judges; that is where I spent my career. I know certain judges are overwhelmed with work, and I have observed others who may not be as overwhelmed with work.

I will go over some numbers that indicate to me without doubt that this circuit is the least worked circuit in America. It does not need another judge, and I will share this concept with fellow Members of the Senate.

They handle appeals in the Federal Circuit, appeals from other court cases and boards. In 1995, there were 1,847 appeals filed in the Federal Circuit. Four years later, in 1999, that number had fallen to 1,543 appeals, a 16-percent decline in cases filed.

Another way to look at the circuit is how many cases are terminated per judge. The Administrative Office of Courts provides a large statistical report. They analyze, by weighted case factors, judges and cases by circuits and districts and so forth. It is a bound volume. They report every year. The numbers are not to be argued with.

The Federal Circuit has by far the lowest number of dispositions per judge. The Federal Circuit has 141 cases per judge terminated. There are 11 judges now on that circuit. As a matter of fact, those 141 cases were when the court had 10 judges. We now have 11 judges on that court, and we are talking about adding Mr. Dyk, who would be the 12th judge on that court, to take the numbers down even further.

The next closest circuit is a circuit that is also overstaffed—the D.C. Circuit. I have opposed nominees to the D.C. Circuit in Washington. Oddly enough, both the circuits that I believe are overstaffed and underworked are located in this city. The average case dispositions for a circuit judge in America are more than double that. Let me provide some examples.

The Third Circuit average number of terminations per judge is 312; the Fourth Circuit, 545; the Fifth Circuit, 668—that is four times what the Federal Circuit does—the Seventh Circuit, 352; Eighth Circuit, 440; Ninth Circuit, 455, the Tenth Circuit, 350; the Eleventh Circuit—my circuit, Florida, Alabama, and Georgia—820 cases, compared to 141. That is six times as many cases per judge in the Eleventh Circuit as in the Federal Circuit.

The taxpayers of this country need to give thought to whether or not we need to add a judge to this circuit. It is pretty obvious we ought to consider that. Terminations per judge on the Federal Circuit represent only 17 percent of the cases terminated by a judge on the Eleventh Circuit.

Senator GRASSLEY issued a report on March 30, 1999, "On the Appropriate Allocation of Judgeships in the United States Court of Appeals." The report assessed the need to fill one vacancy on the Federal Circuit. The court already had 11 active judges of the 12 authorized.

The Federal Circuit also had five senior judges at that time. Senior judges contribute a lot to the workload. That is a pretty high number. Almost half as many judges are senior judges who come in on a less-work level. They don't handle the most important en banc cases, but they participate in drafting opinions. They have law clerks. Many of them do almost as many cases as an active judge. So they have five senior status judges. Maybe it is down to four now, but at that time there were five senior judges.

The Grassley report states:

> In fact, the current status of the circuit actually supports the argument that the court could do its job with a smaller complement of 11 judges. As such, the case has not yet been made that the current vacancy should be filled.

That remains true today. The Federal circuit has 11 active judges now and 4 senior judges.

On the issue of the cost of a judgeship, people ask, how much does it cost to add another judge? Just add a judge and pay his salary, $140,000, $150,000 a year? That is not too bad. However, the actual cost of a Federal judge is $1 million annually. They have two, three law clerks, secretaries, office space, libraries, computers, travel budgets, and everything that goes with being a Federal appellate judge. It is an expensive process. That number is a legitimate number, 1 million bucks.

We have judges in this country who are working night and day, but this circuit is not one of them. Before we do not fill some of those vacancies, before we do not add new judges to some of those districts—and it is not that many, but some are really overworked—we ought to think about whether we ought to continue a judge where we don't need one.

The Grassley report also dealt with the problem of having more judges than you need, sort of a collegiality question. The report said:

> Judge Tjoflat [chief judge at the Eleventh Circuit at one time] testified that some scholars maintain that a "perfect" appellate court size is about 7 to 9 judges, and when a court reaches 10 or 11 judges, "you have an exponential increase in the tension on the court of the ability of the law not to be certain." Judges claimed that there is a marked decrease in collegiality when the appeals court is staffed with more than 11 or 12 judges. Chief Judge Posner of the Seventh Circuit thought that with 11 judges, the Seventh Circuit was "at the limit of what a court ought to be" in terms of size.

The Seventh Circuit had more than twice as many cases per judge as the Federal Circuit does today.

The Grassley report further stated there is a consistency cost with expanding courts:

> Not only is there a loss in collegiality the larger a court becomes, there is also an increase in work required by the judges to maintain consistency in the law. Judge Wilkinson felt that more judges would not lighten the burdens of a court, but would actually aggravate these burdens further.

The Federal Circuit, to which this judge would like to be appointed—and it would be a good position to draw that big Federal judicial salary and have the lowest caseload in America—has the lowest terminations per judge of any circuit court of appeals. It has a 16-percent decrease in overall caseload, with a clear recommendation from the Grassley subcommittee report that there is not a need to add another judge to this circuit.

I suggest that we not approve this judge, not because he is not a good person but because we don't need to burden the taxpayers with $1 million a year for the rest of his life to serve on a court that doesn't need another judge. In fact, they could probably get by with two or three fewer judges than they have right now and still have the lowest caseload per judge in America.

We don't have money to throw away. People act as though a million dollars isn't much money. A million dollars is a lot of money where I came from. I think we ought to look at that and put our money where we have to have some judges. There are some of those areas.

I thank the Chair for the time to express my thoughts on the Dyk matter and yield the remainder of my time to Senator SMITH from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire.

The PRESIDING OFFICER. Nineteen minutes remain for the Senator from Alabama. Fifteen additional minutes are under the control of the Senator from Utah.

Mr. SMITH of New Hampshire. Mr. President, I rise today in opposition to the nominations of both Mr. Dyk and Mr. Lynch. But I also rise to briefly discuss the role of the Senate in judicial nominations, the issue of advice and consent. What is the appropriate role for the Senate? Should we be out here opposing nominations? You can be criticized for it because they say: Well, the President is in the other party; therefore, every time you oppose a nomination, it is for political reasons.

The truth is, by either voting for or not asking for a recorded vote, I have allowed many Clinton nominees to move forward. But I think we have an obligation under the advise and consent clause of the Constitution that if we don't think the judge is qualified to be on the Court, or perhaps he or she is too much of an activist and not really upholding the Constitution as it was written, then I think we have an obligation to say that.

It is with some reluctance I must do that. That is my view. When I say "qualified," we don't merely look at the educational background of the nominee or to the employment history to understand qualifications. I am more interested in the judicial philosophy: Is this nominee going to be an activist judge for one issue or another? Whether conservative or liberal, is that the purpose of a judge—to go on the Court and be an activist for some particular issue—or is it more appropriate for the judge to go on the Court and be an activist for the Constitution of the United States and interpret that Constitution correctly? The latter is what I believe is the appropriate thing to do.

As a member of the Judiciary Committee, I have searched through many of the nominees this President has sent forward. I must say I am shocked at the amount of judicial activists. We have had some great clashes in this body on Presidential nominees for the Court—Robert Bork, to name one, and Clarence Thomas was another. It seems that when the liberal side of the aisle goes after a judge, it is always appropriate, but if we go after a judge because we think he or she is too far to the left in terms of activism, then, of course, it is wrong.

But article II, section 2, of the Constitution states that the President "shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law." That means the lower courts, to put it in simple terms.

The Senate is not a rubber stamp for any nomination, nor should it be. We have a right to speak out, and I specifically, along with Senator SESSIONS, asked for a recorded vote in the case of Mr. Dyk and Mr. Lynch because I believe the Senate should go on record. Sometimes if the nominees are not controversial but simply share a different philosophical view from mine and are not activist, and based on their background I believe they will look at the Constitution as fairly as possible, in an objective manner, I don't object to those nominees.

I don't expect President Clinton to appoint a judge I might appoint. I respect that, and I understand that. That is not the reason for the advise and consent clause, to simply disapprove every single nominee because you disagree with the President's politics.

The framers of our Constitution settled on a judicial selection process that would involve both the Senate and the President. Remember, these are lifetime appointments. There is no going back, unless some horrible thing happens in terms of malfeasance, where the judge is impeached. But for the most part, a judicial appointment is lifetime. A Federal judge is a Federal judge for life. So if a few of us come down to the Senate floor, as Senator SESSIONS and I have done, and talk about these nominees, I don't think that is so bad. They are appointed for life. So if we have concerns, I think they should be raised. That is legitimate on either side of the aisle.

Nominees who are a danger to the separation of powers, who have shown evidence of legislating from the bench, those are the kinds of nominees to whom I am opposed. I am not opposed to nominees based on a President's political philosophy. I am opposed to nominees who have shown evidence of legislating from the bench. That is a very important point to make.

I might also say, before discussing specifically the two nominees just for a moment, that there is some irony in this debate today because this is the first time nominations have come before the Senate for a vote since the President of the United States has been recommended for disbarment as an attorney by the State of Arkansas. Now, I don't know if that has happened in American history before. I don't believe so. So I think I am correct in saying this is the first time in American history that a sitting President has been recommended for disbarment from the State he came from, and then that same President is submitting nominees to the courts in our land.

I do not mean to imply anything by this in terms of the qualifications of the nominees, about their conduct in office or anything such as that. That is not the intention. The intention here is to point out that it is somewhat ironic that a man who showed total disregard for the law, according to the law in the State of Arkansas, would now be sending judges up to the Senate for approval. So I bring this to the attention of my colleagues because it is the first time in American history this has ever happened. We are standing here in judgment of people who are appointed by a President who has been recommended for disbarment.

The Arkansas bar, as you know, a day or so ago recommended this. A committee of the Arkansas Supreme Court recommended this past Monday that the President be disbarred because of "serious misconduct" in the Paula Jones sexual harassment case. A majority of the panelists who met Friday to consider two complaints against the President found that the President should be disciplined for false testimony about his relationship with Monica Lewinsky, the Arkansas Supreme Court said. He was, indeed, fined by another judge from Arkansas for lying under oath.

So it is ironic we are debating the qualifications of many fine jurists, frankly, before us today, and in the newspapers we read about how our President is facing disbarment. So it is a unique situation we face here and one I want everybody to understand.

We break a lot of ground here. We do a lot of things that have never been done before. We had an impeachment trial in the Senate a few months ago. The Senate, in its infinite wisdom, said the President was not guilty, but the Arkansas bar said otherwise. So it is a very interesting twist of fate that now nominees are being sent to the Senate by a man who is recommended for disbarment, and probably will be disbarred, from the practice of law in the State of Arkansas.

Let me conclude on a couple of points on the nominees. I have spent a lot of time on the nomination of Timothy Dyk, and I am very much opposed to Mr. Dyk being a District Judge for the U.S. Circuit Court of Appeals for the Federal Circuit. Some of the material I looked at I am not going to go into on the Senate floor. But a couple of things in which Mr. Dyk was involved concerned me.

In a Washington Post article appearing in May of 1984, the Post reported that Timothy Dyk "agreed to work for free for the anti-censorship lobby, People for the American Way, to sue the Texas Board of Education over the board's 10-year-old rule that evolution be taught as "only one of several explanations of the origins of mankind."

People for the American Way is pretty much a liberal activist, anti-Christian group that seeks to rid public education of any mention of God at all in its educational language and literature, or in schools.

The president, for the People for the American Way, Ralph G. Neas, spoke in January of 1999 about his vision of the People for the American Way. Listen to what he said because you have to remember that Mr. Dyk worked for them pro bono, for nothing. Mr. Neas said:

> As you may know, People for the American Way has always carefully monitored the radical religious right and its political allies.

Mr. Neas believes that most if not all Republicans are members of the "radical right."

He further said:

> The effort by some elements of the conservative religious and political movements to undermine support for public education goes back decades before Phyllis Schlafly and Gary Bauer and Pat Robertson came on the scene, before the days of the Heritage Foundation, back before Newt Gingrich and the Contract with America.

As you can see by his comments, People for the American Way is now and has always been an anti-Christian, anti-conservative organization.

He continues by attacking ORRIN HATCH, Governor George Bush, and Senator JOHN MCCAIN for supporting schooling voucher legislation.

Let me repeat that. He attacked Senator JOHN MCCAIN, Senator ORRIN HATCH, and Governor George Bush for supporting school vouchers.

I guess Timothy Dyk might turn out to be one of the greatest judges in the history of the world, for all I know. I can't predict that. I am not in the business of predicting the future. I am trying to take a look at what I have before me to make a decision on whether or not a person is fit to be on the court.

I understand that the U.S. Chamber of Commerce is a staunch supporter, but I have to vote no because I don't believe that a potential judge who uses that kind of language and who makes those kinds of decisions with those kinds of organizations on a pro bono basis is the kind of person I want on the court.

I must say that there are thousands of judges—and thousands of people who want to be judges—all over America who serve, do it honorably, and interpret the Constitution as fairly and as equitably as possible.

Why is it that time and time again before this body come these outrageous judicial activists appointed by this President? Some have said, well, the other side of the aisle gave you a lot of judges during the Bush administration. A lot of those judges, if not most, were not judicial activists.

It is one thing to have a different philosophical view and to be nominated by a President of a different philosophical view. We are not interested in philosophy on the Supreme Court, or on any court. We are interested in supporting the Constitution and interpreting the Constitution the way the founders would have wanted us to do it. They are not your activists. I don't care about your activists. But I think when you hear people representing on a pro bono basis—for no money; you are doing it because you want to do it; you are not getting paid—there is a difference. When somebody retains you as a lawyer, you have every right to do that. That is the American way, and you have every right to do it pro bono. But it tells you about somebody when they represent somebody pro bono. Terrorists were represented pro bono by Mr. Dyk.

I think when you are looking at these things, you have to say to yourself, well, these are the people with whom he wants to surround himself with pro bono services. I guess I have to ask, isn't there anybody out there somewhere that we could have as a nominee who doesn't have to be out there talking about and criticizing Members of the Senate because they support school vouchers and are representing groups that do that, or even on the issue of evolution? I think it is going too far. I think it is sad, frankly, that we have to deal with it.

The other nominee before us who has been talked about already is Gerald Lynch for the Southern District of New York. The reason I oppose his nomination is for the same reasons.

As my colleague, Senator SESSIONS, quoted, Attorney Lynch wrote:

> Justice Brennan's belief that the Constitution must be given meaning for the present seems to me a simple necessity; his long and untiring labor to articulate the principles of fairness, liberty, and equality found in the Constitution in the way that he believed made most sense today seems far more honest and honorable than the pretense that the meaning of those principles can be found in eighteenth or nineteenth-century dictionaries.

That is a pretty legalistic phrase. Let's put it in English. It means what the founders said in the 1700s isn't relevant. It is not relevant. It is relevant today. What is relevant today is relevant today. And, frankly, the Constitution those guys wrote in the late 1700s doesn't apply to us today. The Constitution is not the same. It is totally wrong.

Why is it that we criticize those who wrote the Constitution when we attribute time and time again to some great people who profess to be scholars on the Constitution? They come down here on the Senate floor saying: You know, the founders didn't mean that; that isn't what they meant; they didn't mean to say that; if you look at it literally, it does not mean that.

When you go back and find the comments of the founders, over and over again the founders say exactly what they meant. Not only did they write it in the Constitution but they explained it in their own words in the debate. And they still say they didn't mean what they said.

I think if you find a document that was written by somebody and then you find the explanation, and it says what they meant—they said, "This is what I meant"—that is pretty obvious.

I think we are seeing evidence here again of a person who will be another judicial activist who is going to say the Constitution isn't relevant today, so, therefore, I can put my interpretation into the Constitution. That is the kind of nominees that we are talking about here. This is very troubling.

That is why I rise today to oppose both the nominations of Timothy Dyk and Gerard Lynch, and I will also oppose a couple of other nominees in the future.

Mr. LEAHY. Mr. President, I am delighted to support the confirmation of Jerry Lynch to the District Court for the Southern District of New York. Professor Lynch is the Paul J. Kellner Professor of Law at Columbia Law School, the outstanding law school from which he received his law degree in 1975. He began his legal career by clerking on the Second Circuit Court of Appeals for Judge Feinberg and then on the United States Supreme Court for Justice Brennan.

He served as an Assistant U.S. Attorney in the Southern District of New York back in the early 1980's and as the Chief Appellate Attorney for that office. In 1990 he returned to the office at the request of President Bush's U.S. Attorney to head the Criminal Division of that office.

Even his opponents must describe him as "a man of personal integrity and a man of considerable legal skill." That he is. He is also a person who served as a prosecutor during two Republican Administrations.

Professor Lynch is well aware that he has been nominated to the District Court and not to the United States Supreme Court and that he will be bound by precedent. He has committed to follow precedent and the law and not to substitute his own views. In his answers to the Judiciary Committee, he wrote:

> There is no question in my mind that the principal functions of the courts is the resolution of disputes and grievances brought to the courts by the parties. A judge who comes to the bench with an agenda, or a set of social problems he or she would like to "solve," is in the wrong business. In our system of separation of powers, the courts exist to apply the Constitution and laws to the cases that are presented to them, not to resolve political or social issues. The bulk of the work of the lower courts consists of criminal cases and the resolution of private disputes and commercial matters.

In fact, in specific response to written questions from Senator SESSIONS, Professor Lynch wrote that he understands that the role of a district court judge requires him to follow the precedents of higher courts faithfully and to give them full force and effect, even if he personally disagrees with such precedents.

His opponents excerpt a couple lines of text from a 1984 book review and a eulogy to his former boss, Justice Brennan, rewrite them and argue that their revisions of his words indicate a judicial philosophy that he will not enforce the Constitution but his own policy preferences. They are wrong.

I have read the articles from which opponents excerpted out of context a phrase here and a phrase there to try to construct some justification for opposing this nominee. In his 1984 book review, Professor Lynch was criticizing a book that defended the legitimacy of constitutional policymaking by the judiciary. That's right: Professor Lynch was on the side of the debate that criticized personal policymaking by judges and counseled judicial restraint.

Professor Lynch criticized the author for a "theory justifying judges in writing their own systems of moral philosophy into the Constitution." Nonetheless, opponents of this nominee turn the review on its head, as if Professor Lynch were the proponent of the proposition he was criticizing.

These opponents take a throw-away line out of context from the book review and miss the point of the review. What his critics miss is the fact that Professor Lynch argued against the Supreme Court being the politically activist institution that the book he is criticizing seeks to justify. Professor Lynch argues against judges, even Supreme Court Justices, becoming moral philosophers. He writes, following the excerpt on which his critics rely:

> [N]either of these claims has force when the Court speaks through the medium of moral philosophy. First, there is little reason to expect judges to be more likely than legislators to reach correct answers to moral questions. After all, judges possess no particular training or expertise that gives them better insight than other citizens into whether abortion is a fundamental right or an inexcusable wrong. Disinterestedness alone does not determine success in intellectual endeavor. . . .

Ignored by his critic is also the written answer that Professor Lynch furnished Senator SESSIONS explaining what he meant by the statement that is being misread and misinterpreted, again, by his opponents. Professor Lynch explained:

> The quoted statement comes from a book review in which I sharply criticize a book that makes the claim that courts have authority to enforce moral principles of its own choosing, a position I do not share. In the quoted passage, I was attempting to explain why the Supreme Court is given power to enforce the text of a written Constitution.

The other quote being criticized is taken from a short memorial to Justice Brennan, a man for whom Professor Lynch had clerked and whom he respected. The memorial was apparently written just after Justice Brennan's funeral. Professor Lynch wrote of Justice Brennan's humanity and his patriotism. Nonetheless, it appears that even this statement of tribute to a departed friend is grist for the mill of opponents looking for something they can declare objectionable.

Ignored by opponents is the direct response to Senator SESSIONS' question about the eulogy for Justice Brennan. Professor Lynch responded to Senator SESSIONS:

> The statement quoted comes from a eulogy to Justice Brennan on the occasion of his death. I do not believe that good faith attempts to discern the original intent of the framers are dishonest or dishonorable. Judges and historians daily make honorable and honest attempts to understand the thoughts of the framers.
>
> Too often, however, the history that lawyers present to courts is deliberately or inadvertently biased by the position that lawyers as advocates would like to reach, and such resort to partial and limited sources can be used to support results that accord with policy preferences. While Justice Brennan took positions that can be criticized as activist, it is generally agreed that he was forthright in stating his approach.

Likewise ignored is Professor Lynch's statement to Senator SESSIONS: "The judge's role is to apply the law, not to make it."

Also ignored are the acknowledgments by Professor Lynch in the course of the memorial itself that the "charge that Justice Brennan confused his own values with those of the Constitution does capture one piece of the truth" and that the "problem, and here is the heart of the argument against Brennanism, is that there will always be different interpretations of what those core shared values mean in particular situations." I commend Professor Lynch for his candor.

It is sad that Senators have come to oppose nominees and the Senate has refused to move forward on nominees because they clerked, as young lawyers just out of law school for a certain judge or because clients they represented during the course of their practice and while fulfilling their professional responsibilities had certain types of claims and charges against them or brought certain types of claims. That is what underlies the opposition to both this highly qualified nominee and to Fred Woocher, a nominee to an emergency vacancy on the District Court for the Central District of California.

Mr. Woocher participated in a confirmation hearing last November and has been denied consideration by the Judiciary Committee for more than six months. Mr. Woocher has had a distinguished legal career and is fully qualified to serve as a District Judge. But Mr. Woocher clerked for Justice Brennan after his academic studies at Yale and Stanford.

Apparently, Senators who are holding up consideration of Mr. Woocher likewise believe that those who do not favor the conservative activism of Justice Scalia or Chief Justice Rehnquist should oppose the appointment of people who clerked for such jurists. Certainly that is the point that they are establishing by their opposition to these outstanding nominees.

Any Senator is entitled to his or her opinions and to vote as he or she sees fit on this or any nominee. But the excerpts relied upon by opponents of Professor Lynch, from over 20 years of writing and legal work, do not support the conclusion that Professor Lynch is insensitive to the proper role of a judge or that he would ignore the rule of law or precedent. To charge that Judge Lynch would consider himself not to be bound by the plain words of the Constitution is to misperceive Jerry Lynch and ignore his legal career.

With respect to the unfounded charge that Professor Lynch would interpret the Constitution by ignoring its words, that is simply not true. Here is what Professor Lynch told Senator THURMOND at his confirmation hearing:

> I believe, Mr. Chairman, that the starting place in interpreting the Constitution is with the language of the document. As with legislation passed by the Congress, it is the wording of the Constitution that was ratified by the people and that constitutes the binding contract under which our Government is created.
>
> In attempting to understand the language, it is most important to look to the original intent of those who wrote it and the context in which it was written. At the same time, with respect to many of those principles, the Framers intended to adopt very broad principles. Sometimes the understanding of those principles changes over time.

In truth, the opposition to this nomination seems to boil down to the fact that Professor Lynch clerked for Justice Brennan, a distinguished and respected member of the United States Supreme Court, more than 20 years ago.

In light of the arguments made by the Senator of Alabama on the workload of the Federal Circuit, I wanted to add to the RECORD the letter from the Chamber of Commerce to the Subcommittee on Administrative Oversight and the Courts from last summer. Although these statistics are as out of date as those used by the Senator from Alabama, the letter makes several important points. The caseload of the Federal Circuit is not inflated by prisoner cases but is filled with complicated intellectual property cases and other complex litigation. I ask consent to print the August 1999 letter from the Chamber of Commerce in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
*Washington, DC, August 3, 1999.*

Hon. CHARLES E. GRASSLEY,
*Chairman, Subcommittee on Administrative Oversight and the Courts, Hart Senate Office Building, Washington, DC.*

DEAR CHAIRMAN GRASSLEY: This letter again urges that the Judiciary Committee promptly consider the nomination of Timothy Dyk for the Federal Circuit and that that nomination be reported out of Committee before August recess. It has been almost sixteen months since Mr. Dyk was first nominated to the Federal Circuit, it has been nearly a year since he was first voted out of Committee. So far as the Chamber is aware, he is the only judicial nominee voted out of Committee last year who has been scheduled for a second hearing. We urge that a second hearing is unnecessary.

We understand that the principal concern about Mr. Dyk's nomination now relates to the need to fill the vacancy. There are now not one, but two vacancies on the Federal Circuit. We recommend that Mr. Dyk's nomination be acted upon promptly so that the Federal Circuit will not be seriously understaffed.

The question about the need to fill the vacancy was considered in the March 1999 Report on the Appropriate Allocation of Judgeships in the United States Courts of Appeals. The Report generally agrees that "the best measure of when a court requires additional judges is how long it takes, after an appeal is filed with a court, to reach a final decision on the merits." (p.5) The Report also states that: Over the last five years, the Federal Circuit's "mean disposition is the lowest of any circuit court: . . ."

But the Report's comparison between the Federal Circuit and the other Circuits is a comparison of apples and oranges. The Federal Circuit data appear to have been computed using a "mean" or average number, while the data for the other Circuits was computed using a median number. Over the most recent five-year period (1994-1998), using median data, the disposition time for the Federal Circuit exceeded that for the Second, the Third and the Eighth Circuits. The most recent data (for 1998) show that the median disposition time for the Federal Circuit equals or exceeds that from four other Circuits (the First, Third, Eighth and District of Columbia). Moreover, the median disposition time for the Federal Circuit increased 20%; from 7.9 months in 1994 to 9.5 months in 1998. These data directly support acting on the pending nomination.

To be sure the Federal Circuit has a smaller numerical caseload than other Circuits because the Federal Circuit, as Congress prescribed, does not hear criminal or prisoner cases. But it does have a heavy (and increasing) docket of intellectual property cases and other forms of complex litigation.

Congress intended to give the Federal Circuit exclusive jurisdiction over patent cases, and to be the court of last resort in the vast majority of those cases. (Supreme Court Review is unlikely because there can be no conflict with another Circuit). Under these circumstances, it is critical to the Congressional design and to the business community that the court not give short shrift to these important cases. There is a substantial risk that if the Federal Circuit is understaffed, and limited to ten judges, it will not have time to give these cases the attention that they deserve. The Chamber, as well as business-organizations such as Eastman Kodak, Ingersoll Rand and Lubrizol, expressed this concern to the Committee.

Finally, we understand Senator Grassley's concern that the Federal Circuit does not have a formal mediation program. We note that Mr. Dyk, in his first hearing, supported the creation of such a program, and that he has extensive experience in mediating intellectual property cases. He could make it important to the Court in that area, and we urge that the Court be allowed to secure the benefit of Mr. Dyk's services as soon as possible.

Sincerely,

LONNIE P. TAYLOR.

Mr. KOHL. Mr. President, I rise to support the long overdue confirmation of Tim Dyk to the Federal Circuit. The Judiciary Committee reported out Mr. Dyk in 1998 by an overwhelming, bipartisan margin. Unfortunately, Mr. Dyk's nomination died a slow death last Congress, as he waited in vain for confirmation by unanimous consent or, in the alternative, at least a floor vote.

This Congress, Mr. Dyk has had wait yet another year and a half for Senate consideration after his renomination and second overwhelming Judiciary Committee approval. This delay has been unfair to Mr. Dyk and his family, who have had to put their lives on hold as he awaits confirmation. It has also been unfair to the Federal Circuit, which will be enormously enhanced by his ascension. We are lucky Mr. Dyk was willing to wait; other outstanding candidates, however, may be dissuaded from making the already arduous sacrifices necessary to serve in the federal judiciary.

Finally, it now appears that Mr. Dyk is reaching the end of his long road to confirmation and will soon take his deserved seat on the bench. He is an excellent candidate—a graduate of Harvard College and Harvard Law School, a law clerk to Chief Justice Earl Warren on the Supreme Court, and a litigator with a long, distinguished practice and a history of public service.

I strongly support this nominee and urge my colleagues to join me in supporting his confirmation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

### NOMINATION OF BRADLEY SMITH

Mr. MCCONNELL. I yield myself whatever time I consume.

Mr. President, I begin my comments by rebutting some of the points made by colleagues on the other side of the Brad Smith nomination. One of the quotes used against Professor Smith out of context was that he said:

> The most sensible reform is the repeal of the Federal Election Campaign Act.

Using this quotation to imply that Professor Smith would repeal the FECA exemplifies the meritless arguments being used to block the nomination of the most qualified FEC nominee in the history of the Federal Election Commission.

When this statement is read in context and the ellipsis are removed, it is clear that Professor Smith is only talking about the contribution limits in the Federal Election Campaign Act. On that point he is in pretty good company: Chief Justice Warren Burger and Justice Hugo Black also held that view. Justices Scalia and Thomas hold that view. Professor George Priest of the Yale Law School, Professor John Lott of Yale Law School, Dean Kathleen Sullivan at Stanford Law School, Dean Nelson Polsby at George Mason Law School, and former Solicitor General and Justice of the Massachusetts Supreme Court and now Harvard law professor, Charles Fried, have all espoused this view on campaign contribution limits.

I assume all of them would by that argument be barred from serving on the Federal Election Commission. Of course, they would not be barred from serving on the Federal Election Commission, and neither should Professor Smith.

In holding this view, Mr. Smith is no more in disagreement with the law than the Brennan Center and Common Cause, Professor Neuborne, and others who think the law should allow expenditure limits. These people at the Brennan Center and Common Cause advocate a position contrary to the law as declared by the Supreme Court in Buckley and affirmed in Shrink PAC. Under the standard being applied to Mr. Smith, all of them are barred also from serving on the FEC. Clearly, that would be an absurd result.

The Democratic nominee before the Senate, Mr. McDonald, disagrees even more sharply with the Supreme Court than Professor Smith. In open and recorded meetings of the FEC on August 11, 1994, in response to a recitation of election laws interpreted by the Supreme Court, Mr. McDonald declared: The Court just didn't get it.

He doesn't care what the courts say. Clearly, we can't confirm him if disagreement with the law disqualifies an FEC nominee. If there is anyone who has displayed contempt for the law, it is Danny McDonald, not Brad Smith.

Mr. Smith has acknowledged that his view that there should be no contribution limits is no more the law than is the view of the Brennan Center and Common Cause and some of my colleagues that there should be expenditure limits. Moreover, he has made clear he would have no problem enforcing contribution limits.

When asked if he would pledge to uphold his oath, he said he would proudly and without reservation take that oath, and everyone who knows him, including Dan Lowenstein, former national board member of Common Cause, has no doubt that Brad Smith will faithfully enforce the laws written by Congress and interpreted by the courts.

Professor Smith's detractors fail to note that he has made clear in his testimony before the Rules Committee that if the Shrink Missouri case had been a Federal case and come before the FEC for an enforcement action, he would have had no problem voting for enforcement action in that kind of case.

So the notion that Smith ignored Shrink PAC in his testimony is completely unfounded. I refer my colleagues to page 40 of the Rules Committee Hearing Report dated March 8 of this year. Opponents argue Professor Smith says problems with election law have been "exacerbated or created by the Federal Election Campaign Act" as interpreted by the courts.

So what? Supreme Court Justices have expressed concern that the Federal Election Campaign Act as interpreted by the courts has had unintended consequences which have exacerbated or created problems with our campaign finance system. The Supreme Court Justices have said that. In Shrink PAC, Justice Kennedy opined: It is the Court's duty to face up to adverse, unintended consequences flowing from our prior decisions.

He goes on to assert, FECA and cases interpreting it have "forced a substantial amount of political speech underground." Noting the problems created by the Federal Election Campaign Act, Justice Kennedy explained that under existing law "issue advocacy, like soft money, is unrestricted—see Buckley at 42 to 44—while straightforward speech in the form of financial contributions paid to a candidate, speech subject to full disclosure and prompt evaluation by the public, is not * * * This mocks the First Amendment. Our First Amendment principles surely says that an interest thought to be the compelling reason for enacting a law is cast into grave doubt when a worse evil surfaces than the law's actual operation.

In my view, that system creates dangers greater than the one it has replaced.

So, I guess this passage would disqualify Justice Kennedy of the Supreme Court from serving on the Federal Election Commission. So, are we to punish Professor Smith for telling the truth? Professor Burt Neuborne of the Brennan Center has written that at least three extremely unfortunate consequences flow from Buckley.

Neuborne also writes that:

> Reformers overstate the level of downright dishonesty existing in our political culture; furtherer deepening public cynicism.

Then is Professor Neuborne prohibited from serving on FEC? We all know that many of the problems with the current system are caused by excessively low contribution limits. President Clinton, other Democrats, and many people from my own party have publicly acknowledged this reality and the need for raising hard money limits. So I guess all of those folks would also be disqualified from serving on the FEC.

Professor Smith is opposed also because he has written that the Federal election law is profoundly undemocratic and profoundly at odds with the first amendment.

It has been said that Professor Smith is unfit for the FEC because he believes that the Federal election law is profoundly at odds with the first amendment. Quoting his 1995 policy study from Cato Institute:

Here is the Supreme Court in Buckley. Justice Brennan, in fact, who is known to have written the opinion:

> The Supreme Court's decisions in Mills v. Alabama and Miami Herald Publishing v. Tornillo held that legislative restrictions on advocacy of the election and defeat of political candidates are wholly at odds with the first amendment.

So, now we are keeping Professor Smith off the FEC, it is argued, for quoting from the majority opinion in the Buckley case? From quoting from the majority opinion in the Buckley case? Before reformers began attacking Justice Brennan for authoring this quotation that Mr. Smith has cited, let me note that Justice Brennan's observation has been borne out by the fact that provisions of FECA are still being declared unconstitutional as recently as the first week of May, when the Tenth Circuit Court of Appeals declared unconstitutional the party-coordinated expenditure limits.

It is worth noting this was in a 1996 case on remand from the Supreme Court, a case known as Colorado Republican, in which the Supreme Court declared unconstitutional the party independent expenditure limits in the Federal Election Campaign Act, despite reformer assertions that they were undoubtedly constitutional.

So, it is simply absurd to attack Professor Smith for quoting from a majority opinion in a Supreme Court case. But that is what Professor Smith's detractors are doing. They are saying he is unfit to serve on the Supreme Court—in this case the Federal Election Commission—because he quotes majority opinions that are binding laws and factually correct statements of how FECA has been treated by the courts.

I might also note that efforts to paint this quotation as an absolute statement of his views on the entire Federal Election Campaign Act also lack any merit. If one reads the article in which Bradley Smith recites this quotation by the Court, he makes clear that he supports many aspects of the Federal Election Campaign Act, including the statute's disclosure provisions. Arguments being asserted against Professor Smith are, at best, half truths constructred by reform groups, but many simply misstate Smith's position and reformers and their allies at the New York Times and the Washington Post persist in advancing these specious arguments, even after they have been shown to lack any merit whatsoever.

It seems that Professor Smith's detractors will say anything to get what they want without any regard for either facts or logic.

I also note even the intellectual leader of the reform movement, Burt Neuborne, has written that:

> The arguments against regulation are powerful and must be respected.

Professor Smith's opponents conclude he should not be confirmed because he has said:

> People should be allowed to spend whatever they want on politics.

Well, so what? Under current law, people can spend whatever they want in the form of independent expenditures. Parties can spend whatever they want in the form of independent expenditures and coordinated expenditures. Wealthy candidates such as Jon Corzine in New Jersey can spend whatever they want from their personal fortunes. Moreover, this statement clearly refers to expenditure limits. Since Buckley, the Supreme Court has consistently held expenditure limits unconstitutional. Although so-called reformers wish this were not the law, it is the law. So, again, we are punishing Professor Smith for stating what the law is, not what the reformers would like it to be.

I would also like to note that Burt Neuborne of the Brennan Center agrees with Brad Smith that contribution and spending limits have undemocratic effects. Neuborne has written:

> Contribution and spending limits and unfair allocation of public subsidies freeze the political status quo, providing unfair advantage to incumbents.

Even the Brennan Center acknowledges that disagreement over Buckley does not disqualify a person from interpreting Buckley. The Brennan Center has come under fire for its book "Buckley Stops Here," and its views that the current Federal Election Campaign Act is flawed. I wonder if my colleagues on the other side of the aisle would vote against the executive director of the Brennan Center or the legal director of the Brennan Center who have criticized the current campaign finance law and the Supreme Court's decision in Buckley? The Brennan Center has committed blasphemy, equal to that of Professor Smith, by actually criticizing the reformers.

For example, Burt Neuborne, the Brennan Center's legal director, has stated:

> Reformers overstate the level of downright dishonesty existing in our political culture, further deepening public cynicism.

Moreover, Neuborne has written that:

> Contribution and spending limits freeze the political status quo by providing unfair advantages to incumbents.

Neuborne has gone after the Holy Grail here. He has actually criticized Congress and the Federal Election Campaign Act. Would those who oppose Brad Smith also oppose the Brennan Center?

I would hope not. In fact, the Brennan Center's own web page acknowledges that this type of reasoning is invalid. Let me quote the Brennan Center regarding disagreements over Buckley and the Federal Election Campaign Act:

> The fact that a person believes that the Court should revise its constitutional rulings does not mean that either side disrespects the law or is disqualified from interpreting Buckley. Moreover, there is no direct correlation between attitudes towards Buckley and constitutional analysis of proposed campaign finance reforms.

One of the most troubling solutions asserted during this confirmation debate is that if a nominee has personally questioned the law of Congress, then somehow that nominee is disqualified from government service. Implementing these new type of litmus tests for government service seems shortsighted and ill-advised, to put it mildly. Certainly most Members of Congress would be disqualified from future service in the executive or judicial branch under this new test, since nearly everyday we question the wisdom of our laws and regularly vote in opposition to various laws.

This new litmus test barring government service for those who question the law would clearly exclude many fine and capable men and women. For example, it is not uncommon for Federal judges to personally disagree with

Congress' efforts to establish mandatory minimum sentences or uniform sentences through the use of the Federal sentencing guidelines. Judge Jose Cabranes, of the Court of Appeals for the Second Circuit, is a widely respected legal scholar who has been mentioned by both Democrats and Republicans as a possible Supreme Court nominee.

Judge Cabranes, however, has been a frequent and outspoken critic of the law he follows every day. He has written a book and law review articles arguing that current Federal sentencing laws and guidelines are ill conceived and "born of a naive commitment to the ideal of rationality." Judge Cabranes has stated:

> The utopian experiment known as the U.S. Sentencing Guidelines is a failure. . ..

Moreover, the respected Judge Cabranes disagrees with what has been popularly referred to as reform. Specifically, the judge explains that the sentencing reformers' "fixation on reducing sentencing disparity. . .has been a mistake of tragic proportions. . ..[T]he ideal [of equal treatment] cannot be, and should not be, pursued through complex, mandatory guidelines. We reject the premise of [the] reformers. . .."

Does this mean Judge Cabranes is unfit to be a Federal judge because he does not personally agree with the sentencing law he must follow every day from the bench? Is Judge Cabranes, who is an otherwise widely respected judge, unfit to serve because he disagrees with the reformers, the wisdom of Congress, and the sentencing laws? Of course not.

Let's look to the Supreme Court for a moment on the specific issue of campaign finance law where reasonable people have and do disagree.

In the landmark case of Buckley v. Valeo, the Court had the difficult task of harmonizing the Federal Election Campaign Act with the First Amendment to the Constitution. Ultimately, the Court's decision in Buckley established what has been the law of the land now for the past quarter-century. I think it is worth noting, however, that every Supreme Court Justice sitting in that case disagreed with the law Congress had passed.

Several of these renowned Justices even questioned the law that was ultimately established by the Court's interpretation in Buckley. For example, Justice Thurgood Marshall dissented in part. Justice Blackmun dissented in part. Justice White, Chief Justice Burger, and the current Chief Justice Rehnquist—all of these jurists disagreed with both the law Congress passed and the law the Court created through its interpretation in Buckley.

Several years after Buckley, Justice Marshall continued to question the law established in Buckley. Does that mean the Senate would have denied Justice Thurgood Marshall a seat on the FEC if he had desired such a seat? Would Justice Marshall be unfit to serve a fixed term on a bipartisan commission?

What about Chief Justice Burger who argued Congress did not have the power to limit contributions, require disclosure of small contributions, or publicly finance Presidential campaigns? If the Chief Justice had wanted a seat on the FEC, would the Senate have rejected Chief Justice Burger as unfit to serve? After all, Chief Justice Burger's opinion is in contrast with that of the New York Times. Would Chief Justice Burger have been unfit to serve a fixed term on a bipartisan commission?

What about my fellow colleagues who question the Court's decision in Buckley? The junior Senator from California, for example, said on the floor of the Senate only a few months ago:

> I am one of these people who believe the Supreme Court ought to take another look at Buckley v. Valeo because I think it is off the wall.

Would my colleagues on the other side of the aisle oppose the junior Senator from California if she retired from the Senate and wanted to become an FEC Commissioner? After all, she disagrees with the law and with the Court's decision in Buckley. Would she be unfit to serve?

What about noted scholars such as Joel Gora, the associate dean of the Brooklyn Law School, who has criticized the Federal Election Campaign Act? Or Ira Glasser of the American Civil Liberties Union? Both Gora and Glasser were lawyers in the original Buckley case. Or Kathleen Sullivan, the dean of the Stanford Law School? Or Lillian BeVier of the University of Virginia Law School? Or Professor Larry Sabato of the University of Virginia and a former member of the 1990 Senate Campaign Finance Reform Panel named by Majority Leader George Mitchell? Would these respected scholars, who question the law and share many of Professor Smith's election law views, be disqualified from Government service at the FEC?

Professor Smith's sin, in the eyes of the reform industry, is twofold: One, he understands the constitutional limitations on the Government's ability to regulate political speech, and, two, he has personally advocated reform that is different from the approach favored by the New York Times.

Let me say loudly and clearly, I believe that neither an appreciation for the first amendment nor disagreement with the New York Times and Common Cause should disqualify an election law expert for service on the Federal Election Commission.

As the numerous letters that have been flooding to me at the committee establish, Professor Smith's views are well within the mainstream of constitutional jurisprudence and commend, not disqualify, him for Government service at the FEC. Personally, I think Professor Smith's views would be a breath of fresh air at a Commission whose actions have all too frequently been struck down as unconstitutional by the courts.

Let me point out that the world of campaign finance is generally divided into two camps of reasonable people who disagree with the Supreme Court's interpretation of the First Amendment in Buckley. One camp prefers more regulation; another camp prefers less regulation. Neither camp is perfectly happy with the current state of the law.

One camp is made up of the New York Times, Common Cause, the Brennan Center, and scholars such as Professors Ronald Dworkin, Daniel Lowenstein, and Burt Neuborne. I might add that reformers Neuborne and Lowenstein have both written strong letters in support of Brad Smith's scholarship and writings on campaign finance.

The other camp is occupied by citizen groups ranging from the ACLU to the National Right to Life Committee, and scholars such as Dean Kathleen Sullivan, and Professors Joel Gora, Lillian BeVier, and Larry Sabato. It is probably fair to say Danny McDonald is in one camp and Brad Smith is in the other. I definitely agree with one camp more than I do the other, but I do not think agreement with either camp makes a person a lawless radical or a wild-eyed fanatic. And, I certainly do not think membership in either camp should disqualify a bright, intelligent, ethical election law expert from service on a bipartisan Federal Election Commission.

Finally, and most importantly, the overwhelming letters of support for Brad Smith and his unequivocal testimony before the Rules Committee convince me without a doubt that Brad Smith understands that the role of an FEC Commissioner is to enforce the law as written and not to remake the law in his own image.

As I mentioned earlier, critics who have philosophical differences with Professor Smith should heed the words of Professor Daniel Kobil, a former board member of Common Cause. This is what he had to say:

> I believe that much of the opposition—

Referring to Professor Smith—

> is based not on what Brad has written or said about campaign finance regulations, but on crude caricatures of his ideas. . . . Although I do not agree with all of Brad's views on campaign finance regulations, I believe that his scholarly critique of these laws is cogent and largely within the mainstream of current constitutional thought. . . . I am confident that he will fairly administer the laws he is charged with enforcing. . . .

Let me add the sentiments of Professor Daniel Lowenstein of UCLA Law School, also a former board member of Common Cause. This is what he had to say:

Smith possesses integrity and vigorous intelligence that should make him an excellent commissioner. He will understand that his job is to enforce the law, even when he does not agree with it.

Let me say a few words about the Democrats' nominee to the FEC, Commissioner Danny McDonald. First, the obvious: McDonald and I are in different campaign finance reform camps. If I followed the new litmus test that is being put forth by some in this confirmation debate, then I would have no choice but to vigorously oppose his nomination.

I have serious questions about McDonald's 18-year track record at the FEC. Commissioner McDonald's views and actions have been soundly rejected by the Federal courts in dozens of cases.

One of these cases, decided earlier this year, Virginia Society for Human Life v. FEC, resulted in a nationwide injunction against an FEC regulation that Commissioner McDonald has endorsed for years.

Let me point out that this McDonald-endorsed regulation had already been struck down by several other Federal courts. Yet McDonald has continued to defy the Federal court rulings and stubbornly refuses to support changing the regulation. Two other cases, FEC v. Christian Action Network and FEC v. Political Contributions Data, Inc. resulted in the U.S. Treasury paying fines because the action taken by McDonald and the FEC was "not substantially justified in law or fact."

Just last Friday, the Tenth Circuit struck down yet another FEC enforcement action as unconstitutional.

I ask unanimous consent to print in the RECORD a list of a dozen cases where the Federal courts have rejected the actions of McDonald and the FEC as unconstitutional.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Commissioner Mcdonald's views have been soundly rejected by the federal courts in dozens of cases. The following twelve cases are examples of the court's rejection of Mcdonald's views as unconstitutional.

One of these cases, decided earlier this year, Virginia Society for Human Life v. FEC, resulted in a nationwide injunction against an FEC regulation that Commissioner Mcdonald has endorsed for years—in refinance of several court rulings declaring it unconstitutional.

Two of these cases, FEC v. Christian Action Network and FEC v. Political Contributions Data, Inc. resulted in the U.S. Treasury *paying fines* because the action taken by Mcdonald and the FEC was "not substantially justified in law or fact."

1. Fed v. Colorado Republican Party, U.S. Supreme Court, 116 S. Ct. 2309 (1996).
2. Fed v. National Conservative PAC, U.S. Supreme Court, 470 U.S. 480 (1985).
3. Colorado Republican v. FEC, 10th Circuit Court of Appeals, 200 U.S. App, LEXIS 8952 (May 5, 2000).
4. FEC v. Christian Action Network, 4th Circuit Court of Appeals, 110 F.3d 1049 (1997) (Court fined FEC for baseless action).
5. Faucher v. FEC, 1st Circuit Court of Appeals, 928 F.2d 468 (1991).
6. Clifton v. FEC, 1st Circuit Court of Appeals, 114 F.3d 1309 (1997).
7. RNC v. FEC, D.C. Circuit Court of Appeals, 76 F.3d 400 (1996).
8. FEC v. Political Contributions Data, Inc., 2nd Circuit Court of Appeals, 943 F.2d 190 (1991). (Court fined FEC for baseless action).
9. FEC v. NOW, U.S. District Court for the District of Columbia, 713 F. Supp. 428 (1989).
10. FEC v. Survival Education Fund, U.S. District Court for the Southern District of New York, 1994 WL 9658 at *3 (1994).
11. Right to Life of Dutchess County v. FEC, U.S. District Court for the Southern District of New York, 6 F. Supp. 2d 248 (1988).
12. Virginia Society for Human Life v. FEC, United States District Court for the Eastern District of Virginia, 3:99CV559 (2000).

Mr. McCONNELL. The list certainly does not contain all the cases where McDonald's views have been rejected by the Federal courts, but it should give Members on both sides of the aisle a sense for which nominee is truly out of step with the law, the courts, and the Constitution.

I ask unanimous consent to print in the RECORD a copy of a letter from a first amendment lawyer, Manuel Klausner, who has been honored with the Lawyer of the Year award for the Los Angeles Bar Association. Mr. Klausner details serious concerns about Commissioner McDonald's voting record at the FEC.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LAW OFFICES OF MANUEL S. KLAUSNER,
*Los Angeles, CA, February 29, 2000.*

Senator MITCH MCCONNELL,
*Chairman, United States Senate Committee on Rules and Administration, Senate Russell Bldg., Washington, DC.*

DEAR SENATOR MCCONNELL: I am an attorney in Los Angeles, and my practice emphasizes First Amendment, election law and civil rights litigation. By way of background, I am a founding editor of REASON Magazine and a trustee of the Reason Foundation. I serve as general counsel to the Individual Rights Foundation. This letter is written on my own behalf, and is not intended to reflect the views of Reason Foundation or the Individual Rights Foundation.

I was formerly a member of the faculty of the University of Chicago Law School and am a past recipient of the Lawyer-of-the-Year Award from the Constitutional Rights Foundation and the Los Angeles Bar Association. I have written and spoken on First Amendment and election law issues at law schools and conferences in the United States and Europe.

As an attorney well versed in the First Amendment, I am writing to urge you to reject the nomination of Danny Lee McDonald to the Federal Election Commission.

As you well know, for many years the FEC has sought to expand the scope of its jurisdiction beyond the limitations the First Amendment places on the agency's authority to regulate political speech. This has resulted in the FEC having the worst litigation record of any major government agency. It has also resulted in many citizens and citizen groups being needlessly persecuted for exercising their First Amendment rights. Some have blamed an overzealous general counsel for the FEC's long history of contempt for the First Amendment. But it must be remembered that, under the FECA, the general counsel cannot pursue litigation that impermissible chills free speech—unless commissioners such as Danny Lee McDonald vote to adopt and enforce unconstitutional regulations.

Commissioner McDonald's disregard for the rule of law in our constitutional system of government is illustrated by his role in the FEC's ongoing efforts to expand the definition of express advocacy. In *Buckley v. Valeo*, 424 U.S. 1, 44 (1976), the Supreme Court ruled that the FECA could be applied consistent with the First Amendment only if it were limited to expenditures for communications that include words which, in and of themselves, advocate the election or defeat of a candidate. This clear categorical limit served a fundamental purpose: It provided a way for people wishing to engage in open and robust discussion of public issues to know ex ante whether their speech was of a nature such that it had to comply with the regulatory regime established by the FECA. The Court did not want people to have their core First Amendment right to engage in discussion of public issues (even those intimately tied to public officials) burdened by the apprehension that, at some time in the future, their speech might be interpreted by the government as advocating the election of a particular candidate. Ten years after *Buckley*, in *FEC v. Massachusetts Citizens for Life, Inc.*, 479 U.S. 238 (1986), the Court reaffirmed the objective, bright-line express advocacy standard.

Despite these clear,unequivocal precedents from the Supreme Court regarding the bright-line, prophylactic standard for express advocacy, it is my view that Commissioner McDonald has flouted the rule of law. He has consistently supported FEC enforcement actions and regulations that seek to establish a broad, vague and subjective standard for express advocacy. In doing so, Commissioner McDonald seeks to create exactly the type of apprehension among speakers that the First Amendment (as interpreted by the Supreme Court) prohibits.

After the 1992 presidential election, Commissioner McDonald voted to pursue an enforcement action against the Christian Action Newtwork (CAN) for issue ads it ran concerning Governor Bill Clinton's views on family values. McDonald supported the suit against CAN despite the fact that the General Counsel conceded that CAN's advertisement "did not employ 'explicit words,' 'express words' or 'language' advocating the election or defeat of a particular candidate for public office." *FEC v. Christian Action Network*, 110 F.3d 1049, 1050 (4th Cir. 1997). McDonald voted for the case to proceed on the theory that the ad constituted express advocacy—not because of any express calls to action used in it, but rather because of "the superimposition of selected imagery, film footage, and music, over the non-prescriptive background language." Id. This was basically an effort to blur the objective standard for express advocacy into a vague, subjective "totality of the circumstances" test.

The United States District Court for the Western District of Virginia dismissed the FEC's complaint against CAN on the grounds that it did not state a well-founded legal claim. *FEC* v. *Christian Action Network*, 894 F. Supp. 946, 948 (1995). This was because the agencies's subjective theory of express advocacy was completely contrary to the bright-line standard articulated in *Buckley* and *MCFL*. Id. After this stern rebuff by the district court, Commissioner McDonald voted to appeal the case to the United States Fourth Circuit Court of Appeals. The Circuit Court summarily affirmed in a per curiam opinion. *FEC* v. *Christian Action Network*, 92 F.3d 1178 (4th Cir. 1996).

The Christian Action Network subsequently asked the court to order the FEC to pay the expenses it had incurred in defending against the FEC's baseless lawsuit. The Fourth Circuit ruled in CAN's favor, explaining that:

"In the face of unequivocal Supreme Court and other authority discussed, an argument such as that made by the FEC in this case, that 'no words of advocacy are necessary to expressly advocate the election of a candidate,' simply cannot be advanced in good faith (as disingenuousness in the FEC's submissions attests), much less with 'substantial justification.'"

Commissioner McDonald's vote to authorize the CAN litigation was unfortunate, because taxpayers ended up footing the bill for CAN's defense of meritless litigation. His vote was particularly disturbing, because the CAN case was not the last time Commissioner McDonald voted to pursue litigation based on an impermissibly broad and subjective definition of express advocacy. *See, e.g., FEC* v. *Freedom's Heritage Forum*, No. 3:98CV–549–S (W.D. Ky September 29, 1999). Sadly the CAN litigation did not cause Commissioner McDonald to question his broad and subjective theory of express advocacy. While the CAN case was being litigated, Commissioner McDonald voted to enact a regulation that defines express advocacy in exactly the same broad and subjective terms that the courts have rejected. And despite this regulation being declared unconstitutional on several occasions, *see, e.g., Maine Right to Life Committee* v. *FEC*, 98 F.3d 1 (1st Cir. 1996), Commissioner McDonald has *repeatedly* voted against amending the agency's definition of express advocacy to comply with the law as declared by the courts of the United States. Earlier this year, the United States District Court for the Eastern District of Virginia issued a nationwide injunction against the FEC's enforcement of the broad and subjective definition of express advocacy that Commissioner McDonald has consistently supported. *Virginia Society for Human Life, Inc.* v. *FEC*, No. 3:99CV559 (E.D. Va. Jan. 4, 2000). Nevertheless, just a few weeks ago, Commissioner McDonald voted against reconsidering the agency's definition of express advocacy.

It must be noted that Commissioner McDonald cannot reasonably assert that his support for a broad and subjective definition of express advocacy is grounded in the Ninth Circuit's decision in *FEC* v. *Furgatch*, 807 F.2d 857 (9th Cir. 1987). As more than one court has made clear, *Furgatch* is an inherently suspect decision because it does not discuss or even mention the Supreme Court's ruling in *MCFL*, which was decided a month before *Furgatch*. But, even to the extent *Furgatch* is good law, the broad definition of express advocacy that Commissioner McDonald consistently supports goes *beyond* what even the *Furgatch* court permitted. The Fourth Circuit has aptly summarized the discrepancy between the broad FEC regulation defining express advocacy (which Commissioner McDonald voted to approve) and the loose definition used in Furgatch:

"It is plain that the FEC has simply selected certain words or phrases from Furgatch that give the FEC the broadest possible authority to regulate political speech * * * and ignored those portions of Furgatch * * * which focus on the words and text of the message."

Moreover, the FEC itself has acknowledged that its broad definition of express advocacy is not fully supported by *Furgatch*. In its brief in opposition to Supreme Court review of *Furgatch* the FEC described as dicta the portions from *Furgatch* that made their way into the agency's express advocacy regulation. See FEC Brief in Opposition to Certiorari in Furgatch at 7. And just last year in FEC Agenda Document No. 99–40 at 2, the FEC's General Counsel conceded that the broad view of express advocacy Commissioner McDonald endorses is not completely supported by *Furgatch*, but only "largely based" on *Furgatch*. In short, neither the courts nor the FEC view *Furgatch* as fully justifying the definition of express advocacy that Commissioner McDonald endorses.

Unfortunately, the history of the FEC's express advocacy rulemaking is just one of many examples I could proffer of Commissioner McDonald's disregard for the Constitution and the rule of law. By supporting the agency's willful efforts to disregard the law as pronounced by the courts of the United States, Commissioner McDonald has helped to create a situation in which an individual's First Amendment rights vary—depending upon where they happen to live in the United States. Of course, even people who reside in regions of the country where the controlling court of appeals has rejected the FEC's efforts to expand its jurisdiction over political speech, are still chilled from conveying their views on issues. After all, if they fund a public communication that is broadcast into a neighboring state that is in a federal circuit which has not ruled on the FEC's novel theories, they may find themselves the test case for that Circuit and be exposed to lengthy and costly litigation.

When federal agencies are allowed to create such a patchwork system of speech regulation, public confidence in the competence and integrity of the administrative state declines. People come to feel that their rights extend no further than the capricious whims of government bureaucrats.

It is for Congress in its capacity as the body charged with overseeing independent agencies to take the lead in remedying such problems and reining in agencies that are out of control. You can start reining in the FEC by making public officials such as Commissioner McDonald accountable for disregarding the rule of law and the constitutional rights of citizens. By rejecting the nomination of Danny Lee McDonald, Congress can signal that it will not tolerate FEC Commissioners who arrogantly refuse to honor their oath to uphold and defend the Constitution. By rejecting Danny Lee McDonald—a man who has for almost twenty years demonstrated contempt for the rights of ordinary Americans and the rulings of federal courts—Congress can begin to restore confidence that the Federal Election Commission will not continue to trample on core First Amendment rights.

Very truly yours,

MANUEL S. KLAUSNER.

Mr. MCCONNELL. I think Commissioner McDonald's voting record has displayed a disregard for the law, the courts, and the Constitution. It has hurt the reputation of the Commission, chilled constitutionally protected political speech, and cost the taxpayers money.

Equally troubling is the fact that Commissioner McDonald apparently chose to pursue the chairmanship of the Democratic National Committee while serving as a Commissioner to the Federal Election Commission.

On August 22, 1997, the General Counsel to the Democratic National Committee, Joseph Sandler, testified under oath that it was his understanding that Commissioner McDonald had pursued the "chairmanship" of the DNC in late 1996 or 1997. I must say I am very troubled by the fact that an FEC Commissioner, who is charged with displaying impartiality and good judgment, would seek the highest position in the Democratic National Committee while regulating the Democratic Party and its candidates and, I might add, while regulating the archrival of his party; that is, the Republican Party, and its candidates.

As the distinguished Minority Leader stated in a floor speech on February 28 of this year:

> [The] law states that [FEC] Commissioners should be "chosen on the basis of their experience, integrity, impartiality and good judgment."

I have serious questions about whether an FEC Commissioner exhibits "impartiality and good judgment" when he seeks the highest position in his political party and simultaneously regulates that party and its candidates and regulates the competitor party and its candidates.

All that being said, I am prepared to reject this new litmus test whereby we "Bork" nominations to a bipartisan panel based on their membership in a particular campaign finance camp. I am prepared to follow the tradition of respecting the other party's choice and to support Commissioner McDonald's nomination, assuming that McDonald's party grants similar latitude to the Republican choice.

In fact, I believe it is the very presence of Commissioners such as Mr. McDonald who make Professor Smith all the more necessary at the FEC. The FEC needs Brad Smith's constitutional expertise to help prevent the string of unconstitutional FEC actions which McDonald supported. As Dean Kathleen Sullivan stated in support of Brad Smith:

> I think it is a good thing . . . to have people who are very attuned to constitutional values in government positions[.]

So I say to my colleagues, I personally believe that Professor Smith's intelligence, his work ethic, his fairness, his knowledge of election law, and, to quote from the statute, his "experience, integrity, impartiality and good judgment" will be a tremendous asset to the FEC and to the American taxpayers who have been forced to pay for unconstitutional FEC actions.

Professor Smith is a widely respected, prolific author on Federal election law and, in my opinion, the most qualified nominee in the 25-year history of the Federal Election Commission. I am firmly convinced he would faithfully and impartially uphold the law and the Constitution as a Commissioner at the FEC, and I wholeheartedly support his nomination.

In the words of the Wall Street Journal:

> This Mr. Smith should go to Washington.

Mr. President, how much of my time do I have remaining?

The PRESIDING OFFICER. The Senator has 60 minutes remaining.

Mr. McCONNELL. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, first let me remind my colleagues that Mr. Smith, in an article he wrote in the Wall Street Journal, concluded his article by saying:

> The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

I ask unanimous consent that the entire article of Wednesday, March 19, 1997, entitled "Rule of Law, Why Campaign Finance Reform Never Works," by Bradley A. Smith, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Mar. 19, 1997]

### RULE OF LAW

### WHY CAMPAIGN FINANCE REFORM NEVER WORKS

(By Bradley A. Smith)

Think campaign finance reform isn't an incumbent's protection racket? Just look at the spending limits included in the Shays-Meehan and McCain-Feingld bills, the hot "reform" bills on Capitol Hill.

Shays-Meehan would limit spending in House races to $600,000. In 1996, every House incumbent who spent less than $500,000 won compared with only 3% of challengers who spent that little. However, challengers who spent between 0,000 and $1 million won 40% of the time while challengers who spent more than $1 million won five of six races. The McCain-Feingold bill, which sets spending limits in Senate races, would yield similar results. In both 1994 and 1996, every challenger who spent less than its limits lost, but every incumbent who did so won.

This anecdotal evidence supports comprehensive statistical analysis: The key spending variable is not incumbent spending, or the ratio of incumbent to challenger spending, but the absolute level of challenger spending. Incumbents begin races with high name and issue recognition, so added spending doesn't help them much. Challengers, however, need to build that recognition. Once a challenger has spent enough to achieve similar name and issue recognition, campaign spending limits kick in. Meanwhile the incumbent is just beginning to spend. In other words, just as a challenger starts to become competitive, campaign spending limits choke off political competition.

This is not to suggest that the sponsors of McCain-Feingold and Shays-Meehan sat down and tried to figure out how to limit competition. However, when it comes to political regulation and criticism of government, legislators have strong vested interests that lead them to mistake what is good for them with what is good for the country. Government is inherently untrustworthy when it comes to regulating political speech, and this tendency to use government power to silence political criticism and stifle competition is a major reason why we have the First Amendment.

The Supreme Court has recognized the danger that campaign finance regulation poses to freedom of speech, and for the past 20 years, beginning with Buckley v. Valeo, has struck down many proposed restrictions on political spending and advocacy, including mandatory spending limits. Supporters of campaign finance reform like to ridicule Buckley as equating money with speech. In fact, Buckley did no such thing.

Instead, Buckley recognized that limiting the amount of money one can spend on political advocacy has the effect of limiting speech. This is little more than common sense. For example, the right to travel would lose much of its meaning if we limited the amount that could be spent on any one trip to $100.

Shays-Meehan and McCain-Feingold are Congress's most ambitious attempt yet to get around Buckley. The spending limits in each bill are supposedly voluntary, so as to comply with Buckley, but in fact the provisions are so coercive as to be all but mandatory, which should make them unconstitutional.

For example, Shays-Meehan penalizes candidates who refuse to limit spending by restricting their maximum contributions to just $250, while allowing their opponents to collect contributions of up to $2,000. Shays-Meehan also attempts to get around Buckley by restricting the ability of individuals to speak out on public issues. The bill would sharply limit financial support for the discussion of political issues where such discussion "refers to a clearly identified candidate." In Buckley, the Supreme Court struck down a similar provision as unconstitutionally vague.

Fueling the momentum to regulate "issue advocacy" is Republican outrage over last year's advertising blitz by organized labor attacking the Contract With America and the GOP's stand on Social Security and Medicare. Even though the AFL–CIO's ads were ostensibly about issues, there is no doubt that they were aimed at helping Democrats regain control of the House.

Of course, the purpose of political campaigns is to discuss issues; and the purpose of discussing issues it to influence who holds office and what policies they pursue. Naturally, candidates don't like to be criticized, especially when they believe that the criticisms rely on distortion and demagoguery. But the Founders recognized that government cannot be trusted to determine what is "fair or unfair" when it comes to political discussion. The First Amendment isn't promise us speech we like, but the right to engage in speech that others may not like.

Recognizing that many proposed reforms run afoul of the Constitution, some, such as former Sen. Bill Bradley and current House Minority Leader Richard Gephardt, are calling for a constitutional amendment that would, in effect, amend the First Amendment to allow government to regulate political speech more heavily. This seems odd, indeed, for while left and right have often battled over the extent to which the First Amendment covers commercial speech or pornography, until now no one has ever seriously questioned that it should cover political speech.

If fact, constitutional or not, campaign finance reform has turned out to be bad policy. For most of our history, campaigns were essentially unregulated yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar state laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge. Low contribution limits have forced candidates to spend large amounts of time seeking funds. Litigation has become a major campaign tactic, with ordinary citizens hauled into court for passing out homemade leaflets; and business and professional groups have been restrained from communicating endorsements to their dues-paying members.

The reformers' response is that more regulation is needed. If only the "loopholes" in the system could be closed, they argue, it would work. Of course, some of today's biggest loopholes were yesterday's reforms. Political action committees were an early 1970s reform intended to increase the influence of small donors. Now the McCain-Feingold bill seeks to ban them. (Even the bill's sponsors seem to recognize that this is probably unconstitutional—Sen. Feingold boasts that in anticipation of such a finding by the Supreme Court, the bill includes a fallback position.) Soft money, which both bills would sharply curtail, was a 1979 reform intended to help parties engage in grasroots political activity, such as get-out-the-vote drives.

When a law is in need of continual revision to close a series of ever-changing "loopholes," it is probably the law, and not the people, that is in error. The most sensible reform is a simple one: repeal of the Federal Elections Campaign Act.

Mr. McCAIN. He begins by saying:

> Think campaign finance reform isn't an incumbent's protection racket? Just look at the spending limits included in the Shays-Meehan and McCain-Feingold bills, the hot "reform" bills on Capitol Hill.

I will provide for the RECORD that as increases in spending have gone up, they have favored the incumbents, and more incumbents have been reelected over time. Mr. Smith is obviously wrong in his allegations as far as the facts are concerned. Then obviously he goes on to say at the end that campaign finance reform has turned out to be bad policy. He goes on to say:

> For most of our history campaigns were essentially unregulated, yet democracy survived and flourished. However, since passage of the Federal Elections Campaign Act and similar State laws, the influence of special interests has grown, voter turnout has fallen, and incumbents have become tougher to dislodge.

That is an interesting view of history.

In 1974, we enacted campaign finance reform. The abuses of the 1972 campaign were well known. They were extremely egregious and everyone knows there was a movement across America to clean up those incredible abuses that took place in the 1972 campaign. I guess what Mr. Smith either doesn't know or has ignored is that for a long period after campaign finance reform was enacted, there were better campaigns in America. They were a lot cleaner. They were more participatory.

It was not until beginning in the middle to late 1980s, as smart people began to find loopholes, began to find ways around those campaign finance restrictions, that the influence of special interests grew, voter turnout fell, and incumbents became tougher to dislodge.

I am a student of history. One of the reasons why I am is because it has a tendency to repeat itself. There was a period late in the last century, actually in the 19th century, when the robber barons took over American politics. That is a matter of history and disputed by very few historians. Fortunately, a man came to the fore in American politics by the name of Theodore Roosevelt. His words are as true today as they were then.

I quote from his fifth annual message to the Congress, Washington, December 25, 1905:

> All contributions by corporations to any political committee or for any political purpose should be forbidden by law. Directors should not be permitted to use stockholders' money for such purposes. And moreover, a prohibition of this kind would be, as far as it went, an effective method of stopping the evils aimed at the Incorrupt Practices Act.

On October 26, 1904, Theodore Roosevelt made the following statement:

> I have just been informed that the Standard Oil people have contributed $100,000 to our campaign fund. This may be entirely untrue. But if true I must ask you to direct that the money be returned to them forthwith. . . . Moreover, it is entirely legitimate to accept campaign contributions, no matter how large they are, from individuals and corporations on the terms on which I happen to know that you have accepted them; that is, with the explicit understanding that they were given and received with no thought of any more obligation on the part of the National Committee or of the national administration than is implied in the statement that every man shall receive a square deal, no more, no less, and that this I shall guarantee him in any event to the best of my ability. . . . But we cannot under any circumstances afford to take a contribution which can be even improperly construed as putting us under an improper obligation, and in view of my past relations with the Standard Oil Company, I fear such a construction will be put upon receiving any aid from them.

On 1908, September 21, in a letter to the treasurer of the Republican National Committee, Theodore Roosevelt wrote:

> I have been informed that you, or someone on behalf of the National Committee, have requested contributions both from Mr. Archibold and Mr. Harriman. If this is true, I wish to enter a most earnest protest, and to say that in my judgment not only should such contributions not be solicited, but if tendered, they should be refused; and if they have been accepted they should immediately be returned. I am not the candidate, but I am the head of the Republican administration, which is an issue in this campaign, and I protest earnestly against men whom we are prosecuting being asked to contribute to elect a President who will appoint an Attorney-General to continue these prosecutions.

Mr. President, in his State of the Union speech, President Roosevelt said on August 31, 1910:

> Now, this means that our Government, National and State, must be freed from the sinister influence or control of special interests. Exactly as the special interests of cotton and slavery threatened our political integrity before the Civil War, so now the great special business interests too often control and corrupt the men and methods of government for their own profit. We must drive the special interests out of politics.

Mr. President, as I said, Theodore Roosevelt's words in those days were as true then as they are today. I believe we are again in the same situation we were in before when he was able to get an all-out prohibition of corporate contributions to American political campaigns. That law is still on the books. That law has never been repealed.

Why is it that tomorrow night there will be a fundraiser when individuals and corporations are allowed to contribute as much as $500,000 to enjoy the hospitality of the Democratic National Committee at the MCI Center? It is because the loopholes have been exploited. People such as our nominee, Mr. Smith, have made the process such that we can no longer expect the influence of special interests not to predominate here in our Nation's Capitol. Young Americans are tired of it. Young Americans are cynical, and they have become alienated.

The nomination of Mr. Smith has not gone unnoticed beyond the beltway. The irony of his appointment to the FEC has been the subject of numerous editorials since the name first surfaced as a potential nominee. Let me read to you some of these editorials, Mr. President.

The Palm Beach Post:

> You wouldn't put Charlton Heston in charge of gun control, and you wouldn't put Bradley A. Smith in charge of enforcing the nation's campaign-finance laws.
>
> Come to think of it, Republicans want to do both.
>
> Mr. Smith, a law professor in Ohio, feels about soft money the way Mr. Heston feels about assault weapons: More is better. . . . Mr. Smith has advocated the abolition of Federal restrictions on campaign contributions. Yet, Republicans want to nominate Mr. Smith to the Federal Election Commission, which was founded in 1975 to enforce campaign restrictions first imposed after Watergate. . . .
>
> The quote underpinning Mr. Smith's philosophy is, "People should be allowed to spend whatever they want on politics." But when Mr. Smith talks about "people," he means corporations and unions and political-action committees—the big donors who give with the all-too-realistic expectation that they will receive favors from Congress in return.

The story I quoted earlier from the New York Times mentioned that when the big donors were contacted by phone, they wanted to —guess what— talk about legislation before the Congress, for those who were soliciting donations.

The San Francisco Chronicle, April 17:

> Seldom has the metaphor of the fox keeping watch over the chicken coop seemed more apt. Bradley Smith has built his career arguing that the 1974 Federal Election Campaign Act, the law regulating campaign expenditures enacted after the Watergate scandal, is unconstitutional and should be abolished.
>
> In various articles, Mr. Smith, an obscure professor at Capital University in Columbus, Ohio, has argued that our nation only spends a "minuscule amount" on campaigns, a mere .05 percent of our Gross National Product. Rather than corrupting the process, Smith says campaign spending promotes democracy by generating interest in candidates and issues. . . . "If anything, we probably spend too little," he wrote in one of several guest columns for the Wall Street Journal.
>
> Smith might have remained little more than a professorial provocateur behind the safe ramparts of the ivory tower had not Republicans put forward his name to fill a vacant seat on the Federal Election Commission, the body created by the very law Smith thinks should be abolished.

Washington Post, February 11, 2000:

> When the Supreme Court recently reaffirmed that reasonable campaign finance regulations were constitutional, President Clinton sought to portray himself as a fighter for reform. "For years, I challenged Congress to pass regulations that would ban the raising of unregulated soft money and address back door spending by outside organizations." He said, "Now I am again asking Congress to restore the American people's faith in their democracy and pass real reform this year." This week, however, the President nominated to the Federal Election Commission a law professor, Bradley Smith, who not only opposes further reform, but believes that most existing campaign finance law violates the first amendment. Quite simply, Mr. Smith doesn't believe in the bulk of the FEC's work. Mr. Clinton has no business putting him in charge of it.

Mr. President, this is from the New York Times, February 17, 2000:

> A vote to confirm Mr. Smith is a vote to perpetuate big-money politics. Campaign restrictions are only as strong as the FEC's interest in enforcing them—an interest Mr. Smith plainly lacks. In an election year in which Washington's failure to end the corrupt soft-money system has become a rallying cause for John McCain's Presidential campaign, the Senate should not seat someone on the FEC who questions the need for change. Mr. Smith, as Mr. Gore aptly noted, "publicly questions not only the constitutionality of proposed reform, but also the constitutionality of current limitations." Mr. Smith does not belong on the FEC, and anyone in the Senate who cares about fashioning a fair and honest system for financing campaigns should vote against his appointment.

Mr. President, I don't want to put too much credence and importance on Mr. Smith's appointment. But I do not see, after the record is replete with Mr. Smith's views concerning campaign finance reform, how anyone in this body who is a sincere supporter of campaign finance reform could possibly have the remotest idea of voting for Mr. Smith.

Finally, I have on this floor many times for too many years been arguing the constitutionality of placing limitations on campaign contributions.

The opponents, time after time, have taken the floor and said: Well, Buckley v. Valeo was only a 5-4 vote, a footnote, which perhaps has become one of the most famous footnotes in the history of any Supreme Court decision concerning exactly what the words are both for and against. Over time, for reasons that are not clear to me, the opponents of campaign finance reform raise the concern in many people's minds that the heart of McCain-Feingold is unconstitutional; in other words, the ability to place a limit on campaign contributions.

I didn't quite understand that because in 1907 there was a law on the books that banned corporate contributions. That has never been repealed, nor declared unconstitutional. There is a law on the books in 1947 banning union contributions to American political campaigns, and then of course there is the 1974 law.

On January 24 of this year, Shrink Missouri clearly and unequivocally in a 6-3 decision upheld the $1,000 limitation on a campaign contribution.

By limiting the size of the largest contributions, such restrictions are aimed at democratizing the influence money itself may bring to bear upon the electoral service.

The U.S. Supreme Court, in a majority opinion, goes on to say that in doing so, they seek to build public confidence in that process and broaden the base of a candidate's meaningful financial support by encouraging the public participation in open discussion that the first amendment itself presupposes.

Mr. Smith directly repudiates—and still does after the U.S. Supreme Court spoke unequivocally—a 6-3 decision by the U.S. Supreme Court. Yet my colleagues feel that he is fit to enforce a law that he directly repudiates.

This is a bit Orwellian, Mr. President.

The Court went on to say in unequivocal terms that the imposition of a $1,000 limit is certainly not only constitutional but should be constitutional because many of the Justices expressed their utter dismay at the state of campaign financing today in a rather forthright and candid manner, which is somewhat uncharacteristic of the U.S. Supreme Court. One of the Justices said, "Money is not free speech. Money is property."

On the one hand, a decision to contribute money to a campaign is a matter of first amendment concern, not because money is speech; it is not, but because it enables speech through contributions. The contributor associates himself with a candidate's cause and helps the candidate communicate a political message with which the contributor agrees and helps the candidate win by attracting the votes of similarly minded voters. Both political association and political communications are at hand.

On the other hand, restrictions upon the amount that any one individual can contribute to a particular candidate seek to protect the integrity of the electoral process, the means through which a free society democratically translates political speech into concrete government action.

Moreover, by limiting the size of the largest contributions, such restrictions aim to democratize the influence money itself may bring to bear upon the electoral process.

I don't mean to paraphrase the Supreme Court of the United States, but what they are saying is money in modest amounts is a way of participating in the political process, and it is a good and healthy thing.

One of the great events in politics in the American Southwest is to have a barbecue and everyone pays $10, $15, or $20 to attend. You not only participate in the political process, but you have made an investment in that candidate.

But when we are now at a point where $500,000 buys a ticket to a fundraiser, we have come a long way. We have come a long way. We have come to a Congress which is gridlocked by the special interests.

If you want to look at our failure to enact a Patients' Bill of Rights, if you want to look at our failure to enact modest gun control such as safety locks and instant background checks, if you want to look at our failure to enact meaningful military reform because we continue to buy weapons systems which the military doesn't want or need, and we have 12,000 enlisted families on food stamps, you can look at a broad array of legislation that should have been acted on by any reasonable group of men and women who are elected to represent the people. Instead, it is the special interests.

What is the message we are about to send to the American people when we affirm the appointment of Professor Brad Smith to the Federal Election Commission? We are saying that we are appointing a person for 5 years who not only repudiates the decision of the U.S. Supreme Court but believes that at no time in our history have we needed to clean up the abuses of the campaign finance system, and clearly has no interest in removing the incredible corruption that possesses the political process today, and is not interested in the fact that young Americans have become cynical and even alienated from the political process, to wit: The 1998 election where we had the lowest voter turnout in history of 18- to 26-year-olds.

The message we are sending to America is: Americans, we are not ready yet to respond to the will of the people. We are still in the grips of special interests. Until we make their voices more clear and more strongly felt, the chances of reforming this system and returning the government to you is somewhat diminished.

I know my colleague who is on the floor, Senator FEINGOLD, and I will continue our efforts to bring McCain-Feingold and Shays-Meehan to the attention of this body for votes between now and when we go out of session. I don't know if we will be able to do that, but have no doubt about what we are trying to do and how we are trying to do it.

All we ask for is a vote up or down. We will agree to 15 or 20 minutes equally divided on both sides on this issue because it has been ventilated time after time on the floor of the Senate. For anyone who has some idea we are trying to hold up legislation or block legislation, all we are asking for is a vote. We know a majority of the Senate would vote in favor.

I think we are going to do something very wrong tomorrow. We are probably going to affirm a person to an office in which the American people place some trust in the enforcement of existing law. That person has made it clear that he is not interested in enforcing existing law, and, in fact, he believes that existing law is unconstitutional.

I think this is a very serious mistake. I hope the American people notice that this is something that will not work in their interests but will clearly work to maintain the status quo in our Nation's Capital.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, although this, too, is an uphill battle, it is a good feeling to be on the floor again with my good friend, the Senator from Arizona, not only to fight this nomination, but also to signal the fact that we are ready to move forward on the campaign finance issue and a ban on soft money.

I think the debate today has turned out to be not only a good chance to review the inappropriateness of the Bradley Smith nomination, but to review what has happened this year on the campaign finance front, particularly the decision by the U.S. Supreme Court in the Shrink Missouri case, and of course, more importantly, the tremendous profile the Senator from Arizona has given to the campaign finance issue through his courageous campaign for President.

All of that is optimistic for the future. But today we have to continue the battle, as the Senator from Arizona has done, to try to prevent the Senate from making a terrible mistake with regard to the Federal Election Commission.

In that regard, let me first elaborate on one item the Senator from Kentucky addressed. Earlier today, the

Senator from Kentucky quoted from a number of letters from law professors, allegedly in support of the nomination of Professor Brad Smith. One of those letters was from Burt Neuborne, a professor at NYU Law School and Legal Director at the Brennan Center for Justice, somebody for whom I have tremendous regard and respect. The Senator from Kentucky took great pleasure in quoting that letter because the Brennan Center has been very effective and outspoken in its opposition to Professor Smith.

I was a little surprised by the quote the Senator from Kentucky read from Professor Neuborne, although I noted that Professor Neuborne didn't seem to endorse Professor Smith for the FEC post in the portion of his letter the Senator from Kentucky read.

In the interim, I asked my staff to look into the letter. Although we have not actually seen a copy, it seems the letter quoted by the Senator from Kentucky on the floor was actually a letter in support of Professor Smith's effort to get tenure at his law school a few years ago. I hope I don't need to point out, Mr. President, that there is a big difference between tenure at a law school and a seat on the FEC. Law professors can be and often are provocative, even outrageous, in their views, but FEC Commissioners have to enforce and interpret the law as intended by Congress. It is a very different job from being a professor.

So I want the Record to be clear. Professor Neuborne's comments were quoted at least a bit out of context, and those comments had nothing to do with the decision that will soon be before the Senate on Professor Smith's nomination.

Now let me say a bit more about the nomination and its relationship to the issue of soft money, which the Senator from Arizona was addressing moments ago. I spoke earlier about some of the views of Brad Smith on our current election laws. Now I want to talk about his views on the major reform issue that faces the Congress this year, the proposed ban on soft money.

Professor Smith believes a ban such as the one contained in the McCain-Feingold bill would be unconstitutional. That is another reason I believe he should not be confirmed.

We have had a number of debates on the issue of campaign finance reform in the last few years. They have been hard fought and sometimes illuminating. Particularly interesting to me, I have noticed very frequently the arguments of opponents of reform have changed over time. The first few times the McCain-Feingold bill was brought to the floor, much of the argument was against the spending limits and benefits contained in the original bill. We heard the cry of "welfare for politicians," over and over.

Then, when the bill was modified and spending limits for candidates were dropped, opponents of reform focused on provisions that would have restricted the use of unlimited corporate and union money to pay for phony issue ads that were really nothing more than campaign ads in disguise. Opponents complained that these provisions violated the first amendment. Then the accusation on this floor over and over again became that we reformers were the so-called "speech police" and the "enemies of free speech."

Last fall, however, Senator McCAIN and I decided to exclusively focus our attention on the worst loophole in the law, the problem that has undermined the whole of our Nation's election laws, the unlimited soft money contributions to the political parties. We found few, if any, opponents who were actually willing to come to the floor during the latest debate to continue to press some kind of a constitutional attack on this bill.

The reason was very simple. There is no credible argument that a ban on soft money would be struck down by the Supreme Court. That view was supported by a letter to Senator McCAIN and to me from 126 legal scholars. It was seconded by a letter from every living former president, executive director, legal director, and legislative director of the American Civil Liberties Union. Even one of the strongest and most consistent opponents of reform in this body, the Senator from Washington, Mr. GORTON, conceded on the floor that a ban on soft money is probably constitutional. He even conceded that.

Then we had the Supreme Court weighing in earlier this year in the Shrink Missouri case, reaffirming a portion of the Buckley decision that upheld contribution limits and stating in very strong and clear language that the Congress has the power to limit contributions to protect against actual or apparent corruption, the Court said:

> There is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.

In my view, and I think in the view of any serious commentator on this subject, the Supreme Court's ruling in the Shrink Missouri case removes all doubt as to whether the Court would uphold the constitutionality of a ban on soft money. That is the centerpiece of the reform bill that has passed the House and is now awaiting Senate action. It is simply not credible to argue that this same Court that just a couple of months ago so strongly upheld the Missouri contribution limits would somehow completely change its jurisprudence and turn around and strike down an act of Congress that would outlaw soft money. It is simply not credible.

But then there is Bradley Smith, the nominee before the Senate. In a paper for the Notre Dame Law School Journal of Legislation, published in 1998, he wrote the following:

> Regardless of what one thinks about soft money, or what one thinks about the applicable Supreme Court precedents, a blanket ban on soft money would be, under clear, well-established First Amendment doctrine, constitutionally infirm.

Professor Smith makes the argument that since the parties use soft money to run phony issue ads and since phony issue ads are constitutionally protected, somehow a ban on soft money must be constitutionally suspect.

The problem with this argument is that the justification for banning soft money has nothing to do with stopping the parties from running phony issue ads. The purpose of a soft money ban is to stop the erosion of public confidence in the political process that unlimited contributions from wealthy corporate, labor, and individual donors have caused—in other words, to put it in simple terms, terms that are not my own but those of the U.S. Supreme Court, to stop the appearance of corruption.

Banning soft money is not about attacking speech, it is about attacking corruption. The parties can continue to run all the phony issue ads they want after soft money is banned; they will just have to use hard money to pay for those ads.

Of course, Professor Smith doesn't agree that unlimited contributions can cause a corruption problem. But the Supreme Court most certainly does.

A majority of this Senate has voted repeatedly in favor of a soft money ban. I cannot imagine that same majority will, tomorrow, vote to confirm a nominee who believes such a ban is unconstitutional. That is why the vote on Mr. Smith is not simply a vote on an executive branch nominee, it is a vote on campaign finance reform

Here is the problem. If we succeed in passing a soft money ban this year, the FEC is going to have to promulgate regulations to implement that law. Numerous questions will undoubtedly arise on the mechanics of that ban. We need an FEC that will vote to enforce the law and to interpret it in a way that is consistent with congressional intent. I simply have no confidence that Mr. Smith will be able do that—how can he? It would be completely at odds with his own loudly professed principles. His view is that the whole exercise of prohibiting the parties from soliciting and receiving unlimited nonfederal contributions is illegitimate.

Shortly after his nomination, Mr. Smith was interviewed by the Capitol Hill newspaper, Roll Call. A story on February 14 of this year, stated as follows:

> But Smith said "the reason most" why he's agreed to take the position is to "present the case that there's another way to talk about reform than reform being equivalent to more regulation."

We are making a decision about putting someone on the Fec who is supposed to enforce the laws we pass. The purpose is not to send an advocate over to the FEC.

That's right, this nominee most wants to be on the regulatory body in charge of administering the statutes that Congress passes in order to present the view that we do not need more regulation. Not to implement Congress's will in passing reform, but to show there is another way of talking about reform. I do not want that kind of Commissioner writing the regulations that will put the soft money ban of the McCain-Feingold bill into practice.

I am not going to stand here and tell you that enactment of the McCain-Feingold bill is assured in this session of Congress. We have a lot of work still to do to convince enough of those who are now voting to permit a filibuster to block us to change their minds. But if you truly believe that soft money must be banished from our system, as you have voted so many times in the past few years, you must vote against the nomination of Brad Smith. Otherwise, you may very well be responsible for ineffective FEC enforcement of the ban which will let soft money back into the system, nullifying all that we have worked so hard to accomplish.

The Senator from Kentucky began his presentation this morning by in essence asking for sympathy for Professor Smith because he has inspired such strong opposition both in the Senate and from outside commentators. He suggests that because the opposition is so heated that it must be distorted. And he quoted from law professors who have written in to defend Professor Smith and criticize the opposition to him. He said that from all that has been said about Professor Smith, one would think he has horns and a tail. I want to reiterate this because I think this approach the Senator from Kentucky has used is unfair to all of us who have opposed Professor Smith. Frankly, I think it is I unfair to Professor Smith.

The opposition to Professor Smith is not personal. There is not a shred of a personal element to it and there never has been. It is based on his views, and in particular on his writings as a law professor and commentator on the election laws. The quotes I have called attention to today are not distortions, they are not taken out of context, they are not a caricature or a misrepresentation. These are Professor Smith's views, and he has reaffirmed them over and over again, including in the hearings held by the Rules Committee on his nomination. Yes, as we saw earlier, he has a beautiful family, and a beautiful dog, but that does not make his views on Federal election law any more acceptable to me or others who care about campaign finance reform.

Professor Smith has not disavowed the views he expressed in his many writings on campaign finance. He simply asks us to take on faith his promise that notwithstanding those views he will enforce the law. But it is not that simple. Issues come before the FEC that are not as clear cut as "will you enforce the law or not?"

The FEC has to implement and administer the law. It has to promulgate regulations to cover complicated legal issue that come about because candidates and groups do their utmost to get around the law. It has to initiate investigations of suspicious activities, sometimes with great pressure brought by the parties to do nothing.

I simply do not have confidence that an academic who holds the views expressed so clearly by Professor Smith will discharge his duties in a way that will uphold the spirit as well as the letter of the law.

Let me also respond to the argument expressed by both the Chairman and the Ranking Member of the Rules Committee that his Senate is bound to rubber stamp the President's appointments because by tradition each party is entitled to choose the members of the Commission.

First of all, I will say that I was very disappointed that President Clinton put forward this nomination. I expected more from a President who claims to support campaign finance reform. And I am pleased that Vice-President GORE has announced his opposition to the nomination of Professor Smith. I hope some day that we will have a President who will break with tradition—and that's all it is—tradition, and nominate independents or people who are not strongly identified with the parties to the FEC. I don't think the FEC or the country are well served by the kind of "balanced" Commission that we now have, where the Democratic and Republican Commissioners reliably line up on opposite sides of issues that have a partisan flavor, and line up in lock step together on issues that implicate the rights of third parties. I would like to see Commissioners on both sides who have an appreciation of the importance of the campaign finance laws and will vote to ensure fairness in elections.

But until we have that kind of President, who is willing to stand up to the leadership of the parties, we still have the Senate's duty of Advice and Consent. Nowhere is it said in the Constitution that the power of Advice and Consent is any different for members of the FEC. Otherwise, why would we not just have the President nominate people and not have the Senate vote. It is an abdication of the Senate's duty, I believe, for us to give any less scrutiny to this nominee simply because it is paired with another nominee from the other party.

The Senator from Kentucky also claimed that a nominee for a spot on the FEC has never been defeated on the floor, and that is true. But it is not true that the wishes of each of the parties has always been respected. In the mid-1980s, the Republican Party, under pressure from the National Right to Work Committee, blocked the reappointment of a Democratic Commissioner, Thomas Harris, because of his work as a lawyer representing unions. President Reagan refused to renominate Harris, and after a lengthy stalemate, another nominee was suggested.

So much of the argument in favor of this nominee today has been based on this notion that to try to stop an FEC nomination is a complete break with precedent, that we have to simply rubberstamp this pairing of two FEC commissioners. The reality is contrary to the suggestion earlier today, the party of the Senator from Kentucky has not always acquiesced in the choice of the Democratic Party for its seats on the commission.

Let me finally just dispel one misconception that I think some might have about the negotiations and agreements that led to this debate, which is clearly tied to various judicial and other nominations. There is no requirement here that Professor Smith's nomination be approved by the Senate in order for these other nominations to go forward. That is a misconception that some, particularly on our side, may believe. It is simply not the case with regard to the unanimous consent agreement and the negotiations between the majority leader and minority leader. In fact, it would be an abdication of our responsibility not to vote on the merits of this particular nominee regardless of the other nominations whose consideration was linked to the consideration of this nomination.

With that I reserve the remainder of my time and I yield the floor.

Mr. President, I ask the time be charged equally as I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. ALLARD. Mr. President, on behalf of the majority leader, I ask unanimous consent that the Senate proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

## SOCIAL SECURITY

Mrs. BOXER. Mr. President, Senator GRAMS quoted a letter to President

Clinton that I signed last year. He took this letter out of context. In supporting the public pension systems of state and local government workers, I called for the continuance of those plans—not for the creation of private, individual accounts.

## THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, May 22, 2000, the Federal debt stood at $5,673,857,621,024.05 (Five trillion, six hundred seventy-three billion, eight hundred fifty-seven million, six hundred twenty-one thousand, twenty-four dollars and five cents).

Five years ago, May 22, 1995, the Federal debt stood at $4,883,843,000,000 (Four trillion, eight hundred eighty-three billion, eight hundred forty-three million).

Ten years ago, May 22, 1990, the Federal debt stood at $3,092,808,000,000 (Three trillion, ninety-two billion, eight hundred eight million).

Fifteen years ago, May 22, 1985, the Federal debt stood at $1,750,663,000,000 (One trillion, seven hundred fifty billion, six hundred sixty-three million).

Twenty-five years ago, May 22, 1975, the Federal debt stood at $522,752,000,000 (Five hundred twenty-two billion, seven hundred fifty-two million) which reflects a debt increase of more than $5 trillion—$5,151,105,621,024.05 (Five trillion, one hundred fifty-one billion, one hundred five million, six hundred twenty-one thousand, twenty-four dollars and five cents) during the past 25 years.

## ADDITIONAL STATEMENTS

## CELEBRATING THE NALC NATIONAL FOOD DRIVE

• Mrs. BOXER. Mr. President, on the second Saturday of each May, letter carriers across the United States collect food donations on their postal routes to deliver to community food banks, shelters and pantries. I commend the National Association of Letter Carriers (NALC) for creating and sponsoring the largest one-day food drive in the country with over 100,000 letter carriers participating in more than 10,000 cities and towns.

Not only do America's postal workers perform an important function in our economy and in our daily lives, they make a difference in improving the lives of needy citizens. I extend my appreciation and thanks to NALC's leaders and members for their dedication and commitment to their strong tradition of community service.

The food drive started as small pilot program in 10 cities and, as a result of its huge success, was expanded nationwide. The program asks postal patrons to place a box or bag of food next to their mailboxes. The food is picked up, sorted at postal stations and then delivered to area food banks by letter carriers.

I am pleased to note that in my home state, the California State Association of Letter Carriers was among those state associations which donated the largest amount of food in the national drive. It is my hope that during the month of May and throughout the year, Americans will consider becoming involved in the NALC Food Drive and in other activities serving the less fortunate in our communities.•

## ABC'S 50TH ANNIVERSARY

• Mr. HUTCHINSON. Mr. President, I rise today to congratulate the Associated Builders and Contractors (ABC) as they approach their 50th Anniversary. ABC was founded by seven contractors in Baltimore, Maryland on June 1, 1950, and is today a national trade association representing over 22,000 contractors, subcontractors, material suppliers and related firms from across the country and from all specialties in the construction industry.

ABC is the construction industry's voice for merit shop (open shop) construction as ABC is the only national association devoted to the merit shop philosophy. Merit shop companies employ approximately 80 percent, or four out of five, of all American construction workers and seek to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry. ABC believes that union and merit shop contractors and their employees should work together in harmony and that work should be awarded to the lowest responsible bidder regardless of labor affiliation.

I greatly appreciate ABC's commitment to developing a safe workplace and high-performance work force through quality education and training with comprehensive safety and health programs. I also appreciate ABC's dedicated efforts to secure free enterprise, fair and open competition, less government, more opportunities for jobs, tax relief, increased training, and the elimination of frivolous complaints and over-regulation.

Accordingly, I thank ABC for their efforts and wish them continued success in their efforts to ensure that the American construction industry continues to afford the finest work product and greatest opportunity in the world.•

## LOCAL LEGACIES PROJECT

• Mr. BAUCUS. Mr. President, I rise today to honor a select few individuals from my home state of Montana. I have personally nominated these individuals to represent Montana in the Library of Congress' Local Legacies Project as part of their Bicentennial Celebration. The Local Legacies project has allowed citizens to participate directly in this great celebration. The participants have documented America's grassroots heritage in every state, the U.S. Trusts and Territories, and the District of Columbia. Their documentation provides a snapshot of the nation's unique traditions as we begin a new century. My nominees for Montana's Local Legacies have worked hard to represent the beauty and deeply rooted heritage of our rugged and wide open state. The survival of our heritage is important for knowing not only where we came from, but where we are going. And for this, I commend them.

Native Reign, is composed of Northern Cheyenne youth to promote the need for education, respect for the environment, development of personal skills, respect of tribal elders and a strong spiritual foundation. They have been supported by their adult leader Ken Bisonette and his efforts to make Native Reign the role model it has become. They combine traditional Native American dances, skits, with contemporary music to celebrate the history and traditions of the tribe. On April 9, 1999, they received the Governor's Award at the State Capitol Building in Helena from Montana Governor Marc Racicot for their success in showing Montana youth an alternative lifestyle to teen pregnancy, drugs and alcohol abuse, gangs, and violence. They are a role model for not only the young people of Montana, but for the rest of the United States as well. Congratulations Native Reign, you are truly a legacy!

Mike Logan, Montana's very own Cowboy Poet has contributed a book of poetry illustrated with original photographs he took during his travels throughout our breathtaking state. His book is entitled "Montana Is . . ." Mike wanted to share some of the beauty he had been privileged to experience and photograph in his 21 years living in Montana. As part of his introduction to the book, Mike states: "I love everything about Montana. . . . I still feel like I'm spending every day in heaven." Words that ring so true to my own heart. Mike paints a verbal and visual picture true to the very poetic nature of Montana's scenic beauty and spectacular wildlife. I would encourage everyone to pick up his book and take a journey into Montana's rich heritage. Thank you Mike, your poetry is one more part of our history we are lucky to have!

The Metis Project: When they Awake—was created and produced by Helena Presents, a production, presentation and film center based in Helena, Montana. It is a celebration of the extraordinary legacy of fiddle music of the Metis people. The project explores the musical and social legacy of a tribe without boundaries, whose heritage results from marriage between Indians and Europeans throughout the Northern Plains from Sault St. Marie, Michigan, to Choteau, Montana, across both sides of the 49th parallel. Central to the project is the creation of a new musical work that references the indigenous American rhythms and diverse European fiddle heritage that is present in Metis music. The name of the presentation is based on a prediction of Louis Riel, a teacher, writer, and hero to the Metis people:

> My people will sleep for one hundred years, but when they awake, it will be the artists who give them their spirit back.

Composer and performers Philip Aaberg and Darol Anger collaborated with master Metis fiddler, Jimmie LaRocque to revive once again the melodious spirit of the Metis people. Gentlemen, I take my hat off to you!

Five St. Ignatius High School students from St. Ignatius, Montana, who present and preserve their area's native traditions using interviews with farmers and ranchers of the Mission Valley of Montana along with poignant photographs which paint a dramatic picture of farm life in the Mission Valley. The report summarizing their findings was written by their teacher Marta Brooks. Students in Brooks's English and history classes used the "heritage education" approach to the study of local culture. They collected stories, oral histories, historical documents, art and geological information that reflect the unity of landscape and culture. Montana's traditional farmers and ranchers are becoming a dying breed so because of the change in the local landscape with the inevitable change in the local culture the students were prompted to initiate this project as a way to document and preserve the area's native culture and traditions before they cease to exist. Thank you all for your efforts to immortalize our rich agricultural heritage. Your hard work brings a lot of pride to Montana!

Montana Horse Story, was brought to us through the use of still photography, film, and field reporting, by a mother/son team, Allison and Joshua Collins. Allison and Joshua are part of a company called Related Images. Their project documents the legacy of the horse for work, transportation, and recreation as preserved by various Montana events such as rodeo, the Miles City Bucking Horse Sale, Indian rodeo, and O-mok-see. Their work was last seen locally, in an exhibit of rodeo photography, at the Holter Museum, in Helena, Mt. Much like the other Local Legacies projects, Montana Horse Story pinpoints a vital part of Montana's rich traditions, that without it we would not be the people that we have become. Joshua and Allison, you have captured our spirit in some of its best moments. Without your talents and dedication, our story would never be heard. Thank you!

I conclude with one final remark: Without the hard work of all these individuals, Montana's rich cultural heritage may never be known. You should all be very proud of your efforts. I know Montanans are. And I most certainly am.•

## NATIONAL SCHOLARSHIP MONTH

• Mr. GRAMS. Mr. President, our nation's prosperity and continued success are directly related to the education of our citizens. As the price tag of higher education continues to rise, the importance of financial aid programs has never been greater. To recognize those who help students achieve their goal of a higher education and to promote the accessibility of higher education to everyone, May has been designated as National Scholarship Month.

I would like to draw attention to one organization in particular that deserves accolades for its efforts to provide financial aid to students. The Minnesota-based Citizens' Scholarship Foundation of America (CSFA) is the nation's largest private sector scholarship and educational support organization. Since its founding in 1958, CSFA has distributed over $561 million to more than 572,000 students. Through more than 800 "Dollars for Scholars" chapters, the Foundation has established a grassroots network, with proven results.

I applaud the Foundation's tireless efforts to increase private sponsorship of scholarships to our nation's youth. I also congratulate and thank the dozens of Minnesota companies, organizations, and foundations that work with CSFA to help ensure that a higher education is an affordable education. Additionally, I join in CSFA's challenge to the communities, organizations, businesses, and individuals that already sponsor scholarships to double the number of awards, and I invite others to establish scholarship programs this year.

Mr. President, it is my hope that CSFA's leadership in the multitude of National Scholarship Month activities around the nation will broaden the support for private scholarship dollars and increase the level of participation. Today, I ask my colleagues to join me in celebrating the generosity of our nation's scholarship sponsors during this National Scholarship Month.•

## BICENTENNIAL OF LIBRARY OF CONGRESS

• Mr. MOYNIHAN. Mr. President, I rise today to honor the Library of Congress on the occasion of its Bicentennial. Since April 24, 1800, when President John Adams created the Library, it has stood as the foremost research library in the world. But more importantly it has been a symbol of the public's freedom of access to information, an idea which is the bedrock of our Republic.

The history of the Library of Congress is filled with some rather compelling stories. The early days of the Library were turbulent, to say the least. In 1813, in what may not have been our nation's proudest moment, American troops burned the Parliament House and the Library of Canada in present day Toronto. Seeking revenge, a year later British troops stormed into Washington, burned the White House and the Capitol, including the original Library of Congress. Recognizing that this national treasure must be restored, the then retired Thomas Jefferson offered his personal library at Monticello as a replacement.

Today the Library is the most comprehensive library in the country, and is almost completely open to the public. It is more than just Congress' library, it is the nation's source of knowledge.

This year we have been marking the Library's 200th anniversary. It comes as no surprise that the centerpiece of this year's Bicentennial celebration is the Local Legacies Project, a volunteer project that celebrates America's history, culture, and folklore. With this exhibit the Library will showcase important events, places, and people from around the nation—things that help define who we are as Americans and what this country is all about.

I am proud that five projects from across New York State which I designated have been included as part of the Local Legacies Project. They are the Little Falls Canal Celebration, Winter Olympics at Lake Placid (Olympic Regional Development Authority), Summer at Jones Beach (New York State Parks), "Immigrant Life in New York" (Lower East Side Tenement Museum), and the Allentown Arts Festival. I believe that these events, along with those other projects nominated by my colleagues from the New York Congressional Delegation, represent the diversity and rich history that is New York State.

The Lower East Side Tenement museum shows how New York City's large and diverse immigrant culture lived upon beginning their new lives in America. Jones Beach represents the many recreation opportunities our state offers and how families spend time together. The Little Falls Canal Celebration is about the history of our State's industrial development and the pride a local community has taken in that history. Were it not for the Erie Canal, New York would not be the Empire State. Lake Placid, home of two Winter Olympics is about New York's rich sports history. It also is a showcase for the beauty and majesty of the Adirondack Mountains. Finally, the Allentown Arts Festival is about our commitment to the arts, something which can be seen across the State but especially in Allentown.

It was one of the great and inspired choices of our predecessors in the Congress to purchase Thomas Jefferson's personal library, and thereafter establish the Library of Congress. As New Yorkers, with our Public Library, we truly understand the eminence of the Library of Congress. It is the largest research library in this country, and indeed the world. The Local Legacies Project is a fitting way to celebrate this great treasure. The Library is about preserving and disseminating knowledge about many things, but especially about this great nation. The Local Legacies project is about commemorating and showcasing that knowledge.●

## THE MATCHMAKERS

● Mr. BOND. Mr. President, when journalists and political scientists write about the activities here, they often prepare articles about how a bill becomes a law. That is an interesting study, but it is only half of the story. In fact, it is equally interesting to see how a law becomes a program—how words on the law books are transformed into a working program that delivers services to our constituents.

The key to that process is people. Ultimately, someone has to take responsibility for carrying out the laws we craft here. Today I want to recognize a group of people who are aggressively working to give life to the HUBZone program we passed in 1997.

The HUBZone program seeks to use the Government's purchasing power to encourage economic growth and job creation in the Nation's most intransigent areas of poverty and unemployment. These areas often present the greatest challenge because they lack a strong customer base.

As a result, small businesses tend not to locate in these areas, preferring to set up their operations in more prosperous areas that have an established stream of customer traffic. The HUBZone program seeks to offset this imbalance by making the Government a customer to firms willing to invest in these hard-to-reach communities.

Over two years have passed since the HUBZone program was signed into law, but progress has been very slow. Recently the Small Business Administration certified the 1,000th HUBZone small business concern, a major milestone. However, the need is much greater. Without a large base of certified firms, the Government will not have enough participating companies to do business on the scale we envisioned in writing the program.

Because of this lack of certified companies, some agencies are throwing up their hands and opting not to carry out the HUBZone law. Without enough vendors to bid on contracts, some agencies are letting this tremendous new resource sit idle.

Defense Department agencies in the New England States have proved an exception to that rule. The Northeast Regional Council, which comprises small business officers from Defense agencies and Procurement Technical Assistance Centers, along with defense contractors large and small, created a special High Performance Team dubbed "The Matchmakers" to identify problems in implementing the HUBZone program and to work aggressively to solve them.

The Matchmakers found six components that were mismatched ("the hexa-mismatch problem"): contract requirements, suppliers, commodities, agency databases, education and benefits under the program, and the HUBZones themselves. For example, commodities to be purchased were not matched with suppliers who could provide them, and those suppliers were not necessarily matched to HUBZone areas that would make them eligible to participate.

Having distilled the problem to its most basic elements, the Matchmakers are now setting out to track down suppliers who could fill the agencies' procurement needs, identify those that are located in HUBZones, educate them about the program benefits, and get them to apply for certification.

Mr. President, this kind of aggressive action is exactly what is necessary to transform the HUBZone Act from mere words on a page into a program that helps real people and communities. Someday, when the HUBZone program is delivering benefits and creating jobs for people who currently do not have them, it will be essential to remember the people who made it possible. So that their names are not forgotten, I ask to include in the RECORD a list of the members of the Matchmakers High Performance Team, and I call the attention of my colleagues to their leadership and hard work.

Richard S. Alexander, Market Development Center, Bangor, ME

Ronald R. Belden, Kollsman Inc., Merrimack, NH

Deborah Bode, Kaman Aerospace Corporation, Bloomfield, CT

Ira M. Brand, Sanders-Lockheed Martin, Nashua, NH

Cynthia Busch, Market Development Center, Bangor, ME

Sean Crean, Small Business Administration, Augusta, ME

Carl E. Cromer, Defense Contact Management Command, Hartford, CT

Janette Fasano, Small Business Administration, Boston, MA

Joseph M. Flynn, New Hampshire Office of Business and Industrial Development, Concord, NH

John Forcucci, BBN Corporation, Cambridge, MA

Benita Fortner, Raytheon Company, Lexington, MA

Len Green, Massachusetts Small Business Development Center, Salem, MA

Keith Hubbard, Small Business Administration, Bedford, MA

Maridee N. Kirwin, GEO-Centers, Inc., Newton Center, MA

Gregory Lawson, State of Vermont Department of Economic Development, Montpelier, VT

Ken Lewis, Rhode Island Economic Development Corporation, Providence, RI

John H. McMullen, General Dynamics Government Services Corporation, Needham Heights, MA

David J. Rego, Naval Undersea Warfare Center Division Newport, Newport, RI

Barbara A. Riley, Textron Systems, Wilmington, MA

Michael Robinson, Massachusetts Procurement Technical Assistance Center, Amherst, MA

Philip R. Varney, Defense Contract Management Command, Boston, MA

Arlene M. Vogel, Connecticut Procurement Technical Assistance Center, New London, CT●

## GEORGIA RESEARCH ALLIANCE HELPS CONVERT A VISION INTO REALITY

Mr. CLELAND. Mr. President, ten years ago the business, government and academic leaders in the state of Georgia had a vision. Their vision was to cultivate and develop a robust technology-driven economy and to make Georgia's high-tech industry one of the best in the nation. I'm pleased to report that this vision is a reality today. Georgia is now the nation's leader in generating high-tech jobs and Atlanta is the undisputed high-tech capital of the Southeast! I'd like to pay tribute to the men and women of Georgia for their role in making these monumental achievements possible.

One of the leading organizations that is responsible for advancing Georgia's high-tech economy is the Georgia Research Alliance. The Alliance's mission is to develop Georgia's high-tech economy by enabling the states's research universities to become powerful engines of economic growth. The Alliance has carried out its mission over the past ten years by strategically investing $240 million in State and Federal funding and $65 million in matching funds from private sector firms, like Bell South, Merial Corporation and Georgia Power. These investments are paying big dividends. First, Georgia has utilized over $600 million in Federal grants and contracts for building a premier high-tech research infrastructure through focused investments in the State's research universities, creating endowments for eminent scholars, building state-of-the-art research facilities and equipping the State's research laboratories. The Alliance has also been responsible for creating a high-tech, business friendly environment that has created new businesses from the research findings developed in the State's universities and enticed eminent scholars to relocate to Georgia.

Another key achievement of the Alliance is growing high-tech jobs in the state. Since the Alliance began serving Georgia just ten years ago, the number of high-tech jobs in the state has more than doubled. These exceptional achievements have made Georgia the national leader in high-tech job growth and allowed Georgia to gain worldwide recognition for its ability to craft a state-of-the-art technology-based economy.

It is the efforts of many individuals, researchers and scholars, working with and for the Alliance, that have led to the successes this organization has attained. The Alliance has been responsible for attracting some of the best researchers and scholars in the world to help build Georgia's premier high-tech infrastructure. For example, Dr. Julia Hilliard, an Alliance Eminent Scholar in molecular biotechnology at Georgia State University, has come to Georgia with an interest in preventing the spread of herpes-B, which is one of the most feared occupational hazards in biomedical science. Dr. Rafi Ahmed at the Emory University School of Medicine is working to develop a vaccine that will permit the human immune system to respond with greater vigor when encountering a previously encountered pathogen. Included in this cutting-edge organization are world renowned researchers like Dr. Rao Tummala of the Georgia Institute of Technology, whose interests are the next generation electronic packaging, integral passive components, ultra high-density substrate technologies. These are only a few of the many dedicated researchers and scholars who are helping to shape Georgia's high-tech economy for the 21st century and are ensuring that Georgia becomes an even stronger world-class leader in high-tech development.

There are many others who are working on notable projects, from agricultural biotechnology to water and air quality enhancements to technology-based learning, to e-commerce and wireless communication. All of the Eminent Scholars who have chosen Georgia to undertake their research do so for one reason—the strategic course Georgia has chosen to make its high-tech economy world class by the year 2010.

The major drive in developing Georgia's technology economic sector has been the investment of hundreds of millions of dollars to establish new, leading-edge research programs, especially those involving collaboration between academic and industrial scientists and engineers. These investments have gone to developing research at Georgia's universities and have resulted in tremendous advances in technology related discoveries. These successes are continuing today by investments in people, laboratory construction and specialized instrumentation in support of collaborative research and development.

This year the Alliance is expected to invest an additional $34 million to continue the progress being made to develop Georgia's technology-based economy. This effort includes $29.5 million for laboratory construction in support of collaborative research and development conducted by eminent researchers. Another $3.75 million will be used to fund endowments that will be used to recruit five additional Eminent Scholars for Georgia. The remaining $750,000 will be spent to continue the Alliance's highly successful Technology Partnerships which encourage new relationships with industry and assist in the commercialization of university-based research.

One of the highly promising projects that is being considered for future development is a project at the University of Georgia to add world-class and cutting edge animal genomics technology to Georgia's research and business sectors. For another project, it is envisioned that a team of collaborating Eminent Scholars from Albany State University and Georgia State University will be researching solutions on how to effectively deal with water scarcity problems. To help combat global infectious diseases, a collaborative team of respected scholars from Emory University, the Medical College of Georgia, University of Georgia, Georgia State and Geogia Tech will create a unique research program which will lead to the development and commercialization of new vaccines, diagnostics and drugs to prevent and treat infectious diseases that threaten the health of the world's population and livestock. This is only a sample of the extraordinary projects that are envisioned for this year. Just wait until next year. The advancements made by these projects will no doubt create even more exciting high-tech initiatives in the future.

The Alliance, through its hard work and dedicated people, has received worldwide recognition for its achievements and is prepared more than ever before to attract and retain some of the best researchers in the world. The Alliance has already been responsible for generating over 80,000 new jobs since 1990, and they are creating more jobs than ever through the formation of new technology-based companies. These companies are being formed almost daily in Georgia by converting research technology developed in university and industry laboratories into new commercial applications. One example is AviGenics, Inc., a development-stage company formed to commercialize the results of novel laboratory technologies in chicken transgenesis discovered at The University of Georgia. The company's avian transgenesis platform is being used to improve poultry agronomic traits and helping the pharmaceutical industry by producing high volumes of pharmaceutically-important proteins in eggs. Another successful high-tech upstart is the Digital Furnace Corporation. Formed in mid-1998, Digital Furnace is a spin-off from the Broadband Telecommunications Center led by Georgia Research Alliance Eminent Scholar John Limb, who successfully developed broadband technology to interconnect and automate the entire home. These enterprises are benefitting directly from Georgia's investment in new, state-of-the-art laboratories that the Alliance helped to build.

Even established major information technology companies are being attracted to Georgia by the presence of our strong science and technology programs and the state's commitment to growing the pool of eminent scholars. Today companies like Lucent Technologies are seeking to capitalize on Georgia's high-tech infrastructure. Recently, Lucent Technologies chose Atlanta to be home for its new Wireless Laboratory. The decision was based largely on its ability to work in close partnership with Georgia's great researchers and the Alliance's commitment to establish an eminent scholar chair and invest in a wireless systems laboratory at Georgia Tech. These investments are resulting in Georgia Tech's and Lucent's researchers working in partnership to further develop wireless communication capabilities. This partnership is also helping to bridge the gap between a company's problems and the expertise available at our research universities which, in turn, is resulting in high-tech job creation and retention for the state of Georgia.

The work of the Alliance has only begun and they have great plans to build on their current successes by creating a stronger technology infrastructure in the State in the future. Their goal, as it has been in the past, is to make Georgia's technology economic sector one of the top five in the nation by the year 2010. The outstanding successes of the men and women of the Alliance have already proven that they are capable of achieving this goal. Based on the successes they have already achieved, I believe they will reach their goal sooner than expected. Ladies and gentleman of the Georgia Research Alliance, I am very grateful for your contributions and I am looking forward to your continued successes. Thank you very much for making Georgia a world class leader in technology development and for making Georgia's technology economy one of the best in the nation.•

## THE IMPACT OF OSTEOPOROSIS

• Mr. GRASSLEY. Mr. President, I'd like to take a few moments to address a health issue of critical importance to Americans, especially older women. Osteoporosis affects 28 million Americans, 80 percent of whom are women. Nearly one in every two women and one in every eight men over age 50 will experience an osteoporotic fracture in his or her lifetime. This disease measurably impact the ability of many older Americans to maintain the independence and mobility so integral to mental well-being.

Osteoporosis is estimated to cost the United States care system $14 billion annually. In my home state of Iowa, it is estimated that $2.9 billion will be spent over the next 20 years as a result of hip, wrist and vetebral fractures. Annual costs are expected to increase from $76 million in 1995 to more than $229 million in 2015.

According to the Iowa Department of Elder Affairs, Iowa is the state with the highest proportion of people considered to be the "oldest old" in the country. Twenty percent are 80 years of age and over. The people in this age segment are more frequently women. They are usually living alone; and they are probably the persons with the lowest incomes.

One of the most sobering facts is that osteoporosis is largely preventable. Prevention is a key element in fighting the disease, because while there are numerous treatments for osteoporosis, there is no cure. According to the National Osteoporosis Foundation, there are four ways an individual can prevent osteoporosis. First, maintain a balanced daily diet rich in calcium and vitamin D. Participate in weight-bearing exercise. Do not smoke or drink excessively. And finally, when appropriate, have your bone density tested and take any physician-prescribed medications. All this to say, osteoporosis is a disease which we in the Senate cannot afford to take lightly.

The National Osteoporosis Foundation has declared May to be National Osteoporosis Prevention Month. In my capacity as an honorary member of the foundation's board of trustees, I am glad to have the opportunity to come to the floor to raise the issue of osteoporosis and speak on the need for continued vigilance in battling this disease.

In addition to being National Osteoporosis Prevention Month, May also marks a one-year anniversary for a special group in Iowa. In May 1999, a group of Newton, Iowa, residents formed the Newton Support Group under the leadership of Peg Bovenkamp and with the help of Skiff Medical Center. The Newton group is the first Iowa support network affiliated with the National Osteoporosis Foundation. Today, the members of the Newton Support Group are participating in Newton's Senior Citizen's Health Fair. I wish them success as they provide information to older Iowans about osteoporosis prevention and treatment. It is my sincere hope that in coming years we will see similar groups form in other parts of my great state and throughout the region.

Throughout my years in Congress, I have championed effort to increase awareness and research funding for osteoporosis. In the 102nd Congress, I introduced legislation to increase research at the Arthritis Institute, form a research center on osteoporosis, and create a Health and Human Services interagency council to set priorities for osteoporosis research.

More recently, I cosponsored legislation which passed as part of the Balanced Budget Act (BBA) of 1997. The Bone Mass Measurement Coverage Standardization Act, as included in the BBA, provides Medicare reimbursement for bone mass density tests for vulnerable beneficiaries. This benefit took effect July 1, 1998. And, yesterday I sent a letter to the Health Care Financing Administration (HCFA) requesting information and the most recent data possible on program utilization.

Osteoporosis deeply affects the lives of older Americans, mostly women. And, it is preventable if healthy lifestyle choices are made at a young age. As we recognize National Osteoporosis Prevention Month, I would commend the National Osteoporosis Foundation, the Strong Women Inside and Out coalition, Peg Bovenkamp and the Newton Support Group, and all those working to raise awareness of the disease. It is my sincere hope that someday in the not too distant future, I can again come to the floor with news of a cure for osteoporosis. Until that time, I will continue supporting efforts to eradicate this devastating disease.•

## THE HISTORIC WOMEN'S COLLEGES AND UNIVERSITY BUILDING PRESERVATION ACT

• Mr. COVERDELL. Mr. President, I rise to announce that I have added my name as a cosponsor to S. 2581, the Historic Women's Colleges and University Building Preservation Act, which supports the preservation and restoration of historic buildings at seven historically women's public colleges or universities. One of the colleges eligible under this bill is Georgia College and State University, which is located in Milledgeville, Georgia. This campus was founded in 1889 as the sister institution to Georgia Tech. At the time, its emphasis was on preparing young women for teaching or industrial careers.

Georgia College and State University has grown significantly over the years and is now the state's designated liberal arts university, with a mission of combining the educational experiences typical of esteemed private liberal arts colleges with the affordability of public education. The school serves as a residential learning community with an emphasis on undergraduate education and offers selected graduate programs as well.

Several historic buildings comprise the campus which is located in the heart of the historic district of the city, which served as my state's capital for much of the 19th Century. The former Governor's mansion, the old Baldwin County Courthouse, and several historic residence halls are all candidates for the $10 million proposed in this legislation.

Mr. President, the schools which would receive funding under S. 2581 serve as a reminder of the struggle women went through to obtain access to higher education in our Nation. It is important that we do not allow these campuses to fade into history. I encourage all of my colleagues in the Senate and House to fully support this important legislation.•

## DRUG COURTS IN THE YEAR 2000

• Mr. CAMPBELL. Mr. President, today I want to recognize Drug Courts and highlight the invaluable role they play in our Nation's war on drugs. As I have done at this time of the year for the past two years, I take this opportunity to call my colleagues' attention to the significant contribution Drug Courts make. Above all, I want to take this opportunity to once again recognize and applaud the dedicated professionals who have made our Nation's Drug Courts the successes they are today.

As our Drug Courts enter their eleventh year of operation, they are as important as ever in our Nation's battle against drug abuse and the devastating impact drugs have on our Nation and its families. Over the past year 100-plus new Drug Courts have been established throughout the country, bringing the total number to over 700. Additionally, Drug Courts are now expanding internationally, underscoring their value around the world.

I am especially glad to hear that some of our Drug Courts' best practices are now being tailored to the needs and values of native communities, which for many years have suffered disproportionally from the scourge of substance abuse. The kinds of programs offered by Drug Courts could play a vital role in breaking the "Iron Triangle" of substance abuse, gangs and crime that trap far too many of our Nation's Native Americans and others in a cycle of poverty and hopelessness.

Next week—from June 1st and 3rd, 2000—the National Association of Drug Court Professionals (NADCP) will host the 6th Annual NADCP Drug Court Training Conference entitled "Expanding the Vision: The New Drug Court Pioneers," in San Francisco, California. The NADCP expects that this year's drug court conference will be the largest ever, with over 3,000 drug court professionals slated to attend.

This year, six individuals will receive the 2000 NADCP New Pioneers Award. I congratulate and thank each of these six outstanding people. I especially want to recognize an award recipient from my home state of Colorado, the Denver District Attorney, William Ritter, Jr.

The Denver Drug Court is the first—ever drug court system which now handles 75 percent of all drug cases filed in the city and county of Denver. All offenders, with the exception of illegal aliens, those arrested with a companion non-drug felony case or who have two or more prior felony convictions, are handled in this court. Most individuals are assessed within 24 hours of arrest. The pre-trial case managers monitor offenders on bond, while they await entry into the program. Over 8,000 participants have entered the program since it began operations on July 1, 1994.

As the Chairman of the Treasury and General Government Subcommittee, which funds the Office of National Drug Control Policy (ONDCP), I took the opportunity to visit the Denver Drug Court with ONDCP Director Barry McCaffrey. We met with the Drug Court professionals and observed their judicial procedures. We also saw first-hand how the court's programs have a direct impact on drug-abusing offenders. I believe the Denver Drug Court serves as a role model for the next generation of Drug Court practitioners

Drug Courts continue to revolutionize the criminal justice system. The strategy behind Drug Courts departs from traditional criminal justice practice by placing non-violent drug abusing offenders into intensive court supervised drug treatment programs instead of prison. Drug Courts aim to reduce drug abuse and crime by employing tools like comprehensive judicial monitoring, drug testing, supervision, treatment, rehabilitative services, as well as other sanctions and incentives for drug offenders.

Statistics show us that Drug Courts work. More than 70 percent of Drug Court clients have successfully completed the program or remain as active participants. Drug Courts are also cost-effective. They help convert many drug-using offenders into productive members of society. This is clearly preferable to lengthy or repeated incarceration, which traditionally has yielded few gains for those struggling with drugs or our Nation as a whole. Drug Courts are proving to be an effective tool in our fight against both drug abuse and other drug-related crime.

I urge my colleagues to join me in recognizing those Drug Court professionals who are improving their communities by dedicating themselves to this worthwhile concept and expanding the vision for the next generation of practitioners.●

## MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

### EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry treaties, nominations, and withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

## THE AGREEMENT ON SOCIAL SECURITY BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF CHILE—A MESSAGE FROM THE PRESIDENT—PM 108

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)) (the "Act"), I transmit herewith the Agreement Between the United States of America and the Republic of Chile on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Santiago on February 16, 2000.

The United States-Chilean Agreement is similar in objective to the social security agreements already in force between the United States and Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation, and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Chilean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(c)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000.*

## THE AGREEMENT BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF KOREA ON SOCIAL SECURITY—MESSAGE FROM THE PRESIDENT—PM 109

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance.

*To the Congress of the United States:*

Pursuant to section 233(e)(1) of the Social Security Act, as amended by the Social Security Amendments of 1977 (Public Law 95-216, 42 U.S.C. 433(e)(1)) (the "Act"), I transmit herewith the Agreement Between the United States of America and the Republic of Korea on Social Security, which consists of two separate instruments: a principal agreement and an administrative arrangement. The Agreement was signed at Washington on March 13, 2000.

The United States-Korean Agreement is similar in objective to the social security agreements already in force with Austria, Belgium, Canada, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and the United Kingdom. Such bilateral agreements provide for limited coordination between the United States and foreign social security systems to eliminate dual social security coverage and taxation and to help prevent the loss of benefit protection that can occur when workers divide their careers between two countries. The United States-Korean Agreement contains all provisions mandated by section 233 and other provisions that I deem appropriate to carry out the purposes of section 233, pursuant to section 233(c)(4) of the Act.

I also transmit for the information of the Congress a report prepared by the Social Security Administration explaining the key points of the Agreement, along with a paragraph-by-paragraph explanation of the provisions of the principal agreement and the related administrative arrangement. Annexed to this report is the report required by section 233(e)(1) of the Social Security Act, a report on the effect of the Agreement on income and expenditures of the U.S. Social Security program and the number of individuals affected by the Agreement. The Department of State and the Social Security Administration have recommended the

Agreement and related documents to me.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 22, 2000*.

## MESSAGES FROM THE HOUSE

At 12:12 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1752. An act to make improvements in the operation and administration of the Federal courts, and for other purposes.

The message further announced that the House has passed the following bills, with amendment, in which it requests the concurrence of the Senate:

S. 430. An act to amend the Alaska Native Claims Settlement Act, to provide for a land exchange between the Secretary of Agriculture and the Kake Tribal Corporation, and for other purposes.

S. 1236. An act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 154) to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

The message also announced that the House has agreed to the amendments of the Senate to the bill (H.R. 834) to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

The message further announced that the House has agreed to the amendments of the Senate to the bill (H.R. 1832) to reform unfair and anticompetitive practices in the professional boxing industry.

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace.

At 2:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

At 4:53 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolution:

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

S.J. Res. 44. An act supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 834. An act to extend the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

The enrolled bills and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

## MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1752. An act to make improvements in the operation and administration of the Federal courts, and for other purposes; to the Committee on the Judiciary.

The following bill was referred to the Select Committee on Intelligence, pursuant to section 3(b) of Senate Resolution 400, 94th Congress, for a period not to exceed 30 days of session:

S. 2089. An act to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searches for foreign intelligence purposes, and for other purposes.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 302. Concurrent resolution calling on the people of the United States to observe a National Moment of Remembrance to honor the men and women of the United States who died in the pursuit of freedom and peace; to the Committee on the Judiciary.

## ENROLLED BILL AND JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on today, May 23, 2000, he had presented to the President of the United States, the following bill and joint resolution:

S. 1836. An act to extend the deadline for commencement of construction of hydroelectric project in the State of Alabama.

S.J. Res. 44. Joint resolution supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

## REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 2260: A bill to amend the Controlled Substances Act to promote pain management and palliative care without permitting assisted suicide and euthanasia, and for other purposes (Rept. No. 106–299).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 1089: A bill to authorize appropriations for fiscal years 2000 and 2001 for the United States Coast Guard, and for other purposes (Rept. No. 106–300).

By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 2327: A bill to establish a Commission on Ocean Policy, and for other purposes (Rept. No. 106–301).

(By Mr. MCCAIN, from the Committee on Commerce, Science, and Transportation, with an amendment:

H.R. 1651: A bill to amend the Fishermen's Protective Act of 1967 to extend the period during which reimbursement may be provided to owners of United States fishing vessels for costs incurred when such a vessel is seized and detained by a foreign country (Rept. No. 106–302).

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

S. 2089: A bill to amend the Foreign Intelligence Surveillance Act of 1978 to modify procedures relating to orders for surveillance and searchers for foreign intelligence purposes, and for other purposes.

By Mr. BENNETT, from the Committee on Appropriations, without amendment:

S. 2603: An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–304).

By Mr. STEVENS, from the Committee on Appropriations:

Special Report entitled "Revised Allocation to Subcommittees of Budget Totals, Fiscal Year 2001" (Report No. 106–303).

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2602. A bill to provide for the Secretary of Housing and Urban Development to fund, on a 1-year emergency basis, certain requests for grant renewal under the programs for permanent supportive housing and shelter-plus-care for homeless persons; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. BENNETT:

S. 2603. An original bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; placed on the calendar.

By Mr. DORGAN (for himself and Mr. ROCKEFELLER):

S. 2604. A bill to amend title 19, United States Code, to provide that rail agreements and transactions subject to approval by the

Surface Transportation Board are no longer exempt from the application of the antitrust laws, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS:

S. 2605. A bill to amend the Internal Revenue Code of 1986 to expand income averaging to include the trade or business of fishing and to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. BRYAN, Mr. BREAUX, Mr. INOUYE, Mr. FEINGOLD, Mr. EDWARDS, Mr. KERREY, Mr. CLELAND, Mr. DURBIN, and Mr. BYRD):

S. 2606. A bill to protect the privacy of American consumers; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN:

S. 2607. A bill to promote pain management and palliative care without permitting assisted suicide euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRASSLEY (for himself and Mr. ROTH):

S. 2608. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2609. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those Acts, and for other purposes; to the Committee on Environment and Public Works.

By Mr. HARKIN (for himself, Mr. THOMAS, Mr. CRAIG, and Mr. FEINGOLD):

S. 2610. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to medicare beneficiaries residing in rural areas; to the Committee on Finance.

By Mr. LEVIN:

S. 2611. A bill to provide trade adjustment assistance for certain workers; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2612. A bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 2613. A bill to amend the Tariff Act of 1930 to permit duty drawbacks for certain jewelry exported to the United States Virgin Islands; to the Committee on Finance.

By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2614. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment on certain manufacturing equipment; to the Committee on Finance.

By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2615. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. KOHL, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. GRAMS):

S. Res. 309. A resolution expressing the sense of the Senate regarding conditions in Laos; to the Committee on Foreign Relations.

By Ms. SNOWE (for herself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. ROBB, Mr. SMITH of New Hampshire, Mr. REED, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Mr. ROBERTS, Mr. HUTCHINSON, and Mr. SESSIONS):

S. Res. 310. A resolution honoring the 19 members of the United States Marine-Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths; considered and agreed to.

By Mr. BOND (for himself, Mr. KERRY, Mr. ABRAHAM, Mr. BURNS, Ms. SNOWE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, and Mr. HARKIN):

S. Res. 311. A resolution to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 312. A resolution to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han; considered and agreed to.

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 313. A resolution to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al; considered and agreed to.

By Mr. BOND (for himself, Mr. ASHCROFT, and Mr. ROBERTS):

S. Con. Res. 114. A concurrent resolution recognizing the Liberty Memorial in Kansas City, Missouri, as a national World War I symbol honoring those who defended liberty and our country through service in World War I; to the Committee on Energy and Natural Resources.

By Mr. THOMAS (for himself and Mr. ENZI):

S. Con. Res. 115. A concurrent resolution providing for the acceptance of a statue of Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes; to the Committee on Rules and Administration.

By Mr. LOTT (for himself, Mr. DASCHLE, Mr. HELMS, Mr. BIDEN, Mr. GRAHAM, Mr. BAUCUS, Mr. HARKIN, Mr. JOHNSON, Mr. DODD, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CONRAD):

S. Con. Res. 116. A concurrent resolution commending Israel's redeployment from southern Lebanon; considered and agreed to.

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. SNOWE (for herself and Ms. COLLINS):

S. 2602. A bill to provide for the Secretary of Housing and Urban Development to fund, on a 1-year emergency basis, certain requests for grant renewal under the programs for permanent supportive housing and shelter-plus-care for homeless persons; to the Committee on Banking, Housing, and Urban Affairs.

### HOMELESS ASSISTANCE LEGISLATION

• Ms. SNOWE. Mr. President, I rise to introduce legislation designed to guarantee funding for Department of Housing and Urban Development (HUD) McKinney Act homeless assistance programs, including Shelter Plus Care and the Supportive Housing Program (SHP).

The legislation I am introducing today mirrors legislation introduced earlier this year in the House by Representative LAFALCE and included in the House version of the FY01 supplemental, which would renew existing Shelter Plus and SHP contracts and fund them under the budget for the HUD Section 8 housing assistance program.

The renewals funded under this legislation would provide grant funding for existing programs that support assistance to some of the most vulnerable Americans—the homeless. Without the resources that this bill is designed to provide, many who receive assistance today will literally be left out in the cold.

Keep in mind that these are not new programs—they are renewals. And they fund community initiatives already in place in cities and towns across the country that provide assistance to those in need. Under Shelter Plus and SHP, states are awarded grants for services such as subsidized housing for the homeless, many of whom are physically or mentally ill or disabled, or who suffer from substance abuse problems, as well as job training, shelters, health care, child care, and other services for this population. Some of the victims that are helped are children, low-income families, single mothers, and battered spouses. Many are also veterans.

I have witnessed first-hand the dislocation that can be caused by non-renewal. In January of last year, HUD issued homeless grant assistance announcements to most states but denied applications submitted by the Maine State Housing Authority and by the city of Portland, Maine leaving the state one of only four not to receive any funds. We were alarmed to learn that this would mean that many homeless agencies and programs could lose funding altogether, and that in fact, over 70 homeless people with mental illnesses or substance abuse problems would lose housing subsidies.

The Maine congressional delegation immediately protested the decision to HUD Secretary Andrew M. Cuomo. HUD officials ultimately restored about $1 million in funding to the city of Portland, a portion of the city's request, but refused to restore any State homeless funding.

In 1998, Maine homeless assistance providers received about $3.5 million for HUD, and the State had simply requested $1.2 million for renewals and $1.27 million to meet additional needs in 1999. What did they get to meet these needs—nothing. In spite of the proven track record of homeless programs in Maine, including praise by Secretary Cuomo during an August 1998 visit to Maine, HUD completely zeroed out funding for Maine. Not a penny for these disadvantaged children, battered women, single mothers, disabled individuals, and veterans who sacrificed to preserve the freedoms we cherish.

This could happen anywhere, but it shouldn't. This is why I have also cosponsored legislation authored by my colleague from Maine, Senator COLLINS, to guarantee minimum funding for every state and assure a fairer, more equitable allocation of funding in the future. The legislation requires HUD to provide a minimum of 0.5 percent of funding to each state under title IV of the Stewart B. McKinney Homeless Assistance Act.

Without this assistance, basic subsidized housing and shelter programs suffer, and it is more difficult for states to provide job training, health care, child care, and other vital services to the victims of homelessness.

In 1988, 14,653 people were temporarily housed in Maine's emergency homeless shelters. Alarmingly, young people account for 30 percent of the population staying in Maine's shelters, which is approximately 135 homeless young people every night. Twenty-one percent of these young people are between 5–12 with the average age being 13.

It is vitally important that changes be made to our homeless policy to ensure that no state falls through the cracks in the future. As such, I urge my colleagues to join me in a strong show of support for the legislation I am proposing today. I hope this legislation will contribute to the dialogue under way as to how best to enhance federal homeless assistance initiatives, so that programs around the country can continue to provide vital services to the less fortunate among us.

Lastly, Mr. President, I would be remiss if I did not express my gratitude to Senator BOND, who chairs the Senate VA–HUD Subcommittee for his leadership and his support when HUD zeroed out funding for Maine's homeless programs. I am very grateful for his vision and leadership on issues of importance to homeless advocates nationwide. To that end, I am pleased that the Senate version of the fiscal year 2001 Agriculture Department appropriations report contains language expressing concern about the HUD policies that resulted in a number of local homeless assistance initiatives going unfunded in recent years, and urging HUD to ensure that expiring rental contracts are renewed. HUD is also directed to submit a report to Congress explaining why projects with expiring grants were rejected during the 1999 round.

I look forward to working with the Senate VA–HUD Appropriations Subcommittee as well as the Banking Committee as this year's legislative and appropriations process continues, and as we endeavor to craft a long-term solution to the homeless problem that is fiscally and socially responsible and improves the effectiveness of federal homeless programs for the future.

Once again, I applaud the leadership of the Senate VA–HUD and Banking panels on this important issue, and I am confident in their commitment to further improvements in the program.●

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By Ms. COLLINS:

S. 2605. A bill to amend the Internal Revenue Code of 1986 to expand income averaging to include the trade or business of fishing and to provide a business credit against income for the purchase of fishing safety equipment; to the Committee on Finance.

### TAX LEGISLATION FOR COMMERCIAL FISHERMEN

Ms. COLLINS. Mr. President, I rise today to introduce legislation designed to help commercial fishermen navigate the often choppy waters of the Internal Revenue Code.

The legislation I am introducing would make two commonsense changes to our tax laws. First, my legislation would extend a $1,500 tax credit to commercial fishermen to assist them in the purchase of important safety equipment.

Commercial fishermen engage in one of the most dangerous professions in America. They have a higher fatality rate than even firefighters, police officers, truck or taxi drivers. From 1994 to 1998, 396 commercial fishermen lost their lives while fishing. Last year, in the wake of catastrophic events that killed 11 fishermen over the course of only 1 month, the Coast Guard Fishing Vessel Casualty Task Force was convened. The task force issued a report that draws several conclusions about current fishing vessel safety. Despite the grim safety statistics surrounding the profession of fishing, the report concludes that most fishing deaths are preventable. One significant way to prevent these tragic deaths is to make safety equipment on commercial fishing vessels more widely available.

As those of us who represent States with commercial fishing industries may recall, in 1988, Congress passed the Commercial Fishing Industry Vessel Safety Act. This act required lifesaving and firefighting equipment to be placed on board all fishing boats. Unfortunately, the cost of some of the safety equipment has proven to be a serious practical impediment for many commercial fishermen. The margin of profit for some commercial fishermen is simply too narrow and they simply lack the funds required to purchase the expensive safety equipment they require.

Moreover, as the fishing industry has come under increasingly heavy Federal regulation, fishermen have often felt compelled to greatly increase their productivity on those days when they are permitted to fish. As a result, too many take dangerous risks in order to earn a living.

Just this last January, in my home State of Maine, a terrible and tragic incident highlighted the critical importance of safety equipment. Two very experienced fishermen tragically drowned off Cape Neddick when their commercial fishing vessel capsized during a storm. The sole survivor of this tragedy was the fisherman who was able to correctly put on an immersion suit, a safety suit that the Coast Guard has required on cold water commercial fishing boats since the early 1990s.

In fact, immersion suits, liferafts, and emergency locater devices have been credited with saving more than 200 lives since 1993. By providing a $1,500 tax credit for fishermen to purchase safety equipment, my legislation would encourage the wider availability and use of safety equipment on our Nation's commercial fishing boats. We should take this sensible step to help ensure that fishermen do not set off without essential safety gear.

The second provision of my bill would eliminate some of the perils that the Tax Code has that particularly affect commercial fishermen. I propose to allow fishermen to use income-averaging tax provisions that are now available to our Nation's farmers. For tax purposes, income averaging allows individuals to carry back income from a boom year to a prior less prosperous year. This tax treatment assists individuals who must adapt to wide fluctuations in their income from year to year by preventing them from being pushed into higher tax brackets in random good years.

Until 1986, both farmers and fishermen were covered under the Tax Code's income-averaging provisions. However, income averaging disappeared as part of the tax restructuring undertaken in 1986. In 1997, income-averaging provisions were again reintroduced into our Tax Code, but unfortunately, under the changes in the 1997 law, only farmers were permitted to benefit from this tax relief. The Tax and Trade Relief Extension Act of 1998 permanently extended this tax relief provision, but again only for our farmers.

Although I am very pleased that Congress has restored income averaging for our Nation's farmers, I do not believe our fishermen should be left out in the cold and excluded from using income averaging. The legislation that I introduce today would restore fairness by extending income averaging to our fishermen as well as our farmers.

Parallel tax treatment for fishermen and farmers is appropriate for many reasons. Currently, unlike farmers, fishermen's sole tax protection to handle fluctuations in income are found in the Tax Code's net operating loss provisions. These provisions do not provide the tax benefits of income averaging and are so complex in their computation that it often defies the ability of any individual without a CPA after his or her name.

Most importantly, both farm and fishing income can fluctuate widely from year to year due to a wide range of uncontrollable circumstances, including market prices, the weather and, in the case of fishing, Government restrictions.

I urge my colleagues to help our fishermen cope with the fluctuations in their income by restoring this important tax provision and by extending a safety tax credit to help protect them from the hazards that their fishing profession entails.

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By Mr. HOLLINGS (for himself, Mr. ROCKEFELLER, Mr. BRYAN, Mr. BREAUX, Mr. INOUYE, Mr. FEINGOLD, Mr. EDWARDS, Mr. KERREY, Mr. CLELAND, Mr. DURBIN, and Mr. BYRD):

S. 2606. A bill to protect the privacy of American consumers; to the Committee on Commerce, Science, and Transportation.

### THE CONSUMER PRIVACY PROTECTION ACT

Mr. HOLLINGS. Mr. President, I rise today to introduce legislation to address one of the most pressing problems facing American consumers today—the constant assault on citizens' privacy by the denizens of the private marketplace. This legislation, the Consumer Privacy Protection Act of 2000, represents an attempt to provide basic, widespread, and warranted privacy protections to consumers in both the online and offline marketplace. On the Internet, our bill sets forth a regulatory regime to ensure pro-consumer privacy protections, coupling a strong federal standard with preemption of inconsistent state laws on Internet privacy. We need a strong federal standard to protect consumer privacy online, and we need preemption to ensure business certainty in the marketplace, given the numerous state privacy initiatives that are currently pending. Off the Internet, this bill extends privacy protections that are already on the books to similarly regulated industries or business practices, and requires a broad examination of privacy practices in the traditional marketplace to help Congress better understand whether further regulation is appropriate.

The introduction of this legislation comes as the Federal Trade Commission releases its eagerly awaited report on Internet Privacy. Released yesterday, that report concludes that Internet industry self-regulation efforts have failed to protect adequately consumer privacy. Accordingly, the report calls for legislation that requires commercial web sites to comply with the "four widely accepted fair information practices" of notice, consent, access, and security. The legislation that we introduce today accomplishes just that.

On the Internet, many users unfortunately are unaware of the significant amount of information they are surrendering every time they visit a web site. For many others, the fear of a loss of personal privacy on the Internet represents the last hurdle impeding their full embrace of this exciting and promising new medium. Nonetheless, millions of Americans every day utilize the Internet and put their personal information at risk. As the Washington Post reported on May 17, 2000:

> The numbers tell the story. About 44.4 million households will be online by the end of this year . . . up from 12.7 million in 1995, an increase of nearly 250 percent over five years. Roughly 55 million Americans log into the Internet on a typical day. . . . Industry experts estimate that the amount of Internet traffic doubles every 100 days. . . . These changes are not without a price. Along with wired life comes growing concern about intrusions into privacy and the ability to protect identities online.

As Internet use proliferates, there needs to be some regulation and enforcement to ensure pro-consumer privacy policies, particularly where the collection, consolidation, and dissemination of private, personal information is so readily achievable in this digital age. Indeed, advances in technology have provided information gatherers the tools to seamlessly compile and enhance highly detailed personal histories of Internet users. Despite these indisputable facts, industry has to this point nearly unanimously opposed even a basic regulatory framework that would ensure the protection of consumer privacy on the Internet—a basic framework that has been successfully adopted in other areas of our economy.

Our bill gives customers, not companies, control over their personal information on the Internet. It accomplishes this goal by establishing in law the five basic tenets of the long-established fair information practices standards—notice, consent, access, security, and enforcement. The premise of these standards is simple:

(1) Consumers should be given notice of companies' information practices and what they intend to do with people's personal information.

(2) Consumers should be given the opportunity to consent, or not to consent, to those information practices.

(3) Consumers should be given the right to access whatever information has been collected about them and to correct that information where necessary.

(4) Companies should be required to establish reasonable procedures to ensure that consumers' personal information is kept secure.

(5) A viable enforcement mechanism must be established to safeguard consumers' privacy rights.

While the Internet industry argues that the need for these protections are premature, the threat to personal privacy posed by advances in technology was anticipated twenty three years ago by the Privacy Protection Study Commission, which was created pursuant to the Privacy Act of 1974. In 1977, that Commission reported to the Congress and the federal government on the issue of privacy and technology. The Commission's portrait of the world in 1977 might well still be used today. That report found that society is increasingly dependant on "computer based record keeping systems," which result in a "rapidly changing world in which insufficient attention is being paid—by policy makers, system designers, or system users—to the privacy protection, implications of these trends." The report went on to state that even where some privacy protections exist under the law, "there is the danger that personal privacy will be further eroded due to applications of new technology. Policy makers must not be complacent about this potential. The economic and social costs of incorporating privacy protection safeguards into a record-keeping systems are always greater when it is done retroactively than when it is done at the system's inception."

Today, twenty three years later, as we enter what America Online chairman Steve Case calls the "Internet Century," the words of the Privacy Commission could not be more appropriate. Poll after poll indicates that Americans fear that their privacy is not being sufficiently protected on the Internet. Last September, the Wall St. Journal reported that Americans' number one concern (measured at 29 percent as we enter the 21st century was a fear of a loss of personal privacy. Just two months ago, Business Week reported that 57 percent of Americans believe that Congress should pass laws to govern how personal information is collected and used on the Internet. Moreover, a recent survey by the Federal Trade Commission found that 87 percent of respondents are concerned about threats to their privacy in relation to their online usage. And, while industry claims that self-regulation is working, only 15 percent of those polled by Business Week believed that the Government should defer to voluntary, industry-developed privacy standards.

Are these fears significant enough to require federal action? Absolutely, particularly in light of predictions by people such as John Chambers, the CEO of CISCO Systems, who forecasts that one quarter of all global commerce will be conducted online by 2010. As the Privacy Commission stated a quarter of a century ago, the "economic and social costs" of mandating pro-privacy protections will be far lower now than when the Internet is handling twenty five percent of all global commerce. Besides if John Chambers is right, the Internet industry should embrace, rather than resist, strong privacy policies. Simply put, strong privacy policies represent good business. For example, a study conducted by Forrester Research in September 1999 revealed that e-commerce spending was deprived of $2.8 billion in possible revenue last year because of consumer fears over privacy.

Indeed, the fears and concerns reflected in these analyses are borne out in study after study on the privacy practices—or lack thereof—of the companies operating on the Internet. Last year, an industry commissioned study found that of the top 100 web sites, while 99 collect information about Internet users, only 22 comply with all four of the core privacy principles of notice, choice, access, and security. A broader industry funded survey reports that only 10 percent of the top 350 Web sites implement all four of these privacy principles. This week, our Committee will hold a hearing to receive the report of the Federal Trade Commission on its most recent analysis of the privacy policies of the Internet industry. While the industry will claim that they have made tremendous progress in their self-regulatory efforts, the FTC apparently, is not convinced—finding in its report release yesterday that "only 20% of the busiest sites on the World Wide Web implement to some extent all four fair information practices in their privacy disclosures. Even when only Notice and Choice are considered, fewer than half of the sites surveyed (41%) meet the relevant standards." This record indicates that we should begin to consider passing pro-consumer privacy legislation this year. The public is clamoring for it, the studies justify it, and the potential harm from inaction is simply too great.

It is worth noting that advocates of self-regulation often claim that the collection and use of consumer information actually enhances the consumer experience on the Internet. While there may be some truth to that claim, many Internet users do not want companies to target them with marketing based on their personal shopping habits. Those individuals should be given control over whether and how their personal information is used via an "opt-in" mechanism. Moreover, even those consumers who targeted marketing and want to "opt-in" to those practices, may not be willing to accept what happens to their information after it is used for this allegedly benign purpose.

For example, should it be acceptable business behavior to sell, rent, share, or loan a historical record of a customers tobacco purchasing habits to an insurance company. Should an Internet user's surfing habits—including frequent visits to AIDS or diabetes, or other sensitive health-related websites be revealed to prospective employers willing to pay a fee for such information? Should online surfing habits that identify consumer shopping activities be merged with offline database information already existing on a consumer to form a highly detailed, intricate portrait of that individual? The answer to these questions most assuredly is no. And yet right now, there is no law, or regulation, that would prohibit these objectionable practices.

We are already seeing evidence of these practices in the marketplace today. For example, on February 2, 2000, the New York Times reported on a study by the California HealthCare Foundation that concluded that "19 of the top 21 health sites had privacy policies but . . . most failed to live up to promises not to share information with third parties. . . . [N]one of the sites followed guidelines recommended by the Federal Trade Commission on collection and use of personal data." Despite these reports, industry continues to insist that government wait and see, and let self-regulation and the marketplace protect against these articulable harms. We say that is like letting the fox guard the henhouse.

At the same time, we must not ignore those members of the industry who at least place some importance on protecting consumer privacy on the Internet. For example, in contrast to most Internet and online service providers, American Online does not track its millions of users when they venture on the Internet and out of AOL's proprietary network. In addition, IBM—while opposing federal legislation—refuses to advertise on Internet sites that do not possess and post a clear privacy policy. These are the types of practices that government welcomes. Unfortunately, they are far and few between.

As a result, the time has come to permit consumers to decide for themselves whether, and to what extent, they desire to permit commercial entities access to their personal information. Industry will argue that this is an aggressive approach. They will assert that at most, Congress should give customers the right to "opt-in" only with respect to those information practices deemed to be "sensitive"—such as the gathering of information regarding health, financial, ethnic, religious, or other particularly private areas. The problem with this suggestion is that it leaves it up to Congress and industry lawyers and lobbyists to define what is in fact "sensitive" for individual consumers.

A better approach is to give consumers an "opt-in" right to control access to all personally identifiable information that might be collected online. This approach allows consumers to make their own, personal, and subjective determination as to what they do or don't want known about them by the companies with which they interact. If industry is right that most people want targeted advertising, then most people will opt-in. Indeed, Alta Vista, a commonly used search portal on the Internet, employs an "opt-in" approach.

As if this evidence were not enough, we only need to look to the February 24, 2000, article in TheStreet.Com entitled, "DoubleClick Exec Says Privacy Legislation Needn't Crimp Results." In that article, a leading Internet executive from DoubleClick, the Internet's most well known banner advertiser, states that his company would not "face an insurmountable problem" in attempting to operate under strict privacy rules. Complying with such rules is "not rocket science," the executive stated, "it's execution." He went on to state that his company could continue to be successful under an "opt-in" regulatory regime. This is a phenomenal admission that "opt-in" policies would not impede the basic functionality and commercial activity on the Internet. The admission is particularly stunning given that it comes from a company whose business model is to track consumer activities on the Internet so as to target them with specific advertising.

Moreover, evidence in the marketplace demonstrates that "opt-out" policies will not always lead to full informed consumer choice. First of all, "opt-out" policies place the burden on the consumer to take certain steps to protect the privacy of their personal information. Under an "opt-out" approach, the incentive exists for industry to develop privacy policies that discourage people from opting out. The policies will be longer, harder to read, and the actual "opt-out" option will often be buried under hundreds, if not thousands of words of text. Consider the recent article in USA Today on this very issue. Entitled, "Privacy isn't Public Knowledge," this May 1, 2000, article outlines the difficulty consumers have in opting out of the information collection practices of Internet companies. While consumers may be informed if they actually locate and read the company's privacy policy that they are likely to be "tracked by name . . . only with [their] 'permission,'" they may not be informed up front that it is assumed that they have granted such permission unless they "opt-out." Moreover, to get through the hundreds of words of required reading to find the "opt-out" option, it turns out, according to this article, that you need a graduate level or college education reading ability to simply comprehend the policies in the first place. According to FTC Chairman Robert Pitofsky, "Some sites bury your rights in a long page of legal jargon so it's hard to find them hard to understand them once you find them. Self-regulation that creates opt-out rights that cannot be found [or] understood is really not an acceptable form of consumer protection." One thing is clear from this article—"self-regulation" is not working.

We know, however, that some companies do not collect personal information on the Internet. For example, some banner advertisers target their messages and ads to computers but not to people individually. They do this by tracking the Internet activity of a particular Internet Protocol address, without ever knowing who exactly is behind that address. Thus, they can never share personal information about a consumer's preferences, shopping, or research habits online, because they don't know who that consumer is. According to the chief technology officer of Engage—a prominent banner advertiser—"We don't need to know who someone is to make the [online] experience relevant. We're trying to strike this balance between the consumer's need for privacy and the marketer's need to be effective in order to sustain a free Internet." Such a business practice is an example of marketplace forces providing better privacy protection and my legislation recognizes that. Accordingly, if companies are only collecting and using non-personal information online they could comply with this bill by providing consumers with an "opt-out," rather than an opt-in option.

Under this legislation, companies would be required to provide updates to consumers notifying them of changes to their privacy policies. Companies would also be prohibited from using information that had been collected under a prior privacy policy, if such use did not comport with that prior policy and if the consumer had not granted consent to the new practices.

In addition, the bill would provide permanence to a consumer's decision to grant or withhold consent, and allow the effect of that decision to be altered only by the consumer. Consequently, companies would not be permitted to let their customer's privacy preferences expire, thereby requiring consumers to reaffirm their prior communication as to how they want their personal information handled.

Unfortunately, many privacy violations are often unknown by the very consumers whose privacy has been violated. Therefore, the legislation would provide whistleblower protection to employees of companies who come forward with evidence of privacy violations.

In order to enforce these consumer protections, our bill would call upon the Federal Trade Commission to implement and enforce the provisions of the legislation applicable to the Internet. The FTC is the sole federal agency with substantial expertise in this area. Not only has the FTC conducted extensive studies on Internet privacy and profiling on the Internet in recent years, but it recently concluded a comprehensive rulemaking to implement the fair information practice of notice, consent, access, and security, as required by the Childrens Online Privacy Protection Act (COPPA), which we enacted in 1998.

In addition, the legislation provides the attorneys general with the ability to enforce the bill on behalf of constituents in their individual states. And, while the legislation would preempt inconsistent state law, citizens would be free to avail themselves of other applicable remedies such as fraud, contractual breach, unjust enrichment, or emotional distress. Finally, the bill would permit individual consumers to bring a private right of action to enjoin Internet privacy violations.

While rules are clearly needed to protect consumer privacy on the Internet, we recognize that information is collected and shared in the traditional marketplace as well. The rate of collection, however, and the intrusiveness of the monitoring is nowhere near as significant as it is online. For example, when a consumer shops in a store in a mall and browses through items without purchasing anything, no one makes a list of his or her every move. To the contrary, on the Internet, every browse, observation, and individual click of the mouse may be surreptitiously monitored. Notwithstanding this distinction, it may be appropriate at some time to develop privacy protections for the general marketplace, in addition to those set forth in this bill for the Internet. That is why our bill asks the FTC to conduct an exhaustive study of privacy issues in the general marketplace and report to the Congress as to what rules and regulations, if any, may be necessary to protect consumers.

We are also learning that employers are increasingly monitoring their employees—both in and out of the workplace—on the phone, on the computer, and in their daily activities on the job. While employees may be justified in taking steps to ensure that their workers are productive and efficient, such monitoring raises implications for those workers' privacy. Accordingly, this legislation directs the Department of Labor to conduct a study of privacy issues in the workplace, and report to Congress as to what—if any—regulations may be necessary to protect worker privacy.

Additionally, the legislation extends some existing privacy protections that we already know are working in the offline marketplace. For example, the bill would extend the privacy protections consumers enjoy while shopping in video stores to book and record stores, as well as to the digital delivery of those products. The bill would also extend the privacy protections we put forth in the Cable Act of 1984 to customers who subscribe to multichannel video programming services via satellite. And, the legislation would codify the Federal Communications Commission's CPNI rules, to provide privacy protection to telephone customers. The bill would also ask the Federal Communications Commission to harmonize existing privacy rules that apply to disparate communications technologies so that the personal privacy of subscribers to all communications services are protected equally. Finally, the legislation would clarify that personal information could not be deemed an asset if the company holding that information avails itself of the protection of our bankruptcy laws.

The development of a strong and comprehensive privacy regime must also address the security of Internet-connected computers. This month, the world was bitten by the "love bug," a computer virus that devastated computer systems in more than 20 countries and caused an estimated $10 billion in damages. One of the features of the "love bug" was an attempt to steal passwords stored on an infected hard drive for later use. If successful, the virus-writer could have gained access to thousands of Internet access accounts. The spread of the virus highlighted the vulnerability of interconnected computer systems to malicious persons intent on disrupting or compromising legitimate use of these systems.

The development of technology, policies, and expertise to effectively protect a computer system from illegitimate users is a cornerstone of privacy protection because a privacy policy is worthless if the company cannot adequately secure that information and control its dissemination. While it would be impossible for the Federal government to protect every web site from every threat, it can help users and operators of web sites by researching and developing better computer security technologies and practices. Therefore, I have included a title on computer security in this bill.

This title of the bill is an attempt to promote and enhance the protection of computers connected to the Internet. First, the bill would establish a 25-member computer security partnership council. This council would build on the public-private partnership proposed in the wake of February's denial of service attacks which shut down leading e-commerce sites like Yahoo! and E-bay. The council would identify threats and help companies share solutions. It would be a major source of public information on computer security and could help educate the general public and businesses on good computer protection practices. In addition, our bill calls on the Council to identify areas in which we have not invested adequately in computer security research. This study could be a blueprint for future research investments.

While the private sector has put significant resources into computer security research, the President's Information Technology Advisory Council has noted that current information technology research is often focused on the short-term and neglects long-term fundamental problems. This bill would authorize appropriations for the National Institute of Standards and Technology to invest in long-term computer security research needs. This research would complement private sector, market-driven research and could be conducted at NIST or through grants to academic or private-sector researchers. The results of these investigations could power the next generation of advanced computer security technologies.

Of course those technologies will not protect government, or companies and their customers, unless there are well-trained professionals to operate and secure computer systems. The problem is particularly acute for the Federal government. According to a May 10th Washington Post article, the Federal government will need to replace or hire more than 35,000 high-tech workers by the year 2006. The last time I checked, the same people who could fill those government positions are in high demand from Silicon Valley and the Dulles Corridor companies, among other. Until the government is able to offer stock options, we will continue to struggle to fill these positions. Our bill would establish an ROTC-like program to train computer security professionals for government service. In exchange for loans or grants to complete an undergraduate or graduate degree in computer security, a student would be required to work for the government for a certain number of years. This would allow students to get high-quality computer security training, to serve as a Federal employee for a short time, and then, if they desire, to enter the private sector job market.

This legislation would also push the government to get its house in order and become an example for good computer security practices. It proposes increased scrutiny of government security practices and would establish an Award for Quality of Government Security Practices to recognize agencies and departments which have excellent policies and processes to protect their computer systems. The criteria for this award will be published by the National Institute of Standards and Technology (NIST) and should encourage government to improve security on its systems. In addition, these criteria could become a model for computer security professionals inside and outside the government.

Finally, the bill would tie research and theory to meaningful, on-the-ground protections for Internet users. The bill calls on NIST to encourage and support the development of software standards that would allow users to set up an individual privacy regime at the outset and have those preferences follow them—without further intervention—as they surf the web.

This bill asks a lot of private companies in protecting the personally-identifiable information of American citizens. It would be wrong for the Congress not to apply the same standard to itself as well. Title IX of the bill calls for the development of Senate and House rules on protecting the privacy of information obtained through official web sites.

Mr. President, I ask unanimous consent that the text of the Consumer Privacy Protection Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2606

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Consumer Privacy Protection Act".

**SEC. 2. FINDINGS.**

The Congress makes the following findings:

(1) The right to privacy is a personal and fundamental right worthy of protection through appropriate legislation.

(2) Consumers engaging in and interacting with companies engaged in interstate commerce have an ownership interest in their personal information, as well as a right to control how that information is collected, used, or transferred.

(3) Existing State, local, and Federal laws provide virtually no privacy protection for Internet users.

(4) Moreover, existing privacy regulation of the general, or offline, marketplace provides inadequate consumer protections in light of the significant data collection and dissemination practices employed today.

(5) The Federal government thus far has eschewed general Internet privacy laws in favor of industry self-regulation, which has led to several self-policing schemes, none of which are enforceable in any meaningful way or provide sufficient consumer protection.

(6) State governments have been reluctant to enter the field of Internet privacy regulation because use of the Internet often crosses State, or even national, boundaries.

(7) States are nonetheless interested in providing greater privacy protection to their citizens as evidenced by recent lawsuits brought against offline and online companies by State attorneys general to protect consumer privacy.

(8) Personal information flowing over the Internet requires greater privacy protection than is currently available today. Vast amounts of personal information about individual Internet users are collected on the Internet and sold or otherwise transferred to third parties.

(9) Poll after poll consistently demonstrates that individual Internet users are highly troubled over their lack of control over their personal information.

(10) Research on the Internet industry demonstrates that consumer concerns about their privacy on the Internet has a correlative negative impact on the development of e-commerce.

(11) Notwithstanding these concerns, the Internet is becoming a major part of the personal and commercial lives of millions of Americans, providing increased access to information, as well as communications and commercial opportunities.

(12) It is important to establish personal privacy rights and industry obligations now so that consumers have confidence that their personal privacy is fully protected on our Nation's telecommunications networks and on the Internet.

(13) The social and economic costs of imposing obligations on industry now will be lower than if Congress waits until the Internet becomes more prevalent in our everyday lives in coming years.

(14) Absent the recognition of these rights and the establishment of consequent industry responsibilities to safeguard those rights, consumer privacy will soon be more gravely threatened.

(15) The ease of gathering and compiling personal information on the Internet, both overtly and surreptitiously, is becoming increasingly efficient and effortless due to advances in digital communications technology which have provided information gatherers the ability to seamlessly compile highly detailed personal histories of Internet users.

(16) Consumers must have—

(A) clear and conspicuous notice that information is being collected about them;

(B) clear and conspicuous notice as to the information gatherer's intent with respect to that information;

(C) the ability to control the extent to which information is collected about them; and

(D) the right to prohibit any unauthorized use, reuse, disclosure, transfer, or sale of their information.

(17) Fair information practices include providing consumers with knowledge of any data collection clear and conspicuous notice of an entity's information practices, the ability to control whether or not those practices will be applied to them personally, access to information collected about them, and safeguards to ensure the integrity and security of that information.

(18) Recent surveys of websites conducted by the Federal Trade Commission and Georgetown University found that a small minority of websites surveyed contained a privacy policy embodying fair information practices such as notice, choice, access, and security.

(19) Americans expect that their purchases of written materials, videos, and music will remain confidential, whether they are shopping online or in the traditional workplace.

(20) Consumer privacy with respect to written materials, music, and movies should be protected vigilantly to ensure the free exercise of First Amendment rights of expression, regardless of medium.

(21) Under current law, millions of American cable customers are protected against disclosures of their personal subscriber information without notice and choice, whereas no similar protection is available to subscribers of multichannel video programming via satellite.

(22) Almost every American is a consumer of some form of communications service, be it wireless, wireline, cable, broadcast, or satellite.

(23) In light of the convergence of and emerging competition among and between wireless, wireline, satellite, broadcast, and cable companies, privacy safeguards should be applied uniformly across different communications media so as to provide consistent consumer privacy protections as well as a level competitive playing field for industry.

(24) Notwithstanding the recent focus on Internet privacy, privacy issues abound in the traditional, or offline, marketplace that merit Federal attention.

(25) The Congress would benefit from an exhaustive analysis of general marketplace privacy issues conducted by the agency with the most expertise in this area, the Federal Trade Commission.

(26) While American workers are growing increasingly concerned that their employers may be violating their privacy, many workers are unaware that their activities in the workplace may be subject to significant and potentially invasive monitoring.

(27) While employers may have a legitimate need to maintain an efficient and productive workforce, that need should not improperly impinge on employee privacy rights in the workplace.

(28) Databases containing personal information about consumers' commercial purchasing, browsing, and shopping habits, as well as their generalized product preferences, represent considerable commercial value.

(29) These databases should not be considered an asset with respect to creditors' interests if the asset holder has availed itself of the protection of State or Federal bankruptcy laws.

### SEC. 3. PREEMPTION OF INCONSISTENT STATE LAW OR REGULATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), this Act preempts any State law, regulation, or rule that is inconsistent with the provisions of this Act.

(b) EXCEPTIONS.—

(1) IN GENERAL.—Nothing in this Act preempts—

(1) the law of torts in any State;

(2) the common law in any State; or

(3) any State law, regulation, or rule that prohibits fraud or provides a remedy for fraud.

(2) PRIVATE RIGHT-OF-ACTION.—Notwithstanding subsection (a), if a State law provides for a private right-of-action under a statute enacted to provide consumer protection, nothing in this Act precludes a person from bringing such an action under that statute, even if the statute is otherwise preempted in whole or in part under subsection (a).

### SEC. 4. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Findings.
Sec. 3. Preemption of inconsistent State law or regulations.
Sec. 4. Table of contents.

Title I—Online Privacy
Sec. 101. Collection or disclosure of personally identifiable information.
Sec. 102. Notice, consent, access, and security requirements.
Sec. 103. Other kinds of information.
Sec. 104. Exceptions.
Sec. 105. Permanence of consent.
Sec. 106. Disclosure to law enforcement agency or under court order.
Sec. 107. Effective date.
Sec. 108. FTC rulemaking procedure required.

Title II—Privacy Protection for Consumers of Books, Recorded Music, and Videos
Sec. 201. Extension of video rental protections to books and recorded music.
Sec. 202. Effective Date.

Title III—Enforcement and Remedies
Sec. 301. Enforcement.
Sec. 302. Violation is unfair or deceptive act or practice.
Sec. 303. Private right of action.
Sec. 304. Actions by States.
Sec. 305. Whistleblower protection.
Sec. 306. No effect on other remedies.
Sec. 307. FTC Office of Online Privacy.

Title IV—Communications Technology Privacy Protections
Sec. 401. Privacy protection for subscribers of satellite television services for private home viewing.
Sec. 402. Customer proprietary network information.

Title V—Rulemaking and Studies
Sec. 501. Federal Trade Commission examination.
Sec. 502. Federal Communications Commission rulemaking.
Sec. 503. Department of Labor study of privacy issues in the workplace.

Title VI—Protection of Personally Identifiable Information in Bankruptcy
Sec. 601. Personally identifiable information not asset in bankruptcy.

Title VII—Internet Security Initiatives.
Sec. 701. Findings.
Sec. 702. Computer Security Partnership Council.
Sec. 703. Research and development.
Sec. 704. Computer security training programs.
Sec. 705. Government information security standards.
Sec. 706. Recognition of quality in computer security practices.
Sec. 707. Development of automated privacy controls.

Title VIII—Congressional Information Security Standards.
Sec. 801. Exercise of rulemaking power.
Sec. 802. Senate.

Title IX—Definitions
Sec. 901. Definitions.

## TITLE I—ONLINE PRIVACY

### SEC. 101. COLLECTION OR DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.

An Internet service provider, online service provider, or operator of a commercial website on the Internet may not collect, use, or disclose personally identifiable information about a user of that service or website except in accordance with the provisions of this title.

### SEC. 102. NOTICE, CONSENT, ACCESS, AND SECURITY REQUIREMENTS.

(a) NOTICE.—An Internet service provider, online service provider, or operator of a commercial website may not collect personally identifiable information from a user of that service or website unless that provider or operator gives clear and conspicuous notice in a manner reasonably calculated to provide actual notice to any user or prospective user that personally identifiable information may be collected from that user. The notice shall disclose—

(1) the specific information that will be collected;

(2) the methods of collecting and using the information collected; and

(3) all disclosure practices of that provider or operator for personally identifiable information so collected, including whether it will be disclosed to third parties.

(b) CONSENT.—An Internet service provider, online service provider, or operator of a commercial website may not—

(1) collect personally identifiable information from a user of that service or website, or

(2) except as provided in section 107, disclose or otherwise use such information about a user of that service or website,

unless the provider or operator obtains that user's affirmative consent, in advance, to the collection and disclosure or use of that information.

(c) ACCESS.—An Internet service provider, online service provider, or operator of a commercial website shall—

(1) upon request provide reasonable access to a user to personally identifiable information that the provider or operator has collected after the effective date of this title relating to that user;

(2) provide a reasonable opportunity for a user to correct, delete, or supplement any such information maintained by that provider or operator; and

(3) make the correction or supplementary information a part of that user's personally identifiable information for all future disclosure and other use purposes.

(d) SECURITY.—An Internet service provider, online service provider, or operator of a commercial website shall establish and maintain reasonable procedures necessary to protect the security, confidentiality, and integrity of personally identifiable information maintained by that provider or operator.

(e) NOTICE OF POLICY CHANGE.—Whenever an Internet service provider, online service provider, or operator of a commercial website makes a material change in its policy for the collection, use, or disclosure of personally identifiable information, it—

(1) shall notify all users of that service or website of the change in policy; and

(2) may not collect, disclose, or otherwise use any personally identifiable information in accordance with the changed policy unless the user has affirmatively consented, under subsection (b), to its collection, disclosure, or use in accordance with the changed policy.

(f) NOTICE OF PRIVACY BREACH.—

(1) IN GENERAL.—If an Internet service provider, online service provider, or operator of a commercial website commits a breach of privacy with respect to the personally identifiable information of a user, then it shall, as soon as reasonably possible, notify all users whose personally identifiable information was affected by that breach. The notice shall describe the nature of the breach and the steps taken by the provider or operator to remedy it.

(2) BREACH OF PRIVACY.—For purposes of paragraph (1), an Internet service provider, online service provider, or operator of a commercial website commits a breach of privacy with respect to personally identifiable information of a user if—

(A) it collects, discloses, or otherwise uses personally identifiable information in violation of any provision of this title; or

(B) it knows that the security, confidentiality, or integrity of personally identifiable information is compromised by any act or failure to act on the part of the provider or operator or by any function of the Internet service or online service provided, or commercial website operated, by that provider or operator that resulted in a disclosure, or possible disclosure, of that information.

(g) APPLICATION TO CERTAIN THIRD-PARTY OPERATORS.—The provisions of this section applicable to Internet service providers, online service providers, and commercial website operators apply to any third party, including an advertiser, that uses that service or website to collect information about users of that service or website.

### SEC. 103. OTHER KINDS OF INFORMATION.

(a) IN GENERAL.—Except as provided in subsection (b), the provisions of sections 101 and 102 (except for subsections (b), (c), and (e)(2)) that apply to personally identifiable information apply also to the collection and disclosure or other use of information about users of an Internet service, online service, or commercial website that is not personally identifiable information.

(b) CONSENT RULE.—An Internet service provider, online service provider, or operator of a commercial website may not—

(1) collect information described in subsection (a) from a user of that service or website, or

(2) except as provided in section 107, disclose or otherwise use such information about a user of that service or website,

unless the provider or operator obtains that user's consent to the collection and disclosure or other use of that information. For purposes of this subsection, the user will be deemed to have consented unless the user objects to the collection and disclosure or other use of the information.

(c) APPLICATION TO CERTAIN THIRD-PARTY OPERATORS.—The provisions of this section applicable to Internet service providers, online service providers, and commercial website operators apply to any third party, including an advertiser, that uses that service or website to collect information about users of that service or website.

### SEC. 104. EXCEPTIONS.

(a) IN GENERAL.—Sections 102 and 103 do not apply to the collection, disclosure, or use by an Internet service provider, online service provider, or operator of a commercial website of information about a user of that service or website—

(1) to protect the security or integrity of the service or website; or

(2) to conduct a transaction, deliver a product or service, or complete an arrangement for which the user provided the information.

(b) DISCLOSURE TO PARENT PROTECTED.—An Internet service provider, online service provider, or operator of a commercial website may not be held liable under this title, any other Federal law, or any State law for any disclosure made in good faith and following reasonable procedures in responding to a request for disclosure of personal information under section 1302(b)(1)(B)(iii) of the Children's Online Privacy Protection Act of 1998 to the parent of a child.

### SEC. 105. PERMANENCE OF CONSENT.

The consent or denial of consent by a user of permission to an Internet service provider, online service provider, or operator of a commercial website to collect, disclose, or otherwise use any information about that user for which consent is required under this title—

(1) shall remain in effect until changed by the user;

(2) except as provided in section 102(e), shall apply to any revised, modified, new, or improved service provided by that provider or operator to that user; and

(3) except as provided in section 102(e), shall apply to the collection, disclosure, or other use of that information by any entity that is a commercial successor of that provider or operator, without regard to the legal form in which such succession was accomplished.

### SEC. 106. DISCLOSURE TO LAW ENFORCEMENT AGENCY OR UNDER COURT ORDER.

(a) IN GENERAL.—Notwithstanding any other provision of this title, an Internet service provider, online service provider, operator of a commercial website, or third party that uses such a service or website to collect information about users of that service or website may disclose personally identifiable information about a user of that service or website—

(1) to a law enforcement agency in response to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with subsection (c); and

(2) in response to a court order in a civil proceeding granted upon a showing of compelling need for the information that cannot be accommodated by any other means if—

(A) the user to whom the information relates is given reasonable notice by the person seeking the information of the court proceeding at which the order is requested; and

(B) that user is afforded a reasonable opportunity to appear and contest the issuance of requested order or to narrow its scope.

(b) SAFEGUARDS AGAINST FURTHER DISCLOSURE.—A court that issues an order described in subsection (a) shall impose appropriate safeguards on the use of the information to protect against its unauthorized disclosure.

(c) COURT ORDERS.—A court order authorizing disclosure under subsection (a)(1) may issue only with prior notice to the user and only if the law enforcement agency shows that there is probable cause to believe that the user has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the Internet service provider, online service provider, or operator of the commercial website, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on the provider or operator.

### SEC. 107. EFFECTIVE DATE.

(a) IN GENERAL.—This title takes effect after the Federal Trade Commission completes the rulemaking procedure under section 109.

(b) APPLICATION TO PRE-EXISTING DATA.—

(1) IN GENERAL.—After the effective date of this title, and except as provided in paragraphs (2) and (3), sections 101, 102, and 103 apply to information collected before the date of enactment of this Act.

(2) COLLECTION OF BOTH KINDS OF INFORMATION.—Section 102(b)(1) and 103(b)(1) do not apply to information collected before the effective date of this title.

(3) ACCESS TO PERSONALLY IDENTIFIABLE INFORMATION.—Section 102(c) applies to personally identifiable information collected before the effective date of this title unless it is economically unfeasible for the Internet service provider, online service provider, or commercial website operator to comply with that section for the information.

### SEC. 108. FTC RULEMAKING PROCEDURE REQUIRED.

The Federal Trade Commission shall initiate a rulemaking procedure within 90 days after the date of enactment of this Act to implement the provisions of this title. Notwithstanding any requirement of chapter 5 of title 5, United States Code, the Commission shall complete the rulemaking procedure not later than 270 days after it is commenced.

## TITLE II—PRIVACY PROTECTION FOR CONSUMERS OF BOOKS, RECORDED MUSIC, AND VIDEOS

### SEC. 201. EXTENSION OF VIDEO RENTAL PROTECTIONS TO BOOKS AND RECORDED MUSIC.

(a) IN GENERAL.—Section 2710 of title 18, United States Code, is amended by striking the section designation and all that follows through the end of subsection (b) and inserting the following:

**"§ 2710. Wrongful disclosure of information about video, book, or recorded music rental, sale, or delivery**

"(a) DEFINITIONS.—In this section:

"(1) The term 'book dealer' means any person engaged in the business, in or affecting interstate or foreign commerce, of renting, selling, or delivering books, magazines, or other written or printed material (regardless of the format or medium), or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

"(2) The term 'recorded music dealer' means any person, engaged in the business, in or affecting interstate or foreign commerce, of selling, renting, or delivering recorded music, regardless of the format in which or medium on which it is recorded, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

"(3) The term 'consumer' means any renter, purchaser, or user of goods or services from a video provider, book dealer, or recorded music dealer.

"(4) The term 'ordinary course of business' means only debt-collection activities, order fulfillment, request processing, and the transfer of ownership.

"(5) The term 'personally identifiable information' means information that identifies a person as having requested or obtained specific video materials or services, specific books, magazines, or other written or printed materials, or specific recorded music.

"(6) The term 'video provider' means any person engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or delivery of recorded videos, regardless of the format in which, or medium on which they are recorded, or similar audiovisual materials, or any person or other entity to whom a disclosure is made under subparagraph (D) or (E) of subsection (b)(2), but only with respect to the information contained in the disclosure.

"(b) VIDEO, BOOK, OR RECORDED MUSIC RENTAL, SALE, OR DELIVERY.—

"(1) IN GENERAL.—A video provider, book dealer, or recorded music dealer who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider or seller, as the case may be, shall be liable to the aggrieved person for the relief provided in subsection (d).

"(2) DISCLOSURE.—A video provider, book dealer, or recorded music dealer may disclose personally identifiable information concerning any consumer—

"(A) to the consumer;

"(B) to any person with the informed, written consent of the consumer given at the time the disclosure is sought;

"(C) to a law enforcement agency pursuant to a warrant issued under the Federal Rules of Criminal Procedure, an equivalent State warrant, or a court order issued in accordance with paragraph (4);

"(D) to any person if the disclosure is solely of the names and addresses of consumers and if—

"(i) the video provider, book dealer, or recorded music dealer, as the case may be, has provided the consumer, in a clear and conspicuous manner, with the opportunity to prohibit such disclosure; and

"(ii) the disclosure does not identify the title, description, or subject matter of any video or other audio-visual material, books, magazines, or other printed material, or recorded music;

"(E) to any person if the disclosure is incident to the ordinary course of business of the video provider, book dealer, or recorded music dealer; or

"(F) pursuant to a court order, in a civil proceeding upon a showing of compelling need for the information that cannot be accommodated by any other means, if—

"(i) the consumer is given reasonable notice, by the person seeking the disclosure, of the court proceeding relevant to the issuance of the court order; and

"(ii) the consumer is afforded the opportunity to appear and contest the claim of the person seeking the disclosure.

"(3) Safeguards.—If an order is granted pursuant to subparagraph (C) or (F) of paragraph (2), the court shall impose appropriate safeguards against unauthorized disclosure.

"(4) Court orders.—A court order authorizing disclosure under paragraph (2)(C) shall issue only with prior notice to the consumer and only if the law enforcement agency shows that there is probable cause to believe that a person has engaged, is engaging, or is about to engage in criminal activity and that the records or other information sought are material to the investigation of such activity. In the case of a State government authority, such a court order shall not issue if prohibited by the law of such State. A court issuing an order pursuant to this subsection, on a motion made promptly by the video provider, book dealer, or recorded music dealer, may quash or modify such order if the information or records requested are unreasonably voluminous in nature or if compliance with such order otherwise would cause an unreasonable burden on such video provider, book dealer, or recorded music dealer, as the case may be.".

(b) Conforming Amendments.—

(1) Subsections (c) through (f) of section 2701 of title 18, United States Code, are amended by striking "video tape service provider" each place it appears and inserting "video provider".

(2) The item relating to section 2701 in the analysis for chapter 121 of title 18, United States Code, is amended to read as follows:

"2710. Wrongful disclosure of information about video, book, or recorded music rental or sales.".

### SEC. 202. EFFECTIVE DATE.

The amendments made by section 201 take effect 12 months after the date of enactment of this Act.

## TITLE III—ENFORCEMENT AND REMEDIES

### SEC. 301. ENFORCEMENT.

Except as provided in section 302(b) and section 2710(d) of title 18, United States Code, this Act shall be enforced by the Federal Trade Commission. Except as otherwise provided in this Act, a violation of this Act may be punished in the same manner as a violation of a regulation of the Federal Trade Commission.

### SEC. 302. VIOLATION IS UNFAIR OR DECEPTIVE ACT OR PRACTICE.

(a) In General.—The violation of any provision of title I is an unfair or deceptive act or practice proscribed by section 18(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(b) Enforcement by Certain Other Agencies.—Compliance with title I of this Act shall be enforced under—

(1) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), in the case of—

(A) national banks, and Federal branches and Federal agencies of foreign banks, by the Office of the Comptroller of the Currency;

(B) member banks of the Federal Reserve System (other than national banks), branches and agencies of foreign banks (other than Federal branches, Federal agencies, and insured State branches of foreign banks), commercial lending companies owned or controlled by foreign banks; and organizations operating under section 25 or 25(a) of the Federal Reserve Act (12 U.S.C. 601 et seq. and 611 et seq.), by the Board; and

(C) banks insured by the Federal Deposit Insurance Corporation (other than members of the Federal Reserve System) and insured State branches of foreign banks, by the Board of Directors of the Federal Deposit Insurance Corporation;

(2) section 8 of the Federal Deposit Insurance Act (12 U.S.C. 1818), by the Director of the Office of Thrift Supervision, in the case of a savings association the deposits of which are insured by the Federal Deposit Insurance Corporation;

(3) the Federal Credit Union Act (12 U.S.C. 1751 et seq.) by the National Credit Union Administration Board with respect to any Federal credit union;

(4) part A of subtitle VII of title 49, United States Code, by the Secretary of Transportation with respect to any air carrier or foreign air carrier subject to that part;

(5) the Packers and Stockyards Act, 1921 (7 U.S.C. 181 et seq.) (except as provided in section 406 of that Act (7 U.S.C. 226, 227)), by the Secretary of Agriculture with respect to any activities subject to that Act; and

(6) the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) by the Farm Credit Administration with respect to any Federal land bank, Federal land bank association, Federal intermediate credit bank, or production credit association.

(c) Exercise of Certain Powers.—For the purpose of the exercise by any agency referred to in subsection (b) of its powers under any Act referred to in that subsection, a violation of title I is deemed to be a violation of a requirement imposed under that Act. In addition to its powers under any provision of law specifically referred to in subsection (b), each of the agencies referred to in that subsection may exercise, for the purpose of enforcing compliance with any requirement imposed under title I of this Act, any other authority conferred on it by law.

(d) Actions by the Commission.—The Commission shall prevent any person from violating title I in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act (15 U.S.C. 41 et seq.) were incorporated into and made a part of this Act. Any entity that violates any provision of that title is subject to the penalties and entitled to the privileges and immunities provided in the Federal Trade Commission Act in the same manner, by the same means, and with the same jurisdiction, power, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of that title.

(e) Effect on Other Laws.—

(1) Preservation of commission authority.—Nothing contained in this title shall be construed to limit the authority of the Commission under any other provision of law.

(2) Relation to communications act.—Nothing in title I requires an operator of a website or online service to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 or 551, respectively).

### SEC. 303. PRIVATE RIGHT OF ACTION.

(a) Private Right of Action.—A person whose personally identifiable information is collected, disclosed or used, or is likely to be disclosed or used, in violation of title I may, if otherwise permitted by the laws or rules of court of a State, bring in an appropriate court of that State—

(1) an action to enjoin or restrain such violation;

(2) an action to recover for actual monetary loss from such a violation, or to receive $5,000 in damages for each such violation, whichever is greater; or

(3) both such actions.

(b) Willful and Knowing Violations.—If the court finds that the defendant willfully or knowingly violated title I, the court may, in its discretion, increase the amount of the award available under subsection (a)(2) to $50,000.

(c) Exception.—Neither an action to enjoin or restrain a violation, nor an action to recover for loss or damage, may be brought under this section for the accidental disclosure of information if the disclosure was caused by an Act of God, network or systems failure, or other event beyond the control of the Internet service provider, online service provider, or operator of a commercial website if the provider or operator took reasonable precautions to prevent such disclosure in the event of such a failure or other event.

(d) Attorneys Fees; Punitive Damages.—Notwithstanding subsection (a)(2), the court in an action brought under this section, may award reasonable attorneys fees and punitive damages to the prevailing party.

### SEC. 304. ACTIONS BY STATES.

(a) In General.—

(1) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that violates title I, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with the rule;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) Notice.—

(A) In general.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Commission—

(i) written notice of that action; and

(ii) a copy of the complaint for that action.

(B) Exemption.—

(i) In general.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the attorney general determines that it is not feasible to provide the notice described in that subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Commission at the same time as the attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Commission shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subsection (a), it shall have the right—

(A) to be heard with respect to any matter that arises in that action; and

(B) to file a petition for appeal.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE COMMISSION.—In any case in which an action is instituted by or on behalf of the Commission for violation of title I, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that rule.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

### SEC. 305. WHISTLEBLOWER PROTECTION.

(a) IN GENERAL.—No Internet service provider, online service provider, or commercial website operator may discharge or otherwise discriminate against any employee with respect to compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to the request of the employee) provided information to any Federal or State agency or to the Attorney General of the United States or of any State regarding a possible violation of any provision of title I.

(b) ENFORCEMENT.—Any employee or former employee who believes he has been discharged or discriminated against in violation of subsection (a) may file a civil action in the appropriate United States district court before the close of the 2-year period beginning on the date of such discharge or discrimination. The complainant shall also file a copy of the complaint initiating such action with the appropriate Federal agency.

(c) REMEDIES.—If the district court determines that a violation of subsection (a) has occurred, it may order the Internet service provider, online service provider, or commercial website operator that committed the violation—

(1) to reinstate the employee to his former position;

(2) to pay compensatory damages; or

(3) take other appropriate actions to remedy any past discrimination.

(d) ATTORNEYS FEES; PUNITIVE DAMAGES.—Notwithstanding subsection (c)(2), the court in an action brought under this section, may award reasonable attorneys fees and punitive damages to the prevailing party.

(e) LIMITATION.—The protections of this section shall not apply to any employee who—

(1) deliberately causes or participates in the alleged violation; or

(2) knowingly or recklessly provides substantially false information to such an agency or the Attorney General.

(f) BURDENS OF PROOF.—The legal burdens of proof that prevail under subchapter III of chapter 12 of title 5, United States Code (5 U.S.C. 1221 et seq.) shall govern adjudication of protected activities under this section.

### SEC. 306. NO EFFECT ON OTHER REMEDIES.

The remedies provided by this sections 303 and 304 are in addition to any other remedy available under any provision of law.

### SEC. 307. FTC OFFICE OF ONLINE PRIVACY.

The Federal Trade Commission shall establish an Office of Online Privacy headed by a senior level position officer who reports directly to the Commission and its General Counsel. The Office shall study privacy issues associated with electronic commerce and the Internet, the operation of this Act and the effectiveness of the privacy protections provided by title I. The Office shall report its findings and recommendations from time to time to the Commission, and, notwithstanding any law, regulation, or executive order to the contrary, shall submit an annual report directly to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce on the status of online and Internet privacy issues, together with any recommendations for additional legislation relating to those issues.

## TITLE IV—COMMUNICATIONS TECHNOLOGY PRIVACY PROTECTIONS

### SEC. 401. PRIVACY PROTECTION FOR SUBSCRIBERS OF SATELLITE TELEVISION SERVICES FOR PRIVATE HOME VIEWING.

(a) IN GENERAL.—Section 631 of the Communications Act of 1934 (47 U.S.C. 551) is amended to read as follows:

### "SEC. 631. PRIVACY OF SUBSCRIBER INFORMATION FOR SUBSCRIBERS OF CABLE SERVICE AND SATELLITE TELEVISION SERVICE.

"(a) NOTICE TO SUBSCRIBERS REGARDING PERSONALLY IDENTIFIABLE INFORMATION.—At the time of entering into an agreement to provide any cable service, satellite home viewing service, or other service to a subscriber, and not less often than annually thereafter, a cable operator, satellite carrier, or distributor shall provide notice in the form of a separate, written statement to such subscriber that clearly and conspicuously informs the subscriber of—

"(1) the nature of personally identifiable information collected or to be collected with respect to the subscriber as a result of the provision of such service and the nature of the use of such information;

"(2) the nature, frequency, and purpose of any disclosure that may be made of such information, including an identification of the types of persons to whom the disclosure may be made;

"(3) the period during which such information will be maintained by the cable operator, satellite carrier, or distributor;

"(4) the times and place at which the subscriber may have access to such information in accordance with subsection (d); and

"(5) the limitations provided by this section with respect to the collection and disclosure of information by the cable operator, satellite carrier, or distributor and the right of the subscriber under this section to enforce such limitations.

"(b) COLLECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor shall not use its cable or satellite system to collect personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber.

"(2) EXCEPTION.—A cable operator, satellite carrier, or distributor may use its cable or satellite system to collect information described in paragraph (1) in order to—

"(A) obtain information necessary to render a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber; or

"(B) detect unauthorized reception of cable or satellite communications.

"(c) DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION.—

"(1) IN GENERAL.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor may not disclose personally identifiable information concerning any subscriber without the prior written or electronic consent of the subscriber and shall take such actions as are necessary to prevent unauthorized access to such information by a person other than the subscriber or the cable operator, satellite carrier, or distributor.

"(2) EXCEPTIONS.—A cable operator, satellite carrier, or distributor may disclose information described in paragraph (1) if the disclosure is—

"(A) necessary to render, or conduct a legitimate business activity related to, a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor to the subscriber;

"(B) subject to paragraph (3), made pursuant to a court order authorizing such disclosure, if the subscriber is notified of such order by the person to whom the order is directed; or

"(C) a disclosure of the names and addresses of subscribers to any other provider of cable or satellite service or other service, if—

"(i) the cable operator, satellite carrier, or distributor has provided the subscriber the opportunity to prohibit or limit such disclosure; and

"(ii) the disclosure does not reveal, directly or indirectly—

"(I) the extent of any viewing or other use by the subscriber of a cable or satellite service or other service provided by the cable operator, satellite carrier, or distributor; or

"(II) the nature of any transaction made by the subscriber over the cable or satellite system of the cable operator, satellite carrier, or distributor.

"(3) COURT ORDERS.—A governmental entity may obtain personally identifiable information concerning a cable or satellite subscriber pursuant to a court order only if, in the court proceeding relevant to such court order—

"(A) such entity offers clear and convincing evidence that the subject of the information is reasonably suspected of engaging in criminal activity and that the information sought would be material evidence in the case; and

"(B) the subject of the information is afforded the opportunity to appear and contest such entity's claim.

"(d) Subscriber Access to Information.—A cable or satellite subscriber shall be provided access to all personally identifiable information regarding that subscriber that is collected and maintained by a cable operator, satellite carrier, or distributor. Such information shall be made available to the subscriber at reasonable times and at a convenient place designated by such cable operator, satellite carrier, or distributor. A cable or satellite subscriber shall be provided reasonable opportunity to correct any error in such information.

"(e) Destruction of Information.—A cable operator, satellite carrier, or distributor shall destroy personally identifiable information if the information is no longer necessary for the purpose for which it was collected and there are no pending requests or orders for access to such information under subsection (d) or pursuant to a court order.

"(f) Relief.—

"(1) In general.—Any person aggrieved by any act of a cable operator, satellite carrier, or distributor in violation of this section may bring a civil action in a district court of the United States.

"(2) Damages and costs.—In any action brought under paragraph (1), the court may award a prevailing plaintiff—

"(A) actual damages but not less than liquidated damages computed at the rate of $100 a day for each day of violation or $1,000, whichever is greater;

"(B) punitive damages; and

"(C) reasonable attorneys' fees and other litigation costs reasonably incurred.

"(3) No effect on other remedies.—The remedy provided by this subsection shall be in addition to any other remedy available under any provision of law to a cable or satellite subscriber.

"(g) Definitions.—In this section:

"(1) Distributor.—The term 'distributor' means an entity that contracts to distribute secondary transmissions from a satellite carrier and, either as a single channel or in a package with other programming, provides the secondary transmission either directly to individual subscribers for private home viewing or indirectly through other program distribution entities.

"(2) Cable operator.—

"(A) In general.—The term 'cable operator' has the meaning given that term in section 602.

"(B) Inclusion.—The term includes any person who—

"(i) is owned or controlled by, or under common ownership or control with, a cable operator; and

"(ii) provides any wire or radio communications service.

"(3) Other service.—The term 'other service' includes any wire, electronic, or radio communications service provided using any of the facilities of a cable operator, satellite carrier, or distributor that are used in the provision of cable service or satellite home viewing service.

"(4) Personally identifiable information.—The term 'personally identifiable information' does not include any record of aggregate data that does not identify particular persons.

"(5) Satellite carrier.—The term 'satellite carrier' means an entity that uses the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operates in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of the Code of Federal Regulations, to establish and operate a channel of communications for point-to-multipoint distribution of television station signals, and that owns or leases a capacity or service on a satellite in order to provide such point-to-multipoint distribution, except to the extent that such entity provides such distribution pursuant to tariff under the Communications Act of 1934, other than for private home viewing.".

(b) Notice With Respect to Certain Agreements.—

(1) In general.—Except as provided in paragraph (2), a cable operator, satellite carrier, or distributor who has entered into agreements referred to in section 631(a) of the Communications Act of 1934, as amended by subsection (a), before the date of enactment of this Act, shall provide any notice required under that section, as so amended, to subscribers under such agreements not later than 180 days after that date.

(2) Exception.—Paragraph (1) shall not apply with respect to any agreement under which a cable operator, satellite carrier, or distributor was providing notice under section 631(a) of the Communications Act of 1934, as in effect on the day before the date of enactment of this Act, as of such date.

### SEC. 402. CUSTOMER PROPRIETARY NETWORK INFORMATION.

Section 222 (e)(1) of the Communications Act of 1934 (47 U.S.C. 222 (c)(1)) is amended by striking "approval" and inserting "express prior authorization".

## TITLE V—RULEMAKING AND STUDIES

### SEC. 501. FEDERAL TRADE COMMISSION EXAMINATION.

(a) Proceeding Required.—The Federal Trade Commission shall—

(1) study consumer privacy issues in the traditional, offline marketplace, including whether—

(A) consumers are able, and, if not, the methods by which consumers may be enabled—

(i) to have knowledge that consumer information is being collected about them through their utilization of various offline services and systems;

(ii) to have clear and conspicuous notice that such information could be used, or is intended to be used, by the entity collecting the data for reasons unrelated to the original communications, or that such information could be sold, rented, shared, or otherwise disclosed (or is intended to be sold rented, shared, or otherwise disclosed) to other companies or entities; and

(iii) to stop the reuse, disclosure, or sale of that information;

(B) in the case of consumers who are children, the abilities described in clauses (i), (ii), and (iii) of subparagraph (A) are or can be exercised by their parents; and

(C) changes in the Commission's regulations could provide greater assurance of the offline privacy rights and remedies of parents and consumers generally;

(2) review responses and suggestions from affected commercial and nonprofit entities to changes proposed under paragraph (1)(C); and

(3) make recommendations to the Congress for any legislative changes necessary to ensure such rights and remedies.

(b) Schedule for Federal Trade Commission Responses.—The Federal Trade Commission shall, within 6 months after the date of enactment of this Act, submit to Congress a report containing the recommendations required by subsection (a)(3).

### SEC. 502. FEDERAL COMMUNICATIONS COMMISSION RULEMAKING.

(a) Proceeding Required.—The Federal Communications Commission shall initiate a rulemaking proceeding to establish uniform consumer privacy rules for all communications providers. The rulemaking proceeding shall—

(1) examine the privacy rights and remedies of the consumers of all online and offline technologies, including telecommunications providers, cable, broadcast, satellite, wireless, and telephony services;

(2) determine whether consumers are able, and, if not, the methods by which consumers may be enabled to exercise such rights and remedies; and

(3) change the Commission's regulations to coordinate, rationalize, and harmonize laws and regulations administered by the Commission that relate to those rights and remedies.

(b) Deadline for Changes.—The Federal Communications Commission shall complete the rulemaking within 6 months after the date of enactment of this Act.

### SEC. 503. DEPARTMENT OF LABOR STUDY OF EMPLOYEE-MONITORING ACTIVITIES.

The Secretary of Labor shall study the extent and nature of employer practices that involving monitoring employee activities both at the workplace and away from the workplace, by electronic or other remote means, including surveillance of electronic mail and Internet use, to determine whether and to what extent such practices constitute an inappropriate violation of employee privacy. The Secretary shall report the results of the study, including findings and recommendations, if any, for legislation or regulation to the Congress within 6 months after the date of enactment of this Act.

## TITLE VI—PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION IN BANKRUPTCY

### SEC. 601. PERSONALLY IDENTIFIABLE INFORMATION NOT ASSET IN BANKRUPTCY.

Section 541(b) of title 11, United States Code, is amended—

(1) by striking "or" after the semicolon in paragraph (4)(B)(ii);

(2) by striking "prohibition." in paragraph (5) and inserting "prohibition; or"; and

(3) by inserting after paragraph (5) the following:

"(6) any personally identifiable information (as defined in section 901(6) of the Consumer Privacy Protection Act), or any compilation, or record (in electronic or any other form) of such information.".

## TITLE VII—INTERNET SECURITY INITIATIVES

### SEC. 701. FINDINGS.

The Congress finds the following:

(1) Good computer security practices are an underpinning of any privacy protection. The operator of a computer system should protect that system from unauthorized use and secure any private, personal information.

(2) The Federal Government should be a role model in securing its computer systems and should ensure the protection of private, personal information controlled by Federal agencies.

(3) The National Institute of Standards and Technology has the responsibility for developing standards and guidelines needed to ensure the cost-effective security and privacy of private, personal information in Federal computer systems.

(4) This Nation faces a shortage of trained, qualified information technology workers,

including computer security professionals. As the demand for information technology workers grows, the Federal government will have an increasingly difficult time attracting such workers into the Federal workforce.

(5) Some commercial off-the-shelf hardware and off-the-shelf software components to protect computer systems are widely available. There is still a need for long-term computer security research, particularly in the area of infrastructure protection.

(6) The Nation's information infrastructures are owned, for the most part, by the private sector, and partnerships and cooperation will be needed for the security of these infrastructures.

(7) There is little financial incentive for private companies to enhance the security of the Internet and other infrastructures as a whole. The Federal government will need to make investments in this area to address issues and concerns not addressed by the private sector.

### SEC. 702. COMPUTER SECURITY PARTNERSHIP COUNCIL.

(a) ESTABLISHMENT.—The Secretary of Commerce, in consultation with the President's Information Technology Advisory Committee established by Executive Order No. 13035 of February 11, 1997 (62 F.R. 7231), shall establish a 25-member Computer Security Partnership Council.

(b) CHAIRMAN; MEMBERSHIP.—The Council shall have a chairman, appointed by the Secretary, and 24 additional members, appointed by the Secretary as follows:

(1) 5 members, who are not officers or employees of the United States, who are recognized as leaders in the networking and computer security business, at least 1 of whom represents a small or medium-sized company.

(2) 5 members, who are—

(A) not officers or employees of the United States, and

(B) not in the networking and computer security business,

at least 1 of whom represents a small or medium-sized company.

(3) 5 members, who are not officers or employees of the United States, who represent public interest groups or State or local governments, of whom at least 2 represent such groups and at least 2 represent such governments.

(4) 5 members, who are not officers or employees of the United States, affiliated with a college, university, or other academic, research-oriented, or public policy institution, with recognized expertise in the field of networking and computer security, whose primary source of employment is by that college, university, or other institution rather than a business organization involved in the networking and computer security business.

(5) 4 members, who are officers or employees of the United States, with recognized expertise in computer systems management, including computer and network security.

(c) FUNCTION.—The Council shall collect and share information about, and increase public awareness of, information security practices and programs, threats to information security, and responses to those threats.

(d) STUDY.—Within 12 months after the date of enactment of this Act, the Council shall publish a report which evaluates and describes areas of computer security research and development that are not adequately developed or funded.

(e) ADDITIONAL RECOMMENDATIONS.—The Council shall periodically make recommendations to appropriate government and private sector entities for enhancing the security of networked computers operated or maintained by those entities.

### SEC. 703. RESEARCH AND DEVELOPMENT.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3) is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) RESEARCH AND DEVELOPMENT OF PROTECTION TECHNOLOGIES.—

"(1) IN GENERAL.—The Institute shall establish a program at the National Institute of Standards and Technology to conduct, or to fund the conduct of, research and development of technology and techniques to provide security for advanced communications and computing systems and networks including the Next Generation Internet, the underlying structure of the Internet, and networked computers.

"(2) PURPOSE.—A purpose of the program established under paragraph (1) is to address issues or problems that are not addressed by market-driven, private-sector information security research. This may include research—

"(A) to identify Internet security problems which are not adequately addressed by current security technologies;

"(B) to develop interactive tools to analyze security risks in an easy-to-understand manner;

"(C) to enhance the security and reliability of the underlying Internet infrastructure while minimizing any adverse operational impacts such as speed; and

"(D) to allow networks to become self-healing and provide for better analysis of the state of Internet and infrastructure operations and security.

"(3) MATCHING GRANTS.—A grant awarded by the Institute under the program established under paragraph (1) to a commercial enterprise may not exceed 50 percent of the cost of the project to be funded by the grant.

"'(4) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Institute to carry out this subsection—

"(A) $50,000,000 for fiscal year 2001;

"(B) $60,000,000 for fiscal year 2002;

"(C) $70,000,000 for fiscal year 2003;

"(D) $80,000,000 for fiscal year 2004;

"(E) $90,000,000 for fiscal year 2005; and

"(F) $100,000,000 for fiscal year 2006.".

### SEC. 704. COMPUTER SECURITY TRAINING PROGRAMS.

(a) IN GENERAL.—The Secretary of Commerce, in consultation with appropriate Federal agencies, shall establish a program to support the training of individuals in computer security, Internet security, and related fields at institutions of higher education located in the United States.

(b) SUPPORT AUTHORIZED.—Under the program established under subsection (a), the Secretary may provide scholarships, loans, and other forms of financial aid to students at institutions of higher education. The Secretary shall require a recipient of a scholarship under this program to provide a reasonable period of service as an employee of the United States government after graduation as a condition of the scholarship, and may authorize full or partial forgiveness of indebtedness for loans made under this program in exchange for periods of employment by the United States government.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary to carry out this section—

(A) $15,000,000 for fiscal year 2001;

(B) $17,000,000 for fiscal year 2002;

(C) $20,000,000 for fiscal year 2003;

(D) $25,000,000 for fiscal year 2004;

(E) $30,000,000 for fiscal year 2005; and

(F) $35,000,000 for fiscal year 2006.

### SEC. 705. GOVERNMENT INFORMATION SECURITY STANDARDS.

(a) IN GENERAL.—Section 20(b) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(b)) is amended—

(1) by striking "and" after the semicolon in paragraph (4);

(2) by redesignating paragraph (5) as paragraph (6); and

(3) by inserting after paragraph (4) the following:

"(5) to provide guidance and assistance to Federal agencies in the protection of interconnected computer systems and to coordinate Federal response efforts related to unauthorized access to Federal computer systems; and".

(b) FEDERAL COMPUTER SYSTEM SECURITY TRAINING.—Section 5(b) of the Computer Security Act of 1987 (49 U.S.C. 759 note) is amended—

(1) by striking "and" at the end of paragraph (1);

(2) by striking the period at the end of paragraph (2) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following new paragraph:

"(3) to include emphasis on protecting the availability of Federal electronic citizen services and protecting sensitive information in Federal databases and Federal computer sites that are accessible through public networks.".

### SEC. 706. RECOGNITION OF QUALITY IN COMPUTER SECURITY PRACTICES.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by section 703, is further amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c), the following:

"(d) AWARD PROGRAM.—The Institute may establish a program for the recognition of excellence in Federal computer system security practices, including the development of a seal, symbol, mark, or logo that could be displayed on the website maintained by the operator of such a system recognized under the program. In order to be recognized under the program, the operator—

"(1) shall have implemented exemplary processes for the protection of its systems and the information stored on that system;

"(2) shall have met any standard established under subsection (a);

"(3) shall have a process in place for updating the system security procedures; and

"(4) shall meet such other criteria as the Institute may require.".

### SEC. 707. DEVELOPMENT OF AUTOMATED PRIVACY CONTROLS.

Section 20 of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3), as amended by section 706, is further amended—

(1) by redesignating subsection (f) as subsection (g); and

(2) by inserting after subsection (e) the following:

"(f) DEVELOPMENT OF INTERNET PRIVACY PROGRAM.—The Institute shall encourage and support the development of one or more computer programs, protocols, or other software, such as the World Wide Web Consortium's P3P program, capable of being installed on computers, or computer networks, with Internet access that would reflect the user's preferences for protecting personally-identifiable or other sensitive, privacy-related information, and automatically execute the program, once activated, without requiring user intervention.".

## TITLE VIII—CONGRESSIONAL INFORMATION SECURITY STANDARDS.

### SEC. 801. EXERCISE OF RULEMAKING POWER.

This title is enacted by the Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to that House; and it supersedes other rules only to the extent that it are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

### SEC. 802. SENATE.

(a) In General.—The Sergeant at Arms of the United States Senate shall develop regulations setting forth an information security and electronic privacy policy governing use of the Internet by officers and employees of the Senate in accordance with the following 4 principles of privacy:

(1) Notice and awareness.—Websites must provide users notice of their information practices.

(2) Choices and consent.—Websites must offer users choices as to how personally identifiable information is used beyond the use for which the information was provided.

(3) Access and participation.—Websites must offer users reasonable access to personally identifiable information and an opportunity to correct inaccuracies.

(4) Security and integrity.—Websites must take reasonable steps to protect the security and integrity of personally identifiable information.

(b) Procedure.—

(1) Proposal.—The Sergeant at Arms shall publish a general notice of proposed rulemaking under section 553(b) of title 5, United States Code, but, instead of publication of a general notice of proposed rulemaking in the Federal Register, the Sergeant at Arms shall transmit such notice to the President pro tempore of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal. Such notice shall set forth the recommendations of the Sergeant at Arms for regulations under subsection (a).

(2) Comment.—Before adopting regulations, the Sergeant at Arms shall provide a comment period of at least 30 days after publication of general notice of proposed rulemaking.

(3) Adoption.—After considering comments, the Sergeant at Arms shall adopt regulations and shall transmit notice of such action together with a copy of such regulations to the President pro tempore of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal.

(c) Approval of Regulations.—

(1) In general.—The regulations adopted by the Sergeant at Arms may be approved by the Senate by resolution.

(2) Referral.—Upon receipt of a notice of adoption of regulations under subsection (b)(3), the presiding officers of the Senate shall refer such notice, together with a copy of such regulations, to the Committee on Rules and Administration of the Senate. The purpose of the referral shall be to consider whether such regulations should be approved.

(3) Joint referral and discharge.—The presiding officer of the Senate may refer the notice of issuance of regulations, or any resolution of approval of regulations, to one committee or jointly to more than one committee. If a committee of the Senate acts to report a jointly referred measure, any other committee of the Senate must act within 30 calendar days of continuous session, or be automatically discharged.

(4) Resolution of approval.—In the case of a resolution of the Senate, the matter after the resolving clause shall be the following: "the following regulations issued by the Sergeant at Arms on ——— ——, 2——— are hereby approved:" (the blank spaces being appropriately filled in and the text of the regulations being set forth).

(d) Issuance and Effective Date.—

(1) Publication.—After approval of the regulations under subsection (c), the Sergeant at Arms shall submit the regulations to the President pro tempore of the Senate for publication in the Congressional Record on the first day on which the Senate is in session following such transmittal.

(2) Date of issuance.—The date of issuance of the regulations shall be the date on which they are published in the Congressional Record under paragraph (1).

(3) Effective date.—The regulations shall become effective not less than 60 days after the regulations are issued, except that the Sergeant at Arms may provide for an earlier effective date for good cause found (within the meaning of section 553(d)(3) of title 5, United States Code) and published with the regulation.

(e) Amendment of Regulations.—Regulations may be amended in the same manner as is described in this section for the adoption, approval, and issuance of regulations, except that the Sergeant at Arms may dispense with publication of a general notice of proposed rulemaking of minor, technical, or urgent amendments that satisfy the criteria for dispensing with publication of such notice pursuant to section 553(b)(B) of title 5, United States Code.

(f) Right to Petition for Rulemaking.—Any interested party may petition to the Sergeant at Arms for the issuance, amendment, or repeal of a regulation.

## TITLE IX—DEFINITIONS

### SEC. 901. DEFINITIONS.

In this Act:

(1) Operator of a commercial website.—The term "operator of a commercial website"—

(A) means any person who operates a website located on the Internet or an online service and who collects or maintains personal information from or about the users of or visitors to such website or online service, or on whose behalf such information is collected or maintained, where such website or online service is operated for commercial purposes, including any person offering products or services for sale through that website or online service, involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; but

(B) does not include any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45).

(2) Disclose.—The term "disclose" means the release of personally identifiable information about a user of an Internet service, online service, or commercial website by an Internet service provider, online service provider, or operator of a commercial website for any purpose, except where such information is provided to a person who provides support for the internal operations of the service or website and who does not disclose or use that information for any other purpose.

(3) Release.—The term "release of personally identifiable information" means the direct or indirect, active or passive, sharing, selling, renting, or other provision of personally identifiable information of a user of an Internet service, online service, or commercial website to any other person other than the user.

(4) Internal operations support.—The term "support for the internal operations of a service or website" means any activity necessary to maintain the technical functionality of that service or website.

(5) Collect.—The term "collect" means the gathering of personally identifiable information about a user of an Internal service, online service, or commercial website by or on behalf of the provider or operator of that service or website by any means, direct or indirect, active or passive, including—

(A) an online request for such information by the provider or operator, regardless of how the information is transmitted to the provider or operator;

(B) the use of a chat room, message board, or other online service to gather the information; or

(C) tracking or use of any identifying code linked to a user of such a service or website, including the use of cookies.

(3) Cookie.—The term "cookie" means any program, function, or device, commonly known as a "cookie", that makes a record on the user's computer (or other electronic device) of that user's access to an Internet service, online service, or commercial website.

(4) Federal agency.—The term "Federal agency" means an agency, as that term is defined in section 551(1) of title 5, United States Code.

(5) Internet.—The term "Internet" means collectively the myriad of computer and telecommunications facilities, including equipment and operating software, which comprise the interconnected world-wide network of networks that employ the Transmission Control Protocol/Internet Protocol, or any predecessor or successor protocols to such protocol, to communicate information of all kinds by wire or radio.

(6) Personally identifiable information.—The term "personally identifiable information" means individually identifiable information about an individual collected online, including—

(A) a first and last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a Social Security number;

(F) a credit card number;

(G) a birth date, birth certificate number, or place of birth;

(H) any other identifier that the Commission determines permits the physical or online contacting of a specific individual; or

(I) unique identifying information that an Internet service provider, online service provider, or operator of a commercial website collects and combines with an identifier described in this paragraph.

(7) INTERNET SERVICE PROVIDER; ONLINE SERVICE PROVIDER; WEBSITE.—The Commission shall by rule define the terms "Internet service provider", "online service provider", and "website", and shall revise or amend such rule to take into account changes in technology, practice, or procedure with respect to the collection of personal information over the Internet.

(8) OFFLINE.—The term "offline" refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that occurs other than by or through the active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

(9) ONLINE.—The term "online" refers to any activity regulated by this Act or by section 2710 of title 18, United States Code, that is effected by active or passive use of an Internet connection, regardless of the medium by or through which that connection is established.

Mr. EDWARDS. Mr. President, Big Browser is watching you. Almost every time, you or I or an American consumer surfs the Internet, someone is tracking our movements. And someone is compiling a databank of information about our preferences and could even be profiling us.

Maybe they're doing it to make our experience better. Most of the time, they probably are. But too often we are being profiled for profit, and at the expense of privacy.

I am proud to co-sponsor Senator HOLLINGS' legislation, the Consumer Privacy Protection Act, that would help consumers gain control of their most personal information. I believe that the measure we introduce today is a step in the right direction. It strikes the right balance. Privacy is protected, while critical elements of the information revolution are preserved. Consumer confidence in the Internet is bolstered, while businesses will not be overburdened by the requirements.

We can enjoy the convenience of online shopping and allow e-commerce to thrive without putting profits over privacy. Consumers, not dot.com companies, should control the use of confidential information about buying habits, credit card records and other personal information.

Mr. President, the time to act is now. If not, we may wake up one day to find our privacy so thoroughly eroded that recovering it will be almost impossible.

No one denies that the rapid development of modern technology has been beneficial. New and improved technologies have enabled us to obtain information more quickly and easily than ever before. Students can participate in classes that are being taught in other states, or even in other countries. Almost no product or piece of information is beyond the reach of Americans anymore. A farmer in Sampson County, North Carolina can go on the Internet and compare prices for anything he needs to run his business. Or he can look up critical weather information on the Internet. Or he can just order a hard-to-get book. Meanwhile, companies have streamlined their processes for providing goods and services.

But these remarkable developments can have a startling downside. They have made it easier to track personal information such as medical and financial records and buying habits. They have made it profitable to do so. And in turn, our ability to keep our personal information private is being eaten away.

The impact of this erosion ranges from the merely annoying—having your mailbox flooded with junkmail—to the actually frightening—having your identity stolen or being turned down for a loan because your bank got copies of your medical records. There are thousands of ways that the loss of our privacy can impact us. Many of them are intangible—just the discomfort of knowing that complete strangers can find out everything about you: where you shop, what books you buy, whether you have allergies, and what your credit rating is. These strangers may not do anything bad with the information, but they know all about you. I think privacy is a value per se. Our founding fathers recognized it, and so too do most Americans.

"Liberty in the constitutional sense," wrote Justice William O. Douglas, "must mean more than freedom from unlawful governmental restraint; it must include privacy as well, if it is to be a repository of freedom. The right to be let alone is indeed the beginning of all freedom."

Recent surveys indicate that the American public is increasingly uneasy about the degradation of their privacy. In a recent Business Week poll, 92 percent of Internet users expressed discomfort about Web sites sharing personal information with other sites. Meanwhile, an FTC report issued yesterday indicated that only 42 percent of the most popular Internet sites comply with the four key fair information practices—notice about what data is collected, consumer choice about whether the data will be shared with third-parties, consumer access to the data, and security regarding the transmission of data.

We must be vigilant that our privacy does not become a commodity to be bought and sold.

I would also like to point out one area of privacy protection that I have been deeply interested in. Last November, I introduced the Telephone Call Privacy Act. My bill would prevent telecommunications companies from using an individual's personal phone call records without their consent. Most Americans would be stunned to learn that the law does not protect them from having their phone records sold to third parties. Imagine getting a call one night—during dinner—and having a telemarketer try to sell you membership in a travel club because your phone calling patterns show frequent calls overseas. My legislation would prevent this from occurring without the individuals's permission.

This measure we introduce today also contains a provision relating to telephone privacy. It differs in at least one key respect from the legislation I previously introduced, but my hope is that as we discuss this issue over time, the differences will be resolved.

Mr. President, let me conclude by thanking Senators HOLLINGS and LEAHY for their leadership on this vital issue. Senator HOLLINGS has crafted the comprehensive and thoughtful proposal that we introduce today. Senator LEAHY has led a coalition of Senators interested in this issue. I look forward to working with them and my other colleagues in passing this measure.

Mr. CLELAND. Mr. President, the information highway began just a few years ago as a footpath and is now an unlimited lane expressway with no rush hour. People can now use the Internet to shop at virtual stores located thousands of miles away, find turn-by-turn directions to far away destinations and journey to hamlets, cities and states across the country—and indeed around the world—without ever leaving home.

While the virtual world is available to us with a few key strokes and mouse clicks, there is one area of the Internet that many are finding troublesome. It is the collection and use of personnel data. All too often web surfers are providing personal information about themselves at the websites they visit, without their knowledge and consent. There is so much information being collected every day that it would take a building the size of the Library of Congress to store it all in. That is a lot of information, much of which is very personal and I believe it must be kept that way.

Concern about one's privacy on the Internet is keeping people from fully enjoying this marvelous technology. According to a recent survey by the Center for Democracy & Technology, consumers' most pressing privacy issues are the sale of personal information and tracking people's use of the Web. In another recent survey, 66.7 percent of online "window shoppers" state that assurances of privacy will be the basis for their making online purchases. These surveys make the same point that was made when credit cards were first introduced to the American public. Back then, credit cards did not initially enjoy widespread usage because of a fear that others could misuse the card. From these studies' findings it can be reasoned that the Internet is experiencing the same effects because of privacy concerns. These concerns are translating into lost opportunity, for consumers as well as electronic businesses.

Most of the Dot Com companies doing business over the Internet today are very cognizant of the fact that privacy is a major concern for their customers. Many of these firms allow visitors to their web site to "opt out," or elect not to provide data they consider private and do not wish to give. A Federal Trade Commission May 2000 Report to Congress found that 92 percent of a random sampling of websites were collecting great amounts of personal information from consumers and only 14% disclosed anything about how the information would be used. More interesting in this report was the finding that a mere 41% of the randomly selected websites notified the visitor of their information practices and offered the visitor choices on how their personal identifying information would be used. These report findings seem to suggest that industry efforts by themselves are not sufficient to control the gathering and dissemination of personal data.

There are some Dot Coms that are not concerned about the privacy of their customers. These firms are successfully collecting enormous amounts of data about a person and in turn sell it to others or use it to intensify the advertising aimed at that person. At one website visit, a company can collect some very interesting facts about the person who is on the other end. While surfing the web the other day, I hit on a website that was designed to provide me with information about my PC. The report the site provided opened my eyes about the types of information that could be obtained from a website visitor in less one minute. In this small amount of time it could tell what other sites I had visited, what sites I would likely visit in the future, what plug-ins are installed on my PC, how my domain is configured and a whole lot more information that I did not understand. Many consider this type of tracking capability akin to stalking. I believe that the information that can be collected by website administrators can create problems for people through a violation of trust and an invasion of privacy. Novice Internet users are generally unaware, as I was until visiting this site, of the extent of the information being collected on them. Even those who are aware of the capabilities of firms to collect private data are frightened by what can happen with the information once it is collected.

I am proud to be cosponsoring the Consumer Privacy Protection Act of 2000 that was introduced today by Senator HOLLINGS. This Act will legitimize the practices currently being used by many reputable firms who are collecting private data. Does it seem unreasonable that firms collecting private data should notify consumers of the firm's information practices, offer the consumer choices on how the personal information will be used, allow consumers to access the information that is collected on them and require the firms to take reasonable steps to protect the security of the information that is collected? I think not. Firms like Georgia-based VerticalOne are already performing under standards very similar to these. I believe that all firms should be held to the same standard and that a level playing field should be established for every firm that is collecting data. Taking these actions will translate into greater consumer confidence in the Internet.

Increasing the level of protection for private information to a level that the people of our nation can live with should be a welcome relief to those firms already providing fair privacy treatment of their site visitors. This Act certainly will be a relief to the people who are visiting their sites. Passing this Consumer Privacy Protection Act will help prevent confusion by establishing a common set of standards for all firms to follow and all Americans to enjoy.

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By Mr. WYDEN:

S. 2607. A bill to promote pain management and palliative care without permitting assisted suicide euthanasia, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### PAIN RELIEF PROMOTION ACT

• Mr. WYDEN. Mr. President, today I am introducing legislation which was actually authored by Senators NICKLES and HATCH, and which they have entitled the "Pain Relief Promotion Act." Their bill which I am now introducing is identical to H.R. 2260 as reported out of the Judiciary Committee on April 27, 2000, as amended. Today, it has been referred by the Senate Parliamentarian to the Committee on Health, Education, Labor, and Pensions (HELP).

While I remain steadfastly opposed to the "Pain Relief Promotion Act of 2000," I am introducing this bill for one reason: to call the Senate's attention to the fact that a far-reaching health policy bill—which many experts believe has the potential to sentence millions of sick and dying patients across the nation to needless pain and suffering—was mistakenly referred to a committee with insufficient health policy resources and no health policy jurisdiction. It is that bill which the Judiciary Committee reported and which, without consideration by the committee with health expertise, the Republican leadership wants to bring to the floor. The unintended consequence of this could be the tragic decline of the quality of pain care across our nation.

Some historical context might help my colleagues and their staff better understand how the Senate finds itself in this unfortunate situation, and the important issues that are at stake. On two separate occasions, the State of Oregon passed a ballot measure that would allow terminally ill persons, with less than six months left to live, to obtain a physician-assisted suicide if they met a variety of safeguard requirements. As a private citizen, I voted twice with the minority of my state in opposition to that measure.

In response to Oregon's vote, several of our congressional colleagues, including Senator NICKLES, Senator LIEBERMAN, and Congressman HENRY HYDE, promptly undertook legislative and other efforts to overturn Oregon's law. I do not, for the purposes of today, debate the merits of the Oregon law, or the merits of physician-assisted suicide, generally.

The original "Pain Relief Promotion Act," S. 1272, was introduced in the Senate by Senator NICKLES, and referred to the Committee on Health, Education, Labor, and Pensions (HELP) on June 23, 1999. That committee held one inconclusive hearing on October 13, 1999, at which time it was reported that Senators on both sides of the aisle wished to investigate the matter more thoroughly before acting on the legislation.

Then, on November 19, 1999, Bob Dove, the Senate Parliamentarian, made what he termed "a mistake" when he referred H.R. 2260— the virtually identical House-passed version of the "Pain Relief Promotion Act"— to the Senate Judiciary Committee. Over the course of my service in the Senate, I have come to know Mr. Dove to be a man of integrity and fairness, and one of the most dedicated and enduring public servants in Washington, D.C. When he discovered his mistake, to his great credit, Mr. Dove did something all-too-rare in this town; he simply acknowledged his error. According to an article by the Associated Press on December 7, 1999, Mr. Dove stated plainly that he had mistakenly referred the bill to the Judiciary Committee, instead of the HELP Committee.

Lord knows I've made a few mistakes in my day, so I want to make clear that I harbor nothing but respect for Mr. Dove, and that I do not for one second question Mr. Dove's motives. But the mistake made on November 19, 1999, if left uncorrected, threatens unspeakably negative and long-lasting consequences for the future of health care in this nation.

The jurisdiction of the HELP Committee over the "Pain Relief Promotion Act" is clear. The Senate Manual describes the jurisdiction of this committee as including "measures relating to education, labor, health, and public welfare". The Senate Manual also describes the HELP Committee as having jurisdiction over aging, biomedical research and development, handicapped individuals, occupational safety and health, and public health.

According to the Senate Manual, the jurisdiction of the Judiciary Committee includes bankruptcy, mutiny, espionage, counterfeiting, civil liberties, constitutional amendments, federal courts and judges, government information, holidays and celebrations, immigration and naturalization, interstate compacts generally, judicial proceedings, local courts in territories and possessions, measures relating to claims against the United States, national penitentiaries, patent office, patents, copyrights trademarks, protection of trade and commerce against unlawful restraints and monopolies, revision and codification of the statutes of the United States, and state and territorial boundary lines.

The committee jurisdiction is not a close call, in this case. As the Senate's leading expert on jurisdiction has now demonstrated, this bill is fundamentally an issue of medical practice, which clearly is within the jurisdiction of the HELP Committee.

Congress has heard conflicting messages from respected medical experts on both sides of this debate about whether the "Pain Relief Promotion Act" may, in fact, have a chilling effect on physicians' pain management, thus actually increasing suffering at the end of life. Under the legislation, federal, state, and local law enforcement could receive training to begin scrutinizing physicians' end-of-life care. Many believe that the legislation sends the wrong signal to physicians and others caring for those who are dying, noting the disparity between the $5 million allotted for training in palliative care and the $80 million potentially available for law enforcement activities.

In addition, there is considerable concern that this legislation puts into statute perceptions about pain medication that the scientific world has been trying to change. Physicians often believe that the aggressive use of certain pain medications, such as morphine, will hasten death. Recent scientific studies show this is not the case. Dr. Kathleen M. Foley, Attending Neurologist in the Pain and Palliative Care Service at Memorial Sloan-Kettering Cancer Center and Professor of Neurology, Neuroscience and Clinical Pharmacology at the Cornell University, had this to say about the Nickles-Hatch legislation, "In short, the underpinnings of this legislation are not based on scientific evidence. It would be unwise to institutionalize the myth into law that pain medications hasten death."

Renowned medical ethicist, and Director of the Center for Bioethics at the University of Pennsylvania, Arthur L. Caplan, Ph.D., also appeared before the Senate Judiciary Committee on April 25, 2000. He testified that: "Doctors and nurses may not always fully understand what the law permits or does not, but when the issue requires an assessment of intent in an area as fraught with nuances and pitfalls as end of life care then I believe that this legislation will scare many doctors and nurses and administrators into inaction in the face of pain."

Dr. Scott Fishman, the Chief of the Division of Pain Medicine and Associate Professor of Anesthesiology at the University of California Davis School of Medicine wrote of the Hatch substitute: "It is ironic that the 'Hatch substitute', which seeks to prevent physician assisted suicide, will ultimately impair one of the truly effective counters to physician assisted suicide, which is swift and effective pain medicine."

Dr. Foley, who also assisted the Institute of Medicine committee that wrote the report "Approaching Death," further testified that, "The Pain Relief Promotion Act, by expanding the authority of the Controlled Substances Act, will disturb the balance that we have worked so hard to create. Physician surveys by the New York State Department of Health have shown that a strict regulatory environment negatively impacts physician prescribing practices and leads them to intentionally undertreat patients with pain because of concern of regulatory oversight."

The New England Journal of Medicine editorialized against these legislative approaches to overturning Oregon's law out of concern for its impacts on pain management nationwide, saying: "Many doctors are concerned about the scrutiny they invite when they prescribe or administer controlled substances and they are hypersensitive to 'drug-seeking behavior' in patients. Patients, as well as doctors, often have exaggerated fears of addiction and the side effects of narcotics. Congress could make this bad situation worse."

It is worth noting that many people and organizations with expertise in pain management and palliative care are both opposed to physician assisted suicide and opposed to the Nickles-Hatch bill. There are over thirty organizations representing doctors, pharmacists, nurses, and patients who oppose the legislation, including: American Academy of Family Physicians; American Academy of Hospice and Palliative Medicine, American Academy of Pharmaceutical Physicians; American Geriatrics Society, American Nurses Association; American Pain Foundation; American Pharmaceutical Association; American Society for Action on Pain; American Society of Health-System Pharmacists; American Society of Pain Management Nurses; College on Problems of Drug Dependence; Hospice and Palliative Nurses Association; National Foundation for the Treatment of Pain; Oncology Nursing Society; Society of General Internal Medicine; Triumph over Pain Foundation; California Medical Association; Massachusetts Medical Society; North Carolina Medical Society; Oregon Medical Association; Rhode Island Medical Association; San Francisco Medical Society; Indiana State Hospice and Palliative Care Association; Hospice Federation of Massachusetts; Kansas Association of Hospices; Maine Hospice Council; Maine Consortium of Palliative Care and Hospice; Missouri Hospice and Palliative Care Association; New Hampshire State Hospice Organization; New Jersey Hospice and Palliative Care Organization; New York State Hospice Organization; and, Oregon Hospice Association.

Physician-assisted suicide is not a cry for help from people experiencing the failure of patents, copyrights and trademarks. Physician-assisted suicide is a cry for help from people who, in many cases, are experiencing a failure in the health system. And those failures occur across our nation; not just in Oregon. In one study reported in the August 12, 1998, issue of JAMA, over 15 percent of oncologists admitted to participating in physician-assisted suicide or euthanasia. The February 1997 New England Journal of Medicine published a report finding that 53 percent of physicians in a large, San Francisco-based AIDS treatment consortium admitted assisting in a suicide at least once. Personally, I am troubled and saddened that so many of our loved ones are so dissatisfied with their end-of-life options that they seek physician-assisted suicide, instead.

Whether or not this Congress decides to overturn Oregon's law, I believe it is critical that whatever we do must result in a reduced demand for physician-assisted suicide, not only in Oregon, but across our nation. Many reputable experts believe the "Pain Relief Promotion Act" will cause physicians—far beyond Oregon's borders—to provide less aggressive pain care to their suffering and dying patients. If this occurs, not only will millions of our elderly and dying constituents suffer needlessly, we may unwittingly increase the demand for suicide at the end of life.

I urge my colleagues, regardless of where they stand on the issue of Oregon's law, to join with me in supporting the restoration of the HELP Committee's jurisdiction. It would be unconscionable for the Senate to fail to correct an honest mistake that could contribute to a devastatingly significant change in health policy. With so much at stake, shouldn't we follow the regular order of the Senate? Shouldn't we insist that the Senate's best qualified health policy experts fully consider the complex policy implications before taking such an extraordinary risk for our constituents, our friends, and our families?

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2607

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pain Relief Promotion Act of 2000".

**SEC. 2. FINDINGS.**

Congress finds that—

(1) in the first decade of the new millennium there should be a new emphasis on pain management and palliative care;

(2) the use of certain narcotics and other drugs or substances with a potential for abuse is strictly regulated under the Controlled Substances Act;

(3) the dispensing and distribution of certain controlled substances by properly registered practitioners for legitimate medical purposes are permitted under the Controlled Substances Act and implementing regulations;

(4) the dispensing or distribution of certain controlled substances for the purpose of relieving pain and discomfort even if it increases the risk of death is a legitimate medical purpose and is permissible under the Controlled Substances Act;

(5) inadequate treatment of pain, especially for chronic diseases and conditions, irreversible diseases such as cancer, and end-of-life care, is a serious public health problem affecting hundreds of thousands of patients every year; physicians should not hesitate to dispense or distribute controlled substances when medically indicated for these conditions; and

(6) for the reasons set forth in section 101 of the Controlled Substances Act (21 U.S.C. 801), the dispensing and distribution of controlled substances for any purpose affect interstate commerce.

## TITLE I—PROMOTING PAIN MANAGEMENT AND PALLIATIVE CARE

**SEC. 101. ACTIVITIES OF AGENCY FOR HEALTHCARE RESEARCH AND QUALITY.**

Part A of title IX of the Public Health Service Act (42 U.S.C. 299 et seq.) is amended by adding at the end the following:

**"SEC. 903. PROGRAM FOR PAIN MANAGEMENT AND PALLIATIVE CARE RESEARCH AND QUALITY.**

"(a) IN GENERAL.—Subject to subsections (e) and (f) of section 902, the Director shall carry out a program to accomplish the following:

"(1) Promote and advance scientific understanding of pain management and palliative care.

"(2) Collect and disseminate protocols and evidence-based practices regarding pain management and palliative care, with priority given to pain management for terminally ill patients, and make such information available to public and private health care programs and providers, health professions schools, and hospices, and to the general public.

"(b) DEFINITION.—In this section, the term 'pain management and palliative care' means—

"(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

"(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.".

**SEC. 102. ACTIVITIES OF HEALTH RESOURCES AND SERVICES ADMINISTRATION.**

(a) IN GENERAL.—Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended—

(1) by redesignating sections 754 through 757 as sections 755 through 758, respectively; and

(2) by inserting after section 753 the following:

**"SEC. 754. PROGRAM FOR EDUCATION AND TRAINING IN PAIN MANAGEMENT AND PALLIATIVE CARE.**

"(a) IN GENERAL.—The Secretary, in consultation with the Director of the Agency for Healthcare Research and Quality, may award grants, cooperative agreements, and contracts to health professions schools, hospices, and other public and private entities for the development and implementation of programs to provide education and training to health care professionals in pain management and palliative care.

"(b) PRIORITY.—In making awards under subsection (a), the Secretary shall give priority to awards for the implementation of programs under such subsection.

"(c) CERTAIN TOPICS.—An award may be made under subsection (a) only if the applicant for the award agrees that the program to be carried out with the award will include information and education on—

"(1) means for diagnosing and alleviating pain and other distressing signs and symptoms of patients, especially terminally ill patients, including the medically appropriate use of controlled substances;

"(2) applicable laws on controlled substances, including laws permitting health care professionals to dispense or administer controlled substances as needed to relieve pain even in cases where such efforts may unintentionally increase the risk of death; and

"(3) recent findings, developments, and improvements in the provision of pain management and palliative care.

"(d) PROGRAM SITES.—Education and training under subsection (a) may be provided at or through health professions schools, residency training programs and other graduate programs in the health professions, entities that provide continuing medical education, hospices, and such other programs or sites as the Secretary determines to be appropriate.

"(e) EVALUATION OF PROGRAMS.—The Secretary shall (directly or through grants or contracts) provide for the evaluation of programs implemented under subsection (a) in order to determine the effect of such programs on knowledge and practice regarding pain management and palliative care.

"(f) PEER REVIEW GROUPS.—In carrying out section 799(f) with respect to this section, the Secretary shall ensure that the membership of each peer review group involved includes individuals with expertise and experience in pain management and palliative care for the population of patients whose needs are to be served by the program.

"(g) DEFINITION.—In this section, the term 'pain management and palliative care' means—

"(1) the active, total care of patients whose disease or medical condition is not responsive to curative treatment or whose prognosis is limited due to progressive, far-advanced disease; and

"(2) the evaluation, diagnosis, treatment, and management of primary and secondary pain, whether acute, chronic, persistent, intractable, or associated with the end of life; the purpose of which is to diagnose and alleviate pain and other distressing signs and symptoms and to enhance the quality of life, not to hasten or postpone death.".

(b) AUTHORIZATION OF APPROPRIATIONS; ALLOCATION.—

(1) IN GENERAL.—Section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section) is amended, in subsection (b)(1)(C), by striking "sections 753, 754, and 755" and inserting "sections 753, 754, 755, and 756".

(2) AMOUNT.—With respect to section 758 of the Public Health Service Act (as redesignated by subsection (a)(1) of this section), the dollar amount specified in subsection (b)(1)(C) of such section is deemed to be increased by $5,000,000.

**SEC. 103. DECADE OF PAIN CONTROL AND RESEARCH.**

The calendar decade beginning January 1, 2001, is designated as the "Decade of Pain Control and Research".

**SEC. 104. EFFECTIVE DATE.**

The amendments made by this title shall take effect on the date of enactment of this Act.

## TITLE II—USE OF CONTROLLED SUBSTANCES CONSISTENT WITH THE CONTROLLED SUBSTANCES ACT

**SEC. 201. REINFORCING EXISTING STANDARD FOR LEGITIMATE USE OF CONTROLLED SUBSTANCES.**

(a) IN GENERAL.—Section 303 of the Controlled Substances Act (21 U.S.C. 823) is amended by adding at the end the following:

"(i)(1) For purposes of this Act and any regulations to implement this Act, alleviating pain or discomfort in the usual course of professional practice is a legitimate medical purpose for the dispensing, distributing, or administering of a controlled substance that is consistent with public health and safety, even if the use of such a substance may increase the risk of death. Nothing in this section authorizes intentionally dispensing, distributing, or administering a controlled substance for the purpose of causing death or assisting another person in causing death.

"(2)(A) Notwithstanding any other provision of this Act, in determining whether a registration is consistent with the public interest under this Act, the Attorney General shall give no force and effect to State law authorizing or permitting assisted suicide or euthanasia.

"(B) Paragraph (2) applies only to conduct occurring after the date of enactment of this subsection.

"(3) Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine. Regardless of whether the Attorney General determines pursuant to this section that the registration of a practitioner is inconsistent with the public interest, it remains solely within the discretion of State authorities to determine whether action should be taken with respect to the State professional license of the practitioner or State prescribing privileges.

"(4) Nothing in the Pain Relief Promotion Act of 2000 (including the amendments made by such Act) shall be construed—

"(A) to modify the Federal requirements that a controlled substance be dispensed only for a legitimate medical purpose pursuant to paragraph (1); or

"(B) to provide the Attorney General with the authority to issue national standards for pain management and palliative care clinical practice, research, or quality;

except that the Attorney General may take such other actions as may be necessary to enforce this Act.".

(b) PAIN RELIEF.—Section 304(c) of the Controlled Substances Act (21 U.S.C. 824(c)) is amended—

(1) by striking "(c) Before" and inserting the following:

"(c) PROCEDURES.—

"(1) ORDER TO SHOW CAUSE.—Before"; and

(2) by adding at the end the following:

"(2) BURDEN OF PROOF.—At any proceeding under paragraph (1), where the order to show cause is based on the alleged intentions of the applicant or registrant to cause or assist in causing death, and the practitioner claims a defense under paragraph (1) of section 303(i), the Attorney General shall have the burden of proving, by clear and convincing evidence, that the practitioner's intent was to dispense, distribute, or administer a controlled substance for the purpose of causing death or assisting another person in causing death. In meeting such burden, it shall not be sufficient to prove that the applicant or registrant knew that the use of controlled substance may increase the risk of death.".

**SEC. 202. EDUCATION AND TRAINING PROGRAMS.**

Section 502(a) of the Controlled Substances Act (21 U.S.C. 872(a)) is amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following:

"(7) educational and training programs for Federal, State, and local personnel, incorporating recommendations, subject to the provisions of subsections (e) and (f) of section 902 of the Public Health Service Act, by the Secretary of Health and Human Services, on the means by which investigation and enforcement actions by law enforcement personnel may better accommodate the necessary and legitimate use of controlled substances in pain management and palliative care.

Nothing in this subsection shall be construed to alter the roles of the Federal and State governments in regulating the practice of medicine.".

**SEC. 203. FUNDING AUTHORITY.**

Notwithstanding any other provision of law, the operation of the diversion control fee account program of the Drug Enforcement Administration shall be construed to include carrying out section 303(i) of the Controlled Substances Act (21 U.S.C. 823(i)), as added by this Act, and subsections (a)(4) and (c)(2) of section 304 of the Controlled Substances Act (21 U.S.C. 824), as amended by this Act.

**SEC. 204. EFFECTIVE DATE.**

The amendments made by this title shall take effect on the date of enactment of this Act.•

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By Mr. GRASSLEY (for himself and Mr. ROTH):

S. 2608. A bill to amend the Internal Revenue Code of 1986 to provide for the treatment of certain expenses of rural letter carriers; to the Committee on Finance.

### LEGISLATION REGARDING THE TAXATION OF RURAL LETTER CARRIERS

• Mr. GRASSLEY. Mr. President, the U.S. Postal Service provides a vital and important communication link for the Nation and the citizens of my state of Iowa. Rural Letter Carriers play a special role and have a proud history as an important link in assuring the delivery of our mail. Rural Carriers first delivered the mail with their own horses and buggies, later with their own motorcycles, and now in their own vehicles. They are responsible for maintenance and operation of their vehicles in all types of weather and road conditions. In the winter, snow and ice is their enemy, while in the spring, the melting snow and ice causes potholes and washboard roads. In spite of these quite adverse conditions, rural letter carriers daily drive over 3 million miles and serve 24 million American families on over 66,000 routes.

Although the mission of rural carriers has not changed since the horse and buggy days, the amount of mail they deliver has, as the Nation's mail volume has continued to increase throughout the years, the Postal Service is now delivering more than 200 billion pieces of mail a year. The average carrier delivers about 2,300 pieces of mail a day to about 500 addresses. Most recently, e-commerce has changed the type of mail rural carriers deliver. This fact was confirmed in a recent GAO study entitled "U.S. Postal Service: Challenges to Sustaining Performance Improvements Remain Formidable on the Brink of the 21st Century," dated October 21, 1999. As this report explains, the Postal Service expects declines in its core business, which is essentially letter mail, in the coming years. The growth of e-mail on the Internet, electronic communications, and electronic commerce has the potential to substantially affect the Postal Service's mail volume. First-Class mail has always been the bread and butter of the Postal Service's revenue, but the amount of revenue from First-Class letters will decline in the next few years. However, e-commerce is providing the Postal Service with another opportunity to increase another part of its business. That's because what individuals and companies order over the Internet must be delivered, sometimes by the Postal Service and often by rural carriers. Currently, the Postal Service has about 33% percent of the parcel business. Carriers are now delivering larger volumes of business mail, parcels, and priority mail packages. But, more parcel business will mean more cargo capacity will be necessary in postal delivery vehicles, especially in those owned and operated by rural letter carriers.

When delivering greeting cards or bills, or packages ordered over the Internet, Rural Letter Carriers use vehicles they currently purchase, operate and maintain. In exchange, they receive a reimbursement from the Postal Service. This reimbursement is called an Equipment Maintenance Allowance (EMA). Congress recognizes that providing a personal vehicle to deliver the U.S. Mail is not typical vehicle use. So, when a rural carrier is ready to sell such a vehicle, it's going to have little trade-in value because of the typically high mileage, extraordinary wear and tear, and the fact that it is probably right-hand drive. Therefore, Congress intended to exempt the EMA allowance from taxation in 1988 through a specific provision for rural mail carriers in the Technical and Miscellaneous Revenue Act of 1988. That provision allowed an employee of the U.S. Postal Service who was involved in the collection and delivery of mail on a rural route, to compute their business use mileage deduction as 150% percent of the standard mileage rate for all business use mileage. As an alternative, rural carrier taxpayers could elect to utilize the actual expense method (business portion of actual operation and maintenance of the vehicle, plus depreciation). If EMA exceeded the allowable vehicle expense deductions, the excess was subject to tax. If EMA fell short of the allowable vehicle expenses, a deduction was allowed only to the extent that the sum of the shortfall and all other miscellaneous itemized deductions exceeded two percent of the taxpayer's adjusted gross income.

The Taxpayers Relief Act of 1997 further simplified the tax returns of rural letter carriers. This act permits the EMA income and expenses "to wash," so that neither income nor expenses would have to be reported on a rural letter carrier's return. That simplified taxes for approximately 120,000 taxpayers, but the provision eliminated the option of filing the actual expense method for employee business vehicle expenses.

The lack of this option, combined with the dramatic changes the Internet has and will have on the mail, specifically on rural carriers and their vehicles, is a problem I believe Congress can and must address.

The mail mix is changing and already Postal Service management has, understandably, encouraged rural carriers to purchase larger right-hand drive vehicles, such as Sports Utility Vehicles (SUVs), to handle the increase in parcel loads. Large SUVs are much more expensive than traditional vehicles, so without the ability to use the actual expense method and depreciation, rural carriers must use their salaries to cover vehicle expenses. Additionally, the Postal Service has placed 11,000 postal vehicles on rural routes, which means those carriers receive no EMA.

These developments have created a situation that is contrary to the historical congressional intent of using reimbursement to fund the government service of delivering mail, and also has created an inequitable tax situation for rural carriers. If actual business expenses exceed the EMA, a deduction for those expenses should be allowed. To correct this inequity, I am introducing a bill today, along with Senator ROTH, that would reinstate the ability of a rural letter carrier to choose between using the actual expense method for computing the deduction allowable for business use of a vehicle, or using the current practice of deducting the reimbursed EMA expenses.

Rural carriers perform a necessary and valuable service and face many changes and challenges in this new Internet era. Let us make sure that these public servants receive fair and equitable tax treatment as they perform their essential role in fulfilling the Postal Service's mandate of binding the Nation together.

I urge my colleagues to join Senator ROTH and myself in supporting this legislation.●

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By Mr. CRAIG (for himself and Mr. CRAPO):

S. 2609. A bill to amend the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sport Fish Restoration Act to enhance the funds available for grants to States for fish and wildlife conservation projects, and to increase opportunities for recreational hunting, bow hunting, trapping, archery, and fishing, by eliminating chances for waste, fraud, abuse, maladministration, and unauthorized expenditures for administration and implementation of those acts, and for other purposes; to the Committee on Environment and Public Works.

THE WILDLIFE AND SPORT FISH RESTORATION PROGRAMS IMPROVEMENT ACT OF 2000

● Mr. CRAIG. Mr. President, I rise today to introduce legislation along with my colleague from Idaho, Senator CRAPO, that will eliminate government waste, conserve wildlife, and provide hunter safety opportunities.

We are all familiar with the Pittman-Robertson and Dingell-Johnson funds which impose an excise tax on firearms, archery equipment, and fishing equipment to conserve wildlife and provide funds to states for hunter safety programs. These funds were created decades ago with the support of both the sportsmen who pay the tax and the states who administer the projects.

The federal government collects the tax, which amounts to around half-a-billion dollars a year, and is authorized to withhold a percentage of the funds for administration of the program. This is how it should be. However, thanks to the thorough oversight of the program by Mr. YOUNG of Alaska, Chairman of the House Committee on Resources, it was uncovered that the U.S. Fish and Wildlife Service, the agency charged with administering the program, abused the vagueness of the law in exactly what constituted an administrative expense.

Under current law, the Service is authorized to withhold approximately $32 million a year to administer the program and, quite frankly, the law leaves it up to the Service as to what is an appropriate administrative expense. Mr. YOUNG discovered that the Service was spending this money on expenses that were outside the spirit of the law. These tax dollars paid by hunters and fishermen were being used for everything from foreign travel to grants to anti-hunting groups to endangered species programs that work against the interests of hunters. In addition, they created unauthorized grant programs, some of which have merit and are authorized in our bill, but all of which were created outside of the law.

Mr. President, I am not going to rehash all of the hearings that were held in the House on this issue. What I will say is that it was an embarrassment to the U.S. Fish and Wildlife Service, and, not until all but two members of the House supported legislation to fix the problems did the Service begin cooperating with Congress and admitting there were actions at the Service which they are not proud of.

In response to the waste, fraud, and abuse uncovered by his Committee, Mr. YOUNG introduced legislation to fix the problems. His legislation caps the administrative expenses at around half of the currently authorized level, sets in stone what is an authorized administrative expense, provides some specific money for hunter safety, authorizes a multi-state grant program, and creates a position of Assistant Director for Wildlife and Sport Fish Restoration Programs. His bill, H.R. 3671, passed the House on April 5th with an overwhelming vote of 423–2.

Mr. President, Senator CRAPO and I have taken the lead of the House by using their bill as a model and simply strengthened it for the sportsmen who pay the excise tax. By providing more money, $15 million per year, for hunter safety programs and providing a total of $7 million per year, $2 million more than the House, for the Multi-State Conservation Grant Program, this bill ensures that the money that sportsmen pay for wildlife conservation and hunter safety is actually used for those purposes.

Mr. President, this is a win-win for everyone—for wildlife and for tax payers—and I urge my colleagues to support it and work for its quick enactment.●

Mr. CRAPO. Mr. President, I rise today to introduce the Wildlife and Sport Fish Restoration Programs Improvement Act of 2000 with my colleague, Senator LARRY CRAIG, to bring accountability back to the U.S. Fish and Wildlife Service's administration of the Pittman-Robertson Wildlife Restoration Act and the Dingell-Johnson Sportfish Restoration Act. For years, the Fish and Wildlife Service has apparently misused millions of dollars from these accounts, betraying the trust of America's sportsman.

Congressional investigations and a General Accounting Office audit of the U.S. Fish and Wildlife Service have revealed that, contrary to existing law, money has been routinely diverted to administrative slush funds, withheld from states, and generally misused for purposes unrelated to either sportfishing or wildlife conservation. In addition, the GAO called the Division of Federal Aid, "if not the worst, one of the worst-managed programs we have encountered." As an avid outdoorsman, I am particularly disturbed by this abuse.

Since 1937, sportsman have willingly paid an excise tax on hunting, and later fishing, equipment. These hunters, shooters, and anglers paid this tax with the understanding that the money would be used for state fish and wildlife conservation programs. This partnership has been instrumental in providing generations of Americans a quality recreational experience. Through the years, it has been an experience that I have enjoyed with both my parents and my children.

The Federal Aid in Wildlife Restoration Program, commonly known as the Pittman-Robertson Act, provides funding for wildlife habitat restoration and improvement, wildlife management research, hunter education, and public target ranges. Funds for the Pittman-Robertson Act are derived from an 11 percent excise tax on sporting arms, ammunition, and archery equipment, and a 10 percent tax on handguns.

The Federal Aid in Sport Fish Restoration Program, often referred to as the Dingell-Johnson and Wallop-Breaux Acts, is funded through a 10 percent excise tax on fishing equipment and a 3 percent tax on electric trolling motors, sonor fish finders, taxes on motorboat fuels, and import duties on fishing and pleasure boats. Through the cost reimbursement program, states use these funds to enhance sport fishing. These enhancements come through fish stocking, acquisition and improvement of habitat educational programs, and development of recreational facilities that directly support sport fishing, such as boat ramps and fishing piers.

Under the law, revenue from these taxes are expected to be returned to state and local fish and game organizations for programs to manage and enhance sport fish and game species. The Fish and Wildlife Service is supposed to deduct only the cost of administering the programs, up to 8 percent of Pittman-Robertson revenues and 6 percent of Dingell-Johnson funds.

Unfortunatly, these funds have been misdirected and misused by the Fish and Wildlife Service. Through their investment in the Federal Aid program, America's hunters and fisherman have proved themselves to be our nation's true conservationists. Through its misuse of these funds, the Fish and Wildlife Service has proven itself to be a negligent steward of the public trust.

The Wildlife and Sport Fish Restoration Programs Improvement Act, would restore accountability to the administration of Federal Aid funds. By limiting the amount of revenue that may be used on administration, and the accounts that these funds may be used for, this bill will reign in the opportunities for misuse by the Fish and Wildlife Service. Our legislation will also make legal a multi-state conservation grant program to allow streamlined funding for projects that involve multiple states. Additionally, the bill will increase funding for firearm and bow hunter safety programs.

This bill seeks to re-establish a trust between the hunters and anglers who pay the excise taxes and the federal government. It is an opportunity to repair a system that has been lauded as one of the nation's most successful conservation efforts. I hope my colleagues will join with us in a bipartisan effort to restore accountability and responsibility to the Federal Aid programs and the Fish and Wildlife Service.

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By Mr. HARKIN (for himself, Mr. THOMAS, Mr. CRAIG, and Mr. FEINGOLD):

S. 2610. A bill to amend title XVIII of the Social Security Act to improve the provision of items and services provided to Medicare beneficiaries residing in rural areas; to the Committee on Finance.

### THE MEDICARE FAIRNESS IN REIMBURSEMENT ACT OF 2000

• Mr. HARKIN. Mr. President, I am pleased to be joined today by my colleagues, Senator THOMAS, Senator CRAIG and Senator FEINGOLD, to introduce the "Medicare Fairness in Reimbursement Act of 2000." This legislation addresses the terrible unfairness that exists today in Medicare payment policy.

According to the latest Medicare figures, Medicare payments per beneficiary by state of residence ranged from slightly more than $3000 to well in excess of $6500. For example, in Iowa, the average Medicare payment was $3456, nearly a third less than the national average of $5,034. In Wyoming the situation is worse, with an average payment of approximately $3200.

This payment inequity is unfair to seniors in Iowa and Wyoming, and it is unfair to rural beneficiaries everywhere. The citizens of my home state pay the same Medicare payroll taxes required of every American taxpayer. Yet they get dramatically less in return.

Ironically, rural citizens are not penalized by the Medicare program because they practice inefficient, high cost medicine. The opposite is true. The low payment rates received in rural areas are in large part a result of their historic conservative practice of health care. In the early 1980's rural states' lower-than-average costs were used to justify lower payment rates, and Medicare's payment policies since that time have only widened the gap between low- and high-cost states.

Mr. President, late last year I wrote to the Health Care Financing Administration (HCFA) and I asked them a simple question. I asked their actuaries to estimate for me the impact on Medicare's Trust Funds, which at that time were scheduled to go bankrupt in 2015, if average Medicare payments to all states were the same as Iowa's.

I've always thought Iowa's reimbursement level was low. But HCFA's answer suprised even me. The actuaries found that if all states were reimbursed at the same rate as Iowa, Medicare would be solvent for at least 75 years, 60 years beyond their projections.

I'm not suggesting that all states should be brought down to Iowa's level. But there is no question that the long-term solvency of the Medicare program is of serious national concern. And as Congress considers ways to strengthen and modernize the Medicare program, the issue of unfair payment rates needs to be on the table.

The bill we are introducing today, the "Medicare Fairness in Reimbursement Act of 2000" sends a clear signal. These historic wrongs must be righted. Before any Medicare reform bill passes Congress, I intend to make sure that rural beneficiaries are guaranteed access to the same quality health care services of their urban counterparts.

Mr. President, our legislation does the following:

Requires HCFA to improve the fairness of payments under the original Medicare fee-for-services system by adjusting payments for items and services so that no state is greater than 105% above the national average, and no state is below 95% of the national average. An estimated 30 states would benefit under these adjustments, based on 1998 data from the Ways and Means Green Book.

Requires improvements in the collection and use of hospital wage data by occupational category. Experts agree the current system of collecting hospital data "lowballs" the payment received by rural hospitals. Large urban hospitals are overcompensated today because they have a much higher number of highly-paid specialists and subspecialists on their staff, while small rural hospitals tend to have more generalists, who aren't as highly paid.

Ensures that beneficiaries are held harmless in both payments and services.

Ensures budget neutrality.

Automatically results in adjustment of Medicare managed care payments to reflect increased equity between rural and urban areas.

This legislation simply ensures basic fairness in our Medicare payment policy. I urge my Senate colleagues, no matter what state you're from, to consider our bill and join us in supporting this common sense Medicare reform. Thank you.

Mr. President, I ask unanimous consent that the text of our bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2610

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Medicare Fairness in Reimbursement Act of 2000".

**SEC. 2. IMPROVING FAIRNESS OF PAYMENTS UNDER THE MEDICARE FEE-FOR-SERVICE PROGRAM.**

(a) Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new sections:

"IMPROVING FAIRNESS OF PAYMENTS UNDER THE ORIGINAL MEDICARE FEE-FOR-SERVICE PROGRAM

"SEC. 1897. (a) ESTABLISHMENT OF SYSTEM.—Notwithstanding any other provision of law, the Secretary shall establish a system for making adjustments to the amount of payment made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B.

"(b) SYSTEM REQUIREMENTS.—

"(1) ADJUSTMENTS.—Under the system described in subsection (a), the Secretary (beginning in 2001) shall make the following adjustments:

"(A) CERTAIN STATES ABOVE NATIONAL AVERAGE.—If a State average per beneficiary amount for a year is greater than 105 percent (or 110 percent in the case of the determination made in 2000) of the national average per beneficiary amount for such year, then the Secretary shall reduce the amount of applicable payments in such a manner as will result (as estimated by the Secretary) in the State average per beneficiary amount for the subsequent year being at 105 percent (or 110 percent in the case of payments made in 2001) of the national average per beneficiary amount for such subsequent year.

"(B) CERTAIN STATES BELOW NATIONAL AVERAGE.—If a State average per beneficiary amount for a year is less than 95 percent (or 90 percent in the case of the determination made in 2000) of the national average per beneficiary amount for such year, then the Secretary shall increase the amount of applicable payments in such a manner as will result (as estimated by the Secretary) in the State average per beneficiary amount for the subsequent year being at 95 percent (or 90 percent in the case of payments made in 2001) of the national average per beneficiary amount for such subsequent year.

"(2) DETERMINATION OF AVERAGES.—

"(A) STATE AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2000), the Secretary shall determine a State average per beneficiary amount for each State which shall be equal to the Secretary's estimate of the average amount of expenditures under the original medicare fee-for-service program under parts A and B for the year for a beneficiary enrolled under such parts that resides in the State

"(B) NATIONAL AVERAGE PER BENEFICIARY AMOUNT.—Each year (beginning in 2000), the Secretary shall determine the national average per beneficiary amount which shall be equal to the average of the State average per beneficiary amounts determined under subparagraph (B) for the year.

"(3) DEFINITIONS.—In this section:

"(A) APPLICABLE PAYMENTS.—The term 'applicable payments' means payments made to entities and individuals for items and services provided under the original medicare fee-for-service program under parts A and B to beneficiaries enrolled under such parts that reside in the State.

"(B) STATE.—The term 'State' has the meaning given such term in section 210(h).

"(c) BENEFICIARIES HELD HARMLESS.—The provisions of this section shall not effect—

"(1) the entitlement to items and services of a beneficiary under this title, including the scope of such items and services; or

"(2) any liability of the beneficiary with respect to such items and services.

"(d) REGULATIONS.—

"(1) IN GENERAL.—The Secretary, in consultation with the Medicare Payment Advisory Commission, shall promulgate regulations to carry out this section.

"(2) PROTECTING RURAL COMMUNITIES.—In promulgating the regulations pursuant to paragraph (1), the Secretary shall give special consideration to rural areas.

"(e) BUDGET NEUTRALITY.—The Secretary shall ensure that the provisions contained in this section do not cause the estimated amount of expenditures under this title for a year to increase or decrease from the estimated amount of expenditures under this title that would have been made in such year if this section had not been enacted.

"IMPROVEMENTS IN COLLECTION AND USE OF HOSPITAL WAGE DATA

"SEC. 1898. (a) COLLECTION OF DATA.—

"(1) IN GENERAL.—The Secretary shall establish procedures for improving the methods used by the Secretary to collect data on employee compensation and paid hours of employment for hospital employees by occupational category.

"(2) TIMEFRAME.—The Secretary shall implement the procedures described in paragraph (1) by not later than 180 days after the date of enactment of the Rural Health Protection and Improvement Act of 2000.

"(b) ADJUSTMENT TO HOSPITAL WAGE LEVEL.—By not later than 1 year after the date of enactment of the Rural Health Protection and Improvement Act of 2000, the Secretary shall make necessary revisions to the methods used to adjust payments to hospitals for different area wage levels under section 1886(d)(3)(E) to ensure that such methods take into account the data described in subsection (a)(1).

"(c) LIMITATION.—To the extent possible, in making the revisions described in subsection (b), the Secretary shall ensure that current rules regarding which hospital employees are included in, or excluded from, the determination of the hospital wage levels are not effected by such revisions.

"(d) BUDGET NEUTRALITY.—The Secretary shall ensure that any revisions made under subsection (b) do not cause the estimated amount of expenditures under this title for a year to increase or decrease from the estimated amount of expenditures under this title that would have been made in such year if the Secretary had not made such revisions.".●

● Mr. THOMAS. Mr. President, I rise today to join my colleagues in introducing the "Medicare Fairness in Reimbursement Act of 2000," which specifically addresses the current payment inequities of the Medicare program. I am pleased to have worked with Mr. HARKIN, Mr. CRAIG, and Mr. FEINGOLD in crafting this bill for rural Medicare beneficiaries.

This bill directs the Secretary of the Department of Health and Human Services to establish a payment system for Medicare's Part A and B fee-for-service programs that guarantees each state's average per beneficiary amount is within 95 percent and 105 percent of the national average. The reason for this seemingly drastic action is because the current payment disparities between states is unacceptable. According to 1998 data, Wyoming's per beneficiary spending is 36 percent below the national average of $5,000 while some other states receive almost 36 percent above the national average.

Mr. President, I understand that there are some legitimate cost differences among states in providing health care services to our seniors, but I do not believe there is justification for an inequity of this size. Seniors in Wyoming and other rural states have paid the same Medicare tax over the years as beneficiaries residing in urban states. However, the current Medicare payment system does not reflect the equal contributions made by all seniors.

The other section of this legislation requires the Secretary to make adjustments to the hospital wage index under the prospective payment system after developing and implementing improved methods for collecting the necessary hospital employee data.

I believe this legislation is an important piece of the overall Medicare reform puzzle. I feel strongly that any final legislation approved by the Senate to ensure Medicare is financially stable for current and future generations must also ensure all beneficiaries are treated fairly and equitably. Mr. President, the current system is not only far from long-term solvency, it is far from fair, especially to seniors living in rural states such as Wyoming."●

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By Mr. LEVIN:

S. 2611. A bill to provide trade adjustment assistance for certain workers; to the Committee on Finance.

TRADE ADJUSTMENT ASSISTANCE LEGISLATION

● Mr. LEVIN. Mr. President, I rise today to introduce a bill that will close a loop hole in the Trade Adjustment Assistance program for employees of the Copper Range Company, formerly the White Pine Company, a copper mine in White Pine, Michigan. My legislation will extend TAA benefits to those employees who were responsible for performing the environmental remediation that was required to close the facility.

My legislation is needed because these employees were unfairly excluded from the TAA certification that applied to other workers at the facility simply because the service they provide, environmental remediation, does not technically support the production of the article that the mine produced: copper. My legislation simply extends TAA coverage to those few workers who remained at the facility with responsibility for the environmental remediation necessary to close the facility.

The Copper Range Company received NAFTA-TAA certification in 1995 when it began closing down. The company was still in the process of closing down in 1997 and received re-certification at that time. As of the end of 1999, there were still workers at the plant engaged in the final stages of closing down. Their work consisted of environmental remediation. When the plant applied for re-certification in September for purposes of covering these workers, the Department of Labor (DoL) denied the request because DoL said that the remaining workers were not performing a job ending because of transplant to another NAFTA country; they were performing environmental remediation, not production of copper.

Mr. President, this is an unfair catch-22 situation that must be rectified legislatively. The legislation I am introducing today would provide those few employees involved in the final stages of closing down the mine with the same TAA benefits their coworkers received. The total number of workers at issue is small and my legislative fix is straightforward. I hope this legislation can be adopted quickly so that these Michigan workers who have fallen through the cracks can access the TAA benefits they rightfully deserve.

I ask unanimous consent that the bill be printed in its entirety in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2611

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. TRADE ADJUSTMENT ASSISTANCE.**

(a) CERTIFICATION OF ELIGIBILITY FOR WORKERS REQUIRED FOR CLOSURE OF FACILITY.—

(1) IN GENERAL.—Notwithstanding any other provision of law or any decision by the Secretary of Labor denying certification or eligibility for certification for adjustment assistance under title II of the Trade Act of 1974, a qualified worker described in paragraph (2) shall be certified by the Secretary as eligible to apply for adjustment assistance under such title II.

(2) QUALIFIED WORKER.—For purposes of this subsection, a "qualified worker" means a worker who—

(A) was determined to be covered under Trade Adjustment Assistance Certification TA-W-31,402; and

(B) was necessary for the environmental remediation or closure of a copper mining facility.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.•

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By Mr. GRAHAM (for himself, Mr. GRASSLEY, Mr. THOMAS, Mr. BIDEN, and Mr. BAYH):

S. 2612. A bill to combat Ecstasy trafficking, distribution, and abuse in the United States, and for other purposes; to the Committee on the Judiciary.

THE ECSTASY ANTI-PROLIFERATION ACT OF 2000

• Mr. GRAHAM. Mr. President, I rise today, along with my colleagues, to introduce the Ecstasy Anti-Proliferation Act of 2000—legislation to combat the recent rise in trafficking, distribution and abuse of MDMA, a drug commonly known as Ecstasy.

The Office of National Drug Control Policy's Year 2000 Annual Report on the National Drug Control Strategy clearly states that the use of Ecstasy is on the rise in the United States, particularly among teenagers and young professionals. My state of Florida has been particularly hard hit by this plague. Ecstasy is customarily sold and consumed at "raves," which are semiclandestine, all-night parties and concerts. Young Americans are lulled into a belief that Ecstasy, and other designer drugs are "safe" ways to get high, escape reality, and enhance intimacy in personal relationships. The drug traffickers make their living off of perpetuating and exploiting this myth.

Mr. President, I want to be perfectly clear in stating that Ecstasy is an extremely dangerous drug. In my state alone, 189 deaths have been attributed to the use of club drugs in the last three years. In 33 of those deaths, Ecstasy was the most prevalent drug, of several, in the individual's system. Seven deaths were caused by Ecstasy alone. In the first four months of this year there have already been six deaths directly attributed to Ecstasy. This drug is a definite killer.

Numerous data also reflect the increasing availability of Ecstasy in metropolitan centers and suburban communities. In a speech to the Federal Law Enforcement Foundation earlier this year, Customs Commissioner Raymond Kelly stated that in the first few months of fiscal year 2000, the Customs Service had already seized over four million Ecstasy tablets. He estimates that the number will grow to at least eight million tablets by the end of the year which represents a substantial increase from the 500,000 tablets seized in fiscal year 1997.

The lucrative nature of Ecstasy encourages its importation. Production costs are as low as two to twenty-five cents per dose while retail prices in the U.S. range from twenty dollars to forty-five dollars per dose. Manufactured mostly in Europe—in nations such as The Netherlands, Belgium, and Spain where pill presses are not controlled as they are in the U.S.—Ecstasy has erased all of the old routes law enforcement has mapped out for the smuggling of traditional drugs.

Under current federal sentencing guidelines, one gram of Ecstasy is equivalent to only 35 grams of marijuana. In contrast, one gram of methamphetamine is equivalent to two kilograms of marijuana. This results in relatively short periods of incarceration for individuals sentenced for Ecstasy-related crimes. When the potential profitability of this drug is compared to the potential punishment, it is easy to see what makes Ecstasy extremely attractive to professional smugglers.

Mr. President, the Ecstasy Anti-Proliferation Act of 2000 addresses this growing and disturbing problem. First, the bill increases the base level offense for Ecstasy-related crimes, making them equal to those of methamphetamine. This provision also accomplishes the goal of effectively lowering the amount of Ecstasy required for prosecution under the laws governing possession with the intent to distribute by sending a message to Federal prosecutors that this drug is a serious threat.

Second, by addressing law enforcement and community education programs, this bill will provide for an Ecstasy information campaign. Through this campaign, our hope is that Ecstasy will soon go the way of crack, which saw a dramatic reduction in the quantities present on our streets after information of its unpredictable impurities and side effects were made known to a wide audience. By using this educational effort we hope to avoid future deaths like the one columnist Jack Newfield wrote about in saddening detail.

It involved an 18-year-old who died after taking Ecstasy in a club where the drug sold for $25 a tablet and water for $5 a bottle. Newfield speaks of how the boy tried to suck water from the club's bathroom tap that had been turned off so that those with drug induced thirst would be forced to buy the bottled water.

Mr. President, the Ecstasy Anti-Proliferation Act of 2000 can only help in our fight against drug abuse in the United States. We urge our colleagues in the Senate to join us in this important effort by cosponsoring this bill.•

• Mr. GRASSLEY. Mr. President, I am pleased to be joining my colleague, Senator GRAHAM, to cosponsor the Ecstasy Anti-Proliferation Act of 2000. This legislation is vital for the safety of our children and our nation. Around the country, Ecstasy use is exploding at an alarming rate from our big cities to our rural neighborhoods. According to Customs officials, Ecstasy is spreading faster than any drug since crack cocaine. This explosion of Ecstasy smuggling has prompted Customs to create a special task force, that focuses exclusively on the designer drug.

Along with my colleague Senator GRAHAM, I believe it is important that we act to stop the spread of this drug. I join with Senator GRAHAM in urging our colleagues to support the Ecstasy Anti-Proliferation Act of 2000, and pass this measure quickly. By enacting this important bill, we will get drug dealers out of the lives of our young people and alert the public to the dangers of Ecstasy.•

Mr. BIDEN. Mr. President, there is a new drug on the scene—Ecstasy, a synthetic stimulant and hallucinogen. It belongs to a group of drugs referred to as "club drugs" because they are associated with all-night dance parties known as "raves."

There is a widespread misconception that Ecstasy is not a dangerous drug—that it is "no big deal." I am here to tell you that Ecstasy is a very big deal. The drug depletes the brain of serotonin, the chemical responsible for mood, thought, and memory. Studies show that Ecstasy use can reduce serotonin levels by up to 90 percent for at least two weeks after use and can cause brain damage.

If that isn't a big deal, I don't know what is.

A few months ago we got a significant warning sign that Ecstasy use is becoming a real problem. The University of Michigan's Monitoring the Future survey, a national survey measuring drug use among students, reported that while overall levels of drug use had not increased, past month use of Ecstasy among high school seniors increased more than 66 percent.

The survey showed that nearly six percent of high school seniors have used Ecstasy in the past year. This may sound like a small number, so let me put it in perspective—it is just slightly less than the percentage of seniors who used cocaine and it is five times the number of seniors who used heroin.

And with the supply of Ecstasy increasing as rapidly as it is, the number of kids using this drug is only likely to increase. By April of this year, the Customs Service had already seized 4 million Ecstasy pills—greater than the total amount seized in all of 1999 and more than five times the amount seized in all of 1998.

Though New York is the East Coast hub for this drug, it is spreading quickly throughout the country. Last July, in my home state of Delaware, law enforcement officials seized 900 Ecstasy pills in Rehoboth Beach. There are also reports of an Ecstasy problem in Newark among students at the University of Delaware.

We need to address this problem now, before it gets any worse. That is why I am pleased to join Senators GRAHAM, GRASSLEY and THOMAS to introduce the "Ecstasy Anti-Proliferation Act of 2000" today. The legislation takes the steps—both in terms of law enforcement and prevention—to address this problem in a serious way before it gets any worse.

The legislation directs the federal Sentencing Commission to increase the recommended penalties for manufacturing, importing, exporting or trafficking Ecstasy. Though Ecstasy is a Schedule I drug—and therefore subject to the most stringent federal penalties—not all Schedule I drugs are treated the same in our sentencing guidelines. For example, selling a kilogram of marijuana is not as serious an offense as selling a kilogram of heroin. The sentencing guidelines differentiate between the severity of drugs—as they should.

But the current sentencing guidelines do not recognize how dangerous Ecstasy really is.

Under current federal sentencing guidelines, one gram of Ecstasy is treated like 35 grams of marijuana. Under the "Ecstasy Anti-Proliferation Act", one gram of Ecstasy would be treated like 2 kilograms of marijuana. This would make the penalties for Ecstasy similar to those for methamphetamine.

The legislation also authorizes a major prevention campaign in schools, communities and over the airwaves to make sure that everyone—kids, adults, parents, teachers, cops, clergy, etc. —know just how dangerous this drug really is. We need to dispel the myth that Ecstasy is not a dangerous drug because, as I stated earlier, this is a substance that can cause brain damage and can even result in death. We need to spread the message so that kids know the risk involved with taking Ecstasy, what it can do to their bodies, their brains, their futures. Adults also need to be taught about this drug—what it looks like, what someone high on Ecstasy looks like, and what to do if they discover that someone they know is using it.

Mr. President, I have come to the floor of the United States Senate on numerous occasions to state what I view as the most effective way to prevent a drug epidemic. My philosophy is simple: the best time to crack down on a drug with uncompromising enforcement pressure is before the abuse of the drug has become rampant. The advantages of doing so are clear—there are fewer pushers trafficking in the drug and, most important, fewer lives and fewer families will have suffered from the abuse of the drug.

It is clear that Ecstasy use is on the rise. Now is the time to act before Ecstasy use becomes our next drug epidemic. I urge my colleagues to join me in supporting this legislation and passing it quickly so that we can address the escalating problem of Ecstasy use before it gets any worse.

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By Mr. THURMOND (for himself and Mr. HOLLINGS):

S. 2614. A bill to amend the Harmonized Tariff Schedule of the United States to provide for duty-free treatment on certain manufacturing equipment; to the Committee on Finance.

### TO SUSPEND THE DUTY ON CERTAN EQUIPMENT USED IN THE MANUFACTURING INDUSTRY

Mr. THURMOND. Mr. President, I rise today to introduce a bill which will suspend the duties imposed on certain manufacturing equipment that is necessary for tire production. Currently, this equipment is imported for use in the United States because there are no known American producers. Therefore, suspending the duties on this equipment would not adversely affect domestic industries.

This bill would temporarily suspend the duty on tire manufacturing equipment required to make certain large off-road tires that fall between the sizes currently fabricated in the United States. These tires would be used primarily in agriculture.

Mr. President, suspending the duty on this manufacturing equipment will benefit the consumer by stabilizing the costs of manufacturing these products. In addition to permitting new production in this country, these duty suspensions will allow U.S. manufacturers to maintain or improve their ability to compete internationally. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

### S. 2614

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SUSPENSION OF DUTY ON CERTAIN MANUFACTURING EQUIPMENT.**

(a) IN GENERAL.—Subheadings 9902.84.79, 9902.84.83, 9902.84.85, 9902.84.87, 9902.84.89, and 9902.84.91 of the Harmonized Tariff Schedule of the United States are each amended—

(1) by striking "4011.91.50" each place it appears and inserting "4011.91";

(2) by striking "4011.99.40" each place it appears and inserting "4011.99"; and

(3) by striking "86 cm" each place it appears and inserting "63.5 cm".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply with respect to goods entered, or withdrawn from warehouse for consumption, on or after the date that is 15 days after the date of enactment of this Act.

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By Mr. KENNEDY (for himself and Mrs. HUTCHISON):

S. 2615. A bill to establish a program to promote child literacy by making books available through early learning and other child care programs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

### THE BOOK STAMP ACT

• Mr. KENNEDY. Mr. President, literacy is the foundation of learning, but too many Americans today are not able to read a single sentence. Nearly 40 percent of the nation's children are unable to read at grade-level by the end of the third grade. In communities with high concentrations of at-risk children, the failure rate is an astonishing 60 percent. As a result, their entire education is likely to be derailed.

In the battle against literacy, it is not enough to reach out more effectively to school-aged children. We must start earlier—and reach children before they reach school. Pediatricians like Dr. Barry Zuckerman at the Boston Medical Center have been telling us for years that reading to children from birth through school age is a medical issue that should be raised at every well child visit, since a child's brain needs this kind of stimulation to grow to its full potential. Reading to young children in the years before age 5 has a profound effect on their ability to learn to read. But too often the problem is that young children do not have access to books appropriate to their age. A recent study found that 60 percent of the kindergarten children who performed poorly in school did not own a single book.

The Book Stamp Act that Senator HUTCHISON and I are introducing today is a step to cure that problem. Our goal is to see that all children in this country have books of their own before they enter school.

Regardless of culture or wealth, one of the most important factors in the development of literacy is home access to books. Students from homes with an abundance of reading materials are substantially better readers than those with few or no reading materials available.

But it is not enough to just dump a book into a family's home. Since young children cannot read to themselves, we must make sure that an adult is available who interacts with the child and will read to the child.

In this day of two-parent working families, young children spend substantial time in child care and family care facilities, which provide realistic opportunities for promoting literacy. Progress is already being made on this approach. Child Care READS!, for example, is a national communications campaign aimed at raising the awareness of the importance of reading in child care settings.

The Book Stamp Act will make books available to children and parents through these child care and early childhood education programs.

The act authorizes an appropriation of $50 million a year for this purpose. It also creates a special postage stamp, similar to the Breast Cancer Stamp, which will feature an early learning character, and will sell at a slightly higher rate than the normal 33 cents, with the additional revenues designated for the Book Stamp Program.

The resources will be distributed through the Child Care and Development Block Grant to the state child care agency in each state. The state agency then will allocate its funds to local child care research and referral agencies throughout the state on the basis of local need.

There are 610 such agencies in the country, with at least one in every state. These non-profit agencies, offer referral services for parents seeking child care, and also provide training for child care workers. The agencies will work with established book distribution programs such as First Book, Reading is Fundamental, and Reach Out and Read to coordinate the buying of discounted books and the distribution of the books to children.

Also, to help parents and child care providers become well informed about the best ways to read to children and the most effective use of books with children at various stages of development, the agencies will provide training and technical assistance on these issues.

Our goal is to work closely with parents, children, child care providers and publishers to put at least one book in the hands of every needy child in America. Together, we can make significant progress in early childhood literacy, and I believe we can make it quickly.

We know what works to combat illiteracy. We owe it to the nation's children and the nation's future to do all we can to win this battle.

Mr. President, I ask unanimous consent that the full text of the bill and the accompanying letters of support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### S. 2615

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE.

This Act may be cited as the "Book Stamp Act".

### SEC. 2. FINDINGS.

Congress finds the following:

(1) Literacy is fundamental to all learning.

(2) Between 40 and 60 percent of the Nation's children do not read at grade level, particularly children in families or school districts that are challenged by significant financial or social instability.

(3) Increased investments in child literacy are needed to improve opportunities for children and the efficacy of the Nation's education investments.

(4) Increasing access to books in the home is an important means of improving child literacy, which can be accomplished nationally at modest cost.

(5) Effective channels for book distribution already exist through child care providers.

### SEC. 3. DEFINITION.

In this Act:

(1) EARLY LEARNING PROGRAM.—The term "early learning", used with respect to a program, means a program of activities designed to facilitate development of cognitive, language, motor, and social-emotional skills in children under age 6 as a means of enabling the children to enter school ready to learn, such as a Head Start or Early Head Start program carried out under the Head Start Act (42 U.S.C. 9831 et seq.), or a State pre-kindergarten program.

(2) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(3) STATE.—The term "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the United States Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(4) STATE AGENCY.—The term "State agency" means an agency designated under section 658D of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858b).

### SEC. 4. GRANTS TO STATE AGENCIES.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary shall establish and carry out a program to promote child literacy and improve children's access to books at home and in early learning and other child care programs, by making books available through early learning and other child care programs.

(b) GRANTS.—

(1) IN GENERAL.—In carrying out the program, the Secretary shall make grants to State agencies from allotments determined under paragraph (2).

(2) ALLOTMENTS.—For each fiscal year, the Secretary shall allot to each State an amount that bears the same ratio to the total of the available funds for the fiscal year as the amount the State receives under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858m(b)) for the fiscal year bears to the total amount received by all States under that section for the fiscal year.

(c) APPLICATIONS.—To be eligible to receive an allotment under this section, a State shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(d) ACCOUNTABILITY.—The provisions of sections 658I(b) and 658K(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858g(b), 9858i(b)) shall apply to States receiving grants under this Act, except that references in those sections—

(1) to a subchapter shall be considered to be references to this Act; and

(2) to a plan or application shall be considered to be references to an application submitted under subsection (c).

(e) DEFINITION.—In this section, the term "available funds", used with respect to a fiscal year, means the total of—

(1) the funds made available under section 416(c)(1) of title 39, United States Code for the fiscal year; and

(2) the amounts appropriated under section 9 for the fiscal year.

### SEC. 5. CONTRACTS TO CHILD CARE RESOURCE AND REFERRAL AGENCIES.

A State agency that receives a grant under section 4 shall use funds made available through the grant to enter into contracts with local child care resource and referral agencies to carry out the activities described in section 6. The State agency may reserve not more than 3 percent of the funds made available through the grant to support a public awareness campaign relating to the activities.

### SEC. 6. USE OF FUNDS.

(a) ACTIVITIES.—

(1) BOOK PAYMENTS FOR ELIGIBLE PROVIDERS.—A child care resource and referral agency that receives a contract under section 5 shall use the funds made available through the grant to provide payments for eligible early learning program and other child care providers, on the basis of local needs, to enable the providers to make books available, to promote child literacy and improve children's access to books at home and in early learning and other child care programs.

(2) ELIGIBLE PROVIDERS.—To be eligible to receive a payment under paragraph (1), a provider shall—

(A)(i) be a center-based child care provider, a group home child care provider, or a family child care provider, described in section 658P(5)(A) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(5)(A)); or

(ii) be a Head Start agency designated under section 641 of the Head Start Act (42 U.S.C. 9836), an entity that receives assistance under section 645A of such Act to carry out an Early Head Start program or another provider of an early learning program; and

(B) provide services in an area where children face high risks of literacy difficulties, as defined by the Secretary.

(b) RESPONSIBILITIES.—A child care resource and referral agency that receives a contract under section 5 to provide payments to eligible providers shall—

(1) consult with local individuals and organizations concerned with early literacy (including parents and organizations carrying out the Reach Out and Read, First Book, and Reading Is Fundamental programs) regarding local book distribution needs;

(2) make reasonable efforts to learn public demographic and other information about local families and child literacy programs carried out by the eligible providers, as needed to inform the agency's decisions as the agency carries out the contract;

(3) coordinate local orders of the books made available under this Act;

(4) distribute, to each eligible provider that receives a payment under this Act, not fewer than 1 book every 6 months for each child served by the provider for more than 3 of the preceding 6 months;

(5) use not more than 5 percent of the funds made available through the contract to provide training and technical assistance to the eligible providers on the effective use of books with young children at different stages of development; and

(6) be a training resource for eligible providers that want to offer parent workshops on developing reading readiness.

(c) DISCOUNTS.—

(1) IN GENERAL.—Federal funds made available under this Act for the purchase of books may only be used to purchase books on the same terms as are customarily available in the book industry to entities carrying out nonprofit bulk book purchase and distribution programs.

(2) TERMS.—An entity offering books for purchase under this Act shall be present to have met the requirements of paragraph (1), absent contrary evidence, if the terms include a discount of 43 percent off the catalogue price of the books, with no additional charge for shipping and handling of the books.

(d) ADMINISTRATION.—The child care resource and referral agency may not use more than 6 percent of the funds made available through the contract for administrative costs.

**SEC. 7. REPORT TO CONGRESS.**

Not later than 2 years of the date of enactment of this Act, the Secretary shall prepare and submit to Congress a report on the implementation of the activities carried out under this Act.

**SEC. 8. SPECIAL POSTAGE STAMPS FOR CHILD LITERACY.**

Chapter 4 of title 39, United States Code is amended by adding at the end the following:

**"§ 416. Special postage stamps for child literacy**

"(a) In order to afford the public a convenient way to contribute to funding for child literacy, the Postal Service shall establish a special rate of postage for first-class mail under this section. The stamps that bear the special rate of postage shall promote childhood literacy and shall, to the extent practicable, contain an image relating to a character in a children's book or cartoon.

"(b)(1) The rate of postage established under this section—

"(A) shall be equal to the regular first-class rate of postage, plus a differential of not to exceed 25 percent;

"(B) shall be set by the Governors in accordance with such procedures as the Governors shall by regulation prescribe (in lieu of the procedures described in chapter 36); and

"(C) shall be offered as an alternative to the regular first-class rate of postage.

"(2) The use of the special rate of postage established under this section shall be voluntary on the part of postal patrons.

"(c)(1) Of the amounts becoming available for child literacy pursuant to this section, the Postal Service shall pay 100 percent to the Department of Health and Human Services.

"(2) Payments made under this subsection to the Department shall be made under such arrangements as the Postal Service shall by mutual agreement with such Department establish in order to carry out the objectives of this section, except that, under those arrangements, payments to such agency shall be made at least twice a year.

"(3) In this section, the term 'amounts becoming available for child literacy pursuant to this section' means—

"(A) the total amounts received by the Postal Service that the Postal Service would not have received but for the enactment of this section; reduced by

"(B) an amount sufficient to cover reasonable costs incurred by the Postal Service in carrying out this section, including costs attributable to the printing, sale, and distribution of stamps under this section,

as determined by the Postal Service under regulations that the Postal Service shall prescribe.

"(d) It is the sense of Congress that nothing in this section should—

"(1) directly or indirectly cause a net decrease in total funds received by the Department of Health and Human Services, or any other agency of the Government (or any component or program of the Government), below the level that would otherwise have been received but for the enactment of this section; or

"(2) affect regular first-class rates of postage or any other regular rates of postage.

"(e) Special postage stamps made available under this section shall be made available to the public beginning on such date as the Postal Service shall by regulation prescribe, but in no event later than 12 months after the date of enactment of this section.

"(f) The Postmaster General shall include in each report provided under section 2402, with respect to any period during any portion of which this section is in effect, information concerning the operation of this section, except that, at a minimum, each report shall include information on—

"(1) the total amounts described in subsection (c)(3)(A) that were received by the Postal Service during the period covered by such report; and

"(2) of the amounts described in paragraph (1), how much (in the aggregate and by category) was required for the purposes described in subsection (c)(3)(B).

"(g) This section shall cease to be effective at the end of the 2-year period beginning on the date on which special postage stamps made available under this section are first made available to the public.".

**SEC. 9. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act $50,000,000 for each of fiscal years 2001 through 2005.

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CHILDREN'S DEFENSE FUND,
E. STREET, NW,
*Washington, DC, May 23, 2000.*

Hon. EDWARD KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR KENNEDY: The Children's Defense Fund welcomes the introduction of the Book Stamp Act. This legislation make books available in early learning/child care programs for young children and their parents. Reading to young children on a regular basis is a first step to ensure that they become strong readers. This bill gives parents access to books to make it more likely for them to read to their children. Thank you for recognizing how important reading is for our youngest children.

Sincerely yours,
MARIAN WRIGHT EDELMAN.

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4 TO 14.COM,
BROADWAY,
*New York, NY, May 23, 2000.*

Senator EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR SENATOR: I sincerely commend you on your sponsoring the "Book Stamp" legislation.

As the CEO of a dot-com designed to help children learn, I am very aware of the "digital divide" that separates children from wealthier families from those growing up in poorer households. That disparity—that difference in opportunity—doesn't begin when children start using the computer and exploring the Internet. Rather, it starts much earlier, when very young children should have their first exposure and access exposed to books.

Unfortunately, far too many children—particularly children from lower income families—simply do not have books to call their own. They need books, lots of them, for brain development, to develop the basis and "habit" of reading, and to share in one of the true joys of childhood.

Ensuring that all children—particularly those under five years of age—have access to good books that they can call their own, is an essential ingredient of a healthy childhood. This legislation will help make that a reality.

As Susan Roman of the ALA once pointed out, "Books are the on-ramp to the information super-highway."

I commend you and Senator Hutchison for being real leaders in this crusade to make all children ready to meet the challenges of the 21st century.

Please let me know how I can help.

Sincerely,
STEVE COHEN,
*President.*

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ASSOCIATION OF AMERICAN
PUBLISHERS, INC.,
*Washington, DC, May 23, 2000.*

Hon. EDWARD M. KENNEDY,
*U.S. Senate,*
*Washington, DC.*

DEAR TED: The American publishing industry enthusiastically supports the "Book Stamp Act" introduced by you and Senator Hutchison today. This important and timely legislation acknowledges the fact that young minds need as much nourishing as young bodies.

Every September, some 40 percent of American children who start school are not literacy-ready and, for most, that educational gap never closes. From a growing body of research, we have begun to understand how important it is for very young children to have books in their lives. At BookExpo America on June 3, for the first time, a distinguished group of early literacy experts, pediatricians, , child-development professionals and children's publishers will come together to explore ways of improving access to quality books for the 13 million pre-school-age children in daycare and early education programs. The "Book Stamp Act" couldn't come at a better time.

We congratulate you on the introduction of the "Book Stamp Act," and look forward to working with you to ensure its passage.

With warmest regards,
Sincerely,
PATRICIA S. SCHROEDER.

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NATIONAL ASSOCIATION FOR THE
EDUCATION OF YOUNG CHILDREN,
*Washington, DC, May 23, 2000.*

Hon. EDWARD M. KENNEDY,
Hon. KAY BAILEY HUTCHISON,
*U.S. Senate, Washington, DC.*

DEAR SENATORS KENNEDY AND HUTCHISON: The National Association for the Education of Young Children (NAEYC), representing over 100,000 individuals dedicated to excellence in early childhood education, commends you for your leadership in promoting early childhood literacy through the Book Stamps legislation you will introduce today.

Learning to read and write is critical to a child's success in school and later in life. One of the best predictors of whether a child will function competently in school and go on to contribute actively in our increasingly literate society is the level to which the child progresses in reading and writing. Although reading and writing abilities continue to develop throughout the life span, the early childhood years—from birth through age eight—are the most important period for literacy development. It is for this reason that the International Reading Association (IRA) and NAEYC joined together to formulate a position statement regarding early literacy development.

We are pleased that this bipartisan legislation will expand young children's access to books and support parent involvement in early literacy. By making books more affordable and accessible to young children in Head Start, in child care settings, and in their homes, we can help them not only learn to read and write, but also foster and sustain their interest in reading for their own enjoyment, information, and communication.

Sincerely,

ADELE ROBINSON,
*Director of Policy Development.*

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READING IS FUNDAMENTAL, INC.,
*Washington, DC, May 23, 2000.*

DEAR SENATOR: Reading Is Fundamental's Board of Directors and staff urge you to support the passage of the Kennedy-Hutchison Book Stamp Act to help bridge the literacy gap for the nation's youngest and most at-risk children.

Educators, researchers and practitioners in the literacy arena have increasing focused on the 0–5 age range as the key to helping the nation's neediest children enter school ready to read and learn. We know that focus and attention will give them a far better chance at succeeding in life than many of their parents and older siblings had.

At RIF, we have increased our focus on providing books and literacy enhancing programs and services in recent years and we are actively pursuing working relationships and partnerships with the childcare community. We have launched a pilot program to create effective training system, called Care to Read for childcare providers and other early childhood caregivers. That program is now ready to help these caregivers provide appropriate environmental and literacy enhancing experiences for children. We are anxious to engage with NACCRA in working out ways to link this training with the Book Stamp Act initiative and share RIF's resources to help make this program effective.

RIF now provides books and essential literacy services to nearly 1,000,000 children and we know the need is critical for significant infusions of books and services to help reduce illiteracy among this at-risk population. We urge your strong support.

Yours truly,

RICHARD E. SELLS,
*Senior VP and Chief Operating Officer.*●

## ADDITIONAL COSPONSORS

### S. 345

At the request of Mr. ALLARD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 345, a bill to amend the Animal Welfare Act to remove the limitation that permits interstate movement of live birds, for the purpose of fighting, to States in which animal fighting is lawful.

### S. 429

At the request of Mr. DURBIN, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 429, a bill to designate the legal public holiday of "Washington's Birthday" as "Presidents' Day" in honor of George Washington, Abraham Lincoln, and Franklin Roosevelt and in recognition of the importance of the institution of the Presidency and the contributions that Presidents have made to the development of our Nation and the principles of freedom and democracy.

### S. 779

At the request of Mr. ABRAHAM, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 779, a bill to provide that no Federal income tax shall be imposed on amounts received by Holocaust victims or their heirs.

### S. 1118

At the request of Mr. SCHUMER, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1118, a bill to amend the Agricultural Market Transition Act to convert the price support program for sugarcane and sugar beets into a system of solely recourse loans to provide for the gradual elimination of the program.

### S. 1155

At the request of Mr. ROBERTS, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1155, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for uniform food safety warning notification requirements, and for other purposes.

### S. 1159

At the request of Mr. STEVENS, the names of the Senator from Vermont (Mr. JEFFORDS), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 1159, a bill to provide grants and contracts to local educational agencies to initiate, expand, and improve physical education programs for all kindergarten through 12th grade students.

### S. 1351

At the request of Mr. GRASSLEY, the name of the Senator from Washington (Mr. GORTON) was added as a cosponsor of S. 1351, a bill to amend the Internal Revenue Code of 1986 to extend and modify the credit for electricity produced from renewable resources.

### S. 1475

At the request of Mr. REED, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 1475, a bill to amend the Child Care and Development Block Grant Act of 1990 to provide incentive grants to improve the quality of child care.

### S. 1487

At the request of Mr. AKAKA, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1487, a bill to provide for excellence in economic education, and for other purposes.

### S. 1488

At the request of Mr. GORTON, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1488, a bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices.

### S. 1762

At the request of Mr. COVERDELL, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 1762, a bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws.

### S. 1795

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1795, a bill to require that before issuing an order, the President shall cite the authority for the order, conduct a cost benefit analysis, provide for public comment, and for other purposes.

### S. 1800

At the request of Mr. GRAHAM, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1800, a bill to amend the Food Stamp Act of 1977 to improve onsite inspections of State food stamp programs, to provide grants to develop community partnerships and innovative outreach strategies for food stamp and related programs, and for other purposes.

### S. 1810

At the request of Mrs. MURRAY, the name of the Senator from Florida (Mr. GRAHAM) was added as a cosponsor of S. 1810, a bill to amend title 38, United States Code, to clarify and improve veterans' claims and appellate procedures.

### S. 1874

At the request of Mr. GRAHAM, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1874, a bill to improve academic and social outcomes for youth and reduce both juvenile crime and the risk that youth will become victims of crime by providing productive activities conducted by law enforcement personnel during non-school hours.

### S. 1880

At the request of Mr. KENNEDY, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 1880, a bill to amend the Public Health Service Act to improve the health of minority individuals.

### S. 1900

At the request of Mr. LAUTENBERG, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 1900, a bill to amend the Internal Revenue Code of 1986 to allow a credit to holders of qualified bonds issued by Amtrak, and for other purposes.

### S. 1945

At the request of Mr. BOND, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 1945, a bill to amend title 23, United States Code, to require consideration under the congestion mitigation and air quality improvement program of the extent to which a proposed project or program reduces sulfur or atmospheric carbon emissions, to make renewable fuel projects eligible under that program, and for other purposes.

S. 1995

At the request of Mr. KOHL, the name of the Senator from Georgia (Mr. CLELAND) was added as a cosponsor of S. 1995, a bill to amend the National School Lunch Act to revise the eligibility of private organizations under the child and adult care food program.

S. 2018

At the request of Mrs. HUTCHISON, the names of the Senator from Connecticut (Mr. DODD) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 2018, a bill to amend title XVIII of the Social Security Act to revise the update factor used in making payments to PPS hospitals under the medicare program.

S. 2029

At the request of Mr. FRIST, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 2029, a bill to amend the Communications Act of 1934 to prohibit telemarketers from interfering with the caller identification service of any person to whom a telephone solicitation is made, and for other purposes.

S. 2068

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2068, a bill to prohibit the Federal Communications Commission from establishing rules authorizing the operation of new, low power FM radio stations.

S. 2070

At the request of Mr. FITZGERALD, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2070, a bill to improve safety standards for child restraints in motor vehicles.

S. 2100

At the request of Mr. EDWARDS, the name of the Senator from Michigan (Mr. ABRAHAM) was added as a cosponsor of S. 2100, a bill to provide for fire sprinkler systems in public and private college and university housing and dormitories, including fraternity and sorority housing and dormitories.

S. 2181

At the request of Mr. BINGAMAN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 2181, a bill to amend the Land and Water Conservation Fund Act to provide full funding for the Land and Water Conservation Fund, and to provide dedicated funding for other conservation programs, including coastal stewardship, wildlife habitat protection, State and local park and open space preservation, historic preservation, forestry conservation programs, and youth conservation corps; and for other purposes.

S. 2256

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 2256, a bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws.

S. 2287

At the request of Mr. L. CHAFEE, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 2287, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 2298

At the request of Mr. JEFFORDS, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2298, a bill to amend title XVIII of the Social Security Act to clarify the definition of homebound with respect to home health services under the medicare program.

S. 2307

At the request of Mr. DORGAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2307, a bill to amend the Communications Act of 1934 to encourage broadband deployment to rural America, and for other purposes.

S. 2308

At the request of Mr. MOYNIHAN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2308, a bill to amend title XIX of the Social Security Act to assure preservation of safety net hospitals through maintenance of the Medicaid disproportionate share hospital program.

S. 2311

At the request of Mr. JEFFORDS, the name of the Senator from South Carolina (Mr. THURMOND) was added as a cosponsor of S. 2311, supra.

At the request of Mr. KENNEDY, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 2311, a bill to revise and extend the Ryan White CARE Act programs under title XXVI of the Public Health Service Act, to improve access to health care and the quality of health care under such programs, and to provide for the development of increased capacity to provide health care and related support services to individuals and families with HIV disease, and for other purposes.

S. 2321

At the request of Mr. ROCKEFELLER, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2321, a bill to amend the Internal Revenue Code of 1986 to allow a tax credit for development costs of telecommunications facilities in rural areas.

S. 2330

At the request of Mr. ROTH, the names of the Senator from Utah (Mr. BENNETT), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 2330, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services.

S. 2338

At the request of Mr. SCHUMER, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 2338, a bill to enhance the enforcement of gun violence laws.

S. 2357

At the request of Mr. REID, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 2357, a bill to amend title 38, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from Tennessee (Mr. FRIST) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2393

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 2393, a bill to prohibit the use of racial and other discriminatory profiling in connection with searches and detentions of individuals by the United States Customs Service personnel, and for other purposes.

S. 2408

At the request of Mr. BINGAMAN, the names of the Senator from California (Mrs. BOXER), the Senator from Massachusetts (Mr. KERRY), the Senator from Washington (Mr. GORTON), the Senator from Delaware (Mr. BIDEN), and the Senator from Kansas (Mr. ROBERTS) were added as cosponsors of S. 2408, a bill to authorize the President to award a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation.

S. 2417

At the request of Mr. CRAPO, the names of the Senator from Arizona

(Mr. KYL), the Senator from Montana (Mr. BURNS) and the Senator from Maine (Ms. SNOWE) were added as cosponsors of S. 2417, a bill to amend the Federal Water Pollution Control Act to increase funding for State nonpoint source pollution control programs, and for other purposes.

S. 2419

At the request of Mr. JOHNSON, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from North Dakota (Mr. CONRAD) were added as cosponsors of S. 2419, a bill to amend title 38, United States Code, to provide for the annual determination of the rate of the basic benefit of active duty educational assistance under the Montgomery GI Bill, and for other purposes.

S. 2420

At the request of Mr. GRASSLEY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 2420, a bill to amend title 5, United States Code, to provide for the establishment of a program under which long-term care insurance is made available to Federal employees, members of the uniformed services, and civilian and military retirees, and for other purposes.

S. 2447

At the request of Mr. WELLSTONE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 2447, a bill to amend the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make competitive grants to establish National Centers for Distance Working to provide assistance to individuals in rural communities to support the use of teleworking in information technology fields.

S. 2459

At the request of Mr. COVERDELL, the names of the Senator from Kansas (Mr. BROWNBACK), the Senator from Georgia (Mr. CLELAND), and the Senator from Tennessee (Mr. THOMPSON) were added as cosponsors of S. 2459, a bill to provide for the award of a gold medal on behalf of the Congress to former President Ronald Reagan and his wife Nancy Reagan in recognition of their service to the Nation.

S. 2465

At the request of Mr. WELLSTONE, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 2465, a bill to amend the Internal Revenue Code of 1986 to deny tax benefits for research conducted by pharmaceutical companies where United States consumers pay higher prices for the products of that research than consumers in certain other countries.

S. 2516

At the request of Mr. THURMOND, the names of the Senator from North Carolina (Mr. HELMS) and the Senator from Ohio (Mr. DEWINE) were added as cosponsors of S. 2516, a bill to fund task forces to locate and apprehend fugitives in Federal, State, and local felony criminal cases and give administrative subpoena authority to the United States Marshals Service.

S. 2554

At the request of Mr. GREGG, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 2554, a bill to amend title XI of the Social Security Act to prohibit the display of an individual's social security number for commercial purposes without the consent of the individual.

S. 2596

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a cosponsor of S. 2596, a bill to amend the Internal Revenue Code of 1986 to encourage a strong community-based banking system.

S. 2599

At the request of Mr. ABRAHAM, the name of the Senator from New York (Mr. MOYNIHAN) was added as a cosponsor of S. 2599, a bill to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

S. CON. RES. 53

At the request of Mrs. FEINSTEIN, the names of the Senator from Michigan (Mr. LEVIN), the Senator from Minnesota (Mr. GRAMS), and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 53, a concurrent resolution condemning all prejudice against individuals of Asian and Pacific Island ancestry in the United States and supporting political and civic participation by such individuals throughout the United States.

S. CON. RES. 111

At the request of Mr. NICKLES, the names of the Senator from Illinois (Mr. DURBIN) and the Senator from Nebraska (Mr. KERREY) were added as cosponsors of S. Con. Res. 111, a concurrent resolution expressing the sense of the Congress regarding ensuring a competitive North American market for softwood lumber.

S. CON. RES. 113

At the request of Mr. MOYNIHAN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Con. Res. 113, a concurrent resolution expressing the sense of the Congress in recognition of the 10th anniversary of the free and fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma.

S. RES. 296

At the request of Mr. GRAHAM, the names of the Senator from New Mexico (Mr. DOMENICI) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. Res. 296, a resolution designating the first Sunday in June of each calendar year as "National Child's Day."

## SENATE CONCURRENT RESOLUTION 114—RECOGNIZING THE LIBERTY MEMORIAL IN KANSAS CITY, MISSOURI, AS A NATIONAL WORLD WAR I SYMBOL HONORING THOSE WHO DEFENDED LIBERTY AND OUR COUNTRY THROUGH SERVICE IN WORLD WAR I

Mr. BOND (for himself, Mr. ASHCROFT, and Mr. ROBERTS) submitted the following concurrent resolution; which was referred to the Committee on Energy and Natural Resources:

S. CON. RES. 114

Whereas over 4 million Americans served in World War I, however, there is no nationally recognized symbol honoring the service of such Americans;

Whereas in 1919, citizens of Kansas City expressed an outpouring of support, raising over $2,000,000 in 2 weeks, which was a fundraising accomplishment unparalleled by any other city in the United States irrespective of population;

Whereas on November 1, 1921, the monument site was dedicated marking the only time in history that the 5 Allied military leaders (Lieutenant General Baron Jacques of Belgium, General Armando Diaz of Italy, Marshal Ferdinand Foch of France, General John J. Pershing of the United States, and Admiral Lord Earl Beatty of Great Britain) were together at one place;

Whereas during a solemn ceremony on Armistice Day in 1924, President Calvin Coolidge marked the beginning of a 3-year construction project by the laying of the cornerstone of the Liberty Memorial;

Whereas the 217-foot Memorial Tower topped with 4 stone "Guardian Spirits" representing courage, honor, patriotism, and sacrifice, rises above the observation deck, making the Liberty Memorial a noble tribute to all who served;

Whereas during a rededication of the Liberty Memorial in 1961, former Presidents Harry S. Truman and Dwight D. Eisenhower recognized the memorial as a constant reminder of the sacrifices during World War I and the progress that followed;

Whereas the Liberty Memorial is the only public museum in the United States specifically dedicated to the history of World War I; and

Whereas the Liberty Memorial is internationally known as a major center of World War I remembrance: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That the Liberty Memorial in Kansas City, Missouri, is recognized as a national World War I symbol, honoring those who defended liberty and our country through service in World War I.

• Mr. BOND. Mr. President, today I come to the floor to submit a resolution recognizing the Liberty Memorial in Kansas City, Missouri as a national World War I symbol. I am pleased that Senator ASHCROFT and Senator ROBERTS are joining me as original cosponsors.

Fighting in the trenches in Europe, America's sons and daughters defended liberty and our country through service in World War One. We want to ensure that the sacrifices they made are not forgotten. The Liberty Memorial serves as a long-standing tribute to their accomplishments.

More than 4 million Americans served in World War One, however, the Liberty Memorial is the only major memorial and museum honoring their courage and loyalty. It is important to me that these men and women have an appropriate national symbol; they deserve to be recognized and honored. The Liberty Memorial serves as a constant reminder of the patriotism and sacrifice that the War evoked, both to the people of Kansas City, and across the country.

In 1919, Kansas Citians expressed an unprecedented outpouring of support, raising $2.5 million in less than two weeks. Three years later the five Allied military leaders met in Kansas City, marking the only time in history all five leaders came togther at one place. The leaders from Belgium, Italy, France, Great Brittan and the United States looked on, as the site for the Liberty Memorial was dedicated. Since that historic occasion, many other great world leaders have addressed the public at the Liberty Memorial including: Presidents Calvin Coolidge, Harry S Truman, Dwight D. Eisenhower, and William Howard Taft.

The Liberty Memorial opened to the public in 1926. It is an amazing structure; the impressive size and design puts it in a class with monuments here on the National Mall. The Memorial Tower is 217-feet-tall. The four Guardian Spirits: Honor, Courage, Patriotism, and Sacrifice, encircle the top of the tower. This is a great, inspirational work of art that serves as an outstanding tribute to America's sons and daughters of World War I.

In addition to the Memorial Tower, there is a Liberty Memorial Museum located within the complex. This museum promotes and encourages a better understanding of the sacrifices and progress made during World War I. While the Memorial undergoes a major renovation project, the museum is currently closed to the public. Upon its reopening, visitors from around the world can come to Kansas City to view the finest collection of World War I memorabilia in the United States. These fascinating displays are arranged to give visitors insight into America's role in the First World War.

The Memorial's history, consistent local support and its location in the Heart of America, makes the Liberty Memorial an ideal national tribute to all Americans who fought in World War One. I am proud to have such a distinguished Memorial in my home state of Missouri.

Mr. President, I urge the Senate to pass this resolution in a timely fashion so that we can properly honor the veterans of World War One with a national monument, and recognize the significance of the Liberty Memorial.●

## SENATE CONCURRENT RESOLUTION 115—PROVIDING FOR THE ACCEPTANCE OF A STATUE OF CHIEF WASHAKIE, PRESENTED BY THE PEOPLE OF WYOMING, FOR PLACEMENT IN NATIONAL STATUARY HALL, AND FOR OTHER PURPOSES

Mr. THOMAS (for himself and Mr. ENZI) submitted the following concurrent resolution; which was referred to the Committee on Rules and Administration:

### S. CON. RES. 115

Whereas Chief Washakie was a recognized leader of the Eastern Shoshone Tribe;

Whereas Chief Washakie contributed to the settlement of the west by allowing the Oregon and Mormon Trails to pass through Shoshone lands;

Whereas Chief Washakie, with his foresight and wisdom, chose the path of peace for his people;

Whereas Chief Washakie was a great leader who chose his alliances with other tribes and the United States Government thoughtfully; and

Whereas in recognition of his alliance and long service to the United States Government, Chief Washakie was the only chief to be awarded a full military funeral: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),*

**SECTION 1. ACCEPTANCE OF STATUE OF CHIEF WASHAKIE FROM THE PEOPLE OF WYOMING FOR PLACEMENT IN NATIONAL STATUARY HALL.**

(a) IN GENERAL.—The statue of Chief Washakie, furnished by the people of Wyoming for placement in National Statuary Hall in accordance with section 1814 of the Revised Statutes of the United States (40 U.S.C. 187), is accepted in the name of the United States, and the thanks of the Congress are tendered to the people of Wyoming for providing this commemoration of one of Wyoming's most eminent personages.

(b) PRESENTATION CEREMONY.—The State of Wyoming is authorized to use the rotunda of the Capitol on September 7, 2000, at 11:00 a.m., for a presentation ceremony for the statue. The Architect of the Capitol and the Capitol Police Board shall take such actions as may be necessary with respect to physical preparations and security for the ceremony.

(c) DISPLAY IN ROTUNDA.—The statue shall be displayed in the rotunda of the Capitol for a period of not more than 6 months, after which period the statue shall be moved to its permanent location in National Statuary Hall.

**SEC. 2. TRANSCRIPT OF PROCEEDINGS.**

(a) IN GENERAL.—The transcript of proceedings of the ceremony held under section 1 shall be printed, under the direction of the Joint Committee on the Library, as a Senate document, with illustrations and suitable binding.

(b) PRINTED COPIES.—In addition to the usual number, there shall be printed 6,555 copies of the ceremony transcript, of which 105 copies shall be for the use of the Senate, 450 copies shall be for the use of the House of Representatives, 2,500 copies shall be for use of the Representative from Wyoming, and 3,500 copies shall be for the use of the Senators from Wyoming.

**SEC. 3. TRANSMITTAL TO GOVERNOR OF WYOMING.**

The Clerk of the Senate shall transmit a copy of this concurrent resolution to the Governor of Wyoming.

Mr. THOMAS. Mr. President, today I rise along with Senator ENZI to submit a concurrent resolution allowing for the placement of Wyoming's second statue in Statuary Hall.

As many individuals from Wyoming know, Chief Washakie was a true warrior and statesman. Chief Washakie was born in 1798 and actively participated in the cultural and historic events that shaped the West before passing away in 1900. The value of his life experiences—which span three separate centuries—still resonate in my home state today.

Chief Washakie, a skilled orator and charismatic figure, was widely known for his ability to foresee what the future held for his people. As Chief of the Shoshone tribe for fifty years, Washakie was successful in protecting the interests of his people in the face of westward expansion. In 1868, Chief Washakie was instrumental in the signing of the Fort Bridger treaty—which granted the Shoshone more than three million acres of land in the Warm Valley of the Wind on the Wind River reservation. His legacy lives on today as many of his descendants continue to be involved in tribal matters throughout Wyoming.

It is fitting that Wyoming has chosen Chief Washakie to be honored in our Nation's Capitol. This resolution not only speaks to his achievements but also commemorates the very spirit on which our great country was founded.

Mr. ENZI. Mr. President, I rise with my colleague Senator THOMAS to submit a resolution authorizing Congress to accept Wyoming's second statue for National Statuary Hall, a statue of the great Chief of the Eastern Shoshone Tribe, Chief Washakie. The entire nation owes Chief Washakie a great debt of gratitude for his assistance in allowing settlers to pass over his tribe's lands during the great Western migration and for advancing the cause of peace between the United States and Native American nations.

The exact birthdate of Chief Washakie is not known, but it is believed that he was born in 1804 to a Flathead father and a Shoshone mother who lived in a Flathead tribe village. That village was attacked by the Blackfeet tribe and Washakie's father was killed in the battle. Washakie's mother was taken in by the Lemhi tribe of the Shoshone and Washakie and his sister remained with the Lemhis when his mother and the rest of his family rejoined the Flatheads.

Washakie made his name as a successful warrior. He devised a large rattle from a dried buffalo hide that was inflated and filled with stones that he used to frighten the horses of rival tribes in battle. He also aligned his nation with the United States and served the United States Army as a scout. It was that service which earned him a funeral with full military honors upon his death in 1900. He was the only Native American leader to be accorded such an honor.

Washakie united the Shoshones to battle threats presented by hostile tribes, such as the Cheyenne and the Sioux tribes. This brought him to the attention of the United States Government and white men as someone they could do business with. He was a friend of many of the fur trappers who worked in Wyoming and his assistance with the other Native American tribes was invaluable. He also offered protection to wagon trains making their way across Wyoming. Chief Washakie sent members of his tribe to the Little Bighorn to reinforce Custer's troops during the battle, but were too late to prevent the massacre that took place.

Chief Washakie recognized that the white man could be a benefit to the Shoshone tribes. His forward thinking nature ensured that the Shoshone tribe received their current home as a reservation and was not required to relocate to an unfamiliar area. The Wind River Reservation in Western Wyoming is still home to the Eastern Shoshone tribe.

Wyoming has recognized Chief Washakie as one of our state's most notable citizens by granting him a very unique honor, the placement of a statue of him in the United States Capitol. He joins Esther Hobart Morris, the first female Justice of Peace in the nation and the woman who started the movement that led the Wyoming Territorial Legislature to grant women the right to vote in 1869. Chief Washakie also joins such esteemed company as patriots Samuel Adams and Ethan Allen, Senator John Calhoun and Henry Clay, and Presidents George Washington and Andrew Jackson to name just a few of the notable Americans with a place of honor in the Capitol. Congress extends its thanks to the people of Wyoming for providing the nation with this statue of one of our most important figures, Chief Washakie of the Shoshone Nation.

## SENATE CONCURRENT RESOLUTION 116—COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. LOTT (for himself, Mr. DASCHLE, Mr. HELMS, Mr. BIDEN, Mr. GRAHAM, Mr. BAUCUS, Mr. HARKIN, Mr. JOHNSON, Mr. DODD, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. CONRAD) submitted the following concurrent resolution; which was considered and agreed to:

### S. CON. RES. 116

Whereas Israel has been actively seeking a comprehensive peace with all of her neighbors to bring about an end to the Arab-Israeli conflict;

Whereas southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians;

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory;

Whereas the Government of Israel unanimously agreed to implement Security Council Resolution 425 and has stated its intention of redeploying its forces to the international border by July 7, 2000;

Whereas Security Council Resolution 425 also calls for "strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries" and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas the Government of Syria currently deploys 30,000 Syrian troops in Lebanon: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring),* That Congress—

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls upon the United Nations Security Council—

(A) to recognize Israel's fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and

(B) to insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from that area;

(4) appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all members of the South Lebanon Army and their families;

(5) calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon;

(6) recognizes Israel's right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel's qualitative military edge in order to ensure Israel's long-term security; and

(7) urges all parties to reenter the peace process with the Government of Israel in order to bring peace and stability to all the Middle East.

## SENATE RESOLUTION 309—EXPRESSING THE SENSE OF THE SENATE REGARDING CONDITIONS IN LAOS

Mr. FEINGOLD (for himself, Mrs. BOXER, Mr. KOHL, Mr. WELLSTONE, Mrs. FEINSTEIN, and Mr. GRAMS) submitted the following resolution; which was referred to the Committee on Finance:

### S. RES. 309

Whereas Laos was devastated by civil war from 1955 to 1974;

Whereas the people of Laos have lived under the authoritarian, one-party government of the Lao People's Revolutionary Party since the overthrow of the existing Royal Lao government in 1975;

Whereas the communist government of the Lao People's Democratic Republic sharply curtails basic human rights, including freedom of speech, assembly, association, and religion;

Whereas political dissent is not allowed in Laos and those who express their political will are severely punished;

Whereas the Lao constitution protects freedom of religion but the Government of Laos in practice restricts this right;

Whereas Laos is not a signatory of the Universal Declaration of Human Rights or the International Covenant on Civil and Political Rights;

Whereas Laos is a party to international human rights treaties, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

Whereas the 1999 State Department Report on Human Rights Practices in Laos finds that "societal discrimination against women and minorities persist";

Whereas the State Department's report also finds that the Lao government "discriminates in its treatment of prisoners" and uses "degrading treatment, solitary confinement, and incommunicado detention against perceived problem prisoners";

Whereas two American citizens, Houa Ly and Michael Vang, were last seen on the border between Laos and Thailand in April 1999 and may be in Laos; and

Whereas many Americans of Hmong and Lao descent are deeply troubled by the conditions in Laos: Now, therefore, be it

*Resolved,* That the Senate calls on the Government of the Lao People's Democratic Republic to—

(1) respect the basic human rights of all of its citizens, including freedom of speech, assembly, association, and religion;

(2) ratify the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

(3) fulfill its obligations under the international human rights treaties to which it is a party, including the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Political Rights of Women;

(4) take demonstrable steps to ensure that Hmong and other ethnic minorities who have been returned to Laos from Thailand and elsewhere in Southeast Asia are—

(A) accepted into Lao society on an equal par with other Lao citizens;

(B) allowed to practice freely their ethnic and religious traditions and to preserve their language and culture without threat of fear or intimidation; and

(C) afforded the same educational, economic, and professional opportunities as other residents of Laos;

(5) allow international humanitarian organizations, including the International Red Cross, to gain unrestricted access to areas in which Hmong and other ethnic minorities have been resettled;

(6) allow independent monitoring of prison conditions;

(7) release from prison those who have been arbitrarily arrested on the basis of their political or religious beliefs; and

(8) cooperate fully with the United States Government in the ongoing investigation into the whereabouts of Houa Ly and Michael Vang, two United States citizens who were last seen near the border between Laos and Thailand in April 1999.

## SENATE RESOLUTION 310—HONORING THE 19 MEMBERS OF THE UNITED STATES MARINE CORPS WHO DIED ON APRIL 8, 2000, AND EXTENDING THE CONDOLENCES OF THE SENATE ON THEIR DEATHS

Ms. SNOWE (for herself, Mr. WARNER, Mr. LEVIN, Mr. THURMOND, Mr. KENNEDY, Mr. MCCAIN, Mr. ROBB, Mr. SMITH of New Hampshire, Mr. REED, Mr. INHOFE, Mr. LIEBERMAN, Mr. SANTORUM, Mr. CLELAND, Mr. ROBERTS, Mr. HUTCHINSON, and Mr. SESSIONS) submitted the following resolution; which was considered and agreed to:

S. RES. 310

Whereas on April 8, 2000, an MV-22 Osprey aircraft crashed during a training mission in support of Operational Evaluation in Marana, Arizona, killing all 19 members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these magnificent Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate through the 3d Battalion, 5th Marine Regiment, 1st Marine Division, Marine Helicopter Squadron–1, and Marine Wing Communications Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas.

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron–1, of California, Maryland.

(3) Private First Class Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzalez Sanchez, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(7) Major Brooks S. Gruber, 34, a pilot assigned to Marine Helicopter Squadron–1, of Jacksonville, North Carolina.

(8) Lance Corporal Seth G. Jones, 18, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) 2d Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron–1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Washington.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group 38, of Richmond, Virginia.

(15) Private First Class Kenneth O. Paddio, 23, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

(16) Private First Class George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, California.

(17) Private First Class Keoki P. Santos, 24, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Grand Ronde, Oregon.

(18) Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Florida.

(19) Private Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Kermit, Texas: Now, therefore, be it

*Resolved*, That the Senate—

(1) has learned with profound sorrow of the deaths of 19 members of the United States Marine Corps in the crash of an MV-22 Osprey aircraft on April 8, 2000, during a training mission in Marana, Arizona, and extends condolences to the families of these 19 members of the United States Marine Corps;

(2) acknowledges that these 19 members of the United States Marine Corps embody the credo of the United States Marine Corps, "Semper Fidelis";

(3) expresses its profound gratitude to these 19 members of the United States Marine Corps for the dedicated and honorable service they rendered to the United States and the United States Marine Corps; and

(4) recognizes with appreciation and respect the loyalty and sacrifice these families have demonstrated in support of the United States Marine Corps.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Commandant of the United States Marine Corps and to the families of each member of the United States Marine Corps who was killed in the accident referred to in the first section of this resolution.

## SENATE RESOLUTION 311—TO EXPRESS THE SENSE OF THE SENATE REGARDING FEDERAL PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED SMALL BUSINESSES

Mr. BOND (for himself, Mr. KERRY, Mr. ABRAHAM, Mr. BURNS, Ms. SNOWE, Ms. LANDRIEU, Mr. LIEBERMAN, Mr. EDWARDS, Mr. BINGAMAN, Mrs. MURRAY, and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 311

Whereas women-owned small businesses are the fastest growing segment of the business community in the United States;

Whereas women-owned small businesses will make up more than one-half of all business in the United States by the year 2010;

Whereas in 1994, the Congress enacted the Federal Acquisition Streamlining Act of 1994, establishing a Government-wide goal for small businesses owned and controlled by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each fiscal year;

Whereas the Congress intended that the departments and agencies of the Federal Government make a concerted effort to move toward that goal;

Whereas in fiscal year 1999, the departments and agencies of the Federal Government awarded prime contracts totaling 2.4 percent of the total dollar value of all prime contracts; and

Whereas in each fiscal year since enactment of the Federal Acquisition Streamlining Act of 1994, the Federal departments and agencies have failed to reach the 5 percent procurement goal for women-owned small businesses: Now, therefore, be it

*Resolved*, That—

(1) the Senate strongly urges the President to adopt a policy in support of the 5 percent procurement goal for women-owned small businesses, and to encourage the heads of the Federal departments and agencies to undertake a concerted effort to meet the 5 percent goal before the end of fiscal year 2000; and

(2) the President should hold the heads of the Federal departments and agencies accountable to ensure that the 5 percent goal is achieved during fiscal year 2000.

## SENATE RESOLUTION 312—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF INDIANA V. AMY HAN

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 312

Whereas, in the case of State of Indiana v. Amy Han, C. No. 99-148243, pending in the Indiana Superior Court of Marion County, Criminal Division, testimony has been requested from Lesley Reser and Lane Ralph, employees in the office of Senator Richard Lugar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Lesley Reser and Lane Ralph, and any other employee of Senator Lugar's office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar's office in connection with the testimony and document production authorized in section one of this resolution.

## SENATE RESOLUTION 313—TO AUTHORIZE REPRESENTATION BY THE SENATE LEGAL COUNSEL IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

### S. RES. 313

Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 2000CV22443, now pending in the Superior Court of Fulton County, Georgia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

## NOTICE OF HEARING

### SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources. The purpose of this oversight hearing is to review the final rules and regulations issued by the National Park Service relating to Title IV of the National Parks Omnibus Management Act of 1998.

The hearing will take place on Thursday, June 8 at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole or Kevin Clark of the committee staff at (202) 244–6969.

## AUTHORITY FOR COMMITTEES TO MEET

### COMMITTEE ON ARMED SERVICES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, at 9:30 a.m., in open and closed session to receive testimony on U.S. Strategic Nuclear Force requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

### COMMITTEE ON SMALL BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, beginning at 10:00 a.m. in room 428A of the Russell Senate Office Building to hold a hearing entitled "IRS Restructuring: A New Era for Small Business."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, May 23, 2000, to conduct a hearing on "consolidation of HUD's homeless assistance programs."

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be authorized to meet during the session of the Senate on Tuesday, May 23, at 10 a.m., to receive testimony on the administration's Water Resources Development Act of 2000 proposal.

The PRESIDING OFFICER. Without objection, it is so ordered.

### SUBCOMMITTEE ON WATER AND POWER

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, May 23 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 740, a bill to amend the Federal Power Act to improve the hydroelectric licensing process by granting the Federal Energy Regulatory Commission statutory authority to better coordinate participation by other agencies and entities, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PRIVILEGES OF THE FLOOR

Mr. McCONNELL. Mr. President, I ask unanimous consent Christyne Bourne, a legal intern for the Rules Committee, be permitted to have access to the floor during the debate on the FEC nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that Tom McCormick, a legal intern on my staff, be granted floor privileges during the duration of the debate on the nominations that we are considering today and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

## ORDER FOR STAR PRINT—S. 2299

Mr. ALLARD. Mr. President, I ask unanimous consent that S. 2299 be star printed with the changes that are at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

## COMMENDING ISRAEL'S REDEPLOYMENT FROM SOUTHERN LEBANON

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 116, submitted earlier by Senator LOTT and others.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 116) commending Israel's redeployment from southern Lebanon.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. ALLARD. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 116) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

### S. CON. RES. 116

Whereas Israel has been actively seeking a comprehensive peace with all of her neighbors to bring about an end to the Arab-Israeli conflict;

Whereas southern Lebanon has for decades been the staging area for attacks against Israeli cities and towns by Hezbollah and by Palestinian terrorists, resulting in the death or wounding of hundreds of Israeli civilians;

Whereas United Nations Security Council Resolution 425 (March 19, 1978) calls upon Israel to withdraw its forces from all Lebanese territory;

Whereas the Government of Israel unanimously agreed to implement Security Council Resolution 425 and has stated its intention of redeploying its forces to the international border by July 7, 2000;

Whereas Security Council Resolution 425 also calls for "strict respect for the territorial integrity, sovereignty and political independence of Lebanon within its internationally recognized boundaries" and establishes a United Nations interim force to help restore Lebanese sovereignty; and

Whereas the Government of Syria currently deploys 30,000 Syrian troops in Lebanon: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) commends Israel for its decision to withdraw its forces from southern Lebanon and for taking risks for peace in the Middle East;

(2) calls upon the United Nations Security Council—

(A) to recognize Israel's fulfillment of its obligations under Security Council Resolution 425 and to provide the necessary resources for the United Nations Interim Force in Lebanon (UNIFIL) to implement its mandate under that resolution; and

(B) to insist upon the withdrawal of all foreign forces from Lebanese territory so that Lebanon may exercise sovereignty throughout its territory;

(3) urges UNIFIL, in cooperation with the Lebanese Armed Forces, to gain full control over southern Lebanon, including taking actions to ensure the disarmament of Hezbollah and all other such groups, in order to eliminate all terrorist activity originating from that area;

(4) appeals to the Government of Lebanon to grant clemency and assure the safety and rehabilitation into Lebanese society of all members of the South Lebanon Army and their families;

(5) calls upon the international community to ensure that southern Lebanon does not once again become a staging ground for attacks against Israel and to cooperate in bringing about the reconstruction and reintegration of southern Lebanon;

(6) recognizes Israel's right, enshrined in Chapter 7, Article 51 of the United Nations Charter, to defend itself and its people from attack and reasserts United States support for maintaining Israel's qualitative military edge in order to ensure Israel's long-term security; and

(7) urges all parties to reenter the peace process with the Government of Israel in order to bring peace and stability to all the Middle East.

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## HONORING NINETEEN MARINES AND EXTENDING CONDOLENCES OF THE SENATE ON THEIR DEATHS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 310, submitted earlier by Senator SNOWE, for herself and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 310) honoring the 19 members of the United States Marine Corps who died on April 8, 2000, and extending the condolences of the Senate on their deaths.

There being no objection, the Senate proceeded to consider the resolution.

Ms. SNOWE. Mr. President, I rise to speak on a resolution honoring the 19 Marines who died on April 8, 2000 during a training mission in Marana, AZ, and extending the condolences of the Senate to their families and the Marine Corps.

I thank Senators WARNER and LEVIN, and the 13 other Senators—from both sides of the aisle on the Armed Services Committee—for joining me in bipartisan support of this resolution.

At approximately 8 p.m. on Saturday, April 8, while conducting training as part of the weapons and tactics instructor course, during an operational evaluation of the MV-22 Osprey, the aircraft unexpectedly plunged to the ground during landing, killing all 19 marines on board.

Their deaths stunned the Nation. Among those who died were fathers, husbands, boyfriends, brothers, grandsons, nephews, uncles, and friends. These dedicated men were from Texas, Maryland, Oklahoma, California, North Carolina, Oregon, South Carolina, Arizona, Washington, Virginia, and Florida but were bound together in the brotherhood of arms known as the United States Marine Corps.

Since it was first established through a resolution by the Continental Congress on November 10, 1775, the United States Marine Corps has been defined by the fearless and indomitable spirit of those who have served. Sharing an enviable "esprit de corps," marines have used the Marine Corps emblem of the eagle, globe, and anchor to transcend race, ethnicity, gender, geographic and economic background. Their tenacity, uncompromising will, and outspoken pride in being a marine have endeared them to the nation, and we, as a nation, grieve their loss.

Nowhere is this loss felt more deeply than by the families of these men. I thank them for their unrelenting support and sacrifice that they have made to their marine, to the Marine Corps, and to their Nation, and offer my sympathy for their loss. I also recognize the Marine Corps family—specifically the 3d Battalion, 5th Marine Regiment, 1st Marine Division, the Marine Helicopter Squadron-1, and the Marine Wing Communications Squadron 38, Marine Air Control Group 38—who served side by side with these marines and will continue to carry out the mission without them.

This tragic accident is a brutal reminder that there is no such thing as "routine" training for our men and women in the military. Every day, all around the world our armed forces risk their lives, in peace and in combat, to support and defend our great Nation, and they deserve our thanks and admiration.

Mr. President, this resolution recognizes the sacrifices of these magnificent 19 marines and their families who embody the Marine Corps credo "Semper Fidelis" always faithful. It is the opportunity for the Senate to publically thank their families and the Marine Corps for their dedication, loyalty, and sacrifice to our Nation, and to extend our condolences on this loss.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 310) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 310

Whereas on April 8, 2000, an MV-22 Osprey aircraft crashed during a training mission in support of Operational Evaluation in Marana, Arizona, killing all 19 members of the United States Marine Corps onboard;

Whereas the Marines who lost their lives in the crash made the ultimate sacrifice in the service of the United States and the Marine Corps;

Whereas the families of these magnificent Marines have the most sincere condolences of the Nation;

Whereas the members of the Marine Corps take special pride in their esprit de corps, and this tremendous loss will resonate through the 3d Battalion, 5th Marine Regiment, 1st Marine Division, Marine Helicopter Squadron-1, and Marine Wing Communications Squadron 38, Marine Air Control Group 38, and the entire Marine Corps family;

Whereas the Nation joins the Commandant of the Marine Corps and the Marine Corps in mourning this loss; and

Whereas the Marines killed in the accident were the following:

(1) Sergeant Jose Alvarez, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Uvalde, Texas.

(2) Major John A. Brow, 39, a pilot assigned to Marine Helicopter Squadron-1, of California, Maryland.

(3) Private First Class Gabriel C. Clevenger, 21, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Picher, Oklahoma.

(4) Private First Class Alfred Corona, 23, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Antonio, Texas.

(5) Lance Corporal Jason T. Duke, 28, a machinegunner assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Tempe, Arizona.

(6) Lance Corporal Jesus Gonzalez Sanchez, 27, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of San Diego, California.

(7) Major Brooks S. Gruber, 34, a pilot assigned to Marine Helicopter Squadron-1, of Jacksonville, North Carolina.

(8) Lance Corporal Seth G. Jones, 18, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Bend, Oregon.

(9) 2d Lieutenant Clayton J. Kennedy, 24, a platoon commander assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Clifton Bosque, Texas.

(10) Corporal Kelly S. Keith, 22, an aircraft crew chief assigned to Marine Helicopter Squadron-1, of Florence, South Carolina.

(11) Corporal Eric J. Martinez, 21, a field radio operator assigned to Marine Wing Communications Squadron 38, Marine Air Control Group 38, of Coconino, Arizona.

(12) Lance Corporal Jorge A. Morin, 21, an assaultman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of McAllen, Texas.

(13) Corporal Adam C. Neely, 22, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Winthrop, Washington.

(14) Staff Sergeant William B. Nelson, 30, a satellite communications specialist with Marine Air Control Group 38, of Richmond, Virginia.

(15) Private First Class Kenneth O. Paddio, 23, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Houston, Texas.

(16) Private First Class George P. Santos, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Long Beach, California.

(17) Private First Class Keoki P. Santos, 24, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Grand Ronde, Oregon.

(18) Corporal Can Soler, 21, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Palm City, Florida.

(19) Private Adam L. Tatro, 19, a rifleman assigned to 3d Battalion, 5th Marine Regiment, 1st Marine Division, of Kermit, Texas: Now, therefore, be it

*Resolved*, That the Senate—

(1) has learned with profound sorrow of the deaths of 19 members of the United States Marine Corps in the crash of an MV–22 Osprey aircraft on April 8, 2000, during a training mission in Marana, Arizona, and extends condolences to the families of these 19 members of the United States Marine Corps;

(2) acknowledges that these 19 members of the United States Marine Corps embody the credo of the United States Marine Corps, "Semper Fidelis";

(3) expresses its profound gratitude to these 19 members of the United States Marine Corps for the dedicated and honorable service they rendered to the United States and the United States Marine Corps; and

(4) recognizes with appreciation and respect the loyalty and sacrifice these families have demonstrated in support of the United States Marine Corps.

SEC. 2. The Secretary of the Senate shall transmit an enrolled copy of this resolution to the Commandant of the United States Marine Corps and to the families of each member of the United States Marine Corps who was killed in the accident referred to in the first section of this resolution.

## REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NOS. 106–25 THROUGH 106–31

Mr. ALLARD. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on May 23, 2000, by the President of the United States: Investment Treaty with Bahrain (Treaty Document No. 106–25); Investment Treaty with Bolivia (Treaty Document No. 106–26); Investment Treaty with Honduras (Treaty Document No. 106–27); Investment Treaty with El Salvador (Treaty Document No. 106–28); Investment Treaty with Croatia (Treaty Document No. 106–29); Investment Treaty with Jordan (Treaty Document No. 106–30); Investment Treaty with Mozambique (Treaty Document No. 106–31).

Further, I ask unanimous consent that the treaties be considered as having been read for the first time, that they be referred with accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

*To the Senate of the United States:*

With a view of receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the State of Bahrain Concerning the Encouragement and Reciprocal Protection of Investment, with Annex, signed at Washington on September 29, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Bahrain is the third such treaty between the United States and a Middle Eastern country. The Treaty will protect U.S. investment and assist Bahrain in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Bolivia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Santiago, Chile, on April 17, 1998, during the Second Presidential Summit of the Americas. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Bolivia is the sixth such treaty between the United States and a Central or South American country. The Treaty will protect U.S. investment and assist Bolivia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Honduras Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Denver on July 1, 1995. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Honduras is the fourth such Treaty with a Central or South American country. The Treaty will protect U.S. investment and assist Honduras in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty, with Annex and Protocol, at an early date.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 23, 2000.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of El Salvador Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at San Salvador on March 10, 1999. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with El Salvador is the seventh such treaty with a Central or South American country. The Treaty will protect U.S. investment and assist El Salvador in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thereby strengthening the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 23, 2000.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Republic of Croatia Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Zagreb on July 13, 1996. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The Bilateral Investment Treaty (BIT) with Croatia was the fourth such treaty between the United States and a Southeastern European country. The Treaty will protect U.S. investment and assist Croatia in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 23, 2000.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of the Hashemite Kingdom of Jordan Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Amman on July 2, 1997. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Jordan was the second such treaty between the United States and a country in the Middle East. The Treaty will protect U.S. investment and assist Jordan in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible, and give its advice and consent to ratification of the treaty at an early date.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 23, 2000.*

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*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Treaty Between the Government of the United States of America and the Government of Mozambique Concerning the Encouragement and Reciprocal Protection of Investment, with Annex and Protocol, signed at Washington on December 1, 1998. I transmit also, for the information of the Senate, the report of the Department of State with respect to this Treaty.

The bilateral investment treaty (BIT) with Mozambique is the first such treaty between the United States and a country in Southern Africa. The Treaty will protect U.S. investment and assist Mozambique in its efforts to develop its economy by creating conditions more favorable for U.S. private investment and thus strengthen the development of its private sector.

The Treaty is fully consistent with U.S. policy toward international and domestic investment. A specific tenet of U.S. policy, reflected in this Treaty, is that U.S. investment abroad and foreign investment in the United States should receive national treatment. Under this Treaty, the Parties also agree to customary international law standards for expropriation. The Treaty includes detailed provisions regarding the computation and payment of prompt, adequate, and effective compensation for expropriation; free transfer of funds related to investments; freedom of investments from specified performance requirements; fair, equitable, and most-favored-nation treatment; and the investor's freedom to choose to resolve disputes with the host government through international arbitration.

I recommend that the Senate consider this Treaty as soon as possible and give its advice and consent to ratification of the Treaty at an early date.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 23, 2000.*

### FEDERAL PROCUREMENT OPPORTUNITIES FOR WOMEN-OWNED BUSINESSES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 311, submitted earlier by Senator BOND and Senator KERRY.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 311) to express the sense of the Senate regarding Federal procurement opportunities for women-owned small businesses.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BOND. Mr. President, I rise in support of the Senate Resolution I introduce today which calls attention to the Federal Government's failure to meet the statutory goal to award 5 percent of Federal contract dollars to women-owned small businesses. I am very pleased that members of the Senate Committee on Small Business have cosponsored this Resolution, including the committee's ranking member, Senator KERRY, Senator BURNS, Senator SNOWE, Senator LANDRIEU, Senator LIEBERMAN, Senator EDWARDS and Senator ABRAHAM, who authored last year's initiative in the committee to help women reach the 5-percent goal. In addition, Senators BINGAMAN and MURRAY have joined us as cosponsors of the resolution.

This is Small Business Week 2000. It is very appropriate that we recognize the important roles played of women-owned small businesses in our Nation's economy and communities. The number of small businesses owned and controlled by women is expanding at a very rapid rate, and today, they total 38 percent of all businesses in the United States. Importantly, their numbers are expanding at such a pace that it is anticipated women-owned small businesses will make up over 50 percent of all businesses by 2010. That is an astounding statistic.

In 1994, Congress recognized the important role women-owned small businesses play in our economy. During the consideration of the Federal Acquisition Streamlining Act, FASA, the Senate approved a provision directing that 5 percent of all Federal procurement dollars be awarded each year to women-owned small businesses. The goal includes 5 percent of prime contract dollars and 5 percent of subcontract dollars and was included in the final FASA Conference Report and enacted into law.

The Federal departments and agencies have failed to meet the 5 percent goal since it was enacted by Congress in 1994. After Senator ABRAHAM chaired a committee field hearing in Michigan on the state of women business owners, he offered an amendment addressing the failure of the Federal departments and agencies to meet the 5 percent goal during the Committee on Small Business markup of the "Women's Business Centers Sustainability Act of 1999," S. 791. The amendment was adopted unanimously by the Committee and enacted into law, Public Law 106–165. It directed the General Accounting Office to undertake an audit of the Federal procurement system and its impact on women-owned small businesses, which is underway at this time.

The statistics for Federal procurement for FY 1999 have been released. Again, the 5 percent goal for women-owned small businesses was not met—and again the Federal departments and agencies fell over 50 percent short of the goal—reaching only 2.4 percent. The failure of the Administration to meet this goal, which is designed to produce opportunities for start-up and growing small, women-owned businesses, is disturbing. Over 5 years have passed since the enactment of FASA, and the Federal Government continues to respond by taking baby steps toward meeting this Congressionally-mandated goal.

The resolution before the Senate today urges the President to adopt an administration policy in support of the 5-percent goal. Further, the resolution urges the President to go to the heart of the problem—to those Federal departments and agencies that are not carrying their share of the burden in meeting the goal. Specifically, the resolution asks the President to hold the head of each department and agency accountable for meeting the 5-percent goal.

Is it asking too much to require cabinet secretaries and agency heads to work harder to comply with a statutory goal? Of course not. It's all a matter of priorities. And I think supporting women-owned business should and must be a priority for each and every cabinet secretary and agency head. In other words, we are demanding performance not promises.

Were it not for the growth of the small business community over the past decade, our economy would not be its booming self. Women-owned small businesses have contributed significantly to our economic strength and stability. We need to help stimulate this growth to strengthen further the foundation of our business success. The 5 percent Federal procurement goal is a significant component to help women-owned business to start-up and flourish.

We should not lose sight of the fact that our laws are not keeping up with the new realities of business, particularly for women-owned businesses, who are heating up the economy. We need to be ever vigilant and remain alert to changes in the business climate so that laws and government policies are relevant and helpful. We in Congress should be prepared to jettison antiquated laws. And we need to recognize that occasionally the best government policy will be to step aside to avoid hindering progress and growth.

Future Congresses and Administrations will have a tremendous impact on the success of women-owned businesses. That is why I am joining with Senators KERRY, OLYMPIA SNOWE, MARY LANDRIEU, DIANNE FEINSTEIN, and KAY BAILEY HUTCHISON to convene a National Women's Business Summit on June 4–5, 2000, in Kansas City, Missouri. The summit will give women small business owners the opportunity to help formulate national policies on women's small business issues by gathering input from women business leaders, elected officials and other experts. Results and recommendations from this summit will be communicated directly to the Congress. More information about the summit can be found on my Senate office Web site at www.senate.gov/bond.

As we begin Small Business Week, I hope my colleagues in the Senate will take a moment and recognize the important role small businesses play in our economy. And I urge them to reinforce their support for the 5-percent Federal procurement goal and women-owned small businesses by voting in favor of the Senate resolution.

Mr. KERRY. Mr. President, women-owned businesses have scored a double victory today. President Clinton and a bi-partisan coalition of Senators have unveiled separate but complementary national policies to increase procurement opportunities for businesses owned by women.

Though on its face Federal procurement may not sound like an important issue to the general public, or even a term that many recognize, it is one of the most lucrative, yet difficult, markets for small businesses to access, particularly those owned by women and under-represented minorities. For example, in 1999, women-owned businesses made up 38 percent of all businesses but received only 2.4 percent of the $189 billion in Federal prime contracts. We can do better. And, before we enact new laws, we should promote and enforce the ones we have.

First, I want to offer my strong support and sincere compliments to President Clinton for signing an executive order today that reaffirms and strengthens the executive branch's commitment to meeting the five-percent procurement goal for women-owned businesses. His staff has worked for months with the Small Business Administration, SBA, the National Women's Business Council, the Women's Coalition for Access to Procurement, Women First, Women's Construction Owners and Executives, and the Women's Business Enterprise National Council to draft a feasible plan to help Federal agencies and departments increase the number of contracts awarded to businesses owned by women. Announcing that plan this afternoon is timely.

Today I join my colleague Senator BOND to introduce a resolution that encourages the President to adopt a policy that reinforces and enforces a procurement law Congress passed in 1994. That law, the Federal Acquisition Streamlining Act, established a government-wide goal for all heads of Federal departments and agencies to award five percent of their prime and subcontracts to women-owned businesses. First, this resolution asks the President to adopt a policy that supports the law and encourages agencies and departments to meet the goal. Second, this resolution asks the President to reinforce the law by holding the heads of agencies and departments accountable for meeting the five-percent goal.

I believe the President's executive order goes beyond the Senate's request and establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses. I think it is very smart to hire an Assistant Administrator for Women's Procurement within the SBA's Office of Government Contracting. Increasing opportunities for women-owned businesses is a full-time job and devoting staff to this area is good use of resources.

I also think it is good policy for the Assistant Administrator to evaluate the agencies' contracting records on a semi-annual basis. This has two benefits. One, it encourages the procurement offices to run their operations like good small businesses. If you ask, most business owners will tell you that a key to running a successful business is having a solid business plan and regularly measuring your costs against revenues and projecting adequate inventory or staff to meet the demands of your products or services. I think it is a very good idea for contracting officers to do the same. Two, this policy allows the SBA to work with an agency that is not meeting its goal midway through the year rather than finding out at the end of the year when it is too late.

Lastly, I like the Administration's plan because it takes a holistic approach to procurement. Rather than just focusing on the agencies and departments, it requires the Assistant Administrator to organize training and development seminars that teach women entrepreneurs about the complex world of Federal procurement and the SBA's procurement programs. It will be much easier for women-owned businesses to compete for Federal contracts if they understand the process and how to find out about opportunities.

I think it is important to note that while the government as a whole is not contracting as it should with women-owned firms, there are some outstanding exceptions. Some Federal agencies have taken the lead in working with women owned firms, and should be congratulated. According to the Federal Procurement Data System, the Department of Housing and Urban Development, the Consumer Product Safety Commission, the Federal Mine Safety & Health Review Commission, the Nuclear Regulatory Commission, and the Small Business Administration have all not only met the five percent goal, but have come in at around fifteen percent or better. That is three times the goal set by Congress.

These Federal agencies know that working with women-owned firms is not simply an altruistic exercise. These firms are strong, dependable and do good work. These firms provide a solid service to their customer, and the Federal contracting officers know it. In total, 20 Federal agencies either met or exceeded the five percent goal.

Therefore, we know that it is indeed possible for Government agencies to meet the five percent goal. With this resolution, it is our hope that agencies will work harder, following the examples of the agencies I discussed earlier, to contract with women-owned firms.

I've supported many initiatives over the years to increase resources and opportunities for businesses owned by women. Most recently, I supported Senator LANDRIEU's legislation to reauthorize the National Women's Business Council for 3 years, and to increase the annual appropriation from $600,000 to $1 million. Part of that increase will be used to assist Federal agencies meet the five-percent procurement goal for women-owned businesses. The Council has provided great leadership in this area, making increased contracting opportunities a priority since it was created in 1988, and earned praise from Democrats and Republicans for two extensive procurement studies it published in 1998 and 1999. The first study tracked 11 years of Federal contracting so that we have measurable data, and the second study identified and analyzed public and private sector practices that have been successful in increasing contracting opportunities for women business owners. The additional resources will allow the Council to build on that study and put the information to good use, ultimately increasing competitive contracting opportunities for businesses owned by women.

In addition to supporting reauthorization of the National Women's Business Council, last year I introduced the Women's Business Centers Sustainability Act of 1999. Now public law, that legislation is helping Centers address the funding constraints that have been making it increasingly difficult for them to sustain the level of services they provide after they graduate from the Women's Business Centers program and no longer receive federal matching funds. It is important to note that SBA requires Women's Business Centers to provide procurement training.

As part of that bill, we passed an amendment addressing Federal procurement opportunities for women-owned small businesses. The amendment expressed the sense of the Senate that the General Accounting Office should conduct an audit on the federal procurement system for the preceding three years. Unlike the Council's previous studies and reports that focused on data and best practices, this report was to focus on why the agencies haven't met the congressionally mandated five-percent procurement goal for small businesses owned by women.

Mr. President, the Federal agencies have begun to make progress since Congress enacted the five-percent procurement goal, but I want the contracting managers to remember that this goal is a minimum, not a maximum. Out of the more than 9 million businesses owned by women in this country, I believe that the Federal Government can find ones that are qualified and reliable, with good products and services, to fill their contracts if they make it a priority.

I believe that the President's Executive Order establishes a strong system within the Federal Government for increasing the number of contracts that go to women-owned businesses, and I look forward to seeing the Federal departments and agencies meet the five-percent goal this year, as the Senate resolution emphasizes.

I ask unanimous consent that this statement and a copy of the Executive Order be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

### EXECUTIVE ORDER

### INCREASING OPPORTUNITIES FOR WOMEN-OWNED SMALL BUSINESSES

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Small Business Act, 15 U.S.C. 631, et seq., section 7106 of the Federal Acquisition Streamlining Act of 1994 (Public Law 103–355), and the Office of Federal Procurement Policy, 41 U.S.C. 403, et seq., and in order to strengthen the executive branch's commitment to increased opportunities for women-owned small businesses, it is hereby ordered as follows:

*Section 1. Executive Branch Policy.* In order to reaffirm and strengthen the statutory policy contained in the Small Business Act, 15 U.S.C. 644(g)(1), it shall be the policy of the executive branch to take the steps necessary to meet or exceed the 5 percent Government-wide goal for participation in procurement by women-owned small businesses (WOSBs). Further, the executive branch shall implement this policy by establishing a participation goal for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than 5 percent of the total value of all subcontract awards for each fiscal year.

*Sec. 2. Responsibilities of Federal Departments and Agencies.* Each department and agency (hereafter referred to collectively as "agency") that has procurement authority shall develop a long-term comprehensive strategy to expand opportunities for WOSBs. Where feasible and consistent with the effective and efficient performance of its mission, each agency shall establish a goal of achieving a participation rate for WOSBs of not less than 5 percent of the total value of all prime contract awards for each fiscal year and of not less than 5 percent of the total value of all subcontract awards for each fiscal year. The agency's plans shall include, where appropriate, methods and programs as set forth in section 4 of this order.

*Sec. 3. Responsibilities of the Small Business Administration.* The Small Business Administration (SBA) shall establish an Assistant Administrator for Women's Procurement within the SBA's Office of Government Contracting. This officer shall be responsible for:

(a) working with each agency to develop and implement policies to achieve the participation goals for WOSBs for the executive branch and individual agencies;

(b) advising agencies on how to implement strategies that will increase the participation of WOSBs in Federal procurement;

(c) evaluating, on a semiannual basis, using the Federal Procurement Data System (FPDS), the achievement of prime and subcontract goals and actual prime and subcontract awards to WOSBs for each agency;

(d) preparing a report, which shall be submitted by the Administrator of the SBA to the President, through the Interagency Committee on Women's Business Enterprise and the Office of Federal Procurement Policy (OFPP), on findings based on the FPDS, regarding prime contracts and subcontracts awarded to WOSBs;

(e) making recommendations and working with Federal agencies to expand participation rates for WOSBs, with a particular emphasis on agencies in which the participation rate for these businesses in less than 5 percent;

(f) providing a program of training and development seminars and conferences to instruct women on how to participate in the SBA's 8(a) program, the Small Disadvantaged Business (SDB) program, the HUBZone program, and other small business contracting programs for which they may be eligible;

(g) developing and implementing a single uniform Federal Government-wide website, which provides links to other websites within the Federal system concerning acquisition, small businesses, and women-owned businesses, and which provides current procurement information for WOSBs and other small businesses;

(h) developing an interactive electronic commerce database that allows small businesses to register their businesses and capabilities as potential contractors for Federal agencies, and enables contracting officers to identify and locate potential contractors; and

(i) working with existing women-owned business organizations, State and local governments, and others in order to promote the sharing of information and the development of more uniform State and local standards for WOSBs that reduce the burden on these firms in competing for procurement opportunities.

*Sec. 4. Other Responsibilities of Federal Agencies.* To the extent permitted by law, each Federal agency shall work with the SBA to ensure maximum participation of WOSBs in the procurement process by taking the following steps:

(a) designating a senior acquisition official who will work with the SBA to identify and promote contracting opportunities for WOSBs;

(b) requiring contracting officers, to the maximum extent practicable, to include WOSBs in competitive acquisitions;

(c) prescribing procedures to ensure that acquisition planners, to the maximum extent practicable, structure acquisitions to facilitate competition by and among small businesses, HUBZone small businesses, SDBs, and WOSBs, and providing guidance on structuring acquisitions, including, but not limited to, those expected to result in multiple award contracts, in order to facilitate competition by and among these groups;

(d) implementing mentor-protege programs, which include women-owned small business firms; and

(e) offering industry-wide as well as industry-specific outreach, training, and technical assistance programs for WOSBs including, where appropriate, the use of Government acquisitions forecasts, in order to assist WOSBs in developing their products, skills, business planning practices, and marketing techniques.

*Sec. 5. Subcontracting Plans.* The head of each Federal agency, or designated representative, shall work closely with the SBA, OFPP, and others to develop procedures to increase compliance by prime contractors with subcontracting plans proposed under section 8(d) of the Small Business Act (15 U.S.C. 637(d)) or section 834 of Public Law 101–189, as amended (15 U.S.C. 637 note), including subcontracting plans involving WOSBs.

*Sec. 6. Action Plans.* If a Federal agency fails to meet its annual goals in expanding contract opportunities for WOSBs, it shall work with the SBA to develop an action plan to increase the likelihood that participation goals will be met or exceeded in future years.

*Sec. 7. Compliance.* Independent agencies are requested to comply with the provisions of this order.

*Sec. 8. Consultation and Advice.* In developing the long-term comprehensive strategies required by section 2 of this order, Federal agencies shall consult with, and seek information and advice from, State and local governments, WOSBs, other private-sector partners, and other experts.

*Sec. 9. Judicial Review.* This order is for internal management purposes for the Federal Government. It does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies, its officers, its employees, or any other person.

WILLIAM J. CLINTON.
THE WHITE HOUSE, *May 23, 2000.*

Mr. ABRAHAM. Mr. President, today I join my colleagues from the Senate Small Business Committee, Chairman KIT BOND and Ranking Member JOHN KERRY, in support of increased involvement of women-owned small businesses in the Federal procurement process.

I have had the opportunity to speak with many women business leaders in Michigan on this matter, and the general opinion is that there are certain doors that are closed to women business owners. In a field hearing I held in Michigan last summer on issues to women in business, I found that many times women business owners face the same problems as men in the private sector. However, when looking at the representation of women in terms of federal procurement dollars, the difference is striking.

Six years after posting a modest five-percent goal of Federal procurement dollars for women-owned small businesses, Federal departments and agencies have fallen far short. Last year, only 2.4 percent of the total dollar value of all Federal prime contracts went to women business owners. This shortfall is staggering when taking into account that women-owned small businesses are the fastest growing segment of the business community in the United States. In fact, by the year 2010, women-owned small businesses are expected to make up more than one-half of all businesses in the United States.

As a result of this striking information, I introduced an amendment to last year's Women Business Centers Sustainability Act that called for a GAO report studying the trends, barriers and possible solutions to this deficiency. I am proud to report that this report stands to be completed by the end of the year. However, this alone will not provide Federal procurement opportunities for women-owned small businesses. The administration must become actively involved in demanding Federal departments and agencies accomplish the five-percent procurement goal.

Mr. President, I have been advocating this issues for quite some time now. My colleagues and I in the Senate Small Business Committee have consistently supported efforts empowering the spirit of entrepreneurship in American women. In my view, these actions must be adopted and enforced on all levels of government.

I hope my colleagues in the Senate will join me in encouraging the President to hold the heads of the Federal departments and agencies accountable to ensure that the five percent goal is achieved during this fiscal year.

Mr. BURNS. Mr. President, today I join Senator BOND, Senator KERRY, and others in support of a Senate resolution urging the President to adopt a policy to ensure that the 5-percent Federal procurement goal for women-owned small businesses is met.

In 1994, Congress enacted the Federal Acquisition Streamlining Act, establishing a Government-wide goal for small businesses owned and controlled by women. This act allows for no less than five percent of the total dollar value of all prime contracts and subcontract awards for each year.

Over the past few years, we have witnessed the growth of women-owned businesses, including federal contracts. Over the past ten we've seen thousands of women entrepreneurs start or expand their own businesses. It is important we realize that women-owned businesses are the fastest growing segment of the business community in the United States. In fact, in the next ten years, it is expected that women-owned businesses will make up more than one-half of all businesses in the United States.

This week has been designated as Small Business Week, therefore it is only fitting that the Senate should pass this resolution to symbolize the Senate's concern that the Federal departments and agencies have not made adequate effort in meeting the five percent goal established in 1994 as part of the Federal Acquisition Streamlining Act. I fully support this Senate resolution and urge Federal agencies to make a concerted effort to meet this 5-percent goal.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 311) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 311

Whereas women-owned small businesses are the fastest growing segment of the business community in the United States;

Whereas women-owned small businesses will make up more than one-half of all business in the United States by the year 2010;

Whereas in 1994, the Congress enacted the Federal Acquisition Streamlining Act of 1994, establishing a Government-wide goal for small businesses owned and controlled by women of not less than 5 percent of the total dollar value of all prime contracts and subcontract awards for each fiscal year;

Whereas the Congress intended that the departments and agencies of the Federal Government make a concerted effort to move toward that goal;

Whereas in fiscal year 1999, the departments and agencies of the Federal Government awarded prime contracts totaling 2.4 percent of the total dollar value of all prime contracts; and

Whereas in each fiscal year since enactment of the Federal Acquisition Streamlining Act of 1994, the Federal departments and agencies have failed to reach the 5 percent procurement goal for women-owned small businesses: Now, therefore, be it

*Resolved*, That—

(1) the Senate strongly urges the President to adopt a policy in support of the 5 percent procurement goal for women-owned small businesses, and to encourage the heads of the Federal departments and agencies to undertake a concerted effort to meet the 5 percent goal before the end of fiscal year 2000; and

(2) the President should hold the heads of the Federal departments and agencies accountable to ensure that the 5 percent goal is achieved during fiscal year 2000.

## APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, in accordance with 22 U.S.C. 1928a–1928d, as amended, appoints the following Senators as members of the Senate Delegation to the NATO Parliamentary Assembly during the Second Session of the 106th Congress, to be held in Budapest, Hungary, May 26–30, 2000: The Senator from Iowa (Mr. GRASSLEY), Acting Chairman; the Senator from Pennsylvania (Mr. SPECTER); the Senator from Wyoming (Mr. ENZI); and the Senator from Ohio (Mr. VOINOVICH).

## AUTHORIZING ACTION IN STATE OF INDIANA V. AMY HAN

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 312, submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 312) to authorize testimony, document production, and legal representation in State of Indiana v. Amy Han.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, this resolution concerns a request for testimony in a criminal action in Indiana Superior Court for the County of Marion. In the case of State of Indiana v. Amy Han, the county prosecutor has charged the defendant with two counts of criminal trespass on Senator LUGAR'S Indianapolis office. Pursuant to subpoenas issued on behalf of the county prosecutor, this resolution authorizes two employees in Senator LUGAR'S office who witnessed the events giving rise to the trespass charges, and any other employee in the Senator's office from whom testimony may be required, to testify and produce documents at trial, with representation by the Senate Legal Counsel.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 312) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 312

Whereas, in the case of State of Indiana v. Amy Han, C. No. 99-148243, pending in the Indiana Superior Court of Marion County, Criminal Division, testimony has been requested from Lesley Reser and Lane Ralph, employees in the office of Senator Richard Lugar;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

*Resolved*, That Lesley Reser and Lane Ralph, and any other employee of Senator Lugar's office from whom testimony may be required, are authorized to testify and produce documents in the case of State of Indiana v. Amy Han, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Lesley Reser, Lane Ralph, and any other employee of Senator Lugar's office in connection with the testimony and document production authorized in section one of this resolution.

## AUTHORIZING ACTION IN HAROLD A. JOHNSON V. MAX CLELAND, ET AL.

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 313, submitted earlier by Senators LOTT and DASCHLE.

The PRESIDING OFFICER (Mr. BROWNBACK). The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 313) to authorize representation by the Senate Legal Counsel in Harold A. Johnson v. Max Cleland, et al.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LOTT. Mr. President, a pro se plaintiff has commenced a civil action against Senator CLELAND and a state official in Georgia state court seeking an order removing them from office on the purported ground that their election by plurality vote, while expressly authorized by Georgia statutes, violates the Georgia Constitution. This suit is the plaintiff's second challenge to Georgia's current election laws. Having lost his first challenge against the State Board of Elections, the plaintiff now is bringing an identical challenge to the Georgia election laws through the use of the ancient writ of quo warranto.

Senator CLELAND, who was elected to the Senate almost four years ago, in 1996, in an election that was not the subject of any election contest brought before the Senate, is sued solely because of his official capacity as a sitting Senator. This quo warranto action in essence challenges his taking of the oath of office, as well as the Senate's action in seating him. As such, it falls appropriately within the Senate Legal Counsel's statutory responsibility to represent Members of the Senate in civil actions in which they are sued in their official capacity.

The writ of quo warranto can have no applicability to United States Senators or Representatives, as Article I, section 5 of the United States Constitution commits to each House of Congress the sole power to seat and remove its Members. This action is also barred by the speech or debate clause.

This resolution would authorize the Senate Legal Counsel to represent Senator CLELAND to seek his dismissal from this matter.

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 313) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 313

Whereas, Senator Max Cleland has been named as a defendant in the case of Harold A. Johnson v. Max Cleland, et al., Case No. 2000CV22443, now pending in the Superior Court of Fulton County, Georgia;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(1), the Senate may direct its counsel to represent Members of the Senate in civil actions with respect to their official responsibilities: Now, therefore, be it

*Resolved*, That the Senate Legal Counsel is authorized to represent Senator Max Cleland in the case of Harold A. Johnson v. Max Cleland, et al.

## NATIONAL CHILD'S DAY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 561, S. Res. 296.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 296) designating the first Sunday in June of each calendar year as "National Child's Day".

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on the Judiciary, with an amendment, as follows:

(The part of the bill intended to be stricken is shown in boldface brackets and the part of the bill intended to be inserted is shown in italic.)

S. RES. 296

Whereas the first Sunday of June falls between Mother's Day and Father's Day;

Whereas each child is unique, a blessing, and holds a distinct place in the family unit;

Whereas the people of the United States should celebrate children as the most valuable asset of the United States;

Whereas the children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas, whenever practicable, it is important for both parents to be involved in their child's life;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities;

Whereas because children are the responsibility of all people of the United States, everyone should celebrate children, whose questions, laughter, and dreams are important to the existence of the United States; and

Whereas the designation of a day to commemorate the children will emphasize to the people of the United States the importance of the role of the child within the family and society: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates **[**the first Sunday in June of each year**]** *June 4, 2000,* as "National Child's Day"; and

(2) requests the President to issue a proclamation calling on the people of the United States to observe the day with appropriate ceremonies and activities.

Amend the title to read as follows: "Designating June 4, 2000, as 'National Child's Day'".

Mr. ALLARD. Mr. President, I ask unanimous consent that the resolution, as amended, be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, the title amendment be agreed to, and any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment was agreed to.

The resolution (S. Res. 296), as amended, was agreed to.

The preamble was agreed to.

The title was amended so as to read: "Designating June 4, 2000, as 'National Child's Day.' "

## ORDERS FOR WEDNESDAY, MAY 24, 2000

Mr. ALLARD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m. on Wednesday, May 24. I further ask that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day. I further ask consent that the Senate then proceed to a period of morning business until 11 a.m., with Senators speaking therein for up to 5 minutes each, with the following exceptions: Senator DURBIN, or his designee, from 10 to 10:30 a.m.; Senator THOMAS, or his designee, from 10:30 to 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## UNANIMOUS CONSENT AGREEMENT—S. 2603

Mr. ALLARD. Mr. President, I ask unanimous consent that the Senate begin consideration of S. 2603, the legislative branch appropriations bill, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

## PROGRAM

Mr. ALLARD. Mr. President, for the information of all Senators, the Senate will convene at 10 a.m. on Wednesday and be in a period of morning business until 11 a.m. Following morning business, the Senate will begin debate on the legislative branch appropriations bill. It is hoped that an agreement can be made regarding debate time and amendments so that a vote can occur during tomorrow's session of the Senate. There are approximately 40 minutes of debate remaining on executive nominations, with up to six votes to occur tomorrow afternoon. To accommodate the party dinners Wednesday night, votes will occur prior to 6 p.m.

## ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ALLARD. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:01 p.m., adjourned until Wednesday, May 24, 2000, at 10 a.m.

## NOMINATIONS

Executive nominations received by the Senate May 23, 2000:

### FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

DON HARRELL, OF NEW YORK, TO BE A MEMBER OF THE FEDERAL RETIREMENT THRIFT INVESTMENT BOARD FOR A TERM EXPIRING SEPTEMBER 25, 2002, VICE JEROME A. STRICKER, TERM EXPIRED.

### DEPARTMENT OF ENERGY

MILDRED SPIEWAK DRESSELHAUS, OF MASSACHUSETTS, TO BE DIRECTOR OF THE OFFICE OF SCIENCE, DEPARTMENT OF ENERGY. (NEW POSITION)

### INSTITUTE OF AMERICAN INDIAN & ALASKA NATIVE CULTURE & ARTS DEVELOPMENT

JAYNE G. FAWCETT, OF CONNECTICUT, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT FOR A TERM EXPIRING MAY 19, 2006, VICE ALFRED H. QOYAWAYMA, TERM EXPIRED.

### IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be admiral*

VICE ADM. ROBERT J. NATTER, 0422

## WITHDRAWALS

Executive messages transmitted by the President to the Senate on May 23, 2000, withdrawing from further Senate consideration the following nominations:

### DEPARTMENT OF COMMERCE

Nicholas P. Godici, OF Virginia, to be an Assistant Commissioner of Patents and Trademarks, VICE Philip G. Hampton, II, which was sent to the Senate on January 31, 2000.

### DEPARTMENT OF ENERGY

MildreD Spiewak Dresselhaus, of Massachusetts, to be Director of the Office of Energy Research, vice Martha Anne Krebs, which was sent to the Senate on April 13, 2000.

# HOUSE OF REPRESENTATIVES—*Tuesday, May 23, 2000*

The House met at 9 a.m.

## MORNING HOUR DEBATES

The SPEAKER. Pursuant to the order of the House of January 19, 1999, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority leader, the minority leader or the minority whip limited to not to exceed 5 minutes, but in no event shall debate continue beyond 9:50 a.m.

## WE MUST USE OUR NATURAL RESOURCES IN AN ENVIRONMENTALLY BALANCED WAY

The SPEAKER pro tempore (Mr. MORAN of Kansas). Under the Speaker's announced policy of January 19, 1999, the gentleman from Tennessee (Mr. DUNCAN) is recognized during morning hour debates for 5 minutes.

Mr. DUNCAN. Mr. Speaker, the forest fires in Los Alamos and Nevada have highlighted what may have become a much bigger problem. One of the subcommittees on which I serve is the Subcommittee on Forest and Forest Health of the Committee on Resources.

We heard testimony a few months ago that almost 40 million acres of Federal land out West was in imminent danger of catastrophic forest fires. This is because environmental extremists fanatically, sometimes even violently, oppose cutting any trees in our national forests.

Forestry experts tell us that we have to cut some trees to have healthy forests, yet some of these extremists oppose even the removal of dead and dying trees, thus causing huge fuel buildups on the floors of these forests, leading to forest fires.

The Los Alamos fire was a so-called controlled burn set by Federal bureaucrats that simply got out of control. Of course, we all know that no Federal bureaucrat has ever made a mistake, or at least one that they have been held accountable for.

The leading environmental extremist, Secretary Babbitt, said on television last week that our forests are now 100 times more dangerous than they were 100 years ago, but it is because of the very policies that he has been advocating. If we do not start cutting more trees in the national forests soon, then in the very near future we are going to see forest fires that make the Los Alamos disaster look like peanuts in comparison.

Yet some of these environmental extremists want the forests to be thinned only by forest fires because that is the "natural way," and the way it occurred before man started populating the Earth, and, according to the extremists, messed things up.

Last year in the subcommittee we were told that the Congress in the mid 1980s passed what was then proclaimed as a great pro-environment law that we would not allow cutting of more than 80 percent of the new growth in the national forests. Since then, we have repeatedly reduced that percentage, stopping it altogether in some places. From the pro-environment law of 80 percent 15 or 16 years ago, we now allow harvesting of less than one-seventh of the new growth in our national forests.

National forests have about 23 billion board feet of new growth each year. Today we cut less than 3 billion board feet, or only about 12 or 13 percent of the new growth. There are about 6 billion board feet of dead or dying trees in the national forests, yet these extremists will not even permit the removal of these dead trees.

Now we are cutting less than half of the dead and dying trees, and unbelievably, some people want it stopped altogether. Environmental extremists have had such an impact that many schoolchildren have almost been brainwashed about these things. They never hear the other side. If I went to any school in Knoxville and told them I was against cutting any trees in the national forests, they would probably think that was a really good thing. They never stop to think that we have to cut trees if we want to build houses or furniture, or have books, newspapers, toilet paper, and many, many other products.

Also, it we keep limiting and restricting where and how trees are cut, it will drive the prices for homes and many other items much higher than they already are. Even now, lumber dealers tell me they are having to import all kinds of Canadian lumber because we have cut out or halted so much U.S. lumber production.

When extremists get our lumber production in our national forests reduced so drastically, it helps big businesses and other countries, but it destroys jobs and drives up prices in this country. The people it hurts the most are the lower-income and working people in this country.

I know most of these environmental extremists come from very wealthy families, and I know they are more or less insulated from the harm that they do. But I think it is really sad that they destroy so many jobs and drive up prices for so many people who really cannot afford it.

I am not talking about cutting any trees in our 356 national parks, I am talking about cutting trees in our national forests so they can grow and be healthy and keep lumber prices down.

Our national forests cover 191 million acres. I know when people look at a map of the United States on one page in the book, the country looks small. Yet, 191 million acres is equal to about 325 Great Smoky Mountain National Parks. Most people who go to the Great Smokies think it is huge. Yet I am talking about forests that cover more than 300 times the Great Smokies, and this does not count any of the land in our national parks or the land the Bureau of Land Management controls.

The Federal government owns over 30 percent of the land in this Nation today. State and local governments and quasi-governmental agencies own another 20 percent. Half of the land is in some type of public ownership.

What is most disturbing, though, is how government at all levels has been taking over private land at such a rapid rate in the last 30 years, and perhaps even more dangerous, putting so many rules, regulations, restrictions, and red tape on the shrinking amount of land that still remains in private lands today.

Yet, there are some of these environmental extremists who are not satisfied with half of the land and want even more.

There is something known as the Wildlands Project, which I first read about in the Washington Post, which advocates taking half the private land in the U.S. and placing it in public ownership.

This may sound OK until some bureaucrat comes and takes your home or your property.

Also, we could not emphasize enough that private property is one of the main keys to our freedom and our prosperity. It is one of the main things that has set us apart from countries like Russia and Cuba and other socialist or communist nations.

These national forests are not national monuments. They are natural resources, renewable resources.

Whenever some of these extremists are confronted by loggers who have lost jobs or communities that have been devastated, they always say just promote tourism.

Well tourism is an industry filled with minimum or low wage jobs. Even more importantly, it is just not possible to turn our whole

☐This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

country into tourist attractions or base our whole economy on tourism.

I know these environmental groups have to scare people and continually raise the bar so that their contributions will keep coming in.

I know, too, that many big companies, and particularly big multi-national corporations are helped by extreme environmental rules because they drive so many small and medium-sized businesses out of business or force them to merge. So many contributors for these groups come from these big companies, often headquartered in other countries.

But, Mr. Speaker, if we want to continue having a strong economy, with good jobs and half-way reasonable prices, and especially if we want to have a free country, we must use our natural resources in an environmentally balanced way.

We cannot stop cutting trees, digging for coal, and drilling for oil and continue to have the good life that we fortunately enjoy today.

## LIVABLE COMMUNITIES AND SAFETY FOR PEDESTRIANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. BLUMENAUER) is recognized during morning hour debates for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, my goal in Congress is for the Federal government to be a better partner in making our communities more livable, to make our families safe, healthy, and economically secure.

One of the indicator species of a livable community is the pedestrian. Earlier this week, people in Montgomery County were shocked, I am sure, to read that in their community pedestrian deaths were as high as homicides. In 1998 and 1999, 25 people were killed in pedestrian accidents, the same as those that were killed in homicides.

Really, this is not news. The statistics are that Americans are 160 percent more likely to be killed by a car than to be shot and killed by a stranger. It is the equivalent of an airline crash every 2 weeks in this country, and for every person who is killed, there are another 20 who are injured; 6,000 dead in all, and 110,000 injured.

The seniors of our community are at the highest risk, almost twice a likely to be killed or injured. Walking for them is more important, not just as a form of exercise, but it is an important part of their transportation system, because many of them no longer drive.

Mr. Speaker, it is important because everyone at some point in their journey is a pedestrian. But there are lessons to be learned from our experience. We are finding that some of the sprawling unplanned communities that are primarily auto-oriented are the most dangerous places for people to walk, places like Fort Lauderdale and Miami; Atlanta, that we have talked a lot about on the floor of this House is sort of a poster child for unplanned growth and sprawled; and Tampa, St. Petersburg, and Dallas, Texas.

Ironically, many of the older, more pedestrian-oriented are the safest. Pittsburgh, Pennsylvania, by one account, is the safest place to walk in America.

It does not have to be this way. There are opportunities for us to plan for people, not just for cars; to put uses closer together, not mandate that they be separated from where people work, where they live, and where they shop.

The Federal government itself can be a partner by not taking an historic Post Office in downtown small town America and locating it by a strip mall out at the edge of town without even paved sidewalks.

There is a whole philosophy that has developed, an engineering approach that is called "traffic calming" that we had great success with in our community in Portland, Oregon, to be able to make a difference for the way that people live.

The Federal government in the ISTEA–T–21 legislation has set aside significant funds for traffic safety, but sadly, many of the States are not using those resources in ways that will make pedestrians safe. Fourteen percent of all motor vehicle-related deaths are pedestrians, yet only 1 percent of the highway safety money from the Federal government is used for pedestrian safety.

It is important for us to use the tools that we have available, that we are sensitive to putting people into the planning process to make our communities more livable and make our families safer, healthier, and economically secure.

## KOSOVO AND BOSNIA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Mr. Speaker, 1 year ago the United States and many of our NATO allies were engaged in an air campaign against Yugoslav forces. Next month will mark the 1-year anniversary of the agreement providing for the withdrawal of Yugoslavian troops from Kosovo and the deployment of international peacekeeping forces.

Mr. Speaker, it is vital that we not forget the American troops who continue to languish in Kosovo, or those in Bosnia, and other fellow citizens scattered throughout the world on various deployments. We should also consider the cost of these deployments both in dollars and in reduction of our military capability.

President Clinton's decision to attack Yugoslavia and to maintain peacekeeping forces in Kosovo were based upon the mistaken notion that military forces can turn ethnic and religious hatred into peaceful coexistence.

As a participant in the Kosovo peacekeeping operation known as KFOR, the United States has 5,000 troops in Kosovo, 450 in Macedonia, and 10 in Greece. While working to achieve this harmony, U.S. troops have been fired upon and assaulted in many instances.

Census figures collected by the U.N. High Commission for Refugees and the Yugoslavian government indicate that 93 percent of the population of Kosovo is ethnic Albanians now and 5 percent Serbs. In essence, American troops are in Kosovo to protect the Serbs from an angry majority. This makes the President's plan to build a peaceful, multiethnic state all the more daunting.

This situation begs the question, when will our troops leave Kosovo? If the Clinton administration has its way, the answer is, no time soon. All we need to do is to look at Bosnia to explain this conclusion.

Remember Bosnia? In 1996, the United States sent 16,500 troops to Bosnia and some 6,000 support troops to neighboring nations. The President stated that the deployment would last about 1 year. Mr. Speaker, the troops are still there, and the administration has requested $1.4 billion for the next fiscal year to continue this 1-year mission to Bosnia.

Mr. Speaker, it seems that much the same is expected for Kosovo. Two American camps in that region are being expanded to house and support American soldiers for at least 3 to 5 more years.

More troubling is the assessment of the top U.S. commander in Kosovo. According to the Boston Globe, that commander, Brigadier General Sanchez, stated that the mission will require NATO peacekeepers to remain there for at least a generation. Can we expect some of these NATO troops to be American?

We should also consider the cost of these deployments. Up to last year, $9.08 billion has been appropriated for Bosnia operations. With the expenditure for this fiscal year and the next, the Bosnian mission will accumulate costs exceeding $12 billion.

According to the Department of Defense, the Kosovo operation costs $3 billion last year, and the estimate for FY 2000 is about $2 billion. Our peacekeeping operation in the Balkans is approaching $20 billion in total expenses.

In reading a Heritage Foundation report on this issue, I discovered that "The Pentagon believes that it missed its procurement targets for the past 5 years because of unexpected costs associated with the military operations in Kosovo and Bosnia."

This means that we have not met our goals for modernizing our weaponry because of our peacekeeping operations in the Balkans. By making Bosnia and Kosovo safer for their citizens, we have made America less safe for our citizens. Is that really the policy results this administration is seeking?

Congress must take steps to ensure that America's national security interests are paramount in conducting our military and diplomatic missions.

## CHINA TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from New Jersey (Mr. PASCRELL) is recognized during morning hour debates for 5 minutes.

Mr. PASCRELL. Mr. Speaker, this morning I would like to address something we started to talk about last evening, and that is the vote we will be taking probably tomorrow on China and our trade relations with China.

The minority leader wrote a book last year, An Even Better Place, America in the 21st Century, where he dismissed as ludicrous the contention that expanded trade fosters democracy in China. "America has to stand for something more than money," the Minority Leader said, and I agree with him wholeheartedly.

It seems to sum up what we have been saying, we opponents. We are not or do not wish to cut off relationships with China and the Chinese people. In fact, our argument is not with the Chinese people, our argument is with the authoritarian government which has tortured, which has beaten down any dissidents, any opposition.

Strictly on the issue of security, the proponents of permanent trade relations with China, normal relationships, whatever we wish to call them, they have been talking first about the jobs that would be created, and then when they could not win that battle, they switched to the issue of national security.

Three points.

My main thrust is jobs this morning. We know that in these past 10 years, China has targeted up to 18 intercontinental ballistic missiles at the United States.

Two, during this same period of time, we signed an export control waiver which allowed the top campaign fundraisers in aerospace companies to transfer sensitive missile guidance technology to China.

Number three, during the same period we shifted the prime satellite export responsibility from the State Department to the Commerce Department. In the sequel to "sleeping with the enemy," I would imagine this is pretty consistent. This in no way is going to strengthen the security of the United States. This deal is a bad deal.

The worst part of the deal is for the American workers. As China seeks entry to the World Trade Organization, and as our trade deficit with China soars to record heights, $70 billion by the end of this year, at least, our manufacturing jobs are being sucked from our shores away from our workers.

This is critical to understand, because if we are not going to help produce more jobs in America and sustain the economy, the robust economy that we have, then where will jobs be created, if not in America? These jobs are going to places like China, where there is no regard for labor, where there is no regard for human safety, and where there is no regard for environmental or health standards.

I find that it is best to take a step back and look at exactly what is happening. Granting PNTR to China would strip America's ability to keep check on the Communist regime. Granting PNTR to China says that China has gained our trust and approval, and I would be saying that I believe this trade deal is the best thing for the people of my district.

But as I mentioned last night, I did have a nightmare on Thursday evening, after standing with the 60 dissidents east of the Capitol here. I dreamt with horror that there was an uprising in China, as there are many dissidents who are afraid to speak up at this moment, and that this great country, this pillar of democracy in the world, the greatest democracy that the world has ever known, stood alongside of the authoritarian, totalitarian Chinese government to put this insurrection down. That is a horror show.

Mr. Speaker, I would like to start by thanking my colleague from Oregon, Mr. DEFAZIO, for his tremendous leadership, in standing up for working people worldwide. I am pleased to join him here today.

There is a reason that the proponents of this flawed deal have been touting the national security and "theoretical" reform benefits they see in this package. Because they know that the argument that this bill is good for our working families is just plain wrong!

As China seeks entry to the World Trade Organization, and as our trade deficit with China soars to record heights, our manufacturing jobs are being sucked from our shores, away from our workers.

Those jobs are going to places like China where there is no regard for labor, safety, environmental or health standards.

When dealing with issues such as this, I find that it is best to take a step back and look at exactly what we are doing. What does this vote mean?

Day after day I try to work with firms, be they manufacturing, or textile, or other small businesses, to see what I can do to assist the business in reaching its fullest potential.

How can I vote on Wednesday to send these businesses and jobs overseas?

Normal Trade Relations? This does not seem normal to me!

I cannot stress enough, the mistake we will make by passing this bill later this week. I understand that unemployment is at its lowest, and that the economy is soaring.

But workers are making less money than ever. After NAFTA, we saw tens of thousands of good jobs, with benefits, and security go South to Mexico. What has increased has been the number of temporary workers. Companies have been hiring people to work full time jobs, without health plans, without protections, not on salary.

The bottom line is that this is not a government in China that we have been able to trust. It has broken every commitment it has made with the United States of America.

It has broken every trade agreement it has signed with the United States over the past 10 years.

Supporters of PNTR claim that China will buy our imports. But I do not see the infrastructure or the wealth in China to accept any substantial amount of American merchandise. Business does not want to sell cars to China, they want to build cars in China.

Over the past ten years, our trade deficit with China has ballooned from 7 billion dollars to 70 billion dollars! There is currently a 6-to-1 ratio of imports to exports.

Supporters of this flawed bill claim that we need PNTR to see our economy grow. That fact is however, that China has had NTR over the past twenty years, and things continue to get worse. We are taking a bad deal and making it permanent.

In the United States, we have seen a dangerous shift from a production to service based economy. This deal threatens the tremendous creative spirit of our nation with the prospect of exploitation overseas.

I will not vote for a proposal that is downright dangerous to our society at large.

We can and will not surrender our manufacturing base, our production, our jobs.

Manufacturing is tremendously important to my district. There are 1,114 manufacturing firms who employ 57,000 workers in the Eighth District, and these firms are critical to our infrastructure.

Granting PNTR to China would strip America's ability to keep check on the communist regime in China. Granting PNTR to China says that China has gained our trust and approval, and I would be saying that I believe this trade deal is the best thing for the people of my district.

I will not do that, because this is a bad deal for our workers.

The numbers do not lie. If PNTR is granted, New Jersey will see 22,276 jobs lost over the next ten years. The United States as a whole will suffer a net job loss of 872,000 jobs over the same ten years.

Proponents like to talk about job creation, but they do not like publicizing the job loss on our side.

The real job creation will be in China, where U.S. businesses will flock with their factories.

They will go there to pay thirty-three, thirteen, even three-cents per hour in sweatshops that are basically workshops from a maximum-security penitentiary.

Big business in America wants to exploit a labor force that cannot go on strike for higher wages, or for better conditions. It wants to take advantage of a labor force that is oppressed by its government. In fact, China has prison labor camps listed among its manufacturing companies!

Why is this year any different? Why is this trade deal any different? What has China done to gain our trust, besides stealing of our nuclear secrets?

China is not all of a sudden going to play by the rules. They will not limit their imports. China will not be a good trading partner, because there is no enforcement or reason to be.

With permanent NTR, we will have thrown in our last chip on keeping China in check.

This deal is bad for my district, New Jersey, and the country. I stand with environmentalists, veterans, human rights activists, and most importantly, working families, to oppose this legislation.

The timing is wrong, and the deal is wrong.

Now is not the time we should not vote to rubber-stamp a failed trading arrangement into infinity.

Trade rights should be a privilege to be earned, not a right merely handed out!

## INTERNATIONAL TRADE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Texas (Mr. PAUL) is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, this week there will be a lot of talk on the House floor about international trade. One side will talk about pseudo free trade, the other about fair trade. Unfortunately, true free trade will not be discussed.

Both sides generally agree to subsidies and international management of trade. The pseudo free trader will not challenge the WTO's authority to force us to change our tax, labor, and environmental laws to conform to WTO rules, nor will they object to the WTO authorizing economic sanctions on us if we are slow in following WTO's directives.

What is permitted is a low-level continuous trade war, not free trade. The current debate over Chinese trade status totally ignores a much bigger trade problem the world faces, an ocean of fluctuating fiat currencies.

For the past decade, with sharp adjustments in currency values such as occurred during the Asian financial crisis, the dollar and the U.S. consumers benefitted. But these benefits will prove short-lived, since the unprecedented prosperity and consumption has been achieved with money that we borrow from abroad.

Our trade imbalances and our skyrocketing current account deficit once again hit a new record in March. Our distinction as the world's greatest debtor remains unchallenged. But that will all end when foreign holders of dollars become disenchanted with financing our grand prosperity at their expense. One day, foreign holders of our dollars will realize that our chief export has been our inflation.

The Federal Reserve believes that prosperity causes high prices and rising wages, thus causing it to declare war on a symptom of its own inflationary policy, deliberately forcing an economic slowdown, a sad and silly policy, indeed. The Fed also hopes that higher interest rates will curtail the burgeoning trade deficit and prevent the serious currency crisis that usually results from currency-induced trade imbalances. And of course, the Fed hopes to do all this without a recession or depression.

That is a dream. Not only is the dollar due for a downturn, the Chinese currency is, as well. When these adjustments occur and recession sets in, with rising prices in consumer and producer goods, there will be those who will argue that it happened because of, or the lack thereof, of low tariffs and free trade with China.

But instead, I suggest we look more carefully for the cause of the coming currency crisis. We should study the nature of all the world currencies and the mischief that fiat money causes, and resist the temptation to rely on the WTO, the IMF, the World Bank, pseudo free trade, to solve the problems that only serious currency reform can address.

## TRADE WITH CHINA BUT NOT WITH CUBA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Oregon (Mr. DEFAZIO) is recognized during morning hour debates for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today the House will not consider the agriculture appropriations bill because the leadership on the Republican side of the aisle so vehemently opposes one tiny provision of that bill. That is the provision that would allow the sale of food, food, to Cuba.

Cuba is such a threat to the United States of America that the sale of food could jeopardize our national security. Sell them eggs? They might throw them back at us.

Let us compare and contrast their attitude about Cuba to their attitude about China. Tomorrow those same Republican leaders are pushing as hard as they can to have a truncated 3-hour debate on the issue of so-called permanent normal trade relations for China.

They want to sell them anything and everything: aerospace technology. They have already stolen the warhead technology. Missile technology. We are helping them improve their missiles, That little flurry we had about preventing that last year? Well, that died in the conference committee. We are selling them missile technology. They have targeted us with 19 missiles, but they are not very accurate. We want to help them with their accuracy, anything they might want to buy.

They are not a threat, somehow. We are going to engage them. But Cuba, Cuba is such a threat that food, we cannot sell food to Cuba. Do not worry, they might throw those eggs back at us.

A leader on the other side said, it is very easy to see the distinction between the two cases. If we cannot see it, I do not know, maybe we are just blind to it.

Let us just look at the distinctions in the State Department report. I have blanked out the countries. See if Members can guess which is an authoritarian state.

The blank is an authoritarian state in the blank Communist party is the paramount source of power. Citizens lack both the freedom to peacefully express opposition to the party-led political system and the right to change their national leaders or form of government. Prison conditions at most facilities remain harsh.

That is one of these countries. Here is the other. The blank is a totalitarian state controlled by blank who is chief of state, head of government, first Secretary of the Communist party, and Commander in Chief of its armed forces. Citizens do not have the right to change their government peacefully. Prison conditions remain harsh.

One of those countries the United States will trade anything and everything with, and the other one we will not even sell them food, but they kind of sound identical, do they not? They oppress their people, they have harsh prison conditions, political prisoners, religious prisoners, prisoners of conscience.

One of them presents a threat to the United States of America so grave they cannot buy food. The other, a country of 1 billion people that is selling sensitive nuclear technology to terrorist nations, that has violated every trade agreement it has entered into with the United States of America, that horribly oppresses its people, that crushes students with tanks, well, they are okay. We want to engage them, and we will sell them anything and everything they want.

We will be allowed 3 puny hours to debate this issue tomorrow because the Republicans have a big dinner. The biggest trade issue before the United States Congress this year, and 3 hours of debate. It sounds like the deal is cut on that side of the aisle, and it is cut for one thing, campaign contributions from the big business that is pushing this stuff through this body.

## SOCIAL SECURITY AND MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Michigan (Mr. SMITH) is recognized during morning hour debates for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, social security, as we see on this chart, now is the largest expenditure of the Federal Government. It uses 20 percent of all Federal Government funds. Medicare is 11 percent, but within the next 35 years Medicare, the way it is growing, will actually grow faster and be a larger percentage of the budget than social security.

Over the last 6 years I have introduced three social security bills, each one scored by the social security actuaries, to keep social security solvent for the next 75 years. I am very concerned what is happening in this presidential campaign.

The Wall Street Journal reports that the chairman of the Democrat House campaign committee has sent a memo urging Democrat candidates to bash and criticize Governor Bush for proposing social security reforms. These election year tactics I think are very dangerous because it will discourage fact-centered dialogue about what the real problem is: How we are going to keep social security solvent to pay benefits for future retirees. Instead, they use fear-based rhetoric to reduce this important issue to demagoguery for political gain. I think American workers deserve better.

Many will have payroll taxes taken from their paychecks for 40, maybe even up to 50 years. When it is time for them to retire, the promises made by candidates who demagogued during the 2000 elections will not produce the money to pay benefits at the levels that current retirees receive. Only real reform is going to do that.

As we see by this chart, this is the predicament of social security. Social security in 2016 is going to run out of funds, a cash flow problem, so there is less money coming in from social security taxes than is needed to pay benefits. So somehow we have to come up with money in those future years to pay for the benefits that have been promised.

There are only three or four ways to do that: We either cut existing programs, and probably that is not going to happen in this Chamber; we can increase taxes, and I think that is a very bad idea, because 72 percent of American workers today pay more in social security tax than they do in income taxes. Every time we have been in trouble in the past, we have just said, well, we are going to raise the tax on American workers. So the problem is, how do we do it without raising taxes? Increase borrowing? Probably!

Director Crippen of the CBO pointed out in Thursday's Washington Post that finding the money to repay this trust fund debt means taxes will have to be raised, spending cut, or borrowing increased. As he said, reform proposals that do not change some of the program's basic principles are not going to solve the problem. Another alternative is getting a better return on some of those taxes paid in.

Right now, a young worker 20 years old going to work and paying social security can expect at the most a 1.2 percent inflation-adjusted return on what he or she and their employer pay in. So if that young worker can take some of their tax and get a better return than Social Security's 1.2 percent by investing in bonds, CDs maybe some of it in indexed stocks, they can have more retirement income. They now own that 2 or 3% of their wage plus the compounded earnings. It is part of their estate if they might die early.

We do not need Vice President GORE saying, we are just going to simply add giant IOUs to the Social Security Trust Fund and pretend somehow we are going to come up with the money in the future. It is our biggest, most important program in this country. Let us talk realistically, because the ultimate solution is going to require that Republicans and Democrats get together on a bipartisan basis to do this.

Demagoguing it, criticizing it, having memos go out that say, bash Governor Bush for any proposal he makes on social security, is not the way to move ahead on a bipartisan solution. I urge the President of the United States, I urge the Vice President, to stop it and to talk in a cooperative, factual manner about the real problem and how we might save Social Security and keep it solvent for our kids and grand-kids.

Mr. Speaker, Thursday's Wall Street Journal reports that the chairman of the Democrat's House Campaign committee has sent a memo urging Democrat candidates to bash Gov. Bush for proposing Social Security reforms. These election year tactics will discourage fact-centered dialogues about the reforms needed to keep Social Security strong for generations. Instead, they use fear-based rhetoric to reduce this important issue to demogoguery for political gain.

American workers deserve better than this. Many will have payroll taxes taken from their paychecks for forty and even fifty years. When it is their time to retire, the promises made by candidates who demagog during the 2000 elections will not produce the money to pay benefits at the levels that current retirees receive. Only real reform that sets cash aside for the future will do this. Starting in 2016, Social Security starts to draw down its trust funds, and the Treasury must find the cash to meet these obligations. CBO Director Crippen pointed out in Thursday's Washington Post, that finding the money to repay this trust fund debt means taxes will have to be raised, spending cut, or borrowing increased. As he said, reform proposals that do not change the program's obligations or take actions to promote growth in the economy are an empty gesture.

Governor Bush has shown true leadership by taking on this issue. He is not willing to accept the status quo, and we shouldn't be, either. The only way to get to real solutions is to discuss the facts and work together on a bipartisan basis to build a solution.

## THE WHAT IF ORGANIZATION AND THE POSSIBILITY GENERATION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized during morning hour debates for 5 minutes.

Mr. GREENWOOD. Mr. Speaker, I have the pleasure today of hosting an organization of young people in from my district who call themselves "What If?"

What if young people knew how to create their future every day through the goals they set and the decisions they make?

What if today's youth were given opportunities to become team members, to solve problems and to resolve differences clearly and effectively?

What if the youth of today created an expectation for leadership and accountability, and in doing so, create a shift in the way they view themselves and the way they are viewed by others?

What if a generation, this generation, decided to empower itself by giving itself a meaningful name, the Possibility Generation?

What if the mass youth movement to spread that name around the globe taught participants in that movement to produce actions founded on choice, personal and social empowerment, integrity, and responsibility?

In a world where young people feel that the road ahead is so bleak as to require dramatic and violent means of self-expression, in a fast-paced world of uncertainty and change greater than any other time in history, we must empower youth to become visionaries, and to invite new choices for their future, to make responsible choices, and to take responsibility for the choices that they make.

In a world in which the mere sustainability of our planet cannot be taken for granted, we must encourage and produce socially, environmentally, politically, and commercially conscious youth leadership.

The What If Organization, founded to address these very issues, is an educational, training, and networking organization which provides unique emotional and intellectual development through innovative programs that train youth and young adults to become productive in the workplace, in their lives, and in their communities.

The skills acquired through What If interactive programs provide long-term solutions with broad implications by training students to make responsible choices and consciously operate as the CEOs of their lives.

Youth leaders of the What If Organization have renamed their generation. Formerly known as Generation Y, the Possibility Generation. They are creating history as the first generation to name itself, and through that act, they are declaring their leadership. Unwilling to be labeled by others, these youth are creating a shift in the way they view themselves and the way they are viewed by others.

Representatives of the What If Organization, founders of the Possibility Generation, and their peers are here today to share in the creation of new possibilities for generations to come.

As I read the Possibility Generation, written by these young people.

"The Possibility Generation Proclamation:

We, the youth and leaders of the future, hereby proclaim our self-fulfilling right to choose our name, to be accountable for how we are perceived, and to be responsible for the manner in which we relate to ourselves and others.

We are shaping our future by naming ourselves the Possibility Generation, a name consistent with the future we are creating. We are actively forming the Possibility Generation by taking ownership of the future today. We know through our own initiative we can design our lives and future, building on the knowledge and experiences from previous generations.

We willingly seek partnership in creating our future based on the recognition of our unlimited possibilities and what we can accomplish by virtue of our strengths, our openness, our quest to explore uncharted territory, our willingness to accept and to be proud of who we are, and our ability to accept others for who they are.

We commit to being a model for the generations to follow, thus creating a future for our children and providing a choice to lead a life by a path of self-determination and celebration. We commit to creating a world that accepts all people and provides an equal right to explore given potential. In so doing, we become the possibility of goodness, peace, and humanitarianism for all.

We, the members of the Possibility Generation, pledge to each live our possibilities in the manner that will empower us as individuals and thus positively influence society as a whole."

I am delighted, Mr. Speaker, to host this group of fine young people in Washington today, where they will meet leaders from our Congress and from the administration, and wish them well as they take on these glorious endeavors.

## NATIONAL SMALL BUSINESS WEEK

The SPEAKER pro tempore. Under the Speaker's announced policy of January 19, 1999, the gentleman from Colorado (Mr. TANCREDO) is recognized during morning hour debates for 2¾ minutes.

Mr. TANCREDO. Mr. Speaker, yesterday marked the beginning of National Small Business Week. With over 117,000 small businesses in Colorado, not to mention the 184,000 self-employed individuals, small businesses have become the backbone of our robust economy.

It is imperative that we continue to foster the growth of small businesses in America by reducing and eliminating many of the burdensome regulations the Federal government imposes on them, such as those put out by OSHA that cost small business millions of dollars each year.

Congress should also heed the calls of businessmen and women throughout the Nation and eliminate the death tax, which would allow more small businesses to be passed on from one generation to another, and continue to pass laws allowing small businesses to increase retirement benefits for themselves and their employees.

Earlier this year, the House passed four small business bills to reduce paperwork requirements and limit liability. I urge my colleagues in the Senate to pass this legislation.

I hope my colleagues will join me this week in thanking America's small businesses for their efforts in making America the leader in the world's economy.

## RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 41 minutes a.m.), the House stood in recess until 10 a.m.

□ 1000

## AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. EWING) at 10 a.m.

## PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God of the ages, You love each of us in singular fashion. You deal with us justly. In differing ways, You draw us to Yourself to achieve Your own purpose.

Those who have only tasted Your goodness, O Lord, are like newborn infants longing for pure spiritual milk. Those who have been cut out by Your Word and hewed by Your spirit are like living stones being built into a spiritual house, called to be a holy priesthood offering spiritual sacrifice acceptable to God.

Those wholly animated by Your Spirit are like branches on a vine, one in life, one in activity, one in producing lasting fruits.

Help us this day to achieve Your holy will by setting aside all selfish gain. Make us Your instrument of peace and justice that our faith in You may not bring us shame but give You alone the glory now and forever.

Amen.

## THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Nebraska (Mr. TERRY) come forward and lead the House in the Pledge of Allegiance.

Mr. TERRY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## PAYING DOWN THE DEBT

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, in 1981, while the Nation celebrated the 200th anniversary of the British surrender at Yorktown, President Reagan joked that "our enemy is no longer Red Coats, but red ink."

For 40 long years, this country sank deeper and deeper into debt. Congress seemed addicted to spending money on every project imaginable. But never during the 8 years of Reagan's presidency did the Congress ever send him a balanced budget, not once.

Never during the Carter, Ford, or Nixon administrations did the Democratic Congress ever send the President a balanced budget, nor during the Bush administration.

The same was true the first 2 years that President Clinton enjoyed one-party rule in this town, no balanced budget.

The Constitution clearly states that only Congress can appropriate money for spending. Within 3 years of taking over Congress, the Republicans not only balanced the budget but also began paying down the debt.

For decades, the other side had the chance to balance the budget but never did. The Republican Congress did it, and now we are reaping the rewards.

## PERMANENT NORMAL TRADE RELATIONS WITH CHINA

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, we cast a lot of votes in this body that are oftentimes quickly forgotten, but tomorrow we will cast one that will be indelibly etched in the history books, whether or not this Congress supports the current status quo of too many human rights abuses and too many trade deficits with China or whether we want to change that policy.

I will vote for permanent trade with China because it benefits America. We do not want to support the status quo with China.

Just Friday, the European Union negotiated a new agreement with China where they will get certain benefits to get into those markets in China. Under this agreement, America does not open its markets one bit more to China; but we pry open markets for telecommunications, agriculture, manufacturing, and across the board.

Our policy, Mr. Speaker, should be to pry open and penetrate those markets so that we export products, not jobs.

### SPANISH-AMERICAN WAR TAX

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, the Federal Government is notorious for being cumbersome and slow to change. When it comes to making improvements in our 17,000-page Tax Code, this is particularly true.

So it is no great surprise that there is a 102-year-old temporary tax law on the books which became obsolete less than a year after it became law. That is right, the Spanish-American War tax, which charges Americans a 3-percent excise tax on their phone line usage, was passed by Congress in 1898 to pay for the Spanish-American War.

Well, the war is over, folks, but the tax is still with us. It is hurting 94 percent of Americans who use phone lines either for personal or business use.

Why has it not changed? It has not changed because of the insatiable appetite of Government for every single tax dollar it can get its hands on.

This is wrong. Congress needs to disconnect the American people from the outdated Spanish-American War tax.

### INTERNATIONAL CHILD ABDUCTION

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Mr. Speaker, I rise again today to talk about international child abduction, but this time I will tell the story from a different perspective. I am going to tell my colleagues about Cecilie Finkelstein, a victim of international parental child abduction who I have spoken with about the effects that this crime has on the abducted child.

During our discussions, Cecilie expressed to me that parental abduction can and often does cause tremendous harm to the children involved. In her case, she lived on the run for 14 years, living in three countries and 34 States. Her father forced her to assume many identities to hide and alienate her from her mother. Cecilie learned the truth from a family friend.

She now has a relationship with her mother but expressed to me the devastating effects that abduction has on the child victims.

At an event I held in March, Cecilie, on behalf of herself and all abducted children, appealed to Congress to do everything in its power to discourage international parental child abduction by taking action to motivate foreign countries to comply with the spirit and the intent of the Hague Treaty on the Civil Aspects of International Child Abduction.

My colleagues have that chance. Support H. Con. Res. 293 and help me prevent this tragedy from happening again.

### INS DATA MANAGEMENT IMPROVEMENT ACT

(Mr. GIBBONS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GIBBONS. Mr. Speaker, I rise today in strong support of H.R. 4489, the INS Data Management Improvement Act, which will be coming before this Chamber later today.

The bill will support our border law enforcement objectives without adversely affecting U.S. commerce, trade, or tourism.

H.R. 4489 does not create a new, cumbersome inspection system. It does not mandate additional documents be required for entry into the United States.

H.R. 4489 simply requires that the INS develop and maintain an electronic database of information already collected at our borders. It also establishes a joint public-private sector task force to evaluate and report on ways to improve the flow of traffic at all ports of entry.

This sensible legislation supports our border law enforcement efforts, as well as the travel and tourism industries of many States, including Nevada.

I urge all of my colleagues to support the INS Data Management Improvement Act.

### JUSTICE DEPARTMENT HAS NOT INVESTIGATED WHETHER CHINESE COMMUNISTS HAVE COMPROMISED OUR NATIONAL SECURITY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a memo now proves that the FBI urged Janet Reno to stop investigating illegal Chinese campaign contributions to the Democratic Party. Janet Reno was told she would lose her job. Janet Reno did not lose her job.

Until this day, the Justice Department has never investigated whether or not Chinese communists have compromised our national security.

Unbelievable.

And if that is not enough to throw wild rice on this China marriage, check this out. Congress is about to reward China for buying and spying on Uncle Sam.

Beam me up.

When the Justice Department spends millions of dollars to investigate Bill Gates of Microsoft but not one dime to investigate the Red Army of China, something is wrong in America.

I yield back what looks like treason to me.

### IN SUPPORT OF GRANTING PERMANENT NORMAL TRADE RELATIONS TO CHINA

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, China is the third largest military power in the world. It has a huge conventional arms arsenal and developing missile and nuclear capabilities.

Quite frankly, China is a powerful threat. But China can be a powerful ally. There is no more powerful tool for a positive change in China than trade with America.

I worry that this trend towards isolationism will lead us into another Cold War, an ugly time of an era gone by, where many of my colleagues seem to long for the old policy of mutually assured destruction.

Mr. Speaker, I urge them to instead explore the option of mutually assured improvements.

Granting China normal trade relations will have a tremendous impact on our diplomatic relations. This will enhance our ability to improve conditions in China even more.

### IN CELEBRATION OF SMALL BUSINESS WEEK

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, George Bernard Shaw once said, "Some people look at the world and say, 'Why?'. Others look at the world and say, 'Why not?' ".

To me, this one statement captures the essence of what it means to be a business owner and entrepreneurs of America.

I rise today in celebration of Small Business Week and acknowledge our Nation's most enduring image and its greatest legacy, our small businesses.

Small businesses account for 99.7 percent of America's employers. They employ 52 percent of the private sector workforce. And they are responsible for 47 percent of all sales of goods and services throughout this country.

But small business is not just about these numbers. These companies represent the investors, entrepreneurs, technical wizards, and dreamers of our business community. And as we commemorate Small Business Week and the entrepreneurs, we are celebrating these individuals and we honor those who always say "why not?".

## REPEAL TAX ON TALKING

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1898 the Federal tax on telephone service, the tax on talking, was first levied as a temporary measure to fund the Spanish-American War. That war lasted only a few months, and yet the taxes lasted for over a hundred years.

Unfortunately, in 1990 a Democratic-controlled Congress made it permanent, which just goes to show us one thing about Washington: once there is a tax on the books, it is almost impossible to get rid of it.

But this week we are going to achieve the impossible. We are going to get rid of this Federal telephone tax once and for all. This will provide tax relief to the nearly 95 percent of American households who have telephone service, and it will help keep the Internet free from direct taxation.

Teddy Roosevelt and his Rough Riders fought valiantly in the Spanish-American War, but we have long since cleared the ledger on that victory. It is a hundred years later and way past time to repeal this outdated tax on working Americans.

## MOTOROLA AND TELECOMMUNICATION PRODUCTS IN CHINA

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, a recent ad placed by Motorola, and this is the ad, says, "China is finally open for business, and America's factories are ready to respond to this historic opportunity to boost exports to China and support jobs at home."

Now, Motorola wants Congress to believe that it will increase jobs and investment at the American factories for export to China.

A Chinese newspaper gets a different story. Motorola is telling the Chinese, we are going to invest another $2 billion in China once China enters the World Trade Organization, which would follow this permanent MFN vote, on top of the $1.1 billion that Motorola has already invested in Chinese production. So here is Motorola going to build a new factory to produce telecommunication products in China.

□ 1015

Motorola did not export a single cell phone to the U.S. from China. Last year the U.S. imported almost $100 million in cell phones that were made in China, many with the Motorola brand. If Congress passes PNTR, Motorola could basically take these Chinese plants and use them as an export platform to disadvantage the American people, American jobs.

Vote against PNTR.

## INTERNET PRIVACY

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute.)

Mr. HUTCHINSON. Mr. Speaker, yesterday the Federal Trade Commission released a report to Congress. This report dealt with the issue of online privacy. The report stated: "Ongoing consumer concerns regarding privacy online and the limited success of self-regulatory efforts to date make it time for the government to act to protect consumers' privacy on the Internet."

The important impact of this report is that it urges action by Congress. It is time that we do not simply leave it to the regulators but that we take legislative action on the issue of privacy. The best vehicle for this purpose is the privacy study commission bill that I have introduced along with the gentleman from Virginia (Mr. MORAN). It is a bipartisan bill patterned after the privacy study commission of 1974 that gave us hallmark legislation. We need to address it again. It is comprehensive, it is bipartisan, it is a thoughtful approach to the issue of privacy. It is set for markup in the committee on government reform.

I urge my colleagues to take a look at it because it is time that we were able to go back to the voters and say we are going to do something about the issue of privacy.

## NATIONAL SMALL BUSINESS WEEK

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in honor of National Small Business Week. This is the week we honor the small business owners across the Nation who have done so much to make our country strong and prosperous. America's 23 million small businesses employ more than half of our country's private workforce, create two out of every three new jobs, and generate a majority of American innovations. In my district, we are experiencing tremendous growth as a result of small businesses. I would hope as we get an opportunity in a few days to vote on new market initiatives and the American Community Renewal Act that we, Mr. Speaker, would recognize the value of small businesses and vote this legislation in honor of our small businesses in the country.

## RECOGNIZING SOUTH FLORIDA'S JIM BROSEMER ON A DISTINGUISHED BROADCASTING CAREER

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, May 28 will mark the end of a long and distinguished broadcasting career for an icon of south Florida television. Since 1967, Jim Brosemer has been a familiar face delivering the news to the people I represent. After 17 years as an anchor in Miami at WTVJ, Jim spent the last 7 years in a variety of capacities at WPTV channel 5, the NBC affiliate in west Palm Beach.

While his regular appearances in front of the camera are coming to an end, he will now share the same skills that won him four local Emmy awards behind the camera as a teacher helping to educate the next generation of journalists. As Jim begins his new duties in teaching and as the government and media liaison for college of communications at Lynn University joins another icon of broadcasting, Irving R. Levine, at their Boca Raton campus. I join the communities of south Florida in wishing Jim Brosemer well, wishing him success, and thanking him for his years of community service to Palm Beach County and all of south Florida.

## SOCIAL SECURITY

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Mr. Speaker, there has been a lot of talk over the past few weeks about competing plans to handle Social Security. Since 1935, Americans have been able to count on an assured income when they retire through Social Security. Social Security has been there to lift millions of seniors out of poverty, give them the ability to live with independence and dignity. We should be working to strengthen Social Security, not to undermine it. There is no doubt that we need to reform Social Security, but it must be the right kind of reform. The wrong kind of reform introduces risk, takes money away from Social Security and undermines that assured income that has served as a solid foundation during retirement years. Plans to privatize Social Security would particularly harm American women because they earn less, live longer, take time out to raise children and are more likely to work part time.

Mr. Speaker, we should take this historic opportunity to invest our surplus in protecting and strengthening Social Security instead of gambling it on the ups and downs of the stock market. If we act now, we can use the budget surplus to pay down the debt and use the interest saved to strengthen Social Security. This plan is a sound investment for America's future and for all Americans, young and old.

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## REPUBLICAN B.E.S.T. AGENDA

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, the Republican Party continues to work on the B.E.S.T. agenda for the American people. B stands for building up the military and looking after our veterans and military retirees and active duty personnel. E stands for excellence in education, local control, where the dollars go to the teacher in the classroom, not Washington bureaucrats. The S is for preserving and strengthening Social Security. A major accomplishment of Republicans in Congress was to say to the President, don't just preserve 62 percent of the surplus, preserve 100 percent. And let's quit spending that money on roads and bridges. Also, let us protect Medicare and pay down the debt. Our budget pays down the public debt by the year 2013. As a father, I think that is one of the best things that I can go home and talk about. Then the T in the word "best" stands for tax relief. After we fulfill our obligations in Social Security, Medicare and debt reduction, let us return the overpayment in government to the American people. They work 50 and 60 hours a week. Money does not grow on trees. It does not come from Washington. It comes from hardworking taxpayers. Let us return the money to them.

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## INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The SPEAKER pro tempore (Mr. EWING). Pursuant to House Resolution 506 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4392.

□ 1022

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, with Mr. HUTCHINSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Monday, May 22, 2000, a request for a recorded vote on amendment No. 4 printed in the CONGRESSIONAL RECORD by the gentleman from Ohio (Mr. TRAFICANT) had been postponed and the bill was open for amendment at any point.

Are there further eligible amendments to the bill?

### SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 506, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 1 by the gentleman from Indiana (Mr. ROEMER); amendment No. 3 by the gentleman from Ohio (Mr. TRAFICANT); amendment No. 4 by the gentleman from Ohio (Mr. TRAFICANT).

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

### AMENDMENT NO. 1 OFFERED BY MR. ROEMER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Indiana (Mr. ROEMER) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. ROEMER:

At the end of title III add the following new section (and conform the table of contents accordingly):

**SEC. 306. ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.**

Section 114 of the National Security Act of 1947 (50 U.S.C. 404i) is amended—

(1) by redesignating subsection (c) as subsection (d); and

(2) by inserting after subsection (b) the following new subsection:

"(c) ANNUAL STATEMENT OF THE TOTAL AMOUNT OF INTELLIGENCE EXPENDITURES FOR THE PRECEDING FISCAL YEAR.—Not later than February 1 of each year, the Director of Central Intelligence shall submit to Congress a report containing an unclassified statement of the aggregate appropriations for the fiscal year immediately preceding the current year for National Foreign Intelligence Program (NFIP), Tactical and Intelligence and Related Activities (TIARA), and Joint Military Intelligence Program (JMIP) activities, including activities carried out under the budget of the Department of Defense to collect, analyze, produce, disseminate, or support the collection of intelligence.".

### RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 225, not voting 34, as follows:

[Roll No. 214]

### AYES—175

Abercrombie
Allen
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Berkley
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Campbell
Capps
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Duncan
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Ganske
Gephardt
Gonzalez
Goode
Goodlatte
Green (TX)
Gutierrez
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hoeffel
Holden
Holt
Hooley
Inslee
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kucinich
LaFalce
Lampson
Lantos
Leach
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McKinney
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller, George
Mink
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Obey
Olver
Owens
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Petri
Phelps
Pomeroy
Porter
Price (NC)
Rangel
Rivers
Roemer
Rohrabacher
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schaffer
Schakowsky
Serrano
Sherman
Slaughter
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Tanner
Tauscher
Thompson (MS)
Thurman
Tierney
Towns
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Wexler
Weygand
Woolsey
Wynn

### NOES—225

Aderholt
Andrews
Archer
Baca
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bono
Boswell
Brady (TX)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chambliss
Clement
Coble
Coburn
Collins
Combest
Cook
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeMint
Diaz-Balart
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Foley
Fowler
Franks (NJ)

Frelinghuysen
Gallegly
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hinojosa
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaHood

Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
McCollum
McCrery
McHugh
McInnis
McIntyre
McKeon
McNulty
Mica
Miller (FL)
Miller, Gary
Mollohan
Moran (KS)
Murtha
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pease
Peterson (PA)
Pickering
Pickett
Pitts
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Reyes
Reynolds
Riley
Rogan
Rogers
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon

Sanford
Saxton
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thornberry
Thune
Toomey
Traficant
Turner
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu

NOT VOTING—34

Ackerman
Armey
Barton
Blunt
Brown (OH)
Bryant
Capuano
Chenoweth-Hage
Cooksey
DeLay
Dickey
Forbes

Fossella
Jones (OH)
Larson
Lazio
Martinez
McCarthy (NY)
McIntosh
Meehan
Minge
Moakley
Oberstar
Pombo

Regula
Rodriguez
Scarborough
Stupak
Tiahrt
Waxman
Weiner
Wise
Young (AK)
Young (FL)

□ 1050

Messrs. SHIMKUS, WAMP, and BURTON of Indiana changed their vote from "aye" to "no."

Mr. CAMPBELL changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. FOSSELLA. Mr. Chairman, I am not recorded on rollcall No. 214, an amendment to H.R. 4392. I was unavoidably detained and was not present to vote. Had I been present, I would have voted "no" on rollcall No. 214.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HUTCHINSON). Pursuant to House Resolution 506, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 3 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on Amendment No. 3 offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. TRAFICANT:

At the end of title III, insert the following new section (and conform the table of contents accordingly):

**SEC. 306. UPDATE OF REPORT ON EFFECTS OF FOREIGN ESPIONAGE ON UNITED STATES TRADE SECRETS**

By not later than 270 days after the date of the enactment of this Act, the Director of Central Intelligence shall submit to Congress a report that updates, and revises as necessary, the report prepared by the Director pursuant to section 310 of the Intelligence Authorization Act for Fiscal Year 2000 (Public Law 106–120, 113 Stat. 1613) (relating to a description of the effects of espionage against the United States, conducted by or on behalf of other nations, on United States trade secrets, patents, and technology development).

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 407, noes 1, not voting 26, as follows:

[Roll No. 215]

AYES—407

Abercrombie
Aderholt
Allen
Andrews
Archer
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski

Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Coyne
Cramer

Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans

Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce

LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad

Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller

Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—1

Shuster

NOT VOTING—26

Ackerman
Armey
Bachus
Barton
Blunt
Brown (OH)
Bryant
Capuano
Cooksey
DeLay
Forbes
Larson
Lazio
Martinez
McCarthy (NY)
McIntosh
Minge
Oberstar
Rodriguez
Scarborough
Stupak
Tiahrt
Waxman
Weiner
Wise
Young (AK)

☐ 1059

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 4 OFFERED BY MR. TRAFICANT

The CHAIRMAN pro tempore (Mr. EWING). The unfinished business is the demand for a recorded vote on amendment No. 4, offered by the gentleman from Ohio (Mr. TRAFICANT) on which further proceedings were postponed and on which the ayes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. TRAFICANT:

At the end of the bill, add the following new section:

SEC. . The Director shall report to the House Permanent Select Committee on Intelligence within 60 days whether the policies and goals of the People's Republic of China constitute a threat to our national security.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 404, noes 8, not voting 22, as follows:

[Roll No. 216]

AYES—404

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Costello
Cox
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—8

Bereuter
Coyne
Frank (MA)
Houghton
Johnson (CT)
Kolbe
Shuster
Watt (NC)

NOT VOTING—22

Ackerman
Barton
Brown (OH)
Bryant
Capuano
Cooksey
Forbes
Larson
Lazio
Martinez
McCarthy (NY)
McIntosh
Minge
Oberstar
Rodriguez
Scarborough
Stupak
Tiahrt
Waxman
Weiner
Wise
Young (AK)

☐ 1107

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Chairman, I was unavoidably detained today and missed rollcall vote Nos. 214–216, Rollcall vote No. 214 was a Roemer amendment to H.R. 4392, the Intelligence Authorization Act for Fiscal Year 2001; rollcall vote Nos. 215 and 216 were Traficant amendments to H.R. 4392. Had I been present, I would have voted "no" on rollcall vote number 214 and "aye" on rollcall votes 215 and 216.

PERSONAL EXPLANATION

Mr. OBERSTAR. Mr. Chairman, during the consideration of the Intelligence Authorization legislation (H.R. 4392) this morning, my vote was not recorded on several rollcall votes.

Had I been present, I would have voted "aye" on rollcall 214; I would have voted "aye" on rollcall vote 215; and I would have voted "aye" on rollcall vote 216.

PERSONAL EXPLANATION

Mr. MINGE. Mr. Chairman, on rollcall Nos. 214, 215, and 216, I was physically ill and unable to vote. Had I been present, I would have voted "aye" on all said votes.

The CHAIRMAN pro tempore. If there are no other amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. SHIMKUS) having assumed the chair, Mr. Ewing, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4392) to authorize appropriations for fiscal year 2001 for intelligence and intelligence-related activities of the United States

Government, the Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 506, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole. If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 4392, INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001

Mr. GOSS. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 4392, the Clerk be authorized to make such technical and conforming changes as necessary to reflect the actions of the House.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Florida?

There was no objection.

## GENERAL LEAVE

Mr. GOSS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4392, the bill just considered and passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Any record votes on postponed questions will be taken after debate has concluded on all motions to suspend the rules.

## LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 297) to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes, as amended.

The Clerk read as follows:

H.R. 297

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### TITLE I—LEWIS AND CLARK RURAL WATER SYSTEM

**SEC. 101. SHORT TITLE.**

This title may be cited as the "Lewis and Clark Rural Water System Act of 2000".

**SEC. 102. DEFINITIONS.**

In this title:

(1) Feasibility study.—The term "feasibility study" means the study entitled "Feasibility Level Evaluation of a Missouri River Regional Water Supply for South Dakota, Iowa and Minnesota", dated September 1993, that includes a water conservation plan, environmental report, and environmental enhancement component.

(2) Incremental cost.—The term "incremental cost" means the cost of the savings to the project were the city of Sioux Falls not to participate in the water supply system.

(3) Member entity.—The term "member entity" means a rural water system or municipality that meets the requirements for membership as defined by the Lewis and Clark Rural Water System, Inc. bylaws, dated September 6, 1990.

(4) Project construction budget.—The term "project construction budget" means the description of the total amount of funds needed for the construction of the water supply project, as contained in the feasibility study.

(5) Pumping and incidental operational requirements.—The term "pumping and incidental operational requirements" means all power requirements that are necessary for the operation of intake facilities, pumping stations, water treatment facilities, reservoirs, and pipelines up to the point of delivery of water by the water supply system to each member entity that distributes water at retail to individual users.

(6) Secretary.—The term "Secretary" means the Secretary of the Interior.

(7) Water supply project.—

(A) In general.—The term "water supply project" means the physical components of the Lewis and Clark Rural Water Project.

(B) Inclusions.—The term "water supply project" includes—

(i) necessary pumping, treatment, and distribution facilities;

(ii) pipelines;

(iii) appurtenant buildings and property rights;

(iv) electrical power transmission and distribution facilities necessary for services to water systems facilities; and

(v) such other pipelines, pumping plants, and facilities as the Secretary considers necessary and appropriate to meet the water supply, economic, public health, and environment needs of the member entities (including water storage tanks, water lines, and other facilities for the member entities).

(8) Water supply system.—The term "water supply system" means the Lewis and Clark Rural Water System, Inc., a nonprofit corporation established and operated substantially in accordance with the feasibility study.

**SEC. 103. FEDERAL ASSISTANCE FOR THE WATER SUPPLY SYSTEM.**

(a) In General.—The Secretary shall make grants to the water supply system for the planning and construction of the water supply project.

(b) Service Area.—The water supply system shall provide for the member entities safe and adequate municipal, rural, and industrial water supplies, mitigation of wetland areas, and water conservation in—

(1) Lake County, McCook County, Minnehaha County, Turner County, Lincoln County, Clay County, and Union County, in southeastern South Dakota;

(2) Rock County and Nobles County, in southwestern Minnesota; and

(3) Lyon County, Sioux County, Osceola County, O'Brien County, Dickinson County, and Clay County, in northwestern Iowa.

(c) Amount of Grants.—Grants made available under subsection (a) to the water supply system shall not exceed the amount of funds authorized under section 108.

(d) Limitation on Availability of Construction Funds.—The Secretary shall not obligate funds for the construction of the water supply project until—

(1) the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) are met; and

(2) a final engineering report and a plan for a water conservation program are prepared and submitted to the Congress not less than 90 days before the commencement of construction of the water supply project.

**SEC. 104. MITIGATION OF FISH AND WILDLIFE LOSSES.**

Mitigation for fish and wildlife losses incurred as a result of the construction and operation of the water supply project shall be on an acre-for-acre basis, based on ecological equivalency, concurrent with project construction, as provided in the feasibility study.

**SEC. 105. USE OF PICK-SLOAN POWER.**

(a) In General.—From power designated for future irrigation and drainage pumping for the Pick-Sloan Missouri Basin program, the Western Area Power Administration shall make available, at the firm power rate, the capacity and energy required to meet the pumping and incidental operational requirements of the water supply project during the period beginning on May 1 and ending on October 31 of each year.

(b) Qualification To Use Pick-Sloan Power.—For operation during the period beginning May 1 and ending October 31 of each year, for as long as the water supply system operates on a not-for-profit basis, the portions of the water supply project constructed with assistance under this title shall be eligible to receive firm power from the Pick-Sloan Missouri Basin program established by section 9 of the Act of December 22, 1944 (chapter 665; 58 Stat. 887), popularly known as the Flood Control Act of 1944.

**SEC. 106. NO LIMITATION ON WATER PROJECTS IN STATES.**

This title does not limit the authorization for water projects in the States of South Dakota, Iowa, and Minnesota under law in effect on or after the date of enactment of this Act.

**SEC. 107. WATER RIGHTS.**

Nothing in this title—

(1) invalidates or preempts State water law or an interstate compact governing water;

(2) alters the rights of any State to any appropriated share of the waters of any body of surface or ground water, whether determined by past or future interstate compacts or by past or future legislative or final judicial allocations;

(3) preempts or modifies any Federal or State law, or interstate compact, governing water quality or disposal; or

(4) confers on any non-Federal entity the ability to exercise any Federal right to the waters of any stream or to any ground water resource.

**SEC. 108. COST SHARING.**

(a) FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall provide funds equal to 80 percent of—

(A) the amount allocated in the total project construction budget for planning and construction of the water supply project under section 103; and

(B) such amounts as are necessary to defray increases in development costs reflected in appropriate engineering cost indices after September 1, 1993.

(2) SIOUX FALLS.—The Secretary shall provide funds for the city of Sioux Falls, South Dakota, in an amount equal to 50 percent of the incremental cost to the city of participation in the project.

(b) NON-FEDERAL COST SHARE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the non-Federal share of the costs allocated to the water supply system shall be 20 percent of the amounts described in subsection (a)(1).

(2) SIOUX FALLS.—The non-Federal cost-share for the city of Sioux Falls, South Dakota, shall be 50 percent of the incremental cost to the city of participation in the project.

**SEC. 109. BUREAU OF RECLAMATION.**

(a) AUTHORIZATION.—At the request of the water supply system, the Secretary may allow the Commissioner of Reclamation to provide project construction oversight to the water supply project for the service area of the water supply system described in section 103(b).

(b) PROJECT OVERSIGHT ADMINISTRATION.—The amount of funds used by the Commissioner of Reclamation for oversight described in subsection (a) shall not exceed the amount that is equal to 1 percent of the amount provided in the total project construction budget for the entire project construction period.

**SEC. 110. PROJECT OWNERSHIP AND RESPONSIBILITY.**

The water supply system shall retain title to all project facilities during and after construction, and shall be responsible for all operation, maintenance, repair, and rehabilitation costs of the project.

**SEC. 111. AUTHORIZATION OF APPROPRIATIONS.**

There is authorized to be appropriated to carry out this title $213,887,700, to remain available until expended.

## TITLE II—SLY PARK UNIT CONVEYANCE

**SEC. 201. DEFINITIONS.**

For the purpose of this title, the term—

(1) "Secretary" means the Secretary of the Interior;

(2) "Sly Park Unit" means the Sly Park Dam and Reservoir, Camp Creek Diversion Dam and Tunnel, and conduits and canals as authorized under the American River Act of October 14, 1949 (63 Stat. 853), including those used to convey, treat, and store water delivered from Sly Park, as well as all recreation facilities thereto; and

(3) "District" means the El Dorado Irrigation District.

**SEC. 202. TRANSFER OF SLY PARK UNIT.**

(a) IN GENERAL.—The Secretary shall, as soon as practicable after date of the enactment of this Act and in accordance with all applicable law, transfer all right, title, and interest in and to the Sly Park Unit to the District.

(b) SALE PRICE.—The Secretary is authorized to receive from the District $2,000,000 to relieve payment obligations and extinguish the debt under contract number 14-06-200-949IR2, and $9,500,000 to relieve payment obligations and extinguish all debts associated with contracts numbered 14-06-200-7734, as amended by contracts numbered 14-06-200-4282A and 14-06-200-8536A. Notwithstanding the preceding sentence, the District shall continue to make payments required by section 3407(c) of Public Law 102-575 through year 2029.

(c) CREDIT REVENUE TO PROJECT REPAYMENT.—Upon payment authorized under subsection (b), the amount paid shall be credited toward repayment of capital costs of the Central Valley Project in an amount equal to the associated undiscounted obligation.

**SEC. 203. FUTURE BENEFITS.**

Upon payment, the Sly Park Unit shall no longer be a Federal reclamation project or a unit of the Central Valley Project, and the District shall not be entitled to receive any further reclamation benefits.

**SEC. 204. LIABILITY.**

Except as otherwise provided by law, effective on the date of conveyance of the Sly Park Unit under this title, the United States shall not be liable for damages of any kind arising out of any act, omission, or occurrence based on its prior ownership or operation of the conveyed property.

## TITLE III—TREATMENT OF PROJECT COSTS FOR SLY PARK UNIT

**SEC. 301. TREATMENT OF PROJECT COSTS.**

To the extent costs associated with the Sly Park Unit are included as a reimbursable cost of the Central Valley Project, the Secretary is authorized to exclude such costs in excess of those repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facility is operationally integrated into the water supply yield of the Central Valley Project.

## TITLE IV—CITY OF ROSEVILLE PUMPING PLANT FACILITIES

**SEC. 401. CREDIT FOR INSTALLATION OF ADDITIONAL PUMPING PLANT FACILITIES IN ACCORDANCE WITH AGREEMENT.**

(a) IN GENERAL.—The Secretary of the Interior shall credit an amount up to $1,164,600, the precise amount to be determined by the Secretary through a cost allocation, to the unpaid capital obligation of the City of Roseville, California (in this section referred to as the "City"), as such obligation is calculated in accordance with applicable Federal reclamation law and Central Valley Project rate setting policy, in recognition of future benefits to be accrued by the United States as a result of the City's purchase and funding of the installation of additional pumping plant facilities in accordance with a letter of agreement with the United States numbered 5-07-20-X0331 and dated January 26, 1995. The Secretary shall simultaneously add an equivalent amount of costs to the capital costs of the Central Valley Project, and such added costs shall be reimbursed in accordance with reclamation law and policy.

(b) EFFECTIVE DATE.—The credit under subsection (a) shall take effect upon the date on which—

(1) the City and the Secretary of the Interior have agreed that the installation of the facilities referred to in subsection (a) has been completed in accordance with the terms and conditions of the letter of agreement referred to in subsection (a); and

(2) the Secretary of the Interior has issued a determination that such facilities are fully operative as intended.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

□ 1115

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from South Dakota (Mr. THUNE) introduced H.R. 297, the Lewis and Clark Rural Water System at the beginning of this 106th Congress. The legislation is designed to provide replacement or supplemental water supplies in the Missouri River, the portions of South Dakota, Iowa, and Minnesota, serving in total about 180,000 people, of which approximately 150,000 people reside in Sioux Falls metropolitan area.

The estimated cost of the project is $283 million in 1993 dollars with a 10 percent State share and 10 percent local cost share based on the willingness-to-pay analysis.

We have been working with the gentleman from South Dakota (Mr. THUNE) on a number of the issues. As currently presented, the bill addresses several other issues of concern to the gentleman from California (Mr. GEORGE MILLER) and me.

Mr. Speaker, I yield 5 minutes to the gentleman from South Dakota (Mr. THUNE), the author of the bill, to more fully explain his legislation.

Mr. THUNE. Mr. Speaker, I do appreciate the opportunity to speak on this bill, which is so important to my State of South Dakota. H.R. 297 would authorize appropriations for construction of the Lewis and Clark Rural Water System which, when complete, will supply water to 22 communities in South Dakota, Iowa, and Minnesota.

The Lewis and Clark Rural Water System bears tremendous significance to the States that eventually will be served by the delivery of water from an aquifer near the Missouri River at Vermillion, South Dakota. My constituents have expressed the significance of this project in no uncertain terms to me; and, as a result, H.R. 297 was the first bill that I introduced this Congress and has been one of my top legislative priorities since serving in Congress.

I would also like to thank the gentleman from Minnesota (Mr. MINGE), the cosponsor of this legislation, and the gentleman from Iowa (Mr. LATHAM), both of whose districts will be served by this water project.

I would also like to thank the gentleman from California (Chairman DOOLITTLE); the gentleman from Alaska (Chairman YOUNG); the Speaker; the majority leader; the majority whip; the gentleman from California (Mr. GEORGE MILLER), the ranking member; and the staffs of those committees and the leadership staff, particularly Tom Pyle in the House majority whip's office; and the gentleman on my staff, Jafar Karim, for the hard work that they have put in making this bill become a reality.

I would also like to recognize, Mr. Speaker, the project sponsors, those community leaders, the Lewis and Clark Rural Water System, who have fought hard and been so persistent in moving this project forward.

It has been a long process. This bill was introduced back in 1994. It has been refined and reworked to where we are today.

Let me just very briefly state why I believe it is so important and why this is important that this bill move at this time. First off, this helps fulfill promises made by the Federal Government to South Dakota in the Flood Control Act of 1944, wherein South Dakota gave up over half a million acres of prime bottom land in exchange for irrigation benefits and other benefits, many of which never materialized.

Secondly, the legislation authorizes construction of a water system that, when built, will meet critical water needs of 22 communities in South Dakota, Iowa, and Minnesota. Over 180,000 people will be served with clean drinking water.

Mr. Speaker, this legislation is important because this is a health issue. This is a safety issue, and this is an economic development issue for these communities.

Finally, it is important, Mr. Speaker, that we do this now because of the growing sense of urgency when it comes to the water needs of this area and because this legislation has been around and been refined and reworked over four sessions of Congress. The time for action is now.

I want to express my appreciation to those who have helped us bring it to this point and the opportunity to move this legislation forward, and so I encourage all my colleagues to support the legislation; and on behalf of the people of South Dakota, I thank my colleagues.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of the committee amendment to H.R. 297, the bill to authorize the Lewis and Clark Rural Water System.

The Lewis and Clark Rural Water System is designed to provide replacement or supplemental water supplies from the Missouri River to areas in southeastern South Dakota, northwestern Iowa, and southwestern Minnesota serving up to about 180,000 people.

This region has seen substantial growth and development in recent years, and we know that future water needs in the area will be significantly greater than the current available supply. Many residents in the project area have water of such poor quality it does not meet present or proposed standards for drinking water. Many communities rely on shallow aquifers as the primary source of drinking water, aquifers which are very vulnerable to contamination by surface activities, including large hog farms. Why do we not clean up the hog farms?

Lewis and Clark Rural Water System will provide a reliable source for supplemental drinking water. I urge my colleagues to support the authorization of this project with a "yes" vote on H.R. 297.

Mr. Speaker, the committee amendment includes several additional provisions affecting water resource activities of the Bureau of Reclamation in Northern California. I have no objection to these provisions.

In fact, I want to thank the committee for including title 3, the "Treatment of Project Costs For Sly Park Unit," which will provide for the Secretary to exclude these costs in excess to be repaid by the Sly Park Unit beneficiaries from the pooled reimbursable costs of the Central Valley Project until such time as the facilities are integrated into the water supply yield to the Central Valley project.

This will provide a correction of an inadvertent oversight that could prove costly to a number of urban water districts in California. I think that this is a proper resolution of this issue.

Mr. MINGE. Mr. Speaker, I rise today to urge my colleagues to support H.R. 297, the Lewis and Clark Rural Water System Act, which has been reported out of the House Committee on Resources.

The Lewis and Clark Rural Water System Act will serve a number of communities in Minnesota, Iowa and South Dakota. Currently these communities are served by shallow aquifers that are vulnerable to contamination. Many of these towns have tried repeatedly to dig new wells. Unfortunately, they have had little luck.

The area that would be served by H.R. 297 is currently experiencing a drought with no immediate relief in sight. This bill will not alleviate the current crisis but protect the region from the water level uncertainties associated with shallow aquifers in the future. That certainty not only lends peace of mind to local citizens, but is also crucial to the area's economic development plans. The business climate cannot flourish when the water supply is questionable.

The Senate has already passed legislation authorizing the Lewis and Clark Rural Water System Act. Time is of the essence for this project and it is my hope that any differences with the Senate can be quickly resolved.

Mr. Speaker, I again ask my colleagues to support H.R. 297.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield back the balance of my time.

Mr. DOOLITTLE. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. EWING). The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 297, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAG IN AMERICAN SAMOA

Mr. DOOLITTLE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 443), expressing the sense of the House of Representatives with regard to the centennial of the raising of the United States flag in American Samoa, as amended.

The Clerk read as follows:

### H. RES. 443

*Whereas the people of American Samoa have inhabited Tutuila and the Manu'a Islands for at least 3,000 years and developed a unique and autonomous seafaring and agrarian culture, governing themselves through their own form of government;*

*Whereas in 1722, Dutch explorer Jacob Roggeveen became the first European to sight—but not land on—the shores of the Samoan Islands, islands which remained isolated for another 46 years because Roggeveen miscalculated their location;*

*Whereas in 1768, French explorer Louis Antoine de Bougainville, the second European to sight the Samoan islands, became so impressed with the sailing skills of the natives he named the islands "L'Archipel des Navigateurs," and for generations thereafter the entire Samoan island group was known to the Western World as the "Navigator Islands";*

*Whereas in 1787, Frenchman Jean Francois La Perouse landed on the shores of these islands and thus began the "opening" of Samoa to the West, with American whalers as the principal group to engage the people of Samoa in trade and commerce, followed from 1830 on by English missionaries;*

*Whereas in 1839, as part of a congressionally authorized trip to the Pacific, United States Navy commander Charles Wilkes visited the island of Tutuila and later reported favorably in support of establishing a structured relationship between the island and the United States;*

*Whereas on March 2, 1872, Richard Meade, commander of the U.S.S. Narragansett, visited Pago Pago, and, on his own responsibility, made an agreement with High Chief Mauga entitled "Commercial Regulations, etc.," which was submitted to, but never ratified by, the Senate;*

*Whereas on February 13, 1878, a "treaty of friendship and commerce with the people of Samoa" was proclaimed ratified;*

*Whereas on June 14, 1889, a treaty known as the General Act of 1889, between the United States, Germany, and Great Britain, and assented to by the Samoan Government, "to provide for the security of the life, property and trade of the citizens and subjects of their respective Governments residing in, or having commercial relations with the Islands of Samoa," was concluded and later ratified;*

*Whereas on December 2, 1899, a tripartite treaty between the United States, Germany, and Great Britain, which provided for the division of the several islands of Samoa, was signed by the three parties in Washington, D.C.;*

*Whereas on April 17, 1900, by treaty of cession, the traditional chiefs of the South Pacific Islands of Tutuila and Aunu'u agreed to become a part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa;*

*Whereas on July 14, 1904, by treaty of cession, His Majesty the King of Manu'a and his traditional chiefs from the Islands of Ta'u, Ofu, and Olosega, agreed to become part of the United States in return for the protection of their land and culture;*

*Whereas since that time, the residents of American Samoa have been proud of their affiliation with this great Nation and have demonstrated their loyalty and patriotism in countless ways;*

*Whereas April 17 is known as Flag Day in American Samoa and is the biggest holiday in the territory, and is celebrated not only in American Samoa, but throughout the United States wherever there is a sizable Samoan community;*

*Whereas American Samoans in Hawaii, California, Nevada, Utah, Alaska, Washington, and other parts of the United States pause each year on this important date to celebrate this monumental occasion in American Samoa's history;*

*Whereas the per capita rate of enlistment in the Armed Forces among American Samoans is among the highest in the United States, with hundreds of American Samoans enlisting annually;*

*Whereas for decades American Samoa served as a Naval coaling station for United States ships in the Pacific, providing the Nation with what is commonly referred to as the best deepwater harbor in the entire Pacific—a harbor where American ships are protected from severe and sudden tropical storms by natural, high, sloping mountains—a harbor which, in the Nation's youth, served as a critical and crucial refueling and replenishing port for military and commercial interests, enabling the United States to pursue its foreign and commercial policies, logistically unrestrained, throughout the Asian Pacific region;*

*Whereas during World War II, American Samoa was the staging point for 30,000 United States Marines involved in the Pacific theater, with American Samoans serving both as hosts and as fellow soldiers to these Marines via the revered Fita Fita Guard;*

*Whereas American Samoa was the first land astronauts from numerous Apollo missions came to upon returning to Earth—including astronauts from Apollo 10, Apollo 12, Apollo 13, Apollo 14, and Apollo 17;*

*Whereas American Samoa produces more National Football League players per capita than any other State or territory of the United States, with approximately 15 Samoans currently playing professionally;*

*Whereas April 17, 2000, will mark the 100th anniversary of American Samoa joining in political, military, and economic union with the United States;*

*Whereas local government leaders in American Samoa have been preparing for this centennial celebration for the last three years; and*

*Whereas although 100 years have elapsed since the formation of this mutually beneficial relationship, American Samoans today—as did their forebears in 1900—remain deeply thankful and appreciative of the benefits they have received and continue to receive as a result of the unique relationship American Samoa shares with this great Republic, and they are proud that in return for the benefits received under this relationship, they actively contribute economically, militarily, and culturally to the health and well-being of this great Nation: Now, therefore, be it*

*Resolved*, That the House of Representatives—

(1) recognizes the historical significance of the centennial of the raising of the American flag over the United States Territory of American Samoa;

(2) acknowledges 100 years of American Samoa's loyalty and service to the United States; and

(3) reaffirms its commitment to the United States citizens and nationals of American Samoa for improved self-governance, economic development, and the expansion of domestic commerce, consistent with the desires of the people of American Samoa.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. DOOLITTLE) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. DOOLITTLE).

Mr. DOOLITTLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge my colleagues to support the resolution offered by the gentleman from American Samoa (Mr. FALEOMAVAEGA), which commemorates the centennial of the raising of the United States flag over our South Pacific territory. The resolution also memorializes the long-term United States-American Samoa relationship and reaffirms the United States support for improved self-governance and economic self-sufficiency.

The people of American Samoa have been loyal to the United States for the past century. I believe this resolution is one way to recognize their consistent loyalty, and I urge all Members to approve the resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from California (Mr. DOOLITTLE) for his management of this legislation. Mr. Speaker, April 17, 2000 marked the 100th anniversary of the first raising of the U.S. flag in the territory that has since become known as American Samoa. As best we can determine, it was some 3,000 years ago that my ancestors first set foot on the Samoan Islands. As you know, Polynesian navigators did not use satellite navigation, or even sextants to guide them.

They found their way across the vast Pacific by following the stars, the winds, and the seas. In 1768, the French explorer by the name of Louis Antoine de Bougainville, the second European to sight the Samoan Islands, became so impressed with the sailing skills of the Samoans that he named the islands L'Archipel des Navigateurs. For generations thereafter, the entire Samoan Island group was known to the Western world as the "Navigator Islands."

Captain Cook once made the remark that he had never been more impressed with the fact that from as far North as the Hawaiian Islands, and as far south as Aotearoa, New Zealand, and as far East as Rapa Nui or the Easter Islands that the settlements were made by Polynesians. I might also note, Mr. Speaker, with all due respect, Columbus got lost trying to find the new world and mistakenly named the native inhabitants of the Islands of the Caribbeans as Indians, because he thought he landed in India. At the time of Columbus, we were transversing the islands of Oceania—islands that are thousands of miles apart but that form the base of our culture and our traditions.

We had to be good navigators, Mr. Speaker, because Samoa is truly in the middle of the South Pacific Ocean. It is so remote that Europeans did not sight the islands until 1722. It is said that the Dutch explorer, Jacob Roggeveen, first sighted the Samoan Islands. I note here, Mr. Speaker, he did not discover the islands. He just sighted the islands because we were there already. Ironically, though, he miscalculated the location of the islands and they were not seen by another European for another 40 years. Even still, the experts did not believe it was possible for my ancestors to sail the great distances needed to travel between Samoa, the islands of Tahiti, the islands of Tonga, and the islands of Hawaii. But, as so often happens, the experts were proven wrong.

In 1987, Mr. Speaker, I played a small part in demonstrating how my ancestors traveled between the island groups when I sailed on the voyaging canoe Hokule'a. Our navigator for this voyage was a native Hawaiian by the name of Nainoa Thompson, probably our first Polynesia navigator in about 300 to 400 years. Mr. Speaker, he led us unerringly from French Polynesia to the islands of Hawaii using no modern navigational equipment. We were guided only by the winds and the seas and the stars. We ate the fruits of the sea and drank what the good Lord provided through rain.

Today, Mr. Speaker, the experts have reconsidered and Polynesia is once again experiencing a renewal of culture and tradition. You might be interested in knowing that the first real links between Samoa and the United States began as early as 1839, when, as part of a congressionally authorized trip, a U.S. Naval lieutenant by the name of Charles Wilkes visited the island of Tutuila and later reported favorably in support of an establishment of a structured relationship between the islands of Tutuila and the United States.

It was 39 years later before a treaty of friendship and commerce with the people of Samoa was proclaimed ratified. For the next 20 years, there were disagreements between the United States, Germany, and Great Britain over the administration of the Samoa Islands. The three countries tried a condominium approach of administrations set forth in the treaty known as the General Act of 1889, but the effort failed miserably.

In December 1899, a tripartite treaty between these same three countries divided the several islands of Samoa and the agreement was signed in Washington, D.C. Four months later, on April 17, 1900, by treaty of cession, the traditional chiefs of the islands of Tutuila and Aunu'u agreed to become a part of the United States in return for protection of their land and culture, and the United States flag was raised on what is now known as the United States Territory of American Samoa.

□ 1130

In 1904, again by treaty of cession, His Majesty, the King of Manu'a, and his traditional chiefs from the islands of Ta'u, Ofu, and Olosega agreed to become part of the United States in return for the protection of their land and their culture.

The United States has honored its end of these agreements, and the Samoan culture remains vibrant and strong in Samoa today. The United States has also protected the territory from foreign invasion when it was threatened in World War II. In fact, Samoa was a major staging area during World War II for U.S. troops.

Samoans have also been active participants in this U.S.-Samoan relationship. In the early years of the relationship, American Samoa served as a naval coaling station for the United States ships in the Pacific. For decades, American Samoa served as a critical refueling and replenishing fort for military and commercial interests, enabling the United States to pursue its international and commercial policies.

During World War II, when foreign powers were aggressively expanding spheres of influence in the Pacific, American Samoa was a staging area for some 30,000 Marines, and American Samoans served also as fellow Marines during World War II. To this day, I continue to receive warm letters from World War II veterans trying to look up a Samoan friend from that period and reminiscing about the warm welcome Samoans provided for them.

American Samoans not only participated in World War II, but in every other conflict the United States has been involved in since World War I, with enlistment rates as high as any State or territory in our Nation.

Our remote location has at times, even in recent decades, been of value to our Nation. Before the space shuttle, astronauts from Apollo 10, 12, 13, 14, and 17 all first set foot on soil in American Samoa before returning home. Our clean air has even been beneficial to our Nation. NASA has conducted laser tests between Earth and the moon from American Samoa, and the National Weather Service maintains in American Samoa one of four stations in the world used to establish how clean air really can be.

Culturally, our songs and dances are known throughout the United States, and our local artists are developing their own following. Athletically, I feel we are up to the best. With a population of only 64,000 people, there are approximately 16 Samoans playing professional football in the United States. I see a growing number of talented teenagers, boys and girls, becoming successfully diverse in a number of sports throughout our country.

Over the last 100 years, American Samoa has moved from a decentralized form of government. Now we have an elected governor and a congressional representative in this great body.

House Resolution 443 recounts the history of American Samoa's historical relationship with our Nation. Mr. Speaker, I want to thank the Chairman of the Committee on Resources, the gentleman from Alaska (Mr. YOUNG), and the senior democrat on the committee, the gentleman from California (Mr. GEORGE MILLER), for their support on this legislation and all those colleagues who agreed to be cosponsors.

Samoans are a proud people, and American Samoans are very proud to be part of the United States. We hope we have given to our Nation as much as we have received. The resolution we are considering today recognizes that unique 100-year relationship between the two parties. I am honored to be American Samoa's representative here in the House of Representatives, and I urge my colleagues to support this resolution.

Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I want to thank my colleague for yielding me this time, and I join with my colleagues in congratulating the people of American Samoa.

I support the passage of this resolution, which expresses the sense of the House on the occasion of American Samoa's centennial celebration of the raising of the U.S. flag in their territory. I am delighted to be a cosponsor, and I know many of our colleagues express their support for this resolution.

Mr. Speaker, I want to thank the gentleman for all of the work that he does in the Congress, not just on behalf of the people of American Samoa and this resolution and so many other activities that he has engaged in, but he also shoulders a large responsibility in our Committee on Resources, both on many, many Native American issues and on our public lands issues, and I thank him for bringing this resolution to the floor.

Mr. Speaker, today I rise to greet the people of American Samoa with a warm Talofa and offer my support for the passage of H. Res. 443 which expresses the sense of the House of Representatives on the occasion of American Samoa's centennial celebration of raising the U.S. flag in their territory. I am delighted to be a cosponsor to this resolution and congratulate people of American Samoa on their continuing relationship with the United States.

One hundred years ago, the flag of the United States of America was raised on the South Pacific Islands of Tutuila and Aunu'u, what is now widely known as American Samoa. It was an act of friendship and understanding on behalf of the traditional chiefs of those islands that a new relationship with America would be beneficial for their people. For America, the sentiment was mutual.

The warmth and charm of American Samoa was not first witnessed however by Americans. Archeologists estimate that the settlement of the islands that comprise American Samoa occurred six hundred years before Christ. And for the next three thousand years, the inhabitants became stewards of the land and masters of the seas. In 1768, a French explorer was so impressed with the sailing skills of the natives that he named the islands "L'Archipel des Navigateurs" or the Navigator Islands.

In 1785, French navigator Jean Francois La Perouse commanded an expedition to explore the Pacific. Two years later, in 1787, he landed on the shores of the northern coast of Tutuila. This is the first recorded landing of foreigners on the islands of American Samoa. This encounter marked the "opening up" of American Samoa to the outside world and they became regular stops along trade routes of whale products, sandalwood, and beche-de-mer to China.

In 1839, the U.S. began to formally acknowledge the need for a relationship with the islands of Samoa. Recommendations from Navy Commander Charles Wilkes, who visited Samoa, to have a structured relationship with Samoa gave rise to increased visits from the U.S. military. Eventually, in 1878, a "treaty of friendship and commerce" with the people of Samoa was ratified by the U.S. Senate. Thus, the beginnings of America's connection with the people of Samoa were rooted in peace, friendship, and an interest towards improving their economy.

One hundred years ago, on April 17, 1900, this relationship deepened. It is why we are on this floor today—to recognize and celebrate this anniversary with the people of American Samoa. Through a treaty of cession, American Samoa was brought into the American family and has remained a valuable asset to this nation. Their service, sacrifice, and contribution to the continuing experiment of democracy is to be commended. In turn, our nation continues to assist the development of their economy while always being mindful of the importance of tradition and culture to their people.

American Samoan society of years past remains, much as it is today, with the leadership and affairs of the island and people entrusted to elders and high chiefs. They are the politicians and the negotiators for the people. The respect and trust accorded to their elders is an aspect of their culture that has stood the test of time. Despite the influence of westernization, the wisdom and leadership of their elders has kept their culture, traditions, and language intact.

As members of our American family, men and women of American Samoa have served in our military, contributed to the cultural diversity of our American community, and they continue to play a part in the political discourse of our nation. As much as American Samoa has enjoyed its relationship with the U.S., we should be equally grateful for their participation in our democracy. Surely, America would not be who she is today without the contributions made from the people of American Samoa.

It is an honor and a personal privilege to join the people of American Samoa in their centennial celebration and I commend them for their demonstrated patriotism throughout the past one hundred years.

I encourage full support from my colleagues for the passage of H. Res. 443.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the House Committee on International Relations, and I thank the gentleman from California (Mr. GEORGE MILLER) for his kind comments.

Mr. GILMAN. Mr. Speaker, I thank the gentleman from American Samoa for yielding me this time, and I am pleased to rise in support of the gentleman's resolution celebrating the independence of American Samoa and the raising of the flag, the American flag, over 100 years ago.

American Samoa has been an important outpost for our Nation in many ways. Too often we forget about our Pacific friends as we concentrate on some of the European problems and some of the problems in other parts of the world. The gentleman from American Samoa (Mr. FALEOMAVAEGA) hosted our congressional delegation not too long ago when we all visited, and we had a very warm visit to American Samoa, my first visit, and he helped to educate a number of our Congressmen with regard to the importance of American Samoa.

So I am pleased to join with the gentleman in his resolution, Mr. Speaker.

Mr. FALEOMAVAEGA. Mr. Speaker, I certainly would like to thank my colleague, the gentleman from New York, for his kind comments.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

### GENERAL LEAVE

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H. Res. 443.

The SPEAKER pro tempore (Mr. EWING). Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GILMAN. Mr. Speaker, permit me to take this opportunity to express my thanks to the gentleman from Alaska, Chairman DON YOUNG, and the gentleman from American Samoa, Mr. FALEOMAVAEGA, for bringing H. Res. 443, the Centennial Raising of the American Flag in American Samoa, to the floor of the House of Representatives today.

The United States first made contact with the Samoan Islands in 1839 as a part of a congressionally authorized naval expedition to the South Pacific, led by Commander Charles Wilkes. From this expedition a number of agreements and treaties were formed that resulted in President McKinley issuing an executive order on February 19, 1900 placing the Eastern Group of Samoan Islands under the control of the Department of the Navy, establishing the authority of the United States to give the islands protection.

On April 17, 1900 the leaders of the Islands of Tutuila and Anunu'u signed instruments of cession to the United States, and the United States flag was raised at the United States naval station. Roughly four years later the King of Manu'a and the chiefs of the Manu'a Islands that now comprise the easternmost islands of American Samoa signed the last instrument of cession. In 1929 Congress recognized these acts of cession in law and delegated the authority for the administration of the islands to the President of the United States.

As Japan began emerging as an international power in the mid-1930's, the U.S. Naval Station on Tutuila began to acquire new strategic importance. By 1940, the Samoan Islands had become a training and staging area for the U.S. Marine Corps. It was this massive influx of Americans that gave Samoans a sudden taste of the benefits of a modern western society.

Mr. Speaker, H. Res. 443 recognizes the historical significance of the centennial raising of our flag over the United States Territory of American Samoa and reaffirms our commitment to improved self-governance, economic development and expansion of domestic commerce for the United States citizens and nationals of American Samoa.

One-hundred years later, the flag of our nation remains a beacon of hope to the troubled countries of the South Pacific and stands as a symbol of freedom and justice in the world.

Mr. DOOLITTLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time, and urge the Members to support the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, House Resolution 443, as amended.

The question was taken.

Mr. GEORGE MILLER of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## POPE JOHN PAUL II CONGRESSIONAL GOLD MEDAL ACT

Mr. LEACH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3544) to authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes, as amended.

The Clerk read as follows:

### H.R. 3544

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Pope John Paul II Congressional Gold Medal Act".

**SEC. 2. FINDINGS.**

The Congress finds that Pope John Paul II—

(1) is the spiritual leader of more than one billion Catholic Christians around the world and millions of Catholic Christians in America and has led the Catholic Church into its third millennium;

(2) is recognized in the United States and abroad as a preeminent moral authority;

(3) has dedicated his Pontificate to the freedom and dignity of every individual human being and tirelessly traveled to the far reaches of the globe as an exemplar of faith;

(4) has brought hope to millions of people all over the world oppressed by poverty, hunger, illness, and despair;

(5) transcending temporal politics, has used his moral authority to hasten the fall of godless totalitarian regimes, symbolized in the collapse of the Berlin wall;

(6) has promoted the inner peace of man as well as peace among mankind through his faith-inspired defense of justice; and

(7) has thrown open the doors of the Catholic Church, reconciling differences within Christendom as well as reaching out to the world's other great religions.

**SEC. 3. CONGRESSIONAL GOLD MEDAL.**

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding.

(b) DESIGN AND STRIKING.—For the purpose of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

**SEC. 4. DUPLICATE MEDALS.**

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, and at a price sufficient to cover the costs thereof, including labor, materials, dies, use of machinery, overhead expenses, and the cost of the gold medal.

**SEC. 5. NATIONAL MEDALS.**

The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

**SEC. 6. AUTHORIZATION OF APPROPRIATIONS; PROCEEDS OF SALE.**

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be charged against the Numismatic Public Enterprise Fund an amount not to exceed $30,000 to pay for the cost of the medal authorized by this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sales of duplicate bronze medals under section 4 shall be deposited in the Numismatic Public Enterprise Fund.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Iowa (Mr. LEACH) and the gentleman from Minnesota (Mr. VENTO) each will control 20 minutes.

The Chair recognizes the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on rare occasions Congress awards the Congressional Gold Medal to persons who have contributed significantly to making the world more humane. This bill authorizes that such a medal be struck for the Pope.

John Paul II's dedication of his Pontificate to the freedom and dignity of every individual human being, his use of moral authority to hasten the fall of totalitarian regimes, his efforts to reconcile Christendom and reach out with respect to people of all faiths, and most of all his commitment to the teachings of Jesus Christ provide a model of grace to all peoples of the world.

In his first letter to the Corinthians, the Apostle Paul wrote, "I have become all things to all, to save at least some. All this I do for the sake of the gospel, so that I too may share in it."

Last Thursday, John Paul II celebrated his 80th birthday, and Saint Paul's observation is an appropriate summary of Karol Wojtyla's extraordinary trajectory on this earth, from the small town of his birth in Southern Poland, Wadowice, through the war years in Cracow, leadership of Cracow's Archdiocese during the difficult Communist times, finally to the Ministry of Peter in Rome. In this journey, he has left an indelible mark on his Church and the history of our times.

With the world watching, John Paul II has begun to show burdens of age, but he has lost none of the extraordinary vigor that has characterized the 21½ years of his Pontificate, one of the longest in church history.

On New Year's eve, for instance, he celebrated a long, formal Te Deum in Saint Peter's basilica, had dinner in his quarters with Vatican aides and friends, after which they all sang carols. At midnight, he appeared in his window and delivered his traditional New Year's greeting to an adoring crowd in Saint Peter's Square below. Then he celebrated yet another mass, his first of the new millennium, in his private chapel. His staff was exhausted, but by 9 the next morning he was in another basilica in Rome leading another mass.

From the moment he became a priest in Cracow, Karol Wojtyla has conceived his role as a pastor, a representative of Christ on Earth who has to be seen by the faithful. Since he became Pope in October of 1978, he has made 92 pastoral trips abroad to 123 countries and territories, meeting more leaders and bringing the message of God to more people than any other Pontiff before him.

This year alone, he has been to Mount Sinai in Egypt, followed in Christ's footsteps in the Holy Land, and prayed at the Shrine of the Virgin Mary in Fatima, who he believes interceded to save his life when he was shot in Saint Peter's Square in 1981.

As a leader of a billion members of his faith, John Paul II is generally considered the preeminent religious leader in the world. But his moral authority goes beyond his church. It extends to all who seek a message of love and compassion, of dignity that defies materialism, of freedom of thought unconstrained by political oppression.

Above all, he has urged people all over the world never to give up hope. He likes to recall that his first words in Saint Peter's Square were an echo of Christ's exhortation, "Be not afraid." Wherever he has traveled, John Paul II has championed human rights and individual dignity, both of which, in his view, include freedom of worship. With this definition of liberty, he turned the Church in his native Poland into a protector, not only of Catholics but of all citizens oppressed by communism, no matter their religion, if any. In so doing, he helped discredit the Communist system in Poland and bring about its downfall elsewhere in the world.

It used to be said in Poland that while he was the Archbishop of Cracow, the country's Communist leaders considered him their greatest threat. Likewise, in Moscow, once he became Pope. It is no accident that China's leaders have so far refused to allow him to conduct a pilgrimage in their country.

In traveling the world, John Paul II has reached out to the other great religions. Last month, he sought to bridge the historic divide between Christians and Jews. In a gesture of breathtaking eloquence in its simplicity, he placed a sheet of paper in a crack in Jerusalem's Western Wall: "God of our fathers," he wrote, "we are deeply saddened by the behavior of those who, in the course of history, have caused these children of yours to suffer; and asking your forgiveness, we wish to commit ourselves to genuine brotherhood with the people of the covenant."

To exemplify his personal compassion, an elderly Israeli woman came forth during this historic pilgrimage. She recalled how she was one of the lucky ones who survived Hitler's concentration camps. Upon her release in 1945, she was placed on a train to return to her home in Cracow. When she arrived, barely able to stand, with hardly any flesh on her bones, she stumbled onto the station platform, and there a strong young man in priestly garb picked her up in his arms and carried her two miles to a place where she could be nurtured back to health. The priest was Karol Wojtyla.

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In times singularly bereft of leaders of high moral stature, John Paul II stands out, a Pontiff whose presence fills the great basilica of Saint Peter and radiates out beyond. In voting for this Congressional Gold Medal, we are honoring a historic figure, an individual whose conviction and morality have infused mankind with renewed self-confidence.

In closing, I would like to quote these words by John Paul II that I think express his soaring nobility:

"At the end of the second millennium, we need perhaps more than ever the words of the risen Christ: 'Be not afraid!' Man who, after Communism, has stopped being afraid and who truly has many reasons for feeling this way, needs to hear these words. Nations need to hear them, especially those nations that have been reborn after the fall of the Communist empire, as well as those who witnessed the event from outside. Peoples and nations of the entire world need to hear these words. Their conscience needs to grow on the certainty that Someone exists who holds in his Hands the key to death and the netherworld, Someone who is the Alpha and the Omega of human history, be it the individual or collective history. And this Someone is Love, Love that became man, Love crucified and risen, Love unceasingly present among men. It is Eucharistic Love. It is the infinite source of communion. He alone can give the ultimate assurance when He says 'Be not afraid!'"

Mr. Speaker, John Paul II has sundered depotism and ennobled faith by displaying to fellow mortals the courage of conviction.

Mr. Speaker, I reserve the balance of my time.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 3544, and I associate myself with the eloquent remarks of our distinguished chairman, the gentleman from Iowa (Mr. LEACH), with regard to the awarding of a Congressional Gold Medal to Pope John Paul II.

Mr. VENTO. Mr. Speaker, I, of course, as I said, rise in support of this legislation.

Mr. Speaker, I would point out that Pope John Paul II chose his name from his two predecessors that reigned very briefly, Pope John Paul XXIII and Pope Paul VI. He has, of course, for the past 2 decades been the leader of a billion Catholics in the world, including myself. We are very proud of the work that he has done and the tremendous contributions he has made over the past 2 decades as we have seen the startling changes occur around the globe. He has been instrumental in his role in terms of leadership, positive leadership.

I have had the privilege when visiting in Rome with other Members of Congress to have audiences with the Pope, as so many of my colleagues have, and I am sure that they have been as impressed as I have been by his breadth of vision and leadership and the charge that he admonished us with with regards to our responsibility as elected officials, as well as, of course, our responsibility as citizens of the world.

He has certainly exemplified that role in his much-traveled work, his wonderful solidarity in spirit from his native Poland, one the first non-Italian popes to have served in a long time. And, of course, being an Italian-American, I'm very keenly aware of that ancestry and the special role that he had played.

But to observe and to witness the types of changes that have occurred in central Europe under the guidance and under his leadership and his contributions has really been a joy for all of us to behold.

I might point out that, while much traveled, he has obviously been a pioneer. His visit most recently I think in the last few years to Cuba, as an example, pointed out that he is a great risk-taker in terms of being willing to travel and to try and challenge the various governance and human rights questions around the world. And in our hemisphere, as well as in others, in Africa, his encyclicals with regards to social and economic justice, as well as with regards to life, have been of much use as we have tried to look for guidance and look for the finest values of our society and of humanity and spirituality.

So I strongly rise in support of this measure. I commend the chairman and the sponsors. I have been pleased to join as sponsor myself in this measure. I urge my colleagues to strongly support this measure.

Mr. Speaker, I include for the RECORD a detailed statement of our ranking member, the gentleman from New York (Mr. LAFALCE), and a statement by the gentleman from Pennsylvania (Mr. KANJORSKI) of the Committee on Banking, both of whom admire and strongly support this resolution. They have been called to the White House on a meeting. But for that, they would surely be here in honor to make this presentation by our side.

Mr. LAFALCE. Mr. Speaker, I am proud to rise today to honor a man whose enduring contributions to humanity will forever be etched in history: His Excellency, Pope John Paul II. As a spiritual leader of 1 billion Catholic Christians all over the world (millions of them in the United States), and an inspiring force for peace to people of all faiths, it is only fitting that we pay tribute to the Holy Father's remarkable contributions to humanity. Pope John Paul II has touched the lives of many and continues to be a powerful and enduring force in fostering peace among nations, and in reconciling the three great religious faiths of the children of Abraham: Christianity, Judaism, and Islam. I am honored to stand before this House today, joining Catholics from my district, the U.S., the rest of the world, and people of all faiths, in recognizing this remarkable man's monumental contributions to humanity.

Karol Joseph Wojtyla was born 80 years ago in an industrial town near Cracow in Poland. In fact, the Holy Father just celebrated his 80th birthday this past Thursday, May 18th, during which he celebrated Mass, ate lobster with senior clergy in the Vatican, and sang songs with Polish compatriots. As a teenager during the Second World War, Karol Wojtyla experienced, first-hand, the horrors of Nazism, the Holocaust, and soon thereafter, Communist totalitarianism. "I have carried with me the history, culture, experience and language of Poland," said the Pope once. "Having lived in a country that had to fight for its existence in the face of the aggressions of its neighbors, I have understood what exploitation is. I put myself immediately on the side of the poor, the disinherited, the oppressed, the marginalized and the defenseless," said the Pope.

After considering a career as an actor, and even petitioning three times to become a Catholic monk, he was persuaded by the then-Archbishop of Cracow—who recognized his charisma, oratorical talents, and potential to help people directly—to pursue the priesthood. He was ordained as a Catholic priest in 1946, became Archbishop of Cracow in 1958, Cardinal in 1967, and was elected Pope by the Vatican's college of Cardinals in 1978 at the age of 58—the first non-Italian Pope since 1522.

The Holy Pontiff, by his own description, is a moral leader who believes in the sanctity of the human being. Over the years, he has denounced the excesses, and affronts to human dignity, of the two major competing social systems of the 20th century, communism and capitalism. He has condemned the atheistic and dehumanizing forces of Communism, which he experienced in Poland. And he has denounced the more unsavory aspects of modern capitalism, such as greed, abject poverty, selfishness, and secular atheism. According to his spokesman, the Holy Pontiff's goal is to establish a mode of Christian thinking to serve as a meaningful alternative to the humanist philosophies of the 20th century, such as Marxism and post-Modernism. His moral philosophy, and its impact on world affairs, earned him the honor of *Time* magazine Man of the Year of 1994, which described him as "The most tireless moral voice of a secular age."

Pope John Paul II's moral philosophy has brought much needed attention to the plight of the world's poor. In this vein, the Pope has called for substantial reduction or outright cancellation of the international debt that seriously threatens the future of many of the poorest nations. Inspired in part by the Pope's example, we are proud to have contributed to the enactment of international debt relief legislation last year, which was facilitated by the Jubilee 2000 Movement—through which the Holy Father has nurtured meaningful ecumenical cooperation.

Pope John Paul II has already left us a substantial body of written work that will nourish future generations with the wisdom and benevolence of this moral philosophy. In fact, his writings fill nearly 150 volumes. Through his encyclicals, homilies, letters, and other writings, this "Pope of Letters" has inspired the world to embrace universal principles of human dignity and human rights. In 1994, his popular volume of philosophical and moral ruminations, *Crossing the Threshold of Hope*, became an immediate best-seller in 12 countries.

The most traveled Pope in history, Pope John Paul II has brought his message of peace and reconciliation to 117 countries. In his most recent visit to Israel, for example, the Holy Father prayed at the Western Wall, one of Judaism's holiest sites. His prayer, an unprecedented act of contrition on behalf of Catholic Christians, read as follows: "We are deeply saddened by the behavior of those who in the course of history have caused these children of Yours to suffer and, asking Your forgiveness, we wish to commit ourselves to genuine brotherhood with the people of the Covenant." And how can we forget his groundbreaking trip to Cuba in 1998? On that papal visit, he condemned the dehumanizing and immoral aspects of both Cuban communism and the outdated—and senseless—U.S. trade embargo. As customary, his words echoed in the farthest corners of the world.

Pope John Paul II understands one of the most fundamental Christian principles that has become a hallmark for fostering reconciliation: forgiveness. In one of the most remarkable acts of forgiveness ever witnessed publicly, the Holy Father confronted the man that attempted to assassinate him and forgave him for his grave sin.

The Holy Father's acts of compassion stem from his inherently benevolent nature. His compassion, charisma and moral authority are celebrated by leaders of other faiths. For instance, the Dalai Lama, the spiritual leader of the world's Buddhists, has said of the Pope: "He really has a will and a determination to help humanity through spirituality. That is marvelous. That is good. I know how difficult it is for leaders on these issues." Rev. Billy Graham, a spiritual adviser to many U.S.

presidents, has also said about the Pope: "He'll go down in history as the greatest of our modern Popes. He's been the strong conscience of the whole Christian world."

Mr. Speaker, when Pope John Paul speaks, whether to those gathered at St. Peter's Square at the Vatican, or in a Mass delivered in the backwaters of Cuba, the world listens. The world listens because he is the most powerful moral force in our lifetimes, an apostle for social justice, a champion of the poor, and a harbinger of peace. I urge the Congress to move swiftly on this legislation, so that we can bestow this well deserved gold medal to His Holiness Pope John Paul II, at the dawn of the New Millennium and the Jubilee 2000 celebration.

Mr. KANJORSKI. Mr. Speaker, I rise to express my strong support for H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. I am a cosponsor of this notable legislation that would award Pope John Paul II with a gold medal in recognition of his many powerful and enduring contributions to international peace and religious understanding. This bill is also necessary to honor a man who has served not only as a spiritual leader to Catholic Christians in the United States and around the World, but also as a political champion for human rights.

In the more than 20 years of his papacy, John Paul II has been an exemplar of the power of faith against the forces of intolerance and corruption. His support of the Solidarity trade union in his native Poland in the early 1980s, combined with his unwavering support of Catholics living in the former Soviet Bloc nations and his steadfast opposition to the communist regimes suppressing their beliefs, contributed immeasurably to the eventual collapse of those oppressive systems.

Pope John Paul II has additionally been a tireless worker for international peace, traveling hundreds of thousands of miles in order to share his spiritual messages with millions of individuals like myself. In October 1995, during his visit to the United States and the United Nations, I had the opportunity to meet with the Pope John Paul II and learn firsthand more about his good work.

The Pope's effort have also proven instrumental in virtually all of the World's major conflicts of the past two decades. He brought his message to Central America in the 1980's during its period of revolution and bloodshed. He spread his message to fight apartheid in South Africa, tribal war in Central Africa, and genocide in the Balkans. In an effort to relieve them of their pain, he has traveled to these places to show them he shares in their loss and despair. Most recently, Pope John Paul II served as counsel in bringing together Israelis and Palestinians in a non-denominational effort to cease the brutal conflict that has plagued these two peoples for far too long.

This legislation is appropriate in light of the fact that many entities around the world that have similarly honored the Pope. From being designated as the Time Magazine's "Man of the Year" in 1994 to serving as the namesake of a Catholic grade school in my hometown of Nanticoke, Pennsylvania, Pope John Paul II has received many honors. I coincidentally have the good fortune of being visited today by 28 students in the graduating 8th Grade class at Pope John Paul II School. I am therefore very pleased that we are at this time taking up this legislation to honor the great man for whom their institution is named.

In closing, Mr. Speaker, in recognition of his 80th birthday and his leading the Catholic Church into its Third Millennium, we should acknowledge the important accomplishments Pope John Paul II has made to our World during his lifetime. I encourage all Members of the House to support this bill.

Mr. VENTO. Mr. Speaker, I reserve the balance of my time.

Mr. LEACH. Mr. Speaker, let me thank my good friend, the gentleman from Minnesota (Mr. VENTO), for his thoughtful observations.

Mr. Speaker, I yield 2 minutes to my distinguished friend, the gentleman from New York (Chairman GILMAN).

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I am pleased to rise; and it is an honor and privilege to associate myself with the legislation offered by the gentleman from Iowa (Mr. LEACH), which honors one of the most remarkable individuals alive today, who is also one of most influential persons in all of world history.

His Holiness Pope John Paul II celebrated his 80th birthday just last week. The entire world expressed fellowship and congratulations upon his reaching this milestone. It is an appropriate time, therefore, to pay tribute to him by this measure.

The minting of a gold medal in his honor is a timely way that we in the Congress, on behalf of all of the people in our Nation, can thank this saintly man for his guidance and inspiration throughout the years. His pontificate was the longest of the 20th century and is a beacon of leadership as we begin the 21st century.

His Holiness was born in Wadowice, Poland, in 1920, just a short time after his homeland gained its long-sought independence.

Karol Joseph Wojtyla, as he was known then, suffered under the Nazi occupation of his nation, as did all of his generation. He was active in an underground organization which helped Jewish people seek refuge from the Nazis. It was his actions at that time, what he observed and what he learned during World War II, that inspired him to enter the priesthood. He was ordained on November 1, 1946 and, in October 1978, was elected the first non-Italian Pope since 1522, taking the name John Paul II to honor his three immediate predecessors.

In 1981, His Holiness was a victim of a dastardly assassination attempt. Although he was hospitalized for 2½ months, his steely courage, coupled with his splendid physical condition honed by a lifetime of athletics, allowed his full recovery.

Throughout the past 22 years, Pope John Paul II has been an inspiration to all of us and is universally beloved.

Mr. Speaker, the coinage of a gold medal in Pope John Paul's memory is an appropriate way to begin this new century. I strongly urge our colleagues to fully support this measure.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to mention that my colleague, the gentleman from Pennsylvania (Mr. KANJORSKI), was hoping, as I said, to be here to speak in support of the bill and was unexpectedly summoned to the White House, as I indicated. If he had been here, the gentleman from Pennsylvania (Mr. KANJORSKI) would have mentioned that Pope John Paul II is the namesake of a Catholic grade school in his hometown of Nanticoke, Pennsylvania.

Coincidentally, he has the good fortune of being visited today by 28 students in the graduating 8th grade class at Pope John Paul II School, who may have been here earlier but may have had to leave.

In any case, I wanted to mention that.

Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA).

Mr. FALEOMAVAEGA. Mr. Speaker, I, too, would like to stand here to extend my warmest congratulations and expression of appreciation to the chairman of the committee, the gentleman from Iowa (Mr. LEACH), for his leadership in bringing this important legislation before our colleagues for their approval.

I also want to thank our ranking member, the gentleman from New York (Mr. LAFALCE), and our good friend, the gentleman from Minnesota (Mr. VENTO), for this legislation.

Mr. Speaker, it is only appropriate that we honor one of the greatest spiritual giants of the world today, Pope John Paul II but not only because he is a spiritual leader to some one billion Catholics around the world but also for the fact that he stands as an example of a great Christian in teaching spiritual values which cut through political ideology, which is something that I have always admired about this great Christian leader of the world.

Mr. Speaker, long before he became the Bishop of Rome, Pope John Paul II was known as Karol Jozef Wojtyla, a young boy from Poland. According to biography, Wojtyla's childhood was not happy. By the age of twelve, he had lost his mother, brother and sister. Before he was ordained to the priesthood, he lost his father. In the interim, World War II ravaged Europe. When the Germans began rounding up Polish men, Wojtyla took refuge in the archbishop of Krakow's residence. He remained there until the end of the war.

In 1946, Wojtyla was ordained to the priesthood. He earned two master's degrees and a doctorate. In 1978, the Sacred College of Cardinals chose Wojtyla as the next pope after the death of John Paul I.

Mr. Speaker, Pope John Paul II became the first pope to visit a synagogue and the first to visit the Holocaust memorial at Auschwitz. According to one report, in ending the Catholic-Jewish estrangement, he calls Jews "our elder brothers."

I would like to offer even a little gesture to our majority leadership by extending an invitation to Pope John Paul II to have a joint session of the Congress and have this great leader address us, because I think we all need his guidance and certainly some of the examples that he will share with us, and perhaps a few words or a sentence can be added into this resolution to extend that invitation to Pope John Paul II to address this great body and to our Nation.

Mr. Speaker, again, I want to thank my good friend, the chairman of the committee, for his leadership in bringing this legislation. I urge my colleagues to support this bill.

Mr. VENTO. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from Alabama (Mr. BACHUS), who has been one of our leaders on the debt relief program championed by the Jubilee 2000, which is, of course, one of the major initiatives of Pope John Paul II.

Mr. BACHUS. Mr. Speaker, I appreciate the kind words of the gentleman from Minnesota (Mr. VENTO).

Mr. Speaker, I would like to associate myself with the remarks of the gentleman from American Samoa (Mr. FALEOMAVAEGA). The people of Alabama and the people of American Samoa both share a love for Pope John Paul II.

Mr. Speaker, I rise in support of this bill introduced by my good friend, the gentleman from Iowa (Chairman LEACH), to award the Congressional Gold Medal to Pope John Paul II.

Pope John Paul II was born in Poland on May 18, 1920, and is said to be the most recognized person in the world. He is by far the most traveled Pope in the 2000-year history of the Roman Catholic Church, having visited almost every continent and country where he personally addressed tens of millions of people on almost each visit.

Pope John Paul II is one of the most important statesmen, diplomats, and political figures of our time. But he is far more. He is a great pastor, evangelist, and witness of Christianity. As spiritual leader to the world's one billion Catholics, the Pope has commenced a great dialogue with modern culture that transcends the boundaries of political or economic ideologies that has dominated the world since the beginnings of modernity in the 1700s.

He is one of the most prolific writers in this century. His writings have made great contributions in the area of theology, philosophy, sociology, politics, culture, and science. Having witnessed firsthand the brutal inhumanity of Nazi and Communist regimes, the Pope understands the true dignity of each human being. He has heroically opposed the offences against human dignity that have tragically marked the 20th century.

As much as any single person of this century, John Paul II has worked to protect the rights of each individual and to promote respect and understanding between cultures, nations, and peoples.

To truly find world peace, the Pope encourages all people to answer the most important question we face: What is the ultimate truth about man and his relationship to God?

As part of his pastoral work, the Pope has consistently identified the moral challenges facing free societies and the importance of resolving those challenges. The Pope has tirelessly preached against the dangers of unreasonable and unfettered license that pays no respect to the dignity of each person. His prophetic voice in the defense of the unborn, the aged, and the marginalized is well known. His defense of the dignity of all persons serves as a guideline for all Americans on how to treat each other with respect, based not on mere sentiment but on the deep and true respect for the image of God in each person.

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His ability to harmonize faith and reason sheds light on difficult public and ethical issues that plague modern society. John Paul's pastoral leadership gives hope and courage for millions of Catholics and countless others in America who struggle to sanctify their lives in the midst of the modern secular world.

In conclusion, Mr. Speaker, there is no question the Pope has been a beacon of light and witness to hope for countless millions. It is only appropriate to recognize these accomplishments and to show our appreciation by awarding him the Congressional Medal of Honor.

Mr. VENTO. Mr. Speaker, I yield myself such time as I may consume.

I want to belatedly wish the Pontiff a happy birthday. His 80th birthday was last week. This is an appropriate way for us to recognize that as well. We hope he has many more.

Mr. SMITH of New Jersey. Mr. Speaker, today we honor Pope John Paul II, who in his 20 years as leader of the Catholic Church has become pastor to the world, boldly proclaiming the Gospel—the Good News of Jesus Christ—and its message of love, hope, and reconciliation. The Holy Father walks the path to peace that surpasses understanding, the road that leads to Heaven. How appropriate it is that we honor him with a Congressional Gold Medal, as he just celebrated his eightieth birthday last week. Even after eight decades of doing the Lord's work here on earth, the Pope's charisma and steadfast faith shine brightly, giving hope to millions of people of all faiths.

During his pontificate the Holy Father has made an astonishing 176 visits to 117 different countries, he speaks some eight languages, and has written 13 incisive encyclicals. He is truly a world leader, and an unparalleled champion of those who cannot speak for themselves: the poor, the unborn, those condemned to death, and those whose basic rights as children of God are trampled upon by oppressive regimes. He waged an unrelenting crusade against the forces of atheistic Communism, and continues to preach the message of life, hope, and love amid the oppressive tide of the culture of death. Pope John Paul II's encyclical "The Gospel of Life" (Evangelium vitae) reminds all of us—especially those in public service—that the gift of human life is so precious, so full of dignity, that it must remain inviolable and be defended against all manner of violence.

The Pope writes in that important document that:

> This is what is happening also at the level of politics and government: the original and inalienable right to life is questioned or denied on the basis of a parliamentary vote or the will of one part of the people—even if it is the majority. This is the sinister result of a relativism which reigns unopposed: the "right" ceases to be such, because it is no longer firmly founded on the inviolable dignity of the person, but is made subject to the will of the stronger part.

And elsewhere in Evangelium vitae Pope John Paul II states in unambiguous terms:

> Abortion and euthanasia are thus crimes which no human law can claim to legitimize. There is no obligation in conscience to obey such laws; instead there is a grave and clear obligation to oppose them by conscientious objection . . . In the case of intrinsically unjust law, such as a law permitting abortion or euthanasia, it is therefore never licit to obey it, or to "take part in a propaganda campaign in favor of such a law, or vote for it."

In the Kingdom of God, that civilization of life which John Paul II has so fervently sought to build, there is no place for the systematic killing of unborn children.

My family and I have had the awesome privilege of meeting the Holy Father: in Newark, New Jersey, in the crowd in 1979 at New York's Shea Stadium, and most recently in Guatemala. I have personally witnessed and been inspired on numerous occasions by his power that comes from being so rooted in God, and so devoted to the service of others. Pope John Paul II is truly the Vicar of Christ on earth, a man who has, and continues, to faithfully and courageously walk in the shoes of the Fisherman, Peter.

It is said that the Holy Father has had no personal bank account since being ordained a priest over 50 years ago. He has truly stored up treasure in heaven, and we are all better people for his untiring work here on earth.

Mr. BENTSEN. Mr. Speaker, I rise today in strong support of legislation, H.R. 3544, that would provide a Congressional Gold Medal, on behalf of Congress, to Pope John Paul II. As a cosponsor of this legislation and a member of the House Banking Committee, I believe that this Congressional medal would be an appropriate honor for Pope John Paul II who has served as the leader of the Catholic Church since 1978.

In order to be fiscally prudent, this legislation also includes a provision stipulating that the cost of this medal should come from the

Numismatic Public Enterprise Fund and cannot exceed $30,000. In addition, this legislation authorizes the sale of duplicate coins to be deposited into the Numismatic Public Enterprise Fund to repay it for this donation.

On May 18, 2000, the Holy Father celebrated his 80th birthday. This Congressional Medal will help ensure that Pope John Paul II receives recognition for the public service that he has provided to all Catholics around the world. From his boyhood home of Krakow, Poland, Pope John Paul II has never forgotten his roots. As a young man during World War II, he witnessed the deportation of tens of thousands of Polish Jews and Christians to Nazi death camps. This experience made an indelible impression on the man who would become Pope John Paul II. Just this year, in his first trip to the Holy Land, he eloquently addressed survivors of the Holocaust. At Israel's Holocaust memorial, Yad Vashem, Pope John Paul II assured the Jewish people that the Catholic Church is deeply saddened by the hatred, acts of persecution and displays of anti-Semitism directed against the Jews by Christians at any time and in any place.

Pope John Paul II has made great contributions to mankind. For example, this year the Holy Father lead an effort to reduce the poverty among the poor by calling for the reduction or outright cancellation of the international debt that is burdening the world's poorest nations as part of the Jubilee 2000 project. I am pleased that Congress, with my support, included this international debt relief legislation in last year's omnibus appropriations bill. This law will ensure that the world's poorest nations have much of their debt forgiven and instead invest their scarce funds to rebuild domestic health and education programs.

Pope John Paul II should also be recognized for his written works that inspire the world to embrace universal principles of human dignity and human rights. Some of his famous works include "Notificationes," published in 1971. In 1981, he published the Encyclical Letter, Laborem Exercens on Human Work. In 1982, he published the Apostolic Letter, Caritatis Christi about the role of the church in China. In 1984, he published the Apostolic Letter, Salvific Doloris on the Christian Meaning of Human suffering.

Pope John Paul II worked tirelessly with the Solidarity movement in Poland to oppose communism. In 1980 and 1981 he met with Lech Walesa of the Polish Independent Syndicate Solidarnosc. He also traveled to Poland on several occasions to encourage democracy in his birthplace. In 1991, he met with Lech Walesa again, as the new President of the Polish Republic.

Pope John Paul II has also worked tirelessly to bring his message of peace and reconciliation to the world. In 1969, he visited the parish of Corpus Domini and made a visit to the Jewish Community and the Synagogue in the Kazimierz section of Krakow. He has traveled to 117 countries to pray with Catholics around the world. He recently traveled to Jerusalem in Israel to the Western Wall. In 1998, he traveled to Cuba to celebrate mass with that nation's Catholic parishioners.

I urge my colleagues to support this initiative to honor Pope John Paul II, the Holy Father, with a Congressional Gold Medal.

Mr. BLILEY. Mr. Speaker, I am proud to cosponsor and support H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. Over the years, Pope John Paul II has become one of the world's greatest moral and spiritual forces of all time. I admire His Holiness' efforts to foster peace and promote justice, freedom, and compassion throughout his life. In his travels around the world, Pope John Paul II has inspired millions of people of all faiths and races because of his strong desire for peace and brotherhood.

I had an opportunity to attend a private mass with His Holiness. Afterwards, His Holiness remarked to me, "Congressman, God bless Ronald Reagan." Those five words speak volumes about a collaborative partnership between Pope John Paul II and President Reagan to rid the world of the evils of Soviet communism.

Without the help of His Holiness, America and her allies would not have been successful in our efforts to free the world from Soviet communism. Millions of citizens around the world owe Pope John Paul II a debt of gratitude for his valiant efforts.

I want to thank His Holiness for his life and apostolate because he is a man of peace whose words for a more just society inspire us all. His Holiness is a deserving recipient of the Congressional Gold Medal because he has done so much to help our troubled world.

Mr. REYES. Mr. Speaker, I rise in support of awarding the Congressional Gold Medal to Pope John Paul II. It is difficult to talk briefly about a man who has done so much since being elected to succeed Pope John Paul I in 1978. So, let me make these few comments. Pope John Paul II has worked tirelessly to unite the people of different countries and different religions, regardless of their color or their politics. He did this as a youth, as a professor at Catholic University of Lublin, as the Archbishop of Krakow and continues to do so as the head of the Roman Catholic Church.

He is said to be the most recognized man in the world. In fact he was named "Man of the Year" in Time magazine in 1994. But, that is not why I stand before you. I stand before you because this man has dedicated his life to the salvation of others.

I still remember when he was chosen by the College of Cardinals. There was a great deal of discussion about him, not because he was selected to become the Pope, but rather because he was the first non Italian Pope since 1522 and because he was only 58 years old. Now, twenty-two years later, neither his birth place nor his age are part of the discussion. I think that there is a lesson for all of us in that fact.

I support this award because Pope John Paul II has reached out to the people of this planet. He encourages fraternity and encourages people to live the gospel. And, in the final analysis, he has made the world a better place for us to live. I cannot think of a better reason for this body to give this or any award.

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a great man, Karol Jozef Wojtyla. Now known to the world as Pope John Paul II, this leader of the Catholic Church has championed the cause of promoting human rights and eliminating poverty and hunger around the world. Called by some the man of the century, John Paul II has been unafraid to articulate his vision of a better world and has the passion and integrity to work toward that goal. The bottom line in the debate over the nature of truth and freedom, he argues, is the sanctity of all humans who are created equal and are endowed by their Creator with certain unalienable rights, including life and liberty—as written in our very own Declaration of Independence.

He was also a key figure at a pivotal juncture in world history. As a Cardinal in Poland, he was a shrewd and unflinching opponent of communism, advancing the church's agenda without allowing outright hostility and repression to develop.

As Pope, his support of the Solidarity movement was instrumental in the downfall of the government.

Today, just over nineteen years after a would-be assassin shot him on May 13, 1981, we vote to award Pope John Paul II with the Congressional Gold Medal. I ask all Members and the world to acknowledge his faith, his intellect and his wonderful contributions.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of H.R. 3544, the Pope John Paul II Congressional Gold Medal Act. As you know this bill would authorize a gold medal to be awarded on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding.

Born Karol Wojtyla in Wadowice, Poland in 1920, Pope John Paul II has remained a leading champion of human rights around the world, and a strong moral leader for us all. Ordained in 1946, Pope John Paul II spent eight years as a professor of social ethics at the Catholic University of Lublin, Poland. In 1964, he was named the archbishop of Krakow and only three years later he was appointed cardinal by Pope Paul VI. As the Archbishop of Krakow, he would prove himself to be a noble and trustworthy pastor in the face of Communist persecution.

On October 16, 1978, Cardinal Wojtyla was elected Pope. He took the name of his predecessors, and became the first Polish leader of the Roman Catholic Church and the youngest Pope in this century. In this capacity—as our society has grappled with serious social questions, Pope John Paul II has dealt with them in such a way as to maintain a peaceful and fair world order. In fact, over the last 50 years, he has remained a dedicated servant to the world. Throughout his many travels, he has promoted peace, nuclear disarmament, and the conquering of world hunger among other things. In addition, he has remained a beacon of strength and hope for every world citizen he comes into contact with.

As a result, I fully support this act and urge my colleagues to authorize the Congressional Gold Medal in honor of Pope John Paul II. God bless you and God Bless America.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today as a proud cosponsor and strong supporter of H.R. 3544, to award a Congressional Gold Medal to Pope John Paul II for his outstanding leadership in promoting peace and understanding across the globe. Pope John Paul II is one of the greatest humanitarians of all time and this special award is a testament to his successful life's work in making the world a better and safer place.

Pope John Paul II has been a revolutionary in the world of religion. He has been a spiritual leader to over one billion Catholic Christians around the globe. He has served as an inspiration to millions of American Catholics and non-Catholics alike.

Pope John Paul II has led the charge to unify not only diverse sects of Christianity, but also to bridge the gaps between all respected religious peoples throughout the world.

Over the years, Pope John Paul II has traveled the world as a "warrior of peace." His tireless effort to bring people together of different faiths has demonstrated to the rest of the world the wonderful possibilities of the good that can and will prevail when people of diverse, sometimes seemingly bipolar backgrounds begin to listen to one another too long.

From the United States to developing nations, Pope John Paul II has traversed the globe with a message of hope and freedom as our New Economy's prosperity continues to beat down the plight of poverty.

Pope John Paul II should be commended for his work in promoting democracy and for the demise of communism throughout Europe. Being such an outspoken leader in the battle of good versus evil enabled Pope John Paul II to play a critical role in the debate which lead to the fall of the Berlin Wall. Time and time again, Pope John Paul II spoke up and defended liberty and justice wherever totalitarian regimes have arisen.

Mr. Speaker, thank you very much for bringing consideration of this legislation to the House Floor. Pope John Paul II is a deserving recipient of this special award, as he has been a leader in promoting peace and democracy throughout the world. With that said, I am privileged to join my colleagues in support of awarding Pope John Paul II the Congressional Gold Medal.

Mr. VENTO. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LEACH. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3544, as amended.

The question was taken.

Mr. VENTO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. LEACH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3544.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

## VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1402) to amend title 38, United States Code, to enhance programs providing education benefits for veterans, and for other purposes, as amended.

The Clerk read as follows:

S. 1402

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Strike all after the enacting clause and insert the following:

### SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Veterans and Dependents Millennium Education Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; references to title 38, United States Code.
Sec. 2. Increase in rates of basic educational assistance under Montgomery GI Bill.
Sec. 3. Additional opportunity for certain VEAP participants to enroll in basic educational assistance under Montgomery GI Bill.
Sec. 4. Increase in rates of survivors and dependents educational assistance.
Sec. 5. Adjusted effective date for award of survivors' and dependents' educational assistance.
Sec. 6. Revision of educational assistance interval payment requirements.
Sec. 7. Availability of education benefits for payment for licensing or certification tests.
Sec. 8. Extension of certain temporary authorities.
Sec. 9. Codification of recurring provisions in annual Department of Veterans Affairs appropriations Acts.
Sec. 10. Preservation of certain reporting requirements.

(c) REFERENCES TO TITLE 38, UNITED STATES CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

### SEC. 2. INCREASE IN RATES OF BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) ACTIVE DUTY EDUCATIONAL ASSISTANCE.—(1) Section 3015 is amended—

(A) in subsection (a)(1), by striking "$528" and inserting "$720"; and

(B) in subsection (b)(1), by striking "$429" and inserting "$585".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000, and before October 2002 under section 3015 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting "$600" for "$528"; and

(B) subsection (b)(1) of such section shall be applied by substituting "$487" for "$429".

(b) CPI ADJUSTMENT.—No adjustment in rates of educational assistance shall be made under section 3015(g) of title 38, United States Code, for fiscal years 2001 and 2003.

### SEC. 3. ADDITIONAL OPPORTUNITY FOR CERTAIN VEAP PARTICIPANTS TO ENROLL IN BASIC EDUCATIONAL ASSISTANCE UNDER MONTGOMERY GI BILL.

(a) SPECIAL ENROLLMENT PERIOD.—Section 3018C is amended by adding at the end the following new subsection:

"(e)(1) A qualified individual (described in paragraph (2)) may make an irrevocable election under this subsection, during the one-year period beginning on the date of the enactment of this subsection, to become entitled to basic educational assistance under this chapter. Such an election shall be made in the same manner as elections made under subsection (a)(5).

"(2) A qualified individual referred to in paragraph (1) is an individual who meets the following requirements:

"(A) The individual was a participant in the educational benefits program under chapter 32 of this title on or before October 9, 1996.

"(B) The individual has continuously served on active duty since October 9, 1996 (excluding the periods referred to in section 3202(1)(C) of this title), through at least April, 1, 2000.

"(C) The individual meets the requirements of subsection (a)(3).

"(D) The individual is discharged or released from active duty with an honorable discharge.

"(3)(A) Subject to succeeding provisions of this paragraph, with respect to a qualified individual who makes an election under paragraph (1) to become entitled to basic education assistance under this chapter—

"(i) the basic pay of the qualified individual shall be reduced (in a manner determined by the Secretary concerned) until the total amount by which such basic pay is reduced is $2,700; and

"(ii) to the extent that basic pay is not so reduced before the qualified individual's discharge or release from active duty as specified in subsection (a)(4), at the election of the qualified individual—

"(I) the Secretary concerned shall collect from the qualified individual, or

"(II) the Secretary concerned shall reduce the retired or retainer pay of the qualified individual by,

an amount equal to the difference between $2,700 and the total amount of reductions under clause (i), which shall be paid into the Treasury of the United States as miscellaneous receipts.

"(B)(i) The Secretary concerned shall provide for an 18-month period, beginning on the date the qualified individual makes an election under paragraph (1), for the qualified individual to pay that Secretary the amount due under subparagraph (A).

"(ii) Nothing in clause (i) shall be construed as modifying the period of eligibility for and entitlement to basic education assistance under this chapter applicable under section 3031 of this title.

"(C) The provisions of subsection (c) shall apply to individuals making elections under this subsection in the same manner as they applied to individuals making elections under subsection (a)(5).

"(4) With respect to qualified individuals referred to in paragraph (3)(A)(ii), no amount of educational assistance allowance under this chapter shall be paid to the qualified individual until the earlier of the date on which—

"(A) the Secretary concerned collects the applicable amount under subparagraph (I) of such paragraph, or

"(B) the retired or retainer pay of the qualified individual is first reduced under subparagraph (II) of such paragraph.

"(5) The Secretary, in conjunction with the Secretary of Defense, shall provide for notice to participants in the educational benefits program under chapter 32 of this title of the opportunity under this section to elect to become entitled to basic educational assistance under this chapter.".

(b) CONFORMING AMENDMENT.—Section 3018C(b) is amended by striking "subsection (a)" and inserting "subsection (a) or (e)".

**SEC. 4. INCREASE IN RATES OF SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.**

(a) SURVIVORS AND DEPENDENTS EDUCATIONAL ASSISTANCE.—(1) Section 3532 is amended—

(A) in subsection (a)(1)—

(i) by striking "$485" and inserting "$720";

(ii) by striking "$365" and inserting "$540"; and

(iii) by striking "$242" and inserting "$360";

(B) in subsection (a)(2), by striking "$485" and inserting "$720";

(C) in subsection (b), by striking "$485" and inserting "$720"; and

(D) in subsection (c)(2)—

(i) by striking "$392" and inserting "$582";

(ii) by striking "$294" and inserting "$436"; and

(iii) by striking "$196" and inserting "$291".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3532 of such title—

(A) subsection (a)(1) of such section shall be applied by substituting—

(i) "$600" for "$485";

(ii) "$450" for "$365"; and

(iii) "$300" for "$242";

(B) subsection (a)(2) of such section shall be applied by substituting "$600" for "$485";

(C) subsection (b) of such section shall be applied by substituting "$600" for "$485"; and

(D) subsection (c)(2) of such section shall be applied by substituting—

(i) "$485" for "$392";

(ii) "$364" for "$294"; and

(iii) "$242" for "$196".

(b) CORRESPONDENCE COURSE.—(1) Section 3534(b) is amended by striking "$485" and inserting "$720".

(2) The amendment made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3534(b) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3534 of such title, subsection (b) of such section shall be applied by substituting "$600" for "$485".

(c) SPECIAL RESTORATIVE TRAINING.—(1) Section 3542(a) is amended—

(A) by striking "$485" and inserting "$720";

(B) by striking "$152" each place it appears and inserting "$225"; and

(C) by striking "$16.16" and inserting "$24".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3542(a) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3542 of such title, subsection (a) of such section shall be applied by substituting—

(A) "$600" for "$485";

(B) "$188" for "$152" each place it appears; and

(C) "$20" for "$16.16".

(d) APPRENTICESHIP TRAINING.—(1) Section 3687(b)(2) is amended—

(A) by striking "$353" and inserting "$524";

(B) by striking "$264" and inserting "$392";

(C) by striking "$175" and inserting "$260"; and

(D) by striking "$88" and inserting "$131".

(2) The amendments made by paragraph (1) shall take effect on October 1, 2002, and shall apply with respect to educational assistance allowances paid under section 3687(b)(2) of title 38, United States Code, for months after September 2002.

(3) In the case of an educational assistance allowance paid for a month after September 2000 and before October 2002 under section 3687 of such title, subsection (b)(2) of such section shall be applied by substituting—

(A) "$437" for "$353";

(B) "$327" for "$264";

(C) "$216" for "$175"; and

(D) "$109" for "$88".

(e) PROVISION FOR ANNUAL ADJUSTMENTS TO AMOUNTS OF ASSISTANCE.—

(1) CHAPTER 35.—(A) Subchapter VI of chapter 35 is amended by adding at the end the following new section:

**"§ 3564. Annual adjustment of amounts of educational assistance**

"With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under sections 3532, 3534(b), and 3542(a) of this title equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(B) The table of sections at the beginning of chapter 35 is amended by inserting after the item relating to section 3563 the following new item:

"3564. Annual adjustment of amounts of educational assistance.".

(2) CHAPTER 36.—Section 3687 is amended by adding at the end the following new subsection:

"(d) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the rates payable under subsection (b)(2) equal to the percentage by which—

"(1) the Consumer Price Index (all items, United States city average) for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made, exceeds

"(2) such Consumer Price Index for the 12-month period preceding the 12-month period described in paragraph (1).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply with respect to fiscal year 2002 and each fiscal year beginning on or after October 1, 2003.

**SEC. 5. ADJUSTED EFFECTIVE DATE FOR AWARD OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.**

(a) IN GENERAL.—Section 5113 is amended—

(1) by redesignating subsection (b) as subsection (c);

(2) in subsection (a), by striking "subsection (b) of this section" and inserting "subsections (b) and (c)"; and

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) When determining the effective date of an award of survivors' and dependents' educational assistance under chapter 35 of this title for an individual described in paragraph (2) based on an original claim, the Secretary shall consider the individual's application (under section 3513 of this title) as having been filed on the effective date from which the Secretary, by rating decision, determines that the individual is entitled to such educational assistance (such entitlement being based on the total service-connected disability evaluated as permanent in nature, or the service-connected death, of the spouse or parent from whom the individual's eligibility is derived) if that date is more than one year before the date such rating decision is made.

"(2) An individual referred to in paragraph (1) is a person who is eligible for educational assistance under chapter 35 of this title by reason of subparagraph (A)(i), (A)(ii), (B), or (D) of section 3501(a)(1) of this title who—

"(A) submits to the Secretary an original application under such section 3513 for such educational assistance within one year of the date that the Secretary issues the rating decision referred to in paragraph (1);

"(B) claims such educational assistance for an approved program of education for months preceding the one-year period ending on the date on which the individual's application under such section was received by the Secretary; and

"(C) would have been entitled to such educational assistance for such course pursuit for such months, without regard to this subsection, if the individual had submitted such an application on the effective date from which the Secretary determined the individual was eligible for such educational assistance.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to applications first made under section 3513 of title 38, United States Code, that—

(1) are received on or after the date of the enactment of this Act, or

(2) on the date of the enactment of this Act, are pending (A) with the Secretary of Veterans Affairs or (B) exhaustion of available administrative and judicial remedies.

**SEC. 6. REVISION OF EDUCATIONAL ASSISTANCE INTERVAL PAYMENT REQUIREMENTS.**

(a) IN GENERAL.—Subclause (C) of the third sentence of section 3680(a) is amended to read as follows:

"(C) during periods between school terms where the educational institution certifies the enrollment of the eligible veteran or eligible person on an individual term basis if (i) the period between such terms does not exceed eight weeks, and (ii) both the terms preceding and following the period are not shorter in length than the period.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to payments of educational assistance under title 38, United States Code, for months beginning on or after the date of the enactment of this Act.

**SEC. 7. AVAILABILITY OF EDUCATION BENEFITS FOR PAYMENT FOR LICENSING OR CERTIFICATION TESTS.**

(a) In General.—Sections 3452(b) and 3501(a)(5) are each amended by adding at the end the following new sentence: "Such term also includes licensing or certification tests, the successful completion of which demonstrates an individual's possession of the knowledge or skill required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, provided such tests and the licensing or credentialing organizations or entities that offer such tests are approved by the Secretary in accordance with section 3689 of this title.".

(b) Amount of Payment.—

(1) Chapter 30.—Section 3032 is amended by adding at the end the following new subsection:

"(g) Payment Amount for Licensing or Certification Test.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount of educational assistance paid such individual for such test by the full-time monthly institutional rate of educational assistance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under subsection (a)(1), (b)(1), (d), or (e)(1) of section 3015 of this title, as the case may be.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(2) Chapter 32.—Section 3232 is amended by adding at the end the following new subsection:

"(c) Payment Amount for Licensing or Certification Test.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(3) Chapter 34.—Section 3482 is amended by adding at the end the following new subsection:

"(h) Payment Amount for Licensing or Certification Test.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(4) Chapter 35.—Section 3532 is amended by adding at the end the following new subsection:

"(f) Payment Amount for Licensing or Certification Test.—(1) Subject to paragraph (3), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3452(b) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) The number of months of entitlement charged in the case of any individual for such licensing or certification test is equal to the number (including any fraction) determined by dividing the total amount paid to such individual for such test by the full-time monthly institutional rate of the educational assistance allowance which, except for paragraph (1) of this subsection, such individual would otherwise be paid under this chapter.

"(3) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(c) Requirements for Licensing and Credentialing Testing.—

(1) In general.—Chapter 36 is amended by inserting after section 3688 the following new section:

**"§ 3689. Approval requirements for licensing and certification testing**

"(a) In General.—(1) No payment may be made for a licensing or certification test described in section 3452(b) or section 3501(a)(5) of this title unless the Secretary determines that the requirements of this section have been met with respect to such test and the organization or entity offering the test. The requirements of approval for tests and organizations or entities offering tests shall be in accordance with the relevant provisions of this part and with such regulations promulgated by the Secretary to carry out this section.

"(2) To the extent that the Secretary determines practicable, State approving agencies may, in lieu of the Secretary, approve licensing and certification tests, and organizations and entities offering such tests, under this section.

"(b) Requirements for Tests.—(1) Subject to paragraph (2), a licensing or certification test is approved for purposes of this section only if—

"(A) the test is required under Federal, State, or local law or regulation for an individual to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession, or

"(B) the Secretary determines that the test is generally accepted, in accordance with relevant government, business, or industry standards, employment policies, or hiring practices, as attesting to a level of knowledge or skill required to qualify to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(2) A licensing or certification test offered by a State, or a political subdivision of the State, is deemed approved by the Secretary.

"(c) Requirements for Organizations or Entities Offering Tests.—(1) Each organization or entity that is not an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, and that meets the following requirements shall be approved by the Secretary to offer such test:

"(A) The organization or entity certifies to the Secretary that each licensing or certification test offered by the organization or entity is required to obtain the license or certificate required to enter into, maintain, or advance in employment in a predetermined and identified vocation or profession.

"(B) The organization or entity is licensed, chartered, or incorporated in a State and has offered such tests for a minimum of two years before the date on which the organization or entity first submits to the Secretary an application for approval under this section.

"(C) The organization or entity employs, or consults with, individuals with expertise or substantial experience with respect to all areas of knowledge or skill that are measured by the test and that are required for the license of certificate issued.

"(D) The organization or entity has no direct financial interest in—

"(i) the outcome of a test, or

"(ii) organizations that provide the education or training of candidates for licenses or certificates required for vocations or professions.

"(E) The organization or entity maintains appropriate records with respect to all candidates who take such a test for a period prescribed by the Secretary, but in no case for a period of less than three years.

"(F)(i) The organization or entity promptly issues notice of the results of the test to the candidate for the license or certificate.

"(ii) The organization or entity has in place a process to review complaints submitted against the organization or entity with respect to a test the organization or entity offers or the process for obtaining a license or certificate required for vocations or professions.

"(G) The organization or entity furnishes to the Secretary such information with respect to a licensing or certification test offered by the organization or entity as the Secretary requires to determine whether payment may be made for the test under this part, including personal identifying information, fee payment, and test results. Such information shall be furnished in the form prescribed by the Secretary.

"(H) The organization or entity furnishes to the Secretary the following information:

"(i) A description of each licensing or certification test offered by the organization or entity, including the purpose of each test, the vocational, professional, governmental, and other entities that recognize the test, and the license of certificate issued upon successful completion of the test.

"(ii) The requirements to take such a test, including the amount of the fee charged for the test and any prerequisite education, training, skills, or other certification.

"(iii) The period for which the license or certificate awarded upon successful completion of such a test is valid, and the requirements for maintaining or renewing the license or certificate.

"(I) Upon request of the Secretary, the organization or entity furnishes such information to the Secretary that the Secretary determines necessary to perform an assessment of—

"(i) the test conducted by the organization or entity as compared to the level of knowledge or skills that a license or certificate attests, and

"(ii) the applicability of the test over such periods of time as the Secretary determines appropriate.

"(2) With respect to each organization or entity that is an entity of the United States, a State, or political subdivision of a State, that offers a licensing or certification test for which payment may be made under this part, the following provisions of paragraph (1) shall apply to the entity: subparagraphs (E), (F), (G), and (H).

"(d) Administration.—(1) Except as otherwise specifically provided in this section or part, in implementing this section and making payment under this part for a licensing or certification test, the test is deemed to be a 'course' and the organization or entity that offers such test is deemed to be an 'institution' or 'educational institution', respectively, as those terms are applied under and for purposes of sections 3671, 3673, 3674, 3678, 3679, 3681, 3682, 3683, 3685, 3690, and 3696 of this title.

"(2) The Secretary shall use amounts appropriated to the Department in fiscal year 2001 for readjustment benefits to develop the systems and procedures required to make payments under this part for a licensing or certification test, such amounts not to exceed $3,000,000.

"(e) Professional Certification and Licensure Advisory Committee.—(1) There is established within the Department a committee to be known as the Professional Certification and Licensure Advisory Committee (hereinafter in this section referred to as the 'Committee').

"(2) The Committee shall advise the Secretary with respect to the requirements of organizations or entities offering licensing and certification tests to individuals for which payment for such tests may be made under this part, and such other related issues as the Committee determines to be appropriate.

"(3)(A) The Secretary shall appoint five individuals with expertise in matters relating to licensing and certification tests to serve as members of the Committee, of whom—

"(i) one shall be a representative of the Coalition for Professional Certification,

"(ii) one shall be a representative of the Council on Licensure and Enforcement, and

"(iii) one shall be a representative of the National Skill Standards Board (established under section 503 of the National Skill Standards Act of 1994 (20 U.S.C. 5933)).

"(B) The Secretary of Labor and the Secretary of Defense shall serve as ex-officio members of the Committee.

"(C) A vacancy in the Committee shall be filled in the manner in which the original appointment was made.

"(4)(A) The Secretary shall appoint the chairman of the Committee.

"(B) The Committee shall meet at the call of the chairman.

"(C)(i) Members of the Committee shall serve without compensation.

"(ii) Members of the Committee shall be allowed reasonable and necessary travel expenses, including per diem in lieu of subsistence, at rates authorized for persons serving intermittently in the Government service in accordance with the provisions of subchapter I of chapter 57 of title 5 while away from their homes or regular places of business in the performance of the responsibilities of the Committee.

"(5) The Committee shall terminate December 31, 2006.".

(2) Clerical Amendment.—The table of sections at the beginning of chapter 36 is amended by inserting after the item relating to section 3688 the following new item:

"3689. Approval requirements for licensing and certification testing.".

(d) Effective Date.—The amendments made by this section shall take effect on October 1, 2000, and apply with respect to licensing and certification tests approved by the Secretary on or after such date.

### SEC. 8. EXTENSION OF CERTAIN TEMPORARY AUTHORITIES.

(a) Enhanced Loan Asset Sale Authority.—Section 3720(h)(2) is amended by striking "December 31, 2002" and inserting "December 31, 2008".

(b) Home Loan Fees.—Section 3729(a) is amended—

(1) in paragraph (4)(B)—

(A) by striking "2002" and inserting "2008"; and

(B) by striking "2003" and inserting "2009"; and

(2) in paragraph (5)(C), by striking "October 1, 2002" and inserting "October 1, 2008".

(c) Procedures Applicable to Liquidation Sales on Defaulted Home Loans Guaranteed by the Department of Veterans Affairs.—Section 3732(c)(11) is amended by striking "October 1, 2002" and inserting "October 1, 2008".

(d) Income Verification Authority.—Section 5317(g) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

(e) Limitation on Pension for Certain Recipients of Medicaid-covered Nursing Home Care.—Section 5503(f)(7) is amended by striking "September 30, 2002" and inserting "September 30, 2008".

### SEC. 9. CODIFICATION OF RECURRING PROVISIONS IN ANNUAL DEPARTMENT OF VETERANS AFFAIRS APPROPRIATIONS ACTS.

(a) Codification of Recurring Provisions.—(1) Section 313 is amended by adding at the end the following new subsections:

"(c) Compensation and Pension.—Funds appropriated for Compensation and Pensions are available for the following purposes:

"(1) The payment of compensation benefits to or on behalf of veterans as authorized by section 107 and chapters 11, 13, 51, 53, 55, and 61 of this title.

"(2) Pension benefits to or on behalf of veterans as authorized by chapters 15, 51, 53, 55, and 61 of this title and section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978.

"(3) The payment of benefits as authorized under chapter 18 of this title.

"(4) Burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payments of premiums due on commercial life insurance policies guaranteed under the provisions of article IV of the Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 540 et seq.), and other benefits as authorized by sections 107, 1312, 1977, and 2106 and chapters 23, 51, 53, 55, and 61 of this title and the World War Adjusted Compensation Act (43 Stat. 122, 123), the Act of May 24, 1928 (Public Law No. 506 of the 70th Congress; 45 Stat. 735), and Public Law 87-875 (76 Stat. 1198).

"(d) Medical Care.—Funds appropriated for Medical Care are available for the following purposes:

"(1) The maintenance and operation of hospitals, nursing homes, and domiciliary facilities.

"(2) Furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department, including care and treatment in facilities not under the jurisdiction of the Department.

"(3) Furnishing recreational facilities, supplies, and equipment.

"(4) Funeral and burial expenses and other expenses incidental to funeral and burial expenses for beneficiaries receiving care from the Department.

"(5) Administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department.

"(6) Oversight, engineering, and architectural activities not charged to project cost.

"(7) Repairing, altering, improving, or providing facilities in the medical facilities and homes under the jurisdiction of the Department, not otherwise provided for, either by contact or by the hire of temporary employees and purchase of materials.

"(8) Uniforms or uniform allowances, as authorized by sections 5901 and 5902 of title 5.

"(9) Aid to State homes, as authorized by section 1741 of this title.

"(10) Administrative and legal expenses of the Department for collecting and recovering amounts owed the Department as authorized under chapter 17 of this title and Public Law 87-693, popularly known as the Federal Medical Care Recovery Act (42 U.S.C. 2651 et seq.).

"(e) Medical Administration and Miscellaneous Operating Expenses.—Funds appropriated for Medical Administration and Miscellaneous Operating Expenses are available for the following purposes:

"(1) The administration of medical, hospital, nursing home, domiciliary, construction, supply, and research activities authorized by law.

"(2) Administrative expenses in support of planning, design, project management, architectural work, engineering, real property acquisition and disposition, construction, and renovation of any facility under the jurisdiction or for the use of the Department, including site acquisition.

"(3) Engineering and architectural activities not charged to project costs.

"(4) Research and development in building construction technology.

"(f) General Operating Expenses.—Funds appropriated for General Operating Expenses are available for the following purposes:

"(1) Uniforms or allowances therefor.

"(2) Hire of passenger motor vehicles.

"(3) Reimbursement of the General Services Administration for security guard services.

"(4) Reimbursement of the Department of Defense for the cost of overseas employee mail.

"(5) Administration of the Service Members Occupational Conversion and Training Act of 1992 (10 U.S.C. 1143 note).

"(g) Construction.—Funds appropriated for Construction, Major Projects, and for Construction, Minor Projects, are available, with respect to a project, for the following purposes:

"(1) Planning.

"(2) Architectural and engineering services.

"(3) Maintenance or guarantee period services costs associated with equipment guarantees provided under the project.

“(4) Services of claims analysts.

“(5) Offsite utility and storm drainage system construction costs.

“(6) Site acquisition.

“(h) Construction, Minor Projects.—In addition to the purposes specified in subsection (g), funds appropriated for Construction, Minor Projects, are available for—

“(1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department which are necessary because of loss or damage caused by a natural disaster or catastrophe; and

“(2) temporary measures necessary to prevent or to minimize further loss by such causes.”.

(2)(A) Chapter 1 is amended by adding at the end the following new section:

**“§ 116. Definition of cost of direct and guaranteed loans**

“For the purpose of any provision of law appropriating funds to the Department for the cost of direct or guaranteed loans, the cost of any such loan, including the cost of modifying any such loan, shall be as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a).”.

(B) The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

“116. Definition of cost of direct and guaranteed loans.”.

(b) Effective Date.—Subsections (c) through (h) of section 313 of title 38, United States Code, as added by subsection (a)(1), and section 116 of such title, as added by subsection (a)(2), shall take effect with respect to funds appropriated for fiscal year 2002.

**SEC. 10. PRESERVATION OF CERTAIN REPORTING REQUIREMENTS.**

(a) Inapplicability of Prior Reports Termination Provision to Certain Reports of the Department of Veterans Affairs.—Section 3003(a)(1) of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note) does not apply to any report required to be submitted under any of the following sections of title 38, United States Code: sections 503(c), 529, 541(c), 542(c), 3036, and 7312(d).

(b) Repeal of Reporting Requirements Terminated by Prior Law.—Sections 8111A(f) and 8201(h) are repealed.

(c) Sunset of Certain Reporting Requirements.—

(1) Annual report on equitable relief cases.—Section 503(c) is amended by adding at the end the following new sentence: “No report shall be required under this subsection after December 31, 2004.”.

(2) Biennial report of advisory committee on former prisoners of war.—Section 541(c)(1) is amended by inserting “through 2003” after “each odd-numbered year”.

(3) Biennial report of advisory committee on women veterans.—Section 542(c)(1) is amended by inserting “through 2004” after “each even-numbered year”.

(4) Biennial reports on Montgomery GI bill.—Subsection (d) of section 3036 is amended to read as follows:

“(d) No report shall be required under this section after January 1, 2005.”.

(5) Annual report of special medical advisory group.—Section 7312(d) is amended by adding at the end the following new sentence: “No report shall be required under this subsection after December 31, 2004.”.

(d) Cost Information To Be Provided With Each Report Required by Congress.—

(1) In general.—(A) Chapter 1, as amended by section 9(2)(A), is further amended by adding at the end the following new section:

**“§ 117. Reports to Congress: cost information**

“Whenever the Secretary submits to Congress, or any committee of Congress, a report that is required by law or by a joint explanatory statement of a committee of conference of the Congress, the Secretary shall include with the report—

“(1) a statement of the cost of preparing the report; and

“(2) a brief explanation of the methodology used in preparing that cost statement.”.

(B) The table of sections at the beginning of such chapter, as amended by section 9(2)(B), is further amended by adding at the end the following new item:

“117. Reports to Congress: cost information.”.

(2) Effective Date.—Section 117 of title 38, United States Code, as added by paragraph (1) of this subsection, shall apply with respect to any report submitted by the Secretary of Veterans Affairs after the end of the 90-day period beginning on the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. Stump) and the gentleman from Illinois (Mr. Evans) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. Stump).

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on S. 1402.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. STUMP. Mr. Speaker, the committee amendment to S. 1402 is H.R. 4268, the Veterans and Dependents Millennium Education Act. This bill was favorably reported by the Committee on Veterans' Affairs on May 11.

Last year, the report of the congressional commission on service members and veterans transition assistance, better known as the Principi Commission, indicated that substantial increases in veterans' education programs are needed. The Committee on Veterans' Affairs agreed with that assessment. H.R. 4268 would take our first steps to improve veterans' education benefits as recommended in the commission report. It would increase the Montgomery GI Bill from $536 to $600 per month on October 1, 2000, and to $720 a month on October 1, 2002. Educational assistance benefits for survivors and dependents would be raised at the same amount.

H.R. 4268 would also furnish individuals still on active duty the option to convert to Montgomery GI Bill eligibility if they were eligible for the post-Vietnam era Veterans' Educational Assistance Program. More needs to be done on this to bring the Montgomery GI Bill benefits in line with the rising cost of education, but this bill is a good start. We have worked closely with the Committee on the Budget on this legislation, which is paid for under the pay-go requirements of the Budget Act. I want to personally thank the gentleman from Ohio (Mr. Kasich) for his support of this proposal and for working to include it in the budget resolution.

I urge my colleagues to support passage of S. 1402, as amended.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

First, I want to thank the gentleman from Arizona (Mr. Stump) for his leadership on this legislation before us today. I am optimistic that the House will enact legislation to increase the Montgomery GI Bill basic monthly benefit and make other improvements to this important veterans' readjustment program. I am very pleased that the person who provided the inspiration for this program, Sonny Montgomery, has joined us today. We appreciate his attendance. We are very pleased that he came up with the idea of the new GI Bill, and we will work with him in the future.

I also want to recognize the other gentleman from Mississippi (Mr. Shows) for his determined advocacy for veterans. He is a leader on veterans' educational benefits and health care for our retirees. On behalf of our veterans, I want to thank him for his leadership on these and many other important issues. I also welcome the support of the administration for needed benefit increases in the Montgomery GI Bill. The administration has proposed to increase the basic monthly benefit to $670 per month effective October 1 of this year. That would provide a very significant 25 percent increase in the monthly benefit.

I think every member of our committee believes that this increase is needed, long overdue, and a step in the right direction. The administration's support for benefit increases in the GI Bill is very welcome, and I look forward to working with them in the future.

Last year, the gentleman from Arizona and I introduced separate measures to improve the Montgomery GI Bill. The legislation I authored with the gentleman from Michigan (Mr. Dingell), H.R. 1071, is cosponsored by 143 Members of our House of Representatives. This includes a large representation of the Members, and it is a great honor to support the gentleman from Arizona's leadership on this issue. H.R. 1071 would provide the meaningful increase in educational benefits I believe our Nation should provide to the women and men who serve our country in the Armed Forces by restoring the GI Bill's purchasing power. Mr. Speaker, we know H.R. 4268 is only the first step toward improving the Montgomery GI Bill program in a meaningful way. This legislation does comply with pay-go. Congress can enact it. It will provide real benefit increases for veterans and their dependents. That is why I hope the House will approve this unanimously today.

Mr. Speaker, first, I want to thank Chairman STUMP for his leadership on the legislation before us today. I am optimistic that Congress will enact legislation to increase the Montgomery GI Bill basic monthly benefit and make other improvements to his important veterans' readjustment program. I also want to recognize the gentleman from Mississippi, RONNIE SHOWS, for his determined advocacy for veterans. He is a leader on veterans' educational benefits and health care for our military retirees. On behalf of our veterans, I thank him for his leadership on these and so many other important issues.

Mr. Speaker, I also welcome support from the Administration for needed benefit increases in the Montgomery GI Bill. The Administration has proposed to increase the basic monthly benefit to $670 per month effective October 1st this year. This would provide a very significant 25% increase in the monthly benefit. I believe every Member of the Committee on Veterans Affairs believes this increase is needed, long overdue, and represents a step in the right direction. I look forward to working with the Administration in the future as we move forward with the subsequent steps necessary to restore the original purchasing power to the GI Bill.

Last year, Chairman STUMP and I introduced separate measures to improve the Montgomery GI bill. The legislation which I authored with Congressman DINGELL, H.R. 1071, is cosponsored by 143 members of the House. H.R. 1071 provides the meaningful increase in educational benefits I believe our nation should provide the women and men who serve our country in the Armed Forces.

Historically, the MGIB program has been the most important recruiting incentive for the armed services. But the value of these benefits has failed to keep up with the spiraling costs of higher education. Enhancements to rectify this problem with the MGIB are long overdue. I strongly agree with the report of the Congressional Commission on Service members and Veterans Transition Assistance, which concluded ". . . an opportunity to obtain the best education for which they qualify is the most valuable benefit our Nation can offer the men and women whose military service preserves our liberty." I applaud the Commission's bold, new plan for the MGIB. This proposal, however, must be further strengthened and enhanced if the MGIB is to fulfill its purposes as a meaningful readjustment benefit and as an effective recruitment incentive for our Armed Forces. Since implementation of the Montgomery GI Bill on July 1, 1985, there have been major changes in the economic and sociological landscapes that make revisions in the structure and benefit level of this program imperative.

Of immediate concern is the ineffectiveness of the MGIB as a readjustment program for service members making the transition from a military to a civilian workforce. Although costs of education have soared, nearly doubling since 1980, GI Bill benefits have not kept pace. In fact, during the 1995–96 school year, the basic benefit paid under the MGIB offsets only a paltry 36 percent of average total education costs, and the disappointingly low usage rate of 51% for 1998 confirms the inadequacy of the current program's benefit levels.

Under current law, young men and women who serve in our Armed Forces have the option of enrolling in the MGIB when they enter the military. This includes their agreement to a $100 per month pay reduction during the first 12 months of service, for a total contribution of $1200. Once their initial term of service has been honorably served, a veteran is eligible to receive the basic educational benefit of $536 each month he or she is enrolled in full-time college study. The benefit continues for up to 36 months. Assuming he or she is enrolled for a typical nine-month academic year, the veteran's total benefit for that year is $4,824. With this modest amount he or she is expected to pay for tuition, fees, room and board.

The average annual cost of tuition and basic expenses at a four-year public college is $8,774 for commuter students and $10,909 for students who live on campus. Not surprisingly, the same annual costs for four-year private colleges are even higher: $20,500 for commuter students and $23,651 for residents. the disparity between these ever-increasing costs and a veteran's ability to pay for them is clear. This disparity recently prompted key military and veteran organizations to join together with organizations representing colleges to form the "Partnership for Veterans' Education." The coalition launched an energetic campaign calling for Congress to at least go as far as increasing the basic benefit under the MGIB to $975 per month, enough to cover the $8,774 average annual cost of attending a four-year public college as a commuter student.

As I've stated already, H.R. 4268 will not meet these overwhelming education costs standing on its own. It is an important step in the right direction, though, as Congress seeks to find ways to fully restore the GI Bill's purchasing power to what was originally intended. As introduced, section two of H.R. 4268 would increase the basic benefit under the GI Bill from $536 to $600 per month on October 1, 2000 and to $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Section three would furnish individuals still on active duty who either turned down a previous opportunity to convert to the MGIB or had a zero balance in their Vietnam era Veterans' Education Assistance Program (VEAP) account, the option to pay $2,700 to convert to MGIB eligibility.

Section four would increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 per month effective October 1, 2000, and $720 per month effective October 1, 2002, with proportionate increases from part-time students. An annual cost of living adjustment is also authorized.

Section five would permit the award of Survivors' and Dependents' Educational Assistance payments to be retroactive to the date of VA's adjudication of a service-connected death or a 100% disability rating. Section six would solve a problem that faces a small number of students whose schools have different schedules. It would allow for monthly educational assistance benefits to be paid between term, quarter, or semester intervals of up to 8 weeks in duration. Section seven would allow the use of Montgomery GI Bill benefits to pay for fee associated with a veteran's civilian occupational licensing or certification examination.

To offset the costs of H.R. 4268, section eight of the bill as introduced, would extend temporary authorities to 2008 that would otherwise expire on September 30, 2002. These include a VA enhanced loan asset authority guaranteeing the payment of principal and interest on VA-issued certificates or other securities; VA home loan fees of three-quarters of 1 percent of the total loan amount, procedures applicable to liquidation sales on defaulted home loans guaranteed by VA; VA/Department of Health and Human Services income verification authority in which VA verifies the eligibility of, or applicants for, VA needs-based benefits and VA means-tested medical care by gaining access to income records of the Department of Health and Human Services/Social Security Administration and the Internal Revenue Service; and limitation on VA pension on veterans without dependents receiving Medicaid-covered nursing home care.

In addition, section nine of the bill would codify recurring provisions in annual VA appropriations acts, and section ten would reinstate the requirements that the Secretary provide periodic reports. Specifically, these concern reports on equitable relief granted by the Secretary to an individual beneficiary (expires December 31, 2004); work and activities of the Department; programs and activities examined by the Advisory Committees on Former Prisoners of War and Women Veterans (expires after biennial reports submitted in 2003); operation of the Montgomery GI Bill educational assistance program (expires December 31, 2004); and the activities of the Secretary's special medical advisory group (expires December 31, 2004). In addition, section ten requires the Secretary to include with any report an estimate of the cost of preparing the report.

The current structure of the MGIB served the veterans of the second half of the 20th century very well. However, the MGIB must now be re-examined in the context of a January, 1999 report by he Departments of Commerce, Labor, and Education, the Small Business Administration, and the National Institute for Literacy. This report, entitled "21st Century Skills for 21st Century Jobs," has important implications for veterans entering the civilian workforce. Emphasizing the importance to the nation of investing in education and training, the report concluded changes in the economy and workplace are requiring greater levels of skill and education than ever before. It predicted eight of the ten fastest growing jobs in the next decade will require college education or moderate to long-term training, and jobs requiring a bachelor's degree will increase by 25%. The report also noted workers with more education enjoy greater benefits, experience less unemployment and, if dislocated, re-enter the labor force far more quickly than individuals with less education. It also reports that, on average, college graduates earn 77% more than individuals with only a high school diploma. If America's veterans are to successfully compete in the challenging 21st century workforce, they simply have to have the ability to obtain the education and training critical to their success. As noted by the Transition Commission, ". . . education will be the key to employment in the information age."

According to the 1997 Department of Defense report entitled "Population Representation in the Military Services," 20% of the new enlisted recruits for that year were African American, 10% were Hispanic, 6% were other minorities, including Native Americans, Asians, and Pacific Islanders, and 18% were women. The report further notes that, although members of the military come from backgrounds somewhat lower in socioeconomic status than the U.S. average, these young men and women have higher levels of education, measured aptitudes, and reading skills than their civilian counterparts. These young people, most of whom do not enter military service with financial or socioeconomic advantages, have enormous potential, and it is in the best interests of the nation they be given every opportunity to achieve their highest potential. Access to education is the key to achieving that potential. It is also important to remember that, through the sacrifices required of them through their military service, this group of young Americans—more than any other—earns the benefits provided for them by a grateful nation.

Of equal concern to me as a member of the Armed Services Committee is the MGIB program's failure to fulfill its purpose as a recruitment incentive for the Armed Forces. Findings of the 1998 Youth Attitude Tracking Study (YATS)—confirm that recruiters are faced with serious challenges, and these challenges are likely to continue. This survey of young men and women, conducted annually by the Department of Defense, provides information on the propensity, attitudes and motivations of young people toward military service. The latest YATS shows the propensity to enlist among young males has fallen from 34% in 1991 to 26% in 1998, in spite of a generally favorable view of the military. In addition to a thriving civilian economy, which inevitably results in recruiting challenges, the percentage of American youth going to college is increasing and the young people most likely to go to college express little interest in joining our Armed Forces. Interestingly, these same youth note that if they were to serve in the military, their primary reason for enlisting would be to earn educational assistance benefits.

The study concluded the propensity to enlist is substantially below pre-drawdown levels and, as a result, the services will probably not succeed in recruiting the number of young, high-quality men and women they need in FY 1999. High-quality youth are defined as those who have a high school diploma and who have at least average scores on tests measuring mathematical and verbal skills. The Department of Defense tells us about 80% of these recruits will complete their first three years of active duty while only 50% of recruits with a GED will complete their enlistment. GAO notes that it costs at least $35,000 to replace a recruit who leaves the service prematurely. The report states these findings underscore the need for education benefits that will attract college-bound youth who need money for school, a segment of American young people we conclude are not opting to take advantage of the many other sources of federal education assistance. The current structure and benefit level of the MGIB must be significantly amended if these high quality young men and women are to be attracted to service in our Armed Forces.

The Army has been missing its enlistment goals several times now. Additionally, for the first time since 1979, the Air Force may be missing its targets too. Although the Navy and Marine Corps are currently meeting their enlistment goals, they will likely miss them in the future unless we take quick and effective action. The CINC, U.S. Atlantic Fleet, Admiral Paul Reason, recently reported to the Senate Armed Services Committee that the last three carrier battle groups have deployed with forces below the required manning level. Specifically, the U.S.S. *Theodore Roosevelt* battle group deployed last year with 9% of its positions unfilled. These are strong indications of a coming readiness crisis, and we must not ignore these disturbing signals.

Many factors have come together to create what could soon develop into a recruiting emergency. First, our thriving national economy is generating employment opportunities for our young people. Additionally, young Americans increasingly see a college education as the key to success and prosperity. In 1980, 74% of high school graduates went to college but, by 1992, that percentage had risen to 81% and is increasing. As a result, the military must compete head-to-head with colleges for high-quality youth. As I have mentioned already, the percentage of young Americans who are interested in serving in the Armed Forces is also shrinking. Make no mistake about it—the strength of our Armed Forces begins and ends with the men and women who serve our nation. Just as education is the key to a society's success or failure, it is also key to the quality and effectiveness of our military forces—and the MGIB increases included in this substitute budget resolution are a step in the right direction toward providing that key.

Veterans are not using the MGIB benefits they earned through honorable military service, and high-ability, college-bound young Americans are choosing not to serve in the Armed Forces. Significant changes in the program will increase program usage and will enable the military services to recruit the smart young people they need. Accordingly, several bills have been introduced in both the House and the Senate during the 106th Congress that would significantly improve the MGIB. The Senate has twice passed legislation that included numerous changes designed to enhance educational opportunities under the MGIB, and other bills have been introduced. In the House, MGIB legislation has been introduced by Mr. STUMP, Chairman of the House Veterans' Affairs Committee, Mr. SHOWS, and me, the Ranking Democrat on the Committee. H.R. 4268 is the most likely of these legislative initiatives to be passed by the House and move forward. Mr. Speaker, we know H.R. 4268 is only the first step that needs to be taken to improve the MGIB program. H.R. 4268 does comply with pay-go and should be enacted by Congress. It will provide real benefit increases for veterans and their dependents. For this reason, Mr. Speaker, I strongly urge the House to vote unanimously in favor of the Veterans and Dependents Millennium Education Act.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. QUINN), the chairman of the Subcommittee on Benefits.

Mr. QUINN. I thank the gentleman from Arizona for yielding me this time.

Mr. Speaker, I am pleased to rise today in support of the amendment to S. 1402. On April 13, the gentleman from Arizona (Mr. STUMP), the gentleman from Illinois (Mr. EVANS), and 21 members of the Committee on Veterans' Affairs introduced the Veterans and Dependents Millennium Education Act, H.R. 4268, which was the culmination of over 16 months of effort.

Mr. Speaker, I would like to take some time now to be specific about what is in this bill and how it helps almost immediately close to a half a million of our veterans and their families. This excellent bipartisan bill improves the veterans' readjustment and military recruitment aspects of the Montgomery GI Bill. In fact, I believe it builds on the wisdom and foresight of the revered individual and our friend, Sonny Montgomery, who is with us this morning for whom Congress named the all-volunteer force Educational Assistance Program back in 1987.

S. 1402, as amended, then will help hundreds of thousands of veterans, service members and their families; and it will do so right now. For over 300,000 veteran-students now using the Montgomery GI Bill and young Americans contemplating service in our all-volunteer force, effective October 1 of this year, the bill increases the basic Montgomery GI Bill benefit from $536 per month, as was mentioned, to $600 per month. On October 1, 2002, it increases this basic benefit to $720 per month. Each of these improvements have proportional increases for part-time students and for those who enlist for only 2 years. Currently, the Montgomery GI Bill provides $19,296 in benefits over 4 years. Over the next 4 years, our bill increases, this amount to $23,760, an increase of over $4,400.

This bill will be welcome news for 137,000 active-duty service members who either previously turned down an opportunity to convert from the post-Vietnam era Veterans Educational Assistance Program, which has come to be known as VEAP, to the Montgomery GI Bill or who had a zero balance in their VEAP account previously. For a $2,700 buy-in, these individuals will receive full Montgomery GI Bill benefits. We have also structured in the bill the buy-in so service members who retire as of April 1 of this year and later will also be eligible.

We will help about 48,000 survivors and dependents of veterans who died or are permanently disabled as the result of military service. We will increase their monthly benefits to go to college from $485 per month to $600 per month effective this October and to $720 per month 2 years in the future. We will also help about 360 veteran-students attending Ohio University and hundreds of veterans at other colleges around the country. These are colleges that take an extended term break between Thanksgiving and New Year's, for example.

This measure would allow veteran-students to be paid for the 40-day term interval just as student-veterans with a 30-day interval or less. Lastly, we will help about 25,000 service members who are discharged from the military each year who need a civilian license or certification to enter, maintain, or advance their vocation or profession. They will be able to use their Montgomery GI Bill benefits to pay for these examinations, which sometimes average to be $150 each or more. All told, about a half a million, 519,000 veterans, survivors and service members will benefit from this measure during the first year of its enactment.

Mr. Speaker, the spending associated with the bill is budget neutral over 5 years. We have identified offsets by eliminating sunset dates on certain provisions, including veterans home loan fees, liquidation sales on defaulted home loans, authority for VA to access IRS data for determining eligibility for veterans' pension benefits and limitations on pensions for some veterans in nursing homes who are eligible for Medicaid coverage instead.

Forty-two veterans, military service and higher education organizations have supported and endorsed the bill. In closing, this morning's bill is only the first step. Indeed, we had lengthy discussions at the full committee during the markup that it is not all that we want to do, but it is what we can do right now and make a difference. We look forward to continuing our work with veterans, military, and higher education associations in the partnership for veterans' education to find ways to continue to improve Montgomery GI Bill benefits.

Mr. Speaker, I strongly encourage my colleagues this afternoon to support S. 1402, as amended. I also want to close by thanking the gentleman from Illinois (Mr. EVANS) and the gentleman from Arizona (Mr. STUMP) who have served together on the Committee on Veterans' Affairs now for almost 19 years for their enduring commitment on veterans issues. Today's bill we see is an excellent example of their strong bipartisan leadership on behalf of our Nation's service members and veterans.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentleman for yielding me this time.

I have to be honest with my colleagues, Mr. Speaker. I am disappointed in this bill. I know the deep commitment that the gentleman from Arizona (Mr. STUMP), the gentleman from Illinois (Mr. EVANS), and the gentleman from New York (Mr. QUINN), chairman of the Subcommittee on Benefits, have for the veterans of this Nation. I know they want to do what is best for our veterans. But the Veterans and Dependents Millennium Education Act, S. 1402, does not come even close to where we need to be for an effective educational benefit for our veterans today. If this is a bill for the millennium, it is a bill for the last millennium.

Let me try to show that through the history that our committee has gone through. The previous speakers have talked about the congressional Commission on Service Members and Veterans Transition Assistance, which reported its work to the Congress more than a year ago. That commission said that the biggest single thing we can do for our veterans in terms of benefits is to make the Montgomery GI Bill really relevant to their education and pick up the full cost of college education plus a decent stipend.

□ 1215

In fact, that would be a great inducement to recruitment, which, as we all know, is falling behind today.

Everybody on our Committee on Veterans' Affairs applauded that recommendation and said we ought to move forward with it. The gentleman from Illinois (Mr. EVANS), the ranking member of the committee, introduced H.R. 1071, which said that the recommendations of that Transition Commission were accepted. That bill would pay for the full cost of tuition, fees, books, and supplies, and, in addition, a stipend of $800 a month. The gentleman from Arizona (Mr. STUMP) put forward a bill which was almost as good. His bill, H.R. 1182, would have paid for 90 percent of a veteran's tuition cost.

When those of us on the committee and the veterans and education community recognized we would have to take steps toward that and could not do it all at once, the gentleman from Mississippi (Mr. SHOWS) introduced H.R. 4344, which had a broad coalition backing of 47 organizations which represented veterans of our Nation, the military and the higher education community. The bill of the gentleman from Mississippi (Mr. SHOWS) would reimburse veterans for the cost of attending a 4-year public college as a commuter student, and that worked out for this year to a monthly stipend of $975.

That stipend of $975 should be compared with the $600 that is in the current bill. We can do better. The gentleman from New York (Mr. QUINN) said this is something we can do right now, we can do the bill of the gentleman from Mississippi (Mr. SHOWS) right now. We have the funds to do that.

The bill before us just will not accomplish what the Montgomery GI Bill set out to do and what the Transition Commission recommended. The $536 that a veteran gets now does not go very far considering the cost of higher education. In fact, the increase to $600 has already been eaten up by the inflationary pressures that are faced by our colleges. If you compare that with the $300 a month that was the benefit back in 1985, you can see how the benefit has not kept up with current demands.

Today, when America's economy is booming, when our budget is in great surplus, I have a hard time looking veterans in the eye and telling them to pursue a degree with the kind of money that the Montgomery Bill gives them today. It comes up short when you compare it to the cost of higher education. All our veterans know it, we know it, the committee knows it, and all of you here said that you know it. You see this as a first step.

Now, I know that, as I said, our leadership on the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), the gentleman from New York (Mr. QUINN), the gentleman from Illinois (Mr. EVANS) on the Democratic side, we all want to do more, and I certainly will work with both of you, all of you, in the months ahead to provide the kind of education benefits that our veterans deserve and this new millennium demands.

People have said that our former member, Sonny Montgomery, great chairman of the committee, is with us in the Chamber. We salute him, we salute the bill to which he gave his name, the Montgomery GI Bill. Let us really honor Sonny Montgomery by significantly, in the months ahead, improving this benefit for our veterans.

Mr. STUMP. Mr. Speaker, I yield 2½ minutes to the gentleman from Arizona (Mr. HAYWORTH), a member of the committee.

Mr. HAYWORTH. Mr. Speaker, I thank the chairman of the full committee, the dean of our delegation, for yielding me time.

Mr. Chairman, I rise as the vice chairman of the Subcommittee on Benefits, thanking the chairman of the subcommittee for his comments, thanking the ranking member for his comments, and acknowledging that, in a free society, dealing with difficult questions, at times there are those who are frustrated because, in their minds, perfection is alluded. Let me suggest, Mr. Speaker, to all those within the sound of my voice, and especially my colleagues here today, we will never achieve perfection. Indeed, one of the challenges we confront is how to best shape and prioritize the very serious constitutional missions that we have.

Mr. Speaker, I believe it is important for this Congress to reaffirm support for men and women in uniform who confront shortages in terms of ammunition, in terms of training, in terms of their dependence, and those are other questions with which we must deal.

Would, Mr. Speaker, that all of us here could show the same allegiance to those currently wearing the uniform as we profess for veterans. But let us turn to the question of those currently in uniform and one of the reasons I rise in strong support of this legislation. It is something that my colleague from New York, the chairman of the subcommittee, pointed out; the fact that now we have provided provisions for those service members who are unable to convert their funds to the Montgomery GI Bill during the 1997 open window to do so with this. First, individuals who had no money in their VEAP accounts, often because their service branch advised them to transfer their VEAP dollars to an interest-bearing account; and secondly, those who had some money in their VEAP account and did not convert because they did not know of the opportunity.

So it is in this spirit that we take that step today, not only mindful of our good friend from Mississippi who joins us, the former chairman of this committee, but also speaking volumes about the leadership of my good friend from Arizona and the ranking member from Illinois, and that we do not let the perfect become the enemy of the good, but we stand tall for this important legislation to help current service members and veterans receive the educational benefits they deserve.

Mr. EVANS. Mr. Speaker, I have no further questions for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada (Mr. GIBBONS), a member of the committee.

Mr. GIBBONS. Mr. Speaker, I would like to thank the chairman of the full committee, the gentleman from Arizona (Mr. STUMP), a veteran himself, who has been a dedicated individual for veterans rights, for granting me the time to speak on this bill.

Mr. Speaker, I am honored to rise today in support of S. 1402 and this important update to the historic Montgomery GI Bill, a bill which was originally sponsored by my good friend, Sonny Montgomery from Mississippi, who is present with us today.

I think it is an honor for all of us to have an opportunity to help educate hundreds of thousands of veterans and service members and their families. This bill will go a long way, especially addressing some of the needs of our guard and reserve members as well. Best of all, it will help them now.

Mr. Speaker, America is proud, and rightly so, of its tradition of defense by its citizen soldiers; and we in this Congress are, for the first time, beginning to reverse decades of declining resources dedicated to equipping our soldiers, sailors, airmen and Marines for their combat roles. This bill now under consideration does the same for equipping them in advancing their educational goals.

This budget-neutral bill will increase the Montgomery GI stipend by a third over 2 years, it will increase the monies available to surviving families of deceased service members, and it will provide the licensing or certification of funds for veterans who are integrating into the civilian workforce.

Mr. Speaker, I join the gentleman from Arizona (Chairman STUMP); the ranking member, the gentleman from Illinois (Mr. EVANS); and the chairman of the Subcommittee on Benefits (Chairman QUINN) in urging your support for the strong and much deserved bipartisan Veterans and Dependents Millennium Education Act.

Mr. STUMP. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of our Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I rise today in strong support of S. 1402, the Veterans and Dependents Millennium Act, and I thank the distinguished chairman of our committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP) for his continual support of our veterans and for bringing this measure to the floor at this time; along with the subcommittee chairman, the gentleman from New York (Mr. QUINN); and the ranking minority member, the gentleman from Illinois (Mr. EVANS) for giving us the opportunity to consider this measure.

I want to add my compliments to the former Congressman, the former chairman of the Committee on Veterans' Affairs, Mr. Montgomery, who has been the father and major proponent of the GI Bill. We are pleased he is here with us today.

The purpose of this bill is to bring the various education benefits afforded to veterans to a level more in line with today's increasingly expensive higher education opportunities. Specifically, the legislation increases the monthly Montgomery GI Bill rate from $536 a month to $600 a month, beginning in October of this year. That amount increases to $720 a month starting in October of 2002. The bill also increases survivors and dependents educational assistance, which is so important.

Mr. Speaker, the GI Bill is arguably the most profound and far-reaching piece of legislation enacted by Congress in the 20th Century. It has helped many of us here in the Congress. The program, first implemented after World War II, single-handedly afforded a college education to millions of working class men and women who served during the war, and, in doing so, it helped to transform America in the post-war years, leading to the baby-boom and the rise in middle-class suburbia.

This measure is the latest of several bills passed in the last 50 years to bring the benefits of the GI Bill to levels that reflect the contemporary costs of higher education. Consequently, current and future generations are going to be able to enjoy the tangible benefits of a college education as a result of their service in the military of their country. Accordingly, I urge my colleagues to support this worthy and timely legislation.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Illinois (Mr. EVANS), the ranking member on the Committee on Veterans' Affairs, for all of his hard work on this bill, and also his own bill, which would have benefitted the veterans very much. I would like to thank the gentleman from New York (Mr. QUINN) and the Subcommittee on Benefits for the work they have done on this bill. My appreciation is extended to the leadership for allowing us to present this bill today. It is fitting we have a veterans benefits bill on Memorial Day for our ceremonies throughout the country. This is a bipartisan bill, and I urge Members to support it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of S. 1402, The Veterans and Dependents Millennium Education Act. As you know, this bill will assist veterans and their family in attaining enhanced educational assistance.

Since inception in 1944, educational benefits for our nation's veterans have opened the doors to post-secondary education opportunities for millions. Specifically, The Montgomery GI Bill (MGIB) has been one of our nation's leading and most effective programs. Millions of our nation's military personnel and their dependents have been able to afford a post-secondary education, who might otherwise not have been able to if not for the MGIB.

Under the Montgomery GI Bill, military officers accept a reduction in their base pay of $100 per month for 12 months. In exchange, they become entitled to 36 months of education benefits after they complete their period of service or receive an honorable discharge from the Armed Forces.

This program has enhanced our nation's competitiveness and military readiness by helping to develop a more educated and productive workforce and assisted the Armed Services in recruiting and retaining the high quality individuals they need to attract to the military. According to the Secretary of Veterans Affairs, Togo D. West, "new recruits to the Armed Forces cite money for college as the major reason given for enlisting." As a matter of fact, some 96% of new recruits to the Armed Forces sign up to participate specifically in the GI Bill.

However, despite the wisdom and foresight of this meaningful educational assistance program, the MGIB has lost its effectiveness as both a readjustment and recruitment tool. The amount available under the MGIB is not enough to compensate youth for the time spent and risk involved in military service. In fact, since 1985, about 95 percent of service members have paid $1,200 to participate in the MGIB; nevertheless, only about half of these members have used their MGIB. Clearly, the time has come for Congress to intervene and make this bill viable again for our military members, their dependents and our nation.

S. 1402 will make this meaningful program viable once. Specifically, this bill will increase the MGIB from $536 to $600 per month on October 1, 2000, and $720 per month on October 1, 2002, for full-time students, with proportionate increases for part-time students. Second, this bill will equip individuals still on active duty, who have turned down a previous opportunity to convert to the MGIB or have had a zero balance in their Post-Vietnam Era Veterans' Educational Assistance Program (VEAP) account, the option to pay $2,700 to convert to MGIB eligibility. Third, the bill will increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 per month, and authorize an annual cost-of-living adjustment for them. Finally, S. 1402 will allow MGIB benefits to pay the fee for a veteran's civilian occupational licensing or certification examination. Nevertheless, I hope this Congress will soon move to fully fund our veterans who desire to seek opportunities for higher education.

I believe that S. 1402 will assist our nation in securing educated and highly skilled military recruits. In addition, this bill will secure the future of our military as well. As a result, I urge my colleagues to pass this vital bill and make this worthwhile program viable once again.

Mr. BUYER. Mr. Speaker, I rise in strong support of the amendment offered to S. 1402. This truly bipartisan effort addresses many of the problems service members face with regard to accessing adequate GI bill education benefits.

Over the last several years, veterans and their families have called on Congress to increase veterans education assistance, and equally important, correct the injustices that have prevented many of the VEAP era veterans from receiving GI bill education benefits. Congress, through the leadership of House Veterans Affairs Committee Chairman STUMP and Ranking Member Mr. EVANS have answered their call by offering this amendment.

While this legislation may not fully address the concerns of the veterans community, it is clearly another giant step in our continued efforts to improve GI bill education benefits. Rest assured, that my colleagues and I on the House Veterans Affairs Committee will continue to fight for improved and increased GI bill educational benefits.

Leaving the active military can be a very difficult time period for veterans and their families. It is filled with uncertainty, apprehension, and trepidation. Unfortunately, the current GI bill education benefit has failed to keep pace with the rapidly changing economy. In fact, many veterans have found that current educational assistance does not meet their transition needs.

Furthermore, many other Federal programs offer far greater benefits for little or no commitment. In fact, veterans educational assistance is one of the few Federal educational benefits that is truly earned with sweat equity, and yes, sometimes blood or loss of limb.

For these reasons, improving GI bill education benefits and increasing access to these benefits is extremely important. Not only do GI bill educational benefits assist veterans as they transition back into the local communities that they willingly left to serve this nation, these benefits also reflect the gratitude of a grateful nation. I believe GI bill benefits, and this amendment represent a fitting and proper way to say thank you for your sacrifice and unselfish commitment in protecting America's cherished freedoms and liberties.

Mr. Speaker, this amendment holds true to the spirit of the original GI bill that Congress passed in 1944. It will improve and increase access to veterans educational assistance, and allow veterans the opportunity to make a more complete transition as they leave the military and enter the civilian workforce.

Mr. REYES. Mr. Speaker, I am pleased to speak in support of S. 1402, the Veterans Millennium Education Bill.

I am proud to be an original cosponsor of this legislation, which is a long overdue step to address the serious erosion of our veterans educational benefits. Through this bill we raise the educational benefits our veterans deserve and provide the recruitment incentive our Armed Forces need.

Montgomery GI Bill benefits allow our Nation to extend its gratitude to veterans for their service, compensate them for their time away from family and careers, and gives them the opportunity to gain valuable knowledge and skills through attendance at our Nation's colleges and universities.

With the opportunities it provides to obtain an education, the GI bill has been considered the most significant reason for our country's high educational attainment and post-World War II economic leadership and success.

Over time, however, the value of GI bill benefits has not kept pace witb the rising costs of higher education. In fact there is a gross disparity between current benefits and the costs of going to school. In an environment where there are greater sources of private scholarships and funding, along with a strong economy, our best recruits no longer see the same value in the GI bill. This has seriously hurt military recruiting efforts.

Our veterans deserve better, and from a national security standpoint, we cannot afford to allow our military to be without necessary manpower and strength. With a strong economy and large budget surpluses this situation has been unacceptable.

As a result, I am proud that this bill enhances educational assistance amounts by almost 30 percent over 3 years, and at the same time addresses a long time injustice, by allowing for those men and women still on active duty to convert to the Montgomery GI Bill from their Vietnam Era Veterans' Education Assistance Program [VEAP].

The benefit increases in H.R. 4268, raise the monthly amount from $536 to $600 per month on October 1, 2000 and to $720 per month on October 1, 2002 for full-time students.

While further increases in benefits are needed, this bill creates a strong foundation for bringing the educational and training benefits to the level for which our veterans are entitled.

We must never fail in our efforts to maintain, enhance, and improve the benefits entitled to our veteran population. By doing this, we honor their service, and adequately provide for their needs and the recruiting requirements of our Armed Forces.

I therefore stand in support of this bill, and ask my colleagues to join in voting for its passage.

Mrs. CHRISTENSEN. Mr. Speaker, I rise in enthusiastic support of S. 1402, the Veterans and Dependents Millennium Education Act of 2000 which would increase the amount of educational assistance to veterans under the Montgomery GI Bill. This is a bipartisan bill that is long over due and I complement Veterans Committee Chairman STUMP and Ranking Democrat EVANS for their leadership in bringing it to the floor today.

Mr. Speaker, we continue to fail our veterans in repaying them for their service to their country. We send them off to fight in our defense and yet when they return we break many of the promises that were made to them. This bill is a start in the right direction in reversing this trend. We owe our veterans much more than we have been giving them.

If it becomes law, the Veterans and Dependents Millennium Education Act, would increase the current Montgomery GI Bill benefit from $536 to $600 a month on October 1, 2000 for full time students and to $720 on October 1, 2000. There would also be proportional increases for part-time students, as well.

The bill would also increase survivors' and dependents' educational assistance benefits for full-time students from $485 to $600 a month starting October 1, 2000 and to $720 a month on October 1, 2000. It would also permit the award of survivors' and dependents' educational assistance payments to be retroactive to the date of the service-connected death or award of 100 percent disability rating.

Mr. Speaker, I look forward to the many Virgin Islands veterans being able to take advantage of the increased benefits offered by this bill to further their education. In today's world where a high premium is placed on our workforce being highly skilled, this bill makes such training and higher education more affordable to our veterans.

Mr. SMITH of New Jersey. Mr. Speaker, today I am proud to be an original sponsor of the Veterans and Dependents Millennium Education Act [H.R. 4268]. the chairman and ranking members of the Veterans' Affairs Committee, and others, have worked tirelessly to craft this important bill in a collaborative and bipartisan fashion.

Passage of the Veterans and Dependents Millennium Education Act will benefit more than 500,000 people immediately, and its increase of Montgomery G.I. Bill [MGIB] benefits will go a long way toward recruiting—and retaining—more young Americans to serve our country in uniform. Mr. Speaker, as we prepare to honor those who have died in service to our country on Memorial Day, we must also remember our obligation to help those who continue to defend our country. Increasing education benefits for those who have responded to the call of duty is the least we can do. Under this legislation, Montgomery G.I. Bill benefits for full-time students will rise from $536 to $600 per month on October 1, 2000, and to $720 per month on October 1, 2002. The bill also authorizes proportional increases for part-time students.

Similarly, H.R. 4268 increases survivors' and dependents' educational assistance for full-time students from $485 to $600 per month at the start of fiscal year 2001, and to $720 per month at the beginning of fiscal year 2003. Importantly, today's bill makes these benefits retroactive to the date of the veteran's service-connected death or 100 percent service-connected disability rating. It is worth noting that H.R. 4268 also provides an annual cost-of-living adjustment for survivors' and dependents' educational assistance, which is currently available only for MGIB benefits.

The veterans and Dependents Millennium Education Act also fills an important gap in our military's education assistance program for some 137,000 active duty personnel. For these service men and women who either turned down an earlier opportunity to convert to the Montgomery G.I. bill program, or who have no funds in their Vietnam-Era Veterans' Education Assistance Program [VEAP] account—the educational assistance program in place before MGIB—a payment of $2,700 enables them to receive full MGIB benefits. This important provision will be a major help to many senior non-commissioned officers who, after leaving the service, often attend college part time while working.

Finally, H.R. 4268 accommodates students who attend a college or university that has extended breaks, by permitting MGIB or similar benefits to be paid between intervals of up to 8 weeks. The Veterans and Dependents Millennium Education Act provides added flexibility by permitting these benefits to be used for civilian occupational licensing or a certification examination.

I would like to point out that the legislation which we are considering today is deficit-neutral. By reauthorizing programs already in place that either save or generate revenue—such as the VA home loan fee of 3/4 of 1 percent—we can provide these improved benefits to veterans and their families. I urge my colleagues to support the Veterans and Dependents Millennium Education Act.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the Senate bill, S. 1402, as amended.

The question was taken.

Mr. STUMP. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

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## SUPPORTING DAY OF HONOR FOR MINORITY WORLD WAR II VETERANS

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 98) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II.

The Clerk read as follows:

H.J. RES. 98

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, "E Pluribus Unum" (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian and Pacific Islander, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the Day of Honor 2000 in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. STUMP) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. STUMP).

### GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Joint Resolution 98.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.J. Res. 98 commends minority veterans of the United States Armed Forces who served during World War II. I commend the authors of this resolution for promoting recognition of minority World War II veterans during this millennium year.

Some of the groups that deserve greater public recognition for their heroic service in World War II include the Tuskegee Airmen, who flew 15,533 missions in World War II and earned 150 Distinguished Flying Crosses along with other high decorations; the 442nd Nisei Regiment of Japanese-Americans became the most decorated group of soldiers in American history. The Nisei troops overcame considerable prejudice and suspicions while writing one of the most glorious pages in American military history.

Another important story is that of the Navajo code-talkers, many from my home State of Arizona. Few units had more vital duties than these Native Americans, whose unique language led logically to assigning them as communicators. The enemy was never able to break their code, an achievement which contributed greatly to our final victory.

In the Pacific Theater, the 158th Regimental Combat Team, known as the Bushmasters, an Arizona National Guard Unit, was comprised of a high percentage of Hispanic and American Indian soldiers. This unit saw heavy combat in the Philippines and was referred to by General Douglas MacArthur as "the greatest fighting combat team ever deployed for battle."

Hopefully greater recognition of minority veterans will become a regular part of future Memorial Day and Veterans Day celebrations across this country, enhancing the magnitude of those two days so special to our veterans.

Mr. Speaker, I urge my colleagues to support the passage of this bill.

Mr. Speaker, I reserve the balance of my time.

□ 1230

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I join with many of my colleagues today to honor and give thanks to America's minority veterans, the soldiers and sailors and men and women of our armed forces and, of course, my fellow Marines. More of the world is free today than ever before, thanks in no small part for their valor and sacrifice half a century ago. We sometimes do not remember that World War II was before the armed forces were desegregated and that process really took us solidly to Vietnam. So there were many years in which the men and women of the armed forces did not serve together on an integrated basis and did not get really the breaks perhaps that the majority of Americans have received throughout the time of this desegregation. As I said, more of the world is free now because of their efforts.

It is altogether fitting and appropriate that this valor and sacrifice of a half a century ago be commemorated on May 25, 2000. I particularly commend my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), for her leadership on this issue. I thank her for the well-deserved recognition which the Day of Honor 2000 will provide America's minority veterans with the respect that they deserve.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Affairs.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I am pleased to rise today in strong support of H.J. Res. 98, a measure supporting a day of honor for our minority veterans of World War II. I thank our distinguished chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), for recognizing how important this issue is.

As the primary sponsor of legislation to restore benefits that were once stripped away from Filipino World War II veterans by an ungrateful Congress in 1946, I am fully aware of how our Nation has shamefully treated its minority veterans in years gone by. From the Civil War through Korea, before going into action, African American soldiers had to first battle against an ingrained prejudice among white commanders that they were somehow subpar or otherwise incapable of engaging on equal terms as their white counterparts. These veterans always proved their worthiness in battle, only to find this lesson lost on the military command staff by the time the next war broke out.

Even more distressing was the fact that contributions made by African American veterans were soon forgotten or glossed over since the fighting ended. President Clinton should be commended for his initiative to award the Medal of Honor to eight black veterans who had initially been passed over for this commendation.

This legislation also honors the accomplishments and contributions made by Hispanic Americans, Asian Americans, and Native American veterans. Of these groups, two specifically bear mentioning. Many Japanese American veterans served with distinction during the Pacific War. They did that despite having their loyalties questioned by many in command, as well as many having their families back home living in internment camps.

Moreover, Native Americans from several tribes played a vital role as code operators during the Korean War. In this they were naturals, since the chances of any axis code-breakers being fluent in a Native American language was highly remote.

Mr. Speaker, this measure is long overdue, timely, and quite appropriate as we approach Memorial Day. Accordingly, I urge my colleagues to give their full, wholehearted support to this measure.

Mr. EVANS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, might I add my appreciation to the chairman of the Committee on Veterans' Affairs, the gentleman from Arizona (Mr. STUMP), and as well to the distinguished gentleman from Illinois (Mr. EVANS), the ranking member of the committee. I first want to pay tribute to them for always advocating on behalf of veterans in a unified and profound way that many across this Nation recognize.

I think it is important, first of all, as we move toward honoring the first Memorial Day in the new millennium to thank all of those families whose loved ones gave the ultimate sacrifice, and we will honor them this coming week. It is important to acknowledge that the legislation that we have before us does not in any way substitute for the great appreciation that Americans have for all of those who gave the ultimate sacrifice and, of course, our veterans whom we honor.

I am very honored to have been able to bring to the floor of the House, with the help of some 91 cosponsors, H.J. Res. 98. I was so moved when this particular opportunity came to my attention in my district in Houston with the leadership of Dr. Smith. The ceremony honoring those many minority veterans of World War II, in particular, was a challenge to keep from feeling the emotion that was in that room of veterans who were so very proud of their service, yet asking that we bring to the attention of America that when they did return, they were not given the honor that we knew they deserved.

So I rise today in support of House Joint Resolution 98 that I introduced on April 12, 2000. I am delighted by the bipartisan support for this joint resolution in both the United States House of Representatives and the United States Senate. The efforts of Representatives such as the gentlewoman from Florida (Ms. BROWN), the gentleman from Oklahoma (Mr. WATTS), the gentleman from South Carolina (Mr. SPENCE), the gentleman from Arizona (Mr. STUMP), as I mentioned, the chairman of the Committee on Veterans' Affairs, and the gentleman from Illinois (Mr. EVANS), the ranking member of the Committee on Veterans' Affairs, have all been instrumental in bringing this resolution to the floor.

I personally come to the floor in honor of my uncles, Eric Jackson, Allan Jackson Bernard Bennett, Samuel Jackson, all of whom fought or served during the time of World War II, and, of course, my very special now-deceased father-in-law, Philip Ferguson Lee, who was one of the honored Tuskegee Airman.

The joint resolution designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. In fact, the resolution calls upon communities across the Nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000. Because this recognition is long overdue, it is appropriate that we honor and celebrate the memories of the veterans that served or fought throughout the year.

There are many that deserve thanks for making this day, and I again thank Senator EDWARD KENNEDY of Massachusetts for joining me for introducing an identical resolution in the United States Senate. That resolution passed by unanimous consent in the United States Senate on May 19, and I must say this has certainly been a wonderfully collective effort that has inspired veterans and children alike to follow the progress of this resolution through Congress. I likewise am proud by the superb grass-roots support offered by the Day of Honor 2000 Project, a nonprofit organization based in Marlborough, Massachusetts.

Through Dr. William A. Smith's leadership, the project's executive director, movement for the resolution took on a life of its own. He traveled across this Nation with an enormously moving film that I hope all of America will get a chance to see. His involvement in this effort reflects a greater sense of unity among Americans, that we must make amends for the past and we must do it together.

Mr. Speaker, the resolution is another way of saying that we have not forgotten those who fought or served in World War II, while simultaneously discriminated against while at home. The resolution brings closure to the families of many veterans, and none of us can underestimate that phenomenon for each individual. The Day of Honor 2000 project helped enlist the support of countless Americans to make this resolution possible. Without its support, the resolution would have probably never come to fruition.

Our goal is that the Nation will heal and will have an opportunity to pause on May 25 and throughout the year to express our gratitude to the multicultural, multiracial veterans of all minority groups who served the Nation so well.

When we look to the harrowing days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our veterans gave to their Nation to achieve the allied victory over Nazism and Fascism. In the 1940s, minority were utilized in the allied operations, just as any other American. In fact, it is well known how many of them rose to the occasion of volunteering and seeking out the opportunity to serve in the United States military. They wanted to go and fight for their beloved America.

During the war effort, at least 1.2 million African American citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans, more than 50,000 Asians, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans also served their country in protecting democracy and freedom.

Despite the invidious discrimination that most minority veterans were subjected to at home, they fought honorably along with all other Americans, including other nations. As we have noted in the honor that President Clinton has given to some even in these last years, we realize that some were serving and gave much of their life to this country by sacrificing their health and subjecting themselves to injuries and yet were not honored when they returned. An African American was obliged to answer a call to duty, indeed possibly sacrificing his life, yet he or she enjoyed separate, but in many times unequal, status back at home.

Too often, when basic issues of equality and respect for their service in the war arose, Jim Crow and racial discrimination replied with a resounding "no." This is a sad, but very real, chapter of our history. This all happened, of course, before the emergence of Dr. Martin Luther King, Jr. in America. As a Nation, we have long since recognized the unfair treatment of minorities as a travesty of justice. The enactment of fundamental civil rights laws by Congress over the past half century has remedied the worst of these injustices, and this has given us some hope. I have hope, we all have hope for America as we move together in the 21st century. But, as we all know, we have yet to give adequate recognition to the service, struggles, and sacrifices of the veterans, all of the brave veterans.

For many of these minority veterans, the memories of World War II never disappear. When we lose a loved one, whether it is a mother, father, sibling, child, or friend, we often sense that we lose a part of ourselves. For each of us, the loss of life, whether expected or not, is not easily surmountable.

Minority veterans had to overcome a great deal after the war. They not only came back to a Nation that did not treat them equally, but they were never recognized for the uniqueness of their efforts. Like many of us, they adapted to changes or were the engines of social change, but they have suffered and sacrificed so much that few of us will ever understand.

Veterans are dying at a rate of more than 1,000 a day. It is specially important, therefore, for Congress and the administration to do their part now to pay tribute to these men and women who served so valiantly in World War II. The minority veterans from World War II represent a significant part of what is being called America's Greatest Generation. They are American heroes that deserve recognition for this efforts. For this reason, the resolution specifically asks President Clinton to issue a proclamation "calling upon the people of the United States to honor these minority veterans with appropriate programs and activities," and I ask my colleagues to do so in their respective districts.

Winston Churchill once said that it is important for all of us to build wisely and surely, not for the moment, but for the years to come. I am so very gratified that my freedom was based upon the fact that these veterans served and many sacrificed their lives.

Mr. Speaker, I would ask my colleagues to join us in supporting this resolution, both H.J. Res. 98 and H.J. Res. 44. Might I just add for a moment a note of thanks to so many of our staff that helped this come to the fruition that it has come. Oliver Kellman, Mark Carrie, and Earl Smith, in my office worked long and hard on this legislation. Also, the wonderful staff that worked with the many members, Carl Commenator, chief counsel and staff director of veterans affairs; Michael Durishin of the Democratic staff; Jeannine McNally, Debbie Smith, Minda Fife, Stoval White, Rene Davidson, Linda Shealy, Craig Metz, Nick Martinelli, all of whom made this very possible, I thank them all. Again, I ask my colleagues to please support this very important resolution.

Mr. Speaker, I rise today in support of House Joint Resolution 98 that I introduced on April 12, 2000. I am delighted by the bipartisan support for this joint resolution in both the United States House of Representatives and the United States Senate.

The efforts of Representatives such as CORRINE BROWN of Florida, Representative J.C. WATTS Jr., of Oklahoma, Chairman FLOYD SPENCE of South Carolina, Chairman BOB STUMP of the Committee on Veterans' Affairs, and Ranking Member of the Committee on Veterans' Affairs LANE EVANS have all been instrumental in bringing this resolution to the floor.

The joint resolution designates May 25, 2000, as a national Day of Honor to honor minority veterans from World War II. In fact, the resolution calls upon communities across the nation to participate in celebrations to honor minority veterans on May 25, 2000, and throughout the year 2000. Because this recognition is long overdue, it is appropriate that we honor and celebrate the memories of the veterans who served or fought throughout the year.

There are many that deserve thanks for making this day a reality. I want to extend my special thanks to Senator EDWARD KENNEDY of Massachusetts for joining me by introducing an identical resolution in the United States Senate. That resolution passed by unanimous consent in the U.S. Senate on May 19th. I must say this has certainly been a wonderful collective effort that has inspired veterans and children alike who have followed the progress of the resolution through Congress.

I am also proud, of course, by the superb grassroots support offered by The Day of Honor 2000 Project, a non-profit organization based in Marlborro, Massachusetts.

Through Dr. William H. Smith's leadership, the Project Executive, movement for the resolution took on a life of its own. His involvement in this effort reflects a greater sense of unity among Americans that we must make amends for the past.

Mr. Speaker, the resolution is another way of saying that we have not forgotten those who fought or served during World War II while simultaneously discriminated against while at home. Mr. Speaker, the resolution brings closure to the families of many veterans. And none of us can underestimate that phenomenon for each individual.

The Day of Honor 2000 Project helped enlist the support of countless Americans to make this resolution possible. Without its support, the resolution would have probably never come to fruition.

Our goal is that the nation will have an opportunity to pause on May 25th and throughout the year to express our gratitude to the veterans of all minority groups who served the nation so ably.

When we look back to the harrowing days of World War II, we remember and revere the acts of courage and personal sacrifice that each of our veterans gave to their nation to achieve Allied victory over Nazism and fascism. In the 1940s, minorities were utilized in the allied operations just as any other American.

During the war effort, at least 1,200,000 African Americans citizens either served or sacrificed their lives. In addition, more than 300,000 Hispanic Americans more than 50,000 Asians, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans also either served their country in protecting democracy and freedom.

Despite the invidious discrimination that most minority veterans were subject to at home, they fought honorably along with all other Americans, including other nations. An African American was obliged to answer a call to duty, indeed possibly sacrifice his life, yet he or she enjoyed separate but equal status back home.

Too often, when basic issues of equality and respect for their service in the war arose, Jim Crow and racial discrimination replied with a resounding "no." This is a sad but very real chapter of our history.

This all happened, of course, before the emergence of Dr. Martin Luther King, Jr. in America. As a nation, we have long since recognized the unfair treatment of minorities as a travesty of justice. The enactment of fundamental civil rights laws by Congress over the past half-century have remedied the worst of these injustices. And this has given us some hope. But, as we all know, we have yet to give adequate recognition to the service, struggles, and sacrifices of all our brave veteran Americans.

For many of these minority veterans, the memories of World War II never disappear. When we lose a loved one, whether it is a mother, father, sibling, child, or friend, we often sense that we lose a part of ourselves. For each of us, the loss of life—whether expected or not—is not easily surmountable.

Minority veterans had to overcome a great deal after the war. They not only came back to a nation that did not treat them equally, but they were never recognized for the uniqueness of their efforts during the war. Like many of us, they adapted to changes or were the engines of social change. But they have suffered and sacrificed so much that few of us will ever understand.

Veterans are dying at a rate of more than 1,000 a day. It is especially important, therefore, for Congress and the Administration to do their part now to pay tribute to these men and women who served so valiantly in World War II.

The minority veterans from World War II represent a significant part of what has been called America's Greatest Generation. They are American heroes that deserve recognition for their efforts. For this reason, the resolution specifically asks President Clinton to issue a proclamation "calling upon the people of the United States to honor these minority veterans with appropriate programs and activities."

Mr. Speaker, I urge my colleagues to vote in favor of this resolution. I thank all my colleagues, in both Houses of Congress, for their assistance in helping bring closure to the lives of so many deserving Americans.

Mr. EVANS. Mr. Speaker, I yield 5 minutes to the gentlewoman from Indiana (Ms. CARSON), a tireless and effective advocate for our veterans.

Ms. CARSON. Mr. Speaker, I thank the gentleman for yielding me this time.

I thank the chairman of the committee and certainly the gentleman from Illinois (Mr. EVANS), the ranking member, the outstanding veteran himself, and certainly the gentlewoman from Texas (Ms. JACKSON-LEE), for the eloquent, articulate, and thorough presentation on behalf of this needed resolution.

I remember, Mr. Speaker, the heroism of the Buffalo soldiers serving in the vast West as our Nation grew to the Pacific many years ago, a fine tradition.

Today, it is altogether fitting that we honor and recognize the service of minority veterans in our armed forces during World War II. All together, some 1.2 million African Americans served alongside 300,000 Hispanic Americans; and 50,000 Asian Americans served during World War II, shoulder-to-shoulder with other Americans, in the common cause of defeating the Axis powers.

The ordinary ground-pounding soldiers served uncommonly well, with great courage, in segregated units.

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The trials and tribulations of the black men who wanted to fly, our Tuskegee Airmen, who grew wings to show the way for a generation; the extraordinary valor of our soldiers of Asian descent, fighting fiercely in Europe, even as many of their families were imprisoned in camps in our West; our Native American code-talkers who used their languages to puzzle and defeat Japanese eavesdroppers, far from their tribal lands. Those who served so well truly deserve our special honor but, Mr. Speaker, the happy result of relative peace for us in these times is, at the same time, a sort of sad fact for America.

Our veterans, no matter their race, color, or national origin, are a minority. Few who benefit from our life and our liberties each day have ever had occasion to serve our flag, have ever put themselves in harm's way for our Nation.

Mr. Speaker, I stand here today with humility and a deep sense of gratitude for those men and women who fought and who sacrificed themselves for the freedom of this country to preserve the principle of having one nation under God, with liberty and justice for all people.

Mr. Speaker, for our minority veterans, for our veterans' minority, let us remember the service, the sacrifice of all, especially for this day of honor for minority soldiers.

Mr. Speaker, I am very grateful that I have had an opportunity to speak on this resolution.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I did an injustice to the Tuskegee Airmen. I misspoke a moment ago when I said they flew 1,500 sorties. Actually, they distinguished themselves by flying 15,533 sorties, and I want to correct the record.

Mr. BLUMENAUER. Mr. Speaker, today the House will vote on H.J. Res. 98, which will designate May 25, 2000 as the Day of Honor to celebrate minority veterans throughout the country. This day will be set aside to recognize the service of African Americans, Native Americans, Asian Americans, and Hispanic Americans in World War II. The service and sacrifice of these men and women is all the more moving because, in many cases, they fought to protect freedoms that they themselves did not fully enjoy.

Today, we understand that part of what makes a community livable is respect for diversity and an appreciation of our differences. Understanding our history, even when it contains difficult memories, is an important part of bridging the ethnic and cultural divisions that still trouble us.

African Americans were the largest group of minority Americans to serve in World War II. More than a million African American men and women served in the United States Armed Forces in the war. The famed 332nd Fighter Group of the Tuskeegee Airmen never lost a bomber under their escort to an enemy fighter in 200 missions.

The Day of Honor was celebrated in Portland last Saturday at Reflections, a coffee and book store in my district. African American servicemen from all branches of the United States military were recognized for their sacrifice and heroism on the battlefield. I was especially pleased that Mr. Edgar L. Bolden, who served with the Tuskegee Airmen and now lives in the district I serve, was the guest speaker at the event. Mr. Bolden trained as a fighter pilot with the Tuskeegee Airmen, serving his country honorably, and then went on to receive an engineering degree and work for the Federal Aviation Administration and in the private sector.

Another outstanding group of African Americans who served our country in World War II was the 555th Parachute Infantry Battalion, the Army's only all-African American parachute infantry unit. Born within an armed forces that had typically relegated African Americans to menial jobs and programmed them for failure, the 555th or "Triple Nickels" as they were called, received new orders as the war was drawing to a close—a change of station to Pendleton Air Base in Pendleton, Oregon.

The 555th acquired a new nickname, the "Smoke Jumpers" and they were on emergency call to fight forest fires in any of several western states. Their other mission was "Operation Firefly" in which they would parachute into areas where there were suspected Japanese "balloon bombs—incendiary devices that had traveled across the Pacific on hydrogen balloons and posed the risk of setting fires and were a danger to people. Indeed, a woman and five children were killed by one of these bombs near Bly, in southern Oregon. The Triple Nickels carried out the hazardous mission of locating and disposing of these bombs. Two years later in 1947, the 555th became the unit that integrated the Army when they became members of the 82nd Airborne.

These are just a few of the many examples of sacrifice and bravery displayed by minority veterans in World War II. I'd like to take this opportunity to thank all of our veterans. It is because of them that we were able to exercise the freedoms that are central to our Nation's character.

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of H.J. Res. 98 offered by Congresswoman JACKSON-LEE and sponsored by senator KENNEDY in the Senate. As a co-sponsor I welcome this long over due resolution, which calls for a presidential proclamation designating May 25, 2000 as a national Day of Honor for minority veterans of World War II.

This resolution is an important and fitting tribute to the tens of thousands of minority Americans who set aside political, economic and social disenfranchisement, to answer the call to arms against the forces of tyranny.

In the beginning of the war, many minority servicemen were relegated to serve only in "rear echelon" positions or support positions during the war. They served as munitions men, truck drivers, cooks, stewards, and in cleaning and repair details. Minorities also labored in the factories and farms throughout the United States working towards the war effort. In many cases, when in combat zones, the men in these positions manned weapons and fought honorably side-by-side with white soldiers and sailors during furious engagements.

Later in the war, after much lobbying efforts by minority leaders, combat units were established for minorities. These brave men and women came from all walks of life but were bound by a love of the principles of duty to God and county. They lived in a separate component of American society that was defined by an unfortunate climate of prejudice. African-Americans, Hispanics, native Hawaiians, Chamorros, Samoans, Asian Americans, Filipinos, American Indians, and Native Alaskans all served honorably in many capacities with the U.S. military to combat the hegemonic forces of Germany, Italy and Japan.

In segregated units, often led by white officers, these noble men distinguished themselves in combat and proved to the entire nation that they too were willing to lay down their lives for freedom. The Tuskeegee Airmen, the famed 442nd Regimental Combat Team, the 100th Infantry Battalion, the Navaho Code-Talkers, the U.S. Navy's Fita Fita Guard (a U.S. Navy auxiliary unit in American Samoa), the 1st Samoan Battalion, U.S. Marine Corps, and the Guam Combat Patrol (a U.S. Marine Corps auxiliary unit in Guam) are just a few of the organizations where minorities fought valiantly in some of the most difficult combat assignments anywhere in World War II.

This Joint Resolution commends the African, Hispanic, Asian, and Native Americans, Native Hawaiians and Alaskans, Pacific Islanders and all other minority veterans, especially those who lost their lives. It also authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor minority veterans with appropriate programs and activities. I want to thank both Congresswoman JACKSON-LEE and Senator KENNEDY for bringing this Joint Resolution to the floor and ensuring that all Pacific Islanders were accounted for within the language of this bill. We are all humbled and honored by their service and sacrifice. I urge all my colleagues to vote for its passage.

Mr. BENTSEN. Mr. Speaker, as an original cosponsor of H.J. Res. 98, I rise today in strong support of legislation that would honor those minority World War II veterans who served our nation when duty called. On May 25, 2000, the Day of Honor Project, will be honoring those minority servicemen and women made to help our nation during World War II.

It is estimated that more than 1.2 million African-Americans, more than 300,000 Hispanic-Americans, more than 50,000 Asian-Americans, more than 20,000 American Indians, more than 6,000 Native Hawaiians and Pacific Islanders, and 3,000 Native Alaskans served in the Armed Forces during World War II.

I believe that these men and women deserve our thanks for courageous service and sacrifice on behalf of our nation. In many cases, these minority veterans did not receive proper recognition or awards for their valor and courage during wartime efforts.

This Sense of the House resolution is part of the national effort to enlist communities around the nation to honor these World War II minority veterans as part of their Memorial day celebrations. This legislation also requests that the President of the United States issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

On May 25, 2000, I will be remembering these men and women who gave their lives in some cases for our freedom. As we all remember, freedom is not free and we all must never forget the sacrifices that these men and women made to ensure our freedom today.

I strongly urge my colleagues to support this legislation and to honor those who have served in your communities.

Mr. REYES. Mr. Speaker, I stand in strong support for H.J. Res. 98, Honoring WWII Minority Veterans.

This legislation honors their service and sacrifice.

Despite suffering from inequality and discrimination back home and in the military, they did not hesitate to defend America with courage and dedication.

Our World War II veterans whether Hispanic, Native American, Asian, Hawaiian, Pacific Islander or African-American, participated in combat operations around the globe to stem the tide of fascism with pride and distinction.

Their bravery, dedication, and commitment was unwavering as reflected in the disproportionate number of Medal of Honor winners among their ranks.

Furthermore, as shown by our Native American Navajo soldiers, their particular and unique skills in the war effort directly contributed to the early success and ultimate victory of our armed forces.

Clearly, our minority World War II veterans are patriots and heroes of the highest order. They put their lives on the line for America, while segregation and prejudice persisted in their homes and toward their families.

Their efforts and service in defense of our Nation, broke stereotypes and the prejudice they endured served to breakdown the doors of segregation for future generations. Nonetheless, far too many of these veterans returned to a Nation that did not fully recognize their service, nor welcome them back like other American soldiers who had defended our freedom and liberty.

It is long overdue that we give them the recognition and accolades they deserve.

Our minority veterans should be celebrated, honored, and recognized for their exceptional contributions to the war effort as part of "America's Greatest Generation."

They fought against fascism abroad, and racism and segregation at home. They are veterans of war and veterans of the struggle for freedom and civil rights.

I therefore am pleased that we commend these veterans for their service and sacrifice with this Joint Resolution.

This bill will honor those minority veterans who gave their lives, support the goals of a Day of Honor in celebration and recognition of their extraordinary service, and authorize and request a Presidential proclamation to honor these veterans with appropriate programs and activities.

These veterans deserve this recognition and we owe them a tremendous debt of gratitude that can never be repaid.

However, with this resolution let us salute and thank our minority World War II veterans.

I therefore ask that my colleagues join me to overwhelmingly support this bill.

Mr. ORTIZ. Mr. Speaker, I thank the Veterans' Affairs Committee for bringing this important resolution before the House of Representatives this week. The committed service of the veterans of World War II, especially that of minority veterans, can never be noted too often. For minority veterans, their desire to serve this country was a monumental movement in democracy and social change.

While many people pinpoint the 1960s, and the civil rights movement in that decade, with moving the nation closer to social progress, it was WWII and the minority veterans who distinguished themselves so often and so valiantly who gave us the opportunity to move forward as a community and a nation.

Let me tell you a little bit about one of the most important and influential members of the WWII generation. Those Hispanics who fought against the Nazis and Imperial Japan showed their bravery and courage time and time again. They came home from the war that equalized the rich and poor, educated and uneducated, to a country which still openly discriminated against them because of their ethnicity.

Probably the best-known WWII veteran Hispanic descent in South Texas was Dr. Hector

P. Garcia. Dr. Garcia came back to South Texas and was, with many Hispanic veterans, treated with familiar contempt by people in the country for which they had shed blood in a great war and a just cause.

What crystallized the cause of civil rights for so many Hispanic veterans and Hispanic Americans was the treatment of Army Private Felix Longoria, a soldier lost in WWII. Longoria's family wanted to bury him at Three Rivers near their home, but the cemetery was for whites only.

Dr. Garcia, and all veterans who were coming home were shocked by the blatant racism that was still so prevalent in their home. They believed in fighting for the cause of democracy and for the United States. They also believed that their service would bring them the respect that had elluded them in everyday life before the war.

Dr. Garcia called the funeral home and asked them to reconsider. The funeral home owner refused. Dr. Garcia and other South Texas veterans were not deterred. They took their case to the federal level via telegrams and correspondence. Longoria was buried two months later in Arlington National Cemetery with the help of then-Senator Lyndon Johnson.

Out of all this came the American GI Forum, the first Hispanic civil rights organization. Hispanics in the United States have proudly served their country from the American Revolution to our NATO activity in Kosovo. In the course of that service, 38 Hispanics have been awarded the Medal of Honor, our country's highest award for military bravery and service. That is the highest number of Medals of Honor among ethnic minorities. I appreciate the efforts of the House of Representatives today in honoring these minority veterans.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.J. Res. 98, the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II. I am an original cosponsor of H.J. Res. 98.

Since the days of the Buffalo Soldiers (1866), minorities have served with bravery and distinction in the United States Military with little or no recognition. There were twenty-three Medal of Honor recipients from the four African American army regiments that came to be known as the Buffalo Soldiers.

Asian Americans, Pacific Islanders, and Native Hawaiians also served their country honorably and with great distinction during World War II.

Many Japanese-Americans served with the Army's much-decorated 442nd Regimental Combat Team or 100th Infantry Battalion. Organized in Hawaii, the units fought in Europe. About one-third of their members volunteered from U.S. relocation camps to which they had been sent as "enemies" of America.

In four weeks of heavy combat in October–November 1944, the 442d RCT liberated Bruyeers and Biffontaine and rescued a "lost battalion" that had become cut off from the 36th Division. For this the 100th, 2d, and 3d Battalions, 442d Infantry, and the 232d Engineer Company were each awarded the Distinguished Unit Citation [later re-designated as the President Unit Citation].

Two soldiers of Asian ancestry, Army Pfc. Sadao Munemori and Jose Calugas of the Philippine Scouts, received the Medal of Honor, the nation's highest military accolade, during the World War II era.

At least 20 Asian-American heroes of World War II will belatedly receive the Medal of Honor in the White House ceremony on June 21. Only 441 such awards were given during WWII. This tribute completes an effort ordered by Congress to identify Asian-Americans and Pacific Islanders who had won the second-highest medal, the Distinguished Service Cross, and to recommend Medal of Honor upgrades to President Clinton in deserving cases. Sen. Daniel Inouye, D–Hawaii, will be among those recipients. Many others cited were killed in action or have died since the war, and family members will accept the awards posthumously.

Primary among Pacific Islanders serving in WWII were the Filipino Vets. As members of Philippine army scouts and guerrilla units attached to U.S. forces during World War II, they fought alongside Americans at Bataan, survived the infamous "Death March," hid and fed U.S. soldiers who escaped capture and helped Gen. Douglas MacArthur's army liberate their homeland, then an American colony. These deserving veterans are in a fight, even now, to obtain the benefits they deserve from the United States government.

This is a record of stellar service. So, it is fitting that we pass H.J. Res. 98 today to honor those who served as well during that war and who have never truly been recognized for their effort and their sacrifices—often the ultimate sacrifice, their lives.

Mr. STUMP. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and agree to the joint resolution, H.J. Res. 98.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. STUMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 44) supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Armed Forces during World War II, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 44

Whereas World War II was a determining event of the 20th century in that it ensured the preservation and continuation of American democracy;

Whereas the United States called upon all its citizens, including the most oppressed of its citizens, to provide service and sacrifice in that war to achieve the Allied victory over Nazism and fascism;

Whereas the United States citizens who served in that war, many of whom gave the ultimate sacrifice of their lives, included more than 1,200,000 African Americans, more than 300,000 Hispanic Americans, more than 50,000 Asian Americans, more than 20,000 Native Americans, more than 6,000 Native Hawaiians and Pacific Islanders, and more than 3,000 Native Alaskans;

Whereas because of invidious discrimination, many of the courageous military activities of these minorities were not reported and honored fully and appropriately until decades after the Allied victory in World War II;

Whereas the motto of the United States, "E Pluribus Unum" (Out of Many, One), promotes our fundamental unity as Americans and acknowledges our diversity as our greatest strength; and

Whereas the Day of Honor 2000 Project has enlisted communities across the United States to participate in celebrations to honor minority veterans of World War II on May 25, 2000, and throughout the year 2000: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That Congress—

(1) commends the African American, Hispanic American, Asian American, Native American, Native Hawaiian, Pacific Islanders, Native Alaskan, and other minority veterans of the United States Armed Forces who served during World War II;

(2) especially honors those minority veterans who gave their lives in service to the United States during that war;

(3) supports the goals and ideas of the "Day of Honor 2000" in celebration and recognition of the extraordinary service of all minority veterans in the United States Armed Forces during World War II; and

(4) authorizes and requests that the President issue a proclamation calling upon the people of the United States to honor these minority veterans with appropriate programs and activities.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A similar House joint resolution (H.J. Res. 98) was laid on the table.

## CONSIDERING MEMBER AS FIRST COSPONSOR OF H.R. 1202

Mr. FRANKS of New Jersey. Mr. Speaker, I ask unanimous consent that I may hereafter be considered as the first sponsor of H.R. 1202, a bill originally introduced by Representative Brown of California, for the purpose of adding cosponsors and requesting reprintings under clause 7 of rule XII.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

## URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 293) urging compliance with the Hague Convention on the Civil Aspects of International Child Abduction, as amended.

The Clerk read as follows:

H. CON. RES. 293

Whereas the Department of State reports that at any given time there are 1,000 open cases of American children either abducted from the United States or wrongfully retained in a foreign country;

Whereas many more cases of international child abductions are not reported to the Department of State;

Whereas the situation has worsened since 1993, when Congress estimated the number of American children abducted from the United States and wrongfully retained in foreign countries to be more than 10,000;

Whereas Congress has recognized the gravity of international child abduction in enacting the International Parental Kidnapping Crime Act of 1993 (18 U.S.C. 1204), the Parental Kidnapping Prevention Act (28 U.S.C. 1738a), and substantial reform and reporting requirements for the Department of State in the fiscal years 1998–1999 and 2000–2001 Foreign Relations Authorization Acts;

Whereas the United States became a contracting party in 1988 to the Hague Convention on the Civil Aspects of International Child Abduction (in this concurrent resolution referred to as the "Hague Convention") and adopted effective implementing legislation in the International Child Abduction Remedies Act (42 U.S.C. 11601 et seq.);

Whereas the Hague Convention establishes mutual rights and duties between and among its contracting states to expedite the return of children to the state of their habitual residence, as well as to ensure that rights of custody and of access under the laws of one contracting state are effectively respected in other contracting states, without consideration of the merits of any underlying child custody dispute;

Whereas Article 13 of the Hague Convention provides a narrow exception to the requirement for prompt return of children, which exception releases the requested state from its obligation to return a child to the country of the child's habitual residence if it is established that there is a "grave risk" that the return would expose the child to "physical or psychological harm or otherwise place the child in an intolerable situation" or "if the child objects to being returned and has attained an age and degree of maturity at which it is appropriate to take account of [the child's] views";

Whereas some contracting states, for example Germany, routinely invoke Article 13 as a justification for nonreturn, rather than resorting to it in a small number of wholly exceptional cases;

Whereas the National Center for Missing and Exploited Children (NCMEC), the only institution of its kind, was established in the United States for the purpose of assisting parents in recovering their missing children;

Whereas Article 21 of the Hague Convention provides that the central authorities of all parties to the Convention are obligated to cooperate with each other in order to promote the peaceful enjoyment of parental access rights and the fulfillment of any conditions to which the exercise of such rights may be subject, and to remove, as far as possible, all obstacles to the exercise of such rights;

Whereas some contracting states fail to order or enforce normal visitation rights for parents of abducted or wrongfully retained children who have not been returned under the terms of the Hague Convention; and

Whereas the routine invocation of the Article 13 exception, denial of parental visitation of children, and the failure by several contracting parties, most notably Austria, Germany, Honduras, Mexico, and Sweden, to fully implement the Convention deprives the Hague Convention of the spirit of mutual confidence upon which its success depends: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring)*, That Congress urges—

(1) all contracting parties to the Hague Convention, particularly European civil law countries that consistently violate the Hague Convention such as Austria, Germany and Sweden, to comply fully with both the letter and spirit of their international legal obligations under the Convention;

(2) all contracting parties to the Hague Convention to ensure their compliance with the Hague Convention by enacting effective implementing legislation and educating their judicial and law enforcement authorities;

(3) all contracting parties to the Hague Convention to honor their commitments and return abducted or wrongfully retained children to their place of habitual residence without reaching the merits of any underlying custody dispute and ensure parental access rights by removing obstacles to the exercise of such rights;

(4) the Secretary of State to disseminate to all Federal and State courts the Department of State's annual report to Congress on Hague Convention compliance and related matters; and

(5) each contracting party to the Hague Convention to further educate its central authority and local law enforcement authorities regarding the Hague Convention, the severity of the problem of international child abduction, and the need for immediate action when a parent of an abducted child seeks their assistance.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Florida (Mr. HASTINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 293.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H. Con. Res. 293. This resolution urges compliance with the Hague Convention on the civil aspects of international child abduction. It is regrettable that we are in a position in this resolution of the need to criticize by name several nations with whom we have otherwise had friendly relations: Germany, Austria, Sweden, Honduras, and Mexico.

It is obvious from the circumstances, that it is necessary to do so, and I want to commend the gentleman from Ohio (Mr. CHABOT), a member of our Committee on International Relations, who, on behalf of 132 cosponsors, introduced this measure.

I would also like to thank the gentleman from Texas (Mr. LAMPSON), who is the chairman of the Caucus on Missing and Exploited Children. He has devoted a great deal of his time to raising our level of awareness of the growing problem of international child abduction.

We are taking action on this measure on behalf of the parents of our abducted and wrongfully-retained children. These left-behind parents have put their faith and trust in an international agreement, the Hague Convention, which is clear and explicit on the obligation of signatory governments to return an abducted or wrongfully-retained child to his or her country of habitual residence. Nevertheless, we found that in a number of nations, for a variety of reasons, this does not occur and the resultant frustration, the heartbreak, and outrage has led us to act on the measure before us today.

I should also add that we need to have our State Department do more to promote compliance with the Hague Convention. The return of an abducted or illegally-retained child should be on the top of the Secretary's meetings with any official of a country involved in such cases.

This is not a problem that should be handled as a routine exchange of diplomatic notes or by phone calls by any junior U.S. official to their foreign counterparts. We need to see some concern and some concrete actions by the highest levels of our government to redress what is evidently a growing international problem.

It is our hope, Mr. Speaker, that by adopting this resolution we will be sending a strong signal to those governments which fail to honor consistently their international commitments. This is an issue that we care deeply about. We need to focus the attention of the governments of Germany, of Sweden, Austria, Mexico, and Honduras on this issue to make them understand that they cannot expect the Hague Convention to be a one-way street.

Accordingly, Mr. Speaker, I urge the House to unanimously agree to this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the resolution. Many of us have read press accounts of children stolen from their American mothers or fathers and whisked away to a foreign country by the noncustodial parent. The heartbreak of the left-behind parent is too often compounded by the realization that the country to which the abducting parent has fled is actually helping that parent to hide the children. This assistance to the abductors by countries like Germany, Austria, Sweden, and Mexico is contrary to the letter and spirit of the Hague Convention on the civil aspects of international child abduction.

In at least 30 cases in Germany, for example, German judges have flouted the basic tenets of the Hague Convention and have allowed the fleeing parent to continue to hide the children from their American parents and even to deny them the most minimal contact with their children. Germany is a signatory to the Hague Convention.

Resolutions like the one we have before us, and I compliment the chairman of the committee for expediting this matter and the fine work done by my colleagues, particularly the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and the gentleman from Texas (Mr. LAMPSON). Resolutions like the one we have before us today are one way that Congress can send a message to these countries, most of which are friends and allies of the United States, that we will not be silent in the face of these tragedies.

Mr. Speaker, make no mistake, these cases are tragedies, tragedies of broken families, traumatized children, bereft mothers and fathers who are left behind with precious little hope of ever seeing their children again. These cases are, sadly, not rare. Every year it is estimated that at least 1,000 boys and girls are taken from their American parents. There are as many as 10,000 cases of children wrongfully retained by their noncustodial parents currently on file. The Hague Convention clearly states that custody disputes should be decided in the country in which the child habitually resides, but time and again foreign courts have intervened and decided custody cases, even though the children in question are American-born and have spent their lives up to the point of their abduction in America.

In the case of Joseph Cooke, whose story was so movingly described recently in the Washington Post, German courts even gave the German foster parents of his children greater rights than they accorded Mr. Cooke himself, the children's father.

Mr. Speaker, the resolution before us urges our friends, neighbors, and allies to live up to their commitments in signing the Hague Convention on the civil aspects of international child abduction. It asks countries to enact effective implementing legislation; to educate their judicial and law enforcement authorities; to return abducted and wrongfully-retained children to their place of habitual residence without reaching the merits of any underlying custody dispute; and to ensure parental access rights by removing obstacles to the exercise of such rights; and to further educate its central authority and local law enforcement authorities on the Hague Convention, the severity of the problem of international child abduction and the need for immediate action, when a parent of an abducted child seeks their assistance.

This is the very least we can do to address the heartbreak of thousands of American left-behind parents, and I strongly urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio (Mr. CHABOT), the original sponsor of this measure.

Mr. CHABOT. Mr. Speaker, first let me express my thanks to the gentleman from New York (Mr. GILMAN) for his long-standing leadership in this issue. He has been a real advocate for those families who have been victimized by international parental child abduction. All of us who have worked on this issue appreciate his stewardship.

I also want to thank the gentleman from Florida (Mr. HASTINGS) for his leadership on this very important issue; and I want to particularly thank my friend, the gentleman from Texas (Mr. LAMPSON), the principal cosponsor of the bipartisan resolution. As the founder and chairman of the Congressional Caucus on Missing and Exploited Children, he has worked tirelessly on behalf of abducted children. He comes down here every single day and gives a speech on a different particular case that has happened and he has devoted a lot of time and a lot of effort on this issue and to the families and he has been a very effective partner in this legislative effort.

More than 130 cosponsors have joined in this effort to bring attention to the tragedy of international parental child abduction. I know the families of those children appreciate the support of Members of Congress like the gentlewoman from Florida (Mrs. FOWLER); the ranking member of the Committee on International Relations, the gentleman from Connecticut (Mr. GEJDENSON); the gentleman from Ohio (Mr. PORTMAN); the gentleman from California (Mr. OSE); and so many others.

I would also particularly like to thank my legislative director Kevin Fitzpatrick who spent many, many hours working on this issue and talking with someone in my district who has been hit with this on a personal basis.

I first became aware of this issue on a personal level when a gentleman by the name of Tom Sylvester from my hometown of Cincinnati, his daughter Carina was abducted by her mother in 1995 and taken to Austria where she remains today. Despite a number of court orders in both the United States and in Austria, including an order by the Austrian Supreme Court that clearly ruled that the child should be returned to Tom Sylvester, Carina has not been returned to her father.

During the last 5 years, he has only been able to see her briefly and in a supervised setting. Every attempt to bring Carina home has been met with rejection by Austria.

Every attempt to seek justice from the Austrian government has been stonewalled, and it is time that Tom Sylvester got his daughter Carina back to the United States. That is where she belongs.

☐ 1300

During a hearing on the Committee on International Relations in March of this year, I had the opportunity to discuss Tom Sylvester's case with Secretary of State Madeline Albright. The Secretary promised to bring up the case during her discussions with the Austrian government, and she committed to a meeting with Mr. Sylvester, myself, and my colleague, the gentleman from Cincinnati, Ohio (Mr. PORTMAN). Hopefully, that meeting will take place soon.

By personally engaging in this issue, the Secretary will be expressing her solidarity with all of those parents throughout the country who face the same painful ordeal that Tom Sylvester faces every day, and she will be sending a strong message to those offending countries who fail to honor their obligations under the Hague Convention that the United States Government is serious about bringing our children home.

House Concurrent Resolution 293 is very straightforward. We are urging all contracting parties to the Hague Convention on the Civil Aspects of International Child Abduction to comply fully with both the letter and the spirit of their international legal obligations under the convention; to ensure their compliance by enacting effective implementing legislation and educating their judicial and law enforcement authorities; and to honor their commitments and return wrongfully abducted children to their place of habitual residence and ensure parental access rights by removing obstacles to the exercise of those rights.

Mr. Speaker, thousands of American parents wake up each morning with a glimmer of hope that they will soon be reunited with their abducted children. Most of those parents go to bed again that night broken-hearted. Sadly those left-behind parents all too often believe that they have nowhere to turn and that is truly a tragedy.

Today, we are sending a message to our State Department that the return of our children is a national priority. Today, we are saying to those nations who routinely ignore their obligations under the Hague convention: send our children home.

Mr. Speaker, those long suffering left-behind parents need to know that their government is behind them, and that their government will keep fighting for them until the last stolen American child comes safely home.

Let us have a resounding show of support for this resolution.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged and honored to yield 5 minutes to the distinguished gentleman from Texas (Mr. LAMPSON), who has been a tireless worker in this effort to bring this matter to fruition.

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Florida (Mr. HASTINGS) for giving me the opportunity to speak in support of House Concurrent Resolution 293. As chairman and founder of the Congressional Missing And Exploited Children's Caucus, I am very, very pleased that the House Committee on International Relations and the gentleman from New York (Chairman GILMAN) and the gentleman from Connecticut (Mr. GEJDENSON) have recognized the importance of an issue that the gentleman from Ohio (Mr. CHABOT) and the gentleman from California (Mr. OSE) and I have been pushing on for quite a long time of international parental child abduction.

The bill that this body will vote on today calls on the signatories of the Hague Convention of Civil Aspect of Child Abduction to abide by the provisions of the Hague Convention.

Three months ago, I came before that committee, with a number of parents, to announce to Congress and to the American people that it was time for America and our foreign counterparts to sit up and take notice of the 10,000 American children that have been abducted overseas, and that time has come.

We are pointing fingers today at those countries who have not lived up to their side of the deal, and I know that the United States is not perfect, that we still have much educating to do of the judges who deal with this issue, but the return rate by the United States to other Hague countries is upwards of 89 percent. We know that American children are returned at a rate far less than what the United States returns, only about 24 percent.

These parents' children have been abducted to Hague countries all over the world. This issue is one that is nonpartisan and one that none of us can afford to ignore. I am truly pleased to have introduced this resolution with my friend, the gentleman from Ohio (Mr. CHABOT). Our resolution urges all contracting parties to the Hague Convention, particularly European civil law countries, that consistently violate the Hague Convention, such as Austria, Germany and Sweden, to comply fully with both the letter and the spirit of their international legal obligations under this convention, in addition to urging all contracting parties to ensure their compliance with the convention by enacting effective implementing legislation and educating their judicial law enforcement authorities.

Mr. Speaker, we know that this is making a difference. We know that our voices are being heard. I know that last Friday, a gentleman whose name is Paul Marinkovich, had a case in the courts in Scotland after he had followed his child from Sweden to Norway to Spain and finally to Scotland; and Mr. Marinkovich won his case last Friday in Scotland after 3½ years on the run. His child was located with the child's mother there in Scotland, and it was only after involvement by this government, by this Congress, by our State Department and high-ranking administration officials that this case, his case, took a turn for the better.

It was televised in Sweden; someone saw it and recognized Gabriel, who had moved to Spain. The case was investigated in Spain, and he was located in Scotland. His ex-wife was arrested. Gabriel was in the care of social services, and Paul won the Hague case on Friday. That is a thrill to me to know that this Congress made a difference.

Another gentleman named Jim Rinaman, Jim was a father who I met back in February and March. He saw his daughter for the first time in 5 years in Germany. The pressure that the German government is feeling is becoming apparent. The German press has picked up on this issue and is putting pressure on families over there.

Mr. Speaker, I have to read a part of an e-mail that came. While it was directed to me, I share and feel that it should be shared with every Member of Congress who has touched this issue in the last several months. He says: "Thank you so much for all of your help. I really admire you and the other Members for the way that you have taken on this issue. You can count on me for any assistance I might be able to provide for your continued efforts. As difficult as my situation still is, I am very much relieved, and I know there are solutions still to be found for other parents and children and Catherine. I believe that the German government, for one, is learning a new kind of respect for the United States because of the principal people like you and other Members of Congress who have presented and refused to compromise. There will be many parents and children who will always deeply appreciate what you are doing. I have attached photos of Julia. As you can see, she is well, and, thankfully, she will grow up with the opportunity to be equally proud of being American and German."

Well, to me, that is what this is about. And I want to take just a minute to commend the people like John Herzberg on the committee and Abby Hochberg Shannon on my staff and others on the staff like Khristyn Brimmeier and so many others who have spent so much of their time and effort. This issue would not have been brought to where it is today without so much work on the part of our staffs.

Mr. Speaker, I support this and only ask to bring our children home.

As I stated in my press conference three months ago, we need to raise awareness—parents from across the country have been contacting their Members of Congress. And we must continue to put pressure on other countries that are Hague signatories, that are not abiding to the Hague Treaty. This resolution does just that. As I said in March, I would like to issue a challenge to each of you to help carry this message forward and help us "Bring our Children Home."

The SPEAKER pro tempore (Mr. KUYKENDALL). Does the gentleman from California (Mr. OSE) seek to claim the remaining time of the gentleman from New York (Mr. GILMAN)?

Mr. OSE. Yes, Mr. Speaker.

The SPEAKER pro tempore. Without objection, the gentleman from California (Mr. OSE) will control the remaining time allotted to the gentleman from New York (Mr. GILMAN).

There was no objection.

Mr. OSE. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3½ minutes to the gentleman from California (Mr. OSE) to speak to the issue because we have a considerable amount of time, but more importantly because the gentleman has been tireless in his efforts to bring this matter to fruition.

Mr. OSE. Mr. Speaker, I want to express my appreciation to the gentleman from New York (Chairman GILMAN) and the gentleman from Florida (Mr. HASTINGS) for their efforts here. I also want to memorialize the efforts of the gentleman from Ohio (Mr. CHABOT) and the gentleman from Texas (Mr. LAMPSON) in bringing this matter to the attention of the Congress.

What we are really talking about here is how one defines a country of habitual residency and putting the children in the position where they can live in those countries.

As others have spoken so eloquently about the fact of this matter, about the relative rates of return by our country to others as opposed to those of other countries to us, I will not spend a lot of time on that.

But I do want to make a couple points, and that is I am new here, if you will. I have asked for recognition from the gentleman from Florida (Mr. HASTINGS) from the other side of the aisle, and I have come to the lectern that is typically reserved for Members of the other side, to highlight that this issue is not a partisan issue. This is an issue that touches every single district in this country. It touches constituents from Portland, Maine; to San Diego, California; to Binghamton, New York; to Seattle, Washington. Every single district. That is why it is important.

Now, the gentleman from Texas (Mr. LAMPSON) highlighted a success story that we recently had. I am hopeful that that gentleman and his child are home now. I am hopeful that the second case that the gentleman mentioned comes to a successful fruition, also. I am willing to take these cases one at a time, just case by case. I want to start on June 2 and June 3 by having the President of the United States speak to the chancellor of Germany about specific cases in Germany that they can both together reach out and change, the Cooke case in particular.

It is possible for two people, President Clinton and Chancellor Schroeder, to get together and change the course of the future of that family for the positive, consistent with the treaty that both countries have our adherence to, consistent with the case law and the family law in both countries.

Before I came to Congress, I once heard that it takes a village to raise a child. I do not say that in any means to belittle it, because it is true. We collectively raise our children. There are times when I am not home, and my neighbor helps raise my kids.

What we need to have is for the President to stand and speak for the parents and children who are Americans.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Texas (Ms. JACKSON-LEE) and note that she, too, has been tireless in her efforts and is a cosponsor of the measure before us today.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me, first of all, thank the gentleman from Texas (Mr. LAMPSON) and the great work that I have enjoyed, him leading out on and being able to be part of the Caucus for Missing and Exploited Children, as it has worked with the caucus that I have chaired, the Congressional Children's Caucus.

I wanted to rise today because this is such an important piece of legislation to advocate for the importance of children in America and the importance of the sanctity and the sacredness of our children.

Let me briefly suggest that America has watched over the last couple of months the unfolding of an enormous drama of a child and his parent. With that emphasis, I can understand the pain that has been experienced by so many American parents who have asked the question, why not us? If not now, when?

So this is an important resolution to say to countries like Germany and Austria and Sweden and other countries around the world that we pride the children of American citizens who have been abducted and kidnapped around the world; we will not stand for their misuse and abuse and not having them reunited with their families.

I simply say that the Hague Convention is an important part of the international arena; and, therefore, it is enormously important that the Hague Convention is adhered to to ensure that the custody rights and the laws of one contracting state are effectively respected with other contracting states. This is all that the parents ask for. This is all that Joseph Cooke wanted, to be able to see his two children that were abducted from him and from this country and taken as strangers to Germany.

I would simply ask my colleagues to allow this opportunity for this legislation to be our resounding statement that we pride and love our children and that we will work with America's parents to ensure their safe return to them.

Mr. Speaker, as a cosponsor of House Concurrent Resolution 293, I rise in support of urging member nations of the Hague Convention on the Civil Aspects of International Child Abduction to comply with this most important treaty.

This Resolution urges the United States and member nations to implement legislation in the International Child Abduction Remedies Act and establishes reciprocal rights and duties between contracting states to expedite the return of children to the state of their habitual residence.

The purpose of the Hague convention is to ensure that the custody rights under the laws of one contracting state are effectively respected in other contracting states.

Although the Hague Convention provides a narrow exception to the requirement of the prompt return of children that releases the member state from its obligations, but this is only if it has been determined that returning the child would impose a "grave risk" of "physical or psychological harm" among other things.

Unfortunately, member states have abused this exception and are condoning the illegal separation of children across the country from their biological parents.

For example, Joseph Cooke of New York, lost his two children to strangers in Germany after his ex-wife abducted them and placed them in the care of the German Youth Authority.

The fact that Joseph was awarded custody by a U.S. Court and the fact that the Hague Convention, of which Germany is a member, requires that custody be determined in the child's home country, the German courts awarded custody to the foster family.

The State Department claims that is cannot enforce the Hague Convention or interfere in decisions overseas, but there are ways in which the United States can urge compliance with this treaty and I, along with the 132 cosponsors of this resolution, hope that the Secretary of State will make the commitment to help rectify this continual tragedy occurring across the world today.

The State Department has 1,148 open international custody cases, including 58 in Germany. But that number represents only a fraction of the children abducted abroad because most families never file their cases with the State Department.

The discrepancy between the United State's compliance and that of other countries like Germany is alarming!

From 1990 to 1998, the State Department received 369 Hague applications from parents whose children had been abducted to Germany. Yet, only 80 children, including those that have been voluntarily returned by the abducting parents, have come back. On the other hand, U.S. courts return 90 percent of the children in Hague cases.

The National Center for missing and Exploited Children has done a tremendous job in assisting distraught parents retrieve their children, but they need help.

Since Article 21 of the Hague Convention obligates member states to cooperate with each other to promote the "peaceful enjoyment of parental access rights," there is no excuse for countries such as Germany, Austria and even Sweden for allowing such a travesty of justice to take place.

I urge my fellow members of Congress to pass this most important resolution that urges compliance with the Hague Convention.

We can no longer stand idly by as American parents are subjected to the torture of not being allowed to see the most precious gift God has given them, their children.

The SPEAKER pro tempore. Without objection, the gentleman from New York (Mr. HOUGHTON) will control the remaining time of the majority side.

There was no objection.

Mr. HOUGHTON. Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore. The gentleman from New York (Mr. HOUGHTON) has 12 minutes remaining, and the gentleman from Florida (Mr. HASTINGS) has 6 minutes remaining.

□ 1315

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I would simply like simply to thank the majority staff of the Committee on International Relations for their handling of this matter, and, of course, the minority staff, with specific reference to Sean Carroll and Kathleen Moazed, and my legislative director, Fred Turner, and all of us that are associated with this matter.

Mr. ACKERMAN. Mr. Speaker, I rise today to express my support for the House Concurrent Resolution, H. Con. Res. 293, which calls on parties to the Hague Convention on Civil Aspects of International Child Abduction to abide by the provisions of that agreement.

The State Department reports that nearly 1,000 children a year are abducted by a parent and taken outside of the United States. According to a report recently released by the General Accounting Office, despite the efforts of the Federal Government, Americans have little chance of regaining custody of children abducted by a parent and taken to a foreign country. Success in these tragic situations is often elusive because it largely depends on the willingness of foreign governments to cooperate.

The 1980 Hague Convention outlines procedures for resolving international child abduction disputes among 54 countries. However, international child abduction remains a serious problem. The denial of parental visitation of children, and the failure of several contacting countries to fully implement the Convention, deprives the Hague Convention of the spirit of mutual confidence upon which its success depends. Countries that deny parents access to their own children merely reward abducting parents and endangers the well-being of abducted children for the rest of their lives.

Several families in my Congressional District in New York have personally experienced the terrible psychological and financial strains of international child abduction. The wrongful retention of American children abroad touches not only left-behind parents and their families but also our entire Nation.

Mr. Speaker, it is time that we all focus our collective attention on missing children and support H. Con. Res. 293

Mr. PORTMAN. Mr. Speaker, I rise in strong support of H. Con. Res. 293, which calls on nations that are signatories to the Hague Convention on the Civil Aspects of International Child Abduction to live up to their treaty obligations. I am an original cosponsor of this legislation, and I commend the gentlemen from Texas [Mr. LAMPSON] and Ohio [Mr. CHABOT] for their work on this issue.

This issue was brought home to me by one of my constituents, Tom Sylvester of Blue Ash, Ohio. Tom's daughter Carina was taken by his Austrian-born wife on October 30, 1995. Although both the Austrian Central Authority and the Austrian Supreme Court ruled that Carina should be returned to the United States and to Tom's custody, the ruling was never enforced. The only contacts Tom has had with his daughter are a few brief supervised meetings in Austria, and his phone calls to her are always placed on a speaker phone, undoubtedly being monitored.

Although the Hague Convention has helped in getting a just decision rendered, the United States currently has no way to force another country to enforce its own laws and judicial decisions within its own borders. In fact, the United States has no recourse if another participating member country does not live up to its obligations under the Convention.

I have been working with the State and Justice Departments on Mr. Sylvester's behalf since July of 1998, and I can tell you that it has been a difficult and discouraging process. What is most frustrating is that Mr. Sylvester has done everything correctly under the terms of the Hague Convention, and still, more than four years later, he has been able to spend only a few precious minutes with his young daughter. He cannot even get the Austrian authorities to grant him an agreed upon visitation schedule, and have instead subjected him to a number of indignities.

We owe it to Tom Sylvester and thousands of other parents who have suffered the same difficulties as he has to pass this resolution today. And I urge my colleagues to let this be the first of many steps needed to return these American children to their rightful homes.

Mr. HASTINGS of Florida. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. HOUGHTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 293, as amended.

The question was taken.

Mr. HOUGHTON. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to the provisions of clause 8, rule XX, and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

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## IMMIGRATION AND NATURALIZATION SERVICE DATA MANAGEMENT IMPROVEMENT ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4489) to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, and for other purposes.

The Clerk read as follows:

H.R. 4489

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Immigration and Naturalization Service Data Management Improvement Act of 2000".

**SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA.**

(a) IN GENERAL.—Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note) is amended to read as follows:

**"SEC. 110. INTEGRATED ENTRY AND EXIT DATA SYSTEM.**

"(a) REQUIREMENT.—The Attorney General shall implement an integrated entry and exit data system.

"(b) INTEGRATED ENTRY AND EXIT DATA SYSTEM DEFINED.—For purposes of this section, the term 'integrated entry and exit data system' means an electronic system that—

"(1) provides access to, and integrates, alien arrival and departure data that are—

"(A) authorized or required to be created or collected under law;

"(B) in an electronic format; and

"(C) in a data base of the Department of Justice or the Department of State, including those created or used at ports of entry and at consular offices;

"(2) uses available data described in paragraph (1) to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from, the United States;

"(3) matches an alien's available arrival data with the alien's available departure data;

"(4) assists the Attorney General (and the Secretary of State, to the extent necessary to carry out such Secretary's obligations under immigration law) to identify, through on-line searching procedures, lawfully admitted nonimmigrants who may have remained in the United States beyond the period authorized by the Attorney General; and

"(5) otherwise uses available alien arrival and departure data described in paragraph (1) to permit the Attorney General to make the reports required under subsection (e).

"(c) CONSTRUCTION.—

"(1) NO ADDITIONAL AUTHORITY TO IMPOSE DOCUMENTARY OR DATA COLLECTION REQUIREMENTS.—Nothing in this section shall be construed to permit the Attorney General or the Secretary of State to impose any new documentary or data collection requirements on any person in order to satisfy the requirements of this section, including—

"(A) requirements on any alien for whom the documentary requirements in section 212(a)(7)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(7)(B)) have been waived by the Attorney General and the Secretary of State under section 212(d)(4)(B) of such Act (8 U.S.C. 1182(d)(4)(B)); or

"(B) requirements that are inconsistent with the North American Free Trade Agreement.

"(2) NO REDUCTION OF AUTHORITY.—Nothing in this section shall be construed to reduce or curtail any authority of the Attorney General or the Secretary of State under any other provision of law.

"(d) DEADLINES.—

"(1) AIRPORTS AND SEAPORTS.—Not later than December 31, 2003, the Attorney General shall implement the integrated entry and exit data system using available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at an airport or seaport. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at an airport or seaport, are entered into the system and can be accessed by immigration officers at other airports and seaports.

"(2) HIGH-TRAFFIC LAND BORDER PORTS OF ENTRY.—Not later than December 31, 2004, the Attorney General shall implement the integrated entry and exit data system using the data described in paragraph (1) and available alien arrival and departure data described in subsection (b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry determined by the Attorney General to serve the highest numbers of arriving and departing aliens. Such implementation shall include ensuring that such data, when collected or created by an immigration officer at such a port of entry, are entered into the system and can be accessed by immigration officers at airports, seaports, and other such land border ports of entry.

"(3) REMAINING DATA.—Not later than December 31, 2005, the Attorney General shall fully implement the integrated entry and exit data system using all data described in subsection (b)(1). Such implementation shall include ensuring that all such data are available to immigration officers at all ports of entry into the United States.

"(e) REPORTS.—

"(1) IN GENERAL.—Not later than December 31 of each year following the commencement of implementation of the integrated entry and exit data system, the Attorney General shall use the system to prepare an annual report to the Committees on the Judiciary of the House of Representatives and of the Senate.

"(2) INFORMATION.—Each report shall include the following information with respect to the preceding fiscal year, and an analysis of that information:

"(A) The number of aliens for whom departure data was collected during the reporting period, with an accounting by country of nationality of the departing alien.

"(B) The number of departing aliens whose departure data was successfully matched to the alien's arrival data, with an accounting by the alien's country of nationality and by the alien's classification as an immigrant or nonimmigrant.

"(C) The number of aliens who arrived pursuant to a nonimmigrant visa, or as a visitor under the visa waiver program under section 217 of the Immigration and Nationality Act (8 U.S.C. 1187), for whom no matching departure data have been obtained through the system or through other means as of the end of the alien's authorized period of stay, with an accounting by the alien's country of nationality and date of arrival in the United States.

"(D) The number of lawfully admitted nonimmigrants identified as having remained in the United States beyond the period authorized by the Attorney General, with an accounting by the alien's country of nationality.

"(f) AUTHORITY TO PROVIDE ACCESS TO SYSTEM.—

"(1) IN GENERAL.—Subject to subsection (d), the Attorney General, in consultation with the Secretary of State, shall determine which officers and employees of the Departments of Justice and State may enter data into, and have access to the data contained in, the integrated entry and exit data system.

"(2) OTHER LAW ENFORCEMENT OFFICIALS.—The Attorney General, in the discretion of the Attorney General, may permit other Federal, State, and local law enforcement officials to have access to the data contained in the integrated entry and exit data system for law enforcement purposes.

"(g) USE OF TASK FORCE RECOMMENDATIONS.—The Attorney General shall continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force established under section 3 of the Immigration and Naturalization Service Data Management Improvement Act of 2000.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2008.".

(b) CLERICAL AMENDMENT.—The table of contents of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 is amended by amending the item relating to section 110 to read as follows:

"Sec. 110. Integrated entry and exit data system.".

**SEC. 3. TASK FORCE.**

(a) ESTABLISHMENT.—Not later than 6 months after the date of the enactment of this Act, the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, shall establish a task force to carry out the duties described in subsection (c) (in this section referred to as the "Task Force").

(b) MEMBERSHIP.—

(1) CHAIRPERSON; APPOINTMENT OF MEMBERS.—The Task Force shall be composed of the Attorney General and 16 other members appointed in accordance with paragraph (2). The Attorney General shall be the chairperson and shall appoint the other members.

(2) APPOINTMENT REQUIREMENTS.—In appointing the other members of the Task Force, the Attorney General shall include—

(A) representatives of Federal, State, and local agencies with an interest in the duties of the Task Force, including representatives of agencies with an interest in—

(i) immigration and naturalization;

(ii) travel and tourism;

(iii) transportation;

(iv) trade;

(v) law enforcement;

(vi) national security; or

(vii) the environment; and

(B) private sector representatives of affected industries and groups.

(3) TERMS.—Each member shall be appointed for the life of the Task Force. Any vacancy shall be filled by the Attorney General.

(4) COMPENSATION.—

(A) IN GENERAL.—Each member of the Task Force shall serve without compensation, and members who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of the Task Force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Task Force.

(c) DUTIES.—The Task Force shall evaluate the following:

(1) How the Attorney General can efficiently and effectively carry out section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act.

(2) How the United States can improve the flow of traffic at airports, seaports, and land border ports of entry through—

(A) enhancing systems for data collection and data sharing, including the integrated entry and exit data system described in section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1221 note), as amended by section 2 of this Act, by better use of technology, resources, and personnel;

(B) increasing cooperation between the public and private sectors;

(C) increasing cooperation among Federal agencies and among Federal and State agencies; and

(D) modifying information technology systems while taking into account the different data systems, infrastructure, and processing procedures of airports, seaports, and land border ports of entry.

(3) The cost of implementing each of its recommendations.

(d) STAFF AND SUPPORT SERVICES.—

(1) IN GENERAL.—The Attorney General may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Task Force to perform its duties. The employment and termination of an executive director shall be subject to confirmation by a majority of the members of the Task Force.

(2) COMPENSATION.—The executive director shall be compensated at a rate not to exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code. The Attorney General may fix the compensation of other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for such personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(3) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee, with the approval of the head of the appropriate Federal agency, may be detailed to the Task Force without reimbursement, and such detail shall be without interruption or loss of civil service status, benefits, or privilege.

(4) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Attorney General may procure temporary and intermittent services for the Task Force under section 3109(b) of title 5, United States Code, at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(5) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Attorney General, the Administrator of General Services shall provide to the Task Force, on a reimbursable basis, the administrative support services necessary for the Task Force to carry out its responsibilities under this section.

(e) HEARINGS AND SESSIONS.—The Task Force may, for the purpose of carrying out this section, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Task Force considers appropriate.

(f) OBTAINING OFFICIAL DATA.—The Task Force may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Attorney General, the head of that department or agency shall furnish that information to the Task Force.

(g) REPORTS.—

(1) DEADLINE.—Not later than December 31, 2002, and not later than December 31 of each year thereafter in which the Task Force is in existence, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate containing the findings, conclusions, and recommendations of the Task Force. Each report shall also measure and evaluate how much progress the Task Force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such report.

(h) LEGISLATIVE RECOMMENDATIONS.—

(1) IN GENERAL.—The Attorney General shall make such legislative recommendations as the Attorney General deems appropriate—

(A) to implement the recommendations of the Task Force; and

(B) to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations.

(2) DELEGATION.—The Attorney General may delegate to the Commissioner, Immigration and Naturalization Service, the responsibility for preparing and transmitting any such legislative recommendations.

(i) TERMINATION.—The Task Force shall terminate on a date designated by the Attorney General as the date on which the work of the Task Force has been completed.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2001 through 2003.

**SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION.**

It is the sense of the Congress that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. SMITH) and the gentleman from Michigan (Mr. CONYERS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. SMITH).

### GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks, and to include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 4489 represents a bipartisan collaborative bill. Many people deserve credit, including Senator SPENCER ABRAHAM and the gentleman from Michigan (Mr. UPTON), the gentleman from New York (Mr. MCHUGH), the gentleman from New York (Mr. LAFALCE), the gentleman from New York (Mr. QUINN), the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. REYNOLDS) and the gentleman from Michigan (Mr. CONYERS).

Also, I want to thank the Travel Industry of America, Americans for Better Borders, the U.S. Chamber of Commerce, the American Trucking Association, the Canadian/American Border Trade Alliance, the INS, the Canadian Embassy, the Mexican Embassy, the Border Trade Alliance, and the U.S. Caucus of Mayors for giving us their valuable input and support.

Over a dozen meetings were held over several months' time with the interested parties. The efforts of John Lampmann, chief of staff for the 21st Congressional District, and Lora Ries, Counsel for the Subcommittee on Immigration of the Committee on the Judiciary, were crucial to obtaining the desired results.

H.R. 4489 focuses on an integrated entry and exit data system that will be funded, developed, and implemented by 2005. This bill will integrate all INS and State Department databases that support the entry and exit of aliens at airports, seaports, and land border ports of entry.

The database systems that the INS currently use are often independent from each other. As a result, INS officers and inspectors and State Department consular officers are unable to learn an alien's prior U.S. travel activities from the INS and State Department consular offices. Without this information, aliens can slip through the cracks, as we saw in the case of Mr. Resendez, the recently convicted railroad killer.

This bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can access any entry and exit information with respect to an alien before them.

Once the INS implements the entry exit data system, the Attorney General is required to submit an annual fiscal year report to the Committees on the Judiciary of the House and Senate. A task force will be funded to examine specific ways to further the development of the integrated entry and exit data system. The Attorney General is expected to update and improve the integrated entry and exit data system as technology improves and as recommendations of the task force are received.

The task force will examine how technology can facilitate the flow of people through ports of entry, whether by air, sea, or land. By using the speed of technology and the Nation's immigration system, the bill both speeds the flow of the traffic through ports of entry and contributes to the development and usefulness of the integrated entry and exit data system over time.

Mr. Speaker, I urge my colleagues to support this bill.

H.R. 4489, the "INS Data Management Improvement Act," is intended to amend section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), to require the implementation of an integrated entry and exit data system at airports, seaports, and land border ports of entry at new, specified deadlines, and to establish a task force to assist the Attorney General in implementing section 110.

### BACKGROUND

In 1996, the Congress overwhelmingly passed IIRIRA. Section 110 of IIRIRA called for an automated entry-exit control system no later than two years after the date of enactment of IIRIRA, which was September 30, 1996. Without defining the control system, section 110 required that the system collect a record of departure for every alien departing the United States and match the departure records with the record of the alien's arrival into this country. The system also required that the Attorney General be able to identify electronically lawfully admitted nonimmigrants who remain in the United States beyond their authorized period of stay.

In addition to the entry-exit control system, section 110 required the Attorney General to submit to the congressional Judiciary Committees annual reports on the system. The reports should include the number of departure records collected; the number of departure records successfully matched to records of the alien's prior arrival in the United States; and the number of aliens who arrived as nonimmigrants or under the Visa Waiver Program for whom no matching departure record has been obtained as of the end of the alien's authorized period of stay.

Finally, section 110 required information regarding aliens who have overstayed their visas to be integrated into data bases of the INS and State Department, including those used at ports of entry and at consular offices.

Subsequently, section 110 was amended to change the deadlines of the automated entry and exit control system. The deadline for the system at airports was changed to October 15, 1998, and the deadline for land border ports of entry and seaports was changed to March 30, 2001.

With the March 30, 2001, deadline less than a year away and the INS no closer to having a control system at land border ports of entry, various Members of Congress and interest groups grew concerned. They wanted to repeal section 110 out of fear that trade and tourism would be hurt by new data collection requirements at the land border ports of entry, causing delays at the border to grow.

This bill focuses on the task the INS faces in implementing an entry/exit system. The idea is that it should be an electronic data base system. With technology advancing so rapidly, technology will drive the INS' ability to collect information on who are entering and exiting the U.S. and who are overstaying their visas. As such, H.R. 4489 focuses on the INS' ability to use technology to improve its current collection database systems and to integrate its systems. The database systems that the INS currently uses are often independent from each other. As a result, INS officers and inspectors, and State Department consular officer are often unable to learn an alien's prior travel activities in another part of the United States or in another country. Without this information, aliens can slip through the cracks, as in the case of Mr. Resendez, the recently convicted "railroad killer." Therefore, this bill emphasizes that the INS needs to integrate its entry and exit data system so that INS officers and inspectors and State Department consular officers can assess any entry and exit information with respect to an alien before them.

In addition, the bill creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This infrastructure in support of the INS integrated system development allows for private-public recommendations, a major contribution of the bill.

### THE BILL

H.R. 4489 requires the Attorney General to implement an integrated entry and exit data system. The intent behind this system is that any arrival and departure data that the INS and the State Department are authorized or required to create or collect must now be entered electronically into a database. In addition, the database must be integrated and provide access to other ports of entry, internal enforcement, and consular offices. As technology improves, so should the data system improve.

The bill is different from the current section 110 of IIRIRA because it now defines the entry/exit system. This system is to: (1) provide access to and integrate alien arrival and departure data; (2) use this data to produce a report of arriving and departing aliens by country of nationality, classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States; (3) match an alien's arrival data with the alien's departure data; (4) assist the Attorney General and the Secretary of State to identify electronically lawfully admitted nonimmigrants who overstayed their visas; and (5) permits the Attorney General to make reports.

Nothing in this bill should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, particularly aliens who have had document requirements waived under section 212(d)(4)(B) of the Immigration and Nationality Act by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to foreign contiguous territories or adjacent islands. However, this bill does not affect the authority of the Attorney General or the Secretary of State to create new documentary or data collection requirements in other provisions of law.

The integrated entry and exist data system is to be implemented at airports, seaports, and land border ports of entry. However, because each type of port of entry has different infrastructure and processing procedures, it does not make sense to have one uniform deadline for implementation. Since section 110 was enacted in 1996, the INS is already implementing such a system at airports and seaports. Thus, implementation of the data system at airports and seaports is due by December 31, 2003.

Land border ports of entry will require additional time to implement the entry/exit data system. Also, traffic, infrastructure, and resources used at all of the land border ports of entry vary greatly. While some land ports receive heavy traffic and use a significant amount of resources, other ports receive minimal traffic and have few resources. Because the former group of land ports will require less time and resources to implement the entry/exist data system that the latter group, the former group has an earlier deadline. The 50 land border ports of entry determined to serve the highest numbers of arriving and departing aliens are to have the system implemented by December 31, 2004. The entry/exit data system is due at the remainder of the land border ports of entry by December 31, 2005. Implementing at the land ports of entry with the highest traffic first is also an efficient method of gathering arrival and departure information.

Once the INS implements the entry/exit data system at a defined group of ports of entry, the Attorney General is required to submit an annual fiscal year report to the Judiciary Committees of the House and Senate. These reports will include and analyze the following information: (1) The number of aliens for whom departure data was collected, including country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien's arrival data, including country of nationality and an alien's classification as an immigrant or nonimmigrant; (3) the number of aliens who arrived with a nonimmigrant visa or under the visa waiver program for whom no matching departure date was obtained as of the end of the alien's authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

The Attorney General, in consultation with the Secretary of State, will determine which officers and employees of the Justice and State Departments may enter data into and have access to the data contained in the entry/exit data system. Likewise, the Attorney General has the discretion to permit other federal, state, and local law enforcement officials to have access to the data for law enforcement purposes.

The Attorney General is expected to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force.

H.R. 4489 requires the Attorney General, in consultation with other involved Secretaries, to create a task force made up of government and private sector representatives of agencies and industries interested in port of entry issues. The primary duty of the task force is to evaluate how the Attorney General can efficiently and effectively carry out section 110. Advancing technology should drive such an evaluation. As the INS uses advanced technology at ports of entry, the flow of traffic at ports of entry will improve, thereby increasing trade and tourism, a universal goal.

In this study, the task force is encouraged to examine how to simplify the entry/exit documents currently collected by the INS and State Department, without decreasing the quality of the information obtained. For example, in reviewing how to improve the flow of traffic at ports of entry, the task force should examine the current documentary requirements for business people and tourists entering the United States, including those entering from Mexico by air. After completing such review, the task force may develop recommendations concerning how these requirements can be streamlined to improve the flow of persons between the United States and Mexico in accordance with the substantial growth in goods and services trade that has occurred since enactment of the North American Free Trade Agreement.

The Congressional Budget Office has indicated that this bill will not cause direct spending.

## SECTION-BY-SECTION ANALYSIS

### SEC. 2. AMENDMENT TO SECTION 110 OF IIRIRA

Section 2 amends section 110 of IIRIRA through the sections that follow.

Section 110(a) requires the Attorney General to implement an "integrated entry and exit data system." Section 110(b) defines "integrated entry and exit data system" as an electronic system of alien arrival and departure data that is integrated and provides access to INS ports of entry, the INS interior inspection sites, interior offices, and State Department consular offices. The arrival and departure data used in the system is composed of that which is authorized or required to be created or collected by law. The electronic system uses the data to create a report of arriving and departing aliens by country of nationality; classification as an immigrant or nonimmigrant, and date of arrival in, and departure from the United States. The system is also required to match an alien's arrival data with the alien's available departure data. It should assist the Attorney General and the Secretary of State to identify, electronically, lawfully admitted nonimmigrants who may have remained in the United States beyond their authorized period. Finally, the system should enable the Attorney General to create the annual congressional reports required in section 110(e).

Section 110(c) explains that nothing in section 110 should be interpreted as requiring the Attorney General or the Secretary of State to collect new types of documents or data from aliens, including those aliens who have had either or both of the requirements of section 212(a)(7)(B)(i) of the Immigration and Nationality Act waived by the Attorney General and the Secretary of State acting jointly on the basis of reciprocity with respect to nationals of foreign contiguous territory or of adjacent islands and their residents have a common nationality with such nationals. In addition, section 110 does not permit the Attorney General or the Secretary of State to require documents or data from aliens that are inconsistent with the North American Free Trade Agreement. While section 110 restricts the Attorney General and the Secretary of State from imposing new documentary or data collection requirements upon aliens, section 110 does not reduce the authority of the Attorney General or the Secretary of State from creating new documentary or data collection requirements in any other provision of law.

Section 110(d) imposes staggered deadlines upon the Attorney General to implement the integrated entry and exit data system at the different types of ports of entry. By December 31, 2003, the Attorney General is to be using available alien arrival and departure data described in subsection (b)(1) with respect to aliens arriving in, or departing from, the United States at an airport or seaport. This implementation includes ensuring that the data collected or created by an immigration officer at an airport or seaport are entered into the system and is accessible by immigration officers at other airports and seaports.

Section 110(d)(2) requires the Attorney General to implement the integrated entry and exit data system using the data already implemented at airports and seaports, combined with available alien arrival and departure data described in subsection(b)(1) pertaining to aliens arriving in, or departing from, the United States at the 50 land border ports of entry serving the highest numbers of arriving and departing aliens. Such implementation is due no later than December 31, 2004, and should ensure that when the data is collected or created by an immigration officer at a port of entry, is entered into the system and can be accessed by immigration officers at airports, seaports, and other land border ports of entry.

Section 110(d)(3) requires the Attorney General to fully implement by December 31, 2005, the integrated entry and exit data system, using all of the data described in subsection (b)(1). This implementation should include ensuring that all data are available to immigration officers at all ports of entry into the United States.

Once the Attorney General begins implementing the integrated entry and exist data system, section 110(e) requires the Attorney General to submit an annual fiscal year report to the Judiciary Committees on the House and Senate by December 31. These reports will include and analyze the following information: (1) the number of aliens for whom departure data was collected during the reporting period, including the departing alien's country of nationality; (2) the number of departing aliens whose departure data was successfully matched to the alien's arrival data, including country of nationality and an alien's classification as an immigrant; or non immigrant; (3) the number of aliens who arrived with a nonimmigrant visa or under the visa waiver program for whom no matching departure date was obtained as of the end of the alien's authorized stay, including the country of nationality and date of arrival in the U.S.; and (4) the number of nonimmigrants identified as having overstayed their visas, including the country of nationality.

Section 110(f) permits the Attorney General, in consultation with the Secretary of State, to determine which Justice and State Department officers and employees may enter data into, and have access to the data contained in, the integrated entry and exit data system. The Attorney General, in his or her discretion, may also permit other Federal, State, and local law enforcement officials to have access to the data contained in the data system for law enforcement purposes.

Section 110(g) requires the Attorney General to continuously update and improve the integrated entry and exit data system as technology improves and using the recommendations of the task force created in section 3 of this bill.

Section 110(h) authorizes appropriations to carry out section 110 such sums as may be necessary for fiscal years 2001 through 2008.

### SEC. 3. TASK FORCE

*Section 3(a) Establishment.* Section 3(a) requires the Attorney General to consult with the Secretary of State, Secretary of Commerce, and Secretary of Treasury to establish a task force no later than six months after the date of enactment of this Act.

*Section 3(b) Membership.* Section 3(b) establishes that the Attorney General will be the chairperson of the task force and will appoint the other 16 members. In appointing the task force members, the Attorney General shall include representatives of federal, state, and local agencies with an interest in the duties of the task force, including agencies with an interest in immigration and naturalization; travel and tourism; transportation; trade; law enforcement; national security; or the environment. In addition, the Attorney General must include private sector representatives of affected industries and groups as members of the task force. Each member of the task force will be appointed for the life of the task force. Any vacancy should be filed by the Attorney General. Members of the task force will not be compensated for their service on the task force.

*Section 3(c) Duties.* Section 3(c) requires the task force to evaluate the following: (1) how the Attorney General can efficiently and effectively carry out section 110 of HRIRA, as amended by this bill; (2) how the U.S. can improve the flow of traffic at airports, seaports, and land border ports of entry by better use of technology, resources, and personnel; increasing cooperation between the public and private sectors; increased cooperation among federal and state agencies; and modifying information technology; and (3) the cost of implementing each of its recommendations.

*Section 3(d) Staff and Support Services.* Section 3(d)(1) permits the Attorney General to appoint and terminate an executive director and any other additional personnel necessary to enable the task force to perform its duties. The employment and termination of an executive director is subject to confirmation by a majority of the task force members.

Section 3(d)(2) establishes a compensation rate ceiling for the executive director at level V of the Executive Schedule. The Attorney General may fix the compensation of other personnel, except the pay rate may not exceed level V of the Executive Schedule.

Section 3(d)(3) permits any federal government employee, with approval by the head of the appropriate federal agency, to be detailed to the task force without reimbursement and without interference or loss of civil service status, benefits, or privilege.

Section 3(d)(4) allows the Attorney General to obtain temporary and intermittent services for the task force at compensation rates not to exceed level V of the Executive Schedule.

Section 3(d)(5) requires the Administrator of General Services to provide, at the Attorney General's request, administrative support services necessary for the task force to carry out its responsibilities.

*Section 3(e) Hearings and Session.* Section 3(e) permits the task force to hold hearings, sit and act at times and places, take testimony, and receive evidence as the task force deems appropriate.

*Section 3(f) Obtaining Official Data.* Section 3(f) allows the task force to directly secure from any United States department or agency information necessary to perform its duties. It also requires the head of the department or agency to furnish the information to the task force upon the request of the Attorney General.

*Section 3(g) Reports.* No later than December 31, 2002, and no later than December 31 of each year thereafter in which the task force is in existence, the Attorney General must submit a report to the Judiciary Committees of both the House of Representatives and the Senate containing the findings, conclusions, and recommendations of the task force. Each report will also measure and evaluate how much progress the task force has made, how much work remains, how long the remaining work will take to complete, and the cost of completing the remaining work. In addition, the Attorney General may delegate to the INS Commissioner the responsibility of preparing and transmitting these reports.

*Section 3(h) Legislative Recommendations.* Section 3(h) requires the Attorney General to make such legislative recommendations as the Attorney General deems appropriate to implement the task force's recommendations and to obtain authorization for the appropriation of funds, the expenditure of receipts, or the reprogramming of existing funds to implement such recommendations. The Attorney General is permitted to delegate to the INS Commissioner the responsibility of preparing and transmitting any such legislative recommendations.

*Section 3(i) Termination.* Section 3(i) terminates the task force on a date designated by the Attorney General once the task force work is completed.

*Section 3(j) Authorization of Appropriations.* Section 3(j) authorizes appropriations such sums as may be necessary for fiscal years through 2003.

### SEC. 4. SENSE OF CONGRESS REGARDING INTERNATIONAL BORDER MANAGEMENT COOPERATION

Section 4 states that the Attorney General, in consultation with the Secretary of State, the Secretary of Commerce, and the Secretary of the Treasury, should consult with affected foreign governments to improve border management cooperation.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to begin by thanking everyone that has worked on this measure. This is a very positive ending to what was originally a very rancorous matter in our committee because H.R. 4489 would eliminate the entry-exit data collection system required by section 110 of the immigration law for the U.S. and Canadian and Mexican borders.

I have long opposed the section 110 entry and exit system because of the adverse impact it would have on the people and businesses of Michigan and other border States. Implementation of this section at land ports of entry would cause massive traffic congestions along our borders, bringing personal and business travel at many border points to stands still. This would have a crippling effect on trades and tourism.

For example, at the Ambassador Bridge in Detroit, more than 30,000 crossings per day take place. As little as a fraction of a minute added to the processing time of each of these vehicles would result in miles and miles of snarled traffic on both sides of the border. Tourists would be less likely to visit our border towns, and businesses, particularly those dependent on just-in-time delivery, would suffer.

These prices are far too high to pay for a data collection system that, sadly, is unlikely to achieve its primary objective, dealing more effectively with persons who come to this country as visitors and overstay their visas. Under section 110, the INS would know who these individuals are but they would not know where they are. The information would probably have very little enforcement value.

By contrast, H.R. 4489 would replace the entry-exit data collection system with a system for making use of the vast quantity of information we already gather on individuals entering and exiting this country. The information would be entered into a database that would allow U.S. immigration officials and consular officers based overseas to access it. More importantly, it would not lead to new border delays.

Canada and the United States benefit from an outstanding relationship between citizens and businesses. Last year, more than 13.4 million Canadians came to the United States to do business, shop, visit our restaurants and tourist sites. In my home State of Michigan alone, more than 1.2 million

Canadians visited for one night or more and added $216 million to the State's economy. H.R. 4489 will obviously help protect that flow of business and tourism.

So my thanks, Mr. Speaker, to the chairman of the Subcommittee on Immigration, the gentleman from Texas (Mr. SMITH), and our friend, the gentleman from Michigan (Mr. UPTON), and our ranking member on the subcommittee, the gentlewoman from Texas (Ms. JACKSON-LEE). Their leadership on this bipartisan legislation was important, and I too would urge a "yes" vote.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, this bill is brought up under suspension of the rules, and usually those measures are brought up when they are noncontroversial. Until about a month or two ago this issue was very controversial. In fact, a year ago there were probably some of us on both sides of the aisle that were ready to do battle, with swords.

This has been a tough battle, and I want to particularly commend the thoughtfulness and the hard work of my colleague, the gentleman from Texas (Mr. SMITH). There were a number of us that were able to get together with the gentleman from Texas on both sides of the aisle. We had a number of associations across the country as well, whether they be the White House, whether they be the Governors Association, the Chamber of Commerce, or Republicans and Democrats. The gentleman from New York (Mr. LAFALCE) and I headed up the charge, on our side. And I had the privilege over the last couple of years, with others in this body that are on the floor now, of participating jointly with our Canadian counterparts, our colleagues from Canada.

This has been the number one issue the last number of years. Why is that? In my home State of Michigan, we have more than a billion and a half dollars of trade that literally goes across the bridge into Canada every day. Every day. We have thousands of Americans and Canadians that cross the border to work, whether it be at hospitals or other places. And, sadly, under the old rules, I guess those that are still present today until this legislation becomes law, under that section 110, had it been allowed to come into play, it would have meant a delay for days, perhaps, for people to go simply from one side of the border to the other, whether it be for dinner, for a job, or whatever it might be.

Thanks to the leadership of people on this floor today, particularly my colleague, the gentleman from New York (Mr. HOUGHTON), the gentleman from New York (Mr. McHUGH), the gentleman from Florida (Mr. STEARNS), and others, we were able to have a meeting of the minds. And in fact, we have legislation now that, when it is passed this afternoon, and thanks to the leadership of many in the Senate as well, instead of coming to war over this issue, like we almost did last year, in essence we are able to come shoulder to shoulder and do something for the American good that will help both countries, and Mexico as well, but our interest certainly has been Canada, for those of us from Michigan. But we are going to resolve this issue by using our heads and our minds and our words.

I just want to commend again my colleague from Texas for allowing us to take this bill on a fairly rapid course through his subcommittee, our leadership by getting it to the floor today, and, in essence, getting away next year, instead of having that date come into play, when literally our borders would be locked and sealed and folks would be unable to cross the border for whatever purpose. In fact, this opens the door in a meaningful way; and one that I think was certainly the intent of the legislation that was passed.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), the ranking member on the Subcommittee on Immigration and Claims.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS), and I thank the chairman of the subcommittee.

Who said that this could not be done; fixing section 110? I want to thank the members of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), the ranking member of the full committee, and the chairman of the subcommittee for what I think is a very good resolution, along with the many others who have worked on this improvement of section 110.

Let me briefly just suggest that being an original cosponsor of H.R. 4489, I am glad now that it provides for continued input from government, business, and border communities. Now, under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can improve the flow of traffic at airports, seaports, and land ports of entry. The Attorney General must make legislative recommendations to implement the findings of the task force.

This bill would increase our security and use of technology, while not increasing delay or congestion at U.S. ports of entry, therefore bringing together the distinctive and disparate needs of our northern border and our southern border.

Let me also say that this spreads a whole new light on the enormous tragedy that Angel Resendez-Ramirez brought on this country, with coming in on the southern border with very limited information and the tragedy that occurred.

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If this was in place at that time, we would have had all of the data that would have suggested that this was, in fact, a bad actor in anyone's definition and, hopefully, at that time would have been able to save lives.

Let us hope perspectively that we will now be able to save lives. But, at the same time, I think it is important to note of a tragedy that is occurring at the border that I hope that we will be able to resolve perspectively, and that is the tragic killings of individuals that is increasing by those who live along the border who are frightened and fearful of those who do come across the border illegally seeking a better opportunity.

We know that all of those individuals are not criminals. We have to address that, and I hope that we will have an opportunity to address that in a way that provides the safety of a community but, yet, does not make those of us who live in this country predators and causing the loss of life of individuals who certainly would do us no harm.

This legislation, however, brings into balance the necessity of protecting the United States and, as well, balancing the business and tourism issues and interests that we might have.

I ask my colleagues to support this legislation and help us move further into solving other problems that we incur on a regular basis at our respective borders.

Thank you, Mr. Chairman. I am pleased to come to the floor today to address an issue that has been controversial over the years as a result of the 1996 Immigration law, and that is Section 110 of that law.

Section 110 of the '96 law currently requires the Immigration and Naturalization Service to establish an automated entry and exit control system at all airports, seaports and land border ports of entry by March 30, 2001. The system is to collect a record of the departure for every alien departing the U.S. and matching the records of departures with the record of the alien's arrivals in the United States.

I am pleased to be an original co-sponsor of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. I want to commend Subcommittee Chairman SMITH and his staff for working with me and my staff to make the appropriate changes to Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. These changes will encourage and expand trade, tourism and commerce to the United States while at the same time achieving important U.S. border law enforcement objectives.

H.R. 4489, a bill drafted through compromise, bipartisan and bicameral negotiations, eliminates the Section 110 requirements for implementing an entry and exit control system by March 30, 2001. Instead, H.R. 4489 would create an "integrated entry and exit data system" to enable INS to develop a computerized database of the information currently required to be collected by law at U.S. ports of entry.

H.R. 4489 sets out a plan for this system to be implemented in stages so that the database would eventually be accessible at all airports, seaports and land border ports, as well as U.S. consular offices. This new system would not create new data collection authority to impose documentary requirements. More importantly, this system would allow the billions of dollars of U.S. trade and travel which streams through our ports of entry to continue to flow uninterrupted.

Texas has one of the longest international borders of any U.S. state that borders Canada or Mexico. With eleven ports of entry, Texas is the largest U.S. state in exports to Mexico. Exports from Texas to Mexico reached $41.4 billion in 1999. Many of these goods flowed through Houston ports of entry. Nearly $6 billion of total merchandise flowed to and from Mexico through Houston. The metropolitan area of Houston alone exports well over $2.4 billion in goods to Mexico in 1998.

H.R. 4489 also protects the free flow of people through our ports. Texas ranks 4th in the nation in overall visitor spending. Nearly 19 million visitors traveled to the Greater Houston area in 1997, and in 1996 visitors spent just under $5 billion, which resulted in 85,000 tourism-related jobs in the area.

H.R. 4489 provides for continued input from government, business and border communities. Under this legislation, the Attorney General would be required to create a task force made up of public and private representatives to evaluate and report on how the U.S. can "improve the flow of traffic at airports, seaports, and land ports of entry." The Attorney General must make legislative recommendations to implement the findings of the task force. This bill would increase our security and use of technology while not increasing delay or congestion at U.S. ports of entry.

I am also gratified that this new system will prevent fugitives like Angel Resindez-Ramirez, the infamous railway killer from entering this country undetected. This is very important.

Just a short list of the business and community organizations in support of H.R. 4489 is impressive. The U.S. Chamber of Commerce, the National Association of Manufacturers, the American Trucking Associations, the Travel Industry Association of America, the American Immigration Lawyers Association and our friends to the north and south, Canada and Mexico support this legislation. I agree and urge my colleagues to support this bill.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Speaker, I have just two points to make here. First of all, I am from New York, and I guess we have a lot of New Yorkers around here. But this is really important not only economically but in terms of all the relations we have with Canada. So that is number one.

But number two, I have just been with my friend, the gentleman from Michigan (Mr. UPTON), at a Canadian American delegation meeting. We talked about many issues, free trade to the Americas, the issue of trade with the European Union. We talked about agricultural issues, the whole variety of things. As we left yesterday that delegation, they said, do not forget that the single most important issue is this sword of section 110 hanging over our heads.

So I just want to say to my colleagues, as I am sure others have said far more eloquently, this is very important and I am enthusiastically supportive of H.R. 4499.

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New York (Mr. LAFALCE), a distinguished colleague of mine and the ranking member of another committee.

Mr. LAFALCE. Mr. Speaker, I give special thanks to my colleague, the gentleman from Michigan (Mr. UPTON), for working so closely with me over the past several years and especially to the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims. He has at all times been a scholar and a gentleman with respect to this issue. I do not want to praise this bill too much because I am afraid he might change his mind.

When the gentleman from Michigan (Mr. UPTON) was up here, he said that we are almost at sword's point over this issue, section 110. That is true. But the biggest sword was the Damoclean sword that was hanging over the heads of the border communities along both our northern and southern borders since passage of the 1996 immigration law.

Our largest trading partner is Canada. Our second largest trading partner is Mexico. It was my judgment that implementation of section 110, while not intended to do so, would have had the primary effect of basically stopping commerce and virtually all forms of intercourse amongst our nations. That was not intended, but I fear that would have been the primary effect.

Today, by working together, we are removing that Damoclean sword. But that is playing successful defensive football. We need to go beyond that now after passage of this bill. We have to go on the offensive. And what does that mean? That means that we have to improve things.

We need more personnel on both our northern and our southern borders in order to expedite the flow of commerce and people. We need more technology in order to expedite the flow of commerce and people. We need infrastructure improvements with the Federal Government involved to expedite the flow of people and commerce with respect to the northern border and my communities of Buffalo and Niagara Falls and Lewiston and surrounding areas so affected.

Prime Minister Chretien and President Clinton a few years ago agreed upon what we call the Shared Border Accord. We call upon the President, we call upon the Prime Minister to be more aggressive in pursuit and implementation of that Shared Border Accord so that eventually we can fulfill at least what I have as a vision, and that is not a border where we have difficulties, but a border between our countries similar to the border between the District of Columbia and Maryland and Virginia, a border similar to the borders that exist in Europe with the European Union, where we can have not simply interstate commerce, we can have truly internation commerce, expeditious, free. This would be the best thing we could ever do to the economies of our border regions.

Mr. SMITH of Texas. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. MCHUGH).

Mr. MCHUGH. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, this bill is, as we have heard, the product of literally months and months of study and negotiations and also, as we have heard, at times more than just a little patience. But the positive outcome has been and is today that really the product before us represents a balance, a very delicate balance, but I think a very important one, between the critical objective of ensuring that our borders are secure against all kinds of illegal activities regardless of their design, with the inescapable reality that, in today's world, as we have heard so many say here today, the free flow of tourism and trade and commerce of all descriptions and people of good will, is not just something that is positive; it is, frankly, something that is absolutely essential.

A lot of good folks, many of whom have spoken here directly, my friend the gentleman from Michigan (Mr. UPTON); the gentleman from Michigan (Mr. CONYERS); my good colleagues, the gentleman from New York (Mr. QUINN) and the gentleman from New York (Mr. HOUGHTON); and, of course, the gentleman from New York (Mr. LAFALCE); and so many others have had the opportunity to come together on this.

But I certainly want to pay particular attention to the gentleman from Texas (Mr. SMITH), the subcommittee chairman. No Member anywhere in this House on either side of the aisle has been a more valiant fighter for our secure borders. But, at the same time, his sensitivity and understanding in this issue has been exemplary. He took the time to travel from his home to the 1,000 Islands in the border crossing there at Alexandria Bay to help himself better understand the challenges and the need that we have. Thanks to his leadership, we have this afternoon what I think is a very fair, a very effective product that can take another important step in technology aspects to making our borders even more secure, while at the same time ensuring that that free flow of tourism and trade continues in a way that enures to the benefit of every citizen of this country.

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, I am going to return our time. We have no further speakers.

I want to thank the Judiciary staffers Perry Apelbaum, Noland Rappaport, and Leon Buck for the long, hard work they have put in in negotiating with other Members and staffers to reach what I think is a very useful accord.

I think that this will hold our committee in good stead. We have come to a very good ending on this matter, and so I am very happy to have played a small role in it.

Mr. KOLBE. Mr. Speaker, I rise in strong support of H.R. 4489, the Immigration and Naturalization Service Data Improvement Act. This bipartisan legislation represents a good balance between the legitimate need to prevent visitors from overstaying their visas and the need to ensure efficient cross-border traffic. I do not oppose the goal of establishing an entry-exit system to monitor visa overstays. What I do oppose is establishing such a system with little disregard for its impact on trade and tourism. In my home state of Arizona, the Section 110 system, as originally devised, simply will not work. At the same time, it would have had a devastating impact on our economy. That is why I worked very hard to ensure that Section 110 not be implemented until it could be shown that it would not bring travel and tourism to a virtual standstill.

I want to commend Chairman SMITH for taking these concerns into account in drafting today's compromise. H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 by replacing the current requirement that by March 30, 2001, a record of arrival and departure be collected for every alien at all ports of entry with a requirement that INS develop an "integrated entry and exit data system" that focuses on data that the INS already collects. Using this data, the Attorney General will implement the integrated entry and exit data system by December 31, 2003, at airports and seaports and not later than December 31, 2004, at 50 land border ports of entry. This is a careful compromise which helps balance our need to monitor visa overstays with the need to preserve the smooth flow of trade and tourism.

This bill is broadly supported by the Immigration and Naturalization Service (INS), the American for Better Borders, the U.S. Chamber of Commerce, the Travel Industry Association of America, the National Association of Manufacturers, the American Council of International Personnel, the American Trucking Association, the American Immigration Lawyers Association, the Canadian/American Border Trade Alliance, the Border Trade Alliance, the Canadian Embassy, and the Mexican Embassy. I am pleased to be able to support this bill.

Mr. REYNOLDS. Mr. Speaker, I rise in support of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

This measure is vital to tourism, trade and industry in Western New York State; and I am pleased to join Chairman SMITH in sponsoring this legislation, and am grateful for all his hard work to ease border congestion while ensuring safety and efficiency.

H.R. 4489 amends Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, replacing the current requirement that a record of arrival and departure be collected for every alien at every point of entry.

Section 110 was an attempt to identify visa overstays in the U.S. Neither Canadian nor U.S. citizens require visas. However, the implementation of this part of the law had the potential to cause more problems than it solved.

In 1998 alone, there were more than 76 million entries and exits to the U.S. by Canadian citizens.

Some of the largest of those crossing points are along the New York-Ontario border. In fact, Western New York is the largest port in the state of New York.

More than $85 billion in goods and services moved back and forth between Western New York and Southern Ontario in 1998 alone. And about $140 million per day moves across its border crossings.

It was anticipated that stopping every vehicle entering and exiting the U.S.—as Section 110 required—would have caused 30 hour crossing delays at busy international border points. Business and industry in Western New York hoping to grow from increased trade and commerce simply could not afford those types of delays.

As NAFTA continues to encourage trade between the U.S., Canada and Mexico, the growth in traffic across the U.S./Canada border is expected to continue its 4%–7% annual growth rate over the next decade.

Commercial vehicles must cross the northern border quickly and efficiently for U.S. companies to remain globally competitive and attract new foreign investment.

Congress must correct the problems associated with Section 110 as currently written to facilitate international commerce and promote continuing economic development in New York State and across the country. This legislation does that and, on behalf of Western New York residents and businesses, I urge its adoption.

Mr. BONILLA. Mr. Speaker, I am very pleased to see we have fixed the Section 110 problem by removing the cumbersome requirements made under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This is a very important issue to me, my constituents and all Americans living on our nation's borders. I have always made it a priority to see that no unnecessary burdens are placed on border residents. The implementation of Section 110, as proposed in 1996 would have crippled and severely restricted cross border trade, tourism and the environment.

It should be highlighted that H.R. 4489 does not create any new documentary requirements. We have amended section 110 to create an integrated entry and exit database system. We have allowed our advanced technology to direct our policy. The new system, once implemented, will match an alien's arrival data with their departure data. It will also produce a report of an alien's country of nationality and identify any non-immigrant who may have overstayed their visas. The bill also creates a task force to study and recommend methods to continuously improve and update the INS' database system as technology advances. This will ensure we are always current with the most efficient and effective ways to safe and lawful border crossing.

The people living on our borders will benefit from this legislation, as it will facilitate expedient, safe and lawful cross border trade and tourism.

Mr. REYES. Mr. Speaker, I rise today in strong support of the bipartisan agreement reached on Section 110 and presented to the House as H.R. 4489. I am proud to be an original cosponsor of this bill and ask all of my colleagues to support this legislation. This compromise legislation will achieve the enforcement goals of Section 110 without punishing communities along the border.

H.R. 4489 eliminates the Section 110 requirements of implementing an entry/exit control system by March 20, 2001 and instead requires the INS to automate its ability to collect information on who is entering and exiting the U.S. This is good news for communities like El Paso that would have been devastated by the full implementation of Section 110. Our ports-of-entry, which are already stressed, would have become parking lots. Business would have suffered and tourism would have disappeared. Trade, which is so important to my district and others along the border, would have suffered greatly.

I commend Chairman SMITH for this efforts during these negotiations. The goals of Section 110 are admirable. This bill allows us to make use of the information that we already gather on people entering and exiting this country. That is an important first step we must take prior to adding additional requirements to an already overwhelmed agency.

What this entire debate has shown us is that we must do a better job of providing the INS and Customs with additional personnel to man the ports-of-entry. We must make it a priority to staff the ports-of-entry along the Southwest Border so that we can have all lanes open for traffic. Additional personnel will allow us to better manage our borders, enforce our laws, and facilitate the flow of commerce. This is a good bill and I urge my colleagues to support this compromise.

Mr. BONIOR. Mr. Speaker, when Congress passed the immigration reform bill in 1996, no one in this body thought they were voting for a bill that would tie up our borders with Mexico and Canada.

But that's what could happen unless we pass this corrective legislation today.

Section 110 of the 1996 immigration bill was interpreted as requiring Canadian and Mexican citizens to obtain entry and exit documents when traveling to the United States—even though the authors of the bill acknowledged that was not its purpose.

For communities at the border, Section 110 of the immigration bill is a disaster waiting to happen—clogged bridges, tunnels, and roads—impacting commerce and tourism.

I know that at the Blue Water Bridge, at Port Huron in Michigan, delays can already lead to hours waiting in line at our border with Canada. But improvements are being made to relieve the congestion.

All the efforts that have been made to improve our borders will be for naught if the visa requirement is implemented.

We don't need an onerous, unnecessary requirement that will further congest our borders.

That's why we should pass this sensible compromise legislation today. I'm pleased to join as a cosponsor of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act of 2000.

Tourism, trade, and border communities will be devastated if Section 110 is not changed. This is our chance to make it right.

We can patrol our border effectively if we give the INS and Customs Service the resources they need to do their jobs well.

Let's use the opportunity we have today to correct this major flaw. Please join me in voting for H.R. 4489.

Mr. SWEENEY. Mr. Speaker, I rise in strong support of this consensus legislation, H.R. 4489, the INS Data Management Improvement Act.

As a Representative of a region highly dependent upon economic ties with Canada, I have long been concerned that the implementation of Section 110 of the 1996 Immigration reform Act would adversely affect commerce, trade, and tourism for the North Country region of New York.

I note that New York City and Montreal are the two largest metropolitan areas on the Eastern Seabord. The 22nd Congressional district of New York lies directly between them, providing tremendous economic opportunities for our residents.

The compromise today allows for increased data collection and monitoring at our borders without compromising the flow of goods and tourists that are essential to the New York-Montreal trade corridor.

New York exported $10 billion in goods to Canada in 1998 and hosted 2.2 million Canadian visitors.

This exchange is already hampered today by the outdated facilities and lack of resources and our border crossings in New York.

This agreement today ensures that this situation of gridlock at our borders will not be worsened by the implementation of Section 110.

I thank the Subcommittee Chairman, Mr. SMITH and the cosponsors for their hard work on this legislation.

Mr. QUINN. Mr. Speaker, I rise in strong support of H.R. 4489, the Immigration and Naturalization Service Data Management Improvement Act. As you all know, we have been grasping for a solution to the Section 110 problem for several years now. And now, through months of hard work and negotiations, I am pleased to lend my full support to this bipartisan solution to this vexing problem.

This legislation will amend Section 110 of the 1996 Illegal Immigration Reform and Immigrant Responsibility Act in two ways. First, this bill will create a database to integrate and centralize the information that is already collected about aliens entering and leaving the United States. This solution will impose no new information collection requirements.

Second, the bill establishes a task force that will issue findings and recommendations on enhancing data collection. The task force will also study and make recommendations on how to improve congestion at border points and facilitate border crossings. This task force will be made up of representatives of the public sector including agencies with interests in trade, tourism, transportation, immigration, law enforcement, national security and the environment. The task force will also include private sector representatives from affected industries.

Section 110, as written in the 1996 Immigration Reform law, would have had a devastating impact on the economies of border communities. By requiring a record of every person entering and leaving the US, border crossings would have been effectively shut down. The lengthy delays that are already experienced at border crossings would have been increased to a near stand still. This legislation today, accomplishes the laudable goal for section 110, without effecting border traffic. Tracking aliens in the United States is something we need to facilitate. This bill will do that. I am thrilled that we have come to this important compromise.

I would like to take a moment to thank Chairman SMITH, for his willingness to sit down and spend the hours and days that it took to reach this solution. I would also like to thank Congressmen UPTON, LAFALCE, MCHUGH, HOUGHTON, REYNOLDS and all of the other members and staff who spent so much time and effort to reach this compromise. I urge my colleagues to support this bill.

Ms. STABENOW. Mr. Speaker, I rise to join this bi-partisan effort to improve the provisions of Section 110 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996. This much needed revision of section 110 seeks to ensure that the law enforcement objectives of the 1996 law are preserved without adversely impacting Michigan's strong tourism and Trade industry. Mr. Speaker, to those of us who always opposed the provisions of section 110 that would produce enormous backups at our borders, this bill represents a much needed and long awaited compromise. The people of the great State of Michigan, some of whom cross the international border to Canada every day, are well served by this revision. I look forward to finding further ways we can improve our security and ensure the free flow of tourists and goods through the state of Michigan.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

Mr. SMITH of Texas. Mr. Speaker, we had an additional speaker on the way, the gentleman from New York (Mr. QUINN), and he has not yet arrived. Without the presence of the gentleman, I will go on and say to the Speaker, I have no requests for additional time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Texas (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 4489.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## HMONG VETERANS' NATURALIZATION ACT OF 2000

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 371) to facilitate the naturalization of aliens who served with special guerrilla units or irregular forces in Laos, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill:

The Clerk read the Senate amendments, as follows:

Senate amendments:

Page 4, line 6, strike out "In" and insert "(a) In".

Page 4, strike out all after line 15, down to and including line 25 and insert:

(3) may request an advisory opinion from the Secretary of Defense regarding the person's, or their spouse's, service in a special guerrilla unit, or irregular forces, described in section 2(1)(B); and

(4) may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families.

(b) The Secretary of Defense shall provide any opinion requested under paragraph (3) to the extent practicable, and the Attorney General shall take into account any opinion that the Secretary of Defense is able to provide.

Mr. SMITH of Texas (during the reading). Mr. Speaker, I ask unanimous consent that the Senate amendments be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SMITH of Texas. Mr. Speaker, I include for the RECORD the following letter from Philip SMITH, Director of Lao Veterans of America, Inc.:

Mr. Speaker, I ask unanimous consent to place the following letter in the RECORD.

LAO VETERANS OF AMERICA, INC.,
*Washington, DC, May 22, 2000.*

Hon. HENRY HYDE,
*Chairman, Judiciary Committee,*
*House of Representatives, Washington, DC.*

DEAR CHAIRMAN HYDE: Thank you for attending our National Recognition Ceremonies, and serving as one of the keynote speakers, to mark the 25th anniversary of the end of the Vietnam War in Laos. We wish to express to you our deepest gratitude for your leadership role in the House of Representatives on behalf of the plight of the Hmong and Lao veterans who served bravely with U.S. clandestine and military forces in Laos during the Vietnam War. We would also like to respond to the inquiry by your office about our current position regarding the newly amended version of H.R. 371/S. 890, the Hmong Veterans Naturalization Act of 1999, that passed the Senate on Thursday, May 18.

First, the unanimous, bipartisan vote for passage, on May 2, in the House of Representatives, of H.R. 371, was made possible largely because of your extraordinary leadership in helping to forge a bipartisan coalition along with that of Congressman Bruce Vento, the bill's courageous and determined sponsor, and Congressman George Radanovich, the bill's key Republican activist. At the time of passage in the House, 109 bipartisan Members of Congress were officially signed on as cosponsors to H.R. 371. Many veterans organizations have also endorsed it, including the American Legion, U.S. Special Forces Assoc., National Vietnam Veterans Coalition, BRAVO, and Counterparts. We are grateful for your work with Subcommittee Chairman Lamar Smith as well as Minnesota Governor Jesse Ventura, who both deserve significant credit for the ultimate success of the legislation in the House, by weighing-in at the critical time and helping to move the bill forward.

Second, with regard to the issue of the lack of records maintained by the U.S. government on the Hmong and Lao veterans, the Lao Veterans of America was very honored to be cited by name in the legislation as an example of an organization that could provide helpful input regarding the military records of those Hmong and Lao veterans who served in the U.S. Secret Army in Laos during the Vietnam War. As the nation's largest Hmong and Lao non-profit veterans organization, as well as the first such organization to be established and incorporated in the United States (some ten years ago), we maintain the nation's largest repository of such records. The original records were destroyed in Laos at the end of the Vietnam War. We are, therefore, pleased to have been mentioned in the original legislation as an example of an organization that might be helpful with such records for the implementation of the bill's mandate. It is indeed, honorable to have been cited in this way by so many in the House and Senate who helped draft and officially sign on as cosponsors to H.R. 371/S. 890. Thank you for your thoughtfulness and kind consideration in this regard. It is, indeed, fundamentally important for Hmong and Lao veterans organizations, including organizations such as the Lao Veterans of America, to have input with regard to the military service records of the Hmong and Lao veterans, since the U.S. CIA, Defense Department, and Department of Justice have, apparently, only a very limited number of records regarding those who actually served and fought in the U.S. Secret Army in Laos.

Third, with regard to Congressman Vento's heroism, it is our hope that this legislation will help to serve as an enduring tribute to him when he leaves office at the end of the 106th Congress. Great men are those, who in time of crisis, rise above their personal circumstances to lead for the common good and help people overcome the common enemies of mankind, such as injustice, ignorance and despair. It is important, from our perspective, to stress that the Congressman Bruce Vento's personal challenge with cancer could easily, and understandably, have caused him to shrink from assisting us further with the passage of the Hmong veterans legislation. Instead, he redoubled his efforts, at that of his staff, even from his hospital bed. We are humbled and privileged to have had the honor to fight this battle on behalf of citizenship for the Hmong and Lao veterans together with Congressman Bruce Vento and you. For us, the struggle for this legislation began some 10 years ago, when we first began to work with Congressman Vento to develop this legislation. Indeed, it has been a noble endeavor, at its essence an issue of justice and honor for America and the Hmong veterans. We feel honored to have worked with so many great men, and giants, in Congress to press this long-overdue legislation forward to passage in the House and Senate. Providentially, it comes some 25 years, to the month, after the exodus of the Hmong and Lao veterans of the U.S. Secret Army from Laos in those bloody final weeks of 1975. Like Congressman Vento, we share in the conviction that this is one of our crowning achievements that will for generations bless communities across America. It will honor the name of those Hmong and Lao veterans of the U.S. Secret Army and their American allies, and friends, who fought so valiantly in this difficult struggle, both in the jungles of Southeast Asia as well as in the halls of Congress in Washington, D.C.

Fourth, with regard to your office's concern about the amended version of S.890/H.R. 371 that passed the Senate last week, we consider this legislation's passage historic and a great victory for the Lao and Hmong veterans of the U.S. Secret Army and their refugee families across the United States. The Lao Veterans of America was pleased to work to assist in playing a leadership role in the passage of this important legislation. We laud its Senate sponsors, Senators Paul Wellstone, Feingold and Robb, for their unflagging leadership and support. Like its House counterpart (H.R. 371), S. 890 achieved overwhelming bipartisan support with over 17 Senators officially signing on the legislation. The only exception was the alternative legislation introduced by Senator Rod Grams. The Lao Veterans of America was able to work with a bipartisan coalition of U.S. Senators and Hmong and Lao veterans from across the United States to help develop a compromise amendment regarding Senator Grams' legislation. The final language of this amendment was forged just last week.

The Lao Veterans of America was particularly grateful to have been consulted, and included, in helping to negotiate and work out the final compromise regarding the amendment offered to the legislation prior to the bill's final passage in the Senate last week. Chairman Hatch as well as Senators Leahy, Wellstone, Feingold, McCain, Kohl, Grassley, Kyl, and Specter were particularly helpful in building bridges and reaching across the aisle during the vigorous negotiations that led to hammering out the final language that was acceptable to all parties, including Senator Grams' office.

Fifth, Mr. Chairman, with regard to the serious issue of timing, all along the major concern of the Lao Veterans of America regarding this legislation, was the concern that we know that you share: the Hmong Veterans Naturalization Act is long overdue. Time is not an unlimited commodity for anyone. When one confronts one's own mortality, and considers the personal plight of the two original sponsors of this legislation, both Congressman Vento in his battle with cancer, as well as Senator Paul Wellstone and his legislative director's, Michael Epstein's, battle with cancer, the limitations of time become crystal clear.

One of our key points to members of the Senate was the grave concern shared by many across the political spectrum that the Congress was running out of the necessary legislative time in the 106th Congress to pass the bill, especially if significant changes were made to the original language of the Vento/Radanovich legislation (H.R. 371) that passed the House. We believe that you and the Hmong veterans successfully helped to communicate this point when nearly 5,000 of our members converged on Washington, DC, on May 10th for the Lao Veterans of American National Recognition Ceremonies marking the 25th anniversary of the end of the Vietnam War in Laos.

Mr. Chairman, it is important to note that the Hmong and Lao veterans of the U.S. Secret Army waited twenty-two years, for national recognition in 1997 at the Vietnam Memorial and Arlington Cemetery. This was far too long and painful. Likewise, they have worked nearly a decade for this legislation, working hard and waiting far too many years for H.R. 371/S. 890 to be passed by Congress. Indeed, since I first began working on this legislation nearly ten years ago, I have attended too many funerals for the Hmong and Lao veterans, who have passed away without the dignity of being citizens in the country that they gave the best years of their lives fighting to assist.

Final, Mr. Chairman, but by no means least, the passage of S. 890/H.R. 371, as amended by the Senate, is first and foremost a matter of sacred honor that is long-overdue. The Hmong and Lao veterans of the U.S. Secret Army are not honored by continuing to live in limbo without a country, as mere aliens with green cards. Having been flown into battle for the United States by the CIA's and the Defense Department's, "Air America," they wish to live and die as American citizens. We thank you for your leadership role and ask you to expeditiously seek to bring the amended version of the bill to the House floor under unanimous consent for immediate passage.

Sincerely,

PHILIP SMITH,
*Washington, D.C., Director.*

Mr. KIND. Mr. Speaker, I am a proud original cosponsor of H.R. 371, the Hmong Veteran's Naturalization Act, and I am pleased to see that this bill will be sent to the President's desk for his signature. This bill will allow the Hmong veterans who fought with the United States against the communist forces in Southeast Asia and their families to be naturalized. The measure will speed up the process by waiving the usual English proficiency and civics test requirements.

Passage of this legislation ensures that we as a nation will never forget the toll the Vietnam War took on our allies and friends in Southeast Asia. Tremendous sacrifices were made by the Hmong people, with nearly 20,000 Hmong killed and over 100,000 fleeing to refugee camps in other nations to survive. Thankfully, due to the generosity, strength of will and compassion of the American people, approximately 49,000 Hmong-Americans reside in Wisconsin today, of which, approximately 9,000 live in my district in western Wisconsin.

Therefore, it is with immense gratitude, I commend the Hmong for their loyalty and faithfulness to the United States and thank them for the sacrifices they made to fight for democracy and justice. For this, we owe them a large debt of gratitude that can never be adequately repaid.

Ms. JACKSON-LEE of Texas. Mr. Speaker, this is an important bill because the Hmong have stood by the U.S. at a crucial time in our history and now is the time to repay and honor the loyalty of Hmong veterans. The Hmong were a pre-literate society. They had no written language in use when the United States recruited them during the Vietnam War. The best symbol of why H.R. 371 is necessary is the Hmong "story cloth," the Pandau cloth, that is their embroidered cloth record of important historical events and oral traditions.

I approve of the Senate language which simply states that the Attorney General "may consider any documentation provided by organizations maintaining records with respect to Hmong veterans or their families." I am also gratified that it was made clear in the other body that the dropping of the Lao Veterans of America does not reflect adversely on that organization.

I join Chairman SMITH in commending Lao Veterans of America for its tireless efforts for the Hmong. I too also commend our colleague, the gentleman from Minnesota, Mr. VENTO, for his sponsorship of this legislation and urge my colleagues to pass it.

The Hmong were critical to the American war strategy in S.E. Asia—especially the U.S. air strategy. Mr. Speaker this legislation provides for the expedited naturalization of Hmong veterans of the U.S. Secret Army currently residing in the United States (as legal aliens) who served with U.S. clandestine and special forces during the Vietnam War by allowing them to take the citizenship test with a translator since the Hmong are a tribal people with no written language, thus relying solely on the "story cloths". The bill is capped at 45,000, in terms of the total of number of Hmong veterans, their widows and orphans who currently reside in the United States who would fall under the legislation. This cap is supported by the Hmong veterans in the United States and is considered to be a generous cap. I support this legislation to provide relief to the Hmong heroes.

Mr. CONYERS. Mr. Speaker, The Hmong Veterans' Naturalization Act of 1999, was introduced by Representative VENTO. It provides long overdue assistance for the naturalization requirements of U.S. citizenship to a valiant group of people who fought for our country many years ago. Between 130,000 and 150,000 Laotian Hmong have entered the United States as refugees since 1975. Many have found it difficult to naturalize because of cultural obstacles to learning how to read English. This is due in part to the fact that the culture of the Hmong did not include a written form of their language until recent decades.

H.R. 371 would exempt the Hmong naturalization applicants from the English language requirements if they have served with special guerrilla units or irregular forces operating from bases in Laos in support of the United States during the Vietnam War (or were spouses or widows of such persons on the day on which such persons applied for admission as refugees).

This legislation passed the House by voice vote on May 2 and I have no problem with the Senate amendments concerning the certification requirement which were technical in nature.

Mr. VENTO. Mr. Speaker, I rise in support of the Senate amended H.R. 371, The Hmong Veterans Naturalizaton Act.

I would like to thank the distinguished gentleman from Texas, Representative, LAMAR SMITH for his leadership throughout this process and his support on the House floor today. In addition, I would like to acknowledge the efforts of Senator PATRICK LEAHY, Senator RUSS FEINGOLD, Senator PAUL WELLSTON, and Senator HERB KOHL. Their support and determination in working out the final language of the bill helped secure passage of H.R. 371 last week in the Senate. Moreover, I would like to mention the support of the Lao Veterans of America, the largest Lao-Hmong organization in the nation, which has been actively working on this legislation for over 10 years.

Today, we finally honor the Lao-Hmong patriots for their sacrifice and service to the United States during the Vietnam War. It has been twenty-five years since the fall of Saigon and the last American troops pulled out of Southeast Asia. Events that have been relived these past months, harsh memories of Vietnam that are unpleasant to all Americans. While the Vietnam War is over for America, the plight of our friends and allies within this region and Laos must be remembered.

Lao-Hmong soldier, as young as ten years old, were recruited, fought and died along side 58,000 U.S. soldiers, sailors, and airmen in Vietnam. As a result of their bravery and loyalty to the U.S., the Lao-Hmong were tragically over run by the Communist forces and lost their homeland and status in Laos after the Vietnam War. Between 10,000 and 20,000 Lao-Hmong were killed in combat-related incidents and over 100,000 had to flee to refugee camps and other nations to survive.

In the Minnesota area today, approximately 60,000 Lao-Hmong know the Minnesota region as their new home. Many of the older Lao-Hmong patriots who made it to the U.S. are separated from their family members and have had a difficult time adjusting to many aspects of life and culture in the U.S., including passing aspects of the required citizenship test. Learning to read in English has been the greatest obstacle for the Lao-Hmong because written characters in the Hmong language have only been introduced in recent years. In addition, their long participation and service to U.S. forces in the Southeast Asian military conflict significantly disrupted any chance Lao-Hmong patriots may have had to learn a written language.

The Hmong Veterans Naturalization Act would help the process of family reunification and finally ease the adjustment of the Lao-Hmong into our U.S. society. Specifically H.R. 371 would waive the English language requirement for Lao-Hmong who served in special Guerrilla Units in Laos during the Vietnam War. This legislation would effect individuals who tcday reside legally in the United States. It would not open new immigration channels nor would the bill give the Lao-Hmong veteran's status to make them eligible for veteran benefits. Moreover, the bill establishes strict criteria for approval and sets a cap of 45,000 to who may benefit from this legislation.

This is an historic opportunity to recognize and in some small way honor the loyalty and address a key problem of the older Lao-Hmong family members who are continuing to have a difficult time adjusting to life here in the USA. Fortunately, there is something positive we can do to help the process of family reunification and finally ease the adjustment of Hmong into U.S. society. It is time to move forward with action and grant citizenship to the Lao-Hmong patriots—who have after all passed a more important test than a language test. They risked their lives for American values and to save U.S. service personnel.

The Lao-Hmong people stood honorably by the United States at a critical time in our Nation's history. Today, we should stand with the Lao-Hmong in their struggle to become U.S. citizens and to live a good life in the United States. The Lao-Hmong already passed the hardest test of their lives in service to the United States. Now, their dedication and service deserves proper recognition.

The SPEAKER pro tempore. Is there objection to the original request of the gentleman from Texas?

There was no objection.

A motion to reconsider was laid on the table.

## GENERAL LEAVE

Mr. SMITH of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 371.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## PRIVATE MORTGAGE INSURANCE TECHNICAL CORRECTIONS AND CLARIFICATION ACT

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3637) to amend the Homeowners Protection Act of 1998 to make certain technical corrections.

The Clerk read as follows:

H.R. 3637

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Private Mortgage Insurance Technical Corrections and Clarification Act".

**SEC. 2. CHANGES IN AMORTIZATION SCHEDULE.**

(a) TREATMENT OF ADJUSTABLE RATE MORTGAGES.—The Homeowners Protection Act of 1998 (12 U.S.C. 4901 et seq.) is amended—

(1) in section 2—

(A) in paragraph (2)(B)(i), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(B) in paragraph (16)(B), by striking "amortization schedules" and inserting "the amortization schedule then in effect";

(C) by redesignating paragraphs (6) through (16) (as amended by the preceding provisions of this paragraph) as paragraphs (8) through (18), respectively; and

(D) by inserting after paragraph (5) the following new paragraph:

"(6) AMORTIZATION SCHEDULE THEN IN EFFECT.—The term 'amortization schedule then in effect' means, with respect to an adjustable rate mortgage, a schedule established at the time at which the residential mortgage transaction is consummated or, if such schedule has been changed or recalculated, is the most recent schedule under the terms of the note or mortgage, which shows—

"(A) the amount of principal and interest that is due at regular intervals to retire the principal balance and accrued interest over the remaining amortization period of the loan; and

"(B) the unpaid balance of the loan after each such scheduled payment is made."; and

(2) in section 3(f)(1)(B)(ii), by striking "amortization schedules" and inserting "the amortization schedule then in effect".

(b) Treatment of Balloon Mortgages.—Paragraph (1) of section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(1)) is amended by adding at the end the following new sentence: "A residential mortgage that (A) does not fully amortize over the term of the obligation, and (B) contains a conditional right to refinance or modify the unamortized principal at the maturity date of the term, shall be considered to be an adjustable rate mortgage for purposes of this Act.".

(c) Treatment of Loan Modifications.—

(1) In general.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(A) by redesignating subsections (d) through (f) as subsections (e) through (g), respectively; and

(B) by inserting after subsection (c) the following new subsection:

"(d) Treatment of Loan Modifications.—If a mortgagor and mortgagee (or holder of the mortgage) agree to a modification of the terms or conditions of a loan pursuant to a residential mortgage transaction, the cancellation date, termination date, or final termination shall be recalculated to reflect the modified terms and conditions of such loan.".

(2) Conforming amendments.—Section 4(a) of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking "section 3(f)(1)" and inserting "section 3(g)(1)";

(ii) in subparagraph (A)(ii)(IV), by striking "section 3(f)" and inserting "section 3(g)"; and

(iii) in subparagraph (B)(iii), by striking "section 3(f)" and inserting "section 3(g)"; and

(B) in paragraph (2), by striking "section 3(f)(1)" and inserting "section 3(g)(1)".

### SEC. 3. DELETION OF AMBIGUOUS REFERENCES TO RESIDENTIAL MORTGAGES.

(a) Termination of Private Mortgage Insurance.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (c), by inserting "on residential mortgage transactions" after "imposed"; and

(2) in subsection (g) (as so redesignated by section 2(c)(1)(A) of this Act)—

(A) in paragraph (1), in the matter preceding subparagraph (A), by striking "mortgage or";

(B) in paragraph (2), by striking "mortgage or"; and

(C) in paragraph (3), by striking "mortgage or" and inserting "residential mortgage or residential".

(b) Disclosure Requirements.—Section 4 of the Homeowners Protection Act of 1998 (12 U.S.C. 4903(a)) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "mortgage or" the first place it appears; and

(ii) by striking "mortgage or" the second place it appears and inserting "residential"; and

(B) in paragraph (2), by striking "mortgage or" and inserting "residential";

(2) in subsection (c), by striking "paragraphs (1)(B) and (3) of subsection (a)" and inserting "subsection (a)(3)"; and

(3) in subsection (d), by inserting before the period at the end the following: ", which disclosures shall relate to the mortgagor's rights under this Act".

(c) Disclosure Requirements for Lender-Paid Mortgage Insurance.—Section 6 of the Homeowners Protection Act of 1998 (12 U.S.C. 4905) is amended—

(1) in subsection (c)—

(A) in the matter preceding paragraph (1), by striking "a residential mortgage or"; and

(B) in paragraph (2), by inserting "transaction" after "residential mortgage"; and

(2) in subsection (d), by inserting "transaction" after "residential mortgage".

### SEC. 4. CANCELLATION RIGHTS AFTER CANCELLATION DATE.

Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting after "cancellation date" the following: "or any later date that the mortgagor fulfills all of the requirements under paragraphs (1) through (4)";

(B) in paragraph (2), by striking "and" at the end;

(C) by redesignating paragraph (3) as paragraph (4); and

(D) by inserting after paragraph (2) the following new paragraph:

"(3) is current on the payments required by the terms of the residential mortgage transaction; and"; and

(2) in subsection (e)(1)(B) (as so redesignated by section 2(c)(1)(A) of this Act), by striking "subsection "(a)(3)" and inserting "subsection (a)(4)".

### SEC. 5. CLARIFICATION OF CANCELLATION AND TERMINATION ISSUES AND LENDER PAID MORTGAGE INSURANCE DISCLOSURE REQUIREMENTS.

(a) Good Payment History.—Section 2(4) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(4)) is amended—

(1) in subparagraph (A)—

(A) by inserting "the later of (i)" before "the date"; and

(ii) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the semicolon; and

(B) in subparagraph (B)—

(i) by inserting "the later of (i)" before "the date"; and

(ii) by inserting ", or (ii) the date that the mortgagor submits a request for cancellation under section 3(a)(1)" before the period at the end.

(b) Automatic Termination.—Paragraph (2) of section 3(b) of the Homeowners Protection Act of 1998 (12 U.S.C. 4902(b)(2)) is amended to read as follows:

"(2) if the mortgagor is not current on the termination date, on the first day of the first month beginning after the date that the mortgagor becomes current on the payments required by the terms of the residential mortgage transaction."

(c) Premium Payments.—Section 3 of the Homeowners Protection Act of 1998 (12 U.S.C. 4902) is amended by adding at the end the following new subsection:

"(h) Accrued Obligation for Premium Payments.—The cancellation or termination under this section of the private mortgage insurance of a mortgagor shall not affect the rights of any mortgagee, servicer, or mortgage insurer to enforce any obligation of such mortgagor for premium payments accrued prior to the date on which such cancellation or termination occurred.".

### SEC. 6. DEFINITIONS.

(a) Refinanced.—Section 6(c)(1)(B)(ii) of the Homeowners Protection Act of 1998 (12 U.S.C. 4905(c)(1)(B)(ii)) is amended by inserting after "refinanced" the following: "(under the meaning given such term in the regulations issued by the Board of Governors of the Federal Reserve System to carry out the Truth in Lending Act (15 U.S.C. 1601 et seq.))".

(b) Midpoint of the Amortization Period.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended by inserting after paragraph (6) (as added by section 2(a)(1)(D) of this Act) the following new paragraph:

"(7) Midpoint of the amortization period.—The term "midpoint of the amortization period" means, with respect to a residential mortgage transaction, the point in time that is halfway through the period that begins upon the first day of the amortization period established at the time a residential mortgage transaction is consummated and ends upon the completion of the entire period over which the mortgage is scheduled to be amortized.".

(c) Original Value.—Section 2(12) of the Homeowners Protection Act of 1998 (12 U.S.C. 4901(10)) (as so redesignated by section 2(a)(1)(C) of this Act) is amended—

(1) by inserting "transaction" after "a residential mortgage"; and

(2) by adding at the end the following new sentence: "In the case of a residential mortgage transaction for refinancing the principal residence of the mortgagor, such term means only the appraised value relied upon by the mortgagee to approve the refinance transaction.".

(d) Principal Residence.—Section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901) is amended—

(1) in paragraph (14) (as so redesignated by section 2(a)(1)(C) of this Act) by striking "primary" and inserting "principal"; and

(2) in paragraph (15) (as so redesignated by section 2(a)(1)(C) of this Act) by striking "primary" and inserting "principal";

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey (Mrs. Roukema) and the gentleman from New York (Mr. LaFalce) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey (Mrs. Roukema).

#### GENERAL LEAVE

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3637.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3637, the Private Mortgage Insurance Technical Corrections and Clarification Act.

This Act is a very important bill because it will eliminate the confusion that has resulted from implementation of the Homeowners Protection Act of 1998.

In this bill, we will clarify the cancellation and termination issues to ensure that homeowners will be able to cancel private mortgage insurance as Congress intended in the original bill of 1998.

I want to thank the gentleman from Ohio (Mr. LEACH), chairman of the Committee on Banking, who is a cosponsor of this bill, and certainly the ranking member, the gentleman from New York (Mr. LAFALCE), for their contributions and their support as cosponsors.

I also wish to thank the gentleman from Minnesota (Mr. VENTO), the ranking member of the Subcommittee on Financial Institutions, who is a cosponsor of this bill and with whom I have worked closely on this and many other issues.

Mr. Speaker, I also want to especially thank the gentleman from Utah (Mr. HANSEN) for his support as an original cosponsor of this bill and for his strong leadership in this area.

The bipartisan support of this bill, along with the support of both industry as well as consumer groups, reflects the importance and the need for the corrections and clarifications of H.R. 3637.

Mr. Speaker, the Homeowners Protection Act of 1998 included important provisions regarding consumers' ability to cancel PMI. Most of the reforms incorporated in that law have worked very well. However, the law has created some uncertainty relating to the cancellation and termination of PMI for adjustable mortgage rates, or ARMs as they are known, balloon mortgages, and loans whose terms or rates are modified over the life of the loan.

To address these ambiguities and the problems that have arisen, I, along with the distinguished group of cosponsors that I have just mentioned, introduced this bill on February 10 of this year. It ensures that the terms of the cancellation of PMI on these types of variable rate mortgage products will be unambiguous.

The bill describes in greater detail the original intent of the 1998 law that the amortization schedule upon which the cancellation and termination dates are determined should be prepared in accordance with the actual note.

□ 1345

The effect is to conform the requirements of cancellation and termination to the uniform methodology used in the industry to calculate ARM amortization schedules.

The bill also ensures that "defined terms" such as "adjustable rate mortgage" and "balloon mortgages" are used consistently and appropriately. The bill also defines several terms, such as "refinanced," "midpoint of the amortization period," and "original value." These and other terms are used in the law but were not defined and, therefore, could be subject to different interpretations. I also want to note that the bill solves some of the operational difficulties that have surfaced since the 1998 law related to measuring a borrower's payment history and determining his right to cancel. Additionally, the bill clarifies the rights of lenders to enforce collection of PMI premiums that were owed by the borrower prior to the time that the mortgage insurance was canceled.

In summary, H.R. 3637 specifically addresses the problems that have occurred since implementation of the Homeowners Protection Act to make sure that no one continues to pay for PMI because of ambiguities in the current law.

I would also like to note that the provisions of the bill were included in title IX of H.R. 1776, the American Homeownership and Economic Opportunity Act of 2000. We passed that bill in April of this year with a resounding vote, 417–8; but at this point in time, there seems to be no Senate action contemplated. I do want to recognize the leadership that the gentleman from New York (Mr. LAZIO) gave as chairman of the Subcommittee on Housing at that time and for his continuing support for PMI issues in particular.

Mr. Speaker, we all remain strong in our support of not only H.R. 1776 and want to see that enacted, but in the meantime we must deal with the issues in this suspension.

Mr. Speaker, I reserve the balance of my time.

Mr. LAFALCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as a primary cosponsor in support of H.R. 3637, the Private Mortgage Insurance Technical Corrections and Clarification Act. I specifically commend the gentlewoman from New Jersey for her excellent leadership and work on this technical corrections bill.

Two years ago, we enacted, on a bipartisan basis, the Homeowners Protection Act of 1998. That legislation set out reasonable provisions giving homeowners who utilize private mortgage insurance, frequently called PMI, the right to cancel their PMI insurance and stop paying monthly PMI premiums once they have paid their mortgage loan down to levels where private mortgage insurance is no longer needed. The concept is relatively simple. PMI is only required on loans where the loan-to-value, or LTV, exceeds 80 percent. Therefore, once a borrower pays down a mortgage loan to the point where the LTV is less than 80 percent, there is no need for the borrower to continue to pay for PMI. The bill from last Congress sets out terms and conditions under which borrowers have the legal right to cancel PMI. As a result, the borrower now has the right to cancel PMI and stop making payments once the loan balance has fallen below certain LTV ratios, generally either 80 percent or 78 percent. This will save consumers in this position hundreds or even thousands of dollars.

However, as is often the case with efforts to conference different House and Senate versions of the same bill very late in a session, the final bill could have been drafted better from a technical point of view. The PMI bill that was signed into law did include some ambiguities, some inconsistencies, some omissions. The bill we are considering today cleans up these technical problems. At the same time, I want to make it very clear that is all we are doing. We are not changing policy or adding new provisions but only conforming language to preserve or, in most instances really, clarify the bill's original intent. I believe it is important to pass this legislation this year for the benefit of consumers, for the millions of Americans who will take out loans in the next few years. Without such action, there are ambiguities which could be invoked unfairly to the detriment of borrowers.

For example, section 3 of the PMI act gives consumers the right to cancel PMI insurance and stop making payments once their loan falls below 80 percent of value. However, as drafted, the act technically permits cancellation only on the date that 80 percent threshold is first reached but not later. Thus, unless the borrower submits a request for cancellation on or before that date and meets certain other requirements on that date, the borrower could technically lose that cancellation right forever. We cure that potential difficulty, because that clearly was not the intent of the bill. Therefore, the bill before us today explicitly confers cancellation rights on the date when the loan first reaches 80 percent LTV or any later date that the borrower meets the conditions required for cancellation.

The bill also includes language to allow borrowers without a good payment history on the cancellation date itself to cancel at a later date once they obtain a good payment history. This is what we intended, but technically the act was not clear on that. Our bill today also clarifies other ambiguities that could subvert the intent of the original act to the detriment of consumers. For example, the act requires PMI termination once a mortgage reaches a "midpoint," an undefined term. The act's clear intent is the halfway point between the first date of the loan and the last day of the period over which the loan is scheduled to be amortized. However, with adjustable rate or balloon loans, without this definition the midpoint could unfairly continue to be moved back simply by a resetting of the amortization schedules. And so this bill clarifies that for loans for the purpose of refinancing when establishing LTV ratios, the value will be determined at the time of the refinance, not at the original time of home purchase. This avoids unfairly penalizing the borrower when the home has risen in value.

Finally, the legislation before us today includes a number of provisions that address ambiguities and correct other problems. Most notably, our bill clarifies that in the case of adjustable rate mortgages, balloon mortgages, or loan modifications, LTV calculations are made based on the most recent amortization schedule, not based on an outdated schedule. This was the original intent of the legislation. And while the original act did not provide that clarity, today's bill provides that clarity.

Finally, the bill before us today corrects drafting relating to terms like "refinanced," "primary residence," "residential mortgages," et cetera. The bill clarifies common sense interpretations of the act, for example, that cancellation or termination does not eliminate the borrower's obligation to make PMI payments legally incurred prior to the date at which the borrower is entitled to cancel PMI.

In short, this is a good, common sense bill, and I would urge its adoption.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. VENTO), ranking member of the Subcommittee on Financial Institutions and Consumer Credit, who really did the bulk of the work on this issue.

Mr. VENTO. I thank the gentleman for yielding me this time.

Mr. Speaker, I concur in the ranking member's remarks and the subcommittee chairman's remarks concerning this bill. In return, I want to just thank her for her leadership on this issue. It is a very important matter.

Frankly, private mortgages insurance is a major basis to provide for lower interest rates and affordable housing for many, many homeowners that otherwise would not be able to acquire the loan they need to purchase a home. And so keeping this particular product in place is enormously important. But also we need to be vigilant to make certain that the individual homeowner that has such a loan with private mortgage insurance is in fact being treated fairly in terms of this insurance and given the right to cancellation and to exercise the option to drop such insurance once the loan-to-value ratio of down payment and equity has been exceeded. That is exactly what the basic law did that was enacted. In fact, it was brought to our attention by, as has been pointed out, the gentleman from Utah (Mr. HANSEN), who has had an active interest in this as a consumer and as a Representative from Utah. What we have before us today, of course, is the technical corrections.

I know that the Members of Congress would be surprised to learn that we do not write perfect laws, that from time to time we have to go back and make some modifications to clarify intent and to eliminate ambiguity. That is really what has happened in this case with Congress, coming back to this law which we passed a couple of years ago to try and clear up some of the misunderstandings. This is really Congress at its best or this House at its best, trying to deal with those ambiguities or dealing with some of the issues. This has been done in such a way as to provide for a common sense policy path that will in fact ensure that the rights to exercise and cancel this insurance, and I might comment to my colleagues that these payments could be anywhere from $50 to $100 difference a month in terms of what the homeowner actually pays in terms of mortgage insurance. This is no small matter for those that might be canceling such insurance to have the benefit of making this savings. This permits them to repair their credit, it permits them at midpoint to avoid this type of insurance when it is not necessary, and we all know that translates into homeownership; it translates into more Americans being able to take advantage of the American dream of homeownership.

Really, I think that our committee has prided itself in terms of obtaining and being part of the goal that had been enunciated by this administration and for others for many years and, that is, obtaining one of the highest rates of homeownership in our history. Today, of course, we are in the high-60 range in terms of homeownership. Some States because of lower costs are doing much better, such as my State of Minnesota. Others are challenged because of the high cost of housing and homeownership in those States. But, nevertheless, this bill will help maintain and provide the stability, provide the predictability, and provide the cheaper mortgage insurance and these important tools which are making it possible to obtain the dream of homeownership in this country.

I commend this bill to my colleagues.

Mr. Speaker, I rise in support of H.R. 3637, the PMI Technical Corrections and Clarification Act. As one of the architects of the recent law that affords people the right to stop paying for costly private mortgage insurance when they no longer need it, I am pleased that we are finally moving this technical corrections bill that will benefit consumers and the industry.

I joined my colleagues in cosponsoring this needed Private Mortgage Insurance Technical Corrections and Clarification Act so that we can clarify some meanings and make corrections to terms, rights for consumers and responsibilities for mortgage lenders under the Homeowners' Protection Act of 1998. We worked together then, as we did today, with interested consumer and mortgage industry groups to come up with a bill that worked to the benefit of all parties.

Unfortunately, when we passed the Homeowner's Protection Act, we were unable to prevail on one issue, and that was to actually have a regulator to work out some of the details of the statute and the underlying policy. That has left us with the need to clarify some smaller points in the statute, as is being proposed in this bill before the House of Representatives today. This point in highlighted by provisions such as those in Section 6, where we are coming back to define what the term "refinanced" means. That clearly is a definition that the Federal Reserve Board or the Department of Housing and Urban Development could have handled without further Congressional action. There are more meaningful and key clarifications contained in H.R. 3637.

For example, the bill, H.R. 3637, will clarify that PMI cancellation rights exist not only on the cancellation date, but on any later date as well, so long as the borrower meets all the other cancellation requirements (including being current on loan payments). This was clearly our intent and is a needed fix resolved in this measure. H.R. 3637 also will make clear that a good payment history should be calculated on the later of the cancellation date or the date the borrower requests cancellation. In this way, the borrower cannot be frozen in a category of not having a good payment history at the first cancellation date, and therefore never eligible for cancellation—even if he or she had repaired and improved their payment history.

The bill eases lenders' burdens by assuring a timely, yet sensible termination time of the first day of the following month after a borrower become current. This change eliminates the need for a lender to check and cancel PMI every day of the month following a consumer's potential eligibility. It also clarifies that cancellation/termination rights are based on most recent amortization schedule for Adjustable Rate Mortgages and other products where the amortization schedule may change over the course of a loan's life.

Two other important technical corrections include assuring that the goal post cannot continually be shifted by changing a currently undefined "midpoint." H.R. 3637 will clarify that the midpoint is the halfway point between the first date of the loan and the last day of the period over which the loan is scheduled to be amortized. Finally, our bill also makes clear that the appraised value at the time of the refinancing, and not the value at original purchase, should be is used to determine the loan to value ratio and cancellation/termination rights.

Mr. Speaker, I want to express my thanks to my Democratic and Republican colleagues who have all worked together to bring this technical corrections bill before the House today and I urge other Members to support this necessary legislation.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

We have worked closely with the gentleman from New York (Mr. LAFALCE) and the gentleman from Minnesota (Mr. VENTO) on a fine bipartisan basis. I deeply appreciate their contribution and their work. But I also want to acknowledge again with more specificity the leadership of the gentleman from

Utah (Mr. HANSEN), who was the first to identify and act upon the issue. I think it is very important that he brought it to the forefront and to our attention and the need for the changes here.

Fundamentally, I do want to underscore, in conclusion, that not only do we have bipartisan support here; but we have real action about real money on a monthly basis for Americans to recognize and take part in the American dream, which has always been fundamental to our American democracy, namely, homeownership, a home of their own. I am pleased to have accepted the strong support on a bipartisan basis.

Mr. BENTSEN. Mr. Speaker, as a member of the House Banking Committee, I rise in strong support of H.R. 3637, legislation that will make technical corrections and clarifications to the Homeowners Protection Act. This law ensures that homeowners have the right to cancel their Private Mortgage Insurance (PMI) on their home mortgages once the homeowner attains a certain level of equity in the home (usually 22%, but in some cases 20%). Provisions included in this legislation were also included in H.R. 1776 which was approved by the House, with my support, on April 3.

This legislation clarifies that PMI cancellation rights for adjustable rate mortgages (ARMs) are based on the amortization schedule that is currently in affect. This will ensure that consumers get full benefit of any adjustments that have been made based upon recent calculations. In addition, this legislation ensures that balloon mortgages are also treated as ARMs so that consumers will receive the full benefit of any interest changes that are favorable to them.

This bill ensures that consumers with a "good payment history" have the right to cancel their PMI. In the past, there has been some confusion about what this term means. This legislation would make technical corrections so there is less ambiguity about this term. This measure includes a proviso that clarifies that these PMI cancellation rights only apply to mortgages originated after the 1998 law's enactment date. Finally, this bill ensures that consumers can cancel their PMI after the cancellation date as long as they have paid all of their PMI charges. The original law did not provide their consumer protection provision. As a result, consumers had only one opportunity to cancel their PMI.

I strongly urge my colleague to support this corrective legislation that will protect consumers and improve the Homeowners Protection Act.

□ 1400

Mr. LAFALCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentlewoman from New Jersey (Mrs. ROUKEMA) that the House suspend the rules and pass the bill, H.R. 3637.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded for the time being on motions to suspend the rules. Pursuant to clause 8, rule XX, the Chair will now put the question on each of the first three motions on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 297, by the yeas and nays;

H. Res. 443, by the yeas and nays; and

H.R. 3544, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## LEWIS & CLARK RURAL WATER SYSTEM ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 297, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and pass the bill, H.R. 297, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 13, not voting 21, as follows:

[Roll No. 217]

YEAS—400

Abercrombie
Aderholt
Allen
Andrews
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Serrano
Sessions
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez

Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—13

Campbell
Chenoweth-Hage
Coble
Gutknecht
Hostettler
Paul
Peterson (MN)
Royce
Salmon
Sanford
Sensenbrenner
Shadegg
Shays

NOT VOTING—21

Ackerman
Archer
Brady (TX)
Brown (OH)
Capuano
Cox
Cubin
Forbes
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Napolitano
Nethercutt
Pease
Rodriguez
Stupak
Waxman
Weiner
Weller

□ 1422

Messrs. CAMPBELL, GUTKNECHT, SALMON and SHAYS changed their vote from "yea" to "nay."

Mr. EHLERS and Mr. BARR of Georgia changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof), the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 217 I was, unavoidably detained in a constituent meeting. Had I been present, I would have voted "yea."

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to clause 8 of rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

## SENSE OF HOUSE REGARDING RAISING OF UNITED STATES FLAG IN AMERICAN SAMOA

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, House Resolution 443, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. DOOLITTLE) that the House suspend the rules and agree to the resolution, House Resolution 443, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 218]

YEAS—417

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Nethercutt
Pease
Pickett
Rodriguez
Stupak
Waxman
Weiner

□ 1431

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## POPE JOHN PAUL II CONGRESSIONAL GOLD MEDAL ACT

The SPEAKER pro tempore (Mr. KUYKENDALL). The pending business is the question of suspending the rules and passing the bill, H.R. 3544, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. LEACH) that the House suspend the rules and pass the bill, H.R. 3544, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 17, as follows:

[Roll No. 219]

YEAS—416

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1.

Paul

NOT VOTING—17

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Green (TX)
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Pryce (OH)
Rodriguez
Stupak
Waxman
Weiner

□ 1440

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: To authorize a gold medal to be presented on behalf of the Congress to Pope John Paul II in recognition of his many and enduring contributions to peace and religious understanding, and for other purposes.

A motion to reconsider was laid on the table.

## AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 297, LEWIS AND CLARK RURAL WATER SYSTEM ACT OF 2000

Mr. DOOLITTLE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 297, the Clerk be authorized to make technical corrections and conforming changes to the bill, specifically on page 10, line 17, the contract number should read, "14-06-200-949IR3."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 8 of rule XX, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or which the vote is objected to under clause 6 of rule XX.

Any record votes on all postponed questions will be taken after debate has concluded on the remaining two motions to suspend the rules.

## PERSONAL EXPLANATION

Mr. WATKINS. Mr. Speaker, due to an airplane mechanical problem, I was delayed in my arrival back to Washington yesterday afternoon from my district and I was unable to record my votes on rollcall votes 211, 212 and 213. Had I been present on those votes I would have voted aye on those three votes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

## CARDIAC ARREST SURVIVAL ACT OF 2000

Mr. STEARNS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2498) to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators in Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices, as amended.

The Clerk read as follows:

H.R. 2498

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Cardiac Arrest Survival Act of 2000".

**SEC. 2. FINDINGS.**

The Congress finds as follows:

(1) Over 700 lives are lost every day to sudden cardiac arrest in the United States alone.

(2) Two out of every three sudden cardiac deaths occur before a victim can reach a hospital.

(3) More than 95 percent of these cardiac arrest victims will die, many because of lack of readily available life saving medical equipment.

(4) With current medical technology, up to 30 percent of cardiac arrest victims could be saved if victims had access to immediate medical response, including defibrillation and cardiopulmonary resuscitation.

(5) Once a victim has suffered a cardiac arrest, every minute that passes before returning the heart to a normal rhythm decreases the chance of survival by 10 percent.

(6) Most cardiac arrests are caused by abnormal heart rhythms called ventricular fibrillation. Ventricular fibrillation occurs when the heart's electrical system malfunctions, causing a chaotic rhythm that prevents the heart from pumping oxygen to the victim's brain and body.

(7) Communities that have implemented programs ensuring widespread public access to defibrillators, combined with appropriate training, maintenance, and coordination with local emergency medical systems, have dramatically improved the survival rates from cardiac arrest.

(8) Automated external defibrillator devices have been demonstrated to be safe and effective, even when used by lay people, since the devices are designed not to allow a user to administer a shock until after the device has analyzed a victim's heart rhythm and determined that an electric shock is required.

(9) Increasing public awareness regarding automated external defibrillator devices and encouraging their use in Federal buildings will greatly facilitate their adoption.

(10) Limiting the liability of Good Samaritans and acquirers of automated external defibrillator devices in emergency situations may encourage the use of automated external defibrillator devices, and result in saved lives.

### SEC. 3. RECOMMENDATIONS AND GUIDELINES OF SECRETARY OF HEALTH AND HUMAN SERVICES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS.

Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

“RECOMMENDATIONS AND GUIDELINES REGARDING AUTOMATED EXTERNAL DEFIBRILLATORS FOR FEDERAL BUILDINGS

“SEC. 247. (a) GUIDELINES ON PLACEMENT.—The Secretary shall establish guidelines with respect to placing automated external defibrillator devices in Federal buildings. Such guidelines shall take into account the extent to which such devices may be used by lay persons, the typical number of employees and visitors in the buildings, the extent of the need for security measures regarding the buildings, buildings or portions of buildings in which there are special circumstances such as high electrical voltage or extreme heat or cold, and such other factors as the Secretary determines to be appropriate.

“(b) RELATED RECOMMENDATIONS.—The Secretary shall publish in the Federal Register the recommendations of the Secretary on the appropriate implementation of the placement of automated external defibrillator devices under subsection (a), including procedures for the following:

“(1) Implementing appropriate training courses in the use of such devices, including the role of cardiopulmonary resuscitation.

“(2) Proper maintenance and testing of the devices.

“(3) Ensuring coordination with appropriate licensed professionals in the oversight of training of the devices.

“(4) Ensuring coordination with local emergency medical systems regarding the placement and incidents of use of the devices.

“(c) CONSULTATIONS; CONSIDERATION OF CERTAIN RECOMMENDATIONS.—In carrying out this section, the Secretary shall—

“(1) consult with appropriate public and private entities;

“(2) consider the recommendations of national and local public-health organizations for improving the survival rates of individuals who experience cardiac arrest in nonhospital settings by minimizing the time elapsing between the onset of cardiac arrest and the initial medical response, including defibrillation as necessary; and

“(3) consult with and counsel other Federal agencies where such devices are to be used.

“(d) DATE CERTAIN FOR ESTABLISHING GUIDELINES AND RECOMMENDATIONS.—The Secretary shall comply with this section not later than 180 days after the date of the enactment of the Cardiac Arrest Survival Act of 2000.

“(e) DEFINITIONS.—For purposes of this section:

“(1) The term ‘automated external defibrillator device’ has the meaning given such term in section 248.

“(2) The term ‘Federal building’ includes a building or portion of a building leased or rented by a Federal agency, and includes buildings on military installations of the United States.”.

### SEC. 4. GOOD SAMARITAN PROTECTIONS REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS.

Part B of title II of the Public Health Service Act, as amended by section 3 of this Act, is amended by adding at the end the following section:

“LIABILITY REGARDING EMERGENCY USE OF AUTOMATED EXTERNAL DEFIBRILLATORS

“SEC. 248. (a) GOOD SAMARITAN PROTECTIONS REGARDING AEDS.—Except as provided in subsection (b), any person who uses or attempts to use an automated external defibrillator device on a victim of a perceived medical emergency is immune from civil liability for any harm resulting from the use or attempted use of such device; and in addition, any person who acquired the device is immune from such liability, if the harm was not due to the failure of such acquirer of the device—

“(1) to notify local emergency response personnel or other appropriate entities of the most recent placement of the device within a reasonable period of time after the device was placed;

“(2) to properly maintain and test the device; or

“(3) to provide appropriate training in the use of the device to an employee or agent of the acquirer when the employee or agent was the person who used the device on the victim, except that such requirement of training does not apply if—

“(A) the employee or agent was not an employee or agent who would have been reasonably expected to use the device; or

“(B) the period of time elapsing between the engagement of the person as an employee or agent and the occurrence of the harm (or between the acquisition of the device and the occurrence of the harm, in any case in which the device was acquired after such engagement of the person) was not a reasonably sufficient period in which to provide the training.

“(b) INAPPLICABILITY OF IMMUNITY.—Immunity under subsection (a) does not apply to a person if—

“(1) the harm involved was caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the victim who was harmed; or

“(2) the person is a licensed or certified health professional who used the automated external defibrillator device while acting within the scope of the license or certification of the professional and within the scope of the employment or agency of the professional; or

“(3) the person is a hospital, clinic, or other entity whose purpose is providing health care directly to patients, and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent; or

“(4) the person is an acquirer of the device who leased the device to a health care entity (or who otherwise provided the device to such entity for compensation without selling the device to the entity), and the harm was caused by an employee or agent of the entity who used the device while acting within the scope of the employment or agency of the employee or agent.

“(c) RULES OF CONSTRUCTION.—

“(1) IN GENERAL.—The following applies with respect to this section:

“(A) This section does not establish any cause of action, or require that an automated external defibrillator device be placed at any building or other location.

“(B) With respect to a class of persons for which this section provides immunity from civil liability, this section supersedes the law of a State only to the extent that the State has no statute or regulations that provide persons in such class with immunity for civil liability arising from the use by such persons of automated external defibrillator devices in emergency situations (within the meaning of the State law or regulation involved).

“(C) This section does not waive any protection from liability for Federal officers or employees under—

“(i) section 224; or

“(ii) sections 1346(b), 2672, and 2679 of title 28, United States Code, or under alternative benefits provided by the United States where the availability of such benefits precludes a remedy under section 1346(b) of title 28.

“(2) CIVIL ACTIONS UNDER FEDERAL LAW.—

“(A) IN GENERAL.—The applicability of subsections (a) and (b) includes applicability to any action for civil liability described in subsection (a) that arises under Federal law.

“(B) FEDERAL AREAS ADOPTING STATE LAW.—If a geographic area is under Federal jurisdiction and is located within a State but out of the jurisdiction of the State, and if, pursuant to Federal law, the law of the State applies in such area regarding matters for which there is no applicable Federal law, then an action for civil liability described in subsection (a) that in such area arises under the law of the State is subject to subsections (a) through (c) in lieu of any related State law that would apply in such area in the absence of this subparagraph.

“(d) FEDERAL JURISDICTION.—In any civil action arising under State law, the courts of the State involved have jurisdiction to apply the provisions of this section exclusive of the jurisdiction of the courts of the United States.

“(e) DEFINITIONS.—

“(1) PERCEIVED MEDICAL EMERGENCY.—For purposes of this section, the term ‘perceived medical emergency’ means circumstances in which the behavior of an individual leads a reasonable person to believe that the individual is experiencing a life-threatening medical condition that requires an immediate medical response regarding the heart or other cardiopulmonary functioning of the individual.

"(2) OTHER DEFINITIONS.—For purposes of this section:

"(A) The term 'automated external defibrillator device' means a defibrillator device that—

"(i) is commercially distributed in accordance with the Federal Food, Drug, and Cosmetic Act;

"(ii) is capable of recognizing the presence or absence of ventricular fibrillation, and is capable of determining without intervention by the user of the device whether defibrillation should be performed;

"(iii) upon determining that defibrillation should be performed, is able to deliver an electrical shock to an individual; and

"(iv) in the case of a defibrillator device that may be operated in either an automated or a manual mode, is set to operate in the automated mode.

"(B)(i) The term 'harm' includes physical, nonphysical, economic, and noneconomic losses.

"(ii) The term 'economic loss' means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

"(iii) The term 'noneconomic losses' means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida (Mr. STEARNS) and the gentlewoman from California (Mrs. CAPPS) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. STEARNS).

### GENERAL LEAVE

Mr. STEARNS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 2498.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. STEARNS. Mr. Speaker, I yield myself such time as I may consume.

□ 1445

Mr. Speaker, between 200,000 to 300,000 American lives are lost every year to sudden cardiac arrest in the United States. It is estimated that over 30 percent of these victims could be saved if they had access to immediate medical response, including defibrillation.

A large number of sudden cardiac arrests are due to an electrical malfunction of the heart called ventricular fibrillation, VF. Now, when VF occurs, the heart's electrical signals, which normally induce a coordinated heartbeat, suddenly become chaotic, and the heart's function as a pump abruptly stops. Unless this state is reversed, then death will occur within a few minutes. The only effective treatment for this condition is defibrillation, the electrical shock to the heart.

For the last several years, I have been working closely with the American Heart Association, the American Red Cross, and local emergency medical systems to develop bipartisan congressional legislation to encourage the widespread use of automated external defibrillator devices to help save our lives. We have been successful, and that is why we are here on the House floor today.

I want to thank the chairman of the Subcommittee on Health, the gentleman from Florida (Mr. BILIRAKIS), for his efforts, his coordination and his support and encouragement. I also want to thank the chairman of the subcommittee, the gentleman from Virginia (Mr. BLILEY), for his support in bringing this forward through the committee.

My colleagues, automated external defibrillators, or AEDs, are small, portable medical devices regulated by the Food and Drug Administration, that can measure a victim's heart rate, determine whether the victim is suffering from ventricular fibrillation and if an electric shock is necessary, and can even instruct the layperson whether and when to shock the victim and when to perform CPR.

I have a chart here called "The Chain of Survival." Clearly, my colleagues can see from the chain of survival the four links are early access to emergency care, early cardiopulmonary resuscitation, early defibrillation, and early advanced life supports.

While defibrillation is the most effective mechanism to revive a heart that has stopped, it is also the least accessed tool we have available to treat victims suffering from heart failure.

My colleagues, these devices are very safe, effective, and they do not allow a shock to be administered until after the device has measured the victim's heart and determined whether a shock is required.

Earlier this month, the Subcommittee on Health and Environment held a very moving hearing on H.R. 2498, and many of my colleagues said it was the best hearing they have ever seen. We heard from Dr. Richard Hardman, who helped design and implement an AED program in Las Vegas. Dr. Hardman helped train over 6,500 security officers to achieve an average internal emergency medical response time of less than 3 minutes.

With over 200 sudden cardiac arrests occurring in covered locations in this region of Las Vegas, this AED program was able to save an astounding 57 percent of the victims.

Dr. Hardman showed the subcommittee a videotape of an actual cardiac arrest victim, who was treated with an AED device from lay bystanders in the casino and was successfully shocked back to life within minutes. This could happen to any one of us.

For example, we heard moving testimony from Robert Adams, a 42-year-old attorney, younger than many of us, an NCAA referee, an outstanding college athlete, captain of his basketball team, in the prime of health, who had recently passed several extensive physical exams with flying colors; and yet he, too, suffered a sudden cardiac arrest on the July 3rd weekend in Grand Central Station in New York City.

By the grace of God, fortunately, the station had just received delivery of an AED the day before. A couple of nearby construction workers saw Mr. Adams fall to the ground, they grabbed the AED which was still in its packaging, still in the box, and they hoped and prayed that batteries were part and parcel of that box. They hoped they were installed and charged and ready to go. Indeed, they were and they shocked Mr. Adams back to life.

Mr. Adams has three children, the youngest of whom was only 1 year old at the time. Those children would not have their father today had Grand Central Station not procured this AED and been willing to publicly install an AED device and, of course, that the unrelated bystanders been willing to use it to save his life.

Let me move to this other chart, "Every Minute Counts." This is a very important chart. We can see that for every minute that goes by, we can see the effects that it will have on a person who suffers from ventricular fibrillation; and surely, surely, if we can save this many lives with just having this very small inconspicuous device, this bill will promote and save lives.

Do my colleagues know that for every minute of delay in returning the heart to its normal pattern of beating, it decreases the chances of that person's survival by 10 percent?

Unfortunately, according to the testimony of Dr. Hardman and AED legal expert Richard Lazar, AEDs are not being widely employed because of the perception, the simple perception among us that would-be purchasers and users of AED would get sued.

This is a lot like the debate with the fire extinguishers 100 years ago; but our bill, H.R. 2498 removes a barrier to adopting AED programs. If a Good Samaritan, like someone in the Bible, or a building owner or a renter of the building acts in good faith and he or she uses the AED to save someone's life, this bill will protect them from unfair lawsuits.

We may not want to force people to provide medical care to someone having a heart attack; but, my colleagues, if they are willing to do so, we should not put them at risk of being sued for unlimited damages if something goes wrong.

This legislation directs the Secretary of Health and Human Services to develop guidelines for the placement of defibrillators in Federal buildings. It is inexcusable that we do not have these live-saving devices widely available in Federal buildings across the United States.

We need, Mr. Speaker, to be a role model for the private sector by demonstrating our commitment to protecting the lives of Federal employees, military personnel, and private citizens who are visiting our museums, our public buildings throughout the United States, including Social Security offices and, of course, parks and recreation areas.

H.R. 2498 does not impose any new regulation or obligations on the private sector. It does not preempt State law where the State has provided immunity for the person being sued.

Almost 150 bipartisan Members have now cosponsored this bill. This legislation passed in both the subcommittee and full committee by unanimous voice vote. We have received letters of support by the National Safe Kid Campaign, the National Fire Protection Association, the American Academy of Pediatrics, the American Association for Respiratory Care, the International Association of Fire Chiefs, and many, many more.

Even President Clinton talked about it last week in his radio address and promoted the use of defibrillators and talked about this bill. I commend the President for recognizing and bringing it to the public's attention through his presidency.

This helps saves the lives of almost 250,000 Americans who annually are affected with sudden cardiac arrest. So I hope my colleagues will support and pass the Cardiac Arrest Survival Act of 2000.

Mr. Speaker, I reserve the balance of my time.

Mrs. CAPPS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in strong support of a lifesaving piece of legislation, the Cardiac Arrest Survival Act. I would like to commend the gentleman from Florida (Mr. STEARNS) for introducing this legislation, for working hard to ensure that it would receive a full hearing in the committee level.

I want also to commend the gentleman from Michigan (Mr. DINGELL), the gentleman from Ohio (Mr. BROWN), the gentleman from Virginia (Chairman BLILEY), the gentleman from Florida (Mr. BILIRAKIS), my colleagues on the Committee on Commerce, for moving it through our committee structure.

The Cardiac Arrest Survival Act does two key things. First, it instructs the Secretary of Health and Human Services to make recommendations to promote public access to defibrillation programs in Federal buildings and other public buildings across the country. These recommendations would ensure the health and safety of all Americans by encouraging ready access to the tools needed to improve cardiac arrest survival rates.

Second, this act extends Good Samaritan protections to Automatic External Defibrillator users and the acquirers of the devices in those States who do not currently have AED Good Samaritan protections. This protection will help encourage lay persons to respond in a cardiac emergency by using the external defibrillation device.

These devices, AEDs, are small, easy to use and laptop size. They can analyze the heart rhythms of a person in cardiac arrest to determine if a shock is necessary; and when it is necessary, they will automatically deliver a lifesaving shock to the heart.

Every minute that passes before a cardiac arrest victim's heart is defibrillated or shocked back into rhythm, every minute that passes, his or her chance of survival decreases by as much as 10 percent. As a result, less than 5 percent of out-of-hospital cardiac arrest victims will even survive.

Recently, I was very fortunate to hear the testimony of Mr. Robert Adams, describing how his life was saved in Grand Central Station in New York City by a publicly available AED. This moving story is a sure indication of the lifesaving capabilities that this bill will unleash.

Currently, I serve as the cochair of the Heart and Stroke Coalition in the House, so I have a special interest in the area of heart disease. Working closely with the American Heart Association, the American Red Cross, this coalition is a bipartisan and bicameral group which is concerned with heightening awareness of heart attack, stroke, and other cardiovascular diseases.

Additionally, the coalition works to promote research opportunities in the area of heart disease and stroke and acts as a greater resource on key issues, such as public access to automatic external defibrillators.

The American Heart Association estimates that, with increased access to AEDs, up to 50,000 lives could be saved each year. That is reason enough for us to pass this legislation.

So I urge my colleagues to support H.R. 2498, the Cardiac Arrest Survival Act.

Mr. Speaker, I reserve the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Maryland (Mrs. MORELLA).

Mrs. MORELLA. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise today to urge support for H.R. 2498, the Cardiac Arrest Survival Act.

I certainly want to commend him for his leadership and sponsorship of this resolution which is so important to all of us in this country. I also want to commend the gentlewoman from California (Mrs. CAPPS) for her constant attention to health issues, and this is indeed a situation of public health.

This legislation that the gentleman from Florida (Mr. STEARNS) has introduced places automatic external defibrillators, AEDs as they call them in the acronym, in Federal agencies. It would help with public access. What it does is it establishes the Federal Government as a role model. Guidelines will be established, in the hopes that the private sector will also follow and State governments will follow.

Public access to AEDs, in the words of Dr. Tom Aufderheide, an associate professor of emergency medicine at the Medical College of Wisconsin, Milwaukee, represents potentially the single greatest advance in the treatment of cardiac arrest since the development of CPR.

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Approximately 350,000 Americans die annually from sudden cardiac death. If we can make the use of AEDs more widespread, that tremendously high loss of life will indeed diminish.

More and more people are taking courses to familiarize themselves with both CPR and the use of an AED. In addition, the machine is not difficult to use. It automatically analyzes heart rhythm and decides whether to shock. It also gives verbal prompts at each step, and it even has pictures on the pads to show where to attach them to the chest.

I want to share with my colleagues one story that appeared in the American Medical News that conveys the importance of this legislation. On August 20 of last year, a Ms. Sherry Caffrey was on the phone at Chicago's Midway Airport when a man nearby fell to the ground. Fortunately, an AED was mounted on the wall near her and she administered a single electrical shock to his heart which saved his life. And this is not an isolated episode. Since this incident last year, there has been at least one save almost weekly at Chicago's Midway Airport using one of the 42 defibrillators which are placed throughout the airport.

By increasing training and the availability of these life-saving devices, we can dramatically reduce the number of individuals who die each year from cardiac arrest. This legislation makes that goal more attainable. I strongly urge my colleagues to support H.R. 2498, Mr. Speaker.

Mrs. CAPPS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Indiana (Ms. CARSON).

Ms. CARSON. Mr. Speaker, I thank the gentlewoman from California for yielding me this time, and I express my appreciation for those responsible for bringing into fruition and to the House today the Cardiac Survival Act of 1999.

I would like to indicate in my remarks that heart disease, of course, is the leading cause of death among women in this country, and anything we can do as a body politic to allay future problems with health and heart attacks among women that take them out, we need to do that.

Each year more than 250,000 adults suffer cardiac arrest, and more than 95 percent of them die. The Cardiac Survival Act of 1999 increases access to defibrillators in public buildings, and certainly it will save lives. Every minute that passes before returning the heart to a normal rhythm after a cardiac arrest causes the chance of survival to fall by 10 percent. That is for every minute.

It is clear that in cases of cardiac arrest, time is of essence. For instance, in my hometown of Indianapolis, Indiana, I remember hearing about a very frightening incident of a middle-aged man who was in full cardiac arrest while jogging at the National Institute For Fitness and Sports, where I am also a member. Thanks to the quick and heroic efforts of the staff at NIFS, who had access to a defibrillator, were trained in its operation, the man's life was saved.

Mr. Speaker, we have seen to it that we have these devices here for our safety and for the safety of those who visit here. It is fitting that we act to extend this benefit to more Americans in every place that we possibly can. I am pleased to support this legislation, Mr. Speaker, because it increases access to vital lifesaving technologies.

Mrs. CAPPS. Mr. Speaker, I yield myself the balance of my time, and I want to remind and encourage all of our colleagues to support this lifesaving piece of legislation, the Cardiac Arrest Survival Act. By setting the example through authorizing the use of automatic defibrillators in public buildings, in Federal buildings, we will do our part in saving additional lives. We will also be setting a great example for this country in the way we want to move forward.

Again, I commend my colleague for bringing forward the bill and urge its passage.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STEARNS. Mr. Speaker, I yield myself the balance of my time, and I want to thank the gentlewoman from California (Mrs. CAPPS) for her support and the support of my colleagues in the Committee on Commerce.

I would just conclude by telling a quick story of a good and close friend of mine. He and his wife are a member of our church, and they have four children. He was in his early 60s and he went to the golf course. As my colleagues know, in Florida there are lots of golf courses; and people are there all the time. It was in the morning, and he was playing golf when suddenly he had a cardiac arrest. Unfortunately, there was not an automated external defibrillator there. He died. And I felt it was very sad for he and his family, and that made the commitment on my part and the people who supported this bill even stronger to get this through the House.

Of course, after it is approved by the Senate it will then go to the President to be signed. So I think it is a great day for all the organizations that have supported us, been with us for these many, many years as we have garnered support and attempted to convince our colleagues that, one, the good Samaritan clause was innocuous, that there was nothing to worry about; that much like fire extinguishers the day has come for automated external defibrillators. We need to have these not only in the public Federal buildings but all the local buildings. And, of course, hopefully, some day they will be just as apparent and obvious as fire extinguishers, and they will save at least 50,000 lives every year.

And remember, 50,000 lives is an enormous amount of savings of health care costs. So just this small little device that automatically tells someone what to do, is very safe, and for which the cost is coming down, could save any one of our lives in this House today. So I urge my colleagues' support.

Mr. BENTSEN. Mr. Speaker, as a cosponsor of this bill, I rise in strong support of the Cardiac Arrest Survival Act, HR 2498. This legislation ensures that Automatic External Defibrillators will be placed in federal buildings to assist heart-attack victims within 90 days of enactment. This legislation also includes a critically important provision to ensure that any person who uses these devices is provided limited immunity from civil liability.

Automatic External Defibrillators (AEDs) have been found to save lives and reduce health care costs. According to the American Heart Association, in cities where Emergency Medical Systems (EMS) response is rapid, the survival rate increased from 9 percent to 30 when AEDs were available to first responders. Yet only 30 percent of EMS have AEDs to treat heart attack victims. This legislation would ensure that AEDs are more widely available.

Recently, many airlines have started to keep AEDs for their crews to assist passengers and they have been proven to save lives. This legislation would build upon this trend by providing AEDs in all federal buildings where many Americans work and visit. AEDs are easy to use and do not require advanced training to operate. In fact, they automatically calculate whether it would be appropriate to treat an individual or not and then determine what is the appropriate level of treatment to use. They are also much less cumbersome than in the past. The latest models of AEDs weigh less than 10 pounds, an amount that most individuals can carry and maneuver without much effort.

This measure also provides immunity from civil liability for those who provide emergency medical assistance to heart attack victims through the use of an AED. These "Good Samaritans" would not be liable to any "personal injury or wrongful death" that might result from providing care for a heart attack victim. With this protection, I believe more Americans will be willing to help each other in their time of need. This bill also exempts any person who maintains, tests, or provides training in the use of these devices. In order to protect heart attack victims, the immunity granted in this bill does not apply to any person who engages in gross negligence, willful, or wanton misconduct.

This legislation is an important part of our effort to educate more Americans about the need to treat and help heart attack victims. In 1997, heart attacks are the single leading cause of death in America. Today, one in five deaths are related to heart attacks and more than 450,000 Americans died of heart attack in 1997. Clearly we must do more to prevent and treat these heart attack victims so that there will be better outcomes. this legislation is a good first step in meeting this challenge.

I urge my colleagues to support this legislation.

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 2498, the Cardiac Arrest Survival Act of 2000, which was reported by voice vote by the Committee on Commerce. I want to take this opportunity to commend the Chairman of the Subcommittee, Mr. BILIRAKIS, the Chairman of the full Committee, Mr. BLILEY, and the author of the bill, Mr. STEARNS, for their work in bringing this legislation to the floor. This legislation has 130 cosponsors, including 13 Democratic members of the Committee on Commerce. It is also supported by the American Red Cross, the American Heart Association, and the Administration.

Mr. Speaker, testimony before the Committee showed that returning the heart to its normal rhythm quickly is the single most important thing needed to improve the chance of survival from cardiac arrest. In Las Vegas, where automated electronic defibrillators have been placed in casinos and casino employees have been trained in their use, the out-of-hospital survival rate from cardiac arrest has increased dramatically. Prior to the widespread deployment of these devices, the cardiac arrest survival rate in Las Vegas was only 10 percent; it is now 57 percent.

Defibrillation clearly saves lives. The purpose of H.R. 2498, therefore, is to encourage Federal agencies to install automated external defibrillators in their buildings and to give so-called "Good Samaritan" protections from liability for people who use or acquire these devices. The bill's liability protections do not apply if the harm was caused by a person's conscious, flagrant indifference to the rights or safety of the victim. Nor does it apply if it is being used by a doctor or nurse or other licensed professional in their scope of employment, or if it is being used by a hospital or other health care entity. Certain other limited exceptions apply.

As reported by the Committee on Commerce, H.R. 2498 is consistent with legislation which passed the Senate by unanimous consent last year. I might add that the Department of Justice, in a letter to Chairman BLILEY dated May 8, 2000, stated that it, too, supports this legislation with the changes adopted by the Committee on Commerce in the reported bill before us today.

Mr. Speaker, I urge my colleagues to vote for this legislation.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in support of H.R. 2498, the Cardiac Arrest Survival Act. This critical piece of legislation would improve survival rates for victims of cardiac arrest by expanding access to cardiac defibrillators in federal buildings.

Everyday 1,000 Americans suffer from sudden cardiac arrest, usually outside of a hospital setting. Unfortunately, more than 95 percent of these victims die because life-saving equipment is not readily available or arrives too late. When a defibrillator is used to deliver a shock to a heart with an abnormal rhythm, survival rates for cardiac arrest sufferers increases to as much as 20–30 percent. Every minute of delay in access to defibrillators leads to a ten percent decrease in life expectancy. Therefore, it is vital that Automated External Defibrillators (AEDs) be made available for use in public areas and the public should be educated on how to operate this user-friendly life saving equipment.

H.R. 2498 directs the Secretary of Health and Human Services to develop recommendations for public access to defibrillation programs in Federal buildings in order to improve survival rates of people who suffer cardiac arrest in Federal facilities. Federal buildings throughout America will be encouraged to serve as examples of rapid response to cardiac arrest emergencies through the implementation of public access to defibrillation programs. The programs will include training proper personnel in the use of the AED, notifying local emergency medical services of the placement of AEDs, and ensuring proper medical oversight and proper maintenance of the device. Furthermore, this bill seeks to fill in this gaps with respect to States that have not acted on AED legislation by extending good samaritan liability protection to people involved in the use of the AED.

I commend Representative CLIFF STEARNS for introducing this life-saving piece of legislation. And I urge all my colleagues to vote in support of the Cardiac Arrest Survival Act, which could save up to 50,000 lives each year by increasing access to Automated External Defibrillators.

I also want to take the opportunity to recognize a very special group of high school students from my district who have been working feverishly in support of H.R. 2498. The 341 members of the Distributive Education Clubs of America (DECA) Chapter at Robinson Secondary School launched a dual campaign last fall to not only work towards the successful passage of H.R. 2498, but to also educate the public about the benefits of AEDs.

Robinson's DECA Chapter recognized that a group of potential sudden cardiac arrest victims have been ignored by the public: teenagers. These energetic members sought to rectify this situation by initiating a public relations campaign to raise general awareness about the benefits of AEDs and to outfit high schools with these valuable devices. In a school as large as Robinson Secondary School, with 5,000 teachers, students, administrators, and community members, the need for an AED is particularly evident. In order to acquire the first student-purchased AED in the country, Robinson DECA held the Heart Start Shopping Night and raised the needed $3,500.

In working with the American Heart Association and a professional adult advisor committee, Robinson DECA also realized that not every state currently has legislation to provide Good Samaritan protection for operators of the AED. This motivated DECA to work in support of the passage of H.R. 2495, the Cardiac Survival Act. Their lobbying efforts included developing a slogan and logo, researching H.R. 2495 in order to write a research paper, personally lobbying all 435 House of Representative members and staff, staging a rally on the steps of the United States Capitol, holding a press conference, and designating and operating an internet home page.

Mr. Speaker, I applaud Robinson DECA's enthusiasm and dedication in helping others understand the great need for AEDs. And I share their pride today in seeing this vital bill coming to a vote on the House floor.

Mr. BILIRAKIS. Mr. Speaker, I rise in support of H.R. 2498, the Cardiac Arrest Survival Act of 2000. This bipartisan bill was authorized by my Florida colleague, Congressman CLIFF STEARNS. It was unanimously approved by the Health and Environment Subcommittee on May 9, and it was reported favorably by the Commerce Committee on May 17.

Mr. Speaker, a quarter million Americans die each year due to cardiac arrest. Many of these victims could be saved if portable medical devices called automated external defibrillators or "AEDs" were used. AEDs can analyze heart rhythms for abnormalities, and if warranted, deliver a life-saving shock to the heart. Experts estimate that 20,000 to 100,000 lives could be saved annually by greater access to AEDs.

H.R. 2498 directs the Secretary of Health and Human Services to issue regulations to provide for the placement of AEDs in federal buildings. The bill also establishes protections from civil liability arising from the emergency use of the devices.

During committee consideration of the bill, it was amended to give the Secretary of Health and Human Services greater flexibility to update the guidelines over time and greater guidance as to what types of assistance and involvement Congress intends. The amendments also clarified the liability provisions and incorporated standards for AED use and training.

The bill before us enjoys the strong support of the American Red Cross and the American Heart Association, as well as many Members on both sides of the aisle. It is rare that a solution to a problem so readily presents itself. We must seize this opportunity to reduce the number of lives tragically lost to cardiac arrest. I urge all Members to join me today in supporting this important legislation.

Mr. STEARNS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 2498, as amended.

The question was taken.

Mr. STEARNS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## HARRY S TRUMAN FEDERAL BUILDING

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3639) to designate the Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, as the "Harry S Truman Federal Building", as amended.

The Clerk read as follows:

H.R. 3639

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. DESIGNATION.**

The Federal building located at 2201 C Street, Northwest, in the District of Columbia, currently headquarters for the Department of State, shall be known and designated as the "Harry S Truman Federal Building".

**SEC. 2. REFERENCES.**

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Harry S Truman Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume, and I am very pleased to move this measure directly to the floor today to honor a truly great American.

Harry Truman was an improbable president, who never sought this high office, but who rose to the occasion when asked by circumstance beyond his control.

If anyone has any doubt whatsoever about him being a great president, I would suggest that they read David McCullough's biography, Truman, which is an extraordinary biography, and which makes it very, very clear that this American rose from very humble beginnings to make some of the most significant decisions of the 20th Century.

He grew up in Missouri in a farm family, was a farmer himself for many years. During World War I, he became an artillery officer and served at the front for over 6 months. Indeed, in Mr. McCullough's wonderful book he describes how Harry Truman was having difficulty passing the eye test and so he memorized the eye chart so he could serve his country.

During the 1920's, and until his election to the United States Senate, he was a county judge, the equivalent of what in many of our States we call county commissioners. He championed a road construction program in his county and, indeed, later, when he was elected Senator, he helped draft the Transportation Act of 1940 as well as the Aeronautics Act of 1938.

During the time he presided as president, he indeed presided over the fall of Germany, the ultimate surrender of Japan, and he made the historic decision to drop the bomb on Hiroshima and Nagasaki, which many say saved as many as a million American lives.

While the world was recovering from the war, he urged the creation of the United Nations and set forth the Truman doctrine, a policy that supports free people who resist communism. And Greece is free today probably because of his decision.

During his first administration, he presided over the massive Berlin airlift. And I saw on a TV show just in the past few weeks where his whole cabinet was virtually unanimously opposed to continuing the Berlin airlift, but he made this decision by himself and overruled his cabinet so that we could keep that city free.

He approved the Marshall Plan to rebuild Europe, urged the recognition of Israel, promoted the four-point program for foreign aid, and authorized our entry into the Korean conflict.

He has earned the praise of both Republicans and Democrats. And it seems as each year goes by, as historians measure this American, he rises in the judgment and in the eyes not only of historians but of the American people.

There is no monument to this great president and designating the State Department headquarters in Washington is most fitting for this true visionary and great American, and I am very pleased to be able to bring this legislation to the floor today.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I want to express at the outset my great appreciation to the chairman for moving so expeditiously on this matter. The naming of the building has been requested by a number of our colleagues and, in particular, by the Secretary of State, Madeleine Albright, who has been a vigorous advocate for naming the State Department building after one of our truly great heroes in American history.

On April 12, 1945, most of us can remember, those who remember back that far, what we were doing on that particular day. I know exactly where I was sitting in my little hometown of Chisholm. Vice President Harry Truman was just off the House floor, one floor below, in what was known as the Board of Education Room, sharing a moment with Speaker Sam Rayburn.

Word came from the White House Press Secretary, Steve Early, to get over to the White House immediately. Truman saw the urgency of that message, left, and there at the White House he learned from First Lady Eleanor Roosevelt of the President's unexpected and untimely death.

After a few silent moments, he asked Eleanor Roosevelt if there was anything he could do for her.

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Shaking her head, she said, "Is there anything we can do for you? You are the one in trouble now." Well, that underscored or maybe in a very quiet way stated what a lot of people believed that maybe Harry Truman was not ready to be President.

There is a companion story that when Truman was elected and took his seat in the United States Senate, he said to friends, I looked around and I saw names like Carter Glass, Robinson, Patman, this Patman in the House, others, and he said, what am I doing here? And after about 6 months on the floor of the United States Senate, he looked around and he said, what are they doing here? That was Harry Truman.

There was one subject that Harry Truman's lifetime biographer Merle Miller wrote in Plain Speaking, one subject on which Mr. Truman was not going to have second thoughts: it was the bomb.

The bomb had ended the war. "If we had had to invade Japan, half a million soldiers on both sides would have been killed and a million more would have been maimed for life. It was simple as that. That was all there was to it. And Mr. Truman had never lost any sleep over that decision."

Well, yes. And since Mr. Truman had made the decision to drop the bomb all by himself, no one else was around when he made up his mind. And that also characterized Harry Truman.

When 1948 came along and he was running for election as President, he had taken some very strong positions. And, as we all know, he had asked for a fair employment practice commission and asked for a permanent commission on civil rights and was told, if he did that, if he persisted with his plan, some Southerners would walk out. And "I said," Mr. Truman commented, "if that happened, it would be a pity. But I had no intention of running on a watered-down platform that said one thing and meant another; and the platform I did run on and was elected on went straight down the line on civil rights. People said I ought to pussyfoot around, that I shouldn't say anything that would lose the Wallace vote and nothing that would lose the Southern vote. But I didn't pay any attention to that. I said what I thought had to be said. You can't divide the country up into sections and have one rule for one section and one rule for another. And you can't encourage people's prejudices. You have to appeal to people's best instincts, not their worst ones. You may win an election or so by doing the other, but it does a lot of harm to the country."

That is Harry Truman, plain speaking, plain and simple, one of America's great heroes.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 5 minutes to the distinguished gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Mr. Speaker, I thank the chairman for yielding me the time and for bringing this bill to the floor.

Mr. Speaker, I was pleased to join the gentleman from Missouri (Mr. SKELTON) to introduce the bill to name the Headquarters Building of the U.S. State Department for our Nation's 33rd President and Missouri's favorite son, Harry S Truman.

The "Man From Independence" was a man from middle America, a man like millions of others at the beginning of the 20th century. He reflected America's farms and small towns. He understood poverty and hard work. He valued education and read book after book from the Independence Public Library. He later would observe that there was not much left in human nature that one could not find in Plutarch's Lives in a community where not lots of people had read Plutarch's Lives.

He valued his parents. His love for his wife Bess and their daughter Margaret was unquestioned. His family was most important to him.

He was a man who understood courage, not as a philosophical abstraction, but by facing, along with those he commanded, artillery fire at night, in the mud, in the rain in France during World War I.

Truman was a farmer and a small businessman who struggled to make a living on the farm and from a retail store. Then this farmer, small businessman, volunteer soldier helped create a vision for America's place in the world that was far different from that imagined by those who had gone before him and shaped American foreign policy for decades.

If there is one word that describes this native of Lamar, Missouri, it was "courage." Physical courage allows one to rally his troops late at night in the face of open fire the way he did in the forests of France. He proved he had that kind of courage. But Truman also had the courage of his convictions.

It was his courage of convictions that catapulted him to the ranks today of one of the greatest Presidents of our history. He willingly rejected conventional wisdom at the end of World War II and led the free world to provide for the effective rebuilding of Japan and Germany rather than trying to crush their national identities.

Truman knew the sacrifices and heroism of African American soldiers, sailors, and airmen. His convictions said that these men and women were not being treated properly. His courage allowed him to cast aside decades of prejudice to order that the U.S. Armed Forces would be no longer segregated, a decision he made more than 20 years before the Civil Rights Act passed this House.

The "Man From Independence" was known for being a leader to defend the Constitution. His courage allowed him to stand toe to toe with General Douglas MacArthur and ensure that constitutional separation of civilian and military power was upheld.

Even in this age when it has become fashionable to denounce the decisions of past leaders, I believe it was the courage of Truman's convictions that allowed him to make one of the most far-reaching decisions of the 20th century, which the gentleman from Minnesota (Mr. OBERSTAR) has already mentioned, and bring an end to World War II.

As America enters the new century as the undisputed leader of the world, our foreign policy must be driven by our convictions about peace, about justice, about freedom. But conviction alone is never enough. President Harry Truman had convictions, but he also had the courage to put those convictions into practice, even when others doubted and criticized him.

Commemorating the memory of this great President by naming the headquarters of the State Department can send an important signal to the rest of the community of nations. First, America is built on a strong bedrock of convictions which come from all its citizens, not just from those born rich and powerful. Second, we do have the courage to put those convictions into practice; and both our determination and our courage need to be understood by the nations of the world.

Naming the headquarters of the State Department after my fellow Missourian, Harry Truman, is another way to send that message to the world. I urge my colleagues to vote for this bill.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the gentleman from Missouri (Mr. SKELTON), who is the principal advocate and relentless advocate for this legislation.

Mr. SKELTON. Mr. Speaker, I am pleased that H.R. 3639 has come before the House. This bill, which I introduced along with my fellow Missourian (Mr. BLUNT), would name the State Department Headquarters Building in honor of our 33rd President, Harry S. Truman.

I especially thank the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) for bringing this bill to the floor.

I came to personally know President Truman through my father, Ike Skelton, Sr., who developed a friendship with him some 71 years ago at the dedication of the Pioneer Mother Statue, the Madonna of the Trail, located in my hometown of Lexington, Missouri. Through the years, I developed my own friendship with this genuinely nice person we call the "Man From Independence."

President Truman was a man of strong personal character who held deep regard for his country and for the American people. He was a man of great devotion to his wife and life-long sweetheart Bess and to his daughter Margaret Truman Daniel. He was politically courageous, and during the critical years that ended and followed World War II, Harry Truman was faced with many difficult and often politically unpopular decisions. However, he faced these obstacles head on and established a foreign policy that guided the United States of America through the duration of the cold war.

Most importantly, Truman guided the United States away from our established pattern of peacetime isolationism in order to assist European economic recovery and security.

During his presidency, Truman launched the Marshall Plan and established the North Atlantic Treaty Organization under which Western Europe remains protected to this day.

President Truman also displayed significant courage in standing up to the communist aggression that marked the beginning of the cold war. The Truman Doctrine made it clear that the United States would not stand idly by in the face of communist aggression. Truman's commitment to the democratic rights of free people was also made clear as the U.S. provided essential supplies to the people of Berlin during the Soviet blockage and when Truman made the agonizing decision to use American troops to lead the United Nations resistance to the communist invasion of South Korea. These actions earned the praise of British Prime Minister Winston Churchill, who said to Truman, "You, more than any other man, have saved Western Civilization."

Harry Truman understood well the importance of America's effective diplomacy as a complement to our strong economy and military forces. Time and time again during his presidency, President Truman spoke eloquently to the American people about the lessons of history and the responsibilities of leadership.

In 1947, Truman said, "We have learned by the costly lessons of two world wars that what happens beyond our shores determines how we live our own lives. We have learned that, if we want to live in freedom and security, we must work with all the world for freedom and security."

America is truly grateful that the right leader was in the right place when President Franklin Roosevelt's extraordinary life ended. Associating Harry S. Truman's name with the United States Department of State is a fitting tribute to him. He contributed so much to the American people and to the citizens of the world. I am proud to say he will always be Missouri's favorite son.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentlewoman from Missouri (Ms. MCCARTHY).

Ms. MCCARTHY of Missouri. Mr. Speaker, I am honored to rise today in support of this measure. I join my colleagues in saluting Missouri's favorite son and one of this Nation's most popular Presidents, Harry Truman.

I have a deep personal interest in the life and legacy of President Truman because I represent Independence, Missouri, where Truman launched his career in public service as Jackson County presiding judge. His famed presidential library and his childhood home and farm are located in my congressional district.

Harry Truman distinguished himself as a plain spoken leader who cared about people. He has been a model to me in my service to the people of Missouri.

I have a replica of the message that President Truman had on his presidential desk, which reads, "The buck stops here." It is a constant reminder of his goal to maintain common sense and service to the people and helped him to prevail during the many difficult global situations he faced during his presidency.

In his inaugural address, he outlined an unprecedented foreign policy agenda. Last year, I was able to join in witnessing the expansion of the Truman foreign policy legacy at the Truman Presidential Library. We commemorated the 50th anniversary of NATO, which he created. And in the spirit of Harry Truman, NATO was expanded to include representation from the Czech Republic, Hungary, and Poland.

The naming of the U.S. State Department Building after President Truman is really one the most appropriate and meaningful tributes this Congress can make in his memory. May every individual who enters the State Department Building be inspired by the many national and foreign policy accomplishments of Harry Truman.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639, and I ask that we honor President Truman, this legendary leader, who has left such a tremendous great legacy to those of us who continue to work so hard to make possible the leadership and the greatness that our country commands today.

Mr. Speaker, I am honored to rise today in support of H.R. 3639, a bill to designate the U.S. State Department building as the Harry S. Truman Federal Building. I join my colleagues in saluting Missouri's favorite son and one of this Nation's most popular Presidents, Harry Truman.

Choosing to name the U.S. Department of State after President Truman is a fitting tribute to the man who helped end isolationism and establish this country's dominant role in international relations.

I have a deep personal interest in the life and legacy of President Truman because I represent Independence, Missouri, where Harry Truman launched his career in public service as Jackson County Presiding Judge. His famed Presidential Library and his home and farm are located in my Congressional District.

Harry Truman distinguished himself as a plain spoken leader who cared about people. He has been a model to me in my service to the people of Missouri. His honest, matter of fact approach to all issues is one all public servants can aspire to. In my congressional office I have a replica of the message that President Truman had on his desk which reads "The Buck Stops Here." It is a constant reminder of his goal to maintain common sense in service to the people and helped him to prevail during the many difficult global situations he faced during his Presidency.

President Truman's career was highlighted by many accomplishments: The famous Truman Committee of the early 1940's; victory in world war II; the recognition of the new state of Israel; and most notably his vision for the future of foreign policy. President Truman demonstrated the compassion and courage admired by the world through his strategic action in employing the Berlin Airlift and his commitment to "support free peoples who are resisting subjugation . . ." which became known as the Truman Doctrine.

Truman in his inaugural address outlined an unprecedented foreign policy agenda calling for the ongoing support of the United Nations, the continued support for the Marshall Plan, the creation of a collective defense for the North Atlantic Region—NATO (North Atlantic Treaty Organization), and "Point IV—a bold new program" to help the underprivileged peoples of the world. Last year I was able to join in witnessing the expansion of the Truman foreign policy legacy at the Truman Presidential Library. As we commemorated the 50th anniversary of NATO in the spirit of Harry Truman, NATO was expanded to include representation from the Czech Republic, Hungary, and Poland.

I am extremely proud to have supported this legislation because I firmly believe that naming the U.S. State Department building after President Truman is one of the most appropriate, meaningful tributes this Congress can make in his memory. May every individual who enters the State Department building be inspired by the many national and foreign policy accomplishments of Harry Truman.

Finally, I want to make part of the record a beautiful collection of words which the President carried in his wallet from the time he graduated from high school. According to the Truman Library, the President attributed the words to a poem by Alfred Lord Tennyson entitled "Locksley Hall." The words are powerful and I hope my colleagues find the words as inspiring as I do.

For I dipt into the future, far as human eye could see,
Saw the vision of the world, and all the wonder that would be;
Saw the heavens fill with commerce. Argosies of magic sails,
Pilots of the purple twilight, dropping down with costly bales;
Heard the heavens fill with shouting, and there rain'd a ghastly dew
From the Nations' airy navies grappling in the central blue;
Far along the world-wide whisper of the south-wind rushing warm,
With the standards of the peoples plunging thro' the thunderstorm;
Till the war-drum throbb'd no longer, and the battle-flags were furl'd
In the parliament of man, the federation of the world,
There the common sense of most shall hold a fretful realm in awe,
And the kindly earth shall slumber, lapt in universal law.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 3639 to name the U.S. State Department building in honor of President Harry S. Truman, a legendary leader in matters of state whose lasting vision made possible the international leadership and greatness our country commands today.

Mr. SHUSTER. Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Missouri (Ms. DANNER).

Ms. DANNER. Mr. Speaker, we are here today to discuss the possibility of honoring Harry S. Truman by naming a building after him. And indeed, he was a truly remarkable man.

A prior speaker, former State senator now, the gentleman from Missouri (Mr. SKELTON), quoted Churchill in saying that Truman had saved Western Civilization. Well, he had done that. And yet he was such a remarkable and humble man that when the press asked former President Truman at that time after he had returned to Independence, Missouri, what was the first thing he did as the former President, he paused for just a moment and he said, "I carried the grips up to the attic."

That was Harry S. Truman. He never lost those small-town values that meant so much to him and to the Nation.

□ 1530

This is a man who led us out of the darkness of war and into the dawn of peace. He leaves a legacy that those in Missouri and indeed our entire Nation are very proud of.

Mr. OBERSTAR. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. CLEMENT).

Mr. CLEMENT. Mr. Speaker, I want to congratulate the gentleman from Missouri (Mr. SKELTON) as well as the gentleman from Missouri (Mr. BLUNT) for introducing H.R. 3639, to name the State Department headquarters building in honor of our 33rd President, Harry S. Truman. I remember that expression that was shared just a while ago about the buck stops here, because he took full credit as well as at times took the heat for what occurred during his watch. He offered a lot of what I call political courage and will always be remembered as one of the greatest Presidents in the history of this country.

I met President Truman in the 1950s when my father, Governor Frank G. Clement, was governor of Tennessee, and he visited the governor's residence in Tennessee. We had him for dinner as well as he spent the night. I will never forget the next morning. My father went to his room knowing that President Truman had a habit of getting up early in the morning. My father went to the guest quarters at the governor's residence, no Harry Truman, and could not find him. He went downstairs and asked the security people, where is the former President? Where is President Truman? None of the security people had seen him. They found him walking down Curtiswood Lane all by himself in front of the governor's residence. He would always be one of those kinds of people to surprise people and do what he wanted to do because he was just that kind of person. I will say my father just about fired three or four security people right there on the spot, having the former President here at the governor's residence; and we could not find where he was.

He made a difference. He is responsible and launched the Marshall Plan. He helped end World War II, NATO, the Truman Doctrine. He will always be remembered as one of the greatest Presidents in the history of this country. God bless President Truman.

Mr. OBERSTAR. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I am very happy to say a few words in strong support of H.R. 3639, the legislation to name the State Department building for President Harry S. Truman. It is a most appropriate tribute to our 33rd President to engrave his name on the building that houses our diplomatic corps.

Harry Truman, as we all know, rose from humble beginnings to become the leader of our Nation during a time of great crisis. When Franklin Roosevelt died 80 days into his fourth term, his Vice President had been ill-prepared to take over. Not part of Roosevelt's inner circle, Truman had to learn most of his foreign policy on the fly. The country was still at war in Europe and the Pacific, the atomic bomb was being developed in secret, and Joseph Stalin was backing away from the agreements reached at Yalta.

Barely within Truman's first month in office, Germany surrendered. While confronting the need to rebuild Europe and control Stalinist governments in Yugoslavia and Poland, the new President also had to wage war in the Pacific. When Japan refused unconditional surrender, Truman had to decide whether to keep fighting by conventional means, which course he knew would cost hundreds of thousands of American and Japanese lives, or to use the atomic weapon.

After weighing the cost of prolonging the war, he opted to drop a devastating bomb he did not even know existed 4 months earlier. The aftermath of the war was a time of great political upheaval at home. Faced with a country that was tired of the sacrifices of war, Truman watched as Republicans won majorities in both houses of Congress. Given no chance to win reelection in 1948, Harry Truman took his case to the people. In his famous whistle-stop campaign, he traveled almost 22,000 miles by train, stopping in small towns and cities all across the country. In an upset victory over New York Governor Thomas Dewey, Truman was elected President in his own right.

During this term in office, Harry Truman had his great foreign policy successes, the Truman Doctrine to stop the spread of totalitarianism in Europe, the Marshall Plan to rebuild Europe, and the Berlin Airlift to resupply West Berlin in the face of a Soviet blockade. These programs established the willingness of the United States to remain engaged in world affairs and not to retreat into isolationism as we had done after World War I.

Harry Truman was a great man who was underappreciated in his time. History has shown the wisdom of his vision for America and for the world. Mr. Speaker, I am proud to support this effort to designate the State Department building as Harry S. Truman Federal Building and commend the sponsors of this legislation.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

I close with an observation about the last campaign of President Truman about which he reminisced in Plain Speaking:

> Another thing about that election, I won it not because of any special oratorical effects or because I had any help from what you would call the Madison Avenue fellows but by a statement of fact of what had happened in the past would happen in the future if the fellow that was running against me was elected.
>
> I made 352 speeches that were on the record and about the same number that were not. I traveled altogether 31,700 miles, I believe, and it was the last campaign in which that kind of approach was made. Now, of course, everything is television; and the candidates travel from one place to another by jet airplane. And I don't like that."

I think the American people do not like it much, either. I think they would like a return to the plain speaking of Harry Truman and to the personal contact that he made with people. If we could all live up to the very simple ideals by which he lived his life, ran the White House, steered us through the end of World War II and into the postwar period, we will all be a better country. That is why we are taking the step of naming the Department of State building for a man who is truly a statesman.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentlewoman from Missouri (Mrs. EMERSON).

Mrs. EMERSON. Mr. Speaker, I speak in support today of H.R. 3639, designating the Harry S. Truman Federal Building. I really want to commend the gentleman from Missouri (Mr. SKELTON) who is a very dear, close personal friend. He has worked tirelessly over the past few years in Congress to make sure that the only Missourian ever elected to serve as President of the United States is duly recognized for his great work to this country.

I commend the gentleman for the dedication and commitment he has made. I want to thank him for that. I also want to say that I find it very fitting that we are debating the naming of the headquarters of the State Department in honor of President Harry Truman. Many of President Truman's greatest legacies center around foreign policy, from winning the war to winning the peace to helping negotiate NATO and the creation of the National Security Council, to the writing of the Marshall Plan which assisted in the rebuilding of Europe following World War II.

Back in 1899, Congressman William Duncan Vandiver, who was my predecessor in Congress, defined what it meant to be from Missouri when he said, "I come from a State that raises corn and cotton and cockleburs and Democrats, and frothy eloquence neither convinces nor satisfies me. I am from Missouri. You have got to show me." No one better exemplified this sentiment than our own plain speaking Harry S. Truman. Let me again thank the gentleman from Missouri (Mr. SKELTON) and the gentleman from Minnesota (Mr. OBERSTAR) and, of course, the gentleman from Pennsylvania (Mr. SHUSTER) for working to ensure that Missouri's brightest son gets the honor that he so greatly deserves.

Mr. OBERSTAR. Mr. Speaker, I yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

In closing, I want to emphasize that getting this legislation here today was not an easy task but it was a very worthy task. It is the gentleman from Missouri (Mr. SKELTON) and the gentleman from Missouri (Mr. BLUNT) who really deserve enormous credit for our being here today to honor this great American. While it is true that Harry Truman was a plain speaking man, he certainly was not a plain thinking man. In fact, he made some of the most lonely and historic decisions of our century.

He also was a much more sophisticated man than many might think. He was a classical pianist. He not only could play the Missouri Waltz, he could play Chopin and the other great classical composers. He did that in the White House as well as in other places. Harry Truman was a quintessential American. This is so very deserving. I strongly urge the support for this legislation.

Mr. GEPHARDT. Mr. Speaker, I rise in support of H.R. 3639, which names the headquarters of the Department of State after a great American from my home state of Missouri the 33rd President of the United States, Harry S Truman. And I commend my good friend and colleague IKE SKELTON for his leadership in spearheading this important effort..

It is appropriate that we name the State Department's headquarters after Harry Truman, for he truly was a statesman of world stature. He was a visionary who inspired generations worldwide with his pursuit of peace through diplomacy, and with his defense of free peoples. From his unwavering support of establishing the United Nations as the best hope for peace, to the fateful decisions ending the Second World War, to the heroic effort of the Berlin airlift, President Truman demonstrated time and again his greatness.

Yet at the same time, Harry Truman never forgot his roots in Missouri, where he had learned the virtues of loyalty, hard work, perseverance and personal responsibility He not only talked about these Americans values, he lived them. His life story, the rise from farmer and haberdasher to judge to United States Senator, to Vice President, and finally to President of the United States, still inspires us with the truth of the old adage that anyone can grow up to be President. Through it all, Harry Truman showed us by example the value he placed on family and friends through the loyalty and honor he bestowed on those close to him, no matter how lofty his office became.

Harry Truman's character and accomplishments stand as benchmarks by which public servants are measured to this day. Honesty, integrity and the courage to make the toughest decisions were the hallmarks of his presidency. Whether facing foreign aggression in Korea, pushing for civil rights at home, or standing against the divisiveness of McCarthyism, Harry Truman was a leader who served as an example to the whole world of the greatness of our democracy. He reached across racial barriers, party lines, and international boundaries pursue the causes he believed in.

The immortal sign that sat on is desk "The Buck Stops Here" says it all. On so many hard decisions affecting the fates of so many people, the buck truly did stop with Harry S Truman. He used the power of his office and the power of his character to lead the American people and the world into a new and uncertain future, the foundation of peace and prosperity that we enjoy today. And he charted a course for America of active engagement with the world grounded in the values that have made this nation great.

I am truly proud to rise in support of this bill. Harry S Truman was a great American and a great Missourian who made our country and the world better by his deeds and his example.

Mrs. EMERSON. Mr. Speaker, I rise today to speak in support of H.R. 3639, designating the Harry S. Truman Federal Building. I want to first commend Congressman IKE SKELTON, a close dear friend of mine. He has worked tirelessly over the past few years in Congress to ensure that the only Missourian ever elected to serve as President of the United States is duly recognized for his great work to this country.

I find it fitting that we are debating the naming of the headquarters of the State Department in honor of President Truman. Many of President Truman's greatest legacies center around foreign policy, from winning the war to winning the peace, to helping negotiate NATO and the creation of the national security council to the writing of the Marshall Plan, which assisted in the rebuilding of Europe following World War II.

In 1899, Congressman William Duncan Vandiver, who was my predecessor in Congress, defined what it meant to be from Missouri, when he said, "I come from a state that raises corn and cotton and cockleburs and Democrats, and frothy eloquence neither convinces nor satisfies me. I am from Missouri. You have got to show me." No one better exemplified this sentiment than our own plain speaking President Harry S. Truman.

I want to thank Mr. SKELTON and Chairman SHUSTER for working to ensure that Missouri's brightest son gets the honor that he so greatly deserves.

Mr. SHUSTER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3639, as amended.

The question was taken.

Mr. SKELTON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

## GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 3639, as amended, the measure just considered by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## ANNOUNCEMENT REGARDING DEBATE ON H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

(Mr. Dreier asked and was given permission to address the House for 1 minute.)

Mr. DREIER. Mr. Speaker, in an effort to maximize the amount of time for the House to debate the important issue of commercial relations with the People's Republic of China, I intend to propound a unanimous-consent request to begin debate on this issue this evening with 2 hours of debate equally divided between the bill's proponents and opponents from both sides of the aisle.

Furthermore, the Committee on Rules will meet later today to grant a rule on H.R. 4444 which will provide for further consideration, debate, and a vote on this very important issue.

## MAKING IN ORDER AT ANY TIME CONSIDERATION OF H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. DREIER. Mr. Speaker, I ask unanimous consent that it be in order at any time for the Speaker as though pursuant to clause 2(b) of rule XVIII to declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China; that the first reading of the bill be dispensed with; that all points of order against consideration of the bill be waived; that general debate proceed without intervening motion, be confined to the bill, and be limited to 2 hours equally divided among and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the gentleman from California (Mr. Stark), and the gentleman from California (Mr. Rohrabacher) or their designees; that after general debate the Committee of the Whole rise without motion; and that no further consideration of the bill be in order except pursuant to a subsequent order of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1545

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today in the order in which that motion was entertained.

Votes will be taken in the following order:

S. 1402, by the yeas and nays;

House Concurrent Resolution 293, de novo;

H.R. 2498, by the yeas and nays; and

H.R. 3639, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

## VETERANS AND DEPENDENTS MILLENNIUM EDUCATION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the Senate bill, S. 1402, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. STUMP) that the House suspend the rules and pass the Senate bill, S. 1402, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 417, nays 0, not voting 17, as follows:

[Roll No. 220]

YEAS—417

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono

Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—17

Ackerman
Bachus
Brown (OH)
Capuano
Cubin
Forbes
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Pickett
Rodriguez
Stupak
Waxman
Weiner

☐ 1605

So (two-thirds having voted in favor thereof) the rules were suspended, and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read:

Amend the title so as to read: "An Act to amend title 38, United States Code, to increase amounts of educational assistance for veterans under the Montgomery GI Bill and to enhance programs providing educational benefits under that title, and for other purposes.".

A motion to reconsider was laid on the table.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 8, rule XX, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each motion to suspend the rules on which the Chair has postponed further proceedings.

### URGING COMPLIANCE WITH HAGUE CONVENTION ON CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 293, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and agree to the concurrent resolution, H.Con.Res. 293, as amended.

The question was taken.

RECORDED VOTE

Mr. OSE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 416, noes 0, not voting 18, as follows:

[Roll No. 221]

AYES—416

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink

Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—18

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Hilliard
Larson
Martinez
McCarthy (NY)
McCollum
McHugh
McIntosh
Pease
Pickett
Rodriguez
Stupak
Waxman
Weiner

☐ 1615

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MCHUGH. Mr. Speaker, on rollcall No. 221, I was inadvertently detained. Had I been present, I would have voted "aye."

## CARDIAC ARREST SURVIVAL ACT OF 2000

The SPEAKER pro tempore. The pending business is the question of suspending the rules and pass the bill, H.R. 2498, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida (Mr. STEARNS) that the House suspend the rules and pass the bill, H.R. 2498, as amended, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 415, nays 2, not voting 17, as follows:

[Roll No. 222]

YEAS—415

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-
McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Sanford

NOT VOTING—17

Ackerman
Brown (OH)
Capuano
Cubin
Forbes
Hilliard
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Rodriguez
Royce
Stupak
Waxman
Weiner

☐ 1623

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## HARRY S TRUMAN FEDERAL BUILDING

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3639, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 3639, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 413, nays 0, not voting 21, as follows:

[Roll No. 223]

YEAS—413

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velázquez
Vento
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—21

Ackerman
Brown (OH)
Capuano
Chenoweth-Hage
Cubin
Davis (FL)
Forbes
Hilliard
Hutchinson
Jones (OH)
Larson
Martinez
McCarthy (NY)
McCollum
McIntosh
Pease
Rodriguez
Spratt
Stupak
Waxman
Weiner

□ 1634

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. YOUNG of Florida, from the Committee on Appropriations, submitted a privileged report (Rept. No. 106-635) on the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore (Mr. CALVERT). Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

## AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore. Pursuant to the order of the House today and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 4444.

□ 1636

### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the order of the House today, the bill is considered as having been read the first time.

Under the order of the House today, the gentleman from Texas (Mr. ARCHER), the gentleman from Michigan (Mr. LEVIN), the gentleman from Wisconsin (Mr. KLECZKA), and the gentleman from California (Mr. ROHRABACHER) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I say to my fellow Members that this debate today is likely the most important debate that we will make, not only in this Congress, perhaps in our entire careers.

I rise in strong and full support of this legislation which grants normal trading relations to China and helps to open its borders to the enterprising superiority of American workers, American businesses, and American farmers.

This historic legislation serves two critical American interests: first, it creates potentially hundreds of thousands of new higher-paying jobs for American workers; second, it helps our children and our grandchildren to live in a more peaceful world and enhance our national security.

Human rights, so important to us Americans, will be helped because we know from the testimony of many Chinese dissidents that continuing normal trade with China is a plus.

The environment is important, and this legislation will help improve environmental protection. This vote will be the most important vote that we as Members of this House will cast, as I said, in this Congress and perhaps in our congressional careers.

While the bill itself may be small, the issue surrounding NTR for China is massive. As chairman, I have worked hard to accommodate Members on both sides to produce a bill that addresses their concerns on issues, such as human rights, prison labor, environment, and anti-surge protections; and I am pleased that we can include that language for consideration by the House.

This parallel bill, as it is called, is bipartisan; and both the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER) deserve enormous credit for its accomplishment.

Mr. Chairman, China represents over one-quarter of the world's population. Over 1 billion people will not be ignored in the international marketplace. Yes, we can agree that China's human rights do not measure up to our own standards; we can agree that their environmental and labor conditions need to be improved.

But how does suffering our economic relations with China help us to bring about the positive and monumental change which opponents to this bill say they want? Mr. Chairman, no opponent has been able to show me how we will be better off in accomplishing these goals if we turn down normal trading relations with China. If we fail today, it will certainly play into the hands of the hardliners in China, and that cannot be good for our national interests. I have said that it would be unthinkable for the Congress not to approve this historic legislation.

The American people are with us. By the most recent polling data, they overwhelmingly support this bill because they know it is good for jobs in America and good for human rights and the environment in China.

Much of this debate has focused on exports, on crops and computers and cars and other material goods, and they are important. But the greatest American exports to China are those yet to come, the freedom of choice and the freedom of opportunity.

History has shown us that no government can withstand the power of individuals who are driven by the taste of freedom and the rewards of opportunity. We need to pass this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LEVIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, trade issues are never easy. They become more difficult as globalization has become global. It now includes the largest nation in the world. It is destined, according to World Bank estimates, to have the second largest national economy in the world in 20 years.

So China's integration into the world trading system inevitably presents both opportunities and challenges both. What we have to do is to take advantage of the benefits in the agreement that we negotiated with China and also actively address the problems in our relationship.

Briefly, the benefits, and there will be more discussion of this, the distinguished gentleman from Texas (Mr. ARCHER), chairman of the committee, has laid out some of them. Lower tariffs, dramatically lower tariffs over time for both agricultural and industrial products. Service, a dramatic breakthrough for our service industries. Telecommunications, China is exploding in terms of telecommunications. So vital barriers that now exist, for example, local content requirements, they are out the window under this agreement. Restrictions on distribution of our products made in the United States, they are gone over time under this agreement. Technology transfers that were required by China up to this point would no longer be available to the Chinese.

The point is clear: if we do not grant PNTR to China, it is going into the WTO in any event. In any event.

□ 1645

The U.S. has no veto power over their entry. And if we do not grant PNTR, most of the benefits that we negotiated with the Chinese Government will not be available to us but they will be to our competitors.

There has been some talk these months about the 1979 agreement between the U.S. and China giving us all of the benefits that we have since negotiated. I have read the documents many times, and that is simply incorrect. But I want to focus right now on the challenges, because there are challenges as well as opportunities. One of them is the issue of compliance.

There is weak rule of law today in China. How are we going to make sure that China complies with its agreements? The gentleman from Nebraska (Mr. BEREUTER) and I have put together legislation to address this challenge as well as others, and there are some meaningful compliance provisions in our proposal. One relates to the USTR review, an annual review within our own ranks, detailed, meaningful.

Perhaps it is important granting resources to our agencies China specific, China specific, to enforce their agreement. And also there is, in essence, an instruction to our USTR that in the protocol discussions that will ensue now that the EU has reached agreement with China, that she will insist, she will work actively for an annual review within the WTO of the agreement by China.

That is the first aspect in terms of the challenge. The second one relates to the potential surges in products from China. It is going to compete with us. That is what trade is. It is competition. And there could be harmful surges from China into the U.S. that would hurt our workers and hurt our producers.

I will not go into detail now, but I can say, as someone who has worked on these issues now for 15 years and fought to keep the antidumping provisions in U.S. law in the Uruguay Round, and successfully, with the help of the gentleman from New York (Mr. HOUGHTON), this provision, this specific provision as to surges from China and handling them, is the strongest antisurge provision that will be in U.S. law.

Third relates to human rights, including international core labor standards in the U.S. law. First of all, in the legislation that the gentleman from Nebraska (Mr. BEREUTER) and I have proposed and will be before us tomorrow, what we do is to set up a task force, and a meaningful one, to pull together the agencies of the U.S. Government to work with Customs to make sure that our law on forced and prison labor products from China, that that law is implemented.

And then the commission that we have proposed; high level, at the executive-congressional level, full time, fully staffed, patterned after the Helsinki Commission, 25 years old. That commission was effective in Eastern Europe. This commission that we have put together on paper, if we work at it, will be effective in reality. There will be nine Members from the House, nine from the Senate, five from the executive at the highest levels. We will represent the majority on that commission.

The Helsinki Commission worked and this can work. It will work because we will be determined to make it work.

So, the provisions that the gentleman from Nebraska (Mr. BEREUTER) and others and I have worked on combines PNTR with this framework, with this plan of action that is the most promising approach to take advantage of the opportunities and to meet the challenges. It allows us to both engage China and to confront. It recognizes the internal forces for change in China and reinforces them with external pressures by us.

I want to refer briefly, as I close, to two comments in recent articles, one by Dai Qing, who is perhaps China's most prominent environmentalist and independent political thinker, and here is what he said recently in a report in The Washington Post. In quotes.

"There is a battle here between opening to the West and closing to the West. This fight is not over. One of the main economic and political problems in China today is our monopoly system, a monopoly on power and business monopolies. Both elements are mutually reinforcing. The WTO's rules would naturally encourage competition and that's bad for both monopolies."

And then an article just this last Sunday in The New York Times. This is a report, not an editorial, and it is entitled "Chinese See U.S. Trade Bill as Vital to Future Reforms." And after quoting a large number of people in China, including one who recently lost his job as a reformer, this is what all of them in this article say. "Chinese say their country is at a tipping point in its history. A yes vote on normal trade can propel it forward to greater liberalization and engagement with the West. A no vote from Congress will be seen as a slap in the face, throwing China back into conservatism and anti-American hatred."

Rejecting PNTR now that it has been combined with the proposals in our legislation would likely be a catalyst not for change but for chaos in the relationships between the U.S. and China. It would make both active engagement and constructive confrontation by the U.S. much more difficult.

There is a better course, colleagues, in this distinguished body at this distinguished moment. It is passage of PNTR, now combined with a framework, with a plan of action, with a strategy to assess the advantages and address the problems.

I was in China 10 days in January, in Beijing and then Hong Kong. After talking to students, after talking to intellectuals, to artists, as well as government officials, I came to the conclusion indelibly that change in China is irreversible but its direction is not inevitable. We must be activists in this process of change. We, the United States, cannot isolate China and its 1.2 billion people; and we must not isolate ourselves from impacting on China's future direction.

Mr. Chairman, I reserve the balance of my time.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes and 10 seconds to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, every now and then this Congress has the opportunity to associate our country with the aspirations of people who sacrifice their lives and their livelihood for freedom. The PNTR vote that we are debating today gives us that challenge. It challenges the Congress to stand with the man before the tank, who courageously, courageously, stood his ground for freedom. It challenges us to speak out against the brutal occupation of Tibet and against the serious repression in China.

We have been told over the last decade that human rights in China would improve if we had unconditional trade benefits for China. Not so. More people are imprisoned for their beliefs in China today than at any time since the cultural revolution.

We were told that unconditional trade benefits for China would stop China's proliferation of weapons of mass destruction to rogue states. Again, not so. Not only does China continue to proliferate chemical, biological, and nuclear technology, and the delivery systems for them to rogue states, they have added Libya as one of their customers, as recently as this March 2000.

But even if we could ignore the serious repression and the dangerous proliferation of weapons of mass destruction, there is serious reason to reject this proposal on the basis of trade alone. Mr. Chairman, China has never honored any of its trade agreements with the United States, including its agreements for market access over the last 20 years; over and over again agreements on stopping the violation of intellectual property, and the piracy continues; and stopping prison labor exports from coming into the United States.

Indeed, the U.S. International Trade Commission said in their own analysis, projecting the China deal will result in the loss of 872,000 American jobs over the next decade. On the basis of trade alone, I urge my colleagues to vote against this resolution.

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, our economic relationship with Communist China has been a disaster for the United States of America, a disaster; and it is in the making and we can see it coming, though we have people trying to prevent the American people from understanding the significance of what has been going on for these last 10 years.

Economically we have had year after year after year of a massive trade surplus with Communist China. What does that mean for the people of the United States? We are just going to laugh that off, where they have a trade surplus? They allow us to import all of their goods while they put restrictions on our goods?

In terms of our national security, they have used that trade surplus, which will be $80 billion this year, to build up their military. And who do we think is being threatened by this military buildup of the Communist Chinese? They now have the capability of murdering millions of Americans with nuclear weapons that they did not have the capability for 10 years ago, based on our technology and our money. I consider that a disastrous policy.

And morally, morally, has this worked in our benefit to have this relationship, which people now want to make permanent? That is what this is about, making a disastrous relationship with Communist China permanent. What has it done morally? Today, the Democratic movement in China, which used to be healthy, has been smashed. Religious believers are being persecuted, even to the point where people who believe in meditation and yoga are being thrown into prison by the thousands.

In Tibet, the genocide goes on. The Communist Chinese could drop an atomic bomb on Tibet and murder millions of people, and our business community would still be up here saying, well, how are we going to cut off progress by trying to confront them with this. No, we have to maintain our engagement.

PNTR basically says that we are going to make permanent the relationship that we have had for the last 10 years with Communist China. Freeze it. We are going to freeze it. Now, my colleagues may say, oh, no, that is wrong; they are going to bring down their unfair tariffs that they have had. No, I am afraid not. What will happen is, these tariffs, which have been disproportionate, monstrously disproportionate, will be brought down a little. They will still have a huge tariff disparity between the United States and China.

In other words, they will continue flooding our market with their goods, but what will happen? If we have a dispute with them in the future, if we pass PNTR, we have taken all of our bullets out of our gun to enforce our decisions. We are giving it to the World Trade Organization. Instead of being able to enforce our agreements with China, which we have not been able to enforce before, and they have broken their agreements with us, we are going to rely on panels and commissions of the World Trade Organization.

We have been told that if we engage with China, that we will liberalize China. We will make them more like us. They will become more Democratic.

□ 1700

It has gone the opposite direction. We have been dealing with gangsters, and right now we are talking about putting gangsters into the chamber of commerce. What makes my colleagues think that dealing with a gangster is going to do anything but corrupt their people rather than making them any better?

The debate is not about isolating China. Do not let anybody fool us. This is not about isolating China. It is not about severing our relations with China. My colleagues will hear that over and over and over again in this debate. That is a ruse. It is not true. It is trying to get us off what this debate is really about.

What are we going to achieve by this decision today on permanent normal trade relations with China? What we are talking about is continuing to allow our big businessmen to massively invest in China with government guarantees to the Export-Import Bank and subsidized loans and guaranteed loans. That is the bottom line. That is what is pushing this.

We have people closing factories in the United States and opening them up to use slave labor in China, and they want the taxpayers to guarantee that. They do not care about morality. They do not care about human rights. This is a joke.

Even with the proposal of the gentleman from Michigan (Mr. LEVIN), we are taking away our ability to enforce any type of human rights standards that we have been trying to push on Communist China. And they know it. They know that we are taking away our rights even to discuss it on the floor of the House every year, which has been one of the only things that have held them back. And even with that type of control or, at least, influence on them, they have gone in the opposite direction.

Let me close by saying this: I realize people who believe on the other side of this are sincere; they believe they are trying to better the prospects for peace in this world and better the prospects for freedom, which I think is nonsense. We do not treat tyrants that way. But we have tried this before. The world has tried this before.

We remember Neville Chamberlain as the man who gave away Czechoslovakia to Hitler and Munich, but we do not remember what Neville Chamberlain did in the years prior to Munich when Hitler had taken over Nazi Germany. Neville Chamberlain led up to Munich by creating an economic task force designed to invest in Germany so that the Germans would have so many economic ties they would never think of violating the peace. It reads almost verbatim the argument that we are getting today.

We do not make a liberal by hugging a Nazi. We do not treat gangsters as if they are democrats and expect them to be democratic people. No. We must stand together with the people in China who long for freedom and justice, and we will not do that by kowtowing to these dictators in Beijing and giving them what they want.

Do not give me this, the hardliners do not want us to give them this. The hardliners want to continue to have the type of trade surpluses that they have had and want us to have to only rely on the WTO if they break their word to us.

This whole idea of permanent normal trade relations with China is against the interest of the people of the United States, against our moral position, and has undermined our national security as we wake up to find that we have built a monster that is capable, with the weapons systems and technologies that we have provided them, of killing millions of Americans.

I call on my colleagues to oppose normal trade relations with this monstrous regime in Communist China.

Mr. Chairman, I reserve the balance of my time.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I respect the passion that my distinguished colleague, the gentleman from California (Mr. ROHRABACHER), has. But I would remind him that he should go back to reexamining what his former governor, Ronald Reagan, did with regard to our Caribbean neighbors when the Caribbean neighbors were subject to the possibility of communist expansion and tyranny and Ronald Reagan initiated the Caribbean Basin Initiative, which was to make that economic outreach in hopes that economic improvement would lead them down the path to democratic institutions. It was a marvelous program, and it worked superbly well.

I would remind my distinguished colleague, too, that we have the missile capability to kill millions of Chinese people; and we do not want that to happen and we do not want China to consider using their capabilities against us, either. The best way we move down the path of guaranteeing that these things do not happen is establishing those better relations.

I would suggest to my colleague from California, talk to Dr. Billy Graham about it. His son has been doing missionary activity over there for several years and has distributed literally millions of Bibles in mainland China over the past several years, and they are actually printing their Bibles in the mainland right now.

So we have a chance to exert that personal contact and move it in a constructive direction.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota (Mr. RAMSTAD) to elaborate a little further on this issue.

Mr. RAMSTAD. Mr. Chairman, I thank my chairman for yielding me the time and for his strong, effective leadership on this historic issue.

Mr. Chairman, it is a great day in Congress when we can do something this positive for the American people. It is a great day in Congress when we can work together, both sides of the aisle, Democrats, Republicans, and independents alike, in a bipartisan, pragmatic, and common sense way on something so important to America's future.

My governor, Jesse Ventura, is not one to mince words; and he talks plain talk. When I invited him to testify before the Committee on Ways and Means on this important issue, he put it like this: he said, "This will be one of the most important votes of the century in Congress. And by passing permanent normal trade relations with China, Congress will be doing more to expand our economy and create jobs than anything else we could possibly do."

Mr. Chairman, the governor of Minnesota got it right. I just hope we get it right.

Under the terms of the agreement, China's tariffs will fall from an average tariff of 25 percent to 9 percent. That is what it means to knock down trade barriers so that we can export more goods, expand our economy, and create more jobs.

As cultural tariffs will fall from an average of 32 percent, it is no wonder our farmers cannot sell grain to China, fall from an average of 32 percent to 15 percent by the year 2004.

Well, what do these tariff reductions mean? They mean that members of Minnesota's Medical Alley, America's Medical Alley, from big companies like Medtronic to small manufacturers like American Medical Supplies can improve and save and better Chinese lives. It means Minnesota's companies, America's companies, like Cargill, Pillsbury, General Mills, Jennie-O, Hormel, and others can sell more food and other products in China.

That means that efficient Minnesota farmers, America's farmers, corn growers, pork producers, soy bean farmers can export more food to the growing population in China. Mr. Chairman, the bottom line, it means a better quality of life for the Chinese people and a better quality of life for the American people.

What some critics do not understand is that trade is not a zero-sum game; it is a win-win for both economies, for both countries. It means Minnesota's jobs, America's jobs will continue to grow, our economy can expand, good jobs.

So I urge our colleagues to support this historic, momentous, critical issue. Vote "yes" on permanent normal trade relations with China.

Mr. LEVIN. Mr. Chairman, I yield 2½ minutes to the gentleman from New York (Mr. LAFALCE).

Mr. LAFALCE. Mr. Chairman, on January 1, 1979, I was one of the representatives of the United States and President Carter at the ceremonies in Beijing reestablishing normal relations with China.

Last week, I chatted with President Carter; and we reminisced about what had happened in the 2 decades in between. We share virtually identical views.

Twenty years ago, China was a closed society, virtually no phones, no newspapers, no access to the outside world, no private enterprise, no relations with citizens of the United States, no hope, and no future. And today that has changed, in large part because we have had normal relations with China, because we engage China.

Today, China has gone from virtually no phones to about 130 million phones. They talk about freedom of speech. That is what phones, especially digital cell phones, help facilitate.

Today, China has gone from virtually no newspapers whatsoever to millions of users of the Internet, the greatest democratizing tool the world has every known, for it opens people to news, to ideas from every corner of the world. That is progress.

In fact, President Carter and I shared the thought that China, despite all its still existing problems, has probably advanced the human condition more in the past 20 years than any other nation in history.

But let us turn to this agreement. It should be a no-brainer. We give no tariff reductions or additional market entry whatsoever. They lower their tariffs drastically and open their markets. That is a clear winner for our exports.

Last week we negotiated the strongest anti-surge controls ever legislated. We can now stop surges of Chinese exports. We could not before. That is a winner.

This is a historic vote. We can draw a circle that either includes China or excludes China, almost one quarter of the people of the planet Earth. We can maximize our influence or decimate our influence. The choice is ours. History demands a "yes" vote.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. LEWIS), a member of the Committee on Ways and Means.

Mr. LEWIS of Georgia. Mr. Chairman, I thank my friend and my colleague from Wisconsin (Mr. KLECZKA) for yielding me the time.

Mr. Chairman, I am opposed to granting permanent normal trade relations to China. We cannot reward China with PNTR while she continues to violate the human rights of her people. We are sending the wrong message to the rest of the world. The spirit of history is upon us, and we must be guided by the spirit of history to do the right thing. Granting PNTR allows China to continue the terrible abuses without any consequences.

I ask my colleagues, how much are we prepared to pay? Are we prepared to sell our souls? Are we prepared to betray our conscience? Are we prepared to deny our shared values of freedom, justice, and democracy?

Where is the freedom of speech? Where is the freedom of worship? Where is the freedom of assembly? Where is the freedom to organize? Where is the freedom to protest? Where is the freedom? It is not in China.

Can we forget Tiananmen Square, 11 years ago, June 4, 1989? We cannot forget, and we must not forget.

Some of us have worked too long and too hard for civil rights and human rights here at home and other places in the world not to stand up for human rights in China.

Mr. Chairman, I believe in trade, free and fair trade. But I do not believe in trade at any price. And the price of granting PNTR for China is much too high. It is a price we should not be prepared to pay.

So, Mr. Chairman, I urge all of my colleagues to oppose normal trade relations for China.

Mr. ROHRABACHER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me just say that we heard about reference to Ronald Reagan and China. I worked with President Reagan on some of the speeches that he gave when he went to China; and we should not forget that, during Ronald Reagan's time, Ronald Reagan strategized in order to develop a democratic movement in China, which, after Ronald Reagan left office, was smashed, yes. But during Ronald Reagan's time, when he supported expanding our relationship with China, he also supported and was very active in making sure that there was a democratic movement.

That was a force within China. Now that that has been destroyed by the Communist Chinese Government, there is no excuse for continuing those same strategies.

When it came to the Soviet Union, Ronald Reagan made himself very clear; we never provided anything like that. He tried to undermine the economic strength of the Soviet Union to bring about peace and democratization. That is what worked, because there was not a democracy movement in the Soviet Union.

Let us read history, and let us learn from it. What we have now is we are going in the opposite direction.

Mr. Chairman, I yield 4 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, we talk about checks and balances. What kind of checks and balances will we have on China if they get permanent trade status?

We have been reviewing them once a year and, because of that, they know that once a year we are going to vote on it and we can withdraw that favorable status that they have.

□ 1715

They have 35 to 40 percent of our market. Thirty-five to 40 percent of their exports come to the United States. They are not going to cut off their nose to spite their face if we do not go along with them on this permanent trade status today. It means too much to them.

What I want Members to do right now is to look back and see what has happened in China just recently and what they have been doing. They stole our nuclear secrets. They were involved in espionage at Los Alamos and Livermore Laboratories and they now have the ability to kill 50 million people in this country with one missile on a mobile launch vehicle with 10 W-88 warheads. They did not have that before. This just happened recently.

Do my colleagues remember Tiananmen Square? I think the gentleman from Georgia (Mr. LEWIS) cited that very thoroughly and very well. There are 10 million people in slave labor camps making tennis shoes and other things for nothing but a bowl of gruel a day. And we talk about human rights.

They are taking people who are alive in prisons and if you or I want a kidney and we are willing to go to China, for 30 to $35,000 they will take that person and they will kill him today, they will extricate their kidney, take it out of them, and they will immediately transplant it into you if you need it. If you have the money, you can go to China and get it. They will make a match, they will check your blood type and immediately you will get a kidney out of a live human being, guaranteed fresh. That goes on today.

They have tried to influence our political process. We know that Liu Chao Ying met with Johnny Chung in Hong Kong and the head of the People's Liberation Army intelligence service, comparable to our CIA or DIA, Mr. Ji, came in and said, we like your President, we want to see him reelected and he gave $300,000 to them.

Millions of dollars came in from that part of the world to try to influence our elections. Does that sound like they want to work with us? They now control or will control both ends of the Panama Canal. Li Ka Shing who is tied in with the People's Liberation Army and the Communist hierarchy in China now has ports at both ends of the Panama Canal and in the not too distant future they will be able to stop us from using it.

Today we just found out the other canal in the world, the Suez Canal that is so important to all of us and to transportation of commerce, they now have the same organization headed by Li Ka Shing and the People's Liberation Army, they are going to have Port Said on the Suez Canal. They are moving around the world pieces of influence like chess pieces and they are going to checkmate us if we are not very careful and we are giving them the money and the influence to do it.

Their trade surplus with us was $68 billion last year; and I submit if we pass this, it is going to be greater. Once American commerce goes over there and finds they can get labor for 50 cents an hour or less, you think they are going to want to pull out, especially if the human rights problems get worse and worse over there or they start trying to block our shipping if we do not do what they want? Of course not.

We are getting pressure today by many business interests. What do you think it is going to be like when they start moving their plants over there and paying slave wages to people over there to produce goods and services? They are going to go along with whatever it takes because it means the almighty dollar. They are going to make money. All I can say to my colleagues is there are a million reasons not to approve this and only one to approve it. I submit that we should not approve it.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind my distinguished colleague from Indiana that there is nothing about this action we are about to take that is irrevocable by any future Congress. Permanent trade relations can be granted today and taken away tomorrow. This is an action that Congress can take any time that it is so inclined to do so. I would like to remind my colleague, too, that he made reference to the fact of the $68 billion trade deficit we have with China.

If you lock yourself out of the Chinese market, how do you plan to address that? What the existing relationship does is guarantee that we do not have access to their market. Permanent normal trade relations with China gives us access to their market as they have access to our market at this time.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, real briefly let me just ask the gentleman this. Does he really believe after American industry invests plant and equipment and money over there that they are going to allow us to withdraw permanent trade status?

Mr. CRANE. If I can reclaim my time, they have already invested.

Mr. BURTON of Indiana. But there will be more.

Mr. CRANE. I have the headquarters of Motorola in my district. Motorola has a plant they have had in Shanghai for some time. I was over there. I had the opportunity to visit with the head of the Motorola plant in Shanghai. He made reference to the fact that in their plant, they provide the employees clean working conditions, they provide overtime pay for more than a 40-hour workweek, they provide health care benefits to their employees.

And I said, gee, did you bring that all over from the United States and they said, no, those are the guidelines of the Chinese government to foreign companies doing business there. I thought about it for a moment because there were some grungy Chinese factories in Shanghai that I had seen when I was walking around neighborhoods. And I thought about it for a moment, that if the gentleman from Indiana is working in a grungy Chinese factory and I am working for Motorola and we are having our Tsingtaos together at the end of a long workday and the gentleman is moaning about the grungy working conditions and no overtime pay and no health care benefits, it is only logical that I am going to say, hey, why do you work there? Come work for Motorola.

Ben Franklin made the observation, a good example is the best sermon. We provide that good example and the best sermon. It is something that has an effect that goes beyond just the parochial interests of that company.

Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Arizona (Mr. SALMON).

Mr. SALMON. Mr. Chairman, I thank the gentleman for yielding me this time. Twenty-three years ago I was 19 years old and I was peddling a bike around in Taiwan. I was sent there as a missionary for the Mormon church. One of my responsibilities was to go around and knock on people's doors to try to spread the gospel of Jesus Christ.

It is interesting, this Friday I will be going back to Taiwan a lot less humble and lowly than I was 22 years ago. I will be meeting with the newly elected President, President Chen Shui-bian, who by the way is a strong advocate of permanent normal trade relations between China and the United States. I made these comments because I remember in the 1970s when I lived in Taiwan. We have had some examples of history.

Let me tell my colleagues about the history of Taiwan. I know. I lived there. I speak the language. I know the people. In the 1970s, Taiwan was anything but the free democracy we see today. We just saw with this recent election, a free and democratic election in Taiwan, the second of its kind in 5,000 years. But it was not always that way.

In fact, Taiwan had a very oppressive governmental regime. There was not freedom of speech. There was not freedom of the press. In fact, I remember talking with an individual in the park one day, he was being critical of the government, we never saw him again; and we were told that he went to prison. The fact is Taiwan was not a free society. But they engaged with the West, they adopted economic reforms. If we can use history, let us use the history of that region.

The fact is, they adopted market reforms as China has and they moved to political reforms which go hand in hand with market reforms. I know we want changes now; we want them immediately. Let me tell my colleagues about the people, the Chinese employees of American companies who were in my office last week and talked about their conversion to Christianity and the conversions were made while they worked at American companies.

In talking to their American counterparts who were Christians, they got an opportunity to believe. One of the Chinese employees talked to me about how she joined a house church 2 years ago, five people in that church, now over 200. She told me the fact that in 1994, China allowed to be printed 400,000 Bibles into the Chinese language. The number this year is 4 million. The fact is there are good changes. No, they are not perfect but there are good changes happening. Let us not abandon these people. Let us maintain our skeptical nature with the Chinese government and the oppressive regime, but let us not abandon the American people just to salve our own consciences.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I thank the gentleman for yielding me this time, and I thank him for his leadership in this issue. The world's most important relationship over the next 20 years will be between the United States, the world's greatest military power and economic power, and China, the world's oldest culture and largest population. The change in China since Nixon began diplomatic and economic engagement has been nothing short of phenomenal.

The forces of change and reform will win out sooner if the United States is engaged than if we play into the hands and forces of repression. Isolation simply does not work. In South Africa, it took all of the world's developed powers coalesced against a relatively small country to change apartheid.

The rest of the world does not agree with us on China. We cannot even force change in Cuba, a tiny country with an aging dictator and a population about the size of Michigan. The United States could accelerate change in China, and that will not just have significant benefits for our businesses, it will also benefit the environment. But that takes modern technology and investment, services that the Chinese need that we are good at and that will improve their environment while it provides us with economic opportunities.

Over half a century ago, the Marshall Plan invested not just in our devastated allies but in our defeated enemies in Europe. The Russians, however, denied us a partnership in Eastern Europe because they knew it would hasten the emergence of democracies and free enterprise.

Today, after having spent trillions of American tax dollars to win the Cold War, we have an opportunity to accept an offer from the forces of Chinese reform. Approval of normal trade relations will not change China overnight. We will have to remain vigilant to make sure we use every tool we have to make sure the Chinese adhere to the agreement, but it will give us firmer footing in the Chinese economy, it will give us beachheads and inroads of the type that so terrified Stalin and continue to terrify the Chinese dictators. A vote for permanent normal trade relations will hasten human rights, environmental protection and a stronger economy in China and the United States.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I rise in strong opposition to granting permanent normal trade relations with China. China should not be rewarded for its domestic and international record of abuses of workers, religious leaders and democracy activists, nor for its repeated abrogations of international treaties.

An annual review of this Nation's trade status as opposed to permanent certification such as this bill would provide is a critical means by which China and other nations can be held accountable for their actions. We need to do this since as The New York Times noted today, China is not known for its strict adherence to trade agreements. In fact, it is known for exactly the opposite.

Granting permanent normal trade relations with China as well as the country's accession to the WTO represent another missed opportunity to incorporate strong protections for human rights, worker rights, and environmental rights in trade agreements. I agree that expanded trade under the right terms can raise standards of living for all; but I will continue to fight for fair agreements that ensure that standards to protect the environment, workers, and human rights are not compromised in the process.

Unfortunately, granting PNTR will only exacerbate the race to the bottom where corporations can circle the globe looking for and pressuring for the lowest standards, setting up low-wage sweatshops, dumping their pollution, and creating unsafe conditions for the public.

This race to the bottom pus countries with higher standards at a disadvantage and makes new environmental and workers protections harder to enact.

Most supporters of PNTR and WTO acceptance for China admit that China continues to be a rogue nation.

Even the Clinton Administration's own briefing book in favor of PNTR for China says: "China denies or curtails basic freedoms, including freedom of speech, association, and religion."

But proponents argue that economic engagement will ultimately result in a more democratic system there. I disagree.

China's pattern of violating the rights of its own people has continued despite the increased economic ties of most favored nation status that Congress has granted year after year.

The State Department's most recent Annual Country Report of Human Rights report states that China's human record has "deteriorated markedly throughout the year as the government intensified efforts to suppress dissent."

The first report of the congressionally chartered United States Commission on International Religious Freedom noted that "Chinese government violations of religious freedom increased markedly during the past year." The Commission recommended against Congress granting PNTR until China makes demonstrated and substantial progress in respect for religious freedom.

The National Labor Committee issued a report on May 10 that gives a picture of the unacceptable working conditions that flourish inside many factories in China making goods for US companies like Wal-Mart, Nike and Huffy.

The NLC found factories making goods for American companies where workers were being held under conditions of indentured servitude, forced to work 12 to 14 hours a day, seven days a week, with only one day off a month, while earning an average wage of 3 cents an hour.

Even after months of work, 46 percent of the workers surveyed earned nothing at all-in fact they owed money to the company. The workers were allowed out of the factory for just an hour and a half a day. And when the workers protested being forced to work from 7:30 a.m. to 11:00 p.m., seven days a week, for literally pennies an hour, 800 workers were fired.

There is no credible reason to believe that conditions like these will be improved by giving up our right to review to China's trade status. The U.S. bilateral negotiating position with China would be crippled if the country were granted PNTR and admitted to the WTO. Our large trade deficit with China, expected to be over $60 billion this year, potentially gives the U.S. significant bargaining power to enforce and strengthen our existing trade laws. But this bargaining power would be further limited by the WTO.

Some have argued that parallel legislation or a side agreement will remedy the problems I have discussed. But, we have been down that side agreement road before and it is not pretty. It is filled with the raw sewage and other environmental destruction that lines the border with Mexico under the NAFTA side agreement.

Finally, China's history of failing to comply with trade agreements leads me to view new agreements with a skeptical eye.

China has broken nearly every agreement—from market access to prison labor to intellectual property rights—it has made with the United States. For example, in 1992 and 1994, China signed agreements that it would not export products made by slave labor to the US and would allow visits of US officials to any suspected site.

But, the State Department's Human Rights Report specifically finds that: "in all cases [of forced labor identified by US customs], the [Chinese] Ministry of Justice refused the request, ignored it, or simply denied it without further elaboration.

This is not a record worthy of further trust.

I believe that China should be held accountable for its widespread abuses. Granting China special status as a trading partner is the wrong way to accomplish that goal. I urge my Colleagues to join me in opposition to PNTR for China.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland (Mr. BARTLETT) who is one of the few Ph.D.s and scientists we have with us here in the United States Congress.

Mr. BARTLETT of Maryland. I thank the gentleman for yielding time.

Mr. Chairman, when I came here several years ago, I bought the argument that if we engage with China that they would change and so I voted for most-favored-nation trading status.

Well, China did change. They got worse. Our own State Department says that their already poor human rights record deteriorated markedly throughout the last year as the government intensified efforts to suppress dissent, particularly organized dissent. Documented human rights abuses include extrajudicial killings, torture and mistreatment of prisoners, forced detentions, arbitrary arrest and detention, lengthy incommunicado detention and denial of due process.

They continue to steal our intellectual property rights as they ignore copyrights and patents. Slave labor goes on, perhaps intensified. I am particularly concerned about the theft of technology. They have stolen our missile secrets. They have stolen our bomb secrets. Contrary to our Constitution and in violation of our laws, they sought to and perhaps were successful in buying the last presidential election. They threatened to nuke us if we object to their intentions with Taiwan. It is simplistic and naive to believe that either the PNTR or membership in WTO will move China toward international development, as President Clinton says, in the right direction.

□ 1730

Certainly what they are going to do is what every major power does; they are going to do what is in their own best interests, advancing their own strategic interests.

Finally, I am particularly concerned about the effect of this on our national security. Last year we had a $68 billion trade deficit. This is money which they could and did use to arm themselves. Those arms may very well be used against our people.

For two very good reasons, a no vote is the right vote. First of all, we need to send the message that this is unacceptable international behavior; secondly, it is really not very bright to arm your enemy.

Mr. CRANE. Mr. Chairman, I yield 2½ minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, this evening we are beginning what I believe is a very historic debate in this body. I know that is sometimes an overworked word; but I think one has to go back to the last century, to the early part of the last century, and look at the vote and debate on the League of Nations, or the middle of the century to look at the debate on lend-lease, or towards the end of the century to look at the debate on Desert Storm, to find issues and foreign policy that really were pivotal to the future of this country.

I say pivotal to the future of this country, because I believe, as important as the issues about trade and human rights and economic advantages are, this issue is not really about China, it is about America. As we embark on this century and this new millennium, the United States has to decide what role it is going to play in the world. There is this much discussed "death of distance" that we hear about today, but it is real. State-of-the-art telecommunications systems have brought about a global village. Now people from every corner of the planet are only a phone call, a satellite hookup, an e-mail away from each other. But in the wrong hands, technology has the potential to do great harm. As weapons of mass destruction continue to proliferate, every nation now faces the prospect of nuclear, chemical, or biological attacks from a rogue state that is just a half world away, or a terrorist group that has no fixed location.

Confusion could reign in a world with such promise and peril. But that does not have to be the case, if America maintains its position of world leadership. Throughout this last century, we set the example for the world. Our vision helped to bring to this planet an unprecedented era of peace and prosperity at its end.

International trade has connected our world's economies as never before and has made our people more dependent upon each other. This interconnectedness gives every nation a giant incentive to keep the peace. It has worked in the past, just look at how far we have come; and it will work in the future, if the United States continues to lead.

Mr. Chairman, America cannot maintain its leadership role by refusing to trade with the world's largest economy. PNTR is in our economic self-interest, there can be no doubt about that, but it is also vital for peace and freedom throughout the world. If we choose to abdicate our leadership, the consequences are dire.

Will America continue to show through the power of its example that representative government and free trade lead to stability, peace, and prosperity? That is the real issue we are dealing with today.

I believe America has a mission. It is our duty to show that freedom works, and that is why I support PNTR; and I urge my colleagues to do the same.

Mr. LEVIN. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from Missouri (Mr. SKELTON), the very distinguished senior Member and expert on security issues.

Mr. SKELTON. Mr. Chairman, I urge my colleagues to support permanent normal trade relations for China. I will vote in favor of it, not only because of the benefits that American farmers and businesses stand to gain in terms of increased trade, which are substantial, but also because of the impact approval of PNTR will have for U.S. national security and stability in Asia.

A solid trade relationship with China with its huge potential markets is important to Missouri. In 1998, China was Missouri's sixth most important export market, and the United States' fourth largest trading partner. From 1991 to 1998, U.S. exports to China more than doubled. The agreement that the administration reached with China last November concerning China's accession to the World Trade Organization commits China to eliminate export subsidies and lower tariffs dramatically, reduce its farm supports, and play by the same trade rules as we do.

Further concessions recently gained by the European Union would increase the benefits, as the agreement would apply to all parties to the World Trade Organization.

Congressional approval of PNTR also has implications for U.S. national security. Early this year, I led a small House Committee on Armed Services delegation on a trip to the Asia Pacific region. Although we did not visit China, we found in our meetings with officials how much they told us the value of America's presence and engagement to the region is important.

The state of U.S.-China relations is critical to the future stability, prosperity, and peace in Asia. Encouraging China to participate in global economic institutions is in our interests because it will bring China under a system of global trade rules and draw it into the world community. It is in our long-term interests to develop a relationship with China that is stable and predictable. China will enter the World Trade Organization based upon the votes of all 135 WTO members.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me time.

The President and the Republican leaders and Wall Street say this agreement is about jobs. Well, it is about jobs, job gains in China, and lost jobs for American workers. We are running a 60 billion trade deficit with China, and the President's own analysts, in looking at this agreement, the International Trade Commission, say it will reach a $120 billion deficit in 10 years under this agreement, if they live up to it. That is if they live up to the agreement.

Does anyone really believe that the Chinese workers at 20 cents an hour constitute a huge market for U.S. goods? No. They represent a huge pool of cheap, oppressed labor that U.S. firms hope to better exploit under this agreement. It is about U.S. capital fleeing to China, manufacturing fleeing to China, to exploit cheap labor.

They say it is about trust, this agreement is about trust. The Chinese have broken every trade agreement they have ever signed with the United States of America. They are violating them today, the 1979, the 1992, the 1994, the 1996.

They are saying, oh, they are going to lower tariff barriers. Guess what? The Chinese do not use tariffs to keep our goods out. They have a host of non-tariff barriers that are constantly mutating, unwritten rules to keep out U.S. goods, and, guess what? Their leaders have gone on the radio and in the press and television and told their people not to worry, they can and will maintain those barriers against U.S. manufacturers under this agreement. They have given up nothing but beautiful words. That is the statement of their own chief negotiator.

It is about trust. It is about broken trust. They have broken it again and again, and now we are saying, "Oh, we trust them this time."

It is about the environment. There is not one word, not one word, in this agreement about the environment. The Chinese are the greatest producers of ozone-depleting chemicals in the world. Not one word. The Chinese are the greatest producers of global warming gases. Not one word. The Chinese are the greatest violators of the CITES Agreement. The last Siberian tiger, the last Asian rhinoceros, will die to go into their medicines. Not one word in this agreement.

No to so-called permanent normal trade relations for a nation that does not act normally.

Mr. ROHRABACHER. Mr. Chairman, I yield 3 minutes to the gentleman from Virginia (Mr. WOLF). There has been no stronger voice for human rights in this body than this gentleman.

Mr. WOLF. Mr. Chairman, I am a free trader. I voted for NAFTA. I was one of the 30 Republicans that voted to bomb Kosovo, so I am kind of tired with the argument with regard to isolationists.

What about the eight Catholic bishops, and now we know from the CIA briefing there are more? What about the 50 evangelical house pastors that are in jail? What about the over 400 Buddhist monks and nuns that have been persecuted and are suffering in that dirty jail in Lasa? What about the Muslims that are being persecuted in the northwest portion of the country?

What about the fact that there are more slave labor camps in China today than there were in the Soviet Union when Solzhenitsyn wrote the book Gulag Archipelago? What about the 500 women a day in China that commit suicide, 56 percent of all the women in the world that commit suicide, because of forced abortions and their population policies? What about the organ program, where they will kill people to sell the organs?

I ask our side, and our side is forgetting the legacy of Ronald Reagan, I ask our side, I wrote our side seven letters, get the CIA briefing; go find out who they are selling the weapons to. Only 45 Members took the time to get the briefing, and yet every major defense organization and veterans group came out against this: The VFW, the American Legion, the Purple Heart.

What about the missiles directed against the United States? What about the Cruise missiles they just purchased from China? What about the assault weapons they put into this country? What about it?

If this Congress, a Republican Congress, votes to give MFN, we will be on the wrong side of the American people, and we will be on the wrong side of history, and we, those who vote this way, if this PNTR passes, will have the same feelings that Chamberlain had when he returned from Nazi Germany and said, "We have peace in our times, go home and get a good sleep," and then the bombs began.

Vote no and give it an opportunity. For the handful of undecideds that have not made a decision, how will you feel about this vote 5 and 10 and 15 years from now? How will you feel about it if after this vote takes and they invade Taiwan and American men and women are killed?

Vote no tomorrow when you are given a chance.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Chairman, I commend my colleague from Illinois, the chairman of the Subcommittee on Trade, for his leadership on this historic moment here as we debate the issue of trade with China.

Some have stood here in this well, and more will, saying we should vote no as a sign of moral superiority over the Chinese. Some will say we should vote no because they dislike the political views of the Chinese leadership, and some will vote no because they say that we should close the door, essentially build a trade wall around China.

Well, what this is all about is whether or not we as Americans want to engage in trade and sell our products to the world's most populous nation, a nation of 1.3 billion people. We are going to be casting the vote, not whether or not we want to sell our products made in States like my home State of Illinois, or other States in our Nation to, 1.3 billion people. And who gets hurt if we say no? Clearly those involved in manufacturing products, those who are involved in creating new technologies, as well as those who provide food and fiber.

I am proud to say that my State of Illinois leads in all three areas as a major exporting State. Illinois ranks third in exports in technology, Illinois ranks third in exports in agricultural products, and Illinois ranks at the top in manufacturing exports. China is a tremendous market.

Think about it. The new economy, technology today, the average wage for our technology jobs in Illinois are 77 percent higher than traditional business sector jobs. China now has the potential, because of its huge population and the desire by the average Chinese to go online and have a computer at home, China next year has the potential not only to be the second largest PC market for personal computers on the globe, but also the second largest market for semiconductors.

Ronald Reagan won the Cold War and brought down the Berlin Wall and brought freedom into the former Soviet Union because of the television and the fax machine, and, of course, his leadership. Today we have the opportunity, because of the Internet, to expand our values of freedom. Let us vote aye on permanent normal trade relations with China.

Mr. LEVIN. Mr. Chairman, I yield 3 minutes and 10 seconds to the gentleman from Wisconsin (Mr. KIND).

Mr. KIND. Mr. Chairman, I thank my friend from Michigan for yielding me time.

Mr. Chairman, we are here today to begin debate on the most important piece of legislation pending before this Congress in this session, and probably for many years to come, whether to grant PNTR to China and pave the way for their entry into the World Trade Organization.

I am supportive of PNTR because I believe its passage is crucial to our long-term economic prosperity, as well as our strategic and national security interests in the 21st century. I also believe in what former Secretary of State Cordell Hull was famous for saying, and that is, "When goods and products cross borders, armies do not."

But I do not want to stand up here and oversell the merits of PNTR. I think the rhetoric on both sides has been overblown on this issue from time to time.

□ 1745

But I do believe that the passage is vitally important to our long-term relationship with the world's most populated nation. And I also believe that we are at the crossroads of our relationship with China. We can go one of two directions. We can either continue to isolate and demonize and pursue a failed trade policy, a policy that is failing our American workers and American farmers today, and even failing the people in China themselves; or we could pursue a new policy through enhanced trade and, through strategic engagement with China, offer what I view is the best hope for peace and prosperity and hopefully greater stability in this world for our children.

But there are more notable and expert people than I on China that have weighed in on this. Former President Jimmy Carter made this statement in regards to PNTR, "When I became President, one of the greatest challenges that I had to face was whether I should normalize diplomatic relations with China. There is no doubt in my mind that a negative vote on this issue in Congress will be a serious setback and impediment for the further democratization, freedom and human rights in China."

And perhaps the foremost human rights activist in China today, Martin Lee, had this to say in support of PNTR during a discussion that I personally had with him: "in short bring China into the international forum and hold her to the agreement rather than exclude her. How can human rights improve by keeping China out? You punish the government, but you punish the people even more."

In fact, Mr. Lee also talked about the power that the Internet provides by empowering the people within China with the free flow of information and ideas to make the changes that have to be made by them to improve human rights, labor conditions and hopefully for a free and democratic society.

Now, those on the other side opposing this, I think, do so for legitimate reasons: job security at home, concern about human rights and political freedoms abroad. I share these same concerns. I think we merely differ over the best strategy on how to achieve these very important objectives.

Mr. Chairman, I will vote yes for PNTR for many of the same reasons I vote for most of the issues in this Congress, through the eyes of my two little boys, Johnny who is going to be 4 in August and Matthew who is going to be 2 this Saturday. They both, God willing, will live through and see most if not all of the 21st century. That is why in my heart and with my conscience, I support PNTR. I do so because I believe this legislation today gives us our best opportunity to provide our children for tomorrow the most prosperous, stable, and peaceful world in which to live as they embark upon their marvelous journey through the 21st century.

So I urge my colleagues to support passage of PNTR tomorrow, if for nothing else, for the sake of the future of our children in the 21st century.

### THE WTO AGREEMENT

This trade agreement with China is truly historic because it is one-sided. In October of

1999, the United States and China reached a trade agreement that drastically and unilaterally lowers China's trade tariffs to our manufactured goods and farm products. The United States did not lower a single tariff to Chinese goods. China made this agreement in an effort to gain America's support for its admission into the World Trade Organization (WTO). Along with our support for China's entry into the WTO, we must grant the same trade status as we do all other WTO member nations.

But let me be clear, this trade agreement will not make it any easier for China to export more products into our country. This agreement will not make it any easier for any company to close a plant here to relocate in China. This trade agreement will, however, make it easier for U.S. firms to sell products in Chinese markets.

### AMERICAN TRADE

The United States is the world's largest exporter, selling over 26% more products abroad than our nearest competitor. International trade has been crucial in maintaining the longest economic expansion in American history. The jobs of millions of American workers and the growth of thousands of American businesses, large and small, are tied to global trading and the accessibility of worldwide markets.

### WISCONSIN TRADE

Companies large and small in my home state of Wisconsin benefit from international trade. Companies like Accelerated Genetics in Westby, who have 215 employees and sell $20 million in annual sales, export over 45% of their total business. The Turkey Store in Barron County exports almost 20% of their turkey products. Ashley Furniture in Arcadia sells furniture in 96 different countries around the world. The Trane Company, which has gone so far as to merge its domestic and international administrative units into one unified worldwide operation, exports 30–40% of their total products. Trade is clearly a crucial part of these companies' business, and that is only the tip of the iceberg.

### FARMERS AND TRADE

The fate of our farmers is also linked to continued exports in world markets. American farmers are the most efficient and productive farmers in the world. At the same time, the United States has less than 4% of the world population, while China has 20%. U.S. agriculture productivity is increasing, but domestic demand for its products is stagnant. We must be able to export more of our agricultural products to relieve the oversupply of products in our nation which is driving prices down.

The U.S. Dept. of Agriculture projects U.S. farm exports will increase by $2 billion annually by 2005 with passage of the China trade agreement. China has agreed to reduce dairy tariffs from 50% to 12% enabling west coast dairy producers to export more of their products. Those exports should relieve the supply pressure on our own domestic market which is suppressing commodity prices. If Congress fails to pass this legislation, U.S. farmers and other workers will lose out on a vast new market in an economy that has grown about 10% annually over the last 20 years.

### MARTIN LEE

In my conversation with Martin Lee, he expressed to me his sincere belief that, given China's almost certain accession to the WTO, it is in the best interest of the Chinese people for Congress to approve PNTR. He believes a vote for PNTR will ensure that the United States remains a full partner in the world community's engagement with China, and will strengthen our position as a leader of reform. The status quo, he said, will have no effect on human rights in China, and in fact, may result in entrenching hard-line, anti-reform positions. Making it easier for U.S. products and services to reach Chinese markets will force the Chinese government to strengthen its legal system and respect the rule of law, which will only serve to protect the political, labor and civil rights of individuals in China. We emphasized that through the power of the Internet and the free flow of information and ideas that increased trade brings, faster progress can be made on human rights, labor conditions and eventually, a free and democratic China.

### WORKER RIGHTS

Former United Auto Workers president, Leonard Woodcock, is also urging Congress to pass PNTR and support China's entry into the WTO. He argues that increased access to Chinese markets eventually will improve conditions for Chinese workers. "American labor has a tremendous interest in China's trading on fair terms with the United States," Woodcock said. "The agreement we signed with China this past November marks the largest single step ever taken toward achieving that goal."

### IMPORTANCE OF VOTE

We face an important decision in Congress, a decision that will shape our relationship with the world's most populous nation. If you support greater economic opportunities here at home, as well as the advancement of human rights and labor conditions in China, you should support granting permanent normal trade relation status for China.

While I do not want to oversee the merits of this trade agreement. I refuse to support the current policy which is failing American workers and farmers, and in allowing repressive conditions to continue in China. I support passage of the China trade agreement because I believe it gives us the best hope for a more prosperous, safe and secure future for our children as we embark upon our marvelous journey into the 21st century.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, after all is said and done, this debate is all about two words, corporate greed. The largest multinational corporations in this country are spending tens of millions of dollars on campaign contributions, advertising, and lobbying for one major reason, they must prefer to hire desperate Chinese workers at 10 cents, 15 cents or 20 cents an hour than higher American workers at a living wage.

Why would they want to hire an American when they can employ Chinese women at 20 cents an hour and force them to work seven days a week, 12 hours a day and arrest them when they try to form a union? That is a good place for a large multinational corporation to do business.

Mr. Chairman, American workers today are working longer hours for lower wages than they were 25 years ago. We do not need to punish them further and by expanding the already huge trade deficit that we have with China and costs us hundreds of thousands of more jobs and push wages down lower in this country.

Mr. Chairman, this agreement is opposed by unions representing millions of American workers, by environmental organizations concerned about the fragility of this planet's environment, by religious groups such as the U.S. Conference of Catholic Bishops who are concerned about religious freedom and human rights, by veterans organizations, like the American Legion and the VFW who are concerned about the issues of national security.

Mr. Chairman, let us have the guts to stand up to the big money interests who are more concerned about their bottom line than the best interests of the American people. Let us vote no on this issue.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. NEY).

Mr. NEY. Mr. Chairman, this debate could not occur today in China without both sides being arrested, and this bill does not make a difference to change that. I am for engagement, but this bill engages the throats of the American workers. My colleagues talk about farmers and the great 9 percent tariff. Well, as soon as this bill passes, the currency is going to be manipulated, and it is going to vanish like that. It happened in NAFTA; it is going to vanish.

We want to talk about helping farmers, the gentleman from Washington (Mr. NETHERCUTT) has a bill, where is that bill? All of the sudden, we have to have sanctions and cannot engage countries. Do my colleagues know why the bill of the gentleman from Washington (Mr. NETHERCUTT) is not here on the floor? Because Wall Street does not want that bill. There is not enough money to be made, but Wall Street wants this bill. A few on Wall Street want this bill, not the entire American business community, but a few on Wall Street because they want to go over there, manufacture the products and sell them back here.

The U.S. Chamber says we are going to get jobs out of this? That is like saying that you are going to send Jesse James to bring in the Dalton brothers. We are not going to get a single job out of this. The American worker is on a treadmill; they are strangled. They can barely make it, and what is going to happen with this agreement is that Wall Street is going to take over. And it is not going to be Main Street; it is going to be Wall Street.

Mr. Chairman, I hope the undecided Members of this Congress realize they have a choice today to stand up for American workers. All we are asking for is a level playing field, not an advantage, just a level playing field. That is what this is about.

I hope the undecided Members, Mr. Chairman, realize that this is the most critical vote in 50-some years, if we want to support American workers, their families and their communities. We are not helping a single Chinese individual by this bill. All we are doing is ripping down the American work structure. Do not permanentize this. If this is forced to be renegotiated, let me tell my colleagues, the American worker will win. Vote no.

Mr. CRANE. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. TOOMEY).

Mr. TOOMEY. Mr. Chairman, I would like to ask my colleagues today, whom are we rewarding in China by opening up China to our products and services? Clearly, we are awarding American workers and farmers who will be able to sell their products in China, but whom in China are we rewarding? Some opponents of PNTR seem to think that this arrangement would reward the government in Beijing which they believe is unworthy. Mr. Chairman, I lived in Hong Kong, and I have traveled extensively and repeatedly throughout Southeast Asia, including China; and I think that is the fundamentally wrong way to view this deal.

First of all, it assumes that the Chinese political leadership is a unified monolith of some sort. In fact, there are many factions in Chinese leadership, many factions in Beijing, tensions between Beijing and the provinces and fundamental world view differences between reformers in China who have initiated economic and political reform, who support engagement with the West, who have introduced the free enterprise system to a limited degree, and who encourage following the rule of law on the one hand, versus reactionary elements, in particular in the military, who would revert to the old ways of Mao Tse-type communism.

If anyone is being rewarded in China with a vote for permanent normal trade relations, it is the reformers who have been catalysts for change, for progress for the good. What have these reformists accomplished so far? I believe they have put China on a voyage in the direction towards freedom. There is a long way to go, but there has been substantial progress. President Bush himself said that the people of China enjoy much greater freedom today than when we lived in China, and that is the trend that we can be rewarding.

In China today, local villages are having democratic elections for municipal leaders. Millions of Chinese are practicing religions, including Christian religions. Workers can choose where they work for. Travel is open, including travel abroad, and almost half of economic output in China is now privately owned. Millions of Chinese citizens have access to the Internet, and there they have unlimited information and ideas, including ideas about personal freedom, political freedom, the rule of law, all of the values that we cherish.

A vote for permanent normal trade relations with China reinforces the reformers; it reinforces this trend. China has a long way to go, but I urge my colleagues to vote to help further empower the Chinese citizens to achieve the freedoms that we take for granted. Help the Chinese people on the beginning of this voyage towards freedom. Vote yes for permanent normal trade relations.

Mr. LEVIN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. BENTSEN).

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding me this time.

Let me tell my colleagues, I rise in strong support of this bill, and I want to speak to the opponents of this bill. I think it is important that we note that my colleagues' concerns are important, and I do not disagree with my colleagues' concerns when it comes to job loss through trade, and I do not disagree with the concerns with respect to human rights. My colleagues are right about the ailments; but they are wrong about the cause, and they are wrong about what prescription they would use to try and deal with this.

We cannot stop the world and get off, and we cannot go back to the 17th century, we cannot go back to mercantilism, because it does not work. We are a Nation of 4 percent of the world's population. We consume 20 percent of the world's goods and services. The alternative to a bill like this that lowers tariffs against U.S. goods and services is to lift tariffs against imports coming into this country. That might work in the very short run, but it would fail miserably in the long run, and American workers would pay dearly for that, as would the American consumer.

Mr. Chairman, the best thing we can do is to adopt bills that open more markets to U.S. goods and services abroad and allow the American worker to compete on a level playing field where productivity, which we have the most productive workforce in the world, bar none, is the key factor. We cannot change the rules of economics in the modern world. Anything we try to do on this floor, it will not work.

Second of all, with respect to the fact that the Chinese have an authoritarian dictatorship, we understand that; but if the United States is to walk away from that, our trading partners throughout the rest of the world, the European Union, the other countries in Asia, are only too happy to pick up the slack and trade with them. This is not South Africa. This is not apartheid. This is much different than that. We do much better by engaging the Chinese than walking away. Not passing PNTR will not free one political prisoner, and it will probably stall a move towards decentralization of the Chinese economy, market liberalization and political liberalization.

Mr. Chairman, it would be a grave mistake not to pass this. The United States will be much better off in the long run, American workers and American consumers, and ultimately, the Chinese people as well.

Mr. Chairman, I ask my colleagues to support this bill.

Mr. Chairman, I rise in support of this legislation granting China permanent normal trade relations, or PNTR, as a part of a bilateral trade agreement between the United States and China. This agreement will allow for China's entry into the World Trade Organization and significantly reduce tariffs and other barriers to United States goods and services. This agreement is in the best interest of America, including our workers and businesses.

PNTR will accomplish much more for the United States than it will cost. The agreement reduces Chinese tariffs on United States exports to China, on average, by more than 50 percent. Currently U.S. exports are subject to tariffs of 25 percent on industrial products, 13 percent on information technology products, and nearly 32 percent on agricultural products. These tariffs price our goods out of the market. Conversely, since the United States market is virtually wide open, most Chinese goods are not subject to tariffs.

The United States-China Bilateral WTO Agreement lowers tariffs against United States exports but not against Chinese imports. Perhaps even more significant are the provisions in the agreement which require elimination of state subsidies and allow for United States exporters to conduct trade and distribution with private parties in China, rather than state-owned and controlled trading companies.

Take, for example, the United States petrochemical industry, which employs tens of thousands in Harris County and throughout Texas. The petrochemical industry is the most productive in the world, even though it pays comparatively higher wages and is subject to strict worker and environmental safety laws. While we lead the world in exports of petrochemical products, United States market share in China is almost nonexistent at $2 billion, or less than 5 percent. The elimination of state subsidies for domestic Chinese producers, along with a reduction in tariffs against United States exports, will allow United States producers to enjoy our comparative advantage and create jobs at home. This holds true for the huge Texas agriculture production market and oil fields services too.

This agreement also includes significant safeguards against unfair Chinese imports and failure by the Chinese to move toward market liberalization. Chinese imports will be subject to countervailing duties, or tariffs, for 12 years after entry into the WTO against import surges that threaten to disrupt United States markets, and for 15 years against imports "dumped" on the U.S. market as a result of predatory pricing actions. In some cases, this language is tougher than current law. And, I want to commend our colleagues, Mr. LEVIN and Mr. BEREUTER for their work in putting these provisions into law and lessening the discretion in their implementation.

The agreement also will open up the Chinese consumer market to United States telecommunication, automobile and financial services industries where we have been locked out. Imagine the power of the Internet to promote democracy in China, or the lack of power by the state to control free speech, thought and expression through the Internet.

We currently have a trade deficit with China due in large part to the fact our markets are open to their goods and China's markets are restricted to ours. Failing to pass PNTR will do nothing to reduce this trade deficit, and in fact, may make it worse. Alternatively, raising U.S. barriers to trade would fail in a trade war greatly at our own expense. A nation such as the United States which represents 4 percent of world population, but consumes 20 percent of the world's goods and services, cannot long prosper in a closed market. Only gaining greater access to other markets can the United States continue to grow and create jobs.

It is true that in some areas, cheap labor puts U.S. manufacturing at a disadvantage; but again, whether we pass PNTR or not will not alleviate the disadvantage. On balance, however, we know that trade creates more jobs than it costs, particularly in those industries where the United States is more productive. But we should also be concerned about those who lose their jobs due to trade.

My support for PNTR is conditioned on the establishment of a Presidential commission to look at our trade adjustment assistance programs and make recommendations to the Congress on how we might better provide workers with the tools to make the shift to other high-paying jobs. Tariffs and other barriers provide only a short-term remedy and should be reserved for punitive action, not as a long-term solution.

With respect to whether the United States should enter into such an agreement with China given its record on human rights, use of slave and child labor, and sometimes belligerent attitudes toward its neighbors and the United States, we must consider whether those of us who regret such actions can effectively change them through engagement or disengagement.

I believe walking away from China would be a failure which would free not a single political prisoner, would not ease tensions with Taiwan, and would only strengthen the resolve of those in the Chinese People's Liberation Army who oppose this agreement and any economic liberalization as well.

Furthermore, the Levin-Bereuter provision contained in this bill ensures that the United States will maintain public pressure on China's treatment of its own people and its labor policy. This Helsinki-style congressional commission will bring to light abuses, rather than allow them to foster in the shadows under disengagement.

The WTO bans child and slave labor, and the United States and other industrialized nations must remain vigilant to enforce sanctions against such practices in China and everywhere else in the world.

Greater economic ties not only benefit the United States, but will help bring social and political change in China. Few can deny that consumerism has changed the former Soviet bloc, Europe or even America, putting greater freedom in the hands of individuals. If the Congress fails to adopt PNTR and the United States walks away, change in China will happen less quickly and at our expense.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

Mr. PASCRELL. Mr. Chairman, I am at the same podium, but this is a terrible deal. We have lost our moral compass. We really have. It is a bad deal for the United States, and it is certainly a bad deal for New Jersey and my district, the 8th Congressional District.

We are expected to lose, according to the government's own reports, over 22,000 jobs. We have been granting NTR each and every year for the past 20 years, and what have we seen? What has happened? Human rights, labor rights, environmental rights, national security interests have gotten worse year after year; and it has been documented. So with this vote, the downward spiral will continue to plummet.

Mr. Chairman, 875,000 jobs lost, sucked out of the economy. Not only has NTR been disastrous, but our increasing trade with China has done nothing to foster this so-called reform. Last week, the World Bank, over United States objections, agreed to provide $232 million in loans to the government of Iran against our wishes.

□ 1800

The State Department stated that giving support to Iran will, quote, send the wrong signal, the State Department said, to their government. That government which is regressive, intolerant, non-Democratic, aggressive. Does that sound familiar?

The irony, of course, is that these are the same people in the State Department who are spending night and day trying to send the Chinese Government the wrong signal about PNTR. We need a no vote for America tomorrow.

Mr. ROHRABACHER. Mr. Chairman, I yield 4½ minutes to the gentleman from New York (Mr. GILMAN), the chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I rise in opposition to the legislation before us today authorizing the extension of nondiscriminatory treatment to the People's Republic of China. Congress should not give up the leverage we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China with regard to trade enforcement, with regard to violations of human rights, with regard to religious freedom, with regard to China's nuclear proliferation and other important issues.

These issues can and must be addressed before we approve the measure before us today. Yes, let us consider business with China in the days ahead, but first let us take a good, hard look at these violations. Extending normal trade relations to China on a permanent basis will send a powerful message determining China's role in the global economy and in the community of nations for years to come, but it is a message we can ill afford to send so long as there is no freedom of speech there, no freedom of association, and no freedom of religion in China.

Mr. Chairman, China's enormous trade deficit with us of some $70 billion has fueled its military build-up and has emboldened the dictators in Beijing to claim areas in the Philippines and other Democratic neighbors in the region. China's illegal occupation of Tibet and its brutal repression of the Tibetan people continues unabated.

We are told today by many of our colleagues that by giving permanent normal trade relations to the People's Republic of China we will be granting significant benefits to American business without giving anything away to China. I strongly disagree with that contention. I believe that supporting PNTR will give China something it desperately needs and wants, relief from the spotlight of its poor human rights record.

Under the current annual review arrangement, we in the Congress are able to open a door to fully examine the human rights situation in China each and every year.

I ask my colleagues, are Chinese human rights and labor practices important to us? I believe they are. I believe they are the most important in the world today. China has the world's largest population, one of the fastest growing economies. If China is allowed to trample on its individual freedoms, then how can we tell Indonesia or Malaysia or Nigeria or Sudan or any other nation that they cannot?

A recent joint report by the Council on Foreign Relations, the National Defense University, and the Institute for Defense Analysis on China Nuclear Weapons and Arms Control noted that the U.S. Government remains concerned about China's arms control performance, reporting that China has not brought its biological warfare activities into accord with its international treaty obligations; and its continued support to Pakistan's weapons program has been a source of mounting concern as well.

I submit to my colleagues, by granting PNTR to China we will be sacrificing much of our ability to affect public scrutiny on China's human rights practices.

I would also note that the recent report of the United States Commission on International Religious Freedom included a recommendation by all 9 commissioners that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom in that country.

While the nine voting members of the U.S. Commission on International Religious Freedom include strong free trade proponents and who represent a wide diversity of opinion and religions, they are unanimous that China needs to take concrete steps to release all persons imprisoned for their religious beliefs, to ratify the International Covenant on Civil and Political Rights and to take other measures to improve respect for religious freedom.

Accordingly, Mr. Chairman, I urge our colleagues to oppose this measure.

Mr. Chairman, I rise in opposition to the legislation before us today authorizing the extension of nondiscriminatory treatment to the People's Republic of China.

Congress should not give up the leverage we presently have which provides for an annual review of normal trade relations with China. We have ongoing significant concerns in our relations with China with regard to trade enforcement, human rights, religious freedom, nuclear proliferation and other important issues. These issues can—and must—be addressed before we approve the measure before us today.

Extending "normal trade relations" to China on a permanent basis will send a powerful message determining China's role in the global economy and in the community of nations for years to come. But it is a message we can ill afford to send—so long as there is no freedom of speech, no freedom of association, and no freedom of religion in China.

On May 10th, our International Relations Committee held a hearing on extending PNTR to China including Representatives CHRIS COX and SANDER LEVIN who argued for the consideration of so-called parallel legislation. It is my understanding that the study group advocated in this legislation, including the Congressional-Executive Commission on the People's Republic of China, is now contained in the bill before us today, H.R. 4444.

It is my understanding that this Commission has no enforcement mechanism and largely duplicates existing human rights monitoring and reporting requirements. In a press report from China on May 12th, shortly after our hearing, China said it opposed any plans by the U.S. to set up a group to monitor human rights as a condition to granting permanent normal trade relations. The Spokeswoman of the Chinese Foreign Ministry said that such a watchdog body constituted interference in China's internal affairs. She noted that "This is something we can by no means accept".

In short, there are no indications that this commission can play an effective role in promoting human rights inside China. I would note, furthermore, that this proposal is in the jurisdiction of the International Relations Committee and should receive full and ample review by our panel before it is brought to the floor of the House.

China's enormous trade deficit with us of some $70 billion has fueled its military buildup and has emboldened the dictators in Beijing to claim areas of the Philippines and other democratic neighbors in the region. China's illegal occupation of Tibet and brutal repression of the Tibetan people continues unabated.

We are told today by many of our colleagues that by giving Permanent Normal Trade Relations to the People's Republic of China, we will be granting significant benefits to American businesses without giving away anything to China.

I strongly disagree with that contention. I believe that supporting PNTR will give china something it desperately wants: relief from the spotlight on its poor human rights record. Under the current annual review arrangement, we in the Congress are able to open a door to examine the human rights situation in China each and every year.

Along with our attention comes the attention of the world. Our hearings and debates focus the cameras and tape recorders and word processors of the news media. We have the bully pulpit on this issue, and I am very concerned that once we give it away, we will never get it back.

I ask my colleagues, are Chinese human rights and labor practices important to us? I believe that they are the most important in the world today. China has the world's largest population and one of the fastest growing economies. If China is allowed to trample on individual freedoms, then how can we tell Indonesia or Malaysia or Nigeria or Sudan or any other nation that they cannot?

The Beijing regime has fought a vigorous public relations battle to win this philosophical argument. They have manipulated prisoner releases, effectively blackmailed dozens of countries and nearly corrupted some of very own American corporations with their efforts. We cannot shrink from this battle of values. Public opinion polls show that many Americans have deep reservations about our policies toward China and the proposal to extend normal trade relations to that country.

A recent joint report by the Council on Foreign Relations, the National Defense University and the Institute for Defense Analysis on China, Nuclear Weapons, and Arms Control noted that the U.S. government remains concerned about China's arms control performance. It reports that china has not brought its biological warfare activities into accord with its treaty obligations. And its continued support to Pakistan's weapons programs has been a source of mounting concern as well.

By granting PNTR to China, we will sacrifice much of our ability to affect public scrutiny on Chinese human rights practices. I would also note that the recent report of the United States Commission on International Religious Freedom included a recommendation by all nine commissioners that the Congress not grant PNTR to China until substantial improvements are made in respect for religious freedom in that country.

While the nine voting members of the U.S. Commission on Intn'l Religious Freedom include strong free trade proponents and who represent a wide diversity of opinion and religions, they are unanimous that China needs to take concrete steps to release all persons imprisoned for their religious beliefs, to ratify the International Covenant on Civil and Political Rights and to take other measures to improve respect for religious freedom.

Accordingly, Mr. Chairman, I urge our colleagues to oppose this measure.

Mr. CRANE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would remind our distinguished colleague that the estimates are that in less than 5 years, 230 million Chinese will be classified as middle-income consumers with an annual retail sales rate exceeding $90 billion, almost $1 trillion, a year; and I would urge him also to try and have an opportunity to speak with Billy Graham's son who has been involved in the missionary activities in Mainland China for several years.

Mr. Chairman, I yield 2 minutes to our distinguished colleague, the gentleman from New York (Mr. HOUGHTON).

Mr. HOUGHTON. Mr. Chairman, one of the advantages of old age is not necessarily wisdom but a lot of experience, and I do not pretend to try to convince those who are already convinced of their position. I just want to say how I feel about this particular issue.

I am very strongly in favor of permanent normal trading relations with China, and I will say why. I have found, in my experience, that for every job that goes overseas that there are two jobs that are created in this country. One can say 850,000 have left. I do not know what the number is, but I bet many fold have come back into this country. That has been my experience.

One does not send a job abroad to make a product primarily to send back into the United States. Sometimes that happens, but it is mostly to take care of that market.

Secondly, we are not standing here making a decision in isolation. There are other people out there who do not want us to have this agreement. They want us to stay absolutely still in the water so their businesses, whether it is the South Koreans or the Germans or the Japanese, can get in there and take the lead on this, and once one has been in business there, in established relationships, it is very difficult to get in.

Lastly, from a very practical standpoint, I have set up about four plants in China, and the experience which we have had has been we have moved in, we have given people dignity, good paying jobs, benefits. They have then gone out into their community and changed the democratic, the political, the human rights, the environmental aspects of those communities. One does not stand back and say, you fix it and then we will come in. You come in and fix it and help them work through this, that has been my experience.

I just wanted to share that.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee (Mr. TANNER).

Mr. TANNER. Mr. Chairman, I was over in the office listening to the debate and I know, as anyone here knows that has been listening, that the opponents of this legislation feel very strongly about it. We understand, those of us who support it, those feelings; and it is tough.

Let me just say this: Number one, nothing around here is permanent. If one believes that, we can change the law tomorrow if the Chinese misbehave, as some have said.

More important than that, this is not about China. I hear people talking about what is going on in China: China, China, China. This is about what is good for us. This is a trade bill for the United States, not for China.

Know what is important in this bill that nobody has thought about it and talked about, and I think is very crucial? It is that as good as the tariffs coming down so our stuff can go over there and go in that is made in this country providing jobs for our citizens, but the second thing is that the Chinese, in this agreement, agree to do away with their government-owned corporations that limit the amount of exports by that mechanism to go in there.

So what we can have with this agreement for us, not for China, I do not much care what happens in terms of China other than how it affects the citizens of this country, and what is good for us is we have private enterprise in this country doing business with private enterprise in China.

My colleagues say they want to change the status quo in China? That is going to change the status quo in China more than any other single thing, in my judgment, we could possibly do.

So I say this is a trade bill not for China but for us. It is good for the United States. It is good for our citizens.

I will say one other thing. China cannot be isolated by voting no. Know who is going to be isolated if my colleagues vote no? They are going to isolate us, because the EU, the European Union, the South Americans, Japan, and the rest of Asia are going to take that market and they are going to isolate us, not them, if my colleagues vote no.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Chairman, I thank the gentleman from Wisconsin (Mr. KLECZKA) for yielding me this time.

Mr. Chairman, it is unfortunate that so many observers have gotten it wrong. The China trade vote is not about protectionism versus free trade. It is not about business versus labor. It is not even about China haters versus China apologists.

No, it is a vision of the world trade worthy of America in the 21st century. It is about whether 21st century globalism will have any guiding principle or whether it will be an aimless trading frenzy with no consideration of workers' rights, of human rights, of religious rights, of environmental protection.

Yes, it is about engagement. This whole debate is about whether to bring China into a rule-based trade regime. The great irony of all of this is that the proponents of PNTR insist on the need for rule-based trade agreements, backed up with sanctions.

So, I ask, why do we need rule-based trade agreements in trade but we do not need rule-based agreements in any other area that we think is important?

Real engagement extends beyond trade. Trade in the 21st century will be and must be about more than how many widgets enter and leave a port.

A no vote is not a retreat. A no vote is a vote for engagement, if we have the wisdom to have real engagement.

I urge my colleagues to oppose this bill.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, the book of Genesis tells the sad story of Esau, son of Isaac, who sold his birthright for a mess of pottage.

As Americans, our birthright is life, liberty, and the pursuit of happiness. The tradition of our country has been the unfolding of those liberties, including freedom of speech, freedom of religion, including workers' rights and human rights. This is our birthright.

The Chinese people do not enjoy these freedoms. They suffer under slave labor, prison labor, no workers' rights, no human rights. They suffer from religious repression. They do not have, as we do, above their center of power, the words, "In God We Trust."

Those words, if we stand by our values, infuse us with powerful moral leadership. That is why we need to hold the moral high ground with annual review of human rights and labor practices of China. It is access to our market which enables us to hold the moral high ground.

The multinational corporations with their single-minded dedication to profit at all costs cannot be expected to defend workers rights anywhere, let alone in China. It is our duty to defend workers' rights and human rights, and we have no right to abdicate that responsibility ever.

□ 1815

Chinese workers are paid as little as 3 cents an hour. Whose values are those? The Chinese government which uses slave labor; the global corporations which capitalize on slave labor.

How many hours do Chinese people have to work to account for a $70 billion trade deficit with the United States? How many American manufacturing jobs will go to China's workers who are paid 3 cents an hour?

There is a myth that if one digs a hole deep enough, one will reach China. We have dug the hole deep with a $70 billion trade deficit. We will learn tomorrow if we have reached China. If in that hole we put our jobs, decent wages, workers' rights, and human rights, will we cover up that hole and claim victory?

But, Mr. Chairman, peace and justice is already our birthright. Freedom of speech and freedom of religion are already our birthright. Workers' rights and human rights are already our birthright. Will we, like Esau in Genesis, sell our birthright for a mess of pottage which multinational corporations offer?

What is the price of freedom? Do we so little value freedom that we are prepared to sacrifice our lives, our fortunes, our sacred honor? Vote against PNTR.

Mr. ROHRABACHER. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado (Mr. TANCREDO).

Mr. TANCREDO. Mr. Chairman, I am going to bring my colleagues tonight a hypothetical bill. This bill has three parts: part one provides billions of dollars of aid to Beijing in order to stabilize the regime; part two provides support for the Chinese military infrastructure as it prepares to attack its neighbors; part three provides direct aid to the PLA. Now, that is my hypothetical bill I bring to my colleagues tonight. I ask my colleagues, Mr. Chairman, who would vote for this bill?

If we clear away everything else that we have talked about, it does boil down to this, because I will tell my colleagues, Mr. Chairman, I was, in fact, one of the Members that went to the CIA briefing. When one goes to the CIA briefing and when one asks specific questions about these issues, this is what one comes back with; that, in fact, doing what we are about to do will provide aid to the regime in order to stabilize it. It will provide aid to the military in order to attack its neighbors. It will provide direct aid to the PLA, to the People's Liberation Army.

How is this, my colleagues ask? It is simple. The PLA owns the business. When the gentleman from Ohio (Mr. KUCINICH) talked about private businessmen doing private business with other private businessmen, Mr. Chairman, the PLA, they own 100 percent of the telecommunications business in China. They own most of the significant businesses, either surreptitiously or directly. Yet this is the bill I bring to my colleagues tonight.

If my colleagues could just escape all of the other things, erase all of the other thing we talk about, and how wonderful it would be to improve human rights, how wonderful it would be to improve workers' rights, religious freedom, all those things would be great. But what is all of our primary responsibility as representatives of the people of the United States? Is it to, in fact, insure human rights across the world? As laudable as that goal is, no, that is not our prime responsibility. Is it to, in fact, insure workers' rights? No, that is not our primary responsibility. It is not even our primary responsibility to insure religious freedom.

We have one responsibility, the prime directive: protect and defend the people of the United States.

Vote no on this bill.

Mr. CRANE. Mr. Chairman, I yield 3½ minutes to the distinguished gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH. Mr. Chairman, this debate that we undertake today is about better, stronger, fairer trade with China, which in time will pave the way for social and political reforms. Some of these reforms are already evident today.

Pennsylvania has exported more than $297 million in goods to China in 1998. Voting for this agreement forces China to take down tariff barriers and nontariff barriers that have prevented even larger Pennsylvania exports. Increasing the amount of exports to China will only help in creating jobs, not only in Pennsylvania, but also throughout our country.

Last November, the U.S. Trade Representative Ambassador Barshefsky completed historic negotiations with the People's Republic of China and managed to craft an agreement that would provide access to the Chinese market while requiring no concessions by the U.S. Let us be clear about this. This is no NAFTA. We do not make a single job-killing concession in this legislation.

The bill we consider today would allow the U.S. to benefit from those negotiations. The bill will not determine whether or not China enters the WTO. China is entering the World Trade Organization with or without this legislation.

I must admit, Mr. Chairman, that I entertained serious concerns when this issue was first raised. I was concerned about human rights and fair trade, which are critical to building a long-term stable relationship with China. Luckily, through the bipartisan leadership of my friends and colleagues, the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. BEREUTER), many of these issues have been addressed convincingly.

Let us look at the facts. The Levin-Bereuter plan provides better oversight for human rights and protections than exist under current law. It provides strong and enforceable anti-surge protections, which are part of the original agreement with the Chinese Government and will now be codified. The Levin-Bereuter provisions, not only ensure that Chinese play by the rules in trade; but, more importantly, they strengthen U.S. law to provide quick and effective weapons if there is a violation. The bill includes language from Levin-Bereuter, urging that the WTO approve both the PRC's and Taiwan's accession in the same General Council session.

All of these provisions are major improvements that make this overall package a good bill. We are entering into a trade agreement with China that will create a more balanced relationship than any initiative to date. This debate should be about ensuring that China plays by the rules in trade, and that they honor commitments made in this agreement.

Mr. Chairman, a China disengaged is more likely to be a rogue country in the new century. A China engaged is more likely to move down the sunlit path of human rights. I challenge every one of my colleagues to vote to engage China, a China to which we can export our goods along with our values.

Mr. Chairman, I include two editorials from my district in favor of normal trade relations, as follows:

[Editorial Column—The Erie Morning News, May 21, 2000]

If we can believe the American business community, windfalls will follow if the Congress goes along with President Clinton and approves permanent normal trade relations with China. American labor—which has never met a free trade measure it liked—sees PNTR as another job-killer. As usual, neither forecast tells the full truth.

Opening the huge China market by allowing the Communist nation to join the World Trade Organization will undoubtedly be lucrative—in time. No windfalls.

As with the equally contested North American Free Trade Agreement with Canada and Mexico, some American jobs will vanish with free and open trade with China. But no one will hear giant sucking sounds as American jobs are lost to China, as labor preaches.

Similar divisions afflict Congress as it prepares to vote on PNTR later this week. The U.S. Senate is expected to back PNTR with little fuss, but war has begun in the always fractious House of Representatives.

The Republican leadership is guiding PNTR despite loud opposition from some GOP members who seek leverage to force China to end human rights abuses.

House Minority Leader Richard Gephardt is against PNTR, as is the bulk if the Democratic caucus. So labor still threatens passage.

We find China's recent behavior offensive. We also realize the 20-year Most Favored Nation Status charade did nothing to moderate Beijing's repeated rights abuses.

Our support for PNTR is based on simple reality. China is not Cuba. It is the most populous nation in the world, with the globe's fastest growing economy. It is senseless for the United States to treat the Asian colossus as anything else than a superpower likely to emerge later this century.

With China's markets open, with American goods—and American popular culture—flowing throughout this giant nation, dramatic reforms will eventually follow. The old Communist leadership will be just as powerless to stop these forces as its decreased former Soviet and Eastern block comrades (and as Fidel Castro would be in Cuba if American policy weren't based on Cold War myths).

We understand these are difficult votes for many in Congress, who despise the Chinese Communists or who fear labor. But then, Congressman didn't seek office merely to vote on popular, easy issues.

Side legislation creating a commission to monitor China's performance offers political cover for nervous Democrats. Even Erie's 21st District Republican Congressman Phil English "emphasized the importance of the proposal" to the Wall Street Journal after voting with the Ways and Means Committee to approve PNTR and send it to the House floor last week.

English will vote for PNTR because he understands the stakes China has agreed to join the world community and play by its trade rules with entry into the WTO.

That is where America's influence is, with China as a full trading partner—not some junior member of the world community who must be monitored like a troubled child.

The United States tried that approach with China and Most Favored Nation Status the last 20 years. It's time to join the real world.

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[Our View—The Herald, Sharon, Pa., May 21, 2000]

### CONGRESS SHOULDN'T LET ORGANIZED LABOR DERAIL U.S.-CHINA TRADE VOTE

Approval of the China trade bill Wednesday by two key legislative panels, the House Ways and Means and Senate Finance committees, bodes well for next week when the House is expected to take up the thorny issue of permanent normal trade relations for China.

Bipartisan support for the historic measure has been building although the final vote, by all accounts, will be close. Most House Democrats, particularly those most closely allied with organized labor in industrial states, are stubbornly resisting pleas for their votes from both Republican leaders and the Clinton Administration.

Congressmen still opposed or sitting on the fence should vote for the historic measure that rightfully should be seen as having as many benefits for workers as for businesses, manufacturers, farmers, consumers and lovers of personal freedom.

Passage of the bill into law—it's expected to have an easier time in the Senate—would end the annual exercise of renewing China's trade status and grant the world's most populous nation the same normal trade relations and lower tariffs that the United States extends routinely to nearly every other country. The bill also would assure China's entry into the Geneva-based World Trade Organization which overseas world trade and provides mechanisms to resolve disputes among members.

Organized labor, desperate to defeat the bill, has trumpeted such already well known criticisms of China as its poor record on human rights and denial of religious freedom as well as its history of economic piracy and disregard for environmental standards.

However, labor and other opponents should take another look at what the record shows and stop refusing to accept that easier trade—and the growing prosperity it brings—is the most effective cure for the repression and other ills of communism. The higher standard of living increased trade can provide for China's 1.2 billion people is the most powerful tool to promote democracy there and continued prosperity for American working families.

More trade would add to the 1.3 million new American jobs attributed to growth in imports and exports since 1993. International commerce is responsible for nearly one-fourth of America's gross national product.

American labor leaders, fearful as they are about the effects of the trade bill, also should recognize that Chinese leaders are just as worried although for different reasons.

As pointed out in the New York Times by Beijing reporter Elisabeth Rosenthal, private enterprise that has grown in China over the last decade has taught ever greater numbers of Chinese that they can live independent of the government. Nurturing that growing sense of confidence is the Internet, with its promise of unfettered worldwide communication, which carries voices of opposition and democracy in China out to the rest of the world despite the communists' determination to hold onto power. Such steps toward prosperity, confidence and freedom deserve as much support as possible.

Instead of opposing the China trade bill, labor leaders should see exciting possibilities in the opportunity to compete for the business of 1.2 billion potential buyers for every kind of American product from grain, meat, livestock, fruits and vegetables to computer hardware and software, medicine, machinery and construction equipment and consumer goods of every description.

Seeking to boost trade with China won't, as labor leaders fear, diminish America's willingness to fight for its interests, as we have seen over and over. The most recent example came Tuesday when the U.S. International Trade Commission levied punitive duties on apple juice concentrate following a determination that China was dumping the product here at prices below the cost of production. There's no reason to think that after normalization of trade with China that American business interests and officials will be any less insistent on fair trade of steel, pipe, machinery or other industrial goods as for agricultural products.

It's been three decades since Richard Nixon visited Beijing in 1972 and established cordial relations with China. Since then, each succeeding administration has worked toward a closer partnership between the two countries and it's time to take the next big step.

Mr. LEVIN. Mr. Chairman, it is my privilege to yield 2 minutes to the gentlewoman from California (Ms. ESHOO).

Ms. ESHOO. Mr. Chairman, today our Nation, and I believe this Congress, stand at the beginning of a new century; and with it comes the new opportunity to export our products to the largest emerging market in the world.

America today is enjoying unparalleled economic successes. We are the envy of the world. Economic growth is sustained. Unemployment is low. Inflation has been kept at bay. The new economy has brought new wealth and new opportunities to our Nation and its workers. I am proud to represent a district which is home to Silicon Valley and where the high technology industries are the primary contributors to the economic engine of our new economy.

But this issue is larger than any one industry or any one congressional district. President Kennedy said, "Economic isolation and political leadership are wholly incompatible. The United States has encouraged sweeping changes in free world economic patterns in order to strengthen the forces of freedom, but we cannot ourselves stand still. We must adapt our own economy to the imperatives of a changing world and once more assert our leadership." These words hold truth for us today.

This legislation, I believe, is good for the American worker; and it opens the greatest market for the products they make to a much greater market.

This House and our Nation, I think, really owe a debt of gratitude to the gentleman from Michigan (Mr. LEVIN) and the gentleman from Nebraska (Mr. Bereuter). Refusing to turn their backs on history, they, instead, chose to make history by writing legislation that brings the framework of the famous Helsinki courts to our relationship with China.

Mr. Chairman, I urge my colleagues to support this legislation. I believe that we will seize a historic opportunity, not only for our country and its workers, but that future generations will say that we took an important step, seized the opportunity for our people.

So I thank my colleagues for this opportunity, and I thank especially the gentleman from Michigan (Mr. LEVIN) for the work that he has done.

Mr. Speaker, today our nation—and this Congress—stand at the beginning of a new century and with it comes a new opportunity to export our products to the largest emerging market in the world.

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These words hold true for us today. This legislation is good for the American worker. It opens the greatest market of this new century to American products and American values.

I want to salute our colleagues, Congressional LEVIN and BEREUETER for refusing to turn their backs on history and instead choosing to make history by writing legislation that brings the framework of the famous Helsinki Accords to our relationship with China.

Mr. Speaker, China's outdated politically-decrept political system has shown over fifty years that it can repress its people by keeping them closed off from the rest of the world. I doubt they can succeed with this economic and political repression in the face of an Internet society where millions of computers and wireless telephones will connect China to the rest of the world. An Internet society punches a thousand holes in the dike of political repression. China not only will be exposed to American values, but it will become part of the community of nations.

I urge my colleagues to vote yes to extend permanent normal trade relations to China and thus seize this historic opportunity.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Chairman, I believe in free trade. But to me, free trade is not just about the products we are trading. It is also about the people who make them. If after more than a quarter century of engagement, the success of our human rights and democracy efforts in China can be measured in forced abortions, arrest of dissidents, Tiananmen Square, religious persecution, ethnic cleansing in Tibet, child labor, slave labor, aggression against Taiwan, and the arrests of the Falun Gong, then our record is not a success at all but a dismal failure.

The victims of this failure are not just the Chinese people. The administration and American companies continue to accept displaced American workers as inevitable casualties of economic war for which there is virtually no assistance. I know I will not.

Our trade deficit with China continues to grow, from a $6 billion deficit a decade ago to an almost $70 billion deficit today, all while the Chinese Government continues to break promise after promise, agreement after agreement. That $70 billion benefit to China is what they have, in essence, been investing in their military budget.

Free trade exists when two countries open up their doors to compete on a level playing field, not when one country, the United States, opens its doors wide while the other, China, cracks its door open an inch while reserving the right to slam it shut if we ever dare ask for what they consider to be too much.

Have we gotten to the point where we will throw all of our values out the window, even protecting children from forced labor, in order to maximize corporate profits?

Our leadership, our international leadership, comes from these values, not just our profits. That is the America I believe in. That would be the kind of true free trade bill that would be worth fighting for. This is a bill that needs to be soundly defeated.

### ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind all persons in the gallery that they are here as guests of the House, and that any manifestation of approval or disapproval of proceedings or other audible conversation is in violation of the rules of the House.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. SHERMAN).

Mr. SHERMAN. Mr. Chairman, I wish to bring two new developments to the attention of this House, developments that show that we need to negotiate a better deal.

First, the International Trade Commission and the official authoritative body of the Federal Government issued a report. It says this deal will increase our $70 billion trade deficit and cost America 872,000 jobs over the next 10 years. That is right. Permanent NTR does not just make the trade deficit permanent, it makes it bigger.

Second, the gentleman from California (Mr. BERMAN) and the gentleman from Pennsylvania (Mr. WELDON) presented an amendment to the Committee on Rules this afternoon which would simply state that China will lose its access to our markets if it invades or blockades Taiwan. This amendment is consistent with GATT. But I expect that the Committee on Rules will reject it because the administration will reject it because China will not accept it.

Now, who is to blame? China? If it interprets the proceedings of this House as a green light to blockade or invade Taiwan, and if this House is willing to grant permanent NTR, even if China blockades or invades Taiwan, what would the other body do? What would the proponents of trade suggest?

We must insist that the Berman-Weldon language is included in this statute. If it is not, then we are being vague when clarity is called for. We will be at fault if China is misinterpreting our mood, and we will be the precipitators of those in China who say they are free to invade Taiwan or blockade Taiwan.

Keep in mind how easy it is to blockade Taiwan. It just takes a press release saying that the next freighter into Taipei or into Taiwanese ports will be hit by a Chinese missile, and that economy shuts down. We cannot allow misinterpretation. We need the Berman-Weldon language. Otherwise, this bill becomes the Taiwan blockade authorization act.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. OWENS).

□ 1830

Mr. OWENS. Mr. Speaker, in trade agreement after trade agreement the U.S. negotiators have allowed themselves to be swindled before. Now we are dealing with a very different kind of animal. China does not have a market economy. It has an economy that has no name. It is a complex situation where we are about to be swindled again.

Without a doubt, the totalitarian government of China has the world's largest workforce. China also has the most oppressed and most thoroughly manipulated urban workforce on the face of this Earth. In the country that promised to be the paradise for the proletariat, there are no free unions. Workers cannot organize.

China's size makes China special. It is a monster that can greatly distort the economics of world trade. But more importantly, with China's centralized authority, the totalitarian control of both the consumers and the workers and the means of production, everything is under control, and that also is a danger to world trade.

No one in this government is willing to give us an honest study and an honest assessment of the damage that has already been done by NAFTA with its monstrous drain on manufacturing jobs on this country's economy. But China has the capacity to do 100 times more damage than Mexico did with the NAFTA blunder.

China's trade is great for our retail establishment. Yes, they like to go and purchase items for a few pennies and sell them for many dollars at a tremendous profit in our retail stores. China's trade is great for our manufacturing concerns, to take their plants and pick them up and have products manufactured in China and brought back here and sold in a standard in line with our quality of life.

For the managers, the executives, and the investors profits leap upward forever in this China deal. But for ordinary Americans, the statistics and the records tell the tragic side of the story. Already world trade has cost us a great deal. The gap between workers and the people on the top keeps growing. China is a disaster. Vote "no" on this trade bill.

Mr. Chairman. I am strongly opposed to granting permanent normal trade relations to China and, knowing the strong feelings on both sides of the issue, will explain the reasons for my objection.

Permanent normal trade relations with China will increase America's trade deficit, contrary to what many believe. In 1999, America exported one-third less of agricultural products to China than in the previous year and the resulting deficit affected two-thirds of all agricultural commodities exported to China. In fact, America's 1998 cotton export surplus to China of $118 million turned to a $12 million trade deficit in 1999. From 1995 to 1999, American export of fresh apples to China fell by 79 percent, while we imported twice the dollar amount of dried apples from China than we exported in fresh apples. While we exported no peanuts to China in 1999, we imported peanuts from China for the first time in 1998 and exported only $14,000. This was a drop from $60,000 worth of peanuts exported to China in 1994.

How can we believe that simply giving China permanent normal trade relations status will reverse this very clear trend? This increase in agricultural imports from China to the United States has occurred simultaneously while overall United States exports to China has steadily decreased. The result is a significant agricultural trade deficit for the United States. Granting permanent normal trade relations status to China will not automatically recalibrate the balance of trade between our two countries. And historically, China has failed to honor trade agreements with the United States. What makes proponents of permanent normal trade relations believe that it will be any different after approval then it is now?

But of equal concern to me is the well-known record of China in human rights violations. This extends to the workers in China who will be the recipients of American jobs exported there under the misguided belief that permanent normal trade relations with China will be a positive thing. At the current 25 cents an hour in manufacturing wages for the average worker in China, the temptation for multinational corporations to move business from America to China will only be exacerbated by granting it permanent normal trade relations status. Right now, a few multinational corporations are draining away assets from Federal, state and local coffers and taking their business to other countries that have less ethical and stringent standards under which their citizens earn a living. Are we to condone and support this trend by making it easier for those multinational corporations to export jobs away from America?

This negative trend for American trade will not be helped by granting China permanent normal trade relations status. It will simply increase our dependency on foreign imports and set in motion a dangerous precedent that could see the eventual disappearance of the prosperity and productivity that America has built to an incredible degree over the last 8 years.

International concerns that should give proponents of permanent normal trade relations with China pause is China's unchanged reputation for support of radical factions; like Iran, Iraq, and Libya and for bullying Taiwan.

By granting permanent normal trade relations status to China, we send a message to multinational corporations that it is OK to siphon money from American communities and move assets abroad with impunity. We say to China: "It is OK to practice human rights violations and aid and abet rogue nations in the international arena.

The proper course of action for the United States Congress is to deny permanent normal trade relations to China. We must not allow American jobs to disappear and resurface abroad. We must not turn a blind eye to China's intransigence on world security issues. Let us not turn back the clock on what we have been able to accomplish over the last eight years. We must say no to permanent normal trade relations for China. We must say no to the betrayal of slave-wage workers in China and to workers in America.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, the question before the House is permanent normal trade relations for China. But the previous question, the larger question, the larger issue is fairness for domestic industries and our workers, equity for American workers.

When subsidized goods from foreign sources flood our markets, not protection but prompt, vigorous, efficient enforcement of our existing trade laws, has not happened in the steel industry in the United States. We have lost 350,000 jobs in basic steel and 10,000 jobs in the iron ore mining country of my district.

For the past 4 months, I have asked the administration and backers of this legislation to fix two problems with legislation that I have prepared on the Trade Act of 1934 and the Trade Adjustment Assistance Act of 1974 to provide that equity and that fairness that I am asking for in international trade. It has not been forthcoming in this legislation.

I have not been uncommitted but very clear about my position. If we can fix the problem and help the workers face an uncertain future, I would vote for this. But if not, I will vote against it.

Symptomatic of what lies ahead are the defective issues in the U.S. agreement with China that are reflective of the broader pattern of international trade where we have failed to enforce existing law. What hope do workers in American industry have about the future of a broader trade agreement when existing law is not vigorously, effectively enforced? We ask only for that. It has not been forthcoming. I see no hope that it will. I am voting no.

Mr. ROHRABACHER. Mr. Chairman, I yield 2½ minutes to the gentleman from New Jersey (Mr. SMITH), a human rights advocate who has earned that reputation through many years of human rights work in this body.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in strong opposition to PNTR, and tonight I especially urge the remaining undecided Members to look at China's ever-worsening human rights record and look long and hard at the compelling threat that PRC poses to Taiwan on both the short and intermediate term as they build up with U.S. missile and computer technology and Russian ships, and the threat to the U.S. itself. The VFW and the American Legion have taken a long look at this issue and they have urged a "no" vote on PNTR.

Mr. Chairman, a few moments ago the gentleman from Texas (Mr. BENTSEN), who takes the view that is contrary to my own, rightly called China a dictatorship. Our business partners, Mr. Chairman, in Beijing indeed are dictators, and they are directly responsible for heinous crimes against humanity, including the systematic use of torture, the laogai or slave labor, where hundreds of thousands of people, thousands of gulags or laogai are used to make goods that are then exported to the United States. And the MOU that we have with them is not even worth the paper it is printed on.

They have given new meaning to the word union busting. Those brave Chinese who speak up and try to organize are thrown into jail and they too are beaten. As a result of the one child per couple policy, brothers and sisters are illegal. Forced abortion, properly construed as a crime against humanity by the Nuremberg War Crimes Tribunal are going on in China on a massive scale today. There is no toleration of dissent in the PRC.

I have had 18 hearings, Mr. Chairman, in my Subcommittee on International Operations and Human Rights of the Committee on International Relations. We have looked at this at every angle. Another commission is nice, but it should not be done in lieu of substantive action.

Let me also point out that I too chair the Helsinki Commission. This does not look like the Helsinki Commission. Let me just remind Members that the U.S.S.R. and the Warsaw Pact nations all signed the Helsinki Final Act in 1975. It was a process. China is not going to be signing this pact. Let me also point out that MFN was denied to the U.S.S.R. while we had this accord called the Helsinki Final Act.

And, finally, we have commissions. The U.S. Commission on International Religious Freedom has come out unanimously admonishing Members of Congress to vote "no" on PNTR because of the deteriorating situation on religious freedom.

Let me just conclude, Mr. Chairman. My colleague, the gentleman from Tennessee (Mr. TANNER), said nothing is permanent. If they misbehave, he said, maybe something could be done. Let me just point out the fact is that this dictatorship is misbehaving on a grand scale. It does beg the question, is there anything that they can do, any abuse they can perpetrate that does not lead to the loss of PNTR? I urge a "no" vote on this resolution.

Mr. CRANE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois (Mr. CRANE) has 3 minutes remaining.

Mr. CRANE. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

Brent Scowcroft, U.S. Air Force lieutenant general, retired, and former National Security Adviser, said of this vote, "Denying permanent normal trade relations will remove none of the blemishes that China's opponents have identified."

Denying PNTR will not fix the problem in China. None of us is here to defend the abysmal human rights record of the Chinese, but, frankly, it is better today than it was during the cultural revolution. Things are improving. Ren Wanding, leader of the 1978 Democracy Wall Movement in China said, "Before the sky was black. Now there is a light. This can be a new beginning."

I was in China at the beginning of this month with the Secretary of Agriculture and several Members of this Congress, two of whom just today finally made up their minds to support PNTR after much serious discussion. PNTR vote is a vote about what happens here in this country as much as it is the hopes of some of us to change that country.

Today, in my home State of Oregon, they are preparing the first shipment of wheat to go to China in 26 years, because until this bilateral agreement came along, China used one of those nontariff barriers, called TCK SMUT, with a zero tolerance to preclude us from ever selling wheat into China. And they were successful for 26 years. That changes tomorrow when the ships leave Portland, Oregon, with 50,000 metric tons of wheat.

That is important. My farmers are suffering. If there is one thing I have heard over and over again as I have gone around my district is about bad past trade agreements that left us on the wrong side. This one forces China to open its markets, reduce its tariffs, and puts us on a better playing field when it comes to trade. And that is so important to people who are facing bankruptcy and disruption of their markets.

And, my colleagues, if we do not pass PNTR, we give the European Union, who we know subsidizes their farmers and ranchers to an extraordinary amount, our bilateral agreement, and we stick it to American farmers. And that is wrong, Mr. Chairman.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Chairman, I rise in support of this legislation. I thank the gentleman from Texas (Mr. ARCHER), the Chairman of the Committee on Ways and Means, and the ranking member, the gentleman from New York (Mr. RANGEL), for their leadership in bringing this bill to the floor.

I acknowledge the hard work and passion of good friends on both sides of the issue; leaders on one side eloquently stating the challenges that remain in our relationship with China, others highlighting the opportunities this agreement presents for Americans and the China people. I believe we share the same goals.

We all want to expand our economy and to increase opportunities for all Americans. And we all want to encourage reform in China, nurturing freedom for over 1 billion people, making the world a safer place for everyone. This debate has shown that people of good intentions can strongly disagree on a means to achieving the same ends.

I am convinced that passing permanent normal trade relations and engaging with China is the best course for our economy, our national security, and the Chinese people. I know that increased exports of wine, citrus, beef, and other farm products will benefit the families of my central coast district in California. And I know the high-tech industry, so critical to our economic future, will gain critical access to Chinese markets. But I also strongly believe the Chinese people will, in the long run, win as well.

I note the recent statements by the Dalai Lama endorsing China's entry into the World Trade Organization and by Taiwan's new president in support of PNTR. These are calls for continued engagement with China, and they are calls we should heed.

But passing PNTR is only the first step. The real work now lies before us. We must ensure China lives up to its commitments in this agreement. We must encourage American companies to uphold the very best of our values in China. We should not shrink from this challenge and this opportunity by refusing to engage with China. We must continue to highlight China's human rights shortages and encourage the voices of progressive change in that country.

I urge my colleagues to support this important legislation.

Mr. KLECZKA. Could the Chairman inform the sides how much time is remaining.

The CHAIRMAN. The gentleman from Wisconsin (Mr. KLECZKA) has 7 minutes remaining, the gentleman from California (Mr. ROHRABACHER) has 2½ minutes remaining, the gentleman from Illinois (Mr. CRANE) has 1 minute remaining, and the gentleman from Michigan (Mr. LEVIN) has 2½ minutes remaining.

Mr. KLECZKA. Mr. Chairman, I yield 2 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Chairman, I rise today in opposition to granting permanent normal trade relations to China.

Entering into a trade agreement with China, given their current record on human rights and workers' rights, to me, is like marrying someone we hope to change. After the vows are taken, we then tell that person what is not right with the relationship and what needs to be done differently. It does not work.

Today, the U.S. imports 36 percent of all Chinese exports, but working conditions remain horrible. They are bad in the factories, where the sneakers are made, where the TVs are made. Yet we buy those products, and U.S. companies in China and the Chinese manufacturers have done nothing to improve workers' rights.

What is most alarming is that many of these products are made by very, very young children, who work more than 12 hours a day for very small wages; and they work 7 days a week.

□ 1845

It is pitiful that the U.S. is ignoring the awful conditions that these children face. PNTR with China would be a bad marriage. After the honeymoon hype fades away, we would be left with nothing except the same old China, where children work in virtual slavery.

The United States must not say "I do" to China until the Chinese people have freedom and the American people have responsible trade policy.

I urge my colleagues to vote "no" tomorrow.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. WYNN).

Mr. WYNN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in strong opposition to this trade agreement. When people talk about this, the first thing they say is, we ought to have a trade agreement so we can engage with China. Well, if this theory is so smart, why do we not try with Cuba first? Because some of the same people who have dramatic opposition to engagement with Cuba, our neighbor 90 miles away, think that this is the greatest thing since sliced bread.

I have severe questions about this agreement. It seems to me we have come to a point in our history where we worship at the altar of new markets to the total exclusion of all other foreign policy objectives, and I do not think that makes good sense.

Let us talk about engagement. We have been engaged with China, and the report card is abysmal. They have not complied with the provisions of GATT, something that is already in place. We annually renew our trade relations with China. Let us see the results.

Human rights violations continue to proliferate. They have not been reduced.

We look at our trade deficit. It is the worst in the history of the United States. They outnumber us six to one in terms of our trade relationship. They have a distinct advantage in our relationship with them; our engagement with them certainly has not helped.

When we look at piracy of intellectual property and when we look at every element of our relationship, we see we have not benefited from this so-called engagement.

I urge rejection of the trade agreement.

Mr. KLECZKA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, today we are deciding United States trade policy with the People's Republic of China. Given the fact that China is a communist nation and that it regularly violates the human rights of its own citizens, the United States Congress, rightfully, every year decides whether to treat China that year with restrictive or normal trade relations.

This year Congress is being asked to give up this annual review. And the question is, should we do so?

While I believe in free trade because it can be in America's national security and economic interest, and while China's leaders have made some progress from their days as an inward-looking regime, China has broken every one of the six trade agreements it has signed with the United States since 1992.

It is clear to me that not enough progress has been made or even attempted in the important areas of human and worker rights and in protecting the environment in China.

I hope the time will come when the great nation of China will earn the right to permanent normal trade relations with the great Nation of the United States. They have not done so yet.

I urge my colleagues to vote "no" on PNTR for China.

Mr. LEVIN. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. MORAN).

Mr. MORAN of Virginia. Mr. Chairman, I can understand the trends within this country. They are historic towards protectionism and isolationism. But they have not prevailed. And we have benefited as a result of our confidence in the future, our ability to compete.

But if we look at who in China is opposed to this treaty, who wants us to reject it tomorrow, certainly the military wants us to reject it, because they want their people to believe that they should be putting their resources into gearing up for a military confrontation with the United States. So they want us to reject it.

The people who run the state-owned enterprises want us to reject this treaty because they are afraid of competition with the United States. They do not want to have to worry about providing better working conditions for their people, worrying about the environment, providing the kinds of benefits that we provide in higher standard of living to the people who work for American corporations.

And certainly the Communist Party wants a no vote. They want a no vote because they know if they are put under the international rule of law and if they have almost unfettered Internet access to their people, if they cannot control what their people read and see and believe, they, the Communist Party, lose control over their people; the people of China will be liberated; the people of China will be able to deal with us. That free enterprise will prevail, that democracy will prevail, that human rights will prevail.

All of these hardliners in China want a no vote. But America needs a yes vote. This may be the most important thing we can do for our children's children, from a military standpoint, from an economic standpoint, and from a moral standpoint.

China needs to be an economically independent ally, not an isolated military threat. They need to be an economic opportunity, not someone who is closed off. And certainly, the people of China need an opportunity to understand that we have it right, that individual freedoms is what the human condition is all about.

Give the Chinese people a chance. Vote "yes."

Mr. KLECZKA. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, over the last couple hours we are told about slave labor, child labor, human rights abuses, forced abortion in China. So one could ask, well, why are we here giving permanent trade status to China? What is this issue all about?

My colleagues, the issue is all about money. The issue tonight is money, corporate profits for our industry and corporate boards. That is what it is all about.

Now, we have heard from the proponents that, gosh, we cannot isolate China, we cannot refuse to trade with them, we should not be protectionist. And it is all nonsense. Because everyone talking on the floor, be they for or against this resolution, know that we are going to continue, like today, trading with China.

So what is the big deal? The big deal is do we give China tomorrow permanent trading status with our country? Do we throw open the doors to promises of hundreds of thousands of new jobs? Or should we, like we have for almost the past 20 years, review this country and their abuses on an annual basis and then on this floor make a decision?

That is the question. It is not protectionism. It is whether or not Congress, the elected officials, will continue to review this.

I was told about the hundreds of thousands of jobs when NAFTA was passed, the trading agreement with Mexico. My colleagues, I come from Milwaukee, Wisconsin. A short time ago, Master Lock, little bicycle locks and big locks, small locks, they announced that they were going to close the plant, lay off 400 workers in the Milwaukee area, and move that to Mexico where the average wage we are told is about 50 cents an hour.

We cannot compete with that. Well, that is not going to happen in China. Baloney. The average wage in China is 13 cents. Master Lock should have waited for this and then ran to China. Well, but we are going to have trade and they are going to buy American goods. The per capita income in China is about $750 a year, $750 a year. How many Jeep Cherokees can the Chinese buy from us? How many refrigerators? How many computers?

My colleagues, the issue here is money, money, money.

We were told when we had a hearing before the Committee on Ways and Means that, under this agreement, investment in China is going to become more secure and more profitable. And that sent up a red flag for this fellow because that means American capital is going to go over there in droves and instead of shipping products, they are going to be made there; and we are going to be shipping machine tools and production equipment, only to have the widgets and the tires and the auto parts come back here displacing American workers.

All we are asking today is let us review this and see if China is worthy of permanent. Let us look at it year to year. Congress comes back every year like the swallows to Capistrano.

Mr. LEVIN. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, the annual review process has been, basically, a failure. We need both to gain the benefits from what we negotiated and find a better way to impact China.

The Helsinki Commission worked not because the USSR agreed; but because we, the U.S., persevered. If we persevere with the provisions in the bill that the gentleman from Nebraska (Mr. BEREUTER) and I and many others have put together, the best interests of our workers and our producers will prevail.

Mr. CRANE. Mr. Chairman, I reserve the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, today we have heard many things that do not really represent a real analysis of what PNTR is all about. We have been told that PNTR means there are no concessions on our part. Give me a break. I mean, no concessions? We have frozen into our reality unfair trade tariffs from now to forever.

Let me give my colleagues an example of PNTR. Car tariffs are going to be 25 percent. They are going to say, oh, well they are higher now. Yeah, they are higher now, but then they are going to bring them down and freeze them forever at an unfair level. Car tariffs 25 percent. Motorcycles 35 percent. VCRs 30 percent. Color TVs 30 percent. Corn 65 percent. Rice 65 percent. Sugar 65 percent.

These are the tariffs that they are going to have on our goods while our tariffs are just going to, again, as we have had for these last 10 years, almost down to nothing. This freezes us into an unfair economic relationship with the world's worst human rights abuser.

The Levin-Bereuter proposal that in some way just eliminates our review is going to do some good for the people of China; we are eliminating the review that we have. Their only restraint on their violations of human rights we are taking away by permanent normal trade relations.

What is this again? As I started out, this whole debate is about what? It is about whether or not we are going to continue the subsidies of American businessmen through the Export-Import Bank who are making their investments in Communist China to take advantage of that slave labor at the taxpayers' expense by the taxpayers guaranteeing that investment. That is what is fueling this whole debate today. Nobody wants to recognize it.

What we are doing is building the infrastructure, the technological and manufacturing infrastructure, of the world's worst human rights abuser and the country that poses the greatest threat to us militarily in the future.

We are creating a monster with blood on its hands. The blood on its hands is dripping from the hands of this terrible totalitarian regime. They have been repressing their religious believers and people who believe in democracy. And we want to have a permanent normal trade relationship with them to help them build up their technological capabilities.

Such immoral policy-making will come back and hurt the United States. This is Neville Chamberlain's strategy with Adolph Hitler, build up his economy that he will not dare to commit aggression.

We will be hurt very badly if we pass this. Oppose PNTR.

Mr. CRANE. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I would like to read a quote of President Chen Shui-bian, the newly inaugurated President of Taiwan: "We would welcome the normalization of U.S.-China trade relations, just like we hope the Cross Strait relations between Taiwan and China can also be normalized. We look forward to both the People's Republic of China's and Taiwan's accession to the WTO."

The next quote is from the EU Trade Commissioner Pascal Lamy, who said, "WTO entry has benefits for China, as it has benefits for EU companies, and it will enhance EU-China relations and that has just been concluded."

And finally, "American businesses and religious leaders need to remain engaged in China as an example and as a voice for our values. Rejecting the constructive bilateral trade agreements offered by the Chinese and denying normal trade relations would mean severing ties that would take generations to repair."

I would remind colleagues, this may be the most critically important vote they will cast in their entire career in the Congress of the United States.

Mr. Chairman, I yield back the balance of my time.

Mr. FRELINGHUYSEN. Mr. Chairman, American business men and women have eyed China for years, knowing that the sky is the limit when it comes to selling American made goods and services to the world's largest market. But Americans have found it difficult to trade with China since complete access to this vast market has been restricted.

In today's global market, we can no longer afford any restrictions on trade with the world's largest population. We must engage China, and ensure that American companies and American workers have the tools to compete with other nations in Chinese markets. Remember, when America competes, we win. That's why I voted for a permanent trading relationship between the United States and China.

In fact, over the past year I have taken an active role in promoting America's free trade with China. Specifically, in Washington, as a member of the House Leadership's China Trade Team, I have worked with House Rules Chairman DAVID DREIER and my colleagues in support of extending permanent normal trade relations, PNTR, with China.

Back at home, I have met with hundreds of people in New Jersey's business community to encourage them to organize and help spread the word about the benefits increased trade with China will bring home to the Garden State. In fact, Chairman DREIER and I assembled a group of New Jersey's business leaders in April to "rally the troops," so to speak. Joined by the CEO of Honeywell, Michael Bonsignore, we articulated five main points that are deciding factors in my support of trade with China.

First, extending permanent normal trading relations with China is a win for fairness—this agreement forces China to adhere to our rules-based trading system. Without an agreement, there are no rules, and we have no say whatsoever in how China conducts its business with the rest of the world.

Second, it's a win for U.S. workers and businesses—China is an incredibly important emerging market with more than a billion consumers. America's world class businesses, large and small—manufacturers, high tech/biotech companies, entertainers, farmers, financial institutions—know that being shut out of China, especially as China opens its doors to the rest of the world, is a very big mistake.

Third, trade with China is a win for American values inside China—through free and fair trade, America will not only export many products and services, but we will deliver a good old fashioned dose of our democratic values and free-market ideas. These ideals are already percolating in China—interestingly, today there are more Chinese shareholders in private companies in China than there are members of the Chinese Communist Party!

Fourth, international trade, whether with China or any other nation, means jobs for New Jerseyans, and continued prosperity for our state. That's the bottom line. Out of New Jersey's 4.1 million-member workforce, almost 600,000 people statewide—from Main Street to Fortune 500 companies—are employed because of exports, imports and foreign direct investment.

China ranked as New Jersey's 9th largest export destination in 1998, an increase from 13th in 1993. Our Garden State exported $668 million in merchandise to China in 1998, more than double what was exported five years earlier. With a formal trade agreement in place, imagine the potential as access to China's vast market is improved! Enormous opportunities exist for New Jersey's telecommunications, environmental technology, healthcare, agriculture and food processing industries.

Fifth and finally, in the interests of world peace, it is absolutely a mistake to isolate China, a nation with the world's largest standing army, an estimated 2.6 million-member force. America's democratic allies in Asia support China's entry into the World Trade Organization because they know that a constructive relationship with China in a stable Asia offers the best chance for reducing regional tensions along the Taiwan Strait, and for avoiding a new arms race elsewhere in Asia.

I am fully aware of the controversy surrounding my vote. Indeed, humanitarian and environmental issues remain important to me in our dealings with China. But I refuse to believe that if we walk away from China our national interests would be better served. In fact, I am positive to do so would deter from our ability, and our credibility, to push reform in China and around the globe.

As General Colin Powell said, "From every standpoint—from a strategic standpoint, from the standpoint of our national interests, from the standpoint of our trading interests and our economic interests—it serves all of our purposes to grant permanent normal trading relations with China."

My vote ensures we give American workers the tools to compete with the world, and win. Moreover, by extending a permanent trading relationship with China, we ensure that China adheres to our rules in the global marketplace, and that along with our goods and services, we export American values and democratic ideals.

□ 1900

The CHAIRMAN. All time allotted for general debate has expired.

Under the order of the House of today, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BURR of North Carolina) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, had come to no resolution thereon.

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## SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

## IRANIAN JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. ROUKEMA) is recognized for 5 minutes.

Mrs. ROUKEMA. Mr. Speaker, I rise today to firmly state my outrage at the behavior of the government of Iran regarding the thirteen members of the Iranian Jewish community who are currently incarcerated by Iranian authorities. It is a moral outrage, innocent people are being held against their will just because of their religion.

Iran has a terrible record of human rights violations. According to the State Department and several internationally recognized human rights organizations such as Human Rights Watch and Amnesty International, religious minorities in the Islamic Republic of Iran have been the victims of human rights violations solely because of their status as religious minorities. These include Sunni Muslims, Christians, and Jews.

More specifically, the Iranian Jewish community has been in especially terrible danger. In just the past five years, the Iranian government without having been tried has executed five Jews. There has been a noticeable increase recently in anti-Semitic propaganda in the government-controlled Iranian press, and many Jews have been forced to flee the country.

Most recently, as I have mentioned, Iranian authorities arrested thirteen Jews, including community and religious leaders in the city of Shiraz. Iran has charged these Jews with espionage on behalf of the United States and Israel, and has pursued their executions. They have been denied visitation privileges during their months of detainment and their fate looks increasingly perilous as time passes.

These Jews, including rabbis, religious teachers and community activists, have committed no such crime. The United States and Israel have adamantly denied any connection to these prisoners.

All the Jews of Iran want is to be able to live in their country, where they have thousands of years of history, while fulfilling their Jewish identities. Efforts to portray these individuals as participants in a "Zionist spy ring" are ludicrous. They are innocent and should be released immediately.

Since the beginning of the Islamic revolution, the government has claimed that it respects Jews and the Jewish community. Indeed 25,000 Jews still live in Iran. But this has been a difficult 20 years for the Jewish community in Iran. The government has consistently articulated anti-Israel and anti-Zionist propaganda. A number of Jews have been executed on charges of spying. Jewish property has been confiscated, and there are other reports of other discrimination.

Still, the Iranian government has consistently asserted that it is not anti-Jewish and that the Jewish community is an integral part of Iranian society and plays a legitimate religious and social role. And the worst fears about excesses by the Islamic regime against the Jewish community have generally not come to pass.

However, by charging these innocent members of the Jewish community, the regime seems to be going beyond anything previously witnessed, reactivating some of those long-held fears.

I urge the President to make a strong statement demanding the release of the Iran thirteen. I believe it is imperative that Iran immediately release these innocent individuals and to stop its anti-Semitic behavior.

## VOTE NO ON PNTR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ROHRABACHER) is recognized for 5 minutes.

Mr. ROHRABACHER. Mr. Speaker, we have just witnessed a very fine debate on PNTR, and I thought that I would expand for my 5 minutes' worth a little bit on the points that have been made today.

I think it was vital that people not miss the point that the gentleman from Colorado (Mr. TANCREDO) stressed when he gave his speech, and that was that many of the companies that we are talking about that have been opened up and that people are talking about doing business with in Communist China are companies that are owned by the People's Liberation Army.

What a travesty it is that what we have got, and this is as I have repeated in that debate several times, the essence of what is being decided is whether or not major businessmen in the United States can invest in building manufacturing facilities in Communist China, while what they do when they build these manufacturing capabilities in China, these manufacturing centers, they have to go into business, they have to go into business with a Chinese partner. Who is that Chinese partner? More often than not, the Chinese partner is the People's Liberation Army.

Thus we are providing the capital through the American taxpayer, subsidizing the loans that these businessmen get, guaranteeing the loans so that people will give them the loans they need to create these manufacturing jobs, manufacturing centers in Communist China. They go over there and set them up and who is their business partner? Who is splitting the profit with them? The People's Liberation Army.

The People's Liberation Army that builds missiles with the technology that they steal from us and the technology that they get from us through this economic relationship they have with our businessmen, and they build these missiles. Who are those missiles aimed at? Today because of our policies toward Communist China, the Communist Chinese regime has the capability of killing tens of millions of Americans, and they did not have that capability 10 years ago.

This is not the type of policy that we should make permanent. It has worked against the American people. Why should the American people subsidize a businessman for closing a company here and setting it up in China? We are told over and over again the debate is about selling American products overseas.

Please listen to that debate when you hear that. It is not about selling American products. Almost none of our economic activity with Communist China is the selling of American products. What we are sending over there are manufacturing units. What we are selling to China is the ability to manufacture high technology goods.

We heard it today in the home district of the gentleman from Illinois (Mr. CRANE). Motorola has set up a chip manufacturing company there. Why should the people in his district not be in those jobs, building those chips, in Illinois or in other places?

By the way, just to let Members know, I was in Cambodia a few years ago, and they were having trouble with the millions of land mines that are sown throughout Cambodia. Somebody actually had changed the nature of the land mine, and our U.S. military team was finding they were up against a smart land mine that would blow up if the land mine could sense that someone was trying to defuse it.

Our people finally got it open. They found a chip inside the land mine. The land mine, of course, was designed to blow the legs off children and women and terrorize that society in Cambodia. What was the little chip? The chip came from a Motorola factory that was built by the United States in Communist China, perhaps the one that was built there by the businessmen from the gentleman from Illinois' district.

The fact is we should not be subsidizing businessmen to build factories even in democratic societies, much less subsidizing the building of factories and high technology transfers to the world's worst human rights abuser.

Neville Chamberlain had that strategy with Adolf Hitler. We all remember in Munich where Neville Chamberlain, the British prime minister, gave away Czechoslovakia to the Nazis. We think that was the sellout. No, that sellout started years before when Chamberlain said, we will build up Hitler's economy and have so much investment there, he will never be able to commit aggression because it would have such a deleterious effect on the German economy.

That was his strategy. That mirrors exactly what we are being told now of why we must, quote, engage the Communist Chinese. No one is talking about isolating Communist China. No one is talking about stopping trade. Our people would still be free to do that. But why should we subsidize the investment there? And why should we give up our rights here in Congress for an annual review of what our policy towards China does for the people of the United States?

Making it permanent and giving up our review, is that going to be seen by the Communist Chinese as a commitment on our part to human rights and to protect our own interests? No, it is going to be looked at exactly the way they have been looking at our policy for 10 years. The Communist Chinese leadership thinks we are a bunch of saps, that we do not believe in freedom and liberty and justice, that it is just a matter of cliches. They see us as people who are weak.

We must be strong to protect the interests of the people of the United States, to protect our national security. That means a vote against permanent normal trade relations with China.

## CLEVELAND STEAMSHIP WILLIAM G. MATHER'S 75TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, today, May 23, the steamship William G. Mather marks the 75th anniversary of its launching. The Harbor Heritage Society, the Mather's nonprofit parent organization, is hosting a rededication ceremony that began today at 2 p.m. The rededication will take place aboard the Mather which is moored at the Cleveland East 9th street pier.

The Mather has had a presence on Cleveland's waterfront for nearly 75 years, first as a working Great Lakes freighter and, since 1991, as a floating maritime museum. One of the only four Great Lakes freighter museum ships in existence, the Mather exemplifies northeast Ohio's proud heritage as a major maritime industrial shipping center.

A former flagship of the Cleveland-Cliffs fleet, the 618 foot William G. Mather was state-of-the-art technology in Great Lakes freighters when launched in 1925. The Mather is named for longtime Cleveland-Cliffs president and leading Cleveland businessman and philanthropist, William Gwinn Mather. During its 55 years of service, the Mather made hundreds of trips, transporting iron ore from the upper lakes to Cleveland's waiting steel mills. For this reason, the Mather was nicknamed the ship that built Cleveland.

The William G. Mather had a long and distinguished Merchant Marine career. To supply the Allied need for steel, the Mather led a convoy of 13 freighters in early 1941 through the ice-choked upper Great Lakes to Duluth, Minnesota, setting a record for the first arrival in a northern post. It was one of the first commercial Great Lakes vessels to be equipped with radar in 1946. The Mather has been designated a national historic landmark by the American Society of Mechanical Engineers for the following Great Lakes industrial firsts:

First single marine boiler system built by Babcock & Wilcox in 1954, its computerlike automated boiler system built by Bailey Meter Company in 1964, and the dual propeller bow thrusters built by the American Shipbuilding company in 1964.

The Mather retired in 1980. In 1987, Cleveland-Cliffs donated the Mather to be restored and preserved as a maritime museum and educational facility. After an extensive 3-year restoration, the Steamship William G. Mather Museum arrived at its permanent lakefront berth in downtown Cleveland's North Coast Harbor Park. Since its May 1991 opening, hundreds of thousands of visitors and many area school children have come aboard and toured the historic Mather. To date, the greater Cleveland community has invested more than $2.5 million and 250,000 volunteer hours in "the ship that built Cleveland."

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## AGAINST PNTR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SHERMAN) is recognized for 5 minutes.

Mr. SHERMAN. Mr. Speaker, I am against isolationism, against protectionism, and I am against this deal. Trade with China should not end, but we need to go back to the drawing board. We accept over 43 percent of China's exports. They accept only .7 percent, less than 1 percent of our exports.

Under those circumstances, we can negotiate a better deal. This deal is good for profits, but it is bad for American working families. It is good for the Chinese Communist party. That is why they want this deal so badly. And it is bad for those who want to unravel the power of the Communist party elite in China. This deal is good for the People's Liberation Army and bad for American security interests.

First let us turn to the balance of trade. This deal will make permanent a system that has led to the most unbalanced trade in the history of affairs between nations, a $70 billion trade deficit as contrasted to just a $13 billion market for our exports.

□ 1915

There is tremendous economic power here on Capitol Hill pushing this deal, but it is not from people who think they can make money by producing goods in the United States at labor costs of $20 and $30 an hour and sell them to China where people make 12 cents an hour; in fact, it is the reverse. The big profits, the big corporate push comes from those who would like to pay workers 12 cents an hour and bring those goods and sell them to Americans at American prices, American prices on which they can make tremendous profits.

This deal makes China safe for U.S. investment, because, you know that whatever is produced in that factory by an American corporation with Chinese workers can be brought to the United States at huge profits permanently and without interruption, but I would like to bring to the attention of this House a new report issued by the government agency that is responsible for analyzing these trade agreements, the U.S. International Trade Commission, which reported today that this deal will increase our already enormous trade deficit and cost America 872,000 jobs over the next 10 years.

I should point out that this report was officially requested by U.S. Trade Representative Charlene Barshefsky, the primary mover in the administration to get us to vote for this deal. She asked for the report. When the report said this deal kills American jobs, she said it was premature.

I can understand why she would have preferred that the report be issued only after we vote. I prefer to get information before we vote.

Second, on the issue of human rights; there are those that say that through engagement, we are going to undermine the power of the Communist Chinese party, but you know who does not believe that? The heads of the Communist Party of China. They know this deal will make them stronger; that is why they want it so badly.

As for the dissidents in China, we do not know what they think, they have got a gun pointed to their head. Are they free to tell us? But most of the dissidents who have served time in China prisons and escaped to the United States are against this deal.

Finally, I would like to move to the newest development of all, because it happened this afternoon. Two of our colleagues, the gentleman from California (Mr. BERMAN) and the gentleman from Pennsylvania (Mr. WELDON) went to the Committee on Rules with an amendment that is fully legal under GATT, and that amendment provides, as follows: Normal trade relations treatment shall be withdrawn if China invades or imposes a blockade on Taiwan.

Mr. Speaker, I believe that the Committee on Rules will not make this in order, because it is not accepted by the administration, because, of course, it is not accepted by China. So we will be asked to pass this bill without the Berman-Weldon amendment, and that will signal China that it can continue to enjoy access to the American market even if it blockades Taiwan.

We ought to make the opposite clear to them, but without the Berman-Weldon amendment, what is the message? That amendment was brought before this House or brought before its official Committee on Rules, it is part of the record of these proceedings. We asked that we be allowed to make it in order. If it is rejected, then who is to blame China for believing that this House has endorsed permanent trade with China, even if they blockade Taiwan. This is now the Taiwan Blockade Authorization Act. Vote no.

## WHO ARE THE TRUE DINOSAURS ON TRADE?

The SPEAKER pro tempore (Mr. SWEENEY). Under a previous order of the House, the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Speaker, The Washington political establishment is looking down its collective elitist nose at those of us who are saying no to legislation that would provide permanent Most-Favored-Nation trading status for China. In their newspaper columns and at their cocktail parties they tut-tut that those of us raising a challenge to that legislation are simply trying to stop economic progress that comes from globalized trade and are, therefore, hopelessly old fashioned. The fact is just the opposite.

Those who say that we must accept the reality of globalized trade and support permanent favored nation status for the Chinese without a major transformation of trading rules are in fact the ones stuck in the past. They are defending a set of absolutist trading arrangements and a set of useful but creaky international institutions that were established at the end of World War II. They give only token recognition to the changes that are needed in these essential but antiquated institutions.

At the end of World War II, visionary world leaders saw Europe in ruins because of Hitler's mad rampage through the middle of the 20th Century. They correctly understood three things:

(1) That Hitler's rise to power in the first place was driven by the fear and chaos that accompanied the collapse of first Europe's and then America's banking system—a collapse that fed the downward spiral of national economies on both sides of the Atlantic and produced catastrophic levels of unemployment and panic.

(2) That Europe must once again be made safe for democracy by rebuilding its political institutions.

(3) That America's long-term economic and political health depended upon rebuilding Europe's economy in order to rebuild world commerce and create markets for our own goods.

To accomplish all of that, the Wise Men, as they were called, organized the Bretton Woods conference which established a new set of institutions—the International Monetary Fund and the World Bank—in order to help rebuild a new global economy and a new trading order. The mission of the Fund was to insure stability in monetary exchange. The mission of the Bank was to assist nations in the task of economic development and reconstruction.

Those institutions helped to produce phenomenally successful results. The world escaped the kind of global recession in the years immediately following World War II that had historically followed other great conflicts. In the decade that immediately followed Bretton Woods, most of the war-torn European economies bounced back above their pre-war levels.

In subsequent decades, the world's economy more than tripled in size and continued an expansion—with temporary interruptions to be sure—that has now lasted for more than 50 years.

That happened despite the fact that nearly half of the world's population continued to struggle under the yoke of communism for most of that period. In fact, the powerful contrast between the prosperity of open market economies in the West and the desperate situation faced by those condemned to live under centrally-planned economies ultimately contributed greatly to the demise of the Soviet Empire.

That success was accompanied and abetted by expanded trade which also contributed to prosperity of both America and our trading partners. The result was that at least through the mid-70's a rising tide lifted all boats. Almost all families, whether they were headed by a corporate CEO or a janitor at the company run by that CEO, shared in that expanding prosperity.

But in the last two decades, changing realities have also changed results. First, the nature of trade itself has changed in three fundamental ways:

(1) Fifty years ago, as my colleague BARNEY FRANK has pointed out, when the post-war rules of the trading game were first established, products produced almost entirely in one nation were exchanged with other products largely produced in a different nation. Today, multinational companies produce polyglot products—goods and services produced in a number of countries and those goods and services are exchanged in large part for other goods and services of the same nature.

(2) As trade between highly developed, high wage countries and underdeveloped low wage countries has become a larger and larger share of the mix, negative side effects have appeared in high wage countries like ours. A downward pressure on wages because of that expanded trade between very unlike economies has reinforced other economic trends and policy actions, producing an ever-widening income gap between the investing class and the working class. A rising tide no longer lifts all boats. In fact, the ability of those with large amounts of capital to pay any price necessary for what they wanted has, in the global economy and local neighborhood alike, driven some costs far above what can be afforded by those whose boats are anchored to low wages. That has happened with the price of housing. It has happened with the price of education—especially at private institutions. It has happened with the price of medical care.

(3) Downward pressure on wages in economies like our own have been accompanied by greater incentives to minimize environmental costs that go into any product because we are told those products are in competition with products produced in countries with much less concern for either well-paid workers or well-protected environments. That has made it more difficult to protect gains that industrial countries have made in raising worker living standards or cleaning up the environments in which they live.

And now we find in this new era that institutions which were established 50 years ago to promote world recovery and world trade—institutions which at the time undoubtedly produced winners across the board—now often use their influence to push underdeveloped countries to follow practices that attract and retain investment at the expense of those other economic and social values.

There's no question that in macro economic terms totally open trade can produce more goods at lower costs worldwide. And normally that would be a blessing.

But when that becomes the only goal or at times the only result, it carriers a high price for those who do not possess large amounts of capital because their wages cease to rise. And the communities they live in come under pressure to allow corporations to do less and less to clean up pollution, all in the name of remaining globally competitive in a world where there are almost no restraints on the movement or the power of capital and ever increasing restraints on the power of everything and everyone else—governments, consumers, and labor.

Capitalist economies cannot by definition produce equal income for all people. Each society needs risk takers who can amass wealth so that accumulated wealth can be invested to produce economic growth for the entire society. That is bound to produce income inequality. But as Pope John Paul once observed, there are certain "norms of decency" that must be respected in order to produce economic justice and the social cohesioin that is necessary for any economic system to function. The last two decades have produced just the opposite—the widest gap between the wealthiest 1% of our people and the least wealthy 20% of any time since the birth of the 20th Century.

Since new globalized trading realities have helped produce that problem, they must also be part of the effort to fix it.

In our society the gap in income—in education, in housing, and in medical care—has grown disgracefully worse. Those who in this economy suffer most from that fact—largely manufacturing workers in industries with declining employment or workers with less than average skills—cannot be expected to roll over and say, in the words that Walter Cronkite used to sign off his CBS news broadcast, "That's the way it is." As my colleague BARNEY FRANK has noted, Alan Greenspan, the Chairman of the Federal Reserve, has said that we must not allow our "inability" to help workers who are being injured to reduce our support for open trade. But, in fact, as BARNEY says, "the problem we face is not inability, but unwillingness to do so."

The issue here is not really China. China just happened to be the country that triggered this debate. The issue is whether America's policymakers who have helped magnify the income gains of the most well off in our society by squeezing the economic positions of the most at risk families will recognize their moral obligation to change course. The issue is whether those in this society—the investing class, the managing elite, the venture capitalists, the multinational corporations who have so much to gain by further globalization will be willing to see a tiny fraction of that increased wealth used to help those who will otherwise be caught in the prop wash of their incredible prosperity.

When a doctor administers cancer fighting drugs, he knows that he must also deal with the side effects of those drugs or his patient will not be able to tolerate the drug and will die. Isn't that just as true of the negative side effects of globalization on the lower paid, underskilled workers caught in the wake of economic change?

If we are to embrace the change that globalized 21st Century trading produces, we must reshape the institutions that will regulate and govern that commerce. We need a redefinition of the role of the IMF, the World Bank, and other international financial institutions, and never institutions such as the World Trade Organization, so that the interest of labor and the environment are represented at the table when trading decisions are made—not just the interests of capital and governing elites.

We need a second Bretton Woods conference to both modernize and humanize trading relationships or we will lose in the 21st Century the gains we have made in the 20th in establishing a balance of decency between the needs of the corporate-based market economy and the needs of a family-based society!

That means a new set of trading rules, a new set of power relationships, a wider representation of interests at the table. And it means a new commitment on the part of this Congress and this society to much greater educational opportunity and training opportunities for workers and children in working class families. It means a willingness to do more with the tax code to provide as much reward for the work of the lower income working class as we provide for the highest income venture capitalists. It means rebuilding a health care safety net for the families of workers whose corporate employers are being squeezed by the pressures of globalization to shrink that safety net. And it means all of those things before and not after we give away our leverage to obtain them.

Demonstrators in Seattle and Washington may have aimed their protests at some of the wrong targets, but that should not obscure the injustice which produced those demonstrations. As BARNEY FRANK has said, "the choice is not between isolation and integration, but between a global new deal and a global extension of the trickle down theory."

Those who want us to approve their rules without first changing the rules of the trading game that contribute to this injustice are the true troglodytes and dinosaurs. It shouldn't be too hard to find common ground, but first you really have to want to. When those who want us to get on with the game are willing to change the rules to minimize the brutality of the game for those in our society who are not economic superstars, then they will find a lot more of us willing to play it.

## OPPOSING PERMANENT NORMAL TRADE RELATIONS WITH CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, I rise in the strongest opposition to the proposal for permanent trade privileges with China. Trade does not bring freedom, only enforceable laws in democratic republics bring and carry and assure freedom. Trade does not build a middle class, only laws governing workers rights to organize undergird middle-class wages and benefits.

Before World War II, Nazi Germany's largest trading partner was England, and for the United States, Japan, did that stop totalitarianism's rise? Trade with Communist countries does nothing to assure that those doing the work reap any of the benefits; that is why the United States for so many years has held sacred its special laws governing trade with Communist nations. And now that the United States has been victorious in defeating Communist regimes in most corners of the world, some will choose to abandon the legal structure that we held in place called most favored nation replacing it with the toothless normal trade relations statute that we are about to debate tomorrow.

Trade with Communist countries does nothing to assure that those who do the work reap the benefits. Permanent trade status for China will only serve to lock in the exploitative system of agricultural and industrial servitude that is China today; this is not a fight about expanding America's export markets.

This is a fight about China becoming a vast export platform 12 times the size of Mexico, taking our markets in Asia's Rim and sending the glut of sweatshop goods back here to our shores.

When NAFTA passed, the proponents said it would result in a huge export market for the United States and Mexico and that Mexico's workers' wages would go up and there would be no downward pressure on wages and benefits in this country. Look what has happened, Mexico now exports more cars and trucks to the United States than the United States does to the entire rest of the world.

Our Nation has hemorrhaged tens of thousands of jobs, of living wage jobs, to Mexico, and now the China drain will accelerate if this measure passes. Mexico has turned into a major export platform, not an export market. Just look at the label on your television or your car engine or your truck or your electronic gismo, everything coming in here; the only thing America is exporting to Mexico is our middle-class jobs. And they are not getting paid middle-class wages.

In the end, this fight on China is a heroic fight. It is a fight for democratic values in the harsh countryside and in the industrial sweatshops where most Americans will never be allowed to travel in the Nation of China. It is a fight indeed for the Chinese people, and the fight most of all for American principals. Will we side with the chauffeured limousine class, the advertisers, the retailers, the global companies who soothingly tell us, Everything will be just fine? But by their shear power and money, they hold sway over the visual and printed media in this country.

For those fighting permanent trade privileges for China on the basis of democratic values, I say hurrah. Praise freedom lovers and the imprisoned China Democratic Party leaders for whom we speak here on this floor tonight.

For those fighting permanent trade privileges for China on the basis of religious freedom, I say God bless them. And for those fighting permanent trade privileges for China on the basis of freedom of assembly, whether it is for the Falun Gong or the murdered freedom fighters in Tiananmen Square, I say history will judge you as righteous.

America's values are freedom and valor. As we move into this Memorial Day week, let us renew our promise as the world's premier freedom fighters. Vote for freedom. Vote "no" on permanent normal trade status for China.

Mr. Speaker, I include for the RECORD a letter sent by Wei Jinh Sheng, who spent nearly 2 decades of his life in Chinese prisons. Why? Because he fought to be an independent democratic political leader in his own country.

He says to us, "Supporters of this agreement are wrong. The United States is giving up something of profound importance if they were to approve this agreement. Please help us fight Chinese tyranny."

Please read his words in the RECORD, and tomorrow vote "no" on permanent trade status for China.

Supporters of Permanent Normal Trade Relations (PNTR) for China tell us the US is giving up nothing in its trade deal with the regime in Beijing, that China is making all the concessions. This claim is false.

The US is giving up something of profound importance—its ability to aid people everywhere in their struggle for human rights and democracy. The US has enormous power, due to its economic leverage. Although the US has been reluctant to use this power against Chinese tyranny, the power exists; Beijing recognizes this fully, even if the US does not.

The annual renewal of China's "driver's license" on trade may have become routine, but the power to grant the license remains critical. That is why Beijing is desperate to obtain PNTR, and rid itself of this power. That is why both Rep. Levin and Cox's proposals, no matter their very fine points, are "toothless" if this power is not retained. The hope that the World Trade Organization (WTO) and the World Bank will place limits on China will amount to little, for multinational financial institutions are woefully inadequate to take over responsibility of the US Congress. It may not follow the US lead in any event.

Framing the debate on WTO and PNTR as "keeping the door open" is misleading. America's door is open. The door to China is only half-open. However, the Chinese people have learned that they lack the rights other people enjoy. If this were not so, the enormous uprising in hundreds of Chinese cities known as the 1989 Tiananmen movement would never have occurred. Yet the door to China remains and will remain half-closed, because that is the way to retain power under tyranny.

Trade alone simply cannot open the rest of China's door. If the US Congress grants PNTR now, it legitimizes this half-open/half-closed status. To certify Communist China as "normal" in its abnormal state would deprive reformers within the government of needed pressure to push for change.

The claim that PNTR gives American access to the "vast Chinese market" is specious, because it does not exist. Simply put, we cannot construct the "vast Chinese market" without first the rule-of-law being instituted, as President Lincoln put it, "by a government of the people, by the people, and for the people."

In fact, the multinational business community is making an unholy alliance with Chinese tyranny. The Communist government uses brutality to subjugate Chinese workers while U.S. corporations use the threat of moving their businesses to undercut American workers' demands. Businesses in China's neighboring countries—Japan, South Korea, Thailand, Taiwan, and Hong Kong—will use "slave labor" to China to flood the U.S. market. PNTR is a loss-loss proposition for most workers in Asia and America, but especially for China's. The business community should not be so complacent, because Chinese tyranny will redirect Chinese people's anger against them toward the outsiders.

The majority of pro-democracy organizations are against PNTR, yet a few prominent individuals in China have announced their support. Why such contradiction? The question we must ask is how much can we credit the words of kidnaped victims when they are at the mercy of their captors? The answer is not much. We simply cannot take the current opinions of Bao Tong and Dai Qing to represent their true thoughts, nor can they represent the opinions of others, when Bao and Dai have long been in the grip of a tyrannical government.

Those who have experienced brutal oppression and insidious threats understand their quandary. We can, and must, express sympathy for their deplorable and excruciating plight. My criticism is not directed at them personally, but at the tiresome propaganda regularly doled out by the Chinese Communist Party and their supporters in the United States.

Still, the basic principle against PNTR is very simple: if PNTR is granted, the US surrenders its power to be a force for positive change in China—its power to promote human rights, to deter China's increasingly aggressive military posture, and as well, to compel the regime to live up to its economic promises. How can anyone call this nothing?

Wei Jingsheng has spent 18 years in prison for insisting on speaking the truth to power.

These comments are based on Chinese government honoring its commitment that they will do, but they don't.

### COMMENTS

There are reports of "dissidents" in China who support PNTR. First, we'll know that without freedom of speech and press, the Chinese government controls what they want Chinese people to know. Secondly, please put yourself into their shoes—when the hostages speak kindly of their captors and ask you to believe what the captors say that they will follow their promises would you believe that?

## GENERAL LEAVE

Mr. GREENWOOD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4444.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

## MEDICARE PRESCRIPTION DRUG BENEFIT

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GREENWOOD) is recognized for 60 minutes as the designee of the majority leader.

Mr. GREENWOOD. Mr. Speaker, this evening my colleague, the gentleman from North Carolina (Mr. BURR), and I are going to do a special order on the Medicare prescription drug benefit. As most Americans know, 1965 was a critical moment in America's health care history. That was the year that the United States Congress and the President of the United States enacted Medicare.

Prior to that time, if you were elderly or if you were disabled, you could not provide for your health care. You did without health care. You had no regular doctor's care. You had no access to hospitalization and you suffered and you died early.

In 1965, America proved its humanity and proved the level of its civilization by caring for its elderly and eventually extending that Medicare benefit to the disabled.

When it did so, it did not include a prescription drug benefit. It did not, because it was an awful lot to accomplish just to get the physician coverage and the hospital coverage. At that time, prescription drugs were not nearly as utilized as they are today. But, today, the miracles of modern pharmaceutical industry, the miracles provided by the work on the human genome and biological products have brought us to a point where if you do not have access to a pharmaceutical drug benefit, you do not have access to first rate health care, you do not have access to the best health care in the world.

For years, we folks in Washington in the Congress and White House have talked about how terrific it would be if we could create and add a prescription drug benefit to Medicare, but it has been all talk for a lot of years, and now it is time for action.

The reason it was all talk and no action heretofore was because this country was not in any state financially to provide a Medicare benefit. We were adding a $250 billion to the national debt every year, we were spending money like drunken sailors in this town, and there was no way that we could continue that practice and then add to it the addition of a prescription drug benefit.

But, since 1994, the Republicans in the Congress have changed the direction of the country. We have reformed Medicare itself to make sure that it will last well into the future. We have reformed welfare, removing ultimately half of the welfare recipients from dependency to work and to independence. We have balanced the Federal budget for several years in a row now. And in the current fiscal year, we have taken Social Security off budget and made sure that never again would the Social Security surplus be spent for other causes than Social Security.

We are now finally paying down debt. By the end of the current fiscal year, we will have paid down $250 billion in debt; and we expect, at the rate we are going, to have the United States national debt paid off by about the year 2015, if not sooner.

We have done all of this, and still we have a surplus, so this millennial year is the year we can step up to the plate; and we can provide a prescription drug benefit to America's elderly and America's disabled.

While two out of three Medicare beneficiaries in this country do have access to some kind of prescription drug benefit, that coverage is often scant and shrinking. Many of our seniors on Medicare-Plus Choice have seen that their plans have had to pull back their benefit and now, for instance, are only providing for generic coverage and not providing for the brand coverage, unless there is a very expensive extra payment paid by the beneficiary.

For those without coverage, the choices are grim. There are miracle drugs available to humanity today, but if you are an elderly woman, an elderly widow, living on a small Social Security stipend, and you have Medicare but you have no access to prescription drug coverage, there is no miracle in that miracle cure. If you are an elderly gentleman in the same position, there is no miracle in the miracle cure for you. That is the same with the disabled in this country.

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These folks are pressing their faces up against the glass windows of the drugstores knowing that while inside a prescription that their physician could write for them exists that could relieve their suffering, that could extend their lives, that could improve the quality of their life, that is not available to them. This is the year for the United States Congress to act and to do it in a bipartisan fashion.

Mr. Speaker, I would like to now yield time to my friend, the gentleman from North Carolina (Mr. BURR), who has been working with me and other members of the Committee on Commerce as well as the Committee on Ways and Means to craft this proposal that we hope to have introduced in the very near future.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. BURR).

Mr. BURR of North Carolina. Mr. Speaker, I thank my good friend from Pennsylvania. The gentleman makes a good point, and that is that if Medicare were a program that we developed today, certainly drug benefits would be part of the coverage given the access that drug benefits have to private sector plans that every employer offers to their employees. But the fact is that in the 1960s, that was not a common part of health care coverage, because very few new pharmaceuticals hit the marketplace, and most of the antibiotics were around for years and years. We worked to reform the Food and Drug Administration, and we started in 1995 and we completed that task, I believe, in 1996 or 1997, with a signature by the President, an agency that controlled 25 cents of every dollar.

The reason that we modernized the Food and Drug Administration was we understood the great task that was before them. The FDA is an industry that this year will put $21 billion, and that is with a "b", into research and development. We understood that if we could unleash this industry as the human gene was mapped, that through these pharmaceutical companies, we could find cures to terminal and chronic illnesses that currently in our system today we treat and, at best, maintain through a very expensive delivery system. But we owed it in a quality-of-care way to make sure that if we could reach cures for cancer, for AIDS, for diabetes, that we put every incentive in the system to make sure that the private sector invested their money, their time, to hopefully find these breakthroughs.

Now, we are on the verge of breakthroughs. This year alone, the FDA will approve over 30 new drug applications. Not every one of them will be a big contributor to savings or quality of care, but we are clearly on the road to new therapies that we have not had in the past.

Mr. Speaker, let me say to my colleague that I think it is important that, when we talk about adding a drug benefit to Medicare, most people think of seniors. But we have a large group of disabled Americans who qualify for Medicare benefits. We cannot do a program that leaves them behind. Everybody that is eligible for Medicare has to be included under the umbrella of coverage for pharmaceuticals. It has been very challenging for us as we have designed a program also to make sure that it dovetails with the 14 States that currently offer it.

Pennsylvania is a great example. It probably has one of the most generous plans in the Nation.

Mr. GREENWOOD. Mr. Speaker, we have 300,000 participants in our program.

Mr. BURR of North Carolina. And I think it goes up to 225 percent of poverty.

Mr. GREENWOOD. All supported by our lottery.

Mr. BURR of North Carolina. All supported by the lottery. If every State had a plan, we probably would not be here tonight. We would probably have seniors with coverage that needed it. But there is still a greater need, and that is to produce a value for those individuals who do not have the option of insurance. They may have more money, but the plans just are not available. And what we are trying to do is we are trying to create new options through the private sector, which I believe is the single most important thing.

We have some disagreements between Republicans and Democrats. They are becoming smaller and fewer. One of the major ones that will continue, though, is currently the Health Care Financing Administration administers the Medicare benefit. I am not sure of very many seniors or health care professionals or hospitals, even my mother understands the problems that exist at the Health Care Financing Administration, because she has been in the hospital lately. The reality is does Congress really want to turn a new benefit that is so vitally important, over 38 million Americans, over to an agency that cannot even figure out what to do with the technological change of intravenous drugs that can now be delivered at home with a self-injection method?

Mr. GREENWOOD. Mr. Speaker, that is one of the problems. They say, where there is a will, there is a way. There is a will to get this done. Republicans want to do it. We happen to be Republicans; we have been working hard with our Republican colleagues. Democrats on the other side of the aisle sincerely want to do it. House Members want to do it, the Senate wants to do it, the President wants to do it, the elderly want us to do it, the disabled want us to do it, their families want us to do it, the pharmaceutical industry wants us to do it. Everyone is for this. What there is is a legitimate set of differences of opinion. The gentleman is talking about one right now.

The question is, do we want to give this program, this new benefit, to the same bureaucracy that has been administering the current one? I do not think there is a beneficiary on Medicare who can tell us or anyone else, they certainly do not tell me at the senior centers, that they understand the paperwork that they get related to their Medicare and they would like to have more paperwork related to their Medicare and they would like the decisions made about their health care to take as long as ones do today.

The fact of the matter is that what is available at the drugstore is changing at the speed of light. Every day, practically, we can find new products out there in the drugstore. What we are concerned about, the gentleman and I are, is that we do not want it to be the case that the Food and Drug Administration approves a new cure for arthritis or a new treatment for colon cancer or a new medicine that will relieve suffering. The doctor says to the Medicare recipient, boy, this is a great drug for you, I wish I could give it to you, but the .bureaucrats in Washington, it is going to take them a long time, as it would a bureaucracy, to get around to figuring out how much to reimburse for this product and so forth. So we are looking at a different system, a system that would create a separate board that could make those decisions quickly so that these beneficiaries do not have to wait and suffer in hospitals, or maybe die, while they are waiting for a Federal bureaucracy to get around to making sure that this product is available for them.

Mr. BURR of North Carolina. Mr. Speaker, if the gentleman would yield, I am not sure that there are very many seniors, if any, in the country that would tell us the creation of a new agency whose sole function it is to make sure that the Medicare drug benefit is run effectively and efficiently is a bad thing. But clearly, that is a difference that we have in Washington. It is a difference that will probably exist until this bill becomes law. My hope is that it is this year; that, in fact, that long list of individuals that you talked about, Republicans, Democrats, the President, the bureaucracy, when they say that they are interested in a drug benefit, I hope that they are talking about today, this year, the 106th Congress, not the 107th, because clearly, we know individuals who do not have the capabilities to pay for their prescriptions today, who go without that prescription.

As the gentleman and I both know, because we deal in Medicare from a standpoint of the big picture of Medicare, when those individuals make a decision not to take their antibiotics or not to take some drug that has been prescribed, the likelihood is that the result is that they end up in the hospital. When they end up in the hospital, we have a greater cost to our Medicare system than the $100 prescription that they should have taken for 2 weeks.

Mr. Speaker, for the first time, I believe that the Congressional Budget Office recognizes there is a savings to making sure that everybody has a benefit. The gentleman and I went through the expansion of Medicare coverage several years ago when we included mammograms, PSAs for prostate cancer, and diabetes daily monitoring, and we now cover those under the normal Medicare coverage. But it took us a long time to convince people that it was actually less expensive to supply a daily monitoring strip for diabetics than it was to pay for amputation or blindness. Put the quality of life aside for a second; the sheer dollars were more beneficial. Bring the quality of life in; and clearly, this is something that we should have done much sooner than 2 years ago. But we are finally there.

Now, we are talking about the expansion of an area of Medicare which will give us a new treatment method for the majority of the problems that seniors and the disabled run into, where hopefully, we can eliminate the hospital stay. Hopefully, this is a method of treatment where an individual can take it at home, and we do not have the transportation needs that are a problem with many seniors. Clearly, this is a benefit that we have a responsibility to find a way to get it into law.

Mr. GREENWOOD. Mr. Speaker, there is no reason why we cannot do that. It is oh so easy in politics to point fingers and bash the other guy for political gain, but the fact of the matter is that the gentleman and I have both discovered that all of the intelligence does not lie in one party or another here in Washington. It is not all in the House or all in the Senate. It is not all in the Congress or all in the White House. But in fact, there are good, decent thinking people in all of those places that really want to get this job done.

To the extent that we can recognize that we have some different ideas, some people want to go strictly to a price control mechanism, some people want to attack the issue of what happens when one goes across a border to Canada or Mexico, some people, as the gentleman and I do, want to create an insurance model where we think for a very reasonable amount we can create a system where every American, regardless of income, will be able to afford this benefit, and for the lowest income, the Federal Government would pay for all of it.

Mr. BURR of North Carolina. Mr. Speaker, let me make this point here. A voluntary plan, a plan where we create the benefit and say to the 38 million seniors and eligible disabled, it is your choice. If you currently have coverage that was extended by an employer in your retirement, you do not have to, you do not have to buy into the Federal plan. It is an option. It is a vast difference in approach from the catastrophic debate of 1993 or 1994 when we, or it may have been earlier than that, when we asked seniors to pay more for something they were already getting for nothing.

Mr. GREENWOOD. They were not very happy about that. We all remember Chairman Rostenkowski's car being rocked by a group of seniors because essentially what the Congress was saying is that if you already have this benefit, we are going to make you pay for it anyway. As we said earlier, two out of three beneficiaries already have some kind of coverage.

Mr. BURR of North Carolina. One thing that we learned is that not every employer planned for their retirees' coverage. It may cover a very narrow set of generics or certain areas of the drug industry. We have designed this Medicare benefit to say to employers, if you made a promise to retirees, why do you not look at this new plan which might be better coverage and less money and buy your employees, pay the premium for them to be a part of this, supply the deductible for them. Let them be part of a larger plan where we really leverage the volume of individuals in the Medicare plan by pooling them all into these private sector entities, companies that are willing to create different options because of the size of the pool they are interested in participating, interested in designing a benefit package that might fit the different health care needs.

Mr. GREENWOOD. Mr. Speaker, our staff, and we with our staffs, have been working very hard at this for a long time. The goal is clear, but the way to get there is complex and it is difficult and it requires some very complex calculations about if we raise the eligibility level, for which the Federal Government will pay for anything, what does that do to the cost, and where can we put the stop loss benefit for the insurance industry so that it is willing to sell the product at a price that everyone can afford. That is complicated stuff. But we can get there, and we can get there working across the aisle; we can get there working with the White House.

I would hope that anybody watching C–SPAN this evening would take from listening to us this evening that number one, it is time to do this; number two, the country is financially in a position to do it; number three, there is universal desire and commitment to do it in Washington.

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Number four, it is complex.

Number five, anyone who demagogues this issue is really doing a disservice to his country.

I have heard so many speakers, unfortunately on this floor, pointing fingers at one party or the other saying their plan is better than ours or our plan is no good or nothing is being done, or I distrust the motives; I think this special interest is being served or that special interest.

I would hope that as this debate moves on and as we hopefully get to the point where we can put a product on the President's desk and that hopefully he will sign it, that those who are frequent callers to C–SPAN, for those who are frequent correspondents to their Members of Congress or phone their Members of Congress, that they call to task any Member of Congress or the President, if they see those Members or those politicians try to take political advantage on this issue. This is not the time to do this. This is the time for bipartisanship. This is the time for putting our heads together and getting something good done for the benefit of the country, and I think we can do that.

Mr. BURR of North Carolina. I have to think that if an administration that is Democrat and a Congress that is Republican can get together and be on the same side of a trade bill with the People's Republic of China, that surely a Democrat President and a Republican Congress could get together in a bipartisan way to design a drug benefit for the seniors and eligible disabled in America. Clearly, the trade deal has to be more difficult to put together. We know, because we are here, that it is not partisan. There are Democrats on one side along with Republicans, and there are Republicans and Democrats on the other side, and at one time the administration was split. To some degree, it is regional across the country.

Health care is not regional. Health care is something that we ought to make sure is the best for every person who is eligible.

One of the additional tasks that we were given, though, is not only did we have $40 billion to work with over the next 5 years, we were also given that task that says make sure that the long-term solvency of Medicare is protected. Make sure whatever is done does not bust the bank down the road.

We know, as seniors know probably more than we do, that health care costs, specifically pharmaceutical costs, are rising. If they have 30 new drugs next year and 11 of them are targeted toward illnesses that seniors are prone to have, we know that our pharmaceutical cost in this country is going to continue to rise; and hopefully, we have taken that into account. That is one of the reasons that we have chosen the private sector to produce the plans because clearly they have a better history of the efficiencies in health care than does the Health Care Financing Administration or any Federal agency, and I would include Congress in that as well.

Mr. GREENWOOD. If I can refer to this chart here, the gentleman referred to the difference between us and the seniors, and despite the color of my hair I am hoping to continue to be able to see that difference between myself and my parents. And yet if we look at this chart, we will see that in 1999, and this is probably very much the case now, medication is used by about 33 percent of seniors today. So about 1 out of every 3 beneficiaries needs a drug product on a regular basis.

By the time this gentleman is about 80 years of age, and I expect to be alive and kicking at that time, 51 percent of the seniors, of our generation, will be medication dependent. So this is not an issue of importance only for those who are above 65 years of age today or who are retired. It is an issue for us because they are our parents today. We love them, and we care about them. But it is also an issue because in the relatively near future it will be, the gentlemen and I, in our retirement, very much not only in need of these prescription drugs but having available to us prescriptions that certainly are not available to our parents today.

Mr. BURR of North Carolina. One thing we have both seen is that anything that we do in the Medicare model is usually replicated at some point not too far down the road in the private sector plans that employers provide for their employees.

I know that the gentleman is familiar with a frustration that we have had over the years in Medicare, which is their policy as it relates to organ transplants for seniors. Under any organ transplant in the world, the recommendation is that the recipient takes an immunosuppressant drug for the rest of their lives to make sure that the rejection of the organ does not take place, but our current policy in Medicare is that we will pay for the immunosuppressant drug for a 3-year period after the transplant.

It is an amazing thing that when seniors go off of the drug, because the cost is high, that maybe in the 4th year or 5th year or 6th year they begin to reject the organ. But what is our health care policy in Medicare? We will actually pay for another transplant, but we will not pay for the immunosuppressant drug any longer than 3 years.

So it really does make a lot of sense why we are here today talking about a drug plan that even some of the entities that oversee Medicare are not enthusiastically out front leading the parade saying we have to have this benefit and it needs to look like this. Because clearly they cannot make the decisions today to extend drug coverage even in the cases where we know it makes a difference in the quality of life but where we know also the option is another very expensive transplant that makes the solvency of the Medicare Trust Fund even shorter than where it is today.

Mr. GREENWOOD. These prescription drugs, as miraculous as they are and as beneficial as they are, are increasingly expensive. Not only are they expensive, it is not simply that the price of a particular medicine goes up and up and up; but as this chart here shows, the total pharmaceutical spending between 1993 and 1999, the annual increase in those costs, continues to go up.

So it is not just, if we look at these pink indications here, the CPI, the Consumer Price Index per year, has been pretty low; but because of the addition of new products on to the market, the increases in some of those products once they get on the market, what is being spent, the costs for all pharmaceuticals paid by individuals and hospitals and insurers continues to skyrocket. It is a situation that demands our response.

Mr. BURR of North Carolina. Not only are we faced with a situation where pharmaceutical costs continue to increase at double digit rates, we also look at a growth in the senior population. We know from looking at the demographics that really do not lie, as seniors grow older, as one reaches that magical age of 65 long before I do, then in fact the population eligible for Medicare over the next 15 years will grow from somewhere in the neighborhood of 38 million today to somewhere in the neighborhood of 75 million.

So if this were a company we were at and we were trying to do long-term planning as it related to our costs, we would look at some of the things down the road that we knew were going to happen and we would try to address those as early as we could so, in fact, the impact was more predictable, our options were greater and the cost was less. That simply is what we are talking about doing with the drug benefit in Medicare.

We know that the senior population will double over the next 15 years. We know that pharmaceutical costs are going to continue to rise, in part, because we have the gold standard in the world in the FDA of drug approvals. We know when drugs come through that they have passed the safe and efficacy standards. That does not mean that we do not have some after-market approval problems, but hopefully we have an FDA that is on top of that and monitoring it and getting a lot better.

The reality is that as we see the population increasing, as we see the cost of drugs increasing, is not the smart thing for Congress and the administration to do this year to pass a drug benefit to watch that benefit to make sure that in fact it is the type of benefit that seniors need; that it has the cost controls that we know we have to have for the long-term; that we begin to accumulate some information about whether we have chosen the right option up front before the senior population doubles, in case we guessed wrong, and we could go back and change the way the benefit is offered or how the benefit is paid for while the size of that senior population is 38 million versus when it becomes 70 million and our options are so few?

Mr. GREENWOOD. That is an issue for our children. How they are going to be able to pay for the costs of our retirement. This issue gets complicated, and I know some of the viewers across the country watching this tonight are maybe trying to decipher all of this language and sometimes we in Washington use language that is a little difficult to decipher.

Let me try to give some perspective as to how different folks around the country might see this. First off, if one is retired now or soon to retire, and they have a good prescription drug benefit because they work for an employer, a government employer or a large Fortune 500 employer that provides coverage, and they are in pretty good shape, they do not need to worry about this because they are not going to be forced to buy anything they do not need. They are in good shape.

If that changes at any time, we think we are going to create some products in the market that they want to avail themselves of but no one is going to force anything on them. If they are retired or disabled today and they are one of that one out of three who does not have access to a prescription drug benefit, what we are saying to them is we are going to make one available to them and one that they can afford. And we think we can do it very soon.

If one is low income, if they are at that 135 to 150 percent of poverty level and they do not already qualify for Medicaid or a State-run lottery program, the Federal Government will pay all of their premium. So this is really a great benefit for them. It is at no cost and it is real coverage and they do not have to wait until they get to some catastrophic level. It is there.

If, on the other hand, they do not have the coverage or they expect that by the time they retire they will not have the coverage and they are middle- or upper-income, they just want access to it, they just want to find something they can afford, we think that somewhere at a cost of about $50 a month, as a Medicare beneficiary they will be able to buy this coverage just like they do now, through their part B premium, pay for the extra coverage to go to the physician and the outpatient care and so forth.

So from many of those perspectives, it is a good deal.

Let me make one other comment before I yield back to the gentleman. If one is a taxpayer out there and they are looking at this saying, yes, it is great for Congress to provide this coverage; but we do not want to see the budget broken again, it has been broken before. This is not free drugs for all, this is a prudent, affordable plan that tries to make it affordable at the low-income level and make it affordable at the middle- and upper-income level with those folks contributing something out of their pocket so that they understand this is a shared responsibility between the Federal Government and the Medicare beneficiary.

Mr. BURR of North Carolina. The gentleman is exactly right, and I think for the average American who watches the nightly news or reads the morning paper, they would probably go away from that news show or from that article in the paper thinking, my gosh, Republicans are over here and Democrats are over here as to who they are trying to help, and the reality is that we are both right here.

We are targeting the same people who do not have an annual income that is big enough to afford housing and food and health care costs, where we are going to supply a government subsidy. We are looking at a group right above that where we are trying to figure out how can we do some type of phase-in subsidy to help them?

Then we are looking at the group above that saying they are not all high income, but they have the capabilities to buy into a plan to have coverage.

The discrepancies between the plans that are being floated in Washington are not about who is being covered. We are using the same $40 billion pot of money. It may be configured slightly differently. The President gives a subsidy to everybody on the front end. He lowers the price of everybody's premium so it is more attractive. We choose to have a market value on the premium, and we go to what we refer to as the stop loss, a certain dollar amount on an annual basis where we say to a senior if they reach this, if they really get sick and they reach this point, they do not have any additional cost past that. Their plan picks up 100 percent of it. There is no co-insurance. There is no copayment, once they reach that point.

The President's plan does not do that. He subsidizes the premium costs. We subsidize the high risk so that, in fact, we can say to seniors and disabled who are eligible for Medicare they will never lose everything that they have because in any given year they have a significant illness.

I think that is the role of the Federal Government. That is the definition of a safety net when things get tough, they are there. What we have tried to do is design a plan that says let us put value, let us be honest on what the cost is, let us give people confidence in who they deal with, which is usually not the Federal Government, that is why we chose the private sector, and let us say at what point their exposure stops, at what point do they reach where they do not have any additional costs.

□ 2000

To some degree, it is criminal for us to ever present a plan that would suggest to individuals when they really get sick and they exceed a certain amount that the burden falls 100 percent on them, when they have reached that point where they might have 100 prescriptions filled in a year. That is when they need us to kick in.

We are trying to design a plan that gives them coverage underneath and security underneath, but more importantly, security for what is unexpected.

We know in health care that happens many times.

Mr. GREENWOOD. Mr. Speaker, security is what all seniors want. It is what we will want when we are seniors, and that is the security, the peace of mind to know that I do not have to worry about whether I can afford the drugs that my doctor says I need. It is as simple as that. I do not have to worry about whether I can afford the drugs, the medicines that my doctor says I need. That is what we ought to be about providing for Americans.

I have what I call my Medicare prescription drug advisory group at home. I have seniors, I have disabled folks, I have the local pharmacists. We sit around and meet regularly and talk about this issue and talk about where the hardships are and talk about the people. Particularly, the druggist is an interesting participant because he talks about the people who come into his little store, his corner store, and try to buy a prescription drug, and he has to turn them away if they do not have a plan or they are shocked by the cost of this. For those people, there is no peace of mind; there is no security that the American dream afforded by these miracle products is for them.

But the bottom line is that we can do it. We can do it as Republicans. We can do it as Democrats. We can get the job done, and we can get the job done this year.

Mr. BURR of North Carolina. Mr. Speaker, the gentleman from Pennsylvania is exactly right. Let me take this opportunity in closing my part of this out to say, for the first 5 months, there has been a tremendous amount of work, not only work by Republicans, but by Democrats, a tremendous amount of work by the administration and by Congress to try to figure out what the right plan is, to try to figure out exactly what the benefit should look like and what value we can extend to seniors under a drug benefit.

Will it be perfect? No. But there is no substitute for the commitment of this institution to say we need it and not do it today. This is not a time where we can delay another year, another generation, another Congress, another administration. We do not get a better opportunity than this where we have shown fiscal restraint, we have accumulated some additional money over and above Social Security surplus, over and above every other trust fund that we have got. These are real dollars.

As I said to my constituents, when we get to real dollars, when we know that we are paying down debt in a responsible way, and we have got real dollars, we will look at real problems that we think we can solve. This is a real problem today. This is a real problem today that we can solve.

All it takes is the will of Republicans, Democrats, the administration and Congress. It takes every American out there that is listening to us tonight that can benefit from these, calling their Members and saying, do it now. Do not wait.

Mr. GREENWOOD. Mr. Speaker, the gentleman from North Carolina and I happen to be Republicans; and we can say, because we work more closely and more frequently with our Republican Members on our side of the aisle, from the Speaker of the House to the majority leader to the Whip to all of the officers and leaders in our party down to every Member, freshman on up, there is a complete commitment and a desire to get this job done. I think that is true on the Democratic side of the aisle, and I think it is true in the White House.

But we know we cannot get it done by ourselves. We can bring a Republican bill out here, a purely Republican bill, and if the Democrats in the House and the Senate tell the President it is a bad bill, he will veto it. That has not helped a single senior.

So we have to try to get a bill through the Congress that Republicans and Democrats like. We have to be able to do what most Americans want us to do, compromise, find the middle, accept each other's positive suggestions, get that job done, put the bill on the President's desk. I believe that this President, as he leaves town, can say that is one thing I got done; and I think this Congress can say, come the election, come what may, we got that job done.

Because the odds are, even if we did not get this done this election, this year, wait till the next election, we will be back in the same position. There will still be Republicans and Democrats in town. The Congress may be divided. The difference between the White House and the Congress will still be there.

So there is no point in waiting. The time to do it, as the gentleman from North Carolina (Mr. BURR) said, is now. The will is here. The financial situation is here to do it and certainly the need to do it is.

Mr. Speaker, I thank the gentleman from North Carolina for his participation in the Special Order this evening.

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair reminds all Members that debate should be addressed to the Chair and not to the viewing audience.

## STOP RISING PRESCRIPTION MEDICATION COSTS FOR SENIORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. BAIRD) is recognized for 5 minutes.

Mr. BAIRD. Mr. Speaker, I came before this body about a month ago to address the problem of prescription medications, which my colleagues were addressing. I pledged at that time to go back to my district and carry the voices of the people of my district back to this body.

What we did was we visited senior citizen centers; and we asked the people there, please share with us your personal stories, your stories of what you are paying for prescription medications. We asked them to bring in their prescriptions, bring in their receipts. I can tell my colleagues the stories they told were tremendously moving.

This pill bottle symbolizes the rising costs of prescription medication. Let me share with my colleagues a couple stories. A woman from Cinebar, Washington, who told me that they make just barely under $1,000 they receive in their Social Security and other benefits, but they pay well over $500, $500 in prescription medication costs.

Another woman who had been monitoring the bimonthly bill she is paying for her medications for the last year, in one year, she saw a 20 percent increase, a 20 percent increase in one year in the drug costs.

My own father who shared with me that a pill he took 8 years ago had cost $1 a pill at that time now costs $4 a pill. That is 400 percent inflation in 8 years.

Mr. Speaker, this body has been in session now about 16, 17 months. We have named post offices. We have done some worthy things for sure. But we have not addressed this absolutely critical issue.

While American citizens are doing without the medications that their physicians have prescribed, this body has not acted. It is time to act. We are capable of acting.

We need to do two things. We need to cap the rising costs of prescription medications. It is just not right for our senior citizens to travel to Mexico or to Canada to buy medications that they cannot afford within their own country, even though those very medications were funded by their taxpayer dollars.

It is even worse when seniors who cannot make that journey do without the medications they need, medications to improve the quality of their lives, medications to save their lives. But they are faced with that terrible choice between paying the rent or paying for their medication.

The current policy is not acceptable. It is not acceptable to put American citizens in that condition. It is not effective because, when seniors do without their medication today, we will pay higher costs tomorrow.

So the first thing we must do is cap the rising costs of prescription medication, and there are various ways to do it. But I call on this body today. Let us work together. This is not a partisan issue. It does not matter whether a senior citizen is a Democrat or a senior citizen is a Republican. They are entitled to be able to take the medication their doctor says they need.

The second thing we must do is establish a meaningful and affordable prescription Medicare benefit so that senior citizens can pool their resources and have predictable manageable costs when it comes time to get a prescription filled by their doctor.

This pill bottle is filled, not just with receipts, but with personal stories, stories of people who are suffering, stories of people who depend on medication to alleviate that suffering.

Mr. Speaker, I call upon this body tonight and in the remaining months of this Congress to hear the pleas of the constituents of my district and the constituents throughout this country. Do not let prescription medications continue to grow larger as this pill bottle indicates. Let us work together; let us stop the rising escalation of prescription medication costs. Let us work together and establish a real and effective and affordable prescription medication benefit.

## A TRAGEDY OFFSTAGE NO MORE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last month a landmark decision was announced, marking an important recognition of one of the most horrible crimes against humanity of the 20th century, the Armenian Genocide. What was particularly important was that the action came from the State of Israel, the homeland of the Jewish people who were victims of the Nazi Holocaust.

Israel's education minister, Yossi Sarid, made the historic decision to include the Armenian Genocide in the national curriculum. Mr. Sarid announced his decision on April 24, the traditional day of commemoration of the Armenian Genocide, at a ceremony in the Armenian Quarter of Jerusalem's Old City. Expressing regret that Israeli students know very little of the genocide that began in 1915, in which some 1.5 million Armenians, one-third of the Armenian people, were killed by Turkish forces, Mr. Sarid said, "I will do everything so that Israeli pupils will study and learn about the Armenian Genocide."

Mr. Speaker, the issue of Israeli recognition of the Armenian Genocide received extensive coverage in an article that appeared in the May 12, 2000, Internet edition of the Jerusalem Post titled "A Tragedy Offstage No More," by Leora Eren Frucht.

As the article noted, "When Hitler ordered his death units to 'exterminate without mercy or pity, men, women and children belonging to the Polish-speaking race,' he was confident that the world would overlook the mass murder. 'After all,' he asked rhetorically on the eve of the 1939 invasion of Poland, 'who remembers the extermination of the Armenians?'" By the time that the Nazis were finally stopped 6 years later, 6 million European Jews had been murdered, as well as millions of other innocent victims of other nationalities.

Mr. Speaker, the Armenian and Jewish peoples are united in a common bond of suffering and in the struggle to overcome the tragedies of the past. While they were being massacred in unthinkable numbers, Armenians in the Ottoman Turkish Empire during World War I and European Jews during World War II, most of the rest of the world was looking the other way, although many knew what was happening.

After the Holocaust, the Jewish people built the State of Israel into a prosperous democracy, despite being surrounded by hostile neighbors. Since the collapse of the Soviet Union in 1991, the Armenian people have worked to build democracy and economic reform in the Republic of Armenian, despite being surrounded by hostile neighbors.

One of the hostile neighbors who has threatened Armenia since its independence a decade ago is Turkey. It was, of course, in the territory of the present-day Republic of Turkey and in the name of Turkish nationalism that the genocide against the Armenians took place during the waning days of the Ottoman Empire. Yet Turkey continues its unconscionable official policy of denying that the genocide ever took place. In today's world, Turkey, a member of the NATO alliance, continues to blockade its much smaller and more vulnerable neighbor, Armenia, despite Armenia's standing offer to normalize relations without preconditions.

In the aforementioned Jerusalem Post article, Turkey's official policy of denial was described as "outrageous" by Deborah Lipstadt, the American historian who defeated Holocaust denier David Irving in a highly publicized libel trial in London court last month. Professor Yehuda Bauer, academic director of Yad Vashem, Israel's Holocaust memorial, stated, "If you accept the U.N. 1948 definition of genocide, which we and many other nations have done, then there can be no argument about calling this a genocide," referring to Armenia.

Yet the decision by Israel's education minister was a difficult one. Israel has been working to steadily improve its relations with Turkey at the same time that Israel works to improve relations with Armenia. Mr. Sarid's decision on including the Armenian Genocide in the Israeli curriculum prompted an outcry in Turkey that included a protest to Israel's chargé d'affaires in Ankara.

Indeed, Mr. Speaker, Turkey frequently has shown its willingness to play hardball to intimidate other nations into not recognizing the Armenian Genocide. When the National Assembly in France adopted a bill in 1998 to acknowledge the genocide, Turkey promptly suspended the signing of a $145 million defense contract.

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Thus, Mr. Speaker, considering Israel's vulnerable position in the Middle East and its need to cultivate relations with Muslim nations, the action by Education Minister Sarid was a true profile in courage, a real statement of principle.

In closing, Mr. Speaker, I wanted to cite a letter dated May 22, 2000 that the Armenian Assembly of America has received from Israeli Education Minister Yossi Sarid, and I quote, "I fully intend to allow Israeli pupils to learn the lessons of your tragedy, which is ours and the world's, as well. Israelis are the last people who can afford to forget the tragedies of this magnitude."

## THE MILLION MOM MARCH AND SETTING AGENDAS

The SPEAKER pro tempore (Mr. SHIMKUS). Under the Speaker's announced policy of January 6, 1999, the gentleman from New York (Mr. OWENS) is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, I would like to begin by congratulating the Million Mom March. The Million Mom March took place on May 14. I think the moms marching had a lot to do with our agenda here in Congress today and tomorrow and our agenda for the rest of the year. I just hope that the moms realize that their power, the power of mothers marching, is great enough to have an impact and an influence on what we do here, in many ways.

Their immediate objective was gun control, but there are many other items that I would like to see placed on their agenda. I would like to see the mothers set the agenda for what is going to happen here in Washington in the next few months.

Mr. Speaker, there is a secret, almost a secret, that nobody wants to talk about that I think the million moms and the fathers too ought to be concerned with and should be discussing. Fathers as well as mothers, and all of us, are concerned about the future and concerned about the Nation's future as it impacts upon our immediate children and our grandchildren. We want to see a greater America, we want to see a better world, and we have a golden opportunity here in this United States of America right now with the surplus of $2 trillion over the next 10 years as a possibility. It is possible that we may have a surplus of $2 trillion.

This year's surplus is definitely, by the most conservative estimate, going to be about $200 billion, $200 billion this year, and it will probably be no less than $200 billion for the next 10 years. I think the million moms marching ought to know about that. I think they ought to be involved in a discussion of what happens with that $2 trillion over the next 10 years to impact upon their lives and their children's lives.

I think the most comprehensive, the longest and the loudest discussion ever held in the history of our democracy should focus on this window of opportunity that we have at this point. We started the debate today on permanent trade with China. The relationship with China is relevant here in terms of the fact that some of us believe that the trade with China agreement will have a great impact on the working families of America because it is going to take away many of the jobs that people at the lower levels have.

Trade with China is definitely going to be as bad or far worse than the trade agreement with Mexico, which immediately began to drain away certain manufacturing jobs. China is so much bigger. China's economy is controlled and manipulated, and the likely danger that our economy will be greatly impacted by China is even greater than anything that happened in the case of Mexican cheap labor destroying jobs in America.

The question is, what does all this have to do with the million moms marching? What does it have to do with the setting of the agenda here in this Capitol for the next few months? What does it have to do with the $2 trillion surplus we expect over the next 10 years? It all comes together because, as we lose those jobs that are going to fly away to China, inevitably corporations will pick up and they will go locate plants where the cheapest labor market is, where there are 25-cent-an-hour workers in China, where in some cases they use prison labor.

Already our economy and our stores are flooded with goods from China because everybody can make a killing. Companies can go and manufacture goods at dirt cheap prices and then come back into our advanced economy and sell them at very high prices, relatively speaking, and make a big profit. So no industry, no corporation is going to back away from the opportunity to make these big profits. They will be chasing dollars at the expense of the loss of many jobs.

So, what is one of the possible answers to the problem that will be created if the people who want to pass the trade bill prevail, and the rumor is that they have enough votes and they will probably prevail tomorrow and there will be a China trade agreement? There will be a huge loss of jobs. A country that has 1.2 billion people has a lot of customers, they say, and they want to get those customers. But before they get to the customers, they have a lot of workers who need jobs and who will work for almost nothing and will undercut the workers here in this country.

So one possible answer immediately is in the same breath that as we create jobs in China, as we lose jobs here and create more jobs in China, let us respond to the argument that so many of the proponents of the China trade bill have made, and that is that, yes, we will lose jobs in manufacturing; yes, we will lose jobs at the lower level of the economy, but we will gain tremendous number of jobs and sales in the high-tech industry. We are going to take off where a new boom, a new surge in the sale of PCs and in the sale of services to established Web sites and all of the telecommunications, high-tech technology that is necessary. We will be the suppliers of that.

It may be true that for a while there will be this great surge of need in the Chinese economy for American know-how and for American high-tech machinery. If that is the case, then there will be jobs created in America in the high-tech area. At the same time we are making a trade agreement, then let us guarantee that the thousands and thousands of workers who are going to lose jobs are also given an opportunity to get some training in these high-tech areas. Let them learn how to be the people who hook up the technology. Some might even travel to China. Let them learn how to manufacture the gadgets and the gears and the switches and the lines that might require skills that are different from the manufacturing skills that the people who make cars have, or the people who make refrigerators, or the various consumer products that are going to now be made in China. Let the people who lose the jobs making those products begin to make the products for the high-tech revolution. They cannot do it without some more training. They need training immediately.

I do not know of any place where there is any legislation on the drawing board which says we are going to have a massive emergency training program for workers who lose their jobs as a result of the China trade bill passing. In the long run, however, we do talk and have talked a great deal about revamping our school system, improving the way we educate young people, so that in the long run the young people who are in school now will get an education which allows them to fill those high-tech jobs. And at least the China trade bill will not take away jobs in the future because the young people will be able and capable of stepping out of school and commanding the jobs that do exist in the high-tech industry.

They predict that there may be as many as 1.5 million job vacancies in the high-tech industry in the next 5 years because of the fact that we are not training enough people in computer sciences and related sciences in our colleges so that vacancies are going to be there. So our schools, then, must rise to meet the occasion and prepare youngsters for these guaranteed jobs.

In the absence of any special education effort, what we are doing is going abroad. And one item that is going to be on the agenda in this Congress in the next few weeks is the H–1B program. The H–1B section of the immigration law allows us to bring in foreigners to fill the vacancies that are created in the high-tech industry. And primarily that is the target. They are not bringing in these people for anything else. The great need is in the high-tech industry, information technology industry. So what we did not train our youngsters for in the past, will now be taken care of by foreigners. And that will keep going.

How are we going to deal with the vacuum created by the movement of manufacturing jobs to China if the only source of the manpower to fill the jobs that do exist is going to be the foreign countries, foreign countries who have information technology expertise and will send the personnel here?

Weaving this story together may, at the beginning, sound very complicated, but it really is not. It is quite simple. Mothers should be aware of the fact that the best way they can take care of their children is to have an impact on the policies that are made here in Washington, on the bills and the legislation that come to this floor. Mothers should have an impact.

I congratulate the mothers for understanding the relationship between their marching and the possibility of making their schools safer, of making their neighborhoods safer, of ridding our society slowly of a menace that has grown over the years because mothers have not been active in attempting to end that menace. We have more than 200 million guns in our society. Those guns out there are menacing. Those guns out there represent danger to our children. They recognize that, and their immediate focus in marching here on May 14, Mother's Day, was to deal with the menace of the gun, the immediate threat to the lives of children.

I think that is appropriate, and I congratulate them for focusing on something very concrete. It is possible to get some results if the mothers stay organized. It is possible we will get some basic legislation passed which will make the world of our children safer with respect to guns. We have very limited objectives this year, and we ought to be able to meet those objectives.

But beyond that, mothers need to set a larger agenda. I think that The New York Times certainly had it right when they said that perhaps the best fate for the holiday, Mother's Day, would be to make Mother's Day again a day of open activism as they did on this May 14. Mother's Day has an interesting history, a very interesting history.

People say it is very unusual, very nontraditional, very unorthodox to have mothers marching on Mother's Day, May 14. In my community, there were large numbers of mothers who thought it was an insult. We did have one bus load of mothers who came from my district. They actually left the city from my office, and they were mothers mostly of children who had been injured or killed by guns. There were large numbers of other mothers who were really more traditionalist and said, no, I am not ready yet.

But I think I would urge all mothers to rethink the possibility that Mother's Day should be a day of activism, and maybe fathers should take note too and make Father's Day a day of activism. If we care about the next generation, our children, our grandchildren, one of the ways we should express our concern for their survival is to try harder to have an impact on what happens in our government.

Now, let me just read from The New York Times editorial on May 14, which I thought was very appropriate, where they applauded the activism on Mother's Day. "No matter how simple it looks, Mother's Day is a complicated holiday. It has its roots in mid-19th century women's activism, championed first in 1858 by Anna Reeves Jarvis and then in 1872 by Julia Ward Howe. Their causes, honored locally on various mother's days in mid-spring, were improved sanitation, first aid, and world peace.

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"But activism is about the last thing Mother's Day had begun to call to mind in the 20th century. Woodrow Wilson proclaimed the first official Mother's Day on May 8, 1914, fulfilling a joint resolution of Congress that authorized the President to proclaim the second Sunday in May as Mother's Day and to request a flying of the American flag as a token of that fact. The patriotism has filtered out of Mother's Day over the past 86 years, making it hard to think of this holiday as an acknowledgment, as the joint resolution put it, of the service rendered in the United States by the American mother."

Continuing to read from the New York Times editorial of May 14: "The day has instead been formalized, commercially into a festival of flowers and feminine gifts and perhaps a few minutes of hard-earned leisure. But it has also been informalized, made a more intimate and less civic display of feeling. There is something a little ambivalent, a little archaic, about the formulaic ways we celebrate this day, if only because the status of mothers has never been more complex.

"In 1914, the mother's service outside the home was mainly inferential. The American mother, Congress wrote at that time, is doing so much for the home, for moral uplift and religion, hence so much for good government and good humanity. There is a lot in that word 'hence.' But these days there is no inference about it at all. Mothers are as likely to work in government as they are in the home.

"Perhaps the best fate for this holiday would be to make it again a day of open activism, as it was for the woman marching on behalf of gun control in many cities across this country today. Not everyone believes as Julia Ward Howe did, that if mothers could only come together somehow, world peace would ensue. But the second Sunday of every May could come to symbolize a powerful reality of contemporary American politics. Women united behind a cause can be a powerful force for progressive social policies, better child care, broader health coverage and fully equal opportunity for them and their children." That was the New York Times editorial of May 14, the year 2000.

Mr. Speaker, I ask unanimous consent to enter the statement in its entirety in the RECORD.

[From the New York Times, May 14, 2000]

ACTIVISM ON MOTHER'S DAY

No matter how simple it looks, Mother's Day is a complicated holiday. It has its roots in mid-19th-century women's activism, championed first in 1858 by Anna Reeves Jarvis and then in 1872 by Julia Ward Howe. Their causes, honored locally on various mother's days in mid-spring, were improved sanitation, first aid and world peace. But activism is about the last thing Mother's Day called to mind in the 20th century.

Woodrow Wilson proclaimed the first official Mother's Day on May 8, 1914, fulfilling a joint resolution of Congress that authorized the president to proclaim the second Sunday in May as Mother's Day and to request the flying of the American flag as a token of that fact. The patriotism has filtered out of Mother's Day over the past 86 years, making it hard to think of this holiday as an acknowledgment, as the joint resolution put it, of "the service rendered the United States by the American mother."

The day has instead been formalized, commercially, into a festival of flowers and feminine gifts and, perhaps, a few minutes of hard-earned leisure. But it has also been informalized, made a more intimate and less civic display of feeling.

There is something a little ambivalent, a little archaic, about the formulaic ways we celebrate this day, if only because the status of mothers has never been more complex. In 1914, a mother's service outside the home was mainly inferential. "The American mother," Congress wrote, "is doing so much for the home, for moral uplift, and religion, hence so much for good government and humanity." There is a lot in that one word "hence." But these days there is no inference about it at all. Mothers are as likely to work in good government as they are in the home.

Perhaps the best fate for this holiday would be to make it, again, a day of open activism, as it is for the women marching on behalf of gun control in many cities across the country today. Not everyone believes, as Julia Ward Howe did, that if mothers could only come together somehow, world peace would ensue. But the second Sunday of every May could come to symbolize a powerful reality of contemporary American politics. Women united behind a cause can be a powerful force for progressive social policies, better child care, broader health coverage and fully equal opportunity for them and their children.

Mr. Speaker, there is a second editorial that was done the next day by The New York Times, and it reads as follows: "The surge of energy was palpable yesterday as hundreds of thousands of marchers gathered on the Mall in Washington to demand stiffer gun control measures, and additional crowds joined in the demonstration at other sites around the country.

"The event may not have reached the million mom goal set by some alliteration-loving promoters, but the turnout, estimated at more than 750,000, was nonetheless impressive, especially on a day traditionally devoted to family gatherings. There is a real hope that the seed planted by this march could blossom into a movement that could change the dynamics of the national struggle to achieve sensible gun control."

I am quoting from The New York Times editorial. I am not going to read the entire editorial, but another section of it reads as follows: "The marchers offered a sound agenda ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales."

This is a very limited, very practical, very reasonable agenda of the mothers who came here on May 14. They are asking for very little. I think it is possible that if they still organize they could gain this. I will just reread what can be the summary of what they came for: "The marchers offered a sound agenda, ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales. That is an agenda that mothers set to make their children safer in a very immediate and practical way."

The editorial of the New York Times on May 15, the day after the march ends as follows: "It is not yet clear how the gun control issue will play out politically. Even as mothers were mobilizing for their march, a new poll showed that the gender gap on guns is growing with men more apt to support the rights of gun owners and women more interested in gun restrictions. The challenge for the marchers will be to turn the event into a sustained political movement.

"Many speakers held this as a historical turning point in the gun control struggle, but it will only become so if the marchers keep up the pressure on

Congress to pass the modest but useful gun control measures that remain blocked in a conference committee and on candidates running in the fall elections to support strict gun control laws.

"The hands that rock the Nation's cradles have the potential to rock its political institutions, but only if they keep rocking hard." That is the conclusion of the New York Times May 15 editorial on the day after the Million Moms March. The hands that rock the Nation's cradles have the potential to rock its political institutions, but only if they keep rocking hard.

Mr. Speaker, I ask unanimous consent to submit the entirety of the New York Times editorial of May 15 into the RECORD.

[From the New York Times, May 15, 2000]

### THE POWER OF MOTHERS MARCHING

The surge of energy was palpable yesterday as hundreds of thousands of marchers gathered on the Mall in Washington to demand stiffer gun control measures—and additional crowds joined in the demonstration at other sites around the country. The event may not have reached the "million mom" goal set by some alliteration-loving promoters, but the turnout—estimated at more than 750,000 by the organizers—was nonetheless impressive, especially on a day traditionally devoted to family gatherings. There is real hope that the seed planted by this march could blossom into a movement that could change the dynamics of the national struggle to achieve sensible gun control.

That possibility clearly has the National Rifle Association running scared. It tried to neutralize the impact of the march in advance with advertisements in print and broadcast media denigrating the event and offering its own tepid alternative, a program to teach gun safety in every elementary school classroom in America. A full-page N.R.A. ad in The Times on Friday derided the march as "a political agenda masquerading as motherhood" and called it "shameful to seize a cherished holiday for political advantage." That seemed a disingenuous complaint from an organization that regularly uses its lavish campaign contributions to seize the political process and thwart the will of the American people.

The marchers offered a sound agenda, ranging from the registration of all handguns and the licensing of all handgun owners to mandatory safety locks and full background checks before all gun sales. By contrast, the solutions offered by the N.R.A. were laughably insufficient—safety education in the elementary schools, better parenting and better enforcement of existing laws, riddled as they are with loopholes. Those are all laudable goals but would not come close to stemming the epidemic of gun violence.

Even worse ideas came from some participants in a countermarch staged by gun advocates. They argued for the arming of teachers and other citizens and the right to carry concealed weapons on the theory that if more of the "good" people owned guns for self-protection, the "bad" people would be deterred from attacking them. That sounded more like a recipe for shootouts than for crime control.

It is not yet clear how the gun control issue will play out politically. Even as the mothers were mobilizing for their march, a new poll showed that the gender gap on guns is growing, with men more apt to support the rights of gun owners and women more interested in gun restrictions. The challenge for the marchers will be to turn the event into a sustained political movement. Many speakers hailed this as a historic turning point in the gun control struggle, but it will only become so if the marchers keep up the pressure—on Congress to pass the modest but useful gun control measures that remain blocked in a conference committee, and on candidates running in the fall elections to support strict gun control laws. The hands that rock the nation's cradles have the potential to rock its political institutions—but only if they keep rocking hard.

Mr. Speaker, as my colleagues can see, I want to go further than gun control. I think that the practical objectives of the Million Moms March on May 14 are realizable. I think they should strive to see those objectives, since they are so limited, realized this year. Why not? They are very modest goals. I would like to appeal, however, to the million moms and all the moms and moms organizations everywhere to go further and set a larger agenda, beyond gun control, to make your children safe in this world, beyond gun control to guarantee that your children have a reasonable opportunity to pursue happiness. It will have the tools and the capability to be employed in the industries that are going to be very complex and demanding in the future with respect to training and intellectual capabilities.

Let us set the agenda so that they have a chance. Let us set the agenda so that at a point in history where there is a $2 trillion surplus anticipated over a 10-year period that $2 trillion surplus is not squandered by the traditional conventional wisdom that prevails here in Washington.

I am not going to set female reasoning up against male reasoning. I know there was a recent article in the New York Times that talked about the fact that women may have a chemical hormone that makes them more nurturing; and they may be more useful to civilization, because their immediate response to danger and response to challenges to the survival of themselves and their children is to close ranks and to organize and to help each other.

I am not going to get into that kind of scientific basis that is being attempted to establish the fact that mothers are more suitable for maintaining our civilization and that women are more suitable for maintaining our civilization. Now men, I would like to appeal to men to march also, since I was very much impressed, I was down here for the Million Moms March, very impressed at the way that they turned this traditional holiday into a temporary movement, and I was very impressed by the editorials in The New York Times that call for the mothers to make the temporary movement a permanent movement.

I only say that the permanent movement should set a larger agenda; let the mothers set the agenda for Washington. Let the mothers set the agenda for the House of Representatives, for the Congress. Let the mothers set the agenda for the end game negotiations that take place every budget year at the White House. There is going to be an end game negotiation where the decisions will be made about how to spend some of that surplus. Nobody wants to talk about it now.

The Committee on Appropriations process is moving forward with no discussion of the surplus. They are acting as if we are still in a period of desperate deficits. The Committee on Appropriations and the authorizing committees act that way in all cases, except one. Mothers need to know that, last week, last week mothers, we passed a defense authorization bill which was $309.9 billion. The authorization bill already was $21.1 billion greater than the amount spent for the last year on defense. However, the Republican majority added an additional $4.5 billion to the bill.

So if you want to know where the surplus is likely to go, if you want to know what the temperament is and what the likely manner in which it will be wasted, you watch the defense budget. There is no great war on right now. There is no evil empire to defend ourselves against, but it is the first place the extra money has been utilized.

H.R. 4205, the defense authorization bill, increases the defense budget to $309.9 billion. If we do not have the debate, if you are not aware throughout the entire country that there is a window of opportunity that right now we have an opportunity to use revenue that is available in constructive ways, I do not say that the defense authorizations are not constructive, I just think they have enough money already before the additional amounts were added.

There is plenty of money to meet the agenda that the defense and military establishment have set, the legitimate agenda. I would like to see them expand the agenda and use some of the tremendous resources of the defense and military establishment to do more to help with disaster relief, disaster relief in this country, disaster relief anywhere in the world. We have this huge apparatus of equipment and men and know-how and I think we ought to expand the mission of the defense to be a mission to help with natural disasters throughout the world.

We can spend the money well there, but even then they have too much money. At the same time that they are authorizing an additional amount for defense, the Republican majority and the appropriation committees have led the fight to cut education drastically. Education has been cut, despite the fact that we no longer have a desperate deficit.

They cannot argue, as they argued under the Newt Gingrich Contract with America, that they had to cut school lunches and they had to destroy the Department of Education, they had to cut Head Start, they had to deny increases in higher education grants, because we had a deficit, the country was on the verge of bankruptcy. That was the illusion that they painted. That was the picture that they painted.

The country is not on the verge of bankruptcy now. So why are the Republicans leading these tremendous cuts in education? Why at a time when we are opening trade with China, trade with China, which will draw out our manufacturing jobs, the jobs for entry-level persons who do not have an education? Why at a time like this are we going to cut back on the education budget? Yes, it is true the Federal Government only gives a small portion.

It provides a small portion of the education budget. Most of the education budget is provided by the States and by the localities, but the Federal Government's 7 percent or 8 percent is a key amount, and the fact that it is only 7 percent or 8 percent is unfortunate. There is no reason why it could not be larger.

The dogma has been over the years that the Federal Government should not spend more money for education, because we want to keep our schools under local and State control. But if there is only a 7 percent investment in the schools, there is certainly no way you are going to take over the schools. And if we increase the 7 percent investment from the Federal level to 25 percent, there still is only a 25 percent power, 25 percent of the power, the other 75 percent of the power would still be at the local and State level.

What is this great myth that more State, more Federal money would mean more Federal control? We need the money from the Federal Government to revamp our schools now. The window of opportunity is now while we have this great Federal surplus. There are some States that have some surplus. There are some cities that have some surplus, but there is no surplus like the tremendous surplus that is being projected over the 10 years for the Federal Government.

There is no place where we are going to find over the next 10 years a projection of sums like $2 trillion, this year, $200 billion. So I think the mothers who marched here ought to know and ought to join the debate.

□ 2045

Mothers, keep the pressure on for gun control, but, mothers, if you want to save your children and want to allow them to join the 21st century revolution which moves into a kind of a cyber-civilization, a digital world, where you have to have special skills, if you want all the children to be able to keep up with the rapid changes in our digital society, then we have got to have the education revamping now. We have to have the reform in education now. We need the computers in the schools now. We need the teachers that know how to use computers to teach. We need many of the items that were cut by the Republican majority in the Committee on Appropriations.

At this point, I would like to read portions of a letter that was submitted from the National Education Association. It is headed by Robert Chase, who I heard speak a few months ago, and he talked about the fact that our schools have a great deal of needs operationally, but there are even greater needs in terms of the infrastructure. Our school buildings, our school equipment, our laboratories, there is a great need for an investment there.

I want to congratulate Mr. Chase and the National Education Association, because following their statement of that need, they went out and they did an in-depth study, a thorough study from State to State of what the needs were for our school infrastructure. Infrastructure means buildings, it means gyms, it means laboratories and cafeterias, it means classroom space. That is what infrastructure means. In addition to infrastructure, they also studied our technology needs in the schools, computers and the hookups you need for the computers in terms of wiring, et cetera.

So the National Education Association is certainly qualified and has earned the right to criticize the recent cuts that the Committee on Appropriations has made in the education bill. Let us remember now that the majority party, the Republican majority, is the same party which 6 years ago proposed that we abolish the Department of Education. They proposed that we cut Head Start, they proposed that we cut school lunches. They are not as bold and as open and honest in their assault on education now as they were 6 years ago, but here is an assault.

In this letter from the NEA, it states that the $1.3 billion in emergency grant and loan programs proposed by the President for school repairs has been cut from the budget, cut from the appropriations. They did not put one penny in to replace that. There is no school modernization and construction money in the bill that is passed out of the Committee on Appropriations, the subcommittee, by the Republican majority.

The possibility of reducing class sizes is cut down drastically when you do not have the classrooms, when you do not have the infrastructure improvements. The NEA study estimates that there are $268 billion in unmet school infrastructure needs. Now, we are talking about infrastructure, buildings, that are needed to service the enrollment right now. The population of the schools right now is being made to operate in inadequate facilities. We are not talking about projections over the next 10 years of enrollment. we are talking about the needs right now. $268 billion is needed, according to the National Education Association study, yet, the cuts that were made by the Subcommittee on Appropriations for education have wiped out any possibility of even entering $1.3 billion for emergency repairs.

They have eliminated the Class Size Reduction Program, which was going forward without the extra classrooms. We started that last year by appropriating money for additional teachers. The assumption is if you have additional teachers, the ratio of pupils to teachers will be smaller in each class.

The problem is that if you do not have the classrooms, you can give money for more teachers, but there is no way to reduce the class size. In the case of New York City and a few other places across the country, they have put an additional teacher in the classroom. When you have young children in the elementary grades, a teacher at one end of the room and a teacher at the other end of the room trying to teach 2 different classes is definitely an adventure slated to not be successful.

Various other adaptations of the teaching takes place when you do not have the classroom space. But, nevertheless, I certainly support the program to have more teachers.

We wanted to put 100,000 new teachers in our classrooms over a 3- or 4-year period. The successful class size reduction program has already helped schools to hire 29,000 highly qualified new teachers. Just last November, Congress agreed on a bipartisan basis to continue and strengthen this critical program as part of the consolidated fiscal year 2000 appropriations bill. Elimination of targeted funds for class size reduction will not only jeopardize the gains already realized, but will prevent the schools from hiring an additional 20,000 qualified teachers to serve another 2.9 million children. We urge the committee to restore funding for this critical program.

The Teacher Empowerment Act Block Grant, the subcommittee bill provides for $1.7 billion for a block grant consolidating the Eisenhower Professional Class Reduction Program. Because the bill provides only a minimal increase above the current funding, schools seeking to hire additional teachers to reduce class size will have to do so at the expense of programs to recruit and train teachers. In other words, the Republican majority has folded in other programs into the money and into the program that was designed to get additional teachers.

Insufficient funding for the teacher quality programs, they have cut that also. They have frozen the funds for the critical Title I programs. The subcommittee bill not only eliminates targeted funding to help low-performance schools maximize student achievement, but the subcommittee bill denies additional math and reading services to 260,000 disadvantaged children.

Just last fall, the House passed a bipartisan Student Results Act setting the Title I authorization level at $9.85 billion, yet the subcommittee bill provides almost $2 billion below this level, something like $7.8 billion. So there is another cut in a critical program.

There is no program that has been more critical than Title I, which is a basic thrust of the Federal Government in elementary and secondary education. Title I provides funds to schools where the poorest youngsters are attending, and it is designed to enhance the school program with extra services.

They have eliminated $20 million for elementary school councils, frozen funds for bilingual school programs, refused to give additional funding for Head Start. All of this adds up to a hostile Republican majority attacking education again through the budget action. All of this is an indication that there is no concern about the fact that we have a surplus, a $2 trillion surplus over a 10-year period.

We are not going to spend the money on education if we continue to follow the leadership of the Subcommittee on Education which passed out this appropriations bill. They refused to discuss the surplus. But the million moms out there who marched on March 14 ought to wake up and ask the question, what are you going to do with the surplus? And the second question is, what are you going to do about education with the surplus?

There is no reason why we cannot simplify matters. I think we should make it easy on ourselves and dedicate 10 percent of the surplus, no matter what it is. If it goes down, then it is 10 percent of whatever that is; if it goes up, it is 10 percent of that. Ten percent of the surplus over the next 10 years ought to be dedicated to education, to educational improvements. Half of it can go in the form of the improvement of the infrastructure for schools all across America; the other half can go to other reforms. The debate about what the other reforms should be might continue for some time, but the money would be there when we reach consensus on programs that do work.

We know that there are some programs that do work. Head Start works. We know that. The TRIO programs work; we know that. There are a number of different programs that we agree work. They should be the recipients of the increased funding first. Then additional programs that are designated as programs that work can be funded also out of the second half of the 10 percent of the surplus.

What is 10 percent of the surplus this year? It would mean $20 billion; $20 billion into education this year. $10 billion of that goes toward school construction and infrastructure improvement. Then you would you have $10 billion left for other reforms and education improvements.

I am certain that there are many who dismiss this proposal right away as being too ambitious, out of harmony with what is practical and acceptable, but those of us who are Members of Congress know better. We authorized a $218 billion program for a 6-year program for highways just a year ago, so $218 billion for highways over a 6-year period was not unthinkable. We can think big when it is necessary.

We have just increased the defense budget, as I said before, increased it to $309.9 billion. Just as an afterthought, we added $4.5 billion to last year's budget. The President had already added $21 billion to it. So we think big, and we think in the billions. There is no reason why we cannot think about $20 billion for education improvements in one year, especially if half of that goes toward construction.

School construction and infrastructure expenditures for wiring schools, for technology, et cetera, those are items which do not involve interference by the Federal Government in the operation of a local school. Those are capital budget items. The Federal Government gives the money, let us do the construction, let us revamp the schools, repair those schools, let us wire the schools so they can have Internet access, let us buy computers, let us do the capital improvements necessary, and then the Federal Government can get out. The operation of the school goes on, and you actually free up additional dollars so that the State and the Federal Government dollars, more of them can be spent on operational activities instead of capital budget activities.

That is a simple formula. The amount of money spent for construction is no threat to local control at all. It is an easy way to relieve the burden at the local level.

If these amounts seem too great, let me just go back for a moment to the National Education Association study. The National Education Association study is very revealing because they conclude, as I said before, that we need $253.8 billion, about $254 billion, for infrastructure other than technology. They conclude that just for technology, we need $53 billion additional. They have mapped it out quite thoroughly. Unmet needs, school modernization funding, totals, when you add technology and infrastructure together, $307.6 billion. They break it down in two areas, school infrastructure and technology.

School infrastructure means deferred maintenance, take care of that, new construction, renovation, retrofitting, additions to existing facilities, major improvements. The results would be that we would have to bring it up to par, spend that $254 billion that I spoke about.

Educational technology, they define that. A comprehensive definition of educational technology according to the NEA study is multimedia computers, peripherals, software, connectivity, networks, technology infrastructure, equipment, maintenance and repair, professional development and support.

□ 2100

All of that goes into the physical needs for technology. They do not talk about training teachers. That was a different bill, and we still need that.

What does it all add up to in terms of the States? They break it down according to the needs of each State. One might be interested to know that at the very top of the States in terms of infrastructure needs stands the great Empire State of New York. New York, according to the National Education Association study, New York's infrastructure needs total $47.6 billion. New York has the greatest infrastructure, they call it unmet needs, greater modernization of unmet needs in New York, the infrastructure is $47.6 billion, technology is $3 billion.

According to the survey and the standards supplied by the National Education Association, the total need in New York is $50.6 billion to bring their schools up to par, to meet the needs of the 21st century in infrastructure and technology combined. New York is so bad off, they are in such terrible shape, that the second State in terms of need is about half that amount.

Now, California is the second State in terms of infrastructure need, technology need. California is number two. Even though California has a much larger population, their infrastructure need is only $22 billion, not even half of New York State's $47.6 billion. Their technology needs are greater because New York, according to the survey, has done more in terms of computerization than California, so the technology needs of California are $10 billion, for a total of $32,901,000 that California needs versus New York's $50,675,000. I am talking big figures, these are big numbers. Let us not run away from them.

Do we know the cost of one nuclear aircraft carrier? We do not run away from the cost of a nuclear aircraft carrier. It is more than $4 billion. Do we know the cost of a Sea Wolf submarine? It used to be around $2.1 billion. It has probably gone up by now. In weapons technology, the Star Wars, the new missile defense system that we are going to construct, I think we added almost $6 billion more to play with that some more. We have spent billions of dollars over the years to get a missile defense against terrorism. We are willing to throw away additional money on that.

Common sense tells us that a terrorist does not need a long-range missile to throw a bomb into a crowded city, or to bring a bomb into a crowded city. There are many, many ways other than the firing of a long-range missile. So a system which is designed to stop long-term missiles where we have already spend hundreds of billions of dollars, we do not need to spend more billions of dollars. But my argument is that this is the way it will be thrown away. It will just be flushed down the drain, all of the surplus money, in one foolish project after another by policymakers who ought to know better, under pressures from lobbyists and from corporations and from hundreds of people who will make millions of dollars as a result of our wasting our money.

The best defense for America is in brain power, developing maximum brain power so that when the China trade agreement begins to siphon off the jobs for our young people, the brain power that has been developed in those young people to step forward and take those high-tech jobs that we still have left. We do not have to bring foreigners in with an H 1 B program to take the jobs that our own youngsters should be trained for. It all comes together.

Let the mothers set the agenda. Let the mothers have the common sense to do what so far the policymakers here are not willing to do. Let the mothers in on the discussion. Let us not keep proceeding toward September when the end game negotiations will take place and decisions will be made about what we should do with the surplus. Yes there have been some proposals by the President, and I support all of his proposals. He proposes to use some of the money to deal with the Medicare problems, the problems of Medicare, the possible deficit in Medicare in 15 or 20 years. Some of the money can be used to deal with that.

The President is proposing we use some of the surplus to deal with a prescription drug benefit. That is one of the possibilities. Another possibility has been, of course, that we pay down the debt, the most popular one; and I am all in favor of paying down the debt. But we are not in a situation where all of the funds have to be used to pay down the debt at once. Why not invest in education, because the investment in education will only increase the surplus and increase the health of the economy.

Mr. Speaker, there are a lot of arguments that make sense, and yes, they have gone forward; but suddenly there is silence about even the President's proposals which he made in the State of the Union address are not getting any great amount of discussion here on Capitol Hill. The Senate and the Congress are moving at this point as if there is no surplus. If there are discussions of a surplus, and there are, I am sure, they are all behind the scenes getting ready for D-Day when the Democratic President and the White House will have to sit down with the Republican-controlled Congress, and they will dole out what happens to portions of the surplus that they are going to spend this year.

Mr. Speaker, it is our duty to send them a message. Public opinion is still vitally important. It is not as important as it used to be because there was a time when public opinion was used as a barometer for a lot of decision-making and people would say well, I have to do it because the public wants it. I cannot do it because the public is against it. Never before has public opinion been as strong as it is now in favor of the Federal Government providing more assistance to education. For the last 5 years, public opinion has told us that education ranks as one of the top five priorities of the public for the use of government money, government funds. For the last 2 years, education has been number one. Indisputably, this year education ranks as the number one priority according to the public. The polls that are taken by the Republicans show the same as the polls that are taken by the Democrats.

Why is our leadership fully aware that education is a number one priority of the public refusing to respond by dedicating more of our resources to education? Our leaders who read these public opinion polls, we pay large amounts of money to pollsters to do the polls. Some of them come free from objective sources that have no stake in politics. Why are they not listened to?

Now, we are like the Roman Empire right now in terms of the rest of the world. We sit on top of the world as the only superpower; and it is to our credit that we are a superpower not only in military terms, but in terms of influence of our popular culture, in terms of our compassion. Probably no nation can match our overall compassion when it comes to international emergencies. The history of defending democracy far from our shores is written in the blood of the young men who died on the beaches at Normandy and on it goes. So we have a lot to celebrate, and if there is any empire that exists now in the modern 21st century, then the empire of America is one that we can be proud of, not an empire built on blood, but the empire can fall.

Mr. Speaker, we are in the same pivotal position as the Roman Empire was. Science and technology, military might has brought us to this point. But let us remember, at the same time Roman technology and the Roman engineers and the Roman scientists were at their height, they invented concrete. They built magnificent structures. They were way ahead of the rest of the world at that time.

At the same time the Roman engineers and the scientists and the craftsmen were doing such great work, the Roman politicians were so backward that they were feeding the Christians to the lions in the colosseum. The engineers built a magnificent colosseum, but the Roman politicians determined who died, who was fed to the lions. So the savagery and the backwardness of the politicians, of the policymakers, of the people in charge was the beginning of the downfall of Rome.

Mr. Speaker, we have so much going for us economically, scientifically, militarily. Why is it that we cannot make decisions in this case in response to our own electorate, in response to the mothers and fathers out there who answer the polls? The pollsters tell us they want more money spent for education. When they questioned the people more closely within the category of education, they said they want us to fix up the schools. How much more information do we need? How much more instruction from the people do we need?

Mr. Speaker, there is a stubbornness which is dangerous. There is a stubbornness which is deadly. There is a stubbornness which we see in the figures related to gun control. We are a Nation of savages when it comes to the number of people who die from gunshot wounds every year. Compared to the other industrialized nations, Germany, Japan, France, we have 100 times more people dying from guns, being killed by guns. No other nation allows 200 million guns to circulate in their society. The mothers were late, the mothers were late, but at least they are there on gun control.

There are other kinds of savage acts that are taking place that need to be challenged. There was a book written called Savage Inequity, which was a book describing the way the school resources are allocated in New York City. They compared the best schools in certain neighborhoods with the worst schools in other neighborhoods. I am sorry, it was not just New York City, it was other cities as well. They called it savage inequities in the way we are educating our children. That was almost 20 years ago. The savage inequities in the way we allocate our resources for education have gotten worse, not better. Now we have the resources. We have a $200 billion surplus this year, and over a 10-year period, a $2 trillion surplus. Why not end the savage inequities? Why not end the savage inequities? Do we need the mothers to come here and tell us what to do?

I think in 1990, March 27, 1990, I made a speech on the floor of this House which was called, "Keeping Our Eyes on the Real Prize: The Child Care Bill." At that time we were considering a bill for child care, and again, we were nickel and diming the situation, looking at ways in which to cut pennies from the program at the same time the savings and loan swindle was raging. Billions of dollars were going down the drain from the taxpayers to take care of the crooked savings and loan swindles and deals, and we were nickel and diming the child care program.

There was a meeting held here, I will not go into the details of that meeting, and Marian Wright Edleman was invited to that meeting. She is the head of the Children's Defense Fund. The discussion that took place at that meeting and the way in which they responded to her, the negative way in which many of the persons at that meeting, Congress persons, responded to her simple plea for more money for child care upset me to the point where I wrote my first rap poem and found that rap poems are a good way to get off your frustration here in this place.

I called that rap poem, "Let the Mothers Lead the Fight." I dedicated it to Marian Wright Edleman and the Children's Defense Fund. It is very appropriate now. The mothers are leading the fight, they came to Washington, and I just want to close out by reading this rap poem that was put into the CONGRESSIONAL RECORD on the 27th of March, 1990. It is relevant.

> Let the mothers lead the fight; sisters snatch the future from the night. Dangerous dumb males have made a mess on the right, macho mad egos on the left swollen out of sight.
>
> Let the mothers lead the fight. Drop the linen, throw away the lace, stop the murder, sweep out the arms race. Let the mothers lead the fight.

□ 2115

> Use your broom. Sweep out the doom. Do not fear the mouse. Break out of the house. Rats are ruining the world. Let the mothers lead the fight.
>
> Fat cats want to buy your soul. Saving the children is the mother's role. Cook up some cool calculations. Look some of new recipes. Lock the generals tight down in the deep freeze. Let the mothers lead the fight.
>
> Human history is a long ugly tale. Tragedy guided by the frail monster male. Babies bashed with blind bayonets. Daughters trapped in slimy lust nets. Across time hear our loud terrified wail. Holocaust happens when the silly males fail. Let the mothers lead the fight.
>
> Snatch the future back from the night. Storm the conference rooms with our rage. Focus x-rays on the Washington stage. The world is being ruined by rats. Rescue is in the hands of the cats. Scratch out their lies. Put pins in smug rat eyes. Hate the fakes. Burn rhetoric at the stakes. Enough of this endless bloody night. Let the mothers lead the fight.
>
> Holocaust happens when the silly males fail. March now to end this long ugly tale. Let the mothers lead the fight.
>
> Stand up now to the frail monster male. Let the mothers lead the fight.
>
> Snatch the future back from the night. Let the mothers lead the fight.

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## SOCIAL SECURITY

The SPEAKER pro tempore (Mr. TOOMEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Colorado (Mr. MCINNIS) is recognized for 60 minutes.

Mr. MCINNIS. Mr. Speaker, before I begin my remarks, and I plan extensive remarks this evening in regards to Social Security, I think it is a very important subject and I hope that as many as can will stay so that they can hear these comments. I look forward to a debate in the future on these comments in regards to the Social Security system. I think it is awful critical, but before I get there I have a very special announcement this evening.

Thursday of this week, at 9:00 in the morning, in Grand Junction, Colorado, our little baby, Andrea, graduates from high school. I never imagined that I would see my youngest child all of a sudden now a fine, beautiful, intelligent woman. I mean, she grew up overnight. So as soon as the vote on China is finished tomorrow night, I will depart promptly for Colorado.

I do want to say how proud I am. I am sure all of you have experienced this as well, but my wife and I now face the empty nest syndrome. We are not looking forward to that. We have had awful good years with Daxon, Tessa, and Andrea, but we will adjust.

We are pleased to announce that all three of the children will be in college; unfortunately all at once so as one can see, our budget does not have a lot of fluff to it.

Now let us move on to Social Security, the subject of which I really want to focus on this evening. I am going to talk about several things in regards to Social Security, but let me make something very clear at the beginning of this speech, and that is the speech is not intended to be partisan but it is necessary to distinguish between generally what the Republicans feel about Social Security and generally what the Democrats feel about Social Security.

There is a dramatic difference between the policies in regards to Social Security of the Vice President, Mr. GORE, and the policies of the governor of the State of Texas, George W. Bush.

So as I go through my comments this evening, I hope to distinguish for those out there in this audience here, Mr. Speaker, because there are two distinct directions that we can go in hopes of doing something with Social Security. So, again, let me repeat it once more. My comments are not intended to be a partisan attack, but I fully intend to distinguish between the Republican position and the Democratic position in general as it regards Social Security and the future of Social Security.

I think a way to begin a discussion about Social Security is to talk just a little about the history of Social Security. As many people know, Social Security was started in 1935. Now, it was not an idea that just sprung up overnight. It was an idea that was created as a result of many years of the harshest economic times this country has ever faced, the Great Depression, 1929. In the 1930s, things were very, very difficult in this Nation, but our country came together. The President, at the time, felt that we needed to have some type of system to assist our senior citizens who could no longer work. So in 1935, the President signed in a system called Social Security, which was designed for the individual.

In 1939, the United States Congress broadened the new program from a focus strictly on an individual to a focus on the family. Now, is Social Security in trouble? And why is Social Security in trouble? And to the extent Social Security is in trouble, we should discuss that this evening.

Clearly, Social Security on a cash basis, that means the money in the bank today, the money in the bank today, Social Security has a huge surplus, but it would be like a pilot flying through the clouds coming to the conclusion that because they have not hit a mountain they have clear sailing ahead. Social Security does not have clear sailing ahead. There are mountains in those clouds; and all of us, the people of this country, are in that airplane. And, frankly, we are flying with instruments that are not appropriate to get that airplane through those clouds without hitting those mountains.

Right now the plane is flying fine. On a cash basis Social Security has a huge surplus of money, but on an actuarial basis, meaning we look into the future, we figure out what our liabilities are and we figure out what our assets are, and as we go further and further into the future we find that our assets dwindle and our liabilities increase, and at some point about 2035 as we know it today, about 2035 those two will meet.

In other words, the assets equal the liabilities. Immediately thereafter, the liabilities, in other words the cash going out, exceeds the cash coming in.

Now one good thing about the United States Congress, one good thing about other policymakers in this country, and the various senior citizen organizations, is that, for a change, Congress is looking into the future. Instead of waiting for the crisis to actually beat at our doorsteps, we are looking at a crisis that is 35 years out. Now that does not mean we can wait for a very long period of time, because at some point that actuarial liability is accelerating at such a fast speed that if one does not catch it early on they cannot stop the momentum. But we have some time if we act on a reasonable and prompt basis. That is why the discussion of Social Security should play a very predominate role in the elections this fall.

Now let me visit just for a moment why Social Security is in trouble. It is really pretty simple. It is called demographics. Look at these numbers. In

1935, in 1935 when the Social Security system started, we had 42 workers for every one worker who was retired. So in 1935, 42 workers were in the workplace. One person was retired. Today that ratio is no longer 42. Look how dramatically that number changes.

Today, instead of being 42 that number is 3. So, in other words, in our workplace today, we have three workers for every person who is retired. Within the very near future that number will drop to two. This is one of the problems that we have.

Now that problem is one of the factors we have to consider that has created the demographical situation with Social Security. The other problem really is pretty good news for all of us. That is the American health care system. Because of preventive medicine, because of the fact that we have made successful assaults on many different diseases since 1935, the life expectancy has increased dramatically. In 1935, the average male could expect to live until he was 61 years old and the average female could expect to live until she was 65. Now, today, look at how that has changed. This has gone up to about 74 years, and this has gone up to about 78 years.

Now what has happened in the meantime is, no adjustment that is proportionate to that increase in age has occurred in regards to the Social Security system. So we have these dynamics. We have people living to an older age. We have people healthier, and we have more people in the retirement category than we do in the work stage. When we put those elements together, one can see that there is a collision course that is going to occur out there at some point in the future. We can avoid that by putting proper instrumentation into the airplane.

Now, what do I think is the most dangerous risk that we have with Social Security today? What would we, as elected Members of the United States Congress, as Members who have fiduciary duties to our constituents, what do I think we have the most to fear? What risk would we put the people that we represent, what would be the most dangerous risk that we could place them in in regards to Social Security? It is very simple, two words: Do nothing.

Mr. Speaker, we will break a bond with the people that we have committed to serve; we will be in breach of our fiduciary duty to the people that we represent and to the next generation that follows the older generation we now have, if we sit here and we do nothing. That is why I think it is so important for me to be here this evening and have the kind of discussion that we are going to have, because I do not believe that we can afford to sit idle and do nothing. To me that is just as dangerous as sitting in that airplane flying through the clouds saying, look, we know we do not have the right instrumentation but let us just relax.

Let us talk about it. We cannot do it and we will not do it, and I will say why we will not do it because there are enough of us in here that understand the dangers that face Social Security, that understand the option of do nothing is, in fact, no option at all. So what do we do? What kind of differences do we have?

Let me say that, first of all, what we have is not a dangerous situation for people today that are on Social Security. Any individual out there who today is collecting a Social Security check faces no risk as a result of the factors I just told them about. In fact, really anybody over about 40 years of age does not really face any kind of risk of losing their Social Security benefits. It is that other generation, it is the generation of my Andrea or my Tessa or my Dax, those three children of Lorie and mine, that is the generation which faces that risk.

If our generation fails to act for that generation, we should hold our heads in disgrace. There has been a generational trade-off in Social Security, and what has occurred is that the younger generation, frankly, is now subsidizing the older generation. That is okay if there is a system that when the subsidizing generation moves up the generation behind them can actually subsidize and on an actuarial basis subsidize the generation in front of them. That is not what is happening today. What is happening today is that the average couple on Social Security takes out about $118,000 out of the system more than they put into the system.

□ 2130

That is being subsidized by this younger generation.

So the older generations in our country, say from 40 up, and I fit in that category, their Social Security will be safe. But those generations from 40 and under, they have a right to demand of every one of us in these chambers, of every elected Federal official in this country, not what are you going to do for us, but what are you going to do for our generation, especially when it comes to Social Security.

Let me read a letter that I received from a gentleman, a friend of mine, named Roger Zion. He belongs to the 60-plus senior citizens organization. It is a brief letter, but I think it is succinct.

> I want to talk about Social Security. Thanks to the lockbox provision, which by the way was Republican activated, "my Social Security, such as it is, is assured. But I am interested in my children. They should have a chance to choose between the Gore plan in which they invest in a government plan that grows slower than the rate of inflation or the Bush plan where they invest in the market. Just think of the boost the market would get with thousands of new investors.
>
> Under the Gore plan, at my children's death the money goes to the U.S. Treasury. Under the Bush plan, it is left to my grandchildren. They can invest it to stimulate the market, or they can spend it to stimulate the economy, or they can contribute it to the Boy Scouts or the Girl Scouts or some other charity.
>
> I wish I could have had that choice 50 years ago. I would be a rich man. Now I want my children and my grandchildren to have that choice.

As we begin the detailed assessment of both of these plans that I am going to address my colleagues with this evening, let us start with an example. Let us start by putting ourselves in a place of, all of a sudden, coming upon a great deal of money. For example, let us say one of my colleagues here in the Chamber won the Lotto, and one won a great deal of money. Let us just say one won $10 million. So one decided wisely that one is going to put a percentage of that $10 million aside for one's retirement. So one decides one is going to take a million dollars and put it aside for one's retirement.

Let me ask my colleagues, would any of them in this room send that $1 million to the United States Government Department of Social Security to invest it with the other funds in Social Security? Any one of them? Of course they would not. There is not a one of my colleagues in these chambers, there is not one of them in these chambers that would take a million dollars of their own cash and invest it in the current Social Security system.

Why? Because they know that the chances of them seeing that on the other end are diminished significantly. They know that almost any other management policy, including the lowest paying savings account at any bank, the lowest paying at any bank in this country, find the lowest paying savings account that one can and one will still do a whole lot better putting one's money in there than one will into the Social Security system.

So how do we change this? What are the plans out there? It has been very clear to me, and I am sure it is very clear to my colleagues that, in the last 2 weeks, 2 different paths have emerged; that the policy of the Vice President and that the policy of the governor of the State of Texas, who is the Republican nominee, obviously, for President. The Vice President obviously is the Democratic nominee for President. For one of these two people is going to be leading this country. One of those two paths would be advocated by that individual when they become President.

So let us take a look at them. The Vice President's policies, in my opinion, what we have seen in the last several months are simply fear tactics of, oh, my gosh, the sky is going to fall down if we dare try and do something different with Social Security. The Vice President's policy has been to support the status quo. If one dares even talk about changing the status quo, why, for some reason, one has committed an assault on senior citizens. Remember, that senior citizens, and this is a fact that should be disclosed in their commercials, senior citizens face zero threat, no threat of losing their Social Security dollars. Persons over 40 years of age face no threat of losing their Social Security dollars.

So, the status quo means the generational trade-off, that is what I call it, the generational trade-off. That is a do-nothing policy. It means that the older generation is fine, but the younger generation is at risk.

We need a man that keeps the older generation safe and allows the younger generation who have 20 or 30 or 40 years left in their working career, give them an opportunity to have something a little better than what our seniors have today.

We are not asking for dramatic change. In fact, I do not think we have to guide the plane, so to speak, the airplane dramatically to avoid hitting that mountain. But if we do not change the direction of the plane ever so slightly, we are going to hit that mountain. My colleagues know what the results are.

Back to the Vice President's policies. They have no choice, if they continue on the course of which they have supported, but to raise payroll taxes. That is the highest tax one sees on one's check today.

By the way, I heard, I got an e-mail the other day that Members of Congress and Federal Government do not pay Social Security tax. We pay Social Security. I faxed out a copy of my pay stub today to some people who said, how can you talk about Social Security. You do not even pay Social Security. We do pay Social Security. Our retirement system, by the way, in the United States Congress is the same as other Federal employees.

But back to my point. As we begin to reach that actuarial basis where we need to have cash and we do not change the system, the only answer we have, we are never going to be able to shut the people off, nor should we.

The only response that we have is one of several things. One, we start to tax the benefits. We go out to these seniors and we say, Look, we have got a cash crisis. We have got a crisis. We should have planned for it 30 years ago, but we did not. So we have to tax the benefits.

The other course of action that we are going to have to do is raise the payroll tax. Both of those are approaches which I think are punitive to the workplace out there.

The other thing that we would have to do, we would have to raise the retirement age. Now, there are some arguments in raising the retirement age. If we do increase retirement age far enough out as people begin, as their life span begins to increase, perhaps there is some basis for that type of argument.

But the first two policies of the Vice President, raising the taxes and taxing the benefits, are not the answer. We have got a better answer.

The other way, some other things that we can do that we have heard discussed, reducing the cost of COLA's, adjusting the benefit formula.

Now, in the last couple of weeks, we have heard some discussion, maybe what we ought to do with Social Security, maybe what we ought to do is do what Federal employees do, what Members of the United States Congress do. This is nothing new. The Vice President's plan stays the course.

The question comes up to all of us, do we want a President who is going to stay the status quo, or do we want a President that is going to take a bold move and do something and move? That point comes out here in the last 2 weeks. The governor of the State of Texas has proposed that the members, people who work out there, have a system very similar to what the Federal Government has, that is, that they be allowed to own, literally own a portion of their Social Security, only 2 percent of their withholdings. So one takes 2 percent of the withholdings, and one would allow the worker out there to own a piece of the action.

What has the response been? Now, by the way, as I will get into the further details, that proposal is voluntary. We are not saying to the worker, they have to join this system. It is the same thing as the Federal employees.

The people of America need to know, Mr. Speaker, that the system we are under allows us ownership, that the retirement system that every Federal employee can participate in addition to Social Security allows choice by the employee. It allows one to go to very, very conservative guaranteed investments or to direct a small percentage of one's salary towards high-risk investments. One gets to participate.

We do it for 2½ million Federal workers. Why not take a look at that system which has proven highly popular and highly successful? Why not take what we have learned from that system, says the governor of the State of Texas, and move it over to Social Security.

The response has been interesting. Some of the negative arguments that have surfaced, i.e., it is stock market roulette, one could lose all one's money. Well, one has got to talk about a concept that I think is very important, and it is called dollar cost averaging. The only way that one would lose all of one's money on the stock market investment like this is that one puts all one's money in the market one day and one loses it all the next day.

My position is that one goes into what is called dollar cost averaging, and that is one invests, it is a very small percentage, just like we do with the Thrift Savings with the Federal Government employees, one invests those dollars over time. Through time, one has cycles, one has up days or, like today on the market, one has a down day. But over time, it is the average of that dollar that brings one the return.

We are going to talk about returns here in a moment. But the clear message that we have here is that the Social Security, the people who participate in the system, could actually get that opportunity to participate without the kind of risk and the fear tactics that are being thrown out there.

Do my colleagues know what we hear about when we talk about change, and, frankly, this is a difference, when the Republicans talk about change, the Democrats jump up and immediately try and convince, in my opinion, through their policies that the seniors are going to lose their Social Security.

Let me reiterate it very clearly. That is not what is happening here. I have not seen a plan by anyone on either side of the aisle that threatens seniors who are currently on Social Security in any way whatsoever. It does not happen. The real threat comes for that generation under 40.

Frankly, the Vice President's policies throw people under 40, our young people in this country, my colleagues better tell their constituents who are under 40 to take a very careful look at the present Social Security system. They also ought to take a very careful look at who is going to make the first move, the bold move to protect Social Security for those under 40.

I can tell my colleagues that to protect the people under 40 they cannot accept the status quo. This airplane, referring to the Social Security system, is headed for a mountain. It is not going to get there for a few minutes. It is not going to get there for the people that are 40 and above. But for those people 40 and below, if we do not change the course of this airplane, it is going to hit a mountain.

Let us talk about a quote that the Vice President himself made in January of 1999. The Vice President said, "One of the single most important salient facts that jumped out at everybody is that, over a 10-year period in American history, returns on equities," that refers to the market, the stock markets, "are just significantly higher than these other returns." At any given 10-year period of time, those returns are significantly higher.

Now, the Vice President's policy ignores that today. But the fact is his statement that he made in January of 1999 is, in fact, accurate.

Let us take a look at what the rate of return has been in Social Security. For today, for those people under 40 years old, let us say, for example, we have a young working couple, let us pick a couple, 30 years, 35 years old. They have got children. Do my colleagues know what their return is averaging today on Social Security? 1.23 percent. Find me one savings account, Mr. Speaker, anywhere in this country at any bank, at any credit union, any savings and loan, find me one bank that pays interest rates that low.

That is exactly what a young couple, the people that I am talking about this evening, the professional women, the professional men, the young couples, the homemakers, that is what they are facing.

Now, let me tell my colleagues something else a little more alarming. For those of my colleagues who are particularly adept at minority issues, because the life span of some minorities in this country statistically is lower than others, that return actually is below that.

□ 2145

They deserve more. They deserve better. And, frankly, those of us who are over 40, our generation is enjoying the benefits of the previous generation. It is an obligation of ours to do something with that return. It is not their job, the under 40, to change the direction of that plane, it is our job. That is our job to do and we should do it. And we have a plan that I think will work.

Now, take a look at stocks. Take any 10-year period of time. On average, we should expect stock returns around 7 percent. Now, remember that is dollar averaging. Around 7 percent. Now, tell me what kind of rocket scientist does it take, with a small amount of money, not the entire retirement, but to be able to just take a small amount of money, a small percentage, 2 percent of money that is earning 1.23 percent, and moving it into an account that is earning 7 percent over a 30- or 40-year period of a work career. That makes a big difference. And that is the difference that these young people in our country deserve.

If we want to talk about doing something for the children, look at the plan that the Governor of the State of Texas, George W. Bush, has put forward. If we really want to not just be talking out there, buffaloing people about doing something for the children, if we really want to do something for the children, look at this Social Security System and look at that plan that the Governor of the State of Texas has proposed.

Let us go into a few details about exactly what the Governor of the State of Texas has proposed. Let me explain first of all the attitude that we can see in the plan, the attitude that comes out, that just beams out of that plan. First of all, it is a can-do attitude. We can do something. It is a can-do attitude. We can do it. We can come up with a system that, without putting at risk an individual's retirement, we can give them a better return than 1.23 percent. We can do it.

We see it. We see the feeling of that, let us do something attitude. My colleagues, we cannot just sit here, and this is exactly what the Governor of the State of Texas's policy is, we cannot sit here with the status quo. Those who are not willing to participate should move aside, because we have to try something. And here is something, by the way, that has already been tried and tested and has been successful. This plan tracks the plan that, my guess would be, every one of us in these Chambers participates in and 2½ million Federal employees also participate in. It works. And it took somebody to make a bold move to put us into that. I think it is very interesting.

Now, let me go through what the Vice President has said; that seniors on Social Security and people close to retiring would stay in the current system. I have mentioned that several times. The seniors should have no concern, and they should not listen to any of that advertising. Do not be frightened as we get into a political season by those advertisements, which were primarily run by the Democratic National Committee last time talking about our policies and trying to drive the seniors' thoughts and decisions through fear tactics. Let us drive it through simple arithmetic. Let us drive it through the math.

The plan would take about 2 percent of payroll-taxed income and would set up personal-managed accounts. Now, what does that mean? That means that Social Security takes a certain percentage out of our payroll checks, and out of that amount of money, let us just imagine it in a pot. Here is an individual's pot of money. The government takes it from that person's check and puts it into Social Security. Out of that pot there would be a huge safety net. In other words, most of the money in that pot would go into the Social Security System so that no matter how an individual's own personal-managed account did, they would always be guaranteed at least a minimum retirement supplement.

As it is today, it is a supplement. It is not intended to be a full retirement, and I should have mentioned that when I talked about the history of Social Security. It takes the majority of that money and puts it into the safety net, but it takes a small percentage of that money, which, over time, can really, on a cumulative basis, add up, and it takes that small percentage of money and allows the worker, the person paying the bill, the person that is getting stuck with the tab, it allows them to manage the account. For younger accounts, for the younger generation, it makes that generational reverse. It begins to come back. It begins to be fairer to our children, to our people, to our young couples under 40.

Now, how would the system work? The individual, very similar to what we have at the Federal system, would take that small percentage of money. And, by the way, they do not keep it in their pocket. The worker does not keep it in their pocket. They are simply assigned an account of which they own. Which means, by the way, if they die, they can pass that on to the next generation. They can give it to the local charity. So they actually have ownership of that small percentage, and they get to direct how it should be invested.

Now, let me explain very briefly just exactly how our Thrift Savings Plan works, because the Bush plan, the plan of the governor of the State of Texas, as I said repeatedly throughout my comments so far this evening, tracks very closely the Thrift Savings Plan that is offered to all Federal employees. Now, currently, today, as I mentioned several times, 2½ million Federal employees take advantage of this plan. I have yet to find one Federal employee, I have yet to find one of my colleagues, including any of them on the floor, and I look forward to discussing this with them after I conclude my remarks, I have yet to find one that is disgusted with this system; that is afraid the system endangers their future retirement; that believes any kind of fear tactic about this system. It is not there. The system works, and it can work for Social Security. That is what the Governor says.

Now, how does thrift savings work? Let us take an example: Myself. I get a paycheck once a month from the Federal Government. I am a Federal employee. I do pay into the Social Security System; but on top of that, we have the Thrift Savings program. And what that does is it allows for me to designate up to 10 percent of my salary and put it into a plan called the Thrift Savings Plan. If I put in 5 percent, the Federal Government will match it with a 5 percent put-in as well. Now, I can contribute up to 10 percent, but the Federal Government only matches the first 5 percent.

When it goes into the Thrift Savings Plan, I then own that. I own that plan. It is under my name. If something happens to me, there is an amount of money that can be transferred to whoever I would like; to my family, in this case.

So once it goes into the system, then what do I do? Basically, we have three choices as a Federal employee. The first choice that we have is to put it into an investment that is absolutely safe, has 100 percent guarantee by the government, but the rate of return is very small. I think last year, and maybe I have got the return figure here, very small, maybe 4 or 5 percent, but it has a 100 percent guarantee. So those of us that want to participate in thrift savings but do not want anything to do with the risk, we can go ahead and designate our personal account that is in our name and put it in that ultra safe investment.

Or we have two other choices. Those choices are we can go into the bond market or we can go into the stock market. Now, the bond market has no guarantees to it, but it has a higher return. Remember, the higher the risk, the higher the return. The lower the risk, the lower the return. So in our first account option that we have as Federal employees, we get a low return but we have low risk.

And by the way, the Thrift Savings Plan, just like the proposal for Social Security, is voluntary. None of us in this room have to participate. Not one Federal employee out there has to participate in this. But if we want to increase our risk a little, then we can go into the bond market or we can go into the stock market.

Now, in the stock market fund, for example, over the past 10 years, the average rate of return from the stock-based option under that plan has been 18 percent. Now, that sounds like a great return. It is a wonderful return, but there is risk involved there. And everyone who invests in the Thrift Savings Plan signs a statement. They go over very carefully what the risks are of the three different options. They give the historical average of what the returns have been. There are no secrets in this plan. It is a very employee-oriented plan.

On the bonds, over the last 10 years, their rate of return, the government bonds was 7 percent and corporate bonds was 7½ percent. Last year's return was 20.95 percent. This is the Thrift Savings Plan. This is the plan that the Governor of the State of Texas has said we should take a look at for Social Security. Why can we not apply those principles, what is good for government employees, what is good for the United States Congress, to Social Security?

The minute that the Governor of the State of Texas proposed that, we heard generally from most of the Democrats, oh, my gosh, the sky is going to fall in. Even though, in fact, they are beneficiaries. The Democrats are beneficiaries of the plan that we are proposing to give to the workers at large. Why should this sort of plan be restricted to us? Why restrict it to Federal Government employees? Why not let the entire country share the benefits of it?

The Democrats are the first ones to jump up and criticize, oh, my gosh, what happens if we change the status quo? We cannot change the status quo. Let us get out there with the people that are most dependent with Social Security and let us scare them. My colleagues, we owe more to the people we represent. Let us lay out both of these plans, as I am attempting to do this evening.

Let me tell my colleagues, the leader in objections to the Governor's plan has been the Vice President. Do we want a new president that decides to keep things status quo? I want a president that is going to be dynamic. I want a president that is willing to take bold moves. I want a president that can look at a system that needs to be fixed and fix it. And fix it.

And how interesting. I did a little research this evening. I found something very interesting. In 1988, when the Members of the United States Congress decided that they wanted to secure their future a little better than Social Security secured it for them, that they wanted to get out of this category of a 1.23 percent return, they created the Thrift Savings Plan that allowed them that ownership. And guess who one of the supporters of that was? The Vice President. The Vice President's policy at that point in time, when he was a Member of Congress, was to allow Congress and Federal employees to have this thrift savings system where they get the option of individual choice.

How interesting that in 1988, the Vice President's policy was that this is a good viable plan and today, even though the plan has been a tremendous success, the Vice President says, oh, my gosh, it is too volatile, we cannot do this kind of thing.

It is very, very simple, in my opinion. It is very simple, and we should lay it out in as simple terms as we can. Let me point out, before I go on a little further in that regard, one way to help us understand this. There are some Web sites on the Internet, and actually, some of these Web sites actually have calculators on them so we can go to these Web sites, take our own personal examples and we can look and determine what happens to us if we stay under Social Security under the Vice President's policy of maintaining the status quo, of keeping a system that is crippled, a system that is actuarially bankrupt, and we can actually look at this site and determine what our return, a pretty good guess of what our return is going to be. And it also allows the option to look at the proposal by the Governor of the State of Texas, George W. Bush, which is, as I said, very similar to the Thrift Savings Plan, and figure out what the return would be there.

Let us look at these very carefully. The first Web site, 60plus.org/SavingSS/savings.htm. I will leave this up here so my colleagues can have an opportunity to write it down. The second site that I will put right here is empower.org/html/, and the third one is socialsecurity.org/index.html.

□ 2200

I will keep these up here for a few minutes, colleagues, so my colleagues can write it down, and what I would urge my colleagues to do is pass these Web sites on to your constituents. Be straightforward with your constituents, and I do not doubt that my colleagues are all going to be that way, but do not let politics drive us into putting out propaganda or into slanting the people out there and letting them believe that the status quo is going to be good for those people 40 and under.

Clearly, as I said earlier, and it is a statement I repeated numerous times, but we need to repeat it, for those of you who are 40 and over; the status quo will protect you, the proposal by the governor of the State of Texas does not threaten anyone age 40 and over. What it does is enhances the opportunity for those who are 40 and under, it enhances their opportunity to avoid the mountain that this plane is headed towards.

It allows those 40 and under to actually have a piece of the pie, to own some of the action, to be involved in the investment decisions. Now, it is true that some will make careless decisions, that some may decide to put all of their 2 percent into the stock market, and they may lose it.

Let us say over a short period of time on dollar averaging, the return could come out shorter. The beauty of this plan and the beauty of the Thrift Savings Plan is, no matter how badly you mess up in Thrift Savings because of your own personal management, and you have the opportunity, I mean, you want higher risk, you get a higher return, you have higher risk. No matter how bad you mess it up, the bulk of your retirement is still in place, because you are only managing a small portion of it. It is the same thing with this proposal on Social Security. We are not talking about 100 percent of your Social Security goes under your management, but what we are talking about is that you are going to be able to take a small percentage of your investment and invest it; and I think you are going to do a lot better than 1.23 percent, but if you did not, the bulk of your Social Security for those of you 40 and under will at least still be protected.

Now, the question we face tonight and the questions the American people face tonight is do we go ahead and bury our heads in the sand in regards to Social Security, or should we accept some bold leadership that is willing to set sail in a storm; that is, willing to step forward and say, look, do not accept the status quo, move aside. If you do not want to work on it, move aside, but do not prevent me from coming up with a plan that will be viable for the American people, and that is exactly what the governor of the State of Texas, George W. Bush, is saying.

Now, keep in mind my comments earlier that this is not a new invention. This is not something that a rocket scientist suddenly came up with. This is kind of a copycat. We have had somebody else break the snow through the mountain forest; somebody else already has a path through the forest. We have been following this path and, frankly, we followed it for 40 years under Democratic leadership, and they would not change it.

So for 40-some years under the Democratic leadership, we followed that path, but now we have discovered another trail. Somebody has showed up in the horizon; it happens to be the governor of the State of Texas. He says why do you not try this path? And by the way, it is not a new path. Who has walked in the path before? That is a legitimate question for you to ask.

Before you go through the forest with this person, it is a legitimate reason, a question for you to say now, wait a minute, governor of the State of Texas, what kind of path are you going to lead us through? We are going through some pretty tough mountain country here. What kind of path? Anybody else been on this path? And the answer would be yes, 2½ million Federal employees have walked through this path. They have plowed the snow; that is a plan that Federal employees get to participate in, and 2½ million of them have chosen to do so.

And you know what, they are coming out on the other side of the mountains. And you know what, when they come out, to date, those Federal employees since 1988 have said, hey, this is a good system, including the Vice President of the United States, who in 1988 endorsed going on that different path. He supported it. And in January, he also acknowledged the returns were better, although today, the Vice President's policies are do not dare go on a new path. We have got to stay on the same old path through these mountains.

Well, what we are saying is that same old path is bringing some pain to some people. Those people 40 and over are going to be able to walk the old path just fine, because they are most of the way down it. They are almost to the other side of the mountains, but the young people in our country, those people that are out there in the workplace 40 and under, and those who are not old enough yet to work, they are going to have to start on this side. And the conditions are worsening on the path.

Those 40 and over have missed the snowstorm. There is now snow coming down on that path. We have got treacherous weather ahead, but we had an option. And that, again, is what I stress to all of us tonight, put your politics aside just for a little while and say does the Thrift Savings Plan work for me as a Federal employee?

And there is not a one of you in this room that will not say yes to that. Of course, it works for you, or you would not be participating in it. And by the way, you do not have to participate in it.

Then the next question you would logically asks if it works for me, why do not we apply it to Social Security? Why do we not try and take a plan that allows a worker to direct and participate in the management, a small percentage of the money that is taken out of their payroll check and put it into the Social Security system.

I intend to have several more discussions with my colleagues on the floor in regards to Social Security. I think it is probably one of the top four issues that should be discussed in every election and every debate this season.

And as it is brought up in debates, I would urge my colleagues, put aside the fear tactics, talk the numbers. We know factually that this plan, Social Security, if we stay on the same path, that in 2035, this plan will be actuarially bankrupt; we know that. You do not argue it; we do not argue it. It is a fact. So use that in your debate.

We know that the seniors who are currently on the Social Security today and those who are 40 and above face no danger of losing their Social Security benefits. You know that on this side; we know that on this side. That is a fact. Put it in there; list your facts in this debate.

We know that somebody has to change. Now, that is debateable. The Democratic leadership, the Vice President's policies are continuing down the same path. Our policies, our new proposal is let us just change the path a little. We are not saying change the path drastically; we are saying change it a little. Go on the trail that has been traveled before. Go on the trail that has been successful.

Go on the trail that when those young workers get to 2035, they do not have to look at a return of 1.23 percent; they deserve more. We owe them more. So colleagues, I hope all of you participate with me in this Social Security debate.

I look forward to debating any one that wants to discuss the subject; but if you are a Federal employee, and I am referring to all of the Congress people here today, if you are a Federal employee when you get ready to debate me, you better justify with me at the beginning of the debate, you better justify why it is okay for you to have a Thrift Savings Plan that allows you management and ownership and inheritance rights under that plan, but it is not good enough for the average worker, American out there, unless they are a Federal employee.

If you cannot justify that at the beginning of the debate, I win by default. I win the debate by default. I win the argument by default. You know that and I know that.

In conclusion, Mr. Speaker, I urge all of you to go back to the American people and say, look, it is time for new leadership on Social Security. It is time for a slight change, not a dramatic change. The sky is not going to fall down, but it is time we look beyond our blinders; it is time that we moved it just a little. Because if we move it just a fraction, over a period of time that angle becomes dramatically different and our airplane will not hit those mountains.

Let us follow through with the fiduciary obligation we have to our people. Let us save Social Security, not just for the next two generations, but for the next 15 generations so that those generations can in turn save it for the next 15.

## PERMANENT MOST FAVORED NATION STATUS FOR CHINA

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Ohio (Mr. KUCINICH) is recognized for 55 minutes.

Mr. KUCINICH. Mr. Speaker, tonight I am going to be speaking about the permanent most favored nation status for China. And in the time that follows, I hope to demonstrate to the Members of Congress why this legislation ought to be defeated tomorrow and why this Congress needs to return to the roots of our country, the historic roots which have been the result of people really caring about human rights, caring about the rights of all people.

When this country was founded, it was founded by people who felt that, as the Declaration of Independence indicates, it was necessary for people to dissolve the political bands which have connected them with another, and to assume among the powers of earth the separate and equal station to which the laws of nature and of nature's God entitle them. A decent respect to the opinions of mankind require that we should declare the causes which impel them to the separation.

And in that Declaration, which is our heritage, it goes on to say we hold these truths to be self-evident that all men are created equal, that they are endowed by their creator with certain inalienable rights that among these are life, liberty and the pursuit of happiness, that to secure these rights, governments are instituted among men deriving their just powers from the consent of the governed.

Mr. Speaker, this Congress exists as part of a continuum of representatives who have come here throughout the ages, and so many of us raised our right hand to say the words of our desire to protect and defend the Constitution of the United States as my good friend, the gentleman from Colorado (Mr. TANCREDO), spoke so well a few hours ago, our purpose as Members of Congress, our first and foremost to defend the interests of the United States of America.

Now, certainly as Members of Congress, we can make the decision to see whether it is the interest of the American people to engage in trade with nations of the world, and we have done that. Indeed, this House of Representatives has taken the position time after time that we should use trade as a means of exchange among the nations, but at no time has this House ever stood back and renounced its obligation to uphold the highest of principles upon which this country is based.

I do not think there is a Member of this House who came to Washington without being animated by those lively sentiments of faith in America, of hope in our country, of a belief in the American dream, of wanting to share that with everyone. And so when we cast a vote on trade issues, we may do so with the highest expectations, but we must do so with the proper dose of reality. That is why, Mr. Speaker, I think it is important that when we are looking at all the promises and claims that are being made about the benefits of permanent most favored nation trading status for China, that we look at the recent history of the implementation of a major trade agreement which some Members of this Congress had the opportunity to vote on, a major trade agreement which was promoted by the current administration, a major trade agreement known as the North American Free Trade Agreement, NAFTA, that took effect with such great fanfare on January 1, 1994.

□ 2215

In this report by Charles McMillion, he said it was "the first ever experiment in rapid and sweeping deregulation of investment and trade policies between a low-wage developing country and highly industrial countries."

That seems at this moment as an echo of what we are hearing in this debate today over China, that it is still another experiment in rapid and sweeping deregulation of investment and trade policies between a low-wage developing country and a highly industrialized country, the United States of America.

Over 6 years later, we have the returns from all the promises that were made from NAFTA. We remember those promises. As Mr. McMillion states in his report, "NAFTA advocates insisted that the agreement would create good U.S. jobs by providing the U.S. a total trade surplus," and hear that word, they promised "a surplus in goods with Mexico of $50 billion accumulated over NAFTA's first 6 years." But in the first 6 years, the U.S. has accumulated a trade deficit in goods with Mexico of about $93 billion. That deficit translates into a loss of American jobs. So the promises of a $50 billion surplus suddenly are turned into a $93 billion deficit.

McMillion goes on to say that NAFTA advocates expected the agreement to provide U.S. advantage over the rest of the world in Mexico trade, assuring a U.S. trade surplus far into the future. During the first 6 years of NAFTA, the U.S. suffered total current account losses to Mexico of $118 billion. The rest of the world enjoyed a surplus, a surplus from Mexico, of $190 billion.

In his study, he points out that Mexico exported 621,000 cars, just to the U.S., in the 12 months to June 1999, while the U.S. base producers were able to export only 477,000 cars to the entire world. The U.S. net export deficit with Mexico for cars, light trucks and parts reached $16.6 billion in 1998 and could exceed $20 billion in 1999. The deficit with Mexico for computers and computer components reached $2.2 billion in 1998, and may reach $4 billion in 1999.

Now, Mr. Speaker, I represent Cleveland, Ohio, in the Congress of the United States. My community is a city of auto workers, of steelworkers, of people who work in industries connected to aerospace, of small machine shops. It is a city which has a growing medical industry. It is a city which is trying to move towards high-tech. It is a city that I am proud to represent in the Congress of the United States, a city which is an investment banking and also insurance growth community.

But the jobs that made Cleveland, Ohio, great, indeed the jobs that made this Nation a great Nation, were the jobs in steel, in automotive and in aerospace, jobs which helped to protect this country through two world wars, jobs which are part of our strategic industrial base, jobs which now we are finding through a single trade agreement, the North American Free Trade Agreement, jobs which began to slip away, not only from Cleveland, but good paying jobs slipping away all over the country.

The U.S. net export losses to Mexico trade suggest a displacement of 378,000 higher wage U.S. goods producing jobs shifted to service producing jobs where weekly wages are 38 percent lower, according to the McMillion report.

The calculations of NAFTA's strongest supporters show that even before NAFTA, wages associated with U.S. exports to Mexico paid less than jobs displaced by U.S. exports from Mexico. NAFTA's investor guarantees, threats of relocation and the size and growth of the Mexican labor force had an even greater effect in depressing U.S. wages and profits.

Now, I use this as a prologue to the discussion about China, because trade with China dwarfs trade with Mexico. At this very moment, the United States annual deficit for trade with Mexico is $70 billion. Since 1992, our trade deficit with China is over $350 billion. Those are American jobs, and they are not just shoes, they are not just handbags, they are high-tech jobs, which I am going to get into in a moment.

What about permanent MFN status with China? Contrary to what certain special interests are saying to Capitol Hill, it is neither necessary nor desirable to grant China permanent MFN trading status. Instead, Congress can and should continue to review China's trading status on an annual basis. Permanent MFN is not necessary. We know the WTO does not require that the U.S. grant China permanent MFN. In fact, the international trade agreement only requires that China receive MFN, but it does not specify that the award be on a permanent basis.

We could continue to review China's trading status on an annual basis and satisfy the WTO. So long as the U.S. does not allow the status to lapse, we would be in compliance without international trade obligations. There is no legal reason requiring Congress to give China permanent MFN status. That is just not my legal opinion, it is that of the Secretary of Commerce, William Daley. At a news conference on December 16, 1999, Secretary of Commerce Daley admitted to a reporter for a Washington trade journal that permanent MFN is not legally necessary. However, the administration emphatically wants permanent status.

Let me say why permanent status is not desirable. Permanent MFN for China will cost the U.S. the best leverage we have to influence China to enact worker rights, human rights and religious rights and protections. At the current time, the U.S. buys about 40 percent of China's exports, making it a consumer with a lot of clout. It is hardly that we are in a position of being a helpless nation here. We still can and should set the agenda. So long as the U.S. annually continues to review China's trade status, we have the potential ability to use access to the U.S. market as leverage for gains in worker and human rights. But once China is given permanent MFN, we lose that leverage, and China will be free to attract multinational capital on the promise of super low wages, medieval workplace conditions and prison labor.

Indeed, and unfortunately, that is what some of our global corporations are looking for. Recent history shows that the current Chinese regime is completely incapable of reform on its own. Consider the case of the 1992 memorandum of understanding between the United States and China on prison labor when China agreed to take measures to halt the export of products made with forced labor. According to a recent State Department report, and this is a quote, "In all cases," and that is of forced labor identified by U.S. customs, "the Chinese Ministry of Justice refused the request, ignored it, or simply denied the allegations without further elaboration."

If America gives up its annual review of China's trade status, Congress will be unable to do anything about worker rights there. Furthermore, giving China permanent MFN will be harmful to the U.S. economy, since the record trade deficit with China and attendant problems such as loss of U.S. jobs and lower average wages in the United States will worsen. For 1999, the trade deficit is likely to be nearly $70 billion. Once China is awarded permanent MFN and WTO membership, the trade deficit will worsen.

In its September 30 report, the International Trade Commission concluded that China's accession to the WTO would cause an increase in the U.S. trade deficit with China. As a matter of fact, the news today is that this deal may actually hurt the trade deficit, and we all know that, that it will make America's already huge trade deficit with China worse, rather than better. This report from the Associated Press economics writer, Martin Crutsinger, says opponents have gleefully seized on the report by the U.S. International Trade Commission to do their own analysis, projecting the China deal will result in a loss of 872,000 American jobs over the next decade.

That is 872,000 American jobs projected to be lost over the next decade. Will those be jobs in Cleveland, Ohio? Will those be jobs in New York? Will they be jobs in New Jersey? Will they be jobs in Pennsylvania, in Michigan, throughout Ohio, in Wisconsin? Will they be jobs in California? Will they be jobs in Texas? They will be jobs from all over this country.

A little bit later on, Mr. Speaker, I am going to address categorically where our high-tech industries are at risk in this China trade deal. I will address categorically where labor rights violations are taking place, and I will address categorically where human rights and religious persecution, human rights violations and religious persecution is taking place.

Concluding for the moment, there is no legal requirement to award China permanent MFN. Permanent MFN would be a drag on the U.S. economy and cost us the best leverage we have to promote justice in China and throughout the world. So let us avoid a travesty. The President and the Speaker of the House and everyone should chime in and ask Congress to continue its annual review of China's trade status, and even at this late moment I say, we can come together and approve unanimously of an annual review, but China should not be given permanent MFN status.

At this point I would like to recognize my good friend the gentleman from California (Mr. SHERMAN). Mr. Speaker, if I may yield for a moment, from Sherman Oaks, California, who so ably represents not only that district, but the State of California in this Congress. I am honored to have the gentleman here this evening, and I am so grateful to have the opportunity to share this forum with the gentleman.

Mr. SHERMAN. Mr. Speaker, I thank the distinguished gentleman from Ohio.

Mr. Speaker, I am for trade. I am for engagement with China. I am for American involvement in international organizations that took the lead in keeping us involved in the IMF. But I am against isolationism, I am against protectionism, and I am against this deal.

I want to focus in the minutes that I have on three new developments that occurred today, that I hope Members listening at home or back in their offices will focus on. But, before I do, I want to make a couple of comments building on what my distinguished colleague had to say.

The gentleman pointed out that this whole WTO thing could take place without granting permanent most-favored-nation status to China. In doing so I think the gentleman focused on what this deal is really about. It is not about us getting access to their markets, it is about them having permanent access to our markets.

Corporate America does not see China as a great place to sell things; they see it as a great place to make things to sell here. The best example of that is the fact that India is virtually as large as China, and I have gone the last 3 months without a single business organization saying, "Oh, my God, there are a billion consumers in India," because China offers not a billion consumers, but the largest pool of near slave labor available to those who want to manufacture there and exploit the market here.

□ 2230

They are not willing to make the major corporate investments in factories unless they are sure that they will have permanent access to the American market. Those factories ought to be built here. We should not be facilitating the construction of them in China.

Mr. Speaker, this deal is good for profits; it is bad for working American families. It is good for the central committee of the Communist Party of China, which runs that country and has a monopoly of power and endorses that agreement; it is good for the Central Committee of the Communist party; it is bad for those who seek freedom in China. This deal is good for the People's Liberation Army of China, without whose consent China could not have made this deal. But while it is good for the PLA, it is bad for American security interests.

There are three new developments. The first was brought up by the distinguished gentleman from Ohio, and that is the report issued by the U.S. International Trade Commission. This is the official government entity designed to evaluate trade agreements. The study was requested by U.S. Trade Representative Charlene Barshefsky, the chief administration point person on negotiating this deal. She asked for the study. The study came in and said, this does not just make our trade deficit with China permanent, it makes it bigger. Upon the release of the study, Ms. Barshefsky instead says that the study was premature. Well, that is obvious. A study that helps Congress reject this agreement is premature unless it is released after we vote.

Mr. Speaker, this study came in right at the right time. It was commissioned by a trade representative who thought it would show that this deal was good for American working families. It proves the opposite. As the gentleman from Ohio clearly demonstrates, it costs us 872,000 jobs, but that is an underestimation, because all of the analysis of the U.S. Trade Commission was done on the basis that China would at least adhere to the written document. They have not adhered to their other documents, and in a control and command economy like China, they do not have to.

Mr. Speaker, here in the United States, we publish laws, and businesses are free to do what they want as long as they do not violate those published laws; and if our published laws violate the WTO agreements, we get taken to WTO court. In China, a telephone call in the middle of the night from a commissar is all that it takes to get a business to do something else, and you cannot take a late-night phone call to WTO court. You cannot even prove it ever existed. All that happens is that that Chinese businessperson decides not to buy American goods.

So the first and major development of the day is that the official government agency that our trade representative, the chief architect of this deal, asked to evaluate the deal says this deal is bad for American working families. It is going to cost 872,000 jobs, and I believe far more.

The second major development was the submission to the Committee on Rules of this House of the Berman-Weldon amendment. The Committee on Rules is meeting now. I have been told to expect that they will not allow that amendment to come before this House.

Why is that amendment so important? The amendment simply states that if China, after this agreement in joining trade relations with the United States, easy access to our markets, that if China invades or blockades Taiwan, that it loses access to our markets, they lose the PNTR. China will not accept this; hence, it is unlikely that the administration will accept it, and hence, it is unlikely that the Committee on Rules will accept it. I would like to be pleasantly surprised in an hour or two, although I do not think it will happen.

What does this mean to the Chinese? It is sometimes said that China is inscrutable to the United States, that it is hard for us to know what their system is doing. Trust me, we are at least as inscrutable to them. But how will they interpret the proceedings this week in this House?

An amendment was offered to say that if they invade Taiwan or blockade Taiwan, they lose their trade privileges. That amendment, if it is rejected, sends the exact opposite signal. Who is to blame the Chinese hard-liners if they regard our decision this week to pass PNTR and not condition it on whether Taiwan is blockaded or invaded, how are they to interpret that? They are educated in a Marxist approach which says that corporations are all powerful. They look at this House where they might see just a little support for that proposition, and they may very well conclude that their new corporate allies will defend them and defend open access to America's markets even if they blockade Taiwan. They could reach that conclusion even if some of us here who know this House better might reach the same conclusion.

What conclusion will they reach when their trade grows, not to $100 billion or $120 billion? They will reach the conclusion that American corporations are even more dependent and more powerfully willing to defend access to the American markets, and that that access will continue even if they invade or blockade. If they reach that conclusion, it is not their fault for misinterpreting us. It is our fault for being ambiguous, because this House this week can stand up and say that no access to American markets will be available if Taiwan is invaded or blockaded, or we can do the opposite by remaining silent.

So assuming this bill comes to this floor under a rule that does not allow consideration of the Berman-Weldon amendment, we should expect that China will interpret this as a green light and blockading Taiwan, bringing Taiwan to its knees is relatively, unfortunately, easy.

During World War II, Hitler sent a fleet of submarines to try to strangle another island nation, Great Britain. He was almost successful. But what does China have to do to blockade Taiwan? All it needs is a press release. Imagine a press release from Beijing announcing that the next oil tanker arriving in a Taiwanese port will be struck by a Chinese missile. One press release, one missile. They may even destroy one ship. Would you want to be the captain of the second freighter or oil tanker on its way to Taiwan? The blockade is so easy for China to do, the only reason they do not do it is fear of American reaction, and if they can be confident of access to the American market. Well, I think we could call this bill the Taiwan blockade authorization act, because that is how it will be interpreted in Beijing.

Mr. Speaker, we cannot put this genie back in the bottle. The issue has come before this House, and if we deliberately cover our eyes to the possibility that trade relations would continue while Taiwan was blockaded, that is the green light the hard-liners are waiting for.

Mr. Speaker, we should be explicit in this bill. Confusion and mis-communication has started wars in the past, even among trading partners. Look at World War I, for example. So there is nothing but danger for our national security interests bypassing a bill that implies without ever stating it that China will have access to our markets even if it begins hostilities.

So this is an issue before this House; we cannot ignore it.

I see that the gentleman from Ohio has a number of other points to make, and I yield back to him.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman for his learned presentation. Certainly, the Berman amendment would add a considerable element to this debate so as to indicate our interest in seeing the aggressive nature of Chinese military policy tamed. I might add that our colleague, the gentleman from Virginia (Mr. WOLF), sent a communication today which shows that China has recently received cruise missiles from Russia, a deployment of 24 SSN 22 antiship cruise missiles on a Chinese Sovremenny class destroyer as the most significant recent weapons development by the People's Liberation Army naval forces, according to the Navy officials, and this is in a Washington Times dispatch. These weapons, according to the headline, give Beijing a boost in firepower.

I believe in what President Kennedy said years ago when he said, "We should not negotiate out of fear, but let us never fear to negotiate." So we need to negotiate with China. We need to engage with China, but perhaps what is in line here is a very long engagement.

Mr. SHERMAN. Mr. Speaker, perhaps we should have a long engagement before we have a permanent marriage.

Mr. KUCINICH. Precisely the point, I say to the gentleman. Proponents of permanent MFN for China like to say that once the U.S. gives permanent MFN to China, exports are going to continue to grow. Since industries exporting to China employ Americans, permanent MFN must be good for America, that is what we are told. But I really wonder if it is that simple.

For example, if the gentleman were told, or if we were told that the Yankees, I will say Yankees because they are in our American League, if the Yankees scored 6 runs in a ball game, could we conclude that the Yankees won?

Mr. SHERMAN. Not with today's juiced baseball, you could not.

Mr. KUCINICH. Right. Everyone knows we have to know how many runs the Yankees' opponents scored to know if the Yankees' 6 runs were enough to win. If one is a Cleveland Indians fan one would, for sure.

Mr. Speaker, whether it is baseball or trade flows, people need to see both sides of the ledger. So what is the economic score? The U.S. imports from China, much more than the exports to China, according to data collected by the U.S. Department of Commerce, the U.S. has a trade deficit of upwards of $70 billion for 1999 alone. So while it is true that U.S. exports to China have increased, it is also true that imports from China have increased much more.

Mr. SHERMAN. Mr. Speaker, if the gentleman will yield, I will point out that we have given China most favored nation status on an annual basis several years in a row. Their 1999 imports from the United States are $1 billion less than 1998. So while their exports to the United States grows and grows and grows exponentially every year, our exports to them actually shrunk.

Mr. KUCINICH. Mr. Speaker, reclaiming my time, the gentleman has a good point, and we know that there is more to the U.S.-China relationship than meets the eye. We have to look at the kind of goods the U.S. imports from China.

Now, contrary to the myth, the United States does not just import shoes, but high-tech products from the industries of tomorrow. In almost every major category of traded goods, from agricultural commodities to advanced technology products, the U.S. has a deficit with China.

We wonder, what does all of this mean? Well, China's surpluses in everything from corn to disk drives means that there is not a market in China for any American-made products. Lower tariffs and nontariff trade barriers do not change the fact that China already grows and manufactures more than their population consumes. So we cannot expect current trends to reverse. Exports to China will increase; imports from China will increase much more. I think that when we consider why we have this big push here for permanent trade status, let us look at it.

Mr. Speaker, the large U.S. corporations are the ones behind the push. They want it so that they can invest in new factories in China, use China as their export platform, low wages, no worker rights, no human rights, no religious freedoms, no freedom of speech, no labor voice. They want to sell their products back to the U.S. with confidence that Congress will not levy tariffs or erect trade barriers in the future. I mean, let us face it. Our ability to influence labor rights and human rights depends on having an annual review, I say to the gentleman.

□ 2245

Mr. SHERMAN. Absolutely. We do not know how much worse things could get in China. Yes, they are pressing bishops and Catholic and Protestant workers in China now, but they have not publicly executed any of them because they are subject to annual review.

If they have permanent trade relations with the United States, then 3 or 10 or 20 executions, whether it be of those practicing Christianity or those practicing Buddhism in Tibet, would subject China not to the possibility of losing its trade relationship but only to a harshly written letter from the United States, a report outlining just how terrible these violations were.

When we look at China today and see how bad it is, we should not just look at how bad it is or how much better it might get but how much worse it might get.

Mr. KUCINICH. Reclaiming my time, the gentleman is absolutely correct. Even with annual review, now think about this because we have talked about these things many times, even with annual review, as our friend, the gentlewoman from Ohio (Ms. KAPTUR) has pointed out, the right to freedom of belief is explicitly denied to 60 million members of the Communist party of China. The Falun Gong, thousands of their practitioners have been arrested.

I heard the gentleman from Virginia (Mr. WOLF) on the floor today saying that eight Catholic bishops were arrested. Now here we are on the very day we are talking about a medal for the Pope, who I greatly admire, celebrating his force for spiritual good in this world, China is arresting Catholic bishops.

Now, is it going to get better if we have no review, I would ask the gentleman? What does the gentleman think?

Mr. SHERMAN. Well, right now China has been emboldened in a way that I did not think would occur this particular month. Clamping down on the religious group that the gentleman pronounces so well, clamping down on both Catholics and Protestants, a thousand nuns and monks expelled from their monasteries in Tibet, all in the weeks before we are supposed to vote. Imagine if this is the last vote. How many more Christian practitioners, how much more will they clamp down?

Keep in mind the proponents of this deal postulate the idea that with increased trade there will be a challenge to the monopoly power of the Communist party of China. Now I do not think that challenge will occur, but if it does they will clamp down and do whatever it takes to maintain that monopoly power, and no matter how many executions occur, the worst the Americans can do to them is a really tough letter and a really long report, but they will not lose a single penny. That is not a situation that is conducive to human rights in China.

Mr. KUCINICH. I agree with the gentleman. At the same time, we have to look at the Chinese to know that the Chinese people are our brothers and sisters. They are not cut off from the grace of God. They are our brothers and sisters. And because they are our brothers and sisters, because they are people in China who are suffering under inhumane working conditions, slave labor conditions, working for 3 cents an hour making handbags, or a little bit more than that making electronic equipment, we have a responsibility to stand up for human rights to review the conduct of their government. Now the development of a new economic model in any government has to be challenging, we recognize that, but U.S. corporations have great power. What is happening when they go to China, it is as if they are averting their eyes. They do not want to see what is happening, and yet when we see Motorola, figures available from 1996, now it is billions more since then, Motorola investing $1.2 billion in China; Atlantic Richfield, $625 million; Coca Cola, a half a billion dollars; Amoco, $350 million; Ford Motor, $250 million; United Technologies, $250 million; Pepsi Cola, $200 million; Lucent Technologies, $150 million; General Electric, $165 million.

Now granted, make multiples of that and we will know the investment today.

My first question is what is wrong with investing in America? My father fought in World War II, had his leg shot out at a place called Bougainville, spent all of his life with a limp and a silver plate in his leg like so many people in that generation who fought for this country, who fought for that flag, they did not fight for it so their grandchildren would not be able to get a decent job. They did not fight for it so American corporations would forget the red, white and blue and begin to worship the great green god of the dollar bill as if that is the only value we need to be worried about.

People fought to defend this country because we believe in basic human dignity, because we believe in human rights, because we believe in basic freedom, because we believe in human liberty. That is something that we have believed in through more than 200 years of our existence as a Nation. That is something that men and women have died for, and we are going to give it away just with the signature and the stroke of a pen.

That cannot happen. We cannot stand here and watch while China is being used with all of its anti-democratic tendencies as an export platform back to the United States, wiping out millions, eventually, of American jobs, good-paying jobs. And then where do American workers stand when they fight for their rights?

Mr. SHERMAN. If the gentleman will yield, I think he makes an excellent point.

Mr. KUCINICH. Certainly.

Mr. SHERMAN. The gentleman mentioned Motorola, which is bombarding the country now with an advertisement in which they hold up a cellular telephone and say that China has 1.2 billion people who might use cellular telephones, implying that American workers from coast to coast will be making cellular telephones and shipping them to China.

I think the gentleman would agree that it is more likely that what Motorola sees there is 1.2 billion potential slave workers. They do not need them all. They do not need slave workers, but 1.2 billion people anxious to work for 10 or 15 cents an hour who can make the cellular phones and ship them here.

Which does the gentleman think is more likely, that Motorola plans to make something here, paying union wages or high American wages, $10, $15, $20 an hour, and then sell the product to people who make 15 cents an hour? Or does the gentleman think there might be more profits in making something for 15 cents an hour and selling it to those Americans who still have good jobs?

Mr. KUCINICH. As usual, the gentleman is right on the mark. We know that these major corporations are looking at China as a labor pool of 1.3 billion.

Here are some quotes that we pulled out from some of our major corporations. Coca Cola Systems in China spends about $600 million each year in sourcing all of its raw materials and packages within China. Delphi Automotive Systems aims to eventually close the gap between the Chinese automotive component industry and the world. Dow Chemical seeks to create in China the large scale production required to be a major supplier to customers in China and beyond. In Eastman Kodak's view, in a market such as China with the value of businesses expected to grow rapidly, local manufacturing is simply a better business model. Eastman Kodak's China manufacturing operations reflect Beijing's determination to create professional enterprises which could displace imports and boost tax revenues.

GE Shanghai Silicone's factory will replace imports from the United States, and on and on and on.

Now in the 10 minutes which we have left, I would like to continue this colloquy and as the gentleman was talking about the cellular telephones, I looked at the index to this report by Charles McMillion. It is a report which talks about China's rapid leap into advanced technologies. It is really the rapid leap of U.S.-based multinational corporations into the advanced technologies. They talk about in the advanced technology products, the U.S. now imports 64 percent more than it exports.

Now everyone knows about the difficulties we have had in steel, automotive and aerospace. As a matter of fact, when I first came to Congress, representatives from Boeing were among the first in my office already laying the groundwork for permanent trade status for China; and they were admitting to me openly that the price of entry into the market in China was for Boeing to give China its prototypes for the most advanced aircraft manufacturing. So much for the tens of thousands of American jobs on the line at Boeing and now McDonnell Douglas.

The gentleman made a comment about cellular phones. In this report, which talks about advanced technology trade losses, they mentioned cellular phones. In 1999, America imported $98,517,366 worth of cellular telephones from China.

The gentleman from California (Mr. SHERMAN) is an astute gentleman. How much does the gentleman think the United States exported to China? We bought close to $100 million in cell phones from China. How much did China buy from the U.S. in cell phones, I would ask the gentleman?

Mr. SHERMAN. I do not think we export cell phones to China. I think we only export jobs to China.

Mr. KUCINICH. So the gentleman's answer would be none?

Mr. SHERMAN. Zero.

Mr. KUCINICH. The gentleman is correct. Is that your final answer, though?

Mr. SHERMAN. That is my final answer. If I can make a comment or two here.

Mr. KUCINICH. Please do.

Mr. SHERMAN. Up until recently it was low-tech factories going to China to make low-tech products, the handbags the gentleman talked about. That was because one could not invest a lot of money in China if they were not sure that the products could come back to the United States because that was why they were building the factory.

Mr. KUCINICH. Correct.

Mr. SHERMAN. Now that we give guaranteed permanent entry to the U.S. market, multibillion dollar factories, the kind that make the high-tech products that we are still as of today competitive in, those can go to China as well and pay 15 and 20 cents an hour. So it used to be that I was only worried about the capital flight, that a billion dollar low-tech factory would be built in China when that same money might be available here to build a different kind of factory that could employ American workers and perhaps even making a different product.

Especially our Republican colleagues are always talking about how we need more capital, how we have to encourage savings. Well, we could pass the biggest tax bill designed to increase savings and if it leads to another $30 billion in savings, all of which are corporations borrowing and investing in China, then we are exporting capital for the purpose of exporting jobs, and we can imagine what effect that has on wages. We have enough jobs in America, but we need a situation where there is the labor shortage that causes those jobs to be paying a living wage.

Mr. KUCINICH. The gentleman is right. When the gentleman considers where we are going in the future with this 64 percent difference in imports and exports with China, earlier I mentioned the score, let us look at some scores here. Camcorder, $176 million from China; $58,000 to China. Laser printers, $101 million from China; zero that we sent to China.

Mr. SHERMAN. So it is not just toys and tennis shoes.

Mr. KUCINICH. Oh, no.

Mr. SHERMAN. This is the kind of stuff that Americans could make competitively. I have laser printers made in the United States on my desk now. This is not like little toys that sell for a buck or two.

Mr. KUCINICH. Exactly. Here is another one. Laser printers with control and printer mechanisms, $88 million from China; zero from the United States. More scores here. Radio transceivers, $62 million from China; zero from the United States. Going on, fax machines, $35 million from China; zero purchased in the United States. And it goes on and on and on in this report where all of these jobs where China is being used as this export platform for all of this high-tech but the real thing that will get, I think, every American, listen to this.

□ 2300

Turbo jet aircraft engines, $3.7 million from China, zero from the United States. Turbo prop aircraft engines, $1.5 million from China in 1999, zero from the United States. Radar designed for boat or ship installation, $1.5 million from China, $8,000 from the United States. Reception apparatus for radio, $1.3 million from China, zero from the United States.

Then we get into the military. Listen to this. Parts of military airplanes and helicopters, we are buying this from China, almost a half a million dollars, zero sold from the United States. Parts of aircraft gas turbines, almost $1 million from China, zero from the United States. Binoculars, almost $1 million, zero from the United States. Rifles that eject missiles by release of air and gas, over $1 million, zero from the United States.

Concluding on this part, and something that would really frost most Americans, we are buying from China bombs, grenades, torpedoes, and similar munitions of war.

Where are we going with this China trade? It is time for America to pull back here and to reassess where we are going, how our national security is at risk, how our stand for human rights and workers' rights is at risk, and how, if we are to stand for anything as Americans, we ought to stand for the interest of the United States first and foremost.

Mr. SHERMAN. Mr. Speaker, if I can interject, I want to commend to our colleagues, and I thank them for watching us instead of those Friends reruns on television, a dear colleague that I have addressed dealing with the Berman-Weldon amendment, summarizing why it is essential that this amendment be included in anything that passed this House; otherwise, we would be giving the green light to China to blockade Taiwan.

A second dear colleague I would like to mention, this was delivered, I believe, to every Democrat in the House, it is a letter that arrived just hours ago from the President of the United States, and I want to, time permitting, respond to a few comments in it, respectfully, because they are from the President.

The one comment I would like to respond to is the argument that this is going to lead to higher wages in China. The letter states, "More Chinese workers will find jobs with foreign companies where they will get better paying conditions, and Chinese companies will be forced to compete. In China, you are dealing with upwards of 700 million workers. How many more jobs would our investments in China have to create before we had an effect on the price of laborer the compensation of labor in China?"

My fear is that it is not when the President says that more Chinese workers will find jobs in American-owned factories in China, that means fewer American workers will find jobs with American factories in the United States.

Mr. KUCINICH. Mr. Speaker, here is the point that comes off of what the gentleman from California is making in this few minutes that we have remaining. We are all for the people of China being able to have workers' rights and have a decent living. It is pretty hard, though, when we have labor activists that, the minute that they start to organize, they go to jail.

I have a list here, a pretty long list, of individuals who, the minute they try to start speaking about trying to get better wages out of these U.S.- multinational corporations based in China, they end up in jail.

So I think that, again, Mr. Speaker, I want to thank the gentleman from California (Mr. SHERMAN) for his participation in this last hour. I think that what we have been able to establish is that this Congress tomorrow ought to be voting to defeat permanent trading status for China. We should have an annual review. Let us keep China engaged, but let us not turn away the only real lever that we have, and that is our ability to set the rules through annual review.

Mr. Speaker, I yield to the gentleman from California (Mr. SHERMAN) if he would like a final word.

Mr. SHERMAN. Mr. Speaker, one other thing our colleagues should do when they first wake up tomorrow morning is ask their staff, is the Berman-Weldon amendment made in order by the rule? If not, then if we go forward tomorrow, we are giving the green light for a blockade of Taiwan.

The least we could do to avoid miscommunication with China is to tell them that, if their friends in America are powerful enough to give them permanent most-favored-nation status, at least that status will disappear should they begin military action against Taiwan.

## IMPACT OF ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. SWEENEY). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 55 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House again tonight to apologize to the staff that is working late into the evening, and appreciate the Speaker's indulgence and other Members who are listening tonight.

I always try to come before the House on Tuesday nights during these Special Orders to bring to the attention of the Members of the House of Representatives the Congress and also the American people, the number one social problem that we face, and that is the problem of drug abuse, illegal narcotics, and drug addiction in this country.

Over and over, I have repeated some of the statistics, and the statistics are mind boggling. The National Office of Drug Control Policy and our Drug Czar Barry McCaffrey have estimated that, each year, over 52,000 Americans die directly and indirectly as a result of narcotics abuse in this country; that in the last recorded report to the Congress in 1998, in fact, 15,973 Americans lost their lives as a direct result of narcotics abuse. I have not yet seen the 1999 figures, but I am sure they are even worse.

The situation is basically out of control with 70 percent of those behind bars in our prisons and jails, incarcerated across this land are there because of some drug related offense.

The cost to our economy is in the quarter of a trillion dollars a year range. The destruction of lives, not only lost, but those left behind in families torn apart in the agony of drug abuse, an addiction that so many families have experienced, is devastating.

Almost every report that we have that comes before us today in our media, the account of a 6 year old killing a 6 year old, drugs were at the heart of the problem of that family, and that 6 year old coming from a crack house. A 12 year old taking a gun to school and threatening his classmates wanted to be with his mother who was in jail on a prison charge. A 17 year old who attacks at the National Zoo during the recent holidays, crowds of people, innocent bystanders, he comes from a family involved in drugs, a father and gangs involved in illegal narcotics. This story goes on and on.

We can place the blame on a weapon or something else, but we do not pay attention, as I have stated before, to the root problem in many, many of these instances, which is illegal narcotics, drug abuse, and addiction.

Tonight, I want to pick up from where I left off last week and talk a bit about some of the impact of illegal narcotics. Now, we know in our land that nearly half of Americans have tried some type of form of illegal narcotic, and we know that, in fact, using some illegal drugs such as marijuana does lead to use of other types of illegal narcotics. We have seen the results which are devastating in our communities.

I come from Central Florida. I represent the area between Orlando and Daytona Beach, probably one of the most economic prosperous growing areas in our country and one of the most beautiful areas across our land, and that area has also been ravaged by illegal narcotics, particularly heroin abuse. Heroin in the 1950s, 1960s, 1970s was somewhat limited to the inner cities, to lower socioeconomic and minority population abuse. It was intravenously abused by drug addicts. The availability of heroin was really not that extensive in Central Florida or in most areas of our Nation, again mostly an inner city problem.

□ 2310

Most people did not pay attention to it.

But in 7 short years of this administration, we have seen the tide of heroin coming into our States from the foreign production, predominantly Colombia, in unprecedented quantities. In fact, in 1992–1993, the beginning of this administration, there was almost no production of heroin in the country of Colombia, and today Colombia accounts for 75 percent of the heroin. That heroin is finding its way into our streets and our neighborhoods, our schools, and now our young population.

I have a copy of a recent May 8 headline, and it says Suburban Teen Heroin Use on the Rise. So what was confined to our inner cities, what was confined to hard addicts is now really becoming a plague upon our teenagers and those in our suburban communities.

In my area of Central Florida, we have had headlines that have blurted out that heroin overdose deaths and drug deaths now exceed homicides. And the same, unfortunately, is true in many other areas of our land.

Part of this article, which is just several weeks old, says, and let me quote, "Heroin is back. It's cheaper, more potent, and more deadly than ever, said Bob Weiner, an aide to White House drug policy director Barry McCaffery." And what he is saying is, in fact, that the heroin on our streets today, as opposed to the heroin in the 1970s, even the 1980s, is of a much purer, much more deadly content, sometimes reaching 70, 80 percent purity.

In my area in particular they are getting very pure heroin, and that is deadly heroin. That is why it is killing our young people and others in such incredible numbers.

Unfortunately, this report talks about teenagers, but, in fact, the spread of heroin has also affected other parts of our population that have really not seen the ill effects of heroin in the past. This headline is from May 9 in USA Today and it says Heroin's Resurgence Closing Gender Gap. This article says that girls are now becoming the victims. Again, previously, this was limited to inner city populations and also a male drug of choice.

Let me quote from that USA Today article, if I may. "Heroin's reemergence comes at a time when girls, far less likely than boys to drink, smoke marijuana, or use harder drugs, such as heroin, now appear to be keeping pace with them, says Mark Webster, a spokesman for the Federal Substance Abuse and Mental Health Administration. Webster's agency, after finding that existing drug prevention programs helped reduce drugs only among boys, recently helped create an advertising campaign called Girl Power to deliver antidrug messages to girls."

Fortunately, in the billion dollar campaign that Congress has funded to deal with the emerging narcotics problem on a multifaceted basis, we are starting to address this. But, nonetheless, there is an incredible explosion of use among the female population and also among the youth population.

I also began a week or two ago citing part of a report, and I wanted to refer to it tonight. It is an interagency domestic heroin threat assessment that just came out about a month or two ago from the National Drug Intelligence Center in Johnstown, Pennsylvania. That interagency domestic drug assessment had some interesting new data that I would like to make part of the record tonight and also call to the attention of the American people and the Congress.

First of all, this report talked about heroin use in the United States of America and particularly in the West. According to the Drug Abuse Warning Network, which is also known as DAWN, heroin-related emergency department mentions in the western United States increased some 28 percent in recent years; heroin-related deaths between 1993 and 1996 rose in all

12 States of the western region during that time frame. In Oregon, the State Medical Examiner's office reports an average of five people a week died of heroin-related causes in the first 6 months of 1999.

To further look at some of the more recent statistics and data in this report, and again focusing on the western part of the United States, the report says that seizures at the southwest border increased from 52 events and 103.8 kilograms seized in 1997 to 80 events and 145.9 kilograms in 1998.

What is interesting about the heroin that we see coming in from this area is not only do we have the Colombian heroin that almost did not exist at the beginning of this administration, we now have, in double digits, very strong, very pure, very deadly black tar heroin coming from Mexico. Mexico, in fact, and not too many people will publicize this, particularly at a sensitive time, with elections in Mexico and elections in the United States, but from 1997 to 1998, in the most recent statistics we have of heroin seized in the United States, Mexican black tar deadly heroin has increased some 20 percent in just a 1-year period, again a dramatic increase in heroin coming from our neighbor to the south.

According to the Drug Abuse Warning Network, again the acronym DAWN, heroin-morphine related emergency department mentions in the southern United States increased 165 percent between 1990 and 1997. Heroin-related drug treatment admissions in the southern United States increased 13 percent between 1992 and 1997, according to DAWN's treatment episode data report.

Heroin use in the north central United States is also on the increase. So this is not just a regional problem, a limited regional problem to Florida and the southeast or the Southwest, but this report also details what is going on in the north central States.

Heroin-morphine related emergency department mentions increased some 225 percent in the major cities in the north central United States in the period between 1990 and 1997. Chicago heroin-morphine related incidents increased 323 percent in that same period.

□ 2320

St. Louis morphine and heroin-related deaths increased some 350 percent from 105 in 1990 to 472 in 1997. And then this report also details the Northeast United States statistics and what is been happening with heroin in that area of the country. According to this report, heroin-related emergency department admissions increased 116 percent between 1990 and 1997 in the Northeast United States.

Heroin-related drug treatment administrations increased 50 percent between 1992 and 1997 according to the DAWN episode data report. The most significant increase according to this report was in Buffalo, New York, where heroin-related emergency department mentions increased some 344 percent from 106 in 1990 to 471 in 1997.

I think a very interesting report that does show the dramatic increase of drug use and abuse particularly heroin across the United States and that deadly substance and what its effect is having in cities that my subcommittee has examined is quite remarkable. I want to use tonight the example again of Baltimore, Maryland. Our Subcommittee on Criminal Justice, Drug Policy and Human Resources recently conducted an oversight and investigations hearing in Baltimore.

Baltimore is really one of the most historic and beautiful cities on our eastern coast, and Baltimore for nearly a decade had a mayor with a very liberal attitude towards illegal narcotics, a liberal needle exchange program, a lack of enforcement of narcotics laws that are on the books of not only Baltimore but also this State of Maryland and a lack of cooperation in going after drug users and abuser. That type of action has related in an incredible record of drug addiction in Baltimore.

Baltimore is an example of a city whose population has gone down, down, and down from over 900,000 to somewhere in the 600,000 range, while the addiction population has gone from somewhere about 39,000 in 1996 to some estimated 70,000 or 80,000. In fact, one of the city council members was recently quoted saying that one in eight individuals, citizens of Baltimore are now addicted and primarily to heroin.

This is a city whose experiment is a failure. This is a mayor whose legacy is death and destruction and addiction. If this was replicated across the United States, we would have tens and tens of millions of our population addicted. Again, a liberal policy possibly well intended, but the liberalization in fact did not work, and it has addicted an incredible percentage of the population of Baltimore.

I am pleased that after the hearing that we conducted there and after the testimony of the police chief, the police commissioner of the city of Baltimore who really had a lackadaisical attitude towards enforcement and going after open air drug markets and after his testimony was heard by the mayor and others that he was, in fact, dismissed. It is my hope that the new mayor, Mayor O'Malley, and I am pleased to see that he is considering a new policy, a cleanup campaign for Baltimore that I hope will be unprecedented.

Baltimore has suffered this level of addiction, has also consistently experienced a high level of deaths per population, over 300 deaths in each of the last 3 years in Baltimore. And we compare that to New York City, some 650, 670 deaths, the last several years. New York City with a zero tolerance policy has cut the murders by some 60 percent. They cut the overall top felony record in that city by some 58 percent with Mayor Rudy Giuliani's zero-tolerance policy.

But, in fact, Baltimore is an example of a city who attempted a severe legalization and liberalization of drugs and experienced, in fact, an unmitigated disaster.

That is a little bit of where we are and an update of what is happening with the heroin across our land.

Again, I would like to point out to my colleagues and the American people that, in fact, we know what does work in the area of drug abuse. I am sure the liberal colleagues all choke when they see this chart come up, because the chart is probably the most graphic evidence of a policy of success in the Reagan and Bush administration when there was a real multifaceted war on illegal narcotics. When we had source country programs, an Andean strategy devised under the Reagan administration, a Vice Presidential task force lead by former Vice President Bush, in which they went after illegal narcotics as they were leaving the source countries in a tough interdiction policy, utilizing in fact in a war against drugs all the resources of the United States, and we see that in the Reagan administration.

And again this is untouched. I have only added the names of the administration and put a little divider in here to show where they began and ended. But you see a successful multifaceted war on narcotics. Again, the source country, reduction, interdiction, use of all of our resources in that effort, a President that said, in fact, we will have a full war on drugs, two Presidents that said that, and we see the success.

Now, many will tell you that the war on drugs is a failure, but I submit that the war on drugs began failing at the beginning of the Clinton administration, when we saw the dismantling of the source country programs, the gutting of the Andean strategy, the dismantling of use of the military against illegal narcotics, the closedown of surveillance operations that provided information to our allies in the war on drugs. So we see the total failure and the very direct closedown of a war on drugs.

If you want to talk about a war on drugs that was a success, you need only look at the Reagan/Bush era. If you look at when you had a failure on the war of drugs, it is when you dismantle piece by piece directly the war on illegal narcotics.

The only change we see here is with the coming of the Republican-controlled, the new majority in Congress, that we began putting some of these programs back together again. And we have only begun to see a leveling off with that effort.

But, in fact, one of our major problems is that even authorizations by the Congress are ignored by this administration. Let me just put up a couple more charts, if I may.

Tonight I was talking about update on heroin, heroin use and its prevalence. Again, you see a leveling and some decline during the Reagan administration. During the Bush administration, you see a concerted effort and a reduction. And then you see a dramatic increase practically off the chart in the Clinton administration. When you do not have a multifaceted approach, when you do not stop illegal drugs at their source or before they come to our borders, these statistics cite what happens and very graphically show why we have an incredible amount of heroin on our streets, why we have the reports like I just read.

□ 2330

The same thing happens with our young people. This shows 12th grade drug use. The first chart we showed was lifetime prevalence of drug use. But each of these charts and each of these lines on the chart in fact show the trends here with illegal narcotics use. This line, the top line, is lifetime use. The red center line is annual use. The third line is 30 day use.

Again, if we take this back to the Reagan-Bush era, we are coming with a reduction in 1992, with the election of the President Clinton, with the just-say-maybe, with the appointment of a Surgeon General, the chief health officer of the United States, saying just-say-maybe, with a White House which had so many people in its employ that had recent drug abuse histories and problems that the Secret Service insisted on a drug testing program. That was one of the reasons that they in fact wanted to do away with some of the background checks for White House employees, is because they were not passing them, and only after the Secret Service insisted on instituting a drug testing program for White House employees did we see any change there. But in fact some of these people were setting the policy.

You see again upward movement in all of these areas through the Clinton Administration of 12th graders in drug use. Here again you see the leveling off, the beginning of the period in which the Republicans took control of both the House and the Senate and some of the efforts that were put into place in restarting some of those programs. So you see a beginning of a leveling off in that period.

This again is a statistic that I cited tonight in the news report about suburban teen heroin use, and gave the headline from a few weeks ago. This shows in 1996, again, when we took over the House of Representatives, the situation that we inherited as far as suburban teen use. This is the situation we are now faced with, a flood of heroin coming in, predominantly from Colombia, but also from Mexico, as I mentioned. Colombia and Mexico are probably two of the crowning failures of this administration and resulting in the incredible volume of heroin coming into the United States.

Time and time again, this administration has thwarted, as I said, both legislative directives and appropriations to stop heroin production in Colombia. The entire Colombia scenario started in 1994 when this administration closed off information sharing with Colombia. That measure, which was opposed, I must say by even Democrats and all of the people on my side of the aisle, but it outraged everyone, because it brought an end to information sharing with our allies, Colombia, Peru and other countries, and was the beginning of the end of a policy that had begun to make some dramatic changes in Colombia.

If you remember in Colombia, steps had been taken to dismantle some of the drug cartels, and we were on our way to bringing that Nation into some balance. All that fell apart with the beginning of ending surveillance information sharing.

The next mistake by this administration was in fact to decertify Colombia without a national interest waiver, which meant that even equipment and resources which the Congress had appropriated would be denied to Colombia. In fact, when you do not have any war in Colombia or effort by the United States to stem the production of illegal narcotics, when you do not have equipment and resources going in to that region to eliminate the production of the crop, to eliminate the transshipment from the source zone, and you do not use the military and others to provide information and surveillance back to the source country to stop the illegal narcotics and interdict them as they come out, this is the result that we see, is an incredible volume of heroin coming into the United States at lower cost, at higher and more deadly purity levels, and we see now suburban teen heroin use on a dramatic rise in the United States. Again, it can be traced to Colombia and also to Mexico.

Another failure in this administration's policy, which in fact certified Mexico as cooperating when Mexico has done everything to the contrary but assist the United States, failing to extradite even a single Mexican drug dealer after dozens and dozens of extradition requests, failing to sign or negotiate a maritime agreement, which this Congress just several years ago insisted that Mexico do as a part of its cooperative effort to eliminate narcotics trafficking, failing to allow our agents to adequately arm and protect themselves, and also keeping a limit of just a handful of DEA agents in that country. They do not want drug agents in that country, because the corruption from the police level to the President's office and throughout the states of Mexico has in fact run rampant, and in fact Mexico has thwarted again all of our efforts at enforcement, going so far as in the largest operation in the hemisphere, probably the history of this hemisphere, to go after corrupt money laundering in Mexico, operation Casa Blanca, where Mexican officials threatened the arrest of United States customs officials and others involved in bringing to justice Mexican and U.S. and other banking officials who were involved in that huge money laundering scheme.

So, another failure, a failure in Colombia, now a source of 70 to 80 percent of the heroin. Again, almost zero was produced in 1992–1993. Further, Mexico, after giving Mexico incredible trade benefits, financial benefits, opening our borders to Mexico, in fact this administration had failed to gain their cooperation in the devastation that is raining on our communities, and a 20 percent increase in black tar Mexican heroin on our streets in a 1 year period of time.

Mr. Speaker, as I continue talking about the drug narcotic problem and I focus some on heroin tonight and also on teen use of heroin, which we have seen a dramatic increase in, and also the tremendous volume of heroin coming across our borders, I wanted to report some of the other statistics that we found relating to this new phenomena.

□ 2340

The number of heroin users in the United States has increased, again, according to the last chart I showed, from 500,000, half a million in 1996 to 980,000 in 1999; and we know exactly where that heroin is coming from. We know why that heroin is coming into the United States.

One of the interesting statistics in this report was that the rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to 2.7 in 1,000 in 1996. First-time heroin users are getting younger, from an average age of 26 years old in 1991 to an average age in 1997 of only 17 years of age.

Again, I have cited the failure of this administration's policy in curtailing some 60, 70 percent of the heroin coming in, which is produced in Colombia now and, again, almost none produced there in 1992, through 1993; 17 percent of the heroin in the United States now coming from Mexico. We know, looking at this map, we have Colombia, which is the source of most of the heroin; we know that it is leaving this area.

We also know that since we have instituted very successful programs in Peru and Bolivia where they have cut coca production and cocaine production by some 50 to 60 percent in this area through a successful program set up by the gentleman from Illinois (Mr. HASTERT), the previous Chair of the Subcommittee on Drug Policy, those successful programs, coupled with the failure of the administration's program to institute the same type of actions in Colombia, again, even though the Congress appropriated funds; even though the Congress directed those programs to take place in Colombia, we now have some 80 percent of the cocaine produced and coca produced in Colombia. So we know we need Colombia covered as far as surveillance information, as far as knowing where drugs are coming from, as far as going after drugs at their source.

Unfortunately, in May of last year, the surveillance flights stopped from our major forward operating location in the Caribbean, that was in Panama, and of course the United States, it is now history, was forced to remove all of its operations, turn over $10 billion in assets to Panama, close down its antinarcotics flights from that area. This chart that I have here shows the patchwork that is being put together by the administration in trying to replace what we had in Panama. Panama had a strategic location and could cover all of this region with flights out of that area. Unfortunately, between 1992 and 1999, one of our more recent reports that we requested showed that the administration had cut these flights some 68 percent. Additionally, maritime actions and surveillance operations were cut by some 62 percent.

So that is why we have a flood of heroin coming into this area. We do not have these locations that are starred here and circled here, which we intended as substitutes for the Panama operation in place or fully operational. At this time we have in Manta, Ecuador an air strip. We have just signed a 10-year agreement after a year delay; but unfortunately, there is somewhere in the neighborhood of $80 million to $100 million in work that has to be done, and an outdate of the year 2002 before this operation will become fully capable of functioning. We have in Curacao and Aruba a limited amount of coverage from that location, and the star here in El Salvador, we have no operations in that location. We are just in the process of concluding an agreement which must be presented to their legislature.

When we get through with this, we are probably looking at $150 million. Now, we lost $10 billion in assets to Panama, were kicked, basically, out of Howard Air Force base, so we have no drug operations in that location. We only have a fraction of the former drug surveillance flights, so there is a fraction of the information getting to stop illegal narcotics. Of course, we know the history of the administration blocking aid and equipment to Colombia. Repeated requests for 5 years to get Black Hawk helicopters to Colombia which can operate in high altitudes, eradicate crops, go after drug traffickers, and we know that the narco-traffickers who were involved in drug production are also financing the civil war in that country in which some 35,000 people have been slaughtered; 5,000 police, elected officials, supreme court members, members of their congress have been slaughtered; and yet we have not been able to get even basic equipment in there in the form of helicopters that have been promised for some number of years now. Even when that equipment was delivered at the end of last year, after numerous delays, it was delivered there without the proper armoring and without the proper ammunition.

Mr. Speaker, we found that some of the ammunition that we had been requesting for years to get down to Colombia to go after the drug traffickers was, in fact, delivered to the loading dock of the State Department during the Christmas holidays; and now we find, even more disturbing, that some of the bulk of the ammunition that has been supplied to Colombia is outdated, possibly dangerous, 1952 ammunition that was purchased by the State Department in a bungled procurement.

This is a very sad picture, but it is a very true picture of what has taken place. Again, this is not in place, this is what is proposed, but this accounts for the flood of heroin coming into the United States out of that transit through Mexico, through the Caribbean. Much of it, we found in recent hearings, is transshipped through Haiti. Here is another incredible failure of this administration, spending some $3 billion, one of the most farcical foreign policy adventures in the history of the entire Western Hemisphere.

Mr. Speaker, after repeated pleas with President Clinton, I came to this floor many times saying, we cannot impose an economic embargo on a country where people are making less than a dollar a day, where the country is basically operating with 60,000 to 80,000 manufacturing jobs by U.S. businesses who have invested in that country, imposing an embargo that closed down industry, manufacturing, private sector activity through the entire population on to a Clinton-style welfare program which we are now supporting, and Haiti is a country in which taxpayers of the United States not only got into this subsidization and welfare because the Clinton policy destroyed the economy, but we now see Haiti as the major transshipment point through the Caribbean in a lawless society which, just within the last number of hours, has conducted an election and we will see how that goes. In the meantime, the puppets that we have put in place have slaughtered people in unprecedented numbers; and chaos reigns on the island, which is now open to drug traffickers.

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We had before our subcommittee some videotapes of drug traffickers landing at will and transshipping heroin and other illegal narcotics, cocaine, through Haiti, again where we spent hundreds of millions of dollars supposedly building judicial institutions, police forces and other expenditures to so-called nation build that have been a complete failure.

So this is why we have unprecedented quantities of heroin coming into the United States. It would be bad enough if we just had heroin and cocaine, but these charts which I showed last week, I would like to bring up again tonight, and again I did not produce them. The administration's own Commission on Sentencing brought these to our subcommittee and it shows crack in yellow and the darker color here is methamphetamine and it shows 1992 almost not on the charts. The prevalence in 1993 begins to increase with the advent of this administration; 1994, it becomes an even broader pattern across the United States; 1995, spreads even further. One would think this was something put out by the Republican National Committee here as propaganda but, in fact, these are the charts that were given to us by the administration's own Sentencing Commission.

Look at the prevalence of crack in 1996 and methamphetamines, 1997; 1998 reaching epidemic proportions. We not only have heroin epidemics in parts of the country, an increase as a result again of this huge influx coming from Colombia and also from Mexico, two major failures of U.S. foreign policy, some of it through Haiti, another failure of policy, we now have an incredible meth and crack epidemic in many parts of our country. The chemical that helps produce this, and meth gangs in our hearings have produced some incredible results and documentation, the meth dealers and the meth product is coming out of Mexico to communities like Iowa and we will be going out there to do a hearing shortly, our subcommittee. We held hearings in Sacramento, in that area of the State, and San Diego. Meth epidemics, incredible tales of how methamphetamines destroys people's lives, causes them to abandon their children. It is far worse than the crack epidemic that we had in the 1980s, and meth does incredible damage to people, causes them to commit bizarre acts.

What was interesting, again these two charts show the meth epidemic and crack epidemic across this country, is that we have had in our Subcommittee on Drug Policy criminal justice drug policy scientists who show us what meth does to the brain.

Tonight, as we get towards the end, I wanted to show a little bit to the Members of Congress and others who are watching what takes place. This is a scientific brain scan presented again to our subcommittee. It shows the normal brain here, and we see a lot of the yellow here. This would be the normal brain pattern. Then it shows a gradual reduction in dopamine, which is so important to brain function, because of meth use. This is additional methamphetamine use. The only thing a habitual methamphetamine user has differently from this last brain scan, if we look at that, is a tiny bit of brain capability left. The last scan is severe Parkinson's's disease. So meth destroys the brain and brain function. It is not something that regenerates, according to the scientists.

This is a very graphic illustration of the destruction of the human mind, the brain, and it accounts for the incredible acts of violence, the spouse abuse, the child abuse, the abandonment of family and life as we know it when people become addicted and their brain is destroyed by methamphetamine.

Unfortunately, as I said also, heroin, which has such a glamorous connotation today, is more deadly than it has ever been. In the 60, 70 percent purity levels, when mixed with other substances, it is accounting for incredible record numbers of deaths across the United States. When used sometimes by first-time users it results in fatalities and drug-related deaths at record levels. The only thing that has kept our level of heroin deaths at a gradual increase in deaths and not even higher records is the ability now to provide anecdote medical treatment, emergency treatment. However, admissions for overdoses are, in fact, soaring, as I cited, throughout every region of the United States. Unfortunately, it is not a very pretty picture. Unfortunately there have been some serious mistakes made by this administration, by the Congress when it was controlled by the other side from 1992 to 1994.

It is a difficult task to pick up humpty-dumpty, so to speak, and put it back together. It is a difficult task to conduct a war on drugs after a war, in fact, has been dismantled.

I am pleased that the Republican-controlled Congress has dramatically increased the funding of programs across the board in a very balanced fashion. The success that we knew in the Reagan and Bush administration when drugs were going down, according to charts not produced by me but universities and others, very competent sources, showed that that was a successful program. So this Republican-controlled Congress has increased source country programs back to the 1992 levels, the 1991 levels.

Interdiction, we are trying to bring the military back in to this program. The military does not arrest anyone. It merely provides surveillance information. And reinstitute forward operating locations which have been dismantled under this administration and allowed that incredible volume of hard, deadly, more pure drugs come in to our border.

We have begun a billion dollar unprecedented match by a billion dollars in donated time; a national media campaign which is one year underway; and we are working to improve that. We are trying to fund treatment and prevention programs at an unparalleled level, in fact have dramatically increased the Federal funding for treatment programs and again put in place hopefully a balanced approach to the problem of illegal narcotics.

It is my hope, Mr. Speaker, that we can work, as we conclude the 13 appropriation bills, in funding a real effort against illegal narcotics, a real war against illegal drugs as a multifaceted project in the Congress because we have 13 appropriation bills and many of them deal with pieces of this puzzle. Putting it back together, in fact, is important. We have stalled in getting the money to Colombia and that is a horrible mistake and shame on both sides of the aisle. Shame on this administration and this President for not getting that package here in a timely fashion and acting on it. We know that heroin is coming from Colombia and Mexico and we must stop illegal narcotics at their source.

## REPORT ON RESOLUTION PROVIDING FOR FURTHER CONSIDERATION OF H.R. 4444, AUTHORIZING EXTENSION OF NONDISCRIMINATORY TREATMENT (NORMAL TRADE RELATIONS TREATMENT) TO PEOPLE'S REPUBLIC OF CHINA

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–636) on the resolution (H. Res. 510) providing for consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

## REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3916, TELEPHONE EXCISE TAX REPEAL ACT

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 106–637) on the resolution (H. Res. 511) providing for consideration of the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other telecommunications services, which was referred to the House Calendar and ordered to be printed.

## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAPUANO (at the request of Mr. GEPHARDT) for today on account of attending Congressman WEINER's brother's funeral.

Mr. LARSON (at the request of Mr. GEPHARDT) for today on account of attending Congressman WEINER's brother's funeral.

Mr. PEASE (at the request of Mr. ARMEY) for after 11:00 a.m. today until 4:00 p.m. May 24 on account of personal reasons.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. KLECZKA) to revise and extend their remarks and include extraneous material:)

Ms. VELÁZQUEZ, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. ETHERIDGE, for 5 minutes, today.
Mr. BAIRD, for 5 minutes, today.
Ms. BROWN of Florida, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Mr. BLUMENAUER, for 5 minutes, today.
Mrs. JONES of Ohio, for 5 minutes, today.
Mr. SHERMAN, for 5 minutes, today.
Mr. OBEY, for 5 minutes, today.
Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. GREENWOOD) to revise and extend their remarks and include extraneous material:)

Mr. NETHERCUTT, for 5 minutes, today.
Mr. DAVIS of Virginia, for 5 minutes, today.
Mr. HULSHOF, for 5 minutes, today.
Mrs. ROUKEMA, for 5 minutes, today.
Mr. METCALF, for 5 minutes, today.
Mr. GUTKNECHT, for 5 minutes, today.
Mr. BUYER, for 5 minutes, May 24.
Mr. LAZIO, for 5 minutes, May 24.
Mr. REGULA, for 5 minutes, May 24.
Mr. ROHRABACHER, for 5 minutes, today.

## ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 154. An act to allow the Secretary of the Interior and the Secretary of Agriculture to establish a fee system for commercial filming activities on Federal land, and for other purposes.

H.R. 834. An act to extent the authorization for the Historic Preservation Fund and the Advisory Council on Historic Preservation, and for other purposes.

H.R. 1832. An act to reform unfair and anticompetitive practices in the professional boxing industry.

## SENATE ENROLLED BILL AND JOINT RESOLUTION SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles.

S. 1836. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of Alabama.

S.J. Res. 44. An act supporting the Day of Honor 2000 to honor and recognize the service of minority veterans in the United States Forces during World War II.

## BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Administration, reported that that committee did on the following date present to the President, for his approval, bills of the House of the following titles:

On May 22, 2000:

H.R. 3707. To authorize funds for the construction of a facility in Taipei, Taiwan suitable for the mission of the American Institute of Taiwan.

H.R. 3629. To amend the Higher Education Act of 1965 to improve the program for American Indian Tribal Colleges, and Universities under Part A of title III.

## ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock a.m.), the House adjourned until tomorrow, Wednesday, May 24, 2000, at 10 a.m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

7775. A letter from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting the Administration's final rule—Loan Policies and Operations; Participations (RIN: 3052–AB87) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

7776. A letter from the the Director, the Office of Management and Budget, transmitting Cumulative report on rescissions and deferrals, pursuant to 2 U.S.C. 685(e); (H. Doc. No. 106—246); to the Committee on Appropriations and ordered to be printed.

7777. A letter from the Acting General Counsel, Department of Defense, transmitting proposed legislation, "to Reimburse Military Recruiters, Senior ROTC Cadre, and Military Entrance Processing Personnel For Certain Parking Expenses"; to the Committee on Armed Services.

7778. A letter from the Secretary of Defense, transmitting the approved retirement and advancement to the grade of general on the retired list of General Lloyd W. Newton, United States Air Force; to the Committee on Armed Services.

7779. A letter from the Executive Director, Emergency Oil & Gas Guaranteed Loan Board, transmitting the Board's final rule—Emergency Oil and Gas Guaranteed Loan Program; Conforming Changes (RIN: 3003–ZA00) received April 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

7780. A letter from the Assistant Secretary, Occupational Safety and Health Administration, Department of Labor, transmitting the Department's final rule—Nevada State Plan; Final Approval Determination [Docket No. T–033] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

7781. A letter from the Director, Regulations Policy and Managment Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Code of Federal Regulations; Technical Amendments [Docket No. 00N–1217] received April 13, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7782. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Energy Compensation Sources for Well Logging and Other Regulatory Clarifications (RIN: 3150–AG14) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

7783. A communication from the President of the United States, transmitting Progress toward a negotiated settlement of the Cyprus question covering the period February 1–March 31, 2000, pursuant to 22 U.S.C. 2373(c); (H. Doc. No. 106—247); to the Committee on International Relations and ordered to be printed.

7784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia [Transmittal No. DTC 010–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7785. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 011–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7786. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Saudi Arabia [Transmittal No. DTC 002–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7787. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany [Transmittal No. DTC 009–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7788. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to French Guiana or Sea Launch [Transmittal No. DTC 025–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7789. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Japan [Transmittal No. DTC 005–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7790. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Egypt [Transmittal No. DTC 004–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7791. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 006–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7792. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed Manufacturing License Agreement with Japan [Transmittal No. DTC 007–00], pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

7793. A letter from the Comptroller of the Currency, transmitting the 1999 Performance Report; to the Committee on Government Reform.

7794. A letter from the Managing Director, Federal Housing Finance Board, transmitting the Board's final rule—Amendments to the Freedom of Information Act Regulation [No. 2000–19] (RIN: 3069–AB02) received April 24, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

7795. A letter from the Director, Office of Government Ethics, transmitting the Annual Program Performance Report for FY 1999; to the Committee on Government Reform.

7796. A letter from the Secretary, Premerger Notification Office, Bureau of Competition, Federal Trade Commission, transmitting the Commission's final rule—Premerger Notification: Reporting and Waiting Period Requirements [Billing Code: 6750–01P] received April 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

7797. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Eurocopter France Model AS–350B, BA, B1, B2, C, D, and D1, and AS–355E, F, F1, F2 and N Helicopters [Docket No. 98–SW–82–AD; Amendment 39–11681; AD 86–15–10 R2] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7798. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Series Airplanes Equipped With Rolls-Royce 532–7 "Dart 7" (RDa-7) Series Engines [Docket No. 2000–NM–95–AD; Amendment 39–11684; AD 2000–07–28] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7799. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Various Transport Category Airplanes Equipped With Certain Honeywell Air Data Inertial Reference Units [Docket No. 2000–NM–83–AD; Amendment 39–11683; AD 2000–07–27] (RIN: 2120–AA64) received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7800. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29997; Amdt. No. 1988] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7801. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29996; Amdt. No. 1987] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7802. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 29995; Amdt. No. 1986] received April 28, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

7803. A letter from the the Legislative Special Assistant, the Veterans of Foreign Wars of the U.S., transmitting proceedings of the 99th National Convention of the Veterans of Foreign Wars of the United States, held in San Antonio, Texas, August 29–September 4, 1998, pursuant to 36 U.S.C. 118 and 44 U.S.C. 1332; (H. Doc. No. 106—245); to the Committee on Veterans' Affairs and ordered to be printed.

7804. A letter from the Deputy Executive Secretary, Health Care Financing Administration, Department of Health and Human Services, transmitting the Department's final rule—Medicare Program; Suggestion Program on Methods to Improve Medicare Efficiency [HCFA–4000–FC] (RIN: 0938–AJ30) received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7805. A letter from the Deputy Executive Secretary, Office of the Inspector General, Department of Health and Human Services, transmitting the Department's final rule—Health Care Fraud and Abuse Data Collection Program: Reporting of Final Adverse Actions—received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Commerce.

7806. A letter from the Secretary and Executive Director, Pension Benefit Guaranty Corporation, transmitting the 25th Annual Report of the Corporation, which includes the Corporation's financial statements as of September 30, 1999, pursuant to 29 U.S.C. 1308; jointly to the Committees on Education and the Workforce, Ways and Means, and Government Reform.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 297. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; with amendments (Rept. 106–633). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 2498. A bill to amend the Public Health Service Act to provide for recommendations of the Secretary of Health and Human Services regarding the placement of automatic external defibrillators and Federal buildings in order to improve survival rates of individuals who experience cardiac arrest in such buildings, and to establish protections from civil liability arising from the emergency use of the devices; with an amendment (Rept. 106–634). Referred to the Committee of the Whole House on the State of the Union.

Mr. TAYLOR of North Carolina: Committee on Appropriations. H.R. 4516. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–635). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 510. Resolution providing for further consideration of the bill (H.R. 4444) to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China (Rept. 106–636). Referred to the House Calendar.

Mr. LINDER: Committee on Rules. House Resolution 511. Resolution providing for consideration of the bill (H.R. 3916) to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communication services (Rept. 106–637). Referred to the House Calendar.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 2764. A bill to license America's Private Investment Companies and provide enhanced credit to stimulate private investment in low-income communities, and for other purposes; with an amendment (Rept. 106–638). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. GONZALEZ (for himself, Ms. Velazquez, Mr. Rodriguez, and Mr. Hinojosa):

H.R. 4515. A bill to amend the Internal Revenue Code of 1986 to reduce the interest rate on installment payments of the estate tax on closely held business interests; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina:

H.R. 4516. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes; House Calendar No. 350. House Report No. 106–635.

By Mr. SUNUNU (for himself and Mr. Bass):

H.R. 4517. A bill to designate the facility of the United States Postal Service located at 24 Tsienneto Road in Derry, New Hampshire, as the "Alan B. Shepard, Jr. Post Office Building"; to the Committee on Government Reform.

By Mr. DOOLEY of California (for himself and Mr. Smith of Washington):

H.R. 4518. A bill to amend the Elementary and Secondary Education Act of 1965, to reauthorize and make improvements to that Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. FRANKS of New Jersey:

H.R. 4519. A bill to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING (for himself, Mr. Kildee, and Ms. Woolsey):

H.R. 4520. A bill to amend the Richard B. Russell National School Lunch Act to improve program integrity of the child and adult care food program; to the Committee on Education and the Workforce.

By Mr. HILL of Montana (for himself, Mr. Kasich, Mr. Young of Alaska, Mr. Hansen, Mr. Souder, Mr. Cannon, Mrs. Cubin, Mr. Tauzin, Mr. Gilchrest, Mr. Cooksey, Ms. Dunn, Mr. Pitts, Mr. Thune, Mr. Watkins, Mr. Cook, Mr. Jones of North Carolina, Mr. Manzullo, Mr. Doolittle, Mr. Nethercutt, Mr. Riley, Mr. Portman, Mr. Pomeroy, Mr. Hutchinson, Mr. Lucas of Kentucky, Mr. Blunt, Mr. Gibbons, Ms. Granger, Mr. Sessions, Mr. Abercrombie, Mr. Pombo, Mr. Sununu, Mr. Hastings of Washington, Mr. Shimkus, and Mr. Simpson):

H.R. 4521. A bill to direct the Secretary of the Interior to authorize and provide funding for rehabilitation of the Going-to-the-Sun Road in Glacier National Park, to authorize funds for maintenance of utilities related to the Park, and for other purposes; to the Committee on Resources.

By Mr. PETERSON of Minnesota:

H.R. 4522. A bill to amend title 38, United States Code, to provide a presumption of service connection for certain specified diseases and disabilities in the case of veterans who were exposed during military service to carbon tetrachloride; to the Committee on Veterans' Affairs.

By Mr. SMITH of Michigan:

H.R. 4523. A bill to amend the Agricultural Market Transition Act to permit a producer to lock in a loan deficiency payment rate for a portion of a crop; to the Committee on Agriculture.

By Mr. SMITH of Michigan:

H.R. 4524. A bill to amend the Agricultural Market Transition Act to increase the number of farmers eligible for nonrecourse marketing assistance loans or loan deficiency payments and the amount of production for which such loans and payments are available; to the Committee on Agriculture.

By Mr. STARK:

H.R. 4525. A bill to amend the Public Health Service Act to establish a program under which the Secretary of Health and Human Services makes cash awards to private entities that discover drugs that cure or prevent diseases whose cure or prevention is designated by the Secretary as a national priority; to the Committee on Commerce.

By Mr. TRAFICANT:

H.R. 4526. A bill to provide for the issuance of a semipostal for the American Battle Monuments Commission; to the Committee on Government Reform.

By Mr. UDALL of New Mexico (for himself and Mr. Udall of Colorado):

H.R. 4527. A bill to authorize the President to present a gold medal on behalf of the Congress to the Navajo Code Talkers in recognition of their contributions to the Nation; to the Committee on Banking and Financial Services.

By Mrs. CUBIN:

H. Con. Res. 333. Concurrent resolution providing for the acceptance of a statue of

Chief Washakie, presented by the people of Wyoming, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. FATTAH:

H. Res. 509. A resolution recognizing the importance of African-American music to global culture and calling on the people of the United States to study, reflect on, and celebrate African-American music; to the Committee on Education and the Workforce.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 8: Mrs. Tauscher.

H.R. 347: Mrs. Chenoweth-Hage.

H.R. 363: Mr. Paul.

H.R. 460: Mr. Sandlin, Mr. Blagojevich, and Mr. Packard.

H.R. 827: Mr. Allen.

H.R. 828: Mr. Gilchrest.

H.R. 860: Mr. Visclosky.

H.R. 904: Mr. Kennedy of Rhode Island.

H.R. 920: Mr. Stark, Mr. Evans, and Ms. Woolsey.

H.R. 1020: Mr. Ehrlick, Mrs. Meek of Florida, Mr. Kennedy of Rhode Island, and Mr. Brady of Pennsylvania.

H.R. 1046: Mr. Hinchey, Mr. Baldacci, Mr. Lewis of Kentucky, and Mr. Moran of Kansas.

H.R. 1057: Mr. Evans.

H.R. 1063: Mr. Delahunt.

H.R. 1102: Mrs. McCarthy of New York.

H.R. 1179: Mrs. Chenoweth-Hage.

H.R. 1228: Mr. Clay.

H.R. 1247: Mr. Watts of Oklahoma.

H.R. 1322: Ms. Jackson-Lee of Texas, Mr. Brady of Texas, Mrs. Chenoweth-Hage, Mr. Hansen, Mr. Moran of Kansas, Mr. Watkins, Mr. Reynolds, Mr. Diaz-Balart, Mrs. Biggert, Mr. Ewing, Mr. Etheridge, Mr. Barrett of Wisconsin, Mr. Andrews, Mr. Radanovich, and Mr. Doolittle.

H.R. 1505: Mr. Bishop.

H.R. 1560: Mr. McInnis and Mr. Ehlers.

H.R. 1592: Mr. Largent.

H.R. 1621: Ms. Eddie Bernice Johnson of Texas, Mr. Bishop, and Mr. Rodriguez.

H.R. 2613: Mr. Green of Wisconsin, Mr. Gonzalez, Mr. Hutchinson, and Mr. Baird.

H.R. 2660: Ms. Berkley.

H.R. 2720: Ms. Pryce of Ohio, Mr. Manzullo, and Ms. McKinney.

H.R. 2774: Mr. Olver and Mrs. Mink of Hawaii.

H.R. 2814: Mr. Lipinski.

H.R. 2892: Mr. Ehrlich.

H.R. 2953: Mr. Watkins and Mr. Clement.

H.R. 3006: Mr. Evans.

H.R. 3055: Mr. Baldacci.

H.R. 3083: Mr. Forbes.

H.R. 3132: Mr. Weygand.

H.R. 3144: Mr. Lipinski.

H.R. 3192: Mr. Kucinich, Mr. Jefferson, Mr. Sawyer, Mr. Andrews, Mr. Sabo, Mr. Dixon, Ms. DeLauro, Mr. George Miller of California, and Mr. Weygand.

H.R. 3198: Mr. Bishop and Mr. Collins.

H.R. 3256: Mr. Upton.

H.R. 3315: Mr. Lantos.

H.R. 3463: Mr. Menendez.

H.R. 3518: Mr. Kolbe.

H.R. 3544: Mrs. Roukema, Mr. Cooksey, Ms. McCarthy of Missouri, and Ms. Granger.

H.R. 3569: Ms. DeGette.

H.R. 3575: Mr. Stenholm.

H.R. 3578: Mr. Rogan.

H.R. 3593: Mr. Houghton.

H.R. 3625: Mr. Jefferson, Mrs. Myrick, and Mr. Kolbe.

H.R. 3628: Ms. Rivers and Mr. McHugh.

H.R. 3634: Mr. Baird.

H.R. 3677: Mr. Hyde.

H.R. 3688: Ms. Slaughter, Mr. Davis of Virginia, Mr. Kennedy of Rhode Island, Ms. Velazquez, Mr. Abercrombie, Mr. McDermott, Mr. Lantos, Mr. Rothman, and Mr. Tierney.

H.R. 3710: Ms. Danner, Mr. Cramer, Mr. Dicks, Mr. Ford, Mr. Engel, and Mr. Baird.

H.R. 3915: Mr. Campbell and Mr. Gilchrest.

H.R. 3981: Mr. Lantos.

H.R. 4013: Mr. Ganske.

H.R. 4034: Mr. Norwood.

H.R. 4041: Mr. Baldacci, Mr. Bonior, Mr. Lipinski, Mr. Olver, Mr. Rangel, Ms. Schakowsky, Mrs. Tauscher, and Mr. Evans.

H.R. 4042: Mr. Bonior, Mr. Lipinski, Mr. Olver, Mr. Rangel, Ms. Schakowsky, Mrs. Tauscher, Ms. Hooley of Oregon, Mr. Sherman, and Ms. Pelosi.

H.R. 4132: Mr. Pallone, Mr. Abercrombie, and Mr. Wicker.

H.R. 4168: Mr. Barcia, Mr. Sisisky, and Mr. Lucas of Kentucky.

H.R. 4204: Mr. Gary Miller of California.

H.R. 4206: Ms. Lee, Mr. Romero-Barcelo, and Mrs. Jones of Ohio.

H.R. 4214: Mr. Shimkus and Mr. Gilchrest.

H.R. 4219: Mr. Aderholt, Mr. Manzullo, Mr. Larson, Mr. Foley, Mr. Tierney, Mr. Nethercutt, Mr. Hastings of Florida, Mr. Blumenauer, Mr. Borski, Mrs. Kelly, Mrs. Thurman, and Mr. Maloney of Connecticut.

H.R. 4245: Mr. Shimkus.

H.R. 4257: Mr. Norwood, Mr. Dickey, Mr. Souder, Mr. Green of Texas, and Mr. Schaffer.

H.R. 4259: Mr. Terry, Mr. Larson, Mr. Condit, Mr. Oberstar, Mr. Towns, Mr. Abercrombie, Mr. George Miller of California, and Mr. Moran of Kansas.

H.R. 4274; Mr. Bonilla, Mr. Greenwood, Mr. Kuykendall, Mr. Gilchrest, Mr. Goode, Mr. Burton of Indiana, Mrs. Fowler, Mr. Quinn, and Mr. Salmon.

H.R. 4303: Mr. Souder.

H.R. 4320: Mr. Evans.

H.R. 4329: Mr. Smith of Washington.

H.R. 4357: Mrs. Thurman and Ms. Millender-McDonald.

H.R. 4453: Mr. Tierney and Mr. Lantos.

H.R. 4479: Mr. Deutsch and Mr. Romero-Barceló.

H.R. 4489: Mr. Rodriguez, Mr. Knollenberg, and Mr. Peterson of Minnesota.

H.J. Res. 98: Mr. Becerra.

H. Con. Res. 133: Mr. Holt.

H. Con. Res. 275: Mr. Spratt.

H. Con. Res. 285: Mr. Baldacci, Mr. Wolf, and Mr. Etheridge.

H. Con. Res. 305: Mr. Peterson of Pennsylvania, Mr. Tauzin, Mr. Boehner, Mr. Skeen, Mr. Young of Alaska, Mr. LaHood, Mr. Ryun of Kansas, Mr. Canady of Florida, Mr. Bilirakis, Mr. Deal of Georgia, Mr. Cunningham, Mr. Ehlers, Mr. Packard, Mr. Nussle, Mr. Wicker, Mr. Callahan, Mr. Calvert, Mr. Everett, Mr. Rohrabacher, Mr. Watts of Oklahoma, Mr. Spence, Mr. Hulshof, Mr. Riley, Mr. Stump, Mr. Metcalf, Mr. Crane, and Mr. Burr of North Carolina.

H. Con. Res. 306: Mr. Pallone, Mr. Holt, Mr. Menendez, Mr. Hinojosa, Ms. Berkley, Mr. Neal of Massachusetts, Mr. Shows, Mr. Brown of Ohio, Mr. Bachus, Mr. Green of Texas, Mr. Inslee, Mr. Kucinich, Mr. Capuano, Mr. Cummings, Ms. Brown of Florida, Mr. Tierney, Mr. DeFazio, Mrs. Christensen, Mr. Stark, Mr. Shays, Mr. Evans, Mr. Clay, Mr. Lipinski, Mr. Hastings of Florida, Mr. Olver, Mr. Ehrlich, Mrs. Tauscher, Mrs. Biggert, Mr. Rodriguez, Mr. Nethercutt, Ms. Jackson-Lee of Texas, Mr. Costello, Mr. Dixon, Mr. LaFalce, Mr. Manzullo, Mr. Frank of Massachusetts, Mr. Snyder, Mr. Dicks, Mr. Andrews, Mr. Filner, Mrs. Mink of Hawaii, Mr. Kind, Mr. Porter, Mr. Udall of Colorado, Mr. Diaz-Balart, Mr. Payne, Ms. Eddie Bernice Johnson of Texas, Mr. Delahunt, and Mrs. McCarthy of New York.

H. Con. Res. 307: Ms. Stabenow, Mr. Frost, Mrs. Morella, Mr. Pascrell, Mr. Franks of New Jersey, Mr. Stark, Mr. Engel, Mr. McGovern, Mr. Tiahrt, Mr. McNulty, Mr. Shaw, and Mr. Filner.

H. Con. Res. 311: Mrs. Northup.

H. Con. Res. 321: Mr. Reyes, Mr. Cramer, Mr. Bachus, Ms. Eddie Bernice Johnson of Texas, Mr. Rush, Mr. Ortiz, Mr. Blumenauer, Mr. Sandlin, Mr. Kennedy of Rhode Island, Mr. Price of North Carolina, and Mr. Nethercutt.

H. Con. Res. 322: Mr. Coble and Mr. Lantos.

H. Con. Res. 323: Mr. Kildee, Mrs. Morella, Mr. Stark, Mr. Cummings, Mr. Cook, Mr. McGovern, Mr. McNulty, and Mr. Lantos.

H. Res. 187: Ms. Woolsey.

H. Res. 347: Mr. Brady of Pennsylvania.

H. Res. 458: Mr. McNulty.

## AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4461

Offered By: Mr. Andrews

Amendment No. 12: At the end of title VII of the bill, add the following new section:

Sec. 753. Section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)) is amended by adding at the end the following new paragraph:

"(13) Guarantees for refinancing loans.—Upon the request of the borrower, the Secretary shall guarantee a loan that is made to refinance an existing loan that is made under this section or guaranteed under this subsection, and that the Secretary determines complies with the following requirements:

"(A) Interest rate.—The refinancing loan shall have a rate of interest that is fixed over the term of the loan and does not exceed the interest rate of the loan being refinanced.

"(B) Security.—The refinancing loan shall be secured by the same single-family residence as was the loan being refinanced, which shall be owned by the borrower and occupied by the borrower as the principal residence of the borrower.

"(C) Amount.—The principal obligation under the refinancing loan shall not exceed an amount equal to the sum of the balance of the loan being refinanced and such closing costs as may be authorized by the Secretary, which shall include a discount not exceeding 2 basis points and an origination fee not exceeding such amount as the Secretary shall prescribe.

The provisions of the last sentence of paragraph (1) and paragraphs (2), (5), (6)(A), (7), and (9) shall apply to loans guaranteed under this subsection, and no other provisions of paragraphs (1) through (12) shall apply to such loans.".

H.R. 4461

Offered By: Mr. Capuano

Amendment No. 13: Page 95, after line 19, insert the following:

**SEC. 809. REPORTS.**

Not later than 1 year after the date on which the President terminates an existing unilateral agricultural sanction or medical sanction pursuant to section 803(b), and not later than 1 year after the date on which a new unilateral agricultural sanction or medical sanction is terminated pursuant to section 806, the President shall prepare and transmit to Congress a report that contains a description of any occurrence of food or medicine that has been prevented from reaching intended populations by the foreign country or foreign entity involved, any occurrence of stockpiling of food or medicine by the country or entity involved, and any effort by the country or entity involved to foster distribution of food and medicine to the population.

Page 95, line 20, redesignate section 809 as section 810.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 14: Page 21, after line 4, insert the following new paragraph:

For an additional amount to prevent, control, and eradicate pests and plant and animal diseases, $53,100,000, to remain available until expended: *Provided*, That the entire amount under this paragraph shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress: *Provided further*, That the entire amount under this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

H.R. 4461

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 15: Page 85 after line 15, insert the following new section:

SEC. . The Secretary of Agriculture shall use not more than $80,000,000 of the funds of the Commodity Credit Corporation for equity capital and grants to establish farmer-owned cooperatives composed of small- and medium-sized producers and other cooperatives that create opportunities in rural America, for feasibility studies, business development strategies, restructuring small- and medium-sized enterprises, and the processing and marketing of agricultural commodities (including livestock), which amount shall remain available for such purpose until expended: *Provided*, That such amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 as amended: *Provided further*, That the entire amount shall be available only to the extent that an official budget request that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress. The total amount of equity capital and grants provided to a single entity under this section shall not exceed $10,000,000.

# EXTENSIONS OF REMARKS

## SECRETARY ALBRIGHT'S REMARKS ON THE ANNIVERSARY OF BURMA'S MILITARY COUP

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. LANTOS. Mr. Speaker, just a few days ago, here on Capitol Hill, our outstanding Secretary of State, Madeleine K. Albright, and the National Endowment for Democracy, joined by a number of Members of Congress marked the 10th anniversary of the election victory of Burma's National League for Democracy led by Aung San Suu Kyi in free Burmese elections in May 1990. Shortly after that democratic victory, the Burmese military annulled the results of the election and seized power in a military coup.

After the military crackdown against the victors of the democratic election, supporters of the National League for Democracy were arrested and many were forced to flee their homeland. Aung San Suu Kyi was placed under house arrest, and has been harassed and intimidated by the vicious and brutal military dictatorship. In appropriate recognition of her peaceful struggle for democratic change in Burma, Aung San Suu Kyi received the Nobel Peace Prize in 1991. The continued military harassment of Ms. Suu Kyi was so intense and bitter that she refused to leave Burma last year when she learned that her husband was dying of cancer in the United Kingdom. It was clear that the military junta would not permit her to return to Burma if she had left.

Aung San Suu Kyi was able to speak to the gathering only via a videotaped message, but she expressed thanks to the United States and other countries for "supporting us in our endeavor to have the results of the 1990 elections recognized at this time, when the military regime are trying hard to pretend that the results of the elections are no longer valid."

Mr. Speaker, in marking this important Burmese anniversary last week, Secretary Albright delivered an impassioned message of support for Aung San Suu Kyi and the Burmese patriots of the National League for Democracy. Secretary Albright said: "We renew our commitment to Aung San Suu Kyi and the National League for Democracy. As long as you struggle, we will do all we can to assist. And we know that you will not stop struggling until you prevail."

Mr. Speaker, that spirit truly pervades the position of the Administration, the Congress, and the American people toward the repressive regime in Burma and toward the heroine, Aung San Suu Kyi, who has the courage and integrity to stand up against that vicious antidemocratic military junta. In her outstanding speech, Secretary Albright strongly reaffirmed the American commitment to the people of Burma. Mr. Speaker, I ask that Secretary Albright's entire speech be placed in the RECORD, and I urge my colleagues to give serious attention to her thoughtful remarks.

REMARKS AT NATIONAL ENDOWMENT FOR DEMOCRACY

Secretary of State Madeleine K. Albright

SECRETARY ALBRIGHT: Thank you very much, Carl, and I am truly pleased to be here today for this event, and I am very pleased to be here with my good friend, Ambassador Vondra, Ambassador Jayanama, and the members of Congress who just left.

But I'm very glad they were here. Congressman Pelosi and Congressman Kucinich, Congressman Lantos and Congressmen Payne and Porter. And they have really been wonderful supporters of democracy and I'm always very pleased to be able to work with them. And there are so many other distinguished colleagues, guests and friends who are here.

The National Endowment for Democracy is one of my favorite institutions. And I think Carl explained why. It has pioneered the use of our own civil society to work with supporters of democracy from other countries and cultures. It's had extraordinary success in helping democracy-builders learn from each other by sharing experiences across national lines. And by so doing has helped to give global impetus to the movement to democracy.

The Open Society Institute and the Institute for Asian Democracy provide further evidence that the desire to choose one's own leaders freely and without fear is indeed a universal human aspiration. It is also a universal human right.

Today, we assemble to mark the tenth anniversary of the last time that right was exercised by the people of Burma, and to pay tribute to the overwhelming winner of those elections, the National League for Democracy, and to its leader Aung San Suu Kyi.

As many of you know, Aung San Suu Kyi is the daughter of the late Aung San, the hero of Burmese independence. She was educated abroad, but in 1988, returned to Burma. This was a period of turbulence, but after years of military rule, a democratic opening did, in fact, seem possible.

Although reluctant at first, Aung San Suu Kyi began to speak out with fearless eloquence, and to electrifying effect. As a result, the 1990 elections were a rout. The NLD won more than 80% of the Parliamentary seats contested.

But instead of respecting the people's voice, the military tried to silence it. The authorities consolidated their own powers, threw dozens of elected representatives in jail, and drove others into exile. Aung San Suu Kyi, herself, spent more than five years under house arrest.

Some time ago, when I was serving as US Permanent Representative to the UN, I traveled to Burma. I met with General Khin Nyunt, head of the military intelligence. We didn't get along very well.

According to the General, the authorities are saving Burma from chaos by imposing stability upon an ethnically diverse population. Thus, he said, the government is not only respected by the Burmese, but loved. "After all", he said, "our people smile all the time."

I replied that, under repressive regimes, people may smile, but they do so out of fear, not happiness. And no true nation can be built on fear.

This is also Aung San Suu Kyi's core message. She has written that it is "not power that corrupts but fear. Fear of losing power corrupts those who wield it and fear of the scourge of power corrupts those who are subject to it."

As Carl mentioned, I did meet Aung San Suu Kyi in 1995. I went to Rangoon immediately after the Women's Conference in Beijing. And she and I, I must say, hit it off immediately. She is a remarkable woman of fragile beauty and inner strength, and I admire her more than almost anyone that I have met.

People often ask me about the symbolism of my jewelry. Well, today here the freedom light and here is a necklace that Aung San Suu Kyi gave me. And if in any way she would know that, I would be very pleased. She is a wonderful person who has kept the spirit alive.

She is using the tenth anniversary of elections to renew her call for a dialogue aimed at returning her country to democracy. The authorities have responded with a new wave of arrests and slanders. In a sense, the battle of wills between Aung San Suu Kyi and the government is grossly unequal. The military has all the weapons of coercion.

So each time Aung San Suu Kyi speaks to her supporters in Burma, she is vulnerable. Each time she expresses outrage about the lack of opportunities available to Burmese children, or the decline in education, the spread of disease, the loss of freedom—she is vulnerable. And each time she records a videotape of the type we just watched, she is vulnerable. Always, she is vulnerable.

We, here in the United States, cannot change that. But we can ensure that Aung San Suu Kyi and her Burmese allies are never alone, for their bravery and sacrifice are part of a larger struggle that has engaged the energies and courage of humankind for generations.

After all, Gandhi was vulnerable when he told a Court in colonial India that "non-cooperation with evil is as much a duty as cooperation with good." In fighting apartheid, Mandela was vulnerable. In defending Jewish emigration, Shcharansky was vulnerable. In asserting her rights, Rosa Parks was vulnerable.

The struggle for freedom is never easy and never over. Progress depends on courageous leaders such as Aung San Suu Kyi, and on those willing to undergo hardships and grave risks such as the members of the NLD. It also depends on us.

Vaclav Havel, who endorsed Aung San Suu Kyi for the Nobel Prize, has told me many times how important it was for those struggling to bring freedom to Central and Eastern Europe to know they had friends around the globe.

Last year, the National Endowment helped bring together the World Movement for Democracy in New Delhi. Next month, the United States will participate in a Community of Democracies conference in Warsaw.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

And our purpose is to see that the democratic tide remains a rising tide around the world, by helping those who have gained freedom to sustain it, and by expressing solidarity with the efforts of those who seek freedom to secure it.

Today, we renew our call to the authorities in Rangoon to abide by the democratic wishes of their people; and to free political prisoners, end torture, fight narcotics production, and halt forced labor.

We renew our commitment to Aung San Suu Kyi and the National League of Democracy. As long as you struggle, we will do all we can to assist. And we know that you will not stop struggling until you prevail.

The yearning for freedom is relentless. The walls it cannot overwhelm, it will nevertheless erode. And I am confident the day will come when Burma is free. And Aung San Suu Kyi's democratic dream will become a reality through the inspiration of his daughter, the bravery of the Burmese people, and the support of those who love liberty around the world.

I thank you all very much for participating in this event because I think that for Aung San Suu Kyi to know that there are people all over that support her must be a source of strength to her. She a truly remarkable woman, and we owe her a great deal.

Thank you very much.

## COLORADO STATE REPRESENTATIVE MARCY MORRISON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Representative Marcy Morrison. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Morrison's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado House of Representatives in 1992, a seat she would hold to present time, she served on the Health and Judiciary Committees. She sponsored the Post Delivery Care for Stays in Hospitals and immunization for more Colorado children. Marcy has also been very active on the health care issues for seniors, the disabled, and child care.

Representative Morrison received many honors. She received the Women of Spirit Award from the Colorado Counseling Association, as well as, the Outstanding School Board Member award-Gates Scholarship from the Kennedy School. Marcy has also received awards from the Colorado Obstetrics & Gynecology Society, the Pediatric Society and the Colorado Planners Association.

This year marked the end of Representative Morrison's tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Morrison a debt of gratitude and I wish her well.

## 1999–2000 GED GRADUATES—COOSA VALLEY TECHNICAL INSTITUTE ROME, GA

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. BARR of Georgia. Mr. Speaker, the first graduate equivalency diploma (GED) tests were developed in 1942 to help returning World War II veterans finish their studies and re-enter civilian life. Then, as now, the GED tests measure the academic skills and knowledge expected of high school graduates in the United States. The GED program has served as a bridge to education and employment for an estimated 13 million people over its 58-year history. Approximately one in seven high school diplomas issued in the United States is based on passing the GED tests, and 68 percent of GED test-takers plan to enter a college, university, trade, technical, or business school in the very next year. During the past 10 years, the number of adults taking special editions of the GED tests (audio cassette and braille) more than doubled.

Today I salute the 1999–2000 GED graduates of Coosa Valley Technical Institute in Rome, GA. Coosa Valley Tech is an official GED testing center, under contract with the Georgia Department of Technical and Adult Education and the American Council on Education. Adults who are 18 years of age and officially withdrawn from school are eligible for testing. Those who pass the GED are awarded the General Educational Development Diploma, and, in Georgia, most are eligible for a $500 HOPE voucher from the State of Georgia to defray costs of continuing education at eligible schools.

The environment of the school is designed to give special attention to adults returning to school to resume educational programs which were interrupted in earlier years. These adults may be refreshing their basic skills to re-enter the job market after a layoff; preparing for the GED tests to qualify for a job or educational program which requires a high school diploma to enter; or working toward a personal educational goal which they have set for themselves. More than 95 percent of employers in the United States consider GED graduates the same as traditional high school graduates when making hiring, salary, and promotion decisions.

Nationwide, statistics indicate more than 800,000 adults take the GED tests each year. Those who obtain scores high enough to earn a GED diploma outperform at least one-third of today's high school seniors.

Some prominent GED graduates include: actor Bill Cosby; Wendy's founder, Dave Thomas; and U.S. Senator BEN NIGHTHORSE CAMPBELL (R–CO).

Not only have adults who obtain their GED worked diligently to reach their educational goal, many did so while holding down full time jobs. Many are mothers or fathers who must care for the needs of their children. Most certainly, they are to be congratulated for their diligence and hard work in achieving their goals. It is hoped each of them will continue to succeed in future endeavors, and statistics indicate that will likely be the case.

It is my honor to place this recognition of the 1999–2000 GED graduates of Coosa Valley Technical Institute into the CONGRESSIONAL RECORD of the 106th Congress of the United States of America.

## HONORING LOCAL LEGACIES PROJECT PARTICIPANTS

### HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. EHLERS. Mr. Speaker, today I recognize the Local Legacies project that has served as the focal point of this year's Library of Congress Bicentennial celebration. Last year, each Member of Congress was asked to submit audio, visual, or textual documentation for at least one significant cultural heritage that has been important to his or her district, serving as a record for future generations. This documentation will be permanently housed in the collections of the Library's American Folklife Center. This evening, Members of Congress and Local Legacies project participants from across the country will gather in the Great Hall of the Thomas Jefferson Building to celebrate the completion of this magnificent collection of historical material.

I am proud to have participated in the Local Legacies project and personally thank volunteers Kathy Kuhn and Eileen Schwarz-Duty, who deserve an enormous amount of credit for gathering and compiling the Local Legacies project for the Third District of Michigan. Kathy and Eileen coordinated the massive effort of documenting The Festival of the Arts: The Nation's Largest All-Volunteer Arts Festival. This Festival is a three-day celebration of the arts held the first full weekend of June in downtown Grand Rapids, Michigan. The first festival was held in 1970 and has grown considerably over the years. In 1998, 20,000 volunteers helped showcase the work of several thousand artists, dancers, musicians, poets, and other performers. Festival is also known for its wide variety of food booths set up by non-profit organizations that highlight various ethnic themes and culinary specialities. Festival hats, water bottles, beanie babies, posters, programs, pins, and a video are just a few of the many items that were submitted on behalf of the Third District. Because of the passion these two individuals have for Festival, the Library of Congress has received the best possible representation to what our major West Michigan event is all about.

I encourage everyone to take a moment to explore the Local Legacies materials that have been submitted for inclusion in the Library's collection. All information regarding Local Legacies, including a complete project listing, can be accessed through the Library's Bicentennial Web site at: http://www.loc.gov/bicentennial.

Mr. Speaker, I ask you and our colleagues to applaud the efforts of volunteers from across the country who have helped in the bicentennial celebration of America's oldest federal cultural institution, the Library of Congress. Thanks to their work and care in preserving the past, the cultural heritage of our nation will be preserved.

## OPENING OF THE POLISH CENTER OF DISCOVERY AND LEARNING AT ELMS COLLEGE IN CHICOPEE, MASSACHUSETTS

### HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. NEAL of Massachusetts. Mr. Speaker, it is my honor today to take a few minutes to recognize a significant event is my district that will both recognize and honor the impact the Polish American culture has made upon western Massachusetts.

On Saturday, June 3rd, the Elms College in Chicopee, Massachusetts will open a new Polish Center of Discovery and Learning. This new center will address a need in the community that is not currently being met by other area academic research centers and cultural associations. The Polish Center will provide support materials for local schools and educational institutions to encourage and assist people in western Massachusetts and from throughout New England to learn about and discover Poland.

The Polish Center will develop a permanent exhibit of historical and cultural materials which will be housed in an inviting community meeting space. The mission of the center will be to offer a variety of workshops, exhibits, concerts, conferences, films, plays and lectures. All of this will be done in an effort to make known the achievements of Americans of Polish descent and others whose relationships with the ethnic Polish culture has contributed to the economy, the arts and the sciences in New England.

The resources at the Polish Center of Discovery and Learning will include a library collection of English language materials for undergraduate students and the general public on topics of Polish history and culture. The Center will also include a database of historical and statistical information with a concentration on Poles in the United States. Historical and cultural artifacts, as well as support materials and bibliographies will be available.

What is most special about the Center, however, is that it will draw upon the collective experiences of people of Polish origin who live within the western Massachusetts area. Programming will be available for adults, children and college students, and traditional Polish customs and traditions will be passed down through the generations.

Mr. Speaker, I am honored to represent such as interesting and unique Center dedicated to learning bans sharing the Polish American culture that thrives in my area. I look forward to working closely with the directors of this Center, and to participating in the many exciting programs and events that are to come in the future.

Congratulations to Elms College for establishing the Polish Center of Discovery and Learning.

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## COLORADO STATE REPRESENTATIVE, DEBBIE ALLEN

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading ladies, State Representative Debbie Allen. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative Allen's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House in 1992, a seat she would hold until present. Representative Allen rose quickly to positions of great importance within the House. Debbie served as the chairman of the Education Committee. Some of her key issues have been crime, law enforcement and educational reform. Debbie is also a Republican activist, serving as the President of the Aurora Republican forum.

Representative Allen also received many honors. She received the Top Metro Legislator award, Friend of Agriculture award, CU Alumni Legislative Award, and the Junior League Champion for Small Children Award. Debbie also received the 5 year award for a 4-H leather instructor.

2000 marked the end of Representative Allen's tenure in the State House of Representatives. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative Allen a debt of gratitude and I wish her well.

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## HONORING WOMEN WHO HAVE SERVED, FOUGHT AND DIED FOR FREEDOM

### HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. EVANS. Mr. Speaker, from our nation's beginning to the present, women have answered the call to duty without hesitation. Like their male counterparts, they put their lives, their goals, and their dreams on hold to serve their nation.

Women's participation in the military dates back as early as the Revolutionary War when in June of 1778 at Monmouth Courthouse a woman came to the aid of General George Washington and his weary troops. Moving across the battlefield binding wounds and dispensing water, this woman, who became known as "Molly Pitcher", noticed that one of the gun positions had ceased firing. She quickly put down her water pitcher, took over the gun position and fired her cannon. She stayed at her station until relived by artillerymen. Historians recorded her deeds and actions and while her true identity is not known, "Molly Pitcher" is representative of the women who served with the Continental Army in our country's fight for independence.

During World War I women served as nurses in the armed forces. By the end of the war, 34,000 women had served in the Army and Navy Nurse Corps, the Marines, and the Coast Guard. These women served with honor not only on American soil, but overseas as well. Three Army nurses received the Distinguished Service Cross, a combaqt medal second only to the Medal of Honor. Twenty-three received the Distinguished Service Medal, the highest non-combat award. Many received foreign medals and some 38 women made the ultimate sacrifice for their nation and were buried overseas in U.S. cemeteries.

World War II ushered in a new era of service for women in the military. In 1942 laws were passed establishing the Women's Army Auxiliary Corps, the Navy Women's Reserve, the Marine Corps Women's Reserve, and the Coast Guard Women's Reserve. With the signing of the Integration Act of 1948, women were given permanent, legal status as enlisted personnel. By the end of the war, roughly 350,000 had served in the armed forces in virtually every occupaiton outside of direct combat. These women all had two things in common—they had all volunteered and they had a desire to serve their nation.

The record of women's service to the Armed Forces does not stop with these early wars. Some 265,000 women served during the Vietnam Era and approximately 35,000 women served during the Persian Gulf War. There can be little doubt that these brave women performed a valuable role in service to our nation. Historical documents are full of testimonials attesting to the excellence of women's service, disciplined character and overall positive efffects on the armed services. The brave women who served and continue to serve this nation desire our respect and gratitude.

None of us who have served in our country's armed forces will ever doubt the importance of the service of women in the military. Accounting for an increasing percentage of those in uniform today, women now hold positions of leadership and achievement few would have predicted, even as recently as World War II.

Today a special observance will be held to honor the women who have served in the Armed Forces. Fittingly, this observance will be held at the Women in Military Service for America Memorial. This will be the third annual observance, honoring women who have served admirably in our armed services, some whom have made the ultimate sacrifice so that Americans may enjoy the liberty and freedom we too often take for granted.

Dedicated on October 18, 1997, the Women's Memorial is an inspiring monument that honors and illustrates America's servicewomen throughout history. Sited at the ceremonial entract to Arlington National Cemetery, it is the nation's only major national memorial honoring women who have served in uniform in and between our Nation's wars.

I join with many of my colleagues today in saluting the women who have proudly and honorably serve in our Nation's military. The debt which we owe them is grat and it is most appropriate to pause today to pay them tribute for their individual and collective contirbutions to our Nation.

## REFORM IN IRAN

### HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. OLVER. Mr. Speaker, I rise today to commend Secretary Madeleine K. Albright for articulating the United States' willingness to engage Iran after Majlis (parliamentary) victories for Iranian reformers. Her effort to expand cultural and economic ties with Iran is wise and appropriate. While I do not condone the egregious violations of human rights and international law that routinely take place in Iran, we must make it clear to reformers there that the U.S. is eager to reciprocate moves toward a friendlier relationship.

Through the election of Mohammad Khatemi and his pro-reform allies in the Iranian parliament, the Iranian people have expressed a desire to moderate their nation's conservative Islamic government. Ali Khamene'i and Iran's other religious leaders, who hold ultimate control over virtually all Iranian policy, have, for the most part, allowed Iran's new elected leadership to take their places in the Majlis. However, the Washington Post recently reported that the Council of Guardians has overturned several electoral victories for reformers at the provincial level, in addition to manipulating Iran's electoral institutions to favor conservatives in parliamentary runoffs. I believe that while the electoral victories represent an important victory for democracy in Iran, the tenuousness of those victories highlights the degree to which Iran's major institutions are still controlled by a handful of oligarchs. There is much work to be done on these issues.

I would also like to recognize the work of Iranian-American citizens who have worked hard to open up economic ties between the U.S. and Iran. I hope that the lifting of luxury imports and increase in travel visas that Secretary Albright announced in her speech will create some improvement in the quality of life for ordinary Iranians. Further, I hope that improvements in Iran's economy will amplify the cries for democracy.

Once again, I want to reiterate my support for Secretary Albright's attempt to engage and bolster Iranian reformers.

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## TRIBUTE TO LOUIS W. FOX ACADEMIC AND TECHNICAL HIGH SCHOOL, RECIPIENT OF THE UNITED STATES DEPARTMENT OF EDUCATION BLUE RIBBON SCHOOL AWARD

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. GONZALEZ. Mr. Speaker, today I offer my sincerest congratulations to Louis W. Fox Academic and Technical High School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Fox Tech High School is among eight schools in San Antonio and 198 schools nationally, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Fox Tech High School will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

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## THE HONORABLE GARY McPHERSON

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, Colorado Representative, Gary McPherson. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative McPherson's dynamic leadership will be greatly missed and difficult to replace.

Elected to the State House of Representatives in 1992, he served on the Appropriations and Judiciary Committees. He dealt with legislation regarding minors and smoking. He has also worked very aggressively on education, crime and welfare reform. Gary was also the vice chairman and the board member of the Arapahoe County Recreation District.

Representative McPherson received many honors. He was named CACI Legislator of the Year and received the Aurora Public Schools' Superintendents' award.

2000 marked the end of Representative McPherson's tenure in the State House of Representatives. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative McPherson a debt of gratitude and I wish him well.

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## REMARKS OF AMBASSADOR DAVID IVRY AT THE DAYS OF REMEMBRANCE COMMEMORATION

### HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. LANTOS. Mr. Speaker, on Thursday, May 4, Members of Congress joined with representatives of the diplomatic corps, executive and judicial branch officials and hundreds of Holocaust survivors and their families to commemorate the Days of Remembrance in the rotunda of the United States Capitol. The theme of this year's commemoration was "The Holocaust and the New Century: The Imperative to Remember."

After more than half a century, Mr. Speaker, we must still commemorate the horrors of the Holocaust in order to honor the memory of those victims of Hitler's twisted tyranny. At the same time, we must mark this catastrophe because mankind still has not learned the lessons of this horror, as evidenced most recently by the mass killings in Kosovo.

Mr. Speaker, David Ivry, Israeli Ambassador to the United States delivered a moving address at this year's Day of Remembrance ceremony. I ask that Ambassador Ivry's remarks at the Days of Remembrance ceremony in the Capitol be placed in the RECORD, and I urge my colleagues to give them thoughtful consideration.

David Ivry was appointed Israeli Ambassador to the United States in January 2000. From 1977 to 1982, he held the rank of Major General and Commander of the Israel Air Force. Ambassador Ivry is a graduate of Technion University, where he earned a Bachelors of Science in Aeronautical Engineering. He has held many governmental posts, most recently serving as Israel's National Security Advisor and Head of the National Security Council. He and his wife Ofra have three children and two grandchildren.

REMARKS OF DAVID IVRY, ISRAELI AMBASSADOR TO THE UNITED STATES

His Excellency, Goran Persson Prime, Prime Minister of Sweden, Mr. Chairman, honored Members of Congress, diplomatic colleagues and friends: "Yizkor—remember." The act of remembering has always been a basic principle for the Jewish people. In order to remember, the Jewish people have a traditional prayer called the Yizkor, which is recited around the world today. The word Yizkor is in the future tense. It teaches us that the act of remembering the past goes beyond the present and pushes humankind into the future.

My father left Czechoslovakia when Hitler came to power. He reached Israel in 1934 and that is where I was born. Our house contains an album with photos of many members of my family who perished in the Shoah. Few understood the danger. Few believed that such a tragedy could take place. Few imagined that the human mind could conceive such a twisted path. Even today it is difficult to understand. There were brave individuals who provided shelter to Jews. My father's sister was given shelter and hidden by a Christian family in Bratislava, and at the end of the war she made Aliya to Israel. We must also remember those who extended a hand while endangering themselves.

Ladies and gentlemen, in my career as an Air Force pilot, I was given the privilege to view the world from thirty thousand feet and above. From that altitude, armed with the responsibility and collective memory of our people's history, one can see the past, present and future. We were given the opportunity to engage and destroy the immediate threats that faced the Jewish nation. And we committed ourselves to diminish the threats to future generations.

However, the dangers to humanity are not always military in nature. They are also found in the realm of ideas: in the promotion of evil, in the active denial of evil, or even in the refusal to see evil. The United States played an important role in the founding of the State of Israel, as a shelter for the Jewish people. The commandment "To Remember" is also a commandment to remember the positive, and so we will. The Jewish People remember the American role. The Jewish People see the United States as a symbol and example of moral principle and justice. We pray that this superpower will continue to lead the world so that tragedies such as the Shoah will never be repeated in the 21st century.

## COMBATING FRAUD AND ABUSE IN THE CHILD AND ADULT CARE FOOD PROGRAM

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. GOODLING. Mr. Speaker, today I am introducing legislation to combat fraud and abuse in the Child and Adult Care Food Program (CACFP). Since 1975, when the Child and Adult Care Food Program became a separate program under the National School Lunch Act, it has provided nutritious meals and snacks to children in day care facilities and family day care homes. It operates in 37,000 day care centers and 175,000 day care homes.

Unfortunately, in recent years there have been reports of widespread fraud and abuse and deficient management practices in the program. This has meant that the full value of nutrition benefits the program delivers has been denied to many participating children. Sadly, funds that could be better used to serve children have ended up in the hands of unscrupulous program sponsors and care providers.

Hopefully, this bill puts an end to this practice. We owe it to the approximately 2.7 million children participating in this program to end the fraud, abuse, and mismanagement that is depriving them of the nutritious meals.

In August, 1999, the Office of the Inspector General (IG) at the U.S. Department of Agriculture (USDA) issued a report outlining fraud and abuse in the Child and Adult Care Food program. This report, "Presidential Initiative: Operation Kiddie Care," found that the program was highly vulnerable to abuse because most of the controls for combating fraud were vested in CACFP sponsors without any federal or state oversight. The IG found that some sponsors were using program funds for personal use and depleting the funds available to provide an effective food service program to children in day care.

Three months later (November, 1999) the General Accounting Office (GAO) issued their report, entitled, "Food Assistance: Efforts to Control Fraud and Abuse in the Child and Adult Care Food Program Should Be Strengthened." The GAO report found that the Food and Nutrition Service (FNS) had not effectively directed the states' efforts to protect against fraud and abuse. According to the GAO, state agencies claimed that a lack of resources, inadequate training in the identification of fraud and abuse, and unclear regulations on the removal of noncompliant sponsors were among the reasons why they could not strengthen the amount of control over the fraud and abuse.

To address the issues raised in these two reports, I have worked with the Early Childhood, Youth, and Families Subcommittee Chairman, Congressman MIKE CASTLE, and his Ranking Member, Congressman DALE KILDEE, the nutrition community, and the Department of Agriculture to develop a proposal that will address many of the concerns raised by the IG, the GAO, and the nutrition community. The legislation outlined below will go a long way toward ending fraud and abuse in the Child and Adult Care Food Program. Key provisions of this proposal would:

Require USDA to develop a plan for ongoing periodic training of state and sponsor staff on the identification of fraud and abuse in order to ensure that current and new employees can assist in efforts to prevent fraud and abuse.

Require a minimum number of unannounced and scheduled site visits. These visits would be in addition to site visits to program sponsors and providers with a bad record or where there is a suspicion of fraud and abuse.

Permit the secretary to withhold, in whole or in part, state administrative funds in instances where states have not met their responsibilities for oversight and training for sponsors and providers.

Provide notification to parents that their children are enrolled in a child care center or group or family day care home participating in the CACFP Program. This provision will allow parents to take action if they suspect fraud and abuse and to understand the benefits their children should receive under CACFP.

Bar the recovery of funds lost due to fraud and abuse from food dollars which benefit participating children.

Make it clear that sponsors applying for participation in CACFP must meet specific qualifications and will not automatically approved. Require the development of detailed criteria for approving new sponsors and for renewing sponsors which would include factors such as whether or not they are capable of performing the job, have appropriate business experience and adequate management plans, and whether or not there is a need for an additional sponsor in a specific area.

Limit administrative costs for sponsors of day care centers to 15 percent of the funds they disburse to decrease the potential for abuse.

Require USDA, working with states and sponsors, to develop a list of allowable administrative costs for sponsors of family day care homes and child care centers.

Require the Department of Agriculture to establish minimum standards regarding the number of monitors sponsors should employ to ensure there are sufficient monitors to visit providers and detect fraud and abuse.

Require state agencies that administer CACFP to deny approval of institutions determined to have been terminated with cause or that lost their license to operate any federally funded program.

Limit the ability of day care homes to change sponsoring organizations to once a year unless they can demonstrate they are transferring for good cause.

Require the return and reallocation of nonobligatory CACFP audit funds to the secretary for reallocation to other states with a demonstrated need for additional audit dollars.

Require sponsors to have in effect a policy that restricts other employment by employees that interferes with their responsibilities and duties with respect to CACFP.

Require the secretary to develop procedures for terminating sponsors for unlawful conduct and failure to meet their agreements with the state.

Provide for the immediate suspension of sponsors and providers in cases where there is a health or safety threat to participating children.

Finally, it appears that this bill will result in a small amount of savings in mandatory spending. It is my intention to work closely with Congressman KILDEE and others to ensure that these resources are used in a responsible way. In particular, In particular, we should explore ways to use these savings to improve the health and maintenance of those served by federal nutrition programs.

Mr. Speaker, I want to thank Chairman CASTLE, Congressman KILDEE, the U.S. Department of Agriculture, and the nutrition community for working with me to develop this proposal. We created the Child and Adult Care Food Program to benefit children, not line the pockets of unprincipled sponsors and providers. I believe the bill we are introducing today will ensure that the program works the way it was originally intended. Most importantly, it will give the states and the Department of Agriculture the tools they need to attain the goals set for the program. I urge my colleagues to support this important legislation to put an end to the waste, fraud, and abuse that has plagued this program.

## THE RETIREMENT OF WAYNE SHACKELFORD, COMMISSIONER, GEORGIA DEPARTMENT OF TRANSPORTATION

### HON. BOB BARR

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. BARR of Georgia. Mr. Speaker, I rise today to recognize Wayne Shackelford, Commissioner, Georgia Department of Transportation, for the dedication and commitment he has made to the people of Georgia, and to congratulate him on his retirement.

Mr. Shackelford became Commissioner of the Georgia Department of Transportation on November 1, 1991. He has been active in both regional and national transportation policy development since becoming Commissioner. He continues to serve on many state, regional, and national transportation committees, and has also earned many national and state awards.

As Commissioner, Mr. Shackelford administers an annual budget of $1.4 billion and manages approximately 5,900 employees statewide. He successfully provided the mobility that gave the world the opportunity to travel the state before, during and after, the 1996 Summer Olympic Games. He is a man of vision; whose integrity, responsiveness, and hard work are legendary.

Wayne and his wife, Anne, have three grown children, and reside in Snellville, Georgia. They attend the First Baptist Church of Lawrenceville, where he has served as a Deacon. Wayne will bring an end to this phase of an outstanding public carrier, when he retires on May 31, 2000. I congratulate Wayne, and wish him and his family the very best. The state of Georgia, and all who travel within its borders, are in his debt.

## HONORING SHARON CHRISTA McAULIFFE JUNIOR HIGH SCHOOL IN SAN ANTONIO, TEXAS

### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. GONZALEZ. Mr. Speaker, today I offer my sincerest congratulations to Sharon Christa McAuliffe Junior School in San Antonio, TX, upon the notification of their receipt of the Blue Ribbon School Award.

Schools are awarded the Blue Ribbon School Award based on their performance in regards to several criteria, including: student focus and support; active teaching and learning; school organization and culture; challenging standard and curriculum; professional community; leadership and educational vitality; school, family, and community partnerships; and indicators of success.

Sharon Christa McAuliffe Junior High is among eight schools in San Antonio and 198 schools nationally, all of which excelled in these areas and were rewarded with the Blue Ribbon School Award from the United States Department of Education.

To receive consideration for this prestigious award, schools must be recommended for national recognition by their individual state department of education or sponsoring agency. Nominations are then evaluated by a National Review Panel including the Department of Education, the Department of Defense, the Bureau of Indian Affairs, the Council for America Private Education and a select group of educators from around the country. The Secretary of Education then makes a final determination based on the recommendations of this panel.

In receiving this special recognition, I believe that Sharon Christa McAuliffe Junior High will inspire others to provide the level of quality education that this Blue Ribbon School Award merits. I am proud to represent a district and hail from a state that has clearly placed an emphasis on the education of our children.

## COLORADO STATE HOUSE REPRESENTATIVE RON MAY

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Representative Ron May. In doing so, I would like to honor this individual who, for so many years, has exemplified the notion of public service and civic duty. It is clear that Representative May's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado House of Representatives in 1992, a seat he would hold to the present time, he sponsored many bills on workers' compensation, unemployment, insurance, highway speed limits, right-to-work legislation and information systems. He works diligently to bring his colleagues up to speed on a whole range of technological issues.

Representative May received many honors. In 1996 he received the National Right to Work Legislator of the Year award, the NFIB Guardian of Small Business award in 1994 and the CACI Business Legislator of the Year award.

2000 marked the end of Representative May's tenure in elected office. His career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Representative May a debt of gratitude and I wish him well.

## HONORING RABBI ALBERT MICAH LEWIS

### HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. EHLERS. Mr. Speaker, today I pay tribute to Rabbi Albert Micah Lewis, who is retiring from Congregation Emanuel in my home city of Grand Rapids, Michigan after 28 years of leadership. Not only has he been a tremendous force within his congregation, Rabbi Lewis has also provided outstanding leadership and dedication to numerous organizations and projects within our community. His strong academic background and intellectual ability have led to national respect for his work and writings.

Even though he is ending his day-to-day role at Temple Emanuel, Rabbi Lewis will continue to be a driving force in Grand Rapids. He will continue his duties as an Adjunct Associate Professor of Religion and Aging at Aquinas College where he has been teaching since 1972. He will also remain as an Adjunct Associate Professor of Psychology and Gerontology at Aquinas College, and will continue on the staff at Hope College as an Adjunct Professor of Jewish Studies, where he has served since 1994.

Rabbi Lewis' contributions to our community have been numerous and generous; they could easily fill many pages in the CONGRESSIONAL RECORD. I will highlight just a few of his many contributions. He is the founder and co-coordinator of Interfaith Forum for Understanding and Growth. He also founded and served as President of the Hospice of Greater Grand Rapids and the Western Michigan Chapter of the Michigan Society for Gerontology. In 1999 he was honored as Man of the Year by the Jewish Community Fund of Grand Rapids. Earlier this year, he was appointed to the Executive Committee of the Anti-Defamation League of Michigan and to the Board of Directors of the Henri Nouwen Literary Society. He has also authored numerous publications on a variety of subject matters.

On a personal level, I have always appreciated Rabbi Lewis' moral presence in our community. He has thoughtfully and insistently spoken on behalf of issues important to us, our community, and our relationships with God. Such moral leadership is enormously important as we strive to lead the people of this nation toward our common goals of freedom, liberty, and respect for each other.

Mr. Speaker, I commend Rabbi Lewis for the tremendous impact he has had on our community. As you can see, Mr. Speaker, Rabbi Lewis is a outstanding individual committed to service to God and fellow human beings. I ask my colleagues to join me in honoring him for his contribution to society.

## HONORING ASSOCIATED BUILDERS AND CONTRACTORS ON THE OCCASION OF ITS 50TH ANNIVERSARY

### HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. GOODLING. Mr. Speaker, I rise today to honor Associated Builders and Contractors as it prepares to celebrate its 50th Anniversary Convention in Baltimore beginning May 31.

Associated Builders and Contractors (ABC) is a national trade association representing over 22,000 contractors, subcontractors material suppliers and related firms from across the country and from all specialties in the construction industry. Seven contractors called the very first ABC meeting to order on June 1, 1950 in Baltimore, Maryland. Since that day, ABC has been the industry's voice for merit shop construction.

ABC is the only national association devoted to the merit shop philosophy, which aims to provide the best management techniques, the finest craftsmanship, and the most competitive bidding and pricing strategies in the industry. Merit shop companies employ approximately 80 percent, or 4 out of 5, of all construction workers in the nation.

ABC believes that union and merit shop (open shop) contractors and their employees should work together in harmony and that work should be awarded to the lowest responsible bidder regardless of labor affiliation.

ABC is committed to developing a safe workplace and high-performance work force through quality education and training with comprehensive safety and health programs.

ABC is dedicated to fighting for free enterprise, fair and open competition, less government, more opportunities for jobs, tax relief, increased training, and elimination of frivolous complaints and over-regulation. ABC promotes and defends the individual's rights to unlimited opportunities. Merit shop construction provides unlimited growth and career advancement to workers who recognize the value of hard work and dedication.

Mr. Speaker, I send my sincere best wishes as Associated Builders and Contractors celebrates this milestone in its history. It is with great pride and appreciation that I recognize the accomplishments of this fine group.

## COMMEMORATING THE CENTENNIAL OF RAISING THE U.S. FLAG IN AMERICAN SAMOA

### HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mrs. MINK of Hawaii. Mr. Speaker, today I express my heartiest congratulations to the people of American Samoa and to Samoans living in Hawaii and throughout the United States in recognition of the Centennial of the Raising of the United States Flag in American Samoa.

Flag Day, which is celebrated on April 17th, is the biggest holiday in American Samoa and is observed by Samoans throughout the world. The importance of this holiday is a reflection of the pride the people of Samoa take in their affiliation with the United States.

Samoans have demonstrated their loyalty and commitment to the United States through service in our Nation's wars. In fact, the per capita rate of enlistment in the Armed Forces among American Samoans is among the highest in the United States.

For more than 30 years, the Samoa Flag Day Festival has been observed in Hawaii. It is a celebration of our shared history, of the contributions Samoans have made to our Nation and to the State of Hawaii, and of the rich culture and traditions of Faasamoa. The Festival includes sports competitions, cultural demonstrations, singing, dancing, and food.

I take this opportunity to send my warmest aloha to my esteemed colleague, the Honorable ENI FALEOMAVAEGA, and to all the people of American Samoa.

## COLORADO STATE SENATOR MARYANNE TEBEDO

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. McINNIS. Mr. Speaker, I wanted to take this moment to recognize the career of one of Colorado's leading statesmen, State Senator MaryAnne Tebedo. In doing so, I would like to honor this individual who, for many years, has exemplified the notion of public service and civic duty. It is clear that Senator Tebedo's dynamic leadership will be greatly missed and difficult to replace.

Elected to the Colorado Senate in 1988, she was the chairman of the State of Veterans Military Affairs Committee and served on the Finance Committee. She also served as parliamentarian. She worked hard on issues concerning concealed weapons, State boards and highways.

Senator Tebedo received many honors. In 1992 she received the NFIB Guardian of Small Business Award, the CACI Business Legislator of the Year Award. She was also honored by Freedom Magazine as a Human Rights Advocate.

This year marked the end of Senator Tebedo's tenure in elected office. Her career embodied the citizen-legislator ideal and was a model that every official in elected office should seek to emulate. The citizens of Colorado owe Senator Tebedo a debt of gratitude and I wish her well.

## HONORING SAM SMITH

### HON. GEORGE R. NETHERCUTT, JR.

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. NETHERCUTT. Mr. Speaker, today, I honor Sam Smith, a great citizen from the State of Washington.

Dr. Sam Smith retires, this year, after fifteen years as President of Washington State University. His hard work and leadership transformed WSU from a single campus in Pullman to a nationally recognized, statewide university. Dr. Smith increased student access to Washington State University by establishing WSU Learning Centers in eleven counties and expanding WSU's presence in underserved areas with branch campuses in Spokane, the Tri-Cities and Vancouver.

Dr. Smith also presided over the most successful fundraising campaign in the history of Washington State University. Campaign WSU, the university's first comprehensive fund-raising effort, raised more than $275 million and had the highest alumni-giving rate of all public universities in the country.

Dr. Smith led academic programs and research efforts that resulted in Washington State University's recognition in national rankings as one of the best public universities in America, including a ranking, last year, as the most wired public university in the nation.

Dr. Smith was president in 1998 when the Washington State Cougar football team was Pac-10 champion and competed in the Rose bowl for the first time in 67 years.

I thank Dr. Smith for his service to Washington State University and Washington State and ask that he and his wife, Pat, remain friends with both in their retirement as both remain friends with them.

## THE CASE AGAINST BIGOTRY

### HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. FRANK of Massachusetts. Mr. Speaker, I recently saw an editorial of such eloquence and passion that I believe it should be shared with the membership of this body. Since we from time to time deal with issues involving the rights of gay and lesbian people, I believe it is extremely important for the Members to read this mother's cry for justice and I hope that it will factor into the decisions we make in the future.

[For the Valley News (White River Junction, VT/Hanover, NH, April 30, 2000]

(By Sharon Underwood)

As the mother of a gay son, I've seen firsthand how cruel and misguided people can be.

Many letters have been sent to the Valley News concerning the homosexual menace in Vermont. I am the mother of a gay son and I've taken enough from you good people.

I'm tired of your foolish rhetoric about the "homosexual agenda" and your allegations that accepting homosexuality is the same thing as advocating sex with children. You are cruel and ignorant. You have been robbing me of the joys of motherhood ever since my children were tiny.

My firstborn son started suffering at the hands of the moral little thugs from your moral, upright families from the time he was in the first grade. He was physically and verbally abused from first grade straight through high school because he was perceived to be gay.

He never professed to be gay or had any association with anything gay, but he had the misfortune not to walk or have gestures like the other boys. He was called "fag" incessantly, starting when he was 6.

In high school, while your children were doing what kids that age should be doing, mine labored over a suicide note, drafting and redrafting it to be sure his family knew how much he loved them. My sobbing 17-year-old tore the heart out of me as he choked out that he just couldn't bear to continue living any longer, that he didn't want to be gay and that he couldn't face a life without dignity.

You have the audacity to talk about protecting families and children from the homosexual menace, while you yourselves tear apart families and drive children to despair. I don't know why my son is gay, but I do know that God didn't put him, and millions like him, on this Earth to give you someone to abuse. God gave you brains so that you could think, and it's about time you started doing that.

At the core of all your misguided beliefs is the belief that this could never happen to you, that there is some kind of subculture out there that people have chosen to join. The fact is that if it can happen to my family, it can happen to yours, and you won't get to choose. Whether it is genetic or whether something occurs during a critical time of fetal development, I don't know. I can only tell you with an absolute certainty that it is inborn.

If you want to tout your own morality, you'd best come up with something more substantive than your heterosexuality. You did nothing to earn it; it was given to you. If you disagree, I would be interested in hearing your story, because my own heterosexualtiy was a blessing I received with no effort whatsoever on my part. It is so woven into the very soul of me that nothing could ever change it. For those of you who reduce sexual orientation to a simple choice, a character issue, a bad habit or something that can be changed by a 10-step program, I'm puzzled. Are you saying that your own sexual orientation is nothing more than something you have chosen, that you could change it at will? If that's not the case, then why would you suggest that someone else can?

A popular theme in your letters is that Vermont has been infiltrated by outsiders. Both sides of my family have lived in Vermont for generations. I am heart and soul a Vermonter, so I'll thank you to stop saying that you are speaking for "true Vermonters."

You invoke the memory of the brave people who have fought on the battlefield for this great country, saying that they didn't give their lives so that the "homosexual agenda" could tear down the principles they died defending. My 83-year-old father fought in some of the most horrific battles of World War II, was wounded and awarded the Purple Heart.

He shakes his head in sadness at the life his grandson has had to live. He says he fought alongside homosexuals in those battles, that they did their part and bothered no one. One of his best friends in the service was gay, and he never knew it until the end, and when he did find out, it mattered not at all. That wasn't the measure of a man.

You religious folk just can't bear the thought that as my son emerges from the hell that was his childhood he might like to find a lifelong companion and have a measure of happiness. It offends your sensibilities that he should request the right to visit that companion in the hospital, to make medical decisions for him or to benefit from tax laws governing inheritance.

How dare he? you say. These outrageous request would threaten the very existence of your family, would undermine the sanctity of marriage.

You use religion to abdicate your responsibility to be thinking human beings. There are vast numbers of religious people who find you attitudes repugnant. God is not for the privileged majority, and God knows my son has committed no sin.

The deep-thinking author of a letter to the April 12 Valley News who lectures about homosexual sin and tells us about "those of us who have been blessed with the benefits of a religious upbringing" asks: "What ever happened to the idea of striving ... to be better human beings than we are?"

Indeed, sir, what ever happened to that?

(Sharon Underwood lives in White River Junction, VT)

## PERSONAL EXPLANATION

### HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, May 23, 2000*

Mr. FORD. Mr. Speaker, on Thursday, May 18, I was unable to cast a vote for final passage on H.R. 4205, the National Defense Authorization Act for FY 2001 and 6 amendments.

For rollcall vote No. 202, the Skelton amendment, I would have voted "yes."

For rollcall vote No. 203, the Sanchez amendment, I would have voted "yes."

For rollcall vote No. 204, the Moakley amendment, I would have voted "yes."

For rollcall vote No. 205, the Cox amendment, I would have voted "yes."

For rollcall vote No. 206, the Buyer substitute amendment to the Taylor amendment, I would have voted "no."

For rollcall vote No. 207, the Taylor amendment, I would have voted "yes."

For rollcall vote No. 208, Final Passage of H.R. 4205, I would have voted "yes."

Mr. Speaker, on Monday, May 22, I was unable to cast votes for H.R. 3852, the deadline extension for construction of a hydroelectric project in Alabama, S. 1236, the deadline extension for construction of the Arrowrock Dam hydroelectric project in Idaho, and H. Con. Res. 302, concerning a National Moment of Remembrance to Honor Men and Women of the U.S. Who Died in Pursuit of Freedom and Peace.

For rollcall vote No. 211, H.R. 3852, I would have voted "yes."

For rollcall vote No. 212, S. 1236, I would have voted "yes."

For rollcall vote No. 213, H. Con. Res. 302, I would have voted "yes."